



HURRICANE CITY UTAH

Mayor

City Manager

Nanette Billings Kaden DeMille

City Council

*David Hirschi
Kevin Thomas
Clark Fawcett
Drew Ellerman
Joseph Prete*

Hurricane City Council Meeting Agenda

September 19, 2024

3:30 PM

City Council Chambers 147 N 870 W, Hurricane

Notice is hereby given that the City Council will hold a Regular Meeting in the City Council Chambers 147 N 870 W, Hurricane, UT. [Meeting Link on Webex](#) Meeting number: 2630 456 5376 Meeting password: HCcouncil Join from a video or application Dial 26304565376@cityofhurricane.webex.com. You can also dial 173.243.2.68 and enter your meeting number. Join by phone +1-415-655-0001 US Toll Access code:26304565376. A silent roll call will be taken, followed by the Pledge of Allegiance and prayer by invitation. **THOSE WISHING TO SPEAK DURING PUBLIC FORUM MUST SIGN IN WITH THE RECORDER BY 6:00 P.M.**

3:30 p.m. Joint Work Meeting with the Planning Commission

1. Agenda Summary

5:00 p.m. Pre-meeting

6:00 p.m. - Call to Order

Prayer

Thought

Pledge of Allegiance

Declaration of any conflicts of interest

Minutes of the Regular City Council Meeting for August 15, 2024, and special meetings August 22, 2024, and August 23, 2024

Presentation on the proposed Applebee's restaurant

Public Forum – Comments from Public

Please Note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda, public comments will be limited to 3 minutes per person per item. A spokesperson representing a group to summarize their concerns will be allowed 5 minutes to speak. Repetitious commentary will not be allowed. If you need additional time, please request agenda time with Cindy Beteag in writing before 5:00 p.m. the Wednesday one week before the Council meeting.

OLD BUSINESS

1. Consideration and possible approval of **Ordinance 2024-07 amending Title 10, Chapters 11, 13, and 50** to add a new zoning classification R1-4, residential one unit per 4,000 square feet. Hurricane City, Applicant

2. Consideration and possible approval of an **amended water savings agreement** for the proposed irrigation expansion project. -Dayton Hall
3. Consideration and possible approval of a **bid to construct phase 1 of the City's irrigation expansion project** - Ken Richins
4. Consideration and possible approval of a **bid to construct the irrigation pond, filters, and booster station** for the irrigation expansion project - Ken Richins
5. Discussion regarding public infrastructure and possible approval to move forward with a **power line extension** to the area south of Sky Ranch - Mike Vercimak and Scott Hughes

NEW BUSINESS

1. Consideration and possible approval of a proclamation **joining Washington County Youth Coalition (WCYC) in a 2024-2025 Alcohol-Free School Year** for Youth - WCYC Coalition
2. Discussion and possible approval of a **Power Line Extension request** for Hurricane Cliffs. -Todd Getz
3. Discussion and possible approval of a **Power Line Extension request** for Strawberry Fields. -Kyson Spendlove
4. Consideration and possible approval of an **Asset Purchase Agreement with Rocky Mountain Power** to purchase power line infrastructure and associated easement extending east from Angell Heights over the Hurricane Hill. -Scott Hughes
5. Discussion and possible approval of a **power connection fee update**. -Scott Hughes
6. Mayor, Council, and staff reports
7. Closed Meeting held pursuant to Utah Code section 52-4-205, upon request

Adjournment

I hereby certify that the above notice was posted to the city website, (www.cityofhurricane.com) posted to the state public notice website, and at the following locations:

1. City office – 147 North 870 West, Hurricane, UT
2. The Post Office – 1075 West 100 North, Hurricane, UT
3. The library – 36 South 300 West, Hurricane, UT

_____ for the City Recorder

Agenda Summary for Hurricane City Council September 19, 2024

3:30 p.m. Joint Work Meeting with the Planning Commission to discuss the Master General Plan

5:00 p.m. Pre-Meeting

6:00 p.m. Call to Order

Minutes of the Regular City Meeting for August 15, 2024, and special meetings August 22, 2024, and August 23, 2024

Presentation on the proposed Applebee's restaurant

Old Business

1. Summary for the September 19, 2024, meeting:

The City Council directed staff to amend the City's land use ordinance for the purpose of creating an R1-4 single-family residential zoning classification. The intent of the proposed R1-4 zone is to facilitate the development of smaller, more affordable housing in the City by allowing single-family development on smaller lots with reduced development standards. If adopted, this zoning designation would only be available through a formal zone-change request and by approval of the City Council. On May 2, 2024, and June 6, 2024, staff brought a proposed concept for the R1-4 zone before the City Council for consideration. Based on discussions at those meetings, the item was continued to further refine the R1-4 concept. Also, previous comments from the Public Works, Power, and Engineering departments expressed concerns about the 15-foot front setback that was proposed initially, due to the potential for conflicts with the provision of utilities and parking. The comments were carefully considered, and the proposed setbacks have been revised to address those concerns. Some of the key elements of the proposed zoning classification are listed below:

- 4,000-square-foot average lot area (3,900-square-foot minimum).
- 6,000-square-foot maximum lot area.
- 50-foot minimum lot width.
- 1,500-square-foot maximum footprint.
- 12-acre maximum development area.
- ADUs, accessory buildings, and Air B&Bs will not be permitted.
- Reduced setback standards:
 - Front Yard – 25 feet
 - Rear Yard – 10 feet
 - Side Yard – 5 feet and 10 feet
 - Street Side Yard – 15 feet

The proposed R1-4 zoning classification will require updates to portions of Chapters 11, 13, and 50 of Title 10 of the Hurricane City Code. Staff recommends approval. Gary Cupp

2. At the special City Council meeting held on October 23, 2024, the Council approved a water savings contract to satisfy the NRCS's requirements for the irrigation water efficiency project. The Washington County Conservancy District and the Hurricane Canal Company also approved and signed the agreement. The Nature Conservancy and the U.S. Fish and Wildlife declined to approve the contract, and NRCS will not commit to reimbursing the project's costs without The Nature Conservancy's approval. Another meeting was held by the parties on September 12, 2024, and an agreement appears to still be possible. The City is waiting for an alternative proposal from The Nature Conservancy. This item is being placed on the agenda as a placeholder in the event that an acceptable contract is available before the Council's meeting on September 19, 2024.
-Dayton Hall
3. On June 27th, 2024, the Water Department held a bid opening for the phase 1 irrigation project. Five qualified contractors placed bids. The winning bid was Interstate Rock Products for \$7,859,191.00. Bowen and Collins Engineering the engineers over this project recommend to the City Council to award the project to Interstate Rock. The Water Board discussed this on July 30, 2024, and there was a consensus that the bid be awarded to the low bidder Interstate Rock. -Ken Richins
As discussed in the past several Council meetings, NRCS has not yet to refund the City for project costs, but there is a possibility that the commitment will be made before the Council's September 19th meeting. It is recommended that the bid not be awarded until there is a confirmation of funds. -Dayton Hall
4. On July 16, 2024, the Water Department held a bid opening for the irrigation ponds, filter and pump station. The winning bid was Interstate Rock for \$7,960,938.50. Alpha Engineering the engineer for this project recommend to the city council to award the project to Interstate Rock. The water board discussed this on July 30, 2024, and there was a consensus that the bid be awarded to the low bidder Interstate Rock. - Ken Richins
As discussed in the past several Council meetings, NRCS has not yet committed to refund the City for project costs, but there is a possibility that the commitment will be made before the Council's September 19th meeting. It is recommended that the bid not be awarded until there is a confirmation of funds. -Dayton Hall
5. September 19, 2024 Summary:
This item was continued from the last meeting. One of the applicants for this line extension was not present at the meeting and had requested the item be continued. Also, there were discussions regarding the details of the proposed power line extension, other needed infrastructure, and the status of the well currently being drilled to possibly support development in the area.

New Business

1. The WCYC is a coalition for volunteer high school students who will spend the school year providing evidence-based strategies to prevent substance use among Washington County youth. Activities include providing refusal skill assemblies to local schools, providing support and education to the community during community events and even talking to legislators about policies that protect Washington County youth. They are asking for the City's support by signing this Alcohol-Free student Proclamation - Cindy Beteag
2. The Power Board recommended that the City Council give preliminary approval of this proposed extension for the power department to proceed with working in partnership with the developers to determine all of the designs, details, and responsibilities of the developers to accomplish the necessary improvements and upgrades to deliver these extensions. Once the details are determined, the applications would be returned to the City Council for a final approval to proceed with the projects. - Scott Hughes
There is capacity at Three Falls Substation. However, improvements to existing infrastructure would need to be made, additional easements will need to be acquired, and development would need to participate with other developers to build a new distribution circuit. - Brian Anderson
3. The Power Board recommended that the City Council give preliminary approval of this proposed extension for the power department to proceed with working in partnership with the developers to determine all of the designs, details, and responsibilities of the developers to accomplish the necessary improvements and upgrades to deliver these extensions. Once the details are determined, the applications would be returned to the City Council for a final approval to proceed with the projects. The developer will pay for its share of upgrading the existing single phase overhead line to a three phase line. The line will also need to be extended for several hundred feet. The capacity for this subdivision will primarily be available from the Clifton Wilson Substation. - Scott Hughes
4. The proposed contract is for the purchase of Rocky Mountain Power's powerline and associated easement that goes east out of Angell Heights over the Hurricane Hill and ends on the west side of the Three Points Center (the old Branham's Ranch). The primary purpose of the purchase would be to secure an easement across BLM land for future development, but the purchase also includes the existing poles and wires. This line could be connected to power lines that go up the Hurricane Hill near Highway 59 to create a loop. The purchase price in the proposed contract is \$17,794. The Power Board recommended unanimously to approve the contract. -Dayton Hall
5. The agenda proposes revising the power department's connection fee schedule to match the City's actual costs. The connection fee for single phase residential homes has always included the price of either the cl200 meter or the cl320 meter because they

have always been within a few dollars of each other. Recently the Power Department was informed that the price of the cl320 meter has drastically increased. For that reason, we are proposing that we separate the two meters into different connection fees in order to cover the cost of the cl320 meters. The power board recommended that the proposed revision be adopted. - Scott Hughes

6. Mayor, Council, and staff reports.
7. Closed Meeting.

Minutes of the Hurricane City Council meeting held on August 15, 2024, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 5 p.m.

Members Present: Mayor Nanette Billings and **Council Members:** David Hirschi, Kevin Thomas, Clark Fawcett, Drew Ellerman, and Joseph Prete.

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Power Superintendent Scott Hughes, Public Works Director Mike Vercimak, City Planner Gary Cupp, Planning Assistant Fred Resch III, Street Superintendent Weston Walker, Recreation Director Tiffani Wright, Building Official Larry Palmer, Water Superintendent Ken Richins, Parks Superintendent Darren Barney, HR Director Sel Lovell, and City Recorder Cindy Beteag.

AGENDA

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

Nick Wright with the Fire District reported that they had 571 service calls in July. He gave detailed numbers for each station. The month saw a high volume of firework-related calls, resulting in one citation. The Kolob Terrace fire, which burned over 600 acres, is now under control, though some smoke may still be visible.

Ken Richins mentioned that the Sky Ranch Well has reached 790 feet and will hit 800 feet today, allowing for water samples to be taken soon. He also noted that the Water Department has experienced numerous breaks, with crews performing excellently. Drew Ellerman added that recent earthquakes have contributed to the water line breaks.

Larry Palmer stated that since the last meeting, 23 single-family home permits, 5 industrial permits, and 10 townhome permits have been issued. Comparing year-to-date figures, 404 permits were issued by the end of June 2023, while 412 permits have been issued by the same time in 2024. Although the number of home permits is lower this year, valuations are higher.

Darren Barney reported that the Veterans Memorial Park is progressing well and expressed gratitude to Mayor Billings for leading the project. Mayor Billings requested assistance with masonry work and encouraged anyone who can help to contact her. She acknowledged Dennett Construction for their contributions to the earthwork and reviewed the various donations and volunteer efforts supporting the project. Mr. Barney highlighted how remarkable it is to see the project come together through volunteer work, mentioning that the engineering services were also donated. Additionally, crews have begun moving bleachers to the new rodeo grounds, with concrete pouring starting yesterday. The team is extremely busy preparing for Peach Days.

Scott Hughes stated that the Peach Days banners are now up, and the power crews are preparing for the event. He noted that the generators are starting to slow down, requiring some maintenance and repairs this year. Additionally, there were a few outages due to the heat. He also mentioned that the UAMPS conference is scheduled for next week.

39 Tiffani Wright reported that the hoops are scheduled to be installed on Monday, with flooring
40 installation set for the Tuesday after Labor Day. Some of the flooring was damaged in the
41 flooding, but the extent of the damage won't be known until the pallet is unloaded. They are
42 aiming for a grand opening in September. She also mentioned that the pool is now closed for
43 the summer, only operating on weekends. A new boiler has been ordered for the pool and
44 should arrive before the cold weather sets in. The *Beauty and the Beast* production is going and
45 doing well, and fall programs began this week. Their department remains very busy.

46 Sel Lovell stated that the wage study is nearly complete but not yet finalized. They are still
47 working on filling a few positions. He mentioned that the employee golf tournament is
48 scheduled for September, and the Council is invited to participate.

49 Mike Vercimak acknowledged Mr. Barney's mention of the bleachers being torn down and
50 moved, expressing gratitude to the Water, Power, Streets, and Parks Departments for their
51 hard work. He praised the collaboration, noting that when a project like this arises, all
52 departments step up to get it done. He also mentioned that the development pipeline remains
53 full at all stages.

54 Weston Walker introduced the Streets Department's newest employee, Tate Wilkinson, who
55 started this week and is doing great. He mentioned that paving near Harrisburg is scheduled for
56 Monday or Tuesday. The City portion of the road from north of the boat ramp to Old Hwy 91
57 remains closed, with a tentative reopening in mid to late October. The 100 North project is
58 nearing the bid stage. He inquired if the Council still supported diagonal parking along Pioneer
59 Park. Councilmember David Hirschi suggested extending diagonal parking from State Street to
60 300 North, and the Council agreed. Mr. Walker also noted the ongoing work on school zone
61 striping and plans to relocate a crosswalk light on 700 West. He assured the Council that the
62 gutters would be cleaned and cross walks re-striped before Peach Days and agreed to check the
63 weeds near the park at 300 West and 300 South.

64 Gary Cupp noted that the planning department is experiencing increased activity, with fuller
65 Planning Commission agendas and a rise in applications. They are working on long-term
66 projects, including updating the land use map of the General Plan. A proposal has been made to
67 change the designation of the Bench Lake area from single-family to rural residential, due to
68 concerns about the compatibility of single-family zoning with the area. Dayton Hall explained
69 that applications for single-family zones have been denied in this area because they are not in
70 harmony with the surrounding properties, but the General Plan designates the area as a single
71 family zoned area. If the denial of applications for single family zoning in this area is the
72 prevailing sentiment, the General Plan needs to be updated to accurately reflect the desired
73 land use, ensuring that future zone changes align with the updated plan. Drew Ellerman
74 suggested implementing the new R1-4 zone in appropriate areas, and Mr. Cupp agreed, stating
75 the need to correct known inconsistencies in the General Plan during this process. Mayor
76 Billings highlighted the need for more industrial and commercial areas, and she would like the
77 Council to discuss infill the downtown areas. She scheduled a work meeting on September 19th
78 at 3:30 – 5 p.m. to discuss the future land use map.

Fred Resch III reported that he recently sent out another batch of enforcement letters to vacation rentals. The main challenge is tracking down owners of vacation rentals in resort areas to ensure they are properly licensed. Liberty Village received final site approval last week and has already submitted their building permits, but these permits cannot be issued until access issues are resolved. He mentioned the City ordinance does not address engine braking along SR-9 and asked if the Council would like to add this provision. The Council indicated they are not in favor of making this change unless there are significant complaints.

6:00 p.m. - Call to Order –

Mayor Billings welcomed everyone and called the meeting to order.

Prayer, thought, and Pledge led by Erroleen Scholzen

Declaration of any conflicts of interest

None declared.

Minutes of the Regular City Council Meeting for August 1, 2024

Kevin Thomas motioned to approve the August 1, 2024, minutes as written. Seconded by Clark Fawcett. Motion carried with David Hirschi, Kevin Thomas, Clark Fawcett, and Drew Ellerman voting aye. Joseph Prete abstained.

Presentation of a 3D rendering of the four-court gym - Desert Edge

Scott Gilberg from Desert Edge provided the Council with an update on the four-court gym project. He introduced Garrett, who presented a 3D rendering of the facility. Garrett walked the Council through the design, highlighting the different offices, courts, mezzanine, pathways, bleacher locations, restrooms, track, meeting room, concession area, and elevator shaft. The gym will feature twenty-four hoops spread across the four courts. Multiple charging stations for phones are also planned throughout the facility. Additionally, the design includes supports within the metal building to accommodate curtains for separating the gym floors. The exterior height peaks at the 35-foot limit. They hope to begin the permitting process by the end of September.

Public Forum – Comments From Public

OLD BUSINESS

1. Consideration and possible approval of local consent for a full-service liquor restaurant license at PV Resort Amenities - Chris Wyler

Mayor Billings read the following summary written by Dayton Hall that was provided in the packet. "The Council has discussed this item at the previous two meetings. At the last meeting, the Council considered allowing alcohol only in the restaurant portion of the resort and not around any other amenities. However, staff was uncertain if local consent could include such restrictions. They were directed to contact the Department of Alcoholic Beverage Services

(DABS) to determine if parameters could be placed on local consent and who would enforce these rules. Staff contacted DABS, which confirmed that parameters could be placed on local consent and regulated through the local liquor license to ensure compliance. DABS also stated that the parameters of local consent would be attached to the State license and that DABS would support and help enforce the parameters identified with the local consent. Based on this information, staff has prepared a local consent with the condition that alcohol can only be served on the first floor of the restaurant. “

Chris Wyler described a food and beverage area on the top level that overlooks the surf machine and mentioned their desire to include this area in their plans. Kevin Thomas clarified that if they grant local consent for the main floor now, they can revisit and consider other areas later. Mr. Wyler further explained that there’s a cabana area on the second level where food and beverages will be served, with seating along the roofline for guests to watch the surfers. Mr. Thomas noted the mixed use of the space with hot tubs on the roof. Mr. Wyler clarified they are only requesting alcohol service on the upper left side. When asked about separating alcohol from the hot tub areas, Mr. Wyler explained that state law mandates alcohol preparation and taps be in the bar area, but drinks can be served elsewhere if customers order food with it. Drew Ellerman suggested placing a gate on the top level to restrict access to those under 21, which Mr. Wyler liked, though he preferred using vegetation as a more visually appealing separation. Joseph Prete asked if there was a concern about alcohol being taken into the hot tubs. Mr. Wyler clarified that alcohol isn’t allowed in the hot tubs. Mr. Ellerman supported the idea of a barrier separating designated areas from the rest of the building, with signage indicating that alcohol must remain at the tables. He emphasized that staff will need to be trained to monitor patrons and ensure they follow the rules. Dayton Hall added that when staff consulted with DABS, they were told that the Council can set specific parameters, but these must be clearly defined so they can be enforced. If the Council decides to expand the alcohol-permitted area to the second level, Mr. Hall recommended continuing the discussion to allow staff time to prepare a detailed map that outlines all the agreed-upon parameters. Mr. Ellerman emphasized that this approval is for a restaurant, not a drink lounge, and that food requirements must still be met. Mr. Thomas expressed comfort with granting local consent for the main floor now, with the option to revisit the second level later.

Kevin Thomas motioned to approve local consent for a full-service liquor restaurant license at PV Resort limited to the main level of the restaurant but with the understanding the Council may reconsider extending approval to the second floor at future date. Seconded by Joseph Prete. Motion carried unanimously.

2. Discussion regarding public infrastructure and possible approval to move forward with a power line extension to the area south of Sky Ranch - Mike Vercimak and Scott Hughes

Mayor Billings explained that the couple from Kanab who requested this item has asked for a continuance as they are currently out of town. However, items 10-14 involve a similar

discussion, so staff felt it would be best to address them all at the same time. She recommended that the Council have a discussion. If the Council is inclined to approve the request, they can move forward with approval. However, if they are not ready to make a decision, she suggested continuing the item to allow the couple to be present and speak on the matter.

Mayor Billings moved this item before new business 10. These minutes are in the order of the agenda instead of the order they were addressed by the Council.

Dayton Hall explained that the City ordinance requires any power line extension to a new area to be reviewed by the Power Board for a recommendation. The board has recommended moving forward with this extension. However, approving this could create an expectation that other infrastructure will soon follow. He clarified that this approval does not give developers the green light to build the line immediately. If the Council supports the extension, a detailed plan must be presented on how it will be constructed. Mayor Billings added that the Power Board is in favor of returning with a comprehensive plan.

Mike Vercimak explained that after the last meeting, staff discussed key issues regarding the development. The main questions were the timeline and who would cover the costs. He focused on the four essential utilities: roads, power, water, and sewer. The consensus was that a two-year timeline seemed reasonable. A significant concern is that the area is currently only accessible via 1100 West, which is a substandard road. This road was inherited in its current state through the City's annexation of the area, and improvements could be made as development progresses, funded by impact fees. He believes that within two years, the area could have the necessary infrastructure, although connecting the western and northern areas through 2200 West may take longer.

Ultimately, the goal is to establish a solid road network, water and power loops, and proper infrastructure. He feels confident that the City can proceed in an orderly manner. However, Joseph Prete raised concerns about the Sky Ranch well, noting that while drilling is underway, the water quality is still undetermined. Ken Richins responded that, regardless of water quality, additional storage capacity is needed for fire flow. Mr. Prete expressed that he would be more comfortable moving forward if the well and water quality were confirmed. Mr. Vercimak acknowledged that each department faces different challenges, and many details will need to be handled on a case-by-case basis. Mr. Prete asked when the water quality results would be available, and Mr. Richins estimated within a month. Drew Ellerman confirmed that only zone changes have been approved thus far for the properties that are requesting this line extension.

Scott Hughes explained that the power staff and Power Board have spent the last couple of years trying to resolve the issue of power capacity, and they believe they have addressed it through the Three Falls Substation. This substation provides the necessary capacity to support new developments. However, the problem arises when developments are approved and reserve a large portion of that capacity, but they aren't utilizing it immediately. As a result, the infrastructure is in place, and capacity is allocated, but it's essentially tied up for future use by

these developments. Meanwhile, new developments are coming in, requesting additional capacity. To accommodate these new demands, more distribution lines need to be built. However, the Power Department doesn't require these additional lines; the need is driven by the demands of new development, and the associated costs would fall on the developers.

Clark Fawcett expressed his primary concern about approving subdivisions without the necessary infrastructure in place. He mentioned that while he is open to creating a plan for this situation, it's important to set clear expectations for the development of other infrastructure as well. Mayor Billings agreed with these points and noted that she believes Mr. Hughes effectively addressed similar concerns with the previous eight developments. She read the following summary written by Mr. Hughes that was provided in the packet: "The Power Board recommended preliminary approval for these extensions to the City Council to give the Power Dept. staff direction to proceed with working in partnership with the developers to determine all of the designs, details and responsibilities of the developers to accomplish the necessary improvements and upgrades to deliver these extensions. Once the details are determined, the applications would be returned to the City Council for a final approval to proceed with the projects."

Joseph Prete highlighted that expansion impacts not just utilities but also services like police and fire. Mayor Billings mentioned that Copper Rock has land designated for these services, but it isn't ready for construction. Mr. Prete expressed hesitation to move forward until the quality of water in the well is determined, and Mr. Thomas agreed. Ken Richins emphasized that the project is necessary regardless of the water quality, adding that if they opt for a booster station instead of a well, less power would be needed. However, they must plan for the future, with a two-year timeline for completing these projects. Mr. Thomas clarified that whether the water quality is good or bad, the water will be available in the end. Clark Fawcett acknowledged the need for the water tank to support other areas of the city but pointed out that if the well fails, the City may need to purchase additional water from the Water District. He suggested that waiting another month to assess the water quality shouldn't cause significant delays.

Kaden DeMille expressed concern about the current shortage of resources, advising against approving any projects until there is a clearer understanding of the well's production capacity. Ken Richins mentioned the possibility of boosting the water supply from the Dixie Springs well, but Clark Fawcett reminded everyone that this well needs to be fixed first. Kevin Thomas voiced his concern that this single issue has been under discussion for a while, and now there are six related items on the agenda, which could set a precedent. Mike Vercimak acknowledged the confusion but clarified that three of the projects will be served by the same line. He also noted that one application is for a county project and that Bramall Ridge should be given special consideration since it operates independently.

Mayor Billings mentioned that grants have been applied for to help fund the extension of power lines along SR-7. Scott Hughes added that they are currently handling various applications, each with unique aspects, as they navigate this new process. He agreed that three

of the projects could be grouped together to share costs, while Bramall Ridge could be grouped with the five projects that have already been approved. He recommended that the Council take the opportunity to ask questions to the developers who are present tonight.

Karl Rasmussen expressed frustration, stating that they have been working extensively with numerous developments in the area, with PDOs approved and development agreements in place. He mentioned that it feels like a wrench has been thrown into the process by requiring these matters to come back to the Council for approval. He added that a lot of work and money have already been invested, and he's confused by this new process. Clark Fawcett responded, explaining that it doesn't make sense to extend just one utility at a time. He emphasized that if one utility is going to be extended, all utilities should be considered together. Since the proper process wasn't followed initially, the Council didn't have the chance to ensure all utilities were accounted for. He stated that this is the correct process so everything can be reviewed at once. Mr. Rasmussen expressed concern, saying that if approval isn't granted tonight, they are unsure of how to proceed.

Brett Beazer from Alpha Engineering, representing Copper Sky, explained that this development is located in the County. The owner is currently going through the zone change process with county authorities. One of the requirements for approval is to obtain "will serve" letters, which confirm that utilities will be provided. He mentioned that they are nearly complete with the other necessary approvals and now need power to finalize the process.

Rick Richardson explained that his group was part of the initial efforts to extend power lines to their development, contributing financially to the project. He emphasized that many of the developments in the area already have access to other utilities, such as water and sewer, and they are all willing to collaborate to bring power to the region. The issue isn't a lack of power itself but rather a bottleneck created by other developments needing these utilities. The situation is being held up by the assumption that every approved project will be fully built, which isn't necessarily the case.

Mr. Vercimak expressed confidence in recommending that the Council approve the preliminary authorization for staff to continue working out the details, noting that many details still need to be addressed. Mayor Billings suggested using the language provided in the packet for the approval if the Council is inclined to proceed. Mr. Hughes mentioned that the alignment west of SR-7 has been in development for years, and the Capital Facilities Plan, which is nearing completion, will confirm the need for this line. Since the developments also require this line, it presents a beneficial partnership to help fund it. Mr. Fawcett emphasized the importance of understanding how each development will integrate with other utilities. Mr. Ellerman proposed that old business item 2 should be considered separately from new business items 10-14 due to their differing nature.

Drew Ellerman motioned to continue this item until September 19th. Seconded by Kevin Thomas. Motion carried unanimously.

- 281
- 282 3. Consideration and possible approval of a memorandum of understanding (MOU) with
- 283 Liberty Village. -Mayor Billings
- 284

285 Mayor Billings read the following summary written by Dayton Hall that was provided in the

286 packet: “At the last meeting, the Council and the City Attorney expressed reservations about

287 authorizing a third party to utilize the City logo on its materials. Liberty Village has now

288 proposed an alternative, which is that the City will approve any materials on which Liberty

289 Village wants to place the City logo. This is the same approach accepted by Washington County

290 in a similar MOU. Paragraph 1 has been updated to require prior written approval of the City

291 Manager before the City's logo is used.”

292

293 Dayton Hall mentioned that Liberty Village requested language stating that the City's consent

294 couldn't be unreasonably withheld. He feels that the City should simply have the ability to say

295 no. The Council agreed.

296

297 Joseph Prete motioned to approve the memorandum of understanding (MOU) with Liberty

298 Village. Seconded by Kevin Thomas. Motion carried unanimously.

299

NEW BUSINESS

- 300 1. Consideration and possible approval of a bid to construct phase 1 of the City's irrigation
- 301 expansion project - Ken Richins
- 302

303 Mayor Billings read the following summary written by Ken Richins that was provided in packet.

304 “On June 27th, 2024, the Water Department held a bid opening for the phase 1 irrigation

305 project. Five qualified contractors placed bids. The winning bid was Interstate Rock Products for

306 \$7,859,191.00. Bowen and Collins Engineering the engineers over this project recommend to

307 the City Council to award the project to Interstate Rock. The Water Board discussed this on July

308 30,2024, and there was a consensus that the bid be awarded to the low bidder Interstate

309 Rock.”

310

311 Kevin Thomas remarked that given the earlier discussion, there might be no reason not to

312 simply continue the matter. The Council agreed to meet on August 22nd from 3-4 p.m. Drew

313 Ellerman then clarified that the bid had come in lower than the engineer's estimate.

314

315 Kevin Thomas motioned to continue the approval of a bid to construct phase 1 of the City's

316 irrigation expansion project to August 22nd. Seconded by David Hirschi. Motion carried

317 unanimously.

318

- 319 2. Consideration and possible approval of a bid to construct the irrigation pond, filters, and
- 320 booster station for the irrigation expansion project - Ken Richins
- 321

Mayor Billings read the following summary written by Ken Richins that was provided in packet. “On July 16, 2024, the Water Department held a bid opening for the irrigation ponds, filter and pump station. The winning bid was Interstate Rock for \$ 7,960,938.50. Alpha Engineering the engineer for this project recommend to the city council to award the project to Interstate Rock. The water board discussed this on July 30, 2024, and there was a consensus that the bid be awarded to the low bidder Interstate Rock.”

Kevin Thomas motioned to continue the approval of a bid to construct phase 1 of the City’s irrigation expansion project to August 22nd. Seconded by Clark Fawcett. Motion carried unanimously.

3. Consideration and possible approval of a MOU with Washington County School District regarding the use of facilities - Kaden DeMille

Kaden DeMille explained that a few weeks ago, a school representative reached out to him regarding the use of facilities. They believed they were operating under a Memorandum of Understanding (MOU), but it turns out no such agreement exists. The item was placed on the agenda due to upcoming events that require an MOU, but since he hasn’t been able to connect with the school, it will need to be tabled until further contact is made. Joseph Prete reached out to Bryce King, who sent the policy but not an MOU. When he contacted Darin Thomas, he was informed that no MOU existed. Mr. Prete expressed hope that, whether through an MOU, City policy, or both, they can facilitate the necessary training to build up sports teams, emphasizing that fee schedules are an important part of that process.

Clark Fawcett motioned to table approval of a MOU with Washington County School District. Seconded by Kevin Thomas. Motion carried unanimously.

4. Consideration and possible approval of a reimbursement agreement arising from the Buck's Ace Hardware development

Mayor Billings read the following summary written by Arthur LeBaron that was provided in packet. “With the approval and construction of the Ace Hardware project at 1400 West State Street, Ace Hardware was required as part of their approval to construct a portion of 1400 West and 150 South according to the City's Transportation Master Plan. The Ace Hardware team has submitted a request for reimbursement for the cost of system improvements and this agenda item is an attempt to satisfy this request. The City Engineer is tasked with determining the cost of system improvements that are eligible for reimbursement. The follow explains the rationale that was used to make that determination: Ace Hardware's project would have required the construction of an access from State Street to their site, which is a project improvement. The construction of additional roadway is considered a system improvement. However, frontage improvements such as curb, gutter, and sidewalks are considered project improvements when they are required for site development along master planned roadways. After reviewing project costs submitted by Ace Hardware, the cost of all asphalt paving has been added up, minus the

cost of paving required for an access from State Street. These costs are summarized in the attached spreadsheet, and is the basis for the reimbursement value recommendation. It is the finding of the City Engineer that Ace Hardware should be reimbursed a total of \$102,640.37. It is important to note that the same rationale that was applied to reimbursement to the RV Park to the west of Ace Hardware has been applied to this project. The RV Park constructed their portion of 150 South along their frontage.”

Clark Fawcett mentioned that Buck had spoken to him a few weeks ago and had expectations regarding the amount they would receive. He inquired if the proposed figure aligns with what they anticipated. Kaden DeMille added that the owners had visited him a week ago, sharing their costs, but since they aren't present tonight, he wondered if they are aware of the proposed amount and whether they are okay with it.

Joseph Prete brought up a previous issue in the area where people from the commercial development were entering residential neighborhoods. He asked if a wall would be built on the south end to prevent similar problems. Mr. LeBaron stated that, to his knowledge, no wall was planned. Mr. Prete emphasized the importance of having a wall between commercial and residential areas. Mayor Billings noted that the City couldn't enforce such a requirement unless it was stipulated in the ordinance. Drew Ellerman, drawing from his professional experience, recommended putting that requirement in the code.

Mr. LeBaron explained that he hadn't discussed the proposed figure with Ace beyond asking for their costs and outlined how the reimbursement figure was calculated, noting that his recommendation wouldn't change as the City standards dictate how it is calculated. Kevin Thomas suggested continuing the matter, as the submitted number was higher and the owners were not present to discuss it. Mr. DeMille clarified that the entryways would be the owners' responsibility, while the spine portion of the road would fall to the City, but this had not yet been communicated to Ace. Mr. Fawcett believed the owners were aware they wouldn't receive the full amount refunded. Dayton Hall mentioned that they had reached the point where they could subdivide.

Joseph Prete motioned to approve the reimbursement agreement with Buck's Ace Hardware in the amount of \$102,640.37. Seconded by Kevin Thomas. Motion carried unanimously by a roll call vote.

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

Mayor Billings read the following summary written by Cindy Beteag that was provided in packet. “The Daughters of the American Revolution honor Constitution Week by requesting the mayors of various cities in Washington County to sign a proclamation. Each August, they present this proclamation to the Council. If approved, it will designate September 17 through 23 as Constitution Week.” Dayton Hall read the proposed proclamation.

David Hirschi motioned to approve the proclamation designating September 17 through September 23 as Constitution Week. Seconded by Joseph Prete. Kevin Thomas stated the sentence before “in witness whereof” doesn’t make sense. He recommended removing “had”. David Hirschi amended his motion to include the recommendation. Seconded by Joseph Prete. Motion carried unanimously.

6. Consideration and possible approval of Ordinance 2024-10 Amending Title 7, Chapter 5, Section 13 regarding the placement of markers at the Hurricane City Cemetery - Kevin Thomas

Mayor Billings read the following summary written by Kevin Thomas that was provided in the packet. “Our ordinance never excluded benches with backs historically. Then about 2 years ago, the parks department wanted to update the ordinance for a variety of reasons because it was very outdated. When they gave the council the updated ordinance, they gave us the full, entire ordinance, on a busy night with a long agenda. A brief summary of the changes that were included was given to the council by both Darren Barney and Dayton Hall. Neither of their summaries included the fact that the new ordinance would forbid benches with backs on them. It was a simple half-sentence that was missed by everyone, except for Darren, who had written that into the ordinance but didn't mention it in his summary of the changes. Not realizing that this was part of the new ordinance, I made the motion to pass the changes requested. Over a year later, it came to my attention that a person wanting to install a bench with a back in it, was told by the cemetery staff that the back was forbidden. The monument company who built the bench said they believed that there had been a mistake because he had built the bench for my son's grave, which had a back on it. The monument company was directed to talk to Kathy Excell who told them that I had made the motion to pass the new ordinance. I had the ordinance put back on the agenda to fix this. During that discussion, there was some disagreement on the part of the council and Joseph Prete made a motion to remove the prohibition of the backs with the provision that it would again become prohibited after a certain time period. His motion passed 3 to 2. That is the way the ordinance is currently written. We now have a new council and I would like to revisit the ordinance to see if we can remove the sunset clause from the ordinance.”

Mr. Thomas proposed removing the restriction that backs on benches aren’t allowed. Darren Barney explained that the original reason for the restriction was due to the increased difficulty in moving headstones with more pieces, which raises the risk of breakage and liability for the City. Without the back, it is easier to move them. He noted that the issue is whether the City wants to take on that additional risk and the extra staff time involved. He also mentioned that other monuments are becoming more complicated with multiple pieces. Mayor Billings observed that benches are being used frequently, and Mr. Barney acknowledged that while they have had to repair a few markers and replace one, the purchase of a mini excavator last year has significantly helped with digging graves and reducing the need to move headstones. Mr. Thomas pointed out that it’s typically the family members of the deceased who use the

benches, and Mr. Barney agreed, noting that benches are becoming increasingly popular in the cemetery. Mr. Thomas added that designing and building a monument is a two-and-a-half-year process.

Kevin Thomas motioned to approve Ordinance 2024-10 amending Title 7, Chapter 5, Section 13 regarding the placement of markers at the Hurricane City Cemetery as written. Seconded by Joseph Prete. Motion carried unanimously.

7. Discussion regarding the cemetery plot rates for resident versus nonresident at the Hurricane City Cemetery - Mayor Billings

Mayor Billings reported that several individuals, originally from Hurricane but now living elsewhere, questioned why they were charged a higher fee for cemetery plots as non-residents. She pointed out that other cities have different fees and provided Washington City's fee schedule as an example. Cindy Beteag mentioned that Hurricane's fees are currently \$550 for residents and \$750 for non-residents. Staff noted that people sometimes choose Hurricane for burial because it is less expensive, though it does not cost the City more for non-residents. Drew Ellerman explained that Washington City's significant fee difference arose because people began choosing it for burial due to lower costs, and space became limited. Clark Fawcett highlighted that residents contribute through taxes, which justifies a lower fee. Kevin Thomas expressed that while he doesn't find the current rates unreasonable, he prefers not to increase them. Joseph Prete inquired about future space availability as the City grows, to which Mr. Fawcett confirmed there are areas for future expansion. Mayor Billings sought guidance on defining residency. While some individuals own property and grew up in Hurricane but now live elsewhere, Clark Fawcett and Drew Ellerman agreed that residency should be based on current place of residence. The Council decided to maintain the current fee structure but directed staff to investigate if non-residents have purchased a significant number of plots in the past year compared to residents and whether they are buying multiple plots at a time.

