



# HURRICANE CITY UTAH

## City Council

*Joseph Prete  
Dave Sanders  
David Hirschi  
Kevin Thomas  
Doug Heideman*

**Mayor**

**City Manager**

Nanette Billings    Kaden DeMille

### **Hurricane City Council Meeting Agenda**

July 7, 2022

4:00 PM

City Council Chambers 147 N 870 W, Hurricane

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

#### **4:00 p.m. Work Meeting**

1. Swearing in of new police officers
2. Discussion regarding Sky Ranch Annexations

#### **5:00 p.m. Pre-meeting**

#### **6:00 p.m. - Call to Order**

Prayer

Thought

Pledge

Declaration of any conflict of interest

Introduction of the 2022-2023 Royalty- Tacy Wright

#### **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.

#### **Consent Agenda**

1. Minutes for Special Meeting November 15, 2021
2. Minutes for Regular Meeting February 3, 2022

3. Minutes for Special Meeting May 18, 2022
4. Minutes for Regular Meeting May 19, 2022
5. Minutes for Regular June 2, 2022
6. Minutes for Special Meeting June 14, 2022
7. Amended Resolution 2022-29 regarding Animal Shelter fees to correct a clerical error
8. Consent to staff to issue a grading permit for Hurricane Power Substation located at 600 N 1150 West

## OLD BUSINESS

1. Ordinance 2022-11: Consideration and possible approval of a **Land Code Use Amendment to adopt Water Conservation standards** within Title 10 Chapter 39 - Subdivisions, Chapter 32 - Landscaping and Screening, Chapter 23 - Planned Development Overlay, and Chapter 33 - Design and Compatibility Standards.
2. Consideration and possible approval of Resolution 2022-27 approving an **agreement with Natural Resources Conservation Service (NRCS)** regarding Warner Draw Watershed Supplemental Watershed Work Plan Agreement-Arthur LeBaron
3. Discussion and possible approval of **trading City-owned farming equipment for help with other items** regarding the Historical Committee-David Hirschi
4. Ordinance 2022-21: Consideration and possible approval of a **proposed Land Code Use Amendment to Title 10, a section of Chapter 7 - regarding conditional use permits and Chapter 15 regarding Highway Commercial building standards**. Ishraj Singh Applicant. Steve Beesley Agent.
5. 2022-PP-09 Consideration and possible approval of a **preliminary plat for Legacy Business Park, a 6 lot industrial subdivision located at 563 S Commerce St**. Liv Dalebout Applicant. Evans & Associates-Chad Spencer Agent.

## NEW BUSINESS

1. Discussion regarding **Hurricane City Code 10-51 and 10-49**-Historic Committee
2. Ordinance 2022-39: Consideration and possible approval on a **Zone Change amendment request located at 650 S and 1100 W from RA-1, residential agriculture one unit per acre, to R1-15, residential one unit per 15,000 sq ft** to facilitate a lot split. Jaymie Wetzel Applicant. Jeffrey Hatcher Agent.
3. Consideration and possible approval of **local consent for a full liquor restaurant license located at 82 N Coral Canyon Blvd**-La Fonda Grill LLC applicant, Rosa Kundev agent
4. Consideration and possible action to deny or accept for further consideration **the Petition for Annexation for Cliffside parcel 3398-B-HV**-Kent Stephens
5. Consideration and possible approval of **policies 623 and 703-709 of the updated employee policy manual**-Sel Lovell

6. 2022-LUCA-05: Consideration and possible approval on a **Land Use Code Amendment request to Title 10, Chapter 3, Chapter 13, Chapter 33, and Chapter 34 and Title 4 Chapter 2-** with regards to site plan design, open space and amenities, outdoor lighting, and parking in new developments. Hurricane City Planning Applicant.
7. Consideration and possible **approval of local consent for a single event liquor event for Trail Hero**-Dan Staheli

### **Adjournment**

I hereby certify that the above notice was posted to the city website, ([www.cityofhurricane.com](http://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

1 Minutes of the Hurricane City Council special meeting held on November 15, 2021, in the  
2 Council Chambers at 147 North 870 West, Hurricane, Utah at 9:00 a.m.

3 **Members Present:** Mayor John Bramall and **Council Members:** Nanette Billings, Darin Larson,  
4 Joseph Prete, and Kevin Tervort. Dave Sanders excused.

5  
6 **Also Present:** City Manager Kaden DeMille, Planning Director Stephen Nelson, and City  
7 Recorder Cindy Beteag.

8  
9 **AGENDA**

10 **9:00 a.m. Canvassing of 2021 General Election**

11 Susan Lewis with Washington County gave a summary of the number of ballots that were  
12 mailed. Ballots are only to registered active voters. Hurricane City has 11,374 active registered  
13 voters and we received 5,168 back. There were 407 ballots that were not counted for one of  
14 the following reasons: returned past deadline, undeliverable, or not cured. We had 10 in person  
15 voting at the Dixie Center. The official vote for each candidate is Nanette Billings 52.66%, Kevin  
16 Tervort 47.34%, V. Douglas Heideman 22.51%, Brian Hawkins 22.00%, David M. Hirschi 32.02%,  
17 and Kevin D. Thomas 23.47%. Hurricane City had a 45 % turn out but most other municipalities  
18 had about 30%.

19 Joseph Prete motioned to approve the General Election results as presented. Seconded by  
20 Darin Larson. Motion carried with Nanette Billings, Darin Larson, Joseph Prete and Kevin  
21 Tervort voting aye.

22 **Adjournment: 9:15 a.m.**

1 Minutes of the Hurricane City Council meeting held on February 3, 2022, in the Council  
2 Chambers at 147 North 870 West, Hurricane, Utah, at 4:00 p.m.

3 **3:00 p.m. Work Meeting - PID discussion**

4 **Members Present:** Mayor Nanette Billings and **Council Members Present:** Dave Sanders, David  
5 Hirschi, Doug Heideman, and Kevin Thomas.

6 **Staff Present:** City Manager Kaden DeMille, Planning Director Stephen Nelson, Assistant  
7 Planning Director Fred Resch III, Power Superintendent Scott Hughes, Water Department Dallan  
8 Wadsworth, Street Superintendent Weston Walker, City Engineer Arthur LeBaron, and City  
9 Recorder Cindy Beteag

10 Brennan Brown provided a presentation to address the questions he received from the City  
11 Council.

12 Mr. Brown reported that the first question was whether a property owner could pay off their  
13 portion of the bond when they purchase the property and when the payments start. Mr. Brown  
14 reported that payments start immediately and repayment depends on the type of bond issued.

15 A special assessment bond can be prepaid because it is a fixed payment for the life of the bond.  
16 The fixed payment will be much higher than a payment based on property taxes, specifically  
17 regarding undeveloped land. The special assessment bond allows the foreclosure process to  
18 start within thirty days of overdue payment and accelerates future assessment. The positive is  
19 it can be paid off in the beginning. The downside is everyone will pay the same amount over  
20 time. Few property owners will want to join the PID with the fixed payment, especially if they  
21 are not planning to develop their property in the immediate future.

22 The limited property tax bond is a rate tied to the property tax assessment, so it is impossible to  
23 calculate what a prepayment will be. The limited property tax bond is a soft foreclosure process  
24 and can only be tied to unpaid taxes plus any interest. State statute limits a special assessment  
25 repayment to twenty years, and the limited property tax bond repayment can go up to thirty  
26 years.

27 Mr. Brown reported that the second question was about checks and balances. Mr. Brown  
28 explained that PIDs are subject to the same state requirements as other entities. There are  
29 open public meeting laws and budget procedures, which are audited annually. The governing  
30 document provides the City with oversight. The City does not have to approve payments from  
31 the PID unless it chooses to do so, which will be defined in the governing document.

32 Councilman Thomas asked how the development will differ depending on the funding tool or if  
33 the PID is denied. Mr. Brown presented information explaining the development process

1 depending on each financing tool. He stated that a PID enables enhanced improvements that  
2 are not otherwise feasible and is a method to offer better amenities for the development and  
3 City. Kaden DeMille reported the levy will be based on amenities and will be higher with more  
4 amenities. Mr. Brown noted growth is already coming, and a PID will help pay for that growth  
5 without burdening all the citizens in Hurricane City with additional taxes.

6 Mr. Brown discussed how the PID is disclosed to home buyers and how the PID affects current  
7 property owners. He explained that the PID is listed on the MLS fact sheet, the seller property  
8 condition disclosure statements, the title commitment, closing documents, and a separate PID  
9 disclosure. The maximum mill rate on the property tax is disclosed, which provides property  
10 owners information on the worst-case scenario. The PID requires 100% landowner consent, and  
11 the City can decide how to handle property owners who join the PID later.

12 Stephen Nelson explained that one of the PID districts must install water wells, which will be  
13 dedicated to the City when it is completed. Other developments will benefit from the  
14 improvements the PID provides. Dusty Wright pointed out that installing this infrastructure  
15 opens more land providing more lots and lowering the housing cost.

16 Robert stated that PIDs are not for every situation. But they are great for unique situations. This  
17 benefits the community and allows us to plan for the future. Ted Fullerton stated that inflation  
18 makes it harder to keep lots affordable. This is an excellent opportunity to have all the builders  
19 on the same page. Council Thomas stated that if every developer dedicated a portion of their  
20 project to affordable housing, it would improve the community. He acknowledged that there  
21 are advantages to allowing this, but he is concerned that this will drive the cost up instead of  
22 down and speed up development. Councilman Sanders appreciates developers working  
23 together to make it a better product.

24 Mayor Billings suggested meeting with each application to address concerns individually.  
25 Councilman Sanders agreed that a meeting for each application would be beneficial before it is  
26 put on the agenda. Councilman Hirschi would like to get public input. Cindy Beteag explained  
27 that a public hearing is required when an item is on the agenda to be approved. The City  
28 Council set up a meeting on February 9<sup>th</sup> at 4:00 p.m.

29 **5:00 p.m. Pre-meeting**

30 Also Present: City Manager Kaden DeMille, City Attorney Fay Reber, Police Chief Lynn Excell,  
31 Power Superintendent Scott Hughes, Planning Director Stephen Nelson, Street Superintendent  
32 Weston Walker, Recreation Director Kole Staheli, City Engineer Arthur LeBaron, Fire Chief Tom  
33 Kuhlman, Water Superintendent Ken Richins, Ash Creek Special District Mike Chandler, and City  
34 Recorder Cindy Beteag  
35 Chief Excell introduced Officer Spencer Danes. New officers will be sworn in on Monday at 3:00  
36 p.m.

1 Chief Kuhlman reported that employee family orientation is tonight. One hundred fifty-one  
2 applicants responded to the help wanted sign. Ninety-four applicants passed the testing, and  
3 twenty-two participants were given conditional offers.

4 Ken Richins is here for agenda item # 7.

5 Kole Staheli reported that there are three baseball tournaments this month. Soccer  
6 tournaments are being held over President Day weekend. There is a surge in special event  
7 applications, and these events require support from all the departments. Mr. Staheli explained  
8 what defines a special event. Mayor Billings announced that Mr. Staheli has accepted a position  
9 with Washington City. Mayor Billings and the Council thanked him for his service.

10 Weston Walker reported that the Streets Department continues to patch and crack seal the  
11 roads. The chip and seal project is out to bid, and he explained which roads are being chip  
12 sealed. Councilman Heideman asked Mr. Walker to provide a list of road repair priorities.

13 Arthur LeBaron stated that the City has a five-year plan for capital improvements. Reviewing  
14 the completed projects and updating the plan each year is essential. The connection on 2800  
15 West has been on the list for quite some time and is on the agenda tonight. Mr. LeBaron  
16 reviewed the role of the Engineering Department. The department reviews all plans submitted  
17 for construction projects, plats, regional transportation planning, agency coordination, traffic  
18 assignments for events, and supports other departments.

19 Stephen Nelson provided a summary of the 2021 development report. The Planning  
20 Department would like to do a growth workshop with the City Council and Planning  
21 Commission during the March 3<sup>rd</sup> City Council meeting. Mr. Nelson is in the process of  
22 reviewing interviews for the Building Official. The Planning and Building Clerk position has been  
23 filled.

24 Scott Hughes requested to continue the franchise agreement with Infowest. Item #15 has  
25 power concerns that need to be addressed.

26 **6:00 p.m. - Call to Order**

27 **Prayer:** Brother Kuhlman

28 **Historical Thought and Pledge:** Mike Patterson

29 **Recognition and thanks to Former Mayor John Bramall**

30 Mayor Billings thanked John Brammall for his service.

1 John Bramall thanked the City Staff and community members.

2 **Public Forum – Comments from Public**

3 **OLD BUSINESS**

4 **1. Consideration and possible approval of a Franchise Agreement between Hurricane City**  
5 **and Infowest**

6 Scott Hughes recently learned that each entity has a separate pole attachment agreement. Fay  
7 Reber stated this would be addressed with a separate agreement, and both agreements should  
8 be presented simultaneously.

9 Kevin Thomas motioned to continue the Franchise Agreement between Hurricane City and  
10 Infowest. Seconded by David Hirschi. Motion carried unanimously with David Hirschi, Dave  
11 Sanders, Kevin Thomas, and Doug Heideman voting aye.

12 Kevin Thomas motioned to move to New Business item # 12 in front of Old Business item # 2.  
13 Seconded by David Hirschi. Motion carried unanimously.

14 **2. Consideration and possible approval on a Zone Change Request located at**  
15 **approximately 4800 S and 1500 W from RA-1, residential agriculture one unit per acre,**  
16 **to R1-10, residential one unit per 10,000 square feet, with a PDO, planned**  
17 **development overlay, to add to the existing Solaroca PDO. Parcel numbers: H-3403-E-1,**  
18 **H-3403-E-3, H-3403-H, H-3403-A. The Will Group Applicant. Tyson Williamson Agent.**

19 Tyson Williamson reported that 280 acres were approved in the PDO in October. This zone  
20 change request is to add four ten-acre parcels. These acres were not initially included because  
21 they had not contacted the property owners. Mayor Billings stated that the main concern is the  
22 flight pattern for the Sky Ranch Airport.

23 Ross Johnson is representing a group. Mr. Johnson reported they were surprised by the zone  
24 change approval in October. The group feels that the zoning change requirements and the  
25 requirements for providing notice were not met, and they plan to challenge it. High-density  
26 housing and vacation rentals will destroy the airport. He provided packets that included the  
27 zoning rules around an airport. Mr. Johnson reviewed the City Council minutes from September  
28 9<sup>th</sup>, 2021, stating that this area is designated as residential and agriculture. This airport is an  
29 approved emergency landing airport, and the lit runway is 4,400 feet long. The residents in this  
30 area have invested money in their land, believing this area would not be developed.

31 Mary Ann Perkins stated that developers request additional land under the pretense that it is

1 necessary to make money. What they want is to make more money. Ten-acre lots are selling for  
2 a million dollars, and this is the most desirable location in Hurricane. If these additional lots are  
3 not approved, the developer can build the approved 700 units. She explained that the zone  
4 change application was tabled in the September 9<sup>th</sup> Planning Commission meeting because it  
5 did not meet the four considerations. On October 14<sup>th</sup>, Solaroca was approved without any  
6 discussion or public notice. The impact on the surrounding community was not addressed. The  
7 City Council's job is to protect the residents and their natural areas, not the developers. One  
8 hundred thirty-seven residents signed the petition opposing it.

9 Stephen Nelson stated that the Planning Department followed standard notification  
10 procedures. Councilman Thomas reported that he received information from citizens claiming  
11 that the map cut Sky Ranch from the notification area. Mr. Nelson explained that Sky Ranch is  
12 not part of the zoning map because it is not in the City limits, but it was listed in the staff  
13 report. Mr. Nelson will research to confirm how and where the notice was posted. Many  
14 residents in this area may not have received a notice because they do not live within 250 feet of  
15 the property. Councilman Thomas noted that this meeting is not to overrule the approved zone  
16 change. Councilman Sanders asked if the approved zoning would change if it was not notified  
17 correctly. Fay Reber reported that if the notice is not challenged within thirty days after the  
18 action is taken, it is deemed valid. Councilman Thomas discussed paragraph one in the Sky  
19 Ranch guidelines and asked if Sky Ranch tried to purchase the property to protect the runway.  
20 Mike Salzman explained that the south end of the runway was not part of the agreement.  
21 However, they have tried but were unable to purchase this property. He reported that there is  
22 a map that shows a navigational easement around the entire runway.

23 Jackie Sorcic also did not receive a notification, and she would appeal this if she could. She  
24 asked what the plan is for accommodating water in the area, litigation of air pollution, and  
25 infrastructure to support this density?

26 Sue Sanborn lives on 3.2 acres of horse property on 1100 West, and she was not made aware of  
27 the October meeting. This will significantly impact the residents. Property owners rely on  
28 zoning to protect the area they bought into, and it is the City Council's responsibility to uphold  
29 the zoning ordinances. They are already dealing with growth with Copper Rock, and this area  
30 cannot sustain this type of traffic.

31 Linda Secrist understands that progress is painful, and they know notification is imperative. The  
32 parcels in the area are large, which is likely why residents were not notified. She thinks a traffic  
33 study should take place because 1100 West can't handle more traffic.

34 Ann Havalon lives along the end of the runway. She purchased the property in 1984 when the  
35 runway was being developed. Due to the runway, she is limited on the height of trees and  
36 buildings on her property. There is no infrastructure in the area; most people have wells and  
37 are on propane. Her well has gone dry once, and another well has collapsed three times

1 because of sand. Sky Ranch can only supply water to the current residents, not future  
2 development.

3 Mayor Billings noted that the emails received will be included in the packet for this meeting.

4 Mayor Billings reported that the water and sewer are being installed down 1100 West and  
5 going to Copper Rocks. Mr. Williamson explained that 280 acres were in the original approval.  
6 This request will add one hundred more homes. They are required to do traffic studies, and the  
7 road will be improved per the transportation master plan. Mr. Nelson mentioned that the  
8 previous application was approved because the applicants proposed half-acre and one-acre lots  
9 around the outer area of the development with the higher density in the internal section. They  
10 can still do one-acre lots with the current zone, but this application is for quarter-acre lots.

11 A citizen stated that the residents in Sky Ranch are satisfied with the current zoning and are  
12 against changing the zone to allow this much density. The airport safety concerns should have  
13 been reviewed six months ago.

14 Councilman Hirschi understands that citizens disagree with changing the zone. He suggested  
15 that the developer works with the citizens to purchase the property to accommodate the flight  
16 pattern if possible. Mr. Williamson is trying to be a good neighbor and is willing to discuss  
17 options with the neighbors. Councilman Heideman measured the Sky Ranch runway, which is  
18 longer than the Hurricane City airport. They should be able to meet the safety guidelines.  
19 Mayor Billings stated that the City agreed to the flight pattern in 1990. They don't own the  
20 flight pattern property, but they own the air space. No law states people cannot develop  
21 around the airport.

22 Mr. Williamson requested to table the item so it could be discussed further.

23 Kevin Thomas motioned to deny the Zone Change Request located at approximately 4800 S and  
24 1500 W from RA-1, residential agriculture one unit per acre, to R1-10, residential one unit per  
25 10,000 square feet, with a PDO, because it is not harmonious, utilities are not available to serve  
26 the area, and doesn't fit with the flight zone. Seconded by David Hirschi. Motion carried  
27 unanimously with David Hirschi, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

28 Joseph Prete joined the meeting online at 7:25 p.m.

29 **3. Consideration and possible approval of Modified Agreement between Hurricane City**  
30 **and Stratton Brothers Partnership - Fay Reber**

31 Fay Reber stated this item was removed from the previous agenda pending approval from the  
32 Water Conservancy District. The approval is still pending, and the item should be continued.

1 Dave Sanders motioned to continue the Modified Agreement between Hurricane City and  
2 Stratton Brothers Partnership to the February 17<sup>th</sup> City Council meeting. Seconded by Doug  
3 Heideman. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin  
4 Thomas, and Doug Heideman voting aye.

5 **NEW BUSINESS**

6 **1. Consideration and possible approval of an MOU agreement with 501C3 to host youth**  
7 **football - Cory Ashbey**

8 Cory Ashbey is asking permission to use the MOU established between the School District and  
9 Hurricane City. He explained Tiger Elite's purpose. Councilman Thomas met with the high  
10 school principal and is willing to honor the MOU with the City's approval.

11 Kole Staheli explained the difference between a category two and three MOU. Category three  
12 pertains to nonprofits. There is a fee associated with a nonprofit unless the City requests to  
13 waive fees associated with the field use. The applicant is here to confirm that the City agrees  
14 this does not affect the Recreation Center. Councilman Hirschi explained that the MOU protects  
15 the School District from litigation. A nonprofit must be umbrellaed under the City to utilize the  
16 MOU with the district. If this is approved, the City will be exposed to litigation. Mr. Ashbey  
17 explained that they will use their insurance and name the City as an additional insured.

18 David Hirschi motioned to approve the MOU agreement with 501C3 to host youth football.  
19 Seconded by Dave Sanders. Motion carried with David Hirschi, Dave Sanders, Kevin Thomas,  
20 and Doug Heideman voting aye. Joseph Prete abstained.

21 Councilman Prete feels that the public and private use policy should be discussed and revisited  
22 in the future.

23 **2. Consideration and possible approval of a proposal to seek sponsorship aid in using the**  
24 **school district buses for a private event - Dehn Craig**

25 Ana B., Event Director for Zion Half Marathon, explained that the marathon is on March 5<sup>th</sup>.  
26 They are starting in Virgin and finishing in Rockville. The applicant is asking for the City's  
27 endorsement and permission to approach the School District with a request to utilize the school  
28 buses to transport runners and spectators. The School District has asked for an endorsement  
29 from a municipal entity to use a county service. This event directly affects Hurricane City, which  
30 is why they are seeking endorsement and permission from Hurricane City. Mayor Billings  
31 reported that this was approved in the past, but they never used the buses because of COVID.  
32 Washington County sponsored this event in 2015.

33 Lyle Anderson, the Race Director, explained that they hold four races yearly in Washington

1 County. This is the only race that requires buses. The School District will only accept insurance  
2 from the City, and the City will be added as an additional insured. They asked Springdale City for  
3 endorsement but were denied because the City is too small to have adequate insurance to  
4 cover the liability. Mr. Anderson provided information regarding the economic benefit of past  
5 races. Utilizing the school buses will save a large amount of money. Two thousand seven  
6 hundred participants have signed up. They have already reserved charter buses this year, which  
7 cost \$60,000.

8 Councilman Prete stated that he motioned to approve this last time, believing this was standard  
9 protocol. However, he was unaware of the issues. This is a for-profit company asking for the  
10 City's help in return for the economic benefit, and the City needs to decide what its role is in  
11 the private-public matter.

12 Mr. Staheli reported that he spoke to the Transportation Director for Washington County  
13 School District. The Transportation Director indicated that they would have to deny this request  
14 due to the shortage of bus drivers even if the City Council approves it. He also expressed  
15 concern that organizations are finding loopholes in the policy to make the City accept the  
16 liability. Mr. Anderson noted that he understands there is a shortage of bus drivers and  
17 explained that they are seeking approval for the next year's race. He noted that Iron Man is  
18 allowed to use the school buses because of the economic benefit to Washington County.

19 Mayor Billings agreed that other races use the buses because they have a positive economic  
20 impact. Fay Reber is concerned that listing the City as the additional insured does not protect  
21 the City. Councilman Prete is on the Economic Development Committee and believes bringing  
22 business into the City is desirable. He feels this should be tabled until the City's Public-Private  
23 Policy is reviewed.

24 Joseph Prete motioned to table the proposal to seek sponsorship aid in using the school district  
25 buses for a private event to the April 7<sup>th</sup> City Council meeting. Seconded by David Hirschi.  
26 Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and  
27 Doug Heideman voting aye.

28 **3. Consideration and possible approval of local consent for Washington County Fair - Susi**  
29 **Lafaele**

30 Susi Lafaele is the Washington County Fair Director. The Washington County Fair was moved  
31 from August to April. This application is for local consent for the beer garden. Mayor Billings  
32 stated that Chief Excel reported there had been no issues in the past, and it meets the DABC  
33 regulations. Ms. Lafaele reported that they expanded the beer garden to allow patrons to have  
34 a beer while attending the rodeo and activities in the area. Councilman Thomas does not favor  
35 the expansion of the beer garden. Ms. Lafaele explained that everyone is asked for ID at the  
36 beer garden stations. Councilman Hirschi is against expanding the beer garden but favors the

1 agency.

2 Dave Sanders motioned to approve local consent for Washington County Fair. Seconded by  
3 Doug Heideman. Motion carried with Joseph Prete, Dave Sanders, Kevin Thomas, and Doug  
4 Heideman voting aye. David Hirschi, nay.

5 **4. Consideration and possible approval of local consent for LPGA Epsom Tour-Copper Rock**  
6 **Championship - David Viverios**

7 David Viverios explained the Copper Rock LPGA tournament. This is a hospitality Champions  
8 Club, and he provided pictures of their security measures. It is a weeklong event, and the  
9 previous tournament had a total economic impact of 1.8 million. Attendance is limited to those  
10 who have a championship ticket badge. There is a contained area where they can consume the  
11 drinks, and underage sales are not allowed.

12 Kevin Thomas motioned to approve local consent for LPGA Epsom Tour-Copper Rock  
13 Championship. Seconded by Dave Sanders. Motion carried unanimously with David Hirschi,  
14 Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

15 **5. Consideration and possible approval of a reduction in park and road impact fees for an**  
16 **apartment complex located at approximately 6129 W 100 S H-4-2-4-3211 - Kyle Arbizu**

17 Kyle Arbizu reported that Washington County has some of the highest impact fees in the State,  
18 making housing expensive. The apartment complex is eighteen units, and four apartments are  
19 two bedrooms. The remaining units are one-bedroom and studio apartments. He asked the City  
20 Council to keep in mind this area does not need new roads or parks, and they are paying for the  
21 infrastructure. They are only proposing a reduction in the impact fee. Developers can't afford to  
22 build projects that provide affordable housing if they don't get reductions. Prices have  
23 increased since they started the project, and they are trying to make this work with their  
24 budget.

25 Stephen Nelson discussed the guidelines and standards the City must follow to adopt an impact  
26 fee and cited the code that allows the Council to reduce impact fees. He explained that impact  
27 fees pay for new infrastructure, not roads or parks. Apartment housing has a reduced impact on  
28 road trips. Single-family average ten road trips per day, and apartments average seven.  
29 Developers can request a reduction in fees if their project has less impact. Mr. Nelson reported  
30 that Staff has not had a chance to review all the documents and recommenced continuing the  
31 item.

32 Kevin Thomas motioned to continue the consideration and possible approval of a reduction in  
33 park and road impact fees for an apartment complex located at approximately 6129 W 100  
34 South. Seconded by Dave Sanders. Motion carried unanimously with David Hirschi, Joseph

1 Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

2 **6. Consideration and possible approval of awarding a contract to construct 2800 West -**  
3 **Arthur LeBaron**

4 Arthur LeBaron reported three bids were received. The bid from JP Excavating is 2.65 million.  
5 The bid from Interstate is 2.94 million, and the bid from Whittaker Construction is 3.72 million.  
6 Mr. LeBaron’s recommendation is to award the contract to JP Excavating.

7 David Hirschi motioned to approve awarding a contract to JP Excavating in the amount of  
8 \$2,649,821.40 to construct 2800 West. Seconded by Dave Sanders. Motion carried unanimously  
9 with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

10 Mr. LeBaron reported that the bond has to be in effect for one year after the project is  
11 complete for warranty issues. Mobilization is slated for June, and they will start ordering  
12 materials immediately.

13 **7. Consideration and possible approval of updating the Water Board Term Schedule and**  
14 **appointing Lea Thompson - Nanette Billings**

15 Mayor Billings explained that the Water Board consists of nine members with one elected  
16 official. She noted who is currently serving on the Water Board and thanked Greg Last for his  
17 years of service. Stephen Nelson reported that four-year terms were recently established. The  
18 motion should include Mike Vercimack as the staff member.

19 Dave Sanders motioned to approve updating the Water Board Term Schedule and appointing  
20 Lea Thompson as the citizen member and Mike Vercimack as the staff member. Seconded by  
21 Doug Heideman. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders,  
22 Kevin Thomas, and Doug Heideman voting aye.

23 **8. Discussion regarding vacation rentals - Jacquie Slade**

24 Dave Sanders motioned to continue the discussion regarding vacation rentals to March 3<sup>rd</sup>.  
25 Seconded by Kevin Thomas. Motion carried unanimously with David Hirschi, Joseph Prete, Dave  
26 Sanders, Kevin Thomas, and Doug Heideman voting aye.

27 **9. Consideration and possible approval of a Reimbursement Agreement for Zion Tiny RV**  
28 **Park - Stephen Nelson**

29 Stephen Nelson presented the approved final site plan. Zion Tiny RV Park was required to put a  
30 master plan roadway through their property. They request reimbursement for the road impact  
31 fees because this is a system improvement. Mr. Nelson reviewed the agreement and the

1 proposal to reimburse \$69,624.45.

2 Kevin Thomas motioned to approve the Reimbursement Agreement for Zion Tiny RV Park for  
3 \$69,624.45 to be reimbursed through vouchers because of the benefit to the City of the master  
4 planned road. Seconded by Doug Heideman. Motion carried unanimously with David Hirschi,  
5 Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

6 **10. Public Hearing** to take comments on the following:

7 Dave Sanders motioned to go into public hearing. Seconded by David Hirschi. Motion carried  
8 unanimously.

9 **a. A Sensitive Land application on The Ridge at Zion Vista Ph 2**, a 19-lot subdivision,  
10 located at 840 South 1850 West

11 No comments.

12 Kevin Thomas motioned to go out of public hearing. Seconded by Dave Sanders. Motion carried  
13 unanimously.

14 **11. Consideration and possible approval of a sensitive land application and preliminary plat**  
15 **on The Ridge @ Zion Vista Ph 2, a 19-lot subdivision, located at 840 S 1850 West** - Rich  
16 Hansen applicant

17 Danny Green is representing Rich Hansen. Stephen Nelson reviewed the preliminary site plan.  
18 This project was approved in 2006, and the approved site plan includes a golf course and open  
19 space. The applicant is following the general site plan, but this phase has four additional lots  
20 not included in the initial site plan. The project is under ownership by multiple property owners,  
21 and any deviation in the density will impact the other property owners. Staff is in favor of  
22 changing the plan. However, Mr. Nelson is hesitant to approve changes until the development  
23 agreement is updated. If the City Council votes for approval, it should be subject to removing  
24 the four additional lots. Mr. Nelson reported that the roadway is vital for development in the  
25 area as it will provide water looping and secondary access. It does exceed the slope, but staff  
26 feels it is justified for the connection. Mr. Green reported that the applicant agreed to remove  
27 the four lots from their request.

28 Kevin Thomas motioned to approve a sensitive land application and preliminary plat for The  
29 Ridge @ Zion Vista Ph 2, a 19-lot subdivision, located at 840 S 1850 West. Subject to removing  
30 the four north lots. Seconded by Dave Sanders. Motion carried unanimously with David Hirschi,  
31 Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

32 **12. Consideration and possible approval of a proposed zone change located at 4700 S and**

1           **2600 W from RA-1, residential agriculture one unit per acre, to R1-10**, residential one  
2           unit per 10,000 square feet. Parcel numbers: H-3-2-32-330 and H-3-2-32-321. Calypso  
3           Ridge Properties Applicant. Karl Rasmussen Agent.

4           Karl Rasmussen explained that the applicant mistakenly excluded two parcels from the  
5           approved zone change. They are requesting to apply the same zoning to these parcels. This area  
6           is part of the PID application and matches the general plan.

7           Stephen Nelson reported that there are no services available in the area. The zone change was  
8           approved subject to a development agreement stating that the City can deny future land use  
9           unless services can be provided. Staff recommends the same condition if this is approved.  
10          Councilman Prete commented that the development agreement is a way around the zone  
11          change analysis and ultimately changes the zoning and the City Council's ability to shape the  
12          development. He does not think zone changes should be approved before there are adequate  
13          services. Mr. Rasmussen stated he doesn't think it will be an issue if this is approved in the  
14          same manner as the other parcels. They can't do anything with the property until the  
15          infrastructure is there. These parcels were left out in error. They are in the same development  
16          and necessary for the project.

17          Mayor Billings stated that the City Council does not have to approve this zone change even if it  
18          is allowed in the General Plan.

19          Mr. Nelson explained that the City Council can justify approving or denying a zone change  
20          based on the four-zone change criteria. This matches the General Plan, but the infrastructure is  
21          not in the area. He would discourage leapfrog development, but the overall plan for this area is  
22          single-family residential, and this request is within that criteria. However, there are not  
23          adequate services to serve the area. It is important to consider the General Plan's vision for the  
24          area and what services can be provided in the immediate future. Councilman Thomas  
25          suggested continuing the item until after the PID decision.

26          Dave Sanders motioned to continue the proposed zone change located at 4700 S and 2600 W  
27          from RA-1, residential agriculture one unit per acre, to R1-10, residential one unit per 10,000  
28          square feet, until after the PID discussion. Seconded by Kevin Thomas. Motion carried  
29          unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug  
30          Heideman voting aye.

31           **13. Consideration and possible approval on a Zone Change request located at**  
32           **approximately 3300 W and 600 N from R1-6, residential one unit per 6,000 square**  
33           **feet, to R1-6 with a PDO**, planned development overlay. Parcel numbers: H-3-1-30-320  
34           and H-3-1-30-321. Perry Development, LLC Applicant. Greg Sant Agent.

35          Greg Sant reported there is a power line easement along the south boundary, however, they

1 have not been able to find it. Regardless of the easement, he agrees that there are two issues—  
2 maintenance of the line and safety for residents. The applicant has agreed to deed ten feet on  
3 the south property line to the City for access to the power poles. There are ten-foot setbacks in  
4 the rear yards, which total twenty-five feet to the power pole. The Power Department prefers  
5 thirty feet but is willing to work with applicants. The applicant is asking for the same PDO  
6 overlay as Peregrine Pointe because they are losing ten feet in the back. Stephen Nelson  
7 reported they are not requesting a density bonus. Councilman Thomas feels that this is a good  
8 solution for everyone. Mr. Nelson reported that a master planned trail goes through this  
9 property, and adjustments will need to be made to the cross-sections. He recommended that  
10 approval includes staff and the applicant working out the cross-sections.

11 Eric Sorenson lives in Peregrine Pointe and is the Vice President of the Peregrine Pointe HOA.  
12 Drainage issues need to be addressed. He provided a packet with pictures showing six feet of  
13 dirt against their block walls. The block walls were not built as retaining walls. Mr. Sant  
14 explained that they are building a new retaining wall adjacent to these properties. They will  
15 drain from the back of the lot to the front of the street. It is shown on the construction  
16 drawings. The retaining wall will be about five feet taller than the existing wall. Mr. Sorenson  
17 stated that this would address the drainage, but the residents will now see a wall outside their  
18 back windows. Mr. Sant explained that there is solid rock in that area. They are building at their  
19 current grade; the lots have to be higher than the road to drain. He also reported that a walking  
20 path will connect this subdivision and Peregrine Pointe between lots nine and ten.

21 Kevin Thomas motioned to approve the zone change request located at approximately 3300 W  
22 and 600 N. Subject to Staff and JUC comments, including the cross-section for the trail.  
23 Seconded by Doug Heideman. Motion carried unanimously with David Hirschi, Joseph Prete,  
24 Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

25 **14. Consideration and possible approval of an updated preliminary plat for Peregrine Point**  
26 **West Phase 1-4 Amended**, located at 600 N and 3100 W. Perry Development Applicant,  
27 Greg Sant Agent.

28 Dave Sanders motioned to continue the preliminary plat for Peregrine Point West Phase 1-4  
29 Amended, located at 600 N and 3100 W. Seconded by David Hirschi. Motion carried  
30 unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug  
31 Heideman voting aye.

32 **15. Consideration and possible approval of a Resolution declaring parents are the primary**  
33 **stakeholders in their child's life** - Nanette Billings

34 Mayor Billings read the Resolution declaring parents are the primary stakeholders in their  
35 child's life. Councilman Thomas voiced his full support. It is important to state and announce  
36 the City's intent. Councilman Hirschi believes parents are the best-vested interest in their

1 children’s lives. Fay Reber stated that the resolution has some grammatical errors that need  
2 correction before approval.

3 Kevin Thomas motioned to continue the Resolution declaring parents are the primary  
4 stakeholders in their child's life. Seconded by Dave Sanders. Motion carried unanimously with  
5 David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

6 Willie Billings stated that the City Council members are representatives of the people, and he  
7 feels it is their place to take a stand and represent the citizens. These types of resolutions are  
8 part of the City Council's leadership responsibilities. Councilman Heideman stated that Senators  
9 are creating a bill to address this issue which will be presented to the senate. Councilman  
10 Hirschi believes it is important to address situations like this. Councilman Prete stated he would  
11 support this when it is revised to correct the grammatical errors.

12 **16. Consideration and possible approval of a Resolution regarding Freedom and Liberties**  
13 **given to all by the constitution - Nanette Billings**

14 Mayor Billings read the Resolution regarding Freedom and Liberties given to all by the  
15 constitution into the record. Washington City passed this resolution. Councilman Thomas  
16 supports this resolution because it is an excellent way to defend the constitution. Councilman  
17 Sanders stated Washington City employees are grateful this was passed.

18 David Hirschi motioned to accept the resolution regarding Freedom and Liberties given to all by  
19 the constitution. Seconded by Kevin Thomas. Motion carried unanimously with David Hirschi,  
20 Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

21 **17. Consideration and possible approval of a Resolution appointing Nanette Billings to the**  
22 **Washington County Water Conservancy Board**

23 Mayor Billings explained that the Water Conservancy District Board tabled the motion to  
24 include mayors in the eastern part of Washington County and extend the number of board  
25 members to eleven, with four not voting members. Therefore there is no action necessary.  
26 Mayor Billings will continue attending the meeting and reporting to the City Council. However,  
27 she will not be a voting member.

28 Kevin Thomas motioned to table a Resolution appointing Nanette Billings to the Washington  
29 County Water Conservancy Board. Seconded by David Hirschi. Motion carried unanimously with  
30 David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

31 **18. Consideration and possible approval of appointing Doug Heideman to the Airport**  
32 **Board, Beautification Board, Appeals Board, and Tourism Board**

1 Joseph Prete motioned to approve appointing Doug Heideman to the Airport Board,  
2 Beautification Board, Appeals Board, and Tourism Board. Seconded by Dave Sanders. Motion  
3 carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug  
4 Heideman voting aye.

5 **19. Consideration and possible approval of a new position - Nanette Billings**

6 Mayor Billings explained that City Manager Kaden DeMille needs an assistant who will serve in  
7 a dual public relations position. The budget contains enough money and can be rearranged to  
8 fund this new position. Councilman Heideman explained that he receives complaints from  
9 citizens because they know what is happening in the City. Councilman Sanders agreed that Mr.  
10 DeMille and the City Staff are overwhelmed. Mr. DeMille stated that many administrative  
11 needs are not being met, and the Staff cannot cover everything.

12 Dave Sanders motioned to approve a new position. Seconded by Kevin Thomas. Motion carried  
13 unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug  
14 Heideman voting aye.

15 **20. Consideration and possible approval for the City Council and Mayor to be part of fund**  
16 **URS from Stipend - Nanette Billings**

17 Mayor Billings explained that the City Council receives a stipend, and she asked Staff to  
18 research if they could contribute to the 401K. Kaden DeMille stated that using a stipend to  
19 contribute to a 401K depends on the tier of each City Council member. Kendra Rich explained  
20 that Councilman Thomas is in tier one and the remaining Council members are in tier two. The  
21 Council members are part-time, making them ineligible to contribute to their 401K. If Hurricane  
22 City changed the policy to allow part-time employees to contribute to the 401K, it would have  
23 to include all part-time employees, which requires the City to contribute funds. It would raise  
24 the City's cost by 18.47%. The City Council can add money to their URS, not their 401K or 457.

25 **21. Consideration and possible approval of appointing the Mayor Pro Tempore**

26 David Hirschi motioned to approve appointing Joseph Prete the Mayor Pro Tempore. Seconded  
27 by Kevin Thomas. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders,  
28 Kevin Thomas, and Doug Heideman voting aye.

29 Council Report:

Mayor Billings	Airport, Administration, Police, Washington County Solid Waste District, Washington County Water Conservancy District, Youth City Council, Ash Creek Special Sewer District. Brooks statue dedication is at the Washington Town Center on March 19 <sup>th</sup> , at 10:00 a.m. The City is considering hiring a
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	part-time employee to assist with catching up on City Council and Planning Commission minutes.
Joseph Prete	Court, Prosecutors Office, City Attorney, Fire District, Economic Development, Agriculture Preservation, Industrial Park, Power, Power Board.
Dave Sanders	Animal Control, Police, Emergency Management, Mosquito Abatement, School Crossing Guards, Victim Services.
David Hirschi	Historic Preservation, Parks/Cemetery, Recreation/Pool, Water Department, Water Board, Ash Creek Special Service District, Golf Course.
Kevin Thomas	Planning Commission, Streets, and Drainage, Public Works, Engineering, Planning Dept.
Doug Heideman	Building Inspections, Code Enforcement, Tree Board, Airport Board, Appeals Board, Beautification Board, Tourism Board, Parks/Cemetery.
Kaden DeMille	City Administration, Confluence Park Technical Advisory Committee, Economic Development. Listed the open employment positions.

1 **Closed Session**

2 Joseph Prete motioned to go into a closed session for personnel issues at 10:47 p.m., Seconded  
 3 by Kevin Thomas. Motion carried unanimously.

4 **Adjournment**

5 Meeting adjourned at 11:06 p.m.

1 Minutes of the Hurricane City Council special meeting held on May 18, 2022, in the Council  
2 Chambers at 147 North 870 West, Hurricane, Utah, at 7:00 p.m.

3 **Members Present:** Mayor Nanette Billings and **Council Members Present:** Joseph Prete, David  
4 Hirschi, and Doug Heideman.

5 **Staff Present:** City Manager Kaden DeMille, Planning Director Stephen Nelson, Recreation  
6 Director Tiffani Wright, Parks Superintendent Darren Barney, City Attorney Dayton Hall, and  
7 City Recorder Cindy Beteag.

8 **AGENDA**

9 **7:00 p.m. Discussion on proposed recreation areas**

10 Mayor Nanette Billings opened the meeting.

11 Mayor Billings reported that City Council had frequently discussed solutions to issues with the  
12 City's recreation facilities. She has met with several contractors, but the cost dramatically  
13 exceeds what the City can afford. It is important to utilize resources from the community to  
14 create an excellent recreation facility that can serve the families in the community. She met  
15 with Daniel Cox, who suggested having outside courts on the corner of a park. Outdoor courts  
16 provide space but are not ideal because of the weather. Daniel Cox purchased a steel building  
17 for his business that is about the size of two middle school gyms. He was able to find out that  
18 Bob Lichfield had built the building. Mr. Lichfield has a building that he is possibly willing to  
19 donate to Hurricane City. The building will have to be assembled, and a cost is involved. Mayor  
20 Billings thinks it is possible to get help from the community to help with the labor. She  
21 discussed the three possible locations for the building. One location is across from the  
22 recreation center. The City owns property near Sand Hollow, and the third possibility is south of  
23 the equestrian park. Each location has its challenges. Pepper Reddish suggested hosting events  
24 and tournaments to generate revenue to fund the building. Mayor Billings stated she could see  
25 the benefits in hosting tournaments to generate income, but the main focus is to meet the  
26 needs of families and children in the community.

27 Mayor Billings's priority is to focus on the building because it is being donated. The most  
28 significant expense is engineering and labor. Sean Reddish is a contractor and has built several  
29 steel buildings. Mr. Reddish is willing to pass through the cost of erecting the building. His  
30 development partner installs sports courts for the entire region, and his flooring is the official  
31 flooring for the NCAA Volleyball and Basketball. Mr. Reddish explained that a concrete  
32 contractor specializing in sports flooring is a priority because a general concrete contractor  
33 cannot do it properly. Daniel Cox thinks the building is two hundred by six hundred feet.

1 Kaden DeMille reported that the plan for a Community Center Gym space was across from the  
2 recreation center. He would recommend that location because the recreation center can  
3 manage it. He mentioned concerns regarding how this location may affect Peach Days and the  
4 Easter Car Show. He would prefer a multi-use facility. The Rodeo Grounds is nearing  
5 completion, and the plan was to start funding the ball fields. It is important to decide which  
6 project is the highest priority. Stephen Nelson is working on an updated park and recreation  
7 facility master plan with an updated impact fee, which will more appropriately match the need  
8 for recreation facilities. Mr. Nelson reported that the building would need a façade to  
9 incorporate the style of the downtown area.

10 The group mapped the size of the building compared to the size of the property. Mr. Nelson  
11 suggested closing 100 West and creating an organized parking lot. Mayor Billings would like to  
12 have the property reviewed by engineering to ensure it is compatible with the size of the  
13 building and the intended use of the property. Mr. Reddish explained that that steel building  
14 has been stored for twenty years and could be unusable. Mayor Billings asked Mr. Reddish and  
15 Mr. Cox to look at the building and meet with engineering. Mr. Cox will work on obtaining  
16 quotes for flooring. Councilman Prete feels that the City needs a minimum of four gyms and this  
17 project is a higher priority than baseball fields. He hopes the City can tap into the community's  
18 goodwill to help with services or costs.

19 Adjournment: 8:05 p.m.

1 Minutes of the Hurricane City Council meeting held on May 19, 2022, in the Council Chambers  
2 at 147 North 870 West, Hurricane, Utah, at 4 p.m.

3 **Members Present:** Mayor Nanette Billings and **Council Members Present:** Joseph Prete, Dave  
4 Sanders, David Hirschi, Doug Heideman, and Kevin Thomas

5 **Staff Present:** City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Lynn Excell,  
6 Power Superintendent Scott Hughes, Planning Director Stephen Nelson, Recreation Director  
7 Tiffani Wright, Water Superintendent Ken Richins, City Engineer Arthur LeBaron, City Recorder  
8 Cindy Beteag, and City Accountant Paige Chapman.

9 **AGENDA**

10 **4:00 p.m. Work Meeting to discuss Franchise Agreements for fiber**

11 Kaden DeMille explained that Infowest's request for a franchise agreement was continued to  
12 allow staff time to research franchise agreements, fiber connectivity, and how that applies to  
13 services within the City. Mr. DeMille reviewed a presentation summarizing the information  
14 gathered by staff. There is limited fiber connectivity in Hurricane City. Currently CenturyLink  
15 and TDS are the only fiber providers within the City. TDS fiber is only along the SR-9 corridor.  
16 TDS representative stated that TDS fiber is going into every new subdivision. As the network  
17 expands, services to the older subdivisions are reviewed. The fiber in new subdivisions connects  
18 directly to the home. In many older areas, the fiber goes to a node that covers a specific house  
19 count and is supplied through coaxial cable. Mr. DeMille explained that fast and reliable  
20 internet has become a critical service. It is a way to attract potential business, and fiber  
21 connectivity is a home selling point.

