

Minutes of the Hurricane City Council meeting held on August 19, 2021, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 4 p.m.

Members Present: Mayor John Bramall and **Council Members:** Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort.

Also Present: City Manager Kaden DeMille, City Attorney Fay Reber, Police Chief Lynn Excell, Power Superintendent Dave Imlay, Public Works Director Mike Vercimak, Planning Director Stephen Nelson, Recreation Director Kole Staheli, HR Director Beccie Williams, City Engineer Arthur LeBaron, City Recorder Cindy Beteag and Fire Chief Tom Kuhlmann

AGENDA

4:00 Work Meeting with Scott Stratton –

Scott Stratton started the discussion stating his preliminary plat with twenty eight lots for Cliff Shadow has expired. Since that time the City has purchased the intersection at 1300 South and 180 West and they want to work with Mr. Stratton to do the improvements there when he develops. Now he thinks seventeen lots would be a better fit. When he brought in the preliminary plat, the property owner next to him approached him wanting him to extend the road into their three-acre piece with a cul-de-sac. If he did that, he would lose a lot. Arthur LeBaron told him he wants the road to continue to 1000 South. Mr. Stratton doesn't think it is a good idea because it is along the cliff. He would lose a lot of money doing that. They have talked about giving the other property owner an easement between lots 9 and 10. The other owner will pay for utilities to get stubbed into their property. Another option is to get rid of lot 10 and punch the road through to the other property and in return Scott would get a lot from their property. Mr. LeBaron explained extending utilities to the next property is standard practice. If they create a flag lot, the flag portion would have to be twenty six feet and owned by the other owner. Council discussed the steep terrain on this property and the accesses to it. There is a storm drain line that was installed a long time ago stubbed to this property. Mr. LeBaron stated if they do a flag lot then it would be better to include it with this subdivision. Kelby Iverson asked if there was a canal easement there. The new transportation plan shows the trail starting at Three Falls.

The parcel on 100 South has been addressed with the change of the ordinance allowing mixed use if the property borders commercial. Before the change, they could have put eight units of short-term rentals but now it can be long or short term rentals. The ordinance change helped a lot of property owners in the downtown area.

Next for discussion is the property next to the Mayor's pivot where he wants to do 172 townhomes. They might not have to have as much detention as they thought so he is thinking of putting a lot where it was proposed. Nanette Billings mentioned this is not a zone change. It was annexed into the City with this zoning. She asked if the sensitive land issue had been addressed. Stephen Nelson stated anything in red has no issues. Mr. Stratton pointed out the blue areas are man made slopes. None of them are natural slopes. The code only applies to natural slopes. If there is more than two acres with 10% slope, then it requires a sensitive land application. The code doesn't reference multifamily. The City required other developments to show how the units will be incorporated to the slopes to ensure the sensitive lands would be maintained. Mr. Stratton stated this one might change but they are going to push forward with what is proposed right now. He mentioned Hurricane Ready Mix is currently cutting into his property. He would like to get it addressed right now so the elevations match in the future. 1100

West improvements would need to be completed along the frontage of his property. Corbin Wade is planning to install sewer lines down 1100 West. Mr. LeBaron mentioned the master transportation plan has a trail along the east side of 1100 West.

The Moses property is on the agenda tonight for a General Plan change. Mr. Nelson mentioned Sandy Cattoor came into the Planning Commission meeting opposing the application but now she is saying she is okay with it. The Planning Commission debated continuing the application until the legal issue was resolved; however, several of the Commissioners were opposed to it and stated their vote wouldn't change either way so they recommended denial. They now have a letter from Hurricane Ready Mix supporting half acre zoning. The zoning can change to half acre so he wouldn't need to change the General Plan if that is what he does. Mr. Stratton mentioned the General Plan changed after he had purchased the property. He was originally told it wouldn't affect his property, but it changed, and it affected his property. He agreed he should have followed up, but he moved forward in good faith. He has the blessing of every landowner that touches his property but not the ones that touch Cattoor's property. If it is detrimental to getting the zone change then he will not partner with the Cattoor's. This property will be challenging to develop because of the surrounding uses. Darin Larson pointed out if he does PDO then they could do some clustering and some open space.

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

Terry Kain and Adam Jasperson with Sand Hollow Resort were present. Ms. Kain has been working with a nonprofit organization called Road Runners who brings people into the area. She has joined forces with the Sand Hollow Open. They will be holding a Friendship Cup, University Cup, Charity Cup, and the World Class Open. They will bring people from all over the world to these events. They have a gala planned in September and invited the Council to the event. Mr. Jasperson stated this is the 7th year they have held this event. It has gotten bigger every year. The first year it paid out \$18,000. They want to get to \$100,000 for first place. It also provides an exemption spot to the Utah Championship. They plan on marketing this as golf week. It will go from September 6th to the 11th. They will not be hosting the Friendship Cup this year because of COVID. They have worked hard over the past few years as a nonprofit organization. This brings a lot of people into the community, which generates profit for the City. Ms. Kain stated she hopes the City helps them in the future with this event. Mayor Bramall mentioned the City needs to look at renewing the RPP lease of the property. Mr. Jasperson explained the current lease is making it difficult for them to get financing so they would like to extend the lease. They are adding more to the development. The bank wants to see a fifty year lease.

