

### City of Hurricane

Mayor John W. Bramall City Manager Clark R. Fawcett

#### **Planning Commission**

Mark Borowiak, on leave
Michelle Cloud
Paul Farthing, Chairman
Rebecca Bronemann
Chris Christensen
Ralph Ballard
Shelley Goodfellow
Mark Sampson
Dayton Hall, Vice Chairman

# AGENDA OF A MEETING OF THE HURRICANE CITY PLANNING COMMISSION 6:00 p.m.

Thursday September 10, 2020

Notice is hereby given that the Hurricane City Planning Commission will hold a Regular Meeting commencing at 6:00 p.m. in the **147 N 870 W, Hurricane, UT**. A roll call will be taken, along with the Pledge of Allegiance and prayer and /or thought by invitation.

6 p.m. Public Hearing to take comments on the following:

- 1. A Zoning Map amendment request on 20 acres located at 1468 S 3400 West, Parcel H-4-2-12-12011, from RA-1, residential agriculture 1 unit per acre, to PC, planned commercial.
- 2. A Zoning Map amendment request located at 2300 W 3900 South on 80 acres from R1-10, residential 1 unit per 10,000 square feet, to R1-6, residential 1 unit per 6,000 square feet, for smaller lots for owners to maintain and purchase and 40 acres from R1-10, residential 1 unit per 10,000 square feet, to RR, recreational resort, for owners to enjoy amenities with the option to put their property up for a vacation rental with management. Parcel #'s H-3400-N, H-3400-O, H-3400-Q, H-3400-R, H-3400-S, and H-3400-T.
- 3. A Zoning Map amendment request located at 1015 N 300 East from R1-10, residential 1 unit per 10,000 square feet, to PDO, planned development overlay, to allow single family lots averaging 9772 square feet while protecting sensitive lands. Parcels H-3-1-26-241-B, H-3-1-26-241-B, and H-3-1-26-132-SA.
- 4. A Zoning Map amendment request located at approx. 785 W 600 North to overlay the existing RM-2, multifamily 10 units per acre, to have a PDO, planned development overlay. Parcel H-3-1-34-411.

Details on these applications are available in the Planning Department at the City Office, 147 N. 870 West

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2020-ZC-29	Consideration and possible recommendation to the City Council on a Zoning Map
	amendment request on 20 acres located at 1468 S 3400 West, Parcel H-4-2-12-

	12011, from RA-1, residential agriculture 1 unit per acre, to PC, planned commercial. Peach Pit LLC Applicant.
2020-ZC-30	Consideration and possible recommendation to the City Council on A Zoning Map amendment request located at 2300 W 3900 South on 80 acres from R1-10, residential 1 unit per 10,000 square feet, to R1-6, residential 1 unit per 6,000 square feet, for smaller lots for owners to maintain and purchase and 40 acres from R1-10, residential 1 unit per 10,000 square feet, to RR, recreational resort, for owners to enjoy amenities with the option to put their property up for a vacation rental with management. Parcel #'s H-3400-N, H-3400-O, H-3400-Q, H-3400-R, H-3400-S, and H-3400-T. Brant Tuttle, Northern Engineering Applicant.
2020-ZC-31	Consideration and possible recommendation to the City Council a Zoning Map
2020-PSP-09	amendment and preliminary site plan request located at 1015 N 300 East from R1-10, residential 1 unit per 10,000 square feet, to PDO, planned development overlay, a proposed 32 lots contained on 10 acres. Parcels H-3-1-26-241-B, H-3-1-26-241-B, and H-3-1-26-132-SA. The Home Company, Lane Blackmore Applicant
2020-ZC- 32	Consideration and possible recommendation to the City Council on a Zoning Map amendment request located at approx. 785 W 600 North to overlay the existing
2020-PSP-08	RM-2, multifamily 10 units per acre, to have a PDO, planned development overlay.  Parcel H-3-1-34-411. Jon Cheney, Forte Land Co. CSB Development.
2020-PSP-10	Consideration and possible recommendation to the City Council on an amended preliminary site plan for Sector 5 (Back 9) at Sky Mountain, PDO. Matt Carter Applicant, Dan Porter Agent
2020-APA-06	Consideration and possible recommendation report to the City Council on a proposed Agriculture Protection Overlay Zone, located at 3000 S and 1100 W, parcels H-3354-B-1, H-3354-D-1, H-3354-A and H-3354-C. Approx. totaling approx. 39.49 acres. Howard Woods and Michael Bird Applicants
2020-APA-07	Consideration and possible recommendation report to the City Council on a
	proposed renewal Agriculture Protection Overlay Zone, located at on 3400 W, parcels H-4-2-12-1203 and H-4-2-12-1206. Approx. totaling approx. 5.3 acres. Tim and Lea Thompson-Thompson Family Pecan.
2020-FSP-13	Consideration and possible approval of a final site plan for Hurricane Views and Village Plat A, located at 2180 W and around 300 S. Hurricane Views, LLC Applicant, Clark Colledge Agent.
2020-FSP-14	Consideration and possible recommendation to the City Council of a final site plan for Coral Junction RV Resort Park, located at Foot Hills Canyon Dr and SR 9. Coral Junction RV Resort Park Applicant, Mike Bradshaw Agent.
2020-PSP-11	Consideration and possible approval of a preliminary site plan for Sand Hollow RV Resort, a proposed 6.6-acre RV Park located at Rlington Parkway and SR-9. Paul Patel Applicant, Jeff Mathis Agent.

Planning Commission Business:

Approval of Minutes:

Adjournment

### **HURRICANE CITY PLANNING COMMISSION**

### SIGN IN SHEET

DATE:	9/10/2020
Name (please print)	Name (please print)
BRAGOT POTTLE	
MONTE KINGSTON	
Jon Chener	
Pan Poster	
Hasne	
Kayo Skandungs	
Krista Longhurst	
Content fest	
Ha Thompson	
DEREK KOWLEY	
Sonathon Zundel	
<b>-</b>	
2	

# **HURRICANE CITY PLANNING COMMISSION**

### SIGN IN SHEET

DATE: <sub>-</sub>	9/10/2020	
Name (please print)  Serv Trigneson		Name (please print)
NAY STOVA Kar Rosmusen		
David Nilsson		
		·

### **ZONE CHANGE APPLICATION**

City of Hurricane 147 North 870 West Hurricane, UT 84737	Fee: \$500.00  For Office Use Only: File No. 2020-2C-29 Receipt No. 7-660 204	
(435) 635-2811 FAX (435) 635-2184	Receipt No. +660 204	
Name: PEACH AT LLC	Telephone: <u>435-229-9949</u>	
Address: Po Box 460600	Fax No.	
Agent (If Applicable):		
Email: dhstirling msn.com Agent En	nail:	
Address/Location of Subject Property:	South 3400 West	
Tax ID of Subject Property: H-4-2-12-1201	Existing Zone District:RA—	
Proposed Zoning District and reason for the reques	t (Describe, use extra sheet if necessary) The RI-8 of South 100 feet,	
20 acres		
Submittal Requirements: The zone change application	n shall provide the following:	
The name and address of every person of the b.  An accurate property map showing the classifications;		
All abutting properties showing present		
d. An accurate legal description of the property to be rezoned;  Stamped envelopes with the names and addresses of all property owners within 250 feet of the boundaries of the property proposed for rezoning.		
f. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property		
Note: It is important that all applicable informa submitted with the application. An incomple Planning Commission consideration. Planning second Thursday and fourth Wednesday of Planning Department for the deadline date is deemed complete, it will be put on the agameeting. A deadline missed or an incomple delay.	ete application will not be scheduled for a Commission meetings are held on the f each month at 6:00 p.m. Contact the for submissions. Once your application enda for the next Planning Commission	
**************************************	************	
1 No.	ication Complete: YES NO	
Date application deemed to be complete: Com	nletion determination made by:	

#### STAFF COMMENTS

Agenda: September 10, 2020 File Number: 2020-ZC-29

**Type of Application:** Zone Change, Legislative

**Applicant:** Peach Pit LLC

**Request:** A zone change from RA-1 to Planned Commercial and R1-8

**Location:** Approximately at Flora Tech Road and 3400 W

General Plan: Planned Community

**Current Zoning:** RA-1 with Ag Protection

**Discussion:** The applicant is seeking to rezone their farm property from RA-1 to Planned Commercial, with a strip of R1-8 homes on the south. The standards for R1-8 can be found in <u>Hurricane City Code</u> 10-13-1, while Planned Commercial standards can be found in <u>Hurricane City Code</u> 10-15. Planned Commercial is unique zoning since it allows a variety of uses, including high-density multi-family and commercial. The purpose of the Planned Commercial Zone is defined below.

#### 10-11-2 Zone Purposes: (D)

4. The purpose of the PC zone is to provide areas where a combination of destination oriented business, retail Commercial, entertainment, and related uses may be established, maintained and protected to serve both residents and nonresidents of the city. Typical uses in this zone include large scale, master planned commercial centers with outlying commercial pads, big box stores, offices, and various types of high density residential uses.

The applicant has an Agriculture Protection Overlay Zone; Hurricane City Code 10-21-7 states removing an Ag. Protection Overlay as follows:

#### 10-21-7: ADDING, REMOVING LAND FROM AREA:

#### B. Removal:

- 1. Any owner may remove land from an agriculture protection area by filing a petition for removal of the land from the agriculture protection area with the city council;
  - 2. The city council shall:
- a. Grant the petition for removal of land from an agriculture protection area even if removal of the land would result in an agriculture protection area of less than the number of acres established by this chapter as the minimum; and
- b. In order to give constructive notice of the removal to all persons who have, may acquire or may seek to acquire an interest in land in or adjacent to the agriculture protection area and the land removed from the agriculture protection area, file a legal description of the revised agriculture protection area with the county recorder of deeds and the planning commission.

The City is currently evaluating the General Plan and General Plan Map. Though the property aligns presently with the General Plan, that may change when the Plan is updated.

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

**Response**: The project is located adjacent to farmland and future single-family housing in the Elim Valley Development. Elim Valley Zoning shows most of the adjoining property at R1-10. The current property to the east is RM-1, which would allow six units an acre, but that zoning is under review by the City Council.

One of staff's main concerns is that the area currently is mostly in agriculture production and the proposed use may conflict with existing development.

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

**Response:** The increased density and commercial uses will have an increased impact on the surrounding neighborhood for traffic and usage. There is planned to be growth in the area. However, there is not sufficient infrastructure to support the proposed development without major development.

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

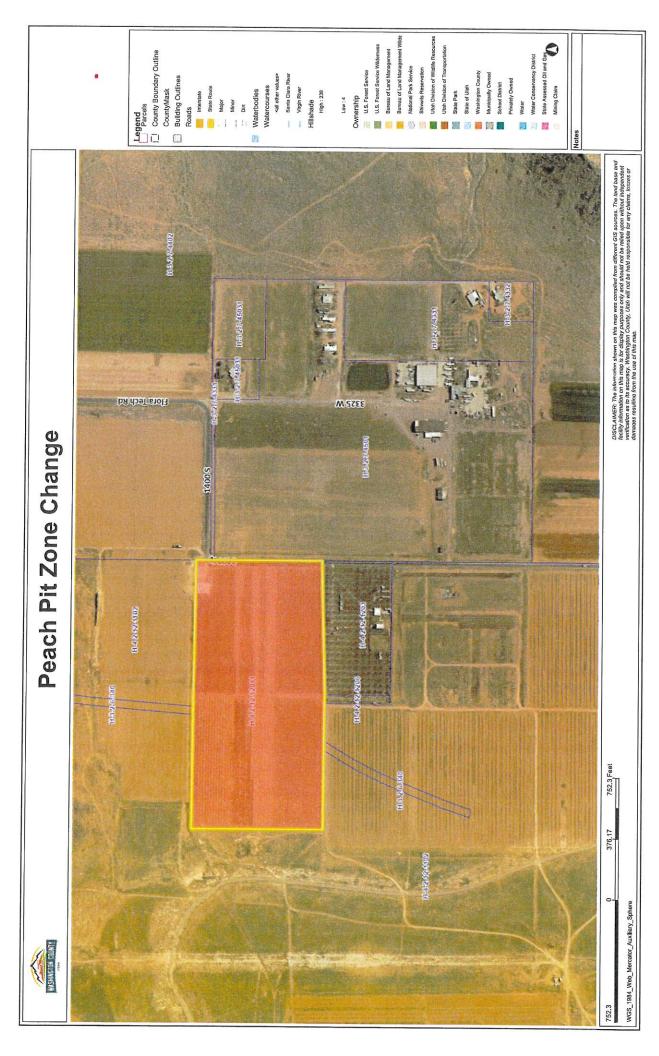
**Response**: Most utility services are not in the area, except for power and sewer, which any future development would need to secure an easement to access sewer. Water, gas, cable, and phone are located in the Dixie Springs area. The Water Department will likely require a looping system and a water model before approval of the development. Staff would also recommend a traffic study before the final approval of any future commercial or multi-family development.

#### **Findings:**

Staff makes the following findings:

- 1. The proposed amendment is not compatible with the goals and policies of the General Plan.
- 2. The proposed amendment is generally not in harmony with the overall character of existing development.
- 3. Public facilities are not adequate to provide service to the parcel but could be developed as part of a subdivision.
- 4. The proposed amendment will have a noticeable increased impact on the area.

**Recommendation:** Staff recommends the Planning Commission review this application and the zone change based on standards and considers residents' comments. Staff does not recommend approval based on the findings above.



#### OWNER:

JEREMY JOHNSON: (435) 231–1004 2303 VINEYARD DR. SANTA CLARA, UT 84765

### EXISTING ZONE MAP FOR: PEACH PIT LLC

LOCATED IN SECTION 7, T42S, R13W, SLB.&M. HURRICANE, WASHINGTON COUNTY, UTAH

☐ MTO INVESTMENTS LLC — PARCELS: H-3-2-7-4501, H-3-2-7-4331, H-3-2-7-45031, H-3-2-7-4332

☐ WESTERN MORTGAGE & REALTY COMPANY — PARCELS: H-4-2-12-1102, H-3-2-7-4402

☐ PEACH PIT LLC — PARCEL: H-4-2-12-12011

☐ THOMPSON TIMOTHY L & LEA — PARCEL: H-4-2-12-1203

LEGEND

PROPERTY LINE - ADJACENT PROPERTY LINE - - - SECTION LINE



#### ZONE LEGEND:

R1-8: RESIDENTIAL - 1 UNIT PER 8,000 SQ. FT.
RA-1: RESIDENTIAL AGRICULTIRAL - 1 UNIT PER ACRE
RM-1: MULTI-FAMILY - 6 UNITS PER ACRE
PC: PLANNED COMMERCIAL
GC: GENERAL COMMERCIAL

MH/RV: MANUFACTURED HOME



LEGAL DESCRIPTION FOR AFFECTED PARCEL:

PARCEL H-4-2-12-12011 NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 42 SOUTH, RANGE 14 WEST, S.L.B.&.M.



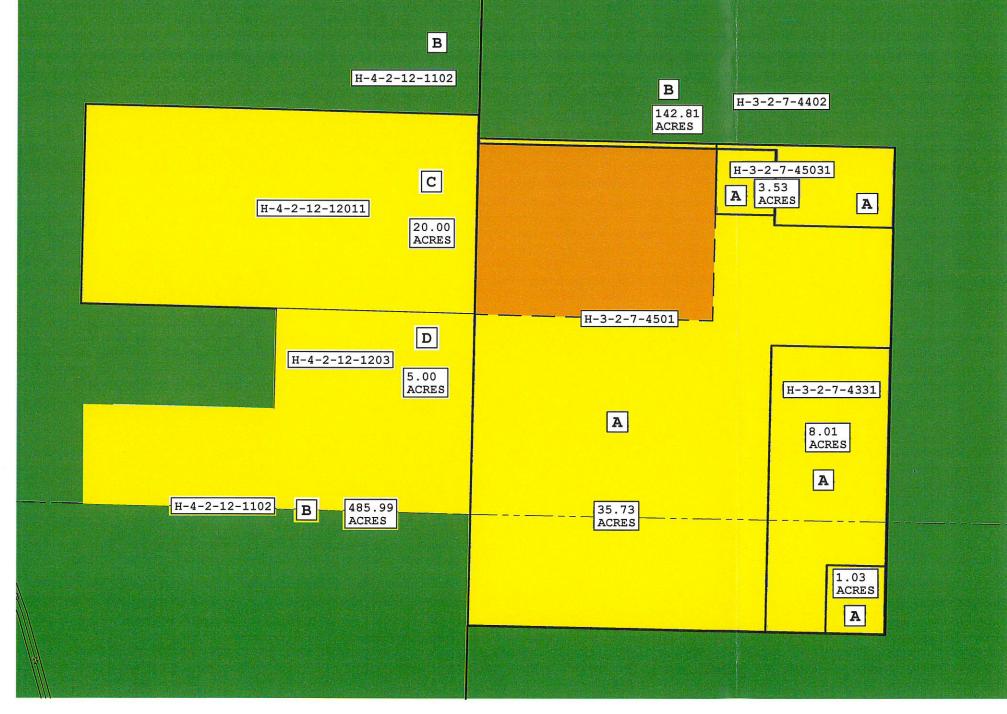
PROVALUE ENGINEERING, INC.
Engineer-Land Surveyors - Land Planners
are South 880e West Suite 1
American Carp, Wash 86197
From (ASD) 660e 88007

EXISTING ZONE MAP F PEACH PIT LLC

DATE: 8/18/2020

9CALE: 1'=150' JOB NO. 563-001

1 OF 2







#### OWNER:

III

PEACH PIT LLC: (435) 229—9989 PO BOX 460600 LEEDS, UT 84746

PEACH PIT LLC LOCATED IN SECTION 7, T42S, R13W, S.L.B.&M. HURRICANE, WASHINGTON COUNTY, UTAH

PROPOSED ZONE CHANGE EXHIBIT FOR:

#### OWNERS LEGEND:

⚠ MTO INVESTMENTS LLC - PARCELS: H-3-2-7-4501, H-3-2-7-4331, | H-3-2-7-45031, H-3-2-7-4332 | WESTERN MORTGAGE & REALTY COMPANY - PARCELS: H-4-2-12-1102, H-3-2-7-4402 | PEACH PIT LLC - PARCEL: H-4-2-12-12011 | THOMPSON TIMOTHY L & LEA - PARCEL: H-4-2-12-1203

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PC: PLANNED COMMERCIAL
GC: GENERAL COMMERCIAL
MH/RV: MANUFACTURED HOME

#### LEGEND

PROPERTY LINE

- ADJACENT PROPERTY LINE — — — SECTION LINE





#### PARCEL H-4-2-12-12011 NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 42 SOUTH, RANGE 14 WEST, S.L.B.&.M. H-4-2-12-1102 В H-3-2-7-4402 142.81

#### LEGAL DESCRIPTION FOR AFFECTED PARCEL:





ZONE CHANGE EXHIBIT FOR

PROPOSED PEACH

DATE: 8/18/2020 SCALE: 1"=15@"

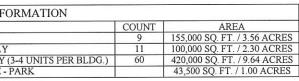
JOB NO.

2 OF 2





PROJECT INFORMATION		
DESCRIPTION	COUNT	AREA
COMMERCIAL	9	155,000 SQ. FT. / 3.56 ACR
SINGLE-FAMILY	11	100,000 SQ. FT. / 2.30 ACR
MULTI-FAMILY (3-4 UNITS PER BLDG.)	60	420,000 SQ. FT. / 9.64 ACR
PUBLIC SPACE - PARK		43,500 SQ. FT. / 1.00 ACRE





PRELIMINARY SITE PLANNING FOR DAVE AND DANIELLE STIRLING PARCEL: H-4-2-12-12011 HURRICANE, UTAH 84737

PRELIMINARY SITE PLANNING

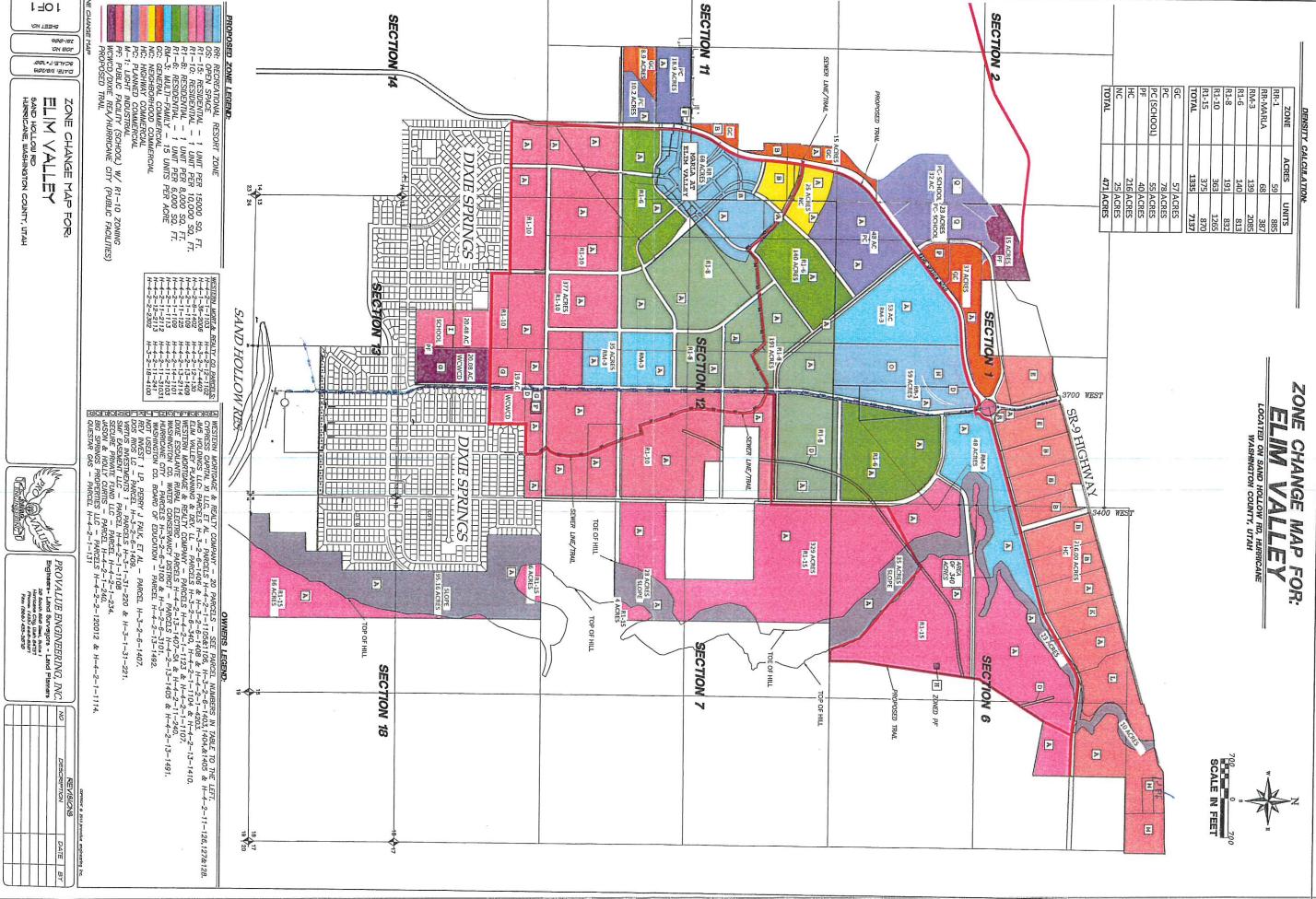
REVISION DATES: 8/22/2020

JOB NO: 20043 DRAWN: D.R.W. CHECKED: SCALE: 1" = 30'-0"

AS100







PRELIMINARY SITE PLAN REVIEW APPLICATION

City of Hurricane 147 North 870 West Hurricane, UT 84737

#### Fee \$200.00

For Office Use Only:

Receipt No. 7 Joleo 289
ephone: 435-120-4993
Fax No
ent's Phone:
E. HVERINE
Zone District: P-1-10
WELL FAMY SUEDIVISION
e project.  ation of 30% or greater slopes:  circulation patterns;  aunds, school, and any other public  ver, and storm drainage plans, and  ed development and a land use
ment (see attached Affidavit) showing
noted above is submitted with the cheduled for Planning Commission the second Thursday and the fourth period Department for the deadline date for will be put on the agenda for the next incomplete application could result in a

#### ZONE CHANGE APPLICATION

City of Hurricane 147 North 870 West Hurricane, UT 84737 (435) 635-2811 FAX (435) 635-2184

Fee: \$500.00
File No. 20 25 31 Receipt No. 4. 10120780

Name: The Hom	e Company, Lane Blackmore	Telephone:	<u>(435) 680-4993</u>
Address: 240 S 3	300 W, Laverkin, UT	Fax No.	
Agent (If Applic	able):	Telephone	×
Email: thehomec	ompany@hotmail.com A	gent Email:	
Address/Locatio	n of Subject Property: _101 PORTIONS OF	5 NORTH 300 EAST, H H-3-1-26-132-SA AND	URRICANE
Tax ID of Subject	ct Property: <u>H-3-1-26-241-B</u>	Existing Zon	e District: R1-10
Proposed Zoning District and reason for the request (Describe, use extra sheet if necessary) To allow single family homes on lots averaging 9772 s.f. while protecting the sensitive lands.			
Submittal Requi	rements: The zone change ap	plication shall provide the	e following:
b. Ai cla	ne name and address of every particular accurate property map show assifications; I abutting properties showing accurate legal description of amped envelopes with the name of feet of the boundaries of the arranty deed or preliminary title powing evidence that the applicant	present zoning classificate the property to be rezone the and addresses of all property proposed for resport or other document (see	osed zoning ions; id; roperty owners within izoning. ee attached Affidavit)
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 Thursday and fourth Wednesday of each month at 6:00 p.m. Contact the Planning Department for the deadline date for submissions. 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.  ***********************************			
Data Bassing Is	(Office Use O	- c	VIEG D NO D
Date Received:		Application Complete:	YES NO
Date application de	emed to be complete:	Completion determinati	on made by:

#### STAFF COMMENTS

**Agenda:** September 10, 2020 **File Number:** 2020-ZC-31/2020-PSP-09

**Type of Application:** Zone Change/Planned Development Overlay/Site Plan, Legislative

**Applicant:** The Home Company, Lane Blackmore

**Request:** A R1-10 PDO

**Location:** 300 E and 1050 N

General Plan: Natural Open Space

**Existing Zoning:** R1-10

**Discussion:** The applicant is seeking a Planned Development Overlay (PDO) on 10.402 acres. PDOs are established following the standards within <u>Hurricane City Code 10-23</u>. Within the PDO standards, a list of criteria must be considered before approving a PDO as follows:

#### 10-23-7: APPROVAL OF PLANNED DEVELOPMENT OVERLAY ZONE:

B. Approval Criteria: Submittal of an application for a planned development overlay zone does not guarantee that the zone or a preliminary site plan will be approved. A zoning map amendment and preliminary site plan may be approved only if the city council, after receiving a recommendation from the planning commission, finds:

- 1. The proposed planned development overlay zone and associated preliminary site plan:
- a. Does not conflict with any applicable policy of the Hurricane City general plan;
- b. Meets the spirit and intent of this chapter as set forth in section 10-23-1 of this chapter;
- c. Will allow integrated planning and design of the property and, on the whole, better development than would be possible under conventional land use regulations;
- d. Meets the use limitations and other requirements of the zone with which the planned development overlay zone is combined, except as otherwise allowed by this chapter;
- e. Meets the density limitations of the underlying zone, unless a density bonus is granted pursuant to the provisions of this chapter; and
- f. If a density bonus is authorized, provides superior site design and increased amenities, as provided in subsection 10-23-8C of this chapter, which ameliorate the potential impact of increased density; and
  - 2. The applicant has:
  - a. Sufficient control over the property to be developed to ensure development will occur as approved:
  - b. The financial capability to carry out the planned development project; and
  - c. The capability to start construction within one year of final plan approval.
- C. Imposition Of Conditions: In order to make findings necessary to approve a planned development overlay zone, conditions of approval may be imposed on a preliminary site plan to assure the planned development will:
  - 1. Accomplish the purpose of this chapter;

- 2. Be developed as one integrated land use rather than as an aggregation of individual and unrelated buildings and uses; and
- 3. Meet the requirements of the zone in which the proposed development is located except as such requirements are modified by this chapter and as shown on an approved preliminary site plan for the planned development.

Any PDO must be approved with a development agreement to ensure the applicant keeps to the preliminary site plan and any other standards or conditions of approval.

