

Minutes of the Hurricane City Council meeting held on April 21, 2022, in the Council Chambers at 147 North 870 West, Hurricane, Utah, at 4 p.m.

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

Also Present: City Manager Kaden DeMille, City Attorney Fay Reber, Police Chief Lynn Excell, Power Superintendent Scott Hughes, Public Works Director Mike Vercimack, Recreation Director Tiffani Wright, Planning Director Stephen Nelson, Assistant Planner Fred Resch, Street Superintendent Weston Walker, City Engineer Arthur LeBaron, and City Recorder Cindy Beteag.

AGENDA

4:00 p.m. Discussion regarding 2022-23 budget

Council discussed the upcoming budget.

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

Scott Hughes stated the Power Department is moving the metering point to Brentwood. It should be finished next week.

Nick Wright with Fire District reported that the academy will be complete on April 29th. Twenty participants are graduating, and the graduation ceremony is on April 29th at 6:00 p.m. in the High School auditorium. The Fire District is averaging twelve calls per day.

Chief Lynn Excell reported that his goal was to get back to full staff this year. He feels they are getting closer. It is difficult to fill positions because other agencies are quickly raising wages. They have extended a conditional offer to an officer that recently left for family reasons. They will have six trainees in the Field Training Program, which is taxing on the trainers. They have extended an offer for an Evidence Technician who is expected to start in late May. Another offer was extended for an Evidence Technician apprenticeship, and she is scheduled to start in June. Mayor Billings asked what the process is for evidence after cases are closed. Mr. Excell explained the evidence process. Officers are assisting in the Washington County Fair this week and helping with Ironman in May.

Weston Walker held the last interview for the open position. He is expecting to offer the position tomorrow. Slurry seal will start next Tuesday. David Hirschi stated he is getting complaints about the dust on the roads around the ball fields. He asked if the Streets Department could put mag chloride down to help with the dust. Mr. Walker noted that they do not have that equipment, so it would have to be hired out. They did blade the

road to Sand Mountain. They had a meeting with Interstate Rock to discuss 3000 south. They will assess the road and bring in a plan soon.

Mike Vercimack is staying busy with pre-construction meetings and punch lists. Building permit requests are decreasing. Half of the building permits are for business or industrial.

Arthur LeBaron reported that repairing 3000 South will take place in the wintertime. Jeremy Pickering is starting on May 2nd. There was a water main break on Main Street caused by equipment digging, and the break caused flooding in a yard on 120 east. The drainage has been a problem there since the owner built their home. Mr. LeBaron has a plan set ready to go out to bid to fix the problem, but he will need cooperation with the owner to get easements.

Stephen Nelson is kicking off the moderate-income housing plan. State law requires class five cities to have a moderate-income plan. The City must adopt three of the menu items. They have until October 1st to get updates done. The open house is on May 11th. The Steering Committee is assisting with the process. The City was awarded a \$45,000 grant from the Utah Department of Transportation (UDOT) to work on the downtown master plan. The City will contribute \$5,000. The grant money is available on July 1st. Item #6 on Old Business should be continued. The updated plan does not match the water model.

Fay Reber reported that he was given a noise ordinance for the airport, but he feels that the ordinance is beyond his scope. He recommended having it reviewed by Mike Green or someone who is more knowledgeable about the subject. The City Council agreed to send the ordinance to Mike Green for review.

6:00 p.m. - Call to Order –

Mayor Nanette Billings welcomed everyone to the meeting.

Prayer: Pat McEwen

Historical Thought & Pledge: Michelle Peterson

Mayor Billings reported that the budget discussion will start in July. The meetings are open to the public.

Approval of Minutes: Special City Council Meeting for March 23, 2022, April 5, 2022, and April 13, 2022

Doug Heideman motioned to approve the Special City Council meeting minutes for March 23, 2022, April 5, 2022, and April 13, 2022. Seconded by Joseph Prete. Motion

carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

Mayor Billings went over the upcoming events.

