



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

May 1, 2025
5:00 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.**

5:00 p.m. Pre-meeting

1. Agenda Summary

6:00 p.m. - Call to Order

Prayer

Thought

Pledge of Allegiance

Recognition of the HHS Girls Lacrosse team for winning the regional championship.

Declaration of any conflicts of interest

Minutes of the Regular City Council Meeting for DATE

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 12:00 p.m. the Tuesday one week before the Council meeting.

PUBLIC HEARING

1. Public comment on a potential Real Estate and Easement Exchange Agreement with Urban Investments, LLC, which includes the disposal of City-owned parcel number H-3404-A located south of the Sky Ranch area in exchange for a replacement parcel in the same vicinity.

OLD BUSINESS

1. Consideration and possible approval of Ordinance **2025-04 Approving a Power Impact Fee Facilities Plan, a Power Impact Fee Analysis, and an Impact Fee for Power on Development**

NEW BUSINESS

1. Consideration and possible approval of waiver of power impact fees for Washington County's Purgatory Expansion.
2. Consideration and possible approval of Restaurant-Full Liquor License for Slot Canyon Eatery.
3. Consideration and possible approval of a Real Estate and Easement Exchange Agreement with Urban Investments, LLC. -Dayton Hall
4. Discussion regarding the City Civic Center
5. Consideration and possible approval of Ordinance 2025-09 creating term limits for elected municipal officers. -Mayor Billings
6. Consideration and possible adoption of Chapters 4 and 5 of the Hurricane City Employee Policy Manual. -Selwin Lovell
7. Consideration and possible approval of **Resolution 2025-21 approving the 25-26 Preliminary Budget**
8. Consideration and possible approval of **Ordinance 2025-08 amending Title 10, Chapters 3, 7, 12, and 14** regarding farm stands; LUCA25-03; Hurricane City, Applicant.
9. Consideration and possible approval of amendment to **Resolution 2025-22, appointing Michael John as the representative to Utah Associated Municipal Power Systems (UAMPS) Board of Directors**, in place of Scott Hughes.
10. Mayor, Council, and staff reports
11. Continued **training** for municipal officials
12. 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 05/01/2025:

Old Business:

Item 1:

This item was tabled until a new Power Director was hired. We now have a new Power Director.

New Business:

Item 1:

Possibility of waiving the power impact fees for Hurricane City, for the Washington County expansion of Purgatory correctional facility.

Item 2:

New restaurant applying for a Full-Service restaurant license. This is located at 495 E 800 North.

Item 3:

The City currently has title to property south of Sky Ranch for a well site, as well as easements for water lines to connect the well site and the water tank site to each other and to existing infrastructure. The land and easements were given to the City by Lorin Lowe, a prior owner of the property, but the property is now surrounded by the proposed development known as Solaroca, which is owned by Urban Investments, LLC. Unfortunately, the test well on the existing well property was not a productive well. Urban Investments, LLC granted the City a temporary easement in a new location to drill another test well, with the agreement that the City could acquire the land if the new test well was productive. The new test well has proven to be productive, so the proposal within the agreement is to exchange the City's existing property for property surrounding the second, productive well site. Under the agreement, the existing easements will also be modified in two ways. First, the easement to property being disposed of will be abandoned and a new easement to the new site will be created. Second, the easements will be modified to align with the planned streets within the Solaroca development to hopefully avoid the future relocation of the water lines. -Dayton Hall

Item 4:

Hurricane City has outgrown its existing Police Station and City Office Building. In response, the city is planning to develop a new Civic Center to better serve the growing needs of the community. The City owns 15 acres of land just west of the current City

Offices, which was acquired for this purpose. The envisioned Civic Center will include: A new Police Station, City Office Building. Due to the projected cost of this development, staff and administration have been actively exploring all viable options for financing. The City has already saved between \$4 million and \$5 million toward the project and anticipates additional revenue through the sale of the current Police Station property. We had a work meeting and discussed questions for a survey. The survey was created and a QR Code was created and mailed out in the utility bills. It has been placed at the Library, Police Department, Fire Department, Lin's and all over the City building. We will take the surveys by paper or by submitting them online. The Survey will remain open until May 15th at midnight. Then we will gather the data and present to the council in the first meeting in June. Allowing the council the opportunity to study the survey results and make good recommendations for funding the civic center property.

Item 5:

An Ordinance of the City Council of Hurricane, Utah Amending Title 1, Chapter 5 to add section 7 with regards to term limits for elected municipal officers.

Item 6:

Possible changes to the Employee Policy Manual in regards to equipment and technology terms and uses of City property by employees. Possible changes to Personnel Record keeping policy in the Employee Policy Manual.

Item 7:

A Resolution adopting the fiscal year 2025-2026 preliminary budget of funds and accounts for Hurricane City.

Item 8:

(Gary Cupp)

This ordinance revision is being prepared at the request of the City Council to expand the definition of a farm stand to include the sale of commercially packaged handicrafts or commercially processed or packaged food products, which is currently prohibited by the city code. The proposed code update would allow the sale of such goods in a farm stand as a conditional use in agricultural and residential agriculture zones upon approval of a conditional use permit. An unrelated update to add the phrase *“drilling, or other methods”* to clarify the definition of Mineral Extraction is also being proposed.

The Planning Commission heard this item at its April 10, 2025, meeting. A public hearing was held and several public comments in support of the proposed code update were

received. Staff recommended that the code amendment include a 5-acre lot-size minimum as a condition of any conditional use permit for farm stands that would sell commercially packaged items, since the use is more intensive than non-commercial farm stands. The Commission disagreed, feeling that there should be no restrictions on agricultural farm stands and tabled the discussion until April 24, 2025, to allow planning staff to remove the proposed 5-acre lot-size condition. Staff removed the minimum lot-size requirement and, on April 24, 2025, the Planning Commission recommended that the City Council now approve the code amendment.

Item 9:

Scott Hughes was appointed as the representative for UAMPS board of directors. We have a new Power Director, Michael John. Now that Scott Hughes is no longer the Power Director, Michael John should be the representative for the UAMPS board of directors.



STAFF COMMENTS

Item: Consideration and possible approval of Ordinance 2025-04 Approving a Power Impact Fee Facilities Plan, a Power Impact Fee Analysis, and an Impact Fee for Power on Development

Discussion: Hurricane City collaborated with LRB Public Finance Advisors and Intermountain Consumer Professional Engineers to conduct a new Impact Fee Analysis and develop an Impact Fee Facility Plan. The previous analysis was completed in 2018, when the City Council approved impact fees at 75% of the recommended rate. In November 2022, the Council adjusted the recovery rate to 100% of the 2018 calculation. The latest recommendation proposes a 132% increase in impact fees. The Power Board made a unanimous recommendation for approval of the Impact Fee Analysis & Capital Facilities Plan at their April 2, 2025 meeting. The motion did not include any change to the Impact Fee Analysis presented. A public hearing was held on March 20, 2025, with no public comments submitted. For a more detailed summary, refer to page 5 of the Impact Fee Analysis (IFA) document.

Findings:

Recommendation:

**AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH
APPROVING AN IMPACT FEE FACILITIES PLAN, AN IMPACT FEE ANALYSIS,
AND IMPACT FEE FOR POWER AND IMPOSING DEVELOPMENT
IMPACT FEES FOR POWER**

WHEREAS the City Council of Hurricane, Utah has by ordinance previously imposed impact fees in order to provide funding for public utilities and services needed to serve property and residents within the City of Hurricane; and

WHEREAS the City has undertaken a study for the purpose of preparing An Impact Fee Facilities Plan (“IFFP”) and Impact Fee Analysis (“IFA”) for power in accordance with the Utah Impact Fee Act contained in Utah law, which identify the demands placed upon existing facilities and services by new development activity and the proposed means by which the City will meet those demands; and

WHEREAS the City Council desires to give formal acceptance and approval of the IFFP and IFA; and

WHEREAS the City Council finds and determines that the IFFP and IFA establishes a need to impose impact fees on development activity in order to achieve an equitable allocation to the costs borne in the past and to be borne in the future; and

WHEREAS the City desires to assess and impose impact fees based upon IFFP and IFA and the analysis contained therein; and

WHEREAS a public hearing, after public notice as required by law, has been held by the Hurricane City Council on the 20th day of March, 2025 to take comments on the IFFP, IFA, and this proposed ordinance, a copy of which was made available at the Hurricane City Office and the Hurricane Branch of the Washington County Library for a period of 10 days prior to the public hearing;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of Hurricane, Utah as follows:

1. The City of Hurricane hereby approves and adopts herewith the Impact Fee Facility Plan (“IFFP”) prepared by Intermountain Consumer Professional Engineers, Inc. and the Impact Fee Analysis (“IFA”) prepared and certified by LRB Public Finance Advisors.
2. Based upon the analysis set forth in the IFFP and IFA approved above, the City hereby adopts at a 100% recovery level the Proposed Fee set forth in Table 1.2 of the IFA.
3. The service area for this Power Impact Fee is identified in Figure 3.1 of the IFA.

4. The fees adopted herein are based upon growth in kilowatts (“kW’s”). The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon public facilities. A developer may submit a written request, supported by studies and data for a particular development, and request an adjustment, with the developer being responsible for all reasonable costs incurred by the City to analyze the request, including the cost to retain electrical engineers and financial analysts. Any adjustment could result in a higher or lower impact fee if the City determines that a particular user may create a different impact than what is standard for its land use. The analysis within the IFFP and the IFA, together with the following formula, will generally guide the analysis of a requested adjustment: Estimated Diversified kW Usage * \$1,054.68. The City is authorized to adjust the standard impact fee at the time the fee is charged to: (1) Respond to unusual circumstances in specific cases or a request for a prompt and individualized impact fee review for the development activity of the state, a school district, or a charter school and an offset or credit for a public facility for which an impact fee has been or will be collected and (2) Ensure that the impact fees are imposed fairly. Any adjustments to the standard impact fee shall be made by the City Council at a regularly scheduled meeting.

5. Pursuant to Hurricane City Code, Title 9, Chapter 6, a developer, including a school district or charter school, is allowed a credit against or proportionate reimbursement of an impact fee if the developer: (1) Dedicates land for a system improvement; (2) Builds and dedicates some or all of a system improvement; (3) Dedicates a public facility that the City and the developer agree will reduce the need for a system improvement; (4) Dedicates land for, improvement to, or new construction of, any system improvements by the developer if the facilities are system improvements or are dedicated to the public and offset the need for an identified system improvement.

BE IT FURTHER ORDAINED that this ordinance shall take effect 90 days from the date of adoption, as required by law.

PASSED AND APPROVED THIS ____ DAY OF _____, 2025.

Mayor Nanette Billings

ATTEST:

Cindy Beteag, Recorder

The foregoing Ordinance was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 3rd day of April, 2025. 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



PUBLIC
FINANCE
ADVISORS



DRAFT

HURRICANE
UTAH

MARCH
2025

IMPACT FEE ANALYSIS (IFA)

ELECTRICAL TRANSMISSION AND
SUBSTATIONS

PREPARED BY:

LRB PUBLIC FINANCE ADVISORS
FORMERLY LEWIS YOUNG ROBERTSON & BURNINGHAM INC.

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NOTICE
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IMPACT FEE CERTIFICATION

IFA CERTIFICATION

LRB Public Finance Advisors certifies that the attached impact fee analysis:

1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
3. offsets costs with grants or other alternate sources of payment; and,
4. complies in each and every relevant respect with the Impact Fees Act.

LRB Public Finance Advisors makes this certification with the following caveats:

1. All of the recommendations for implementations of the IFFP made in the IFFP documents or in the IFA documents are followed by City Staff and elected officials.
2. If all or a portion of the IFFP or IFA are modified or amended, this certification is no longer valid.
3. All information provided to LRB is assumed to be correct, complete, and accurate. This includes information provided by the City as well as outside sources.

LRB PUBLIC FINANCE ADVISORS



DEFINITIONS

The following acronyms or abbreviations are used in this document:

IFA:	Impact Fee Analysis
IFFP:	Impact Fee Facilities Plan
kVA:	Kilo-volt-amperes
kW:	Kilowatt
LOS:	Level of Service
LRB:	LRB Public Finance Advisors (Formerly Lewis Young Robertson & Burningham, Inc.)
M:	Million
MW:	Megawatt

NOTICE
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SECTION 1: EXECUTIVE SUMMARY

The purpose of the electrical transmission and substation Impact Fee Analysis (“IFA”) is to fulfill the requirements established in Utah Code Title 11 Chapter 36a, the “Impact Fees Act”, and assist Hurricane City (the City) in financing and constructing necessary capital improvements for future growth. This document will address the appropriate impact fees the City may charge to new growth to maintain the level of service (LOS) as defined in the Impact Fee Facilities Plan, dated August 2024.

- **Impact Fee Service Areas:** The impact fees identified in this document will be assessed within the proposed Service Area, as discussed in **SECTION 3**.
- **Demand Analysis:** A total of 39,883 additional kilowatts (kW) of demand will be generated within the current Service Area in the IFFP planning horizon. See **SECTION 3** for details regarding growth in kW.
- **Level of Service:** The LOS is based on loading to the base rating on substation transformers and system voltage criteria. **Section 3** provides the LOS information used in this analysis. New facilities are designed to maintain the diversified kW LOS.
- **Excess Capacity:** This analysis includes excess capacity related to substations and the transmission system.
- **Capital Facilities Analysis:** The IFFP has identified the growth-related projects needed within the next ten years. The total construction cost related to growth is **\$38.6M**, based on an inflation rate of four percent annually.
- **Financing of Future Facilities:** This analysis assumes the City will not utilize bond financing to fund future infrastructure.

SUMMARY OF PROPOSED IMPACT FEES

The impact fees proposed in this analysis will be assessed within the Service Area. The tables below illustrate the calculated impact fee for electric transmission and substation facilities.

TABLE 1.1: ILLUSTRATION OF COST PER NEW kW

	TOTAL COSTS	% GROWTH RELATED AND IMPACT FEE FUNDED	GROWTH RELATED & CITY FUNDED COSTS	GROWTH RELATED kW	COST PER NEW kW
Buy-In: Existing Substation Transformers	\$13,191,976	28%	\$3,758,111	39,883	\$94.23
Future System Improvements	\$49,006,901	79%	\$38,621,695	39,883	\$968.37
Financing	\$0	79%	\$0	39,883	\$0.00
Professional Expense	\$73,925	82%	\$60,363	26,740	\$2.26
Interest Credit	(\$406,000)	100%	(\$406,000)	39,883	(\$10.18)
TOTALS:	\$61,866,802		\$42,034,169		\$1,054.68

Professional expense is based on the cost to complete the IFFP and IFA.



TABLE 1.2: ILLUSTRATION OF IMPACT FEE BY PANEL SIZE

PANEL RATING	LINE-TO-LINE VOLTAGE	100% PANEL KVA	AVG PANEL LOADING	AVG PEAK DEMAND @ PANEL (KVA)	POWER FACTOR	ESTIMATED DIVERSIFIED KW	PROPOSED FEE	EXISTING FEE	% CHANGE
Residential (120/240, 1 phase)									
125	240	30	12.50%	3.75	95%	3.56	\$3,757	\$1,622	132%
200	240	48	12.50%	6.00	95%	5.70	\$6,012	\$2,595	132%
400	240	96	12.85%	12.34	95%	11.72	\$12,360	\$5,190	138%
600	240	144	12.85%	18.50	95%	17.58	\$18,540	\$7,785	138%
Commercial (120/240, 1 phase)									
200	240	48	25.00%	12.00	90%	10.80	\$11,391	\$4,902	132%
400	240	96	25.00%	24.00	90%	21.60	\$22,781	\$9,803	132%
600	240	144	25.00%	36.00	90%	32.40	\$34,172	\$14,705	132%
800	240	192	25.00%	48.00	90%	43.20	\$45,562	\$19,607	132%
Commercial (120/208, 3 phase)									
200	208	72	25.00%	18.01	90%	16.21	\$17,098	\$7,358	132%
400	208	144	25.00%	36.03	90%	32.42	\$34,197	\$14,715	132%
600	208	216	25.00%	54.04	90%	48.64	\$51,295	\$22,073	132%
800	208	288	25.00%	72.05	90%	64.85	\$68,394	\$29,431	132%
1,000	208	360	25.00%	90.07	90%	81.06	\$85,492	\$36,788	132%
1,200	208	432	25.00%	108.08	90%	97.27	\$102,591	\$44,146	132%
1,600	208	576	25.00%	144.11	90%	129.70	\$136,788	\$58,861	132%
1,800	208	648	25.00%	162.12	90%	145.91	\$153,886	\$66,219	132%
2,000	208	721	25.00%	180.13	90%	162.12	\$170,985	\$73,577	132%
2,500	208	901	25.00%	225.17	90%	202.65	\$213,731	\$91,971	132%
3,000	208	1,081	25.00%	270.20	90%	243.18	\$256,477	\$110,365	132%
Commercial (277/480, 3 phase)									
200	480	166	25.00%	41.57	90%	37.41	\$39,458	\$16,979	132%
400	480	333	25.00%	83.14	90%	74.82	\$78,916	\$33,958	132%
600	480	499	25.00%	124.71	90%	112.24	\$118,374	\$50,938	132%
800	480	665	25.00%	166.28	90%	149.65	\$157,832	\$67,917	132%
1,000	480	831	25.00%	207.85	90%	187.06	\$197,290	\$84,896	132%
1,200	480	998	25.00%	249.42	90%	224.47	\$236,748	\$101,875	132%
1,600	480	1,330	25.00%	332.55	90%	299.30	\$315,664	\$135,834	132%
1,800	480	1,496	25.00%	374.12	90%	336.71	\$355,122	\$152,813	132%
2,000	480	1,663	25.00%	415.69	90%	374.12	\$394,580	\$169,792	132%
2,500	480	2,078	25.00%	519.62	90%	467.65	\$493,225	\$212,241	132%
3,000	480	2,494	25.00%	623.54	90%	561.18	\$591,870	\$254,689	132%

A detailed explanation of the increase in the proposed impact fee is in **Section 6** of this report.

NON-STANDARD IMPACT FEES

The proposed fees are based upon growth in kW. The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon public facilities.¹ A developer may submit studies and data for a particular development and request an adjustment. This adjustment could result in a higher or lower impact fee if the City

¹ UC 11-36a-402(1)(c)



determines that a particular user may create a different impact than what is standard for its land use. The following formulas will help determine the non-standard impact fee.

Estimated Diversified kW Usage * \$1,054.68

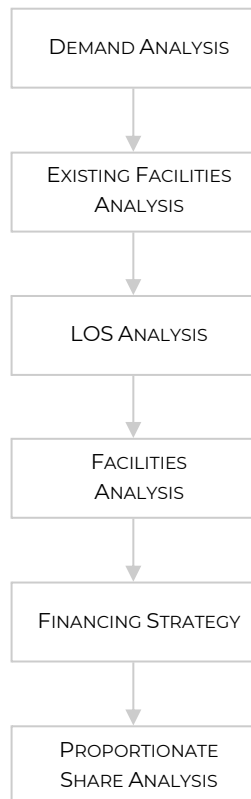
The formula for a non-standard impact fee should be included in the impact fee enactment (by resolution or ordinance). In addition, the impact fee enactment should contain the following elements:

- A provision establishing one or more service areas within which the local political subdivision or private entity calculates and imposes impact fees for various land use categories.
- A schedule of impact fees for each type of development activity that specifies the amount of the impact fee to be imposed for each type of system improvement or the formula that the local political subdivision or private entity will use to calculate each impact fee.
- A provision authorizing the local political subdivision or private entity to adjust the standard impact fee at the time the fee is charged to:
 - Respond to unusual circumstances in specific cases or a request for a prompt and individualized impact fee review for the development activity of the state, a school district, or a charter school and an offset or credit for a public facility for which an impact fee has been or will be collected.
 - Ensure that the impact fees are imposed fairly.
- A provision governing calculation of the amount of the impact fee to be imposed on a particular development that permits adjustment of the amount of the impact fee based upon studies and data submitted by the developer.
- A provision that allows a developer, including a school district or a charter school, to receive a credit against or proportionate reimbursement of an impact fee if the developer:
 - Dedicates land for a system improvement.
 - Builds and dedicates some or all of a system improvement.
 - Dedicates a public facility that the local political subdivision or private entity and the developer agree will reduce the need for a system improvement.
- A provision that requires a credit against impact fees for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities:
 - Are system improvements; or,
 - Dedicated to the public and offset the need for an identified system improvement.

Other provisions of the impact fee enactment may include exemption of fees for development activity attributable to low-income housing, the state, a school district, or a charter school. Exemptions may also include other development activities with a broad public purpose. If an exemption is provided, the entity should establish one or more sources of funds other than impact fees to pay for that development activity. The impact fee exemption for development activity attributable to a school district or charter school should be applied equally to either scenario.

SECTION 2: GENERAL IMPACT FEE METHODOLOGY

FIGURE 2.1: IMPACT FEE METHODOLOGY



The purpose of this study is to fulfill the requirements of the Impact Fees Act regarding the establishment of an IFFP and IFA. The IFFP identifies the demands placed upon the City's existing facilities by future development and evaluates how these demands will be met by the City. The IFFP is also intended to outline the improvements, which are intended to be funded by impact fees. The purpose of IFA is to allocate the cost of the new facilities and any excess capacity to new development, while ensuring that all methods of financing are considered. The Impact Fee Act requires that the IFFP and IFA consider the historic level of service provided to existing development and ensure that the proposed impact fees maintain the existing level of service. The following elements are important considerations when completing an IFFP and IFA.

DEMAND ANALYSIS

The demand analysis serves as the foundation for the IFFP and IFA. This element focuses on a specific demand unit related to each public service – the existing demand on public facilities and the future demand as a result of new development that will affect system facilities.

EXISTING FACILITY INVENTORY

In order to quantify the demands placed upon existing public facilities by new development activity, to the extent possible the IFFP provides an inventory of the City's existing system facilities. The inventory valuation should include the original construction cost and estimated useful life of each facility. The inventory of existing facilities is important to determine the

excess capacity of existing facilities and the utilization of excess capacity by new development.

LEVEL OF SERVICE ANALYSIS

"Level of service" or LOS means the defined performance standard or unit of demand for each capital component of a public facility within a service area. Through the inventory of existing facilities, combined with the growth assumptions, this analysis identifies the existing LOS that is provided to a community's existing residents and ensures that future facilities maintain these standards.

EXCESS CAPACITY AND FUTURE CAPITAL FACILITIES ANALYSIS

The demand analysis, existing facility inventory and LOS analysis allow for the development of a list of capital projects necessary to serve new growth and to maintain the existing system. This list includes any excess capacity of existing facilities as well as future system improvements necessary to maintain the LOS. Any excess capacity identified within existing facilities can be apportioned to new development. Any demand generated from new development that overburdens the existing system beyond the existing capacity justifies the construction of new facilities.

FINANCING STRATEGY

This analysis must also include a consideration of all revenue sources, including impact fees, future debt costs, alternative funding sources and the dedication of system improvements, which may be used to finance system improvements.² In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.³

PROPORTIONATE SHARE ANALYSIS

The written impact fee analysis is required under the Impact Fees Act and must identify the impacts placed on the facilities by development activity and how these impacts are reasonably related to the new development. The written impact fee analysis must include a proportionate share analysis, clearly detailing each cost component and the methodology used to calculate each impact fee. A local political subdivision or private entity may only impose impact fees on development activities when its plan for financing system improvements establishes that impact fees are necessary to achieve an equitable allocation of the costs borne in the past and to be borne in the future (UCA 11-36a-302).

