HURRICANE CITY
UTAH

Mayor
Nanette Billings

City Manager
Kaden DeMille

City Council

Joseph Prete
Dave Sanders
David Hirschi
Kevin Thomas
Doug Heideman

Hurricane City Council Meeting
Agenda

November 16, 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 p.m. Work Meeting

1. Discussion with Managing Director Joe Spencer with Attainable Housing Agency
2. 4:20 p.m. Discussion with USDA-Michelle Weaver
3. 4:40 p.m. Affordable Housing discussion

5:00 p.m. Pre-meeting

1. Promotion presentation of badges

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 November 2, 2023, and special meeting November 8, 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 2 minutes per person per item. A spokesperson representing a group to summarize their concerns will be allowed 5 minutes to speak. Repetitious commentary will not be allowed. If you need additional time, please request agenda time with Cindy Beteag in writing before 5:00 p.m. the Wednesday one week before the Council meeting.

OLD BUSINESS

1. 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.
2. LUCA 23-10: Discussion regarding possible updates to the Land Use Code Amendment pertaining to **Title 10 Chapter 51 Subsection 13 regarding whole house vacation rentals**. Hurricane City, Applicant.

NEW BUSINESS

1. Consideration and possible approval of **Resolution 2023-39 for the Recertification of the Hurricane Justice Court**
2. Consideration and possible approval of **local consent for a single event** at Sand Hollow Resort-Cassandra de St. Jeor
3. Consideration and possible approval of PP23-21 a **preliminary plat for Gateway at Sand Hollow Commercial, a six lot commercial subdivision** located between SR-9 and Sand Hollow Road. Western Mortgage & Realty Company, Applicant. Karl Rasmussen, Agent.
4. Consideration and possible approval of ZC23-27 a **Zone Change Amendment request located at approximately 1120 S 400 W** from RA-1, residential agriculture one unit per acre, to RA-0.5, residential agriculture one unit per half acre. Parcel H-3-2-3-2412-B & H-3-2-3-230911. Kysen Spendlove-Interstate Rock, Applicant.
5. 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 November 16, 2023

4:00 p.m. Work Meeting

Discussion with Managing Director Joe Spencer with Attainable Housing Agency

4:20 p.m. Discussion with USDA-Michelle Weaver

4:40 p.m. Affordable Housing discussion

5:00 p.m. Pre-Meeting

Promotion presentation of badges

6:00 p.m. Call to Order

Approval of November 2, 2023, and November 8, 2023 minutes

Old Business

1. After a series of workshops with the City Council and staff on the recommendations and In order to promote and incentivize the production of affordable housing, as well as further the goals of the Moderate Income Housing Plan, staff is providing three incentives for developments that deed restrict 10% of their units for affordable housing
   - A 15% density bonus
   - A 50% discount on City impact fees
   - Reduced setbacks and lot sizes in single family developments
2. Following the discussion in the last meeting regarding alternatives to regulating future whole home vacation rentals, staff now proposes for consideration the following revisions to the ordinance:
   - The elimination of the wait list;
   - When a property with a license is transferred, the owner must reside in Hurricane City or have a property management company with an office within Hurricane City;
   - Revise the revocation process to make the Zoning Administrator the authority that revokes licenses under the "three strike rule," with the Appeals Board being the appeal authority on the revocation.

New Business

1. Utah State Code requires existing Justice Courts to be recertified every four years. This includes a court certification affidavit completed and signed by the judge, a written opinion from the City Attorney, a passed resolution, a copy of the court's security plan, a copy of any interlocal agreements relating to court operations, and a series of questions answered to ensure the court meets the requirements to be submitted to the Board of Justice Court Judges for approval.

Attached is everything that is required and will be sent to the State for approval if the resolution is approved.

2. Sand Hollow Resort is requesting local consent for an event to be held in the rock bowl on December 29th. Sand Hollow Resort has held many events in this same capacity and there have been no issues. A background check has been completed for the person overseeing the event and there are no concerns.
   Staff recommends approving local consent for a single event at Sand Hollow Resort.
3. The applicant has filed a preliminary plat for the Gateway at Sand Hollow Commercial District. They are proposing six commercial lots along the current Sand Hollow Road, with Lot 4 being identified as a future Maveriks location.
4. The applicant requests a zone change from RA-1 to RA-0.5 on 6.13 acres located on the west side of 400 W and south of 900 S. The property consists of two parcels, the southern of which is already zoned RA-0.5 for the southern two-thirds of the property.
5. Closed Meeting

Minutes of the Hurricane City Council special emergency meeting held on November 8, 2023, at the Power Department Conference Room, 526 W 600 North at 2:00 p.m.

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

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Power Superintendent Scott Hughes, Public Works Director Mike Vercimak, power department employees; Brian Anderson, Michael Ramirez, Jared Ross, and Crystal Wright. Power Board members; Mac Hall, Jerry Brisk, Pam Humphries, Charles Reeve, and Dave Imlay.

AGENDA

2:00 p.m. Emergency closed meeting of the Hurricane City Council to discuss a business decision of a project entity

Mayor Billing welcomed everyone to the meeting. Scott Hughes led the Pledge of Allegiance and offered the prayer.

Kevin Thomas made a motion to go into closed session to discuss a business decision of a project entity. Seconded by Doug Heideman. Motion carried with Joseph Prete, Dave Sanders, Doug Heideman, and Kevin Thomas voting aye.

Doug Heideman motioned to go out of a closed session. Seconded by Kevin Thomas. Motion carried with Joseph Prete, Dave Sanders, Doug Heideman, and Kevin Thomas voting aye.

Adjournment: 3:45 p.m.

Minutes of the Hurricane City Council meeting held on November 2, 2023, in the Council Chambers at 147 North 870 West, Hurricane, Utah, at 5:00 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, City Planner Gary Cupp, Street Superintendent Weston Walker, Recreation Director Tiffani Wright, City Engineer Arthur LeBaron, Planning Assistant Fred Resch III, Parks Superintendent Darren Barney, Building Official Larry Palmer, Water Superintendent Ken Richins, Human Resource Director Sel Lovell, and City Recorder Cindy Beteag

AGENDA

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

Mayor Billings recognized the utility department for their hard work processing Sky Ranch utility applications. She reminded the City Council that the Mayor's Cup Golf Tournament at Sky Mountain Golf Course and the Rodeo is being held on November 11th.

Cindy Beteag stated the post-election audit is on December 1st 12:00 p.m. Mayor Billings noted that the County will only allow ballot inspection on November 28th and 29th. The City Council will schedule to review ballots on November 29th from 2:00 p.m.- 3:30 p.m.

Gary Cupp reported that the Parks and Recreation Master Plan stakeholder meeting and public input workshop is being held on November 7th at the Community Center. The online surveys are available on the City website. The City is moving forward with the City Center Master Plan. The department is reviewing the Planned Commercial Code to reduce building heights.

Arthur LeBaron met with the Utah Department of Transportation (UDOT) regarding the left turn signals. The primary area of concern is the eastbound signal 1150 West. UDOT identified peak time during the day when the signal will be an automatic green arrow. In off-peak times, the signal will be a flashing yellow that will turn green when three cars are in the queue. UDOT will continue to monitor the westbound turn signal on 700 West.

Weston Walker reported that there is an open position in the Streets Department. The department is working to clean out the storm drains in the Marla subdivision. The crews will begin crack sealing soon. Councilman Heideman feels chip sealing is better than slurry. Mr. Walker reported that the slurry seal is beneficial on new asphalt, and the chip seal works better on older roadways. Councilman Heideman mentioned he has been receiving complaints from drivers of large vehicles hitting the curbs at the roundabout. He noted that the drivers prefer a rolled curb.

Scott Hughes reported that the crews are attending Hotline School in St. George. The department is preparing for the holidays and will set up flags for Veterans Day. He noted that the department is hanging Christmas lights along SR-9 on November 26th.

Darren Barney mentioned the Parks Department is attending the Southern Utah Green Conference. He stated that the sports court surface on the Community Center pickleball court's estimated cost is $91,300. A new sports court surface at Sky Ridge Park is estimated at $25,540. He stated there is $334,672 in Rap Tax funds to redo the courts. Mr. Barney reviewed the sports court warranty.

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Councilman Prete asked if the sports court is a good surface for pickleball courts. Mr. Barney commented that sports court surface is used on the national pickleball courts.

Tiffani Wright stated there were 205 runners that participated in the Neon Night Run. The Fall Fest was very successful, with thirty-five trunk-or-treat booths. The sewer is being dug for the new gym, and she thanked the Water Department for supplying pumps to backwash the pool. Mrs. Wright encouraged everyone to complete the Parks and Recreation Master Plan survey. She noted that the Tree Lighting is November 27th at 6:00 p.m.

Chief Excell reported that the department is bustling. The gift cards for Shop with a Cop were purchased today. Shop with a Cop is scheduled for the second Saturday in December. The Police Department staff will be participating in the Switch Point fundraising Chili Cook Off.

Larry Palmer reported that building permits are slowing down.

Ken Richins stated the Sand Hollow Road project is in service. The Dixie Springs well is pumping clean, and they sent off samples today. The pump test will be conducted next week. Mr. Richins reported that Alpha Engineering provided an estimate to replace the faulty pipe.

6:00 p.m. - **Call to Order** –

Mayor Nanette Billings welcomed everyone and called the meeting to order.

Prayer, Thought, and Pledge led by Dave Sanders.

Mayor Billings reported that the City Council will hear New Business #2 before Old Business.

Declaration of any conflicts of interest

None declared.

Approval of Minutes: Regular City Council Meeting October 19, 2023

Doug Heideman motioned to approve the written minutes of the October 19, 2023, Regular City Council Meeting. Seconded by Dave Sanders. Joseph Prete, Kevin Thomas, David Hirchi, Dough Heideman, and Dave Sanders – aye. Motion carried unanimously.

Mayor Billings stated the Council Members will inspect the ballots on November 29th at 2:00 p.m. and there will be an election party on November 21st from 7:00 – 9:00 p.m. in the City Offices. All candidates and guests are invited to attend. The Council will officially canvass the election on December 5th at 6:00 p.m.

Public Forum – Comments From Public

OLD BUSINESS

1. Resolution 2023-30: Consideration and possible approval of a **General Plan Amendment to adopt a Downtown Master Plan.**

Mayor Billings would like a portion of the plan to focus on the downtown historic area. She noted that the current proposal briefly covers the historic area and questioned how to incorporate more areas. Gary Cupp reported that this can be incorporated while addressing the overlay zone for that area. Fred

Resch III noted that the General Plan addresses the historic area. Councilman Prete suggested having a stand-alone document for historic areas.

Mr. Cupp reported that they will start working on design standards when the plan is approved.

Kevin Thomas motioned to approve Resolution 2023-30 adopting the Downtown Master Plan as amended. Seconded by Doug Heideman. Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman – aye. David Hirschi – nay. Motion carried.

2. Consideration and possible decision to open or continue with the **closure of 100 West** between SR9 and 100 South

Mayor Billings explained that the road has been closed since May pending the adoption of the Downtown Master Plan. She reviewed staff suggestions. Councilman Hirschi would like to continue the closure at this time, noting that the closure can be readdressed at any time. Weston Walker has not received any complaints. He reported that an ADA ramp needs to be installed if handicapped parking is added. Councilman Thomas was not in favor of the road closure. However, he likes the outcome and favors extending the temporary closure. He likes the idea of handicapped parking if it can be easily done. Councilman Heideman also liked the closure. He feels people have adjusted to the closure and he has not received any negative comments recently. Mayor Billings stated a raised walking crosswalk needs to be installed if the road is reopened. Councilman Prete is in favor of keeping the road closed. He feels the closure expands the two areas into a larger public space that is more safe and more functional. Councilman Thomas suggested continuing the temporary closure pending the completion of the downtown design.

Kevin Thomas motioned to continue with the temporary closure of 100 West between SR9 and 100 South, and add parking stalls on each end. Seconded by David Hirschi. Joseph Prete, Dave Sanders, Doug Heideman, Kevin Thomas, and David Hirschi – aye. Motion carried unanimously.

3. 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.

Mayor Billings reviewed the Staff's recommended incentives. Gary Cupp reviewed the proposed affordable housing setback standards. He reported that the street-side yard setback has been reduced. Drew Ellerman explained the building code is based on the fire code. Reducing the setback to five feet increases the firewall requirements. Councilman Prete feels these incentives are an additional benefit to developers. He noted that attainable housing is a hot topic. However, the housing market is changing. He is concerned about implementing a code change for a short-term problem. He asked if other communities are adopting similar ordinances. Councilman Thomas thinks all cities are doing something. He agrees that the market will change, but it will eventually go back up. He thinks it is best to address affordable housing now and feels that the City is conservative with this proposal. Mayor Billings reported that Utah Department of Transportation funding will be withheld if the City fails to meet the State's affordable housing requirements. She feels attainable housing is a supply and demand issue. She feels it is crucial to find a way to support affordable home ownership, and increased density is not the only solution. Mr. Cupp noted that this proposal reduced the density bonus to fifteen percent. Councilman Thomas feels this proposal is conservative. Councilman Heideman feels Hurricane City needs to keep up with the affordable housing crisis. Mayor Billings noted that of 2,664 homes sold in

Washinton County, only 225 were less than $300,000. With the rising interest rate, the only way to solve this problem is for the City to find a way to offer assistance.

Kevin Thomas motioned to approve the Land Use Code Amendment to adopt Title 10 Chapter 52 and amend Title 1 Chapter 4 with regards to affordable housing, as written. Seconded by Dave Sanders. Joseph Prete, David Hirschi, and Doug Heideman – nay. Dave Sanders and Kevin Thomas – aye. Motion failed.

Mayor Billings asked what the State's minimum requirements are. Fred Resch III explained that the State provided several options to pick from. He noted that one option was to reduce or waive impact fees and implement zoning incentives. He explained that the City is required to submit annual reports. Councilman Prete would like to review other options and take a conservative approach.

Doug Heideman motioned to continue the Land Use Code Amendment to adopt Title 10 Chapter 52 and amend Title 1 Chapter 4 with regards to affordable housing for two weeks and have a work meeting. Seconded by Joseph Prete. David Hirschi, Doug Heideman, and Joseph Prete – aye. Dave Sanders and Kevin Thomas – nay. Motion carried.

4. 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.

Mayor Billings reviewed the summary provided in the packet. She noted that the Planning Commission made a recommendation of approval. Drew Ellerman provided Washington City's ordinance and grading permit application. Gary Cupp reported that Hurricane City's ordinance was patterned after St. George City's ordinance. Councilman Thomas asked how Washington City's process is different. Mr. Cupp reported that the requirements are the same. However, adding access and utilities to Hurricane City's permit process was important. The current process requires developers to go through a construction drawing process; the proposed changes will allow grading prior to development. Dayton Hall reported that this protects the City and makes it feasible for developers to start grading earlier in the development process.

Dave Sanders motioned to approve the Land Use Code Amendment to Title 10 Chapter 7 Subsection 23. Seconded by Kevin Thomas. Joseph Prete, Doug Heideman, David Hirschi, Dave Sanders, and Kevin Thomas – aye. Motion carried unanimously.

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

Kaden DeMille reviewed the depreciation spreadsheet for City assets over $2,000. Assets less than $2,000 are the responsibility of the department head. Department heads must complete the disposal form before disposal. The Finance Department and City Manager review the form. The current ordinance dictates that the Council oversees the asset disposal process. This amendment proposes that the Administrative Department oversee the process.

Kevin Thomas motioned to approve Ordinance 2023-18 amending Title 1, Chapter 10 regarding surplus property. Seconded by Dave Sanders. Joseph Prete, Doug Heideman, David Hirschi, Kevin Thomas, and Dave Sanders – aye. Motion carried unanimously.

NEW BUSINESS

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1. Discussion on the proposal to **exchange City-owned property for infrastructure and grading** - Beau Davis

Mayor Billings reviewed the summary provided in the packet.

Beau Davis explained that three jog lines were shown on the survey of the east side. He feels it would benefit both parties and the community at large to exchange for the development of the retention basis. He proposes to clean up the property and do the curb, gutter, and asphalt along 2300 South. Mayor Billings feels his appraisal of the land was low. Because of the collapsible soil, she is concerned with planting trees in this area. Mr. Davis does not think the proposal impacts the retention basin. Arthur LeBaron feels there is potential for future trails and thinks there will be no issues with a trail washing out due to water runoff. Mayor Billings read Mr. LeBaron's findings and recommendation. Dayton Hall reported that Staff would begin the process of disposing of the property if the City Council wants to move forward with the exchange. Councilman Heideman feels this is an excellent area for an athletic field, and he does not think it is good policy for the City to trade property. Councilman Prete asked if the City could make a feasible use of the basin. Mr. LeBaron does not favor putting grass in the area, but it is a good location for a bike skills park. Councilman Sanders is not opposed to the proposal.

Dave Sanders motioned for Staff to pursue the process of disposing of the property. Seconded by David Hirschi. Joseph Prete does not think it is good practice to give property away. Kevin Thomas is concerned about setting a precedence. Dave Sanders feels this is a great way to clean up the property. David Hirschi feels this is a better use of the land. Beau Davis reported that he will build something of equal appraised value. Kevin Thomas, Joseph Prete, David Hirschi, and Dave Sanders – aye. Doug Heideman – nay. Motion carried.

2. Consideration and possible approval of a **proclamation designating October 30- November 3 as National Veterans Small Business Week**

Jackie Hobson read the proclamation designating October 30- November 3 as National Veterans Small Business Week. Mayor Billings feels it is essential for the community to support Veterans.

Dave Sanders motioned to approve the proclamation designating October 30- November 3 as National Veterans Small Business Week. Seconded by Joseph Prete. Kevin Thomas, Doug Heideman, David Hirschi, Dave Sanders, and Joseph Prete – aye. Motion carried unanimously.

Mrs. Hobson thanked the City Council and Mayor Billings for their support.

3. LUCA 23-10: Consideration and possible approval on a Land Use Code Amendment regarding **Title 10 Chapter 51 Subsection 13 regarding whole house vacation rentals.** Hurricane City, Applicant.

Terry Spinks submitted papers to the City Council. He explained that he has been living in Washington County for twenty-five years. He purchased two lots in Dixie Springs five years ago, intending to build his home and vacation rental when his license was approved. However, he has been on the waitlist for three years. He explained that the Planning Commission reported that only ten percent of vacation rentals create problems. He thinks it is unfair to change the rules because of a small percentage. He suggested requiring the owners to enforce the curfew and noise ordinance, limit the number of guests per home, limit the vehicles on the property, and provide adequate parking.

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Mayor Billings reviewed the summary provided in the packet. Staff has prepared two drafts for the Council to review. These changes do not affect residential hosting or recreational resort units. She noted that the current ordinance addresses Mr. Spinks's suggestions. Fred Resch III explained that the City Council directed the Planning Commission to amend the ordinance. The Planning Commission could not decide whether the existing license could be transferred upon the sale of the property. Mr. Resch III presented two options. Option A does not allow the transfer of the license. Option B discontinues the issue of future licenses and allows the transfer of the existing license upon the sale of the property. The Planning Commission voted three to four to recommend option B. Dayton Hall feels it is legally defensible not to allow license transfer. Councilman Thomas asked if the license stipulations could be changed upon transfer. Councilman Thomas explained that the Planning Commission does not favor eliminating the waiting list. Councilman Heideman is in favor of eliminating whole-home rentals in residential zones. Mayor Billings would like to review Washington County's updated ordinance.

Patty Nation reported that there are homes in Adobe Hills that sleep one hundred and fifty people. This is commercial use in residential zones. She asked Hurricane City to take this issue seriously.

Mr. Resch III reported that whole house rentals account for all the enforcement issues. The ordinance can be amended to add additional rules. However, staff is at capacity with what they can do. Mr. Cupp does not think this update is punishing the good neighbors. Councilman Thomas wants to eliminate the waiting list and limit the license transfer to specific criteria. He feels the whole home vacation rental needs to be phased out. Councilman Heideman agrees with Councilman Thomas.

Councilman Hirschi feels this is a complex situation; he does not want a vacation rental in his neighborhood. However, he has rented an Airbnb while on vacation. Councilman Prete suggested allowing owners to sell their licenses. Councilman Prete explained that there has been a lot of back and forth with what the State allows the City to regulate. Councilman Thomas asked everyone to consider eliminating the waiting list and requiring owners to live within city limits upon transfer of the licenses. Councilman Prete verified that it is legally defensible for the City to enforce updated requirements upon license transfer.

Kevin Thomas motioned to continue consideration and possible approval of a Land Use Code Amendment regarding Title 10 Chapter 51 Subsection 13 regarding whole house vacation rentals. Seconded by Doug Heideman. Staff was directed to incorporate Kevin Thomas's suggestion to remove the waiting list, require new owners to live in Hurricane City and limit the number of times a license can be transferred. Jospeh Prete, David Hirschi, Dave Sanders, Kevin Thomas, and Doug Heideman – aye. Motion carried unanimously.

Mayor Billings mentioned an agent with Attainable Housing and USDA will speak to the Council at the work meeting on November 16th to address affordable housing.

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

No closed meeting was held.

Adjournment: 9:25 p.m.

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HURRICANE CITY
UTAH

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:

Findings:

Recommendation:

Attachments:

1. Ordinance 2023-12 Affordable Housing
2. Affordable Housing Density Bonus Options
3. PUD- Bonus Density-Washington CIty
4. Bonus Denisty Program-Washington City

Ordinance No. 2023-12

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. 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 15% 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:	
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 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 2nd day of November, 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 2nd day of November, 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

Welcome!
This workbook will allow you to run calculations on different density bonus options and different percentages of
required affordability in order to gain those density bonuses. The different density bonus options are:

-2 additional units per acre (as already exists in the Planned Commercial zone)
-10% additional units
-15% additional units
-20% additional units

The affordable housing system we are looking at is an incentive-based system. We need to come up with a system that a developer would voluntarily choose to use, if a developer could get more market-rate units without a density bonus for deed-restricted affordable units then they will almost every time.

The hypothetical scenario we are presenting is a proposed 50 acre development at a variety of different zoning options.

The important number, from a developer's point of view is the last number "Number of additional market rate units" this is where they will intend to make up the loss in revenue they will take from the deed restricted units.

These calculations do not take into effect state and federal grants, tax credits, or other potential funding mechanisms

Percentage of units considered "affordable"* ---------->

Once you've made a selection please go to the next sheet

their income. Different levels of AMI options are available

10 %

Zoning	R1-8	R1-6	RM-1	RM-2	RM-3
Density	4.4	6.15	6	10	15
Development of 50 Acres	220	307.5	300	500	750
Plus Two Units an Acre	320	407.5	400	600	850
Number of Afforable Units (%)	32	40.75	40	60	85
Other Units	288	366.75	360	540	765
Additional Market Rate Units	68	59.25	60	40	15

Zoning	R1-8	R1-6	RM-1	RM-2	RM-3
Density	4.4	6.15	6	10	15
Development of 50 Acres	220	307.5	300	500	750
10% Density Bonus	242	338.25	330	550	825
Number of Afforable Units (%)	24.2	33.825	33	55	82.5
Other Units	217.8	304.425	297	495	742.5
Additional Market Rate Units	-2.2	-3.075	-3	-5	-7.5

Zoning	R1-8	R1-6	RM-1	RM-2	RM-3
Density	4.4	6.15	6	10	15
Development of 50 Acres	220	307.5	300	500	750
15% Density Bonus	253	353.625	345	575	862.5
Number of Afforable Units (%)	25.3	35.3625	34.5	57.5	86.25
Other Units	227.7	318.2625	310.5	517.5	776.25
Additional Market Rate Units	7.7	10.7625	10.5	17.5	26.25

Zoning	R1-8	R1-6	RM-1	RM-2	RM-3
Density	4.4	6.15	6	10	15
Development of 50 Acres	220	307.5	300	500	750
20% Density Bonus	264	369	360	600	900
Number of Afforable Units (%)	26.4	36.9	36	60	90
Other Units	237.6	332.1	324	540	810
Additional Market Rate Units	17.6	24.6	24	40	60

surrounding land is already developed, and

2. The proposed dwellings are platted for individual ownership of the dwelling units, and

3. The density and building scale of the proposed units are similar in scale to an adjoining developed parcel or is considered in scale with the surrounding area and fits harmoniously into the neighborhood, as determined by the city council but in no case shall exceed a twenty-five percent (25%) dwelling units per acre increase as stated in the general plan. To be considered for density increases, the applicant will include, as part of the development design, any of the following credits:

PUD - BONUS DENSITY OPTIONS

a) Landscaping Along Periphery Of Development: If a common area landscaped strip between twenty feet (20') and twenty five feet (25') is created along the periphery of the development (which is beyond the 50% requirement of parcel coverage for non-structures), and surrounds at least sixty seven percent (67%) of the development, an increase of one dwelling unit per acre shall be added to the minimum density for the development.

b) Tree Lined Streets: Tree lined streets for all streets (internal and periphery) to provide shade for sidewalks and to reduce solar heat gain. If all streets within the development, on both sides of the streets, will have a landscape strip between the curb and sidewalk planted with shade trees at forty foot (40') spacing or less, with trees that are of twenty four inch (24") box containers with a minimum of one and one-half inch (1½") caliper, an increase of one dwelling unit per acre shall be added to the minimum density for the development.

c) Landscaped Open Spaces: For every ten percent (10%) of landscaped open space incorporated into the development (which is beyond the 50% requirement of parcel coverage for non-structures), and not receiving density increases through other provisions of this section, may receive an increase of one dwelling unit per acre shall be added to the minimum density for the development.

d) Increased Recreational Facilities: Additional designated recreational amenities, above the requirements as already set forth for Planned Unit Development, may receive an increase in density, as approved by the planning commission and city council on case by case basis.

