



Mayor
John Bramall

City Manager
Kaden DeMille

City of Hurricane

City Council
Nanette Billings
Darin Larson
Joseph Prete
Dave Sanders
Kevin Tervort

Hurricane City Council Meeting Agenda

June 3, 2021

5:00 PM

City Council Chambers 147 N 870 W, Hurricane

Notice is hereby given that the City Council will hold a Regular Meeting in the City Council Chambers 147 N 870 W, Hurricane, UT. This meeting will also be available via GoToMeeting. To join the meeting you can do the following: 1.

Download the GoToMeeting app and enter Access Code 111653501 2. Visit

<https://global.gotomeeting.com/join/111653501> 3. Dial 1(872) 240-3212 and enter Access Code 111653501

A silent roll call will be taken, followed by the Pledge of Allegiance and prayer by invitation.

THOSE WISHING TO SPEAK DURING PUBLIC FORUM MUST SIGN IN WITH THE RECORDER BY 6:00 P.M.

AGENDA

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

6:00 p.m. - Call to Order

Approval of minutes: May 7, 2020

Update from St. George Regional Hospital

Presentation of ads from the golf tournament

Presentation of an award to a youth for community service-Rowdy Reeve & Jody Rich

6:15 p.m. – Public Forum – Comments from Public

Please Note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda, public comments will be limited to 2 minutes per person per item. A spokesperson representing a group to summarize their concerns will be allowed 5 minutes to speak. Repetitious commentary will not be allowed. If you need additional time, please request agenda time with Cindy Beteag in writing before 5:00 p.m. the Wednesday one week before the Council meeting.

OLD BUSINESS

1. Consideration and possible approval on a proposed **Land Use Code Amendment Title 10-Chapter 39- subsection 15** regarding enforcement and permits within a subdivision
2. Consideration and possible approval on a proposed **Land Use Code Amendment to Title 10-chapter 13, table 10-13-1 regarding minimum lot acreage in RM-2, multifamily 10 units per acre and RM-3, multifamily 15 units per acre. As well as Title 10-chapter 15, table 10-15-1 regarding multifamily use in Commercial Areas in the Downtown area.**

NEW BUSINESS

1. Consideration and possible of approval of a **resolution opposing the Critical Race Theory being taught in our schools.**
2. Discussion regarding the **field fee for girls softball**-Matt Hirschi

3. Consideration and possible approval of an **amended final plat for Dixie Springs Lots A206 & A286, located at 3808 W 2700 S Hurricane**. James F & Mary Ann Clark Applicants.
4. Consideration and possible approval for a **preliminary plat, River Heights Subdivision, a 70-lot subdivision located at Turf Sod Road and 5200 W**. Alcoa Holdings LLC Applicant, Corey Anderson Agent.
5. Public Hearing to take comments on the following:
 - a. A Sensitive Land application for **Hillside Estates located at approximately 725 S and 1450 West**, containing 5 lots.
6. Consideration and possible approval on a **preliminary plat and sensitive lands application for Hillside Estates, a 5-lot subdivision located at 725 S and around 1450 W**. Chris Wyler Applicant, Civil Science Agent.
7. Consideration and possible approval of **moving the clubhouse for Pecan Valley**-Chris Wyler
8. Consideration and possible approval of a proposed **zone change amendment request on a small portion of parcel number H-3-1-34-4220-A from R1-6, residential 1 unit per 6,000 square feet, to RM-2, multifamily 10 units per acre, to allow for more townhome building**. Short Term Investments LLC Applicant, Mike Stewart Agent.
9. Consideration and possible approval of an **amended final plat for Quail Lake Estates Lot 22, located at 22 Quail Creek Drive**. Mary Wintzer Applicant, Brown Consulting Engineers Agent.
10. Power Department presentation on **2020 service reliability achievement and award, discussion on summer 2021 resource adequacy and discussion on power costs and related matters**-Dave Imlay
11. Consideration and possible approval of **theatre activities for 2021-2022**-Debbie Garrett
12. Consideration and possible approval of an **ordinance amending Title 3, Chapter 10**-Cindy Beteag
13. Discussion regarding **review process and issuance of grading permits**
14. Consideration and possible approval of a **Proclamation regarding the discharge of fireworks**-Mayor Bramall
15. *Mayor, Council and Staff reports*
16. Closed Session
17. **Adjournment**

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

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



STAFF COMMENTS

Agenda Date:	6/3/2021
Application Number:	2021-LUCA-02
Type of Application:	Land Use Code Amendment
Action Type:	Legislative
Applicant:	Hurricane City Council Directive
Agent:	Planning Department
Request:	Make a recommendation to the City Council to update Hurricane City Code to comply with state code
Reviewed By	Planning, Engineering, Public Works, and the City Attorney

Planning Commission Recommendation

The Planning Commission gave a positive recommendation on the proposed ordinance. The difference between the proposed ordinance and the Planning Commission recommendation are two fold:

1. Fay (the City Attorney) has reorganized the proposed change to help clarify the requirements. Staff and Fay have also reviewed the wording of the code and tighten it.
2. The initial recommendation by staff included *curb and gutter* as part of the needed requirements before a building permit would be issued because curb and gutter 1) serve as part of the stormwater infrastructure and 2) are key markings for elevation, utility locations, and roadway width. However, the Planning Commission recommended the removal of this requirement because they felt that the curb and gutter would not be functional as part of the drainage system until the asphalt has been laid and there would be other ways to mark elevations and location besides using the curb and gutter.

Summary of Concern:

Hurricane City Code and State conflict with when the City will issue a building permit for an approved subdivision. Below are the main sections. In summary, state code requires a City to issue a building permit when

1. The developer has bonded for the project
2. Improvements have been installed to allow occupancy of a building
3. The site would meet fire code

4. The plat has been recorded.

The City Council has given staff direction to update the Code. The following sections are state code and City Code that apply.

State Code:

Effective 5/12/2020

10-9a-802. Enforcement.

- (1)
 - (a) *A municipality or an adversely affected party may, in addition to other remedies provided by law, institute:*
 - (i) *injunctions, mandamus, abatement, or any other appropriate actions; or*
 - (ii) *proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.*
 - (b) *A municipality need only establish the violation to obtain the injunction.*
- (2)
 - (a) ***A municipality may enforce the municipality's ordinance by withholding a building permit.***
 - (b) *It is an infraction to erect, construct, reconstruct, alter, or change the use of any building or other structure within a municipality without approval of a building permit.*
 - (c) *A municipality may not issue a building permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to all regulations then in effect.*
 - (d) ***A municipality may not deny an applicant a building permit or certificate of occupancy because the applicant has not completed an infrastructure improvement:***
 - (i) ***that is not essential to meet the requirements for the issuance of a building permit or certificate of occupancy under the building code and fire code; and***
 - (ii) ***for which the municipality has accepted an improvement completion assurance for landscaping or infrastructure improvements for the development.***

Effective 5/8/2018

15A-5-205.6. Amendments and additions to Chapter 33 of IFC.

- (1) *IFC, Chapter 33, Section 3310.1, Required access, is deleted and rewritten as follows:*

"3310.1 Required access.

3310.1.1 Approved vehicle access. Approved vehicle access for fire fighting shall be provided as described in Chapter 5 of this code to all construction or demolition sites.

3310.1.2 Fire department connections. Vehicle access shall be provided to within 100 feet of temporary or permanent fire department connections.

3310.1.3 *Type of access.* Vehicle access shall be provided by either temporary or permanent roads.

3310.1.3.1 *Temporary road requirements.* Temporary roads shall be constructed with a minimum of site specific required structural fill for permanent roads and road base, or other approved material complying with local standards.

3310.1.3.2 *Reports.* Compaction reports may be required. An engineer's review and certification of a temporary fire department access road is not required.

3310.1.3.3 *Local jurisdictions.* If an improvement completion assurance has been posted in accordance with Section 10-9a-604.5, a local jurisdiction may not require permanent roads, or asphalt or concrete on temporary roads, before final approval of the structure served by the road.

3310.1.4 *Maintenance.* Temporary roads shall be maintained until permanent fire apparatus access roads are available.

3310.1.5 *Time line.* Temporary or permanent fire department access roads shall be functional before construction above the foundation begins and before an appreciable amount of combustible construction materials are on site."

(2) IFC, Chapter 33, Section 3310.2, Key boxes, is deleted.

City Code:

The following is Hurricane City's current code:

10-39-15: ENFORCEMENT AND PERMITS:

In order to enforce compliance with this chapter, the building official shall not issue any permit for the proposed erection, construction, reconstruction, alteration of any structure, or use of any land unless it fully conforms to all provisions of this chapter. No Hurricane City officer or employee shall issue any permit or license for any building or structure or use when such land is a part of a "subdivision" as defined herein until such subdivision has been approved and recorded in the County Recorder's Office, and unless the improvements shown on approved construction plans for the subdivision have been installed and preliminarily accepted, and all other provisions of law have been complied with. Any license or permit issued in conflict with this chapter shall be null and void. (Ord. 2008-32, 12-18-2008)

Notwithstanding the above, a building permit for a single model home for the developer of the subdivision for which the final checklist for completion has been issued may be approved by the City Council. A certificate of occupancy shall not be granted and the model home may not be used or occupied for any reason until the subdivision has been approved and recorded. (Ord. 2012-2, 4-19-2012)

Additionally, the City Council may approve an amendment to a development agreement for a master planned community with a Planned Development Overlay to permit construction of a model home complex according to the terms negotiated for the amendment. (Ord. 2019-09, 7-18-2019)

The proposed City code removes the last two paragraphs and makes the following additions in **red** to bring the code into compliance:

Proposal:

10-39-15: ENFORCEMENT AND PERMITS:

A. In order to enforce compliance with this chapter, the building official shall not issue any permit for the proposed erection, construction, reconstruction, alteration of any structure, or use of any land until the provisions of this chapter have been met. No Hurricane City officer or employee shall issue any permit or license for the construction or installation of any building or structure or other use on any subdivision lot until the following conditions have been met:

1. Such subdivision has been approved and recorded in the Office of the Washington County Recorder.

2. Infrastructure improvements shown on approved construction plans for the subdivision:

- a. have been constructed and installed and preliminarily accepted, or*
- b. the City has received and accepted an improvement completion assurance for the subdivision in accordance with this chapter, and the following improvements have been constructed, installed, tested and accepted in accordance with the requirements of the building or fire code:*
 - i. a road base of untreated, compacted, and graded gravel*
 - ii. sewer, storm drains and storm drain facilities,*
 - iii. curb and gutter unless otherwise not required by City code,*
 - iv. water lines, and*
 - v. power lines*

B. All required improvements must be completed within 12 months of notice to proceed.

C. The City may call upon the improvement completion assurance filed with the City for all improvements not completed within 12 months of the notice to proceed or when the first building within the subdivision seeks an occupancy permit, whichever is sooner.

D. It shall be prohibited for anyone to start construction on any building within a subdivision until they have fulfilled the requirements of this chapter.

E. Any license or permit issued in conflict with this chapter shall be null and void.

Recommendation: Staff recommends that the City Council listen and consider any public comments and standards within City code. Staff would make a positive recommendation on the proposed change with the following items:

- 1) That curb and gutter is added to the list of requirements
- 2) The word “storm” is added before “drain”

Proposal:

10-39-15: ENFORCEMENT AND PERMITS:

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1. Such subdivision has been approved and recorded in the Office of the Washington County Recorder.
2. Infrastructure improvements shown on approved construction plans for the subdivision:
 - a. have been constructed and installed and preliminarily accepted, or
 - b. the City has received and accepted an improvement completion assurance for the subdivision in accordance with this chapter, and the following improvements have been constructed, installed, tested and accepted in accordance with the requirements of the building or fire code:
 - i. a road base of untreated, compacted, and graded gravel
 - ii. sewer, storm drains and storm drain facilities,
 - iii. curb and gutter unless otherwise not required by City code,
 - iv. water lines, and
 - v. power lines

B. All required improvements must be completed within 12 months of notice to proceed.

C. The City may call upon the improvement completion assurance filed with the City for all improvements not completed within 12 months of the notice to proceed or when the first building within the subdivision seeks an occupancy permit, whichever is sooner.

D. It shall be prohibited for anyone to start construction on any building within a subdivision until they have fulfilled the requirements of this chapter.

E. Any license or permit issued in conflict with this chapter shall be null and void.

Ordinance No. 2021-04

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH, AMENDING HURRICANE CITY CODE 10-39-15 ENFORCEMENT AND PERMITS.

WHEREAS the Hurricane City Council desires to amend Hurricane City Code 10-39-15 to be consistent with recent amendments to Utah Code Ann. §10-9a-802; and

WHEREAS said City Council deems amendment of Hurricane City Code 10-39-15 to be necessary for the preservation of the health, safety and welfare of the residents of Hurricane,

BE IT HEREBY ORDAINED by the Hurricane City Council of Hurricane, Utah that Hurricane City Code 10-39-15 shall be, and is hereby, amended in its entirety to read as follows:

10-39-15: ENFORCEMENT AND PERMITS:

A. In order to enforce compliance with this chapter, the building official shall not issue any permit for the proposed erection, construction, reconstruction, alteration of any structure, or use of any land until the provisions of this chapter have been met. No Hurricane City officer or employee shall issue any permit or license for the construction or installation of any building or structure or other use on any subdivision lot until the following conditions have been met:

1. Such subdivision has been approved and recorded in the Office of the Washington County Recorder.
2. Infrastructure improvements shown on approved construction plans for the subdivision:
 - a. have been constructed and installed and preliminarily accepted, or
 - b. the City has received and accepted an improvement completion assurance for the subdivision in accordance with this chapter, and the following improvements have been constructed, installed, tested and accepted in accordance with the requirements of the building or fire code:
 - i. a road base of untreated, compacted and graded gravel
 - ii. sewer, storm drains and storm drain facilities,
 - iii. curb and gutter unless otherwise not required by City code,
 - iv. water lines, and
 - v. power lines

B. All required improvements must be completed within 12 months of notice to proceed.

C. The City may call upon the improvement completion assurance filed with the City for all improvements not completed within 12 months of the notice to proceed or when the first building within the subdivision seeks an occupancy permit, whichever is sooner.

D. It shall be prohibited for anyone to start construction on any building within a subdivision until they have fulfilled the requirements of this chapter.

E. Any license or permit issued in conflict with this chapter shall be null and void.

BE IT FURTHER ORDAINED that this ordinance shall be deemed to be of an urgent nature and shall take effect at the earliest possible time after publication and posting.

PASSED AND APPROVED this _____ day of _____, 2021.

John W. Bramall, Mayor

[Seal]

Attest:

Cindy Beteag, City Recorder



STAFF COMMENTS

Agenda Date:	6/3/2021
Application Number:	2021-LUCA-01
Type of Application:	Proposed Code Change
Action Type:	Legislative
Applicant:	N/A
Agent:	N/A
Request:	Review the ability to allow multi-family infill development within the Downtown area

Planning Commission Recommendation

The Planning Commission gave a positive recommendation on both sections of the code.

Discussion

While reviewing the 2021-ZC-11 Sunnie Zone Change Application, which is requesting a zone change from General Commercial to RM-3, the Commission requested staff to bring a draft code to allow for smaller lots to be developed with multi-family within the Downtown zone.

Currently, RM-2 and RM-3 zone requires a minimum lot area of 1 acre, though the City has made exceptions for RM-2 zoning within the downtown area. The idea would allow for smaller undeveloped lots to build multi-family housing on these smaller parcels.

The Commission has also requested looking at a possible change to commercial code to allow multi-family infill growth in the downtown area. Staff has also proposed a code change amendment to make multi-family a conditional use.

Hurricane City's 2021 General Plan recommends the City consider the following policies and strategies:

Land Use Goal 1:

Policies

1.4. The City supports expansion and infill development in appropriate locations to utilize existing infrastructure and services efficiently. P. 20

Heritage and Culture Goals 3: Protect and Revitalize Downtown Hurricane

Policies...

3.2. Hurricane supports infill development and redevelopment in the Downtown...

Strategies

3.1. Develop a Downtown/historic main street master plan and accompanying zoning or overlay development standards to address:

- a. Mixed Uses;*
- b. Design Standards;*
- c. Infill Standards;*
- d. Building Facades;*
- e. Public Realm Enhancements;*
- f. Gathering Places...*

3.7. Review City codes to identify possible regulatory barriers to Downtown development and identify possible incentives to support the types of development that the City supports. Options could include:

- a. Consider Downtown District form-based code*
- b. Evaluate parking requirements*
- c. Waive or reduce local development fees*
- d. Review project permitting processes for redundancies/inefficiencies*
- e. Consider a grant program to help local businesses update facades on buildings or provide for additional updates. P. 28*

In addition, the General Plan recommends that higher density housing should be allowed near supporting facilities:

Housing Goals 1: Provide Choice in Housing Options

Policies

1.5. Medium and high-density residential developments should be planned near support facilities such as collector and arterial roads, schools, shopping, and employment centers. P. 42

Strategies

1.4. Zone for affordable housing near major corridors such as SR-9.

Proposed Changes

The Planning commission has made recommendations to two sections of code for the City Council to consider. The first one would change RM-2 and RM-3 Zoning Requirements and allow for these zones to have areas smaller than a single acre for in the proposed downtown area. It would add the note for RM-2 and RM-3 Zone in 10-13-2:

10. Minimum area shall not be required in Downtown Area as listed within the General Plan Map to allow for infill and redevelopment of the downtown area.

For commercial changes, staff has change multi-family dwelling a conditional use with the following standards:

4. In the area designated as Downtown District on the General Plan map, existing single family residential uses may continue as permitted residential uses. Use and development standards for an R-1-8 Zone shall apply. Existing approved multi-family and two family uses may continue as permitted residential uses. Use and development standards for an RM-23 Zone would apply. ~~No new residential uses are permitted.~~

The following section would then be added to [Hurricane 10-7-9](#)

Under Section (B)(1) add **Multimamily Housing.**

Under section (E), add section K.

10-7-9

(B)(1) Multifamily in commercial zones

(E) k. In order to promote and preserve commercial growth and to allow infill development of empty and vacant lots in the area designated as Downtown on the General Plan Map, vacant parcels zoned for commercial uses as listed in this title may, as a conditional use, be allowed for multi-family residential use in if the following criteria are met:

1. No habitable building has been on the parcel for the previous three years
2. The land use on at least two sides of the property are residential use at the time of application. Property on the opposite side of a public road or right-of-way shall be considered adjacent for this criteria. Properties that do not meet this criterion, may be approved for mix-use development as listed below.
3. Mix Use is allowed. If the proposed development is a mix of commercial use and residential use, then residential units shall be placed on a floor above the commercial use, or in a way to allow commercial buildings to front onto the public roadways. If mixed-use, the commercial shall comply with the commercial zoning standards and housing shall comply with RM-3 zoning standards.
4. Homes in the downtown area shall have the front of buildings face public roadways. The only exception for this requirement is for mix-use developments and for parcels that would allow the development of units behind units that front the public right-of-way. Every effort shall be made to ensure the frontage of roadways are faced with the frontage of buildings. Walls, fences, and the rear of buildings fronting on to public right-of-way shall be avoided.
5. Dwelling units and site shall comply with RM-3 Zoning Standards and density. RM-3 minimum required area shall not apply.

Items to Consider

With every change of code, it is important to think about long term consequences:

- The proposed code changes would apply to the full downtown area, not just a zone change that is before the Commission.
- With the Commercial change, this may limit control on requiring commercial development in certain areas. Multi-Family housing is currently in higher demand than commercial property. With the new conditions recommended, that could limit the impact.



- It would require a zone change request for any parcel seeking to gain more density with the residential changes. There are a few vacant parcels or parcels that would likely seek redevelopment if this code is changed.
- The General Plan recommends the City create a downtown master plan. The Planning Department is asking for money to complete a downtown master plan this next fiscal year. This plan will recommend the different uses, standards, and amenities that the City should focus on to redevelop the area. Though staff anticipates that increasing density and providing means for infill will be part of the plan, the master plan may provide more details for any code change beyond what is being considered. The end goal may provide a full overlay zoning over the downtown area that would allow a mix of uses with development standards.

- The residential change may create spot zoning, which are legally allowed but require more justification than more extensive zone changes.

Staff Recommendation: Staff recommends that the City Council consider the proposed change. Staff would make a positive recommendation for the residential changes to allow infill with higher density. Though the proposed commercial code change would allow the development of more housing options within the downtown area, it lifts some of the City's controls by controlling the area's zoning and use. Therefore, the staff recommends that the City Council consider that change carefully to ensure the Council is okay with the change before approval.

10-15-3: USES ALLOWED:

A. Permitted And Conditional Uses: Permitted and conditional uses allowed within commercial zones shall be as set forth in [table 10-15-1](#) of this section. Permitted and conditional uses are indicated by a "P" or "C", respectively, in the appropriate column. Uses not permitted are indicated by "N". Any use not shown on [table 10-15-1](#) of this section shall be prohibited unless the Zoning Administrator determines the use is substantially the same as a permitted or conditional use as provided in subsection [10-7-18](#)E4 of this title.