	Zoning	Adjacent Land Use
North	Open Space	Confluence Park and Cliffs
East	N/A	Confluence Park and Cliffs
South	R1-10	Single Family Development
West	R1-10	Single Family Development

#### **Density**

The applicant is proposing a total of 33 units on 10.402 acres. This acreage and zoning would allow around 36 units for a typical site. However, steep slopes would prohibit building in some areas, and the applicant is requesting to cluster the lots together. Clustering is recommended in Hurricane City Code 10-24-1 Sensitive Lands. When reviewing steep slopes and hillsides, Hurricane's Sensitive Land Code allows for clustering units described in 10-24-6 Hillsides and Ridge Areas; General Development Standards. Within that section, it addresses PDO application for Hillsides and Ridge Areas:

(C) 4. If the planned development overlay zone is applied, density may exceed the base zone density to the extent allowed in chapter 23 of this title, subject to provisions therein. However, if the density transfer option noted in subsection D of this section is requested in combination with the density bonus provisions of chapter 23 of this title, the combination of planned development and density transfer bonuses shall not exceed twenty five percent (25%).

The applicant has not exceeded a bonus density of 25%.

When calculating the base density for the development, staff estimates that the base would allow for 30-33 units based on the standards within 10-23-8 PDO Density. Sections (B) (2) of these sections read:

2. The yield plan shall take into consideration the site's natural and cultural features as shown on a natural resource inventory prepared for the property and shall demonstrate that sensitive lands identified in the natural resource inventory can be successfully included within open space areas or as part of residential lots without disturbing the health or safety of present or future city residents. At least one-half (1/2) of the minimum area required for each lot shall be exclusive of wetlands, floodplains, and slopes exceeding thirty percent (30%).

Because it is currently unknown how much of the property is over 30% slop, staff can't fully calculate the base density. Staff has requested additional information to ensure the base density of the application complies with City code.

#### Site Plan

The applicant has submitted a full site plan. Staff has reviewed the site plan and does not have any recommended changes. However, the applicant will need to complete a sensitive land application with the preliminary plat before construction drawings and final plat may be applied.

#### **Zoning**

To change the zoning or apply an overlay zone 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 General Plan Map shows the area as Open Natural Space. However, the property is currently zoning for R1-10, which would allow the applicant to create a residential subdivision. The remaining open space within the development will be kept in its natural state and likely dedicated to the City or County as part of Confluence Park.

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

**Response:** The surrounding area contains single-family homes to the west and south of the project and undeveloped and natural space property on the east and north. The majority of the development would be harmonious with the surrounding area, matching single-family homes and lot sizes.

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

**Response:** The development would have an impact on the surrounding developments. Some of the proposed access roads will link into other subdivisions for their access point. However, the impact will be minimal because of the multiple access points and limited development size.

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

**Response**: There are utility and other services in the area, including water, power, sewer, phone, cable, and gas. Each of these utility improvements will need to be thoroughly reviewed on the construction documents if approved.

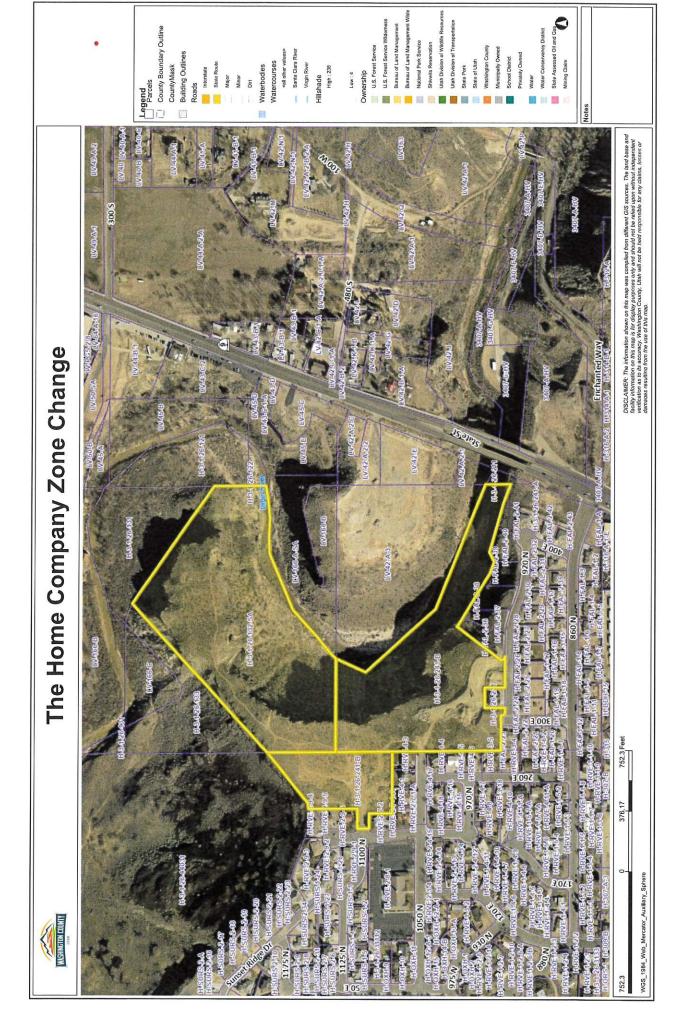
#### **Findings:**

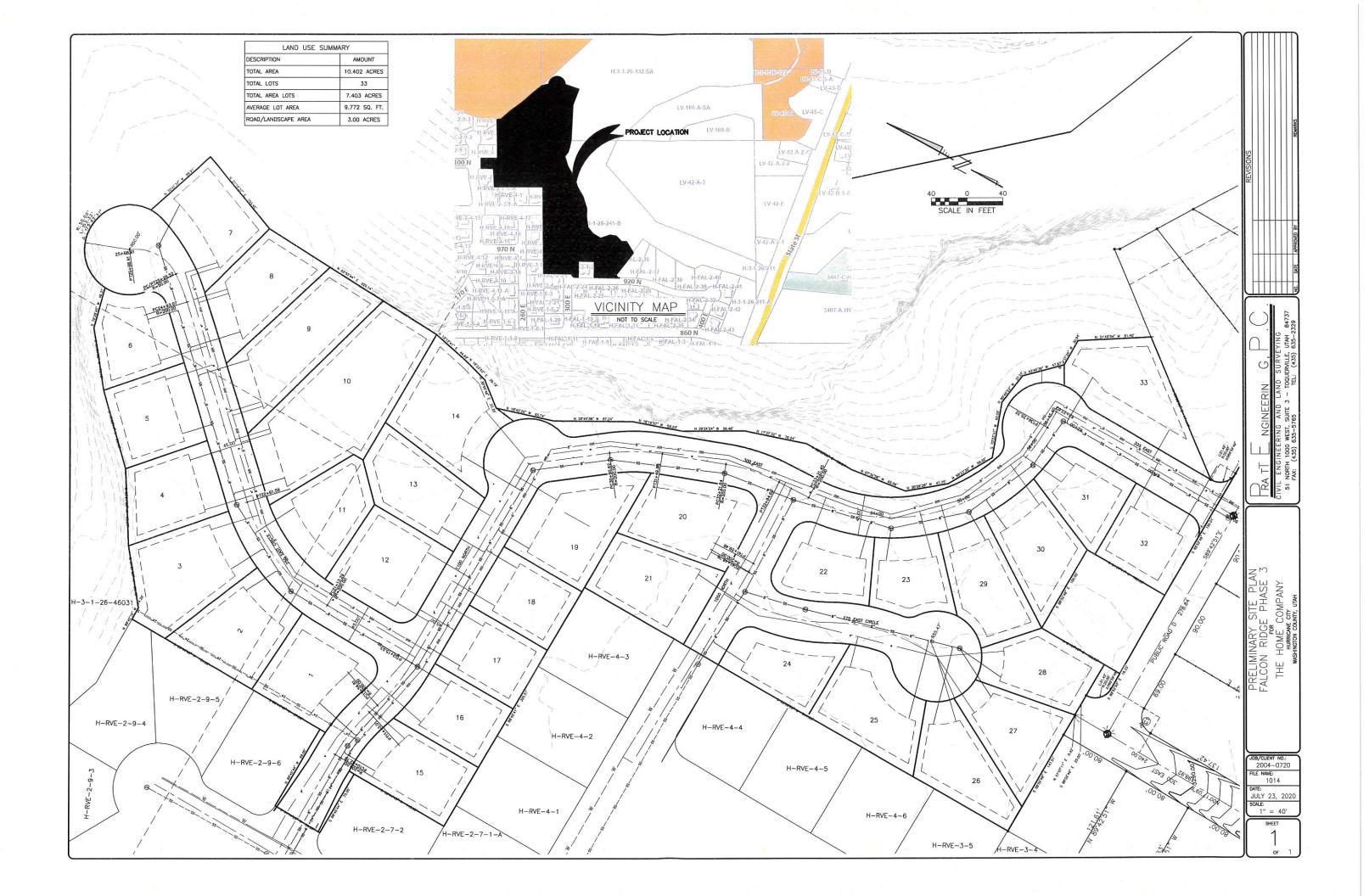
Staff makes the following findings:

- 1. The proposed amendment is generally compatible with the current General Plan's goals and policies and current zonings.
- 2. The proposed amendment is generally in harmony with the overall character of existing development in the area.
- 3. Public facilities are adequate to provide service to the development.
- 4. The proposed amendment will have a noticeable increased impact on the area, but the growth is anticipated within the General Plan.

**Recommendation:** Staff recommends the City Council review this application and the zone change based on standards and take into consideration the comments from residents. Staff recommends approval of the proposed overlay change and PDO with the following conditions:

1. The applicant provides calculations supporting the proposed density.





### **ZONE CHANGE APPLICATION**

City of Hurricane 147 North 870 West Hurricane, UT 84737 (435) 635-2811 FAX (435) 635-2184 Name: Jon Chensy (CSB Devolument)	Fee: \$500.00  For Office Use Only: File No. 2020-2C-32 Receipt No. 7.660419  Telephone: (435) 231-1447	
Address: 86 E KOLOB CIR TOQUENVILLE		
Agent (If Applicable): FORTE LAND CO		
Email: Cheneyhomes @ gmail.coAgent Emai	il: hræforte. land	
Address/Location of Subject Property: 785 W		
Tax ID of Subject Property: 1/-3-1-34-411	Existing Zone District: RM-Z	
Proposed Zoning District and reason for the request (1) PDO (SINGLE FAMILY, DUPLEY)		
DUPLISY & TRIPLEX PATIO HOMES)		
Submittal Requirements: The zone change application s	shall provide the following:	
a. The name and address of every person or or control of the property map showing the exiclassifications;  All abutting properties showing present zo the d. An accurate legal description of the property of the stamped envelopes with the names and address of the property of the boundaries of the property of the showing evidence that the applicant has control of the stamped envelopes.	sting and proposed zoning ning classifications; rty to be rezoned; dresses of all property owners within proposed for rezoning. r other document (see attached Affidavit)	
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	tion Complete: YES NO	
Date application deemed to be complete: Complete:	etion determination made by:	

PRELIMINARY SITE PLAN REVIEW APPLICATION	
City of Hurricane	Fee \$200.00
147 North 870 West	
Hurricane, UT 84737	For Office Use Only:
(435) 635-2811	File No. <u>2020-PSP-</u> 68 Receipt No. <u>7.660419</u>
FAX (435) 635-2184	
FORTE LAND CO.  Name: Jon CHENEY (CSB DEVISOPMENT)  Address: 86 E TOQUENULLE	Telephone: (435) 231-1447
Address: 86 E Toquarvices	Fax No
Agent (If applicable): FORTE LAND Co.	
Email: Cheney homes @ gmail Agent Email: 1/R	e forte land
Address/Location of Subject Property: 785 W	500 N
Tax ID of Subject Property: //-3-1-34-4//	Zone District: RM-Z
Proposed Use: (Describe, use extra sheet if necessary)_	PDO (SINGLE FAMILY
DUPLOX & TRIPLEX TOWNHOMOS, DUPLOX \$ 7	
This application shall be accompanied by the followin	10'
1. A vicinity map showing the general location of	
2. Three (3) copies of a site plan showing:	the project.
Topography showing 2' contours, identi	fication of 30% or greater slones:
The layout of proposed uses;	reaction of 50% of greater stopes.
Location of open space when applicable	•
Proposed access to the property and traf	
Adjoining properties and uses:	no on culturent patterns,
	grounds, school, and any other public
facility sites, if any;	grands, senses, and any emer public
3. Preliminary utility plan, including water, s	sewer, and storm drainage plans, and
including access points to utilities;	, , , , , , , , , , , , , , , , , , ,
4. Tables showing the number of acres in the prop	posed development and a land use
summary; and	
5. A phased development plan if applicable.	
6. Warranty deed or preliminary title report or other do	ocument (see attached Affidavit) showing
evidence that the applicant has control of the proper	ty
NOTE: It is important that all applicable information	on noted above is submitted with the
application. An incomplete application will not be	scheduled for Planning Commission
consideration. Planning Commission meetings are held of	on the second Thursday and the fourth
Wednesday of each month at 6:00 p.m. Contact the Plann	ing Department for the deadline date for
submissions. Once your application is deemed complete, i	it will be put on the agenda for the next
Planning Commission meeting. A deadline missed due to a month's delay.	n incomplete application could result in a
monur 8 uciay. ************************************	*********
(Office Use Only)	
Date Received: Received by:	

#### STAFF COMMENTS

Agenda: September 10, 2020 File Number: 2020-ZC-32 and 2020-PSP-08

Type of Application: Zone Change/ Legislative

**Applicant:** Jon Cheney/ Forte Land Co & CSB Development

**Agent:** Forte Land Co & CSB Development

**Request:** A request to have a PDO overlay on property

**Location:** South of 600 N and 870 W

General Plan: Mixed Use

**Existing Zoning:** RM-2 (Pending with a Finalize Development Agreement)

**Discussion:** The applicant is seeking to a Planned Development Overlay for 16.97 acres parcel. The applicant was awarded an RM-2 Zoning on August 20, 2020. The City Council approved the zoning with the condition that single families would be placed along the southern border and that the development would be limited to 136 total units. The proposed application is to put single-family homes along the south of the property buffering and to phase transition of housing types within the parcel and limits the development to a total of 136 units.

PDOs are established following the standards within <u>Hurricane City Code 10-23</u>. Within the PDO standards, a list of criteria must be considered before approving a PDO.

#### 10-23-7: APPROVAL OF PLANNED DEVELOPMENT OVERLAY ZONE:

B. Approval Criteria: Submittal of an application for a planned development overlay zone does not guarantee that the zone or a preliminary site plan will be approved. A zoning map amendment and preliminary site plan may be approved only if the city council, after receiving a recommendation from the planning commission, finds:

- 1. The proposed planned development overlay zone and associated preliminary site plan:
- a. Does not conflict with any applicable policy of the Hurricane City general plan;
- b. Meets the spirit and intent of this chapter as set forth in section 10-23-1 of this chapter;
- c. Will allow integrated planning and design of the property and, on the whole, better development than would be possible under conventional land use regulations;
- d. Meets the use limitations and other requirements of the zone with which the planned development overlay zone is combined, except as otherwise allowed by this chapter;
- e. Meets the density limitations of the underlying zone, unless a density bonus is granted pursuant to the provisions of this chapter; and
- f. If a density bonus is authorized, provides superior site design and increased amenities, as provided in subsection <u>10-23-8</u>C of this chapter, which ameliorate the potential impact of increased density; and
  - 2. The applicant has:
  - a. Sufficient control over the property to be developed to ensure development will occur as approved;

- b. The financial capability to carry out the planned development project; and
- c. The capability to start construction within one year of final plan approval.
- C. Imposition Of Conditions: In order to make findings necessary to approve a planned development overlay zone, conditions of approval may be imposed on a preliminary site plan to assure the planned development will:
  - 1. Accomplish the purpose of this chapter;
- 2. Be developed as one integrated land use rather than as an aggregation of individual and unrelated buildings and uses; and
- 3. Meet the requirements of the zone in which the proposed development is located except as such requirements are modified by this chapter and as shown on an approved preliminary site plan for the planned development.

Any PDO must be approved with a development agreement to ensure the applicant keeps to the preliminary site plan.

	Zoning	Adjacent Land Use
North	Open Space	BLM Land and Open Natural Space
East	R1-6 and HC	Developing Project and property
South	R1-8 PDO	Single Family Homes
West	Public Facilities	Hurricane Elementary and Valley Academy

#### Site Plan

A site plan has been included with the application as required by PDO Ordinance. The site plan does contain single-family homes along the south of the property and is a total of 136 units as required by the City Council. This site plan will also be attached to the development agreement. Staff main concern is that the first phases will route all traffic to 870 W. One of the main reasons for the proposed phasing is the proper flow of utilities, but it will also put more traffic on 870 W. After review, staff would recommend that PH Phase 2 be constructed directly after or before TH Phase 1, PH Phase 1 and the Single-Family Phase, and a phasing order is placed in the Development Agreement.

#### **Zoning**

Every zone change and overlay application should be evaluated by the following criteria as contained within Hurricane City Code 10-7-7: Zoning Map and Text Amendments:

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

**Response**: The General Plan Map shows the area Mix Use, which would allow for a variety of housing and commercial use. The location of the development next to schools and other commercial services

provides the development to access needed facilities and reduce vehicle traffic generated from the project. The Moderate Income Housing Plan states the following regarding placement of density of housing:

While the City cannot control the housing market, it can take steps to ensure housing options continue to be available for all residents of all income ranges and ages. These include locating appropriate land use designations for multi-family housing, manufactured home communities, and townhome development. Ensuring these land use designations are located in areas convenient to shopping, transportation, and jobs will help families keep transportation costs lower. (Hurricane, Moderate-Income Housing Plan, 2019, p. 6).

It is also important to consider the current zoning on the property, in which this application would meet those standards.

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

**Response**: The surrounding area contains mostly single-family homes, with schools to the west, and some townhomes to the east. There is BLM Land to the north.

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

**Response:** The development will impact the surrounding area, but the impact has been anticipated within the General Plan. The applicant would also have to construct part of 700 W, a future Major Collector, which will help offset their impact on some of the surrounding communities. Phasing of the project is important, and some of the concerns are addressed in the Site Plan section above.

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

**Response**: There are utility and other services in the area, including water, power, sewer, phone, cable, and gas. Each of these utilities will need to be fully reviewed on the construction documents if development is approved for this parcel. Staff would also require a traffic impact study.

#### **Findings:**

Staff makes the following findings:

- 1. The proposed amendment is generally compatible with the goals and policies of the current General Plan.
- 2. The proposed amendment is generally in harmony with the area.
- 3. Public facilities are adequate to provide service to the development.
- 4. The proposed amendment will have a noticeable increased impact on the area. However, the growth is anticipated within the General Plan.
- 5. The proposal meets the standards set by the City Council and the approved zone change.

6. The application meets the standards of Hurricane City Code 10-23 Planned Development Overlays.

**Recommendation:** Staff recommends the Planning Commission review this application based on standards and takes into consideration the comments from residents. Staff recommends approval of the proposed zone change with the following conditions:

1. That the applicant constructs Ph Phase 2 before any of the other Phase 2 or Phase 3 phases.

Mick and Lily McEntire

Lot 66 Ivy Woods 386 N 725 W Hurricane, UT 84737 (951) 970-7147 ca\_lily23@yahoo.com

3rd September 2020

Dear Mr. Stephen Nelson and Planning Commission of Hurricane City,

We, Mick and Lily McEntire, are current homeowners in Hurricane and are addressing the zoning change request located at approx. 785 W 600 N. We have lived in Hurricane for the past eight years. We have loved living in Ivy Woods for the past four years, raising our family of six children. There is space to run around and walk to schools. We fell in love with the small town, rural life Hurricane offers compared to the busy, city traffic of Southern California from where we moved in 2012. We completely understand the growth that is and will eventually happen in Hurricane, but would love to see its small town charm stay in building as many single family homes as possible versus apartments and townhomes. A few of our concerns about the zoning change to multifamily 10 units per acre and the PDO are as follows:

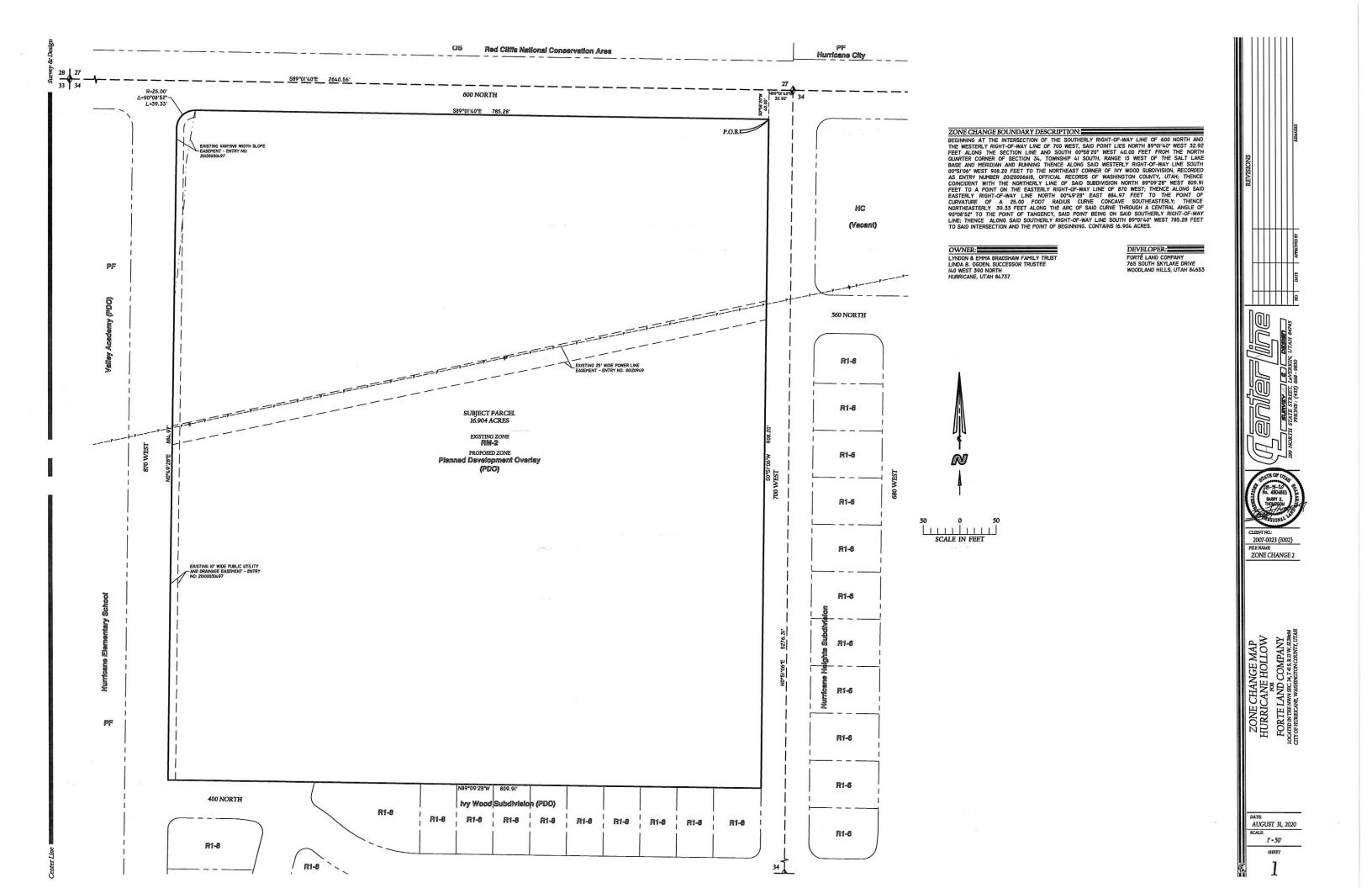
- 1. We feel it is not in the best interest for existing residents and homeowners of Ivy Woods in Hurricane for our property values when apartments and townhomes continue to be built in lieu of single family homes. We want to attract homeowners and renters that want rural living and will keep our city clean and beautiful.
- Hurricane Elementary and Valley Academy Charter schools are full capacity and cannot accommodate more students that townhomes and apartments would bring in versus single family homes.
- 3. The traffic that apartments and townhomes will bring to the area will increase. There was already a little boy from Ivy Woods hit by a car crossing the street by the school. We regularly have cars speeding through our neighborhood already, around the corner on which we live. This WILL get worse the more homes built even with 25 mph speed signs posted.
- 4. We feel the city is stacking as many homes into an area as possible to make more money. Doing this only benefits investors' pockets rather than the residents and homeowners who pay premium prices for a TINY place to live in with minimal, to no backyard. Families need space, NOT living on top of each other sharing walls.

We've seen in other areas of the valley, such as Dixie Downs, what happens when so many apartments and townhomes are built in an area. There have been enough apartments and townhomes built along 600 north already. Those who move to Hurricane are seeking the space and beauty it offers, please do not continue to cram as many people onto the land.

