



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

August 7, 2025
3:30 PM

City Council Chambers 147 N 870 W, Hurricane

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

3:30 p.m. Work Meeting with the County Commissioners

5:00 p.m. Pre-meeting

1. Agenda Summary

6:00 p.m. - Call to Order

Prayer

Thought

Pledge of Allegiance

Declaration of any conflicts of interest

Minutes of the Regular City Council Meeting for May 15, 2025, June 5, 2025, June 19, 2025, and Special Meeting June 24, 2025

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.

OLD BUSINESS

1. Consideration and possible approval of ~~Zone Change Amendment Ordinance ZC25-11~~, a request for a zone change located at 2400 W and Liberty Way from Light Industrial (M-1) to Single Family Residential (R1-10/PDO) and to update the overall PDO for the Balance of Nature Gardens property; Parcel Number H-3373-

NP-BL; Douglas Howard, Owner; EPS Group, Inc., Agent **APPLICANT
WITHDREW APPLICATION**

2. Consideration and possible approval of **Ordinance 2025-12 amending Title 10, Chapter 43** regarding site-built dwelling units in platted RV parks; Land Use Code Amendment No. LUCA25-04; Western CRE-Joby Venuti, Applicant; Rosenberg & Associates, Agent

NEW BUSINESS

1. ~~Consideration and possible approval of **Zone Change Amendment Ordinance No. ZC25-07**, a proposed zone change for portions of the future Hurricane Civic Center property, located between the current city offices and 1150 W, from Single Family Residential R1-10 and Public Facility to Single Family Residential R1-4, Public Facility, and General Commercial; Parcel Numbers H-3-1-34-4210, H-3-1-34-4320, H-3-1-34-4331, H-3-1-34-4332; Hurricane City, Applicant. — Gary Cupp~~ **APPLICANT REQUESTED ITEM TO BE MOVED TO THE AUGUST 21ST AGENDA**
2. Consideration and possible approval of **local consent for a beer garden** for Trail Hero - Rich Klein
3. Consideration and possible approval of a **letter of support** for USU Desert Resource Center and Washington County - Paul Hill
4. Consideration and possible approval of a **Reimbursement Agreement for Cole West Cielo Subdivision** repaving of Foothills Drive - Arthur LeBaron
5. Discussion to consider a possible **Land Use Code Update to the Home Based Business Ordinance** to allow commercial kitchens in residential zones
6. Consideration and possible approval of an **amendment to the Kachina Ridge Development Agreement** - Kent Stephens
7. **Public Hearing** to take comments on the following:
 - a. A request to vacate a portion of Flora Tech Road
8. Consideration and possible approval of **Resolution 2025-29 abandoning a portion of Flora Tech Road**
9. Consideration and possible approval of **Resolution 2025-30 Amending the Power Connection Fees** - Mike Johns
10. Consideration and possible approval of **Resolution 2025-31 Amending the Residential Power Analog Meter Rate** - Mike Johns
11. Mayor, Council, and staff reports
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 for Hurricane City Council August 7, 2025

3:30 p.m. Work Meeting with the County Commissioners

5:00 p.m. Pre-Meeting

6:00 p.m. Call to Order

Minutes of the Regular City Council Meeting for May 15, 2025, June 5, 2025, and June 19, 2025

Old Business

1. Applicant withdrew application.
2. This item was continued at the July 3, 2025, City Council meeting to allow the applicant to meet on site with city staff and a representative of the City Council to discuss possible alternative proposals. That meeting occurred on July 22, 2025. At the conclusion of the meeting, the applicant stated that he intended to provide an updated proposal for staff to review; staff is awaiting the updated materials. – Gary Cupp

New Business

1. Applicant requested item to be moved to the August 21st agenda.
2. Trail Hero is requesting local consent to operate a beer garden as part of their upcoming event, which is being relocated from Sand Hollow State Park to the Washington County Fairgrounds. A safety plan has been provided, and the Sheriff's Department, which oversees events at the fairgrounds, will have 13 officers on-site each day. Food trucks will also be available to provide food options. A background check has been completed for the beer garden manager, and staff has no concerns with issuing the local consent. – Cindy Beteag
3. Utah State University (USU) Extension is requesting a letter of support as they pursue one-time appropriation funding from the State for the development of a new regional center. The proposed facility will be located on land provided by the County and the Water Conservancy District and is envisioned as a hub for research, education, and innovation. Key focus areas will include precision agriculture, water conservation, and water quality. In addition, the center will house USU Extension, a USU Statewide Campus, the regional Small Business Development Center, and a variety of programs supporting workforce and economic development, 4-H youth, agriculture, health and nutrition, financial literacy, and leadership education. – Cindy Beteag
4. Cole West is developing a subdivision where the current Sunroc gravel pit is being operated on SITLA land off of Foothills Canyon Drive. The road surface is in a state of disrepair because of the heavy truck traffic associated with the gravel pit. Initially staff was of the opinion that the developer and/or SITLA should be responsible to resurface

Foothills Canyon Drive as part of the new development. Legally the City cannot require this since the road has been dedicated and accepted by the City. However, as a compromise, Cole West has offered to pay \$250,000 toward the cost of resurfacing Foothills Canyon Drive and an agreement has been drafted for consideration by the City Council that will result in Cole West managing the design and construction, with the City having ultimate approval authority on the means and methods for the resurfacing. At this point, the total cost is unknown, but a preliminary cost estimate was nearly \$600,000. City Staff has reviewed the draft agreement and recommends approval. - Arthur LeBaron

Here are the key terms:

- Cole West will pave Foothills Drive before it starts phase 2 of Cielo, at its own cost
 - (initially). When the City reimburses Cole West, the City will hold back \$250K as Cole West's contribution to the roadway costs.
 - The City will have the authority to approve the design, any rehabilitation methods, and the bid docs for the roadway.
 - Cole West will get a 1 year warranty for the roadway improvement from the contractor and assign the warranty to the City.
 - After the road is done, Cole West will provide evidence of its actual cost to the City, and the City will provide initial partial reimbursement. The initial reimbursement will be partial because the City will hold back 10% of the total roadway costs as 1-year warranty bonding (in addition to the warranty from the contractor). After 1 year and the resolution of any warranty work, the City will reimburse the remaining 10% to Cole West (minus the \$250K).
 - At the City's option, Cole West may be required to redo a portion of the roadway at the end of the Cielo buildout, with the City reimbursing Cole West for the improvement. – Dayton Hall
5. Staff was directed to explore the practicality of a possible land use code update to allow commercial kitchens in residences for home-based business licenses. In response, staff provides the following information:

Cottage Kitchens: Cottage kitchen legislation became effective in 2007 under The Cottage Food Act. This legislation was intended to allow a home kitchens to produce limited types of foods as a home-based business. The City's home-based business ordinance allows home kitchens if they qualify for a cottage kitchen license from the Utah Department of Agriculture & Food. In order to qualify for a cottage kitchen license, the food products must meet the following criteria:

- The food products must be shelf-stable, meaning they do not require refrigeration.
- The food products cannot be sold online or out of state.

- The food products cannot contain meat or raw dairy; although, certain foods that are dairy-based, like cheesecake, might be approved by Dept of Ag & Food for a cottage license.
- The food product must not contain vegetables; although, certain foods that include vegetables, like carrot cake or jalapeno bread, might be approved by Dept of Ag & Food for a cottage license.
- The food product's laboratory-measured PH must be below 4.6.
- The food product's laboratory-measured Water Activity (Aw) must be below 0.85.
- Foods can be packaged and labeled.
- Food handler certification is required.

Microenterprise Home Kitchen: Microenterprise home kitchens are very similar to the cottage kitchen; in fact, our home-based business ordinance allows these as well. The main difference is these can produce non-shelf-stable foods, but the permit does not allow bottling. The cottage kitchen does allow bottling of things like jams and preserves as long as they don't contain vegetables.

Commercial Kitchens: Kitchens producing foods that do not meet the criteria for a cottage home kitchen or microenterprise kitchen would require a commercial kitchen license from the Dept of Ag & Food. A commercial kitchen license would essentially permit the production and sale of just about anything that could be sold in a full-service grocery store. It allows bottling, meats, and dairy. Currently, such commercial operations are not allowed under city codes, since they are beyond the intent of both our local home-based business ordinance and the state's cottage kitchen and micro-enterprise regulations. – Gary Cupp

6. This item is a request by HS Properties, LLC to adjust and extend the termination date within the Kachina Ridge Development Agreement. The subject property is 75.9 acres on the Hurricane Hill north of Highway 59. The Agreement was approved by the Council on December 3, 2021, in conjunction with a zone change rezoning the property to Planned Commercial. In addition to the standard requirements that the developer bring utilities to the property, the Agreement requires that the developer design and construct intersection improvements on SR-59 to UDOT standards, including over/underpass, traffic signals, turn lanes, and other right-of-way improvements. The Agreement also states that the City Council has the option to terminate the Agreement if the final plat for the property has not been recorded by December 3, 2028. The developer has been working with UDOT to complete a design for the highway interchange, but the process has been moving slowly and has suffered some setbacks. The developer's request is that the Agreement be amended to give the Council the option to terminate if a preliminary plat has not been approved by the City by December 3, 2028, instead of requiring the recording of a final plat before the termination option is available. This amendment would avoid the potential situation where a preliminary

plat has been approved and construction has started on the development, but the final plat is not recorded by the deadline, giving the Council the contractual ability to terminate the Agreement mid-development. – Dayton Hall

7. Public Hearing to take comments on a request to vacate a portion of Flora Tech Road.
8. Flora Tech Road is an old County Road that is a prescriptive right-of-way the City inherited as part of the 1978 Dixie Springs Addition annexation. The City has maintained the road and it is a public right-of-way by prescriptive use, which means there is no official dedication plat. With imminent development being proposed as part of the Gateway at Sand Hollow PID, the time has come to replace Flora Tech Road with a new roadway network that is in accordance with the City's Transportation Master Plan (see attached Exhibit). In order to vacate a public right-of-way the City must follow a statutory process outlined in State Code, which requires advertisement, a public hearing, and a resolution. City Staff has reviewed the petition to vacate and recommends approval. – Arthur LeBaron
9. We last updated our Power Connection Fees in June 2024 and established at that time we would review them annually, at a minimum, to update labor rates, material costs, and equipment costs. We will update them as needed in between those times if any material significantly increases and it's necessary to do so. However, this is the normal annual review and update for those items. This item is on the August 6, 2025, Power Board agenda. Staff anticipates a positive recommendation. – Crystal Wright
10. We have a rate for a Residential Analog Meter on our books that hasn't been used in a very long time. The actual cost per kWh is equal to our regular Residential rate, however the Base Rate is currently \$10 higher than a regular residential customer who has their monthly reading collected by radio. This \$10 increase is not sufficient to cover the increased labor rate & truck visit, especially because we will be doing it for just a select few. We have signed the contract and are moving forward toward our AMI metering project which will eliminate radio reads almost entirely. Visually reading meters will be a very big step backward. We've recently had 2 residents inquire about looking into that rate and we've conducted a review of the cost for us to change those meters out, and updated costs to collect those reads manually each month. We would like to have this rate updated in advance of any new residents requesting that rate. There are currently no customers on this rate, with the potential to add only the 2 who are inquiring about the rate. This item is on the August 6, 2025, Power Board agenda. Staff anticipates a positive recommendation. – Crystal Wright
11. Mayor, Council, and staff reports.
12. Closed Meeting upon request.

Minutes of the Hurricane City Council meeting held on May 15, 2025, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 3:30 p.m.

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

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Kurt Yates, Public Works Director Mike Vercimak, Assistant Public Works Director Weston Walker, City Planner Gary Cupp, Assistant Planner Fred Resch III, Power Director Mike Johns, Recreation Director Tiffani Wright, Finance Manager Paige Chapman, Water Assistant Kory Wright, Building Official Larry Palmer, HR Director Sel Lovell, and City Recorder Cindy Beteag.

AGENDA

3:30 p.m. – Work Meeting

Discussion regarding Zion Regional Medical Center

Planning Commissioners Present: Ralph Ballard, Mark Sampson, Paul Fathering, Brad Winder, and Michelle Smith.

Glen Adams, Shawn Porter, Rob Robinson, Brent Moser

Glen Adams explained that the hospital will be on the Planning Commission agenda next week to request approval for increased building height. Due to limited space, the hospital must expand vertically rather than horizontally. Phase 2 includes an 85-foot tower, starting with 24 beds and eventually expanding to 150. Mr. Adams also introduced the idea of creating a Public Infrastructure District (PID) for the hospital property only. This self-imposed tax would help raise needed capital in a challenging financial environment. Mayor Billings noted that this type of financing could result in lower interest costs. Shawn Porter added that the hospital would be the sole contributor to the district, making it a unique, property-specific funding method. Mayor Billings explained they are seeking the Council's feedback before submitting a \$2,000 application and triggering staff review, to ensure there is support for this financing approach.

Dayton Hall clarified that there is a formal process required to approve exceptions, including for building height and the proposed PID. No decisions are being made at this point—this is just an initial discussion. Mayor Billings said they are simply looking to gauge the Council's interest and direction. Councilman Hirschi asked what steps are needed to approve the increased height. Mr. Hall explained it would require a development agreement and an ordinance change. Ralph Ballard asked if a conditional use permit could allow for that height with proper safeguards. Mr. Hall said that could be another path—either through a development agreement with listed conditions or a change to the height ordinance. Mr. Adams added that it's not just the hospital building that would exceed current limits; the office buildings are also planned to be four stories.

38 Councilman Fawcett asked how much taller the proposed building would be compared to the
39 ridge directly behind it. Fred Resch III responded that the ridge is about eighty feet high.
40 Councilman Thomas noted that height limits are typically in place to protect views, control
41 density, meet fire safety standards, and preserve the character of surrounding zones. However,
42 he pointed out that hospitals are different since their parking surrounds the building, reducing
43 view obstruction compared to residential or commercial structures. Paul Fathering added that
44 the design would be similar to the hospital in St. George, built against a ridge and surrounded
45 by commercial zoning, where height isn't a concern. A Fire Department representative
46 confirmed they have the equipment to service the building but would require a fire suppression
47 system. Councilman Thomas highlighted the need to weigh the pros and cons, stating that a
48 hospital is necessary. Mr. Fathering also noted the project would bring good-paying jobs to the
49 community.

50 Brad Winder asked if there was a compelling reason to pursue a conditional use permit rather
51 than a development agreement. Councilman Ellerman responded that conditional use permits
52 can be arbitrary and may lead to claims of inconsistent treatment. Mr. Cupp noted that the
53 current ordinance caps building height at 55 feet. Council Ellerman also referenced a similar
54 project in Washington that was approved but never built, expressing concern about approving
55 something that might later require changes. He stated that hospitals are essential and benefit
56 the whole community, and he personally has no issue with the proposed height.

57 Mayor Billings asked how many beds would be included in Phase 1. Mr. Adams responded that
58 there would be 25 beds. He said Phase 1 would also include an ER, radiation, labs, and other
59 services. Councilman Ellerman clarified that the tower is part of Phase 2. Mr. Adams confirmed
60 the project consists of two phases total. Mr. Hall asked about the height of the other buildings.
61 Mr. Adams said the tallest would be five stories. The remaining buildings would be three or four
62 stories. Mr. Winder confirmed that a Life Flight helipad is planned. Councilman Ellerman asked
63 if there would be a surcharge on patient bills to pay for the PID. Mr. Porter said the hospital
64 would cover the cost. There would be no surcharge to patients. Councilman Fawcett said he
65 usually does not support PIDs. However, he believes this is a different situation. He said it
66 would not make much difference on the bottom line. Mayor Billings asked for input from the
67 power, water, and fire departments. She noted that an item is already on the agenda for the
68 power extension. Mike Johns said they have a solid infrastructure plan. He asked what the
69 expected timeline is for total buildout. Mr. Adams said they want Phase 1 to be open by the
70 end of 2027. Mr. Johns said it takes two years to get a transformer. He said it would need to be
71 ordered right away. Councilman Fawcett asked if providing power to the site would raise rates
72 for everyone. Mr. Johns said it could potentially raise prices because the City would need to
73 purchase more power. Mr. Winder asked if power could come from the Toquerville Reservoir.
74 Mayor Billings said that is not currently planned. Michelle Smith clarified that the hospital
75 would be responsible for all their improvements. They would also be responsible for bringing
76 infrastructure to the site.

77 Mayor Billings said UDOT will not allow direct access at this location. Councilman Thomas said
78 the Council can all start requesting flyovers. That would help make the frontage roads more

79 accessible. Brent Moser explained that there is an expressway planned to go through. He
80 showed how the site would be accessed. Kory Wright said he believes water looping will work.
81 He said they are still in the early stages and there are questions to work through. A fire district
82 representative explained that the State Fire Marshal regulates hospitals. He said future
83 discussions would focus on operating procedures. Mr. Adams said they will work with staff to
84 decide what to do with a park. He said they need open space as well. He believes there is time
85 to work out those details. He said their goal is to bring value to the community. They do not
86 want to take from it.

87 Councilman Prete asked why they wanted to pursue this project. Mr. Porter said they
88 consistently hear that there is a strong need for a hospital in the area and they believe it is a
89 win-win for both their group and the community. He explained that the hospital will be
90 independently owned. Mr. Adams added that physicians will also have ownership in the
91 project. Mr. Winder asked what types of specialties the hospital will offer. Mr. Porter said their
92 initial focus will be cardiology and orthopedics but they plan to expand over time. Mr. Adams
93 added that the hospital will have a robust emergency room. He said the facility will be about
94 half the size of the hospital in St. George. Ralph Ballard asked how this compares to Revere
95 Health. Mr. Porter said this would offer an additional inpatient option. Mr. Ballard said good
96 access is critical for hospitals. He said the topic should be discussed further. He stated that
97 seconds matter when trying to reach a hospital. Mr. Moser said the access to this hospital will
98 be better than the one in St. George. He said there is an old agreement between UDOT and the
99 City. That agreement stated that the only exception for access at this location would be for a
100 hospital. Councilman Fawcett said it could be limited access. Mr. Moser said there is a
101 possibility of creating a lane designated specifically for hospital access.

102 **4:15 p.m. – Work Meeting**

103 Discussion regarding the City Civic Center

104 Kaden DeMille gave a presentation on the current status and history of the City's facilities. He
105 explained that building permits are tracked annually, and based on those numbers, the
106 estimated population is now 25,390. With an average growth rate of 5% per year, he projected
107 the population through 2050. He provided background on the City office, which moved into the
108 current building in 1997, and the police station, which has been in use since 2008. He noted
109 that space has been an issue for many years. In 2020, the City considered constructing a
110 temporary building behind the current office to get by until a larger facility could be built. Later
111 that year, the property to the west of the City became available, but it was only offered as one
112 piece. The City purchased the entire parcel for \$3.3 million using a combination of savings,
113 parks impact fees, water funds, and ARPA funds. Consultants were hired to develop a long-term
114 plan that would meet future needs rather than serve as a short-term fix. Mr. DeMille stated
115 that the City is experiencing explosive growth, and new buildings are necessary. The plan is to
116 move the court into the existing City office and relocate all current staff to a new building.
117 Councilman Fawcett highlighted the need to fully use the current space before expanding. Mr.
118 DeMille said the plan has always been to build out in phases, but he hasn't yet studied alternate

options or phased approaches due to the many possible scenarios. He presented concept cost estimates for site and utility work for City buildings, totaling approximately \$43.1 million. He raised the question of how the City would pay for it, noting that bonding is not a favorable option. The City is looking at programming the property to help fund the buildings. He shared an example from Millcreek City, which used housing, an amphitheater, and affordable housing to help pay for a civic project. Community surveys helped shape the concept plan, and consultants determined the best use of the property. He also reviewed figures from Zions Bank comparing the benefits of selling the land versus leasing it. Mayor Billings asked whether the land could be sold given that ARPA funds were used. Mr. DeMille said portions could be sold off if necessary. He shared the projected values for each planned use on the property.

He addressed a comment suggesting the purchase of the old Ace building for the police station. He explained that it only offers 7,577 more square feet than the current station and lacks sufficient parking. Mayor Billings added that she contacted the owners, who confirmed the building is already under contract and not available. Mr. DeMille also pointed out that the Ace site is a prime commercial location and better suited for that purpose. In response to a question about using portable buildings for staff, he said it could cost up to \$400,000 to purchase and connect utilities, making it an expensive temporary solution. He concluded by recommending that the City retain all 20 acres, as the site is intended for long-term use. If the current plan does not work out, adjustments can be made, but the space will be needed in the future.

Mayor Billings asked what the potential sale value of the property would be under current zoning. Mr. DeMille said that figure is unknown. She then asked about the option of leasing the land. Mr. DeMille presented projected annual revenue based on the current concept plan. Mayor Billings also asked what the bond payment would be if the City bonded for the full project amount. Mr. DeMille reviewed what has already been saved and what would be gained from selling the current police station. He estimated the annual bond payment would be nearly \$1.5 million. He also discussed an alternative option of ground leasing the commercial areas instead of selling them. Councilman Hirschi asked how long it took to save the \$7.7 million. Councilman Fawcett said they began saving five years ago, though some of those funds were used to purchase the property. Mr. DeMille added that if construction started today, it would take approximately 16 to 18 months to complete. He stated that the goal is to avoid increasing property taxes. He explained that the savings have come primarily from sales tax revenues.

Chief Yates explained that when they moved into the current building, they had seventeen employees. The department has since grown to forty-four employees and is now completely out of space. They had to convert a meeting room into an office. The building was never designed to be a police station; it was originally a dentist's office. Prisoners enter through the same door as civilians, creating safety concerns. The break room is located across from the booking room, and parking is unsecured and shared by everyone, which poses risks for officers. State-mandated training requires space that the current training room cannot accommodate, so department meetings must be held elsewhere. The new right of way for the entertainment facility will cut through the parking lot, further complicating space issues. Evidence storage

requirements have increased, but they have no adequate space to store it. They lack industrial refrigerators and proper ventilation for the evidence room. Chief Yates highlighted that their biggest concern is the building's unsafe setup.

Councilman Prete asked what the financial impact would be if the City neither leased nor sold the land. Mr. DeMille explained that leaving the land vacant would allow a different approach but would increase the bond payments. Mayor Billings pointed out that the City purchased the property to build a new civic center. She noted that if the City hadn't bought it, someone else likely would have developed commercial and multi-housing projects there. Ms. Smith inquired about grant opportunities. Mr. DeMille said there are no grants covering the entire project, but some exist for parts of it. Councilman Prete asked if the buildings could be constructed at different times to stagger funding. Mr. DeMille noted that the police department faces significant pressure from surrounding development. He said most of the funds saved are earmarked for the city office, but money will also come from the sale of the police station. Councilman Prete added that building one facility first could provide extra office space until the other is completed. Mayor Billings asked Councilman Fawcett to explain the process used when constructing the current city building. Councilman Fawcett said he doesn't recall many public hearings. He said the City helped build 870 West. Although it wasn't a secret, the public wasn't heavily involved. The project was financed through a municipal lease, with bond payments made from the general fund. Mr. Ballard asked if the administration staff could move into the current police station if the police department relocates. Mr. DeMille said they could analyze that option if the Council is interested. Mr. Ballard also asked if the recreation buildings generate revenue. Mr. DeMille replied that only Provo City's recreation department operates in the black. Mr. Ballard wondered if those properties could generate more revenue. Mayor Billings said the goal is for people to be able to use the facilities. Mr. Ballard pointed out that since taxpayers pay for them, users might need to pay more. Mr. DeMille said fees will be reviewed once the four-court gym and covered pool are completed.

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

Gary Cupp stated the Planning Commission agenda next week is full. Staff is working on code updates.

Mike Vercimak stated the improvements in 1100 West are wrapping up.

Mike Johns stated they will be using Eaton for the AMI project.

Larry Palmer reported that since the last meeting, they have issued permits for fifteen single-family homes, three manufactured homes, a sixteen-unit apartment complex, and two commercial projects. He added that they are meeting the new state requirements well.

Weston Walker stated that dumpsters were placed out this week and have all been used but are now picked up. He said the 2050 S. project is wrapping up. On 100 North, storm drains and water lines are mostly installed as construction continues. He noted that the 1760 West project has encountered some issues, causing delays beyond the original timeline.

198 Sel Lovell mentioned one of the employee's emails was hacked so don't open anything
199 suspicious.

200 Kory Wright shared that submittals are arriving for the Dixie Springs well project. They are
201 currently moving dirt for the Sky Ranch Well and are prepared to begin work on the well near
202 60 East. The team is also handling numerous leaks. Mayor Billings noted that the City has
203 received the bond for the water projects. Mr. Wright added that work is underway on the
204 return lines for the irrigation project.

205 Tiffani Wright said the pool heater is still out of service. The spring show has ended, and dance
206 recitals are scheduled throughout the week. They repaired concrete on the south side of the
207 Community Center and added a sidewalk on the west side. She also noted that the roof is
208 leaking and will need to be replaced.

209 Chief Yates said they have adjusted their hours to 8 a.m. to 5 p.m. to improve public
210 accessibility. They have also resumed VIN inspections and lockout services, which the public has
211 greatly appreciated.

212 Councilman Fawcett was excused at 5:45 p.m.

213 **6:00 p.m. - Call to Order –**

214 Mayor Billings welcomed everyone and called the meeting to order.

215 Prayer, Thought, and Pledge led by Tiffani Wright

216 Congratulate Local National Civic Bee Competition Winners: Megan Kane and Zoey Mecham

217 Mayor Billings had Megan Kane (Zoey Mecham not able to attend) come forward and
218 congratulated them on competing in the Civic Bee Competition.

219 Declaration of any conflicts of interest

220 None declared.

221 **Public Forum – Comments From Public**

222 Ross Johnson explained that he is seeking land to build multiple prefab homes, which he
223 described as a good option for low-income housing. Each home would use only 0.2 acres. He
224 shared examples of different home sizes along with their corresponding price ranges. He asked
225 if the City would consider allowing this type of development on City-owned land for presale of
226 the homes. He noted that this approach could help avoid apartments and townhomes, which
227 he believes tend to create more problems, and would allow residents to own their own land.

228 Mayor Billings asked Mr. Johnson to submit a written proposal. She mentioned that she had
229 spoken with the County and clarified that the City would not own the property. She noted the
230 need for more detailed information. Councilman Prete confirmed that this type of development
231 has not yet been constructed in Utah.

232 Rod Sessum addressed concerns about the storage units on 3700 West. He said the lighting
233 there is in violation of City code. He has spoken with Fred Resch III multiple times and was

assured the lighting would comply, but it does not. He said the lights are so bright they shine directly into his home and cause him to be blinded. To reduce the impact, he added four courses of block to his wall. He read aloud City code 10-33-7 regarding outdoor lighting and stated that the wall pack lights being used are not compliant. He expressed that this is a security concern for him. He also mentioned that his neighbor, a disabled veteran, recently had someone break into his home.

Mayor Billings directed Mr. Resch III to look into the issue. She explained that which code applies depends on when the storage units were built. Mr. Sessum responded that he was told the lighting was grandfathered in, but additional lights have been added since then.

Mayor Billings took new business 1 and 2 out of order and addressed them next. These minutes are in order of the agenda.

OLD BUSINESS

1. Consideration and possible approval of Ordinance ZC24-07 Zone Change and Preliminary Site Plan request from NC, Neighborhood Commercial to R1-8 (PDO), Single Family Residential R1-8 with a Planned Development Overlay, located at 2230-2254 W 600 N. Parcel H-3-1-29-2213, H-3-1-29-2214. 317 Sycamore LLC, Applicant. Beau Ogzewalla, Agent

Mayor Billings read the following summary that was provided in the packet written by Gary Cupp. "This item was continued from April 3, 2025, to allow the applicant to provide additional parking to the site plan and explore possible alternative commercial options for the project. As requested, the applicants have submitted an updated site plan that shows the addition of 10 parking spaces. Other updates to the site plan include adjustments to the roadway to better match access and utility agreements, and to provide better connectivity with the neighboring property to the east. Also, the amount of proposed commercial area has been slightly increased."

The applicant explained that adjustments had been made to the project, including shifting the road, adding more parking stalls, and moving the trail away from the cart path. The commercial area has also been expanded. He said he is still willing to rezone his other parcel to commercial in the future, as previously discussed. Councilman Ellerman asked whether the City had an easement for the cart path. The applicant said there is not one currently but offered to provide it. Dayton Hall stated the easement can be shown on the site plan, as the plat will mirror the site plan. Councilman Prete clarified that a block wall is planned between this development and the future road to the east. Councilman Ellerman expressed concern about walls next to roadways and suggested using landscaping boulders or rod iron fencing instead. He also recommended not requiring a sidewalk on the east side of the development. Councilman Prete asked if staff had any concerns. Mike Vercimak said his concern is the lack of access to a public road. The applicant explained that he owns the adjacent parcel and has an easement across it. Mayor Billings recommended that any approval be conditioned upon securing public access.

Kevin Thomas motioned to approve Ordinance ZC24-07 Zone Change and Preliminary Site Plan request from NC to R1-8 PDO located at 2230-2254 W. 600 North subject to a public access is granted through the adjacent parcel as well as the sidewalk not being required on the east side. Dayton Hall pointed out the adjacent road might not be built for many years. Do they want to give up a sidewalk without knowing the time frame. He stated the dedication of the easement for water looping hasn't been recorded yet, but the adjoining owners have verbally agreed. Mayor Billings pointed out that is part of the JUC comments. Councilman Thomas added to his motion to include the JUC comments. Seconded by Drew Ellerman. Motion carried with Kevin Thomas, Drew Ellerman, and Joseph Prete voting aye. David Hirschi voted nay.

2. 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

Mayor Billings read the following summary that was provided in the packet written by Gary Cupp. "This item was continued at the May 1, 2025, City Council meeting to allow staff to make adjustments to the proposed land use code update that would allow commercial farm stands. It was initially proposed that farm stands selling commercially packaged food and other items should only be allowed on agricultural properties of no less than five acres in size. At the request of the Council, the proposed minimum property size has been reduced to one acre and cannot be located in recorded subdivisions. Staff has also updated the proposed conditions of approval to clarify that commercial farm stands must be primarily devoted to the sale of agriculturally produced or farmed products, and also to clarify the percentage of commercially packaged goods allowed to be sold. Please note, the Council is also considering an unrelated update to add the phrase "*drilling, or other methods*" to Section 10-3-4 of the City code for the purpose of clarifying the definition of Mineral Extraction."

Dayton Hall stated that the Council previously discussed the definition of a farm stand and read the proposed updates. He explained that if items sold are not agricultural products, the use would require a conditional use permit. He also reviewed the specific requirements tied to the definition. Councilman Hirschi questioned whether the City should limit the amount of product sold that isn't produced on the property. Mayor Billings responded that if it's agricultural, it shouldn't matter where it is produced. Gary Cupp clarified that under the current proposal, up to 50% of the products can come from off-site, but the property itself must have agricultural use that accounts for at least 50% of what is sold. Mayor Billings pointed out that some properties may not be able to produce enough volume, so owners will rely on additional products from other sources. Councilman Hirschi said he supports limiting the amount of non-agricultural products sold but prefers removing the requirement for a minimum amount to be grown on-site. The Council also discussed the idea of limiting off-site products based on the number of miles from the farm stand location. Mr. Hall noted other proposed changes, including that a farm stand must be located on at least one acre and not within a recorded subdivision. He clarified that farm stands are subject to different regulations than general retail sales. Councilman Prete said he is not in favor of allowing products from across the state and

suggested increasing the minimum lot size to two acres. He expressed concern that allowing farm stands on one-acre lots, especially with statewide products, turns it into a broader commercial operation rather than a local concept. Councilman Thomas agreed that the goal should be to keep farm stands local. Mr. Cupp expressed concern that allowing products from all over could turn farm stands into something more like grocery stores. Councilman Hirschi said he supports encouraging competition and agricultural use. Councilman Prete suggested limiting the 50% of off-site products to those sourced within 50 miles. Councilman Ellerman recommended adopting the current proposal and making adjustments later if needed.

Drew Ellerman motioned to approve Ordinance 2025-08 amending Title 10, Chapters 3,7,12, and 14 regarding farm stands as written. Seconded by Kevin Thomas. Motion carried with David Hirschi, Kevn Thomas, and Drew Ellerman voting aye. Joseph Prete voted nay.

3. 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

Mayor Billings read the following summary that was provided in the packet. “When the Council last discussed this item, it was continued to allow additional time for the consultants to address the questions raised regarding the analysis supporting the recommended impact fee. Provided in the packet is the updated and final impact study report. This report has been updated to reflect the adjusted impact fees, and address the concerns brought to us through SUHBA.”

Mike Johns presented the amended Chart 5.1, which summarizes future capital project costs as part of a study that began in 2023 and covers a ten-year projection. He reviewed the updated figures, noting that the proposed increase has been reduced from 132% to about 60%. Mayor Billings confirmed that SUHBA is satisfied with the adjustments. Councilman Prete expressed concern about scaling back too far and potentially harming the City’s future needs. Mr. Johns explained that since the study began, the City has gained a better understanding of the true costs of growth. He clarified that the 60% figure reflects the increase in impact fees, while the 73% figure represents the increased demand for power. When asked how the numbers dropped so significantly, Mr. Johns explained that the calculation is based on the ratio between projected growth and the added capacity of the proposed projects. Mike Vercimak stated the original study showed a 132% increase, but the revised version reflects a lower impact fee based on current projections. Mayor Billings explained that the reduction came from removing projects that wouldn’t be completed within the ten-year timeframe. Councilman Prete questioned how the City arrived at such a significantly lower figure. Mr. Vercimak said the biggest change was the removal of certain projects from the list. Mac Hall added that impact fees must be spent within six years, which also influenced the adjustment. He said the updated study is reasonable. While it may slightly restrict growth, setting fees too high would restrict it even more. Mr. Johns noted that the study will be updated again in five years.

Kaden DeMille pointed out that the biggest change is the revised cost of growth. He noted that infrastructure is necessary, and growth is inevitable, which is reflected in all impact fee categories. He also reminded the Council that if they choose to adopt a lower fee than recommended, the difference will have to be covered by ratepayers. Councilman Hirschi added that the Power Board recommended moving forward with the proposed fees but acknowledged they may need to revisit the issue before the next scheduled update.

David Hirschi motioned to approve Ordinance 2025-04 Approving a Power Impact Fee Facilities Plan, a Power Impact Fee Analysis, and an Impact Fee for Power on Development. Seconded by Kevin Thomas. Motion carried unanimously by a roll call vote.

4. Consideration and possible approval of Ordinance 2025-09 creating term limits for elected municipal officers -Mayor Billings

Mayor Billings read the following summary that was provided in packet. “When the Council discussed this item previously, it was continued to allow the Council additional time to consider the item.” She read the proposed term limits. Councilman Prete stated the Mayor’s policy has been having board members serve one to two terms and this would follow the same path.

David Hirschi made a motion to approve Ordinance 2025-09. He noted that the recent ballot initiative effort fell short by only a few hundred signatures and believes there is strong public support for it. Joseph Prete agreed, stating it likely would have made it onto the ballot. Kevin Thomas expressed support for term limits at the federal level but said he struggles with them at the local level, where experience and continuity can be valuable. He said it takes time to learn the process and would prefer a three-term limit over two. He added that he would hate to see someone forced out who is doing a good job. Drew Ellerman echoed that concern, saying it could be harmful to lose an effective leader. He believes voters should be the ones to decide and sees merit on both sides of the argument but would be more comfortable with a three-term limit. Joseph Prete also said that if term limits are implemented, he would prefer three terms instead of two, though he noted he doesn’t feel strongly either way. Motion died for lack of second.

Joseph Prete motioned to approve Ordinance 2025-09 subject to a three term instead of two. Mayor Billings reiterated why she proposed this and added that all staff she asked said two terms. She would prefer nothing over three terms. Councilman Prete withdrew his motion.

Joseph Prete motioned to table Ordinance 2025-09. Motion died for lack of second.

Drew Ellerman motioned to deny Ordinance 2025-09 creating term limits for elected municipal officers. Seconded by Joseph Prete. Motion carried with Kevin Thomas, Drew Ellerman and Joseph Prete voting aye. David Hirschi voted nay.

NEW BUSINESS

396 **1. Consideration and possible approval of waiving all City impact fees for Washington**
397 **County's EOC/Parks Building - Commissioner Iverson**
398

399 Mayor Billings read the following summary that was provided in the packet written by Cindy
400 Beteag. "Washington County has an approved site plan to construct a 16,150-square-foot
401 building to house the Emergency Operations Center and Parks Department, located at
402 approximately 5710 W Shooting Sports Park Road. As part of the project, the County is
403 requesting a waiver for all impact fees associated with the development. Based on the
404 building's square footage, the total impact and connection fees are as follows: Public Safety –
405 \$345.80, 1" Water Impact – \$5,522.00, Parks Impact – \$11,938.56, Streets Impact – \$3,388.84,
406 and 600-amp Power Impact – \$22,073.00, totaling \$43,268.20. The County will still pay the
407 water connection fee, which is a hard cost to the City. Similarly, the Power Department will
408 issue an invoice for the power connection fee, as the building will be CT metered. It is
409 recommended that the County coordinate with the Fire District and Ash Creek Sewer District to
410 seek waivers for their respective impact fees. Documentation has been provided confirming
411 that the Washington County Water Conservancy District has already waived its impact fees for
412 this project."

413
414 Mayor Billings noted that since it is an interlocal agency, the fees are typically waived.
415 Commissioner Iverson thanked the Council for allowing him to be added to the agenda and for
416 being strong partners. He explained that the EOC building serves as a storage area for
417 emergency equipment and includes training rooms. Councilman Hirschi added that the City
418 waives the fees to prevent citizens from being double taxed.

419
420 David Hirschi motioned to approve waiving all City impact fees for Washington County's
421 EOC/Parks Building in the amount on \$43,268.20. Seconded by Kevin Thomas. Motion carried
422 with David Hirschi, Kevin Thomas, Clark Fawcett, and Joseph Prete voting aye. Drew Ellerman
423 voted nay.

424
425 **2. Consideration and possible approval of waiving the City water impact fee for**
426 **Washington County's Legacy Park trailer hookups - Commissioner Iverson**
427

428 Commissioner Iverson stated they wanted to purchase an additional water meter. There are
429 already water meters there, but they need more. Mayor Billings read the following summary
430 provided in the packet written by Cindy Beteag. "Washington County is requesting a waiver for
431 the water impact fees associated with the development of the trailer hookups, totaling
432 \$3,106.00. The County will still pay the water connection fee, which is a hard cost to the City."

433
434 Kevin Thomas motioned to waive the City water impact fee for Washington County's Legacy
435 Park trailer hookups in the amount of \$3,106. Seconded by David Hirschi. Motion carried with
436 David Hirschi, Kevin Thomas, Clark Fawcett, and Joseph Prete voting aye. Drew Ellerman voted
437 nay.

438
439 **3. Discussion regarding the City Civic Center and informational notice to public that Civic**
440 **Center survey closes at midnight on May 15, 2025**

441 Mayor Billings shared that QR codes for the survey have been distributed widely—around town,
442 via mail, email, and social media. The survey closes tonight at midnight, and results will be
443 announced soon after. She noted that staff received twenty questions seeking clarification,
444 some of which were addressed during the work meeting. The first question concerned the
445 proposed size of each new building. Kaden DeMille responded that the proposed police station
446 would be 41,700 square feet, and the new city office would be 31,200 square feet. Mayor
447 Billings then asked about the specific needs for the new city office and police station. Chief
448 Yates explained that the police department moved into their current building in 2008 with
449 seventeen staff members. They have since grown to forty-four employees and are now at full
450 capacity. A soft interview room has been converted into an office to accommodate staff.
451 Monthly state-mandated training requires splitting employees into two groups because the
452 current training space cannot fit everyone; they use Utah Tec’s facility but noted it is still not
453 secure. Chief Yates described the building as a former doctor’s office with major security issues.
454 Prisoners enter through the same entrances as civilians, and the break room is located near
455 where prisoners are brought in. There are no locked areas to securely hold prisoners, and
456 parking is shared with dentists and court visitors. The back parking lot will become an access
457 point for the new entertainment center, further complicating safety. He highlighted that the
458 evidence room is inadequate. Because they must retain evidence longer, storage needs have
459 increased, but the room lacks proper ventilation. Industrial-sized refrigerators are required for
460 some evidence, yet they currently use standard refrigerators. Chief Yates also mentioned a
461 tragic incident last year where someone took their life in the parking lot, possibly attempting
462 suicide by cop. He stressed that public access to police parking should be restricted for officer
463 safety. He stated that these needs are urgent and not optional. He urged the Council to move
464 forward as quickly as possible.

465 Kaden DeMille explained that the administrative building is overcrowded, with staff scattered
466 throughout the space. The break room doubles as a meeting area, and the bathrooms are
467 insufficient. They have relocated as many employees as possible out of the building.
468 Councilman Fawcett rejoined the meeting at 7:50 p.m. Mayor Billings moved to the next
469 question about the proposed infrastructure costs. Mr. DeMille estimated \$38 to \$43 million for
470 horizontal and vertical construction of both buildings, with utility infrastructure costing around
471 \$6 million. The City Office building is projected at \$13.1 million, and the police station at \$18.8
472 million. About \$4.5 million has already been saved for the project, with \$7.7 million expected by
473 July. The bond amount needed, after savings, would be about \$25 million. With an estimated
474 4.5% interest rate, annual bond payments would range from \$1.2 to \$1.8 million. Regarding
475 land needs for the civic center, Mr. DeMille said the total property spans twenty acres, with just
476 over six acres needed for the civic buildings and about two acres for open space. When asked
477 about potential sale value, he estimated about \$13 million at the highest and best use.

Councilman Fawcett noted that lowering the allowed density would reduce this value. At current zoning, Mr. DeMille estimated a sale value of around \$8 million. Mayor Billings asked about the timeframe for engineering and construction. Engineering each building would take about eight months, while the police station's construction could take sixteen to eighteen months. For potential revenue from leasing the property, Mr. DeMille cited approximately \$450,000 annually based on Zion's Bank's proposed uses. At current zoning, the revenue would be around \$325,000 per year. Selling the excess property at the highest and best use could yield about \$13 million. The cost to build the new building and renovate the current one for court use is about \$9.5 million. Purchasing portable offices would cost roughly \$400,000, with each unit accommodating three to four offices. Mayor Billings noted that remodeling would add to those costs. She added that the Ace building is on the market for about \$3 million but is currently under negotiation.

Mayor Billings stated the survey closes tonight, and the results will be presented at the next meeting. The Council can then make a decision during the second meeting in June. Councilman Ellerman clarified that the police station would be three stories. Councilman Prete outlined several funding and building options they have discussed. These include building one building and not the other, building one building to serve both functions, building both buildings with a ground lease as currently proposed, building both with a ground lease structured differently, building both and selling any unused land, keeping both buildings in their current locations with added portable offices, or building the police station first while relocating some administration to the old police building or using part of the police building until the new one is ready. He noted these are just some possibilities and that other options could be explored. Mr. DeMille said staff have discussed many of these options. Councilman Prete expressed interest in focusing on building the police station first while relocating some administration to the old police building to stretch the budget further. Mr. DeMille added that the City has a track record of managing funds carefully and stretching dollars conservatively.

David Hirschi motioned to go into a Public Hearing. Seconded by Kevin Thomas. Motion carried unanimously.

4. Public Hearing to take comments on the following:

- a. A potential Real Estate Purchase and Construction Agreement, which includes the disposal of City-owned parcel numbers H-QCIP-2-7; H-QCIP-2-8; H-QCIP-2-9; H-QCIP-2-10; H-QCIP-2-11; H-QCIP-2-12; H-QCIP-3-20 located within the Quail Creek Industrial Park area

No comments.

Clark Fawcett motioned to go out of a Public Hearing. Seconded by David Hirschi. Motion carried unanimously.

5. Consideration and possible approval of a Real Estate Purchase and Construction Agreement with D & G Property Holdings, LLC and Washington County Council of Governments - Arthur LeBaron

Mayor Billings read the following summary that was provided in the packet written by Arthur LeBaron. "Using Corridor Preservation Funds in 2017, the City purchased 7 vacant lots in the Quail Creek Industrial development to preserve the Purgatory Road corridor from development. Since that time Dennett Construction has finished several phases of the Quail Creek Industrial park, and has worked their way to the point that Purgatory Road needs to be connected through the preserved area. City staff members worked with an appraiser and Dennett Construction to make an agreement wherein the Dennetts purchase the 7 vacant lots for \$1,165,000 and complete the construction of Purgatory Road as it is master planned. The \$1,165,000 will go back into the Corridor Preservation Fund and the roadway connection will be completed between Phase 5 of Quail Creek Industrial and the existing 5300 West that runs past Purgatory Correctional Facility. City Staff and Dennett Construction are happy with the agreement before the Council. Washington County Staff have been consulted and are on board with this sale. The property transaction has been properly noticed to the public for disposal. Approval of the Purchase and Construction Agreement is recommended."

Arthur LeBaron, participating online, explained that the City has owned the property for about ten years. It was purchased using Corridor Preservation funds, so any proceeds from the sale will be returned to that fund. He believes the deal is favorable and benefits both parties. He noted that the agreement was drafted by City Attorney Dayton Hall and reviewed by all involved. Doug Dennett commented that they were not provided with the numbers but were told what the terms had to be. Mayor Billings declared a conflict of interest because Mr. Dennett has donated to her election campaign. Mr. Hall described the location of the property. He explained that the Dennett's will purchase all the land and build the road. In return, they will receive lots on both sides of the new road. The price is based on fair market value. Mr. LeBaron added that a reimbursement agreement will be proposed for part of the road construction, which includes necessary realignment costs. He presented the proposed plat showing the land redesign.

Kevin Thomas motioned to approve the Real Estate Purchase and Construction Agreement with D & G Property Holdings, LLC, and Washington County Council of Governments. Seconded by David Hirschi. Motion carried unanimously.

6. Consideration and possible revocation of the Virgin River Massage business license

Dayton Hall explained that this is a revocation hearing. A detailed staff report was included in the meeting packet. He noted that the license holder has sent an email consenting to the

557 revocation. He confirmed that no one was present to represent the applicant, and that this is
558 not a contested revocation.

559
560 Joseph Prete motioned to revoke the business license for Virgin River Massage. Seconded by
561 Kevin Thomas. Motion carried unanimously.

562
563 **7. Consideration and possible approval of Resolution No. 2025-23 approving an increase in**
564 **billing rates for culinary water usage in Hurricane City - Ken Richins**
565

566 Mayor Billings read the following summary that was provided in the packet written by Ken
567 Richins. "The Washington County Conservancy District is increasing its wholesale water rate by
568 \$0.15 per thousand gallons. Hurricane City buys a portion of the water it supplies to its
569 residents from the district at the wholesale rate. This agenda item is to consider increasing
570 Hurricane Cities retail rate by \$0.15 per thousand gallons to match the increase by the District.
571 The Water Board discussed this item on April 29, 2025, and unanimously recommended that
572 the City Council increase the city's water rates by \$0.15 per thousand gallons and a 2% across
573 the board inflation increase."

574
575 Councilman Prete asked what the current rate is. Kory Wright stated \$1.76 and it would be
576 raised by \$0.15 to keep up with the Water District. There is an annual 2% increase on top of
577 that.

578
579 Clark Fawcett motioned to approve Resolution 2025-23 approving an increase in billing rates for
580 culinary water usage in Hurricane City. Seconded by Drew Ellerman. Motion carried
581 unanimously.

582
583 **8. Consideration and possible approval of Resolution 2025-24 Appointing Mark Maag to**
584 **the Power Board**
585

586 Mayor Billings read the following summary that was provided in the packet written by Crystal
587 Wright. "This item is needed to fill a vacancy on our Power Board that occurred when Tony
588 Certonio vacated his Power Board seat due to personal time constraints. In the 5/7/25 Power
589 Board meeting, Dave Imlay made a motion to recommend approval of this appointment with a
590 second by David Hirschi. The motion passed unanimously." Mayor Billings added that he is a
591 local electrician, and she thinks he is a good guy for the board. Councilman Fawcett added that
592 he was a valuable asset on another board and he recommends him as well.

593
594 Clark Fawcett motioned to approve Resolution 225-24 Appointing Mark Maag to the Power
595 Board. Seconded by Joseph Prete. Motion carried unanimously.

596
597 **9. Consideration and possible approval of a Power Line Extension request for Zion Regional**
598 **Medical Center**

Mayor Billings read the following summary written by Crystal Wright that was provided in packet. “Zion Regional Medical Center is requested approximately 10.5MW of power for their complete project. Power infrastructure needed to meet that need include the construction of the Sky Mountain Substation as well as some transmission line construction. These infrastructure needs have been identified and discussed with the development team and will be required in order to proceed with their project. They have agreed to provide for those needs.” She stated this gives staff the opportunity to work with the hospital.

Councilman Fawcett noted that the report emphasized the need for the Sky Mountain Substation but asked if it would be used exclusively for the hospital project. Mike Johns explained that the Sky Mountain Substation is intended to offload circuits currently served by the Brentwood Substation. The hospital itself will be powered by the Brentwood Substation. He added that the Sky Mountain Substation is included in the impact fee study, and the hospital will cover the costs for all the lines extending from Brentwood to their site. Councilman Fawcett asked if the City has the funds to complete the Sky Mountain Substation within the necessary timeframe. Mr. Johns confirmed that this is the plan. Kaden DeMille mentioned some money has been saved for this. Mike Vercimak added that the hospital could build the substation and receive impact fee credits in return. Councilman Ellerman inquired whether either substation would need to be upsized to accommodate the hospital. Mr. Johns stated that the only upsizing required would be additional capacity at Sky Mountain. Dayton Hall summarized that the City currently lacks adequate facilities to support the hospital, so approval cannot be granted at this time. Additional infrastructure will be necessary. He explained that the hospital has been told the City cannot support them immediately but, if they fund the improvements, reimbursement vouchers can be provided. Mr. Johns confirmed this was the agreement discussed with the hospital.

David Hirschi motioned to approve the Power Line Extension request for Zion Regional Medical Center. Seconded by Kevin Thomas. Dayton Hall stated he would prefer a motion for the City to move forward to allow the hospital to facilitate a power line extension. Councilman Hirschi amended his motion as stated. Seconded by Kevin Thomas. Motion carried unanimously.

10. Consideration and possible approval of awarding the contract for drilling and developing of the Sky Ranch well project, to Gardner Brothers Drilling for the amount of \$1,308,985.00 - Ken Richins

Mayor Billings read the following summary provided in the packet written by Ken Richins. “Mayor and council members, on 2/13/2025 at 2:00 pm bids were received for the drilling and developing of the Sky Ranch well. There were three qualified bids. Alpha Engineering, our consulting engineer, recommended we award the bid to the lowest bidder which was Gardner Brothers from Enterprise Utah. For the project Base Bid price + Additive Alternative No. 2 of \$1,308,985.00. The Engineers letter of recommendation and bid tabulations are attached. The reason we couldn't award this contract earlier was because we needed to trade the property

we owned from the original test well that didn't work out for the property, we drilled the second test well on.” Councilman Fawcett asked if the money would come from the Board of Water Resources. Mayor Billings confirmed the City received the additional funding today.

Clark Fawcett motioned to award the contract for drilling and developing of Sky Ranch well project to Gardner Brothers Drilling in the amount of \$1,308,985.00. Seconded by Joseph Prete. Motion carried unanimously by a roll call vote.

11. Mayor, Council, and staff reports

Councilman Fawcett said that at the last Water District meeting, there was a discussion about restricting water usage for certain purposes. He asked the Council to review the topic and provide feedback. He expected the Board to discuss drought concerns and extending water service outside city limits, but those issues have not been revisited. Mayor Billings suggested he request that these items be placed back on the agenda. She also noted that while the Water District approved water efficiency standards, implementing them is challenging. It would require either development agreements with every new subdivision or changes to the City’s code. Dayton Hall said he met with the District recently and understands they plan to link an ultra-efficient water standard with a new impact fee. If developments meet that standard, their fees won’t increase as much. However, the District is currently applying these standards only to developments outside city limits and isn’t ready for cities to adopt them yet. Councilman Fawcett said the City will need to explore the best approach when the time comes. Mr. Hall added that if the City adopts this, it would likely require voluntary development agreements for subdivisions and an ordinance change to allow exceptions. However, they don’t need to address it until the Water District is prepared. Mayor Billings said the water shortage and drought contingency plans will be coming back for review. She shared that she received an email from the Water District asking whether the City wants to create its own conservation plan or join theirs. She read the email to the Council. Mr. Hall confirmed the Council will need to vote on the plan once finalized. He suggested the staff will likely recommend adopting the District’s plan after it is officially approved.

Councilman Ellerman thanked everyone who participated in the community cleanup event, where they collected over 1,300 pounds of trash.

Mayor Billings asked if anyone wanted general admission tickets to the Copper Rock tournament. She mentioned that the Jacqueline family wants to meet Monday at noon to discuss the power line extension and other outstanding issues. She reminded everyone that today is the last day for residents to complete the QR survey. Noting some members of the historical committee are in failing health, she requested recommendations for replacements. She also shared that Phyllis Lawton brought up needed repairs for the museum and the Bradshaw Hotel. Councilman Prete suggested Reuben Wadsworth for the historical committee. Mayor Billings raised a land use violation at Fisher Family Farm for discussion before sending a

letter. The property is zoned residential agriculture, but the farm operates a gift shop and charges for the petting zoo and playground. Gary Cupp explained these activities fall under agritourism, which isn't permitted in the current zone but is allowed in the agricultural zone. Most of their uses would fit in that zone, though the gift shop sells candy and t-shirts as well. Councilman Ellerman said he is okay as long as what is sold relates to the farm. Councilman Fawcett suggested requiring a percentage of sales to be farm related. Mr. Cupp asked how the Council wants to proceed with the letter. Mayor Billings said she will call the farm tomorrow to explain they need to apply for a zone change. Councilman Prete asked how it works if the City recommends the zone change. Dayton Hall clarified the letter would inform them that their current use is not permitted and that they must either stop the noncompliant activities or apply for a different zoning designation. Mayor Billings asked if the Council wanted to waive the application fee for the zone change. Councilman Prete opposed waiving the fee, concerned it might imply the change is already approved. Councilman Fawcett agreed. Mayor Billings said she will call the farm tomorrow and then staff will send the letter.

Cindy Beteag reported that the declaration period for residents interested in running for mayor or city council is June 2-6, from 8 a.m. to 5 p.m. each day.

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

No closed meeting was held.

Adjournment: Joseph Prete motioned to adjourn at 9:02 p.m. Seconded by David Hirschi. Motion carried unanimously.

Minutes of the Hurricane City Council meeting held on June 5, 2025, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 3:30 p.m.

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

Members Excused: Kevin Thomas.

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Kurt Yates, Public Works Director Mike Vercimak, Assistant Public Works Director Weston Walker, City Planner Gary Cupp, Assistant Planner Fred Resch III, Recreation Director Tiffani Wright, City Engineer Arthur LeBaron, Building Official Larry Palmer, HR Director Sel Lovell, Finance Manager Paige Chapman, Water Superintendent Ken Richins, and City Recorder Cindy Beteag.

AGENDA

3:30 p.m. Budget Work Meeting

Discussion on the 2025-2026 FY Budget

Mayor Billing welcomed everyone and called the meeting to order. Paige Chapman led the discussion starting with the general fund. Kaden Demille stated what they are presenting is the capital outlay requests coming from each department. Mrs. Chapman explained there is \$237,304 left to allocate after their recommendations. She went through the list showing what is being asked. Council discussed what was needed and what could be cut from the budget.

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

Paige Chapman noted that the budget and any proposed budget amendments will be included on the agenda for approval at the next City Council meeting.

Arthur LeBaron stated there are a lot of projects and private sector reviews going on. He introduced Bobbi Preite, project manager over Goulds Wash, and Jason Dodds from NRCS.

Weston Walker reported that the 2050 South project is nearing completion. The MS4 program is progressing well, and the team is making steady progress on their to-do list. He mentioned that ordinance updates will be coming before the Council soon. Interviews are being scheduled to fill the Streets Superintendent position. Additionally, 1760 West is being patched today, and he hopes the road will reopen shortly.

Mike Vercimak stated they are still trying to fill the locator position.

Gary Cupp noted that the Planning Commission has another full agenda scheduled for next week. Staff continue to work on updates to the City's development code.

Sel Lovell reported that efforts are ongoing to fill open positions, and the GIS Coordinator role has been successfully filled. Health screenings were conducted this week for employees and their spouses.

Larry Palmer reported that since the last meeting, fifty-five permits have been submitted, including twenty-nine single-family homes, four twin homes, one three-plex townhome unit, three commercial buildings, and two temporary sales offices. Over the past two weeks, certificates of occupancy have been issued for five townhomes, thirty single-family homes, and three commercial buildings.

Chief Yates stated there has been an increase in call volume over the past month. Over the next couple of weeks, the department will be cross-training with Hurricane Valley Fire District. Since they are often first on scene for medical calls, the training will focus on sharing best practices and providing instruction on active shooter response tactics. He also noted that tomorrow is National Donut Day and invited everyone to attend the celebration from 8:00 a.m. to 10:00 a.m. at the Community Center.

Ken Richins explained that the west well, which serves as the City's primary water source, is currently down, requiring the City to purchase additional water from the Water District. Preparations are underway to begin drilling the Goulds Wash Well, and excavation work has started for the Sky Ranch water tank.

Fred Resch III reported that another round of short-term rental violation letters was sent out last week. He also noted that the Planning Commission recently approved several items, including a preliminary site plan for a storage unit facility on Turf Sod Road, a preliminary plat for a townhome development behind Walmart, an amended site plan for the new Valley Academy location, and a preliminary site plan for a combined townhome and single-family development at the corner of 100 North and 700 West.

6:00 p.m. - Call to Order –

Mayor Billings welcomed everyone and called the meeting to order.

Prayer, Thought, and Pledge led by Arthur LeBaron

Swearing in of Officer Mike Bassarera

Chief Yates introduced Officer Mike Bassarera and his family, sharing that he recently relocated from Cedar City and previously served in the U.S. Army. Officer Bassarera joined the Hurricane Police Department in April, and Chief Yates expressed enthusiasm about having him on the team, noting that he is already making a positive impact.

Officer Mike Bassarera was sworn in by City Recorder Cindy Beteag.

Declaration of any conflicts of interest

None declared.

Minutes of the Regular City Council Meeting for April 3, 2025, and Special Meeting April 8, 2025

Drew Ellerman motioned to approve the April 3, 2025, and April 8, 2025, minutes as written. Seconded by David Hirschi. Motion carried unanimously.

Presentation and donation from the Tri-State ATV Club

Mayor Billings thanked the club for their continued efforts and dedication to the community. Chris Anderson shared that they recently held their second annual ATV poker run, which had to take place in Apple Valley this year due to the lack of a large enough venue in Hurricane. She expressed hope that a suitable location in Hurricane will be available for future events. The poker run had over 200 participants. As a nonprofit organization, all proceeds from the event are donated to worthy causes. This year's largest donation will go to Search and Rescue, and they are also contributing \$2,879 to the Veterans Memorial Park. Mayor Billings expressed appreciation for their generous support.

Presentation and update from the Zion Regional Collaborative (ZRC)

Mayor Barbara Bruno from Springdale, who serves as the chair of the Zion Regional Coalition (ZRC), provided an overview of the coalition's work and accomplishments. She highlighted key achievements such as securing funding for a trail connecting LaVerkin to Springdale, designating the road to Zion National Park as a National Scenic Byway, obtaining grant funding to update the SR-9 corridor plan to include Virgin and the east side of Zion, and securing funds to legalize the Guacamole Trail. Most importantly, she emphasized that the ZRC serves as a collaborative forum for regional partners. Mayor Bruno explained that the ZRC benefits Hurricane by facilitating connections with regional stakeholders, sharing information, participating in regional planning projects, and providing direct advantages like access to the Sun Tran transit system. She stressed the importance of the coordinator's role in managing projects, organizing meetings, following up on tasks, and writing grant applications. She noted that Hurricane has contributed \$10,000 annually in the past and acknowledged the support from surrounding communities that also help fund the coalition. Mayor Bruno expressed gratitude for the previous support and requested continued funding. Mayor Billings confirmed that the funding is currently included in the city's budget.

Public Forum – Comments From Public

Dave Imlay shared a brief history, noting that in the early 1970s, a local citizen advocated for Hurricane to establish its own power utility. This effort was finalized in 1975, marking this year as the 50th anniversary of the city's independent power system. He explained that the Clifton Wilson substation was the first in the system and emphasized that local control allows the city to keep rates low. He also highlighted the Power Department's efforts in maintaining streetlights and providing electrical hookups for events like Peach Days. He praised the department for their high reliability and excellent work.

NEW BUSINESS

1. Presentation and discussion on flood control alternatives for Gould Wash - Bobbi Preite

Bobbi Preite from Adaptive Environmental Planning presented the findings for the Gould Wash Flood Protection Project. She introduced the project team and noted that they are nearing the

completion of the planning phase. The next phase will focus on final design, culminating in the issuance of a record of decision. Ms. Preite explained that they evaluated eighteen different alternatives, with only two deemed feasible. The preferred option is a dry detention dam designed to slow the flow rate of water (cfs). She clarified that the dam would not hold water permanently. She shared maps comparing current conditions with the anticipated flooding under the preferred alternative. She also outlined the project's installation costs and funding details, specifying which expenses the Natural Resources Conservation Service (NRCS) would cover and which they would not. Arthur LeBaron added that the upcoming phase will include a public comment period. Ms. Preite mentioned that they will provide a public summary along with a link to the full project document.

2. Consideration and possible approval of waiving the City power impact fee for Washington County's Legacy Park trailer rental hookups

Mayor Billings explained when the fees were waived at the last meeting this wasn't included because they didn't realize they needed another 200-amp service. They are seeking a waiver of the impact fee in the amount of \$9,803.00 for ten RV spots at Legacy Park. She mentioned the connection fee of \$425 would still need to be paid to cover the City's actual cost.

David Hirschi motioned to approve waiving the City power impact fee in the amount of \$9,803.00. Seconded by Joseph Prete. Motion carried with David Hirschi, Clark Fawcett, and Joseph Prete voting aye. Drew Ellerman voted nay.

Councilman Ellerman explained that impact fees are determined through a study designed to ensure that residents do not bear the costs of new developments. Councilman Preite asked when this practice began and whether Hurricane is unique in waiving these fees. Mayor Billings responded that waiving impact fees is not uncommon and provided examples of other cases where such fees have been waived to her knowledge.

3. Discussion on survey results regarding the City Civic Center

Fred Resch III presented the results of the City Civic Center survey, accompanied by graphs illustrating responses to each question. He noted that 511 surveys were received, but only 425 were included in the analysis due to incomplete submissions or missing addresses. He reviewed the responses in detail. Kaden DeMille asked the Council how they wished to proceed. Mayor Billings suggested analyzing the survey data alongside what is permitted under current zoning. Mr. DeMille cautioned that there are too many options and recommended the Council first decide what type of development they want for the property to help narrow the choices. Councilman Hirschi expressed opposition to high-density housing. Councilman Ellerman acknowledged the need for affordable housing but recommended restricting its use and eligibility. Councilman Fawcett agreed, noting that higher density alone does not guarantee affordability without proper restrictions. He advocated maintaining the current density and height limits to explore feasible options. Mayor Billings suggested developing a plan that fits

within existing zoning and height regulations. Councilman Prete emphasized the importance of a plan that “adds up,” supporting a gradual approach but he is not opposed to the concepts presented. Mayor Billings reminded the Council that delaying the project will increase costs. Councilman Fawcett stated the plan should present a full layout that can be phased as needed. Councilman Prete added that while he supports the civic building concepts, the key questions remain when the project will be built and how it will be funded. Councilman Fawcett agreed, stressing the importance of including the project in the budget. Mayor Billings asked staff to prepare proposals and return to the Council for further review. Kaden DeMille committed to developing several variations and phasing plans. Mayor Billings also requested a comparison between leasing and selling the property, making it clear she does not support selling the land. Mr. DeMille confirmed that the Council is not in favor of selling any portion of the property.