D. Setbacks: The setbacks for all Planned Unit Developments - Multiple Family will be as follows, unless an approved setback alternative plan is granted by the Planning Commission and approved by the City Council:

1. Front Yard: Front yard setbacks shall be a minimum of twenty feet (20'). The street side of corner lots, shall be the same as the front yard setback.

D. Provisions For Detached Accessory Buildings To Encroach Into Side Or Rear Yard Setback: In order for a detached one-story private garage or accessory building, twenty feet (20') or less in height, to encroach into the side or rear yard setback, the following conditions shall be met:

1. The roof shall not project across a property line;

2. Stormwater runoff from the building shall not run onto an adjacent property;

3. Any nonportable building to be placed over a drainage and/or utility easement shall require written approval, obtained by the applicant, from the electrical power department and public works department, and all other utility companies with easement rights, prior to obtaining a building permit, and shall require the property owner to provide and sign a recordable waiver and indemnification document that waives and indemnifies the city from any liability for any damages or expenses (including reimbursement to the city for removing the building) associated with the building being placed over an easement, and granting the city permission to remove such building at any time the city determines that said building must be removed to repair drainage facilities or utilities, or for other safety, health or welfare reasons; and

4. All other provisions of this title and applicable building and fire codes regarding accessory buildings shall be adhered to. (Ord. 2004-18, 6-9-2004)

9-8A-7: BONUS DENSITY PROGRAM:

A. Program Outline: Specific areas in the Washington Fields area and some of the area north of I-15 have been designated as bonus density areas on the general plan land use map to provide incentives that will help preserve open space. These areas are allowed a base density of one dwelling unit per acre, which corresponds to the RA-1 zone. However, bonus density credits may be given as multiples of the base density for specific open space amenities (outlined below) that are incorporated into developments and are beneficial to the public. If higher density zoning is present at the time of subdivision or rezoning, credits are reduced proportionally. If all of the credits were to be granted, a property could theoretically achieve a density of three and five-tenths plus (3.5+) units per acre (2.5 plus units per acre in bonus density, plus the original 1 unit per acre in base

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density). However, it is unlikely that all of the density bonus categories could or would be earned on a given parcel (e.g., it is not desirable to have a public park on every parcel), plus there must be a density cap to meet the intent of the general plan. Therefore, the actual density increases resulting will average close to the two and five-tenths (2.5) units per acre identified as a goal in the general plan.

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B. Program Participation: If the property is already zoned RA-1, then an applicant may simply propose a subdivision that meets the RA-1 zone development standards. If the applicant wants to participate in the bonus density program, a development agreement may be proposed that incorporates the open space amenities for the bonus density credits, along with a proposed subdivision. If the property has a zoning designation that is less dense than the RA-1 zone, then a zone change request to RA-1 must first be approved by the city council after a recommendation by the planning commission. If the applicant wants to participate in the bonus density program, a development agreement may be proposed along with the zone change request, or the applicant may wait until the RA-1 zone is approved and then propose a development agreement along with a proposed subdivision. If the applicant does not want to participate in the bonus density program, then a proposed subdivision must meet the RA-1 zone development standards. If the property has a zoning designation that is more dense than the RA-1 zone and an applicant wants to participate in the bonus density program, density credits will be proportionally reduced and identified in a development agreement.

C. Modified Area, Width And Yard Regulations: Since the purpose of the bonus density program is to help preserve open space, lots in a subdivision may be clustered and the areas of the lots may be reduced. As lots are reduced in size, their widths and minimum yard setbacks must also be proportionally reduced in size. Lot setbacks must be noted on the final plat of each subdivision. The following table outlines the modified area, width and yard regulations for lots when an applicant participates in the bonus density program:

		Yards In Feet		
Area In Square Feet[1] (Closest Size Range)	Width[2] In Feet	Front	Side	Rear
6,000 (absolute minimum lot size)	66	20	8 and 10	10
8,000	70	20	8 and 10	10
10,000	80	20	10 and 10	20
12,000	90	20	10 and 10	20
15,000	100	20	10 and 10	20

		Yards In Feet		
Area In Square Feet[1] (Closest Size Range)	Width[2] In Feet	Front	Side	Rear
21,780 (1/2 acre)	100	20	10 and 10	20
30,000	100	20	15 and 15	20
40,000	200	30	15 and 15	30
43,560 (1 acre)	200	30	15 and 15	30

Notes:

1. The absolute minimum lot size is 6,000 square feet. The smallest lots of a subdivision are to be internal to the project, and the lot sizes along the subdivision boundaries are to be within a single density transition category of adjacent properties.
2. Unlike the minimum yard setbacks, the lot widths are more of a general guideline than a minimum standard. The intent is for the lot widths to be proportional to the corresponding lot size range. It is undesirable to have lots extremely narrow compared to their depths. Each proposed subdivision will be evaluated to see if this intent is being met. Flag lots may also be considered for properties that have irregular shapes and/or topography.

D. Open Space Amenities And Bonus Density Credits:

1. Interconnectivity Of Internal Streets: Streets connect to each other within the project to create an informal grid that provides multiple routes for emergency vehicles and distributes traffic evenly through a neighborhood. To qualify for this density bonus, no more than twenty percent (20%) of the lots shall be located on cul-de-sacs.

Credit: Twenty five percent (25%) increase in density.

2. Interconnectivity Of External Streets: Streets connect to adjoining parcels/subdivisions to create an informal grid that provides multiple routes for emergency vehicles and distributes traffic evenly through a subarea. To qualify for this density bonus, access streets in addition to what is already required (the basic minimum number of access streets for each subdivision is 2, but larger subdivisions or subdivisions that have specific access and/or circulation issues may require more than 2 access streets), shall be provided, and the additional connecting streets provided shall be stubbed internal to adjacent properties and not perpendicular to streets external to the development.

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Credit: Fifteen percent (15%) increase in density for one additional street.

Twenty five percent (25%) increase in density for more than one additional street.

3. Houses Facing Onto Arterial And Major Collector Streets: It is acknowledged that major and minor arterial streets (106 foot and 80 foot rights of way) and major collector streets (66 foot rights of way) are designed to optimize for traffic capacity and speed. Residential lots may be allowed to back (double frontage lots) onto arterial and major collector streets as long as there are adequate setbacks and landscape screening. Additionally, residential streets (60 foot and 50 foot rights of way) are intended to optimize for convenient travel, safe mixing of pedestrians and vehicles, and to be attractive settings for homes. Accordingly, double frontage lots are not allowed (except in cases of topographical constraints and factors relating to safety) along residential streets. It is possible to front homes onto arterial and major collector streets through the use of rear alleys or frontage roads. To qualify for this density bonus, double frontage lots are not allowed on streets classified as arterials (106 foot and 80 foot rights of way) and major collectors (66 foot rights of way). Keep in mind that intersection spacing must meet city standards for alleys and frontage roads as well as all other streets.

(Note: Except in cases of topographical constraints and factors relating to safety, and if it makes no difference to traffic impacts, double frontage lots are prohibited along rights of way less than 66 feet.)

Credit: Twenty five percent (25%) increase in density.

4. Mix Of Lot Sizes: Consistent with the general plan, the objective of this incentive is to encourage developments that have a mix of lot sizes so as to create a varied appearance (avoiding "cookie cutter" character). To qualify for this density bonus, credit is given for distinct variations in lot sizes.

Credit: Five percent (5%) increase in density for each variation of lot size that pertains to at least ten percent (10%) of the lots (a variation is a change of at least 25 percent in lot size), up to a maximum of twenty five percent (25%). To qualify for this density bonus, no more than fifty percent (50%) of the area may be within one size range (±12.5 percent constitutes a size range).

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5. Neighborhood Park Land Dedication: Through the general plan, the city has adopted a neighborhood park level of service (LOS) standard of six (6) acres of park for every one thousand (1,000) population. In circumstances where a development does not actually generate a need for at least a four (4) acre park (minimum size for efficient city maintenance), this density bonus provides an incentive to dedicate additional park land without losing development units. To qualify for this density bonus, land in excess of the LOS standard for the proposed development shall be conveyed to the city, the park must be constructed, it must be four (4) acres or more, and its design must be accepted by the city.

Credit: Five percent (5%) increase in density for each one percent (1%) of the site dedicated to park land that is in excess of the city neighborhood park level of service standard (6 acres per 1,000 population), up to a maximum of twenty five percent (25%).

6. Provisions For Affordable Housing: "Moderate income housing" (or affordable housing) is defined as housing occupied or reserved for occupancy by households with a gross household income equal to or less than eighty percent (80%) of the median gross income for households of the same size in the county in which the city is located. Although providing for affordable housing is not a method for preserving open space, it is a public amenity listed in the bonus density program of the general plan, and may be included as a means to receive an increase in density as long as other open space amenities are incorporated into the development. Some of the techniques used to provide for affordable housing include the utilization of state or federal funds or tax incentives to promote the construction of moderate income housing, the utilization of programs offered by the Utah housing corporation, and the utilization of affordable housing programs administered by the Utah department of community and economic development. To qualify for this density bonus, a minimum of four (4) additional categories of the bonus density program must be implemented in the development and include the "public trails through and along the development" category, the design and quality of the moderate income housing shall be similar to the design and quality of all other housing in the development, and a minimum of five percent (5%) of the total housing must be dedicated to moderate income housing.

Credit: Twenty five percent (25%) increase in density for five percent (5%) of the total housing dedicated to moderate income housing.

Fifty percent (50%) increase in density for ten percent (10%) or more of the total housing dedicated to moderate income housing.

7. Landscaped Open Space: The objective of this density bonus is to encourage provisions for open areas that, pursuant to the general plan, preserve the open space character of the Washington Fields area and the area north of I-15. To qualify for this density bonus, the development shall provide for landscaped open space, with at least fifty percent (50%) of the landscaped areas visible from public streets. Landscaping shall be reflective of the area in which it is located and shall be developed as approved by the city. Xeriscape landscaping (drought tolerant vegetation) is encouraged for the type of vegetation, but the amount of vegetation must be dense enough to reflect the greenery of the area (especially if irrigation rights are still available for property in the Washington Fields area). Shade trees and shrubs shall be an integral part of the landscaping and shall meet sight distance requirements. All landscaping shall be installed by the developer and shall be maintained by the homeowners' association. The responsibility for landscape maintenance shall be cited on the plat, in the development agreement, and recorded against the properties within the development.

Credit: Three percent (3%) increase in density for each one percent (1%) of the site preserved in open space (not including areas within rights of way or areas that have received credit through other provisions of the bonus density program), up to a maximum of twenty five percent (25%).

8. Open Space At Intersection Corners At Periphery Of Development: Pursuant to the general plan, open areas created at intersection corners at the periphery of a development will generally make a greater contribution to preserving the open space character of the Washington Fields area and the area north of I-15 than open space internal to a development. To qualify for this density bonus, landscaping shall be reflective of the area in which it is located and shall be developed as approved by the city. Xeriscape landscaping (drought tolerant vegetation) is encouraged for the type of vegetation, but the amount of vegetation must be dense enough to reflect the greenery of the area (especially if irrigation rights are still available for property in the Washington Fields area). Shade trees and shrubs shall be an integral part of the landscaping and shall meet sight distance requirements. All landscaping shall be installed by the developer and shall be maintained by the homeowners' association. The responsibility for landscape maintenance shall be

cited on the plat, in the development agreement, and recorded against the properties within the development.

Credit: Five percent (5%) increase in density for each one percent (1%) of the site preserved in open space that is located at intersection corners (not including areas within rights of way or areas that have received credit through other provisions of the bonus density program), up to a maximum of twenty five percent (25%).

9. Landscaped Rights Of Way And Front Yard Setbacks Along Arterials And Major Collectors: It is the city's desire, pursuant to the general plan, to preserve the open space character of the Washington Fields area and the area north of I-15 by having generous building setbacks with broad landscaped areas defined by open fencing. Therefore, along these major corridors, the following choices are available to qualify for a selection of density bonuses:

a. An additional landscape setback between the street ROW line and fence/wall of the development, beyond the required landscape strip for double frontage lots, shall be installed by the developer and shall be maintained by the homeowners' association. The responsibility for landscape maintenance shall be cited on the plat, in the development agreement, and recorded against the properties within the development. An average width of fifty feet (50') is desirable, with the width varying between thirty feet (30') and seventy feet (70'). A landscape setback of at least thirty feet (30') is required to get a density bonus.

b. Landscaping shall be reflective of the area in which it is located and shall be developed as approved by the city. Xeriscape landscaping (drought tolerant vegetation) is encouraged for the type of vegetation, but the amount of vegetation must be dense enough to reflect the greenery of the area (especially if irrigation rights are still available for property in the Washington Fields area). Shade trees and shrubs shall be an integral part of the landscaping and shall meet sight distance requirements.

c. The desired fencing along the major roadway corridors is open three (3) rail or four (4) rail fencing. Wrought iron fencing and/or solid fence/wall panels may be as approved by the city if they match or are compatible with fences of adjoining developments. Overall transparency of at least fifty percent (50%) is required to get a density bonus. (Note: Thin wire mesh fencing, as approved by the city, may be used to confine animals and/or children.)

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Credit: If a landscape setback varying between thirty feet (30') and seventy feet (70'), with an average of at least fifty feet (50') is created, with no section less than thirty feet (30') wide, the bonus density will be five percent (5%) for each one percent (1%) of the total land area of the parcel that is in the landscape setback, up to a maximum of twenty five percent (25%).

Where homes face arterials and major collectors, a five percent (5%) density credit will be granted for each ten feet (10') of building setback beyond the minimum front yard setback of the closest size range, up to a maximum of twenty five percent (25%).

If fencing is less than seventy five percent (75%) transparent but at least fifty percent (50%) transparent, a density increase may be transferred to the rest of the property. The density credit will be derived by dividing the area of the landscape setback by the average lot size of the development. (Hypothetical example: 30 foot landscape setback x 1,000 foot property length = 30,000 square feet/15,000 square foot average lot size = total of 2 additional lots.)

If fencing is seventy five percent (75%) or more transparent, a density increase may be transferred to the rest of the property. The density credit will be derived by dividing the area of the landscape setback by the average lot size of the development, plus fifty percent (50%). (Hypothetical example: 30 foot landscape setback x 1,000 foot property length = 30,000 square feet/15,000 square foot average lot size = 2 units + 50 percent = total of 3 additional lots.)

10. Public Trails Through And Along Development: Where indicated in the general plan and/or city trails plan, the proposed development shall provide public trails that generally follow trail alignments shown in said plans. Unless otherwise approved by the city, trail alignments must traverse through the property or around its periphery, according to the plans. To qualify for this density bonus, trails shall be open to the general public, and shall connect to adjacent trails, parks, open space and public streets, in a manner as approved by the city. The trails shall be a minimum of ten feet (10') wide, meet AASHTO standards, and shall be installed by the developer. Trail maintenance responsibility will be as agreed upon in the development agreement. If trails are proposed that are not indicated in the general plan and/or

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city trails plan, a density bonus may be granted for these trails as well. To qualify for a density bonus for these trails, the same criteria as outlined for trails indicated in the general plan and/or city trails plan shall be met. Again, trail maintenance responsibility will be as agreed upon in the development agreement.

Credit: Twenty five percent (25%) increase in density.

11. Tree Lined Streets: Tree lined street sections for all streets (internal and periphery) are desirable to provide shade for sidewalks (encourage walking) and to reduce solar heat gain on streets and buildings. To qualify for this density bonus, all streets within the development, on both sides of the streets, shall have a landscape strip between the curb and sidewalk, planted with shade trees at forty foot (40') spacing or less. The shade trees shall be from twenty four inch (24") box containers with a minimum caliper of one and one-half inch ($1^1/_2$") (1 inch above grade). Smaller trees may be interplanted where overhead obstructions (power lines, etc.) may result in problems that could be caused by the taller varieties. However, the sizes of the trees at planting are to remain the same. A list of approved tree species and landscaping guidelines are available in the community development department. As approved by the city, trees may be grouped and/or staggered as long as the average spacing of forty feet (40') is maintained.

Credit: Twenty five percent (25%) increase in density.

12. Miscellaneous Public Benefits: Other types of open space benefits, such as school sites, recreation centers, libraries, fire stations, the pooling of adjoining properties for regional detention basins, regional parks or other public benefits, etc., may also be explored for inclusion into bonus density credits. These facilities will have to incorporate a degree of open space in their design, and the design will have to be approved by the city, with the density bonus credit determined during the project's evaluation. (Ord. 2005-40, 11-14-2005)

HURRICANE CITY
UTAH

STAFF COMMENTS

LUCA 23-10: Discussion regarding possible updates to the Land Use Code Amendment pertaining to **Title 10 Chapter 51 Subsection 13 regarding whole house vacation rentals**. Hurricane City, Applicant.

Discussion:
Following the discussion in the last meeting regarding alternatives to regulating future whole home vacation rentals, staff now proposes for consideration the following revisions to the ordinance:

1. The elimination of the wait list;
2. When a property with a license is transferred, the owner must reside in Hurricane City or have a property management company with an office within Hurricane City;
3. Revise the revocation process to make the Zoning Administrator the authority that revokes licenses under the "three strike rule," with the Appeals Board being the appeal authority on the revocation.

Findings:

Recommendation:

Attachments:
1. Ordinance 2023-20_Whole home vac rentals
2. Redline_Option A (transfer not allowed)
3. Redline_Option B (transfer allowed)
4. Redline_USE TABLE Changes
5. Clean_Option B (transfer allowed)_
6. LUCA23-10 Vacation Rentals CC Staff Report
7. Letter from Julie Krogh
8. Comments from Rebecca Bronemann
9. Letter in oppostition of STR
10. Letters in support of STR

Ordinance No. 2023-20

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING TITLE 10 CHAPTERS 3, 13, 14 & 51 WITH REGARDS TO WHOLE HOME VACATION RENTALS

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 whole home vacation rentals 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 3, Section 4 be amended within Hurricane City Code to read as follows:

…
Whole home vacation rental means a form of a transient lodging facility specifically classified as an entire single family residential structure that is located in a single family zone, is rented out on a short-term basis, and is not owner-occupied. Whole home vacation rentals are located in a single family zone as identified in chapters 10-13 and 10-14 of this Code, are not a conforming use under the current Code, and are managed locally.
…

BE IT HEREBY FURTHER ORDAINED by the City Council of Hurricane, Utah that Title 10, Chapter 13, Section 3 be amended within Hurricane City Code to read as follows:

Sec. 10-13-3. Uses allowed.

A. *Permitted and conditional uses.* Permitted and conditional uses allowed within residential zones shall be as set forth in table 10-13-1 of this section. Permitted and conditional uses are indicated by a "P" or "C", respectively, in the appropriate column. Uses not permitted are indicated by "N." Any use not shown on table 10-13-1 of this section shall be prohibited unless the Zoning Administrator determines the use is substantially the same as a permitted or conditional use as provided in subsection 10-7-18E4 of this title.

TABLE 10-13-1

PERMITTED AND CONDITIONAL USES ALLOWED IN RESIDENTIAL ZONES

Use	Zones							
	R1-15	R1-10	R1-8	R1-6	RM-1	RM-2	RM-3	MH/RV
Agricultural uses:								
Accessory building	P	P	P	P	P	P	P	P
Agricultural business	N	N	N	N	N	N	N	N
Agricultural industry	N	N	N	N	N	N	N	N
Agriculture	N	N	N	N	N	N	N	N
Agriculture residential	P	P	P	P	P	P	P	P
Animal specialties	P	P	N	N	N	N	N	N
Animals and fowl for recreation and family food production	P3/C	P3/C	P3	P3	N	N	N	N
Stable, private	N	N	N	N	N	N	N	N
Residential uses:								
Assisted living facility	C	C	C	C	N	N	N	N
Boarding house	N	N	N	N	N	N	N	N
Building, accessory	P	P	P	P	P	P	P	P
Dwelling, earth sheltered	P	P	P	P	P	P	P	N
Dwelling, multiple-family	N	N	N	N	P	P	P	N
Dwelling, single-family	P	P	P	P	P	P	P	P
Dwelling, single-family with single accessory dwelling unit	P	P	P	P	N	N	N	N
Dwelling, temporary	P	P	P	P	P	P	P	P
Dwelling, two-family	N	N	N	N	P	P	P	N
Guesthouse or casita	P	P	P	N	N	N	N	N
Manufactured home	P	P	P	P	N	N	N	P
Manufactured/mobile home park	N	N	N	N	N	N	N	P
Manufactured/mobile home subdivision	N	N	N	N	N	N	N	P
Protective housing facility	N	N	N	N	N	N	N	N
Rehabilitation/treatment facility	N	N	N	N	N	N	N	N
Residential facility for elderly persons[1]	P	P	P	P	P	P	P	P

Residential facility for persons with a disability[1]	P	P	P	P	P	P	P	P
Residential facility for troubled youth	N	N	N	N	N	N	N	N
Short term rental	N	N	N	N	N	N	N	N
Transitional housing facility	N	N	N	N	N	N	N	N
Public and civic uses:								
Airport	N	N	N	N	N	N	N	N
Auditorium or stadium	N	N	N	N	N	N	N	N
Bus terminal	N	N	N	N	N	N	N	N
Cemetery	P	P	P	P	P	P	P	P
Church or place of worship	P	P	P	P	P	P	P	P
Club or service organization	N	N	N	N	N	N	N	N
College or university	N	N	N	N	N	N	N	N
Convalescent care facility	N	N	N	N	N	N	N	N
Correctional facility	N	N	N	N	N	N	N	N
Cultural service	N	N	N	N	N	N	N	N
Golf course	P	P	P	P	P	P	P	P
Government service	N	N	N	N	N	N	N	N
Hospital	N	N	N	N	N	N	N	N
Operations center	N	N	N	N	N	N	N	N
Park	P	P	P	P	P	P	P	P
Post office	N	N	N	N	N	N	N	N
Protective service	P	P	P	P	P	P	P	P
Reception center	N	N	N	N	N	N	N	N
School, elementary, middle, high or private	P	P	P	P	P	P	P	P
School, vocational	N	N	N	N	N	N	N	N
Stable, public	N	N	N	N	N	N	N	N
Utility, major	N	N	N	N	N	N	N	N
Utility, minor	P	P	P	P	P	P	P	P
Commercial uses:								
Agricultural sales and service	N	N	N	N	N	N	N	N
Animal hospital	N	N	N	N	N	N	N	N
Bail bond service	N	N	N	N	N	N	N	N
Bank or financial institution	N	N	N	N	N	N	N	N
Bed and breakfast, home	P	P	P	P	N	N	N	N
Bed and breakfast inn	N	N	N	N	N	N	N	N
Business equipment rental, services, and supplies	N	N	N	N	N	N	N	N

Car wash	N	N	N	N	N	N	N	N
Club, private	N	N	N	N	N	N	N	N
Construction sales and service	N	N	N	N	N	N	N	N
Convenience store	N	N	N	N	N	N	N	N
Family child daycare facility[2]	P	P	P	P	P	P	P	P
Family child group daycare facility[2]	C	C	C	C	C	C	C	C
Family child residential certificate care facility[2]	P	P	P	P	P	P	P	P
Family childcare center	N	N	N	N	N	N	N	N
Funeral home	N	N	N	N	N	N	N	N
Garden center	N	N	N	N	N	N	N	N
Gas and fuel, storage and sales	N	N	N	N	N	N	N	N
Gasoline service station	N	N	N	N	N	N	N	N
Hostel	N	N	N	N	N	N	N	N
Hotel	N	N	N	N	N	N	N	N
Kennel	N	N	N	N	N	N	N	N
Kennel, residential	P	P	P	P	P	P	P	P
Laundry or dry cleaning, limited	N	N	N	N	N	N	N	N
Liquor store	N	N	N	N	N	N	N	N
Media service	N	N	N	N	N	N	N	N
Medical or dental laboratory	N	N	N	N	N	N	N	N
Medical service	N	N	N	N	N	N	N	N
Motel	N	N	N	N	N	N	N	N
Office, general	N	N	N	N	N	N	N	N
Parking garage, public	N	N	N	N	N	N	N	N
Parking lot, public	N	N	N	N	N	N	N	N
Pawnshop	N	N	N	N	N	N	N	N
Personal care service, home based[2]	P	P	P	P	P	P	P	P
Personal instruction service, home based[2]	P	P	P	P	P	P	P	P
Printing and copying, limited	N	N	N	N	N	N	N	N
Printing, general	N	N	N	N	N	N	N	N
Produce stand	N	N	N	N	N	N	N	N
Recreation and entertainment, indoor	N	N	N	N	N	N	N	N

Recreation and entertainment, outdoor	N	N	N	N	N	N	N	N
Recreational vehicle park	N	N	N	N	N	N	N	P
Repair service	N	N	N	N	N	N	N	N
Research service	N	N	N	N	N	N	N	N
Residential hosting facility[4]	P	P	P	P	N	N	N	N
Restaurant, fast food	N	N	N	N	N	N	N	N
Restaurant, general	N	N	N	N	N	N	N	N
Retail, general	N	N	N	N	N	N	N	N
Secondhand store	N	N	N	N	N	N	N	N
Shopping center	N	N	N	N	N	N	N	N
Tattoo establishment	N	N	N	N	N	N	N	N
Tavern	N	N	N	N	N	N	N	N
Temporary trailer	P	P	P	P	P	P	P	P
Transportation service	N	N	N	N	N	N	N	N
Vehicle and equipment rental or sale	N	N	N	N	N	N	N	N
Vehicle and equipment repair, general	N	N	N	N	N	N	N	N
Vehicle repair, limited	N	N	N	N	N	N	N	N
Veterinary service	N	N	N	N	N	N	N	N
Warehouse, self-service storage	N	N	N	N	N	N	N	N
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title							
Industrial uses:								
Automobile wrecking yard	N	N	N	N	N	N	N	N
Freight terminal	N	N	N	N	N	N	N	N
Heavy industry	N	N	N	N	N	N	N	N
Junk or salvage yard	N	N	N	N	N	N	N	N
Laundry services	N	N	N	N	N	N	N	N
Manufacturing, general	N	N	N	N	N	N	N	N
Manufacturing, limited	N	N	N	N	N	N	N	N
Mineral extraction	N	N	N	N	N	N	N	N
Wholesale and warehousing, general	N	N	N	N	N	N	N	N
Wholesale and warehousing, limited	N	N	N	N	N	N	N	N

Notes

1. See chapter 46 of this title.
2. See chapter 42 of this title.

3. See section 10-37-15 of this title for permitted animals and fowl.
4. See licensing and operations requirements in title 10 chapter 51 of this code. Licenses existing before the effective date of Ord. 2023-20 shall remain in effect, subject to the requirements of Title 10 Chapter 51.