Dennis Leavitt with Balance of Nature explained they are the funding partner of a nonprofit called United We Pledge. They support all things patriotic. The surrounding cities are participating in a more robust way on constitution day. They want to do more than just a proclamation. They want to hold a bell ringing event on September 17th called Bells Across America. It will start at 1:40 p.m. with the bell ringing at 2:00 p.m. They will provide all the media content and any other support that is needed. They will link it with all the Cities in the County. Then they would love to take the bell to Dixie Roundup.

Stephen Nelson mentioned he didn't update the report for the Spendlove zone change with the Planning Commission's recommendation. They recommended a positive approval subject to a development agreement that states adequate services are there before they can get a building permit. There are multiple applications on the agenda for areas in the South part of town, but Commissioners have concerns with long term utilities in this area. There are short term concerns with not enough power in the area. Planning Commission's recommendation is to deny development. Mike Vercimak

mentioned they held a meeting with the developers, the water department, power department and street departments to discuss the possibility of a PID for this area. Dave Imlay stated if they can get a route, then they could bring a distribution circuit down. That would be a quick fix but not a permanent solution. Right now, there are only about 250 power connections available in this area. Mr. Nelson stated there are enhanced concerns because of the sheer amount of infrastructure that has to be done. We could be in legal trouble if property owners are treated differently than they have been in the past without being fully justified. He recommends that if they are denied because of this issue then everyone needs to be on the same page. He proposed a work meeting with Council, Planning Commission, and utility departments to discuss how to move forward. He would recommend tabling the applications until a work meeting has been held. He will send out dates to see what works best for everyone.

Chief Excell stated 3000 South has collapsed. The new asphalt is gone. They are shutting it down now.

6:00 p.m. - Call to Order –

Pledge: Kevin Tervort Prayer: Darin Larson

Nanette Billings motioned to amend the agenda moving new business item 1 to first on the agenda before the public forum. Seconded by Joseph Prete. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

1. Canvassing of the Primary Election

Susan Lewis commented that in the 2019 Primary Election there were 8760 voters but this year there were 11,303 registered voters. There were only 3345 that voted which equals to 29.5%. That number is similar for all the cities in the County. There were 53 in person votes in 2019 but only 16 this year. She stated there were 26 ballots that the signatures didn't match, or they were unsigned. They called each of them to give the voter a chance to correct it. Seventy five envelopes were received too late to count. There were 652 that were undeliverable, mostly change of addresses. The final count is Travis Christiansen 791, Doug Heideman 1,034, Brian Hawkins 930, David Hirschi 1,523, Darin Larson 757, Kevin Thomas 1,192. There are two seats open so Doug Heideman, Brian Hawkins, David Hirschi, and Kevin Thomas will move onto the General Election.

Nanette Billings motioned to accept the canvassing of the 2021 Primary Election. Seconded by Joseph Prete. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

Public Forum – Comments From Public

Gwen Wadsworth has a note from Janice Reed to read. "They are opposed to the zone change on SR-9 and 600 North. This is commercial and shouldn't be high density. With only one entrance, it will cause traffic, drainage, and trash problems. They have horses and other animals next to the proposed property and she worries for their safety. There is a sewage right of way coming off SR-9 that can't be blocked off. Lots of strangers staying in the units could make it dangerous." Ms. Wadsworth voiced her concerns about water. We keep getting told to cut back on water usage. Our area was made for agriculture. She heard this week that Lake Mead is a problem. There is a new General Plan map. She asked the Council to follow it. She thinks we need to reserve the agriculture areas and take into consideration where utilities are coming from.

Jennifer Lester, representing two other families that are opposed to items 11 & 12. She read the vision from the General plan. They are asking the council to protect the residents and stick to the General Plan.

Stuart Stout is opposed to items 11 and 12 on the agenda but the Issues he has apply more to item 12. NRCS and Alpha Engineering show this area as a major flood plain. He has seen this area flooded many times. Citizens need to be protected from natural hazardous areas. He has property that adjoins this property that they run irrigation water and if by chance some water escapes and runs onto the proposed property, it will put a liability on him. He is concerned about the infrastructure. He is not antigrrowth, but he feels it should be on the hillside and preserve the farmland.

Dave Imlay thanked the Council for giving him a chance to work for the City. Tonight is his last meeting as an employee and he is very thankful for the Council's support.

Kelby Iverson stated his letter fits perfectly with what Stephen Nelson said in the previous meeting regarding infrastructure. He stated Council needs to follow the General Plan, the zoning that is in place, and we the people. Those three items provide a safety net to council, citizens, and property owners. When an issue surfaces and goes against all these items then it should be a no brainer to not approve them. Citizens want the Council's protection. He asked them to be loyal to the General Plan. Developers know what they have when they buy it. The Planning Commission has recommended denial on all the items but one. He pleaded with the Council to be consistent. We need to be conscious of our water. He purchased land in the Bench Lake area and knew what he was buying. He hopes the City can grow moderately and balanced in time. This will protect everyone.

Kathy Iverson agreed with Kelby. She asked them to follow the Master Plan. Her great grandfather is the one that started the Hurricane Canal. This is the perfect place for agriculture. We need to look at being self-sufficient. This area already has the infrastructure for agriculture. Changing the zoning will affect all the agriculture use around them. If it is approved, it will push out agriculture. Please follow the Master Plan.