NOTICE
DRAFT

² 11-36a-302(2)

³ 11-36a-302(3)

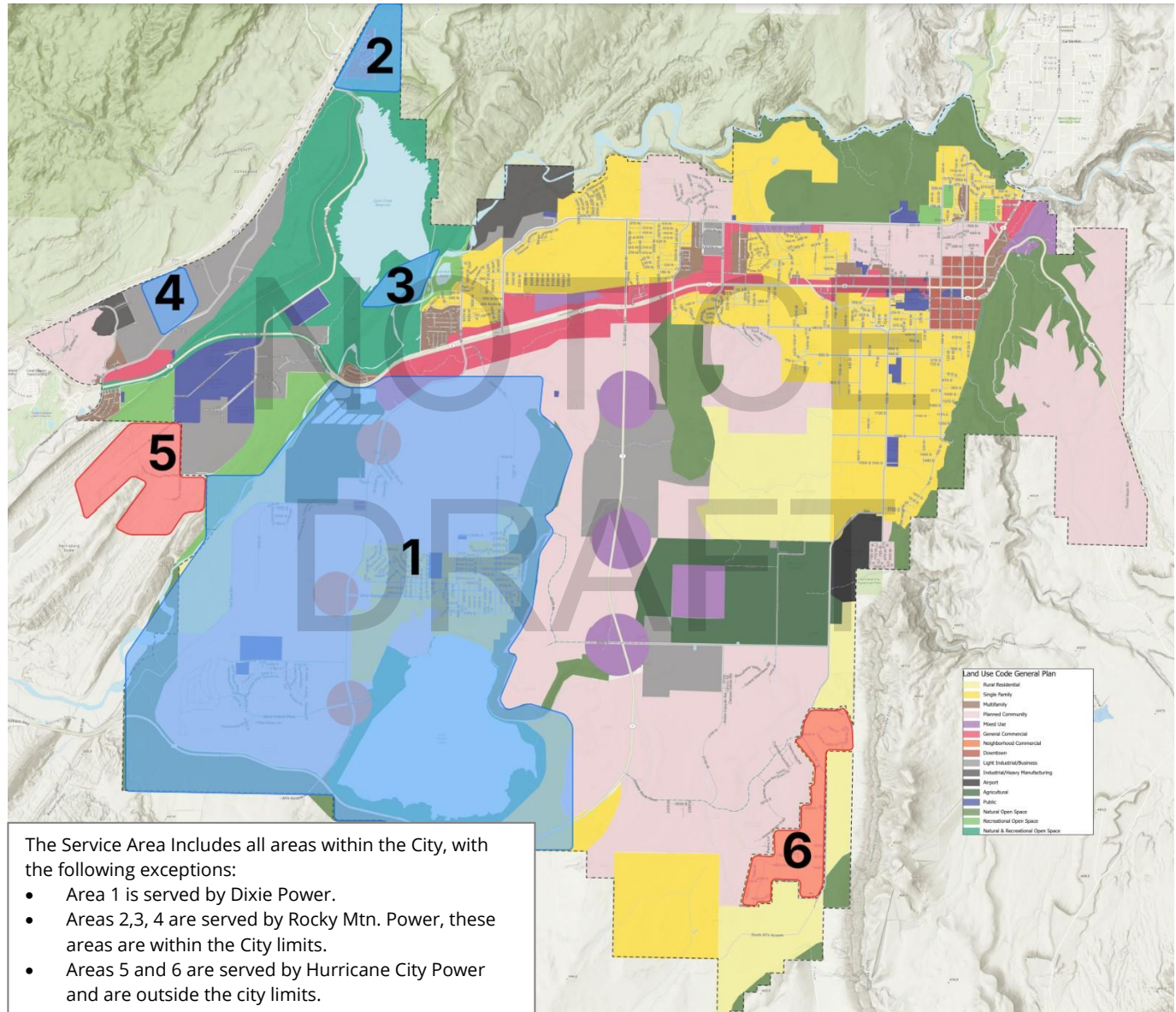


SECTION 3: SERVICE AREA, DEMAND, AND LOS

SERVICE AREA

Utah Code requires the impact fee enactment to establish one or more service areas within which impact fees will be imposed.⁴ This document identifies the necessary future system improvements for the Service Area that will maintain the existing LOS into the future. According to the 2024 IFFP, the Service Area includes areas within the City boundary as shown in **Figure 3.1**.

FIGURE 3.1: POWER SERVICE AREA



⁴ UC 11-36a-402(1)(a)

DEMAND

The City’s electrical system requires expansion to maintain the existing LOS as new growth and development activity occurs within the Service Area. To accurately determine the portion of the costs of future capital infrastructure that should be included in the impact fees, this analysis projects the future growth in megawatts (MW) and kilowatts (kW). The demand unit used in the calculation of the electrical impact fees is the estimated MW and kW at a power factor of 95 percent for residential and 90 percent for commercial.⁵ **TABLE 3.1** summarizes the projected annual increase in kW within the Service Area.

TABLE 3.1: PROJECTED DEMAND

DESCRIPTION	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
Total System CP Demands (kW)	50,635	54,686	59,061	63,786	68,888	74,399	77,375	80,470	83,689	87,037	90,518
Ten Year Demand	39,883										

It is anticipated that new growth will have an impact on the City’s existing services. Electrical facilities will need to be expanded to maintain the existing LOS. The IFFP, in conjunction with the impact fee analysis, are designed to accurately assess the true impact of a particular user upon the City’s infrastructure.

LEVEL OF SERVICE STANDARDS

Impact fees cannot be used to finance an increase in the LOS to current or future users of capital improvements. Therefore, it is important to identify the LOS within the Service Area to ensure that the new capacities of projects financed through impact fees do not exceed the established standard. According to the most recent IFFP, the City plans, designs and operates its system based on the following criteria:

- Transformer ratings under varying load levels and loading conditions must remain below their ONAN/ONFA/ONFA 55-degree rating.
- Dual bay substations loading shall not exceed 75% of combined ONAN/ONFA/ONFA 55-degree MVA rating of power transformers.
- The system must be able to adequately serve load under single contingency (N-1) situations, where “N” is a power system element such as a transformer or line.
- The system switching required under an N-1 contingency should remain as simplified as possible to ensure that switching orders do not become unnecessarily complex.
- Distribution circuit loading criteria must remain below 90% of its maximum current rating.
- Transmission circuit voltage must remain between 95% and 105% of its nominal value.
- Distribution circuit voltage must remain between 98% and 105% (at loads) of its nominal value.
- Distribution circuit mains must be able to serve additional load under N-1 contingencies.

The above criteria were used to determine Hurricane City’s facility needs based on the amount of load (i.e., demand) placed on the existing system over the study planning horizon.

⁵ Power factor (p.f.) is the ratio of working power, measured in kilowatts (kW), to apparent power, measured in kilovolt amperes (kVA). The power factor of the present system is acceptable, above 0.95. The system power factor is primarily influenced by the types and level of loads on the system and the amount of shunt capacitors installed in the system.



SECTION 4: EXISTING FACILITIES & EXCESS CAPACITY

This section is intended to summarize the existing public facilities related to electric transmission and substation infrastructure. The IFFP indicates the City is served by PacifiCorp's Purgatory Flat Transmission Substation with two radial 69kV lines, one line feeds Anticline substation and the other line feeds the other three 69kV substations. The radial 69kV line interconnects Hurricane City's four Distribution substations. Hurricane City's electrical system currently has four power distribution substations: Anticline Substation, Brentwood Substation, Clifton Wilson Substation, and Three Falls Substation. It is noted that during the time of this study Three Falls Substation was under construction but was not yet operating. So, the peak loading for Three Falls Substation was estimated.⁶

VALUE OF EXISTING INFRASTRUCTURE

Based upon data provided by the City using the electric utility depreciation schedule, the existing system is valued at approximately \$42M, based on original cost as shown in **TABLE 4.1**. Generation is excluded from the calculation of buy-in. Project improvements and non-eligible values are excluded from the analysis.

TABLE 4.1: VALUE OF EXISTING SYSTEM

Total System Value	\$42,235,807
Eligible Distribution/Transmission	\$4,951,860
Eligible Substations	\$8,240,115
Subtotal of Eligible Value	\$13,191,976
Estimate of Buildout Demand	140,000
IFFP Demand	39,883
% of Total	28%

EXCESS CAPACITY

The City maintains a network of transmission and distribution infrastructure. **TABLE 4.2** and **4.3** illustrate the capacity analysis for the existing transformers and feeder loads. Based on this analysis, there is excess capacity related to existing infrastructure. The excess capacity is assumed to serve development through buildout.

MANNER OF FINANCING EXISTING INFRASTRUCTURE

The City has funded its existing capital infrastructure through a combination of different revenue sources, including user fee revenues, service fees, and impact fees. Therefore, the City's existing LOS standards have been funded by the City's existing residents. The City does not foresee receiving revenues from other entities (i.e., grants, federal or state funds, other contributions, etc.) to fund new facilities.

⁶ IFFP p.7. This station is now in operation.



SECTION 5: CAPITAL FACILITY ANALYSIS

The capital project and engineering data, planning analysis, and other information related to future capital needs can be found in the 2024 IFFP. The accuracy and correctness of this plan is contingent upon the accuracy of the data and assumptions. Any deviations or changes in the assumptions due to changes in the economy or other relevant information used by the City for this study may cause this plan to be inaccurate and may require modification to this analysis to ensure accuracy.

SUMMARY OF FUTURE CAPITAL FACILITIES

Based upon the projected increase in kW and demand on the system, the City has identified the future capital projects that must be constructed over the next ten years to serve future development. The costs of these projects are summarized in **TABLE 5.1**. The percentage of the total cost that is attributable to growth is based upon the ratio of the capacity available for meeting future growth in the 10-year IFFP demand period to the total capacity provided by the project. All the projects listed in the table below have a life expectancy of more than 10 years.

TABLE 5.1: SUMMARY OF FUTURE CAPITAL PROJECT COSTS

PROJECT # & TITLE	OPINION OF PROBABLE COST	YEAR	CONSTRUCTION YEAR COST	% TO IFFP DEMAND	COST TO GROWTH
Replace Anticline T1	\$1,943,675	2025	\$2,021,422	50.0%	\$1,010,711
New 138kV line from Purgatory to Future Sub 1	\$6,404,366	2026	\$6,926,962	75.0%	\$5,195,222
New Future Substation 1	\$7,690,408	2027	\$8,650,663	100.0%	\$8,650,663
New 138kV line from Future Sub 1 to Three Falls	\$3,100,207	2027	\$3,487,311	75.0%	\$2,615,483
Three Falls Substation Bay 2	\$3,728,421	2029	\$4,536,194	80.0%	\$3,628,955
New 69kV line to Sky Mountain	\$200,805	2029	\$244,310	95.0%	\$232,094
New Sky Mountain Substation	\$5,503,354	2030	\$6,963,498	95.0%	\$6,615,324
New 138kV line to 600 North	\$685,450	2031	\$902,005	75.0%	\$676,504
New 138kV line from 600 North to Three Falls	\$1,339,409	2032	\$1,833,074	75.0%	\$1,374,805
Three Falls substation Bay 1 Upgrade	\$2,119,390	2032	\$2,900,532	60.0%	\$1,740,319
New 138kV line to Future Substation 2	\$210,848	2033	\$300,102	75.0%	\$225,077
New 138kV-69kV Future Substation 2	\$7,195,069	2033	\$10,240,827	65.0%	\$6,656,537
Total	\$40,121,402		\$49,006,901		\$38,621,695

The projected resource needs for the next several years are detailed in the following paragraphs. The estimated costs of future capital projects are based on historical experience with the system and projected growth patterns for the system.

SYSTEM VS. PROJECT IMPROVEMENTS

System improvements are defined as existing and future public facilities that are intended to provide services to service areas within the community at large.⁷ Project improvements are improvements and facilities that are planned and designed to provide service for a specific development (resulting from a development activity) and considered necessary for the use and convenience of the occupants

⁷ 11-36a-102(20)



or users of that development.⁸ The Impact Fee Analysis may only include the costs of impacts on system improvements related to new growth within the proportionate share analysis. However, impact fees will be used for the substations, etc. since these are considered system improvements.

FUNDING OF FUTURE FACILITIES

Future facilities are generally funded using the following resources:

UTILITY RATE REVENUES

Utility rate revenues serve as the primary funding mechanism within enterprise funds. Rates are established to ensure appropriate coverage of all operations and maintenance expenses, debt service coverage, and capital project needs not related to growth.

GRANTS AND DONATIONS

The City does not anticipate receiving grants or donations to fund improvements currently contemplated in this IFFP. However, the impact fees will be adjusted if grants become available to reflect the grant monies received. A donor may be entitled to reimbursement for the value of the system improvements funded through impact fees if donations are made by new development. **SECTION 6** further addresses proposed credits available to development.

IMPACT FEE REVENUES

Impact fees are charged to ensure that new growth pays its proportionate share of the costs for the development of public infrastructure. Impact fee revenues can also be attributed to the future expansion of public infrastructure if the revenues are used to maintain an existing level of service. Increases to an existing level of service cannot be funded with impact fee revenues. Impact fee revenues are generally considered non-operating revenues and help offset future capital costs. The City is opting to include the unincumbered impact fee fund balance, estimated at \$2,932,150, as a credit against future impact fee capital costs.

DEBT FINANCING

In the event the City has not accumulated sufficient impact fees to pay for the construction of time sensitive or urgent capital projects needed to accommodate new growth, the City must look to revenue sources other than impact fees for funding. The Impact Fees Act allows for the costs related to the financing of future capital projects to be legally included in the impact fee. This allows the City to finance and quickly construct infrastructure for new development and reimburse itself later from impact fee revenues for the costs of issuing debt. Debt financing costs are not included in this analysis.

EQUITY OF IMPACT FEES

Impact fees are intended to cover the costs of system improvements (infrastructure) that relate to future growth. The impact fee calculations are structured for impact fees to fund 100 percent of the growth-related facilities identified in the proportionate share analysis as presented in the impact fee analysis. Even so, there may be years when actual impact fee revenues cannot cover the annual growth-related expenses. In those years, growth-related projects may be delayed, or other revenues

⁸ 11-36a102(13)

such as general utility rate revenues may be borrowed to make up any annual deficits. Any borrowed funds are to be repaid in their entirety through subsequent impact fees.

NECESSITY OF IMPACT FEES

An entity may only impose impact fees on development activity if the entity's plan for financing system improvements establishes that impact fees are necessary to achieve parity between existing and new development. This analysis has identified the improvements to public facilities and the funding mechanisms to complete the suggested improvements. Impact fees are identified as a necessary funding mechanism to help offset the costs of new capital improvements related to new growth. In addition, alternative funding mechanisms have been identified to help offset the cost of future capital improvements.

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SECTION 6: ELECTRICAL IMPACT FEE CALCULATION

The calculation of impact fees relies upon the information contained in this analysis. Impact fees are calculated based on many variables centered on proportionality and LOS. The following paragraph briefly discusses the methodology for calculating impact fees. Impact fees can be calculated using a specific set of costs specified for future development. The improvements are identified in the IFFP as growth-related projects. The total project costs are divided by the total demand units the projects are designed to serve. Under this methodology, it is important to identify the existing LOS and determine any excess capacity in existing facilities that could serve new growth.

IMPACT FEE CALCULATION

Based on the growth-related projects, as well as the applicable buy-in fee, the cost per new kW is estimated at \$1,054.68, as shown in **TABLE 6.1**.

TABLE 6.1: ESTIMATE OF IMPACT FEE COST PER kW

	TOTAL COSTS	% GROWTH RELATED AND IMPACT FEE FUNDED	GROWTH RELATED & CITY FUNDED COSTS	GROWTH RELATED kW	COST PER NEW kW
Buy-In: Existing Substation Transformers	\$13,191,976	28%	\$3,758,111	39,883	\$94.23
Future System Improvements	\$49,006,901	79%	\$38,621,695	39,883	\$968.37
Financing	\$0	79%	\$0	39,883	\$0.00
Professional Expense	\$73,925	82%	\$60,363	26,740	\$2.26
Interest Credit	(\$406,000)	100%	(\$406,000)	39,883	(\$10.18)
TOTALS:	\$61,866,802		\$42,034,169		\$1,054.68

Professional expense is based on the cost to complete the IFFP and IFA.

The fee per kW is then applied to the general usage statistics for residential and commercial users, as shown in **Table 6.2**. The higher impact fee base cost per kW in this analysis comes from the type of proposed projects in this analysis, the higher cost of system components and the increased costs construction labor since the last analysis was done.

TABLE 6.2: ILLUSTRATION OF IMPACT FEE BY PANEL RATING

PANEL RATING	LINE-TO-LINE VOLTAGE	100% PANEL KVA	AVG PANEL LOADING	AVG PEAK DEMAND @ PANEL (kVA)	POWER FACTOR	ESTIMATED DIVERSIFIED kW	PROPOSED FEE	EXISTING FEE	% CHANGE
Residential (120/240, 1 phase)									
125	240	30	12.50%	3.75	95%	3.56	\$3,757	\$1,622	132%
200	240	48	12.50%	6.00	95%	5.70	\$6,012	\$2,595	132%
400	240	96	12.85%	12.34	95%	11.72	\$12,360	\$5,190	138%
600	240	144	12.85%	18.50	95%	17.58	\$18,540	\$7,785	138%
Commercial (120/240, 1 phase)									
200	240	48	25.00%	12.00	90%	10.80	\$11,391	\$4,902	132%
400	240	96	25.00%	24.00	90%	21.60	\$22,781	\$9,803	132%
600	240	144	25.00%	36.00	90%	32.40	\$34,172	\$14,705	132%
800	240	192	25.00%	48.00	90%	43.20	\$45,562	\$19,607	132%
Commercial (120/208, 3 phase)									
200	208	72	25.00%	18.01	90%	16.21	\$17,098	\$7,358	132%
400	208	144	25.00%	36.03	90%	32.42	\$34,197	\$14,715	132%



PANEL RATING	LINE-TO-LINE VOLTAGE	100% PANEL KVA	AVG PANEL LOADING	AVG PEAK DEMAND @ PANEL (kVA)	POWER FACTOR	ESTIMATED DIVERSIFIED kW	PROPOSED FEE	EXISTING FEE	% CHANGE
600	208	216	25.00%	54.04	90%	48.64	\$51,295	\$22,073	132%
800	208	288	25.00%	72.05	90%	64.85	\$68,394	\$29,431	132%
1,000	208	360	25.00%	90.07	90%	81.06	\$85,492	\$36,788	132%
1,200	208	432	25.00%	108.08	90%	97.27	\$102,591	\$44,146	132%
1,600	208	576	25.00%	144.11	90%	129.70	\$136,788	\$58,861	132%
1,800	208	648	25.00%	162.12	90%	145.91	\$153,886	\$66,219	132%
2,000	208	721	25.00%	180.13	90%	162.12	\$170,985	\$73,577	132%
2,500	208	901	25.00%	225.17	90%	202.65	\$213,731	\$91,971	132%
3,000	208	1,081	25.00%	270.20	90%	243.18	\$256,477	\$110,365	132%
Commercial (277/480, 3 phase)									
200	480	166	25.00%	41.57	90%	37.41	\$39,458	\$16,979	132%
400	480	333	25.00%	83.14	90%	74.82	\$78,916	\$33,958	132%
600	480	499	25.00%	124.71	90%	112.24	\$118,374	\$50,938	132%
800	480	665	25.00%	166.28	90%	149.65	\$157,832	\$67,917	132%
1,000	480	831	25.00%	207.85	90%	187.06	\$197,290	\$84,896	132%
1,200	480	998	25.00%	249.42	90%	224.47	\$236,748	\$101,875	132%
1,600	480	1,330	25.00%	332.55	90%	299.30	\$315,664	\$135,834	132%
1,800	480	1,496	25.00%	374.12	90%	336.71	\$355,122	\$152,813	132%
2,000	480	1,663	25.00%	415.69	90%	374.12	\$394,580	\$169,792	132%
2,500	480	2,078	25.00%	519.62	90%	467.65	\$493,225	\$212,241	132%
3,000	480	2,494	25.00%	623.54	90%	561.18	\$591,870	\$254,689	132%

NON-STANDARD IMPACT FEES

The proposed fees are based upon growth in kW. The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon public facilities.⁹ A developer may submit studies and data for a particular development and request an adjustment. This adjustment could result in a higher or lower impact fee if the City determines that a particular user may create a different impact than what is standard for its land use.

Estimated Diversified kW Usage * \$1,054.68

⁹ UC 11-36a-402(1)(c)



CALCULATION OF IMPACT FEE INTEREST CREDIT

This analysis calculates projected interest earnings and applies a credit in the fee calculation. The table below illustrates that the proposed impact fee revenue collections compared to impact fee expense, with interest credit applied.

TABLE 6.3: IMPACT FEE INTEREST CALCULATION

YEAR	KW	NEW KW	FEE PER KW	PROJECTED REVENUE	PROJECTED EXPENSE	PROJECTED BUY-IN EXPENSE	NET	CUMULATIVE	INTEREST EARNED
2023	50,635								
2024	54,686	4,051	\$1,055	\$4,272,509	\$0	(\$381,726)	\$3,890,783	\$3,890,783	\$38,908
2025	59,061	4,375	\$1,055	\$4,614,225	(\$1,010,711)	(\$412,256)	\$3,191,258	\$7,082,041	\$70,820
2026	63,786	4,725	\$1,055	\$4,983,363	(\$5,195,222)	(\$445,237)	(\$657,095)	\$6,495,766	\$64,958
2027	68,888	5,102	\$1,055	\$5,380,977	(\$11,266,147)	(\$480,761)	(\$6,365,931)	\$194,793	\$1,948
2028	74,399	5,511	\$1,055	\$5,812,341	\$0	(\$519,302)	\$5,293,040	\$5,489,781	\$54,898
2029	77,375	2,976	\$1,055	\$3,138,728	(\$3,861,050)	(\$280,428)	(\$1,002,751)	\$4,541,928	\$45,419
2030	80,470	3,095	\$1,055	\$3,264,235	(\$6,615,324)	(\$291,642)	(\$3,642,731)	\$944,616	\$9,446
2031	83,689	3,219	\$1,055	\$3,395,015	(\$676,504)	(\$303,326)	\$2,415,184	\$3,369,247	\$33,692
2032	87,037	3,348	\$1,055	\$3,531,069	(\$3,115,124)	(\$315,482)	\$100,462	\$3,503,402	\$35,034
2033	90,518	3,481	\$1,055	\$3,671,341	(\$6,881,614)	(\$328,015)	(\$3,538,288)	\$148	\$1
Total				\$42,063,802	(\$38,621,695)	(\$3,758,175)			

Assumes interest earnings based on one percent interest rate.

CONSIDERATION OF ALL REVENUE SOURCES

The Impact Fees Act requires the proportionate share analysis to demonstrate that impact fees paid by new development are the most equitable method of funding growth-related infrastructure. See **SECTION 5** for further discussion regarding the consideration of revenue sources.

EXPENDITURE OF IMPACT FEES

Legislation requires that impact fees should be spent or encumbered within six years after each impact fee is paid. Impact fees collected in the next five to six years should be spent or encumbered on only those projects outlined in the IFFP as growth-related costs to maintain the LOS or to reimburse existing development for excess capacity used. The existing impact fee fund balance is included in this analysis and will be spent on the projects that are shown here that were identified in the prior Impact Fee Facilities Plan (also included in this analysis).

PROPOSED CREDITS OWED TO DEVELOPMENT

Credits may be applied to developers who have constructed and donated system facilities to the City that are included in the IFFP in-lieu of impact fees. Credits for system improvements may be available to developers up to, but not exceeding, the amount commensurate with the LOS identified within this IFA. Credits will not be given for the amount by which system improvements exceed the LOS identified within this IFA. This situation does not apply to developer exactions or improvements required to offset density or as a condition of development. Any project that a developer funds must be included in the IFFP, if a credit is to be issued.

In the situation that a developer chooses to construct system facilities found in the IFFP in-lieu of impact fees, the decision must be made through negotiation with the developer and the City on a case-by-case basis.

GROWTH-DRIVEN EXTRAORDINARY COSTS

The City does not anticipate any extraordinary costs necessary to provide services to future development.

SUMMARY OF TIME PRICE DIFFERENTIAL

The Impact Fees Act allows for the inclusion of a time price differential to ensure that the future value of costs incurred at a later date are accurately calculated to include the costs of construction inflation. A four percent annual construction inflation adjustment is applied to projects completed after 2023 (the base year cost estimate).

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Hurricane City

Electrical Transmission and Substation Impact Fee Facility Plan

November 2024
Rev 1



**Intermountain Consumer
Professional Engineers, Inc.**
1145 East South Union Avenue
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(801) 255-1111

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SECTION I GENERAL

Introduction

Intermountain Consumer Professional Engineers, Inc. (“ICPE”) performed studies and analyses for Hurricane City to update their Electrical Power Capital Facilities Plan and Impact Fee Facilities Plan.

ICPE utilized load predictions in the studies that were developed using recent load data provided by Hurricane City and load trends observed in Hurricane City over the past several years. The future loads used in the studies are predictions and do not reflect actual values which prevents ICPE from guaranteeing or assuring that the recommendations reflect actual events that will occur in the future. However, it is believed that all predictions and observations used in the study are reasonable and appropriate for the purpose of the Capital Facilities Plan and Impact Fee Facilities Plan.