OLD BUSINESS

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

Stephen Nelson reported that several property owners requested a workshop meeting, but the Planning Commission was unable to get one scheduled. He went over the email he sent showing the current ordinance, the proposed changes, and what the property owners are requesting. The biggest concern from property owners is regarding the Planning Commission recommendation of the 20 20 split based on the square footage of the building. Property owners are also concerned with the recommendation of fifteen units.

Dave Nasal stated they agree with the goal. Commercial with residential would be easier than residential with commercial. He had heard mentioned in the council meetings that people knew the zone when they bought the property, and he is the opposite. The definition of planned commercial is changing, which is affecting him.

Mr. Nelson reported that planned commercial always allowed for residential and commercial. However, there was no requirement to do a mix, and it could have been developed fully residential. That is the reason for the proposed change.

Duane Fielding stated that there are only a few parcels zoned this way. The changes make sense for the area. They would like to have twenty units per acre because it is important to have the density to support the commercial. They oppose the ban on renting the work and live units because they should not have to be owner-occupied.

Dwaine Schallenberger stated they have a large parcel which is hard to plan based on square footage. They support the staff recommendation for acreage.

Mayor Billings was excused at 6:30 p.m.

Councilman Prete is careful not to reject the Planning Commission's recommendation. However, he does lean towards acreage instead of square footage. He supports the fifteen-unit cap on density with the potential to go up to twenty. He does not think the ordinance is ready to pass. Mr. Nelson would like feedback from City Council on what they want to see in the ordinance. The Planning Commission has put a lot of work into this, and he supports the Planning Commission. However, after the Planning

Commission's recommendation, comments were received expressing concern regarding the square footage recommendation. After doing more research, he thinks that acreage will make this ordinance successful in achieving what the City and the owners want. Councilman Heideman likes the acreage as opposed to square footage.

Doug Heideman motioned to continue Ordinance 2022-12: Seconded by Kevin Thomas. Motion carried with Dave Sanders, David Hirschi, Kevin Thomas, and Doug Heideman voting aye. Joseph Prete abstained.

2. 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.

Scott Stratton drew in some larger units in the area to break it up. They did put in the roadway that staff requested. Councilman Prete stated that the Planning Commission and staff voted to approve this. One of the reasons for the PDO is to have different setbacks. The project's density is not changing. Mr. Stratton reported that the PDO requires ten feet on the individual homes, and his request was to change that to seven feet. Mr. Nelson stated that the Planning Commission recommended approval.

Kevin Thomas motioned to approve the zone change amendment request located at approx. 3150 South 1100 West. Subject to it not exceeding 200 lots, staff, and JUC comments. Seconded by Doug Heideman. Motion carried with Dave Sanders, David Hirschi, Kevin Thomas, and Doug Heideman voting aye. Joseph Prete abstained.

3. 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

Michelle Stratton is not present. Mr. Nelson reported that the Planning Commission recommended approval. Councilman Prete clarified that this is a one-acre lot that the applicant wants to divide into two lots. Because of the master-planned roadway, they will not have the acreage for two half-acre lots. Councilman Thomas stated that if the Council plans to deny this, it should be continued until the applicant is present. If there are no issues, the Council should vote to approve it.

Dough Heideman motioned to approve the zone change amendment request located at 284 W 1080 S. Seconded by Kevin Thomas. Motion carried with Dave Sanders, David Hirschi, Kevin Thomas, and Doug Heideman voting aye. Joseph Prete abstained.

4. 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

Chris Wyler is not present. Mr. Nelson reported that they are not changing lots or layouts. They are changing the roadway dedication alignment. Mr. LeBaron has reviewed and signed off.

Doug Heideman motioned to approve an amended final plat for Pecan Valley Phase 3. Seconded by Kevin Thomas. Motion carried with Dave Sanders, David Hirschi, Kevin Thomas, and Doug Heideman voting aye. Joseph Prete abstained.