TABLE 10-15-1**PERMITTED AND CONDITIONAL USES ALLOWED IN COMMERCIAL ZONES**

Use	Zones				
	NC	GC	HC	PC	POC
Residential uses:					
Building, accessory	P	N	N	P	P
Dwelling, multiple-family ⁴	C	C	C	P	P
Dwelling, single-family ⁴	N	N	N	P	N
Dwelling, temporary	N	N	N	N	N
Dwelling, two-family ⁴	N	N	N	P	P
Manufactured home	N	N	N	N	N
Manufactured/mobile home park	N	N	N	N	N
Protective housing facility	N	N	N	N	N

Rehabilitation/treatment facility	N	P	P	P	P
Residential facility for elderly persons ¹	P	N	N	P	P
Residential facility for persons with a disability ¹	P	N	N	P	P
Residential facility for troubled youth	N	N	N	N	N
Transitional housing facility	N	N	N	N	N
Public and civic uses:					
Auditorium or stadium	N	P	P	P	N
Bus terminal	N	P	P	P	N
Cemetery	P	P	P	P	P
Church or place of worship	P	P	P	P	P
Club or service organization	P	P	P	P	P
Convalescent care facility	N	P	P	P	N
Cultural service	P	P	P	P	P
Golf course	P	P	P	P	P
Government service	N	P	P	P	N
Hospital	N	P	P	P	N
Operations center	N	P	P	P	P

Park	P	P	P	P	P
Post office	P	P	P	P	P
Protective service	P	P	P	P	P
Reception center	C	P	P	P	P
Utility, major ³	N	N	N	C	C
Utility, minor ³	P	P	P	P	P
Utility substation ³	P	P	P	P	P
Commercial uses:					
Agricultural sales and service	N	P	P	P	N
Animal hospital	P	P	P	P	N
Bail bond service	N	P	P	P	N
Bank or financial institution	P	P	P	P	P
Bed and breakfast, home	N	N	N	N	N
Bed and breakfast inn	P	P	P	P	N
Business equipment rental, services, and supplies	P	P	P	P	P
Car wash	P	P	P	P	P

Club, private	N	P	P	P	N
Construction sales and service	N	P	P	N	N
Convenience store	P	P	P	P	P
Family child daycare facility ²	P	N	N	N	N
Family child group daycare facility ²	P	N	N	N	N
Family child residential certificate care facility ²	P	N	N	N	N
Family childcare center	P	P	P	P	P
Funeral home	N	P	P	P	N
Garden center	P	P	P	P	P
Gas and fuel, storage and sales	N	N	C	N	N
Gasoline service station	P	P	P	P	N
Hostel	N	P	P	P	N
Hotel	N	P	P	P	N
Kennel	C	P	C	C	C
Kennel, residential	P	N	N	N	N
Laundry or dry cleaning, limited	P	P	P	P	P

Liquor store	N	P	P	P	N
Media service	P	P	P	P	P
Medical or dental laboratory	N	P	P	P	N
Medical service	P	P	P	P	P
Motel	N	P	P	P	N
Office, general	P	P	P	P	P
Parking garage, public	N	P	P	P	P
Parking lot, public	N	P	P	P	P
Pawnshop	N	N	P	P	N
Personal care service	P	P	P	P	P
Personal instruction service	P	P	P	P	P
Printing and copying, limited	P	P	P	P	P
Printing, general	N	P	P	P	P
Produce stand	P	P	P	N	P
Recreation and entertainment, indoor	P	P	P	P	P
Recreation and entertainment, outdoor	N	P	P	P	N
Recreational vehicle park	N	N	P	P	N

Repair service	P	P	P	P	P
Research service	N	P	P	P	N
Restaurant, fast food	P	P	P	P	P
Restaurant, general	P	P	P	P	P
Retail, general	P	P	P	P	P
Secondhand store	P	P	P	P	P
Shopping center	P	P	P	P	P
Takeoff and landing of aircraft	N	N	N	N	N
Tattoo establishment	P	P	P	N	N
Tavern	N	P	P	P	N
Temporary trailer	P	P	P	P	P
Transportation service	N	P	P	P	N
Vehicle and equipment rental or sale	N	P	P	P	N
Vehicle and equipment repair, general	N	P	P	N	N
Vehicle repair, limited	N	P	P	P	P
Veterinary service	P	P	P	N	N
Warehouse, self-service storage	P	P	N	N	N

Wireless telecommunication facility	See section 10-50-5 , table 10-50-1 of this title				
Industrial uses:					
Laundry services	N	N	N	P	N
Wholesale and warehousing, general	N	N	N	P	N
Wholesale and warehousing, limited	N	N	N	N	N

Notes:

1. See chapter 46 of this title.
2. See chapter 42 of this title.
3. See chapter 45 of this title.
4. In the area designated as Downtown District on the General Plan map, existing single family residential uses may continue as permitted residential uses. Use and development standards for an R-1-8 Zone shall apply. Existing approved multi-family and two family uses may continue as permitted residential uses. Use and development standards for an ~~RM-2~~ RM-3 Zone would apply.

10-7-9

(B)(1) Multi family in commercial zones

10-7-9

(B)(1) Multifamily in commercial zones

(E) k. In order to promote and preserve commercial growth and to allow infill development of empty and vacant lots in the area designated as Downtown on the General Plan Map, vacant parcels zoned for commercial uses as listed in this title may, as a conditional use, be allowed for multi-family residential use if the following criteria are met:

1. No habitable building has been on the parcel for the previous three years
2. The land use on at least two sides of the property are residential use at the time of application. Property on the opposite side of a public road or right-of-way shall be considered adjacent for this criteria. Properties that do not meet this criteria, may be approved for mix-use development as listed below.

3. Mix Use is allowed. If the proposed development is a mix of commercial use and residential use, then residential units shall be placed on a floor above the commercial use, or in a way to allow commercial buildings to front onto the public roadways. If mixed-use, the commercial shall comply with the commercial zoning standards and housing shall comply with RM-3 zoning standards.
4. Homes in the downtown area shall have the front of buildings face public roadways. The only exception for this requirement is for mix-use developments and for parcels that would allow the development of units behind units that front the public right-of-way. Every effort shall be made to ensure the frontage of roadways are faced with the frontage of buildings. Walls, fences, and the rear of buildings fronting on to public right-of-way shall be avoided.
5. Dwelling units and site shall comply with RM-3 Zoning Standards and density. RM-3 minimum required area shall not apply.

TABLE 10-13-2**DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES**

	Zones						
Development Standard	R1-15	R1-10	R1-8	R1-6	RM-1 ¹	RM-2	RM-3

Lot standards:							
Average lot area ²	15,000 sq. ft.	10,000 sq. ft.	8,000 sq. ft.	6,000 sq. ft.	n/a	n/a	n/a
Minimum lot area or acreage	12,000 sq. ft.	8,000 sq. ft.	6,400 sq. ft.	4,800 sq. ft.	10,000 sq. ft.	1 acre (See Note10)	1 acre (See Note10)
Minimum lot width and/or project frontage	90 ft.	80 ft.	70 ft.	60 ft.	80 ft. project	100 ft. project	200 ft. project
Maximum density per acre	n/a	n/a	n/a	n/a	6 units/lots	10 units/lots	15 units/lots
Building standards:							
Maximum height, main building ³	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
Maximum height, accessory building ⁴	16 ft.	16 ft.	16 ft.	16 ft.	20 ft.	20 ft.	20 ft.

Accessory building	See note 6						
Pool location and setbacks ⁸	3 ft.						

Notes:

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

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; amd. Ord. 2004-15, 6-17-2004; Ord. 2005-6, 2-17-2005; Ord. 2017-14, 8-17-2017; Ord. 2018-14, 12-20-2018; Ord. 2019-02, 3-7-2019; Ord. 2020-12, 3-5-2020; Ord. 2020-18, 9-3-2020)

Ordinance No. 2021-05

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH, AMENDING HURRICANE CITY CODE 10-13-3 USES ALLOWED (RESIDENTIAL), 10-15-3 USES ALLOWED (COMMERCIAL), AND 10-7-9 CONDITIONAL USE PERMIT.

WHEREAS, Utah Code allows Cities to regulate land use within their boundaries, and

WHEREAS, Hurricane's General Plan Land Use Goal 1, Policies 1.4 states: *The City supports expansion and infill development in appropriate locations to utilize existing infrastructure and services efficiently. P. 20*; and

WHEREAS, Hurricane's General Plan Heritage and Culture Goals 3 states: *3.2. Hurricane supports infill development and redevelopment in the Downtown...*

Strategies

3.1. Develop a Downtown/historic main street master plan and accompanying zoning or overlay development standards to address:

- a. Mixed Uses;*
- b. Design Standards;*
- c. Infill Standards;*
- d. Building Facades;*
- e. Public Realm Enhancements;*
- f. Gathering Places...*

3.7. Review City codes to identify possible regulatory barriers to Downtown development and identify possible incentives to support the types of development that the City supports. Options could include:

- a. Consider Downtown District form-based code*
- b. Evaluate parking requirements*
- c. Waive or reduce local development fees*
- d. Review project permitting processes for redundancies/inefficiencies*
- e. Consider a grant program to help local businesses update facades on buildings or provide for additional updates. P. 28*

WHEREAS, the City wishes to allow for infill development of long-term housing options within the downtown area; and

WHEREAS, the City Council supports revitalizing and redevelopment of the downtown area; and

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

THEREFORE, BE IT HEREBY ORDAINED by the Hurricane City Council Hurricane City Code 10-13-3 shall be, and is hereby, amended as follows:

TABLE 10-13-2
DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES

	Zones							
	Development Standard	R1-15	R1-10	R1-8	R1-6	RM-1 ¹	RM-2	RM-3

Lot standards:							
Average lot area ²	15,000 sq. ft.	10,000 sq. ft.	8,000 sq. ft.	6,000 sq. ft.	n/a	n/a	n/a
Minimum lot area or acreage	12,000 sq. ft.	8,000 sq. ft.	6,400 sq. ft.	4,800 sq. ft.	10,000 sq. ft.	1 acre (See Note10)	1 acre (See Note10)
Minimum lot width and/or project frontage	90 ft.	80 ft.	70 ft.	60 ft.	80 ft. project	100 ft. project	200 ft. project
Maximum density per acre	n/a	n/a	n/a	n/a	6 units/ lots	10 units/ lots	15 units/ lots

Main building	10 ft.	10 ft.	10 ft.	8 ft.	10 ft.	10 ft.	10 ft.
Accessory building, including private garage	See note 6						
Setback standards - street side yard:							
Main building ⁷	20 ft.						
Accessory building	See note 6						
Pool location and setbacks ⁸	3 ft.						

Notes:

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

BE IT FURTHER ORDAINED by the Hurricane City Council Hurricane City Code 10-15-3 shall be, and is hereby, amended as follows:

TABLE 10-15-1
PERMITTED AND CONDITIONAL USES ALLOWED IN COMMERCIAL ZONES

	Zones				
Use	NC	GC	HC	PC	POC
Residential uses:					
Building, accessory	P	N	N	P	P
Dwelling, multiple-family ⁴	C	C	C	P	P
Dwelling, single-family ⁴	N	N	N	P	N
Dwelling, temporary	N	N	N	N	N
Dwelling, two-family ⁴	N	N	N	P	P
Manufactured home	N	N	N	N	N
Manufactured/mobile home park	N	N	N	N	N
Protective housing facility	N	N	N	N	N
Rehabilitation/treatment facility	N	P	P	P	P
Residential facility for elderly persons ¹	P	N	N	P	P
Residential facility for persons with a disability ¹	P	N	N	P	P
Residential facility for troubled youth	N	N	N	N	N

Transitional housing facility	N	N	N	N	N
Public and civic uses:					
Auditorium or stadium	N	P	P	P	N
Bus terminal	N	P	P	P	N
Cemetery	P	P	P	P	P
Church or place of worship	P	P	P	P	P
Club or service organization	P	P	P	P	P
Convalescent care facility	N	P	P	P	N
Cultural service	P	P	P	P	P
Golf course	P	P	P	P	P
Government service	N	P	P	P	N
Hospital	N	P	P	P	N
Operations center	N	P	P	P	P
Park	P	P	P	P	P
Post office	P	P	P	P	P
Protective service	P	P	P	P	P
Reception center	C	P	P	P	P
Utility, major ³	N	N	N	C	C
Utility, minor ³	P	P	P	P	P

Utility substation ³	P	P	P	P	P
Commercial uses:					
Agricultural sales and service	N	P	P	P	N
Animal hospital	P	P	P	P	N
Bail bond service	N	P	P	P	N
Bank or financial institution	P	P	P	P	P
Bed and breakfast, home	N	N	N	N	N
Bed and breakfast inn	P	P	P	P	N
Business equipment rental, services, and supplies	P	P	P	P	P
Car wash	P	P	P	P	P
Club, private	N	P	P	P	N
Construction sales and service	N	P	P	N	N
Convenience store	P	P	P	P	P
Family child daycare facility ²	P	N	N	N	N
Family child group daycare facility ²	P	N	N	N	N
Family child residential certificate care facility ²	P	N	N	N	N
Family childcare center	P	P	P	P	P
Funeral home	N	P	P	P	N

Garden center	P	P	P	P	P
Gas and fuel, storage and sales	N	N	C	N	N
Gasoline service station	P	P	P	P	N
Hostel	N	P	P	P	N
Hotel	N	P	P	P	N
Kennel	C	P	C	C	C
Kennel, residential	P	N	N	N	N
Laundry or dry cleaning, limited	P	P	P	P	P
Liquor store	N	P	P	P	N
Media service	P	P	P	P	P
Medical or dental laboratory	N	P	P	P	N
Medical service	P	P	P	P	P
Motel	N	P	P	P	N
Office, general	P	P	P	P	P
Parking garage, public	N	P	P	P	P
Parking lot, public	N	P	P	P	P
Pawnshop	N	N	P	P	N
Personal care service	P	P	P	P	P
Personal instruction service	P	P	P	P	P

Printing and copying, limited	P	P	P	P	P
Printing, general	N	P	P	P	P
Produce stand	P	P	P	N	P
Recreation and entertainment, indoor	P	P	P	P	P
Recreation and entertainment, outdoor	N	P	P	P	N
Recreational vehicle park	N	N	P	P	N
Repair service	P	P	P	P	P
Research service	N	P	P	P	N
Restaurant, fast food	P	P	P	P	P
Restaurant, general	P	P	P	P	P
Retail, general	P	P	P	P	P
Secondhand store	P	P	P	P	P
Shopping center	P	P	P	P	P
Takeoff and landing of aircraft	N	N	N	N	N
Tattoo establishment	P	P	P	N	N
Tavern	N	P	P	P	N
Temporary trailer	P	P	P	P	P
Transportation service	N	P	P	P	N
Vehicle and equipment rental or sale	N	P	P	P	N

Vehicle and equipment repair, general	N	P	P	N	N
Vehicle repair, limited	N	P	P	P	P
Veterinary service	P	P	P	N	N
Warehouse, self-service storage	P	P	N	N	N
Wireless telecommunication facility	See section 10-50-5 , table 10-50-1 of this title				
Industrial uses:					
Laundry services	N	N	N	P	N
Wholesale and warehousing, general	N	N	N	P	N
Wholesale and warehousing, limited	N	N	N	N	N

Notes:

1. See chapter 46 of this title.
2. See chapter 42 of this title.
3. See chapter 45 of this title.
4. In the area designated as Downtown District on the General Plan map, existing single family residential uses may continue as permitted residential uses. Use and development standards for an R-1-8 Zone shall apply. Existing approved multi-family and two family uses may continue as permitted residential uses. Use and development standards for an RM-3 Zone would apply.

THEREFORE, BE IT HEREBY ORDAINED by the Hurricane City Council Hurricane City Code 10-7-9 shall be, and is hereby, amended with the additional text as follows:

10-7-9

(B)(1) Multi family in commercial zones

(E) k. In order to promote and preserve commercial growth and to allow infill development of empty and vacant lots in the area designated as Downtown on the General Plan Map, vacant parcels zoned for commercial uses as listed in this title may, as a conditional use, be allowed for multi-family residential use in if the following criteria are met:

1. No habitable building has been on the parcel for the previous three years

2. The land use on at least two sides of the property are residential use at the time of application. Property on the opposite side of a public road or right-of-way shall be considered adjacent for this criteria. Properties that do not meet this criteria, may be approved for mix-use development as listed below.
3. Mix Use is allowed. If the proposed development is a mix of commercial use and residential use, then residential units shall be placed on a floor above the commercial use, or in a way to allow commercial buildings to front onto the public roadways. If mixed-use, the commercial shall comply with the commercial zoning standards and housing shall comply with RM-3 zoning standards.
4. Homes in the downtown area shall have the front of buildings face public roadways. The only exception for this requirement is for mix-use developments and for parcels that would allow the development of units behind units that front the public right-of-way. Every effort shall be made to ensure the frontage of roadways are faced with the frontage of buildings. Walls, fences, and the rear of buildings fronting on to public right-of-way shall be avoided.
5. Dwelling units and site shall comply with RM-3 Zoning Standards and density. RM-3 minimum required area shall not apply.

BE IT FURTHER ORDAINED that this ordinance shall be deemed to be of an urgent nature and shall take effect at the earliest possible time after publication and posting.

PASSED AND APPROVED this _____ day of _____, 2021.

John W. Bramall, Mayor

[Seal]

Attest:

Cindy Beteag, City Recorder

CRITICAL RACE THEORY

We the City Council of Hurricane City are opposed to Critical Race Theory being taught in our schools. Or promoted in our community. Hurricane City, while imperfect, is the place where we practice and teaches that no matter your social class, economic condition, race, or gender, you have the opportunity to achieve anything. This is the basis of the American Dream.

Racism is un-American. The United States is made of every ethnicity. We want to make it clear that here in Hurricane City, we will not teach our children that one race is inferior or superior to another. We want Hurricane children to be leaders of our Country on a brighter path forward.

Whereas: Everyone is created equal and should be judged by their character, not the color of their skin. For this reason, we oppose critical race theory being taught in schools. And know we need to prevent schools in our city from endorsing discriminatory concepts.

Whereas: It characterizes our city as fundamentally racist. Which we are not. No one should ever be subjected to the discrimination that our laws so clearly prohibit.

Whereas: Citizens across the city have expressed concerns to their City Council about federal policies that contradict the principles and values that a majority of Hurricane City hold. It is our role and duty as a City Council to protect the rights and promote the interests of our citizens. We are determined to take action to benefit the people of Hurricane City in promoting equality in everyone.

Be It Here So Moved: We stand today and voice our desire to keep Critical Race Theory out of our schools within the City of Hurricane.

Signed this ____ day of June, 2021

YES NO

Kevin Tervort
Darin Larsen
Nanette Billings
Joseph Prete
David Sanders

Signed by Mayor John Bramall _____

Signed by Recorder Cindy Beteag _____

AGENDA FORM

Date of City Council meeting: JUNE 3, 21

Name of Person Making Presentation: MATT HIRSCH

Address: 108 E 400 N

Contact #: _____

Phone: (435) 680-5340

e-mail: MATT@HIRSCH2.GMAIL.COM

Approximate length of discussion: 10

Description of item to be discussed: GIRLS SOFTBALL / FIELD FEE

If this is a complaint issue: NO

Have you tried to resolve the issue with staff? yes no

If yes, with whom? _____

If you have a power point presentation, we would encourage you to keep it under 10 minutes. All other items discussed will be done as quickly and as efficiently as possible.

AMENDED FINAL PLAT APPLICATION

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

Fee: \$150 - Paid on May 3, 2021

For Office Use Only:
File No. 2021-AFP-08
Receipt No. 8149049

Name: James F. & MaryAnn Clark Telephone: 763-913-9998

Address: 3808 W 2700 S, Hurricane Fax No. none

Email: mncclarks@gmail.com Agent Email: —

Agent (If Applicable): — Telephone: —

Address/Location of Subject Property: 3808 W 2700 S., Hurricane,
UT 84737
Act# 585557

Tax ID of Subject Property: Ser# H-DSP-C-286-A-1 Number of Lots: 1

Subdivision Name: Dixie Springs Phase: II

Submittal Requirements: 1-large paper copy, 1-11 X 17, and 1 disk in 2004 or newer Auto-Cad format

1. The final plat shall show:

- a. The name or designation of the subdivision that is distinct from any plat already recorded in the County Recorder's office, as approved by the Planning Commission.
- b. The boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a street or for another public use, and whether any such area is reserved or proposed for dedication for a public purpose.
- c. The lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage of all parcels, units, lots, and the length and width of the blocks and lots intended for sale.
- d. Every existing right-of-way and easement grant of record for communications infrastructure, for underground facilities as defined in Section 54-8a-2 of the Utah Code and for other utility facilities. Where the same is granted to a specific entity, that entity must be clearly identified.
- e. True angles and distances to the nearest established street lines or official monument, which shall be accurately described on the plat and shown by appropriate symbols.
- f. All street center line data must be shown, together with its relationship to the property lines, corners, etc.
- g. The accurate location of all monuments shall be shown on the plat, and shall be identified, including all United States, State, County or other official monuments.
- h. The dedication to the public of all streets and highways included in the proposed subdivision (except approved private streets).

- i. Street monuments shall be installed by the subdivider in accordance with the requirements of City Standards. Locations of said monuments shall be approved by the City Engineer and indicated on the subdivider's plat by the appropriate symbols.
- j. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common uses by all property owners.
- k. Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the City Attorney.

2. Required Forms & Certificates: In addition the final plat shall contain the standard forms for the following:

- a. A registered professional land surveyor's certificate of survey, together with a statement that: (a) the surveyor holds a license in accordance with Title 58, Chapter 22 of the Utah Code, Professional Engineers and Professional Land Surveyor's Licensing Act; (b) the surveyor has completed a survey of the property described on the plat in accordance with Section 17-23-17 of the Utah Code and has verified all measurements; (c) has placed monuments as represented on the plat. **Plat must signed and stamped by the licensed surveyor prior to final plat submittal.**
- b. The owner's certificate of dedication of all streets, roads, rights-of-way or other parcels intended for the use and benefit of the general public.
- c. Mortgagee or other lien holder's Consent to Record, if applicable.
- d. A notary public's acknowledgement space for the signature of the mortgagee and/or each owner signing the plat.
- e. Certificate of approval of Ash Creek Special Service District.
- f. Certificate of approval of the City Engineer.
- g. Certificate of approval of the City Council, as evidenced by the signature of the Mayor
- h. Certificate of approval as to form executed by the City Attorney.
- i. A one and one-half inch by five inch (1 1/2" x 5") space in the lower right-hand corner of the drawing for the use of the County Recorder.

3. Other Information Required: The following information or documentation shall be submitted:

- a. A completed form from the Washington County Treasurer's office (see attached copy of form) for property located within the subdivision verifying that all taxes or special assessments payable on all property within the limits of the subdivision are paid in full
- b. An original copy for Staff review of the proposed deed restrictions or CC&Rs in proposed final form with signature lines for all owners of any interest in the subdivision who would sign the final subdivision plat must be submitted with final plat application. After being approved by staff this document shall be signed, acknowledged by a notary public, and recorded in the office of the County Recorder along with the final plat.
- c. Title report for the property being subdivided.
- d. A disk of the final plat prepared in 'Auto-Cad 2004' (or newer format)

Application Process: The following steps occur:

- A completed application with all required documents and fee payment as outlined above is submitted to the Planning Department along with the paper copy of the amended plat.
- A paper copy of the amended plat is submitted to the City Engineer for review. The City Engineer will red line the plat and email the subdivision engineer of required changes that need to be made. If a plat is still not ready for the City Engineers signature after the second submittal, an additional fee must be paid before the Engineer performs another review. An approved mylar of the final plat must



STAFF COMMENTS

Agenda Date:	6/3/2021
Application Number:	2021-AFP-8
Type of Application:	Amended Final Plat
Action Type:	Administrative
Applicant:	James F and Mary Ann Clark
Agent:	N/A
Request:	Approval of an Amended Final Plat
Location:	3808 W 2700 S
Zoning:	R1-10
General Plan Map:	Residential

Planning Commission

The Planning Commission gave a positive recommendation on the conditional that the plat is brought up to City and State Standards.