22 Staff has identified three possible scenarios. The first option is to allow private businesses to  
23 provide fiber throughout the community. This route is less of a financial burden, however,  
24 without regulations, there are concerns about unsightly infrastructure. Each company wants  
25 conduits and fiber utility infrastructures such as vaults and pedestals, which creates  
26 complications with underground infrastructure. The City would need to decide the number of  
27 franchise agreements it will allow, how many pedestals are on the property, how many  
28 conduits under the road, and how that will affect road and other repairs.

29 The second option is a city-wide initiative to provide fiber to every household. This will be a  
30 large project, including financial bonding. This project will burden the citizens with that bond  
31 payment through a monthly utility fee. This is not recommended because it forces citizens to  
32 pay for a utility they do not want. In this scenario, a subscription model makes more sense for  
33 the citizens, but if the subscription level does not meet the bond payment, it could burden the  
34 City. The benefit of this option is that it will be an open-access network, creating more market  
35 competition. The cons are the cost of the project. Will the City own the infrastructure or a

1 private network provider? A new utility department must be created if the City owns and  
2 operates the system. Technology is continually evolving, and is it possible for the City to keep  
3 up with evolving tech.

4 The third option is a public/private partnership. The potential benefit in this scenario is shared  
5 cost and limiting excessive infrastructure. This option is still a financial risk to the City, and this  
6 is not a fast solution and would require a lengthy legal review process.

7 Councilman Prete stated that he was not in favor of the PIDs because it separates the new  
8 Hurricane from the old Hurricane in terms of services. Fiber presents a similar problem, new  
9 developments will benefit, but current residents do not have the same access.

10 Dayton Hall reported that if the City decides to move forward with the franchise agreement,  
11 the franchisee agreement ordinance needs to be updated. Mr. DeMille noted that City has to  
12 decide how many franchise agreements it will allow. The agreement has to be consistent for all  
13 providers and should clearly state how long the provider has to install fiber to every home in  
14 Hurricane City. Kelly with Infowest commented that their agreement says they would install  
15 fiber in older areas of town.

16 Mayor Billings asked if the City Council denied the franchise agreement with Infowest until the  
17 City knew what direction to go, what other concerns needed to be addressed. Scott Hughes  
18 reported that there are concerns regarding pole attachments.

19 Mr. DeMille asked for direction from the City Council. The City Council members are not in  
20 favor of starting a new utility. Councilman Thomas is in favor of limiting the number of franchise  
21 agreements. Councilman Prete's priorities are ensuring that services are provided in the older  
22 areas, making sure there is adequate competition to keep costs low, and minimize costs to the  
23 City. Arthur LeBaron suggested installing conduits in the road when a development is built and  
24 leasing the conduit to fiber providers.

25 The City Council asked Mr. Hall to review the franchise agreement ordinance and return it to  
26 Council's next meeting.

27 **5:00 p.m. Pre-meeting** - Discussion of Agenda Items, Department Reports

28 Stephen Nelson held the first meeting with the steering committee for the Moderate Income  
29 Housing plan today. The public open house is on June 8<sup>th</sup> at the Community Center. The plan  
30 should be ready for the Council to review in August. State code requires that the plan is  
31 adopted before October 1<sup>st</sup>. The applicant for New Business #8 will not be able to make it  
32 tonight and asked for it to be tabled. This application was denied in February because it did not  
33 comply with the General Plan. The new application is for a different zone.

1 Arthur LeBaron invited the City Council to watch the bell being placed on the tower tomorrow  
2 at 11:30 a.m.

3 Fred Resch III has received letters from attorneys regarding the letter sent to non-compliant  
4 short-term rentals. Fines are not accruing daily because the City needs to hire an appeal  
5 authority.

6 Chief Excell reported that the final elementary school DARE graduations are tomorrow. Two  
7 hundred students graduated this year. Hurricane City Police Department is the only agency in  
8 Washington County teaching DARE. The Crime Scene Investigator/Evidence technician starts  
9 the following Monday. The Crime Scene Investigator/Evidence intern is starting on June 1st. The  
10 evidence room audit will take them about eight weeks. This must be completed when a new  
11 technician is brought in to ensure accuracy. The Field Training Officer program has six officers,  
12 which is going well. He expressed gratitude to the City Council for having an attorney on staff.  
13 He is collaborating with him to update the Animal Control ordinances. Iron Man was a success,  
14 however, three businesses complained about losing revenue due to the traffic.

15 Tiffani Wright reported that SpongeBob closed and met its revenue goal of 20k. Brent Moser  
16 donated kayaks and canoes to the Recreation Center for outdoor programs. The Peach Days  
17 vendor list is full, and other vendor applications are on a waitlist.

18 Ken Richins reported that they lost another employee. There are two open positions. Summer  
19 water breaks have already started. He voiced appreciation to his crew for taking care of them.

20 Scott Hughes stated the Power Department is staying busy. They are in the process of hiring.  
21 UAMPS appointed a new CEO. Mayor Billings stated that the City Council would like to attend  
22 the next Nuscale project trip.

23 Paige Chapman is working on the budget and will be sending out the bubble list soon.

24 Kaden DeMille noted that the City Council and Staff need to schedule a meeting for the budget.

25 Dave Houston commented that the airport is doing well. They are getting the weeds cleaned  
26 up. A volunteer group painted numbers on the hangers.

27 Dayton Hall reported the City received a notice of intent to annex forty acres nearby Sky Ranch.  
28 Mayor Billings reported that Sky Ranch is also ready to file for annexation.

29 **6:00 p.m. - Call to Order –**

30 **Prayer:** David Hirschi

1 **Thought:** Mayor Billings

2 **Pledge:** Mayor Billings

3 **Presentation of naming "The Dan Zaleski Trailhead."**

4 Mayor Billings thanked Mr. Zaleski for his commitment to the families and students in the  
5 community. She shared her memories of working with him as a student-teacher. Mr. Zaleski is  
6 retiring after forty years as an elementary school teacher. Mr. Zaleski took thousands of  
7 children hiking over his years of service, and his passion for hiking helped children appreciate  
8 the beauty in their backyard. Councilman Hirschi read the adopted resolution by the Hurricane  
9 City Council naming the "Hurricane Cinder Knoll Trailhead" as "The Dan Zaleski Trailhead."

10 Minutes of the Regular City Council Meeting for 12/16/2021, 4/7/2022, and 4/21/2022

11 Dave Sanders motioned to approve the Regular City Council Meetings minutes for 12/16/2021,  
12 4/7/2022, and 4/21/2022. Seconded by Doug Heideman. Motion carried unanimously with  
13 Dave Sanders, David Hirschi, Doug Heideman, and Kevin Thomas voting aye. Joseph Prete  
14 abstained when he was acting chair.

15 Declaration of any conflict of interest

16

17 Kevin Thomas declared a conflict of interest because Zach Forsyth is his client.

18 **Public Forum – Comments From Public**

19 Raymond Palmer said he does not support his monthly water bill's \$4 drainage fee. He asked  
20 how the City justifies this fee when it hardly rains? According to Census, there are 6,142  
21 households in Hurricane City. What is the City using that money for each month? He asked for  
22 information on wastewater reuse and how the city addresses water conservation.

23 Arthur LeBaron explained that the existing storm drains have to be maintained. The fee is also  
24 used to expand the drainage system. Ash Creek Sewer District manages the wastewater and is  
25 working on a reuse system. Mayor Billings discussed the City's development of water resources.

26 **OLD BUSINESS**

27 **1. Discussion and presentation for noise abatement policy** at the airport - Scott Freeman

28 Scott Freeman presented an updated proposed noise abatement program. Steve Lemmon and  
29 Scott Freeman attend Utah's first Aeronautic conference. Protecting small airports and the  
30 surrounding residents was discussed during the conference. Mr. Freeman reported that the

1 best way to do this is zoning an agriculture buffer around the airport and the second-best way  
2 to provide a buffer is light industrial. There is already residential zoning surrounding the airport,  
3 but the City still needs to find a solution. An ordinance is not workable because of a law passed  
4 in 1990.

5 There is already a drafted noise abatement policy, but he proposes more noise regulations.  
6 Southern Utah University (SUU) is abiding by the MOU. SUU has voiced concern about noise  
7 complaints that do not pertain to their aircraft. They also report inconsistent communication. If  
8 one person is communicating with them, then it will stay consistent. Mr. Freeman stated that  
9 Hurricane Airport is planning to utilize an aircraft monitoring system. This software monitors  
10 and tracks altitude, speed, and flight patterns. The system takes data from the aircraft  
11 transponders and produces graphical reports. Establishing a documented accountable system  
12 for noise complaints and formalizing the noise complaint process is also important. The noise  
13 complaints will be correlated to the aircraft tracking system. A volunteer noise coordinator is  
14 necessary to oversee this program. Pilot awareness and training are key. Noise abatement  
15 training will be provided to all aircraft owners at the airport. This would be a team effort with  
16 the private sector and the City to improve the airport.

17 Mayor Billings reported that the Airport Board must review and approve the policy before the  
18 City Council can approve the policy. An ordinance must be adopted to approve the aircraft  
19 monitoring system, noise complaint system, and the volunteer position. Council Thomas favors  
20 this abatement and thinks it will alleviate many issues. Councilman Heideman stated that this is  
21 already in use by other Cities. Mr. Prete asked if the software could monitor noise. Mr. Lemmon  
22 explained that each aircraft has associated decibels, and the program monitors the parameter  
23 of each aircraft.

24 Dave Houston, the Airport Manager, clarified that the FAA has worked to secure discretionary  
25 funding to pay for the entire lighting project this year. Other airports can utilize this funding if  
26 the City is not planning to do so. The City must decide soon because the funding must be  
27 committed before the FAA fiscal year ends in September.

28 Jason Campbell stated that the people have spoken, and this should not be revisited. This has  
29 been a blood bath for months. Mr. Campbell expressed gratitude to Mr. Freeman for  
30 considering the citizen's feedback. It is important to have a monitoring system to protect  
31 citizens and pilots. However, there are citizens concerned that this is a tool to push forward  
32 flying at night.

33 **2. Consideration and possible approval of a proposal to seek sponsorship aid in using the**  
34 **school district buses for a private event - Dehn Craig**

35

36 Dehn Craig is not present.

1 Joseph Prete motioned to table the proposal to seek sponsorship aid in using the school district  
2 buses for a private event. Seconded by Dave Sanders. Motion carried unanimously with Joseph  
3 Prete, Dave Sanders, David Hirschi, Doug Heideman, and Kevin Thomas voting aye.

4 **3. Ordinance 2022-10: Consideration and possible approval of a proposed Land**  
5 **Code Use Amendment to Title 10, Chapter 3, Chapter 7, Chapter 41, and Chapter 51 - all**  
6 **regarding ADU's, accessory dwelling units. Hurricane City Planning Applicant**

7 The City Council previously continued this to allow the City Attorney time to review the  
8 proposal. Stephen Nelson reviewed the proposed changes. The changes provide conditions and  
9 provisions for allowing more than one ADU subject to property size. Another change allows the  
10 property owner to live in the main or accessory building. The ADU definition was updated.  
11 Councilman Prete suggested clarifying the acreage size to less than .8 acres for one dwelling  
12 unit and greater than .8 acres for the additional ADU. Mr. Nelson stated that agriculture must  
13 be added to the Accessory Dwelling Unit Standard Section D for consistency.

14 Jeremy Hargis appreciates the added agriculture zone. He asked if Council was willing to  
15 consider a proposal to allow three ADUs on parcels larger than two acres. Mr. Nelson reported  
16 this was considered, but the Planning Commission was concerned about creating high density.

17 Kevin Thomas motioned to approve the proposed Land Code Use Amendment to Title 10,  
18 Chapter 3, Chapter 7, Chapter 41, and Chapter 51 - all regarding ADU's, accessory dwelling  
19 units. With the proposed amendments. Seconded by Joseph Prete. Motion carried unanimously  
20 with Joseph Prete, Dave Sanders, David Hirschi, Doug Heideman, and Kevin Thomas voting aye.

21 **4. Ordinance 2022-21: Consideration and possible approval of a proposed Land Code Use**  
22 **Amendment to Title 10, a section of Chapter 7 – regarding conditional use permits and**  
23 **Chapter 15 regarding Highway Commercial building standards. Ishraj Singh Applicant.**  
24 **Steve Beesley Agent.**

25 Steve Beesley present. Mr. Beesly reported that the applicant proposed a four-story Hampton  
26 Inn and Suites hotel. They expected the height to be allowed because there are other tall hotels  
27 in Hurricane City, however, the application was denied because the height was 1.5 times  
28 greater than the average height of adjacent buildings. Stephen Nelson explained that the state  
29 law changed, requiring strict standards for conditional use permits. The City updated the  
30 conditional use permits standards judging building height at 1.5 times greater than the average  
31 height of the adjacent buildings. This proposed amendment allows a fifty-five-foot-tall building  
32 with additional setback requirements for every foot over thirty-five feet. Mr. Nelson reported  
33 that if this amendment is approved, it will apply to any commercial zone.

34 Councilman Prete explained that this change applies to everything in this zone. The City Council  
35 discussed applying the new standard specifically to highway commercial zoning and reviewed

1 the zoning map to verify what areas are affected. Mr. Nelson stated that within Utah law if an  
2 applicant meets the conditions for a conditional use permit, the City is obligated to grant the  
3 permit. He thinks this is a better standard than the current code. Councilman Hirschi is not  
4 prepared to approve this amendment. He feels the hotel fits this property, but he has not had  
5 time to review how this affects other properties.

6 David Hirschi motioned to deny the proposed Land Code Use Amendment to Title 10, a section  
7 of Chapter 7 – regarding conditional use permits and Chapter 15 regarding Highway  
8 Commercial building standards. Seconded by Joseph Prete. Motion carried with Joseph Prete,  
9 David Hirschi, Doug Heideman, voting aye. Dave Sanders and Kevin Thomas voted nay.

10 **5. Consideration and possible approval of Ordinance 2022-23 updating Code Section 7-1-8**  
11 **regulating Off-Highway Vehicles and adding Code Section 7-1-9 authorizing and**  
12 **regulating Golf Carts on City roads**

13 Dayton Hall explained that State code states a municipality may allow golf carts on the city  
14 streets, but if they do they are required to regulate the parameter of that use. Such as, who can  
15 operate, when they can operate, and where they can operate the golf cart. Councilman Prete  
16 asked if this gives the City the authority to regulate the age of golf cart operators. Mr. Hall  
17 believes the City has that authority. Chief Excel stated he does not think someone without a  
18 driver's license should operate any vehicle on city streets. If a driver's license is suspended or  
19 revoked because of points, or a DUI, they should not be allowed to operate a golf cart on the  
20 city streets. Mr. Excel stated that the proposed code was updated to clarify that golf carts are  
21 not allowed on roads with a speed limit greater than twenty-five miles per hour. Mayor Billings  
22 reviewed the age limits and roadway speed limits in the proposed code. The City Council agrees  
23 that the minimum age limit should be sixteen.

24 Richard Foote purchased a golf cart to get to work because the DMV told him he could operate  
25 it without registration and insurance. He only goes two blocks to work or school, and if this is  
26 passed how it is written, he will not be able to drive his golf cart.

27 Raymond Palmer asked about the purpose of restricting a golf cart to roads with a speed limit  
28 of twenty-five miles or less.

29 Julie Hirschi agrees there should be an age limit. Driving safety is a priority; she thinks golf carts  
30 should have turn signals.

31 Adam Jaspersen had a golf cart registered and licensed. The golf cart had to have a windshield,  
32 lights horn, seat belts, and turn signal.

33 Dale Green stated that the ATV ordinance allows someone under sixteen to operate an ATV if  
34 they complete the training.

1 Mayor Billings would like the OHV club to review the ordinance.

2 Doug Heideman motioned to continue the Ordinance 2022-23 updating Code Section 7-1-8  
3 regulating Off-Highway Vehicles and adding Code Section 7-1-9 authorizing and regulating Golf  
4 Carts on City roads. Seconded by David Hirschi. Motion carried unanimously with Joseph Prete,  
5 Dave Sanders, David Hirschi, Doug Heideman, and Kevin Thomas voting aye.

6 Councilman Prete thinks 7-1-8 looks good, but he is opposed to the golf cart ordinance.  
7 Adopting this ordinance would allow anyone over sixteen to drive golf carts around the City,  
8 and he feels the City Council could review this on a case-by-case basis.

9 **6. Discussion of Ordinance 2022-29 amending Title 2, Chapter 1, Airport Authority -**  
10 **Nanette Billings**

11 Dayton Hall explained that the proposed amendment eliminates the aviation background  
12 prerequisite. The proposed prerequisite is residency in Hurricane City or having a contract  
13 stating entitlement to serve as a board member. This proposal defines seven board members  
14 with a quorum of four.

15 Jason Campbell encouraged the City Council to adopt this ordinance. Those impacted by the  
16 airport should be included on the advisory board. In the past, the board has taken legislative  
17 decisions and authorized expenditures outside of the board mandate, and he does not think  
18 Mike Vercimack should be representing the City.

19 Mr. Hall stated that non-voting board members are the appointed City Council representative  
20 and the Airport Manager. Mike Vercimack was appointed to the board by the City Council,  
21 effectively placing him as a voting member.

22 Councilman Prete thinks bringing a community voice to the airport board is important. He  
23 suggested one non-pilot voting member. Mayor Billing noted that it is important to have board  
24 members who can work together as a functioning group.

25 **NEW BUSINESS**

26 **1. Consideration and possible approval of Ordinance 2022-30 amending the design**  
27 **standards pertaining to secondary water system requirements - Ken Richins**

28 Ken Richins reported that an ordinance was approved last year requiring dry irrigation systems  
29 in new subdivisions. This update will require wet irrigation systems in new subdivisions, which  
30 is a vital component of water conservation.

1 Doug Heideman motioned to approve amending the design standards pertaining to secondary  
2 water system requirements. Seconded by Kevin Thomas. Motion carried with Dave Sanders,  
3 David Hirschi, Doug Heideman, and Kevin Thomas voting aye. Joseph Prete abstained.

4 **2. Consideration and possible approval of a Resolution 2022-25 increasing the amount of**  
5 **public safety employee retirement contributions** - Kendra Rich

6 Kaden DeMille reported that the Utah Retirement System regularly reevaluates its figures and  
7 occasionally adjusts the rates. This year the rate was adjusted for tier two employees. In the  
8 past, the Council has approved the City to pay the required employee contribution. Mr. DeMille  
9 recommended continuing to cover the employee contribution. This is a rate increase of 2.59%.  
10 This adjustment is roughly \$166 per employee each year. Mr. DeMille suggested a resolution to  
11 allow Administration to match the URS rates without City Council approval up to a maximum of  
12 five percent.

13 Dave Sanders motioned to approve Resolution 2022-25, increasing the amount of public safety  
14 employee retirement contributions. Seconded by David Hirschi. Motion carried unanimously  
15 with Dave Sanders, Joseph Prete, David Hirschi, Doug Heideman, and Kevin Thomas voting aye.

16 **3. Consideration and possible approval of an Off-Premise local consent for Venture Fuel -**  
17 **Patrick Dockstader**

18 Patrick Dockstader is participating online. This is a request for a local consent off-premise beer  
19 license. Councilman Prete read the letters of recommendation, and they were exceptionally  
20 good.

21 Joseph Prete motioned to approve the off-premise local consent for Venture Fuel. Seconded by  
22 Dave Sanders. Motion carried unanimously with Dave Sanders, David Hirschi, Doug Heideman,  
23 and Kevin Thomas voting aye.

24 **4. Consideration and possible approval of local consent for a liquor license that covers**  
25 **multiple events @ Sand Hollow Resort** - Adam Jasperson

26 Adam Jasperson is present. Councilman Prete stated that the form in the packet is listed as a  
27 single event beer permit but they are requesting multiple events. Mr. Jasperson explained that  
28 the State of Utah law changed, allowing one permit to cover multiple events. The restaurant  
29 has a liquor license, but this license will allow them to serve liquor at concerts, weddings, and  
30 other events outside. Councilman Prete is uncomfortable approving the consent for multiple  
31 events and would prefer the option to withdraw the license in case of violations.

32 Joseph Prete motioned to approve local consent for a liquor license that covers multiple events  
33 at Sand Hollow Resort with the condition that the approval can be withdrawn due to incidents

1 or complaints. If the approval is withdrawn, the applicant must submit a new application.  
2 Seconded by Dave Sanders. Motion carried unanimously with Dave Sanders, David Hirschi,  
3 Doug Heideman, Joseph Prete, and Kevin Thomas voting aye.

4 **5. Ordinance 2022-26: Consideration and possible approval on a Zone Change**  
5 **Amendment request located at 163 N Main from RM-1, multifamily 6 units per acre, to**  
6 **RM-3, multifamily 15 units per acre, to add additional units to property. Zachary Forsyth**  
7 **Applicant.**

8 Zack Forsyth purchased this property in 2018. At that time, he approached the City to add more  
9 units but was denied because of the lot size. The ordinance has changed in the Hurricane  
10 Downtown area to allow RM-3 zoning on this size of the lot. The Planning Commission is  
11 concerned about parking. If more units are approved, he will add additional parking. He has  
12 evaluated it, and there is room to accommodate parking and egress. He feels like this fits the  
13 area and provides affordable housing. Councilman Thomas noted that he has drawn up a plot  
14 map showing twenty-eight feet in between the buildings.

15 Chris Woodbury spoke on behalf of Dan Zaleski and himself. This is not harmonious with the  
16 desire of homeowners in the area. People buy property knowing what it is zoned for and then  
17 apply for a change. Neighbors do not want this to change. They purchased their homes to have  
18 nice quiet neighbors. He wasn't allowed to build a shop in his backyard because it would  
19 obstruct the view of houses around him, and now there is a two-story house behind him.

20 Councilman Thomas will abstain from this item and the next, but he provided a drawing  
21 showing that the parking is available. Stephen Nelson reported that the code was changed to  
22 allow RM-2 and RM-3 zoning in the downtown area under an acre. Housing units in downtown  
23 areas positively affect affordable housing and commercial development. Staff gave a positive  
24 recommendation. Density near amenities, work, and schools match the master plan.

25 Councilman Hirschi stated that the Council had received several emails from surrounding  
26 property owners expressing the challenges they are experiencing with the current units. The  
27 parking is already tight, and a current tenant has a fifth wheel that he parks at the entrance.  
28 Mr. Forsyth explained that the tenant was not allowed to park the fifth wheel there. The only  
29 problem he has had is people dumping cars, and he has those cars towed away.

30 Albert Langston lives across from this proposal. This will increase the number of people on this  
31 property, and the residents do not want this changed.

32 Councilman Hirschi is not in favor of this. However, he appreciates the applicant's commitment  
33 to providing affordable housing. Councilman Heideman feels this is a good concept, but this is  
34 not the appropriate time. Councilman Sander's concern is the parking. He understands that Mr.  
35 Forsyth will work to enforce proper parking. Councilman Thomas stated that the applicant

1 could exceed the minimum parking requirements. Councilman Prete thinks high-density  
2 housing next to commercial is a good fit. He likes the proximity to amenities. He is concerned  
3 about this adversely affecting residents in the area.

4 David Hirschi motioned to deny the item because it is not harmonious with the surrounding  
5 character, and it will have an adverse effect on the adjacent properties. Seconded by Doug  
6 Heideman. Motion failed with Dave Sanders, Nanette Billings, and Joseph Prete voting nay.  
7 Kevin Thomas abstained.

8 Mayor Billings stated that this follows the master plan. She does not want to adversely affect  
9 property owners, but it is important to adhere to the master plan. Councilman Hirschi's main  
10 consideration is the desire of citizens in the area. Chris Woodbury commented that the master  
11 plan is important, but it is not always right. It is important to consider the desire of the  
12 residents in the neighborhood. Mr. Forsyth stated that this is not about greed. It is about  
13 supporting the community.

14 Brent Stratton stated he thinks highly of Mr. Forsyth and believes he has good intentions, but  
15 this isn't the proper location because the property is too small. He is concerned for his parents,  
16 that live next to this property. If there is a fire without adequate parking, how will an  
17 emergency service vehicle access the property? Mr. Nelson explained that if the parking and  
18 fire access issues are not addressed, the applicant will not be able to move forward with the  
19 project.

20 Joseph Prete motioned to approve the Zone Change Amendment request located at 163 N  
21 Main from RM-1, multifamily 6 units per acre, to RM-3. It received a positive recommendation  
22 from Planning Commission and Staff and meets the four zone change criteria. It is consistent  
23 with the goals and objectives of the General Plan, harmonious with the overall character, and  
24 has adequate facilities. There are concerns about adverse effects on adjacent properties, but  
25 the City Council does not know if they will exist. Seconded by Dave Sanders. Motion carried  
26 with Dave Sanders, Joseph Prete, and Nanette Billings voting aye. David Hirschi and Doug  
27 Heideman voting nay. Kevin Thomas abstained.

28 **6. Ordinance 2022-27: Consideration and possible approval on a Zone Change**  
29 **Amendment request located at 115 N 100 E and 55 E 100 N** from RM-1, multifamily 6  
30 units per acre, and GC, general commercial, to RM-3, multifamily 15 units per acre, to  
31 allow for affordable housing along the SR-9 corridor. Zachary Forsyth Applicant.

32 Councilman Prete asked why the applicant is applying for RM-3. Mr. Forsyth explained that the  
33 general commercial piece of the property is valuable in terms of short-term rental. His goal is to  
34 develop the entire property as affordable multifamily housing. He does not want to change the  
35 general commercial zone on this property section unless RM-3 is approved for the whole  
36 property. They plan to do basement and floor-level apartments to stay consistent with the

1 surrounding area. Mayor Billings would rather have affordable housing than short-term rentals.  
2 Councilman Prete stated it is refreshing to see affordable housing projects. Mr. Forsyth is open  
3 to offering affordable housing to police officers to alleviate the concerns about crime, and he  
4 can only do that with RM-3.

5 Chris Woodbury explained that the Maverik County Store increased the traffic, trash, and noise  
6 in this neighborhood. Planning Commission questioned whether this was in harmony but made  
7 a positive recommendation. He purchased his property based on the zoning.

8 Councilman Hirschi asked why the City Council approves zone changes. If they are following the  
9 master plan, zone changes aren't necessary. The City is required by State law to adopt a  
10 General Plan, which is a recommendation and policy for how the City is developed. The zoning  
11 map represents the laws of entitlements on properties, and the City should use the General  
12 Plan when reviewing proposed zone changes. Dayton Hall explained that the General Plan is  
13 one of the four criteria for determining a possible zone change.

14 Renee Thompson does not understand why small starter homes can't be built for young  
15 families instead of more apartment buildings. The zone change notice was not posted on the  
16 property, and many residents in the area did not receive letters.

17  
18 Councilman Hirschi stated when the council members campaigned claiming they would listen to  
19 the citizens, but he has not seen much change. The Council needs to slow down and see how  
20 things develop. Councilman Prete is uncomfortable because RM-3 is too dense. Mr. Forsyth is  
21 open to RM-2 as long as it does not change the general commercial zoning section of the  
22 property.

23 David Hirschi motioned to deny the Zone Change Amendment request located at 115 N 100 E  
24 and 55 E 100 N from RM-1, multifamily 6 units per acre, and GC, general commercial, to RM-3.  
25 It is incompatible with surrounding properties and will negatively affect the adjacent property.  
26 Seconded by Doug Heideman. Motion Carried with David Hirschi, Dave Sanders, Joseph Prete,  
27 and Doug Heideman voting aye. Kevin Thomas abstained.

28 **7. Ordinance 2022-24: Consideration and possible approval on a Zone Change**  
29 **Amendment request located at 825 S 400 W from RA-1, residential agriculture, to R1-**  
30 **15, residential one unit per 15,000 square feet, for a residential development. Parcel**  
31 **number H-3-2-3-1225. Ferel Campbell Applicant. Jilyn Nelson Agent**

32 Ronald Campbell's father purchased this property fifteen years ago with the intent of his  
33 children moving to the property in the future. City staff had good comments, and Mr. Campbell  
34 was not prepared for the Planning Commission's negative recommendation. The applicant felt  
35 that some of the Commissioners had a conflict of interest. The Planning Commission approved  
36 another application based on the master plan. The Commissioners then chose to go against the

1 master plan and deny this application. The applicant is proposing nine lots. After the road  
2 dedication, the property will be a little under five acres. Councilman Hirschi stated that there is  
3 no guarantee that the property will always remain with the family.

4 Cheryl Reeve lives near this property. They also have acreage they offered to their children to  
5 build on. There were open fields across the street for many years, but they will soon be  
6 developed to quarter acres. She does understand the rights of property owners to develop their  
7 property. Sometimes it becomes unfeasible to take care of a large property, and it is their right  
8 to develop it. Nine units on this property size is reasonable, and the irrigation concerns can be  
9 addressed.

10 Jarolyn Stout lives on this road and started by saying the Campbell family is a great family. The  
11 citizens contributed their thoughts to the master plan, but the community did not make the  
12 plan. The master plan is a suggestion and not the law. Her family bought their property thirty  
13 years ago and always adhered to the zoning. It is not fair to other property owners that live  
14 there to change the use. There are working historic farms in this area, and infrastructure,  
15 irrigation, and drainage are a problem. Other people's property rights should not trump her  
16 property rights. She asked the Council to stick to the zoning and listen to the people that voted  
17 the Council members in. People are tired of the City catering to developers.

18 Dale Ballard owns the property across the street. He is concerned because changing this to R1-  
19 15 is extreme compared to the current zoning. His father was negatively affected when  
20 development started around him. Fields have gophers that dig holes, and the water follows the  
21 holes. Most farmers can't afford lawsuits if homes in the area get flooded by their irrigation.

22 Kelby Iverson appreciates the City Council not exceeding the master plan and using the  
23 guidelines. There are many situations in which the master plan is premature. There is a  
24 potential that this zone change could become quarter-acre lots in the future. There are  
25 historical farms surrounding this property. He would like the Campbells to come back with a  
26 proposal for a one-acre subdivision with agricultural land.

27 Kathy (Campbell's daughter) explained five children want to live on this property. Her dad is in  
28 bad health, and her brother is moving home to care for her dad. They want to purchase the  
29 land to help with medical costs. They understand irrigation and farming and are just trying to  
30 help their parents.

31 Mayor Billings explained that the master planned road will be developed as development  
32 comes in. Property rights go both ways. Councilman Hirschi clarified that the applicant is  
33 applying for R1-15 because of land dedication for the road. Stephen Nelson stated the General  
34 Plan lists this area as single-family. What they are requesting is the least amount of density.  
35 Councilman Thomas stated that the applicant is following the rules by applying for the zone  
36 change. People that live here want their children to live here. The best scenario is to subdivide  
37 property for their children. It meets the intention of the General Plan. The applicant could do

1 larger lots if they didn't have to give up property for the road. Councilman Sanders commented  
2 that there are good people in this community and that it is sad that some people do not want  
3 to be good neighbors. This is for the family to stay together. Councilman Hirschi feels the same  
4 as Councilman Sanders. The City Council wants to support the neighbors, but this request is  
5 reasonable. Mayor Billings asked if half acres with a PDO would work. Mr. Nelson stated that a  
6 PDO would allow flexibility in the lot sizes. However, he is unsure if the applicant will still have  
7 nine full lots. It could be potentially be achieved with a density bonus.

8 Councilman Prete is passionate about agricultural preservation and being family-friendly. The  
9 Campbells already have the right to develop four lots in the space. He would like to define the  
10 number of lots, which he thinks can be addressed in the development agreement.

11 Joseph Prete motioned to approve the Zone Change Amendment request located at 825 S 400  
12 W from RA-1, residential agriculture, to R1-15 subject to a development agreement limiting the  
13 property to nine lots. Seconded by Dave Sanders. Motion carried with Joseph Prete, Dave  
14 Sanders, David Hirschi, and Kevin Thomas voting aye. Doug Heideman voting nay.

15 **8. Ordinance 2022-25: Consideration and possible approval on a Zone Change**  
16 **Amendment request located at 1200 west and 4600 south from RA-1, residential**  
17 **agriculture one unit per acre, to RA-0.5, residential agriculture one unit per half acre.**  
18 **Parcel number H-3403-K. Joshua Coen Applicant. Clark Spilker and Pope Engineering**  
19 **Agent.**

20 Joseph Prete motioned to table the Zone Change Amendment request located at 1200 west and  
21 4600 south from RA-1, residential agriculture one unit per acre, to RA-0.5, residential  
22 agriculture one unit per half acre. Parcel number H-3403-K. Per the applicant's request.  
23 Seconded by Dave Sanders. Motion carried unanimously with Joseph Prete, Dave Sanders,  
24 David Hirschi, Doug Heideman, and Kevin Thomas voting aye.

25 **9. Ordinance 2022-28: Consideration and possible approval on a Zone Change and**  
26 **Development Agreement Amendment PDO update located on the old Colina Tinta**  
27 **project to remove the approved golf course and add more public open space.** Parcel  
28 **number H-3-2-4-214. WPP Hurricane Land LLC Applicant. Austin Overman Agent**

29 Austin Overman is present. This master planned development is fifteen years old. They included  
30 staff in the first meetings when they purchased this property to discuss plans for the amenities.  
31 Staff commented that the City would prefer the applicant remove the golf course for water  
32 conservation reasons. They will keep the same density and are not seeking a zone change. This  
33 is just to remove the golf course. Stephen Nelson discussed the originally approved  
34 development. They are providing one hundred acres of open space by eliminating the golf  
35 course. The number of homes will not change, but there are more single-family, and fewer  
36 multifamily Staff has also asked for additional trails. The initial development agreement entitled

1 the applicant to have 247 short-term rentals. The new agreement allows the short-term rentals  
2 as long as they are developed to the recreational resort standard. Mr. Nelson commented that  
3 they would have to provide amenities for the short-term rentals. He discussed the changes to  
4 the commercial area within the development. The development agreement states that the  
5 commercial will be for neighborhood commercial uses. The applicant would like to have  
6 assisted living facilities that are permitted in residential areas in the current code.

7 Dayton Hall commented that the applicants have proposed revising the development  
8 agreement regarding the retirement facility density. The developer is entitled to  
9 reimbursement for public facility improvements through the proper process. He is okay with  
10 the proposed language. Mr. Nelson reported that there is one water tank on-site, but there has  
11 been discussions about adding another. There are also sensitive lands that will have to be  
12 approved by the City Engineer. Mr. Hall is concerned because the original development  
13 agreement states the City is obligated to exercise the power of eminent domain at the  
14 applicant's request. The applicant agreed to remove it.

15 Dave Sanders motioned to approve the Zone Change and Development Agreement  
16 Amendment PDO update located on the old Colina Tinta project to remove the approved golf  
17 course and add more public open space. Subject to approval by the City Attorney. Seconded by  
18 Joseph Prete. Motion carried unanimously with Joseph Prete, Dave Sanders, David Hirschi,  
19 Doug Heideman, and Kevin Thomas voting aye.

20 **10. Consideration and possible approval on an amended final plat on Angell Heights Phase**  
21 **4, located at 2153 S Angell Heights Dr.** Robert and Jody Hardesty Applicant. Ryan  
22 Scholes - Alpha Engineering Agent.

23 Stephen Nelson stated that staff recommends approval.

24 Kevin Thomas motioned to approve the amended final plat on Angell Heights Phase 4, located  
25 at 2153 S Angell Heights Dr. Seconded by Doug Heideman. Motion carried unanimously with  
26 Joseph Prete, Dave Sanders, David Hirschi, Doug Heideman, and Kevin Thomas voting aye.

27 **11. Discussion regarding 200 South and its current and near future impacts on 1515 West -**  
28 **Brady Tapp**

29 Brady Tapp stated he built a home in Hurricane because of what the area has to offer. They  
30 were aware of what the master plan was but thought it would take many years to develop fully.  
31 Zion RV Park was required to include access on 200 South to connect to 1515 West. It was  
32 explained that the road was necessary for emergency access. That has not been its function.  
33 The road is being used as direct access, and the road is not wide enough for two vehicles. The  
34 traffic from the RV park is impacting the neighborhood. Those staying in the RV park are not  
35 respecting the noise ordinance. They are intruding on the privacy and safety of the surrounding

1 homes. The owners of Zions RV have been good to work with, and they are trying to manage  
2 the vehicle and pedestrian traffic, however, Ace Hardware may purchase the property next to  
3 the RV Park. If that happens, the increased traffic will cause traffic to flow through 1515 West.

4 Mayor Billings explained that when a road is dedicated, it is a public road that anyone can use.  
5 The road is not wide enough because it is not fully developed.

6 Mr. Tapp stated that roads are necessary to connect this development. He understands that  
7 there is access from State Street to the potential Ace Hardware, but most patrons will choose  
8 the easiest way to the business, which forces traffic into the residential neighborhood.

9 Councilman Hirschi stated Tom Kuhlman recommended an emergency crash gate at 1515 West  
10 to stop the access. Mayor Billings stated that the emergency crash gates can only be on private  
11 property. Dayton Hall explained that the half road was dedicated to the City and cannot be  
12 closed unless there is a public hearing and process.

13 Dale Grange reported that thirteen citizens had waited six hours to speak during this discussion.  
14 This is a clear indicator of the vested interest. He feels that when the RV Park was reviewed, the  
15 uses were not compatible. He asked for a physical barrier between them. There has been  
16 significant vehicle traffic, foot traffic, and trash. People are coming onto his property picking  
17 pecans. He asked Council to do something to maintain their quality of life. He appreciates the  
18 master plan, but there are times when it might have to be looked at again. Having Ace  
19 Hardware in this area will increase traffic, and cars will use the back access. Mayor Billings  
20 reported that State Law requires a barrier or road between developments, and the road  
21 satisfies the barrier requirements.

22 Mr. Tapp stated that a barrier is meant to prevent a mixture of uses. A road doesn't serve as a  
23 barrier. Councilman Hirschi stated that a crash gate will stop vehicle and pedestrian traffic.  
24 Councilman Heideman recommended a block wall along the property because a crash gate will  
25 not stop pedestrian traffic. Mayor Billings stated that the City nor the RV park has the funds to  
26 pay for a block wall. The RV Park paid to put the road in because it was required. Councilman  
27 Thomas feels that the City created a problem when the RV park was approved.

28 Arthur LeBaron does not have a solution. When 200 South is developed, it will create more  
29 traffic through the development. He agrees that the road is not wide enough for two cars to  
30 pass. There is also a water line below the half road. The crash gate or block wall could be a  
31 solution, but who finances that. Councilman Thomas suggested splitting the cost between the  
32 City, citizens, and RV Park owners. Councilman Hirschi proposed researching the cost of a crash  
33 gate or block wall.

34 Casey Lofthouse asked if Zion RV Park is considered a subdivision. Mr. Nelson reported that  
35 they did not subdivide their property. Mr. Lofthouse read the definition of subdivision. City

1 code would require a block wall if this was a subdivision. 200 South was not aligned properly.  
2 The alignment was divided between two property lines. Now it is half-built, and if it is  
3 developed entirely, a property owner will be faced with an exaction from their property. It  
4 should have been moved thirty feet to the north so that homeowners would not have to lose  
5 their homes. A master plan should be in harmony with the existing properties. He reported that  
6 the road was moved to accommodate business owners, and he questions why it wasn't moved  
7 to accommodate residential property. This will force commercial traffic into a subdivision that  
8 has been a dead-end road for many years. He sent an email to all of the City Council members.  
9 He asked them to read it and find a solution to what he feels has been an oversight of the City.

10 Mr. LeBaron agreed that eminent domain is a legal tool for the government. Master-planned  
11 roads are built as development progresses. However, there are times when the City has to put  
12 in a master planned road in areas that developers are not developing. The City tries to split  
13 property lines with roadways, which is the case with 200 South. Councilman Thomas thinks  
14 there have been some unanticipated consequences.

15 Mr. Tapp stated that 1515 W will have to be widened, depending on traffic and development,  
16 and there are one-hundred-year-old historic trees there. One resident has a pool that is in the  
17 proposed roadway. There are short-term solutions that can work, but long term, there are  
18 major impacts and problems with widening 1515 West.

19 **Closed Meeting** held pursuant to Utah Code section 52-4-205, upon request.  
20 A closed meeting was not held.

21 **Adjournment:** 12:47 a.m.

1 Minutes of the Hurricane City Council meeting held on June 2, 2022, in the Council Chambers at  
2 147 North 870 West, Hurricane, Utah, at 5:00 p.m.

3 **Members Present:** Mayor Nanette Billings and **Council Members Present:** Joseph Prete, Dave  
4 Sanders, David Hirschi, and Kevin Thomas. Doug Heideman was excused.

5 **Staff Present:** City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Lynn Excell,  
6 Power Representative Jared Ross, Planning Director Stephen Nelson, Street Superintendent  
7 Weston Walker, City Engineer Arthur LeBaron, City Recorder Cindy Beteag, Water  
8 Superintendent Ken Richins, and Public Works Director Mike Vercimak

9  
10 **AGENDA**

11 **5:00 p.m. Pre-meeting** - Discussion of Agenda Items, Department Reports

12 Arthur LeBaron reported that the bell is ringing. He asked the City Council to thank Davis Isom  
13 and Lee Beatty for their help with the bell tower. He shared that the Utah Department of  
14 Transportation is contributing 2.3 million dollars towards the 600 North trail, and the County  
15 has also contributed funds to the project. Hurricane City's local match for the 600 North trail  
16 project is \$546,480. The estimated cost for the regional plan of the trail along Sand Hollow  
17 Road is \$897,000. Hurricane City's local match is \$179,400.

18 Weston Walker stated that the slurry seal and striping are complete, and the chip seal will be  
19 finished in August. They are putting in a crosswalk on 870 South with a flashing beacon for  
20 pedestrians crossing. The department is busy with curb painting, tree trimming, and patching.  
21 Councilman Prete asked if there was any action on the access near Three Falls Elementary. Mr.  
22 Weston has contacted a company to chip seal the road. Arthur Lebaron stated that the short-  
23 term goal is to have a paved surface with a stripe allowing a five-foot pedestrian area. Mr.  
24 LeBaron is working with the property owner of the field on the south side.

25 Chief Excell and Dayton Hall are working on the ordinances and fees for the Animal Control  
26 Department. Chief Excell reported that police officer testing is on June 13<sup>th</sup>. The department is  
27 hiring a detective on July 1<sup>st</sup>. One officer has completed field training, and another will finish  
28 field training in the next two weeks. One officer is graduating from the Police Academy on June  
29 30<sup>th</sup>. He attended the P25 standard compliant radio project meeting. Utah Communications  
30 Authority is updating and upgrading the repeater site. P25 phase two in Washington County will  
31 start in 2023. The roadway to the repeater site must be passable and needs to be repaired.  
32 Many other entities have equipment at the site and should share in the repair cost. Mike  
33 Vercimak stated that there should be a Memorandum of Understanding to clarify the  
34 responsibilities of each entity with equipment at the repeater site. Mr. Excell met with OHV  
35 representatives from the State at the Safety Summit. He is working on them to have an OHV  
36 course taught in Hurricane. The generators have been tested, serviced, and are ready for

1 operation. Mayor Billings would like the Emergency Preparedness Fair information to be  
2 included in the September utility bills.

3 Mike Vercimak reported that the building permits are slowing down. Most of the applications  
4 going through JUC are for commercial and industrial development.

5 Ken Richins reported that the Water Department is still short-staffed. The flow coming out of  
6 Toquerville Springs is slowing down, but the department is covering that shortfall with the Ash  
7 Creek Spring and the City wells. Mr. Richins and Dayton Hall attended the Southern Utah Home  
8 Builders Association Conservancy District meeting.

9 Jared Ross reported that the Power Department is nearly finished along 600 North. The Line  
10 Crews are moving down to the Cordero line starting on 3000 South by the North Slope. The site  
11 work on the Three Falls Substation begins next week.

12  
13 Matt Goodrich with Ashcreek reported that the pre-construction meeting for the Reach 11  
14 project along the west side of Sand Hollow Road is next Wednesday. They are working with  
15 Interstate Rock to re-round the egg-shaped pipes in the mainline along 3000 South.

16 Stephen Nelson stated that item # 4 on New Business has been withdrawn. The agriculture  
17 protection overlay application for Items # 6 and 7 were sent to Dixie Conservation Committee  
18 for review in April. The committee has forty-five days to review the application. The public  
19 hearing should still be held because it was advertised but staff recommends continuing the  
20 item until a recommendation is received from the committee or until the forty-five days have  
21 passed. He explained that the City Council should not interpret any recommendation from the  
22 committee as a positive recommendation. The updated plat and will serve letter were received  
23 for Strawberry Fields. The Public Open House for the Moderate-Income Housing Plan is at the  
24 Community Center on June 8<sup>th</sup> between 5:00 p.m. and 8:00 p.m. He met with Councilman  
25 Hirschi to discuss the conditional use permit for greater height. The City Council recently denied  
26 this application, but they can reconsider it if the majority of the Council chooses to. Councilman  
27 Hirschi reported that the engineer and developer approached him to petition for the item to be  
28 brought back to the Council. He would be willing to look at it on a case-by-case basis. Mayor  
29 Billings would like to have it on the agenda again because other buildings in Hurricane City are  
30 taller than the proposed building. Councilman Prete stated that the City controls the  
31 requirements that must be met under the Conditional Use Permit. However, the City Council  
32 does not have the discretion to deviate from the requirements of the Conditional Use Permit.  
33 The Council cannot approach Condition Use Permits on a case-by-case basis. He stated that the  
34 best option is to create an ordinance that is far-reaching and covers what the Council is trying  
35 to accomplish. Councilman Sanders would like to have this brought back to the agenda.  
36 Councilman Prete is not opposed to having the application back on the agenda. Councilman  
37 Hirschi does not want to make this the standard; he would prefer this to be an exception.  
38 Dayton Hall stated that the City Council could craft a condition to the Conditional Use Permit,

1 and if an applicant can satisfy all the conditions, a building of fifty-five feet tall would be  
2 allowed. The City Council could also note that a geographic deficit could make up the height  
3 difference if proper drainage is in place.

4 **6:00 p.m. - Call to Order –**

5 **Prayer:** Councilman Prete

6 **Thought:** Councilman Prete

7 **Pledge:** Councilman Prete

8 David Hirschi motioned to move New Business item #1 to Old Business item #1. Seconded by  
9 Kevin Thomas. Motion carried unanimously.

10 **Declaration of any conflict of interest**

11 None were stated.

12 Approval of Minutes: 9/16/21, 10/7/21, 2/17/22, and 5/5/22

13 Mayor Billings stated a citizen has requested that the minutes include the word-for-word  
14 conversation between himself and Doug Heidemann during the May 5th, 2022, meeting

15 Joseph Prete motioned to approve the City Council minutes of 9/16/2021, 10/07/2021, and  
16 2/17/2022. Seconded by Dave Sanders. Motion carried with Joseph Prete, Dave Sanders, and  
17 David Hirschi voting aye. Kevin Thomas abstained.

