

Minutes of the Hurricane City Council meeting held on December 2, 2021, in the Council Chambers at 147 North 870 West, Hurricane, Utah, at 3:30 p.m.

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

**Also Present:** City Attorney Fay Reber, Police Chief Lynn Excell, Power Superintendent Scott Hughes, Public Works Director Mike Vercimack, Planning Director Stephen Nelson, Street Superintendent Weston Walker, Recreation Director Kole Staheli, City Engineer Arthur LeBaron, GIS Specialist Joe Rhodes, City Recorder Cindy Beteag, and Fire Chief Tom Kuhlman.

## **AGENDA**

**3:30 p.m.** Work Meeting to discuss the proposed Public Infrastructure District Sand Hollow Mesa and Bench Lake

Karl Rasmussen presented a map displaying the boundaries and estimates for each project. Brennan Brown explained that the Bench Lake PID is a way to finance water and power. He commented they met with the City a few months ago to discuss the problem of inadequate infrastructure. They feel that approving the PID will help solve the problem.

Nanette Billings stated her concern is the end cost for the consumer. Marcus Keller explained that the PID is a financing mechanism. Hurricane City can use its water revenue bonds to finance these projects; however, there are other ways to finance the projects such as limited tax obligation bonds, special assessments, or fees. Mr. Keller explained the key difference between each financing tool. There are advantages and disadvantages to each. Mr. Brown stated it will be a small tax because it covers a large area. Doing it this way, he thinks growth will pay for itself. Mayor Bramall declared a conflict of interest. He voiced concern of the taxes it would put on people that would only increase over the years.

Randy Larson explained that it is essential to weigh all facts to ensure that this benefits everyone. Long-term property tax is not the only way to repay the bond. A PID will separate the burden from the City. The group discussed connecting roads and master planning ahead of the growth.

Mr. Keller noted that this is an economic development tool for the City. This will help the City develop the master plan. He explained that master-planned communities give the most value to the City. Matt Ence stated the governing documents will define all the details.

Councilman Prete feels it is important to be cautious when raising taxes. He is genuinely concerned about the residents and community. The community wants measured growth, and a PID escalates growth. The City needs the infrastructure but not rapid growth.

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

Chief Excell reported that there are two recruits in the Police Academy in Salt Lake. Sunny Ulrich started in November and is currently working in the office until she graduates. Shop with a Cop is on December 11<sup>th</sup>. The Water Department generator should be shipped from Caterpillar on December 13<sup>th</sup>.

Kole Staheli reported that the Fall sports leagues and programs are ending. He expressed gratitude for the staff's hard work. The concerts at the fine arts museum will continue throughout the month.

Weston Walker reported that chip sealing will start soon on the designated roads.

Ken Richins reported that the department is working to acquire property for a well and water tank site south of Sky Ranch. He commented that Mayor Bramall has been instrumental in obtaining easements for two water tanks from the Bureau of Land Management.

Tom Kuhlman reported that the new Deputy Chief started this week. Four new firefighters and EMTs are in training and will hopefully be ready to go into the field next week.

**6:00 p.m. - Call to Order –**

**Pledge:** Kelby Iverson

**Prayer:** Sharon Shores

Approval of Minutes: August 5, 2021

Joseph Prete motioned to approve the minutes of the regular City Council meeting on August 5, 2021. Seconded by Nanette Billings. Darin Larson, Joseph Prete, Dave Sanders, Kevin Tervort, and Nanette Billings, voting aye. Motion carried unanimously.

**OLD BUSINESS**

1. Consideration and possible approval of a **preliminary plat for Red Cliff Preliminary Plat, a 31 lot duplex development, located at 2170 W 600 N**. Jay Rice - Red Cliff Development Applicant. Jared Madsen - Alpha Engineering Agent.