Discussion: The applicant has applied to amend the final plat for Dixie Spring B 206-A and C 286-A-1. The purpose of this amendment is to have the lot line adjusted and moved the lot line 4.5 feet to the west.



JUC Comments

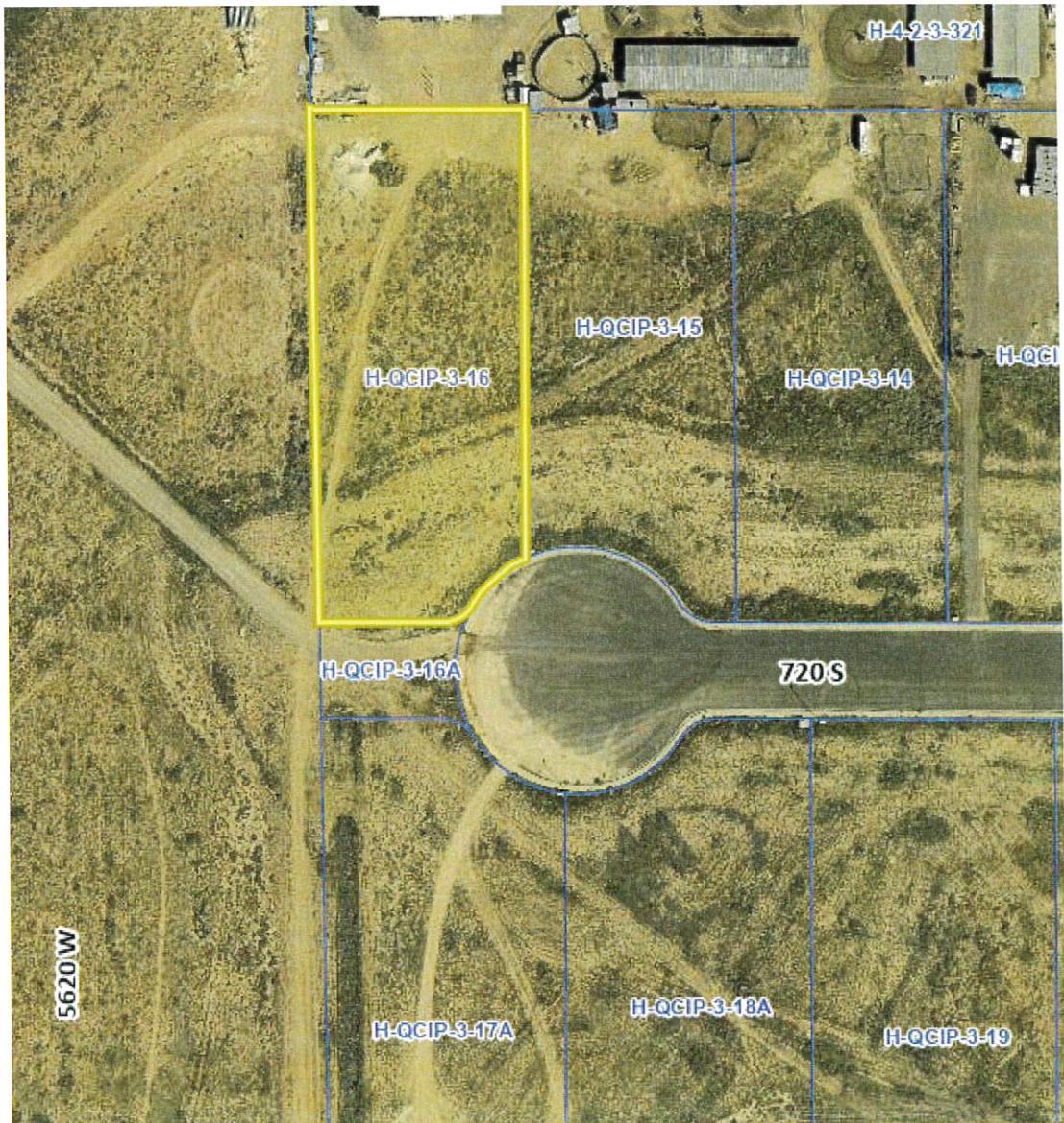
Construction drawings and improvements have been approved. The change will have little impact on the overall design of the subdivision.

1. There are three services to these two lots because of a previous amendment. They will need to kill the third old service to the property, but the lot line adjustment should not affect the other services.
2. The plat does not show the current services and easements, but the City is in favor of eliminating side and rear public utility easements.

Staff Comments

1. The plat is currently drawn as a record of survey, but it needs to be drawn to the same standard as a final plat including signature blocks found in [Hurricane City Code 10-39-10](#).
2. The plat also needs to meet amended final plat standards contained in [Utah Code 10-9a-608](#).
Subdivision Amendments, updated this year. The following are the key items:
 - a. Depicts only the portion of the subdivision that is proposed to be amended
 - b. Includes a plat name distinguishing the amended plat from the original plat
 - c. Describes the differences between the amended plat and the original plat
 - d. Includes references to the original plat

Recommendation: Staff recommends the City Council review this application based on standards with Hurricane City and State Code. Staff would recommend approval of the item on condition that they bring the plat up to standards as referenced within this report and provide a plan on killing the third service to the lots.



PRELIMINARY PLAT APPLICATION

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

Fee: \$150.00

For Office Use Only:
File No. 2021-PP-13
Receipt No. 814937

Name: Alcoa Holdings, LLC - Corey Anderson Telephone: (435) 879-9866

Address: 1204 E Silver Shadows Dr, Washington, UT 84780 **Fax No.** _____

Email: corey@alcoaconstruction.com Agent Email: N/A

Agent (If Applicable): N/A Telephone: N/A

Address/Location of Subject Property: Northeast Quadrant of Turf Sod Road and Pecan Road

Tax ID of Subject Property: H-4127-Y & H-4127-Z **Zone District:** R1-10
H-4128-A to H-4128-G

Proposed Use: (Describe, use extra sheet if necessary. Include total number of lots) _____

70 Single Family Residential Lots (R1-10)

Submittal Requirements: The preliminary plat application shall provide the following:

1. Description: In a title block located in the lower right-hand corner of the sheet the following is required:

- a. The proposed name of the subdivision.
- b. The location of the subdivision, including the address and section, township and range.
- c. The names and addresses of the owner or subdivider, if other than the owner.
- d. Date of preparation, and north point.
- e. Scale shall be of sufficient size to adequately describe in legible form, all required conditions of Chapter 39, City Subdivision regulations.

2. Existing Conditions: The preliminary plat shall show:

- a. The location of the nearest monument.
- b. The boundary of the proposed subdivision and the acreage included.
- c. All property under the control of the subdivider, even though only a portion is being subdivided. (Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatte parts of the subdivider's land shall be submitted, and the street system of the part submitted shall be considered in light of existing Master Street Plan or other Commission studies.)
- d. The location, width and names/numbers of all existing streets within two hundred (200) feet of the subdivision and of all prior streets or other public ways, utility rights of way, parks and other public open spaces, within and adjacent to the tract.
- e. The location of all wells and springs or seeps, proposed, active and abandoned, and of all reservoirs or ponds within the tract and at a distance of at least one hundred feet (100') beyond the tract boundaries.
- f. Existing sewers, water mains, culverts or other underground facilities within the tract, indicating the pipe sizes, grades, manholes and the exact locations.

- X g. Existing Hurricane Canal Company facilities; other ditches, canals, natural drainage channels and open waterways and any proposed realignments.
- X h. Contours at vertical intervals not greater than five (5) feet.
- X i. Identification of potential geotechnical constraints on the project site (such as expansive rock and soil, collapsible soil, shallow bedrock and caliche, gypsiferous rock and soil, potentially unstable rock or soil units including fault lines, shallow groundwater, and windblown sand) and recommendations for their mitigation.
- X j. Information on whether property is located in desert tortoise take area

X 3. Proposed Plan: The subdivision plans shall show:

- X a. The layout of streets, showing location, widths, and other dimensions of proposed streets, crosswalks, alleys and easements.
- X b. The layout, numbers and typical dimensions of lots.
- X c. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.
- X d. Easements for water, sewers, drainage, utilities, lines and other purposes.
- X e. Typical street cross sections and street grades where required by the Planning Commission. (All street grades over 5% should be noted on the preliminary plat)
- X f. A tentative plan or method by which the subdivider proposes to handle the storm water drainage for the subdivision.
- X g. Approximate radius of all center line curves on highways or streets.
- X h. Each lot shall abut a street shown on the subdivision plat or on an existing publicly-dedicated street. (Double frontage or flag lots shall be prohibited except where conditions make other design undesirable)
- X i. In general, all remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allow to remain as unusable parcels.
- X j. Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the Planning Commission.
- X k. A letter from both the local sanitary sewer provider and culinary water provider indicating availability of service.
- X l. Will this subdivision be phased? If yes show possible phasing lines.
- X m. A tentative plan or method for providing non-discriminatory access to the subdivision for purposes of placement of communications infrastructure, and for purposes of placement of utility infrastructure.

X 4. Required copies of plans:

- X a. Three copies of all full scale drawings
- X b. One copy of each drawing on a 11 x 17 inch sheets. (8 1/2 x 11 is acceptable if the project is small and the plans are readable at that size).

5. 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. A deadline missed due to an incomplete application, could result in a month's delay. Planning Commission meetings are held on the second Thursday and fourth Wednesday of each month at 6:00 p.m. The deadline to submit an application to be placed on an agenda is no later than 12:00 noon 10 full business days before the Planning Commission meeting at which you plan for your application to be heard.

(Office Use Only)

Date Received: _____

Application Complete: YES NO

Date application deemed to be complete: _____ Completion determination made by: _____



STAFF COMMENTS

Agenda Date:	6/3/2021
Application Number:	2021-PP-13
Type of Application:	Preliminary Plat Application
Action Type:	Administrative
Applicant:	Alcoa Holdings, LLC
Agent:	Corey Anderson
Request:	Approval of a Preliminary Plat
Location:	Turf Sod Road and 5200 W
Zoning:	R1-10
General Plan Map:	Planned Community

Planning Commission's Recommendation

The Planning Commission gave a positive recommendation based on staff and JUC comments are fully addressed. The applicant has submitted a response sheet and an updated plat that is attached to this report.

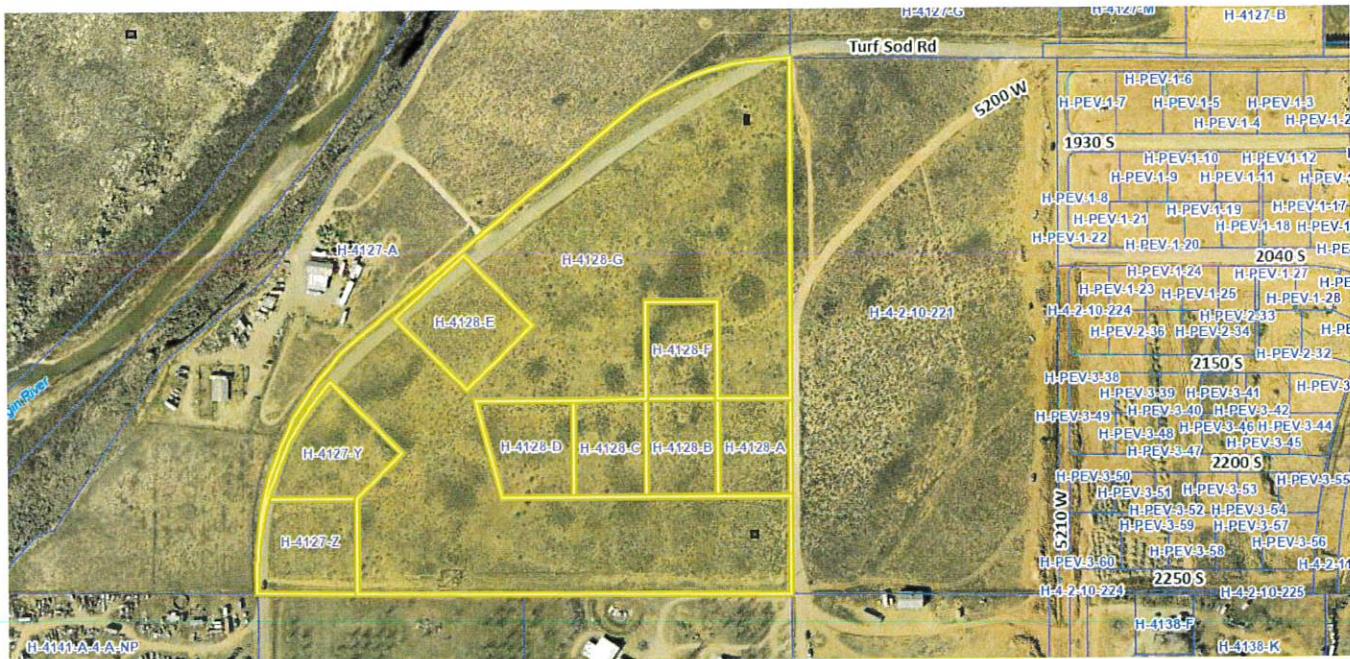
Discussion: The applicant is seeking a preliminary plat for 28.865 acres containing 70 lots. This parcel has recently been rezoned to R1-10. The property owner to the east recently had a preliminary plat approval (Sycamore Village) that contained roadways stubbed into this property as shown on the plat.

This property also has the same issues that other developments on Turf Sod Road have, namely inadequate second fire access, water looping, and power. These items will need to be resolved before any additional development can take place in the area. In addition, with all the proposed development on Turf Sod Road, the intersection of Turf Sod Road and Sand Hollow Road needs improvements.

JUC Comments

The following items will need to be addressed:

1. **Sewer:** Pump station will be replaced with a more centralized system in the future. The applicant will need to work with Ash Creek about those details.
2. **Water:** Water is in the area, loop is not installed yet. The applicant will need to provide a water model.
3. **Fire:** They need to meet water standards and ensure there are two working accesses.
4. **Engineering:** Need second access on Turf Sod Road. A drainage study and geotech study will need to be submitted with construction drawings.
5. **Power:** There currently is not enough capacity for all the proposed development on Turf Sod Road. Additional services will need to be brought to the area.
6. **Other Utilities:** Other utilities are in the area.

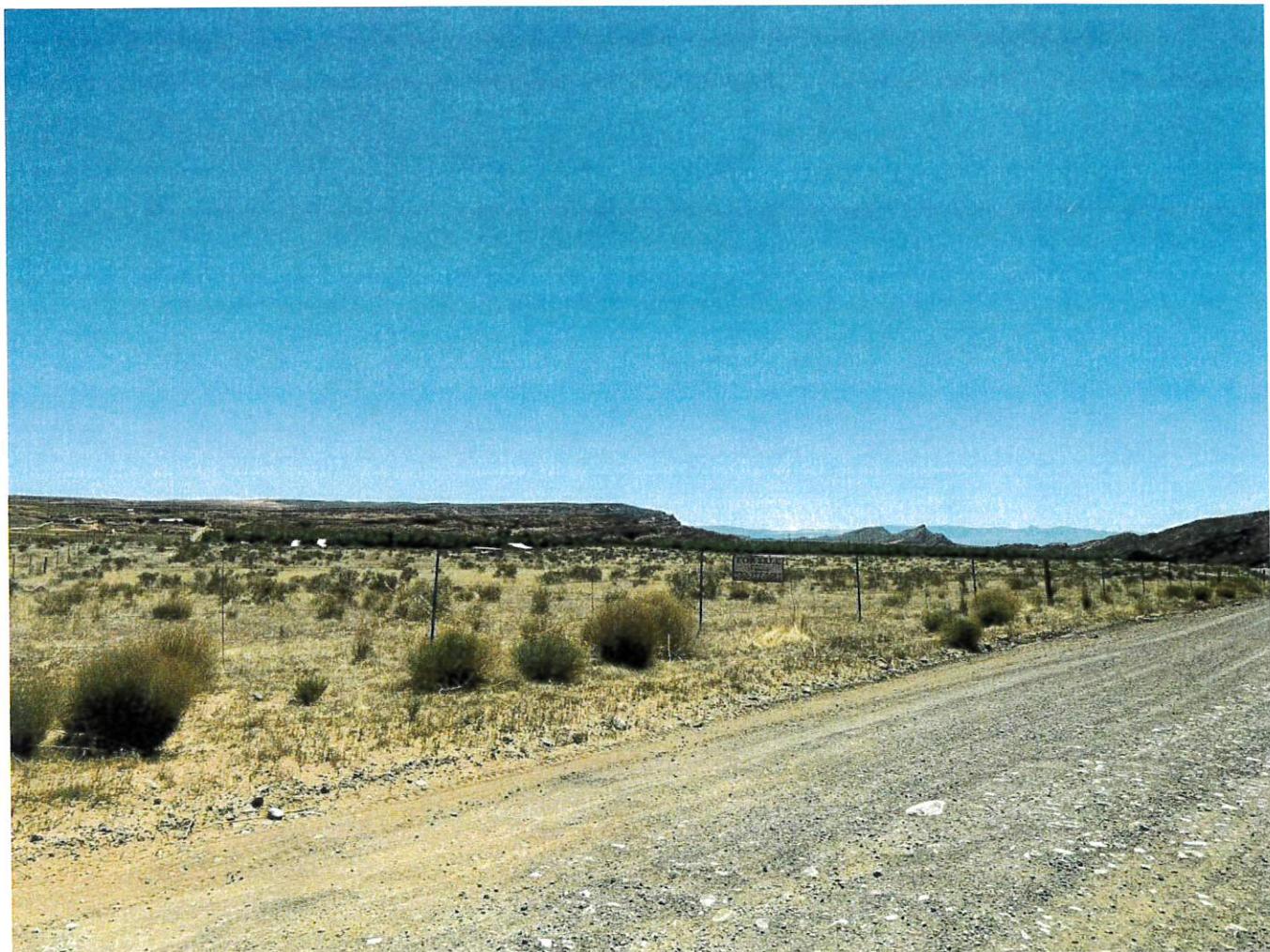


Staff Comments: Preliminary Plat

1. The lot layout and sizes comply with zoning standards. The applicant needs to ensure that lots widths are a minimum of 80'
2. The plat does not indicate if it is in a desert tortoises take area.
3. The plat needs to identify potential geotechnical constraints on the project site. If none, than a note needs to state that.
4. The applicant will need to complete their side of Turf Sod Road. Staff first recommendation was 32' of improved asphalt, but after discussion with the applicant, is reviewing that recommendation.
5. The applicant will need to work with other developers in the area to resolve issues on Turf Sod Road, including:
 - a. Water Looping: construction drawings have been approved, but have not been constructed yet.
 - b. Second Fire Access
 - c. Increase Power Capacity
 - d. Improvements to Sand Hollow Road and Turf Sod Road intersection.
6. The applicant has not provided a letter from the local sanitary sewer provider (Ash Creek) or Hurricane Water Department indicating service availability. The applicant has proposed a new sewer lift station, but will need to work with Ash Creek about a system improvement vs an improvement for this development.
7. The applicant has shown the proposed utility lines as required.
8. The applicant has proposed a drainage connection to the stormwater facility in the southwest of the development.

9. There are four proposed phases, staff would recommend that the phase line is more clearly defined in the map. Lining is difficult to read.
10. The applicant will need to work with Power to ensure the power lines on the south of the property area are located correctly within a right-of-way.

Recommendation: Staff recommends the City Council review this application based on standards with Hurricane City Code. Staff recommends approval if the applicant can address all the comments within this report.