Ross Johnson stated he is still working on the pre-casting homes proposal. It will cut the cost of housing in half. He needs around thirty acres to make it work.

Peggy Hall expressed a desire to see more variety in the visuals being presented. She suggested avoiding concentrating all the density in one area and instead spreading it out across the property. She also requested that different development options be explored.

4. Consideration and possible approval of a Boundary Line Agreement and Reciprocal Quit Claim Deed with SkyRim Development, LLC

Mayor Billings read the following summary that was provided in the packet written by Dayton Hall. “This item is requested by the developer of SkyRim, located east of Walmart. The City’s Stratton Well is located on a parcel of land surrounded by the proposed development. The developer has requested a boundary line adjustment affecting the City’s parcel of land. The purpose of the proposed adjustment is for the property boundaries to better align with the planned roadways within the development. The adjustment will be a simple, minor realignment and will not result in any loss of square footage to the City’s parcel. The Water Department has reviewed the proposed boundary line adjustment and has determined that the adjustment will not have any negative impacts on the use of the parcel. The proposed realignment will not reduce the size of the City’s parcel and will not affect the utility of the City land. City staff have no objection to the proposed realignment.”

Drew Ellerman confirmed the square footage doesn’t change and motioned to approve the Boundary Line Agreement and Reciprocal Quit Claim Deed with SkyRim Development, LLC. Seconded by Clark Fawcett. Motion carried unanimously.

5. Consideration and possible approval of Resolution 2025-25 appointing members to the Historical Committee

Mayor Billings read the following summary that was provided in the packet written by Cindy Beteag. “Due to a current vacancy and ongoing health issues affecting one of its members, the Historical Committee has been operating with limited participation. Attached is the proposed resolution to appoint Reuben Wadsworth as a new member and designate Dan Zaleski as the alternate to ensure the committee can continue functioning effectively when regular members are unavailable.” She confirmed both people have agreed to serve on the committee. Councilman Hirschi pointed out they will need an alternate chair if Mr. Beatty isn’t doing well.

David Hirschi motioned to approve Resolution 2025-25 appointing members to the Historical Committee. Seconded by Joseph Prete. Motion carried unanimously.

6. Consideration and possible approval of Ordinance 2025-10 clarifying amendments approved with Ordinances 2024-13 and 2024-14 - Gary Cupp

Mayor Billings read the following summary that was provided in the packet written by Gary Cupp. “On November 7, 2024, the City Council adopted Ordinance 2024-13, amending Title 10, Chapter 15 regarding the takeoff and landing of aircraft in commercial zones for purposes of medical transport. Subsequently, on November 21, 2024, the Council approved Ordinance 2024-14, which amended Title 10, Chapters 3, 15, and 51 to address regulations for transient lodging facilities in commercial zones. Following the standard process in which the Planning Commission reviews the proposed changes and provides recommendations prior to Council approval, the relevant chapters were downloaded and redlined for their review. However, because the proposed amendments to Ordinance 2024-14 were prepared before Ordinance 2024-13 was adopted, the updates made on November 7 were not reflected in the November 21 ordinance. As a result, Chapter 15 inadvertently reverted to its previous version, undoing the changes made for medical transport. The current ordinance serves to clarify and confirm that all previously approved changes—both for medical transport and transient lodging—are valid and intended.”

Drew Ellerman motioned to approve Ordinance 2025-10 clarifying amendments approved with Ordinances 2024-13 and 2024-14. Seconded by David Hirschi. Motion carried unanimously.

7. Consideration and possible approval of awarding the bid to install the AWOS system at the airport to Mesquite Electric in the amount of \$345,800.00 - Mike Vercimak

Mayor Billings read the following summary that was provided in the packet written by Mike Vercimak. “As per the Capital Improvement Plan for the Hurricane Airport, Woolpert the airport consulting firm, designed and bid the AWOS (All Weather Observation System) system. The project was advertised, and bids were received and opened on April 24, 2025. After a review of the bid and bid documents, Woolpert has sent a letter of recommendation that the bid be awarded to Mesquite Electric, LLC of Mesquite, Nevada in the amount of \$345,800.00. It should be noted that there was only one (1) bid on this project. The bid was compared to other

AWOS projects and was slightly higher but comparable to other similar projects. The city's portion of this project is \$132,625.63. The Airport Board reviewed the bid on May 20, 2025, at the regular board meeting and voted to forward the bid to the City Council with a recommendation to award the bid."

Councilman Fawcett explained that the City's usual share for airport projects is five percent, but it is higher this time due to repayment obligations from previously unapproved lighting. Mike Vercimak added that the bid received is approximately twenty thousand dollars above the engineer's estimate.

Clark Fawcett motioned to approve awarding the bid to install the AWOS system at the airport to Mesquite Electric in the amount of \$345,800.00. Seconded by Joseph Prete. Motion carried by a roll call vote with Clark Fawcett, Drew Ellerman, and Joseph Prete voting aye. David Hirschi voted nay.

8. Consideration and possible approval of a firm for the Architectural Design, Engineering, and Construction Oversight for the Sky Mountain Clubhouse Remodel - Kent Abegglen

Mayor Billings read the following summary that was provided in the packet written by Kent Abegglen. "We are submitting possible approval for Campbell Architecture / Jones and Demille Engineering to provide Architecture, Engineering and Project Construction Oversight of the remodel of the Sky Mountain Golf Course Clubhouse. We have researched their experience, timeline, and fee structure and found it to be inline and very competitive." Arthur LeBaron added to the report stating "I think your estimate of \$2.4 million is a fair estimate. Here is my opinion on full-service (includes construction admin) design fees for this project: Complex, 14% design fee: \$336,000, Standard, 12% design fee: \$288,000, Simple, 10% design fee: \$240,000. In my opinion a remodel and addition is at least standard, if not complex. Based on the scope of work that has been provided, together with a cost proposal of \$211,600, I think it's a fair price. The scope includes construction administration as well as the civil/site/landscaping work, which was all excluded from the 2020 MRW proposal. I would recommend moving forward with Kim Campbell. "

Kent Abegglen explained that discussions began in 2021. At that time, the cost estimate was nearly equal to their savings, so they decided to wait until more funds were accumulated. He assured that even after proceeding, they will maintain a healthy financial reserve. He also noted that last month was their busiest to date.

David Hirschi motioned to approve in the amount the Architectural Design, Engineering, and Construction Oversight for the Sky Mountain Clubhouse Remodel to Campbell Architecture/Jones and DeMille Engineering in the amount of \$211,600. Seconded by Joseph Prete. Motion carried unanimously by a roll call vote.

- 277 **9.** Consideration and possible approval of Zone Change Amendment Ordinance ZC25-13, a
278 request for a zone change located at 40 N 2480 W from Multiple Family (RM-2) 10 units
279 per acre to Highway Commercial (HC); Parcel Number H-3-1-32-1101-A; James
280 Cheney/JACI Properties, Applicant; Gerold Pratt, Agent
281

282 Mayor Billings read the following summary that was provided in the packet written by Gary
283 Cupp. “The applicant requests a zone change from Multiple Family (RM-2) to Highway
284 Commercial (HC) on a remainder parcel in the Desert Fields Townhomes development. The site
285 plan for the development shows this area as an “RV storage area” intended for use by the
286 residents of the development. The applicant has stated their purpose is to rezone this area to
287 Highway Commercial so they can build a commercial office building on the site. A public
288 hearing was held for the application at the May 22, 2025, planning commission meeting and no
289 public comments or objections were received. The planning commissioners briefly discussed
290 the item and voiced overall support of the zone change as long as staff felt that adequate
291 parking was available for the proposed use of the property. Accordingly, the Planning
292 Commission unanimously recommended approval of the zone change. Findings: While the
293 application does not strictly conform to the General Plan Map designation of Multifamily, the
294 commercial nature of the proposal supports several goals and recommendations of the General
295 Plan. These include promoting walkability, creating connectivity, and allowing appropriate
296 commercial development adjacent to residential uses. While the area is primarily developed
297 with multifamily residential uses, the zone change is not out of character with the area and is,
298 in fact, generally harmonious with the surrounding development pattern and the long-term
299 planning vision of the General Plan. The small size of the property and the applicant’s stated
300 intent for the zone change reduce the likelihood of adverse impacts on adjacent residential
301 development. Public services are adequate to serve the property. Staff recommends that the
302 City Council approve the requested zone change.”
303

304 Councilman Ellerman inquired whether setbacks could be met on the parcel. Gary Cupp
305 responded that although a site plan has not yet been submitted, any future plans would be
306 required to comply with setback regulations.
307

308 Drew Ellerman motioned to approve Ordinance ZC25-13 a zone change located at 40 N 2480
309 West from RM-2 to HC. Seconded by Clark Fawcett. Motion carried unanimously.
310

- 311 **10.** Consideration and possible approval of a Development Agreement with the Zion
312 Regional Medical Center to allow, among other terms, an increased height limitation of
313 85 for a proposed hospital building on property zoned Highway Commercial (HC); Parcel
314 Numbers H-3-2-6-1406-GS1, H-3-2-6-1407, and H-3-2-6-1408-GS2; ZRMC Operating LLC,
315 Applicant; Jared Cox and Karl Rasmussen, Agents
316

Dayton Hall summarized the agreement, highlighting that the primary provision allows increased building heights exclusively for medical buildings; all other structures must comply with existing code. He noted that medical buildings constructed at the increased height cannot be converted to non-medical uses and must adhere to all applicable state and city laws. Aside from the height allowance, no other entitlements are granted by this agreement, which runs with the land. The agreement is set to expire ten years from tonight unless a building permit is issued for medical buildings on the property. Mayor Billings suggested a five-year expiration might be more appropriate, and Mr. Hall noted this could be discussed further. Mr. Hall also pointed out that the property currently lacks recorded access and adequate power. The agreement requires these issues to be resolved but does not commit the City to addressing them. Councilman Ellerman confirmed that all seven buildings shown on the plan are medical. Mr. Hall clarified that, as currently drafted, all buildings could be constructed to the increased height. Councilman Ellerman believed only the yellow section (Phase 1) was intended to have taller buildings. Jared Cox explained that this is a medical campus, with the hospital layout finalized, but they remain open to ideas for the other buildings. He noted the two medical office buildings are planned to be four stories, while the others would be two to three stories. Councilman Prete expressed excitement about the project but voiced concern about allowing an open 85-foot height across the entire property. He suggested limiting the increased height to the property's frontage and recommended starting the project promptly with an expiration closer to five years.

Councilman Ellerman suggested allowing building heights of 85 feet for the main hospital, 65 feet for the two other medical buildings, and 50 feet for the remaining four buildings. Mr. Cox said the Planning Commission had raised similar questions. He explained that at this stage, they are requesting flexibility because the final layout is not yet determined. Mayor Billings clarified that the discussion is focused solely on building heights, not the entire medical campus plan. Mr. Cox agreed to adjust the timeline to five years but emphasized that in order to proceed, they need 85 feet for the hospital and 65 feet for the rest of the site. Councilman Ellerman expressed that the two buildings along SR-9 should be shorter. Councilman Prete agreed that tall buildings should be avoided along SR-9 but cautioned that height restrictions should not hinder the hospital's development. Mr. Hall noted that it is difficult to tie height restrictions to the current layout since it has not been approved. He suggested using the distance from the UDOT right-of-way as a reference. Karl Rasmussen recommended including a clause in the development agreement to protect the first 200 feet from SR-9, requiring the developer to return for approval when that area is ready to be developed. Mr. Cox said they would prefer to consult their design team before committing to any changes. Mr. Hall confirmed he will update the expiration date and that the Council wants setbacks consistent with the conceptual plan, including shorter buildings along SR-9. Brent Moser mentioned a recent meeting with UDOT and explained that obtaining approvals takes time. He said five years is feasible but asked the Council not to set a shorter deadline. They are also working on securing better access to the site. Mr. Rasmussen added that the Planning Commission had suggested an access point off the expressway instead of from the roundabout.

Drew Ellerman motioned to continue the Development Agreement with the Zion Regional Medical Center for two weeks. Seconded by Joseph Prete. Motion carried unanimously.

- 11.** Consideration and possible approval of Ordinance 2025-12 amending Title 10, Chapter 43 regarding site-built dwelling units in platted RV parks; Land Use Code Amendment No. LUCA25-04; Western CRE-Joby Venuti, Applicant; Rosenberg & Associates, Agent

Mayor Billings read the following summary that was provided in the packet written by Gary Cupp. "The applicant is requesting a change to the Hurricane City Land Use Code, Title 10, regarding development standards for permanent site-built dwellings (i.e., "stick-built" single-family homes) in platted RV parks such as Canyons RV. Generally, site-built units are not permitted in RV parks, since RV parks are intended for RV camping and limited manufactured home use. Canyons RV Park is unusual because it is a platted RV park subdivision that has been developed mostly with permanent residential units. This is because in 2019, the same applicant petitioned the City to change the code to allow stick-built dwelling units for lots in platted RV park subdivisions that were recorded prior to January 2020. The 2019 code change was adopted with the following language: *"However, a site built dwelling unit up to 900 square feet inclusive of covered porches not exceeding 15' high shall be permitted on a deeded RV lot included in an RV subdivision recorded in the office of the County Recorder before January 2020 that is served by an individual water meter and individual power meter and that does not result in coverage of more than 50% of the lot in structures."* However, the size and height limits have prevented the construction of garages on the site-built homes, therefore, the applicant is requesting that these restrictions be adjusted to facilitate garage construction. The height limit is proposed to be increased to 35 feet, and the 900-square-foot size limit is proposed to apply to the building footprint. These changes would allow the homes to expand to two stories in height and 1,250 to 1,400 square feet in size. A public hearing on the item was held at the May 22, 2025, planning commission meeting and no public comments or objections were received. The planning commissioners discussed the item and expressed support for the proposed code change. The commissioners felt that the changes would improve a bad situation that had inadvertently been created with the old park-model dwellings that were approved for the Canyons RV Park several decades ago. They also felt that the code change might help to provide needed affordable housing options. And although this is a general code update, the commission was comfortable with the global nature of the changes, since Canyons RV Park is the only RV park subdivision with separate water meters that was recorded prior to January 2020, and these standards could therefore only be applied to Canyons RV. In other words, there are no other RV parks that would be allowed to construct 1,400-square-foot, two-story, site-built homes. The Planning Commission unanimously recommended approval of the proposed code update for Canyons RV. Staff recommends approval of the proposed code change."

Joby Venuti stated they agree with the 25-foot height restriction but noted there is already a 35-foot home within the area. Councilman Prete expressed a preference to keep the restriction

at 25 feet. Councilman Ellerman raised concerns that this change amounts to backdoor zoning, effectively altering an existing development to allow smaller lots not permitted elsewhere in the city. Mr. Venuti responded that he would prefer to develop larger lots but lacks enough declarant votes, and the HOA opposes that option. He explained the area is shifting from an RV park to a small subdivision, and the 900-square-foot homes currently being built aren't working well. Councilman Prete asked how allowing this change would affect parking. Mr. Venuti explained that if permitted, garages would be built to move parking off the street. Councilman Fawcett noted that many RV parks built in the 1980s have repeatedly sought expansions, and he does not want to see continual changes. Gary Cupp added that this change likely wouldn't worsen conditions and might improve illegal uses in the subdivision. Councilman Prete mentioned that the Planning Commission unanimously recommended approval. Councilman Ellerman expressed concern that approving this could encourage other developers to request similar changes. Mayor Billings pointed out that if this were still an RV park, it would be fully occupied immediately. Mr. Venuti stated that if the request is not approved, he plans to install individual water meters and remove this section from the subdivision. Mayor Billings recalled that in 2019 he sought approval for 900-square-foot homes, and now he is requesting larger ones because the smaller homes haven't been successful. Mr. Venuti then asked for the item to be removed from consideration and voiced frustration with the Council, saying they claim to want affordable housing but reject proposals when presented.

Joseph Prete motioned to table Ordinance 2025-12 amending Title 10, Chapter 43 regarding site-built dwelling units in platted RV parks. Seconded by David Hirschi. Motion carried unanimously. Dayton Hall explained that by tabling it, it gives the applicant the opportunity to bring it back if they want to.

- 12.** Consideration and possible approval of Zone Change Amendment Ordinance ZC25-11, a request for a zone change located at 2400 W and Liberty Way from Light Industrial (M-1) to Single Family Residential (R1-10/PDO) and to update the overall PDO for the Balance of Nature Gardens property; Parcel Number H-3373-NP-BL; Douglas Howard, Owner; EPS Group, Inc., Agent

Mayor Billings read the following summary that was provided in the packet written by Gary Cupp. "The applicant is seeking a zone change and PDO update for the Balance of Nature Gardens project, located north of 3000 S. This PDO zone for this project was originally approved in 2021. Liberty Village is part of this development, although it now operates independently of Balance of Nature. The applicant is proposing modifications to the overall development and is requesting a zone change to accommodate adjustments in layout, land uses, and development standards. The primary reason for the requested zoning update is to remove the 27-acre Light Industrial M-1 zone, since a manufacturing facility once planned on the southwest portion of the property will no longer be constructed. Additionally, the applicant is requesting changes to the permitted land uses within the development, along with amendments to standards regarding setbacks and building heights, and a request for private street right-of-ways. A public

hearing on the item was held at the May 22, 2025, planning commission meeting and no public comments or objections were received. The planning commissioners discussed the item and expressed several concerns, primarily regarding the proposed removal of the Light Industrial M-1 zone and the manufacturing facility. Shelley Goodfellow viewed the loss of the industrial component as an unfulfilled promise, since the applicants originally promised that it would bring jobs to the city and now it's off the table. She further stated that the project seems to have changed from what was "originally pitched." Mark Sampson expressed a desire to have a work meeting to further discuss the project. During the meeting, the commissioners asked staff questions about the project, including whether the R1-10/PDO is the appropriate zone for the project. They also inquired of staff about why the city doesn't support the proposed private streets. Brad Winder feels that the project is similar to Disney Land, which has private streets. Staff explained that this project is significantly different from Disney Land in that it includes private residential units that would be best served by public streets for the provision of utilities. Furthermore, private streets are expressly prohibited in the PDO zone. Ultimately, the commission generally supports the project and desires that it be successful. The Planning Commission voted 6 to 2 in favor of recommending approval of the zone change amendment to the City Council, subject to the JUC and Staff Comments within the Staff Report. Findings: 1. The proposed site zoning amendment aligns with the General Plan Map and Goals due to the mixed-use nature of the development. 2. There is currently little to no development adjacent to the property. To help buffer the adjacent undeveloped properties from the proposed development, the applicant has included open space and orchards along the project boundaries. The project is therefore found not to conflict with or be inconsistent with nearby development. 3. The project is not expected to have adverse impacts on the surrounding area. Furthermore, the development was previously considered and anticipated, and the proposed changes are likely to reduce the overall project impact with the elimination of the industrial component of the proposed project. 4. Although public services and facilities are currently insufficient to support the development, this zone change amendment is unlikely to worsen that status. The development agreement should be refined to further protect the City's interests regarding the provision of adequate public facilities. 5. Before final approval by the City Council, staff finds that the proposed preliminary site plan and amendments to the development agreement require further refinement to ensure they adequately address infrastructure and planning considerations as outlined in the Staff Report. Staff recommends that consideration of the item be tabled so that staff can further work with the applicants to address the following: 1. Staff does not support the proposed private street right-of-ways; the site plan needs to be updated to show public streets. 2. The project density is incorrectly stated on the site plan and needs to be updated. 3. Several of the proposed land uses still need clarification on the site plan. 4. The development standards and any requested exceptions need to be clarified on the site plan. Once the site plan is finalized, an amendment to the existing development agreement detailing the specific changes needs to be drafted for the Council's consideration."

Neil Terry, the project architect, explained that Balance of Nature's business model has shifted. They no longer plan to conduct manufacturing on-site, but the majority of jobs will remain at the headquarters, which is still planned. They are requesting private streets because the development is intended as a destination focused on promoting a healthy lifestyle. The landscaping will feature edible plants around the gardens, creating a walking village with cobblestone streets where car parking on the streets is not allowed. Councilman Fawcett confirmed that lots would be available for purchase by anyone, which could lead to double taxation. He expressed concern that selling the lots might cause issues. Mayor Billings noted that the City does not currently have standards for cobblestone roads and pointed out that utilities will run underneath the roads, which needs to be addressed. Mr. Terry assured they will work with staff to meet standards but reiterated their desire to prevent street parking. He asked if the northeast corner could have public roads while the remainder of the streets remain private. Councilman Fawcett noted that full street width is necessary to accommodate utilities. Mayor Billings recommended scheduling a work meeting to discuss the project further. Mr. Terry expressed confusion about some of the comments, stating they have been actively addressing staff feedback. Richard Wedig added that by removing manufacturing, they are creating more employees and envision the development as a campus and village with a park-like setting. Councilman Fawcett said he has no issues with that vision but reiterated concerns about private roads within single-family residential areas. He stated that private roads in the village should be clearly separated from public roads in residential zones. Mayor Billings noted the need to meet standards to ensure proper maintenance of utilities and roads. A work meeting was scheduled for June 24th from 3:30 to 5:00 p.m.

Joseph Prete motioned to continue Zone Change Amendment located at 2400 W Liberty Way from M-1 to PDO to August 7, 2025. Seconded by David Hirschi. Motion carried unanimously.

13. Consideration and possible approval of Ordinance 2025-11 amending Title 10, Chapter 7 regarding classification of new and unlisted business uses; Land Use Code Amendment No. LUCA25-05; Hurricane City, Applicant -Gary Cupp

Gary Cupp explained that SB179 requires the city to establish a process allowing businesses whose use is not permitted to appeal that decision. To comply, two procedures have been added to the city code. Dayton Hall clarified that when a new use is appealed to the Council and the appeal is upheld, the applicant can then escalate the matter to the Appeals Board. Councilman Ellerman asked if a simple clause could have been added beneath the permitted uses instead of making extensive changes. Mr. Hall responded that state law mandates specific definitions and procedural steps, so these updates were necessary to ensure compliance.

Drew Ellerman motioned to approve Ordinance 2025-11 amending Title 10, Chapter 7 regarding classification of new and unlisted business uses. Seconded Clark Fawcett. Motion carried unanimously.

14. Progress update for the proposed city pool

Mayor Billings read the following summary that was provided in the packet written by Tiffani Wright. “We have finished the architectural design for the new swimming pool. As next step we are presenting the drawings to the Council with an estimated budget for their approval. We will then move forward with the bid process for a contractor. We anticipate starting demolition when the pool closes for the season – roughly September/October. It is anticipated to be a 14 month build.”

Mayor Billings noted that the facility is expected to be closed next summer. Tiffani Wright presented the proposed design to the Council. Scott Gilberg explained that the pool will be 9,000 square feet, featuring an eight-lane competition pool. He reviewed the interior layout of the building, highlighting roll-up doors on the north and south sides to allow year-round use. The facility will extend slightly to the north, and work on the water design is already underway. Councilman Prete confirmed that the only area receiving sunlight will be the southeast corner. Mayor Billings clarified that park impact fees must be used for this project, not for civic buildings. Kaden DeMille estimated the construction cost at around \$480 per square foot, totaling approximately \$12 million. Mayor Billings mentioned an upcoming meeting with Greater Zion on the 26th and noted that the school board will follow up to schedule a meeting. Mr. DeMille added that funding is still short. The majority of the funds will come from RAP tax revenue to cover bond payments, supplemented by savings and impact fees. Some funding was reallocated from the four-court gym project to support this pool, but additional resources are needed. If the Council approves the concept, more time will be spent on finalizing funding. Demolition and retaining wall costs have not yet been factored in. Mr. DeMille acknowledged that funding the project will be challenging and will require creative solutions.

15. Consideration and possible approval of Ordinance 2025-13 creating Section 8-1-16 in the City Code regarding Irrigation Water for Development - Ken Richins

Mayor Billings read the following summary that was provided in the packet written by Dayton Hall. “This proposed ordinance will require land developers to dedicate water to the City for outdoor irrigation when there is private water already on the property being developed. For example, if a subdivision is being proposed on property that is serviced by ground water rights or canal company shares, a condition of approving the subdivision will be the dedication to the City of sufficient water to meet the outdoor irrigation needs of the subdivision. To compensate the land developer for the dedication, the City will waive the portion of the secondary water impact fee associated with acquiring water to serve new developments. The proposed ordinance will not affect development on land that does not already have water associated with the property. At its meeting on May 27, 2025, the Water Board unanimously recommended approval of the proposed ordinance.”

Councilman Prete asked for clarification on what it means to “already have water on the land.” Dayton Hall explained that it’s a technical term called “pertinent to the land.” He clarified that if

a property owner holds water shares or rights and uses that water on the property, those rights become pertinent to the land. When a development brings in water shares, the City acquires the outdoor portion of the water rights and compensates the developer by waiving the corresponding impact fees.

Clark Fawcett motioned to approve Ordinance 2025-13 creating Section 8-1-16 in the City Code regarding Irrigation Water for Development. Seconded by David Hirschi. Motion carried unanimously by a roll call vote.

16. Mayor, Council, and staff reports

Kaden DeMille announced that next Friday will be the employee BBQ following the cornhole tournament, to which the Council is invited. Lunch will be served at 12 noon at the Streets Department.

Councilman Hirschi noted that the new gym charges \$1 per person for drop-in use or \$30 per hour to rent, and he suggested making the rates more affordable. Councilman Prete added that gym costs have been a challenge for club ball teams, which are struggling to secure gym time within their budgets. Councilman Hirschi agreed, saying it's reasonable to charge out-of-town teams or those making a profit, but local teams should have access to more affordable rates. Councilman Prete proposed offering a bulk rate for the season. Mayor Billings recommended scheduling a work meeting with Recreation Director Tiffani Wright to discuss the issue further.

Councilman Prete said that when he saw the Balance of Nature item on the agenda, he reached out to the developer to better understand the project changes. He believes the original development might have succeeded if the city had a community developer on staff and suggested that hiring someone for that role would be money well spent to act as a liaison. Mayor Billings noted that they also explored options in Washington and St. George but were unable to build there. She shared that she met with the County's economic developer, who explained that the State did not install utility easements along SR-7, which contributes to delays. Mike Vercimak added that their design professionals are not local, which also causes months of delays. Kaden DeMille noted that staff have spent countless hours meeting with Balance of Nature to work through these challenges.

Councilman Ellerman inquired about available undeveloped acreage on Foothill Canyon Road. Fred Resch reviewed the parcels that are currently entitled. Councilman Ellerman mentioned that Bucky's Store is seeking a location and said he will speak with the property owners to explore the possibility of locating there. He also asked if others are concerned about the amount of signage along SR-9 and suggested tightening the sign ordinance. Gary Cupp responded that there are plans to revise the ordinance to address these concerns.

607 Mayor Billings stated she had IHC reach out to her, and they would like to meet with Mayor and
608 two Councilmembers to come and meet with them.

609
610 Cindy Beteag confirmed the Council could canvass the Primary Election on August 26th and on
611 November 18th for the General Election. She stated Nanette Billings is the only candidate that
612 has declared for mayor. Shavene Butler, Cindy Matekja, Katheryne Knight have declared for
613 council. The declaration period ends tomorrow at five p.m.

614
615 **17. Closed Meeting held pursuant to Utah Code section 52-4-205, upon request**

616
617 Joseph Prete motioned to go into a closed session at 10:16 p.m. to discuss acquisition of real
618 property, development agreement negotiating, and pending litigation. Seconded by David
619 Hirschi. Motion carried unanimously.

620 **Adjournment:** Drew Ellerman motioned to go out of a closed session and adjourn the meeting
621 at 11:06 p.m. Seconded by Joseph Prete. Motion carried unanimously.

Minutes of the Hurricane City Council meeting held on June 19, 2025, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 3:30 p.m.

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

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Kurt Yates, Public Works Director Mike Vercimak, Assistant Public Works Director Weston Walker, City Planner Gary Cupp, Power Director Mike Johns, City Engineer Arthur LeBaron, Building Official Larry Palmer, HR Director Sel Lovell, Finance Manager Paige Chapman, Water Superintendent Ken Richins, and Water Supervisor Kory Wright, and City Recorder Cindy Beteag.

AGENDA

3:30 p.m. Work Meeting

1. Discussion regarding the zoning of Canyons RV

Joby Venuti began by apologizing for leaving the previous meeting upset, explaining that he felt several points had been misunderstood. He clarified that the Canyons RV development differs from other mobile home parks. Originally approved as a Planned Development Overlay (PDO), the project was platted as a resort. However, after the original developer went bankrupt, the promised amenities were never built. The HOA eventually assumed ownership of the common areas and the declarant rights, but lacked the funds to complete the development. Mr. Venuti explained that while the project was initially envisioned as a resort—with amenities such as a pool and clubhouse—he has approached it more as a residential subdivision. His vision is to complete the common area with features like pickleball courts, a playground, and possibly a dog park, but not a pool or clubhouse. He stated that he is not trying to develop a resort but rather a community of two-story homes. Although the homes were originally built at 900 square feet, many were purchased by investors for rental purposes. Mr. Venuti asked the Council to consider whether they prefer the area to remain as an RV development or to transition to smaller, more affordable housing. His preference is to move forward with single-family homes. If he regains control of the declarations, he plans to install individual water meters and clean up the property. Councilman Thomas expressed support for the project, stating he sees no issue with the new direction and believes the two-story homes could be a good solution. Mr. Venuti noted they are targeting a price point of around \$350,000. Councilman Fawcett commented that although the project has shifted directions multiple times without resolution, if it helps address affordable housing, it could be beneficial. Councilman Thomas added that he appreciates the plan to fix the water meter issue. Councilman Ellerman acknowledged the other comments but described the development as a "hodgepodge." He questioned whether \$350,000 was a reasonable price for homes on such small lots and expressed concern about two-story homes in such a compact area.

Mr. Venuti responded that he is still deciding whether to continue the resort concept, complete it as a single-family subdivision, or possibly abandon a portion of the project and take it in a different direction. He believes that smaller homes make sense for the area. While the development may seem disjointed for a time, he expects it to eventually come together. He reiterated that individual water meters were not originally installed, but they are working to address that issue. Councilman Prete shared his previous concerns, including building height, parking availability, and the risk of the area deteriorating over time. Mr. Venuti stated he would be open to a height restriction. Councilman Thomas concluded by noting that the HOA has the authority to regulate on-street parking.

Mayor Billings stated that the Council needs to provide clear direction on what they would like to see moving forward. Mr. Venuti reiterated that the project is a Planned Development Overlay (PDO), and his goal is to complete the common area—but not as a resort. Dayton Hall explained that the current ordinance allows for stick-built homes within a footprint up to fifteen feet. However, Mr. Venuti is proposing an amendment to the ordinance that would allow increased height limits and larger square footage for mobile home parks established before 2019. Mr. Venuti clarified that only units with individual water meters would be eligible under the proposed changes. Most Council members indicated they were open to further discussion on the proposal, with the exception of Councilman Ellerman, who expressed continued discomfort with the direction being proposed.

4:00 p.m. Joint Work Meeting with the Planning Commission

Planning Commissioners Present: Paul Fathering, Kelby Iverson, and Mark Sampson

1. Discussion regarding the exterior designs and the amenities around the Civic Center public facilities and PDO Zone change recommendations.

Mayor Billings stated that one of the topics she would like to revisit is the exterior design of the new Civic Buildings. Although this was discussed last year, she presented the facade options again and asked the Council to vote on their top choices. Kaden DeMille noted that the proposed police building will be three stories, while the office building will be two stories. Councilman Thomas expressed that he is not in favor of an elaborate design, and Councilman Fawcett agreed, adding that a simple, square structure would be more cost-effective. Pam Humphries reminded the Council to consider the placement and number of windows, adding how the current building's poor window orientation has led to ongoing issues with heat. Councilman Fawcett also voiced concerns about flat roofs, citing recurring problems with the existing buildings. Councilman Hirschi suggested a design similar to the old high school or the new Ace building. The Council agreed they liked the appearance of the new Ace building and would prefer to use a similar style. Arthur LeBaron supported the idea, saying that incorporating a nod to the community's past would be a positive approach. Mayor Billings also recommended that the police building have a matching exterior, since it will be located on the same campus.

Mr. DeMille asked the Council for direction regarding the use of property surrounding the future public buildings. Councilman Thomas expressed a desire to pause any housing plans for the area. Gary Cupp explained that the site includes approximately 20 acres. He noted that all public facility buildings would need to be zoned as such, but the remaining land could potentially be rezoned as Planned Development Overlay (PDO) residential to accommodate a mix of housing and some commercial use along 100 North. Councilman Hirschi clarified that a PDO zone would require a site plan outlining specific land uses. The Council then discussed various housing density options. Councilman Hirschi noted that he is not in favor of high-density housing but would be open to R1-4 single-family zoning. Councilman Thomas added that affordable housing could be accomplished without the need for deed restrictions. Councilman Ellerman cautioned that if the City doesn't take action on workforce housing, it likely won't happen at all. He also noted that deed restrictions can help ensure long-term affordability by limiting how much future owners can increase home prices. Pam Humphries agreed, stating that without restrictions, a second owner is unlikely to resell the home at an affordable price. To her, deed restrictions are a necessary tool to preserve affordability. Councilman Fawcett said he would prefer not to use deed restrictions if affordability can be achieved through other means. He explained that higher-density development is often clustered in specific areas, with open space left elsewhere to balance it, and that overall density should be evaluated rather than focusing on individual sections. A resident added that the intent of PDO zoning is to calculate the average density across the entire development. However, he also relayed concerns from neighbors who want each section of the property to be considered individually, rather than averaged as a whole. Councilman Prete asked what specific problem the City is trying to solve. If the goal is to provide housing for employees, teachers, police officers, and other essential workers, he said, the Council needs to avoid becoming entrenched in unproductive positions. He stressed the importance of finding real solutions to the housing issue. Mr. Cupp clarified that PDO zoning does not increase the allowed density but rather applies the density permitted by the underlying zone. Kelby Iverson commented that the real challenge is balancing the need to fund public buildings while also addressing concerns from surrounding property owners. He added that he does not believe the City should act as a developer. Councilman Prete concluded that the City should consider creative approaches to encourage affordable housing throughout the community and highlighted the need to recognize the issue and work toward a practical solution.

Mayor Billings asked the Council to provide direction for the Planning Commission, as the proposed zone change for the property will appear on their next agenda. Mr. Cupp suggested one option could be to rezone the entire property as Public Facility temporarily, giving the City more time to determine long-term uses. Mayor Billings noted that doing so would eliminate the potential for lease or sale income that could help fund the construction of public buildings. Mr. Iverson asked for clarification on the current zoning and General Plan designation. Mr. Cupp responded that the General Plan identifies the area primarily for multifamily use with some public facilities, while the current zoning is R1-10. Councilman Ellerman proposed using a PDO zone with R1-8 on the perimeter and higher density in the center to buffer the development from neighboring properties. Councilman Thomas suggested a more detailed approach:

rezoning the central parcels and the park as Public Facility, designating 100 North for commercial use, applying R1-4 zoning to the northwest corner, and using RM-3 zoning where workforce housing is planned. He noted this would allow the City to develop the property under the same conditions imposed on private developers. Councilman Fawcett preferred rezoning each section individually as it is developed, rather than rezoning the entire property in advance. Councilman Prete acknowledged that focusing solely on the public buildings and deferring broader land use decisions might work, but said employee housing should still be addressed. If that proves too difficult, he suggested moving forward with just the police station for now. Councilman Hirschi expressed general support for Councilman Thomas's proposal but opposed placing higher density in the northeast corner. He added that the City has an opportunity to set a positive example by encouraging smaller homes, but he is not yet comfortable with allowing high-density housing.

Mark Sampson highlighted the need for the City to move forward with the public facilities first and address the remaining property uses later. Mr. DeMille confirmed that the Council supports commercial zoning along 100 North and agreed that the housing component could be addressed at a future date, with the immediate focus on the police building. The Council also confirmed they are comfortable with R1-4 zoning in the northwest corner. Mayor Billings reiterated that the Council prefers to move forward with a Planned Development Overlay (PDO) rather than using spot zoning. She stated the proposal would be presented to the Planning Commission on July 7th and to the City Council on August 7th, pending a recommendation. Mayor Billings summarized the direction as follows: 15 acres would be presented under PDO with R1-8 zoning, accompanied by a site plan that includes commercial use, a park, and single-family development. The remaining 5 acres would be designated as Public Facility. Mr. Iverson added that R1-8 zoning would allow approximately 40 residential units. Councilman Ellerman expressed concern that the discussion was moving too quickly. He suggested proceeding only with zoning for public facilities at this time and postponing decisions on the rest of the property. While he opposes higher density, he said he wants to maintain flexibility for creative solutions. He supported moving forward with the commercial area and public facilities but recommended deferring action on the remaining land. Councilman Hirschi stated he does not want to open the door for increased density. Mr. Iverson emphasized the need to balance open space and density in the overall plan. Councilman Thomas proposed zoning the existing building and surrounding area, including the park, as Public Facility, applying commercial zoning along 100 North, and R1-4 in the northwest corner—leaving the remainder for future consideration. The Council generally agreed with this approach, with the exception of Councilman Fawcett, who did not support including the single-family zoning at this time.

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

Arthur LeBaron reminded the Council that the 4th of July is approaching. The parade will begin at 8:30 a.m., and fireworks will take place that evening at Sand Hollow. He also provided details about VIP parking passes, including their designated location. Mr. LeBaron reported that he was contacted regarding plans for the 24th of July. The proposed celebration will include a walk from the church to the community center, followed by a breakfast. There will be no parade for

that event. He noted that road design projects for 1400 West, 650 South, and 100 South have been advertised, with proposals due back in July. Additionally, he plans to advertise the project for a new exit off SR-7 to improve access to Sand Hollow. Engineering work for that project is currently underway.

Weston Walker reported that he and Roger Blaser attended the Southwest Coalition meeting for MS4, where they reviewed updates to state stormwater regulations. He has been in contact with City Inspect about integrating the required inspections into their system. The State is increasing both inspections and compliance requirements, although permits continue to be issued by the State. Mr. Walker noted that the only remaining requirement for the City is to update its ordinance, which must be completed within the first year. He also addressed a complaint received earlier in the day regarding parking near Jellystone. He presented photos showing vehicles parked along a road not designed for on-street parking. To resolve the issue, signs will be installed prohibiting parking in that area. Councilman Ellerman explained that the park has recently begun requiring paid parking in addition to admission passes, which has led patrons to park along the road to avoid the extra fee. Councilman Prete confirmed that the City's ordinance does not currently address parking in relation to charged parking areas.

Mike Johns stated that the AMI (Advanced Metering Infrastructure) project is progressing now that the contract is nearing finalization. He explained that the AMI meters will provide real-time monitoring of power usage, voltage levels, and outage coordination, and will also integrate directly with the City's billing system. He also informed the Council about the upcoming UAMPS conference in August and encouraged any members interested in attending to register soon.

Mike Vercimak thanked staff for their efforts with the continuing development. He stated they are still trying to fill the streets superintendent and utility locator positions.

Paige Chapman reported that she has updated the budget summary to reflect more accurate and current figures.

Sel Lovell stated there are a lot of openings that need to be filled. The cornhole tournament was held last week. Mayor Billings mentioned Millie started this week in the new Public Relations position.

Ken Richins reported that the west well is back up and running.

Larry Palmer stated that since the last meeting there have been forty-one permits submitted including three commercial buildings, sixteen single family homes, and twenty-two town homes.

Gary Cupp reported that the City continues to receive a high volume of Planning Commission applications. He noted that there are currently no known code enforcement concerns.

Kaden DeMille explained that the City observed Juneteenth on the preceding Monday this year, in alignment with previous state guidance on holiday observance. However, beginning in January 2026, state law will change, and Juneteenth will be officially observed on the actual calendar day, June 19.

200 Cindy Beteag mentioned there is a Meet and Greet for the election candidates on June 30th @ 6
201 p.m. at the new gym.

202 **6:00 p.m. - Call to Order –**

203 Mayor Billings welcomed everyone and called the meeting to order.

204 Prayer, Thought, and Pledge led by Charlie Twist

205 Declaration of any conflicts of interest

206 None declared.

207

208 Minutes of the Regular City Council Meeting for April 17, 2025 and Special Meeting April 21,
209 2025

210

211 Kevin Thomas motioned to approve the April 17, 2025, and April 21, 2025, minutes as written.

212 Seconded by Drew Ellerman. Motion carried unanimously.

213 Recognition of Scouts for the completion of their Eagle Scout projects

214 Charlie Twist reported that the program currently includes about twenty scouts and has
215 supported 30 scouts in earning their Eagle Award. Over the past year and a half, 11 scouts have
216 successfully achieved the rank. He expressed his appreciation for the program and the values it
217 instills in the youth. He noted that each scout completed a service project that gave back to the
218 community, contributing a combined total of over 4,200 service hours. All participating scouts
219 came forward to share and explain their individual projects.

220 **Public Forum – Comments From Public**

221 Cindy Matejka, speaking on behalf of Dixie Springs residents, addressed the Council with
222 concerns about ongoing blasting activities in the Dixie Heights area. She expressed the
223 community's growing frustration with the lack of resolution to their complaints and urged the
224 Council to advocate on their behalf by contacting state legislators, emphasizing that it is their
225 responsibility to protect residents. Mrs. Matejka reported that blasting has occurred twice a
226 week for the past four months and raised concerns about its potential impact on nearby
227 structures, including the dam. She noted that she had submitted a presentation to the Council
228 documenting damage to surrounding homes and asserted that current safety standards are not
229 being properly enforced. She questioned whether the fire marshal is the appropriate authority
230 to regulate blasting and also brought up issues related to dust in the area, calling for improved
231 monitoring and control. She concluded by urging the Council to prioritize the health, safety, and
232 well-being of the community.

233 Terry Carter expressed his agreement with Cindy Matejka's concerns regarding the ongoing
234 blasting in the area. He stated that the blasting occurs weekly and has personally observed
235 cracking in the walls of his home. He also noted the emotional impact on his household,
236 mentioning that his dog becomes extremely distressed during the blasts. Mr. Carter shared
237 additional concerns about the dust generated by the blasting activities, especially given the

strong winds in the area, which contribute to frequent dust storms. He noted that the dust is affecting his wife, who suffers from asthma, and is making it more difficult for her to breathe.

Fred Hernandez informed the Council that there are currently 603 veterans buried in the Hurricane Cemetery. He and others are working diligently to raise funds to place wreaths on each veteran's grave. He requested that the City consider supporting this effort, noting that the total cost is just over \$6,000. Mr. Hernandez asked the Council to consider a funding commitment of \$4,500 to help meet that goal.

OLD BUSINESS

1. Consideration and possible approval of a Development Agreement with the Zion Regional Medical Center to allow, among other terms, an increased height limitation of 85 feet for a proposed hospital building on property zoned Highway Commercial (HC); Parcel Numbers H-3-2-6-1406-GS1, H-3-2-6-1407, and H-3-2-6-1408-GS2; ZRMC Operating LLC, Applicant; Jared Cox and Karl Rasmussen, Agents

Mayor Billings explained that a staff work meeting was held earlier in the week to review the proposed agreement. She reminded the Council that, following the last meeting, direction was given to require a 200-foot setback from SR-9. Under the current proposal, only the hospital building would reach a height of 85 feet, while the other medical buildings would be limited to 55 and 70 feet. She noted that the applicants are requesting the removal of language in the agreement that states public facilities are not currently available. Two versions of the agreement were included in the packet, and the applicant is requesting approval of Option B. She clarified that the purpose of the agreement is solely to address building height. Councilman Prete asked whether approving the agreement could create pressure for the City to change the order in which utilities are installed. Dayton Hall responded that the agreement grants only one entitlement: the increased building height. He explained that the original language referencing insufficient public facilities was intended to put developers on notice that services are not yet available in the area. However, both versions of the agreement clearly state that no additional entitlements are granted beyond height. Mr. Hall outlined the three key differences in Option B: It allows for the proposed building height increase. It shortens the agreement's term limit from ten years to five years. It removes the statement noting that adequate public facilities are not yet available in the area.

Kevin Thomas motioned to approve option B of the Development Agreement with the Zion Regional Medical Center. Seconded by David Hirschi. Motion carried unanimously.

NEW BUSINESS

1. Consideration and possible approval of an appeal on the denial of a vacation rental license - Lanelle Butterfield

Cindy Beteag explained that the applicant has held a vacation rental license since 2017, which was due for renewal in January. Multiple notices were sent, including the initial renewal notice,

a reminder, a late notice, and a final notice of failure to renew—but all were returned as undeliverable. As a result, the license was not renewed within the required timeframe. Staff reviewed utility records to verify whether the mailing address had changed, but the records showed the same address, and utility bills were not being returned. With the renewal period having passed, the license was marked as inactive. In May, the property owners contacted staff to update their mailing address. At that time, they were informed that the license had been inactivated due to failure to renew. The owners requested to appeal the denial based on that lapse; however, current code does not allow for an appeal in cases of failure to renew. They were advised to submit a new application, which would be denied because vacation rentals are no longer a permitted use in that zone. They could then appeal the denial of the new application through the established appeal process.

Lanelle Butterfield addressed the Council, explaining that she and her husband have owned the vacation rental since 2017 and that it serves as part of their income. She noted that they moved in September and provided evidence of a forwarding address filed with the post office, along with other forwarded mail. She acknowledged that oversights can happen and noted the value of renewal reminders in helping manage important tasks that may fall off the radar. Ms. Butterfield stated she was not placing blame but wished the City had reached out via email or phone once the renewal notices were returned. She emphasized that they treat their license as extremely important and strive to be responsible, respectful property owners and neighbors. She requested grace from the Council and asked to have their license reinstated. She also noted they have voluntarily paused all future bookings until a decision is made. Councilman Thomas confirmed that the City did not attempt to contact the owners by phone or email after the mail was returned undeliverable. He also noted that there have been no complaints associated with the property and commented that this is a situation that could happen to anyone. Councilman Prete suggested that the City consider adding a procedural step requiring staff to reach out to license holders by phone or email if mailed notices are returned undeliverable.

Kevin Thomas motioned to reinstate the vacation rental license for Lanelle Butterfield. Seconded by Joseph Prete. Motion carried unanimously.

Mr. Butterfield confirmed they will have an inspection done as soon as possible so the license can be finalized.

2. Consideration and possible approval of a Development and Power Line Extension Agreement with WPP Hurricane Land, LLC.

Austin Overman with the Wasatch Group presented the proposed phasing plan to extend power from Sky Mountain to their development. Mike Johns noted that the plan was reviewed by the Power Board, which recommended approval. Dayton Hall provided background, explaining that the original Colina Tinta development agreement was approved in 2006 and included a requirement for the property owner to bring power to the site. Since that time,

ownership of the property has changed. The proposed agreement outlines how and when the power infrastructure will be brought in, ensuring compliance with the original requirement. Mr. Hall added that while most of the conduit for the initial section is already in place, some easement issues may still need to be resolved along 2260 West. Councilman Fawcett confirmed that all utilities are currently adequate to serve the property. Mr. Hall also noted that the applicant has not yet received preliminary plat approval for the next development phase, as the power installation requirement must be completed first. The preliminary plat is scheduled to go before the Planning Commission next week, contingent on approval of this agreement.

David Hirschi motioned to approve the Development and Power Line Extension Agreement with WPP Hurricane Land, LLC. Seconded by Joseph Prete. Motion carried unanimously.

3. Consideration and possible approval of Resolution 2025-28 Approving Amendments to the Transmission Service Agreement for the Central-St. George Transmission Project - Mike Johns

Mike Johns explained that the proposed changes pertain to Exhibit C of the agreement. One key change gives the City the option to either make an acquisition payment upfront or defer it and finance it through UAMPS. Staff is recommending the City defer the payment and proceed with UAMPS financing. Another update involves an increase in the bond cap. Additionally, the agreement previously stated that the City's vested interest in the project was fixed at 14.62%. The updated language allows for that percentage to fluctuate depending on the City's actual usage. There will be two bonds issued, each valued at approximately \$15 million. Councilman Prete inquired about the financial obligation for the City and the timeline for payment. Mr. Johns explained that payments would be interest-only until the 2027 bond becomes active, and that the financial impact to the City would remain consistent. Kaden DeMille added that this expense will be reflected in the UAMPS billing. Although the City had anticipated a reduction in that bill, the new structure should balance out the cost. Mac Hall noted the necessity of the amendment to ensure continued power availability, noting the power board unanimously recommended approval after extensive discussion. Dave Imlay provided historical context, stating that the City entered into this agreement 35 years ago. While other cities may not have the same obligation, this reflects Hurricane's ongoing partnership with the other participating entities.

David Hirschi motioned to approve Resolution 2025-28 Approving Amendments to the Transmission Service Agreement for the Central-St. George Transmission Project. Seconded by Kevin Thomas. Motion carried unanimously by a roll call vote.

4. Consideration and possible approval of a Reimbursement Agreement with Falcon Crest, LLC for improvements made to 1500 South. -Arthur LeBaron

Mayor Billings read the following summary that was provided in the packet written by Arthur LeBaron. “The City has issued at least 15 building permits for homes along 1500 South prior to the development of the Hurricane Fields Estates Subdivision without requiring road improvements. For years 1500 South remained a gravel road. When the Hurricane Fields Estates project was proposed it was determined that 1500 South needed to be paved according to Hurricane City Ordinance. Because 1500 South is a master planned roadway and is already serving a number of existing homes, a large portion of the paving and associated work was deemed a system improvement and thus eligible for reimbursement through impact fees. The total amount recommended by the City Engineer for reimbursement is \$124,114.10. This figure has been presented to the developer and agreed upon. The City Attorney has drafted the reimbursement agreement, and it is recommended for approval by Staff.”

Mayor Billings added that Mr. Stratton agreed to the improvements to get his subdivision completed. Arthur LeBaron explained some of the work on 1500 South was the developer’s responsibility and not included in the calculation.

Joseph Prete motioned to approve the Reimbursement Agreement with Falcon Crest LLC in the amount of \$124,114.10. Seconded by Clark Fawcett. Motion carried unanimously by a roll call vote.

5. Consideration and possible approval of adjusting City contributions for Tier II Hybrid Employees' retirement - Sel Lovell

Mayor Billings read the following summary that was provided in the packet written by Sel Lovell. “Due to the URS tier II hybrid member contribution rate increasing to 0.81% from 0.70% last year, we are proposing that Hurricane City cover the amount tier II hybrid employees will lose from their paychecks. This was done in the form of a miscellaneous bonus last year and we are proposing the same this year.”

Councilman Prete asked how much funding would be required to cover the cost. Sel Lovell responded that last year the amount was approximately \$30,000, though it may be slightly higher this year. He explained that this expense applies only to Tier 2 public employees who have selected the hybrid retirement plan. The required contribution is deducted directly from the employee’s paycheck. Last year, the City chose to cover the cost, but the rate has increased this year. Staff had anticipated that the Legislature might revise the regulations, but no changes were made.

Clark Fawcett motioned to approve adjusting City contributions for the Tier II Hybrid Employees’ retirement for this fiscal year. Seconded by Kevin Thomas. Motion carried unanimously by a roll call vote.

- 401 **6.** Consideration and possible approval of Zone Change Amendment Ordinance ZC25-14, a
402 zone change request located at 2085 S 700 W from Single Family Residential R1-15 to
403 General Commercial; parcel number H-3-2-10-2308; Michael and Aimee Carnell,
404 Applicants
405

406 Mayor Billings read the following summary that was provided in the packet written by Gary
407 Cupp. “The applicant is seeking a zone change from Single Family Residential R1-15 to General
408 Commercial (GC) on a one-acre parcel located along 700 West, between Frog Hollow Storage
409 and the Angell Heights Storage facility. The applicant has converted an existing residential
410 garage into a multi-chair, commercial beauty salon without building permits. Commercial salons
411 are not permitted land uses in single family residential zones, and the applicant has requested
412 approval of a zone change to General Commercial to legalize the business. The applicant
413 currently resides in the existing house to which the salon is attached and wishes to continue
414 living in the home following the zone change, which is not allowed in commercial zones. The GC
415 zone would allow the commercial salon use, but it does not permit the residential use of the
416 property; therefore, a development agreement will be required to allow a simultaneous non-
417 conforming residential use jointly with the commercial business activity. A public hearing for
418 the item was held at the June 12, 2025, Planning Commission meeting. One public comment in
419 support of the proposed zone change was received. The Planning Commissioners discussed the
420 proposal and voiced overall support since the property is surrounded by light industrial and
421 civic land uses. The Planning Commission also supported the development agreement to allow
422 the property owners to continue to live in the residence and recommended that residential use
423 of the house be allowed to continue permanently as a condition of the agreement. The
424 Commission also recommended that staff consider a code update to the home-based business
425 ordinance to possibly allow more than one chair for home-based salons. The Planning
426 Commission unanimously recommended the City Council approve the zone change request.”
427

428 Aimee Carnell stated that she resides at the subject property and is requesting a zone change to
429 General Commercial with special provisions to allow continued residential use. She expressed
430 support for the development agreement and noted that the salon on the property was
431 professionally constructed to accommodate herself and three to four other professionals. At
432 the time of construction, she believed the use was permitted; however, upon learning
433 otherwise, she promptly began the process to bring it into compliance. She clarified that the
434 salon is completely separate from the residence and that adequate parking is available. Mrs.
435 Carnell also asked for confirmation that the property would remain eligible for single-family
436 residential use in the future. She thanked staff and the Planning Commission for their
437 assistance and respectfully asked the Council to approve the zone change.
438

439 Mayor Billings read the findings that were included in the staff report. “While the application
440 does not strictly conform to the General Plan Map designation of Single Family, the commercial
441 nature of the proposal supports the goals and recommendations of the General Plan. Due to

the light industrial and civic uses in the area, the zone change is not out of character and is generally harmonious with the surrounding development pattern and long-term planning vision. In light of the small size of the property and the applicant's intent to legalize the salon use, the zone change is unlikely to present any adverse impacts on adjacent residential development. Public services are adequate to serve the property."

Councilman Thomas stated he listened to the Planning Commission's discussion, and he doesn't have any problems with the request. Councilman Prete stated there are reasons to not have residential in commercial zone. The salon doesn't trouble him, but he would like the agreement to be more restrictive on what commercial uses are allowed. Dayton Hall read the proposed agreement. Councilman Prete thinks that is too broad. Mr. Hall stated that it can be updated. Councilman Prete confirmed the parking can be contained on the property. Councilman Ellerman asked if the agreement limited the number of chairs that could be rented. Mr. Hall explained that as long as it meets all the other codes then it can be as many chairs as it fits. Councilman Ellerman worries about the future owners or if the business grows. Mrs. Carnell stated there will be four to five people working there. She explained the workers' park on the residential side and leave the parking on the south side open to the customers. Councilman Ellerman stated there can't be parking on the street. Mrs. Carnell clarified there can only be four workers at a time. Mr. Hall stated they could have a development agreement that ends with ownership, but the Planning Commission recommended it runs with the land. He is hearing the Council is in favor of a revision to the agreement to only allow a beauty salon with four booths and the residential use ends when there is a change to the ownership. Councilman Fawcett stated he would rather see it being limited to the salon rather than not allowing the residential use to continue with the next owner. Councilman Prete confirmed the neighboring property didn't submit any comments. Councilman Thomas agreed he wanted to see it continue to be used as a salon. Mr. Hall confirmed the Council is in favor of amending the development agreement to state the salon including four booths can be operated on the property in conjunction with single family residential use and after there is a change in ownership it can only be a house with a salon or just a house. The applicant agreed to the conditions.

Kevin Thomas motioned to approve the zone change subject to a Development Agreement that states the salon can only be operated on the property in conjunction with four booths and that the property can only be a house with a salon or just a house. Seconded by David Hirschi. Motion carried with David Hirschi, Kevin Thomas, Clark Fawcett, and Joseph Prete voting aye. Drew Ellerman voted nay.

7. Consideration and possible approval of Zone Change Amendment Ordinance ZC25-15, a zone change request located near 3700 W Bash Parkway from Single Family Residential R1-8, Public Facility; parcel number H-4-2-12-1213-GS1; Western Mortgage and Realty Co - Tim Tippet, Applicant, Karl Rasmussen, Agent

Mayor Billings read the following summary that was provided in the packet written by Gary Cupp. “The applicant is requesting a zone change from Single Family Residential R1-8 to Public Facility (PF) on a 1.1 acre piece of property to allow for the future construction of a power substation for Dixie Power. The property is located near the Strawberry Fields Estates subdivision and is part of the Gateway to Sand Hollow Public Infrastructure District (PID). A public hearing for the item was held at the June 12, 2025, Planning Commission meeting and no public comments or objections were received. The Planning Commission had no discussion and did not express any concerns about the project, and unanimously recommended that the City Council approve the requested zone change. Findings: 1. The proposed amendment is compatible with the goals and policies of the General Plan pertaining to public facilities. 2. The proposed amendment is in harmony with the overall character of the existing development. 3. Provision of public utility infrastructure is not considered an adverse impact. 4. Public facilities for the site are adequate.”

Mayor Billings stated they need a substation for Dixie Power. Councilman Ellerman confirmed they are required to have block wall around it.

Drew Ellerman motioned to approve Ordinance ZC25-15 a Zone Change Amendment located near 3700 W Bash Parkway from R1-8 to Public Facility. Seconded by Clark Fawcett. Motion carried unanimously.

Clark Fawcett motioned to go into a Public Hearing at 7:38 p.m. Seconded by David Hirschi. Motion carried with David Hirschi, Kevin Thomas, Clark Fawcett, and Jospeh Prete voting aye. Drew Ellerman absent from the room.

8. Public Hearing to take comments on the following:

- a. 2025-2026 Fiscal Year Budget
- b. Proposed amendments to the 2024-2025 Fiscal Year Budget

No comments.

Kevin Thomas motioned to go out of Public Hearing at 7:39 p.m. Seconded by Clark Fawcett. Motion carried unanimously.

Clark Fawcett motioned to go into a Public Hearing at 7:40 p.m. Seconded by Kevin Thomas. Motion carried unanimously.

9. Public Hearing to take comments on the following:

- a. Wage increases within the 2025-2026 Fiscal Year Budget of up to 11% for all executive municipal officers as defined in Utah Code 10-3-818

No comments.

Kevin Thomas motioned to go out of a Public Hearing at 7:41 p.m. Seconded by David Hirschi. Motion carried unanimously.

10. Consideration and possible approval of Resolution 2025-26 approving the 2025-2026 Fiscal Year Budget

Mayor Billings read the following summary that was provided in the packet written by Paige Chapman. “The Final General Fund Budget documentation, and a note that we have a potential 3% COLA/Merit increase in January and some wage changes in July that were brought to our attention by HR and approved by the Mayor: Mayor and Council - Moved the \$20,000 Small Business Assoc. commitment in this fund and proposed a 4% wage increase along with our part-time employees. Clerk - This was the approved position for utilities. Non-Dept. - Planning on transferring \$210,000 to help the new airport 21 fund. Building and Grounds - This is where we plugged in a payment/savings amount for the City Campus. Animal Control - An employee moved back from Police to AC, so this is mostly a position that increased the change. Streets - Keeping maintenance costs for streets on the rise. PW - Due to Weston moving over from Streets. Emergency Management - Not really doing much with this right now. Recreation - Programs have been increasing and expanding. Swimming Pool - Plan on closing next season for new pool construction. Community Center - Repair costs. Gym - New fund. Peach Days - Costs are increasing and approved shade tent. The City-Wide documentation shows the increase/decrease in all the funds in the city. We are currently at a \$118 million dollar budget! Majority of this is due to huge water projects in the city, power expansion, and golf pro-shop renovations.”

Paige Chapman explained that the airport is required to operate under its own fund, and the City is proposing to separate it this year to bring the budget into compliance. She noted that all approved projects are reflected in the proposed numbers. While some costs must be paid upfront, grant funding is expected to reimburse a portion of the expenses. Councilman Fawcett inquired about the advertised 11% wage increase. Mrs. Chapman clarified that the notice reflects the highest possible increase among all department heads or executive officers to simplify the required public posting. Not all increases will reach that amount. Kaden DeMille added that, after adjustments, the highest actual increase is approximately 9%. He also noted that all police officers will receive a \$3.01 per hour raise, and a 3% cost-of-living adjustment is planned for all employees in January.

Clark Fawcett motioned to approve Resolution 2025-26 approving the 2025-2026 Fiscal Year Budget. Seconded by Kevin Thomas. Motion carried unanimously by a roll call vote.

Chief Yates expressed his appreciation to the Council for the salary increase for police officers. Kaden DeMille also thanked the Council for their continued support and recognized Paige Chapman for her efforts in preparing the budget.

11. Consideration and possible approval of Resolution 2025-27 approving and adopting amendments to the 2024-2025 Fiscal Year Budget

Paige Chapman reported that the City has experienced increases in interest rates, sales tax revenue, and property tax revenue. Councilman Fawcett noted that prosecution fees have also increased over time, as expected. Mrs. Chapman added that participation in recreation programs continues to grow annually, and the theater program is performing well. She explained that approximately \$4 million will need to be transferred out of the General Fund to comply with State requirements. Kaden DeMille stated the City is considering paying off the airport bond. Mrs. Chapman then reviewed and explained each of the proposed budget amendments.

Clark Fawcett motioned to approve Resolution 2025-27 approving and adopting amendments to the 2024-2025 Fiscal Year Budget. Seconded by Drew Ellerman. Motion carried unanimously by a roll call vote.

12. Mayor, Council, and staff reports

Mayor Billings stated she received a text from Councilman Hirschi requesting the Council revisit allowing election ads in the Peach Days magazine. She explained that the Council had already discussed and approved the inclusion of political ads in 2023. Candidates were informed during orientation, and some have already purchased ads. When the committee objected, Jaroline Stout sent an email to the Council, which Councilman Hirschi read aloud. Mayor Billings explained that she drafted a response but instead attended the Peach Days committee meeting to address concerns directly. She reviewed the 2023 magazine and noted that the political ads were positive and non-divisive. She highlighted that this is a City-sponsored event with Council oversight and that similar items have been approved by the Council in the past. Councilman Hirschi stated the committee voted 19 to 1 against allowing political ads and said he was informed that ads have been allowed since 2017. He referenced a controversial 2021 ad but acknowledged that ads have generally been allowed. Councilman Fawcett noted that the only major issue he recalled was from 2021 and supported continuing the current policy, especially now that it is clearly addressed in candidate orientation. Councilman Thomas expressed strong support for allowing the ads, citing freedom of speech and the importance of reaching constituents. Councilman Prete recalled previous discussions weighing free speech against the City's role in sponsoring the event. Dayton Hall clarified that political ads are protected under free speech laws, and if they are to be disallowed, no political ads can be accepted at all. Mayor Billings recommended maintaining the current policy for this election cycle and reconsidering the issue after the election or at the beginning of the year. Councilman Fawcett agreed, adding that the committee should have brought their concerns directly to the Council. Councilman Hirschi acknowledged the City's involvement and said he would help the committee understand the process, suggesting that amends be made to move forward constructively. Councilman Prete stated he would be open to letting the Peach Days committee oversee the magazine in

future years as a peace offering, but Mr. Hall cautioned against delegating decisions that involve free speech, noting that there may be better ways to rebuild trust without risking legal or procedural issues.

