

Minutes of the Hurricane City Council meeting held on April 7, 2022, in the Council Chambers at 147 North 870 West, Hurricane, Utah, at 4:30 p.m.

Members Present: Mayor Nanette Billings and **Council Members:** Joseph Prete, Dave Sanders, David Hirschi, Doug Heideman, and Kevin Thomas.

Also Present: City Manager Kaden DeMille, City Attorney Fay Reber, Power Superintendent Scott Hughes, Planning Director Stephen Nelson, Assistant Planner Fred Resch, Street Superintendent Weston Walker, City Recorder Cindy Beteag, Fire Chief Tom Kuhlman. Water Superintendent Ken Richins and City Engineer Arthur LeBaron. Police Chief Lynn Excell and Public Works Director Mike Vercimack joined at 6:00 p.m.

4:30 p.m. Work Meeting

1. Discussion regarding Canyons RV

Joby Venuti, the owner of Western Commercial Real Estate, said there was a Canyons RV work meeting in December. He and his brother bought half of Canyons RV in 2017. Mr. Venuti wants to allow short-term rentals in the section he owns. Canyons RV was set up to allow nightly rentals and permanent residences. The main problem is that the amenities were not fully developed. Currently, most of the usage is long-term rentals for residents living on fixed incomes. Several Homeowner Association (HOA) meetings have been held to create a solution. During the last HOA meeting, it was confirmed that the open area owned by the HOA would not be developed as amenities. The residents are concerned that short-term renters will drive through the long-term rental area. Mr. Venuti has proposed options for road improvements. He is amending the plat, but he will not ask for rezoning. Doug Heideman asked for clarification on what the current zoning is. Planning Director Stephen Nelson reported that it was approved as an RV resort between 1987 and 1988. At this time, it is zoned as a mobile home RV park. The current code requires a complete clubhouse.

Mr. Venuti reported that the lots are individually owned. He plans to do a pool and pickleball court in the middle of the development. He is here to get the City Council's opinion before bringing in the amended plat. He will bring the HOA vote when he returns with the amended plat. He will meet with Mr. Nelson to ensure his amenities are correctly sized. Mayor Nannette Billings asked how many lots were in the subdivision. Mr. Venuti explained that there are 162 lots in the whole subdivision. 50 long term and 32 would be short term.

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

Stephen Nelson – Planning Commission updated its deadlines for meeting applications to give the Joint Utility Commission and other departments time to review and process applications. The Planning Department is creating an application process for items that

do not fit into the regular applications. City Council could adopt something similar to set time frames of submission for the agenda. He is preparing a draft of the Planning Department's recommendations following the Growth Workshop. He recommended continuing item 16 on tonight's agenda because there are issues with the reimbursement agreement. The Council discussed deadlines for items submitted for the packet and agenda. Mr. Prete asked if there are discretionary matters the Council does not need to hear. Mr. Nelson explained that the League and the Ombudsman office recommend that Councils do not review administrative items. Within our code, some provisions require Council's decision. He recommended reviewing those key sections. He thinks amended final plats can be managed administratively. City Manager Kaden DeMille suggested taking into consideration consent agenda items.

Weston Walker - Streets Department is finishing patching and getting ready for chip and slurry seal. They have been cleaning up sand along 600 north and in the Sky Mountain area, spraying weeds, and sweeping roads. The signage is up on Sand Mountain. The department has two backhoes available to help with Beautification Cleanup Day. He will help with the setup for the Car Show tomorrow. Two interviews were held today for the open position.

Tom Kuhlman - Fire Department is over halfway through their recruit academy. He is working on an application to get Congressional funding to complete a new fire station on Kolob Mountain. The Fire Department cannot place firework restrictions more severe than the state's firework restrictions, but the legislative body can make firework restrictions. He is not sure there is anywhere to launch fireworks safely.

