

Hinckley Town Council
Town Council Chambers
161 East 300 North Hinckley, UT
Digital Recording of Meeting
March 7, 2023

Invocation Brian Florang

I. PLEDGE

Mayor Brian Florang asked all to rise and join in the Pledge of Allegiance.

Mayor Brian Florang called the meeting to order at 7:12 p.m.

II. ROLL CALL

Mayor Brian Florang
Councilmembers: Leon Lewis, Ray Searle, Thomas Miller
Maintenance Employees: Joe Stevens, Trey Ross
Hinckley Town Clerk: Tresa Taylor
Excused: Councilmember LeeAnn Terry

III. GUESTS:

Terri Smith, Trevor Stevens, Ginny Stevens, Skip Taylor

IV. APPROVAL OF MINUTES FROM PREVIOUS MEETING

Mayor Brian Florang asked for corrections or a motion to approve meeting minutes for February 16, 2023. Councilmember Leon Lewis made a motion to approve the meeting minutes as presented for February 16, 2023. Councilmember Thomas Miller seconded the motion, all voted aye. Motion carried.

V. PETITIONS, REMONSTRANCES, AND COMMUNICATION

None.

VI. REPORT OF GOVERNING BODY – BOARDS – COMMITTEES:

None.

VII. STAFF REPORTING

None.

VIII. NEW BUSINESS

1. Discussion to Amend Hinckley Town Zoning Ordinances, Chapter 20, Recreational Vehicles/Trailers

Mayor Brian Florang provided each council member with a written draft ordinance for recreational vehicles and explained the town is receiving a lot of pressure and inquiries about use of recreational vehicles on private and vacant property. He noted the current town ordinances for mobile homes and mobile home parks are inadequate for dealing with the temporary construction housing issue as well as any references to recreational vehicles. Therefore, the town is looking at rewriting ordinances concerning permitted use of recreational vehicles.

Mayor Brian Florang noted Millard County is dealing with this issue as well as other municipalities in the western part of the County and said the County is taking a much more liberal view than municipalities. He said it would be quite easy to have an ordinance that says no, no recreational vehicles for habitation within the boundaries of Hinckley Town but the problem is trying to enforce an ordinance that does not permit recreational vehicle habitation.

Mayor Florang started the discussion by reading Hinckley Town Zoning Ordinance, Chapter 20, Recreational Vehicles/Trailers.

Definitions: Recreational vehicle: A vehicle such as a recreational trailer, tent camper trailer, truck camper, travel trailer, motor home, boat or other such vehicles constructed to travel on public thoroughfares licensed or unlicensed.

Permitted Uses: May not be used as a permanent residence. May be used as a temporary residence up to forty-five (45) days per year. Under special circumstances the Town Council may grant an extension of up to six (6) months that can be renewed up to two (2) times or more at the Council's digression. An application must be made in writing to the Council for approval in a regularly scheduled meeting.

Mayor Florang explained a recreational vehicle can be used for 45 days without having to do anything. The intention was for vacationing family or friends that come to town with an RV or you have an RV and they are staying in it.

He discussed the special circumstances in which the council may grant an extension:

1. New Construction - Property owner is building a new home and may be permitted to live in a recreational vehicle while building home.
2. Disaster- A property owner suffers home damage, and the home is uninhabitable, the property owner may be permitted to live in a recreational vehicle while repairing the home.
3. Displacement of Immediate Family – An immediate family member endures a disaster or economic distress, and the family member may be permitted to live in a recreational vehicle.

Mayor Florang explained any recreational vehicle application is at the council's discretion and the council can deny an application or perpetually continue to extend the application allowing one to permanently live in a recreational vehicle. Yet, the code states, "May not be used as a permanent residence." Mayor Florang said he does not subscribe to that idea and doesn't believe the council should have an unlimited ability like this, and that it needs to be constrained to meet the special circumstances.

Mayor Brian Florang discussed changes in mobile home building codes in 1976 and said the town may have a dilemma because the mobile home zone and zoning ordinances have been eliminated and there is no place to put a mobile home in Hinckley.

Mayor Brian Florang said two components in the ordinance needs to be addressed:

1. Temporary use of a recreational vehicle on private property, Title 10, Chapter 20.
2. A mobile home or recreational vehicle park, Title 9, Chapter 2.

The current situation sits in between these two components because of the temporary construction projects in Millard County.

The council reviewed Millard County's draft for temporary construction housing.

There was much discussion about enforcement and the town's ability to enforce ordinances in both criminal and civil circumstances.