8. Consideration and possible approval of Ordinance 2024-11 amending Title 10 Chapter 6 and Chapter 39 regarding subdivisions LUCA24-03. - Gary Cupp

Gary Cupp explained that last year the City adopted changes to the subdivision ordinance as mandated by the State, which required construction drawings to be submitted with the preliminary plat application. The current change proposes reverting this requirement to the final plat submittal. Additionally, updates were made to Chapter 6 regarding the Planning Commission's powers and duties, reflecting that certain matters no longer require Council approval.

Kevin Thomas motioned to approve Ordinance 2024-11 amending Title 10, Chapter 6 and Chapter 39 regarding subdivisions. Seconded by Drew Ellerman. Motion carried unanimously.

- 489
490 9. Consideration and possible approval of Ordinance 2024-12 amending Title 10, Chapter
491 3, 12, 13, 14, 15, and 16 regarding child care centers, licensed family child care, and
492 residential certificate child care LUCA24-04. - Gary Cupp
493

494 Gary Cupp reviewed the following summary that was provided in the packet: “In 2017, the City
495 adopted updated definitions and classifications of child care centers and daycare uses in the
496 Hurricane City Code. It was recently noticed that the use tables in the zoning code were not
497 updated with the corresponding new terminology, but are still showing the old terms. This
498 ordinance will update the land use tables with the terminology adopted in 2017. The tables will
499 be updated to reflect the following terms:

- 500
501 • *Child care center* (currently listed as “Family childcare center”)
502 • *Licensed family child care* (currently listed as “Family child daycare facility”)
503 • *Residential certificate child care* (currently listed as “Family child residential
504 certificate care facility”)
505 • The term “*Family child group daycare facility*” is no longer applicable and is being
506 removed from all use tables.
507

508 The Planning Commission heard this item on August 8, 2024, and unanimously recommended
509 that the proposed land use code amendments be approved. Staff recommends that City Council
510 approve the proposed land use code amendments to Title 10, Chapters 3 and 12 through 16, as
511 outlined in the discussion above and as presented in the documents attached to the August
512 15th, 2024, agenda packet.”
513

514 Kevin Thomas motioned to approve Ordinance 2024-12 amending Title 10, Chapters 3 and 12-
515 16 regarding childcare centers, licensed family child care, and residential certificate child care.
516 Seconded by Joseph Prete. Motion carried unanimously.
517

- 518 10. Consideration and possible approval of a power line extension request for Copper Sky
519 Estates - Scott Hughes
520

521 Steve Nation mentioned it was brought to his attention that the properties listed in the packet
522 show they are part of Sky Ranch, but they are not. They want to make sure the Council is clear
523 that they are not.
524

525 Drew Ellerman stated he doesn’t like between a rock and hard place development, but he sees
526 where everyone is. David Hirschi added that there are developers that are only looking out for
527 their own interest. Then they put pressure on the City when they get in between the rock and
528 hard place. He recommended they look out for the City, too.
529

Drew Ellerman motioned for a limited and preliminary approval to continue exploring the powerline extension for Copper Sky Estates. Seconded by Kevin Thomas. Motion carried unanimously.

11. Consideration and possible approval of a power line extension request for Sand Hollow Mesa Neighborhood 6 - Scott Hughes

Kevin Thomas motioned for a limited and preliminary approval to continue exploring the powerline extension for Sand Hollow Mesa Neighborhood 6. Seconded by Drew Ellerman. Motion carried unanimously.

12. Consideration and possible approval of a power line extension request for Balance of Nature Phase 2B and Phase 3 - Scott Hughes

David Hirschi motioned for a limited and preliminary approval to continue exploring the powerline extension for Balance of Nature Phase 2B and Phase 3. Seconded by Clark Fawcett. Motion carried unanimously.

13. Consideration and possible approval of a power line extension request for Hurricane Paradise - Scott Hughes

Drew Ellerman motioned for a limited and preliminary approval to continue exploring the powerline extension for Hurricane Paradise. Seconded by Kevin Thomas. Fred Resch III mentioned the second access still needs to be determined. Motion carried unanimously.

14. Consideration and possible approval of a power line extension request for Bramall Ridge - Scott Hughes

David Hirschi motioned for a limited and preliminary approval to continue exploring the powerline extension for Bramall Ridge. Seconded by Kevin Thomas. Motion carried unanimously.

15. Mayor, Council, and staff reports

Drew Ellerman mentioned he had a meeting with the beautification committee, and they are trying to change the sign at SR-7 sign for something bigger. They will help with the just serve project on the September 11th.

Mayor Billings announced that the Health Committee will host a mental health awareness clinic on September 9th at 6 p.m. on the splash pad lawn. The event is open to everyone and encourages community participation. She also distributed Copper Rock's magazine, which promotes the City. On September 11th, a Just Serve project will take place. If the Veterans

Memorial is ready, volunteers will assist with laying landscape rock; otherwise, they will work at the Equestrian Park to remove dead grass. The event will feature speakers from the Police, Fire, and Military, followed by a flag ceremony. Mayor Billings addressed an issue with a flag given to the City: the pole was damaged, and it is missing pieces. S&S Steel has offered to repair and weld the flagpole, but it requires engineering certification. The cost for the concrete work is estimated at \$20,000, and replacing the flag every six months would cost around \$3,000. Due to these expenses, the decision has been made to replace the large flag with a monument instead. The Council will review proposed ideas for the monument.

16. Closed Meeting held pursuant to Utah Code section 52-4-205, upon request

Drew Ellerman motioned to go into a closed session to discuss the character, professional competence or physical or mental health of an individual. Seconded by Kevin Thomas. Motion carried unanimously.

David Hirschi motioned to go out of closed session at 9:21 p.m. Seconded by Kevin Thomas. Motion carried unanimously.

David Stirland provided an update on the upcoming Peach Days celebration. The events kick off with a golf tournament at Sky Mountain on Tuesday, followed by a concert in the park on Wednesday. Food vendor spots are fully booked, and there will be rodeo performances on three nights. He thanked the Council for their assistance in securing additional bleachers for the event. He also raised the issue of the easement from the rodeo grounds to 1100 West, which has not yet been secured. This year's festivities will feature live entertainment and two Grand Marshals. He requested improvements to 100 South, which serves as the parade route. David Hirschi confirmed that this improvement has been prioritized. New this year is an international corner behind Tom's old shop. Mr. Stirland expressed his gratitude for the committee's support and emphasized the importance of preserving the area. Mr. Hirschi mentioned that the grass on the northwest lawn is dying, and Mr. Ellerman suggested testing the soil to identify the issue.

Adjournment: David Hirschi motioned to adjourn the meeting at 9:35 p.m. Seconded by Kevin Thomas. Motion carried unanimously.

Minutes of the Hurricane City Council special meeting held on August 22, 2024, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 3 p.m.

Members Present: Mayor Nanette Billings and **Council Members:** David Hirschi, Kevin Thomas, Clark Fawcett, Drew Ellerman, and Joseph Prete (online).

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, City Planner Gary Cupp, Water Superintendent Ken Richins, Water Department Representative Kory Wright, City Engineer Arthur LeBaron, Public Works Director Mike Vercimak, and City Recorder Cindy Beteag.

AGENDA

3:00 p.m. - Call to Order –

Prayer and Pledge led by Clark Fawcett

Minutes of the Special City Council Meeting for August 15, 2024

Clark Fawcett motioned to continue the August 15, 2024, special City Council minutes. Seconded by Kevin Thomas. Dayton Hall explained these minutes need to be sent to the State as a condition of receiving the water infrastructure financing. He recommended having the Council review them during the meeting and vote on them so the City can timely fulfil that requirement. The minutes were displayed, and Mr. Hall read them out loud.

Kevin Thomas motioned to approve the August 15, 2024, special City Council minutes with the correction of adding “south” to west on page 1 line 27. Seconded by David Hirschi. Motion carried unanimously.

OLD BUSINESS

1. Consideration and possible approval of a water savings agreement for the irrigation expansion project.

Mayor Billings stated the agreement hasn’t been signed by all the parties yet and it is needed before anything can be approved. Interstate Rock has agreed to extend their bid. Chase Stratton with Interstate Rock confirmed that they would extend the bid but mentioned that is barring any price changes on materials in the meantime. Mayor Billings stated the issue is NRCS can’t commit funding without the agreement. Dayton Hall provided a recap to the Council, reminding them of the steps leading to the current situation. On August 1, the Council approved a contract offering 193 acre-feet of water to a project in a show of good faith, but the other parties involved did not accept it. On August 15, a meeting was held with various stakeholders, including the City, the Hurricane Canal Company, the Washington County Water Conservancy District, the U.S. Fish and Wildlife, and The Nature Conservancy, where a verbal agreement on the contract terms seemed to be reached. Mr. Hall promptly drafted and sent

out the contract but has yet to receive a response or a revised version from the other parties, who have expressed concerns but haven't provided an alternate proposal.

Mayor Billings explained that the U.S. Fish and Wildlife and The Nature Conservancy have several concerns with the current proposal. They are essentially asking for all the saved water, rather than just a portion of the savings. Ken Richins mentioned he called Elaine York with The Nature Conservancy, and she was positive about what we have offered. She stated the next step is to meet again with the group that met last week. Clark Fawcett emphasized the importance of understanding the deadlines related to other funding and contractor commitments. He pointed out that if the process is delayed too long, the project might not move forward, resulting in the entire effort falling through, and ultimately, The Nature Conservancy and the U.S. Fish and Wildlife would receive no additional water. Council discussed if removing US Fish and Wildlife from the agreement was an option. Lance Smith with NRCS stated he can't issue any money without an agreement. He stated the parties that have a real interest in the water which would be the City, Canal Company, and Water Conservancy District should sign the agreement. The Nature Conservancy have expressed they want to be on the agreement so they should be on there too. Mr. Hall reminded the Council that the Water District didn't accept the City's proposal that the City commit 193 acre feet of water to the project to satisfy the water savings component of the project. He has written agreements excluding the other parties and District wanted them to be parties to the contract. Lance Smith clarified that The Nature Conservancy is listed as a sponsor on the prior versions of the watershed agreement. Mayor Billings stated the proper action is to have Council extend the deadline.

Joseph Prete joined the meeting in person at 3:17 p.m.

Mr. Hall again confirmed with Chase Stratton that Interstate Rock Products will extend the bid to September 19, 2024, recognizing that there might need to be some adjustments to hard material costs, which Mr. Stratton again confirmed.

Kevin Thomas motioned to continue the approval of a water savings agreement to the September 19th meeting because the other parties have not accepted the City's proposed agreement and have not provided an alternative proposal. Seconded by David Hirschi. Motion carried unanimously.

2. Consideration and possible approval of a bid to construct phase 1 of the City's irrigation expansion project - Ken Richins

Mayor Billings asked Chase Stratton as a representative of Interstate Rock if they will extend their bid until September 19th instead of two weeks with the condition there might be adjustments on material costs. He stated yes.

Kevin Thomas motioned to continue the approval of a bid to construct phase 1 of the City's irrigation expansion project to Sept. 19th for the following reasons. 1. The NRCS has not issued a

letter to the City confirming the commitment of funds to the project, so the availability of funding for the project is in questions. 2. Interstate Rock Products, the low bidder for this phase of the project, has agreed to extend the expiration date of its bid to allow additional time to try to finalize the water savings contract and obtain a commitment of funding from NRCS, but recognizing that the cost of materials from suppliers may fluctuate during the extension period and may need to be adjusted before the bid is awarded. Seconded by Clark Fawcett. Motion carried unanimously.

3. Consideration and possible approval of a bid to construct the irrigation pond, filters, and booster station for the irrigation expansion project - Ken Richins

Kevin Thomas motioned to continue the approval of a bid to construct the irrigation pond, filters, and booster station for the irrigation expansion project to September 19th for the following reasons. 1. The NRCS has not issued a letter to the City confirming the commitment of funds to the project, so the availability of funding for the project is in questions. 2. Interstate Rock Products, the low bidder for this phase of the project, has agreed to extend the expiration date of its bid to allow additional time to try to finalize the water savings contract and obtain a commitment of funding from NRCS, but recognizing that the cost of materials from suppliers may fluctuate during the extension period and may need to be adjusted before the bid is awarded. Seconded by Joseph Prete. Motion carried unanimously.

Mayor Billings encouraged everyone to check out the activities planned for Peach Days and mentioned that the Youth City Council will assist with the Mayor Awards. She also asked the Council members to help on Friday night and invited them to participate in the parade. She attended a RAP tax meeting and explained that while the county cannot promote it, the City can. The tax adds one penny for every \$10 spent, and the board recommended that cities advertise how the funds have been used. She shared examples of RAP tax-funded projects and mentioned the board's suggestion to announce this before each production. Clark Fawcett proposed placing signs around projects that received partial funding from the tax, emphasizing its value and the need to continue it. Kaden DeMille offered to share a list of all funded projects, and Joseph Prete expressed interest in seeing the breakdown of spending per project. Mr. DeMille noted that RAP tax funds could be allocated for Council priorities, such as covering the pool. Mr. Fawcett added that promoting the tax during Peach Days would be a great opportunity to raise awareness.

Adjournment: David Hirschi motioned to adjourn at 3:45 p.m. Seconded by Kevin Thomas. Motion carried unanimously.

Minutes of the Hurricane City Council special emergency meeting held on August 23, 2024, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 8 p.m.

Members Present: Mayor Nanette Billings and **Council Members:** David Hirschi, Kevin Thomas, Clark Fawcett, Drew Ellerman, and Joseph Prete.

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall (online), Water Superintendent Ken Richins, and City Recorder Cindy Beteag.

AGENDA

8:00 p.m. - Call to Order –

Mayor Billings welcomed everyone and called the meeting to order.

Prayer and Pledge led by Connie Stratton

OLD BUSINESS

1. Consideration and possible approval of a water savings agreement for the irrigation expansion project.

Mayor Billings explained that the Washington County Water Conservancy District (District and/or WCWCD) made a few changes to the agreement and approved it earlier today. After reviewing the changes with Dayton Hall, Kaden DeMille, and Mac Hall, she believes it's appropriate for the Council to approve it as well. She mentioned that the Canal Company would maintain the same agreement with the District and that 193 acre-feet of a City-owned water would be conserved for the river.

Joseph Prete questioned the urgency of holding a special Friday night meeting, given that the issue was only continued the day before. Mayor Billings explained that the District held a special meeting that morning and approved the agreement. With bids expiring on Monday, finalizing the agreement now would demonstrate the City's commitment. Although Mr. Prete acknowledged the contractor's willingness to extend their bid, he questioned the need to rush approval before the planned September 19th meeting. Mayor Billings noted that acting now would secure bid prices and NRCS funding, but Mr. Prete remained uncertain about the urgency.

Ken Richins explained that the water savings agreement has been a significant obstacle for many years, and reaching a consensus to show Fish and Wildlife that all parties are aligned will expedite the grant process. He stated that this is the final hurdle. While Clark Fawcett agreed to move forward with the approval, he voiced concerns about proceeding without Fish and Wildlife's approval. Mayor Billings concurred, suggesting that the Council approve the agreement tonight but hold off on awarding bids. She read an email from NRCS attorney Nathan Bracken, stating that The Nature Conservancy needs confirmation from Fish and Wildlife that the agreement meets their requirements, but this may not be confirmed before the special meeting. She added that the City, District, and Canal Company would sign today,

with the hope that the other parties would follow on Monday. Lance Smith from NRCS indicated that once The Nature Conservancy signs, he will send a letter of recommendation. Mr. Prete asked what the agreement obligated the City to do. Dayton Hall explained that the agreement commits the City to making its 193 acre-feet of water available for instream benefits, which the District can use in its pump-back program to ensure adequate water flows in the river. However, this obligation is contingent on NRCS providing a 75% match for the project. David Hirschi inquired about any concerns regarding putting that much water back into the river. Mr. Richins clarified that the water is already in the river, and this agreement is the best compromise, quantifying an amount that The Nature Conservancy supports. Mayor Billings read a portion of the agreement written by the District's attorney, which outlines the authorization for WCWCD to annually divert up to 193.38 acre-feet of the city's water into Quail Creek and Sand Hollow Reservoirs for use in the Virgin River Program's pump-back system. This section will be effective from October 1, 2024, until September 30, 2044. Mac Hall explained that the plan is to store the water in the reservoir during the winter and use it in the summer. The agreement allows them to store water when it affects the City the least and pump it back when it's needed most. When asked by Mr. Hirschi about water savings, Mac Hall explained that the water in question was part of a 1954 agreement between the City and the Canal Company. The change application for the water had lapsed and was returned to the Canal Company before the City recently bought it. This water, which has had some issues, can now be used to benefit The Nature Conservancy without impacting the City's or Canal Company's current usage. Clark Fawcett confirmed that the City wouldn't need to cut back on any existing water use. Drew Ellerman noted that Mr. Smith mentioned Fish and Wildlife didn't need to sign off on the agreement, to which Mr. Richins responded that this has been debated, with the District wanting them included. He added that Fish and Wildlife had recently helped with a mitigation plan regarding the City's settling ponds. Mac Hall highlighted that The Nature Conservancy won't sign until Fish and Wildlife is satisfied with the agreement. Mr. Prete acknowledged that the Water Department, Canal Company, District, and City Attorney all support the agreement.

David Hirschi motioned to approve the Water Savings Agreement as amended by the Washington County Water Conservancy District and the Canal Board approval. Seconded by Kevin Thomas. Joseph Prete asked what the changes were that the District made. Mayor Billings explained that language was added stating the Canal Company would deliver their water the same as its original agreement in 1991 and the 193 acre feet is the only water savings to the river. Dayton Hall confirmed changes are not problematic. Motion carried unanimously.

2. Consideration and possible approval of a bid to construct phase 1 of the City's irrigation expansion project - Ken Richins

Mayor Billings stated that although Interstate Rock is the lowest bidder, the City has not yet received the letter from NRCS confirming the funding. She explained that when she called the meeting, she believed the letter would be provided after the District signed the agreement.

82 However, she later discovered that NRCS requires all parties to sign the agreement before
83 issuing the letter. As a result, this item needs to be continued until the agreement is fully
84 signed.

85
86 Kevin Thomas motioned to continue the bid to construct phase 1 of the City's irrigation
87 expansion project because the City has not received a letter from NRCS committing funds. The
88 Mayor expressed that she thought they were going to be able to move forward but then NRCS
89 decided they wanted a signed agreement before they would send the letter. Seconded by Drew
90 Ellerman. Clark Fawcett asked if the date is undetermined if it created a problem for Interstate
91 Rock. Craig Stratton stated they will work with the City. They will work with their suppliers next
92 week on prices and hopefully they will honor the prices until the end of September. Motion
93 carried unanimously.

- 94
95 3. Consideration and possible approval of a bid to construct the irrigation pond, filters, and
96 booster station for the irrigation expansion project - Ken Richins

97 Kevin Thomas motioned to continue the award of the bid to construct the irrigation pond,
98 filters, and booster station for the irrigation expansion project based on the fact that we do not
99 have the letter from NRCS committing funds. Seconded by David Hirschi. Motion carried
100 unanimously.

101
102 **Adjournment:** Kevin Thomas motioned to adjourn the meeting at 8:27 p.m. Seconded by
103 Joseph Prete. Motion carried unanimously.



STAFF COMMENTS

Consideration and possible approval of **Ordinance 2024-07 amending Title 10, Chapters 11, 13, and 50** to add a new zoning classification R1-4, residential one unit per 4,000 square feet. Hurricane City, Applicant

Discussion:

Summary for the September 19, 2024, meeting:

The City Council directed staff to amend the City's land use ordinance for the purpose of creating an R1-4 single-family residential zoning classification. The intent of the proposed R1-4 zone is to facilitate the development of smaller, more affordable housing in the City by allowing single-family development on smaller lots with reduced development standards. If adopted, this zoning designation would only be available through a formal zone-change request and by approval of the City Council. On May 2, 2024, and June 6, 2024, staff brought a proposed concept for the R1-4 zone before the City Council for consideration. Based on discussions at those meetings, the item was continued to further refine the R1-4 concept. Also, previous comments from the Public Works, Power, and Engineering departments expressed concerns about the 15-foot front setback that was proposed initially, due to the potential for conflicts with the provision of utilities and parking. The comments were carefully considered, and the proposed setbacks have been revised to address those concerns. Some of the key elements of the proposed zoning classification are listed below:

- 4,000-square-foot average lot area (3,900-square-foot minimum).
- 6,000-square-foot maximum lot area.
- 50-foot minimum lot width.
- 1,500-square-foot maximum footprint.
- 12-acre maximum development area.
- ADUs, accessory buildings, and Air B&Bs will not be permitted.
- Reduced setback standards:
 - Front Yard – 25 feet
 - Rear Yard – 10 feet
 - Side Yard – 5 feet and 10 feet
 - Street Side Yard – 15 feet

The proposed R1-4 zoning classification will require updates to portions of Chapters 11, 13, and 50 of Title 10 of the Hurricane City Code. Staff recommends approval. Gary Cupp

Findings:

Recommendation:

Attachments:

1. Ordinance 2024-07 amending Title 10, Chapters 11, 13, 50_R1-4 Zoning
2. CHAPTER_50.____WIRELESS_TELECOMMUNICATIONS_FACILITIES (Clean)
3. Sec._10_13_3.____Uses_allowed (Clean)
4. Sec._10_13_4.____Development_standards (Clean)
5. CHAPTER_11.____ZONES_ESTABLISHED (Clean)
6. CHAPTER_50.____WIRELESS_TELECOMMUNICATIONS_FACILITIES (Redline)
7. Sec._10_13_3.____Uses_allowed (Redline)
8. Sec._10_13_4.____Development_standards (Redline)
9. CHAPTER_11.____ZONES_ESTABLISHED (Redline)
10. LUCA24-02_ R1-4 Zoning CC Staff Report_9-19-24

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING TITLE 10, CHAPTERS 11, 13, 50 TO ESTABLISH AN R1-4 SINGLE-FAMILY RESIDENTIAL ZONE.

WHEREAS, the City Council of Hurricane, Utah desires to amend Title 10, Chapters 11, 13, 50 of the Hurricane City Code governing residential zones; and

WHEREAS, the City Council deems this amendment necessary and desirable for the preservation of the general health, safety, and welfare of the residents of Hurricane; and

BE IT HEREBY ORDAINED by the City Council of Hurricane, Utah that Section 10-11-1 of the Hurricane City Code is amended to read as follows:

Sec. 10-11-1. Establishment of zones.

In order to accomplish the purposes of the City general plan and this title, the following zones, along with their accompanying abbreviations, are hereby established as follows:

A.	Agricultural zones:	
	Agricultural 40	A-40
	Agricultural 20	A-20
	Agricultural 10	A-10
	Agricultural 5	A-5
	Agricultural 1	A-1
B.	Residential agriculture zones:	
	Residential-agricultural 1	RA-1
	Residential-agricultural .5	RA-.5
C.	Residential zones:	
	Single-family residential 15	R1-15
	Single-family residential 10	R1-10
	Single-family residential 8	R1-8
	Single-family residential 6	R1-6
	Single-family residential 4	R1-4
	Multiple-family residential 1	RM-1
	Multiple-family residential 2	RM-2
	Mobile home/RV park	MH/RV
D.	Commercial zones:	
	Neighborhood commercial	NC
	General commercial	GC
	Highway commercial	HC
	Planned commercial	PC
	Pedestrian-oriented commercial	POC

E.	Business and industrial zones:	
	Business/manufacturing park	BMP
	Professional office	PO
	Light industrial	M-1
	Heavy industrial	M-2
F.	Open space and public facility zones:	
	Open space	OS
	Public facilities	PF
G.	Special purpose and overlay zones:	
	Agriculture protection overlay	APO
	Historic district overlay	HDO
	Planned development overlay	PDO
	Sensitive lands overlay	SLO
	Runway protection	RPZ
	Recreation resort	RR
	Extraction industries overlay	

BE IT HEREBY FURTHER ORDAINED by the City Council of Hurricane, Utah that Section 10-11-2 of the Hurricane City Code is amended to read as follows:

Sec. 10-11-2. Zone purposes.

In addition to the general purposes of this title as set forth in section 10-1-3 of this title, the various zones each serve more specific purposes as set forth below:

- A. *Agricultural zones.* Agricultural zones preserve and protect agricultural lands and related activities, permit activities normally and necessarily related to agricultural production, and prohibit land uses that may undermine continued agricultural activity.
- B. *Residential agriculture zones.* Residential agriculture zones allow a mix of agricultural and residential uses on large lots. Limited agriculture activities, the keeping of limited numbers of animals, and the enjoyment of a "gentleman farmer" type neighborhood are the purpose of these zones.
 1. The purpose of the RA-1 and RA-.5 zones is to foster very low and low density development with little impact on its surroundings and municipal services; to preserve the character of the City's semirural areas; and to promote and preserve conditions favorable to large-lot family life, including the keeping of limited numbers of farm animals and fowl. The predominant use in these zones is intended to be large lot neighborhoods with detached single-family dwellings, protected from encroachment by commercial and industrial uses. Other major uses in these zones are small farms, hobby farms and agricultural developments. Ancillary uses include churches, schools, and parks to serve neighborhood areas.

- C. *Residential zones.* Residential zones allow a wide range of residential land uses at various densities. These zones protect the stability of neighborhoods and encourage, collectively, diverse types of desirable new residential development and protect existing residential uses.
1. The purpose of the R1-15, R1-10, R1-8, R1-6, and R1-4 zones is to permit development of detached single-family homes on individual lots at medium to high densities. Ancillary uses include churches, schools, and parks to serve neighborhood areas.
 2. The purpose of the RM-1 and RM-2 zones is to permit well designed apartments, townhomes, twin homes, and condominiums at medium to high density that are appropriately buffered from and compatible with surrounding land uses. Ancillary uses include churches, schools, and parks to serve neighborhood areas.
 3. The purpose of the MH/RV zone is to provide locations where neighborhoods consisting of manufactured/mobile homes and recreational vehicle parks and subdivisions may be created, maintained, and preserved. Ancillary uses include churches, schools, and parks to serve neighborhood areas.
- D. *Commercial zones.* Commercial zones provide areas where a combination of business, commercial, entertainment, office, and related activities may be established, maintained and protected. Commercial zones are intended to provide a suitable environment for those commercial and service uses vital to the economic base of the City.
1. The purpose of the NC zone is to provide areas where convenience buying outlets, having small trade areas, may be established to serve surrounding residential neighborhoods. This zone is intended to promote a combination of retail and service facilities that meet day to day needs of nearby residents and which are compatible in character and scale with adjacent development.
 2. The purpose of the GC zone is to accommodate a wide range of commercial uses developed without an overall plan or design scheme. Use of the GC zone for new commercial development should be avoided unless integrated shopping center development in another zone is not practical or desirable because of difficult size, shape, topography, or similar problems related to land otherwise deemed appropriate for commercial use. Typical uses in this zone may include offices, retail stores, personal services, heavy commercial, and institutional uses.
 3. The purpose of the HC zone is to provide commercial areas with visibility and access from Interstate 15 and major arterial roads for the convenience of commuters and the traveling public. Typical uses include lodging facilities, personal services, travel plazas, restaurants and fast food facilities, and commuter parking.
 4. The purpose of the PC zone is to provide areas of mixed use developments where a combination of destination-oriented business, retail commercial,

entertainment, high density housing, and related uses may be established, maintained, and protected to serve both residents and nonresidents of the City. Typical uses in this zone include large scale, master planned commercial centers with outlying commercial pads, big box stores, offices, and various types of high density residential uses.

5. The purpose of the POC zone is to provide walkable commercial areas which are generally oriented toward local residents rather than out of town patrons. Uses typical of this zone include planned retail and office development and limited medium to high density residential uses that can be harmoniously mixed with commercial development.
- E. *Business and industrial zones.* Business and industrial zones provide areas for conducting business, manufacturing and industrial activities.
1. The purpose of the BMP zone is to provide aesthetically attractive planned developments having a mix of office, research and development, light manufacturing, and limited retail uses. Typical uses in this zone include offices, clean indoor manufacturing facilities, service retail, restaurants, athletic clubs, personal service shops, medical offices, office/warehouse buildings, and research facilities.
 2. The purpose of the PO zone is to provide locations primarily along arterial or major collector streets which will accommodate offices or laboratories for professional persons and other related uses. The zone is intended to provide availability of professional services conveniently to all neighborhoods in the City. Typical uses in this zone include offices for doctors, dentists, accountants, and other similar professions, medical and dental laboratories, and pharmacies.
 3. The purpose of the M-1 zone is to provide areas for uses involving processing and assembly of manufactured goods, warehousing, and material storage. Uses which generate excessive noise, vibration, odor, dust, and fumes are excluded from this zone.
 4. The purpose of the M-2 zone is to provide areas where uses involving industrial processes and natural resource extraction may be permitted without negatively impacting other areas of the City, especially when undertaken on a large scale.
- F. *Open space and public facility zones.* Open space and public facility zones allow public or quasi-public uses.
1. The purpose of the OS zone is to recognize on the official zoning map areas which are open and generally undevelopable due to government ownership, their sensitive environmental nature and/or the unavailability of adequate public facilities, such as conservation areas and national park land.
 2. The purpose of the PF zone is to provide areas for facilities owned by public and quasi-public entities and which utilize relatively large areas of land. This zone is intended to provide immediate recognition of such areas on the official zoning

map. Typical uses in this zone are cemeteries, hospitals, open air theaters, public parks, public schools, and public utility facilities.

- G. *Special purpose and overlay zones.* Special purpose zones are intended to accomplish objectives unique to the particular zone. Overlay zones implement supplemental regulations that apply geographically, regardless of the underlying base zone. Whenever the regulations of a base zone and an overlay zone conflict, overlay zone regulations apply.
1. The purpose of the APO zone is to protect and preserve existing agricultural areas from encroachment of development and to allow ongoing agricultural operations to continue without unreasonable regulations, except for those needed to protect public health and safety.
 2. The purpose of the HDO zone is to implement regulations designed to promote the preservation of structures and sites having historical, cultural, or architectural significance, and to foster economic development consistent with historic preservation plans adopted by the City.
 3. The purpose of the PDO zone is to permit a compatible, master planned mix of various uses in combination with open space components on land that has unique or unusual characteristics that warrant customized development requirements. Although development size may vary from location to location, each development is intended to consist of well designed, architecturally integrated structures which are appropriately landscaped and buffered from surrounding land uses.
 4. The SLO zone provides regulations to protect sensitive land areas such as hillsides, floodplains, and river parkway areas.
 5. The RPZ zone provides regulations to promote and protect the City airport.
 6. The recreation resort zone is established to designate certain areas within the City where it is desirable and beneficial to the area economy to allow for a mix of limited commercial, public, and residential uses. Specifically, to authorize recreation and resort developments in which residential dwelling units may be occupied by the owners thereof on a full or part time basis, to authorize the rental of residential units on an overnight or short term basis by owners who reside elsewhere; and to authorize limited commercial and public uses that are incidental to and compatible with resort developments.
 7. The general purpose of the extraction industries overlay zone is to provide for the operation of extraction industries in the City, while regulating the operation of such industrial uses particularly on properties in close proximity to residential districts and to provide regulatory standards and procedures to ensure the reclamation of the extraction industry sites upon completion of the extraction processes.

[illegible]

Junk or salvage yard	N	N	N	N	N	N	N	N	N
Laundry services	N	N	N	N	N	N	N	N	N
Manufacturing, general	N	N	N	N	N	N	N	N	N
Manufacturing, limited	N	N	N	N	N	N	N	N	N
Mineral extraction	N	N	N	N	N	N	N	N	N
Wholesale and warehousing, general	N	N	N	N	N	N	N	N	N
Wholesale and warehousing, limited	N	N	N	N	N	N	N	N	N

Notes

1. See chapter 46 of this title.
 2. See chapter 42 of this title.
 3. See section 10-37-15 of this title for permitted animals and fowl.
 4. See licensing and operations requirements in title 3 of this Code.
- B. *Accessory uses.* Permitted and conditional uses set forth in table 10-13-1 of this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.
1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this title.
 2. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.
 3. Accessory uses in residential zones shall include, but not be limited to, the following:
 - Garage sales, subject to applicable standards of chapter 48, temporary uses, of this title.
 - Garages and off street parking areas, subject to applicable standards of chapter 34, off street parking and loading, of this title.
 - Hobby activities when conducted by an occupant of the premises solely for personal enjoyment, amusement, or recreation and which does not conflict with any other City ordinance.
 - Home based businesses, subject to applicable standards of chapter 42, home based businesses, of this title.
 - Household pets, as defined in Sec. 10-3-4.
 - Nurseries and greenhouses, when used for family food production.
 - Playhouses, patios, porches, gazebos, and incidental storage buildings.
 - Swimming pools and hot tubs for use by residents and their guests.

BE IT HEREBY FURTHER ORDAINED by the City Council of Hurricane, Utah that Section 10-13-4 of the Hurricane City Code is amended to read as follows:

Sec. 10-13-4. Development standards.

Development standards within residential zones shall be as set forth in table 10-13-2 of this section.

Development standard		Zones						
		R1-15	R1-10	R1-8	R1-6	R1-4	RM-1 ¹	RM-2
	Lot standards:							
Average lot area ²	15,000 sq. ft.	10,000 sq. ft.	8,000 sq. ft.	6,000 sq. ft.	4,000 sq. ft.	n/a	n/a	n/a
Minimum lot area or acreage	12,000 sq. ft.	8,000 sq. ft.	6,400 sq. ft.	4,800 sq. ft.	3,900 sq. ft.	10,000 sq. ft.	1 acre (see note 10)	1 acre (see note 10)
Minimum lot width and/or project frontage	90 ft.	80 ft.	70 ft.	60 ft.	50 ft.	80 ft. project	100 ft. project	200 ft. project
Maximum density per acre	n/a	n/a	n/a	n/a	n/a	6 units/lot s	10 units/lot s	15 units/lot s
	Building standards:							
Maximum height, main building ³	35 ft.	35 ft.	35 ft.	35 ft.	30 ft.	35 ft.	35 ft.	35 ft.
Maximum height, accessory building ⁴	16 ft.	16 ft.	16 ft.	16 ft.	n/a	20 ft.	20 ft.	20 ft.
Maximum size, accessory building	1,200 sq. ft.	1,200 sq. ft.	500 sq. ft.	500 sq. ft.	n/a	1,000 sq. ft.	1,000 sq. ft.	500 sq. ft.
Building coverage: see subsection 10-37-12I of this title	50% of lot	50% of lot	50% of lot	50% of lot	50% of lot	50% of lot	50% of lot	50% of lot
Distance between buildings	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	20 ft.	20 ft.	20 ft.
	Setback standards—front yard:							
Any building ⁵	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	Living area 20' Garage 22'	Living area 20' Garage 22'	Living area 20' Garage 22'
	Setback standards—rear yard:							
Main building	20 ft.	20 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Accessory building, including private garage ⁶	See note 9	See note 9	See note 9	See note 9	n/a	See note 9	See note 9	See note 9
	Setback standards—interior side yard:							
Main building	10 ft.	10 ft.	10 ft.	8 ft.	See note 11.	10 ft.	10 ft.	10 ft.
Accessory building, including private garage	See note 6	See note 6	See note 6	See note 6	n/a	See note 6	See note 6	See note 6
	Setback standards—street side yard:							

Main building ⁷	20 ft.	20 ft.	20 ft.	20 ft.	15 ft.	20 ft.	20 ft.	20 ft.
Accessory building	See note 6	See note 6	See note 6	See note 6	n/a	See note 6	See note 6	See note 6
Pool location and setbacks ⁸	3 ft.	3 ft.	3 ft.	3 ft.	n/a	3 ft.	3 ft.	3 ft.

A. *R1-4 specific development standards.*

- a. R1-4 developments should not be clustered together or be located adjacent to another R1-4 zone. Areas zoned R1-4 shall be distributed evenly throughout the City in an orderly, harmonious, and functionally efficient manner.
- b. No R1-4 zoned development or subdivision shall exceed 12 acres.
- c. No building shall exceed two stories.
- d. Each lot shall have a minimum width of 18 feet of concrete driveway.
- e. The maximum lot size is 6,000 square feet.
- f. The maximum footprint of the main building is 1,500 square feet.
- g. No accessory buildings or accessory dwellings units are permitted.
- h. A development agreement between the City and the applicant may be required by the City Council as part of the Council's legislative action to add R1-4 zoning to the City's zoning map.
- i. Side yards shall be 5 feet on one side and minimum 10 feet on the other side.

Notes:

1. Duplex only permitted on first 10,000 square feet. Any additional units must meet density per acre standards.
2. "Average size" means the total acreage devoted to lots divided by the number of lots. Net density definition shall apply.
3. Except as otherwise permitted by subsection 10-13-7C of this chapter.
4. Except as otherwise permitted by subsection 10-13-7B of this chapter.
5. Except as modified by the provisions of subsection 10-37-12F, setback measurement, of this title.
6. If located at least ten feet from main building, two feet. Otherwise, same as for main building.
7. When this side setback is required, rear setback may be reduced to ten feet.
8. Pools must be located behind front yard setbacks. Setback is measured from rear and side property lines. Pools may require special engineering. A closer property line setback may be approved by the building official if engineering ensures structural integrity for any adjoining buildings or walls as well as the pool.
9. If located at least ten feet from main building, ten feet. Otherwise, same as for main building. No accessory building shall be built within a public utility easement.
10. Minimum area shall not be required in downtown area as listed within the general plan map to allow for infill and redevelopment of the downtown area in order to accomplish goals within the City's general plan and supporting master plans.
11. Side yards shall be 5 feet on one side and minimum 10 feet on the other side.

BE IT HEREBY FURTHER ORDAINED by the City Council of Hurricane, Utah that Section 10-50-5 of the Hurricane City Code is amended to read as follows:

Sec. 10-50-5. Uses allowed.

Permitted and conditional uses allowed within the various zones established by this title shall be as set forth in table 10-50-1 of this section. Permitted and conditional uses are

indicated by a "P" or "C," respectively, in the appropriate column. Uses not permitted are indicated by "N." Any use not shown on table 10-50-1 of this section shall be prohibited unless the Zoning Administrator determines the use is substantially the same as a permitted or conditional use as provided in subsection 10-7-18(E)(4) of this title.