dely Metanie

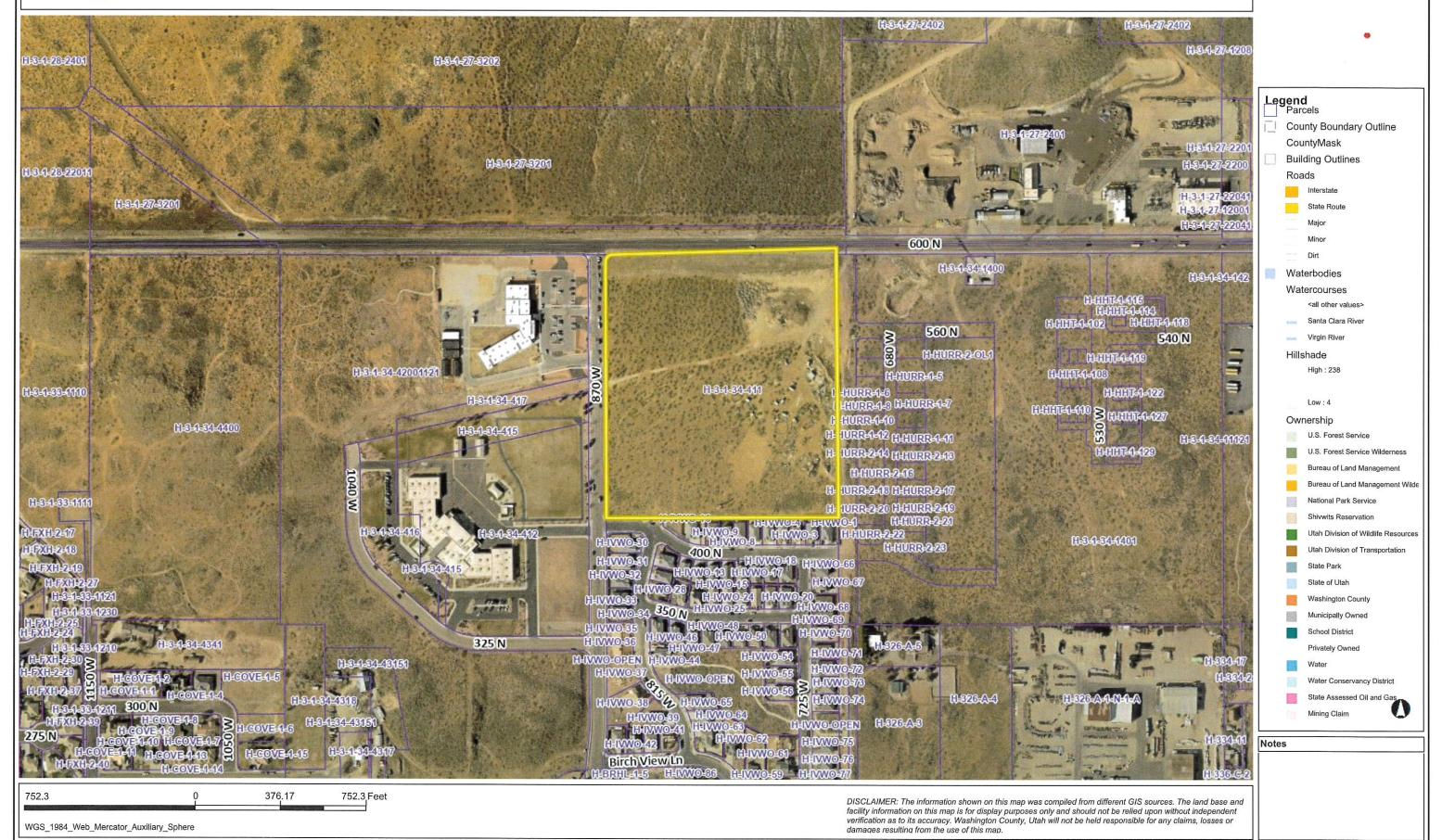
Sincerely,

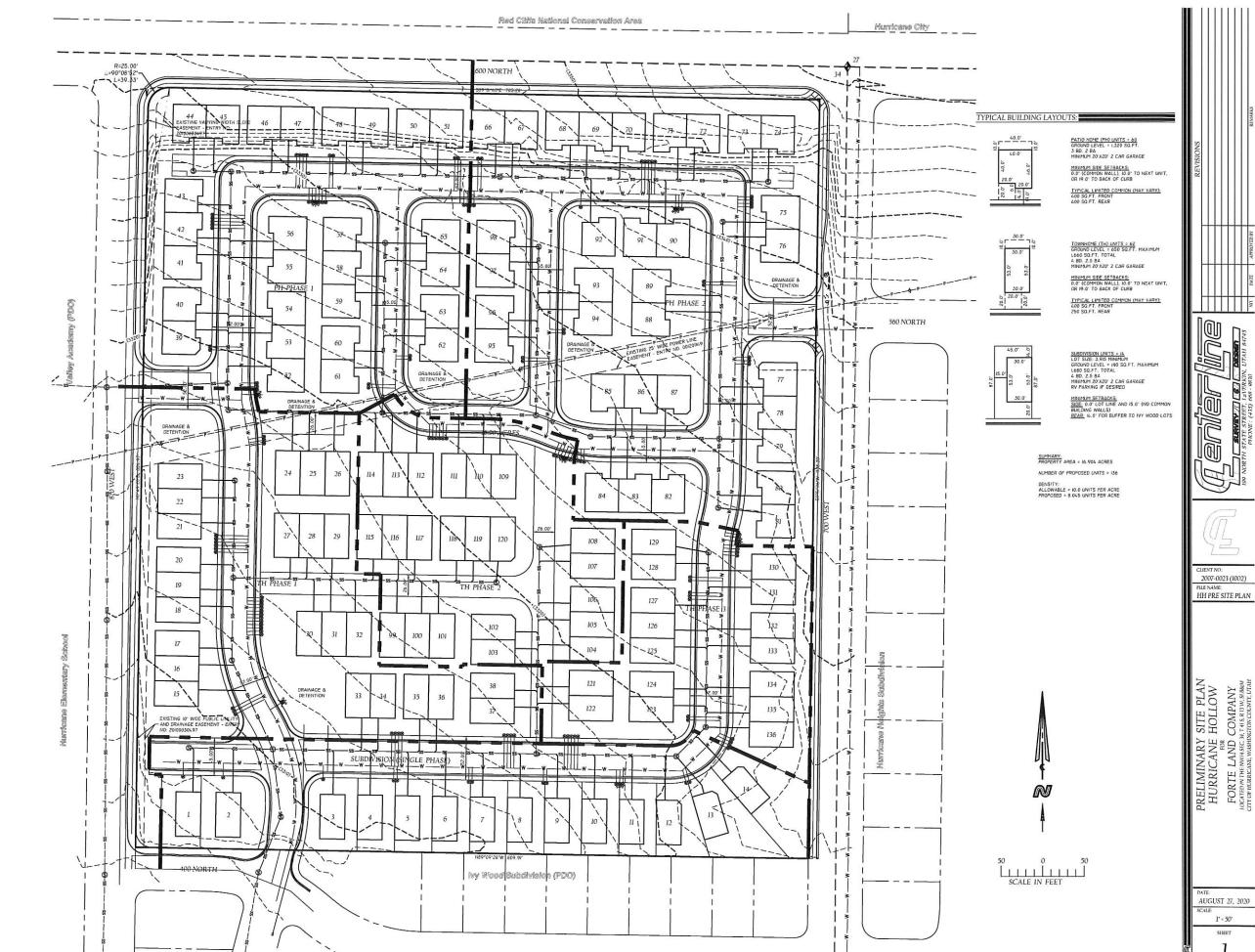
Mick and Lily McEntire





# **Cheney Zone Change**





PRELIMINARY SITE PLAN REVIEW APPLICATION  City of Hurricane	Fee \$200.00
147 North 870 West	
Hurricane, UT 84737 (435) 635-2811	For Office Use Only: File No. 2020 - PSP-07
FAX (435) 635-2184	Receipt No.
Name: Moth Carter	Telephone: 801-643-4521
Address: 4232 Bountitul Blid - Dountitul	kl HMD_Fax No
Agent (If applicable): Dan Porter	Agent's Phone: 435 - 229 - 3630
Email: Mscartes & me. com Agent Email:	
Address/Location of Subject Property: Sky Mal	while Gof - 2260 west GONOTH.
Tax ID of Subject Property: H-3-1-29-2213-4	RDZ Zone District:
Proposed Use: (Describe, use extra sheet if necessary)	
<ul> <li>3. Preliminary utility plan, including water, including access points to utilities;</li> <li>4. Tables showing the number of acres in the prosummary; and</li> <li>5. A phased development plan if applicable.</li> <li>6. Warranty deed or preliminary title report or other evidence that the applicant has control of the prop</li> </ul>	of the project.  attification of 30% or greater slopes:  le; affic circulation patterns;  ygrounds, school, and any other public  sewer, and storm drainage plans, and  oposed development and a land use  document (see attached Affidavit) showing erty
Wednesday of each month at 6:00 p.m. Contact the Plan submissions. Once your application is deemed complete, Planning Commission meeting. A deadline missed due to month's delay.	on the second Thursday and the fourth ming Department for the deadline date for it will be put on the agenda for the next an incomplete application could result in a
Date Received: Received by:	

#### STAFF COMMENTS

Agenda: September 10, 2020 File Number: 2020-PSP-10

**Type of Application:** Preliminary Site Plan (Amendment)

**Applicant:** Matt Carter

**Agent:** Dan Porter

**Request:** Preliminary Site Plan Update on a PDO

**Location:** 600 N and 2260 W

General Plan: Multi Family 6-15 Units/Acre

**Existing Zoning:** Sky Mountain PDO

**Discussion:** This property is part of the Sky Mountain Master Plan, which was amended in 2003 to include all of the property to the west where the current Peregrine Pointe Subdivision is located and to "introduce an office and/or neighborhood commercial product in the area directly north of the Hurricane Industrial Park. Due to the proximity of 600 North and accompanying power lines, the Industrial Park, Sky Mountain maintenance facility, and the Sky Mountain RV storage, this area is more suitable as a light commercial buffer."

That reasoning still applies to the front 200'-250' of this property. Sections further back into the golf course area are more conducive to residential uses provided they are designed to accommodate golf play, which does not always stay on the course.

The City approved this property, in February 2019, as an Assisted Living Center. A development agreement was approved but never signed by the City. Hurricane's PDO code states the following about application timeliness:

#### 10-23-7: APPROVAL OF PLANNED DEVELOPMENT OVERLAY ZONE:

- D. Site Plan Approval: Within twelve (12) months after approval of a planned development overlay zone and a corresponding preliminary site plan, and before the issuance of any building permit, an applicant shall obtain approval of a site plan pursuant to section <u>10-7-10</u> of this title.
- 1. A planned development may be constructed in phases as shown on an approved preliminary site plan. In such case, a site plan shall be submitted for each phase.
- 2. At its discretion and for good cause, the planning commission may extend for twelve (12) months for one time only the period for filing a site plan, or in the case of a phased planned development, a site plan for the first phase. If these time requirements are not met, the preliminary site plan approval shall be deemed revoked and the property may be rezoned to remove the planned development overlay zone.

Because the City never signed the development agreement and that applicant never provided any additional construction drawings or final site plan, the preliminary site plan approved is considered void. However, the PDO zoning is still in place.

The applicant's new proposal is for a 55 plus community with condominiums, instead of an assisted living center.

	Zoning	Adjacent Land Use
North	PDO/R-1-8	Municipal golf course
East	R-1-10	Vacant
South	M-1	Vacant and storage
West	PDO/NC	Vacant-RV storage
	PDO/R-1-8	Golf Course – single family homes

#### **Sky Mountain PDO Requirements:**

Sky Mountain is one of the older PDO's in the City, and overall master plan was last updated in 2003. This master plan allowed a large vaaritiy of housing types within the development, including high density multifamily and commercial uses. However, the Master Development Agreement limits the total development to a total of 604 units. Currently, there are total of 231 approved lots in Sky Mountian Resort and another total of 345 units in the proposed and preliminary approved Front 9 at Sky Mountain, which was given in October 31, 2019. This would limit this new development to a total of 28 units. The previous proposal was approved because the dwelling units provided in the assisted living area was counted as commercial space and not as residntial units. Staff is still reviewing the development agreement and City code to verify the total unit cap.

#### **Location Next to Golf Course**

The orginial development agreement that was signed for the assisted living center required that all the buildings be located on the far east of the property inorder to avoid conflict with golf course. The current applicant is wanting to have several building back up to the golf course. The City, Sky Mountain Golf Course Management, and the Applicant are meeting on Tuesday, July 8 to review the site plan and provide feedback.

#### **JUC Comments:**

- 1. The current proposed lay out does not meet fire code because there 100 units with a single access. Fire may approve the development if they can provide a second access out of the development or if the applicant will sprinkle each unit.
- **2.** A traffic study will need to be provided to see if any additional roadway improvements would be required.
- 3. Water is located in 600 N, the applicant will need to provide a water model.
- **4.** Other utilities are located in the area and the applicant will need to provide full construction drawings.

**Recommendation:** Staff belives there needs to be further review of this item before staff can give a full recommendation. The following items will need to be resolved:

- 1. The total number of units in reference to the remaining property.
- 2. Fire access and Fire Code compliance.
- 3. Layout of the development.

#### INTRODUCTION

Sky Mountain is situated in one of the most beautiful areas of an incredibly scenic part of the State of Utah. The community of Hurricane is attracting visitors and new residents who appreciate such beauty. Sky Mountain Golf Course has earned a reputation as one of the finest golf courses in an area that is known for having great golf. It is with these thoughts in mind that this master plan document has been produced.

#### **PURPOSE OF JUNE 9, 2003 AMENDMENT**

The purpose of this amendment to the Master Plan is as follows:

- 1. This document is amended to accompany the zoning process of contiguous property recently acquired from Appleby and Stowe by the Developer. The result is a harmonious project with greater circulation than was possible in the initial Sky Mountain project.
- 2. To clarify homeowners association questions. The front nine area of Sky Mountain will probably not be associated with either Sky Mountain HOA or Sky Mountain Golf Estates HOA. Any additional HOA needs will stand alone, separate and apart from any previous HOA.
- 3. The frontage of 600 North will be landscaped in an attractive and consistent manner to include low maintenance and water conserving materials, the maintenance of which will be the responsibility of the projects.
- 4. Sky Mountain Hole #4 will not be located on future phases.
- 5. Streets will be primarily public and conform to City of Hurricane Development Standards. In some special cases to accommodate the golf course, short sections of streets may need to be narrower than is customary. Parking and frontage issues will be used as a mitigating factor in these situations. In any case, street widths will vary depending upon the location and anticipated traffic flows. This will be shown at the preliminary plat stage.
- 6. Setbacks will generally be 20 feet from the front, 7.5 feet on the side, and 10 feet on the rear, unless the City Council approves closer setbacks at some later date.
- 7. A trail system will be installed from the extreme west of the project and as shown on the Master Plan. This will be accomplished by locating the width of two sidewalks on one side of the street. The other side of the street will not have sidewalk. Other solutions may be preferred and will be discussed at the preliminary plat stage.
- 8. Although this Master Plan has been expanded to contain more property than the original Sky Mountain project contained, the original entitlements survive with respect to the original Sky Mountain Project. Additional property is meant to enhance and not take away from the original project entitlement.

#### **PURPOSE OF MARCH 11, 2003 AMENDMENT**

The purpose of this amendment to the Master Plan is five-fold:

1. To introduce an office and/or neighborhood commercial product in the area directly north of the Hurricane Industrial park. Due to the proximity of 600 North

and accompanying power lines, the Industrial Park, Sky Mountain maintenance facility, and the Sky Mountain RV storage, this area is more suitable as a light commercial buffer area. This amendment is in response to changing market conditions and the realization that this area could benefit from some mixed use neighborhood commercial product.

- To indicate that on November 29, 2001, the Hurricane City Board of Adjustment approved the setbacks as discussed in the Community Design Standards section of this Master Plan document. The Planning Commission and City Council originally approved this document subject to approval by the Board of Adjustment.
- 3. To indicate as neighborhood commercial, a small area along the west boundary adjacent to 600 North. This area is already designated as commercial on the Hurricane City General Plan, and this Master Plan amendment reflects this reality.
- 4. To clean up the document by indicating the location of public facilities, both existing and anticipated, and to clarify some density issues now that development plans have been further developed. See accompanying graphical exhibit.
- 5. To indicate the possibility of future modification with regard to golf hole locations. The Developer and the City of Hurricane may at some future date realign parcels of property in an effort to improve the Sky Mountain Golf Course.

#### PURPOSE OF MASTER PLAN

The purpose of this master plan is to act as a tool in the development of "Developer Parcel(s)" as described in the Disposition and Development Agreement (Development Agreement) dated November 26, 1993, initiated by the Hurricane City and certain private developers. This document is intended to act as a summary of the development addressing items such as Conditions, Covenants and Restrictions for existing and future phases, the general nature and type of development, dwelling unit densities, relationship to golf course and surrounding zoning, etc. This narrative accompanies an exhibit, which graphically describes the Sky Mountain project.

The Development Agreement allows for a successor developer agreement with developers different from the original developer. Hurricane City approved Shadow Mountain Development Corporation as a successor developer (Developer) on 15 June 2000. Consequently, Shadow Mountain Development Corporation is now party to the original development agreement. A provision of the Successor Developer Agreement requires Shadow Mountain Development Corporation to present this master plan update. This document is presented with the following facts in mind:

- Prior zoning efforts for the Developer Parcel(s) (original Sky Mountain) have resulted in a current overall project density of 604 dwelling units.
- The golf course design presents unique challenges upon the Development Parcel(s) which will require unique solutions for the planned unit development as will be discussed in this document.

- The development agreement allows for additional BLM property to be acquired by the best efforts of Hurricane City and Developer. This master plan will be amended as needed when any such land acquisition occurs.
- The addition of the Appleby and Stowe properties are to provide for greater circulation and access. This is meant to enhance, not take away from the original Development Agreement.

## **COMMUNITY VISION**

A community vision statement is a wide-ranging expression of the values that are intended to characterize the community when completed. This statement and all major elements of this master plan are referenced to this vision. The vision for Sky Mountain is a high quality mixed-use, market driven residential, including some light commercial product subject to the constraints of the terrain and existing golf course, within a setting providing peaceful quality of life for residents. The vision has emerged in part due to the success of the golf course and a desire to enhance the viability of the golf course by introducing residents who will support it. A second factor helping form this vision is the incredible natural beauty of the site and surrounds. The view including Pine Mountain, Zion National Park, and the Virgin River is legendary and treasured by all who live, visit and golf Sky Mountain. A third factor contributing to this vision is the existence of amenities such as the clubhouse and pool facility designed for the use and enjoyment of residents.

Finally, the ability to link to a potentially vast trail system using existing sewer outfall easements and new trails and easements could be created if support could be found within Hurricane City and surrounding property owners.

This master plan addresses specific features that are central to making the vision described above a reality.

### SURROUNDING USES

Success in any real estate activity is enhanced or limited by the general appearance and use of surrounding properties. Developer believes it to be in the best interest of all to cooperate in good faith with surrounding property owners, including Hurricane City and others, to maintain a high visual standard. Any improvements that can be done with respect to the nearby industrial park both current and future will surely be beneficial to all.

## DEVELOPMENT APPROACH

Shadow Mountain Development Corporation, in its role as master developer of the community, will utilize a market driven approach to facilitate multiple products such as production housing, custom homes, custom lots, light commercial, etc. A diversity of price points may be utilized to maintain this market driven approach. Market driven means that as customer preferences evolve due to factors such as the condition of the overall economy, technology, competition, and the impact of the surrounding environment, the project may then evolve to satisfy customer needs and maintain a very strong sales velocity.

## **DEVELOPMENT STANDARDS**

Development shall utilize flexible standards as approved by Hurricane City Council, and shall proceed in a manner that maximizes the use of the Developer Parcels.

## PHYSICAL FEATURES

The site encompasses several irregularly shaped pieces of ground left over from when the golf course was installed. The site slopes northerly with lava outcroppings, sand, cactus, creosote bush and other indigenous plant life in natural irregular fashion. In some areas, the golf greens neck down, leaving a very narrow passage for future utilities and roads to pass through. The main sewer outfall lies to the north, while access points and other utilities lie to the south along 600 North.

Techniques will be used to cluster utilities and dwellings in such a way as to work with the natural terrain-not against it. It is for this reason that <u>compromises</u> may be required in terms of road widths and other parameters during the design and development process.

#### OVERALL LAYOUT

The golf course has divided the site into discreet development bubbles, providing opportunities for unique neighborhoods. Currently there are two separate homeowners associations in effect on the eastern part of the site. For this reason, a provision to license the main clubhouse and entrance amenities is underway, thereby giving flexibility to various neighborhood enclaves.

With the constraints of the golf course layout and natural topography, some areas of the site will likely have a lower density than that of other areas. This flexible method of clustering will be used within the site to utilize the maximum project density of 604 for the original Sky Mountain project and whatever the zoning allows for additional property. It is beyond the scope of this document to specify exact lot, utility, and road alignment. However, the attached exhibit indicates generally how the development will look. Greater detail will be presented during the preliminary plat process.

## LAND USE TYPES

In order to meet the community vision of being market driven, the general land use for the site will be mixed-use, including, but not limited to the following product types:

- Low-density single family detached housing with private streets- production and custom housing.
- Low-density single family detached housing with public streets- production and custom housing.
- High density residential attached and/or detached will generally be concentrated along 600 North, although some interior high density may ultimately be desired. This product type may take the form of condominium, townhouse or suitable variant.
- High quality professional office, neighborhood commercial and business-park uses.
- Public Facility/open space

## AMENITIES, OPEN SPACE AND GOLF COURSE

As previously stated, the project contains certain amenities including a clubhouse and pool facility, entrance facilities, maintained open space, recreational vehicle storage, natural open space, golf course, maintenance, drainage facilities, etc. Some of these facilities are private property while some belong to Hurricane City. Since the project was conceived as a golf community where there is an abundance of recreational space, customary open space requirements shall be considered not completely relevant. However, much area shall remain open space either in an improved or unimproved, private or publicly held condition.

#### DESIGN FLEXIBILITY

Since project inception, private development was to occur amongst the public golf course (Development Agreement (I)(i)(10)(b)). It is for this reason that extreme flexibility and cooperation between city and developer must be given the development in areas that in other projects within the city's jurisdiction may not be deemed appropriate. This flexibility may take the form of reduced setbacks, irregular lot shapes, innovative street and alleyway design, and other deviations from customary design criteria. It is the intent of the developer not to deviate from customary design criteria unless the golf course has placed undue constraints, and only in circumstances where public safety will not be compromised.

## **INFRASTRUCTURE**

Several funding mechanisms were utilized to develop Sky Mountain including tax incremental bonds, special improvement districts (93-1 and 96-1) other city funding, private developer funding, etc. Without these funding mechanisms the golf course may not have been possible. Roadways needed to be constructed with utilities extended to the site. Special improvement district 93-1 primarily funded 2600 West from State Highway 9 to the pro shop. SID 96-1 primarily funded the improvements on 600 North. In order to generate revenue for the repayment of these improvements that made the golf course possible, the developer parcels must be developed and sold in a diligent and efficient manner

Additional roadways providing for circulation, sewer, water, drainage and dry utilities will be installed as development progresses. These interior improvements, as previously stated, may require some design latitude and good faith cooperation in order to facilitate the process.

Water for the golf course and private development shall be supplied by Hurricane City which has adequate supply (Development Agreement, Attachment 4, Section III.(2)). Wastewater treatment shall be provided by Ash Creek Special Service District, which operates the main outfall line located through the property north of 600 North. A sewer lift station may be required to serve Development Parcels at the northern edge of Sky Mountain.

## COMMUNITY DESIGN ELEMENTS

It may be desirable to adopt consistent community design elements within separate project boundaries such as 600 North landscaping, signage, entrance features, landscaping, wall colors, etc. The intent of this provision is to provide for some

consistency within the overall project, yet allow for individuality. This provision is not intended to limit creative solutions, but to provide a somewhat uniform aesthetic foundation.

## VEHICULAR CIRCULATION

As noted previously, a major area where innovative design latitude must be given is in the design and construction of roadways and drainage solutions. For instance, where holes 3, 4, 5, and 6 converge, care must be taken to provide for vehicular and pedestrian circulation, as well as provide for looping of utilities, sewer and drainage systems. In this instance a narrow, unloaded section of roadway or alleyway should be constructed. These rights of way will be private or public, depending upon the housing type and upon Developer and Hurricane City preferences. This decision shall be deferred until the preliminary plat for the particular area in question is being examined.

## LOCAL AND REGIONAL TRAIL FACILITIES

Access to walking trails is a very desirable feature in any community, especially when compelling natural features exist as they do in and around Hurricane City. Local trail amenities shall be public unless maintained by an HOA entity. A sincere effort will be made to provide access points to trail systems if any exist.

## **COMMUNITY DESIGN STANDARDS**

Road widths within the project shall vary depending upon factors such as the number of frontage units, whether private or public, and of course, if the golf course configuration presents unique challenges.

Road width and setback off a private roadway shall in most cases be consistent with that which has already been used in the project, i.e. a 40 foot right of way with a 20 foot setback from the back of concrete. It may, in some instances be desirable to modify this setback standard. Any such deviation shall be approved by the city council. Sidewalk shall be placed on one side of a private roadway. Minimum side yard building separation shall be 15 feet.

Public road widths shall conform to the standards adopted or amended by Hurricane City.

CC&R will be developed in connection with the development and may specify or restrict on-street parking, recreational vehicles, landscaping, walls, and other community design elements.

Golf course frontage carries the challenge of being in the line of golf ball fire as well as dealing with constraints such as golf course irrigation systems. It is anticipated that homeowners shall have latitude to plant screening devices and to erect privacy walls as protection from errant golf balls. The architectural control committee reserves the right to limit homeowner action in cases where there could be significant damage to view corridors. Lot layouts shall be designed to avoid conflicts with golfers wherever possible.

In the zone between fairways and backyards, it may be impossible to completely eliminate the effects of golf course irrigation over spray. Similarly, it may be impossible

to completely eliminate the effects of development runoff. Hurricane City, in some cases may be required to control trespassing water by modifying irrigation systems. Developer, in some cases may be required to employ innovative drainage systems to control runoff. In any case, developer and city shall cooperate in good faith as has been customary, to minimize conflicts between the golf course and development.

## PHASING PLAN

Development will generally begin on the (back nine) east side, and move to the (front nine) west side as the market dictates.

## **AMENDMENT**

This master plan is an aid in the development process. It is not intended to be a hard and fast rule, but rather a general guide, and as such may be amended from time to time in response to challenges both physical and market driven.

When recorded return to:	
Hurricane City	
147 N. 870 West	
Hurricane, UT 84737	
Parcel ID	

## DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT is made and entered into on \_\_\_\_\_\_\_, 2020 by and between the <u>Hurricane City Corporation</u>, a Utah municipal corporation, hereinafter referred to as "City", and <u>Sector 5 LLC</u>, a Utah limited liability company, hereinafter referred to as "Developer", (each of the foregoing individually a "Party" and collectively the "Parties") with an effective date upon recording of this instrument.

#### Recitals

- A. Developer is the owner of approximately <u>7.8</u> acres of real property generally located at approximately <u>2200 West 600 North</u> within the Sky Mountain Master Plan area in Hurricane, Utah (the "Property"), which is more fully described in Exhibit "A" attached hereto and incorporated herein.
- E. Developer submitted an application to have the Property rezoned from PDO/NC to PDO/R-1-8 (collectively, the "Rezoning Request") to allow development of the Property into an assisted living and independent living facility under City's land use ordinances (the "Project").
- F. In consideration of City's approval of the Rezoning Request, Developer has voluntarily offered to limit the uses on this property and abide by certain development standards on the property in recognition of the existing golf course and golf course community.
- G. On <u>January 23, 2019</u>, after a duly noticed public hearing, City's Planning Commission recommended approval of Developer's Rezoning Request, subject to execution of a development agreement, and forwarded such request to City's City Council for consideration.
- H. On <u>February 7, 2019</u> City's City Council, approved Developer's Rezoning Request subject to approval of a development agreement.
- I. Developer and City each desire to enter into this Agreement and are willing to abide by the terms and conditions set forth herein.
- J. Acting pursuant to its legislative authority under Utah Code Annotated § 10-9a-101, et seq., and after all required public notice and hearings, City's City Council, in exercising its legislative discretion, has determined that entering into this Agreement furthers the purposes of the (i) Utah Municipal Land Development and Management Act, (ii) City's General Plan, and (iii) City's land use ordinances (collectively, the "Public Purposes"). As a result of such determination, City has elected to process the Rezoning Request and the subsequent development authorized thereunder in accordance with the provisions of this Agreement and has

concluded that the terms and conditions set forth in this Agreement accomplish the Public Purposes referenced above and promote the health, safety, prosperity, security and general welfare of the inhabitants and taxpayers of Hurricane City.

## Agreement

Now, therefore, in consideration of the premises recited above and the terms set forth below, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and Developer hereby agree as follows:

- 1. **Development.** Development on the Property shall consist of an independent living and assisted living facility developed under all the requirements of City's Land Use Code and design standards.
- 2. Specific Development Standards. Developer further agrees Project shall be designed to comply with the following conditions:
  - a. Any building will be constructed as close to the east boundary of the property as possible while still meeting setback and building code requirements
  - b. Only minimum required lighting will be permitted and that lighting will be designed to conform to Dark Sky standards regarding shielding and color spectrum.
  - c. Construct a berm with natural desert landscaping between the parking and driveways and holes 14 and 15 of Sky Mountain Golf Course
  - d. No townhomes or condominiums will be constructed on the property.
  - e. The portion of any building bordering 600 North shall only be used and occupied for any lawful purposed, but specifically cannot be used as bedrooms or other sleeping areas.
- 2. **Zone Change and Permitted Uses.** Subject to the terms of this Agreement, the zoning classification on the Property shall be PDO/R-1-8, according to the provisions of City's Land Use Code.
- 3. Other Applicable Code Provisions. The Parties acknowledge that in order to proceed with development Developer shall comply with Title 10 of the Hurricane City Code and other requirements generally applicable to development in Hurricane City (collectively, "City's Land Use Ordinances") and final plat approval is dependent upon being able to meet those requirements.
- 4. Reserved Legislative Powers Vested Rights. Nothing in this Agreement shall limit the future exercise of City's police powers in enacting zoning, subdivision, development, growth management, platting, environmental, open space, transportation and other land use plans, policies, ordinances and regulations after the date of this Agreement. Notwithstanding the retained power of City to enact such legislation under its police power, such legislation shall not modify the requirements of the Neighborhood Commercial zone as existing on the date of this Agreement unless facts and circumstances are present which meet the compelling, countervailing public interest exception to the vested rights doctrine as set forth in Western Land Equities, Inc. v. City of Logan, 617 P.2d 388 (Utah, 1988), or successor case law or statute. Any such

proposed change affecting Developer's rights shall be of general application to all development activity in City. Unless City declares an emergency, Developer shall be entitled to prior written notice and an opportunity to be heard with respect to the proposed change and its applicability to the Project.

- 6. Commencement of Construction. Developer shall not commence any development activity or construct any Project improvement on any portion of the Property until a final plat and notice to proceed or any other permit required by City's Land Use Ordinances for such development activity ("Project Permit") is approved by City in accordance with City's Land Use Ordinances and the terms of this Agreement.
- 8. **Term.** This Agreement shall continue in force and effect until all public and private infrastructure improvements on the Property have been constructed and accepted as complete by City and a certificate of occupancy have been issued for any structures in the Project; provided, however, that this Agreement shall become null and void if a final site plan is not approved within two years of the date of the recording of this agreement. Upon the termination of this Agreement, the Parties shall, at the request of either Party, execute an appropriate recordable instrument confirming that this Agreement has been fully performed, terminated, or lapsed as provided in this Paragraph 8.
- 9 Successors and Assigns. This Agreement shall be binding on the successors and assigns of Developer. A purchaser of the Property or any portion thereof shall be responsible for performance of Developer's obligations hereunder as to any portion of the Property so transferred.

## 12. Default.

- A. <u>Events of Default</u>. Upon the happening of one or more of the following events or conditions Developer or City, as applicable, shall be in default ("Default") under this Agreement:
  - 1. A warranty, representation or statement made or furnished by Developer under this Agreement is intentionally false or misleading in any material respect when it was made.
  - 2. A determination by City made upon the basis of substantial evidence that Developer has not complied in good faith with one or more of the material terms or conditions of this Agreement.

## B. Procedure Upon Default.

1. Upon the occurrence of Default, the non-defaulting Party shall give the other Party thirty (30) days written notice specifying the nature of the alleged Default and, when appropriate, the manner in which said Default must

be satisfactorily cured. If the Default cannot reasonably be cured within thirty (30) days, the defaulting party shall have such additional time as may be necessary to cure such Default so long as the defaulting Party takes action to begin curing such Default with such thirty (30) day period and thereafter proceeds diligently to cure the Default. After proper notice and expiration of said thirty (30) day or other appropriate cure period without cure, the non-defaulting Party may declare the other Party to be in breach of this Agreement and may take the action specified in Paragraph 12(C) herein. Failure or delay in giving notice of Default shall not constitute a waiver of any Default.