Jared Madsen explained that the zone change has been approved and nothing has changed on the preliminary plat. Stephen Nelson stated that secondary access needs to be secured for before they build out. Mr. Madsen noted that access through Firerock will be provided in phase

one. Councilman Prete asked if the picnic areas and pathways have been provided. Mr. Madsen explained that the landscape designer is still designing. Mr. Nelson will make sure it is on the construction drawings.

Joseph Prete motioned to approve the preliminary plat for Red Cliff Preliminary Plat, a 31 lot duplex development, located at 2170 W 600 N. Seconded by Dave Sanders. Darin Larson, Joseph Prete, Dave Sanders, Kevin Tervort, and Nanette Billings, voting aye. Motion carried **unanimously**.

- 2. 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 explained that the previous main concern was capacity. He stated the development agreement states that no development can start without adequate capacity. Stephen Nelson reported that approval should be subject to a development agreement. He explained that the application is asking for straight R1-10 zoning. Councilman Prete reiterated his previous concerns. He does not feel that the development agreement is enough protection for the City. The zoning should not be changed until the infrastructure can support it. Mr. Nelson reported that the in this area is four units per acre. Under the current zoning, the applicant could have two hundred and sixty-one units. The new zoning would be about eight hundred units. Mr. Jensen feels this matches the master plan and the surrounding properties. Councilwoman Billings agrees that this follows the master plan. She feels that the development agreement addressed the infrastructure concerns. Mr. Jensen stated that the applicant is interested in joining the PID discussed during the work meeting.

Darin Larson motioned to approve the 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. Subject to a development agreement noting that infrastructure is unavailable, and permits will not be issued until infrastructure is in place. Approval is based on it is consistent with the general plan, matches surrounding properties, and it will not negatively affect surrounding properties. Seconded by Kevin Tervort. Darin Larson, Dave Sanders, Kevin Tervort, and Nanette Billings, voting aye. Joseph Prete voting nay. Motion **carried**.

### **Public Forum – Comments From Public**

Deborah Serrano lives in Peregrine Pointe. She referred back to the September 2<sup>nd</sup> meeting when the City Council advised the builder that they wanted single-family homes on the property. The builder returned with a multifamily plan and a density bonus. The surrounding communities are all single-family developments. She is concerned about the increase in traffic,

street parking, crime, and decrease in home value. The surrounding owners ask the City Council to deny the zone change.

Clelen Tanner is speaking to item 6. When he bought his house, he was assured that the property was single-family zoning. He feels it is important to stick to the General Plan. The developer bought this property knowing what the zoning is. He is opposed to the change.

Margaret Sabey agrees that the applicant knew the property's zoning when they purchased the property. The City Council voted no in September and gave the applicant options to go to the Planning Commission with a single-family design. That is not what they are proposing. The builder didn't do his part, and they are asking for a 20% increase.

Chris Anderson lives within two hundred and fifty feet of the property, and she is disappointed because she did not receive a letter for the public hearing. Ms. Anderson is extremely disappointed with the Planning Commission. Why go through all that work to update the General Plan and then ignore it? The community is not asking the Council to deny the developer the right to build. They are asking the Council to adhere to the zoning of the property.

Pam Webster is not confident that her voice and feelings hold weight.

Lee Beatty has lived on 300 North for seventy-three years. The Planning Commission and City Council denied this. Paul Farthing should not have voted at the Planning Commission meeting because he previously owned the property. Mr. Beatty cited the General Plan. The goals are to protect the farmland and ensure that new development will not burden existing residents. The zoning was put in place to protect existing neighborhoods. He encourages the Council to deny the zone change.

Brad Tanner agrees that the developer knew the property was single-family when they bought it. He echoes the previous comments and asks the City Council to deny the zone change.

Dan Tuttle didn't know about this when he purchased his home. He is saddened by how easy it is for a developer to build high-density projects in Hurricane City. This is pitting neighbor against neighbor, and they will fight the City if this is approved.

Sharon Shores was instrumental in obtaining the signatures opposing this. She listened to recordings from the September meeting. It was said that the Council needs to slow down the growth to catch up. A change in the General Plan should be rare, not every meeting. This is not compatible with the General Plan, it is not harmonious with the surrounding area, and it affects the neighbors.