5. 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

Karl Rasmussen and Adam Stout present. Mr. Rasmussen reported that Stuart Stout wants to build a house on the parcel. When they met with staff, it was decided that a development agreement was necessary to allow Mr. Stout to start building the house. The existing building and parcel to the north will go through the proper subdivision process. Mr. Stout would like the agreement to state that he will get the property's fair market value for the master-planned road.

Mr. Nelson discussed the boundaries and the history of the property. The City previously approved split zoning with light industrial and residential agriculture so the owner could operate their roofing business. After meeting with the applicant, staff felt like the dedication and improvements of the road were beyond the impact of a single home. Mr. Nelson recommended not specifically stating which funds the City will use to purchase the property for the roadway. The owner expressed concern that the roadway might cut off his ability to drive his cattle. In the agreement, they ask the City to put a culvert under the road so the animals can go back and forth. Mr. Nelson does not think this development agreement addresses what the applicant wants to do. Adding a single home will have minimal impact. But since there are some light industrials, it will trigger codes that require road improvements. The new code states that planning staff and engineering are the initial determiners of what needs to be dedicated. The Planning Commission reviews appeals or constitutional findings.

Mr. Rasmussen is unsure what the culvert would cost. Councilman Thomas is not opposed to this because it preserves the agricultural ability of the property. Mr. Vercimack clarified that a culvert is not required until the road is built. Mr. Reber does

not think this is ready to be approved. Mr. Rasmussen asked if it could be approved based on the conditions of the development agreement. Mr. Stuart wants to start building now. Councilman Prete asked if changing the zoning back to RA-1 would be the best option. The previous zoning was intended to get the business in compliance. There was no intent to turn this into an industrial area. If the City could eliminate the industrial in the area to encourage agriculture, it would meet the applicants' goals and be in the City's best interest. Mr. Reber stated it could be approved subject to the inclusion of the items in the agreement. However, it is better to have the agreement in place for the Council to review. Mr. Nelson reported that the development agreement needs to address the culvert and the road improvements.

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

6. 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.

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

7. 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**

Jeremy Hargis supports allowing additional units on properties, and he would like to see it allow more ADU's with larger parcels. His aging mother and adult children can't afford housing in the area, and he is trying to accommodate them with living quarters. To have the flexibility to support his family and have a rental unit would be helpful to him.

Mr. Nelson reported that this code will allow multiple ADU in commercial and residential zones. The proposed changes do not include agriculture. The council feels it should be included in the agriculture zone. Councilman Prete is concerned because the City Attorney has not vetted this.

Kevin Thomas motioned to continue to this item to the 2nd City Council meeting in May Seconded by Doug Heideman. Motion carried with Dave Sanders, David Hirschi, Kevin Thomas, and Doug Heideman voting aye. Joseph Prete abstained.

8. Consideration and possible approval of **Resolution 2022- 20 updating various power related fees**-Scott Hughes

Mr. Hughes reported that the Power Department is updating the current fees and proposing new fees. The after-hours fee does not cover the employee cost. They hope that raising the fee for meter tampering will encourage people to pay their bills and not tamper with their meters. The solar review fee needs to increase to cover staff costs. The proposed new fees are for designs and reviews of new subdivisions. Councilman Prete serves on the Power Board and attended the meetings when the fees were discussed. He stated that the fees only cover costs.

Doug Heideman motioned to approve Resolution 2022- 20 Seconded by David Hirschi. Motion carried with Dave Sanders, David Hirschi, Kevin Thomas, and Doug Heideman voting aye. Joseph Prete abstained.

9. Consideration and possible approval for a **preliminary plat for Gateway at Sand Hollow Commercial, a 6 lot commercial subdivision**, located between SR-9 and Sand Hollow Road. Western MTG and Realty Co Applicant. Brent Moser Agent.

Brent Moser requested to continue this item.

Kevin Thomas motioned to continue to the next meeting if they are ready. Seconded by Doug Heideman. Motion carried with Dave Sanders, David Hirschi, Kevin Thomas, and Doug Heideman voting aye. Joseph Prete abstained.

NEW BUSINESS

1. Resolution 2022-19: Discussion and consideration of approval to **appoint Brad Winder to the Planning Commission** to fulfill the remaining term of former Planning Commissioner Dayton Hall.