- 2. Any Default or inability to cure a Default caused by strikes, lockouts, labor disputes, acts of God, inability to obtain labor or materials or reasonable substitutes therefor, governmental restrictions, governmental regulations, governmental controls, enemy or hostile governmental action, civil commotion, fire or other casualty, and other similar causes beyond the reasonable control of the party obligated to perform, shall excuse the performance by such party for a period equal to the period during which any such event prevented, delayed or stopped any required performance or effort to cure a Default.
- C. <u>Breach of Agreement</u>. Upon Default as set forth in Subparagraphs 12A and 12B above, City may declare Developer to be in breach of this Agreement and City (i) may withhold approval of any or all building permits or certificates of occupancy applied for in the Project, but not yet issued; and (ii) shall be under no obligation to approve or to issue any additional building permits or certificates of occupancy for any building within the Project until the breach has been corrected by Developer. In addition to such remedies, either City or Developer (in the case of a Default by the City) may pursue whatever additional remedies it may have at law or in equity, including injunctive and other equitable relief.
- 13. **Time Limit**: This agreement shall be considered void if a final site plan is not approved within two years of the recording date of this agreement and the zoning shall revert to PDO/Planned Commercial.

## 14. General Terms and Conditions.

A. <u>Title and Authority</u>. Developer expressly warrants and represents to City that Developer (i) owns all right, title and interest in and to the Property, or (ii) has the exclusive right to acquire such interest, and (iii) that prior to the execution of this Agreement no right, title or interest in the Property has been sold, assigned or otherwise transferred to any entity or individual other than to Developer. Developer further warrants and represents that no portion of the Property is subject to any lawsuit or pending legal claim of any kind. Developer warrants that the undersigned individual has full power and authority to enter into this Agreement on behalf of Developer. Developer understands City is relying on these representations and warranties in executing this Agreement.

- B. <u>Recording of Agreement</u>. No later than ten (10) days after this Agreement has been executed by City, this Agreement shall be recorded in its entirety in the official records of Washington County, Utah.
- C. <u>Severability</u>. Each and every provision of this Agreement shall be separate, several, and distinct from each other provision hereof, and the invalidity, unenforceability, or illegality of any such provision shall not affect the enforceability of any other provision hereof.
- D. <u>Time of Performance</u>. Time shall be of the essence with respect to the duties imposed on the Parties under this Agreement. Unless a time limit is specified for the performance of such duties each Party shall commence and perform its duties in a diligent manner in order to complete the same as soon as reasonably practicable.
- E. <u>Construction of Agreement</u>. This Agreement shall be construed so as to effectuate its public purpose of ensuring the Property is developed as set forth herein to protect health, safety, and welfare of the citizens of City. This Agreement has been reviewed and revised by legal counsel for City and Developer, and no presumption or rule that ambiguity shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement.
- F. State and Federal Law; Invalidity. The Parties agree, intend, and understand that the obligations imposed by this Agreement are only such as are consistent with state and federal law. The Parties further agree that if any provision of this Agreement becomes, in its performance, inconsistent with state or federal law or is declared invalid, this Agreement shall be deemed amended to the extent necessary to make it consistent with state or federal law, as the case may be, and the balance of the Agreement shall remain in full force and effect. If City's approval of the Project is held invalid by a court of competent jurisdiction this Agreement shall be null and void.
- G. Enforcement. The Parties to this Agreement recognize that City has the right to enforce its rules, policies, regulations, ordinances, and the terms of this Agreement by seeking an injunction to compel compliance. In the event Developer violates the rules, policies, regulations or ordinances of City or violates the terms of this Agreement, City may, without declaring a Default hereunder or electing to seek an injunction, and after thirty (30) days written notice to correct the violation (or such longer period as may be established in the discretion of City or a court of competent jurisdiction if Developer has used its reasonable best efforts to cure such violation within such thirty (30) days and is continuing to use its reasonable best efforts to cure such violation), take such actions as shall be deemed appropriate under law until such conditions have been rectified by Developer. City shall be free from any liability arising out of the exercise of its rights under this paragraph.
- H. <u>No Waiver</u>. Failure of a Party hereto to exercise any right hereunder shall not be deemed a waiver of any such right and shall not affect the right of such Party to exercise at some future time said right or any other right it may have hereunder. No officer, official or agent of City has the power to amend, modify, or alter this Agreement or waive any of its conditions as to bind City by making any promise or representation

not contained herein.

- I. <u>Amendment of Agreement.</u> This Agreement shall not be modified or amended except in written form mutually agreed to and signed by each of the parties. No change shall be made to any provision of this Agreement unless this Agreement is amended pursuant to a vote of City's City Council taken with the same formality as the vote approving this Agreement.
- J. <u>No Waiver of Governmental Immunity</u>. Nothing in this Agreement is intended to, or shall be deemed, a waiver of City's governmental immunity.
- K. <u>Entire Agreement</u>. This Agreement shall supersede all prior agreements with respect to the subject matter hereof, not incorporated herein, and all prior agreements and understandings are merged herein.
- L. <u>Notices</u>. Any notices required or permitted to be given pursuant to this Agreement shall be deemed to have been sufficiently given or served for all purposes when presented personally, or four (4) days after being sent by registered or certified mail, properly addressed to the Parties as follows (or to such other address as the receiving Party shall have notified the sending Party in accordance with the provisions hereof):

If to Developer:

Sector 5 LLC

1148 Legacy Crossing

Suite 300

Centerville, Utah 84014

With a copy to:

Gregory L Wilde, Esq. 2104 Jadeleaf Court Las Vegas, Nevada 89134

If to City:

Hurricane City c/o City Manager 147 North 870 West Hurricane, Utah 84737 Fax No: (435) 635-2184

With a copy to:

Fay Reber, Esq.

260 West St. George Blvd, #205

St. George, Utah 84770City of Hurricane

Fax No: (435) 628-7680

M. <u>Applicable Law</u>. This Agreement and the construction thereof, and the rights, remedies, duties, and obligations of the Parties which arise hereunder are to be construed and enforced in accordance with the laws of the State of Utah.

- N. <u>Execution of Agreement</u>. This Agreement may be executed in multiple parts as originals or by facsimile copies of executed originals; provided, however, if executed and evidence of execution is made by facsimile copy, then an original shall be provided to the other Party within seven (7) days of receipt of said facsimile copy.
- O. <u>Hold Harmless</u>. Developer agrees to and shall hold City, its officers, agents, employees, consultants, special counsel, and representatives harmless from liability for damages, just compensation restitution, or judicial or equitable relief which may arise from or are related to any activity connected with the Project, including approval of the Project; the direct or indirect operations of Developer or its contractors, subcontractors, agents, employees, or other persons acting on its behalf which relates to the Project; or which arises out of claims for personal injury, including health, and claims for property damage.
  - 1. The agreements of Developer in this Paragraph 13(O shall not be applicable to any claim arising by reason of the negligence or intentional tort actions of City.
  - 2. City shall give written notice of any claim, demand, action or proceeding which is the subject of Developer's hold harmless agreement as soon as practicable but not later than thirty (30) days after the assertion or commencement of the claim, demand, action or proceeding. If any such notice is given, Developer shall be entitled to participate in the defense of such claim. Each Party agrees to cooperate with the other in the defense of any claim and to minimize duplicative costs and expenses.
- P. <u>No Monetary Damages Relief Against City</u>. The Parties acknowledge that City would not have entered into this Agreement had it been exposed to monetary damage claims from Developer for any breach thereof except as set forth herein. As such, the Parties agree that specific performance, as may be determined by the court, is the intended remedy for any breach of this Agreement. In the event specific performance is not available as a remedy to Developer for the City's breach hereof, then Developer shall be entitled to pursue any and all remedies at law or equity.
- Q. <u>Institution of Legal Action</u>. Consistent with the provisions of Subparagraph P above, in addition to any other rights or remedies, either Party may institute legal action to cure, correct, or remedy any Default or breach, to specifically enforce any covenants or agreements set forth in this Agreement or to enjoin any threatened or attempted violation of this Agreement; or to obtain any remedies consistent with the purpose of this Agreement. Legal actions shall be instituted in the Fifth District Court, State of Utah, or in the Federal District Court for the District of Utah.
- R. <u>Relationship of Parties Third Party Beneficiaries</u>. The contractual relationship between City and Developer arising out of this Agreement is one of independent contractor and not agency. This Agreement does not create any third-party beneficiary rights. It is specifically understood by the Parties that: (i) all rights of action and enforcement of the terms and conditions of this Agreement shall be reserved to City and Developer, (ii) the Project is a private development; (iii) City has no interest in or

responsibilities for or duty to third parties concerning any improvements to the Property; and (iv) Developer shall have the full power and exclusive control of the Property subject to the obligations of Developer set forth in this Agreement.

- S. <u>Annual Review</u>. City may review progress pursuant to this Agreement at least once every twelve (12) months to determine if Developer has complied with the terms of this Agreement. If City finds, on the basis of substantial evidence, that Developer has failed to comply with the terms hereof, City may declare Developer to be in Default as provided in Paragraph 12 herein. City's failure to review at least annually Developer's compliance with the terms and conditions of this Agreement shall not constitute a Default under this Agreement.
- T. <u>Headings for Convenience</u>. All headings and captions used herein are for convenience only and are of no meaning in the interpretation or effect of this Agreement.

[signature page follows]

Notary Public

IN WITNESS WHEREOF, this Agreement has been executed by City and by a duly

On Thu, Jan 17, 2019, 10:25 PM Ryan Wilde <a href="mailto:van@jackrvancap.com">van@jackrvancap.com</a> wrote:
Penny, thank you for taking the time to meet and discuss your concerns about the future development of what we are calling the Back 9. Anytime we develop a property we want to leave the neighborhood with a "positive gain". Pursuant to our conversation, please let your members know that I would be happy to sign a development agreement stating that we agree to build the required by the city, build a berm with natural desert landscaping between parking and the fairway. In addition we would agree that the zone change and plat approval be conditioned on condos. We would do all this with the minimum requirements of parking allowed by the city. I the natural beauty. After we met, I thought of another thing we can do in our CC&Rs we will Thanks.

Ryan Wilde

# Sky Mountain Homeowner's Associations

985 North 2600 West Hurricane, Utah 84737 Office: 435 635-7781 Fax; (435) 635-2163

Website: <a href="http://www.skymountainhoa.com">http://www.skymountainhoa.com</a>
SkyMountainhoa@gmail.com

The joint Boards of Trustees of the Sky Mountain Communities wish to express support for Mr. Wilde's development of an Assisted Living/Independent Living facility on the 7.83 acres located at approximately 2270 W 600 N.

Mr. Wilde has met with members of our Board several times to discuss his proposed development. He has listened to our concerns involving traffic, lighting, parking and proximity to the golf course. Mr. Wilde has addressed each of our concerns and presented a plan that we feel fits into the existing surrounding neighborhood. Mr. Wilde has expressed his commitment to "develop the area while maintaining the natural beauty".

The issues he has specifically addressed are:

**Traffic-**Hundreds of multifamily and single family units have been approved recently along 600 N. The traffic along 600 N has increased substantially as those units are built. We believe the impact of traffic involved with an assisted living facility would be minimal.

Noise-We would anticipate the noise from an assisted living facility to be minimal.

**Light Pollution-**Mr. Wilde has submitted a letter to us which is attached to this document in which he commits to using the minimum exterior lighting required by the City to help protect our night skies.

**Parking-**looking at a parking lot is not desirable. Mr. Wilde has committed to building a berm planted with vegetation to help screen the parking area from view. The berm may also help protect vehicles in the parking area from being hit by golf balls.

We sincerely appreciate the time, effort and expense Mr. Wilde has put into his plans and his willingness to meet with us to discuss our questions and concerns.

Sky Mountain is not an age restricted community, but our demographic is almost all 55+. Most of us hope to grow old and spend our final years in our private homes but realize that is not always reality. It is a bit of a comforting thought to know if we do have need for assisted care at some point, perhaps we won't have to leave our beloved Sky Mountain but can just move to The Back 9.

## **Brienna Spencer**

From:

Stephen Nelson <stephen@cityofhurricane.com>

Sent:

Thursday, September 10, 2020 3:45 PM

To:

Brienna Spencer; 'Chris Christensen'; 'Darin Larson'; 'Darrin LeFevre'; 'Dayton Hall'; 'Fay

Reber'; 'Mark Borowiak'; 'Mark Sampson'; 'Mark Sampson.1'; 'Michelle Cloud'; 'Paul

Farthing'; 'Ralph Ballard'; 'Rebecca Bronemann'; 'Shelley Goodfellow'; 'Stephen Nelson'

Subject:

FW: The Back 9

Attachments:

Development Agreement Committment from R Wilde 1-17-19.pdf; The Back 9 support

letter to Planning Commission 1-23-19.doc

Planning Commission,

Please see the attached email and letter about the Back 9 (Sector 5) Amendment.

Stephen

From: Sky Mountain HOA <skymountainhoa@gmail.com>

Sent: Thursday, September 10, 2020 2:59 PM

To: 'Stephen Nelson' <stephen@cityofhurricane.com>

Subject: The Back 9

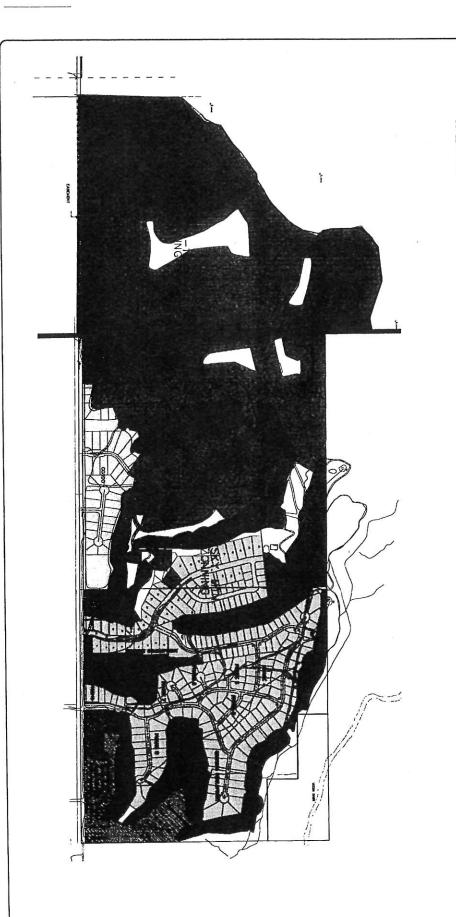
Hi Stephen-thank you for taking a few minutes to listen to our concerns about the proposed development of the Back 9. I have attached correspondence from Mr. Wilde as well as our letter of support we presented to the Planning Commission and City Council regarding Mr. Wilde's assisted living facility.

We have anticipated the assisted living facility being built and are disappointed to see the current proposal of 100 units which seems like a lot of density for that small of acreage. Our support letter states the reasons we supported the assisted living and would be opposed to condominiums as they are described in your meeting package. We would welcome the opportunity to sit down with the developer at some point if that is appropriate as we wish to be good neighbors and work to come to a proposal as we did with Mr. Wilde.

Please let me know if you have any questions or would like to discuss this or other matters. Thank you again for your time.

Penny R, James-Garcia, Community Manager Sky Mountain Communities 985 N 2600 W. Hurricane, UT 84737 435-635-7781 435-635-2163 Fax skymountainhoa.com

Teach InfoWest Spam Trap if this mail is spam:



MASTER

SKY MOUNTAIN GOLF ESTATES
FOR
SHADOW MOUNTAIN DEVELOPMENT

LAND USE SUMMARY PROPOSED MEDIUM DENSITY UNITS 116.62 ACRES 88.40% TOTAL AREA AREA 131.93 ACRES 100% 8.62 ACRES 6.53%

PERCENTAGE

NO. OF UNTS 395

DENSITY 3.39 UNITS/AC.

6.69 ACRES 5.07%

395 TOTAL UNITS

LEGEND R-1-10

		10.35%	4.45 ACRES	PUBLIC FACILITIES / OPEN SPACE	X
		2.57%	7.72 ACRES	NEIGHBORHOOD COMMERCIAL / BUSINESS PARK	
		8.98%	27.00 ACRES	OPEN SPACE	1
7.96 UNITS/AC.	137		17 22 ACRES	PROPOSED HIGH DENSITY UNITS	
2.60 UNITS/AC.	218	27.92%	B3.94 ACRES	PROPOSED MEDIUM DENSITY UNITS	
3.54 UNITS/AC.	249	23.43%	70.43 ACRES	EXISTING MEDIUM DENSITY UNITS	のでは、
		29.90%	89.88 ACRES	COLF COURSE	
		100%	300.65 ACRES 100%	TOTAL AREA	
OENSIT	NO. OF UNITS	PERCENTAGE	AREA	LAND USE SUMMARY	COLOR

SKY MOUNTAIN GOLF ESTATES
SHADOW MOUNTAIN
DEVELOPMENT
HURESOME, UTAL

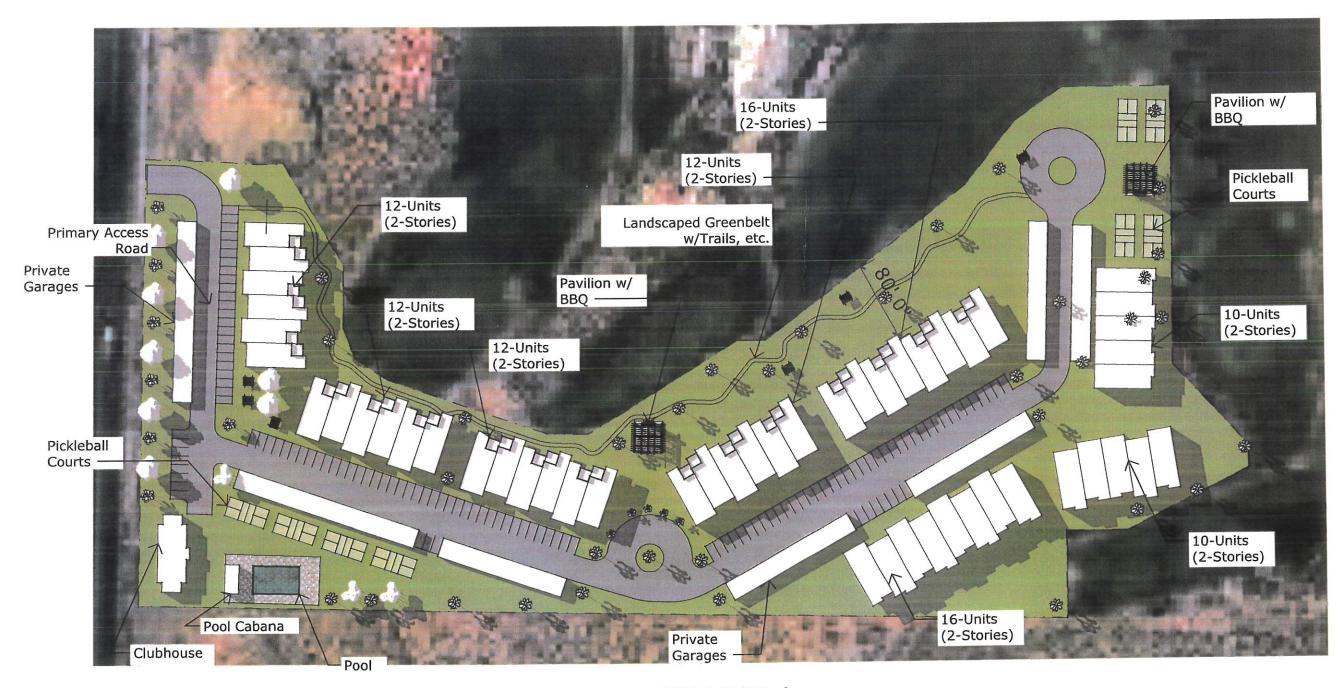


PRATT PRECISION ENGINEERING, P.C.

4 SOUTH 2800 WST. SUITE 4
HURRICANE, UTAH 84737

FAX: 433-635-3465
FAX: 433-635-3900

REVISIONS



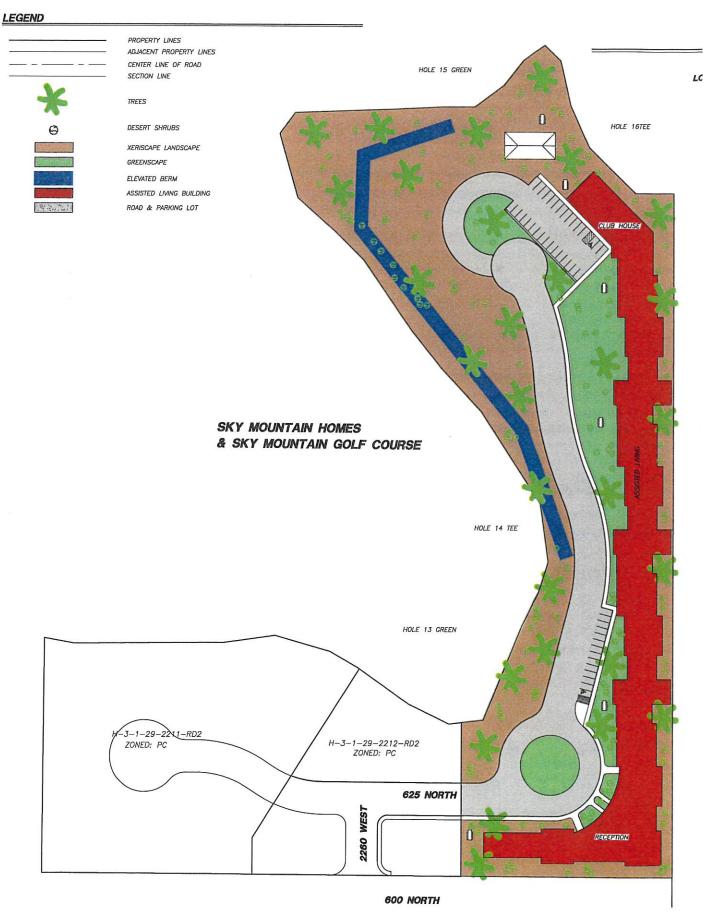
100 total 1500 s.f. flats (2-story buildings)



Sky Mountain - 1500 s.f. units option 3

Scale: 1" = 100'





## CONCEPT MAP FOR: SECTOR 5

2260 W 600 N HURRICANE, WASHINGTON COUNTY, UTAH LOCATED AT IN SECTION 29, T41S, R13W, S.L.B.&M.



### NARRATIVE

THIS ZONE CHANGE IS REQUIRED TO CHANGE FROM PLANNED DEVELOPMENT OVERLAY ZONE (PDO) TO RESIDENTIAL — 1 UNIT PER 8,000 SQ. FT. (R1—8) FOR 7.836 ACRES.

#### LEGAL DESCRIPTION:

BEGINNING AT A PONT LOCATED NO0'03'39"E ALONG THE SECTION LINE 40.00 FEET FROM THE SOUTHEAST CORNER OF SECTION 29, TOWNSHIP 41 SOUTH RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN; THENCE N89'40'43"W 298.57 FEET; THENCE N00'00'00"E 213.50 FEET; THENCE N83'32'52"E 30.50 FEET; THENCE N22'37'04"E 143.11 FEET; THENCE N26'13'42"E 52.30 NGJ 32-32.5 J.300 FEC; I'MENUE NGZ 37 VH E 143-11 FEC; I'MENUE NGZ 13-2 J.320 FEE; THENCE NJ3705'23"W 153.81 FEET; THENCE 43705'51" 83.39 FEET; THENCE NJ38'59'18"W 67.43 FEET; THENCE NJ38'18"W 67.43 FEET; NB7'51'40"E 142.28 FEET; THENCE NB7'14'59"E 68.98 FEET; THENCE NB9'32'50"E 46.37 FEET; THENCE N53'35'40"E 51.17 FEET; THENCE N38'33'02"E 44.52 FEET; THENCE FEET; HENGE NOS 35 40°E 51.17 FEET; THENGE N.88 53 02'E 44.52 FEET; THENGE STEET THENGE S46"G50"E 31.52 FEET; THENGE S12"40"33"E 63.84 FEET; THENGE S24"25"45"E 65.29 FEET; THENGE S46"07"05"E 92.95 FEET; THENCE S89"56"21"E 53.67 FEET; THENCE SOO'03'39"W 956.82 FEET; TO THE POINT OF BEGINNING. AREA CONTAINING: 341347 SQUARE FEET OR 7.836 ACRES.





PROJECT LOCATION

Σ M Δ IV CONCEPT MA
SECTOR 12260 W 600 N
HURRICANE, WASHIN
LOCATED IN SECTIC

DATE: 1/1/2019 SCALE: 1'=60'

JOB NO. 383-002

> SHEET NO: 1 OF 1

## AGRICULTURAL PROTECTION AREA APPLICATION

City of Hurricane 147 North 870 West Hurricane, UT 84737 (435) 635-2811 FAX (435) 635-2184	For Office Use Only: File No. 2020-APA-06 Receipt No.
Name: Howard Woods	Telephone: 307-248-2516
Address: 2952 S 1100 West	Fax No
Agent (If Applicable):	Telephone:
Email: Hwoods lds @ gmail.com	0
To be included in an agriculture protection area established will least five (5) contiguous acres.	thin Hurricane City land must consist of at
The application shall include:  1. The land in agriculture production that the proposal sponse protection area.  2. Any limits on the types of agriculture production to be allowed.	
3. For each parcel of land: (a) The owners of the land contain number or account number of each parcel; and (c) The number the parcel tax records.  Owners Name(s)  Ta	ned within the parcel; (b) The tax parcel er or account number of acres as listed on x Parcel # # of acres
Woods Howard W & Gretchen TRS H.3.	
Woods Howard W & Gretchen TKS H-3	354- D-1 10.49
MICHAEL W & MARY TREASE !	1-3354-A 10.7
BIRD	1 0 ! 0

In order for this to be a complete application, it shall include:

(a) a plat from the county recorder's office showing each parcel of land with each outlined in color to identify proposed area. (b) application fee, if any, as outlined on the city fee schedule, available from the city recorder/clerk.

In order to apply for agricultural protection, the area being proposed must be evaluated based upon; State Code 17-41-305, Criteria to be applied in evaluating proposals for the creation of agriculture protection areas.

In evaluating a proposal and in determining whether or not to create or recommend the creation of an agriculture protection area the advisory committee, planning commission, and county commission shall apply the following criteria:

- 1. Whether or not the land is currently being used for agriculture production;
- 2. Whether or not the land is zoned for agriculture use;
- 3. Whether or not the land is viable for agriculture production;
- 4. The extent and nature of existing or proposed farm improvements; and
- 5. Anticipated trends in agriculture and technological conditions.
- \*NOTE: the term *agricultural production* is defined by state law as follows:

## **State Code 17-41-101 Definitions**

"Agriculture production" means production for commercial purposes of crops, livestock, and livestock products, the processing or retail marketing of any crops, livestock, and livestock products when more than 50% of the processed or merchandised products are produced by the farm operator.

	List the type(s) of agricultural production that is currently occurring on the parcel(s) being included:
	ducks, fruit, Hay, (Hemp)
	In what zoning district is the parcel(s) currently located:
	Is the parcel(s) irrigated? <u>VES</u>
	Describe the types and number of structures that are located on the parcel(s):
0.49	Shop, 10 green Houses, one Home, Well Hous
7:00	ove Home,
	List the extent and nature of existing or proposed farm improvements:
1-3356	1-A HOUSE; ORCHARD, PASTURE, 7 GREENHOUSES, CORLAIS, LIVESTOCK
1-3354	What do you anticipate to be the trends in agriculture and technical conditions for the agricultural production on the parcel(s)?
	Farm is good
	Signature of Applicants  Date
	Howard 10 oods 8-19-20
	hake Bud 2/20/2020
	**************************************
	Date Received : Application Complete: YES NO
	Date application deemed to be complete:  Completion determination made by:

## Utah Agriculture Protection Area Proposal Review and Recommendations Washington County Agriculture Advisory Board

Proposal Sponsors: Howard Woods
Date: 08/25/2020
Address: 2952 S. 1100 W. Hurricane, UT
Proposal Description: Livestock (cows, horses, pigs, chickens, goats, ducks), fruit, hay, hemp
Owners of each parcel of land in proposal: Howard & Gretchen Woods, Michael & Mary Trene, Bird
Acreage in proposed area: Approximately 39.49
Type of agriculture presently in proposed area:  Livestock (cows, horses, pigs, chickens, goats, ducks), fruit, hay, hemp
Elizatesk (const, moreos, pigo, emokerio, godie, dueko), mait, may, memp
Is proposed area suitable for agriculture protection? YES NO
Soil types in area:
What is the county zone of the area? Agriculture
What agriculture improvements are in the area?
Anticipated trends in agriculture and technological conditions:
Recommendations: Disapproval: Approval:
Approval with modifications listed:

#### STAFF COMMENTS

Agenda:

September 10, 2020

File Number: 2020-APA-06

Type of Application:

Agricultural Protection Overlay

**Applicant:** 

Howard Woods and Michael Bird

Request:

A report for the City Council on a proposal to create an

Agricultural Protection Area

Location:

1100 W and 3000 S

General Plan:

Agricultural/Rural Residential 5+ Acres

**Existing Zoning:** 

RA-1

**Discussion:** This request is not to change the zone but protect the land with an Agricultural Protection Area. The total size is 39.49 acres. State and City code sets the standards for review by the Planning Commission and the County Agricultural Protection Area Advisory Committee. An Agricultural Protection Area grants certain legal protections to the property, including preventing rezoning the property, providing a defense against nuisance actions, notice to new subdivisions, and limiting eminent domain actions. These protections are found in Utah Code, sections of which are included in this report.