TABLE 10-50-1
PERMITTED AND CONDITIONAL WIRELESS TELECOMMUNICATION FACILITIES ALLOWED

Zone	Wall mount	Roof mount	Collocated	Monopole	Lattice tower	Stealth	Guyed tower
A-40	C	C	C	C	C	P	N
A-20	C	C	C	C	C	P	N
A-10	C	C	C	C	C	P	N
A-5	C	C	C	C	C	P	N
RA-1	P	P	C	C	C	P	N
RA-.5	P	P	C	C	C	P	N
R1-15	P	C	C	C	C	P	N
R1-10	P	C	C	C	C	P	N
R1-8	P	C	N	N	N	P	N
R1-6	P	C	N	N	N	P	N
R1-4	P	C	N	N	N	P	N
RM-1	P	C	N	N	N	P	N
RM-2	P	C	N	N	N	P	N
RM-3	P	C	N	N	N	P	N
MH/RV	C	N	N	N	N	P	N
NC	P	C	C	C	N	P	N
GC	P	C	C	C	N	P	N
HC	P	C	C	C	N	P	N
PC	P	C	C	C	N	P	N
POC	P	C	C	C	N	P	N
BMP	P	C	C	C	N	P	N
PO	P	C	C	C	N	P	N
M-1	P	P	C	C	C	P	N
M-2	P	P	C	C	C	P	N
OS	P	P	C	C	C	P	N
PF	P	C	C	C	N	P	N

NOW THEREFORE, BE IT ORDAINED BY THE HURRICANE CITY COUNCIL OF HURRICANE CITY, UTAH THAT:

1. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.

2. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Hurricane City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.
3. This Ordinance shall, after adoption and approval, take effect immediately upon publication or posting as required by law.

PASSED AND APPROVED this 19th day, September 2024.

Hurricane City

Nanette Billings, Mayor

Attest:

Cindy Beteag, City Recorder

The foregoing Ordinance was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 19th day of September 2024. Whereupon a motion to adopt and approve said Resolution was made by _____ and seconded by _____. A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
David Hirschi	_____	_____	_____	_____
Kevin Thomas	_____	_____	_____	_____
Clark Fawcett	_____	_____	_____	_____
Drew Ellerman	_____	_____	_____	_____
Joseph Prete	_____	_____	_____	_____

Cindy Beteag, Recorder

CHAPTER 50. WIRELESS TELECOMMUNICATIONS FACILITIES

Sec. 10-50-1. Short title.

This chapter shall be known as the Hurricane City Wireless Telecommunications Tower and Facilities Ordinance and may be so cited and pleaded.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-2. Purpose.

The purpose of this chapter is to establish general requirements for the siting of wireless telecommunications towers and facilities. The intent of this chapter is to:

- A. Encourage the location of facilities in nonresidential areas.
- B. Minimize the total number of monopole and lattice tower facilities throughout the community.
- C. Encourage the joint use of new and existing communication sites.
- D. Encourage providers of facilities to locate them where the adverse impact on the community is minimal.
- E. Encourage providers of facilities to use innovative design to minimize adverse visual impact.
- F. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-3. Scope.

This chapter shall apply to both commercial and private low power radio services and facilities such as "cellular" or "pcs" (personal communications services) communications and paging systems. All such facilities shall comply with the requirements of this chapter, other applicable City ordinances, the Federal Communications Commission and the Federal Aviation Administration. This chapter shall not apply to the following types of communications devices, although they may be regulated by other City ordinances and policies:

- A. *Amateur radio.* Any tower or antenna owned and operated by an amateur radio operator licensed by the Federal Communications Commission.
- B. *Satellite.* A device designed for the over the air reception of television broadcast signals, multichannel multipoint distribution service or direct satellite service.
- C. *Cable.* Any cable television headend or hub towers and antenna used solely for cable television services.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-4. Definitions.

For the purpose of this chapter, the following terms shall have the meanings set forth below and shall apply in addition to the terms defined in chapter 3 of this title:

Antenna means a transmitting or receiving device used in telecommunications that radiates or captures signals.

Collocation means the location of an antenna on an existing structure, tower or building that is already being used for telecommunication service facilities.

Guyed tower means a tower that supports an antenna or antennas and requires guywires or other stabilizers for support.

Lattice tower means a self-supporting multiple sided, open steel frame structure used to support telecommunications equipment.

Monopole facility means an antenna or series of individual antennas and any associated equipment mounted on a single cylindrical pole. For the purposes of this chapter, if a facility does conform to the definition of a roof or wall mounted facility it shall be considered a monopole facility.

Roof mounted facility means an antenna or series of individual antennas and any associated equipment mounted on a flat or pitched roof, mechanical room or penthouse of a building or structure.

Stealth facility means a wall, roof, or monopole facility disguised or concealed from view, such as, but not limited to, artificial trees, synthetic rocks, or architectural elements such as corners, steeples, and chimneys.

Wall mounted facility means an antenna or series of individual antennas and any associated equipment mounted against the vertical wall of a building or structure.

Wireless telecommunication facilities zoning table means table 10-50-1 of section 10-50-5 of this chapter, incorporated herein by this reference.

Wireless telecommunications facility means an unmanned structure consisting of equipment used primarily for the transmission, reception or transfer of voice or data through radio wave or wireless transmissions which is typically attached to a transmission support structure.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-5. Uses allowed.

Permitted and conditional uses allowed within the various zones established by this title shall be as set forth in table 10-50-1 of this section. Permitted and conditional uses are indicated by a "P" or "C," respectively, in the appropriate column. Uses not permitted are indicated by "N." Any use not shown on table 10-50-1 of this section shall be prohibited unless the Zoning Administrator determines the use is substantially the same as a permitted or conditional use as provided in subsection 10-7-18(E)(4) of this title.

TABLE 10-50-1
PERMITTED AND CONDITIONAL WIRELESS TELECOMMUNICATION FACILITIES ALLOWED

Zone	Wall mount	Roof mount	Collocated	Monopole	Lattice tower	Stealth	Guyed tower
A-40	C	C	C	C	C	P	N
A-20	C	C	C	C	C	P	N
A-10	C	C	C	C	C	P	N

A-5	C	C	C	C	C	P	N
RA-1	P	P	C	C	C	P	N
RA-.5	P	P	C	C	C	P	N
R1-15	P	C	C	C	C	P	N
R1-10	P	C	C	C	C	P	N
R1-8	P	C	N	N	N	P	N
R1-6	P	C	N	N	N	P	N
R1-4	P	C	N	N	N	P	N
RM-1	P	C	N	N	N	P	N
RM-2	P	C	N	N	N	P	N
RM-3	P	C	N	N	N	P	N
MH/RV	C	N	N	N	N	P	N
NC	P	C	C	C	N	P	N
GC	P	C	C	C	N	P	N
HC	P	C	C	C	N	P	N
PC	P	C	C	C	N	P	N
POC	P	C	C	C	N	P	N
BMP	P	C	C	C	N	P	N
PO	P	C	C	C	N	P	N
M-1	P	P	C	C	C	P	N
M-2	P	P	C	C	C	P	N
OS	P	P	C	C	C	P	N
PF	P	C	C	C	N	P	N

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-6. Master plan required.

All wireless telecommunication facility applicants shall submit a master plan of the area being serviced by wall mounted, roof mounted, monopole, stealth antenna, stealth tower or lattice tower facilities.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-7. Facility types and development standards.

Wireless telecommunication facilities are characterized by four general types of antenna structures: wall mounted; roof mounted; monopole; and lattice tower. Standards for the installation of each antenna types shall be as follows:

- A. *Wall mounted antenna.* The following provisions shall apply to a wall mounted antenna:
 1. A wall mounted antenna shall not extend above the wall line of the building or structure or extend more than four feet horizontally from the face of the building or structure.
 2. The antenna, equipment and the supporting structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. An antenna and supporting structures on buildings should be architecturally compatible with the building.

-
3. An antenna mounted directly on existing parapet walls, with no portion of the antenna extending above the roofline of such structure, shall be considered a wall mounted antenna.
 4. Stealth wall mounted antennas are encouraged and are permitted in all zones.
 5. Any front mounted wall antenna shall be deemed a stealth antenna.
 6. A wall mounted antenna shall be a permitted or conditional use, or not permitted, as provided in table 10-50-1 in section 10-50-5 of this chapter. A wall mounted antenna permitted as a conditional use shall require a conditional use permit.
- B. *Roof mounted antenna.* The following provisions shall apply to a roof mounted antenna:
1. A roof mounted antenna and the antenna mounting structure shall not extend more than eight feet above the existing roofline and ten feet back of the exterior wall.
 2. An antenna and the antenna supporting structure mounted on a flat roof shall not extend more than eight feet high and ten feet back of the exterior wall.
 3. A roof mounted antenna on a pitched roof shall be allowed provided the antenna is no more than five feet above the roof pitch.
 4. A roof mounted antenna shall be constructed and/or colored to match the surroundings where it is located.
 5. Stealth roof mounted antennas are encouraged and permitted in all zones.
 6. Any front mounted wall or roof antenna shall be deemed a stealth antenna.
 7. A roof mounted antenna shall be a permitted or conditional use, or not permitted, as provided in table 10-50-1 in section 10-50-5 of this chapter. A roof mounted antenna permitted as a conditional use shall require a conditional use permit.
- C. *Monopole.* The following provisions shall apply to a monopole:
1. The height limit for a monopole shall be 100 feet except where a greater height is allowed by a conditional use permit, provided that:
 - a. The monopole shall blend in with surrounding structures, poles, or trees and is compatible with surrounding uses.
 - b. The monopole shall be available for collocation of antennas owned by other companies.
 - c. The monopole shall be set back at least 300 feet from any residential zone boundary.
 - d. The height of the monopole shall be measured from the top of the structure, including antennas, to the original grade directly adjacent to the monopole.
 2. A monopole shall be set back from any residential structure a distance equal to its height.
 3. Stealth monopole facilities are encouraged and shall be permitted in all zones.
 4. A monopole shall be a permitted or conditional use, or not permitted, as provided in table 10-50-1 in section 10-50-5 of this chapter. A monopole permitted as a conditional use shall require a conditional use permit.
- D. *Guyed tower.* A guyed tower shall not be allowed.
- E. *Lattice tower.* The following provisions shall apply to a lattice tower:
1. The height limit for a lattice tower shall be 100 feet except where a greater height is allowed by a conditional use permit, provided that:

-
- a. The lattice tower shall blend in with surrounding structures, poles, or trees and be compatible with surrounding uses.
 - b. The lattice tower shall be available for collocation of antennas owned by other companies.
 - c. The lattice tower will be set back at least 300 feet from any residential zone boundary. The height shall be measured from the top of the structure, including antennas, to the original grade directly adjacent to the lattice tower.
2. Lattice towers shall not be allowed in any residential zone.
 3. A lattice tower shall be a permitted or conditional use, or not permitted, as provided in table 10-50-1 in section 10-50-5 of this chapter. A lattice tower permitted as a conditional use shall require a conditional use permit.
- F. *Collocated antennas.* The following provision shall apply to collocated antennas:
1. Collocated antennas shall be permitted in any zone where a monopole or lattice tower is permitted. Collocated antennas shall conform to all applicable provisions of this title.
- G. *City rights-of-way.* Facilities locating in the City rights-of-way shall also comply with title 7, chapter 8 of this Code.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-8. Color.

Monopoles, lattice towers, antennas, towers, and any associated buildings or equipment shall be painted to blend with the surroundings in which they are most commonly seen. The color shall be determined on a case by case basis by the Planning Commission for conditional uses and by the Zoning Administrator for permitted uses. Within six months after the facility has been constructed, the Planning Commission or the Zoning Administrator may require the color be changed if it is determined that the original color does not blend with the surroundings.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-9. Additional requirements.

- A. *Compliance with FCC and FAA regulations.* All operators of personal (private) wireless services facilities shall demonstrate compliance with applicable Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) regulations, including FCC radio frequency regulations, at the time of application and periodically thereafter as requested by the Zoning Administrator. Failure to comply with applicable regulations shall be grounds for revoking a site plan or conditional use permit approval.
- B. *Other licenses and permits.* The operator of every personal wireless services facility shall submit copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location, and operation of the facility to the Zoning Administrator, maintain such licenses and permits in good standing, and provide evidence of renewal or extension thereof upon request by the Zoning Administrator.
- C. *Protection against climbing.* A monopole shall be protected against climbing by removing the climbing pegs from the lower 20 feet of the monopole.
- D. *Miscellaneous considerations.* The following shall be considered by the Planning Commission in connection with a request for a conditional use permit for a wireless telecommunication facility:

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1. Compatibility of the proposed structure with the height and mass of existing buildings and utility structures.
 2. Locating the antenna on other existing structures in the same vicinity, such as other monopoles, lattice towers, buildings, water storage facilities, utility poles, athletic field lights, and parking lot lights, etc., where possible without significantly impacting antenna transmission or reception.
 3. Location of the antenna in relation to existing vegetation, topography including ridgelines, and buildings to obtain the best visual screening.
 4. Spacing between monopoles or lattice towers which creates detrimental impacts to adjoining properties.
 5. Installation of, but not limited to, curb, gutter, sidewalk, landscaping, and fencing as required by this title.
 6. Color of facilities.
 7. Height of any lattice tower, including the antenna, over 100 feet.
 8. Any antenna, monopole, and/or lattice tower proposed for a location within a historic district or landmark site shall have prior approval by the Historic Preservation Commission.
 9. Security lighting of monopoles and lattice towers shall comply with FAA requirements for lighting. The Planning Commission may also require security lighting for the site. If security lighting is used, the lighting impact on surrounding areas, shall be minimized by using indirect lighting where appropriate.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-10. Accessory buildings.

Accessory buildings to antenna structures shall conform to required setback, height and landscaping requirements of the zoning district in which they are located. All utility lines leading to the accessory building and antenna structure shall be underground.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-11. Nonmaintained or abandoned facilities.

The Building Official may require a nonmaintained or abandoned telecommunications facility to be removed from the building or premises when the facility has not been repaired or put to use by the owner or agent within 90 calendar days after notice of nonmaintenance or abandonment is given to the owner or agent, by certified mail, in person, or by personal service. The applicant shall post a site specific bond when a permit is issued to guarantee removal of the facility and site restoration. The type of bond and amount shall be determined by the Zoning Administrator. No bond shall be required for roof or wall mounted facilities. Failure to remove antennas, monopoles, and/or lattice towers after receiving written notice to remove is a violation of the terms of this chapter. The City may initiate criminal and/or civil proceedings against any person, firm, entity or corporation, whether acting as principal, agent, property owner, lessee, lessor, tenant, landlord, employee, employer, or otherwise, for failure to remove antennas and monopoles in accordance with this section. The City may seek a civil injunction requiring the removal of any structures on the site in accordance with this section. Any lease agreement with the City may also stipulate failure to remove antennas and monopoles after receiving written notice to do so pursuant to this section shall automatically transfer ownership of antennas, monopoles, towers, support buildings and all other structures on the site to the City.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-12. Application requirements.

Any person or entity desiring to develop, construct or establish a wireless telecommunication service facility in the City shall submit an application which provides the following information. The application shall not be considered until all required information has been provided.

- A. *Site plan.* A site plan shall be submitted as provided in section 10-7-10 of this title. In addition to the requirements of section 10-7-10 of this title an application for a wireless telecommunication service facility shall include the following:
 - 1. Name of property owner and a written statement from the owner of the property where the facility is proposed to be located, stating that the owner has reviewed the plans for the proposed facility, understands the type of facility that is being installed and the obligations the owner is undertaking, and granting permission for the applicant to install and maintain the facility.
 - 2. Footprints of existing and proposed buildings and structures, including a notation of unit's height above the grade.
 - 3. Location and size of existing and proposed antennas, with dimensions to property lines.
- B. *Written information.* The following written information shall be provided:
 - 1. Signed lease agreement with property owner.
 - 2. Signed lease agreement with the City if site is located on City property.
 - 3. A description of the anticipated maintenance needs for the facility, including frequency of service, personnel, equipment needs, and traffic noise or safety impacts of maintenance activity.
 - 4. A description of the service area for the antenna or tower and a statement as to whether the antenna or tower is needed for coverage or capacity.
 - 5. A map showing the site and nearest or associated telecommunication facility sites within the network and a description of the distance between the telecommunication facility sites and how the proposed service area relates to the service network.
 - 6. Copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location, and operation of the antenna.
 - 7. A written commitment to comply with applicable Federal Communications Commission radio frequency emission regulations.
 - 8. Contact information for a person who can respond to questions concerning the application and the proposed facility, including name, address, telephone number, facsimile number, and electronic mail address, if available.
- C. *Additional information requirements for monopoles and/or lattice towers.* If an applicant desires to construct a monopole or lattice tower, the applicant shall also submit a detailed written description of why the applicant cannot obtain coverage using existing buildings or structures.
- D. *Additional information requirement for facilities not located on highest priority site.* If an applicant desires to locate antennas on a site other than the highest priority site, the application shall provide the following information to the approving authority:
 - 1. The identity and location of any higher priority sites located within the desired service area.
 - 2. The reason(s) why higher priority sites are not technologically, legally, or economically feasible.

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3. Why the proposed site is essential to meet the service demands of the proposed geographic service area and the City-wide network.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-13. Approval process.

An application for a wireless telecommunication facility which is a permitted use in the zone where the facility is proposed to be located shall be reviewed pursuant to the site plan review provisions of section 10-7-10 of this title. If the facility is a conditional use in such zone, the review shall be pursuant to the conditional use permit process set forth in section 10-7-9 of this title.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-14. Building permits.

Building permits shall be issued pursuant to the provisions set forth in section 10-7-13 of this title.

- A. *General requirements.* No tower or antenna structure shall be constructed until the applicant obtains a building permit from the City. No building permit shall be issued for any project for which a site plan or conditional use permit is required until the site plan or conditional use permit has been approved by the appropriate authority. If the design or engineering of an antenna support structure is beyond the expertise of the City staff or Planning Commission, the City may require third party review by an engineer selected by the City prior to the issuance of a building permit. The applicant shall pay an additional fee to cover the cost of the third party review.
- B. *Special requirements.* If the applicant is constructing a monopole, lattice tower or other tower type structure, the applicant shall, if required by the City, submit a written report from a qualified, structural engineer licensed in the state, documenting the following:
 1. Height and design of the monopole or lattice tower, including technical engineering, economic, and other pertinent factors governing selection of the proposed design.
 2. Seismic load design and wind load design for the monopole or lattice tower.
 3. Total anticipated capacity of the monopole or lattice tower and demonstration that the site and setbacks are of adequate size to contain debris.
 4. Soil investigation report, including structural calculations.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-13-3. Uses allowed.

- A. *Permitted and conditional uses.* Permitted and conditional uses allowed within residential zones shall be as set forth in table 10-13-1 of this section. Permitted and conditional uses are indicated by a "P" or "C", respectively, in the appropriate column. Uses not permitted are indicated by "N." Any use not shown on table 10-13-1 of this section shall be prohibited unless the Zoning Administrator determines the use is substantially the same as a permitted or conditional use as provided in subsection 10-7-18(E)(4) of this title.

TABLE 10-13-1
PERMITTED AND CONDITIONAL USES ALLOWED IN RESIDENTIAL ZONES

Use	Zones								
	R1-15	R1-10	R1-8	R1-6	R1-4	RM-1	RM-2	RM-3	MH/RV
Agricultural uses:									
Accessory building	P	P	P	P	N	P	P	P	P
Agricultural business	N	N	N	N	N	N	N	N	N
Agricultural industry	N	N	N	N	N	N	N	N	N
Agriculture	N	N	N	N	N	N	N	N	N
Agriculture residential	P	P	P	P	P	P	P	P	P
Animal specialties	P	P	N	N	N	N	N	N	N
Animals and fowl for recreation and family food production	P ³ /C	P ³ /C	P ³	P ³	N	N	N	N	N
Stable, private	N	N	N	N	N	N	N	N	N
Residential uses:									
Assisted living facility	C	C	C	C	C	N	N	N	N
Boarding house	N	N	N	N	N	N	N	N	N
Building, accessory	P	P	P	P	N	P	P	P	P
Dwelling, earth sheltered	P	P	P	P	P	P	P	P	N
Dwelling, multiple-family	N	N	N	N	N	P	P	P	N
Dwelling, single-family	P	P	P	P	P	P	P	P	P
Dwelling, single-family with single accessory dwelling unit	P	P	P	P	N	N	N	N	N
Dwelling, temporary	P	P	P	P	P	P	P	P	P
Dwelling, two-family	N	N	N	N	N	P	P	P	N
Guesthouse or casita	P	P	P	N	N	N	N	N	N
Manufactured home	P	P	P	P	P	N	N	N	P
Manufactured/mobile home park	N	N	N	N	N	N	N	N	P
Manufactured/mobile home subdivision	N	N	N	N	N	N	N	N	P
Protective housing facility	N	N	N	N	N	N	N	N	N
Rehabilitation/treatment facility	N	N	N	N	N	N	N	N	N
Residential facility for elderly persons ¹	P	P	P	P	P	P	P	P	P
Residential facility for persons with a disability ¹	P	P	P	P	P	P	P	P	P
Residential facility for troubled youth	N	N	N	N	N	N	N	N	N
Short term rental ⁴	P	P	P	N	N	N	N	N	N
Transitional housing facility	N	N	N	N	N	N	N	N	N
Public and civic uses:									
Airport	N	N	N	N	N	N	N	N	N
Auditorium or stadium	N	N	N	N	N	N	N	N	N
Bus terminal	N	N	N	N	N	N	N	N	N
Cemetery	P	P	P	P	P	P	P	P	P
Church or place of worship	P	P	P	P	P	P	P	P	P
Club or service organization	N	N	N	N	N	N	N	N	N
College or university	N	N	N	N	N	N	N	N	N

Convalescent care facility	N	N	N	N	N	N	N	N	N
Correctional facility	N	N	N	N	N	N	N	N	N
Cultural service	N	N	N	N	N	N	N	N	N
Golf course	P	P	P	P	N	P	P	P	P
Government service	N	N	N	N	N	N	N	N	N
Hospital	N	N	N	N	N	N	N	N	N
Operations center	N	N	N	N	N	N	N	N	N
Park	P	P	P	P	P	P	P	P	P
Post office	N	N	N	N	N	N	N	N	N
Protective service	P	P	P	P	P	P	P	P	P
Reception center	N	N	N	N	N	N	N	N	N
School, elementary, middle, high or private	P	P	P	P	P	P	P	P	P
School, vocational	N	N	N	N	N	N	N	N	N
Stable, public	N	N	N	N	N	N	N	N	N
Utility, major	N	N	N	N	N	N	N	N	N
Utility, minor	P	P	P	P	P	P	P	P	P
Commercial uses:									
Agricultural sales and service	N	N	N	N	N	N	N	N	N
Animal hospital	N	N	N	N	N	N	N	N	N
Bail bond service	N	N	N	N	N	N	N	N	N
Bank or financial institution	N	N	N	N	N	N	N	N	N
Bed and breakfast, home	P	P	P	P	N	N	N	N	N
Bed and breakfast inn	N	N	N	N	N	N	N	N	N
Business equipment rental, services, and supplies	N	N	N	N	N	N	N	N	N
Car wash	N	N	N	N	N	N	N	N	N
Club, private	N	N	N	N	N	N	N	N	N
Construction sales and service	N	N	N	N	N	N	N	N	N
Convenience store	N	N	N	N	N	N	N	N	N
Licensed family child care ²	P	P	P	P	P	P	P	P	P
Residential certificate child care ²	P	P	P	P	P	P	P	P	P
Child care center	N	N	N	N	N	N	N	N	N
Funeral home	N	N	N	N	N	N	N	N	N
Garden center	N	N	N	N	N	N	N	N	N
Gas and fuel, storage and sales	N	N	N	N	N	N	N	N	N
Gasoline service station	N	N	N	N	N	N	N	N	N
Hostel	N	N	N	N	N	N	N	N	N
Hotel	N	N	N	N	N	N	N	N	N
Kennel, commercial	N	N	N	N	N	N	N	N	N
Laundry or dry cleaning, limited	N	N	N	N	N	N	N	N	N
Liquor store	N	N	N	N	N	N	N	N	N
Media service	N	N	N	N	N	N	N	N	N
Medical or dental laboratory	N	N	N	N	N	N	N	N	N
Medical service	N	N	N	N	N	N	N	N	N
Motel	N	N	N	N	N	N	N	N	N
Office, general	N	N	N	N	N	N	N	N	N

Parking garage, public	N	N	N	N	N	N	N	N	N
Parking lot, public	N	N	N	N	N	N	N	N	N
Pawnshop	N	N	N	N	N	N	N	N	N
Personal care service, home based ²	P	P	P	P	P	P	P	P	P
Personal instruction service, home based ²	P	P	P	P	P	P	P	P	P
Printing and copying, limited	N	N	N	N	N	N	N	N	N
Printing, general	N	N	N	N	N	N	N	N	N
Produce stand	N	N	N	N	N	N	N	N	N
Recreation and entertainment, indoor	N	N	N	N	N	N	N	N	N
Recreation and entertainment, outdoor	N	N	N	N	N	N	N	N	N
Recreational vehicle park	N	N	N	N	N	N	N	N	P
Repair service	N	N	N	N	N	N	N	N	N
Research service	N	N	N	N	N	N	N	N	N
Residential hosting facility	P	P	P	P	N	N	N	N	N
Restaurant, fast food	N	N	N	N	N	N	N	N	N
Restaurant, general	N	N	N	N	N	N	N	N	N
Retail, general	N	N	N	N	N	N	N	N	N
Secondhand store	N	N	N	N	N	N	N	N	N
Shopping center	N	N	N	N	N	N	N	N	N
Tattoo establishment	N	N	N	N	N	N	N	N	N
Tavern	N	N	N	N	N	N	N	N	N
Temporary trailer	P	P	P	P	P	P	P	P	P
Transportation service	N	N	N	N	N	N	N	N	N
Vehicle and equipment rental or sale	N	N	N	N	N	N	N	N	N
Vehicle and equipment repair, general	N	N	N	N	N	N	N	N	N
Vehicle repair, limited	N	N	N	N	N	N	N	N	N
Veterinary service	N	N	N	N	N	N	N	N	N
Warehouse, self-service storage	N	N	N	N	N	N	N	N	N
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title								
Industrial uses:									
Automobile wrecking yard	N	N	N	N	N	N	N	N	N
Freight terminal	N	N	N	N	N	N	N	N	N
Heavy industry	N	N	N	N	N	N	N	N	N
Junk or salvage yard	N	N	N	N	N	N	N	N	N
Laundry services	N	N	N	N	N	N	N	N	N
Manufacturing, general	N	N	N	N	N	N	N	N	N
Manufacturing, limited	N	N	N	N	N	N	N	N	N
Mineral extraction	N	N	N	N	N	N	N	N	N
Wholesale and warehousing, general	N	N	N	N	N	N	N	N	N
Wholesale and warehousing, limited	N	N	N	N	N	N	N	N	N

Notes

1. See chapter 46 of this title.
2. See chapter 42 of this title.
3. See section 10-37-15 of this title for permitted animals and fowl.
4. See licensing and operations requirements in title 3 of this Code.

B. *Accessory uses.* Permitted and conditional uses set forth in table 10-13-1 of this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.

1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this title.
2. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.
3. Accessory uses in residential zones shall include, but not be limited to, the following:

Garage sales, subject to applicable standards of chapter 48, temporary uses, of this title.

Garages and off street parking areas, subject to applicable standards of chapter 34, off street parking and loading, of this title.

Hobby activities when conducted by an occupant of the premises solely for personal enjoyment, amusement, or recreation and which does not conflict with any other City ordinance.

Home based businesses, subject to applicable standards of chapter 42, home based businesses, of this title.

Household pets, as defined in Sec. 10-3-4.

Nurseries and greenhouses, when used for family food production.

Playhouses, patios, porches, gazebos, and incidental storage buildings.

Swimming pools and hot tubs for use by residents and their guests.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2009-01, 2-5-2009; Ord. 2016-11, 11-17-2016; Ord. 2017-03, 1-19-2017; Ord. 2018-04, 4-5-2018)

Sec. 10-13-4. Development standards.

Development standards within residential zones shall be as set forth in table 10-13-2 of this section.

TABLE 10-13-2
DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES

Development standard	Zones							
	R1-15	R1-10	R1-8	R1-6	R1-4	RM-1 ¹	RM-2	RM-3
Lot standards:								
Average lot area ²	15,000 sq. ft.	10,000 sq. ft.	8,000 sq. ft.	6,000 sq. ft.	4,000 sq. ft.	n/a	n/a	n/a
Minimum lot area or acreage	12,000 sq. ft.	8,000 sq. ft.	6,400 sq. ft.	4,800 sq. ft.	3,900 sq. ft.	10,000 sq. ft.	1 acre (see note 10)	1 acre (see note 10)
Minimum lot width and/or project frontage	90 ft.	80 ft.	70 ft.	60 ft.	50 ft.	80 ft. project	100 ft. project	200 ft. project
Maximum density per acre	n/a	n/a	n/a	n/a	n/a	6 units/lots	10 units/lots	15 units/lots
Building standards:								
Maximum height, main building ³	35 ft.	35 ft.	35 ft.	35 ft.	30 ft.	35 ft.	35 ft.	35 ft.
Maximum height, accessory building ⁴	16 ft.	16 ft.	16 ft.	16 ft.	n/a	20 ft.	20 ft.	20 ft.
Maximum size, accessory building	1,200 sq. ft.	1,200 sq. ft.	500 sq. ft.	500 sq. ft.	n/a	1,000 sq. ft.	1,000 sq. ft.	500 sq. ft.
Building coverage: see subsection 10-37-12I of this title	50% of lot	50% of lot	50% of lot	50% of lot	50% of lot	50% of lot	50% of lot	50% of lot
Distance between buildings	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	20 ft.	20 ft.	20 ft.
Setback standards—front yard:								
Any building ⁵	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	Living area 20' Garage 22'	Living area 20' Garage 22'	Living area 20' Garage 22'
Setback standards—rear yard:								
Main building	20 ft.	20 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Accessory building, including private garage ⁶	See note 9	See note 9	See note 9	See note 9	n/a	See note 9	See note 9	See note 9
Setback standards—interior side yard:								

Main building	10 ft.	10 ft.	10 ft.	8 ft.	See note 11.	10 ft.	10 ft.	10 ft.
Accessory building, including private garage	See note 6	See note 6	See note 6	See note 6	n/a	See note 6	See note 6	See note 6
Setback standards—street side yard:								
Main building ⁷	20 ft.	20 ft.	20 ft.	20 ft.	15 ft.	20 ft.	20 ft.	20 ft.
Accessory building	See note 6	See note 6	See note 6	See note 6	n/a	See note 6	See note 6	See note 6
Pool location and setbacks ⁸	3 ft.	3 ft.	3 ft.	3 ft.	n/a	3 ft.	3 ft.	3 ft.

A. *R1-4 specific development standards.*

- a. R1-4 developments should not be clustered together or be located adjacent to another R1-4 zone. Areas zoned R1-4 shall be distributed evenly throughout the City in an orderly, harmonious, and functionally efficient manner.
- b. No R1-4 zoned development or subdivision shall exceed 12 acres.
- c. No building shall exceed two stories.
- d. Each lot shall have a minimum width of 18 feet of concrete driveway.
- e. The maximum lot size is 6,000 square feet.
- f. The maximum footprint of the main building is 1,500 square feet.
- g. No accessory buildings or accessory dwellings units are permitted.
- h. A development agreement between the City and the applicant may be required by the City Council as part of the Council's legislative action to add R1-4 zoning to the City's zoning map.
- i. Side yards shall be 5 feet on one side and minimum 10 feet on the other side.

Notes:

1. Duplex only permitted on first 10,000 square feet. Any additional units must meet density per acre standards.
2. "Average size" means the total acreage devoted to lots divided by the number of lots. Net density definition shall apply.
3. Except as otherwise permitted by subsection 10-13-7C of this chapter.
4. Except as otherwise permitted by subsection 10-13-7B of this chapter.
5. Except as modified by the provisions of subsection 10-37-12F, setback measurement, of this title.
6. If located at least ten feet from main building, two feet. Otherwise, same as for main building.
7. When this side setback is required, rear setback may be reduced to ten feet.
8. Pools must be located behind front yard setbacks. Setback is measured from rear and side property lines. Pools may require special engineering. A closer property line setback may be approved by the building official if engineering ensures structural integrity for any adjoining buildings or walls as well as the pool.
9. If located at least ten feet from main building, ten feet. Otherwise, same as for main building. No accessory building shall be built within a public utility easement.
10. Minimum area shall not be required in downtown area as listed within the general plan map to allow for infill and redevelopment of the downtown area in order to accomplish goals within the City's general plan and supporting master plans.
11. Side yards shall be 5 feet on one side and minimum 10 feet on the other side.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2004-15, 6-17-2004; Ord. 2005-6, 2-17-2005; Ord. 2017-14, 8-17-2017; Ord. 2018-14, 12-20-2018; Ord. 2019-02, 3-7-2019; Ord. No. 2020-12 , 3-5-2020; Ord. 2020-18, 9-3-2020; Ord. No. 2021-05 , 6-3-2021)

CHAPTER 11. ZONES ESTABLISHED

Sec. 10-11-1. Establishment of zones.

In order to accomplish the purposes of the City general plan and this title, the following zones, along with their accompanying abbreviations, are hereby established as follows:

A.	<i>Agricultural zones:</i>	
	Agricultural 40	A-40
	Agricultural 20	A-20
	Agricultural 10	A-10
	Agricultural 5	A-5
	Agricultural 1	A-1
B.	<i>Residential agriculture zones:</i>	
	Residential-agricultural 1	RA-1
	Residential-agricultural .5	RA-.5
C.	<i>Residential zones:</i>	
	Single-family residential 15	R1-15
	Single-family residential 10	R1-10
	Single-family residential 8	R1-8
	Single-family residential 6	R1-6
	Single-family residential 4	R1-4
	Multiple-family residential 1	RM-1
	Multiple-family residential 2	RM-2
	Mobile home/RV park	MH/RV
D.	<i>Commercial zones:</i>	
	Neighborhood commercial	NC
	General commercial	GC
	Highway commercial	HC
	Planned commercial	PC
	Pedestrian-oriented commercial	POC
E.	<i>Business and industrial zones:</i>	
	Business/manufacturing park	BMP
	Professional office	PO
	Light industrial	M-1
	Heavy industrial	M-2
F.	<i>Open space and public facility zones:</i>	
	Open space	OS
	Public facilities	PF
G.	<i>Special purpose and overlay zones:</i>	
	Agriculture protection overlay	APO
	Historic district overlay	HDO
	Planned development overlay	PDO
	Sensitive lands overlay	SLO
	Runway protection	RPZ
	Recreation resort	RR

	Extraction industries overlay	
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(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2004-9, 4-1-2004; Ord. 2008-10, 6-5-2008; Ord. 2009-04, 3-19-2009; Ord. 2020-03, 2-6-2020)

Sec. 10-11-2. Zone purposes.

In addition to the general purposes of this title as set forth in section 10-1-3 of this title, the various zones each serve more specific purposes as set forth below:

- A. *Agricultural zones.* Agricultural zones preserve and protect agricultural lands and related activities, permit activities normally and necessarily related to agricultural production, and prohibit land uses that may undermine continued agricultural activity.
- B. *Residential agriculture zones.* Residential agriculture zones allow a mix of agricultural and residential uses on large lots. Limited agriculture activities, the keeping of limited numbers of animals, and the enjoyment of a "gentleman farmer" type neighborhood are the purpose of these zones.
 1. The purpose of the RA-1 and RA-.5 zones is to foster very low and low density development with little impact on its surroundings and municipal services; to preserve the character of the City's semirural areas; and to promote and preserve conditions favorable to large-lot family life, including the keeping of limited numbers of farm animals and fowl. The predominant use in these zones is intended to be large lot neighborhoods with detached single-family dwellings, protected from encroachment by commercial and industrial uses. Other major uses in these zones are small farms, hobby farms and agricultural developments. Ancillary uses include churches, schools, and parks to serve neighborhood areas.
- C. *Residential zones.* Residential zones allow a wide range of residential land uses at various densities. These zones protect the stability of neighborhoods and encourage, collectively, diverse types of desirable new residential development and protect existing residential uses.
 1. The purpose of the R1-15, R1-10, R1-8, R1-6, and R1-4 zones is to permit development of detached single-family homes on individual lots at medium to high densities. Ancillary uses include churches, schools, and parks to serve neighborhood areas.
 2. The purpose of the RM-1 and RM-2 zones is to permit well designed apartments, townhomes, twin homes, and condominiums at medium to high density that are appropriately buffered from and compatible with surrounding land uses. Ancillary uses include churches, schools, and parks to serve neighborhood areas.
 3. The purpose of the MH/RV zone is to provide locations where neighborhoods consisting of manufactured/mobile homes and recreational vehicle parks and subdivisions may be created, maintained, and preserved. Ancillary uses include churches, schools, and parks to serve neighborhood areas.
- D. *Commercial zones.* Commercial zones provide areas where a combination of business, commercial, entertainment, office, and related activities may be established, maintained and protected. Commercial zones are intended to provide a suitable environment for those commercial and service uses vital to the economic base of the City.
 1. The purpose of the NC zone is to provide areas where convenience buying outlets, having small trade areas, may be established to serve surrounding residential neighborhoods. This zone is intended to promote a combination of retail and service facilities that meet day to day needs of nearby residents and which are compatible in character and scale with adjacent development.

