



HURRICANE CITY UTAH

Mayor

City Manager

Nanette Billings Kaden DeMille

City Council

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

Hurricane City Council Meeting Agenda

October 19, 2023
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 Work Meeting

1. Agenda Summary
2. Swearing in of new police officers
3. Discussion regarding Title 10, Chapter 52, and Title 1, Chapter 4 with regard to affordable housing

5:00 p.m. Pre-meeting

6:00 p.m. - Call to Order

Prayer

Thought

Pledge of Allegiance

Declaration of any conflicts of interest

Minutes of the Regular City Council Meeting for October 5, 2023

Public Forum – Comments from Public

Please Note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda, public comments will be limited to 3 minutes per person per item. A spokesperson representing a group to summarize their concerns will be allowed 5 minutes to speak. Repetitious commentary will not be allowed. If you need additional time, please request agenda time with Cindy Beteag in writing before 5:00 p.m. the Wednesday one week before the Council meeting.

OLD BUSINESS

1. Ordinance 2023-12: Consideration and possible approval of a **Land Use Code Amendment to adopt Title 10 Chapter 52 and amend Title 1 Chapter 4 with regards to affordable housing.** Hurricane City Planning.

NEW BUSINESS

1. Consideration and possible approval of a **proclamation designating October 23-31 as Red Ribbon Week** -Mary Ann Novak, The Elks National Drug Awareness Program
2. Consideration and possible approval of the **revocation of Specialized Communication Services business license**
3. Consideration and possible approval of AFP23-17 an **amended final plat for Painted Hills Phase 1 Lots 108 & 84**, located at 35 S Rlington Parkway. Ronald Ertman, Applicant. Ryan Scholes, Agent.
4. Consideration and possible approval of ZC23-22 a **Zone Change Amendment request located at 251 W 725 South from R1-10, residential one unit per 10,000 square feet, to RA-0.5**, residential one unit per half acre. Casey and Kelsey Stratton Applicant.
5. Ordinance 2023-19: Consideration and possible approval of a **Land Use Code Amendment to Title 10 Chapter 7 Subsection 23** regarding grading permits. Hurricane City Applicant.
6. Consideration and possible approval of **Ordinance 2023-18 amending Title 1, Chapter 10 regarding surplus property**
7. Closed Meeting held pursuant to Utah Code section 52-4-205, upon request

Adjournment

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

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

_____ for the City Recorder

Agenda Summary for Hurricane City Council October 19, 2023

4:00 p.m. Work Meeting

1. Swearing in of new police officers
2. Discussion regarding Title 10, Chapter 52 and Title 1, Chapter 4 with regard to affordable housing.

5:00 p.m. Pre-Meeting

6:00 p.m. Call to Order

Approval of October 5, 2023, minutes

Old Business

1. This item has been discussed at multiple meetings. Council touched briefly on this item during a work meeting on September 21, 2023, but they wanted to discuss it more in depth before a decision was made. The working meeting at 4:00 p.m. is to address any final concerns the Council has before a decision is made.

New Business

1. The Elks National Drug Awareness Program reached out to Mayor Billings to request that Hurricane City Council approve the attached proclamation declaring October 23-31, 2023, as Red Ribbon Week and join them in urging all citizens to participate in drug prevention education activities during this week.
2. Specialized Communication Services Management Co. ("SCS") is a contractor that often constructs underground power and telecommunication infrastructure within the City. On January 24, 2022, SCS was working at the intersection of 1760 West and 400 South when it dug into and damaged the City's power line. Utah Code section 54-8a-4 requires that contractors call Blue Stakes at least 48 hours before excavating to give utilities time to mark utilities. Records indicate that SCS called Blue Stakes on the same day that the power line was damaged--meaning that SCS did not allow wait the 48 hours as required by UCA 54-8a-4.
Hurricane City incurred costs of \$19,813.29 to repair the damage caused by SCS. The City has corresponded with SCS and demanded payment to repair the damage, but SCS and its insurance company have been unresponsive.
Hurricane City Code section 3-1-9 provides that a business license may be revoked for either of these two reasons: (1) violation of any state or local law, regulation, or ordinance governing the business or (2) failure to pay any fee imposed by the City. City Staff recommend revoking SCS's business license on the grounds that it violated Utah Code section 54-8a-4, caused damage to the City's power infrastructure, and has refused to pay the fee imposed by the City as reimbursement for the damage.

3. The applicant is requesting an amended final plat for the Painted Hills Phase 1-Rlington Heights subdivision. the lot line between Lots 108 and 84 is proposed to be moved to reflect the existing fence line. A preliminary site plan for a scuba shop and office building was approved for Lot 108 earlier this year. The Planning Commission heard this item on October 12, 2023, and recommends approval.
4. The applicant is seeking a zone change on Lot 5 of The Haven subdivision from R1-10 to RA-0.5 for the purpose of building a metal accessory dwelling unit of larger size and height than is allowed by R1-10 zoning standards. The property is 2.01 acres, which the RA-0.5 zoning will allow for further subdivisions of the property. The Planning Commission heard this item on October 12, 2023, and recommended approval.
5. The City Council directed staff to amend the grading permit ordinance for the purpose of strengthening the grading permit process and allow for grading of entitled projects to begin in advance of approved construction drawings, and also allow grading permits for mass grading projects unrelated to active development. The Planning Commission heard this item on October 12, 2023 and recommended approval of the ordinance amendment.
6. This proposed ordinance change would change the process of disposing of surplus personal property. "Real property" is land and buildings attached to the land. "Personal property" is essentially everything other than land/buildings. The current ordinance regulating the process for disposing of City property (both real and personal property) requires the Council to first declare the property as surplus. The proposed changes still have the Council as the deciding body on declaring real property as surplus, but authorizes the City Manager to dispose of personal property consistent with the procedures set forth in the Hurricane City Employee Policy Manual's 406 and 803. A copy of the Employee Policy Manual is attached for your reference. This will streamline the process and allow the City Manager to dispose of vehicles and equipment in a more efficient, timely manner--without coming to the City Council prior to disposing of each item of personal property.
7. No closed meeting as of Friday, October 13th.

Minutes of the Hurricane City Council meeting held on October 5, 2023, in the Council Chambers at 147 North 870 West, Hurricane, Utah, at 4:00 p.m.

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

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Lynn Excell, Power Superintendent Scott Hughes, Water Superintendent Ken Richins, Public Works Director Mike Vercimak, City Planner Gary Cupp, Street Superintendent Weston Walker, Recreation Director Tiffani Wright, City Engineer Arthur LeBaron, Parks Superintendent Darren Barney, Human Resource Director Sel Lovell, and City Recorder Cindy Beteag.

AGENDA

4:00 p.m. Work Meeting

1. Discussion regarding the General Plan Amendment to adopt a Downtown Master Plan.

Mayor Billings thanked Gary Cupp and Fred Resch III for their input during the last meeting. She explained that the item will be moved to the following November meeting if the document is not updated by October 17th.

Gary Cupp reviewed the items that were agreed upon in the previous meeting. He explained that the bioswales, solar lights, and mixed-use in City-owned properties were excluded from the plan. The floor ratio flexibility will be addressed as the downtown design ordinance is prepared. Mr. Cupp reported that the current height allowance is thirty-five feet, and there has been no discussion regarding updating the height allowance. The main topic for discussion during tonight's meeting is to determine how to move forward with the City-owned blocks.

Darren Barney reported that the current pickleball courts are in disrepair. He is working with Civil Science to determine the cost of reconstructing the courts. He asked the City Council if they wanted to relocate the courts. He recommends moving the courts to the south to avoid continuous damage from the trees lifting the concrete. Councilman Hirschi presented a diagram with twelve pickleball courts along SR-9 with a pull through behind them for cars and diagonal parking. The second option is to build seven pickleball courts between the car lot and the City property with the same access and parking behind them. Mr. Barney explained that both these options will significantly increase the cost. Councilman Hirschi explained that the courts are extremely popular and placing them downtown will increase patronage in the downtown area. Councilman Heideman suggested building a parking garage with a rooftop pickleball court.

Mayor Billings noted that the Planning Department is asking for clarity to guide the creation of the downtown design ordinance. Mr. Barney reported that the courts are eligible for tourism tax funds.

Mayor Billings asked if the Council Members want to continue the closure of 100 West. Tiffani Wright reported that she has received positive feedback from the community. They feel their children are safer without the traffic. Mayor Billings wants to ensure the community's safety,

1 but she is concerned about the reduced parking spaces. She asked if a raised crosswalk would
2 be a better solution. Mrs. Wright is not convinced that a raised crosswalk will slow the traffic.
3 Councilman Thomas suggested bulb-outs and a raised crosswalk. Mayor Billings agrees that
4 parking on both sides is beneficial. Councilman Heideman prefers the closure of 100 South; he
5 would like to increase the handicapped parking and expand the pickleball courts in the current
6 location. Councilman Prete noted that the popularity of pickleball could decrease in the future.
7 Mr. Cupp stated this plan has a fifteen-year implementation schedule with room for flexibility.
8 Councilman Prete agrees that an immediate decision is not necessary. There are pros and cons
9 to the open space and business concept. Mayor Billings noted that a decision must be made in
10 order to utilize the RAP tax for the pickleball courts. Councilman Prete suggested a sports court
11 over the existing courts. Mr. Barney stated that a sports court is a band-aid that could last for a
12 few years. Kaden DeMille stated the Community Center is an aging building. The Council needs
13 to consider how the replacement of the Community Center will affect the use of the properties.

14 Councilman Prete stated that the downtown plan applies to the north and south sides. He feels
15 the north side may need more revitalization, and Pioneer Park may be a good location for the
16 pickleball courts. Mr. Barney stated Pioneer Park is a busy park. Mayor Billings agrees that the
17 recreation can be spread out on both sides. Councilman Sanders feels moving commercial to
18 the north will create zoning issues. He suggested buying property on the north side as
19 businesses relocate. Councilman Hirschi does not feel the City should build a building that
20 primarily benefits only one business.

21 Mayor Billings asked if any other changes are necessary before the plan can be adopted. Mr.
22 Cupp reported that the city-owned property plan needs to be updated. Councilman Thomas
23 feels good about the decisions made in the previous meeting. However, he does not want to
24 approve the plan without a design for the city-owned property. Councilman Prete stated that a
25 commercial space could replace the pickleball courts if the sport loses popularity. Mayor Billings
26 asked if the Council supports a sports court on top of the existing pickleball courts. The Council
27 members agree that a sports court is the best solution.

28 Councilman Hirschi thinks a pull-through from 100 South to 200 West is necessary. He
29 suggested moving the roadblock to incorporate handicap parking on 100 West but still maintain
30 the road's closure. Councilman Heideman stated that the catalyst project is a business concept.
31 He noted that 622 citizens out of 700 survey respondents want businesses downtown.
32 Councilman Heideman disagrees with reducing the parking. He feels additional money should
33 be set aside for maintaining the Community Building. Mayor Billings asked the Council
34 Members to make a recommendation. Mr. Cupp suggested adding two visions to the
35 Downtown Master Plan. The visions will include open space, recreational, and commercial.
36 Councilman Hirschi asked for the recommendation to read as open space/recreational and/or
37 commercial. He noted that he is opposed to commercial on these blocks. Councilman Sanders
38 feels commercial is vital for the area. Councilman Thomas and Councilman Heideman agreed.
39 Councilman Prete prefers to have options and encourages flexibility. He is swayed toward a
40 commercial space but not opposed to open space.

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

Fred Resch III reported that code enforcement has received several short-term rental complaints this week. He asked the Council to direct complaints to the complaint hotline or online portal.

Gary Cupp reported that the Planning Department is working on updating the grading permit and affordable housing and subdivision ordinances. The Parks and Recreation Plan is underway, and they are working on updates to the City Master Plan. He reported that the projected population is to be 37,000 residents by 2040. This will require significant expansion of the parks and recreation services. Public input is vital to the planning process. The online survey will go live on October 16th, and the information will be posted in the utility bill. The community workshops will begin on November 7th at the Community Center. An additional workshop is scheduled for January 23rd. Councilman Prete asked to add the events to the Council's Outlook email calendar.

Arthur LeBaron reported that the dirt work and utilities are underway for the new gym. The City received \$2.3 million in funds from the Water Resources Board for the Frog Hollow Dam, and the National Resources Conservation Service (NRCS) will contribute the remainder of the funds. The City will contribute an in-kind match. The NRCS is conducting an environmental impact study on Gould's Wash Dam. It will include constructing a dam to retain flows and discharge at an appropriate rate. The City will have to pay for right-of-way acquisitions and bridge repairs. The high school and other community members have raised money for the lights on the H project.

Darren Barney reported the lights at the Dixie Springs pickleball courts are out of service due to vandalism. They have installed cameras, and a report was made to the Police Department. Vandalism has been an ongoing problem. Civil Science is designing the second access for the Equestrian Park. They are waiting for plans regarding Scott Stratton's property. Councilman Heideman reported receiving several complaints opposing the roadway along the Bureau of Land Management property.