18 City Council Minutes for May 5, 2022, meetings were excluded.

19 **Public Forum – Comments From Public**

20 **OLD BUSINESS**

21 **1. Discussion and possible approval of funding to Utah Small Business District Center**

22 Jeff Mathers is the Regional Small Business Director for Washington and Kane County. He  
23 explained the purpose of the Utah Small Business District Center. Anyone who wants to open a  
24 business can go to them for free help to start and grow the business. This is a confidential  
25 program, and most services are at no cost. With a staff of two counselors and one office  
26 manager, they have helped create over 580 LLC businesses and 2,900 jobs in this area. This  
27 benefits the cities by bringing in taxes and revenue. They are funded through their host and the  
28 Small Business Administration. They are asking the City to consider funding to help them  
29 continue to expand their program.

1 They have approached Washington County and cities within Washington County. They asked  
2 for \$35,000 from each City and \$ 50,000 from the County. The County has tentatively agreed to  
3 commit some funding, but no other cities have committed yet. Kaden DeMille reported that  
4 City Council will approve the budget at the next City Council meeting. He recommends that the  
5 City Council consider this as they look at the general fund. Councilman Sanders asked if they  
6 had approached Springdale, Hilldale, or Ivins City. Mr. Mather stated that they have only made  
7 a request to the larger cities in Washington County. Councilman Thomas thinks this is a worthy  
8 cause and a valuable service, but the City must make some large budget cuts that directly affect  
9 the City, and he doesn't think this should be considered.

10  
11 Dave Sanders motioned to continue the discussion and possible approval of funding to the Utah  
12 Small Business District Center to the first meeting in July. Kaden DeMille suggested reviewing  
13 this request during the budget meeting on June 14<sup>th</sup>. If the Council finds that funding this is a  
14 priority, the application will be approved at that time. If the City Council does not fund this, the  
15 application is denied and does not come back to the City Council. Mr. Sanders updated his  
16 motion to reflect Mr. DeMille's comments. Seconded by David Hirschi. Motion carried with  
17 Joseph Prete, Dave Sanders, and David Hirschi voting aye. Kevin Thomas voted nay.

18  
19 **2. Consideration and possible approval of Ordinance 2022-23 updating Code Section 7-1-8**  
20 **regulating Off-Highway Vehicles**

21 Mayor Billings stated that the roads listed in the draft were removed. The ordinance allows  
22 travel to and from the trails to obtain supplies, fuel, or vehicle maintenance. Councilman Prete  
23 is in favor of a more restrictive ordinance. Dayton Hall revised Section I, clarifying the verbiage  
24 as "the most direct route to and from the area or as required for fueling and maintenance."  
25 Mayor Billings suggested adding travel to obtain supplies because it was in the original  
26 ordinance. Chief Excell stated that the intent has always been to allow people to obtain fuel and  
27 supplies en route to the trails. It was not intended for travel to and from their house to the  
28 stores.

29 Dave Sanders motioned to approve Ordinance 2022-23 With the addition of obtaining supplies.  
30 Seconded by Kevin Thomas. Motion carried with Dave Sanders, Kevin Thomas, and David  
31 Hirschi voting aye. Joseph Prete voted nay.

32 **3. Consideration and possible approval of Ordinance 2022-34 adding Code Section 7-1-9**  
33 **authorizing and regulating Golf Carts on City roads**

34 Richard Foote appreciates the condensed proposal. He is concerned about requiring a driver's  
35 license for a vehicle that does not require a license to be driven. Section C defines that golf  
36 carts can only be driven within a certain proximity to golf courses and, as written, only allows  
37 residents who live around a golf course to drive them. He uses his golf cart to travel in town

1 because his driver's license is suspended. He asked the City Council to withdraw or table the  
2 item.

3 Mayor Billings stated that she feels like an age restriction would be more appropriate instead of  
4 a driver's license. She agreed that the proximity requirement eliminates the use of golf carts by  
5 many people in the City. Many residents in the City use their golf carts on city streets, and there  
6 have been no issues. Councilman Thomas doesn't think an ordinance is necessary. Dayton Hall  
7 explained that State codes allow municipalities to permit golf carts on City roads, but the City  
8 must regulate the use. Therefore, if the City chooses not to regulate the use, then golf carts are  
9 not allowed on city streets. Councilman Thomas suggested removing the location restrictions,  
10 the driver's license requirement, and adding an age requirement of eighteen. Councilman Prete  
11 does not feel that golf carts should be allowed on city streets. Authorizing the use invites more  
12 residents to use golf carts on the roads, which is dangerous and creates too many liabilities. He  
13 is not opposed to allowing the use of golf carts on a case-by-case basis for elderly and disabled  
14 citizens if they are insured and meet other standards. Mayor Billings stated that OHVs are  
15 allowed on the city streets and are not insured either. The City Council discussed allowing the  
16 use of golf carts in the downtown district for public events on a case-by-case basis. Mr. Hall  
17 stated that allowing the use for public events would be easy to accomplish. However, a larger  
18 task is administering a program to oversee a case-by-case basis for community members.  
19 Councilman Sanders agrees with Councilman Prete. Patty Nation is the President-Elect of the  
20 Rotary Club. She reported that they needed to find more parking as the car show grew and  
21 expanded. They were looking into having golf carts to provide an option for other modes of  
22 transportation. The Rotary Club decided not to go that route because of risk and liability  
23 exposure.

24 Joseph Prete motioned to deny Ordinance 2022-34. Seconded by Dave Sanders. Motion failed  
25 with Nanette Billings, David Hirschi, and Kevin Thomas voting nay. Joseph Prete and Dave  
26 Sanders voted aye.

27 Joseph Prete motioned to deny Ordinance 2022-34 but asked staff to return with an ordinance  
28 to allow golf cart use for events. Seconded by Dave Sanders. Motion carried with David Hirschi,  
29 Dave Sanders, and Joseph Prete voting aye. Kevin Thomas voted nay.

30 Councilman Hirschi is sympathetic to Mr. Foote's situation but does not want to open this up  
31 for liability issues. Mayor Billings stated that people will continue to use their golf carts even if  
32 the ordinance is denied. Cindy Beteag asked if the Special Event Permits could cover allowing  
33 golf carts for events. Mr. Hall stated that it could be covered in a Special Events Permit.

#### 34 **NEW BUSINESS**

35 **1. Consideration and possible approval of Resolution 2022-27 approving an agreement**  
36 **with Natural Resources Conservation Service (NRCS) regarding**

1 Warner Draw Watershed Supplemental Watershed Work Plan Agreement-Arthur  
2 LeBaron

3 Mayor Billings stated that this agreement pertains to the pressurized irrigation system with the  
4 NRCS. The agreement started in 2016 and needs to be updated. Dayton Hall stated that the  
5 Canal Company has requested time to review the updated agreement before a decision is  
6 made. Arthur LeBaron reported that Lance Smith is asking for City approval so they can move  
7 forward with designing the project. This City wants to expand the irrigation system to 1500  
8 South. This will help provide pressurized water to residential property owners who own Canal  
9 Company water shares, and it will also help with the tailwater problem. He reported that the  
10 City's estimated cost for the project is eight million. The City is responsible for acquiring  
11 property rights, water rights, and easements. He doesn't think the discussion with the Canal  
12 Company should stop the City from renewing the agreement. Ken Richins stated that NRCS  
13 wants a guaranteed flow right that goes back into the Virgin River. The Canal Company does not  
14 want to provide that flow right. The current agreement ends at the end of this year. He believes  
15 it is wise to wait for the Canal Company to review the agreement. Mr. LeBaron explained that  
16 this agreement doesn't speak to the Canal Company issue and doesn't give anything to the  
17 Nature Conservancy. He thinks it should be approved tonight. The City needs this project for  
18 water supply.

19 David Hirschi motioned to continue Resolution 2022-27 to the City Council meeting on July 7<sup>th</sup>.  
20 Seconded by Kevin Thomas. David Hirschi, Kevin Thomas, Dave Sanders, and Joseph Prete, aye.  
21 Motion carried unanimously.

22 **2. Consideration and possible approval of Resolution 2022-28 approving an**  
23 **interlocal Agreement between multiple Washington County Law Enforcement**  
24 **Agencies regarding crime scene equipment-Lynn Excell**

25 Chief Excell explained that this equipment is used to diagram accidents and crime scenes.  
26 Currently, Hurricane City has to use equipment from Northern Utah. Independently none of the  
27 agencies in Washington County can afford this equipment. But as a group, the cost of the  
28 equipment will be shared. The police department has the funding for their share of the cost in  
29 this year's budget.

30 Kevin Thomas motioned to approve Resolution 2022-28. Seconded by Dave Sanders. Motion  
31 carried with Kevin Thomas, Dave Sanders, David Hirschi, and Joseph Prete voting aye.

32 ~~**3. Ordinance 2022-31: Consideration and possible approval on a Zone Change**~~  
33 ~~**amendment request located at 4527 S and 4491 S 1100 West from RA-1,**~~  
34 ~~**residential one unit per acre, to RR, recreational resort, proposing four buildings**~~  
35 ~~**and a clubhouse. Parcel numbers H-MOF-18 and H-MOF-19. Hidden Rock**~~

1            ~~Development Group Applicant. Brent Bateman Agent. This application has been~~  
2            ~~withdrawn.~~

3            **4. Ordinance 2022-32: Consideration and possible approval on a Zone Change**  
4            **Amendment request located at approx. 1150 W 600 N** from R1-10, residential  
5            one unit per 10,000 square feet, to PF, public facility, to build a power substation.  
6            Hurricane City Power Applicant. Scott Hughes Agent.

7            Jared Ross explained that this property is located north of Fox Hollow. The property is thirteen  
8            acres. The Power Department will use the northeast corner for the substation. Stephen Nelson  
9            stated that a developer near this property is putting in a roadway, and it will be beneficial for  
10           the Power Department to work in conjunction with that development. Originally there was a  
11           discussion about applying to rezone only the northeast corner of the property, however, the  
12           Power Department Director expressed hesitancy about limiting the site, which is why they are  
13           applying to rezone the entire parcel as Public Facilities. Mr. Ross presented information  
14           explaining the Power Transmission Plan. He noted that Engineering, ICPE, and Hurricane City  
15           Power feel this is the best location for this substation. The timing for the construction of this  
16           substation is undetermined. Councilman Prete noted that the Planning Commission  
17           unanimously recommended approval. Kaden DeMille stated that the Sky Mountain Substation  
18           is further along, and this substation is third on the priority list. Mr. Ross stated that they are  
19           only grading the property and installing two power poles at this time. Mr. Nelson discussed the  
20           standards for substations.

21           Kevin Thomas motioned to approve the Ordinance 2022-32. Seconded by Joseph Prete. Motion  
22           carried with Kevin Thomas, Joseph Prete, David Hirschi, and Dave Sanders voting aye.

23           **5. Public Hearing** to discuss the following.

24           **a. Agricultural Protection Overlay** for an 11-acre property located at 902 S 700  
25           W and 1075 S 700 W

26           Dave Sanders motioned to go into a public hearing. Seconded by Kevin Thomas Motion carried  
27           with Kevin Thomas, Joseph Prete, David Hirschi, and Dave Sanders voting aye.

28  
29           No comments

30           Dave Sanders motioned to go out of the public hearing. Seconded by Kevin Thomas. Motion  
31           carried with Kevin Thomas, Joseph Prete, David Hirschi, and Dave Sanders voting aye.  
32           Motion carried unanimously.

33           **6. Ordinance 2022-33: Consideration and possible approval on an Agricultural**

1       **Protection Overlay for Annie Reeve, an 11 acre property located at 902 S 700 W and 1075**  
2       **S 700 W.** Parcel number H-3-2-3-304 and H-3-2-3-2418. Annie Reeve Applicant.

3       David Sanders motioned to continue Ordinance 2022-33: to the next regular City Council  
4       meeting. Seconded by Kevin Thomas. Motion carried with Kevin Thomas, Joseph Prete, David  
5       Hirschi, and Dave Sanders voting aye.

6  
7       **7. Consideration and possible approval on a preliminary plat for Strawberry Fields**  
8       **Estates, a 163 lot residential subdivision located at approximately 1400 S and 3700 W.**  
9       Western Mortgage and Realty Co-Applicant. Karl Rasmussen Agent.

10      Karl Rasmussen explained that the Planning Commission approved the preliminary plat subject  
11      to adding an internal connecting road on the east side. He reported that they have started on  
12      infrastructure. Councilman Prete abstained because his law firm may be involved with this  
13      party.

14      Kevin Thomas motioned to approve the preliminary plat for Strawberry Fields Estates, a 163 lot  
15      residential subdivision located at approximately 1400 S and 3700. Subject to Staff and JUC  
16      comments. Seconded by Dave Sanders. Motion carried with Kevin Thomas, David Hirschi, and  
17      Dave Sanders voting aye. Joseph Prete abstained.

18  
19      **8. Discussion regarding dedicating City property in Falcon Ridge as a historical**  
20      **park-David Hirschi**

21      Councilman Hirschi is representing the Historical Committee. He explained that the City owns  
22      three lots on 920 North, and the Historical Committee requests the property be deeded to the  
23      Historical Committee to build a Hurricane Canal Park. Councilman Hirschi explained that this  
24      property can not be seen from SR-9 and asked if it would be possible to trade it for the property  
25      along SR-9. Stephen Nelson feels that the property owned by Hurricane City could be used to  
26      create a unique park. Landscaping signage and fencing can tie in historical markers, benches,  
27      and walkways. Councilman Prete feels that the area has a great view and would be a good area  
28      for a park. Mayor Billings discussed the QR code used in Hilldale. The QR code is posted  
29      throughout the area, so people can scan them to find businesses, attractions, and other  
30      information regarding the area. The QR code company will be at the Tourism Board meeting  
31      next month. Mike Vercimack noted that the lots do have utility services.

32      **9. Discussion and possible approval of trading City-owned farming equipment for help**  
33      **with other items** regarding the Historical Committee-David Hirschi

34      Councilman Hirschi explained that the City purchased the land West of the City office from the  
35      DeMille family. The Historical Committee would like to give the corn binder and flatbed trailer  
36      that is on the property to Casey Lofthouse in exchange for his services. Rand Lemmon noted

1 that he worked with the City to acquire this property. The DeMille family wanted the City to  
 2 have the equipment to use as a historical marker and honor their family heritage. The DeMille  
 3 family had the opportunity to sell the equipment to Casey Lofthouse, but they opted to leave it  
 4 on the property for the City. Kaden DeMille stated that the original intent was for the City to  
 5 maintain the equipment. Park impact fees were used to purchase the land. His vision and goals  
 6 are to maintain those items and create a park around the wood barn on the property. He would  
 7 like to find funds from different areas in the budget to pay Mr. Lofthouse. Councilman Prete  
 8 stated that the City does not have a legal obligation to keep the equipment, but there was a  
 9 goodwill intent when purchasing the land.

10 David Hirschi motioned to continue possible approval of trading City-owned farming equipment  
 11 for help with other items regarding the Historical Committee to the City Council meeting on July  
 12 7<sup>th</sup>. Seconded by Dave Sanders. Motion carried with Kevin Thomas, Joseph Prete, David Hirschi,  
 13 and Dave Sanders voting aye.

14  
 15 Mayor and Council Reports:

Mayor Billings	Airport, Administration, Police, Washington County Solid Waste District, Washington County Water Conservancy District, Youth City Council, Ash Creek Special Sewer District
Joseph Prete	Court, Prosecutors Office, City Attorney, Fire District, Economic Development, Agriculture Preservation, Industrial Park, Power, Power Board
Dave Sanders	Animal Control, Police, Emergency Management, Mosquito Abatement, School Crossing Guards, Victim Services
David Hirschi	Historic Preservation, Parks/Cemetery, Recreation/Pool, Water Department, Water Board, Ash Creek Special Service District, Tourism Board, Golf Course
Kevin Thomas	Planning Commission, Streets and Drainage, Public Works, Engineering, Planning Dept
Vacant	Building Inspections, Code Enforcement, Tree Board, Airport Board, Appeals Board, Beautification Board
Kaden DeMille	City Administration – Mr. Demille reported that the Federal government approved Juneteenth as a federal holiday. This is not included in the current policy manual but is in the new one. The City Council agreed to add a holiday to our schedule.

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

17 David Hirschi motioned to go into a closed meeting for the potential purchase of real property.  
 18 Seconded by Joseph Prete. Motion carried unanimously.

19 Adjournment: 8:41 p.m.

Hurricane City Council Special Meeting Minutes – June 14, 2022

1 Minutes of the Hurricane City Council special meeting held on June 14, 2022, at the Power  
2 Department 526 W 600 North, Hurricane, UT. at 3:00 p.m.

3 **Members Present:** Mayor Nanette Billings and **Council Members:** Joseph Prete, Dave Sanders,  
4 David Hirschi, and Kevin Thomas

5

6 **Also Present:** City Manager Kaden DeMille and Accountant Paige Chapman

7

8 **AGENDA**

9 **3:00 p.m. Discussion regarding the 2022-2023 budget.**

10 Council met with City Manager Kaden DeMille, Accountant Paige Chapman, and various  
11 department heads to go over the bubble list for the 2022-2023 budget and decided which items  
12 should be cut from the budget.

13 **Adjournment: 9:00 p.m.**

**AMENDED RESOLUTION NO. 2022-29**

**A RESOLUTION OF THE CITY OF HURRICANE, A MUNICIPAL CORPORATION OF UTAH, ADOPTING A SCHEDULE OF FEES FOR SERVICES PROVIDED AND CHARGED AT THE HURRICANE CITY ANIMAL SHELTER.**

*WHEREAS*, the City of Hurricane offers a variety of services in conjunction with the Hurricane City Animal Shelter;

*WHEREAS*, certain expenses are associated with these services;

*WHEREAS*, the Hurricane City Council has determined the fees included in this Resolution are appropriate and are reasonably related to the purpose for which such fees are charged,

**BE IT RESOLVED**, by the Mayor and City Council of the City of Hurricane that the following fees shall apply to the services provided by the Hurricane City Animal Shelter:

Adoption Fees:

Dog	\$60.00
Cat	\$50.00

Owner Release Fees:

Dog	\$50.00
Cat	\$50.00
Small Furry	\$40.00

Dog License (Limit of 4 dogs):

Spayed/Neutered	\$10.00
Not Spayed/Neutered	\$25.00

Dog License Late Fee (in addition to above) \$20.00 per transaction

Replace Missing Tag	\$2.00
Transfer License	\$5.00

Impound:

Dog- in addition to citation after 1 <sup>st</sup> offense	
1 <sup>st</sup> Confinement	\$25.00
2 <sup>nd</sup> Confinement	\$50.00
3 <sup>rd</sup> Confinement	\$75.00
4 <sup>th</sup> Confinement	\$100.00

Cat

1 <sup>st</sup> Confinement	Free
2 <sup>nd</sup> & Subsequent	Boarding Fee
Boarding Fee-	\$10.00 per day

This Amended Resolution shall become effective immediately upon passing.

PASSED AND APPROVED this 7<sup>th</sup> day of July, 2022.

\_\_\_\_\_  
Nanette Billings, Mayor

Attest:

\_\_\_\_\_  
Cindy Beteag, Recorder

The foregoing Resolution was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 7<sup>th</sup> day of July, 2022. Whereupon a motion to adopt and approve said Resolution was made by \_\_\_\_\_ and seconded by \_\_\_\_\_. A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
Joseph Prete	___	___	___	___
Dave Sanders	___	___	___	___
David Hirschi	___	___	___	___
Kevin Thomas	___	___	___	___
Doug Heideman	___	___	___	___

\_\_\_\_\_  
Cindy Beteag



## **STAFF COMMENTS**

Consent to staff to issue a grading permit for Hurricane Power Substation located at 600 N 1150 West

**Discussion:**

**Findings:**

**Recommendation:**

**Attachments:**

None

**PLANNING COMMISSION RECOMMENDATION FOR WATER CONSERVATION WITHIN  
HURRICANE**

WHEREAS, water is a limited resource within Hurricane City and Southern Utah; and

WHEREAS, the City has been given a stewardship over these resources; and

WHEREAS, the Washington County Water Conservancy District has provided a recommendation for the City to consider for conserving water; and

WHEREAS, Hurricane City Water Board has recommended that the City review these policies but only adopt those that are in the best interest of the residents of the City; and

WHEREAS, Hurricane City Planning Commission has reviewed the proposed recommendation and generally finds them incapable with needs of the current and future residents within the City; and

WHEREAS, the Planning Commission wants to protect the rights of property owners within the City; and

WHEREAS, the Planning Commission wants to maintain a high quality of life for those who live, work, and play within the City by allowing property owners to choose to take water conservation steps that meet their needs; and

WHEREAS, the Planning Commission believes that placing limitations on lawn sizes for residential lots will reduce the quality of life and the health of families that reside within the City— and that placing any such limitations, regardless of the apparent reasonableness of the size limitations, will open the door to future, more severe restrictions that will not be in the best interest of the community; and

WHEREAS, water consumption levels have dropped within Washington County by current conservation measures; and

WHEREAS, the Planning Commission believes that providing incentives and education are the best conservation measures; and

WHEREAS, property owners, contractors, and home builders are already taking many steps as recommended by the conservancy district.

THEREFORE, THE HURRICANE CITY PLANNING COMMISSION MAKES THE FOLLOWING RECOMMENDATION TO THE CITY COUNCIL

1. The following sections be adopted in Hurricane City Code 10-32-11 Water Conservation:

A. Commercial, Industrial, and Civic Development: All new construction and new development in all commercial, industrial, and civic development in any zone, shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance. This ordinance shall not apply to any new or existing agricultural uses in any zone.

1. Grass is not permitted outside of an active recreation area. In addition, grass is prohibited in park strips, all landscape areas less than eight feet wide, and on any slope that exceeds 15%.
2. Landscape and irrigation installers shall follow the plans that have been signed and approved by the city.
3. Each project shall propose and follow an approved Planting Plan of a landscaped area with water-efficient shade trees and bushes adequate in number and configuration to visually enhance the project, prevent heat islands, and prevent soil erosion. Planting plans shall meet the minimum standards within this ordinance.
4. If City provided secondary irrigation water is available, each project shall connect to the system for all outdoor water use. The Planning Commission may make minor exceptions, allowing use of treated water for outdoor plantings in small beautification areas, in its sole discretion.
5. Parkstrips: Grass is prohibited in all park strips. Parks strips shall be maintained by the adjacent property owner unless otherwise maintained by an owners association. Park strips widths and landscaping shall count towards commercial and industrial landscaping frontage requirements.

B. All new construction and new development in residential development in any zone, shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance.

1. Common Areas: If the development has a common area jointly owned and maintained by a homeowners association, grass is not permitted outside of an active recreation area. In addition, grass is prohibited in park strips..
2. Parkstrips: Grass is prohibited in all park strips.

THEREFORE THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL ADOPT THE ORDINANCE REVISIONS SET FORTH HEREIN AND REJECT THE REMAINING RECOMMENDATIONS MADE BY THE WASHINGTON COUNTY WATER CONSERVANCY DISTRICT.

Recommendation made on March 3, 2022

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ORDINANCE NO. 20\_\_ - \_\_\_\_\_

**AN ORDINANCE ADOPTING AND IMPLEMENTING REGULATIONS FOR  
LANDSCAPING AND WATER CONSERVATION FOR DEVELOPING LAND IN  
\_\_\_\_\_ CITY, UTAH**

**RECITALS AND LEGISLATIVE FINDINGS**

WHEREAS, Washington County is one of the most arid and fastest growing regions in Utah with all its major population centers dependent on a single water resource that is prone to drought, so it is essential that additional water conservation initiatives are enacted to protect the county’s population, economy and quality of life;

WHEREAS, \_\_\_\_\_ City, in partnership with Washington County and the Washington County Water Conservancy District, want to establish uniform standards for water efficient new development, to address limited water supplies, drought conditions, and the sustainability of future water resources;

WHEREAS, \_\_\_\_\_ City, Washington County, and the Washington County Water Conservancy District want to ensure that the City and its residents continue to have a reliable, resilient, and sustainable water supply;

WHEREAS, establishing standards for all new construction including single family residential, multi-family residential, commercial, and manufacturing development will help sustain a reliable and resilient water supply to all residents;

WHEREAS, it is in the public interest to conserve the public’s water resources and to promote water efficient construction and landscaping to protect and enhance the community’s environmental, economic, recreational, and aesthetic resources by promoting efficient use of water in our community’s buildings and landscapes, reduce water waste, and establish a structure for designing, installing, and maintaining water efficient buildings and landscapes throughout the City;

WHEREAS, establishing standards for the use of water for outdoor landscaping and irrigation will help sustain a reliable and resilient water supply to all residents;

WHEREAS, carefully managing the county’s water resources is of great importance to our community for the protection of present and future citizens;

WHEREAS, this proposed ordinance is necessary and proper for the safety, peace and good order of the City and its citizens; and

WHEREAS, this proposed ordinance is necessary for the preservation and longevity of these lands.

36 NOW THEREFORE, be it ordained by the City Council of \_\_\_\_\_, Utah that the  
37 attached standards and regulations are adopted, and shall be incorporated into the ordinances of  
38 the City, as Title \_\_, Chapters \_\_ through \_\_. This Ordinance shall become effective on the  
39 date executed below and upon posting as required by law.

40 APPROVED AND ADOPTED this \_\_ day of \_\_\_\_\_, 20 \_\_.  
41 \_\_\_\_\_ City

42  
43 \_\_\_\_\_

44  
45 ATTEST:  
46 \_\_\_\_\_

47  
48 Approved as to Form:  
49  
50 \_\_\_\_\_  
51 \_\_\_\_\_ City Attorney  
52

DRAFT

53 TITLE \_\_\_\_

54  
55 CHAPTER 1: GENERAL PROVISIONS

56  
57 \_\_-1-1: SHORT TITLE

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59 \_\_-1-2: CONFLICT

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61 \_\_-1-3: APPLICABILITY

62  
63 The provisions of this title are applicable to all new construction, development and major landscape  
64 improvements in the city. The provisions of this ordinance are severable and if any provision, clause,  
65 sentence, word, or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person  
66 or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or  
67 impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of this  
68 ordinance or their applicability to other persons or circumstances.

69  
70 CHAPTER 2: DEFINITIONS

71  
72 \_\_-2-1: DEFINITIONS

73  
74 The following definitions shall apply to this ordinance:

75 Active Recreation Area: An area that is dedicated to active play where grass may be used as  
76 the playing surface. Examples of active recreation areas include sports fields, play areas, and  
77 other similar uses designated for physical activity.

78 Check Valve: A device used in sprinkler heads or pipe to prevent water from draining out of  
79 the pipe through gravity flow.

80 Controller: A device used in irrigation systems to automatically control when and how long  
81 sprinklers or drip irrigation systems operate.

82 Drip Irrigation: An irrigation system that delivers water by adding water at the plant's base  
83 and root zone, usually measured in gallons per hour. Drip irrigation exhibits a droplet, trickle,  
84 umbrella or short stream pattern, to reduce evaporation, overspray, and water use, and  
85 improving water conservation.

86 Drip Emitter: A drip irrigation fitting that delivers water slowly at the root zone of the plant,  
87 usually measured in gallons per hour.

88 Grading Plan: The grading plan shows all finish grades, spot elevations, drainage as  
89 necessary, and new and existing contours with the developed landscaped area.

90 Grass: A surface layer of earth containing mowed grass with its roots.

91 Ground Cover: Material planted in such a way as to form a continuous cover over ground that  
92 can be maintained at a height no more than twelve (12) inches.

93 Hardscape: Elements of landscape constructed from non-living materials such as concrete,  
94 boulders, brick, blacktop, and lumber. It includes patios, decks, and paths, but does not  
95 include driveways and sidewalks.

96 Hydrozone: Portion of landscape area having plants with similar water needs and rooting  
97 depth. A hydrozone may be irrigated or non-irrigated.

98 Irrigation Plan: A plan that shows the components of the irrigation system with water meter  
99 size, backflow prevention, precipitation rates, flow rate, and operating pressure for each  
100 irrigation circuit, and identification of all irrigation equipment.

101 Irrigation Runoff: Irrigation water that is not absorbed by the soil or landscape area to which  
102 it is applied, and that flows onto other areas.

103 Landscape Architect: A person who holds a professional license to practice landscape  
104 architecture in the state of Utah. Per State Code, licensed landscape architects, licensed  
105 architects, licensed land surveyors, and licensed engineers can professionally stamp plans  
106 that fall under the practice of landscape architecture. This includes commercial landscape and  
107 irrigation plans.

108 Landscape Area: Area within a lot or parcel that is not the home footprint, driveway,  
109 sidewalk or patio.

110 Landscape Designer: A person who may or may not hold professional certificates for  
111 landscape design/architecture, and who generally focuses on residential design and  
112 horticultural needs of home landscapes. Landscape designers cannot legally create  
113 commercial landscape plans.

114 Landscape Documentation Package: The documentation of graphic and written criteria,  
115 specifications, and detailed plans to arrange and modify the effects of natural features to  
116 comply with the provisions of this ordinance. The Landscape Documentation Package shall  
117 include a project data sheet, a site plan, a planting plan, an irrigation plan, construction  
118 details, and a grading plan.

119 Landscape or Landscaping: Any combination of berms; living plants, such as trees, shrubs,  
120 vines, ground covers, annuals, perennials, ornamental grass, or seeding; natural features such  
121 as rock, stone, or bark chips; and structural features, including but not limited to outdoor  
122 artwork, screen walls, fences or benches that create an attractive and pleasing environment.

123 Landscape or Landscaping Maintenance: Maintaining or keeping any landscaping, or any  
124 area required to be landscaped:

125 A. In a live and thriving condition, with consideration for normal growth and water needs;  
126 and

127 B. Fertilized, mowed, trimmed, edged, mulched and free from weeds, dead plants, litter,  
128 refuse, or debris in compliance with regionally accepted horticultural practice and city  
129 ordinances.

130 Landscape Plan: A plan that clearly and accurately identifies the location and species of new  
131 and existing trees, shrubs, ground covers, and other plants on a site, and any other landscape  
132 element, and includes an irrigation plan.

133 Mulch: Any organic material such as leaves, bark, wood chips, straw; inorganic material such  
134 as crushed stone or gravel; other materials left loose and applied to the soil surface for the  
135 beneficial purpose of controlling weeds and conserving soil moisture.

136 Park Strip: A typically narrow landscaped area located between the back-of-curb and  
137 sidewalk.

138 Plant List: A list of locally adaptable and environmentally sustainable plants for compliant  
139 Planting Plans as provided by the Washington County Water Conservancy District.

140 Planting Plan: A Planting Plan that clearly and accurately identifies the type, size, and  
141 locations for new and existing trees, shrubs, planting beds, ground covers, grass areas,  
142 driveways, sidewalks, hardscape features, and fences.

143 Precipitation Rate: The depth of water applied to a given area, usually measured in inches per  
144 hour.

145 Pressure Regulating Valve: A valve installed in an irrigation mainline that reduces a higher  
146 supply pressure at the inlet down to a regulated lower pressure at the outlet.

147 Pressure Compensating: A drip irrigation system that compensates for fluctuating water  
148 pressure by only allowing a fixed volume of water through drip emitters.

149 Rehabilitated Landscaping: Landscape area in which over 50% percent of existing  
150 landscaping is removed and replaced. Includes all landscaping funded in part, or completely,  
151 by Washington County Water Conservancy District's landscape conversion program.

152 Secondary Irrigation Water: Non-potable water that is untreated and used for irrigation of  
153 outdoor landscaping.

154 Slope: A vertical rise in feet measured over a horizontal distance, expressed as a percentage,  
155 measured generally at right angles to contour lines.

156 Water-Conserving Plant: A plant that can generally survive with available rainfall once  
157 established, with possible supplemental irrigation needed or desirable during spring and  
158 summer months or during drought periods.

159

160 **CHAPTER 3: SINGLE FAMILY AND MULTIPLE FAMILY RESIDENTIAL WATER**  
161 **EFFICIENCY STANDARDS**

162  
163 These provisions are applicable to all new construction, and new development in any residential  
164 zone, or for any single family or multiple family residential development in any zone.

165  
166 **\_\_-3-1: Construction Standards**

- 167  
168 A. New single family or multiple family residential dwellings 1,000 square feet or greater  
169 shall install hot water recirculation systems, unless hot water delivery can be  
170 demonstrated to occur without first displacing more than 0.6 gallons of system water.  
171  
172 B. New single family or multiple family residential dwellings shall install WaterSense  
173 labeled fixtures, including, but not limited to faucets, showerheads, toilets, and urinals.  
174  
175 C. New single family or multiple family residential dwellings shall install Energy Star  
176 qualified appliances.  
177  
178 D. All multiple family units with ground floor square footage or individually platted, shall  
179 be separately metered, submetered, or equipped with alternative technology capable of  
180 tracking the water use of the individual unit, and the information shall be made available  
181 to the resident of each unit. Individually platted condominium units are excepted if a  
182 property owners association owns and maintains the water lines and meters. All multiple  
183 family projects require separate water meters for all outdoor water usage, including  
184 landscaping.

**Commented [SN1]:** Council is concerned about these items about lowering the quality of life issues.

185  
186 **\_\_-3-2: Landscape Standards**

- 187  
188 A. For all new residential construction or development, the landscaping shall meet the  
189 following requirements:  
190  
191 1. Single Family Dwellings, and Multiple Family Dwelling Projects with Ten Units  
192 or Less:  
193  
194 a. The total grass area shall not exceed the following:  
195 

Lot size	Maximum grass
Up to 6,000 sf	750 sf
Up to 12,000 sf	1,000 sf
Up to 18,000 sf	1,250 sf
Up to 24,000 sf	1,500 sf
More than 24,000 sf	2,000 sf

  
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202 b. In addition, grass is prohibited in park strips, all landscape areas less than eight  
203 feet wide, and on any slope that exceeds 15%; and  
204

**Commented [SN2]:** What about water pasture land for animals grazing. Any exception for large farm parcels.

**Commented [SN3]:** Can be very difficult. Bermuda Grass as an alternative.

**Commented [SN4]:** Calculate what lot sizes. Offer rebates for smart water irrigation systems.

205 c. Each single dwelling shall have a minimum of two water-efficient shade trees  
206 with a minimum one-and-one-half-inch (1½") caliper trunk. Each multiple  
207 family development with ten units or less shall follow city approved landscape  
208 plans for number of shade trees.  
209

**Commented [SN5]:** Enforcement. Maybe ways to provide incentives

210 2. Multiple Family Dwelling Projects with More than Ten Units: Comply with the  
211 Landscape Standards in \_\_-4-2, below.  
212

213 **\_\_-3-3: Restrictive Covenants in Conflict with Water Efficiency Standards**

**Commented [SN6]:** Is this legal? It seems like it would be questioned.

214 Any homeowners or property owners association governing documents, such as bylaws, operating  
215 rules, covenants, conditions, and restrictions that govern the operation of a common interest  
216 development, recorded after passage of this ordinance, are void and unenforceable if they conflict  
217 with the water efficiency standards in this ordinance, or if they have the effect of prohibiting or  
218 restricting compliance with this ordinance.  
219

220  
221 **CHAPTER 4: NONRESIDENTIAL ZONES AND DEVELOPMENT WATER**  
222 **EFFICIENCY STANDARDS**  
223

224 These provisions are applicable to all new construction and new development in all nonresidential  
225 zones, and nonresidential development in any zone.  
226

227 **\_\_-4-1: Construction Standards**  
228

- 229 A. Hot water recirculation systems shall be installed, unless hot water delivery can be  
230 demonstrated to occur without first displacing more than 0.6 gallons of system water.  
231  
232 B. WaterSense labeled fixtures shall be installed, including, but not limited to faucets,  
233 showerheads toilets, and urinals.  
234  
235 C. Energy Star qualified appliances shall be installed.  
236  
237 D. All shell units with ground floor square footage, or individually platted, shall be  
238 separately metered, submetered, or equipped with alternative technology capable of  
239 tracking the water use of the individual unit, and the information shall be made available  
240 to the individual unit. Individually platted condominium units are excepted if a property  
241 owners association owns and maintains the water lines and meters. All nonresidential  
242 projects require separate water meters for all outdoor water usage, including landscaping.  
243  
244 E. All carwash projects shall recirculate and limit the maximum amount of water to 35  
245 gallons per vehicle washed.  
246

247 F. Exterior, decorative water features are prohibited, except up to five decorative water  
248 features with 50 gallon or less capacity and maintained recirculating pumps.  
249

250 G. All golf courses using water district or municipal water supplies shall irrigate with  
251 secondary irrigation water and shall have separate water meters for the golf course.  
252 Irrigation with potable water is prohibited. Each golf course development shall submit  
253 and follow a water budget with the Landscape Documentation Packet and identify water  
254 conservation measures for city approval.  
255

256 H. Outside misting systems shall only operate during the May through August time period  
257 where the daily high temperature is 90 degrees Fahrenheit or greater.  
258

259 **\_\_-4-2: Landscape Standards**  
260

261 A. All new construction and new development in all nonresidential zones, and nonresidential  
262 development in any zone, shall meet the Landscape Design Standards and Irrigation  
263 Design Standards of this ordinance.  
264

265 1. Grass is not permitted outside of an active recreation area. In addition, grass is  
266 prohibited in park strips, all landscape areas less than eight feet wide, and on any  
267 slope that exceeds 15%.  
268

269 2. Landscape and irrigation installers shall follow the plans that have been signed  
270 and approved by the city.  
271

272 3. Each project shall propose and follow an approved Planting Plan that has a  
273 minimum of 40% vegetative cover of a landscaped area with water-efficient  
274 shade trees and bushes adequate in number and configuration to visually enhance  
275 the project, prevent heat islands, and prevent soil erosion. The configuration of  
276 the vegetation in the Planting Plan is in the sole discretion of the city.  
277

278 4. If secondary irrigation water is available, each project shall connect to the system  
279 for all outdoor water use. A city may make minor exceptions, allowing use of  
280 treated water for outdoor plantings in small beautification areas, in its sole  
281 discretion.  
282

283 B. Required Documentation  
284

285 1. Landscape Documentation Package: A copy of a Landscape Documentation  
286 Package shall be submitted to and approved by the city prior to the issue of any  
287 building permit. A copy of the approved Landscape Documentation Package shall  
288 be provided to the property owner or site manager. The Landscape  
289 Documentation Package shall be prepared by a professional landscape architect  
290 (PLA) and shall consist of the following items:

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- a. Project Data Sheet containing the following:
    - i. Project name and address;
    - ii. Applicant or applicant agent's name, address, phone number, and email address;
    - iii. Landscape architect's name, address, phone number, and email address; and
    - iv. Landscape contractor's name, address, phone number and email address, if available at this time.
  - b. Planting Plan. A detailed Planting Plan shall be drawn at a scale that clearly identifies the following:
    - i. Location of all plant materials, a legend with common and botanical names, and size of plant materials;
    - ii. Property lines and street names;
    - iii. Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;
    - iv. Existing trees and plant materials to be removed or retained;
    - v. Scale: graphic and written;
    - vi. Date of design;
    - vii. Designation of hydrozones, and
    - viii. Details and specifications for tree staking, soil preparation, and other planting work.
  - c. Irrigation Plan. A detailed irrigation plan shall be drawn at the same scale as the Planting Plan and contain the following information:
    - i. Layout of the irrigation system and a legend summarizing the type and size of all components of the system, including manufacturer name and model numbers;
    - ii. Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;

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- iii. Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with irrigation equipment (i.e., sprinklers, drip emitters, bubblers, etc.); and
  - iv. Installation details for irrigation components.
  - d. Grading Plan. A grading plan shall be drawn at the same scale as the Planting Plan and shall contain the following information:
    - i. Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements; and
    - ii. Existing and finished contour lines and spot elevations as necessary for the proposed site improvements, as well as drainage.
  - 2. Plan Review, Construction Inspection, and Post-Construction Monitoring.
    - a. As part of the building permit approval process, a copy of the Landscape Documentation Package shall be submitted with a city provided pre-submittal checklist completed to initiate a review and approval process before construction begins.
    - b. All installers and designers shall meet state and local license, insurance, and bonding requirements, and be able to show proof of such.
    - c. During construction, site inspection of the landscaping may be performed by the city Building Inspection Department or other entity tasked with approvals.
    - d. Following construction, and prior to issuing an occupancy permit, an inspection shall be scheduled with the Building Inspection Department or other appointed entity to verify compliance with the approved landscape plans. The Certificate of Substantial Completion shall be completed by the property owner, developer, contractor or landscape architect and submitted to the city.
    - e. The city or other appointed entity reserves the right to perform site inspections at any time before, during or after the irrigation system and landscape installation, and to require corrective measures if requirements of this ordinance are not satisfied.

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381 **CHAPTER 5: LANDSCAPE AND IRRIGATION DESIGN STANDARDS FOR ALL**  
382 **NEW DEVELOPMENT IN ANY ZONE**

383

384 **10-5-1: Plant Selection**

385

386 Plants shall be well-suited to the microclimate and soil conditions at the project site. Native, locally  
387 adaptable and environmentally sustainable plants are acceptable. See the Washington County Water  
388 Conservancy District's recommended plant list on [wcwd.org](http://wcwd.org). Plants with similar water needs shall  
389 be grouped together as much as possible into hydrozones for efficient irrigation. Invasive plant  
390 species as identified by the city shall not be planted.

391

392 A. Areas with slopes greater than 15% shall be landscaped with deep-rooting, water-conserving  
393 plants that do not include grass.

394

395 B. Park strips and other landscaped areas less than eight (8) feet wide shall be landscaped with  
396 water-conserving plants and/or mulch that do not include grass.

397

398 **10-5-2: Tree Selection**

399

400 Tree species shall be selected based on growth characteristics and site conditions, including available  
401 space, overhead clearance, soil conditions, exposure, and desired color and appearance. Trees shall  
402 be suited for water-efficient landscapes. Trees shall be selected and planted in accordance with the  
403 following city guidance:

404 A. Broad canopy trees shall be selected where shade or screening of tall objects is desired;

405

406 B. Low-growing trees shall be selected for spaces under utility wires;

407

408 C. Select trees from which lower branches will be trimmed to maintain a healthy growth habit  
409 where visual clearance and natural surveillance is a concern;

410

411 D. Narrow or columnar trees shall be selected for small spaces, or where awnings or other  
412 building features limit growth, or where greater visibility is desired between buildings and  
413 the street for natural surveillance;

414

415 E. Tree placement shall provide canopy cover (shade) and avoid conflicts with existing trees,  
416 retaining walls, above and below ground utilities, lighting, and other obstructions; and

417

418 Trees shall be irrigated on a separate hydrozone as needed for efficient irrigation and allow for  
419 watering under water-shortage conditions when other plant material may not be watered due to  
420 drought conditions.

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422 **\_\_-5-3: Irrigation Design Standards**

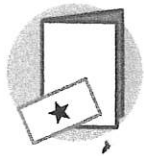
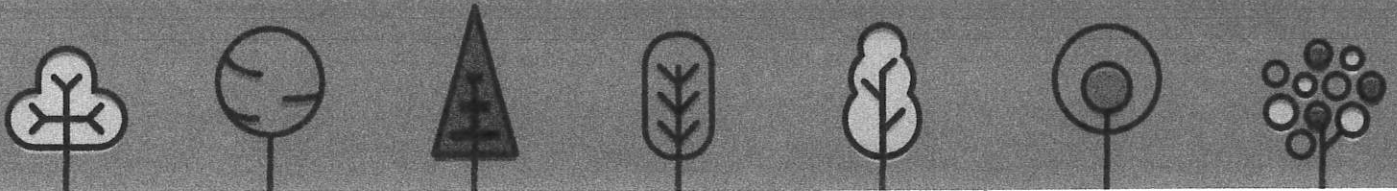
- 423 A. Pressure Regulation. A pressure regulating valve shall be installed by the builder or  
424 developer, and maintained by the owner, if the static service pressure exceeds 90 pounds per  
425 square inch (psi). The pressure-regulating valve shall be located between the meter and the  
426 first point of water use, or first point of division in the pipe, and shall be set at the  
427 manufacturer's recommended pressure for the sprinklers.  
428
- 429 B. Irrigation Controller. It is required that landscaped areas use a WaterSense labeled smart  
430 irrigation controller, which automatically adjusts the frequency and/or duration of irrigation  
431 events in response to changing weather conditions. All controllers shall be equipped with  
432 automatic rain delay or rain shut-off capabilities and have memory retention capability to  
433 retain pre-programmed irrigation schedules. Sites are not exempt from water waste  
434 prohibitions.  
435
- 436 C. Each valve shall irrigate a landscape with a similar site, slope and soil conditions, and plant  
437 materials with similar watering needs. Grass, trees and non-grass areas shall be irrigated on  
438 separate valves. Drip emitters and sprinklers shall be placed on separate valves.  
439
- 440 D. Low-volume irrigation equipment (i.e., drip emitters, bubblers) shall be provided for each  
441 tree.  
442
- 443 E. Drip irrigation shall be used to irrigate plants in non-grass areas. Spray head to drip  
444 conversion for rehabilitated landscape sites may be acceptable with city approval of Irrigation  
445 Plans.  
446
- 447 F. High conservation efficiency spray nozzles are required for sprinkler applications.  
448
- 449 G. Sprinkler heads shall have matched precipitation rates with each control valve circuit.  
450
- 451 H. Sprinkler heads shall be attached to rigid lateral lines with flexible material (swing joints) to  
452 reduce potential for breakage.  
453
- 454 I. Check valves are required. Pressure compensating valves and sprinklers are required where a  
455 significant variation in water pressure occurs within the irrigation system due to elevation  
456 differences.  
457
- 458 J. Filters and end-flush valves shall be provided for drip irrigation lines.  
459
- 460 K. Landscape watering with potable (treated) water is prohibited from 10 a.m. to 8 p.m., from  
461 June 1 to September 1, to maximize irrigation efficiency.  
462
- 463 L. Water waste is prohibited. Waste includes overwatering, irrigating during a precipitation  
464 event, water that sprays or flows off your property, failure to comply with drought  
465 restrictions and/or a failure to repair irrigation system leaks and/or malfunctions in a timely  
466 manner.  
467
- 468 Overwatering can be avoided by following the water district's recommended irrigation  
469 schedule and practices as noted on [wewcd.org](http://wewcd.org). The generally recommended schedule is:

- 470
- 471
- 472
- 473
- 474
- 475
- 476
- 477
- Winter (Nov – Feb) – sprinkler and drip irrigation up to 1 day a week. Irrigation is typically not needed in December and January
  - Spring (Mar – April) – sprinkler irrigation up to 3 days a week and drip irrigation up to 2 days a week
  - Summer (May – Aug) – sprinkler irrigation up to 4 days a week and drip irrigation up to 3 days a week
  - Fall (Sept – Oct) – sprinkler irrigation up to 3 days a week and drip irrigation up to 2 days a week

478 M. Program valves for multiple repeat cycles are required to reduce runoff on slopes and for  
479 soils with slow infiltration rates.  
480

DRAFT

# RECEIVE UP TO \$30 OFF ON SELECT TREES



Secure your coupon and information packet today by emailing your name and address to [julie@wcwcd.org](mailto:julie@wcwcd.org).