Councilman Prete asked for an update on the meeting with IHC. Mayor Billings stated they reached out to reschedule. Councilman Prete shared that during the break, Karl Rasmussen expressed concern that without a power "will serve" letter, the new hospital project could fail. He stated the hospital is widely supported and doesn't want to see it jeopardized. Mayor Billings stated she's spoken with their representatives twice and stressed the City must be workable but cannot bear the costs. Dayton Hall noted that the hospital is asking for immediate "will serve" letters for power and water and he raised concerns about making commitments the City may not be able to fulfill. He questioned whether the Council would be willing to consider eminent domain to obtain easements and emphasized the importance of cautious cooperation. Ken Richins explained that a "will serve" letter refers to source capacity, and the City has adequate water to serve the project once the infrastructure is extended. The hospital's water request is equivalent to about 65 residential units. He stated that the City's commitment would be to source capacity only. Mayor Billings proposed drafting a conditional will serve letter, limited to the City's service area capacity. Councilman Fawcett pointed out that the PID is supposed to manage the utilities. Mr. Richins agreed, clarifying the City's role is not to build the infrastructure. Councilman Prete acknowledged the need to take some risk to make progress but emphasized the importance of caution. Mike Vercimak said he was told the hospital needs the will serve letter by tomorrow or risks losing funding. He questioned which funding they meant, since they had indicated the PID would be used to finance the hospital itself, not the utility infrastructure. Councilman Ellerman clarified that the PID discussed would only fund the hospital building. Mr. Hall confirmed his intent is to draft a will serve letter aligned with Mr. Richins' explanation—committing only to source capacity. Mike Johns stated there is a viable plan to provide power to the hospital, but equipment lead times could pose challenges. He's not concerned with the plan itself but with staying on schedule. Mayor Billings mentioned the City has already purchased a transformer and encouraged the team to move forward in good faith. Mr. Johns agreed that a conditional will serve letter is reasonable. Councilman Ellerman asked about concerns that the PID might not complete the infrastructure. Mr. Vercimak recommended a contract between the developers outlining dates and responsibilities to ensure accountability.

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

A closed meeting was not necessary.

Adjournment: David Hirschi motioned to adjourn at 9:27 p.m. Seconded by Drew Ellerman. Motion carried unanimously.

Minutes of the Hurricane City Council special meeting held on June 24, 2025, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 4 p.m.

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

Planning Commissioners Present: Brad Winder, Paul Fathering, Mark Sampson, Shelley Goodfellow, Michelle Smith, Kelby Iverson, and Amy Werrett.

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, City Planner Gary Cupp, Assistant Planner Fred Resch III, City Recorder Cindy Beteag, Water Supervisor Kory Wright, Finance Manager Paige Chapman, and Public Relations Millie Anderson.

AGENDA

4:00 p.m. Joint Work Meeting with the Planning Commission

Mayor Billings welcomed everyone and called the meeting to order. Kevin Thomas offered an opening prayer and led the Pledge of Allegiance. Mayor Billings then introduced the guests in attendance, including Susie Becker and Mark Anderson from Zions Bank, Darren Prince from Washington County Economic Development, and Todd Brightwell and Nicole Black from the State Economic Development Group, all of whom joined the meeting virtually.

1. Discussion regarding economic development

Mayor Billings explained that there has been a request to create a Redevelopment Agency (RDA) in the Coral Springs PID area, specifically for a retail development on 19 of the 42 available acres. She noted that, historically, RDA incentives in the area have been granted to industrial projects rather than retail. Mayor Billings also referenced recent legislation—HB151 and SB280, both passed in 2025—which outlines updated guidelines on the use of RDAs. She introduced Susie Becker, who would be giving a presentation to clarify what is currently allowed under the new laws to help everyone gain a better understanding.

Susie Becker shared her screen and provided an overview of Redevelopment Areas (RDAs), including how project areas are identified, how taxable value and incremental tax revenues are calculated, and the process of establishing a project area budget and interlocal agreements. She noted the importance of public education regarding incremental taxes. She also reviewed the specific requirements for offering retail incentives under current state law, such as inclusion in a mixed-use development, location within a low-income area, and qualifications based on county classification (4th, 5th, or 6th class counties) with fewer than 30 employees. Todd Brightwell noted two key considerations: first, whether the proposed development qualifies for RDA support, and second, whether the City is open to considering it. Councilman Fawcett expressed concern about providing incentives to retail businesses, as they often compete with

41 existing local stores. He stated that any proposal would need to offer something truly
42 significant to warrant consideration and emphasized the need for more information, especially
43 on eligibility for RDA designation. Mayor Billings reassured the group that all necessary
44 information would be gathered before any decisions are made. Mr. Brightwell acknowledged
45 that they typically do not work with retail projects but noted this opportunity is unique, with
46 the retail organization operating approximately 180 stores nationwide. Councilman Hirschi was
47 excused from the meeting at 4:35 p.m. Michelle Smith asked whether the business would bring
48 its own employees or hire locally. Mayor Billings responded that while management would
49 likely be brought in, local hiring would occur. She reiterated to Mr. Brightwell that the City
50 would need additional information before moving forward with any decision.

51 Mayor Billings requested clarification on the engineering plans for improvements to 920 West,
52 expressing concern about the narrow width of the road. She noted that including landscape
53 strips would further reduce available space, potentially bringing some homes uncomfortably
54 close to the roadway. She asked the Council whether they wanted to consider revising the
55 current standards. Councilman Fawcett commented that the standards were likely intended for
56 newly constructed roads and may not be appropriate for redesigning existing ones. He
57 suggested a review of all roads currently being redesigned. Paul Fathering agreed, stating that
58 removing the landscape strip would be a reasonable compromise in this situation. Mayor
59 Billings directed Mr. Cupp to bring the applicable code back to both the Planning Commission
60 and City Council for review. She also instructed him to notify the City Engineer that potential
61 changes are pending to avoid finalizing designs before the code is updated.

62 Mayor Billings informed the Council that representatives from the Elim Valley group had
63 contacted her regarding plans to build two hotels along SR-9, between Sand Hollow Road and
64 the proposed hospital site. They are requesting approval for an increased building height of up
65 to 55 feet, indicating that they would not proceed with the project if the additional height is not
66 granted. Mr. Fathering noted that most hotels in St. George are four stories tall and suggested
67 that allowing increased height may be necessary to attract high-quality hotel developments.
68 Councilman Fawcett expressed that while he supports the hospital's height due to its specific
69 location, he is hesitant to set a precedent that could lead to taller buildings being allowed
70 throughout the city. Dayton Hall offered two possible approaches: one would be to allow
71 additional height through a development agreement tied to a zone change application, giving
72 the City more control on a case-by-case basis; the other would be to permit greater height
73 through a conditional use permit, though he cautioned that if applicants meet the criteria, the
74 City would be obligated to approve it. He recommended the development agreement route for
75 more flexibility and oversight. Councilman Prete said he is open to allowing taller buildings in
76 the area surrounding the hospital but shared similar concerns about extending that permission
77 citywide.

78 Mayor Billings informed the Council that a resident had contacted her requesting a change to
79 the multifamily (RM-2) zoning to allow additional units. Gary Cupp provided context, explaining
80 that the request stems from a single-family home located within an RM-2 zone where
81 residential hosting licenses (such as for accessory dwelling units, or ADUs) are currently not

82 permitted. He asked the Council whether they would consider allowing such uses for single-
83 family homes within multifamily zones. Councilman Fawcett expressed support for allowing it in
84 this specific circumstance. However, Mayor Billings noted that lot sizes in RM-2 zones are
85 typically smaller, which could raise concerns about density and compatibility. Dayton Hall
86 clarified that under the City's current policy, an owner must be the primary occupant of the
87 home to rent out an ADU. He emphasized that the intent of the policy was to help homeowners
88 generate supplemental income while living on-site. He cautioned against expanding the
89 allowance to multifamily zones, suggesting it would deviate from the original purpose of the
90 regulation. Mayor Billings added that the homeowner claimed they were not informed of the
91 restriction when purchasing the property and built the unit under the assumption they could
92 use it as an ADU. Councilman Prete expressed concern, stating he already disagreed with
93 allowing ADUs on all lots and felt this proposal would take the policy even further in the wrong
94 direction.

95 Mayor Billings reported that she received a call from Trent Staggs, who oversees small business
96 development, regarding a situation involving a commercial kitchen built inside a residential
97 home. Mr. Cupp explained that the resident, located in a single-family zone, had constructed a
98 commercial-grade kitchen. While the individual currently holds a cottage food license to
99 produce popcorn, they were denied a business license for producing chips and salsa because
100 the setup is classified as a commercial kitchen, which is not permitted in that zone. Councilman
101 Ellerman noted that recent changes in state law have shifted in favor of supporting small
102 businesses, potentially opening the door for more flexibility. Mayor Billings confirmed that the
103 group is open to reviewing the existing code to determine whether updates could be made to
104 accommodate this type of home-based business.

105 Mayor Billings announced that Zac Renstrom, with the Washington County Water Conservancy
106 District, has signed the agreement for the 3200 West project to move forward with the design
107 of the on-off ramps for the lake. She concluded by noting that the Department of Natural
108 Resources has sent a letter concerning groundwater management.

109
110 **Adjournment:** Clark Fawcett motioned to adjourn at 5:05 p.m. seconded by Kevin Thomas.
111 Motion carried unanimously.

From: Tom Snyder <tom.snyder@epsgroupinc.com>
Sent: Tuesday, June 10, 2025 9:47 AM
To: Gary Cupp <gary@hurricane.utah.gov>; Fred Resch <fred@hurricane.utah.gov>
Cc: Neil Terry <terry.n@owp.com>; Richard Wedig <promedmgt@gmail.com>; Karl Rasmussen <karl@pv-eng.com>
Subject: Balance of Nature Gardens - Zoning / PDO Application

Gary and Fred,

After speaking with Fred this morning regarding Balance of Nature Gardens – Zoning / PDO Application, please let this email communication serve as our formal request from the owner to withdraw our Application for the Zoning / PDO for BoN Gardens. After the results of the City Council Hearing last Thursday, June 5, 2025, Balance of Nature has decided to pull their application until a further date.

Thank you for your understanding.

Tom Snyder

Tom Snyder, RLA, ASLA

Principal | Director, Landscape Architecture & Planning

1130 N. Alma School Road, Suite 120 | Mesa, Arizona 85201

Office: [480.503.2250](tel:480.503.2250) Direct: [480.355.0297](tel:480.355.0297) Mobile: [4803634844](tel:4803634844)

Arizona | Colorado



[Website](#) | [LinkedIn](#) | [Instagram](#) | [Facebook](#)

Notice to Recipients of Electronic Files from EPS Group, Inc.:

All electronic files are for recipient's use only and subject to revisions. EPS Group, Inc. makes no guarantees nor warrants the accuracy or completeness of any information contained in these files. Recipients should verify all information with actual sealed and signed documents. It shall be the responsibility of recipients to obtain any future document updates from EPS Group, Inc.



STAFF COMMENTS

Item: Consideration and possible approval of Zone Change Amendment Ordinance ZC25-11, a request for a zone change located at 2400 W and Liberty Way from Light Industrial (M-1) to Single Family Residential (R1-10/PDO) and to update the overall PDO for the Balance of Nature Gardens property; Parcel Number H-3373-NP-BL; Douglas Howard, Owner; EPS Group, Inc., Agent

Discussion: The applicant is seeking a zone change and PDO update for the Balance of Nature Gardens project, located north of 3000 S. This PDO zone for this project was originally approved in 2021. Liberty Village is part of this development, although it now operates independently of Balance of Nature. The applicant is proposing modifications to the overall development and is requesting a zone change to accommodate adjustments in layout, land uses, and development standards. The primary reason for the requested zoning update is to remove the 27-acre Light Industrial M-1 zone, since a manufacturing facility once planned on the southwest portion of the property will no longer be constructed. Additionally, the applicant is requesting changes to the permitted land uses within the development, along with amendments to standards regarding setbacks and building heights, and a request for private street right-of-ways.

A public hearing on the item was held at the May 22, 2025, planning commission meeting and no public comments or objections were received. The planning commissioners discussed the item and expressed several concerns, primarily regarding the proposed removal of the Light Industrial M-1 zone and the manufacturing facility. Shelley Goodfellow viewed the loss of the industrial component as an unfulfilled promise, since the applicants originally promised that it would bring jobs to the city and now it's off the table. She further stated that the project seems to have changed from what was "originally pitched." Mark Sampson expressed a desire to have a work meeting to further discuss the project. During the meeting, the commissioners asked staff questions about the project, including whether the R1-10/PDO is the appropriate zone for the project. They also inquired of staff about why the city doesn't support the proposed private streets. Brad Winder feels that the project is similar to Disney Land, which has private streets. Staff explained that this project is significantly different from Disney Land in that it includes private residential units that would be best served by public streets for the provision of utilities. Furthermore, private streets are expressly prohibited in the PDO zone. Ultimately, the commission generally supports the project and desires that it be successful. The Planning Commission voted 6 to 2 in favor of recommending approval of the zone change amendment to the City Council, subject to the JUC and Staff Comments within the Staff Report.

Property Information

- Address: 2400 W at Liberty Way, Hurricane

- Parcel No.: H-3373-NP-BL
- Parcel area:133 acres
- Zoning: Single Family Residential R1-10/PDO
- General Plan: Mixed Use
- Existing Development: Site is being developed for Liberty Village.

Findings:

- The proposed site zoning amendment aligns with the General Plan Map and Goals due to the mixed-use nature of the development.
- There is currently little to no development adjacent to the property. To help buffer the adjacent undeveloped properties from the proposed development, the applicant has included open space and orchards along the project boundaries. The project is therefore found not to conflict with or be inconsistent with nearby development.
- The project is not expected to have adverse impacts on the surrounding area. Furthermore, the development was previously considered and anticipated, and the proposed changes are likely to reduce the overall project impact with the elimination of the industrial component of the proposed project.
- Although public services and facilities are currently insufficient to support the development, this zone change amendment is unlikely to worsen that status. The development agreement should be refined to further protect the City's interests regarding the provision of adequate public facilities.
- Before final approval by the City Council, staff finds that the proposed preliminary site plan and amendments to the development agreement require further refinement to ensure they adequately address infrastructure and planning considerations as outlined in the Staff Report.

Recommendation:

Staff recommends that consideration of the item be tabled so that staff can further work with the applicants to address the following:

- Staff does not support the proposed private street right-of-ways; the site plan needs to be updated to show public streets.
- The project density is incorrectly stated on the site plan and needs to be updated.
- Several of the proposed land uses still need clarification on the site plan.
- The development standards and any requested exceptions need to be clarified on the site plan.
- Once the site plan is finalized, an amendment to the existing development agreement detailing the specific changes needs to be drafted for the Council's consideration. – Gary Cupp



Application

Application Accepted Date: 03/19/2025		Valuation		\$	0.00						
Type of Improvement: Zone Change Application		PERMIT FEES									
Description: Zone Change from R1-10 & M-1 PDO to R1-10 PDO.		Planning Fee		\$	500.00						
		Planning Fee		\$	500.00						
		Sub Total:		\$	500.00						
Tenant / Project Name: Balance of Nature Gardens "BoN Gardens"		Permit Total:		\$	500.00						
Bldg. Address: NWC 2100 W & Liberty Way		Amount Paid:		\$	500.00						
City: Hurricane City State: UT Zip: 84737		Remaining Due:		\$	0.00						
Subdivision: Phase:											
Block: Lot #: Parcel ID #: H-3373-NP											
Zone: R1-10 & M-1 PDO											
Property Owner: Molly's View LLC											
Permit Contact: Natalie Maikoski P:(480) 503-2250											
Email: natalie.maikoski@epsgroupinc.com											
CONTACT INFORMATION											
Engineer of Record: Joe Petrucci											
Email: joe.petrucci@epsgroupinc.com P: (480) 503-2250											
General Contractor: Tom Snyder											
License #: 10497196-5301 P: (480) 503-2250											
Address: 1130 N Alma School Road, Suite 120											
City: Mesa State: AZ Zip: 85201											
Email: tom.snyder@epsgroupinc.com											
APPLICATION DETAILS											
# of Units: 0		custom text:									
						Setbacks		Front:	Rear:	Left:	Right:
						Min.					
						Actual:					
APPLICATION NUMBER: PLANZC25-11											
This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I here-by certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury. Maintenance Deposit is refundable after final inspection if: 1) site is kept clean 2) building is NOT occupied prior to final inspection and issuance of Certificate of Occupancy.											
Applicant Name: Natalie Maikoski											
Signature of Applicant/Authorized Agent or Owner: Date:											
Application Approved By: Date:											
Application Issued By: Date:											
Receipt #: 8.186109-03/19/25											



Application

Application Accepted Date: 03/19/2025		Valuation		\$	0.00					
Type of Improvement: Site Plan (Preliminary)		PERMIT FEES								
Description: Preliminary Master Site Plan for a proposed mixed-		Planning Fee		\$	200.00					
Tenant / Project Name: Balance of Nature Gardens "BoN Gardens"		Planning Fee		\$	200.00					
Bldg. Address: NWC 2100 W & Liberty Way		Sub Total:		\$	200.00					
City: Hurricane City State: UT Zip: 84737		Permit Total:		\$	200.00					
Subdivision: Phase:		Amount Paid:		\$	200.00					
Block: Lot #: Parcel ID #: H-3373-NP		Remaining Due:		\$	0.00					
Zone: R1-10 PRD										
Property Owner: Molly's View LLC										
Permit Contact: Natalie Maikoski P:(480) 503-2250										
Email: natalie.maikoski@epsgroupinc.com										
CONTACT INFORMATION										
Engineer of Record: Joe Petrucci										
Email: joe.petrucci@epsgroupinc.com P: (480) 503-2250										
General Contractor: Tom Snyder										
License #: 10497196-5301 P: (480) 503-2250										
Address: 1130 N Alma School Road, Suite 120										
City: Mesa State: AZ Zip: 85201										
Email: tom.snyder@epsgroupinc.com										
APPLICATION DETAILS										
<div>DRAFT</div>										
Setbacks		Front:	Rear:	Left:	Right:					
Min.										
Actual:										
APPLICATION NUMBER: PLANPSP25-08										
This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I here-by certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury. Maintenance Deposit is refundable after final inspection if: 1) site is kept clean 2) building is NOT occupied prior to final inspection and issuance of Certificate of Occupancy.										
Applicant Name: Natalie Maikoski										
Signature of Applicant/Authorized Agent or Owner: Date:										
Application Approved By: Date:										
Application Issued By: Date:										
Receipt #:										

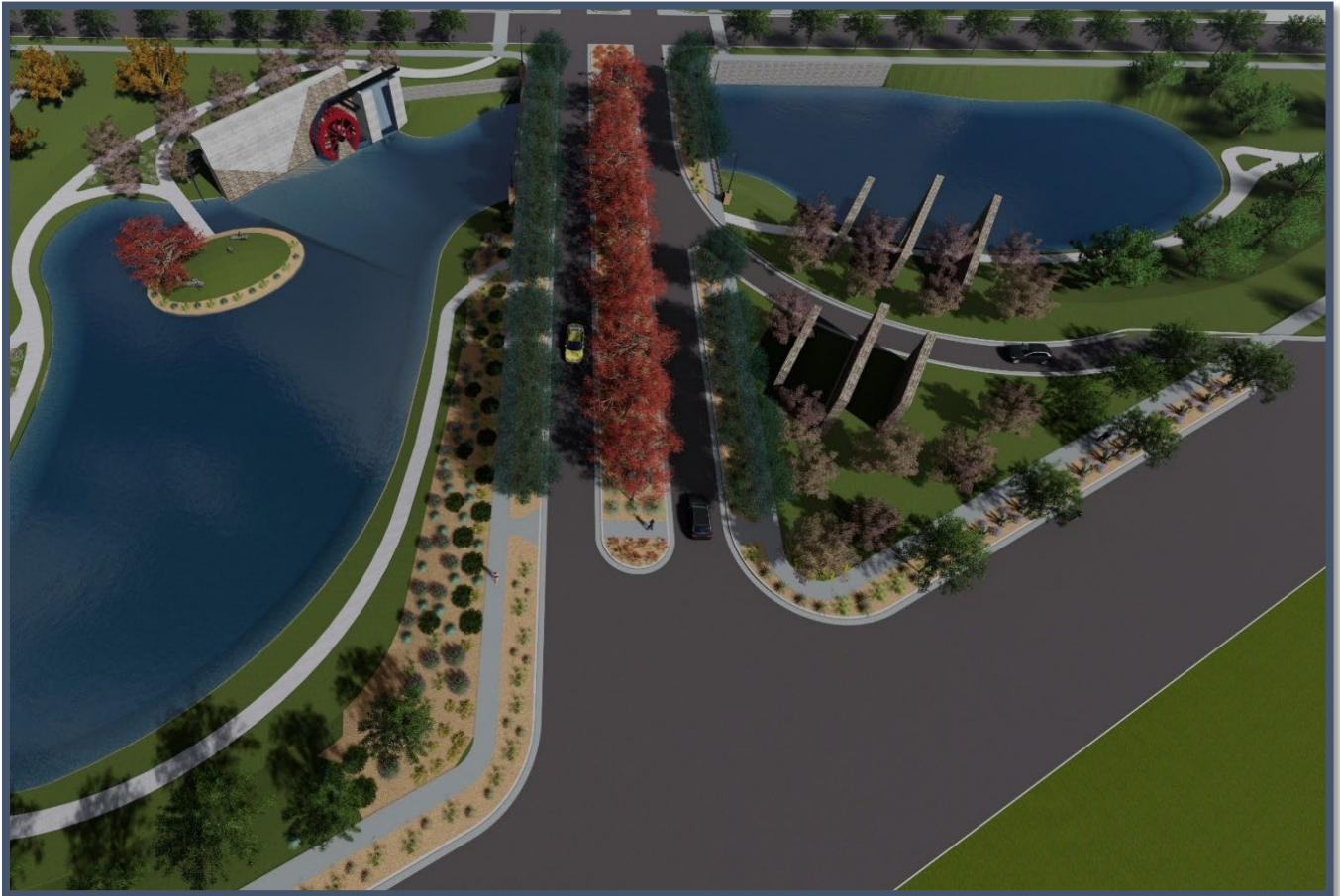
Balance of Nature Gardens

Zone Change & Planned Development Overlay Project Narrative

*NWC of 2100 W & Liberty Way
Hurricane City, Utah*

Prepared: February 28, 2025

Revised: May 14, 2025



DEVELOPMENT TEAM

Property Owner

Molly's View LLC
1568 S River Rd, Ste 200
Saint George, UT 84790
Contact: Douglas Lex Howard, CEO

Architect

Orcutt | Winslow
2929 N Central Ave, Eleventh Fl
Phoenix, AZ 85012
Contact: Neil Terry

Landscape Architecture Consultant

EPS Group, Inc.
1130 N Alma School Road, Ste 120
Mesa, AZ 85201
Contact: Tom Snyder

Planning Consultant

EPS Group, Inc.
1130 N Alma School Road, Ste 120
Mesa, AZ 85201
Contact: Tom Snyder

Civil Engineer

EPS Group, Inc.
1130 N Alma School Road, Ste 120
Mesa, AZ 85201
Contact: Joe Petrucci

Contents

Introduction.....	3
Site Data.....	3
Current Zoning & General Plan Designation.....	3
Proposed Development.....	4
Permitted Uses	4
Residential Uses:.....	4
Commercial Uses:	5
Service Building.....	5
Permitted Uses Table	6
Proposed Density	7
Development Standards	7
Residential Standards.....	7
Large & Small Lot Detached Residential.....	8
Green Court Detached Residential	9
Alley Loaded Detached Residential.....	10
Townhomes Attached Residential.....	11
Commercial Standards.....	12
Town Center Design Guidelines & Architecture.....	13
Parking Plan.....	15
Streets and Circulation.....	15
Private Street Section 1 – Main Access Road.....	16
Private Street Section 2 – Main Entry Road	17
Private Street Section 3 – Perimeter Parking Conditions.....	18
Private Street Section 4 – Residential Local Alternative	19
Private Street Section 5 – Liberty Village Driveways/Parking Access Road	19
Private Street Section 6 – Private Driveways	20
.....	21
Private Street Section 7 – Fire Access Path.....	21
Public Street Section 8 – 2470 S.....	22
Conclusion.....	23
Appendix A: Vicinity Map.....	24

Appendix B: Preliminary Site Plan.....	26
Appendix C: Legal Description and Boundary Exhibit.....	31
Appendix D: Zoning Map.....	34
Appendix E: Illustrative Master Plan.....	36
Appendix F: Phasing Plan	38
Appendix G: Land Use Exhibit	40
Appendix H: Residential Plot Plans	42
Appendix I: Building Elevations.....	48
Appendix J: Illustrative Cross Sections.....	50
Appendix K: Master Utility and Grading Plans.....	53
Appendix L: Street Section Master Plan	56

Introduction

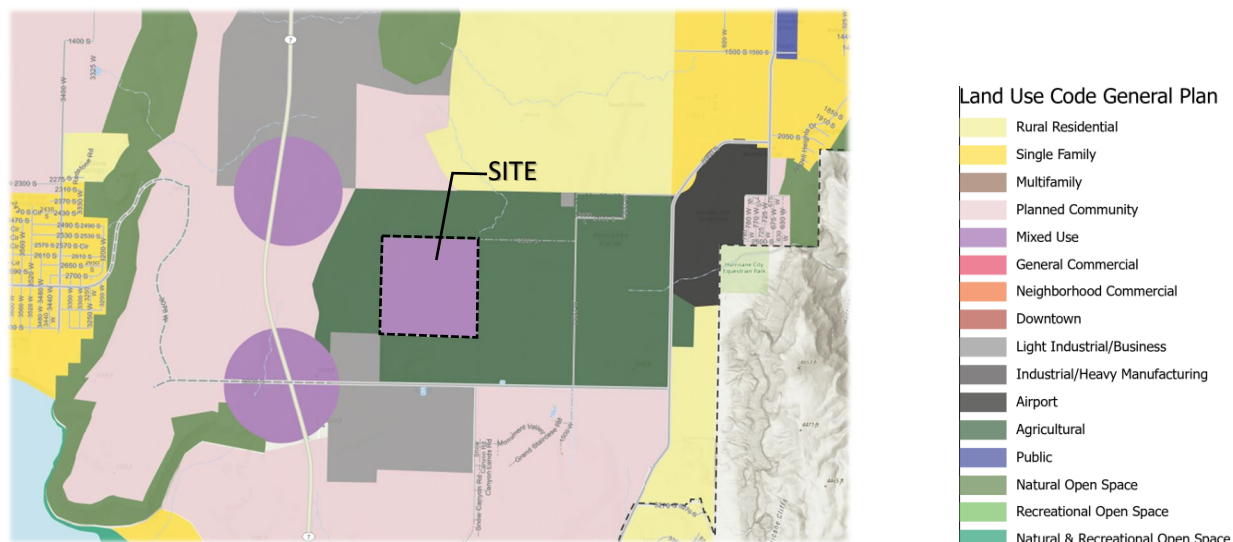
EPS Group, Inc., on behalf of Molly's View LLC (Owner), submits this Zone Change request to facilitate the development of **Balance of Nature Gardens**, a future mixed-use development with a vibrant mix of live-work-play use opportunities. The ±159.62-gross acre site is generally located at the northwest corner of 2100 W and Liberty Way within Hurricane City, Utah and is identified as Washington County Assessor Parcel Number (APN): H-3373-NP. See *Appendix A: Vicinity Map*, *Appendix B: Preliminary Site Plan*, and *Appendix C: Legal Description*.

Site Data

❖ Assessor Parcel Number (A.P.N.):	H-3373-NP-BL
❖ Grose Area:	159.62 Acres
❖ Current Land Use:	Vacant/Undeveloped
❖ Proposed Land Use:	Mixed-Use
❖ General Plan Land Use Area:	Mixed-Use
❖ Existing Zoning:	R1-10 & M-1 PDO
❖ Proposed Zoning:	R1-10 PDO

Current Zoning & General Plan Designation

The site, which is currently undeveloped vacant land, is zoned R1-10 with a Planned Development Overlay (PDO) and M-1. A portion of the site was rezoned to M-1 in 2022 to allow for a future manufacturing site; however, today the manufacturing use is no longer planned for the site. The property owner is now seeking a zone change to R1-10 PDO across the whole of **Balance of Nature Gardens**, also referred to as **BoN Gardens**, to develop this mixed-use site with compatible residential and commercial uses. The site is also appropriately designated as a 'Mixed Use' land use area of the Hurricane City General Plan and is compatible with the proposed development. See *Appendix D: Zoning Map*.



Hurricane City General Land Use Area Map

Proposed Development

Balance of Nature Gardens is a proposed vibrant new mixed-use development that features a range of uses, including headquarter offices for **Balance of Nature**, single and multi-family residences, a Town Center with a mix of residential, retail, and commercial, and Liberty Village, a mixed-use site intended to educate the public about American history, government, and their responsibility to be involved citizens. The focus of the development is to demonstrate healthy living within a community. Various forms of housing are integrated into the fabric of the Master Plan imbuing the character of a European City. The Master Plan will be implemented in five phases over the project duration. *See Appendix E: Illustrative Master Plan and Appendix F: Phasing Plan.*

Permitted Uses

The permitted uses for **Balance of Nature Gardens** are described in *Appendix G: Land Use Exhibit*.

Residential Uses:

The residential uses, located at the northeast corner of the site, will be developed per the Development Agreement signed in 2023 under document number 20230025316. This PDO introduces a wide selection of residential lot sizes and types, including Large & Small Lot Detached Residential, Green Court Detached Residential, Alley Loaded Detached Residential, and Townhomes Attached Residential, and Multi-Family residential uses within the Town Center. This variety in lot sizes is intended to offer a broader range of housing options, catering to different lifestyles and budgets within the community.

Residential uses shall be subjected to all Hurricane City regulations and development standards currently in place at the time of development, subject to the terms and conditions of this development guide and as defined in the Development Standards outlined in this document.



Commercial Uses:

The commercial uses will provide a wide range of services to the residents of **Balance of Nature Gardens** and visitors to the area. The mix of uses proposed in this area will provide new high-quality jobs and tax revenue for Hurricane City.

Balance of Nature Gardens commercial uses shall be subjected to all Hurricane City regulations and development standards currently in place at the time of development, subject to the terms and conditions of this development standards defined within this PDO.

Service Building

The southwest corner of the site aims to serve as a hub for deliveries. After the deliveries arrive at the Service Center from bigger trucks, they will be transported up to the Town Center and around the development via smaller utility task vehicles, UTV's, and similar sized vehicles. This will help limit the larger vehicles within the center of the development. Waste will be removed using the same method in reverse.



Permitted Uses Table		
Balance of Nature Gardens Permitted Uses	Hurricane City R1-10 or Commercial Equivalent	Permitted or Conditional?
<i>Residential</i>		
Large Lot Detached Residential	Dwelling, Single Family	Permitted
Small Lot Detached Residential	Dwelling, Single Family	Permitted
Green Court Detached Residential	Dwelling, Single Family	Permitted
Alley Loaded Detached Residential	Dwelling, Single Family	Permitted
Townhomes Attached Residential	Dwelling, Multiple Family	Permitted
Town Center Multi-Family Dwelling **	Dwelling, Multiple Family	Permitted
<i>Commercial</i>		
Barn & Corral	Agricultural Accessory Building	Permitted
Carriage House Pick-Up	Agricultural Accessory Building	Permitted
Casitas/Learning Labs	Hotel / School	Permitted
Service Building	General Retail	Permitted
Amphitheater	Auditorium or Stadium	Permitted
Corporate Offices	Office	Permitted
Fitness/Recreation	Recreation and Entertainment	Permitted
Performing Arts Center	Auditorium or Stadium	Permitted
Specialty Medical Center/Wellness Campus	Hospital / Medical Service	Permitted
Town Center Mixed-Use *	Varies	Permitted
Colonial Church	Church	Permitted
Independence Hall	Cultural Service	Permitted
Restaurant	Restaurant	Permitted
Visitor Center / Museum / Theater	Cultural Service	Permitted
Walapini/Greenhouse	Hotel	Permitted
Colonial Hotel	Hotel	Permitted

* Uses within the Town Center limits are limited to the Hurricane City Code Of Ordinances Sec. 10-15-3, Table 10-15-1 permitted and conditional uses allowed in the General Commercial (GC) zone, except that dwelling, multiple-family shall be a permitted use.



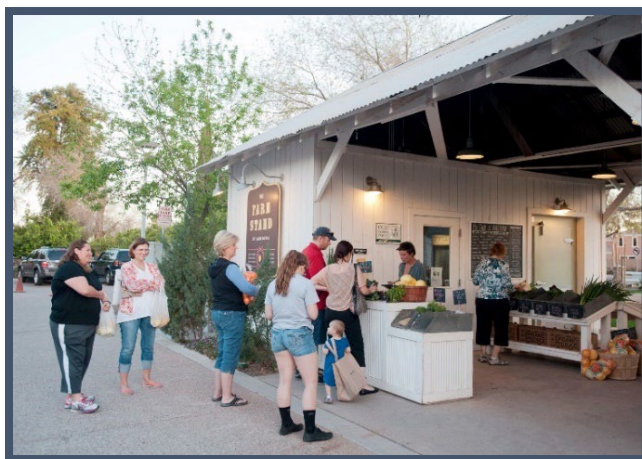
Proposed Density

The current Master Plan proposes 239 residential dwelling units, which is below the maximum allowance per the Development Agreement, signed in 2021, that permitted a total of 325 units. *See Appendix B: Preliminary Site Plan.*

Density Table			
Unit Type	Number of Units	Acreage	Density
Large Lot (85' x 135')	9 Units	159.62 Acres	1.50 Units/Acre
Small Lot (50' x 115')	44 Units		
Green Court Detached	21 Units		
Alley Loaded Detached	81 Units		
Townhomes Attached	48 Units		
Town Center Multi-Family	36 Units		
Total Units	239 Units		

Development Standards

Balance of Nature Gardens shall comply with the standards set forth within the Hurricane City Code and Land Use Ordinance Chapter 23, except as defined in the sections and tables below, which include: A. Residential, B. Commercial, C. Parking, and D. Streets and Circulation.



Residential Standards

The following section contains the listed residential housing types: Large & Small Lot Detached Residential, Green Court Detached Residential, Alley Loaded Detached Residential, and Townhomes Detached Residential. The tables describe the current Hurricane City standards and what the deviations are requested. *See Appendix H: Residential Plot Plans.*

Large & Small Lot Detached Residential

Large and Small Lot Detached Residential lots will be in the northeastern corner of the Master Plan. There will be approximately 9 large lots that are sized 85' x 135'. There will be approximately 44 small lots sized 50' x 115'. The homes will serve local residents as well as those who work within the **Balance of Nature Gardens** community. See *Appendix H: Residential Plot Plans*.



Large & Small Lot Detached Residential Development Standards Table

Standard	Hurricane City Zoning Ordinance		BoN PDO
	R1-10 Base Standard	PDO Base Standard	Large Lot & Small Lot Detached
<i>Lot Standards</i>			
Average Lot Area	10,000 SF ¹	N/A	N/A
Minimum Lot Area	8,000 SF	N/A	N/A
Minimum Lot Width	80'	N/A	N/A
Maximum Density	N/A	N/A	N/A
<i>Building Standards</i>			
Maximum Height	35' ²	Per R1-10	35'
Building Coverage	50%	N/A	N/A
Distance Between Buildings	10'	10'	10'
<i>Building Setbacks</i>			
Front	25' ³	19' from B/C (Dwelling) 20' from B/SW (Garage)	20' from B/C (Dwelling) 20' from B/SW (Garage)
Rear	20'	10' (Single-Family or Other Structures) 5' (Garage/Accessory)	10' (Single-Family or Other Structures) 5' (Garage/Accessory)
Interior Side Yard	10'	5' (Single-Family) 10' (All Other)	5' (Single-Family) 10' (All Other)
Street Side Yard	20' ⁴	N/A	15' (Can include 10' tract for PUE)
Aggregate Side Yard (on same lot)	N/A	15' (Single-Family or Twin Home) 20' (Other Structures) 10' (Other Uses)	N/A
Perimeter Setback & Buffer	N/A	25' ⁵	15'

1. "Average size" means the total acreage devoted to lots divided by the number of lots. Net density definition shall apply.

2. Except as otherwise permitted by subsection 10-13-7C.

3. Except as modified by the provisions of subsection 10-37-12F, setback measurement.

4. When this side setback is required, rear setback may be reduced to ten feet.

5. Equivalent to front yard setback of adjoining zone.

6. Except as otherwise permitted by subsection 10-15-7A.

7. Except as otherwise permitted by subsection 10-16-7A.

Green Court Detached Residential

Green Court Detached Residential lots will be in the northeastern corner of the Master Plan. There will be approximately 21 Green Court lots that will have shared access between units. The homes will serve local residents as well as those who work within the **Balance of Nature** community. See Appendix H: Residential Plot Plans.



Green Court Detached Residential Development Standards Table

Standard	Hurricane City Zoning Ordinance		BoN PDO
	R1-10 Base Standard	PDO Base Standard	Green Court Detached
<i>Lot Standards</i>			
Average Lot Area	10,000 SF ¹	N/A	N/A
Minimum Lot Area	8,000 SF	N/A	N/A
Minimum Lot Width	80'	N/A	N/A
Maximum Density	N/A	N/A	N/A
<i>Building Standards</i>			
Maximum Height	35' ²	Per R1-10	35'
Building Coverage	50%	N/A	N/A
Distance Between Buildings	10'	10'	10'
<i>Building Setbacks</i>			
Front	25' ³	19' from B/C (Dwelling) 20' from B/SW (Garage)	10' (Dwelling)
Rear	20'	10' (Single-Family or Other Structures) 5' (Garage/Accessory)	3' Apron from B/C (Garage) 5' from B/C (Dwelling) (If Driveway Provided, then 20' Minimum From B/C)
Interior Side Yard	10'	5' (Single-Family) 10' (All Other)	5' (Single-Family) 10' (All Other)
Street Side Yard	20' ⁴	N/A	15' (Can Include 10' Tract)
Aggregate Side Yard (on same lot)	N/A	15' (Single-Family or Twin Home) 20' (Other Structures) 10' (Other Uses)	N/A
Perimeter Setback & Buffer	N/A	25' ⁵	15'

1. "Average size" means the total acreage devoted to lots divided by the number of lots. Net density definition shall apply.

2. Except as otherwise permitted by subsection 10-13-7C.

3. Except as modified by the provisions of subsection 10-37-12F, setback measurement.

4. When this side setback is required, rear setback may be reduced to ten feet.

5. Equivalent to front yard setback of adjoining zone.

6. Except as otherwise permitted by subsection 10-15-7A.

7. Except as otherwise permitted by subsection 10-16-7A.

Alley Loaded Detached Residential

Alley Loaded Detached Residential lots will be in the northeastern corner of the Master Plan. There will be approximately 81 units that will share vehicular access at the back of the lots. The front of the homes will share green space which provides pedestrian access as well. The homes will serve local residents as well as those who work within the **Balance of Nature** community. See *Appendix H: Residential Plot Plans*.



Alley Loaded Detached Residential Development Standards Table			
Standard	Hurricane City Zoning Ordinance		BoN PDO
	R1-10 Base Standard	PDO Base Standard	Alley-Loaded Detached
<i>Lot Standards</i>			
Average Lot Area	10,000 SF ¹	N/A	N/A
Minimum Lot Area	8,000 SF	N/A	N/A
Minimum Lot Width	80'	N/A	N/A
Maximum Density	N/A	N/A	N/A
<i>Building Standards</i>			
Maximum Height	35' ²	Per R1-10	35'
Building Coverage	50%	N/A	N/A
Distance Between Buildings	10'	10'	10'
<i>Building Setbacks</i>			
Front	25' ³	19' from B/C (Dwelling) 20' from B/SW (Garage)	10' (Dwelling)
Rear	20'	10' (Single-Family or Other Structures) 5' (Garage/Accessory)	3' Apron from B/C (Garage) (If Driveway Provided, then 20' Minimum from B/C)
Interior Side Yard	10'	5' (Single-Family) 10' (All Other)	5' (Single-Family) 10' (All Other)
Street Side Yard	20' ⁴	N/A	15' (Can Include 10' Tract)
Aggregate Side Yard (on same lot)	N/A	15' (Single-Family or Twin Home) 20' (Other Structures) 10' (Other Uses)	N/A
Perimeter Setback & Buffer	N/A	25' ⁵	15'

1. "Average size" means the total acreage devoted to lots divided by the number of lots. Net density definition shall apply.

2. Except as otherwise permitted by subsection 10-13-7C.

3. Except as modified by the provisions of subsection 10-37-12F, setback measurement.

4. When this side setback is required, rear setback may be reduced to ten feet.

5. Equivalent to front yard setback of adjoining zone.

6. Except as otherwise permitted by subsection 10-15-7A.

7. Except as otherwise permitted by subsection 10-16-7A.

Townhomes Attached Residential

Townhomes Attached residential will be in the northeastern corner of the Master Plan located closer to the Town Center. There will be approximately 48 units. Vehicular access will be provided at the rear of the homes. The homes will serve local residents as well as those who work within the **Balance of Nature** community. See Appendix H: Residential Plot Plans.



Townhomes Attached Residential Development Standards Table			
Standard	Hurricane City Zoning Ordinance		BoN PDO
	R1-10 Base Standard	PDO Base Standard	Townhomes Attached
<i>Lot Standards</i>			
Average Lot Area	10,000 SF ¹	N/A	N/A
Minimum Lot Area	8,000 SF	N/A	N/A
Minimum Lot Width	80'	N/A	N/A
Maximum Density	N/A	N/A	N/A
<i>Building Standards</i>			
Maximum Height	35' ²	Per R1-10	35'
Building Coverage	50%	N/A	N/A
Distance Between Buildings	10'	10'	10'
<i>Building Setbacks</i>			
Front	25' ³	19' from B/C (Dwelling) 20' from B/SW (Garage)	10' (Dwelling)
Rear	20'	10' (Single-Family or Other Structures) 5' (Garage/Accessory)	3' Apron from Alley B/C to Garage
Interior Side Yard	10'	5' (Single-Family) 10' (All Other)	0'
Street Side Yard	20' ⁴	N/A	15' (Can Include Tract)
Aggregate Site Yard (on same lot)	N/A	15' (Single-Family or Twin Home) 20' (Other Structures) 10' (Other Uses)	N/A
Perimeter Setback & Buffer	N/A	25' ⁵	15'

1. "Average size" means the total acreage devoted to lots divided by the number of lots. Net density definition shall apply.

2. Except as otherwise permitted by subsection 10-13-7C.

3. Except as modified by the provisions of subsection 10-37-12F, setback measurement.

4. When this side setback is required, rear setback may be reduced to ten feet.

5. Equivalent to front yard setback of adjoining zone.

6. Except as otherwise permitted by subsection 10-15-7A.

7. Except as otherwise permitted by subsection 10-16-7A.

Commercial Standards

The commercial development throughout **BoN Gardens** contains various uses. From community gardens, Medical & Wellness Campus, and Amphitheater to a Gym and Performing Arts Center. Please refer to *Appendix E: Illustrative Master Plan* for locations of all uses. A full list of the uses was provided on the Residential and Commercial Permitted Uses Comparison Chart.

The table below describe the current Hurricane standards and what the deviations are requested.



Commercial Development Standards Table			
Standard	GC	PDO	BoN PDO
<i>Lot Standards</i>			
Average Lot Area	N/A	N/A	N/A
Minimum Lot Area	N/A	N/A	N/A
Minimum Lot Width	N/A	N/A	N/A
Maximum Density	N/A	N/A	N/A
<i>Building Standards</i>			
Maximum Height	35' ³	35' ³	60' (Town Center) ⁴ 45' ³ (All other)
Building Coverage	N/A	N/A	N/A
Distance Between Buildings	N/A	N/A	N/A
<i>Building Setbacks</i>			
Front	20' ¹	20' ¹	N/A
Rear	0' 10' (Adjacent to Agriculture or Residential Use)	0' 10' (Adjacent to Agriculture or Residential Use)	N/A
Interior Side Yard	0' 10' (Adjacent to Agriculture or Residential Use)	0' 10' (Adjacent to Agriculture or Residential Use)	N/A
Street Side Yard	20'	20'	10' from B/C 15' at Utility Equipment
Aggregate Site Yard (on same lot)	N/A	N/A	N/A
Perimeter Setback & Buffer	N/A	20' ²	15'

1. Except as modified by the provisions of subsection 10-37-12F, setback measurement.

2. Equivalent to front yard setback of adjoining zone.

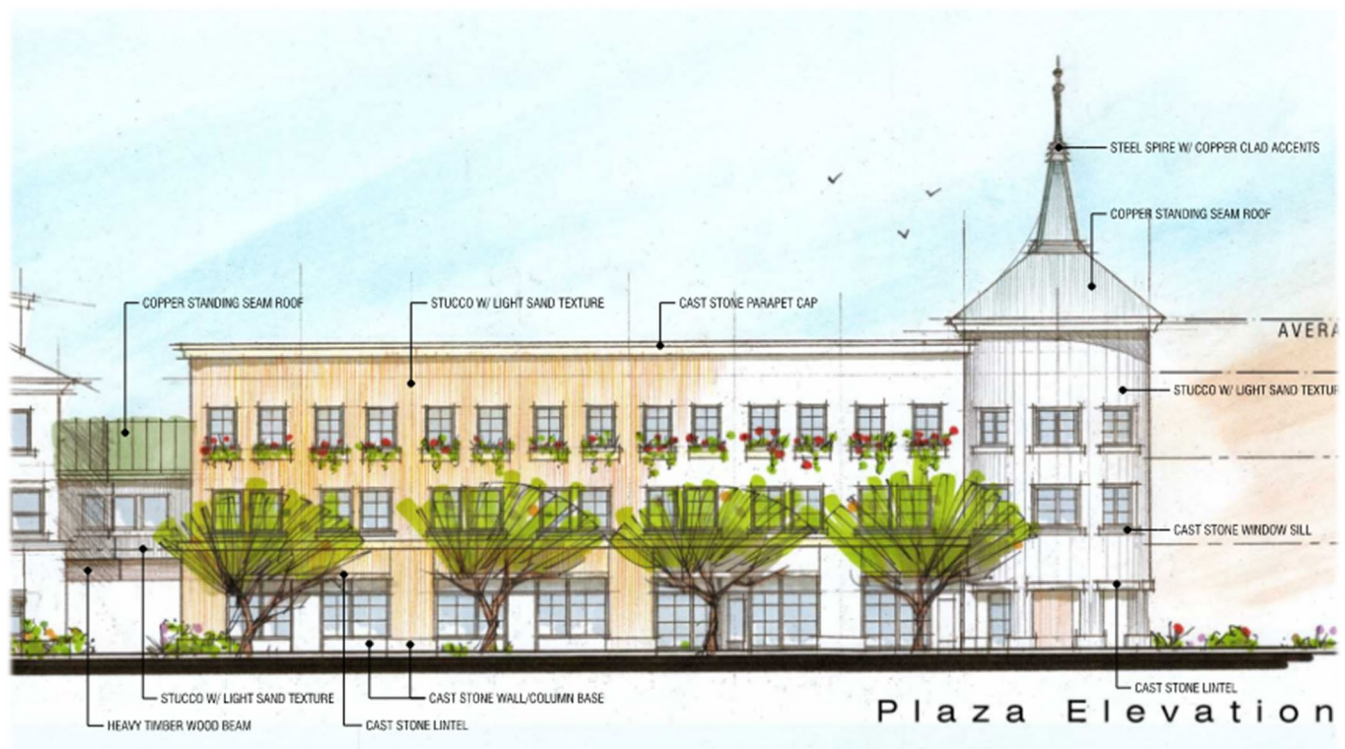
3. Except as otherwise permitted by subsection 10-15-7A.

4. Limited to no closer than 250' of right-of-way.

Town Center Design Guidelines & Architecture

The community of **Balance of Nature Gardens** will feature as its centerpiece a Town Center emulating the piazzas, plazas or praças, that are the central hubs of European cities, surrounded by buildings filled with bustling trade, entertainment and living. As a social gathering place with attractions that stimulate the senses, the plaza, or town square will feature areas for street entertainers and vendors like one would find in a European city. There will be spaces for relaxing and enjoying a beautiful day of strolling, sitting and taking in the surroundings, while other areas will have robust activities and attractive gardens and water features.

During times of the year, Festivals and Fairs will be held celebrating special occasions, for example, similar to, the well-known Christmas markets of German towns, where vendors set up their colorful displays of Christmas wares and goods, entertainers throughout the plaza play and sing Christmas carols and actors put on Christmas plays, like "A Christmas Carol." There will be spots for a beautiful Christmas tree lit up for the holiday, a Nativity scene and a place for Santa to take requests from the children. Other holidays and special events will take place as well, all in grand style creating a destination to celebrate life and healthy living.



Surrounding the plaza will be mixed-used buildings emulating the European style of architecture with steep-pitched and parapeted roofs, some with dormer windows while others capped off with stone. Window boxes blazoned with colorful flowers will recall the quaint upper floor residences of European towns. On the ground floor accessible to the plaza will be specialty shops as one would find in begone times, such as butcher, deli and cobbler shops. Cafes, restaurants and other dining venues will offer a variety of menus to stimulate the palate in a healthy fashion, which is the theme of the community.

Proprietors will have the opportunity to work on the ground floor and live on the third floor where residential units provide a variety of sizes and bedroom count. Behind the shops on the ground floor will be closed-in

garages that accommodate Town Center residents, removing the presence of any modern vehicle from the streets adjoining the Town Center. The second floor will be for professional offices or other businesses supporting **Balance of Nature Gardens**.

Visitors to the Town Center who arrive at **Balance of Nature Gardens** will park in orchard areas along the perimeter of the community, where they may choose to walk through community gardens to the Town Center or be driven there in carriages pulled by horses which will pick them up using a carriage lane running parallel to the perimeter parking. They will then be brought to a drop off area in front of the Town Center, where they will also be picked up to be returned to their vehicles.

At the opposite end of the Town Center from the Horse and Carriage Drop-off and Pick-up area will be an amphitheater that will be a venue for special events. Using the Town Center as a stage and back-drop, amphitheater-goers will be seated on blankets on a great lawn or on terraces facing the Town Center stage where entertainers will perform, or presentations given.

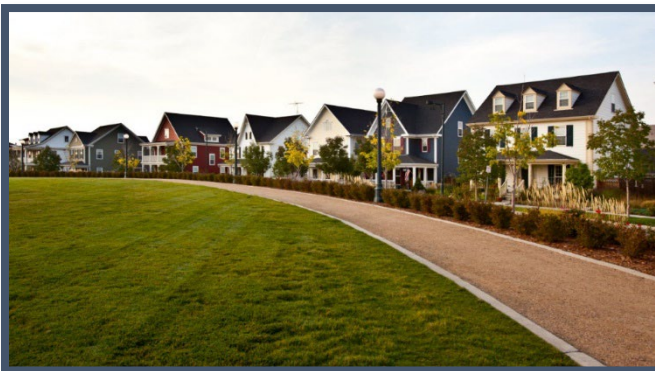
The Town Center reflects **Balance of Nature** goal to create a special destination for those seeking a healthy lifestyle in a place that promotes and celebrates healthy living. *See Appendix I: Building Elevations.*



Parking Plan

As previously mentioned, **BoN Gardens** has a goal of creating a healthy, pedestrian-centered experience. With that goal in mind, parking is located around the perimeter of the site to limit traffic within the Master plan. The perimeter parking will be decomposed granite and include angled parking. Two conditions are proposed, one being fully decomposed granite and the other has a combination of colored concrete drive lanes and decomposed parking spaces, to match the natural aesthetic. The parking lots will be surrounded by orchards creating a welcoming ambience as well as production for the Balance of Nature product. To be able to bring all the users into the site, a horse carriage/walking path circles the entire site. The horse drawn carriages will circulate throughout the entire site and focus on bringing users into the Town Center, where a majority of the commercial uses are centered. *See Appendix J: Illustrative Cross Sections* depicting the parking areas and the horse drawn carriages.

The project intent is to incorporate design elements that deemphasize a motor vehicle driven development such that the provision of excess motor vehicle parking would be detrimental to the development plan. Due to the unique nature and location of the proposed development, as well as the anticipated operation and capacity of the site to share parking spaces, a reduction from the Hurricane City standard parking requirements is requested. The results of the previously prepared parking analysis utilizing the City code, as well as nationally accepted parking demand and shared parking resources, indicated that a significant reduction in required parking is justified. Parking studies will be completed during each phase of the development to make sure that parking needs are adequately addressed for each part of the development and meet City of Hurricane requests.



Streets and Circulation

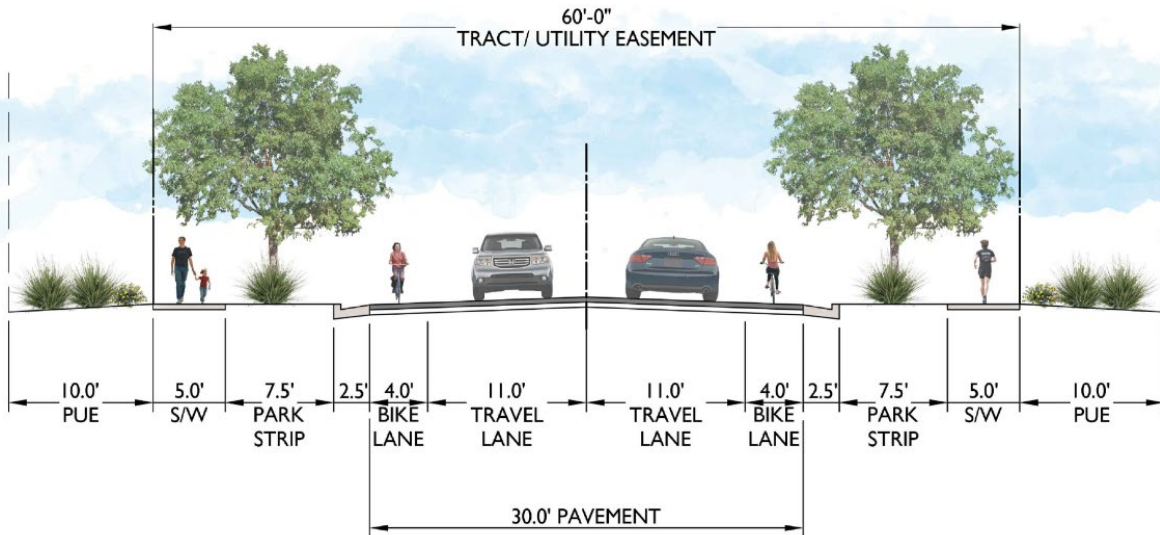
BoN Gardens features a variety of private street types and sections that strategically navigate throughout the Master Plan so that pedestrians and horse-drawn carriages can be the primary focus of the development.