Mayor Florang said rather than just saying "no" to temporary recreational vehicle use, he would like to allow property owners to use their assets to take advantage of this boom cycle and he believes the best method of managing and controlling temporary housing is by engaging property owners and working with them through a defined process for compliance and safety.

The council reviewed and discussed the following draft ordinance for Recreational Vehicles.

RECREATIONAL VEHICLES

Sections:

- Intent
- Purpose
- Definitions
- Habitation
- Storage of RVs
- Non-conforming uses
- Utilities
- RV maintenance
- Compliance with other laws and regulations
- Fees
- Enforcement
- Penalties

Intent

It is the intent of this chapter to define the circumstances for the habitation of recreational vehicles as a conditional and temporary use and provide for the orderly storage of recreational vehicles. This chapter is intended to supplement all applicable state and local regulations.

Purpose.

HABITATION: Recreational vehicle parks, trailer parks, and campgrounds may be conditionally permitted by recommendation of the Planning and Zoning Commission and approval of the Town Council under the rules of applicable Hinckley Town code.

STORAGE: Recreational vehicles may be parked or stored on private property in all zoning districts except that no recreational vehicles shall be permitted to be stored or used for habitation in Commercial or Light Industrial except as provided for in the respective Zoning ordinance allowed uses.

Definitions.

"Campground" means a lot or parcel of land occupied or intended for temporary occupancy by recreational vehicles or tents for travel, recreational or vacation usage for short periods of stay and containing a potable water source and public toilet facilities.

"Habitation" means to "use for living space" and shall include, but not be limited to, acts of sleeping, cooking, bathing, occupying as a dwelling, or any stay within the recreational vehicle not directly related to its driving. The following factors may constitute acts to be considered indicative of "habitation":

1. Evidence of a person entering and exiting the vehicle;
2. Connection of the vehicle to sewer, water, or electrical systems;
3. Use of a power generator;
4. Accessory structures about the vehicle;
5. Illumination of the interior of the vehicle;
6. Window masking;
7. Expanded bays "pop-outs."

"Recreational vehicle" or "RV" means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel or seasonal use that either has its own motive power or is mounted on, or towed by, another vehicle. The basic types of RV entities are: camping trailer; fifth wheel trailer; motor home; park trailer; travel trailer; truck camper; and tiny house trailer which are individually defined as follows:

1. "Camping trailer" is a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.
2. "Fifth wheel trailer" is a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permit(s), of gross trailer area not to

exceed four hundred (400) square feet in the set-up mode, designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

3. "Motor home" is a vehicular unit designed to provide temporary living quarters for recreational, camping or travel use, built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.

4. "Park trailer" is a recreational vehicle that meets the following criteria:

- a. Built on a single chassis mounted on wheels;
- b. Having a gross trailer area not exceeding four hundred (400) square feet in the set-up mode;
- c. Certified by the manufacturer as complying with ANSI A119.5.

5. "Travel trailer" is a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permits when towed by a motorized vehicle, and of gross trailer area less than three hundred twenty (320) square feet.

6. "Truck camper" is a portable unit constructed to provide temporary living quarters for recreational, travel or camping use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.

7. "Tiny house trailer" is a portable housing unit built on or permanently attached to a single chassis mounted on wheels or on a trailer and constructed to provide temporary living quarters for recreational, travel or seasonal use, consisting of a roof, floor and sides.

"Recreational vehicle park" or "RV park" is a tourist facility for parking motor homes, travel trailers and other recreational vehicles.

"Storage trailer and van" means a wheeled van or container unit not manufactured as a motorized vehicle or intended for long-term or short-term occupancy but designed and manufactured for the primary purpose of storage and/or transporting commodities and goods.

"Trailer Park" means any parcel or adjacent parcels of land in the same ownership, which is utilized for occupancy, either free of charge or for revenue, together with any building, structure or enclosure. This term shall not be construed to mean tourist facilities.

"Used" or "occupied" see definition of "habitation."

"Vacation usage" means occupancy that does not exceed a consecutive fourteen (14) day period within a ninety (90) day period. The property owner shall apply for a vacation use permit which may be granted upon approval by the permitting official. No more than three (3) vacation use permits may be issued in a calendar year.

Storage of RVs.

STREET PARKING. No RV shall be parked or stored for more than twenty-four (24) consecutive hours within any seven (7) day period on any public property or right-of-way within the municipal corporate boundaries.