## QUALIFICATIONS

- Valid for the purchase of one (1) tree per property.
- Property must be located in Washington County.
- Tree must be purchased from a participating retailer between February 15 through May 1 or September 1 through December 1.
- The redemption value is \$30 (or less if the purchase price is less than \$30).
- Coupon only valid on select trees. Review the list of qualifying trees prior to purchasing.
- Trees must be 5-gallon or larger (15 gallon sizes are recommended).
- Coupon does not cover sales tax.
- Coupon is not transferable or redeemable for cash.
- Offer not valid on prior purchases.

## PARTICIPATING RETAILERS

### Star Nursery

1145 W. Sunset Blvd.  
St. George, UT 84770

385 W. Telegraph Road  
Washington, UT 84780

1335 S. Dixie Drive  
St. George, UT 84770

### Ballard's Nursery

691 N State St  
Hurricane, UT 84737

### Elim Valley Nursery

1825 South Flora Tech Rd  
Hurricane, UT 84737

### Sandia Nursery

4234 S Washington Fields Rd  
Washington, UT 84780

### Big Trees Nursery

240 N 100 E  
Kanarrville, UT 84742



This program is funded by the Washington County Water Conservancy District and Utah Community Forestry Council. This program's funding period ends May 1, 2022.

# QUALIFYING TREES:

Common Name	Scientific Name	Size (HxW)	Type
Podless Sweet Acacia	<i>Acacia farnesiana</i> 'Sierra Sweet'	20'x20'	Deciduous
Sensation Boxelder	<i>Acer negundo</i> 'Sensation'	30'x25'	Deciduous
Apple Serviceberry	<i>Amelanchier x grandiflora</i>	25'x20'	Deciduous
Common Hackberry	<i>Celtis occidentalis</i>	60'x60'	Deciduous
Netleaf Hackberry	<i>Celtis reticulata</i>	30'x30'	Deciduous
Western Redbud	<i>Cercis occidentalis</i>	15'x10'	Deciduous
Desert Willow	<i>Chilopsis linearis</i>	25'x15'	Deciduous
Cockspur Hawthorn	<i>Crataegus crusgallii</i>	35'x35'	Deciduous
Arizona Cypress	<i>Cupressus arizonica</i>	40'x20'	Deciduous
New Mexico Olive/Privet	<i>Forestiera neomexicana</i>	18'x12'	Deciduous
Kentucky Coffee Tree	<i>Gymnocladus dioicus</i>	80'x55'	Deciduous
Golden Raintree	<i>Koelreuteria paniculata</i>	40'x40'	Deciduous
Crabapple	<i>Malus spp.</i>	20'x20'	Deciduous
Texas Umbrella Tree	<i>Melia azedarach</i>	40'x40'	Deciduous
Wilson Olive	<i>Olea europaea</i> 'Wilson'	25'x20'	Evergreen
Pinyon Pine	<i>Pinus edulis</i>	36'x20'	Evergreen
Alleppo Pine	<i>Pinus halepensis</i>	40'x70'	Evergreen
Stone Pine	<i>Pinus pinea</i>	40'x60'	Evergreen
Japanese Black Pine	<i>Pinus thunbergii</i>	20'x60'	Evergreen
Arizona Sycamore	<i>Platanus wrightii</i>	50'x50'	Deciduous
Texas Honey Mesquites	<i>Prosopis glandulosa</i>	40'x35'	Deciduous
Screwbean Mesquite	<i>Prosopis pubescens</i>	15'x20'	Deciduous
Arizona Velvet Mesquite	<i>Prosopis velutina</i>	30'x30'	Semi-Deciduous
Western Honey Mesquite	<i>Prosopis glandulosa torreyana</i>	30'x20'	Deciduous
Texas Red Oak	<i>Quercus buckleyi</i>	50'x50'	Deciduous
Holly Oak	<i>Quercus ilex</i>	60'x60'	Evergreen
Burr Oak	<i>Quercus macrocarpa</i>	80'x80'	Deciduous
Shumard Oak	<i>Quercus shumardii</i>	40'x60'	Deciduous
Cork Oak	<i>Quercus suber</i>	70'x70'	Evergreen
Lacebark Elm	<i>Ulmus parvifolia</i>	40'x50'	Deciduous
Arizona Rosewood	<i>Vauquelinia californica</i>	15'x20'	Evergreen
Japanese Zelkova	<i>Zelkova serrata</i>	50'x50'	Deciduous

<b>Year</b>	<b>Residential</b>	<b>Growth</b>	<b>Commercial</b>	<b>Growth</b>	<b>Industrial</b>	<b>Growth</b>
2021	3,835.00	0%	1,122.94	13%	126.03	6%
2020	3,826.81	19%	993.44	40%	119.17	14%
2019	3,224.54	0%	711.12	36%	104.7	4%
2018	3,234.62	5%	522.31	34%	100.44	-32%
2017	3,087.16	9%	390.64	13%	147.49	100%
2016	2,835.11	9%	346.09	17%	73.65	74%
2015	2,598.82		295.5		42.4	
Average Growth Rate			7%		25%	28%

<b>Institutional</b>	<b>Growth</b>	<b>Total (ACFT)</b>	<b>Growth</b>	<b>Population</b>	
453.31	-8%	5,537.27	2%	22307.9	8%
492.71	3%	5,432.13	20%	20582.6	8%
479.61	-3%	4,519.98	4%	19038.2	6%
495.93	2%	4,353.31	6%	18002.9	6%
484.66	10%	4,109.94	11%	16987.9	8%
440.15	32%	3,695.00	13%	15755.4	7%
333.32		3,270.04		14694	
		6%		9%	7%



# Recommended Ordinances to Extend Limited Water Supplies

Zach Renstrom | City Council Meetings | September 2021

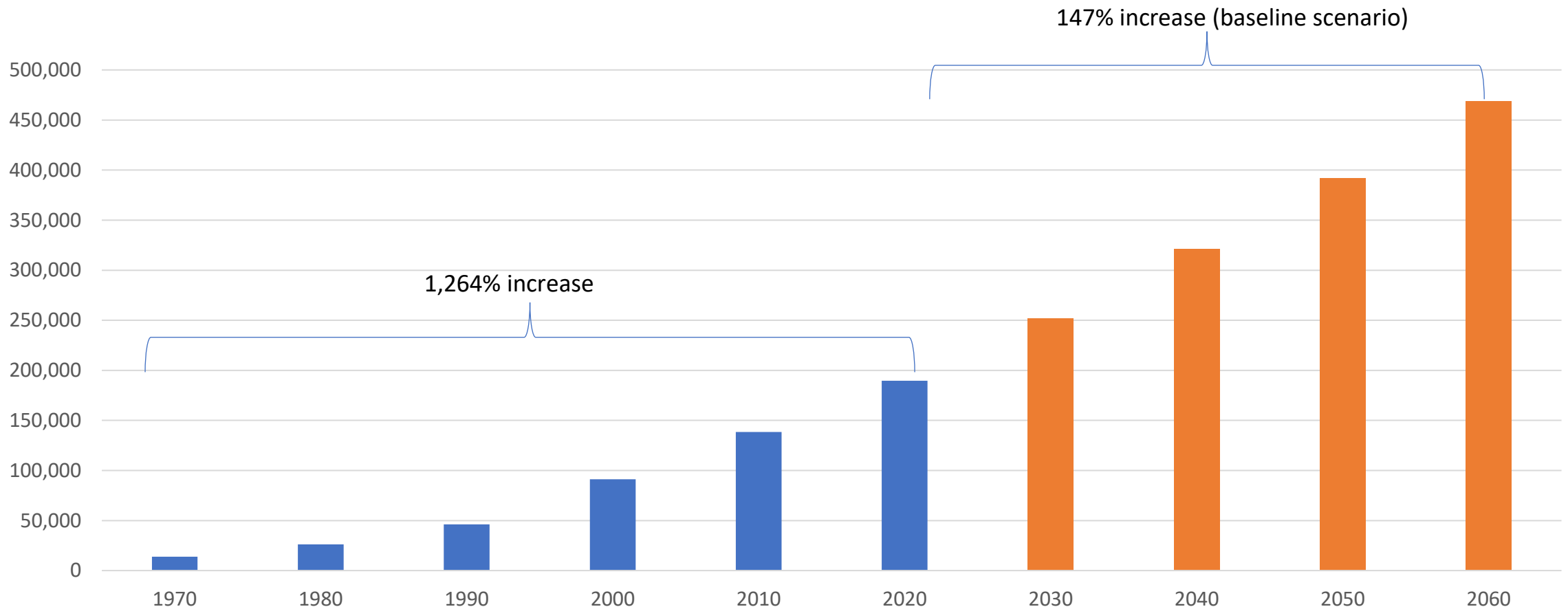
# Water Supply

---

Washington County's major population centers are 100% dependent on the Virgin River basin, which is closed to further appropriations.



# Population Growth



Source: ■ U.S. Census Bureau, ■ Kem C. Gardner Policy Institute



# Water Conservation

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- Washington County has decreased its water use by more than 30% since 2000
- First county to meet the statewide water conservation goal
- More than \$70 million invested in recent conservation efforts



# District Recommendations

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- Time-of-day watering ordinance
- Water waste ordinance
- Water efficiency standards for all new construction



# Water Efficiency Standards

- Ongoing collaboration with all our municipal partners to ensure standards are consistent throughout the county
- Standards would apply to all **new** construction, including all homeowner association areas and those served by secondary irrigation water



# Residential Standards

Applies to all new residential construction, including single and multi-family housing



Two options:

Traditional  
Conservation

WaterSense  
Certified

# Residential Standards: Traditional

---

- Indoor requirements
  - Hot water recirculation system
  - WaterSense labeled fixtures
  - Energy Star appliances
  - Multi-family housing individually metered with the capability of tracking/reporting unit specific use





# Residential Standards: Traditional

- Outdoor requirements
  - Limit irrigated landscape area to 2,500 square feet, lawn to 750 square feet
    - Pools, spas and other water features count toward 750 square feet unless covered
  - Install landscape specific meters at each property
  - Use a minimum number of approved water-efficient trees and shrubs; irrigate with a drip system
  - Install water-smart irrigation controllers
  - Avoid lawn on park strips, slopes greater than 25% and areas less than 8 ft wide
  - Require pool covers
  - Secure city verification

# Residential Standards: Traditional Cost

Conservation Measure	Average Cost	Anticipated Water Savings (per gallon/year/home)
Hot water recirculation system	\$550	10,600
WaterSense toilet	\$0	1,900
WaterSense faucet	\$0	3,700
WaterSense showerhead	\$0	2,800
Energy Star dishwasher	\$100	400
Landscape modifications (separate meter, smart controller and more efficient landscape on 10,000 sq ft lot)	\$3,250	28,700
Pool cover	\$10,000	10,000

# Residential Standards: Traditional Concept



12,000 sq ft lot

# Examples



10,300 sf lot



9,040 sf lot

# Large Lot Examples



18,500 sq ft lot



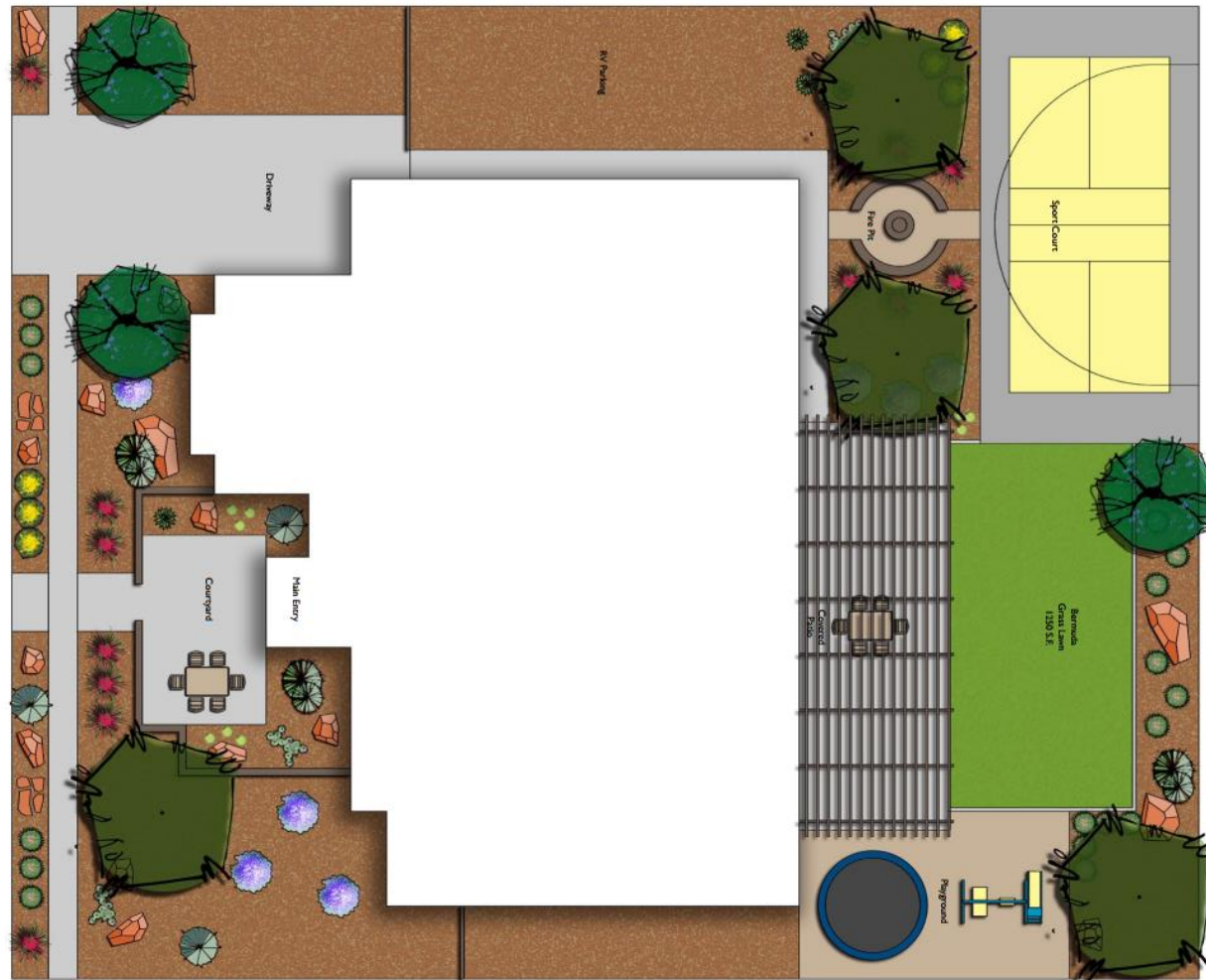
18,700 sq ft lot



# Residential Standards: Certified

- Allows for greater flexibility
- Certification by approved verifier
- Additional costs

# Residential Standards: Certified Concept



22,000 sq ft lot

# Examples Requiring Certification



10,900 sq ft lot



18,200 sq ft lot



# Commercial, Institutional and Industrial Standards

- Indoor requirements
  - Hot water recirculation system
  - WaterSense labeled fixtures
  - Energy Star appliances
  - Submeter all units
  - Recycle pumps at carwash facilities

# Commercial, Institutional and Industrial Standards

- Outdoor requirements
  - Lawn prohibited unless a waiver is granted demonstrating a functional purpose
  - Install landscape specific meters at each property
  - Use only approved water-efficient trees and shrubs; irrigate via drip system
  - Install water-smart irrigation controllers
  - Enforce water budget and require use of secondary irrigation at golf courses
  - Prohibit decorative water features
  - Limit commercial misting systems for use from May – August
  - Secure city verification

# Feedback, Q&A

[wcwcd.org](http://wcwcd.org)

[info@wcwcd.org](mailto:info@wcwcd.org)

**To Washington County, Utah:**

**Mayors, City Council Members, City Managers, County Commissioners, Washington County Water Conservancy District, & SUHBA Members**

***SUHBA Position Paper: Water Issues in Washington County***

The Southern Utah Homebuilders Association (“SUHBA”) has produced this position paper in response to the recent flurry of new and proposed water measures. Below is a relatively broad outline of our stance on the three main components of local water policy, as well as our comments on two specific items that are working their way toward adoption by some or all of the cities that are municipal customers of the Washington County Water Conservancy District (“WCWCD”). We do not comment herein on the several water bills being considered in this year’s state legislative session.

**Issue 1: Allocation of the Existing Water Supply**

1) *Policy Position.*

We wish to see the creation of a fair, intentional and orderly system for the prioritization of new water connections.

2) *Priorities.*

- a) Establish a common understanding of the **available supply of water** by clarifying the total amount of water reliably available from existing and readily developable sources, and the **amount of water currently being used in aggregate and per equivalent residential unit (“ERU”).**
- b) **Create a system for tracking the development pipeline across municipalities** to bring greater clarity to the match (or mismatch) between available water and prospective development.
- c) **Institute an orderly process for the allocation of the existing water supply**, including a fair and predictable procedure for the vesting of water service.
  - i) The method and timing of vesting should be based upon the expectation that **any reserved water service is utilized in a timely manner. The hoarding of water connections by way of a vesting “race to the bottom” must be prevented.**
  - ii) Variables that should be considered include: **the relative water usage of various competing land uses; the role and value of smaller projects and builders; and the feasibility and timing of prospective development.**

## Issue 2: Conservation

### 1) *Policy Position.*

We welcome the new emphasis on conservation. There are numerous measures that can be adopted or improved, however, individual tactics will yield widely varying results. **Focus should be placed on measures where water savings will be greatest.**

### 2) *Priorities.*

- a) Implement conservation best practices in all new development. See elsewhere herein for additional comments on this subject, including on the draft ordinance currently in the process of adoption.
- b) Regulation should apply the Pareto Principle (the 80/20 rule). **Focus policy on the relatively few measures that will yield the greatest water savings.** Avoid cluttering regulation with minutiae that create a significant administrative burden while providing little or no water savings.
- c) **Emphasize a normative approach geared toward improving freely made decisions rather than a prescriptive approach based on coercion and compliance.** Create more and better pricing feedback loops.
  - i) **Both at the time of its allocation and on an ongoing basis, the price of water should better reflect its marginal value.** Building types that use relatively more water should pay a higher impact fee than those that use less. Water rates should increase in a nonlinear manner, i.e. if the cost of  $X$  gallons of water is  $Y$ , then the price of  $2X$  should be greater than  $2Y$ .
  - ii) **Improve the transparency and usefulness of information available** to individual water users so they better understand the variables in their behavior that most affect water use. Accelerate the adoption of Advanced Metering Infrastructure.
- d) Conservation-oriented policies currently being considered by the WCWCD which we support include:
  - i) Tiered impact fees based upon typical water usage by a range of common building types.
  - ii) Creating a “conservation easement” opportunity by which a consumer can opt into a reduced (0.55 AF) water allocation with a punitive surcharge on water use in excess of the stipulated allotment.
  - iii) Rebate programs designed to encourage the widespread, voluntary conversion of ornamental lawn to xeriscape.

### Issue 3: New Sources

#### 1) *Policy Position.*

We continue to support the Lake Powell Pipeline as an expansion of Washington County's water supply and an alternative to relying solely on water sources from the Virgin River basin. **We also encourage the ongoing development of additional water capacity from sources over which we have greater local control.**

#### 2) *Priorities.*

a) Expand and accelerate the **development of the secondary water system** (sources and distribution) in order to reduce the use of potable water for irrigation.

b) Take the next steps in **exploring technological solutions** with the potential to significantly increase the amount of usable water available from the Virgin River.

### The Water Conservation Ordinance Applicable to New Construction

#### *General Conditions*

We attended the Water Summit in November 2021 and provided comments at that time in response to the conservation measures being considered. As we said then, we generally accept additional conservation-oriented regulation of new construction. We wish to be clear in our support of wise water management.

In fact, new residential construction already uses considerably less water across the board than was typical even a decade ago. New homes utilize indoor water very efficiently; beautiful, drip-irrigated xeriscaping has become commonplace; and smaller lots and multifamily homes comprise a larger share of new residential development than before. The cumulative impact is remarkable. Total countywide water consumption has remained relatively stable in recent years despite continued growth in tourism and permanent population. **The state of the art in new home construction has helped bend the demand curve for water and will continue to do so going forward.**

Unfortunately, while we accept additional regulation, the proposed ordinance is constructed in exactly the fashion we oppose: **rather than being focused on the few remaining areas that will yield large water savings, it is laden with minutiae that significantly increase administrative costs while providing little or no conservation benefit.**

We have also found the process lacking in transparency and stakeholder inclusion. As far as we can tell, the ordinance has been in the active drafting process for months, but we were not involved in

those deliberations at all. Instead, we were only provided a document once the language was substantially set in stone and its adoption set in motion.

### *Specific Policies*

**We support the installation of hot water recirculation systems, and the exclusive use of water-efficient fixtures and appliances.** We support the use of smart irrigation controllers. We support landscaping standards that emphasize shade trees and drought-tolerant plant species. We support ending the practice of placing turf in planter strips and on steep slopes. **We support a turf maximum on new residential construction,** however, we recommend indexing the allowance to lot or yard size (with a reasonable upper limit). We support applying conservation standards uniformly, including in HOAs and areas served by secondary irrigation water. We support accelerating the development of a secondary irrigation water system where feasible. We request that common sense be applied in the implementation of this strategy so that secondary distribution lines and meters are not required in locations that are not realistic candidates for connection to a secondary water system.

**We oppose conservation standards that are more stringent on multifamily building forms than single family.** This includes requiring the individual metering of multifamily homes. We oppose the mandatory landscaping of an entire yard prior to the issuance of a certificate of occupancy. We oppose a requirement of automatic pool covers. **(We strongly support efforts to make evaporation an educational point of emphasis so that pool owners are equipped to make better decisions as they design new pools and mitigate water loss from existing pools.)** In each case, our opposition is predicated on an assessment that the benefits fall well short of justifying the cost.

In analyzing the proposed ordinance, we searched for comparable regulations in Arizona and Nevada, and mostly came up empty. A notable exception was Las Vegas, which has adopted strict water regulations and makes them easy to find. Yet even compared with Las Vegas, the Washington County ordinance proposes several more stringent elements as applied to new residential construction. The landscaping standard for single family homes in Las Vegas allows up to 50% of the side and rear yard area to be turf with a cap of 5,000 square feet, which would equate to around 12-17% of the total lot size. We think that percentage range is about right, but the 5,000 square foot cap is too high. Las Vegas does not micromanage tree size or drip-irrigation design nor require automatic pool covers as part of their conservation mission.

### **City Disclaimer of Water Availability for Pending Development Applications**

Last week, St. George City adopted a temporary ordinance requiring that new development applications include a disclaimer of water availability. We understand the intent of the ordinance is to clarify the status quo as it pertains to the vesting of water availability: while land use vests earlier, there is currently no “guarantee” of water service until the impact fee is paid and a building permit is issued.

As discussed at greater length above, we endorse an intentional approach to the reservation of water connections so that all participants in the development process have sufficient predictability to make sound decisions relative to development activities which will span many years and entail the investment of many millions of dollars.

**Closing Statement**

We desire to be good community partners and a willing resource. We believe in the power of working together across institutional lines to address current and future growth-related issues.

Sincerely,

2022 Southern Utah Home Builders Association Board of Directors  
February 9, 2022

160 **CHAPTER 3: SINGLE FAMILY AND MULTIPLE FAMILY RESIDENTIAL WATER**  
161 **EFFICIENCY STANDARDS**

162  
163 These provisions are applicable to all new construction, and new development in any residential  
164 zone, or for any single family or multiple family residential development in any zone.

165  
166 **-3-1: Construction Standards**

- 167  
168 A. New single family or multiple family residential dwellings 1,000 square feet or greater  
169 shall install hot water recirculation systems, unless hot water delivery can be  
170 demonstrated to occur without first displacing more than 0.6 gallons of system water.  
171  
172 B. New single family or multiple family residential dwellings shall install WaterSense  
173 labeled fixtures, including, but not limited to faucets, showerheads, toilets, and urinals.  
174  
175 C. New single family or multiple family residential dwellings shall install Energy Star  
176 qualified appliances.  
177  
178 D. All multiple family units with ground floor square footage or individually platted, shall  
179 be separately metered, submetered, or equipped with alternative technology capable of  
180 tracking the water use of the individual unit, and the information shall be made available  
181 to the resident of each unit. Individually platted condominium units are excepted if a  
182 property owners association owns and maintains the water lines and meters. All multiple  
183 family projects require separate water meters for all outdoor water usage, including  
184 landscaping.

185  
186 **-3-2: Landscape Standards**

- 187  
188 A. For all new residential construction or development, the landscaping shall meet the  
189 following requirements:  
190  
191 1. Single Family Dwellings, and Multiple Family Dwelling Projects with Ten Units  
192 or Less:  
193  
194 a. The total grass area shall not exceed the following:  
195  
196       Lot size                      Maximum grass  
197       Up to 6,000 sf               750 sf  
198       Up to 12,000 sf             1,000 sf  
199       Up to 18,000 sf             1,250 sf  
200       Up to 24,000 sf             1,500 sf  
201       More than 24,000 sf       2,000 sf  
202  
203 b. In addition, grass is prohibited in park strips, all landscape areas less than eight  
204 feet wide, and on any slope that exceeds 15%; and

205 c. Each single dwelling shall have a minimum of two water-efficient shade trees  
 206 with a minimum one-and-one-half-inch (1½") caliper trunk. Each multiple  
 207 family development with ten units or less shall follow city approved landscape  
 208 plans for number of shade trees.  
 209

210 2. Multiple Family Dwelling Projects with More than Ten Units: Comply with the  
 211 Landscape Standards in \_\_-4-2, below.  
 212

213 **\_\_-3-3: Restrictive Covenants in Conflict with Water Efficiency Standards**

214 Any homeowners or property owners association governing documents, such as bylaws, operating  
 215 rules, covenants, conditions, and restrictions that govern the operation of a common interest  
 216 development, recorded after passage of this ordinance, are void and unenforceable if they conflict  
 217 with the water efficiency standards in this ordinance, or if they have the effect of prohibiting or  
 218 restricting compliance with this ordinance.  
 219

220  
 221 **CHAPTER 4: NONRESIDENTIAL ZONES AND DEVELOPMENT WATER**  
 222 **EFFICIENCY STANDARDS**  
 223

224 These provisions are applicable to all new construction and new development in all nonresidential  
 225 zones, and nonresidential development in any zone.  
 226

227 **\_\_-4-1: Construction Standards**  
 228

- 229 A. Hot water recirculation systems shall be installed, unless hot water delivery can be  
 230 demonstrated to occur without first displacing more than 0.6 gallons of system water.  
 231
- 232 B. WaterSense labeled fixtures shall be installed, including, but not limited to faucets,  
 233 showerheads toilets, and urinals.  
 234
- 235 C. Energy Star qualified appliances shall be installed.  
 236
- 237 D. All shell units with ground floor square footage, or individually platted, shall be  
 238 separately metered, submetered, or equipped with alternative technology capable of  
 239 tracking the water use of the individual unit, and the information shall be made available  
 240 to the individual unit. Individually platted condominium units are excepted if a property  
 241 owners association owns and maintains the water lines and meters. All nonresidential  
 242 projects require separate water meters for all outdoor water usage, including landscaping.  
 243
- 244 E. All carwash projects shall recirculate and limit the maximum amount of water to 35  
 245 gallons per vehicle washed.  
 246

- 247 F. Exterior, decorative water features are prohibited, except up to five decorative water  
248 features with 50 gallon or less capacity and maintained recirculating pumps.  
249
- 250 G. All golf courses using water district or municipal water supplies shall irrigate with  
251 secondary irrigation water and shall have separate water meters for the golf course.  
252 Irrigation with potable water is prohibited. Each golf course development shall submit  
253 and follow a water budget with the Landscape Documentation Packet and identify water  
254 conservation measures for city approval.  
255
- 256 H. Outside misting systems shall only operate during the May through August time period  
257 where the daily high temperature is 90 degrees Fahrenheit or greater.  
258

259 **-4-2: Landscape Standards**  
260

- 261 A. All new construction and new development in all nonresidential zones, and nonresidential  
262 development in any zone, shall meet the Landscape Design Standards and Irrigation  
263 Design Standards of this ordinance.  
264
- 265 1. Grass is not permitted outside of an active recreation area. In addition, grass is  
266 prohibited in park strips, all landscape areas less than eight feet wide, and on any  
267 slope that exceeds 15%. Note 15% is about a 4 to 1 slope  
268
- 269 2. Landscape and irrigation installers shall follow the plans that have been signed  
270 and approved by the city.  
271
- 272 3. Each project shall propose and follow an approved Planting Plan that has a  
273 minimum of 40% vegetative cover of a landscaped area with water-efficient  
274 shade trees and bushes adequate in number and configuration to visually enhance  
275 the project, prevent heat islands, and prevent soil erosion. The configuration of  
276 the vegetation in the Planting Plan is in the sole discretion of the city.  
277
- 278 4. If secondary irrigation water is available, each project shall connect to the system  
279 for all outdoor water use. A city may make minor exceptions, allowing use of  
280 treated water for outdoor plantings in small beautification areas, in its sole  
281 discretion.  
282

283 B. Required Documentation  
284

- 285 1. Landscape Documentation Package: A copy of a Landscape Documentation  
286 Package shall be submitted to and approved by the city prior to the issue of any  
287 building permit. A copy of the approved Landscape Documentation Package shall  
288 be provided to the property owner or site manager. The Landscape  
289 Documentation Package shall be prepared by a professional landscape architect  
290 (PLA) and shall consist of the following items:

## Proposed WCWCD landscape ordinance

Waterboards opinion of items chapter 3 CONSTRUCTION STANDARDS.

Please use the commonsense parts of the proposed landscape ordinance. Possible examples.

3- 1A Hot water recirculation systems make sense.

3-1 B Water sense fixture requirement, fixtures can easily be replaced after occupancy. Why not keep suggesting water saving devices and keep offering grants.

3-1 C Continue to offer grants based on energy star rating.

3-1-D Encourage outside water meters where feasible not mandated. One size does not fit all.

### 3.2: LANDSCAPE STANDARDS

3-2 A. Ease up on lawn restrictions, encourage lawn irrigation recirculation systems, the only loss is consumptive use and evaporation, made up by harvesting rainwater.

Encourage use of low water consumption grass varieties

3-2 B encourage low consumption water park strips

3-2 C Do not mandate types of plants and trees. Encourage low water use varieties using rebate grants. For the use of listed varieties.

### 3-3: RESTRICTIVE COVENANTS IN CONFLICT WITH WATER EFFICENCY STANDARDS

The board wanted to make sure existing homeowners association rules can be grandfathered or recognized. (Example the next phase of an existing development.)

## CHAPTER 4: NON-RESIDENTIAL ZONES AND DEVELOPMENT WATER EFFICENCY STANDARD

Most of this chapter seems to mirror the residential standards. Waterboards concerns were forcing owners to hire a landscape architect for design.

can the district create several designs, (Encourage use of recommended design using water savings data)?

Pressure regulation on landscape should be encouraged depending on water quality concerns. If secondary water is not clean it will plug pressure reducing valves.

Water sense labeled smart controllers irrigation controllers make sense, offer rebates

Encourage low flow volume irrigation equipment.

? should a standardized landscape ordinance include urbanized farming? What about Agriculture related residential zoning?

If all the shall references were removed from the ordinance there would be a good place to start.

NOTE: The districts draft ordinance is kind of like the ten commandments. The waterboard recommendations are kind of like the 10 suggestions. Hopefully there can be some common ground that does not appear we are dictating. If the landscape draft is approved as written, the cities will need to staff new departments to enforce all the new regulations.

**RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF HURRICANE, UTAH,  
APPROVING INTERLOCAL COOPERATION AGREEMENT TO PARTICIPATE AND  
MAINTAIN A WATERSHED PLAN WITH NATURAL RESOURCES  
CONSERVATION SERVICE**

*WHEREAS*, the Natural Resources Conservation Service (“NRCS”) has proposed a plan that will provide Hurricane City assistance in expanding its secondary water systems;

*WHEREAS*, Hurricane City, Washington County, Washington City, City of St. George, Washington County Water Conservancy District, and The Nature Conservancy are referred to as Sponsors for this plan;

*WHEREAS*, application has heretofore been made to the Secretary of Agriculture by Sponsors for assistance in preparing a plan for works of improvement for Supplement No. 9 to the Warner Draw Watershed, Utah, under the authority of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. Sections 1001 to 1008, 1010, and 1012; and

*WHEREAS*, the responsibility for administration of the Watershed Protection and Flood Prevention Act (Public Law 83-566), as amended, has been assigned by the Secretary of Agriculture to the NRCS; and

*WHEREAS*, NRCS has prepared a document entitled Warner Draw Watershed, Utah Supplemental Watershed Work Plan Agreement #9 (referred to hereinafter as the “Agreement”), which details the parties obligations in the plan;;

*BE IT HEREBY RESOLVED* by the City Council of Hurricane, Utah that the Agreement, a copy of which is attached hereto as Exhibit "A", is hereby entered into, approved, ratified, accepted and made effective this 2<sup>nd</sup> day of June 2022.

PASSED AND APPROVED this 2<sup>nd</sup> day of June, 2022.

\_\_\_\_\_  
Nanette Billings, Mayor

Attest:

\_\_\_\_\_  
Cindy Beteag, Recorder

The foregoing Resolution was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 2<sup>nd</sup> day of June, 2022. Whereupon a motion to adopt and approve said Resolution was made by \_\_\_\_\_ and seconded by \_\_\_\_\_. A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
Joseph Prete	___	___	___	___
Dave Sanders	___	___	___	___
David Hirschi	___	___	___	___
Kevin Thomas	___	___	___	___
Doug Heideman	___	___	___	___

\_\_\_\_\_  
Cindy Beteag

**From:** [Arthur LeBaron](#)  
**To:** [Cindy Beteag](#)  
**Subject:** FW: Warner Draw EA Hurricane City Costs  
**Date:** Thursday, June 02, 2022 10:13:44 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

Cindy,

Would you please place this in the packet for new business item #1?

**Arthur LeBaron, PE, PLS, CFM**

**City Engineer**

**147 North 870 West**

**Hurricane, UT 84737**

**435-635-2811 x113**

**[arthur@cityofhurricane.com](mailto:arthur@cityofhurricane.com)**

**From:** Smith, Lance - NRCS, St. George, UT <lancem.smith@usda.gov>  
**Sent:** Thursday, June 2, 2022 10:10 AM  
**To:** Arthur LeBaron <arthur@cityofhurricane.com>  
**Subject:** Warner Draw EA Hurricane City Costs

Arthur,

Here are the costs for Hurricane City. Column one is NRCS, Column 3 is Hurricane and Column 5 is the total.

<b>Site 5: Hurricane Water Efficiency</b>						
Construction (Agricultural Water Management)	\$8,648,000	75%	\$2,883,000	25%	\$11,531,000	63%
Engineering	\$1,154,000	100%	\$0	0%	\$1,154,000	6%
Permits	\$0	0%	\$35,000	100%	\$35,000	<1%
Project Administration	\$288,500	50%	\$288,500	50%	\$577,000	3%
Real Property Rights	\$0	0%	\$140,000	100%	\$140,000	1%
Water Rights	\$0	0%	\$5,000,000	100%	\$5,000,000	27%
Subtotal	<b>\$10,090,500</b>	55%	<b>\$8,346,500</b>	45%	<b>\$18,437,000</b>	100%
<b>Total</b>	<b>\$23,638,500</b>	64%	<b>\$13,139,500</b>	36%	<b>\$36,778,000</b>	100%

**Lance Smith, P.E.**  
**Natural Resources Conservation Service**



**P: 435-704-4861**  
[lancem.smith@usda.gov](mailto:lancem.smith@usda.gov)

197 East Tabernacle  
Saint George, UT 84770

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**WARNER DRAW WATERSHED, UTAH**  
**SUPPLEMENTAL WATERSHED WORK PLAN AGREEMENT #9**  
between

Washington County  
City of Hurricane  
Washington City  
City of St. George  
Washington County Water Conservancy District  
(Referred to herein as Sponsors)

and the

Natural Resources Conservation Service,  
U.S. Department of Agriculture  
(Referred to herein as NRCS)

**Whereas**, application has heretofore been made to the Secretary of Agriculture by Sponsors for assistance in preparing a plan for works of improvement for Supplement No. 9 to the Warner Draw Watershed, Utah, under the authority of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. Sections 1001 to 1008, 1010, and 1012; and

**Whereas**, the responsibility for administration of the Watershed Protection and Flood Prevention Act (Public Law 83-566), as amended, has been assigned by the Secretary of Agriculture to the NRCS; and

**Whereas**, there has been developed through the cooperative efforts of the Sponsors and the NRCS a Watershed Work Plan and Environmental Assessment for works of improvement for the Warner Draw Watershed, Utah, hereinafter referred to as the Watershed Project or Plan, which Plan is annexed to and made part of this agreement;

**Now**, therefore, the Secretary of Agriculture through the NRCS and the Sponsors hereby agree on this Watershed Plan and that the works of improvement for this project will be installed, operated, and maintained in accordance with the terms, conditions, and stipulations provided for in this Watershed Plan and including the following:

1. **Term.** The term of this agreement is for the installation period and evaluated life of the project (52 years) and does not commit the NRCS to assistance of any kind beyond the end of the evaluated life.
2. **Costs.** The costs shown in this plan are preliminary estimates. Final costs to be borne by the parties hereto will be the actual costs incurred in the installation of works of improvement.
3. **Real Property.** The Sponsors will acquire such real property as will be needed in connection with the works of improvement. The amounts and percentages of the real property acquisition costs to be borne by the Sponsors and the NRCS are as shown in the cost-share table in section 5 hereof.

The Sponsors agrees that all land acquired for measures, other than land treatment practices, with financial or credit assistance under this agreement will not be sold or otherwise disposed of for the evaluated life of the project except to a public agency that will continue to maintain and operate the development in accordance with the operation and maintenance agreement.

4. **Uniform Relocation Assistance and Real Property Acquisition Policies Act.** The Sponsors hereby agrees to comply with all of the policies and procedures of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. Section 4601 et seq. as further implemented through regulations in 49 CFR Part 24 and 7 CFR Part 21) when acquiring real property interests for this federally assisted project. If the Sponsors are legally unable to comply with the real property acquisition requirements, it agrees that, before any Federal financial assistance is furnished; it will provide a statement to that effect, supported by an opinion of the chief legal officer of the state containing a full discussion of the facts and law involved. This statement may be accepted as constituting compliance.
5. **Cost-Share for Watershed Project Plans.** Table 1-Warner Draw Watershed Agreement Cost-Share Percentages & Amounts shows the estimated cost-share percentages and amounts for Watershed Project Plan implementation.

**Table 1.** Warner Draw Watershed Agreement - Cost-Share Percentages and Amounts

Works of Improvement	NRCS		Sponsors		Total Cost
	%	Cost	%	Cost	
<b>Cost-Sharable Items</b>					
Watershed Protection Measures	65	\$3,184,000	35	\$1,715,000	\$4,899,000
Flood Prevention Measures	100	\$7,248,000	0	\$0	\$7,248,000
Public Recreation Measures	50	\$944,500	50	\$944,500	\$1,889,000
Agricultural Water Management Measures	75	\$8,648,000	25	\$2,883,000	\$11,531,000
Real Property Acquisition Cost	50	\$415,000	50	\$415,000	\$830,000
Project Administration	50	\$640,000	50	\$640,000	\$1,280,000
Real estate appraisal fees, legal fees,	-	\$0	-	\$0	\$0
Relocation <sup>2/</sup>	-	\$0	-	\$0	\$0
<b>Subtotal: Cost-Sharable</b>	<b>76</b>	<b>\$21,079,500</b>	<b>24</b>	<b>\$6,597,500</b>	<b>\$27,677,000</b>
<b>Non-Cost-Sharable Items <sup>3/</sup></b>					
	NRCS		Sponsors		Total Cost
	%	Cost	%	Cost	
NRCS Technical Assistance/Engineering	100	\$2,559,000	0	\$0	\$2,559,000
Project Administration	-	\$0	-	\$0	\$0
Construction Management	-	\$0	-	\$0	\$0
Permits	0	\$0	100	\$140,000	\$140,000
Real Property Rights	0	\$0	100	\$1,382,000	\$1,382,000
Water Rights	0	\$0	100	\$5,020,000	\$5,020,000
Relocation, Beyond Required Decent, Safe, ...	-	\$0	-	\$0	\$0
Non-Project Costs	-	\$0	-	\$0	\$0
<b>Subtotal: Non-Cost-Sharable Costs</b>	<b>28</b>	<b>\$2,599,000</b>	<b>72</b>	<b>\$6,542,000</b>	<b>\$9,101,000</b>
<b>Grand Total:</b>	<b>64</b>	<b>\$23,638,500</b>	<b>36</b>	<b>\$13,139,500</b>	<b>\$36,778,000</b>

<sup>1</sup> - The cost-share rate is the percentage of the average cost of installing the practice in the selected plan for the evaluation unit. During

project implementation, the actual cost-share rate must not exceed the rate of assistance for similar practices and measures under existing national programs.

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<sup>2</sup> - Investigation of the watershed project area indicates that no displacements will be involved under present conditions. However, in the event that displacement becomes necessary at a later date, the cost of relocation assistance and payments will be cost-shared in accordance with the percentages shown.

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<sup>3</sup> - If actual Non-Cost-Sharable item expenditures vary from these figures, the responsible party will bear the change

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- 6. Land Treatment Agreements.** The Sponsors will obtain agreements from owners of not less than 50 percent of the land above each multiple-purpose and floodwater-retarding structure. These agreements must provide that the owners will carry out farm or ranch conservation plans on their land. The Sponsors will ensure that 50 percent of the land upstream of any retention reservoir site is adequately protected before construction of the dam. The Sponsors will provide assistance to landowners and operators to ensure the installation of the land treatment measures shown in the Watershed Plan. The Sponsors will encourage landowners and operators to continue to operate and maintain the land treatment measures after the long-term contracts expire, for the protection and improvement of the watershed.
- 7. Floodplain Management.** Before construction of any project for flood prevention, the Sponsors agree to participate in and comply with applicable Federal floodplain management and flood insurance programs. The Sponsors participate in the flood insurance program and are currently in good standing.
- 8. Water and Mineral Rights.** The Sponsors will acquire or provide assurance that landowners or resource users have acquired such water, mineral, or other natural resources rights pursuant to State law as may be needed in the installation and operation of the works of improvement.
- 9. Permits.** The Sponsors will obtain and bear the cost for all necessary Federal, State, and local permits required by law, ordinance, or regulation for installation of the works of improvement.
- 10. NRCS Assistance.** This agreement is not a fund-obligating document. Financial and other assistance to be furnished by the NRCS in carrying out the plan is contingent upon the fulfillment of applicable laws and regulations and the availability of appropriations for this purpose.
- 11. Additional Agreements.** A separate agreement will be entered into between the Sponsors and the NRCS before either party initiates work involving funds of the other party. Such agreements will set forth in detail the financial and working arrangements and other conditions that are applicable to the specific works of improvement.
- 12. Amendments.** This plan may be amended or revised only by mutual agreement of the parties hereto, except that the NRCS may deauthorize or terminate funding at any time if it determines that the Sponsors have failed to comply with the conditions of this agreement or when the program funding or authority expires. In this case, the NRCS must promptly notify the Sponsors in writing of the determination and the reasons for the deauthorization of project funding, together with the effective date. Payments made to the Sponsors or recoveries by the NRCS must be in accordance with the legal rights and liabilities of the parties when project funding has been deauthorized. An amendment to incorporate changes affecting a specific measure may be made by mutual agreement between the Sponsors and the NRCS having specific responsibilities for the measure involved.

- 13. Prohibitions.** No member of or delegate to Congress, or resident commissioner, may be admitted to any share or part of this plan, or to any benefit that may arise therefrom; but this provision may not be construed to extend to this agreement if made with a corporation for its general benefit.
- 14. Operation and Maintenance (O&M).** The Sponsors will be responsible for the operation, maintenance, and any needed replacement of the works of improvement by performing the work or arranging for such work, in accordance with an O&M Agreement. An O&M agreement will be entered into before Federal funds are obligated and will continue for the project life 50 years. Although the Sponsors' responsibility to the Federal Government for O&M ends when the O&M agreement expires upon completion of the evaluated life of measures covered by the agreement, the Sponsors acknowledge that continued liabilities and responsibilities associated with works of improvement may exist beyond the evaluated life.
- 15. Emergency Action Plan.** Prior to construction, the Sponsors must prepare an Emergency Action Plan (EAP) for each dam or similar structure where failure may cause loss of life or as required by state and local regulations. The EAP must meet the minimum content specified in NRCS Title 180, National Operation and Maintenance Manual (NOMM), Part 500, Subpart F, Section 500.52, and meet applicable State agency dam safety requirements. The NRCS will determine that an EAP is prepared prior to the execution of fund obligating documents for construction of the structure. EAPs must be reviewed and updated by the Sponsor annually.
- 16. Nondiscrimination Provisions.** In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.
- Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.
- To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

USDA is an equal opportunity provider, employer, and lender.

By signing this agreement, the recipient assures the USDA that the program or activities

provided for under this agreement will be conducted in compliance with all applicable Federal civil rights laws, rules, regulations, and policies.

- 17. Certification Regarding Drug-Free Workplace Requirements (7 CFR Part 3021).** By signing this Watershed Agreement, the Sponsor is providing the certification set out below. If it is later determined that the Sponsor knowingly rendered a false certification, or otherwise violated the requirements of the Drug-Free Workplace Act, the NRCS, in addition to any other remedies available to the Federal Government, may take action as authorized under the Drug-Free Workplace Act.

*Controlled substance* means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. Section 812) and as further defined by regulation (21 CFR Sections 1308.11 through 1308.15);

*Conviction* means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

*Criminal drug statute* means a Federal or non-Federal criminal statute involving the manufacturing, distribution, dispensing, use, or possession of any controlled substance;

*Employee* means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) all direct charge employees; (ii) all indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantees' payroll; or employees of sub-recipients or sub-contractors in covered workplaces).

**Certification:**

A. The Sponsors certify that they will or will continue to provide a drug-free workplace by:

- (1) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
- (2) Establishing an ongoing drug-free awareness program to inform employees about:
  - (a) The danger of drug abuse in the workplace;
  - (b) The grantee's policy of maintaining a drug-free workplace;
  - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- (3) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (1).
- (4) Notifying the employee in the statement required by paragraph (1) that, as a condition of employment under the grant, the employee must:
  - (a) Abide by the terms of the statement; and
  - (b) Notify the employer in writing of his or her conviction for a violation of a

criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

- (5) Notifying the NRCS in writing, within 10 calendar days after receiving notice under paragraph (4)(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice must include the identification numbers of each affected grant.
  - (6) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (4) (b), with respect to any employee who is so convicted.
    - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
    - (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
  - (7) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), (5), and (6).
- B. The Sponsors may provide a list of the sites for the performance of work done in connection with a specific project or other agreement.
- C. Agencies must keep the original of all disclosure reports in the official files of the agency.