Private street sections were developed for all the different roadways throughout **BoN Gardens**. The sections aim to help establish the character of the development but also delineate where utilities are to be run. *See Appendix K: Master Utility & Grading Plans.*

The different private street sections developed for **BoN Gardens** aim to establish the character of the development and also help to delineate where utilities are to be installed. The following private street sections have been modified from Hurricane City standards. *See Appendix L: Street Section Master Plan.*

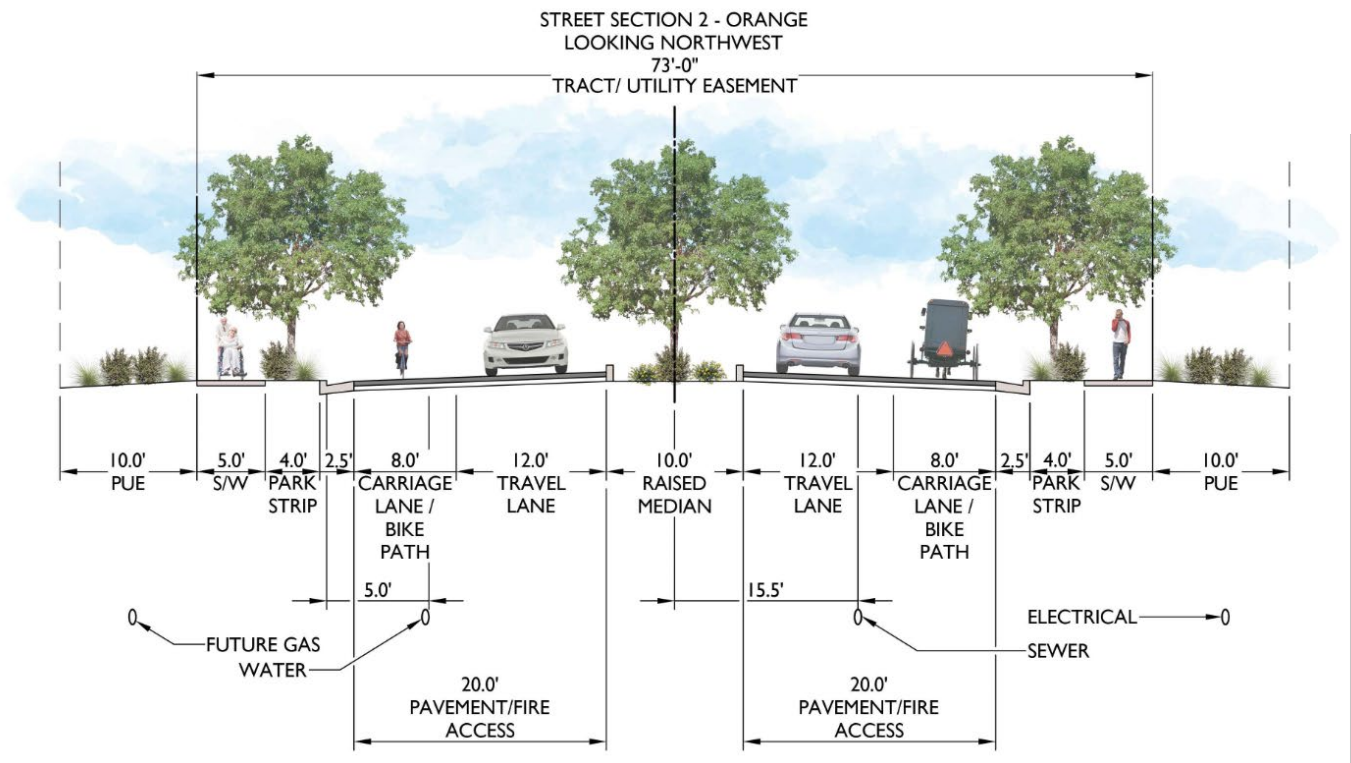
Private Street Section 1 – Main Access Road

The Main Access Road cross section is a modified version of the Hurricane Local/Standard Alternative street section. This section allows for bike lanes and softens the impact by being lined with planted park strips along both sides of the street. Having detached sidewalks allows for a more pleasant pedestrian experience as well. This road will provide primary circulation for cars throughout the Master Plan leading to the Town Center. The section also lays out guidelines for utility locations. Final utility pipe sizes, depths, and placement to be determined in final engineering. Diagram is not drawn to scale. *See Appendix L: Street Section Master Plan.*



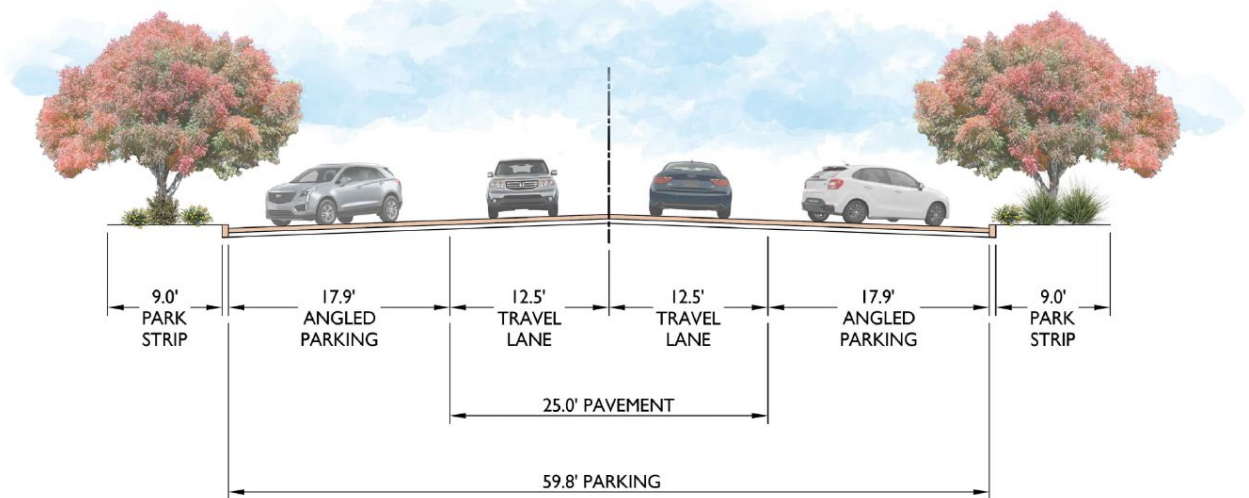
Private Street Section 2 – Main Entry Road

The Main Entry Road cross section is a new cross section designed for the Master Plan. This section incorporates carriage/bike paths to allow for multiple sources of circulation heading into the Town Center. This section has a planted median to elevate the entry experience as well as planted medians on both sides creating an allée of trees. Having detached sidewalks allows for a more pleasant pedestrian experience as well. The section also lays out guidelines for utility locations. The pavement will be 26' wide at hydrant locations. Final utility pipe sizes, depths, and placement to be determined in final engineering. Diagram is not drawn to scale. *See Appendix L: Street Section Master Plan.*

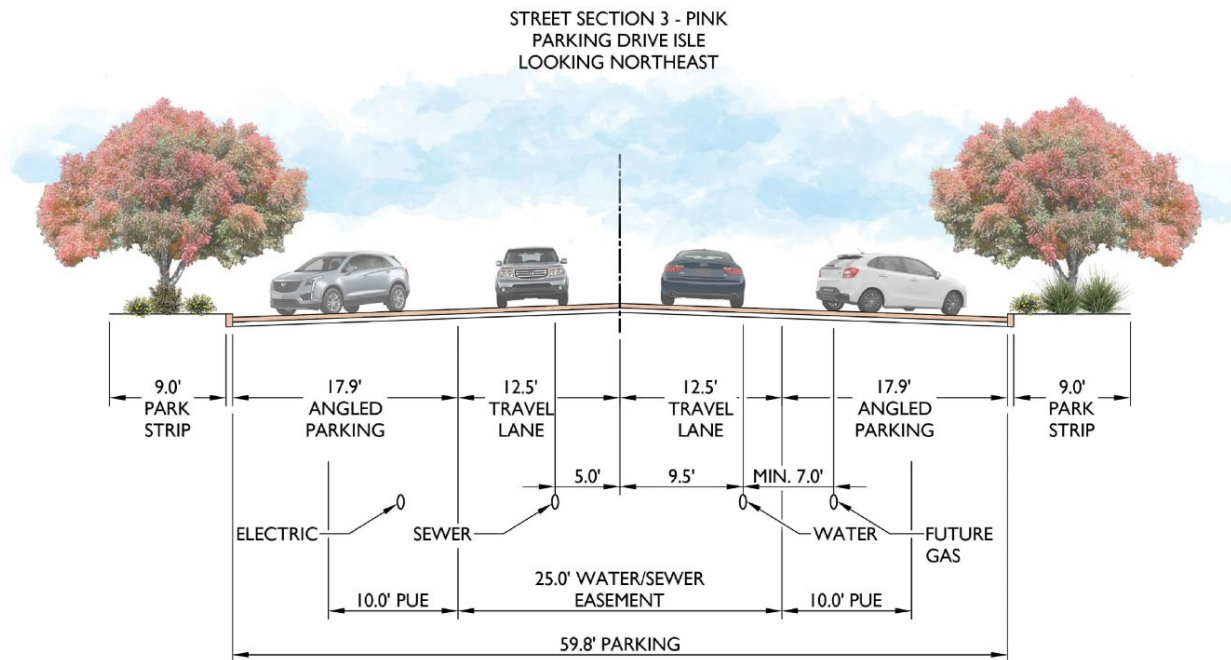


Private Street Section 3 – Perimeter Parking Conditions

The Perimeter Parking cross section is a new cross section designed for the Master Plan located around the perimeter of the Master Plan. This section allows for angled parking along both sides of a drive aisle. The parking will be on decomposed granite with parking delineators. As previously mentioned, there will be two conditions shown. The section also lays out guidelines for utility locations. Final utility pipe sizes, depths, and placement to be determined in final engineering. Diagram is not drawn to scale. *See Appendix L: Street Section Master Plan.*



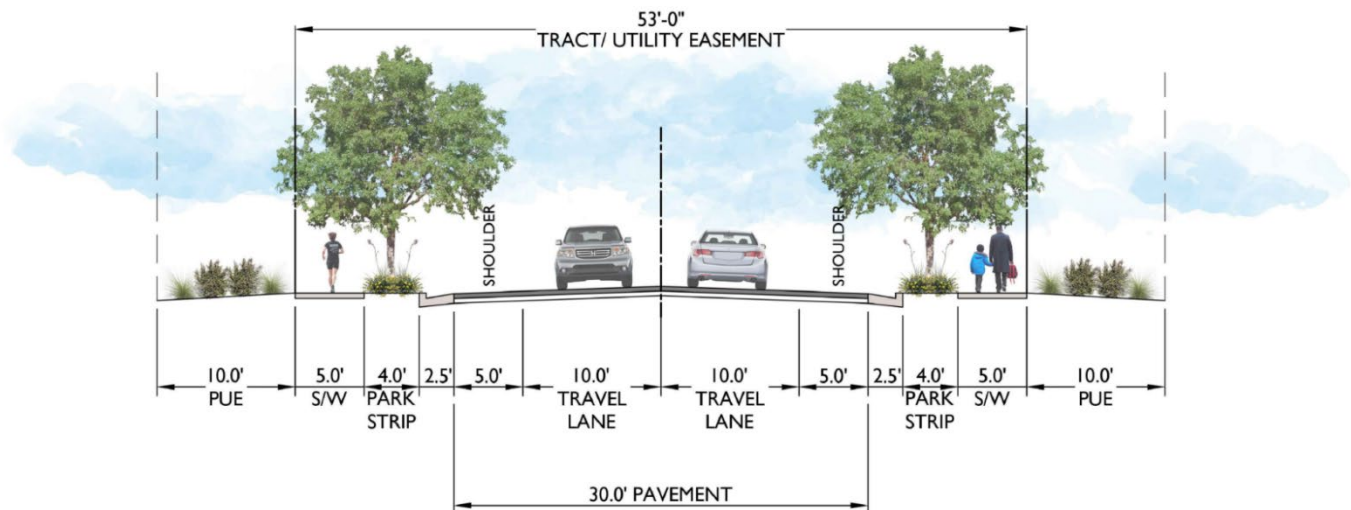
Condition 1



Condition 2

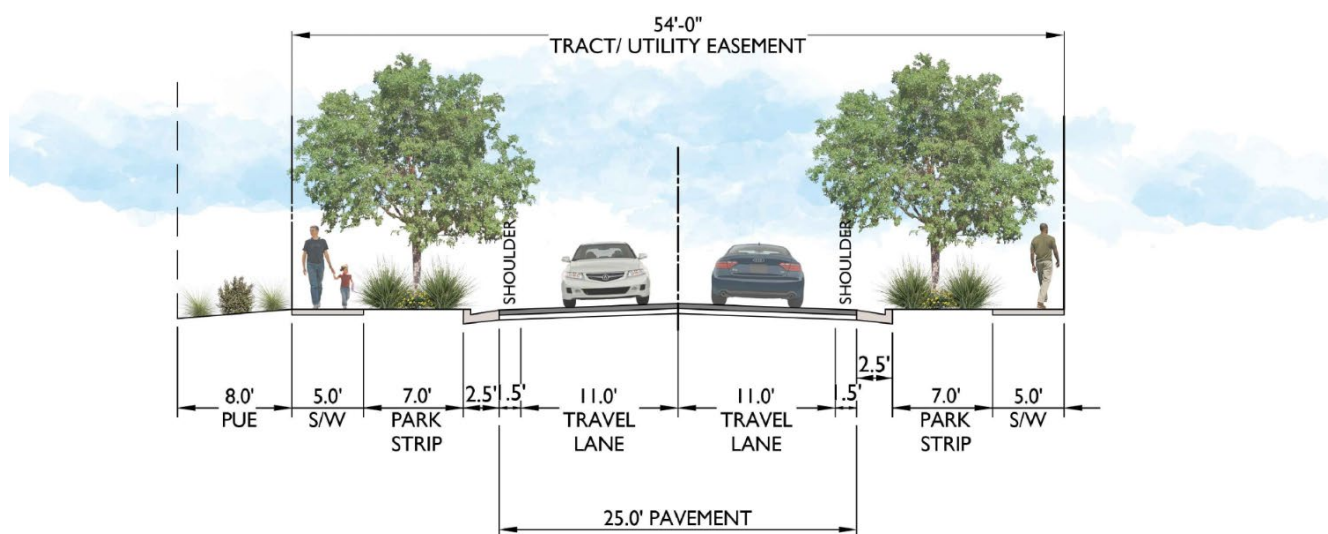
Private Street Section 4 – Residential Local Alternative

The Residential Local Alternative cross section is a Hurricane City standard detail and does not deviate from that standard. This section allows for larger shoulders and softens the impact by being lined with planted park strips along both sides of the street. Having detached sidewalks allows for a more pleasant pedestrian experience as well. This road will provide primary circulation for cars throughout the large and small residential lots. Final utility pipe sizes, depths, and placement to be determined in final engineering. Diagram is not drawn to scale. *See Appendix L: Street Section Master Plan.*



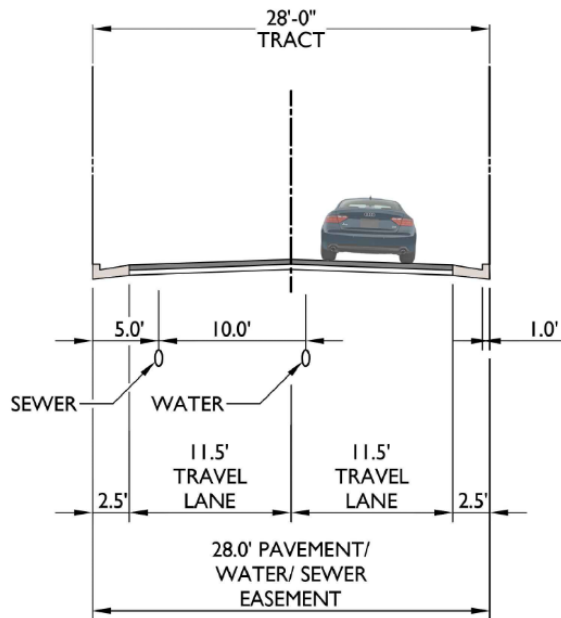
Private Street Section 5 – Liberty Village Driveways/Parking Access Road

The Liberty Village Driveways/Parking Access Road cross section is a new cross section designed for the Master Plan. This section has planted medians on both sides, where applicable. The primary purpose of this cross section is to facilitate bringing cars into Wellness Campus as well as the Headquarters. The section also lays out guidelines for utility locations. Final utility pipe sizes, depths, and placement to be determined in final engineering. Diagram is not drawn to scale. *See Appendix L: Street Section Master Plan.*

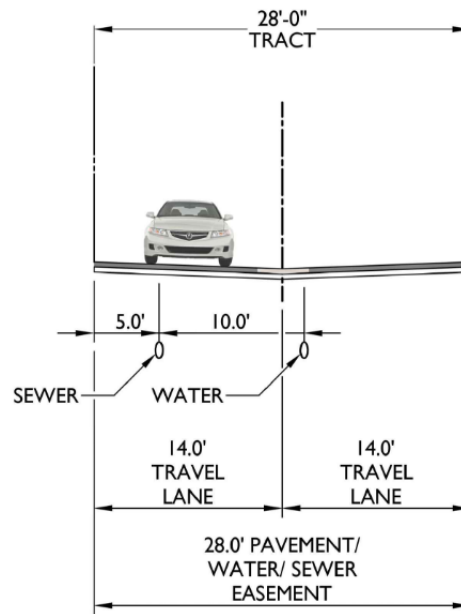


Private Street Section 6 – Private Driveways

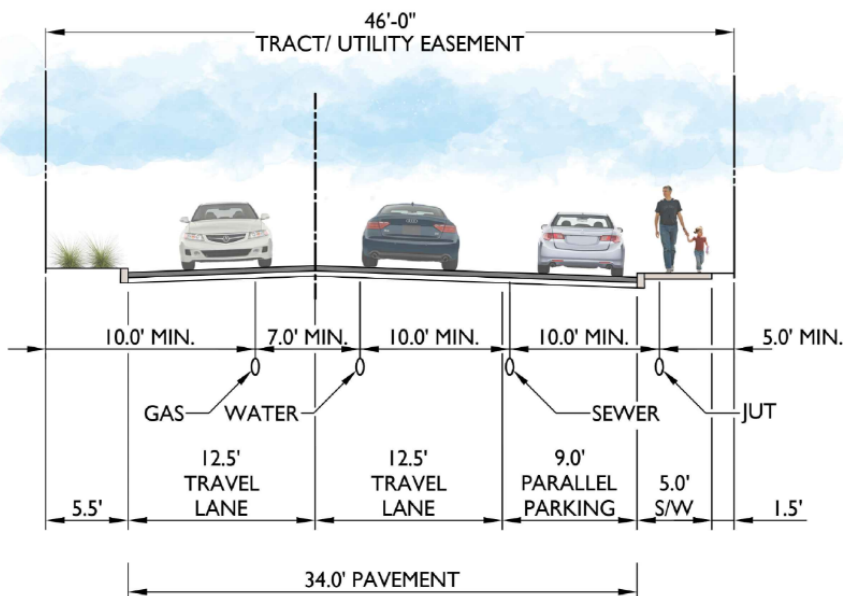
The Lane Section Conditions cross section is a new cross section designed for the Master Plan. The primary purpose of this cross section is to facilitate bringing cars into the higher density residential areas (Green Court, Alley, and ROW Housing). For Conditions 1 and 2 a 10' PUE will be provided on the backside of the lots for gas and electric. See the plan view below for pedestrian and vehicular circulation. Final utility pipe sizes, depths, and placement to be determined in final engineering. Diagram is not drawn to scale. *See Appendix L: Street Section Master Plan and Appendix K: Master Utility and Grading Plans.*



Condition 1



Condition 2



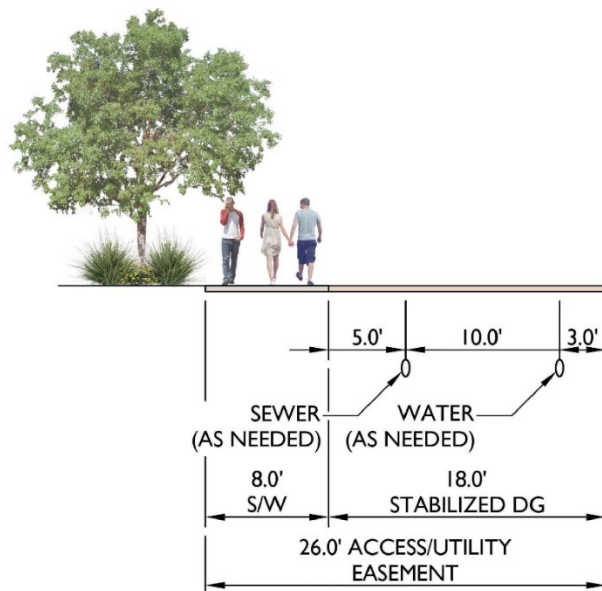
Condition 3



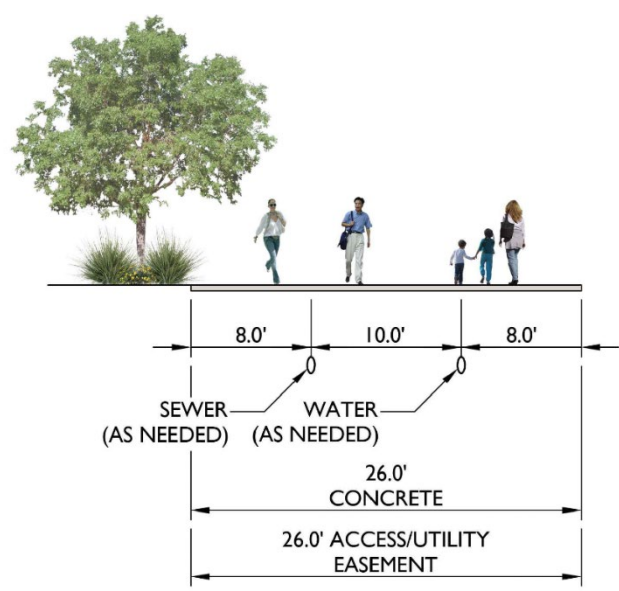
Plan View

Private Street Section 7 – Fire Access Path

The Lane Section Conditions cross section is a new cross section designed for the Master Plan. The primary purpose of this cross section to allow fire access where it is required on the Master Plan. There are two conditions proposed. Both conditions allow for pedestrian circulation as well. The section also lays out guidelines for utility locations. Final utility pipe sizes, depths, and placement to be determined in final engineering. 8' wide public utility easements to be added as necessary or at the discretion of Hurricane Power. Diagram is not drawn to scale. *See Appendix L: Street Section Master Plan.*



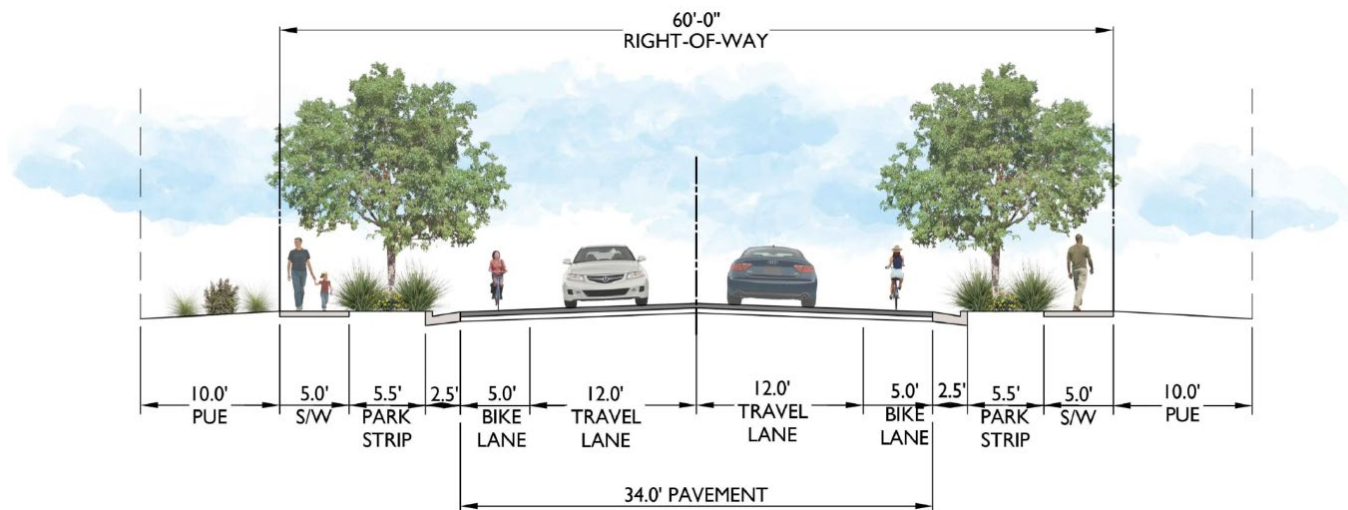
Condition 1



Condition 2

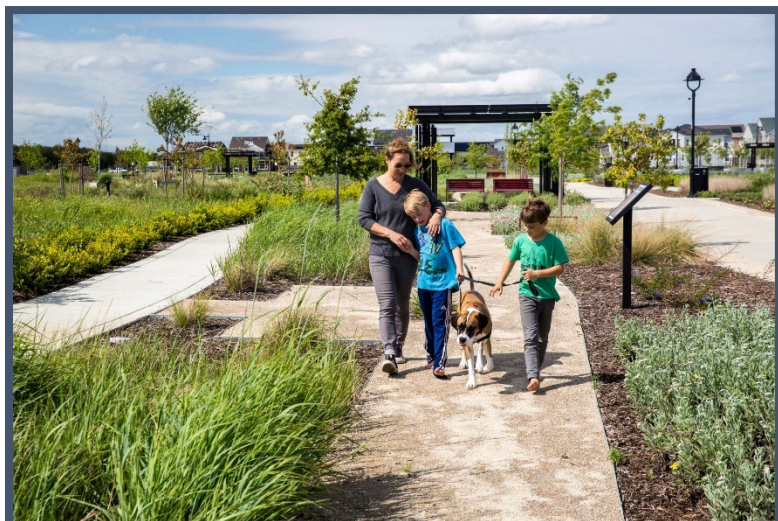
Public Street Section 8 – 2470 S

The street section for 2470 S is an offsite roadway that borders the north frontage of the property. It matches the street section for Liberty Way, which borders the southern frontage of the property. This is the Hurricane City standard roadway section Minor Collector. Utilities will be placed per HCS and ACSSD typical standards. *See Appendix L: Street Section Master Plan.*



Conclusion

We're pleased to present to you the application for a zoning change and proposed planned development overlay for **BoN Gardens**. The development will enrich the greater Hurricane community by providing jobs and entertainment. Not only will it be home to the **Balance of Nature** Headquarters, but it will provide a destination for many to visit and enjoy. We respectfully request your favorable consideration of the submitted documents with approval of our application and look forward to working with the City to implement this exciting new development.

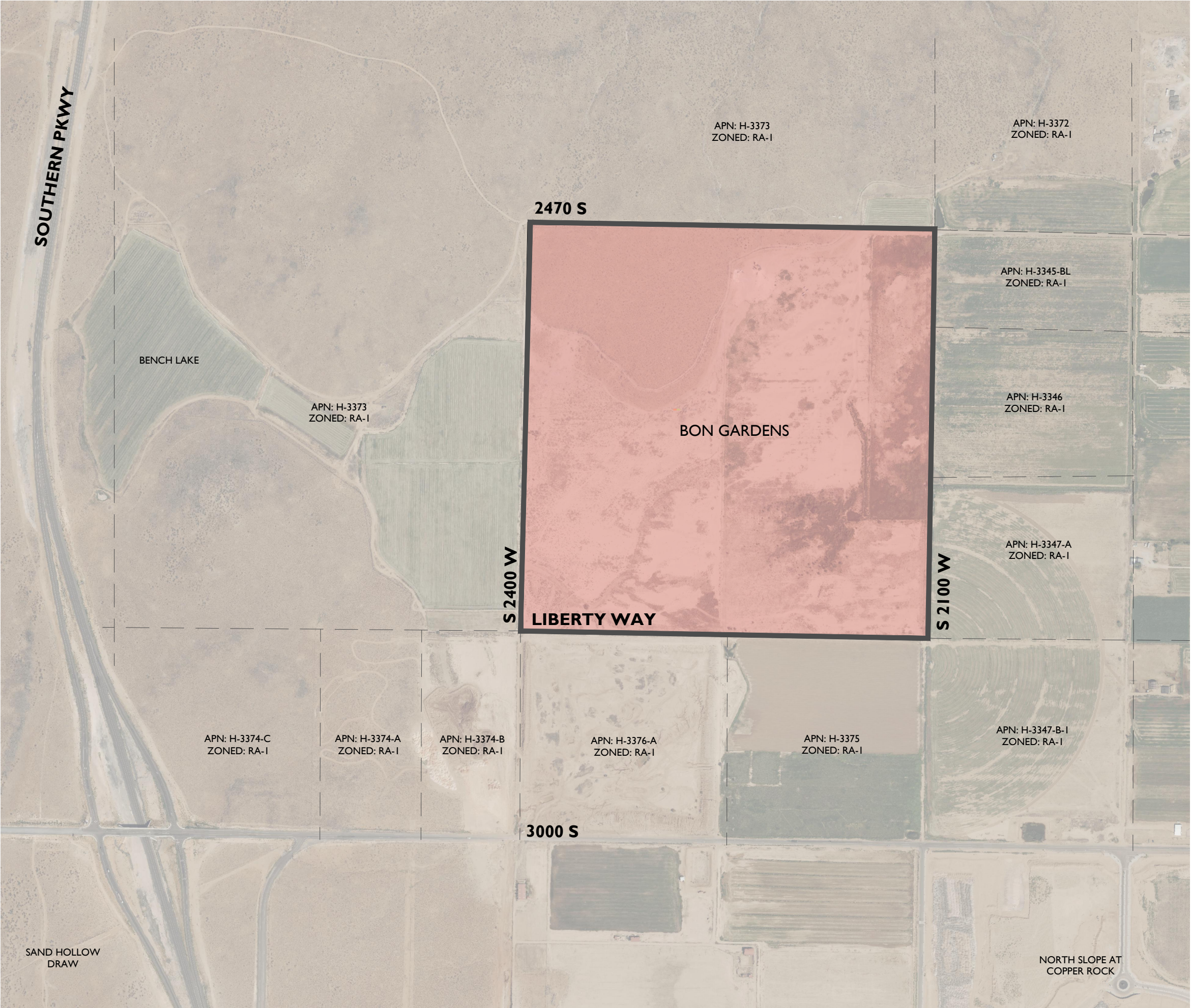


Appendix A: Vicinity Map

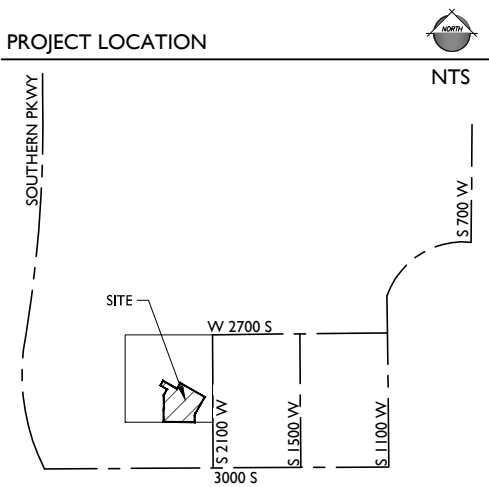
21-0167 - BoN Gardens

Apr. 16, 2025 1:39pm S:\Projects\2021\21-0167\Planning\Drawings\Entitlements\21-0167 - PDO Vicinity Map.dwg

ttthomas



PROJECT LOCATION



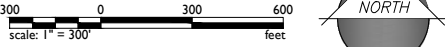
PROJECT TEAM

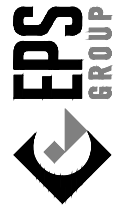
PROPERTY OWNER:
MOLLYS VIEW LLC
1568 S RIVER RD, STE 200
SAINT GEORGE, UT 84790
CONTACT: ORCUTT | WINSLOW

PLANNER & LANDSCAPE ARCHITECT:
EPS GROUP, INC.
1130 N. Alma School Rd., Suite 120
Mesa, AZ 85201
TEL: (480) 503-2250
CONTACT: Josh Hannon / Tom Snyder
josh.hannon@epsgruoinc.com
tom.snyder@epsgruoinc.com

ARCHITECT:
ORCUTT | WINSLOW
2929 N Central Ave., 11th Floor
Phoenix, AZ 85012
TEL: (602) 257-1764
CONTACT: Neil Terry, AIA, NCARB
terry.n@owp.com

CIVIL ENGINEER:
EPS GROUP, INC.
1130 N. Alma School Rd., Suite 120
Mesa, AZ 85201
TEL: (480) 503-2250
CONTACT: Joe Petrucci, PE
joe.petrucci@epsgruoinc.com






1130 N Alma School Road
Suite 120
Mesa, AZ 85201
T: 480.503.2250 | F: 480.503.2258
www.epsgruoinc.com

Project:

Revisions:



DESIGN 5-1-17
1-800-665-4111

Designer: EPS
Drawn by: EPS

Preliminary
Not For
Construction
Or
Recording

Job No.
21-0167

VM01

Sheet No.
1
of 1

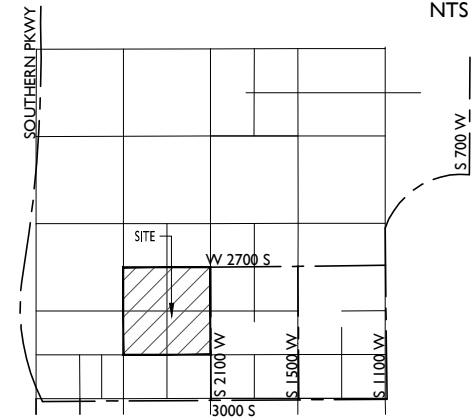
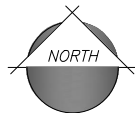
BoN Gardens

Hurricane, UT

Vicinity Map

Appendix B: Preliminary Site Plan

300 0 300 60
scale: 1" = 300' feet



PROPERTY OWNER:
MOLLYS VIEW LLC
1568 S RIVER RD., STE 200
SAINT GEORGE, UT 84790
CONTACT: DOUGLAS LEX HOWARD

PLANNING & LANDSCAPE ARCHITECTURE:
EPS GROUP, INC.
1130 N ALMA SCHOOL RD., SUITE 120
MESA, AZ 85201
TEL: (480)-503-2250
FAX: (480)-503-2258
CONTACT: TOM SNYDER
tom.snyder@epsgruopinc.com

A.P.N.:	H-3373-PN-BL																								
GROSS AREA:	± 159.62 AC																								
EXISTING LAND USE:	VACANT/ UNDEVELOPED																								
PROPOSED LAND USE:	MIXED-USE																								
EXISTING GENERAL PLAN DESIGNATION:	MIXED USE																								
EXISTING ZONING:	R1-10 & M-1 PDO																								
PROPOSED ZONING:	R1-10 PDO																								
RESIDENTIAL UNIT BREAKDOWN:	<table><tr><td></td><td><u>APPROVED</u></td><td><u>PROPOSED</u></td></tr><tr><td>LARGE LOT (85' x 115')</td><td>NOT DEFINED</td><td>9 UNITS</td></tr><tr><td>SMALL LOT (50' x 115')</td><td>NOT DEFINED</td><td>44 UNITS</td></tr><tr><td>GREEN COURT</td><td>NOT DEFINED</td><td>21 UNITS</td></tr><tr><td>ALLEY HOMES</td><td>NOT DEFINED</td><td>61 UNITS</td></tr><tr><td>ROW HOUSING</td><td>NOT DEFINED</td><td>48 UNITS</td></tr><tr><td>TOWN CENTER MULTI-FAMILY</td><td>NOT DEFINED</td><td>36 UNITS</td></tr><tr><td>TOTAL UNITS:</td><td>325 UNITS</td><td>239 UNITS</td></tr></table>		<u>APPROVED</u>	<u>PROPOSED</u>	LARGE LOT (85' x 115')	NOT DEFINED	9 UNITS	SMALL LOT (50' x 115')	NOT DEFINED	44 UNITS	GREEN COURT	NOT DEFINED	21 UNITS	ALLEY HOMES	NOT DEFINED	61 UNITS	ROW HOUSING	NOT DEFINED	48 UNITS	TOWN CENTER MULTI-FAMILY	NOT DEFINED	36 UNITS	TOTAL UNITS:	325 UNITS	239 UNITS
	<u>APPROVED</u>	<u>PROPOSED</u>																							
LARGE LOT (85' x 115')	NOT DEFINED	9 UNITS																							
SMALL LOT (50' x 115')	NOT DEFINED	44 UNITS																							
GREEN COURT	NOT DEFINED	21 UNITS																							
ALLEY HOMES	NOT DEFINED	61 UNITS																							
ROW HOUSING	NOT DEFINED	48 UNITS																							
TOWN CENTER MULTI-FAMILY	NOT DEFINED	36 UNITS																							
TOTAL UNITS:	325 UNITS	239 UNITS																							
GROSS RESIDENTIAL DENSITY:	1.50 DU/AC																								

- LARGE LOT DETACHED RESIDENTIAL
- SMALL LOT DETACHED RESIDENTIAL
- GREEN COURT DETACHED RESIDENTIAL
- ALLEY LOADED DETACHED RESIDENTIAL
- TOWNHOMES ATTACHED RESIDENTIAL
- BARN & CORRAL
- CARRIAGE HOUSE PICK-UP
- CASITAS / LEARNING LABS
- SERVICE BUILDING
- AMPHITHEATER
- CORPORATE OFFICES
- FITNESS/RECREATION
- PERFORMING ARTS CENTER
- SPECIALTY MEDICAL CENTER/WELLNESS CAMPUS
- COLONIAL CHURCH
- INDEPENDENCE HALL
- RESTAURANT
- VISITOR CENTER/MUSEUM/THEATER
- WALAPINI / GREENHOUSE
- GREENHOUSES
- COLONIAL HOTEL
- TOWN CENTER MIXED-USE *

* USES WITHIN THE TOWN CENTER LIMITS ARE LIMITED TO THE HURRICANE CITY CODE OF ORDINANCES SEC. 10-15-3, TABLE 10-15-1 PERMITTED AND CONDITIONAL USES ALLOWED IN THE GENERAL COMMERCIAL (GC) ZONE, EXCEPT THAT DWELLING, MULTIPLE-FAMILY SHALL BE A PERMITTED USE.

SHEET 1	CS01 COVER SHEET
SHEET 2	SP01 PRELIMINARY SITE PLAN
SHEET 3	SP02 TYPICAL LOT DETAILS & STANDARDS
SHEET 4	SP03 STREET SECTIONS

1130 N Alma School Road
Suite 120
Mesa, AZ 85201
T:480.503.2250 | F:480.503.2258
www.epsgroupinc.com

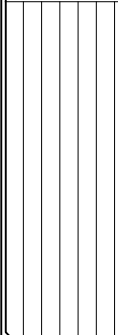


BoN Gardens

Cover Sheet

Project:

Revisions:



Call at least two full working days
before you begin excavation.

811
1-800-4-A-ROOT

Call 811 and a 080 STAKE IT (288 8)

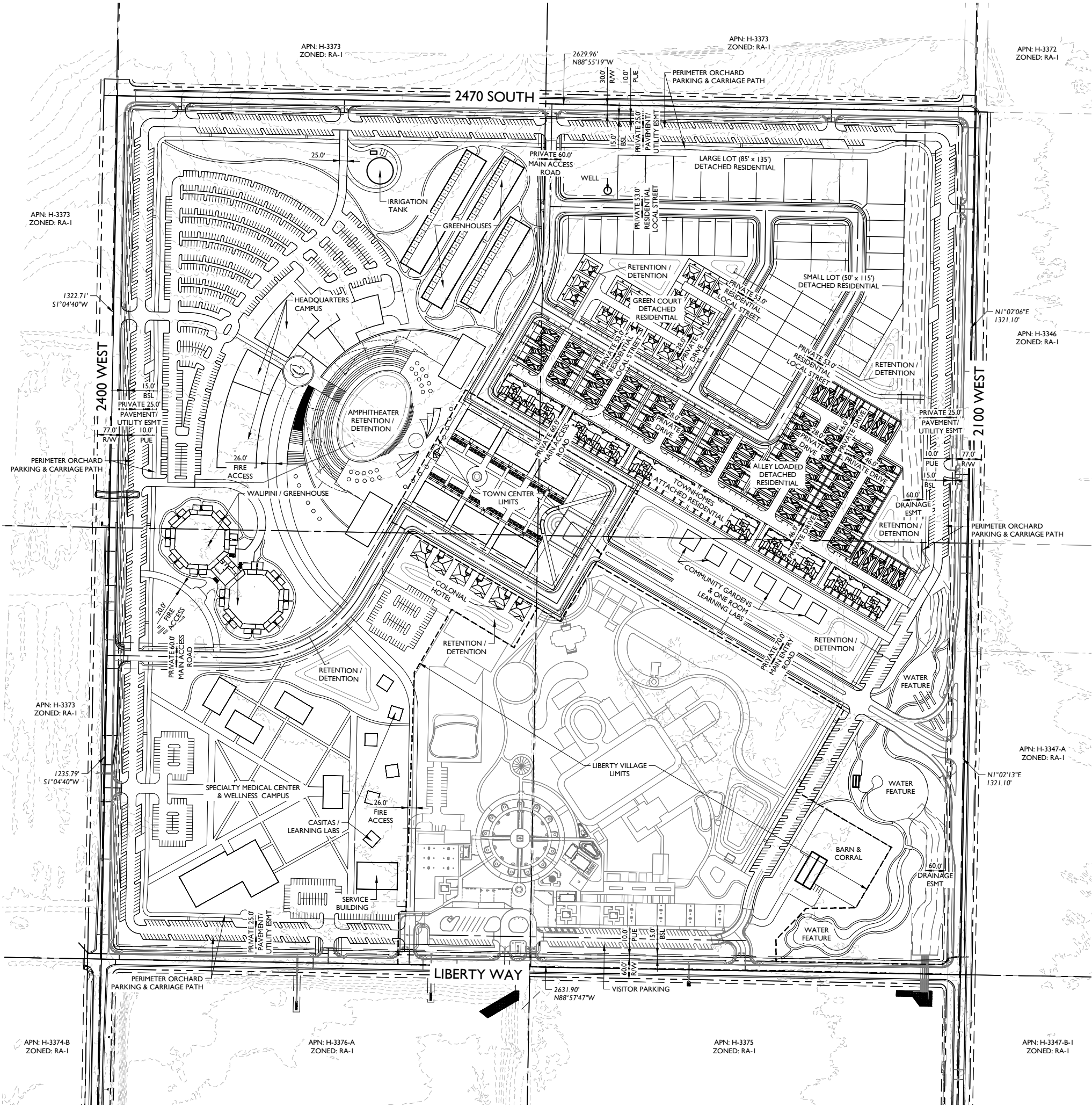
Designer: EPS
Drawn by: EPS

Preliminary
Not For
Construction
Or
Recording

Job No.
21-0167

CS01

Sheet No.
1
of 4



UTILITY NOTES

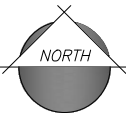
- UTILITIES SHOWN ON THE CONCEPTUAL MASTER UTILITY PLAN ARE INTENDED TO BE PUBLICLY OWNED AND MAINTAINED. UPON FINAL ENGINEERING OF THE PROJECT, PUBLIC AND/OR PRIVATE LINES ARE SUBJECT TO CHANGE DUE TO THE ENGINEERING FINDINGS OF THE ENGINEER, CITY, OR JUC REPRESENTATIVE.
- WATER AND SEWER PIPE SIZES ARE SUBJECT TO CHANGE DURING FINAL ENGINEERING OF THE PROJECT. FULL ENGINEERING CALCULATIONS WILL BE PERFORMED BEFORE FINAL JUC APPROVALS, INCLUDING BUT NOT LIMITED TO WATER MODELING TO DETERMINE ADEQUATE PRESSURES AND VELOCITIES IN WATER PIPES.
- SEWER LAYOUT IS SUBJECT TO CHANGE DURING FINAL ENGINEERING OF PROJECT TO ENSURE PIPE DEPTHS, PIPE SLOPES, AND PIPE CAPACITIES MEET CITY OF HURRICANE AND ASH CREEK SPECIAL SERVICES DISTRICT REQUIREMENTS.
- PUBLIC WATER MAINS OUTSIDE OF DEDICATED RIGHT-OF-WAY AND THROUGH PRIVATE PROPERTY WILL BE DUCTILE IRON PIPE TO THE METER, REGARDLESS OF SIZE.
- MINIMUM SEPARATION REQUIREMENTS FOR UTILITIES WILL BE PER HURRICANE CITY STANDARDS SECTION 3.5.1 AND ASH CREEK SPECIAL SERVICES DISTRICT STANDARDS SECTION 4.2.3. MINIMUM SEPARATION REQUIREMENTS WILL BE MAINTAINED IN PUBLIC RIGHT-OF-WAY AND IN PRIVATE DRIVEWAYS.
- ALL PUBLIC UTILITIES IN PRIVATE DRIVEWAYS WILL BE INSIDE OF A DEDICATED JOINT UTILITY EASEMENT TO ENSURE ADEQUATE ACCESS FOR SERVICE AND MAINTENANCE.
- COORDINATION WITH THE POWER DEPARTMENT, CITY ENGINEER, AND CITY ATTORNEY WILL TAKE PLACE TO ENSURE A NEW CIRCUIT FROM THE THREE FALLS SUBSTATION IS IN PLACE TO SUPPLY POWER TO THE PROJECT.
- UTILITIES WILL BE ADEQUATELY SPACED TO ACCOMMODATE FOR FUTURE GAS TO SERVICE THE DEVELOPMENT PER HURRICANE CITY STANDARDS SECTION 3.5.1.

LAND USE BREAKDOWN

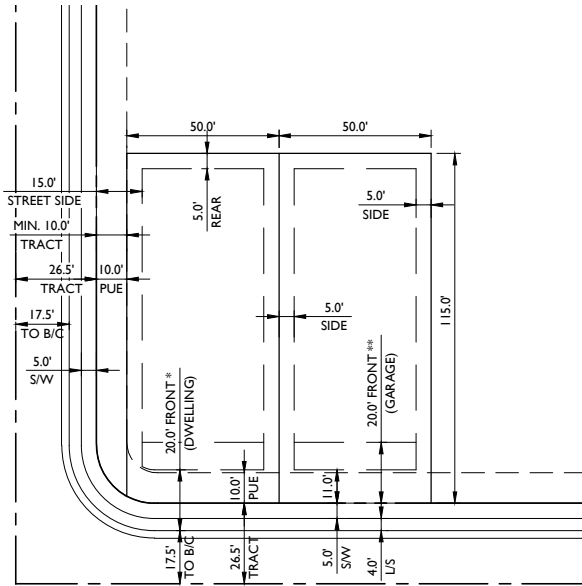
USE	AREA	UNIT COUNT
PERIMETER ORCHARD PARKING WITH CARRIAGE PATHS	20.4 AC	NONE
IRRIGATION TANK	0.5 AC	NONE
COMMUNITY GARDENS	2.6 AC	NONE
SPECIAL MEDICAL CENTER & WELLNESS CAMPUS	9.2 AC	NONE
ONE-ROOM LEARNING LABS	1.7 AC	NONE
LIBERTY VILLAGE	27.9 AC	NONE
STAGE/AMPHITHEATER/GREAT LAWN	5.3 AC	NONE
HEADQUARTERS CAMPUS	12.2 AC	NONE
TOWNHOMES ATTACHED RESIDENTIAL	4.2 AC	48 UNITS
GREEN COURT DETACHED RESIDENTIAL	3.3 AC	21 UNITS
ALLEY LOADED DETACHED RESIDENTIAL	8.4 AC	81 UNITS
SMALL LOT SINGLE-FAMILY RESIDENTIAL	8.4 AC	44 UNITS
LARGE LOT SINGLE-FAMILY RESIDENTIAL	3.0 AC	9 UNITS
TOWN CENTER (MIXED-USE)	13.2 AC	36 UNITS
WELL SITE	0.8 AC	NONE
VALIPINI / GREENHOUSE	4.3 AC	NONE
GREENHOUSES	4.5 AC	60 UNITS
CASITAS / LEARNING LABS	1.9 AC	6 UNITS
OPEN SPACE	16.8 AC	NONE
PUBLIC RIGHTS-OF-WAY	10.4 AC	NONE
TOTALS	159.62 AC	239 RESIDENTIAL UNITS

GENERAL NOTES

- REFER TO SP02 - STREET SECTIONS FOR ACCESS AND UTILITY EASEMENTS WITHIN PRIVATE STREETS AND DRIVEWAYS.
- A TIA WILL BE PROVIDED DURING FINAL ENGINEERING.
- THE PRIMARY ENTRY AND ALL ISLAND DESIGNS WILL BE REFINED WITH AASHTO GREEN BOOK SECTION 9.6.3 & HCS 3.2.4.2.



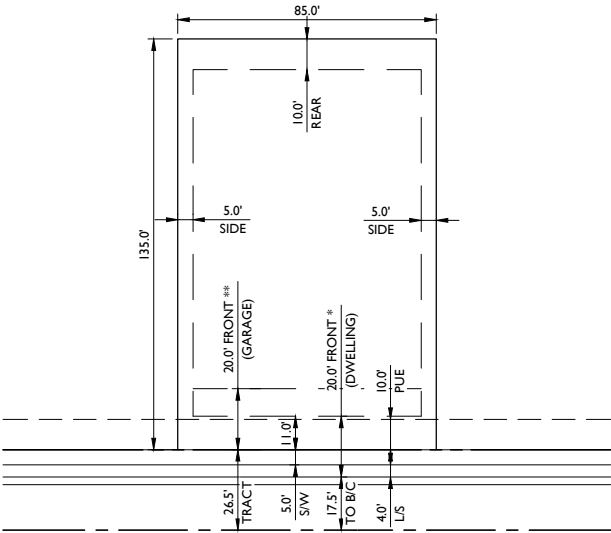
SMALL LOT DETACHED (50' X 115') - TYPICAL LOT DETAIL



SMALL LOT DETACHED (50' X 115') - DEVELOPMENT STANDARDS

MINIMUM BUILDING SETBACKS:		
FRONT *	20'	FROM B/C TO DWELLING
	11'	FROM B/SW TO DWELLING
FRONT **	20'	FROM B/SW TO GARAGE
REAR	10'	(SINGLE-FAMILY OR OTHER STRUCTURES)
	5'	(GARAGE / ACCESSORY)
INTERIOR SIDE YARD	5'	(SINGLE-FAMILY)
	10'	(ALL OTHERS)
STREET SIDE YARD	15'	(CAN INCLUDE 10' TRACT)
AGGREGATE SIDE YARD	N/A	
PERIMETER SETBACK & BUFFER	15'	
MAXIMUM LOT COVERAGE	N/A	

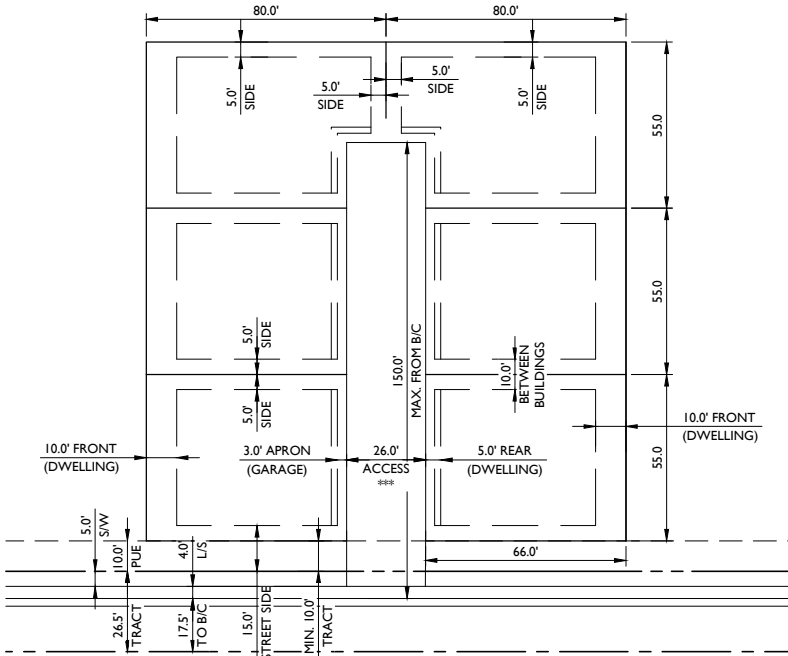
LARGE LOT DETACHED (85' X 135') - TYPICAL LOT DETAIL



LARGE LOT DETACHED (85 X 135') - DEVELOPMENT STANDARDS

MINIMUM BUILDING SETBACKS:		
FRONT *	20'	FROM B/C TO DWELLING
	11'	FROM B/SW TO DWELLING
FRONT **	20'	FROM B/SW TO GARAGE
REAR	10'	(SINGLE-FAMILY OR OTHER STRUCTURES)
	5'	(GARAGE / ACCESSORY)
INTERIOR SIDE YARD	5'	(SINGLE-FAMILY)
	10'	(ALL OTHERS)
STREET SIDE YARD	15'	(CAN INCLUDE 10' TRACT)
AGGREGATE SIDE YARD	N/A	
PERIMETER SETBACK & BUFFER	15'	
MAXIMUM LOT COVERAGE	N/A	

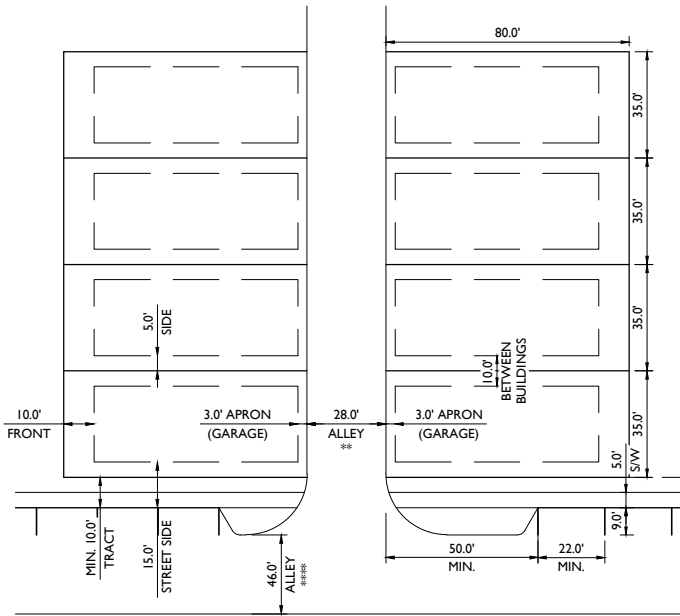
GREEN COURT DETACHED - TYPICAL LOT DETAIL



GREEN COURT DETACHED - DEVELOPMENT STANDARDS

MINIMUM BUILDING SETBACKS:		
FRONT	10'	(DWELLING)
REAR	3'	APRON FROM B/C (GARAGE)
	5'	FROM B/C (DWELLING)
	20'	FROM B/C IF DRIVEWAY PROVIDED
INTERIOR SIDE YARD	5'	(SINGLE-FAMILY)
	10'	(ALL OTHERS)
STREET SIDE YARD	15'	(CAN INCLUDE 10' TRACT)
AGGREGATE SIDE YARD	N/A	
PERIMETER SETBACK & BUFFER	15'	
MAXIMUM LOT COVERAGE	N/A	

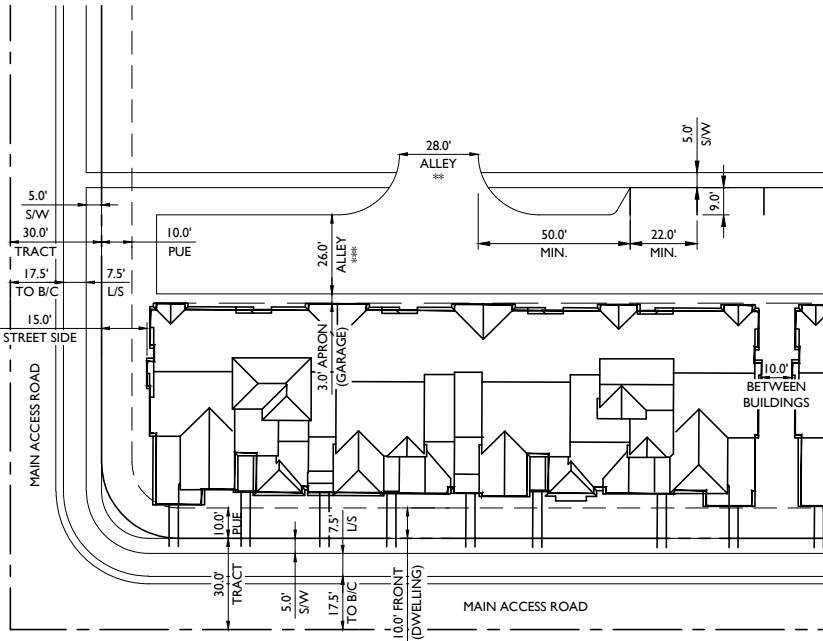
ALLEY LOADED DETACHED - TYPICAL LOT DETAIL



ALLEY LOADED DETACHED - DEVELOPMENT STANDARDS

MINIMUM BUILDING SETBACKS:		
FRONT	10'	
REAR	3'	APRON FROM B/C (GARAGE)
	20'	FROM B/C IF DRIVEWAY PROVIDED
INTERIOR SIDE YARD	5'	(SINGLE-FAMILY)
	10'	(ALL OTHERS)
STREET SIDE YARD	15'	(CAN INCLUDE 10' TRACT)
AGGREGATE SIDE YARD	N/A	
PERIMETER SETBACK & BUFFER	15'	
MAXIMUM LOT COVERAGE	N/A	

TOWNHOMES ATTACHED - TYPICAL LOT DETAIL



TOWNHOMES ATTACHED - DEVELOPMENT STANDARDS

MINIMUM BUILDING SETBACKS:		
FRONT	10'	(DWELLING)
REAR	3'	APRON FROM ALLEY B/C TO GARAGE
INTERIOR SIDE YARD	0'	
STREET SIDE YARD	15'	(CAN INCLUDE 10' TRACT)
AGGREGATE SIDE YARD	N/A	
PERIMETER SETBACK & BUFFER	15'	
MAXIMUM LOT COVERAGE	N/A	

LEGEND

B/C	BACK OF CURB
L/S	LANDSCAPE
PUE	PUBLIC UTILITY EASEMENT
S/W	SIDEWALK
**	PRIVATE DRIVEWAY CONDITION 1
***	PRIVATE DRIVEWAY CONDITION 2
****	PRIVATE DRIVEWAY CONDITION 3

1130 N Alma School Road
Suite 120
Mesa, AZ 85201
T:480.503.2250 | F:480.503.2258
www.epsgroupinc.com

EPS
GROUP

BoN Gardens
Hurricane, UT

Typical Lot Details & Standards

Project:

Revisions:

Call or Email two full working days
before you begin construction.

21-0167

Dist. 8-1 or 1-800-STAR-UT (726-8348)
In Maricopa County: (602)262-1160

Designer: EPS
Drawn by: EPS

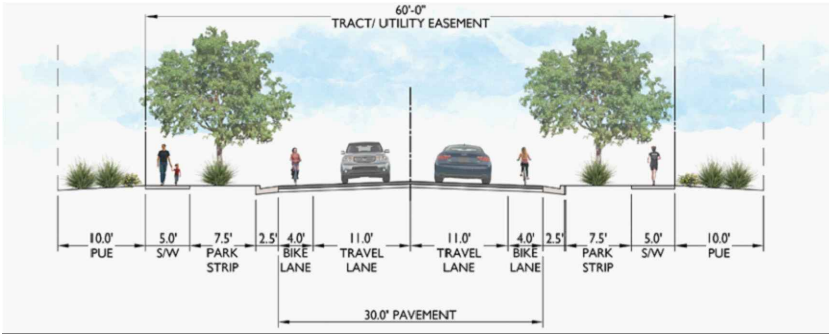
Preliminary
Not For
Construction
Or
Recording

Job No.
21-0167

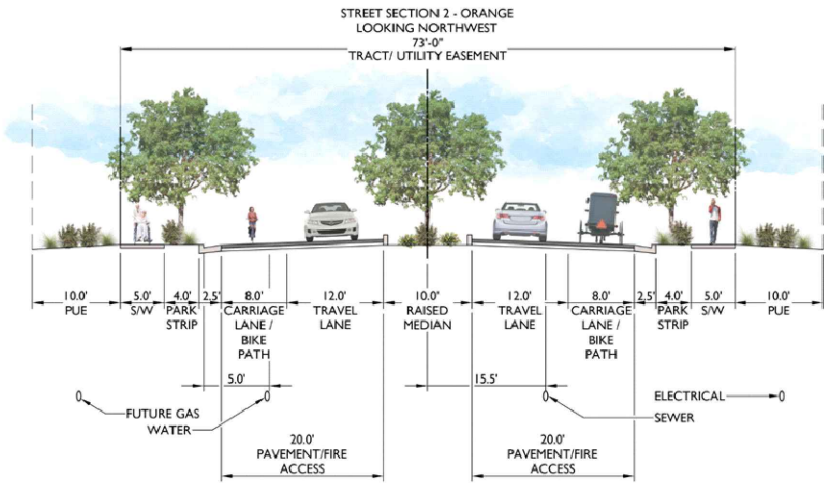
SP02

Sheet No.
3
of **4**

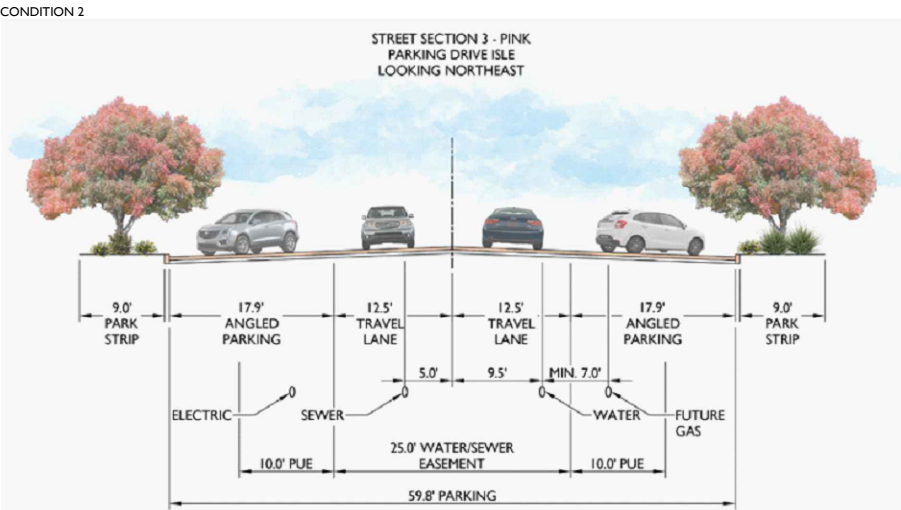
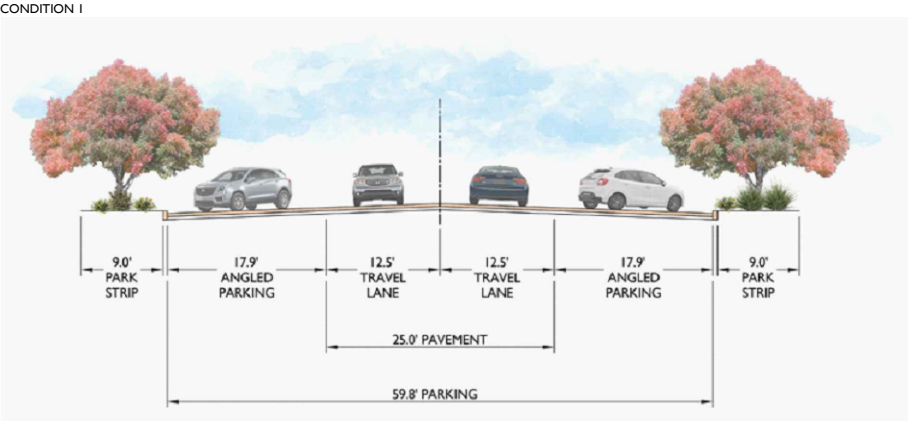
PRIVATE STREET SECTION 1 - MAIN ACCESS ROAD



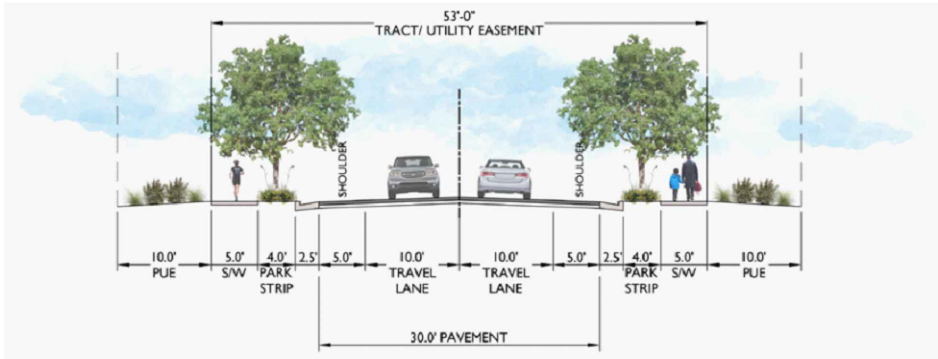
PRIVATE STREET SECTION 2 - MAIN ENTRY ROAD



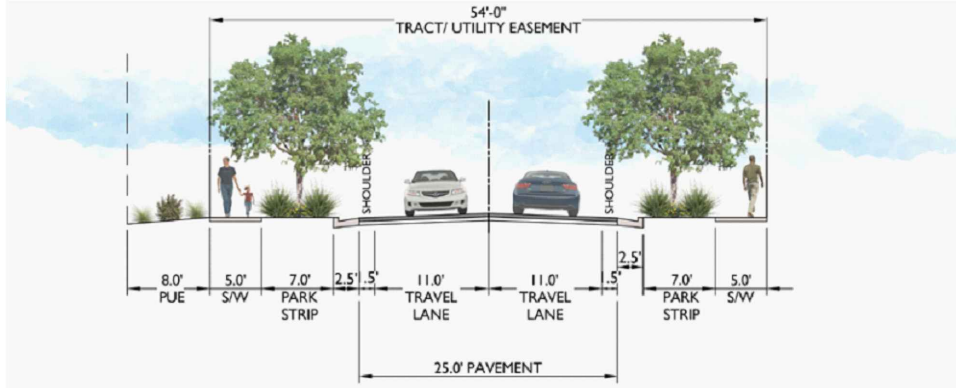
PRIVATE STREET SECTION 3 - PERIMETER PARKING CONDITIONS



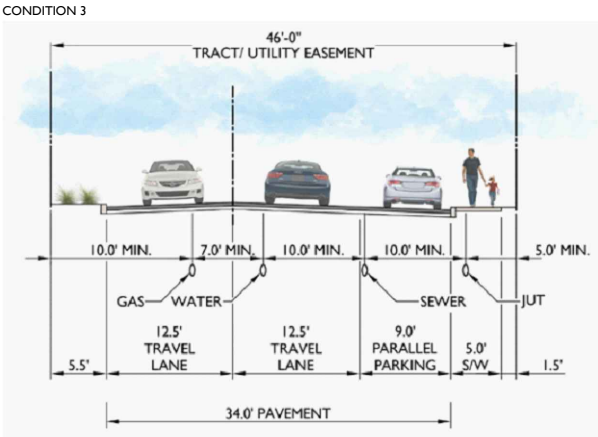
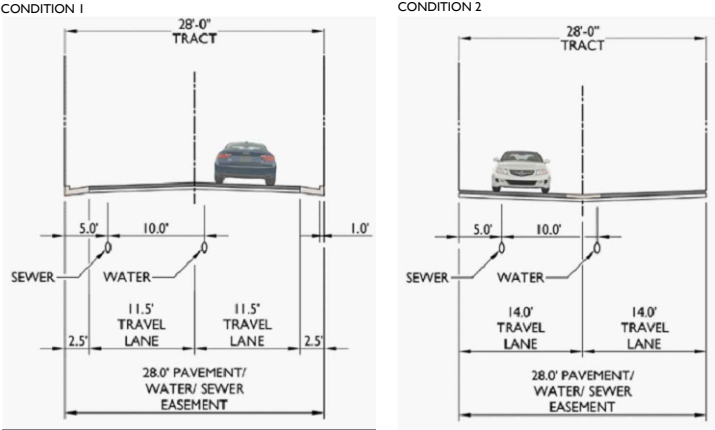
PRIVATE STREET SECTION 4 - RESIDENTIAL LOCAL ALTERNATIVE



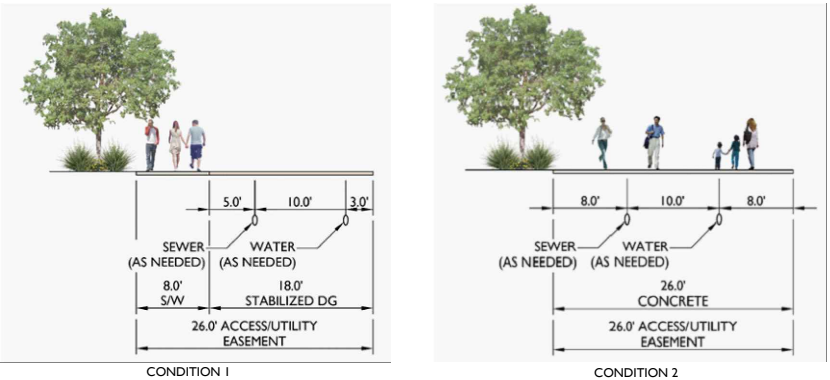
PRIVATE STREET SECTION 5 - LIBERTY VILLAGE DRIVEWAYS/PARKING ACCESS ROAD



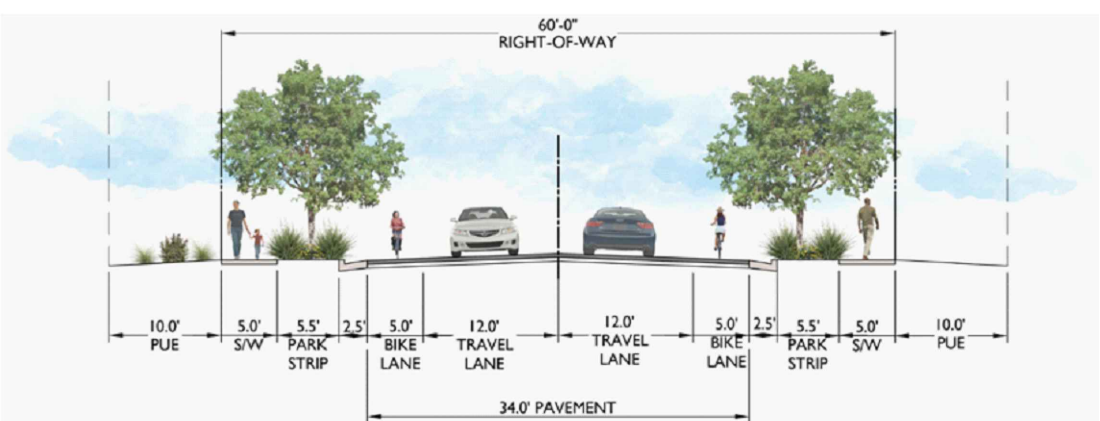
PRIVATE STREET SECTION 6 - PRIVATE DRIVEWAYS



PRIVATE STREET SECTION 7 - FIRE ACCESS PATH



PUBLIC STREET SECTION 8 - 2470 S

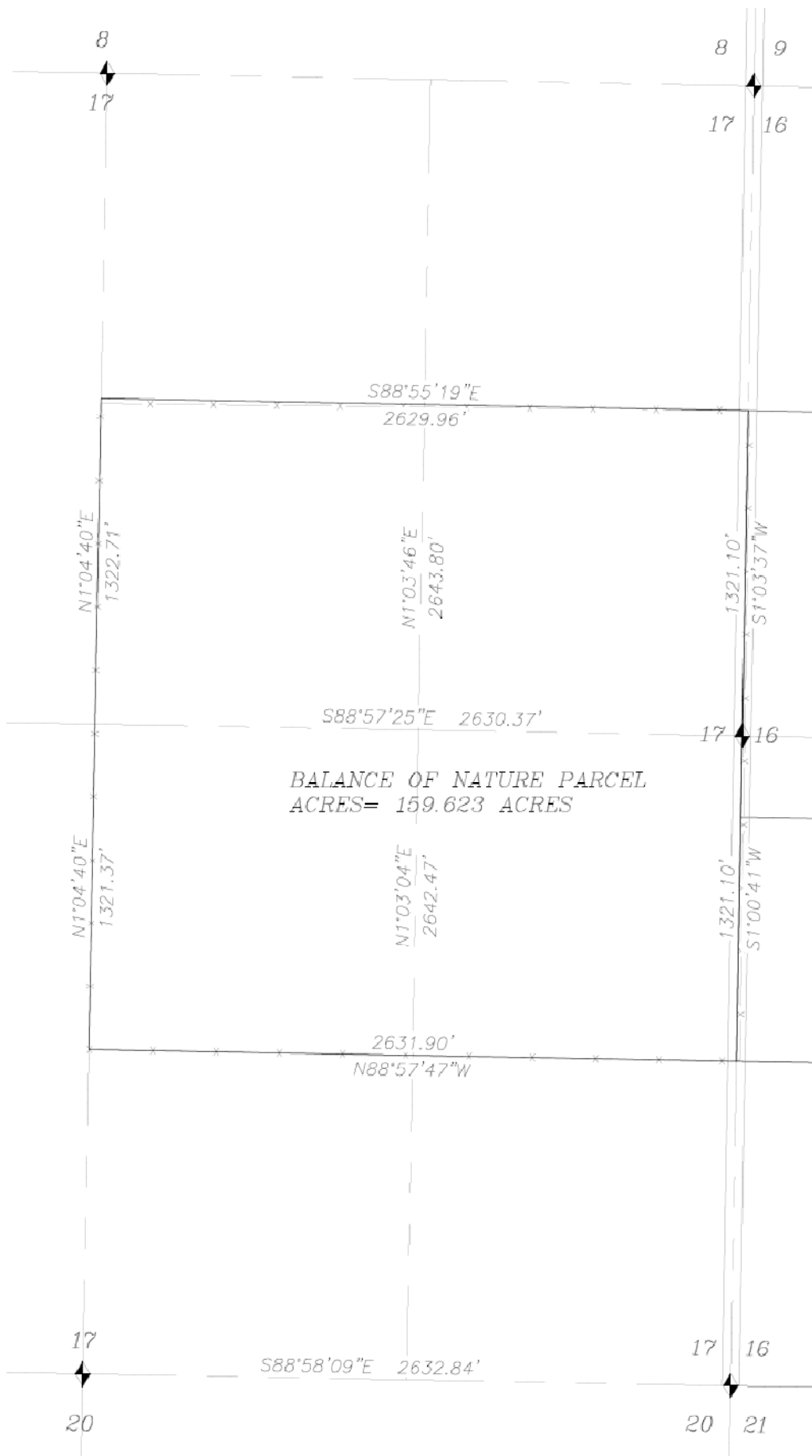


Appendix C: Legal Description and Boundary Exhibit

BALANCE OF NATURE LEGAL DESCRIPTION

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 42 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN; THENCE N01°04'40"E, ALONG THE QUARTER SECTION LINE 1321.37 FEET TO THE CENTER QUARTER CORNER OF SECTION 17; THENCE N01°04'40"E ALONG THE QUARTER SECTION LINE, 1322.71 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17; THENCE S88°55'19"E ALONG THE SIXTEENTH LINE, 2629.96 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17; THENCE S01°03'37"W ALONG THE EAST SECTION LINE, 1321.10 FEET TO THE EAST QUARTER CORNER OF SECTION 17; THENCE S01°00'41"W ALONG THE EAST SECTION LINE, 1321.10 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17; THENCE N88°57'47"W ALONG THE SIXTEENTH LINE, 2631.90 FEET TO THE POINT OF BEGINNING.