Arthur LeBaron reported that Jeremy Pickering accepted the job offer. He will start on May 2, 2022. The bell tower is erected at the Community Center. As soon as the birdhouse is complete, they can put the bell on top. The department is proposing to have it dedicated at Peach Days. He suggested setting the bell to ring every hour from 6 a.m. to 8 p.m. daily. He suggested starting the ringing as soon as construction is complete. The Council recommended moving the hours to 8 a.m. to 8 p.m. The times can be reprogrammed if there are complaints about the noise. He is working on a grant for Purgatory Road. The estimated cost for the road from Hurricane to Washington is twenty-five million dollars. The grant application is for twenty million. The remaining five million will be from a local match. He thinks we have a good chance of receiving it. Utah Department of Transportation might be able to grant money for the 600 North trail.

Mike Chandler with Ash Creek discussed an article titled, City of Oceanside Opens Their New Toilet to Tap Wastewater Drinking Program. This project treats five million gallons of water per day, and we are treating two million gallons per day. One million gallons is roughly what 500 homes consume a day. We have an increasing wastewater source that, when treated, can be injected into groundwater aquifers. There are wastewater ways that can expand water usage. The confluence treatment park plant

and the future treatment facility at the lagoon location will utilize technology that will facilitate future use of potable usage.

Ken Richins – Hurricane City, Laverkin City, Toquerville City, and Washington County Water Conservancy District met for a joint workday cleaning up the deep root vegetation in Toquerville Springs. Mr. Richins recommended continuing old business agenda item 6, until our legal counsel can review it. Mayor Billings reported that the Water Conservancy District is waiting for Southern Utah Homebuilders Association (SUBA) to give their recommendation before deciding on this item.

Scott Hughes – We are participating in the Steel Solar project price. The price per megawatt has changed from \$31.45 to \$31.35. The department hired a new employee but is losing another.

6:00 p.m. – Call to order

Mayor Nannette Billings welcomed everyone to the meeting.

Prayer:

Diane Nay

Thought and Pledge:

Becky Wheeler

Consideration and possible approval of sponsoring money for Girls State – Diane Nay

Diane Nay with the American Legion Auxiliary reported that ten girls interviewed and six will represent Hurricane City. This year Girls State is being held at Weber State College, and it is a week-long intensive training. They asked Hurricane City to sponsor two girls at \$450 per girl. This money covers room and board. Mayor Billings stated that this was on the previous budgets, but because of covid, it has not been in there for the last few years. The money will come from the contingency funds. Dave Sanders believes the Police Department can help with money as well.

Kevin Thomas motioned to approve sponsoring money for Girls State in the amount of \$900. Seconded by David Hirschi. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

Presentation of awards for community service – Rowdy Reeve

Rowdy Reeve represents Southwest Behavioral Health Center and a local coalition in Hurricane Valley. They like to find members in the community that are doing something positive. This year they have decided to recognize an adult and a youth. The adult award goes to David Vick. He is a teacher in the community. He gives back to the

community and spends time helping youth. Rosa Julander is the youth recipient. She is graduating from Hurricane High school with honors. She represents everything we want a student to be.

Council Reports

Mayor Billings	Airport, Administration, Police, Washington County Solid Waste District, Washington County Water Conservancy District, Youth City Council, Ash Creek Special Sewer District. Monday, April 11 th , is the City Emergency Management Drill. Tom Jones running from Alabama, will be here to do a kickoff for the Freedom Run with United we Pledge on April 11 th in the City Council Chambers. The City Council is doing a news clip about the Freedom Run at 2:30 p.m. Miss Hurricane Pageant is held at the High School on April 14 th at 7:00 p.m. The rodeo to kick off the Washington County fair is April 15 th – April 16 th . Meet the pros is on April 19 th for the City Council. The Washington County Fair Parade is on April 19 th . The Washington County Fair is April 20 th – April 23 rd at the Legacy Park. The LPGA golf tour is April 21 st – 23 rd . City Wide Clean-Up is on April 29 th – April 30 th . The State of Hurricane Address is on May 2 nd at 6:00 p.m. Honoring Police Officers on May 5 th City Council meeting. The ribbon-cutting ceremony for the staging area in the Sand Hollow area is on May 6 th at 3:00 p.m. Ironman is on May 7 th . Battle of the Badges is on October 22 nd .
Joseph Prete	Court, Prosecutors Office, City Attorney, Fire District, Economic Development, Agriculture Preservation, Industrial Park, Power, Power Board
Dave Sanders	Animal Control, Police, Emergency Management, Mosquito Abatement, School Crossing Guards, Victim Services
David Hirschi	Historical Preservation, Parks/Cemetery, Recreation/Pool, Water Department, Water Board, Ash Creek Special Service District, Tourism Board, Golf Course
Kevin Thomas	Planning Commission, Streets and Drainage, Public Works, Engineering, Planning Dept
Doug Heideman	Building Inspections, Code Enforcement, Tree Board, Airport Board, Appeals Board, Beautification Board
Kaden DeMille	City Administration -