The only concern from staff is that 3000 S and 1100 W are planed to be major roadway in the area, and may need improvement in the next 10-20 years. This ag. protection overlay may make it more difficult for the City to secure right-of-way for those roads.

The Dixie Conservation District reviewed the application on August 25, 2020, and gave a favorable recommendation to the City Council.

Zoning		Adjacent Land Use
North	RA-1	Fields and Sparse Housing
East	RA-1	Fields and Sparse Housing
South	RA-1	Fields and Sparse Housing
West	A-5	Fields and Sparse Housing

- 1. The criteria set by State law (17-41-303) for a "written report to the legislative body" is that it:
- 2. Analyzes and evaluates the effect of the creation of the proposed area on the planning policies and objectives of the ....municipality....: This proposals appear to support objectives to maintain agricultural properties and to develop in a generally open and low profile way.
- 3. Analyzes and evaluates the proposal by applying the criteria contained in Section 17-41-

305 -

In evaluating a proposal and in determining whether or not to create or recommend the creation of an agriculture protection area, industrial protection area, or critical infrastructure materials protection area, the advisory committee, planning commission, and applicable legislative body shall apply the following criteria:

- (1) whether or not the land is currently being used for agriculture production, industrial use, or critical infrastructure materials operations, as the case may be;
- (2) whether or not the land is zoned for agriculture use, industrial use, or critical infrastructure materials operations, as the case may be;
- (3) whether or not the land is viable for agriculture production, industrial use, or critical infrastructure materials operations, as the case may be;
- (4) the extent and nature of existing or proposed farm improvements, the extent and nature of existing or proposed improvements to or expansion of the industrial use, or the extent and nature of existing or proposed improvements to or expansion of critical infrastructure materials operations, as the case may be; and (5)
- (a) in the case of an agriculture protection area, anticipated trends in agricultural and technological conditions;
- (b) in the case of an industrial protection area, anticipated trends in technological conditions applicable to the industrial use of the land in question; or
- (c) in the case of a critical infrastructure materials protection area, anticipated trends in technological conditions applicable to the critical infrastructure materials operations of the land in question.

The current agricultural production that is taking place on the property includes livestock, cows, horses, pigs, chickens, goats, ducks, fruit, hay and hemp. The Zoning is RA-1.

4. Recommends any modifications to the land to be included in the proposed agricultural protection area.

Commissioners should discuss any modifications they might recommend with the applicants.

5. Analyzes and evaluates any objections to the proposal.

Notice has been sent and posted. No objections to the proposal have been received at the time of this report.

6. Includes a recommendation to the ....legislative body to either accept, accept and modify, or reject the proposal.

Planning Commissioners should vote to make a recommendation on these parcels to be included in a written report.

**Recommendation:** Staff recommends the Planning Commission review the evaluation criteria, discuss the application with the applicants, and approve the report for the City Council.

## September 10, 2020

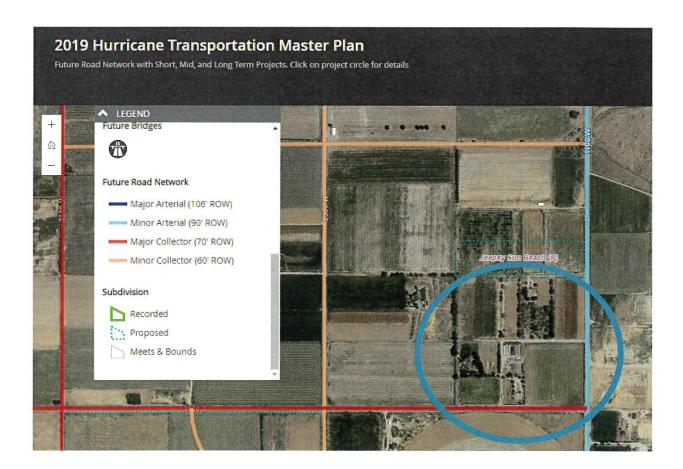
Report to City Council on proposed Agricultural Protection for Parcels H-3354-B-1, H-3354-D-1, H-3354-A, and H-3354-C.

The Planning Commission forwards the following findings regarding this application:

- 1. The land is currently being used for agricultural production or has plans to be used for immediate agricultural production.
- 2. The land is zoned for agricultural uses, RA-1
- 3. The land is viable for agricultural use
- 4. The property is congruent with a proposed 306.72 Acre Agriculture Protection Overlay Zone for Ash Creek Sewer District.
- 5. Approving use of this land for agriculture is consistent with current and expected technological trends in agriculture.

### **Future Use**

- 1. The General Plan maps has the area listed as Agricultural Use
- 2. 1100 W and 3000 S are located adjacent to the property. Most roadways are not fully developed until the property is developed.



## Recommendation

The Planning Commission recommends that the City Council approve the overlay request.



# Washington County Ag. Advisory Board

August 25, 2020

Hurricane City Council 147 N. 870 W. Hurricane, UT 84737

## Dear Council:

The Washington County Agriculture Advisory Board met at their regular meeting on August 25, 2020 for district business and to conduct an Agriculture Protection Area (APA) proposal review for Howard Woods.

The board reviewed a map of the proposed APA's and reviewed the five criteria outlined in the county ordinance for recommending Ag Protection Areas.

After the board reviewed these criteria, this APA proposal is recommended for approval.

Thank you for your consideration of this request.

Sincerely,

Stuart Bowler Chair- Washington County Agriculture Advisory Board

cc: Hurricane City Planning and Zoning Commission

Approved	l in board m	eeting this date: _	8/25	20	
1.		,		7	

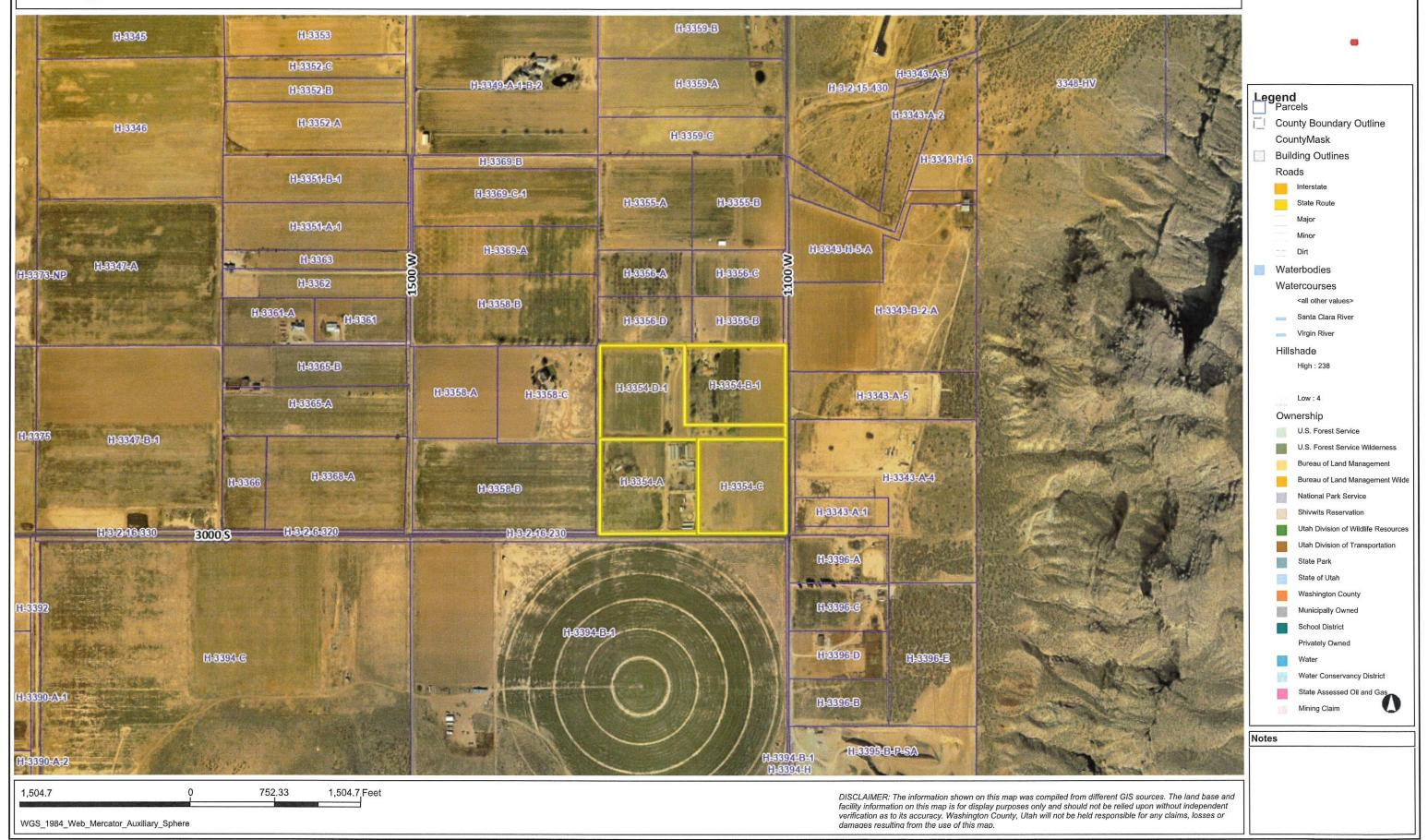
Colten Iverson, Member

Kelly Blake, Member

Micole Hancock Member



# **Woods Agriculture Protection**



Renewal

## AGRICULTURAL PROTECTION AREA APPLICATION

City of Hurricane 147 North 870 West Hurricane, UT 84737 (435) 635-2811 FAX (435) 635-2184	For Office Use Only: File No. 2020-APA-07 Receipt No.	
Name: Time Lea Wimpson - Thompson Family Address: 2012 Flora Tec Hurrica	Pary MTelephone: 435-6	35-4921
Address: 2012 Flora Tec Hurrica	ano (TFax No.	<u>435-229-848</u>
Agent (If Applicable):	Telephone:	
Email: Thom farm @ Hesine us		
To be included in an agriculture protection area establ least five (5) contiguous acres.	ished within Hurricane City land	must consist of at
The application shall include:  1. The land in agriculture production that the propos protection area.  2. Any limits on the types of agriculture production to the land of th		
3. For each parcel of land: (a) The owners of the lan number or account number of each parcel; and (c) The parcel tax records.		
Owners Name(s)	Tax Parcel #	# of acres
Thompson, limithy Lukea	H-4-2-12-1203	5
	H-4-2-12-1206	0.30_

In order for this to be a complete application, it shall include:

(a) a plat from the county recorder's office showing each parcel of land with each outlined in color to identify proposed area. (b) application fee, if any, as outlined on the city fee schedule, available from the city recorder/clerk.

In order to apply for agricultural protection, the area being proposed must be evaluated based upon; State Code 17-41-305, Criteria to be applied in evaluating proposals for the creation of agriculture protection areas.

In evaluating a proposal and in determining whether or not to create or recommend the creation of an agriculture protection area the advisory committee, planning commission, and county commission shall apply the following criteria:

- 1. Whether or not the land is currently being used for agriculture production;
- 2. Whether or not the land is zoned for agriculture use;
- 3. Whether or not the land is viable for agriculture production;
- 4. The extent and nature of existing or proposed farm improvements; and
- 5. Anticipated trends in agriculture and technological conditions.

\*NOTE: the term *agricultural production* is defined by state law as follows:

## State Code 17-41-101 Definitions

"Agriculture production" means production for commercial purposes of crops, livestock, and livestock products, the processing or retail marketing of any crops, livestock, and livestock products when more than 50% of the processed or merchandised products are produced by the farm operator.

List the type(s) of agricultural production that is currently occurring on the parcel(s) being included:
Pecan orchard
In what zoning district is the parcel(s) currently located: RA-1
Is the parcel(s) irrigated? Yes
Describe the types and number of structures that are located on the parcel(s):  Tesidence - house.
Shed
List the extent and nature of existing or proposed farm improvements:  existing well a irrigation system
ensing went + it rigator oysicin
What do you anticipate to be the trends in agriculture and technical conditions for the <i>agricultural production</i> on the parcel(s)?
Unchanged
Signature of Applicants Date
Tring Thousan 8-26-2020
Tim Thompson 8-26-2020 Ha Thompson 8-26-2020
**************************************
Date Received : Application Complete: YES NO
Date application deemed to be complete:  Completion determination made by:

#### STAFF COMMENTS

Agenda:

September 10, 2020

File Number: 2020-APA-07

Type of Application:

Agricultural Protection Overlay

**Applicant:** 

Tim and Lea Thompson-Thompson Family Pecan

Request:

A report for the City Council on a proposal to renew an

Agricultural Protection Area

Location:

Approximately 3400 W and Flora Tech Road (total acres 5.3)

General Plan:

Planned Community

**Existing Zoning:** 

RA-1

**Discussion:** This request is not to change the zone but to protect the land with an Agricultural Protection Area. The applicant has had an agriculture protection overlay for the last 20 years and is looking to renew the overlay as required in Hurricane City Code below:

## 10-21-8: REVIEW OF AREAS:

A. Required: The city council shall review any agriculture protection area created under the authority of this chapter in the twentieth calendar year after it is created.

## B. Action:

- 1. In the twentieth year, the city council shall:
- a. Request the planning commission and advisory board to submit recommendations about whether the agriculture protection area should be continued, modified or terminated;
- b. At least one hundred twenty (120) days before the end of the calendar year, hold a public hearing to discuss whether the agriculture protection area should be continued, modified or terminated;
- c. Give notice of the hearing using the same procedures required by subsection 10-21-5B of this chapter; and
  - d. After the public hearing, continue, modify or terminate the agriculture protection area.
- 2. If the city council modifies or terminates the agriculture protection area, it shall file an executed document containing the legal description of the agriculture protection area with the county recorder of deeds.
- C. Failure To Act: If the city council fails to affirmatively continue, modify or terminate the agriculture protection area in the twentieth calendar year, the agriculture protection area is considered to be reauthorized for another twenty (20) years. (Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

The City should consider the same factors for a renewal as for a new application as listed within this report.

State law sets the standards for review by the Planning Commission and the County Agricultural Protection Area Advisory Committee. An Agricultural Protection Area grants certain legal protections to the property, including preventing rezoning the property, providing a defense against nuisance actions, notice to new subdivisions, and limiting eminent domain actions. These protections are found in Utah Code, sections of which are included in this report, and <a href="https://example.city.code.no."><u>Hurricane City Code 10-21 Agriculture Protection Overlay Zone.</u></a>

The only concern that staff has is that there are master plan roadways to the east (3400 W) and to the north. These two roadways will see increased traffic over the next ten years. An ag. protection overlay may make it more difficult for the City secure additional right-of-way to improve these roads if needed.

The Dixie Conservation District is set to review the application on September 29, 2020.

	Zoning	Adjacent Land Use
200		
North	RA-1	Farm Land and Sparse Housing
East	RA-1	Farm Land and Sparse Housing
South	RA-1	Farm Land and Sparse Housing
	R1-10	Copper Rock Golf
West	A-5	Farm Land and Sparse Housing

- 1. The criteria set by State law (17-41-303) for a "written report to the legislative body" is that it:
- 2. Analyzes and evaluates the effect of the creation of the proposed area on the planning policies and objectives of the ....municipality....: This proposals appear to support objectives to maintain agricultural properties and to develop in a generally open and low profile way.
- 3. Analyzes and evaluates the proposal by applying the criteria contained in Section 17-41-305 –

In evaluating a proposal and in determining whether or not to create or recommend the creation of an agriculture protection area, industrial protection area, or critical infrastructure materials protection area, the advisory committee, planning commission, and applicable legislative body shall apply the following criteria:

- (1) whether or not the land is currently being used for agriculture production, industrial use, or critical infrastructure materials operations, as the case may be;
- (2) whether or not the land is zoned for agriculture use, industrial use, or critical infrastructure materials operations, as the case may be;
- (3) whether or not the land is viable for agriculture production, industrial use, or critical infrastructure materials operations, as the case may be;
- (4) the extent and nature of existing or proposed farm improvements, the extent and nature of existing or proposed improvements to or expansion of the industrial use, or the extent and nature of existing or proposed improvements to or expansion of critical infrastructure materials operations, as the case may be; and
- (5)(a) in the case of an agriculture protection area, anticipated trends in agricultural

## and technological conditions;

- (b) in the case of an industrial protection area, anticipated trends in technological conditions applicable to the industrial use of the land in question; or
- (c) in the case of a critical infrastructure materials protection area, anticipated trends in technological conditions applicable to the critical infrastructure materials operations of the land in question.

The current agricultural production that is taking place on the property is an Pecan Orchard. The Zoning is RA-1.

4. Recommends any modifications to the land to be included in the proposed agricultural protection area.

Commissioners should discuss any modifications they might recommend with the applicants.

5. Analyzes and evaluates any objections to the proposal.

No objections to the proposal have been received at the time of this report.

6. Includes a recommendation to the ....legislative body to either accept, accept and modify, or reject the proposal.

Planning Commissioners should vote to make a recommendation on these parcels to be included in a written report.

**Recommendation:** Staff recommends the Planning Commission review the evaluation criteria, discuss the application with the applicants, and approve the draft report.

### September 10, 2020

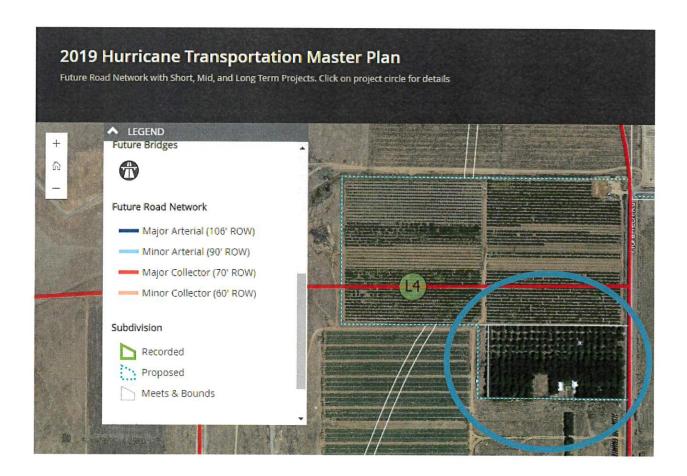
Report to City Council on proposed Agricultural Protection for Parcels H-4-2-12-1203 and H-4-2-12-1206.

The Planning Commission forwards the following findings regarding this application:

- 1. The land is currently being used for agricultural production or has plans to be used for immediate agricultural production.
- 2. The land is zoned for agricultural uses, RA-1
- 3. The land is viable for agricultural use
- 4. Approving use of this land for agriculture is consistent with current and expected technological trends in agriculture.

#### **Future Use**

- 1. The General Plan Map has the area listed as Agricultural Use
- 2. 3400 W and a Major Collector to the north are located adjacent to the property. Most roadways are not fully developed until the property is developed.

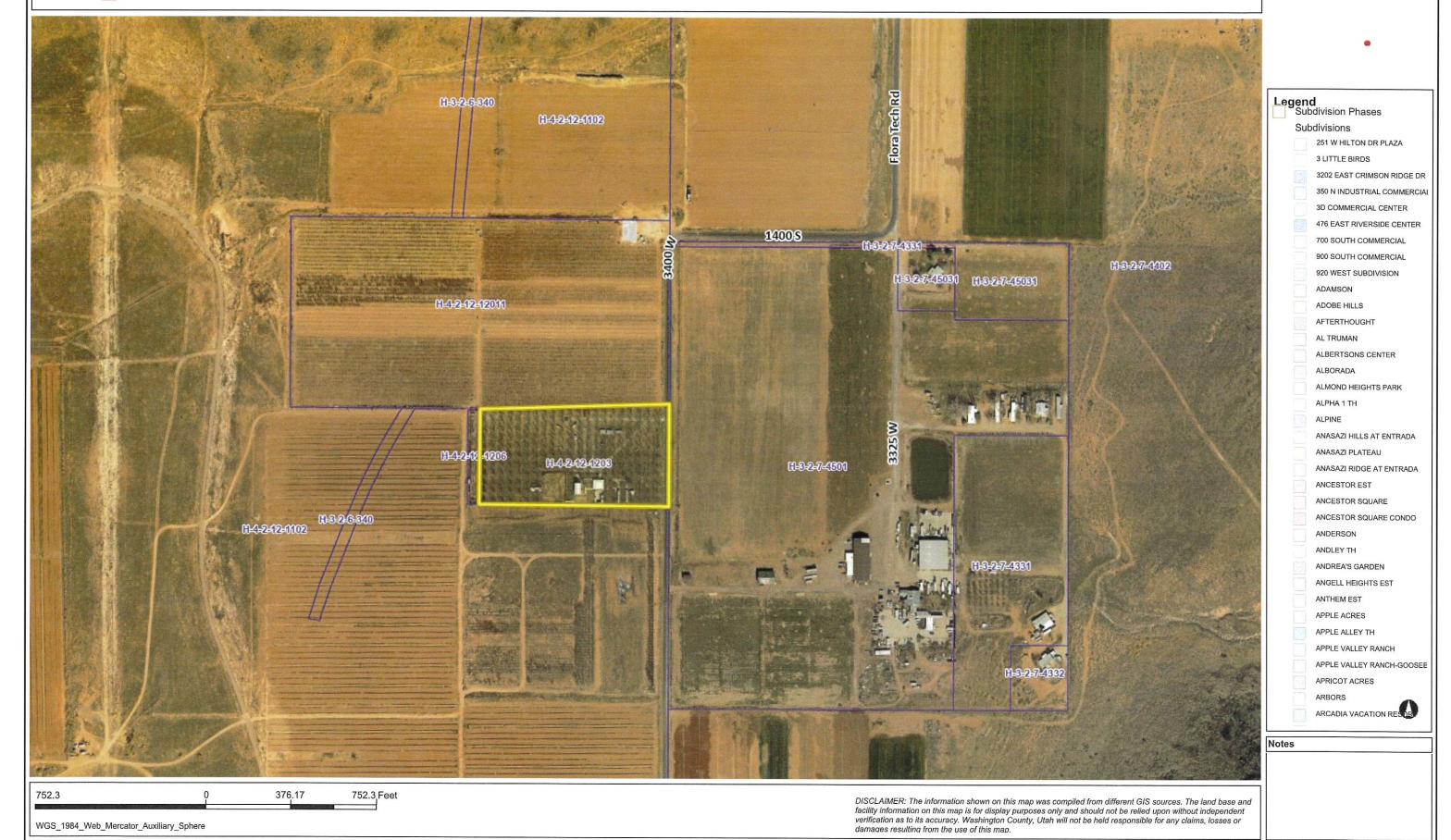


### Recommendation

		120 21 121	NA CONTRACTOR OF STATES	N NEN	20 0004	
Th	e Planning	Commission	recommends that the Cit	v Counci	Lannrove the	overlay request
	C I Idillilli	COMMISSION	recommends that the ch	y counter	I approve the	Overlay reguest.



# **Thompson Pecan Farm**



### FINAL SITE PLAN APPLICATION

City of Hurricane 147 North 870 West Hurricane, UT 84737 (435) 635-2811 FAX (435) 635-2184

Fee: \$250	.00	
For Office	Use Only.	:
File No.	2020-	FSP-13
Receipt N	0.7.6	,6032

Name: Hurricane Views, LLC	Clark Colledge	Telephone: 801-884-6949
Address: 1192 E Draper PKWY	#477, Draper, UT 84020	Fax No. 877-395-0591
Agent (If Applicable): N/A		Telephone: N/A
Email: clark@clarkcolledge.com	Age	ent Email: N/A
Address/Location of Subj	ect Property: Approximately 210	0 West and Rlington Parkway
Tax ID of Subject Propert	y: <u>H-3-1-33-4402</u> , H-3-1-33-33010	Zone District:
Proposed Use: (Describe, u	use extra sheet if necessary)	residential subdivision containing single family homes and
multi family units		
<ul> <li>meet the following standard</li> <li>Plans shall be</li> <li>Submit one (1 sheets when e</li> <li>Except for th</li> </ul>	drawn at a scale of no smaller of ) set of plans on 11 x 17 inch power a reduction is required.  e landscaping plan, the other ngineer licensed by the State of	aper. Also submit one (1) copy of all plans on larger plans shall be prepared, stamped and signed by a
b) Layout, dimensions, c) Project name, North d) The boundary lines of the layout and dimension signage, and mechanic g) Location of man-math) A tabulation table shoulding footprint, squamber and type of dydensity; i) Identification of prop	and names of existing and future arrow, and tie to a section monof the project site with bearings one of proposed streets, buildings, and labeling of other features cal equipment; de features including irrigation nowing total gross acreage, square footage of total building flewellings and the percentage devoerty, if any, not proposed for description of the proposed for description and the proposed for description.	ument; and distances; gs, parking areas, and landscape areas; such as bicycle racks, dumpsters, trash cans, fences, facilities, bridges, and buildings are footage of street rights-of-way, square footage of oor area, number of parking spaces, and, if any, the roted to each dwelling type and overall dwelling unit

### STAFF COMMENTS

Agenda:

September 10, 2020

File Number: 2020-FSP-13

Type of Application:

Final Site Plan Approval, Administrative

Applicant:

Hurricane Views, LLC

Agent:

Clark Colledge

Request:

Final Site Plan for Hurricane Views and Village

Location:

Located on 2180 W and around 300 S

General Plan:

High Density Single Family, 4-8 Units/Acre

**Current Zoning:** 

RM-2 PDO

**Discussion:** This is the final site plan for the Hurricane Views and Hurricane Village Plat A. This is the first phase of their development. During the preliminary application, the applicant submitted a sensitive lands plan approved by the City Council.

### **JUC Comments:**

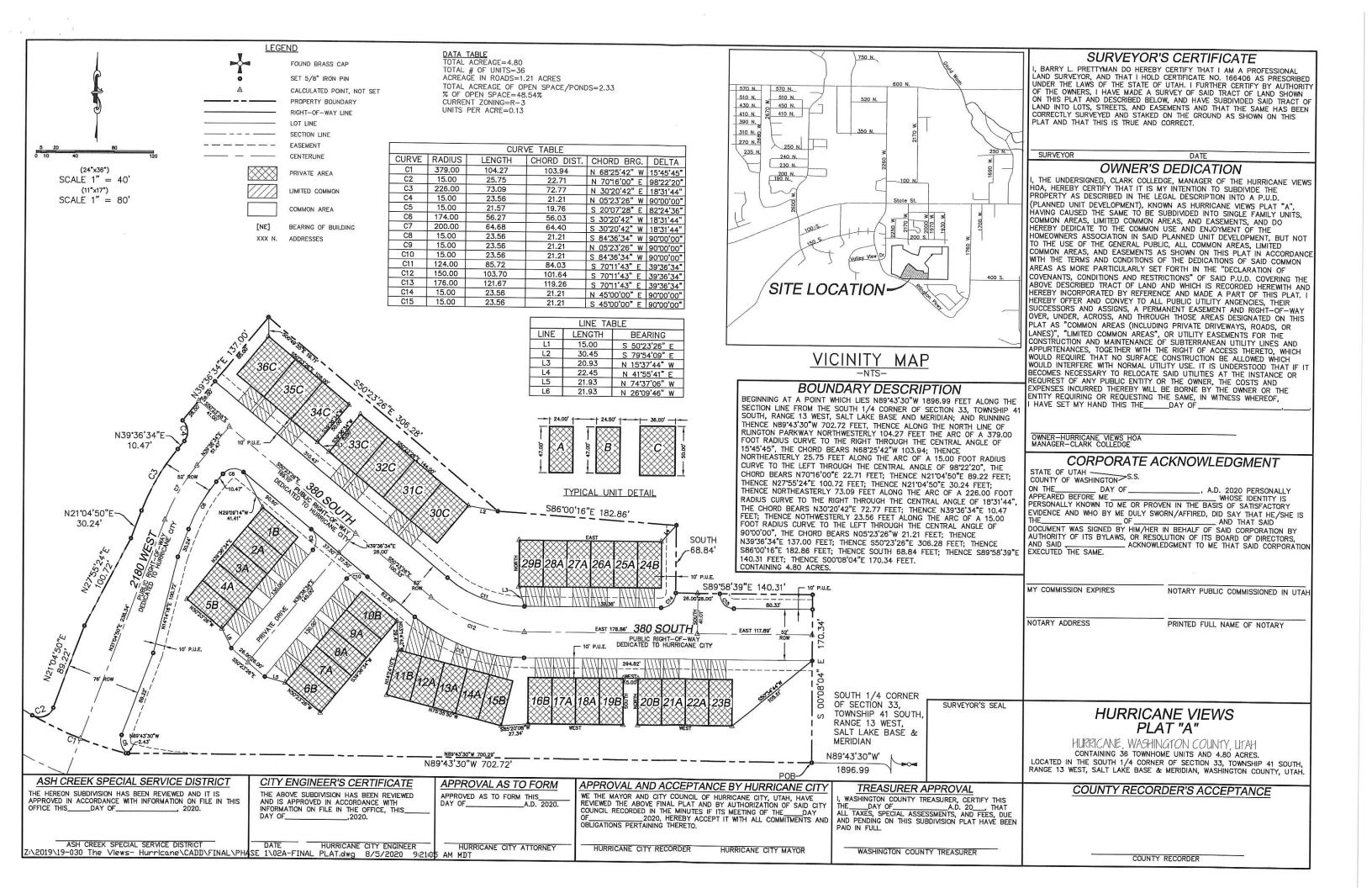
The full construction set has been submitted and signed off by the JUC.