Weston Walker mentioned the fence is under construction along 2800 West. He received a resignation letter this week, so they have an open position. The weeds around town are overwhelming, and the department is spending much time mowing and spraying. He is updating the pavement management plan. The dumpsters will be out on October 16-18th of this month. Councilman Hirschi is concerned about the parking by the second ball field. He asked if this would be addressed in the Parks and Recreation Master Plan. Darren Barney stated the ball fields are part of the Master Plan. Councilman Hirschi asked for a time frame of completion. Kaden DeMille explained that the Council needs to prioritize projects after the gym's completion. Councilman Prete would like to see the anticipated gym and ball field revenue. Mr. Barney noted that the project will take two years. Mr. DeMille explained that the Parks and Recreation Master Plan should be approved by June 30, 2024.

1 Tiffani Wright feels the Parks and Recreation Master Plan will help future programs. The roofers
2 coated the roof of the Community Centers to repair the leaks. She asked Mayor Billings about
3 the status of the church field by the Three Falls Park. Mayor Billings reported that they were
4 waiting for the new stake president to make a decision. Mrs. Wright stated the bathrooms at
5 Three Falls Park are out of service due to a roof leak. The adult program is full, and she asked if
6 the Council would like to add additional adult programming. The Council agrees to add
7 programs if the revenue supports the expansion. The Neon Run at Grandpas Pond is October
8 20th, and Fall Fest is October 21st at the Community Center. Councilman Prete asked if Newsies
9 was a successful showing. Mrs. Wright reported that it was the second-highest-grossing show.

10 Mike Vercimack reported that water line replacement on Dixie Springs Drive is underway. He
11 anticipates it will be completed in three weeks. He expressed appreciation to the City Staff for
12 their teamwork. Three construction drawings and seventeen building permits were approved
13 this week.

14 Sel Lovell explained Dayton Hall and Kaden DeMille are reviewing the updated employee policy.

15 Scott Hughes commented Public Power Day was successful. He thanked everyone for coming.
16 The department will start changing out the Sky Ranch meters on October 16th. He anticipates it
17 will be complete by October 31st.

18 Chief Excell reported that Anthony Gonzales is scheduled to start his employment in December
19 and will be in attendance at the Police Academy on January 2nd. The Police Department will
20 participate in the chili cook-off. Coffee with a Cop was successful, and they are meeting with
21 Walmart for a public acceptance of the check for Shop with a Cop. Three hundred THC vapes
22 were confiscated in a traffic stop last week, and the case has been turned over to the Drug Task
23 Force. Fall Break is next week, and all the hotels are fully booked. Officer Grow will graduate
24 from the academy next week and be sworn in at the next Council meeting. He reported an open
25 position at Animal Control, and the School Crossing Guard, Dave Lusk, has resigned due to
26 health conditions. He is ninety-six years old, and his years of service are greatly appreciated.

27 **6:00 p.m. - Call to Order –**

28 Mayer Nannette Billing welcomed everyone and called the meeting to order.

29 Prayer, Thought, and Pledge led by Mayor Billings

30 Mayor Billings reported that the General Election is November 21st.

31 Declaration of any conflicts of interest

32 **Public Forum – Comments From Public**

33 **Consent Agenda**

- 34 1. Consideration and possible approval of a Domestic Violence Awareness Proclamation -
35 Susan Ertel, DOVE Center

1 **2.** Minutes of the Regular City Council Meeting for September 21, 2023, and special
2 meeting September 13, 2023, September 18, 2023, and two sets for September 19,
3 2023

4 **3.** Consideration and possible approval of a proclamation joining Washington County
5 Youth Coalition (WCYC) in a 2023-2024 Alcohol-Free School Year for Youth-Pamela
6 Holiday

7 Mareen Mendson serves on the Dove Center Board. Madonna Milton is the Operation and
8 Program Director. Ms. Milton has been with the Dove Center for twenty years, and the Dove
9 Center is celebrating its thirtieth year in operation. Ms. Mendeson reported that October is
10 Domestic Violence Awareness Month. This is the first year the State of Utah has read the
11 Domestic Violence Proclamation. She reported that one in three women and one in four men
12 will experience domestic violence in their lifetime. Utah investigated more deaths this year than
13 any other year due to domestic violence. Utah State signed a new law requiring law
14 enforcement agencies to conduct the Lethality Assessment Protocol. She thanked the Council
15 and Mayor Billings for bringing awareness to this issue. Dayton Hall read the proposed
16 proclamation.

17 Student Martin Harin read the proclamation designating the upcoming school year as an
18 alcohol-free school year.

19 Dave Sanders motioned to approve the consent agenda. Seconded by Doug Heideman. Joseph
20 Prete, Kevin Thomas, David Hirschi, Doug Heideman, and Dave Sanders – aye. Motion carried
21 unanimously.

22 Mayor Billings recognized Riley Dutton for his help with the programs and projects. She noted
23 that he is always willing to help with a positive attitude.

24 **Closed Meeting held pursuant to Utah Code section 52-4-205**

25 Joseph Prete motioned to go into a closed meeting at 6:30 p.m. to discuss pending litigation,
26 the purchase or exchange of real property, and proceedings regarding allegations of criminal
27 misconduct. Seconded by Dave Sanders. Kevin Thomas, David Hirschi, Doug Heideman, Joseph
28 Prete, and Dave Sanders – aye. Motion carried unanimously.

29 **Adjournment: 7:20 p.m.**



STAFF COMMENTS

Ordinance 2023-12: Consideration and possible approval of a **Land Use Code Amendment to adopt Title 10 Chapter 52 and amend Title 1 Chapter 4 with regards to affordable housing**. Hurricane City Planning.

Discussion:

Update for 10/19/23:

This item has been discussed at multiple meetings. Council touched briefly on this item during a work meeting on September 21, 2023, but they wanted to discuss it more in depth before a decision was made. The working meeting at 4:00 p.m. is to address any final concerns the Council has before a decision is made.

Updates for 8/17:

At the request of the City Council this item was continued at the last Council meeting. The item was amended to reflect the requested changes from the Council. Affordable ownership units has been removed from the ordinance and the name has been changed to just "affordable housing".

BRIEF SUMMARY:

The item for the Council's consideration is the creation of a new chapter within the City Code offering incentives to developers if the development qualifies as affordable housing. The Planning Commission recommended approval of the ordinance. The City Attorney has made significant changes to the draft recommended by the Planning Commission, but the changes were primarily rewording, clarifying, and reorganizing the new proposed Code sections, without changing the intent of the Planning Commission. A redlined draft can be provided upon request showing changes made by the City Attorney to the draft reviewed by the Planning Commission. The City Attorney approves as to form the version that is included in the meeting packet.

DESCRIPTION OF KEY POINTS:

1. Affordable housing is defined as housing achievable by households with income equal to or less than 80% of the Washington County Area Median Income ("AMI") as reported by the Department of Housing and Urban Development. More specifically, the total monthly cost for renters (rent + utilities) cannot be more than 30% of the income of a household making 80% of the AMI. Similarly, the total monthly cost to own the unit (mortgage + property taxes + HOA dues + parking fees) cannot be more than 30% of the income of a household making 80% of the AMI.
2. The incentives are only available for properties zoned as R1-8, R1-6, RM-1, RM-2, RM-3, and within Planned Development Overlays.

3. Affordable Housing Development Incentives. A development that has **at least 10% of the units as affordable housing** qualifies for the following incentives:
 - a. 20% density bonus;
 - b. Reduced building setbacks;
 - c. 50% discount on all City impact fees for the affordable housing units;
 - d. Reduction of minimum lot sizes (which is necessary to allow the 20% density bonus).
4. Affordable Housing Not in Development (individual lots):
 - a. If individual lots want to qualify as affordable housing, those units would be entitled to the reduced setbacks, the smaller lot size, and the 50% discount on impact fees.
5. The applicant would agree to maintain the unit as affordable housing for 25 years from the date the City issued a Certificate of Occupancy for the unit. This obligation would be confirmed in a deed restriction recorded against the property prior to final approval of the site plan, plat, or building permit.
6. The property manager or owner would be required to submit annual reports to the Zoning Administrator to confirm compliance with the Code and the deed restrictions. There will be an additional administrative burden to track and regulate affordable housing.
7. The Planning Commission is identified as the body that would decide if the applicant qualifies for the incentives. The analysis will be limited to a determination of whether the applicant meets the requirements in the Code. If the applicant qualifies under the Code, approval will not be discretionary.
8. Failure to comply with the Code during the 25-year period would subject the property owner to a civil penalty of \$100 per day per noncompliant unit. Attempts to enforce would look similar to the City's ongoing attempts to regulate illegal vacation rental properties.
9. The proposal is to (1) create a new chapter in the Code (chapter 52 in title 10) and also (2) amend section 1-4-5 to allow civil enforcement if approved affordable housing does not comply with the requirements.

Findings:

Recommendation:

Attachments:

1. Ordinance 2023-12 Inclusionary Zoning and Affordable Housing

**AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH ADOPTING AN
AFFORDABLE HOUSING POLICY BY CREATING TITLE 10 CHAPTER 52 AND
AMENDING TITLE 1 CHAPTER 4 OF THE HURRICANE CITY CODE**

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

WHEREAS, the City is facing an affordable housing crisis with home prices and rental rates increasing substantially in the past five years; and

WHEREAS, the City wants to incentivize development of moderate income housing through private development; and

WHEREAS, the 2022 Moderate Income Housing Plan recommends the City adopt an inclusionary zoning policy; and

WHEREAS, the Planning Commission gave a positive recommendation on the attached additions and amendments to Hurricane City Code,

BE IT HEREBY ORDAINED by the City Council of Hurricane, Utah that Title 10 Chapter 52 be added to Hurricane City Code to read as follows:

CHAPTER 52. INCLUSIONARY ZONING AND AFFORDABLE HOUSING

Sec. 10-52-1. Purpose.

The purpose of this chapter is to encourage the development and preservation of residential units affordable to those making less than the Washington County Area Median Income.

Sec. 10-52-2. Applicability.

The incentives within this chapter are available to new residential developments zoned as R1-8, R1-6, RM-1, RM-2, RM-3, and within Planned Development Overlays.

Sec. 10-52-3. Definitions.

Affordable Housing means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80 percent of the Washington County Area Median Income (“AMI”).

Affordable Housing Development means any housing project that reserves by deed restriction 10% of units as Affordable Housing.

Land Use Authority, for purposes of this chapter, means the Hurricane City Planning Commission.

Sec. 10-52-4. Development standards.

- A. Development Incentives. Affordable Housing Developments that provide Affordable Housing pursuant to the terms of this chapter shall qualify for the density bonus, standard incentives, and impact fee reduction described in this section. An applicant may submit an Affordable Housing Development application requesting the incentives.
- B. Density Bonus.
 - 1. Maximum Density. Affordable Housing Developments may receive a maximum 20% density bonus based on the base density shown in an approved yield plan.
 - 2. Calculation of Density Bonus.
 - a. Base Density. Base density for an Affordable Housing Development shall be determined by calculating the number of dwelling units that could be developed on lots in a conventional subdivision under the provisions of the underlying zones.
 - b. Yield Plan. The applicant shall provide a yield plan as part of the Affordable Housing Development application. The applicant shall prepare a yield plan that reflects the total number of units that the development would be able to build under base zoning standards. The yield plan shall take into consideration the site's natural and cultural features as shown on a natural resource inventory prepared for the property and shall demonstrate that sensitive lands identified in the natural resource inventory can be successfully included within open space areas or as part of residential lots without disturbing the health or safety of present or future City residents. At least one-half of the minimum area required for each lot shall exclude wetlands, floodplains, and slopes exceeding 30 percent.
 - c. The Zoning Administrator shall review the application and yield plan for compliance with this chapter and provide a report and recommendation to the Land Use Authority. The Land Use Authority shall approve, approve with conditions, or deny the application based on the standards within the City code.
- C. Standards. Except for the standards required for Planned Commercial developments, to the extent the standards within other chapters in the City Code conflict with the

standards of this chapter, Affordable Housing Developments are only required to comply with the following standards:

AFFORDABLE HOUSING DEVELOPMENT STANDARDS FOR RESIDENTIAL USES

Lot standards:	
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Setback standards - front:	
Any building - pedestrian entrance	15 feet
Garage or parking building	25 feet
Setbacks - rear:	
Main building	10 feet
Setback standards - interior side yard:	
Main building	10 feet
Setback standards - street side yard:	
Main building	15 feet

D. Impact Fee Reduction. Affordable Housing units shall only be charged 50% of each of the City's adopted impact fees. This reduction in impact fees is specific to qualifying units and does not apply to the entire Affordable Housing Development.

E. To the extent the standards within other chapters in the City Code conflict with the standards of this chapter, single family units within an Affordable Housing Development that qualify as Affordable Housing are only required to comply with the following standards:

1. Minimum Lot Size: Within Single Family Zones, Affordable Housing units shall be placed on a lot a minimum of 4,000 sq. ft.
2. Regardless of available minimum lot sizes, Affordable Housing Developments shall comply with all density requirements within this chapter.

F. Affordable Housing Developments shall meet all other standards within the underlying zone except those specifically listed in this Chapter.

G. Comparable units: Affordable Housing units shall be comparable to market rate units in the development, including entrance location, dispersion throughout the building or site, and access to all amenities available to the market rate units in the development. This section does not apply to units in single-family zoning districts.

Sec 10-52-5 Affordable Housing units outside of an Affordable Housing Development.