AREA CONTAINS 6953163 SQUARE FEET OR 159.623 ACRES.



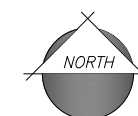
Appendix D: Zoning Map

Appendix E: Illustrative Master Plan

2470 SOUTH

KEYNOTES

- 1 PERIMETER ORCHARD PARKING
- 2 CARRIAGE PICK-UP
- 3 ENTRY FEATURE / MONUMENT SIGNAGE
- 4 ENTRY PEDESTRIAN NODE PARK
- 5 LAKE / WATER FEATURE
- 6 IRRIGATION WATER TANK
- 7 ORCHARD GROVE
- 8 COMMUNITY GARDENS / AGRARIAN FIELDS
- 9 HORSE CARRIAGE TRAIL
- 10 SPECIALTY MEDICAL CENTER
- 11 ONE ROOM LEARNING LABS
- 12 COLONIAL CHURCH
- 13 INDEPENDENCE HALL
- 14 MT. VERNON
- 15 TOWN CENTER
- 16 MONTICELLO
- 17 BALANCE OF NATURE TRIAD SCULPTURE
- 18 STAGE / SHADE STRUCTURES
- 19 AMPHITHEATER
- 20 THE GREAT LAWN
- 21 SHADE STRUCTURES
- 22 COLONIAL TREE GARDEN
- 23 CORPORATE OFFICES
- 24 PARKING
- 25 WELLNESS CAMPUS
- 26 MULTI-PURPOSE TRAILS
- 27 TOWNHOMES ATTACHED RESIDENTIAL
- 28 GREEN COURT DETACHED RESIDENTIAL
- 29 ALLEY LOADED DETACHED RESIDENTIAL
- 30 SMALL LOT SINGLE-FAMILY (3-5 DU/AC)
- 31 LARGE LOT SINGLE-FAMILY (0-3 DU/AC)
- 32 MIXED-USE COMMERCIAL / RESIDENTIAL
- 33 PROPOSED WELL LOCATION
- 34 GYM / RECREATION CENTER
- 35 PERFORMING ARTS CENTER
- 36 WALIPINI / GREENHOUSE
- 37 GREENHOUSES
- 38 COLONIAL HOTEL
- 39 CASITAS / LEARNING LABS



NTS

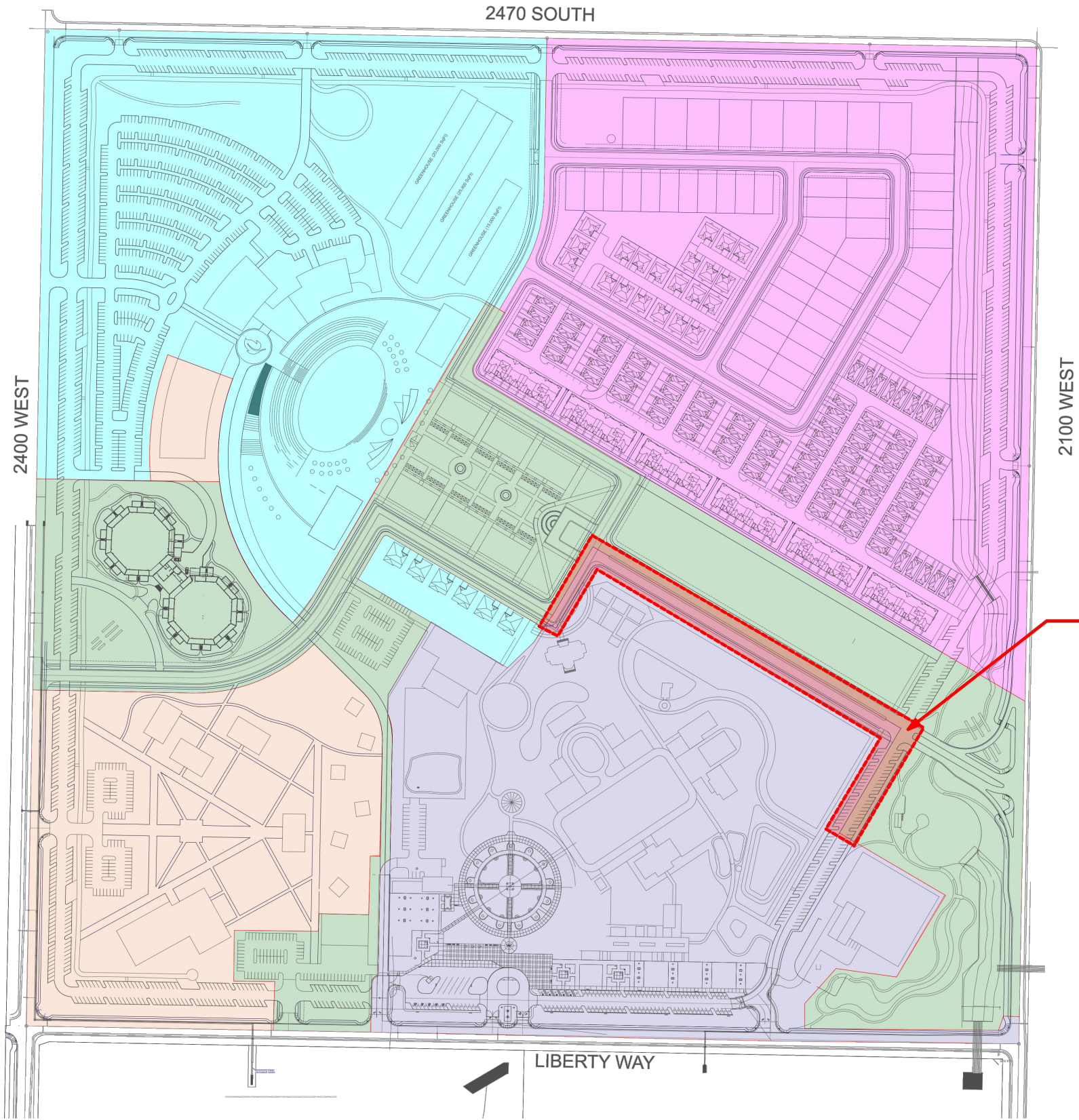
LIBERTY WAY

Appendix F: Phasing Plan

21-0167 - BoN Gardens

Apr. 16, 2025 12:34pm S:\Projects\2021\21-0167\Planning\Drawings\Entitlements\21-0167 - PDO Phasing Plan.dwg

ttomas



- Phase 1
- Phase 2
- Phase 3
- Phase 4
- Phase 5

UTILITIES IN THESE STREET SECTIONS WITHIN THIS BOX TO BE CONSTRUCTED AS PART OF PHASE 1 TO SERVE PHASE 1. STREET PAVEMENT, CURBS, GUTTERS, SIDEWALK AND ALL OTHER ABOVE GROUND IMPROVEMENTS TO BE CONSTRUCTED IN PHASE 2

NOTE; THIS PHASING PLAN IS CONCEPTUAL AND BASED ON DEVELOPER'S CURRENT PLANS FOR THE DEVELOPMENT OF THIS PROPERTY SUBJECT TO CHANGE BASED ON MARKET CONDITIONS, STAFF APPROVAL AND AVAILABILITY OF INFRASTRUCTURE. REGARDLESS, DEVELOPMENT IS TO OCCUR IN A COHESIVE MANNER TO ENSURE A QUALITY DEVELOPMENT.

DEVELOPER RESERVES THE RIGHT TO BEGIN A SUBSEQUENT PHASE PRIOR TO THE TOTAL COMPLETION OF A PRIOR PHASE, OR DEVELOP MULTIPLE PHASES AT ONCE BASED ON THE DEVELOPER'S ABILITY TO PERFORM THE DEVELOPMENT SUBJECT TO STAFF APPROVAL AND AVAILABILITY OF INFRASTRUCTURE.

orcutt | winslow

EPS GROUP
1130 N Alma School Road
Suite 120
Mesa, AZ 85201
T: 480.503.2250 | F: 480.503.2258
www.epsgroupinc.com

BoN Gardens
Hurricane, UT

Phasing Plan

Project:
Revisions:

Revisions:

UTAH804
DESIGNER: EPS
DRAWN BY: EPS

Preliminary
Not For
Construction
Or
Recording

Job No.
21-0167

Sheet No.
PP01

of 1

Appendix G: Land Use Exhibit

21-0167 - BoN Gardens

May 14, 2025 3:17pm S:\Projects\2021\21-0167\Planning\Drawings\Entitlements\21-0167 - PDO Land Use Plan.dwg

ttthomas

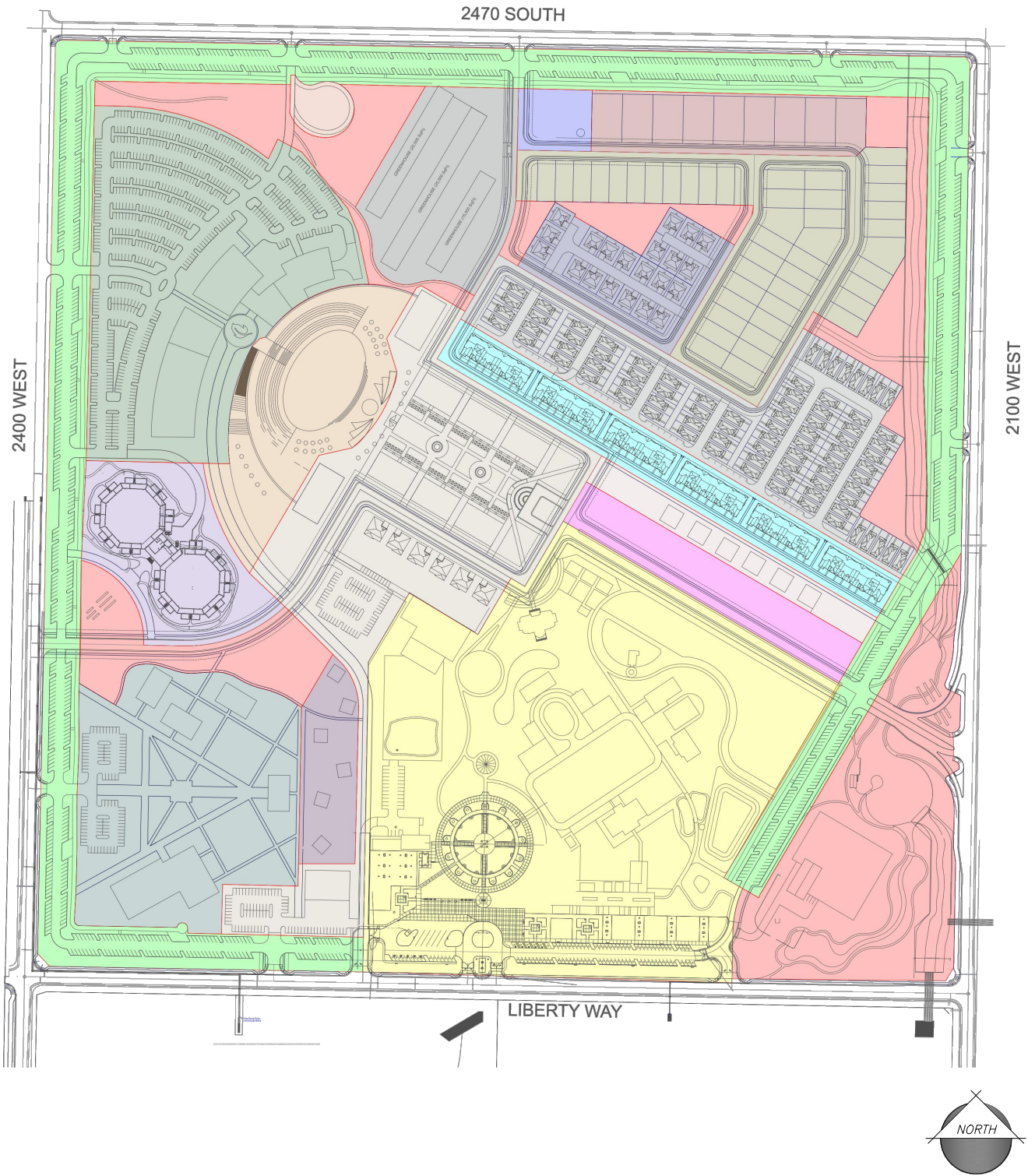


Table of Acreage and Land Use Summary		
Legend	Use Description	Acres
	Perimeter Orchard Parking with Carriage Paths	20.4 AC
	Irrigation Tank	0.5 AC
	Community Gardens (Open Space)	2.6 AC
	Specialty Medical Center and Wellness Campus (Medical)	9.2 AC
	One-Room Learning Labs (Educational)	1.7 AC
	Liberty Village (Cultural,Commercial, Educational & Entertainment)	27.9 AC
	Stage, Amphitheater, Great Lawn (Commercial Entertainment)	5.3 AC
	Headquarters Campus (Commercial Office) with Parking	12.2 AC
	Townhomes Attached Residential	4.2 AC
	Green Court Detached Residential	3.3 AC
	Alley Loaded Detached Residential	8.4 AC
	Small Lot Single Family Homes (Residential)	8.4 AC
	Large Lot Single Family Homes (Residential)	3.0 AC
	Mixed Use Commercial / Residential / Cultural / Service / Hospitality	13.2 AC
	Well	0.8 AC
	Walipini / Greenhouse	4.3 AC
	Greenhouses	4.5 AC
	Casitas / Learning Labs	1.9 AC
	Open Space / Trails / Entry Features / Lakes / Water Feature	16.8 AC
	Public Rights of Way	10.4 AC
	Site Totals	159.620

orcutt | winslow




1130 N Alma School Road
Suite 120
Mesa, AZ 85201
T:480.503.2250 | F:480.503.2258
www.epsgroupinc.com

Project:
BoN Gardens
Hurricane, UT

Revisions:

Land Use Plan



Scale: 5/8" = 1' @
1-888-682-4111

Designer: EPS
Drawn by: EPS

Preliminary
Not For
Construction
Or
Recording

Job No.
21-0167

LU01

Sheet No.
1
of 1

Appendix H: Residential Plot Plans

SCALE: 1" = 20'-0"



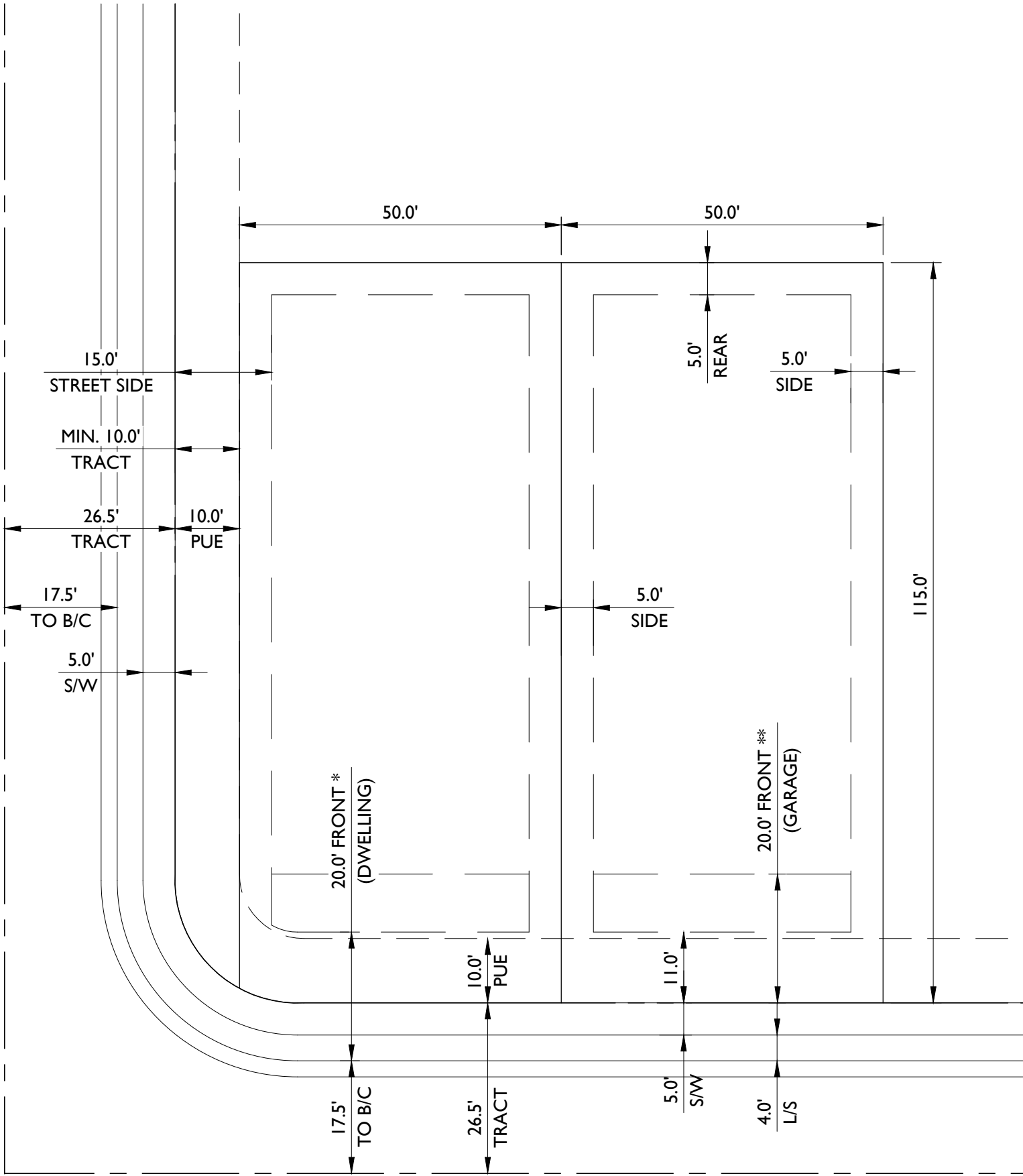
FRONT *	20'	FROM B/C TO DWELLING
	11'	FROM B/SW TO DWELLING
FRONT **	20'	FROM B/SW TO GARAGE
REAR	10'	(SINGLE-FAMILY OR OTHER STRUCTURES)
	5'	(GARAGE / ACCESSORY)
INTERIOR SIDE YARD	5'	(SINGLE-FAMILY)
	10'	(ALL OTHERS)
STREET SIDE YARD	15'	(CAN INCLUDE 10' TRACT)
AGGREGATE SIDE YARD	N/A	
PERIMETER SETBACK & BUFFER	15'	
MAXIMUM LOT COVERAGE	N/A	

B/C	BACK OF CURB
L/S	LANDSCAPE
PUE	PUBLIC UTILITY EASEMENT
S/W	SIDEWALK



PLOT PLAN

SCALE: 1" = 20'-0"



DEVELOPMENT STANDARDS RI-10 PDO

MINIMUM BUILDING SETBACKS:	
FRONT *	20' FROM B/C TO DWELLING
	11' FROM B/SW TO DWELLING
FRONT **	20' FROM B/SW TO GARAGE
REAR	10' (SINGLE-FAMILY OR OTHER STRUCTURES)
	5' (GARAGE / ACCESSORY)
INTERIOR SIDE YARD	5' (SINGLE-FAMILY)
	10' (ALL OTHERS)
STREET SIDE YARD	15' (CAN INCLUDE 10' TRACT)
AGGREGATE SIDE YARD	N/A
PERIMETER SETBACK & BUFFER	15'
MAXIMUM LOT COVERAGE	N/A

LEGEND

B/C	BACK OF CURB
L/S	LANDSCAPE
PUE	PUBLIC UTILITY EASEMENT
S/W	SIDEWALK

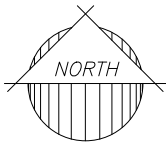
BALANCE OF NATURE GARDENS

TYPICAL PLOT PLAN

SMALL LOT DETACHED RESIDENTIAL

LOT SIZE: 50' x 115'

HURRICANE UT



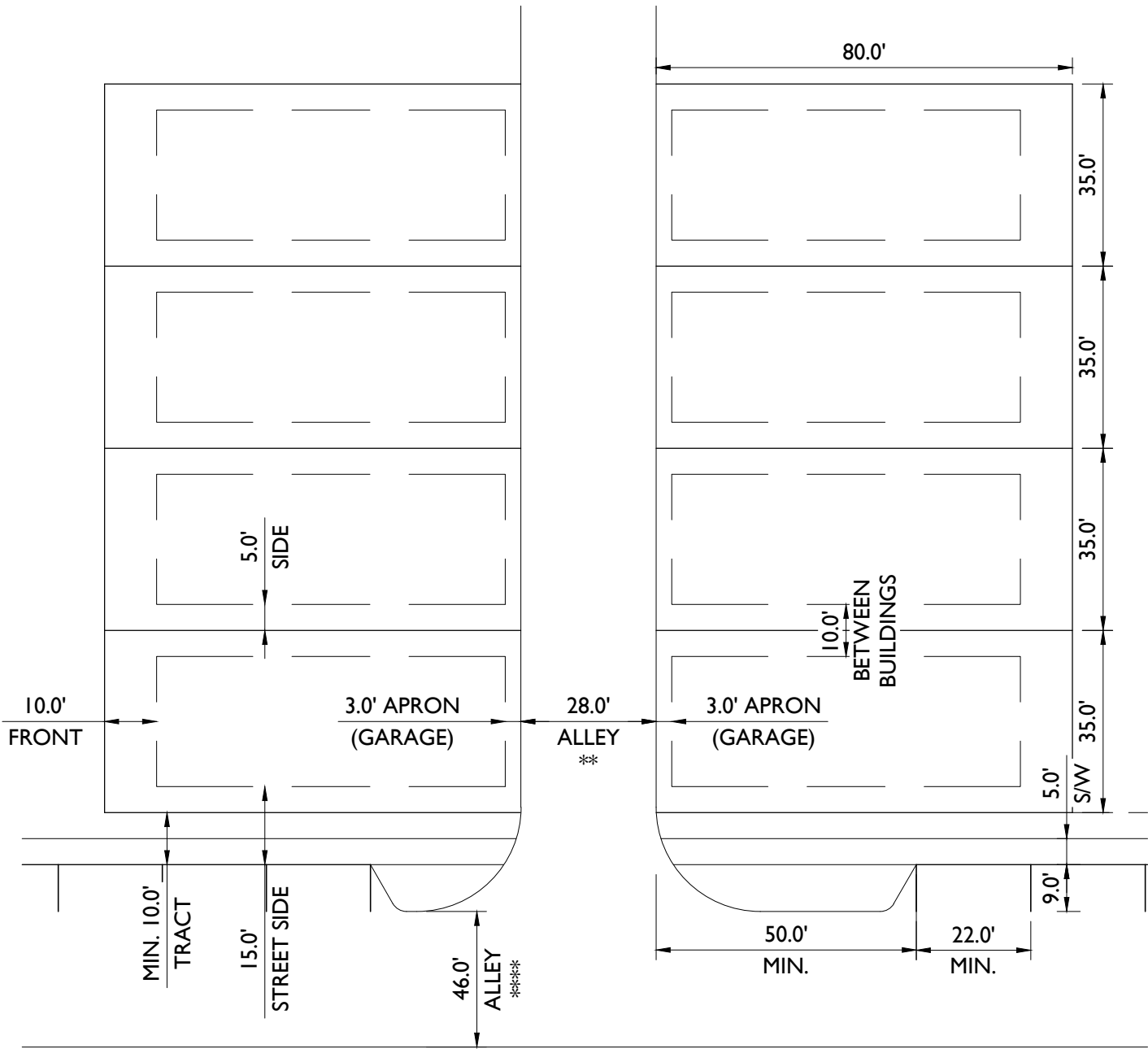
DATE DRAWN: 12.18.2024

REVISION DATE: 04.30.2025



PLOT PLAN

SCALE: 1" = 30'-0"



DEVELOPMENT STANDARDS RI-10 PDO

MINIMUM BUILDING SETBACKS:		
FRONT	10'	
REAR	3'	APRON FROM B/C (GARAGE)
	20'	FROM B/C IF DRIVEWAY PROVIDED
INTERIOR SIDE YARD	5'	(SINGLE-FAMILY)
	10'	(ALL OTHERS)
STREET SIDE YARD	15'	(CAN INCLUDE 10' TRACT)
AGGREGATE SIDE YARD	N/A	
PERIMETER SETBACK & BUFFER	15'	
MAXIMUM LOT COVERAGE	N/A	

LEGEND

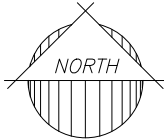
B/C	BACK OF CURB
S/W	SIDEWALK
**	PRIVATE DRIVEWAY CONDITION 1
***	PRIVATE DRIVEWAY CONDITION 2
****	PRIVATE DRIVEWAY CONDITION 3

BALANCE OF NATURE GARDENS

TYPICAL PLOT PLAN

ALLEY LOADED DETACHED RESIDENTIAL

HURRICANE UT



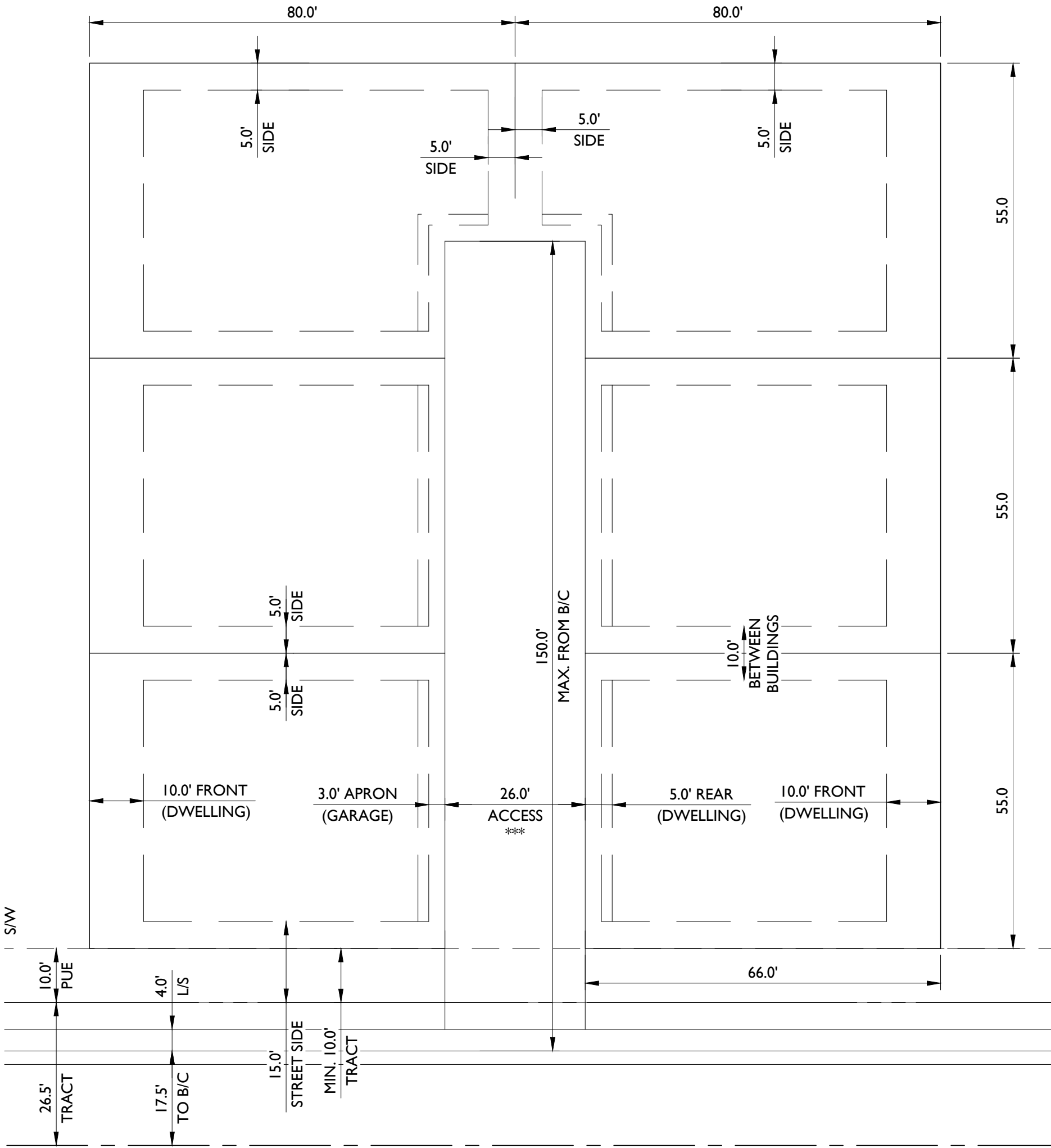
DATE DRAWN: 12.18.2024

REVISION DATE:



PLOT PLAN

SCALE: 1" = 20'-0"



DEVELOPMENT STANDARDS R1-10 PDO

MINIMUM BUILDING SETBACKS:		
FRONT	10'	(DWELLING)
REAR	3'	APRON FROM B/C (GARAGE)
	5'	FROM B/C (DWELLING)
	20'	FROM B/C IF DRIVEWAY PROVIDED
INTERIOR SIDE YARD	5'	(SINGLE-FAMILY)
	10'	(ALL OTHERS)
STREET SIDE YARD	15'	(CAN INCLUDE 10' TRACT)
AGGREGATE SIDE YARD	N/A	
PERIMETER SETBACK & BUFFER	15'	
MAXIMUM LOT COVERAGE	N/A	

LEGEND

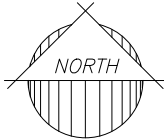
B/C	BACK OF CURB
L/S	LANDSCAPE
PUE	PUBLIC UTILITY EASEMENT
S/W	SIDEWALK
***	PRIVATE DRIVEWAY CONDITION 2

BALANCE OF NATURE GARDENS

TYPICAL PLOT PLAN

GREEN COURT DETACHED RESIDENTIAL

HURRICANE UT



DATE DRAWN: 12.18.2024

REVISION DATE: 04.14.2025



SCALE: 1" = 30'-0"



FRONT	10' (DWELLING)
REAR	3' APRON FROM ALLEY B/C TO GARAGE
INTERIOR SIDE YARD	0'
STREET SIDE YARD	15' (CAN INCLUDE 10' TRACT)
AGGREGATE SIDE YARD	N/A
PERIMETER SETBACK & BUFFER	15'
MAXIMUM LOT COVERAGE	N/A

B/C	BACK OF CURB
L/S	LANDSCAPE
PUE	PUBLIC UTILITY EASEMENT
S/W	SIDEWALK
**	PRIVATE DRIVE CONDITION 1
***	PRIVATE DRIVE CONDITION 2



Appendix I: Building Elevations



Building 1

Building 2

Building 3



Building 4

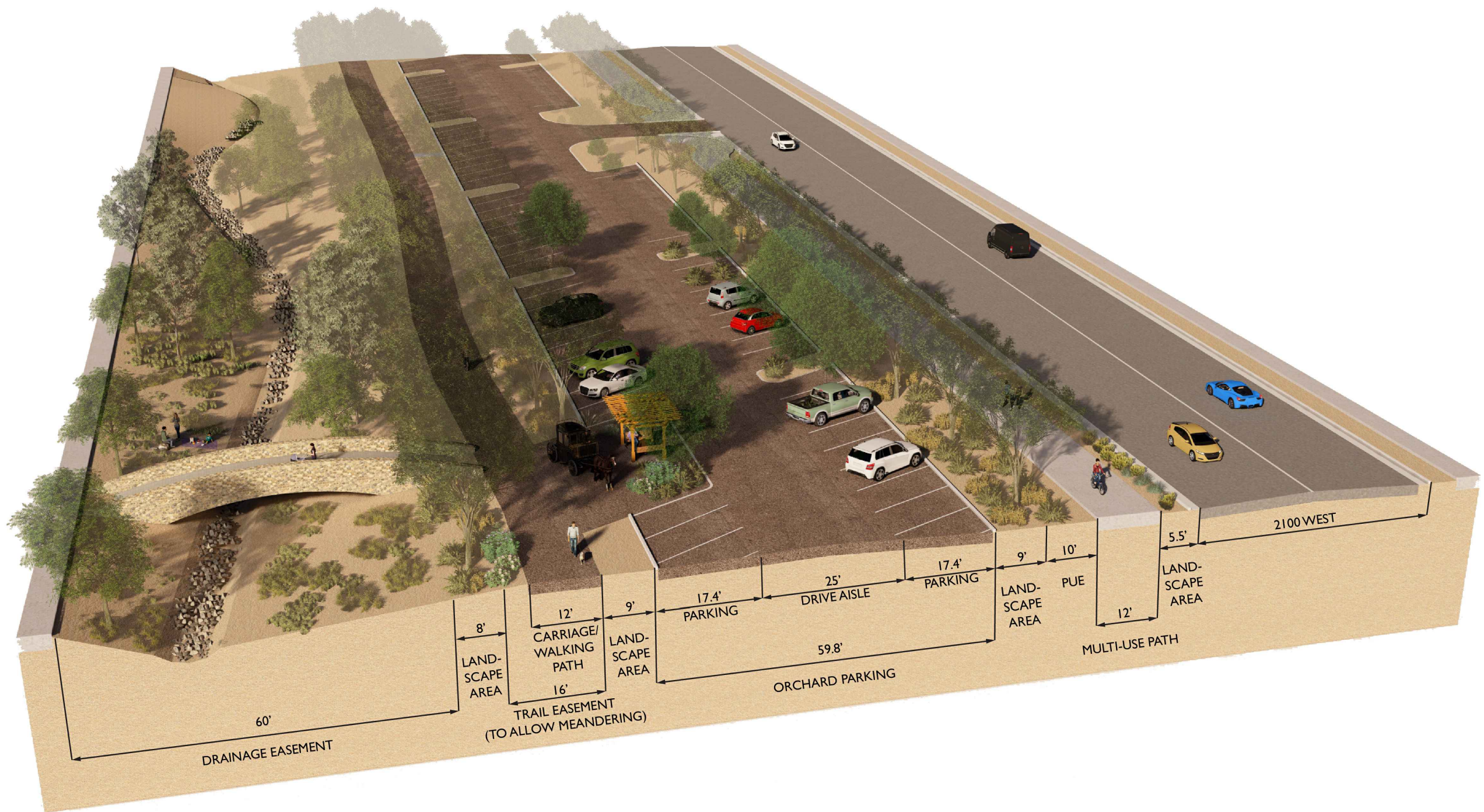
Building 5

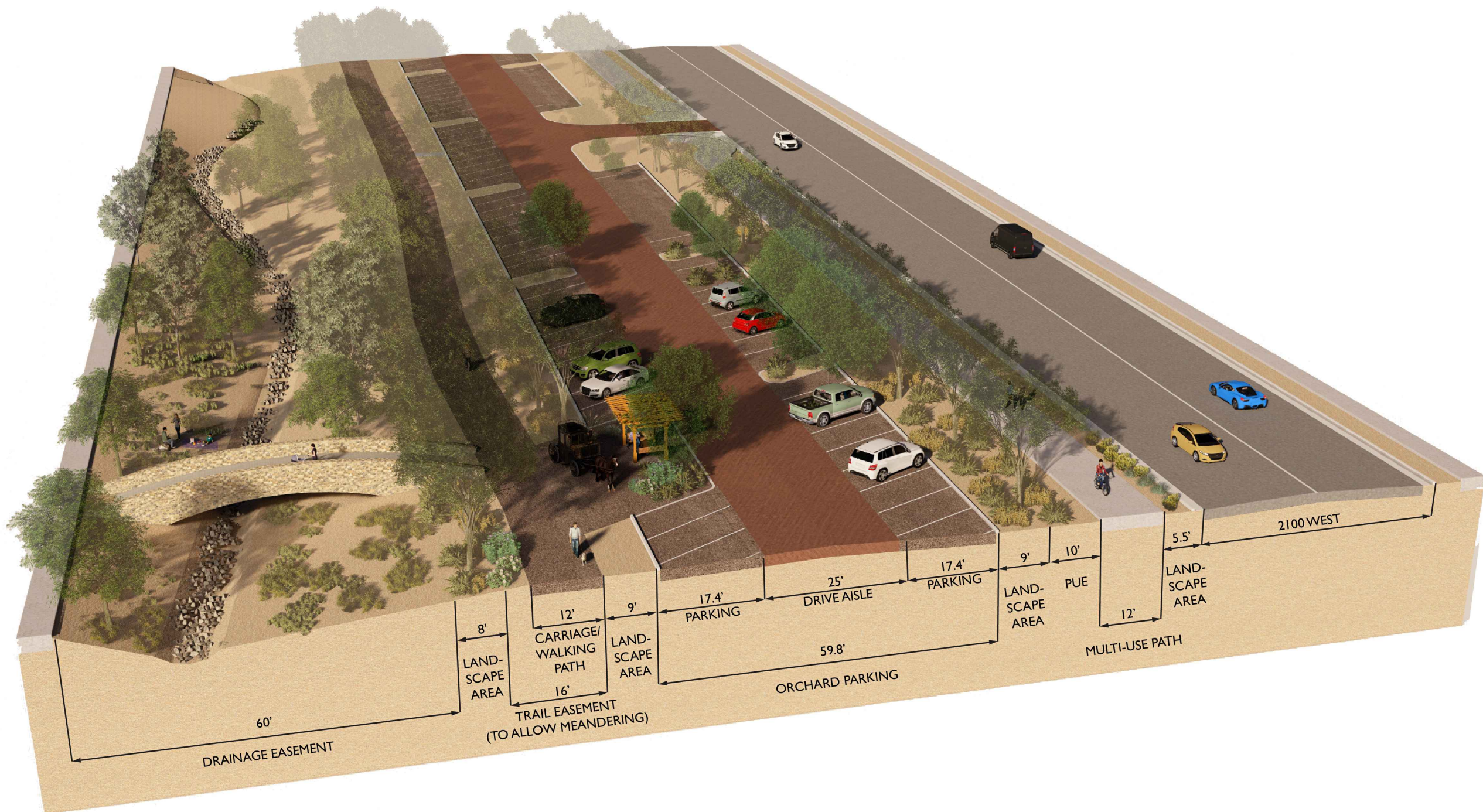
Building 6



Side Elevation

Appendix J: Illustrative Cross Sections





Appendix K: Master Utility and Grading Plans

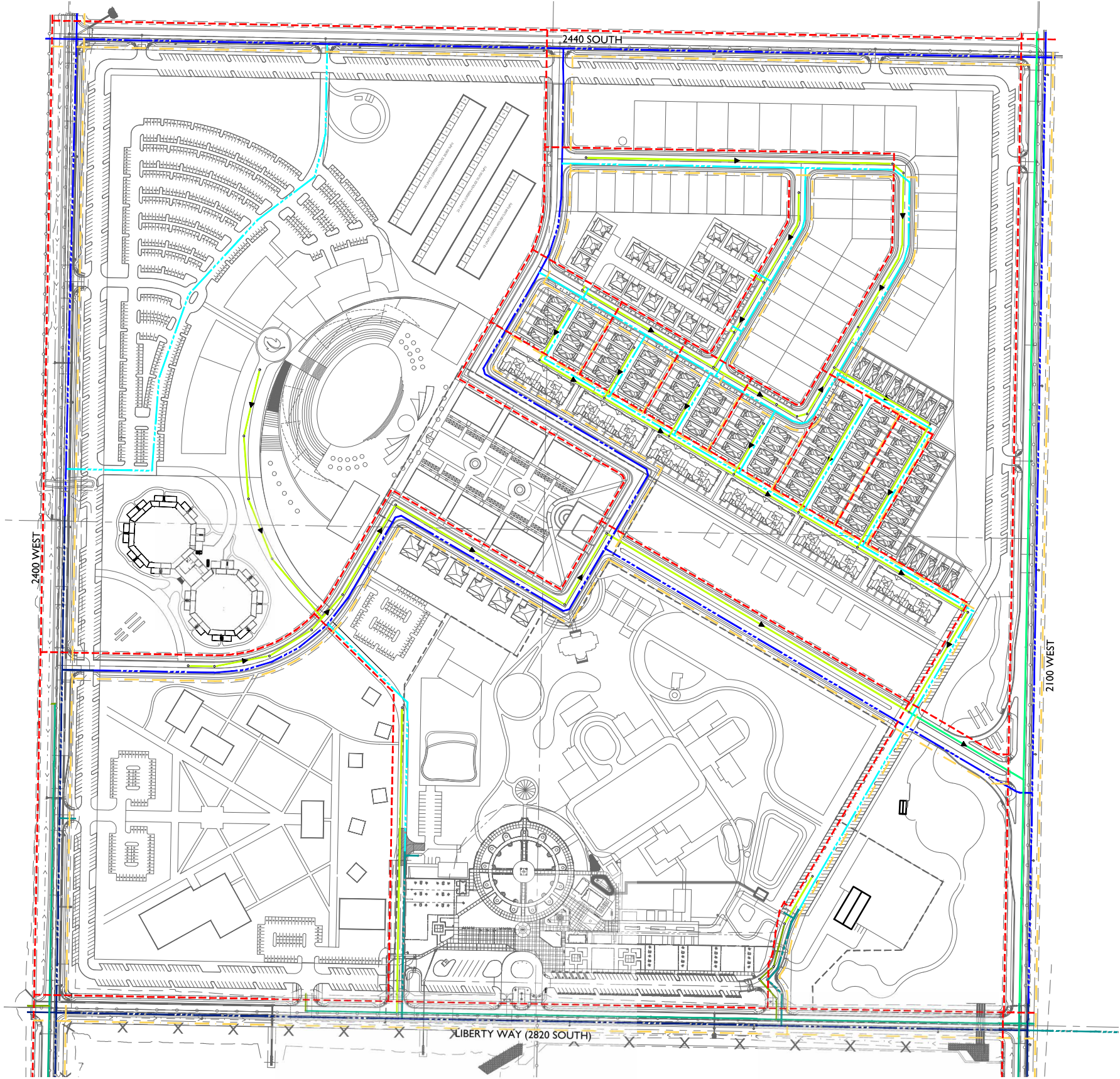
21-0167 - Balance of Nature

May 09, 2025 10:42am S:\Projects\2021\21-0167\Civil\Construction Documents\Exhibit\BON_PDO\21-0167 - BoN - Master Utility Plan.dwg

ttomas

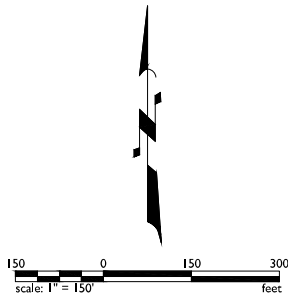
NOTES:

- A. UTILITIES SHOWN ON THIS EXHIBIT ARE INTENDED TO BE PUBLICLY OWNED AND MAINTAINED. UPON FINAL ENGINEERING OF THE PROJECT, PUBLIC AND/OR PRIVATE LINES ARE SUBJECT TO CHANGE DUE TO THE ENGINEERING FINDINGS OF THE ENGINEER, CITY, OR JUC REPRESENTATIVE.
- B. WATER AND SEWER PIPE SIZES ARE SUBJECT TO CHANGE DURING FINAL ENGINEERING OF THE PROJECT. FULL ENGINEERING CALCULATIONS WILL BE PERFORMED BEFORE FINAL JUC APPROVALS, INCLUDING BUT NOT LIMITED TO WATER MODELING TO DETERMINE ADEQUATE PRESSURES AND VELOCITIES IN WATER PIPES.
- C. SEWER LAYOUT IS SUBJECT TO CHANGE DURING FINAL ENGINEERING OF PROJECT TO ENSURE PIPE DEPTHS, PIPE SLOPES, AND PIPE CAPACITIES MEET CITY OF HURRICANE AND ASH CREEK SPECIAL SERVICES DISTRICT REQUIREMENTS.
- D. PUBLIC WATER MAINS OUTSIDE OF DEDICATED RIGHT-OF-WAY AND THROUGH PRIVATE PROPERTY WILL BE DUCTILE IRON PIPE TO THE METER, REGARDLESS OF SIZE.
- E. MINIMUM SEPARATION REQUIREMENTS FOR UTILITIES WILL BE PER HURRICANE CITY STANDARDS SECTION 3.5.1 AND ASH CREEK SPECIAL SERVICES DISTRICT STANDARDS SECTION 4.2.3. MINIMUM SEPARATION REQUIREMENTS WILL BE MAINTAINED IN PUBLIC RIGHT-OF-WAY AND IN PRIVATE DRIVEWAYS.
- F. ALL PUBLIC UTILITIES IN PRIVATE DRIVEWAYS WILL BE INSIDE OF A DEDICATED JOINT UTILITY EASEMENT TO ENSURE ADEQUATE ACCESS FOR SERVICE AND MAINTENANCE.
- G. COORDINATION WITH THE POWER DEPARTMENT, CITY ENGINEER, AND CITY ATTORNEY WILL TAKE PLACE TO ENSURE A NEW CIRCUIT FROM THE THREE FALLS SUBSTATION IS IN PLACE TO SUPPLY POWER TO THE PROJECT.
- H. UTILITIES WILL BE ADEQUATELY SPACED TO ACCOMMODATE FOR FUTURE GAS TO SERVICE THE DEVELOPMENT PER HURRICANE CITY STANDARDS SECTION 3.5.1.



LENGEND

- 8" WATER
- 12" WATER
- EXISTING 8" WATER
- EXISTING 12" WATER
- 8" SEWER
- 12" SEWER
- EXISTING 8" SEWER
- EXISTING 12" SEWER
- FUTURE GAS
- ELECTRIC
- EXISTING ELECTRIC



1130 N Alma School Road
Suite 120
Mesa, AZ 85201
T: 480.503.2250 | F: 480.503.2258
www.epsgroupinc.com

Project:
Balance of Nature
City of Hurricane
Utah

Revisions:

No.	Description	By	Date

UTAH801
DESIGN-BUILD
200.002-4111

Designer: EPS
Drawn by: EPS

Job No.
21-0167

EX01

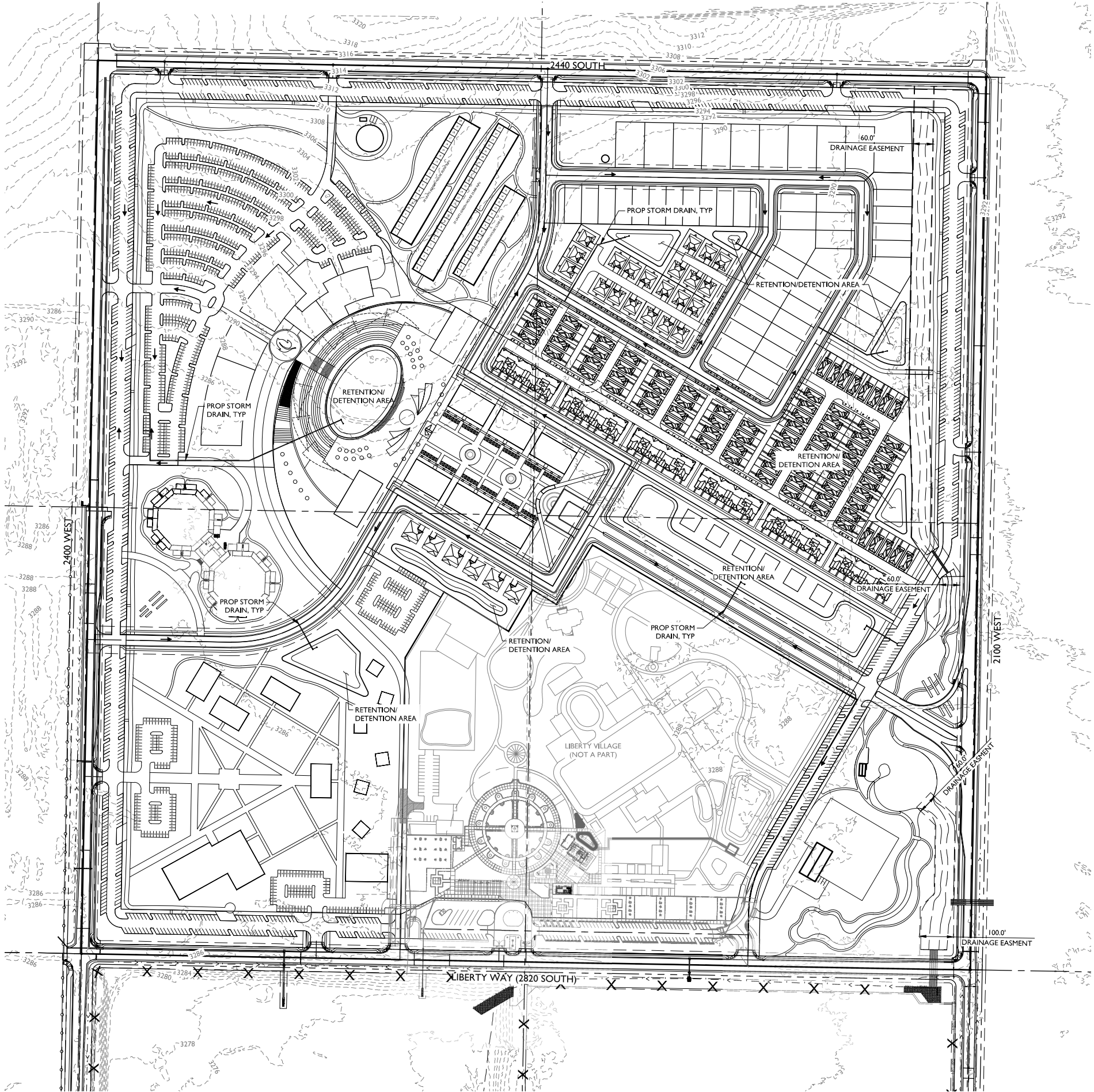
Sheet No.
1
of 1

21-0167 - Balance of Nature

S:\Projects\2021\21-0167\Civil\Construction Documents\Exhibit\BON_PDO\21-0167 - BoN - Master Drainage Exhibit.dwg

schumblay

Apr 10, 2025 12:38pm



1130 N Alma School Road
Suite 120
Mesa, AZ 85201
T: 480.503.2250 | F: 480.503.2258
www.epsgroupinc.com

Project:
Balance of Nature
City of Hurricane
Utah

Revisions:

Call at least two full working days
before you begin your project.

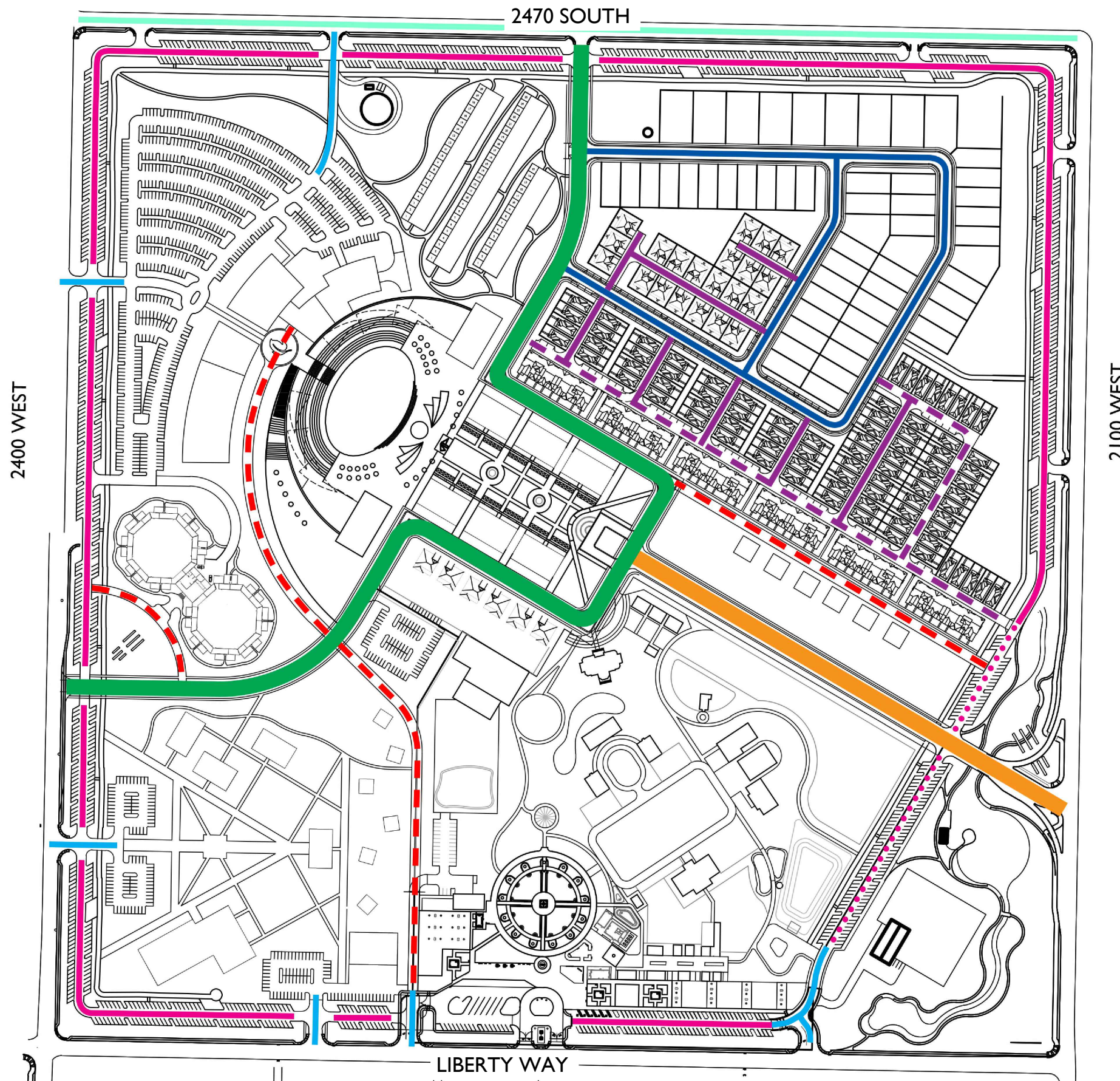
Dial 8-1-1 or 1-800-STATE-IT (782-6343)
in Maricopa County (000015-100)

Designer: EPS
Drawn by: EPS

Job No.
21-0167

Sheet No.
EX01
of 1

Appendix L: Street Section Master Plan



LEGEND

- STREET SECTION 1 - MAIN ACCESS ROAD
- STREET SECTION 2 - MAIN ENTRY ROAD
- STREET SECTION 3 - PERIMETER PARKING CONDITION 1
- STREET SECTION 3 - PERIMETER PARKING CONDITION 2
- STREET SECTION 4 - RESIDENTIAL LOCAL ALTERNATIVE
- STREET SECTION 5 - LIBERTY VILLAGE DRIVEWAYS/ PARKING ACCESS ROAD
- STREET SECTION 6 - PRIVATE DRIVEWAY CONDITION 1 OR 2
- STREET SECTION 6 - PRIVATE DRIVEWAY CONDITION 3
- STREET SECTION 8 - 2470 TYPICAL CROSS SECTION
- FIRE ACCESS PATH SECTION - 26' CONDITION 1 OR 2



STAFF COMMENTS

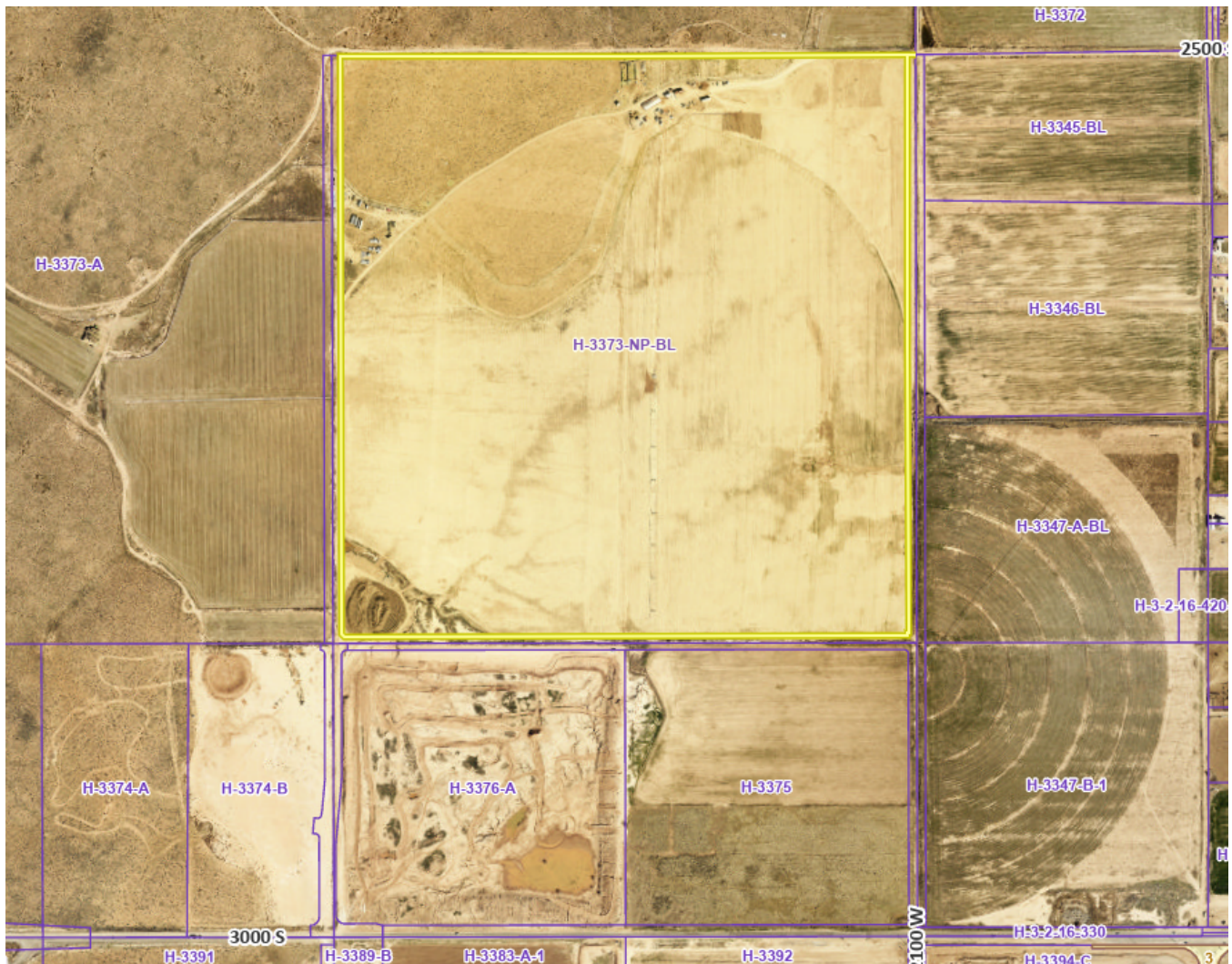
Agenda Date:	05/22/2025 - Planning Commission
Application Number:	ZC25-11 PSP25-08
Type of Application:	Zone Change and Preliminary Site Plan
Action Type:	Legislative
Applicant:	Molly's View LLC
Agent:	Tom Snyder
Request:	A Zone Change Request from R1-10 (PDO) and M-1 to R1-10(PDO) and update the overall PDO and site plan.
Location:	2400 W and Liberty Way
Zoning:	Single Family Residential R1-10/PDO and M-1
General Plan Map:	Mixed-Use
Recommendation:	Approve subject to staff and JUC comments.
Report Prepared by:	Fred Resch III

Discussion:

The applicant is seeking a zone change and PDO update for the Balance of Nature project, located north of 3000 S. This PDO was originally approved in 2021. Liberty Village is part of this development, although now operates independently from Balance of Nature. The applicant is proposing modifications to the overall development and is requesting a zone change to accommodate adjustments in layout, land uses, and development standards.

The primary reason for the requested zoning update is to remove the 27-acre Light Industrial M-1 zone, since a manufacturing facility once planned on the southwest portion of the property will now not be constructed. Additionally, the applicant is requesting changes to the permitted land uses within the development, along with amendments to standards regarding setbacks and building heights, and a request for private street right-of-ways.