## **NEW BUSINESS**

1. Consideration and possible approval of **waiving the impact fees for Washington County**

Commissioner Victor Iverson explained that this 12,000 sq foot building will be a receiving area. This is a resource for the law enforcement community. Currently, if a citizen is in a mental crisis or any other type of crisis, law enforcement can only charge the citizen with a crime and take them to jail or the hospital. The center allows law enforcement to offer an alternative option. Southwest Public Health will manage this center. Law Agencies see this as a valuable tool. Commissioner Iverson is requesting for the impact fees to be waived. Councilwoman Billings feels this is a great opportunity to help people.

Kevin Tervort motioned to approve waiving the impact fees and building permit fee for Washington County for this facility. Seconded by Dave Sanders. Darin Larson, Joseph Prete, Dave Sanders, Kevin Tervort, and Nanette Billings, voting aye. Motion carried **unanimously**.

2. Consideration and possible approval of the **revocation of the business license for Big Nail Construction** - Cindy Beteag

Cindy Beteag reported that the owner has not secured the necessary DOPL license.

Nanette Billings motioned to approve the revocation of the business license for Big Nail Construction. Seconded by Kevin Tervort. Darin Larson, Joseph Prete, Dave Sanders, Kevin Tervort, and Nanette Billings, voting aye. Motion carried **unanimously**.

3. Consideration and possible approval **to swap land and purchase additional acreage for a substation** - Scott Hughes

Scott Hughes reported that the property owned by the Power Department is not adequately sized to support a substation. The department worked with the property owner to swap land and purchase the additional acreage. The access road will be on 1300 South. This substation will help support development to the south and the main portion of town.

Dave Sanders motioned to approve the swap of land and purchase of additional acreage for a substation in the amount of \$150,000. Seconded by Darin Larson. Joseph Prete, Darin Larson, Dave Sanders, Kevin Tervort, and Nanette Billings, voting aye. Motion carried **unanimously**.

4. Consideration and possible approval of a proposed **zone change amendment request located at 367 West 300 North from R1-10, residential one unit per 10,000 square feet, to RM-2, multifamily 10 units per acre**, to add to the existing Silver Leaf Townhome development Parcel number H-334-14-A-1. Isom Clinton Floyd and Lillian Jones Family LLC Applicant, Rick Bennion Agent.

Karl Rasmussen presented a video explaining the project. The bottom road connects to 200 North and there is also connectivity to 300 North. The proposed townhomes are 2,000 square feet per side. The City Council denied this last year. He explained that the property owner could not sell the property so they approached the applicant again. They feel it fits with this property and meets the four requirements for a zone change.

Stephen Nelson reported that improvements need to be made to the property's frontage, and the City also requires improvements on the asphalt. Councilwoman Billings explained that residents would not be resistant to the development if it was single-family homes. This zone change will double the units. Councilman Larson reported that the Planning Commission recommended approval with a split vote. They felt it fits with the current infrastructure. Mayor Bramall is concerned because increased density requires enhancing utilities.

Nanette Billings motioned to deny the zone change amendment request located at 367 West 300 North from R1-10, residential one unit per 10,000 square feet, to RM-2, multifamily 10 units per acre, to add to the existing Silver Leaf Townhome development Parcel number H-334-14-A-1 based on it is not consistent with the master plan, it is not harmonious, and it negatively affects the neighboring property owners. Seconded by Joseph Prete. Dave Sanders, Nanette Billings, and Joseph Prete, voting aye. Darin Larson and Kevin Tervort voting nay. Motion **carried**.

**5. Consideration and possible approval of the Memorandum of Understanding with SUU**

Mike Green explained that there are still questions and items to discuss. He reported that SUU has rejected the thirty-minute time limit and the one-hour time limit. Councilwoman Billings reported that the Airport Board has suggested defining a specific time of day flight period. She suggested incorporating a reminder that no run-on landing is allowed per the airport guidelines and rules. Councilman Prete feels the MOU is uninspiring but shows some willingness.