For Affordable Housing units not located in an Affordable Housing Development, the applicant shall only be entitled to the modified standards and reduced impact fees as described in sections 10-52-5(C)-(E) of this chapter. An applicant shall submit an application showing that the proposed unit(s) qualify as Affordable Housing and shall otherwise comply with and be subject to the terms of this chapter.

Sec. 10-52-6. Duration and requirements of affordability.

A. Affordable Housing shall be restricted and meet the following qualifications.

1. *Affordable Housing Unit Rentals.* An approved Affordable Housing unit used as a rental shall continuously qualify as Affordable Housing for a period of 25 years from the date a Certificate of Occupancy is issued by the City.
2. Prior to or as a condition of approval of a final site plan or plat, a deed restriction approved by the City Attorney and requiring compliance with this chapter shall be recorded with the Washington County Recorder, which deed restriction shall run with the land and bind all assigns, heirs, and successors of the applicant. For

Affordable Housing units not located in an Affordable Housing Development, the deed restriction shall be recorded prior to the issuance of a building permit.

B. Income Restriction. Approved Affordable Housing units shall only be made available and occupied by households with an annual income at or below 80% of Washington County AMI as determined by the U.S. Department of Housing and Urban Development (“HUD”) Metro FMR Area (as periodically determined by the HUD and adjusted for household size).

1. Rent/Housing Payment Restriction: The Affordable Housing units shall be both income and rent/housing payment restricted.
 - a. For an Affordable Housing rental unit, the monthly rent, including all required housing costs per unit such as utilities and other charges uniformly assessed to all apartment units other than charges for optional services, shall be set forth in a written lease and shall not exceed, for the term of the lease, thirty percent (30%) of the maximum monthly income for a household making 80% AMI, adjusted for household size, published by Housing and Urban Development for affordable units located in Washington County.

Sec. 10-52-7 Enforcement

A. Managers, Property Owners, and Landlords of Affordable Housing units shall submit an annual report to the City Zoning Administrator showing compliance with this chapter. This report is due on March 1 for the previous year's information and shall include the following information:

1. Property location, tax ID number, and legal description.
2. Property owner name, mailing address, and email address.
3. Information on the Affordable Housing units and the tenants of the property receiving the incentives that includes:
 - a. The total number of dwelling units;
 - b. The number of bedrooms of each dwelling unit;
 - c. The rental rate of each dwelling unit;
 - d. A statement regarding whether the Affordable Housing units are in compliance with the approval requirements and the requirements of this chapter;
 - e. Any change in occupancy to the units that is necessary to bring the units into compliance with this chapter, including a change in the number of people residing in each unit and any change in tenant. Personal data is not required to be submitted.

- f. Confirmation that income verification for all tenants was performed for the previous year.
 - g. Any differences in rent between the agreed upon rental rate in the approval to use the incentives and the actual rent received for the identified Affordable Housing units.
 - h. Any instance where an Affordable Housing unit was no longer rented at the agreed upon level of affordability, the length of time the dwelling unit was not in compliance with the agreed upon level of affordability, and any remedy that was taken to address the noncompliance.
4. Failure to file a report shall trigger an audit by the City and the property owner shall be subject to fines as established in Hurricane City Code 1-4-5 - Civil Enforcement.

B. Audit. Managers, Property Owners, and Landlords of Affordable Housing units shall allow the City or its representative to conduct a yearly audit on all Affordable Housing Developments and Affordable Housing units to ensure compliance.

C. Violations of this Chapter, including failure to timely submit complete reports, shall subject the recorder owner of the property, as shown on the records of the Washington County Recorder, to prosecution and fines pursuant to the City Code, including civil enforcement authorized by Hurricane City Code 1-4-5 and business license revocation pursuant to Title 3 of the Hurricane City Code.

BE IT HEREBY FURTHER ORDAINED by the City Council of Hurricane, Utah that Title 1, Chapter 4, subpart E. be amended to read as follows:

1-4-5 Civil Enforcement

...

E. *Civil penalties.* A violation of any provision of this Code shall result in a civil penalty pursuant to the following schedule:

Violation	Penalty
Unlicensed short-term rental (see section 3-10)	\$750.00 per day

Violation of short-term rental licensing standards (see section 3-10)	\$750.00 per day
Violation of zoning and licensing standards for residential hosting (see section 10-51)	\$750.00 per day
Violation of Inclusionary Zoning and Affordable Housing requirements (see section 10-52)	\$100.00 per day per unit

...

BE IT HEREBY FURTHER ORDAINED that this ordinance shall, upon adoption, take effect at the earliest date possible after posting or publication as required by law.

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

1. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.
2. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Hurricane City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.

PASSED AND APPROVED this 3rd day of August, 2023

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 3rd day of August, 2023. 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	_____	_____	_____	_____
David Sanders	_____	_____	_____	_____
David Hirschi	_____	_____	_____	_____
Kevin Thomas	_____	_____	_____	_____
Doug Heideman	_____	_____	_____	_____

Cindy Beteag, Recorder



STAFF COMMENTS

Consideration and possible approval of a **proclamation designating October 23-31 as Red Ribbon Week** -Mary Ann Novak, The Elks National Drug Awareness Program

Discussion:

The Elks National Drug Awareness Program reached out to Mayor Billings to request that Hurricane City Council approve the attached proclamation declaring October 23-31, 2023, as Red Ribbon Week and join them in urging all citizens to participate in drug prevention education activities during this week.

Findings:

Recommendation:

Attachments:

1. Proclamation 2023 - Red Ribbon Week

PROCLAMATION DECLARING RED RIBBON WEEK

WHEREAS, The Benevolent and Protective Order of Elks National Drug Awareness Program is the largest all volunteer drug awareness programs in the United States; and

WHEREAS, The Elks National Drug Awareness Program strives to educate all children and parents about the dangers of illegal drug use and prevent the misuse and abuse of legalized and prescription drugs; and

WHEREAS, Drug abuse affect individuals, families, and communities across the nation; and

WHEREAS, It is imperative that visible, unified efforts by community members be launched to prevent drug abuse; and

WHEREAS, Red Ribbon Week offers citizens the opportunity to demonstrate their commitment to drug-free lifestyles; and

WHEREAS, Red Ribbon Week will be celebrated in communities across the nation on October 23-31; and

WHEREAS, Our community further commits its resources to ensure the success of Red Ribbon Week,

NOW, THEREFORE I, Nanette Billings, by virtue of the authority vested in me as Mayor of Hurricane City do hereby proclaim the week of October 23-31, 2023, as

RED RIBBON WEEK

During this week, we urge all citizens to join with the Benevolent and Protective Order of Elks in participating in drug prevention education activities during Red Ribbon Week.

Proclaimed this 19th Day of October 2023

Nanette Billings, Mayor

[Seal] Attest:

Cindy Beteag, City Recorder

The foregoing Proclamation was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 19th day of October, 2023. Whereupon a motion to adopt and approve said Proclamation was made by _____ and seconded by _____. A roll call vote was then taken with the following results.

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

Cindy Beteag, Recorder



STAFF COMMENTS

Consideration and possible approval of the **revocation of Specialized Communication Services business license**

Discussion:

Specialized Communication Services Management Co. ("SCS") is a contractor that often constructs underground power and telecommunication infrastructure within the City. On January 24, 2022, SCS was working at the intersection of 1760 West and 400 South when it dug into and damaged the City's power line. Utah Code section 54-8a-4 requires that contractors call Blue Stakes at least 48 hours before excavating to give utilities time to mark utilities. Records indicate that SCS called Blue Stakes on the same day that the power line was damaged--meaning that SCS did not allow wait the 48 hours as required by UCA 54-8a-4. Hurricane City incurred costs of \$19,813.29 to repair the damage caused by SCS. The City has corresponded with SCS and demanded payment to repair the damage, but SCS and its insurance company have been unresponsive.

Hurricane City Code section 3-1-9 provides that a business license may be revoked for either of these two reasons: (1) violation of any state or local law, regulation, or ordinance governing the business or (2) failure to pay any fee imposed by the City.

City Staff recommend revoking SCS's business license on the grounds that it violated Utah Code section 54-8a-4, caused damage to the City's power infrastructure, and has refused to pay the fee imposed by the City as reimbursement for the damage.

Findings:

Recommendation:

Attachments:

1. 230424 Demand Ltr to SCS-Crestone for 1760W 400S Digin

Mayor
Nanette Billings

City Manager
Kaden C. DeMille



City Council
Joseph Prete
David Sanders
David Hirschi
Kevin Thomas
Doug Heideman

April 24, 2023

Specialized Communications Services Management Co.
ATTN: Tony Certonio
1743 E. Washington Dam Rd
Washington, UT 84780

ATTN: Todd Lecheminant
toddwithscs@gmail.com

Crestone Services Group, LLC
c/o Registered Agent: CT Corporation System
1108 E South Union Ave.
Midvale, UT 84047

Zurich American Insurance Co.
PO Box 968051
Schaumburg, IL 60196-8051

ATTN: Ashley Holmes
usz.zurich.claims.documents@zurichna.com

RE: Demand for Payment
Hurricane City Claim for Damage to Electrical Line at 1760 West 400 South, Hurricane, Utah
Zurich Claim No. 9620264834

To Whom it May Concern:

By this letter, Hurricane City (“City”) reaffirms its demands for reimbursement for damage to its electrical line by Specialized Communication Services and Crestone Services Group, LLC (collectively the “Contractor”) at the intersection of 1760 West and 400 South in Hurricane, Utah. The Contractor’s representative, Todd Lecheminant, contacted Blue Stakes on January 24, 2022, to have the utilities marked. Pursuant to Utah Code section 54-8a-4, the Contractor was legally obligated to wait 48 hours before beginning excavation, so as to allow the utility providers to mark the utility locations.

The Contractor dug into and damaged the City’s power line on January 24, 2022—the same day that Mr. Lecheminant called Blue Stakes and prior to the City marking the location of the power lines. The Contractor violated the Utah Code by excavating prior to the expiration of the 48-hour period from calling Blue Stakes and is therefore liable for the damage to the public infrastructure.



I am in receipt of a letter from Zurich American Insurance Company, dated September 27, 2022, in which Zurich claims that the Contractor is not liable because the line was not properly marked. If in fact the line was not marked, it is because the Contractor recklessly and negligently violated Utah Code section 54-8a-4 prior to the City marking the location within the allowed 48-hour window.

Enclosed herewith is an Invoice to repair the damage done by the Contractor. The amount of the cost to repair the damage is \$19,813.29.

To avoid the City taking legal action, please ensure the balance is paid to Hurricane City on or before May 25, 2023.

Sincerely,

/s/ Dayton Hall
Dayton Hall
Hurricane City Attorney



Hurricane City Corp
147 N 870 W
Hurricane, Utah 84737

Invoice

Date	Invoice #
2/14/2022	2296

Bill To

Specialized Communication Services
1743 E Washington Dam Rd
Washington, UT 84780

Address		Estimate #	Due Date	Office Code	Work Order #
			2/14/2022	1301	2022-2322
Quantity	Item Code	Description		Price Each	Amount
14	005300	LINEMAN STRAIGHT TIME		59.40	831.60
28	005299	LINEMAN OVERTIME		90.20	2,525.60
6	005303	SERVICE TRUCK		38.50	231.00
6	005302	BUCKET TRUCK		88.00	528.00
3	005306	LINE TRUCK		88.00	264.00
1	005320	BACKHOE		55.00	55.00
6	005001A	3/0-250 to 3/0-250 COPPER		14.14	84.84
3	005001A	CABLE POSITIONER		17.88	53.64
3	005001A	750 TERM 7655		121.00	363.00
3	005001A	750 2 H PADS		16.78	50.34
3	005001A	500&750 KVA SPLICE		165.55	496.65
1	005001A	CONDUIT COUPLER PVC 6"		7.32	7.32
1,590	005001A	WIRE 750 EPR 15 KV		10.87	17,283.30
-1	005000	Credit for remaining usable wire that was pulled per agreement between Scott Hughes & Tony Certonio		2,961.00	-2,961.00
BORED INTO 750 UNDERGROUND LINE AT 1760 W 400 S, HURRICANE			Balance Due		\$19,813.29

Please remit payment to:
City of Hurricane
147 North 870 West
Hurricane, Utah 84737

TO ENSURE PROPER CREDIT PLEASE
INCLUDE A COPY OF THIS INVOICE WITH
PAYMENT



STAFF COMMENTS

Consideration and possible approval of AFP23-17 an **amended final plat for Painted Hills Phase 1 Lots 108 & 84**, located at 35 S Rlington Parkway. Ronald Ertman, Applicant. Ryan Scholes, Agent.

Discussion:

The applicant is requesting an amended final plat for the Painted Hills Phase 1-Rlington Heights subdivision. the lot line between Lots 108 and 84 is proposed to be moved to reflect the existing fence line. A preliminary site plan for a scuba shop and office building was approved for Lot 108 earlier this year. The Planning Commission heard this item on October 12, 2023 and recommends approval.