	Zoning	Adjacent Land Use
North	RA-1	Undeveloped and Agriculture Land
East	RA-1	Undeveloped and Agriculture Land
South	RA-1, with an Extraction Overlay Zone	Undeveloped and Washington County Water Conservancy District clay extraction pit.
West	RA-1	Undeveloped and Agriculture Land



Zone Change Factors:

For zone change requests, the Planning Commission must consider Hurricane City Code section 10-7-7:

Approval Standards: A decision to amend the text of this title or the zoning map is a matter within the legislative discretion of the city council as described in subsection 10-7-5A of this chapter. In making an amendment, the following factors should be considered:

- 1. Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;*
- 2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;*
- 3. The extent to which the proposed amendment may adversely affect adjacent property;*
and

4. *The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.*

1. Is the proposed amendment consistent with the City's General Plan's goals, objectives, and policies?

Response: The [General Plan Map](#) shows this area as a future Mixed Use:

Mixed use areas should be developed as small districts or community centers offering a mix of retail, dining, entertainment, employment, and supporting residential. These developments should be easy and safe to navigate on foot and located in areas with access to major roads and surrounded with appropriate residential densities to support these uses.

This property was designated as “Mixed Use” on the Future Land Use Map in anticipation of this development. The proposed changes align with the General Plan’s objectives for this area, including fostering a small-town center atmosphere, creating walkable spaces, and maintaining an appropriate residential scale.

Additionally, the General Plan emphasizes economic development through the creation of walkable retail and restaurant centers and the addition of well-paying jobs, such as those planned within this town center (Policy 1.5). It also supports the expansion of medical facilities within Hurricane (see Strategy 1.1).

The Moderate Income Housing Plan further advocates for “mixed density” developments like this one, along with increased residential development near major corridors and job centers.

The proposed changes generally align with the goals and intent of the General Plan.

2. Is the proposed amendment harmonious with the overall character of existing development in the subject property’s vicinity?

Response: Most of the surrounding area remains undeveloped. The properties to the north, east, and west are planned to remain in agricultural use under RA-1 zoning. To the south, the land is used as an extraction pit by the Water Conservancy District. Additionally, there are proposed mixed-use and commercial developments to the south and southwest, near the SR-7 and 3000 S interchange.

3. Will the proposed amendment adversely affect the adjacent property?

Response: The proposed density and land uses can be considered to significantly impact the area, since any change to a largely undeveloped area can be viewed as significant. The addition of commercial, residential, civic, and open space uses will also attract more people than previous levels. Also, the Liberty Village portion of the development could potentially draw additional visitors to the area. If developed as planned, the Balance of Nature project will become a hub for work, living, shopping,

church, school, and medical visits. However, the proposed changes decrease the overall impact of the development from what was previously approved in that a light-industrial use is being removed, along with a reduction in proposed housing density; and the planned amenities within the development, including open spaces and orchards along the boundaries, are expected to enhance the site but also protect surrounding developments and neighborhoods, thus helping to mitigate some of the broader impacts of growth in the area. Therefore, due to the mitigating project enhancements, and also due to the open, undeveloped nature of the surrounding properties, the zone change is not expected to have adverse impacts on the areas adjacent to the site.

4. Are public facilities and services adequate to serve the subject property?

Response: Currently, the area has very limited services, and full buildout of the proposed development will not be possible without significant off-site infrastructure improvements. However, since this is only a modification to the zoning of an already approved development, it is unlikely to substantially impact the region's overall utility status. Furthermore, a development agreement is already in place for the Balance of Nature project which requires that no construction can begin until adequate public facilities are available to support the project. At this time, public facilities and services are not sufficient to support construction of the development, but the development agreement, which will need to be amended upon approval of the requested zone change, ensures that necessary infrastructure will be in place before construction can begin.

Overview of Requested Changes:

- **Removal of M-1 portion of the development**
 - The applicant has informed staff that Balance of Nature's current production facility, located on Old Highway 91 in Hurricane will be expanded to meet their production needs, thus, eliminating the need for the M-1 zoning on the project site.
- **Changes to the overall site plan**
 - While the site plan is substantially similar to what was originally proposed and approved, many of the elements have changed. Liberty Village now takes up a much larger section of the development than originally conceived. The church and school facilities have been removed from the site plan, and the medical center has been moved to the site for the originally planned manufacturing facility. The Headquarters/office facility is now significantly smaller than was originally planned. There is now much more open space proposed on the site plan, and the housing density is notably smaller with 86 fewer residential units now being proposed.
- **Permitted Uses**
 - On the proposed site plan, the applicant has provided a list of permitted uses within the development. These are intended to tie into the standards and uses within Hurricane City Code. Although some uses are not strictly defined, they are substantially similar to defined terms within our code.
 - The Colonial Hotel will need to meet the recently updated definition of a hotel including 24-hour onsite management and at least 10 rentable units.
- **Setbacks**
 - Pursuant to Hurricane City Code (HCC) section 10-23-6, variations in setbacks can be approved: *if the City Council, after receiving a recommendation from the Planning Commission, finds such variation meets the approval criteria set forth in subsection 10-*

23-7B of this chapter and as set forth below. Any such variation shall be explicitly noted in the approval of a preliminary site plan and shall be shown on the approved plan.

1. Variations from the development standards set forth in this chapter are intended to be rare and shall be approved by at least four members of the City Council.

2. The applicant shall bear the burden of persuasion with regard to any request for a variation under this subsection B. Such burden shall include demonstrating that:

a. A proposed project which includes a variation is the result of a substantial amount of advanced planning;

b. Any adverse conditions which may result from the variation will be mitigated; and

c. The variation will result in a substantial benefit not only to persons who will live or work within the project, but also to the City and its citizens generally.

- The applicant is proposing different modified setbacks for their different proposed developments, these requests are outlined in more detail in the application narrative:

- **Large and Small Lot Detached Residential setbacks:** With the exception of increasing the front setback by one foot for the front setback for dwellings these match the current PDO setbacks.

- **Green Court Detached, Alley Loaded Detached, and Townhomes Residential setbacks:** As these are rear loaded units (the garage is in the back of the building rather than the front) the applicant is requesting that the front setback be decreased to 10'. If a driveway is provided, not required if a two car garage is provided, the rear setback will be 20'. Planning staff finds the request generally acceptable, however, reduced setbacks can cause conflicts with utilities. These conflicts can be avoided if the developer plans the development properly and no JUC members objected to the reduced setbacks as part of their comments.

- **Commercial setbacks:** The applicant is requesting no front setback for their commercial developments. Within their Town Center this makes sense to create a walkable mixed use downtown environment, however there may be concerns allowing this in the other commercial areas of the development. In order to allow for proper utility placement the applicant has agreed to allow for increased street side setbacks near utility placements.

- **Building Heights**

- The applicant is requested an increase to the maximum building heights within their development. The current maximum height is 35 feet. The applicant is requesting a 60-foot maximum height in the Town Center, as delineated by the preliminary site plan, and 45 feet in the remainder of their commercial areas. The applicant has provided some architectural renderings that show a European village style of architecture that requires higher building heights to justify the increased height request. Staff believes the additional height is appropriate for the intended look and feel of the development.

JUC Comments

The following comments will need to be addressed:

1. **Public Works:** No comment.
2. **Fire:** [No comments received.]
3. **Sewer:** No comment.
4. **Water:** Will need an updated water model.

5. **Power:**

- a. The general site layout looks cohesive to be able to design power
- b. Power design can only happen if a load chart is given for all buildings that need power service
- c. Talks with power dept, city engineer, and city attorney need to happen to make sure a new circuit from Three Falls Substation is in place to supply power to the project before any load.
- d. An agreement on the building permits will have to be in place with the city if power is not at location at that time.

6. **Streets:** No comment.

7. **Gas:** Okay

8. **Engineering:** Private streets are discouraged. Per HCS 3.2.4, public and private streets must be constructed to the same standards. the city council must clearly specify how/where the streets are allowed to deviate from standard (HCC 7-2-2). Non-typical street cross sections are proposed in this application; engineering supports allowing the non-typical cross sections subject to the redlines provided to the applicant. An updated traffic impact study must be provided (see HCS 3.9.2). More site specific recommendations (i.e. queue lengths/throat lengths and internal traffic control) should be provided by the new report. Access management (spacing [Transportation Master Plan 9.3.2, HCS 3.2.4.2(h), & HCS 3.2.4.3], throat lengths [Transportation Master Plan 9.3.7], and alignment [Transportation Master Plan 9.3.10]) must be observed.

9. **Washington County Water Conservancy District:** “Washington County Water Conservancy District hereby acknowledges that based on the information provided, the plans adequately mitigate interference with district facilities and property interests. The District reserves the right to rescind this acknowledgement if additional information becomes available. The district has not determined whether water will be available for this development and does not hereby make any guarantee of water availability. In addition, the development must conform with applicable district requirements, including but not limited to payment of fees.”

Preliminary Site Plan

1. **Density:** The requested unit count of 239 is 86 units fewer than the currently approved 325 units and equals a density of 1.49 units per acre for the entire development. This is well below the standard 3.5 units per acre density cap within R1-10 (PDO) developments.
2. **Parking:** The majority of the parking is shown to be clustered around the outside of the development. The applicant, as part of the Liberty Village project, submitted a parking study for the overall development which the city accepted. If this zone change is approved, an amended parking study will need to be provided.
3. **Street layouts:** The applicant is proposing that all internal streets within the development be private. However, the City broadly discourages the use of private streets in larger-scale developments due to ongoing concerns regarding utility access and long-term maintenance.
 - a. Per HCC section 10-23-9(F)(1), “*All streets shall be public streets and shall be established according to public street standards adopted by the City*” for Planned Development Overlays (PDO). In addition, HCC section 10-37-13 states that “*The Zoning Administrator shall not authorize a building permit for a dwelling located on a lot accessed only by a private right-of-way.*”

- b. City staff has consistently communicated to the applicants an expectation that all major corridors and streets within the development must be public. Despite this, the applicant has not agreed to revise the proposal. Staff and the Joint Utility Committee have significant concerns about the placement of public utilities in private streets that are not maintained by the City.
4. Preliminary site plans showing the required details under HCC section 10-7-10 will need to be provided for each phase as they are planned to be developed.
5. A phasing plan has been provided showing that the development will be developed in five phases.

Findings

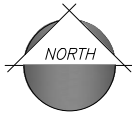
Staff makes the following findings:

1. The proposed site zoning amendment aligns with the General Plan Map and Goals due to the mixed-use nature of the development.
2. While the amendment is generally consistent with the overall character of some proposed developments, there is currently little to no development adjacent to the property. To help buffer the site, the applicant has included open space and orchards along the boundaries.
3. The project is not anticipated to have adverse impacts on the surrounding area. Furthermore, the development was previously considered and anticipated and the proposed changes are likely to reduce the overall impact compared to the previously approved plan.
4. Although public services are currently insufficient to support the development, this zone change amendment is unlikely to have an effect on the situation. The development agreement should be refined to further protect the City's interests.
5. Before final approval by the City Council, the proposed preliminary site plan and development agreement require further refinement to ensure they adequately address infrastructure and planning considerations.

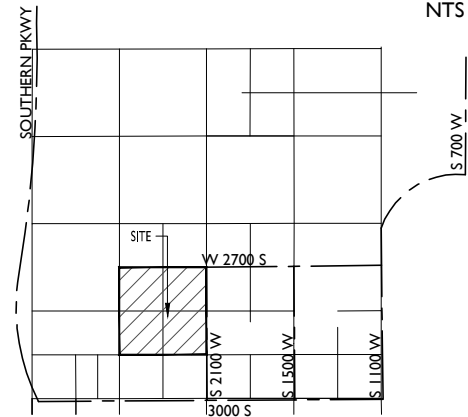
Recommendation: The Planning Commission should review this application and the zone change based on standards within the Hurricane City Code and consider any public comments received at the public hearing. Staff recommends approval of the zone change and preliminary site plan subject to the following conditions:

- The current development agreement shall be updated to include terms relating to zoning, permitted uses, building heights and setbacks, as laid out in the applicant's submission.
- Staff recommends denial of private streets and strongly recommends that all streets within the development be public.
- The development agreement maintain and emphasize the terms relating to ensuring the provision of adequate public facilities.

PRELIMINARY SITE PLAN
FOR
BALANCE OF NATURE GARDENS
"BoN GARDENS"



PROJECT LOCATION



PROJECT TEAM

PROPERTY OWNER: MOLLY'S VIEW LLC 1568 S RIVER RD, STE 200 SAINT GEORGE, UT 84790 CONTACT: DOUGLAS LEX HOWARD	PLANNING & LANDSCAPE ARCHITECTURE: EPS GROUP, INC. 1130 N ALMA SCHOOL RD., SUITE 120 MESA, AZ 85201 TEL: (480)-503-2250 FAX: (480)-503-2258 CONTACT: TOM SNYDER tom.snyder@epsgroupinc.com
ARCHITECT: ORCUTT WINSLOW 2929 N CENTRAL AVE, ELEVENTH FLOOR PHOENIX, AZ 85012 TEL: (602) 257-1764 CONTACT: NEIL TERRY	

PROJECT DATA

A.P.N.:	H-3373-NP-BL
GROSS AREA:	± 159.62 AC
EXISTING LAND USE:	VACANT/ UNDEVELOPED
PROPOSED LAND USE:	MIXED-USE
EXISTING GENERAL PLAN DESIGNATION:	MIXED USE
EXISTING ZONING:	R1-10 & M-1 PDO
PROPOSED ZONING:	R1-10 PDO
RESIDENTIAL UNIT BREAKDOWN:	
LARGE LOT (85' x 135')	APPROVED 9 UNITS
SMALL LOT (50' x 115')	NOT DEFINED 44 UNITS
GREEN COURT	NOT DEFINED 21 UNITS
ALLEY HOMES	NOT DEFINED 81 UNITS
ROW HOUSING	NOT DEFINED 48 UNITS
TOWN CENTER MULTI-FAMILY	NOT DEFINED 36 UNITS
TOTAL UNITS:	325 UNITS 239 UNITS
GROSS RESIDENTIAL DENSITY:	1.50 DU/AC

PERMITTED USES LIST

- LARGE LOT DETACHED RESIDENTIAL
- SMALL LOT DETACHED RESIDENTIAL
- GREEN COURT DETACHED RESIDENTIAL
- ALLEY LOADED DETACHED RESIDENTIAL
- TOWNHOMES ATTACHED RESIDENTIAL
- BARN & CORRAL
- CARRIAGE HOUSE PICK-UP
- CASITAS / LEARNING LABS
- SERVICE BUILDING
- AMPHITHEATER
- CORPORATE OFFICES
- FITNESS/RECREATION
- PERFORMING ARTS CENTER
- SPECIALTY MEDICAL CENTER/ WELLNESS CAMPUS
- COLONIAL CHURCH
- INDEPENDENCE HALL
- RESTAURANT
- VISITOR CENTER/MUSEUM/THEATER
- WALAPINI / GREENHOUSE
- GREENHOUSES
- COLONIAL HOTEL
- TOWN CENTER MIXED-USE *

* USES WITHIN THE TOWN CENTER LIMITS ARE LIMITED TO THE HURRICANE CITY CODE OF ORDINANCES SEC. 10-15-3, TABLE 10-15-1 PERMITTED AND CONDITIONAL USES ALLOWED IN THE GENERAL COMMERCIAL (GC) ZONE, EXCEPT THAT DWELLING, MULTIPLE-FAMILY SHALL BE A PERMITTED USE.

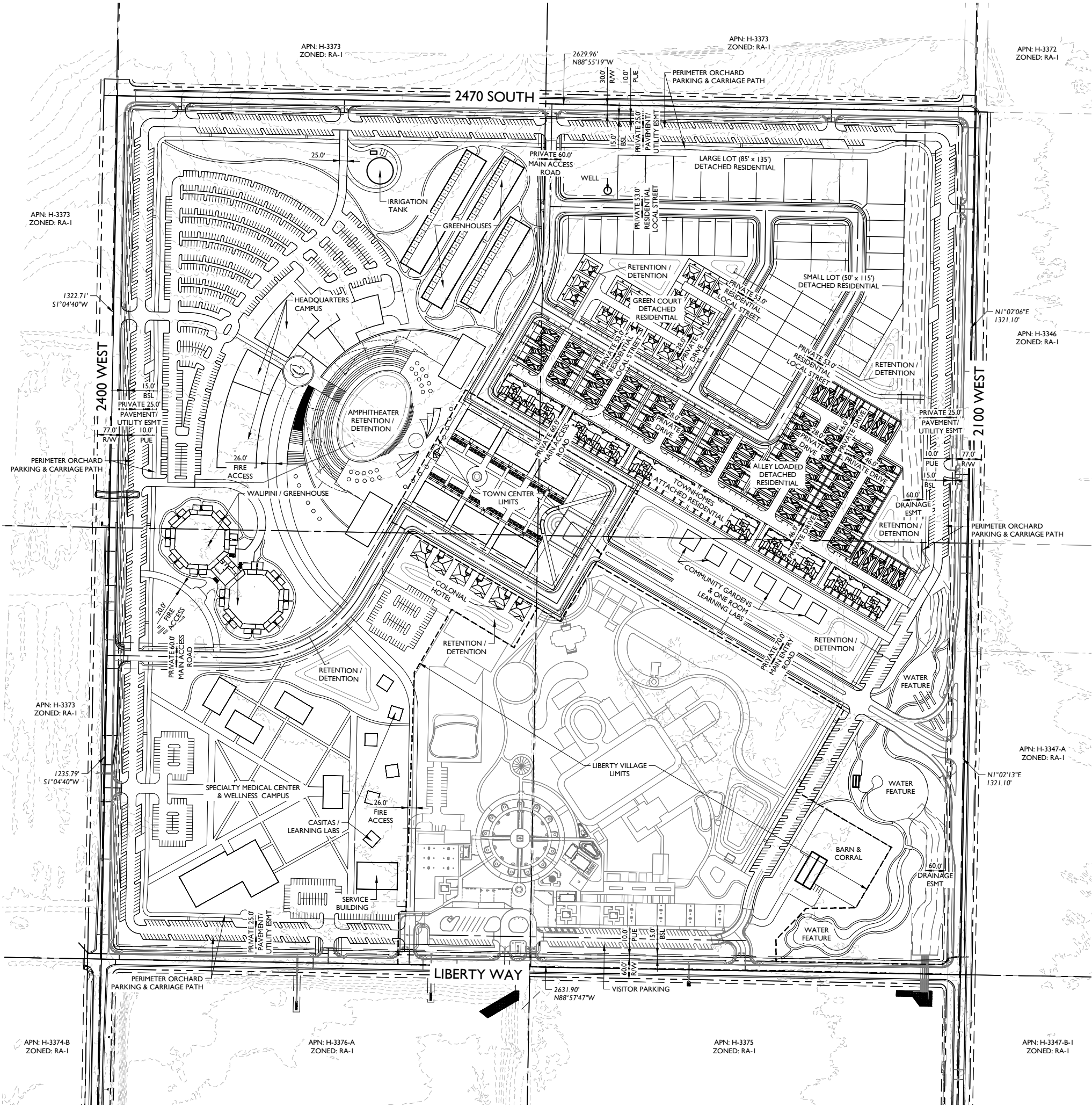
SHEET INDEX

SHEET 1	CS01 COVER SHEET
SHEET 2	SP01 PRELIMINARY SITE PLAN
SHEET 3	SP02 TYPICAL LOT DETAILS & STANDARDS
SHEET 4	SP03 STREET SECTIONS

21-0167 - BoN Gardens

May 14, 2025 2:53pm S:\Projects\2021\21-0167\Planning Drawings\Master Plan_Site Plan\21-0167 - SP01.dwg

thomas



UTILITY NOTES

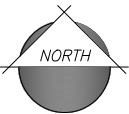
1. UTILITIES SHOWN ON THE CONCEPTUAL MASTER UTILITY PLAN ARE INTENDED TO BE PUBLICLY OWNED AND MAINTAINED. UPON FINAL ENGINEERING OF THE PROJECT, PUBLIC AND/OR PRIVATE LINES ARE SUBJECT TO CHANGE DUE TO THE ENGINEERING FINDINGS OF THE ENGINEER, CITY, OR JUC REPRESENTATIVE.
2. WATER AND SEWER PIPE SIZES ARE SUBJECT TO CHANGE DURING FINAL ENGINEERING OF THE PROJECT. FULL ENGINEERING CALCULATIONS WILL BE PERFORMED BEFORE FINAL JUC APPROVALS, INCLUDING BUT NOT LIMITED TO WATER MODELING TO DETERMINE ADEQUATE PRESSURES AND VELOCITIES IN WATER PIPES.
3. SEWER LAYOUT IS SUBJECT TO CHANGE DURING FINAL ENGINEERING OF PROJECT TO ENSURE PIPE DEPTHS, PIPE SLOPES, AND PIPE CAPACITIES MEET CITY OF HURRICANE AND ASH CREEK SPECIAL SERVICES DISTRICT REQUIREMENTS.
4. PUBLIC WATER MAINS OUTSIDE OF DEDICATED RIGHT-OF-WAY AND THROUGH PRIVATE PROPERTY WILL BE DUCTILE IRON PIPE TO THE METER, REGARDLESS OF SIZE.
5. MINIMUM SEPARATION REQUIREMENTS FOR UTILITIES WILL BE PER HURRICANE CITY STANDARDS SECTION 3.5.1 AND ASH CREEK SPECIAL SERVICES DISTRICT STANDARDS SECTION 4.2.3. MINIMUM SEPARATION REQUIREMENTS WILL BE MAINTAINED IN PUBLIC RIGHT-OF-WAY AND IN PRIVATE DRIVEWAYS.
6. ALL PUBLIC UTILITIES IN PRIVATE DRIVEWAYS WILL BE INSIDE OF A DEDICATED JOINT UTILITY EASEMENT TO ENSURE ADEQUATE ACCESS FOR SERVICE AND MAINTENANCE.
7. COORDINATION WITH THE POWER DEPARTMENT, CITY ENGINEER, AND CITY ATTORNEY WILL TAKE PLACE TO ENSURE A NEW CIRCUIT FROM THE THREE FALLS SUBSTATION IS IN PLACE TO SUPPLY POWER TO THE PROJECT.
8. UTILITIES WILL BE ADEQUATELY SPACED TO ACCOMMODATE FOR FUTURE GAS TO SERVICE THE DEVELOPMENT PER HURRICANE CITY STANDARDS SECTION 3.5.1.

LAND USE BREAKDOWN

USE	AREA	UNIT COUNT
PERIMETER ORCHARD PARKING WITH CARRIAGE PATHS	20.4 AC	NONE
IRRIGATION TANK	0.5 AC	NONE
COMMUNITY GARDENS	2.6 AC	NONE
SPECIAL MEDICAL CENTER & WELLNESS CAMPUS	9.2 AC	NONE
ONE-ROOM LEARNING LABS	1.7 AC	NONE
LIBERTY VILLAGE	27.9 AC	NONE
STAGE/AMPHITHEATER/GREAT LAWN	5.3 AC	NONE
HEADQUARTERS CAMPUS	12.2 AC	NONE
TOWNHOMES ATTACHED RESIDENTIAL	4.2 AC	48 UNITS
GREEN COURT DETACHED RESIDENTIAL	3.3 AC	21 UNITS
ALLEY LOADED DETACHED RESIDENTIAL	8.4 AC	81 UNITS
SMALL LOT SINGLE-FAMILY RESIDENTIAL	8.4 AC	44 UNITS
LARGE LOT SINGLE-FAMILY RESIDENTIAL	3.0 AC	9 UNITS
TOWN CENTER (MIXED-USE)	13.2 AC	36 UNITS
WELL SITE	0.8 AC	NONE
VALIPINI / GREENHOUSE	4.3 AC	NONE
GREENHOUSES	4.5 AC	60 UNITS
CASITAS / LEARNING LABS	1.9 AC	6 UNITS
OPEN SPACE	16.8 AC	NONE
PUBLIC RIGHTS-OF-WAY	10.4 AC	NONE
TOTALS	159.62 AC	239 RESIDENTIAL UNITS

GENERAL NOTES

1. REFER TO SP02 - STREET SECTIONS FOR ACCESS AND UTILITY EASEMENTS WITHIN PRIVATE STREETS AND DRIVEWAYS.
2. A TIA WILL BE PROVIDED DURING FINAL ENGINEERING.
3. THE PRIMARY ENTRY AND ALL ISLAND DESIGNS WILL BE REFINED WITH AASHTO GREEN BOOK SECTION 9.6.3 & HCS 3.2.4.2.



1130 N Alma School Road
Suite 120
Mesa, AZ 85201
T:480.503.2250 | F:480.503.2258
www.epsgroupinc.com



BoN Gardens

Preliminary Site Plan

Project:

Revisions:



Designer: EPS
Drawn by: EPS

Preliminary
Not For
Construction
Or
Recording

Job No.

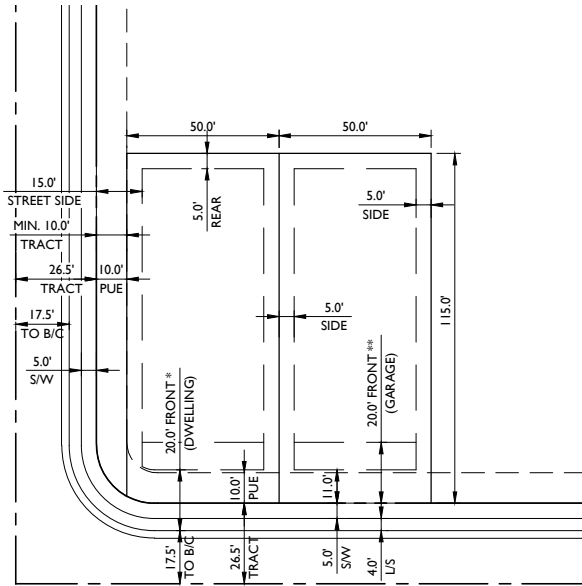
21-0167

SP01

Sheet No.

2
of 4

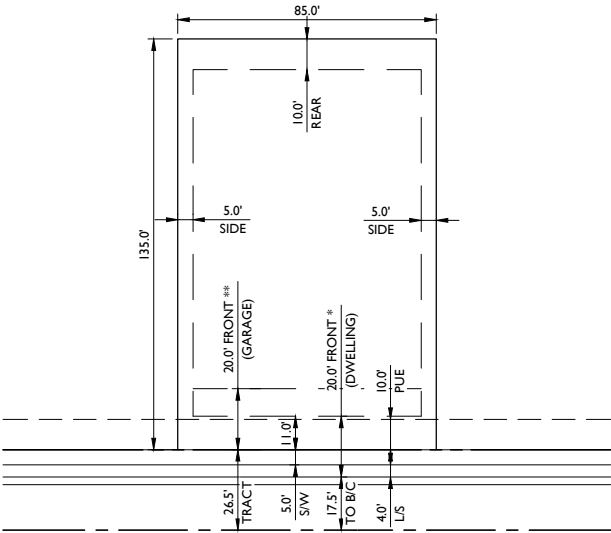
SMALL LOT DETACHED (50' X 115') - TYPICAL LOT DETAIL



SMALL LOT DETACHED (50' X 115') - DEVELOPMENT STANDARDS

MINIMUM BUILDING SETBACKS:		
FRONT *	20'	FROM B/C TO DWELLING
	11'	FROM B/SW TO DWELLING
FRONT **	20'	FROM B/SW TO GARAGE
REAR	10'	(SINGLE-FAMILY OR OTHER STRUCTURES)
	5'	(GARAGE / ACCESSORY)
INTERIOR SIDE YARD	5'	(SINGLE-FAMILY)
	10'	(ALL OTHERS)
STREET SIDE YARD	15'	(CAN INCLUDE 10' TRACT)
AGGREGATE SIDE YARD	N/A	
PERIMETER SETBACK & BUFFER	15'	
MAXIMUM LOT COVERAGE	N/A	

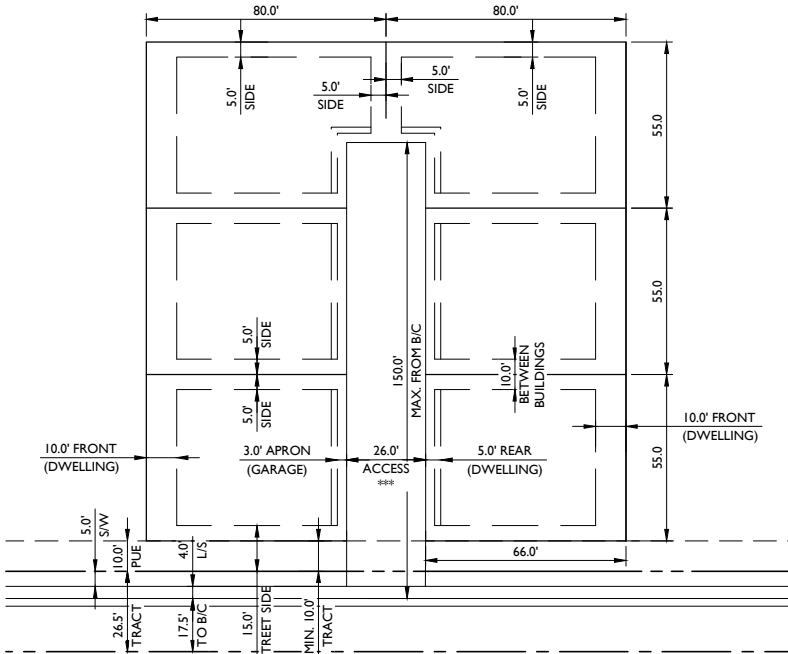
LARGE LOT DETACHED (85' X 135') - TYPICAL LOT DETAIL



LARGE LOT DETACHED (85 X 135') - DEVELOPMENT STANDARDS

MINIMUM BUILDING SETBACKS:		
FRONT *	20'	FROM B/C TO DWELLING
	11'	FROM B/SW TO DWELLING
FRONT **	20'	FROM B/SW TO GARAGE
REAR	10'	(SINGLE-FAMILY OR OTHER STRUCTURES)
	5'	(GARAGE / ACCESSORY)
INTERIOR SIDE YARD	5'	(SINGLE-FAMILY)
	10'	(ALL OTHERS)
STREET SIDE YARD	15'	(CAN INCLUDE 10' TRACT)
AGGREGATE SIDE YARD	N/A	
PERIMETER SETBACK & BUFFER	15'	
MAXIMUM LOT COVERAGE	N/A	

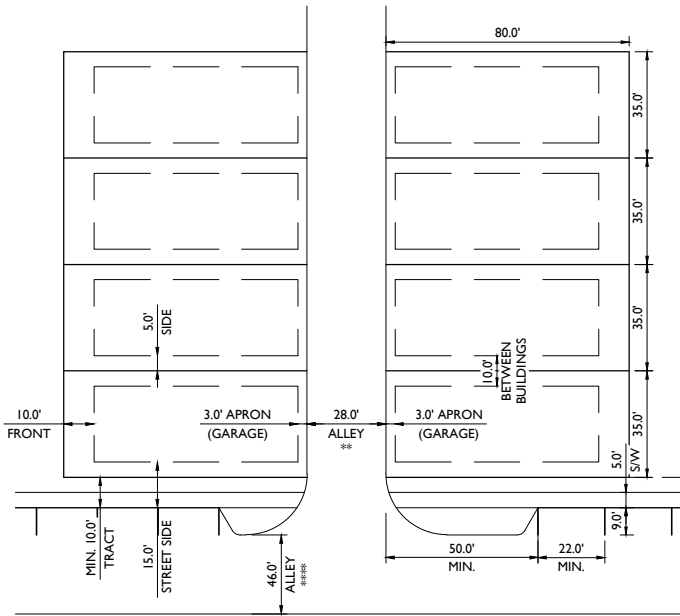
GREEN COURT DETACHED - TYPICAL LOT DETAIL



GREEN COURT DETACHED - DEVELOPMENT STANDARDS

MINIMUM BUILDING SETBACKS:		
FRONT	10'	(DWELLING)
REAR	3'	APRON FROM B/C (GARAGE)
	5'	FROM B/C (DWELLING)
	20'	FROM B/C IF DRIVEWAY PROVIDED
INTERIOR SIDE YARD	5'	(SINGLE-FAMILY)
	10'	(ALL OTHERS)
STREET SIDE YARD	15'	(CAN INCLUDE 10' TRACT)
AGGREGATE SIDE YARD	N/A	
PERIMETER SETBACK & BUFFER	15'	
MAXIMUM LOT COVERAGE	N/A	

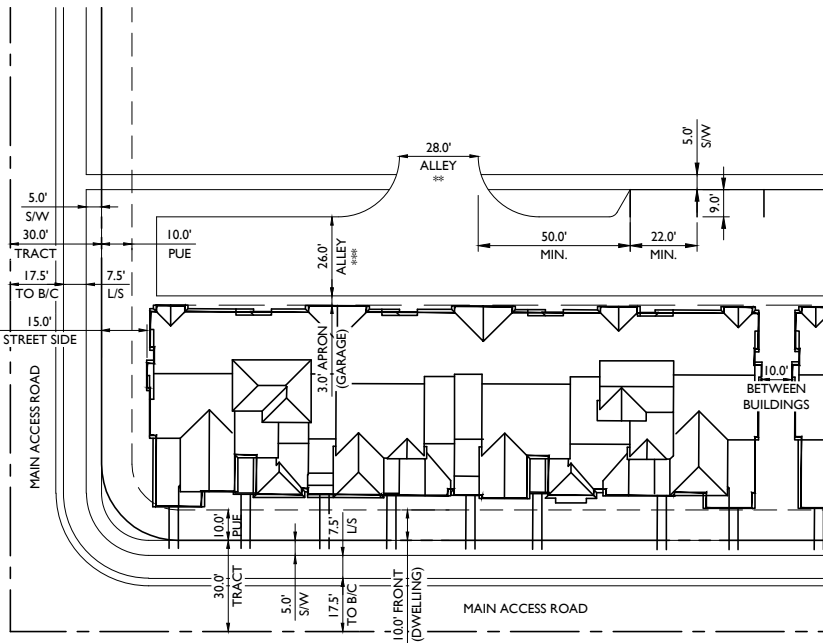
ALLEY LOADED DETACHED - TYPICAL LOT DETAIL



ALLEY LOADED DETACHED - DEVELOPMENT STANDARDS

MINIMUM BUILDING SETBACKS:		
FRONT	10'	
REAR	3'	APRON FROM B/C (GARAGE)
	20'	FROM B/C IF DRIVEWAY PROVIDED
INTERIOR SIDE YARD	5'	(SINGLE-FAMILY)
	10'	(ALL OTHERS)
STREET SIDE YARD	15'	(CAN INCLUDE 10' TRACT)
AGGREGATE SIDE YARD	N/A	
PERIMETER SETBACK & BUFFER	15'	
MAXIMUM LOT COVERAGE	N/A	

TOWNHOMES ATTACHED - TYPICAL LOT DETAIL



TOWNHOMES ATTACHED - DEVELOPMENT STANDARDS

MINIMUM BUILDING SETBACKS:		
FRONT	10'	(DWELLING)
REAR	3'	APRON FROM ALLEY B/C TO GARAGE
INTERIOR SIDE YARD	0'	
STREET SIDE YARD	15'	(CAN INCLUDE 10' TRACT)
AGGREGATE SIDE YARD	N/A	
PERIMETER SETBACK & BUFFER	15'	
MAXIMUM LOT COVERAGE	N/A	

LEGEND

B/C	BACK OF CURB
L/S	LANDSCAPE
PUE	PUBLIC UTILITY EASEMENT
S/W	SIDEWALK
**	PRIVATE DRIVEWAY CONDITION 1
***	PRIVATE DRIVEWAY CONDITION 2
****	PRIVATE DRIVEWAY CONDITION 3

60'-0" TRACT/UTILITY EASEMENT

10.0' PUE 5.0' S/W 7.5' PARK STRIP 2.5' 4.0' BIKE LANE 11.0' TRAVEL LANE 11.0' TRAVEL LANE 4.0' BIKE LANE 2.5' 7.5' PARK STRIP 5.0' S/W 10.0' PUE

30.0" PAVEMENT

STREET SECTION 2 - ORANGE
LOOKING NORTHWEST
73'-0"
TRACT/ UTILITY EASEMENT

10.0' PUE 5.0' S/V 4.0' PARK STRIP 2.5' CARRIAGE LANE / BIKE PATH 12.0' TRAVEL LANE 10.0' RAISED MEDIAN 12.0' TRAVEL LANE 2.5' CARRIAGE LANE / BIKE PATH 4.0' PARK STRIP 5.0' S/V 10.0' PUE

0 FUTURE GAS WATER 20.0' PAVEMENT/FIRE ACCESS 15.5' 20.0' PAVEMENT/FIRE ACCESS ELECTRICAL SEWER 0

Diagram illustrating the proposed parking lot layout with dimensions:

- 9.0' PARK STRIP
- 17.9' ANGLED PARKING
- 12.5' TRAVEL LANE
- 12.5' TRAVEL LANE
- 17.9' ANGLED PARKING
- 9.0' PARK STRIP
- 25.0' PAVEMENT (covering the two travel lanes)
- 59.8' PARKING (total width)

SECTION 3 - PINK PARKING DRIVE ISLE
LOOKING NORTHEAST

9.0' PARK STRIP

17.9' ANGLED PARKING

12.5' TRAVEL LANE

12.5' TRAVEL LANE

17.9' ANGLED PARKING

9.0' PARK STRIP

ELECTRIC

SEWER

5.0'

9.5'

MIN. 7.0'

WATER

FUTURE GAS

10.0' PUE

25.0' WATER/SEWER EASEMENT

10.0' PUE

59.8' PARKING

Figure 10: Typical Section of a 30' Wide Two-Lane Roadway with 53' Right-of-Way. The diagram illustrates the cross-section of a road with a 30-foot pavement width and a 53-foot total right-of-way. The pavement includes two 10-foot travel lanes, 5-foot shoulders, 2.5-foot park strips, and 5-foot S/V (Shoulder/Vehicle) areas. The right-of-way includes 10-foot PUE (Public Utility Easement) areas, 5-foot S/V areas, 4-foot park strips, and 2.5-foot shoulders. Trees and pedestrians are shown on the shoulders, and cars are in the travel lanes.

The diagram illustrates a cross-section of a 25-foot wide pavement. The total width is labeled as 25.0' PAVEMENT. The layout includes the following zones and dimensions from left to right:

- 8.0' PUJ**: Public Utility Junction zone.
- 5.0' S/VV**: Shoulder/Vehicle Way zone.
- 7.0' PARK STRIP**: Park strip zone.
- 2.5' SHOULDER**: Shoulder zone.
- 5'**: A narrow 5-foot zone.
- 11.0' TRAVEL LANE**: Left travel lane.
- 11.0' TRAVEL LANE**: Right travel lane.
- 5'**: A narrow 5-foot zone.
- 2.5' SHOULDER**: Shoulder zone.
- 7.0' PARK STRIP**: Park strip zone.
- 5.0' S/VV**: Shoulder/Vehicle Way zone.

Additional features include a central dashed line, trees on both sides, and a person walking on the far right. The top of the diagram is labeled **54'-0" TRACT/UTILITY EASEMENT**.

The diagrams illustrate two cross-sections of a 28-foot wide road. The left diagram shows a car in the center with a 1.0-foot shoulder on the right and 2.5-foot shoulders on the left. The right diagram shows a car in the center with a 1.0-foot shoulder on the right and 2.5-foot shoulders on the left. Both diagrams show a 28.0-foot pavement/water/sewer easement. The left diagram has 11.5-foot travel lanes and 5.0-foot water/sewer easements. The right diagram has 14.0-foot travel lanes and 5.0-foot water/sewer easements.

The diagram illustrates a 46'-0" wide TRACT/UTILITY EASEMENT. It shows a cross-section of the road with a 34'-0" PAVEMENT width. The road is divided into sections: 12.5' TRAVEL LANE, 12.5' TRAVEL LANE, 9.0' PARALLEL PARKING, and 5.0' S/W. A 5.0' MIN. clearance is shown for a pedestrian and a child. A 1.5' clearance is shown for a vehicle. The diagram also shows the layout of utilities: GAS, WATER, and SEWER. The 12.5' TRAVEL LANE is labeled with 10.0' MIN. and 7.0' MIN. dimensions. The 9.0' PARALLEL PARKING is labeled with 10.0' MIN. and 5.0' MIN. dimensions. The 5.0' S/W is labeled with 5.0' MIN. and 1.5' dimensions.

Diagram illustrating two conditions for sidewalk cross-sections, showing the relationship between the sidewalk, tree setback, and utility easement.

CONDITION 1:

- Tree Setback: 5.0'
- Stabilized DG (Ditch/Gutter): 10.0'
- Concrete Sidewalk: 3.0'
- SEWER (AS NEEDED): 8.0' S/VV
- WATER (AS NEEDED): 18.0' STABILIZED DG
- Total Access/Utility Easement: 26.0'

CONDITION 2:

- Tree Setback: 8.0'
- Stabilized DG (Ditch/Gutter): 10.0'
- Concrete Sidewalk: 8.0'
- SEWER (AS NEEDED): 26.0' CONCRETE
- WATER (AS NEEDED): 26.0' ACCESS/UTILITY EASEMENT
- Total Access/Utility Easement: 26.0'

60'-0" RIGHT-OF-WAY

10.0' PUE 5.0' S/W 5.5' PARK STRIP 2.5' 5.0' BIKE LANE 12.0' TRAVEL LANE 12.0' TRAVEL LANE 5.0' BIKE LANE 2.5' 5.5' PARK STRIP 5.0' S/W 10.0' PUE

34.0' PAVEMENT

ORDINANCE NO ZC25-11

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE APPROVING THE REZONE FOR PARCEL H-3373-NP-BL FROM LIGHT INDUSTRIAL (M-1) TO SINGLE FAMILY RESIDENTIAL 10 (R1-10) AND PLANNED DEVELOPMENT OVERLAY (PDO)

WHEREAS, Utah Code 10-9a allows Cities to regulate land use within their boundaries; and

WHEREAS, the proposed amendment is generally compatible with the current General Plan; and

WHEREAS, the proposed amendment is generally in harmony with the overall character of the proposed surrounding development; and

WHEREAS, the proposal will not have an adverse impact on the surrounding area; and

WHEREAS, there are adequate facilities to support the proposed zone change; and

WHEREAS, the Planning Commission gave a positive recommendation on the proposed zone change.

BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF HURRICANE CITY THAT:

That parcel H-3373-NP-BL is rezoned from Light Industrial (M-1) to Single Family Residential 10 (R1-10) and Planned Development Overlay (PDO).

PASSED AND APPROVED on this 5th day of June 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 5th day of June 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, City Recorder

EXHIBIT A
ZONING MAP



STAFF COMMENTS

Item: Consideration and possible approval of Ordinance 2025-12 amending Title 10, Chapter 43 regarding site-built dwelling units in platted RV parks; Land Use Code Amendment No. LUCA25-04.

Discussion:

Updated for 8/7/25 - This item was continued at the July 3, 2025 City Council meeting to allow the applicant to meet on site with city staff and a representative of the City Council to discuss possible alternative proposals. That meeting occurred on July 22, 2025. At the conclusion of the meeting, the applicant stated that he intended to provide an updated proposal for staff to review; staff is awaiting the updated materials. – Gary Cupp

Project Description

The applicant is requesting a change to the Hurricane City Land Use Code, Title 10, regarding development standards for permanent site-built dwellings (i.e., “stick-built” single-family homes) in platted RV parks such as Canyons RV. Generally, site-built units are not permitted in RV parks, since RV parks are intended for RV camping and limited manufactured home use. Canyons RV Park is unusual because it is a platted RV park subdivision that has been developed mostly with permanent residential units. This is because in 2019, the same applicant petitioned the City to change the code to allow stick-built dwelling units for lots in platted RV park subdivisions that were recorded prior to January 2020. The 2019 code change was adopted with the following language: *“However, a site built dwelling unit up to 900 square feet inclusive of covered porches not exceeding 15’ high shall be permitted on a deeded RV lot included in an RV subdivision recorded in the office of the County Recorder before January 2020 that is served by an individual water meter and individual power meter and that does not result in coverage of more than 50% of the lot in structures.”* However, the size and height limits have prevented the construction of garages on the site-built homes; therefore, the applicant is requesting that these restrictions be adjusted to facilitate garage construction. The height limit is proposed to be increased to 35 feet, and the 900-square-foot size limit is proposed to apply to the building footprint. These changes would allow the homes to expand to two stories in height and 1,250 to 1,400 square feet in size.

Planning Commission Meeting

A public hearing on the item was held at the May 22, 2025, planning commission meeting and no public comments or objections were received. The planning commissioners discussed the item and expressed support for the proposed code change. The commissioners felt that the changes would improve a bad situation that had inadvertently been created with the old park-model dwellings that were approved for the Canyons RV Park several decades ago. They also felt that the code change might help to provide needed affordable housing options. And although this is a general code update,

the commission was comfortable with the global nature of the changes, since Canyons RV Park is the only RV park subdivision with separate water meters that was recorded prior to January 2020, and these standards could therefore only be applied to Canyons RV. In other words, there are no other RV parks that would be allowed to construct 1,400-square-foot, two-story, site-built homes. The Planning Commission unanimously recommended approval of the proposed code update for Canyons RV.

Findings:

Recommendation:

**Application**

Application Accepted Date: 05/01/2025		Valuation		\$	0.00																				
Type of Improvement: Land Use Code Amendment Application		PERMIT FEES																							
Description:		Planning Fee		\$	500.00																				
Tenant / Project Name: Canyons RV Resort		Planning Fee		\$	500.00																				
Bldg. Address: 100N 2750 W		Sub Total:		\$	500.00																				
City: Hurricane City State: UT Zip: 84737		Permit Total:		\$	500.00																				
Subdivision: Canyons RV Resort Phase:		Amount Paid:		\$	500.00																				
Block: Lot #: multiple Parcel ID #: Multiple Tax ID's		Remaining Due:		\$	0.00																				
Zone: MH/RV																									
Property Owner: Western Commercial Real Estate, PLLC																									
Permit Contact: Joby Venuti P:(435) 632-5629		APPROVALS DATE INFO																							
Email: joby@netutah.com																									
CONTACT INFORMATION																									
Engineer of Record: Rosenberg & Associates																									
Email: brandona@racivil.com P: (435) 673-8586																									
General Contractor: Western CRE																									
License #: P: (435) 632-5629																									
City: State: Zip:																									
Email: joby@netutah.com																									
APPLICATION DETAILS																									
# of Units: 0 custom text:																									
						<table border="1"><thead><tr><th>Setbacks</th><th>Front:</th><th>Rear:</th><th>Left:</th><th>Right:</th></tr></thead><tbody><tr><td>Min.</td><td></td><td></td><td></td><td></td></tr><tr><td>Actual:</td><td></td><td></td><td></td><td></td></tr></tbody></table>					Setbacks	Front:	Rear:	Left:	Right:	Min.					Actual:				
						Setbacks	Front:	Rear:	Left:	Right:															
						Min.																			
Actual:																									
APPLICATION NUMBER: PLANLUCA25-04																									
<small>This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I here-by certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury. Maintenance Deposit is refundable after final inspection if: 1) site is kept clean 2) building is NOT occupied prior to final inspection and issuance of Certificate of Occupancy.</small>																									
Applicant Name: Joseph Venuti																									
Signature of Applicant/Authorized Agent or Owner: Date:																									
Application Approved By: Date:																									
Application Issued By: Date:																									
Receipt #: 230222562-05/01/25																									



PLANNING & ZONING
HURRICANE CITY
UTAH

147 N 870 W Hurricane UT
PHONE: 435.635.2811 FAX: 435.635.2184

LAND USE ORDINANCE TEXT AMENDMENT CHECKLIST

For office use only: \$500.00 Fee

The proposed text amendment would be to what Chapter and section of the current Land Use Code: _____

Section 10-43-6. D.1.

The purpose this change would accomplish _____


See Attached

- 1) If the proposed request is to create a new zone applicant shall attach a purpose statement for this new zone as found in Chapter 11 for the existing zones. Purposed uses and standards shall be submitted as found in the appropriate zoning group; Residential, Residential Agricultural, Commercial, Industrial, or Open Space and Public Facility Zones.

Note: It is important that all applicable information noted above along with the fee is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Planning Commission meetings are held on the second and fourth Thursday of each month at 6:00 p.m. The deadline for submission is 14 days prior to the desired meeting. Once your application is deemed complete, it will be put on the agenda for the next Planning Commission meeting. A deadline missed or an incomplete application could result in a month's delay.

.....
I (we) have read and understand the requirements of this application and all information is true and accurate to the best of my (our) abilities.

Applicant Name: Western Commercial Real Estate, PLLC Date: 05-01-2025

Signature: 
Joseph Venuti, Manager



STAFF COMMENTS

Agenda Date:	05/22/2025 - Planning Commission
Application Number:	LUCA25-04
Type of Application:	Land Use Code Amendment
Action Type:	Legislative
Applicant:	Joby Venuti
Agent:	Rosenberg & Associates
Request:	Amend Title 10, Chapter 43 regarding site built dwellings in platted RV parks.
Zoning:	Mobile Home/RV Park MH/RV
Recommendation:	Recommend approval to the City Council.
Report Prepared By:	Fred Resch III

Discussion:

The applicant is requesting a change to the Hurricane City Land Use Code regarding permanent site-built dwellings (i.e. “stick-built” single-family homes) in platted RV parks. Generally, site-built units are not permitted in RV parks, since RV parks are intended for RV camping and some manufactured home use. The applicant is the developer within Canyons RV park. Canyons RV park is unusual due to the mostly permanent residential nature of a site that is a platted RV park subdivision. In 2019 the applicant petitioned the City to change the code to allow for stick-built dwelling units for lots in platted RV park subdivisions that were recorded prior to January 2020. This code was adopted with the following language: *“However, a site built dwelling unit up to 900 square feet inclusive of covered porches not exceeding 15’ high shall be permitted on a deeded RV lot included in an RV subdivision recorded in the office of the County Recorder before January 2020 that is served by an individual water meter and individual power meter and that does not result in coverage of more than 50% of the lot in structures.” (HCC 10-43-6(D)(1))*

Because of the restrictions on building height and size included in the code cited above, the site-built dwellings constructed in Canyons RV park over the past several years have been built without garages. As the developer prepares additional lots, the applicant is requesting the height restriction be removed, so the buildings can be built with a garage and living space on the now-permissible second story. Staff does not have any inherent concerns with the proposal.

Recommendation:

The Planning Commission should consider the proposed ordinance amendment and any public comments received at the public hearing. Staff recommends the Planning Commission make a recommendation of approval to the City Council.

Sec. 10-43-6. Development standards.

The development of a manufactured home park or subdivision, or recreational vehicle park shall conform to applicable standards and requirements of this section and as set forth in table 10-43-1 of this section unless modified by a planned development approved pursuant to chapter 23 of this title.

A. *General requirements.*

1. *Layout.* Land not contained within individual lots or spaces, roads, or parking shall be set aside and developed as parks, playgrounds, trails, and service areas for the common use and enjoyment of occupants of the development, and the visitors thereto.
2. *Location.*
 - a. A manufactured home subdivision may be located on any lot as allowed by the zone where the lot is located;
 - b. A recreational vehicle park should generally be located:
 - (1) Adjacent to or in close proximity to a major collector or arterial road as shown in the City's transportation master plan;
 - (2) Near adequate shopping facilities.
3. *Plan preparation.* Plans for a manufactured home park or subdivision or recreational vehicle park shall be prepared by a licensed architect, licensed engineer, and/or licensed land surveyor.

B. *Building standards.* All standards shown in table 10-43-1 of this section must be met.

C. *Site improvements.*

1. *Access to lots and spaces.* Sufficient access shall be provided to each manufactured home or recreational vehicle lot or space to allow maneuvering of homes or vehicles into position.
 - a. The accessway shall be kept free from trees and other obstructions.
 - b. Paving under a manufactured home is not required if adequate support is provided as required by applicable building codes. Use of planks, steel mats or other means to support the manufactured home during placement is allowed so long as the same are removed upon completion of placement.
2. *Common area.* Except for a manufactured home subdivision, one or more common areas equal to at least ten percent of the land area of the development shall be set aside for the joint use and enjoyment of occupants. Land covered by vehicular roadways, sidewalks, and off street parking shall not be included in calculating this ten percent common area requirement; provided, however, that in initial phases of development, the minimum area shall be not less than one-half acre or ten percent of the land area under development, whichever is greater.
3. *Connection to City services.* Each manufactured home or recreational vehicle shall be connected to the City water system and the Ash Creek special service district wastewater disposal system, except as otherwise allowed by the regulations for such systems.
4. *Landscaping.* Any area not covered by a manufactured home or recreational vehicle, hard surfacing, or a building shall be landscaped per an approved site plan.
5. *Laundry.* A laundry may be provided for the convenience of residents within a manufactured home park or subdivision or recreational vehicle park, but not for the general public.

-
6. *Lighting.* Lighting shall be provided to meet safety standards and the lighting guidelines in section 10-33-7 of this title and shall be shown on the site plan.
 7. *Parking.* Off street parking requirements for a manufactured home park or subdivision or recreational vehicle park shall be provided on each lot or space as follows:
 - a. Manufactured home park or subdivision: two parking spaces per lot or space.
 - b. Recreational vehicle park: one parking space per RV space.
 - c. Each parking space shall have a minimum width of nine feet and minimum depth of 18 feet.
 - d. Before a lot or space may be occupied, all off street parking areas and driveways shall be surfaced with a material acceptable to the City.
 8. *Roadway design.* Accessways within a manufactured home park or recreational vehicle park shall conform to construction design standards and specifications adopted by the City unless modified by a planned development approved pursuant to chapter 23 of this title.
 9. *Roads within a manufactured home subdivision.* Roads within a manufactured home subdivision shall conform to construction design standards and specifications adopted by the City unless modified by a planned development approved pursuant to chapter 23 of this title.
 10. *Skirting.* Each manufactured home shall be skirted.
 11. *Storage, waste receptacles, and additions.*
 - a. All storage and solid waste receptacles other than individual homeowner trash receptacles shall be contained within an enclosure at least six feet high.
 - b. All patios, carports, garages and other additions to a manufactured home shall be compatible in design and construction with the associated home. Such facilities shall be constructed in accordance with applicable building codes and kept in good repair.
 12. *Storm drainage facilities.* Storm drainage facilities shall be constructed to protect residents of the development as well as adjacent property owners in accordance with applicable provisions of this Code and the adopted storm drainage plan as reasonably determined by the City Engineer.
- D. *Standards specific to recreational vehicle parks.*
1. No manufactured homes or site built dwelling units shall be permitted, except for that of the owner/manager and permanent maintenance personnel. However, a site built dwelling unit up to a footprint of 900 square feet inclusive of covered porches and a maximum height of 35 feet shall be permitted on a deeded RV lot included in an RV subdivision recorded in the office of the county recorder before January 2020 that is served by an individual water meter and individual power meter and that does not result in coverage of more than 50 percent of the lot in structures.
 2. Recreational vehicle parks shall not be designed for use as permanent residences, except for that of the owner/manager and permanent maintenance personnel. All recreational vehicles within a recreational vehicle park shall display current license plates/tags.
 3. Reserved.
 4. Each park must provide an adequate and easily identifiable office or registration area. The location of the office shall not interfere with the normal flow of traffic into and out of the recreational vehicle park.

5. Each recreational vehicle unit shall be equipped with wheels, which remain on the unit; however, the wheels may be blocked for stability.
6. No permanent room additions shall be attached to recreational vehicles, nor shall any permanent structure be constructed on a recreational vehicle lot except shade structures open on three sides that conform to current NFPA standards for recreational vehicle parks and campgrounds.
7. A minimum of one toilet, one sink, and one hot shower, each designed for complete privacy, for each 40 spaces, or fraction thereof, is required.
8. Conversion of an established residential park to another residential use shall be subject to review and approval based on codes and zones in place at the time of conversion. A zone change will be required.

E. *Table 10-43-1.*

TABLE 10-43-1
DEVELOPMENT STANDARDS MANUFACTURED HOME AND RECREATIONAL VEHICLE PARKS AND
SUBDIVISIONS

Development standard	Manufactured home subdivision	Manufactured home park	Recreational vehicle park
General standards:			
Location	See subsection A2 of this section		
Minimum development size	10 acres	10 acres	5 acres
Ownership	Individual lots	Park must remain single parcel	Park must remain single parcel
Plan preparation	Licensed architect, licensed engineer and/or licensed land surveyor required; see subsection A3 of this section		
Required zone	MH/RV; see chapter 13 of this title		
Building standards:			
Maximum height, service building	35 ft.	35 ft.	35 ft.
Maximum height, accessory building	12 ft.	12 ft.	12 ft.
Lot/space standards:			
Minimum lot/space area	5,700 sq. ft.	4,000 sq. ft.	1,000 sq. ft.
Minimum lot/space width	60 ft.	50 ft.	As allowed under the NFPA 1194 standard for RV parks and

			campgrounds as it currently exists and as it may be amended in the future
Minimum lot/space depth	95 ft.	70 ft.	40 ft.
Setback standards:			
Front yard	15 ft.	15 ft.	5 ft.
Rear yard	10 ft.	10 ft.	5 ft.
Side yard, interior	10 ft.	8 ft.	7 ft.
Side yard, street	20 ft.	15 ft.	7 ft.
Accessory building	5 ft.; if adjacent to exterior boundary or utility easement, then 10 ft.	3 ft.; if adjacent to exterior boundary or utility easement, then 7.5 ft.	5 ft.
Separation between structures	20 ft.	20 ft.	14 ft.
Site improvements:			
Access to lots and spaces	Sufficient area to maneuver homes or vehicles required; see subsection C1 of this section		
Common area	Not required	10% of land area; see subsection C2 of this section	
Connection to City services	Must connect to City water system and Ash Creek special service district wastewater disposal system; see subsection C3 of this section		
Landscaping	Open and unpaved areas must be landscaped; see subsection C4 of this section		
Laundry	Laundry may be provided for residents, but not general public; see subsection C5 of this section		
Roadway and accessway design	See subsections C8 and C9 of this section		

(Ord. 2014-10, 11-6-2014; Ord. 2019-04, 5-2-2019; Ord. 2020-05, 2-6-2020; Ord. No. 2023-13, 8-3-2023)

Created: 2025-05-09 16:10:59 [EST]

(Supp. No. 4, Update 1)

This request is to change the language in Section 10-43-6. D. 1. to read - a site built dwelling unit **with a footprint** up to 900 square feet... No other changes are being requested

This request is being made so that the buyers can add garages in the 900 s.f. on the main floor and a second floor for living in the small houses being constructed in the Canyons. The second floor would allow the houses to be approximately 1,250 s.f. to 1,400 s.f.

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING TITLE 10, CHAPTER 43 WITH REGARDS TO DEVELOPMENT STANDARDS FOR SITE BUILT DWELLING UNITS IN PLATTED RV PARK SUBDIVISIONS

WHEREAS, the City Council of Hurricane, Utah desires to amend Title 10, Chapter 43 of the Hurricane City Code governing development standards for site built dwelling units in platted RV park subdivisions; 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 43, Section 10-43-6(D)(1) of the Hurricane City Code is amended to read as follows:

D. Standards specific to recreational vehicle parks.

1. No manufactured homes or site built dwelling units shall be permitted, except for that of the owner/manager and permanent maintenance personnel. However, a site built dwelling unit up to a footprint of 900 square feet inclusive of covered porches and a maximum height of 35 feet shall be permitted on a deeded RV lot included in an RV subdivision recorded in the office of the county recorder before January 2020 that is served by an individual water meter and individual power meter and that does not result in coverage of more than 50 percent of the lot in structures.

BE IT HEREBY FURTHER ORDAINED, by the City Council of Hurricane, Utah that Title 10, Chapter 43, Section 10-43-6(E) of the Hurricane City Code is amended to read as follows:

E. Table 10-43-1.

TABLE 10-43-1
DEVELOPMENT STANDARDS MANUFACTURED HOME AND RECREATIONAL VEHICLE PARKS
AND SUBDIVISIONS

Development standard	Manufactured home subdivision	Manufactured home park	Recreational vehicle park
General standards:			
Location	See subsection A2 of this section		
Minimum development size	10 acres	10 acres	5 acres

Ownership	Individual lots	Park must remain single parcel	Park must remain single parcel
Plan preparation	Licensed architect, licensed engineer and/or licensed land surveyor required; see subsection A3 of this section		
Required zone	MH/RV; see chapter 13 of this title		
Building standards:			
Maximum height	35 ft.	35 ft.	35 ft.
Maximum height, accessory building	12 ft.	12 ft.	12 ft.
Lot/space standards:			
Minimum lot/space area	5,700 sq. ft.	4,000 sq. ft.	1,000 sq. ft.
Minimum lot/space width	60 ft.	50 ft.	As allowed under the NFPA 1194 standard for RV parks and campgrounds as it currently exists and as it may be amended in the future
Minimum lot/space depth	95 ft.	70 ft.	40 ft.
Setback standards:			
Front yard	15 ft.	15 ft.	5 ft.
Rear yard	10 ft.	10 ft.	5 ft.
Side yard, interior	10 ft.	8 ft.	7 ft.
Side yard, street	20 ft.	15 ft.	7 ft.
Accessory building	5 ft.; if adjacent to exterior boundary or utility easement, then 10 ft.	3 ft.; if adjacent to exterior boundary or utility easement, then 7.5 ft.	5 ft.
Separation between structures	20 ft.	20 ft.	14 ft.
Site improvements:			
Access to lots and spaces	Sufficient area to maneuver homes or vehicles required; see subsection C1 of this section		
Common area	Not required	10% of land area; see subsection C2 of this section	

Connection to City services	Must connect to City water system and Ash Creek special service district wastewater disposal system; see subsection C3 of this section
Landscaping	Open and unpaved areas must be landscaped; see subsection C4 of this section
Laundry	Laundry may be provided for residents, but not general public; see subsection C5 of this section
Roadway and accessway design	See subsections C8 and C9 of this section

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 5th day, June 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 5th day of June 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



Application

Type of Improvement: <u>Zone Change Application</u> Description: _____ Tenant / Project Name: <u>Hurricane City Civic Center</u> Bldg. Address: <u>147 N 870 W</u> City: <u>Hurricane City</u> State: <u>UT</u> Zip: <u>84737</u> Subdivision: _____ Phase: _____ Block: _____ Lot #: _____ Parcel ID #: <u>H-3-1-34-4331, H-3-1-34-4332, H-3-134-4320,</u> Zone: <u>R1-10</u> _____ Property Owner: <u>Hurricane City</u> & <u>H-3-1-34-4210</u> Permit Contact: <u>Kaden DeMille</u> P: <u>(435) 635-2811</u> Email: <u>kaden@hurricane.utah.gov</u>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Valuation</td> <td style="width: 20%; text-align: center;">\$</td> <td style="width: 20%; text-align: right;">0.00</td> </tr> <tr> <td colspan="3" style="text-align: center;">PERMIT FEES</td> </tr> <tr> <td>Sub Total:</td> <td style="text-align: center;">\$</td> <td style="text-align: right;">0.00</td> </tr> <tr> <td>Permit Total:</td> <td style="text-align: center;">\$</td> <td style="text-align: right;">0.00</td> </tr> <tr> <td>Amount Paid:</td> <td style="text-align: center;">\$</td> <td style="text-align: right;">0.00</td> </tr> <tr> <td>Remaining Due:</td> <td style="text-align: center;">\$</td> <td style="text-align: right;">0.00</td> </tr> </table>	Valuation	\$	0.00	PERMIT FEES			Sub Total:	\$	0.00	Permit Total:	\$	0.00	Amount Paid:	\$	0.00	Remaining Due:	\$	0.00
Valuation	\$	0.00																	
PERMIT FEES																			
Sub Total:	\$	0.00																	
Permit Total:	\$	0.00																	
Amount Paid:	\$	0.00																	
Remaining Due:	\$	0.00																	
CONTACT INFORMATION																			
General Contractor: <u>Hurricane City</u> License #: _____ P: <u>(435) 635-2811</u> Address: <u>147 N 870 W</u> City: <u>Hurricane</u> State: <u>UT</u> Zip: <u>84737</u> Email: <u>kaden@hurricane.utah.gov</u>																			
APPLICATION DETAILS																			
DRAFT																			
APPROVALS																			
DATE		INFO																	
Setbacks	Front:	Rear:																	
Min.																			
Actual:																			
APPLICATION NUMBER: ZC25-07																			
This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I here-by certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury. Maintenance Deposit is refundable after final inspection if: 1) site is kept clean 2) building is NOT occupied prior to final inspection and issuance of Certificate of Occupancy.																			
Applicant Name: _____																			
Signature of Applicant/Authorized Agent or Owner: _____ Date: _____																			
Application Approved By: _____		Date: _____																	
Application Issued By: _____		Date: _____																	
Receipt #: _____																			



STAFF COMMENTS

Agenda Date:	07/10/2025 - Planning Commission
Application Number:	ZC25-07
Type of Application:	Zone Change Amendment
Action Type:	Legislative
Applicant:	Hurricane City
Agent:	
Request:	Approval of a Zone Change from R1-10 and Public Facility to Public Facility, General Commercial, and R1-4
Location:	100 N 1150 W
Zoning:	Single Family Residential R1-10 and Public Facility
General Plan Map:	Public and Multifamily
Recommendation:	Recommend approval to the City Council.
Report Prepared by:	Fred Resch III/Gary Cupp

Discussion:

Hurricane City is initiating a zone change to support the long-term development of approximately 20 acres, which includes the existing City Hall site and approximately 15 acres of adjacent undeveloped property. This effort follows multiple public workshops, surveys, and community outreach initiatives aimed at gathering input on the future use of the site. The City has outgrown its current administrative and police facilities and is preparing to develop the property to meet future municipal needs and limit the financial burden on the taxpayers for these facilities. The proposed zone change will allow for a mix of civic, residential, and commercial uses, aligning with the City's proposed master plan for a multi-functional civic center area.