Paul Gooch stated he is an agriculture refugee from St. George. He is here to warn Hurricane to not make the same mistake St. George did. If there isn't agriculture zoning it will kill the agriculture in Hurricane. If it is killed, it will never come back. He agreed with previous comments. Agriculture is an important part of our culture.

LaRae Stout is speaking for a group of residents regarding items 11 and 13. They are all opposed to changing the zoning. She asked everyone to stand who is opposing the changes. She has seen firsthand how important and beneficial agriculture and farming is to a community. It helps balance out the other uses. She asked the Council to put aside acquaintances and look at the situation as representatives of the City. She asked them to please follow the General Plan. All residents, Council and Planning Commissioners agreed to it. The residents need them to defend the plan. They don't support applications that are requesting to change the zone. Watering infrastructure, farmers' knowledge, equipment, and the land itself are already in production. Take it away and we will never get it back. We need to plan for the future for the City to be self-sufficient. She asked them to direct developers to acquire land where it is already zoned for what they want to do. This is the last area that is zoned agriculture.

Mike Bird spoke on two principles of government. The City spent \$90,000 to update the General Plan to help the City grow consistent. The Council's role is to protect the residents. The balance of the majority and the rights of the individual sometimes conflict. Almost every exercise of lawmaking involves a judgment about the extent to which the laws should interfere with the freedom of one citizen in order to serve the larger good represented by the interest of a citizen as a whole. This is not an easy job but that is what they expect from the elected officials. He has noticed some of the Council has addressed a

lot of decisions based on compromise. While that is good in some cases, principals cannot be compromised. They should not change a zone to accommodate a developer. Developers are important but they are not planners. We need to listen to the planners. Farming needs to be preserved. Bench Lake represents the last hope of preserving our heritage. It was intentional that the planners zoned this area agriculture.

Howard Wood agreed with all the previous comments. He moved here because it was farm ground.

Jeff Child is here to oppose item 13. He is representing multiple homeowners in the area. They all agree with the Planning Commissioners recommendation to deny this request. Parking is a huge issue. The City should not be providing parking spaces for a recreational resort. He questioned why so many vacation rentals are being put in one spot. The current zoning for this property is for affordable housing. There are also garbage issues because there are no dumpsters. The pool is being drained on a regular basis because of the amount of use.

Renee Johnson is also opposed to item 13. She agreed with Mr. Child's comments. Her concern is the situation they are in will be repeated. It is not typical for a pool to be drained this much. It is not being maintained the way it should be. She has a lot of concerns with expanding the use.

Grant Layton commented all his neighbors hate the chip and seal that has been done in their community of Angel Heights. He passed out samples of what was on the road. It has changed the neighborhood. There is gravel piled up on the sides of the road that gets pushed out. Tires are full of rocks. He hasn't seen this on neighborhood roads. Their road is washboard now and they can't walk on it without shoes.

Sarah Nay works at the Health and Rehab center. She asked the Council to consider the elderly when they are looking at changing the zoning in the Bench Lake area. They love driving the fields and reminiscing.

OLD BUSINESS

1. Consideration and possible approval of a proposed **zone change amendment request on 327 acres from RA-1, residential agriculture one unit per acre, to R1-10, residential one unit per 10,000 square feet. Parcel ID's H-3402 and H-3401-A.** Silver Flats LLC/ Duane Fielding Applicant, Jon Jensen Agent.

Jon Jensen stated this property is currently zoned RA-1. The General Plan shows single family residence. They are requesting R1-10. Their map shows the surrounding approved developments. They received a positive recommendation from the Planning Commission with a split vote. These projects take a long time to start development, typically at least a year after the zone change. There are opportunities to shrink their development and they are open for suggestions. Stephen Nelson pointed out the plan that they are showing tonight is just conceptual. Mr. Jensen mentioned they are following the General Plan and the Transportation Plan. They understand power is a major issue, but they want to be able to discuss options. They are open to having approval subject to the infrastructure problems being worked out. Darin Larson commented it was discussed in the Planning Commission meeting. There are currently more units approved in this area than we can service. Nanette Billings voiced concern about public safety. There is nothing for fire or police in the area. She pointed out they could do one acre lots with no curb and gutter parcels without changing the zone. This would not be congruent with the surrounding property uses and the services are not there. Mr. Jensen commented there is room to accommodate future schools and public safety. They are asking for what is appropriate to the General Plan. Mayor Bramall voiced concerns on the availability of water. Mr. Jensen stated they have resources for water.

Mr. Larson suggested having a work meeting to discuss the options. He mentioned the area is zoned agriculture residential but that is the default zoning. This property has never been agriculture. Joseph Prete disagrees that it is default zoning. It needs to be considered very carefully before it is taken away.

Darin Larson motioned to continue the zone change request. Seconded by Nanette Billings. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

2. Consideration and possible approval on an **amended final plat application for Hurricane Storage Units Partial Amendment A (Lot 4), a 17 lot subdivision located at 130 N Old Highway 91**. Jeff Andrus/Jasco Ind. Park, Ryan Scholes Agent

Brett Beazer came two weeks ago with a different layout. They have rearranged the plat to encompass all the easements. The new drawing meets staff concerns. Arthur LeBaron stated the easements already exist. They used roadways to go over the easements. The northeast corner still has an easement under it. Mr. Beazer mentioned they have discussed donating that corner to the City.

