



HURRICANE CITY UTAH

Mayor

Nanette Billings

City Manager

Kaden DeMille

City Council

*David Hirschi
Kevin Thomas
Clark Fawcett
Drew Ellerman
Joseph Prete*

Hurricane City Council Meeting Agenda

August 1, 2024

5:00 PM

City Council Chambers 147 N 870 W, Hurricane

Notice is hereby given that the City Council will hold a Regular Meeting in the City Council Chambers 147 N 870 W, Hurricane, UT. [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.**

5:00 p.m. Pre-meeting

1. Agenda Summary

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 July 18, 2024

Annual update from Intermountain Health

Report from the Chinese students @ HHS

Update and presentation of a donation from Tri-State ATV Poker Run

Public Forum – Comments from Public

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

OLD BUSINESS

1. Consideration and possible approval on a **preliminary plat for Sandwater Estates, a 153 lot single family subdivision** located at 4200 W 2300 S. Richardson Brothers Custom Homes, Applicant. Karl Rasmussen, Agent.
2. Presentation and report on public infrastructure and consideration and possible approval of a **power line extension** to the area south of Sky Ranch - Mike Vercimak and Scott Hughes
3. Consideration and possible approval of **local consent for an off-premises beer license** at Jellystone Park - Scott Nielson
4. Consideration and possible approval of **local consent for a full-service liquor restaurant license** at PV Resort Amenities - Chris Wyler
5. Consideration and possible approval of a **Water Savings Agreement with The Nature Conservancy and the Washington County Water Conservancy District**. -Dayton Hall

NEW BUSINESS

1. Consideration and possible approval of **Ordinance 2024-09 Amending Title 3, Chapters 1 and 2** regarding background checks in Business License regulations - Cindy Beteag
2. Consideration and possible approval of **Assurances Relating to Real Property Acquisition** for the irrigation expansion project. -Arthur LeBaron
3. Consideration and possible approval of a **Zone Change Amendment request located at approximately 2250 S 5140 W from A-5, agriculture one unit per 5 acres to RA-0.5, residential agriculture one unit per half acre**. Parcel numbers H-4138-K-1 and H-4-2-15-112. Dylan Stratton, Applicant. Brandee Walker-CivilScience, Agent.
4. Mayor, Council, and staff reports
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

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Old Business

1. The applicant is seeking preliminary plat approval for the proposed 153-lot Sandwater Estates subdivision within the Gateway to Sand Hollow PID area. On January 18, 2024, the City Council heard this item and concern was expressed about the lack of PID roads and infrastructure that are required for preliminary plat approval. The item was continued to February 1, 2024, and then tabled for an additional six months to allow the applicant time to bring forth a contract and schedule for completion of the needed roadways and infrastructure. The requested information has not yet been provided. Staff recommends that the item be tabled until the applicant either provides the requested schedule and contract or has completed the needed improvements. The City Council could also deny the project for lack of adequate public facilities, pursuant to Hurricane City Code, Sec. 10-37-4. --Gary Cupp
2. This item was heard at the May 16, 2024, meeting where it was continued with the direction to the Public Works Director to provide a report on the status of other infrastructure and services in the area south of Sky Ranch. Mike Vercimak has prepared that report, and it is available in the packet. It was continued at the previous meeting due to staff not being present. - Cindy Beteag
3. At the July 18th meeting, the Council continued this item to allow the Planning Department to research the parking concerns associated with adding additional public services to the property. The Planning Department has provided the following comment:
The Planning Department has concerns about the public, non-guest use of the water park and would not recommend approving the requested alcohol license at this time. The water park amenity was approved with the understanding that it was reserved for guests staying at the RV park. A parking requirement therefore was not applied to the water park amenity since it was considered an "area for the common use and enjoyment of the occupants...." (see 10-43-6(A)(1)). On the other hand, a water park open to the paying public does not qualify as "common use", but rather, it is a

commercial outdoor recreational activity that would require a parking study to determine what the needed parking requirement would be (see table 10-34-1). Without a formal parking study, we have no way to determine if existing onsite parking is adequate. It's the opinion of the Planning Department that since the facility has been opened up to the public for paid day-use, a use that was not considered when the facility was approved, a revised site plan with a parking study for an outdoor recreation area should be required before any other privileges are granted.

4. This item was continued at the July 18, 2024, meeting for the applicant to provide a layout of their proposal. The proposal wasn't received until Friday afternoon, so staff didn't have time to review it before the packet went out.
5. This item was continued at the July 18, 2024, meeting because the other entities wanted some changes made to the agreement. Staff is still working through those changes.

New Business

1. The Council has discussed the proposed changes at the last two meetings. Staff was directed to update the ordinance to require annual background checks. The Council supported adding tattoo artists to the list of businesses requiring a background check but opposed adding residential hosting. Staff was also tasked with researching the practices of surrounding cities. Only three cities responded: LaVerkin conducts background checks on all businesses, Cedar City does not require them for any businesses, and St. George only mandates them for solicitors, alcohol-related businesses, and those dealing with children. Staff is still researching additional requirements and may have an updated proposal next week.

During the last two discussions, it appeared the Council favored fewer restrictions on business owners. Staff has conducted additional research to determine the necessity of background checks. Consider the following:

- The Department of Professional Licensing (DOPL) conducts background checks on massage therapists.
- The Department of Alcoholic Beverage Services (DABS) performs background checks on all liquor license applicants.
- The Bureau of Alcohol, Tobacco, and Firearms (ATF) requires background checks for all firearms-related businesses.

These checks are conducted during the initial application process and not on an annual basis, though businesses are asked to self-report at each renewal.

Based on these findings, there are two options for consideration in the packet:

- Option 1 aligns more closely with previous discussions.
- Option 2 removes the requirement for businesses already regulated by another entity.

Both options have been discussed internally, and staff does not have strong opinions on either. Everyone was comfortable with both options. - Cindy Beteag

2. The proposed document provides assurances to the Natural Resources Conservation Service that the City has acquired the necessary rights-of-ways and easement associated with the irrigation expansion project. This document is required for NRCS to issue funding for the project. There is one remaining easement that needs to be acquired on 1150 West. If the closing on that easement has not occurred by the Council meeting, this item will need to be continued. -Dayton Hall
3. This zone-change request was originally heard by the Planning Commission on May 23, 2024, but due to an illegal lot split, the Commission tabled the application to allow the land division to be corrected. Initially, the zone-change request only included one of the parcels involved in the lot split, parcel H-4138-K-1. The request was updated to include the other parcel involved, parcel H-4-2-15-112. The applicants' ultimate desire is to get a building permit for a new single-family residence, but since there is an illegal subdivision of land, the City cannot issue a building permit pursuant to HCC section 10-39-4(D). The original unsplit parent parcel and the two new parcels are too small to conform to the 5-acre minimum lot size required by the existing A-5 zoning. During discussions between staff, the city attorney, and the applicants, it was agreed that in order to legalize the lot split, both parcels would need to be rezoned to a zoning class with an appropriate minimum lot size requirement. At which point, the applicant could move forward with the process to legalize the lot split and receive a building permit. The Planning Commission heard this application again on July 25, 2024, and unanimously recommended approval of the requested zone change to RA-0.5. --Gary Cupp

Findings.

Staff finds that the proposed zone change:

- is consistent with the goals, objectives, and policies of the City's General Plan,
- is harmonious with the overall character of existing development in the subject property's vicinity,
- does not adversely affect the adjacent property, and that
- public facilities and services are adequate to serve the subject property.

Recommendation.

Staff recommends that this zone change request be reviewed based on standards within the Hurricane City Code and be approved subject to staff and JUC comments.

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STAFF COMMENTS

Consideration and possible approval on a **preliminary plat for Sandwater Estates, a 153 lot single family subdivision** located at 4200 W 2300 S. Richardson Brothers Custom Homes, Applicant. Karl Rasmussen, Agent.

Discussion:

Update for August 1, 2024:

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Findings:

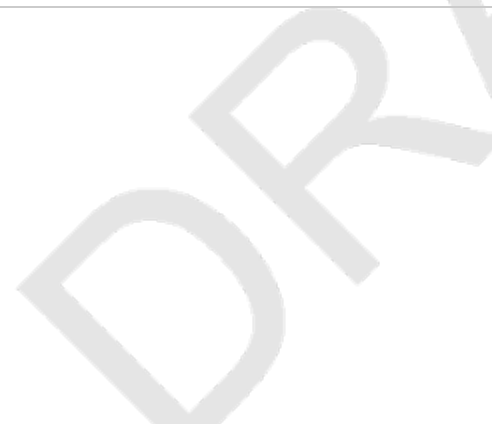
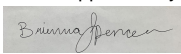
Recommendation:

Attachments:

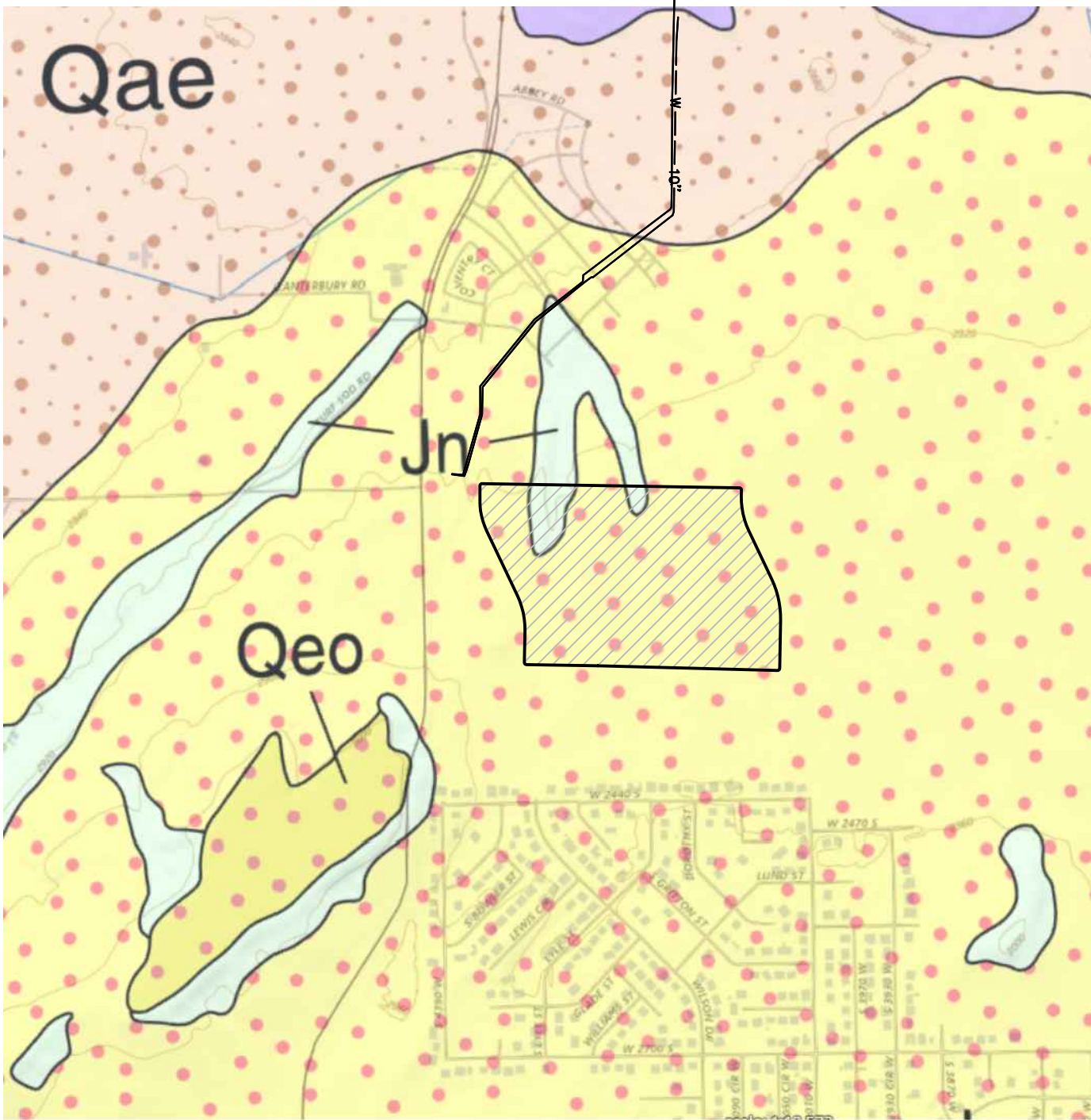
1. PP23-29_Application
2. Preliminary_Plat_Map
3. Water_Will_Serve_Letter
4. Ash_Creek_Will_Sever_Letter
5. PP23-29 Sandwater Estates CC Staff Report)2-1-24



Application

Application Accepted Date: 11/30/2023		Valuation		\$	0.00	
Type of Improvement: Subdivision (Preliminary Plat)		PERMIT FEES				
Description: Richardson Brother Custom Homes will be buying thi		Planning Fee		\$	150.00	
		Planning Fee		\$	150.00	
Tenant / Project Name: Sandwater Estates Subdivision		Sub Total:		\$	150.00	
Bldg. Address: 4200 W 2300 S		Permit Total:		\$	150.00	
City: Hurricane City State: UT Zip: 84737		Amount Paid:		\$	150.00	
Subdivision: Sandwater Estates Subdivision Phase: 6		Remaining Due:		\$	0.00	
Block: Lot #: 153 Parcel #: H-4-2-12-2113-GS3, H-4-2-						
Zone: R1-10 4-2-11-2103-GS3, H-4-2-						
Property Owner: Western Mortgage & Realty Company 1102-GS3, H-4-2-12-						
Permit Contact: Karl Rasmussen 1102-GS3, H-4-2-12-						
Email: karl@pv-eng.com						
CONTACT INFORMATION						
General Contractor: Richardson Brothers Custom Homes						
License #: P: (435) 652-6016						
City: State: Zip:						
Email: riley.richardsonbros@gmail.com						
APPLICATION DETAILS						
		APPROVALS		DATE	INFO	
		Plan Review Finalized:		Yes	12/04/23	Brienna Spencer
APPLICATION NUMBER: PENDPP23-29						
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: Treasa Anderson						
Signature of Applicant/Authorized Agent or Owner: Date:						
Application Approved By:		Date:				
		12/04/2023				
Application Issued By:		Date:				
Receipt #: 8.174548-11/30/23						

GEOLOGICAL MAP:



GEOLOGICAL NARRATIVE:

QEO/QES: EOLIAN SAND DEPOSITS (HOLOCENE TO UPPER PLEISTOCENE): –

WELL SORTED, FINE- TO MEDIUM-GRAINED, WELL-ROUNDED, FROSTED QUARTZ SAND; SAND IS RECYCLED PRINCIPALLY FROM THE NAVAJO SANDSTONE AND KAYENTA FORMATION; LOCALLY FORMS SMALL DUNES PARTLY STABILIZED BY VEGETATION; LOCALLY INCLUDES THICK CALICIC SOILS (HARDPAN OR CALICHE); TYPICALLY LESS THAN 20 FEET (6 M) THICK.

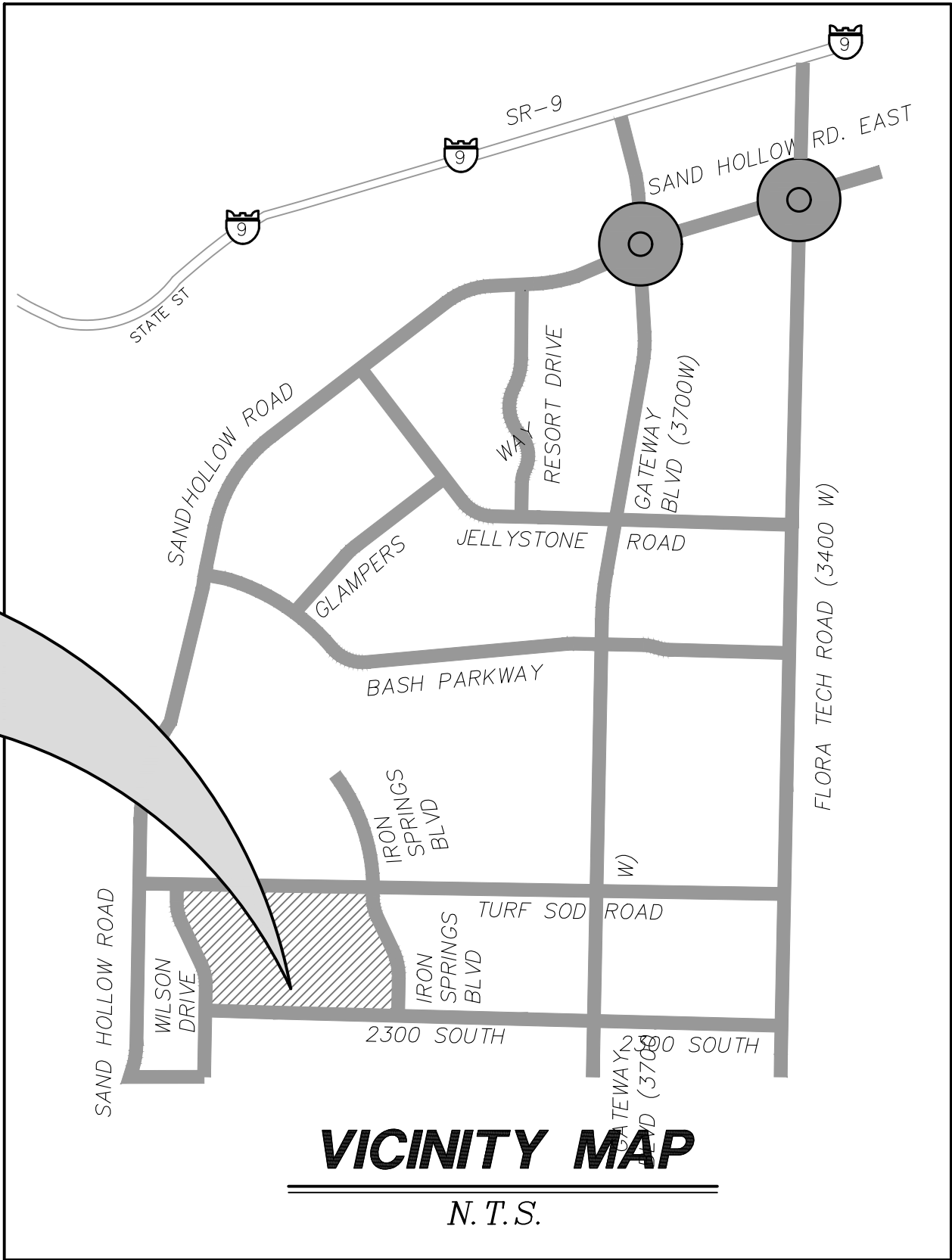
JN: NAVAJO SANDSTONE (LOWER JURASSIC)