B. *Accessory uses.* Permitted and conditional uses set forth in table 10-13-1 of this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.1.

1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this title.

2. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.

3. Accessory uses in residential zones shall include, but not be limited to, the following:

Garage sales, subject to applicable standards of chapter 48, temporary uses, of this title.

Garages and off street parking areas, subject to applicable standards of chapter 34, off street parking and loading, of this title.

Hobby activities when conducted by an occupant of the premises solely for personal enjoyment, amusement, or recreation and which does not conflict with any other City ordinance.

Home based businesses, subject to applicable standards of chapter 42, home based businesses, of this title.

Household pets.

Nurseries and greenhouses, when used for family food production.

Playhouses, patios, porches, gazebos, and incidental storage buildings.

Swimming pools and hot tubs for use by residents and their guests.

BE IT HEREBY FURTHER ORDAINED by the City Council of Hurricane, Utah that Title 10, Chapter 14, Section 3 be amended within Hurricane City Code to read as follows:

Sec. 10-14-3. Uses allowed.

A. *Permitted and conditional uses.* Permitted and conditional uses allowed within residential agriculture zones shall be as set forth in table 10-14-1 of this section. Permitted and conditional uses are indicated by a "P" or "C," respectively, in the appropriate column. Uses not permitted are indicated by "N." Any use not shown on table 10-14-1 of this section shall be prohibited unless the Zoning Administrator determines the use is substantially the same as a permitted or conditional use as provided in subsection 10-7-18E4 of this title.

TABLE 10-14-1
PERMITTED AND CONDITIONAL USES ALLOWED IN
RESIDENTIAL AGRICULTURE ZONES

Use	Zones	
	RA-1	RA-.5
Agricultural uses:		
Agricultural business	P	N
Agricultural industry	N	N
Agriculture	P	P
Animal specialties	P	P
Animals and fowl for recreation and family food production	P	P[3]
Stable, private	P	P
Residential uses:		
Assisted living facility	P	P
Boarding house	N	N
Building, accessory	P	P
Dwelling, earth sheltered	P	P
Dwelling, multiple-family	N	N
Dwelling, single-family	P	P
Dwelling, single-family with single accessory dwelling unit	P	P
Dwelling, temporary	P	P
Dwelling, two-family	N	N
Guesthouse	P	P
Manufactured home	P	P
Manufactured/mobile home park	N	N
Manufactured/mobile home subdivision	N	N
Protective housing facility	P	P
Residential facility for elderly persons[1]	P	P
Residential facility for persons with a disability[1]	P	P
Residential facility for troubled youth	C	C

Short term rental	N	N
Public and civic uses:		
Auditorium or stadium	N	N
Cemetery	P	P
Church or place of worship	P	P
Club or service organization	N	N
Convalescent care facility	N	N
Cultural service	P	P
Golf course	P	P
Hospital	N	N
Park	P	P
Protective service	P	P
Reception center	C	C
Stable, public	P	N
Utility, minor	P	P
Utility substation	P	P
Commercial uses:		
Agricultural sales and service	N	N
Animal hospital	P	P
Bed and breakfast, home	P	P
Bed and breakfast inn	N	N
Garden center	N	N
Kennel, residential	P	P
Licensed family child care[2]	P	P
Media service	N	N
Personal care service, home based[2]	P	P
Personal instruction service, home based[2]	P	P
Produce stand	P	P
Recreational vehicle park	N	N
Residential certificate child care facility[2]	P	P
Residential hosting facility[4]	P	P
Temporary trailer	P	P
Veterinary service	N	N
Warehouse, self-service storage	N	N
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title	

Notes

1. See chapter 46 of this title.
2. See chapter 42 of this title.
3. See section 10-37-15 of this title for permitted animals and fowl.

4. See licensing and operations requirements in 10 Chapter 51 of this code title. Licenses existing before the effective date of Ord. 2023-20 shall remain in effect, subject to the requirements of Title 10 Chapter 51.

B. *Accessory uses.* Permitted and conditional uses set forth in table 10-14-1 of this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.

1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this title.
2. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.
3. Accessory uses in residential agriculture zones shall include, but not be limited to, the following:

   Garage sales, subject to applicable standards of chapter 48, temporary uses, of this title.

   Garages and off street parking areas, subject to applicable standards of chapter 34, off street parking and loading, of this title.

   Hobby activities when conducted by an occupant of the premises solely for personal enjoyment, amusement, or recreation and which does not conflict with any other City ordinance.

   Home based businesses, subject to applicable standards of chapter 42, home based businesses, of this title.

   Household pets.

   Nurseries and greenhouses.

   Playhouses, patios, porches, gazebos, and incidental storage buildings.

   Swimming pools and hot tubs for use by residents and their guests.

BE IT HEREBY FURTHER ORDAINED by the City Council of Hurricane, Utah, that Title 10, Chapter 51, Section 13 be amended within Hurricane City Code to read as follows:

Sec. 10-51-13. Whole home vacation rentals and other short-term rental standards.

A. Regulations and restrictions imposed by this section are in recognition of the premise that short-term rentals provide lodging for a transient population that may or may not honor neighborhood mores or exhibit neighborly consideration to the same extent as permanent residents. The requirements listed in subsection D of this section are based on a desire to maintain the overall residential character of neighborhoods and the purpose of single-family residential zones to promote safe locations for residential uses.

B. *Business license required.* No dwelling in any permitted zone shall be occupied or used as short-term rental until such time that the owner has obtained a business license issued in accordance with the provisions of this section.

C. *Conditions for issuance of a business license for a short-term rental.* Issuance of a short-term rental business license by the Business License Officer shall be subject to the following:

1. A complete application for a short-term rental business license shall have been submitted in accordance with section 3-1-5, and which shall also include:
   a. The name, address, and phone number of the owner or other person designated by the owner as the property manager who shall be responsible for ensuring compliance with the rules and regulations specified in this section, and
   b. A valid state tax number for remittance of transient lodging taxes.
2. The dwelling unit for which the business license is sought shall be located in a permitted zone according to this title, have been built to meet building and fire codes for transient occupancy, and have been issued a certificate of occupancy.
3. Portions of a single-family dwelling may not be used as a short-term rental unless located within a recreation resort zone or appropriately licensed as a residential hosting facility in accordance with the regulations for that use. A whole home vacation rental and a residential hosting facility located in a residential zone may not be located in the same single-family dwelling.
4. In permitted single-family zones, the owner of a single-family dwelling for which a short-term rental business license is sought shall not hold a business license to operate another short-term rental within the City limits. For purposes of this subsection, "owner" means any individual, corporation, partnership, limited liability company, trust or other entity which has a legal or equitable ownership interest in the single-family dwelling, or any individual who has an ownership or beneficial interest in any corporation, partnership, limited liability company, trust, or other entity which has a legal or equitable ownership interest in the single-family dwelling.

D. *Prohibition of additional whole home vacation rental licenses within single-family zones as described in Title 10, Chapters 13 and 14 of this Code.*

1. From the effective date of this ordinance, no new or additional whole home vacation rentals shall be permitted or licensed within any single-family zones as described in Title 10, Chapters 13 and 14 of this Code.
2. Whole home vacation rentals with current, valid business licenses shall be permitted to continue to operate and to receive annual renewals of the business licenses, subject to the requirements and conditions of this Section and all City, State, and Federal rules, regulations, laws, and statutes.
3. In the event of a sale or other transfer of property for which the owner holds a current, valid business license to operate a whole home vacation rental, the purchaser or transferee of the property shall apply for a new license within 45 days of the date of purchase or transfer. If the purchaser or transferee fails to submit a complete business license application within 45 days of the date of purchase or transfer, or if the applicant fails to complete the licensing process within six months after submitting the application, the purchaser or transferee shall not be issued a whole home vacation rental business license.

4. The revocation of a whole home vacation rental business license by the City Council pursuant to this Code shall terminate any rights of the license holder to operate a whole home vacation at the property.

E. *Parking regulations.* The following parking regulations apply to property licensed as a whole home vacation rental:

1. No tenant, guest, or other person visiting a whole home vacation rental shall park on a public street.
2. Off-street parking shall be provided on the same lot as the dwelling that is licensed as a whole home vacation rental.
3. Off-street parking shall be provided at one vehicle per bedroom. Tandem spaces on a driveway may be used.
4. No off-street parking space may be located in front of the living area of the dwelling unless there is a circular driveway.
5. The number of vehicles permitted for the occupants of a whole home vacation rental shall be restricted to the number of off-street parking spaces provided by the owner.
6. No tenant, guest, or other person visiting a whole home vacation rental shall park or allow to be parked recreational vehicles or trailers of any kind on the public street.
7. Owner shall supply a parking plan that complies with this section with the business license application.

BE IT FURTHER ORDAINED that this Ordinance shall, after adoption and approval, take effect immediately upon publication or posting as required by law.

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 2nd day of November, 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 2nd day of November, 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. 10-51-13. Whole home vacation rentals and other short-term rental standards.

A. Regulations and restrictions imposed by this section are in recognition of the premise that short-term rentals provide lodging for a transient population that may or may not honor neighborhood mores or exhibit neighborly consideration to the same extent as permanent residents. ~~Separation requirements listed in subsection C of this section and total license limits~~The requirements listed in subsection D of this section are based on a desire to maintain the overall residential character of neighborhoods and the purpose of single-family residential zones to promote safe locations for residential uses.

B. *Business license required.* No dwelling in any permitted zone shall be occupied or used as short-term rental until such time that the owner has obtained a business license issued in accordance with the provisions of this section.

C. *Conditions for issuance of a business license for a short-term rental.* Issuance of a short-term rental business license by the Business License Officer shall be subject to the following:

1. A complete application for a short-term rental business license shall have been submitted in accordance with section 3-1-5, and which shall also include:

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

b. A valid state tax number for remittance of transient lodging taxes.

2. The dwelling unit for which the business license is sought shall be located in a permitted zone according to this title, have been built to meet building and fire codes for transient occupancy, and have been issued a certificate of occupancy.

3. Portions of a single-family dwelling may not be used as a short-term rental unless located within a recreation resort zone or appropriately licensed as a residential hosting facility in accordance with the regulations for that use. A whole home vacation rental and a residential hosting facility located in a residential zone may not be located in the same single-family dwelling.

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

~~5. In permitted single-family zones, a whole home vacation rental license shall not be issued if there is another licensed whole home vacation rental property located within 300 feet, as measured along the same street or around the corner, of the front property line corners of the property where the proposed whole home vacation rental license is being sought.~~

D. ~~*Limit on the total number*~~*Prohibition of additional whole home vacation rental licenses within single-family zones as ~~contained~~ described in Title 10, Chapters 13 and 14 of this Code.*

1. From the effective date of this ordinance, no new or additional whole home vacation rentals shall be permitted or licensed within any single-family zones as described in Title 10, Chapters 13 and 14 of this Code.
2. Whole home vacation rentals with current, valid business licenses shall be permitted to continue to operate and to receive annual renewals of the business licenses, subject to the requirements and conditions of this Section and all City, State, and Federal rules, regulations, laws, and statutes.

Commented [1]: Made unnecessary by prohibiting any additional whole home vacation rentals.

Commented [2]: The table in Section 10-13-3 needs to be revised to show a "Whole home vacation rental" as a non-permitted use. Right now the table says "short term rental" is a permitted use in single family zones, but the definition is broad and includes all types of transient lodging facilities except for hotels and motels. The table needs to distinguish between prohibited Whole home vacation rentals and permitted residential hosting.

Commented [3]: The table in Section 10-14-3 needs to be revised to show a "Whole home vacation rental" as a non-permitted use. Right now the table says "short term rental" is a permitted use in RA zones, but the definition is broad and includes all types of transient lodging facilities except for hotels and motels. The table needs to distinguish between prohibited Whole home vacation rentals and permitted residential hosting.

Commented [4]: The definition of Whole home vacation rental in Section 10-3-4 needs to be changed to: Whole home vacation rental means a form of a transient lodging facility specifically classified as an entire single family residential structure that is located in a single family zone, is rented out on a short-term basis, and is not owner-occupied. Whole home vacation rentals are located in a single family zone as identified in chapters 10-13 and 10-14 of this Code, are not a conforming use under the current Code, and are managed locally.

3. Business licenses for whole home vacation rentals held by individuals and entities shall not be transferred. Regarding business licenses for whole home vacation rentals held by corporations, companies, partnerships, or other non-corporate entities, the transfer of more than fifty percent (50%) of the entities' controlling shall constitute a transfer of the license and shall make the entities' business license immediately null and void. Business licenses for Whole home vacation rentals were approved for specific properties and may not be moved to a different property or location.
4. The revocation of a whole home vacation rental business license by the City Council pursuant to this Code shall terminate any rights of the license holder to operate a whole home vacation at the property.

~~The total number of whole home vacation rental business licenses issued within single-family zones shall be limited in accordance with the following:~~

~~1. The maximum number of whole home vacation rental business licenses for properties in single-family zones to be issued shall be based on the City's total population, allowing three licenses for every 1,000 people of the total population.~~

~~2. The total number of licenses available each year shall be recalculated based on an estimated population derived by adding the total number of new dwelling units times 2.779 residents per unit to the prior year's base population. The City shall readjust the population numbers every ten years after the release of the census numbers. If the census numbers are lower than the City's projection, the City shall not revoke any issued license but shall not issue any additional licenses until the City population justifies additional license availability.~~

~~3. If, after the maximum number of licenses has been issued, an application meeting all other requirements for issuance of a license is received, the application shall be placed on a waiting list in order of the date of receipt. No fees will be due until a license becomes available. When a license becomes available, the first applicant on the waiting list shall be notified of the license availability, and the applicant shall have 45 days from the date of such notice to file a complete application and pay the filing fee, and six months thereafter to complete the licensing process. In the event that the applicant fails to file a complete application and filing fee within said 45 days, or fails to complete the licensing process within said six months, the application shall be deemed to have expired, and the next applicant will be notified of the license availability, and the same procedure shall apply.~~

~~4. In the event of a sale or other transfer of any property containing a dwelling licensed as a whole home vacation rental, the purchaser or transferee of the property is permitted to continue to use the property as a whole home vacation rental, but the purchaser or transferee shall be required to apply for a new license within 45 days of the date of purchase or transfer. In the event that the purchaser or transferee fails to apply for a new license within said 45 days, the license and ability to use the property as a whole home vacation rental will be forfeited, and the owner must reapply for any available license or be placed on the waiting list.~~

E. *Parking regulations.* The following parking regulations apply to property licensed as a whole home vacation rental:

1. No tenant, guest, or other person visiting a whole home vacation rental shall park on a public street.

2. Off-street parking shall be provided on the same lot as the dwelling that is licensed as a whole home vacation rental.

3. Off-street parking shall be provided at one vehicle per bedroom. Tandem spaces on a driveway may be used.

4. No off-street parking space may be located in front of the living area of the dwelling unless there is a circular driveway.

5. The number of vehicles permitted for the occupants of a whole home vacation rental shall be restricted to the number of off-street parking spaces provided by the owner.

6. No tenant, guest, or other person visiting a whole home vacation rental shall park or allow to be parked recreational vehicles or trailers of any kind on the public street.

7. Owner shall supply a parking plan that complies with this section with the business license application.

(Ord. No. 2022-62 , 2-16-2023)

Sec. 10-51-13. Whole home vacation rentals and other short-term rental standards.

A. Regulations and restrictions imposed by this section are in recognition of the premise that short-term rentals provide lodging for a transient population that may or may not honor neighborhood mores or exhibit neighborly consideration to the same extent as permanent residents. ~~Separation requirements listed in subsection C of this section and total license limits~~The requirements listed in subsection D of this section are based on a desire to maintain the overall residential character of neighborhoods and the purpose of single-family residential zones to promote safe locations for residential uses.

B. *Business license required.* No dwelling in any permitted zone shall be occupied or used as short-term rental until such time that the owner has obtained a business license issued in accordance with the provisions of this section.

C. *Conditions for issuance of a business license for a short-term rental.* Issuance of a short-term rental business license by the Business License Officer shall be subject to the following:

1. A complete application for a short-term rental business license shall have been submitted in accordance with section 3-1-5, and which shall also include:

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

   b. A valid state tax number for remittance of transient lodging taxes.

2. The dwelling unit for which the business license is sought shall be located in a permitted zone according to this title, have been built to meet building and fire codes for transient occupancy, and have been issued a certificate of occupancy.

3. Portions of a single-family dwelling may not be used as a short-term rental unless located within a recreation resort zone or appropriately licensed as a residential hosting facility in accordance with the regulations for that use. A whole home vacation rental and a residential hosting facility located in a residential zone may not be located in the same single-family dwelling.

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

~~5. In permitted single-family zones, a whole home vacation rental license shall not be issued if there is another licensed whole home vacation rental property located within 300 feet, as measured along the same street or around the corner, of the front property line corners of the property where the proposed whole home vacation rental license is being sought.~~

D. ~~*Limit on the total number*~~*Prohibition of additional whole home vacation rental licenses within single-family zones as ~~contained~~ described in Title 10, Chapters 13 and 14 of this Code.*

1. From the effective date of this ordinance, no new or additional whole home vacation rentals shall be permitted or licensed within any single-family zones as described in Title 10, Chapters 13 and 14 of this Code.
2. Whole home vacation rentals with current, valid business licenses shall be permitted to continue to operate and to receive annual renewals of the business licenses, subject to the requirements and conditions of this Section and all City, State, and Federal rules, regulations, laws, and statutes.

Commented [DH1]: Made unnecessary by prohibiting any additional whole home vacation rentals.

Commented [DH2]: The table in Section 10-13-3 needs to be revised to show a "Whole home vacation rental" as a non-permitted use. Right now the table says "short term rental" is a permitted use in single family zones, but the definition is broad and includes all types of transient lodging facilities except for hotels and motels. The table needs to distinguish between prohibited Whole home vacation rentals and permitted residential hosting.

Commented [DH3]: The table in Section 10-14-3 needs to be revised to show a "Whole home vacation rental" as a non-permitted use. Right now the table says "short term rental" is a permitted use in RA zones, but the definition is broad and includes all types of transient lodging facilities except for hotels and motels. The table needs to distinguish between prohibited Whole home vacation rentals and permitted residential hosting.

Commented [DH4]: The definition of Whole home vacation rental in Section 10-3-4 needs to be changed to: Whole home vacation rental means a form of a transient lodging facility specifically classified as an entire single family residential structure that is located in a single family zone, is rented out on a short-term basis, and is not owner-occupied. Whole home vacation rentals are located in a single family zone as identified in chapters 10-13 and 10-14 of this Code, are not a conforming use under the current Code, and are managed locally.

3. In the event of a sale or other transfer of property for which the owner holds a current, valid business license to operate a whole home vacation rental, the purchaser or transferee of the property shall apply for a new license within 45 days of the date of purchase or transfer. If the purchaser or transferee fails to submit a complete business license application within 45 days of the date of purchase or transfer, or if the applicant fails to complete the licensing process within six months after submitting the application, the purchaser or transferee shall not be issued a whole home vacation rental business license.
4. The revocation of a whole home vacation rental business license by the City Council pursuant to this Code shall terminate any rights of the license holder to operate a whole home vacation at the property.

~~The total number of whole home vacation rental business licenses issued within single-family zones shall be limited in accordance with the following:~~

~~1. The maximum number of whole home vacation rental business licenses for properties in single-family zones to be issued shall be based on the City's total population, allowing three licenses for every 1,000 people of the total population.~~

~~2. The total number of licenses available each year shall be recalculated based on an estimated population derived by adding the total number of new dwelling units times 2.779 residents per unit to the prior year's base population. The City shall readjust the population numbers every ten years after the release of the census numbers. If the census numbers are lower than the City's projection, the City shall not revoke any issued license but shall not issue any additional licenses until the City population justifies additional license availability.~~

~~3. If, after the maximum number of licenses has been issued, an application meeting all other requirements for issuance of a license is received, the application shall be placed on a waiting list in order of the date of receipt. No fees will be due until a license becomes available. When a license becomes available, the first applicant on the waiting list shall be notified of the license availability, and the applicant shall have 45 days from the date of such notice to file a complete application and pay the filing fee, and six months thereafter to complete the licensing process. In the event that the applicant fails to file a complete application and filing fee within said 45 days, or fails to complete the licensing process within said six months, the application shall be deemed to have expired, and the next applicant will be notified of the license availability, and the same procedure shall apply.~~

~~4. In the event of a sale or other transfer of any property containing a dwelling licensed as a whole home vacation rental, the purchaser or transferee of the property is permitted to continue to use the property as a whole home vacation rental, but the purchaser or transferee shall be required to apply for a new license within 45 days of the date of purchase or transfer. In the event that the purchaser or transferee fails to apply for a new license within said 45 days, the license and ability to use the property as a whole home vacation rental will be forfeited, and the owner must reapply for any available license or be placed on the waiting list.~~

E. *Parking regulations.* The following parking regulations apply to property licensed as a whole home vacation rental:

1. No tenant, guest, or other person visiting a whole home vacation rental shall park on a public street.
2. Off-street parking shall be provided on the same lot as the dwelling that is licensed as a whole home vacation rental.
3. Off-street parking shall be provided at one vehicle per bedroom. Tandem spaces on a driveway may be used.
4. No off-street parking space may be located in front of the living area of the dwelling unless there is a circular driveway.

5. The number of vehicles permitted for the occupants of a whole home vacation rental shall be restricted to the number of off-street parking spaces provided by the owner.
6. No tenant, guest, or other person visiting a whole home vacation rental shall park or allow to be parked recreational vehicles or trailers of any kind on the public street.
7. Owner shall supply a parking plan that complies with this section with the business license application.

(Ord. No. 2022-62 , 2-16-2023)

Sec. 10-13-3. Uses allowed.

A. *Permitted and conditional uses.* Permitted and conditional uses allowed within residential zones shall be as set forth in table 10-13-1 of this section. Permitted and conditional uses are indicated by a "P" or "C", respectively, in the appropriate column. Uses not permitted are indicated by "N." Any use not shown on table 10-13-1 of this section shall be prohibited unless the Zoning Administrator determines the use is substantially the same as a permitted or conditional use as provided in subsection 10-7-18E4 of this title.