Dave Sanders motioned to approve the amended final plat for Hurricane Storage Units. Seconded by Joseph Prete. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

3. Consideration and possible approval on a **zoning map amendment request located at 122 S 200 W from GC, general commercial, to RM-3, multifamily 15 units per acre**. Parcel H-92-A-1-A-1. Sunnie LLC Applicant, Scott Stratton Agent.

This item doesn't need to be voted on because an ordinance changed and addressed the applicant's concern.

4. Consideration and possible approval for a **preliminary plat, Bench Lake Townhomes, a 172-unit townhome development located on 1100 W and south of 3000 S**. Blue Mountain Property Enterprise LLC, Scott Stratton Agent

Scott Stratton stated they could put 220 units on it, but they are proposing 172. Karl Rasmussen passed out a report to address the sensitive lands. They plan on knocking hills down and use the material for surrounding properties so all the roads will be less than a 5% grade. Scott Stratton pointed out on page PP2 you can see the cut made by Hurricane Ready Mix. Some material will be used to reroute 1100 West. Stephen Nelson clarified the road in Corbin's project to the south will connect. Applicants stated they will work with staff to make sure that happens. They will have about hundred units on the west side and seventy two on the east side of 1100 West. Nanette Billings mentioned a staff comment about requiring a sprinkler system in each unit due to the distance from any fire station. Chief Kuhlman had left the meeting, but the applicant stated they will talk to him. Ms. Billings has concerns about adding these homes on 1100 West with no improvements. Mr. Nelson stated they would be required to do improvements on the frontage of their development. He pointed out they have the legal right to develop at this density. Darin Larson commented time is of essence to do some improvements to the roads. Dave Sanders encouraged staff to give Council direction on what needs to be done so they can get it done as soon as possible. Mr. Stratton stated they put in the storm drain to 1300 South. He has done everything he said he is going to do.

Nanette Billings motioned to approve the preliminary plat Bench Lake Townhomes subject to the JUC comments. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Dave Sanders, and Kevin Tervort voting aye. Joseph Prete voted nay.

5. Consideration and possible approval of a proposed **zone change amendment request located at approx. 160 W and 1200 S, parcel numbers H-L-1-2-B and H-L-1-D-1 to contain a PDO, planned development overlay**. Stormi LLC Applicant, Scott Stratton Agent.

This is currently zoned R1-15. They are asking for a PDO with an underlying of R1-15. He had it approved for 28 lots previously, but he didn't like the layout. PDO zoning allows some flexibility of smaller and bigger lots by clustering areas to accommodate the slopes. It is compatible with surrounding properties. It meets the four requirements when considering a zone change. The flag lot needs to be shown on the preliminary plat when it is brought back. A sensitive land application will have to be done with the preliminary plat.

Nanette Billings motioned to approve the zone change located at approximately 160 W 1200 South based on it is compatible with the General Plan, it is compatible to the surrounding uses, and the services are adequate. Approval is subject to a twenty-six foot easement between lots 9 & 10 for the flag lot. Seconded by Kevin Tervort. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

NEW BUSINESS

1. Consideration and possible approval of the **Active Transportation Master Plan**

Stephen Nelson stated the City was awarded a grant six months ago for the Active Transportation Plan. The group has been working on the plan and held an open house last month. The Planning Commission gave a positive recommendation subject to adding the rural road cross sections and convey the public comments from the open house. Emily with Avenue Consultants went over the process for an active transportation plan. The City needs to look towards the future to prepare for a walk-able and biking community. She went over the timeline and explained the process. They had over 2000 views to the website where residents could take a survey, leave comments, and drop pins on where they feel trails would be most beneficial. The biggest response they got from people is they feel safe walking but not biking. She showed a proposed map showing bike lanes along existing roads and future cross sections. The City should create a transportation committee to make this plan a reality.

Arthur LeBaron explained for the streets that are already developed they are proposing a separate bike path. Every road that is classified as major or minor arterial that isn't built yet shows a path along them. This plan is a framework for development and there are better funding opportunities. They have been seeking multiple funding mechanisms for trails. Hurricane is about 15-20% developed. There is a high demand for these types of shared paths. People are more comfortable biking/walking if they have safer options. Mr. Nelson feels this is the right step for the City. Mr. LeBaron explained the roads showing green on the proposed map will change widths to accommodate a bike path, but the existing roads are the same width as the current standards. There is a chapter in the proposed plan that shows the process and funding. It also lists the grants that are available. Joseph Prete asked what power this plan gives the City if it is approved. Mayor Bramall stated if you don't have a master plan you can't get grants. Mr. Nelson explained it also allows the City to set standards when new development is done. Future developments will have to dedicate a little more right of way and provide trail systems. Mr. Prete voiced concern with mixing old sections of the City with future developments.

Kevin Tervort motioned to approve the Active Transportation Master Plan. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

2. Consideration and possible approval of a **proclamation designating September 17 through 23 as Constitution Week**-Karen Shuman, Daughters of American Revolution

Mayor Bramall read the proclamation into the record. Nanette Billings mentioned an event at the Community Center on the 17th and the public is invited to attend.