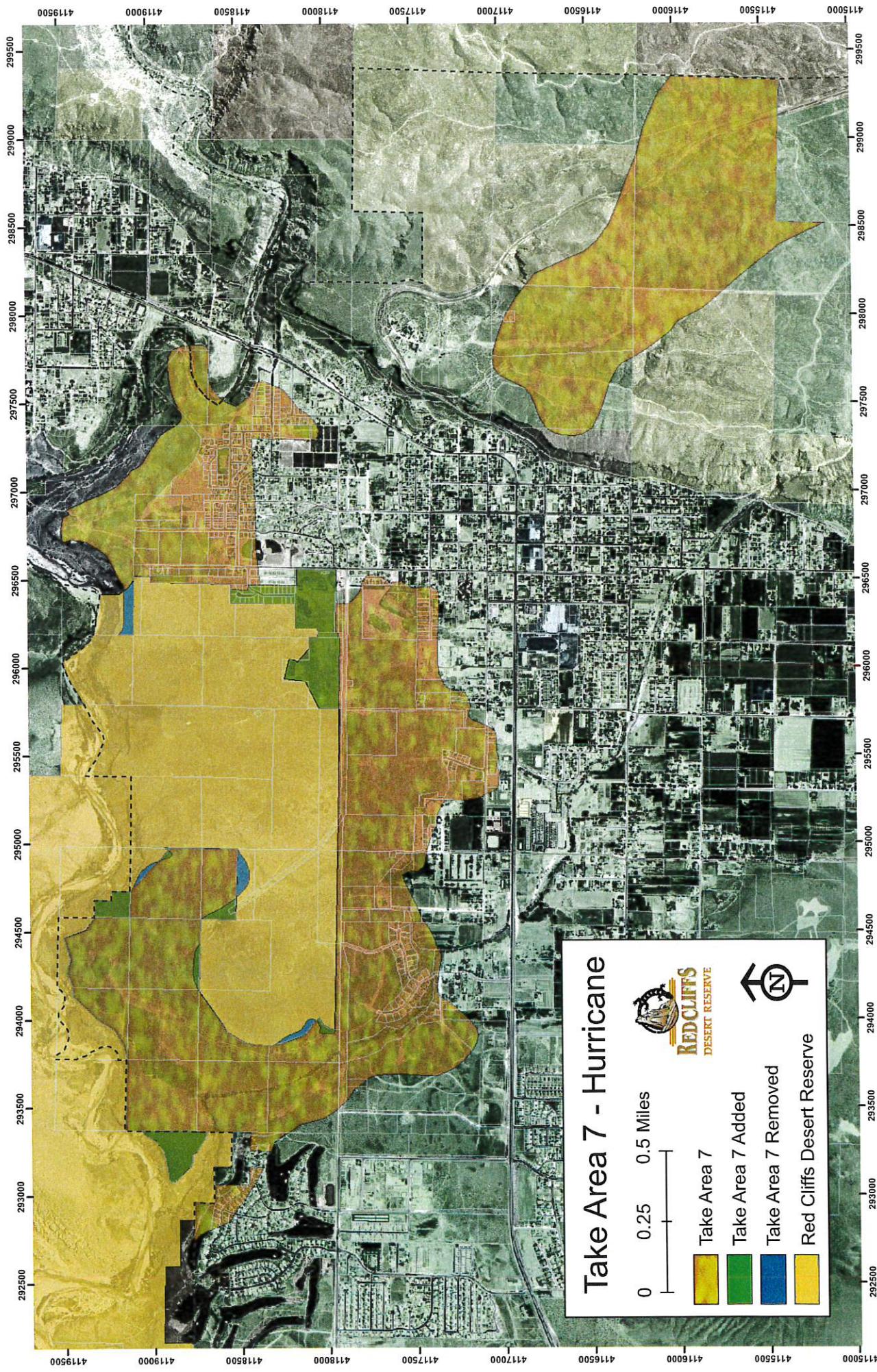
To: **City of Hurricane**
From: **Tony Carter**
Date: **May 26, 2021** **Memorandum**
Subject: **Preliminary Plat Response to Comments**

Staff Comments w/ Engineer's Response in Blue: Preliminary Plat

1. The lot layout and sizes comply with zoning standards. The applicant needs to ensure that lots widths are a minimum of 80'
 - Lot widths have been added to the preliminary plat. The minimum 80-ft lot width is met for all lots.
2. The plat does not indicate if it is in a desert tortoises take area.
 - A Mojave Desert tortoise take are map has been taken from redcliffsdesertreserve.com. This map does not include the location of River Heights Subdivision on the map. Since it is not shown on the map, I assume that River Heights is not in a take area location. To be 100% sure I went to the Red Desert Reserve Visitor Center in St. George and asked Mike Schijf (435-256-6311). He said this is not in a Take Area location but he will double check and get back to me, but that I should not be concerned.
3. The plat needs to identify potential geotechnical constraints on the project site. If none, than a note needs to state that.
 - There are no known Geotech issues and the Geotech Report was submitted to the City last week. I have included a note on the preliminary plat stating there are no known geotechnical constraints.
4. The applicant will need to complete their side of Turf Sod Road, 32' of asphalt will be required.
 - All other subdivisions have been required 26' of asphalt with 4' of base shoulder, what I have shown is consistent with previous subdivisions along Turf Sod Road.
5. The applicant will need to work with other developers in the area to resolve issues on Turf Sod Road, including:
 - a. Water Looping: construction drawings have been approved, but have not been constructed yet.
 - Water looping construction is in progress and is currently being installed with Pecan Valley Subdivision
 - b. Second Fire Access
 - Horrocks is coordinating with Civil Science to get the location of the water loop. It is planned to use the 25-ft water looping easement as a secondary fire access.
 - c. Increase Power Capacity
 - Ongoing coordination with Dixie Power



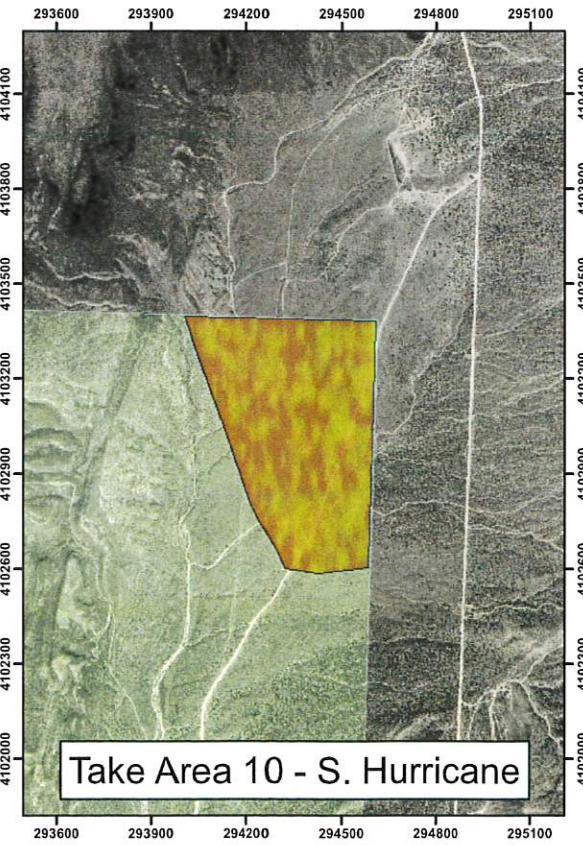
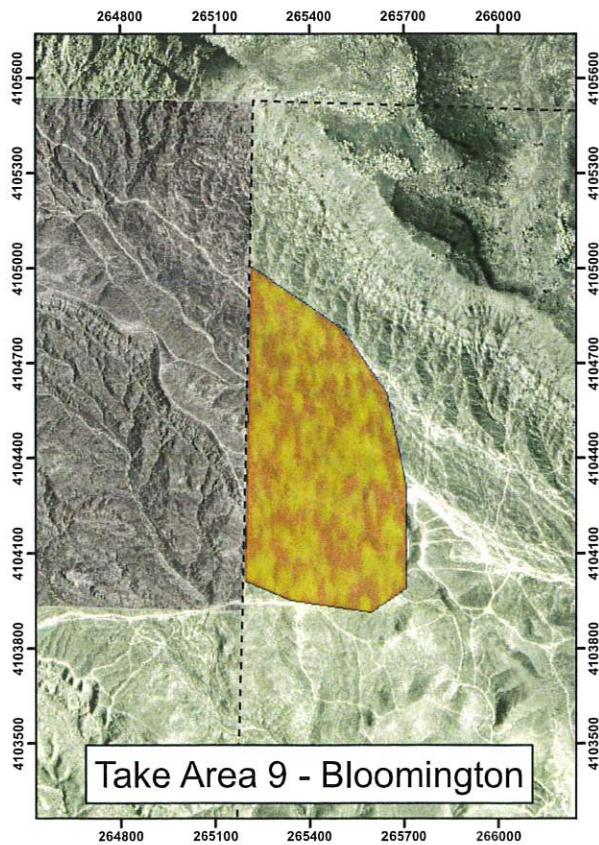
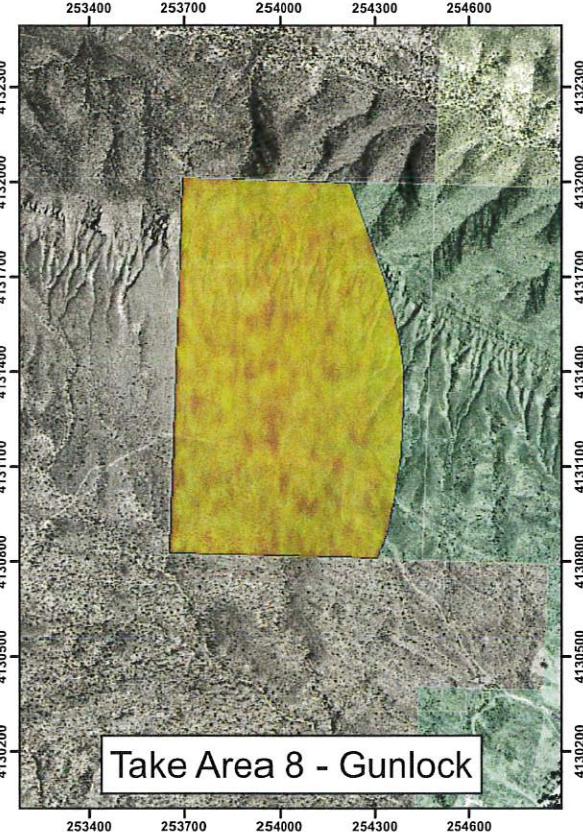
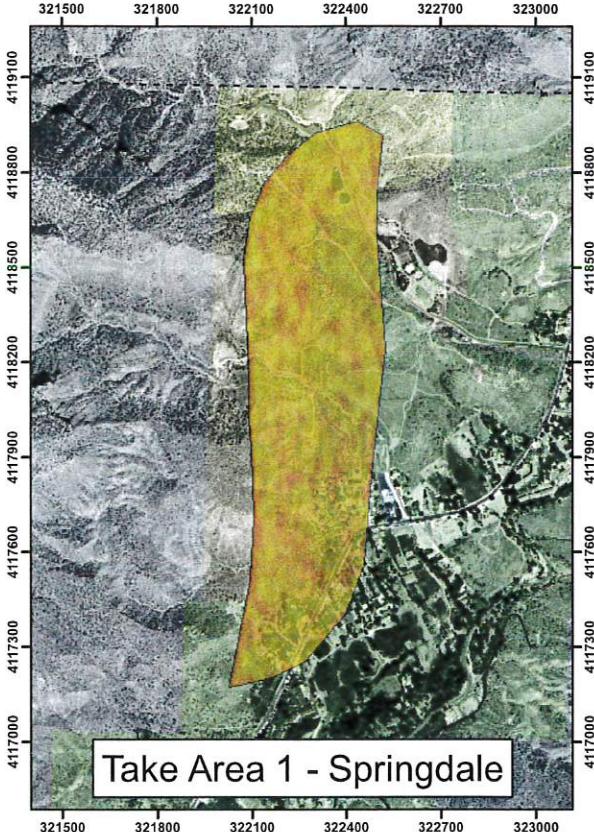
- d. Improvements to Sand Hollow Road and Turf Sod Road intersection.
 - Austin Chappell, P.E. is talking with Arthur to further coordinate with Hurricane City.
- 6. The applicant has not provided a letter from the local sanitary sewer provider (Ash Creek) or Hurricane Water Department indicating service availability. The applicant has proposed a new sewer lift station, but will need to work with Ash Creek about a system improvement vs an improvement for this development.
 - I have emailed Ash Creek and Hurricane City Water Department to request a will serve letter from them with the understanding that a water model will be required with construction documents. Further coordination with Ash Creek will also be needed to work out the lift station.
- 7. The applicant has shown the proposed utility lines as required.
- 8. The applicant has proposed a drainage connection to the stormwater facility in the southwest of the development.
- 9. There are four proposed phases, staff would recommend that the phase line is more clearly defined in the map. Lining is difficult to read.
 - We have changed the color of the phase lines from purple to red. Hopefully this will make them easier to see.
- 10. The applicant will need to work with Power to ensure the power lines on the south of the property area are located correctly within a right-of-way.
 - Applicant will coordinate with Dixie Power to correctly locate power.





0 0.15 0.3 Miles

Take Areas 1 & 8 - 10



PRELIMINARY PLAT APPLICATION

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

Fee: \$150.00

For Office Use Only:
File No. 2021-PP-07
Receipt No. 8-148267

Name: Hillside Estates Phase 1 **Telephone:** 435-467-2216

Chris Wyler

Address: 5146 W 1930 S, Hurricane, UT 84737 **Fax No.** _____

Email: wyltile@gmail.com **Agent Email:** bwalker@civilscience.com

Agent (If Applicable): Civil Science **Telephone:** 435-668-4023

Address/Location of Subject Property: 725 S 1400 W

Tax ID of Subject Property: H-3-2-4-123 **Zone District:** R1-10

Proposed Use: (Describe, use extra sheet if necessary. Include total number of lots) _____

Proposed 4 single family lots

Submittal Requirements: The preliminary plat application shall provide the following:

1. **Description:** In a title block located in the lower right-hand corner of the sheet the following is required:
 - a. The proposed name of the subdivision.
 - b. The location of the subdivision, including the address and section, township and range.
 - c. The names and addresses of the owner or subdivider, if other than the owner.
 - d. Date of preparation, and north point.
 - e. Scale shall be of sufficient size to adequately describe in legible form, all required conditions of Chapter 39, City Subdivision regulations.
2. **Existing Conditions:** The preliminary plat shall show:
 - a. The location of the nearest monument.
 - b. The boundary of the proposed subdivision and the acreage included.
 - c. All property under the control of the subdivider, even though only a portion is being subdivided. (Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatte parts of the subdivider's land shall be submitted, and the street system of the part submitted shall be considered in light of existing Master Street Plan or other Commission studies.)
 - d. The location, width and names/numbers of all existing streets within two hundred (200) feet of the subdivision and of all prior streets or other public ways, utility rights of way, parks and other public open spaces, within and adjacent to the tract.
 - e. The location of all wells and springs or seeps, proposed, active and abandoned, and of all reservoirs or ponds within the tract and at a distance of at least one hundred feet (100') beyond the tract boundaries.
 - f. Existing sewers, water mains, culverts or other underground facilities within the tract, indicating the pipe sizes, grades, manholes and the exact locations.

SENSITIVE LANDS APPLICATION

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

Fee: \$ 150

For Office Use Only:

File No. _____

Receipt No. *8-148267*

Name: Hillside Estates Phase 1 **Telephone:** 435-467-2216

Chris Wyler

Address: 5146 W 1930 S, Hurricane, UT 84737 **Fax No.** _____

Agent (If Applicable): Civil Science **Telephone:** 435-668-4023

Email: wyltile@gmail.com **Agent Email:** bwalker@civilscience.com

Address/Location of Subject Property: 725 S 1400 W

Tax ID of Subject Property: H-3-2-4-123 **Zone District:** R1-10

Proposed Use: (Describe, use extra sheet if necessary) Proposed single family lots

Other companion application submitted with the Development Plan:

Preliminary Plat
 Site Plan Review
 Conditional Use Permit
 Rezone
 Other

Submittal Requirements:

Please review the attached Supplemental Information to determine additional information that must be submitted with this application.

(Office Use Only)

Date Received: _____ Application Complete: YES NO

Date application deemed to be complete: _____ Completion determination made by: _____



STAFF COMMENTS

Agenda Date:	6/3/2021
Application Number:	2021-PP-09 and 2021-HIL-02
Type of Application:	Preliminary Plat Application
Action Type:	Administrative
Applicant:	Chris Wyler
Agent:	Civil Science
Request:	Approval of a Preliminary Plat and Sensitive Lands Application
Location:	725 S and around 1450 W
Zoning:	R1-10
General Plan Map:	Residential

Planning Commission Recommendation

The Planning Commission gave a positive recommendation with the following findings:

1. That the applicant proposed water looping complies with the Hurricane Design Standards because the water line is properly placed in a dedicated utility easement.
2. That the provide roadway would meet fire access.
3. That the applicant complies with all other recommendations within this report except for those items listed in the first two findings.

Updates:

The following have been updated

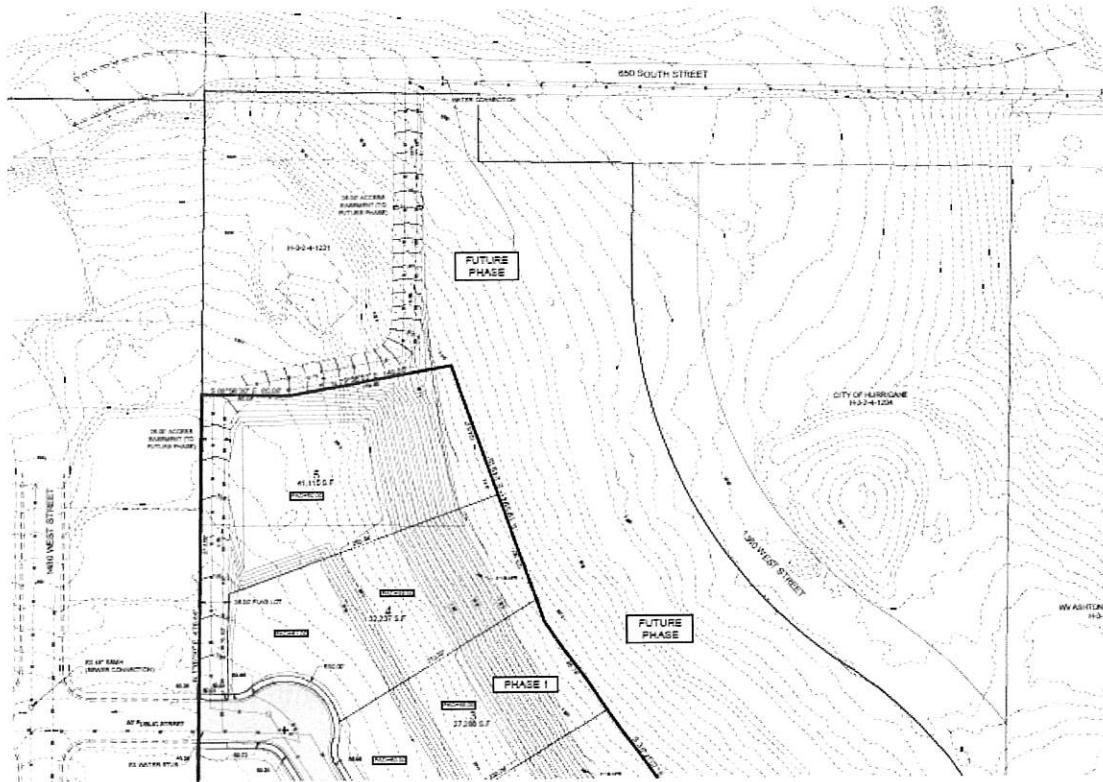
- The applicant has provided an updated grading plan and has removed the retaining walls.
- The applicant is proposing a second access for emergency vehicles and water looping through the north as shown below. This would be an access easement and not a public dedicated right-of-way. The City Council recently adopted new design standards for water systems which has the following requirements:

3.6.8 MISCELLANEOUS WATER SYSTEM DESIGN CRITERIA.

3.6.8.1 *All public water mains shall be installed in public rights-of-way, dedicated roadway, or designated drainage way, with adequate access for maintenance vehicles. Pipelines will not be installed on back lot or side lot lines due to potential flood and other damage.*

- After review, the water department has found that the proposed water line would not comply with the standard listed above. The Planning Commission found that it would comply because the line was placed within a proper utility easement.

- Fire has found that that access easement would meet access standards if there is an easement recorded on the plat and a maintenance agreement.



- The applicant has provided slope analysis for each lot.

Discussion: The applicant is seeking a preliminary plat for 8.71 acres containing a total of 5 lots and a future phase. Because of the steep slopes contained within the property, the applicant has also submitted a sensitive land application. Below, staff will have three sections, JUC Comments, staff comments on the preliminary plat, and staff comments on the sensitive land application.

Lot number 5 is a flag lot. All flag lots must meet the following standards:

10-37-10: FLAG LOTS:

A flag lot for one single-family dwelling may be allowed to accommodate the development of property that otherwise could not reasonably be developed under the regulations contained in this title or other titles adopted by the city. The primary purpose of this section is not to make development of property easier and more profitable. Rather, it is to serve as a "last resort" for property which may not otherwise be reasonably developed. (Ord. 2008-10, 6-5-2008)

A. Factors: When property is subdivided, flag lots shall not be approved by right but may be allowed after considering the following:

1. *More than two (2) flag lots with contiguous staffs should be avoided;*
2. *Whether development of the property in question under normal city land use and subdivision regulations is reasonable and practical; and*

3. *Creation of a flag lot should not foreclose the possibility of future development of other large interior parcels that are not developable unless a street is extended to them across other adjacent properties.*

B. *Development Standards: When flag lots are permitted, they shall be subject to the following conditions:*

1. *A flag lot shall be comprised of a staff (narrow) portion that is contiguous with a flag (wide) portion. (Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)*

2. *The staff portion of the lot shall front on and be contiguous to a public street. The minimum width of the staff portion at any point shall be twenty six feet (26'). However, a greater staff width for lots within the sensitive lands overlay zone may be required. The maximum length of a staff shall be five hundred feet (500'). The maximum grade of a staff shall not exceed twelve percent (12%). (Ord. 2007-17, 7-5-2007)*

3. *The size of the flag portion of a lot shall conform to the minimum lot size requirement of the zone in which the lot is located. Sufficient turnaround space per the fire code shall be provided. (Ord. 2008-10, 6-5-2008)*

4. *No building or structure shall be located within the staff portion of a flag lot.*

5. *The front yard of a flag lot shall be on the side of the flag portion which connects to the staff. Yard setbacks shall conform to the setback requirements of the zone in which the flag lot is located.*

6. *A main building shall be located no more than two hundred fifty feet (250') from a fire hydrant, measured along a public or private right of way or along the staff portion of a flag lot. An easement for any fire hydrant located on private property shall be provided to the city for access to and maintenance of the hydrant.*

7. *Upon review the city may require installation of curb, gutter and other drainage control measures in the staff portion of a flag lot to prevent runoff from entering neighboring properties.*

8. *Clear address signage shall be installed and maintained at the street by the owner, including notice that the driveway is a private right of way. (Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)*

9. *The new residential structure to be constructed on a flag lot shall be no higher than the average height of all residential structures within a three hundred foot (300') radius of the proposed structure.*

10. *Before a flag lot is approved the joint utility committee must approve the design and location of all facilities needed to accommodate a single-family dwelling. Construction of the approved facilities must be complete before a building permit will be issued for the lot. (Ord. 2008-10, 6-5-2008)*

JUC Comments

The following items will need to be addressed:

1. **Sewer:** There is sewer in 1480 W and the applicant will be able to gravity feed to the site.
2. **Water:** The adjacent water system is substandard. They will need to provide a looped system to connect with. The applicant has provided a connection north to 650 S which is under review.

3. **Fire:** Need a second access into the development. Homes on roads that are over 10% in grade will need to be sprinkled. The flag lot, lot 5, needs to have a turnaround.
4. **Engineering:** Power easement needs to be labeled and examine for future use. Building a single house with current access and water system might be okay, but a full subdivision might not work.
5. **Power:** Not much power is stub into that property, might need to design system upgrades.
6. **Other Utilities:** There are other utilities in the area.