Dayton Hall resigned from Planning Commission, and he is now the City Attorney. Brad Winder has agreed to fulfill the remaining term.

Kevin Thomas motioned to approve Resolution 2022-19: Seconded by David Hirschi. Motion carried with Dave Sanders, David Hirschi, Kevin Thomas, and Doug Heideman voting aye. Joseph Prete abstained.

2. Discussion of an ordinance **updating code 7-1-8 Off Highway vehicles**

Chief Excell stated he has spent a lot of time working on this. The current code doesn't cover side-by-side vehicles. The ordinance will conform with the standards set forth by the State of Utah. The code allows golf carts on City streets. Mr. Excell is not in favor of that. He would like recommendations from the City Council after reviewing the ordinance.

Dave Sanders motioned to go into public hearing. Seconded by Kevin Thomas. Motion carried with Dave Sanders, David Hirschi, Kevin Thomas, and Doug Heideman voting aye. Joseph Prete abstained.

Mayor Billings returned at 7:30 p.m.

3. Public Hearing to take comments on the following:

a. Title 3, Chapter 10, Section 11 Short term vacation rentals

Nathan Cole represents multiple families. They own houses that share a property line with short-term rentals. The strengths of the ordinances are the only thing that prevents the issue from getting worse. Transient lodging has negative effects on the residents. He agrees that no RV's should be parked on the street. He disagrees with the 11:00 p.m. noise ordinance, and he would like it to be changed to 9:00 p.m. A residential neighborhood should not have to listen to nightly rentals daily.

Mayor Billings reported that 11:00 p.m. is the noise ordinance for the entire city.

Kendra Rich understands what Mr. Cole is saying. She has an ongoing problem with her neighbor, that is constantly loud. It is not a vacation rental, and she thinks the noise happens whether it is a vacation rental or not. The larger vacation rental homes increase the number of guests and parties. She feels that increasing the fine will do more than changing the time of the noise ordinance.

Joseph Prete motioned to go out of public hearing. Seconded by Dave Sanders. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

4. Ordinance 2022-14: Consideration and possible approval of an ordinance updating changes to the short term rental ordinance-Fred Resch III

Fred Resch III reported that they have updated the personal ownership data and the rental license list and gave a final warning to every non-compliant property in the city. Mr. Resch stated that he has not changed the proposed limit of sixty-eight licenses. However, they will leave the waiting list in place. There was a suggestion not to allow the permit to be transferred during the sale of a property. The current ordinance does not allow parking on the street, and the proposed change allows parking in front of the house. Councilman Prete pointed out that eliminating the license transfer will affect the property value of a vacation rental home. He stated that the Council has not reviewed this, and it is not ready to be approve.

Councilman Prete asked for clarification regarding casitas. Mr. Resch reported that they still need a license, but it is not limited. It is considered residential hosting. No issues or

complaints are coming from residential hosting. Councilman Prete recapped the proposed changes. He disagrees with capping the limit to sixty-eight. The biggest problem is unlicensed vacation rentals. He feels that the approved fine helps to regulate this better.

Mayor Billings asked Mr. Resch to go through sections one and two. Mr. Resch reported that section one applies to the proposed cap limit of sixty-eight. Section two regards administering the sale of a property with a vacation rental license. This proposal leaves the waiting list and the transfer clause in place. Councilman Prete thinks enforcement is more important than modifying the ordinance.

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

5. Public Hearing to take comments on the following:

- a. **A sensitive land application** for Hideaway Ridge Phase 1 and 2, a 22-lot subdivision, located at approximately 1150 S Angell Heights Dr.

No comments.

Joseph Prete motioned to go out of public hearing. Seconded by Dave Sanders. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

- 6. Consideration and possible approval of a preliminary plat for Hideaway Ridge Phase 2, a three lot single family subdivision located at 1150 S Angell Heights Dr. and sensitive lands updated application for Hideaway Ridge Phase 1 and 2.** Tim & Kris Eden and Todd Trane-Millhaven Development
Applicant Todd Trane-Millhaven Development Agent.