PALE-REDDISH-ORANGE, REDDISH-BROWN, OR WHITE, CLIFF-FORMING, CROSS-BEDDED, QUARTZ SANDSTONE; FORMS SPECTACULAR SHEER CLIFFS, DEEP CANYONS, AND IMPRESSIVE SPIRES, PROMONTORIES, AND MONOLITHS; CONSISTS OF WELL SORTED, WELL-ROUNDED, FINE TO MEDIUM-GRAINED, FROSTED TABARTZ SAND; BEDDING CONSISTS OF HIGH-ANGLE, LARGE-SCALE CROSS-BEDDING IN TABULAR-PLANAR, WEDGE-PLANAR, AND TROUGH-SHAPED SETS 10 TO 45 FEET OR MORE (3-14+ M) THICK; CONTAINS SPARSE PLANAR INTERDUNE DEPOSITS AND LOCALLY COMMON IRONSTONE BANDS AND CONCRETIONS; LOCALLY PROMINENTLY JOINTED (SEE, FOR EXAMPLE, ROGERS AND ENGELDER, 2004; ROGERS AND OTHERS, 2004); LOWER PART FORMS TRANSITION ZONE CHARACTERIZED BY PLANAR-BEDDED, FINE-GRAINED SANDSTONE AND SILTY SANDSTONE WITH THIN SILTSTONE INTERBEDS WITH WAVY BEDDING, FLASER-LIKE LAMINAE, AND SOFT-SEDIMENT DEFORMATION AND BIOTURBATION FEATURES, AND LESS COMMON BUT RESISTANT CROSS-STRATIFIED SANDSTONE; DIVIDED INTO THREE INFORMAL NON-STRATIGRAPHIC UNITS OF VARIABLE BUT ROUGHLY EQUAL THICKNESS BASED ON COLOR AND WEATHERING HABIT IN THE SOUTH PART OF ZION NATIONAL PARK (DOELLING AND OTHERS, 2002): (1) "WHITE NAVAJO," WHICH FORMS THE UPPER PART OF THE NAVAJO SANDSTONE AND IS PALE-GRAY, YELLOWISH-GRAY, ORANGISH-GRAY, AND WHITE BECAUSE OF ALTERATION, REMOBILIZATION, AND BLEACHING OF LIMONITIC AND HEMATITIC (IRON-BEARING) CEMENT, PROBABLY DUE TO HYDROCARBON MIGRATION (SEE, FOR EXAMPLE, BEITLER AND OTHERS, 2003); (2) "PINK NAVAJO," WHICH FORMS THE MIDDLE PART OF THE NAVAJO SANDSTONE, IS GENERALLY LESS RESISTANT THAN THE "WHITE NAVAJO" ABOVE AND "BROWN NAVAJO" BELOW, AND IS PALE REDDISH ORANGE DUE TO MORE UNIFORMLY DISPERSED HEMATITIC CEMENT; AND (3) "BROWN NAVAJO," WHICH IS STREAKED MEDIUM TO DARK REDDISH BROWN DUE TO IRON OXIDE REMOBILIZATION CAUSED BY GROUND-WATER OR HYDROCARBON MIGRATION, AND WHICH FORMS THE LOWER MASSIVE CLIFF OF THE NAVAJO SANDSTONE AND IS CORRELATIVE IN PART WITH THE LOWER TRANSITIONAL BEDS OF THE NAVAJO; NIELSEN AND CHAN (IN PREPARATION) DESCRIBED DIAGENETIC FACIES AND FLUID-RELATED ALTERATION OF THE NAVAJO SANDSTONE IN SOUTHWEST UTAH; THE UPPER UNCONFORMABLE CONTACT OF THE NAVAJO IS SHARP AND PLANAR AND CORRESPONDS TO A PROMINENT BREAK IN SLOPE, WITH CLIFF-FORMING, CROSS-BEDDED SANDSTONE BELOW AND REDDISH-BROWN MUDSTONE OF THE SINAWAVA MEMBER OF THE TEMPLE CAP FORMATION ABOVE; DEPOSITED IN A VAST COASTAL AND INLAND DUNE FIELD WITH PREVAILING WINDS PRINCIPALLY FROM THE NORTH (BLAKEY, 1994, PETERSON, 1994); CORRELATIVE WITH THE NUGGET SANDSTONE OF NORTHERN UTAH AND WYOMING AND THE AZTEC SANDSTONE OF SOUTHERN NEVADA AND ADJACENT AREAS (SEE, FOR EXAMPLE, KOCUREK AND DOTT, 1983; RIGGS AND OTHERS, 1993); THE LOWER TRANSITION INTERVAL, WHICH REACHES ITS MAXIMUM THICKNESS OF ABOUT 300 FEET (100 M) IN THE RED CLIFFS AREA NORTHEAST OF ST. GEORGE, REPRESENTS DEPOSITION IN A SAND-DOMINATED SABKHA ENVIRONMENT (TUESINK, 1989; SANSOM, 1992); MUCH OF THE SAND MAY ORIGINALLY HAVE BEEN TRANSPORTED TO AREAS NORTH AND NORTHWEST OF UTAH VIA A TRANSCONTINENTAL RIVER SYSTEM THAT TAPPED GRENVILLIAN-AGE (ABOUT 1.0 TO 1.3 BILLION-YEAR-OLD) CRUST INVOLVED IN APPALACHIAN OROGENESIS OF EASTERN NORTH AMERICA (DICKINSON AND GEHRELS, 2003; RAHL AND OTHERS, 2003; REINERS AND OTHERS, 2005); FORMS THE PRINCIPAL AQUIFER THROUGHOUT MUCH OF THE QUADRANGLE (CLYDE, 1987; HURLOW, 1998; HEILWEIL AND OTHERS, 2000; HEILWEIL AND OTHERS, 2002; ROWLEY AND DIXON, 2004; ROWLEY AND OTHERS, 2004); ABOUT 1800 TO 2300 FEET (550-700 M) THICK.

PRELIMINARY PLAT SHEET FOR:
SANDWATER ESTATES SUBDIVISION

LOCATED ON SECTION 11 & 12, T42S, R14W, S.L.B.&M.
HURRICANE, WASHINGTON COUNTY, UTAH

PROJECT
LOCATION



OWNERS:

WESTERN MORTGAGE & REALTY COMPANY

CONTACT REPRESENTATIVE:

BRENT MOSER
(801)-793-0346
THEBEACHATSANDHOLLOW@GMAIL.COM

LAND USE SUMMARY

	PHASE 1	PHASE 2	PHASE 3	PHASE 4	PHASE 5	PHASE 6	
TOTAL LOTS	19	17	33	27	26	31	
TOTAL LOT SIZE (SQ. FT.)	230,807.00	185,777.00	352,265.00	299,994.00	264,587.00	360,942.00	
AVERAGE LOT SIZE (SQ. FT.)	12,147.74	10,928.06	10,674.70	11,110.89	10,176.42	11,643.29	
MINIMUM LOT SIZE (SQ. FT.)	10,094.00	8,800.00	8,800.00	9,041.00	9,570.00	9,171.00	
MAXIMUM LOT SIZE (SQ. FT.)	23,116.00	14,090.00	19,422.00	18,048.00	11,801.00	20,761.00	

DESERT TORTOISE TAKE AREA

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

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-SOILS WITH LOW SUSCEPTIBILITY FOR 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	WBSH-HIGH: MODERN SAND-DUNE OR SHEET-SAND DEPOSITS
SHALLOW GROUND WATER	NONE

THE MITIGATION OF POTENTIAL HAZARDS WILL BE RECOMMENDED IN THE FUTURE GEOTECHNICAL REPORT.

NOTES:

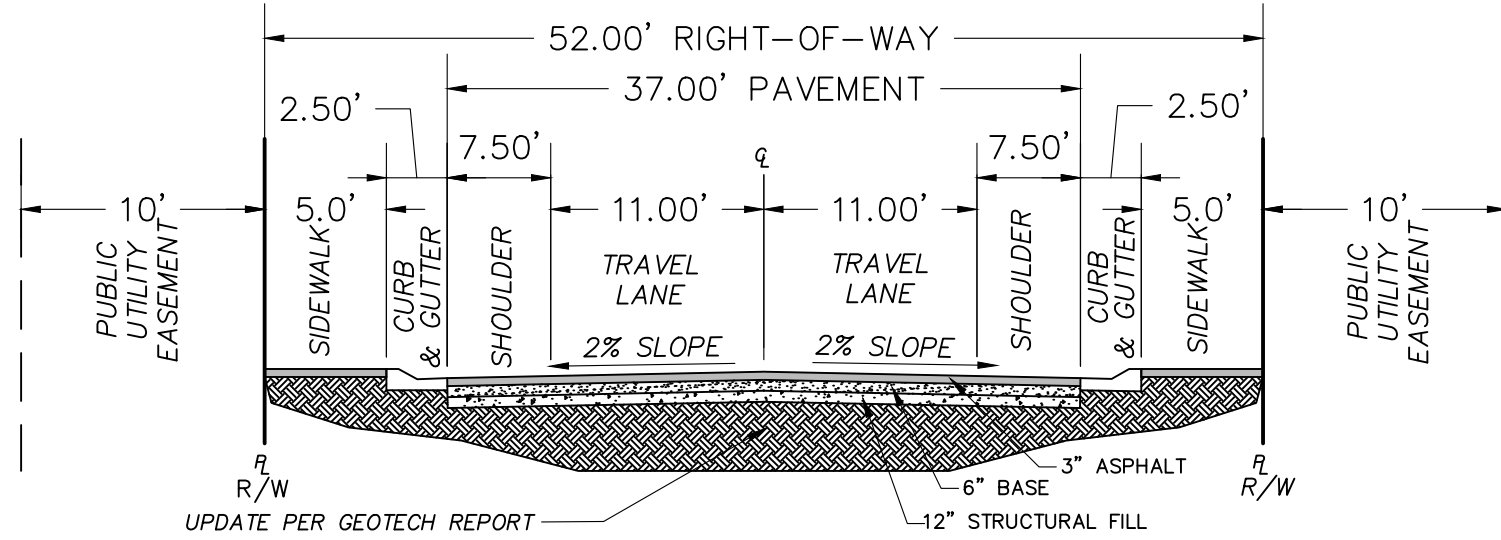
STORM WATER CAN BE REDIONALLY DETAINED AND CONTROLLED USING DETENTION BASINS. WATER WILL BE COLLECTED AND DELIVERED TO THE REGIONAL DETENTION BASIN AT AN OFFSITE PUBLIC PARK.

THERE ARE NO IRRIGATION FACILITIES.

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

THERE ARE NO SPRINGS OR SEEPS ON THIS PROPERTY. THERE IS A WELL SHOWN ON THE PLAT.

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



PROVALUE ENGINEERING, INC.
Engineers – Land Surveyors – Land Planners
20 South 950 West, Suite 1
Hurricane, UT 84045
Phone: (435) 896-8307 Fax: (435) 896-3127 Chad Hill



PRELIMINARY PLAT SHEET FOR:
SANDWATER ESTATES SUBDIVISION
LOCATED ON SECTION 11 & 12, T42S, R14W, S.L.B.&M.
HURRICANE, WASHINGTON COUNTY, UTAH

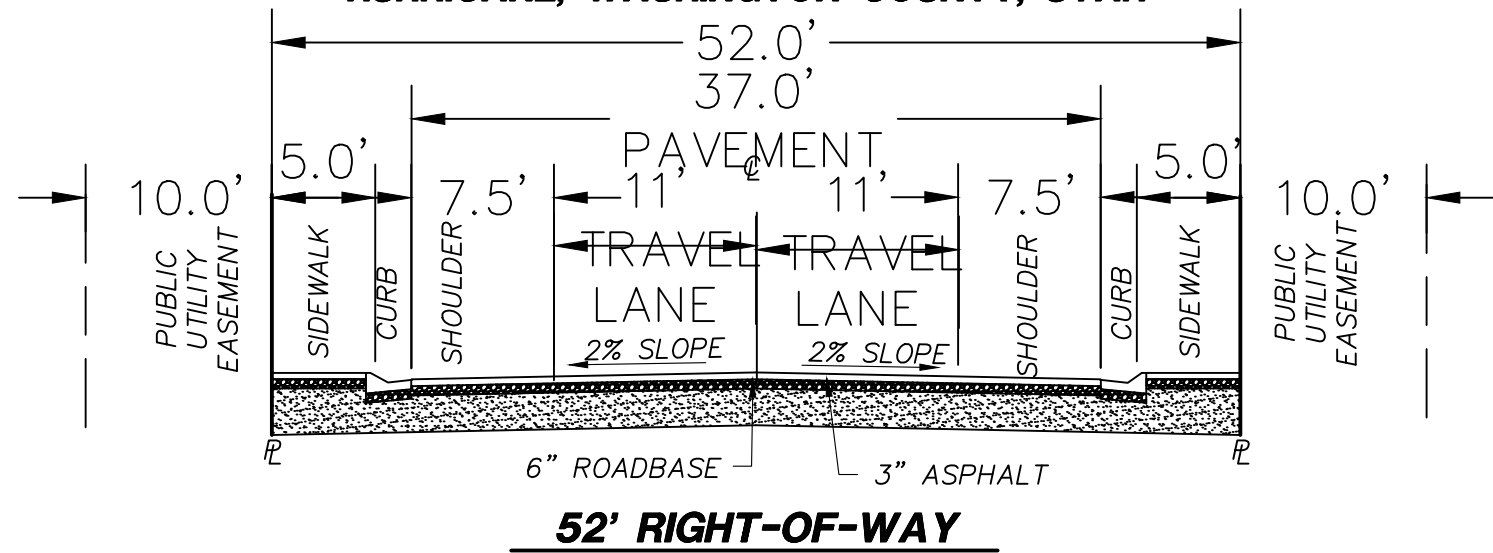
DATE: 10/17/2023
SCALE: N.T.S.

JOB NO.
106-002

SHEET NO:
1 OF 8

PRELIMINARY PLAT FOR: SANDWATER ESTATES SUBDIVISION

LOCATED ON SECTION 11 & 12, T42S, R14W, S.L.B.&M.
HURRICANE, WASHINGTON COUNTY, UTAH

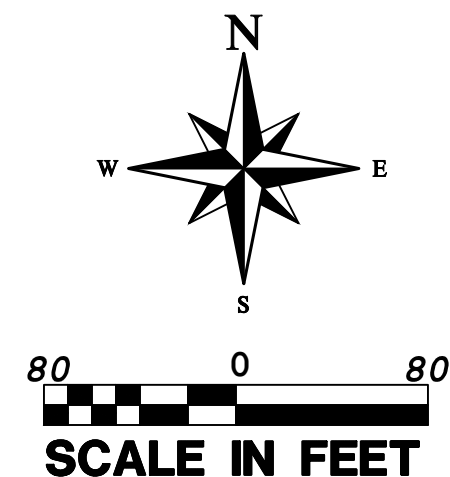


52' RIGHT-OF-WAY

CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD DIST.	CHORD BRG.	DELTA
C1	0.96'	235.00'	0.96'	N88°55'47"W	0°14'05"
C2	23.60'	15.00'	21.24'	N43°58'28"W	90°08'44"
C3	254.70'	552.00'	252.45'	N12°10'01"W	26°26'14"
C4	208.27'	468.00'	206.56'	N12°38'12"W	25°29'53"
C5	23.78'	15.00'	21.36'	N45°31'17"E	90°49'05"
C6	23.56'	15.00'	21.21'	S44°04'10"E	90°00'00"
C7	248.94'	542.00'	246.76'	S12°13'39"E	26°18'58"
C8	291.23'	630.00'	288.64'	S12°08'33"E	26°29'10"
C9	23.68'	15.00'	21.30'	S46°15'28"W	90°26'49"
C10	1.21'	235.00'	1.21'	N88°39'52"W	0°17'44"

LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE / LOT LINE
- STREET CENTERLINE
- 10' PUBLIC UTILITY EASEMENT (PUE)
- SECTION LINE
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EXISTING HDPE WATER MAIN (SIZE SHOWN)
- EXISTING SEWER LINE (SIZE SHOWN)
- PHASE LINE
- SET CENTERLINE MONUMENT WITH RING AND LID
- SECTION CORNER AS DESCRIBED
- EXISTING SEWER MANHOLE