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2. The purpose of the GC zone is to accommodate a wide range of commercial uses developed without an overall plan or design scheme. Use of the GC zone for new commercial development should be avoided unless integrated shopping center development in another zone is not practical or desirable because of difficult size, shape, topography, or similar problems related to land otherwise deemed appropriate for commercial use. Typical uses in this zone may include offices, retail stores, personal services, heavy commercial, and institutional uses.
 3. The purpose of the HC zone is to provide commercial areas with visibility and access from Interstate 15 and major arterial roads for the convenience of commuters and the traveling public. Typical uses include lodging facilities, personal services, travel plazas, restaurants and fast food facilities, and commuter parking.
 4. The purpose of the PC zone is to provide areas of mixed use developments where a combination of destination-oriented business, retail commercial, entertainment, high density housing, and related uses may be established, maintained, and protected to serve both residents and nonresidents of the City. Typical uses in this zone include large scale, master planned commercial centers with outlying commercial pads, big box stores, offices, and various types of high density residential uses.
 5. The purpose of the POC zone is to provide walkable commercial areas which are generally oriented toward local residents rather than out of town patrons. Uses typical of this zone include planned retail and office development and limited medium to high density residential uses that can be harmoniously mixed with commercial development.
- E. *Business and industrial zones.* Business and industrial zones provide areas for conducting business, manufacturing and industrial activities.
1. The purpose of the BMP zone is to provide aesthetically attractive planned developments having a mix of office, research and development, light manufacturing, and limited retail uses. Typical uses in this zone include offices, clean indoor manufacturing facilities, service retail, restaurants, athletic clubs, personal service shops, medical offices, office/warehouse buildings, and research facilities.
 2. The purpose of the PO zone is to provide locations primarily along arterial or major collector streets which will accommodate offices or laboratories for professional persons and other related uses. The zone is intended to provide availability of professional services conveniently to all neighborhoods in the City. Typical uses in this zone include offices for doctors, dentists, accountants, and other similar professions, medical and dental laboratories, and pharmacies.
 3. The purpose of the M-1 zone is to provide areas for uses involving processing and assembly of manufactured goods, warehousing, and material storage. Uses which generate excessive noise, vibration, odor, dust, and fumes are excluded from this zone.
 4. The purpose of the M-2 zone is to provide areas where uses involving industrial processes and natural resource extraction may be permitted without negatively impacting other areas of the City, especially when undertaken on a large scale.
- F. *Open space and public facility zones.* Open space and public facility zones allow public or quasi-public uses.
1. The purpose of the OS zone is to recognize on the official zoning map areas which are open and generally undevelopable due to government ownership, their sensitive environmental nature and/or the unavailability of adequate public facilities, such as conservation areas and national park land.
 2. The purpose of the PF zone is to provide areas for facilities owned by public and quasi-public entities and which utilize relatively large areas of land. This zone is intended to provide
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immediate recognition of such areas on the official zoning map. Typical uses in this zone are cemeteries, hospitals, open air theaters, public parks, public schools, and public utility facilities.

- G. *Special purpose and overlay zones.* Special purpose zones are intended to accomplish objectives unique to the particular zone. Overlay zones implement supplemental regulations that apply geographically, regardless of the underlying base zone. Whenever the regulations of a base zone and an overlay zone conflict, overlay zone regulations apply.
1. The purpose of the APO zone is to protect and preserve existing agricultural areas from encroachment of development and to allow ongoing agricultural operations to continue without unreasonable regulations, except for those needed to protect public health and safety.
 2. The purpose of the HDO zone is to implement regulations designed to promote the preservation of structures and sites having historical, cultural, or architectural significance, and to foster economic development consistent with historic preservation plans adopted by the City.
 3. The purpose of the PDO zone is to permit a compatible, master planned mix of various uses in combination with open space components on land that has unique or unusual characteristics that warrant customized development requirements. Although development size may vary from location to location, each development is intended to consist of well designed, architecturally integrated structures which are appropriately landscaped and buffered from surrounding land uses.
 4. The SLO zone provides regulations to protect sensitive land areas such as hillsides, floodplains, and river parkway areas.
 5. The RPZ zone provides regulations to promote and protect the City airport.
 6. The recreation resort zone is established to designate certain areas within the City where it is desirable and beneficial to the area economy to allow for a mix of limited commercial, public, and residential uses. Specifically, to authorize recreation and resort developments in which residential dwelling units may be occupied by the owners thereof on a full or part time basis, to authorize the rental of residential units on an overnight or short term basis by owners who reside elsewhere; and to authorize limited commercial and public uses that are incidental to and compatible with resort developments.
 7. The general purpose of the extraction industries overlay zone is to provide for the operation of extraction industries in the City, while regulating the operation of such industrial uses particularly on properties in close proximity to residential districts and to provide regulatory standards and procedures to ensure the reclamation of the extraction industry sites upon completion of the extraction processes.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2004-9, 4-1-2004; Ord. 2004-15, 6-17-2004; Ord. 2008-10, 6-5-2008; Ord. 2009-04, 3-19-2009; Ord. 2009-15A, 11-5-2009; Ord. 2013-02, 3-21-2013; Ord. No. 2022-12, 5-5-2022)

Sec. 10-11-3. Official zoning map.

- A. *Zones.* The location and boundaries of the zones described in this chapter, including subsequent amendments, shall be shown on an official zoning map, entitled the Hurricane City Official Zoning Map, as provided in this section.
1. The zones established by this chapter are intended to further the goals and policies of the City general plan. Accordingly, not every zone established by this chapter need be included on the official zoning map unless and until the City Council, in the exercise of its legislative discretion, determines that placing a particular property in a particular zone will further the goals and policies of the general plan.

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2. Each lot within the City shall be subject to the requirements of the zone, or zones, in which the lot is located as shown on the official zoning map.
 3. The official zoning map, including all boundaries, notations, and other data shown thereon, is hereby adopted by this reference.
- B. *Amendments.* Amendments to the boundaries of a specific zone shown on the official zoning map shall be accomplished in accordance with the provisions set forth in section 10-7-7 of this title.
 - C. *Map updates.* The Zoning Administrator shall update the official zoning map as soon as possible after amendments are adopted by the City Council. Upon entering any such amendment on the map, the Zoning Administrator shall note on the map the date of the revision.
 - D. *Filing of ordinance and map.* The ordinance codified herein and official zoning map shall be filed in the custody of the City Recorder/Clerk and may be examined by the public subject to any reasonable regulations established by the City Council.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-11-4. Rules for locating zone boundaries.

- A. *Applicability.* Where uncertainty exists as to the boundary of any zone shown on the official zoning map, the provisions of this section shall apply to determine the location of such boundary.
- B. *Centerlines and property lines.* When a zone boundary is indicated as being approximately upon the centerline of a street, alley or block, or along a property line, then, unless otherwise definitely indicated on the official zoning map, the centerline of such street, alley or block or such property line, shall be construed to be the boundary of such zone.
- C. *Waterways, park and public land.* When a zone boundary is indicated as being approximately at the line of any river, irrigation canal or other waterway, public park or other public land, or any section line, then the center of the stream, canal or waterway, or the railroad right-of-way, or the boundary line of the public land or section line shall be deemed to be the boundary of the zone.
- D. *Lot, block, and tract lines.* Zone boundaries indicated as approximately following platted lot lines, or block or parcel tract boundaries shall be interpreted as following such lines.
- E. *Street vacations.* When a public road, street, or alley is officially vacated, such property shall have the same zoning as the adjacent property. In the event vacated property is adjacent to two zones, each zone shall extend to the centerline of the vacated right-of-way.
- F. *Uncertainties.* When a physical or cultural feature existing on the ground is at variance with one shown on the official zoning map, or in case any other uncertainty exists with respect to a zone boundary, the Zoning Administrator shall determine the boundary location, subject to appeal to the Appeals Board as provided in this title.
- G. *Zoning Administrator to make determination.* The Zoning Administrator shall have the authority to make all zone boundary clarifications and determinations subject to the rules above and appeal to the Appeals Board as provided in this title.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2018-12, 10-18-2018)

Sec. 10-11-5. Clarification of zoning.

- A. *Ambiguous zone.* Any property which is not clearly zoned on the City's official zoning map shall be deemed to be in the most restrictive adjacent zone.
 - B. *Ambiguous use.*
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1. If ambiguity arises concerning the classification of a particular use within the meaning and intent of this title, the Zoning Administrator shall determine the proper use or development standard. The Zoning Administrator may refer the matter to the Planning Commission for a final determination, if the Zoning Administrator deems the use unusual enough to require special consideration. The Planning Commission's determination shall be final and is subject to appeal to the Appeals Board as provided in this title.

(Ord. 2012-8, 10-18-2012; Ord. 2018-12, 10-18-2018)

Sec. 10-11-6. Newly annexed territories.

Territory which is annexed shall be deemed to be zoned A-20 immediately upon annexation or as otherwise expressly provided in an annexation agreement. This zoning shall be considered a holding zone and no zone change will be considered until a plan for development is presented.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

CHAPTER 50. WIRELESS TELECOMMUNICATIONS FACILITIES

Sec. 10-50-1. Short title.

This chapter shall be known as the Hurricane City Wireless Telecommunications Tower and Facilities Ordinance and may be so cited and pleaded.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-2. Purpose.

The purpose of this chapter is to establish general requirements for the siting of wireless telecommunications towers and facilities. The intent of this chapter is to:

- A. Encourage the location of facilities in nonresidential areas.
- B. Minimize the total number of monopole and lattice tower facilities throughout the community.
- C. Encourage the joint use of new and existing communication sites.
- D. Encourage providers of facilities to locate them where the adverse impact on the community is minimal.
- E. Encourage providers of facilities to use innovative design to minimize adverse visual impact.
- F. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-3. Scope.

This chapter shall apply to both commercial and private low power radio services and facilities such as "cellular" or "pcs" (personal communications services) communications and paging systems. All such facilities shall comply with the requirements of this chapter, other applicable City ordinances, the Federal Communications Commission and the Federal Aviation Administration. This chapter shall not apply to the following types of communications devices, although they may be regulated by other City ordinances and policies:

- A. *Amateur radio.* Any tower or antenna owned and operated by an amateur radio operator licensed by the Federal Communications Commission.
- B. *Satellite.* A device designed for the over the air reception of television broadcast signals, multichannel multipoint distribution service or direct satellite service.
- C. *Cable.* Any cable television headend or hub towers and antenna used solely for cable television services.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-4. Definitions.

For the purpose of this chapter, the following terms shall have the meanings set forth below and shall apply in addition to the terms defined in chapter 3 of this title:

Antenna means a transmitting or receiving device used in telecommunications that radiates or captures signals.

Collocation means the location of an antenna on an existing structure, tower or building that is already being used for telecommunication service facilities.

Guyed tower means a tower that supports an antenna or antennas and requires guywires or other stabilizers for support.

Lattice tower means a self-supporting multiple sided, open steel frame structure used to support telecommunications equipment.

Monopole facility means an antenna or series of individual antennas and any associated equipment mounted on a single cylindrical pole. For the purposes of this chapter, if a facility does conform to the definition of a roof or wall mounted facility it shall be considered a monopole facility.

Roof mounted facility means an antenna or series of individual antennas and any associated equipment mounted on a flat or pitched roof, mechanical room or penthouse of a building or structure.

Stealth facility means a wall, roof, or monopole facility disguised or concealed from view, such as, but not limited to, artificial trees, synthetic rocks, or architectural elements such as corners, steeples, and chimneys.

Wall mounted facility means an antenna or series of individual antennas and any associated equipment mounted against the vertical wall of a building or structure.

Wireless telecommunication facilities zoning table means table 10-50-1 of section 10-50-5 of this chapter, incorporated herein by this reference.

Wireless telecommunications facility means an unmanned structure consisting of equipment used primarily for the transmission, reception or transfer of voice or data through radio wave or wireless transmissions which is typically attached to a transmission support structure.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-5. Uses allowed.

Permitted and conditional uses allowed within the various zones established by this title shall be as set forth in table 10-50-1 of this section. Permitted and conditional uses are indicated by a "P" or "C," respectively, in the appropriate column. Uses not permitted are indicated by "N." Any use not shown on table 10-50-1 of this section shall be prohibited unless the Zoning Administrator determines the use is substantially the same as a permitted or conditional use as provided in subsection 10-7-18(E)(4) of this title.

TABLE 10-50-1
PERMITTED AND CONDITIONAL WIRELESS TELECOMMUNICATION FACILITIES ALLOWED

Zone	Wall mount	Roof mount	Collocated	Monopole	Lattice tower	Stealth	Guyed tower
A-40	C	C	C	C	C	P	N
A-20	C	C	C	C	C	P	N
A-10	C	C	C	C	C	P	N

A-5	C	C	C	C	C	P	N
RA-1	P	P	C	C	C	P	N
RA-.5	P	P	C	C	C	P	N
R1-15	P	C	C	C	C	P	N
R1-10	P	C	C	C	C	P	N
R1-8	P	C	N	N	N	P	N
R1-6	P	C	N	N	N	P	N
<u>R1-4</u>	<u>P</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>
RM-1	P	C	N	N	N	P	N
RM-2	P	C	N	N	N	P	N
RM-3	P	C	N	N	N	P	N
MH/RV	C	N	N	N	N	P	N
NC	P	C	C	C	N	P	N
GC	P	C	C	C	N	P	N
HC	P	C	C	C	N	P	N
PC	P	C	C	C	N	P	N
POC	P	C	C	C	N	P	N
BMP	P	C	C	C	N	P	N
PO	P	C	C	C	N	P	N
M-1	P	P	C	C	C	P	N
M-2	P	P	C	C	C	P	N
OS	P	P	C	C	C	P	N
PF	P	C	C	C	N	P	N

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-6. Master plan required.

All wireless telecommunication facility applicants shall submit a master plan of the area being serviced by wall mounted, roof mounted, monopole, stealth antenna, stealth tower or lattice tower facilities.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-7. Facility types and development standards.

Wireless telecommunication facilities are characterized by four general types of antenna structures: wall mounted; roof mounted; monopole; and lattice tower. Standards for the installation of each antenna types shall be as follows:

- A. *Wall mounted antenna.* The following provisions shall apply to a wall mounted antenna:
 1. A wall mounted antenna shall not extend above the wall line of the building or structure or extend more than four feet horizontally from the face of the building or structure.
 2. The antenna, equipment and the supporting structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. An antenna and supporting structures on buildings should be architecturally compatible with the building.

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3. An antenna mounted directly on existing parapet walls, with no portion of the antenna extending above the roofline of such structure, shall be considered a wall mounted antenna.
 4. Stealth wall mounted antennas are encouraged and are permitted in all zones.
 5. Any front mounted wall antenna shall be deemed a stealth antenna.
 6. A wall mounted antenna shall be a permitted or conditional use, or not permitted, as provided in table 10-50-1 in section 10-50-5 of this chapter. A wall mounted antenna permitted as a conditional use shall require a conditional use permit.
- B. *Roof mounted antenna.* The following provisions shall apply to a roof mounted antenna:
1. A roof mounted antenna and the antenna mounting structure shall not extend more than eight feet above the existing roofline and ten feet back of the exterior wall.
 2. An antenna and the antenna supporting structure mounted on a flat roof shall not extend more than eight feet high and ten feet back of the exterior wall.
 3. A roof mounted antenna on a pitched roof shall be allowed provided the antenna is no more than five feet above the roof pitch.
 4. A roof mounted antenna shall be constructed and/or colored to match the surroundings where it is located.
 5. Stealth roof mounted antennas are encouraged and permitted in all zones.
 6. Any front mounted wall or roof antenna shall be deemed a stealth antenna.
 7. A roof mounted antenna shall be a permitted or conditional use, or not permitted, as provided in table 10-50-1 in section 10-50-5 of this chapter. A roof mounted antenna permitted as a conditional use shall require a conditional use permit.
- C. *Monopole.* The following provisions shall apply to a monopole:
1. The height limit for a monopole shall be 100 feet except where a greater height is allowed by a conditional use permit, provided that:
 - a. The monopole shall blend in with surrounding structures, poles, or trees and is compatible with surrounding uses.
 - b. The monopole shall be available for collocation of antennas owned by other companies.
 - c. The monopole shall be set back at least 300 feet from any residential zone boundary.
 - d. The height of the monopole shall be measured from the top of the structure, including antennas, to the original grade directly adjacent to the monopole.
 2. A monopole shall be set back from any residential structure a distance equal to its height.
 3. Stealth monopole facilities are encouraged and shall be permitted in all zones.
 4. A monopole shall be a permitted or conditional use, or not permitted, as provided in table 10-50-1 in section 10-50-5 of this chapter. A monopole permitted as a conditional use shall require a conditional use permit.
- D. *Guyed tower.* A guyed tower shall not be allowed.
- E. *Lattice tower.* The following provisions shall apply to a lattice tower:
1. The height limit for a lattice tower shall be 100 feet except where a greater height is allowed by a conditional use permit, provided that:

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- a. The lattice tower shall blend in with surrounding structures, poles, or trees and be compatible with surrounding uses.
 - b. The lattice tower shall be available for collocation of antennas owned by other companies.
 - c. The lattice tower will be set back at least 300 feet from any residential zone boundary. The height shall be measured from the top of the structure, including antennas, to the original grade directly adjacent to the lattice tower.
2. Lattice towers shall not be allowed in any residential zone.
 3. A lattice tower shall be a permitted or conditional use, or not permitted, as provided in table 10-50-1 in section 10-50-5 of this chapter. A lattice tower permitted as a conditional use shall require a conditional use permit.
- F. *Collocated antennas.* The following provision shall apply to collocated antennas:
1. Collocated antennas shall be permitted in any zone where a monopole or lattice tower is permitted. Collocated antennas shall conform to all applicable provisions of this title.
- G. *City rights-of-way.* Facilities locating in the City rights-of-way shall also comply with title 7, chapter 8 of this Code.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-8. Color.

Monopoles, lattice towers, antennas, towers, and any associated buildings or equipment shall be painted to blend with the surroundings in which they are most commonly seen. The color shall be determined on a case by case basis by the Planning Commission for conditional uses and by the Zoning Administrator for permitted uses. Within six months after the facility has been constructed, the Planning Commission or the Zoning Administrator may require the color be changed if it is determined that the original color does not blend with the surroundings.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-9. Additional requirements.

- A. *Compliance with FCC and FAA regulations.* All operators of personal (private) wireless services facilities shall demonstrate compliance with applicable Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) regulations, including FCC radio frequency regulations, at the time of application and periodically thereafter as requested by the Zoning Administrator. Failure to comply with applicable regulations shall be grounds for revoking a site plan or conditional use permit approval.
- B. *Other licenses and permits.* The operator of every personal wireless services facility shall submit copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location, and operation of the facility to the Zoning Administrator, maintain such licenses and permits in good standing, and provide evidence of renewal or extension thereof upon request by the Zoning Administrator.
- C. *Protection against climbing.* A monopole shall be protected against climbing by removing the climbing pegs from the lower 20 feet of the monopole.
- D. *Miscellaneous considerations.* The following shall be considered by the Planning Commission in connection with a request for a conditional use permit for a wireless telecommunication facility:

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1. Compatibility of the proposed structure with the height and mass of existing buildings and utility structures.
 2. Locating the antenna on other existing structures in the same vicinity, such as other monopoles, lattice towers, buildings, water storage facilities, utility poles, athletic field lights, and parking lot lights, etc., where possible without significantly impacting antenna transmission or reception.
 3. Location of the antenna in relation to existing vegetation, topography including ridgelines, and buildings to obtain the best visual screening.
 4. Spacing between monopoles or lattice towers which creates detrimental impacts to adjoining properties.
 5. Installation of, but not limited to, curb, gutter, sidewalk, landscaping, and fencing as required by this title.
 6. Color of facilities.
 7. Height of any lattice tower, including the antenna, over 100 feet.
 8. Any antenna, monopole, and/or lattice tower proposed for a location within a historic district or landmark site shall have prior approval by the Historic Preservation Commission.
 9. Security lighting of monopoles and lattice towers shall comply with FAA requirements for lighting. The Planning Commission may also require security lighting for the site. If security lighting is used, the lighting impact on surrounding areas, shall be minimized by using indirect lighting where appropriate.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-10. Accessory buildings.

Accessory buildings to antenna structures shall conform to required setback, height and landscaping requirements of the zoning district in which they are located. All utility lines leading to the accessory building and antenna structure shall be underground.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-11. Nonmaintained or abandoned facilities.

The Building Official may require a nonmaintained or abandoned telecommunications facility to be removed from the building or premises when the facility has not been repaired or put to use by the owner or agent within 90 calendar days after notice of nonmaintenance or abandonment is given to the owner or agent, by certified mail, in person, or by personal service. The applicant shall post a site specific bond when a permit is issued to guarantee removal of the facility and site restoration. The type of bond and amount shall be determined by the Zoning Administrator. No bond shall be required for roof or wall mounted facilities. Failure to remove antennas, monopoles, and/or lattice towers after receiving written notice to remove is a violation of the terms of this chapter. The City may initiate criminal and/or civil proceedings against any person, firm, entity or corporation, whether acting as principal, agent, property owner, lessee, lessor, tenant, landlord, employee, employer, or otherwise, for failure to remove antennas and monopoles in accordance with this section. The City may seek a civil injunction requiring the removal of any structures on the site in accordance with this section. Any lease agreement with the City may also stipulate failure to remove antennas and monopoles after receiving written notice to do so pursuant to this section shall automatically transfer ownership of antennas, monopoles, towers, support buildings and all other structures on the site to the City.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-12. Application requirements.

Any person or entity desiring to develop, construct or establish a wireless telecommunication service facility in the City shall submit an application which provides the following information. The application shall not be considered until all required information has been provided.

- A. *Site plan.* A site plan shall be submitted as provided in section 10-7-10 of this title. In addition to the requirements of section 10-7-10 of this title an application for a wireless telecommunication service facility shall include the following:
 - 1. Name of property owner and a written statement from the owner of the property where the facility is proposed to be located, stating that the owner has reviewed the plans for the proposed facility, understands the type of facility that is being installed and the obligations the owner is undertaking, and granting permission for the applicant to install and maintain the facility.
 - 2. Footprints of existing and proposed buildings and structures, including a notation of unit's height above the grade.
 - 3. Location and size of existing and proposed antennas, with dimensions to property lines.
- B. *Written information.* The following written information shall be provided:
 - 1. Signed lease agreement with property owner.
 - 2. Signed lease agreement with the City if site is located on City property.
 - 3. A description of the anticipated maintenance needs for the facility, including frequency of service, personnel, equipment needs, and traffic noise or safety impacts of maintenance activity.
 - 4. A description of the service area for the antenna or tower and a statement as to whether the antenna or tower is needed for coverage or capacity.
 - 5. A map showing the site and nearest or associated telecommunication facility sites within the network and a description of the distance between the telecommunication facility sites and how the proposed service area relates to the service network.
 - 6. Copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location, and operation of the antenna.
 - 7. A written commitment to comply with applicable Federal Communications Commission radio frequency emission regulations.
 - 8. Contact information for a person who can respond to questions concerning the application and the proposed facility, including name, address, telephone number, facsimile number, and electronic mail address, if available.
- C. *Additional information requirements for monopoles and/or lattice towers.* If an applicant desires to construct a monopole or lattice tower, the applicant shall also submit a detailed written description of why the applicant cannot obtain coverage using existing buildings or structures.
- D. *Additional information requirement for facilities not located on highest priority site.* If an applicant desires to locate antennas on a site other than the highest priority site, the application shall provide the following information to the approving authority:
 - 1. The identity and location of any higher priority sites located within the desired service area.
 - 2. The reason(s) why higher priority sites are not technologically, legally, or economically feasible.

-
3. Why the proposed site is essential to meet the service demands of the proposed geographic service area and the City-wide network.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-13. Approval process.

An application for a wireless telecommunication facility which is a permitted use in the zone where the facility is proposed to be located shall be reviewed pursuant to the site plan review provisions of section 10-7-10 of this title. If the facility is a conditional use in such zone, the review shall be pursuant to the conditional use permit process set forth in section 10-7-9 of this title.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-14. Building permits.

Building permits shall be issued pursuant to the provisions set forth in section 10-7-13 of this title.

- A. *General requirements.* No tower or antenna structure shall be constructed until the applicant obtains a building permit from the City. No building permit shall be issued for any project for which a site plan or conditional use permit is required until the site plan or conditional use permit has been approved by the appropriate authority. If the design or engineering of an antenna support structure is beyond the expertise of the City staff or Planning Commission, the City may require third party review by an engineer selected by the City prior to the issuance of a building permit. The applicant shall pay an additional fee to cover the cost of the third party review.
- B. *Special requirements.* If the applicant is constructing a monopole, lattice tower or other tower type structure, the applicant shall, if required by the City, submit a written report from a qualified, structural engineer licensed in the state, documenting the following:
 1. Height and design of the monopole or lattice tower, including technical engineering, economic, and other pertinent factors governing selection of the proposed design.
 2. Seismic load design and wind load design for the monopole or lattice tower.
 3. Total anticipated capacity of the monopole or lattice tower and demonstration that the site and setbacks are of adequate size to contain debris.
 4. Soil investigation report, including structural calculations.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-13-3. Uses allowed.

- A. *Permitted and conditional uses.* Permitted and conditional uses allowed within residential zones shall be as set forth in table 10-13-1 of this section. Permitted and conditional uses are indicated by a "P" or "C", respectively, in the appropriate column. Uses not permitted are indicated by "N." Any use not shown on table 10-13-1 of this section shall be prohibited unless the Zoning Administrator determines the use is substantially the same as a permitted or conditional use as provided in subsection 10-7-18(~~E~~)(4) of this title.

TABLE 10-13-1
PERMITTED AND CONDITIONAL USES ALLOWED IN RESIDENTIAL ZONES

Use	Zones								
	R1-15	R1-10	R1-8	R1-6	R1-4	RM-1	RM-2	RM-3	MH/RV
Agricultural uses:									
Accessory building	P	P	P	P	<u>N</u>	P	P	P	P
Agricultural business	N	N	N	N	<u>N</u>	N	N	N	N
Agricultural industry	N	N	N	N	<u>N</u>	N	N	N	N
Agriculture	N	N	N	N	<u>N</u>	N	N	N	N
Agriculture residential	P	P	P	P	<u>P</u>	P	P	P	P
Animal specialties	P	P	N	N	<u>N</u>	N	N	N	N
Animals and fowl for recreation and family food production	P ³ /C	P ³ /C	P ³	P ³	<u>N</u>	N	N	N	N
Stable, private	N	N	N	N	<u>N</u>	N	N	N	N
Residential uses:									
Assisted living facility	C	C	C	C	<u>C</u>	N	N	N	N
Boarding house	N	N	N	N	<u>N</u>	N	N	N	N
Building, accessory	P	P	P	P	<u>N</u>	P	P	P	P
Dwelling, earth sheltered	P	P	P	P	<u>P</u>	P	P	P	N
Dwelling, multiple-family	N	N	N	N	<u>N</u>	P	P	P	N
Dwelling, single-family	P	P	P	P	<u>P</u>	P	P	P	P
Dwelling, single-family with single accessory dwelling unit	P	P	P	P	<u>N</u>	N	N	N	N
Dwelling, temporary	P	P	P	P	<u>P</u>	P	P	P	P
Dwelling, two-family	N	N	N	N	<u>N</u>	P	P	P	N
Guesthouse or casita	P	P	P	N	<u>N</u>	N	N	N	N
Manufactured home	P	P	P	P	<u>P</u>	N	N	N	P
Manufactured/mobile home park	N	N	N	N	<u>N</u>	N	N	N	P
Manufactured/mobile home subdivision	N	N	N	N	<u>N</u>	N	N	N	P
Protective housing facility	N	N	N	N	<u>N</u>	N	N	N	N
Rehabilitation/treatment facility	N	N	N	N	<u>N</u>	N	N	N	N
Residential facility for elderly persons ¹	P	P	P	P	<u>P</u>	P	P	P	P
Residential facility for persons with a disability ¹	P	P	P	P	<u>P</u>	P	P	P	P
Residential facility for troubled youth	N	N	N	N	<u>N</u>	N	N	N	N
Short term rental ⁴	P	P	P	N	<u>N</u>	N	N	N	N
Transitional housing facility	N	N	N	N	<u>N</u>	N	N	N	N
Public and civic uses:									
Airport	N	N	N	N	<u>N</u>	N	N	N	N
Auditorium or stadium	N	N	N	N	<u>N</u>	N	N	N	N
Bus terminal	N	N	N	N	<u>N</u>	N	N	N	N
Cemetery	P	P	P	P	<u>P</u>	P	P	P	P
Church or place of worship	P	P	P	P	<u>P</u>	P	P	P	P
Club or service organization	N	N	N	N	<u>N</u>	N	N	N	N
College or university	N	N	N	N	<u>N</u>	N	N	N	N

Convalescent care facility	N	N	N	N	<u>N</u>	N	N	N	N
Correctional facility	N	N	N	N	<u>N</u>	N	N	N	N
Cultural service	N	N	N	N	<u>N</u>	N	N	N	N
Golf course	P	P	P	P	<u>N</u>	P	P	P	P
Government service	N	N	N	N	<u>N</u>	N	N	N	N
Hospital	N	N	N	N	<u>N</u>	N	N	N	N
Operations center	N	N	N	N	<u>N</u>	N	N	N	N
Park	P	P	P	P	<u>P</u>	P	P	P	P
Post office	N	N	N	N	<u>N</u>	N	N	N	N
Protective service	P	P	P	P	<u>P</u>	P	P	P	P
Reception center	N	N	N	N	<u>N</u>	N	N	N	N
School, elementary, middle, high or private	P	P	P	P	<u>P</u>	P	P	P	P
School, vocational	N	N	N	N	<u>N</u>	N	N	N	N
Stable, public	N	N	N	N	<u>N</u>	N	N	N	N
Utility, major	N	N	N	N	<u>N</u>	N	N	N	N
Utility, minor	P	P	P	P	<u>P</u>	P	P	P	P
Commercial uses:									
Agricultural sales and service	N	N	N	N	<u>N</u>	N	N	N	N
Animal hospital	N	N	N	N	<u>N</u>	N	N	N	N
Bail bond service	N	N	N	N	<u>N</u>	N	N	N	N
Bank or financial institution	N	N	N	N	<u>N</u>	N	N	N	N
Bed and breakfast, home	P	P	P	P	<u>N</u>	N	N	N	N
Bed and breakfast inn	N	N	N	N	<u>N</u>	N	N	N	N
Business equipment rental, services, and supplies	N	N	N	N	<u>N</u>	N	N	N	N
Car wash	N	N	N	N	<u>N</u>	N	N	N	N
Club, private	N	N	N	N	<u>N</u>	N	N	N	N
Construction sales and service	N	N	N	N	<u>N</u>	N	N	N	N
Convenience store	N	N	N	N	<u>N</u>	N	N	N	N
Licensed family child care ²	P	P	P	P	<u>P</u>	P	P	P	P
Residential certificate child care ²	P	P	P	P	<u>P</u>	P	P	P	P
Child care center	N	N	N	N	<u>N</u>	N	N	N	N
Funeral home	N	N	N	N	<u>N</u>	N	N	N	N
Garden center	N	N	N	N	<u>N</u>	N	N	N	N
Gas and fuel, storage and sales	N	N	N	N	<u>N</u>	N	N	N	N
Gasoline service station	N	N	N	N	<u>N</u>	N	N	N	N
Hostel	N	N	N	N	<u>N</u>	N	N	N	N
Hotel	N	N	N	N	<u>N</u>	N	N	N	N
Kennel, commercial	N	N	N	N	<u>N</u>	N	N	N	N
Laundry or dry cleaning, limited	N	N	N	N	<u>N</u>	N	N	N	N
Liquor store	N	N	N	N	<u>N</u>	N	N	N	N
Media service	N	N	N	N	<u>N</u>	N	N	N	N
Medical or dental laboratory	N	N	N	N	<u>N</u>	N	N	N	N
Medical service	N	N	N	N	<u>N</u>	N	N	N	N
Motel	N	N	N	N	<u>N</u>	N	N	N	N
Office, general	N	N	N	N	<u>N</u>	N	N	N	N

Parking garage, public	N	N	N	N	<u>N</u>	N	N	N	N
Parking lot, public	N	N	N	N	<u>N</u>	N	N	N	N
Pawnshop	N	N	N	N	<u>N</u>	N	N	N	N
Personal care service, home based ²	P	P	P	P	<u>P</u>	P	P	P	P
Personal instruction service, home based ²	P	P	P	P	<u>P</u>	P	P	P	P
Printing and copying, limited	N	N	N	N	<u>N</u>	N	N	N	N
Printing, general	N	N	N	N	<u>N</u>	N	N	N	N
Produce stand	N	N	N	N	<u>N</u>	N	N	N	N
Recreation and entertainment, indoor	N	N	N	N	<u>N</u>	N	N	N	N
Recreation and entertainment, outdoor	N	N	N	N	<u>N</u>	N	N	N	N
Recreational vehicle park	N	N	N	N	<u>N</u>	N	N	N	P
Repair service	N	N	N	N	<u>N</u>	N	N	N	N
Research service	N	N	N	N	<u>N</u>	N	N	N	N
Residential hosting facility	P	P	P	P	<u>N</u>	N	N	N	N
Restaurant, fast food	N	N	N	N	<u>N</u>	N	N	N	N
Restaurant, general	N	N	N	N	<u>N</u>	N	N	N	N
Retail, general	N	N	N	N	<u>N</u>	N	N	N	N
Secondhand store	N	N	N	N	<u>N</u>	N	N	N	N
Shopping center	N	N	N	N	<u>N</u>	N	N	N	N
Tattoo establishment	N	N	N	N	<u>N</u>	N	N	N	N
Tavern	N	N	N	N	<u>N</u>	N	N	N	N
Temporary trailer	P	P	P	P	<u>P</u>	P	P	P	P
Transportation service	N	N	N	N	<u>N</u>	N	N	N	N
Vehicle and equipment rental or sale	N	N	N	N	<u>N</u>	N	N	N	N
Vehicle and equipment repair, general	N	N	N	N	<u>N</u>	N	N	N	N
Vehicle repair, limited	N	N	N	N	<u>N</u>	N	N	N	N
Veterinary service	N	N	N	N	<u>N</u>	N	N	N	N
Warehouse, self-service storage	N	N	N	N	<u>N</u>	N	N	N	N
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title								
Industrial uses:									
Automobile wrecking yard	N	N	N	N	<u>N</u>	N	N	N	N
Freight terminal	N	N	N	N	<u>N</u>	N	N	N	N
Heavy industry	N	N	N	N	<u>N</u>	N	N	N	N
Junk or salvage yard	N	N	N	N	<u>N</u>	N	N	N	N
Laundry services	N	N	N	N	<u>N</u>	N	N	N	N
Manufacturing, general	N	N	N	N	<u>N</u>	N	N	N	N
Manufacturing, limited	N	N	N	N	<u>N</u>	N	N	N	N
Mineral extraction	N	N	N	N	<u>N</u>	N	N	N	N
Wholesale and warehousing, general	N	N	N	N	<u>N</u>	N	N	N	N
Wholesale and warehousing, limited	N	N	N	N	<u>N</u>	N	N	N	N

Notes

1. See chapter 46 of this title.
2. See chapter 42 of this title.
3. See section 10-37-15 of this title for permitted animals and fowl.
4. See licensing and operations requirements in title 3 of this Code.

B. *Accessory uses.* Permitted and conditional uses set forth in table 10-13-1 of this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.

1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this title.
2. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.
3. Accessory uses in residential zones shall include, but not be limited to, the following:

Garage sales, subject to applicable standards of chapter 48, temporary uses, of this title.

Garages and off street parking areas, subject to applicable standards of chapter 34, off street parking and loading, of this title.

Hobby activities when conducted by an occupant of the premises solely for personal enjoyment, amusement, or recreation and which does not conflict with any other City ordinance.

Home based businesses, subject to applicable standards of chapter 42, home based businesses, of this title.

Household pets, [as defined in Sec. 10-3-4](#).

Nurseries and greenhouses, when used for family food production.

Playhouses, patios, porches, gazebos, and incidental storage buildings.

Swimming pools and hot tubs for use by residents and their guests.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2009-01, 2-5-2009; Ord. 2016-11, 11-17-2016; Ord. 2017-03, 1-19-2017; Ord. 2018-04, 4-5-2018)

Sec. 10-13-4. Development standards.

Development standards within residential zones shall be as set forth in table 10-13-2 of this section.

TABLE 10-13-2
DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES

Development standard	Zones							
	R1-15	R1-10	R1-8	R1-6	R1-4	RM-1 ¹	RM-2	RM-3
Lot standards:								
Average lot area ²	15,000 sq. ft.	10,000 sq. ft.	8,000 sq. ft.	6,000 sq. ft.	<u>4,000 sq. ft.</u>	n/a	n/a	n/a
Minimum lot area or acreage	12,000 sq. ft.	8,000 sq. ft.	6,400 sq. ft.	4,800 sq. ft.	<u>3,900 sq. ft.</u>	10,000 sq. ft.	1 acre (see note 10)	1 acre (see note 10)
Minimum lot width and/or project frontage	90 ft.	80 ft.	70 ft.	60 ft.	<u>50 ft.</u>	80 ft. project	100 ft. project	200 ft. project
Maximum density per acre	n/a	n/a	n/a	n/a	<u>n/a</u>	6 units/lots	10 units/lots	15 units/lots
Building standards:								
Maximum height, main building ³	35 ft.	35 ft.	35 ft.	35 ft.	<u>30 ft.</u>	35 ft.	35 ft.	35 ft.
Maximum height, accessory building ⁴	16 ft.	16 ft.	16 ft.	16 ft.	<u>n/a</u>	20 ft.	20 ft.	20 ft.
Maximum size, accessory building	1,200 sq. ft.	1,200 sq. ft.	500 sq. ft.	500 sq. ft.	<u>n/a</u>	1,000 sq. ft.	1,000 sq. ft.	500 sq. ft.
Building coverage: see subsection 10-37-12I of this title	50% of lot	50% of lot	50% of lot	50% of lot	<u>50% of lot</u>	50% of lot	50% of lot	50% of lot
Distance between buildings	10 ft.	10 ft.	10 ft.	10 ft.	<u>10 ft.</u>	20 ft.	20 ft.	20 ft.
Setback standards—front yard:								
Any building ⁵	25 ft.	25 ft.	25 ft.	25 ft.	<u>25 ft.</u>	Living area 20' Garage 22'	Living area 20' Garage 22'	Living area 20' Garage 22'
Setback standards—rear yard:								
Main building	20 ft.	20 ft.	10 ft.	10 ft.	<u>10 ft.</u>	10 ft.	10 ft.	10 ft.
Accessory building, including private garage ⁶	See note 9	See note 9	See note 9	See note 9	<u>n/a</u>	See note 9	See note 9	See note 9
Setback standards—interior side yard:								

Main building	10 ft.	10 ft.	10 ft.	8 ft.	See note 11.	10 ft.	10 ft.	10 ft.
Accessory building, including private garage	See note 6	See note 6	See note 6	See note 6	n/a	See note 6	See note 6	See note 6
Setback standards—street side yard:								
Main building ⁷	20 ft.	20 ft.	20 ft.	20 ft.	15 ft.	20 ft.	20 ft.	20 ft.
Accessory building	See note 6	See note 6	See note 6	See note 6	n/a	See note 6	See note 6	See note 6
Pool location and setbacks ⁸	3 ft.	3 ft.	3 ft.	3 ft.	n/a	3 ft.	3 ft.	3 ft.