Joseph Prete motioned to approve the Memorandum of Understanding with SUU. Seconded by Nanette Billings. Darin Larson, Joseph Prete, Dave Sanders, Kevin Tervort, and Nanette Billings, voting aye. Motion carried **unanimously**.

**6. Consideration and possible approval of a proposed zone change request located at 600 North and 2800 West to contain a PDO, planned development overlay, with an underlying zone of R1-8, residential one unit per 8,000 square feet. Parcel Numbers: H-3-1-31-1106, H-3-1-31-1107, H-3-1-31-1108 DAF Development LLC Applicant.**

Rick Richardson with Richardson Brothers Custom Homes explained that he has lived in Southern Utah and developed here for thirty years. They have the community's best interest at heart. Mr. Richardson thanked the City Council for their suggestions. This presented plan is a fresh design. The density matches all surrounding properties. Councilwoman Billings explained

that the residents want single-family in this area. Mr. Richardson reported this type of design has already been approved in the area. These are attached single-family homes. The homes are not short terms rentals. They are individually owned. Councilman Larson reported that the Planning Commission recommended approval. He asked what type of commercial will be on the portion of the property that was split by the roadway alignment. Mr. Richardson commented neighborhood commercial makes the most sense. The density is the same as Peregrine Pointe, but the PDO allows them to cluster the homes. He sees this as enhancing the area. He thinks the community will be happy with this product.

Stephen Nelson explained that amenities must be provided to qualify for a density bonus. The applicant is providing a pool, pool house, and pickleball courts. Mr. Nelson also noted that a wall along 600 North and 2800 West is required. Councilman Larson favors this because it is surrounded by arterial roads. It is a good place for townhomes, and the density is the same as the surrounding areas. Mr. Richardson noted that this matches the zoning and surrounding properties.

Darin Larson motioned to approve the zone change request located at 600 North and 2800 West to contain a PDO based on it is consistent with the master plan, supports our policies, fits the overall character, and does not have a detrimental effect on neighbors. Seconded by Kevin Tervort. Darin Larson, Dave Sanders, and Kevin Tervort, voting aye. Nanette Billings and Joseph Prete, voting nay. Motion **carried**.

7. Consideration and possible approval of a proposed **zone change request located at 1117 W 600 N from R1-10, residential one unit per 10,000 square feet, to RM-2, multifamily 10 units per acre on the north end, R1-6, residential one unit per 6,000 square feet on the south end, and open space in the middle all to contain a PDO, planned development overlay.** GVS Holdings LLC, Applicant. Dwain Schallenberger, Agent.

The Planning Commission recommended that the south side remains R1-10. The applicant agrees to stay R1-10 on the lower section. The General Plan does match their proposal. The applicant has met with Valley Academy, and they preliminary approved extending the road. They are coordinating the road on the west with the power department.

Kevin Tervort motioned to approve the zone change request located at 1117 W 600 N from R1-10, residential one unit per 10,000 square feet, to RM-2, multifamily 10 units per acre on the north end, R1-6, residential one unit per 6,000 square feet on the south end, and open space in the middle all to contain a PDO subject to the south portion remaining R1-10 and staff and JUC comments. Seconded by Dave Sanders. Joseph Prete, Kevin Tervort, Darin Larson, and Dave Sanders, voting aye. Nanette Billings voting nay. Motion **carried**.

8. Consideration and possible approval of a **preliminary plat for Pecan Valley Estates**, containing 43 lots, located at approx. 5140 W and future Dixie Springs Drive. Chris Wyler Applicant, Civil Science Agent

Stephen Nelson reported that the Planning Commission recommended approval. The applicant worked with Desert Sands to realign the roadway.

Nanette Billings motioned to approve the preliminary plat for Pecan Valley Estates based on staff comments and the alignment of the road. Seconded by Kevin Tervort. Joseph Prete, Kevin Tervort, Darin Larson, Nanette Billings, and Dave Sanders, voting aye. Motion carried **unanimously**.