Minutes of the Special City Council Meeting for 2/2/2022 and Regular Meeting 3/3/2022

Kevin Thomas motioned to accept the minutes for the Special City Council Meeting on 2/2/2022 and the Regular City Council Meeting on 3/3/2022. Seconded by Doug Heideman. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

Public Forum – Comments from Public

Beccie Holman thanked the City Council for approving the crosswalk at Hurricane High School. She is here to talk about Old Business item 2. She is in support of some

changes. She thinks there should be a provision for continuing to grant permits, and there should be strict standards for permits granted in a residential area. She would like to see preferential consideration given to residents trying to stay in the area.

OLD BUSINESS

1. Consideration and possible approval of a Franchise Agreement between Hurricane City and Infowest

Mayor Billings reported that the City Council has tried to find a good solution. The staff does not have an updated ordinance, and she recommended denying the franchise agreement until the ordinance has been updated. Kaden DeMille reported that the current franchise ordinance is outdated and does not address fiber. Infowest has been good to work with, but we are not prepared to offer a recommendation.

Kelly Nyberg with Infowest reported that they are not asking for a pole attachment agreement. They are requesting a fiber franchise agreement. Eighty to ninety percent of their fiber will be underground. This is an excellent benefit for Hurricane City. City Attorney Fay Reber suggested having an expert help revise the ordinance. Councilman Heideman is against adding more lines to the existing poles. Mr. Hughes discussed the department's negative experiences with the current agreements with other companies. They are not following the department's standards. Mr. DeMille would like to see the City wired and connected to fiber. The issue is that every provider has its own underground conduit, and there are utility-related issues. He agrees that it is an excellent decision to find an expert to help revise the ordinance.

Mayor Billings feels this has been a topic since January, and it is not fair to keep the applicant on hold. We need to decide so that they can move forward. Mr. Reber stated that the pole attachment language would need to be stricken from the agreement. Councilman Thomas proposed striking the pole attachment language and approving the agreement. Beginning immediately to work on the ordinance. Staff was directed to provide a list of what each department wants addressed in the ordinance. Mr. Nyberg agreed to remove the pole attachment language and start with only the underground installation.

Councilman Prete does not want to rush through the process, and it is not good practice or wise to jump in quickly. Mike Vercimack discussed the issues with the underground conduit. Many property owners cannot get alongside their houses because of all the equipment. Other underground utilities need to be considered. He suggested a period of one month for the departments to prepare their response. Scott Hughes agreed that the lots are getting smaller, and there are issues with the location of the underground utilities. Ken Richins is concerned about retrofitting other areas. There are issues with fiber taking up large areas.