Findings:

Recommendation:

Attachments:

1. application-AFP23-17
2. Final_Plat_Map
3. AFP23-17 Painted Hills CC Staff Report (1)

**Application**

Permit #:

AFP23-17

Issue Date:

09/26/2023

Application Accepted Date: 09/25/2023

Type of Improvement: Subdivision (Final Plat Amendment)

Description: MODIFY THE LOT LINE BETWEEN LOTS 108 AND 84

Tenant / Project Name: PAINTED HILLS PHASE 1 - RLINGTON HEIGHTS PARTIAL AMENDMENT "A"

Bldg. Address: RLINGTON PARKWAY/VALLEY VIEW DRIVE

City: Hurricane State: UT Zip: 84737

Subdivision: PAINTED HILLS PHASE 1 - Phase: 1

Block: RLINGTON HEIGHTS Parcel #: H-PHRL-1-84, H-PHRL-

Property Owner: RONALD ERTMAN 1-108

Permit Contact: Ryan Scholes P:(435) 628-6500

Email: ryanscholes@alphaengineering.com

CONTACT INFORMATION

General Contractor: PAINTED HILLS PHASE 1 - RLINGTON

License #: HEIGHTS PARTIAL AMENDMENT "A"

City: (LOTS 108 & 84) Zip:

Email:

APPLICATION DETAILS

of Units: 0

custom text:

Valuation

\$

0.00

PERMIT FEES

Planning Fee

\$

150.00

Sub Total:

\$

150.00**Permit Total:**

\$

150.00**Amount Paid:**

\$

150.00**Remaining Due:**

\$

0.00**HURRICANE CITY**
UTAH**APPROVALS****DATE****INFO**

Plan Review Finalized:

Yes

09/26/23

Brienna Spencer

Setbacks

Front:

Rear:

Left:

Right:

Min.

Actual:

APPLICATION NUMBER:**PENDAFP23-18**

This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I here-by certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury. Maintenance Deposit is refundable after final inspection if: 1) site is kept clean 2) building is NOT occupied prior to final inspection and issuance of Certificate of Occupancy.

Applicant Name: Ryan Scholes

Signature of Applicant/Authorized Agent or Owner: Date:

Application Approved By:

Date:

09/26/2023

Application Issued By:

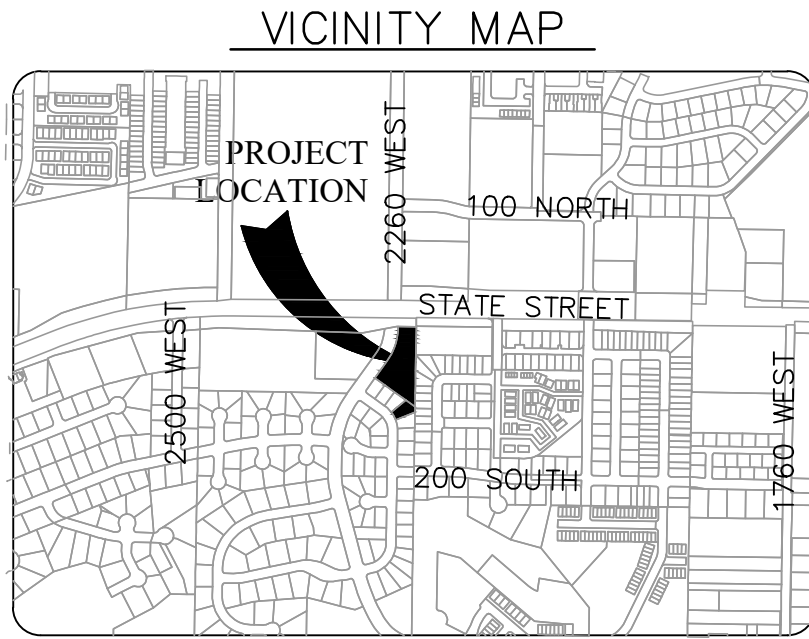
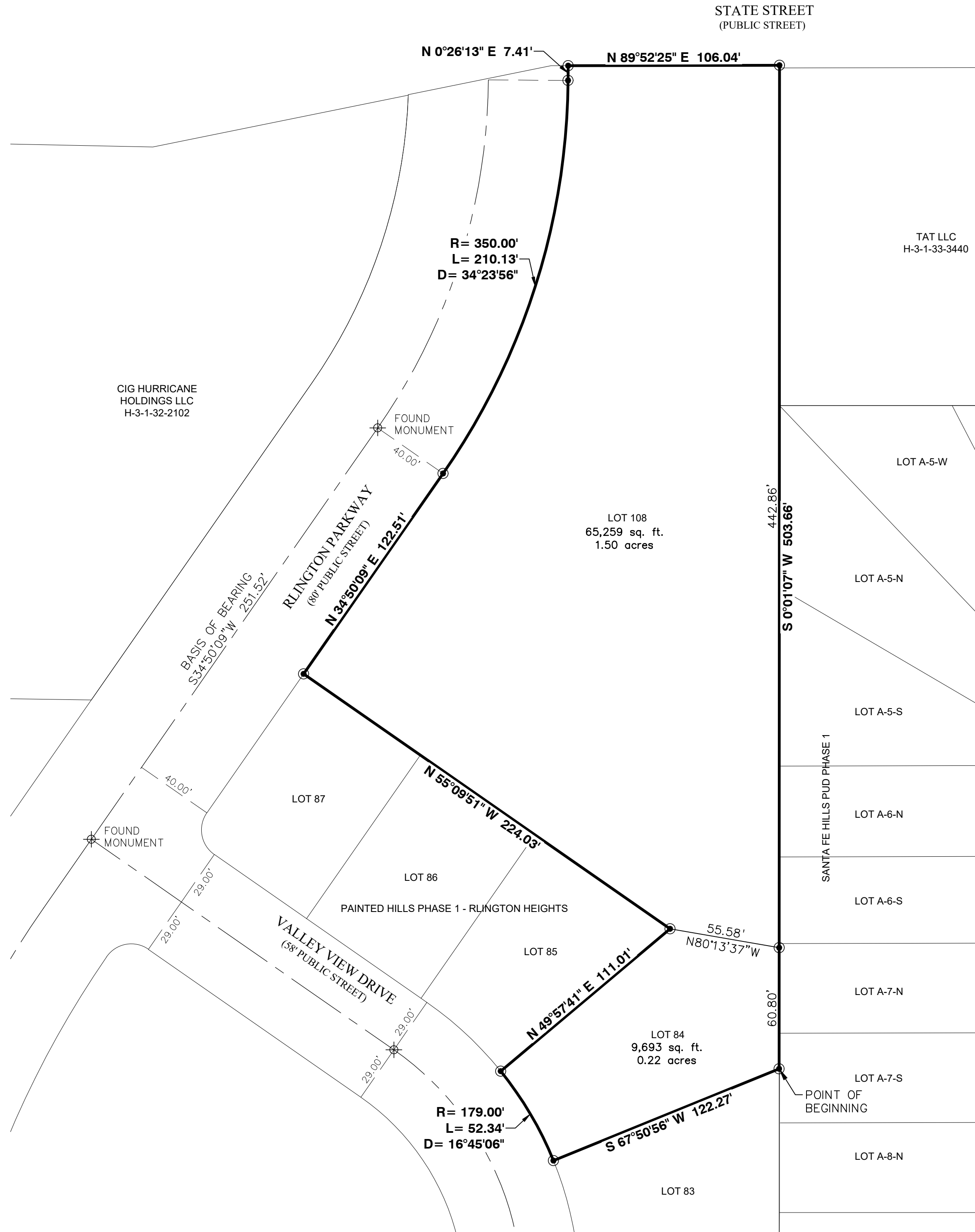
Date:

09/26/2023

Receipt #: 8.172861-09/26/23

PAINTED HILLS PHASE 1 – RLINGTON HEIGHTS
PARTIAL AMENDMENT "A"
(LOTS 108 & 84)

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 41 SOUTH, RANGE 13 WEST,
SALT LAKE BASE AND MERIDIAN, HURRICANE CITY, UTAH



GENERAL NOTES & RESTRICTIONS

THERE EXISTS A 5.00 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT ALONG ALL LOT LINES UNLESS OTHERWISE NOTED.

AMENDMENT NOTE

THE PURPOSE OF THIS AMENDED PLAT IS TO MODIFY THE LINE BETWEEN LOTS 108 AND 84 OF PAINTED HILLS PHASE 1 - RLINGTON HEIGHTS AS RECORDED IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER AS DOCUMENT NO. 539482. NO OTHER CHANGES ARE INTENDED WITH THIS AMENDED PLAT.

BASIS OF BEARING

THE BASIS OF BEARING FOR THIS SURVEY IS SOUTH 34°50'09" WEST, BETWEEN THE FOUND CENTERLINE MONUMENTS LOCATED IN RLINGTON PARKWAY.

MORTGAGEE'S CONSENT TO RECORD

I, K&D FAMILY LLC, A UTAH LIMITED LIABILITY COMPANY, BENEFICIARY OF THE HEREIN DESCRIBED TRACT OF LAND, DOES HEREBY GIVE MY CONSENT OF SAID TRACT OF LAND TO BE USED FOR THE USES AND PURPOSES DESCRIBED ON THIS PLAT AND JOINS IN ALL DEDICATIONS AND CONVEYANCES.

K&D FAMILY LLC,
A UTAH LIMITED LIABILITY COMPANY

BY: _____
TITLE: _____

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF WASHINGTON)

ON THIS _____ DAY OF _____ A.D. 2023 PERSONALLY APPEARED BEFORE ME, _____ THE _____ OF K&D FAMILY LLC, A UTAH LIMITED LIABILITY COMPANY, WHO BEING BY ME DULY SWORN DID SAY THAT HE/SHE EXECUTED THE FOREGOING MORTGAGEE'S CONSENT TO RECORD AND HE DID ACKNOWLEDGE TO ME THAT HE/SHE EXECUTED THE SAME FOR THE USES AND PURPOSES STATED THEREIN.

NOTARY PUBLIC FULL NAME: _____
COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH

NOTARY PUBLIC (SIGNATURE) _____
NO STAMP REQUIRED (UTAH CODE 46-1-16(7))

LEGEND

- CLASS 1 (RING & LID) MONUMENT FOUND
- SPECIFIES PROPERTY CORNER MONUMENT TO BE SET (ALPHA ENG. REBAR & CAP)
- CENTERLINE

SURVEYOR'S CERTIFICATE

I, SCOTT P. WOOLSEY, PROFESSIONAL UTAH LAND SURVEYOR NUMBER 174919, HOLD A LICENSE IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT AND HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED HEREON IN ACCORDANCE WITH SECTION 17-23-17 AND HEREBY CERTIFY ALL MEASUREMENTS AND DESCRIPTIONS ARE CORRECT. MONUMENTS HAVE BEEN SET AS REPRESENTED ON THIS PLAT.

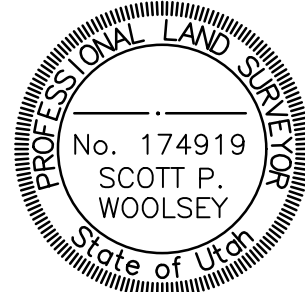
PAINTED HILLS PHASE 1 – RLINGTON HEIGHTS PARTIAL AMENDMENT "A"

AND THAT SAID TRACT OF LAND HAS BEEN SUBDIVIDED INTO LOTS AND EASEMENTS AND SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BOUNDARY DESCRIPTION

BEGINNING AT THE NORTHEAST CORNER OF LOT 83, PAINTED HILLS PHASE 1 - RLINGTON HEIGHTS AS RECORDED IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER AS DOCUMENT NO. 539482 AND RUNNING THENCE SOUTH 67°50'56" WEST 122.27 FEET ALONG THE NORTHERLY LINE OF SAID LOT 83 TO A POINT ON THE RIGHT OF WAY LINE OF VALLEY VIEW DRIVE AND A POINT ON A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 179.00 FEET OF WHICH THE RADIUS POINT LIES SOUTH 67°51'03" WEST; THENCE NORTHWESTERLY 82.34 FEET ALONG SAID RIGHT OF WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 16°45'06" AND A CHORD BEARING OF NORTH 30°31'33" WEST 52.15 FEET; THENCE NORTH 49°57'41" EAST 111.01 FEET ALONG THE SOUTH LINE OF LOT 85; THENCE NORTH 55°09'51" WEST 224.03 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF RLINGTON PARKWAY; THENCE NORTH 34°50'09" EAST 122.51 FEET ALONG SAID RIGHT OF WAY LINE TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 350.00 FEET; THENCE NORTHERLY 210.13 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 34°23'56"; THENCE NORTH 00°26'13" EAST 7.41 FEET; THENCE NORTH 89°52'25" EAST 106.04 FEET; THENCE SOUTH 00°01'07" WEST 503.66 FEET TO THE POINT OF BEGINNING.

CONTAINS 74,952 SQUARE FEET OR 1.72 ACRES, MORE OR LESS.



SCOTT P. WOOLSEY
P.L.S. 174919

OWNERS DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND HAVING CAUSED SAME TO BE SUBDIVIDED INTO LOTS AND UTILITY & DRAINAGE EASEMENTS TO BE HEREAFTER KNOW AS:

PAINTED HILLS PHASE 1 – RLINGTON HEIGHTS PARTIAL AMENDMENT "A"

FOR GOOD AND VALUABLE CONSIDERATION RECEIVED, DO HEREBY DEDICATE AND CONVEY TO HURRICANE CITY FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS PUBLIC UTILITY AND DRAINAGE EASEMENTS. ALL LOTS AND EASEMENTS ARE AS NOTED OR SHOWN ON THIS PLAT. THE OWNER DOES HEREBY CONVEY AND WARRANT TO HURRICANE CITY, TITLE TO ALL PROPERTY DEDICATED AND CONVEYED TO PUBLIC USE HEREIN AGAINST THE CLAIMS OF ALL PERSONS.