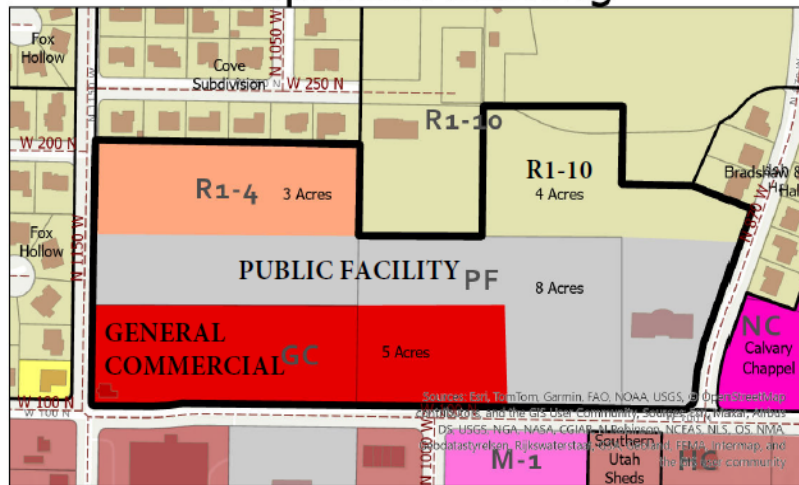
Zone Change Proposal

The proposed zoning designations are as follows, with the proposed zone acreages being approximations that may be adjusted to fit the 20-acre property:

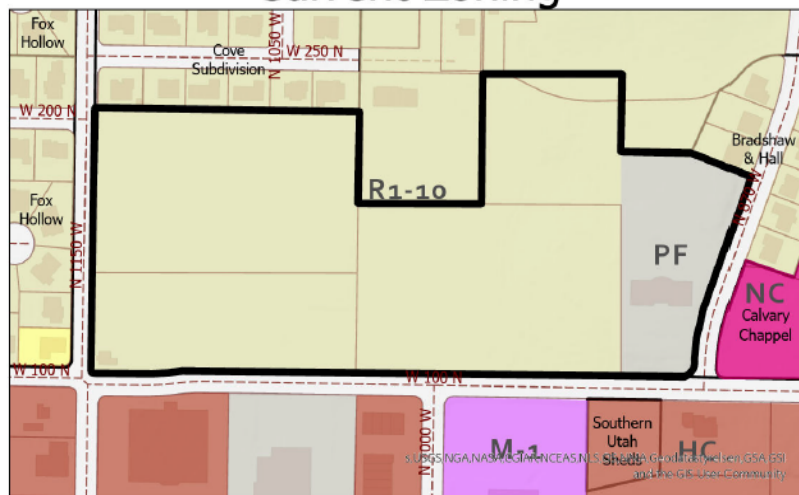
- Approximately 3 acres to be rezoned from R1-10 (Single-Family Residential, 10,000 sq. ft. minimum lot size) to R1-4 (Single-Family Residential, 4,000 sq. ft. minimum lot size), intended for future residential development.
- Approximately 8 acres to be rezoned to Public Facility (PF), to accommodate a new police station, city administrative offices, parking areas, and public park space.

- Approximately 5 acres to be rezoned to General Commercial (GC), intended for commercial development along the prominent 100 North corridor.
- The remaining approximately 4 acres of the property, north of the current city offices, will essentially retain its mostly Single Family Residential R1-10 zoning designation for the present time; although, it will likely be rezoned in the future to accommodate a future component of the Civic Center master plan. No development plan on this portion of the site has yet been approved.

Proposed Rezoning

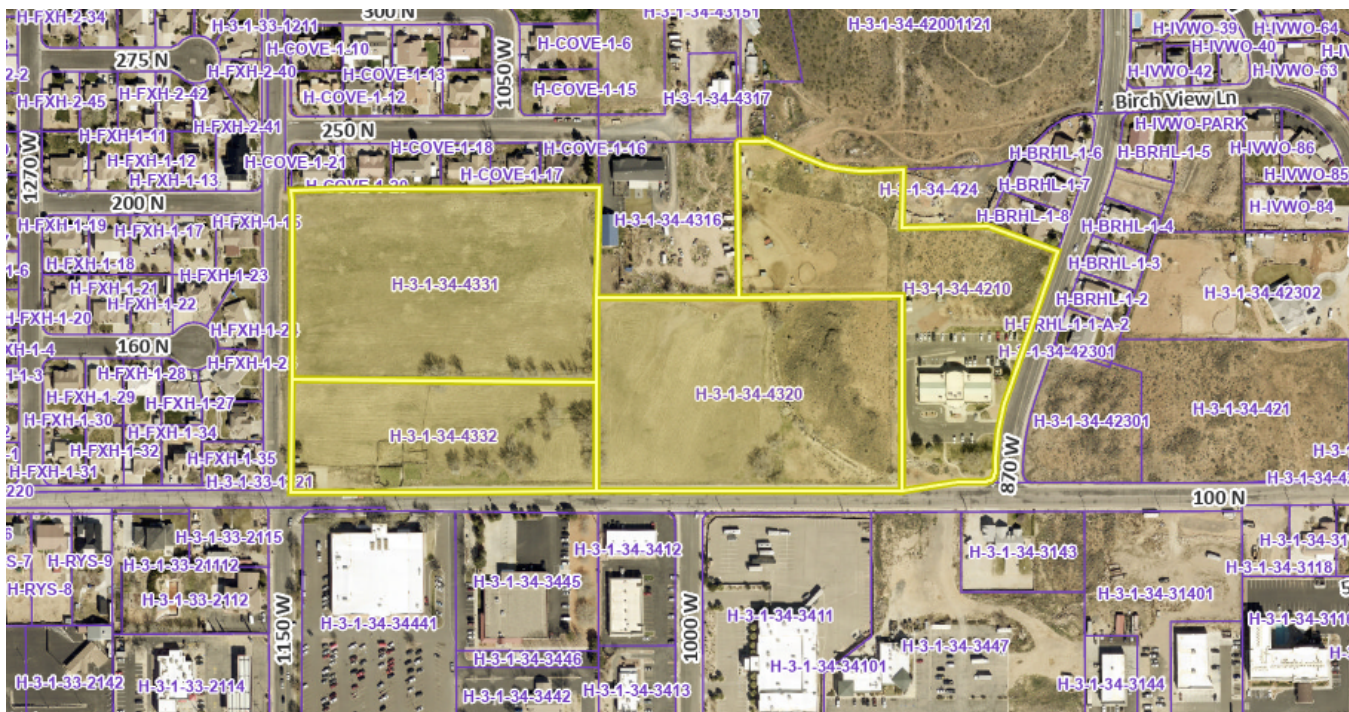


Current Zoning



This proposed zoning arrangement reflects the City's goal of creating a centralized civic hub that integrates essential services, community amenities, and complementary commercial activity.

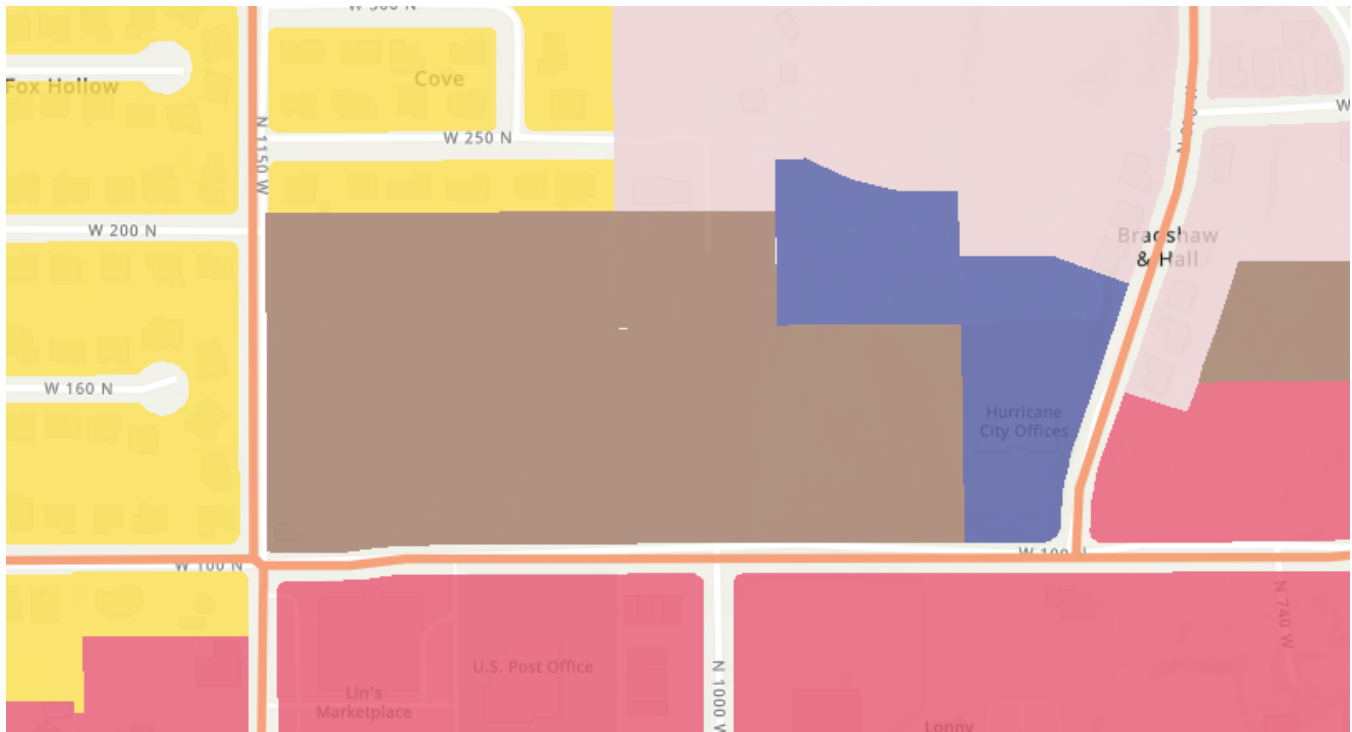
	Zoning	Adjacent Land Use
North	R1-10, RA-0.5	Single Family Homes and Undeveloped Property
East	NC, R1-10	Undeveloped property (future church), Single Family Homes
South	HC, PF, M-1	Commercial development
West	R1-10	Single Family Homes



To change the zoning on any parcel of land within the City of Hurricane, the following questions need to be addressed:

1. Is the proposed amendment consistent with the City's General Plan's goals, objectives, and policies?

Response: The Future Land Use Map for this area designates the property as Public Use and Multifamily, with which the inclusion of the proposed R1-4 zoning and Civic uses of the property will be compatible.



Additionally, the General Plan encourages the efficient use of land and the thoughtful placement of public facilities to support the City's growth and service needs. By consolidating municipal services, such as a new police station, city offices, and park space, into a centralized location, the City is aligning with the General Plan's objective to provide cost-effective, high-quality public infrastructure. The inclusion of R-1-4 zoning introduces more flexible residential options, supporting the Moderate Income Housing Plan's goal to diversify housing types and affordability. Additionally, the designation of General Commercial zoning along the 100 North corridor will strengthen and further develop a key economic area that is consistent with the General Plan's strategy to promote commercial development in appropriate, high-visibility locations. The zone change reflects a balanced approach to land use planning that supports civic, residential, and economic priorities while incorporating the public input that was gathered through previous community-outreach surveys.

2. Is the proposed amendment harmonious with the overall character of existing development in the vicinity of the subject property?

Response: The proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property. The area surrounding the site includes a mix of public facilities, residential neighborhoods, and commercial uses, making it well-suited for the proposed combination of Public Facility, Single Family Residential R1-4, and General Commercial zoning. The planned civic improvements, including a new police station and city offices, are a natural extension of the existing municipal presence in the area. The R1-4 zone will introduce single-family homes on smaller lots, which complements nearby traditional residential development while providing more varied housing options. Additionally, the General Commercial zoning along the 100 North corridor is compatible with surrounding commercial uses and will enhance the corridor's role as a key economic and transportation route. Overall, the proposed amendment reflects a cohesive land use pattern that integrates well with the existing character and function of the surrounding area.

3. Will the proposed amendment adversely affect the adjacent property?

Response: The proposed amendment is not expected to adversely affect adjacent properties. Each component of the zone change has been planned to ensure compatibility with surrounding uses. The Public Facility zoning will support essential civic functions, such as a police station, city offices, and park space, which are generally considered compatible with both residential and commercial neighbors as well as the current use of the property. The Single Family Residential R1-4 zoning will allow for smaller single-family lots, which maintain a lower-density residential character while offering greater housing variety and a reasonable transition from larger lot subdivisions nearby. The General Commercial zoning is located along the 100 North corridor, a major roadway already developed with and suited for commercial activity, minimizing potential conflicts with nearby uses. As such, the amendment is designed to integrate with and complement the adjacent development rather than detract from it.

4. Are public facilities and services adequate to serve the subject property?

Response: Yes. This property is centrally located within a developed area and currently has access to all necessary public utilities and services. Existing infrastructure, including water, sewer, power, and roads, is available onsite or immediately adjacent to the site. Any additional requirements or improvements needed to support future development will be identified and addressed during the detailed design and permitting phases to ensure adequate service levels are maintained.

JUC Comments

Public Works: No comment.

Power: We can service as needed.

Water: Okay.

Streets: Okay with zone change.

Sewer: No comment.

Engineering: Development of the site and surrounding streets can mitigate adverse effects. Although subjective, it appears positive effects would outweigh the adverse. Before committing to any construction, a traffic impact study should be completed. Development of the site will increase adequate facilities (bring in public space, administrative space, police building, improve streets) the nearby commercial and schools should support dense residential.

Fire: Approved.

Gas: Okay

WCWCD: Washington County Water Conservancy District hereby acknowledges that based on the information provided, the zone change adequately mitigates interference with district facilities and property interests. The District reserves the right to rescind this acknowledgement if additional information becomes available. The district has not determined whether water will be available for this development and does not hereby make any guarantee of water availability. In addition, the development must conform with applicable district requirements, including but not limited to payment of fees.

Findings: Staff makes the following findings:

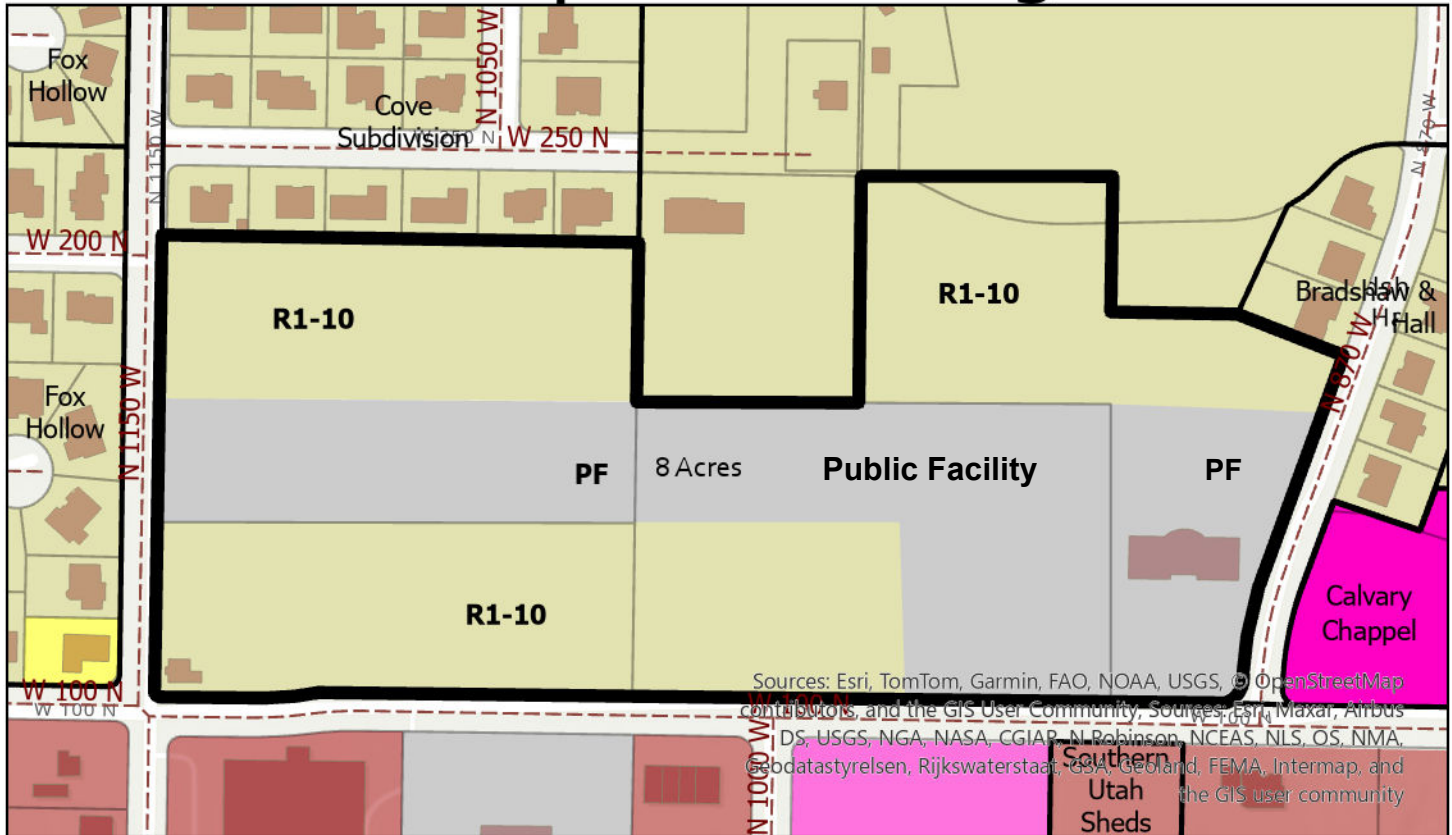
1. The proposed amendment is compatible with the goals and policies of the General Plan based on

the consistency of the proposed zoning changes with the City's Future Land Use Map designations and its emphasis on efficient, centralized civic services, increased commercial development, and varied housing options.

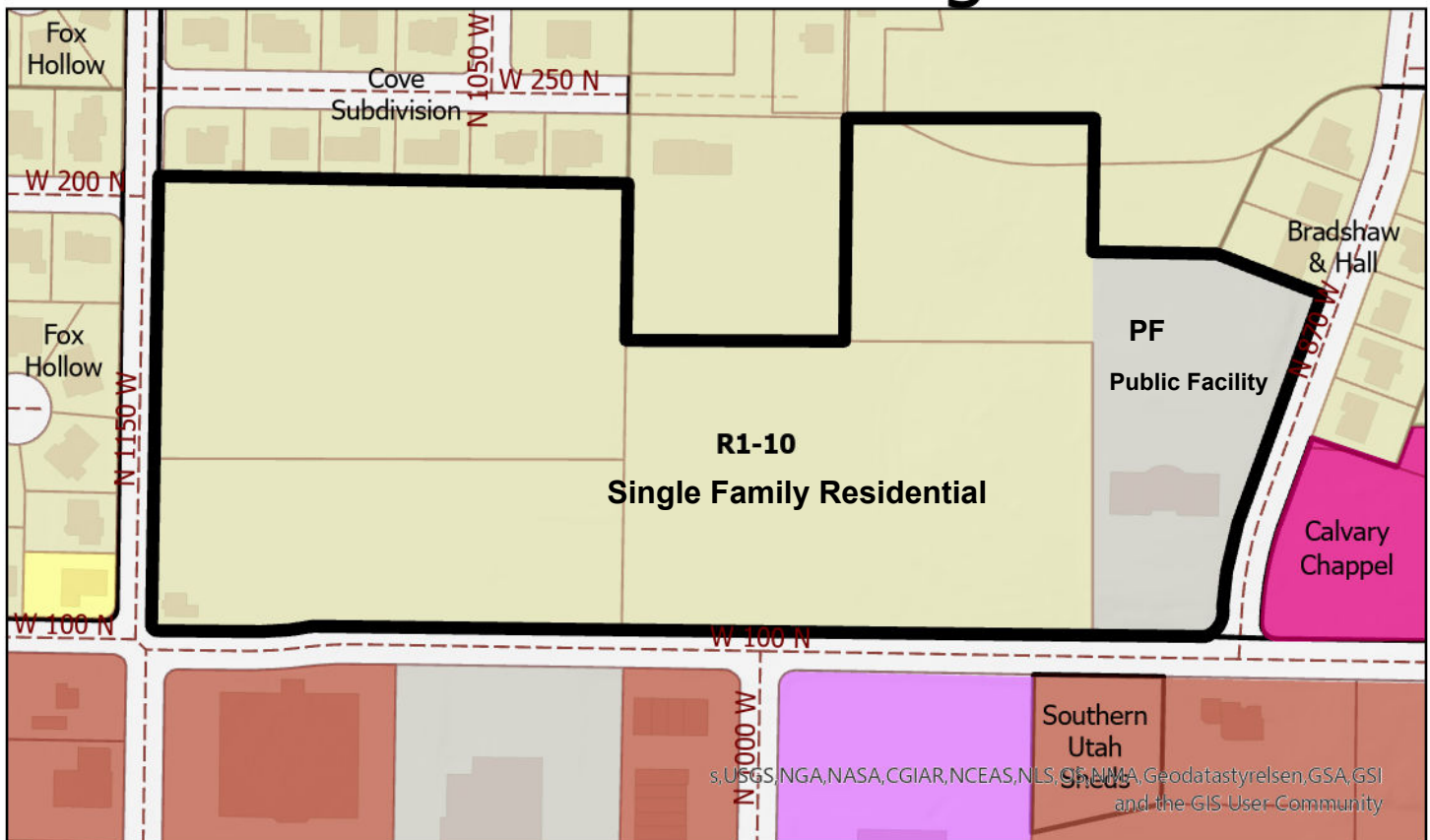
2. The proposed amendment is harmonious with the overall character of the existing development based on how the mixture of public, residential, and commercial zoning will complement the surrounding land uses.
3. The proposed amendment will not have an adverse impact on adjacent properties.
4. The property is located in a developed area and its public facilities and services are adequate for this development.

Recommendation: The Planning Commission should review the proposed zone change based on the applicable standards within the Hurricane City Code and consider any public comments received at the public hearing for the item, and make a recommendation to the City Council. Staff recommends approval subject to staff and JUC comments.

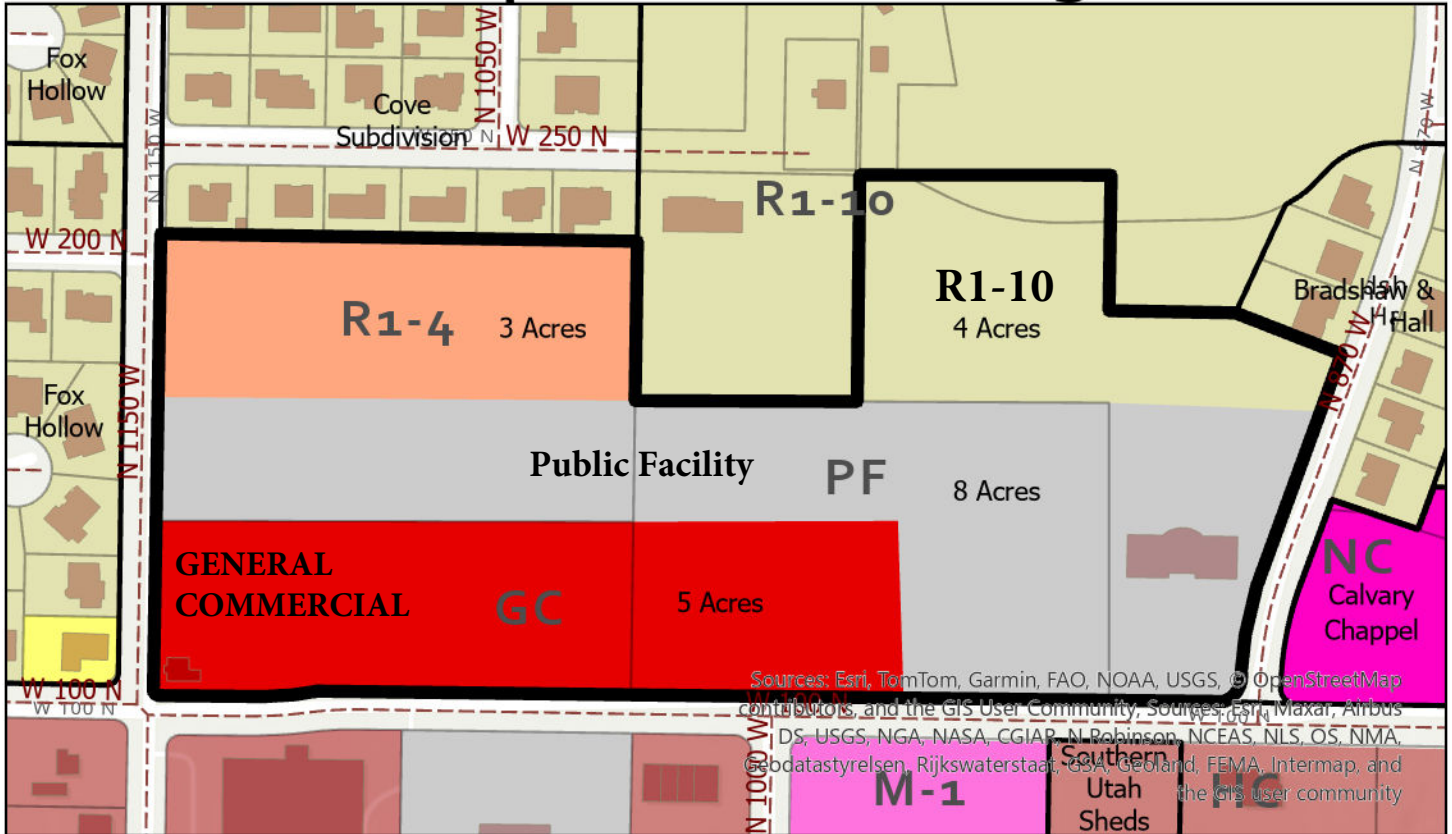
Proposed Zoning



Current Zoning

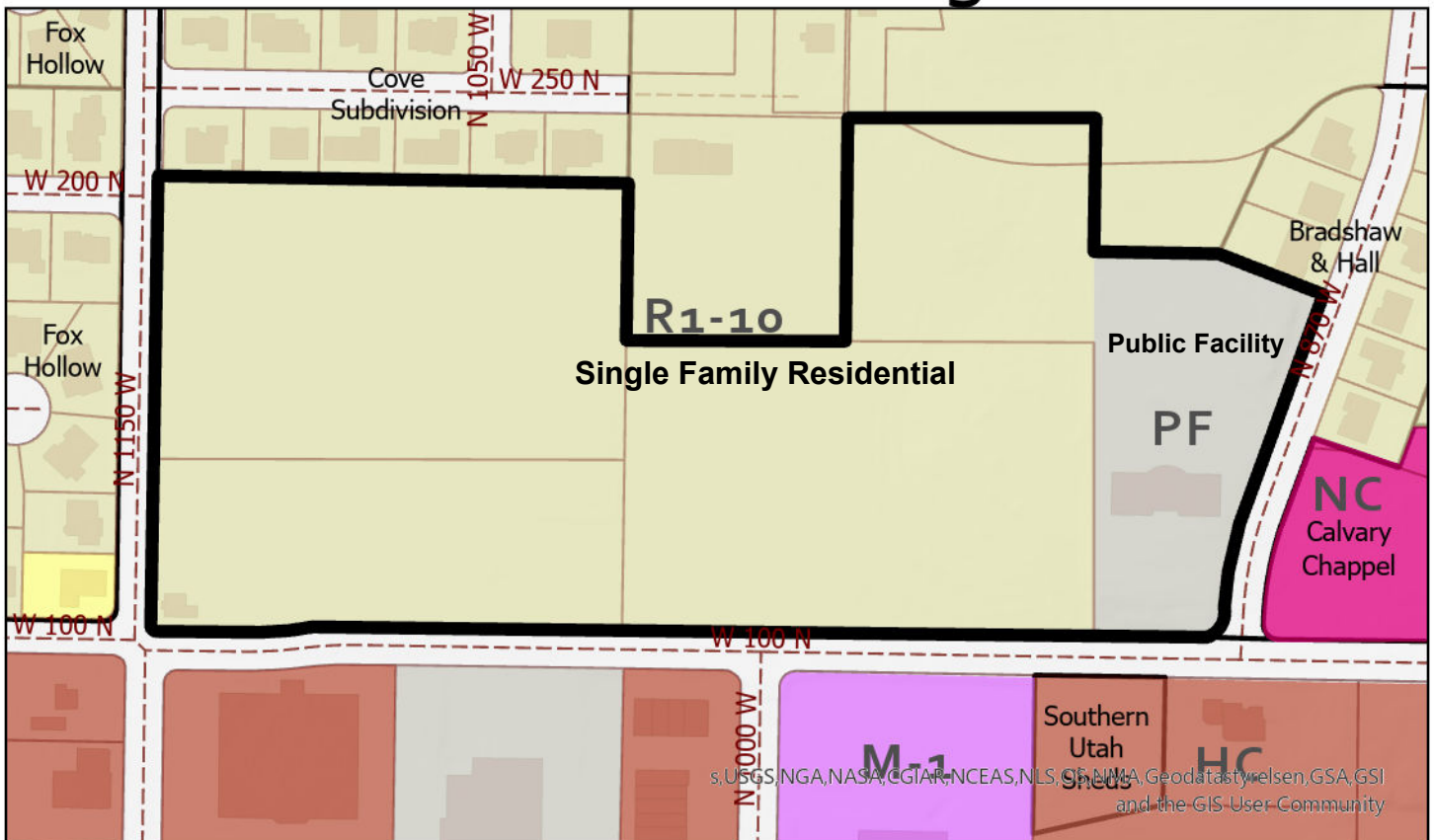


Proposed Rezoning



(Note: The acreages are approximately depicted on the figure and may be adjusted.)

Current Zoning



From: [Heather Aleman](#)
To: [Public Comment](#)
Subject: Zone Changes for the Future site of the Hurricane Civic Center
Date: Wednesday, July 2, 2025 2:57:01 PM

Hello,

My name is Heather Fatkin, and I am a resident of Hurricane (1141 W 250 N), my home is directly impacted by the upcoming zone changes to the property behind Lins. I can tell that public feedback was considered in most of the proposed zone changes, and I thank you for that. However, in regards to the 3 acres directly behind my home it appears to be given an even higher density than was originally proposed. By my calculations changing this area from R1-10 to R1-4 allows within that 3 acre plot a maximum of 32 homes to be built, In the same amount of space in my neighborhood there exists 11 homes. I don't feel that is in keeping with our neighborhood and with the lots at such a small size (4,000 sqft) they almost assuredly would be built up, whereas the homes on my street and backing up to what is currently the field are all single level. I am very sad to be losing this field, my house in particular was built with the field in mind with more than 60% of my windows south facing (towards the field) I understand that it was always one day going to be developed into homes, but at the current zoning the chances were stronger that they would be single level family homes. I know that asking you to keep it zoned R1-10 is probably not possible, so I am entreating you all to reconsider this 3 acre section to a zoning that is at least not such a stark contrast to the existing homes and community such as R1-8 which would allow for 16 homes or even an R1-6 which would allow for up 21 homes would be appreciated. Thank you for your time and consideration,

Sincerely, Heather Fatkin

Tuesday

2nd Communication

15 July 2025

Hurricane City
Planning & Zoning
147 N 870 W
Hurricane, UT 84737

RE: Development of ACERAGE behind the WALL of homes on 250 N

I am curious if/when our Planning & Zoning REPS will be revealing their response to Public after all these meetings. I don't feel being heard. There are SO MANY questions?

Today I do not feel or think that the Community has heard or seen responses unless one goes directly to specific individuals within the institution.

I continue to ask that the PARK or GREEN area on proposed plan I have viewed be MOVED to the WALL and delete the R1-4 idea all together.

Allocating GRANT Monies to buy trees that will provide a barrier to noise and give PRIVACY to the backyard of these homeowners would be so respectful.

I have lived in this home for 20 years now enjoying the quiet and the views of GooseBerry Mesa, Molly's Nipple and the Vulcan cinder cone from out backyard. I have served in the School District and University. My heart has a BIG stake in your endeavor.

Another subject is wondering why the water line which was put in about 15 yrs. ago? Isn't noted on the proposal map. It is a 20 ft. easement to the wall.

The next meeting is TH 7 August....a decision will be announced? Changing zone from R1-10 or 8 to R1-4?

All of us have a different heart and view of this....what say you?

Respectfully,

Donna Shouse
1099 W 250 N
Hurricane, UT 84737

4/2/2025
RECEIVED

Attention:

Hurricane City Council and Planning Commission

Dear Hurricane City Council and Planning Commission,

We are writing to expand on our formal opposition to the City of Hurricane's proposed rezoning and/or development of parcels (H-3-1-34-(4210,4320,4331,4332) located between 1150 W and 870 W & 100 N to 250 N, as currently proposed. As adjacent property owners, we have significant concerns about both the legality and appropriateness of this action.

This letter outlines several critical issues.

Dual Role Conflict & Due Process Concerns:

1. This proposal appears to create an inherent conflict of interest under Utah Code § 10-9a-306, as the city would be acting as both:

- The property owner/developer seeking the zoning change
- The land use authority deciding on zoning changes

2. This dual role violates fundamental principles of due process and fair dealing in land use decisions, as the city cannot be expected to act as an impartial arbiter of its own development interests.

Zoning Process & Procedural Issues:

1. The City's process appears to potentially violate Utah Code § 10-9a-502, which requires:

- Notice and public hearings before the planning commission
- The planning commission to make recommendations to the legislative body
- The legislative body to hold additional public meetings before adoption

2. Under Utah Code § 10-9a-503, any zoning changes must:

- Protect property values of adjacent landowners
- Represent orderly development of the area
- Be consistent with the General Plan (Changes to the General Plan made without public input in 2021 do not justify Zoning Changes on this property, Zoning Map update several months later in 2021 did not show or represent these intended changes on the General Plan.)

Potential Improper Use of Eminent Domain:

Any attempt to use eminent domain for this project would violate Utah Code § 10-9a-512, as:

- The taking would primarily benefit the City's development interests rather than serving a clear public necessity
- The city cannot demonstrate this is the least intrusive means to achieve any claimed public purpose

Adverse Impacts on Adjacent Properties:

1. The proposed high-density and commercial rezoning would:
 - Significantly reduce adjacent property values
 - Fundamentally alter the character of our low-density residential neighborhood
 - Create unmanageable traffic and infrastructure burdens

General Plan Consistency:

1. The proposal conflicts with Utah Code § 10-9a-401 requirements that the general plan promotes:
 - Stability of existing neighborhoods
 - Health, safety and welfare of the community
 - Protection of property values

Recommendations:

1. The city should

- Withdraw or Put on Hold the current proposal
- Identify areas already zoned for higher density development
- Establish proper separation between roles as property owner, and regulatory authority
- Conduct transparent studies on infrastructure impacts
- Engage in meaningful community consultation

2. If development is deemed necessary in this area, it should

- Maintain consistency with current zoning densities
- Include appropriate transitions and buffers
- Protect existing property values and neighborhood character

Request for Action

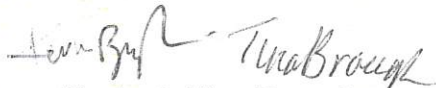
We respectfully request that the City of Hurricane:

1. Immediately cease pursuit of this conflict-ridden proposal
2. Provide full public disclosure of:
 - All property appraisals and valuations
 - Infrastructure impact studies
 - Traffic studies
 - Environmental assessments
3. Hold additional proper public hearings as required by state law
4. Establish clear procedural safeguards to address the inherent conflict of interest
5. Explore consistent nonpartial application of the city code pertaining to short-term rentals

As adjacent property owners, we reserve all rights under Utah Code § 10-9a-801 to challenge this action through appropriate legal channels if necessary. Additionally, we may seek injunctive relief under § 10-9a-802 if the City attempts to proceed without addressing these fundamental legal deficiencies.

This letter shall be included in the official record of any proceedings related to this matter.

Sincerely,



Kevin & Tina Brough

1029 W 250 N

[H-COVE-1-16]



Jason & Kami Collard

1047 W 250 N

[H-COVE-1-17]



Matt & Jaymie Wetzel

1015 W 250 N

[H-3-1-34-4316]



Kenny & Heather Fatkin

1141 W 250 N

[H-COVE-1-21]

Other Adjacent Property Owners:

H-COVE-1-15

David & Cheri Barton

David Barton Cheri Barton

H-COVE-1-18

Layne Bagley

H-COVE-1-19

Gary & Donna Shouse

H-COVE-1-20

Jeff Bradybaugh

H-3-1-34-4317

Darrell & Sarah Hall

Darrell & Sarah Hall

H-3-1-34-4318

M&S Ranch LLC

Mac & Peggy Hall

H-3-1-34-43151

Mac Hall

Mac & Peggy Hall

H-BRHL-1-8

Michael & Brandi Hall

Mike & Brandi Hall

H-BRHL-1-7

Matt & Angie Excell

H-BRHL-1-6

Noemi Munoz

Noemi Sandoval M

cc: Hurricane City Planning Commission

Hurricane City Attorney's Office

Utah Property Rights Ombudsman

Washington County Commission

RECEIVED
7/1/25

Kami Collard

1047 W. 250 N.
Hurricane, UT 84737
collardcrew@gmail.com

June 25, 2025

Hurricane City Planning Commission

Hurricane City
147 N. 870 W.
Hurricane, UT 87373

Dear Council Members,

I have had the pleasure of living in Hurricane these past nine years and have been a resident of Washington County for 38 years. I have watched the growth all around us. I have watched as the Hurricane city council has worked hard to improve Hurricane and provide necessary things like a new pool and recreation facility and find clever ways to fund them. I have sat in on city meetings and I have appreciated the courtesy they have given me when I have spoken and I feel they have tried to take in account the citizens when they have made decisions. I appreciate the kindness shown and I have appreciated the length you have gone to in meetings to make things clear to the citizens.

As my husband and I decided to buy another home we decided to settle in the country here in Hurricane. We loved it for the quaintness, people and beautiful country feeling. When we bought our home on 1047 W. 250 N. almost nine years ago we knew eventually homes would go up behind us since it is zoned for them. I still love and support that idea. The American dream is to buy a home. Create a place where they can settle down in a town and grow their roots and be a part of the community. That is why we choose to live here.

In the last city council meeting I was told the new proposal for the Civic Center is to change the zoning behind our home into one that allows high density housing. I am hearing 20-40 units. I implore you not to change the zoning.

You have talked in the meetings how you want to help people with housing in Hurricane. Right now most can find a place to live and rent but almost no-one I know of can afford to buy a home. If you want to help the Hurricane citizens then helping them buy a home and invest in the community is the greatest asset they can be. Leasing the land and renting out units does not allow the tenants to become a part of Hurricane and invest in our community.

I want to review how your current plan is not in alignment with obtaining a zone change in Hurricane. First off it is supposed to be harmonious with the overall character of existing development. All around that space are single family homes. Most have at least a 15-20 foot backyard and only one home is two stories high. Putting in that many units means no privacy to the people by them. I am unsure if you are wanting to put condos, duplexes, townhomes or however, a majority of the duplexes and townhomes going in at this time have maybe 5 feet of a backyard and most are 2-3 stories high. My home is the only two story home on the block. That means the people living in the units will literally be able to see everything going on in my backyard and home. Plus this many units built is not in alignment with what is already there.

Second, in other city meetings other developers have asked for zone changes like this and the city has turned them down, due to it not being in alignment with guidance on zone changes, understanding that most often it is not harmonious with what is around them and will decrease the property value of what is around them. I feel it is important for the city to be the example and hold themselves to the same precedence they have set for others.

Third, it will adversely affect adjacent property values. Adding in high density housing next to the houses on 250 North will bring down my property value as well as everyone living on that section of 250 North. No one will feel they have any privacy and it will become a transient area if the city leases the land and people can only rent.

Last question is are there adequate facilities? To this I would say no, due to more traffic coming in and all the problems already at the Lins stoplight on state street.

I have come to multiple meetings and gotten a petition signed. The neighborhood does not want high density housing anywhere in that area. I am asking you to please reconsider this choice behind 250 North and not put high density housing there. Please think, if this was my property, would I want this going in? There is plenty of room in Hurricane to put high density housing in other places that won't affect what is already there, the property value or put more strain on the streets. Thank you for your consideration.

Sincerely,

Kami and Jason Collard

Monday

7 July 2025

Hurricane City
Planning & Zoning
147 N 870 W
Hurricane, UT 84737

As a neighbor here on 250 N with the property behind my brick wall being developed I am asking for a concession.

Please move the park along this wall and move EVERYTHING else to 100 N

Write a grant for monies to buy trees that will grow DENSELY together so SOME of my PRIVACY to our backyard will be preserved.

Respectfully,

Donna Shouse
1099 W 250 N
Hurricane, UT 84737
donna_shouse@yahoo.com
435-216-2515



STAFF COMMENTS

Item: Consideration and possible approval of local consent for a beer garden for Trail Hero.

Discussion: Trail Hero is requesting local consent to operate a beer garden as part of their upcoming event, which is being relocated from Sand Hollow State Park to the Washington County Fairgrounds. A safety plan has been provided, and the Sheriff's Department, which oversees events at the fairgrounds, will have 13 officers on-site each day. Food trucks will also be available to provide food options. A background check has been completed for the beer garden manager, and staff has no concerns with issuing the local consent. – Cindy Beteag

Findings:

Recommendation:

Cindy Beteag

From: Trail Hero <thetrailhero@gmail.com>
Sent: Friday, July 25, 2025 11:55 AM
To: Cindy Beteag
Subject: Beer sales at Trail Hero October 2-4

Good morning,

Thank you for helping us get Local Consent for beer sales arranged at Trail Hero. We sold beer last year at Trail Hero and it was a success with no incidents or issues stemming from the beer garden, the sales or consumption of beer.

With that in mind, we have received full approval from the county and sheriff for what is listed below in what we would like to do with our beer garden in 2025. This approval comes from some very important details that help make the event safe with the beer sales.

In 2025 Trail Hero is moving out of the State Park and into the fairgrounds. This move provides us a much safer environment at the event with definitive infrastructure, stable ground that allows for easy transportation and parking, and camping on site within a walkable 300 feet of the music fest venue. Attendees will have the ability to easily walk from the beer garden to their camp, and not have to drive home. There will also be an option for last minute overnight camping for all attendees to help promote not drinking and driving.

The music fest venue is now located in the outdoor Rodeo Arena, utilizing the stadium seating for General Admission, and the floor of the arena for VIP and Platinum VIP areas. We plan to fence the entire arena and Vendor show with 6' tall Fencing, much of which will have branding and privacy material on it. Additionally, attendees will not be allowed to bring their own drinks into these areas.

In total, we would like to have our beer garden encompass the vendor show (400'x400') and Music Festival venue (Rodeo Arena). This would allow for strict oversight into beer consumption as attendees would not be allowed to bring in their own drinks.

Our limit for purchasers would be a total of 75oz of beer, which equates to three 25oz cans or six 12oz cans/cups. This would be monitored by selling beer wristbands at specific locations that allow us to monitor who/when is buying the wristbands. Our sales system will tell us if someone has purchased a band earlier in the day. The wristband will have removable tags that can be redeemed for the beer. Two tags would be removed for 25oz cans, and 1 tag would be removed for 12oz drinks. Only staff will be allowed to remove tags, tags that are already removed cannot be redeemed.

There would be 9 wristband purchasing locations and separately 7 redeeming stations with proper and legal TIPS certified workers at each location.

Sales would start at 3pm and go until 30 minutes prior to event end from Thursday, October 2nd to Saturday, October 4th. Thursday, the show ends at 11pm, and Friday/Saturday it ends at 11:30.

Sheriffs will be providing 13 officers each day for these efforts.

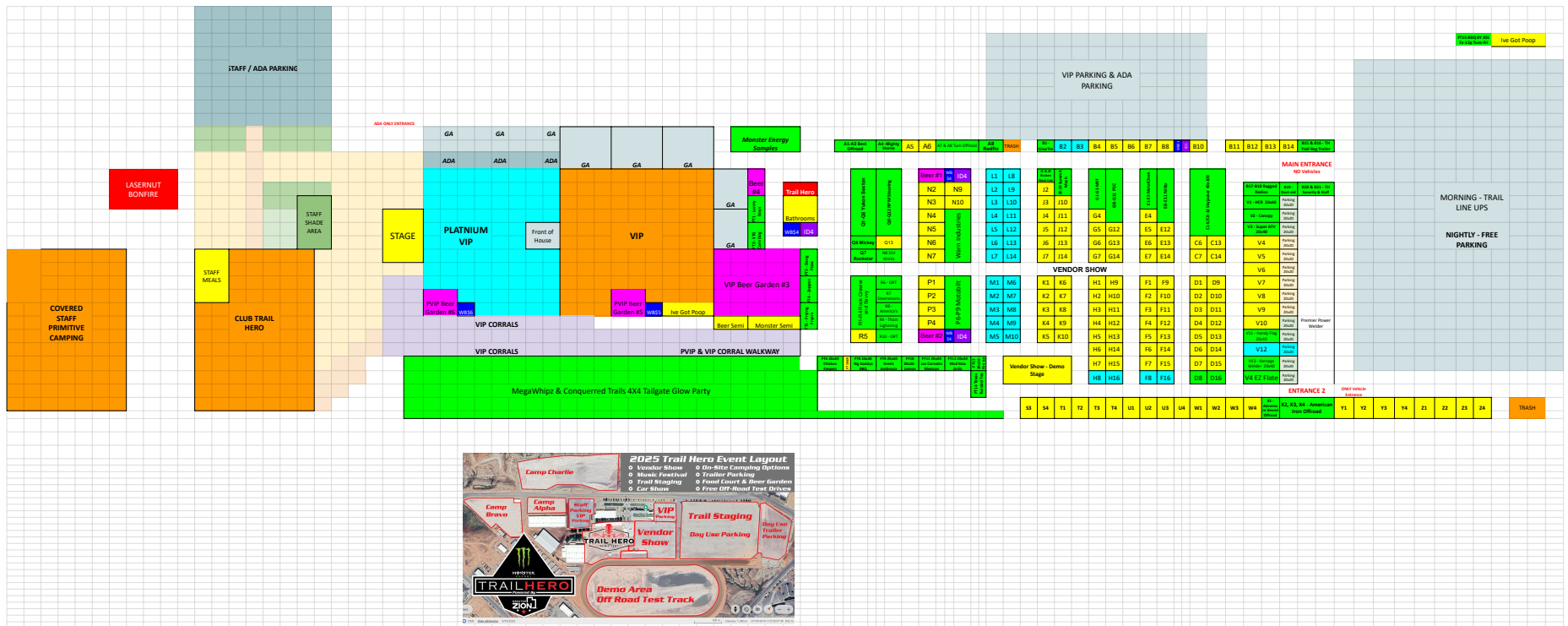
10 food trucks will also be on-site to ensure there are food options as well.

Thank you for looking this over and considering Trail Hero for this opportunity. Our community and its partners allow for this event to be a premier event of Southern Utah through hard work and communication.

Below are maps of the venue layout. Please let us know if you have any questions or comments.

<https://docs.google.com/spreadsheets/d/1aYnHkOALUbxVRM9Gm079MxU1vwOV4tb4Ad79q7vjY5s/edit?usp=drivesdk>

Rich Klein
Trail Hero - President
530-409-4548
Rich@thetrailhero.com
www.TheTrailHero.com



SINGLE EVENT PERMIT

Local Consent

PURPOSE: Local business licensing authority provides written consent to the Alcoholic Beverage Control Commission to issue an event permit to an organization for the purposes of storage, sale, offer for sale, furnish, or allow the consumption of an alcoholic product on the event premises. **Authority:** Utah Code 32B-9-201

_____, ☐ City ☐ Town ☐ County
Local business license authority

hereby grants its consent to the issuance of a temporary single event permit license to:

Applicant Entity/Organization: _____

Event Name: _____

Event location address: _____
Street city state zip

On the _____ day(s) of _____, _____
dates month year

during the hours of _____, pursuant to the provision of Utah Code 32B-9 for
define hours from and to

the sale of (Check all that apply): ☐ Beer ☐ Heavy Beer ☐ Wine ☐ Flavored Malt Beverages ☐ Liquor

We are recommending this entity as conducting a civic or community enterprise* ☐ Yes ☐ No

☐ NOT providing a recommendation

***As Part of local consent required by 32B-9-201 (1) (c), the locality may provide a recommendation as to whether the entity is conducting a civic or community enterprise.** A civic or community enterprise means a function that is in the nature of a temporary special event such as a social, business, religious, political, governmental, educational, recreational, cultural, charitable, athletic, theatrical, scholastic, artistic, or scientific event. A "civic or community enterprise" generally is a gathering that brings members of a community together for the common good. Single event permits may not be issued to or obtained by an entity or organization for the purpose of avoiding or attempting to avoid the requirement of state retail alcohol licensing.

Authorized Signature

Name/Title

Date

Trail Hero 2025 Beer Sales Control Measures

Thank you for helping us get Local Consent for beer sales arranged at Trail Hero. We sold beer last year at Trail Hero and it was a success with no incidents or issues stemming from the beer garden, the sales or consumption of beer.

With that in mind, we have received full approval from the county and sheriff for what is listed below in what we would like to do with our beer garden in 2025. This approval comes from some very important details that help make the event safe with the beer sales.

In 2025 Trail Hero is moving out of the State Park and into the fairgrounds. This move provides us a much safer environment at the event with definitive infrastructure, stable ground that allows for easy transportation and parking, and camping on site within a walkable 300 feet of the music fest venue. Attendees will have the ability to easily walk from the beer garden to their camp, and not have to drive home. There will also be an option for last minute overnight camping for all attendees to help promote not drinking and driving.

The music fest venue is now located in the outdoor Rodeo Arena, utilizing the stadium seating for General Admission, and the floor of the arena for VIP and Platinum VIP areas. We plan to fence the entire arena and Vendor show with 6' tall Fencing, much of which will have branding and privacy material on it. Additionally, attendees will not be allowed to bring their own drinks into these areas.

In total, we would like to have our beer garden encompass the vendor show (400'x400') and Music Festival venue (Rodeo Arena). This would allow for strict oversight into beer consumption as attendees would not be allowed to bring in their own drinks.

Our limit for purchasers would be a total of 75oz of beer, which equates to three 25oz cans or six 12oz cans/cups. This would be monitored by selling beer wristbands at specific locations that allow us to monitor who/when is buying the wristbands. Our sales system will tell us if someone has purchased a band earlier in the day. The wristband will have removable tags that can be redeemed for the beer. Two tags would be removed for 25oz cans, and 1 tag would be removed for 12oz drinks. Only staff will be allowed to remove tags, tags that are already removed cannot be redeemed.

Documents and stats to support sales

- **Venue and Site Design:**

<https://drive.google.com/file/d/1wT0EFETThDPWX2SNWslPeXxKbgASKoqpE/view?usp=>

[drive link](#)

- Site Plan:

[https://docs.google.com/spreadsheets/d/1xj_h3pLEgjaoFQc0TGq78rCvnQ4sURKMMtE1z4WjyTU/edit?usp=drive link](https://docs.google.com/spreadsheets/d/1xj_h3pLEgjaoFQc0TGq78rCvnQ4sURKMMtE1z4WjyTU/edit?usp=drive_link)

- Access and Egress Points: Light Yellow with 2 Attendee Entrance Gate and 4 additional gates within the Venue
- Venue Capacity: 4600 in "General Admission" (Outdoor Rodeo Arena Grandstands), 5000 combined in Platinum and VIP (Outdoor Rodeo Arena Floor). Total Music Festival Capacity: 9600
- Barriers: The entire venue would be fenced with 6 foot tall Chain-link Fencing noted in RED on the Site Plan Map above
- Facilities for People with Disabilities: Legacy Park just renovated their Rodeo Facility to accommodate People with Disabilities. We will add additional matting in the VIP and Platinum Area for Special Needs as well.
- Structures: Noted on the Site Plan Map above
- Sanitary Facilities: 4 main Restroom Facilities with 10 facilities each that include ADA, Wash Stations, regularly scheduled maintenance (Twice a Day)
- Waste Management: Current Legacy Park infrastructure as well as two 40 foot Dumpsters emptied as needed.
- Electrical Installations and Lighting: Legacy Park has great lighting but Trail Hero will Supplement with 10 additional Light Towers for use after the Festival is over.
- Event Hours: Gates open from 3pm to midnight each night Thursday, October 2-Saturday October 4, 2025. Beer Sales start at 3pm, Last Call 45 minutes prior to event end, sales end 30 minutes prior to event end. Event End: Thursday 11pm, Friday & Saturday 11:30pm
- Water Stations: Each Beer Redemption Booth will have Water for purchase, separately the 10 food vendors on site will also sell waters

- **Safety and Emergency Management:**

- Risk Assessment Summary: We have been working with the sheriff's office to build an enforcement/safety plan that encompasses high ground areas as well as entry and egress.
- First Aid Locations: Noted on the Site Plan Map above
- Emergency Assembly Points: The Attendee Parking Lot/Trail Staging Lot
- Emergency Vehicle Access: Noted on the Site Plan Map above
- Emergency Contact Information: Rich Klein – President, Trail Hero – 530.409.4548
- Emergency Communication Systems: Use of Stage PA, as well as radio communication amongst security and LEO
- Security and Law Enforcement Details: 10 Hired Security, 13 Sheriffs, 100+

Volunteer Security Staff

- Fencing: 4600 feet of six foot tall fencing to encompass the venue

- **Traffic Management:**

- Traffic Flow and Routes: Noted on the Site Plan Map above, Similar to the County Fair

- Parking Areas: Noted on the Site Plan Map above, Similar to the County Fair

- **Crowd Management:**

- Security and Stewarding Deployment: Security will be stationed at each Beer Wristband Selling Location as well as each Wristband redemption location.

- Queuing Systems: There would be 9 wristband purchasing locations and separately 7 redeeming stations with proper and legal TIPS certified workers at each location. Patrons will be shown in Selling Systems as "Sold" so they cannot buy twice.

- **Communication:**

- Event Control Center: Backstage is the Designated the location of the event control center from where management will operate during the event.

- **Miscellaneous:**

- Water Stations: Each Beer Redemption Booth will have Water for Purchase as well as the 10 food vendors on site

- Food Stations: 10 food vendors on site, Noted on the Site Plan Map above

- Prohibited Items Policy: Clear Bag Policy similar to major sporting events

Thank you for looking this over and considering Trail Hero for this opportunity. Our community and its partners allow for this event to be a premier event of Southern Utah through hard work and communication.

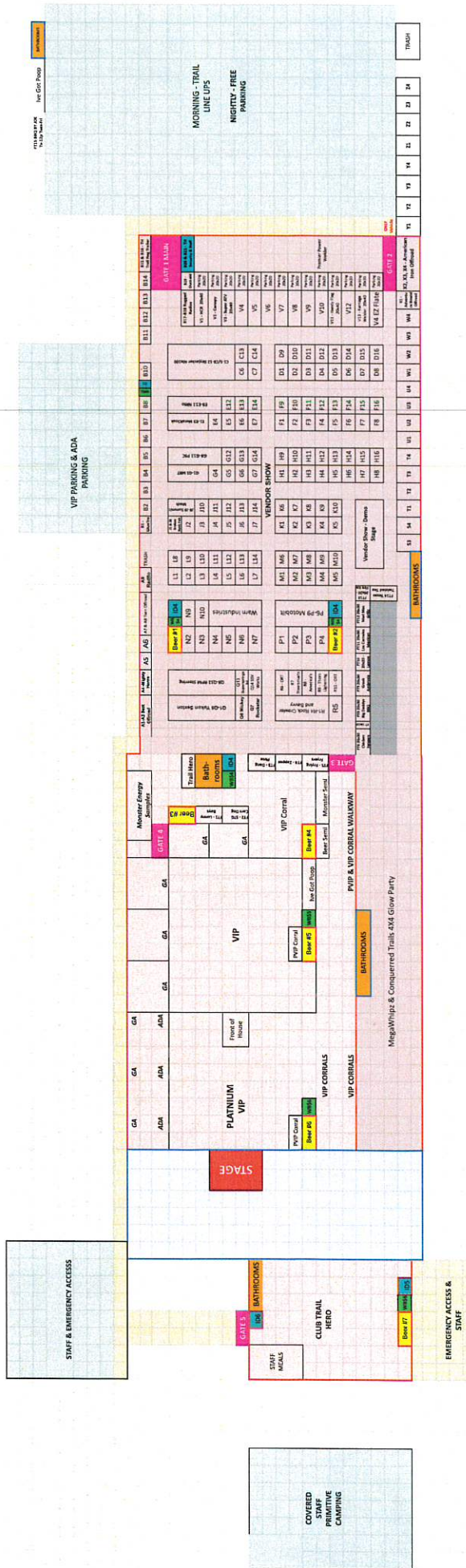
Additional Documents

LAYOUT PDF:

<https://www.dropbox.com/scl/fi/594b3ea68s7ahc0xad5bo/2025-Beer-Sales-Map-Control-Measures-VENDOR-SHOW-LAYOUT.pdf?rlkey=wza37np9a9nb1hth35sq0f8vx&dl=0>

LAYOUT GOOGLE DOC:

https://docs.google.com/spreadsheets/d/1xj_h3pLEgjaoFQc0TGq78rCvnQ4sURKMMtElz4WjyTU/edit?gid=728786141#gid=728786141





STAFF COMMENTS

Item: Consideration and possible approval of a letter of support for USU Desert Resource Center and Washington County.

Discussion: Utah State University (USU) Extension is requesting a letter of support as they pursue one-time appropriation funding from the State for the development of a new regional center. The proposed facility will be located on land provided by the County and the Water Conservancy District and is envisioned as a hub for research, education, and innovation. Key focus areas will include precision agriculture, water conservation, and water quality. In addition, the center will house USU Extension, a USU Statewide Campus, the regional Small Business Development Center, and a variety of programs supporting workforce and economic development, 4-H youth, agriculture, health and nutrition, financial literacy, and leadership education.. – Cindy Beteag

Findings:

Recommendation:

Begin forwarded message:

From: Paul Hill <paul.hill@usu.edu>

Date: July 16, 2025 at 11:59:35 AM PDT

To: Nanette Billings <billings@hurricane.utah.gov>

Cc: Victor Iverson <victor.iverson@washco.utah.gov>, Adam Snow
<Adam.Snow@washco.utah.gov>, Gil Almquist <Gil.Almquist@washco.utah.gov>,
Nicholle Felshaw <Nicholle.Felshaw@washco.utah.gov>

Subject: Letter of Support Request - USU Desert Research Center & Washington County

Mayor Billings,

Thank you again for your call last month to discuss the proposed Utah State University Desert Research Center, a collaborative project with Washington County. Since our meeting, we have outlined the County's support along with a land commitment (see attached lot H-42-3-1202) and are working closely with the Washington County Water Conservancy District on additional land commitments for the Center.

As we discussed, USU Extension has maintained a strong partnership with Washington County for over 100 years. The proposed Center would be a county facility situated on land provided by the County and the Water District. It will serve as a hub for research and innovation in (1) precision agriculture, (2) water conservation, and (3) water quality, while also housing USU Extension, a USU Statewide Campus, our regional Small Business Development Center, and programs supporting workforce and economic development, 4-H youth, agriculture, health and nutrition, financial literacy, and leadership education.

We are now preparing to engage state legislators to secure a one-time appropriation for this project. To strengthen our proposal, a letter of support from you on behalf of Hurricane City expressing a commitment to waive construction impact fees as the city's contribution would be appreciated if the state funding is appropriated.

If possible, we would appreciate receiving your letter by August 8th. Please let me know if you would like a template or have any questions regarding the project or the requested contribution. I would be happy to meet with you at your convenience.

Thank you for your continued support and leadership in advancing opportunities that will benefit Hurricane City and the County.

Sincerely,

Paul Hill, Ph.D.

Extension Professor & Program Director

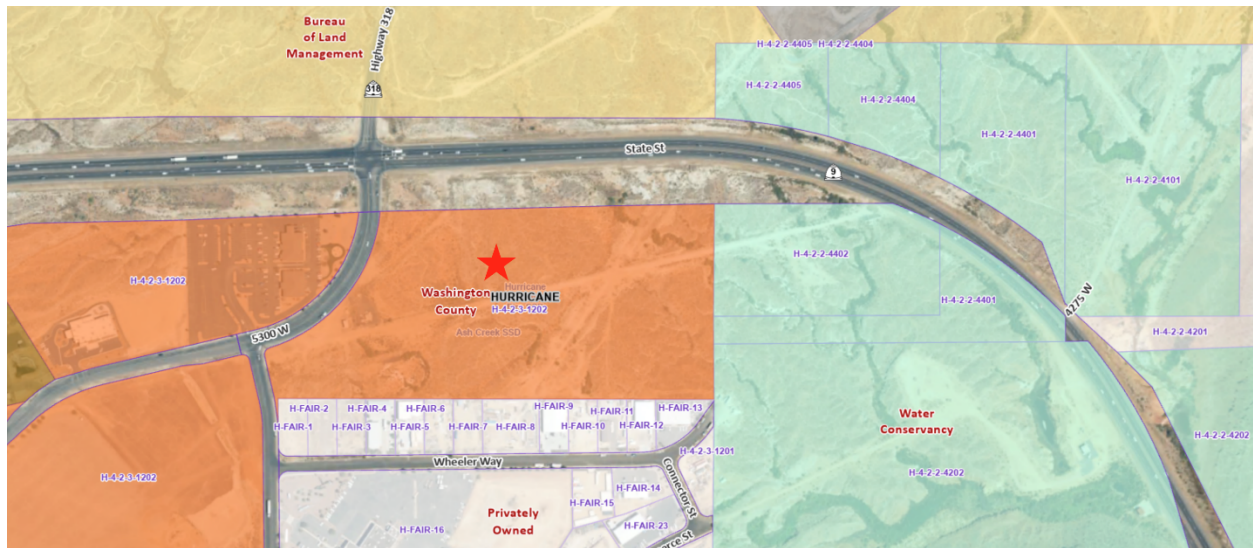
Home & Community Department
Rural Online Initiative

Utah State University Extension

339 South 5500 West

Hurricane UT 84737-0121

O: 435.301.7742 | C: 435.313.1667





STAFF COMMENTS

Item: Consideration and possible approval of a Reimbursement Agreement for Cole West Cielo Subdivision repaving of Foothills Drive.