TABLE 10-13-1
PERMITTED AND CONDITIONAL USES ALLOWED IN RESIDENTIAL ZONES

Use	Zones							
	R1-15	R1-10	R1-8	R1-6	RM-1	RM-2	RM-3	MH/RV
Agricultural uses:								
Accessory building	P	P	P	P	P	P	P	P
Agricultural business	N	N	N	N	N	N	N	N
Agricultural industry	N	N	N	N	N	N	N	N
Agriculture	N	N	N	N	N	N	N	N
Agriculture residential	P	P	P	P	P	P	P	P
Animal specialties	P	P	N	N	N	N	N	N
Animals and fowl for recreation and family food production	P3/C	P3/C	P3	P3	N	N	N	N
Stable, private	N	N	N	N	N	N	N	N
Residential uses:								
Assisted living facility	C	C	C	C	N	N	N	N
Boarding house	N	N	N	N	N	N	N	N
Building, accessory	P	P	P	P	P	P	P	P
Dwelling, earth sheltered	P	P	P	P	P	P	P	N
Dwelling, multiple-family	N	N	N	N	P	P	P	N
Dwelling, single-family	P	P	P	P	P	P	P	P
Dwelling, single-family with single accessory dwelling unit	P	P	P	P	N	N	N	N
Dwelling, temporary	P	P	P	P	P	P	P	P
Dwelling, two-family	N	N	N	N	P	P	P	N
Guesthouse or casita	P	P	P	N	N	N	N	N
Manufactured home	P	P	P	P	N	N	N	P
Manufactured/mobile home park	N	N	N	N	N	N	N	P
Manufactured/mobile home subdivision	N	N	N	N	N	N	N	P
Protective housing facility	N	N	N	N	N	N	N	N
Rehabilitation/treatment facility	N	N	N	N	N	N	N	N
Residential facility for elderly persons[1]	P	P	P	P	P	P	P	P

Residential facility for persons with a disability[1]	P	P	P	P	P	P	P	P
Residential facility for troubled youth	N	N	N	N	N	N	N	N
Short term rental[4]	NP	NP	NP	N	N	N	N	N
Transitional housing facility	N	N	N	N	N	N	N	N
Public and civic uses:								
Airport	N	N	N	N	N	N	N	N
Auditorium or stadium	N	N	N	N	N	N	N	N
Bus terminal	N	N	N	N	N	N	N	N
Cemetery	P	P	P	P	P	P	P	P
Church or place of worship	P	P	P	P	P	P	P	P
Club or service organization	N	N	N	N	N	N	N	N
College or university	N	N	N	N	N	N	N	N
Convalescent care facility	N	N	N	N	N	N	N	N
Correctional facility	N	N	N	N	N	N	N	N
Cultural service	N	N	N	N	N	N	N	N
Golf course	P	P	P	P	P	P	P	P
Government service	N	N	N	N	N	N	N	N
Hospital	N	N	N	N	N	N	N	N
Operations center	N	N	N	N	N	N	N	N
Park	P	P	P	P	P	P	P	P
Post office	N	N	N	N	N	N	N	N
Protective service	P	P	P	P	P	P	P	P
Reception center	N	N	N	N	N	N	N	N
School, elementary, middle, high or private	P	P	P	P	P	P	P	P
School, vocational	N	N	N	N	N	N	N	N
Stable, public	N	N	N	N	N	N	N	N
Utility, major	N	N	N	N	N	N	N	N
Utility, minor	P	P	P	P	P	P	P	P
Commercial uses:								
Agricultural sales and service	N	N	N	N	N	N	N	N
Animal hospital	N	N	N	N	N	N	N	N
Bail bond service	N	N	N	N	N	N	N	N

Bank or financial institution	N	N	N	N	N	N	N	N
Bed and breakfast, home	P	P	P	P	N	N	N	N
Bed and breakfast inn	N	N	N	N	N	N	N	N
Business equipment rental, services, and supplies	N	N	N	N	N	N	N	N
Car wash	N	N	N	N	N	N	N	N
Club, private	N	N	N	N	N	N	N	N
Construction sales and service	N	N	N	N	N	N	N	N
Convenience store	N	N	N	N	N	N	N	N
Family child daycare facility[2]	P	P	P	P	P	P	P	P
Family child group daycare facility[2]	C	C	C	C	C	C	C	C
Family child residential certificate care facility[2]	P	P	P	P	P	P	P	P
Family childcare center	N	N	N	N	N	N	N	N
Funeral home	N	N	N	N	N	N	N	N
Garden center	N	N	N	N	N	N	N	N
Gas and fuel, storage and sales	N	N	N	N	N	N	N	N
Gasoline service station	N	N	N	N	N	N	N	N
Hostel	N	N	N	N	N	N	N	N
Hotel	N	N	N	N	N	N	N	N
Kennel	N	N	N	N	N	N	N	N
Kennel, residential	P	P	P	P	P	P	P	P
Laundry or dry cleaning, limited	N	N	N	N	N	N	N	N
Liquor store	N	N	N	N	N	N	N	N
Media service	N	N	N	N	N	N	N	N
Medical or dental laboratory	N	N	N	N	N	N	N	N
Medical service	N	N	N	N	N	N	N	N
Motel	N	N	N	N	N	N	N	N
Office, general	N	N	N	N	N	N	N	N
Parking garage, public	N	N	N	N	N	N	N	N
Parking lot, public	N	N	N	N	N	N	N	N
Pawnshop	N	N	N	N	N	N	N	N
Personal care service, home based[2]	P	P	P	P	P	P	P	P

Personal instruction service, home based[2]	P	P	P	P	P	P	P	P
Printing and copying, limited	N	N	N	N	N	N	N	N
Printing, general	N	N	N	N	N	N	N	N
Produce stand	N	N	N	N	N	N	N	N
Recreation and entertainment, indoor	N	N	N	N	N	N	N	N
Recreation and entertainment, outdoor	N	N	N	N	N	N	N	N
Recreational vehicle park	N	N	N	N	N	N	N	P
Repair service	N	N	N	N	N	N	N	N
Research service	N	N	N	N	N	N	N	N
Residential hosting facility[4]	P	P	P	P	N	N	N	N
Restaurant, fast food	N	N	N	N	N	N	N	N
Restaurant, general	N	N	N	N	N	N	N	N
Retail, general	N	N	N	N	N	N	N	N
Secondhand store	N	N	N	N	N	N	N	N
Shopping center	N	N	N	N	N	N	N	N
Tattoo establishment	N	N	N	N	N	N	N	N
Tavern	N	N	N	N	N	N	N	N
Temporary trailer	P	P	P	P	P	P	P	P
Transportation service	N	N	N	N	N	N	N	N
Vehicle and equipment rental or sale	N	N	N	N	N	N	N	N
Vehicle and equipment repair, general	N	N	N	N	N	N	N	N
Vehicle repair, limited	N	N	N	N	N	N	N	N
Veterinary service	N	N	N	N	N	N	N	N
Warehouse, self-service storage	N	N	N	N	N	N	N	N
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title							
Industrial uses:								
Automobile wrecking yard	N	N	N	N	N	N	N	N
Freight terminal	N	N	N	N	N	N	N	N
Heavy industry	N	N	N	N	N	N	N	N
Junk or salvage yard	N	N	N	N	N	N	N	N
Laundry services	N	N	N	N	N	N	N	N
Manufacturing, general	N	N	N	N	N	N	N	N
Manufacturing, limited	N	N	N	N	N	N	N	N

Mineral extraction	N	N	N	N	N	N	N	N
Wholesale and warehousing, general	N	N	N	N	N	N	N	N
Wholesale and warehousing, limited	N	N	N	N	N	N	N	N

Notes

1. See chapter 46 of this title.
2. See chapter 42 of this title.
3. See section 10-37-15 of this title for permitted animals and fowl.
4. See licensing and operations requirements in ~~title 3 of this Code.~~title 10 chapter 51 of this code. Licenses existing before the effective date of Ord. 2023-20 shall remain in effect, subject to the requirements of Title 10 Chapter 51.

Sec. 10-14-3. Uses allowed.

10. ~~A.~~ *Permitted and conditional uses.* Permitted and conditional uses allowed within residential agriculture zones shall be as set forth in table 10-14-1 of this section. Permitted and conditional uses are indicated by a "P" or "C," respectively, in the appropriate column. Uses not permitted are indicated by "N." Any use not shown on table 10-14-1 of this section shall be prohibited unless the Zoning Administrator determines the use is substantially the same as a permitted or conditional use as provided in subsection 10-7-18E4 of this title.

TABLE 10-14-1
PERMITTED AND CONDITIONAL USES ALLOWED IN
RESIDENTIAL AGRICULTURE ZONES

Use	Zones	
	RA-1	RA-.5
Agricultural uses:		
Agricultural business	P	N
Agricultural industry	N	N
Agriculture	P	P
Animal specialties	P	P
Animals and fowl for recreation and family food production	P	P[3]
Stable, private	P	P
Residential uses:		
Assisted living facility	P	P

Boarding house	N	N
Building, accessory	P	P
Dwelling, earth sheltered	P	P
Dwelling, multiple-family	N	N
Dwelling, single-family	P	P
Dwelling, single-family with single accessory dwelling unit	P	P
Dwelling, temporary	P	P
Dwelling, two-family	N	N
Guesthouse	P	P
Manufactured home	P	P
Manufactured/mobile home park	N	N
Manufactured/mobile home subdivision	N	N
Protective housing facility	P	P
Residential facility for elderly persons[1]	P	P
Residential facility for persons with a disability[1]	P	P
Residential facility for troubled youth	C	C
Short term rental[4]	NP	NP
Public and civic uses:		
Auditorium or stadium	N	N
Cemetery	P	P
Church or place of worship	P	P
Club or service organization	N	N
Convalescent care facility	N	N
Cultural service	P	P
Golf course	P	P
Hospital	N	N
Park	P	P
Protective service	P	P
Reception center	C	C
Stable, public	P	N
Utility, minor	P	P
Utility substation	P	P
Commercial uses:		

Agricultural sales and service	N	N
Animal hospital	P	P
Bed and breakfast, home	P	P
Bed and breakfast inn	N	N
Garden center	N	N
Kennel, residential	P	P
Licensed family child care[2]	P	P
Media service	N	N
Personal care service, home based[2]	P	P
Personal instruction service, home based[2]	P	P
Produce stand	P	P
Recreational vehicle park	N	N
Residential certificate child care facility[2]	P	P
Residential hosting facility[4]	P	P
Temporary trailer	P	P
Veterinary service	N	N
Warehouse, self-service storage	N	N
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title	

Notes

1. See chapter 46 of this title.

2. See chapter 42 of this title.

3. See section 10-37-15 of this title for permitted animals and fowl.

4. See licensing and operations requirements in title ~~3 of this Code~~10 Chapter 51 of this code. Licenses existing before the effective date of Ord. 2023-20 shall remain in effect, subject to the requirements of Title 10 Chapter 51.~~.~~

B. *Accessory uses.* Permitted and conditional uses set forth in table 10-14-1 of this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.

1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this title.

2. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.

3. Accessory uses in residential agriculture zones shall include, but not be limited to, the following:

Garage sales, subject to applicable standards of chapter 48, temporary uses, of this title.

Garages and off street parking areas, subject to applicable standards of chapter 34, off street parking and loading, of this title.

Hobby activities when conducted by an occupant of the premises solely for personal enjoyment, amusement, or recreation and which does not conflict with any other City ordinance.

Home based businesses, subject to applicable standards of chapter 42, home based businesses, of this title.

Household pets.

Nurseries and greenhouses.

Playhouses, patios, porches, gazebos, and incidental storage buildings.

Swimming pools and hot tubs for use by residents and their guests.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2009-01, 2-5-2009; Ord. 2016-11, 11-17-2016; Ord. 2017-03, 1-19-2017; Ord. 2018-04, 4-5-2018; Ord. No. 2022-61 , 2-2-2023)

B. *Accessory uses.* Permitted and conditional uses set forth in table 10-13-1 of this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.

1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this title.

2. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.

3. Accessory uses in residential zones shall include, but not be limited to, the following:

Garage sales, subject to applicable standards of chapter 48, temporary uses, of this title.

Garages and off street parking areas, subject to applicable standards of chapter 34, off street parking and loading, of this title.

Hobby activities when conducted by an occupant of the premises solely for personal enjoyment, amusement, or recreation and which does not conflict with any other City ordinance.

Home based businesses, subject to applicable standards of chapter 42, home based businesses, of this title.

Household pets.

Nurseries and greenhouses, when used for family food production.

Playhouses, patios, porches, gazebos, and incidental storage buildings.

Swimming pools and hot tubs for use by residents and their guests.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2009-01, 2-5-2009; Ord. 2016-11, 11-17-2016; Ord. 2017-03, 1-19-2017; Ord. 2018-04, 4-5-2018)

Sec. 10-51-13. Whole home vacation rentals and other short-term rental standards.

A. Regulations and restrictions imposed by this section are in recognition of the premise that short-term rentals provide lodging for a transient population that may or may not honor neighborhood mores or exhibit neighborly consideration to the same extent as permanent residents. The requirements listed in subsection D of this section are based on a desire to maintain the overall residential character of neighborhoods and the purpose of single-family residential zones to promote safe locations for residential uses.

B. *Business license required.* No dwelling in any permitted zone shall be occupied or used as short-term rental until such time that the owner has obtained a business license issued in accordance with the provisions of this section.

C. *Conditions for issuance of a business license for a short-term rental.* Issuance of a short-term rental business license by the Business License Officer shall be subject to the following:

1. A complete application for a short-term rental business license shall have been submitted in accordance with section 3-1-5, and which shall also include:

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

    b. A valid state tax number for remittance of transient lodging taxes.

2. The dwelling unit for which the business license is sought shall be located in a permitted zone according to this title, have been built to meet building and fire codes for transient occupancy, and have been issued a certificate of occupancy.

3. Portions of a single-family dwelling may not be used as a short-term rental unless located within a recreation resort zone or appropriately licensed as a residential hosting facility in accordance with the regulations for that use. A whole home vacation rental and a residential hosting facility located in a residential zone may not be located in the same single-family dwelling.

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

D. *Prohibition of additional whole home vacation rental licenses within single-family zones as described in Title 10, Chapters 13 and 14 of this Code.*

1. From the effective date of this ordinance, no new or additional whole home vacation rentals shall be permitted or licensed within any single-family zones as described in Title 10, Chapters 13 and 14 of this Code.
2. Whole home vacation rentals with current, valid business licenses shall be permitted to continue to operate and to receive annual renewals of the business licenses, subject to the requirements and conditions of this Section and all City, State, and Federal rules, regulations, laws, and statutes.
3. In the event of a sale or other transfer of property for which the owner holds a current, valid business license to operate a whole home vacation rental, the purchaser or transferee of the property shall apply for a new license within 45 days of the date of purchase or transfer. If the purchaser or transferee fails to submit a complete business license application within 45 days of the date of purchase or transfer, or if the applicant fails to complete the licensing process within six months after submitting the application, the purchaser or transferee shall not be issued a whole home vacation rental business license.

4. The revocation of a whole home vacation rental business license by the City Council pursuant to this Code shall terminate any rights of the license holder to operate a whole home vacation at the property.

E. *Parking regulations.* The following parking regulations apply to property licensed as a whole home vacation rental:

1. No tenant, guest, or other person visiting a whole home vacation rental shall park on a public street.
2. Off-street parking shall be provided on the same lot as the dwelling that is licensed as a whole home vacation rental.
3. Off-street parking shall be provided at one vehicle per bedroom. Tandem spaces on a driveway may be used.
4. No off-street parking space may be located in front of the living area of the dwelling unless there is a circular driveway.
5. The number of vehicles permitted for the occupants of a whole home vacation rental shall be restricted to the number of off-street parking spaces provided by the owner.
6. No tenant, guest, or other person visiting a whole home vacation rental shall park or allow to be parked recreational vehicles or trailers of any kind on the public street.
7. Owner shall supply a parking plan that complies with this section with the business license application.

(Ord. No. 2022-62 , 2-16-2023)

PLANNING & ZONING
HURRICANE CITY
UTAH

STAFF COMMENTS

Agenda Date:	**11/2/2023**
Application Number:	
Type of Application:	Land Use Code Amendment
Action Type:	Legislative
Applicant:	Hurricane City
Agent:	
Request:	Amend Title 10 Chapter 51 Section 13 with regards to whole home vacation rentals, and minor associated revisions to Chapters 3, 13 & 14

Updated Discussion and Recommendation:

On October 26, 2023, the Planning Commission voted (4 in favor with 3 against) to approve Option B which would limit the number of whole home vacation rental licenses to the number currently existing and allow for the transfer of the license to a new owner upon sale of the home. The motion included a recommendation to add language citing a specific effective date for the change. After the motion passed, the commissioners expressed misgivings about eliminating the waiting list, and requested that the City Council should be urged to consider keeping the waiting list in place as part of the Option B code amendment.

Recommendation: Staff recommends approval of the land use code amendment to Title 10 Chapters 3, 13, 14 & 51 as presented in Option B.

Discussion:

Staff received direction from the City Council to prepare an ordinance update limiting the expansion of whole home vacation rentals in the City. These are single family homes that are not owner occupied that are rented on a short-term basis in an otherwise long-term residential neighborhood. These units have historically caused the most enforcement difficulties. After discussion with the Planning Commission, staff has prepared two possible changes to the whole home vacation rental ordinance. These changes do not affect residential hosting or recreation resort units.

- Option A would limit the number of whole home vacation rental licenses to the number currently existing, and eliminate the option of transferring the license to a new owner upon sale of the home.

- Option B would limit the number of whole home vacation rental licenses to the number currently existing but allow for the transfer of the license to a new owner upon sale of the home.

Either option would begin a process of attrition in which the existing whole home vacation rental licenses would terminate over time, and those units would revert back or be converted to long-term occupancy.

Staff is also recommending a change to the use table in Title 10 Chapters 13 and 14 to change short-term rental from “permitted” with a footnote directing readers to the short-term rental code to “not permitted”. The definition of whole home vacation rental in Section 10-3-4 will also be updated.

Recommendation: Staff recommends the Planning Commission consider the revised ordinance and any public comments at the public hearing.

Oct 27, 2023

To the City of Hurricane Planning Commission;

I attended the Hurricane Planning Committee meeting on 10/26/23, I live in Sky Ranch which is currently in the County of Washington and have 3 commercially sized (over 30 ++ beds) STR's above our development in Adobe Hills which all including Sky Ranch could perhaps at some point in the not too distant future be taken into the City of Hurricane, I as well as our neighbors are very interested in how the City of Hurricane is going to propose handling the mess that that the STR's of that size pose for not just the residents that are trying to live with the chaos but for the city itself that is going to be required to handle the enforcement of those commercial rentals in a residential neighborhood.

After listening to the commission members make their comments and observations on the proposed land use code amendment regarding whole house STR's, I was surprised the chairwoman did not declare a conflict of interest as she is a current STR owner. I also feel that having legal council there that night should have been a requirement as clearly having someone with legal knowledge of procedures, codes or ordinances would have been very beneficial and time saving. For an agenda item of this significance and as many questions and discussion that needed to be had, this item should or could have been tabled until all those with the duty to vote could be brought up to speed on the issues and able to make better informed vote.

It was clear that more than a couple of the commissioners are not aware of the reality and the facts of the issues that STR's of that size create inside of a residential neighborhood. It is a known fact that commercially sized STR's will never be able to co-exist in a residential neighborhood they will not be able to be exist in harmony and therefore they simply should not have been allowed nor should be allowed in that zone area, ever. The city or the County that have allowed those non-conforming commercial rentals and continue to do so are clearly supporting the owners of those commercial rentals at the expense of the residents.

The commissioners posed questions that for those of us living in this untenable situation have already found and that is enforcement cannot be done in such a manner that it will stop nor slow down the violations.

The County of Washington has tightened their codes in response to the out of control issues, but many by the Counties own admission are very difficult if not impossible too enforce, for example the regulation of owner occupied, there is not ever going to be enough code enforcement officers to watch for this, even if the residents are burdened with being on call to keep their eyes and ears open and report it. The option of limiting the guest to 10, again almost impossible to enforce with out a code enforcement officer standing in the neighborhood watching and counting the guests that are coming and going.. The very fact that the owners currently are calling their "events" by the names of "retreats, groups or gathering" trying to get around the no events ordinance the county has in place is another example of how the owners will do what ever they feel they have to operate the way they want and not follow ordinances. If you simply read the reviews left by those that have rented, weddings reunions, parties all are mentioned as the events that are being enjoyed by the renters, against the county ordinances.

In theory many of the commissioners comments were helpful and thoughtful, clearly they were meant to problem solve, however the facts are not the same as theory and many of the ideas I heard that night have already been tried in the county and have failed to solve the issues.
I do not agree with what I heard from one of the Commission members that it took 7 years to create this mess and it is "Ok by him to " to take 7 years to get out of the mess, this is 100% at the expense of the residents not the owners of the STR's I have to admit I was rather surprised that a planning commission member would take such a stance knowingly encouraging the issues that the residents that live in the area are experiencing on a daily basis to continue to live through.

I did mention to Fred that he might find the newly updated STR ordinances that the County passed a few short months ago might be of interest, along with speaking with perhaps the code enforcement officer, Emerson Rivera or Community Development Department, Scott Messel on the reality of what they just went through. The residents did not get a huge win, the owners of the STR"s clearly weld a great amount of power in the decision making but it's a positive step in the right direction.

As I sat there and listened to the commissioners speak I heard over and over again how concerned they were about the owners of the STRs and how they did not want to hurt them, up set them or prevent them from making a income from their investments. I believe if any of the commissioners listen back to the recording you will hear there was maybe 2 or 3 times where there was a concern voiced for the residents. Where is the concern that the residents bought our homes to live a peaceful and quiet existence and now we cannot because greed was allowed to overtake our neighborhood's, those of us that were living in these neighborhood before the STRs were allowed are the real losers here.

If there was no zoning at all and any structure was allowed in any area then the argument would stand as to a property owner having the right to do as they wish with their own property, but there are zones and these commercial STR's are not in the proper zone and those owners should have to abide with the zoning that is in place for these neighborhoods, I can only assume the zones were structured the way they were for a reason and careful thought was put into each zone description. To add one important note to this 2 of the three large STR's did not disclose their intent to rent out their buildings when applying for permits and the county had no procedure for asking questions or looking into that until they were past the point of the county trying to halt the issues , however they then doubled down even knowing all the issues and went and Grandfathered them in, knowing they were not legally zoned, nor where the septic's sized correctly for 60 plus people as well as no safety equipment installed or even inspected as well for safety requirements .

A couple of final thoughts and I respectfully ask that you stay with me on this, I heard more than one commissioner comment on the fact that the STR's are an investment for the owners and investments are by nature speculative there is never a guarantee with an investment, I agree with these comments.

The city should not be nor any government entity should be in the business of guarantying a business investment. The residents purchased their homes to live in and they should have a reasonable expectation, that a residential neighborhood stays just that and does not turn in to a place where investors can make money at the expense of the residents that have lived there previous to the commercial rentals. Again these commercial businesses were allowed to operate in a residential zone not the other way around.

I kept listening for a specific item to be brought up Thursday night, what I heard is that the investors put money into their STR's and should expect to make money from them to recoup their investments and if they cannot sell their investment as a rental then they lose money, what I did not hear HOWEVER is every single time those STR's are rented they are earning money back on their investment, its not JUST from the sale of the property. I find this is an important part to the investors argument that is being repeated by the commission but is not 100 % accurate. They are making money every single day they rent those commercial rentals out.

If a government entity whether it be city or county has determined a change needs to be made for the betterment of the residents that actually live there, why is it that the voice of a few over rides the voice of the many.. There are far more residents that live in Hurricane, shop in Hurricane and support the city and are at the effect of the STR's and they should have a bigger voice than the few that that do not even live in the area and do not have to live with the chaos their businesses bring.

There is a solution, those commercial rentals need to be in a zone that fits their commercial business, the owners would have less restrictions regarding noise, traffic, events, parking etc and the residents can go back to living in a residential neighborhood where they know their neighbors and feel safe and secure. Continuing down this path that is fraught with issues that will never be able to be resolved until those commercial businesses are moved to a place that fits them.

Thank you for your service to the City of Hurricane and your time and consideration of this letter. I am willing to discuss or answer any questions from the Commission regarding this item.

Sincerely,

Julie Krogh

From: Gary Cupp
To: Cindy Beteag
Subject: FW: Public Comment on LUCA regarding Vacation Rentals
Date: Monday, October 30, 2023 1:43:10 PM

Another comment for Item 4 this Thursday. This one from Rebecca Bronemann.

Thanks,
Gary

From: Rebecca Bronemann [redacted]
Sent: Saturday, October 28, 2023 9:45 AM
To: Brienna Spencer <brienna@cityofhurricane.com>
Subject: Public Comment on LUCA regarding Vacation Rentals

Members of staff and City Council,
I would like to express my regret in voting for option B on LUCA for Title 10 Chapter 13 and 14. Had I voted against the motion, it would not have passed. The reasons I would like to change my vote are as follows.

"When taking away property rights, we need to exhaust every possible option first." This statement was made by Commissioner Goodfellow and I agree. I don't feel we have yet made the effort to explore every possible option. It seems that eliminating full house vacation rentals is a knee jerk reaction to public clamour. I and several of my fellow commissioners have stayed at the same type of vacation rentals in other cities and states and there doesn't seem to be an issue. Perhaps we should look to other cities for tips and advice on how to better regulate our own. I feel that given our status as a tourist town, this option needs to be available for people visiting our area as well as our citizens that use this for income to support their families.
Yes, there are a few bad apples that are not enforcing / monitoring their properties and have violations. When asked how many of these bad actors there are, we were told by staff that it is about 10%. Will we punish the other 90% because of them? That hardly seems like a wise decision. What I would like to see is tighter regulations that make it easier to crack down and revoke business licenses for those who will not comply. These can include things such as:
1. Limiting or reducing the number of guests allowed on a property.
2. Make a non-response to violations a violation in itself. Failure to respond or comply will result in a revocation of the business license.
3. Requiring that vacation rental owners live within a minimum distance of their vacation rental; no more management companies or out of state owners.
4. Have a 3-strike policy and if the offender does not come to the hearing, their licence is automatically revoked. It makes no sense that a license cannot be revoked if they are a no show.
5. Each owner could be required to give their number and the number of the city reporting hotline to the surrounding neighbors.
6. It was suggested to make an annual fee in order to stay on the waiting list. This way it will eliminate those who are not as serious about it as others thereby reducing the number of people waiting.