IN WITNESS I HAVE HEREUNTO SET MY HAND THIS _____ DAY OF _____, 2023.

DIVE INVESTORS LLC,
A UTAH LIMITED LIABILITY COMPANY

DAN WESTWOOD
MANAGING MEMBER

THE ERTMAN FAMILY TRUST DATED
OCTOBER 24, 2006

RONALD J. ERTMAN, TRUSTEE

JUDITH L. ERTMAN, TRUSTEE

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF WASHINGTON)

ON THIS _____ DAY OF _____ A.D. 2023, PERSONALLY APPEARED DAN WESTWOOD, MANAGING MEMBER OF DIVE INVESTORS LLC, A UTAH LIMITED LIABILITY COMPANY, PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO IN THIS DOCUMENT, AND ACKNOWLEDGED HE EXECUTED THE SAME.

NOTARY PUBLIC FULL NAME: _____
COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH

NOTARY PUBLIC (SIGNATURE) _____
NO STAMP REQUIRED (UTAH CODE 46-1-16(7))

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF WASHINGTON)

ON THIS _____ DAY OF _____ A.D. 2023, PERSONALLY APPEARED RONALD J. ERTMAN AND JUDITH L. ERTMAN, TRUSTEES OF THE ERTMAN FAMILY TRUST DATED OCTOBER 24, 2006, PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAMES ARE SUBSCRIBED TO IN THIS DOCUMENT, AND ACKNOWLEDGED THEY EXECUTED THE SAME.

NOTARY PUBLIC FULL NAME: _____
COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH

NOTARY PUBLIC (SIGNATURE) _____
NO STAMP REQUIRED (UTAH CODE 46-1-16(7))

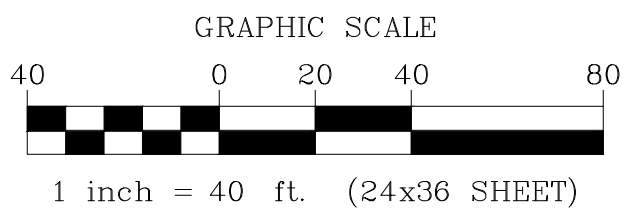
FINAL PLAT OF

PAINTED HILLS PHASE 1 – RLINGTON HEIGHTS
PARTIAL AMENDMENT "A"
(LOTS 108 & 84)

1958--02 FINAL PLAT.DWG (AUGUST 2023)



43 South 100 East, Suite 100 • St George, Utah 84770
T: 435.628.6500 • F: 435.628.6553 • alphaengineering.com



APPROVAL OF ASH CREEK SPECIAL SERVICE DISTRICT	ENGINEER'S APPROVAL	APPROVAL AS TO FORM	APPROVAL AND ACCEPTANCE BY HURRICANE CITY, UTAH	TREASURER APPROVAL	
I HEREBY VERIFY THAT THIS OFFICE EXAMINED THIS FINAL SUBDIVISION PLAT AND HEREBY RECOMMENDS APPROVAL ON THIS _____ DAY OF _____, 2023.	I HEREBY VERIFY THAT THIS OFFICE EXAMINED THIS FINAL SUBDIVISION PLAT AND HEREBY RECOMMENDS APPROVAL ON THIS _____ DAY OF _____, 2023.	APPROVED AS TO FORM, THIS THE _____ DAY OF _____, A.D. 2023.	WE, THE CITY COUNCIL OF HURRICANE CITY, HAVE REVIEWED THE ABOVE PLAT AND HEREBY ACCEPT SAID PLAT WITH ALL COMMITMENTS AND ALL OBLIGATIONS PERTAINING THERETO.	I, WASHINGTON COUNTY TREASURER, CERTIFY ON THIS _____ DAY OF _____ A.D. 2023 THAT ALL TAXES, SPECIAL ASSESSMENTS, AND FEES DUE AND OWING ON THIS SUBDIVISION FINAL PLAT HAVE BEEN PAID IN FULL.	
SUPERINTENDENT ASH CREEK SPECIAL SERVICE DISTRICT	CITY ENGINEER HURRICANE CITY DATE	CITY ATTORNEY HURRICANE CITY	MAYOR HURRICANE CITY ATTEST: CITY RECORDER HURRICANE CITY	WASHINGTON COUNTY TREASURER	WASHINGTON COUNTY RECORDER



STAFF COMMENTS

Agenda Date:	10/19/2023
Application Number:	AFP23-17
Type of Application:	Amended Final Plat
Action Type:	Administrative
Applicant:	Ronald Ertman
Agent:	Ryan Scholes
Request:	Approval of an Amended Final Plat
Location:	35 S Rlington Parkway
Zoning:	HC/R1-10 ¹
General Plan Map:	General Commercial/Single Family

Discussion: The applicant is requesting an amended final plat for the Painted Hills Phase 1-Rlington Heights subdivision. the lot line between Lots 108 and 84 is proposed to be moved to reflect the existing fence line. A preliminary site plan for a scuba shop and office building was approved for Lot 108 earlier this year. The Planning Commission heard this item on October 12, 2023 and recommends approval.

JUC Comments

1. **Public Works:** No comments
2. **Power:** No comments
3. **Water:** Okay
4. **Streets:** Okay with amendment
5. **Sewer:** .8 inch sewer stub on the property
6. **Engineering:** Engineering approves of the intent the applicant/surveyor should coordinate with Hurricane City Engineering to prepare a plat amendment for recording. Digital copies should be submitted to Engineering. Check survey details. Abandon PUE on side and rear lot lines and update notes accordingly. Update boundary description.
7. **Fire:** Okay
8. **Cable:** No comments
9. **Phone:** No comments
10. **WCWCD:** Washington County Water Conservancy District hereby acknowledges that based on the information provided, the zone change adequately mitigates interference with district facilities and property interests. The District reserves the right to rescind this acknowledgement if additional information becomes available. The district has not

¹ Lot 108 is zoned HC and is mapped as General Commercial on the General Plan Map Lot 84 is zoned as R1-10 and mapped as Single Family

determined whether water will be available for this development and does not hereby make any guarantee of water availability. In addition, the development must conform with applicable district requirements, including but not limited to payment of fees.

Staff Comments

1. The plat does meet amended final plat standards contained in [Utah Code 10-9a-608](#). Subdivision Amendments, updated in 2023. The following are the key items:
 - a. Depicts only the portion of the subdivision that is proposed to be amended.
 - b. Includes a plat name distinguishing the amended plat from the original plat.
 - c. An amendment note has been added.
 - d. Includes references to the original plat.
2. The Final Plat needs a full review by the City Engineering Department for surveying details..



Recommendation: Staff recommends that the City Council review this application based on Hurricane City and State Code standards. Staff recommends approval of this item subject to staff and JUC comments.



STAFF COMMENTS

Consideration and possible approval of ZC23-22 a **Zone Change Amendment request located at 251 W 725 South from R1-10, residential one unit per 10,000 square feet, to RA-0.5**, residential one unit per half acre. Casey and Kelsey Stratton Applicant.

Discussion:

The applicant is seeking a zone change on Lot 5 of The Haven subdivision from R1-10 to RA-0.5 for the purpose of building a metal accessory dwelling unit of larger size and height than is allowed by R1-10 zoning standards. The property is 2.01 acres, which the RA-0.5 zoning will allow for further subdivisions of the property. The Planning Commission heard this item on October 12, 2023, and recommended approval.

Findings:

Recommendation:

Attachments:

1. application-ZC23-22
2. Zoning_Map
3. ZC23-22 The Haven Lot 5 CC Staff Report (2)

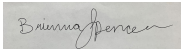
**Application**

Permit #:

ZC23-22

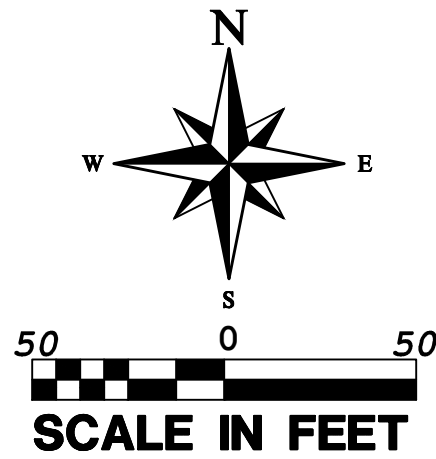
Issue Date:

09/26/2023

Application Accepted Date: 09/26/2023		Valuation		\$	0.00					
Type of Improvement: Zone Change Application		PERMIT FEES								
Description:		Planning Fee		\$	500.00					
Tenant / Project Name: The Haven Lot 5		Sub Total:		\$	500.00					
Bldg. Address: 251 W. 725 S.		Permit Total:		\$	500.00					
City: Hurricane State: UT Zip: 84737		Amount Paid:		\$	500.00					
Subdivision: The Haven Phase: 1		Remaining Due:		\$	0.00					
Block: Lot #: 5 Parcel #: H-HAV-5-A-1		 								
Zone: R1-10										
Property Owner: Casey and Kelsey Stratton										
Permit Contact: Casey Stratton P:(435) 703-4611										
Email: casey@havenhomesdev.com										
CONTACT INFORMATION										
Engineer of Record: Pro Value Engineering										
Email: provalueengineering@gmail.com P: (435) 668-8307										
General Contractor: The Haven Lot 5 / Stratton Residence										
License #: P: (435) 703-4611										
Address: 251 W. 725 S.										
City: Hurricane State: UT Zip: 84737										
Email: casey@havenhomesdev.com										
APPLICATION DETAILS										
# of Units: 0		custom text:								
APPLICATION NUMBER: PENDZC23-22										
This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I here-by certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury. Maintenance Deposit is refundable after final inspection if: 1) site is kept clean 2) building is NOT occupied prior to final inspection and issuance of Certificate of Occupancy.										
Applicant Name: Casey C. Stratton										
Signature of Applicant/Authorized Agent or Owner: Date:										
Application Approved By:				Date:						
				09/26/2023						
Application Issued By:				Date:						
				09/26/2023						
Receipt #: 8.172859-09/26/23										

ZONE CHANGE FOR:
THE HAVEN LOT 5

LOCATED IN SECTIONS 2 & 3, T42S, R13W, S.L.B.&M.
HURRICANE CITY, WASHINGTON COUNTY, UTAH



LEGEND

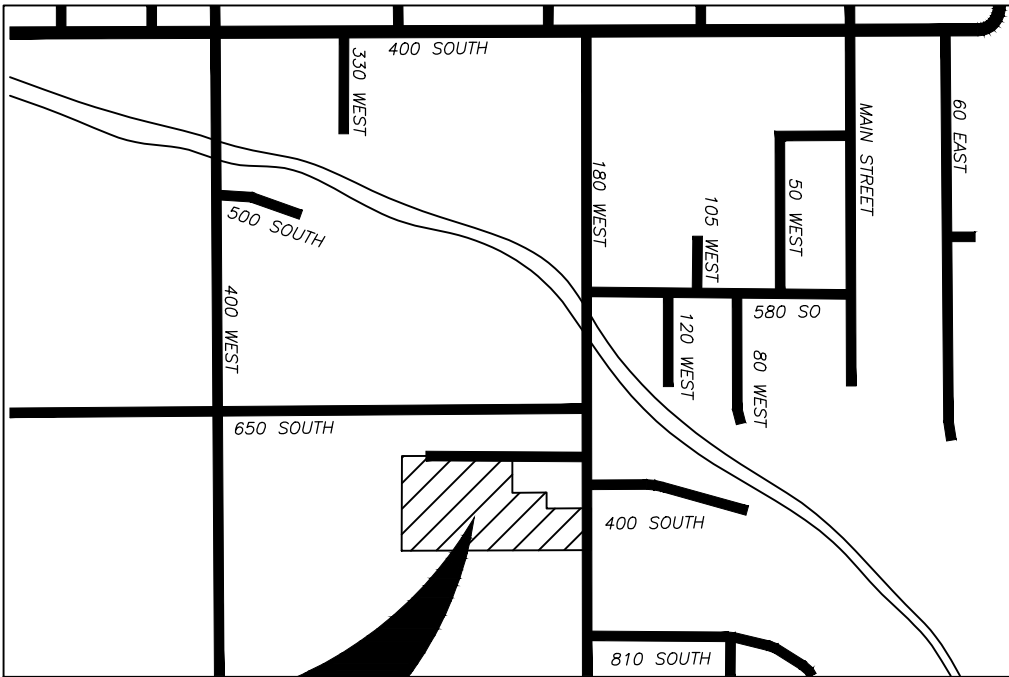
- PROPERTY LINE
ADJACENT PROPERTY LINE
- R1-15: RESIDENTIAL - 1 UNIT PER 15,000 SQ. FT.
R1-10: RESIDENTIAL - 1 UNIT PER 10,000 SQ. FT.
RA-1: RESIDENTIAL AGRICULTURAL - 1 UNIT PER ACRE
- CHANGE EXISTING R1-10 ZONE TO
RA-0.5: RESIDENTIAL AGRICULTURAL - 2 UNITS PER ACRE