STORAGE ON RESIDENTIAL PROPERTY. RVs parked in a driveway or immediately adjacent to and parallel to the driveway may not encroach into the right-of-way such that any part of the RV extends over any sidewalk, curb, or public right-of-way or travel-way.

MULTIPLE RVS STORED ON PROPERTY. Property owners may have no more than one RV stored on their property unless the following criteria are met:

1. A minimum of 1250 square feet per RV is provided;
2. The RV is setback thirty feet (30'-0") from the front property line and fifteen feet (15'-0") from all other property lines;
3. A six foot tall (6'-0") solid wall or fence screens the RV from the neighbors and street;
4. Off-street parking requirements are met.

Habitation.

Habitation of any parked or stored RV shall be prohibited, with the following exceptions:

1. Exceptions:
 - a. When the RV is situated in an approved RV or trailer park;
 - b. Vacation usage as defined in section XXX (*see definitions above*);
 - c. When a valid conditional use permit is obtained for RV habitation in conjunction with construction; or emergency housing for the property resident; or housing for immediately family because of natural disaster or economic distress in accordance with subsection XXX of this section.

Habitation of an RV when used as defined in X.1.c.

1. An RV may be used for temporary living quarters for not more than eighteen (18) months while the occupant thereof is constructing a permanent dwelling on the same property. Before an RV is permitted in such an instance, the owner of the property or the person intended to occupy the RV shall secure a conditional use permit for the RV from the planning and zoning commission. Such permit shall be granted upon the receipt of a signed statement by the applicant that a permanent dwelling will be constructed within eighteen (18) months thereafter. Construction must start within sixty (60) days of RV placement. Only one (1) RV shall be permitted on any parcel of land during the construction or repair of a permanent dwelling.
 - a. A repair shall be considered for purposes of subsection X when the repair will cause a condition that disallows the homeowner from occupying the inside

of the home during the repair construction. Repairs that are minor and can be confined within the interior shall not be considered.

- b. Multiple RVs may be allowed on projects that are not located within the residential zoning districts when construction is expected to continue for more than ninety (90) days and the project is valued at \$1,000,000.00 or more.

Habitation of RVs other than that of vacation usage shall conform to accepted standards and applicable codes for placement and operation of Recreational Vehicles:

1. RV park owners shall be responsible for scheduling the necessary inspection of all RVs being used for habitation to ensure that those RVs are in compliance with ANSI A119.2 standards by contacting the Hinckley Town Land Use Authority (LUA) for arranging an RV inspection. An inspection fee will be paid to the Hinckley Town Clerk prior to any inspection. Upon successful completion of each inspection the LUA shall issue an Occupancy Permit. The owner shall keep a copy of the permit and inspection report for the period that the inspected RV is in place. If the RV is removed, replaced, changed in location, or disconnected from utilities and services the Owner is required to have the new RV or new connections inspected by the LUA;
2. Upon receiving an approved inspection report and permit, the Owner shall post on the recreational units in a conspicuous external location the current RV safety habitation permit certificate.

Nonconforming uses.

INTENT. Within the zones established and areas designated in this chapter, there exist uses of land and structures which were lawful before XXXX was adopted, but which would be prohibited under the terms of this chapter. It is the intent of this provision to permit these nonconforming uses to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the zones involved. It is further the intent of this chapter that nonconforming uses shall not be enlarged upon, expanded, nor used as grounds for adding other structures or uses prohibited elsewhere in the same zone. This section shall be interpreted with a view toward the public policy of early termination of nonconforming uses, and ambiguities shall be construed restrictively against perpetuation of such uses.

ENLARGEMENT. A nonconforming use or structure shall neither be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of XXXX.

RELOCATION. A nonconforming use or structure shall not be moved in whole or part to any other portion of the lot or parcel occupied by such use at the effective date of XXXX.

DISCONTINUANCE. If any such nonconforming use of land or structure ceases for any reason for a period of twelve (12) months, any subsequent use of such land or structure must conform to

the regulation specified by this chapter and the zoning map for the zone in which the land is located; and similarly, if any such nonconforming use of land or structure is voluntarily abandoned the same requirements shall apply immediately upon abandonment. In this context, six (6) months discontinuance of the nonconforming use shall create a rebuttable presumption that the nonconforming use has been abandoned, and twelve (12) months of discontinuance shall create a conclusive presumption of abandonment.

CASUALTY DESTRUCTION AND REBUILDING. In the event of fire or other extended casualty loss or damage exceeding fifty percent (50%) of its assessed value, the structure may not be replaced, and no replacement of nonconforming structure shall be relocated upon the same premises.