Mr. Nelson reported that this is a continuation of phase one to do a cul-de-sac at the end of the area to phase two. The Council required the applicant to provide a flag lot access into the back property, but there are easement issues with getting access to the rear property. The applicant collaborated with developers and the owner of the back property and is proposing this cul-de-sac. The length of the cul-de-sac is longer than the code allows. The City Council has the authority to approve a longer cul-de-sac. The Fire District and Planning Commission gave positive recommendations. The Planning Commission recommended approval with expectations based on sound and reasonable engineering, the length of the cul-de-sac, and subject to staff and JUC comments.

Joseph Prete motioned to approve the preliminary plat for Hideaway Ridge Phase 2 subject to staff and JUC comments. Seconded by Dave Sanders. Motion carried with

Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

7. Consideration and possible approval of a grading permit for Balance of Nature- Bruce Waldron

Mr. Rasmussen stated that the item could be removed. They will work through this with staff.

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

8. Ordinance 2022-15: Consideration and possible approval of a Zone Change Amendment request located at approx. 1250 South and 1150 West from RA-1, residential one unit per acre, with an Agriculture Overlay Protection Zone, to PF, public facility for a power substation. Parcel number H-3-2-3-3319. Hurricane City Power Applicant. Jared Ross Agent

Jared Ross stated that the department had a parcel to the south, but they made arraignments to move to a larger parcel to the north. To do that, they need to change the zone to public facilities. No public comments were received. Mr. Nelson reported that this property is an RA-1 with agriculture protection. A property owner can have the agriculture protection removed with consent from the City Council. The agriculture protection will only be removed from this parcel.

Doug Heideman motioned to approve the zone change amendment request located at approx. 1250 South and 1150 West. Seconded by Joseph Prete. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

9. Consideration and possible approval of the bid award for the 3 Falls Substation site and site access - Jared Ross

Mr. Ross stated that the bid is for the preliminary excavation and grading of the site. It also includes access to a service road along the remainder of 1300 south. Two bids were received. Interstate Rock's proposal is \$1.1 million. Ash Excavating's proposal is \$533,989. Pro Value Engineering reviewed the project to ensure everything is complete. The Power Department's recommendation is to award the bid to Ash Excavating. Councilman Prete is concerned with the drastic price difference in the bids. He wants to make sure the bid from Ash Excavating includes everything. Mr. Rasmussen is unsure why the Interstate Rock bid is higher. Ash Excavating is a credible company. Mr. Nelson reported that they plan to do offsite grading to bring in material. He feels comfortable with the Council giving JUC the ability to sign off on that in the construction drawings.

Mr. Vercimack noted that this project does not have approved construction drawings. He is unclear how this could be sent out to bid without approved construction drawings. Mr. Rasmussen stated that the red lines are complete, and the construction design is going to staff next week. Notice to proceed will not be given until the drawings are approved.

Kevin Thomas motioned to approve the bid award for the 3 Falls Substation site and site access to Ash Excavating in the amount of \$533,989 based on staff approval of the construction drawings, offsite grading, and that it is bonded appropriately. Seconded by Doug Heideman. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

Councilman Prete would like staff to talk to Interstate Rock to clarify the price difference in their bid.

- 10. Ordinance 2022-16: Consideration and possible approval of a Zone Change Amendment request located at approx. 27 North 2800 West from R1- 8, residential one unit per 8,000 square feet, to HC, highway commercial.** Parcel number H-3-1-32-440112. Swiss Seven LLC Applicant. Kent Frei Agent.

Matt Lou with American Land Consulting is representing Kent Frei. The General Plan does have a commercial designation in this area.

Kevin Thomas motioned to approve the zone change amendment request located at approx. 27 North 2800 West. Seconded by Doug Heideman. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

- 11. Ordinance 2022-17: Consideration and possible approval of a Zone Change Amendment request on a portion of 5584 West 720 South from M-1, light industrial, to HC, highway commercial, to match the adjacent property to allow an RV park.** Parcel number H-QCIP-3-16. Dennett Construction Applicant. Civil Science-Brandee Walker Agent.