David Hirschi motioned to continue this discussion for four to six weeks. Seconded by Dave Sanders. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

2. Ordinance 2022-13: Consideration and possible approval of an **ordinance updating changes to the short term rental ordinance**-Nanette Billings

Mayor Billings explained the proposed ordinance changes apply to vacation rental in single-family homes, not recreational resorts. Fred Resch III reported that they changed the ordinance to require a property manager located within Hurricane City. They also want to cap the number of licenses to sixty-eight. The change would allow on-street parking but not allow RVs and trailers on the street. If the license is revoked, the owner of the property owner shall not be issued a new vacation rental business license for a period of one year. He cleaned up some other language in the section. Cindy Beteag reported there are sixty-nine applicants on the waiting list and sixty-eight currently licensed. Mr. DeMille asked if the household multiplier needed to be changed. Mr. Nelson stated that the household multiplier would no longer apply by limiting the number of licenses. The Planning Department is strongly in favor of this ordinance change. It is essential to eliminate the negative impacts on residential neighborhoods. Mrs. Beteag reported that an owner in Zion Village requested that recreational resort areas do not need a sign listing the local contact number. Mr. LeBaron feels that this debate comes down to zoning. Zoning is an appropriate boundary to property rights. If the area is zoned single-family residential, it should be single-family residential. Many people feel that vacation rentals intrude upon single-family residential zoning. Mayor Billings recognized that not everything in Hurricane City can be a vacation and rental homes.

Amy Drawe started her business cleaning nightly rental. She also managed nightly rentals in Arizona. She is frustrated because nightly rentals and long-term rentals are a business. Long-term rental should be held to the same standard as nightly rentals. Many long-term rentals have junk in the yard and are in general unkempt. If it were a nightly rental, the owner would be fined if the property was in that state. She thinks the Council should deal with the current problems instead of creating more ordinances limiting business. Preference should be given to residents. The City is collecting transient tax on all vacation rentals, whether licensed or not.

Councilman Prete thinks that the affordable housing issue can benefit by getting the non-conforming vacation rentals under control. He is not a fan of a flat cap. The Council discussed the legality of giving preferential treatment to the residents.

Mrs. Beteag asked the Council to separate the items on the ordinance if they weren't ready to vote on the vacation rental portion so staff could start with the enforcement portion.

Kevin Thomas motioned to approve title one, chapter four of Ordinance 2022-13: Seconded by Dave Sanders. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, and Kevin Thomas voting aye. Doug Heideman voted nay.

Cindy Beteag asked the City Council for direction on notifying applicants on the waitlist. The staff and Council agreed that it should be announced as a Public Hearing for next meeting.

3. Consideration and possible approval of an **Interlocal Cooperation Agreement with Greater Zion regarding Ironman**

Fay Reber reported that he met with Kaden DeMille and Chief Excell. They changed the agreement to protect the City in specific ways, and the County Attorney's office approved it. Councilman Prete felt like the earlier version asked the City to commit to responsibilities that were not the Cities. Mr. Reber stated that the changes addressed those concerns. Mr. DeMille feels comfortable with the revised agreement.

Joseph Prete motioned to approve the Interlocal Cooperation Agreement with Greater Zion regarding Ironman. Seconded by Dave Sanders. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

4. Ordinance 2022-12: Consideration and possible approval of a **Land Code Use Amendment to Title 10, Chapter 15, regarding Planned Commercial development standards**

Duane Fielding has property located near the new hospital. He feels that there are too many RV parks in the area. He was able to get funding to do townhomes instead of an RV park. They have planned everything based on mixed-use of twenty percent eight percent. This proposed change forces them back to doing an RV park.

Dave Nasal reported that there are only a few planned commercial zones in the City. He owns property on the Sand Hollow Turf Sod, and they have collaborated with staff on different ideas. Mr. Nasal thinks it should be based on acreage and not square footage.

Dwaine Schallenberger thanked staff for their hard work. Commercial developers typically ask what the rooftop and traffic count are. He cannot plan future commercial if it is based on square footage. He feels like the Planning Commission rushed through this.

Craig Hopkinson represents a client interested in bringing business to the City. His client builds retail, commercial, and residential, and they would prefer it to be based on acreage.

Mr. Nelson reported that the current commercial plan does not require mixed-use. The General Plan recommended changing that, and the Planning Commission's recommendation was to gauge that based on the square footage of the building. During the previous Planning Commission meeting, the concern was that this would make it hard to plan out a larger property.