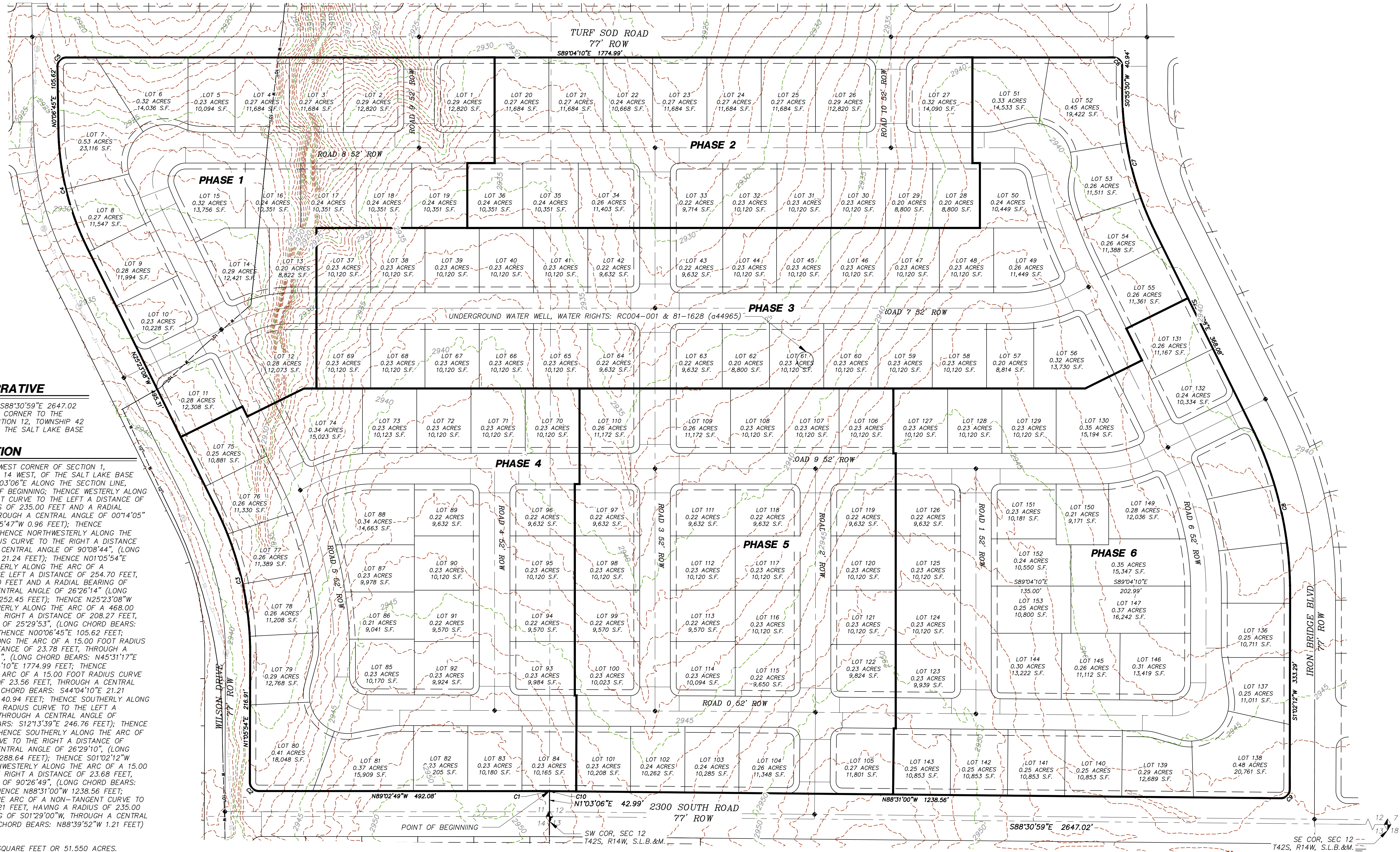
SURVEYOR'S NARRATIVE

THE BASIS OF BEARINGS IS S88°30'59"E 2647.02 FEET FROM THE SOUTHWEST CORNER TO THE SOUTHEAST CORNER OF SECTION 12, TOWNSHIP 42 SOUTH, RANGE 14 WEST, OF THE SALT LAKE BASE AND MERIDIAN.

LEGAL DESCRIPTION

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 1, TOWNSHIP 42 SOUTH, RANGE 14 WEST, OF THE SALT LAKE BASE AND MERIDIAN; THENCE N01°03'06"E ALONG THE SECTION LINE, 42.99 FEET TO THE POINT OF BEGINNING; THENCE WESTERLY ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT A DISTANCE OF 0.96 FEET, HAVING A RADIUS OF 235.00 FEET AND A RADIAL BEARING OF S01°11'16"W, THROUGH A CENTRAL ANGLE OF 0°14'05" (LONG CHORD BEARS: N88°55'47"W 0.96 FEET); THENCE N89°02'49"W 492.08 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 23.60 FEET, THROUGH A CENTRAL ANGLE OF 90°08'44" (LONG CHORD BEARS: N43°58'28"W 21.24 FEET); THENCE N01°05'54"E 216.91 FEET; THENCE NORTHERLY ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT A DISTANCE OF 254.70 FEET, HAVING A RADIUS OF 552.00 FEET AND A RADIAL BEARING OF N88°56'54"W, THROUGH A CENTRAL ANGLE OF 26°26'14" (LONG CHORD BEARS: N12°10'01"W 252.45 FEET); THENCE N25°23'08"W 495.31 FEET; THENCE NORTHERLY ALONG THE ARC OF A 468.00 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 208.27 FEET, THROUGH A CENTRAL ANGLE OF 25°29'53" (LONG CHORD BEARS: N12°38'12"W 206.56 FEET); THENCE N00°06'45"E 105.62 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 23.78 FEET, THROUGH A CENTRAL ANGLE OF 90°49'05" (LONG CHORD BEARS: N45°31'17"E 21.36 FEET); THENCE S89°04'10"E 1774.99 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 23.56 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00" (LONG CHORD BEARS: S44°04'10"E 21.21 FEET); THENCE S00°55'50"W 40.94 FEET; THENCE SOUTHERLY ALONG THE ARC OF A 542.00 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 248.94 FEET, THROUGH A CENTRAL ANGLE OF 26°18'58" (LONG CHORD BEARS: S12°13'39"E 246.76 FEET); THENCE S25°23'08"E 368.08 FEET; THENCE SOUTHERLY ALONG THE ARC OF A 630.00 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 291.23 FEET, THROUGH A CENTRAL ANGLE OF 26°29'10" (LONG CHORD BEARS: S12°08'33"E 288.64 FEET); THENCE S01°02'12"W 333.29 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 23.68 FEET, THROUGH A CENTRAL ANGLE OF 90°26'49" (LONG CHORD BEARS: S46°15'28"W 21.30 FEET); THENCE N88°31°00"W 1238.56 FEET; THENCE WESTERLY ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT A DISTANCE OF 1.21 FEET, HAVING A RADIUS OF 235.00 FEET AND A RADIAL BEARING OF S01°29'00"W, THROUGH A CENTRAL ANGLE OF 0°17'44" (LONG CHORD BEARS: N88°39'52"W 1.21 FEET) TO THE POINT OF BEGINNING.

AREA CONTAINS 2,245,503 SQUARE FEET OR 51.550 ACRES.



REVISIONS		DATE	BY
NO.	DESCRIPTION		
1	10/17/2023	106-002	106-002
2	10/17/2023	106-002	106-002
3	10/17/2023	106-002	106-002
4	10/17/2023	106-002	106-002
5	10/17/2023	106-002	106-002
6	10/17/2023	106-002	106-002
7	10/17/2023	106-002	106-002
8	10/17/2023	106-002	106-002
9	10/17/2023	106-002	106-002
10	10/17/2023	106-002	106-002

PROVALUE ENGINEERING, INC.
Engineers - Land Surveyors
10 South 950 West, Suite 1
Provo, UT 84604
Phone: (435) 950-3071
Fax: (435) 950-3072



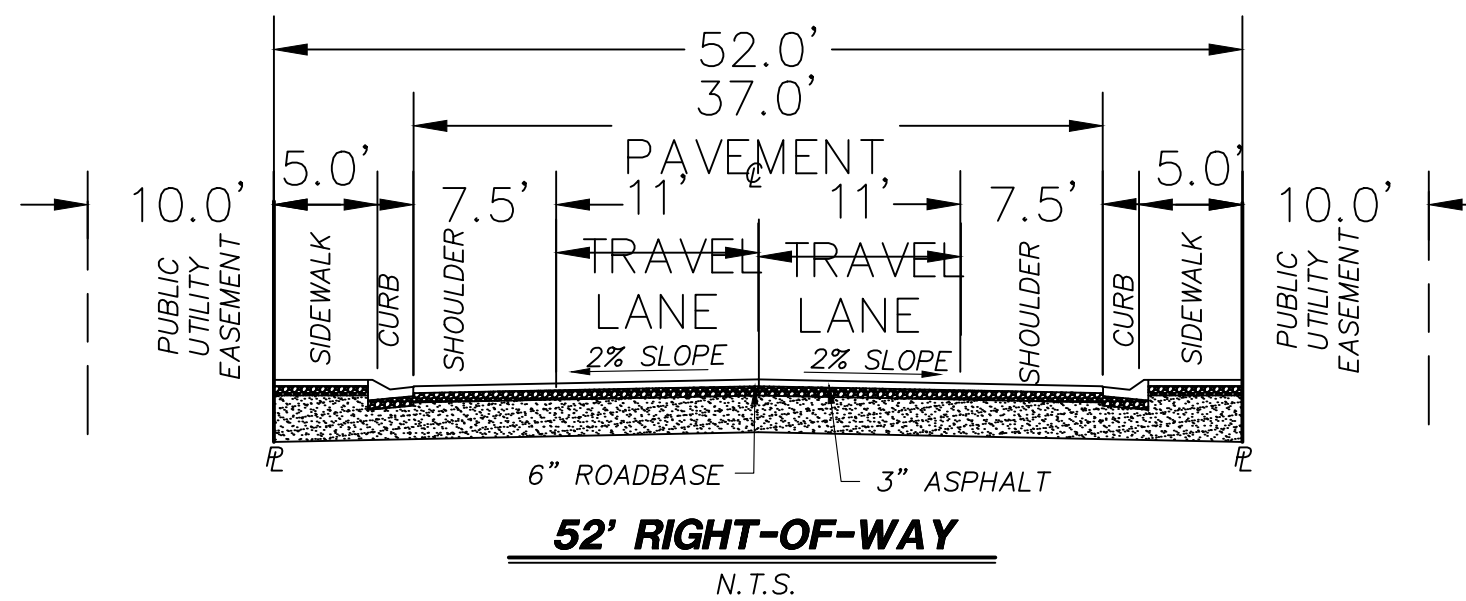
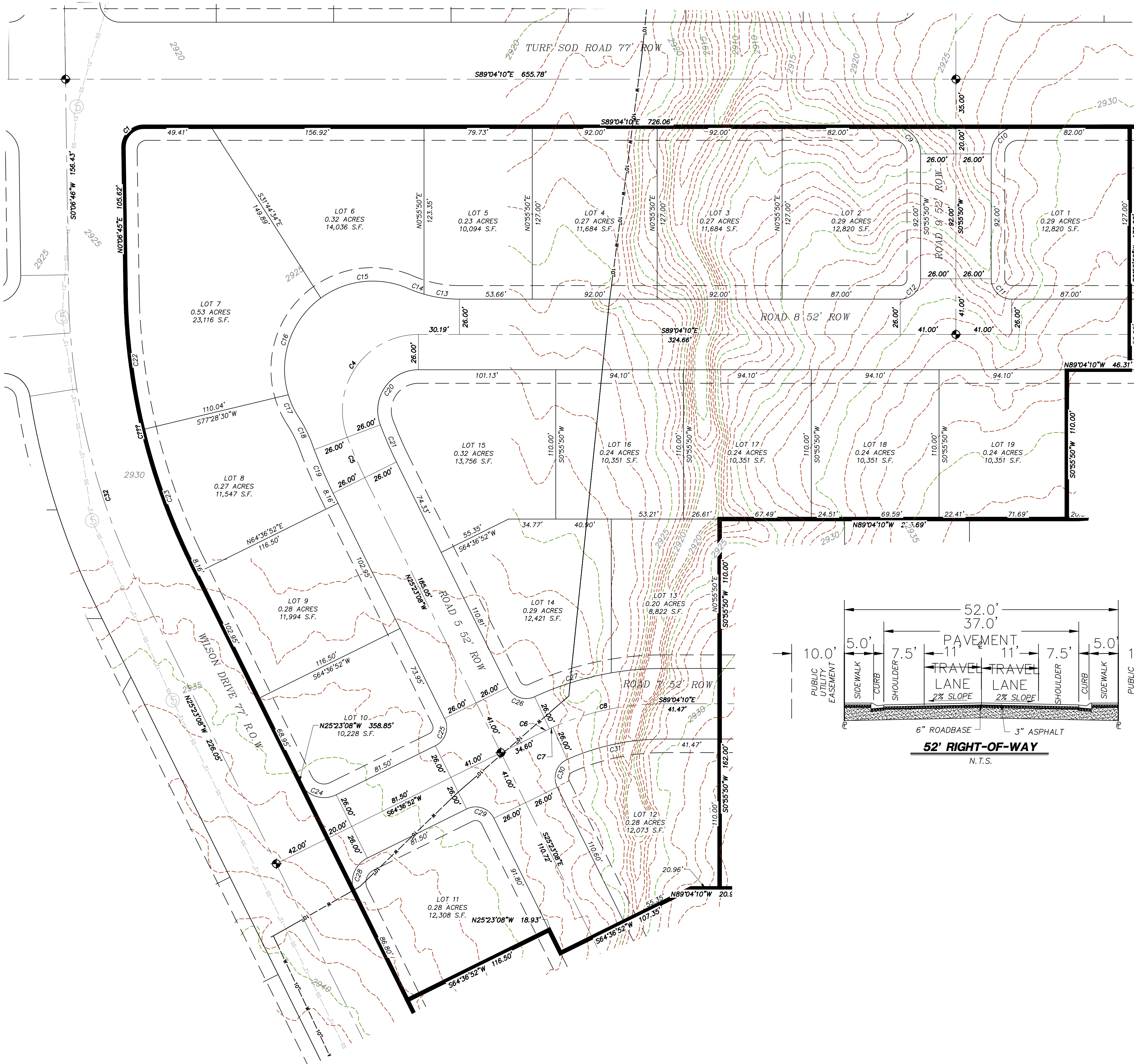
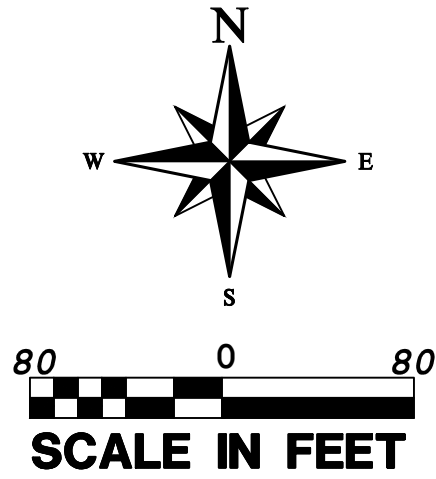
PRELIMINARY PLAT FOR:
SANDWATER ESTATES SUBDIVISION

LOCATED ON SECTION 11 & 12, T42S, R14W, S.L.B.&M.
HURRICANE, WASHINGTON COUNTY, UTAH

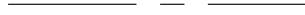
DATE: 10/17/2023
SCALE: 1"=80'
JOB NO: 106-002
SHEET NO: 2 OF 8

**PRELIMINARY PLAT FOR:
SANDWATER ESTATES SUBDIVISION PHASE 1**

**LOCATED ON SECTION 11 & 12, T42S, R14W, S.L.B.&M.
HURRICANE, WASHINGTON COUNTY, UTAH**



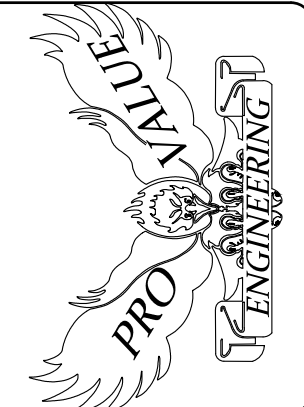
LEGEND

	PROPERTY LINE
	ADJACENT PROPERTY LINE / LOT LINE
	STREET CENTERLINE
	10' PUBLIC UTILITY EASEMENT (PUE)
	SECTION LINE
	EXISTING MAJOR CONTOUR
	EXISTING MINOR CONTOUR
	EXISTING HDPE WATER MAIN (SIZE SHOWN)
	EXISTING SEWER LINE (SIZE SHOWN)
	PHASE LINE
	SET CENTERLINE MONUMENT WITH RING AND LID
	SECTION CORNER AS DESCRIBED
	EXISTING SEWER MANHOLE

CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD DIST.	CHORD BRG.	DELTA
C1	23.78'	15.00'	21.36'	N45°31'18"E	90°49'06"
C4	108.11'	56.00'	92.09'	N35°37'33"E	110°36'33"
C5	32.42'	325.50'	32.41'	N22°31'56"W	5°42'25"
C6	5.31'	200.00'	5.31'	N65°22'32"E	1°31'21"
C7	2.74'	200.00'	2.74'	N68°31'47"E	0°47'08"
C8	83.80'	200.00'	83.19'	N78°55'35"E	24°00'29"
C9	31.42'	20.00'	28.28'	N44°04'10"W	90°00'00"
C10	31.42'	20.00'	28.28'	S45°55'50"W	90°00'00"
C11	23.56'	15.00'	21.21'	S44°04'10"E	90°00'00"
C12	23.56'	15.00'	21.21'	N45°55'50"E	90°00'00"
C13	26.41'	95.00'	26.32'	S81°06'22"E	15°55'36"
C14	12.57'	95.00'	12.56'	N69°21'10"W	7°34'49"
C15	67.57'	65.00'	64.56'	S84°39'31"W	59°33'26"
C16	80.18'	65.00'	75.19'	S19°32'28"W	70°40'42"
C17	18.69'	65.00'	18.63'	S24°02'12"E	16°28'38"
C18	22.01'	95.00'	21.96'	S25°38'17"E	13°16'29"
C19	39.17'	351.50'	39.15'	S22°11'35"E	6°23'06"
C20	57.91'	30.00'	49.33'	S35°37'33"W	110°36'33"
C21	29.83'	299.50'	29.82'	S22°31'56"E	5°42'25"
C22	103.22'	468.00'	103.02'	N61°12'23"W	12°38'15"
C23	105.05'	468.00'	104.83'	N18°57'19"W	12°51'38"
C24	31.42'	20.00'	28.28'	N70°23'08"W	90°00'00"
C25	23.56'	15.00'	21.21'	S19°36'52"W	90°00'00"
C26	23.16'	15.00'	20.93'	N69°37'28"W	88°28'39"
C27	59.26'	226.00'	59.09'	S73°38'55"W	15°01'25"
C28	31.42'	20.00'	28.28'	S19°36'52"W	90°00'00"
C29	23.56'	15.00'	21.21'	S70°23'08"E	90°00'00"
C30	24.17'	15.00'	21.64'	N20°46'06"E	92°18'29"
C31	72.91'	174.00'	72.38'	N78°55'35"E	24°00'29"
C32	226.97'	510.00'	225.10'	S12°38'11"E	25°29'54"