Dave Sanders motioned to approve the proclamation designating September 17 through 23 as Constitution Week. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

3. Consideration and possible approval of **local consent for Red Bull Rampage Reception**-Pig's Ear American Bistro

LeAnn Dominguez thanked the Council for granting their liquor license at their restaurant two years ago. Their liquor license doesn't allow standing parties. They have Red Bull Rampage coming that wants the post wrap up party at their facility. They will be inside and outside. They have submitted a barricade plan. They have security in place. She has talked to police and fire.

Joseph Prete motioned to approve local consent for Red Bull Rampage Reception. Seconded by Nanette Billings. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

4. Consideration and possible approval to **donate lot 38 In Falcon Ridge to Habitat for Humanity**

Kayo Skandoras with Habitat for Humanity explained they have been in Washington County for twenty-eight years and have built twenty-five homes. Their homeowners fall between 30-80% of the area's median income. They produce mortgage products at 30% of the owner's income. The home will be funded by grants, donations, and volunteer hours. They are confident they can put a 1600 square foot home on this lot. One of their requirements is the home can't be resold for a profit and the owner must be a Washington County resident for at least a year. The lot was donated to the City because the developer didn't think it would be developable. The owner would be vested after 11 years if they move before that time, then Habitat gets home back to give to someone else that can live there. Kaden DeMille mentioned there have been other surrounding property owners that want to purchase this lot to keep it open space. He supports the Habitat for Humanity but questioned what the Council wants to do. Protect the view, put a park there, or donate it. Fay Reber stated the Council can't dispose of City property without it first being declared as surplus of property. Stephen Nelson mentioned Hurricane is about 750 units short for affordable housing. This home would fill one of those needs, but he feels there are legitimate reasons to consider donating the lot. The two lots to the east were donated to the City as well.

Joseph Prete motioned to continue this item to explore options of declaring this lot as surplus property and if it is significantly more than \$5000 a public hearing would need to be held. Seconded by Nanette

Billings. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

5. Consideration and possible approval to **combine parcels H-3-1-33-3311 and H-3-1-33-33123-**
Jared Higgins

Jared Higgins wants to combine his lots into one. He is trying to get flag lot status and he needs the additional property to meet the flag lot requirements. They have been to the joint utility committee. Darin Larson declared conflict of interest.

Nanette Billings motioned to approve the lot combination. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

6. Consideration and possible **approval of a Resolution appointing Scott Hughes as UAMPS Hurricane Representative**-Dave Imlay

Dave Imlay stated there are a couple of issues that need to be discussed before this is voted on, so he asked for it to be continued until the next meeting. There are no issues with Mr. Imlay staying on the board after he retires.

Joseph Prete motioned to continue the Resolution. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

7. Consideration and possible approval **of a preliminary plat, Dratter Estates**, located at 650 S and 840 W, containing 8 lots. Peter J Dratter Applicant, Colt D Stratton Agent.

Kyson Spendlove stated they are looking at doing RA-0.5 lots. They are proposing an eight lot subdivision. Planning Commission discussed a hammerhead turnaround and they will be addressing that with JUC. There is a tail water concern that they are still working out the details. They will have a system in place to control it when the homes are built. Nanette Billings asked if one of the lots needed to be a detention pond to address the tail water. Arthur LeBaron explained a detention pond wouldn't help with tail water. The developer will have to address it.

Kevin Tervort motioned to approve the preliminary plat for Dratter Estates subject to JUC and staff comments. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

Dave Sanders motioned to go into public hearing. Seconded by Kevin Tervort. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

8. **Public Hearing** to comments on the following:
 - a. **A Sensitive Land application for Copper Rock Estates** located at 1100 West and Copper Rock Parkway containing 30 lots

Robb Reeve stated they have addressed the issues in the sensitive land application.

Dave Sanders motioned to go out of a public hearing. Seconded by Darin Larson. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

9. Consideration and possible approval of a preliminary plat, Copper Rock Estates, located at 1100 W and just north of Copper Rock Parkway, for a 30-lot subdivision and a sensitive lands application for hillside. DAF Development LLC Applicant, Rick Richardson Agent.

Stephen Nelson stated they are at 30 lots. They can't have more than 29 lots without a second access. They will have to stub water and the road to the end of their property. Staff recommends connecting to Copper Rock Parkway as soon as possible. They will have to phase the development. Nanette Billings recommended not using Copper Rock as the name. Robb Reeve stated the owner feels they can name the subdivision whatever he wants but they are discussing it. Mr. Nelson mentioned there are a couple lots that are smaller than what is allowed for sensitive land. They have turned in a plan for grading and walk out basements. Council can make an exception if they feel the standards are met. Arthur LeBaron stated there are two issues: water looping and second access. The standard for water looping states they can't have more than 600 feet or two fire hydrants out if there is a break. Since this project is dependent on someone else developing, it is hard for him to recommend approval until Copper Rock extends the road or they get a right of way. Mayor Bramall added another issue is water pressure. Mr. Reeve stated they want to loop it, but they can't do it until they get access. Mr. LeBaron stated they can't have a cul-de-sac longer than 600' so the first phase could only go to the second cul-de-sac.