Doug Dennett reported that the zone change request is to include the flag lot in the RV Park. Mr. Nelson stated that they want to incorporate the flag lot as highway commercial so they can extend to the RV park. The Planning Commission recommended approval with conditions because they feel this is a better use of the flag lot.

Joseph Prete motioned to approve the zone change amendment request on a portion of 5584 West 720 South. Seconded by Davide Hirschi. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

- 12. Ordinance 2022-18: Consideration and possible approval of a Zone Change Amendment request located at 208 South Main Street from R1-10,**

residential one unit per 10,000 square feet, to GC, general commercial, for the property to be used as a vacation rental or a commercial retail or restaurant space. Parcel number H-55. Jeremy and Laurie Scholzen Applicant.

Public comments in packet and email.

Carrie Bodell lives on 200 South. She is opposed to this change. There are already too many vacation rentals in this area. This was zoned for residential property, and the buyer knew they were buying a residential property. There is no curbing or sidewalks, and more traffic is dangerous for the kids. This is not appropriate for the residents in the area.

Michelle Peterson moved to Hurricane City because AirBnbs overran the area they lived in. They bought a historic home and take pride in improving the area. They knew they would be next to the Main Street Cafe, but they have a buffer between them. They don't want commercial on both sides.

Mr. Nelson reported that the home is on the historic registry. The registry is more of an acknowledgment and encourages maintaining the historical feature. There is no obligation for it to be maintained as historical. The General Plan encourages a variety of uses in the downtown designation. The plan also recommended that the City adopt a downtown master plan. This area might have a new zoning standard that allows a mix of residential and commercial uses in the future. The Planning Commission recommended denial.

Tori Pickering lives behind the applicant. She is opposing the change. It is challenging to walk with her kids on the streets, and the zone change will contribute to more danger. Previously, there was a pest control business in the home that didn't negatively affect the neighbors. The applicant will not have the same control with a restaurant or Airbnb. Jeremy Pickering sent emails to the Planning Commission for public comments. He does not think this is the right time to change this to commercial. Many residents oppose this. The existing zones make the properties valuable.

Andrew Ashcroft commented that no one in this area knew about the master plan. There should be a better way to inform the community.

Sicily Steffon does not live right by the property, but the traffic will affect her family. They would not have purchased their home if they knew the master plan allowed commercial. The small-town charm is disappearing everywhere.

Laurie Scholzen is surprised by the opposition. The master plan was very well-publicized. They looked at the master plan when they purchased this property. Main Street isn't as improved as it should be. If people do not come in and buy a property to preserve it, then the area will be full of old unmaintained homes. Most of the traffic along

SR-9 and SR-59 is park-driven. Commercial makes sense in this area. The approved master plan talks about enticing commercial in the downtown area.

Councilman Hirschi is concerned because the Council does not know what the use will be. Mrs. Scholzen intends to protect Main Street. Their short-term plan is to have a nightly rental and transition into commercial in the future. Mr. Nelson pointed out that once the property has the zoning, they can do whatever is allowed in that zone. The home is very small, limiting what can take place on the property.

Councilman Heideman stated that the plan to revitalize downtown has been around for a long time. Earlier tonight, he proposed eliminating nightly rentals in residential areas. This is the ideal place for vacation rental because it is located near commercial. He agrees that the street needs improvement. Mr. Nelson reported that the area was previously designated as a downtown district. The general plan provided steps for the City to take for historic preservation in that area. Councilman Sanders pointed out that the original commercial area in Hurricane was on Main Street and 400 South. The zoning has changed over the years because the town has evolved. There are many ways to revitalize the area, and this might be a solution.

Councilman Hirschi appreciates what the applicant is doing. It is difficult for him to go against what the majority of the citizens want, even if it benefits the city. He feels he is here to support the citizens. Councilman Thomas stated that the zoning line is on 200 South, and he does not think it should change until the downtown area is reviewed. Changing the zone would allow the applicant to bypass the short-term rental license waiting list.