REVISIONS			
NO	DESCRIPTION	DATE	BY
1	Planners		

PROVALUE ENGINEERING, INC.
Engineers— Land Surveyors — Land
20 South 950 West, Suite 1
Hurricane City, Utah 84737
Phone: (435) 668-8307 Karl Rasmussen
Phone: (435) 590-3127 Chad Hill



PRELIMINARY PLAT FOR:
SANDWATER ESTATES SUBDIVISION PHASE I

LOCATED ON SECTION 11 & 12, T42S, R14W, S1.B.4M.
HURRICANE, WASHINGTON COUNTY, UTAH

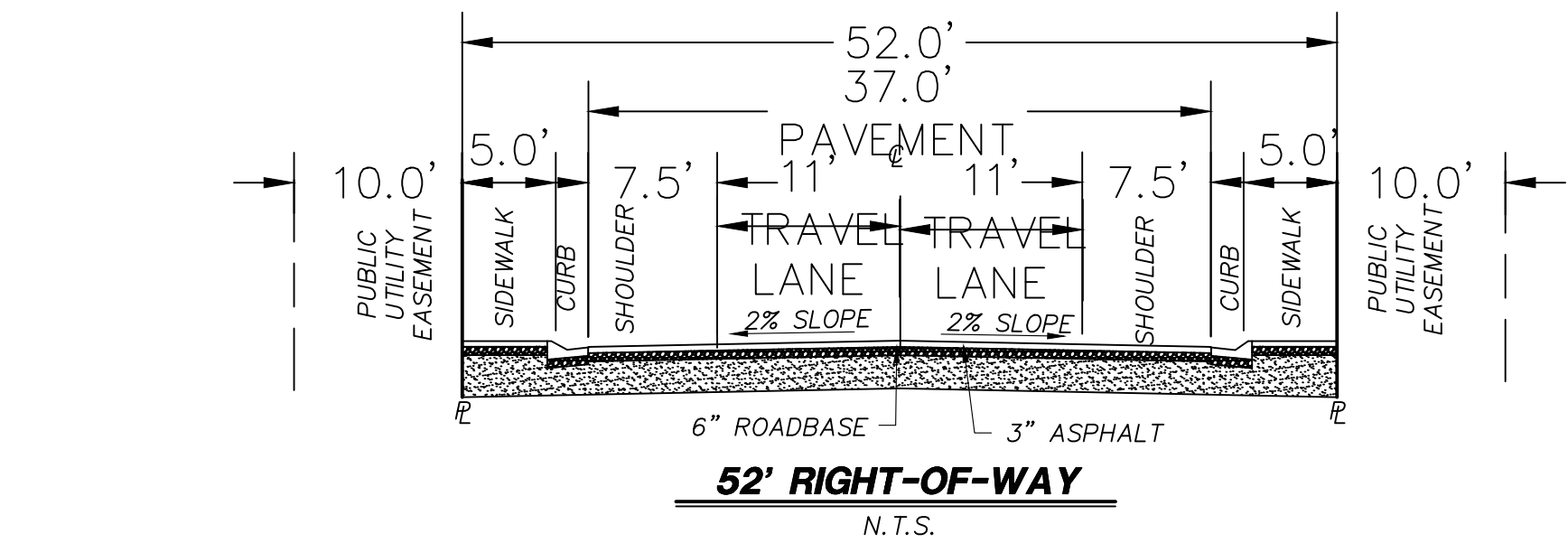
DATE: 10/17/2023
SCALE: 1"=80'

JOB NO.
706-002

SHEET NO:

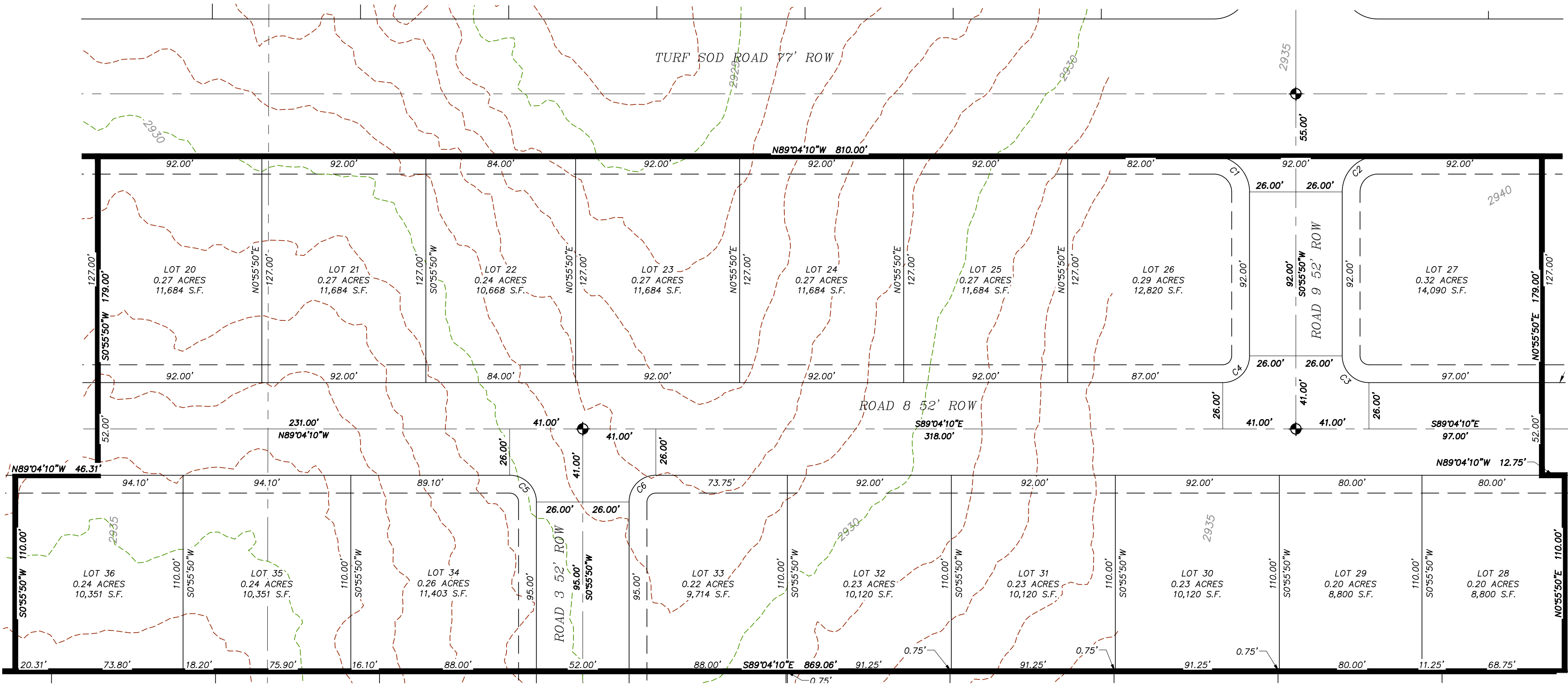
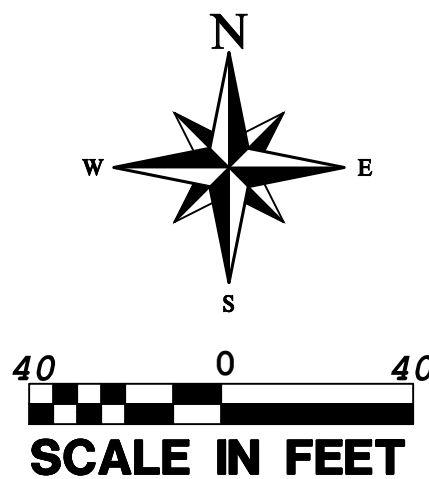
PRELIMINARY PLAT FOR:
SANDWATER ESTATES SUBDIVISION PHASE 2

LOCATED ON SECTION 11 & 12, T42S, R14W, S.L.B.&M.
HURRICANE, WASHINGTON COUNTY, UTAH



CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD DIST.	CHORD BRG.	DELTA
C1	31.42'	20.00'	28.28'	N44°04'10"W	90°00'00"
C2	31.42'	20.00'	28.28'	N45°55'50"E	90°00'00"
C3	23.56'	15.00'	21.21'	N44°04'10"W	90°00'00"
C4	23.56'	15.00'	21.21'	N45°55'50"E	90°00'00"
C5	23.56'	15.00'	21.21'	N44°04'09"W	89°59'58"
C6	23.56'	15.00'	21.21'	S45°55'50"W	90°00'00"

LEGEND	
	PROPERTY LINE
	ADJACENT PROPERTY LINE / LOT LINE
	STREET CENTERLINE
	SECTION LINE
	10' PUBLIC UTILITY EASEMENT (PUE)
	EXISTING MAJOR CONTOUR
	EXISTING MINOR CONTOUR
	PHASE LINE
	SET CENTERLINE MONUMENT WITH RING AND LID



REVISIONS		DATE	BY
NO.	DESCRIPTION		
1	10/17/2023		
2	10/17/2023		
3	10/17/2023		
4	10/17/2023		
5	10/17/2023		
6	10/17/2023		
7	10/17/2023		
8	10/17/2023		
9	10/17/2023		
10	10/17/2023		

PROVALUE ENGINEERING, INC.
Engineers - Land Surveyors - **Land Planners**
20 South 950 West, Suite 1
Hurricane, Utah 84503
Phone: (435) 896-3127 Chad Hill



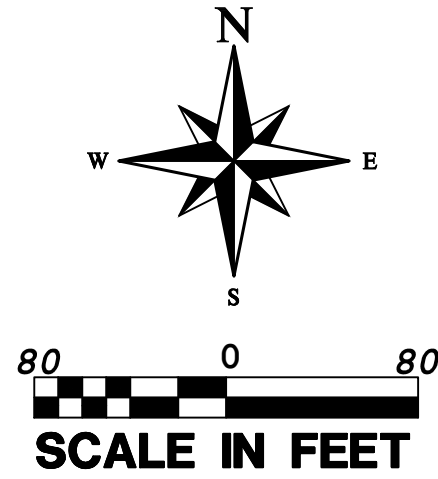
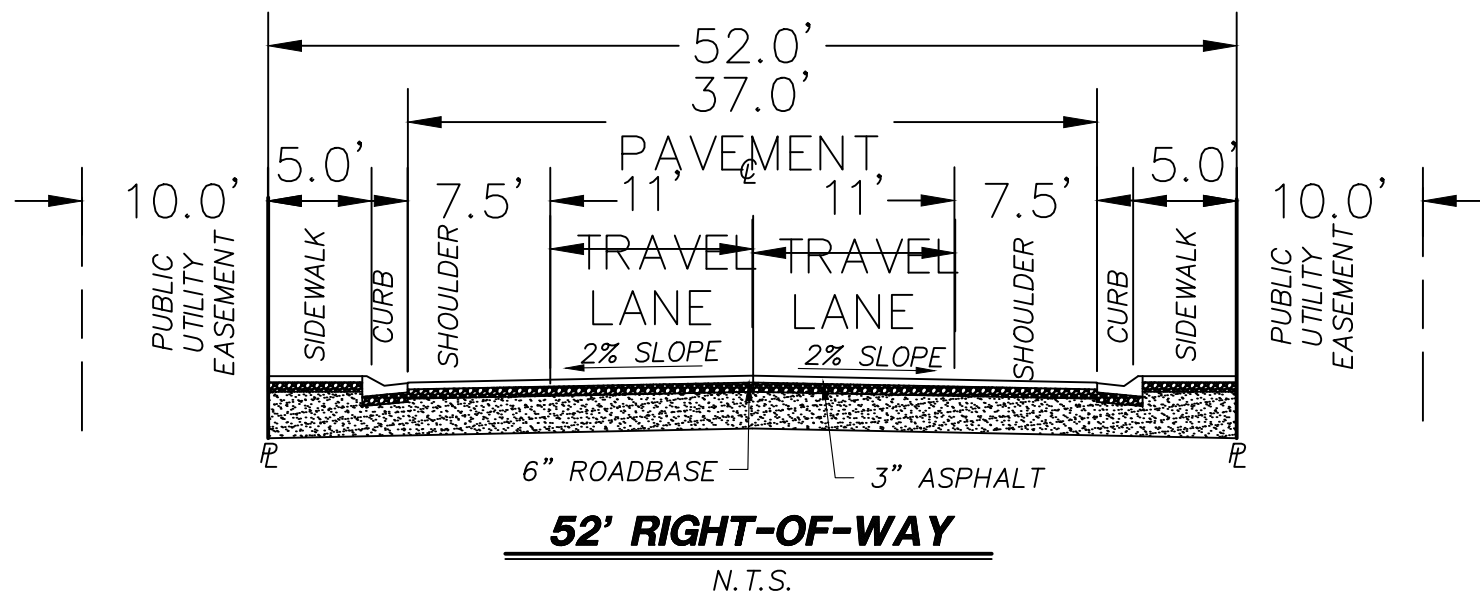
PRELIMINARY PLAT FOR:
SANDWATER ESTATES SUBDIVISION PHASE 2
LOCATED ON SECTION 11 & 12, T42S, R14W, S.L.B.&M.
HURRICANE, WASHINGTON COUNTY, UTAH

DATE: 10/17/2023 SCALE: 1"=40'	JOB NO. 106-002	SHEET NO. 4 OF 8
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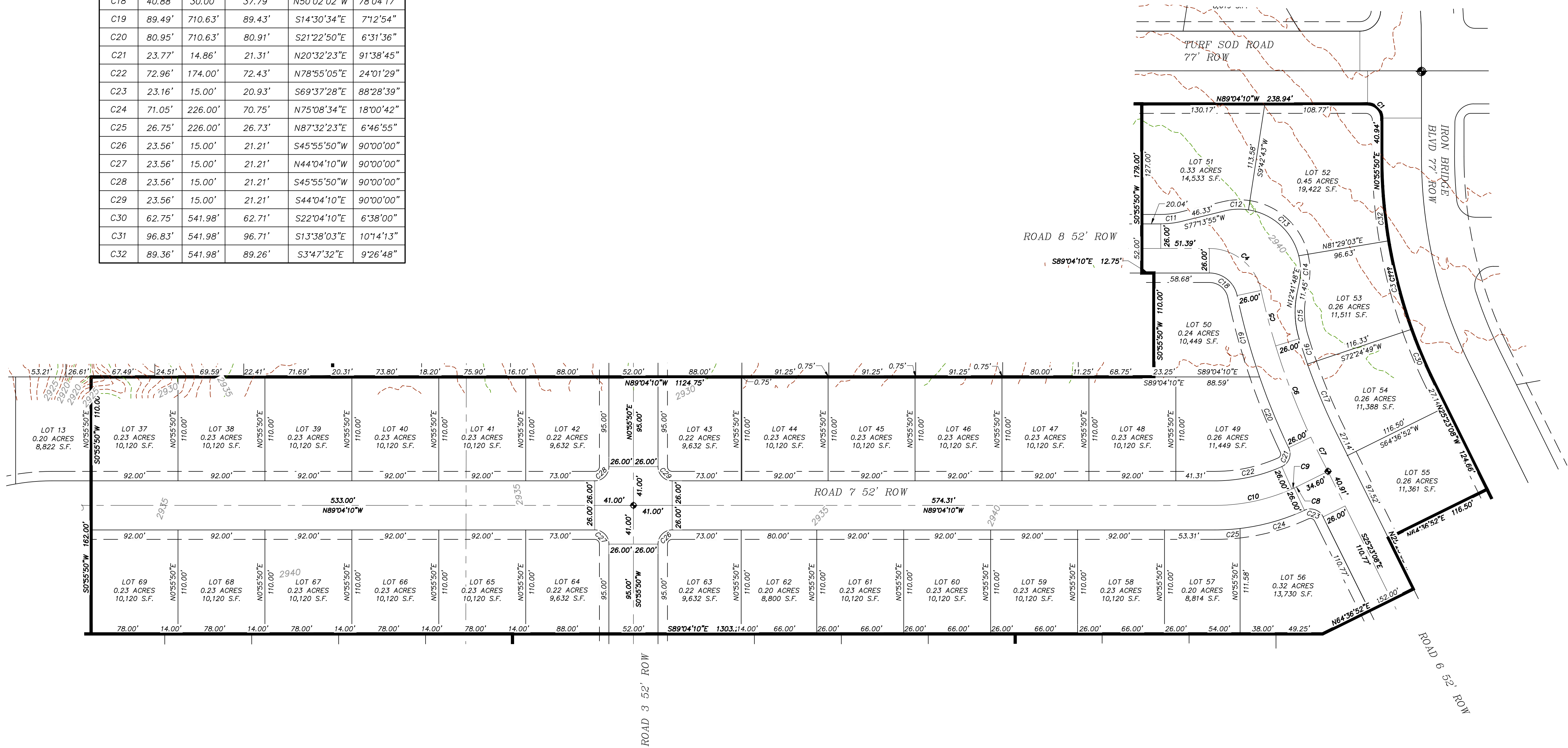
CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD DIST.	CHORD BRG.	DELTA
C1	23.56'	15.00'	21.21'	N44°04'10"W	90°00'00"
C4	75.95'	56.00'	70.26'	S50°13'02"E	77°42'16"
C5	60.75'	737.44'	60.73'	S13°45'11"E	4°43'12"
C6	103.66'	737.44'	103.57'	S20°08'24"E	8°03'13"
C7	40.42'	737.44'	40.41'	S25°44'13"E	3°08'25"
C8	5.31'	200.00'	5.31'	N65°22'32"E	1°31'21"
C9	2.68'	200.00'	2.68'	N66°31'17"E	0°46'08"
C10	83.86'	200.00'	83.25'	N78°55'05"E	24°01'29"
C11	22.71'	95.00'	22.66'	N84°04'52"E	13°41'55"
C12	25.47'	65.00'	25.30'	S88°29'16"W	22°26'55"
C13	76.25'	65.00'	71.95'	N46°40'51"W	67°12'51"
C14	29.27'	65.00'	29.02'	N0°10'23"W	25°48'05"
C15	46.94'	95.00'	46.46'	S1°27'29"E	28°18'35"
C16	29.50'	665.77'	29.49'	N17°10'40"W	2°32'18"
C17	78.59'	665.77'	78.55'	N21°49'44"W	6°45'49"
C18	40.88'	30.00'	37.79'	N50°02'02"W	78°04'17"
C19	89.49'	710.63'	89.43'	S14°30'34"E	7°12'54"
C20	80.95'	710.63'	80.91'	S21°22'50"E	6°31'36"
C21	23.77'	14.86'	21.31'	N20°32'23"E	91°38'45"
C22	72.96'	174.00'	72.43'	N78°55'05"E	24°01'29"
C23	23.16'	15.00'	20.93'	S69°37'28"E	88°28'39"
C24	71.05'	226.00'	70.75'	N75°08'34"E	18°00'42"
C25	26.75'	226.00'	26.73'	N87°32'23"E	6°46'55"
C26	23.56'	15.00'	21.21'	S45°55'50"W	90°00'00"
C27	23.56'	15.00'	21.21'	N44°04'10"W	90°00'00"
C28	23.56'	15.00'	21.21'	S45°55'50"W	90°00'00"
C29	23.56'	15.00'	21.21'	S44°04'10"E	90°00'00"
C30	62.75'	541.98'	62.71'	S22°04'10"E	6°38'00"
C31	96.83'	541.98'	96.71'	S13°38'03"E	10°14'13"
C32	89.36'	541.98'	89.26'	S3°47'32"E	9°26'48"