A. R1-4 specific development standards.

- a. R1-4 developments should not be clustered together or be located adjacent to another R1-4 zone. Areas zoned R1-4 shall be distributed evenly throughout the City in an orderly, harmonious, and functionally efficient manner.
- b. No R1-4 zoned development or subdivision shall exceed 12 acres.
- c. No building shall exceed two stories.
- d. Each lot shall have a minimum width of 18 feet of concrete driveway.
- e. The maximum lot size is 6,000 square feet.
- f. The maximum footprint of the main building is 1,500 square feet.
- g. No accessory buildings or accessory dwellings units are permitted.
- h. A development agreement between the City and the applicant may be required by the City Council as part of the Council's legislative action to add R1-4 zoning to the City's zoning map.
- i. Side yards shall be 5 feet on one side and minimum 10 feet on the other side.

Notes:

1. Duplex only permitted on first 10,000 square feet. Any additional units must meet density per acre standards.
2. "Average size" means the total acreage devoted to lots divided by the number of lots. Net density definition shall apply.
3. Except as otherwise permitted by subsection 10-13-7C of this chapter.
4. Except as otherwise permitted by subsection 10-13-7B of this chapter.
5. Except as modified by the provisions of subsection 10-37-12F, setback measurement, of this title.
6. If located at least ten feet from main building, two feet. Otherwise, same as for main building.
7. When this side setback is required, rear setback may be reduced to ten feet.
8. Pools must be located behind front yard setbacks. Setback is measured from rear and side property lines. Pools may require special engineering. A closer property line setback may be approved by the building official if engineering ensures structural integrity for any adjoining buildings or walls as well as the pool.
9. If located at least ten feet from main building, ten feet. Otherwise, same as for main building. No accessory building shall be built within a public utility easement.
10. Minimum area shall not be required in downtown area as listed within the general plan map to allow for infill and redevelopment of the downtown area in order to accomplish goals within the City's general plan and supporting master plans.
11. Side yards shall be 5 feet on one side and minimum 10 feet on the other side.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2004-15, 6-17-2004; Ord. 2005-6, 2-17-2005; Ord. 2017-14, 8-17-2017; Ord. 2018-14, 12-20-2018; Ord. 2019-02, 3-7-2019; Ord. No. 2020-12 , 3-5-2020; Ord. 2020-18, 9-3-2020; Ord. No. 2021-05 , 6-3-2021)

CHAPTER 11. ZONES ESTABLISHED

Sec. 10-11-1. Establishment of zones.

In order to accomplish the purposes of the City general plan and this title, the following zones, along with their accompanying abbreviations, are hereby established as follows:

A.	<i>Agricultural zones:</i>	
	Agricultural 40	A-40
	Agricultural 20	A-20
	Agricultural 10	A-10
	Agricultural 5	A-5
	Agricultural 1	A-1
B.	<i>Residential agriculture zones:</i>	
	Residential-agricultural 1	RA-1
	Residential-agricultural .5	RA-.5
C.	<i>Residential zones:</i>	
	Single-family residential 15	R1-15
	Single-family residential 10	R1-10
	Single-family residential 8	R1-8
	Single-family residential 6	R1-6
	Single-family residential 4	R1-4
	Multiple-family residential 1	RM-1
	Multiple-family residential 2	RM-2
	Mobile home/RV park	MH/RV
D.	<i>Commercial zones:</i>	
	Neighborhood commercial	NC
	General commercial	GC
	Highway commercial	HC
	Planned commercial	PC
	Pedestrian-oriented commercial	POC
E.	<i>Business and industrial zones:</i>	
	Business/manufacturing park	BMP
	Professional office	PO
	Light industrial	M-1
	Heavy industrial	M-2
F.	<i>Open space and public facility zones:</i>	
	Open space	OS
	Public facilities	PF
G.	<i>Special purpose and overlay zones:</i>	
	Agriculture protection overlay	APO
	Historic district overlay	HDO
	Planned development overlay	PDO
	Sensitive lands overlay	SLO
	Runway protection	RPZ
	Recreation resort	RR

	Extraction industries overlay	
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(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2004-9, 4-1-2004; Ord. 2008-10, 6-5-2008; Ord. 2009-04, 3-19-2009; Ord. 2020-03, 2-6-2020)

Sec. 10-11-2. Zone purposes.

In addition to the general purposes of this title as set forth in section 10-1-3 of this title, the various zones each serve more specific purposes as set forth below:

- A. *Agricultural zones.* Agricultural zones preserve and protect agricultural lands and related activities, permit activities normally and necessarily related to agricultural production, and prohibit land uses that may undermine continued agricultural activity.
- B. *Residential agriculture zones.* Residential agriculture zones allow a mix of agricultural and residential uses on large lots. Limited agriculture activities, the keeping of limited numbers of animals, and the enjoyment of a "gentleman farmer" type neighborhood are the purpose of these zones.
 1. The purpose of the RA-1 and RA-.5 zones is to foster very low and low density development with little impact on its surroundings and municipal services; to preserve the character of the City's semirural areas; and to promote and preserve conditions favorable to large-lot family life, including the keeping of limited numbers of farm animals and fowl. The predominant use in these zones is intended to be large lot neighborhoods with detached single-family dwellings, protected from encroachment by commercial and industrial uses. Other major uses in these zones are small farms, hobby farms and agricultural developments. Ancillary uses include churches, schools, and parks to serve neighborhood areas.
- C. *Residential zones.* Residential zones allow a wide range of residential land uses at various densities. These zones protect the stability of neighborhoods and encourage, collectively, diverse types of desirable new residential development and protect existing residential uses.
 1. The purpose of the R1-15, R1-10, R1-8, R1-6, and R1-~~4~~6 zones is to permit development of detached single-family homes on individual lots at medium to high densities. Ancillary uses include churches, schools, and parks to serve neighborhood areas.
 2. The purpose of the RM-1 and RM-2 zones is to permit well designed apartments, townhomes, twin homes, and condominiums at medium to high density that are appropriately buffered from and compatible with surrounding land uses. Ancillary uses include churches, schools, and parks to serve neighborhood areas.
 3. The purpose of the MH/RV zone is to provide locations where neighborhoods consisting of manufactured/mobile homes and recreational vehicle parks and subdivisions may be created, maintained, and preserved. Ancillary uses include churches, schools, and parks to serve neighborhood areas.
- D. *Commercial zones.* Commercial zones provide areas where a combination of business, commercial, entertainment, office, and related activities may be established, maintained and protected. Commercial zones are intended to provide a suitable environment for those commercial and service uses vital to the economic base of the City.
 1. The purpose of the NC zone is to provide areas where convenience buying outlets, having small trade areas, may be established to serve surrounding residential neighborhoods. This zone is intended to promote a combination of retail and service facilities that meet day to day needs of nearby residents and which are compatible in character and scale with adjacent development.

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2. The purpose of the GC zone is to accommodate a wide range of commercial uses developed without an overall plan or design scheme. Use of the GC zone for new commercial development should be avoided unless integrated shopping center development in another zone is not practical or desirable because of difficult size, shape, topography, or similar problems related to land otherwise deemed appropriate for commercial use. Typical uses in this zone may include offices, retail stores, personal services, heavy commercial, and institutional uses.
 3. The purpose of the HC zone is to provide commercial areas with visibility and access from Interstate 15 and major arterial roads for the convenience of commuters and the traveling public. Typical uses include lodging facilities, personal services, travel plazas, restaurants and fast food facilities, and commuter parking.
 4. The purpose of the PC zone is to provide areas of mixed use developments where a combination of destination-oriented business, retail commercial, entertainment, high density housing, and related uses may be established, maintained, and protected to serve both residents and nonresidents of the City. Typical uses in this zone include large scale, master planned commercial centers with outlying commercial pads, big box stores, offices, and various types of high density residential uses.
 5. The purpose of the POC zone is to provide walkable commercial areas which are generally oriented toward local residents rather than out of town patrons. Uses typical of this zone include planned retail and office development and limited medium to high density residential uses that can be harmoniously mixed with commercial development.
- E. *Business and industrial zones.* Business and industrial zones provide areas for conducting business, manufacturing and industrial activities.
1. The purpose of the BMP zone is to provide aesthetically attractive planned developments having a mix of office, research and development, light manufacturing, and limited retail uses. Typical uses in this zone include offices, clean indoor manufacturing facilities, service retail, restaurants, athletic clubs, personal service shops, medical offices, office/warehouse buildings, and research facilities.
 2. The purpose of the PO zone is to provide locations primarily along arterial or major collector streets which will accommodate offices or laboratories for professional persons and other related uses. The zone is intended to provide availability of professional services conveniently to all neighborhoods in the City. Typical uses in this zone include offices for doctors, dentists, accountants, and other similar professions, medical and dental laboratories, and pharmacies.
 3. The purpose of the M-1 zone is to provide areas for uses involving processing and assembly of manufactured goods, warehousing, and material storage. Uses which generate excessive noise, vibration, odor, dust, and fumes are excluded from this zone.
 4. The purpose of the M-2 zone is to provide areas where uses involving industrial processes and natural resource extraction may be permitted without negatively impacting other areas of the City, especially when undertaken on a large scale.
- F. *Open space and public facility zones.* Open space and public facility zones allow public or quasi-public uses.
1. The purpose of the OS zone is to recognize on the official zoning map areas which are open and generally undevelopable due to government ownership, their sensitive environmental nature and/or the unavailability of adequate public facilities, such as conservation areas and national park land.
 2. The purpose of the PF zone is to provide areas for facilities owned by public and quasi-public entities and which utilize relatively large areas of land. This zone is intended to provide
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immediate recognition of such areas on the official zoning map. Typical uses in this zone are cemeteries, hospitals, open air theaters, public parks, public schools, and public utility facilities.

- G. *Special purpose and overlay zones.* Special purpose zones are intended to accomplish objectives unique to the particular zone. Overlay zones implement supplemental regulations that apply geographically, regardless of the underlying base zone. Whenever the regulations of a base zone and an overlay zone conflict, overlay zone regulations apply.
1. The purpose of the APO zone is to protect and preserve existing agricultural areas from encroachment of development and to allow ongoing agricultural operations to continue without unreasonable regulations, except for those needed to protect public health and safety.
 2. The purpose of the HDO zone is to implement regulations designed to promote the preservation of structures and sites having historical, cultural, or architectural significance, and to foster economic development consistent with historic preservation plans adopted by the City.
 3. The purpose of the PDO zone is to permit a compatible, master planned mix of various uses in combination with open space components on land that has unique or unusual characteristics that warrant customized development requirements. Although development size may vary from location to location, each development is intended to consist of well designed, architecturally integrated structures which are appropriately landscaped and buffered from surrounding land uses.
 4. The SLO zone provides regulations to protect sensitive land areas such as hillsides, floodplains, and river parkway areas.
 5. The RPZ zone provides regulations to promote and protect the City airport.
 6. The recreation resort zone is established to designate certain areas within the City where it is desirable and beneficial to the area economy to allow for a mix of limited commercial, public, and residential uses. Specifically, to authorize recreation and resort developments in which residential dwelling units may be occupied by the owners thereof on a full or part time basis, to authorize the rental of residential units on an overnight or short term basis by owners who reside elsewhere; and to authorize limited commercial and public uses that are incidental to and compatible with resort developments.
 7. The general purpose of the extraction industries overlay zone is to provide for the operation of extraction industries in the City, while regulating the operation of such industrial uses particularly on properties in close proximity to residential districts and to provide regulatory standards and procedures to ensure the reclamation of the extraction industry sites upon completion of the extraction processes.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2004-9, 4-1-2004; Ord. 2004-15, 6-17-2004; Ord. 2008-10, 6-5-2008; Ord. 2009-04, 3-19-2009; Ord. 2009-15A, 11-5-2009; Ord. 2013-02, 3-21-2013; Ord. No. 2022-12, 5-5-2022)

Sec. 10-11-3. Official zoning map.

- A. *Zones.* The location and boundaries of the zones described in this chapter, including subsequent amendments, shall be shown on an official zoning map, entitled the Hurricane City Official Zoning Map, as provided in this section.
1. The zones established by this chapter are intended to further the goals and policies of the City general plan. Accordingly, not every zone established by this chapter need be included on the official zoning map unless and until the City Council, in the exercise of its legislative discretion, determines that placing a particular property in a particular zone will further the goals and policies of the general plan.

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2. Each lot within the City shall be subject to the requirements of the zone, or zones, in which the lot is located as shown on the official zoning map.
 3. The official zoning map, including all boundaries, notations, and other data shown thereon, is hereby adopted by this reference.
- B. *Amendments.* Amendments to the boundaries of a specific zone shown on the official zoning map shall be accomplished in accordance with the provisions set forth in section 10-7-7 of this title.
 - C. *Map updates.* The Zoning Administrator shall update the official zoning map as soon as possible after amendments are adopted by the City Council. Upon entering any such amendment on the map, the Zoning Administrator shall note on the map the date of the revision.
 - D. *Filing of ordinance and map.* The ordinance codified herein and official zoning map shall be filed in the custody of the City Recorder/Clerk and may be examined by the public subject to any reasonable regulations established by the City Council.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-11-4. Rules for locating zone boundaries.

- A. *Applicability.* Where uncertainty exists as to the boundary of any zone shown on the official zoning map, the provisions of this section shall apply to determine the location of such boundary.
- B. *Centerlines and property lines.* When a zone boundary is indicated as being approximately upon the centerline of a street, alley or block, or along a property line, then, unless otherwise definitely indicated on the official zoning map, the centerline of such street, alley or block or such property line, shall be construed to be the boundary of such zone.
- C. *Waterways, park and public land.* When a zone boundary is indicated as being approximately at the line of any river, irrigation canal or other waterway, public park or other public land, or any section line, then the center of the stream, canal or waterway, or the railroad right-of-way, or the boundary line of the public land or section line shall be deemed to be the boundary of the zone.
- D. *Lot, block, and tract lines.* Zone boundaries indicated as approximately following platted lot lines, or block or parcel tract boundaries shall be interpreted as following such lines.
- E. *Street vacations.* When a public road, street, or alley is officially vacated, such property shall have the same zoning as the adjacent property. In the event vacated property is adjacent to two zones, each zone shall extend to the centerline of the vacated right-of-way.
- F. *Uncertainties.* When a physical or cultural feature existing on the ground is at variance with one shown on the official zoning map, or in case any other uncertainty exists with respect to a zone boundary, the Zoning Administrator shall determine the boundary location, subject to appeal to the Appeals Board as provided in this title.
- G. *Zoning Administrator to make determination.* The Zoning Administrator shall have the authority to make all zone boundary clarifications and determinations subject to the rules above and appeal to the Appeals Board as provided in this title.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2018-12, 10-18-2018)

Sec. 10-11-5. Clarification of zoning.

- A. *Ambiguous zone.* Any property which is not clearly zoned on the City's official zoning map shall be deemed to be in the most restrictive adjacent zone.
 - B. *Ambiguous use.*
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1. If ambiguity arises concerning the classification of a particular use within the meaning and intent of this title, the Zoning Administrator shall determine the proper use or development standard. The Zoning Administrator may refer the matter to the Planning Commission for a final determination, if the Zoning Administrator deems the use unusual enough to require special consideration. The Planning Commission's determination shall be final and is subject to appeal to the Appeals Board as provided in this title.

(Ord. 2012-8, 10-18-2012; Ord. 2018-12, 10-18-2018)

Sec. 10-11-6. Newly annexed territories.

Territory which is annexed shall be deemed to be zoned A-20 immediately upon annexation or as otherwise expressly provided in an annexation agreement. This zoning shall be considered a holding zone and no zone change will be considered until a plan for development is presented.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)



STAFF COMMENTS

Agenda Date:	09/19/2024
Application Number:	LUCA24-02
Type of Application:	Land Use Code Amendment
Action Type:	Legislative
Applicant:	Hurricane City
Request:	Amend Title 10 Chapters 11, 13, and 50 for the creation of, and to establish standards for, an R1-4 residential zoning classification.
Recommendation:	Approve
Report Prepared By:	Gary Cupp

Discussion:

The City Council has directed staff to amend the City's land use ordinance for the purpose of creating an R1-4 single-family residential zoning classification. The intent of the proposed R1-4 zone is to facilitate the development of smaller, more affordable housing in the City by allowing single-family development on smaller lots with reduced development standards. If adopted, this zoning designation would only be available through a formal zone-change request and by approval of the City Council. In response to discussions with the City Council and the Planning Commission, some of the key elements of the proposed zoning classification are listed below:

- 4,000-square-foot average lot area (3,900-square-foot minimum).
- 6,000-square-foot maximum lot area.
- 50-foot minimum lot width.
- 12-acre maximum development area.
- ADUs, accessory buildings, and Air B&Bs will not be permitted.
- Reduced setback standards:
 - Front Yard – 25 feet
 - Rear Yard – 10 feet
 - Side Yard – 5 feet and 10 feet
 - Street Side Yard – 15 feet

The proposed code amendment will require updates to portions of Chapters 11, 13, and 50 of Title 10. The Planning Commission heard this item on April 25, 2024. The majority of the Commission expressed overall support for the proposed R1-4 zone, but they also had significant concerns. During their discussions on the item, worry was expressed that if the General Plan becomes binding, this zone would be allowed anywhere in the city with a single-family designation, thus, causing the city to lose its agricultural character and change into a higher density urban area. The Commission voted 5 to 2 to recommend approval, with the 2 dissenting votes citing doubts as to whether or not this ordinance would

even have any real ability to provide more affordable housing at all, and felt that it may even have the unintended effect of possibly increasing prices. Ultimately, the Commission felt that such a zoning class would provide a viable option to develop more affordable housing in the city and supported the adoption of the R1-4 zone with the admonition that it only be allowed by existing multi-family developments and other higher density areas in the city, and also urged that the minimum lot size be no smaller than 4,000 square feet, instead of 3,600, and eliminate the proposed average lot size altogether.

Staff has no objections to the Planning Commission's suggestions.

JUC Comments:

The proposed R1-4 zoning concept was submitted to the JUC for review and input. The following comments were received:

1. **Power** - Power has concerns that every so often, power has need to install a switch in a residential subdivision. This switch will occupy the entire 10 feet of current PUE. Hurricane Power standards require 10 feet of clearance around switches to safely work on the equipment. NEC requires 10 feet of clearance from any electrical equipment to any combustible materials. Power suggests that the minimum setback be 20 feet from back of sidewalk to meet these requirements.
2. **Public Works** - With a 15-foot setback in the front of the lot and a 10-foot PUE behind the sidewalk, it does not leave much room for the accommodation of utility installations. Dominion Energy has had problems with this in the past. I also believe the Power Department has had problems with this type of setback. With the 20-foot setback from the garage, most pickups are about 19 feet in length, thus only allowing 1 foot between the garage and the front of the unit.
3. **Engineering** - Where garages are often used for storage more than parking and other driveways and painted curb at fire hydrants will limit the available parking on the street, it seems that each individual driveway space becomes vital in ensuring that a parking space per unit is preserved. As stated in the redline, expecting to fit a vehicle between the garage and sidewalk within 20 feet is unrealistic. Should be 25 feet to protect the public pedestrian way.

Staff Comments:

Comments from the Public Works, Power, and Engineering departments expressed concerns about the 15-foot front setback that was proposed initially, due to the potential for conflicts with the provision of utilities and parking. These comments were carefully considered, and the proposed setbacks have been revised to address their concerns.

Recommendation:

Staff recommends that the City Council review the proposed R1-4 zoning classification with consideration staff and JUC comments, and any public comments received at the public hearing, and approve the proposed land use code amendment updating Chapters 11, 13, and 50 of Title 10.



STAFF COMMENTS

Consideration and possible approval of an **amended water savings agreement** for the proposed irrigation expansion project. -Dayton Hall

Discussion:

At the special City Council meeting held on October 23, 2024, the Council approved a water savings contract to satisfy the NRCS's requirements for the irrigation water efficiency project. The Washington County Conservancy District and the Hurricane Canal Company also approved and signed the agreement. The Nature Conservancy and the U.S. Fish and Wildlife declined to approve the contract, and NRCS will not commit to reimbursing the project's costs without The Nature Conservancy's approval. Another meeting was held by the parties on September 12, 2024, and an agreement appears to still be possible. The City is waiting for an alternative proposal from The Nature Conservancy. This item is being placed on the agenda as a placeholder in the event that an acceptable contract is available before the Council's meeting on September 19, 2024. -Dayton Hall

Findings:

Recommendation:

Attachments:

None



STAFF COMMENTS

Consideration and possible approval of a **bid to construct phase 1 of the City's irrigation expansion project** - Ken Richins

Discussion:

On June 27th, 2024, the Water Department held a bid opening for the phase 1 irrigation project. Five qualified contractors placed bids. The winning bid was Interstate Rock Products for \$7,859,191.00. Bowen and Collins Engineering the engineers over this project recommend to the City Council to award the project to Interstate Rock.

The Water Board discussed this on July 30, 2024, and there was a consensus that the bid be awarded to the low bidder Interstate Rock. -Ken Richins

As discussed in the past several Council meetings, NRCS has not yet committed to refund the City for project costs, but there is a possibility that the commitment will be made before the Council's September 19th meeting. It is recommended that the bid not be awarded until there is a confirmation of funds. -Dayton Hall

Findings:

Recommendation:

Attachments:

1. Clark Fawcett email regarding irrigation expansion
2. Bid Recommendation Hurricane Irrigation Phase 1

Cindy Beteag

From: Clark Fawcett
Sent: Wednesday, August 14, 2024 5:21 PM
To: Council
Subject: Pressurized Irrigation

+1 other

Wed 8/14/2024 5:11 PM

I have been to several meetings with Alpha Engineering and the Water department discussing pressurized irrigation expansion. I know this is coming up on tomorrow night's agenda to approve the 1st two contracts. Because I have seen all the numbers I wanted to send a note to each of you listing the challenges we still face. This is not meant to try and convince you not to vote for the project, it is simply to identify the challenges so when you cast your vote you will understand what you are voting on and the possible ramifications.

1. The project has risen significantly in cost since the funding was acquired with NRCS. The NRCS has \$11,380,985 in the bank committed and approved for this project. The project has increased to where the needed funds from NRCS is \$21,425,603. The NRCS representative has indicated that he will go back and apply for the additional amount in the next round of funding but he can't guarantee any additional though he believes he can get more.
2. The Board of Water Resources has committed \$12,655,000. If the NRCS does not come up with the additional funds Brent thinks he can go back and secure more from them. Again a possible option but no guarantee.
3. The first two phases of the project have been bid so we know the actual cost, but the third phase has not. The last bid was higher than the engineer's estimate. Without this number we are not sure if the cost will go even higher and there will be more money needed.
4. Even with full funding from the NRCS and Board of Water Resources, the City portion of the project will be \$3,456,331. This amount can be financed through another Revenue bond or some can come from Impact fees funds for the Sky Ranch Well and Tank. This is a question that Paige and Kaden are working on.
5. There is \$1,250,000 in the budget for purchase of Water shares. This is enough to cover the 700 homes currently built but additional water will be needed in the future. The existing homes will not pay an impact fee but the new ones will. This impact fee should cover a portion of the cost of the improvements and the cost of additional water. Going forward the City should be able to purchase additional shares as needed from these impact fee funds. The Gould's wash well did not hit culinary water. It is proposed that this well be hooked into the pressurized system. There is enough water to cover the 700 homes from this source without the need to purchase shares. The dilemma is that if shareholders want to sell their share once the system goes in, the city needs to be ready to purchase them whether they are needed or not so they aren't sold outside the system or to the Water Conservancy District. This money may have to come from the water

fund as well since there is no money in the pressurized budget and the purchase of water can't be paid for by NCRS or the Board of Water Resources.

6. The budget for this project has money included to replace the asphalt that is removed in laying the pipe. Many of these streets are only chip seal and it crumbles when cut and many roads are in bad shape. If more repair is needed other than the patching to cover the trench I am worried that the city may have a liability for road improvements.
7. Even though I have received answers to many of my questions, and Ken has done a great job in working with the current residents to make it feasible, my inclination right now is to postpone the vote until we are secure on the additional funding. I am told however, that the funding will be lost if we don't approve the contracts by the end of August.
8. There is a significant reduction in the cost of water purchase from the Conservancy District. Last year the city paid \$886,288.18. While this entire amount will not go away, around \$700,000 will as we use the additional water we save. This is more than enough to pay for the bond payment and still have savings.
9. The Water Conservancy District raises the water rate \$.13 per year. Because we purchase water for Dixie Springs we pass this along to our users. In order to not make a two different rate system, the increase goes on all the users. This builds in an increase each year and we will keep more of it when we don't buy as much water from them. This will help to pay for any possible short falls in the future.
10. We had a good meeting with around 150-200 people on August 7. I was pleasantly amazed. I have been to a lot of public hearings on various projects over the years. This is the first one I can remember where not one person stood and spoke against it. We had many good questions about how it will work, the cost, improvements, timing etc., but no negative. I personally was thanked by several people for continuing to work on this project. I am sure there are people who don't want it but it sure seems the citizens are looking forward to this project.

This is a big leap of faith with many unknowns. With the funding we have received I don't believe there will be another time we could get this funding so it seems now or never. I just want you to be aware of the unknowns before you cast a vote.

Clark Fawcett

June 28, 2024

Ken Richins
Superintendent
Hurricane City
147 North 870 West
Hurricane, UT 84737

Subject: Recommendation of Award of Contract to Interstate Rock Products for the Hurricane Irrigation Efficiency – Phase 1 Project

Dear Ken:

Bids for Phase 1 construction of the Hurricane Irrigation Efficiency Project were received by Hurricane City (City) on Thursday, June 27, 2024. Bowen Collins & Associates (BC&A) completed a review of the bids that were received from five general contractors. Interstate Rock Products, Inc. was the apparent low bidder with a Base Bid price of \$7,859,191. Interstate Rock has signed and submitted the appropriate bid forms, provided a 5% Bid Bond, acknowledged all contract addenda, and provided a schedule that meets the requirements specified in the contract documents.

A summary of the bids received for the project is provided below for reference and a detailed breakdown of the bids is attached for information.

Rank	Contractor	Base Bid Price	Difference from Low Bid
1	Interstate Rock	\$7,859,191.00	-
2	JP Excavation	\$8,992,510.00	\$1,133,319.00 (14%)
3	M&T Enterprises	\$9,313,434.41	\$1,454,243.41 (19%)
4	Feller Enterprises	\$9,391,071.61	\$1,531,880.61 (19%)
5	Landmark Excavating	\$10,600,795.00	\$2,741,604.00 (35%)

The bid document specifies that *“All bids shall be checked for mathematical errors by the Engineer. If errors have been made in the extension of the figures, it will be assumed that the unit prices are correct and the total amounts will be revised to reflect the corrections.”* Consequently, required adjustments to Interstate Rock Product’s overall bid price were made for a few discrepancies between the unit price and total bid price. These adjustments resulted in a small increase in the listed bid price of approximately \$3,000.

We have also reviewed the proposal documentation, including the schedule and Statement of Qualifications from Interstate Rock Products and found them responsive. A copy of the preliminary schedules submitted by the five bidders is attached for reference. We recommend that coordination take place with Interstate Rock Products and an agreement should be executed pending receipt of appropriate bonds and insurance documents following Notice of Award.

Please call with any questions or concerns regarding this recommendation. BC&A looks forward to working with the City through the successful completion of this important project.

Sincerely,

June 28, 2024
Page 2

Bowen, Collins & Associates

A handwritten signature in black ink, appearing to read "Todd Olsen". The signature is fluid and cursive, with the first name "Todd" and last name "Olsen" clearly distinguishable.

Todd Olsen, P.E.
Project Manager

Cc. Lance Smith – NRCS

Attachment

BID SCHEDULE SUMMARY
Hurricane Irrigation Efficiency Project - Phase 1
Hurricane City / NRCS
Bids Were Opened On: Thursday, June 27, 2024

Corrected Bid Total to Match Unit Prices



BASE BID				Engineer's Option		M&T Enterprises		Landmark Excavating		Feller Enterprises		Interstate Rock		JP Excavating		Unit Price Summary		
Item No.	Description	Quantity	Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Average	Low	High
1	Mobilization	1	Lump Sum	\$444,210	\$444,210	\$427,127.00	\$427,127.00	\$630,000.00	\$630,000.00	\$395,000.00	\$395,000.00	\$460,000.00	\$460,000.00	\$500,000.00	\$500,000.00	\$482,425.40	\$395,000.00	\$630,000.00
1A	Survey Control and Staking	1	Lump Sum	\$50,000	\$50,000	\$83,912.11	\$83,912.11	\$100,000.00	\$100,000.00	\$60,000.00	\$60,000.00	\$105,000.00	\$105,000.00	\$60,000.00	\$60,000.00	\$81,782.42	\$60,000.00	\$105,000.00
2	Traffic Control	1	Lump Sum	\$87,470	\$87,470	\$64,362.00	\$64,362.00	\$533,000.00	\$533,000.00	\$187,000.00	\$187,000.00	\$251,906.00	\$251,906.00	\$50,000.00	\$50,000.00	\$217,253.60	\$50,000.00	\$533,000.00
3.1	Furnish and Install 4" PVC DR 25 C-900 Pipe Purple	370	Linear Feet	\$60	\$22,200	\$88.50	\$32,745.00	\$95.00	\$35,150.00	\$80.15	\$29,655.50	\$46.00	\$17,020.00	\$75.00	\$27,750.00	\$76.93	\$46.00	\$95.00
3.2	Furnish and Install 6" PVC DR 25 C-900 Pipe Purple	26,340	Linear Feet	\$66	\$1,738,440	\$90.45	\$2,382,453.00	\$61.50	\$1,619,910.00	\$81.79	\$2,154,348.60	\$56.50	\$1,488,210.00	\$79.00	\$2,080,860.00	\$73.85	\$56.50	\$90.45
3.3	Furnish and Install 8" PVC DR 25 C-900 Pipe Purple	11,510	Linear Feet	\$72	\$828,720	\$97.10	\$1,117,621.00	\$68.50	\$788,435.00	\$88.79	\$1,021,972.90	\$63.50	\$730,885.00	\$80.00	\$920,800.00	\$79.58	\$63.50	\$97.10
3.4	Furnish and Install 10" PVC DR 25 C-900 Pipe Purple	870	Linear Feet	\$79	\$68,730	\$108.50	\$94,395.00	\$85.00	\$73,950.00	\$101.79	\$88,557.30	\$74.50	\$64,815.00	\$112.00	\$97,440.00	\$96.36	\$74.50	\$112.00
3.5	Furnish and Install 12" PVC DR 25 C-900 Pipe Purple	3,290	Linear Feet	\$88	\$289,520	\$117.50	\$386,575.00	\$93.00	\$305,970.00	\$112.23	\$369,236.70	\$85.00	\$279,650.00	\$109.00	\$358,610.00	\$103.35	\$85.00	\$117.50
3.6	Furnish and Install 14" PVC DR 25 C-900 Pipe Purple	1,360	Linear Feet	\$100	\$136,000	\$122.90	\$167,144.00	\$99.00	\$134,640.00	\$117.18	\$159,364.80	\$89.00	\$121,040.00	\$120.00	\$163,200.00	\$109.62	\$89.00	\$122.90
3.7	Furnish and Install 16" PVC DR 25 C-900 Pipe Purple	2,620	Linear Feet	\$110	\$288,200	\$135.20	\$354,224.00	\$112.00	\$293,440.00	\$131.80	\$345,316.00	\$100.00	\$262,000.00	\$132.00	\$345,840.00	\$122.20	\$100.00	\$135.20
4.1	Furnish and Install 6" Ductile Iron Drain Pipe	70	Linear Feet	\$70	\$4,900	\$144.40	\$10,108.00	\$155.00	\$10,850.00	\$289.47	\$20,262.90	\$160.00	\$11,200.00	\$82.00	\$5,740.00	\$166.17	\$82.00	\$289.47
4.2	Furnish and Install 8" Ductile Iron Pipe	130	Linear Feet	\$130	\$16,900	\$123.00	\$15,990.00	\$170.00	\$22,100.00	\$307.54	\$39,980.20	\$140.00	\$18,200.00	\$103.00	\$13,390.00	\$168.71	\$103.00	\$307.54
4.3	Furnish and Install 10" Ductile Iron Pipe	80	Linear Feet	\$80	\$6,400	\$131.80	\$10,544.00	\$180.00	\$14,400.00	\$333.10	\$26,648.00	\$140.00	\$11,200.00	\$115.00	\$9,200.00	\$179.98	\$115.00	\$333.10
5.1	Furnish and Install 4" Gate Valve (WD 316), Complete	12	Each	\$2,500	\$30,000	\$1,930.00	\$23,160.00	\$3,200.00	\$38,400.00	\$3,211.32	\$38,535.84	\$1,350.00	\$16,200.00	\$1,400.00	\$16,800.00	\$2,218.26	\$1,350.00	\$3,211.32
5.2	Furnish and Install 6" Gate Valve (WD 316), Complete	57	Each	\$3,000	\$171,000	\$2,397.50	\$136,657.50	\$3,900.00	\$222,300.00	\$3,637.08	\$207,313.56	\$2,950.00	\$168,150.00	\$2,500.00	\$142,500.00	\$3,076.92	\$2,397.50	\$3,900.00
5.3	Furnish and Install 8" Gate Valve (WD 316), Complete	26	Each	\$3,300	\$85,800	\$3,585.00	\$93,210.00	\$5,100.00	\$132,600.00	\$4,932.43	\$128,243.18	\$4,350.00	\$113,100.00	\$3,500.00	\$91,000.00	\$4,293.49	\$3,500.00	\$5,100.00
5.4	Furnish and Install 10" Gate Valve (WD 316), Complete	6	Each	\$4,800	\$28,800	\$5,484.50	\$32,907.00	\$7,750.00	\$46,500.00	\$7,348.51	\$44,091.06	\$5,850.00	\$35,100.00	\$4,100.00	\$24,600.00	\$6,106.60	\$4,100.00	\$7,750.00
5.5	Furnish and Install 12" Butterfly Valve (WD 316), Complete	2	Each	\$5,110	\$10,220	\$6,050.00	\$12,100.00	\$12,225.00	\$24,450.00	\$12,181.48	\$24,362.96	\$11,000.00	\$22,000.00	\$4,500.00	\$9,000.00	\$9,191.30	\$4,500.00	\$12,225.00
5.6	Furnish and Install 14" Butterfly Valve (WD 316), Complete	3	Each	\$7,670	\$23,010	\$8,683.00	\$26,049.00	\$11,300.00	\$33,900.00	\$11,110.63	\$33,331.89	\$13,800.00	\$41,400.00	\$6,000.00	\$18,000.00	\$10,178.73	\$6,000.00	\$13,800.00
5.7	Furnish and Install 16" Butterfly Valve (WD 316), Complete	2	Each	\$10,230	\$20,460	\$12,827.00	\$25,654.00	\$20,600.00	\$41,200.00	\$21,928.79	\$43,857.58	\$7,300.00	\$14,600.00	\$9,400.00	\$18,800.00	\$14,411.16	\$7,300.00	\$21,928.79
6.1	Furnish and Install 6" 90 Degree Bends	21	Each	\$560	\$11,760	\$773.50	\$16,243.50	\$1,100.00	\$23,100.00	\$724.84	\$15,221.64	\$680.00	\$14,280.00	\$950.00	\$19,950.00	\$845.67	\$680.00	\$1,100.00
6.2	Furnish and Install 6" 45 Degree Bends	6	Each	\$450	\$2,700	\$762.20	\$4,573.20	\$1,050.00	\$6,300.00	\$689.04	\$4,134.24	\$670.00	\$4,020.00	\$950.00	\$5,700.00	\$824.25	\$670.00	\$1,050.00
6.3	Furnish and Install 6" 22.5 Degree Bends	10	Each	\$410	\$4,100	\$751.10	\$7,511.00	\$1,030.00	\$10,300.00	\$674.51	\$6,745.10	\$660.00	\$6,600.00	\$950.00	\$9,500.00	\$813.12	\$660.00	\$1,030.00
6.4	Furnish and Install 6" 11.25 Degree Bends	19	Each	\$430	\$8,170	\$756.60	\$14,375.40	\$1,035.00	\$19,665.00	\$681.78	\$12,953.82	\$670.00	\$12,730.00	\$950.00	\$18,050.00	\$818.68	\$670.00	\$1,035.00
6.5	Furnish and Install 8" 90 Degree Bends	3	Each	\$830	\$2,490	\$923.30	\$2,769.90	\$1,215.00	\$3,645.00	\$887.03	\$2,661.09	\$920.00	\$2,760.00	\$1,100.00	\$3,300.00	\$1,009.07	\$887.03	\$1,215.00
6.6	Furnish and Install 8" 45 Degree Bends	2	Each	\$830	\$1,660	\$882.50	\$1,765.00	\$1,170.00	\$2,340.00	\$835.27	\$1,670.54	\$880.00	\$1,760.00	\$1,100.00	\$2,200.00	\$973.55	\$835.27	\$1,170.00
6.7	Furnish and Install 8" 22.5 Degree Bends	3	Each	\$830	\$2,490	\$878.30	\$2,634.90	\$1,165.00	\$3,495.00	\$829.82	\$2,489.46	\$880.00	\$2,640.00	\$1,100.00	\$3,300.00	\$970.62	\$829.82	\$1,165.00
6.8	Furnish and Install 8" 11.25 Degree Bends	3	Each	\$830	\$2,490	\$862.40	\$2,587.20	\$1,150.00	\$3,450.00	\$808.94	\$2,426.82	\$860.00	\$2,580.00	\$1,100.00	\$3,300.00	\$956.27	\$808.94	\$1,150.00
6.9	Furnish and Install10" 90 Degree Bends	1	Each	\$1,120	\$1,120	\$1,066.00	\$1,066.00	\$1,540.00	\$1,540.00	\$1,263.02	\$1,263.02	\$1,050.00	\$1,050.00	\$1,200.00	\$1,200.00	\$1,223.80	\$1,050.00	\$1,540.00
6.10	Furnish and Install10" 45 Degree Bends	1	Each	\$830	\$830	\$1,085.50	\$1,085.50	\$1,440.00	\$1,440.00	\$1,148.62	\$1,148.62	\$1,050.00	\$1,050.00	\$1,200.00	\$1,200.00	\$1,184.82	\$1,050.00	\$1,440.00
6.11	Furnish and Install10" 22.5 Degree Bends	2	Each	\$830	\$1,660	\$1,085.00	\$2,170.00	\$1,440.00	\$2,880.00	\$1,147.71	\$2,295.42	\$1,050.00	\$2,100.00	\$1,200.00	\$2,400.00	\$1,184.54	\$1,050.00	\$1,440.00
6.12	Furnish and Install 14" 11.25 Degree Bends	2	Each	\$2,290	\$4,580	\$1,780.00	\$3,560.00	\$2,685.00	\$5,370.00	\$2,043.31	\$4,086.62	\$1,750.00	\$3,500.00	\$1,700.00	\$3,400.00	\$1,991.66	\$1,700.00	\$2,685.00
6.13	Furnish and Install 16" 45 Degree Bends	2	Each	\$2,680	\$5,360	\$2,029.50	\$4,059.00	\$3,000.00	\$6,000.00	\$2,366.82	\$4,733.64	\$1,950.00	\$3,900.00	\$1,800.00	\$3,600.00	\$2,229.26	\$1,800.00	\$3,000.00
6.14	Furnish and Install 6" Tee	14	Each	\$800	\$11,200	\$872.10	\$12,209.40	\$1,175.00	\$16,450.00	\$839.87	\$11,758.18	\$870.00	\$12,180.00	\$1,200.00	\$16,800.00	\$991.39	\$839.87	\$1,200.00
6.14A	Furnish and Install 6"x4" Tee	2	Each	\$770	\$1,540	\$821.10	\$1,642.20	\$1,200.00	\$2,400.00	\$875.83	\$1,751.66	\$910.00	\$1,820.00	\$1,200.00	\$2,400.00	\$1,001.39	\$821.10	\$1,200.00
6.15	Furnish and Install 8" Tee	4	Each	\$2,770	\$11,080	\$1,194.50	\$4,778.00	\$1,450.00	\$5,800.00	\$1,151.10	\$4,604.40	\$1,100.00	\$4,400.00	\$1,300.00	\$5,200.00	\$1,239.12	\$1,100.00	\$1,450.00
6.16	Furnish and Install 8" x 4" Tee	4	Each	\$860	\$3,440	\$1,028.50	\$4,114.00	\$1,350.00	\$5,400.00	\$1,042.54	\$4,170.16	\$1,550.00	\$6,200.00	\$1,300.00	\$5,200.00	\$1,254.21	\$1,028.50	\$1,550.00
6.17	Furnish and Install 8" x 6" Tee	3	Each	\$960	\$2,880	\$1,108.00	\$3,324.00	\$1,400.00	\$4,200.00	\$1,037.61	\$3,112.83	\$1,000.00	\$3,000.00	\$1,300.00	\$3,900.00	\$1,169.12	\$1,000.00	\$1,400.00
6.17A	Furnish and Install 10"x4" Tee	1	Each	\$1,280	\$1,280	\$1,070.50	\$1,070.50	\$1,650.00	\$1,650.00	\$1,362.64	\$1,362.64	\$1,250.00	\$1,250.00	\$1,400.00	\$1,400.00	\$1,346.63	\$1,070.50	\$1,650.00
6.18	Furnish and Install 10" x 6" Tee	3	Each	\$1,200	\$3,600	\$1,434.50	\$4,303.50	\$1,850.00	\$5,550.00	\$1,600.57	\$4,801.71	\$1,250.00	\$3,750.00	\$1,500.00	\$4,500.00	\$1,527.01	\$1,250.00	\$1,850.00
6.19	Furnish and Install 10" x 8" Tee	1	Each	\$2,130	\$2,130	\$1,472.50	\$1,472.50	\$1,665.00	\$1,665.00	\$1,406.24	\$1,406.24	\$1,250.00	\$1,250.00	\$1,600.00	\$1,600.00	\$1,478.75	\$1,250.00	\$1,665.00
6.20	Furnish and Install 12" x 6" Tee	1	Each	\$2,150	\$2,150	\$1,759.00	\$1,759.00	\$2,500.00	\$2,500.00	\$1,768.50	\$1,768.50	\$1,500.00	\$1,500.00	\$1,600.00	\$1,600.00	\$1,825.50	\$1,500.00	\$2,500.00
6.20A	Furnish and install 12" x 4" Tee	3	Each	\$1,510	\$4,530	\$2,933.00	\$8,799.00	\$2,200.00	\$6,600.00	\$1,492.49	\$4,477.47	\$1,350.00	\$4,050.00	\$1,500.00	\$4,500.00	\$1,895.10	\$1,350.00	\$2,933.00
6.21	Furnish and Install 16" x 6" Tee	1	Each	\$3,030	\$3,030	\$2,877.00	\$2,877.00	\$3,500.00	\$3,500.00	\$2,949.74	\$2,949.74	\$2,350.00	\$2,350.00	\$3,000.00	\$3,000.00	\$2,935.35	\$2,350.00	\$3,500.00
6.21A	Furnish and Install 16" x 4" Tee	1	Each	\$2,410	\$2,410	\$4,572.50	\$4,572.50	\$3,650.00	\$3,650.00	\$3,132.03	\$3,132.03	\$4,750.00	\$4,750.00	\$3,000.00	\$3,000.00	\$3,820.91	\$3,000.00	\$4,750.00

