

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

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

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

## 10 **AGENDA**

### 11 **4:00 p.m. Discussion regarding 2022-23 budget**

12 Council discussed the upcoming budget.

### 13 **5:00 p.m. Pre-meeting - Discussion of Agenda Items, Department Reports**

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

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

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

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

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

3  
4 Mike Vercimack is staying busy with pre-construction meetings and punch lists. Building  
5 permit requests are decreasing. Half of the building permits are for business or  
6 industrial.

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

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

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

25 **6:00 p.m. - Call to Order –**

26 Mayor Nanette Billings welcomed everyone to the meeting.

27 **Prayer:** Pat McEwen

28 **Historical Thought & Pledge:** Michelle Peterson

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

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

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

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

3  
4 Mayor Billings went over the upcoming events.

5  
6 **OLD BUSINESS**

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

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

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

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

24  
25 Duane Fielding stated that there are only a few parcels zoned this way. The changes  
26 make sense for the area. They would like to have twenty units per acre because it is  
27 important to have the density to support the commercial. They oppose the ban on  
28 renting the work and live units because they should not have to be owner-occupied.

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

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

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

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

5 Doug Heideman motioned to continue Ordinance 2022-12: Seconded by Kevin Thomas.  
6 Motion carried with Dave Sanders, David Hirschi, Kevin Thomas, and Doug Heideman  
7 voting aye. Joseph Prete abstained.  
8

9       **2. Ordinance 2022-08: Consideration and possible approval of a proposed Zone**  
10       **Change Amendment request located at approx. 3150 South 1100 West to**  
11       **contain a PDO, planned development overlay with the currently underlying**  
12       **zone of RM-2, multifamily 10 units per acre.** Parcel numbers H-3394-H, H-  
13       3394-J-1, and H-3394-B-1-B. Blue Mountain Property Enterprises LLC  
14       Applicant. Scott Stratton Agent.

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

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

25       **3. Ordinance 2022-09: Consideration and possible approval of a proposed Zone**  
26       **Change Amendment request located at 284 W 1080 S from RA-1,**  
27       **residential agriculture one unit per acre, to R1-15, residential one unit per**  
28       **15,000 square feet** to allow for a lot split. Parcel number H-3-2-3-2126. Michelle  
29       Stratton Shumway Applicant

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

1 Dough Heideman motioned to approve the zone change amendment request located at  
2 284 W 1080 S. Seconded by Kevin Thomas. Motion carried with Dave Sanders, David  
3 Hirschi, Kevin Thomas, and Doug Heideman voting aye. Joseph Prete abstained.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 Brent Moser requested to continue this item.

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

19  
20 **NEW BUSINESS**

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

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

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

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

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

35

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

4  
5 Mayor Billings returned at 7:30 p.m.

6 **3. Public Hearing to take comments on the following:**

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

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

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

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

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

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

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

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

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

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

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

13 **5.** Public Hearing to take comments on the following:

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

16 No comments.

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

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

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

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

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

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

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

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

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

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

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

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

27 Mr. Ross stated that the bid is for the preliminary excavation and grading of the site. It  
28 also includes access to a service road along the remainder of 1300 south. Two bids  
29 were received. Interstate Rock's proposal is \$1.1 million. Ash Excavating's proposal is  
30 \$533,989. Pro Value Engineering reviewed the project to ensure everything is complete.  
31 The Power Department's recommendation is to award the bid to Ash Excavating.  
32 Councilman Prete is concerned with the drastic price difference in the bids. He wants to  
33 make sure the bid from Ash Excavating includes everything. Mr. Rasmussen is unsure  
34 why the Interstate Rock bid is higher. Ash Excavating is a credible company. Mr. Nelson  
35 reported that they plan to do offsite grading to bring in material. He feels comfortable  
36 with the Council giving JUC the ability to sign off on that in the construction drawings.

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

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

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

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

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

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

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

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

31 Joseph Prete motioned to approve the zone change amendment request on a portion of  
32 5584 West 720 South. Seconded by Davide Hirschi. Motion carried with Dave Sanders,  
33 Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

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

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

4           Public comments in packet and email.

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

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

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

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

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

30  
31          Sicily Steffon does not live right by the property, but the traffic will affect her family. They  
32          would not have purchased their home if they knew the master plan allowed commercial.  
33          The small-town charm is disappearing everywhere.

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

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

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

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

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

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

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

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

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

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

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

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

25 David Hirschi motioned to deny the zone change amendment request located at approx.  
26 465 North 2800 West based on it is not consistent with the City's General Plan and  
27 goals. No second. Motion fails.

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

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

34 **14. Consideration and possible approval of a preliminary plat for Desert Bloom, a**  
35 **576 lot subdivision, located at 600 S and 3500 W.** DR Horton (Don Beam)  
36 Applicant. Adam Allen Agent

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 **Adjournment: 11:32 p.m.**