PRELIMINARY PLAT FOR: SANDWATER ESTATES SUBDIVISION PHASE 4

LOCATED ON SECTION 11 & 12, T42S, R14W, S.L.B.&M.
HURRICANE, WASHINGTON COUNTY, UTAH

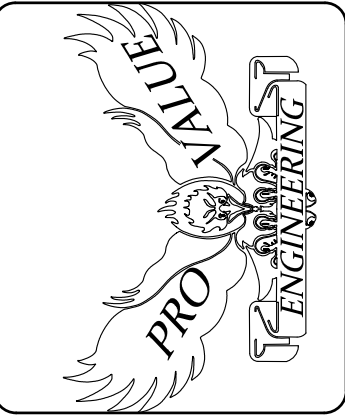


- LEGEND**
- PROPERTY LINE
 - ADJACENT PROPERTY LINE / LOT LINE
 - STREET CENTERLINE
 - SECTION LINE
 - 10' PUBLIC UTILITY EASEMENT (PUE)
 - EXISTING MAJOR CONTOUR
 - EXISTING MINOR CONTOUR
 - PHASE LINE
 - SET CENTERLINE MONUMENT WITH RING AND LID



REVISIONS		DATE	BY
NO.	DESCRIPTION		
1	Initial Plan		

PROVALUE ENGINEERING, INC.
Engineers - Land Surveyors
20 South 950 West, Suite 1
Hurricane, Utah 84503
Phone: (435) 896-8307
Fax: (435) 896-3127 Chad Hill

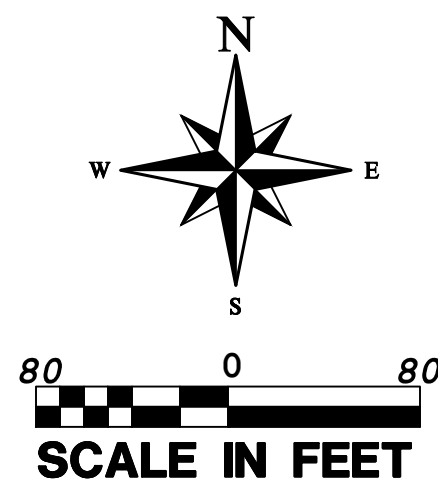
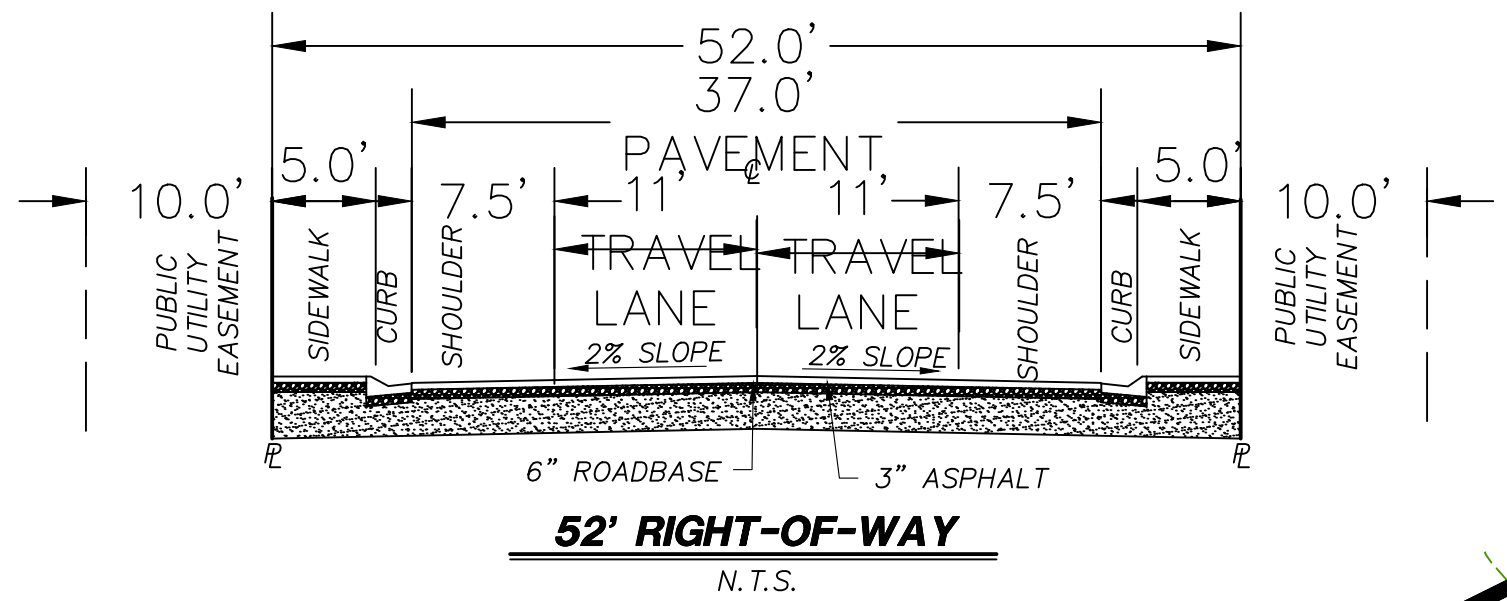


PRELIMINARY PLAT FOR:
SANDWATER ESTATES SUBDIVISION
LOCATED ON SECTION 11 & 12, T42S, R14W, S.L.B.&M.
HURRICANE, WASHINGTON COUNTY, UTAH

DATE: 10/17/2023
SCALE: 1"=80'
JOB NO.
106-002
SHEET NO:
1 OF 2

PRELIMINARY PLAT FOR:
SANDWATER ESTATES SUBDIVISION PHASE 4

LOCATED ON SECTION 11 & 12, T42S, R14W, S.L.B.&M.
HURRICANE, WASHINGTON COUNTY, UTAH



LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE / LOT LINE
- STREET CENTERLINE
- 10' PUBLIC UTILITY EASEMENT (PUE)
- SECTION LINE
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EXISTING HDPE WATER MAIN (SIZE SHOWN)
- EXISTING SEWER LINE (SIZE SHOWN)
- PHASE LINE
- SET CENTERLINE MONUMENT WITH RING AND LID
- SECTION CORNER AS DESCRIBED
- EXISTING SEWER MANHOLE

CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD DIST.	CHORD BRG.	DELTA
C1	0.96'	235.00'	0.96'	S88°55'47"E	0°14'05"
C2	23.60'	15.00'	21.24'	S43°58'28"E	90°08'44"
C3	254.70'	552.00'	252.45'	S12°10'01"E	26°26'14"
C4	1.21'	235.00'	1.21'	S88°39'52"E	0°17'44"
C5	91.86'	200.00'	91.06'	N77°46'21"E	26°18'58"
C6	33.61'	600.90'	33.61'	N23°59'39"W	3°12'18"
C7	36.96'	692.00'	36.95'	N21°04'22"W	3°03'36"
C8	249.30'	692.00'	247.95'	N9°13'20"W	20°38'28"
C9	87.94'	56.00'	79.18'	N43°53'25"W	89°58'37"
C10	15.07'	226.00'	15.06'	S89°01'14"W	3°49'12"
C11	82.73'	226.00'	82.27'	S76°37'25"W	20°58'25"
C12	23.16'	15.00'	20.93'	N69°37'28"W	88°28'39"
C13	77.08'	174.00'	76.45'	N78°14'24"E	25°22'51"
C14	22.28'	15.00'	20.29'	N23°00'12"E	85°05'32"
C15	70.76'	718.00'	70.74'	N16°43'09"W	5°38'49"
C16	81.70'	718.00'	81.66'	N10°38'09"W	6°31'11"
C17	80.36'	718.00'	80.32'	N4°10'11"W	6°24'46"
C18	25.84'	718.00'	25.83'	N0°04'03"E	2°03'42"
C19	61.60'	666.00'	61.57'	N22°44'10"W	5°17'56"
C20	106.88'	666.00'	106.77'	N15°29'21"W	9°11'41"
C21	102.72'	666.00'	102.62'	S6°28'24"E	8°50'13"
C22	22.40'	666.00'	22.40'	S1°05'29"E	1°55'36"
C23	26.71'	95.00'	26.62'	N7°55'32"E	16°06'27"
C24	46.18'	551.90'	46.17'	N22°59'28"W	4°47'39"
C25	88.55'	551.90'	88.45'	N15°59'52"W	9°11'33"
C26	89.60'	551.90'	89.50'	N6°45'03"W	9°18'07"
C27	30.38'	551.90'	30.38'	N0°31'22"W	3°09'14"
C28	28.95'	65.00'	28.71'	S3°13'12"W	25°31'08"
C29	67.53'	65.00'	64.53'	S39°18'10"E	59°31'35"
C30	34.51'	65.00'	34.11'	S84°16'31"E	30°25'08"
C31	17.59'	95.00'	17.56'	S85°49'06"W	10°36'22"
C32	47.11'	30.00'	42.42'	N43°53'25"W	89°58'37"
C33	2.18'	235.00'	2.18'	N88°46'54"W	0°31'49"
C34	23.61'	15.00'	21.25'	S46°01'33"W	90°11'27"
C35	23.51'	15.00'	21.18'	N43°58'27"W	89°48'33"
C36	23.56'	15.00'	21.21'	N45°55'50"E	90°00'00"
C37	23.56'	15.00'	21.21'	S44°04'10"E	90°00'00"

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PROVALUE ENGINEERING, INC.
Engineers - Land Surveyors
120 South 950 West, Suite 1
Provo, Utah 84604-8307
Phone: (435) 896-3127 Chad Hill



PRELIMINARY PLAT FOR:
SANDWATER ESTATES SUBDIVISION PHASE 4
LOCATED ON SECTION 11 & 12, T42S, R14W, S.L.B.&M.
HURRICANE, WASHINGTON COUNTY, UTAH

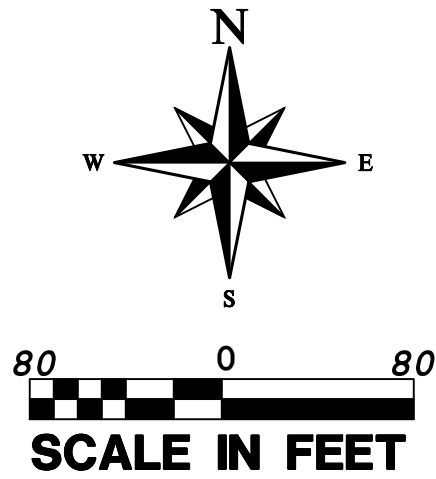
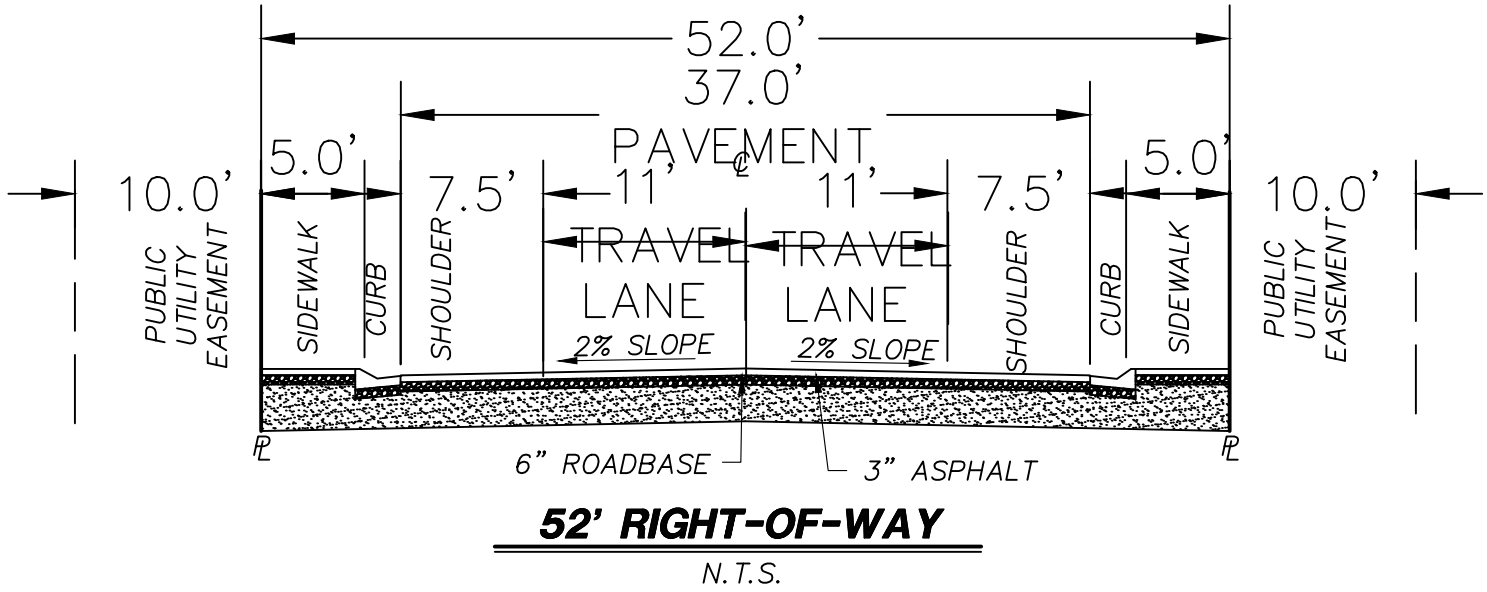
DATE: 10/17/2023
SCALE: 1"=80'

JOB NO.
106-002

SHEET NO:
1 OF 2

PRELIMINARY PLAT FOR:
SANDWATER ESTATES SUBDIVISION PHASE 5

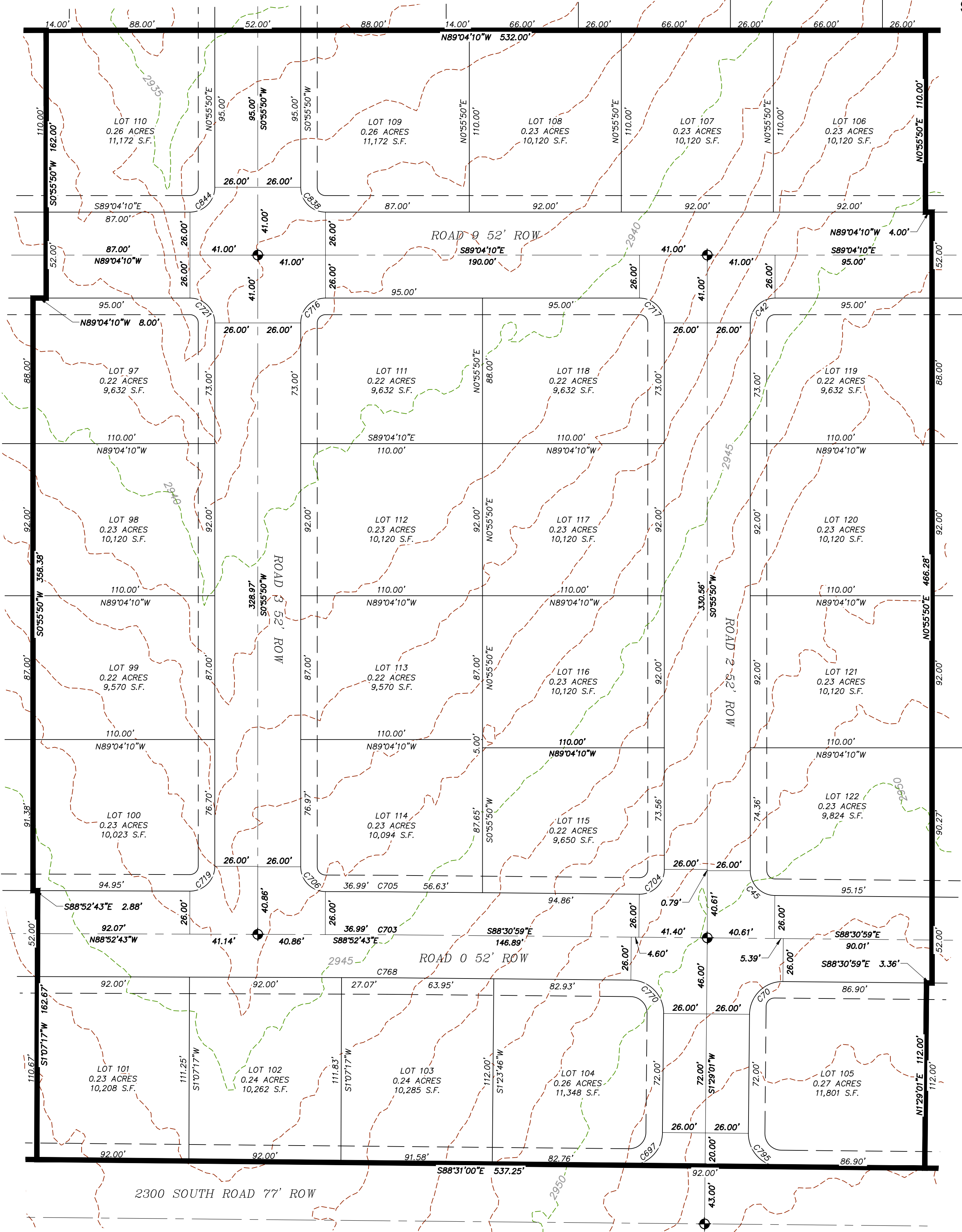
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HURRICANE, WASHINGTON COUNTY, UTAH



LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE / LOT LINE
- STREET CENTERLINE
- SECTION LINE
- 10' PUBLIC UTILITY EASEMENT (PUE)
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PHASE LINE
- SET CENTERLINE MONUMENT WITH RING AND LID

CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD DIST.	CHORD BRG.	DELTA
C1	0.96'	235.00'	0.96'	N88°55'47\"W	0°14'05\"
C2	23.60'	15.00'	21.24'	N43°58'28\"W	90°08'44\"
C3	254.70'	552.00'	252.45'	N12°10'01\"W	26°26'14\"
C4	208.27'	468.00'	206.56'	N12°38'12\"W	25°29'53\"
C5	23.78'	15.00'	21.36'	N45°31'17\"E	90°49'05\"
C6	23.56'	15.00'	21.21'	S44°04'10\"E	90°00'00\"
C7	248.94'	542.00'	246.76'	S12°13'39\"E	26°18'58\"
C8	291.23'	630.00'	288.64'	S12°08'33\"E	26°29'10\"
C9	23.68'	15.00'	21.30'	S46°15'28\"W	90°26'49\"
C10	1.21'	235.00'	1.21'	N88°39'52\"W	0°17'44\"



REVISIONS		DATE	BY
NO.	DESCRIPTION		
1	Initial Plan		
2			
3			
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5			
6			
7			
8			
9			
10			

PROVALUE ENGINEERING, INC.
Engineers - Land Surveyors - **Land Planners**
120 South 850 West, Suite 1
Hurricane, UT 84757
Phone: (435) 896-3127 Chad Hill

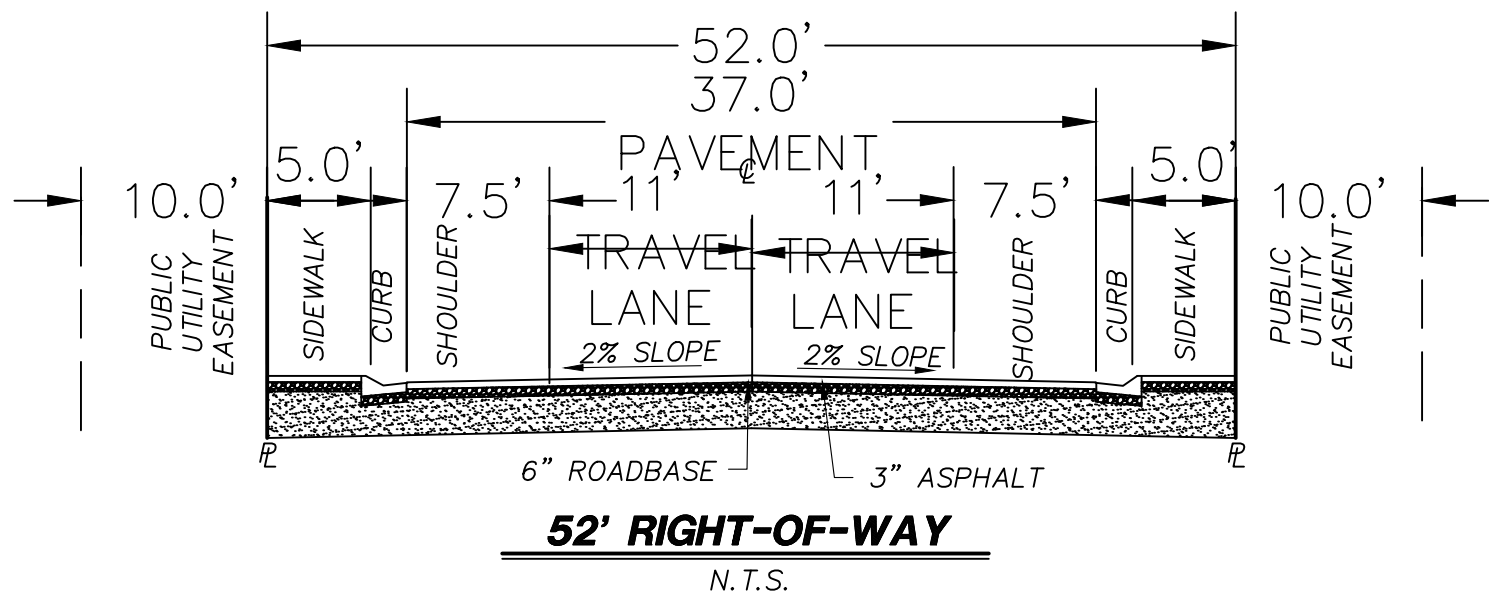


PRELIMINARY PLAT FOR:
SANDWATER ESTATES SUBDIVISION PHASE 5
LOCATED ON SECTION 11 & 12, T42S, R14W, S.L.B.&M.
HURRICANE, WASHINGTON COUNTY, UTAH

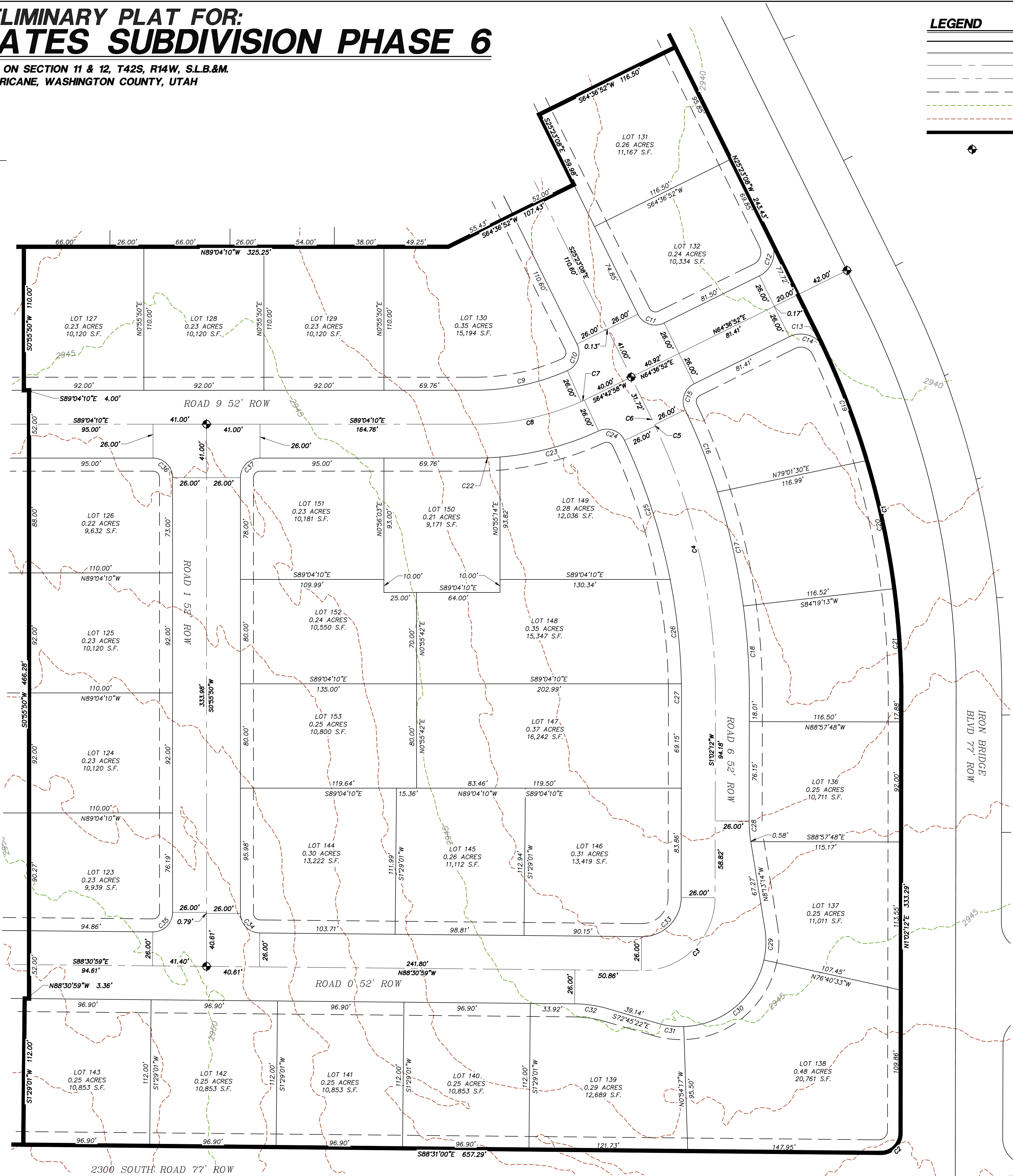
DATE: 10/17/2023 SCALE: 1"=80'
JOB NO. 106-002
SHEET NO. 1 OF 2

PRELIMINARY PLAT FOR: SANDWATER ESTATES SUBDIVISION PHASE 6

LOCATED ON SECTION 11 & 12, T42S, R14W, S.L.B.&M.
HURRICANE, WASHINGTON COUNTY, UTAH

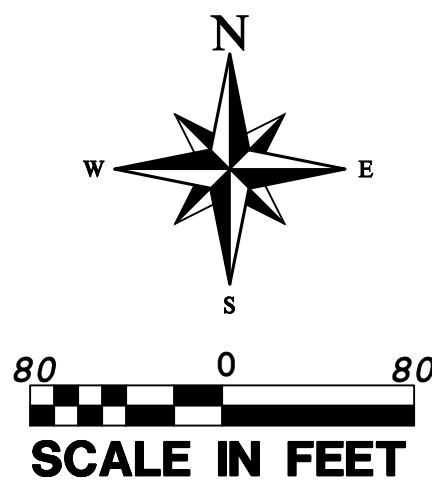


CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD DIST.	CHORD BRG.	DELTA
C1	291.23'	630.00'	288.64'	N12°08'33"W	26°29'10"
C2	23.68'	15.00'	21.30'	N46°15'28"E	90°26'49"
C3	88.40'	56.00'	79.50'	S46°15'36"W	90°26'49"
C4	215.33'	487.50'	213.59'	N11°33'06"W	25°18'29"
C5	1.02'	487.50'	1.02'	N24°15'57"W	0°07'12"
C6	9.02'	487.50'	9.02'	N24°51'21"W	1°03'35"
C7	2.63'	200.00'	2.63'	S66°31'07"W	0°45'14"
C8	83.90'	200.00'	83.28'	S78°54'47"W	24°02'05"
C9	72.99'	174.00'	72.46'	S78°54'47"W	24°02'05"
C10	24.16'	15.00'	21.63'	S20°45'18"W	92°16'53"
C11	23.56'	15.00'	21.21'	N70°23'08"W	90°00'00"
C12	31.42'	20.00'	28.28'	S19°36'52"W	90°00'00"
C13	14.75'	630.00'	14.75'	N24°42'54"W	1°20'29"
C14	31.88'	20.00'	28.61'	N69°42'54"W	91°20'28"
C15	23.30'	15.00'	21.03'	S20°07'03"W	88°59'38"
C16	67.83'	513.50'	67.78'	N20°35'43"W	7°34'08"
C17	89.76'	513.50'	89.65'	N11°48'11"W	10°00'55"
C18	70.77'	513.50'	70.71'	N2°50'51"W	7°53'46"
C19	91.43'	630.00'	91.35'	N19°53'12"W	8°18'55"
C20	100.50'	630.00'	100.39'	S11°09'32"E	9°08'23"
C21	84.55'	630.00'	84.49'	S2°44'40"E	7°41'22"
C22	19.24'	226.00'	19.24'	N88°29'29"E	4°52'41"
C23	78.54'	226.00'	78.14'	N76°05'50"E	19°54'38"
C24	23.47'	15.00'	21.15'	S69°01'55"E	89°39'09"
C25	112.44'	461.50'	112.16'	S17°13'33"E	13°57'34"
C26	80.57'	461.50'	80.47'	S5°14'41"E	10°00'10"
C27	10.86'	461.50'	10.85'	S0°25'49"W	1°20'52"
C28	15.35'	95.00'	15.33'	N3°35'31"W	9°15'26"
C29	24.44'	65.00'	24.30'	N2°33'07"E	21°32'41"
C30	85.96'	65.00'	79.83'	N51°12'35"E	75°46'16"
C31	20.59'	65.00'	20.50'	S81°49'50"E	18°08'55"
C32	26.13'	95.00'	26.05'	N80°38'11"W	15°45'37"
C33	47.36'	30.00'	42.59'	S46°15'36"W	90°26'49"
C34	23.42'	15.00'	21.11'	N43°47'35"W	89°26'49"
C35	23.71'	15.00'	21.32'	S46°12'25"W	90°33'11"
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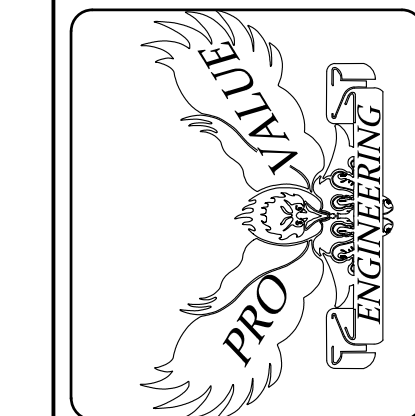
LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE / LOT LINE
- STREET CENTERLINE
- SECTION LINE
- 10' PUBLIC UTILITY EASEMENT (PUE)
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PHASE LINE
- SET CENTERLINE MONUMENT WITH RING AND LID



REVISIONS		DATE	BY
NO.	DESCRIPTION		
1	Land Planners		
2			
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PROVALUE ENGINEERING, INC.
Engineers - Land Surveyors - Land Planners
20 South 850 West, Suite 1
Pricington, Utah 84050
Phone: (435) 550-3071 Chad Hill



PRELIMINARY PLAT FOR:
SANDWATER ESTATES SUBDIVISION PHASE 6
LOCATED ON SECTION 11 & 12, T42S, R14W, S.L.B.&M.
HURRICANE, WASHINGTON COUNTY, UTAH

DATE: 10/17/2023
SCALE: 1"=80'
JOB NO.
106-002
SHEET NO.
1 OF 2



HURRICANE CITY

UTAH

Water Department
Ken Richins, Superintendent

Date 11.28.23

To Whom It May Concern:

Western Mortgage & Realty Company (the "Developer") has requested a culinary water will serve letter for the subdivision known as Sand Water Estates, located at approximately 2300 S and Wilson Drive in Hurricane, Utah (the "Project").

Infrastructure

The City currently has infrastructure to supply culinary water in the general area of the Project. However, Developer will be responsible to connect the Project to the existing water infrastructure, including the installation of infrastructure in dedicated public streets and as otherwise required to meet City standards. In addition, Developer may be required to obtain and supply a hydraulic water study to ensure the waterline will deliver required fire flows. A looped water system may be required.

Water Supply

As of the date of this letter, the city has adequate water to supply water to **153** residential connections within the Project. However, water within the City is a finite resource with limited supply. The ability of the City to supply water to previously approved projects, as well as continue to serve additional water customers, is contingent on water supplies being available from the Washington County Water Conservancy District (the "Conservancy District"). Therefore, the City's statements in this letter regarding the adequacy of water supply is (1) contingent on water being available from the Conservancy District and (2) shall expire one year from the date of this letter, after which a renewed will serve letter will be required for any property or lot that has not obtained a metered connection to the City's culinary water system. Developer is encouraged to obtain a guarantee of water from the Conservancy District.

General Requirements

In addition to the requirements and limitations described above, Developer shall be required to comply with all applicable laws, ordinances, policies, and construction and design standards. These requirements include, but are not limited to, secondary water system requirements and any obligations described in an applicable development agreement.

Sincerely,

Ken Richins
Water Department Superintendent



November 30, 2023

Hurricane City
Gary Cupp
127 N. 870 W.
Hurricane, UT 84737

Subject: Sandwater Estates Subdivision

Gary,

There is sewer capacity for this project. The developers understand and agree that they will need to get plan approval for the sewer system.

After approval, they agree to pay all costs associated with construction and impact fees. Please let us know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Amber Gillette".

Amber Gillette, P.E.
Engineer
Ash Creek Special Service District



STAFF COMMENTS

Agenda Date:	02/01/2024
Application Number:	PP23-29
Type of Application:	Preliminary Plat Application
Action Type:	Administrative
Applicant:	Richardson Brothers Custom Homes
Agent:	Karl Rasmussen
Request:	Preliminary Plat Application
Location:	Approximately 4200 W 2300 S
Zoning:	R1-10
General Plan Map:	Planned Community

2/1/2024 Update:

On January 18, the City council heard this item and concern was expressed about the lack of the PID infrastructure that would be required for preliminary plat approval. The item was continued to allow the applicant time to bring forth a contract that includes the timing of roadway and infrastructure completion. To date, the requested information has not been submitted.