Dave Nasal spoke for Jim Park. He reported that they want to do walkable residential to commercial. They can dedicate forty percent of the land to commercial from an acreage standpoint, and from a square footage standpoint, they can only dedicate thirty four percent

Mr. Nelson read a comment from Chase Stratton. He likes the split being based on acreage, and he thinks it should be twenty units an acre with a PDO getting it to twenty five. He thinks this is needed in the City.

Kevin Thomas motioned to continue this item for two weeks. Seconded by Doug Heideman. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

5. Ordinance 2022-04: Consideration and possible approval of a proposed **Zone Change Amendment request located at approximately 600 S 3500 W from R1- 6, residential one unit per 6,000 square feet; R1-8, residential one unit per 8,000 square feet; R1-10, residential one unit per 10,000 square feet; R1-15, residential one unit per 15,000 square feet, to R1-6, residential one unit per 6,000 square feet and R1-8, residential one unit per 8,000 square feet.** Parcel number H-4-2-12-1102. D. R. Horton (Don Bean) Applicant. Adam Allen Agent

Don Bean with DR Horton was present. Mayor Billings wanted to clarify that the zone change is not contingent upon agreeing to self-help homes. Mr. Bean stated that Dr. Horton is a production builder and can provide an affordably priced home. Councilman Prete's thought is that there are affordable housing options. He thinks we need to look at a policy for new development where it is a requirement. Mr. Nelson recommended approval or denial based on the four criteria. If affordable housing is the goal, create a policy for how that is implemented. When the zoning was initially approved to follow the master plan roadways, the roadways have changed. The applicant is asking that the zoning boundaries be realigned with the roadways. Mr. Nelson recommended approval. Mayor Billings confirmed that this would increase density by eight units.

Kevin Thomas motioned to approve Ordinance 2022-04. Seconded by Doug Hedemann. Motion carried with Dave Sanders, Joseph Prete, Kevin Thomas, and Doug Heideman voting aye. David Hirschi voted nay.

6. Consideration and possible approval of **water acknowledgment statement to be required as part of land use applications.**

Dave Sanders motioned to continue until the information is received from SUBA
Seconded by Joseph Prete. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

7. Ordinance 2022-06: Consideration and possible approval of a proposed **zone change located at 4700 S and 2600 W from RA-1, residential agriculture one unit per acre, to R1-10**, residential one unit per 10,000 square feet. Parcel numbers: H-3-2-32-330 and H-3-2-32-321. Calypso Ridge Properties Applicant. Karl Rasmussen Agent.

Mayor Billings asked for a map to show where this is located in conjunction with Sky Ranch. Stephen Nelson explained that the parcels to the north were required to sign a development agreement stating that any land use applications can be denied until utilities are to the site. He recommends approving the item conditional upon the signing and recording the development agreement. Councilman Thomas is inclined to say no if the utilities are not there. Mr. Rasmussen reported that the owner is willing to provide fifteen attainable housing units. Mr. Nelson recommended verbiage in the development agreement requiring deed restrictions to ensure attainable housing. Councilman Thomas does not want to approve every zone change to develop property that does not have utilities yet. Councilman Sanders pointed out that the developer cannot make any plan for the lots and streets if this is not moved forward.

Dave Sanders motioned to approve Ordinance 2022-06 subject to a development agreement regarding utilities and fifteen units of affordable housing with an 80% AMI. Seconded by Doug Heideman. Motion died with Joseph Prete, David Hirschi, and Kevin Thomas voting nay. Dave Sanders and Doug Heideman voted aye.

Joseph Prete motioned to deny Ordinance 2022-06 on the basis that there are no utilities. Seconded David Hirschi. Motion carried with Joseph Prete, David Hirschi, and Kevin Thomas voting aye. Dave Sanders and Doug Heideman voted nay.

8. Consideration and possible approval of **awarding the bid for the Sand Hollow well**

Ken Richins recommended awarding the bid to Grimshaw Drilling in the amount of \$545,875.00. The department has used Grimshaw Drilling before, and he is confident they will do a good job.