**18. Certification Regarding Lobbying (7 CFR Part 3018) (for projects > \$100,000)**

- A. The Sponsors certify to the best of their knowledge and belief, that:
- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Sponsor, to any person for influencing or attempting to influence an officer or employee of an agency, Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
  - (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned must complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
  - (3) The Sponsor must require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub- grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients must certify and disclose accordingly.
- B. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C., Section 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not

less than \$10,000 and not more than \$100,000 for each such failure.

**19. Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions (7 CFR Part 3017).**

- A. The Sponsors certify to the best of their knowledge and belief, that they and their principals:
- (1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
  - (2) Have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph A(2) of this certification; and
  - (4) Have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
- B. Where the Sponsor is unable to certify to any of the statements in this certification, such prospective participant must attach an explanation to this agreement.

**20. Clean Air and Water Certification.** (Applicable if this agreement exceeds \$100,000, or a facility to be used has been subject of a conviction under the Clean Air Act (42 U.S.C. Section 7413(c)) or the Federal Water Pollution Control Act (33 U.S.C. Section 1319(c)) and is listed by EPA, or is not otherwise exempt.)

- A. The Sponsors signatory to this agreement certifies as follows:
- (1) Any facility to be utilized in the performance of this proposed agreement is (  ), is not (  ) listed on the Environmental Protection Agency List of Violating Facilities.
  - (2) To promptly notify the NRCS-State administrative officer prior to the signing of this agreement by the NRCS, of the receipt of any communication from the Director, Office of Federal Activities, U.S. Environmental Protection Agency, indicating that any facility which is proposed for use under this agreement is under consideration to be listed on the Environmental Protection Agency List of Violating Facilities.
  - (3) To include substantially this certification, including this subparagraph, in every nonexempt sub-agreement.
- B. The Sponsors signatory to this agreement agrees as follows:
- (1) To comply with all the requirements of section 114 of the Clean Air Act as amended (42 U.S.C. Section 7414) and section 308 of the Federal Water Pollution Control Act (33 U.S.C. Section 1318), respectively, relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in section 114 and section 308 of the Air Act and the Water Act, issued there under before the signing of this agreement by the NRCS.
  - (2) That no portion of the work required by this agreement will be performed in

facilities listed on the EPA List of Violating Facilities on the date when this agreement was signed by the NRCS unless and until the EPA eliminates the name of such facility or facilities from such listing.

- (3) To use their best efforts to comply with clean air standards and clean water standards at the facilities in which the agreement is being performed.
- (4) To insert the substance of the provisions of this clause in any nonexempt sub-agreement.

C. The terms used in this clause have the following meanings:

- (1) The term “Air Act” means the Clean Air Act, as amended (42 U.S.C. Section 7401 et seq.).
- (2) The term “Water Act” means Federal Water Pollution Control Act, as amended (33 U.S.C. Section 1251 et seq.).
- (3) The term “clean air standards” means any enforceable rules, regulations, guidelines, standards, limitations, orders, controls, prohibitions, or other requirements which are contained in, issued under, or otherwise adopted pursuant to the Air Act or Executive Order 11738, an applicable implementation plan as described in section 110 of the Air Act (42 U.S.C. Section 7414) or an approved implementation procedure under section 112 of the Air Act (42 U.S.C. Section 7412).
- (4) The term “clean water standards” means any enforceable limitation, control, condition, prohibition, standards, or other requirement which is promulgated pursuant to the Water Act or contained in a permit issued to a discharger by the Environmental Protection Agency or by a State under an approved program, as authorized by section 402 of the Water Act (33 U.S.C. Section 1342), or by a local government to assure compliance with pretreatment regulations as required by section 307 of the Water Act (33 U.S.C. Section 1317).
- (5) The term “facility” means any building, plant, installation, structure, mine, vessel, or other floating craft, location or site of operations, owned, leased, or supervised by a sponsor, to be utilized in the performance of an agreement or sub-agreement. Where a location or site of operations contains or includes more than one building, plant, installation, or structure, the entire location will be deemed to be a facility except where the Director, Office of Federal Activities, Environmental Protection Agency, determines that independent facilities are collocated in one geographical area.

**21. Assurances and Compliance.** As a condition of the grant or cooperative agreement, the sponsor assures and certifies that it is in compliance with and will comply in the course of the agreement with all applicable laws, regulations, Executive orders and other generally applicable requirements, including those set out below which are hereby incorporated in this agreement by reference, and such other statutory provisions as a specifically set forth herein.

State, Local, and Indian Tribal Governments: OMB Circular Nos. A-87, A-102, A-129, and A-133; and 7 CFR Parts 3015, 3016, 3017, 3018, 3021, and 3052.

Nonprofit Organizations, Hospitals, Institutions of Higher Learning: OMB Circular Nos. A-110, A-122, A-129, and A-133; and 7 CFR Parts 3015, 3017, 3018, 3019, 3021 and 3052.

**22. Examination of Records.** The Sponsor must give the NRCS or the Comptroller General, through any authorized representative, access to and the right to examine all records,

books, papers, or documents related to this agreement, and retains all records related to this agreement for a period of three years after completion of the terms of this agreement in accordance with the applicable OMB Circular.

<b>Sponsor: City of Hurricane</b>	
By:	
Title:	
Date:	
Address:	Zip Code:
<i>The signing of this plan was authorized by a resolution of the governing body of City of Hurricane adopted at a meeting held on _____.</i>	
_____	Address _____
Secretary [or other Title]	
Date: _____	



**STAFF COMMENTS**

<b>Agenda Date:</b>	04/14/2022
<b>Application Number:</b>	2022-LUCA-04
<b>Type of Application:</b>	Land Use Code Amendment
<b>Action Type:</b>	Legislative
<b>Applicant:</b>	Ishraj Singh
<b>Agent:</b>	Steve Beesley
<b>Request:</b>	Make a recommendation to the City Council to update Hurricane City Code
<b>Reviewed By</b>	Planning and Zoning

**Summary of Concern:**

The applicant is wanting to build a 55 feet, four story hotel at the corner of 1760 W and State Route 9. They had previously come in for a conditional use permit for a greater height building but was denied because it did not fit our current code. The applicant has filed a land use code amendment request to allow for a four story hotel to be built.

**Discussion:**

There are several four story hotels along SR-9 in Hurricane because under an earlier version of the city code you could get a conditional use permit for taller buildings as long as it was not obstructive or blended in with the neighborhood. In 2018 Utah state law changed so arbitrary limits on conditional use permits were not allowed so the city had to change their code. When the code was changed it appears that commercial buildings were overlooked when making the new standards and the current code was written with residential accessory buildings in mind.

Historically, the only business requesting greater heights than allowed in the code are hotels. The 2021 General Plan calls on the city to “[*capitalize*] on the local tourism industry to bring in new strings of revenue” larger hotels like this one can help with that. Short term rentals are also a concern, with over 160 illegally operating short term rentals within city limits and having more

plentiful legal options for tourists to stay at, especially during busier times of the year, can help alleviate the market pressures that lead to all these illicit short term rentals. As well, limiting the new height allowances to the Highway Commercial zone will limit these higher buildings to the area surrounding SR-9.

## **Staff Recommendation**

### ***10-7-9: Conditional Use Permit***

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

*(1) Within residential zones The height may not be greater than two stories or 1.5 times the average height of the immediately adjacent buildings, whichever is greater and the building must be of compatible architecture with immediately adjacent buildings.*

*(2) A greater height conditional use permit may not be issued for a flag lot if the proposed structure is higher than the average height of all residential structures within a 300-foot radius of the proposed structure.*

*(3) A greater height accessory building must be set back a minimum of five feet from side and rear property lines when the adjoining property is zoned or used for single family residential use.*

*(4) Buildings located within a Commercial Zone*

*(i) A greater height building in a commercial zone may not be taller than 55 feet tall.*

*(ii) For each foot in height above 35 feet, that section of the building must be setback one additional foot from the property line adjacent to residential or agricultural zones. Section of building below 35' shall comply with standard setbacks.*

*(iii) For each foot in height above 35 feet, that section of the building must be setback half a foot (6") from the property line adjacent to commercial, industrial, or civic zones. Section of building below 35' shall comply with standard setbacks.*

**Recommendation:** Staff recommends that the Planning Commission listen and consider any public comments made during the public hearing. Staff would recommend the commission take into consideration several factors, including the impacts on the character of SR-9 and economic development.

**AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH  
AMENDING SECTION ~~10-7-9~~ ~~3-4~~ ~~(E)~~ ~~CHAPTERS 10-41, 10-51~~ ~~4~~ ~~AND 10-7-9~~ ~~(2)(e)~~ OF  
THE HURRICANE CITY CODE.**

*WHEREAS* ~~Hurricane City wishes to encourage commercial development, and the City Council of Hurricane, Utah has previously approved accessory dwelling units in all residential zones throughout the City;~~

*WHEREAS* ~~Hurricane City desires to help mitigate the impact of commercial development adjacent to residential and agriculture development, and Hurricane City is currently facing a shortage of affordable housing and accessory dwelling units are a way to alleviate some of the shortage;~~

*WHEREAS* the City Council now finds it necessary and desirable to amend said ordinances with regards to ~~conditional use permits accessory dwelling units~~ in order to provide for the health safety and welfare of the city residents;

*WHEREAS* the Planning Commission of Hurricane Utah has recommended the following changes to the Hurricane City Code

**BE IT HEREBY ORDAINED** by the City Council of Hurricane Utah that ~~Hurricane City Code 10-7-9 (E)(2)(e) Section 10-3-4 and Chapters 10-41, 10-51 and 10-7 of the Hurricane City Code be~~, and are hereby, amended to read as follows:

**~~10-3-4 DEFINITIONS OF WORDS AND PHRASES~~**

~~ACCESSORY DWELLING UNIT: A subordinate residential dwelling unit with a separate entrance, kitchen, and full bathroom facilities which is that is attached to or detached to from a single family structure. All accessory dwelling units must meet the requirements of chapter 41 of this title.~~

**~~10-41-1: PURPOSE:~~**

~~The purpose of this chapter is to establish use and development regulations for accessory dwelling units. These regulations are intended to ensure that limited use of accessory dwelling units allowed in a residential zone do not disturb the single family residential character of a neighborhood. (Ord. 2018-04, 4-5-2018)~~

**~~10-41-2: SCOPE:~~**

The requirements of this chapter shall apply to all accessory dwelling units in single-family zones. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, this Code, and other laws. (Ord. 2018-04, 4-5-2018)

#### **10-41-3: PERMITTED USE:**

The accessory dwelling units described below shall be allowed as permitted uses in any residential zone, or any other zone in which such uses are permitted uses, subject to the development standards of section 10-41-4 of this chapter. The definition of each use is set forth in chapter 3 of this title.

Accessory dwelling units.

Guesthouse or casita.

Kitchen. (Ord. 2018-04, 4-5-2018)

#### **10-41-4: DEVELOPMENT STANDARDS; PERMITTED USE:**

The development standards set forth in this section shall apply to any accessory unit allowed as a permitted use.

—A. *Definition; Setbacks and Size:* An accessory dwelling unit is an accessory use to the main residential dwelling unit. Setbacks and size and lot coverage limitations established for accessory buildings in each zone shall apply.

—B. *Egress And Life Safety Requirements:* The dwelling unit must meet egress and life safety requirements of the International Residential Building Code.

—C. *Ownership:* The owner or an immediate family member of the owner of the main dwelling unit shall reside on the property as their primary residence as a condition for an accessory dwelling unit to be rented. For long term occupancy, the property owner may live in the accessory building or the primary building. Only the accessory building may be used as a short-term rental pursuant to chapter 51 of this code.

—D. *Limit:* Generally, ~~Only one accessory dwelling unit and/or casita shall be established on one residential property. Multiple~~ However, two accessory dwelling units shall may be allowed by a conditional use permit pursuant to section 10-7-9.

—E. *Entrance:* The accessory dwelling unit shall have its own outside entrance.

—F. *Landscaping:* Landscaping shall be provided and maintained to minimize impact on neighboring properties, to retain residential character, and to provide a visual buffer for onsite parking in relation to adjacent properties and the street. Landscaping may include, but shall not be limited to, planting trees in the park strip.

—G. *Secondary Use:* The accessory dwelling unit shall be clearly incidental and secondary to the primary use of the dwelling for residential purposes.

—H. *Maximum Size, Impervious Surface:* The accessory dwelling unit, if it is detached, must meet the size limitations for the zone or have been granted a conditional use permit.

~~—I. *Residential Hosting*: One detached accessory dwelling unit may be used per residential lot for residential hosting pursuant to the terms of licensing for residential hosting. (Ord. 2018-04, 4-5-2018)~~

~~**10-41-5: COMPLIANCE WITH DEVELOPMENT STANDARDS:**~~

~~—A. Residential properties with accessory dwelling units found to be in violation of the development standards set forth in section 10-42-4 of this title shall be subject to all applicable remedies set forth in chapter 9 of this title to ensure compliance.~~

~~—B. In order to ensure accessory dwelling units meet the development standards, a permit must be issued by the Planning Department for rental any use of the unit described in section 3-9-2. (Ord. 2017-03, 1-19-2017)~~

~~**Sec. 10-51-4. Development standards; home bed and breakfast and residential hosting facilities.**~~

~~The development standards set forth in this section shall apply to all home bed and breakfast and residential hosting facilities.~~

~~A. *Location*. Home bed and breakfast or a residential hosting facility shall be located in a single family residential structure deemed suitable for habitation.~~

~~B. *Guestrooms*. Rentable guestrooms shall be limited to not more than four bedrooms in the primary building or four bedrooms in the entirety of a detached ADU for each home bed and breakfast or residential hosting facility in addition to the rooms occupied by the full time residents. Total number of occupants people, including an owner, owner's family, and guests occupying the home at one time shall be no more than ten. Maximum occupancy must be posted in each rentable guestroom.~~

~~C. *Current codes*. Guestrooms must meet current International Residential codes for egress and be provided with smoke and CO2 detectors. A fire exiting route plan must be posted in each sleeping guestroom.~~

~~D. *Meals*. If meals are offered, meals shall be served only t:~~

- ~~1. To overnight guests.~~

~~E. *Landscaping*. Landscaping shall be provided and maintained to minimize impact on neighboring properties, to retain residential character, and to provide a visual buffer for on site parking in relation to adjacent properties and the street. Landscaping may include, but shall not be limited to, planting trees in the park strip.~~

~~F. *Parking*. Nonfrontage, off street parking shall be provided as follows:~~

- ~~1. Two spaces for owner.~~
- ~~2. One space per guestroom.~~
- ~~3. Parking must be located on the same property as the guestrooms.~~
- ~~4. Tandem parking is permitted for one space only.~~

~~5.—Off street parking may not be provided within the front yard setback other than the existing driveway.~~

~~6.—Landscaping is required between parking and adjoining residential properties.~~

~~G.—Signs. Only one sign not larger than one foot by two foot in size may be used to advertise a home bed and breakfast or residential hosting facility. The sign may not be illuminated unless by a single down facing low wattage fixture.~~

~~H.—Street standards. A home bed and breakfast or residential hosting facility shall be located on a street that meets fire code requirements.~~

~~I.—Structural modifications. Structural modifications may not be made to separate sleeping rooms from the remainder of the house without a valid building permit.~~

~~J.—Other regulations. A home bed and breakfast or residential hosting facility is subject to all other applicable sections of this Code, including, but not limited to, building and fire codes, transient lodging facility regulations, and transient room tax requirements.~~

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

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

~~B.—Authority.~~

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

~~Agricultural industry.~~

~~Agritourism activities.~~

~~Animal specialties.~~

~~Assisted living facility.~~

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

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

~~Metal building in commercial and residential zones.~~

~~Multi family in commercial zones.~~

~~Public stable.~~

~~Reception center.~~

~~Recreation and entertainment, outdoor.~~

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

~~Animals and fowl for recreation and family food production.~~

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

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

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

~~Multiple accessory dwelling units in residential and commercial zones~~

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

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

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

~~a.—The name, address and telephone number of the applicant and the applicant's agent, if any;~~

~~b.—The address and parcel identification of the subject property;~~

~~c.—The zone, zone boundaries and present use of the subject property;~~

~~d.—A description of the proposed conditional use;~~

~~e.—A plot plan showing the following:~~

~~(1) Applicant's name;~~

~~(2) Site address;~~

~~(3) Property boundaries and dimensions;~~

~~(4) Layout of existing and proposed buildings, parking, landscaping, and utilities; and~~

~~(5) Adjoining property lines and uses within 100 feet of the subject property;~~

~~f.—Traffic impact analysis, if required by the City Engineer or the Planning Commission;~~

~~g.—A statement by the applicant demonstrating how the conditional use permit request meets the approval standards for the conditional use desired; and~~

~~h.—Such other and further information or documentation as the Zoning Administrator may deem necessary for proper consideration and disposition of a particular application.~~

~~2.—After the application is determined to be complete, the Zoning Administrator shall schedule a public meeting before the Planning Commission as provided in section 10-7-4 of this chapter or shall review the application to determine if it meets the standards for an administrative conditional use permit.~~

~~3.—A staff report evaluating the application shall be prepared by the Zoning Administrator for a conditional use permit that will be reviewed by the Planning Commission.~~

~~4.—The Planning Commission shall hold a public meeting and shall thereafter approve, approve with conditions, or deny the application pursuant to the standards set~~

~~forth in subsection E of this section. A conditional use shall be approved if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with the applicable standards, the conditional use may be denied.~~

~~5.—After the Planning Commission or Zoning Administrator makes a decision, the Zoning Administrator shall give the applicant written notice of the decision.~~

~~6.—A record of all conditional use permits shall be maintained in the office of the Zoning Administrator.~~

~~E.—Approval standards. The following standards shall apply to the issuance of a conditional use permit:~~

~~1.—A conditional use permit may be issued only when the proposed use is shown as conditional in the zone where the conditional use will be located, or by another provision of this title.~~

~~2.—Standards for each use must be reviewed. Specific standards are set forth for each use in subsections E2a through E2l of this section:~~

~~a. Standards for a reception center.~~

~~(1) Hours of operation must be compatible with adjoining uses and comply with City noise regulations.~~

~~(2) Parking must be provided.~~

~~(3) The use of on-street parking to provide up to 40 percent of the required parking may be permitted if adjoining uses are not residential uses and the street is fully improved.~~

~~(4) The center must have an approved site plan.~~

~~(5) If beer, wine, or other alcoholic beverages are served, the center must be licensed by the state alcohol control board.~~

~~b. Standards for an agricultural industry.~~

~~(1) Adequate fencing and/or enclosures must be provided to ensure animals and fowl are confined safely and in conformance with acceptable animal husbandry standards.~~

~~(2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.~~

~~(3) Evidence must be provided on how the applicant will maintain control of flies and vermin.~~

~~(4) Animal enclosures used for intensive animal feeding operations must be at least 25 feet from any adjacent parcel that, at the time the applicant first seeks the conditional use, is zoned residential or residential-agricultural pursuant to chapters 13 or 14 of this title.~~

~~e. Standards for a public stable.~~

~~(1) Adequate fencing and/or enclosures must be provided to ensure horses are confined safely and in conformance with acceptable animal husbandry standards.~~

~~(2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.~~

~~(3) Evidence must be provided on how the applicant will maintain control of flies and vermin.~~

~~(4) Site must contain adequate off-street parking for customers. All trailers must be contained on site.~~

~~(5) Barns must be located at least 30 feet from any adjacent parcel that, at the time the applicant first seeks a conditional use permit, is zoned residential or residential-agricultural.~~

~~d. Standards for an assisted living facility.~~

~~(1) The facility shall comply with building, safety, and health regulations applicable to similar structures.~~

~~(2) The facility shall be licensed by the state.~~

~~(3) A site plan shall be approved for the facility to ensure adequate parking and landscaping are installed.~~

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

~~(1) The height may not be greater than two stories or 1.5 times the average height of the immediately adjacent buildings, whichever is greater and the building must be of compatible architecture with immediately adjacent buildings.~~

~~(2) A greater height conditional use permit may not be issued for a flag lot if the proposed structure is higher than the average height of all residential structures within a 300-foot radius of the proposed structure.~~

~~(3) A greater height accessory building must be set back a minimum of five feet from side and rear property lines when the adjoining property is zoned or used for single-family residential use.~~

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

~~(1) The greater size building desired must be of compatible architecture with immediately adjacent buildings.~~

~~(2) At least 50 percent of the lot on which the building is located must remain free of buildings.~~

~~(3) The building must be for a use permitted in the zone in which it is located.~~

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

~~(1) Adequate fencing must be provided to ensure animals and fowl are confined safely.~~

~~(2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.~~

~~(3) Evidence must be provided on how the applicant will maintain control of flies and vermin.~~

~~(4) The number of fowl will be limited by the point system used in section 10-37-15 of this title.~~

~~(5) Livestock numbers may be limited at the administrator's discretion based on the size of the lot and the facilities available to contain and protect the animals.~~

~~h. Standards for metal buildings.~~

~~(1) In residential (R-1) zones the height and size may not be greater than permitted in the zone.~~

~~(2) The building must meet the following design standards:~~

~~(A) Exterior building materials shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments.~~

~~(B) Details of proposed colors and materials, including color chips, samples, and colored building elevations, shall be shown on building plans when a development project application is submitted. Colors shall be compatible with surrounding structures.~~

~~(C) Reflective surfaces or colors which may produce excessive reflections or glare that may create a potential safety problem are prohibited.~~

~~(D) In a commercial zone the faces of the building visible from nearby streets must include architectural relief items of non-metal materials including wood, stone, or stucco.~~

~~i. Standards for animal specialties.~~

~~(1) Adequate fencing and/or enclosures must be provided to ensure animals are confined safely and in conformance with acceptable animal husbandry standards.~~

~~(2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.~~

~~(3) Evidence must be provided on how the applicant will maintain control of flies and vermin.~~

~~(4) Animal enclosures used for intensive animal feeding operations must be at least 25 feet from any adjacent parcel that, at the time the applicant first seeks the conditional use, is zoned residential or residential agricultural pursuant to chapters 13 or 14 of this title.~~

~~j. Standards for agritourism activities.~~

~~(1) Hours of operation must be compatible with adjoining uses and comply with City noise regulations.~~

~~(2) On-site parking must be provided.~~

~~(3) The use of on street parking to provide up to 40 percent of the required parking may be permitted if adjoining uses are not residential uses and the street is fully improved.~~

~~(4) In agricultural zones, this use must be accessory to an established agricultural use.~~

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

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

~~2. The land use on at least two sides of the property are residential use at the time of application. Property on the opposite side of a public road or right-of-way shall be considered adjacent for this criteria.~~

~~Properties that do not meet this criteria may be approved for mix use development as listed below.~~

~~3. Mix use is allowed. If the proposed development is a mix of commercial use and residential use, then residential units shall be placed on a floor above the commercial use, or in a way to allow commercial buildings to front onto the public roadways. If mixed use, the commercial shall comply with the commercial zoning standards and housing shall comply with RM-3 zoning standards.~~

~~4. Homes in the downtown area shall have the front of buildings face public roadways. The only exception for this requirement is for mix use developments and for parcels that would allow development of units~~

~~behind units that front the public right-of-way. Every effort should be made to ensure the frontage of roadways are faced with the frontage of buildings. Walls, fences, and the rear of buildings fronting on to public right-of-way should be avoided.~~

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

~~1. Standards for multiple accessory dwelling units in a residential or commercial zone~~

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

<del>Lot Area</del>	<del>Number of Accessory Dwelling Units</del>
<del>0-0.749 acres</del>	<del>1</del>
<del>0.5-8 acres and greater</del>	<del>2</del>

**10-7-9: Conditional Use Permit**

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

*(1) Within residential zones The height may not be greater than two stories or 1.5 times the average height of the immediately adjacent buildings, whichever is greater and the building must be of compatible architecture with immediately adjacent buildings.*

*(2) A greater height conditional use permit may not be issued for a flag lot if the proposed structure is higher than the average height of all residential structures within a 300-foot radius of the proposed structure.*

*(3) A greater height accessory building must be set back a minimum of five feet from side and rear property lines when the adjoining property is zoned or used for single family residential use.*

*(4) Buildings located within a Commercial Zone*

*(i) A greater height building in a commercial zone may not be taller than 55 feet tall.*

*(ii) For each foot in height above 35 feet, that section of the building must be set back an additional one foot (1') from the property line adjacent to residential or agricultural zones or uses. Sections of buildings 35' or below shall comply with standard setbacks.*

*(iii) For each foot in height above 35 feet, that section of the building must be set back an additional half a foot (6") from the property line adjacent to commercial, industrial, or civic zones. Sections of buildings below 35' shall comply with standard setbacks.*

~~2. Fifty percent (50%) of the land area on the lot must be free of buildings.~~

- ~~3. A parking plan must be provided that shows adequate off street parking on the lot at a rate of one space per bedroom.~~
- ~~4. A landscape plan must be provided that shows how buildings will be shielded from other residential lots.~~
- ~~5. Occupancy plan: no more than ten (10) people can stay in one (1) building.~~
- ~~6. Only one (1) accessory dwelling unit can be used as a short-term rental. All others must be for long term occupancy or as a guesthouse for non-paying guests.~~
- ~~7. Separate conditional use permits must be received for every accessory building that does not meet the height or size requirements of 10-13-4.~~

~~F. *Appeal of decision.* Any person adversely affected by a decision of the Planning Commission regarding the transfer, issuance, or denial of a conditional use permit may appeal such decision to the Appeals Board by filing written notice of appeal stating the grounds therefor within 14 days from the date of such decision.~~

~~G. *Appeal of decision by Zoning Administrator.* Any decision of the Zoning Administrator regarding the issuance or denial of a conditional use permit, shall, upon request by the applicant within ten days after a determination by the Zoning Administrator, be submitted for a de novo review and decision by the Planning Commission at their next available meeting.~~

~~H. *Effect of approval.* A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this title or any other title of this Code.~~

~~1. A conditional use permit may be transferred so long as the use conducted thereunder conforms to the terms of the permit.~~

~~2. Unless otherwise specified by the Planning Commission and subject to the provisions relating to amendment, revocation or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and shall run with the land.~~

~~I. *Amendment.* The procedure for amending any conditional use permit shall be the same as the original procedure set forth in this section.~~

~~J. *Revocation.* A conditional use permit may be revoked as provided in section 10-9-6 of this title.~~

~~1. In addition to the grounds set forth in section 10-9-6 of this title, any of the following shall be grounds for revocation:~~

- ~~a. The use for which a permit was granted has ceased for one year or more;~~
- ~~b. The holder or user of a permit has failed to comply with the conditions of approval or any City, state, or federal law governing the conduct of the use;~~
- ~~c. The holder or user of the permit has failed to construct or maintain the site as shown on the approved site plan, map, or other approval materials; or~~
- ~~d. The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.~~

~~2. No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Planning Commission and show cause as to why the permit should not be revoked or the conditions amended. Revocation of a permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit.~~

~~K. Expiration. A conditional use permit shall expire and have no further force or effect if the building, activity, construction, or occupancy authorized by the permit is not commenced within one year after approval.~~

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

PASSED AND APPROVED this 19<sup>th</sup> day of May 2022.

\_\_\_\_\_  
Hurricane City

\_\_\_\_\_  
Nanette Billings, Mayor

Attest:

\_\_\_\_\_  
Cindy Beteag, City Recorder

The foregoing Ordinance was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 19th day of May 2022. Whereupon a motion to adopt and approve said Resolution was made by \_\_\_\_\_ and seconded by \_\_\_\_\_ . A roll call vote was then taken with the following results:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
<u>Joseph Prete</u>	_____	_____	_____	_____

David Sanders

David Hirschi

Kevin Thomas

Doug Heideman

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Cindy Beteag, Recorder

**AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH  
AMENDING SECTION ~~10-7-93-4 (E)~~ CHAPTERS ~~10-41, 10-51-4 AND 10-7-9 (2)(e)~~ OF  
THE HURRICANE CITY CODE.**

*WHEREAS* ~~Hurricane City wishes to encourage commercial development, and the City Council of Hurricane, Utah has previously approved accessory dwelling units in all residential zones throughout the City;~~

*WHEREAS* ~~Hurricane City desires to help mitigate the impact of commercial development adjacent to residential and agriculture development, and Hurricane City is currently facing a shortage of affordable housing and accessory dwelling units are a way to alleviate some of the shortage;~~

*WHEREAS* the City Council now finds it necessary and desirable to amend said ordinances with regards to ~~conditional use permits accessory dwelling units~~ in order to provide for the health safety and welfare of the city residents;

*WHEREAS* the Planning Commission of Hurricane Utah has recommended the following changes to the Hurricane City Code

**BE IT HEREBY ORDAINED** by the City Council of Hurricane Utah that ~~Hurricane City Code 10-7-9 (E)(2)(e) Section 10-3-4 and Chapters 10-41, 10-51 and 10-7 of the Hurricane City Code be~~, and are hereby, amended to read as follows:

**~~10-3-4 DEFINITIONS OF WORDS AND PHRASES~~**

~~ACCESSORY DWELLING UNIT: A subordinate residential dwelling unit with a separate entrance, kitchen, and full bathroom facilities which is that is attached to or detached to from a single family structure. All accessory dwelling units must meet the requirements of chapter 41 of this title.~~

**~~10-41-1: PURPOSE:~~**

~~The purpose of this chapter is to establish use and development regulations for accessory dwelling units. These regulations are intended to ensure that limited use of accessory dwelling units allowed in a residential zone do not disturb the single family residential character of a neighborhood. (Ord. 2018-04, 4-5-2018)~~

**~~10-41-2: SCOPE:~~**

The requirements of this chapter shall apply to all accessory dwelling units in single-family zones. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, this Code, and other laws. (Ord. 2018-04, 4-5-2018)

**10-41-3: PERMITTED USE:**

The accessory dwelling units described below shall be allowed as permitted uses in any residential zone, or any other zone in which such uses are permitted uses, subject to the development standards of section 10-41-4 of this chapter. The definition of each use is set forth in chapter 3 of this title.

- Accessory dwelling units.
- Guesthouse or casita.
- Kitchen. (Ord. 2018-04, 4-5-2018)

**10-41-4: DEVELOPMENT STANDARDS; PERMITTED USE:**

The development standards set forth in this section shall apply to any accessory unit allowed as a permitted use.

- A. *Definition; Setbacks and Size:* An accessory dwelling unit is an accessory use to the main residential dwelling unit. Setbacks and size and lot coverage limitations established for accessory buildings in each zone shall apply.
- B. *Egress And Life Safety Requirements:* The dwelling unit must meet egress and life safety requirements of the International Residential Building Code.
- C. *Ownership:* The owner or an immediate family member of the owner of the main dwelling unit shall reside on the property as their primary residence as a condition for an accessory dwelling unit to be rented. For long term occupancy, the property owner may live in the accessory building or the primary building. Only the accessory building may be used as a short-term rental pursuant to chapter 51 of this code.
- D. *Limit:* Generally, ~~Only one accessory dwelling unit and/or casita shall be established on one residential property. Multiple~~ However, two accessory dwelling units shall may be allowed by a conditional use permit pursuant to section 10-7-9.
- E. *Entrance:* The accessory dwelling unit shall have its own outside entrance.
- F. *Landscaping:* Landscaping shall be provided and maintained to minimize impact on neighboring properties, to retain residential character, and to provide a visual buffer for onsite parking in relation to adjacent properties and the street. Landscaping may include, but shall not be limited to, planting trees in the park strip.
- G. *Secondary Use:* The accessory dwelling unit shall be clearly incidental and secondary to the primary use of the dwelling for residential purposes.
- H. *Maximum Size, Impervious Surface:* The accessory dwelling unit, if it is detached, must meet the size limitations for the zone or have been granted a conditional use permit.

~~—I. *Residential Hosting*: One detached accessory dwelling unit may be used per residential lot for residential hosting pursuant to the terms of licensing for residential hosting. (Ord. 2018-04, 4-5-2018)~~

~~**10-41-5: COMPLIANCE WITH DEVELOPMENT STANDARDS:**~~

~~—A. Residential properties with accessory dwelling units found to be in violation of the development standards set forth in section 10-42-4 of this title shall be subject to all applicable remedies set forth in chapter 9 of this title to ensure compliance.~~

~~—B. In order to ensure accessory dwelling units meet the development standards, a permit must be issued by the Planning Department for rental any use of the unit described in section 3-9-2. (Ord. 2017-03, 1-19-2017)~~

~~**Sec. 10-51-4. Development standards; home bed and breakfast and residential hosting facilities.**~~

~~The development standards set forth in this section shall apply to all home bed and breakfast and residential hosting facilities.~~

~~A. *Location*. Home bed and breakfast or a residential hosting facility shall be located in a single family residential structure deemed suitable for habitation.~~

~~B. *Guestrooms*. Rentable guestrooms shall be limited to not more than four bedrooms in the primary building or four bedrooms in the entirety of a detached ADU for each home bed and breakfast or residential hosting facility in addition to the rooms occupied by the full time residents. Total number of occupants people, including an owner, owner's family, and guests occupying the home at one time shall be no more than ten. Maximum occupancy must be posted in each rentable guestroom.~~

~~C. *Current codes*. Guestrooms must meet current International Residential codes for egress and be provided with smoke and CO2 detectors. A fire exiting route plan must be posted in each sleeping guestroom.~~

~~D. *Meals*. If meals are offered, meals shall be served only t:  
1. ~~To overnight guests.~~~~

~~E. *Landscaping*. Landscaping shall be provided and maintained to minimize impact on neighboring properties, to retain residential character, and to provide a visual buffer for on site parking in relation to adjacent properties and the street. Landscaping may include, but shall not be limited to, planting trees in the park strip.~~

~~F. *Parking*. Nonfrontage, off street parking shall be provided as follows:~~

- ~~1. Two spaces for owner.~~
- ~~2. One space per guestroom.~~
- ~~3. Parking must be located on the same property as the guestrooms.~~
- ~~4. Tandem parking is permitted for one space only.~~

~~5.—Off street parking may not be provided within the front yard setback other than the existing driveway.~~

~~6.—Landscaping is required between parking and adjoining residential properties.~~

~~G.—Signs. Only one sign not larger than one foot by two foot in size may be used to advertise a home bed and breakfast or residential hosting facility. The sign may not be illuminated unless by a single down facing low wattage fixture.~~

~~H.—Street standards. A home bed and breakfast or residential hosting facility shall be located on a street that meets fire code requirements.~~

~~I.—Structural modifications. Structural modifications may not be made to separate sleeping rooms from the remainder of the house without a valid building permit.~~

~~J.—Other regulations. A home bed and breakfast or residential hosting facility is subject to all other applicable sections of this Code, including, but not limited to, building and fire codes, transient lodging facility regulations, and transient room tax requirements.~~

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

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

~~B.—Authority.~~

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

~~Agricultural industry.~~

~~Agritourism activities.~~

~~Animal specialties.~~

~~Assisted living facility.~~

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

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

~~Metal building in commercial and residential zones.~~

~~Multi family in commercial zones.~~

~~Public stable.~~

~~Reception center.~~

~~Recreation and entertainment, outdoor.~~

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

~~Animals and fowl for recreation and family food production.~~

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

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

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

~~Multiple accessory dwelling units in residential and commercial zones~~

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

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

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

~~a.—The name, address and telephone number of the applicant and the applicant's agent, if any;~~

~~b.—The address and parcel identification of the subject property;~~

~~c.—The zone, zone boundaries and present use of the subject property;~~

~~d.—A description of the proposed conditional use;~~

~~e.—A plot plan showing the following:~~

~~(1) Applicant's name;~~

~~(2) Site address;~~

~~(3) Property boundaries and dimensions;~~

~~(4) Layout of existing and proposed buildings, parking, landscaping, and utilities; and~~

~~(5) Adjoining property lines and uses within 100 feet of the subject property;~~

~~f.—Traffic impact analysis, if required by the City Engineer or the Planning Commission;~~

~~g.—A statement by the applicant demonstrating how the conditional use permit request meets the approval standards for the conditional use desired; and~~

~~h.—Such other and further information or documentation as the Zoning Administrator may deem necessary for proper consideration and disposition of a particular application.~~

~~2.—After the application is determined to be complete, the Zoning Administrator shall schedule a public meeting before the Planning Commission as provided in section 10-7-4 of this chapter or shall review the application to determine if it meets the standards for an administrative conditional use permit.~~

~~3.—A staff report evaluating the application shall be prepared by the Zoning Administrator for a conditional use permit that will be reviewed by the Planning Commission.~~

~~4.—The Planning Commission shall hold a public meeting and shall thereafter approve, approve with conditions, or deny the application pursuant to the standards set~~

~~forth in subsection E of this section. A conditional use shall be approved if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with the applicable standards, the conditional use may be denied.~~

~~5.—After the Planning Commission or Zoning Administrator makes a decision, the Zoning Administrator shall give the applicant written notice of the decision.~~

~~6.—A record of all conditional use permits shall be maintained in the office of the Zoning Administrator.~~

~~E.—Approval standards. The following standards shall apply to the issuance of a conditional use permit:~~

~~1.—A conditional use permit may be issued only when the proposed use is shown as conditional in the zone where the conditional use will be located, or by another provision of this title.~~

~~2.—Standards for each use must be reviewed. Specific standards are set forth for each use in subsections E2a through E2l of this section:~~

~~a. Standards for a reception center.~~

~~(1) Hours of operation must be compatible with adjoining uses and comply with City noise regulations.~~

~~(2) Parking must be provided.~~

~~(3) The use of on-street parking to provide up to 40 percent of the required parking may be permitted if adjoining uses are not residential uses and the street is fully improved.~~

~~(4) The center must have an approved site plan.~~

~~(5) If beer, wine, or other alcoholic beverages are served, the center must be licensed by the state alcohol control board.~~

~~b. Standards for an agricultural industry.~~

~~(1) Adequate fencing and/or enclosures must be provided to ensure animals and fowl are confined safely and in conformance with acceptable animal husbandry standards.~~

~~(2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.~~

~~(3) Evidence must be provided on how the applicant will maintain control of flies and vermin.~~

~~(4) Animal enclosures used for intensive animal feeding operations must be at least 25 feet from any adjacent parcel that, at the time the applicant first seeks the conditional use, is zoned residential or residential-agricultural pursuant to chapters 13 or 14 of this title.~~

~~e. Standards for a public stable.~~

~~(1) Adequate fencing and/or enclosures must be provided to ensure horses are confined safely and in conformance with acceptable animal husbandry standards.~~

~~(2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.~~

~~(3) Evidence must be provided on how the applicant will maintain control of flies and vermin.~~

~~(4) Site must contain adequate off street parking for customers. All trailers must be contained on site.~~

~~(5) Barns must be located at least 30 feet from any adjacent parcel that, at the time the applicant first seeks a conditional use permit, is zoned residential or residential agricultural.~~

~~d. Standards for an assisted living facility.~~

~~(1) The facility shall comply with building, safety, and health regulations applicable to similar structures.~~

~~(2) The facility shall be licensed by the state.~~

~~(3) A site plan shall be approved for the facility to ensure adequate parking and landscaping are installed.~~

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

~~(1) The height may not be greater than two stories or 1.5 times the average height of the immediately adjacent buildings, whichever is greater and the building must be of compatible architecture with immediately adjacent buildings.~~

~~(2) A greater height conditional use permit may not be issued for a flag lot if the proposed structure is higher than the average height of all residential structures within a 300-foot radius of the proposed structure.~~

~~(3) A greater height accessory building must be set back a minimum of five feet from side and rear property lines when the adjoining property is zoned or used for single family residential use.~~

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

~~(1) The greater size building desired must be of compatible architecture with immediately adjacent buildings.~~

~~(2) At least 50 percent of the lot on which the building is located must remain free of buildings.~~

~~(3) The building must be for a use permitted in the zone in which it is located.~~

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

~~(1) Adequate fencing must be provided to ensure animals and fowl are confined safely.~~

~~(2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.~~

~~(3) Evidence must be provided on how the applicant will maintain control of flies and vermin.~~

~~(4) The number of fowl will be limited by the point system used in section 10-37-15 of this title.~~

~~(5) Livestock numbers may be limited at the administrator's discretion based on the size of the lot and the facilities available to contain and protect the animals.~~

~~h. Standards for metal buildings.~~

~~(1) In residential (R-1) zones the height and size may not be greater than permitted in the zone.~~

~~(2) The building must meet the following design standards:~~

~~(A) Exterior building materials shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments.~~

~~(B) Details of proposed colors and materials, including color chips, samples, and colored building elevations, shall be shown on building plans when a development project application is submitted. Colors shall be compatible with surrounding structures.~~

~~(C) Reflective surfaces or colors which may produce excessive reflections or glare that may create a potential safety problem are prohibited.~~

~~(D) In a commercial zone the faces of the building visible from nearby streets must include architectural relief items of non-metal materials including wood, stone, or stucco.~~

~~i. Standards for animal specialties.~~

~~(1) Adequate fencing and/or enclosures must be provided to ensure animals are confined safely and in conformance with acceptable animal husbandry standards.~~

~~(2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.~~

~~(3) Evidence must be provided on how the applicant will maintain control of flies and vermin.~~

~~(4) Animal enclosures used for intensive animal feeding operations must be at least 25 feet from any adjacent parcel that, at the time the applicant first seeks the conditional use, is zoned residential or residential agricultural pursuant to chapters 13 or 14 of this title.~~

~~j. Standards for agritourism activities.~~

~~(1) Hours of operation must be compatible with adjoining uses and comply with City noise regulations.~~

~~(2) On-site parking must be provided.~~

~~(3) The use of on street parking to provide up to 40 percent of the required parking may be permitted if adjoining uses are not residential uses and the street is fully improved.~~

~~(4) In agricultural zones, this use must be accessory to an established agricultural use.~~

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

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

~~2. The land use on at least two sides of the property are residential use at the time of application. Property on the opposite side of a public road or right-of-way shall be considered adjacent for this criteria.~~

~~Properties that do not meet this criteria may be approved for mix use development as listed below.~~

~~3. Mix use is allowed. If the proposed development is a mix of commercial use and residential use, then residential units shall be placed on a floor above the commercial use, or in a way to allow commercial buildings to front onto the public roadways. If mixed use, the commercial shall comply with the commercial zoning standards and housing shall comply with RM-3 zoning standards.~~

~~4. Homes in the downtown area shall have the front of buildings face public roadways. The only exception for this requirement is for mix use developments and for parcels that would allow development of units~~

~~behind units that front the public right-of-way. Every effort should be made to ensure the frontage of roadways are faced with the frontage of buildings. Walls, fences, and the rear of buildings fronting on to public right-of-way should be avoided.~~

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

~~1. *Standards for multiple accessory dwelling units in a residential or commercial zone*~~

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

<del>Lot Area</del>	<del>Number of Accessory Dwelling Units</del>
<del>0-0.749 acres</del>	<del>1</del>
<del>0.5-8 acres and greater</del>	<del>2</del>

**10-7-9: Conditional Use Permit**

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

*(1) Within residential zones The height may not be greater than two stories or 1.5 times the average height of the immediately adjacent buildings, whichever is greater and the building must be of compatible architecture with immediately adjacent buildings.*

*(2) A greater height conditional use permit may not be issued for a flag lot if the proposed structure is higher than the average height of all residential structures within a 300-foot radius of the proposed structure.*

*(3) A greater height accessory building must be set back a minimum of five feet from side and rear property lines when the adjoining property is zoned or used for single family residential use.*

*(4) Buildings located within a Commercial Zone*

*(i) A greater height building in a commercial zone may not be taller than 55 feet tall.*

*(ii) For each foot in height above 35 feet, that section of the building must be set back an additional one foot (1') from the property line adjacent to residential or agricultural zones or uses. Sections of buildings 35' or below shall comply with standard setbacks.*

*(iii) For each foot in height above 35 feet, that section of the building must be set back an additional half a foot (6") from the property line adjacent to commercial, industrial, or civic zones. Sections of buildings below 35' shall comply with standard setbacks.*

~~2. Fifty percent (50%) of the land area on the lot must be free of buildings.~~

- ~~3. A parking plan must be provided that shows adequate off street parking on the lot at a rate of one space per bedroom.~~
- ~~4. A landscape plan must be provided that shows how buildings will be shielded from other residential lots.~~
- ~~5. Occupancy plan: no more than ten (10) people can stay in one (1) building.~~
- ~~6. Only one (1) accessory dwelling unit can be used as a short-term rental. All others must be for long term occupancy or as a guesthouse for non-paying guests.~~
- ~~7. Separate conditional use permits must be received for every accessory building that does not meet the height or size requirements of 10-13-4.~~

~~F. *Appeal of decision.* Any person adversely affected by a decision of the Planning Commission regarding the transfer, issuance, or denial of a conditional use permit may appeal such decision to the Appeals Board by filing written notice of appeal stating the grounds therefor within 14 days from the date of such decision.~~

~~G. *Appeal of decision by Zoning Administrator.* Any decision of the Zoning Administrator regarding the issuance or denial of a conditional use permit, shall, upon request by the applicant within ten days after a determination by the Zoning Administrator, be submitted for a de novo review and decision by the Planning Commission at their next available meeting.~~

~~H. *Effect of approval.* A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this title or any other title of this Code.~~

~~1. A conditional use permit may be transferred so long as the use conducted thereunder conforms to the terms of the permit.~~

~~2. Unless otherwise specified by the Planning Commission and subject to the provisions relating to amendment, revocation or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and shall run with the land.~~

~~I. *Amendment.* The procedure for amending any conditional use permit shall be the same as the original procedure set forth in this section.~~

~~J. *Revocation.* A conditional use permit may be revoked as provided in section 10-9-6 of this title.~~

~~1. In addition to the grounds set forth in section 10-9-6 of this title, any of the following shall be grounds for revocation:~~

- ~~a. The use for which a permit was granted has ceased for one year or more;~~
- ~~b. The holder or user of a permit has failed to comply with the conditions of approval or any City, state, or federal law governing the conduct of the use;~~
- ~~c. The holder or user of the permit has failed to construct or maintain the site as shown on the approved site plan, map, or other approval materials; or~~
- ~~d. The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.~~

~~2. No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Planning Commission and show cause as to why the permit should not be revoked or the conditions amended. Revocation of a permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit.~~

~~K. Expiration. A conditional use permit shall expire and have no further force or effect if the building, activity, construction, or occupancy authorized by the permit is not commenced within one year after approval.~~

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

PASSED AND APPROVED this 19<sup>th</sup> day of May 2022.