Discussion:

The applicant is seeking preliminary plat approval for a subdivision containing 153 lots within the Gateway to Sand Hollow PID area. This property is located north and east of the proposed Dixie Meadows subdivision and north of property owned by the Washington County School District. None of the roadways shown on this plat are currently existing, although all are planned to be built by the Gateway to Sand Hollow PID. The Planning Commission heard this item on January 11, 2024 and unanimously recommended that the City Council approve the preliminary plat pursuant to staff and JUC comments, with the understanding that the applicant will continue to work with staff to refine block lengths and complete required PID utilities prior to subdivision construction.

JUC Comments

The following items will need to be addressed:

1. **Public Works:** No comments.
2. **Power:** Dixie Power area. No comments received.
3. **Sewer:** No comments.
4. **Streets:** Currently no access to the property.
5. **Water:** Need water model and looped water line.

6. **Engineer:** Engineering encourages reducing most of the subdivisions' roadways to the residential local cross section which is 45' wide excepting roads 7 and 9. The applicant should define a proposed public drainage easement over the existing drainage channel or show where the existing channel will be relocated to as required by code. Due to the proposed subdivision boundaries, Engineering has assumed that the applicant expects that Turf Sod Road, 4010 W, 2300 S, and Wilson Dr (the surrounding roadways) will be constructed and dedicated to public use by the PID. The surrounding roadways currently don't exist and construction plans for the surrounding roadways haven't been approved or presented. Engineering would encourage tabling this preliminary plat until the construction plans for the surrounding roadways are approved or requiring the applicant to clarify on this preliminary plat their expectations for: coordinating with other developments, off-site phasing, and nondiscriminatory access to the subdivision. Legal description is subject to change until roadways are dedicated.
7. **Fire:** Okay.
8. **Cable:** Add TDS/Centurylink comments to the construction drawings.
9. **Gas:** No comments.
10. **GIS:** "Iron Springs Blvd" becomes "4010 W" south of Turf Sod Road.
11. **Fiber:** No comments.
12. **Water Conservancy District:** Washington County Water Conservancy District hereby acknowledges that based on the information provided, the proposed plans adequately mitigate 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.

Map is approximate

whether adequate public facilities are available to service a development and whether such development will change existing levels of service or will create a demand which exceeds acceptable levels of service for roadways, intersections, bridges, storm drainage facilities, water lines, water pressure, sewer lines, fire and emergency response times, and other similar public services. The city may disapprove a proposed development if demand for public services exceeds accepted levels of service. No subsequent approval of such development shall be given until either the developer or the city installs improvements calculated to raise service levels to the standard adopted by the City. (Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

- a. The City has in the past considered the PID to be a reasonable plan to provide service to this development in a timely manner. This subdivision will not be able to begin construction until PID infrastructure is approved and constructed.

Recommendation: Staff recommends the City Council review this application based on standards with Hurricane City Code and approve the preliminary plat. Any recommendation for approval of the application should have the following conditions.

1. Sufficient buildout of the Sand Hollow Gateway PID such that utilities have reached the site.
2. Staff and JUC comments, including shortening any block that is over 800' long.



STAFF COMMENTS

Presentation and report on public infrastructure and consideration and possible approval of a **power line extension** to the area south of Sky Ranch - Mike Vercimak and Scott Hughes

Discussion:

This item was heard at the May 16, 2024, meeting where it was continued with the direction to the Public Works Director to provide a report on the status of other infrastructure and services in the area south of Sky Ranch. Mike Vercimak has prepared that report, and it is available in the packet. It was continued at the previous meeting due to staff not being present. - Cindy Beteag

On the south side of Sky Ranch we have 5 individual entities that have made application to the Power Department and Power Board for a line extension. High Desert Ranch, Sky Ranch Ph. 6, Moccasin Flats Lot 19, Solaroca and the Hurricane Water Department. In reviewing a line extension, we have taken into consideration the available capacity as well as the physical infrastructure. Both are currently lacking for all besides the Water Dept. We have reserved capacity for them, but they still lack adequate infrastructure. The Power Dept. has preliminarily looked at options to extend power to these 5 entities and believe that it is possible. It would require a substantial amount of infrastructure upgrades and new installations. The Power Dept. staff and Power Board have recommended approval of the extensions as a joint project with the following conditions. First, all easements are obtained by the entities, prior to final approval of the project. Second, all estimated costs are paid in advance of starting the project with the caveat that if the project ends up costing more than the estimate the parties agree to pay additional expense, pro rata, to cover the full cost and if the project ends up costing less than the estimate the parties will be reimbursed according to their pro rata share. And third, that the parties will sign a contract with the City that covers all the terms of the agreement including that all the money will be paid up front or the project is not approved. If the Council were to approve the extensions with these conditions, the Power Dept. could finalize the designs and cost estimates and finalize the contracts with Legal. Then if all conditions are fulfilled, bring the contracts back to the Council for final signatures.

For additional helpful information please see the attached documentation for a map and brief history of the power capacity issues out south of town. Also, if you have any questions, please feel free to reach out to Scott Hughes.

City Attorney Comment:

When considering a request for a power line extension, HCC 8-4-3 states that "The City Council may grant or deny the request as in its discretion deemed best for the welfare of existing power users in the City." When considering requests to extend power lines into new areas of the City, it is recommended that the Council also consider the feasibility and appetite of providing other necessary services and utilities to the new area. Allowing a developer to

extend power lines to a new development area will create an expectation that other services and utilities to support development will also be made available.

Findings:

Recommendation:

Attachments:

1. History
2. Map
3. 046-01-2024-04 High Desert Ranch Water Analysis First Review Memo 2024-05-09
4. Re Desert Ranch Water Analysis
5. Report from Public Works

Capacity History South of Town

Mid to Late 2021 -

Raised flag of low capacity on CW-101

Circuit CW-101 study - Sept. 2021

Study found that with mods- 550 units available

Late 2021

Started working on substation property and routes for transmission

Throughout 2022

Analyzed existing projects with current entitlements

Assigned projects with signed CD's as Cap. Proj. 1.0

These projects equalled 528 units

Cap. Proj. 1.0 did not require any substantial infrastructure upgrades

5 developments received Preliminary Plat approvals

Hurricane Fields Estates Ph. 4-8

The Views at Hurricane Cliffs Ph. 1-2

Horseman's Edge

Cordero Ph.2

Cordero Ph.3

Late 2022 or Early 2023

2 developments were denied PP because of lack of adequate infrastructure

Desert Sky Estates

Southern Dunes Town Homes

Early 2023

Desert Sky and Southern Dunes invited back to CC and approved PP with the condition that Power Dept. staff would not sign CD's until the "inadequate infrastructure" issue was resolved.

Same night, Bench Lake Town Homes received PP with the same condition

Early to mid 2023

Circuit CW-103 study

Option to increase capacity on CW-103 by 767 units with additional infrastructure and upgrades

Additional option with connecting to Three Falls Substation (under construction) could provide an additional 333 units with additional infrastructure

Together; provided option of additional 1100 units

8 projects mentioned would need 1048 units

Mid to late 2023

Options presented to 8 projects and CC as Cap. Proj. 2.0 with terms

All easements would first have to be in place

Secured final needed easements from Scott Stratton

Every project would have to have deposited the estimated funds in the City's account

Term of reconciliation after project completion could mean added cost for developer or reimbursement of any unused funds

Contracts have to be signed by all developers and the City

All agreed, signed the contracts, and the 8 projects deposited their portions to the City

City agreed to not withhold CD signatures for "inadequate infrastructure" and complete infrastructure upgrades within 2 years

Late 2023 - present

Multiple developments have continued to ask for power capacity

Somewhere north of 2000 units

Capacity Project 1.0

Project	Units
Moccasin Flats	19
Copper Rock	21
Golf View Estates	62
Pebble Beach	21
Rock View Estates	30
North Slope Ph. 1	58
North Slope Ph. 2	48
North Slope Ph. 3&4	87
Cordero Ph. 1	37
Total Units	383

Capacity Project 1.1

Project	Units
Hurr. Fields Ph. 1-3	35
Rock Hollow	53
Cactus Creek Storage	1
Southern Shores	56
Total Units	145

Capacity Project 2.0

Project	Units
Hurr. Fields Ph. 4-8	56
Horseman's Edge	60
Bench Lake TH	200
Hurricane Cliffs	60
Desert Sky	73
Southern Dunes	345
Cordero Ph. 2	40
Cordero Ph. 3	214
Total Units	1048

Capacity Project 2.1

Project	Units
Sky Ranch Ph. 6	28
High Desert Ranch	20
Total Units	48

Capacity Project 2.2

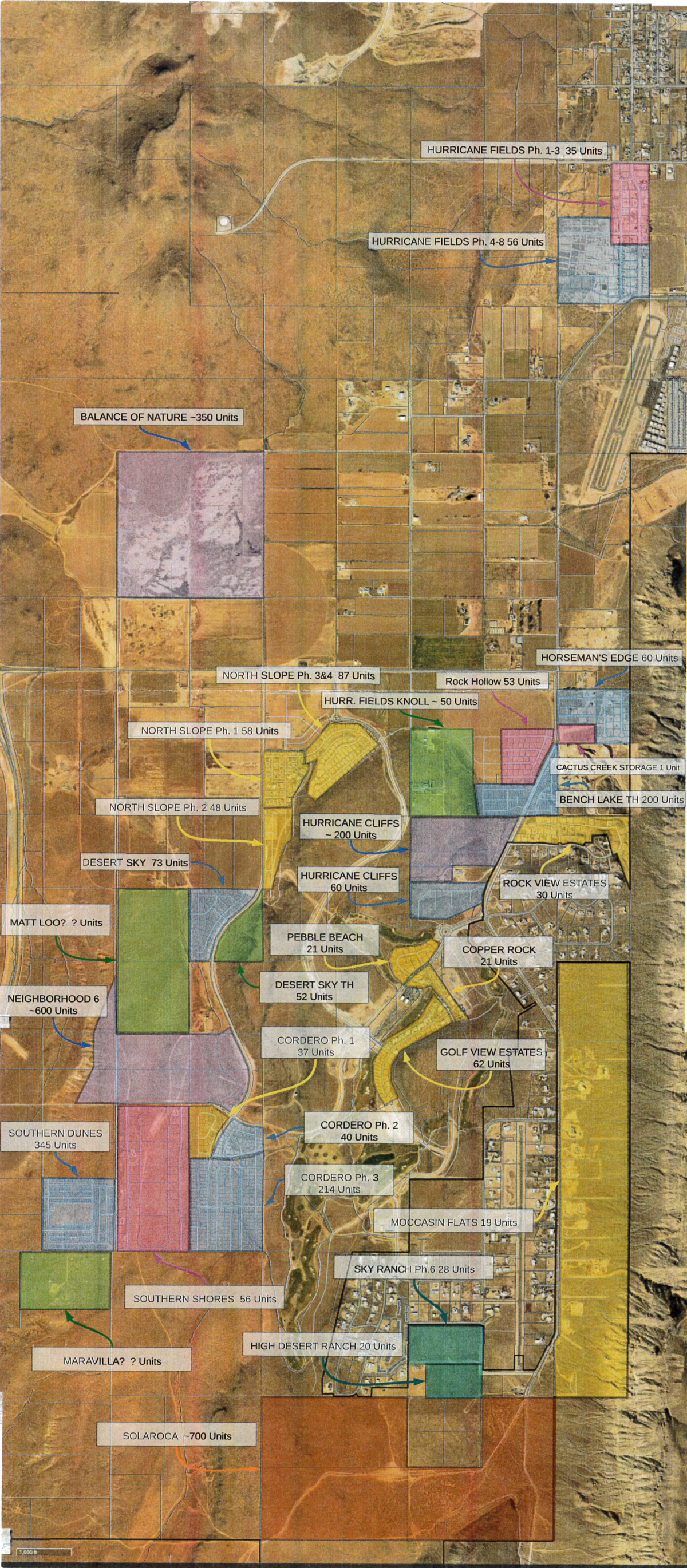
Project	Units
Solaroca	700
Total Units	700

Capacity Project 3.0

Project	Units
Neighborhood 6	600
Balance of Nature	350
Hurricane Cliffs	200
Total Units	1150

Capacity Project 4.0

Project	Units
Hurricane Fields Knoll	50
Desert Sky TH	52
Matt Loo	?
Maravilla	?
Total Units	?





43 South 100 East, Suite 100 T 435.628.6500
St George, Utah 84770 F 435.628.6553

alphaengineering.com

May 9, 2024

Hurricane City Water Department
Attention: Ken Richins
646 West 600 North
Hurricane, Utah 84737

Re: High Desert Ranch Water Analysis

Dear Ken:

As requested, we have performed a hydraulic analysis in the vicinity of the proposed High Desert Ranch subdivision located on parcel H-3403-K. As you are aware the proposed subdivision is within the Hurricane City municipal boundary. The Hurricane Valley Water System (HVWS), which is owned and operated by the Washington County Water Conservancy District (WCWCD) provides service to the properties immediately west and east of the proposed subdivision. The Hurricane City culinary system is east of the proposed subdivision on 1100 West where it ends at the intersection with 4620 South, and north of the proposed subdivision on Torrey Pines Road in the Copper Rock subdivision. An exhibit showing the property and extent of the existing HVWS and City culinary lines is attached with this letter.

As you are aware the southernmost hydrant on the City system on 1100 West was flow tested and produced approximately 1,300 gpm. The hydrant south of the property on the HVWS was also flow tested and produced approximately 1,244 gpm. Note that the City system in this area is currently serviced from the South Fields Tank which has a base elevation of 3580 feet, while the HVWS is served from a separate tank at a base of approximately 3540 feet. The two systems are currently interconnected in two locations to provide looping and supplement flow from one system to another when required.

As the proposed High Desert Ranch subdivision resides in the Hurricane City boundary it will be necessary for the developer to extend the Hurricane City water system to and throughout the subdivision. Section 3.6.4 of the *Hurricane City Standards for Design and Construction* indicates that "the water system shall be looped and valves shall generally be spaced such that a break in any one length of main will put no more than six hundred feet of main, nor more than two fire hydrants out of service...". Section 4.4.1.4.M of the *City Standards* also indicates that dead end mains shall not be installed which exceed 600 feet in length.

Two options were evaluated to provide required fire flow and looping for the proposed development.

The option to connect to the Hurricane City system on 1100 West, and coordinate with the WCWCD and install an additional interconnect between the HVWS and City system was evaluated. It would be necessary that the connection to the HVWS be at an agreed upon location with the developer, City, and WCWCD to meet the above referenced City requirements. This would require the installation of a Pressure Reducing/Sustaining Valve Vault at the interconnect location. The hydraulic analysis shows that with a connection to the City main on 1100 West and an additional interconnect to the HVWS, modeled fire flows will be near 1,300 gpm, similar to the

hydrants flow tested in the area, which is below the required 1,500 gpm. In addition, we understand the WCWCD is not willing to allow another connection to the HVWS at this time.

The option to connect to the Hurricane City system in two locations was evaluated. This would include connection to the Hurricane City system on 1100 West and a connection to the Hurricane City infrastructure in the Copper Rock subdivision to the north of the proposed development. The hydraulic analysis shows that with a connection to the City main on 1100 West and an additional interconnect to the City main on Torrey Pines Road, modeled fire flows will be near 1,800 gpm.

We recommend the developer obtain easements and extend 8" water lines to existing City infrastructure in 1100 West and Torrey Pines Road.

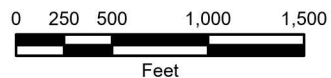
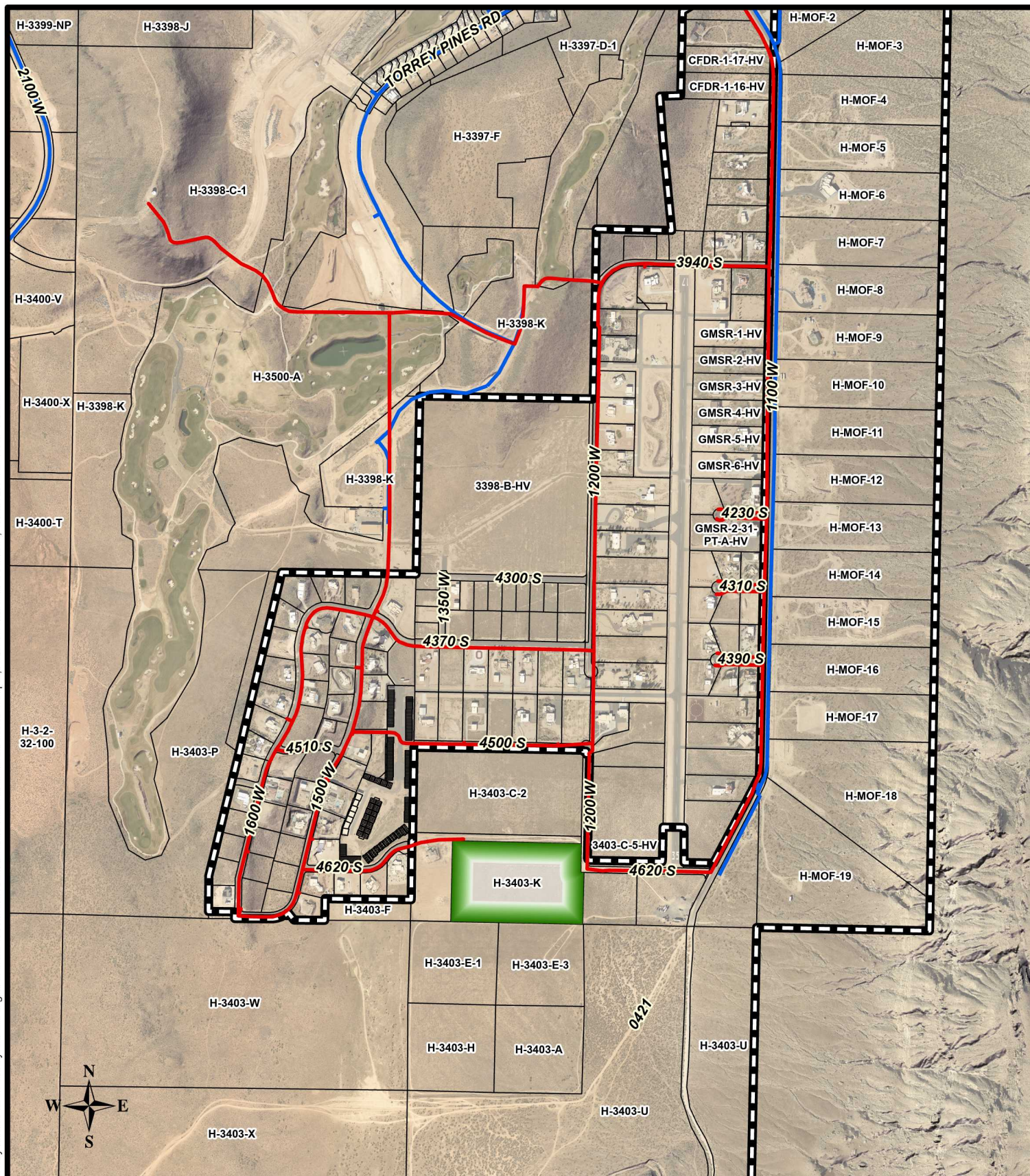
This analysis only includes preliminary hydraulic recommendations for the proposed development and does not address materials and construction design, including valving and hydrants, which we would recommend be reviewed prior to approval of the construction drawings. If you have any questions, please let us know.