A STRATTON CASEY C & KELSEY - PARCEL: H-HAV-5-A-1
B STOUT SHELDON & SARA ANNE - PARCEL: H-HAV-4-A
C ARELLANO-SANTANA EMANUEL J - PARCEL: H-HAV-3
D DAVIS ELSIE R TR - PARCEL: H-HAV-2
E HASLAM BENJAMIN & CHELSEA - PARCEL: H-HAV-1
F KOPF MARILYN C AKA MAHAN - PARCEL: H-3-2-3-1214
G FARNSWORTH MARCUS RYAN & CARI RUTH - PARCEL: H-3-2-3-12170
H CARR DONALD III & SHERRY A - PARCEL: H-3-2-3-12131
I OLIPHANT MICHAEL - PARCEL: H-3-2-3-12132
J LEWIS BRANDON & BROOKE - PARCEL: H-3-2-3-1218
K BAUGH JONATHAN M - PARCEL: H-3-2-3-12110
L POWELL JAMES B - PARCEL: H-3-2-3-12130
M BAUWENS MICHAEL G - PARCEL: H-3-2-3-12120
N REEVE CHARLES R & CHERYL S - PARCELS: H-3-2-3-1200, H-3-2-3-1223
O REEVE RONALD L & KRISTINE G TRS - PARCEL: H-3-2-3-1224
P CAMPBELL FEREL L & BEVERLY - PARCEL: H-3-2-3-1225
Q MAAG PAUL B & ELLA S TRS - PARCEL: H-3-2-3-1221
R MAAG FAMILY LLC - PARCEL: H-3-2-3-1215
S LOW MICHAEL E & PAMELA J - PARCEL: H-L-12-1-A
T WILCOX DENNIS L & ALDEAN S TRS - PARCEL: H-3-2-2-4345
U GUBLER TROY & DEBRA - PARCEL: H-3-2-2-4341
V MELIN DANIEL S & LINDA M - PARCEL: H-3-2-2-4344
W KELSEY SHELDON E & LOUISE TRS - PARCEL: H-3-2-3-1128
X HAZELTON MONTAGUE J - PARCEL: H-3-2-3-1124
Y HARVEY ALAN DEAN & CYNTHIA TRS - PARCEL: H-3-2-3-1140
Z JENSEN RONALD & KITTY - PARCEL: H-3-2-3-1141
AA ELLISON GERALD L & RENE L TRS - PARCEL: H-3-2-3-1127
AB ENGIBAROV ANDREAS Z TR - PARCEL: H-3-2-3-1126
AC ERICKSON LYF H & ANGELA R - PARCEL: H-3-2-3-1125
AD BRISK JERRY D & DEANNE S TRS - PARCEL: H-3-2-3-1121
AE SOARIN INC - PARCEL: H-3-2-3-11231
AF ROCKING C L C - PARCEL: H-3-2-3-1139-A

PARCEL H-HAV-5-A-1 LEGAL DESCRIPTION

COMMENCING AT THE NORTHEAST CORNER OF SECTION 3, TOWNSHIP 42 SOUTH, RANGE 13 WEST, OF SALT LAKE BASE AND MERIDIAN; THENCE S89°51'12"E, ALONG THE SECTION LINE, 18.15 FEET TO A BRASS CAP IN A RING AND LID MONUMENT AT THE INTERSECTION OF 400S AND 200W; THENCE, CONTINUING ALONG THE SECTION LINE, 41.25 FEET TO THE SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 41 SOUTH, RANGE 13 WEST, OF SALT LAKE BASE AND MERIDIAN; THENCE S89°57'49"E 95.75 FEET TO A BRASS CAP IN RING AND LID MONUMENT AT 400S AND 180W; THENCE S0°14'52"W 1897.89 FEET; THENCE S89°49'35"W 503.91 FEET TO THE POINT OF BEGINNING; THENCE S89°49'35"W 142.99 FEET; THENCE N00°14'38"E 331.05 FEET; THENCE N89°50'28"E 355.42 FEET; THENCE S00°14'31"W 129.85 FEET; THENCE N89°23'11"E 120.01 FEET; THENCE S00°14'52"W 48.61 FEET; THENCE WESTERLY ALONG THE ARC OF A 180.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT 59.61 FEET (CHORD BEARS: N80°40'05"W 59.34 FEET); THENCE WESTERLY ALONG THE ARC OF A 221.00 FOOT RADIUS REVERSE CURVE TO THE LEFT 73.26 FEET (CHORD BEARS: N80°40'38"W 72.92 FEET); THENCE S89°49'35"W 131.81 FEET; THENCE S00°14'52"W 41.00 FEET; THENCE S89°49'35"W 70.00 FEET; THENCE S00°14'52"W 134.26 FEET TO THE POINT OF BEGINNING.

AREA: 87,821 SQUARE FEET OR 2.016 ACRES.



LOTS
LOCATION

VICINITY MAP

343-001 CASEY STRATTON ZONE CHANGE

ZONE CHANGE FOR:

THE HAVEN LOT 5

LOCATED IN SECTIONS 2 & 3, T42S, R13W, S.L.B.&M.
HURRICANE CITY, WASHINGTON COUNTY, UTAH

DATE: 9/26/2023
SCALE: 1"=50'

JOB NO.
343-001

SHEET NO:
1 OF 1

PROVALUE ENGINEERING, INC.

Engineers - Land Surveyors - Land Planners
20 South 850 West, Suite 1
Hurricane City, Utah 84715
Phone: (435) 890-3071 Chad Hill



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NO	REVISIONS	DESCRIPTION	DATE	BY



STAFF COMMENTS

Agenda Date:	10/19/2023
Application Number:	ZC23-22
Type of Application:	Zone Change Application
Action Type:	Legislative
Applicant:	Casey and Kelsey Stratton
Agent:	ProValue Engineering
Request:	A Zone Change from R1-10 to RA-0.5
Location:	251 W 725 S
Zoning:	R1-10
General Plan Map:	Single Family

Discussion:

The applicant is seeking a zone change on Lot 5 of The Haven subdivision from R1-10 to RA-0.5 in for the purpose of building a metal accessory dwelling unit of larger size and height than is allowed by R1-10 zoning standards. The property is 2.01 acres, which the RA-0.5 zoning will allow for further subdivisions of the property. The Planning Commission heard this item on October 12, 2023 and recommended approval.

	Zoning	Adjacent Land Use
North	R1-10	Single Family Homes
East	R1-10	Single Family Homes
South	RA-1	Single Family Homes
West	RA-1	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 goals, objectives, and policies of the City's General Plan?

Response: The General Plan Map shows this area as a Single Family. The 2021 general plan states the following for the Single Family designation:

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.

Based on the densities cited above, the proposed zone change to RA-0.5 does not strictly comply with the Single Family general plan designation of the site. However the proposed RA-0.5 zoning designation is consistent with the adjacent RA-1 zone to the west and south, and it would not conflict with existing R1-10 single-family zoning of the site since RA-0.5 can be considered a less intensive single-family zone. Furthermore, the site is in an area of the General Plan Map that may be redesignated to “Rural Residential” in the future due to the area’s agricultural heritage. In the event of such an amendment to the General Plan Map, this zone change would be consistent with the Rural Residential designation as well. The site is also in an area that is close to parks, schools, and churches, therefore the proposed zone change sufficiently meets the intent of the goals, objectives, and policies of the general plan.

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

Response: The surrounding properties are zoned either R1-10 or RA-1. The proposed RA-0.5 zoning designation is consistent with the adjacent RA-1 zone to the west and south, and it would not conflict with existing R1-10 single-family zoning of the site since RA-0.5 can be considered a less intensive single-family zone. Thus, the proposed amendment is in harmony with the overall character and pattern of the existing development in the vicinity.

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

Response: The proposed zone change is consistent with the overall zoning of the area and sufficiently meets the intent, goals, and objectives, of the general plan. Furthermore, the single-family nature of the development proposed for the site is harmonious with the existing development patterns in the surrounding neighborhood; therefore, this action will not adversely affect adjacent properties.

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

Response: See JUC comments below. Staff does not anticipate concerns about utility availability

JUC Comments:

1. **Public Works:** No comments
2. **Power:** There exists conflicts with sewer from the end of 725 S to 300 W. Will improvements be made to finish 725 S to 300 W?
3. **Sewer:** 8” sewer line across the property
4. **Streets:** No comments
5. **Water:** Okay
6. **Engineering:** No objection to the zone change. However, the applicant should know that it appears a lot line adjustment between Lots 4 and 5 is incomplete. A quit claim deed split a

portion of Lot 5 from itself and transferred said portion to the property owner of Lot 4. The Lot 4 property owner and Hurricane City encumbered said property with a road improvements agreement that indicates the “property owners intend to file a plat amendment” and 725 S will eventually extend to 300 W. It seems the Lots 4 and 5 property owners must submit a partial final plat amendment because an existing fire turnaround and dedicated retention area encumber parts of the portion of Lot 5 given to Lot 4.

7. **Fire:** Turnaround required or through street
8. **Cable/Phone/Gas:** No comment
9. **WCWCD:** Washington County Water Conservancy District hereby acknowledges that based on the information provided, the zone change adequately mitigates interference with district facilities and property interests. The District reserves the right to rescind this acknowledgement if additional information becomes available. The district has not determined whether water will be available for this development and does not hereby make any guarantee of water availability. In addition, the development must conform with applicable district requirements, including but not limited to payment of fees.

Staff Comments:

1. There is a 67’’ master planned roadway (Future 300 W) that is already dedicated along the property’s western boundary that needs to be accounted for in the development of this property.



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 not have an adverse impact on the area.

4. Services are adequate to serve the area and proposed project.

Recommendation: Staff recommends the City Council review this application and the zone change based on standards and consider any public comments. Staff recommends approval of the proposed zone change subject to staff and JUC comments.



STAFF COMMENTS

Ordinance 2023-19: Consideration and possible approval of a **Land Use Code Amendment to Title 10 Chapter 7 Subsection 23** regarding grading permits. Hurricane City Applicant.

Discussion:

The City Council directed staff to amend the grading permit ordinance for the purpose of strengthening the grading permit process and allow for grading of entitled projects to begin in advance of approved construction drawings, and also allow grading permits for mass grading projects unrelated to active development. The Planning Commission heard this item on October 12, 2023 and recommended approval of the ordinance amendment.

Findings:

Recommendation:

Attachments:

1. Grading Permit Ord_Redline
2. LUCA23-09 Grading Permits CC Staff Report
3. Ordinance 2023-19 Grading Permits
4. 231002 Grading Permit Ordinance Update (v. 6 Clean) (2)

Sec. 10-7-23. - Grading permit

Sec. 10-7-23. -- Grading permit by exception.

~~Notwithstanding any other provision in this title to the contrary, the Zoning Administrator shall be authorized, upon an affirmative vote of the City Council, to issue a grading permit for property not scheduled for immediate or reasonably imminent development upon such terms and conditions as may be deemed necessary by said City Council to guarantee the protection of the property and neighboring properties against problems resulting from such grading, including, but not limited to, the accumulation of weeds, soil erosion, surface drainage and dust.~~

~~{Ord. 2010-5, 9-2-2010}~~

1 . Scope and Applicability: Every person shall obtain a grading permit for any land disturbance or grading activity on land of one (1) acre or more. For any property on which a land use application is pending or that is subject to an active approved land use application, a grading permit shall not include the installation of retaining walls, storm drain piping, or other utilities or infrastructure; building lots not requiring the support of retaining walls may be graded.

2. Exemptions: The following activities are exempt from the permit requirement:

1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
2. Existing agricultural uses conducted as a permitted or accessory use.

3. Application For A Grading Permit: Each application shall include the following:

1. Name of applicant;
2. Business or residence address of applicant;
3. Name, address or telephone number of the owner of the property of record;
4. Address and legal description of subject property including the tax reference number and parcel number of the subject property;
5. Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing/grading activity and who shall implement the erosion and sediment control plan;

6. A written statement indicating the nature, extent, and purpose of the land disturbing/grading activity, including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing/grading activity;
7. A grading diagram with contours of two feet and cross sections showing the extent of grading with cut/fill, import/export, and grading volumes in cubic yards;
8. A drainage study conducted by a licensed and qualified engineer;
9. A sediment and erosion control plan;
10. A drainage plan;
11. An air quality/dust control plan, which shall include a detailed plan to control and limit dust, noise, vibration, smoke, and odor created on the site during actual extraction operations and during idle times. This plan shall reflect the requirement that all access and haul roads on the site shall be maintained in a dust free condition by impervious surfacing or some other treatment approved by the City. Dust mitigation must be pursuant to Rule R-307-205 of the Utah Administrative Code, applicable City ordinances, and any other applicable statute or regulation;
12. Each application for a grading permit shall be accompanied by payment of grading permit and other review fees, as adopted by resolution and found in the City fee schedule;
13. A written statement of agreement from the property owner or project proponent to furnish a reclamation bond for 100% of the cost of the work or an amount determined by the City Engineer.
14. A weed control and abatement plan.
15. For grading associated with a pending land use application, a written statement from the property owner or project proponent acknowledging that grading contours and elevations shown on the grading plan are subject to change pending final approval of the land use application and construction drawings.