Impact Fees - General

Impact fees are generally used by cities to fund infrastructure projects necessary to provide services to new developments within the city’s boundary. The new development should bear the additional or incremental capital cost for the services, existing residents who do not benefit from the new development should not bear the costs for services to the new development. Impact fees are not intended for operating expenses or for corrections to existing deficiencies in the services presently being provided by a city. Impact fees are based on anticipated new load increase to the electrical system due to the new developments. The improvements outlined in the plans are required to maintain the present level of service to both new and existing customers.

Impact Fees - Utah

In Utah, impact fees are governed by state statute, specifically U.C.A. 1953 § 11-36a-102. The Statute requires that each governmental agency that imposes an impact fee shall (1) prepare an Impact Fee Facilities Plan (§ 11-36a-301), (2) perform an Impact Fee Analysis (§ 11-36a-303), (3) calculate the Impact Fee(s) (§ 11-36a-305) and (4) certify the Impact Fee Facilities Plan (§ 11-36a-306).

As stated in the Statute, the “Impact Fee Facilities Plan (“IFFP”) shall identify (a) demands placed upon existing public facilities by new development activity; and (b) the proposed means by which the political subdivision will meet those demands.” The IFFP shall also consider all revenue sources,

including impact fees, used to finance impacts on system improvements. This report incorporates the most recent Hurricane City Capital Facilities Plan (“CFP”), dated August 2024. In general, the CFP outlines all projects necessary to maintain electrical service to existing customers and the IFFP outlines fees for the improvements necessary to provide service to new developments and customers. Projects identified in the CFP may be due to the correction of an existing deficiency or improvement necessary to maintain reliability and are not included in the IFFP.

The Utah Statute requires the governmental agency that imposes an impact fee to perform an analysis of the impact fee and document the results. The agency is also required to provide a summary document of the analysis that can be understood by a layman. The estimated impacts on the existing electrical system due to the new development are to be included in the Impact Fee Analysis (IFA) along with the costs associated with addressing the impacts. The IFA is also required to include the costs of existing capacity that will be recouped.

Impact Fee calculations may include the following:

- (a) The construction cost.
- (b) The cost of acquiring land and material.
- (c) The cost for planning, surveying, and engineering fees for services provided to design the construction.
- (d) Debt service charges, if the impact fees are used to pay the principal and interest on bonds or other obligations to finance the costs of the construction.

Impact Fee calculations are to be based on local industry standard material and labor estimates. The assumptions used to develop the estimates are to be included in the IFA. The IFFP and the IFA area to be certified by the person or entity that prepared the documents.

Hurricane City



Hurricane City is located in southwest Utah in Washington County, approximately 140 miles northeast of Las Vegas, NV. According to the US Census, the land area is 31.5 square miles and the estimated population in 2022 was about 20,609 persons. The median resident age is 43.3 years, the average household size is 2.87 persons, and the median household income is about \$64,182.

Hurricane can best be described as a suburban community since many of its resident’s commute to work in the City of St. George other nearby business areas. Hurricane, as well as the surrounding area has a rapidly growing population.

Electricity Supply

General

Figure 1 illustrates the three basic components of an electrical system, an electric generator that creates the electricity, a transmission system that carries the electricity to the distribution system; and the distribution system that delivers the electricity to the customer.

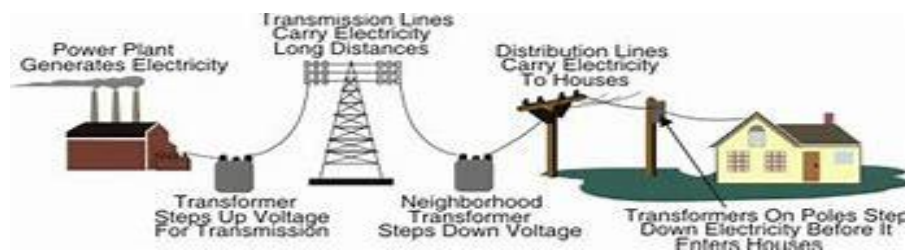


Figure 1

Illustration of a Typical Power Delivery System

Electricity Generation

Electricity is produced by a generator that is powered by a fuel source. The generator can be a steam, hydro, turbine, diesel engine, wind, solar or geothermal. The generated electricity is provided to a utility through purchased power agreements, which can be a firm power agreement (long-term and short-term); unit power (a portion of a specific generating unit) and non-firm (usually short-term). The type and amount of each generating resource that is used by a utility to meet the electrical demand depends on the amount and duration of the demand, the availability of the generating units and the cost of the electricity from the generating units. To meet the hourly demand for electricity, each available generating resource is evaluated according to its availability, capacity and operating cost and then dispatched accordingly to meet the demand for electricity in each hour of the day.

The utility's peak demand is the highest demand for electricity in any one hour. It is during these peak hours that a utility will use multiple generating resources including its own generating resources.

Electricity Transmission

The electricity leaving the generator is stepped up to a higher voltage by a transformer and delivered to the transmission system. The transmission system consists of transmission power poles or towers, conductors, substations and other equipment necessary to deliver electricity from the generators to the utility.

Transmission of electricity to Hurricane City is through the Utah Associated Municipal Power Systems (UAMPS) transmission system. UAMPS receives electricity through Rocky Mountain Power's transmission system.

Electricity Distribution

Electricity distribution is the final stage in the delivery of electricity to customers. An electricity distribution system receives electricity from the transmission system and delivers it to consumers. A typical electric distribution system includes medium-voltage (138kV, 69 kV & 12.47 kV) power lines, substations, transformers, service drops and metering. The distribution system begins where the voltage is stepped down through transformer(s) and ends at the secondary service point at the customer's meter. Distribution circuits begin at the low-voltage side of the transformer located in the City's substation. Conductors for the distribution delivery system are either located overhead on utility poles or buried underground.

Most electric customers are connected to a pole mounted or pad mounted transformer that reduces the distribution voltage to the low voltage used by customers. Each customer has an electrical service connection and a meter.

SECTION II CAPITAL FACILITIES PLAN AND IMPACT FEE FACILITIES PLAN

General

The Impact Fee Facilities Plan identifies the additional electrical load placed on an existing electrical system by new developments, identifies additions or modifications to the existing electrical system necessary to meet the increased load and provides costs for the system additions or modifications. The Plan will enable the utility to determine how they will fund the projects necessary to meet the load increase to the system.

The following summarizes the results of the Capital Facilities Plan Update that was completed in August 2024 where load increases were identified, projects were proposed to meet the load increase and costs were provided for the proposed projects.

Historical Population and Load Growth

According to the U.S. Census Bureau, the Hurricane City's population in 2020 was approximately 20,609. The population grew to 25,209 by 2024 for an approximate 22.3% increase in population over four years. The following table is a summary of the population growth since 1960.

Table 2-1
Hurricane City Historical Population

Historical population		
Census	Pop.	%±
1960	1,251	
1970	1,408	12.5%
1980	2,660	88.9%
1990	4,014	50.9%
2000	8,560	113.3%
2010	13,748	60.6%
2014	15,032	9.3%
2020	20,609	37.1%
Est 2024	25,209	22.3%

Hurricane City experienced a high growth rate between 1980 and 1990 and between 1990 and 2010. However, the electrical load during these periods did not increase as significantly as the population. The annual historical load growth since 1987 is shown in Table 2-2.

Table 2-2
Hurricane City
Electrical Load History

Year	PEAK kW	
	Summer Peak	% Growth (Summer)
1991	5,544	
1992	6,497	17.19%
1993	6,675	2.74%
1994	8,267	23.85%
1995	9,364	13.27%
1996	11,467	22.46%
1997	11,632	1.44%
1998	13,101	12.63%
1999	13,836	5.61%
2000	16,200	17.09%
2001	15,600	-3.70%
2002	18,200	16.67%
2003	19,700	8.24%
2004	21,200	7.61%
2005	25,700	21.23%
2006	27,800	8.17%
2007	31,300	12.59%
2008	29,300	-6.39%
2009	31,243	6.63%
2010	31,315	0.23%
2011	31,435	0.38%
2012	32,870	4.56%
2013	33,731	2.62%
2014	31,502	-6.61%
2015	34,228	8.65%
2016	37,411	9.30%
2017	37,527	0.31%
2018	38,483	2.55%
2019	39,148	1.73%
2020	44,416	13.46%
2021	49,060	10.46%
2022	49,314	0.52%
2023	50,635	2.68%

Electric Infrastructure and Future Needs

Transmission

Hurricane City Power is served by PacifiCorp's Purgatory Flat Transmission Substation with two radial 69kV lines, one line feeds Anticline substation and the other line feeds the other three 69kV substations. The radial 69kV line interconnects Hurricane City Power's four Distribution substations. Future Substation 1, Future Substation 2, and Three Falls Substation are planned to be fed by a 138 kV line originating at Purgatory Flat. Sky Mountain Substation is planned to be fed by the 69 kV line originating at Purgatory Flat.

In the 5-year planning horizon the new proposed Future Substation 1 will need a new 138 kV transmission line to provide power to the substation. This new 138kV transmission line would feed the new substation from the existing Purgatory Substation. The proposed 138kV line would be served by the 138kV bus of the Purgatory Substation. The line would be approximately 8.1 miles of single circuit 1272 ACSR conductor. Future Substation 1 would also need to be designed to allow for two transmission lines. The 138kV line needs to be extended to the Three Falls Substation from Future Substation 1. This line is necessary to provide power to the proposed second bay of Three Falls. This 138 kV would be approximately 4.6 miles of single circuit 1272 ACSR conductor. Three Falls was designed in a ring bus configuration to accommodate the building of this line.

In the 10-year planning horizon, Sky Mountain Substation will need to get power from the existing 69kV line that runs along 600 North, this line will be approximately 200 ft of 795 ACSR single circuit conductor. Future Substation 2 will need to get power from the existing 138kV line that runs along 600 North, this line will be approximately 400 ft of 1272 ACSR single circuit conductor. A new 138 kV transmission line is proposed that will make a connection between the existing 138kV line and the proposed line that will feed Future Substation 1, this line is necessary to build before Three Falls Substation is upgraded to a 138 kV substation. This 138 kV line would be approximately .9 miles of single circuit 1272 ACSR conductor. The existing 1/0 ACSR 69 kV transmission line that provides power to Three Falls Substation will need to be upgraded to accommodate the upgraded substation equipment and new bay. This new line will connect to the existing 138kV line along 600 North and will be approximately 1.9 miles of 1272 ACSR single circuit conductor.

Substations

Hurricane City Power system currently has four power distribution substations: Anticline Substation, Brentwood Substation, Clifton Wilson Substation, and Three Falls Substation. It is noted that during the time of this study Three Falls Substation was under construction but was not yet operating. So, the peak loading for Three Falls Substation was estimated.

In the 5-year planning horizon Anticline T1 will need to be upgraded to a 20 MVA transformer to meet growth requirements in the area. The Bay 1 voltage regulators will also need to be upgraded. Due to the projected growth in the area that Anticline Substation serves it will be necessary to have both bays of Anticline substation feeding load. The addition of one substation (Future Substation 1) will be necessary to meet growth requirements and to maintain the required current level of service. The location of Future Substation 1 should be in the general vicinity of 2700 South, east of Highway 7.

In the 10-year planning horizon the addition of Sky Mountain will be necessary to meet the estimated growth. The location of Sky Mountain is approximately 600 North and 2200 West. It will be necessary to install the second bay in Three Falls Substation to help take the load off Clifton Wilson and to help back up Future Substation 1. Sky Mountain Substation helps take load off Clifton Wilson and Brentwood Substations and helps provide backup of those substations during N-1 conditions. Three Falls substation should be upgraded from 69kV to 138kV. This is necessary to complete the 138kV loop for redundancy during N-1 conditions. Future Substation 2 will be a 138kV-69kV substation and will provide a second 69kV source for the 69kV substations during the loss of the 69kV line from Purgatory. The location of Future Substation 2 should be approximately 600 North in between Sky Mountain and Clifton Wilson.

Level of Service Standards

Consistent with current practice and level of service, Hurricane City plans, designs and operates its system based on the following criteria:

- Transformer ratings under varying load levels and loading conditions must remain below their ONAN/ONFA/ONFA 55-degree rating.
- Dual bay substations loading shall not exceed 75% of combined ONAN/ONFA/ONFA 55-degree MVA rating of power transformers.
- The system must be able to adequately serve load under single contingency (N-1) situations, where “N” is a power system element such as a transformer or line.
- The system switching required under an N-1 contingency should remain as simplified as possible to ensure that switching orders do not become unnecessarily complex.
- Distribution circuit loading criteria must remain below 90% of its maximum current rating.
- Transmission circuit voltage must remain between 95% and 105% of its nominal value.
- Distribution circuit voltage must remain between 98% and 105% (at loads) of its nominal value.
- Distribution circuit mains must be able to serve additional load under N-1 contingencies.

The above criteria were used to determine Hurricane City’s facility needs based on the amount of load (i.e., demand) placed on the existing system over the study planning horizon.

Demands Placed on Existing Facilities

Electrical demand loads on a system are measured in kilowatts (kW) or kilovolt-amperes (kVA) and are indicated as either coincident-peak (“CP”) demand or non-coincident peak (“NCP”) demand. The system CP demand is the maximum demand for the entire system measured at a point in time where the sum of all demands on the system is the highest for the system as a whole. The NCP demand is the sum of the maximum demands of individual customers or customer classes such as residential, commercial, industrial, measured for a period of time. The CP demand represents the combined loads across all customer classes measured at the system level where the NCP demand represents the total demand the system would be subject to if all customer classes peaked at the same time. The CP demand is usually lower than the NCP demand. For Impact Fees, CP represents the demand placed on the existing system as a whole, while NCP reflects the maximum demand placed on local facilities by individual customer classes. The CP demand is normally the demand that a utility plans for when sizing facilities that will be used to meet future growth on the system. However, each individual piece of equipment must be able to support its own individual peak demand even if that demand does not occur at the same time as the system’s CP.

Hurricane City’s projected CP demand between 2024 and 2033 are shown in Table 2-3. The System CP Demands for the planning period (2024 – 2033) were developed by ICPE.

Table 2-3
Summary of CP Demands
For the Period 2023 through 2033

Description	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
Total System CP Demands (kW)	54,686	59,061	63,786	68,888	74,399	77,375	80,470	83,689	87,037	90,518

System Modeling for the CFP/IFFP

The recent CFP completed contains results of load flow analysis of the Hurricane City electrical system. The system load flows provide insight on substation transformer loading and system voltage drop. The study includes analyzing N-1 outage conditions. An N-1 outage condition is the loss of a major system component such as loss of a substation transformer or loss of a main line section. The existing substations that were studied include Anticline, Brentwood, Clifton Wilson, and Three Falls. The CFP study is primarily focused on Transmission (69kV or greater) and Substation requirements.

To perform load flow analysis a system computer model was developed. System model development and analysis were performed on SKM Power Tools. System modeling data was developed from data provided by Hurricane City. System load was modeled based on 2023 peak values since they were available at the time. Circuit models are based on the assumption that provided circuit maps and data (conductor sizes, circuit configurations, line lengths, etc.) are reflective of actual field conditions.

Model Results

The following System Improvement Summary from the CFP details the anticipated projects and estimated expenditures necessary to sustain the projected growth rate for Hurricane City's electrical system for the next 10 years. There is greater confidence in projecting requirements for 2 to 3 years than there is for a 10-year or longer outlook. However, it is necessary to forecast future projects due to the magnitude (and cost) of the modifications necessary. Substation and transmission line projects can take significant time from start to finish due to material lead times and permitting requirements. Substation and transmission line requirements need to be addressed to meet future needs of the city in a timely fashion.

The proposed projects will provide a method for Hurricane City to plan and budget for the facilities necessary to serve the anticipated electrical load growth. Existing electrical facilities as well as new facilities will be used to meet projected load levels. Table 2-4 is a summary of the recommended projects, timing and costs. Detailed cost estimates for the various projects can be found in the appendix of the CFP. Costs shown are based on present 2024 project material and labor pricing.

Table 2-4
Summary of CFP Improvement Projects
For the Period 2024 through 2033*

Project Number	Description	Project Estimated Cost (\$) **	Estimated Timeframe	IFFP Percentage	Adjusted Project Cost
1	Replace Anticline T1	1,943,675.00	2025	50%	971,837.50
2	New 138kV line from Purgatory to Future Sub 1	6,404,366.00	2025-2027	75%	4,803,274.50
3	New Future Substation 1	7,690,408.00	2027	100%	7,690,408.00
4	New 138kV line from Future Sub 1 to Three Falls	3,100,207.00	2027-2028	75%	2,325,155.25
5	Three Falls Substation Bay 2	3,728,421.00	2029	80%	2,982,736.80
6	New 69kV line to Sky Mountain	200,805.00	2029	95%	190,764.75
7	New Sky Mountain Substation	5,503,354.00	2030	95%	5,228,186.30
8	New 138kV line to 600 North	685,450.00	2031	75%	514,087.50
9	New 138kV line from 600 North to Three Falls	1,339,409.00	2032	75%	1,004,556.75
10	Three Falls substation Bay 1 Upgrade	2,119,390.00	2032	60%	1,271,634.00
11	New 138kV line to Future Substation 2	210,848.00	2033	75%	158,136.00
12	New 138kV-69kV Future Substation 2	7,195,069.00	2033	65%	4,676,794.85
	TOTAL	40,121,402.00			31,817,572.20

* Note: Project timing will vary based on actual load growth amount and location.

** Values have been rounded.

IFFP Capital Projects and Costs

As previously mentioned, the costs for the above projects are estimated in 2024 dollars. As with most capital facilities plans, the majority of these projects are scheduled to occur in the earlier planning windows. However, growth in demand on the system generally happens in “groups” or “lumps” according to actual commercial and residential development. Actual load growth may be sooner or later than shown based on current economic and development levels. Projects shown in the IFFP may be delayed or accelerated based on actual load growth locations and timing.

Certification of the IFFP

I certify that the attached Impact Fee Facilities Plan:

1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;

CERTIFIED BY:

Signature: Mac Fillingim

Name: Mac Fillingim

Title: ICPE, Senior Engineer

Date: August 2024



LIQUOR LICENSE APPLICATION AND QUESTIONNAIRE

HURRICANE CITY
147 N 870 W
HURRICANE, UTAH 84737
(435) 635-2811

NOTE: **Please print or type.** All questions must be answered completely or application will not be considered.

NEW LICENSES OR CHANGE OF OWNERSHIP must be accompanied by:

- _____ \$50.00 non-refundable application fee
- _____ Annual license fee (refunded if application is denied)
- _____ Statement from 5 individuals or entities recommending the applicant
- _____ Copy of business license or business license application
- _____ Proof of completion of all necessary certifications by employees required by the city and state or understanding of necessary training requirements for new applicants
- _____ Names and addresses of shareholders, members, or partners (applicable to Corporations, limited liability companies and partnerships)

1. Applicant If the license is for an individual or sole proprietorship, applicant must be the owner. If license is for a corporation, the applicant shall be a corporate officer/agent authorized to make the application and a separate sheet must be attached giving the names and addresses of all shareholders owning more than 10% of the corporation. If license is for a limited liability company, applicant must be a manager or managing member authorized to make the application. If license is for a partnership, the applicant shall be a general partner and a separate sheet must be attached giving the names and addresses of all partners.

Name Matt Lowe

Home address 5500 S. Holladay Blvd Holladay UT 84117
(Street) (City) (State/Zip)

Phone Number 801-648-8229

Social Security # 529-47-0034 Date of Birth 12-12-74

U. S. Citizen? ☒ Yes ☐ No, if no, registered alien? ☐ Yes ☐ No

Relationship of applicant to entity for which license is sought:

_____ Owner _____ Corporate Agent _____ Corporate Officer _____ Officer
 _____ Partner _____ Member of Limited Liability Company _____ Other

2. Entity for which License is being sought

Sole Proprietorship _____ Corporation _____ Non Profit Corporation _____
Partnership ☒ LLC _____ Other _____

Name of Entity Stat Canyon Entry

Address of Principal Office 5926 S. Fashion Point Dr. Ogden UT 84403
(Street) (City) (State/Zip)

Phone 801-668-5612 Email Clinton@lowe.companies.com

Names, addresses, Phone, DOB, Social Security Number of all Corporate Officers, Partners, Members, Board of Directors and Shareholders (if necessary attach a separate sheet)

[illegible]

3. Business Name / Location / Management

Name under which business will be operated (if different from name of the applicant, corporation or partnership) _____

Business Address 495 E. 800 N. Hurricane UT 84737
(Street) (City) (State/Zip)

Phone Number 801-648-8229

Owner of Property Matt Lowe

Name of Business Manager Matt Lowe
(First) (Middle) (Last)

Social Security # 529-47-0034 Date of Birth 12-12-74

Phone Number 801-648-8229

*Distance in feet from nearest public or public or private school 8,976'

*Distance in feet from nearest church 11,616'

*Distance in feet from nearest public playground 5,280'

*Distance in feet from nearest public park 5,280'

*Distance in feet from nearest public library 7,920'

4. Classification of license applied for:

☐ Airport Lounge

☐ Bar

☐ Hotel

☐ Package Agency

☐ Restaurant-beer only

☐ Restaurant-Limited

☐ Beer wholesaler

☐ Manufacturing

☐ Banquet

☐ Beer Recreational

☐ Off-Premise Beer

☐ Reception Center

☒ Restaurant-Full

☐ Tavern

☐ Liquor warehouse

5. Miscellaneous Information (For purposes of the following questions, the term "you" shall refer to any applicant, corporate officer, corporate director, corporate agent, LLC member, partner or manager)

Have you ever been engaged in any other business where beer or alcoholic beverages were sold to the public? ☐ Yes ☒ No. If yes, state name of business, location of business, nature of business, date(s) of operation. _____

Have you at any time been convicted of a felony in any court in the United States? ☐ Yes ☒ No. If so, give particulars - City, Dates, pertinent information, etc. _____

Have you been convicted or have you entered a plea of guilty at any time to a law violation involving beer or alcoholic beverages? _____ Yes ☒ No. If so, give particulars – City, Dates, pertinent information, etc. _____

Give particulars of your employment or business engaged in during the past five years, stating dates, business name and address, nature of business, position or title, employer's name and address of business. _____

Are business premises to be leased? _____ Yes ☒ No. If yes, state name and address of lessor and nature of lessor's interest in business premises. _____

Will food be served at business location? ☒ Yes _____ No (If yes, please attach a sample of the menu you plan to use)

Has a license covering any place in which you had a financial interest ever been revoked or suspended? _____ Yes ☒ No If yes, state type of license, location of license, date license was revoked or suspended, reason for revocation or suspension _____

6. Additional Information: Give any additional information which you believe will help the City Council to make a decision upon your application: _____

STATE OF UTAH

)

: ss.

COUNTY OF WASHINGTON

)

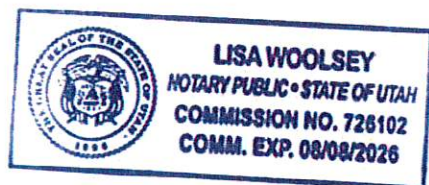
I, Math Lowe, being first duly sworn, depose and say as follows:

1. The foregoing Application and Questionnaire is in all respects true and correct, to the best of my knowledge and belief;
2. I am the applicant above-named and have not leased, assigned, or entered into a profit-sharing arrangement of any type with any other person for operation of the above-named business except as disclosed herein;
3. I have received and read the beer/alcoholic beverage license ordinance of the City of Hurricane, and I believe that this application in all respects conforms to the requirements thereof;
4. I consent to the entry in or upon the business premises by City employees or representatives at reasonable times for the purpose of inspecting the business premises to ensure compliance with applicable laws, ordinances, rules and regulation; and
5. I understand and agree that any false information contained in this application shall be grounds for denial of this application and shall constitute perjury.