David Hirschi motioned to deny the zone change amendment request located at 208 South Main Street based on it is not consistent with the general plan, it is not harmonious with the overall character, and it affects the adjacent properties. Seconded by Kevin Thomas. Motion carried with Dave Sanders, David Hirschi, Kevin Thomas, and Doug Heideman voting aye. Joseph Prete, nay.

- 13. Ordinance 2022-19: Consideration and possible approval of a proposed Zone Change Amendment request located at approx. 465 North 2800 West from RA-1, residential agriculture one unit per acre, to R1-8, residential one unit per 8,000 square feet, containing a PDO, planned development overlay, to match the adjacent zones. Parcel number H-3-1-31-1104. Swiss Seven LLC Applicant. Kent Frei Agent.**

Mayor Billings reported that an email came in tonight with concerns that there is no way to ensure affordable housing. Mr. Lou stated that the zone change request matches the area around them. The General Plan mentioned that this needs to be a single-family product. This amendment addresses the single-family requirement. There are 106 patio homes and five single-family homes. Mr. Nelson reported that they originally came in

with townhomes and requested a density bonus. The Planning Commission recommended they come back with a single-family product. They are under the R1-8 base density. There are sensitive lands and hillsides in the area, and they will have to work through topography issues.

Mayor Billings asked how they can help the community and make affordable housing? Mr. Lou stated that the way is to have smaller lots. He understands that affordable housing is a challenge in Utah. His strategy is that anyone who benefits from the sale of a building should have skin in the game. Everybody must be committed to addressing affordable housing. Mayor Billings wants developers to commit to helping solve the problem. Mr. Lou stated that the City can not place those requirements on developers without an ordinance.

Clelen Tanner is here opposing this development. To have 4.4 homes per acre, they must include land that is not buildable. What starts as a nice neighborhood will not end up being that way. He has seen it before and does not want to see it again. Hurricane City needs to put a pause on development. There is not a consistent shared vision for Hurricane. Why have the Master Plan if it is fluid? The usable land should calculate the density. This should be sent back for four homes per usable acre. Councilman Thomas thinks the General Plan allows for the zoning that is being proposed. The open space is beautiful, and the layout gives good open space. It is not fair to characterize a small home as unpleasing.

Mr. Nelson explained that anything over a thirty percent slope cannot be used. They did factor out the unusable space, which is still within the R1-8. He thinks it is important to note that there will be a four-way intersection, and staff would prefer a roadway connection, but the topography does not allow that.

David Hirschi motioned to deny the zone change amendment request located at approx. 465 North 2800 West based on it is not consistent with the City's General Plan and goals. No second. Motion fails.

Councilman Thomas thinks people have the right to develop their property, and it matches the surrounding uses.

Kevin Thomas motioned to approve the zone change amendment request located at approx. 465 North 2800 West subject to staff and JUC comments. Seconded by Doug Heideman. Motion carried with Dave Sanders, Joseph Prete, Kevin Thomas, and Doug Heideman voting aye. David Hirschi, nay.

- 14. Consideration and possible approval of a preliminary plat for Desert Bloom, a 576 lot subdivision, located at 600 S and 3500 W. DR Horton (Don Beam) Applicant. Adam Allen Agent**

Mr. Lou represents Don Beam and Dr. Horton. This is 576 single-family lots, ranging from 6,000-to 8,000 square foot lots. Mr. Nelson reported that block lengths can't be longer than 800 feet and require access to adjacent properties. The general recommendation is to make roadway connections, and the block length meets the standard. Mayor Billings asked what the requirements are for open space within a single-family zone? Mr. Nelson stated there is no open space requirement within single-family zoning. But there is a park next to this development. Brent Moser pointed out this development is part of the PID with trails, parks, and amenities.

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

Councilman Prete emphasized the importance of having a policy that integrates the attainable housing concept.