Corrected Bid Total to Match Unit Prices



BASE BID				Engineer's Option		M&T Enterprises		Landmark Excavating		Feller Enterprises		Interstate Rock		JP Excavating		Unit Price Summary		
Item No.	Description	Quantity	Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Average	Low	High
6.22	Furnish and Install 6" Cross	2	Each	\$1,160	\$2,320	\$1,392.00	\$2,784.00	\$1,300.00	\$2,600.00	\$319.42	\$638.84	\$970.00	\$1,940.00	\$1,000.00	\$2,000.00	\$996.28	\$319.42	\$1,392.00
6.23	Furnish and Install 8" x 6" Cross	1	Each	\$2,390	\$2,390	\$1,641.00	\$1,641.00	\$1,600.00	\$1,600.00	\$1,327.24	\$1,327.24	\$1,200.00	\$1,200.00	\$1,600.00	\$1,600.00	\$1,473.65	\$1,200.00	\$1,641.00
6.24	Furnish and Install 14" x 8" Cross	1	Each	\$3,120	\$3,120	\$2,953.50	\$2,953.50	\$3,500.00	\$3,500.00	\$2,907.06	\$2,907.06	\$2,350.00	\$2,350.00	\$3,600.00	\$3,600.00	\$3,062.11	\$2,350.00	\$3,600.00
6.25	Furnish and Install 8" x 6" Reducer	3	Each	\$460	\$1,380	\$829.80	\$2,489.40	\$1,100.00	\$3,300.00	\$730.39	\$2,191.17	\$830.00	\$2,490.00	\$1,000.00	\$3,000.00	\$898.04	\$730.39	\$1,100.00
6.26	Furnish and Install 10" x 8" Reducer	2	Each	\$600	\$1,200	\$1,106.00	\$2,212.00	\$1,300.00	\$2,600.00	\$974.56	\$1,949.12	\$1,100.00	\$2,200.00	\$1,100.00	\$2,200.00	\$1,116.11	\$974.56	\$1,300.00
6.27	Furnish and Install 12" x 10" Reducer	1	Each	\$710	\$710	\$1,083.00	\$1,083.00	\$2,000.00	\$2,000.00	\$1,144.53	\$1,144.53	\$1,050.00	\$1,050.00	\$1,600.00	\$1,600.00	\$1,375.51	\$1,050.00	\$2,000.00
6.28	Furnish and Install 14" x 12" Reducer	1	Each	\$1,260	\$1,260	\$2,018.00	\$2,018.00	\$2,650.00	\$2,650.00	\$1,983.93	\$1,983.93	\$1,950.00	\$1,950.00	\$1,900.00	\$1,900.00	\$2,100.39	\$1,900.00	\$2,650.00
6.29	Furnish and Install 16" x 14" Reducer	1	Each	\$2,170	\$2,170	\$1,840.00	\$1,840.00	\$2,800.00	\$2,800.00	\$2,143.79	\$2,143.79	\$1,800.00	\$1,800.00	\$2,200.00	\$2,200.00	\$2,156.76	\$1,800.00	\$2,800.00
6.30	Furnish and Install 8-in. EBAA Flex-tend Flexible Expansion Joint	4	Each	\$2,500	\$10,000	\$11,045.00	\$44,180.00	\$11,100.00	\$44,400.00	\$12,038.91	\$48,155.64	\$7,100.00	\$28,400.00	\$10,000.00	\$40,000.00	\$10,256.78	\$7,100.00	\$12,038.91
6.31	Furnish and Install 10-in. EBAA Flex-tend Flexible Expansion Joint	4	Each	\$2,500	\$10,000	\$14,372.00	\$57,488.00	\$14,600.00	\$58,400.00	\$16,040.44	\$64,161.76	\$8,850.00	\$35,400.00	\$1,400.00	\$5,600.00	\$11,052.49	\$1,400.00	\$16,040.44
7.1A	3/4" Service Connections (WD 305), Complete	339	Each	\$2,800	\$949,200	\$1,898.50	\$643,591.50	\$2,175.00	\$737,325.00	\$1,023.39	\$346,929.21	\$1,900.00	\$644,100.00	\$3,500.00	\$1,186,500.00	\$2,099.38	\$1,023.39	\$3,500.00
7.1	1" Service Connections (WD 305), Complete	116	Each	\$3,000	\$348,000	\$2,079.00	\$241,164.00	\$2,400.00	\$278,400.00	\$1,275.54	\$147,962.64	\$1,900.00	\$220,400.00	\$3,600.00	\$417,600.00	\$2,250.91	\$1,275.54	\$3,600.00
7.2	1.5" Service Connections (WD 305), Complete	9	Each	\$3,500	\$31,500	\$3,306.50	\$29,758.50	\$3,900.00	\$35,100.00	\$3,009.86	\$27,088.74	\$3,150.00	\$28,350.00	\$5,200.00	\$46,800.00	\$3,713.27	\$3,009.86	\$5,200.00
7.3	2" Service Connections (WD 305), Complete	14	Each	\$4,500	\$63,000	\$3,931.50	\$55,041.00	\$5,000.00	\$70,000.00	\$4,252.06	\$59,528.84	\$3,650.00	\$51,100.00	\$5,500.00	\$77,000.00	\$4,466.71	\$3,650.00	\$5,500.00
7.4	4" Service Connections (WD 305), Complete	9	Each	\$6,500	\$58,500	\$4,768.00	\$42,912.00	\$6,300.00	\$56,700.00	\$6,334.29	\$57,008.61	\$6,350.00	\$57,150.00	\$8,000.00	\$72,000.00	\$6,350.46	\$4,768.00	\$8,000.00
8.1	1" Air Valve Vault (C/2660), Complete	11	Each	\$6,500	\$71,500	\$11,587.00	\$127,457.00	\$13,000.00	\$143,000.00	\$9,731.72	\$107,048.92	\$7,350.00	\$80,850.00	\$6,900.00	\$75,900.00	\$9,713.74	\$6,900.00	\$13,000.00
8.2	2" Air Valve Vault (C/2660), Complete	7	Each	\$10,000	\$70,000	\$12,041.00	\$84,287.00	\$13,500.00	\$94,500.00	\$10,418.42	\$72,928.94	\$7,350.00	\$51,450.00	\$10,000.00	\$70,000.00	\$10,661.88	\$7,350.00	\$13,500.00
9	Minor Blowoff Drain, See Detail C/2671, Complete (tees/bends of detail alre	8	Each	\$7,000	\$56,000	\$6,546.50	\$52,372.00	\$7,900.00	\$63,200.00	\$10,235.14	\$81,881.12	\$7,600.00	\$60,800.00	\$9,100.00	\$72,800.00	\$8,276.33	\$6,546.50	\$10,235.14
10.1	Asphalt Replacement (3" Asphalt -Thickness)	423,000	Square Feet	\$4.40	\$1,861,200	\$3.15	\$1,332,450.00	\$4.95	\$2,093,850.00	\$4.28	\$1,810,440.00	\$3.05	\$1,290,150.00	\$2.45	\$1,036,350.00	\$3.58	\$2.45	\$4.95
10.2	Asphalt Replacement (2.5" Asphalt -Thickness)	131,000	Square Feet	\$4.00	\$524,000	\$3.04	\$398,240.00	\$4.50	\$589,500.00	\$3.80	\$497,800.00	\$2.75	\$360,250.00	\$1.88	\$246,280.00	\$3.19	\$1.88	\$4.50
11.2	Pothole Repair (3" Asphalt add 2" Roadbase)	500	Square Feet	\$5.00	\$2,500	\$7.85	\$3,925.00	\$50.00	\$25,000.00	\$18.40	\$9,200.00	\$27.00	\$13,500.00	\$6.10	\$3,050.00	\$21.87	\$6.10	\$50.00
12.1	Concrete Sidewalk Replacement	7,950	Square Feet	\$16	\$127,200	\$8.71	\$69,244.50	\$17.50	\$139,125.00	\$6.93	\$55,093.50	\$11.00	\$87,450.00	\$10.00	\$79,500.00	\$10.83	\$6.93	\$17.50
12.2	Concrete Waterway Replacement	1,700	Square Feet	\$16	\$27,200	\$17.46	\$29,682.00	\$40.00	\$68,000.00	\$15.99	\$27,183.00	\$17.50	\$29,750.00	\$11.00	\$18,700.00	\$20.39	\$11.00	\$40.00
13	Curb and Gutter Replacement	1,020	Linear Feet	\$80	\$81,600	\$35.26	\$35,965.20	\$102.00	\$104,040.00	\$49.34	\$50,326.80	\$12.00	\$12,240.00	\$45.00	\$45,900.00	\$48.72	\$12.00	\$102.00
14	Replace Roadway Monuments	9	Each	\$3,000	\$27,000	\$475.00	\$4,275.00	\$1,200.00	\$10,800.00	\$1,015.51	\$9,139.59	\$620.00	\$5,580.00	\$900.00	\$8,100.00	\$842.10	\$475.00	\$1,200.00
15	Restore 650 South Retaining Wall	1	Lump Sum	\$5,000	\$5,000	\$16,173.00	\$16,173.00	\$6,000.00	\$6,000.00	\$4,086.51	\$4,086.51	\$2,900.00	\$2,900.00	\$12,000.00	\$12,000.00	\$8,231.90	\$2,900.00	\$16,173.00
16	Trench Stabilization Material	200	Cubic Yard	\$70	\$14,000	\$46.50	\$9,300.00	\$290.00	\$58,000.00	\$29.01	\$5,802.00	\$38.00	\$7,600.00	\$60.00	\$12,000.00	\$92.70	\$29.01	\$290.00
17	Flowable Fill Backfill	100	Cubic Yard	\$300	\$30,000	\$453.50	\$45,350.00	\$275.00	\$27,500.00	\$307.71	\$30,771.00	\$130.00	\$13,000.00	\$300.00	\$30,000.00	\$293.24	\$130.00	\$453.50
18	Non-woven Geotextile Fabric	700	Square Yard	\$6	\$4,200	\$3.65	\$2,555.00	\$2.00	\$1,400.00	\$7.31	\$5,117.00	\$2.25	\$1,575.00	\$5.00	\$3,500.00	\$4.04	\$2.00	\$7.31
19	30" D50 Riprap	1,290	Cubic Yard	\$94	\$121,260	\$70.70	\$91,203.00	\$98.00	\$126,420.00	\$59.73	\$77,051.70	\$48.00	\$61,920.00	\$40.00	\$51,600.00	\$63.29	\$40.00	\$98.00
20	Sewer Lateral Connection	5	Each	\$5,000	\$25,000	\$1,353.00	\$6,765.00	\$3,600.00	\$18,000.00	\$1,224.33	\$6,121.65	\$4,600.00	\$23,000.00	\$3,200.00	\$16,000.00	\$2,795.47	\$1,224.33	\$4,600.00
21	Water Service Connection	5	Each	\$3,000	\$15,000	\$1,605.00	\$8,025.00	\$1,800.00	\$9,000.00	\$5,612.84	\$28,064.20	\$3,300.00	\$16,500.00	\$4,500.00	\$22,500.00	\$3,363.57	\$1,605.00	\$5,612.84
22	Rock Excavation	1,800	Cubic Yard	\$70	\$126,000	\$25.75	\$46,350.00	\$140.00	\$252,000.00	\$10.90	\$19,620.00	\$64.50	\$116,100.00	\$20.00	\$36,000.00	\$52.23	\$10.90	\$140.00
23	Public Information Program Allowance	1	Lump Sum	\$200,000	\$200,000	\$200,000.00	\$200,000.00	\$200,000.00	\$200,000.00	\$200,000.00	\$200,000.00	\$200,000.00	\$200,000.00	\$200,000.00	\$200,000.00	\$200,000.00	\$200,000.00	\$200,000.00
24	Temporary Environmental Control Fencing, detail C/2273	1,000	Linear Feet	\$15	\$15,000	\$6.40	\$6,400.00	\$20.00	\$20,000.00	\$4.07	\$4,070.00	\$7.55	\$7,550.00	\$5.00	\$5,000.00	\$8.60	\$4.07	\$20.00
TOTAL					\$9,338,070.00		\$9,313,434.41		\$10,600,795.00		\$9,391,071.61		\$7,859,191.00		\$8,992,510.00	\$9,231,400.40	\$7,859,191.00	\$10,600,795.00

DIFFERENCE FROM LOW BID:
% DIFFERENCE FROM LOW BID:

\$1,478,879
18.82%

\$1,454,243
18.50%

\$2,741,604
34.88%

\$1,531,881
19.49%

\$0
0.00%

\$1,133,319.00
14.42%

Updated: June 28, 2024

Construction Schedule Review

[illegible]



STAFF COMMENTS

Consideration and possible approval of a **bid to construct the irrigation pond, filters, and booster station** for the irrigation expansion project - Ken Richins

Discussion:

On July 16, 2024, the Water Department held a bid opening for the irrigation ponds, filter and pump station. The winning bid was Interstate Rock for \$ 7,960,938.50.

Alpha Engineering the engineer for this project recommend to the city council to award the project to Interstate Rock.

The water board discussed this on July 30, 2024, and there was a consensus that the bid be awarded to the low bidder Interstate Rock. - Ken Richins

As discussed in the past several Council meetings, NRCS has not yet committed to refund the City for project costs, but there is a possibility that the commitment will be made before the Council's September 19th meeting. It is recommended that the bid not be awarded until there is a confirmation of funds. -Dayton Hall

Findings:

Recommendation:

Attachments:

1. Recommendation from Alpha Engineering - Pump station & bonds



43 South 100 East, Suite 100 T 435.628.6500
St George, Utah 84770 F 435.628.6553

alphaengineering.com

August 8, 2024

Hurricane City Water Department
Attention: Ken Richins
646 West 600 North
Hurricane, Utah 84737

Re: Hurricane Irrigation Efficiency Project – Pump Station & Ponds Bid Recommendation

Dear Ken:

Bids were received for the Hurricane Irrigation Efficiency Project – Pump Station & Ponds on July 16, 2024 at 2:00 p.m. at the Hurricane City offices. Four bids were received for the project. After reviewing the submitted bids and the unit costs of the low bid in comparison to other bids received, there are not any major discrepancies. Interstate Rock also provided the required Statement of Qualifications and an acceptable schedule with the bid documents.

We recommend approval of the lowest bidder, Interstate Rock Products, Inc. to be the contractor for the Hurricane Irrigation Efficiency Project – Pump Station & Ponds at the total bid price of \$7,960,938.50

The bid tabulation is attached for your reference.

Let me know if I can provide any additional information.

Sincerely,

Glen E. Carnahan, P.E.
ALPHA ENGINEERING COMPANY

Encl: Bid Tabulation Sheet
Schedule

City of Hurricane
Hurricane Irrigation Efficiency Project - Pump Station Ponds
Bid Tabulation - July 16, 2024

BID SCHEDULE												
Item	Description	Quantity	Units	IRP		Whitaker		PCI		Feller Enterprises		Average Unit Prices
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	
1	Mobilization	1	L.S.	\$236,000.00	\$236,000.00	\$471,000.00	\$471,000.00	\$475,000.00	\$475,000.00	\$200,000.00	\$200,000.00	\$345,500.00
2	Removals	1	L.S.	\$1,750.00	\$1,750.00	\$42,700.00	\$42,700.00	\$23,000.00	\$23,000.00	\$36,389.32	\$36,389.32	\$25,959.83
3	Site Grading - Cut	92,565	C.Y.	\$9.75	\$899,943.75	\$9.70	\$897,880.50	\$4.40	\$407,286.00	\$12.46	\$1,133,359.50	\$8.33
4	Site Grading - Fill	981	C.Y.	\$7.25	\$7,112.25	\$7.00	\$6,869.00	\$3.50	\$3,433.50	\$7.94	\$7,789.14	\$6.65
5	Pump Station	1	L.S.	\$2,314,500.00	\$2,314,500.00	\$2,163,000.00	\$2,163,000.00	\$3,000,000.00	\$3,000,000.00	\$1,446,086.02	\$1,446,086.02	\$2,780,896.51
6	3-MG Reinforced Concrete Settling Pond	2	Each	\$983,500.00	\$1,967,000.00	\$869,000.00	\$1,738,000.00	\$1,200,000.00	\$2,400,000.00	\$966,581.50	\$1,933,163.00	\$1,004,270.31
7	Concrete Apron and headwall	1	L.S.	\$41,200.00	\$41,200.00	\$32,500.00	\$32,500.00	\$46,000.00	\$46,000.00	\$55,231.56	\$55,231.56	\$43,732.89
8	Furnish & Install Retention Basin Riprap	1,050	S.F.	\$3.40	\$3,570.00	\$4.00	\$4,200.00	\$10.44	\$10,962.00	\$1.49	\$1,514.50	\$8.08
9	Furnish & Install Electrical Service to 2' Channel Surfacing	63,200	S.F.	\$1.30	\$82,160.00	\$1.50	\$94,800.00	\$1.00	\$63,200.00	\$1.74	\$109,968.00	\$1.39
10	Furnish & Install Electrical Service to Pump Station	1	L.S.	\$333,000.00	\$333,000.00	\$249,000.00	\$249,000.00	\$253,344.00	\$253,344.00	\$262,825.33	\$262,825.33	\$274,511.08
11	Furnish & Install 30" Ductile Iron Pipe with Polyethylene Encasement	2,884	L.F.	\$510.00	\$1,470,840.00	\$335.00	\$968,740.00	\$487.00	\$1,396,828.00	\$501.71	\$1,446,931.64	\$698.43
12	Furnish & Install 30-Inch Flanged Butterfly Valve	2	Each	\$30,500.00	\$61,000.00	\$24,300.00	\$48,600.00	\$26,000.00	\$52,000.00	\$31,387.04	\$62,774.08	\$28,046.70
13	Furnish & Install 30-Inch Flanged Gate Valve	2	Each	\$66,700.00	\$133,400.00	\$70,200.00	\$140,400.00	\$60,000.00	\$120,000.00	\$69,078.74	\$138,157.48	\$65,994.69
14	Furnish & Install 30" x 30" Flanged Tee	1	Each	\$11,700.00	\$11,700.00	\$11,700.00	\$11,700.00	\$12,000.00	\$12,000.00	\$12,847.44	\$12,847.44	\$12,061.86
15	Furnish & Install 30" Flanged 45 Degree Wye	1	Each	\$18,600.00	\$18,600.00	\$19,500.00	\$19,500.00	\$19,000.00	\$19,000.00	\$19,805.41	\$19,805.41	\$19,326.35
16	Furnish & Install 30" MJ 45 Degree Elbow	6	Each	\$8,050.00	\$48,300.00	\$11,300.00	\$67,800.00	\$8,115.00	\$48,690.00	\$7,138.41	\$42,830.46	\$8,650.85
17	Furnish & Install 30" MJ 90 Degree Elbow	4	Each	\$8,650.00	\$34,600.00	\$13,300.00	\$53,200.00	\$9,725.00	\$39,000.00	\$7,541.87	\$30,167.48	\$9,629.22
18	Furnish & Install 30" FL x MJ Adaptor	8	Each	\$6,550.00	\$52,400.00	\$7,500.00	\$60,000.00	\$5,725.00	\$45,800.00	\$5,257.74	\$42,061.92	\$7,065.60
19	Furnish & Install 30" Canal Gate	2	Each	\$42,300.00	\$84,600.00	\$71,200.00	\$142,400.00	\$48,000.00	\$96,000.00	\$44,755.51	\$89,511.02	\$51,563.88
20	Furnish & Install Inlet Structure	2	Each	\$23,700.00	\$47,400.00	\$28,100.00	\$56,200.00	\$32,000.00	\$64,000.00	\$32,667.32	\$65,334.64	\$29,166.83
21	Furnish & Install Outlet Structure	2	Each	\$43,000.00	\$86,000.00	\$51,700.00	\$103,400.00	\$38,000.00	\$76,000.00	\$18,486.02	\$36,972.04	\$38,021.51
22	Furnish & Install 4" SDR-35 PVC Drumpipe	200	L.F.	\$45.50	\$9,100.00	\$85.50	\$17,100.00	\$65.00	\$13,000.00	\$38.51	\$7,702.00	\$38.80
23	Furnish & Install 6" Cleanout	2	Each	\$1,650.00	\$3,300.00	\$1,510.00	\$3,020.00	\$785.00	\$1,570.00	\$2,119.40	\$4,238.80	\$1,616.10
24	Furnish & Install 6" Galvanized Cham Link Security Fence	2,825	L.F.	\$36.50	\$103,112.50	\$35.50	\$100,287.50	\$34.00	\$96,050.00	\$39.00	\$110,350.00	\$36.00
25	Furnish & Install 16' Chain Link Security Gate	1	Each	\$2,550.00	\$2,550.00	\$2,550.00	\$2,550.00	\$2,500.00	\$2,500.00	\$3,148.32	\$3,148.32	\$2,662.08
26	Furnish & Install Tortoise Fence	1	L.F.	\$14.50	N/A	\$11.50	N/A	\$12.00	N/A	\$14.57	N/A	\$13.14
Total Bid Schedule					\$7,068,938.50		\$8,213,587.00		\$8,754,363.50		\$9,331,057.70	

Corrected Bid Total

HURRICANE CITY IRRIGATION EFFICIENCY PUMP STATION PONDS					Gantt Chart		16-Jul-24 08:57												
Activity ID	Activity Name	Original Duration	Remaining Duration	Start	Finish	June 2024 July 2024													
						19	26	02	09	16	23	30	07	14					
HCPUMPSTATION 1	HURRICANE CITY IRRIGATION EFFICIENCY PUMP STATION & PONDS	201	201	05-Aug-24	15-May-25														
HCPUMPSTATION 1	MILESTONES	201	201	05-Aug-24	15-May-25														
MS-100	NTP	1	1	05-Aug-24*	05-Aug-24														
MS-110	CONSTRUCTION DURATION	176	176	06-Aug-24	11-Apr-25														
MS-120	SUBSTANTIAL COMPLETION	1	1	14-Apr-25	14-Apr-25*														
MS-130	PUNCHLIST	22	22	15-Apr-25	14-May-25														
MS-140	FINAL COMPLETION	1	1	15-May-25	15-May-25														
HCPUMPSTATION 2	PRECON	154	154	05-Aug-24	11-Mar-25														
HCPUMPSTATION 2.1	SUBMITTALS	10	10	06-Aug-24	19-Aug-24														
SUB-100	PUMPS	10	10	06-Aug-24	19-Aug-24														
HCPUMPSTATION 2.2	REVIEW / APPROVE	5	5	20-Aug-24	28-Aug-24														
REV-100	PUMPS	5	5	20-Aug-24	28-Aug-24														
HCPUMPSTATION 2.3	PROCUREMENT	154	154	05-Aug-24	11-Mar-25														
PROC-100	PUMPS	154	154	05-Aug-24	11-Mar-25														
HCPUMPSTATION 3	CONSTRUCTION	182	182	06-Aug-24	21-Apr-25														
HCPUMPSTATION 3.1	SITE WORK	182	182	06-Aug-24	21-Apr-25														
CON-100	MOBILIZATION	3	3	06-Aug-24	08-Aug-24														
CON-110	SITE GRADING	54	54	09-Aug-24	24-Oct-24														
CON-120	PUMP STATION GRADING	10	10	16-Aug-24	29-Aug-24														
CON-130	30" DUCTILE IRON PIPE	40	40	30-Aug-24	25-Oct-24														
CON-140	ELECTRICAL SERVICE TO PUMP STATION	30	30	28-Oct-24	09-Dec-24														
CON-150	ELECTRICAL POWER COMMISSION	15	15	10-Dec-24	31-Dec-24														
CON-160	MAINTENANCE ROAD	6	6	14-Apr-25	21-Apr-25														
HCPUMPSTATION 3.2	PUMP STATION	158	158	30-Aug-24	11-Apr-25														
PUMP-110	UNDERGROUND PIPING & ELECTRICAL ROUGH IN	36	36	30-Aug-24	21-Oct-24														
PUMP-120	CAST-IN-PLACE CONCRETE (FOOTINGS/SLAB/WALLS/ROOF)	44	44	22-Oct-24	23-Dec-24														
PUMP-130	MECHANICAL PIPING & ELECTRICAL	36	36	24-Dec-24	12-Feb-25														
PUMP-150	INSTALL PUMPS	4	4	12-Mar-25	17-Mar-25														
PUMP-160	FINISH ELECTRICAL / HVAC / SCADA	10	10	18-Mar-25	31-Mar-25														
PUMP-170	STARTUP	5	5	01-Apr-25	07-Apr-25														
PUMP-180	PUMP STATION SITE CONCRETE FLATWORK	4	4	08-Apr-25	11-Apr-25														
HCPUMPSTATION 3.3	SETTLING PONDS	118	118	26-Oct-24	10-Apr-25														
POND-100	FINISH SUBGRADE - NORTH	7	7	25-Oct-24	04-Nov-24														
POND-110	AGGREGATE BASE - NORTH	7	7	05-Nov-24	14-Nov-24														
POND-120	FORM / IRON / POUR / STRIP - NORTH	45	45	15-Nov-24	17-Jan-25														
POND-130	FINISH SUBGRADE - SOUTH	7	7	20-Jan-25	28-Jan-25														
POND-140	AGGREGATE BASE - SOUTH	7	7	29-Jan-25	06-Feb-25														
POND-150	FORM / IRON / POUR / STRIP - SOUTH	45	45	07-Feb-25	10-Apr-25														

Remaining Level of Effort

Actual Level of Effort

Actual Work

Remaining Work

Critical Remaining Work

Milestone

Page 1 of 1

TASK filter: All Activities

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STAFF COMMENTS

Discussion regarding public infrastructure and possible approval to move forward with a **power line extension** to the area south of Sky Ranch - Mike Vercimak and Scott Hughes

Discussion:

September 19, 2024 Summary:

This item was continued from the last meeting. One of the applicants for this line extension was not present at the meeting and had requested the item be continued. Also, there were discussions regarding the details of the proposed power line extension, other needed infrastructure, and the status of the well currently being drilled to possibly support development in the area.

August 15, 2024 Summary:

This item was continued at the last meeting with directions for staff to obtain additional information regarding the timeline of potentially providing needed infrastructure and services to the area.

August 1, 2024 Summary:

This item was heard at the May 16, 2024, meeting where it was continued with the direction to the Public Works Director to provide a report on the status of other infrastructure and services in the area south of Sky Ranch. Mike Vercimak has prepared that report, and it is available in the packet. It was continued at the previous meeting due to staff not being present. - Cindy Beteag

On the south side of Sky Ranch we have 5 individual entities that have made application to the Power Department and Power Board for a line extension. High Desert Ranch, Sky Ranch Ph. 6, Moccasin Flats Lot 19, Solaroca and the Hurricane Water Department. In reviewing a line extension, we have taken into consideration the available capacity as well as the physical infrastructure. Both are currently lacking for all besides the Water Dept. We have reserved capacity for them, but they still lack adequate infrastructure. The Power Dept. has preliminarily looked at options to extend power to these 5 entities and believe that it is possible. It would require a substantial amount of infrastructure upgrades and new installations. The Power Dept. staff and Power Board have recommended approval of the extensions as a joint project with the following conditions. First, all easements are obtained by the entities, prior to final approval of the project. Second, all estimated costs are paid in advance of starting the project with the caveat that if the project ends up costing more than the estimate the parties agree to pay additional expense, pro rata, to cover the full cost and if the project ends up costing less than the estimate the parties will be reimbursed according to their pro rata share. And third, that the parties will sign a contract with the City that covers all the terms of the agreement including that all the money will be paid up front or the project is not approved. If the Council

were to approve the extensions with these conditions, the Power Dept. could finalize the designs and cost estimates and finalize the contracts with Legal. Then if all conditions are fulfilled, bring the contracts back to the Council for final signatures.

For additional helpful information please see the attached documentation for a map and brief history of the power capacity issues out south of town. Also, if you have any questions, please feel free to reach out to Scott Hughes.

City Attorney Comment:

When considering a request for a power line extension, HCC 8-4-3 states that “The City Council may grant or deny the request as in its discretion deemed best for the welfare of existing power users in the City.” When considering requests to extend power lines into new areas of the City, it is recommended that the Council also consider the feasibility and appetite of providing other necessary services and utilities to the new area. Allowing a developer to extend power lines to a new development area will create an expectation that other services and utilities to support development will also be made available.

Findings:

Recommendation:

Attachments:

1. History
2. Map
3. 046-01-2024-04 High Desert Ranch Water Analysis First Review Memo 2024-05-09
4. Re Desert Ranch Water Analysis
5. Report from Public Works
6. Utility Report supplemental

Capacity History South of Town

Mid to Late 2021 -

Raised flag of low capacity on CW-101

Circuit CW-101 study - Sept. 2021

Study found that with mods- 550 units available

Late 2021

Started working on substation property and routes for transmission

Throughout 2022

Analyzed existing projects with current entitlements

Assigned projects with signed CD's as Cap. Proj. 1.0

These projects equalled 528 units

Cap. Proj. 1.0 did not require any substantial infrastructure upgrades

5 developments received Preliminary Plat approvals

Hurricane Fields Estates Ph. 4-8

The Views at Hurricane Cliffs Ph. 1-2

Horseman's Edge

Cordero Ph.2

Cordero Ph.3

Late 2022 or Early 2023

2 developments were denied PP because of lack of adequate infrastructure

Desert Sky Estates

Southern Dunes Town Homes

Early 2023

Desert Sky and Southern Dunes invited back to CC and approved PP with the condition that Power Dept. staff would not sign CD's until the "inadequate infrastructure" issue was resolved.

Same night, Bench Lake Town Homes received PP with the same condition

Early to mid 2023

Circuit CW-103 study

Option to increase capacity on CW-103 by 767 units with additional infrastructure and upgrades

Additional option with connecting to Three Falls Substation (under construction) could provide an additional 333 units with additional infrastructure

Together; provided option of additional 1100 units

8 projects mentioned would need 1048 units

Mid to late 2023

Options presented to 8 projects and CC as Cap. Proj. 2.0 with terms

All easements would first have to be in place

Secured final needed easements from Scott Stratton

Every project would have to have deposited the estimated funds in the City's account

Term of reconciliation after project completion could mean added cost for developer or reimbursement of any unused funds

Contracts have to be signed by all developers and the City

All agreed, signed the contracts, and the 8 projects deposited their portions to the City

City agreed to not withhold CD signatures for "inadequate infrastructure" and complete infrastructure upgrades within 2 years

Late 2023 - present

Multiple developments have continued to ask for power capacity

Somewhere north of 2000 units

Capacity Project 1.0	
Project	Units
Moccasin Flats	19
Copper Rock	21
Golf View Estates	62
Pebble Beach	21
Rock View Estates	30
North Slope Ph. 1	58
North Slope Ph. 2	48
North Slope Ph. 3&4	87
Cordero Ph. 1	37
Total Units	383

Capacity Project 1.1	
Project	Units
Hurr. Fields Ph. 1-3	35
Rock Hollow	53
Cactus Creek Storage	1
Southern Shores	56
Total Units	145

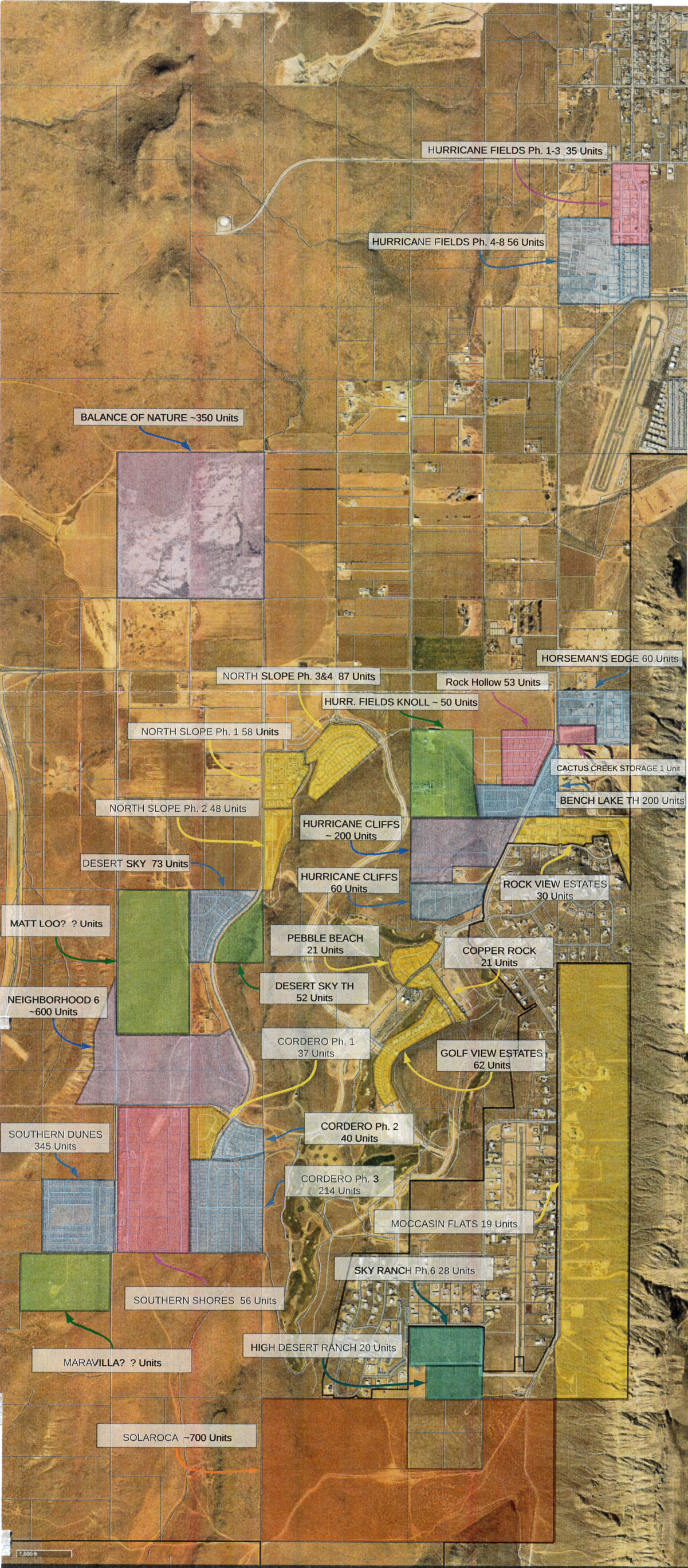
Capacity Project 2.0	
Project	Units
Hurr. Fields Ph. 4-8	56
Horseman's Edge	60
Bench Lake TH	200
Hurricane Cliffs	60
Desert Sky	73
Southern Dunes	345
Cordero Ph. 2	40
Cordero Ph. 3	214
Total Units	1048

Capacity Project 2.1	
Project	Units
Sky Ranch Ph. 6	28
High Desert Ranch	20
Total Units	48

Capacity Project 2.2	
Project	Units
Solaroca	700
Total Units	700

Capacity Project 3.0	
Project	Units
Neighborhood 6	600
Balance of Nature	350
Hurricane Cliffs	200
Total Units	1150

Capacity Project 4.0	
Project	Units
Hurricane Fields Knoll	50
Desert Sky TH	52
Matt Loo	?
Maravilla	?
Total Units	?