Is there a way we can streamline or simplify the process of revoking a business license?

I feel that the elimination of the waiting list is unfair to those who have been waiting for years. Why punish them and take away their opportunity because a minority cannot properly run their businesses?
It is also my understanding that the State requires that we allow vacation rentals. It seems that this new policy would eventually eliminate this type of vacation rental entirely. Is this against state code?

As you can see, there are many options and questions that I feel need to be addressed before we take this property right away. Many of our residents use this tool as a way to pay for their current home or supplement their income and they do it responsibly. Removing this option for future license holders is not in the best interest of our city residents. I feel the planning commission was given two very similar and narrow options to choose from by the staff without soliciting more solutions to this amendment.
I did request to change my vote in the meeting, however, staff said I couldn't and we didn't have council there to verify. After the meeting, Councilman Thomas made it known that it was in fact something that could have been done. I am taking this opportunity now to voice my concerns and change my vote.

Thank you for your consideration,
Rebecca Bronemann
Hurricane City Planning Commission.

Cindy Beteag

From: Dana Fallentine <danaholladay1@gmail.com>
Sent: Thursday, November 09, 2023 4:20 PM
To: Cindy Beteag
Subject: Thursday's Meeting X short term rentals!

Dear Cindy,

I feel that the short-term rentals popping up everywhere should be eliminated! I paid a lot of money to buy a short-term rentable unit in a vacation village (Zion Village). I think that the neighborhoods in Hurricane should be preserved for locals and visitors should stay in designated areas.

Please pass this on at the meeting tonight.

Thank you,

Dana

Cindy Beteag

From: Melody Craig <melodyccraig@gmail.com>
Sent: Tuesday, November 07, 2023 5:15 PM
To: Cindy Beteag
Subject: STR's in Hurricane

Cindy,

I am hoping you can forward my letter to the City Council members voting on the 16th.

I purchased this home in 2021 with high hopes of turning it into an income for my family. We only own this one additional property and we were hoping to use it as an STR to help our family financially. We were very disappointed when we realized we had to enter a never ending waitlist before this dream could become a reality. We have been on this list for over 2 years now and believe it would be extremely unfair to do away with it entirely. There have been exceptions made for large developers to allow STR's and don't you think that's unfair? I am a small business owner and large developers can walk in with their deep pockets and get rules changed just like that? I am hoping you will allow short term rentals in Hurricane city because there is a very real need! People need a place to stay and we can and will boost the economy this way.

Sincerely,

Melody Craig

Cindy Beteag

From: Samuel Hepworth <hamuelsepworth@gmail.com>
Sent: Monday, November 06, 2023 7:15 PM
To: Cindy Beteag
Subject: Opinion on STRs in Hurricane

Hello Cindy,
I am writing to express my desire to oppose the legislation that will hinder short term rentals in Hurricane. Hurricane already has strict STR laws compared to many cities so additional legislation is over the top. STRs can help Hurricane have a good economy as it encourages people to vacation there and spend money on the local shops. Also in this current economy people need a way to make some extra money and taking away short term rentals will cut away many people's incomes. For whomever can reas this, please consider voting against the legislation that is opposing short term rentals.

Thank you,
Samuel Hepworth

Cindy Beteag

From: Lashell Johnson <lashellbjohnson@yahoo.com>
Sent: Tuesday, November 07, 2023 5:16 AM
To: Cindy Beteag
Subject: Support for Short Term Rentals in Hurricane City

Dear Cindy,

I hope this message finds you well. I am writing to express my strong support for Short Term Rentals (STRs) in Hurricane City. I believe that STRs can play a positive role in our community, providing both economic benefits and unique lodging options for visitors.

It is my understanding that there will be a vote on November 16th regarding potential restrictions on STRs. I want to urge the city council to consider the valuable contributions that well-managed STRs can bring to our community.

I acknowledge the importance of striking a balance between the interests of homeowners, visitors, and the community at large. Responsible hosting and respectful adherence to regulations are essential components of a successful STR program. I am confident that with proper oversight and thoughtful regulation, STRs can continue to thrive in Hurricane City while maintaining the integrity of our neighborhoods.

Even though I may not personally own an STR in Hurricane, I believe that supporting the rights of property owners to engage in responsible short-term rentals is vital for the continued growth and prosperity of our community and state.

Thank you for your time and consideration. I appreciate your dedication to the well-being of Hurricane City and its residents.

Warm regards,

Lashell Johnson

Sent from my iPhone. Have a beautiful day!

Cindy Beteag

From: Dale Christensen <djc1203@gmail.com>
Sent: Monday, November 13, 2023 4:18 PM
To: Cindy Beteag
Subject: Restricting short term rentals

Dear Cindy,

I have rented both short term and long term rentals for more than 10 years and could I just point out some advantages about short term rentals ?

I have found Airbnb guests, in general, to be higher quality, respectful people than other renters. They are usually responsible people with money who travel for work or pleasure.

Every time a guest moves out, the apartment is cleaned. Airbnbs are cleaned more frequently and are cleaner than regular apartments. Airbnbs are also repaired and maintained better than regular rentals.

The guests are usually quiet and don't bother anyone since they are there temporarily and spend most of their time at work or sightseeing.

Airbnbs are furnished and guests just bring a suitcase. Regular tenants tend to be be poor and tend to accumulate junk. Airbnbs bypass this problem.

Airbnbs benefit regular people like you and me rather than large corporations such as hotels. They are affordable to families who can't afford to pay for several hotel rooms and encourage families, the kind of people that you want to attract to your city.

These are just a few of my immediate thoughts. I believe most of the complaints of Airbnb's are misinformation possibly from competitor industries such as hotels. Thank you for considering my remarks.

Respectfully,

Dale Christensen

HURRICANE CITY
UTAH

STAFF COMMENTS

Consideration and possible approval of **Resolution 2023-39 for the Recertification of the Hurricane Justice Court**

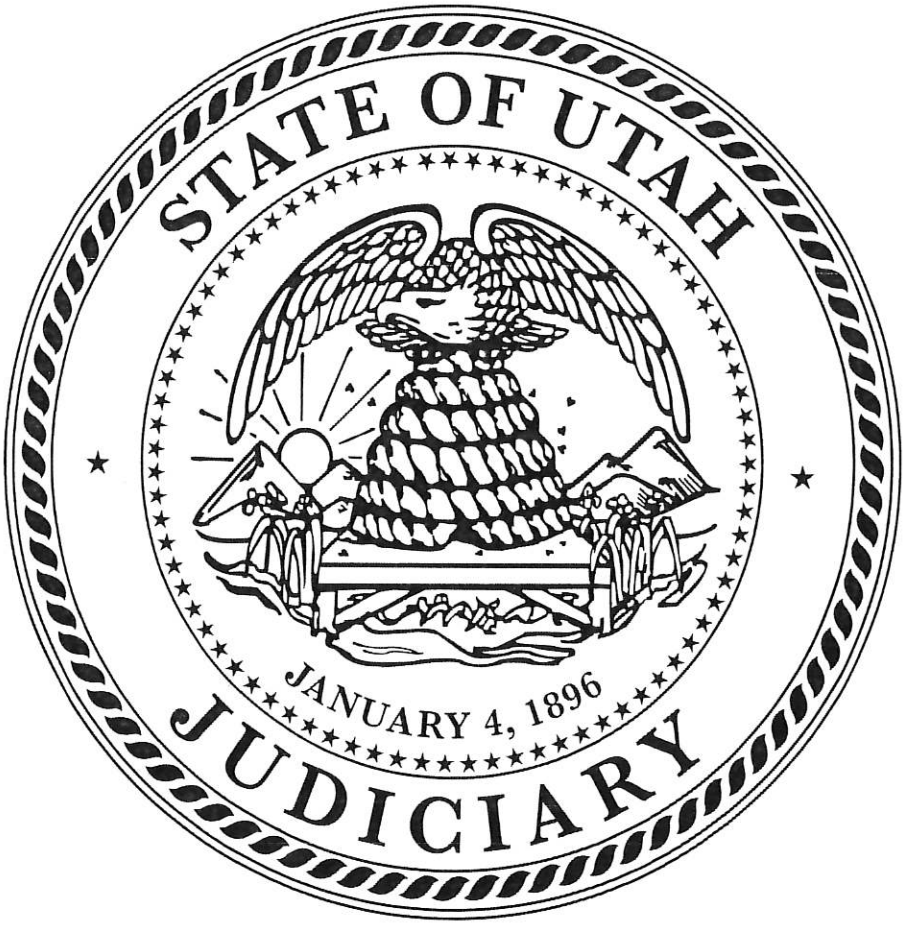
Discussion:
Utah State Code requires existing Justice Courts to be recertified every four years. This includes a court certification affidavit completed and signed by the judge, a written opinion from the City Attorney, a passed resolution, a copy of the court's security plan, a copy of any interlocal agreements relating to court operations, and a series of questions answered to ensure the court meets the requirements to be submitted to the Board of Justice Court Judges for approval.
Attached is everything that is required and will be sent to the State for approval if the resolution is approved.

Findings:

Recommendation:

Attachments:
1. Justice Court-application-checklist
2. Justice Court-Interlocal Agreement
3. Justice Court- Security Plan
4. Resolution 2023-39 Recertification of the Hurricane Justice Court
5. 231109 Opinion Letter re Recertification of Justice Court

APPLICATION FOR RECERTIFICATION OF EXISTING JUSTICE COURTS



OCTOBER 2023

CHECKLIST

Please be sure that your application for recertification includes each of the following:

1. ____ Court Certification Affidavit completed and signed by the judge.

2. ____ A copy of a written opinion from the city or county attorney (as appropriate), directed to the appropriate sponsoring governmental entity, advising that entity of all requirements for the operation of the justice court and the feasibility of maintaining the court.

3. ____ A copy of a duly passed resolution of the sponsoring governmental entity that

   a. requests recertification of the court, and

   b. affirms that the entity is willing to meet all requirements for the operation of the court during the period of certification.

4. ____ A copy of your court security plan, as required by Rule 3-414 of the Code of Judicial Administration.

5. ____ A copy of any interlocal agreement(s) relating to court operations, as amended to date.

ALL OF THESE DOCUMENTS MUST BE RECEIVED BY THE ADMINISRATIVE OFFICE OF THE COURTS BY:
DECEMBER 15, 2023.

Board of Justice Court Judges
Attention: James M. Peters
Administrative Office of the Courts
P. O. Box 140241
Salt Lake City, Utah 84114-0241
jamesp@utcourts.gov

COURT CERTIFICATION AFFIDAVIT

Justice Court: HURRICANE JUSTICE COURT

Judge: KARLIN SCOTT MYERS

Address: 70 S. 700 W.

HURRICANE UT 84737

Telephone: 435 635 4072

Court's Website: cityofhurricane/171/Justice-Court

Level of Court (Circle one): I (II) III IV

Average Case Filings Per Month: 336

Daily Court Hours: 8 AM to 3pm for Public

Number of Full-time Clerks: 2
Hours Worked Per Week Per Clerk: 40

Number of Part-time Clerks: 1
Hours Worked Per Week Per Clerk: 21

This form is divided into two parts. Section I contains those requirements that are statutory and cannot be waived. Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived pursuant to the procedure set forth in the Instructions to Applicant included with this Application for Recertification.

Comes now Judge KARLIN SCOTT MYERS,

Justice Court Judge for HURRKANE CITY,

and, except as specifically noted below, certifies as follows:

SECTION I

THE FOLLOWING ITEMS ARE STATUTORY AND CANNOT BE WAIVED. CERTIFICATION WILL NOT BE GRANTED UNLESS EACH REQUIREMENT IS MET.

Please indicate **Yes or No** to each of the following:

1. All official court business is conducted in a public facility. YES

2. Court is open daily. YES

3. The hours of court operation are posted conspicuously. YES

4. The judge and the clerk attend court at regularly scheduled times based on the level of the court. YES

5. The judge is compensated at a fixed rate, within the statutory range. YES

6. The responsible governmental entity provides and compensates sufficient clerical personnel necessary to conduct the business of the court. YES

7. The responsible governmental entity assumes the expenses of the travel of the judge for purposes of required judicial education. YES

8. The responsible governmental entity assumes the expenses of the travel of each clerk for the purposes of attending training sessions conducted by the Judicial Council. YES

9. The responsible governmental entity provides the Court with:

   a. Sufficient prosecutorial support YES

   b. Funding for attorneys for indigent defendants, as appropriate YES

   c. Sufficient local law enforcement officers to attend court as provided by statute YES

   d. Security for the court as provided by statute YES

   e. Witness and juror fees YES

   f. Appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances and other necessary legal reference materials YES

10. Fines, surcharges and assessments which are payable to the state are forwarded as required by law. YES

11. Court is held within the jurisdiction of the court, except as provided by law (78A-7-212).
YES

12. All required reports and audits are filed as required by law or Rule of the Judicial Council.
YES

13. A record of all court proceedings is maintained by an appropriate digital recording system.
YES

SECTION II

Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived or an extension granted pursuant to the procedure set forth in the Instructions to Applicant included with this Application for Recertification.

Please indicate **YES or NO** to each of the following:

1. A clerk is available each day to conduct court business, including hearings as required by the judge, for the number of hours required for the classification of the court. YES

2. Hours during which a clerk is available are posted on the court's website. YES

3. The judge is available to conduct court business as needed. YES

4. The judge performs all duties required and exercises ultimate responsibility for the administration of justice as an independent branch of government. YES

5. All court hearings are conducted in a designated courtroom, by remote transmission, or in another location authorized by the Presiding Judge. YES

3. Minimum furnishings in the courtroom include:

   a. Desk and chair for the judge YES

   b. A six-inch riser YES

   c. Desk and chair for the court clerk YES

   d. Chairs for witnesses YES

   e. Separate tables and appropriate chairs for plaintiffs and defendants YES

   f. A new Utah State flag that will be on display no later than March 9, 2024 YES

   g. A United States flag YES

   h. A separate area and chairs for at least four jurors YES

   i. A separate area with appropriate seating for the public YES

   j. An appropriate room for jury deliberations YES

   k. An appropriate area or room for victims and witnesses which is separate from the public YES

   l. A judicial robe YES

m. A gavel YES

p. Necessary forms and supplies YES

q. Office space for the judge YES

r. Office space for the court clerk YES

s. Secure filing cabinets YES

t. Appropriate office supplies YES

u. A cash register or secured cash box for each clerk performing cashiering duties YES

v. At least one computer with word processing software and internet access YES

w. Access to a scanner and copy machine YES

4. The court shall provide interpreters as required by Rule 3-306.04 of the Code of Judicial Administration. YES

5. Does the applicant have a law enforcement department? YES

6. If the applicant does not have a law enforcement department, identify the law enforcement agency which will provide law enforcement services for the applicant:_____

_____

_____

7. A court security plan has been submitted for approval as required by Rule 3-414 of the Code of Judicial Administration. YES

8. The court electronically reports to the Driver License Division, the Bureau of Criminal Identification and the Administrative Office of the Courts as required. YES

9. Clerks' education hours shall be reported to the Administrative Office of the Courts on an annual basis. YES

10. The appointment of the clerk(s) assigned to serve the court are subject to the judge's approval, who may participate in the interview and personnel evaluation process for the clerk(s) at his or her discretion. YES

11. Court staff are current with all certification requirements required by the Board of Justice Court Judges from the month after starting with the court through September 30, 2023. YES

12. Any interlocal agreement relating to court operations shall be submitted to the Administrative Office of the Court with the city's application for recertification. YES

13. The court accepts credit and debit cards through a system that integrates with CORIS. YES

14. The court has access to UCJIS. YES

15. An audio recording system that complies with the description below maintains a digital recording of all court proceedings. YES

For Class I and Class II justice courts, the system must:

- Be a stand-alone unit that records and audibly plays back the recording;
- Index, back-up and archive the recording and enable the record to be retrieved;
- Have at least four recording channels;
- Have a one-step "on" and "off" recording function;
- Have conference monitoring of recorded audio;
- Have external record archiving from the unit with local access; and
- Be capable of being integrated with the court's public address system.

For Class III and Class IV justice courts, the system must, at a minimum:

- Be a stand-alone unit that records and audibly plays back the recording;
- Index, back up and archive the recording and enable the record to be retrieved; and
- Have at least two recording channels.

16. If the court is a **Class I** court:

a. Judge is employed on a full-time basis ____

b. Dedicated courtroom which meets the master plan guidelines adopted by the Judicial Council ____

c. Court has a jury deliberation room ____

d. Judge's chambers, clerk's office, and courtroom are in the same building ____

e. Judge has his or her own private chambers ____

f. Clerk's office is separate from any other entity ____

g. Court is open during normal business hours ____

17. If the court is a **Class II** court:

a. Court is open (check one)

____ 201-300 average monthly filings: at least 4 hours/day
__X__ 301-400 average monthly filings: at least 5 hours/day
____ 401-500 average monthly filings: at least 6 hours/day

b. Trial calendar is set at least weekly YES

c. Courtroom configuration is permanent YES

d. Courtroom, judge's chambers, and clerk's office are within the same building YES

e. Judge has his or her own private chambers YES

18. If the court is a **Class III** court:

a. Trial calendar is set at least twice per month ____

b. Court is opened (check one):

____ 61-150 average monthly filings: at least 2 hours/day
____ 151-200 average monthly filings: at least 3 hours/day

19. If the court is a **Class IV** court:

a. Trial calendar is set at least monthly ____

b. Court is open at least 1 hour per day ____

20. **If you have responded with a "no" to any item in Section II above, you must request a waiver or extension below and justify that request.** If waiver or extension of any requirement is requested, please specify each requirement and indicate factors which demonstrate a need for the waiver or extension. For any requested extension, please include the requested extension period. (To receive a waiver or extension of any requirement, the information requested in this section must be provided. Remember that statutory requirements cannot be waived or extended).

I am familiar with the minimum operational standards for this court, and except as noted above, those standards are currently met or exceeded. During the current term of the court, I have met with the appropriate governing body of the city to review the budget of the court, review compliance with the minimum requirements and operational standards, and discuss other items of common concern.

DATED this 30 day of OCTOBER, 2023.

Justice Court Judge

I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

Executed on this 30 day of OCTOBER, 2023.

INTERLOCAL AGREEMENT PROVIDING FOR HURRICANE/LAVERKIN JUSTICE COURT

THIS AGREEMENT made this 16th day of December, 1998, by and between the CITY OF LAVERKIN ("LaVerkin") and the CITY OF HURRICANE ("Hurricane"). The parties, each in consideration of the mutual promises and obligations assumed by the other, and for other good and valuable consideration, agree as follows:

Section 1. Interlocal Agreement for Establishment of Hurricane/LaVerkin Justice Court.

This agreement for establishment of the Hurricane/LaVerkin Justice Court is executed pursuant to resolution of each municipality and pursuant to Utah Code Ann. §§ 78-5-101 et seq. and 11-13-1 et seq.

Section 2. Purpose of Agreement.

This agreement is entered into in order to provide a Class II Justice Court for the municipalities to this agreement. Hurricane has a class II Justice Court which is certified to handle 201-500 filings per month. There are approximately 300 filings per month in the Hurricane Justice Court and LaVerkin expects that it will have 0-60 filings per month. That being the case, the municipalities desire to establish and certify a Class II Hurricane/LaVerkin Justice Court which will have jurisdiction over cases from the respective municipalities in accordance with Utah Code Ann. § 78-5-101 et seq.

The establishment of a Class II Hurricane/LaVerkin Justice Court will provide the efficient administration of justice for LaVerkin and Hurricane. It is understood that when filings in the Hurricane/LaVerkin Justice Court exceed 500 filings per month, the municipalities will be required to certify the Court as a Class I Justice Court pursuant to Utah Code Ann. § 78-5-101 et seq.

Section 3. Authorization.

Utah Code Ann. § 78-5-101 et seq. (specifically § 102 (4)) anticipates establishment of a justice court by interlocal agreement pursuant to the Interlocal Cooperation Act, Utah Code Ann. § 11-13-1 et seq.

Section 4. Courtroom facilities.

(a) Courtroom Location: The Hurricane/LaVerkin Courtroom shall be located in the Hurricane Office Building which has adequate public access and is an appropriate setting for the Court.

(b) Courtroom and Judicial Furnishings, Office Space and Legal Resources shall meet state requirements for the certification level of the court both now and in the future.

Section 5. Appointment of Judge and Filling of Vacancies.

(a) Appointment: The Hurricane/LaVerkin Justice Court Judge shall be appointed by the Hurricane mayor and be confirmed by the Hurricane City Council The applications for judge shall be reviewed by the Mayor of Hurricane and he/she shall appoint the best qualified candidate for office based solely upon fitness for office. If the confirming body, as defined in Section 5, Subsection (a), sentence 1, does not confirm the appointment within 30 days of submission, the Mayor of Hurricane may either appoint another of the applicants or re-open the vacancy by advertisement and solicitation of applications. The Hurricane/LaVerkin Justice Court Judge shall be considered for re-appointment after the appointing authority has considered whether the judge has been certified as meeting the evaluation criteria for judicial performance established by the Judicial council and any other factors deemed relevant by the appointing authority and pursuant to Utah Code Ann. § 78-3-21(4) and 78-5-134(6). The municipalities agree that the current Hurricane Court Judge, Judge Richard D. Carr, is certified as a Class II Justice Court Judge and that he will be the judge for the Hurricane/LaVerkin Justice Court, subject to the requirements for reappointment. Utah Code Ann. § 78-5-134(5).

(b) Vacancy: When a vacancy occurs in the office of Justice Court Judge, the governing bodies of the municipalities shall advertise the vacancy and solicit applications for the vacancy and appointments shall be made in accordance with Section 5, Subsection (a).

(c) Eligibility: All justice court judges shall meet the eligibility requirements of Utah Code Ann. § 78-5-137 and Chapter 3, Title 53, regarding employment of relatives. Further, the justice court judge must be a resident of either LaVerkin or Hurricane.

(d) Temporary Judge: If the Hurricane/LaVerkin Justice Court Judge is absent or disqualified, the appointing authority may appoint another Justice Court Judge currently holding office within the County to serve as a temporary Justice Court Judge. A retired Justice Court Judge may also be appointed as a temporary Justice Court Judge under rule of the Supreme Court.

(e) Reporting: The names of all judges appointed, including those filling vacancies, must be reported to the Judicial Council pursuant to Utah Code Ann. § 78-5-134(4).

Section 6. Courtroom Officer.

A peace officer must be present at the Hurricane/LaVerkin Courtroom when required for security purposes. Hurricane shall be responsible for all costs of providing said officer.

Section 7. Prosecution.

(a) Attorneys: Appropriate screening and prosecution shall be performed by the City Prosecutors for each municipality and, where necessary, by the County Attorney's Office as provided in Utah Code Ann. § 78-5-111.

(b) Juror and Witness Fees: Each municipality shall pay for the statutory juror and witness fees arising from actions prosecuted by that municipality.

(c) Indigent Defendant: Each municipality shall maintain a system of providing for and funding of indigent defense counsel where requested and warranted.

Section 8. Compensation and Training Costs

(a) Compensation: The Hurricane/LaVerkin Justice Court Judge shall be compensated as set forth by contract signed by the Mayor of Hurricane and attested to by the City Recorder. Hurricane shall be responsible for all compensation costs.

(b) Training: Each year, the Justice Court Judge must attend continuing education classes conducted by the Judicial Council and the costs of his attendance, including expenses of travel, meals, and lodging will be Hurricane City's responsibility.

(c) Clerical Training: Clerical Personnel of the Hurricane/LaVerkin Justice Court are required to attend training sessions conducted by the Judicial Council and costs of travel and training expenses shall be Hurricane City's responsibility.

Section 9. Annual Reports.

Utah Code Ann.§ 78-5-101 et seq. requires the filing of reports and audits in a timely manner. The municipalities agree to cooperate in making said reports and audits.

Section 10. Term.

The Judicial Council certifies justice courts for a term of four years and thereafter, justice courts must be re-certified for an additional four-year term. Therefore, the term of this agreement shall be for the remainder of the current four-year certification period and thereafter shall be renewed automatically for four-year terms commencing with the expiration of the original term of certification, with the same terms and conditions as set forth in this agreement or any amendment to this agreement, unless either municipality, at least 60 days before March 1 of each year, gives written notices to the other of intention to terminate this agreement.

Section 11. Section Headings.

The section headings appearing in this agreement are for the purpose of convenience and ready reference. They do not purport to, and shall not be deemed to, define, limit, or extend the scope or intent of the clause to which they appertain.

Section 12. Severance Clause.