Math Lowe
Applicant

SUBSCRIBED AND SWORN TO before me this 14th day of April, 2025

Lisa Woolsey
(NOTARY PUBLIC OR CITY LICENSE OFFICER)



(FOR OFFICE USE ONLY)

New license:

Date Application Reviewed:

Yes

Non-refundable application fee received

4-14-25

Refundable license fee received

4-14-25

Character statement from 5 residents received:

Application referred to: Planning & Zoning

Building Inspection Department

Fire Department

Police Department

Health Department

Business License obtained/applied for:

Date Application was considered by City Council:

Application: _____ granted _____ denied

Comments: _____

City License Officer

FEES

A non-refundable application fee of Fifty Dollars (\$50.00) shall be submitted with any application for an original license.

At the time of application for an original license or renewal license, the applicant shall pay an annual license fee as follows:

All Classifications \$300.00

If a license is issued on or after July 1 in any year, one-half of the annual license fee shall be charged.

Karri Richardson

From: Clint Hancock <Clint@lowecompanies.com>
Sent: Monday, April 14, 2025 11:12 AM
To: Karri Richardson
Subject: Fw: Please Approve

Clint Hancock
P: 801-668-5612
E: clint@lowecompanies.com

From: Mitch Godfrey <mitchwgodfrey@gmail.com>
Sent: Tuesday, April 8, 2025 1:09 PM
To: Clint Hancock <Clint@lowecompanies.com>
Subject: Please Approve

I, Mitch Godfrey at 3174 W 400 N, Hurricane UT, recommend that Slot Canyon Eatery (Matt Lowe) receives the liquor license for the approved restaurant.

Thanks,

Mitch Godfrey
Dual Broker
Basalt Realty & Property Management
435-705-4792

Karri Richardson

From: Clint Hancock <Clint@lowecompanies.com>
Sent: Monday, April 14, 2025 11:12 AM
To: Karri Richardson
Subject: Fw: Statement

Clint Hancock
P: 801-668-5612
E: clint@lowecompanies.com

From: Amy MacKay <mackayamy@icloud.com>
Sent: Tuesday, April 8, 2025 12:37 PM
To: Clint Hancock <Clint@lowecompanies.com>
Subject:

I, Amy MacKay, 1102 S 180 W Hurricane, recommend that Slot Canyon Eatery (Matt Lowe) receives the liquor license for the approved restaurant.

Thank you, Amy MacKay
Sent from my iPhone

Karri Richardson

From: Clint Hancock <Clint@lowecompanies.com>
Sent: Monday, April 14, 2025 11:13 AM
To: Karri Richardson
Subject: Fw: Liquor License for Slot Canyon Eatery

Clint Hancock
P: 801-668-5612
E: clint@lowecompanies.com

From: Shawn Pfunder <shawn@pfunder.me>
Sent: Tuesday, April 8, 2025 12:25 PM
To: Clint Hancock <Clint@lowecompanies.com>
Subject: Liquor License for Slot Canyon Eatery

Hello. I'm excited about this new restaurant coming to town. I want to let you know that I, Shawn Pfunder (resident of Hurricane), recommend that Matt Lowe receive a liquor license for Slot Canyon Eatery.

Can't wait for it to open.

Shawn Pfunder

Karri Richardson

From: Clint Hancock <Clint@lowecompanies.com>
Sent: Monday, April 14, 2025 11:13 AM
To: Karri Richardson
Subject: Fw:

Clint Hancock
P: 801-668-5612
E: clint@lowecompanies.com

From: Rebecca Bell <bellysprouts@gmail.com>
Sent: Tuesday, April 8, 2025 8:14 AM
To: Clint Hancock <Clint@lowecompanies.com>
Subject:

To whom it may concern,

I, Rebecca Bell, 805 W. 400 S. Hurricane, recommend that Slot Canyon Eatery (Matt Lowe), receives the liquor license for the approved restaurant.

- Rebecca Bell

Karri Richardson

From: Clint Hancock <Clint@lowecompanies.com>
Sent: Monday, April 14, 2025 11:13 AM
To: Karri Richardson
Subject: Fw: Slot Canyon Eatery

Clint Hancock
P: 801-668-5612
E: clint@lowecompanies.com

From: Brooke Wright <brooke@southarealty.com>
Sent: Tuesday, April 8, 2025 8:14 AM
To: Clint Hancock <Clint@lowecompanies.com>
Subject: Slot Canyon Eatery

I (Brooke Wright 1595 S 160 W, Hurricane, UT 84737) recommend that Slot Canyon Eatery (Matt Lowe) receives the liquor license for the approved restaurant.

Brooke Wright

Sincerely,

Brooke Wright
Global Real Estate Advisor

ENGEL&VÖLKERS

Engel & Völkers St. George
2 W. St. George Boulevard, Suite 30
St. George, Utah, 84770
USA

C +1 (435) 229-2411

O +1 (435) 216-7886

brooke@SoUtahRealty.com

brookewright.evrealestate.com



Download my EVInsider App

Slot Canyon Eatery Contemporary Southwestern Menu

Starters

- **Slot Canyon Sampler Platter** – Smoked pork belly bites, roasted poblano dip, crispy onion rings, and house-made cornbread.
- **Cheddar & Green Chile Queso** – Creamy melted cheese with mild green chiles, served with warm tortilla crisps.
- **Bacon-Wrapped Stuffed Peppers** – Sweet peppers filled with cream cheese and herbs, wrapped in crispy bacon.
- **Corn Fritters with Honey Butter** – Lightly fried corn fritters served with whipped honey butter and a touch of sea salt.
- **Slot Canyon Wings** – Crispy chicken wings tossed in your choice of buffalo, honey chipotle, or garlic parmesan sauce, served with ranch or blue cheese dressing.

Soups & Salads

- **Smoky Roasted Tomato Soup** – Fire-roasted tomatoes blended with charred bell peppers and basil.
- **Hearty Beef & Barley Soup** – Slow-simmered beef with barley, root vegetables, and a savory broth.
- **Grilled Steakhouse Salad** – Mixed greens, grilled steak, roasted corn, crispy shallots, and blue cheese dressing.
- **Autumn Harvest Salad** – Baby spinach, roasted butternut squash, candied pecans, dried cranberries, and goat cheese with maple vinaigrette.

Tacos & Enchiladas

- **Grilled Tri-Tip Tacos** – Marinated tri-tip steak with caramelized onions, white cheddar, and horseradish aioli.
- **Crispy Fish Tacos** – Beer-battered white fish with tangy slaw and house-made remoulade.
- **Smoked Brisket Enchiladas** – Slow-smoked brisket wrapped in flour tortillas with a mild roasted tomato sauce.
- **Roasted Chicken Enchiladas** – Pulled herb-roasted chicken in a light, creamy poblano sauce.

Burgers & Sandwiches

- **Slot Canyon Burger** – Half-pound Angus beef patty with smoked cheddar, crispy bacon, lettuce, tomato, and house sauce on a brioche bun.
- **Green Chile Bison Burger** – Juicy bison burger topped with roasted green chiles, pepper jack cheese, and chipotle aioli.

- **Southwest Chicken Sandwich** – Grilled chicken breast with avocado, pepper jack cheese, and chipotle mayo on a toasted bun.
- **Smoked Brisket Sandwich** – Slow-smoked brisket piled high on a brioche bun with house BBQ sauce and crispy onions.

Pizza

- **Classic Pepperoni** – House-made tomato sauce, mozzarella cheese, and spicy pepperoni on a hand-tossed crust.
- **Southwest Chicken Pizza** – Grilled chicken, roasted poblano peppers, red onions, pepper jack, and chipotle crema drizzle.
- **Margherita** – Fresh mozzarella, sliced tomatoes, and basil on a garlic olive oil base.
- **BBQ Brisket Pizza** – Smoked brisket, house BBQ sauce, red onions, cheddar, and mozzarella on a crispy crust.

Main Entrees

- **Mesquite-Grilled Ribeye** – 14 oz ribeye steak grilled over mesquite wood, served with garlic mashed potatoes and sautéed asparagus.
- **Bison Meatloaf** – House-made bison meatloaf with a chipotle glaze, served with roasted vegetables and Yukon gold mash.
- **Slot Canyon Pork Chop** – Bone-in pork chop with a bourbon apple glaze, served with roasted sweet potatoes.
- **Wild Mushroom & Goat Cheese Ravioli** – Handmade pasta filled with wild mushrooms and goat cheese, finished with a light brown butter sauce.
- **Classic New York Strip** – 12 oz New York strip steak, grilled to perfection and served with herb butter and a side of roasted potatoes.
- **Grilled Salmon** – Fresh salmon fillet with lemon herb butter, served with wild rice and seasonal vegetables.

Sides

- **Grilled Street Corn** – Charred corn with butter, smoked paprika, and parmesan.
- **Buttermilk Mashed Potatoes** – Creamy mashed potatoes with roasted garlic and chives.
- **Cowboy Baked Beans** – Slow-cooked beans with smoked sausage and brown sugar.
- **Roasted Seasonal Vegetables** – A mix of fresh, locally sourced roasted vegetables.
- **Sweet Potato Fries** – Crispy sweet potato fries with a hint of sea salt.

Desserts

- **Cast-Iron Skillet Brownie** – Warm chocolate brownie with vanilla bean ice cream and caramel drizzle.
- **Maple Pecan Bread Pudding** – Rustic bread pudding with maple syrup and toasted pecans.

- **Honey-Lavender Cheesecake** – Silky cheesecake infused with lavender and drizzled with local honey.
 - **Peach & Berry Cobbler** – Fresh peaches and mixed berries baked with a cinnamon oat crumble, served with vanilla ice cream.
-

Beverages

- **Hibiscus Iced Tea** – Freshly brewed hibiscus tea with a touch of citrus.
 - **House-Made Lemonade** – Classic lemonade with agave nectar.
 - **Signature Mocktails** – Seasonal non-alcoholic beverages crafted with fresh fruit and herbs.
 - **Craft Beer & Wine Selection** – A rotating menu of local craft beers and fine wines.
 - **Full Bar Available** – Featuring handcrafted cocktails and specialty spirits.
-



147 N 870 WEST, HURRICANE, UTAH 84737
PHONE: 435-635-2811 FAX: 435-635-2184
www.cityofhurricane.com

Date of Application 4/7/2024

License Fee \$50.00
Application Fee \$25.00
Total Due \$75.00

BUSINESS LICENSE APPLICATION

NOTICE: Please complete each statement below. Incomplete applications will not be accepted.

SECTION A — BUSINESS INFORMATION

Name of Business: Slot Canyon Eatery

Business Phone: 801-648-8229 Business Email: matt@lowecompanies.com

Business Address: 495 East 800 North Hurricane UT 84737
(Street Number) (Suite) (City) (State) (Zip)

Mailing Address (if different): 5926 Fashion Point Dr. Suite 210 Ogden UT 84403
(Street Number) (City) (State) (Zip)

State Sales Tax Number (if applicable): _____ Dept. of Commerce Entity #: 14557878-0160

Professional License # (if applicable): _____ Federal Identification #: 33-4353992

Website: _____

Description of Business: Full Service Restaurant

Will there be any building or remodeling: Yes Will the business be located in a newly constructed building: No
Commercial Lease-Property Owner Written Approval: Yes Are you a Sexually Oriented Business: No
Does your business sell alcohol: Yes Does your business sell tobacco products: No

PART B — HOME OCCUPATION APPLICANTS ONLY

- Will customers visit the home.....
- Will display or stock of merchandise be at home
- Will employees be at the house.....
- Any unusual traffic be created in neighborhood.....
- Will parking on roadside be needed.....
- Will flammable, toxic or poisonous materials be kept at the home
- Will there be any disposal of material into the septic or sewersystem?
- What portion of home is to be used for business (25% total structure area).....

PART C — BUSINESS OWNER INFORMATION

A list of all corporate officers or partners must be included. This list must include name, home address, and phone number.

Owner's Name: Matthew Lowe Phone Number: 801-648-8229

Home Address: 5500 S Holladay Blvd Holladay UT 84117
(Street Number) (City) (State) (Zip)

Please add any additional owners/partners on a separate piece of paper and attach.

➤ This form is an application for a business license. The receipt for payment of license fees thereof does not constitute being approved to operate a business. The actual license will be issued only when all inspections are completed and signed off by the various City departments and approval is given by the Business License Office. To open and/or operate a business without final approval is a Class B Misdemeanor and punishable by law.

Manager (if different): Clint Hancock

Phone Number: 801-668-5612

All businesses licensed in Hurricane City must be in compliance with applicable fire codes and regulations at all times. New businesses may be required to pass a fire inspection prior to issuance of a business license. Fire inspections encompass, but are not limited to: fire equipment such as extinguishers, exits and aisles, electrical equipment, storage, and fire protection systems. Inspections may include additional areas of concern specific to particular business activities and/or locations. The licensing clerk will inform new applicants whether an initial inspection is required. Please contact the Hurricane Valley District at 435-635-9562 to schedule an inspection.

I understand that compliance with applicable fire codes and regulations is required for all businesses licensed in Hurricane City. I understand that a fire inspection of my business may be required in the future and would be conducted by Hurricane City Fire Department personnel. I understand that failure to comply with applicable fire codes and regulations may be grounds for revocation of my business license.

I UNDERSTAND AND AGREE to comply with all regulations of Title 3 Business License Regulations. I UNDERSTAND that business shall not commence at this location without first obtaining an official copy of the business license, and that inspections of the City Building, Zoning, Fire Officials, and the County Health Officials must first be completed and the building approved by these officials for business activities.

Math Le
Applicant's Signature

4/14/25
Date

TOTAL FEES \$ <u>75</u>	Office Use Only AMOUNT PAID \$ <u>75</u>
DATE <u>4-14-25</u>	RECEIPT # <u>8.000188243</u>
CITY LICENSE NUMBER _____	
Home Occupation: yes <input checked="" type="radio"/> no	Zone: <u>HC</u>
Planning Commission Approval Required: yes / no	Permitted Use: <input checked="" type="radio"/> / no
Planning Commission approval date: _____	If yes, which approval: site plan / conditional use
New Construction: yes <input checked="" type="radio"/> no	Zoning approval/date: <u>4/21/25</u>
Remodel: <input checked="" type="radio"/> yes / no	Building Permit: yes <input checked="" type="radio"/> / no
Certificate of Occupancy or Tenant Improvement inspection required: <input checked="" type="radio"/> yes / no	

REAL ESTATE AND EASEMENT EXCHANGE AGREEMENT

This Real Estate and Easement Exchange Agreement (“Agreement”) is entered into on the 1st day of May, 2025, by and between Hurricane City, a Utah municipal corporation (“City”) and Urban Investments, LLC, a Nevada limited liability company (“Urban”) (the City and Urban are referred to collectively as the “Parties”).

RECITALS

- A. The City owns a parcel of land planned for a water well site, which is described at Exhibit A attached hereto (referred to herein as “Parcel A”). The City has determined that Parcel A is not a suitable location for a permanent well site.
- B. On November 8, 2024, Urban granted the City a temporary easement to drill a test well on land owned by Urban, with the agreement that if the City determined that the location was appropriate to develop a permanent well, the Parties would coordinate and cooperate in good faith to convey fee title of the site to the City. The City has determined that the location is appropriate to develop a permanent well, and the Parties desire through this Agreement to convey title of the site to the City, among other agreements between the Parties. The real property to be conveyed to the City by Urban is described at Exhibit B (referred to herein as “Parcel B”).
- C. As described in this Agreement, the Parties desire to exchange Parcel A for Parcel B, with no additional compensation being received by either Party.
- D. The City also owns easements for water lines within Urban’s property that provide connections between Parcel A, a future water tank site in the vicinity that is under construction, and other City water infrastructure. These existing easements are described at Exhibit C attached hereto (easements are referred to collectively as “Prior Easements”).
- E. Due to the exchange of Parcels A and B and the relocation of the well site, as well as Urban’s refinement of the locations of planned future roadways within its property, the Parties desire to abandon the Prior Easements and replace them with updated water line easements that will better serve both Parties. The updated easements are described at Exhibit D attached hereto (easements are referred to collectively as “Updated Easements”).
- F. A demonstrative Site Exhibit is attached hereto as Exhibit E.

NOW, THEREFORE, the City and Urban AGREE as follows:

- 1. Recitals. The Recitals above are incorporated into this Agreement as if set forth herein.
- 2. Property Exchange. The City will convey to Urban by warranty deed Parcel A, and in exchange Urban will convey to City by warranty deed Parcel B.
- 3. Easement Abandonment and Relocation. The City will abandon any claim to the Prior Easements, and in exchange Urban will grant to the City the Updated Easements.
- 4. Mutual Cooperation, Concurrent Recording, and Additional Documents. Each Party will use its best and reasonable efforts to successfully carry out and complete each task, covenant, and obligation as stated herein. Each of the Parties shall cooperate in good faith with the other and shall do any and all acts and execute, acknowledge, and deliver

any and all documents so requested in order to satisfy the conditions set forth herein and carry out the intent and purposes of the Agreement. The conveyance documents to be recorded shall be concurrently delivered to the Washington County Recorder for recording.

5. Closing. The Parties will prepare and submit to the Washington County Recorder for recording the documents necessary to accomplish the purposes of this Agreement on or before May 9, 2025.
6. General Terms.
 - a. This Agreement may be executed on two or more counterparts, each of which shall be an original, but all of which shall constitute one and the same instrument.
 - b. Any uncertainty or ambiguity existing herein shall not be interpreted against any Party because such party prepared any portion of this Agreement but shall be interpreted according to the application of rules and interpretation of contracts generally.
 - c. This Agreement shall be governed by the laws of the State of Utah both as to interpretation and performance.
 - d. Neither any other provisions contained in this Agreement nor any acts of any party shall be deemed or construed by another party or by any third person to create the relationship of partnership or of shared venture of any association between the Parties, other than contractual relationships stated in this Agreement.

HURRICANE CITY

URBAN INVESTMENTS, LLC

By: Nanette Billings
Its: Mayor

By:
Its:



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

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EXHIBIT "A"

PARCEL A WATER WELL SITE

COMMENCING AT THE SOUTH $\frac{1}{4}$ CORNER OF SECTION 33, TOWNSHIP 42 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN, THENCE SOUTH $88^{\circ}54'47''$ EAST 716.59 FEET ALONG THE SECTION LINE; THENCE NORTH 144.62 FEET TO THE POINT OF BEGINNING, AND RUNNING THENCE NORTH $88^{\circ}54'47''$ WEST 200.00 FEET; THENCE NORTH $01^{\circ}05'13''$ EAST 200.00 FEET; THENCE SOUTH $88^{\circ}54'47''$ EAST 200.00 FEET; THENCE SOUTH $01^{\circ}05'13''$ WEST 200.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 40,000 SQUARE FEET OR 0.92 ACRES, MORE OR LESS.



ALPHA
ENGINEERING

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St George, Utah 84770

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EXHIBIT "B"

**PARCEL B
WATER WELL SITE
H-3403-X AND H-3403-U
(April 25, 2025)**

COMMENCING AT THE SOUTH $\frac{1}{4}$ CORNER OF SECTION 33, TOWNSHIP 42 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN, THENCE NORTH $88^{\circ}59'49''$ WEST 1371.25 FEET ALONG THE SECTION LINE; THENCE NORTH 185.84 FEET TO THE POINT OF BEGINNING AND RUNNING THENCE NORTH $01^{\circ}00'11''$ EAST 200.00 FEET; THENCE SOUTH $88^{\circ}59'49''$ EAST 200.00 FEET; THENCE SOUTH $01^{\circ}00'11''$ WEST 200.00 FEET; THENCE NORTH $88^{\circ}59'49''$ WEST 200.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 40,000 SQUARE FEET OR 0.92 ACRES, MORE OR LESS.



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EXHIBIT "C"

PRIOR EASEMENTS

A 25.0' FOOT WIDE ACCESS ROAD AND PUBLIC UTILITY EASEMENT BEING 12.5' FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTH $\frac{1}{4}$ CORNER OF SECTION 33, TOWNSHIP 42 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN, THENCE SOUTH $88^{\circ}54'47''$ EAST 716.59 FEET ALONG THE SECTION LINE; THENCE NORTH 159.95 FEET TO THE POINT OF BEGINNING, AND RUNNING THENCE NORTH $55^{\circ}43'00''$ EAST 1767.64 FEET TO THE POINT OF TERMINUS.

CONTAINS 1,767 LINEAL FEET AND 44,191 SQUARE FEET OR 1.01 ACRES, MORE OR LESS.

ALSO,

A 25.0 FOOT WIDE ACCESS ROAD AND PUBLIC UTILITY EASEMENT OVER AN EXISTING DIRT ROAD, BEING 12.5 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 42 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN, THENCE NORTH $88^{\circ}54'47''$ WEST 381.39 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING, AND RUNNING THENCE NORTH $08^{\circ}15'54''$ EAST 729.23 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 400.00 FEET; THENCE NORTHERLY 240.98 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $34^{\circ}31'04''$; THENCE NORTH $26^{\circ}15'10''$ WEST 304.90 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 400.00 FEET; THENCE NORTHERLY 202.54 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $29^{\circ}00'42''$; THENCE NORTH $02^{\circ}45'32''$ EAST 1055.03 FEET; THENCE NORTH $02^{\circ}42'06''$ WEST 160.35 FEET TO THE POINT OF TERMINUS.

CONTAINS 2,693 LINEAL FEET AND 67,326 SQ. FT. OR 1.54 ACRES.



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EXHIBIT "D"

UPDATED EASEMENTS H-3403-X AND H-3403-U (April 25, 2025)

WATER LINE EASEMENT

COMMENCING AT THE SOUTH $\frac{1}{4}$ CORNER OF SECTION 33, TOWNSHIP 42 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN, THENCE NORTH $88^{\circ}59'49''$ WEST 1371.25 FEET ALONG THE SECTION LINE; THENCE NORTH 185.84 FEET TO THE POINT OF BEGINNING AND RUNNING THENCE NORTH $88^{\circ}59'49''$ WEST 25.00 FEET; THENCE NORTH $01^{\circ}00'11''$ EAST 465.37 FEET; THENCE SOUTH $88^{\circ}58'33''$ EAST 2434.57 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 769.50 FEET; THENCE EASTERLY 392.40 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $29^{\circ}13'04''$; THENCE NORTH $61^{\circ}48'23''$ EAST 241.21 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 769.50 FEET; THENCE NORTHEASTERLY 816.58 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $60^{\circ}48'06''$; THENCE NORTH $01^{\circ}00'17''$ EAST 755.39 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 760.50 FEET; THENCE NORTHERLY 347.42 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $26^{\circ}10'28''$; THENCE NORTH $27^{\circ}10'46''$ EAST 9.53 FEET; THENCE SOUTH $89^{\circ}03'56''$ EAST 27.87 FEET; THENCE SOUTH $27^{\circ}10'46''$ WEST 21.86 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 735.50 FEET; THENCE SOUTHERLY 336.00 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $26^{\circ}10'28''$; THENCE SOUTH $01^{\circ}00'17''$ WEST 755.39 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 794.50 FEET; THENCE SOUTHWESTERLY 843.11 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $60^{\circ}48'06''$; THENCE SOUTH $61^{\circ}48'23''$ WEST 241.21 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 794.50 FEET; THENCE WESTERLY 405.15 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $29^{\circ}13'04''$; THENCE NORTH $88^{\circ}58'33''$ WEST 2409.57 FEET; THENCE SOUTH $01^{\circ}00'11''$ WEST 440.36 FEET TO THE POINT OF BEGINNING.

CONTAINS 3.13 ACRES, MORE OR LESS.