Darin Larson motioned to approve the preliminary plat for Copper Rock Estates and sensitive land application being done in 2 phases subject to water looping, fire access, and JUC comments. Seconded by Kevin Tervort. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

10. Consideration and possible approval for a General Plan Map Amendment request located at 3071 S 1100 W on 57.5 acres from Rural Residential to Single Family Residential. Parcel numbers: H-3343-A-4, H-3343-A-1, H-3396-A, H-3396-C, H-3396-D, H-3396-E. Troy Catoor and Diamond Edge Construction LLC and Moses Russ and Judy Applicants. Scott Stratton Agent.

Scott Stratton stated he still needs written approval from Sandy Catoor so he is okay with separating the parcels to only look at the one he owns. Nanette Billings is not in favor of changing the land use. Smaller density will change the use. If the use is changed, it will change other agriculture uses.

Nanette Billings motioned to deny the General Plan Amendment at 3071 S 1100 West based on the Planning Commission's recommendation. Seconded by Joseph Prete. Motion failed with Nanette Billings and Joseph voting aye. Dave Sanders, Kevin Tervort, and Darin Larson voted nay.

Stephen Nelson went over the history of the General Plan application and the Zone Change application on this property. The Zone Change application has been tabled until after the request for the general plan decision was made. This was changed on the General Plan in May. Fay Reber mentioned if this is denied then he can still come back to change the zone to half acre which would be consistent with the General Plan. Darin Larson feels the 3000 S road has been the barrier. He would be in favor of changing 3000 S south but north of that road half acre is more appropriate. Mr. Stratton asked the Council to just consider his property, not the other owner's. Ms. Billings stated if they change one then the next person wants to change theirs because this one was approved. Dave Sanders stated the applicant started this process in January and the General Plan was changed in May. The General Plan recommends

not putting residential next to industrial without a buffer. Mr. Stratton stated there will be a buffer of about three acres.

Joseph Prete motioned to deny the General Plan Amendment at 3071 S 1100 West. Seconded by Nanette Billings. Motion carried with Nanette Billings, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye. Darin Larson voted nay.

- 11. Consideration and possible approval for a Zone Change and preliminary site plan request on 37 acres from RA-1, residential agriculture 1 unit per acre, to R1-8, residential 1 unit per 8,000 square feet, with a PDO, planned development overlay.** Parcel H-3386-B. Louise P Spendlove Applicant. Tyler Meyers Agent.

Tyler Meyers stated they are requesting a Zone Change that is consistent with the General Plan and the surrounding zoning. They are happy to acknowledge that power needs to be provided to the area before a building permit can be issued. They are proposing 78 single family homes and 51 townhomes lots. Planning Commission recommended approval subject to a development agreement being put in place. Mike Vercimak pointed out there is no water to this property either. Mr. Meyers explained they are at least a year away from requesting a building permit. They have a lot of time to work on the required utilities. Nanette Billings stated there are a lot of traffic problems in this area because the roads are not adequate. By changing the zone, they are changing the density. People move here because they don't want to live in St. George. If everything is changed to denser than we won't have the rural. Mr. Meyers mentioned the applicant donated four acres of land for the road with the anticipation they would be approved for this change. Darin Larson stated the proposed zoning matches the surrounding parcels better than one acre zoning.

Nanette Billings motioned to deny the zone change request and preliminary plat based on there are not adequate utilities in the area. Seconded by Joseph Prete. Motion failed with Nanette Billings and Joseph voting aye. Dave Sanders, Kevin Tervort, and Darin Larson voted nay.

Darin Larson motioned to approve the zone change and preliminary site plan with PDO as presented subject to a development agreement that they will not receive a building permit until facilities are to the development. Approval is based on it is compatible with adjacent properties. Seconded by Dave Sanders. Arthur LeBaron pointed out there is a second access issue and a water looping issue that needs to be solved. Stephen Nelson asked for staff comments to be included with the motion. Mr. Larson agreed. The motion failed with Darin Larson and David Sanders voting aye. Joseph Prete, Nanette Billings, and Kevin Tervort voted nay.

Darin Larson motioned to continue the zone change and preliminary site plan for further discussion. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

- 12. Consideration and possible approval for a General Plan Map Amendment request located at approx. 2100 W and 2500 S from agriculture to Rural Residential.** Parcels H-3345 and H-3346. Nielsen, Kristin L TR Applicant, Neil Walter Agent.

Neil Walter commented he supports agriculture. He understands the difficulty of growth. They are requesting a General Plan Amendment on fifty acres that is adjacent to Balance of Nature. The Balance of Nature parcel will be a mixed-use parcel. Today the conflict is how many homes will be in this area. They are only asking for half acres instead of one acre. Nanette Billings stated there is a long history of agriculture use on this property and once it is changed it will never come back. The room is full of people that want to keep it agriculture. Balance of Nature is mixed use. If they approve this it will set a precedent. Mr. Walter pointed out the current zoning isn't for agriculture either. Joseph Prete pointed out Balance of Nature isn't on farmable land. They have a plan to integrate gardens and agriculture type items. Chums came last year for a General Plan Amendment and was denied. He thinks the City is not ready to change this area at this time.