If any one or more sections, sentences, clauses or parts of this agreement shall, for any reason, be questioned or held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this agreement, but shall be confined in its operation to the specific section, sentences, clauses or parts of this agreement so held unconstitutional and invalid, and the inapplicability and invalidity of any section, sentence, clause or part of this agreement in any one or more sentences shall not affect or prejudice in any way the applicability and validity of this agreement in any other instances.

Section 13. Payment

LaVerkin agrees to pay Hurricane City $250.00 per month due upon the 10th day of each month. Hurricane City shall be responsible for all costs, including judge's and clerk's salary, related to the operation of the Hurricane/LaVerkin Justice Court as identified in this agreement.

Section 14. Disposition of Fines.

(a) LaVerkin Prosecutions Generally: In actions prosecuted by the City of LaVerkin for matters arising within its jurisdiction, one-fourth (¼) the fines and forfeitures collected shall be remitted to the Treasurer of Hurricane as the local government responsible for the Court and three-fourths (¾) to the Treasurer of LaVerkin which is the local government prosecuting the violation.

(b) Special Proceedings: In the following proceedings prosecuted by the City of LaVerkin for matters which arise within its jurisdiction, the fines and forfeitures collected shall be remitted as follows:

(1) Title 23: For a violation of Title 23, the Court shall allocate 85% to the Division of Wildlife Resources and 12.75% to Hurricane and 2.25% to LaVerkin.

(2) Surcharge: The surcharge established by Utah Code Ann. § 63-63a-1 shall be paid to the State Treasurer.

(3) Title 27: Fines, fees, court costs and forfeitures collected by the Hurricane/LaVerkin Justice Court for violation of Utah Code Ann. §§ 27-12-151 or 27-12-154 regarding maximum weight limitations and overweight permits, minus court costs not to exceed the schedule adopted by the Judicial Council, shall be paid to the State Treasurer and distributed under the Class B and C Road Account.

(a) Revenue deposited in the Class B and C Road Account pursuant to this Section is supplemental to the money appropriated under Utah Code Ann. § 27-12-127 which shall be expended in the same manner as other Class B and C Road funds.

Section 15. Revision; Adjustment; Modification.

On or before March 1, each year, caseload and expenses of the Hurricane/LaVerkin Justice Court shall be reviewed and this agreement modified, if necessary, to reflect the proportionate share of cost to be borne by each party in relation to the costs of operation of this court.

This agreement can only be revised, amended, or modified by written agreement of the parties.

Section 16. Total Agreement; Binding Effect; Applicable Law.

This agreement constitutes the entire agreement between the parties relating to the subject of this agreement. The covenants and agreements contained in this agreement shall be binding on their respective successors and assigns. In the event of any judicial proceeding in connection with this agreement, the prevailing party shall be entitled to recover expenses, costs, and reasonable attorney's fees from the non-prevailing party. This agreement shall be interpreted in accordance with Utah law, specifically, Utah Code Ann. § 78-5-101 et seq. And any amendments thereto.

CITY OF LAVERKIN

Douglas B. Wilson, Mayor

ATTEST:

Ethelyn Humphries, City Recorder

APPROVED:

V. Lowery Snow
LaVerkin City Attorney

CITY OF HURRICANE

Douglas R. Garner, Mayor

ATTEST:

Hurricane City Recorder

APPROVED:

Fay E. Reber
Hurricane City Attorney

HURRICANE JUSICE COURT SECURITY PLAN

PURPOSE

To promote the safety and well-being of judicial personnel, members of the bar and citizens utilizing the court.

STATEMENT

The following plan shall be the guidelines for court security which meet or exceed the requirements in Rule 3-414 Code of Judicial Administration.

ADMINISTRATION

1. Court security is the joint effort of the Hurricane Police Department (hereafter HPD) and the justice court to prevent or control security issues that may arise.
2. The justice court judge shall approve the plan with concurrence of the chief of police or his designate.
3. The court shall file the local security plan with the security coordinator and file amendments when added.
4. The plan shall be reviewed annually with the judge and HPD.

LAW ENFORCEMENT

HPD has the responsibility for courthouse and courtroom security through a law enforcement administrator as follows:

1. Coordinate all law enforcement activities within the courthouse for implementation of the security plan and for response to emergencies.
2. Cooperate with the judge in the development and implementation of the local plan.
3. Provide local law enforcement personnel with training as provided in Rule 3-414
4. Recommend court bailiff to the judge for approval.
5. Provide bailiff with sufficient equipment to perform his duties as court security officer.

COURT BAILIFF

1. Bailiff shall be a category one police officer designated by the police chief with concurrence of the judge.
2. To perform all functions of courthouse and courtroom security.
3. To provide protection for the judge and court personnel.
4. Bailiff to wear official uniform of enforcement agency.
5. Specific Duties:
    a. Inspect courtroom prior to court session.
    b. Responsible for maintaining order and give instructions to all persons present in court area.
    c. When necessary, conduct searches of individuals appearing in court or persons suspected of carrying a weapon, explosives, or contraband.
    d. Give directions to all persons in court area how to exit facility in case of emergency.
    e. Shall be aware of the location of fire extinguishers and first aid kit.
    f. Only the bailiff or authorized police officer shall use the metal detector and shall maintain the detector and any restraint equipment to insure proper operation.
    g. To notify the judge immediately of any unusual or suspicious situations that the officer is concerned about.
    h. To report any derogatory comments or threats made regarding judge or court personnel.
    i. To notify the judge of officers in courtroom in plain clothes that have a concealed weapon.
    j. To coordinate with the judge and clerk, a signal to be given to alert them of potential danger.
    k. To prevent any unauthorized person from approaching the bench or advancing in front of the bar without permission.
    l. Perform other duties as required such as jury protection (addressed in another section).
    m. Secure the following areas (1) judges chambers (2) courtroom (3) clerk's office (4) hallways (5) jury room (6) attorney conference room (7) reserved parking area (8) break room and rest rooms.
    n. All persons transported to the court from jail shall be secured as required by the plan.

o. Persons in custody shall not be permitted visitation rights while in court or during transport except with attorneys.
p. Bailiff shall have radio communication capability at all times while in court.

JURY TRIALS (BAILIFF)

1. Jury box and surrounding area secured prior to setting a jury.
2. Maintain control of jury during breaks.
3. Take the jury to the deliberation room and remain outside room until called upon by jurors.
4. Give instructions to jurors regarding their security, location of rest rooms and refreshments.
5. Notify clerk if evidence or further instructions are requested by jurors. Provide such items if permitted by the judge.
6. Notify clerk when jury ready to return to courtroom.

COURTHOUSE FACILITY

1. Guidelines for courthouse security.
    a. Reserve parking shall be provided near the rear entrance for law enforcement and court officials.
    b. All persons in custody shall be restrained by restraining devices and supervised at all times while in court unless otherwise specifically ordered by the judge.
    c. All persons in custody shall be seated in the jury box unless otherwise directed.
    d. All persons in custody shall be brought through the rear entrance of the court facility and taken directly into the courtroom.
    e. Courtroom windows shall be draped or otherwise treated to restrict vision from outside the courtroom while court is in session.
    f. Weapons, cell phones, and any such miscellaneous items, are regulated in this plan. Signs are to be posted outside the courtroom regarding these items.
    g. Court bailiff shall direct witnesses to suitable waiting areas if excluded from court proceedings.

h. A physical barrier (the bar) is provided between the public seating area of the courtroom and the participants area.
i. The bailiff shall maintain a clear line of sight of all courtroom participants and shall be in between individuals who are in custody and courtroom exits.
j. No person, except court personnel, shall enter clerk's area and judge's chambers.
k. All employees in the city building shall be trained in emergency procedures.

COURT CLERKS

1. Court clerks shall be aware of all aspects of the security plan.
2. Yearly training is to be provided regarding safety for court personnel after initial training at time of hire.
3. Clerks are to advise judge and bailiff of any unusual situation such as verbal threats, unmarked mail, or suspicious packages.
4. Clerks shall follow the attached policy regarding bomb and telephone threats.

WEAPONS IN THE COURTROOM

1. The court facility is to be free of all weapons and firearms. Except as permitted by this plan, no person may possess a firearm or dangerous weapon in the court facility.
2. Only law enforcement personnel are permitted to carry a concealed weapon in court facility. Weapons must be secured at all times.
3. Only those weapons and ammunition authorized by the officer's department are permitted in the courtroom.
4. Concealed weapons in a briefcase, purse, or satchel, shall remain under the officer's control at all times.
5. The court bailiff is to be notified of officers that are armed and shall thereafter inform the judge.
6. Officers in plain clothes shall be identified by the bailiff and given an identification badge to wear while in the court.
7. A judge that is certified by the state to carry a concealed weapon is permitted to carry a concealed weapon in court for personal security.

SECURITY PLAN REVIEW

The security plan is to be reviewed annually by the judge and local law enforcement. Yearly training is to be observed and new employees trained as required.

BOMB THREAT

If you receive a telephone bomb threat:

1. Attempt to keep the individual on the line as long as possible.
2. While talking to the individual, inform a co-worker by note and have the co-worker call 911.
3. Listen for background noises which could identify the area where the call was made. Try to ask the following questions (see next page).
   a. When is the bomb going to explode?
   b. Where is the bomb right now?
   c. What kind of a bomb is it?
   d. What does it look like?
   e. Why did you place the bomb?
4. When the caller hangs up, leave your phone off the hook until contacted by police.
5. Quickly jot down anything about the conversation you can remember.
6. As soon as possible after determining that the call reveals a threat, take action to notify the supervisor.

Upon notification of a bomb threat, staff will:

1. Search immediate area for unusual objects (DO NOT TOUCH ANY SUSPICIOUS OBJECTS). If you find an object you believe to be suspicious, notify your supervisor immediately.
2. Turn off but do not disconnect electrical equipment.
3. Secure all classified material.
4. As soon as evacuation is directed, occupants will evacuate the building and proceed to a rally point at least 300 feet from the building. Take any personal items and valuables when you leave.

BOMB THREAT CHECKLIST

Exact time of call:
Exact words of caller:

Questions to ask:

1. When is the bomb going to explode?
2. Where is the bomb?
3. What does it look like?
4. What kind of bomb is it?
5. What will cause it to explode?
6. Did you place the bomb?
7. Why?
8. Where are you calling from?
9. What is your address?
10. What is your name?

Caller's voice (circle)

Calm	Disguised	Nasal	Angry	Broken
Stutter	Slow	Sincere	Lisp	Rapid
Giggling	Deep	Crying	Squeaky	Excited
Stressed	Accent	Loud	Slurred	Normal

If the voice is familiar, whom did it sound like?
Were there any background noises?

Person receiving the call:
Date and Time:
Telephone number call received on.
Any remarks or comments:

RESOLUTION NO. 2023-39

A RESOLUTION OF THE CITY COUNCIL OF HURRICANE, UTAH, REQUESTING THE RECERTIFICATION OF THE HURRICANE JUSTICE COURT

WHEREAS, the provisions of U.C.A. 78A-7-103 require that Justice Courts be recertified at the end of each four-year term; and

WHEREAS, the term of the present Court shall expire on or about the 8th day of February, 2024; and

WHEREAS, the members of the Hurricane City Council have received an opinion letter from Dayton Hall, Hurricane City Attorney, stating that the activities and procedures of the Court conform in all respects to the statutory requirements for a Class II court; and

WHEREAS, the members of the Hurricane City Council have determined that it is to the best interest of the residents of Hurricane City, Utah and surrounding areas to continue to provide for a Justice Court,

BE IT HEREBY RESOLVED that the City Council of Hurricane, Utah hereby requests recertification of the Hurricane Justice Court by the Justice Courts Standards Committee and the Utah Judicial Council.

BE IT FURTHER RESOLVED that the City Council of Hurricane, Utah hereby affirms its willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the Hurricane Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

PASSED AND APPROVED this 16th day of November 2023.

_____
Nanette Billings, Mayor

Attest:

_____
Cindy Beteag, Hurricane City Recorder

The foregoing Resolution was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 16th day of November, 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	___	___	___	___

HURRICANE CITY
UTAH

Mayor
Nanette Billings

City Manager
Kaden DeMille

City Attorney
Dayton Hall

November 9, 2023

Kaden DeMille
Hurricane City Manager
147 North 870 West

RE: Hurricane City Justice Court Recertification

Dear Kaden:

As legal counsel for Hurricane City, I have been asked to give a written opinion in connection with recertification of the Hurricane City Justice Court as a Class II court. In conjunction with preparing this opinion letter, I have reviewed Title 78A, Chapter 7 of Utah Code Annotated, 1953, as amended, together with the minimum requirements set forth by the Utah Judicial Council, which set forth the requirements and standards regulating justice courts.

It is my opinion that the activities and procedures of the Hurricane City Justice Court conform in all respects to the statutory requirements for a Class II court, and the maintenance of this court is both feasible and warranted.

Sincerely,

Dayton Hall
Hurricane City Attorney

HURRICANE CITY
UTAH

STAFF COMMENTS

Consideration and possible approval of **local consent for a single event** at Sand Hollow Resort-Cassandra de St. Jeor

Discussion:
Sand Hollow Resort is requesting local consent for an event to be held in the rock bowl on December 29th. Sand Hollow Resort has held many events in this same capacity and there have been no issues. A background check has been completed for the person overseeing the event and there are no concerns.

Findings:

Recommendation:
Staff recommends approving local consent for a single event at Sand Hollow Resort.

Attachments:
1. The Grille Sand Hollow -Single event
2. Single Event Local Consent

Date of Application 10/31/2023

Permit Fee $250.00
Application Fee $50.00
Total Due $300.00

HURRICANE CITY
UTAH
147 N 870 WEST, HURRICANE, UTAH 84737
PHONE: 435-635-2811 FAX: 435-635-2184
www.cityofhurricane.com

SINGLE EVENT LIQUOR PERMIT

NOTICE: Please complete each statement below. Incomplete applications will not be accepted.

SECTION A — BUSINESS INFORMATION

Name of Business: The Grille at Sand Hollow Resort, LLC

Business Phone: 435-656-4653 Email : cassandra@sandhollowresorts.com

Contact Person: Cassandra de St. Jeor

Business Address: 5662 W. Clubhouse Dr. Hurricane, UT 84737
(Street Number) (Suite) (City) (State) (Zip)

Mailing Address (if different): _____
(Street Number) (City) (State) (Zip)

State Sales Tax Number: 37-1903127 Does this business have a current DABC license: Yes

Business Type (check one):
Proprietorship ☐ Partnership ☐ Corporation ■ Religious Organization ☐ Non-profit Corporation ☐

SECTION B — EVENT INFORMATION

Event Name: Bracken Birthday

Event Venue: The Rockbowl

5662 W. Clubhouse Dr. Hurricane Utah 84737
(Street Number) (Suite) (City) (State) (Zip)

Date (s) of the event: December 29, 2023 Alcohol Service hours: 4pm to 11pm

For the sale of (check all that apply): X Beer ____ Heavy Beer X Wine X Liquor ____ Flavored Malt Beverages

Will food be available? Yes Full Meals? Yes Will minors attend the event? No

PART C — BUSINESS OWNER INFORMATION

A list of all corporate officers or partners must be included. This list must include name, home address, and phone number.

Owner's Name: Sand Hollow Title: Owner

Home Address: 5662 W. Clubhouse Dr.
(Street Number) (City) (State) (Zip)

Home Phone: 8444043260 Cell Phone: 4356564653

Please add any additional owners/partners on a separate piece of paper and attach.

APPLICATION MUST INCLUDE A DETAILED PLAN ON AN 8 ½" X 11" SHEET OF PAPER SHOWING ALL CONTROL MEASURES.

STATE OF UTAH)
: ss.
COUNTY OF WASHINGTON)

I, Cassandra de St. Jeor, being first duly sworn, depose and say as follows:

1. The foregoing Application and Questionnaire is in all respects true and correct, to the best of my knowledge and belief and
2. I am the applicant above-named and have not leased, assigned or entered into a profit-sharing arrangement of any type with any other person for operation of the above-named business except as disclosed herein; and
3. I have received and read the beer/alcoholic beverage license ordinance of the City of Hurricane, and believe that this application in all respects conforms to the requirements thereof and
4. I consent to the entry in or upon the business premises by City employees or representatives at reasonable times for the purpose of inspecting the event premises to insure compliance with applicable laws, ordinances, rules and regulation; and
5. I understand and agree that any false information contained in this application shall be grounds for denial of this application and shall constitute perjury.

Applicant

SUBSCRIBED AND SWORN TO before me this 6th day of November 2023

(NOTARY PUBLIC OR CITY LICENSE OFFICER)

Office Use Only

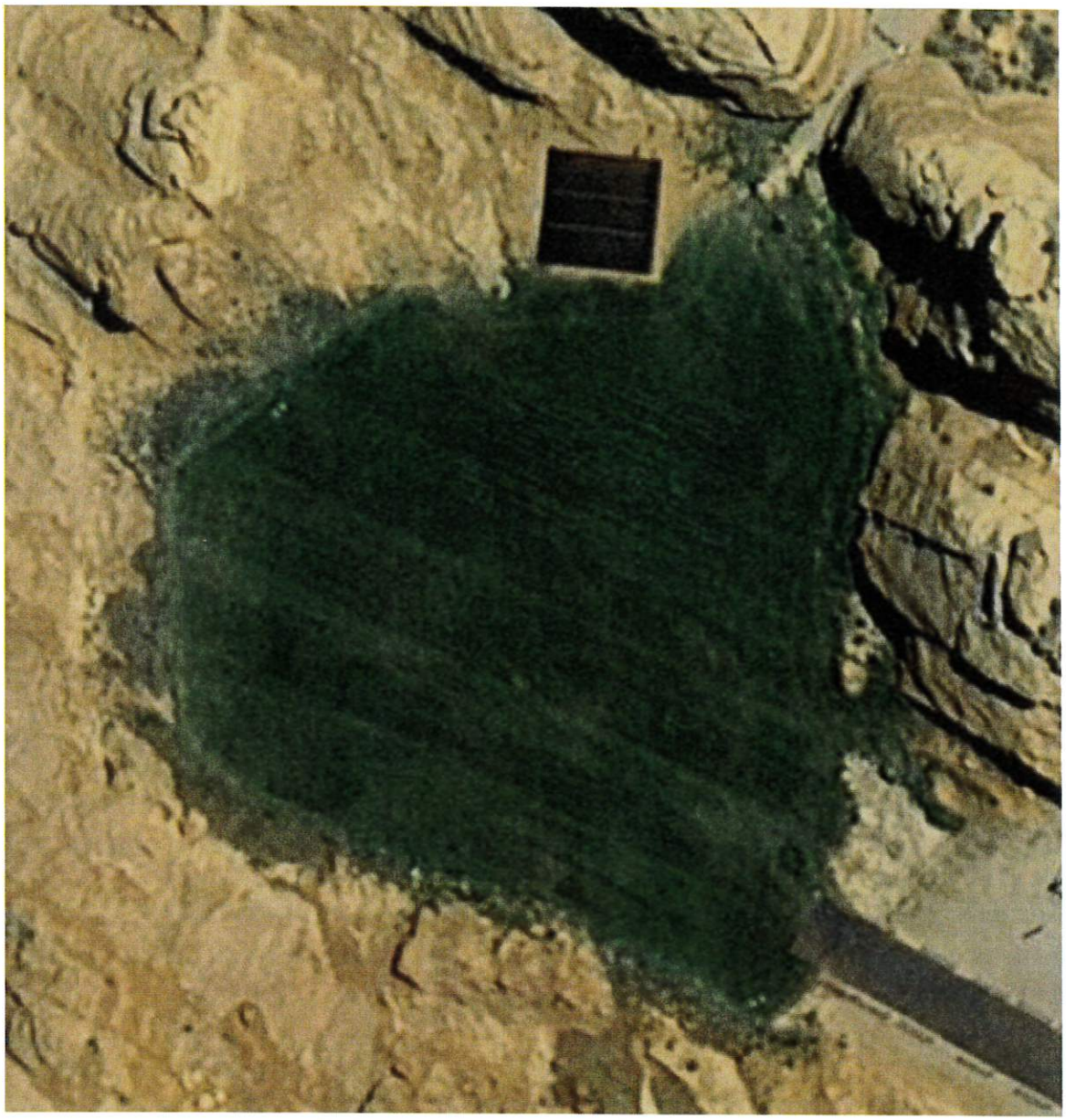
TOTAL FEES $ 300 **AMOUNT PAID** $ 300

DATE 11-7-23 **RECEIPT #** 7,719442

CITY LICENSE NUMBER: _____

DATE APPLICATION WENT TO CITY COUNCIL: _____

DATE OF APPROVAL FROM STATE: _____



Cindy Beteag

From: Licensing
Sent: Friday, November 03, 2023 1:57 PM
To: Cindy Beteag
Subject: FW: Sand Hollow Resort - Single Event Permit
Attachments: Background Check Release.pdf; Rockbowl Aerial SS.png; 2023 Bracken Birthday Permit.pdf

From: Cassandra de St. Jeor <cassandra@sandhollowresorts.com>
Sent: Friday, November 3, 2023 1:24 PM
To: Licensing <licensing@cityofhurricane.com>
Subject: Sand Hollow Resort - Single Event Permit

Hello!
I have attached all the necessary materials to obtain a single event permit. I was really hoping to get on the agenda for the next City Council meeting. Please let me know how you would prefer payment.
There are only two entrances and exits to the venue. There will be security posted at both.

Please let me know if you have any questions or concerns for me.

All the best,

Cassandra de St. Jeor
Event Coordinator | Sand Hollow Resort
5662 W. Clubhouse Drive, Hurricane, UT 84737
Office: 435.656.4653 Ext: 210
cassandra@sandhollowresorts.com | www.sandhollowresort.com

SINGLE EVENT PERMIT
Local Consent

PURPOSE: Local business licensing authority provides written consent to the Alcoholic Beverage Control Commission to issue an event permit to an organization for the purposes of storage, sale, offer for sale, furnish, or allow the consumption of an alcoholic product on the event premises. **Authority:** Utah Code 32B-9-201

Hurricane, ☒ City ☐ Town ☐ County
Local business license authority

hereby grants its consent to the issuance of a temporary single event permit license to:

Applicant Entity/Organization: The Grille at Sand Hollow Resort LLC

Event Name: Bracken Birthday

Event location address: 5662 W Clubhouse Dr (Street) Hurricane (city) UT (state) 84737 (zip)

On the 29th (dates) day(s) of December (month), 2023 (year)

during the hours of 4-11 p.m. (define hours from and to), pursuant to the provision of Utah Code 32B-9 for

the sale of (Check all that apply): ☒ Beer ☐ Heavy Beer ☒ Wine ☐ Flavored Malt Beverages ☒ Liquor

We are recommending this entity as conducting a civic or community enterprise* ☐ Yes ☐ No

☒ NOT providing a recommendation

***As Part of local consent required by 32B-9-201 (1) (c), the locality may provide a recommendation as to whether the entity is conducting a civic or community enterprise.** A civic or community enterprise means a function that is in the nature of a temporary special event such as a social, business, religious, political, governmental, educational, recreational, cultural, charitable, athletic, theatrical, scholastic, artistic, or scientific event. A "civic or community enterprise" generally is a gathering that brings members of a community together for the common good. Single event permits may not be issued to or obtained by an entity or organization for the purpose of avoiding or attempting to avoid the requirement of state retail alcohol licensing.

Authorized Signature

Nanette Billings/Mayor
Name/Title

11/16/2023
Date

HURRICANE CITY
UTAH

STAFF COMMENTS

Consideration and possible approval of PP23-21 a **preliminary plat for Gateway at Sand Hollow Commercial, a six lot commercial subdivision** located between SR-9 and Sand Hollow Road. Western Mortgage & Realty Company, Applicant. Karl Rasmussen, Agent.

Discussion:
The applicant has filed a preliminary plat for the Gateway at Sand Hollow Commercial District. They are proposing six commercial lots along the current Sand Hollow Road, with Lot 4 being identified as a future Maveriks location.