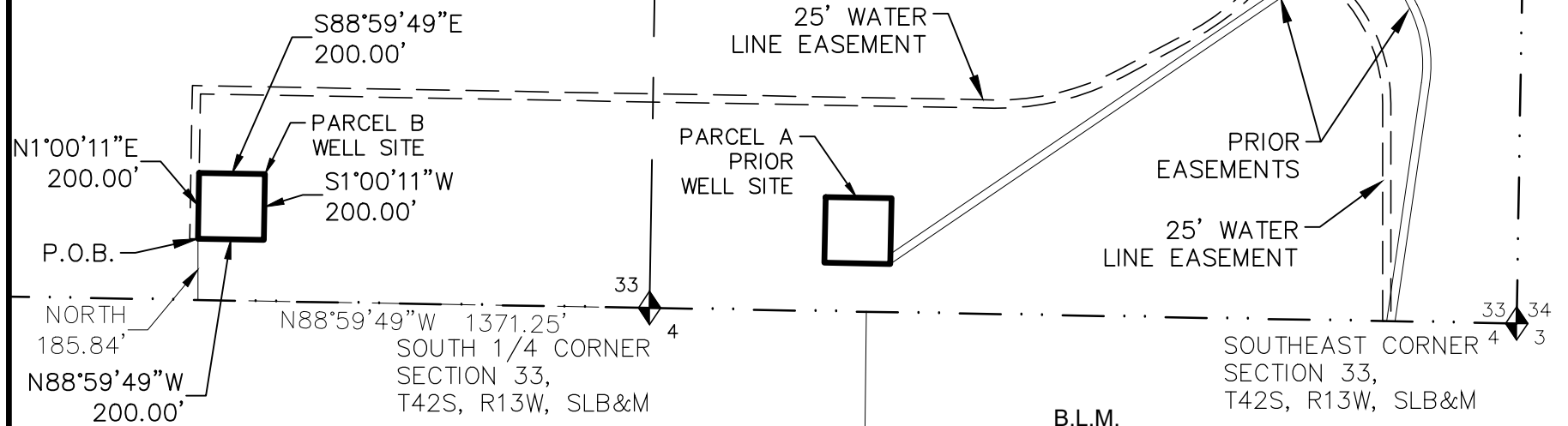
WATER LINE EASEMENT

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 42 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN THENCE NORTH $88^{\circ}58'12''$ WEST 381.89 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING AND RUNNING THENCE NORTH $88^{\circ}58'12''$ WEST 25.00 FEET; THENCE NORTH 660.86 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 487.50 FEET; THENCE NORTHWESTERLY 486.28 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $57^{\circ}09'08''$; THENCE NORTH $57^{\circ}09'08''$ WEST 81.36 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 794.50 FEET OF WHICH THE RADIUS POINT LIES NORTH $56^{\circ}17'50''$ WEST; THENCE NORTHEASTERLY 25.00

FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $01^{\circ}48'11''$ AND A CHORD BEARING OF NORTH $32^{\circ}48'05''$ EAST 25.00 FEET; THENCE SOUTH $57^{\circ}09'08''$ EAST 81.38 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 512.50 FEET; THENCE SOUTHEASTERLY 511.22 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $57^{\circ}09'08''$; THENCE SOUTH 661.31 FEET TO THE POINT OF BEGINNING.

CONTAINS 31,028 SQUARE FEET OR 0.71 ACRES, MORE OR LESS.

Exhibit "E"



WELL SITE AND P.U.E.
H-3403-X AND H-3403-U
SITE EXHIBIT



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046-200 4/25/2025

**AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING
TITLE 1, CHAPTER 5 TO ADD SECTION 7 WITH REGARDS TO TERM LIMITS FOR
ELECTED MUNICIPAL OFFICERS**

WHEREAS, the City Council of Hurricane, Utah desires to amend Title 1, Chapter 5 of the Hurricane City Code; and

WHEREAS, the City Council finds these amendments necessary and desirable for the preservation of the general health, safety, and welfare of the residents of Hurricane City;

BE IT HEREBY ORDINATED by the Hurricane City Council that Section 1-5-7 be added to the Hurricane City Code and to read as follows:

Sec. 1-5-7 Term Limits for Elected Municipal Officers.

A. Definitions. The terms utilized in this Section shall have the following meanings ascribed to them, unless the context clearly requires otherwise:

1. "Consecutive" means immediately following, without a break in service.
2. "Term" or "term of office" means the four-year period of time for which a mayor or council member is elected as provided by law.

B. Term limits established.

1. No person shall serve more than two consecutive terms of office as the mayor or a city council member; provided, however, that such person shall be eligible to hold office after a break in service of twenty-four months.

2. For purposes of this Section:

a. The office of mayor is separate and distinct from the office of a member of the city council.

b. A person serving for at least two years of an elected term shall be considered to have served a full term of office.

c. Any periods of time during which a mayor or city council member serves as an appointed mayor or city council member shall not be included in the calculation of consecutive terms.

d. A former mayor or city council member may be appointed to a position to fill a vacancy as otherwise provided by law without regard to the limits of this Section.

C. Effective date. In applying the term limits established by this Section, the calculation of consecutive terms shall begin with terms beginning or being served as of January 2026.

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

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.

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.

BE IT FURTHER ORDAINED that this Ordinance shall, after adoption and approval, take effect immediately upon publication or posted as required by law.

PASSED AND APPROVED this 1st day of May 2025

Hurricane City

Nanette Billings, Mayor

Attest:

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 1st day of May, 2025. 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
Joseph Prete	_____	_____	_____	_____
Clark Fawcett	_____	_____	_____	_____
David Hirschi	_____	_____	_____	_____
Kevin Thomas	_____	_____	_____	_____
Drew Ellerman	_____	_____	_____	_____

Recorder

Chapter 4 - Equipment and Technology

Local Government-Owned and Personal Property

400.1 PURPOSE AND SCOPE

This policy addresses the care of city-owned property and the role of the City when personal property, the property of another person or entity, or city-owned property is damaged or lost.

400.2 POLICY

The City will ensure that employees are issued appropriate property and equipment necessary for the employee's job function. The City will take steps to minimize the cost associated with maintaining city property, including personal property authorized for use in the employee's duties.

400.3 CITY-OWNED PROPERTY

Supervisors should document all property and equipment issued by the City in the appropriate file at the time of issuance. Upon separation from the City, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

400.3.1 EMPLOYEE RESPONSIBILITIES

Employees shall be responsible for the safekeeping, serviceable condition, proper care, proper use, and replacement of city property that has been assigned or entrusted to them.

- (a) Employees shall promptly report, through their supervisors, any loss of, damage to, or unserviceable condition of any city-issued property or equipment.
- (b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available.
- (c) Except when otherwise directed by a supervisor or when exigent circumstances exist, city-issued property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) City-issued property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without prior approval.
- (e) Employees should obtain a supervisor's approval before any attempt to repair damaged or unserviceable property, unless the repair is of a minor or temporary nature.
- (f) Employees shall not use City-owned postage metering machines for posting or mailing of non-City material.
- (g) Employees using City-owned copying machines for personal reasons must provide payment according to the consolidated fee schedule.
- (h) Employees are expressly prohibited from making long distance telephone calls of a personal nature on City-owned telephones.
- (i) Employees will use City-owned telephones for local personal calls judiciously.

Local Government-Owned and Personal Property

400.3.2 USE OF CITY-OWNED EQUIPMENT BY NON-CITY EMPLOYEES

Use of City-owned equipment by private contractors or individuals is prohibited. This does not prohibit use of equipment under cooperative agreement with other governmental entities or assistance to civic organizations for the public good. Such assistance shall be approved by the City Manager or designee prior to being performed except in emergencies.

400.4 PERSONAL PROPERTY

Personal property or equipment shall not be carried during work hours or used for work-related purposes without prior approval by the City Manager or appropriate supervisor. The employee should submit a request that includes a description of the property and the reason and length of time it will be used. Personal property of the type routinely carried (e.g., cell phone, wallet, sunglasses) is excluded from this requirement (see the Personal Communication Devices Policy).

The City will not replace or repair property that is not reasonably required as part of work.

400.4.1 FILING CLAIMS FOR PERSONAL PROPERTY

An employee requesting reimbursement for damage to, or loss of, personal property must submit the request in writing to the employee's immediate supervisor.

Upon review by the supervisor and a finding that no misconduct or negligence was involved, repair or replacement may be recommended to the City Manager or the authorized designee, who will then forward the claim to the department responsible for issuing payments.

400.5 SUPERVISOR RESPONSIBILITIES

The supervisor receiving a report that property, including personal property authorized for use, has been damaged should conduct an investigation and direct a memo to the City Manager or the authorized designee. The memo should include the result of the investigation and whether reasonable care was taken to prevent the loss, damage, or unserviceable condition.

In cases where the supervisor has reason to believe that misconduct or negligence was involved in the loss, damage, or unserviceable condition of property, the supervisor should consider whether disciplinary or other corrective action would be appropriate.

400.6 DAMAGE TO PROPERTY OF ANOTHER PERSON OR ENTITY

Employees who damage or cause damage to the real or personal property of another person or entity while performing any city function shall promptly report the damage to a supervisor.

400.6.1 DAMAGE BY OTHERS

Employees who observe damage to the real or personal property of the City should report the damage as follows:

- (a) A verbal report should be made to the employee's immediate supervisor and to the employee or department responsible for the property as soon as practicable.
- (b) A written report should be submitted before the end of the employee's workday or as otherwise directed by the supervisor.

Personal Communication Devices

401.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and other communication devices, whether issued or funded by the City or personally owned, during work hours or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless-capable tablets and similar wireless two-way communications, and/or portable internet access devices. PCD use includes but is not limited to placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games, and accessing sites or services on the internet.

401.2 POLICY

The City allows employees to utilize city-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used during work hours, or during non-work hours, for business-related purposes, or reasonably associated with work-related misconduct will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either during work hours or non-work hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

401.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the City and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through city PCDs or networks (see the Information Technology Use Policy for additional guidance).

Employees have no expectation of privacy regarding any communications while using a personally owned PCD for city-related business or when the use reasonably implicates work-related misconduct.

Personal Communication Devices

401.4 LOCAL GOVERNMENT-ISSUED PCD

Depending on an employee's assignment and the needs of the position, the City may, at its discretion, issue or fund a PCD for the employee's use to facilitate work performance. Such devices and the associated telephone number, if any, shall remain the sole property of the City and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

The City provides cell phones to every supervisor. Additional cell phones for other employees may be authorized by a Department Head with approval of the City Manager. Employees with City cell phones are required to have their phones on and available for use at all times.

While cell phones are provided for City use, the City recognizes the need for some personal use. Each employee issued a phone will have a payroll deduction to cover the cost of personal use. Minutes and data use will be monitored by the supervisor and employees may be asked to substantiate calls and data usage if a question arises.

401.5 PERSONALLY OWNED PCD

Employees may carry a personally owned PCD during work hours, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The City accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used, and maintained solely at the employee's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of internal communication systems) or as otherwise authorized by city procedures.
 - 1. Use of a personally owned PCD for work-related business constitutes consent for the City to access the PCD to inspect and copy the work-related data (e.g., for litigation purposes, public records retention and release obligations, internal investigations).
 - 2. Use of and data within a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.
 - 3. Searches of a personally owned PCD by the City should be limited to those matters reasonably associated with the work-related business or work-related misconduct.
- (e) The device shall not be utilized to record or disclose any city business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the City, without the express authorization of the City Manager or the authorized designee.

Personal Communication Devices

- (f) All work-related documents, emails, photographs, recordings, and other public records created or received on an employee's personally owned PCD should be transferred to the City and deleted from the employee's PCD as soon as reasonably practicable but no later than the end of the employee's workday.

Except with prior express authorization from their supervisors, employees are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD during non-work hours. If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing employment agreements, or if the employee has prior express authorization from a supervisor, the employee may engage in city business-related communications. Should employees engage in such approved communications or work during non-work hours, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Employees who independently document city-related business activities conducted during non-work hours in any manner shall promptly provide the City with a copy of such records to ensure accurate recordkeeping.

401.6 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that employees under their supervision are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring to the extent practicable, PCD use in the workplace and taking prompt corrective action if an employee is observed or reported to be improperly using a PCD.
 - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
 - 2. Before conducting any administrative search of an employee's personally owned device, supervisors should consult with the City Manager or the authorized designee.

401.7 OFFICIAL USE

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other city communications network.

401.8 USE WHILE DRIVING

Employees operating vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. Hands-free use should be restricted to urgent business-related calls.

Vehicle Maintenance

402.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that city vehicles are appropriately maintained. Each department should establish policies concerning the use and maintenance of its vehicles.

402.2 POLICY

The City will service department vehicles to ensure they remain operational and maintain their appearance, as resources allow.

402.3 GENERAL DUTIES

Employees are responsible for assisting in maintaining City vehicles so that they are properly equipped, maintained, refueled, and present a clean appearance.

402.4 DEFECTIVE VEHICLES

When a vehicle becomes inoperable or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition and forwarded to a supervisor for action.

Documents describing the correction of the safety issue shall be promptly filed by the supervisor with the vehicle history.

Supervisors are required to ensure that all vehicle safety recalls are addressed in a timely manner.

402.4.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

402.4.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, and severe weather exposure.

402.4.3 REMOVAL OF WEAPONS

Any authorized firearms, weapons, and control devices shall be removed from a vehicle and properly secured prior to the vehicle being released for maintenance, service, or repair.

402.5 VEHICLE REFUELING

Generally, vehicles should not be operated with less than one-quarter tank of fuel. Vehicles should not be returned to the pool or the assigned department at the end of the workday with less than one-quarter tank of fuel. Vehicles shall only be refueled at an authorized location. Absent extenuating circumstances, employees must use the gas card assigned to the vehicle.

Vehicle Maintenance

402.6 WASHING OF VEHICLES

Vehicles shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to maintain the professional appearance of the City.

Employees using a vehicle shall remove any trash or debris at the end of their workday. Confidential material should be placed in a designated receptacle that has been provided for shredding this material.

Vehicle Use

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for employees who use vehicles for city business. This policy does not create or imply any contractual obligation by the City to provide assigned vehicles.

Individual department heads may have additional policies for vehicle use to address specific vehicles (e.g., emergency vehicles) and duty assignments (e.g., law enforcement undercover work).

403.2 POLICY

The City authorizes the use of certain vehicles for official city business to enhance operational efficiency and requires that vehicles are operated in a safe and legal manner.

403.3 DESIGNATED EMPLOYEE USE

Assigned Vehicle (Public Safety):

City vehicles are assigned to each officer to allow him/her to respond to police related activities as required. These employees have 24-hour use of their assigned vehicles. Any non-police passengers prior to the officer responding to an emergency response situation must be discharged from the vehicle in a safe location prior to responding to a situation. Non-police passengers may ride in police vehicles when authorized by the Department. City vehicles are not for personal use.

Assigned Vehicle (Non-Public Safety):

City vehicles may be assigned by their Departments to employees to allow them to respond to work related activities as required and as determined by the Department, and vehicle use by Department Heads as determined by the City Manager. Non-City employees are prohibited from driving or operating any City-owned vehicles. Incidental personal use while traveling to and from work is permissible. Exceptions to this policy may be approved by the City Manager.

On-call Emergency Use:

City vehicles may be assigned by the Department for overnight use to an employee for work related activities on an on-call basis.

Fleet Use:

City vehicles are assigned by the Department for the daily use to perform work related activities. The vehicle is limited to official City business.

403.4 RESIDENCY REQUIREMENTS

Public Safety:

Police - An officer must live within a twelve (12) mile radius from the City limit.

Vehicle Use

Fleet Use:

Power - An employee must live within a twelve (12) mile radius from their place of work (Power Department building).

Water - An employee must live within a twelve (12) mile radius from their place of work (Water Department building).

Street - An employee must live within a twelve (12) mile radius from their place of work (Street Department building).

Any employee living within the 12 miles radius who moves outside this radius will be charged a mileage rate equal to the federal mileage rate for business for every mile beyond the 12 mile radius they drive for commuting. Employees in the water, streets, and power departments that are subjected to on call shifts will be considered to have tendered their resignation if they move outside the 12 miles radius unless otherwise agreed to by the City.

403.5 USE OF VEHICLES

The City reserves the right to deny any employee the use of a City vehicle and may choose not to indemnify any employee who fails to adhere to vehicle use policies and procedures. Any City employee that does not adhere to this policy and corresponding procedures may be subject to appropriate disciplinary action up to and including termination.

In order to be authorized to operate a City vehicle, an operator must be an employee of Hurricane City and must possess a valid Utah Driver's License. This license must be the appropriate license for the vehicle to be operated.

In the event an employee's driver's license is suspended for any reason, the employee shall promptly notify the Department Head with written notice within one working day and a copy of that notice shall be forwarded to the Administration/Human Resources Department. The employee shall not operate any City vehicle during the term of the stipulated suspension.

403.5.1 VEHICLE ASSIGNMENTS

City vehicles may be assigned to individual employees at the discretion of the City Manager or the authorized designee. Vehicles may be assigned for partial or full workday use and/or take-home use. Vehicle assignments may be changed or suspended at any time. Permission to take home a vehicle may be withdrawn at any time.

Vehicle assignments shall be based on the employee's job description, essential functions, and employment status. Vehicles may be reassigned or utilized by other city employees at the discretion of the City Manager or the authorized designee.

403.5.2 EMPLOYEE RESPONSIBILITIES

Employees operating a vehicle as part of their job with the City shall:

- (a) Possess a valid driver's license.

Vehicle Use

1. Employees shall report any suspensions or revocations of their license and any changes to driving privileges as soon as practicable and before any subsequent city vehicle use or personal vehicle use for city business.
2. Employees must possess a valid commercial driver's license or special class license when applicable.
 - (a) The City provides health insurance for all full-time employees that cover one physical each year.
 1. If a physical examination is required for commercial or other special class license, the employee should work with the medical professional performing the physical to ensure all applicable licensing requirements are met through the physical examination.
 2. Part-time employees may be reimbursed if their health insurance does not cover this visit but only to the extent of the out of pocket amount
 - (b) Provide the City with a driver's history report upon request.
 1. The City regularly obtains driver license records of City employees who are authorized to drive city vehicles in collaboration with the Utah Local Government Trust.
 - (c) Notify a supervisor of any citations or arrests for motor vehicle-related violations or offenses as soon as practicable.
 - (d) Obey all traffic laws.
 - (e) Maintain any personal vehicles used for city business in safe working order.

403.5.3 INSPECTIONS

Employees shall be responsible for inspecting the interior and exterior of any assigned city vehicle. If the vehicle is assigned for the workday, it should be inspected before use and at the conclusion of the workday. If the vehicle is assigned for less than a workday, it should be inspected before use and upon conclusion of use. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

All city vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

403.5.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times to safeguard any city equipment prior to parking or leaving the vehicle.

403.5.5 VEHICLE LOCATION SYSTEM

City vehicles, at the discretion of the City Manager, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information,

Vehicle Use

employees are not relieved of their responsibility to use any required communication practices to report their location and status.

Employees shall not make any unauthorized modifications to the system. If an employee finds that the system is not functioning properly at any time, the employee should notify a supervisor as soon as reasonably practicable.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require City Manager approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

403.5.6 KEYS

Employees who are assigned a specific vehicle should be issued keys for that vehicle. Employees shall not duplicate keys or share them with any person except another employee authorized to use that vehicle. The loss of a key shall be promptly reported in writing to the employee's supervisor.

403.5.7 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions, or removal of any equipment or accessories from [City](#) vehicles without written permission from the City Manager or the authorized designee.

403.6 UNSCHEDULED TAKE-HOME USE

Employees [without assigned City vehicles](#) may take home [City](#) vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the City.
- (b) Other reasonable transportation options are not available.
- (c) The employee lives within a reasonable distance (12 miles) from the [City](#) limits.
- (d) Off street parking will be available at the employee's residence.
- (e) The vehicle will be locked when not attended.

403.7 ASSIGNMENT OF TAKE-HOME VEHICLES

Assignment of take-home vehicles should be based on the location of the employee's residence, the nature of the employee's job, whether the employee performs work outside of regular business hours, the employee's employment status, and available resources.

ON-CALL

On-call personnel are required to take a vehicle home during the hours they are assigned to an on-call shift. On-call personnel need to respond to Hurricane City within twenty (20) minutes of being called upon.

Vehicle Use

Employees are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the employee. Questions regarding tax rules should be directed to the employee's tax adviser. The [accompanying procedure](#) provides additional information about compensation and taxation regarding take-home vehicles.

Travel to and from the home will not be considered work time unless the employee is responding to and from an emergency as part of the employee's duties.

403.8 DAMAGE, ABUSE, AND MISUSE

When any city vehicle is involved in a traffic accident or otherwise incurs damage, the involved employee shall promptly notify a supervisor. Any traffic accident report shall be filed with the agency having jurisdiction, with a copy provided to the City Manager or the authorized designee.

Damage to any City vehicle that was not caused by a traffic accident shall be immediately reported during the shift or workday in which the damage was discovered and documented in memorandum format, which shall be forwarded to the City Manager or the authorized designee. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

Vehicle Safety Restraints/Safety Belts

404.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of safety belts and child restraints. This policy will apply to all employees operating or riding in city vehicles.

Individual department policies may provide additional guidance.

404.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and regulations set forth in 49 CFR 571.213.

404.2 POLICY

It is the policy of the City that employees use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

404.3 WEARING OF SAFETY RESTRAINTS

All employees shall wear properly adjusted safety restraints at all times when operating or riding in a seat equipped with restraints, in any vehicle owned, leased, or rented by this city, or in any privately owned vehicle when conducting city business. The employee driving such a vehicle shall ensure that all other occupants, including those who are not employees of the City, are properly restrained.

404.4 TRANSPORTING CHILDREN

Child passengers shall be transported using an approved child restraint system in compliance with federal and state law.

404.5 INOPERABLE SAFETY BELTS

City vehicles shall not be operated when the safety belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the safety belt is inoperable.

City vehicle safety belts shall not be modified, removed, deactivated, or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the City Manager or the authorized designee.

Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

404.6 VEHICLES MANUFACTURED WITHOUT SAFETY BELTS

Vehicles manufactured and certified for use without safety belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

Vehicle Safety Restraints/Safety Belts

404.7 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Parking and Backing Policy

405.1 PURPOSE

The purpose of this procedure is to establish guidelines to follow that may prevent an accident or injury when parking or backing a Hurricane City vehicle.

405.2 GENERAL: PARK DEFENSIVELY

Think before backing. Choose parking locations that minimize exposure to traffic and, if practical, it is preferred that the driver select a parking location which does not require backing to re-enter the flow of traffic (A pull-through parking space). **Backing the vehicle should be avoided whenever possible.** When backing is necessary, the distance traveled in reverse should be limited.

405.3 CIRCLE OF SAFETY

Prior to entering the vehicle, drivers must perform a "Circle of Safety" walk-around of the vehicle to identify hazards and increase awareness of surroundings. Hazards can include people, objects, driving surface conditions and obstacles like poles, curbing, overhead hazards, etc.

405.4 PREPARE TO BACK

Vehicles must be prepared to back by having all windows cleared of snow, ice or dirt that can obstruct vision. Mirrors must be adjusted for the driver and must be checked prior to and regularly during backing. Any distractions like phones, radio, conversations with others, etc. must be eliminated prior to backing. Back up cameras should be consulted during backing but should not be the only information source for backing.

405.5 BACK IN UPON ARRIVAL

Drivers are more aware of their surroundings when they arrive at the parking lot than when they leave. For this reason, Hurricane City vehicles must be backed into the parking stall upon arrival where appropriate.

405.6 USE OF A SPOTTER

The driver must use a "spotter," if available, when backing large vehicles like trailers, heavy trucks or construction equipment and when conditions make it difficult to see surroundings. Driver and spotter must agree on hand signals before starting, especially the signal for "stop." Position the spotter where you can visually see him/her, where they are out of your path of travel, and where they can clearly see behind the vehicle. Stop immediately if you lose sight of your spotter. If you are in doubt of the situation, stop immediately, get out of your vehicle and check the situation yourself. If a spotter is not available, the driver must check under and around the vehicle to make sure the area is clear before proceeding to back the vehicle. Use the rear view and side mirrors, and if possible, look behind you. Back up immediately, but slowly, before the present situation has time to change. Whether or not a spotter is available, while backing a vehicle, always periodically check the front of the vehicle.

Parking and Backing Policy

405.7 MAINTAIN VISIBILITY

All staff working in the right-of-way (sidewalk to sidewalk) must wear high-visibility retro reflective clothing to ensure they are seen by drivers. Staff should not cross behind vehicles, unless sufficient distance is available, the vehicle is stopped and the driver acknowledges the presence of the worker.

405.8 USE OF CONES

Orange safety cones (18" unless equipped with 28") must always be placed at the front passenger corner of a Hurricane City vehicle at all times when the vehicle is backed in. If the vehicle is not backed in then the cone must be placed at the back passenger tire of the vehicle. The placement of cones at the front and rear of a parked City vehicle, or at the front and rear traffic side of the City vehicle if parallel parked, will alert other vehicle operators of activity in and around the City vehicle and increase their level of caution. In addition, placement of cones in this manner will require City vehicle operators to remove them before moving the vehicle and encourage a survey of the area around the vehicle prior to departure.

All sworn police officers driving a police department vehicle with emergency equipment must back into parking stalls when a pull-through option is not available. Due to the urgent nature of police duties to respond to calls of service, officers are exempt from the requirement to place a safety cone after parking. All officers are still required to be vigilant to check the surrounding area prior to parking and driving away.