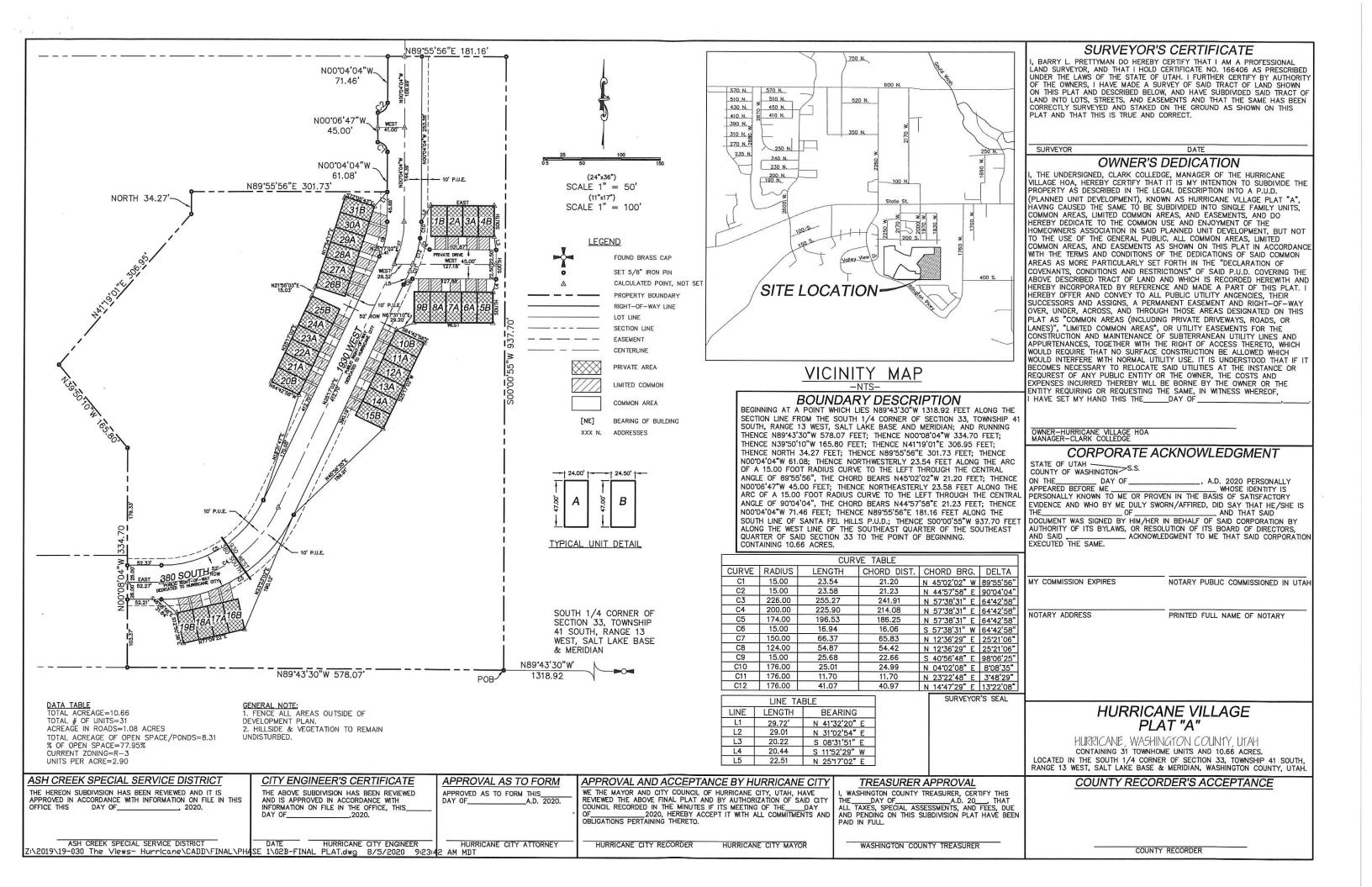
### Staff Comments on Final Site Plan:

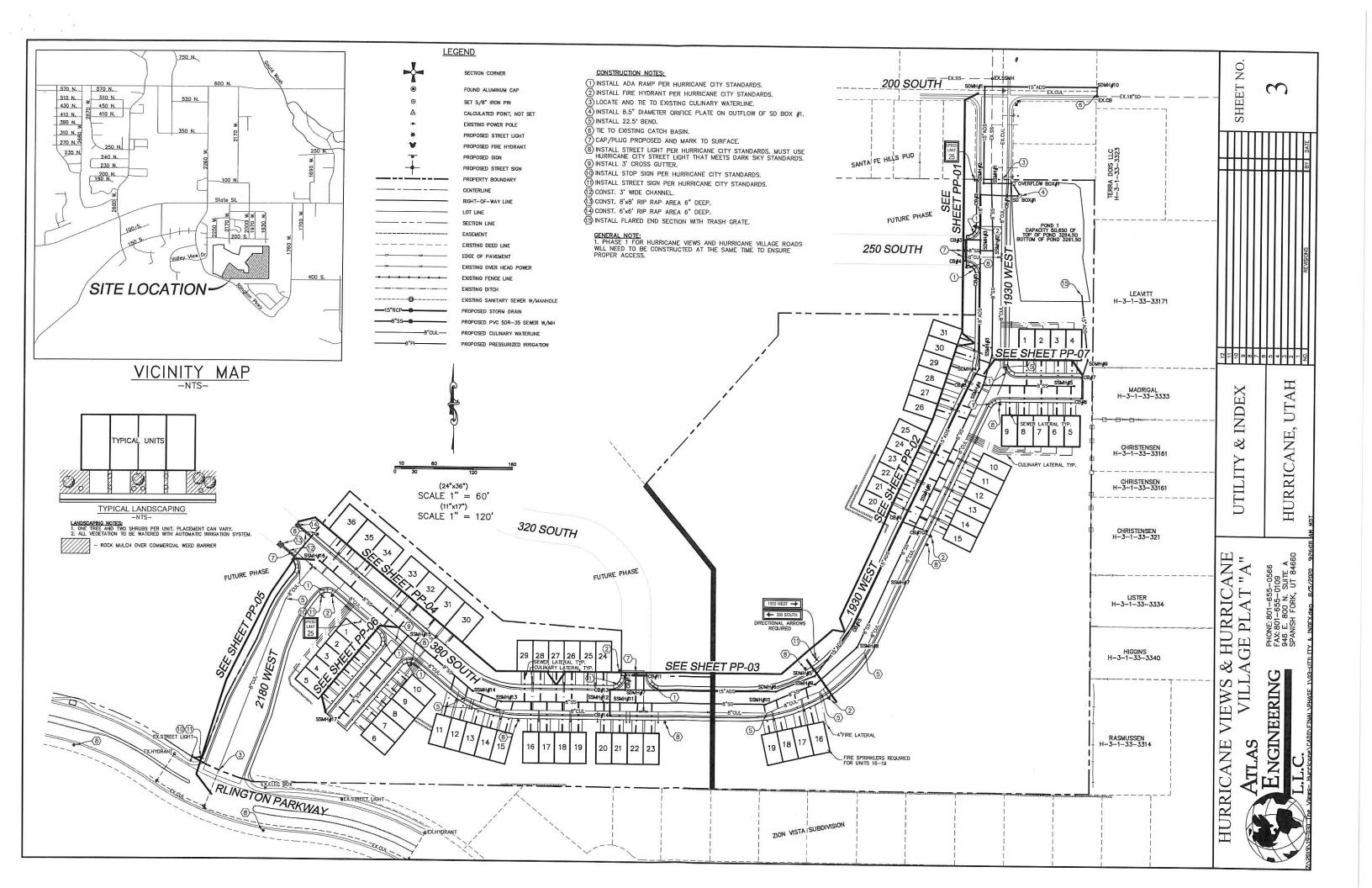
- 1. The placement and general layout of the site plan comply with the preliminary site plan.
- 2. Grading plan and lot elevations have been provided.
- 3. Landscaping has been submitted and complies with Hurricane City Code. Most open space and slops shall remain with natural landscaping, and shrubs and trees will be planted in front of the homes.
- 4. Building Elevations have been submitted, and they comply with Hurricane City standards.
- 5. Street lights are noted to meet Dark Sky and Hurricane City Standards. Lights placed on buildings will also need to follow the same standards.

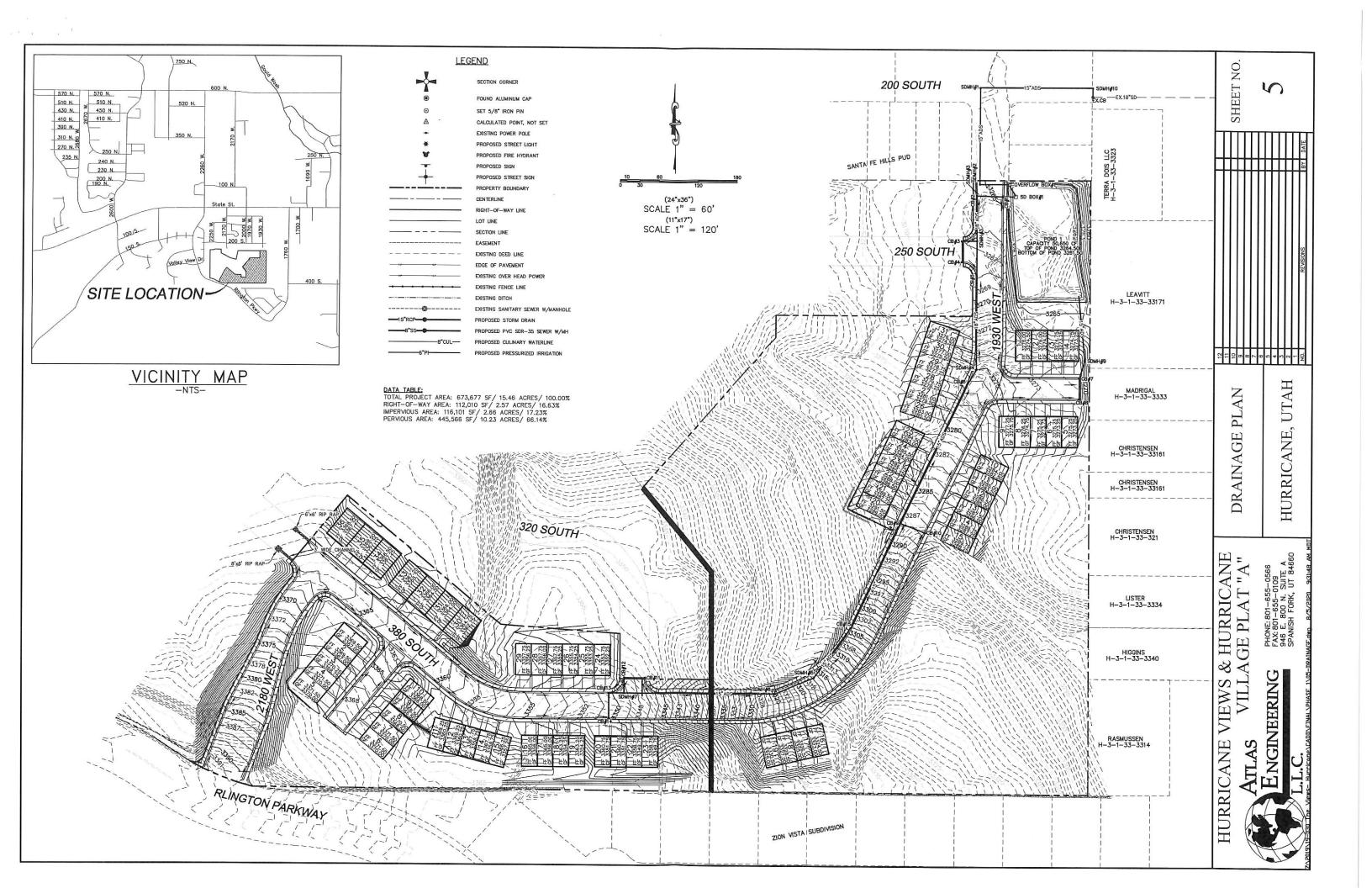
**Recommendation:** Staff recommends approval of the final site plan subject to the following conditions:

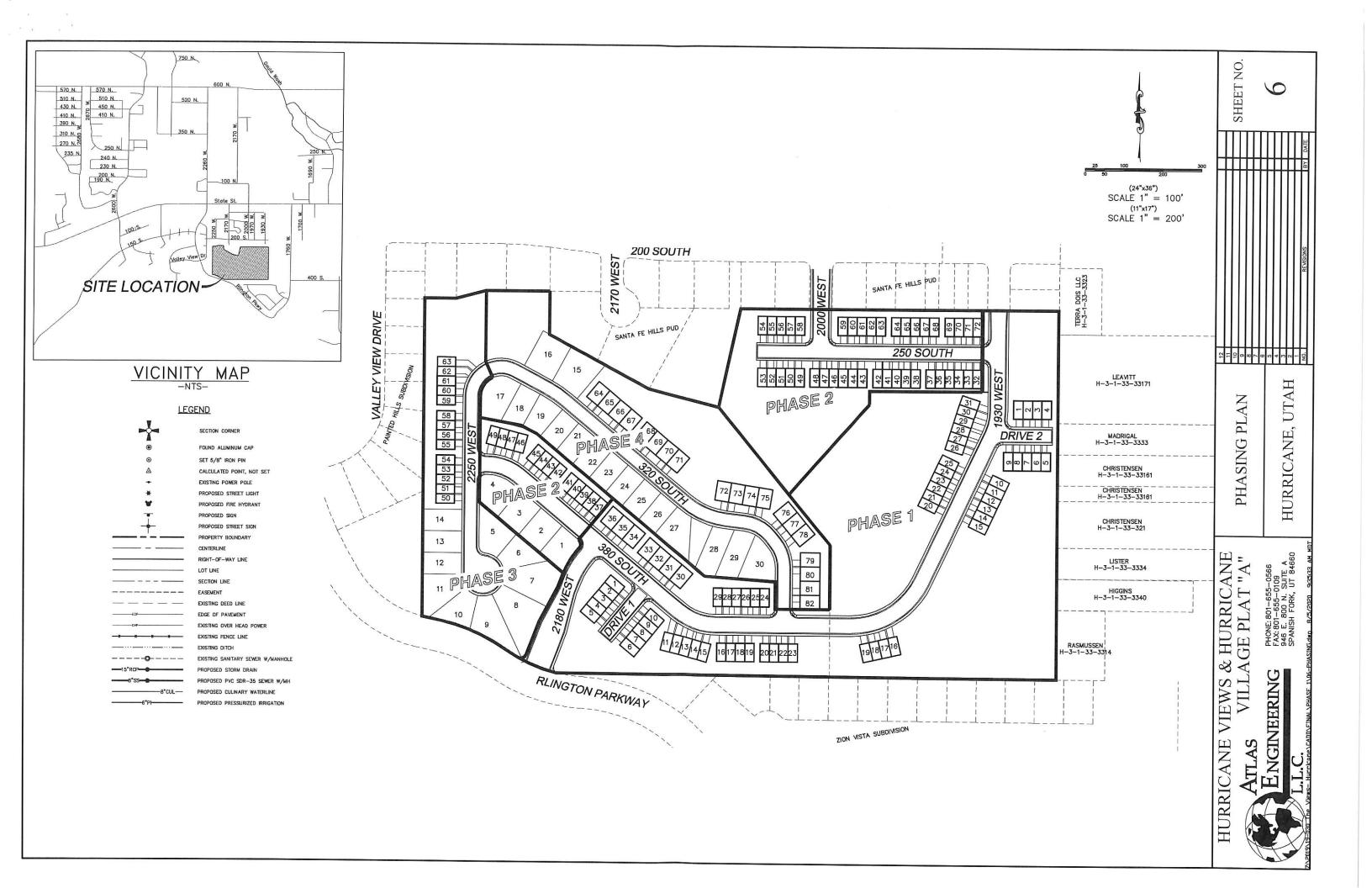
1. All outdoor lighting shall comply with Hurricane City Code 10-33-5.

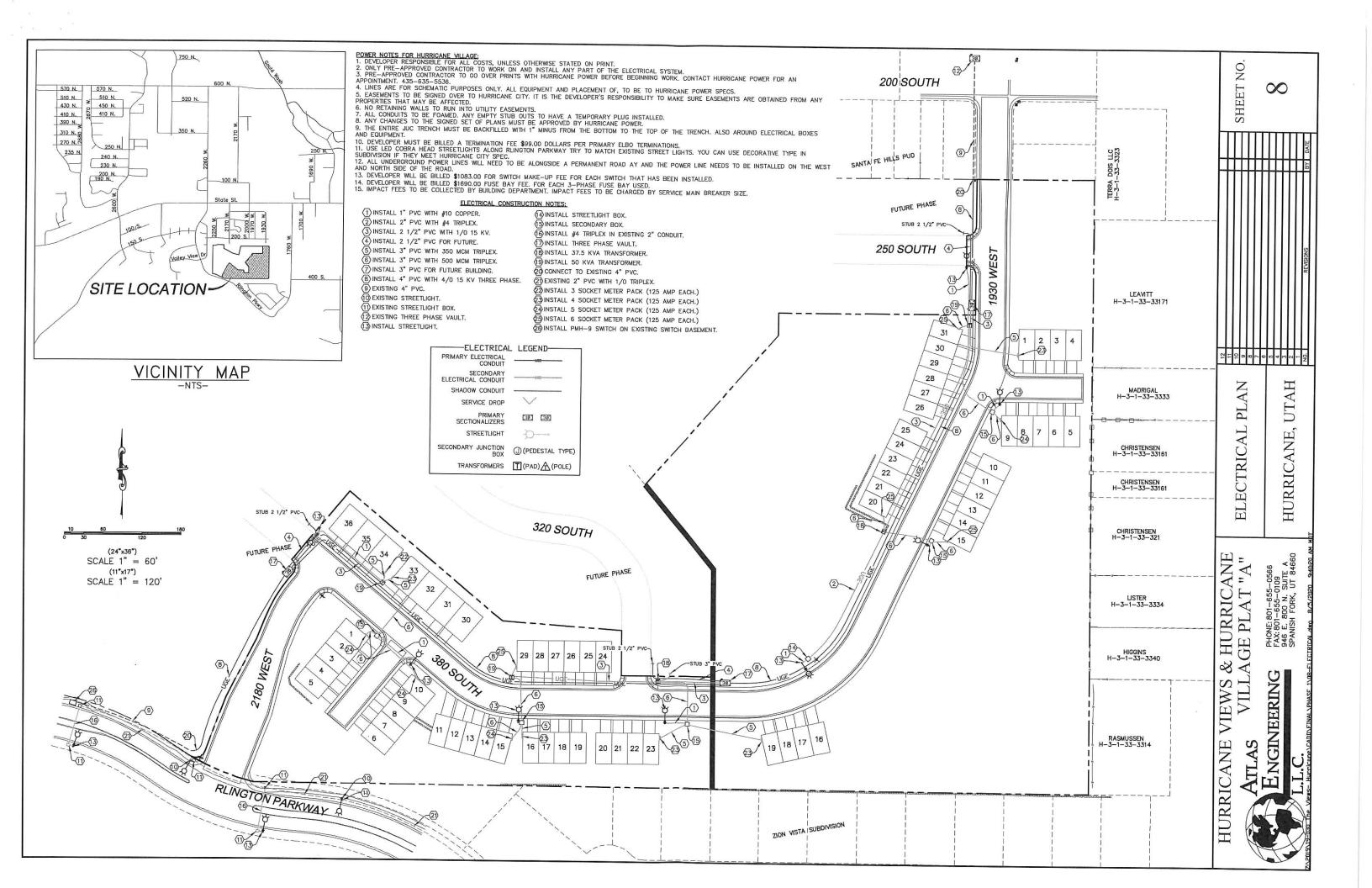


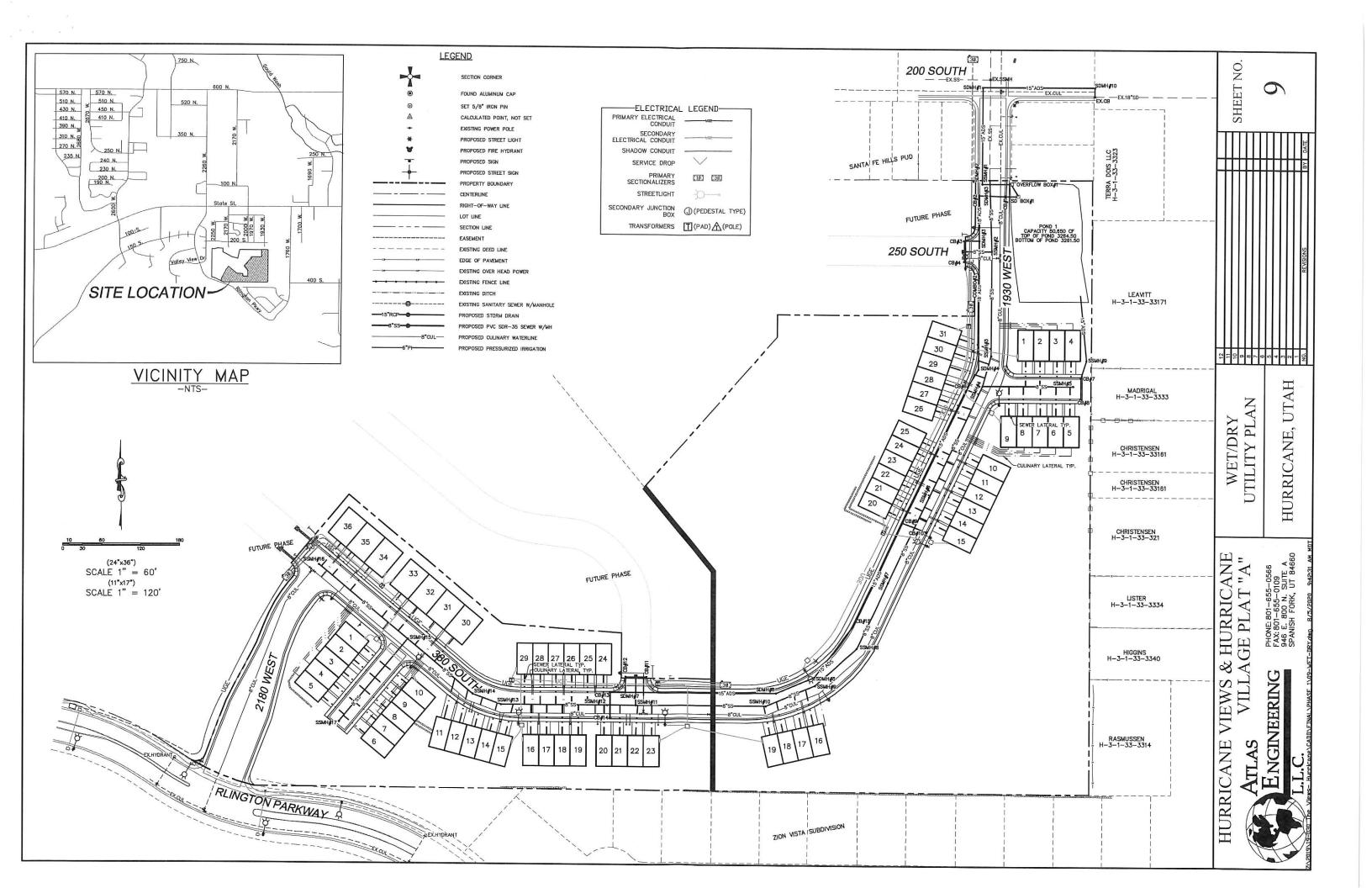


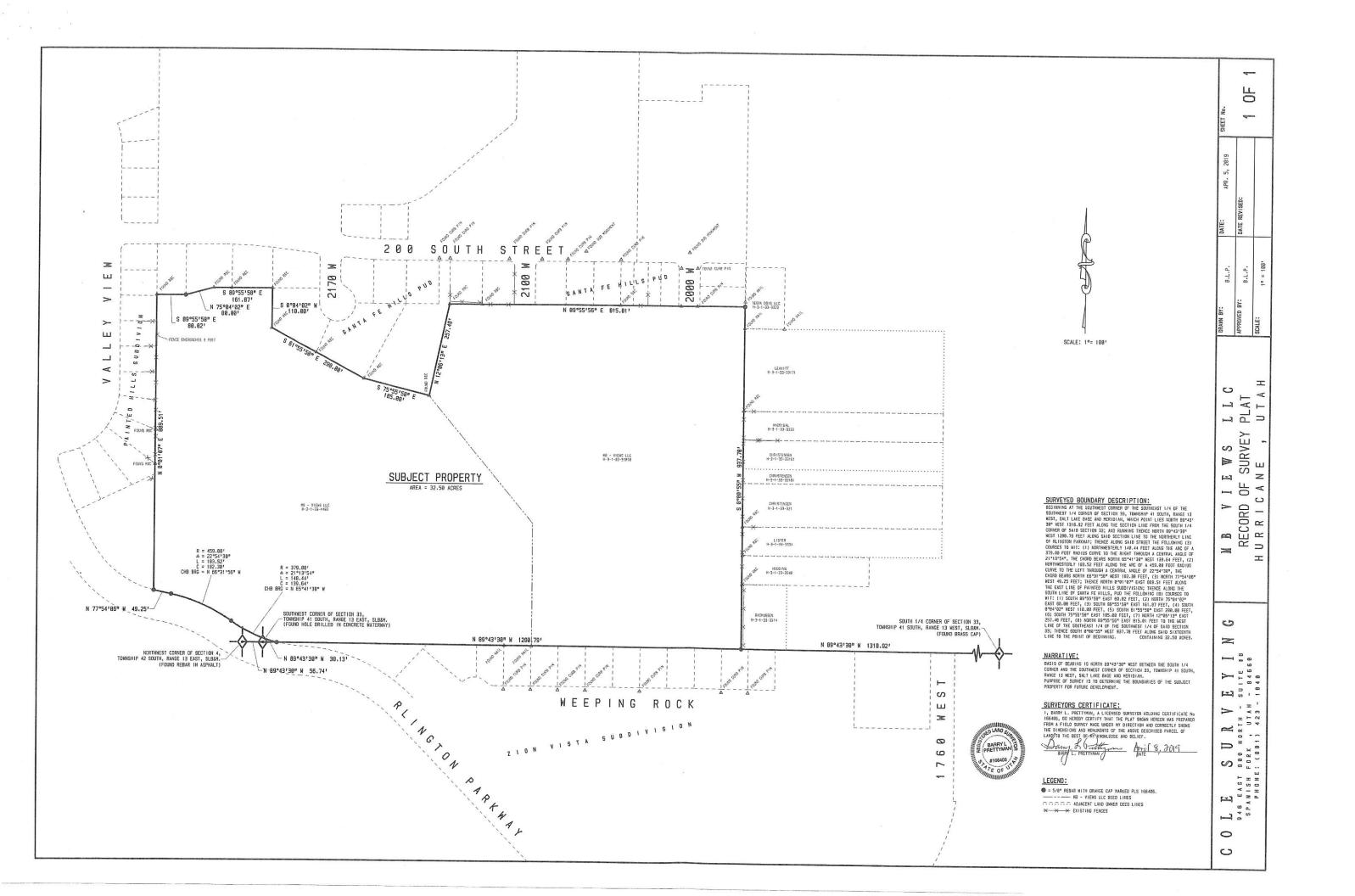












### FINAL SITE PLAN APPLICATION

City of Hurricane 147 North 870 West Hurricane, UT 84737 (435) 635-2811 FAX (435) 635-2184

Fee: \$250.00

For Office Use Only:
File No. 2020-FSP-14
Receipt No. 7 (260526)

Name: Coral Junction RV Resort Park	Telephone: <u>775-250-0901</u>
Address: 604 Churchill Dr., St. George, UT 84790	_Fax No
Agent (If Applicable): Alliance Consulting \ Mike Bradshaw	Telephone: 435-673-8060
Email: derekgrowley@gmail.com Agent En	nail:_mwb@allianceconsulting.us
Address/Location of Subject Property: 201 N Foothills (	Canyon Dr. Hurricane, UT
Tax ID of Subject Property:	Zone District: Comercial PD
Proposed Use: (Describe, use extra sheet if necessary) See A	attached
<ul> <li>Submittal Requirements: This application must be accompagneet the following standards:</li> <li>Plans shall be drawn at a scale of no smaller than 1"</li> <li>Submit one (1) set of plans on 11 x 17 inch paper. A sheets when ever a reduction is required.</li> <li>Except for the landscaping plan, the other plans a professional engineer licensed by the State of Utah.</li> </ul>	=100' Also submit one (1) copy of all plans on larger
a) All facilities related to the project located within two hundby.  b) Layout, dimensions, and names of existing and future road c) Project name, North arrow, and tie to a section monument; d) The boundary lines of the project site with bearings and disception of the project site with bearings and disception of Layout and dimensions of proposed streets, buildings, park f) Location, dimensions, and labeling of other features such a signage, and mechanical equipment; g) Location of man-made features including irrigation facilities h) A tabulation table showing total gross acreage, square foot building footprint, square footage of total building floor are number and type of dwellings and the percentage devoted to density; i) Identification of property, if any, not proposed for developing) Proposed reservations for parks, playgrounds, and school of	stances; stances; sing areas, and landscape areas; s bicycle racks, dumpsters, trash cans, fences, es, bridges, and buildings age of street rights-of-way, square footage of a, number of parking spaces, and, if any, the each dwelling type and overall dwelling unit

#### STAFF COMMENTS

Agenda: September 10, 2020 File Number: 2020-FSP-14

**Type of Application:** Preliminary Site Plan

**Applicant:** Coral Junction RV Resort Park

Agent: Mike Bradshaw, Alliance Consulting

Request: Final Site Plan review for Coral Junction RV Park and fixed RV

Resort

**Location:** Between Foothills Canyon Drive and I-15

General Plan: Master Planned Community

Existing Zoning: PDO/ HC – Highway Commercial

**Discussion:** This final site plan is for the proposed Coral Junction RV Park and fixed RV Resort. The park is laid out to accommodate RV's sizes and includes multiple on-site facilities and amenities. The area labeled an "Airstream Community," which is a term used for vintage trailer parks where the RV's are set up permanently with decks or steps and chairs and parking for a single vehicle. The fixed RV's are rented on a short term basis just like the RV sites for customers who own their own RV's. This is a use similar to the park model type cabins included in many RV Resorts to accommodate customers who like the RV experience but not driving or hauling an RV.