David Hirschi motioned to award the bid to Grimshaw Drilling in the amount of \$545,875.00. Seconded by Kevin Thomas. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

New Business

1. Consideration and possible approval of **renewing the lease with Hurricane Air Monitoring Station**

Mayor Billings discussed the lease details.

Kevin Thomas motioned to approve renewing the lease with Hurricane Air Monitoring Station. Seconded by Dave Sanders. Motion carried with Dave Sanders, David Hirschi, and Kevin Thomas, voting aye. Joseph Prete and Doug Heideman abstained.

2. Discussion **regarding vacation rentals**- Jacquie Slade

David Hirschi motioned to table discussion regarding vacation rentals. Seconded by Kevin Thomas. Motion carried with Dave Sanders, David Hirschi, and Kevin Thomas, voting aye. Joseph Prete and Doug Heideman abstained.

3. Consideration and possible approval of **annual State Fraud Risk Assessment**- Paige Chapman

Paige Chapman provided the City Council with the State of Utah Fraud Risk Assessment. The assessment found that the City is at minimal risk, and the staff plans to maintain minimal risk. Councilman Thomas asked if the risk assessment includes cyber-attacks. Mrs. Chapman reported that the City does have an Information Technology Policy, but that is not part of the state fraud risk assessment. The Council discussed that the City needs to have good cybersecurity policies.

Dave Sanders motioned to approve the annual State Fraud Risk Assessment. Seconded by Kevin Thomas. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

4. Consideration and possible approval of an **amended final plat for North Slope at Copper Rock Phase 2** located at 1952 W Cedar Breaks Drive. Fairway Vista Estates Applicant. Alliance Consulting (Mike Bradshaw) Agent

Cameron Knudson with Copper Rock Development reported that they are trying to correct the property line. Mr. Nelson stated that the water meter and the fire hydrant need to be relocated. The City Engineer is reviewing the survey work, and he recommends approval conditional on the City Engineer signing off on the final plat.

David Hirschi motioned to approve the amended final plat subject to engineer approval. Seconded by Kevin Thomas. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

5. Consideration and possible approval of a **preliminary plat for Sky View, a 155 lot residential subdivision**, located at the southwest corner of 2800 W and 600 N. DAF DEV, LLC Applicant. Charles Hammon Agent

Charles Hammon reported they had a meeting with staff before applying for the preliminary plat. There were complications that the owner needed further coordination with the City. Rick Richardson said their objective is to keep the property, but they do not have a specific use. Mr. Nelson recommended approval subject to staff and JUC comments.

Dave Sanders motioned to approve the preliminary plat for Sky View subject to staff and JUC comments. Seconded by Kevin Thomas. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

6. Ordinance 2022-07: Consideration and possible approval of a proposed **Zone Change Amendment request located at 366 West 300 North from R1-10, residential one unit per 10,000 square feet, to RM-2, multifamily 10 units per acre**, to build a duplex. Larry Loveless Applicant.

Stephen Nelson reported that this home had recently burned down. The property owner requested to build a 4-plex, but the property is not one acre. Planning Commission made the recommendation to rezone the property to RM-1, which only allows a duplex. The property owner agreed.

Kevin Thomas motioned to approve Ordinance 2022-07 with zoning of RM-1 subject to staff and JUC comments. Seconded by Dave Sanders. Motion carried with Dave Sanders, Kevin Thomas, and Doug Heideman voting aye. Joseph Prete and David Hirschi voted nay.

7. Discussion regarding the **realignment of 1100 West and the property abutting it** owned by Hurricane City and Diamond Edge Construction - Scott Stratton

Mayor Billings reported that the property was sold to Scott Stratton and the City. Scott Stratton bought the property in 2020, but it was recorded in the City's name. Some County funds were used for the roads. He and the City will have to build a portion of the road and switch ownership. Mr. Nelson asked the Council to provide staff direction to work out the agreement with the property change. Overall, this is good for the city.