Staff Comments: Preliminary Plat

1. The lot layout and sizes comply with zoning standards and sensitive land standards.
2. The applicant has provided an emergency access and water line to the north to 650 S as a temporary solution for the required second access which is under review.
 - a. The applicant may still need to work with Scenic Point to gain proper water looping in the area and second access. These applicants have met with staff to discuss possible options.
The proposed roadway stubs to the undeveloped property to the south.
3. The applicant has not provided a letter from either the local sanitary sewer provider or culinary water provider indicating service availability.
4. **Flag Lot:** Lot number 5 is a flag lot. Hurricane City Code 10-37-10 Flag Lots (quoted above) contains the standards for the development of a flag lot. A flag lot should be “a last resort” for development. Typically, the City avoids approving flag lots for normal subdivision. The applicant has argued that the layout of the roads, the existing homes, and the topography of the area makes it difficult for the development of the property. Staff would generally agree with the applicant that the sensitive lands and existing homes may make the development of lot 5 without a flag lot near impossible. The flag lot need to be brought up to these standards:
 - a. The stem of the Flag Lot needs to be 26' wide minimum
 - b. Building on the flag lot needs to meet the standards within the code.
 - c. No other flag lots should be approved for this development and future phases.



Staff Comments: Sensitive Land Application

All Sensitive Land Use Application must comply with [10-24 Sensitive Lands](#). For Hillside, they will need to follow the standards listed in [10-24-5 Hillsides and Ridge Areas](#) and [10-24-6 Hillside and Ridge Areas, General Development Standards](#). The following are staff findings

1. The applicant has supplied a geotechnical report that is currently under review
2. The code requires “a grading and drainage plan report which includes stormwater management, erosion, and grading plans describing the methods by which surface water, natural drainage, erosion and sedimentation loss, and hydrologic hazards that will be controlled during and after construction.” The applicant needs to submit these plans. The full requirements can be found in [10-24-5 \(C\)\(4\)](#)
3. The applicant has submitted the slopes of the proposed lots, which comply with minimum lot sizes.
4. The applicant should show buildable and non-buildable areas on each lot.
5. The applicant has supplied a map containing different colors for slopes under 10%, 10%-29.99%, and 30% and above. This has been updated to full color

6. The plan has removed the retaining walls and changed the area to a 2:1 slope which complies with Hurricane City Code:

B. Cut And Fill Slopes: Development standards for cuts and fill follow:

1. *Cut and fill slopes regulated by the building code shall comply with the following unless more restrictive standards are otherwise recommended in an approved soils and geology report:*

a. Cut and fill slopes shall not exceed sixteen feet (16') in vertical height. Proposed slopes that are separated by less than fifty feet (50') of horizontal distance shall be considered a single slope, and their combined height shall not exceed sixteen feet (16'). (See section 10-24-9, appendix diagram L, of this chapter.) The fifty foot (50') spacing standard shall apply to slopes on the same lot or within fifty feet (50') of a slope on an adjacent lot.

b. Benching and terracing may only occur as a means to reduce the appearance of a slope sixteen feet (16') or less in height (i.e., creating 2 8-foot slopes instead of a single 16 foot slope).

c. Cut and fill slopes shall not exceed a slope ratio of two feet (2') horizontal to one foot (1') vertical, except as follows:

(1) A cut slope is proposed in a stable rock based material and the steeper cut would be preferable over the use of a retaining wall or the revegetation of a larger two to one (2:1) slope, and when the erosion potential will not be increased. Such determination shall be made by a licensed civil engineer or geologist.

d. The following additional slope standards shall apply:

(1) No slopes shall be cut steeper than the bedding plane, fracture, fault or joint in any formation where the cut slope lies on the dip of the strike line of the fracture, bedding plane, fault or joint.

(2) No slopes shall be cut in an existing landslide, mudflow or other form of naturally unstable slope.

(3) If the material of a slope is of such composition and character as to be unstable under the anticipated maximum moisture conditions, the slope angle shall be reduced to a stable value or increased through retention using a method approved by the city engineer and certified as to its stability by a professional soils engineer.

e. Any cut or fill slope composed of loose material (i.e., not cut into solid rock) shall be revegetated and a permanent irrigation system provided.

2. Fill slopes shall not be constructed on natural slopes steeper than two feet (2') horizontal to one foot (1') vertical.

3. A roadway cut and fill slope located outside a dedicated public right of way shall be located within a recorded easement providing for slope protection and preservation. The easement shall be in a form acceptable to the city.

C. Retaining And Stacked Rock Walls: The following standards shall be applied to retaining walls:

- 1. The maximum height of a retaining or stacked rock wall shall not exceed sixteen feet (16'). Retaining or stacked rock walls separated by less than fifty feet (50') of horizontal distance shall be considered as a single wall, and their combined height shall not exceed sixteen feet (16'). (See section 10-24-9, appendix diagram L, of this chapter.) The fifty foot (50') spacing standard applies to walls or slopes on the same lot and when the wall or slope is within fifty feet (50') of a wall or slope on an adjacent lot.*
- 2. The vertical height of the retaining wall or stacked rock wall when combined with a cut or fill slope shall be considered part of the allowed slope height (i.e., a 6 foot retaining wall adjacent to a 10 foot cut slope totals 16 feet, and is therefore maximum height of the allowed slope).*
- 3. Wherever possible the material and/or color of the retaining or stacked rock wall shall be earth tones indigenous to the area.*
- 4. The use of retaining and stacked rock walls to reduce earth and vegetation disturbance is encouraged, especially when revegetation is not practical and the slope would be visible to the public.*
- 5. The design of retaining walls and stacked rock walls over four feet (4') in height require engineering design and shall conform to building code requirements.*

Recommendation: Staff recommends the City Council review this application based on standards with Hurricane City Code. Staff finds that the application's plan does not meet current design standards for water looping, but has complied with the other requirements as listed within this report.

HILLSIDE ESTATES PHASE 1

VICINITY MAP

LEGEND

2.5

45' PUBLIC STREET

LEGAL DESCRIPTION (all parcels)

PROJECT NOTES

1 PROJECT TO THE TOWER IS OWNED BY BIRMINGHAM & NASHVILLE POWER COMPANY, FORT DODGE, IOWA. PROPERTY IS HELD IN TRUST FOR THE CITY OF DODGE CITY AND CONVERTED THROUGH THE HALLIE C. HARRIS TRUST FOR THE CITY OF DODGE CITY.

2 PROPERTY IS HELD IN TRUST FOR THE CITY OF DODGE CITY AND CONVERTED THROUGH THE HALLIE C. HARRIS TRUST FOR THE CITY OF DODGE CITY.

USES SPECIAL STUDY 127.

1 GEOLOGIC HAZARD FAULTS AND SURFACE FAILING CONSIDERED LOW

2 GEOLOGIC HAZARD FAULT ACTION CONSIDERED LOW

3 GEOLOGIC HAZARD FAULT ACTION CONSIDERED LOW

4 GEOLOGIC HAZARD ROCK FALL, INJURED, NOT AFFECTIONED

5 PROBLEMS ARE ROCK FALL, SLOPE FAILURE, SURFACE FAILING, SWALLOW GROUND WATER, GROUND WATER WHICH CHLORINATED

PROJECT INFORMATION
AREA: 3.95 ACRES (PHASE 1)
UNITS: 5 SINGLE FAMILY HOMES
DENSITY: 1.3 DU/ACRE
STREETS: PUBLIC STREETS
ZONING: R1-10

PROPERTY OWNER
CHRIS WILER
5146 100 S
HURRICANE, UT 84737
PARCEL: H-3-24-123

HILLSIDE ESTATES, INC. **1**
PRELIMINARY PLAT
SECTION 4, T 42 S, R 13 W, SLB&M

Map showing topography and proposed developments in Newark, New Jersey. The map includes the following labels and features:

- STREETS:** 680 SOUTH STREET, 1300 WEST STREET, 1725 SOUTH STREET, 1780 WEST STREET.
- CITY BOUNDARIES:** CITY OF NEWARK (H2-24-1254) and HU-24-234 (Hudson County).
- DEVELOPMENT PHASES:** FUTURE PHASE and PHASE 1.
- CONTRACTOR'S SITE:** Located in the lower center, with dimensions 4115 S.F. and 22,237 S.F.
- CONNECTIONS:** WATER CONNECTION, SEWER CONNECTION, and GAS CONNECTION.
- PROPERTY OWNERS:** W.W. SEDOR FAMILY TRUST, W.W. SEDOR FAMILY TRUST HU-24-234, and W.W. SEDOR FAMILY TRUST HU-24-235.
- TOPOGRAPHY:** Contour lines showing elevation changes across the site.
- NOTES:** Includes notes such as 'NOTIFICATION FOR INSPECTION' and 'TOWNSHIP OF NEWARK, N.J. TOWNSHIP OF SOUTH PLAINFIELD, N.J. SERVICES OF THE STATE OF NEW JERSEY'.

AGENDA FORM

Date of City Council meeting: 6-3-20

Name of Person Making Presentation: Chris Wyler

Address: 5183 W 2040 S

Contact #:

Phone: 435-467-2216

e-mail: wyler@gmail.com

Approximate length of discussion: 5 Min

Description of item to be discussed: Temporary Club House
@ Pecan Valley

If this is a complaint issue:

Have you tried to resolve the issue with staff? yes no

If yes, with whom? _____

If you have a power point presentation, we would encourage you to keep it under 10 minutes. All other items discussed will be done as quickly and as efficiently as possible.

After Recording, Return To:
5146 W. 1930 S., Hurricane UT 84737

Tax Parcel No. H-4-2-10-224

AGREEMENT WITH COVENANTS AND RESTRICTIONS AFFECTING LAND

This Agreement is made and entered into this 5th day of November 2020, by and between PECAN VALLEY HOLDINGS, LLC, a Utah limited liability company ("Owner") and HURRICANE CITY (the "City"). Owner and the City are sometimes referred to herein collectively as the "Parties."

Recitals

Owner is the developer of the new residential subdivision project located in Hurricane, Washington County, Utah commonly referred to as Pecan Valley Subdivision, Phases 1-3 (the "Project").

Owner is the owner of the certain real property located within the Project described as, or to be described as Lot 60, PECAN VALLEY PHASE 3 Subdivision, according to the official plat thereof, on file and of record in the office of the Washington County Recorder (the "Property").

Owner desires to use the Property as the temporary HOA clubhouse, pool, and onsite management site for the Project until the future permanent clubhouse and pool area are completed and granted occupancy by the City.

As a condition for the approval of the Property to be used for the purposes summarized above, the City desires to impose certain special covenants, conditions, restrictions, rights, and limitations concerning the use of the Property.

The parties desire to execute this Agreement to memorialize their agreement and to cause the Property to be subject to the special covenants, conditions, limitations, rights, and restrictions as set forth herein.

AGREEMENT

1. **Covenants and Restrictions.** The Parties hereby declare that the Property, together with all improvements, easements, rights and appurtenances belonging thereto, is subject to the following covenants, conditions, restrictions, limitations, and rights:

- The Property and any house constructed on the Property may be used as the temporary HOA clubhouse, pool, and onsite management office for the Project until the future permanent clubhouse and pool area are completed and granted occupancy by the City.
- The Property and any house thereon may not be used for any residential overnight use while it is serving as the temporary clubhouse and HOA pool.
- Owner agrees to not sell or convey the Property to any third party while these restrictions are in place. The Property may be owned only Owner or the HOA for the Project. If owned by the Owner, the HOA must manage the Property.
- Owner agrees and understands that the permanent clubhouse for the Project must be built before more than 50% of the lots located in Pecan Valley Phase 3 are granted occupancy by the City.

- This temporary clubhouse on the Property may only serve as a temporary clubhouse for Pecan Valley Phases 1-3; if any more phases are added to the Project, the main club house will need to be completed and granted occupancy.

2. Duration. This Agreement will remain in effect until both Parties (or their successors in interest) consent to a release and termination of this Agreement in writing. The City agrees that it will grant a release and termination of this Agreement once the final permanent clubhouse for the Project has been completed and granted occupancy by the City.

3. Reciprocal Benefits. All of the covenants, conditions, restrictions, stipulations and agreements are made for the effect, mutual and reciprocal benefit of the Parties hereto and are intended to create reciprocal rights and obligations between the respective parties, and to create a privity of contract and estate between the Parties, their heirs, successors and assigns, and shall operate as covenants running with the land for the benefit of the parties hereto.

4. Persons Affected. All covenants, conditions, restrictions, stipulations and agreements provided herein shall run with the land, and all owners, purchasers or occupants of the Property shall, by acceptance of contracts or deeds, possession or occupancy, be conclusively deemed to have consented to and agreed with this Agreement, to conform to and observe the covenants, conditions, restrictions, stipulations and agreements as set forth herein, and to the use of the Property and construction of buildings and improvements thereon in accordance with this Agreement.

5. Amendment. This Agreement may be changed, altered or amended only by written agreement signed and executed by the Parties. The changes to this Agreement shall be evidenced by the execution of an appropriate written agreement and filed for record in the County Recorder's Office, Washington County, Utah.

6. Violations. Violation of any of the covenants, conditions, restrictions, stipulations, or agreements herein contained shall give the City and their successors and assigns the right to enter upon the Property, and to summarily abate and remove, at the expense of the Owner, any erection, thing or condition that may be or exist thereon contrary to the provisions hereof, without being deemed guilty of trespass. The result of every action or omission whereby any covenant, condition, restriction, stipulation, or agreement of this Agreement is violated, in whole or in part, is hereby declared to be and constitute a nuisance and every remedy allowed by law against a nuisance, either public or private, shall be applicable against such condition. Such remedy shall be deemed cumulative and not exclusive.

7. Effect of Waiver or Breach or Failure to Enforce. Each and all of the covenants, conditions, restrictions, stipulations, and agreements contained herein shall be deemed and construed to be continuing, and the extinguishment of any right of re-entry or reversion for any breach shall not impair or affect any of the covenants, conditions, restrictions, stipulations, or agreements, so far as any future or other breach is concerned. It is understood and agreed by and between the Parties hereto that no waiver of a breach of any of the covenants, conditions, restrictions, stipulations, and agreements herein contained shall be construed to be a waiver of any other breach of the same, or other covenants, conditions, restrictions, stipulations, and agreements contained herein, nor shall failure to enforce any one of such covenants, conditions, restrictions, stipulations, or agreements, either by forfeiture or otherwise, be construed as a waiver of any other covenant, condition, restriction, stipulation, or agreement contained in this Agreement.

8. Severability. Invalidation of any one of or any portion of any one of these covenants, conditions, restrictions, stipulations, and agreements by judgment or court order shall in nowise affect any of the other provisions of this Agreement which shall remain in full force and effect.

9. **Construction Principles.** Words in any gender shall be deemed to include the other genders. The singular shall be deemed to include the plural and vice versa. The headings and underlined paragraph titles are for guidance only and shall have no significance in the interpretation of this Declaration.

10. **Attorneys' Fees and Costs.** In the event any claim demand or lawsuit is made or instituted to enforce any of the provisions contained in this Declaration, the prevailing party shall be entitled to recover its costs and expenses, including reasonable attorneys' fee and all court costs, as determined by the court.

IN WITNESS WHEREOF the undersigned has executed this document this 5 day of January 2020.

PECAN VALLEY HOLDINGS, LLC

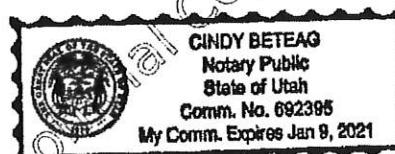
By: Chris Wyler, Member

STATE OF UTAH

COUNTY OF WASHINGTON

On the 5 day of January 2020, personally appeared before me Chris Wyler, known to me to be the signer of the foregoing instrument, who duly acknowledged to me that he executed the same for and on behalf of the Owner as its manager. WITNESS my hand and official seal.

Cindy Beteag
NOTARY PUBLIC



HURRICANE CITY

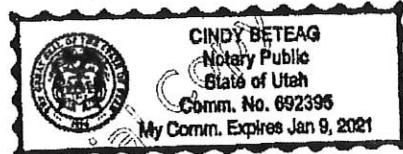
By: John Bramall
Name: John Bramall
Title: Mayor

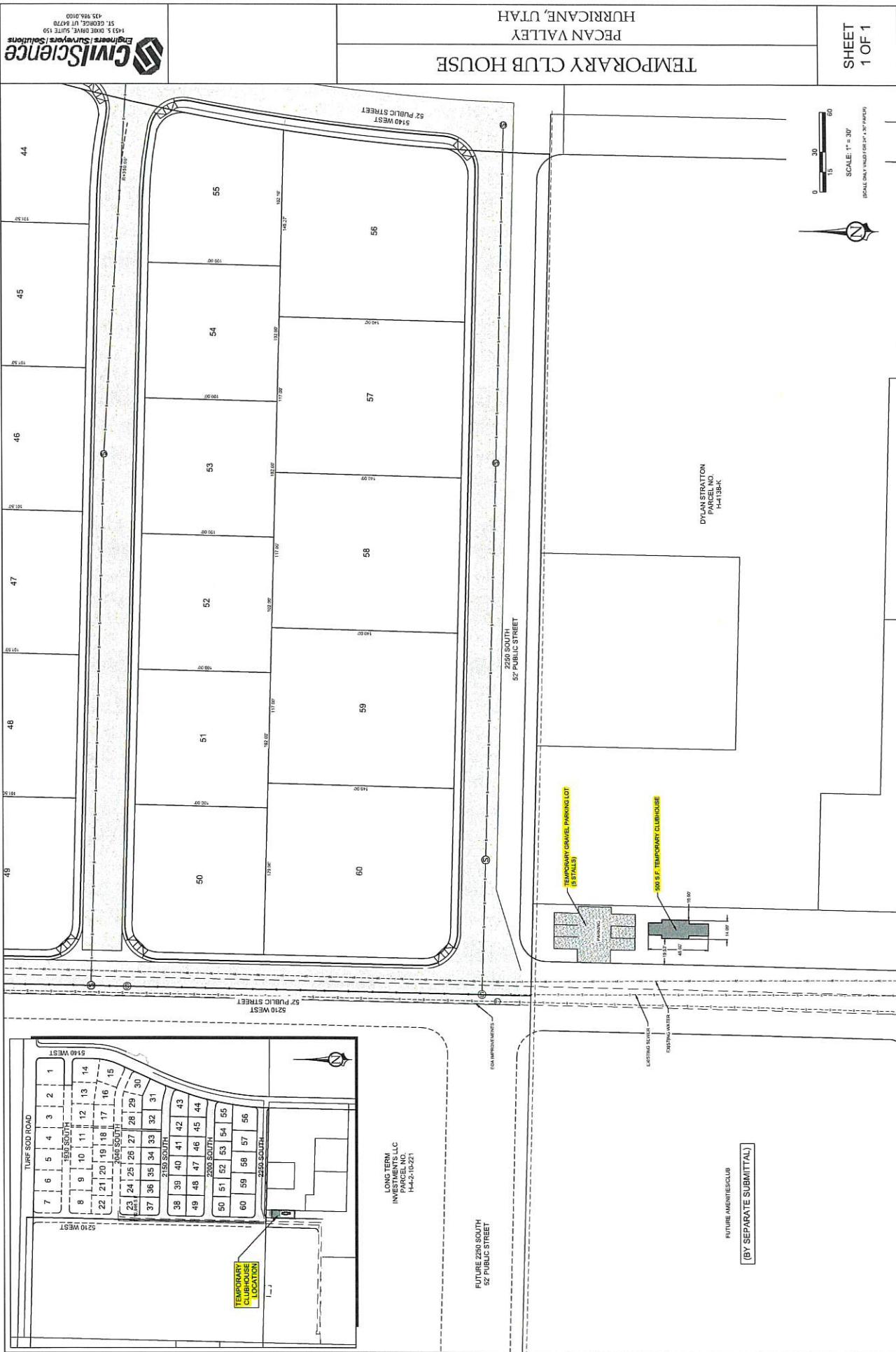
STATE OF UTAH

COUNTY OF WASHINGTON

On the 5 day of January 2020, personally appeared before me John Bramall, known to me to be the signer of the foregoing instrument, who duly acknowledged to me that he/she executed the same for and on behalf of the City as its authorized representative. WITNESS my hand and official seal.

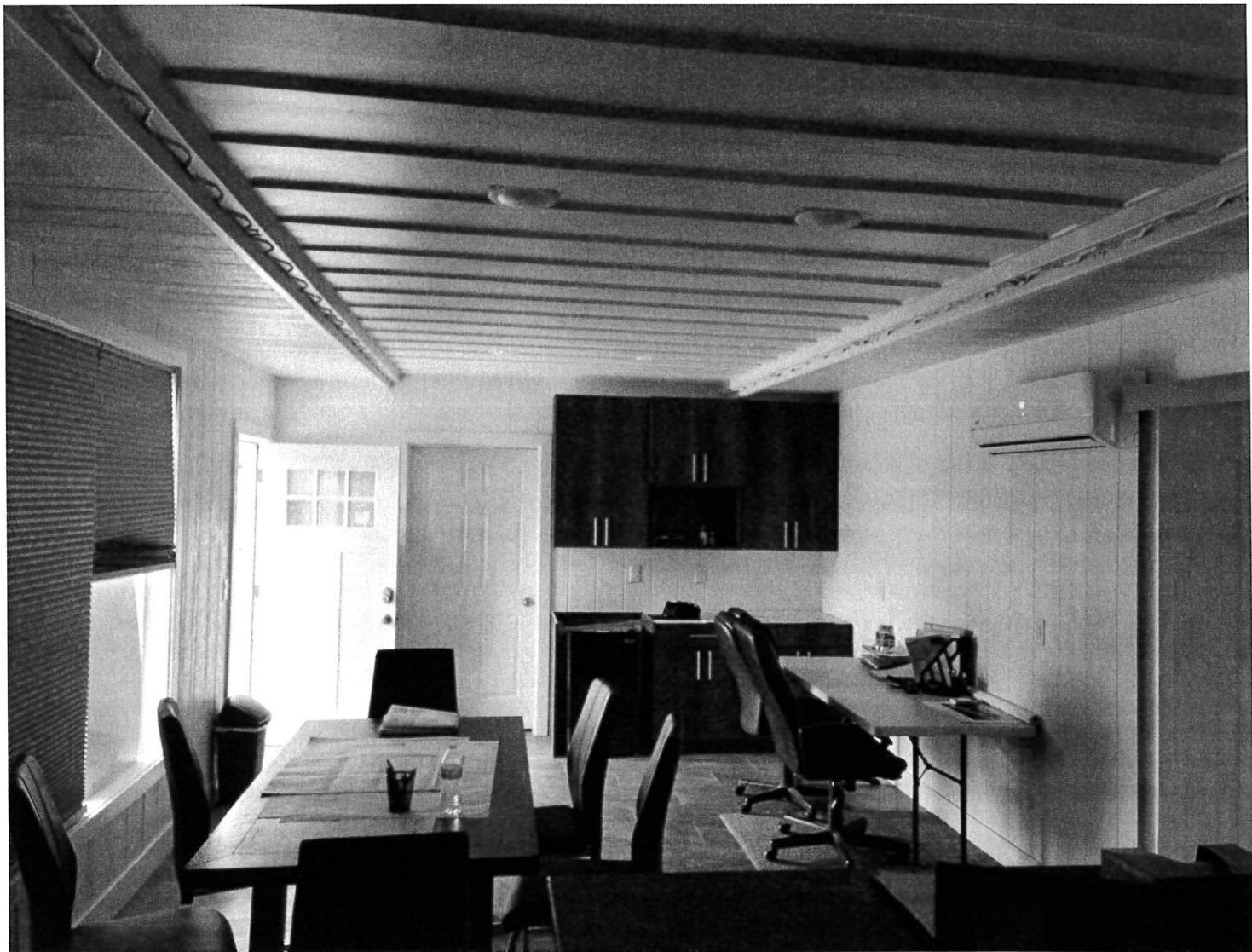
Cindy Beteag
NOTARY PUBLIC





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ZONE CHANGE APPLICATION

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

Fee: \$500.00

For Office Use Only:
File No. 2021-26-17
Receipt No. B-114949C

Name: Short Term Investments LLC Telephone: 435-668-6646

Agent (If Applicable): Mike Stewart Telephone: 435-668-6646

Email: trademarkrealtyutah@gmail.com Agent Email: bwalker@civilscience.com

Address/Location of Subject Property: 100 North 700 West

Tax ID of Subject Property: H-3-1-34-4220-A Existing Zone District: R1-6

Proposed Zoning District and reason for the request (Describe, use extra sheet if necessary)

The purpose of the proposed zone change request to amend a small portion of R1- to RM-2 to allow for an additional townhome building.