- 15. Consideration and possible approval of a preliminary plat for Quail Creek Industrial Phase 5-8, a 63 lot industrial subdivision located at Regional Park Road and 1000 S.** Dennett Construction Applicant. Civil Science-Brandee Walker Agent.

Mr. Nelson reported that the Planning Commission made a positive recommendation. There needs to be coordination with the Purgatory Roadway, and approval needs to be subject to that happening. Multiple agencies are involved in the roadway, so they will all need to approve the alignment. Mayor Billings reported that this is federally funded, and UDOT is not involved. Another issue is figuring out who will serve power to the property. Mr. Nelson is working on this.

Doug Heideman motioned to approve the preliminary plat for Quail Creek Industrial Phase 5-8 conditional upon staff approval of the road and with staff and JUC comments. Seconded by Dave Sanders. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

- 16. Consideration and possible approval of a preliminary plat for Sky Valley West, a 24 lot single family subdivision,** located at 600 N and 3400 W. Frank Lindhardt/Shoshone Land Company Applicant.

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

- 17. Consideration and possible approval of a preliminary plat for Cordero Phase 2, a 40 lot subdivision**, located at 2100 W 3900 S. Brant Tuttle, Northern Engineering Applicant.

Brant Tuttle reported that there are items that can be addressed with the final plat. Phase 1 is under construction with thirty-nine lots. Councilman Prete pointed out that the Planning Commission recommended approval. Mr. Nelson reported that the Water Department was concerned that the water model was inadequate. The water modeling is not resolved, but the Water Department has provided a will serve letter.

Joseph Prete motioned to approve the preliminary plat for Cordero Phase 2. Seconded by Dave Sanders. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

- 18. Consideration and possible approval of a preliminary plat for Horseman's Edge, a 40 lot single family subdivision**, located at 3053 S 1100 W. Diamond Edge Construction Applicant. Scott Stratton Agent.

Councilman Heideman stated this the applicant has done everything asked of him. Mayor Billings confirmed that there are fifteen vacation rentals with stalls in the back and rail fences through the whole subdivision. There will also be parking for trailers. Scott Stratton stated yes. Councilman Prete reported that the Planning Commission recommended denial, but staff recommended approval. There was a difference in the verbiage of the motion compared to the discussed topics, and the Planning Commission felt this was not consistent with the motion.

Mr. Nelson reported that the language in the motion was that the development was not to exceed forty units, and the lots should average half an acre. He recollects that the agreement between the City Council and the application was that it was going to be okay with the base density of forty units because of the open space dedication. But that doesn't match the verbiage of the motion. Mayor Billings remembers Mr. Rassmussen saying with forty units at about a half-acre. The Council said yes in the motion. This matches what was discussed. The JUC had concerns about power adequacy in the area, but the JUC comments were retracted.

David Hirschi motioned to approve the preliminary plat for Horseman's Edge subject to JUC review. Seconded by Dave Sanders. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

- 19. Ordinance 2022-20: Consideration and possible approval of a proposed Land Code Use Amendment to Title 10, a section of Chapter 7 – regarding conditional use permits and Chapter 15 regarding Highway Commercial building standards.** Ishraj Singh Applicant. Steve Beesley Agent.

Mr. Nelson explained that the applicant applied for a conditional use permit for a tall hotel. The code is currently written as the height is 1.5 times taller than the average height of the surrounding buildings. The application was denied. The applicant filed for a code change to allow fifty-five-foot-tall buildings in highway commercial zoning. The Planning Commission felt that doing a conditional use permit for a taller building in highway commercial zoning is more appropriate and clarifying the standards on how to measure that would be better. Mr. Nelson reviewed the proposed changes.

Joseph Prete motioned to continue until the second meeting in May. Seconded by Dave Sanders. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

20. Consideration and possible approval of a Proclamation regarding the discharge of fireworks-Cindy Beteag

Joseph Prete motioned to approve, subject to a revision to the effect that the restriction does not pertain to commercial firework displays conducted by the City. Seconded by Kevin Thomas. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

Adjournment: 11:32 p.m.