8. Ordinance 2022-08: Consideration and possible approval of a proposed **Zone Change Amendment request located at approx. 3150 South 1100 West to**

contain a PDO, planned development overlay with the currently underlying zone of RM-2, multifamily 10 units per acre. Parcel numbers H-3394-H, H-3394- J-1, and H-3394-B-1-B. Blue Mountain Property Enterprises LLC Applicant. Scott Stratton Agent.

Stephen Nelson reported that the preliminary plat is approved in the presented layout. The Planning Commission felt that the roadway to the south should be connected. Mr. Stratton has agreed to put in the road but to mitigate the expense; he does not want to be limited to 174 units. His current density can go up to 220 units. Mr. Stratton requested approval for a seven-foot separation on the west side, which will allow for single-family homes. Mr. Nelson reported that the PDO base requirement is a 10-foot separation between buildings. The code does allow the Council to offer variations from application development standards. He reviewed the variation criteria. The Planning Commission made a positive recommendation on the plan, but they did not make a recommendation on this variation.

Joseph Prete motioned to continue Ordinance 2022-08 until the Planning Commission has reviewed the plans. Seconded Kevin Thomas. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

9. Ordinance 2022-09: Consideration and possible approval of a proposed **Zone Change Amendment request located at 284 W 1080 S from RA-1, residential agriculture one unit per acre, to R1-15, residential one unit per 15,000 square feet** to allow for a lot split. Parcel number H-3-2-3-2126. Michelle Stratton Shumway Applicant

Joseph Prete motioned to continue Ordinance 2022-09. Seconded Kevin Thomas. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

Joseph Prete motioned to move item #11 before item #10. Seconded by David Hirschi. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

11. Consideration and possible approval of an **amended final plat for Pecan Valley Phase 3 located at 5200 W 2500 S.** Chris Wyler Applicant. Civil Science Agent

Joseph Prete motioned to continue. Seconded by Kevin Thomas. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

12. Consideration and possible approval of a **preliminary plat and of approval of a preliminary site plan for SKRE, a 2 lot commercial subdivision, located at 2545 W 60 S.** SKRE Applicant. Karl Rasmussen Agent.

Mayor Billings reported that the Planning Commission gave a positive recommendation. All the utilities are there, and it will be a retail and commercial mix. Mr. Nelson reported that there does need to be cross-access.

Kevin Thomas motioned to approve the preliminary site plan for SKRE. Seconded by David Hirschi. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

13. Consideration and possible approval of a **development agreement with LaRae Ellsworth Stout Revocable Trust** regarding 11.95 acres of parcel H-3350-A-Karl Rasmussen

Mr. Rasmussen reported that a zone change was approved in 2018. Mr. Nelson reported that a development agreement is in place restricting the use of the property to a roofing business. The application wants to build a home on the back of the property. This conflicts with the masterplan roadway. They will put in a cul-de-sac, so the lots have the property frontage. Stuart Stout does not want his CO to be based on having a cul-de-sac. They have given four thousand feet of sixteen feet to the City for the roadway. Mr. Nelson stated the issue is that there is light industrial in the subdivision, which does not qualify in an RA-1 code without full improvements. He read the newly approved standard. Mayor Billings stated that the owner owned and operated their business on this land for forty years. Councilman Prete declared a conflict. He stated the Stouts have been doing business and supporting the community for years. Mr. Nelson reported that staff and the City Attorney need to review this thoroughly before making a recommendation.

Dave Sanders motioned to continue this item. Seconded by David Hirschi. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

14. Consideration and possible approval for staff to process a **grading permit application for off-site grading for the Southern Shores Subdivision**. Cody Larkin Agent

Mayor Billings explained that the clay on the property west of the Washington County Water District would be used to build the dam. Jason Christensen explained that this process keeps 4,100 truckloads off the City and County roads. They are willing to put in lights across the road and bond to repair or pay for any damages. Stephen Nelson recommends general conditions for reclamation bond and bonding for the crossing on 3000 south and a complete transportation plan. Mr. Christensen stated that they are willing to maintain the road in a passable condition for the project's duration. He thinks that they will cross the road every ten minutes. The project should be completed in forty-five days.