Joseph Prete motioned to deny the General Plan Amendment request based on it is not consistent with the goals and policies of the General Plan and it is not compatible with surrounding uses. Seconded by Nanette Billings. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

- 13. Consideration and possible approval of a proposed zone change amendment request located at approx. 2170 W and 600 N. with parcel numbers H-3-1-33-4401 and H-3-1-33-441 from R1-6, residential one unit per 6,000 square feet, to RR, recreation resort. While parcel number H-3-1-33-4420 is from R1-10, residential one unit per 10,000 square feet, to contain a split zoning of NC, neighborhood commercial, and RR, recreation resort. Zion Village Resort LLC, Jay Rice Applicant, Alpha Engineering, Jared Madsen PE Agent.**

Stephen Nelson stated the applicant has changed his request to be all RR not NC. They want to expand Zion Village Resort zoning. Jay Rice stated they are proposing thirty units. It will be completely different from Zion Village. There will be no shared amenities other than two acres of parking. They promised additional parking to the already approved rentals, so they are trying to accommodate that promise. Planning Commission is currently reviewing the code to address the parking standards. Currently the code only requires two parking spaces per unit. It is treated like multifamily zoning. Nanette Billings stated she would like to see more parking required because of the problems we have seen. Mr. Rice explained the main issue is the big truck and trailers. He is proposing fifty-two parking spaces that are deeper to accommodate trailers. Ms. Billings commented we need commercial areas. We need to have places that people can work and commercial brings a different tax revenue. Mr. Rice pointed out there is commercial just to the south of this development that is expanding. He is not opposed to commercial, but he doesn't know if it can be supported right there. Mr. Nelson mentioned sales tax is collected for short term rentals and if they are not primary residential then the property is taxed at full market value. Mr. Rice there is more demand to have units with private pools rather than a central area for amenities. Kevin Tervort stated they might need to rethink the pools. Recreational use uses three to four times more water than residential use. Mr. Rice stated the pool has been open for three years and it has only been drained twice.

Planning Commission recommended denial based on problems and compatibility with surrounding development. Mr. Rice stated the garbage issue can be solved by getting more cans. He doesn't think anyone wants dumpsters there. Mr. Nelson explained the Planning Commission echoed the public comments from tonight and they didn't want to see it repeated with the property to the north. Mayor Bramall commented it would be good to put the parking lot in and solve the problem so there isn't so

much hesitation for approving more. Mr. Rice explained 500 North had to go in the designated place, so it made the parking lot smaller. Mr. Nelson stated the street parking isn't allowed right now but it is being reviewed. Mr. Rice stated it hurt them to take away the parking on 2170 West. Ms. Billings suggested doing the parking where it is proposed but keep the rest as commercial. Mr. Nelson it was his impression there would be a fee charged to park there. A resident stated they were under the impression there would be overflow parking. She pointed out the HOA only consists of Mr. Rice and his family. She stated there must be more parking.

Dave Sanders commented there is a big elevation change so commercial access would be difficult. He questioned what commercial would be beneficial in that area. A resident commented professional offices would be beneficial. The General Plan shows it as commercial and multifamily. 500 North is needed for Fire Rock. Joseph Prete stated there is a lot of recreational resort zoning already approved in the City. Darin Larson commented if they aren't being used as vacation rental, then they will turn into long term rentals. Ms. Billings asked if Mr. Nelson could research how much commercial is needed. Mr. Nelson stated every residential unit supports around two hundred feet of commercial use and sixty feet of that is retail. Retailers will count how many residents there are before they will open there. He pointed out more work is being done from home.

Nanette Billings motioned to deny the zone change request located at approximately 2170 W 600 North based on more commercial is needed. Seconded by Joseph Prete. Motion carried with Nanette Billings, Joseph Prete, and Dave Sanders voting aye. Kevin Tervort and Darin Larson voted nay.

14. Consideration and possible approval of a proposed zone change amendment request located at **475 N State St from HC, highway commercial, to RR, recreation resort.** Parcel ID's H-286-A-1 and part of H-30252-A. Shamo Christen D and Charo S and Corporation of the Episcopal Church in Utah Applicant. Matt Lowe Agent.

Dusty Wright and Matt Lowe online and Karl Rasmussen and Chris Shamo were present. A lot of the neighbors are opposed to this. Mr. Rasmussen started the discussion by explaining the current zoning is highway commercial. He went over the surrounding uses. Neighboring property owner has concerns with parking and trash. They have added more parking stalls including trailer stalls, and with the way they setback the garages the larger vehicles can park on the driveway. They understand trash can be an issue. They have installed double the number of dumpsters that are required. They will do fencing around the property. They also left access to the property to the south for future connection. They feel like they have addressed concerns for everyone. It is currently zoned highway commercial and with any of the approved uses in that zone, they would have more traffic. He went over traffic for different uses. Chris Shamo commented the property has been in his family for 100 years. He has lived there for over twenty years. He has always been concerned of high traffic with commercial use. He stated the only neighbors are him and the Hepworth's. This will give the Hepworth's access to their property. The other issue is access off 600 North and that is why they needed his property. Dixie Hirschi stated drainage will be a problem. When the storage units were built, they had to install a detention pond. Mr. Shamo commented leaving it commercial won't solve those problems.