There is a total of 120 RV sites and 51 Airstream Pads.

- 1. Total Site 15.79 acres
- 2. Total Buildings 6
- 3. Total spaces 171

### **Zoning Adjacent Land Use**

North County I-15

East PDO/Commercial Vacant and retail

South PDO/Commercial Gas Station/ Fire Station

West Washington City Hotel/Restaurant/vacation townhomes

### **Zoning and Building:**

The proposed RV Park is located in Coral Canyon Planned Community Development, a PDO. The Coral Junction RV Resort Park is located in the Commercial, Multifamily Recreational, Open Space area. This overlay allows for the construction of the RV Park. Since it is also a commercial area, this would allow the clubhouse to an exception to the 35' standard height limit, changing the maximum to 55'. The proposed building is 43' tall.

### 10-43-5: BASIS FOR APPROVAL: (A)(2)

c. Meet applicable development standards of section <u>10-43-6</u> of this chapter and all requirements of other applicable ordinances, except where such requirements are modified by a planned development approved pursuant to chapter 23 of this title.

### **Approval**

For RV Park, Hurricane City Code states the following:

### 10-43-5: BASIS FOR APPROVAL: (A)

- 2. Before final approval is granted for any manufactured home or recreational vehicle park or park model park, a report to the city council by the planning commission shall find the proposed development will:
  - a. Be in keeping with the general character of the zone in which the park is to be located;
- b. Have an approved financing plan for construction and phase completion, together with an approved security to assure compliance and completion; and
- c. Meet applicable development standards of section <u>10-43-6</u> of this chapter and all requirements of other applicable ordinances, except where such requirements are modified by a planned development approved pursuant to chapter 23 of this title.

This means that the Planning Commission should review the site plan and ensure it meets the criteria above. For item (b), before any construction can be started, Hurricane City requires a preconstruction meeting and proper bonding be issues.

### JUC:

Full construction drawings have been reviewed and signed off by the JUC in early December 2019, and are attached.

### Staff Review

- 1. This final site plan shows a well laid out park with multiple amenity sites off a major arterial and a minor arterial, meeting the code's location standards.
- 2. A recreational vehicle park should generally be located:
  - a. Adjacent to or in close proximity to a major collector or arterial road as shown in the city's transportation master plan;
  - b. Near adequate shopping facilities; and

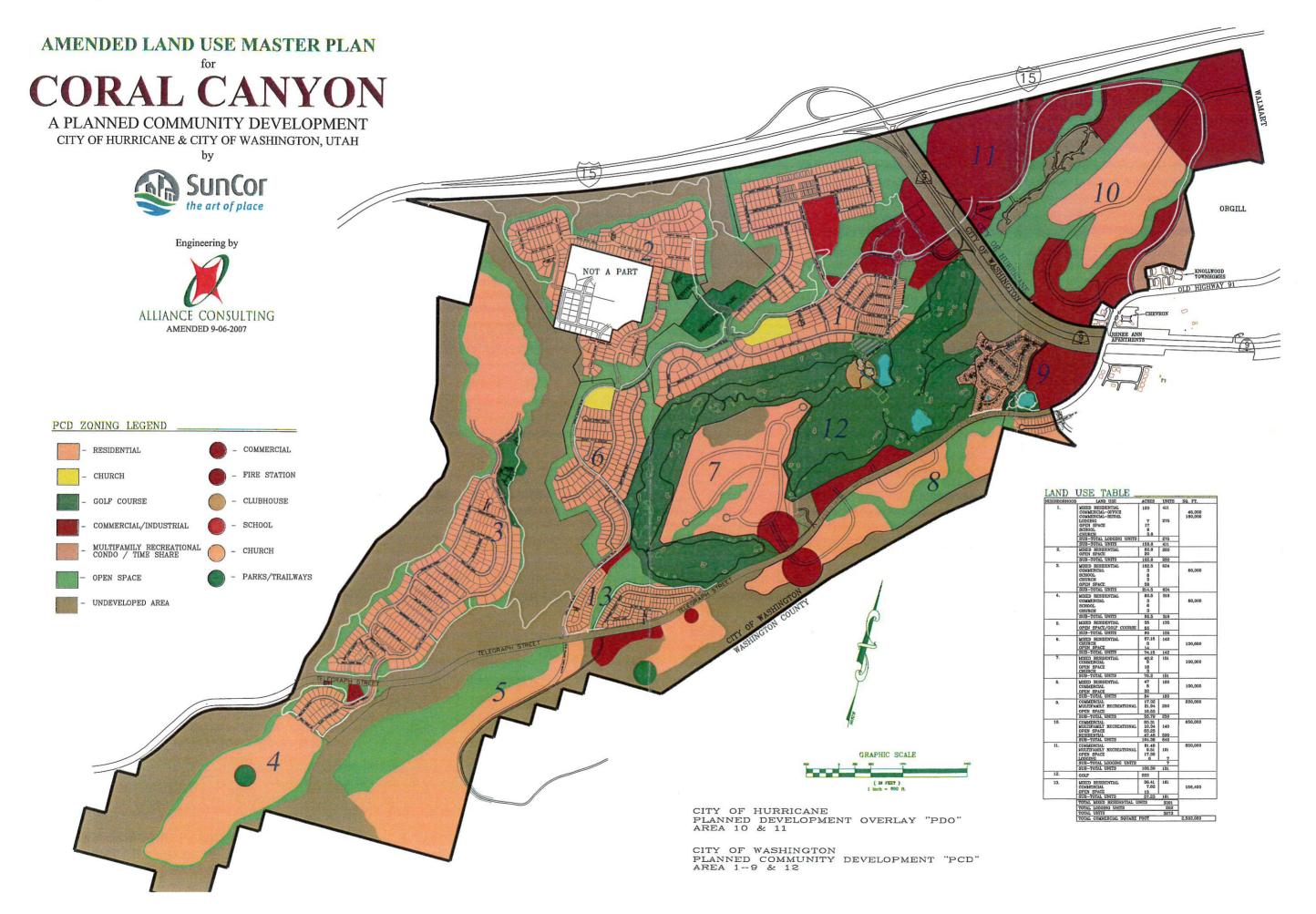
- 3. All driveways in the RV park area shown as 30' wide, meeting the minimum width requirements. Driveways in the fixed RV area are 26' wide, which meets the commercial driveway code.
- 4. The code for RV/Park Model parks includes the following: D. Standards Specific To Recreational Vehicle Parks And Park Model Parks: 8. A minimum of one toilet, one sink, and one hot shower, each designed for complete privacy, for each forty (40) spaces, or fraction thereof. The proposed restroom building must each include at least two separate private toilet, sink, and shower facilities based on this standard. The applicant meets this standard.
- 5. The minimum vehicle parking for an RV pad is one space that is 9' X 18'. The fixed RV pads shown on this site plan are 20' X 60', which will accommodate an 8' wide RV and a 9' parking space with room to spare. The remaining sites are 30' wide and 75' to 85' deep, allowing room for two vehicles or towed vehicles.
- 6. Parking is adequately accommodated and the sites for the traveling RV's are larger than the minimum required 1400 sq. ft.
- 7. Open space requirement in an RV park is 10% of the land area. This park is providing 2.53 acres of common open spaces, for 16% of total area. The open spaces include a pool and water feature, a reflective pond, pickleball, and basketball courts, areas around two pavilions for outdoor dining, areas around a laundry –shower –event center building, a sheltered event center with an open lawn gathering space, and rock outcropping picnic areas, and two additional shower –restroom buildings.
- 8. Site details provided include a "featured light fixture" and "accent light fixtures".
- 9. Dumpster locations have been provided.
- 10. A storage area is shown west of the check-in lanes and registration building.
- 11. A full landscape plan has been provided with details on the types of improvements planned in the common spaces and the between site landscaping.
- 12. The plan provides five check-in lanes of varying lengths and a generous registration building that also houses retail space, laundry, and event space.
- 13. Close-up detail on the "event space" states it is providing VIP parking spaces. Event spaces that are rented out separately from RV Park users would have a whole different parking requirement.
- 14. A dog park is provided in a convenient location.

### Staff recommendation:

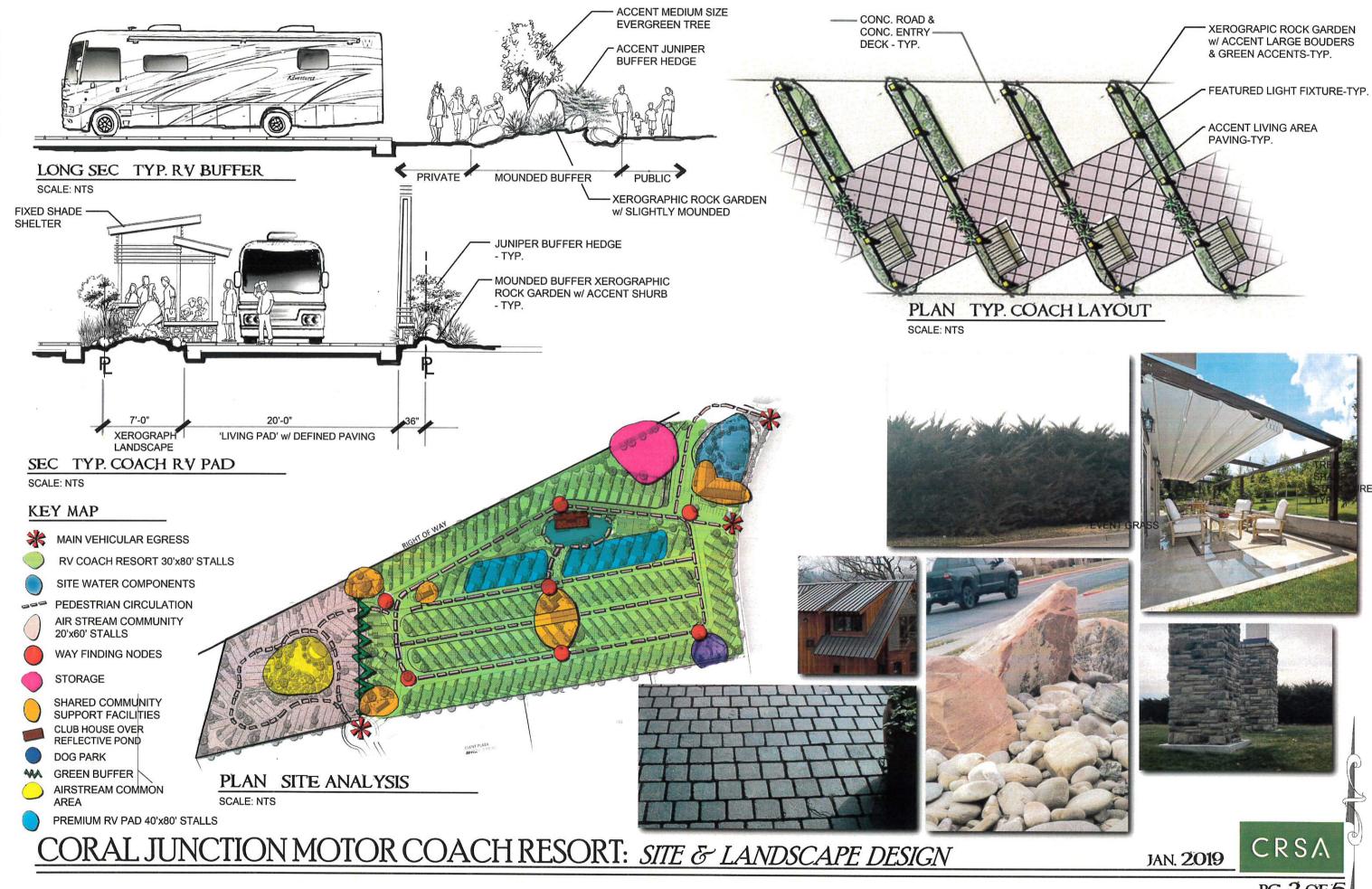
Staff recommends that the Planning Commission review the site plan, and give it a positive recommendation to the City Council based on the following:

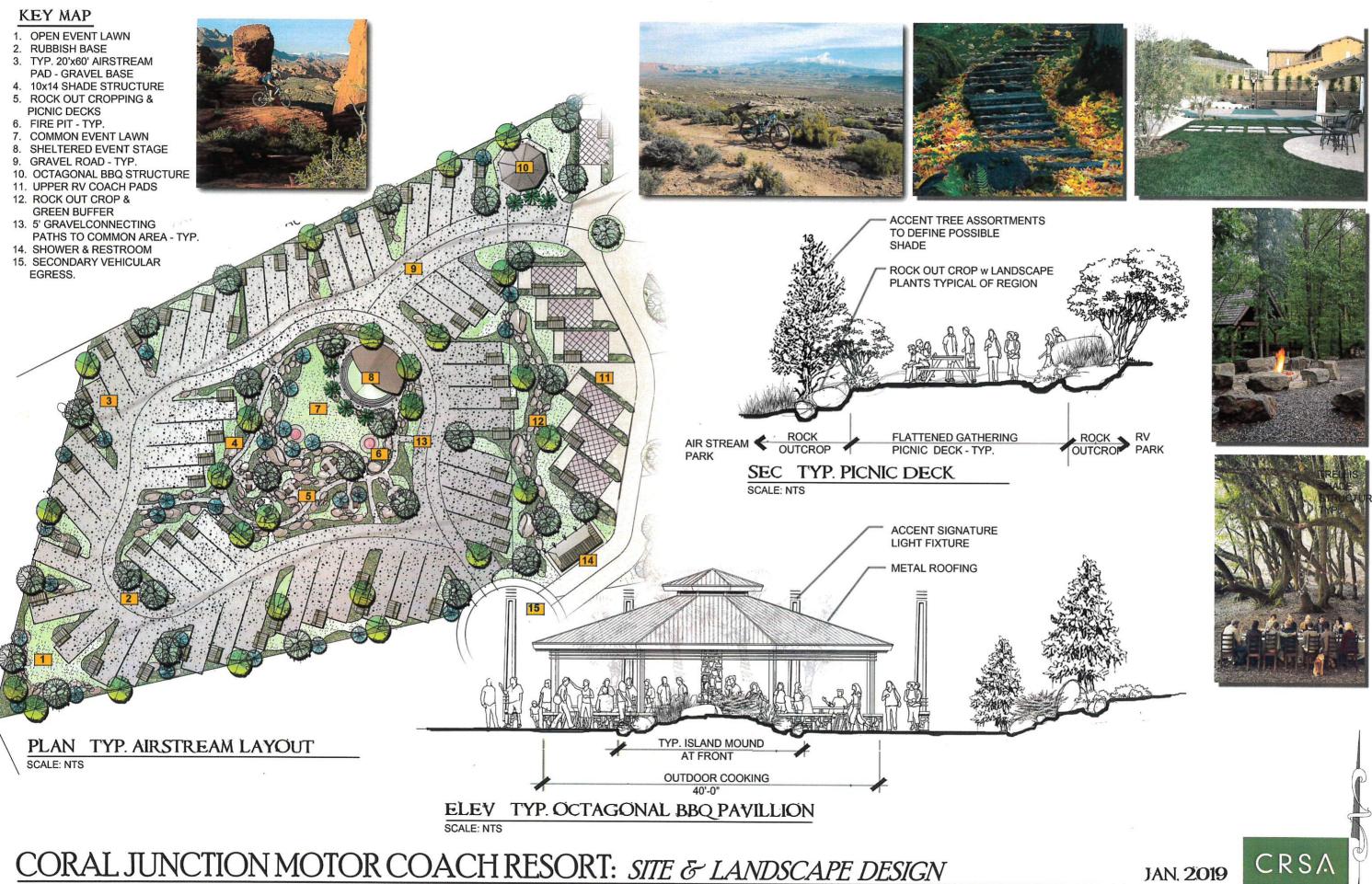
- 1. The site plan is in keeping with the general character of the zone in which the park is to be located;
- 2. The site plan will have an approved financing plan for construction and phase completion, together with approved security to assure compliance and completion before construction; and
- 3. The Site plan meets applicable development standards of section 10-43-6 of this chapter and all requirements of other applicable ordinances, except where such requirements are modified by a planned development approved pursuant to chapter 23 of this title.

approved Map





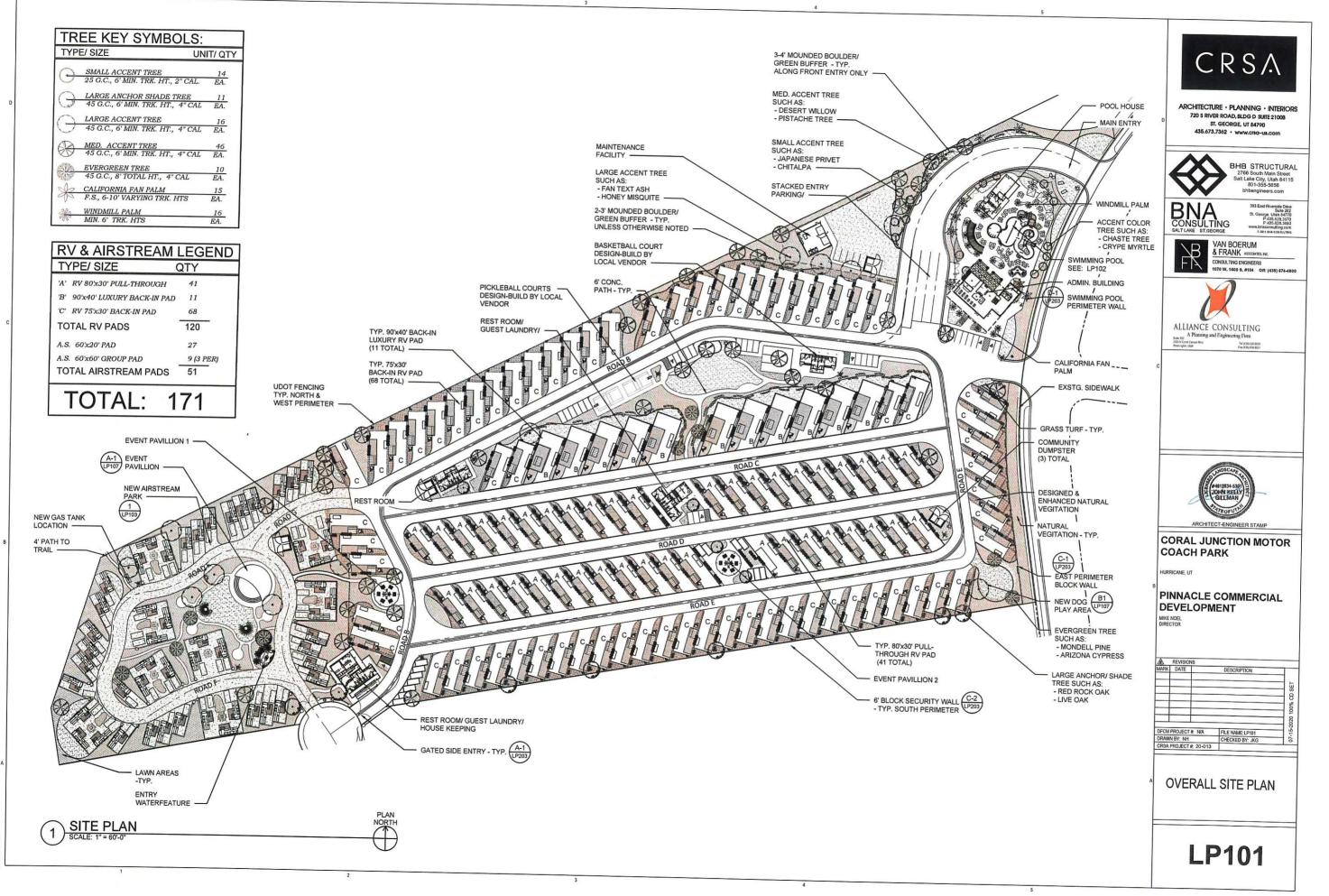




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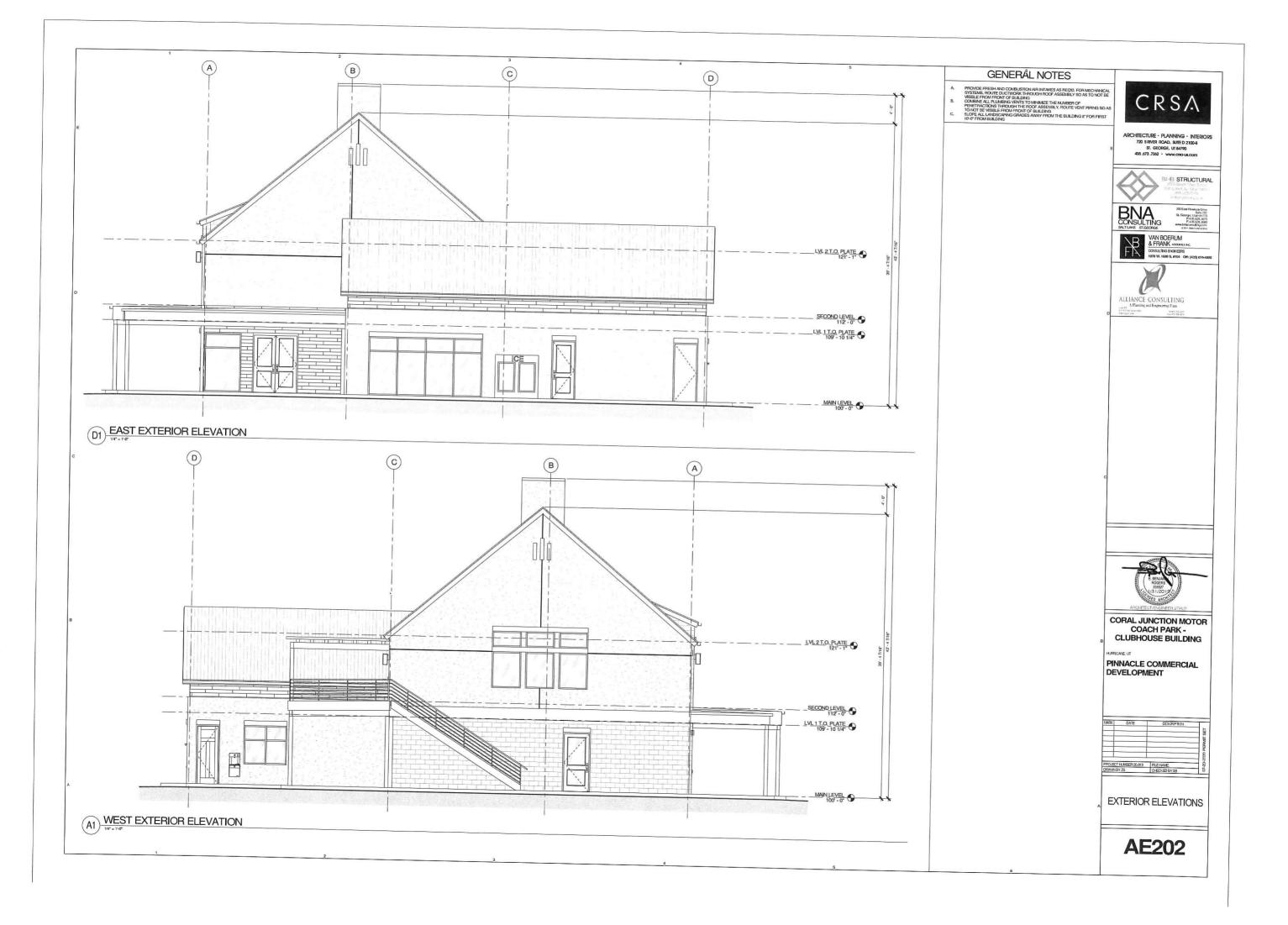
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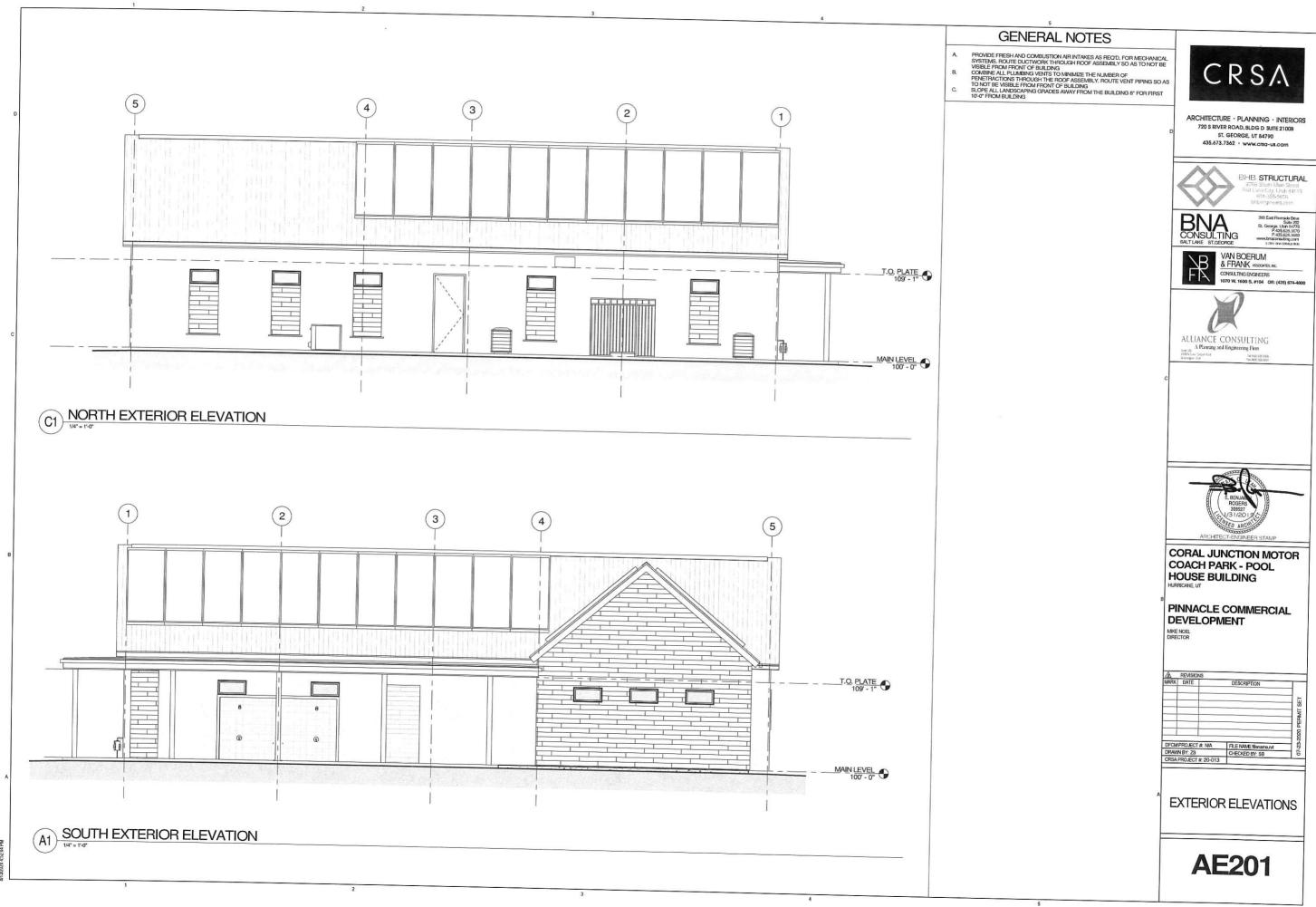