Findings:

Recommendation:

Attachments:
1. application-PP23-21
2. Preliminary_Plat_Map
3. PP23-21 Gateway to Sand Hollow Commercial CC Staff Report

Hurricane City Application

Permit #: PP23-21
Issue Date: 10/20/2023

Application Accepted Date: 08/30/2023
Type of Improvement: Subdivision (Preliminary Plat)
Description: A 6 Phase/lots Commercial Subdivision is planned n

Tenant / Project Name: Gateway Commercial at Sand Hollow

Bldg. Address: Sand Hollow Road
City: Hurricane City State: UT Zip: 84737
Subdivision: Gateway Commercial at Sand Hollow Phase:
Block: Lot #: Parcel #: H-4-2-1-300,H-4-2-1-4203,H-4-2-1-1123-GS1, H-4-2-1-1107-GS1, H-4-2-1-1102-GS1
Zone: General Commercial, Highway Commercial
Property Owner: Western Mortgage & Realty Company
Permit Contact: Karl Rasmussen P: (435) 680-0816
Email: karl@pv-eng.com

CONTACT INFORMATION

Engineer of Record: Karl Rasmussen
Email: karl@pv-eng.com P: (435) 668-8307

General Contractor: Gateway Commercial at Sand Hollow / Western Mortgage and Realty Company
License #: 191090-2203 P: (509) 582-9354
Address: 6610 WEST COURT STREET
City: PASCO State: WA Zip: 99302
Email: ttippett@westernmort.com

APPLICATION DETAILS

of Units: 0
custom text:

Valuation	$	0.00

PERMIT FEES

Preliminary Plat Fee	$	150.00
Planning Fee	$	150.00
Planning Fee	$	150.00
Sub Total:	**$**	**300.00**
Permit Total:	**$**	**300.00**
Amount Paid:	**$**	**300.00**
Remaining Due:	**$**	**0.00**

APPROVALS		DATE	INFO
Plan Review Finalized:	Yes	10/19/23	Brienna Spencer

Setbacks	Front:	Rear:	Left:	Right:
Min.				
Actual:				

APPLICATION NUMBER: PENDPP23-21

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 compiled 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: Jeffrey Thomas

Signature of Applicant/Authorized Agent or Owner: Date:

Application Approved By: Brienna Spencer Date: 10/19/2023

Application Issued By: Date: 10/20/2023

Receipt #: 8.173375-10/20/23

PRELIMINARY PLAT FOR:
GATEWAY COMMERCIAL AT SAND HOLLOW

LOCATED IN SECTION 1, T42S, R14W, S.L.B.&M.
HURRICANE, WASHINGTON COUNTY, UTAH

DESERT TORTOISE TAKE AREA

THE PROJECT IS NOT LOCATED IN A DESERT TORTOISE TAKE AREA (PER RED CLIFFS DESERT RESERVE TAKE AREA 7 & 10 MAP)

ADDITIONAL NOTES

STORM WATER CAN BE LOCALLY DETAINED AND CONTROLLED USING DETENTION BASINS. WATER WILL BE COLLECTED AND DELIVERED TO THE REGIONAL DETENTION BASIN AT THE PROPOSED PARK
THERE ARE NO IRRIGATION FACILITIES.

PROPERTY CAN BE SERVED BY HURRICANE CITY WATER,
AND ASH CREEK SPECIAL SERVICE DISTRICT.

THERE ARE NO WELLS, SPRINGS OR SEEPS ON THIS PROPERTY.

OWNER PLANS TO ALLOW PLACEMENT OF COMMUNICATIONS INFRASTRUCTURE AND PLACEMENT OF UTILITY INFRASTRUCTURE ON AND ALONG ALL RIGHTS-OF-WAY AND EASEMENTS.

OWNER:

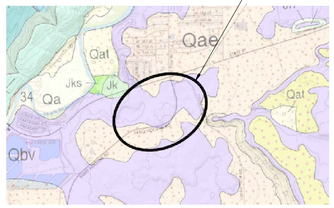
WESTERN MTG & REALTY CO
6610 WEST COURT STREET
PASCO, WASHINGTON 99302
(509) 521-9354

LAND USE SUMMARY

TOTAL LOTS: 6

AVERAGE AREA: 431,244 SQ.FT. (9.90 AC)

PROJECT LOCATION



GATEWAY COMMERCIAL AT SAND HOLLOW DESCRIPTION:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 1, TOWNSHIP 42 SOUTH, RANGE 14 WEST, SALT LAKE BASE AND MERIDIAN; THENCE N88°43'14"E 658.23 FEET; THENCE S88°43'14"E 254.45 FEET; THENCE N74°27'42"E 422.67 FEET; THENCE N74°35'34"E 111.76 FEET; THENCE N74°45'10"E 562.26 FEET; THENCE S15°13'38"E 1306.80 FEET; THENCE S74°46'24"W 476.08 FEET; THENCE S77°19'47"W 698.65 FEET; THENCE S73°46'38"W 1160.82 FEET; THENCE WESTERLY ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT A DISTANCE OF 134.71 FEET, HAVING A RADIUS OF 1056.00 FEET AND A RADIAL BEARING OF S15°13'38"E, THROUGH A CENTRAL ANGLE OF 07°18'32" (LONG CHORD BEARS: S71°07'06"W 134.62 FEET); THENCE SOUTHWESTERLY ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT A DISTANCE OF 348.77 FEET, HAVING A RADIUS OF 827.96 FEET AND A RADIAL BEARING OF S14°03'11"E, THROUGH A CENTRAL ANGLE OF 24°08'06" (LONG CHORD BEARS: S63°52'46"W 346.20 FEET); THENCE S37°13'20"E 1.13 FEET; THENCE S52°40'11"W 303.44 FEET; THENCE N37°19'49"W 33.59 FEET; THENCE WESTERLY ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT A DISTANCE OF 179.40 FEET, HAVING A RADIUS OF 210.44 FEET AND A RADIAL BEARING OF S47°09'24"W, THROUGH A CENTRAL ANGLE OF 48°50'41" (LONG CHORD BEARS: N67°15'57"W 174.02 FEET); THENCE N88°51'09"W 274.18 FEET; THENCE WESTERLY ALONG THE ARC OF A 28.00 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 20.51 FEET, THROUGH A CENTRAL ANGLE OF 41°57'43", (LONG CHORD BEARS: N67°52'17"W 20.05 FEET); THENCE SOUTHWESTERLY ALONG THE ARC OF A 50.00 FOOT RADIUS REVERSE CURVE TO THE LEFT A DISTANCE OF 115.78 FEET, THROUGH A CENTRAL ANGLE OF 132°40'33", (LONG CHORD BEARS: S66°46'17"W 91.59 FEET); THENCE N88°40'59"W 199.69 FEET; THENCE N01°31'31"E 591.26 FEET; THENCE S88°16'22"E 765.18 FEET; THENCE S88°27'47"E 1223.85 FEET; THENCE N01°26'01"E 931.19 FEET; THENCE N01°17'52"E 417.87 FEET; TO THE POINT OF BEGINNING.

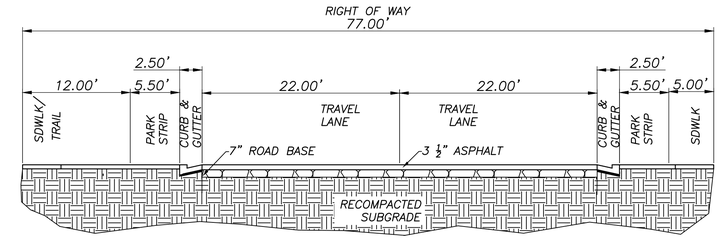
AREA CONTAINS 2808700 SQUARE FEET OR 64.479 ACRES.

GEOLOGICAL NARRATIVE

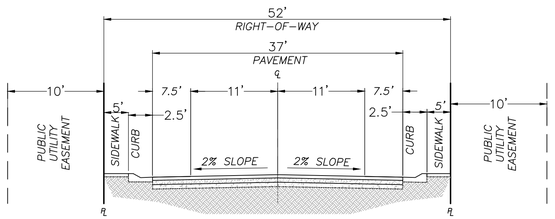
THIS PARCEL OF LAND LIES INSIDE A VOLCANO MOUNTAIN LAVA FLOW (MIDDLE PLEISTOCENE) SHOWN WITH A Qbv. IT ALSO LIES INSIDE AN ALLUVIAL AND EOLIAN DEPOSITS (HOLOCENE TO UPPER PLEISTOCENE) SHOWN WITH A Qae. THIS AREA ALSO HAS A MEDIUM TO DARK-GRAY TO GRAYISH-BLACK, FINE TO MEDIUM-GRAINED ALKALI BASALT (Qbv) WITH SPARSE OLIVINE PHENOCRYSTS; ERUPTED FROM A VENT AT VOLCANO MOUNTAIN (Qbvc) SOUTHWEST OF HURRICANE; DIVISIBLE INTO THREE SEPARATE FLOWS (BieK, 2003a, 2003b); YOUNGEST AND MIDDLE-LEVEL FLOWS YIELDED 40Ar/39Ar AGES OF 0.289 ± 0.024 Ma AND 0.353 ± 0.045 Ma, RESPECTIVELY (SANCHEZ, 1995), IN ACCORD WITH K-Ar AGES OF 0.289 ± 0.085 AND 0.303 ± 0.30 (BEST AND OTHERS, 1980) ON THE MIDDLE-LEVEL FLOW; MIDDLE-LEVEL FLOW IS DISPLACED ABOUT 240 FEET (73 m) BY THE HURRICANE FAULT AT TIMPOWEAP CANYON AND LOCALLY HAS PILLOW BASALT AT ITS BASE; THE OLDEST LAVA FLOW FLOWED ABOUT 8 MILES (13 km) DOWN THE VIRGIN RIVER; LAVA FLOWS ARE GENERALLY 35 TO 45 FEET (11-14 m) THICK AND FORM ROUGH, BLOCKY SURFACES, BUT THE MIDDLE-LEVEL FLOW IS AS MUCH AS 170 FEET (50 m) THICK WHERE IT FILLS THE ANCESTRAL VIRGIN RIVER CHANNEL. THIS AREA ALSO HAS MODERATELY SORTED GRAVEL, SAND, AND SILT DEPOSITED IN SMALL CHANNELS AND ON ALLUVIAL FLATS, AND WELL-SORTED, FINE- TO MEDIUM-GRAINED, REDDISH-BROWN EOLIAN SAND LOCALLY REWORKED BY ALLUVIAL PROCESSES, YOUNGER DEPOSITS (Qae) FORM ACTIVE DEPOSITIONAL SURFACES, WHEREAS OLDER DEPOSITS (Qaeo) TYPICALLY FORM INCISED, INACTIVE SURFACES; AS MUCH AS ABOUT 20 FEET (6 m) THICK.

GEOLOGICAL HAZARDS

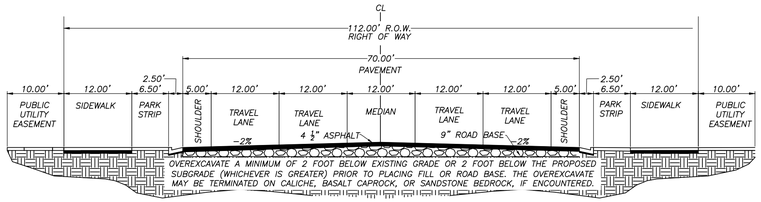
FAULTS & SURFACE FAULTING	NONE
LIQUEFACTION	H2 – HIGH2–SIMILAR IN TEXTURE TO HIGH CATEGORY, NO GROUND–WATER INFORMATION
FLOODING	ZONE X–AREA OF MINIMAL FLOOD HAZARD
LANDSLIDE HAZARD	NONE
ROCKFALL HAZARD	NONE
BRECCIA PIPES AND PALEOKARST	NONE
CALICHE	CA – CALICHE
COLLAPSIBLE SOIL	CSA–STREAM/TERRACE ALLUVIUM >=3%
EXPANSIVE SOIL	ESL–LOW SUSCEPTIBILITY TO EXPANSION
GYPSIFEROUS SOIL & ROCK	NONE
PIPING & EROSION	P&ES–SOILS SUSCEPTIBLE TO PIPING AND EROSION
SHALLOW BEDROCK	BRB–BURIED: AREAS WHERE DEPTH TO BEDROCK IS GENERALLY ≤10 FEET BENEATH SOIL COVER
WIND BLOWN SAND	WBSL–LOW: MIXED–UNIT GEOLOGIC DEPOSITS WHICH CONTAIN WIND–BLOWN COMPONENT
SHALLOW GROUND WATER	NONE



77' R-O-W
N.T.S

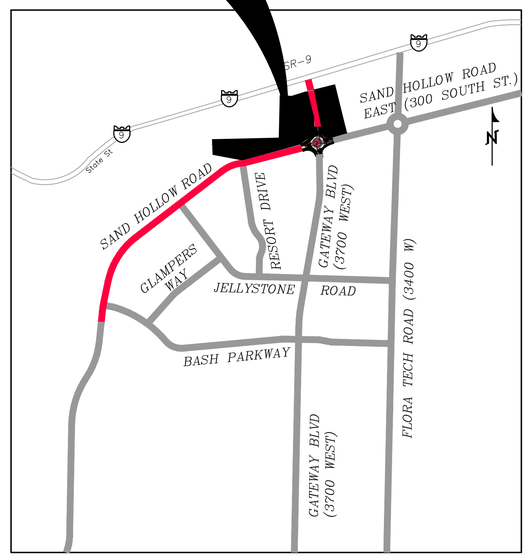


52' R-O-W
N.T.S



112' R-O-W
N.T.S

PROJECT LOCATION



VICINITY MAP
N. T. S.

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REVISIONS

NO	DESCRIPTION	DATE	BY

PROVALUE ENGINEERING, INC.
Engineers - Land Surveyors - Land Planners
20 South 850 West, Suite 1
Hurricane City, Utah 84737
Phone: (435) 668-8301

PRELIMINARY PLAT FOR:
GATEWAY COMMERCIAL AT SAND HOLLOW
LOCATED IN SECTION 1, T42S, R14W, S.L.B.&M.
HURRICANE, WASHINGTON COUNTY, UTAH

DATE: 08/24/2023
SCALE: N.T.S

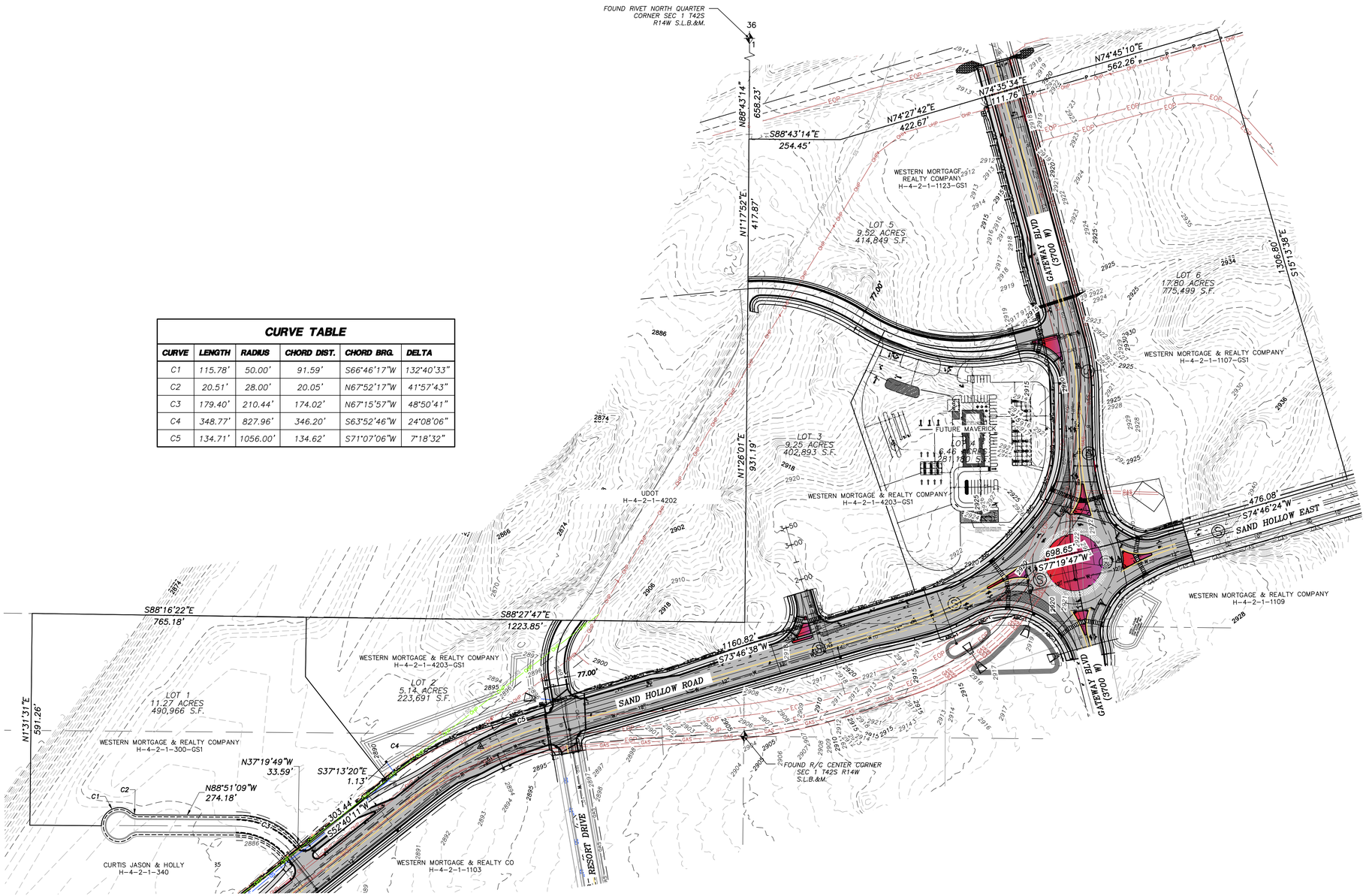
JOB NO.
336-004

SHEET NO:
1 OF 2

PRELIMINARY PLAT

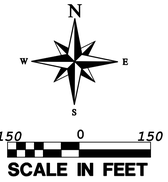
PRELIMINARY PLAT FOR:
GATEWAY COMMERCIAL AT SAND HOLLOW

LOCATED IN SECTION 1, T42S, R14W, S.L.B.&M.
HURRICANE, WASHINGTON COUNTY, UTAH



CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD DIST.	CHORD BRG.	DELTA
C1	115.78'	50.00'	91.59'	S66°46'17"W	132°40'33"
C2	20.51'	28.00'	20.05'	N67°52'17"W	41°57'43"
C3	179.40'	210.44'	174.02'	N67°15'57"W	48°50'41"
C4	348.77'	827.96'	346.20'	S63°52'46"W	24°08'06"
C5	134.71'	1056.00'	134.62'	S71°07'06"W	7°18'32"



LEGEND

- OUTER PROPERTY LINE
- PROPERTY LINE
- CENTER LINE
- SECTION LINE
- PROPOSED 10' PUBLIC UTILITY EASEMENT
- EXISTING 20' SEWER EASEMENT
- EXISTING MINOR CONTOUR
- EXISTING MAJOR CONTOUR
- EXISTING 24" SEWER LINE
- PROPOSED REROUTED 24" SEWER LINE
- PROPOSED REROUTED 24" SEWER LINE
- PROPOSED REROUTED 24" SEWER LINE
- EXISTING EDGE OF PAVEMENT
- EXISTING GAS LINE
- EXISTING 24" SEWER
- PROPOSED PHONE
- EXISTING UTILITY LINE
- PROPOSED GAS
- PROPOSED POWER
- PROPOSED WATER
- EXISTING OHP LINE
- EXISTING 60" WATER LINE
- EXISTING 18" WATER LINE
- FUTURE ROW LINE
- PROPOSED CURB AND GUTTER
- FUTURE CURB AND GUTTER INSTALLED WITH PID ROADS
- SECTION CORNER AS DESCRIBED
- PROPOSED PAVEMENT
- PROPOSED REROUTED 24" SEWER MANHOLE
- EXISTING 24" SEWER MANHOLE
- UDOT CORRIDOR PRESERVATION AREA, 5.82 ACRES

NOTE: OWNER TO MEET UDOT TO ESTABLISH THE CORRIDOR PRESERVATION AREA NEEDED BEFORE THE CONSTRUCTION DRAWING AND FINAL PLAT PROCESS AND COORDINATE THIS WITH THE CITY ENGINEER.

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REVISIONS

NO	DESCRIPTION	DATE	BY

PROVALUE ENGINEERING, INC.
Engineers - Land Surveyors - Land Planners
20 South 850 West, Suite 1
Hurricane City, Utah 84737
Phone: (435) 668-8307

PROVALUE ENGINEERING

PRELIMINARY PLAT FOR:
GATEWAY COMMERCIAL AT SAND HOLLOW
LOCATED IN SECTION 1, T42S, R14W S.L.B.&M.
HURRICANE, WASHINGTON COUNTY, UTAH

DATE: 08/24/2023
SCALE: 1"=150'

JOB NO.
336-002

SHEET NO.
2 OF 2

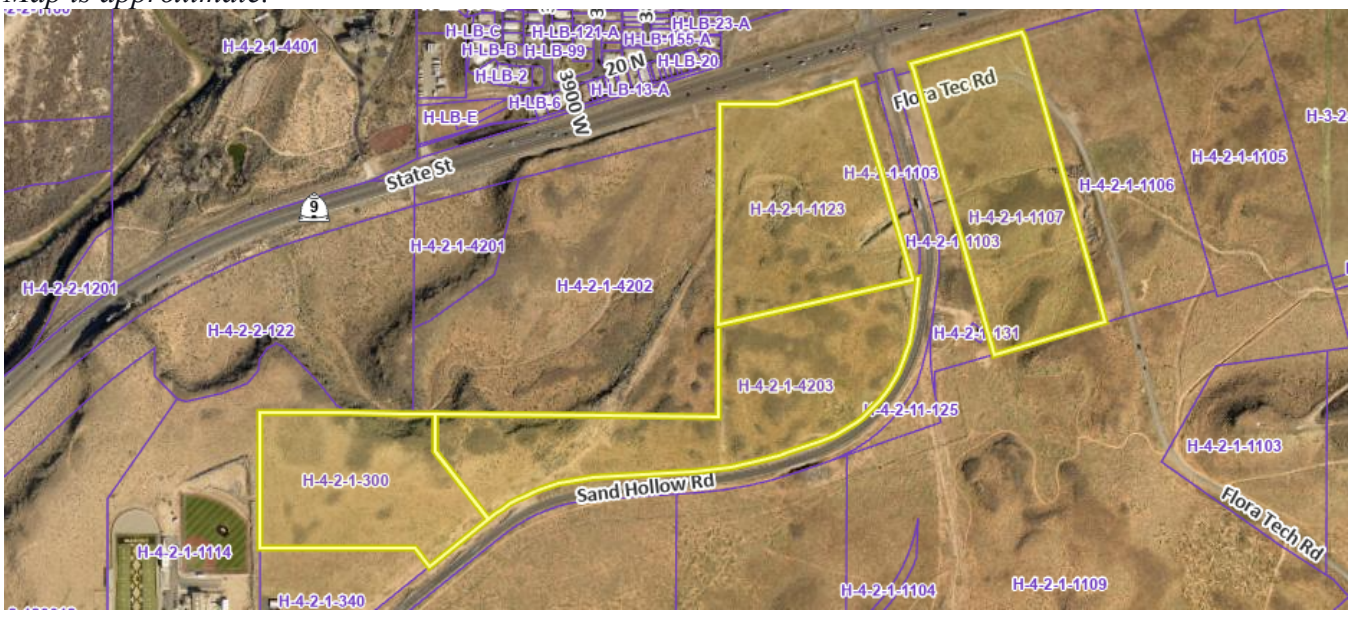
PRELIMINARY PLAT

PLANNING & ZONING
HURRICANE CITY
UTAH

STAFF COMMENTS

Agenda Date:	**11/16/2022**
Application Number:	PP23-21
Type of Application:	Preliminary Plat Application
Action Type:	Administrative
Applicant:	Western Mortgage & Realty Co
Agent:	Karl Rasmussen
Request:	Approval of a Preliminary Plat
Location:	Between SR-9 and Sand Hollow Road
Zoning:	HC and GC
General Plan Map:	General Commercial

Discussion:
The applicant has filed a preliminary plat for the Gateway at Sand Hollow Commercial District. The applicant filed a preliminary plat for this property in early 2022, but that application was never approved due to negotiations with UDOT over corridor preservation along SR-9. They are proposing six commercial lots along current Sand Hollow Road, with Lot 4 being called out as a future Maveriks location. This project will be highly dependent on utilities and road connections from the Gateway at Sand Hollow PID. The Planning Commission heard this item on 11/9/23 and recommends approval.
Map is approximate.