Utilities.

Legally parked or stored RVs may be connected to an approved source of electricity in conformance with the adopted building and safety codes referenced under section XXXX.

COMPLIANCE WITH OTHER LAWS AND REGULATIONS. Except for legally established RV parks, direct water and sewer connections cannot be made to hook up to any RV unless permitted by an approved conditional use permit. Additionally, propane tanks must be shut off and disengaged from the RV when stored. Vacation usage, as defined in XXXX, shall not be construed to allow temporary servicing of the RV with water or sewer connections. No generator may be used in any RV unless it is for temporary servicing or during a lapse of electrical power in the area in which the RV is located.

RV Maintenance.

It is unlawful and a public nuisance to park, store, or leave standing in public view, upon any public or private property, any RV that is wrecked, dismantled, unregistered, inoperative or otherwise unsightly. Any RV shall be deemed unsightly when body parts rust or become corroded, paint becomes faded, chipped, or peeled, or the RV exterior becomes otherwise dilapidated.

Compliance with other laws and regulations.

It is the intent of this chapter to supplement any state and local regulations which may be applicable. Standards adopted in Title XXXX governing buildings and construction apply to the regulation of RVs, except for International Building Code and International Residential Code.

Fees.

The Hinckley Town Council may establish fees to be paid by applicants for any type of inspection, permit, approval or other municipal processing under this chapter.

Enforcement.

Penalties.

Except where otherwise specifically stated, violations of the provisions of this section shall be noncriminal infractions, subject to a penalty of one hundred dollars (\$100.00). Each day of continuing noncompliance, following the municipality's issuance of a notice of noncompliance, shall be a separate violation.

Mayor Brian Florang noted this is just a draft for recreational vehicles and asked council members and staff to review the draft ordinance, mark it up, or come up with a different solution for temporary housing and be ready for discussion at the next meeting.

Maintenance employee Trey Ross asked the council to consider the impact temporary housing will have on the town's water, sewer, and road infrastructure.

2. Hinckley Pioneer Days Celebration Planning

Clerk Tresa Taylor provided council members with a celebration spreadsheet and the council discussed celebration responsibilities. The clerks will send residents an email seeking suggestions for a celebration theme, and nominations for a grand marshal, speaker of the day, and recipient of town citizen award.

X. OUSTANDING BUSINESS**1. Sewer System Master Plan.**

None.

2. Mini Split Install, Restroom & Breakroom Update.

None.

3. Water System Master Plan.

None.

4. Park Pavilion

Mayor Brian Florang asked the maintenance employees to sketch out a drawing for locating water and electricity to the new park pavilion and to create an estimated budget for water, electricity, and concrete. Mayor Florang would like this information provided to the council at the next meeting.

5. Review Hinckley Town General Plan

None.

XI. MISCELLANEOUS DISCUSSION

Maintenance employee Trey Ross informed the council of the following:

1. Trey attended water training last week in St. George, took the exam for Water Treatment Plant Operator and feels confident he passed the exam.
2. Trey explained the Water Cross Connection Certification expires annually and he is required to attend a training for CEU's and then recertify. Trey plans to attend an online

training for Cross Connection.

3. Trey discussed the Division of Drinking Water points assessed to the Hinckley Town Water System. Mayor Florang asked Trey to come up with a budgetary cost to correct the spalling and ponding of water on the top of the water tank and to check with the Division of Drinking Water on items that have been corrected. Mayor Florang asked Trey to start doing independent water sampling.

Mayor Florang said he received a letter from Magnum Development and said Magnum is seeking a letter of support for a grant application. There was no discussion and Mayor Florang signed the letter of support.

XII. PAYMENT OF BILLS

Councilmember Ray Searle made a motion to accept the following purchase orders:

PO # 775374 to Delco Western not to exceed \$502.30 for two sensors,

PO # 775375 to Siddons-Martin, \$4,419.83 for Fire Truck Repairs,

PO # 775376 to Waddingham & Associates, \$2,108.00 for attorney fees.

Councilmember Leon Lewis seconded the motion to accept purchase orders, all voted aye.


Councilmember Ray Searle made a motion to pay bills. Councilmember Thomas Miller seconded the motion, all voted aye.

XIII. ADJOURNMENT

Councilmember Ray Searle made motion to adjourn at 9:43 PM. Councilmember Leon Lewis seconded the motion, all voted aye.



Tresa Taylor, Hinckley Town Clerk
Dixie Talbot, Hinckley Town Clerk



Mayor Brian Florang