405.9 COMPLIANCE WITH THE PARKING AND BACKING POLICY

All Hurricane City personnel operating a City vehicle are expected to follow the above stated policy guidelines. Failure to comply will result in the loss of driving privileges and disciplinary action up to termination.

Personal Protective Equipment

406.1 PURPOSE AND SCOPE

This policy addresses the use of personal protective equipment (PPE) provided by the City.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical, or other workplace hazards.

406.2 POLICY

The City endeavors to protect employees by supplying certain PPE as provided in this policy.

406.3 SUPERVISOR RESPONSIBILITIES

Supervisors are responsible for identifying and making available PPE appropriate for the work environment.

406.4 EMPLOYEE RESPONSIBILITIES

Employees are required to use PPE pursuant to their training.

Employees are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any employee who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

406.5 EQUIPMENT PROCUREMENT AND USE

PPE shall meet or exceed any applicable requirements. Federal or other nationally recognized standards should be used as a guide for the procurement, use, maintenance, and storage of the following safety-related equipment in the absence of other mandatory requirements:

- (a) Hearing protection (29 CFR 1910.95)
- (b) Eye protection (29 CFR 1910.133)
- (c) Respiratory protection (29 CFR 1910.134)
- (d) Head protection (29 CFR 1910.135)
- (e) Foot protection (29 CFR 1910.136)
- (f) Electrical protective equipment (29 CFR 1910.137)
- (g) Hand protection (29 CFR 1910.138)
- (h) Personal fall protection systems (29 CFR 1910.140)

Personal Protective Equipment

406.6 RECORDS

Supervisors are responsible for maintaining records of all:

- (a) PPE training.
- (b) PPE procurement and distribution.

The records shall be maintained in accordance with the City records retention schedule.

406.7 TRAINING

Employees should be trained in the hazards to which they may be potentially exposed during routine and emergency situations.

All employees should be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove, and adjust PPE; how to care for PPE; and the limitations of each device (29 CFR 1910.132).

Physical Asset Management

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for maintaining a system of inventory and accountability over the City's physical assets. This policy does not address management of intangible assets (e.g., intellectual property), fluid assets (e.g., cash, stocks, marketable securities), real property, or natural assets (e.g., water, air quality, minerals).

Individual department heads may have additional policies for department-specific assets.

407.1.1 DEFINITIONS

Definitions related to this policy include:

Physical assets – All tangible items of value, including but not limited to materials, machinery, tools and equipment, vehicles, office supplies, and furniture.

407.2 POLICY

It is the policy of this City to accurately inventory, maintain, and dispose of its physical assets in a manner that controls costs, avoids waste, and promotes the mission of the City.

407.3 RESPONSIBILITIES

The City Manager should assign a person or persons to be responsible for the inventory, maintenance, and disposal of City physical assets, including:

- (a) Maintaining compliance with federal, state, and local laws regarding physical asset management, inventory control, and reporting requirements.
- (b) Developing procedures for the implementation of this policy, including:
 - 1. Procedures for disposal of all City-owned physical assets in accordance with federal, state, and local law.
 - 2. Procedures for safe disposal of hazardous waste.
 - 3. Procedures for inter-department transfers of physical assets.
 - 4. Procedures for each department to inventory assets as according to internal reporting deadlines (e.g., quarterly, annually).
- (c) Developing a physical asset management plan to track the City's physical assets and maintain accurate and complete records related to these assets. The plan should include:
 - 1. A minimum value of the physical assets that are subject to this policy, the plan, and the implementing procedures.
 - 2. An inventory control and recordkeeping system to account for the movement, storage, maintenance and use, loss, damage, destruction, and disposal of the City's physical assets.
 - 3. Routine internal and external audit practices.

Physical Asset Management

4. Procedures to access physical assets for re-use, transfer, recycle, or disposal.
- (d) Designating custodians within each department, as appropriate, for inter-department communication and to serve as inventory liaisons under the physical asset management plan.
- (e) Annual physical asset acquisition planning.

407.4 SURPLUS OR OBSOLETE ASSETS

A department that no longer utilizes a physical asset should have the asset identified as surplus or obsolete. If the physical asset retains value that may be utilized by another department, the item should be stored as surplus or transferred in accordance with the procedures established pursuant to this policy. If the physical asset is deemed obsolete, the item shall be disposed of in accordance with this policy, the [accompanying procedure](#), and the Municipal Code.

407.4.1 STORAGE

When practicable, physical assets that retain value but are not being utilized should be stored in lieu of disposal. Physical assets in storage are subject to routine inventory and revaluation. If the physical asset's value is less than the cost of storage, the City should pursue disposal of the item in accordance with this policy and Municipal Code.

407.4.2 TRANSFERS

When a physical asset is transferred from one department to another, the value of the physical asset should transfer with the asset. Inter-department transfers shall be documented through the inventory control and recordkeeping system implemented by the physical asset management plan.

407.5 LOSS, DAMAGE, OR DESTRUCTION

Circumstances surrounding loss, damage, or destruction of the City's physical assets shall be promptly reported to and investigated by the City Manager or the authorized designee for purposes of inventory, valuation, and recordkeeping.

407.6 USAGE MONITORING

Physical asset performance should be regularly monitored for functionality, utility, wear-and-tear, and cost-effectiveness. Usage monitoring of the City's physical assets should include the duration of use (e.g., daily use and number of hours in use), user satisfaction, costs of operating the asset, and the asset's contribution to employee performance and overall productivity.

407.7 MAINTENANCE

Routine maintenance of physical assets should be proactive to limit interruption of the City's daily operations. Employees should report any physical asset performance issues to a supervisor.

Maintenance requests and reports shall be recorded in the inventory control and recordkeeping system implemented by the physical asset management plan. The City Manager or the authorized

Physical Asset Management

designee shall routinely evaluate maintenance expenditures to determine whether continued maintenance is beneficial.

407.8 DISPOSAL

Physical assets slated for disposal should be evaluated for salvage value (e.g., items containing reusable materials like aluminum or copper) or transfer or storage in accordance with this policy and Municipal Code.

407.9 INVENTORY AND REPORTS

Routine inventory of physical assets should be conducted for purposes of loss control, revaluation, retagging, documenting asset movement and condition, disposition and acquisition planning, and obtaining adequate insurance coverage.

All internal controls and inventories related to physical asset management shall be accurately documented and subject to both internal and external audit. Inventory reports should include an explanation of any discrepancies from the previous period.

All inventory documentation shall be retained and stored in accordance with the records retention schedule.

407.10 TRAINING

Employees and supervisors accountable for the proper care, use, transfer, maintenance, storage, loss, and disposition of all City physical assets should receive training regarding their responsibilities under the physical asset management plan.

Travel Reimbursement Policy

408.1 PURPOSE AND SCOPE

This policy provides guidance regarding travel expenses by employees performing City business or training which will be paid for by the City.

408.2 POLICY

Prior to attending training or spending funds, each employee must submit a request in writing to his/her supervisor. The request will be reviewed by the Department Head and, if approved, forwarded to the City Manager. A travel request for per diem funds is needed to obtain such funds prior to travel. The City Manager has the power to change the set per diem based on whether the travel is extensive or if it is travel in Out-of State travel where the per diems are different. The City Manager may visit the U.S General Services Administration website to verify the different per diems which may apply.

[Government Rates](#)

408.3 DEFINITIONS

Travel expenses - Eligible expenses for travel, lodging, meals, and registration fees associated with participation in approved training programs, conventions, seminars, memorials, and other events that relate to an employee's or elected official's responsibilities, training, and/or education, or that serve a direct [city_county] purpose.

City Related Travel: Travel that is necessary to receive training, education, give input or counsel specific to the area of expertise of the employee traveling. This includes but is not limited to classes, conferences, meetings, and seminars.

Place of Employment: The location where the employee spends the majority of time working or where the employee is required to report for duty prior to a work assignment.

Single Day Travel: Travel which is not overnight and is completed in an eight (8) hour work day.

Overnight Travel: Travel which exceeds a typical eight (8) hour work day such as travel for conferences, seminars, and trainings which is typically more than twenty-four (24) hours.

408.4 TRAVEL OUTSIDE OF THE CITY AND STATE

All travel outside of City limits during work hours must be authorized by the City Manager or Department Head. For travel outside of the state, prior authorization by the City Manager is required. A travel request form must be submitted for all travel when per diem for meals or travel expenses are requested. This request shall include the reason for the trip, the time the employee departed, and returned, vehicle used, and budget account number from which expenses are to be paid.

Travel Reimbursement Policy

408.5 VEHICLE USE

If a City vehicle is used and travel is outside the range of service of the City's normal repair vendors, vehicle repair costs shall be paid by City credit card or by the employee with receipts kept for reimbursements.

Use of an employee's personal vehicle may be authorized when circumstances warrant. Prior to the trip, a travel request form must be submitted to the Department Head for approval. Mileage reimbursement is determined by the [current IRS rate](#) which is currently 0.58 cents per mile. Any trip taken for joint personal and business purposes, if approved, shall be reimbursed on a 50 percent basis.

Employees who use personal vehicles for City business shall possess adequate vehicle insurance. Employees shall notify a supervisor if their automobile insurance has been canceled, declined, or not renewed. The private insurance of employees using their personal vehicles under this policy shall be considered the primary insurance for any accidents or damage.

408.6 COMMERCIAL-AIR TRAVEL

Scheduled airline transportation will be at the lowest available airfare rate, including baggage and other related costs, at the time of travel authorization. This includes tourist, economy, coach, or standard fares or rates. Since most City travel is planned well in advance, the lowest advance booking rates should be utilized.

408.7 OVERNIGHT TRAVEL

Hotels should be reserved at [Government Rates](#) in accordance with the General Services Administration whenever possible.

All hotel or other sleeping and travel accommodations shall be arranged in advance for overnight trips and paid in advance of the trip through the use of City check or credit cards. If such payment in advance is not possible, the City shall reimburse the employee the cost of such sleeping and travel accommodations after receiving the appropriate receipts to verify that the employee expended their own money for such purposes.

Failure to produce a receipt will necessitate the withholding of reimbursement. Receipts for hotel accommodations shall be turned into the City by the employee as a verification of attendance no matter what the form of payment.

408.8 MEALS AND INCIDENTALS

Employees shall be provided with meal costs in accordance with the [per diem rates](#) provided by the General Services Administration. See link for more details: [Government Rates](#)

If an employee is out of town for less than a full day of travel or training, per diem meal costs are provided in accordance with the meals that are expected to take place during the time away.

Travel Reimbursement Policy

No per diem meal costs are authorized for spouses of employees or others traveling with the employee. Receipts are not required for per diem advancements or unless the employee requests reimbursement above the authorized amount.

To receive the meal per diem, a travel request form must be completed and signed by the supervisor. The form can be submitted in advance of the travel or after the travel. No payment will be made if the request is not filed within the budget year it was incurred or within three months of the travel.

Incidental expenses may include taxi and bus fares, incidental supplies, course related materials, additional registration fees, and other legitimate expenses. These expenses should be noted on the travel request if known prior. Miscellaneous expenses not charged on a City Credit card and not reported prior to the travel request being submitted, may be reimbursed upon approval and receipts must be submitted. This amount should amount to \$5 or less.

Employees shall be provided the following standard per diem rate for meals.

\$16 for breakfast

\$19 for lunch

\$28 for dinner

408.9 CREDIT CARD USAGE FOR TRAVEL

Department heads and employees who have access to a City issued credit card shall use the card for all travel expenses and should not fill out a reimbursement request.

All receipts must be turned in for those travel expenses with the credit card statement. Department heads and employees still need to comply with the travel reimbursement policy.

408.10 PROHIBITED EXPENSES

Best Practice

Expenses not eligible for reimbursement include but are not limited to:

- Expenses for any non-employee or non-elected official.
- Non-business-related telephone calls.
- Entertainment expenses unless pre-approved by the City Manager or the authorized designee.
- Alcoholic beverages.
- Outside meals if the conference/event lodging reservation includes a meal package.
- Any travel-related expense that is covered by another source.

Travel Reimbursement Policy

408.11 APPROVALS

Best Practice

All travel should be pre-approved by the City Manager or the authorized designee. Once travel has been completed, the employee or elected official should submit requests for travel expense reimbursement:

- To the City Manager or the authorized designee for review and approval as soon as practicable, but no later than 14 days after completion of travel.
- On a City form. The form should contain a statement that the expenses were incurred by the traveler as necessary for the performance of official duties and shall be verified by a written declaration that all information is true and correct.
- With an attached receipt or other documentation of the expense.

Upon receipt of a request for reimbursement, the City Manager or the authorized designee should review and process the request as appropriate. If additional information is needed to process the request, the employee should be given an opportunity to provide the information. If a request for reimbursement is denied, the reason for the denial should be provided in writing, and the employee should have an opportunity to respond.

If an employee fails to follow the required processes and obtain appropriate approvals, reimbursement of travel expenses may be denied.

408.12 BOARD AND COMMISSION MEMBERS

Board and Commission members are encouraged to carpool with City Staff when attending conferences and trainings whenever possible. If members are unable to ride with City Staff, the City will reimburse the mileage 100% from the City Office to the location of the conference/training area and back. Department Heads should fill out a travel reimbursement request form for the member(s) before the event takes place.

Generative Artificial Intelligence Use

409.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for City use of generative artificial intelligence (GenAI). This policy does not apply to artificial intelligence that is integrated into facial recognition applications, voice recognition applications, biometric access controls, or software that redacts documents or video or similar applications.

Additional guidelines for the use of City information technology resources are found in the Information Technology Use Policy.

409.1.1 DEFINITIONS

Definitions related to this policy include:

Generative artificial intelligence (GenAI) - A type of artificial intelligence that is algorithmically trained on one or more large data sets and designed to generate new and unique data (e.g., text, pictures, video) in response to a prompt (generally questions, instructions, images, or video) input by the user.

409.2 POLICY

The use of GenAI systems carries unique benefits within a local government entity, providing ways to increase operational efficiency, enhance city procedures, and improve the overall effectiveness of the City.

However, the prompts input into GenAI systems can present risks to both individuals and local governments by making accessible to the public information such as facility security records, security procedures, personal information, certain law enforcement records, and other confidential information (e.g., protected information, social services records, financial records). In addition, without safeguards in place, GenAI can produce unintended discriminatory or biased output as well as content that is inaccurate, misleading, or copyrighted.

It is the policy of the City to develop, implement, and use GenAI ethically and responsibly in a way that minimizes potential risk and harm in accordance with the guidelines set forth below.

Any function carried out by an employee of the City using GenAI is subject to the same laws, rules, and policies as if carried out without the use of GenAI. The use of GenAI does not permit any law, rule, or policy to be bypassed or ignored.

409.3 USE OF GENERATIVE AI

The use of City GenAI systems by employees shall be limited to official work-related purposes, and employees shall only access and use GenAI systems for which they have been authorized and received proper training.

Generative Artificial Intelligence Use

Employees shall use AI-generated content as an informational tool and not as a substitution for human judgment or decision-making. Employees should not represent AI-generated content as their own original work.

AI-generated content should be considered draft material only and shall be thoroughly reviewed prior to use. Before relying on AI-generated content, employees should:

- (a) Obtain independent sources for information provided by GenAI and take reasonable steps to verify that the facts and sources provided by GenAI are correct and reliable.
- (b) Review prompts and output for indications of bias and discrimination and take steps to mitigate its inclusion when reasonably practicable.
- (c) Include a statement in the final document or work product that GenAI was used to aid in its production.

409.3.1 PRIVACY CONSIDERATIONS

Information not otherwise available to the public, including data reasonably likely to compromise an investigation, reveal confidential security information, training, or procedures, or risk the safety of any individual if it were to become publicly accessible, should not be input into a GenAI system unless contractual safeguards are in place to prevent such information from becoming publicly accessible. Employees should instead use generic unidentifiable inputs, such as "person," and hypothetical scenarios whenever possible.

Protected information should only be input into GenAI systems that have been approved for such use and comply with applicable privacy laws and standards (see the Protected Information Policy).

409.4 PROHIBITED USE

Employees shall not create user accounts in their official capacity or input work-related data (including information learned solely in the scope of their employment) into publicly available GenAI systems unless the system has been approved by the City Manager or the authorized designee for the intended use.

409.5 TRAINING

The AI coordinator should ensure that all members authorized to use GenAI have received appropriate initial training that is suitable for their role and responsibilities prior to their use of GenAI and receive periodic refresher training. Training should include but is not limited to the following:

- (a) A review of this policy
- (b) The need for human oversight of GenAI outputs
- (c) The interpretation, review, and verification of GenAI output
- (d) Checking GenAI output for bias or protected information
- (e) Ethical use of GenAI technology
- (f) Data security and privacy concerns

Chapter 5 - Records and Documents

Personnel Records

500.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual employee's name.

500.2 POLICY

It is the policy of the City to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of this state.

500.3 PERSONNEL FILE

A personnel file shall be maintained as a record of a person's employment/appointment with this City. The personnel file should contain, at a minimum:

- (a) The employee's job application, resume, interview forms, Employment Eligibility Verification (Form I-9), and Employee's Withholding Allowance Certificate (Form W-4).
- (b) Job description for the position the employee currently occupies.
- (c) Election form to disclose or withhold confidential information.
- (d) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information.
- (e) Election of employee benefits.
- (f) Personnel action reports reflecting assignments, promotions, salary rate changes, and other changes in employment/appointment status.
- (g) Original performance evaluations.
- (h) Discipline records, including copies of sustained personnel complaints.
- (i) Adverse comments such as supervisor notes or memos may be retained in the City file after the employee has had the opportunity to read and initial the comment.
 - 1. Once an employee has had an opportunity to read and initial any adverse comment, the employee shall be given the opportunity to respond in writing to the adverse comment.
 - 2. Any employee response shall be attached to and retained with the original adverse comment.
 - 3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the employee's file.
- (j) Commendations and awards.
- (k) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

Personnel Records

500.4 DEPARTMENT, DIVISION, OR AGENCY FILE

Department files may be separately maintained internally by an employee's supervisor for the purpose of completing timely performance evaluations. The file may contain supervisor comments, notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

500.5 TRAINING FILE

An individual training file should be maintained for each employee whose position requires specialized training or certification. Training files should contain records of all training; original or photocopies of available certificates, transcripts, diplomas, and other documentation; and education and firearms qualifications, as applicable. Training records may also be created and stored remotely, either manually or automatically.

- (a) The involved employee is responsible for providing an immediate supervisor with evidence of completed training/education in a timely manner.
- (b) Supervisors should ensure that copies of such training records are placed in the employee's training file.

500.6 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the employee's medical condition and history, including but not limited to

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries, and related documents.
- (d) Medical release forms, doctor's slips, and attendance records that reveal an employee's medical condition.
- (e) Any other documents or materials that reveal the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

500.7 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Record Keeping Policy, or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager or representatives of the City in connection with official business.

Personnel Records

500.7.1 REQUESTS FOR DISCLOSURE

Any employee receiving a request for a personnel record shall promptly notify the Human Resources or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to an employee's personnel records shall be logged in the corresponding file.

500.8 EMPLOYEES ACCESS TO THEIR PERSONNEL RECORDS

Employees have the opportunity to review their own files in the presence of the City Manager or designee on City premises. Employees may request access to their own personnel records during the normal business hours of those responsible for maintaining such files. Employees seeking the removal of any item from their personnel records should file a written request to the City Manager. The City should remove any such item if appropriate, or within 30 days provide the employee with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the employee's request and the written response from the City should be retained with the contested item in the employee's corresponding personnel record.

Employees may be restricted from accessing files containing certain information (e.g., ongoing investigations to the extent that it could jeopardize or compromise the investigation).

500.9 RETENTION AND PURGING

Personnel records shall be maintained in accordance with the established records retention schedule:

- (a) During the preparation of each employee's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training, and career development. Each supervisor responsible for completing the employee's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained from the City Manager.
- (c) If, in the opinion of the City Manager, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

Personnel Records

500.10 EMPLOYEE INFORMATION CHANGE

Employees are responsible for ensuring that personal employee information contained in their personnel files is current and accurate. Employee information (any change in number of dependents, marital status, address, telephone number, etc.) should be updated by completing an Employee Information/Change of Status Form and giving it to the City Manager or assigned designee, to file in their personnel file.

500.11 PROVIDING REFERENCES

The City limits information given in a reference to the following:

- (a) Verification that the employee worked, full-time or part-time, for the City during a stated period.
- (b) A description of the position held.
- (c) Verification that the employee achieved a given salary range.
- (d) Verification that the employee is or is not re-hirable.

Record Keeping

501.1 PURPOSE AND SCOPE

Federal law requires employers to keep detailed data about their employees.

501.2 CONFIDENTIALITY

Employee records are maintained in compliance with the law.

- A. Confidentiality must be maintained at all times with access limited to employees and their supervisory chain.
- B. Hurricane City's policy is that the only relevant, job related information is maintained on its employees. Such information is held in strict confidence and access is limited only to those who require it for legitimate business reasons.
- C. Employees have the opportunity to review their own file in the presence of the City Manager on City premises during regular business hours.

501.3 OTHER FILES REQUIREMENTS

Records related to the items listed below should be kept for a period of two (2) years. In addition, records should be examined annually to keep the files current and to save records that management feels should be kept longer.

- A. Job Application
- B. Test papers completed by job applicants or candidates for any position.
- C. Results of any pre-employment physical exam and mobility exams should be kept for a period of thirty (30) years.
- D. Any advertisements or notices relating to job openings, promotions, training programs, or opportunities for overtime work.
- E. Records of promotion, demotion, transfer, selection for training, layoff, rehire, or termination of any employee. The employee should also sign these. Keep for four (4) years; then destroy.

501.4 SALARY/WAGE REQUIREMENTS

The Fair Labor Standards Act (FLSA) requires the City to keep all of the following data on all employee for a period of at least three (3) years.

- A. Employee's full name and social security number
- B. Address, including zip code.
- C. Birth date, if younger than 19.
- D. Sex and occupation.

Record Keeping

- E. Time and day of week when employee's workweek begins.
- F. Hours worked each day.
- G. Total hours worked each workweek.
- H. Basis on which employee's wages are paid (e.g., "\$9 per hour", "\$440 a week", "piecework")
- I. Regular hourly pay rate.
- J. Total daily or weekly straight-time earnings.
- K. Total overtime earnings for the workweek.
- L. All additions to or deductions from the employee's wages.
- M. Total wages paid each pay period.
- N. Date of payment and the pay period covered by the payment.

501.5 OTHER REQUIREMENTS

There are record keeping requirements under other federal and state laws over which the personnel record keeping function has jurisdiction:

- A. Occupational Safety and Health Act (OSHA) record of injuries.
- B. Employee Retirement Income Security Act (ERISA) record of pensions.
- C. The Immigration Reform and Control Act (IRCA) of 1986 requires verification of status forms to be kept for three (3) years after the person is hired or for one (1) year after employment is terminated, whichever is later.

**A RESOLUTION ADOPTING THE FISCAL YEAR 2025-2026 PRELIMINARY BUDGET
OF FUNDS AND ACCOUNTS FOR HURRICANE CITY, UTAH**

WHEREAS, in accordance with the Uniform Fiscal Procedures Act for Cities, the City desires to adopt a preliminary budget setting forth revenues and expenditures for the fiscal year ending June 30, 2026; and

WHEREAS, in accordance with law a copy of the tentative budget has been provided to the members of the City Council;

BE IT HEREBY RESOLVED by the City Council of Hurricane, Utah that:

Section 1. Approval of tentative budget: That the Fiscal Year 2025-2026 preliminary budget be hereby adopted, including all funds and accounts as shown in the attached summary.

Section 2. Effective Date. This resolution shall become effective immediately.

PASSED AND APPROVED THIS 1st day of May, 2025.

Nanette Billings, Mayor

ATTEST:

Kaden DeMille, Deputy Recorder

The foregoing Resolution was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 1st day of May, 2025. 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	___	___	___	___

Kaden DeMille, Deputy Recorder

Sec. 10-3-4. Definitions of words and phrases.

As used in this title, the words and phrases defined in this section shall have the following meanings unless the context clearly indicates a contrary meaning. Words not included herein but defined in the building code shall be construed as defined therein.