4. Approval Procedure:

1. The Zoning Administrator, upon receiving a complete application for a grading permit, shall submit the application to the Joint Utility Committee for review to determine compliance with the Approval Standards of this section. After reviewing the application in conjunction with the Joint Utility Committee, the Zoning Administrator shall provide to the applicant one (1) of the following responses in writing:

a. Approval of the permit application;

b. Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this title, and issue the permit subject to these conditions; or

c. Denial of the permit application, indicating the reason(s) for the denial.

2. If the Zoning Administrator has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by this code. No grading permit will be released until the development plans have been approved.

5. *Permit Duration:* A grading permit shall expire and become null and void if substantial work authorized by such permit has not commenced within sixty (60) calendar days of issuance. A grading permit shall also become null and void if the entire project is not completed within twelve (12) months from the date of issuance. A grading permit may be extended for an additional time period deemed appropriate by the Zoning Administrator not to exceed twelve (12) months, provided that the applicant is in compliance with this section, substantial work has been completed on the site, and the Reclamation Bond is renewed and updated as may be required by the City Engineer.

6. *Inspections:* The applicant must notify the Public Works Director in advance of the commencement of grading to schedule a preconstruction meeting. If deemed unnecessary, the Public Works Director may waive the requirement to hold a preconstruction meeting for grading not associated with a pending or active, approved land use application. No work under any grading permit may be commenced until the Public Works Director has issued a Notice to Proceed letter. The Public Works Director may inspect the work for conformance to the approved plans at any time. Failure to comply with the approved plans shall subject the property owner, contractor, and applicant to Stop Work Orders, civil damages, and any other recourse or penalties available under City, state, or federal law.

7. *Reclamation Bonds:* Once the permit is issued, but before the preconstruction meeting, the project proponent shall furnish a reclamation bond in an amount of not less than 100% of the work that the City may use to mitigate any potential hazards or disruptions caused by the grading work. The reclamation bond shall be either a cash bond or an irrevocable letter of credit in a form approved by the City Attorney.

8. *Approval Standards:* No grading permit shall be issued unless it meets the following standards:

a. Complete application, including satisfying the scope and applicability requirements of subsection (1) and the submission of all plans meeting the standards in subsection (3).

- b. Verification that no increase in stormwater drainage will occur on neighboring properties.
- c. Verification that sediment will be adequately retained and erosion adequately controlled.
- d. Verification that weeds will be adequately controlled.
- e. Verification that dust, noise, vibration, smoke, and odor created on the site during actual extractions operations and during idle times will be controlled and limited to prevent nuisance to neighboring properties, to comply with Utah Administrative Code R-307-205, applicable City ordinances, and any other applicable statute or regulation.
- f. Verification by the City Engineer that the overall extent of the grading shown in the plans matches the amount used to calculate the reclamation bond.
- g. Verification that legal access to the property is available.

Agenda Date:	10/19/2023
Application Number:	LUCA23-09
Type of Application:	Land Use Code Amendment
Action Type:	Legislative
Applicant:	Hurricane City
Agent:	
Request:	Amend Title 10 Chapter 7 Section 23 with regards to grading permit standards

Discussion:

The City Council directed staff to amend the grading permit ordinance for the purpose of strengthening the grading permit process and allow for grading of entitled projects to begin in advance of approved construction drawings, and also allow grading permits for mass grading projects unrelated to active development. The Planning Commission heard this item on October 12, 2023 and recommended approval of the ordinance amendment.

Proposed Changes:

In response to discussions with the City Council and the Planning Commission, the grading permit ordinance is proposed to be updated. Some of the key elements of the new ordinance are listed below:

- A new application process will be reviewed by the Planning Director and Joint Utility Committee and no longer require authorization of the City Council.
- A comprehensive list of application requirements is proposed that will assure grading projects can be properly regulated by the City. Application requirements will include, but not be limited to, detailed grading plans, drainage plans, erosion control plans, dust control plans, weed control plans, bonding, and signed acknowledgements that any grading done prior to construction drawings sign off is subject to change as plans are reviewed.
- A reclamation bond of 100% of the work shall be required to provide the City ability to conduct remedial work if necessary, should the applicant abandon the project.
- The applicant will have to demonstrate and ensure that grading will not increase drainage to neighboring properties and that legal access to the property is available.

Recommendation:

Staff recommends the City Council consider the revised ordinance and any public comments at the public hearing. Staff recommends approval of the proposed ordinance update.

**AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING
TITLE 10 CHAPTER 7 SECTION 23 WITH REGARDS TO GRADING PERMITS**

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

WHEREAS, The City has a desire to amend regulations for grading permits within the City; and

WHEREAS, the Planning Commission gave a positive recommendation on the attached revisions to Hurricane City Code,

BE IT HEREBY ORDAINED by the City Council of Hurricane, Utah that Title 10, Chapter 7, Section 23 be amended within Hurricane City Code to read as follows:

Sec. 10-7-23. Grading Permits.

1 . *Scope and Applicability*: Every person shall obtain a grading permit for any land disturbance or grading activity on land of one (1) acre or more. For any property on which a land use application is pending or that is subject to an active approved land use application, a grading permit shall not include the installation of retaining walls, storm drain piping, or other utilities or infrastructure; building lots not requiring the support of retaining walls may be graded.

2. *Exemptions*: The following activities are exempt from the permit requirement:

1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
2. Existing agricultural uses conducted as a permitted or accessory use.

3. *Application For A Grading Permit*: Each application shall include the following:

1. Name of applicant;
2. Business or residence address of applicant;
3. Name, address or telephone number of the owner of the property of record;

4. Address and legal description of subject property including the tax reference number and parcel number of the subject property;
5. Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing/grading activity and who shall implement the erosion and sediment control plan;
6. A written statement indicating the nature, extent, and purpose of the land disturbing/grading activity, including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing/grading activity;
7. A grading diagram with contours of two feet and cross sections showing the extent of grading with cut/fill, import/export, and grading volumes in cubic yards;
8. A drainage study conducted by a licensed and qualified engineer;
9. A sediment and erosion control plan;
10. A drainage plan;
11. An air quality/dust control plan, which shall include a detailed plan to control and limit dust, noise, vibration, smoke, and odor created on the site during actual extraction operations and during idle times. This plan shall reflect the requirement that all access and haul roads on the site shall be maintained in a dust free condition by impervious surfacing or some other treatment approved by the City. Dust mitigation must be pursuant to Rule R-307-205 of the Utah Administrative Code, applicable City ordinances, and any other applicable statute or regulation;
12. Each application for a grading permit shall be accompanied by payment of grading permit and other review fees, as adopted by resolution and found in the City fee schedule;
13. A written statement of agreement from the property owner or project proponent to furnish a reclamation bond for 100% of the cost of the work or an amount determined by the City Engineer.
14. A weed control and abatement plan.
15. For grading associated with a pending land use application, a written statement from the property owner or project proponent acknowledging that

grading contours and elevations shown on the grading plan are subject to change pending final approval of the land use application and construction drawings.

4. *Approval Procedure:*

1. The Zoning Administrator, upon receiving a complete application for a grading permit, shall submit the application to the Joint Utility Committee for review to determine compliance with the Approval Standards of this section. After reviewing the application in conjunction with the Joint Utility Committee, the Zoning Administrator shall provide to the applicant one (1) of the following responses in writing:

- a. Approval of the permit application;
- b. Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this title, and issue the permit subject to these conditions; or
- c. Denial of the permit application, indicating the reason(s) for the denial.

2. If the Zoning Administrator has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by this code. No grading permit will be released until the development plans have been approved.

5. *Permit Duration:* A grading permit shall expire and become null and void if substantial work authorized by such permit has not commenced within sixty (60) calendar days of issuance. A grading permit shall also become null and void if the entire project is not completed within twelve (12) months from the date of issuance. A grading permit may be extended for an additional time period deemed appropriate by the Zoning Administrator not to exceed twelve (12) months, provided that the applicant is in compliance with this section, substantial work has been completed on the site, and the Reclamation Bond is renewed and updated as may be required by the City Engineer.

6. *Inspections:* The applicant must notify the Public Works Director in advance of the commencement of grading to schedule a preconstruction meeting. If deemed unnecessary, the Public Works Director may waive the requirement to hold a preconstruction meeting for grading not associated with a pending or active, approved land use application. No work under any grading permit may be commenced until the Public Works Director has issued a Notice to Proceed letter. The Public Works Director may inspect the work for conformance to the approved plans at any time. Failure to comply with the approved plans shall subject the property

owner, contractor, and applicant to Stop Work Orders, civil damages, and any other recourse or penalties available under City, state, or federal law.

7. *Reclamation Bonds*: Once the permit is issued, but before the preconstruction meeting, the project proponent shall furnish a reclamation bond in an amount of not less than 100% of the work that the City may use to mitigate any potential hazards or disruptions caused by the grading work. The reclamation bond shall be either a cash bond or an irrevocable letter of credit in a form approved by the City Attorney.

8. *Approval Standards*: No grading permit shall be issued unless it meets the following standards:

- a. Complete application, including satisfying the scope and applicability requirements of subsection (1) and the submission of all plans meeting the standards in subsection (3).
- b. Verification that no increase in stormwater drainage will occur on neighboring properties.
- c. Verification that sediment will be adequately retained and erosion adequately controlled.
- d. Verification that weeds will be adequately controlled.
- e. Verification that dust, noise, vibration, smoke, and odor created on the site during actual extractions operations and during idle times will be controlled and limited to prevent nuisance to neighboring properties, to comply with Utah Administrative Code R-307-205, applicable City ordinances, and any other applicable statute or regulation.
- f. Verification by the City Engineer that the overall extent of the grading shown in the plans matches the amount used to calculate the reclamation bond.
- g. Verification that legal access to the property is available.

NOW THEREFORE, BE IT ORDAINED BY THE HURRICANE CITY COUNCIL OF HURRICANE CITY, UTAH THAT:

All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.

Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Hurricane City Municipal Code to which these amendments apply. The valid part of any

provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.

PASSED AND APPROVED this 19th day of October, 2023

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 21st day of September, 2023. 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	_____	_____	_____	_____
David Sanders	_____	_____	_____	_____
David Hirschi	_____	_____	_____	_____
Kevin Thomas	_____	_____	_____	_____
Doug Heideman	_____	_____	_____	_____

Cindy Beteag, Recorder

Sec. 10-7-23. - Grading permit (DRAFT)

1 . *Scope and Applicability:* Every person shall obtain a grading permit for any land disturbance or grading activity on land of one (1) acre or more. For any property on which a land use application is pending or that is subject to an active approved land use application, a grading permit shall not include the installation of retaining walls, storm drain piping, or other utilities or infrastructure; building lots not requiring the support of retaining walls may be graded.

2. *Exemptions:* The following activities are exempt from the permit requirement:

1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
2. Existing agricultural uses conducted as a permitted or accessory use.

3. *Application For A Grading Permit:* Each application shall include the following:

1. Name of applicant;
2. Business or residence address of applicant;
3. Name, address or telephone number of the owner of the property of record;
4. Address and legal description of subject property including the tax reference number and parcel number of the subject property;
5. Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing/grading activity and who shall implement the erosion and sediment control plan;
6. A written statement indicating the nature, extent, and purpose of the land disturbing/grading activity, including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing/grading activity;
7. A grading diagram with contours of two feet and cross sections showing the extent of grading with cut/fill, import/export, and grading volumes in cubic yards;

8. A drainage study conducted by a licensed and qualified engineer;
9. A sediment and erosion control plan;
10. A drainage plan;
11. An air quality/dust control plan, which shall include a detailed plan to control and limit dust, noise, vibration, smoke, and odor created on the site during actual extraction operations and during idle times. This plan shall reflect the requirement that all access and haul roads on the site shall be maintained in a dust free condition by impervious surfacing or some other treatment approved by the City. Dust mitigation must be pursuant to Rule R-307-205 of the Utah Administrative Code, applicable City ordinances, and any other applicable statute or regulation;
12. Each application for a grading permit shall be accompanied by payment of grading permit and other review fees, as adopted by resolution and found in the City fee schedule;
13. A written statement of agreement from the property owner or project proponent to furnish a reclamation bond for 100% of the cost of the work or an amount determined by the City Engineer.
14. A weed control and abatement plan.
15. For grading associated with a pending land use application, a written statement from the property owner or project proponent acknowledging that grading contours and elevations shown on the grading plan are subject to change pending final approval of the land use application and construction drawings.

4. Approval Procedure:

1. The Zoning Administrator, upon receiving a complete application for a grading permit, shall submit the application to the Joint Utility Committee for review to determine compliance with the Approval Standards of this section. After reviewing the application in conjunction with the Joint Utility Committee, the Zoning Administrator shall provide to the applicant one (1) of the following responses in writing:
 - a. Approval of the permit application;
 - b. Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this title, and issue the permit subject to these conditions; or

c. Denial of the permit application, indicating the reason(s) for the denial.

2. If the Zoning Administrator has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by this code. No grading permit will be released until the development plans have been approved.