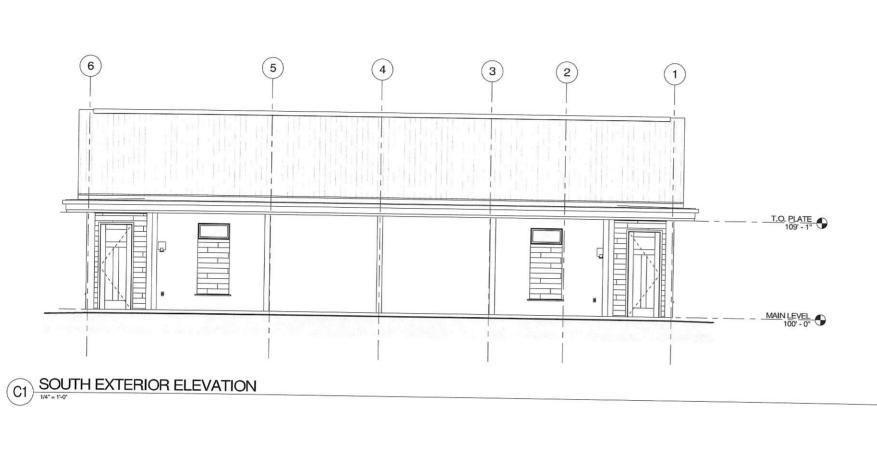
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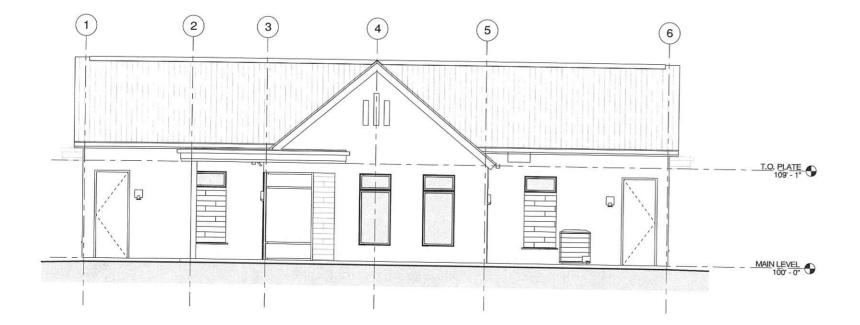






otor Coach Park/CJ - Pool House,rvt





### GENERAL NOTES

- PROVIDE FRESH AND COMBUSTION AIR INTAKES AS REO'D, FOR MECHANICAL SYSTEMS, ROUTE DUCTWORK THROUGH ROOF ASSEMBLY SO AS TO NOT BE VISIBLE FROM FROMT OF BUILDING COMBINE ALL PLUMBING VENTS TO MINIMIZE THE NUMBER OF PENETRATIONS THROUGH THE ROOF ASSEMBLY, ROUTE VENT PIPING SO AS TO NOT BE VISIBLE FROM FROMT OF BUILDING SUPERALL LANDSCAPING GRADES AWAY FROM THE BUILDING 8° FOR FIRST 10-0° FROM BUILDING



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BHB STRUCTURAL





VAN BOERUM & FRANK ASSOCIATES NC. CONSULTING ENGINEERS 1070 W. 1600 S. #104 Off: (435) 674-4800





CORAL JUNCTION MOTOR COACH PARK -RESTROOM/ LAUNDRY BUILDING

PINNACLE COMMERCIAL DEVELOPMENT

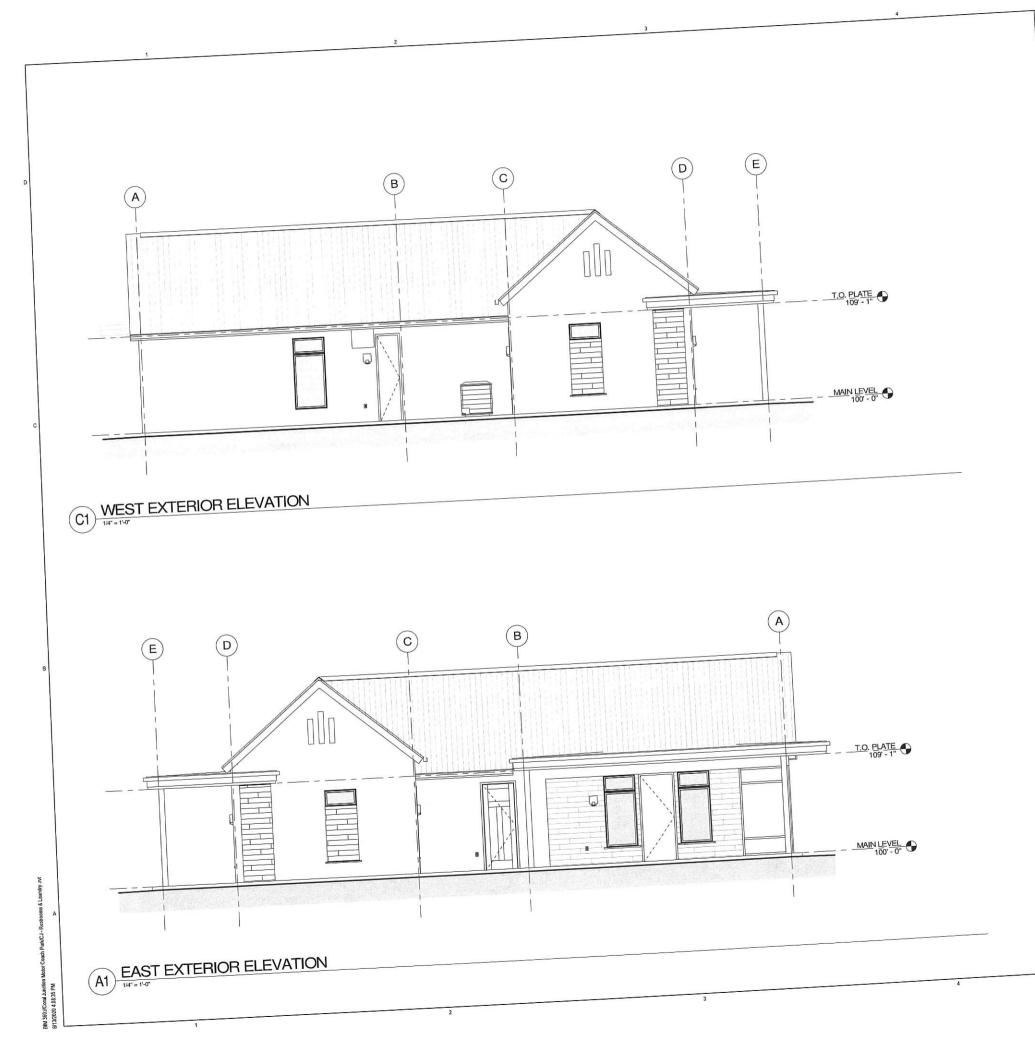
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**EXTERIOR ELEVATIONS** 

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NORTH EXTERIOR ELEVATION



### GENERAL NOTES

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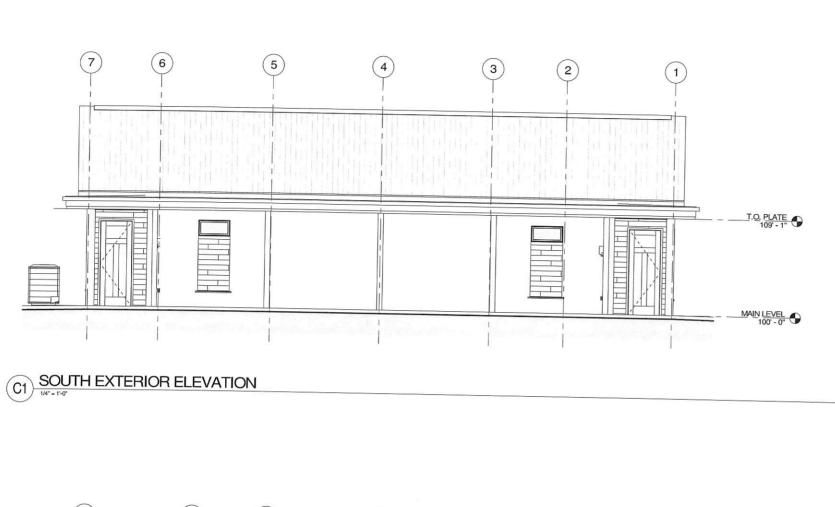


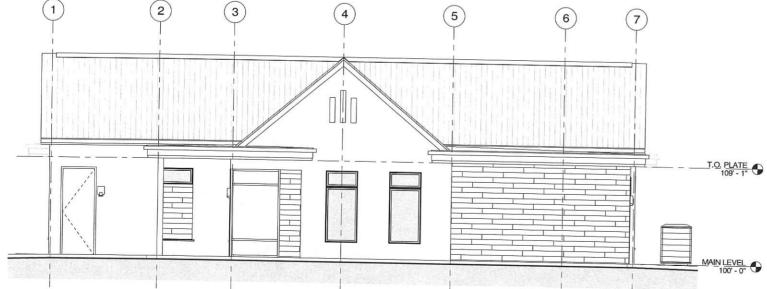
CORAL JUNCTION MOTOR COACH PARK -RESTROOM LAUNDRY BUILDING

PINNACLE COMMERCIAL DEVELOPMENT

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EXTERIOR ELEVATIONS





NORTH EXTERIOR ELEVATION

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BHB STRUCTURAL





VAN BOERUM & FRANK ASSCRITES RE. CONSULTING ENGINEERS 1070 W. 1600 S. #104 Off: (435) 674-4800





CORAL JUNCTION MOTOR COACH PARK -RESTROOM GUEST & HOUSEKEEPING LAUNDRY BUILDING

HURRICANE, UT

PINNACLE COMMERCIAL DEVELOPMENT

MIKE NOEL DIRECTOR

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**EXTERIOR ELEVATIONS** 



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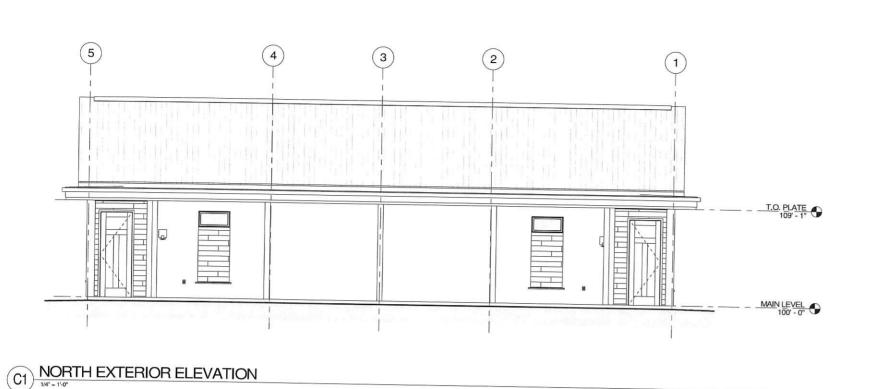
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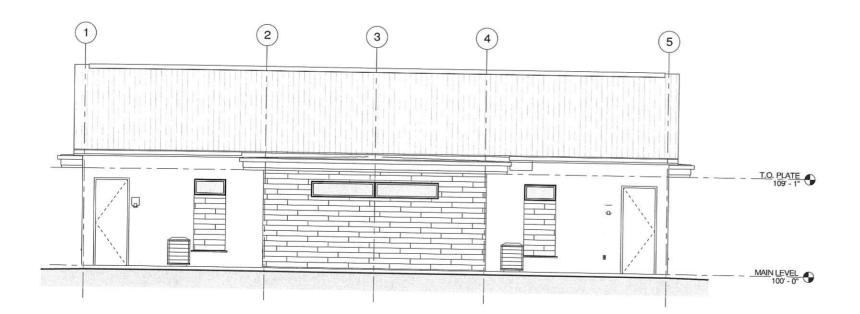
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**EXTERIOR ELEVATIONS** 





SOUTH EXTERIOR ELEVATION

### GENERAL NOTES

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BHB STRUCTURAL









CORAL JUNCTION MOTOR COACH PARK -RESTROOM SHOWER BUILDING

HURRICANE, UT

PINNACLE COMMERCIAL DEVELOPMENT

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**EXTERIOR ELEVATIONS** 



## **MOTOR COACH RESORT FOR**

# **CORAL JUNCTION MOTOR COACH RESORT**

# **LOCATED IN** HURRICANE CITY, WASHINGTON COUNTY, UT

SHEET NO.	DESCRIPTION	
C1.0	COVER SHEET	
C1.1	MOTOR COACH RESORT OVERALL	
C1.2	MOTOR COACH RESORT CUT FILL	
C1.3	MOTOR COACH RESORT ROAD SECTIONS	
C1.4	MOTOR COACH TYPICAL UNIT LAYOUT	
C1.5	MOTOR COACH RESORT SWPPP	
C2.1-2.11	MOTOR COACH ROAD (ALL ROADS) PLAN & PROFILE	
C2.12-2.17	MOTOR COACH SECTION No. 1-6 PLAN & PROFILE	
C3.0-C3.16	WATER AND SEWER	
C4.0-C4.4	POWER AND GAS	
C5.0-C5.3	PAVING AND STRIPING	
C6.0-C6.5	DETAILS	

HURRICANE CITY APPROVA	AL
WASHINGTON CO. WATER CONSERVANCY DIST.	DATE
R. Nay	12-4-19
FIRE: HURRICANE VALLEY FIRE SSD	12 /4 M
SEWER: ASH CREEK SSD	DATÉ (2-4-19)
WATER: HURRICANE CITY - Ad Creek 550	DATE 12.4.19
POWER: HURRICANE CITY	DATE
GAS: DOMINION ENERGY	DATE
COMMUNICATIONS: TDS TELCOM	12.4.15 DATE
COMMUNICATIONS: TOS TELCOM	12/4/19
COMMUNICATIONS: CENTURYLINK	DATE 12-4-19
PARKS: HURRICANE CITY	DATE 12-4-19 DATE
STREETS: HURRICANE CITY	12/4/19 DATE
BUILDING OFFICIAL O. JeBan	12.4.19 DATE
CHY ENGINEER MAIN	12.4-19
PUBLIC WORKS PIRECTOR - Power Hurrane Cit	12-9-19



### ENGINEER -ALLIANCE CONSULTING 2303 N. CORAL CANYON BLVD. SUITE 201 WASHINGTON, UT 84780-0577 PHONE: (435) 673-8060 FAX: (435) 673-8065 ENGINEER: MR. DELOSS HAMMON P.E. CONTACT: MR. MICHAEL BRADSHAW



### GEOTECHNICAL REPORTS:

The contractor is responsible to read and fully understand the Geotech report and to coordinate with the geotechnical engineer throughout the grading process to ensure that the report's recommendations are implemented from the beginning to the end of the projects construction. The owner will contract with the geotechnical engineer for his representatives to be on site throughout the grading process to ensure full compliance with the geotechnical report's recommendations. Refer to following report

### DUST CONTROL NOTES

THESE DUST CONTROL MEASURES MUST BE OBSERVED AT ALL TIMES:

- Apply water by means of trucks, boses and/or spinklers at sufficient frequency and quantity, prior to conducting, during and after earthmoving activities.

   Pre-apply water to the depth of the proposed cuts, or equipment penetration.

  Apply water as necessary and prior to expected wind events.

  Operate haul vehicles appropriately in order to minimize fugitive dust and apply water as necessary during loading operations.

#### DISTURBED SURFACE AREAS OR INACTIVE CONSTRUCTION SITES

- When active construction operations have ceased, apply water at sufficient frequency and quantity to develop a surface crust and prior to expected wind
- Install fence barrier and /or "no trespassing" signs to prevent access to disturbed

#### **GENERAL NOTES:**

- Unless shown otherwise on these plans, all construction shall conform to the codes and ordinances of Hurricane City, Ash Creek Special Service District, the State of Utah Administrative Codes, "The International Plumbing Code", and the "International Building Code" latest additions as administered by Hurricane City.
- 2. The Contractor shall be responsible for the location of and protection of all existing
- 3. Coordinate with Alliance Consulting for control monuments.

- Project shall install an information sign on site before construction begins. This sign shall have a minimum size, placement location and content information with the company name, phone & permit number.
- A mandatory pre-construction meeting with Hurricane City Public Works shall be required on all projects prior to any grubbing, grading, or construction activities. I permit holder shall be required to notify Public Works inspectors.
- 9. Projects shall submit a dust control plan with details on equipment scheduling and

10. Follow appendix J standards found in the IBC.

11. All work and materials shall meet Hurricane City standards.

#### CONSTRUCTION NOTES:

All excavations and grading shall be in accordance with the requirements of the Hurricane City [phone: 435-635-2811], and Ash Creek Special Service District [phone: 435-635-2348], of the "International Building Code", current city-adopted version, and

- 3. Project shall submit a Dust Control Plan with details on equipment, scheduling and
- 4. Contractor is responsible and required to obtain their own UPDES/NOI permi
- 5. It is the contractors responsibility to identify all and any SWPPP requirements
- 6. Prior to and during compaction operations, all backfill material shall have the
- All non-roadway dust control material shall be firmly placed and compacted to a 3' crust at 5% over optimum, and all grading shall be compacted to 95%.
- 8. All Rip-Rap rock shall be approved by owner
- 9. Contractor must coordinate with other Contractors working in areas.
- 10. Contractor must protect existing facilities.
- 11. 18" rework required (remove moisture conditions & re-compact to 95%) on all areas requiring fill prior to any fill being placed.
- 12. All site blasting must occur during daylight hours and have a dust control plan and a blasting permit provided by the contractor.
- 13. Private Sewer Agreement is required for any sewer mains not in roadway.

### PARKS DEPARTMENT NOTES: \_

Any landscaping, including street landscape strips and/or medians and associated irrigation shall installed by developer/owner and is not the responsibility of Hurricane City Parks Department to maintain.

MOTOR COACH RESORT COVER
FOR
CORAL JUNCTION MOTOR COACH RESORT
ATED IN SECTION 3 TOWNSHIP 42 SOUTH, RANGE 14 WEST
SECTION 32 TOWNSHIP 41 SOUTH, RANGE 14 WEST SLB&M
CITY OF HURRICANE WASH. CO., UTAH

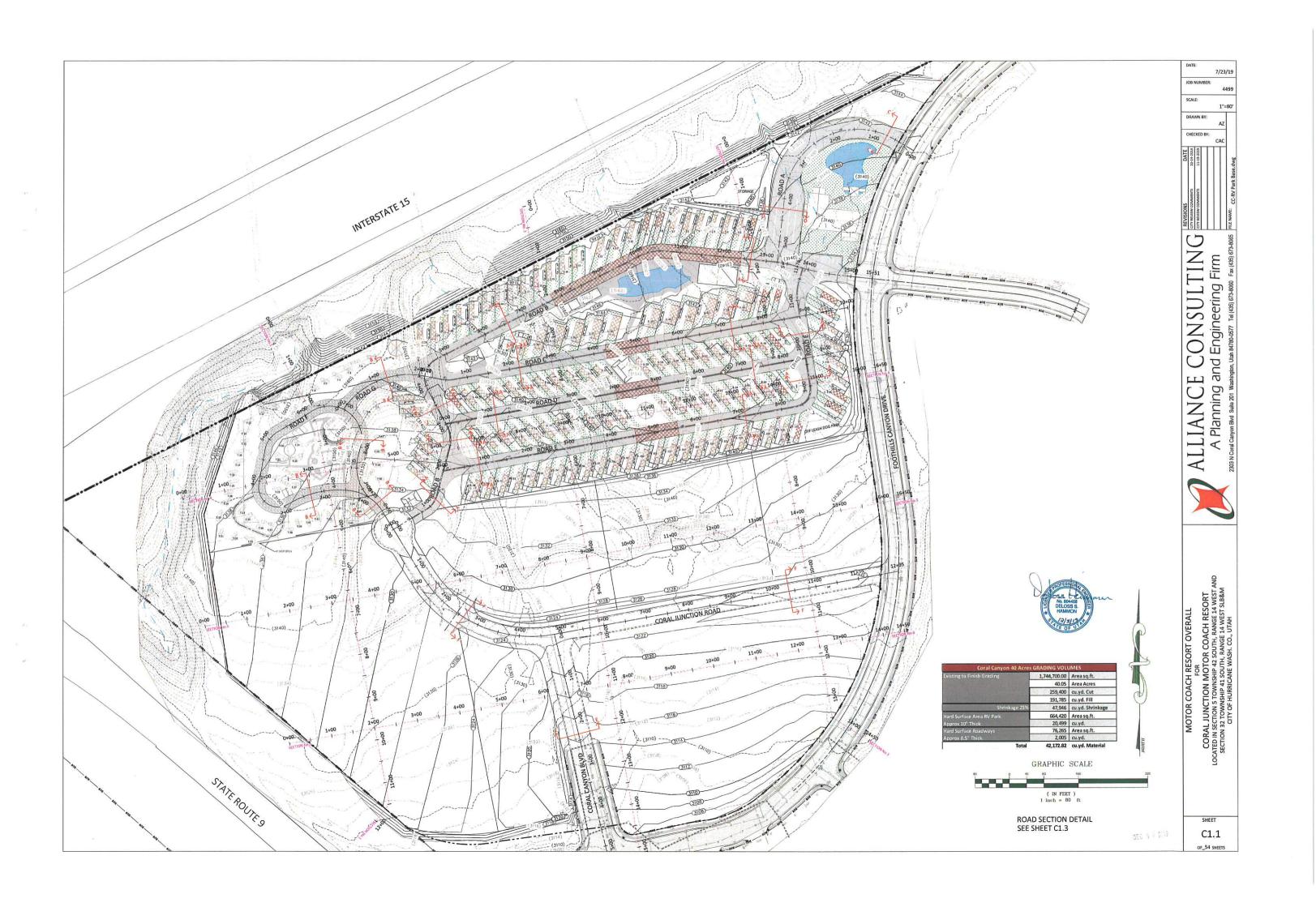
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HECKED BY:

7/23/19

Engineering and Planning O X



### PRELIMINARY SITE PLAN REVIEW APPLICATION City of Hurricane Fee \$200.00 147 North 870 West For Office Use Only: Hurricane, UT 84737 File No. 2026 - 151 (435) 635-2811 Receipt No. 7-610210 FAX (435) 635-2184 Name: Paul Patel Telephone: 435-669-5001 **Address:** 58 N. 2260 W, Hurricane UT 84737 Fax No. Agent (If applicable): Jeff Mathis **Agent's Phone:** 435-619-6613 Email: travelodge135@gmail.com Agent Email: jm@mrwdesign.com Address/Location of Subject Property: Approx. 2375 W State Street Tax ID of Subject Property: H-3-1-32-2101 & H-3-1-32-242 Zone District: HC Proposed Use: (Describe, use extra sheet if necessary) RV Park This application shall be accompanied by the following: X 1. A vicinity map showing the general location of the project. 2. Three (3) copies of a site plan showing: Topography showing 2' contours, identification of 30% or greater slopes: The layout of proposed uses: Location of open space when applicable: Proposed access to the property and traffic circulation patterns; Adjoining properties and uses: Proposed reservations for parks, playgrounds, school, and any other public facility sites, if any; 3. Preliminary utility plan, including water, sewer, and storm drainage plans, and including access points to utilities; 4. Tables showing the number of acres in the proposed development and a land use summary; and 5. A phased development plan if applicable. X 6. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property NOTE: It is important that all applicable information noted above is submitted with the application. An incomplete application will not be scheduled for Planning Commission

consideration. Planning Commission meetings are held on the second Thursday and the fourth Wednesday of each month at 6:00 p.m. Contact the Planning Department for the deadline date for submissions. Once your application is deemed complete, it will be put on the agenda for the next

Date Received: (Office Use Only)

Received by: \_\_\_\_\_

### STAFF COMMENTS

Agenda:

September 10, 2020

File Number: 2020-PSP-11

Type of Application:

Preliminary Site Plan

**Applicant:** 

Paul Patel

Agent:

Jeff Mathis

Request:

Preliminary Site Plan review 6.6 Acre RV Park

Location:

Approximately Rlington Parkway and SR-9

General Plan:

Commercial

**Existing Zoning:** 

**Highway Commercial** 

**Discussion:** The applicant is seeking preliminary approval to construct an RV Park. Preliminary site plans are required as part of <u>Hurricane City Code 10-7-10 (D)</u>. However, that section of code also states:

b. A preliminary site plan is not intended to permit actual development of property pursuant to such plan but shall be prepared merely to represent how the property could be developed. Submittal, review, and approval of an application for a preliminary site plan shall not create any vested rights to development.

The site plan is required to allow the City and the applicant to work out any significant problems before they submit construction drawings.

### **RV Park Standards**

The standards for an RV Park are in <u>Hurricane City Code 10-43</u>. The rules are as follows:

### 10-43-6: DEVELOPMENT STANDARDS:

- D. Standards Specific To Recreational Vehicle Parks And Park Model Parks:
- 1. No manufactured homes or site built dwelling units shall be permitted, except for that of the owner/manager and permanent maintenance personnel.
- 2. Recreational vehicle parks shall not be used 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. No "park model" units shall be permitted within a recreational vehicle park except a number of park models may be approved in the park to be used as short term vacation rentals. However, a park model development may be approved to allow recreational vehicles but not campers or tents in the development.

- 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. (Ord. 2014-10, 11-6-2014)
- 6. No permanent room addition shall be attached to recreational vehicle nor shall any permanent structure be constructed on a recreational vehicle lot except shade structures open on three (3) sides that conform to current NFPA standards for recreational vehicle parks and campgrounds. (Ord. 2019-04, 5-2-2019)
- 7. Room additions may be permitted on park models if all setbacks are met and pursuant to the issuance of a building permit before construction.
- 8. A minimum of one toilet, one sink, and one hot shower, each designed for complete privacy, for each forty (40) spaces, or fraction thereof.
- 9. Conversion of an established residential park or park model development 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. (Ord. 2014-10, 11-6-2014)

### Site Details

- 1. Total Site 6.6 acres
- 2. Total buildings/Units 101 units

#### **JUC Comments:**

Construction drawings will have to be submitted, reviewed, and approved before the final site plan is approved and evaluated, and a report is sent to the Council.

- 1. A water model will be required to size the connections for the projects properly. The applicant will also likely need to provide a water meter on 2500 S and Rlington Parkway. The internal water pipe will need to be a ductile iron pipe.
- 2. The commercial building will need to be sprinkled, and turn radius will need to meet fire code.
- 3. Improvements will be required at both access points, on 2500 W, and on Rlington Parkway.
- 4. The applicant will need to provide a trip generation letter and may need to do a full traffic study.
- 5. Power is along SR-9 and will likely need improvements to connect to the development.
- 6. The sewer layout should work but will need to be examined more with construction drawings.
- 7. Gas, Phone, and Cable are in the area.

### Planning Staff comments:

- 1. An RV Park is a permitted use in a Highway Commercial Zone. It is recommended that RV parks be located Adjacent to or close to a major collector or arterial road as shown in the city's transportation master plan; (2) Near adequate shopping facilities 10-43-6-A(2b). This site meets those requirements.
- 2. Use Classification: Recreation Vehicle Park.

- 3. RV sites must be a minimum of 1000 square feet. The minimum size unit (40'x25') meets this criterion.
- 4. An RV Park requires "A minimum of one toilet, one sink, and one hot shower, each designed for complete privacy, for each forty (40) spaces, or fraction thereof." As referred above. The development would require at least 3 of each.
- 5. A preliminary site plan is not intended to permit actual development of property pursuant to such a plan but shall be prepared merely to represent how the property could be developed. Submittal, review, and approval of an application for a preliminary site plan shall not create any vested rights to development (HCC 10-7-10(D))
- 6. The requirement for open space in an RV park is 10%. The applicant proposing some open space, pickleball court, cornhole, BBQ pit, and putting green. It is unclear if the area would meet the 10% standard.
- 7. A landscaping plan will need to be prepared for meeting the following: 10-43-6C 4. Landscaping: Any area not covered by a manufactured home or recreational vehicle or park model, hard surfacing, or a building shall be landscaped per an approved site plan.
- 8. A lighting plan that complies with Dark Sky guidelines adopted by the City must be submitted with a final site plan.

### Recommendation:

Staff recommends approval of this preliminary site plan with the following conditions:

- 1. The applicant address staff and JUC comments in the construction drawings.
- 2. The applicant provide 10% of the area as open and recreation space.