Nanette Billings stated there is already a lot of recreational resort zoning, and we need more commercial. Mr. Shamo pointed out all the recreational resort areas are located on the west side of the City. This is the only one on the east side. Stephen Nelson mentioned they could do vacation rentals in

the commercial zone, but they couldn't subdivide it. Recreational Resort has higher standards with parking and amenities. They could also build two hotels on the property, and it would be the same issue. Dave Sanders's concern is the drainage. Dusty Wright pointed out the applicant is only asking for half of the density that is allowed and he is proposing a restaurant. Mr. Larson stated what they want to build is compliant, but they are wanting to make it nicer. They would be sold individually. A lot of the owners will use their property as their second home as well as a vacation rental. Ms. Hirschi stated if this is approved then it is taking away from what commercial is intended for. Dave Hirschi stated the Hepworth's are very against this change. Joseph Prete commented he is puzzled about the opposition when they can have more building at the current zoning. All the same issues would be present. Mr. Shamo commented that change is coming. You have to out way the good and the bad. Matt Lowe stated they did an analysis and they could get more units, but that would have more black top and less grass. They feel this is the best use for the City. There are two accesses but there are some concerns with it's located. It may have to be a right in, right out. There will be a block wall between this project and the Hepworth's property. There will be a lot of landscaped areas. Each lot will have yards and areas around the clubhouse and restaurant. Mr. Larson likes this better because it will be a better layout with amenities. The block wall will be a good buffer. They are thinking of a fast casual restaurant.

Nanette Billings motioned to approve the zone change request located at 475 N State Street based on the following: they are providing amenities, there will be a restaurant, drainage will be addressed, it will be less dense than what they could do, the sewer right away is addressed, and the second access may have to be adjusted. Seconded by Darin Larson. Motion carried with Nanette Billings, Darin Larson, Dave Sanders, and Kevin Tervort voting aye. Joseph Prete voted nay.

15. Discussion regarding abandoning the eastern portion of 300 North-Stephen Nelson

This land has been used by Russ and Jennifer LeBaron and their family for years. Stephen Nelson explained Mr. LeBaron submitted a request for the City to abandon that portion of 300 North and divide the land between the surrounding property owners. The right of way goes to the top of the hill, but it hasn't been used as a road. They are only asking for the road to be abandoned that is beyond any other residents. Today is just a discussion item. If the Councils want to move forward, then it has to be noticed. A legal description of what is being abandoned is needed which is typically paid for by the applicant. A turn around is required if it is more than 150' for fire access so it wouldn't be needed here.

16. Consideration and possible approval to purchase historical markers for National Day of Service on September 11, 2021-Nanette Billings

17.

Historical committee wants to move forward for historical day. They are meeting with Sons of Pioneers to decide what to put on the markers. They are thinking it will be about \$1000 for the markers. \$2000 at the max. Council agreed to take money out of the contingency fund.

Joseph Prete motioned to approve up to \$2000 out of contingency fund for historical markers. Seconded by Kevin Tervort. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

18. Consideration and possible approval of a proclamation designating September 13 through 20 as Ironman Volunteer Week

There will be a meeting tomorrow to decide what all will take place.

Nanette Billings motioned to approve the proclamation. Seconded Kevin Tervort. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

19. Consideration and possible approval of electric golf car lease with DLL Finance LLC, in the amount of \$8,098.48-Kaden DeMille

Kent Abegglen explained they will go from 73 carts to 76. The new lease will be one year longer but at the same price. The old carts have lead acid batteries. The new carts have lithium batteries which require less maintenance. The golf carts are warranted for ten years. The old batteries would also give off gas at night. New ones will be safer.

Kevin Tervort motioned to approve the electric golf car lease with DLL Finance in the amount of \$8,098.48 per month. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

20. Consideration and possible approval of a resolution adjusting building permit rates.

Stephen Nelson explained we are currently evaluating our building permits too low. The building permit cost is based on the valuation of the home. We need to raise the fees to help with the building department. Staff will bring more options to the next meeting. Proposed fees are based on IREC standards. Fees haven't been increased in over ten years.

Joseph Prete motioned to continue the resolution adjusting building permit rates. Seconded by Kevin Tervort. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

21. Mayor and Council reports

Mayor Bramall	Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineering -
Nanette Billings	Parks & Cemetery, Appeals Board, Airport, Historical Preservation, Solid Waste District and Youth Council -
Darin Larson	Planning Commission, Economic Development, Planning Department, Power and Swimming Pool -
Joseph Prete	Court, Water, Recreation, Tree Board and Beautification Committee -
Dave Sanders	Emergency Management, Streets & Drainage, Prosecutor's Office, Code Enforcement and Building and Inspections -
Kevin Tervort	Ash Creek Special Service District, Golf Course, Industrial Park, Mosquito Abatement, Fire District -
Kaden DeMille	City Administration – Reported the rodeo grounds is moving forward on engineering. Pickle ball lights quote came back high. Only one bid was received because everyone is too busy. Council agreed to move forward without waiting for another quote. Tarzan has been going really well. Surrounding theaters are actively recruiting actors. Asked if Council would be okay with Jersey Boys in the Spring and next fall doing The Little Mermaid. Council okay with Jersey Boy if the foul language is left out.
Cindy Beteag	Mentioned the homes owners at Lava Bluff are still worried about the grading the business did to the east of them. The business is not responding to the letters from

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	Planning. Council agreed to put them back on the agenda. Stephen Nelson wants to talk to them first.
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Adjournment: 12:22 AM