\_\_\_\_\_  
Hurricane City

\_\_\_\_\_  
Nanette Billings, Mayor

Attest:

\_\_\_\_\_  
Cindy Beteag, City Recorder

The foregoing Ordinance was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 19th day of May 2022. Whereupon a motion to adopt and approve said Resolution was made by \_\_\_\_\_ and seconded by \_\_\_\_\_ . A roll call vote was then taken with the following results:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
<u>Joseph Prete</u>	_____	_____	_____	_____

David Sanders

David Hirschi

Kevin Thomas

Doug Heideman

---

Cindy Beteag, Recorder



**10-7-9: Conditional Use Permit**

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

*(1) Within residential zones The height may not be greater than two stories or 1.5 times the average height of the immediately adjacent buildings, whichever is greater and the building must be of compatible architecture with immediately adjacent buildings.*

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*(3) A greater height accessory building must be set back a minimum of five feet from side and rear property lines when the adjoining property is zoned or used for single family residential use.*

*(4) For buildings located within a Highway Commercial Zone*

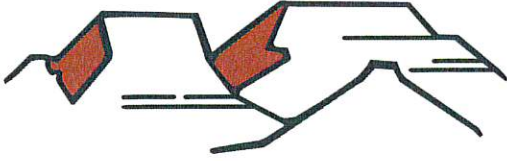
*(i) A greater height building in a highway commercial zone may not be taller than 55 feet tall and may only be used for hotel or motel use.*

*(ii) For each foot in height above 35 feet, that section of the building must be setback one additional foot from the property line adjacent to residential or agricultural zones. Section of building below 35' shall comply with standard setbacks.*

*(iii) For each foot in height above 35 feet, that section of the building must be setback half a foot (6") from the property line adjacent to commercial, industrial, or civic zones. Section of building below 35' shall comply with standard setbacks.*

*(iv) The property elevation shall be lower than the average elevation of the top of curb and the property cannot be raised to be above the elevation of the street. Building height will be measured from the foundation*

*(v) The proposed building ground elevation shall be lower than any adjacent residential zones.*



PLANNING & ZONING  
**HURRICANE CITY**  
UTAH

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

**PRELIMINARY PLAT APPLICATION**

*For office use only: \$150.00 Fee*  
File No. 2022-PP-69  
Receipt No. 8-158377

Name: Liv Dalebout Telephone: 307-690-5295

Address: \_\_\_\_\_ Fax No. \_\_\_\_\_

Email: cornerstonecapitaljh@gmail.com Agent Email: chad@studio-ea.com

Agent (If Applicable): Evans & Associates Architecture / Chad Spencer Telephone: 801-450-5113

Address/Location of Subject Property: 563 South Commerce Street

Tax ID of Subject Property: H-FAIR-42 Zone District: M-1

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

We are proposing to subdivide the parcel into (5) parcels. A 30 foot wide access easement will be provided to access each lot.

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 unplatted 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.
  - g. Existing Hurricane Canal Company facilities; other ditches, canals, natural drainage channels and open waterways and any proposed realignments.

- h. Contours at vertical intervals not greater than five (5) feet.
- 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.
- j. Information on whether property is located in desert tortoise take area

3. Proposed Plan: The subdivision plans shall show:

- a. The layout of streets, showing location, widths, and other dimensions of proposed streets, crosswalks, alleys, and easements.
- b. The layout, numbers, and typical dimensions of lots.
- 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.
- d. Easements for water, sewers, drainage, utilities, lines and other purposes.
- 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)
- f. A tentative plan or method by which the subdivider proposes to handle the storm water drainage for the subdivision.
- g. Approximate radius of all center line curves on highways or streets.
- 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)
- 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.
- j. Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the Planning Commission.
- k. A letter from both the local sanitary sewer provider and culinary water provider indicating availability of service.
- l. Will this subdivision be phased? If yes show possible phasing lines.
- 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.

4. Required copies of plans:

- a. Three copies of all full-scale drawings
- 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) 20 full calendar 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: \_\_\_\_\_

PRELIMINARY SITE PLAN REVIEW APPLICATION

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

Fee \$200.00

For Office Use Only:  
File No. 2022-PSP-20  
Receipt No. 815837

Name: Legacy Business Park / Liv Dalebout Telephone: 307-690-5295

Address: \_\_\_\_\_ Fax No. \_\_\_\_\_

Agent (If applicable): Evans & Associates Architecture Agent's Phone: 801-450-5113

Email: cornerstonecapitaljh@gmail.com Agent Email: chad@studio-ea.com

Address/Location of Subject Property: 563 South Commerce Street

Tax ID of Subject Property: H-FAIR-42 Zone District: M-1

Proposed Use: (Describe, use extra sheet if necessary) \_\_\_\_\_

It is proposed that (5) 6,000 sf buildings be constructed on this site with all required site developments.

**This application shall be accompanied by the following:**

- 1. A vicinity map showing the general location of the project.
- 2. Three (3) copies of a site plan showing:
  - Topography showing 2' contours, identification of 30% or greater slopes;
  - The layout of proposed uses;
  - Location of open space when applicable;
  - Proposed access to the property and traffic circulation patterns;
  - Adjoining properties and uses;
  - Proposed reservations for parks, playgrounds, school, and any other public facility sites, if any;
- 3. Preliminary utility plan, including water, sewer, and storm drainage plans, and including access points to utilities;
- 4. Tables showing the number of acres in the proposed development and a land use summary; and
- 5. A phased development plan if applicable.
- 6. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property

**NOTE: It is important that all applicable information noted above is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Planning Commission meetings are held on the second Thursday and the fourth Wednesday of each month at 6:00 p.m. Contact the Planning Department for the deadline date for submissions. Once your application is deemed complete, it will be put on the agenda for the next Planning Commission meeting. A deadline missed due to an incomplete application could result in a month's delay.**

\*\*\*\*\*

(Office Use Only)

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

Date application deemed to be complete: \_\_\_\_\_ Completion determination made by: \_\_\_\_\_

**AFFIDAVIT**  
**PROPERTY OWNER**

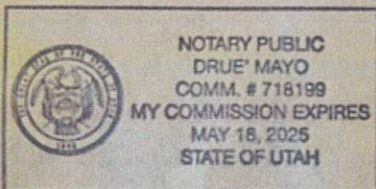
STATE OF UTAH )  
 )  
COUNTY OF ) :SS

I (we), Liu Dalbont, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) also acknowledge that I have received written instructions regarding the process for which I am applying and the Hurricane City Planning staff have indicated they are available to assist me in making this application.

ZD  
\_\_\_\_\_  
(Property Owner)

Liu Dalbont  
\_\_\_\_\_  
(Property Owner)

Subscribed and sworn to me this 2nd day of May 2022



[Signature]  
\_\_\_\_\_  
(Notary Public)

Residing in: Washington, Utah

My Commission Expires: May 18th, 2025

**Agent Authorization**

I (we), Liu Dalbont, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Chad Spencer to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

ZD  
\_\_\_\_\_  
(Property Owner)

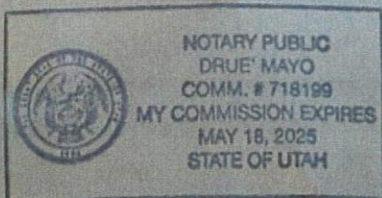
Liu Dalbont  
\_\_\_\_\_  
(Property Owner)

Subscribed and sworn to me this 2nd day of May 2022

[Signature]  
\_\_\_\_\_  
(Notary Public)

Residing in: Washington, UT

My Commission Expires: May 18th, 2025



**Legacy Business Park**

Conceptual Drainage Control Plan & Report

February 11, 2022

Prepared by:

David W. Peterson, P.E.

Excel Engineering, Inc.

### General Description of the Development

The development consists of five proposed office/warehouse buildings along with the associated parking lot and drive area. Each office/warehouse building will be on its own lot.

### General Description of Existing Drainage Facilities

This project is Lot 43 of the Fairgrounds Industrial Park plat. It is currently undeveloped. An existing storm drain main runs just south of the lot line into the existing cul-de-sac and then flows north in Commerce Street. There are no existing drainage facilities located on this lot.

### General Description of Property & Existing Site Conditions

This property is currently undeveloped ground. There is no vegetation, ditches, canals, structures, or drainage facilities located on this property.

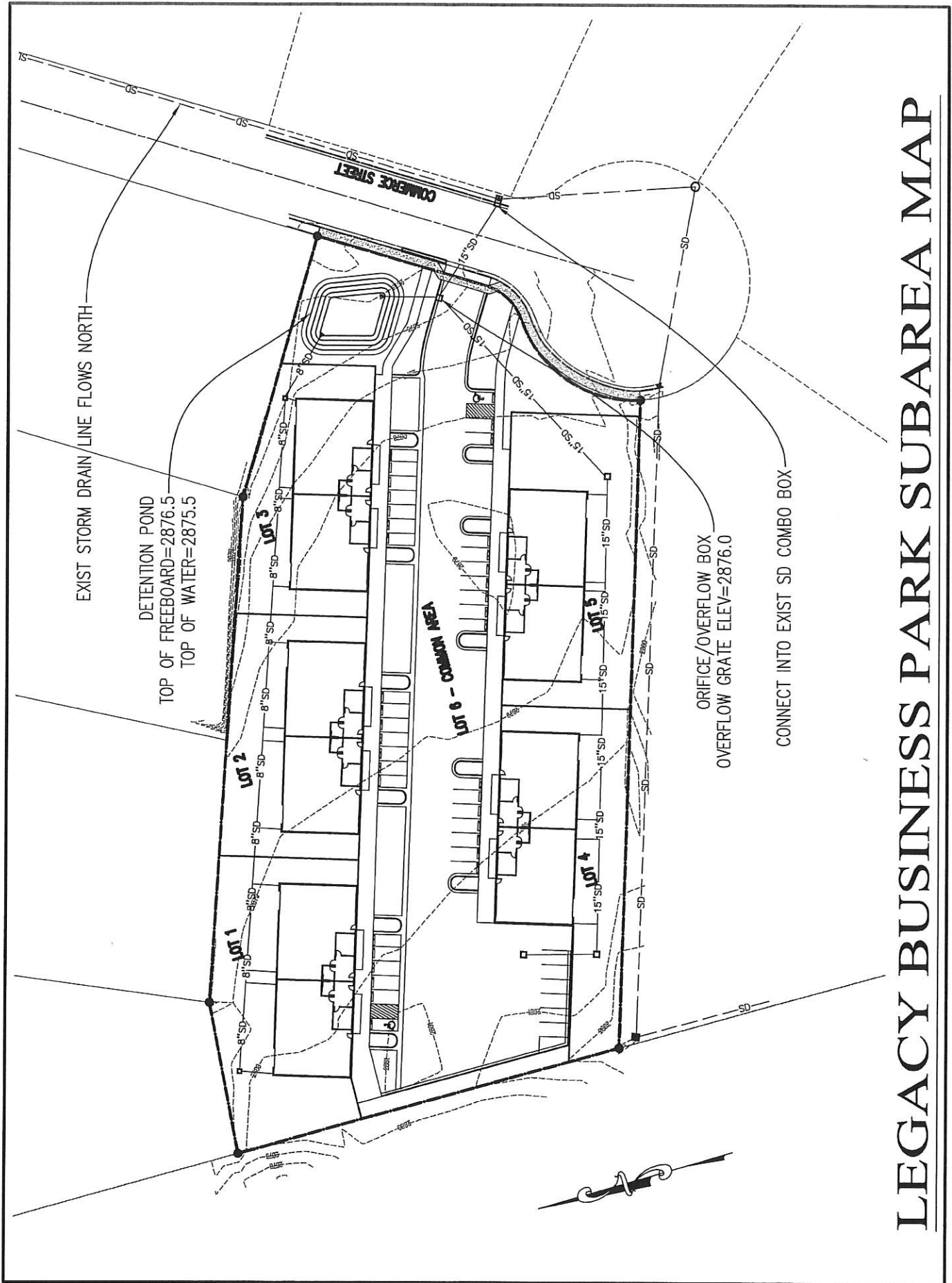
### General Description of Off-site Drainage

There is no off-site drainage that flows onto this property or potential drainage problems.

### General Description of On-site Drainage

The existing ground slopes from the southwest corner of the site to the northeast corner at a slope of approximately 1.5%. There are no slopes on the property that are greater than 30%. The storm runoff generated on the property currently is absorbed into the ground or flows directly into Commerce Street undetained.

## Appendix



# LEGACY BUSINESS PARK SUBAREA MAP

**Legacy Business Park**  
**10-Year Storm Water Calculations**  
 11-Feb-22

The storm drain calculations were performed using the rational method.

**Hydrologic Calculations**

CA CALCULATION

	C	Area (sf)	C * A
Roof Area Impervious	0.9	30284	27256
Parking/Walks Impervious	0.9	47573	42816
Landscape Area	0.2	47098	9420
Total CA		124955	79491

Total Acres: 2.87  
 $Q_{allow} = (0.2 \text{ cfs/acre})(\text{Site acres}) = 0.57 \text{ cfs}$

**Detention calculations**

Lapsed Time (min.)	Rainfall intensity (in/hr)	Total Rainfall (in)	Rainfall Volume (cu.ft.)	Release Volume (cu.ft.)	Required Storage (cu.ft.)
A	B	C	D	E	F
5	3.48	0.29	1921	172	1749
10	2.64	0.44	2915	344	2570
15	2.20	0.55	3643	516	3127
30	1.48	0.74	4902	1033	3869
60	0.91	0.91	6028	2065	3963
120	0.52	1.03	6823	4131	2692
180	0.37	1.10	7287	6196	1091
360	0.22	1.33	8810	12392	-3582
720	0.13	1.60	10599	24784	-14186
1440	0.08	1.85	12255	49569	-37314

Required Detention Storage = 3,963 cf

**Notes:**

A, B, & C are based upon NOAA Atlas 14, Volume 1, Version 5 rainfall data for Hurricane  
 $D = C / (12 \text{ inches/foot}) \times \text{total acreage of site} \times 43,560 \text{ sf/acre} \times \text{run-off coefficient}$ , where  $Q=CIA$  and  $V=CiA$   
 $E = \text{an allowable release rate} (0.2 \text{ cfs/acre}) \times A \times 60 \text{ sec.}$   
 $F = D - E$  to determine storage volume

**Orifice sizing**

$Q = C \times A \times (2 \times g \times h)^{1/2}$ , where

Q = 0.57 cfs the maximum allowable release rate x Area (acres)  
 C = 0.6 coefficient of discharge for sharp-edged, submerged orifice  
 A = in<sup>2</sup> unknown cross-sectional orifice area  
 g = 32.2 ft/s<sup>2</sup> acceleration of gravity  
 Head, h = 3.05 ft top of water surface to center of orifice outlet

Maximum orifice design requirements - to ensure that maximum release rate is not exceeded.

0.0682 square foot cross-sectional orifice area  
 3.54 inch diameter of circular orifice

**Detention pond**

Elevation	Volume (cf)	
2876.5	7,029	1' foot of freeboard
2875.5	4,536	Top of water surface
2874.5	2,571	
2873.5	1,078	
2872.5	0	Bottom of Pond

**Storm Drain Discussion**

1. Proposed detention basin stores a volume of 4,536 c.f. which exceeds required storage volume of 3,963 c.f.



**STAFF COMMENTS**

<b>Agenda Date:</b>	<b>05/25/2022</b>
<b>Application Number:</b>	2022-PSP-19 2022-PP-09
<b>Type of Application:</b>	Preliminary Site Plan and Preliminary Plat Application
<b>Action Type:</b>	Administrative
<b>Applicant:</b>	Liv Dalebout
<b>Agent:</b>	Chad Spencer
<b>Request:</b>	Approval of a Preliminary Site Plan and Preliminary Plat
<b>Location:</b>	563 S Commerce St
<b>Zoning:</b>	M-1
<b>General Plan Map:</b>	Light Industrial/Business

**Discussion:**

The applicant has filed a preliminary site plan and preliminary plat for Legacy Business Park. This is located on Lot 43 of the Fairgrounds Industrial Park. A lot within a recorded subdivision can be subdivided provided that the zoning allows it with the filing of a preliminary and amended final plat. This is a 6 lot industrial subdivision with one lot as the common parking area.

**JUC Comments**

The following items will need to be addressed:

1. **Public Works:** Water line will need to be ductile iron. Need to complete cul-de-sac and road improvements
2. **Power:** Keep detention pond outside of PUE. Connection point on southeast corner. Provide voltage and amperage prior to JUC and design
3. **Water:** Fixture unit count for water meter size. Are they going to be individually owned. Fire sprinklers required. Ductile iron water line on private property
4. **Street:** No comments
5. **Sewer:** New manhole needed in Commerce Street. 8” line in Commerce Street. Each building needs a separate lateral. Private maintenance of line on property

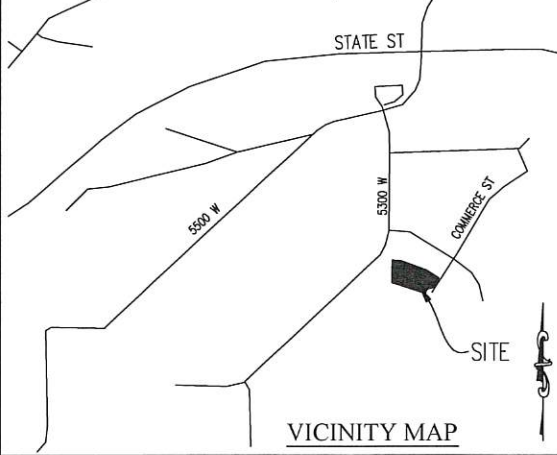
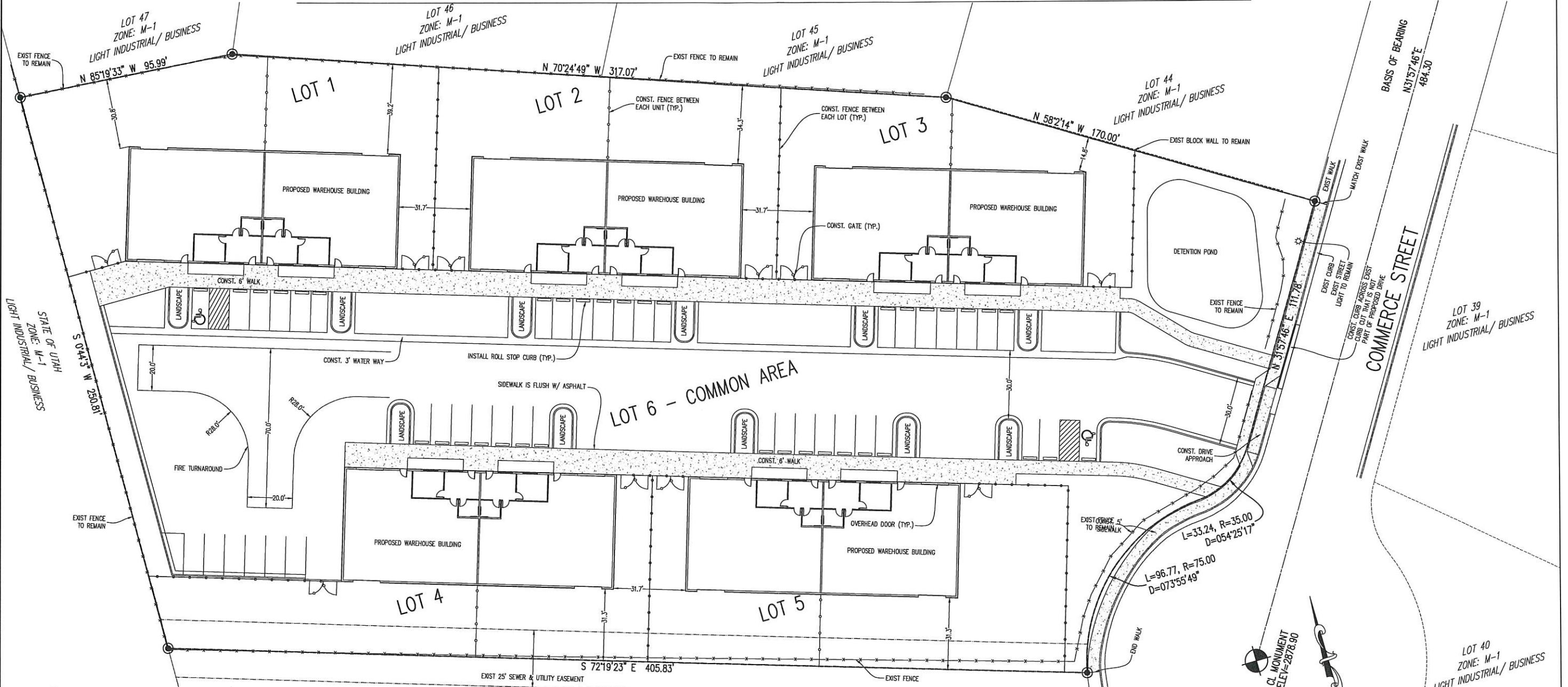
6. **Engineering:** Need drainage study. Need geotechnical report. Locate existing sewer drain for construction plans. Existing fence will need to be brought down to 4" (Opaque fences within the front yard can't exceed 48 inches). Align access with the existing one across the street.
7. **Fire:** Fire code analysis for buildings.
8. **Phone:** No comments
9. **Gas:** No comments
10. **WCWCD:** No comments

**Staff Comments: Preliminary Site Plan and Preliminary Plat**

1. Each unit is indicated as warehousing, which is a permitted use in M-1 zoning.
2. Setbacks: All setbacks are met with the site plan.
3. Parking: Per their provided parking plan 30 stalls are required and 43 stalls are provided.
4. For the final site plan, the applicant will need to review and follow all standards of Hurricane City Code 10-33-5: Site Plan Design; including outdoor lighting, landscaping, trash and refuse collections, etc.
5. The applicant will need to submit full construction drawings to the City and have full approval by the Joint Utility Committee.
6. Once construction drawings are approved the applicant will need to turn in an amended final plat, not a final plat. Attached plat is sufficient for this requirement but will be subject to full staff review at time of application.
7. *A preliminary site plan is not intended to permit actual development of property pursuant to such plan but shall be prepared merely to represent how the property could be developed. Submittal, review, and approval of an application for a preliminary site plan shall not create any vested rights to development. (HCC 10-7-10(D)(2)(b)).*

**Recommendation:** Staff recommends the Planning Commission review this application based on standards with Hurricane City Code. Staff recommends approval subject to staff and JUC comments.

# LEGACY BUSINESS PARK



**SITE LAND USE TABULATIONS**

PROPERTY AREA:	2.87 ACRES/124,955 S.F. = 100%
LANDSCAPE AREA:	47,098 S.F. = 37.7%
BUILDING AREA:	30,284 S.F. = 24.2%
PARKING/WALK AREA:	47,576 S.F. = 38.1%
LOT AREA:	69,135 S.F.
COMMON AREA:	55,820 S.F.
# OF LOTS:	5
ZONE:	M-1 LIGHT INDUSTRIAL

**PARKING TABULATIONS:**

PARKING PROVIDED INCLUDING ADA = 43 STALLS  
 ADA STALLS REQUIRED: 2 STALLS  
 ADA STALLS PROVIDED: 2 STALLS (INCLUDES 1 VAN STALL)

- GENERAL NOTES**
- ALL CONSTRUCTION TO BE PER CITY OF HURRICANE CONSTRUCTION STANDARDS AND SPECIFICATIONS.
  - PROJECT TO BE CONSTRUCTED IN ONE PHASE.
  - SITE LIGHTING WILL BE BUILDING MOUNTED.



**PROPERTY BOUNDARY NOTE:**  
 SEE LOT 43 OF FAIRGROUND INDUSTRIAL PARK PLAT FOR PROPERTY BOUNDARIES/DIMENSIONS OF THIS LOT.

**BENCH MARK**  
 MONUMENT IN CENTER OF CUL-DE-SAC  
 ELEVATION = 2878.90

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

**SHEET INDEX**

C1	PRELIMINARY SITE PLAN
C2	PRELIMINARY UTILITY PLAN
C3	PRELIMINARY GRADING & DRAINAGE PLAN

**REVISIONS**

Rev.	Date	Description

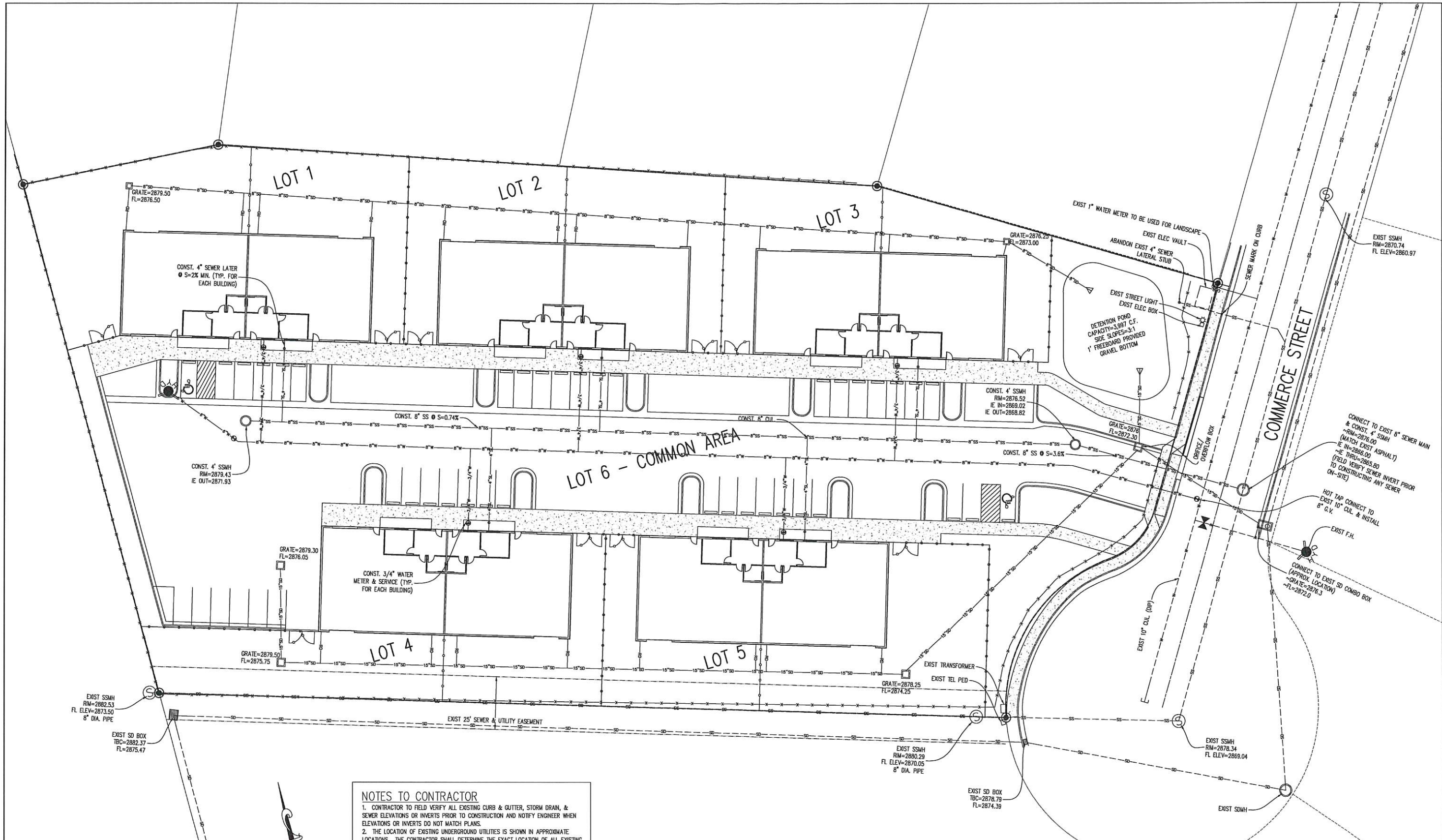


**LEGACY BUSINESS PARK**  
 HURRICANE 563 SOUTH COMMERCE ST UTAH

Drawn by: G.J.Y.  
 Designed by: G.J.Y.  
 Checked by: D.W.P.

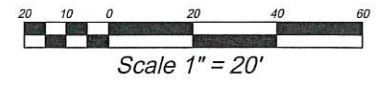
**PRELIMINARY SITE PLAN**

Scale: 1"=20'  
 Date: 02/11/22  
 C1



**NOTES TO CONTRACTOR**

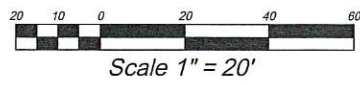
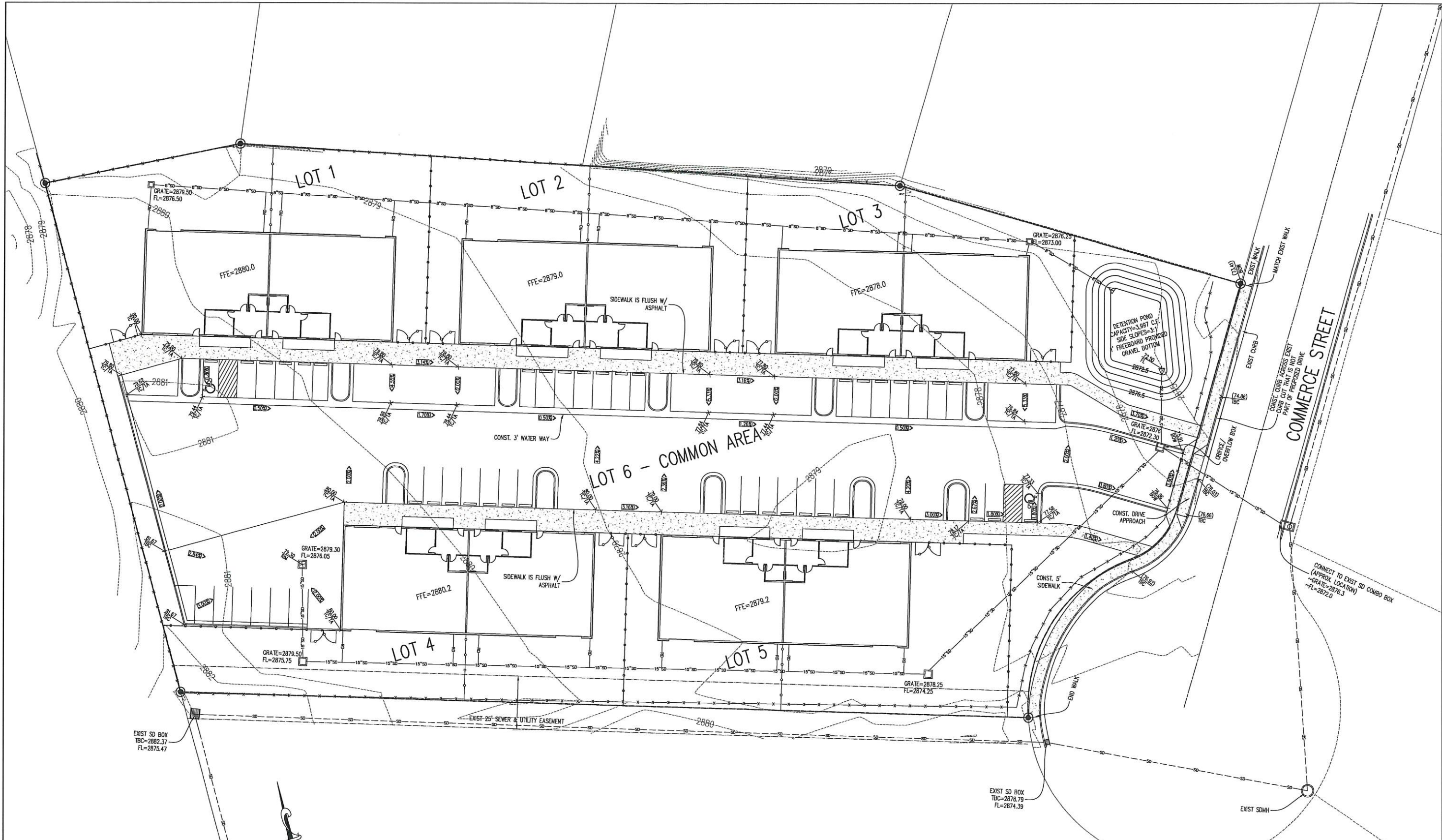
- CONTRACTOR TO FIELD VERIFY ALL EXISTING CURB & GUTTER, STORM DRAIN, & SEWER ELEVATIONS OR INVERTS PRIOR TO CONSTRUCTION AND NOTIFY ENGINEER WHEN ELEVATIONS OR INVERTS DO NOT MATCH PLANS.
- THE LOCATION OF EXISTING UNDERGROUND UTILITIES IS SHOWN IN APPROXIMATE LOCATIONS. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. THEY AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THEIR FAILURE TO EXACTLY LOCATE AND PRESERVE ALL UNDERGROUND UTILITIES, WHETHER OR NOT SUCH FACILITIES ARE SHOWN ON THESE PLANS.



REVISIONS		
Rev.	Date	Description

**EXCEL ENGINEERING**  
 David W. Peterson, P.E., License #270393  
 12 West 100 North, Suite 201C, American Fork, UT 84003  
 P. (801) 756-4304; david@excivil.com

<b>LEGACY BUSINESS PARK</b>		UTAH
HURRICANE	563 SOUTH COMMERCE ST	
Drawn by: G.J.Y.	<b>PRELIMINARY UTILITY PLAN</b>	Scale: 1"=20'
Designed by: G.J.Y.		Date: 02/11/22
Checked by: D.W.P.		C2



REVISIONS		
Rev.	Date	Description



<b>LEGACY BUSINESS PARK</b>		
HURRICANE	563 SOUTH COMMERCE ST	UTAH
Drawn by: G.J.Y.	<b>PRELIMINARY GRADING &amp; DRAINAGE PLAN</b>	Scale: 1"=20'
Designed by: G.J.Y.		Date: 02/11/22
Checked by: D.W.P.		C3



June 16, 2022

Stephen Nelson, Administrator  
Hurricane City Department of Planning  
147 N 870 W  
Hurricane, Utah 84737

Dear Stephan,

Thank you for inviting the city Historical Preservation Commission to make recommendations to the planning department regarding a conditional use permit application for a historical residence located at 208 South Main Street in Hurricane. It is our understanding that the conditional use permit requested is for a "Bed and Breakfast Inn" which is allowed, and can be granted, in a residential zone located in the designated Historical District of the city. The problem with this condition is that "Bed and Breakfast" and other short term facilities need to be owner occupied which will not be the case with this applicant and therefore does not meet the criteria for this conditional use.

We as a commission have discussed this at length on the 8th and 15th of June to determine how these historical homes located in Hurricane's historical district, can best be utilized to preserve their history and architectural character, inside and out. In order to do that we have concluded that a conditional use be added to the current list to include short term vacation rental of the residence. This would require the city council to amend the current code and regulations. There are several advantages to allow this condition to be utilized.

1. Minimal parking and traffic and low impact on the neighbors. Usually one or two vehicles each stay. Visitors usually arrive late and leave early to enjoy local attractions and activities.
2. Owner financial incentive to restore and maintain historical residence and landscape for optimal occupancy.
3. Promotes the pioneer heritage by placing plaques and other information about the residence.
4. Economic benefit to the community.

It is therefore our intention to address the city council on July, 7, and petition the council to consider code and regulation changes that will allow short term vacation rental for these pioneer residences that need to be preserved and enhanced. Long term rental of these homes have proved to be detrimental as they are often not well maintained. We thank you for the opportunity to address this issue from a historical preservation perspective.

Sincerely,

David S. Isom, Chairman  
Hurricane Historical Preservation Commission

cc: Nanette Billings, Mayor  
David Hirschi, city council member and commission member  
Phylis Lawton, commission member  
Lee Beatty, commission member  
Roland Hall, commission member  
Clint Lawton, commission member

3% 396 Words

Page 1 of 1



## CHAPTER 49. USES IN HISTORIC BUILDINGS

### Sec. 10-49-1. Purpose.

The purpose of this chapter is to encourage preservation of historic buildings located in residential areas by allowing income producing activities to be conducted therein, and to establish use and development regulations for uses allowed within historic buildings.

### Sec. 10-49-2. Scope.

The requirements of this chapter shall apply to any building listed on the City historic landmark register. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, this Code, and other laws.

### Sec. 10-49-3. Conditional use permit required.

- A. *Uses allowed.* The following uses may be established in a historic building located in any residential zone subject to the issuance of a conditional use permit pursuant to the requirements of this chapter and section 10-7-9 of this title:

Bed and breakfast inn.

Cultural service.

Office, general.

Personal care service.

Personal instruction service.

Reception center.

Restaurant, general.

Retail, general (antique store only).

- B. *Additional conditional use permit criteria.* In addition to the requirements set forth in section 10-7-9 of this title, a conditional use permit for a use in a historic building shall not be approved unless the evidence presented establishes that the proposed use will conform to the development standards set forth in section 10-49-4 of this chapter.

### Sec. 10-49-4. Development standards.

The development standards set forth in this section shall apply to any conditional use permit for a use in a historic building located in a residential zone.

- A. *Historic landmark register.* The building or site on which the use is conducted shall be included on the City historic landmark register. The building or site shall remain on the national, state, or City historic landmark register for the duration of the conditional use permit.

- B. *Landscaping.* Landscaping may be required as needed to buffer on site parking from adjacent properties and the street.

- 
- C. *Operating hours.* Operating hours may be restricted to mitigate foreseeable negative impacts resulting from particular operating hours.
  - D. *Parking.* Parking may be less than required by chapter 34 of this title based upon the specific aspects of the site and use proposed.
  - E. *Signs.* Signs shall conform to the requirements of chapter 36 of this title except as otherwise provided in this subsection.
    - 1. Sign types shall be limited to monument, wall, and identification signs.
    - 2. Signs shall be designed to complement the site and structures in terms of size and placement.
    - 3. Signs shall not exceed 16 square feet or, if freestanding, five feet in height.
    - 4. If illuminated, only indirect lighting shall be allowed.
    - 5. The design of all signs shall be approved as part of a conditional use permit, after a recommendation is received from the Historic Preservation Commission.
  - F. *Nonconforming circumstances.* Notwithstanding the requirements of chapter 8 of this title, existing nonconforming conditions may be allowed to continue based upon specific aspects of the site and the use proposed.

#### **Sec. 10-49-5. Historic Preservation Commission review.**

Prior to considering a conditional use permit application under this chapter, the application shall be reviewed by the Historic Preservation Commission.

- A. Upon receipt of a complete application, the Zoning Administrator shall submit a copy of the application to the Historic Preservation Commission.
- B. Within 30 days after receipt, the Historic Preservation Commission shall review the application with respect to the development standards set forth in this chapter and standards for issuance of a conditional use permit.
- C. Within ten days after reviewing an application the commission shall prepare and transmit a written recommendation to the Zoning Administrator.

## CHAPTER 51. BED AND BREAKFAST AND RESIDENTIAL HOSTING FACILITIES

### Sec. 10-51-1. Purpose.

The purpose of this chapter is to establish use and development regulations for bed and breakfast and residential hosting facilities to assure their compatibility with adjoining uses, particularly when located in a residential zone.

### Sec. 10-51-2. Scope.

The requirements of this chapter shall apply to any bed and breakfast or residential hosting facility within the City. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, this Code, and other laws.

### Sec. 10-51-3. Conformity with standards and business license required.

No bed and breakfast facility or residential hosting facility shall be established unless:

- A. The facility can meet the development standards of this chapter;
- B. A business license has been issued in accordance with the regulations in title 3 of this Code;
- C. Operation of a home bed and breakfast or residential hosting facility without a current City business license is considered a violation and each day of operation shall be considered a separate offense.

### Sec. 10-51-4. Development standards; home bed and breakfast and residential hosting facilities.

The development standards set forth in this section shall apply to all home bed and breakfast and residential hosting facilities.

- A. *Location.* Home bed and breakfast or a residential hosting facility shall be located in a single family residential structure deemed suitable for habitation.
- B. *Guestrooms.* Rentable guestrooms shall be limited to not more than four bedrooms in the primary building or four bedrooms in the entirety of a detached ADU for each home bed and breakfast or residential hosting facility. Total number of occupants, including an owner, owner's family, and guests occupying the home at one time shall be no more than ten. Maximum occupancy must be posted in each rentable guestroom.
- C. *Current codes.* Guestrooms must meet current international residential codes for egress and be provided with smoke and CO2 detectors. A fire exiting route plan must be posted in each sleeping guestroom.
- D. *Meals.* If meals are offered, meals shall be served only to overnight guests.
- E. *Landscaping.* Landscaping shall be provided and maintained to minimize impact on neighboring properties, to retain residential character, and to provide a visual buffer for on site parking in relation to adjacent properties and the street. Landscaping may include, but shall not be limited to, planting trees in the park strip.

- 
- F. *Parking.* Nonfrontage, off street parking shall be provided as follows:
1. Two spaces for owner.
  2. One space per guestroom.
  3. Parking must be located on the same property as the guestrooms.
  4. Tandem parking is permitted for one space only.
  5. Off street parking may not be provided within the front yard setback other than the existing driveway.
  6. Landscaping is required between parking and adjoining residential properties.
- G. *Signs.* Only one sign not larger than one foot by two foot in size may be used to advertise a home bed and breakfast or residential hosting facility. The sign may not be illuminated unless by a single down facing low wattage fixture.
- H. *Street standards.* A home bed and breakfast or residential hosting facility shall be located on a street that meets fire code requirements.
- I. *Structural modifications.* Structural modifications may not be made to separate sleeping rooms from the remainder of the house without a valid building permit.
- J. *Other regulations.* A home bed and breakfast or residential hosting facility is subject to all other applicable sections of this Code, including, but not limited to, building and fire codes, transient lodging facility regulations, and transient room tax requirements.

(Ord. No. 2022-10 , 5-19-2022)

### **Sec. 10-51-5. Development standards; bed and breakfast inn.**

A bed and breakfast inn may be established in any zone where allowed as a permitted or conditional use, and shall conform to applicable commercial construction codes, zoning requirements, state health department requirements and the requirements of any other applicable codes and/or ordinances adopted by the City.



**STAFF COMMENTS**

<b>Agenda Date:</b>	6/09/2022
<b>Application Number:</b>	2022-ZC-26
<b>Type of Application:</b>	Zone Change Application
<b>Action Type:</b>	Legislative
<b>Applicant:</b>	Jaymie Wetzel
<b>Agent:</b>	Jeffrey Hatcher
<b>Request:</b>	A Zone Change from RA-1 to R1-15
<b>Location:</b>	650 S 1100 W
<b>Zoning:</b>	RA-1
<b>General Plan Map:</b>	Single Family

**Discussion:**

The applicant is seeking a zone change from RA-1 to R1-15 to allow for the lot to be split. As with several other zone changes the Planning Commission has seen over the past few years, the property borders two master planned roadways and one residential roadway which necessitates the zoning to be R1-15 rather than RA-0.5.

The map and the application they submitted had conflicting information about the zone for which they applied. After consulting with the applicant, their intention was to R1-15, which is how it was advertised.

	<b>Zoning</b>	<b>Adjacent Land Use</b>
<b>North</b>	RA-1	Single Family Homes, some agriculture
<b>East</b>	RA-0.5	Single Family Homes
<b>South</b>	RA-1, R1-10	Single Family Homes
<b>West</b>	R1-10	Single Family Homes



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

**10-7-7: ZONING MAP AND TEXT AMENDMENTS:**

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

1. *Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;*
2. *Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;*
3. *The extent to which the proposed amendment may adversely affect adjacent property; and*
4. *The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.*

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

**Response:** The General Plan Map shows this area as a Single Family. The 2021 General Plan defines Single Family as follows:

*These uses should be located near supporting community uses such as, but not limited to churches, schools, and parks. Appropriate densities for this land use include R1-15, R1-10, R1-8, and R1-6.*

This proposed zone change does comply with the General Plan Map. This area is also close to parks, schools, and churches.

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

**Response:** The proposed zone change will allow for two single family homes to be built on larger lots. This is harmonious with the surrounding existing and planned developments. The applicant's request is for the largest single family zoning outside of the agriculture and residential agricultures zones.

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

**Response:** Yes but the limited number of units will mitigate this. There are other larger developments that have been approved in the area .

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

**Response:** Facilities and services are adequate for this development. JUC had no major concerns about availability.

**Other Considerations**

**JUC Comments:**

1. **Power:** No major concerns.
2. **Sewer:** No issue with zone change.
3. **Streets:** Okay with zone change
4. **Water:** No issues. Water line in 650 S.
5. **Engineering:** 650 S is a master planned minor collector. 1150 W is a master planned minor collector with a 12' trail on the east side. 1100 W is an incomplete roadway, however the ROW may have already been dedicated. Road improvements will be constructed with the proposed lot split. Complete legal description needed.
6. **Fire:** Fire code analysis needed
7. **Cable/Phone/Gas/WCWCD:** Good

**Staff Comments:**

1. There is a 60'' master planned roadway (Future 1150 W) that needs to be dedicated on the property. Half of this roadway is already dedicated.
2. 650 S is master planned as a 60' minor collector. 15' of road dedication is required on the north side.
3. 1100 W needs curb, gutter and sidewalk
4. It is possible that all three roadway improvements are beyond the proportional scope of a single lot split. City staff is willing to negotiate a compromise with the property owner on this issue,

whether that is not requiring full roadway improvements or the city paying for some improvements themselves

5. Due to the required roadway improvements a preliminary plat will need to be submitted by the applicant if this zone change is approved.

**Findings:**

Staff makes the following findings:

1. The application meets the standards within the General Plan and General Plan Map.
2. Most of the surrounding development is large lot single family homes
3. The proposed amendment will impact the area, but the incredibly limited number of units would mitigate the impact.
4. Services are adequate to serve the area and proposed project.

**Recommendation:** Staff recommends the Planning Commission review this application and the zone change based on standards and consider residents' comments. Staff recommends approval of the proposed zone change.

# 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. <u>2022-ZC-26</u> Receipt No. <u>8158567</u>
----------------------------------------------------------------------------------

Name: Jaymie Wetzel Telephone: \_\_\_\_\_

Address: 1015 W. 250 N. Hurricane, UT 84737 Fax No. \_\_\_\_\_

Agent (If Applicable): Jeffrey Hatcher Telephone: 435-216-6667

Email: slash.hatcher@gmail.com ← Agent Email: J

Address/Location of Subject Property: 650 S 1100 W

Tax ID of Subject Property: H-3-2-3-4318 Existing Zone District: RA-1

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

RI-15 is the requested change.