5. *Permit Duration:* A grading permit shall expire and become null and void if substantial work authorized by such permit has not commenced within sixty (60) calendar days of issuance. A grading permit shall also become null and void if the entire project is not completed within twelve (12) months from the date of issuance. A grading permit may be extended for an additional time period deemed appropriate by the Zoning Administrator not to exceed twelve (12) months, provided that the applicant is in compliance with this section, substantial work has been completed on the site, and the Reclamation Bond is renewed and updated as may be required by the City Engineer.

6. *Inspections:* The applicant must notify the Public Works Director in advance of the commencement of grading to schedule a preconstruction meeting. If deemed unnecessary, the Public Works Director may waive the requirement to hold a preconstruction meeting for grading not associated with a pending or active, approved land use application. No work under any grading permit may be commenced until the Public Works Director has issued a Notice to Proceed letter. The Public Works Director may inspect the work for conformance to the approved plans at any time. Failure to comply with the approved plans shall subject the property owner, contractor, and applicant to Stop Work Orders, civil damages, and any other recourse or penalties available under City, state, or federal law.

7. *Reclamation Bonds:* Once the permit is issued, but before the preconstruction meeting, the project proponent shall furnish a reclamation bond in an amount of not less than 100% of the work that the City may use to mitigate any potential hazards or disruptions caused by the grading work. The reclamation bond shall be either a cash bond or an irrevocable letter of credit in a form approved by the City Attorney.

8. *Approval Standards:* No grading permit shall be issued unless it meets the following standards:

- a. Complete application, including satisfying the scope and applicability requirements of subsection (1) and the submission of all plans meeting the standards in subsection (3).
- b. Verification that no increase in stormwater drainage will occur on neighboring properties.
- c. Verification that sediment will be adequately retained and erosion adequately controlled.
- d. Verification that weeds will be adequately controlled.

- e. Verification that dust, noise, vibration, smoke, and odor created on the site during actual extractions operations and during idle times will be controlled and limited to prevent nuisance to neighboring properties, to comply with Utah Administrative Code R-307-205, applicable City ordinances, and any other applicable statute or regulation.
- f. Verification by the City Engineer that the overall extent of the grading shown in the plans matches the amount used to calculate the reclamation bond.
- g. Verification that legal access to the property is available.



STAFF COMMENTS

Consideration and possible approval of **Ordinance 2023-18 amending Title 1, Chapter 10 regarding surplus property**

Discussion:

This proposed ordinance change would change the process of disposing of surplus personal property. "Real property" is land and buildings attached to the land. "Personal property" is essentially everything other than land/buildings. The current ordinance regulating the process for disposing of City property (both real and personal property) requires the Council to first declare the property as surplus. The proposed changes still have the Council as the deciding body on declaring real property as surplus, but authorizes the City Manager to dispose of personal property consistent with the procedures set forth in the Hurricane City Employee Policy Manual's 406 and 803. A copy of the Employee Policy Manual is attached for your reference. This will streamline the process and allow the City Manager to dispose of vehicles and equipment in a more efficient, timely manner--without coming to the City Council prior to disposing of each item of personal property.

Findings:

Recommendation:

Staff recommend approval of the amended ordinance. The City Attorney has reviewed the proposed ordinance and approves it as to form.

Attachments:

1. Ordinance 2023-18 Amending Title 1, Chapter 10 Surplus Property
2. Policy 406
3. Policy 803

**AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING
TITLE 1, CHAPTER 10 SURPLUS PROPERTY**

WHEREAS, the Hurricane City Council is duly authorized to create legislation to govern Hurricane City; and

WHEREAS, the Hurricane City Council desires to amend Title 1, Chapter 10 of the Hurricane City Code governing surplus property; and

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

BE IT HEREBY ORDAINED that Title 1, Chapter 10 of the Hurricane City shall be, and is hereby, amended as follows:

Sec. 1-10-1. Declaration of surplus real property.

- A. No City-owned real property may be disposed of unless and until it has been first declared to be surplus by the City Council.
- B. The City Council must first find that it is in the public interest that the subject property may be disposed of in order to declare any City property surplus.
- C. In determining whether any property shall be deemed surplus, the City Council shall take into consideration the following:
 - 1. The City has, or anticipates that it will have, no practical, economical, efficient, or appropriate use for the property currently or in the reasonably foreseeable future.
 - 2. The purpose served by the property or its use either no longer exists or has significantly changed because of the needs and demands of the City or as may be determined by a change of policy evidenced by an ordinance or resolution of the City Council.

Sec. 1-10-2. Procedures for disposal of real property.

- A. Upon the declaration of any City-owned real property as surplus property, the City Council may authorize the disposition of such surplus real property, subject to the provisions of this chapter.
- B. Unless provided otherwise by this chapter, the disposition of surplus real property may be by public sale, private sale, exchange, option to purchase, lease, lease with an option to purchase, trade-in, public auction, private auction, sale upon public advertisement by sealed bid, or by any other lawful and reasonable means.

- C. No disposition of surplus real property shall be made for less than a fair market value and consideration unless the City Council determines that it is in the best public interest that disposition of the surplus property be made for less than fair market value. Consideration and fair market value may be in forms other than cash payment and may include the exchange of property for services, as may be reasonably determined by the City Council.
- D. The City Council shall designate that the City Manager shall maintain records of the manner and date of the disposal of all City surplus property as well as the amount and nature of consideration received for such property.
- E. No lease or lease with an option to purchase of surplus real property shall be entered without the prior consent of the City Council.

Sec. 1-10-3. Public hearing for disposal of real property.

No significant parcel of real property may be disposed of or leased unless and until a public hearing has been held by the City Council concerning disposition of the property. Such public hearing shall be held in the manner as required by state law, Utah Code Annotated section 10-8-2(4), as amended. For purposes of this section, "significant" shall be defined as any parcel of real property having a market value of \$5,000.00 or more.

Sec. 1-10-4. Disposal of personal property.

The City Manager is authorized to dispose of City-owned personal property consistent with the procedures set forth in the Hurricane City Employee Policy Manual and this Code. The City Manager shall have discretion, subject to the best interests of the City and its residents and in accordance with good property management techniques, over the disposition and manner of disposition of surplus, obsolete, or unusable personal property.

Sec. 1-10-5. City agencies.

The provisions of this chapter shall apply to all bodies which are within the jurisdiction or under the authority of the City and which own real or personal property in the name of the City.

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 19th day of October, 2023

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 October, 2023. 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	_____	_____	_____	_____
David Sanders	_____	_____	_____	_____
David Hirschi	_____	_____	_____	_____
Kevin Thomas	_____	_____	_____	_____
Doug Heideman	_____	_____	_____	_____

Cindy Beteag, Recorder

Physical Asset Management

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for maintaining a system of inventory and accountability over the city's physical assets. This policy does not address management of intangible assets (e.g., intellectual property), fluid assets (e.g., cash, stocks, marketable securities), real property, or natural assets (e.g., water, air quality, minerals).

Individual department heads may have additional policies for department-specific assets.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Physical assets – All tangible items of value, including but not limited to materials, machinery, tools and equipment, vehicles, office supplies, and furniture.

406.2 POLICY

It is the policy of this city to accurately inventory, maintain, and dispose of its physical assets in a manner that controls costs, avoids waste, and promotes the mission of the City.

406.3 RESPONSIBILITIES

The City Manager should assign a person or persons to be responsible for the inventory, maintenance, and disposal of city physical assets, including:

- (a) Maintaining compliance with federal, state, and local laws regarding physical asset management, inventory control, and reporting requirements.
- (b) Developing procedures for the implementation of this policy, including:
 - 1. Procedures for disposal of all city-owned physical assets in accordance with federal, state, and local law.
 - 2. Procedures for safe disposal of hazardous waste.
 - 3. Procedures for inter-department transfers of physical assets.
 - 4. Procedures for each department to inventory assets as according to internal reporting deadlines (e.g., quarterly, annually).
- (c) Developing a physical asset management plan to track the city's physical assets and maintain accurate and complete records related to these assets. The plan should include:
 - 1. A minimum value of the physical assets that are subject to this policy, the plan, and the implementing procedures.
 - 2. An inventory control and recordkeeping system to account for the movement, storage, maintenance and use, loss, damage, destruction, and disposal of the city's physical assets.
 - 3. Routine internal and external audit practices.

Physical Asset Management

4. Procedures to access physical assets for re-use, transfer, recycle, or disposal.
- (d) Designating custodians within each department, as appropriate, for inter-department communication and to serve as inventory liaisons under the physical asset management plan.
- (e) Annual physical asset acquisition planning.

406.4 IDENTIFICATION AND TAGGING

Physical assets should be tagged using a system to identify and locate the items. Tags should be affixed in the same manner and location on each item, when feasible. The following information regarding the tagged item should be maintained using the inventory control system and method of recordkeeping established in the physical asset management plan:

- (a) A description of the item, including but not limited to:
 1. Make, model, and serial number
 2. Physical dimensions and weight
 3. Color, material, and other physically distinct qualities
 4. Warranty and/or recall information, if any
- (b) The department and specific location where the item can be found
- (c) The acquisition date of the item, as well as the amount and funding source for the acquisition
- (d) The intended and actual use of the item
- (e) The expiration of an item's lease or loan terms

406.5 SURPLUS OR OBSOLETE ASSETS

A department that no longer utilizes a physical asset should have the asset identified as surplus or obsolete. If the physical asset retains value that may be utilized by another department, the item should be stored as surplus or transferred in accordance with the procedures established pursuant to this policy. If the physical asset is deemed obsolete, the item shall be disposed of in accordance with this policy, the [accompanying procedure](#), and the Municipal Code.

406.5.1 STORAGE

When practicable, physical assets that retain value but are not being utilized should be stored in lieu of disposal. Physical assets in storage are subject to routine inventory and revaluation. If the physical asset's value is less than the cost of storage, the City should pursue disposal of the item in accordance with this policy and Municipal Code.

406.5.2 TRANSFERS

When a physical asset is transferred from one department to another, the value of the physical asset should transfer with the asset. Inter-department transfers shall be documented through the inventory control and recordkeeping system implemented by the physical asset management plan.

Physical Asset Management

406.6 LOSS, DAMAGE, OR DESTRUCTION

Circumstances surrounding loss, damage, or destruction of the city's physical assets shall be promptly reported to and investigated by the City Manager or the authorized designee for purposes of inventory, valuation, and recordkeeping. Otherwise, loss, damage, or destruction of such assets shall be handled in accordance with the Local Government-Owned and Personal Property Policy and Municipal Code.

406.7 USAGE MONITORING

Physical asset performance should be regularly monitored for functionality, utility, wear-and-tear, and cost-effectiveness. Usage monitoring of the city's physical assets should include the duration of use (e.g., daily use and number of hours in use), user satisfaction, costs of operating the asset, and the asset's contribution to employee performance and overall productivity.

406.8 MAINTENANCE

Routine maintenance of physical assets should be proactive to limit interruption of the city's daily operations. Employees should report any physical asset performance issues to a supervisor.

Maintenance requests and reports shall be recorded in the inventory control and recordkeeping system implemented by the physical asset management plan. The City Manager or the authorized designee shall routinely evaluate maintenance expenditures to determine whether continued maintenance is beneficial.

406.9 DISPOSAL

Physical assets slated for disposal should be evaluated for salvage value (e.g., items containing reusable materials like aluminum or copper) or transfer or storage in accordance with this policy and Municipal Code.

406.10 INVENTORY AND REPORTS

Routine inventory of physical assets should be conducted for purposes of loss control, revaluation, retagging, documenting asset movement and condition, disposition and acquisition planning, and obtaining adequate insurance coverage.

All internal controls and inventories related to physical asset management shall be accurately documented and subject to both internal and external audit. Inventory reports should include an explanation of any discrepancies from the previous period.

All inventory documentation shall be retained and stored in accordance with the records retention schedule.

406.11 TRAINING

Employees and supervisors accountable for the proper care, use, transfer, maintenance, storage, loss, and disposition of all city physical assets should receive training regarding their responsibilities under the physical asset management plan.

Physical Asset Management Procedures

803.1 RETENTION OF PURCHASE ORDERS

The Finance Department will retain a copy of the purchase order and invoice to up-date the fixed asset listing. This list will be checked against the department inventory on a periodic basis. After an asset is purchased, the serial number will be included on the fixed asset listing. If no serial or identifying number is available, a city number will be assigned to the asset and will be attached to the equipment through the means of a sticker or etching. This number or the serial or identification number will be used to track the equipment during the time it is in the ownership of the City.

803.2 SURPLUS OR OBSOLETE ASSETS

Prior to removing any asset from use, an asset removal form must be completed and filed with the Finance Department. The form identifies the asset, explains the reason for its removal from the inventory and the disposition of the asset. When the form is filed and signed by the Finance Department, the item may be removed from the inventory. Any asset taken by an employee without authorization constitutes theft.

Assets with remaining value will be sold at public sale. Assets broken or of no value shall be disposed of. If an asset is to be transferred to another department, an asset removal form must be completed. The form contains information identifying the asset and the departments involved in the transfer. The form must be signed by the supervisors of both departments and filed with the Finance Department. The item may be transferred on the asset inventory list of each department. Vehicle transfers must be recorded with the City Recorder or designee.



STAFF COMMENTS

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

Discussion:

Findings:

Recommendation:

Attachments:

None