43 South 100 East, Suite 100 T 435.628.6500
St George, Utah 84770 F 435.628.6553

alphaengineering.com

May 9, 2024

Hurricane City Water Department
Attention: Ken Richins
646 West 600 North
Hurricane, Utah 84737

Re: High Desert Ranch Water Analysis

Dear Ken:

As requested, we have performed a hydraulic analysis in the vicinity of the proposed High Desert Ranch subdivision located on parcel H-3403-K. As you are aware the proposed subdivision is within the Hurricane City municipal boundary. The Hurricane Valley Water System (HVWS), which is owned and operated by the Washington County Water Conservancy District (WCWCD) provides service to the properties immediately west and east of the proposed subdivision. The Hurricane City culinary system is east of the proposed subdivision on 1100 West where it ends at the intersection with 4620 South, and north of the proposed subdivision on Torrey Pines Road in the Copper Rock subdivision. An exhibit showing the property and extent of the existing HVWS and City culinary lines is attached with this letter.

As you are aware the southernmost hydrant on the City system on 1100 West was flow tested and produced approximately 1,300 gpm. The hydrant south of the property on the HVWS was also flow tested and produced approximately 1,244 gpm. Note that the City system in this area is currently serviced from the South Fields Tank which has a base elevation of 3580 feet, while the HVWS is served from a separate tank at a base of approximately 3540 feet. The two systems are currently interconnected in two locations to provide looping and supplement flow from one system to another when required.

As the proposed High Desert Ranch subdivision resides in the Hurricane City boundary it will be necessary for the developer to extend the Hurricane City water system to and throughout the subdivision. Section 3.6.4 of the *Hurricane City Standards for Design and Construction* indicates that “the water system shall be looped and valves shall generally be spaced such that a break in any one length of main will put no more than six hundred feet of main, nor more than two fire hydrants out of service...”. Section 4.4.1.4.M of the *City Standards* also indicates that dead end mains shall not be installed which exceed 600 feet in length.

Two options were evaluated to provide required fire flow and looping for the proposed development.

The option to connect to the Hurricane City system on 1100 West, and coordinate with the WCWCD and install an additional interconnect between the HVWS and City system was evaluated. It would be necessary that the connection to the HVWS be at an agreed upon location with the developer, City, and WCWCD to meet the above referenced City requirements. This would require the installation of a Pressure Reducing/Sustaining Valve Vault at the interconnect location. The hydraulic analysis shows that with a connection to the City main on 1100 West and an additional interconnect to the HVWS, modeled fire flows will be near 1,300 gpm, similar to the

hydrants flow tested in the area, which is below the required 1,500 gpm. In addition, we understand the WCWCD is not willing to allow another connection to the HVWS at this time.

The option to connect to the Hurricane City system in two locations was evaluated. This would include connection to the Hurricane City system on 1100 West and a connection to the Hurricane City infrastructure in the Copper Rock subdivision to the north of the proposed development. The hydraulic analysis shows that with a connection to the City main on 1100 West and an additional interconnect to the City main on Torrey Pines Road, modeled fire flows will be near 1,800 gpm.

We recommend the developer obtain easements and extend 8" water lines to existing City infrastructure in 1100 West and Torrey Pines Road.

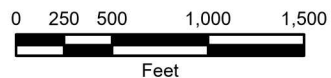
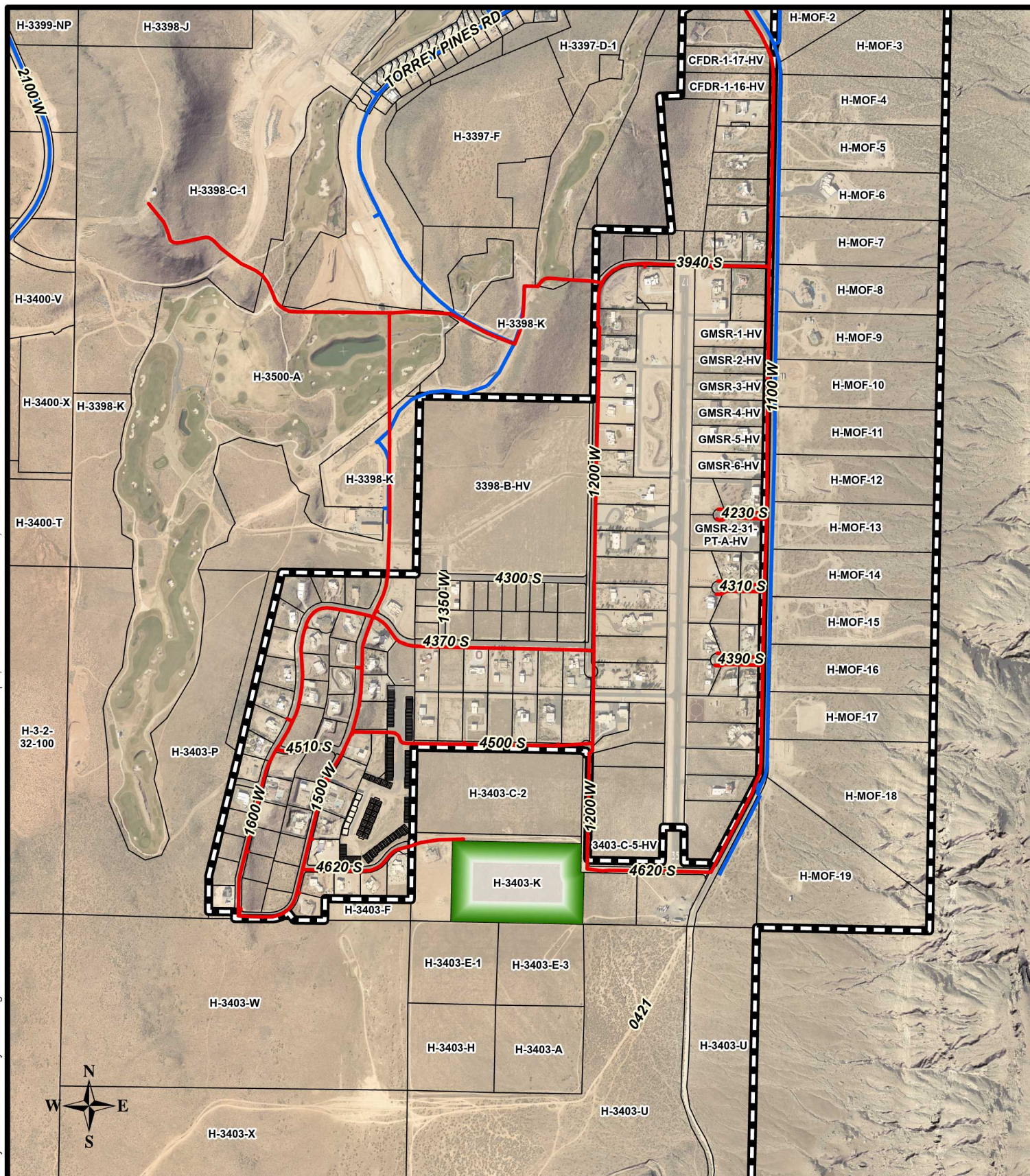
This analysis only includes preliminary hydraulic recommendations for the proposed development and does not address materials and construction design, including valving and hydrants, which we would recommend be reviewed prior to approval of the construction drawings. If you have any questions, please let us know.

Sincerely,



Glen E. Carnahan, P.E.
ALPHA ENGINEERING COMPANY

Encl: Existing Water Mains Exhibit



43 South 100 East, Suite 100 • St George, Utah 84770
T: 435.628.6500 • F: 435.628.6553 • alphaengineering.com

Legend

-  Existing Hurricane City Culinary Main
 Existing Hurricane Valley Water System Main
 Hurricane Municipal Boundary
 High Desert Ranch
 Washington County Parcels

Existing Water Mains

Spatial Reference: UT83-SF

Drawn By:	JRH
-----------	-----

Scale: 1" = 1,000 feet

Date: April 30, 2024

Cindy Beteag

From: Arthur Lebaron
Sent: Tuesday, May 14, 2024 10:09 AM
To: Kory Wright; Kaden DeMille; Dayton Hall; Cindy Beteag; Nanette Billings; Mike Vercimak; Gary Cupp
Cc: Jeremy Pickering
Subject: RE: I am sharing '046-01-2024-04 High Desert Ranch Water Analysis First Review Memo 2024-05-09' with you

All,

Thanks for sharing this memo. I would like to chime in that the supply to this area may not be sufficient to allow the City to approve any further development. Peak demands in the summertime keep the level in the South Fields tank dangerously low, from what I have heard. I recommend that this issue be addressed in this, and any future review memos that influence our decision-making on approvals for projects that are especially dependent on the South Fields Tank until we can get the Sky Ranch tank and well in service.

Thanks,

Arthur

From: Kory Wright <kwright@hurricane.utah.gov>
Sent: Tuesday, May 14, 2024 8:49 AM
To: Kaden DeMille <kaden@hurricane.utah.gov>; Dayton Hall <dayton@hurricane.utah.gov>; Cindy Beteag <cindy@hurricane.utah.gov>; Nanette Billings <billings@hurricane.utah.gov>; Mike Vercimak <mike@hurricane.utah.gov>; Gary Cupp <gary@hurricane.utah.gov>; Arthur Lebaron <arthur@hurricane.utah.gov>
Subject: I am sharing '046-01-2024-04 High Desert Ranch Water Analysis First Review Memo 2024-05-09' with you

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Utility Report
Bench Lake Area
July 10, 2024

This report covers the area from the south end of Sky Ranch to Hurricane City south boundary on the south, from 1100W to the Hurricane City west boundary on the west, and from the Southern Shores Ski Lake to the Hurricane City south boundary on the North.

The subject properties are currently zoned RA-1 (one unit per acre) or R1-10 (one unit per 10,000 square feet). Most of the property in this area either meets their Future Land Map Use designation or has received a zone change in the past five years.

Approved units in this area (by development) are as follows:

Solaroca:	700 units
Copper Rock:	355 units- by PDO approval
Silver Flats	1145 units assuming normal R1-10 development (zone change is still Pending. (3.5 units per acre)
Calypso Ridge:	362 units assuming normal R1-10 development (3.5 units per acre)
Sand Hollow Mesa- Neighborhood 8	455 units by PDO approval. This project does not entirely lie within the outlined area.

Total approved units: 3,175

An additional 233 units may be possible based on Future Land Use Map densities and Surrounding developments.

**Grand total of units
To be served 3,408**

The area is only served by one roadway, 1100 West, which is classified as a major collector road with a Right of Way of 70 feet. Major collector streets are designed to accommodate up to 600 units. 1100 West is mostly a prescriptive right of way. Extensive right-of-way acquisition will be required in order to develop the master planned width of 1100 West.

The area is served by a 12-inch waterline on 1100 West. The WCWCD does have a water system in the area, but that system is at or above capacity. At the present time there is insufficient storage capacity in the area to meet fire regulations.

There is no natural gas available in this area. Dominion Energy is actively pursuing easements to allow for the installation of gas mains to serve the area.

Sewer service at this time does not extend to the area outlined. Sewer main lines extend through Copper Rock development but do not actually reach a point of connection to Sky Ranch. An easement through a portion of Copper Rock and a line extension through Sky Ranch would be necessary to serve the area with sanitary sewer on the east side and continuing sewer mains going south on the western side of the area would provide sanitary sewer on the west.

Power capacity for this area is located at the Three Falls substation, but presently, there is insufficient infrastructure to deliver the power. A plan has been presented which would deliver power to this area, but the financial burden will fall on those wishing to develop.

Communication providers in the area did not respond to the brief survey sent out to gather information about their respective utilities, but in general they tend to follow power along the same easements and rights of way.

Storm water is conveyed naturally down existing washes and low places and there is not a storm drain system to service the area. Drainage in this area will tend to flow toward the clay pit located on 3000 south. Provisions to carry the storm water flows are needed in the form of culverts, bridges, open channels, swales and underground storm water facilities.

Hurricane Valley Fire District has concluded that there is inadequate water pressure and fire flows in this area. It is noted that the Hurricane City Water department was able to re-route some water that helped the situation, but it will be insufficient to service the area outlined.

It should also be noted that there is only one access that is available south of 3000 South and per IFC appendix D there must be a minimum of 2 access roads. It should be mentioned that 2100 West and 2400 West serve the area, although they do not currently connect to 1100 West through the subject area.

There is also the need for an additional fire station in the area to meet the present ISO standards for response time. The nearest station to this area is station 41 located at 202 East State Street.

Conclusions

We can summarize the availability of utilities to the area south and west of Sky Ranch as follows:

1. There is insufficient capacity and storage for culinary water in this area until such time as the Sky Ranch well and new 2-million-gallon storage tank are constructed, and supply lines are built to deliver the water. The estimated time frame for this to happen is approximately 2 years. This area is in the Water Department master plan for build out of culinary and secondary water systems. All water mains are identified by size. Whenever development

happens, they will be required to install all water mains and storage capacity needed for their development, unless existing capacity is available.

2. Sanitary sewer service will require an easement through the Copper Rock development and a line extension through Sky Ranch to accommodate sewer service on the eastern side of this area. Sewer service on the west side will develop as the sewer mains are constructed from the Southern Shores area going south.
3. Power capacity for this area will come from Three Falls substation located on 1300 South and 1100 West and from a substation located in the Sand Hollow Mesa area. At the present time there is sufficient capacity at the Three Falls substation to supply the area outlined. A new distribution line and off-site infrastructure will need to be provided by anyone wishing to develop in this area, along with providing easements and rights-of-way for such infrastructure.
4. 1100 West, as it now stands, is not capable of providing access to this area at an acceptable level of service. This roadway for the most part is a chip seal road with no pedestrian accommodations. The average improved width is about 26 feet.

From the entrance to Copper Rock going south to the end of Sky Ranch the area on both sides of the road has been developed and little attention was given to roadway improvements since the road was in the County when most of the development occurred. When the area east of 1100 West was annexed into the city, the road came along with the annexation. There is still a portion of the roadway near the entrance to Copper Rock that is in the County.

1100 West will require extensive expansion to provide the level of service mandated by a major collector road, including 44 feet of pavement along with designed and acceptable pedestrian routes and adequate drainage facilities.

There is no second access from the area described. A second access will likely come from a road that loops around the south end of Sky Ranch and ties into 2400 West and back to 3000 South.

5. For orderly development of this area drainage will also need to be considered and accommodated using curb, gutter, underground storm drain, open channels, culverts and bridges. Current drainage in the area is basically allowing flows to use historic drainage channels and crossing these channels with culverts or bridges. This area will ultimately drain to the clay pit on 3000 South.
6. There is currently no natural gas service in this area, but Dominion Energy is actively seeking corridors to extend service to the area. The biggest hurdle faced

by Dominion is the acquisition of rights of way for the installation of gas lines. Natural gas would normally follow the standard location in our street right-of-way cross section, but since much of 1100 West is a prescriptive right-of-way, this hinders the ability for utilities to install their infrastructure. Dominion Energy lists right-of-way acquisitions as their biggest obstacle in serving the area with natural gas.

7. Our partners in communications utilities did not respond to a query about their plans for service in this area. Generally speaking, they follow the development of power either above or underground.
8. The water system in the area will need to be upgraded to meet the flow requirements for Hurricane Valley Fire District. A new well and tank south of Sky Ranch that provides source and storage to the system will need to be constructed and connected to the water system to meet the needs of additional development in the subject area.

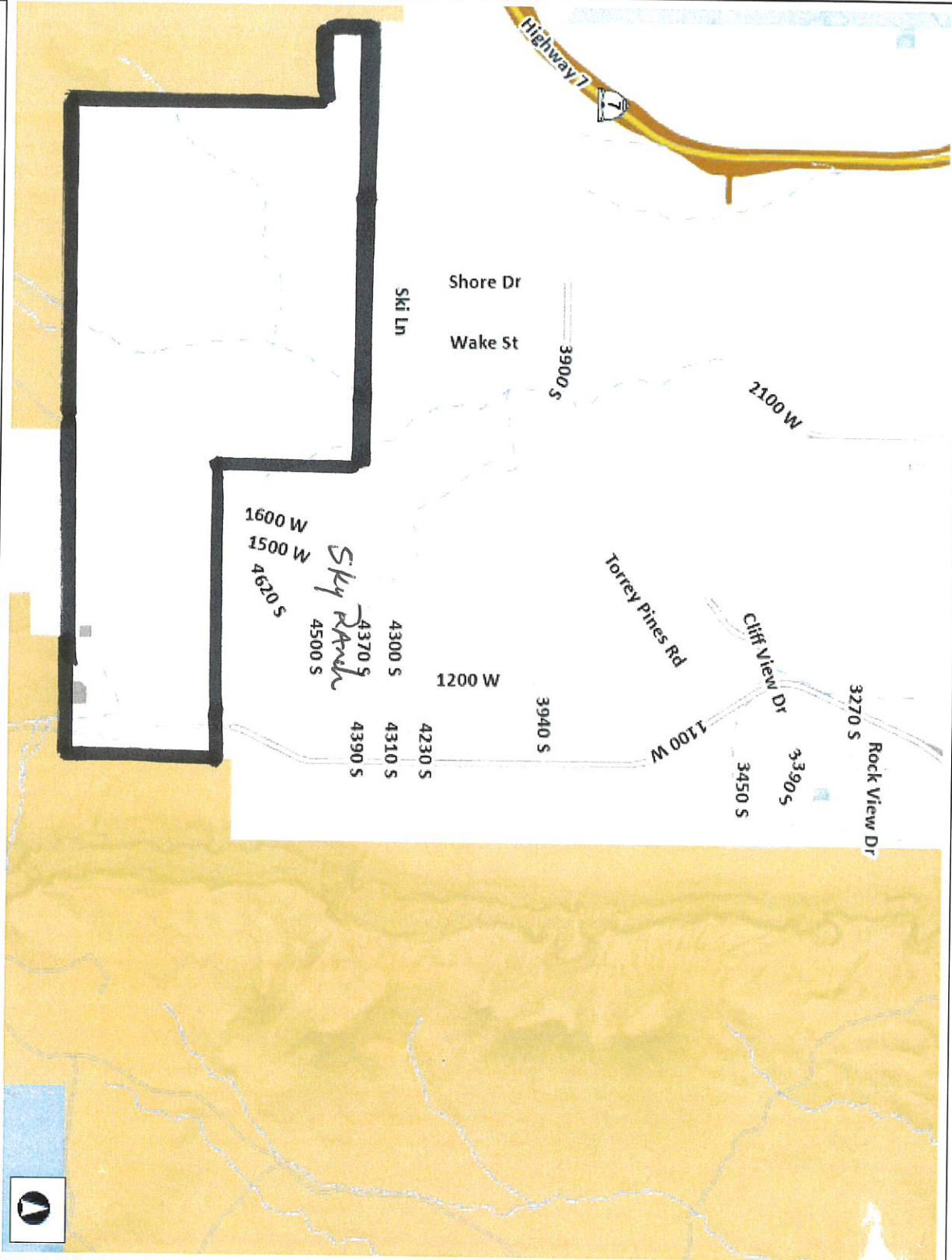
Per current IFC regulations, a second access road to the area will need to be built.

Due to the distance from the closest fire station and to meet ISO response times a new fire station in this area must also be considered.

9. A final consideration is the long-term cost of growth in this relatively remote area. While much of the initial cost to develop in this area will be covered by the respective developers, the long-term maintenance costs will be covered by the community at large.



Title



Legend

Ownership

- U.S. Forest Service
- U.S. Forest Service Wilderness
- Bureau of Land Management
- Bureau of Land Management Wildlife
- National Park Service
- Shiwiwi Reservation
- Utah Division of Wildlife Resources
- Utah Division of Transportation
- State Park
- State of Utah
- Washington County
- Municipally Owned
- School District
- Privately Owned
- Water
- Water Conservancy District
- State Assessed Oil and Gas
- Mining Claim

Notes

6,018.7
0
3,009.33
6,018.7 Feet
WGS_1984_Web_Mercator_Auxiliary_Sphere

DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible for any claims, losses or damages resulting from the use of this map.

Utility Report
Bench Lake Area
Supplemental Information
August 7, 2024

Subsequent to the City Council meeting held on August 1, 2024, and at the request of the Mayor and City Council, additional investigations on the status of utilities in the Bench Lake area were conducted.

A meeting was held with the major stakeholders on August 7, 2024, and the status and timing of providing infrastructure and services to the area was discussed.

It is apparent that each utility and service provider has a master plan for the area. It is also evident that each provider is working on completion of the master plan albeit each provider is at a different point in perfecting their plans.

A question was asked, "What is your anticipated time frame for providing backbone infrastructure to this area?" The answer to this question, as a consensus, was approximately two years. The two largest hurdles to overcome are engineering and right of way acquisition. The following is a brief description of each utility provider and what they expect in the next two years.

Water:

Water is currently in the process of drilling a new culinary well south of Sky Ranch and are planning to bid a 2-million-gallon water tank this fall. They anticipate a completion date of about 2 years. It might be noted that at this time the water quality and quantity from the well have not been proven. This tank and well will provide storage and source capacity for this area.

Power:

Engineering and power line easements are the biggest hurdles to overcome with providing adequate power to this area. The time frame for power infrastructure to be available may be less than 2 years, but the big unknown is easement and right of way acquisition. The costs and time frame for this expansion will rest mainly with the development community and how fast they would like to approach the situation.

Sewer:

Ash Creek Special Service District is also faced with easement and right of way issues

but feel confident that a 2-year time frame would work for their needs.

Streets and Roads:

It is estimated that the current 1100 West roadway is capable of sustaining additional

growth in the area. As growth occurs, impact fees can be used to pay for upgrades to

the roadway including road widening, drainage improvements and pedestrian access.

As the area develops, and local roads are built the traffic flow will be spread out over other areas and a road network will eventually ensure that traffic flow will be appropriately accommodated.

A second access to this area could be accomplished in several ways but will depend largely on how and where development occurs. To the West, 2100 W and 2400 W are going to be additional accesses to this area.

Drainage:

Some drainage improvements will need to be made to 1100 West and these will be

costs that are paid for by the City, but most of the drainage concerns will be addressed during the development of the area and as development occurs.

After consideration is given to the backbone infrastructure of water, power, sewer and streets

being installed to the area it would then fall to the ordinary development process as prescribed by our land management code for each subdivision to construct the

roadways

and utilities each need.

Each developer would be required to meet the standards and specifications of the city and other utility providers as each project is brought forth and plans are reviewed and approved.

In conclusion, it can be said that each utility provider is currently working to upgrade their service in this area. Some of the costs associated with this endeavor will be paid by the utility but most of the cost will be paid for by the developers.

Although a rough time frame of two years to complete backbone infrastructure to the area is anticipated, it may be less for some providers and more for others.



STAFF COMMENTS

Consideration and possible approval of a proclamation **joining Washington County Youth Coalition (WCYC) in a 2024-2025 Alcohol-Free School Year** for Youth - WCYC Coalition

Discussion:

The WCYC is a coalition for volunteer high school students who will spend the school year providing evidence-based strategies to prevent substance use among Washington County youth. Activities include providing refusal skill assemblies to local schools, providing support and education to the community during community events and even talking to legislators about policies that protect Washington County youth. They are asking for the City's support by signing this Alcohol-Free student Proclamation - Cindy Beteag

Findings:

Recommendation:

Attachments:

1. 2024-25 Washington County Alcohol-Free Proclamation

Whereas, the Washington County Prevention Coalition and the Washington County Youth Coalition have designated the upcoming school year as an Alcohol-Free Year for Youth sponsored by REACH4HOPE and Southwest Prevention, a school year to set clear rules and expectations about NO underage drinking;

Whereas, alcohol used by those under the age of 21 negatively affects their health and safety, and thus the safety and well-being of all those living and working in the Communities of Washington County; and

Whereas, teens who use alcohol often progress to addictive behavior later in life, are at a much higher risk for developing mental illnesses as adults; and

Whereas, addictive behaviors and mental illnesses also greatly increase the risk of suicide; and

Whereas, underage drinking is a major public health problem that negatively impacts the brain development of our young people, causing a higher probability of early alcohol addiction, alcohol-related traffic accidents, and brain impairment; and

Whereas, under the Law, it is illegal for a minor to purchase, possess, or consume any alcoholic beverage, and it is illegal and punishable for anyone to sell, offer to sell, or furnish alcohol to a minor; and

Whereas, the Mayors of St. George City, Washington City, Hurricane City, Hildale City, Ivins City and Santa Clara City, in addition to the Commissioners of Washington County and the State of Utah are committed to the development of a major statewide public information campaign with the overall objectives of changing social norms regarding depression, suicide ideation, underage drinking, and risky behaviors; and

Whereas, we commend the overwhelming majority of our young people who are drug and alcohol-free, and we desire all of our youth to be drug and alcohol-free so as to develop in a healthy society; and

Now, therefore, We, as Mayors and Commissioners hereby proclaim our support and offer an invitation to the entire community to help encourage family bonding and reduce underage drinking in order to improve the health and safety of all youth and adults in Washington County. We invite all members of our community, including individuals, families, governments, schools, religious and civic organizations, to participate in and sponsor activities that will heighten awareness regarding the dangers of underage drinking to young people's health and safety, and will strengthen their ability and desire to refuse to drink alcohol; and

Whereas, we declare the 2024-2025 school year as an Alcohol-Free School Year for Youth to bring awareness to risky behaviors and underage drinking, and promote the bringing of families together.

Proclaimed this 1st Day of October 2024

Michele Randall – St. George City Mayor

Kress Staheli – Washington City Mayor

Rick Rosenberg – Santa Clara City Mayor

Chris Hart – Ivins City Mayor

Nanette Billings – Hurricane City Mayor

Donia Jessop – Hildale City Mayor

Victor Iverson – County Commissioner

Gil Almquist – County Commissioner

Adam Snow – County Commissioner

Nicolle Felshaw – County Administrator



STAFF COMMENTS

Discussion and possible approval of a **Power Line Extension request** for Hurricane Cliffs. - Todd Getz

Discussion:

The Power Board recommended that the City Council give preliminary approval of this proposed extension for the power department to proceed with working in partnership with the developers to determine all of the designs, details, and responsibilities of the developers to accomplish the necessary improvements and upgrades to deliver these extensions. Once the details are determined, the applications would be returned to the City Council for a final approval to proceed with the projects. - Scott Hughes

There is capacity at Three Falls Substation. However, improvements to existing infrastructure would need to be made, additional easements will need to be acquired, and development would need to participate with other developers to build a new distribution circuit. - Brian Anderson

Findings:

Recommendation:

Attachments:

1. Hurricane Cliffs App for power 082224
2. Hurricane Cliffs Zone Change Exhibit (1)
3. Hurricane preliminary Plat Construction Base-SP-VT 08-22-24

APPLICATION FOR POWER SERVICES



HURRICANE CITY
UTAH

Applicant Name Todd Getz G&R Development / DAF Dev. Phone Number 435-229-3643
Engineer or Engineering Firm RosenBerg / Rod Reed
Mailing Address 297 Auto Mall Dr. St. George Utah, 84770
(Required)
Service Address 3375 South 1100 West Hurricane Utah, 84737
(Required)
Subdivision Name Hurricane Cliffs Phase 4 / 8 Lot # _____ Parcel # _____
Email Address wtgdevelopment@gmail.com
(Required)

SITE INFORMATION ☐ SINGLE RESIDENCE OR UNIT (1 METER) ☒ SUBDIVISION OR MULTI UNIT DEVELOPMENT
OF UNITS 75SF 54MF

TYPE OF SERVICE ☒ RESIDENTIAL ☒ COMMERCIAL ☐ INDUSTRIAL

VOLTAGE NEEDED Single Phase ☒ 120/240 ☐ 240/480

Three Phase ☐ 120/208 ☐ 277/480

SERVICE/PANEL AMPS ☒ 200 ☒ 400 ☐ 600 ☐ OTHER _____
of units 54 # of units 75 # of units _____ # of units _____

SITE PLAN WITH DIMENSIONS FROM PROPERTY LINES TO METER BASE LOCATION ATTACHED (REQUIRED) ☒ YES

*Industrial and Commercial requests will require load calculations prepared by an electrical engineer and shall be attached to this application

*Power Construction Design will be based on information from this application. All designs will have a fee from the power department. These fees must be paid before power is given.

*Hurricane City Power Recommends 400Amp design for 1/3 acre lots sizes and above. Changes or upgrades to amp sizes from original submitted application will result in increased cost to developer for infrastructure upgrades as well as additional design fees.

(PLEASE SEE HURRICANE CITY POWER BEFORE PROCEEDING)

For Official Power Department Comments ONLY:

Hurricane City Power recommend for approval ☐

Hurricane City Power recommend for denial ☐

Date of Power Recommendation _____

I acknowledge that I have read and understand Hurricane City's new construction application and requirements

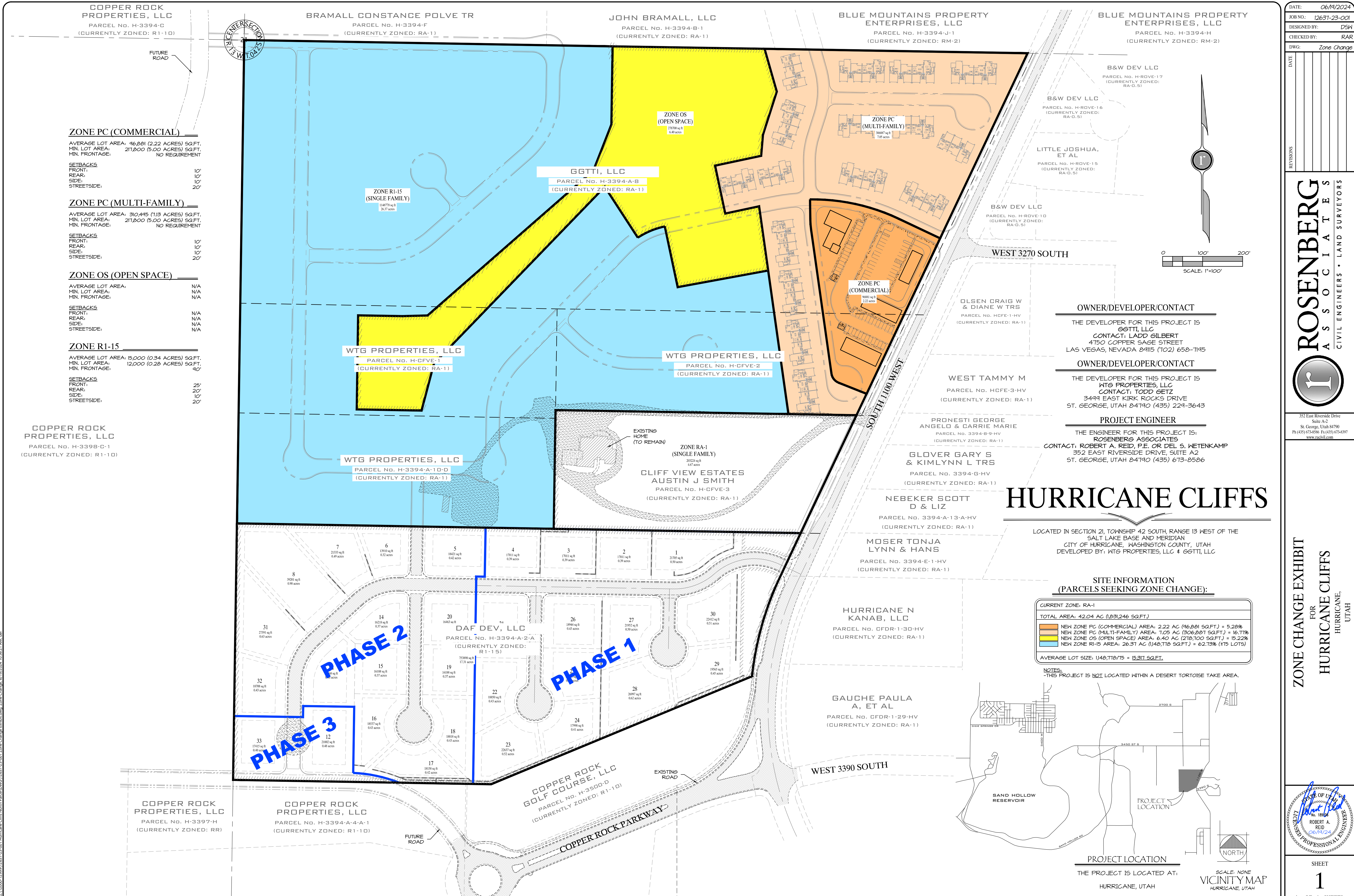
Developer or Engineer Authorized by Developer [Signature]

Date 08/22/2024

Hurricane City Power _____

Date _____

Z:\2004\2399\12637-23-001 Hurricane Cliffs North Parcel\DWG\12637-23-001 Zone Change Exhibit.dwg, Zone Change, 6/19/2024, 10:56:21 AM, del



Z:\2004-2009\12637-23-001 Hurricane Cliffs North Parcel\DWG\12637-23-001 Construction Base.dwg, \$5, 5/15/2024 11:54:31 AM, dsl



DATE:	05/15/2024
JOB NO.:	12637-23-001
DESIGNED BY:	DSN
CHECKED BY:	RAR
DWG:	Construction Base
DATE:	
REVISIONS:	

**ROSENBERG**
ASSOCIATES
CIVIL ENGINEERS • LAND SURVEYORS

351 East Riverside Drive
Suite A-2
St. George, Utah 84790
Ph (435) 673-8586 Fx (435) 673-8597
www.ra2sll.com

PRELIMINARY SITE PLAN
FOR
HURRICANE CLIFFS
HURRICANE,
UTAH

SHEET

? OF ? SHEETS



STAFF COMMENTS

Discussion and possible approval of a **Power Line Extension request** for Strawberry Fields. -Kyson Spendlove

Discussion:

The Power Board recommended that the City Council give preliminary approval of this proposed extension for the power department to proceed with working in partnership with the developers to determine all of the designs, details, and responsibilities of the developers to accomplish the necessary improvements and upgrades to deliver these extensions. Once the details are determined, the applications would be returned to the City Council for a final approval to proceed with the projects. The developer will pay for its share of upgrading the existing single phase overhead line to a three phase line. The line will also need to be extended for several hundred feet. The capacity for this subdivision will primarily be available from the Clifton Wilson Substation. - Scott Hughes

Findings:

Recommendation:

Attachments:

1. 20766bf6b286c71a_66aba7eaf0141Application_for_Power_Service_1
2. SF GIS
3. Strawberry Fields 1

APPLICATION FOR POWER SERVICES



HURRICANE CITY
UTAH

Applicant Name _____ Phone Number _____

Engineer or Engineer Firm _____

Mailing Address _____
(Required)

Service Address _____
(Required)

Subdivision Name/Lot # _____ / _____

Email Address _____
(Required)

SITE INFORMATION

SINGLE RESIDENCE OR UNIT (1 METER)

SUBDIVISION OR MULTI UNIT DEVELOPMENT # OF UNITS _____

TYPE OF SERVICE

RESIDENTIAL

COMMERCIAL

INDUSTRIAL

VOLTAGE NEEDED

Single Phase 120/240 240/480

3 Phase 120/208 277/480

SERVICE/ PANEL AMPS 200 # of units _____ 400 # of units _____ 600 # of units _____ OTHER _____

SITE PLAN WITH DIMENSIONS FROM PROPERTY LINES TO METER BASE LOCATION **ATTACHED** YES NO
(REQUIRED)

*Industrial and Commercial requests will require load calculations prepared by an electrical engineer and shall be attached to this application

*Power Construction Design will be based on information from this application. All designs will have a fee from the power department. These fees must be paid before power is given.