**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: \_\_\_\_\_





**HESS DALE G & DEBRA D**  
H-3-2-3-4314-G  
729 S 1100 W  
HURRICANE, UT 84737

**CLYDE JAMES R & PEGGY C TRS**  
H-3-2-3-4433  
1144 W 650 S  
HURRICANE, UT 84737-2438

**FARTHING PAUL N & CAROLA VON HAUSEN TR**  
H-3-2-4-1260  
1173 W 650 S  
HURRICANE, UT 84737

**HURRICANE CITY**  
H-3-2-4-11202  
147 N 870 W  
HURRICANE, UT 84737

**SWYERS JEFFREY & LORI TRS**  
H-3-2-3-4435  
1124 W 650 S  
HURRICANE, UT 84737

**MOWER CLAIR DEVON & ROMA J TRS**  
H-3-2-3-4314-F  
1047 W 650 S  
HURRICANE, UT 84737

**WETZEL JAYMIE**  
H-3-2-3-4318  
1015 W 250 N  
HURRICANE, UT 84737

**DANSIE ELBERT M & SHANNA C TRS**  
H-3-2-4-128  
4112 PROSPECTOR DR  
SALT LAKE CITY, UT 84121

**STRATTON DEV LLC**  
H-3-2-4-127  
42 S 850 W STE 201  
HURRICANE, UT 84737

**FARTHING PAUL N & CAROLA VON HAUSEN TR**  
H-3-2-4-1260  
1173 W 650 S  
HURRICANE, UT 84737

**SWYERS TREVOR WADE & SELENA TRS**  
H-3-2-3-44321  
1122 W 650 S  
HURRICANE, UT 84737

**MILLIGAN JEFF & MEGGAN**  
H-3-2-3-4314-A-1  
1019 W 650 S  
HURRICANE, UT 84737

**HARRIS GERALD L & MARGARET L TRS**  
H-3-2-3-4314-K  
705 S 1100 W  
HURRICANE, UT 84737

**BOWEN SHAWN & JULIE**  
H-3-2-3-4314-H-1  
1087 W 650 S  
HURRICANE, UT 84737

**SWYERS TREVOR WADE & SELENA TRS**  
H-3-2-3-4430101  
1122 W 650 S  
HURRICANE, UT 84737

**WILEY BROOKS & HEATHER**  
H-3-2-4-11201  
1154 W 650 S  
HURRICANE, UT 84737

**DANSIE THOMAS F & ELIZABETH**  
H-3-2-4-131  
1177 W 650 S  
HURRICANE, UT 84737

**RADEMACHER MELINDA S TR**  
H-3-2-3-43171  
710 S 1100 W  
HURRICANE, UT 84737

**HASTINGS HUBERTA BISCHOF TR**  
H-3-2-3-4431  
1090 W 650 S  
HURRICANE, UT 84737-2418

**WILLDEN JASON & SYLVIA**  
H-3-2-3-4434  
1022 W 650 S  
HURRICANE, UT 84737



# Mailing List

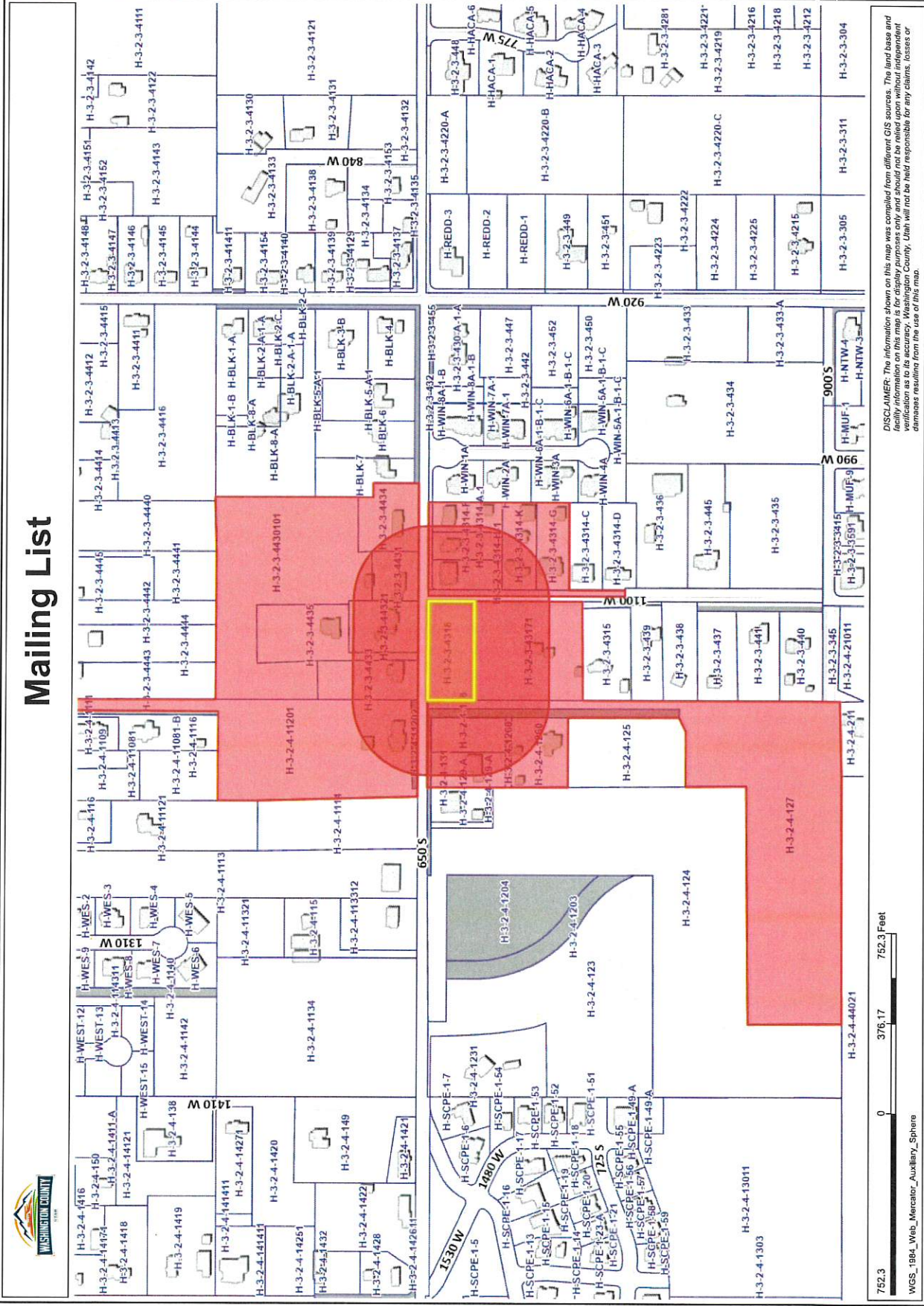


**Legend**

**Ownership**

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

**Notes**



752.3 0 376.17 752.3 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

**DISCLAIMER:** The information shown on this map was compiled from different GIS sources. The land base and facility information are provided for informational purposes only. The user assumes all responsibility for any errors or omissions resulting from the use of this map.



# Future Roadways



- Legend**
- 2 ft. Contours
    - 2 ft.
    - 10 ft.
  - Parcels
  - Ownership
    - U.S. Forest Service
    - U.S. Forest Service Wilderness
    - Bureau of Land Management
    - Bureau of Land Management Wild
    - National Park Service
    - Shivwits Reservation
    - Utah Division of Wildlife Resources
    - Utah Division of Transportation
    - State Park
    - State of Utah
    - Washington County
    - Municipally Owned
    - School District
    - Privately Owned
    - Water
    - Water Conservancy District
    - State Assessed Oil and Gas
    - Mining Claim



**Notes**



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

**OWNER:**                      **CONTACT:**

JAYMIE WETZEL  
1015 W. 250 N.  
HURRICANE, UT 84737

JEFFREY HATCHER  
(435)-216-6617  
SLASH.HATCHER@GMAIL.COM

# PROPOSED ZONE CHANGE MAP FOR: JEFFREY HATCHER

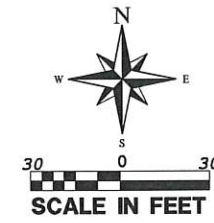
LOCATED IN NW 1/4 OF S3, T42S, R13W, S.L.B.&M, LOT 21, BLOCK 5, HURRICANE FIELD SURVEY,  
650 SOUTH 1100 WEST, HURRICANE CITY, WASHINGTON COUNTY, UTAH

**OWNERS LEGEND:**

- A WETZEL JAYMIE - PARCELS: H-3-2-3-4318
- B RADEMACHER MELINDA S TR - PARCELS: H-3-2-3-43171
- C STRATTON DEV LLC - PARCELS: H-3-2-4-127
- D DANSIE ELBERT M & SHANNA C TRS - PARCELS: H-3-2-4-128
- E WILEY BROOKS & HEATHER - PARCELS: H-3-2-4-11201
- F HURRICANE CITY - PARCELS: H-3-2-4-11202
- G CLYDE JAMES R & PEGGY C TRS - PARCELS: H-3-2-3-4433
- H SWYERS JEFFREY & LORI TRS - PARCELS: H-3-2-3-4435
- I SWYERS TREVOR WADE & SELENA TRS - PARCELS: H-3-2-3-44321
- J HASTINGS HUBERTA BISCHOF TR - PARCELS: H-3-2-3-4431
- K BOWEN SHAWN & JULIE - PARCELS: H-3-2-3-4314-H-1

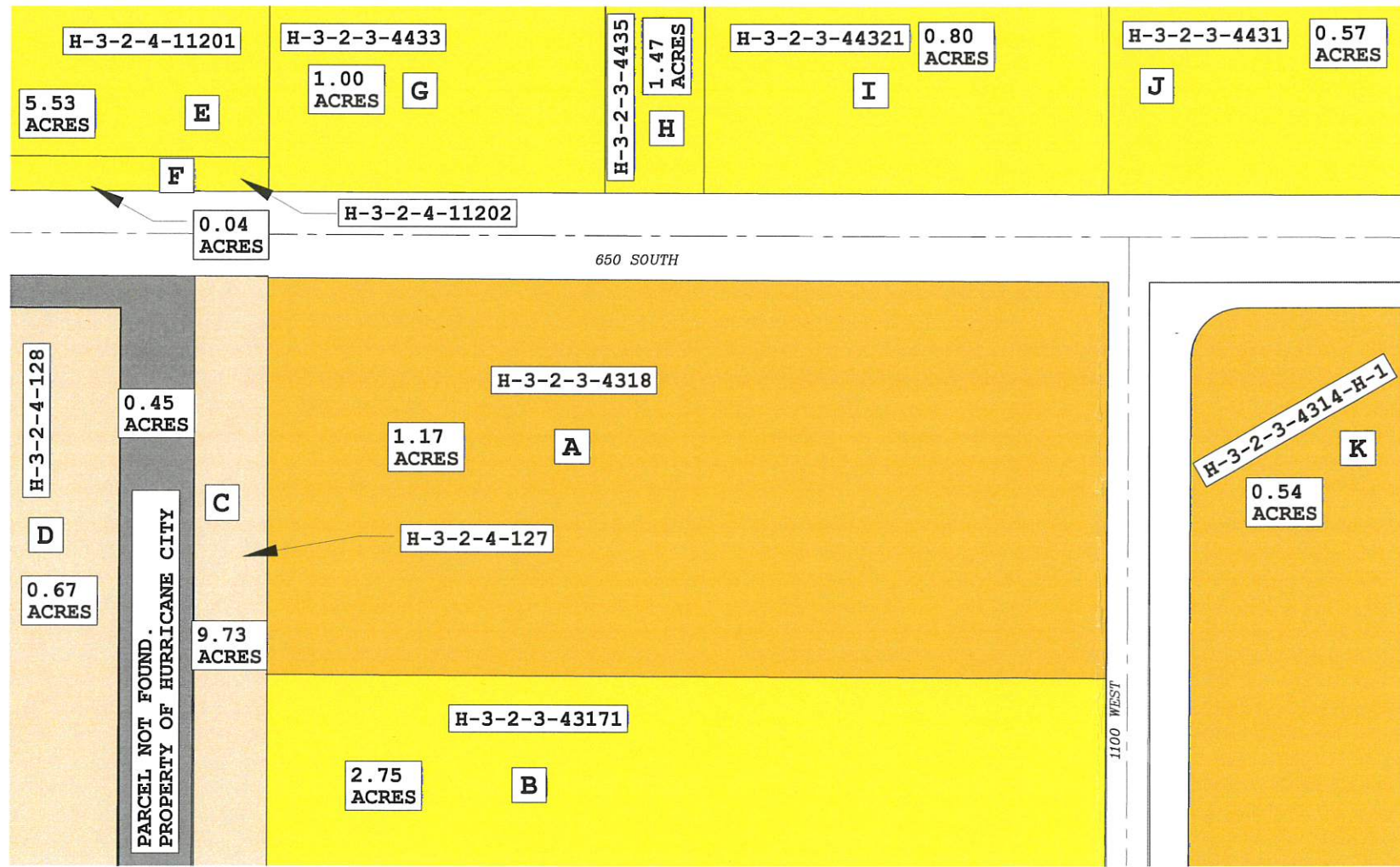
**ZONE LEGEND:**

- PF: PUBLIC FACILITY
- RA-1: RESIDENTIAL AGRICULTURAL - 1 UNIT PER ACRE
- RA-0.5: RESIDENTIAL AGRICULTURAL - 2 UNITS PER ACRE
- R1-10: RESIDENTIAL - 1 UNIT PER 10000 SQ. FT.



**LEGEND**

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- - - CENTER LINE



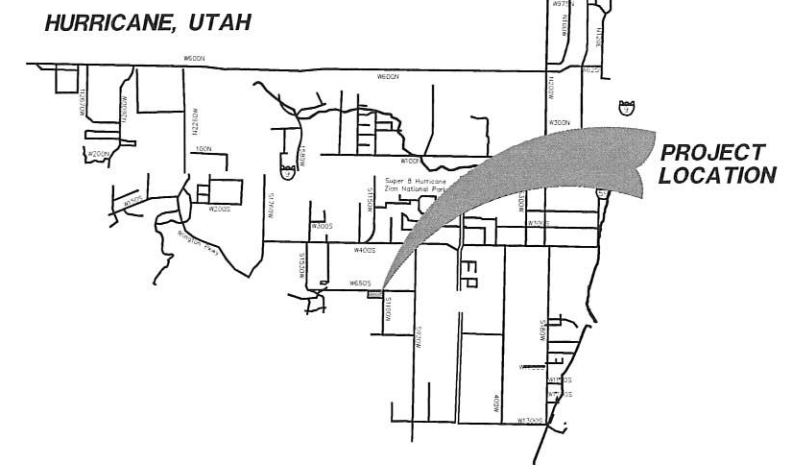
**LEGAL DESCRIPTION FOR PROPOSED ZONE CHANGE:**

HURRICANE FIELD SUR BLK 5 (H) Lot: 21 N 154 FT OF LOT 21 BLK 5 HFS

ZONE CHANGED FROM RA-1 TO RA-0.5: RESIDENTIAL AGRICULTURAL - 2 UNITS PER ACRE

**PURPOSE:**

CHANGING PROPERTY ZONING TO ALLOW FOR A LOT SPLIT TO BE PERFORMED ON THE PARCEL.



**VICINITY MAP**

N.T.S.

NO	REVISIONS	DESCRIPTION	DATE	BY

**PRO VALUE ENGINEERING, INC.**  
Engineers - Land Surveyors - Land Planners  
30 South 800 West, Suite 1  
Hurricane City, Utah 84737  
Phone: (435) 668-8307 Fax: (435) 668-8307



PROPOSED ZONE CHANGE MAP FOR:  
**JEFFREY HATCHER**  
LOCATED IN NW 1/4 OF S3, T42S, R13W, S.L.B.&M, LOT 21, BLOCK 5, HURRICANE FIELD SURVEY  
650 SOUTH 1100 WEST, HURRICANE CITY, WASHINGTON COUNTY, UTAH

DATE: 5/12/2022  
SCALE: 1"=30'

JOB NO:  
626-001

SHEET NO:  
**2 OF 2**

**OWNER:** \_\_\_\_\_ **CONTACT:** \_\_\_\_\_

JAYMIE WETZEL  
1015 W. 250 N.  
HURRICANE, UT 84737

JEFFREY HATCHER  
(435)-216-6617  
SLASH.HATCHER@GMAIL.COM

# EXISTING ZONE CHANGE MAP FOR: JEFFREY HATCHER

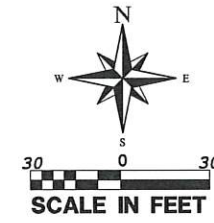
LOCATED IN NW 1/4 OF S3, T42S, R13W, S.L.B.&M, LOT 21, BLOCK 5, HURRICANE FIELD SURVEY,  
650 SOUTH 1100 WEST, HURRICANE CITY, WASHINGTON COUNTY, UTAH

**OWNERS LEGEND:**

- A WETZEL JAYMIE - PARCELS: H-3-2-3-4318
- B RADEMACHER MELINDA S TR - PARCELS: H-3-2-3-43171
- C STRATTON DEV LLC - PARCELS: H-3-2-4-127
- D DANSIE ELBERT M & SHANNA C TRS - PARCELS: H-3-2-4-128
- E WILEY BROOKS & HEATHER - PARCELS: H-3-2-4-11201
- F HURRICANE CITY - PARCELS: H-3-2-4-11202
- G CLYDE JAMES R & PEGGY C TRS - PARCELS: H-3-2-3-4433
- H SWYERS JEFFREY & LORI TRS - PARCELS: H-3-2-3-4435
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- K BOWEN SHAWN & JULIE - PARCELS: H-3-2-3-4314-H-1

**ZONE LEGEND:**

- PF: PUBLIC FACILITY
- RA-1: RESIDENTIAL AGRICULTURAL - 1 UNIT PER ACRE
- RA-0.5: RESIDENTIAL AGRICULTURAL - 2 UNITS PER ACRE
- R1-10: RESIDENTIAL - 1 UNIT PER 10000 SQ. FT.

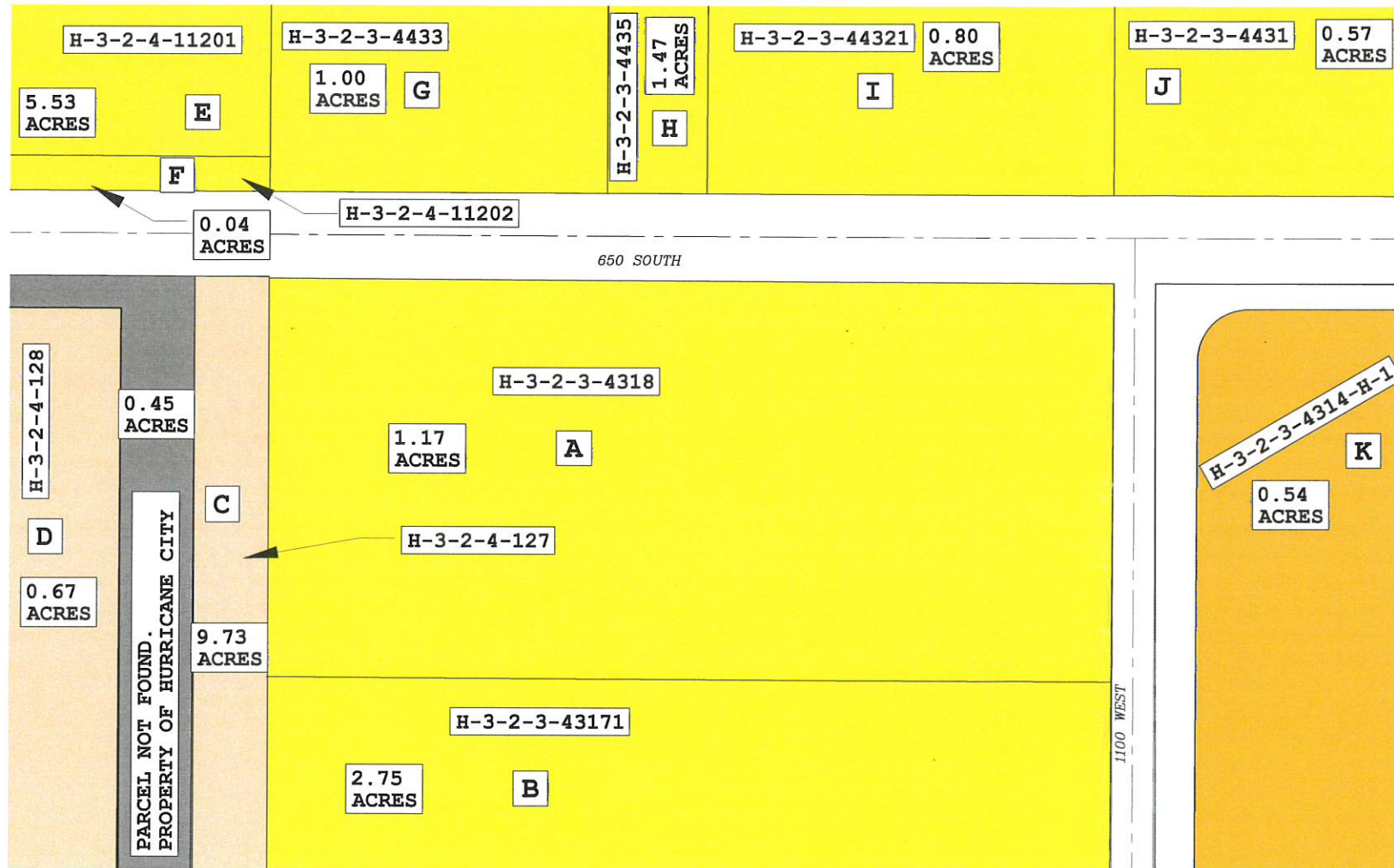


**LEGEND**

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- - - CENTER LINE

**LEGAL DESCRIPTION FOR AFFECTED PARCELS:**

PARCEL H-3-2-3-4318:  
HURRICANE FIELD SUR BLK 5 (H) Lot: 21 N 154 FT OF LOT 21 BLK 5 HFS



NO.	DESCRIPTION	DATE	BY

**PRO VALUE ENGINEERING, INC.**  
Engineers - Land Surveyors - Land Planners  
20 South 800 West, Suite 1  
Hurricane City, Utah 84737  
Phone: (435) 668-8307 Keri Rasmussen



EXISTING ZONE CHANGE MAP FOR:  
**JEFFREY HATCHER**  
LOCATED IN NW 1/4 OF S3, T42S, R13W, S.L.B.&M, LOT 21, BLOCK 5, HURRICANE FIELD SURVEY  
650 SOUTH 1100 WEST, HURRICANE CITY, WASHINGTON COUNTY, UTAH

DATE: 5/12/2022  
SCALE: 1"=30'

JOB NO.  
626-001

SHEET NO.  
**1 OF 2**

**BEER LICENSE APPLICATION AND QUESTIONNAIRE**  
**CITY OF HURRICANE, UTAH**  
**147 N 870 W**  
**HURRICANE, UTAH 84737**  
**(435) 635-2811**

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

NEW LICENSES OR CHANGE OF OWNERSHIP must be accompanied by:

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

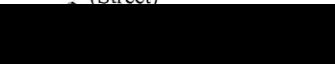

RENEWAL LICENSE must be accompanied by:


- Annual license fee
- Proof of completion of all necessary certifications by employees required by the city and state (applicable to off-premise retailers)
- Names and addresses of shareholders, members or partners (applicable to corporations, limited liability companies and partnerships)

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

Full Name of Owner/CEO Rosa Eudasia Kundev

Home address/   
(Street) (City) (State/Zip)

Phone Number  Date of Birth 

Social Security  U. S. Citizen?  Yes  No, if no, registered alien?  Yes  No

Relationship of applicant to entity for which license is sought:

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

2. Entity for which License is being sought

Sole Proprietorship     Corporation     Non Profit Corporation  
 Partnership     LLC     Other \_\_\_\_\_

Name of Entity La Fonda Grill LLC

Address of Principal Office 82 N Coral Canyon Blvd, Hurricane UT 84737  
(Street) (City) (State/Zip)

Phone (435) 599-8181 Fax None

If a Corporation, Non Profit Corporation, Partnership, Limited Liability, State:

State of incorporation, organization, or Partnership; Limited Liability

If a foreign corporation, is corporation authorized to do business in the State of Utah  Yes  No

Name and address of registered corporate agent Rosa E Kunder  
82 N Coral Canyon Blvd Hurricane, UT 84737

Names, addresses, Phone, DOB, Social Security Number of all Corporate Officers, Partners, Members, Board of Directors and Shareholders

(if necessary attach a separate sheet)

Name	Address	Phone	DOB	Social Security Number
Rosa E. Kunder	[REDACTED]			
Sergio G. Becerra				
Ernesto G. Becerra				

(FOR OFFICE USE ONLY)

New or renewal license: New

Date Application Reviewed: \_\_\_\_\_

Non-refundable application fee received ✓ 50

Refundable license fee received ✓ 150 - 8.159581

Character statement from 5 residents received: \_\_\_\_\_

Application referred to: Planning & Zoning \_\_\_\_\_

Building Inspection Department \_\_\_\_\_

Fire Department \_\_\_\_\_

Police Department \_\_\_\_\_

Health Department \_\_\_\_\_

Business License obtained/applied for: \_\_\_\_\_

Date Application was considered by City Council: 7/7/22

Application: \_\_\_\_\_ granted \_\_\_\_\_ denied

Comments: \_\_\_\_\_

\_\_\_\_\_  
City License Officer

**FEES**

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

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

Class A License	\$300.00
Class B License	\$300.00
Class C License	\$300.00
Class D License	\$300.00
Class E License	\$300.00
Class F License	\$300.00
Single Event Permit	\$250.00

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

3. Business Name / Location / Management

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

Business Address 82 N Coral Canyon Blvd Hurricane, UT 84737  
(Street) (City) (State/Zip)

Phone Number 435-599-8181

Owner of Property Yash Investment LLC

Name of Business Manager Rosa Eudisia Kunder  
(First) (Middle) (Last)

Social Security # [REDACTED] Date of Birth [REDACTED]

Address of Manager [REDACTED]  
(State/Zip)

Phone Number [REDACTED]

**\*(This information is not required for a Renewal)**

\*Distance in feet from nearest public or public or private school Not close at all

\*Distance in feet from nearest church \_\_\_\_\_

\*Distance in feet from nearest public playground \_\_\_\_\_

\*Distance in feet from nearest public park \_\_\_\_\_

\*Distance in feet from nearest public library \_\_\_\_\_

4. Classification of license applied for:  New  Renewal

- Class A License
- Class B License
- Class C License
- Class D License
- Class E License
- Class F License
- Single Event Permit

Beer, wine & Liquor  
Full restaurant

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

Have you ever been engaged in any other business where beer or alcoholic beverages were sold to the public?  Yes  No. If yes, state name of business, location of business, nature of business, date(s) of operation. La Fonda Mexican Restaurants, Mesquite NV and Overton, NV still open.

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

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

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

La Fonda restaurant ~~owner~~ owner, 550 W Pioneer Blvd #146 Mesquite, NV 89027 and 461 N Moapa Valley Blvd. Overton, NV 89040

Who owns the real estate where this business is located? Ely Dromy - Mesquite, NV  
Kay Leavitt, Overton NV.

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

Do you own fixtures at this location?  Yes \_\_\_ No. If yes, state the investment which you have in fixtures and equipment \$ 300,000.00

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

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

6. Additional Information: Give any additional information which you believe will help the City Council to make a decision upon your application: I just like to thank every one that is involve on making this decision.

STATE OF UTAH )  
 : ss.  
COUNTY OF WASHINGTON )

I, Rosa E. Kunder, being first duly sworn, depose and say as follows:

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

Rosa Kunder  
Applicant

SUBSCRIBED AND SWORN TO before me this 13 day of June, 2022

Cindy Betan  
(NOTARY PUBLIC OR CITY LICENSE OFFICER)

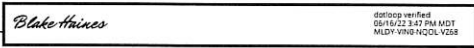
**NOTICE: There will be no public election on the annexation proposed by this petition because Utah law does not provide for an annexation to be approved by voters at a public election. If you sign this petition and later decide that you do not support the petition, you may withdraw your signature by submitting a signed, written withdrawal with the recorder of Hurricane City. If you choose to withdraw your signature, you shall do so no later than 30 days after Hurricane City receives notice that the petition has been certified.**

**PETITION FOR ANNEXATION**

This Petition for Annexation ("Petition") requests the annexation of real property into the City of Hurricane, Utah. The proposed annexation is known as the Cliffside Annexation, which is specifically described in the attached map showing the area proposed for annexation (the "Proposed Annexation Area").

**SPONSOR INFORMATION**

The Utah Code requires that up to five sponsors be designated for this Petition (the "Sponsors"), with one sponsor being designated as the contact sponsor. The undersigned Sponsors are designated as the Sponsors for the Petition and by signing agree to pay all advertising costs incurred by Hurricane City throughout the annexation process. The Sponsors further understand and agree that a deposit of five hundred dollars (\$500.00) is required for this Petition and any additional costs will be billed to and will be the responsibility of the Sponsors. Sponsors understand that this Petition shall not be filed with the City Recorder until the Petition satisfies the requirements of Utah Code § 10-2-403(3).

Contact Sponsor: Blake Haines name  
 signature  
2001 S Main St, Mapleton, UT 84664 address  
801-669-7198 phone number(s)  
cliffsidedevelopmentgroup@gmail.com email address

Additional Sponsor: \_\_\_\_\_ name  
\_\_\_\_\_ signature  
\_\_\_\_\_ address  
\_\_\_\_\_ phone number(s)  
\_\_\_\_\_ email address

**NOTICE: There will be no public election on the annexation proposed by this petition because Utah law does not provide for an annexation to be approved by voters at a public election. If you sign this petition and later decide that you do not support the petition, you may withdraw your signature by submitting a signed, written withdrawal with the recorder of Hurricane City. If you choose to withdraw your signature, you shall do so no later than 30 days after Hurricane City receives notice that the petition has been certified.**

Additional Sponsor: \_\_\_\_\_ name  
\_\_\_\_\_ signature  
\_\_\_\_\_ address  
\_\_\_\_\_ phone number(s)  
\_\_\_\_\_ email address

Additional Sponsor: \_\_\_\_\_ name  
\_\_\_\_\_ signature  
\_\_\_\_\_ address  
\_\_\_\_\_ phone number(s)  
\_\_\_\_\_ email address

Additional Sponsor: \_\_\_\_\_ name  
\_\_\_\_\_ signature  
\_\_\_\_\_ address  
\_\_\_\_\_ phone number(s)  
\_\_\_\_\_ email address

[PETITION SIGNATURES BEGIN ON THE FOLLOWING PAGE]

**NOTICE: There will be no public election on the annexation proposed by this petition because Utah law does not provide for an annexation to be approved by voters at a public election. If you sign this petition and later decide that you do not support the petition, you may withdraw your signature by submitting a signed, written withdrawal with the recorder of Hurricane City. If you choose to withdraw your signature, you shall do so no later than 30 days after Hurricane City receives notice that the petition has been certified.**

PETITION SIGNATURES

The undersigned, owner(s) of certain real property located in Washington County, Utah within the Proposed Annexation Area, hereby requests annexation of the property into Hurricane City, Utah in accordance with the procedures for annexation contained in Sections 10-2-401 et. seq. of the Utah Code.

Name of Owner of Record: Tara LLC

Owner Signature: [Signature] Parcel No.: Washington county parcel ID# 3398-L-HV & 3398-B-HV

Name of Owner of Record: \_\_\_\_\_

Owner Signature: \_\_\_\_\_ Parcel No.: \_\_\_\_\_

Name of Owner of Record: \_\_\_\_\_

Owner Signature: \_\_\_\_\_ Parcel No.: \_\_\_\_\_

Name of Owner of Record: \_\_\_\_\_

Owner Signature: \_\_\_\_\_ Parcel No.: \_\_\_\_\_

Name of Owner of Record: \_\_\_\_\_

Owner Signature: \_\_\_\_\_ Parcel No.: \_\_\_\_\_

Name of Owner of Record: \_\_\_\_\_

Owner Signature: \_\_\_\_\_ Parcel No.: \_\_\_\_\_

\*\*\*If there are more owners than this page provides, please copy and provide additional signature pages\*\*\*

RC 6/10/22



Scott Messel  
*Community Development Director*

### CERTIFICATION

I, Laura Thurber, Planning and Permits Specialist, do hereby certify that Attachment A is a true and correct listing of the property owners of record in the Washington County Assessor's Office, who are within 300' of the property owned by Tara LLC, described as a portion of Section 28 T: 42S, R: 13W, Tax ID 3398-B-HV, containing 39.12 +/- acres; located within the Washington County Unincorporated area, to whom the notice contained in Attachment B and the map labeled Attachment C were mailed via the US Postal Service, postage pre-paid, on or about June 10, 2022.

  
\_\_\_\_\_  
Laura Thurber  
Planning and Permits Specialist

TARA LLC  
3398-B-HV  
3565 S REDWOOD RD  
SALT LAKE CITY, UT 84119

TARA LLC  
CRCS-2-HV  
3565 S REDWOOD RD  
SALT LAKE CITY, UT 84119

MASON GAYE & WHITNEY  
CRCS-7-HV  
1284 W 4370 S  
HURRICANE, UT 84737

BRUBAKER TANI  
GMSR-9-HV  
7067 COMMERCE PARK DR  
MIDVALE, UT 84047

GRASSY MEADOWS SKY RANCH LANDOWNERS  
GMSR-B-1-HV  
PO BOX 141  
HURRICANE, UT 84737-0141

COPPER ROCK GOLF COURSE LC  
H-3500-A  
PO BOX 160  
HURRICANE, UT 84737-0160

TARA LLC  
CRCS-16-HV  
3565 S REDWOOD RD  
SALT LAKE CITY, UT 84119

CHILD TODD & WENDY  
GMSR-5A-98-HV  
2969 MARLEY PL  
SALT LAKE CITY, UT 84109

DEBUSSCHERE JESSE V & SHANNON TRS  
GMSR-3-50-HV  
PO BOX 158  
HURRICANE, UT 84737-0158

WRIGHT MICHAEL E & JANET D  
GMSR-7-HV  
4175 S 1200 W  
HURRICANE, UT 84737



COMMUNITY DEVELOPMENT

Hurricane City Offices  
147 North 870 West  
Hurricane, Utah 84737  
435-635-2811

Sincerely,

Laura Thurber  
Planning and Permits Specialist  
Washington County

# CLIFFSIDE ANNEXATION

SE 1/4 SECTION 28, TOWNSHIP 42 SOUTH,  
RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN,  
HURRICANE CITY, WASHINGTON COUNTY, UTAH

**SURVEYOR CERTIFICATE**

I, **WALTER A. HARRISON, JR.**, a duly licensed and qualified Surveyor in the State of Utah, do hereby certify that the foregoing plat was prepared by me, or under my direct supervision, and that I am a duly qualified and licensed Surveyor in the State of Utah, and that the same is true and correct according to the best available records, and to the best of my knowledge and belief.

**BOUNDARY DESCRIPTION**

A PARCEL OF LAND THAT LIES EAST OF THE SALT LAKE BASE AND MERIDIAN, CONTAINS 3.14 ACRES OF LAND, MORE OR LESS, AND IS LOCATED IN THE SE 1/4 SECTION 28, TOWNSHIP 42 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN, HURRICANE CITY, WASHINGTON COUNTY, UTAH. THE BOUNDARY DESCRIPTION OF THE PARCEL OF LAND IS AS FOLLOWS: BEGINNING AT POINT A AND GOING WEST, NEW SURVEY, THROUGH THE EXISTING WALLS OF THE BUILDING, 100.00 FT. TO POINT B; THENCE S 89° 57' 26" E, 264.01 FT. TO POINT C; THENCE S 89° 57' 26" E, 264.01 FT. TO POINT D; THENCE S 89° 57' 26" E, 264.01 FT. TO POINT E; THENCE S 89° 57' 26" E, 264.01 FT. TO POINT F; THENCE S 89° 57' 26" E, 264.01 FT. TO POINT G; THENCE S 89° 57' 26" E, 264.01 FT. TO POINT H; THENCE S 89° 57' 26" E, 264.01 FT. TO POINT I; THENCE S 89° 57' 26" E, 264.01 FT. TO POINT J; THENCE S 89° 57' 26" E, 264.01 FT. TO POINT K; THENCE S 89° 57' 26" E, 264.01 FT. TO POINT L; THENCE S 89° 57' 26" E, 264.01 FT. TO POINT M; THENCE S 89° 57' 26" E, 264.01 FT. TO POINT N; THENCE S 89° 57' 26" E, 264.01 FT. TO POINT O; THENCE S 89° 57' 26" E, 264.01 FT. TO POINT P; THENCE S 89° 57' 26" E, 264.01 FT. TO POINT Q; THENCE S 89° 57' 26" E, 264.01 FT. TO POINT R; THENCE S 89° 57' 26" E, 264.01 FT. TO POINT S; THENCE S 89° 57' 26" E, 264.01 FT. TO POINT T; THENCE S 89° 57' 26" E, 264.01 FT. TO POINT U; THENCE S 89° 57' 26" E, 264.01 FT. TO POINT V; THENCE S 89° 57' 26" E, 264.01 FT. TO POINT W; THENCE S 89° 57' 26" E, 264.01 FT. TO POINT X; THENCE S 89° 57' 26" E, 264.01 FT. TO POINT Y; THENCE S 89° 57' 26" E, 264.01 FT. TO POINT Z; THENCE S 89° 57' 26" E, 264.01 FT. TO POINT A.

**ACCEPTANCE BY LEGISLATIVE BODY**

THE HURRICANE CITY COUNCIL HAS REVIEWED AND APPROVED THE ABOVE BOUNDARY DESCRIPTION OF THE PARCEL OF LAND, AND HAS RESOLVED TO ANNEX THE SAME TO THE CITY OF HURRICANE, WASHINGTON COUNTY, UTAH.

**APPROVED AS TO FORM**

DATE: \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 2015

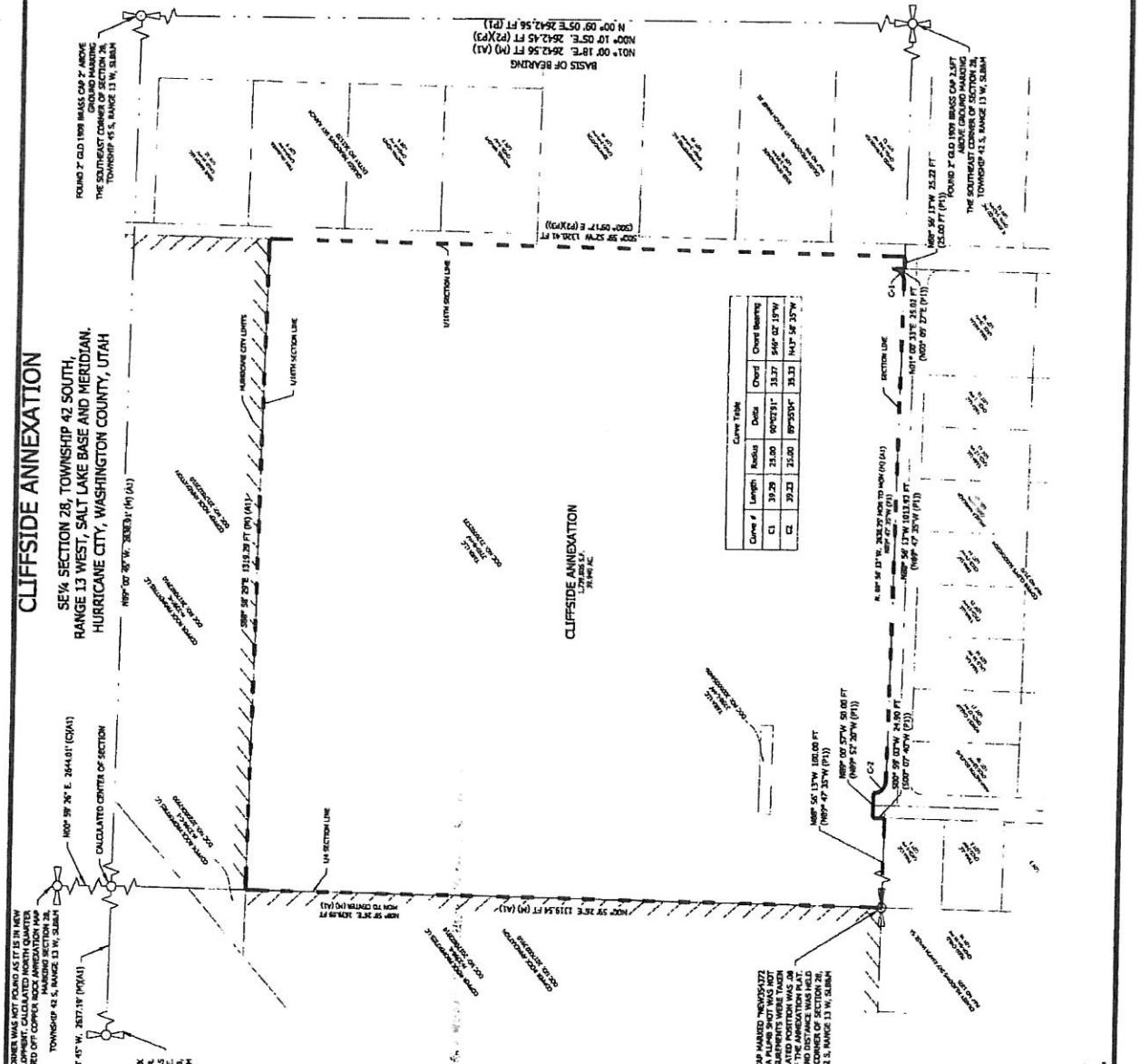
**BOUNDARY COMMISSION**

WALTER A. HARRISON, JR., SURVEYOR

APPROVED AS TO FORM THE \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 2015

**CLIFFSIDE ANNEXATION**

LOCATED IN THE SE 1/4 SECTION 28, TOWNSHIP 42 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN, HURRICANE CITY, WASHINGTON COUNTY, UTAH



**LEGEND**

- FOUND EVIDENCE POINT
- BOUNDARY LINE
- CITY BOUNDARY LINES
- SECTION LINE
- DEED LINE
- MEASURED DISTANCE AND BEARING
- CALCULATED DISTANCE AND BEARING
- MEASURED DISTANCE AND BEARING

**LOCATION OF PROJECT**

**VICINITY MAP**  
SCALE: N.T.S.

**REFERENCES WASHINGTON COUNTY UTAH**

441 N. Main St., Hurricane City, UT

**APEX NORTH**  
Engineering, Inc.  
SCALE: 1" = 100'

### **Water Department**

Currently the proposed cliffside annexation is in the WCWCD service area we cannot serve them from our system. they may be able to be served form the WCWCD system through an agreement between Hurricane city and the WCWCD. In the past we have made agreements with the WCWCD on single water connections, but never on a project of this scale.

### **Ash Creek Sewer District**

We have no problem with the Cliffside Annexation as Ash Creek SSD oversees both Hurricane City and unincorporated Washington County in this area, so for sewer service we have jurisdiction either way.

### **Streets Department**

The Cliffside Annexation as it stands right now with the 40 acres doesn't put any real strain on the Streets Department. The property is mostly undeveloped land. When/if the property develops, it will then add to our workload as a department with the services we provide with regards to the streets and drainage maintenance. I have far more concern for the neighboring properties that will require quite a bit of maintenance to maintain the drainage and roadways if they decide to join this annexation or annex on their own in the future.

### **Power Department**

For Hurricane City Power, these annexations don't change things very much.

Whether the area is annexed into Hurricane City limits or remains County, either Hurricane City Power or Rocky Mountain Power could potentially serve the area. It is all dependent upon agreements between them and us.

As it stands now, RMP has the right and responsibility to serve them, but could choose to allow us to serve them if they wanted to. If we annex, then we obtain the right and responsibility to serve them and could either allow RMP to continue to serve or we could force them to sell the area to us. Currently, RMP is interested in selling to us, and we are interested in buying. Some of the reasons that both parties feel this way are because; it would clean up the current agreements we have, it would clean up the billing that goes back and forth, it takes away the complications of who maintains and restores power in the area (sometimes, boundaries become confusing for the linemen and troublemen), and we are starting to surround their system, creating a strange island in the middle of our service territory.

In speaking with RMP, they are interested in waiting until we have a better idea of what the city is going to do as far as annexations before we dive into too many details of us purchasing the area. But so far it remains that RMP is interested in selling and HCP is interested in buying. The annexation would only change who has the right and responsibility to serve the customers.

Hope that is helpful, if you have questions, please reach out.

### **Hurricane Valley Fire District**

This area is already serviced by the Hurricane Valley Fire SSD. Annexation will have a new or different impact on our services.

## **Police Department**

1 – At this time I don't believe that annexing a small portion of Sky Ranch/Cliff Dwellers area is in the best interest to Hurricane City due to the costs involved in continuing to add area and home without the financial ability to increase police/first responders.

2 – Hurricane has a lot of growth in the South Fields area and with each additional subdivision, development, construction site, or home in increases the response area and dilutes the police and animal control staff even more.

3 – When Copper Rock developed and their first phase I felt the police department could handle that with the current staff. I stated clearly to the City Council at that time that as future phases and commercial development were approved and built that a South Area needed to be added to our squads to meet the need. We have had many more phases in Copper Rock, other developments in the South Fields, and the area North and South of Cliff Dwellers has been developed and home built and occupied. We have asked for personnel to include officer and supervisors and to date the funds have not been approved to create the South area (we currently have an East & West Area).

4 – If the entire area of Sky Ranch and Cliff Dwellers wanted to be annexed into Hurricane and the City Council was willing to approve the funding for services for the area, I'm in support of this.

5 – Funding to make this area safe and protect our officers would be in the range of \$ 900,000.00 per year to implement a South Area.

## Leave without Pay

### 709.1 PURPOSE AND SCOPE

The purpose of this policy is to provide general guidance for managing unpaid leaves of absence, for eligible employees.

### 709.2 POLICY

The Mayor and City Council, may grant an employee leave without pay for a specified period of time, not to exceed one year. At the expiration of the leave without pay, the employee shall return to the same position, where feasible, or to a similar position. Failure of the employee to return to work at the expiration of leave without pay shall be considered a voluntary resignation of their position and employment without notice.

Leave without pay may be granted:

- (a) For education purposes when the employee's course of study will be of direct benefit to the City, if:
  - 1. The employee's absence will not be a hardship for their department, and
  - 2. The employee agrees to return to work at the end of the leave without pay period.
- (b) To attend funerals not covered by the Bereavement Leave Policy.
- (c) To attend to an ill or injured member of the employee's immediate family when the absence is not covered by the Family Medical Leave Act Policy.
- (d) To an employee who has filed a declaration of candidacy for the period between the primary election and the general election.
  - 1. Neither the filing of a declaration of candidacy nor a leave of absence under this section may be used as the basis for an adverse employment action, including discipline and termination, against the employee.

A leave without pay shall not constitute a break in service.

### 709.3 PROCEDURE

Eligible employees interested in an unpaid leave of absence must submit a written request to their Department Head detailing the nature of the leave. Requests for leave of absence will be considered based on criteria such as:

- (a) The nature of the request
- (b) The impact to the organization, and
- (c) The benefit to the employee and/or the City.

The City may not grant a leave of absence without pay unless the employee will return to City employment at the end of the leave. Prior written approval must be obtained from the employee's Department Head, Human Resources, and the City Manager.

## *Leave without Pay*

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### **709.4 BENEFITS**

Accrued leave must be used during an approved leave in order to maintain City-provided benefits. If an employee has no accrued leave and is on approved unpaid leave, all benefits including vacation, sick leave, holiday leave, and retirement will be discontinued until the employee returns to work unless provided for under state or federal guidelines. Insurance benefits may be continued under approved unpaid leave if the full premium is paid by the employee.

The City may terminate group insurance benefits during any leave without pay exceeding one full pay period. Vacation time and sick leave will be prorated based on the hours worked for the pay period when leave without pay is used.

## Administrative Leave

### 708.1 POLICY

Administrative leave with pay may be granted with prior approval of the City Manager or designee under the following circumstances:

- (a) To perform authorized duties in connection with City business, attend trade or professional meetings which relate to official duties, participate in recognized and authorized training programs, or facilitate the needs of the City.
- (b) Pending the outcome of an investigation to determine possible disciplinary action against the employee.
  - 1. Any employee placed on administrative leave with pay must be available and responsive to their supervisor or Department Head during regular business hours.