• • •

Farm stand means a structure from which fruits, vegetables, flowers, herbs, plants, or other agriculture products are sold. This use may also include accessory sales of other unprocessed or home-processed foodstuffs such as canned goods, baked goods, and may also include homemade handicrafts. Additionally:

- A. The area of the structure devoted to the sales of accessory items shall not exceed 50 percent of the structure's total sales area.
- B. The sale of commercially packaged handicrafts or commercially processed or packaged food stuffs ~~is not permitted~~ shall require approval of a conditional use permit.
- C. Only one such structure is allowed per legal lot or parcel.

• • •

Mineral extraction means removal of sand, gravel, dirt, or other materials by grading, excavating, drilling, or other methods. ~~or excavating.~~

• • •

Sec. 10-12-3. Uses allowed.

- A. *Permitted and conditional uses.* Permitted and conditional uses allowed within agricultural zones shall be as set forth in table 10-12-1 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 10-12-1 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 10-7-18E4 of this title.

TABLE 10-12-1
PERMITTED AND CONDITIONAL USES ALLOWED IN AGRICULTURAL ZONES

Use	Zones				
	A-40	A-20	A-10	A-5	A-1
Agricultural uses:					
Accessory building	P	P	P	P	P
Agricultural business	P	P	P	P	P
Agricultural industry	P	P	P	P	C
Agriculture	P	P	P	P	P
Agritourism	P	P	P	P	C
Animal specialties	P	P	P	P	C
Animals and fowl for recreation and family food production	P	P	P	P	P
Stable, private	P	P	P	P	P
Residential uses:					
Assisted living facility	P	P	P	P	N
Building, accessory	P	P	P	P	P
Dwelling, earth sheltered	P	P	P	P	P
Dwelling, single-family	P	P	P	P	P
Dwelling, single-family with single accessory dwelling unit	P	P	P	P	P
Dwelling, temporary	P	P	P	P	P
Guesthouse for family members and non-paying guests	P	P	P	P	P
Home base business	P	P	P	P	P
Manufactured home	P	P	P	P	P
Residential facility for elderly persons ¹	P	P	P	P	N
Residential facility for persons with a disability ¹	P	P	P	P	P
Residential facility for troubled youth	N	N	N	N	N
Short term rental	N	N	N	N	P
Public and civic uses:					
Auditorium or stadium	N	N	N	N	N

Cemetery	P	P	P	P	P
Church or place of worship	P	P	P	P	P
Club or service organization	P	P	P	P	P
Convalescent care facility	N	N	N	N	N
Cultural service	P	P	P	P	P
Golf course	N	N	N	N	N
Hospital	N	N	N	N	N
Park	P	P	P	P	P
Protective service	P	P	P	P	P
Reception center	C	C	C	C	C
Stable, public	P	P	P	P	C
Utility, minor	P	P	P	P	P
Utility substation	P	P	P	P	P
Commercial uses:					
Agricultural sales and service	P	P	C	C	N
Agritourism activities	P	P	P	P	C
Animal hospital	P	P	P	P	P
Bed and breakfast, home	P	P	P	P	P
Child care center	N	N	N	N	N
<u>Farm stand³</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Garden center	P	P	P	P	P
Kennel, residential	P	P	P	P	P
Licensed family child care ²	P	P	P	P	P
Media service	N	N	N	N	N
Personal care service, home based ²	P	P	P	P	P
Personal instruction service, home based ²	P	P	P	P	P
Produce stand	P	P	P	P	P
Recreation and entertainment, outdoor	C	C	C	C	N
Residential certificate child care facility ²	P	P	P	P	N
Vehicle repair, limited	N	N	N	N	N
Veterinary service	P	P	P	P	P
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title				

Notes:

1. See chapter 46 of this title.
2. See chapter 42 of this title.
3. The sale of commercially packaged handicrafts or commercially processed or packaged food shall require approval of a conditional use permit pursuant to Sec. 10-7-9.

-
- B. *Accessory uses.* Permitted and conditional uses set forth in table 10-12-1 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 agricultural zones shall include, but are not limited to, the following:
 - a. Garage sales, subject to applicable standards of chapter 48, Temporary Uses, of this title.
 - b. Garages, carports, and off street parking areas, subject to applicable standards of chapter 34, Off Street Parking and Loading, of this title.
 - c. Hobby activities when conducted by an occupant of the premises solely for personal enjoyment, amusement, or recreation and which does not conflict with any applicable provision of this Code.
 - d. Home based businesses, subject to applicable standards of chapter 42, Home Based Businesses, of this title.
 - e. Household pets.
 - f. Keeping of machinery, livestock, and farming equipment as needed for agricultural use.
 - g. Nurseries and greenhouses.
 - h. Playhouses, patios, porches, gazebos, and incidental storage buildings.
 - i. Produce stands.
 - j. Swimming pools and hot tubs for use by residents and their guests.
 - k. Temporary real estate offices, subject to applicable standards of chapter 48, Temporary Uses, of this title.

(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; Ord. 2020-03, 2-6-2020; Ord. No. 2022-61, 2-2-2023; Ord. No. 2024-06, 6-6-2024; Ord. No. 2024-12, 8-15-2024)

Sec. 10-14-3. Uses allowed.

- A. *Permitted and conditional uses.* Permitted and conditional uses allowed within residential agriculture zones shall be as set forth in table 10-14-1 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 10-14-1 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 10-7-18E4 of this title.

TABLE 10-14-1
PERMITTED AND CONDITIONAL USES ALLOWED IN
RESIDENTIAL AGRICULTURE ZONES

Use	Zones	
	RA-1	RA- 0.5
Agricultural uses:		
Agricultural business	P	N
Agricultural industry	N	N
Agriculture	P	P
Animal specialties	P	P
Animals and fowl for recreation and family food production	P	P ³
Stable, private	P	P
Residential uses:		
Assisted living facility	P	P
Boarding house	N	N
Building, accessory	P	P
Dwelling, earth sheltered	P	P
Dwelling, multiple-family	N	N
Dwelling, single-family	P	P
Dwelling, single-family with single accessory dwelling unit	P	P
Dwelling, temporary	P	P
Dwelling, two-family	N	N
Guesthouse	P	P
Manufactured home	P	P
Manufactured/mobile home park	N	N
Manufactured/mobile home subdivision	N	N
Protective housing facility	P	P
Residential facility for elderly persons ¹	P	P
Residential facility for persons with a disability ¹	P	P
Residential facility for troubled youth	C	C
Short term rental ⁴	N	N
Public and civic uses:		

Auditorium or stadium	N	N
Cemetery	P	P
Church or place of worship	P	P
Club or service organization	N	N
Convalescent care facility	N	N
Cultural service	P	P
Golf course	P	P
Hospital	N	N
Park	P	P
Protective service	P	P
Reception center	C	C
Stable, public	P	N
Utility, minor	P	P
Utility substation	P	P
Commercial uses:		
Agricultural sales and service	N	N
Animal hospital	P	P
Bed and breakfast, home	P	P
Bed and breakfast inn	N	N
Child care center	N	N
<u>Farm stand⁵</u>	<u>P</u>	<u>P</u>
Garden center	N	N
Kennel, residential	P	P
Licensed family child care ²	P	P
Media service	N	N
Personal care service, home based ²	P	P
Personal instruction service, home based ²	P	P
Produce stand	P	P
Recreational vehicle park	N	N
Residential certificate child care facility ²	P	P
Residential hosting facility	P	P
Temporary trailer	P	P
Veterinary service	N	N
Warehouse, self-service storage	N	N
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title	

Notes:

1. See chapter 46 of this title.
2. See chapter 42 of this title.

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3. See section 10-37-15 of this title for permitted animals and fowl.
 4. Whole home vacation rentals in residential zones are a nonconforming use pursuant to Ordinance No. 2023-20. See licensing and operations requirements in title 10, chapter 51 of this Code.

5. The sale of commercially packaged handicrafts or commercially processed or packaged food shall require approval of a conditional use permit pursuant to Sec. 10-7-9.

- B. *Accessory uses.* Permitted and conditional uses set forth in table 10-14-1 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 agriculture zones shall include, but not be limited to, the following:
 - a. Garage sales, subject to applicable standards of chapter 48, Temporary Uses, of this title.
 - b. Garages and off street parking areas, subject to applicable standards of chapter 34, Off Street Parking and Loading, of this title.
 - c. 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.
 - d. Home based businesses, subject to applicable standards of chapter 42, Home Based Businesses, of this title.
 - e. Household pets.
 - f. Nurseries and greenhouses.
 - g. Playhouses, patios, porches, gazebos, and incidental storage buildings.
 - h. 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; Ord. No. 2022-61, 2-2-2023; Ord. No. 2023-20, 12-7-2023; Ord. No. 2024-06, 6-6-2024; Ord. No. 2024-12, 8-15-2024)

Sec. 10-7-9. Conditional use permit.

A. *Purpose.* This section sets forth procedures for considering and approving conditional use permits.

B. *Authority.*

1. The Planning Commission is authorized to issue conditional use permits for the following uses:

Agricultural industry.

Agritourism activities.

Animal specialties.

Assisted living facility.

Farm stands selling commercially packaged handicrafts or commercially processed or packaged food stuffs.

Greater heights than permitted by this Code in all zones except residential and residential agricultural zones.

Greater size than permitted by this Code in all zones except residential and residential agricultural zones.

Metal building in commercial and residential zones.

Multi family in commercial zones.

Public stable.

Reception center.

Recreation and entertainment, outdoor.

Fences or walls of greater height.

2. The Zoning Administrator is authorized to issue conditional use permits for the following uses:

Animals and fowl for recreation and family food production.

Greater size accessory buildings than permitted by this Code in residential zones.

Greater size accessory buildings than permitted by this Code in residential and residential agricultural zones.

Greater height accessory buildings than permitted by this Code in residential and residential agricultural zones.

C. *Initiation.* A property owner, or the owner's agent, may request a conditional use permit as provided in subsection D1 of this section.

D. *Procedure.* An application for a conditional use permit shall be considered and processed as provided in this subsection.

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1. A complete application shall be submitted to the office of the Zoning Administrator in a form established by the administrator along with any fee established by the City's schedule of fees. The application shall include at least the following information:
 - a. The name, address and telephone number of the applicant and the applicant's agent, if any;
 - b. The address and parcel identification of the subject property;
 - c. The zone, zone boundaries and present use of the subject property;
 - d. A description of the proposed conditional use;
 - e. A plot plan showing the following:
 - (1) Applicant's name;
 - (2) Site address;
 - (3) Property boundaries and dimensions;
 - (4) Layout of existing and proposed buildings, parking, landscaping, and utilities; and
 - (5) Adjoining property lines and uses within 100 feet of the subject property.
 - f. Traffic impact analysis, if required by the City Engineer or the Planning Commission;
 - g. A statement by the applicant demonstrating how the conditional use permit request meets the approval standards for the conditional use desired; and
 - h. Such other and further information or documentation as the Zoning Administrator may deem necessary for proper consideration and disposition of a particular application.
 2. After the application is determined to be complete, the Zoning Administrator shall schedule a public meeting before the Planning Commission as provided in section 10-7-4 of this chapter or shall review the application to determine if it meets the standards for an administrative conditional use permit.
 3. A staff report evaluating the application shall be prepared by the Zoning Administrator for a conditional use permit that will be reviewed by the Planning Commission.
 4. The Planning Commission shall hold a public meeting and shall thereafter approve, approve with conditions, or deny the application pursuant to the standards set forth in subsection E of this section. A conditional use shall be approved if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with the applicable standards, the conditional use may be denied.

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5. After the Planning Commission or Zoning Administrator makes a decision, the Zoning Administrator shall give the applicant written notice of the decision.
 6. A record of all conditional use permits shall be maintained in the office of the Zoning Administrator.
- E. *Approval standards.* The following standards shall apply to the issuance of a conditional use permit:
1. A conditional use permit may be issued only when the proposed use is shown as conditional in the zone where the conditional use will be located, or by another provision of this title.
 2. Standards for each use must be reviewed. Specific standards are set forth for each use in subsections E2a through E2g of this section:
 - a. *Standards for a reception center.*
 - (1) Hours of operation must be compatible with adjoining uses and comply with City noise regulations.
 - (2) Parking shall be contained onsite.
 - (3) The center must have an approved site plan.
 - (4) If beer, wine, or other alcoholic beverages are served, the center must be licensed by the state alcohol control board.
 - (5) Reception center use must be secondary to any agricultural use on the property.
 - (6) Property shall be a minimum of five acres.
 - (7) In RA zoning, reception center shall only be used a maximum of five days a month.
 - (8) Building must meet the fire code and be inspected by the fire marshal or their representative prior to the approval of the conditional use permit.
 - (9) The applicant shall provide an emergency access plan that shall be approved by the fire marshal prior to the approval of the conditional use permit.
 - b. *Standards for an agricultural industry.*
 - (1) Adequate fencing and/or enclosures must be provided to ensure animals and fowl are confined safely and in conformance with acceptable animal husbandry standards.
 - (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
 - (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.

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- (4) Animal enclosures used for intensive animal feeding operations must be at least 25 feet from any adjacent parcel that, at the time the applicant first seeks the conditional use, is zoned residential or residential-agricultural pursuant to chapters 13 or 14 of this title.
 - c. *Standards for a public stable.*
 - (1) Adequate fencing and/or enclosures must be provided to ensure horses are confined safely and in conformance with acceptable animal husbandry standards.
 - (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
 - (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
 - (4) Site must contain adequate off street parking for customers. All trailers must be contained on site.
 - (5) Barns must be located at least 30 feet from any adjacent parcel that, at the time the applicant first seeks a conditional use permit, is zoned residential or residential-agricultural.
 - d. *Standards for an assisted living facility.*
 - (1) The facility shall comply with building, safety, and health regulations applicable to similar structures.
 - (2) The facility shall be licensed by the state.
 - (3) A site plan shall be approved for the facility to ensure adequate parking and landscaping are installed.
 - e. *Standards for greater heights than permitted by this Code.*
 - (1) The height may not be greater than two stories or one and one-half times the average height of the immediately adjacent buildings, whichever is greater and the building must be of compatible architecture with immediately adjacent buildings.
 - (2) A greater height conditional use permit may not be issued for a flag lot if the proposed structure is higher than the average height of all residential structures within a 300-foot radius of the proposed structure.
 - (3) A greater height accessory building must be set back a minimum of five feet from side and rear property lines when the adjoining property is zoned or used for single family residential use.
 - (4) In no event shall a building exceed 55 feet in height.
 - f. *Standards for greater size than permitted by this Code.*

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- (1) The greater size building desired must be of compatible architecture with immediately adjacent buildings.
 - (2) At least 50 percent of the lot on which the building is located must remain free of buildings.
 - (3) The building must be for a use permitted in the zone in which it is located.
 - g. *Standards for animals and fowl for recreation and family food production.*
 - (1) Adequate fencing must be provided to ensure animals and fowl are confined safely.
 - (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
 - (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
 - (4) The number of fowl will be limited by the point system used in section 10-37-15 of this title.
 - (5) Livestock numbers may be limited at the administrator's discretion based on the size of the lot and the facilities available to contain and protect the animals.
 - h. *Standards for metal buildings.*
 - (1) In residential (R-1) zones the height and size may not be greater than permitted in the zone.
 - (2) The building must meet the following design standards:
 - (A) Exterior building materials shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments.
 - (B) Details of proposed colors and materials, including color chips, samples, and colored building elevations, shall be shown on building plans when a development project application is submitted. Colors shall be compatible with surrounding structures.
 - (C) Reflective surfaces or colors which may produce excessive reflections or glare that may create a potential safety problem are prohibited.
 - (D) In a commercial zone the faces of the building visible from nearby streets must include architectural relief items of non-metal materials including wood, stone, or stucco.
 - i. *Standards for animal specialties.*
 - (1) Adequate fencing and/or enclosures must be provided to ensure animals are confined safely and in conformance with acceptable animal husbandry standards.

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- (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
 - (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
 - (4) Animal enclosures used for intensive animal feeding operations must be at least 25 feet from any adjacent parcel that, at the time the applicant first seeks the conditional use, is zoned residential or residential agricultural pursuant to chapters 13 or 14 of this title.
- j. *Standards for agritourism activities.*
- (1) Hours of operation must be compatible with adjoining uses and comply with City noise regulations.
 - (2) On-site parking must be provided.
 - (3) The use of on street parking to provide up to 40 percent of the required parking may be permitted if adjoining uses are not residential uses and the street is fully improved.
 - (4) In agricultural zones, this use must be accessory to an established agricultural use.
- k. *Standards for multi-family residential.* In order to promote and preserve commercial growth and to allow infill development of empty and vacant lots in the area designated as downtown on the general map, vacant parcels zoned for commercial uses as listed in this title may, as a conditional use, be allowed for multi-family residential use if the following criteria are met:
- (1) No habitable building has been on the parcel for the previous three years.
 - (2) The land use on at least two sides of the property are residential use at the time of application. Property on the opposite side of a public road or right-of-way shall be considered adjacent for this criteria. Properties that do not meet this criteria may be approved for mix-use development as listed below.
 - (3) Mix use is allowed. If the proposed development is a mix of commercial use and residential use, then residential units shall be placed on a floor above the commercial use, or in a way to allow commercial buildings to front onto the public roadways. If mixed use, the commercial shall comply with the commercial zoning standards and housing shall comply with RM-3 zoning standards.
 - (4) Homes in the downtown area shall have the front of buildings face public roadways. The only exception for this requirement is for mix use developments and for parcels that would allow development of units behind units that front the public right-of-way. Every effort should be made to ensure the frontage of roadways are faced with the frontage of buildings.

Walls, fences, and the rear of buildings fronting on to public right-of-way should be avoided.

- (5) Dwelling units and sites shall comply with RM-3 zoning standards and density. RM-3 minimum required area shall not apply.

l. *Standards for multiple accessory dwelling units in a residential, agriculture, or commercial zone.*

- (1) Multiple accessory dwelling units may be permitted based on the lot area of the property at a rate in the table below assuming all other conditions for an accessory dwelling unit are met.

Lot area	Number of accessory dwelling units
0.79 acres or smaller	1
0.8 acres and greater	2

- (2) Fifty percent of the land area on the lot must be free of buildings.
- (3) A parking plan must be provided that shows adequate off street parking on the lot at a rate of one space per bedroom.
- (4) A landscape plan must be provided that shows how buildings will be shielded from other residential lots.
- (5) Occupancy plan: no more than ten people can stay in one building.
- (6) Only one accessory dwelling unit can be used as a short-term rental. All others must be for long term occupancy or as a guesthouse for non-paying guests.
- (7) Separate conditional use permits must be received for every accessory building that does not meet the height or size requirements of section 10-13-4.

m. *Standards for a fence or wall of greater height.*

- (1) Except for fences or walls surrounding public utility facilities, the fence or wall may not be located in the front yard of the property, but must be located in the rear or side yard;
- (2) The fence or wall may not exceed ten feet in height;
- (3) Except for fences or walls surrounding public utility facilities, the topography of the subject property and surrounding properties must be of such a unique or unusual character that a wall of greater height is necessary for the typical quiet enjoyment of the property;
- (4) The fence or wall shall comply with all other provisions of this title.

n. *Standards for commercial kennels.*

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- (1) Facilities shall be designed and operated so that noise generated from resident animals shall not exceed 50 decibels (50 dBA), as measured from the nearest property line. Flexibility in noise abatement design, such as solid wooden, metal, or masonry walls, is permitted to achieve the required decibel level.
 - (2) Outdoor dog runs shall be designed to reduce barking provocation. Dogs shall only be allowed in outdoor kennels between sunrise and sunset each day.
 - (3) Animal waste shall be collected daily and managed and properly disposed of for all animals on the property. Disposal shall be according to an approved waste disposal plan.
 - (4) The parts of a building where animals are boarded shall be fully enclosed and sufficiently insulated to provide both noise mitigation and climate control shelter for the animals.
 - (5) Outdoor facilities, including outdoor runs and exercise areas, shall not be located within 150 feet of any single-family zoning district.
 - (6) All lighting must comply with section 10-33-7 of this Code.
 - (7) All requirements of any applicable public health agencies and/or other regulatory agencies shall be met, and all necessary permits shall be obtained.
 - (8) All animals maintained in kennels shall be confined on the premises or trained or exercised or bred under the owner's control and shall be enclosed in a secure shelter during the hours of darkness, except when they are shown, tried, worked, or hunting under the owner's control.

o. Standards for farm stands selling commercially packaged handicrafts or commercially processed or packaged foods.

- (1) The farm stand is located on a parcel zoned agricultural or residential agriculture.*
- (2) Merchandise sold in the farm stand shall comply with the following conditions:*
 - All merchandise sold at the farm stand shall conform to the farm stand definition in Section 10-3-4.*
 - 50 percent of the structure's total sales area shall be devoted to the sale of farm products grown or produced on the property on which the farm stand is located.*
 - Commercially packaged items shall not exceed 50 percent of the structure's total sales area, including accessory sales of unprocessed or home-processed foodstuffs such as canned goods, baked goods, or homemade handicrafts.*

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- (3) Commercially processed or packaged foods must be fully labeled for retail sale pursuant to applicable State and Local health regulations.
 - (4) Only one such structure not exceeding 500 square feet in size is allowed per legal lot or parcel.
 - (5) The height may not be greater than permitted in the associated zoning district.
 - (6) Structure must comply with all setbacks of the associated zoning district.
 - (7) Use must be accessory to an established agricultural use.
 - (8) Operation of the farm stand requires a business license pursuant to Title 3 of the Hurricane City Code.

- F. *Appeal of decision.* Any person adversely affected by a decision of the Planning Commission regarding the transfer, issuance, or denial of a conditional use permit may appeal such decision to the Appeals Board by filing written notice of appeal stating the grounds therefor within 14 days from the date of such decision.
- G. *Appeal of decision by Zoning Administrator.* Any decision of the Zoning Administrator regarding the issuance or denial of a conditional use permit, shall, upon request by the applicant within ten days after a determination by the Zoning Administrator, be submitted for a de novo review and decision by the Planning Commission at their next available meeting.
- H. *Effect of approval.* A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this title or any other title of this Code.
 - 1. A conditional use permit may be transferred so long as the use conducted thereunder conforms to the terms of the permit.
 - 2. Unless otherwise specified by the Planning Commission and subject to the provisions relating to amendment, revocation or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and shall run with the land.
- I. *Amendment.* The procedure for amending any conditional use permit shall be the same as the original procedure set forth in this section.
- J. *Revocation.* A conditional use permit may be revoked as provided in section 10-9-6 of this title.
 - 1. In addition to the grounds set forth in section 10-9-6 of this title, any of the following shall be grounds for revocation:
 - a. The use for which a permit was granted has ceased for one year or more;
 - b. The holder or user of a permit has failed to comply with the conditions of approval or any City, state, or federal law governing the conduct of the use;
 - c. The holder or user of the permit has failed to construct or maintain the site as shown on the approved site plan, map, or other approval materials; or

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- d. The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.
 - 2. No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Planning Commission and show cause as to why the permit should not be revoked or the conditions amended. Revocation of a permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit.
 - K. *Expiration.* A conditional use permit shall expire and have no further force or effect if the building, activity, construction, or occupancy authorized by the permit is not commenced within one year after approval.
- (Ord. 2016-11, 11-17-2016; Ord. 2017-14, 8-17-2017; Ord. 2017-16, 11-16-2017; Ord. 2018-04, 4-5-2018; Ord. 2018-12, 10-18-2018; Ord. 2018-14, 12-20-2018; Ord. 2019-10, 9-19-2019; Ord. 2020-03, 2-6-2020; Ord. No. 2021-05, 6-3-2021; Ord. No. 2022-10, 5-19-2022; Ord. No. 2022-21, 7-7-2022; Ord. No. 2022-61, 2-2-2023; Ord. No. 2023-17, 9-21-2023; Ord. No. 2024-06, 6-6-2024)

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING TITLE 10, CHAPTERS 3, 7, 12, AND 14 WITH REGARDS TO FARM STAND REGULATIONS

WHEREAS, the City Council of Hurricane, Utah desires to amend Title 10, Chapters 3, 7, 12, and 14 of the Hurricane City Code governing farm stand regulations; 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

WHEREAS, the Planning Commission of Hurricane City has recommended approval of the changes;

BE IT HEREBY ORDAINED by the City Council of Hurricane, Utah that Title 10, Chapter 3, Section 10-3-4 of the Hurricane City Code is amended to read as follows:

Sec. 10-3-4. Definitions of words and phrases.

...