*Hurricane City Power Recommends 400Amp design for 1/3 acre lots sizes and above. Changes or upgrades to amp sizes from original submitted application will result in increased cost to developer for infrastructure upgrades as well as additional design fees.

(PLEASE SEE HURRICANE CITY POWER BEFORE PROCEEDING)

For Official Power Department Comments ONLY:

Hurricane City Power recommend for approval

Hurricane City Power recommend for denial

Date of Power Recommendation _____

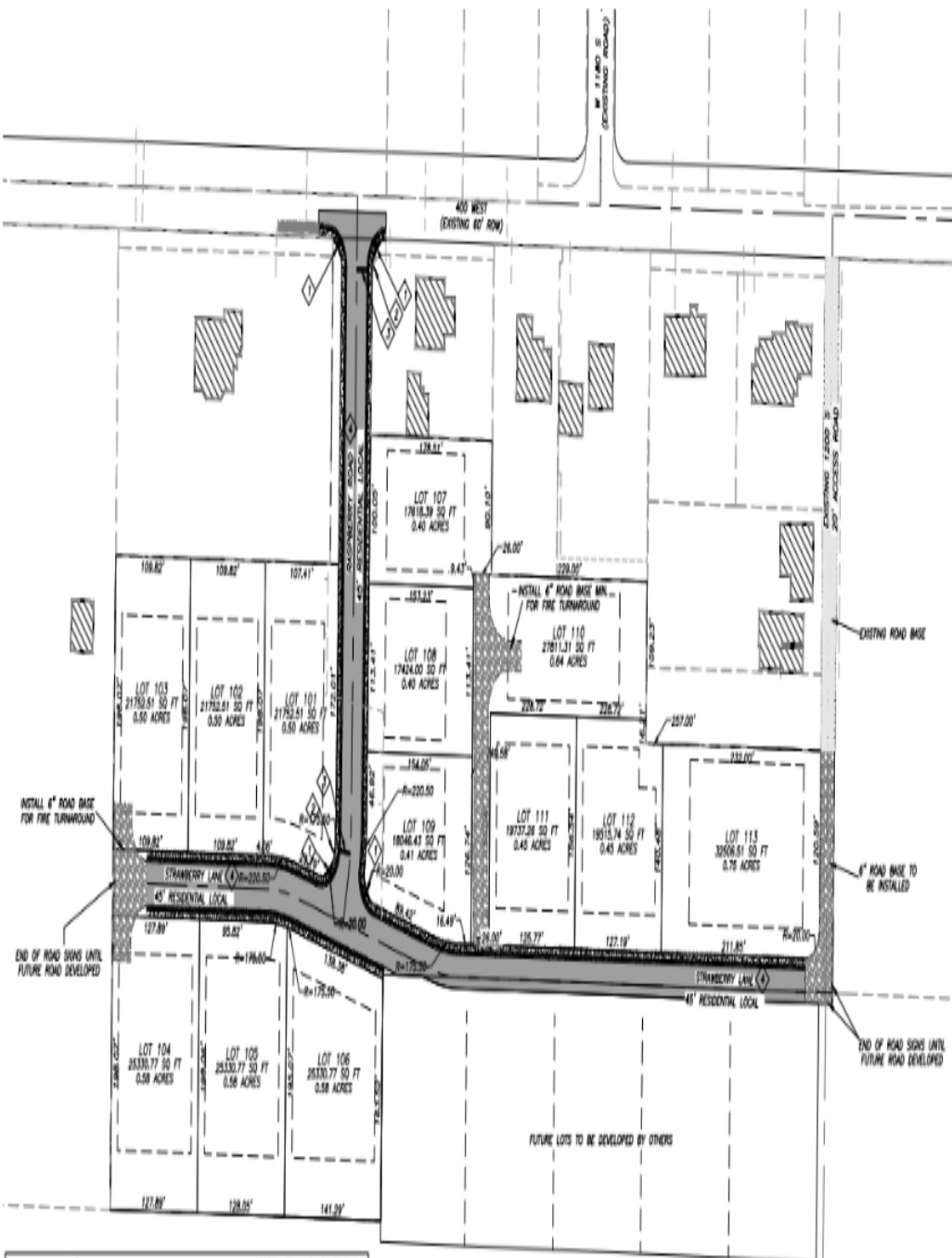
☐ I acknowledge that I have read and understand Hurricane City's new construction application and requirements

Developer or Engineer Authorized by Developer _____ Date _____

Hurricane City Power _____ Date _____



SITE PLAN STRAWBERRY FIELDS



SITE NOTES

1. INSTALL ADA RAMP
2. INSTALL STOP SIGN (R1-1), ADDRESS SIGN (1)
3. STOP LINE TO BE PAINTED ACCORDING TO MUTED SECTION 3B.10 STANDARD, 4' SETBACK FROM CROSSWALK (HCS 5.5.1 (1) & 5.5.2)

LEGEND

DEFINITION	PROPOSED	EXISTING
PROPERTY LINE		
PUBLIC UTILITY EASEMENT		
TEMPORARY FIRE TURNAROUND		
ASPHALT PATCH		
CONCRETE PATCH		
ROAD BASE PATCH		

SITE INFORMATION

CURRENT ZONING: R-10
 WELL AREA: 10.24 AC
 RESIDENTIAL LOTS: 13
 AVERAGE RESIDENTIAL LOT: 0.78 AC
 DENSITY: 1.28 UNITS/AC

TYPICAL LOT SETBACKS



NOTE: MINIMUM OF 6" OF TOP SOIL TO BE SPREAD, MOISTURE CONDITIONED, AND COMPACTED TO A MINIMUM OF 90% OF THE DRY DENSITY (ASTM D1557). AGGREGATE BASE AND SURBASE ARE COMPACTED TO AT LEAST 90% OF THE DRY DENSITY (ASTM D1557).

GEOTECH BY LANDMARK TESTING & ENGINEERING, APRIL 19, 2024
 PROJECT#: 240101

RESIDENTIAL LOCAL

INTERSTATE ROCK



42 SOUTH 850 WEST, HURRICANE, UT 84757
 P: 435.635.2628 | F: 435.635.2177

NOT FOR CONSTRUCTION

DESIGNED BY: [Signature]
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]

STRATTON SIBLINGS

SITE PLAN

STRAWBERRY FIELDS

HURRICANE, UT

BY

DESCRIPTION



STAFF COMMENTS

Consideration and possible approval of an **Asset Purchase Agreement with Rocky Mountain Power** to purchase power line infrastructure and associated easement extending east from Angell Heights over the Hurricane Hill. -Scott Hughes

Discussion:

The proposed contract is for the purchase of Rocky Mountain Power's powerline and associated easement that goes east out of Angell Heights over the Hurricane Hill and ends on the west side of the Three Points Center (the old Branham's Ranch). The primary purpose of the purchase would be to secure an easement across BLM land for future development, but the purchase also includes the existing poles and wires. This line could be connected to power lines that go up the Hurricane Hill near Highway 59 to create a loop. The purchase price in the proposed contract is \$17,794. The Power Board recommended unanimously to approve the contract. -Dayton Hall

Findings:

Recommendation:

Attachments:

1. 240911 HURRICANE UTAH (APPLE VALLEY) ASSET PURCHASE AGREEMENT (City Council Ver.)

**ASSET PURCHASE AGREEMENT
BETWEEN
ROCKY MOUNTAIN
POWER AND
HURRICANE CITY, UTAH**

This Asset Purchase Agreement (the "Agreement"), dated this 19th day of September, 2024 is between Hurricane City, Utah, ("Buyer"); and PacifiCorp, an Oregon corporation doing business in Utah as Rocky Mountain Power ("Rocky Mountain Power"). Rocky Mountain Power and Buyer are sometimes referred to collectively as "Parties" and individually as "Party."

WHEREAS, Rocky Mountain Power owns certain Assets located in and adjacent to Hurricane City, Utah; and

WHEREAS, Buyer has agreed to purchase the Assets from Rocky Mountain Power and Rocky Mountain Power hereby agrees to sell the Assets to Buyer in accordance with and subject to all of the terms and conditions of sale as expressed herein; and

NOW, THEREFORE, for and in consideration of the mutual promises and covenants and conditions set forth in this Agreement, the sufficiency of which is hereby mutually acknowledged and accepted, the Parties hereto agree as follows:

1. Definitions.

For purposes of this Agreement, the following terms used herein but not otherwise defined herein shall have the following meaning when used with initial capitalization, whether singular or plural:

1.1 "Assets" means those assets owned by Rocky Mountain Power, as set forth in Exhibit A. A map showing the location of the Assets is attached as Exhibit B.

1.2 "Commission" means the Utah Public Service Commission.

1.3 "Purchase Price" means the price Buyer will pay to Rocky Mountain Power in exchange for the Assets, pursuant to Section 2 herein.

1.4 "Transfer Date" means the date upon which Rocky Mountain Power conveys to Buyer the bill of sale for the Assets.

2. Sale and Purchase of Assets.

2.1 Assets to Be Sold. Subject to all of the terms and conditions of this Agreement, Rocky Mountain Power agrees to sell and Buyer agrees to buy all of Rocky Mountain Power's right, title and interest in the Assets.

2.2 Purchase Price. The Purchase Price for the Assets shall be SEVENTEEN THOUSAND SEVEN HUNDRED NINETY-FOUR DOLLARS (\$17,794).

2.3 Payment. The Purchase Price shall be paid to Rocky Mountain Power by Buyer within fifteen (15) days of the date this Agreement is executed by both Parties; such payment shall be by check.

2.4 Instruments of Conveyance and Transfer. Subject to the satisfaction of the conditions precedent set forth in Section 8 below, and pursuant to all of the terms and conditions of this Agreement, Rocky Mountain Power shall execute and deliver to Buyer a bill of sale to vest in Buyer good and marketable title to the Assets, subject to no security interests, liens or encumbrances, and substantially in the form of the unexecuted bill of sale attached hereto as Exhibit C.

2.5 Proration of Personal Property Taxes. Rocky Mountain Power is responsible for reporting the sale of the Assets to the relevant taxing authorities and shall ensure all personal property taxes are paid as of the Transfer Date. If Buyer, as a non-profit municipal corporation, is responsible for any personal property taxes, the personal property taxes shall be prorated between Rocky Mountain Power and Buyer as of the Transfer Date based upon days of ownership in the tax year in which the Transfer Date occurs.

2.6 Sales, Transfer and Other Taxes. Any sales, excise, transfer, purchase, use, or similar tax which may be payable by reason of the sale of all or a portion of the Assets shall be borne and paid by Rocky Mountain Power.

3. Ownership; Disconnect Costs; Operation and Maintenance; Risk of Loss

3.1 Ownership. Rocky Mountain Power shall own the Assets until the Transfer Date.

3.2 Operation and Maintenance; Risk of Loss. After the Transfer Date, Buyer shall own and be solely responsible for the operation and maintenance of the Assets and risk of loss of the Assets. Prior to the Transfer Date, Rocky Mountain Power shall be responsible for the operation and maintenance of the Assets. For the life of the Assets, Buyer shall at all times operate and maintain the Assets in accordance with prudent utility practice.

3.3 Disconnect and Reconnection Costs. The Parties shall each be separately responsible for their own costs in effectuating the transfer of Assets to Buyer and the separation of the connections between Buyer's and Rocky Mountain Power's respective systems. Rocky Mountain Power shall be responsible for separating the connection between the Assets and Rocky Mountain Power's distribution system, including providing all materials, labor, and overhead, as well as any installations, operations, or maintenance of facilities necessary to make the separation. Buyer shall be responsible to reconnect the Assets to Buyer's own distribution feeder, including providing all materials, labor, and overhead, as well as any installations, operations, or maintenance of facilities necessary to make the reconnection. The Parties shall coordinate and cooperate to this end.

4. Representations and Warranties of Rocky Mountain Power.

Rocky Mountain Power represents and warrants as follows:

4.1 Organization and Powers of Rocky Mountain Power. Rocky Mountain Power is an Oregon corporation, duly organized and validly existing under the laws of the State of Oregon, and is duly qualified to do business in the State of Utah. Rocky Mountain Power has all requisite power and authority to own the Assets.

4.2 Authority Relative to Agreement; Governmental Authorization. Rocky Mountain Power has the power and authority to execute and deliver this Agreement and to consummate the transactions contemplated hereby. This Agreement has been duly and validly authorized and constitutes the valid and binding obligation of Rocky Mountain Power enforceable in accordance with its terms, except as enforcement may be limited by applicable bankruptcy, insolvency, reorganization, moratorium or similar laws affecting the enforcement of creditors' rights generally and except that the availability of the equitable remedies of specific performance and injunctive relief are subject to the discretion of the court before which any proceeding may be brought. No declaration, filing or registration with, or notice to, or authorization, consent or approval of, any governmental or regulatory body or authority is necessary for the execution and delivery of this Agreement by Rocky Mountain Power or the consummation by Rocky Mountain Power of the transactions contemplated by this Agreement, provided that Rocky Mountain Power makes no representation or warranty with respect to approvals which may be required from the Utah Public Service Commission or the Federal Energy Regulatory Commission.

4.3 Non-Contravention; Approvals. The execution and delivery of this Agreement and the consummation of the transactions contemplated hereby will not violate, conflict with or result in a breach of any provision of, or constitute a default under, or result in the termination of any note, bond, mortgage, indenture, deed of trust, contract, lease or other instrument, obligation or agreement of any kind to which Rocky Mountain Power is now a Party or by which any of its assets may be bound or affected.

4.4 Title to the Assets. Rocky Mountain Power has good and marketable title to the Assets free and clear of all liens, mortgages, pledges, claims, charges, security interests or other encumbrances.

4.5 Condition of Assets. The Assets will be sold to Buyer "AS IS, WHERE IS." Rocky Mountain Power hereby disclaims and excludes herefrom, (a) any express or implied representation or warranty as to the value, condition, design, operation, or quality of the materials or workmanship in, or any defects in, the Assets, (b) any express or implied warranty of merchantability or fitness for use or for a particular purpose, or (c) any express or implied representation, guarantee, obligation, liability or warranty of Rocky Mountain Power, express or implied, of any kind, arising by law or from course of performance, course of dealing, or usage of trade.

5. Representations and Warranties of Buyer.

Buyer represents and warrants as follows:

5.1 Organization and Powers of Buyer. Buyer is duly qualified to do business in the State of Utah. Buyer has all requisite power and authority to own the Assets.

5.2 Authority Relative to Agreement; Governmental Authorization. Buyer has the power and authority to execute and deliver this Agreement and to consummate the transactions contemplated hereby. This Agreement has been duly and validly authorized and constitutes the valid and binding obligation of Buyer enforceable in accordance with its terms, except as enforcement may be limited by applicable bankruptcy, insolvency, reorganization, moratorium or similar laws affecting the enforcement of creditors' rights generally and except that the availability of the equitable remedies of specific performance and injunctive relief are subject to the discretion of the court before which any proceeding may be brought. No declaration, filing or registration with, or notice to, or authorization, consent or approval of, any governmental or regulatory body or authority is necessary for the execution and delivery of this Agreement by Buyer or the consummation by Buyer of the transactions contemplated by this Agreement, provided that Buyer makes no representation or warranty with respect to approvals which may be required from the Utah Public Service Commission or the Federal Energy Regulatory Commission.

5.3 Non-Contravention; Approvals. The execution and delivery of this Agreement and the consummation of the transactions contemplated hereby will not violate, conflict with or result in a breach of any provision of, or constitute a default under, or result in the termination of any note, bond, mortgage, indenture, deed of trust, contract, lease or other instrument, obligation or agreement of any kind to which Buyer is now a Party or by which any of its assets may be bound or affected.

5.4 Condition of Assets. The Assets will be purchased by Buyer "AS IS, WHERE IS." Buyer acknowledges that Rocky Mountain Power disclaims and excludes herefrom, (a) any express or implied representation or warranty as to the value, condition, design, operation, or quality of the materials or workmanship in, or any defects in, the Assets, (b) any express or implied warranty of merchantability or fitness for use or for a particular purpose, or (c) any express or implied representation, guarantee, obligation, liability or warranty of Rocky Mountain Power, express or implied, of any kind, arising by law or from course of performance, course of dealing, or usage of trade.

6. Covenants of Rocky Mountain Power.

Rocky Mountain Power covenants and agrees as follows:

6.1 Conduct of Business. Rocky Mountain Power shall own and operate the Assets for the time periods set forth in Section 3 herein in accordance with its past practices and shall engage in no material transactions relating to the Assets out of the ordinary course of business, including entering into any contract or financing arrangement that limits Rocky Mountain Power's ability to sell the Assets to Buyer.

6.2 Insurance. Until the Transfer Date, Rocky Mountain Power shall continue to self-insure or carry insurance currently in effect related to the Assets, adequate to insure the Assets against loss or damage by fire and other risks, and public liability consistent with and in accordance with its past practices.

6.3 Reasonable Efforts. Subject to the terms of this Agreement and fiduciary obligations under applicable law, Rocky Mountain Power shall use commercially reasonable efforts to effectuate the transactions contemplated by this Agreement and to fulfill all of the conditions of the Parties' obligations under this Agreement and shall do all such acts and things as reasonably may be required to carry out Rocky Mountain Power's obligations hereunder and to complete the transaction contemplated by this Agreement.

6.4 Notification. Rocky Mountain Power will give Buyer prompt written notice of any event, condition or fact arising prior to the Transfer Date that would cause any of its representations and warranties in this Agreement to be untrue in any material respect.

6.5 Access to Assets. Until the Transfer Date, Rocky Mountain Power shall allow Buyer and its authorized agents and representatives reasonable access to the Assets.

7. Covenants of Buyer.

Buyer covenants and agrees as follows:

7.1 Conduct of Business. After the Transfer Date, Buyer shall operate the Assets.

7.2 Insurance. After the Transfer Date, Buyer shall carry insurance adequate to insure the Assets against loss or damage by fire and other risks, and public liability consistent with and in accordance with its past practices for like assets.

7.3 Reasonable Efforts. Subject to the terms of this Agreement and fiduciary obligations under applicable law, Buyer shall use commercially reasonable efforts to effectuate the transactions contemplated by this Agreement and to fulfill all of the conditions of the Parties' obligations under this Agreement and shall do all such acts and things as reasonably may be required to carry out Buyer's obligations hereunder and to complete the transaction contemplated by this Agreement.

7.4 Notification. Buyer will give Rocky Mountain Power prompt written notice of any event, condition or fact arising prior to the Transfer Date that would cause any of its representations and warranties in this Agreement to be untrue in any material respect.

7.5 Access to Assets. Until the Transfer Date, Buyer shall allow Rocky Mountain Power and its authorized agents and representatives reasonable access to the Assets.

7.6 Indemnity. Buyer shall defend, indemnify, and hold harmless Rocky Mountain Power, its officers, directors, employees, and agents, from and against any and all liability, loss, damage, claims, suit or cause of action arising out of or relating to Buyer's ownership, operation or maintenance of the Assets. This obligation shall survive the termination of this Agreement and completion of the transactions contemplated by this Agreement.

7.7 Rights-of-way. Buyer represents and warrants that it has secured all easements or other real property rights, licenses, or permissions ("rights-of-way") necessary to connect and provide power to the existing system comprised of the Assets. Rocky Mountain Power assigns and conveys to Buyer all rights-of-way occupied by the Assets, and Rocky Mountain Power agrees to execute additional documents as reasonably necessary to effectuate the transfer and confirmation of such rights-of-way.

7.8 Operation, Maintenance, Repair, or Replacement of the Assets. Buyer has or will arrange for qualified personnel to operate, maintain, and repair the Assets, and will in no way rely on Rocky Mountain Power for such services. Buyer has or is prepared to locate and procure on its own behalf, replacement components, including transformers, in the event of failure of any or all of the Assets at any time. Buyer takes full responsibility for the installation of such replacement components.

8. Conditions Precedent; Bill of Sale.

All of the obligations of Rocky Mountain Power under this Agreement are subject to the fulfillment, prior to and upon the Transfer Date, of each of the following conditions:

8.1 Representations, Warranties and Covenants of Buyer. All representations and warranties made in this Agreement by Buyer shall be true and correct in all material respects as of the Transfer Date as fully as though such representations and warranties had been made on and as of the Transfer Date, and as of the Transfer Date, Buyer shall have complied in all material respects with all covenants made by it in this Agreement.

8.2 Litigation. At the Transfer Date, there shall not be in effect any order, decree, or injunction of a court of competent jurisdiction restraining, enjoining, or prohibiting the consummation of the transactions contemplated by this Agreement (each Party hereby agreeing to use its reasonable efforts, including reasonable appeals to higher courts, to have any such order, decree or injunction set aside or lifted), and no action shall have been taken, and no statute, rule, or regulation shall have been enacted, by any state or federal government or governmental agency in the United States which would prevent the consummation of such transactions.

Additionally, Rocky Mountain Power's obligation to transfer title to the Assets to Buyer by providing Buyer with the bill of sale contemplated herein shall be contingent upon the following:

8.3 Payment of Purchase Price. Buyer shall have paid to Rocky Mountain Power the Purchase Price.

No later than thirty (30) days after the date upon which all of the conditions in Section 8.3 have been satisfied, Rocky Mountain Power shall convey to Buyer the bill of sale for the Assets.

9. Survival of Representations and Warranties.

All representations and warranties of the Parties, and all liability therefor, shall survive for a period of one year past the Transfer Date, at which time the obligations under this agreement shall cease and expire. Notwithstanding the forgoing, obligations under Section 7.06 shall continue indefinitely.

10. Termination.

10.1 Termination. This Agreement may be terminated and abandoned at any time prior to the Transfer Date if:

(a) The Parties agree in writing to terminate this Agreement by mutual consent; or

(b) Buyer delivers a written notice to Rocky Mountain Power to the effect that Rocky Mountain Power has defaulted in a material respect under one or more of its covenants and agreements contained herein (which shall be specified in detail in such notice), and such condition or conditions have not been satisfied or such default or defaults have not been remedied (or waived by Buyer) within thirty (30) days after the date such notice is delivered by Buyer to Rocky Mountain Power; or

(c) Rocky Mountain Power delivers a written notice to Buyer to the effect that Buyer has defaulted in a material respect under one or more of its covenants and agreements contained herein (which shall be specified in detail in such notice), and such condition or conditions have not been satisfied or such default or defaults have not been remedied (or waived by Rocky Mountain Power) within thirty (30) days after the date such notice is delivered by Rocky

Mountain Power to Buyer; or

(d) The Transfer Date shall not have occurred on or before _____, or such later date to which the term of this Agreement may be extended pursuant to mutual agreement of the Parties, provided that one of the Parties gives notice to the other so terminating this Agreement and that the Party seeking such termination has not defaulted in a manner responsible for delaying the Transfer Date past _____.

10.2 Effect of Termination. Except where specific terms and conditions of this Agreement provide that such terms and conditions survive termination of this Agreement, any termination pursuant to this Section 10 shall relieve both Parties hereto of their obligations set forth herein, and any such termination constitutes a failure of the conditions to the obligations of the Parties to implement this Agreement, except that nothing herein will relieve any Party from liability for any breach of this Agreement.

11. Assignment.

Neither Party may assign its rights under this Agreement to any third party without the written consent of the other Party.

12. Jurisdiction of Regulatory Authorities.

In the event that the Commission or any other state, federal, or municipal authority determines that any provision of this Agreement conflicts with or is in violation of applicable law, or issues any rules, regulations, or orders which require Rocky Mountain Power to alter or amend any of the provisions of this Agreement or to terminate this Agreement, or that otherwise preclude or materially interfere with or rescind the transfer of assets contemplated herein, this Agreement automatically shall be amended to comply with such determination, amendment, rule, regulation or order; or, if so ordered, this Agreement shall terminate without effecting transfer of the Assets to Buyer, or the Assets and the purchase price shall be returned if transfer has already occurred; and in any of the foregoing events, Rocky Mountain Power shall not be liable to Buyer for damages or losses of any kind whatsoever, including consequential damages, which Buyer may sustain as a result of such determination, amendment, rule, regulation, or order, or modification or termination of this transaction.

13. Miscellaneous.

13.1 Amendment. This Agreement may be amended only by an instrument in writing executed by the Parties which expressly refers to this Agreement and states that it is an amendment hereto.

13.2 Section and Paragraph Headings. The Section and Subsection headings contained in this Agreement are for reference purposes only and shall not in any way affect the meaning or interpretation of this Agreement.

13.3 Waiver. Any of the terms or conditions of this Agreement may be waived at any time and from time to time, in writing, by the Party entitled to the benefit of such terms or conditions.

13.4 Notices. All notices, requests, demands, and other communications given by Buyer or Rocky Mountain Power shall be in writing and shall be deemed to have been duly given when telecopied, when delivered personally in writing or when deposited into the United States mail, to the following addresses:

If to Rocky Mountain Power:

Rocky Mountain Power
Attn: Renee Tuckett
Business Analyst
70 North 200 East
American Fork, Utah 84003

With a copy to:

Rocky Mountain Power
Attn: Jason Hoffman
Customer & Regulatory Liaison
825 NE Multnomah, Suite 800
Portland, OR 97232

If to Buyer:

Hurricane City
Attn: Scott Hughes, Electric Superintendent
147 North 870 West
Hurricane, Utah 84737

With a copy to:

Hurricane City Attorney's Office
Attn: Dayton Hall
147 North 870 West
Hurricane, Utah 84737

or to such other address as Buyer or Rocky Mountain Power may designate in writing.

13.5 Integrated Agreement. This Agreement, when executed, constitutes the entire agreement between the Parties hereto, and supersedes and negates all prior line extension agreements and understandings, oral and written, between the Parties hereto with respect to the Assets.

13.6 Counterparts. This Agreement may be executed in two counterparts, each of which shall for all purposes be deemed to be an original and both of which shall constitute one and the same instrument.

14. Jury Waiver. To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this Agreement. Each party further waives any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

15. Governing Law and Jurisdiction. This Agreement, and the application or interpretation thereof, shall be governed exclusively by its terms and by the laws of the State of Utah. The parties hereby agree to bring any such action before the Fifth Judicial District Court, Washington County, State of Utah and, in addition, to submit themselves to the jurisdiction of the Courts in the State of Utah.

IN WITNESS WHEREOF, the Parties have signed this Agreement as of the date first above written.

BUYER:

By: _____
Name: Nanette Billings
Title: Hurricane City Mayor

ROCKY MOUNTAIN POWER

By: _____
Name: Lonnie Hoggard
Title: Distribution Manager

EXHIBIT A
DESCRIPTION OF ASSETS

Property Valuation Sale in Place - Distribution Facilities For: Hurricane, Utah - Apple Valley - updated June 27, 2024 Asset Valuation Requested by: Nathan Bailey Material List				
Asset Description	FERC ACCOUNT	Vintage	QUANTITY	Sales Price
35' wood pole	364	1968	5	1,196
40' wood pole	364	1994	1	263
40' wood pole	364	1968	5	1,315
45' Wood pole	364	1968	16	4,464
45' Wood pole	364	1994	2	558
45' Wood pole	364	2015	3	4,262
45' Wood pole	364	2016	1	1,459
45' Wood pole	364	2021	1	1,652
50' wood pole	364	1968	1	295
40' wood pole	364	1968	4	1,178
45' Wood pole	364	2015	1	1,398
#2 ACSR 3-phase Pri Ovh wire	365	1968	1,600	1,052
#2 ACSR 3-phase Pri Ovh wire	365	1968	10,435	6,626
Total				25,719

Rocky Mountain Power
Proposed Sale in Place, Hurricane, Utah - Apple Valley - Updated June 27, 2024
Value of Inventory

Description		Sales Price
<u>Plant In Service</u>		
364	█ Poles, Towers and Fixtures	\$12,503
365	█ Overhead Conductors & Devices	\$1,891
Plant In Service		\$14,393
Income Taxes		\$1,401
Sale Price - Existing Assets		<hr/> \$15,794
Expenses		
Separation Costs		\$0
Estimated Sales Tax @ 0.00%		\$0
Legal/Transaction Costs		<hr/> \$2,000
Total Expenses		<hr/> \$2,000
Total Sale Price		<hr/> <hr/> \$17,794

EXHIBIT B
(Map of Facilities)

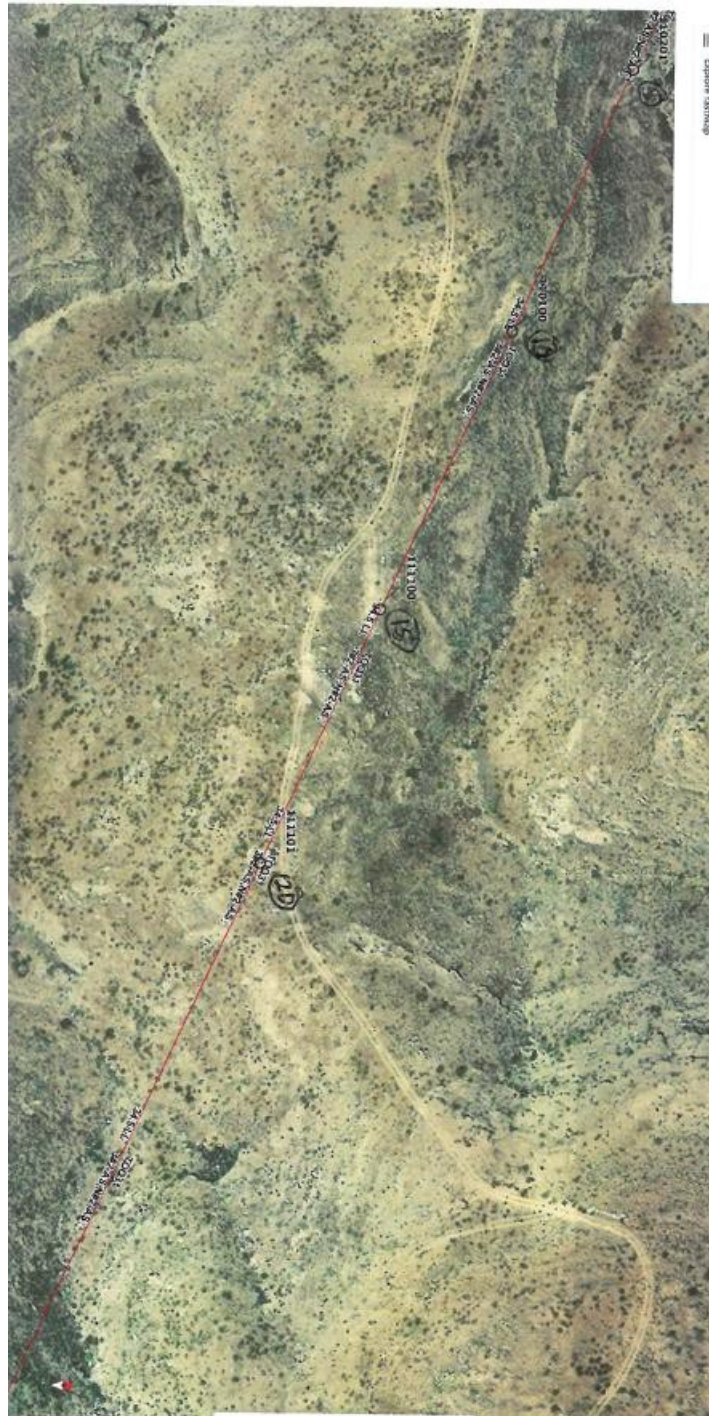


EXHIBIT C

BILL OF SALE

SELLER: ROCKY MOUNTAIN POWER

BUYER: HURRICANE CITY, UTAH

FOR VALUABLE CONSIDERATION totaling SEVENTEEN THOUSAND SEVEN HUNDRED NINETY-FOUR DOLLARS (\$17,794), the receipt of which is hereby acknowledged, Rocky Mountain Power ("Seller"), hereby grants, bargains, sells and delivers to Hurricane City. ("Buyer"), pursuant to an Asset Purchase Agreement dated as of _____, all of its right, title, and interest in and to all of the Assets listed on Exhibit A, attached to said Asset Purchase Agreement, and presently in the possession of Seller.

THE ASSETS ARE SOLD AND DELIVERED TO BUYER "AS IS, WHERE IS."

ROCKY MOUNTAIN POWER HEREBY DISCLAIMS AND EXCLUDES
HEREFROM, (A) ANY EXPRESS OR IMPLIED REPRESENTATION OR WARRANTY AS
TO THE VALUE, CONDITION, DESIGN, OPERATION, OR QUALITY OF THE
MATERIALS OR WORKMANSHIP IN, OR ANY DEFECTS IN, THE ASSETS, (B) ANY
EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR USE
OR FOR A PARTICULAR PURPOSE, OR (C) ANY EXPRESS OR IMPLIED
REPRESENTATION, GUARANTEE, OBLIGATION, LIABILITY OR WARRANTY OF
SELLER, EXPRESS OR IMPLIED, OF ANY KIND, ARISING BYLAW OR FROM
COURSE OF PERFORMANCE, COURSE OF DEALING, OR USAGE OF TRADE

DATED this _____ day of _____, 2024.

ROCKY MOUNTAIN POWER

By: _____

Name: Lonnie Hoggard

Title: Manager, Distribution



STAFF COMMENTS

Discussion and possible approval of a **power connection fee update**. -Scott Hughes

Discussion:

The agenda proposes revising the power department's connection fee schedule to match the City's actual costs. The connection fee for single phase residential homes has always included the price of either the cl200 meter or the cl320 meter because they have always been within a few dollars of each other. Recently the Power Department was informed that the price of the cl320 meter has drastically increased. For that reason, we are proposing that we separate the two meters into different connection fees in order to cover the cost of the cl320 meters. The power board recommended that the proposed revision be adopted. - Scott Hughes

Findings:

Recommendation:

Attachments:

1. Connection Fees Update 9.19.24

CONNECTION FEES July 18, 2024				ELECTRIC RATES April 1, 2023			
Hookup Fees				Residential			
Single Phase Metering (200 Amp and below)		\$293.00		Base Charge		\$20.00	
Single Phase Non C.T. Metering (above 200 Amp, up to 400 Amp)		\$425.00		Usage			
Three Phase Non C.T. Metering (under 400 Amps)		\$544.00		1-800 KWH		\$.08946/KWH	
Three Phase with C.T. Metering (over 400 Amps)		\$1,524.00		801-2000 KWH		\$.10222/KWH	
				2001+ KWH		\$.11485/KWH	
Developing Underground Connection Point from Overhead to Underground				Small Commercial			
Single Phase Secondary		\$1,679.00		Base Charge-Single Phase		\$19.00	
Secondary Riser				Base Charge-Three Phase		\$24.50	
4/0 Riser		\$874.00		Usage			
350 MCM Riser		\$842.00		1-800 KWH		\$.10302/KWH	
500 MCM Riser		\$977.00		801+ KWH		\$.10880/KWH	
Primary Single-Phase Riser				Demand Charge			
1/0 Primary Riser		\$1,604.00		Over 50 KW		\$8.50/KW	
Primary Three-Phase Riser				Large Commercial			
1/0 Primary Riser		\$3,027.00		Base Charge		\$320.00	
4/0 Primary Riser		\$3,027.00		Usage			
500 Primary Riser		\$5,217.00		All KWH		\$.06658/KWH	
750 Primary Riser		\$5,217.00		Demand Charge			
Other Connection Fees				All KWH		\$9.10/KW	
Switch Grounding Fee		\$651.00		SOLAR FEES AND RATES April 1, 2023			
Connect into Developers Switch Fuse Bay		\$1,232.00		Application Review Fee (1st Review)		\$200.00	
Connect into Developers Solid Blade Bay		\$646.00		Each Additional Review			
Connect into Existing Switch per Bay		\$13,282.00		Bi-Directional Meter Fee			
Connect into an Existing Vault per KVA		\$6.50		Single Phase Basic Base Rate		6kW AC or Less	\$30.00
Elbow Termination Fee		\$126.00		Single Phase Large Base Rate		12 kW AC or Less	\$40.00
Design & Review Fees		Contact Power Dept		Three Phase Basic Base Rate		12 kW AC or Less	\$90.00
				*See Grid-Tied Policy for additional base rates and application review details			
IMPACT FEE SCHEDULE Approved November 17, 2022				*Impact Fee=Base Impact Fee (\$ per kW) \$600.69			
Service Amps	120/240 Single Phase	Commercial 120/240 Single Phase	Commercial Industrial 120/208 Three Phase	Commercial Industrial 240/480 Three Phase	Commercial Industrial 277/480 Three Phase		
125	\$1,622	NA	NA	NA	NA		
200	\$2,595	\$4,908	\$7,358	\$16,979	\$16,979		
300	\$3,892	\$7,352	\$11,037	\$25,469	\$25,469		
400	\$5,190	\$9,803	\$14,715	\$33,958	\$33,958		
500	\$6,487	\$12,254	\$18,394	\$42,440	\$42,448		
600	\$7,785	\$14,705	\$22,073	\$50,938	\$50,938		
700	NA	\$17,156	\$25,752	\$59,427	\$59,427		
800	NA	\$19,607	\$29,431	\$67,917	\$67,917		
900	NA	\$22,057	\$33,110	\$76,407	\$76,407		
1000	NA	\$24,508	\$36,788	\$84,896	\$84,896		
1100	NA	\$26,959	\$40,467	\$93,386	\$93,386		
1200	NA	\$29,410	\$44,146	\$101,875	\$101,875		
1300	NA	\$31,861	\$47,825	\$110,365	\$110,365		
1400	NA	\$34,311	\$51,504	\$118,855	\$118,855		
1500	NA	\$36,762	\$55,183	\$127,344	\$127,344		
1600	NA	\$39,213	\$58,861	\$135,834	\$135,834		
1700	NA	\$41,664	\$62,540	\$144,324	\$144,324		
1800	NA	\$44,115	\$66,219	\$152,813	\$152,813		
1900	NA	\$46,565	\$69,898	\$161,303	\$161,303		
2000	NA	\$49,016	\$73,577	\$169,792	\$169,792		
2500	NA	\$61,270	\$91,971	\$212,241	\$212,241		
3000	NA	\$73,524	\$110,365	\$254,689	\$254,689		



STAFF COMMENTS

Mayor, Council, and staff reports

Discussion:

Findings:

Recommendation:

Attachments:

None



STAFF COMMENTS

Closed Meeting held pursuant to Utah Code section 52-4-205, upon request

Discussion:

Findings:

Recommendation:

Attachments:

None