Discussion: Cole West is developing a subdivision where the current Sunroc gravel pit is being operated on SITLA land off of Foothills Canyon Drive. The road surface is in a state of disrepair because of the heavy truck traffic associated with the gravel pit. Initially staff was of the opinion that the developer and/or SITLA should be responsible to resurface Foothills Canyon Drive as part of the new development. Legally the City cannot require this since the road has been dedicated and accepted by the City. However, as a compromise, Cole West has offered to pay \$250,000 toward the cost of resurfacing Foothills Canyon Drive and an agreement has been drafted for consideration by the City Council that will result in Cole West managing the design and construction, with the City having ultimate approval authority on the means and methods for the resurfacing. At this point, the total cost is unknown, but a preliminary cost estimate was nearly \$600,000. City Staff has reviewed the draft agreement and recommends approval. -Arthur LeBaron

Here are the key terms:

1. Cole West will pave Foothills Drive before it starts phase 2 of Cielo, at its own cost (initially). When the City reimburses Cole West, the City will hold back \$250K as Cole West's contribution to the roadway costs.
2. The City will have the authority to approve the design, any rehabilitation methods, and the bid docs for the roadway.
3. Cole West will get a 1 year warranty for the roadway improvement from the contractor and assign the warranty to the City.
4. After the road is done, Cole West will provide evidence of its actual cost to the City, and the City will provide initial partial reimbursement. The initial reimbursement will be partial because the City will hold back 10% of the total roadway costs as 1-year warranty bonding (in addition to the warranty from the contractor). After 1 year and the resolution of any warranty work, the City will reimburse the remaining 10% to Cole West (minus the \$250K).
5. At the City's option, Cole West may be required to redo a portion of the roadway at the end of the Cielo buildout, with the City reimbursing Cole West for the improvement. – Dayton Hall

Findings:

Recommendation:

REIMBURSEMENT AGREEMENT FOR COLE WEST CIELO SUBDIVISION REPAVING OF FOOTHILLS CANYON DRIVE

This Reimbursement Agreement (“**Reimbursement Agreement**”) is not intended to be recorded at the Washington County Recorder’s Office and is entered into, as of the date signed by the Mayor of the City, by and between **CW The Cielo, LLC**, a Utah limited liability company (“**Developer**”), and **Hurricane City**, a municipal corporation and political subdivision of the State of Utah (the “**City**”). Developer and City are collectively referred to herein as “**Parties**,” and each may be referred to individually as “**Party**.”

RECITALS

A. Developer is developing a parcel of real property identified by the City as Area 10 of the Coral Canyon P.D.O., and located in Hurricane, Utah, containing approximately 143.74 acres (“**Cielo**”), as more particularly described on Exhibit A attached hereto and incorporated herein by reference.

B. As both the City and Developer acknowledge, the road that services Cielo and was dedicated as Foothills Canyon Drive of the Coral Canyon Community in Document No. 20080030227 and as depicted on Exhibit B (the “**Road**”), has been used by mining activities on the Cielo property for over a decade, is in disrepair, and needs to be repaved. (the “**Public Improvement**”)

C. The City has requested, and Developer has agreed, to manage and initially pay for the Public Improvement.

D. The Parties agree that the Public Improvement is reasonably anticipated to serve future development and homeowners in Cielo.

E. Upon completion of the Public Improvement, the Parties have agreed that the City will reimburse Developer the cost of the Public Improvement, minus Two-Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00), which represents Developer’s financial contribution.

F. Depending upon the timing of the cessation of mining activities, the Parties may elect to have a portion of the Road repaved again (the “**Secondary Improvement**” and collectively with the Public Improvement, the “**Improvements**”). If the Parties deem that the Secondary Improvement is necessary, Developer will manage and initially pay for the Secondary Improvement, but the City shall reimburse Developer for the full cost of the second repaving.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

AGREEMENT

1. Recitals and Attachments; Effective Date.

- a. The foregoing Recitals and all Exhibit(s) and Attachment(s) hereto are hereby incorporated by reference into this Agreement and are made a part hereof.
- b. The Effective Date of this Agreement is the date that the Mayor of the City executes this Agreement as indicated by the date directly below the Mayor's signature below.

2. Road. The City will continue to own, by easement or in fee (as set forth in the documents recorded at the Washington County Recorder's Office), the Road or other interests and rights-of-way dedicated to the City which are associated with the Road.

3. Secondary Improvement. If the Parties agree that the Secondary Improvement is necessary, the agreement shall be effectuated by an amendment to this Reimbursement Agreement.

4. City Obligations. The City will grant Developer all necessary encroachment permits, construction easements, or rights of way to construct the Improvements. The City will not require Developer to post any bond or security, nor require any warranty, for completion of the Improvements, but will withhold the Retention, subject to the terms outlined in Section 9.

5. Developer Obligations.

- a. Developer will cause any design, installation, and construction of the Improvements, subject to the City's approval of the rehabilitation methods for the Road, the design of the Improvements, and the bid documents to be completed at Developer's sole cost and expense, subject to reimbursement by the City under this Agreement, by qualified licensed contractors, and in accordance with the plans and specifications for the Improvements approved by the City and any and all other applicable governmental and quasi-governmental entities and agencies with jurisdiction.
- b. The Public Improvement will be completed by Developer prior to the City's approval of a second phase of Cielo. The Secondary Improvement will be completed by Developer within one year of the completion of Cielo.
- c. Developer will assign its interest and rights in the warranty that Developer receives from the subcontractors performing the work on the Road to the City, which warranty shall have a term of no less than one (1) year after completion and inspection and approval by the City. In no event shall the Road be warranted against damage by Developer, its contractors, related parties, or assigns for a period longer than one (1) year after completion and inspection and approval by the City.

6. Certificate of Improvement Cost. After Developer completes the Public Improvement or, as necessary, the Secondary Improvement, Developer shall submit a "Certificate of Improvement Cost" to the City, which will indicate the Actual Costs (defined below) of the Public Improvement and, as necessary, the Secondary Improvement and must include documentation demonstrating the Actual

Costs incurred by the Developer for the acquisition, construction, and installation of Public Improvements, and which may include, but not be limited to, receipts, checks, detailed invoices, vouchers, bills, statements, bid documents, change orders, payment documents, and all other information reasonably necessary for the City to determine the Actual Costs incurred. Developer understands and agrees that the Improvements are the only improvements for which reimbursement will be made available pursuant to this Reimbursement Agreement. Developer may submit the Certificate of Improvement Cost for the Public Improvement and for the Secondary Improvement separately.

7. **Payments.** Within thirty (30) days after Developer delivers a Certificate of Improvements Cost to the City pursuant to this Reimbursement Agreement, the City shall make the Reimbursement Payment (defined below) to Developer.

8. **Reimbursement Payment Amount.** The “Reimbursement Payment” shall be for ninety percent (90%) of the Actual Costs (defined below) of the Improvements, minus Two-Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00), which represents Developer’s financial contribution. The term “Actual Costs” means the costs actually incurred or expended by Developer to construct or install the Improvements, and disbursements to general contractors for construction labor and materials. Actual Costs shall not include financing costs, interest, or expenses incurred preparing the Certificate of Improvements Cost. No interest shall be paid on any amounts due under this Reimbursement Agreement. That being the case, the City shall make every good faith effort: (i) to tender the Reimbursement Payment in full by the date described in Section 4 above; and (ii) to keep the Developer informed.

9. **Retention Payment Amount.** The final ten percent (10%) of the Actual Costs of the Improvements (the “Retention”) may be held by the City to ensure that the Improvements are sufficient, but must be tendered to Developer no longer than one (1) year after completion and inspection, and approval by the City of the Improvements and upon the resolution of any warranty claims arising from the warranty assigned pursuant to Section 5.c.

10. **Term of Agreement.** This Reimbursement Agreement shall commence on the Effective Date and Terminate upon the City delivering the Reimbursement Payment to the Developer, but with a maximum term of ten (10) years.

11. **Effect of Agreement.** Nothing in this Reimbursement Agreement shall be construed to relieve Developer of any obligations imposed on Developer by Federal, State, or local laws, ordinances, regulations, or standards. The terms and conditions of this Reimbursement Agreement shall be in addition to the terms and conditions of the Coral Canyon P.D.O., other development agreement(s), improvement construction and guarantee agreements, and other agreements applicable to the Project.

12. **Release.** Developer accepts the Reimbursement Payment as full and final payment as to the City’s obligation to reimburse Developer for the Improvements. Developer hereby waives any rights or claims against the City for reimbursement with respect to the Public Improvements, other than as set forth herein.

13. **Assignment.** Neither the Reimbursement Agreement nor any of its provisions, terms or conditions may be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities and without the prior written consent of City.

14. **Entire Agreement.** This Reimbursement Agreement contains the entire agreement and understanding of the parties with respect to reimbursement to Developer for the Improvements and supersedes all prior written or oral agreements, representations, promises, inducements, or understandings between the parties with regard to any reimbursements to Developer from the City with respect to the Improvements.

15. **Binding Effect.** This Reimbursement Agreement shall be binding upon the parties hereto and their respective officers, employees, representatives, agents, members, successors, and assigns.

16. **Validity and Severability.** In the event a court, governmental agency, or regulatory agency with proper jurisdiction determines that any provision of this Reimbursement Agreement is unlawful, that provision shall terminate. If a provision is terminated, but the parties can legally, commercially, and practicably continue to perform this Reimbursement Agreement without the terminated provision, the remainder of this Reimbursement Agreement shall continue in effect.

17. **Amendment.** This Reimbursement Agreement may be amended only in a writing signed by the parties hereto.

18. **Controlling Law, Jurisdiction and Venue.** This Reimbursement Agreement shall be governed by the laws of the State of Utah. Venue shall be in Washington County, Utah.

(See following pages for signatures.)

IN WITNESS WHEREOF, the parties hereto have executed this Reimbursement Agreement as of the day and year first hereinabove written.

CITY:

ATTEST:

By: _____
Mayor Nanette Billings

City Recorder

Date: _____

DEVELOPER:

CW The Cielo, LLC, a Utah limited liability company

By: _____

Print Name, Title: _____

Date: _____

Developer Acknowledgment

STATE OF _____)
:SS
COUNTY OF _____)

On this ____ day of _____, 202__, personally appeared before me,
_____ (name), who being by me duly sworn did
say that he/she is the _____ (title) of
CW The Cielo, LLC, a Utah limited liability company, and that the foregoing instrument was
signed in behalf of said company by authority of said company, and he/she acknowledged to me
that said company executed the same.

NOTARY PUBLIC

(See following pages for Exhibits.)

EXHIBIT A

Legal Description for Cielo

BEGINNING AT A POINT THAT LIES NORTH 00°22'41" EAST ALONG THE SECTION LINE 873.71 FEET FROM THE WEST QUARTER CORNER OF SECTION 4, TOWNSHIP 42 SOUTH, RANGE 14 WEST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE NORTH 35°26'49" EAST 156.54 FEET; THENCE NORTH 01°06'49" WEST 111.00 FEET; THENCE NORTH 52°08'16" EAST 223.04 FEET; THENCE NORTH 16°32'00" EAST 292.85 FEET; THENCE NORTH 41°04'16" EAST 310.01 FEET; THENCE SOUTH 84°14'12" EAST 63.51 FEET; THENCE NORTH 20°29'44" EAST 153.47 FEET; THENCE NORTH 59°29'19" EAST 152.44 FEET; THENCE NORTH 29°52'49" EAST 164.10 FEET; THENCE NORTH 20°37'07" EAST 286.51 FEET; THENCE NORTH 43°57'12" EAST 128.98 FEET; THENCE NORTH 11°08'24" EAST 142.74 FEET; THENCE NORTH 28°01'53" EAST 145.92 FEET; THENCE NORTH 33°22'56" EAST 206.03 FEET; THENCE NORTH 72°00'23" EAST 120.03 FEET; THENCE NORTH 89°54'10" EAST 115.41 FEET; THENCE NORTH 12°17'16" EAST 99.91 FEET; THENCE NORTH 30°11'36" EAST 71.04 FEET; THENCE NORTH 15°11'01" EAST 147.25 FEET; THENCE NORTH 11°15'32" EAST 49.53 FEET; THENCE NORTH 35°27'03" EAST 83.66 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF FOOTHILLS CANYON DRIVE; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING TEN (10) COURSES, NORTH 82°14'26" EAST 188.08 FEET; THENCE SOUTHEASTERLY ALONG A 530.00 FOOT RADIUS CURVE TO THE RIGHT, (CENTER POINT LIES SOUTH 07°45'34" EAST) THROUGH A CENTRAL ANGLE OF 82°56'07", A DISTANCE OF 767.17 FEET; THENCE SOUTH 14°49'27" EAST 213.72 FEET; THENCE SOUTHERLY ALONG A 460.00 FOOT RADIUS CURVE TO THE RIGHT, (CENTER POINT LIES SOUTH 75°10'33" WEST) THROUGH A CENTRAL ANGLE OF 40°42'13", A DISTANCE OF 326.79 FEET; THENCE SOUTHERLY ALONG A 540.00 FOOT RADIUS REVERSE CURVE TO THE LEFT, (CENTER POINT LIES SOUTH 64°07'14" EAST) THROUGH A CENTRAL ANGLE OF 32°42'55", A DISTANCE OF 308.33 FEET; THENCE SOUTHERLY ALONG A 460.00 FOOT RADIUS REVERSE CURVE TO THE RIGHT, (CENTER POINT LIES SOUTH 83°09'51" WEST) THROUGH A CENTRAL ANGLE OF 25°30'57", A DISTANCE OF 204.85 FEET; THENCE SOUTHERLY ALONG A 540.00 FOOT RADIUS REVERSE CURVE TO THE LEFT, (CENTER POINT LIES SOUTH 71°19'12" EAST) THROUGH A CENTRAL ANGLE OF 26°53'06", A DISTANCE OF 253.39 FEET; THENCE SOUTHERLY ALONG A 960.00 FOOT RADIUS REVERSE CURVE TO THE RIGHT, (CENTER POINT LIES SOUTH 81°47'42" WEST) THROUGH A CENTRAL ANGLE OF 56°28'40", A DISTANCE OF 946.29 FEET; THENCE SOUTHERLY ALONG A 540.00 FOOT RADIUS REVERSE CURVE TO THE LEFT, (CENTER POINT LIES SOUTH 41°43'38" EAST) THROUGH A CENTRAL ANGLE OF 82°57'57", A DISTANCE OF 781.93 FEET; THENCE SOUTH 34°41'46" EAST 29.63 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF HIGHWAY 91; THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY AND A 650.10 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, (CENTER POINT LIES SOUTH 38°12'42" EAST) THROUGH A CENTRAL ANGLE OF 31°10'41", A DISTANCE OF 353.76 FEET; THENCE NORTH 73°35'59" WEST 226.50 FEET; THENCE SOUTH 16°24'01" WEST 139.00 FEET; THENCE SOUTH 30°30'26" WEST 99.86 FEET; THENCE SOUTH 00°52'17" WEST 205.77

FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF SR-9; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES, WESTERLY ALONG A 1,709.86 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, (CENTER POINT LIES NORTH 07°36'33" WEST) THROUGH A CENTRAL ANGLE OF 48°34'16", A DISTANCE OF 1,449.49 FEET; THENCE NORTH 49°13'12" WEST 168.50 FEET; THENCE NORTH 49°13'12" WEST 365.19 FEET; THENCE NORTH 40°49'42" EAST 165.55 FEET; THENCE NORTH 09°54'17" EAST 142.85 FEET; THENCE NORTH 01°57'27" WEST 134.36 FEET; THENCE NORTH 35°26'49" EAST 265.42 FEET; TO THE POINT OF BEGINNING. CONTAINING 6,261,191 SQUARE FEET OR 143.74 ACRES.

Foothills Canyon Drive (the “Road”)





STAFF COMMENTS

Item: Discussion to consider a possible Land Use Code Update to the Home Based Business Ordinance to allow commercial kitchens in residential zones.

Discussion: Staff was directed to explore the practicality of a possible land use code update to allow commercial kitchens in residences for home-based business licenses. In response, staff provides the following information:

Cottage Kitchens: Cottage kitchen legislation became effective in 2007 under The Cottage Food Act. This legislation was intended to allow a home kitchens to produce limited types of foods as a home-based business. The City's home-based business ordinance allows home kitchens if they qualify for a cottage kitchen license from the Utah Department of Agriculture & Food. In order to qualify for a cottage kitchen license, the food products must meet the following criteria:

- The food products must be shelf-stable, meaning they do not require refrigeration.
- The food products cannot be sold online or out of state.
- The food products cannot contain meat or raw dairy; although, certain foods that are dairy-based, like cheesecake, might be approved by Dept of Ag & Food for a cottage license.
- The food product must not contain vegetables; although, certain foods that include vegetables, like carrot cake or jalapeno bread, might be approved by Dept of Ag & Food for a cottage license.
- The food product's laboratory-measured PH must be below 4.6.
- The food product's laboratory-measured Water Activity (Aw) must be below 0.85.
- Foods can be packaged and labeled.
- Food handler certification is required.

Microenterprise Home Kitchen: Microenterprise home kitchens are very similar to the cottage kitchen; in fact, our home-based business ordinance allows these as well. The main difference is these can produce non-shelf-stable foods, but the permit does not allow bottling. The cottage kitchen does allow bottling of things like jams and preserves as long as they don't contain vegetables.

Commercial Kitchens: Kitchens producing foods that do not meet the criteria for a cottage home kitchen or microenterprise kitchen would require a commercial kitchen license from the Dept of Ag & Food. A commercial kitchen license would essentially permit the production and sale of just about anything that could be sold in a full-service grocery store. It allows bottling, meats, and dairy. Currently, such commercial operations are not allowed under city codes, since they are beyond the intent of both our local home-based business ordinance and the state's cottage kitchen and micro-enterprise regulations. – Gary Cupp

Findings:

Recommendation:

We are Pops chips. We started selling our salsa and chips at the local Hurricane Farmers Market and it was a huge success.

We've been doing this for almost 3 years now and we have always been trying to take our business to the next level about 2023. We tried to get a cottage license and found out that we couldn't make salsa under a cottage license because it's temperature-controlled food, so we ended up renting a commercial Kitchen space and getting a license with the department of agricultural.

This was awesome. We were able to start selling our products to stores and doing larger events and grow a little bit. It was very time-consuming to go back-and-forth to the rented kitchen and sharing the space was not very convenient, so we decided to investigate building a kitchen of our own.

I remember looking at the kitchen cottage application and there was something on there saying that if we have had a qualified space, we could make a commercial kitchen at home. (See Attached this was the main reason we thought this was possible.)

So, we checked with the city and asked if we could build our own commercial kitchen at home. We were told it was ok if it was approved by the water department and the fire department. I talked with the water department, and they wanted me to fill out a request form and had no problem with what we were doing. I also contacted the fire department, and they wanted nothing to do with it because it was residential.

We let a little bit of time go by to save up some money to do this. We're ready to go. I called the city one more time to check and make sure everything was a green light, and they said it was.

Four months later I finished our kitchen and got it inspected. It passed with flying colors so we waited for our permit to come so we could get a business license. The permit never came after a month. We checked in on it and the inspector said he went to the city, and we should check with them. I went to the city to figure out what was going on. When I walked

everyone had a weird look on their face and said they had been waiting for me. I asked what's the next step to get my business license for our kitchen. Their reply was, I'm not allowed to have a commercial kitchen at my house. I looked directly at the lady that said it was ok in the first place. I looked at her and said you told me I could build a commercial kitchen. I also checked with her multiple times before I started this huge investment. Her reply was "I would never say you could build a commercial kitchen at your house only a cottage kitchen." My mouth dropped and I was so confused. I know for a fact, I never asked about building a cottage kitchen, because I know we can't make salsa with that permit also, you don't need to build a cottage kitchen, it's your home kitchen.

Devastated, thinking now what! How am I supposed to get my business license. They seemed like they just wanted to brush me off and said to provide us with either a cottage kitchen permit, or a micro enterprise kitchen permit, and would leave you alone. Neither of these options worked for us but we went ahead and got a cottage license because that was the only option, they gave us to go forward. It took a couple more months to get a cottage license. Then we submitted our business license application and waited. Checking in weekly after a few months we got a letter saying we're not approved for our business license and our cottage permit is not ok as we're running a commercial kitchen.

We have spent so much money and energy on trying to do the right thing and asking all the right questions along the way just to get shut down at every corner, so devastating.

Best Regards

Harry & Summer



UTAH DEPARTMENT OF AGRICULTURE AND FOOD
REGULATORY SERVICES DIVISION
4315 SOUTH 2700 WEST, TSOB SOUTH BLDG, FLOOR 2
TAYLORSVILLE, UT 84129-2128
(801) 982-2252 • FAX (385) 465-6023

APPLICATION FOR COTTAGE FOOD ESTABLISHMENT

Section 1 Contact Information

OWNER'S NAME: Harry Altena

BUSINESS NAME: Pops Chips and Salsa

PHYSICAL ADDRESS OF THE HOME WHERE PRODUCTION WILL OCCUR:

<u>2685 S 3200 W</u>	<u>Hurricane</u>	<u>UT</u>	<u>84737</u>
Street Address	City	State	ZIP

APPLICANT MAILING ADDRESS (if different from above):

_____	_____	<u>UT</u>	_____
Street Address or PO Box	City	State	ZIP

CONTACT INFORMATION:

<u>(435) 922-5642</u>	_____
Primary phone #	Alternate phone #

<u>harry@oneoffcreationz.com</u>
Email Address

Section 2 Additional Requirements

ATTACH THE FOLLOWING TO YOUR APPLICATION:

1. A recipe with ingredients, amounts, and preparation steps for each product that will be produced. (Please submit no more than 10-12 on the initial application, to streamline the process. Additional recipes can be added later, after the initial application has been approved.)
2. A label or complete ingredient list for each product. (See below for the rules on which is required.)
3. A plan for storage for ingredients, equipment, and finished product. (Separate refrigeration is required for any perishable ingredients or for any final products stored cold to extend shelf life.)
4. A list of potential general locations where you plan to sell your products (ex. Farmers markets, retail from home, wholesale to local businesses, etc.)

LABELING

There are two methods of sale you must consider when determining your labeling requirements: pre-packaged and custom/on-demand (also known as "full service").

Pre-packaged products are made and packaged prior to any customer interaction; the consumer can select and purchase the item they want with no employee assistance required. **Pre-packaged products must have full labels**, and be adequately packaged to protect them from contamination. Pre-packaged foods can be sold in facilities without hand washing facilities, such as farmer's market booths and convenience stores.

Custom-made or "special order" foods (eg. wedding or special event cakes, or other foods prepared after a customer's order) are typically exempt from individual labeling requirements. Also, if the product is served from a secure display case and the customer must ask an employee for the product, it is exempt from full labeling. A retail location selling products on-demand must have hand washing facilities and the employees must have food handler permits. **While full service products need not have full labels, a complete ingredient list -- formatted the same as on a label -- must be made available to the customer upon request.**

Please review the sample labels and sample ingredient lists included in the application packet for more information.

Section 3 Production Information

THE FOLLOWING FOOD TYPES ARE TYPICALLY PERMITTED UNDER THE COTTAGE FOOD RULE, ALTHOUGH THERE MAY BE EXCEPTIONS:

Cakes/Cupcakes
Honey¹
Candy/Chocolates

Cookies
Popcorn
Fruit Pies

Breads
Dry Mixes
Fruit Jams, Jellies, or Preserves

¹ Honey producers also need to contact UDAF's Plant Industry Division to register their bee hives, in addition to registering as a food producer.

- Refrigerated or frozen products may not be produced under the Utah Cottage Food Rule.
- Meat and poultry products, including jerky products, cannot be made under the Utah Cottage Food Rule.
- Low-acid or acidified canned foods may not be produced under the Utah Cottage Food Rule.
- Some recipes may require lab testing to determine whether they can be produced in a home kitchen.

Section 4 Home Requirements

Cottage food establishments may use the primary kitchen in their residence, as long as residential activities (eg. meal preparation) are not conducted simultaneously. Other kitchen facilities within the home, if available, may also be used if approved by the Department.

Secondary kitchen facilities within the home may qualify as commercial kitchens with minimal changes. Commercial kitchens are exempt from the special requirements and restrictions of the Cottage Food Rule. Contact our department to schedule a kitchen evaluation if you wish to explore the possibility of having a commercial kitchen certified in your home.

Section 5 Submitting the Application

This application and all requested materials, as listed above, should be submitted to:

rjnielsen@utah.gov

or

Rebecca Nielsen
Utah Department of Agriculture and Food
4315 S 2700 W, TSOB South Bldg, Floor 2
Taylorsville, UT 84129-2128

If the application is submitted by email, the labels should be scanned or submitted in a graphics file format (.pdf, .jpg, or similar) to preserve the correct fonts and formatting. If the dimensions of the file differ from the final intended print size, please state the intended size with each submission.

Review times may vary depending on the volume of applications received; we recommend submitting your application several weeks prior to the date you wish to start operating. **Contacting the Cottage Food Specialist by telephone (801-633-3965) to request a verbal review may help expedite your application.**

We may require that one or more of your products be tested for pH and/or water activity prior to the inspection to ensure it is safe for home production. Information on testing will be provided if needed.

Once your application is approved, you will be able to schedule a consultation with your local Compliance Officer. You will need to present a valid Food Handler's Permit to the Compliance Officer. Following the consultation and the payment of the registration fee, you will be permitted to produce and sell your products.

Cindy Beteag

From: AJ Richards <aj@fromthefarm.org>
Sent: Friday, July 18, 2025 12:29 PM
To: Cindy Beteag
Subject: Pops Chips support

Dear City Council,

I'm writing to express my full support for Pops Chips, a growing family-owned small business based in Hurricane, Utah.

This company invested in building a commercial kitchen inside their home based on guidance they received directly from a city employee. They were told that, if built to code and within regulatory compliance, a commercial kitchen in their home would be permitted. Acting in good faith, they moved forward—investing significant time, energy, and capital into their business.

Unfortunately, they have now been told that a commercial kitchen is not allowed in a residence, only a cottage kitchen. This reversal not only undermines their ability to grow and serve their customers, but it also puts their livelihood in jeopardy—all because of inaccurate guidance given by a city representative.

I understand the city may be concerned about setting a precedent, but let's be clear: this isn't about opening the floodgates. This is about righting a wrong. A city employee made a mistake, and now the burden has unfairly fallen on a small family business.

There are two reasonable paths forward:

1. The city should issue a special use permit allowing Pops Chips to operate their commercial kitchen as built.
2. If that's not possible, the city should reimburse them for the cost of that kitchen so they can relocate to a city-approved facility.

Doing anything less sends a dangerous message: that small business owners can't trust the information they receive from their own city officials.

As someone who grew up next to Hurricane and deeply values the entrepreneurial spirit of Southern Utah, I urge the city to act with integrity, take ownership of the mistake, and support this family business in continuing to thrive.

Sincerely,



AJ RICHARDS

FOUNDER, CEO

-  AJ@FROMTHEFARM.ORG
-  480-544-2446
-  FROMTHEFARM.ORG

Calendar: <https://calendly.com/aj--zxcn/zoom-meeting>

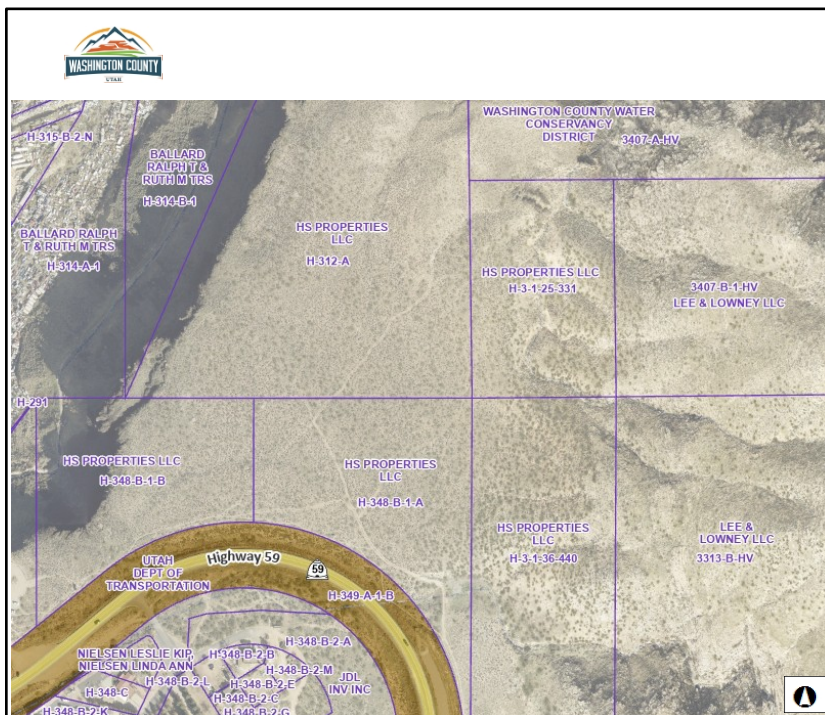
WeFunder Crowd Funding: <https://wefunder.com/fromthefarm>



STAFF COMMENTS

Item: Consideration and possible approval of an amendment to the Kachina Ridge Development Agreement. -Kent Stephens

Discussion: This item is a request by HS Properties, LLC to adjust and extend the termination date within the Kachina Ridge Development Agreement. The subject property is 75.9 acres on the Hurricane Hill north of Highway 59.



The Agreement was approved by the Council on December 3, 2021, in conjunction with a zone change rezoning the property to Planned Commercial. In addition to the standard requirements that the developer bring utilities to the property, the Agreement requires that the developer design and construct intersection improvements on SR-59 to UDOT standards, including over/underpass, traffic signals, turn lanes, and other right-of-way improvements. The Agreement also states that the City Council has the option to terminate the Agreement if the final plat for the property has not been recorded by December 3, 2028. The developer has been working with UDOT to complete a design for the highway interchange, but the process has been moving slowly and has suffered some setbacks. The developer's request is that the

Agreement be amended to give the Council the option to terminate if a preliminary plat has not been approved by the City by December 3, 2028, instead of requiring the recording of a final plat before the termination option is available. This amendment would avoid the potential situation where a preliminary plat has been approved and construction has started on the development, but the final plat is not recorded by the deadline, giving the Council the contractual ability to terminate the Agreement mid-development.



STAFF COMMENTS

Item: Consideration and possible approval of Resolution 2025-29 abandoning a portion of Flora Tech Road.

Discussion: Flora Tech Road is an old County Road that is a prescriptive right-of-way the City inherited as part of the 1978 Dixie Springs Addition annexation. The City has maintained the road and it is a public right-of-way by prescriptive use, which means there is no official dedication plat. With imminent development being proposed as part of the Gateway at Sand Hollow PID, the time has come to replace Flora Tech Road with a new roadway network that is in accordance with the City's Transportation Master Plan (see attached Exhibit). In order to vacate a public right-of-way the City must follow a statutory process outlined in State Code, which requires advertisement, a public hearing, and a resolution. City Staff has reviewed the petition to vacate and recommends approval. - Arthur LeBaron

Findings:

Recommendation:

**A RESOLUTION OF THE CITY COUNCIL OF HURRICANE, UTAH,
APPROVING THE ABANDONMENT OF A PORTION OF A PUBLIC RIGHT-OF-WAY
LOCATED ON FLORA TECH ROAD**

WHEREAS, Utah Code 72-5-105 grants the City power to abandon public highways, streets, or roads that are maintained and operated by the City; and

WHEREAS, the primary property owner adjoining Flora Tech Road has petitioned the City requesting the public right-of-way be abandoned to the adjoining property owners; and

WHEREAS, the roadway proposed for abandonment is inconsistent with the City's Transportation Master Plan; and

WHEREAS, the City has held a public hearing and provided notice as required in Utah Code 10-9a-208 *Hearing and notice for petition to vacate a public street*, and

WHEREAS, the proposed abandonment has been presented to the Hurricane Joint Utility Committee and no objections were raised; and

WHEREAS, alternative roadways in the vicinity have already been constructed, and others are in the construction plan approval process, which will support the abandonment of the public right-of-way; and

WHEREAS, the abandonment will not negatively affect adjacent property owners.

BE IT HEREBY RESOLVED by the City Council of Hurricane, Utah that the property described in the attached legal description be abandoned and incorporated into the adjacent properties.

DATED this 7th day of August, 2025.

Nanette Billings, Mayor

Attest:

Cindy Beteag, Recorder

The foregoing Resolution was presented at a regular meeting of the Hurricane City Council held

at the Hurricane City Office Building on the 7th day of August, 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

FLORA-TECH ROADWAY VACATE CENTERLINE LEGAL DESCRIPTION

A portion of Flora Tech Road, being 20 feet more or less on either side of the following described centerline:

COMMENCING AT NORTHEAST CORNER OF SECTION 1, T42S, R14W, OF THE SALT LAKE BASE & MERIDIAN; THENCE S01°22'20"W ALONG THE SECTION LINE, 930.89 FEET; THENCE N90°00'00"W 1844.38 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF SAND HOLLOW ROADWAY DEDICATION, DOCUMENT #20240028591;

THENCE N76°07'28"E 389.62 FEET; THENCE EASTERLY ALONG THE ARC OF A 200.00 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 211.81 FEET, THROUGH A CENTRAL ANGLE OF 60°40'41", (LONG CHORD BEARS: S73°32'12"E 202.05 FEET); THENCE S43°11'52"E 88.06 FEET; THENCE S39°31'25"E 79.09 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF A 650.00 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 293.66 FEET, THROUGH A CENTRAL ANGLE OF 25°53'07", (LONG CHORD BEARS: S26°34'52"E 291.17 FEET); THENCE S13°38'18"E 940.82 FEET; THENCE S13°22'51"E 164.81 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF A 375.00 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 309.00 FEET, THROUGH A CENTRAL ANGLE OF 47°12'40", (LONG CHORD BEARS: S36°59'11"E 300.33 FEET); THENCE S60°35'31"E 204.09 FEET; THENCE S54°38'44"E 428.85 FEET; THENCE S52°45'12"E 83.92 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF A 730.00 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 240.23 FEET, THROUGH A CENTRAL ANGLE OF 18°51'17", (LONG CHORD BEARS: S43°19'33"E 239.15 FEET); THENCE SOUTHEASTERLY ALONG THE ARC OF A 2196.34 FOOT RADIUS COMPOUND CURVE TO THE RIGHT A DISTANCE OF 147.43 FEET, THROUGH A CENTRAL ANGLE OF 03°50'46", (LONG CHORD BEARS: S31°58'32"E 147.40 FEET); THENCE SOUTHEASTERLY ALONG THE ARC OF A 8854.07 FOOT RADIUS COMPOUND CURVE TO THE RIGHT A DISTANCE OF 458.11 FEET, THROUGH A CENTRAL ANGLE OF 02°57'52", (LONG CHORD BEARS: S28°34'13"E 458.06 FEET); THENCE SOUTHEASTERLY ALONG THE ARC OF A 11341.70 FOOT RADIUS COMPOUND CURVE TO THE RIGHT A DISTANCE OF 129.67 FEET, THROUGH A CENTRAL ANGLE OF 00°39'18", (LONG CHORD BEARS: S26°45'38"E 129.67 FEET); THENCE SOUTHERLY ALONG THE ARC OF A 1625.00 FOOT RADIUS COMPOUND CURVE TO THE RIGHT A DISTANCE OF 372.88 FEET, THROUGH A CENTRAL ANGLE OF 13°08'51", (LONG CHORD BEARS: S19°51'33"E 372.06 FEET); THENCE S13°17'08"E 190.31 FEET; THENCE S10°33'46"E 10.75 FEET; THENCE SOUTHERLY ALONG THE ARC OF A 1060.00 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 228.05 FEET, THROUGH A CENTRAL ANGLE OF 12°19'36", (LONG CHORD BEARS: S04°23'58"E 227.61 FEET); THENCE S01°45'50"W 358.00 FEET; THENCE S01°52'02"W 1401.82 FEET TO THE POINT OF ENDING.

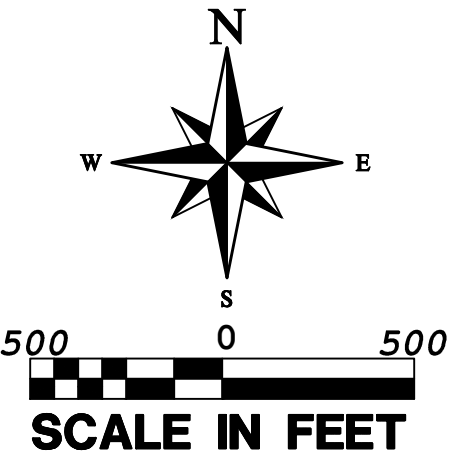


DISTRICT 1 & 3 MASTER PLAN FOR: GATEWAY AT SAND HOLLOW PID

LOCATED ON SECTION
SECTIONS 6 & 7, T42S, R13W S.L.B.&M.
HURRICANE, WASHINGTON COUNTY, UTAH

LEGEND

- UNBUILDABLE AREA
- DISTRICT 1 MASTER PLAN ROADS
- DISTRICT 3 MASTER PLAN ROADS
- PROPOSED TURF SOD ROAD IN PID DISTRICT 3
- PROPOSED ROADWAYS ROAD IN PID DISTRICT 2
- GATEWAY AT SAND HOLLOW PID BOUNDARIES
- ORIGINAL ROW (RIGHT OF WAY)
- ADJACENT PROPERTY LINE (PARCELS)
- SURV-QUARTER
- SURV-SECTION
- SR-7 EX-ROW
- SECTION CORNER



SECTION 1

SECTION 6

SECTION 11

SECTION 12

SECTION 7

REVISIONS		DATE	BY
NO	DESCRIPTION		

PROVALUE ENGINEERING, INC.
Engineers - Land Designers - Landscape Planners
20 South 850 West, Suite 1
Hurricane, UT 84538
Phone: (435) 890-3127 Karl Rasmussen



DISTRICT 1 & 3 MASTER PLAN FOR:
GATEWAY AT SAND HOLLOW PID
LOCATED ON SECTIONS 6 & 7, T42S, R13W, S.L.B.&M.
HURRICANE, WASHINGTON COUNTY, UTAH

DATE: 9/19/2024 SCALE: 1"=500'
JOB NO. 336-005
SHEET NO. C2

MASTER PHASE PLAN

COPYRIGHT © 2013 PROVALUE ENGINEERING, INC.



STAFF COMMENTS

Item: Consideration and possible approval of Resolution 2025-30 Amending the Power Connection Fees.

Discussion: We last updated our Power Connection Fees in June 2024 and established at that time we would review them annually, at a minimum, to update labor rates, material costs, and equipment costs. We will update them as needed in between those times if any material significantly increases and it's necessary to do so. However, this is the normal annual review and update for those items. This item is on the August 6, 2025, Power Board agenda. Staff anticipates a positive recommendation. – Crystal Wright

Findings:

Recommendation:

EXHIBIT A

Proposed Update for Existing Connection Costs					
	Now	New	Labor	Equipment	Material
Hook-up Costs					
Single Phase Metering (200 amp and below)	\$293.00	<u>\$418.00</u>	\$181.72	\$38.50	\$196.90
Single Phase Non C.T. Metering (above 200 amp, up to 400 amp)	\$425.00	<u>\$440.00</u>	\$181.72	\$38.50	\$218.90
Three Phase Non C.T. Metering (under 400 amps)	\$544.00	<u>\$783.00</u>	\$90.86	\$38.50	\$653.40
Three Phase with C.T. Metering (over 400 amps)	\$1,524.00	<u>\$1,833.00</u>	\$272.58	\$77.00	\$1,482.55
Developing Underground Connection Point from Overhead to Underground					
Single Phase Secondary	\$1,679.00	<u>\$1,701.00</u>	\$290.75	\$116.16	\$1,293.95
4/0 Riser	\$874.00	<u>\$888.00</u>	\$363.44	\$132.00	\$391.74
350 MCM Riser	\$842.00	<u>\$855.00</u>	\$363.44	\$132.00	\$359.18
500 MCM Riser	\$977.00	<u>\$990.00</u>	\$363.44	\$176.00	\$450.25
Primary Single-Phase Riser					
1/0 Primary Riser	\$1,604.00	<u>\$1,449.00</u>	\$408.87	\$176.00	\$863.27
Primary Three-Phase Riser					
1/0 Primary Riser	\$3,027.00	<u>\$3,052.00</u>	\$817.74	\$264.00	\$1,969.44
4/0 Primary Riser	\$3,027.00	<u>\$3,052.00</u>	\$817.74	\$264.00	\$1,969.44
500 Primary Riser	\$5,217.00	<u>\$5,374.00</u>	\$1,272.04	\$396.00	\$3,705.76
750 Primary Riser	\$5,217.00	<u>\$5,374.00</u>	\$1,272.04	\$396.00	\$3,705.76
Other Connection Costs					
Switch Grounding	\$651.00	<u>\$668.00</u>	\$272.58	\$77.00	\$317.57
Connect into Developers Switch Fuse Bay	\$1,232.00	<u>\$1,260.00</u>	\$545.16	\$77.00	\$637.40
Connect into Developers Solid Blade Bay	\$646.00	<u>\$658.00</u>	\$545.16	\$77.00	\$35.31
Connect into Existing Switch per Bay	\$13,282.00	<u>\$13,423.00</u>	\$772.31	\$324.50	\$12,325.81
Connect into an Existing Vault per KVA	\$6.50	<u>\$6.50</u>	-	-	-
Elbow Termination	\$126.00	<u>\$130.00</u>	\$90.86	\$38.50	-

CONNECTION FEES Pending Approval 8/7/25	
Hookup Fees	
Single Phase Metering (200 Amp and below)	\$418.00
Single Phase Non C.T. Metering (above 200 Amp, up to 400 Amp)	\$440.00
Three Phase Non C.T. Metering (under 400 Amps)	\$783.00
Three Phase with C.T. Metering (over 400 Amps)	\$1,833.00
Developing Underground Connection Point from Overhead to Underground	
Single Phase Secondary	\$1,701.00
Secondary Riser	
4/0 Riser	\$888.00
350 MCM Riser	\$855.00
500 MCM Riser	\$990.00
Primary Single-Phase Riser	
1/0 Primary Riser	\$1,449.00
Primary Three-Phase Riser	
1/0 Primary Riser	\$3,052.00
4/0 Primary Riser	\$3,052.00
500 Primary Riser	\$5,374.00
750 Primary Riser	\$5,374.00
Other Connection Fees	
Switch Grounding Fee	\$668.00
Connect into Developers Switch Fuse Bay	\$1,260.00
Connect into Developers Solid Blade Bay	\$658.00
Connect into Existing Switch per Bay	\$13,423.00
Connect into an Existing Vault per KVA	\$6.50
Elbow Termination Fee	\$130.00
Design & Review Fees	Contact Power Dept

ELECTRIC RATES April 1, 2023		
Residential		
Base Charge		\$20.00
Usage		
1-800 KWH		\$.08946/KWH
801-2000 KWH		\$.10222/KWH
2001+ KWH		\$.11485/KWH
Small Commercial		
Base Charge-Single Phase		\$19.00
Base Charge-Three Phase		\$24.50
Usage		
1-800 KWH		\$.10302/KWH
801+ KWH		\$.10880/KWH
Demand Charge		
Over 50 KW		\$8.50/KW
Large Commercial		
Base Charge		\$320.00
Usage		
All KWH		\$.06658/KWH
Demand Charge		
All KWH		\$9.10/KW
SOLAR FEES AND RATES April 1, 2023		
Application Review Fee (1st Review)		\$200.00
Each Additional Review		
Bi-Directional Meter Fee		
Single Phase Basic Base Rate	6kW AC or Less	\$30.00
Single Phase Large Base Rate	12 kW AC or Less	\$40.00
Three Phase Basic Base Rate	12 kW AC or Less	\$90.00
*See Grid-Tied Policy for additional base rates and application review details		

IMPACT FEE SCHEDULE Approved May 15, 2025 (Effective August 13, 2025) *Impact Fee=Base Impact Fee (\$ per kW) \$727.69					
Service Amps	120/240 Single Phase	Commercial 120/240 Single Phase	Commercial Industrial 120/208 Three Phase	Commercial Industrial 240/480 Three Phase	Commercial Industrial 277/480 Three Phase
125	\$2,592	NA	NA	NA	NA
200	\$4,148	\$7,859	\$11,797	\$27,225	\$27,225
400	\$8,528	\$15,718	\$23,595	\$54,449	\$54,449
600	\$12,792	\$23,577	\$35,392	\$81,674	\$81,674
800	NA	\$31,436	\$47,189	\$108,898	\$108,898
1000	NA	NA	\$58,987	\$136,123	\$136,123
1200	NA	NA	\$70,784	\$163,347	\$163,347
1600	NA	NA	\$94,378	\$217,796	\$217,796
1800	NA	NA	\$106,176	\$245,021	\$245,021
2000	NA	NA	\$117,973	\$272,246	\$272,246
2500	NA	NA	\$147,466	\$340,307	\$340,307
3000	NA	NA	\$176,960	\$408,368	\$408,368
4000	NA	NA	\$235,946	\$544,492	\$544,492

RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF HURRICANE, UTAH, AMENDING
THE CONNECTION COST SCHEDULE FOR THE HURRICANE POWER
DEPARTMENT**

WHEREAS, the Hurricane City Council is authorized by Section 10-3-717 of the Utah Code and Section 1-5-6-G.1. of the Hurricane City Code to establish fees for municipal services; and

WHEREAS, said City Council desires to amend the connection cost schedule for Hurricane Power Department Services, and

WHEREAS, said City Council deems it necessary and desirable for the preservation and protection of the health, safety, and welfare of the residents of Hurricane, Utah,

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

1. Approval and Adoption of the Connection Cost Schedule. The costs contained in the Hurricane Power Department are attached hereto as Exhibit “A” and incorporated herein as if fully set forth are hereby approved and adopted. The Power Department shall charge the costs set forth in Exhibit A.

PASSED AND APPROVED THIS 7th day of August, 2025.

Nanette Billings, Mayor

ATTEST:

Cindy Beteag, Recorder

The foregoing Resolution was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 7th day of August, 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

Exhibit A

CONNECTION FEES August 7, 2025	
Hookup Fees	
Single Phase Metering (200 Amp and below)	\$418.00
Single Phase Non C.T. Metering (above 200 Amp, up to 400 Amp)	\$440.00
Three Phase Non C.T. Metering (under 400 Amps)	\$783.00
Three Phase with C.T. Metering (over 400 Amps)	\$1,833.00
Developing Underground Connection Point from Overhead to Underground	
Single Phase Secondary	\$1,701.00
Secondary Riser	
4/0 Riser	\$888.00
350 MCM Riser	\$855.00
500 MCM Riser	\$990.00
Primary Single-Phase Riser	
1/0 Primary Riser	\$1,449.00
Primary Three-Phase Riser	
1/0 Primary Riser	\$3,052.00
4/0 Primary Riser	\$3,052.00
500 Primary Riser	\$5,374.00
750 Primary Riser	\$5,374.00
Other Connection Fees	
Switch Grounding Fee	\$668.00
Connect into Developers Switch Fuse Bay	\$1,260.00
Connect into Developers Solid Blade Bay	\$658.00
Connect into Existing Switch per Bay	\$13,423.00
Connect into an Existing Vault per KVA	\$6.50
Elbow Termination Fee	\$130.00
Design & Review Fees	Contact Power Dept

ELECTRIC RATES April 1, 2023		
Residential		
Base Charge		\$20.00
Usage		
1-800 KWH		\$.08946/KWH
801-2000 KWH		\$.10222/KWH
2001+ KWH		\$.11485/KWH
Small Commercial		
Base Charge-Single Phase		\$19.00
Base Charge-Three Phase		\$24.50
Usage		
1-800 KWH		\$.10302/KWH
801+ KWH		\$.10880/KWH
Demand Charge		
Over 50 KW		\$8.50/KW
Large Commercial		
Base Charge		\$320.00
Usage		
All KWH		\$.06658/KWH
Demand Charge		
All KWH		\$9.10/KW
SOLAR FEES AND RATES April 1, 2023		
Application Review Fee (1st Review)		\$200.00
Each Additional Review		
Bi-Directional Meter Fee		
Single Phase Basic Base Rate	6kW AC or Less	\$30.00
Single Phase Large Base Rate	12 kW AC or Less	\$40.00
Three Phase Basic Base Rate	12 kW AC or Less	\$90.00
*See Grid-Tied Policy for additional base rates and application review details		

IMPACT FEE SCHEDULE Approved May 15, 2025 (Effective August 13, 2025)				*Impact Fee=Base Impact Fee (\$ per kW) \$727.69	
Service Amps	120/240 Single Phase	Commercial 120/240 Single Phase	Commercial Industrial 120/208 Three Phase	Commercial Industrial 240/480 Three Phase	Commercial Industrial 277/480 Three Phase
125	\$2,592	NA	NA	NA	NA
200	\$4,148	\$7,859	\$11,797	\$27,225	\$27,225
400	\$8,528	\$15,718	\$23,595	\$54,449	\$54,449
600	\$12,792	\$23,577	\$35,392	\$81,674	\$81,674
800	NA	\$31,436	\$47,189	\$108,898	\$108,898
1000	NA	NA	\$58,987	\$136,123	\$136,123
1200	NA	NA	\$70,784	\$163,347	\$163,347
1600	NA	NA	\$94,378	\$217,796	\$217,796
1800	NA	NA	\$106,176	\$245,021	\$245,021
2000	NA	NA	\$117,973	\$272,246	\$272,246
2500	NA	NA	\$147,466	\$340,307	\$340,307
3000	NA	NA	\$176,960	\$408,368	\$408,368
4000	NA	NA	\$235,946	\$544,492	\$544,492



STAFF COMMENTS

Item: Consideration and possible approval of Resolution 2025-31 Amending the Residential Power Analog Meter Rate.

Discussion: We have a rate for a Residential Analog Meter on our books that hasn't been used in a very long time. The actual cost per kWh is equal to our regular Residential rate, however the Base Rate is currently \$10 higher than a regular residential customer who has their monthly reading collected by radio. This \$10 increase is not sufficient to cover the increased labor rate & truck visit, especially because we will be doing it for just a select few. We have signed the contract and are moving forward toward our AMI metering project which will eliminate radio reads almost entirely. Visually reading meters will be a very big step backward. We've recently had 2 residents inquire about looking into that rate and we've conducted a review of the cost for us to change those meters out, and updated costs to collect those reads manually each month. We would like to have this rate updated in advance of any new residents requesting that rate. There are currently no customers on this rate, with the potential to add only the 2 who are inquiring about the rate. This item is on the August 6, 2025, Power Board agenda. Staff anticipates a positive recommendation. – Crystal Wright

Findings:

Recommendation:

Proposed Update to Base Rate for Analog Meter-Residential (Rate 121)						
			Now	New	Labor	Equipment
Analog Meter-Residential						
Base Rate			\$30.00	<u>\$63.50</u>	\$30.29	\$12.83
Plus	Usage					
	1-800	kWh	\$0.08946	<u>\$0.08946</u>		
	801-2000	kWh	\$0.10222	<u>\$0.10222</u>		
	2000+	kWh	\$0.11485	<u>\$0.11485</u>		

*Labor \$90.86 + Equipment \$38.50 = \$129.36/3 customers average per hour = \$43.12 actual cost to send a lineman out to physically get a reading

The Existing \$20.00 Residential Base Rate includes the cost of a radio read currently. With the introduction of AMI we will no longer have to drive around for reads so we will be physically required to make a special trip out to get these readings. We will also have to manually enter those reads each month. Those meters are also not a common meter, or one that we stock, so there's a cost involved with ordering additional specialized meters. We would like to recoup at least the cost required to collect that reading. **\$20 Residential Base Rate + \$43.12 actual cost for physical read = \$63.12**

Exhibit "A" Amendments				Rate Effective 9/1/24 (July-Aug usage)	Current Rates as of 4/1/23	Analog Base Rate Increase
Residential						
Base Charge (Rate 101, 107)				\$ 20.00	20	20
Plus				\$ -	0	
	Usage			\$ -	0	
	1-800	KWh		\$ 0.08946	0.089463	0.089463
	801-2000	KWh		\$ 0.10222	0.102223	0.102223
	2000+	KWh		\$ 0.11485	0.114851	0.114851
				\$ -	0	
ANALOG METER-Residential				\$ -	0	
Base Charge (Rate 121)				\$ 63.50	30	63.5
Plus				\$ -	0	
	Usage			\$ -	0	
	1-800	KWh		\$ 0.08946	0.089463	0.089463
	801-2000	KWh		\$ 0.10222	0.102223	0.102223
	2000+	KWh		\$ 0.11485	0.114851	0.114851
				\$ -	0	
Electric-Agricultural 1P				\$ -	0	
Base Charge - Single Phase (Rate 108)				\$ 18.00	18	18
Plus				\$ 0.09380	0.093797	0.093797
				\$ -	0	
				\$ -	0	
Electric-Agricultural 3P				\$ -	0	
Base Charge - Three Phase (Rate 111)				\$ 24.50	24.5	24.5
Plus				\$ 0.10761	0.107613	0.107613
				\$ -	0	
Small Commercial 1P				\$ -	0	
Base Charge - Single Phase (Rate 105)				\$ 19.00	19	19
Plus				\$ -	0	
	Usage			\$ -	0	
	1-800	KWh		\$ 0.10302	0.103015	0.103015
	801+	KWh		\$ 0.10880	0.108801	0.108801
Plus				\$ 8.50	8.5	8.5
				\$ -	0	
Small Commercial 3P				\$ -	0	
Base Charge - Three Phase (Rate 106, 112, 113)				\$ 24.50	24.5	24.5
Plus				\$ -	0	
	Usage			\$ -	0	
	1-800	KWh		\$ 0.10302	0.103015	0.103015
	801+	KWh		\$ 0.10880	0.108801	0.108801
Plus				\$ 8.50	8.5	8.5
				\$ -	0	
Alternative Large Commercial Rate - Interruptible 3P				\$ -	0	
Base Charge - Three Phase (Rate 110)				\$ 320.00	320	320
Plus				\$ -	0	
	Usage			\$ -	0	
	All KWh			\$ 0.06658	0.066583	0.066583
				\$ 4.55	4.55	4.55
				\$ -	0	
Large Commercial 3P				\$ -	0	
Base Charge - Three Phase (Rate 104)				\$ 320.00	320	320
Plus				\$ -	0	
	Usage			\$ -	0	
	All KWh			\$ 0.06658	0.066583	0.066583
Plus				\$ 9.10	9.1	9.1
				\$ -	0	
Old Commercial Rate				\$ -	0	
Base Charge (Rate 199)				\$ 18.50	18.5	18.5
Plus				\$ -	0	
	Usage			\$ -	0	
	1-800	KWh		\$ 0.09209	0.092092	0.092092
	801-1500	KWh		\$ 0.10525	0.105248	0.105248
	1501-26500	KWh		\$ 0.10170	0.101695	0.101695
	26501+	KWh		\$ 0.09183	0.091828	0.091828
Plus				\$ 7.60	7.6	7.6
				\$ -	0	
CITY-1P				\$ -	0	

Base Charge - Single Phase (Rate 102)				\$	18.00		18	18
Plus							0	
	Usage			\$	-		0	
	1-800	KWh		\$	0.10064		0.100639	0.100639
	801+	KWh		\$	0.11051		0.110506	0.110506
				\$	-		0	
CITY-3P				\$	-		0	
Base Charge - Three Phase (Rate 103)				\$	24.50		24.5	24.5
Plus							0	
	Usage			\$	-		0	
	1-800	KWh		\$	0.10064		0.100639	0.100639
	801+	KWh		\$	0.11051		0.110506	0.110506
				\$	-		0	
Electric Production-Solar refund (Rate 177)				\$	(0.04)		-0.04	-0.04
				\$	-		0	
OLD Residential Solar				\$	-		0	
Base Charge (Rate 115)				\$	20.00		20	20
Plus							0	
	Usage			\$	-		0	
	1-800	KWh		\$	0.08946		0.089463	0.089463
	801-2000	KWh		\$	0.10222		0.102223	0.102223
	2000+	KWh		\$	0.11485		0.114851	0.114851
				\$	-		0	
1P System Solar				\$	-		0	
Base Charge (Rate 116)				\$	30.00		30	30
Plus							0	
	Usage			\$	-		0	
	1-800	KWh		\$	0.08946		0.089463	0.089463
	801-2000	KWh		\$	0.10222		0.102223	0.102223
	2000+	KWh		\$	0.11485		0.114851	0.114851
				\$	-		0	
3P Basic System Solar				\$	-		0	
Base Charge - Three Phase (Rate 118)				\$	90.00		90	90
Plus							0	
	Usage			\$	-		0	
	1-800	KWh		\$	0.10302		0.103015	0.103015
	801+	KWh		\$	0.10880		0.108801	0.108801
	Demand Charge over 50KWh			\$	8.50		8.5	8.5
				\$	-		0	
PACIFICORP POWER (OLD UP&L/ROCKY MTN PWR) (Rate 109)								
<u><i>This is a contracted rate and not subject to rate changes passed by resolution</i></u>								
	All	KWh		\$	0.19487		0.19487	0.19487

Resolution No. 2025-31

**A RESOLUTION OF THE CITY COUNCIL OF HURRICANE, UTAH,
AMENDING THE RESIDENTIAL ANALOG METER RATE FOR HURRICANE CITY
POWER**

WHEREAS the Hurricane City Council is authorized by Section 10-3-717 of the Utah Code and Section 1-5-6(G)(1) of the Hurricane City Code to establish fees for municipal services; and

WHEREAS Hurricane City Code sections 8-1-4 & 8-4-4 authorize the City Council to set by resolution fees, rates, deposit requirements, and charges associated with municipal power and water services; and

WHEREAS Hurricane City has reevaluated the fiscal effects of the rate previously established for residential analog meters and determined that the base rate needed to be increased; and

WHEREAS the City Council desires to ensure power rates are revenue neutral, and the Power Board has recommended an increase in the base rate for residential analog meters to accomplish revenue neutrality; and

WHEREAS the Hurricane City Council finds that these clarifications and amendments are necessary and desirable for the preservation and protection of the health, safety, and welfare of the residents of Hurricane,

BE IT HEREBY RESOLVED by the Hurricane City Council that the base rate charged to Hurricane City Power residential analog meter customers shall increase to a standard \$63.50/month. This updated base charges for all Hurricane City Power service areas are set forth in Exhibit “A” attached hereto. The updated rates and charges set forth in this Resolution shall be effective for electricity usage occurring in August 2025, which will be billed in September 2025.

PASSED AND APPROVED this 7th day of August 2025.

Nanette Billings, Mayor

Attest:

Cindy Beteag, Hurricane City Recorder

The foregoing Resolution was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 7th day of August 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

EXHIBIT A

Exhibit "A"

Rate Effective
9/1/24 (July-Aug
usage)

Residential

Base Charge (Rate 101, 107)			\$	20.00
Plus	Usage		\$	-
	1-800	KWh	\$	0.08946
	801-2000	KWh	\$	0.10222
	2000+	KWh	\$	0.11485
			\$	-

ANALOG METER-Residential

Base Charge (Rate 121)			\$	63.50
Plus	Usage		\$	-
	1-800	KWh	\$	0.08946
	801-2000	KWh	\$	0.10222
	2000+	KWh	\$	0.11485
			\$	-

Electric-Agricultural 1P

Base Charge - Single Phase (Rate 108)			\$	18.00
Plus	All KWh		\$	0.09380
			\$	-
			\$	-

Electric-Agricultural 3P

Base Charge - Three Phase (Rate 111)	All KWh		\$	24.50
Plus			\$	0.10761
			\$	-

Small Commercial 1P

Base Charge - Single Phase (Rate 105)			\$	19.00
Plus	Usage		\$	-
	1-800	KWh	\$	0.10302
	801+	KWh	\$	0.10880
Plus	Demand Charge over 50KWh		\$	8.50
			\$	-

Small Commercial 3P

Base Charge - Three Phase (Rate 106, 112, 113)			\$	24.50
Plus	Usage		\$	-
	1-800	KWh	\$	0.10302
	801+	KWh	\$	0.10880
Plus	Demand Charge over 50KWh		\$	8.50
			\$	-

Alternative Large Commercial Rate - Interruptible 3P

Base Charge - Three Phase (Rate 110)			\$	320.00
Plus	Usage		\$	-
	All KWh		\$	0.06658
	Demand Charge		\$	4.55
			\$	-

Large Commercial 3P

Base Charge - Three Phase (Rate 104)			\$	320.00
Plus	Usage		\$	-
	All KWh		\$	0.06658
Plus	Demand Charge		\$	9.10
			\$	-

Old Commercial Rate

Base Charge (Rate 199)			\$	18.50
Plus	Usage		\$	-

	1-800	KWh	\$	0.09209
	801-1500	KWh	\$	0.10525
	1501-26500	KWh	\$	0.10170
	26501+	KWh	\$	0.09183
Plus	Demand Charge over 50KWh		\$	7.60
			\$	-
CITY-1P				\$ -
Base Charge - Single Phase (Rate 102)				\$ 18.00
Plus	Usage		\$	-
	1-800	KWh	\$	0.10064
	801+	KWh	\$	0.11051
			\$	-
CITY-3P				\$ -
Base Charge - Three Phase (Rate 103)				\$ 24.50
Plus	Usage		\$	-
	1-800	KWh	\$	0.10064
	801+	KWh	\$	0.11051
			\$	-
Electric Production-Solar refund (Rate 177)				\$ (0.04)
	All		\$	-
OLD Residential Solar				\$ -
Base Charge (Rate 115)				\$ 20.00
Plus	Usage		\$	-
	1-800	KWh	\$	0.08946
	801-2000	KWh	\$	0.10222
	2000+	KWh	\$	0.11485
			\$	-
1P System Solar				\$ -
Base Charge (Rate 116)				\$ 30.00
Plus	Usage		\$	-
	1-800	KWh	\$	0.08946
	801-2000	KWh	\$	0.10222
	2000+	KWh	\$	0.11485
			\$	-
3P Basic System Solar				\$ -
Base Charge - Three Phase (Rate 118)				\$ 90.00
Plus	Usage		\$	-
	1-800	KWh	\$	0.10302
	801+	KWh	\$	0.10880
	Demand Charge over 50KWh		\$	8.50
			\$	-
PACIFICORP POWER (OLD UP&L/ROCKY MTN PWR) (Rate 109)				
<i><u>This is a contracted rate and not subject to rate changes passed</u></i>				
<i><u>by resolution</u></i>				
	All	KWh	\$	0.19487