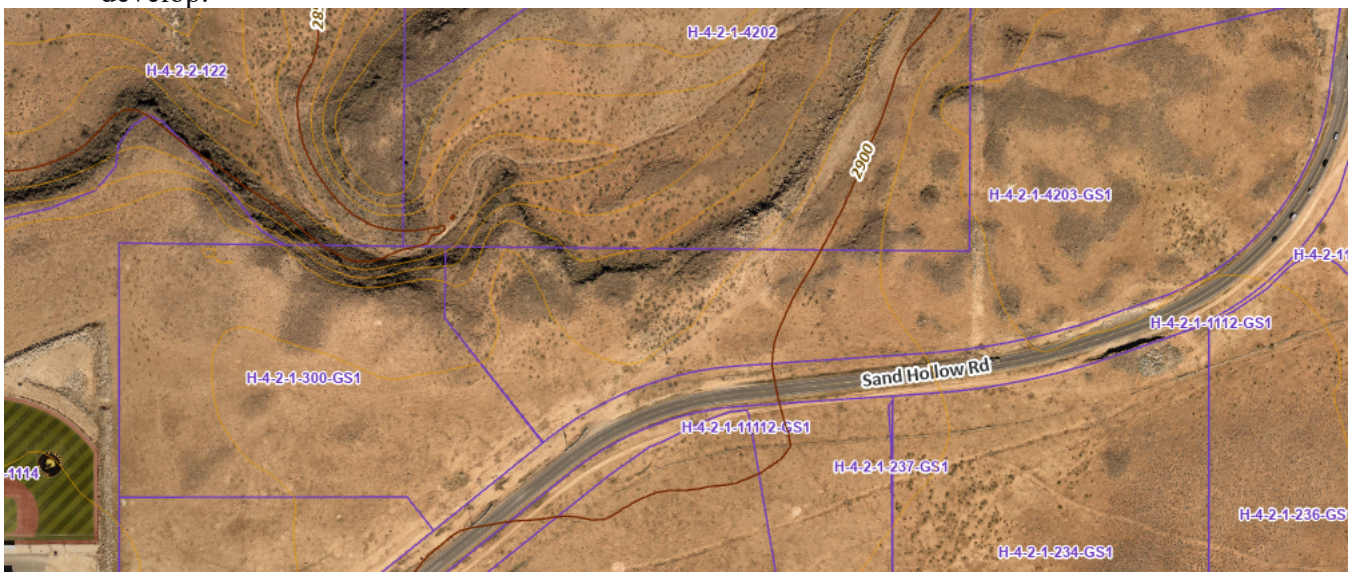
JUC Comments
The following items will need to be addressed:

1. **Power:** This area is in both Dixie Power's and Hurricane City Power's service area.
    a. **Hurricane City Power:** Power must be installed from SR-9 along Gateway Blvd and throughout the roundabout. Lots 4, 5, and 6 are in Hurricane City Power's area; all other lots must meet Dixie Power regulations. Hurricane Power requires a prequalified contractor to install high voltage power lines. Individual lots must supply Hurricane Power the sizing of power needed voltage and amperage requirements. Hurricane Power would recommend a JUC review per each lot. Lot 3 is under review for power service from Hurricane or from Dixie.
    b. **Dixie Power:** Power is in PID roads on the north side. Need to discuss Lot 3 with Hurricane City Power.
2. **Sewer:** Existing 36" sewer main runs through the property. This line cannot be relocated. Future roadways through the project area should incorporate this line. Interceptor and sample manhole will be required. Curbs should not be located over 36" line.
3. **Street:** Roundabout and Sand Hollow Road realignment are not currently existing at this time.
4. **Water:** Okay
5. **Engineering:** Stormwater note does not appear to apply to this development. Specify the tentative plan to detain stormwater increases from this development, most of this subdivision is below the detention basins provided by the Gateway to Sand Hollow PID. Hurricane City's Master Plan specifies this area drains to Berry Springs. Existing grade surface model is inaccurate. Per code, the preliminary plat shall show existing condition contours at vertical intervals not greater than five feet. Hurricane City standards discourage the use of cul-de-sacs, Engineering recommends a connection to the west. Show proposed preservation or reroute and show proposed public drainage easement. Frontage road is a 67' master planned public street. With regards to any potential UDOT corridor preservation, Engineering would recommend limiting the scope of the preliminary plat (i.e. make the boundary of the subdivision enclose just the Maverik site and its roadways) or completing said coordination before proceeding with the current preliminary plat. It's anticipated that the subdivision boundary and street layout can change drastically because of coordination and agreements with UDOT. Engineering can help facilitate a meeting with UDOT.
6. **Fire:** Okay
7. **Phone:** No comments
8. **Gas**: No comments
9. **WCWCD**: No trees or permanent structures over our water line.
10. **Fiber:** Add Infowest notes during construction drawings.

Staff Comments: Preliminary Plat

1. The property is split zoned between HC and GC. Lots 5 and 6 are zoned Highway Commercial and Lots 1 and 2 are zoned General Commercial. Lots 3 and 4 are split zoned, as these two zones have almost identical permitted uses and development standards so it is unlikely this will cause a conflict.
2. This property may be subdivided further and city staff would prefer that it is indicated on the plat.

3. The preliminary plat shows a “Future Maverik” on Lot 4, a separate preliminary site plan application will need to be turned in and all detail shown should be removed for the final plat.
4. Preliminary site plans will need to be turned in for each lot.
5. Access points between Lots 1 and 2 will need to be properly spaced.
6. There are some cliffs within this property. These are near the property boundaries and should be easy to avoid, but the Sensitive Lands ordinance will need to be addressed when these lots develop.



7. A note indicating that the property is not in a desert tortoise take area has been provided.
8. Utilities are not available to the property but will be with the PID buildout.

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

HURRICANE CITY
UTAH

STAFF COMMENTS

Consideration and possible approval of ZC23-27 a **Zone Change Amendment request located at approximately 1120 S 400 W** from RA-1, residential agriculture one unit per acre, to RA-0.5, residential agriculture one unit per half acre. Parcel H-3-2-3-2412-B & H-3-2-3-230911. Kysen Spendlove-Interstate Rock, Applicant.

Discussion:
The applicant requests a zone change from RA-1 to RA-0.5 on 6.13 acres located on the west side of 400 W and south of 900 S. The property consists of two parcels, the southern of which is already zoned RA-0.5 for the southern two-thirds of the property.

Findings:

Recommendation:

Attachments:
1. ZC23-27 App
2. Zoning_Map
3. Ordinance ZC23-27
4. ZC23-27 400 W development CC staff report

Hurricane City Application

Application Accepted Date: 10/19/2023

Type of Improvement: Zone Change Application

Description: Zone change from RA-1 & RA-0.5.

Tenant / Project Name: Zone Change - 400 W. Development

Bldg. Address: 1132 S 400 W, Hurricane, UT

City: Hurricane City State: UT Zip: 84737

Subdivision: Phase:

Block: Lot #: Parcel #: H-3-2-3-2412-B & H-3-2-3-230911

Zone: RA-1

Property Owner: Layne Stratton & Craig Stratton

Permit Contact: Interstate Rock Products P:(435) 705-9794

Email: kyson.spendlove@interstaterock.com

CONTACT INFORMATION

Engineer of Record: Interstate Rock Products

Email: office@interstaterock.com P: (435) 635-2628

General Contractor: Kyson K. Spendlove

License #: P: (435) 705-9794

Address: 42 South 850 West

City: Hurricane State: UT Zip: 84737

Email: kyson.spendlove@interstaterock.com

APPLICATION DETAILS

Valuation	$	0.00

PERMIT FEES

Planning Fee	$	500.00
Planning Fee	$	500.00
Sub Total:	**$**	**500.00**
Permit Total:	**$**	**500.00**
Amount Paid:	**$**	**0.00**
Remaining Due:	**$**	**500.00**

APPROVALS		DATE	INFO
Plan Review Finalized:	Yes	10/27/23	Brienna Spencer

Setbacks	Front:	Rear:	Left:	Right:
Min.				
Actual:				

APPLICATION NUMBER: PENDZC23-27

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 compiled 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: Kyson K. Spendlove

Signature of Applicant/Authorized Agent or Owner: Date:

Kyson K. Spendlove 10/27/2023

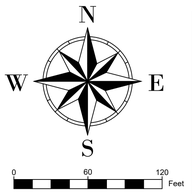
Application Approved By: Date:

Brienna Spencer 10/27/2023

Application Issued By: Date:

Receipt #: 8.173707-10/19/23

DRAFT

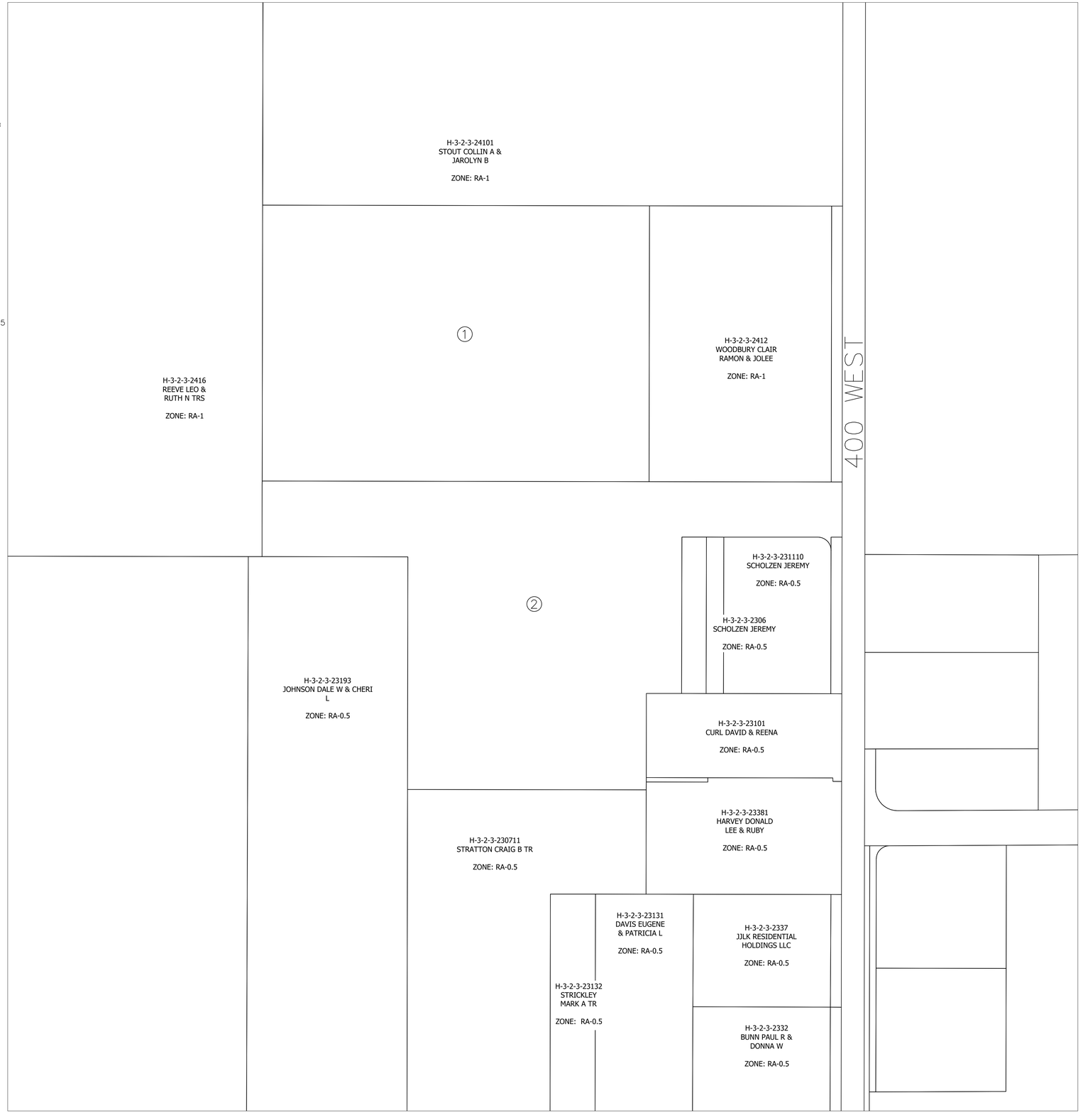


1 H-3-2-3-2412-B
STRATTON LAYNE B &
SHAUNA C TRS
2359 S 1300 W
HURRICANE, UT 84737

EXISTING ZONE: RA-1
PROPOSED ZONE: RA-0.5

2 H-3-2-3-230911
STRATTON CRAIG B TR
295 W 1080 S
HURRICANE, UT 84737

EXISTING ZONE: RA-1 & RA-0.5
PROPOSED ZONE: RA-0.5



ZONE CHANGE MAP FOR: PROJECT NAME

SEC 3, T 42 S, R 13 W, HURRICANE, UTAH

ZONE CHANGE DESCRIPTIONS:

H-3-2-3-2412-B:
BEGINNING AT A POINT 265 FEET SOUTH OF THE NORTHEAST CORNER OF LOT 9, BLOCK 7, HURRICANE FIELD SURVEY, AND RUNNING THENCE SOUTH 314.62 FEET, MORE OR LESS, TO A POINT 81.70 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 9, THENCE WEST 661.32 FEET, MORE OR LESS, TO THE WEST LINE OF LOT 10, THENCE NORTH ALONG THE LOT LINE 314.62 FEET, THENCE MORE OR LESS, TO A POINT 265 FEET SOUTH OF THE NORTHWEST CORNER OF LOT 10, THENCE EAST 661.32 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM ALL OF THE EAST 220.18 FEET.

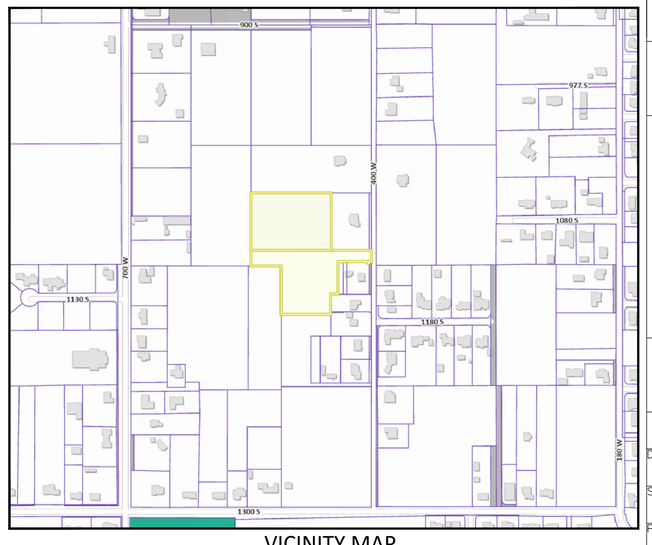
H-3-2-3-230911:
BEGINNING AT A POINT NORTH, ALONG THE LOT LINE, 396 FEET AND WEST PARALLEL TO THE LOT LINE 222.80 FEET FROM THE SOUTHEAST CORNER OF LOT 8, BLOCK 7, HURRICANE FIELD SURVEY, AND RUNNING THENCE WEST 272 .20 FEET; THENCE NORTH 264.99 FEET; THENCE WEST 166.32 FEET; THENCE NORTH 81.740 FEET; THENCE EAST 661.32 FEET; THENCE SOUTH 78 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE WITH RADIUS OF 20 FEET (RADIUS POINT BEARTS WEST); THENCE ALONG ARC OF SAID CURVE 31.42 FEET; THENCE WEST 102.37 FEET; THENCE SOUTH 178.69 FEET; THENCE WEST 100.43 FEET; THENCE SOUTH 110 FEET TO THE POINT OF BEGINNING.

ALSO:
THE NORTH 264.99 FEET OF THE FOLLOWING DESCRIBED PROPERTY:
COMMENCING AT A POINT NORTH, ALONG THE LOT LINE, 396 FEET AND WEST, PARALLEL TO THE LOT LINE 222.80 FEET FROM THE SOUTHEAST CORNER OF LOT 8, BLOCK 7, HURRICANE FIELD SURVEY, AND RUNNING THENCE WEST 272.20 FEET; THENCE NORTH 264.99 FEET TO THE NORTH LOT LINE OF LOT 7 OF SAID BLOCK 7 AND THE TRUE POINT OF BEGINNING; THENCE WEST 0.66 FEET ALONG THE LOT LINE; THENCE SOUTH 660.99 FEET TO A POINT ON THE SOUTH LOT LINE OF SAID LOT 7; THENCE EAST 0.66 FEET ALONG SAID LOT LINE; THENCE NORTH 660.99 FEET TO THE TRUE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCELS A AND B:

PARCEL A:
BEGINNING AT A POINT NORTH 0°14'45" EAST ALONG THE LOT LINE, 506.13 FEET AND NORTH 89°52'11" WEST 12.50 FEET FROM THE SOUTHEAST CORNER OF LOT 8, BLOCK 7, HURRICANE FIELD SURVEY, AND RUNNING THENCE NORTH 89°52'11" WEST 122.37 FEET; THENCE NORTH 0°14'45" EAST 178.51 FEET; THENCE SOUTH 89°51'37" EAST 107.34 FEET TO THE BEGINNING OF A 15 FOOT RADIUS CURVE; THENCE SOUTHEASTERLY TO THE RIGHT, ALONG THE ARC OF SAID CURVE 23.59 FEET, THRU A CENTRAL ANGLE OF 90°06'22"; THENCE SOUTH 0°14'45" WEST 163.46 FEET TO THE POINT OF BEGINNING.

PARCEL B:
BEGINNING AT A POINT NORTH 00°14'45" EAST ALONG THE LOT LINE 506.13 FEET AND NORTH 89°52'11" WEST 134.87 FEET FROM THE SOUTHEAST CORNER OF LOT 8, BLOCK 7, HURRICANE FIELD SURVEY, AND RUNNING THENCE NORTH 89°52'11" WEST 19.83 FEET; THENCE NORTH 00 °14'45" EAST 178.51 FEET; THENCE SOUTH89°51'37" EAST 19.83 FEET; THENCE SOUTH 00°14'45" WEST 178.51 FEET TO THE POINT OF BEGINNING.



VICINITY MAP
N.T.S.

INTERSTATE ROCK
GENERAL BUILDING & ENGINEERING CONTRACTOR
42 SOUTH 850 WEST, HURRICANE, UT 84737
P:435.635.2628 | F:435.635.2177

DESIGNED BY CDS
DRAWN BY KKS
CHECKED BY CDS

INTERSTATE ROCK PRODUCTS, INC.
ZONE CHANGE FOR:
PARCEL H-3-2-3-230911 & H-3-2-3-2412-B
HURRICANE UTAH

REV.	DATE	DESCRIPTION	BY

DATE 10/16/23
SCALE 1"=60'
PROJ. # 3000-
PAGE # ZC1

ORDINANCE NO ZC23-27

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE APPROVING THE REZONE FOR PARCELS H-3-2-3-2412-B AND H-3-2-3-230911 FROM RA-1 TO RA-0.5, RESIDENTIAL AGRICULTURE ONE UNIT PER HALF ACRE

WHEREAS, Utah Code 10-9a allows Cities to regulate land use within their boundaries,

WHEREAS, the proposed amendment is generally compatible with the current General Plan; and

WHEREAS, the proposed amendment is generally in harmony with the overall character of the proposed surrounding development; and

WHEREAS, the proposal will not have a negative impact on the surrounding area; and

WHEREAS, there are adequate facilities to support the proposed zone change, and

WHEREAS, the Planning Commission gave a positive recommendation on the proposed zone change.

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

That parcels H-3-2-3-2412-B and H-3-2-3-230911 from RA-1 to RA-0.5, residential agriculture one unit per half acre

PASSED AND APPROVED on this 16th day of November 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 16th day of November 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, City Recorder

EXHIBIT A

ZONING MAP

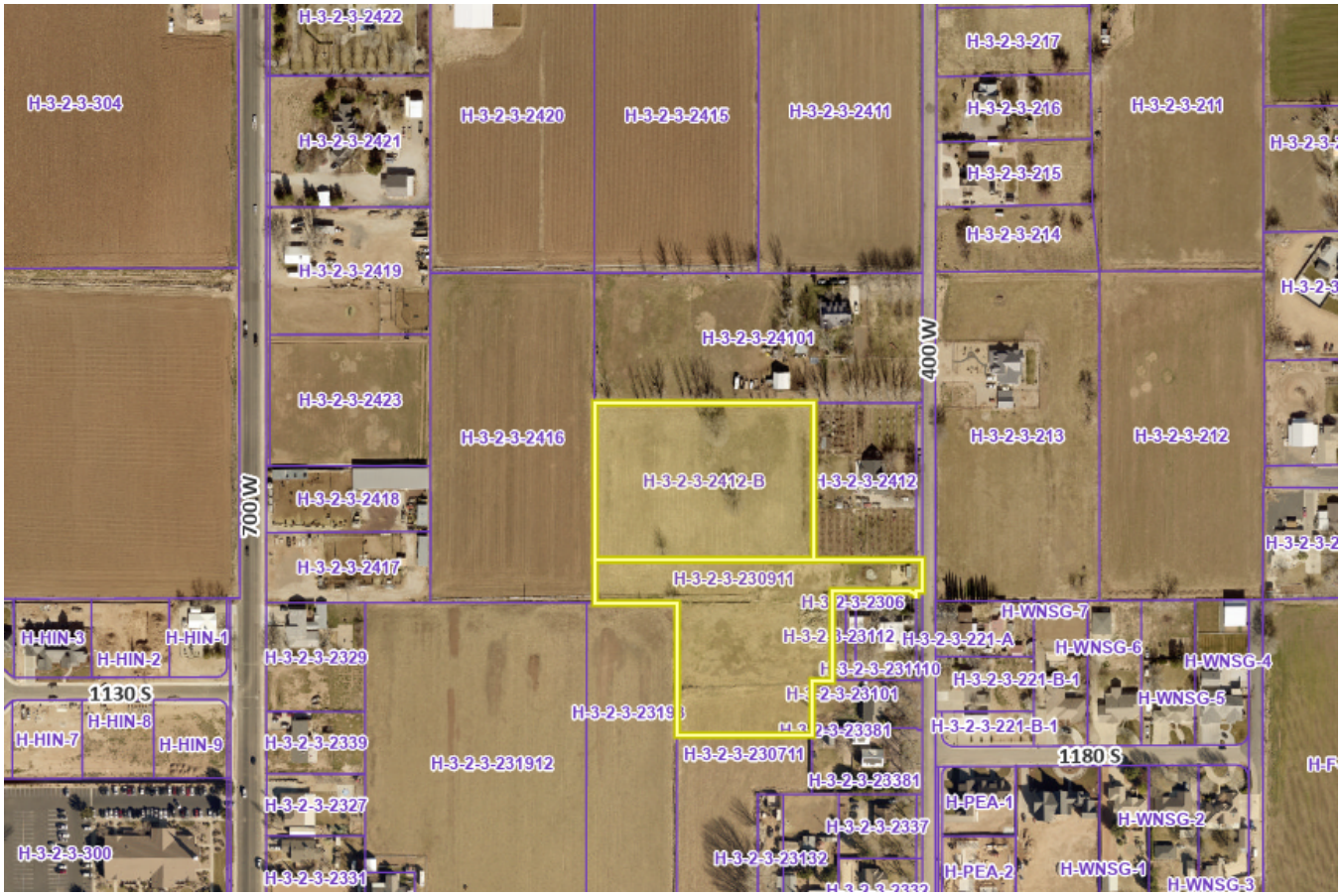
PLANNING & ZONING
HURRICANE CITY
UTAH

STAFF COMMENTS

Agenda Date:	**11/16/2023**
Application Number:	ZC23-27
Type of Application:	Zone Change Application
Action Type:	Legislative
Applicant:	Interstate Rock Products
Agent:	Kyson Spendlove
Request:	Zone Change from RA-1 to RA-0.5
Location:	1132 S 400 W
Zoning:	RA-1 and RA-0.5
General Plan Map:	Single Family

Discussion:
The applicant requests a zone change from RA-1 to RA-0.5 on 6.13 acres located on the west side of 400 W and south of 900 S. The property consists of two parcels, the southern of which is already zoned RA-0.5 for the southern two-thirds of the property. The Planning Commission heard this item on 11/9/23 and recommended approval of the application.

	Zoning	Adjacent Land Use
North	RA-1	Single Family Homes and some agriculture
East	RA-0.5	Single Family Homes, some agriculture
South	RA-0.5, RA-1	Single Family Homes, some agriculture
West	RA-1, RA-0.5	Mostly agriculture



Zone changes on any parcel of land within the City of Hurricane requires consideration of the following factors pursuant to Title 10 – Hurricane City Land Use Ordinance, Section 10-7-7 (cited below):

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.

Analysis:

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

Response: The General Plan Map shows this area as a Single Family Residential, which intends uses characterized by single-family homes and "*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 General Plan Map, however it would be considered a less intensive single-family zone. The site is also in an area that is close to parks, schools, and churches, therefore staff feels this action sufficiently meets the intent of the goals, objectives, and policies of the general plan.

The Planning Commission has recommended that staff remap this area of the General Plan Map to Rural Residential because of its agricultural heritage. In the event of an amendment to the General Plan Map for the site to the Rural Residential designation, this zone change would comply with that designation as well.

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

Response: The proposed zone change will allow for single family homes to be built on larger lots. This zoning is largely harmonious with the surrounding zoning and development.

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

Response: The proposed amendment is well within the area's densities approved by the General Plan and most of the immediately adjacent property is relatively undeveloped.

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

Response: JUC had no major concerns with availability on this property, there will be some items that will need to be addressed during the preliminary plat stage.

Other Considerations
JUC Comments:
JUC Comments are due November 8th, 2023 and this report will be updated at that time

1. **Public Works:** Property has only one access
2. **Power:** Power has no concerns with zone change. Regardless of the zone change any new subdivision along this area will need to work with Hurricane Power as a joint effort to bring

three phase power to the area. The existing line through the fields will be removed when the new power from 400 W is installed and energized.

3. **Sewer:** No exception to zone change. Existing sewer in 400 W.
4. **Streets:** Okay with zone change.
5. **Water:** Good
6. **Engineering**: Engineering is relying on the Utility Providers to determine the adequacy of existing utility services intended to serve the subject property. 400 W is a roadway in poor condition.
7. **Fire:** Okay
8. **Cable:** No comments
9. **Phone:** No comments
10. **Fiber:** No comments
11. **WCWCD:** Washington County Water Conservancy District hereby acknowledges that based on the information provided, the plans 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.

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 adversely impact the area, and is within the parameters of the General Plan.
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 the standards and consider residents' comments. Staff recommends approval.

HURRICANE CITY
UTAH

STAFF COMMENTS

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

Discussion:

Findings:

Recommendation:

Attachments:
None