Submittal Requirements: The zone change application shall provide the following:

- a. The name and address of every person or company the applicant represents;
- b. An accurate property map showing the existing and proposed zoning classifications;
- c. All abutting properties showing present zoning classifications;
- d. An accurate legal description of the property to be rezoned;
- e. 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 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.

(Office Use Only)

Date Received: _____ Application Complete: YES NO

Date application deemed to be complete: _____ Completion determination made by:

ZONE CHANGE APPLICATION (General Information)

PURPOSE

All lands within the City are zoned for a specific type of land use (single family residential, multi-family, commercial, industrial, etc). Zoning occurs as a means to provide for a relationship between various types of land uses which promotes the health, safety, welfare, order, economics, and aesthetics of the community. Zoning is one of the main tools used to implement the City's General Plan.

WHEN REQUIRED

A zone change request is required any time a property owner desires to make a significant change to the use of his/her land. The change may be from one zone density (say 1 acre lots) to smaller lots (10,000 square foot lots). Or, it may be to an entirely different type of use, such as a change from single family zoning to multiple family or commercial zoning. Since the zone applied to your land limits what you can do, a rezoning application is typically the first step toward a change.

REQUIRED CONSIDERATIONS TO APPROVE A ZONE CHANGE

When approving a zone change the following factors should be considered by the Planning Commission and City Council:

1. Whether the proposed amendment is consistent with the Goals, Objectives and Policies of the City's General Plan;
2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
3. The extent to which the proposed amendment may adversely affect adjacent property; and
4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

PROCESS

Contact the Planning Department for when the deadline for submission is. After it is deemed complete, staff will review the request, and prepare a report and recommendation for the Planning Commission. This will be reviewed at a public hearing where the applicant should attend, present the project, and respond to questions from the Planning Commission. Since it is a public hearing, members of the public may also have questions or comments. At the public hearing the Planning Commission will review the application and staff's report, and forward a recommendation to the City Council of approval, approval with modifications, or denial the zone change application.

Upon receipt of the Planning Commission recommendation, typically 1-2 weeks after the Planning Commission action, the City Council will consider and act on the Commission's recommendation. The action of the City Council is final. If denied, a similar application generally cannot be heard for a year.



STAFF COMMENTS

Agenda Date:	6/3/2021
Application Number:	2021-ZC-17
Type of Application:	Zone Change
Action Type:	Legislative
Applicant:	Short Term Investments LLC
Agent:	Mike Stewart
Request:	A zone change from R1-6 to RM-2
Location:	2100 W and 2500 S
Zoning:	R1-6
General Plan Map:	Agriculture

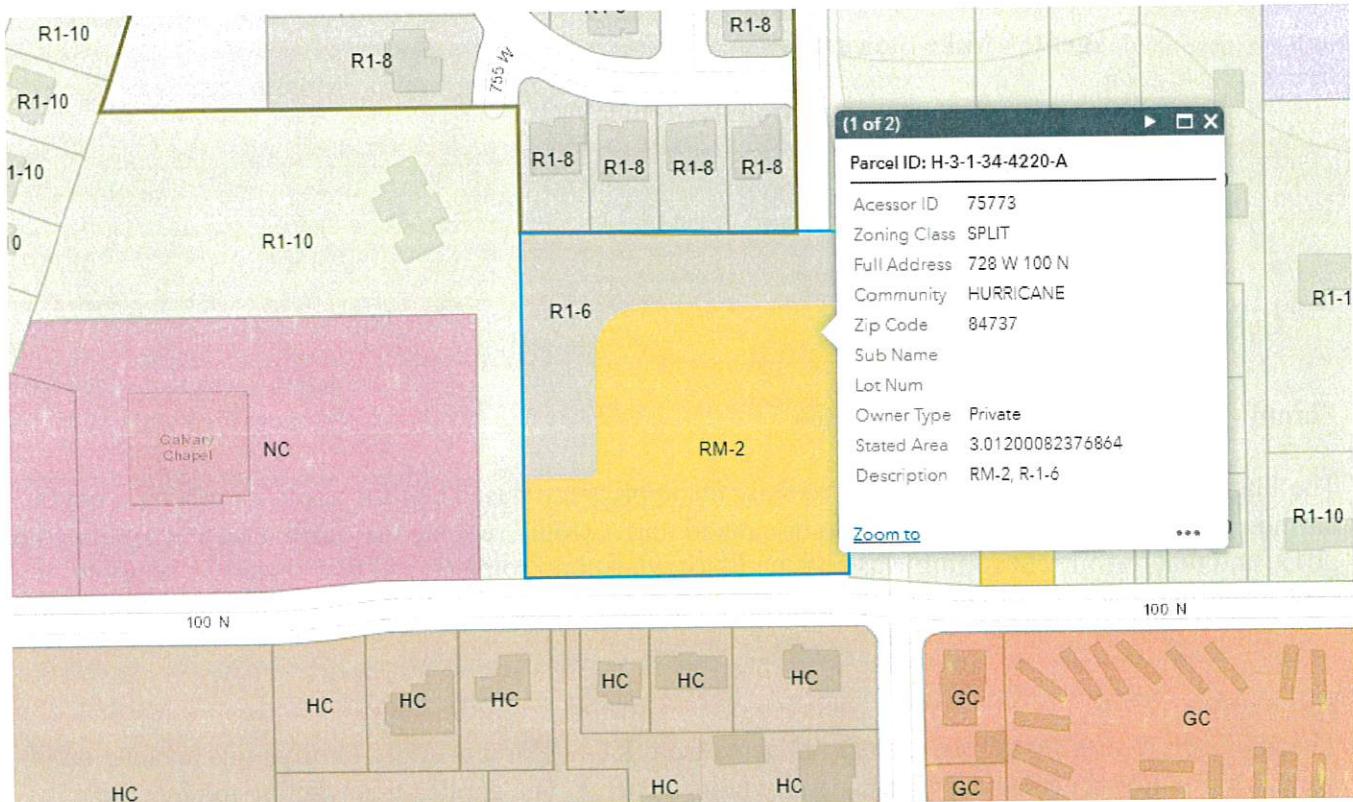
Planning Commission Recommendation

The Planning Commission recommend to deny the application based that the application would not be harmonious with the surrounding development and that it would remove the buffer that was approved in 2019, and that the current zoning was obtained through a compromised and that should be honored. It was a four to three vote.

Discussion:

The applicant is seeking to rezone their .23 acres from R1-6 (about 6 single-family units an acre, 6,000 sq. ft. lots) to RM-2 (10 units of multi-family units an acre). The applicant is wanting to have the southern three-quarters of the property as RM-2 for townhome development, and have single-family homes along the north of the property. The current zoning configuration was approved by the City Council in March of 2019, with a max number of units of 27. The Planning Commission reviewed a Preliminary Plat for the property on December 12, 2019, which has since expired. The applicant has stated that the new zoning layout would allow them to achieve the 25- 27 units. The proposed zone change would allow for a single additional unit

Zoning		Adjacent Land Use
North	R1-6 and R1-8 PDO	Undeveloped and Ivy Wood PDO Subdivision
East	R-10 and RM-2	Future 700 W and Residential Development
South	RM-2 and Highway Commercial	Commercial and Residential Uses
West	Neighborhood Commercial	Future Calvary Chapel Location, currently undeveloped



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

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

Response: The [General Plan Map](#) shows this area as Multi-Family Residential in the General Plan Map

Multifamily Residential

Residential neighborhoods with a combination of small-lot single-family and multifamily residences that include designated shared open spaces. Each development should consider proximity of transportation, schools, shopping, etc. The specific conditions for each project would be addressed during the approval process. Appropriate densities for this land use include RM-1, RM-2, and RM-3. (p. 84)

The proposed zoning would comply with this designation.

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

Response: Most of the surrounding area is commercial use and smaller single family. The majority of this parcel is zoned for RM-2 use. The applicant has left a buffer to the north for single family use to match the neighbors to the north.



3. Will the proposed amendment affect the adjacent property?

Response: The zone change will not have a large impact on the surrounding area since most of the area is developed with proper services and the area proposed for rezoning is relatively small and only increase the density of the development one additional unit. The applicant is still planning on keeping the north section of the parcel as single-family zoning to provide buffering.

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

Response: Most of the services are in the area along 100 N. The applicant will need to coordinate access and any improvements to 700 W. The City is planning on constructing a new intersection for 700 W and 100 N, a roundabout, which would likely have an impact on the development of this parcel. Any subdivision plan will need to be coordinated with the City. The applicant is also within walking distance to schools, City services, commercial shopping, and workplaces.

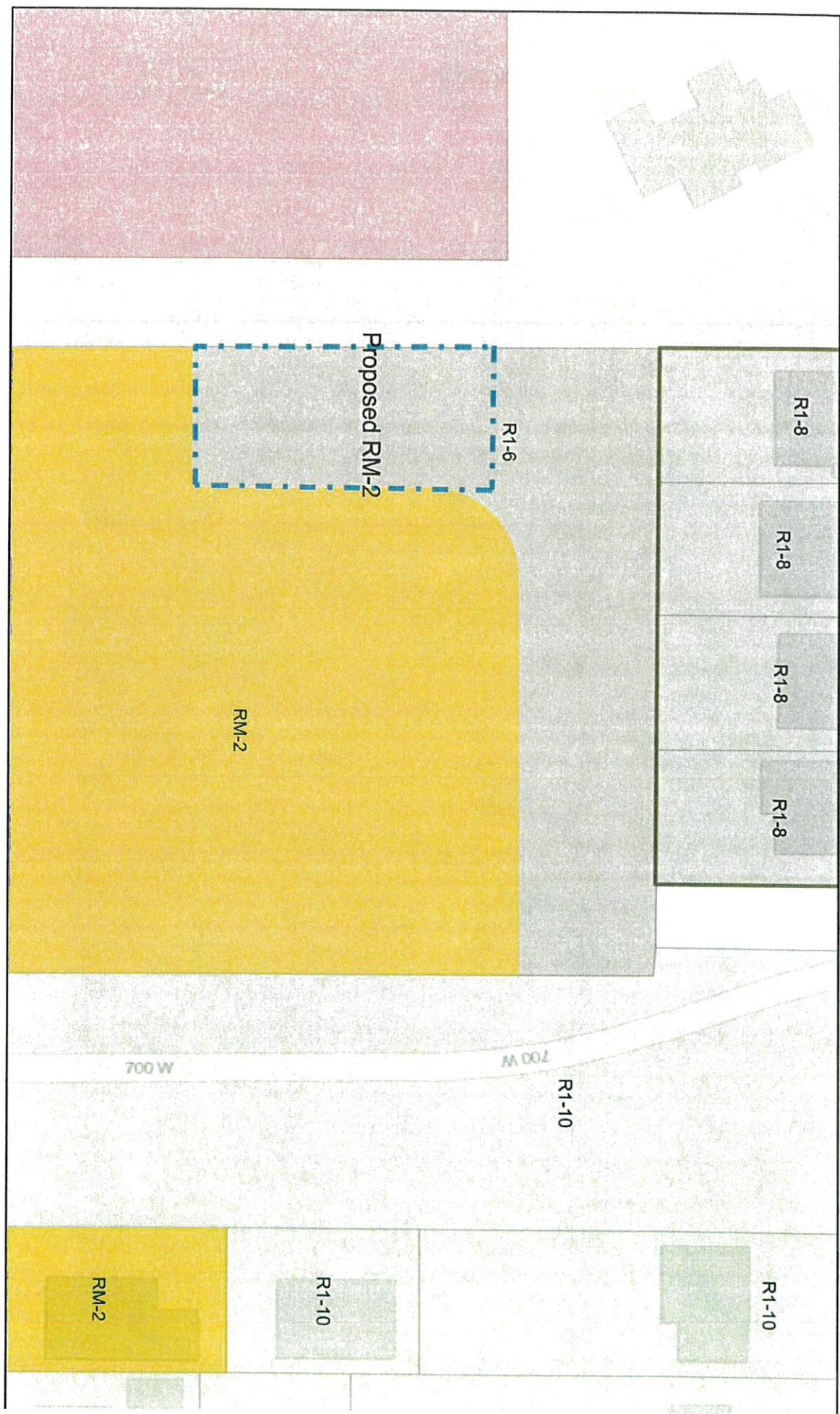
Findings:

Staff makes the following findings:

1. The proposed amendment is generally compatible with the current General Plan Map's goals and policies.
2. The proposed amendment is generally in harmony with the overall character of the existing development or the planned surrounding uses.
3. The proposed amendment will not have a significant impact on the area.
4. The services are adequate in the area, but the applicant will need to coordinate with the City for improvements to the 700 W 100 N intersection and construction of 700 W.

Recommendation: Staff recommends the City Council reviews this application and the zone change based on standards and considers residents' comments. Staff recommends approval of the proposed zone change.

Magnolia Court



5/17/2021, 11:38:50 AM

City Limits

AddressPt

Zoning Overlay

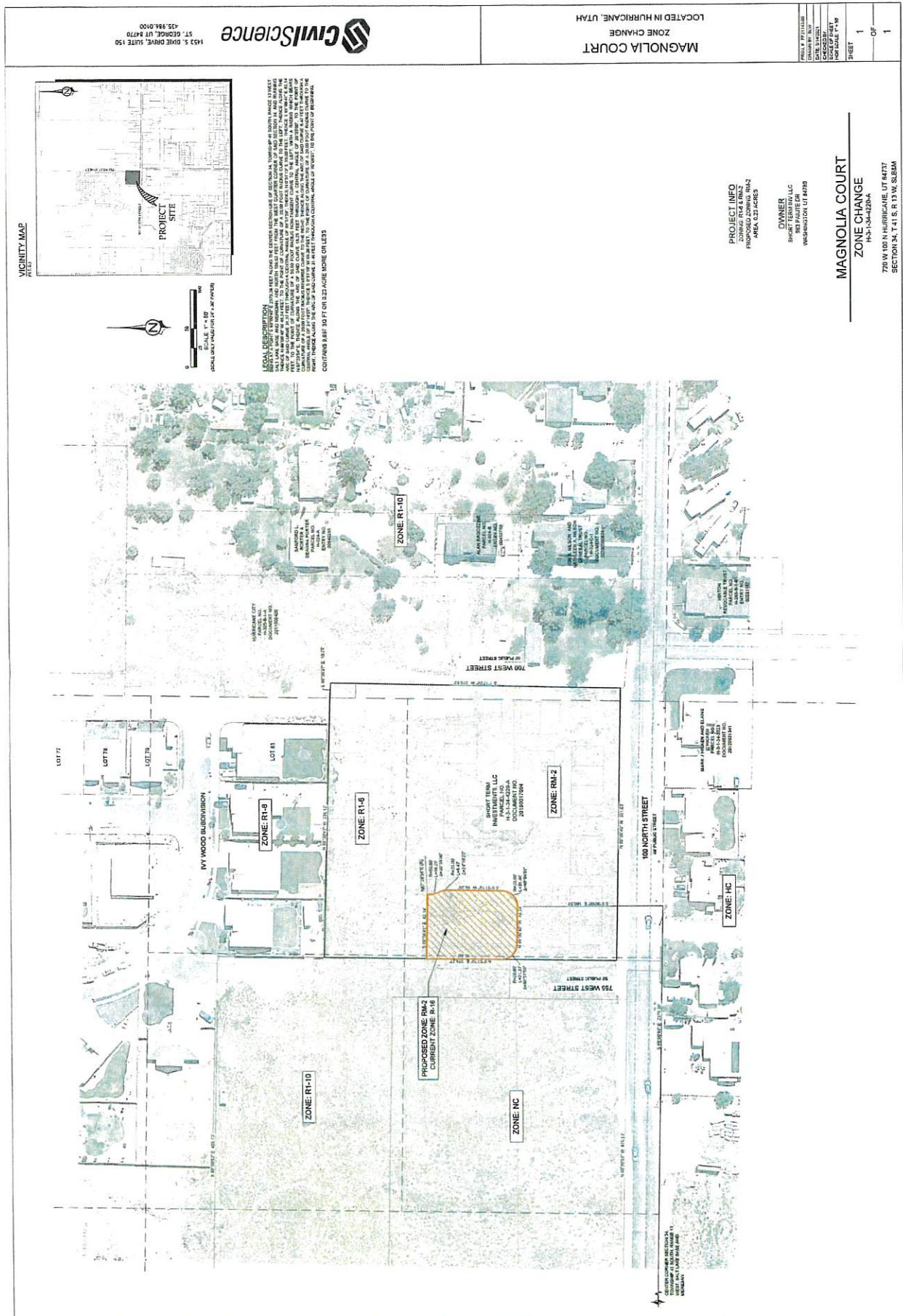
Planned Development Overlay

R1-10: Residential - 1 Unit Per 8,000 Sq. Ft.

NC: Neighborhood Commercial

R1-6: Residential - 1 Unit Per 6,000 Sq. Ft.

City of Hurricane GIS, Bureau of Land Management, Utah AGRC,
Garmin, INCREMENT P, USGS, EPA, USDA



AMENDED FINAL PLAT APPLICATION

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

Fee: \$150

For Office Use Only:
File No. 2021-AFP-09
Receipt No. 0149209

Name: Mary Wintzer Telephone: 435-640-0261

Address: PO Box 183, Park City, UT 84060 **Fax No.**

Email: wintzermc@aol.com **Agent Email:** steve@brownccivil.com

Agent (If Applicable): Brown Consulting Engineers **Telephone:** 435-628-4700

Address/Location of Subject Property: Quail Lake Estates Subdivision

Tax ID of Subject Property: H-QLE-22, H-QLE-22A-1 **Number of Lots:** 1

Subdivision Name: Quail Lake Estates PUD Lot 22 Amended **Phase:**

Submittal Requirements: 1-large paper copy, 1-11 X 17, and 1 disk in 2004 or newer Auto-Cad format.

1. The final plat shall show:

- a. The name or designation of the subdivision that is distinct from any plat already recorded in the County Recorder's office, as approved by the Planning Commission.
- b. The boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a street or for another public use, and whether any such area is reserved or proposed for dedication for a public purpose.
- c. The lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage of all parcels, units, lots, and the length and width of the blocks and lots intended for sale.
- d. Every existing right-of-way and easement grant of record for communications infrastructure, for underground facilities as defined in Section 54-8a-2 of the Utah Code and for other utility facilities. Where the same is granted to a specific entity, that entity must be clearly identified.
- e. True angles and distances to the nearest established street lines or official monument, which shall be accurately described on the plat and shown by appropriate symbols.
- f. All street center line data must be shown, together with its relationship to the property lines, corners, etc.
- g. The accurate location of all monuments shall be shown on the plat, and shall be identified, including all United States, State, County or other official monuments.
- h. The dedication to the public of all streets and highways included in the proposed subdivision (except approved private streets).

i. Street monuments shall be installed by the subdivider in accordance with the requirements of City Standards. Locations of said monuments shall be approved by the City Engineer and indicated on the subdivider's plat by the appropriate symbols.

N/A j. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common uses by all property owners.

N/A k. Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the City Attorney.

2. Required Forms & Certificates: In addition the final plat shall contain the standard forms for the following:

a. A registered professional land surveyor's certificate of survey, together with a statement that: (a) the surveyor holds a license in accordance with Title 58, Chapter 22 of the Utah Code, Professional Engineers and Professional Land Surveyor's Licensing Act; (b) the surveyor has completed a survey of the property described on the plat in accordance with Section 17-23-17 of the Utah Code and has verified all measurements; (c) has placed monuments as represented on the plat. **Plat must signed and stamped by the licensed surveyor prior to final plat submittal.**

b. The owner's certificate of dedication of all streets, roads, rights-of-way or other parcels intended for the use and benefit of the general public.

N/A c. Mortgagee or other lien holder's Consent to Record, if applicable.

N/A d. A notary public's acknowledgement space for the signature of the mortgagee and/or each owner signing the plat.

e. Certificate of approval of Ash Creek Special Service District.

f. Certificate of approval of the City Engineer.

g. Certificate of approval of the City Council, as evidenced by the signature of the Mayor

h. Certificate of approval as to form executed by the City Attorney.

i. A one and one-half inch by five inch (1 ½" x 5") space in the lower right-hand corner of the drawing for the use of the County Recorder.