Farm stand means a structure from which fruits, vegetables, flowers, herbs, plants, or other agriculture products are sold. This use may also include accessory sales of other unprocessed or home-processed foodstuffs such as canned goods, baked goods, and may also include homemade handicrafts. Additionally:

- A. The area of the structure devoted to the sale of accessory items shall not exceed 50 percent of the structure's total sales area.
- B. The sale of commercially packaged handicrafts or commercially processed or packaged food stuffs shall require approval of a conditional use permit.
- C. Only one such structure is allowed per legal lot or parcel.

...

Mineral extraction means removal of sand, gravel, dirt, or other materials by grading, excavating, drilling, or other methods.

...

BE IT HEREBY FURTHER ORDAINED, by the City Council of Hurricane, Utah that Title 10, Chapter 7, Section 10-7-9 of the Hurricane City Code is amended to read as follows:

Sec. 10-7-9. Conditional use permit.

- A. *Purpose.* This section sets forth procedures for considering and approving conditional use permits.

B. *Authority.*

1. The Planning Commission is authorized to issue conditional use permits for the following uses:

- Agricultural industry.
- Agritourism activities.
- Animal specialties.
- Assisted living facility.
- Farm stands selling commercially packaged handicrafts or commercially processed or packaged food stuffs.
- Greater heights than permitted by this Code in all zones except residential and residential agricultural zones.
- Greater size than permitted by this Code in all zones except residential and residential agricultural zones.
- Metal building in commercial and residential zones.
- Multi family in commercial zones.
- Public stable.
- Reception center.
- Recreation and entertainment, outdoor.
- Fences or walls of greater height.

2. The Zoning Administrator is authorized to issue conditional use permits for the following uses:

- Animals and fowl for recreation and family food production.
- Greater size accessory buildings than permitted by this Code in residential zones.
- Greater size accessory buildings than permitted by this Code in residential and residential agricultural zones.
- Greater height accessory buildings than permitted by this Code in residential and residential agricultural zones.

C. *Initiation.* A property owner, or the owner's agent, may request a conditional use permit as provided in subsection D1 of this section.

D. *Procedure.* An application for a conditional use permit shall be considered and processed as provided in this subsection.

1. A complete application shall be submitted to the office of the Zoning Administrator in a form established by the administrator along with any fee established by the City's schedule of fees. The application shall include at least the following information:

- a. The name, address and telephone number of the applicant and the applicant's agent, if any;
- b. The address and parcel identification of the subject property;

- c. The zone, zone boundaries and present use of the subject property;
 - d. A description of the proposed conditional use;
 - e. A plot plan showing the following:
 - (1) Applicant's name;
 - (2) Site address;
 - (3) Property boundaries and dimensions;
 - (4) Layout of existing and proposed buildings, parking, landscaping, and utilities;
and
 - (5) Adjoining property lines and uses within 100 feet of the subject property.
 - f. Traffic impact analysis, if required by the City Engineer or the Planning Commission;
 - g. A statement by the applicant demonstrating how the conditional use permit request meets the approval standards for the conditional use desired; and
 - h. Such other and further information or documentation as the Zoning Administrator may deem necessary for proper consideration and disposition of a particular application.
2. After the application is determined to be complete, the Zoning Administrator shall schedule a public meeting before the Planning Commission as provided in section 10-7-4 of this chapter or shall review the application to determine if it meets the standards for an administrative conditional use permit.
3. A staff report evaluating the application shall be prepared by the Zoning Administrator for a conditional use permit that will be reviewed by the Planning Commission.
4. The Planning Commission shall hold a public meeting and shall thereafter approve, approve with conditions, or deny the application pursuant to the standards set forth in subsection E of this section. A conditional use shall be approved if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with the applicable standards, the conditional use may be denied.
5. After the Planning Commission or Zoning Administrator makes a decision, the Zoning Administrator shall give the applicant written notice of the decision.

6. A record of all conditional use permits shall be maintained in the office of the Zoning Administrator.
- E. *Approval standards.* The following standards shall apply to the issuance of a conditional use permit:
1. A conditional use permit may be issued only when the proposed use is shown as conditional in the zone where the conditional use will be located, or by another provision of this title.
 2. Standards for each use must be reviewed. Specific standards are set forth for each use in subsections E2a through E2g of this section:
 - a. *Standards for a reception center.*
 - (1) Hours of operation must be compatible with adjoining uses and comply with City noise regulations.
 - (2) Parking shall be contained onsite.
 - (3) The center must have an approved site plan.
 - (4) If beer, wine, or other alcoholic beverages are served, the center must be licensed by the state alcohol control board.
 - (5) Reception center use must be secondary to any agricultural use on the property.
 - (6) Property shall be a minimum of five acres.
 - (7) In RA zoning, reception center shall only be used a maximum of five days a month.
 - (8) Building must meet the fire code and be inspected by the fire marshal or their representative prior to the approval of the conditional use permit.
 - (9) The applicant shall provide an emergency access plan that shall be approved by the fire marshal prior to the approval of the conditional use permit.
 - b. *Standards for an agricultural industry.*
 - (1) Adequate fencing and/or enclosures must be provided to ensure animals and fowl are confined safely and in conformance with acceptable animal husbandry standards.
 - (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
 - (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
 - (4) Animal enclosures used for intensive animal feeding operations must be at least 25 feet from any adjacent parcel that, at the time the applicant first

seeks the conditional use, is zoned residential or residential-agricultural pursuant to chapters 13 or 14 of this title.

c. *Standards for a public stable.*

- (1) Adequate fencing and/or enclosures must be provided to ensure horses are confined safely and in conformance with acceptable animal husbandry standards.
- (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
- (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
- (4) Site must contain adequate off street parking for customers. All trailers must be contained on site.
- (5) Barns must be located at least 30 feet from any adjacent parcel that, at the time the applicant first seeks a conditional use permit, is zoned residential or residential-agricultural.

d. *Standards for an assisted living facility.*

- (1) The facility shall comply with building, safety, and health regulations applicable to similar structures.
- (2) The facility shall be licensed by the state.
- (3) A site plan shall be approved for the facility to ensure adequate parking and landscaping are installed.

e. *Standards for greater heights than permitted by this Code.*

- (1) The height may not be greater than two stories or one and one-half times the average height of the immediately adjacent buildings, whichever is greater and the building must be of compatible architecture with immediately adjacent buildings.
- (2) A greater height conditional use permit may not be issued for a flag lot if the proposed structure is higher than the average height of all residential structures within a 300-foot radius of the proposed structure.
- (3) A greater height accessory building must be set back a minimum of five feet from side and rear property lines when the adjoining property is zoned or used for single family residential use.
- (4) In no event shall a building exceed 55 feet in height.

f. *Standards for greater size than permitted by this Code.*

- (1) The greater size building desired must be of compatible architecture with immediately adjacent buildings.
- (2) At least 50 percent of the lot on which the building is located must remain free of buildings.
- (3) The building must be for a use permitted in the zone in which it is located.

g. *Standards for animals and fowl for recreation and family food production.*

- (1) Adequate fencing must be provided to ensure animals and fowl are confined safely.
- (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
- (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
- (4) The number of fowl will be limited by the point system used in section 10-37-15 of this title.
- (5) Livestock numbers may be limited at the administrator's discretion based on the size of the lot and the facilities available to contain and protect the animals.

h. *Standards for metal buildings.*

- (1) In residential (R-1) zones the height and size may not be greater than permitted in the zone.
- (2) The building must meet the following design standards:
 - (A) Exterior building materials shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments.
 - (B) Details of proposed colors and materials, including color chips, samples, and colored building elevations, shall be shown on building plans when a development project application is submitted. Colors shall be compatible with surrounding structures.
 - (C) Reflective surfaces or colors which may produce excessive reflections or glare that may create a potential safety problem are prohibited.
 - (D) In a commercial zone the faces of the building visible from nearby streets must include architectural relief items of non-metal materials including wood, stone, or stucco.

i. *Standards for animal specialties.*

- (1) Adequate fencing and/or enclosures must be provided to ensure animals are confined safely and in conformance with acceptable animal husbandry standards.
- (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
- (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
- (4) Animal enclosures used for intensive animal feeding operations must be at least 25 feet from any adjacent parcel that, at the time the applicant first seeks the conditional use, is zoned residential or residential agricultural pursuant to chapters 13 or 14 of this title.

j. *Standards for agritourism activities.*

- (1) Hours of operation must be compatible with adjoining uses and comply with City noise regulations.
- (2) On-site parking must be provided.
- (3) The use of on street parking to provide up to 40 percent of the required parking may be permitted if adjoining uses are not residential uses and the street is fully improved.
- (4) In agricultural zones, this use must be accessory to an established agricultural use.

k. *Standards for multi-family residential.* In order to promote and preserve commercial growth and to allow infill development of empty and vacant lots in the area designated as downtown on the general map, vacant parcels zoned for commercial uses as listed in this title may, as a conditional use, be allowed for multi-family residential use if the following criteria are met:

- (1) No habitable building has been on the parcel for the previous three years.
- (2) The land use on at least two sides of the property are residential use at the time of application. Property on the opposite side of a public road or right-of-way shall be considered adjacent for this criteria. Properties that do not meet this criteria may be approved for mix-use development as listed below.
- (3) Mix use is allowed. If the proposed development is a mix of commercial use and residential use, then residential units shall be placed on a floor above the commercial use, or in a way to allow commercial buildings to front onto the public roadways. If mixed use, the commercial shall comply with the commercial zoning standards and housing shall comply with RM-3 zoning standards.

- (4) Homes in the downtown area shall have the front of buildings face public roadways. The only exception for this requirement is for mix use developments and for parcels that would allow development of units behind units that front the public right-of-way. Every effort should be made to ensure the frontage of roadways are faced with the frontage of buildings. Walls, fences, and the rear of buildings fronting on to public right-of-way should be avoided.
- (5) Dwelling units and sites shall comply with RM-3 zoning standards and density. RM-3 minimum required area shall not apply.

l. Standards for multiple accessory dwelling units in a residential, agriculture, or commercial zone.

- (1) Multiple accessory dwelling units may be permitted based on the lot area of the property at a rate in the table below assuming all other conditions for an accessory dwelling unit are met.

Lot area	Number of accessory dwelling units
0.79 acres or smaller	1
0.8 acres and greater	2

- (2) Fifty percent of the land area on the lot must be free of buildings.
- (3) A parking plan must be provided that shows adequate off street parking on the lot at a rate of one space per bedroom.
- (4) A landscape plan must be provided that shows how buildings will be shielded from other residential lots.
- (5) Occupancy plan: no more than ten people can stay in one building.
- (6) Only one accessory dwelling unit can be used as a short-term rental. All others must be for long term occupancy or as a guesthouse for non-paying guests.
- (7) Separate conditional use permits must be received for every accessory building that does not meet the height or size requirements of section 10-13-4.

m. Standards for a fence or wall of greater height.

- (1) Except for fences or walls surrounding public utility facilities, the fence or wall may not be located in the front yard of the property, but must be located in the rear or side yard;
- (2) The fence or wall may not exceed ten feet in height;

- (3) Except for fences or walls surrounding public utility facilities, the topography of the subject property and surrounding properties must be of such a unique or unusual character that a wall of greater height is necessary for the typical quiet enjoyment of the property;
- (4) The fence or wall shall comply with all other provisions of this title.

n. *Standards for commercial kennels.*

- (1) Facilities shall be designed and operated so that noise generated from resident animals shall not exceed 50 decibels (50 dBA), as measured from the nearest property line. Flexibility in noise abatement design, such as solid wooden, metal, or masonry walls, is permitted to achieve the required decibel level.
- (2) Outdoor dog runs shall be designed to reduce barking provocation. Dogs shall only be allowed in outdoor kennels between sunrise and sunset each day.
- (3) Animal waste shall be collected daily and managed and properly disposed of for all animals on the property. Disposal shall be according to an approved waste disposal plan.
- (4) The parts of a building where animals are boarded shall be fully enclosed and sufficiently insulated to provide both noise mitigation and climate control shelter for the animals.
- (5) Outdoor facilities, including outdoor runs and exercise areas, shall not be located within 150 feet of any single-family zoning district.
- (6) All lighting must comply with section 10-33-7 of this Code.
- (7) All requirements of any applicable public health agencies and/or other regulatory agencies shall be met, and all necessary permits shall be obtained.
- (8) All animals maintained in kennels shall be confined on the premises or trained or exercised or bred under the owner's control and shall be enclosed in a secure shelter during the hours of darkness, except when they are shown, tried, worked, or hunting under the owner's control.

o. *Standards for farm stands selling commercially packaged handicrafts or commercially processed or packaged foods.*

- (1) The farm stand is located on a parcel zoned agricultural or residential agriculture.
- (2) Merchandise sold in the farm stand shall comply with the following conditions:

- All merchandise sold at the farm stand shall conform to the farm stand definition in Section 10-3-4.
- 50 percent of the structure's total sales area shall be devoted to the sale of farm products grown or produced on the property on which the farm stand is located.
- Commercially packaged items shall not exceed 50 percent of the structure's total sales area, including accessory sales of unprocessed or home-processed foodstuffs such as canned goods, baked goods, or homemade handicrafts.

- (3) Commercially processed or packaged foods must be fully labeled for retail sale pursuant to applicable State and Local health regulations.
- (4) Only one such structure not exceeding 500 square feet in size is allowed per legal lot or parcel.
- (5) The height may not be greater than permitted in the associated zoning district.
- (6) Structure must comply with all setbacks of the associated zoning district.
- (7) Use must be accessory to an established agricultural use.
- (8) Operation of the farm stand requires a business license pursuant to Title 3 of the Hurricane City Code.

- F. *Appeal of decision.* Any person adversely affected by a decision of the Planning Commission regarding the transfer, issuance, or denial of a conditional use permit may appeal such decision to the Appeals Board by filing written notice of appeal stating the grounds therefor within 14 days from the date of such decision.
- G. *Appeal of decision by Zoning Administrator.* Any decision of the Zoning Administrator regarding the issuance or denial of a conditional use permit, shall, upon request by the applicant within ten days after a determination by the Zoning Administrator, be submitted for a de novo review and decision by the Planning Commission at their next available meeting.
- H. *Effect of approval.* A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this title or any other title of this Code.
1. A conditional use permit may be transferred so long as the use conducted thereunder conforms to the terms of the permit.
 2. Unless otherwise specified by the Planning Commission and subject to the provisions relating to amendment, revocation or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and shall run with the land.

- I. *Amendment.* The procedure for amending any conditional use permit shall be the same as the original procedure set forth in this section.
- J. *Revocation.* A conditional use permit may be revoked as provided in section 10-9-6 of this title.
 - 1. In addition to the grounds set forth in section 10-9-6 of this title, any of the following shall be grounds for revocation:
 - a. The use for which a permit was granted has ceased for one year or more;
 - b. The holder or user of a permit has failed to comply with the conditions of approval or any City, state, or federal law governing the conduct of the use;
 - c. The holder or user of the permit has failed to construct or maintain the site as shown on the approved site plan, map, or other approval materials; or
 - d. The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.
 - 2. No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Planning Commission and show cause as to why the permit should not be revoked or the conditions amended. Revocation of a permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit.
- K. *Expiration.* A conditional use permit shall expire and have no further force or effect if the building, activity, construction, or occupancy authorized by the permit is not commenced within one year after approval.

BE IT HEREBY FURTHER ORDAINED, by the City Council of Hurricane, Utah that Title 10, Chapter 12, Section 10-12-3 of the Hurricane City Code is amended to read as follows:

Sec. 10-12-3. Uses allowed.

- A. *Permitted and conditional uses.* Permitted and conditional uses allowed within agricultural zones shall be as set forth in table 10-12-1 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 10-12-1 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 10-7-18E4 of this title.

TABLE 10-12-1
PERMITTED AND CONDITIONAL USES ALLOWED IN AGRICULTURAL ZONES

Use	Zones				
	A-40	A-20	A-10	A-5	A-1
Agricultural uses:					
Accessory building	P	P	P	P	P
Agricultural business	P	P	P	P	P
Agricultural industry	P	P	P	P	C
Agriculture	P	P	P	P	P
Agritourism	P	P	P	P	C
Animal specialties	P	P	P	P	C
Animals and fowl for recreation and family food production	P	P	P	P	P
Stable, private	P	P	P	P	P
Residential uses:					
Assisted living facility	P	P	P	P	N
Building, accessory	P	P	P	P	P
Dwelling, earth sheltered	P	P	P	P	P
Dwelling, single-family	P	P	P	P	P
Dwelling, single-family with single accessory dwelling unit	P	P	P	P	P
Dwelling, temporary	P	P	P	P	P
Guesthouse for family members and non-paying guests	P	P	P	P	P
Home base business	P	P	P	P	P
Manufactured home	P	P	P	P	P
Residential facility for elderly persons ¹	P	P	P	P	N
Residential facility for persons with a disability ¹	P	P	P	P	P
Residential facility for troubled youth	N	N	N	N	N
Short term rental	N	N	N	N	P
Public and civic uses:					
Auditorium or stadium	N	N	N	N	N
Cemetery	P	P	P	P	P
Church or place of worship	P	P	P	P	P
Club or service organization	P	P	P	P	P

Convalescent care facility	N	N	N	N	N
Cultural service	P	P	P	P	P
Golf course	N	N	N	N	N
Hospital	N	N	N	N	N
Park	P	P	P	P	P
Protective service	P	P	P	P	P
Reception center	C	C	C	C	C
Stable, public	P	P	P	P	C
Utility, minor	P	P	P	P	P
Utility substation	P	P	P	P	P
Commercial uses:					
Agricultural sales and service	P	P	C	C	N
Agritourism activities	P	P	P	P	C
Animal hospital	P	P	P	P	P
Bed and breakfast, home	P	P	P	P	P
Child care center	N	N	N	N	N
Farm stand ³	P	P	P	P	P
Garden center	P	P	P	P	P
Kennel, residential	P	P	P	P	P
Licensed family child care ²	P	P	P	P	P
Media service	N	N	N	N	N
Personal care service, home based ²	P	P	P	P	P
Personal instruction service, home based ²	P	P	P	P	P
Produce stand	P	P	P	P	P
Recreation and entertainment, outdoor	C	C	C	C	N
Residential certificate child care facility ²	P	P	P	P	N
Vehicle repair, limited	N	N	N	N	N
Veterinary service	P	P	P	P	P
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title				

Notes:

1. See chapter 46 of this title.
2. See chapter 42 of this title.
3. The sale of commercially packaged handicrafts or commercially processed or packaged food shall require approval of a conditional use permit pursuant to Sec. 10-7-9.

- B. *Accessory uses.* Permitted and conditional uses set forth in table 10-12-1 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 agricultural zones shall include, but are not limited to, the following:
 - a. Garage sales, subject to applicable standards of chapter 48, Temporary Uses, of this title.
 - b. Garages, carports, and off street parking areas, subject to applicable standards of chapter 34, Off Street Parking and Loading, of this title.
 - c. Hobby activities when conducted by an occupant of the premises solely for personal enjoyment, amusement, or recreation and which does not conflict with any applicable provision of this Code.
 - d. Home based businesses, subject to applicable standards of chapter 42, Home Based Businesses, of this title.
 - e. Household pets.
 - f. Keeping of machinery, livestock, and farming equipment as needed for agricultural use.
 - g. Nurseries and greenhouses.
 - h. Playhouses, patios, porches, gazebos, and incidental storage buildings.
 - i. Produce stands.
 - j. Swimming pools and hot tubs for use by residents and their guests.
 - k. Temporary real estate offices, subject to applicable standards of chapter 48, Temporary Uses, of this title.

BE IT HEREBY FURTHER ORDAINED, by the City Council of Hurricane, Utah that Title 10, Chapter 14, Section 10-14-3 of the Hurricane City Code is amended to read as follows:

Sec. 10-14-3. Uses allowed.

- A. *Permitted and conditional uses.* Permitted and conditional uses allowed within residential agriculture zones shall be as set forth in table 10-14-1 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 10-14-1 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 10-7-18E4 of this title.

TABLE 10-14-1
PERMITTED AND CONDITIONAL USES ALLOWED IN
RESIDENTIAL AGRICULTURE ZONES

Use	Zones	
	RA-1	RA- 0.5
Agricultural uses:		
Agricultural business	P	N
Agricultural industry	N	N
Agriculture	P	P
Animal specialties	P	P
Animals and fowl for recreation and family food production	P	p ³
Stable, private	P	P
Residential uses:		
Assisted living facility	P	P
Boarding house	N	N
Building, accessory	P	P
Dwelling, earth sheltered	P	P
Dwelling, multiple-family	N	N
Dwelling, single-family	P	P
Dwelling, single-family with single accessory dwelling unit	P	P
Dwelling, temporary	P	P
Dwelling, two-family	N	N
Guesthouse	P	P
Manufactured home	P	P
Manufactured/mobile home park	N	N
Manufactured/mobile home subdivision	N	N
Protective housing facility	P	P
Residential facility for elderly persons ¹	P	P
Residential facility for persons with a disability ¹	P	P
Residential facility for troubled youth	C	C
Short term rental ⁴	N	N
Public and civic uses:		
Auditorium or stadium	N	N
Cemetery	P	P
Church or place of worship	P	P
Club or service organization	N	N

Convalescent care facility	N	N
Cultural service	P	P
Golf course	P	P
Hospital	N	N
Park	P	P
Protective service	P	P
Reception center	C	C
Stable, public	P	N
Utility, minor	P	P
Utility substation	P	P
Commercial uses:		
Agricultural sales and service	N	N
Animal hospital	P	P
Bed and breakfast, home	P	P
Bed and breakfast inn	N	N
Child care center	N	N
Farm stand ⁵	P	P
Garden center	N	N
Kennel, residential	P	P
Licensed family child care ²	P	P
Media service	N	N
Personal care service, home based ²	P	P
Personal instruction service, home based ²	P	P
Produce stand	P	P
Recreational vehicle park	N	N
Residential certificate child care facility ²	P	P
Residential hosting facility	P	P
Temporary trailer	P	P
Veterinary service	N	N
Warehouse, self-service storage	N	N
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title	

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. Whole home vacation rentals in residential zones are a nonconforming use pursuant to Ordinance No. 2023-20. See licensing and operations requirements in title 10, chapter 51 of this Code.
 5. The sale of commercially packaged handicrafts or commercially processed or packaged food shall require approval of a conditional use permit pursuant to Sec. 10-7-9.
- B. *Accessory uses.* Permitted and conditional uses set forth in table 10-14-1 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 agriculture zones shall include, but not be limited to, the following:
 - a. Garage sales, subject to applicable standards of chapter 48, Temporary Uses, of this title.
 - b. Garages and off street parking areas, subject to applicable standards of chapter 34, Off Street Parking and Loading, of this title.
 - c. 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.
 - d. Home based businesses, subject to applicable standards of chapter 42, Home Based Businesses, of this title.
 - e. Household pets.
 - f. Nurseries and greenhouses.
 - g. Playhouses, patios, porches, gazebos, and incidental storage buildings.
 - h. Swimming pools and hot tubs for use by residents and their guests.

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 17th day, April 2025.

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 17th day of April 2025. Whereupon a motion to adopt and approve said Ordinance 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

A RESOLUTION OF THE CITY COUNCIL OF HURRICANE, UTAH, APPOINTING A REPRESENTATIVE TO SERVE ON UAMPS

WHEREAS, Hurricane City is a member of Utah Associated Municipal Power Systems (UAMPS); and

WHEREAS, Hurricane City wishes to appoint a representative of Hurricane City to serve on the UAMPS Board of Directors;

BE IT HEREBY RESOLVED by the City Council of Hurricane City, Utah;

1. That Michael John is hereby appointed as its Representative to Utah Associated Municipal Power Systems (UAMPS) Board of Directors effective immediately, together with such alternate or alternates as the Mayor shall appoint.
2. That the Mayor hereby appoints Brian Anderson and Michael Ramirez as its alternates.
3. That this resolution shall remain in effect until repealed by another resolution appointing a different Representative to UAMPS.

PASSED AND APPROVED this 1st day of May 2025.

Nanette Billings, Mayor

ATTEST:

Kaden DeMille, Deputy Recorder

The foregoing Resolution was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 1st day of May 2025. 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	_____	_____	_____	_____

Kaden DeMille, Deputy Recorder



STAFF COMMENTS

Continued **training** for municipal officials

Discussion:

Findings:

Recommendation:

Attachments:

None