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## Bereavement Leave

### 707.1 PURPOSE AND SCOPE

This policy provides guidance about bereavement leave provided to eligible employees by the City.

#### 707.1.1 DEFINITIONS

**Immediate family member** - Father, stepfather, father-in-law, mother, stepmother, mother-in-law, brother, stepbrother, half-brother, brother-in-law, sister, stepsister, half-sister, sister-in-law, son, step-son, son-in-law, daughter, step-daughter, daughter-in-law, grandparents-in-law, grandparents, step-grandparents, grandchildren, step-grandchildren, and spouse.

### 707.2 POLICY

Full-time, permanent employees are eligible to receive up to three days of bereavement leave. Bereavement leave is for making arrangements for and attendance at funeral services upon the death of an employee's current immediate family member.

### 707.3 PROCEDURE

Bereavement leave is paid and not be charged to either earned sick leave or annual leave. Bereavement leave will not accrue to the employee's benefit if not used for the intended purpose. Leave for attendance at funerals other than those covered above will be considered leave without pay, personal leave, or vacation. Employees may be required to provide verification of the death (obituary) and their attendance at the funeral (funeral program).

Bereavement leave should be listed under regular hours with bereavement leave noted out to the side. The timecard should be accompanied with an approved funeral leave requested signed by the supervisor and the manager.

## Jury Duty

### 706.1 PURPOSE AND SCOPE

This policy provides guidance about jury duty for eligible employees of the City.

### 706.2 POLICY

The City recognizes the duty of every employee, as a citizen of the United States, to perform jury duty or serve as a witness on behalf of the City in any municipal, county, state, or federal court, or before an administrative tribunal. Paid leave will not be granted when the employee is serving as his own witness in financial and related suits he or she has initiated.

### 706.3 PROCEDURE

If the jury or witness service is completed during regular work hours, an employee is expected to return to work upon completion of the service. The employee shall receive their regular pay when performing jury and witness duty provided money received for jury or witness service is returned to the City within one week of receipt. Verification of jury and witness duty will be required.

## Military Service

### 705.1 PURPOSE AND SCOPE

This policy provides information about military leave provided to eligible employees by the City.

### 705.2 POLICY

The City recognizes the sacrifice of employees who serve in the military through benefits provided in this policy including those mandated by federal law.

### 705.3 PAID MILITARY LEAVE

Up to 21 days per year of paid military leave is provided for annual training or other non-deployment activity. This leave shall be in addition to annual vacation leave with pay. A copy of orders will be required for salary payment.

### 705.4 MILITARY PAY DIFFERENTIAL

All employees who are or shall become members of a reserve component shall be allowed full pay equal to the difference between military pay and City pay, when military pay is less than City pay, spent on duty with military units of the United States and the State of Utah in an "activated or deployment" status. Any compensation, including travel and expense allowance, received by the employee must be turned in to the City.

### 705.5 USERRA

The Uniformed Services Employment and Reemployment Rights Act (USERRA) protects civilian job rights and benefits for veterans and members of reserve components.

#### 705.5.1 MILITARY LEAVE OF ABSENCE

Service members are able (but are not required) to use accrued vacation or other qualifying leave while performing military duty that exceeds 21 days annually.

#### 705.5.2 RE-EMPLOYMENT DEADLINES

The period an individual has to make application for reemployment or report back to work after military service is based on time spent on military duty. For service of:

- (a) **30 days or less** - The service member must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight-hour rest period.
- (b) **31-180 days** - The service member must submit an application for reemployment within 14 days of release from service.
- (c) **1 81 days of more** - An application for reemployment must be submitted within 90 days of release from service.

## *Military Service*

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### 705.5.3 RE-EMPLOYMENT RIGHTS

Under the terms of the federal USERRA, a person who leaves a civilian job to enter active duty is entitled to return to their civilian job after discharge or release from active duty (38 U.S.C. § 4301-4335). An employee must meet all of the basic eligibility criteria under federal law. The employee must:

- (a) Ensure that the City receives advance written or verbal notice of the employee's service;
- (b) Have five years or less of cumulative service in the uniformed services while with the City;
- (c) Return to work or apply for reemployment in a timely manner after conclusion of service; and
- (d) Have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If the employee is eligible to be reemployed, the employee must be restored to the job and benefits they would have attained if the employee had not been absent due to military service or, in some cases, a comparable job.

### **705.6 POSITION WITH THE CITY**

While on approved military leave, an employee's vacated position may be temporarily filled and the employee will return to service with the City in either the same position or a similar position within the same pay grade and scope of responsibility if the employee meets the requirements of federal law.

During the time of absence, the employee will continue to build seniority; the employee will not lose seniority obtained prior to obtaining military leave. No officer or employee shall be subjected to any loss or decrease of vacation or holiday privilege or be prejudiced by reason of such absence with reference to promotion or continuances in office, employment, reappointment to office, or reemployment.

An employee reinstated under the foregoing provisions shall not be discharged from their position within one year after the reinstatement unless there is just cause for the discharge or a reduction in force.

#### 705.6.1 CITY BENEFIT PROGRAMS

Employees serving on active duty with the armed forces pursuant to a leave of absence under this section may participate for up to 24 months following separation from City employment in City-sponsored employee group health, dental and vision insurance plan for themselves and dependents, if they make the required timely premium payments pursuant to federal law.

Upon reinstatement to City employment, the employee shall be entitled to participate in the retirement insurance and other benefit programs offered by the City pursuant to the established laws, rules, and practices related to persons on leave of absence in effect at the time the reinstated employee commenced such active military service. The employee serving on active duty with the

## *Military Service*

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military has the right to convert the City employees' group term life insurance containing a "war exclusion" provision, which would prevent payment of the double indemnity for accidental death.

This section shall not be construed to retain, in office or in the employment of the City, any person elected or appointed for a definite term of office, or any person appointed by or serving under a person elected or appointed for a definite term of the person by whom they were appointed or under whom they were serving whose term shall otherwise expire in operation of law.

### 705.6.2 RETIREMENT SERVICE CREDIT

Active duty service in the armed forces may qualify for service credit, which may qualify and/or increase the retirement benefits an employee might receive from the retirement program administered by the Utah State Retirement System, as provided by law. It is the employee's responsibility to contact the State Retirement Office for further information. The City will not make the employer-paid contributions and the employee-paid contributions, if any, otherwise paid by the City on behalf of the employee, or for former employees serving on active military duty.

For those employees whose employment with the City is reinstated following separation from active military service, the City will make the contribution adjustment representing the employer's contribution for the period of military service upon the following conditions:

- (a) The reinstated employee requests the City to make the contribution adjustment payment to the Utah State Retirement System.
- (b) The reinstated employee makes the contribution adjustment payment to the Utah State Retirement System as required by law.
- (c) The reinstated employee meets all of the criteria for eligibility for the service credit, as provided by state and/or federal law.
- (d) Active duty service in the armed forces will be used in calculating the "length of service" for "leave" (vacation) for a reinstated employee, pursuant to this Policy

## Holiday Leave

### 704.1 PURPOSE AND SCOPE

This policy provides information about paid holidays provided to eligible employees by the City.

### 704.2 POLICY

Full-time, permanent employees may be paid for the following holidays:

<u>Holiday</u>	<u>Occurrence</u>
New Year's Day	January 1
Martin Luther King Jr. Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Pioneer Day	July 24
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veterans' Day	November 11
Thanksgiving	Fourth Thursday in November
Day after Thanksgiving	Day after Thanksgiving
Christmas Eve (Half Holiday)	December 24
Christmas Day	December 25

Any other Day designated by the Governor as a State Holiday will be observed.

If a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday. If a holiday falls on a Sunday, the following Monday shall be observed as the holiday.

Part-time, emergency, seasonal, temporary, and contract employees are not eligible to receive holiday benefits.

### 704.3 HOLIDAY HOURS FOR SPECIFIC ASSIGNMENTS

In departments where scheduling may require employees to work on holidays observed by the City, full-time employees will accrue the full balance of holiday hours for the year each January.

This policy will apply to employees in the following departments:

- Police (except administrative office staff): 108 hours
- Golf Maintenance: 108 hours
- Golf Pro Shop: 108 hours

The above hours may be used as approved by the employee's supervisor throughout the year. Employees are expected to use these hours by December 31st each year. In the event an

## *Holiday Leave*

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employee is unable to use their full balance of holiday leave by the end of the year, the City Manager may approve a pay-out for the balance of holiday leave up to a maximum of 24 hours.

Should an employee in one of the specific assignments listed above leave employment, the employee shall only be entitled to the hours for those holidays that have occurred through the employee's last day of employment. Hours for any holidays that have not yet occurred are considered unearned and the employee will not be paid for those hours. In the event that the employee has used more holiday hours than have been earned through the last day of employment, the unearned hours will be deducted either from other leave time or from the employee's wage on the final check.

## Vacation Leave

### 703.1 PURPOSE AND SCOPE

This policy provides information about paid vacation leave provided to eligible employees by the City.

### 703.2 POLICY

The City provides vacation leave to permanent full-time employees for the purpose of providing employees the opportunity to take paid time off from their job responsibilities in order to maintain a higher standard of mental, emotional and physical conditioning. This policy is intended to provide a benefit to City employees as well as to the City as an employer by fostering a healthy and productive workforce. Vacation is meant to be utilized as time away from work, not for an accumulated cash out program.

Part-time, emergency, seasonal, temporary, and contract employees are not eligible to accrue or use annual vacation leave.

### 703.3 VACATION ACCRUAL

Classified employees, statutory appointees, and contractual employees earn vacation based upon the following accrual schedule:

<b>Time in Service</b>	<b>Vacation Leave</b>
<a href="#"><u>Six (6) Months to Five (5) Years</u></a>	<a href="#"><u>80</u></a> hours
<a href="#"><u>Six (6) Years to Eleven (11) Years</u></a>	<a href="#"><u>120</u></a> hours
<a href="#"><u>Twelve (12) Years and Beyond</u></a>	<a href="#"><u>160</u></a> hours per year
<del>Year 8 through Year 14</del>	<del>120 hours per year</del>
<del>Year 15 and beyond</del>	<del>160 hours per year</del>

A maximum of 80 hours shall be allowed to be accrued and carried forward from one calendar year to the next. Any unused accrued annual vacation leave in excess of 80 hours shall be forfeited following the employee's anniversary date.

New employees may be appointed at a higher accrual rate based on experience and other relevant qualifications. Once appointed, new employees will progress based on the above accrual schedule.

### 703.4 VACATION USE

Vacation may only be taken after an employee has completed the six months of employment. Vacation leave shall be requested and pre-approved by the employee's Department Head. All annual vacation leave requests should be submitted in a reasonable time in advance of the desired time off to the Department Head. If too many employees request annual vacation leave for the same time period, annual vacation leave shall be granted in order of application (first-come-first-

## *Vacation Leave*

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served) at the discretion of the Department Head. If two requests are made at the same time, the vacation time will be given to the employee with seniority.

If a documented illness that would justify use of sick leave occurs while an employee is on vacation, that time may be counted against any accumulated sick leave if requested by the employee. A holiday that falls during an employee's vacation leave shall be counted as a paid holiday.

Vacation Leave shall not result in nor count as overtime. For example, if an employee has worked a thirty-four (34) regular hours in a week, the employee should only use six (6) hours of vacation leave to get them at the needed forty (40) hours for the work week and not eight (8) hours.

The Fair Labor Standards Act (FLSA) requires employers to pay non-exempt employees, time and a half of their regular rate of pay for every hour worked over forty (40) hours in a work week.

Vacation Leave hours do not count as worked hours as they are not actually worked and is not counted towards overtime. Please note that vacation leave hours are under the statutory exclusions of the FLSA. Please see the following links for more information.

[FLSA Section 207 \(e\) pg. 19](#)

[29 CFR 778.218 of FLSA](#)

[29 CFR 778.219 of FLSA](#)

### **703.5 VACATION PAY**

An employee who works for the City less than six (6) months is not eligible for vacation pay.

### **703.6 VACATION CASH OUT**

Payment for all accrued vacation shall be made upon separation from employment.

## Leave Donation

### 702.1 PURPOSE AND SCOPE

This policy provides information about the City's leave donation program.

#### 702.1.1 DEFINITIONS

**Immediate family member** - Spouse, partner, daughter, son, mother, father, or others as approved by the City Manager.

### 702.2 POLICY

Employees may voluntarily and anonymously donate accumulated unused leave (vacation or sick leave) hours to the sick leave bank of the City to be used by a permanent full-time employee or immediate family member who has suffered an incapacitating major illness or injury, or family emergency, which has exhausted the employee's regular sick leave, vacation, and compensatory time accounts.

The leave donation policy is designed to assist those employees who have responsibly managed their vacation and sick leave but who nevertheless find themselves facing a serious illness or medical condition with no accrued leave left. Employees who have abused or misused the City's sick leave program are not eligible to receive donated leave.

### 702.3 REQUESTING LEAVE DONATIONS

In order to receive donated sick leave, City employees must:

- (a) Have been employed with the City for at least one year
- (b) Exhaust their existing leave benefits (sick leave, vacation, and comp time)
- (c) File for FMLA leave
- (d) File for Long-term Disability if applicable
  1. During the time an employee receives Worker's Compensation, or disability, they are not eligible to receive any donated leave.
- (e) File a leave donation request with the City Manager, to include:
  1. Employee's name
  2. Employee's department
  3. A certificate from a licensed medical professional describing the major illness or serious medical condition, and an estimate of when the employee may reasonably expect to return to work, and
  4. Total number of donated hours requested

All requests must be approved by the employee's Department Head, Human Resources, and the City Manager. All donations are made on a confidential basis. Each case will be considered separately based upon the merits of the situation.

## *Leave Donation*

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The maximum amount of donated leave an employee may receive in any calendar year is 12 weeks. If the number of hours donated exceed the requested number or 12 weeks, the remaining hours will not be transferred and will remain with the donating employee. The use of donated leave ends once the employee returns to work or the conditions of the original sick leave request are no longer applicable. No sick leave benefits will accrue during the extended leave, however vacation leave will continue to accrue.

### **702.4 DONATING LEAVE**

To donate leave to an eligible recipient, the donor employee must:

- (a) Complete a leave donation form indicating the intended recipient and the amount and type of leave donated
- (b) Have 240 hours of sick leave in order to donate sick leave
- (c) Donate no more than 32 hours sick leave per event, and
- (d) Donate any amount of vacation desired.

All leave donations are voluntary and confidential.

## Retirement

### 623.1 PURPOSE AND SCOPE

[This policy provides information about the retirement package which is provided by the City to its employees.](#)

### 623.2 COST

[The City pays for the full cost of this program in accordance with the rules of the Utah State Retirement System.](#)

### 623.3 FULL-TIME EMPLOYEES

[All full-time Hurricane City employees are covered by the Utah State Retirement Systems, unless otherwise authorized by the City Council according to State Law. A full-time employee is one employed in a position requiring at least forty \(40\) hours of service per week for a minimum of ten \(10\) consecutive months. Each eligible employee is required to enroll in the program at the beginning of his or her first \(1st\) month of employment.](#)

### 623.4 PART-TIME EMPLOYEES

[Part-time Hurricane City employees are not eligible to participate in the benefit system due to not having any benefits provided to them based on their status.](#)

[However, part-time employees are eligible to participate in the individual savings plan \(401k, 457, IRAs\) regardless of their eligibility for the employer paid benefits as per the Secure Act Section 112.](#)

### 623.5 ELECTED OFFICIALS

[In accordance with the policies of the Utah Retirement Systems, any elected or appointed official in a paid position with Hurricane City must be determined as eligible or ineligible for retirement benefit coverage. The position must be designated whether it is eligible for exemption from retirement coverage. Elected or appointed officials with a hire date prior to July 01, 2011 \(or those with prior qualifying service in the URS system\) are classified as Tier 1 employees. Eligibility for retirement benefit coverage for these employees is determined by the minimum monthly earning requirements established by the Utah Retirement Systems. Elected or appointed officials with a hire date on or after July 01, 2011 who do not have prior qualifying service in the URS system are classified as Tier 2 employees. Hurricane City has determined the following eligibility status for Tier 2 elected or appointed officials:](#)

- [City Council Member - Part-Time, Ineligible](#)
- [City Manager - Full-Time, Eligible](#)
- [City Recorder - Full-Time, Eligible](#)
- [Justice Court Judge - Full-Time, Eligible](#)

## *Retirement*

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- [Mayor - Part-Time, Eligible](#)
- [Treasurer - Full-Time, Ineligible](#)

[Part-time Hurricane City elected officials are not eligible to participate in the benefit system due to not having any benefits provided to them based on their status.](#)

[However, all elected officials are eligible to participate in the individual savings plan \(401k, 457, IRA's\) regardless of their eligibility for the employer paid benefits as per the Secure Act Section 112..](#)

### **[Exemption from participation in the Utah Retirement Systems.](#)**

[The following positions \*\*may\*\* be exempted from participation in the Utah Retirement Systems:](#)

- [Elected Officials: Mayor and City Council Members](#)
- [Appointed Officials: City Manager, City Recorder, Treasurer](#)



**STAFF COMMENTS**

<b>Agenda Date:</b>	06/09/2022
<b>Application Number:</b>	2022-LUCA-05
<b>Type of Application:</b>	Land Use Code Amendment
<b>Action Type:</b>	Legislative
<b>Applicant:</b>	Hurricane City Planning
<b>Agent:</b>	
<b>Request:</b>	Make a recommendation to the City Council to update Hurricane City Code
<b>Reviewed By</b>	Planning and Zoning

**Summary of Concern:**

Due to the large number of multifamily developments planned and approved in the city, staff and the Planning Commission have endeavored to come up with new standards for open space and site plan design in new developments. This has been before the Planning Commission for almost six months and staff believes that sufficient fine-tuning has been done

**Summary:**

***Multi Family Open Space***

- *Refine definition of open space to exclude parking and unimproved areas*
- *Change open space requirement in multifamily areas from a recommendation of 50% open space to a requirement of 20% usable open space*
  - *Require trees be planted within open space*
- *Require amenities such as pools and clubhouses depending on the size of development*

- *Require said amenities to be spread out throughout the development*

### ***Outdoor Lighting***

- *Require all exterior lighting to be fully cut off and shielded downwards*
- *All new exterior lighting shall have a color temperature of 3000 K or less*
- *Light trespass onto neighboring properties can now be considered a nuisance*
- *Exceptions for holiday lighting, lighting that is less than 1000 lumens, agricultural lighting, motion sensors, emergency lightning*

### ***Pedestrian Circulation***

- *All new multifamily developments will be required to provide a pedestrian circulation plan showing the location and width of walkways as well as connections to neighboring properties*
- *Require that all trails are at least 10 feet wide unless so marked on the Active Transportation Master Plan*
- *Require covered bicycle parking at a rate of one space per two units*

### ***Parking***

- *Allow for diagonal and perpendicular street parking on residential roadways*
- *These parking areas will be maintained by an HOA and shall be 50' from any intersection*
- *The City Engineer must approve the proposed cross-section*

### **Discussion:**

Since the last Planning Commission meeting staff has had the Joint Utility Committee and Engineering go over the proposal in some more detail, here are the primary changes we've made in response to these discussions

- **Pedestrian Circulation:** Differentiated between master planned trails, primary trails, and internal walkways. Allows connections to larger trail systems to count as an amenity and encourages larger trail systems between developments
- **Parking:** Added exceptions for the downtown area. Specified design standards and bulb outs. Street parking counts towards parking requirements for commercial uses. Engineering and Planning are working together to design a sample cross section for diagonal and perpendicular street parking.

This is a big change to the city code that will determine how the city continues to develop. We appreciate your efforts thus far and we appreciate any suggestions and concerns you all may have as we continue this process.

**Recommendation:** Staff recommends that the Planning Commission listen and consider any public comments made during the public hearing. Staff would recommend approval of the code amendment subject to staff and legal review.

**Ordinance No. 2022-xx**

**AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH  
AMENDING SECTION 10-3-4 AND CHAPTERS 10-13, 10-33, 10-34 AND 4-2 OF THE  
HURRICANE CITY CODE.**

*WHEREAS*, the City Council of Hurricane, Utah has previously approved site plan design standards to ensure that well designed neighborhoods are built throughout the City; and

*WHEREAS*, a large number of multifamily and planned developments are being planned throughout the City; and

*WHEREAS*, the City Council finds it necessary and desirable to amend ordinances governing site plan design, open space and amenities, outdoor lighting, and parking in new developments; and

*WHEREAS*, the Planning Commission of Hurricane Utah has recommended the following changes to the Hurricane City Code;

BE IT HEREBY ORDAINED by the City Council of Hurricane Utah that Section 10-3-4 and Chapters 10-13, 10-33, 10-14 and 4-2 of the Hurricane City Code be, and are hereby, amended to read as follows:

**10-3-4: DEFINITIONS OF WORDS AND PHRASES**

Open Space means any space in a development that does not contain any structures or amenities, except that a park, as defined in this section, may qualify as Open Space. All Open Space must be completely landscaped with sod, trees, xeriscape, gardens, or agricultural uses; provided, however, that natural features such as hillsides, natural

landscapes, washes, and other natural open spaces may also be considered Open Space. Buildings, streets, parking lots, private yards, and landscaping within the rights-of-way for streets shall not be counted as Open Space. Only usable space qualifies as Open Space. Open Space with a horizontal width of less than six feet or a total area of less than 60 square feet is not considered usable. Areas with sensitive lands shall only Qualify as Open Space if some feature or amenity is added, such as a trail, in order to make the land usable.

**10-13-7: SPECIAL REGULATIONS:**

A. Animals: Within R1, RM, and MH/RV Zones, where permitted by the zone, the keeping of animals shall normally be simultaneous with occupied residential use. (Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

B. Larger Accessory Buildings: Notwithstanding the maximum building size limitation shown in section [10-13-4](#), [table 10-13-2](#) of this chapter, the maximum size of an accessory building may be increased pursuant to a conditional use permit in accordance with the standards in section [10-7-9](#) of this title.

C. Increased Height: Notwithstanding the height limitations shown in section [10-13-4](#), [table 10-13-2](#) of this chapter a greater building height may be allowed in Residential Zones pursuant to a conditional use permit in accordance with the standards in section [10-7-9](#) of this title.

D. Separation: To buffer the dwelling areas and provide site safety, multi-family projects shall be separated from different land uses by means of a landscape barrier, a berm, a wall, or other means approved by the Planning Commission during final site plan. The commission will consider adjacent land uses and zoning when determining an acceptable separation design. (Ord. 2018-09, 9-6-2018)

~~E. Open space. In multiple-family residential zones, common open space should equal or exceed the ground floor area of all buildings on site. Projects greater than one story should provide common open space equivalent to the ground floor area plus 50 percent of all additional floor area.~~

**10-33-5: SITE PLAN DESIGN:**

A. General Considerations: Site layout should help create a coherent and unified project. The impact of site design on surrounding property owners should be taken into

consideration. Projects should be designed to minimize negative impacts on adjoining property.

B. Loading And Service Bays: Landscaped areas and walls should be used to decrease noise levels. Service and loading bays (automotive, service, tire, etc.) shall be oriented away from neighboring residential areas and major public streets.

C. Natural Features: Prominent natural features of land, as shown on a natural features inventory, such as hillsides, views or other features should be considered when designing the site. The design should seek to preserve significant natural features and avoid site design problems associated with floodplains, steep slopes, drainage areas, or other similar features.

D. Noise Impact: Site design shall include provisions for limiting noise, particularly as to adjacent residential property. The occupants of a development should be protected from noise from both outside and within the site through screening, berming, setbacks, and building materials. Noise generating equipment should be located and buffered to minimize impact on adjacent residential uses or districts.

E. Open Space:

1. Open space should be used as a buffer between adjacent properties.
2. The open space within a development should be integral to the development, not small leftover pieces of land.
3. One tree shall be planted for every 1,000 square feet of landscaped open space. These trees shall count for the requirements of Sec. 10-32-5 of this title for multifamily developments with no front yard areas.
4. Courtyard areas should be designed as usable space.
5. Recreation and outdoor activity areas should be provided to accommodate all users. Development projects oriented toward elderly users should be provided with passive activities.
6. Amenities within a development project shall be proportional to the size of the project.
7. Open space should be an integral part of a development project, connecting recreational facilities with other areas utilizing continuous common areas.
8. Private open spaces such as patios and balconies are encouraged. Patios and balconies should be a minimum sixty (60) square feet in area and have a minimum narrow dimension of six feet (6').

9. In Multiple-Family Residential Zones and multi-family areas of Planned Developments, open landscaped space shall be at least 20% of the total land space of the development.

- 1.
2. 10. Landscape Buffering should be a minimum of 10' wide, and shall contain a total of one tree and three shrubs for every 35' of the buffering area. Landscape buffering that is not otherwise required shall count as open space.
3. 11. Except for natural features such as hillsides, natural landscapes, washes, and other natural open spaces, all areas that are unencumbered by improvements shall be landscaped and treated in a way to control dust and weeds. This may include additional landscape treatments, rocks, or planting of natural vegetation.
4. 12. For townhome developments with all backyards extending more than 10 feet from the back of houses, the minimum percentage of the total land space of the development that must be open landscaped space shall be 15%.
5. 13. For duplex developments with all backyards extending more than 10 feet from the back of houses, the minimum percentage of the total land space of the development that must be open landscaped space shall be 10%.
6. 14. The Planning Commission, in its discretion, may lower the amount of open landscaped space or amenities required for a development under 50 units if the development is within a one-quarter mile of a City park.
7. 15. Open and common space must contain some kind of amenities as set forth below:

**Commented [1]:** What about the "natural landscapes" that are included in the definition of Open Space? See my suggested revision.

Number of units	Number of required amenities
0-15	0
16-50	1
51-100	3
101-200	4
201-300	5

- a. Developments above 300 units shall add one amenity for every 50 units.
- b. Amenities may include, but are not limited to, pools of at least 1500 sq ft, health or fitness facilities, playgrounds, community gardens, trail systems, dog parks, sport courts, and club houses. All amenities shall be built to commercial standards.

- c. If multiple amenities are required, the type shall vary. Duplicates of amenities should be avoided but may be approved by the Planning Commission.
- d. Open landscaped space and amenities shall be centrally located within the development or otherwise easily accessed by all residents within the development. All amenities and open space shall have walking trails or sidewalks for access. Each unit within a development shall be within a quarter mile of an amenity. Where applicable, multiple amenities shall be placed throughout the property to ensure equitable access.
- e. Amenities shall either be maintained by common ownership or deeded to the City if the City agrees to accept ownership.
- f. Amenity plans shall be submitted with preliminary site plans and shall be approved or denied by the Planning Commission based on the Commission's determination of whether the number, nature, and size of the proposed amenities in the amenity plan satisfies the requirements and purposes of this chapter.
- g. Development may be phased. Public and Owners' Association-owned amenities shall be fully developed and operational in conjunction with each phase of the subdivision as a percentage of the total developed or number of units in the subdivision. For example, if 25% of the units of the development are being constructed, then a minimum of 25% of the dollar value of the built-out amenities must be developed concurrently.
- h. All amenities designed and designated to be transferred to City ownership and maintenance must meet Hurricane City Design Standards. The City must review and approve any improvements that will be owned and maintained by the City as part of the construction drawing review.

**Commented [2]:** Should we address public access to commonly-owned amenities? Such as: "For Owners' Association-owned amenities, any restrictions on public access to the amenities shall be approved by the Planning Commission."

F: Outdoor Lighting Plan: All final site plans shall submit an outdoor lighting plan that complies with Hurricane outdoor lighting standards.

G. Outside Storage: Approved outside storage areas shall be screened from street view and nearby residence, office, and commercial areas. (Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

H. Pedestrian Circulation:

1. A network of convenient, safe, and raised or textured pedestrian paths shall connect areas within the project, and should also connect the project to adjacent properties and transit facilities.

2. The location and number of access points to a site, the interior circulation pattern, and the separation between pedestrians and vehicles should be designed to

maximize safety and convenience, and should be harmonious with proposed and neighboring buildings.

3. Master planned trails shall be a minimum of 12' wide, primary trail systems that connect different developments shall be a minimum of 10 feet wide. Internal walkways (sidewalks) shall be a minimum of 5 feet wide. Primitive and unpaved trails are permitted in natural open space. All trails and pedestrian paths shall comply with pedestrian connectivity standards.

a. For a trail to count as an amenity, it shall be paved, a minimum of 10' wide, and traverse the development from one end to the opposite end. Amenity trail systems shall connect to master planned trails, parks, schools, commercial areas, adjacent developments and other natural/primitive trail systems where applicable. Trail connectivity should be coordinated with adjacent properties.

4. For multifamily developments or Planned Developments, a pedestrian circulation plan shall be submitted with the Preliminary Plat application. Pedestrian circulation plans shall contain:

- a. Location of walkways;
- b. Width of walkways;
- c. Connection points between adjacent properties;
- d. Location of Active Transportation Master Plan trails, if any, in the vicinity of the property and any internal pathways connections to these trails;
- e. Connections between residential buildings and amenities; and
- f. Street crossings and crosswalks which shall be clearly marked.

5. Covered or locked bicycle storage shall be provided in all multifamily developments at a rate of one space per two units. Bicycle storage shall be provided through private storage such as garages or storage units or public storage such as covered bike parking under shared staircases. Bicycle storage shall be located to be convenient for residents' daily use.

I. Privacy: Site design and floor plan layouts should be organized to provide privacy for the proposed project and surrounding uses. Window and door placement, and patio/balcony areas should not directly overlook adjacent properties.

J. Security: A site should be designed to avoid creating conditions which may invite criminal activity.

1. Buildings, windows, and landscaping should be located to maximize surveillance of entryways, pathways, and parking lots.

2. Subject to Hurricane City's outdoor lighting standards, adequate lighting should be provided throughout the development.

K. Solar Exposure: An energy efficient design which reduces summer heat gain and winter heat loss and encourages outdoor usable areas should be incorporated into the site plan.

1. An energy efficient design to reduce summer heat gain through window and door placement, and landscaping, use of innovative construction materials, or building orientations is encouraged.

2. Providing shade for outdoor activity areas such as picnic areas and courtyards is encouraged.

L. Trash And Refuse Collection Areas: Areas which generate noise and odors shall be located to minimize the impact on adjacent property owners or users. Such areas shall be screened from view. Refuse enclosures at highly visible locations should be six feet (6') high, constructed of materials to match main buildings on the site, and provide latching gates for screening the opening to the enclosure.

M. Walls:

1. Different projects and uses should be physically separated to minimize the impact of unattractive or noisy areas and provide a buffer between properties.

2. Walls which front on a public street should be designed to include colors, materials, forms, and architectural accents compatible with the main building.

3. Minimum requirements for screening walls: See chapter 37 of this title.

N. Auxiliary Equipment:

1. Generators and other large auxiliary equipment should be placed at locations where they will be least intrusive in terms of noise, appearance, and odors, particularly for occupants of neighboring properties.

2. Equipment should be kept low to the ground.

3. Walls, landscaping, and other materials shall be used to screen auxiliary equipment.

O. Minimum Site Plan Requirements: See applicable base and overlay zone standards (chapters 11 to 30) of this title. (Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

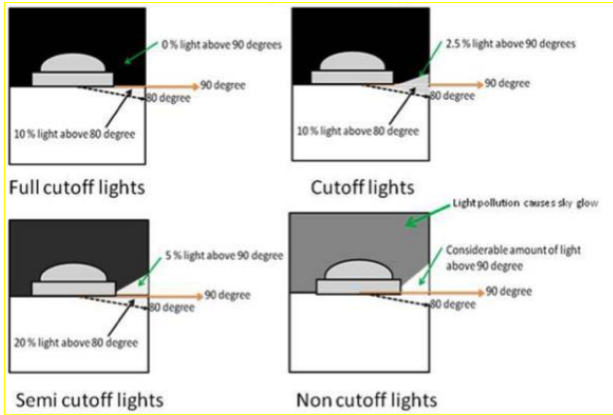
#### 10-33-7: OUTDOOR LIGHTING

The purpose of this section is to encourage lighting practices that minimize light pollution, glare, light trespass, and sky glow in order to preserve the night sky and the rural character of our community

1. Scope: All exterior lighting installed after the effective date of this ordinance shall conform to the requirements of this section.
2. Requirements: Only lighting that is needed shall be installed.
  - a. For commercial and industrial properties: exterior lighting shall be fully cut off, focused downwards, and fully shielded so that no light source is visible, and placed and screened so that it does not cause light trespass on any adjacent properties.
    - i. Fully cut off lighting shall be defined as lighting fixtures that have completely opaque tops and sides, such that light can only escape from the bottom and is aimed towards the ground with no light aiming upwards.
  - b. All new exterior lighting shall have a color temperature of three thousand (3,000) K or less, with a temperature of two thousand seven hundred (2,700) K preferred.
  - c. Walkway lighting within multifamily developments and planned developments shall be fully shielded and no more than one thousand (1000) lumens and no more than three feet above the ground.
  - d. Motion sensor lighting shall not remain illuminated for more than five minutes at a time.
  - e. Gas station canopy and drive-up cover lighting shall be down-lighting and recessed so no part of any light fixture or lens extends below the lower surface of the canopy frame.
  - f. Recreational facilities shall be required to have full cutoff light fixtures and not have light trespass onto adjacent properties except for where it is unavoidable.
  - g. Light poles with floodlights in parking lots and other such facilities shall not exceed eighteen (18) feet in height and shall adhere to all other requirements of this chapter.
  - h. Signs: Signs may be unlighted, lighted externally, lighted internally, or backlit. All sign lighting must be designed, directed, and shielded in such a manner that the light source is not visible beyond the property boundaries where the sign is located. Lighting for signs must be directed such that

only the sign face is illuminated. All lighted signs must have stationary and constant lighting.

3. Exceptions: The following classifications of lighting are exempt from this section:
  - a. Lighting that has a brightness of less than one thousand (1,000) lumens (approximately one 60 watt incandescent light bulb).
  - b. Floodlights with external shielding of the light source and is angled towards the ground at 30 degrees or less.
  - c. Temporary lighting by emergency services.
  - d. Lighting for the United States of America and State of Utah flags.
  - e. Lighting for public or private outdoor events provided the lighting is turned off by 12:00 am and the event is in compliance with all other city ordinances.
  - f. Holiday lighting: Any decorative lighting put up on a temporary time period for the celebration of a special event or holiday.
  - g. The lighting of telecommunication towers to meet Federal Aviation Administration regulations.
  - h. Lighting at airports in order to comply with Federal Aviation Administration requirements. All other lighting must meet this section.
  - i. Lighting used only for recreational lighting when all reasonable measures have been taken to minimize the lighting of surrounding properties. Any adjacent luminaires surrounding the recreational facility, such as lighting for sidewalks, are not exempt.
  - j. Motion sensor lights that are on for less than five minutes at a time.
  - k. Lighting for agricultural uses, provided that sound agricultural practices are being met.
4. Nuisance lighting: Light trespass from all commercial and industrial properties to residential properties in a way that causes a nuisance is prohibited.
5. Diagrams and exhibits: Guidelines for outdoor lighting are below
  - a. Cutoff lights



**Examples of Acceptable / Unacceptable Lighting Fixtures**



**4-2-2: ENUMERATION OF NUISANCES:**

A. Specified: Nuisances shall include, but shall not be limited to, the following:

1. Rubbish: Keeping or depositing on, about or over property or premises, or maintaining or allowing to remain on said property or premises, any of the following:

- a. Rubbish, refuse, junk, trash or debris.
  - b. Abandoned, discarded or unused furniture, equipment, automobiles, stoves, refrigerators, freezers, construction materials, cans, containers or other objects not being used.
2. Befouling Water: Befouling water in any spring, stream, well or water source supplying water for culinary purposes.
  3. Privies, Cesspools: Allowing any privy vault or cesspool, or other individual wastewater disposal system, to become a menace to health or a source of odors or contamination to air or water.
  4. Garbage Containers, Offensive: Permitting any garbage container to remain on the premises when it has become unclean and offensive.
  5. Garbage Accumulation: Allowing vegetable waste, garbage, litter, filth or refuse of any nature to accumulate within or upon any property, except when it is temporarily deposited for immediate removal.
  6. Manure Accumulation: Permitting the accumulation of manure in any stable, stall, corral, feed yard, yard or in any other building or area in which any animals are kept.
  7. Slaughterhouses, Feed Yards: Permitting any slaughterhouse, market, meat shop, stable, feed yard or other place or building wherein any animals are slaughtered, kept, fed or sold to remain unclean or in any state or condition detrimental to health or creating a nuisance because of odors, or which is conducive to the breeding and proliferation of flies or rodents.
  8. Discharging Offensive Water Or Liquid Waste: Discharging or placing any offensive water, chemical spray, liquid waste or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash, natural watercourse, ditch, canal or any vacant lot or which, as the result of continued discharge, will render the place of discharge offensive or likely to become so.
  9. Collecting Grease, Offensive Matter: Keeping or collecting any stale or putrid grease or other offensive matter.
  10. Flies And Mosquitos: Having or permitting upon any premises any fly or mosquito producing condition.
  11. Public Drinking Vessels: Keeping any drinking vessel for public use without providing a method of decontamination between uses.

12. Ablutions Near Drinking Fountain: Permitting or performing any ablutions in or near any public drinking fountain.

13. Dwellings Or Places Of Employment; Sanitary Condition: Failing to furnish any dwelling house, boarding house, factory, office or other place of employment with such privy vaults, water closets, sinks or other facilities as may be required to maintain the same in sanitary condition.

14. Refusal To Clean Septic Tanks: Neglecting or refusing to discontinue use of, clean out, disinfect and fill up all septic tanks, privy vaults and cesspools or other individual wastewater disposal systems within twenty (20) days after notice from an enforcement officer or official of the city.

15. Stagnant Water; Offensive Substances: Permitting any lot or excavation site to become the repository of stagnant water or any decaying or offensive substances.

16. Obstructing Public Ways, Watercourses, Parks: Obstructing or tending to obstruct or interfere with or render dangerous to passage or travel any street or sidewalks, lake, stream, drainage, canal or basin, or any public park without first obtaining the written permission of the city council..

17. Lighting: Light trespass from a commercial or industrial property to a nearby residential property. Excessive light trespass from one residential property to another.

#### 10-34-8: PARKING LOT DESIGN AND CONSTRUCTION:

A. Parking Plans: Plans for any proposed parking lot shall be submitted to the Zoning Administrator. The plan shall clearly indicate the proposed development, including location, size, shape, design, curb cuts, lighting, landscaping and other features and appurtenances of the proposed development.

B. Access To Public Street: Except for parking for a single- family or two-family dwelling and townhouses access to a parking space or parking lot shall be from a parking lot aisle and not directly from a public street. Every parking lot shall have access to a public street. Such access may be provided through platted or recorded easements, reciprocal arrangements, or other guaranteed means.

C. Private Driveway: Parking for single-family and two-family dwellings may be accessed from a public street via a private driveway unless such access is a violation of the City's access management plan and other access is possible. Parking for townhouses may be accessed from a public street with a functional classification of "residential local" via a private driveway. Parking for townhouses on streets with a higher functional classification must provide parking that is accessed from a parking lot aisle and not directly from the public street. (Ord. 2018-03, 4-5-2018)

D. Backing Space: Backing space shall be provided for all parking lots so that cars will not back onto a public street. Public sidewalks shall not be used as a part of the required backing area. Separate exits shall be provided for angled and one-way parallel parking so a vehicle will not exit by backing onto a public street.

E. Curb Cuts: Curb cuts and driveways allowing access to a public street shall conform to the requirements of chapter 35 of this title.

F. Internal Circulation: Each parking lot shall provide for traffic circulation on the property adequate to access all parts thereof without the necessity of exiting onto a public street.

G. Landscaping: Parking lots shall be landscaped as provided in chapter 32 of this title.

H. Lighting: Parking lots used at night shall be adequately lighted and comply with Hurricane City's outdoor lighting standards, utilizing hooded light sources. Parking lot lights shall be arranged to reflect light away from adjoining residential premises.

I. Paving: Unless expressly provided otherwise in this title, every parking lot required by this title shall:

1. Be paved with asphalt, concrete or some other all weather surfacing material;
2. Maintained to eliminate dust or mud; and
3. Be graded and drained to dispose of all surface water. Such surface water drainage shall not cross a public sidewalk. (Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

J. Diagonal and perpendicular street parking on public streets is permitted in all nonindustrial zones but shall comply with the following standards:

1. Shall only be located on local or residential roadways.
2. Shall be maintained by a homeowners association or other private entity and shall be paved with concrete. Public parking for parks or other City amenities shall be maintained by Hurricane City and may be paved with asphalt.
3. After no more than every 10 spaces, there shall be a bulb-out- that is a minimum of 20' in length and width and landscaped with shrubs no higher than two feet, and at least one a single tree pruned and located to ensure proper line of sight is maintained.
4. Parking shall not cross the sidewalk, and sidewalks shall wrap around the outside of parking areas.
5. Parking areas shall be located at least fifty feet (50') away from any intersection of public roadways measured at the lip of curb.

6. On street parking shall be designed to continue stormwater and stormwater conveyance systems.
7. Parking areas shall be contained within of the right of way recorded within the plat, and all right-of-way boundaries shall run parallel with the center line of the street. OR Standard right-of-way crosssections shall apply, and cross access easement shall be recorded on the final plat containing the full parking space and sidewalks for the continual use and access of the public for the sidewalk.
8. The area designated as the downtown ~~in as designated on~~ the Future Land Use ~~Map~~ of the City's General Plan may use a street parking cross-section that does not comply with this code as long as it matches the existing cross-section in the area and is approved by the Planning Commission City Engineer.
9. ~~For commercial uses only.~~ Diagonal and perpendicular street parking count as "off-street parking" for the purposes of the standards of Table 10-34-1 ~~only for commercial uses.~~
10. No on street parking areas shall interfere with other standards and specification within this chapter or Hurricane City Design Standards.
11. The City Engineer must approve the proposed cross-section during the preliminary plat process.

**Commented [3]:** What is the purpose of this requirement? To ensure dedication? If so, what about adding the language: "...and dedicated to the City."



## Site Plan Design Ordinance Updates

As part of the 2021 General Plan Update there were a number of improvements to current city ordinances that were suggested to help improve open space and our trail systems, protect our night sky, and promote the building of diverse housing types within the city. With those goals in mind there has been a desire to update our site plan design ordinances Title 10 Chapter 33 and elsewhere. This is a brief explanation for the changes that are being proposed and why they are being proposed in this way.

### Multi Family Open Space

As part of our current ordinances 50% of total land area in multi family developments must be open space. As the current definition of open space is incredibly broad, currently a development can be in compliance with this code by covering 50% of the property in parking lots, or including otherwise unusable sensitive lands. This is also an extreme number, not consistent with what just about any city in the region is doing, and has never been strictly enforced through the years. We are proposing lowering the amount of required open space to 20% but making the definition of open space much stricter. We propose defining open space as excluding parking areas and unimproved sensitive lands and requiring amenities to be provided within this open space.

### Outdoor Lighting

The General Plan identified the city's dark skies as a valuable natural resource for the community. Zion National Park was recently declared a Dark Sky Park and astro tourism is a valuable part of the city's tourism industry. To quote directly from the General Plan:

*“Over the past several years, many rural communities or communities surrounding large areas of protected lands, such as national parks have been pushing to reduce light pollution....*

*Protecting these night skies provides a beautiful natural asset for the community, but it can also offer an economic advantage. Since most light pollution comes from unnecessary outdoor lighting, or lighting that is not properly shielded, eliminating excess outdoor lighting can improve visibility of the night sky can save millions of dollars”*

One of the goals of the General Plan is to add more forceful and less confusing language, while still providing necessary exceptions, to the city code. It is important to note that most of the more recent development in the city already meets this code.

### Pedestrian Circulation



The General Plan as well as the Active Transportation Master Plan endorse continued buildout of the city's pedestrian network. Pedestrian networks throughout large developments, multifamily or otherwise, are important and it is important that the developments have these types of connectivity with other properties. We are proposing that applicants provide a plan to show us the pedestrian connectivity between their properties and adjacent properties for the health of the community. As well we are proposing that new applicants adhere to standards set out in the Active Transportation Master Plan and make all walkways 10-12 feet wide.

### **Parking**

During the approval process for the new recreation resort ordinance there was a desire on the part of the City Council, as well as from some recent developments to add some flexibility to our parking code. As currently written perpendicular and diagonal parking along public streets is not allowed, despite being grandfathered in in a number of places within the city. Individual parking lots can have a larger impact than just allowing the parking to be along local roads and residential streets in many circumstances. This will allow for more landscaped open space within developments while still providing the required and necessary parking



Date of Application 7/6/22

Permit Fee \$250.00  
Application Fee \$50.00  
Total Due \$300.00

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

◆ SINGLE EVENT BEER PERMIT ◆

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

SECTION A — BUSINESS INFORMATION

Name of Business: R&D Entertainment LLC (Trail Hero event)

Business Phone: 435 299 9877 Fax Number: \_\_\_\_\_

Contact Person: Reed Brasher

Business Address: \_\_\_\_\_  
(Street Number) (Suite) (City) (State) (Zip)

Mailing Address (if different): \_\_\_\_\_  
(Street Number) (City) (State) (Zip)

State Sales Tax Number: \_\_\_\_\_ Does this business have a current DABC license: \_\_\_\_\_

Business Type (check one):  
Proprietorship  Partnership  Corporation  Religious Organization  Non-profit Corporation

SECTION B — EVENT INFORMATION

Event Name: Trail Hero

Event Venue: Sand Hollow

\_\_\_\_\_  
(Street Number) (Suite) (City) (State) (Zip)

Date (s) of the event: Oct 5-9th Alcohol Service hours: \_\_\_\_\_ to \_\_\_\_\_

Type of Event: off road event & concert

Will food be available? yes Full Meals? no Will minors attend the event? yes

PART C — BUSINESS OWNER INFORMATION

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

Owner's Name: Reed Brasher Title: Owner

Home Address: \_\_\_\_\_  
(Street Number) (City)

Home Phone: 435 299 9877 Cell Phone: 435-299-9877

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

APPLICATION MUST INCLUDE A DETAILED PLAN ON AN 8 1/2" X 11" SHEET OF PAPER SHOWING ALL CONTROL MEASURES.

STATE OF UTAH )

: ss.

COUNTY OF WASHINGTON )

I, Red Brasher, being first duly sworn, depose and say as follows:

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

emailed

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

(NOTARY PUBLIC OR CITY LICENSE OFFICER)

TOTAL FEES \$ _____	Office Use Only
DATE _____	AMOUNT PAID \$ _____
CITY LICENSE NUMBER: _____	RECEIPT # _____
DATE APPLICATION WENT TO CITY COUNCIL: _____	
DATE OF APPROVAL FROM STATE: _____	

## Cindy Beteag

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**From:** Reed Brasher <[REDACTED]>  
**Sent:** Wednesday, July 06, 2022 11:48 AM  
**To:** Cindy Beteag  
**Subject:** Permit  
**Attachments:** Adobe Scan Jul 6, 2022.pdf

Cindy,

I Reed Brasher authorize you to check my background

>

>