3. Other Information Required: The following information or documentation shall be submitted:

a. A completed form from the Washington County Treasurer's office (see attached copy of form) for property located within the subdivision verifying that all taxes or special assessments payable on all property within the limits of the subdivision are paid in full

N/A b. An original copy for Staff review of the proposed deed restrictions or CC&Rs in proposed final form with signature lines for all owners of any interest in the subdivision who would sign the final subdivision plat must be submitted with final plat application. After being approved by staff this document shall be signed, acknowledged by a notary public, and recorded in the office of the County Recorder along with the final plat.

c. Title report for the property being subdivided.

d. A disk of the final plat prepared in 'Auto-Cad 2004' (or newer format)

Application Process: The following steps occur:

- A completed application with all required documents and fee payment as outlined above is submitted to the Planning Department along with the paper copy of the amended plat.
- A paper copy of the amended plat is submitted to the City Engineer for review. The City Engineer will red line the plat and email the subdivision engineer of required changes that need to be made. If a plat is still not ready for the City Engineers signature after the second submittal, an additional fee must be paid before the Engineer performs another review. An approved mylar of the final plat must



STAFF COMMENTS

Agenda Date:	6/3/2021
Application Number:	2021-AFP-09
Type of Application:	Amended Final Plat
Action Type:	Administrative
Applicant:	Mary Wintzer
Agent:	Brown Consulting Engineers
Request:	Approval of an Amended Final Plat
Location:	22 Quail Creek Drive
Zoning:	MH/RV
General Plan Map:	Multi Family

Discussion: The applicant has applied to amend the final plat for Quail Lake Estates Planned Unit Development Lot 22 Amended. The Amendment Note on the Plat States the Following:

THE PURPOSE OF THIS SURVEY IS TO MERGE LOTS 22, 22A, AND THE WEST HALF OF LOT 21 INTO ONE LOT.... NO OTHER CHANGES WERE MADE OR INTENDED.

The lot has some peculiar deeds attached to it. Currently, each half of lot 21 is deeded to the property owners on either side. This would clear up that deed, but leave the east of lot 21 as an undevelopable lot.

JUC Comments

Construction drawings and improvements have been approved. The change will have little impact on the overall design of the subdivision.

1. The water and sewer system are private and operated by the HOA.
2. There is public power service to the lots, one of the services may need to be abandoned.

Staff Comments

1. The plat is currently under review by the City Engineering Department for compliance with Utah legal description and drawing standards.
2. The Plat meets the standard for an amended subdivision plat.

Recommendation: Staff recommends the City Council review this application based on standards with Hurricane City and State Code. Staff would recommend approval.



City Council Power Department Agenda Item Summary

June 3, 2021

The Power Department subscribes to e-reliability Tracker, a web-based outage tracking system hosted by the American Public Power Association (APPA) of which Hurricane is a member.

All planned and unplanned outages are recorded with all pertinent data concerning the outage. At the end of the Calendar Year, APPA takes Hurricane's data and calculates Hurricane's result. Four indices are calculated. The most pertinent index is the Average Service Reliability Index (ASRI). The ASRI is the average minutes a customer had electric service in 2020 if they were on the Hurricane City Power System.

Hurricane has received the APPA "Excellence in Reliability" Award four years in a row for Hurricane's ASRI score. This year was the highest score yet at an incredible 99.9991%; meaning the average customer had power 99.9991% of the time.

Reporting this to the City Council keeps the Council informed while fulfilling a standard to help the Power Department qualify again for the APPA's Reliability Public Power (RP3) designation.

The Power Board met on May 25th. The Board was presented with a summary of this summer's expected peak power needs compared to Hurricane allocated power resources. Cost of those resources was also discussed.

I would like to present this to the Council so they understand how the City is positioned to supply the needed power during those hot summer days.

I would like to discuss the shortages in resources and how we should handle any extreme heat or high-power cost event as well as have minor discussion on future resource acquisitions.

Average Service Availability Index 99.9991%

- Meter Count 7,593
- 2020 Outage Minutes 1,093
- Average Outage per Customer 7 Minutes
- 2019 Average Service Availability Index 99.9948%



#KeepingYourLightsOn

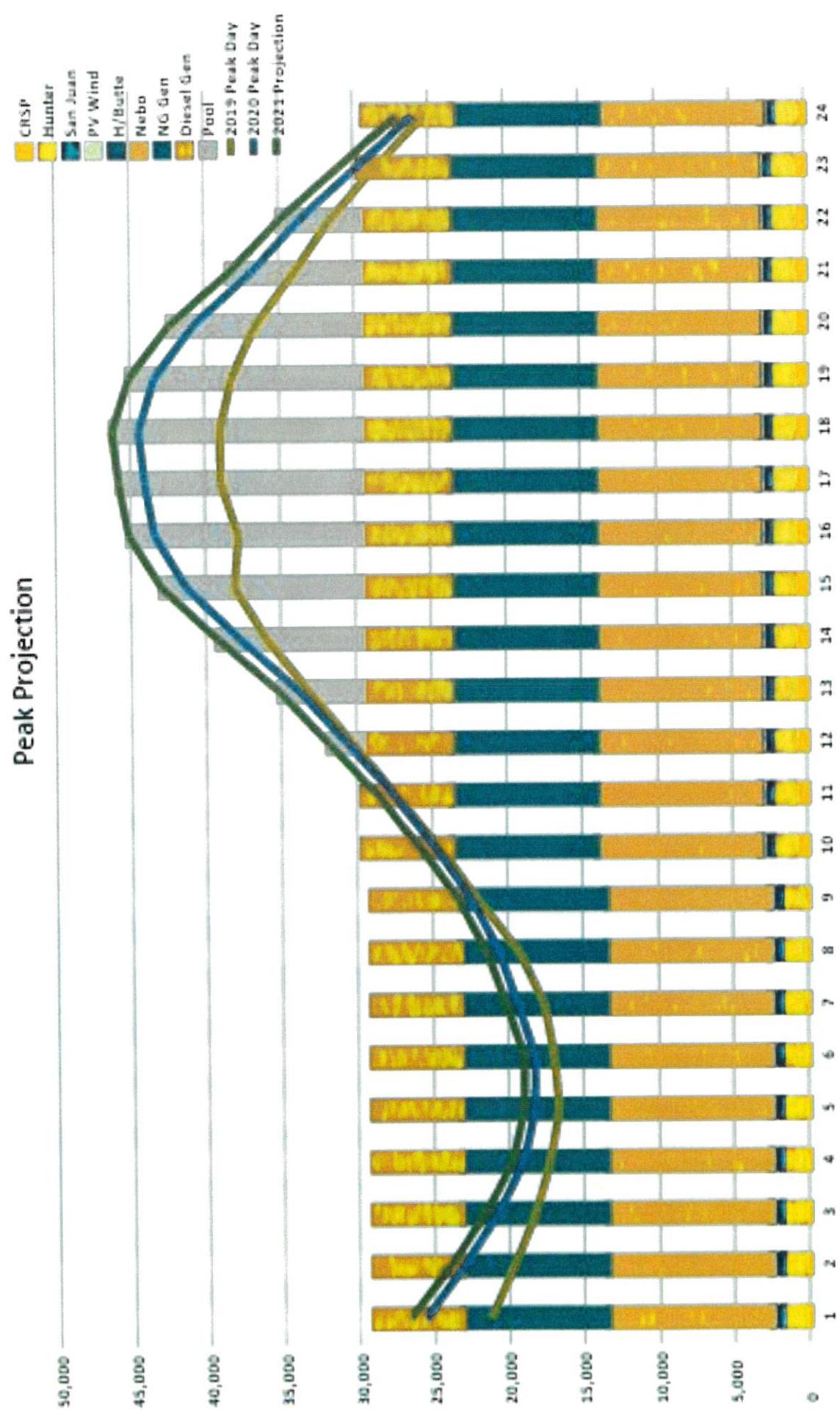
Recognized for reliable
electric service in 2020

#CommunityPowered

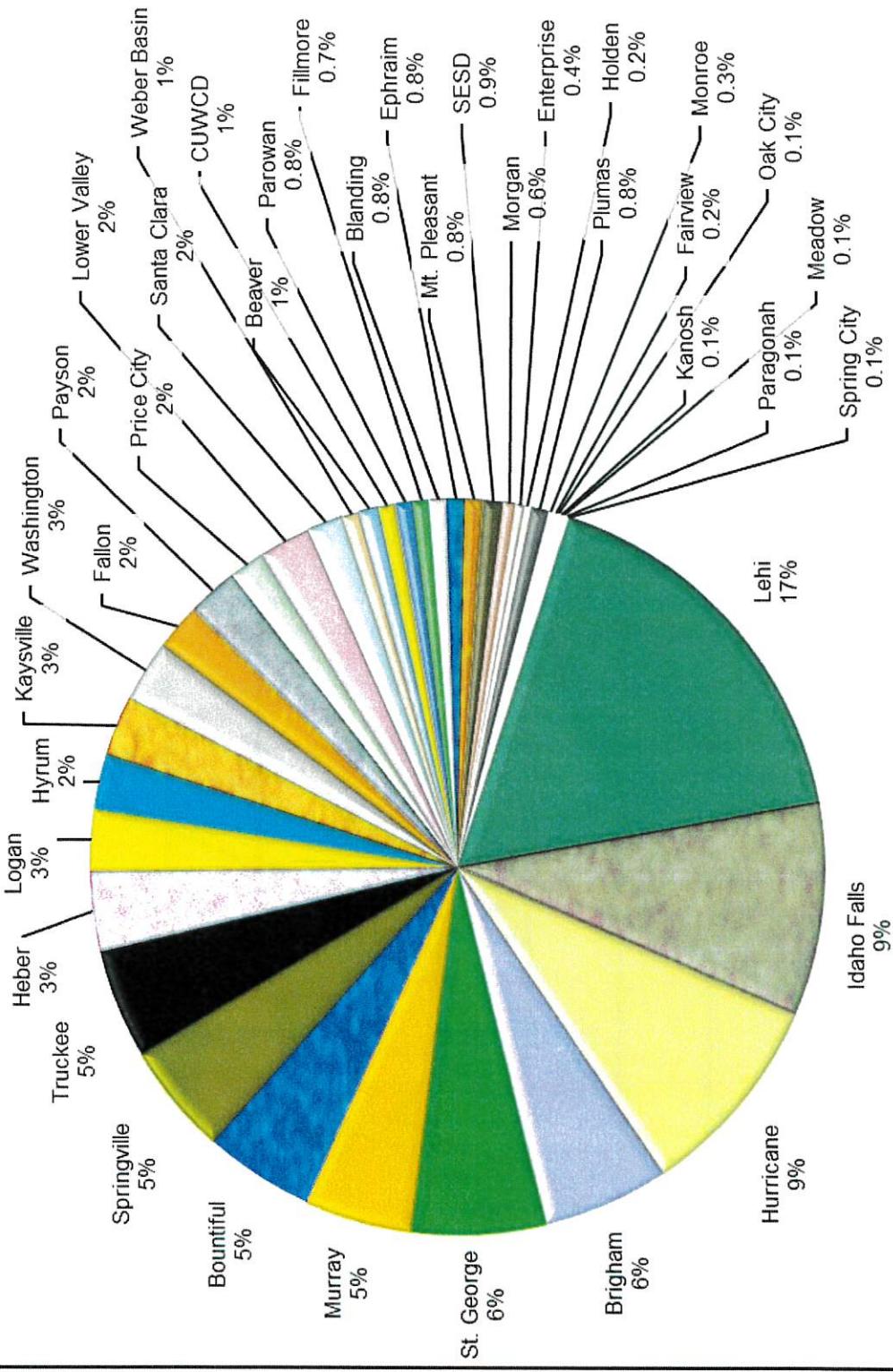
Recognized by @ PublicPowerOrg

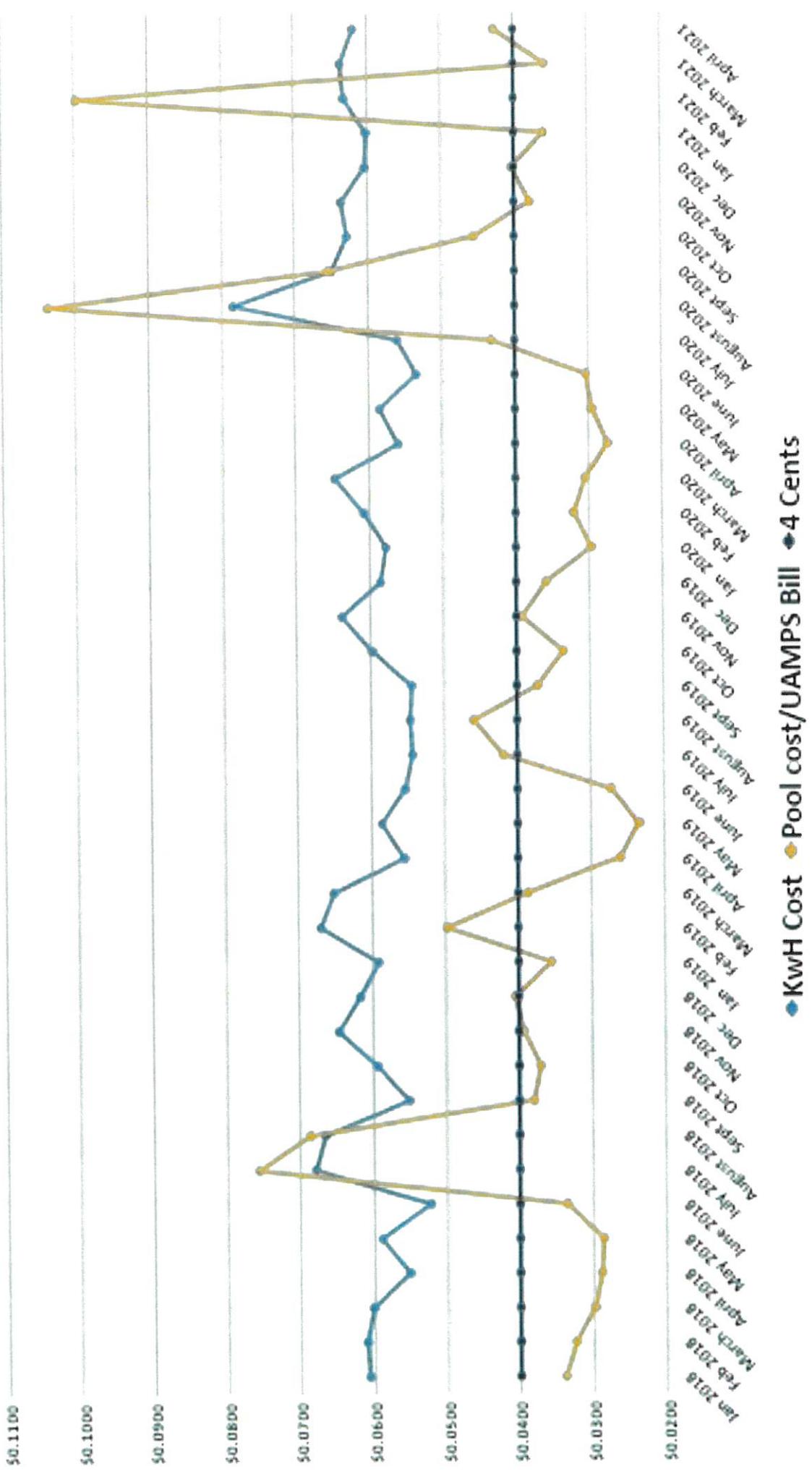
AMERICAN
**PUBLIC
POWER**
ASSOCIATION

Building Strong Communities



Pools & PX Energy; Purchases & Sales: FY2021





Resources Under Investigation

Enchant

- 3,500 kW

Carbon Capture Project

Steel Solar

- 2,586 kW

Solar Project

Muddy Creek

- 2,500 kW

Waste Heat Project

Horse Butte Wind

- 187 kW

Wind Project

Projected Peak Growth

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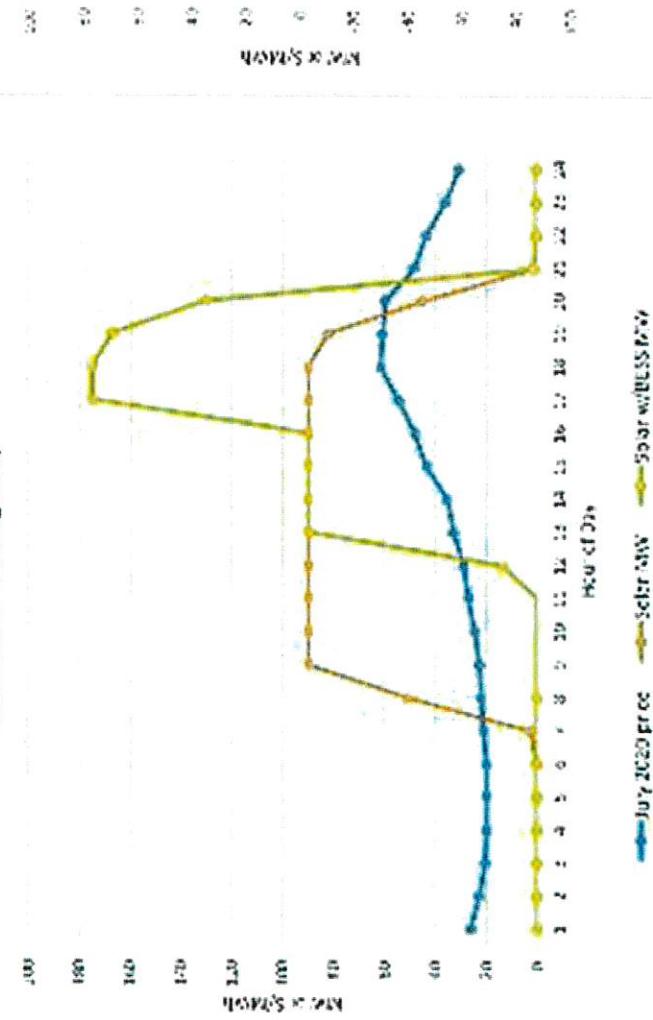
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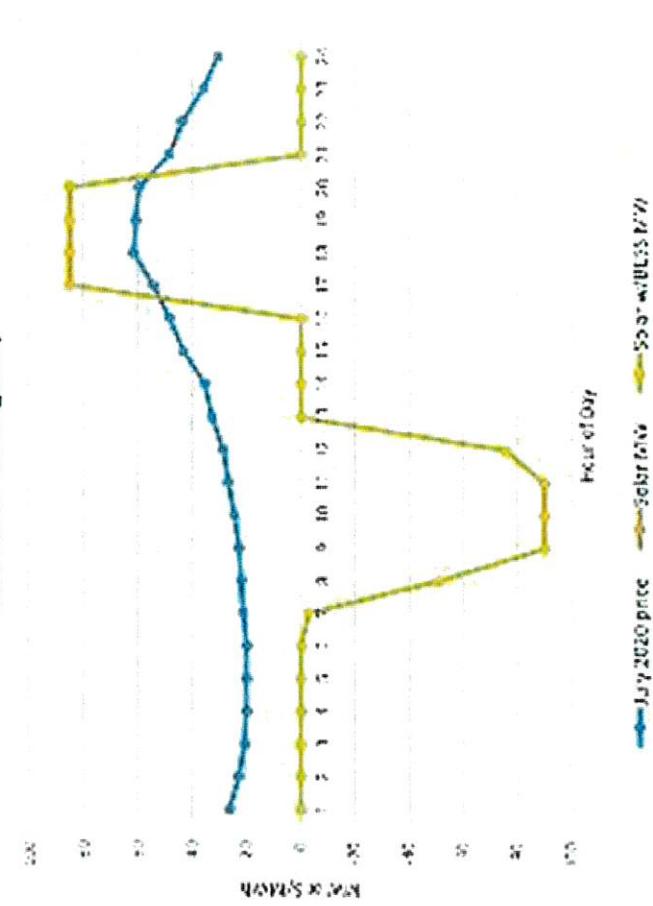
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Value of Battery vs Market

BESS Value - Average Day



BESS Value - Average Day

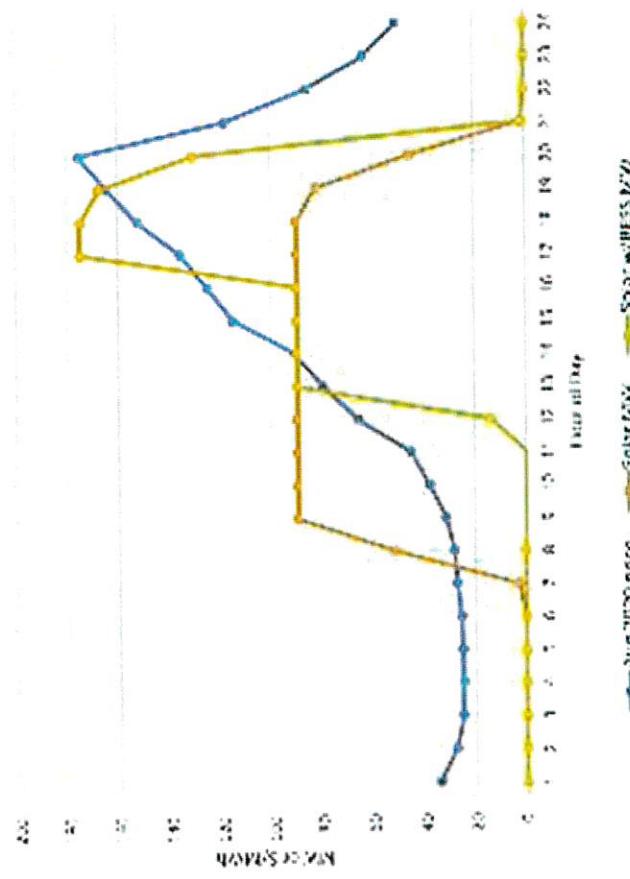


Use battery to shift early solar generation to later in the day at peak pricing (left graph)
Equivalent analysis to just using battery to shift energy from early to later in day (right graph)
Does Not add value with July 2020 market prices (or for year)