9. **Public Hearing** to take comments on the following.

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

- A. Sensitive Land application for Cliff Shadow Phase 2 located at 1200 South and Angell Heights Drive.

No comments

- B. A Sensitive Land application for Mountain View Estates located at 1300 West and 650 South

No comments

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

10. Consideration and possible approval on a **preliminary plat and sensitive lands application, for Cliff Shadow Phase 2** located at the north end of Angell Heights Drive. Todd Trane Applicant.

Stephen Nelson reported that the applicant has changed the preliminary plat showing the roadway through the back lot with and the cul de sac will be at the bottom of the hill. The cul de sac is on Eden's property. If they disagree, they will come back with a different plan.



Nanette Billings motioned to approve the preliminary plat and sensitive lands application, for Cliff Shadow Phase 2. Seconded by Dave Sanders. Joseph Prete, Kevin Tervort, Darin Larson, Nanette Billings, and Dave Sanders, voting aye. Motion carried **unanimously**.

- 11. Consideration and possible approval of a preliminary plat and sensitive lands application for Mountain View Estates**, a 35 lot subdivision, located at 1300 W 650 S. Virginia Ashton Trust Applicant. Craig Engel RAC Inc Agent.

Craig Engel noted that the project is thirty-two lots due to the sixty-foot strip on 650 South. Stephen Nelson reported that there are concerns regarding the roadways. The applicant sent a letter in the packet declaring they are willing to comply with the master plan roadway and widen their road. Approval should be subject to roadway alignment. Mr. Engel reported that the applicant is working with Chris to loop water and develop secondary access. Mr. Nelson noted that the applicant cannot fully develop this project until Chris's project is completed.

Nanette Billings motioned to approve the preliminary plat and sensitive land application for Mountain View Estates a 32 lots subdivision subject to Staff and JUC comments. Councilman Larson noted that the road on 650 South is in dire need of improvement, and he feels this road should be moved up to the top of the list of roadways that the City needs to address. Seconded by Dave Sanders. Joseph Prete, Kevin Tervort, Darin Larson, Nanette Billings, and Dave Sanders, voting aye. Motion carried **unanimously**.

- 12. Consideration and possible approval of an amended final plat for Stonebrook Townsquare**, located at 1350 W and State Street. Comida Rapida LLC Applicants. Steve Kemp Agent.

Stephen Nelson reported that the applicant submitted the amendment note and all the concerns have been addressed.

Nanette Billings motioned to approve the amended final plat for Stonebrook Townsquare. Seconded by Darin Larson. Joseph Prete, Kevin Tervort, Darin Larson, Nanette Billings, and Dave Sanders, voting aye. Motion carried **unanimously**.

- 13. Consideration and possible approval of a preliminary plat for Crocker Enterprises**, a 9-lot industrial subdivision located at approx. on Old Hwy 91 and 492 N. Crocker Enterprises Applicant. Brady Shakespear Agent.

The applicant has provided waterline access as well as a roadway. The main road was updated to a public roadway. The Water Department has requested a public roadway to access the water tank. The Planning Commission recommended not requiring access from the north or a public right of way to the south, but the City Council disagreed. It needs to be a public right of way. Stephen Nelson will take this back to JUC to get their recommendation.

Kevin Tervort motioned to approve the preliminary plat for Crocker Enterprises with a provision there is a 41-foot dedicated roadway over the waterline, and the access point to STLA needs to remain. Seconded by Dave Sanders. Joseph Prete, Kevin Tervort, Darin Larson, Nanette Billings, and Dave Sanders, voting aye. Motion carried **unanimously**.

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 – Nate was sworn in as Sheriff. The Solid Waste District is considering increasing the residential fee to fifty cents.
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 -

Stephen Nelson reported that the City Council thank you dinner is on the 13<sup>th</sup>. The Moderate-Income Housing report was submitted.

Adjournment: 9:53 p.m.