David Hirschi motioned to approve based on reclamation bonding, road repair bonding, and traffic control planning. Seconded by Dave Sanders. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

10. Consideration and possible approval of an **amended final plat for Seville Lots 1A and 1B, located at 952 W 325 S**. Harmony Vanderhorst Applicant

Harmony Vanderhorst reported that the lot was previously divided into two lots. They are requesting for the lots to be combined.

David Hirschi motioned to approve the amended final plat for Seville Lots 1A and 1B. Seconded by Kevin Thomas. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

15. Consideration and possible approval for staff to process a **grading permit application for off-site grading for the Intermountain Health Care Expansion**. Denny Spencer Agent

Stephen Nelson reported that he spoke with IHC. They will likely be finished soon and no longer need the permit.

Dave Sanders motioned to table a grading permit application for off-site grading for the Intermountain Health Care Expansion. Seconded by Kevin Thomas. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

16. Consideration and possible approval of a **reimbursement agreement for the Cordero Development**, to provide impact fee vouchers for reimbursement for master plan roadways and waterlines

Joseph Prete motioned to continue the reimbursement agreement for the Cordero Development. Seconded Kevin Thomas. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

17. Ordinance 2022-10: Consideration and possible approval of a proposed **Land Code Use Amendment to Title 10, Chapter 3, Chapter 7, Chapter 41, and Chapter 51 - all regarding ADU's, accessory dwelling units**. Hurricane City Planning Applicant

Fred Resch III stated that an applicant came in for a greater height and size conditional use permit. Then the Planning Commission realized it was for two accessory dwelling units, which is not allowed in the code. The ADU code definition is vague. The Planning Commission directed staff to prepare an ordinance that would allow for this in similar

circumstances. Mayor Billings feels that multifamily housing can help solve the housing problem. However, the staff is concerned that multiple homes are being built while only collecting one impact fee for water, sewer, and power. Stephen Nelson read the recommendations and standards. One of the recommendations is to allow the owner to live in either of the units. Chief Kuhlman discussed the fire code. Mike Vercimack explained that there might not be the capacity to add more power services to an already established subdivision. Mr. Nelson's recommendation is to take time to review the first reading.

Kevin Thomas motioned to continue Ordinance 2022-10. Seconded by Joseph Prete. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

18. Ordinance 2022-11: Consideration and possible approval of a **Land Code Use Amendment to adopt Water Conservation standards** within Title 10 Chapter 39 - Subdivisions, Chapter 32 - Landscaping and Screening, Chapter 23 - Planned Development Overlay, and Chapter 33 - Design and Compatibility Standards

The Water Board did not make a direct recommendation. They gave the Planning Commission concepts and ideas. The Water Board leaned towards providing incentives for conservation efforts. The Planning Commission's proposal places more landscaping requirements and restrictions on commercial, industrial, and civic development. The State passed a code requiring water-saving appliances in new homes. Mayor Billings explained that the ordinance only affects new residents. Stephen Nelson recommended taking time to consider this further.

Kevin Thomas motioned to continue for future discussion Ordinance 2022-11. Seconded by Doug Heideman. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

19. Discussion regarding **updating various power related fees**

Scott Hughes explained the fees for primary service, secondary service, subdivision design reviews, and designs with estimates. The staff spends up to eight hours designing power plans for a customer. Typically, the customer will ask for multiple revisions. Stephen Nelson reported that the Planning Department charges a final plat fee, and the money goes into the general fund. We should look at our development fees to make them equitable for all the departments. Kaden DeMille agrees that there needs to be a thorough analysis. Councilman Prete is on the Power Board; they have spent much time reviewing this.

20. Discussion regarding the **Firework Proclamation for 2022** - Cindy Beteag

Tom Kuhlmann went over the dry conditions. State code does now allow a complete firework ban. The City's fireworks will be over the lake again this year. Mayor Billings stated that Sand Hollow Resort would like to contribute to the fireworks.

Adjournment: 11:00 PM