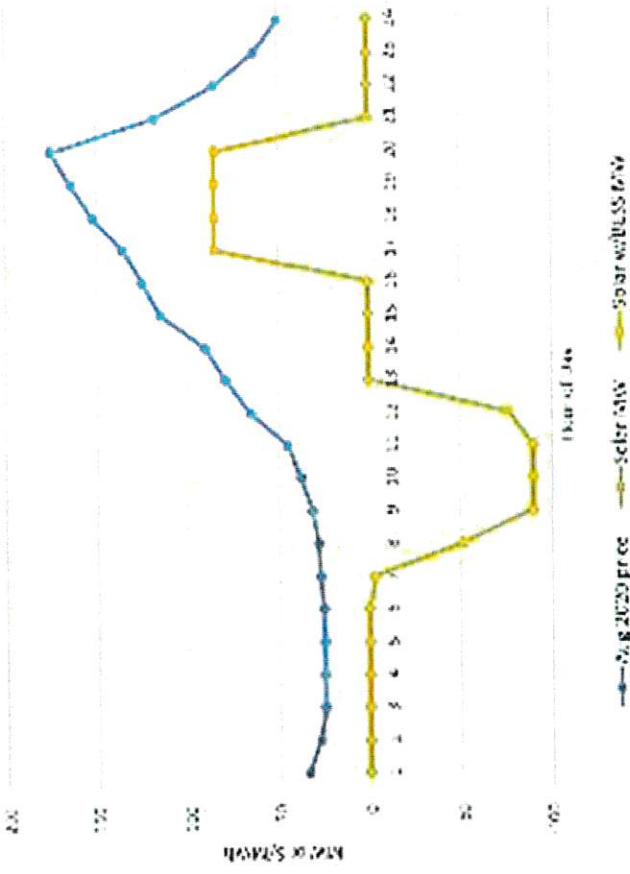
Jul-20	Description	Dollars
	BESS cost	\$850,000
	Market shifted value	\$311,095
	Savings / (Loss)	-\$538,905

Value of Battery vs Market

BESS Value - Average Day



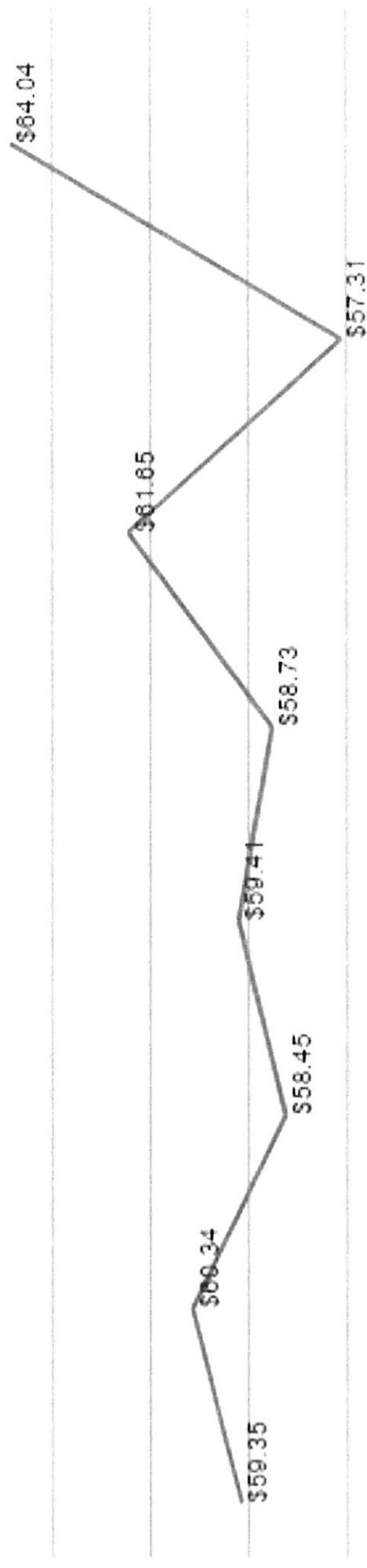
BESS Value - Average Day



	Aug-20	
Description	Dollars	
BESS cost	\$850,000	
Market shifted value	\$1,130,084	
Savings / (Loss)		\$280,084

Use battery to shift early solar generation to later in the day at peak pricing (left graph)
 Equivalent analysis to just using battery to shift energy from early to later in day (right graph)
 Adds value with high August 2020 market prices

Average Yearly Prices



-Budget Year

13-14 14-15 15-16 16-17 17-18 18-19 19-20 20-21

STAFF AGENDA FORM

Date of City Council meeting: 10/14/21

Name of Person Making Presentation: Kyle Mifick / Debbie Garrett

Contact #:

Phone: 436-632-1571

e-mail: HurricaneTheatreCo@gmail.com

Description of item to be discussed: Next Season of productions and ticket price increase.

Has this item been to City Council in the last year? Y N
If yes, when? _____

Staff recommendation Debbie Garrett, Kaden DeMille,
Beccie Williams

Please include any supporting documents.

See attached



New Season of Shows Proposal

APRIL 1-30, 2022

Grease

All Shook Up (Alternate)

JULY 29-AUGUST 27, 2022

Joseph & the Amazing Technicolor Dreamcoat

The Music Man (Alternate)

MARCH 31-APRIL 29, 2023

The Spitfire Grill

Forever Plaid (Alternate)

You will find the budget proposals for the above productions on the next pages. The alternate shows will fit into the same budget proposal as the primary requested.

Additionally, we see a need in increasing our tickets pricing as we contend with rising material, gas and rental prices, as well as remaining with, but behind our theatrical counterparts in the Southern Utah area. Thus, we would like to request a ticket price increase going into the future. We would like to compete with others in our area of entertainment in Southern Utah while still remaining the most valuable and lowest price point to that of our theatrical counterparts. Below you will find what our current prices are, what we would like to increase to and what other theater's in the area are currently charging.

Hurricane Theatrical Current: (No Fees)

Adult: \$15

Senior: None

Child: \$5

Saint George Musical Theater (With Fees)

Adult: \$24

Senior: None

Child: None

Hurricane Theatrical Proposed Increase:

(No Fees)

Adult: \$18

Senior: \$16

Child: \$8

The Stage Door (With Fees)

Adult: \$22.72

Senior: \$20.65

Child: \$18.58

Kayenta Center for the Arts (With Fees)

Adult: \$37

Senior: None

Child: \$12

HURRICANE THEATRICAL



With a hip-shaking rock 'n' roll score featuring hits like "Summer Nights," "Greased Lightnin'," and "We Go Together," Grease celebrates Rydell High's class of 1959 in all their duck-tailed, bobby-soxed, gum-snapping glory.

Budget Proposal

Copyrights:	\$3,200	RAP Tax If Approved	
Advertising:	\$3,000	RAP Tax If Approved	
Music:	\$1,750	RAP Tax If Approved	
Costumes:	\$3,000	Costume Fees 20@35=700)	\$7,950 Sponsor
500-1000			
Set:	\$3,000	Sponsor 500-1000	
Props:	\$800	Sponsor 500-1000	
	\$6,800		
Costume Design:	\$500		
Seamstress:	\$250		
Director/TD/LD/SD:	\$5,000		
Music Dir:	\$500		
Rehearsal Accomp:	\$250		
Plunk Tracker:	\$250		
Choreographer:	\$500		
Stage Manager:	\$500		
Light Board Op:	\$250		
Projection Des:	\$250		
Projection Op:	\$250		
Spotlight Op:	\$250		
Spotlight Op:	\$250		
Set Painter:	\$250		
Playbill:	\$100		
	\$9,350		
Total W/ RAP:	\$16,150		Total Sponsor/Fees: \$700-\$3,700
Total W/O RAP:	\$24,100		Total Sponsor/Fees: \$700-\$3,700



JOSEPH AND THE AMAZING TECHNICOLOR DREAMCOAT

The irresistible family musical about the trials and triumphs of Joseph, Israel's favorite son.

Budget Proposal

Copyrights:	\$3,200	RAP Tax <i>If Approved</i>	
Advertising:	\$3,000	RAP Tax <i>If Approved</i>	
Music:	\$1,750	RAP Tax <i>If Approved</i>	
Costumes:	\$5,000	<i>Costume Fees 20@35=700)</i>	\$7,950
500-1000			Sponsor
Set:	\$3,000	<i>Sponsor 500-1000</i>	
Props:	\$800	<i>Sponsor 500-1000</i>	
	\$8,800		
Costume Design:	\$500		
Seamstress:	\$250		
Director/TD/LD/SD:	\$5,000		
Music Dir:	\$500		
Rehearsal Accomp:	\$250		
Plunk Tracker:	\$250		
Choreographer:	\$500		
Stage Manager:	\$500		
Light Board Op:	\$250		
Projection Des:	\$250		
Projection Op:	\$250		
Spotlight Op:	\$250		
Spotlight Op:	\$250		
Set Painter:	\$250		
Playbillier:	\$100		
	\$9,350		

Total W/ RAP:

\$18,150

Total Sponsor/Fees: \$700-\$3,700

Total W/O RAP:

\$26,100

Total Sponsor/Fees: \$700-\$3,700



Based on the hit 1996 film, *The Spitfire Grill* is a heartwarming and inspirational musical tale of redemption, perseverance and family. Set in a small Wisconsin town, the show features a gorgeous, soulful score.

Budget Proposal

Copyrights:	\$3,200	RAP Tax If Approved	
Advertising:	\$3,000	RAP Tax If Approved	
Music:	\$1,750	RAP Tax If Approved	\$7,950
Costumes:	\$1,000	Costume Fees 20@35=700)	Sponsor
500-1000			
Set:	\$3,000	Sponsor 500-1000	
Props:	\$1,000	Sponsor 500-1000	
	\$5,000		
Costume Design:	\$500		
Seamstress:	\$250		
Director/TD/LD/SD:	\$5,000		
Music Dir:	\$500		
Rehearsal Accomp	\$250		
Plunk Tracker:	\$250		
Choreographer:	\$500		
Stage Manager:	\$500		
Light Board Op:	\$250		
Projection Des:	\$250		
Projection Op:	\$250		
Spotlight Op:	\$250		
Spotlight Op:	\$250		
Set Painter:	\$250		
Playbiller:	\$100		
	\$9,350		

Total W/ RAP:
Total W/O RAP:

\$14,350
\$22,300

Total Sponsor/Fees: \$700-\$3,700
Total Sponsor/Fees: \$700-\$3,700

3-10-11: SHORT TERM VACATION RENTAL:

Regulations and restrictions imposed by this section are in recognition of the premise that a vacation rental provides lodging for a transient population that may or may not honor neighborhood mores or exhibit neighborly consideration to the same extent as permanent residents. Separation requirements listed in subsection B of this section and total license limits listed in subsection C of this section are based on a desire to maintain the overall residential character of neighborhoods and the purpose of single-family residential zones to promote safe locations for residential uses. (Ord. 2016-04, 3-17-2016)

A. Business License Required: No dwelling in a residential zone shall be occupied or used as short term vacation rental, until such time that the owner has obtained a short term vacation rental business license issued in accordance with the provisions of this section. (Ord. 2017-13, 8-17-2017)

1. A vacation rental license application that has not had all required items submitted and approved and the license issued within ~~eight (8)~~ six (6) months of the application date shall be considered void and a new application and fee will be required. If there is a waiting list, the applicant will forfeit their spot and go to the end of the waiting list. (Ord. 2017-01, 1-5-2017)

B. Conditions For Issuance Of A Business License For A Short Term Vacation Rental: In addition to any other requirement of this section, a short term vacation rental business license shall be approved by the Business License Officer if:

1. The dwelling unit is located in a single-family dwelling that has been issued a certificate of occupancy by the date of the adoption hereof, or has been in use as a residential dwelling for at least six (6) months from issuance of a certificate of occupancy, or has been built to meet Building and Fire Codes for transient occupancy and has been issued a certificate of occupancy before application is made for a short term vacation rental license. ~~Notwithstanding the previous restriction, application may be made for a short term vacation rental license for a single-family dwelling that has been issued a certificate of occupancy but has not met the six (6) month residential use restriction upon deposit of one hundred dollars (\$100.00) and submittal of a complete application. If applicant does not then pay the remainder of the licensing fee and complete the licensing process within seven (7) months of the initial deposit, deposit shall be forfeit.~~ Portions of a single-family dwelling may not be used as a short term vacation rental unless licensed as a bed and breakfast or residential hosting facility in accordance with the

regulations for that use. A short term vacation rental and a bed and breakfast or residential hosting facility may not be located in the same single-family dwelling, (Ord. 2016-07, 7-21-2016)

2. The owner of a single-family dwelling for which a short term vacation business license is sought does not hold a business license to operate another short term vacation rental within the Hurricane City limits. For purposes of this subsection, "owner" means any individual, corporation, partnership, limited liability company, trust or other entity which has a legal or equitable ownership interest in the single-family dwelling, or any individual who has an ownership interest in any corporation, partnership, limited liability company, trust or other entity which has a legal or equitable ownership interest in the single-family dwelling,

3. The property line of another dwelling licensed as a short term vacation rental is not located within three hundred feet (300'), as measured along the same street or around the corner, of the front property line corners of the property where the proposed short term vacation rental license is being sought,

4. The application lists the name, address and phone number of the owner or other person designated by the owner as the property manager who shall be responsible for ensuring compliance with the rules and regulations specified in this section, and

5. The application includes a valid Utah state tax number for remittance of transient lodging taxes.

C. Limit On Total Number Of Short Term Vacation Rental Licenses: The total number of short term vacation rental business licenses issued within the city of Hurricane shall be limited in accordance with the following:

1. The maximum number of short term vacation rental business licenses for property in single-family zones to be issued shall be based on the total population of the city, allowing three (3) licenses for every one thousand (1,000) of total population.

2. The total number of licenses available each year shall be recalculated based on an estimated population derived by adding the total number of new dwelling units times 2.9 residents per unit to the prior year's base population.

3. If a complete application meeting all other requirements for licensure is received after the maximum number of licenses has been issued, the application shall be placed on a waiting list in order of the date of receipt of a completed application. No fees will be due until a license becomes available. **When a license is available, a letter will be sent to the first person on the waitlist. They will have forty five (45) days from the date of the letter to start the licensing process or the license will go to the next person on the list.**

4. In the event of a sale or other transfer of any property containing a dwelling licensed as a short term vacation rental, the purchaser or transferee of the property shall be required to

apply for a new license within forty five (45) days of the date of purchase or transfer. In the event that the purchaser or transferee fails to apply for a new license within said forty five (45) days, the license will be forfeited and the owner must reapply for any available license or be placed on the waiting list.

D. Parking Regulations: The owner of any property licensed as a short term vacation rental shall provide off street parking for guests in accordance with the following:

1. Off street parking shall be provided on the same lot as the dwelling which is licensed as a short term vacation rental.
2. Parking shall be provided at one vehicle per bedroom. Tandem spaces on a driveway may be used.
3. All guest parking ~~should~~ shall be contained on the site.
4. No off street parking space may be located in front of the living area of the dwelling unless there is a circular driveway.
5. The number of vehicles allowed by the occupants of a vacation rental home shall be restricted to the number of off street parking spaces provided by the owner.

E. Maintenance Standards: Any property that contains a dwelling which is licensed as a short term vacation rental shall conform to the following standards:

1. Structures shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained and watered in order that the use in no way detracts from the general appearance of the neighborhood;
2. The use of a dwelling as a short term rental shall not in any way change the appearance of the dwelling or property for residential purposes; and
3. Each sleeping room must meet current international residential code codes for egress and be equipped with smoke and CO2 detectors. A fire exiting route plan and maximum occupancy number must be posted in each sleeping room.

F. Prevention Of Noise, Nuisance Or Trespass: The owner of any dwelling licensed as a short term vacation rental shall be responsible to ensure that guests or occupants of the short term rental do not:

1. Create noises that by reason of time, nature, intensity or duration are out of character with noises customarily heard in the surrounding residential neighborhood.
2. Disturb the peace of surrounding residential property residents by engaging in shouting, fighting, playing of loud music, racing of cars or recreational vehicles on streets, engaging in outside recreational activities after ten o'clock (10:00) P.M., or other similar activities.
3. Interfere with the privacy of surrounding residents or trespass onto surrounding residential properties.
4. Allow pets or animals to create noise, roam the streets, trespass on neighboring properties, or create a mess that is not cleaned up by the owner or custodian of the pet or animal.
5. Engage in any disorderly or illegal conduct, including illegal consumption of drugs and alcohol.

G. Required Posting: The following information must be posted in a clear, concise, and unambiguous manner and in a conspicuous location inside any dwelling licensed as a short term vacation rental:

1. A copy of the vacation rental business license.
2. The name, address, and phone number of the owner or property manager.
3. The location of all fire extinguishers.
4. A list of all rules applicable for vacation rentals.
5. The maximum occupancy of the vacation rental and the maximum number of vehicles allowed.

H. Miscellaneous Rules And Regulations: The following rules and regulations shall apply to any dwelling for which a short term vacation rental business license has been issued:

1. Outdoor pools, hot tubs or spas shall not be used between the hours of eleven o'clock (11:00) P.M. and six o'clock (6:00) A.M.
2. Maximum occupancy in any dwelling licensed as a short term vacation rental shall be ten (10) persons at any one time. If, however, the property has a fire sprinkler system or other fire suppression system acceptable to the Hurricane Valley fire district, a greater occupancy may be approved. Maximum occupancy of the dwelling must be included in the regulations sign.

3. The owner of any property containing a dwelling licensed as a short term vacation rental shall cause to be displayed in a city approved location on the exterior of the property an approved sign containing the name and twenty four (24) hour per day, three hundred sixty five (365) day per year telephone number of the owner or other party designated by the owner as property manager who will be responsible for receiving and resolving complaints regarding activities on the property and the conduct of its occupants and guests. The sign shall not exceed twelve inches by eighteen inches (12" x 18") and shall be the only sign other than an address permitted on a short term vacation rental property.

4. The owner or property manager shall provide information on current occupants to police, emergency, or city personnel as requested. The owner or other person designated as the property manager shall respond to complaints and concerns within one hour of any phone call or other notification. Failure of the owner or property manager to respond in a timely manner may result in a violation and possible fines to the business license holder and property owner.

5. The requirements of this section shall be in effect throughout the time a short term vacation rental license is in effect on the property, regardless of whether the property is occupied by the owner, nonpaying guests of the owner, or paying guests of the owner. The city finds that, given the practical difficulty of determining whether or not the occupants are paying guests, enforcement of the requirements contained in this section shall be based on whether the property is licensed as a short term vacation rental.

6. An inspection of a vacation rental property for compliance with these regulations will be performed at the time of business license review. Additional inspections may be performed with twenty four (24) hour notice to the license holder/property manager if deemed necessary by the city.

7. The owner of any dwelling licensed as a short term vacation rental shall be required to collect and remit on a timely basis transient lodging taxes.

I. Enforcement Provisions:

1. Any owner of any dwelling in a residential zone within the city of Hurricane who allows or permits occupation of said dwelling as a short term vacation rental, as defined herein, without having first obtained a business license in accordance with the provisions of this section shall be guilty **of a class B misdemeanor** of an infraction; and shall be punished by a fine of not less than seven hundred fifty dollars (\$750.00) for each such violation.

~~which shall be punishable by a fine of up to one thousand dollars (\$1,000.00), imprisonment for up to six (6) months, or any combination thereof for each such violation.~~

2. Any owner of any dwelling in a residential zone within the city of Hurricane, who, having first obtained a business license for use or occupation of said dwelling as a short term vacation rental, thereafter operates or permits operation of said short term vacation rental in violation of

the terms and provisions of this section shall be guilty of an infraction, and shall be punished by a fine of not less than seven hundred fifty dollars (\$750.00) for each such violation. If the owner has any property, including the property of found with the violation, on the waiting list described in 3-10-11 (A), each of those properties shall be removed from the waiting list and the property in question will no longer be eligible for a business license without reapplying and being put on the waiting list for volition as listed within this paragraph. Being removed from the waiting list means the applicant will lose their place in line.

3. Any person who occupies a short term rental as a guest and who violates any local ordinance or state law shall be subject to arrest, issuance of a citation, or other criminal process in accordance with all state, federal or local statutes, rules or ordinances.

4. Violation of any provision of this section regulating short term vacation rentals shall constitute a separate offense for each day said violation occurs or continues.

5. In the event of three (3) or more violations of this section committed by an owner or guest, or any combination of the two (2), within any twelve (12) month period, the city council may, depending on the nature or extent of the violations, proceed with revocation of the business license for any short term vacation rental property in accordance with the provisions of the general business license ordinance. (Ord. 2016-04, 3-17-2016)

10-7-23: GRADING PERMIT BY EXCEPTION:

Notwithstanding any other provision in this title to the contrary, the zoning administrator shall be authorized, upon an affirmative vote of the Hurricane City council, to issue a grading permit for property not scheduled for immediate or reasonably imminent development upon such terms and conditions as may be deemed necessary by said city council to guarantee the protection of the property and neighboring properties against problems resulting from such grading, including, but not limited to, the accumulation of weeds, soil erosion, surface drainage and dust. (Ord. 2010-5, 9-2-2010)

Proclamation

In recognition of imminent fire danger in Hurricane City and its surrounds and

Whereas the Hurricane City Council has authorized the Mayor, in consultation with the Hurricane Valley Fire District, to make a declaration of fire danger and declare certain conditions within the City limits; and

Whereas the fire danger in Hurricane City is deemed to be High; and

Whereas fireworks are known to be one of the causes of wildfire;

Whereas the conditions are not expected to improve over the next months; and

Whereas brush and structural fires constitute a threat to life and property in the City of Hurricane; and

Whereas the celebrations of July 4th and July 24th are traditionally associated with the use of fireworks; and

Whereas it is in the best interests of the City, its residents, businesses, and visitors that the dangers and potential damage and/or injury associated with fires be minimized by the exercise of caution and advanced planning calculated to help reduce the threat of such potential dangers and harm.

Whereas fireworks may be discharged beginning on July 2 and ending on July 5 and beginning on July 22 and ending on July 25 between the hours of eleven o'clock (11:00) A.M. and eleven o'clock (11:00) P.M. except that on July 4 and July 24 the hours are eleven o'clock (11:00) A.M. to twelve o'clock (12:00) midnight. Beginning at eleven o'clock (11:00) A.M. on December 31 and ending at one o'clock (1:00) A.M. on the following day.

Therefore, I John W. Bramall, Mayor of the City of Hurricane, do **proclaim** Condition 3 as described below and contained in the Hurricane City Code within the City limits of Hurricane.

Condition 3:

1. Fireworks in July may be discharged only in the following locations:
 - a. Spilsbury Park ball fields.
 - b. American Legion ball field.
 - c. Three Falls Park.
 - d. Dixie Springs Park beginning in July of 2016. (Ord. 2015-06, 7-2-2015)

Proclaimed this 3rd day of June, 2021

John W. Bramall, Mayor

Attest: _____
Cindy Beteag, Recorder