Sincerely,



Glen E. Carnahan, P.E.
ALPHA ENGINEERING COMPANY

Encl: Existing Water Mains Exhibit



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

Legend

-  Existing Hurricane City Culinary Main
 Existing Hurricane Valley Water System Main
 Hurricane Municipal Boundary
 High Desert Ranch
 Washington County Parcels

Existing Water Mains

Sky Ranch Area, Hurricane, Utah

Spatial Reference: UT83-SF

Drawn By:	JRH
-----------	-----

Scale: 1" = 1,000 feet

Date: April 30, 2024

Cindy Beteag

From: Arthur Lebaron
Sent: Tuesday, May 14, 2024 10:09 AM
To: Kory Wright; Kaden DeMille; Dayton Hall; Cindy Beteag; Nanette Billings; Mike Vercimak; Gary Cupp
Cc: Jeremy Pickering
Subject: RE: I am sharing '046-01-2024-04 High Desert Ranch Water Analysis First Review Memo 2024-05-09' with you

All,

Thanks for sharing this memo. I would like to chime in that the supply to this area may not be sufficient to allow the City to approve any further development. Peak demands in the summertime keep the level in the South Fields tank dangerously low, from what I have heard. I recommend that this issue be addressed in this, and any future review memos that influence our decision-making on approvals for projects that are especially dependent on the South Fields Tank until we can get the Sky Ranch tank and well in service.

Thanks,

Arthur

From: Kory Wright <kwright@hurricane.utah.gov>
Sent: Tuesday, May 14, 2024 8:49 AM
To: Kaden DeMille <kaden@hurricane.utah.gov>; Dayton Hall <dayton@hurricane.utah.gov>; Cindy Beteag <cindy@hurricane.utah.gov>; Nanette Billings <billings@hurricane.utah.gov>; Mike Vercimak <mike@hurricane.utah.gov>; Gary Cupp <gary@hurricane.utah.gov>; Arthur Lebaron <arthur@hurricane.utah.gov>
Subject: I am sharing '046-01-2024-04 High Desert Ranch Water Analysis First Review Memo 2024-05-09' with you

One app for all your Word, Excel, PowerPoint and PDF needs. Get the Microsoft 365 app:
<https://aka.ms/GetM365>

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

Utility Report
Bench Lake Area
July 10, 2024

This report covers the area from the south end of Sky Ranch to Hurricane City south boundary on the south, from 1100W to the Hurricane City west boundary on the west, and from the Southern Shores Ski Lake to the Hurricane City south boundary on the North.

The subject properties are currently zoned RA-1 (one unit per acre) or R1-10 (one unit per 10,000 square feet). Most of the property in this area either meets their Future Land Map Use designation or has received a zone change in the past five years.

Approved units in this area (by development) are as follows:

Solaroca:	700 units
Copper Rock:	355 units- by PDO approval
Silver Flats	1145 units assuming normal R1-10 development (zone change is still Pending. (3.5 units per acre)
Calypso Ridge:	362 units assuming normal R1-10 development (3.5 units per acre)
Sand Hollow Mesa- Neighborhood 8	455 units by PDO approval. This project does not entirely lie within the outlined area.

Total approved units: 3,175

An additional 233 units may be possible based on Future Land Use Map densities and Surrounding developments.

**Grand total of units
To be served 3,408**

The area is only served by one roadway, 1100 West, which is classified as a major collector road with a Right of Way of 70 feet. Major collector streets are designed to accommodate up to 600 units. 1100 West is mostly a prescriptive right of way. Extensive right-of-way acquisition will be required in order to develop the master planned width of 1100 West.

The area is served by a 12-inch waterline on 1100 West. The WCWCD does have a water system in the area, but that system is at or above capacity. At the present time there is insufficient storage capacity in the area to meet fire regulations.

There is no natural gas available in this area. Dominion Energy is actively pursuing easements to allow for the installation of gas mains to serve the area.

Sewer service at this time does not extend to the area outlined. Sewer main lines extend through Copper Rock development but do not actually reach a point of connection to Sky Ranch. An easement through a portion of Copper Rock and a line extension through Sky Ranch would be necessary to serve the area with sanitary sewer on the east side and continuing sewer mains going south on the western side of the area would provide sanitary sewer on the west.

Power capacity for this area is located at the Three Falls substation, but presently, there is insufficient infrastructure to deliver the power. A plan has been presented which would deliver power to this area, but the financial burden will fall on those wishing to develop.

Communication providers in the area did not respond to the brief survey sent out to gather information about their respective utilities, but in general they tend to follow power along the same easements and rights of way.

Storm water is conveyed naturally down existing washes and low places and there is not a storm drain system to service the area. Drainage in this area will tend to flow toward the clay pit located on 3000 south. Provisions to carry the storm water flows are needed in the form of culverts, bridges, open channels, swales and underground storm water facilities.

Hurricane Valley Fire District has concluded that there is inadequate water pressure and fire flows in this area. It is noted that the Hurricane City Water department was able to re-route some water that helped the situation, but it will be insufficient to service the area outlined.

It should also be noted that there is only one access that is available south of 3000 South and per IFC appendix D there must be a minimum of 2 access roads. It should be mentioned that 2100 West and 2400 West serve the area, although they do not currently connect to 1100 West through the subject area.

There is also the need for an additional fire station in the area to meet the present ISO standards for response time. The nearest station to this area is station 41 located at 202 East State Street.

Conclusions

We can summarize the availability of utilities to the area south and west of Sky Ranch as follows:

1. There is insufficient capacity and storage for culinary water in this area until such time as the Sky Ranch well and new 2-million-gallon storage tank are constructed, and supply lines are built to deliver the water. The estimated time frame for this to happen is approximately 2 years. This area is in the Water Department master plan for build out of culinary and secondary water systems. All water mains are identified by size. Whenever development

happens, they will be required to install all water mains and storage capacity needed for their development, unless existing capacity is available.

2. Sanitary sewer service will require an easement through the Copper Rock development and a line extension through Sky Ranch to accommodate sewer service on the eastern side of this area. Sewer service on the west side will develop as the sewer mains are constructed from the Southern Shores area going south.
3. Power capacity for this area will come from Three Falls substation located on 1300 South and 1100 West and from a substation located in the Sand Hollow Mesa area. At the present time there is sufficient capacity at the Three Falls substation to supply the area outlined. A new distribution line and off-site infrastructure will need to be provided by anyone wishing to develop in this area, along with providing easements and rights-of-way for such infrastructure.
4. 1100 West, as it now stands, is not capable of providing access to this area at an acceptable level of service. This roadway for the most part is a chip seal road with no pedestrian accommodations. The average improved width is about 26 feet.

From the entrance to Copper Rock going south to the end of Sky Ranch the area on both sides of the road has been developed and little attention was given to roadway improvements since the road was in the County when most of the development occurred. When the area east of 1100 West was annexed into the city, the road came along with the annexation. There is still a portion of the roadway near the entrance to Copper Rock that is in the County.

1100 West will require extensive expansion to provide the level of service mandated by a major collector road, including 44 feet of pavement along with designed and acceptable pedestrian routes and adequate drainage facilities.

There is no second access from the area described. A second access will likely come from a road that loops around the south end of Sky Ranch and ties into 2400 West and back to 3000 South.

5. For orderly development of this area drainage will also need to be considered and accommodated using curb, gutter, underground storm drain, open channels, culverts and bridges. Current drainage in the area is basically allowing flows to use historic drainage channels and crossing these channels with culverts or bridges. This area will ultimately drain to the clay pit on 3000 South.
6. There is currently no natural gas service in this area, but Dominion Energy is actively seeking corridors to extend service to the area. The biggest hurdle faced

by Dominion is the acquisition of rights of way for the installation of gas lines. Natural gas would normally follow the standard location in our street right-of-way cross section, but since much of 1100 West is a prescriptive right-of-way, this hinders the ability for utilities to install their infrastructure. Dominion Energy lists right-of-way acquisitions as their biggest obstacle in serving the area with natural gas.

7. Our partners in communications utilities did not respond to a query about their plans for service in this area. Generally speaking, they follow the development of power either above or underground.
8. The water system in the area will need to be upgraded to meet the flow requirements for Hurricane Valley Fire District. A new well and tank south of Sky Ranch that provides source and storage to the system will need to be constructed and connected to the water system to meet the needs of additional development in the subject area.

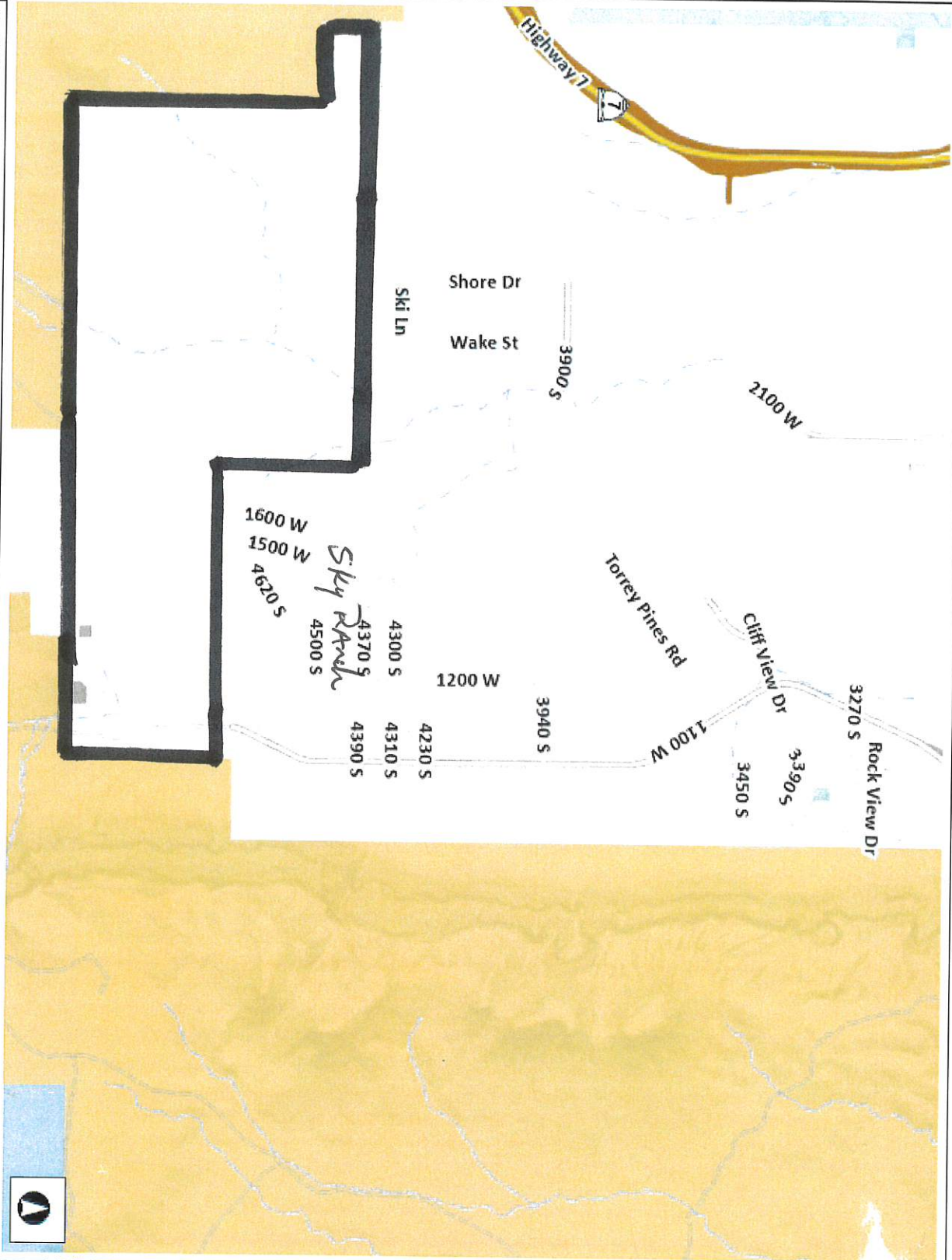
Per current IFC regulations, a second access road to the area will need to be built.

Due to the distance from the closest fire station and to meet ISO response times a new fire station in this area must also be considered.

9. A final consideration is the long-term cost of growth in this relatively remote area. While much of the initial cost to develop in this area will be covered by the respective developers, the long-term maintenance costs will be covered by the community at large.



Title



WGS_1984_Web_Mercator_Auxiliary_Sphere

DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible for any claims, losses or damages resulting from the use of this map.



Legend

Ownership

- U.S. Forest Service
- U.S. Forest Service Wilderness
- Bureau of Land Management
- Bureau of Land Management Wildlife
- National Park Service
- Shiwiwi Reservation
- Utah Division of Wildlife Resources
- Utah Division of Transportation
- State Park
- State of Utah
- Washington County
- Municipally Owned
- School District
- Privately Owned
- Water
- Water Conservancy District
- State Assessed Oil and Gas
- Mining Claim

Notes



STAFF COMMENTS

Consideration and possible approval of **local consent for an off-premises beer license** at Jellystone Park - Scott Nielson

Discussion:

Update for August 1, 2024 Meeting:

At the July 18th meeting, the Council continued this item to allow the Planning Department to research the parking concerns associated with adding additional public services to the property. The Planning Department has provided the following comment:

The Planning Department has concerns about the public, non-guest use of the water park and would not recommend approving the requested alcohol license at this time. The water park amenity was approved with the understanding that it was reserved for guests staying at the RV park. A parking requirement therefore was not applied to the water park amenity since it was considered an *“area for the common use and enjoyment of the occupants....”* (see [10-43-6\(A\)\(1\)](#)). On the other hand, a water park open to the paying public does not qualify as “common use”, but rather, it is a commercial outdoor recreational activity that would require a parking study to determine what the needed parking requirement would be (see [table 10-34-1](#)). Without a formal parking study, we have no way to determine if existing onsite parking is adequate. It’s the opinion of the Planning Department that since the facility has been opened up to the public for paid day-use, a use that was not considered when the facility was approved, a revised site plan with a parking study for an outdoor recreation area should be required before any other privileges are granted.

Summary for July 18, 2024 Meeting:

Jellystone Park is applying for an off-premise beer license to sell beer from their gift shop. This license would allow RV guests to purchase beer at the store and consume it at their rental spaces. The applicants have provided all necessary documentation, and background checks on the owner and manager have been completed. Staff has no concerns with approving local consent. If approved, the applicants will still need to obtain a license from the Department of Alcoholic Beverage Services (DABS). - Cindy Beteag

Findings:

Recommendation:

Attachments:

1. Jellystone - Off premise

(FOR OFFICE USE ONLY)

New license:

Date Application Reviewed:

Non-refundable application fee received

Refundable license fee received

Character statement from 5 residents received:

Application referred to: Planning & Zoning

Building Inspection Department

Fire Department

Police Department

Health Department

Business License obtained/applied for:

Date Application was considered by City Council:

Application: _____ granted _____ denied

Comments: _____

7/8/2024
yes
yes
yes
8.179883
off premise-beer
7/18/24

City License Officer

FEES

A non-refundable application fee of Fifty Dollars (\$50.00) shall be required for application for an original license.

At the time of application for an original license or renewal license, the applicant shall pay an annual license fee as follows:

All Classifications \$300.00

If a license is issued on or after July 1 in any year, one-half of the annual license fee shall be charged.

CITY OF HURRICANE
147 NORTH 870 WEST
HURRICANE UT 84737
435-635-2811
Receipt No: 8.179883
Jul 8, 2024
JELLYSTONE PARK
Previous Balance: .00
NEW BUSINESS LICENSE 300.00
NEW BEER LICENSE FEE 50.00
NEW BUSINESS LICENSE APPLICATION FEE
Total: 350.00
XBP Credit Cards -GS
Check No: 204242530
Total Applied: 350.00
Change Tendered: .00
07/08/2024 3:01 PM
ACCT: XXXXXXXXXXXX
APPROVAL: 204242530
x pd over phone
JELLYSTONE PARK



PAID
7/8/24
MWS
8.179883

LIQUOR LICENSE APPLICATION AND QUESTIONNAIRE

HURRICANE CITY
147 N 870 W
HURRICANE, UTAH 84737
(435) 635-2811

NOTE: **Please print or type.** All questions must be answered completely or application will not be considered.

NEW LICENSES OR CHANGE OF OWNERSHIP must be accompanied by:

- ☒ \$50.00 non-refundable application fee
- ☒ Annual license fee (refunded if application is denied)
- ☒ Statement from 5 individuals or entities recommending the applicant
- ☒ Copy of business license or business license application
- ☐ Proof of completion of all necessary certifications by employees required by the city and state or understanding of necessary training requirements for new applicants
- ☒ Names and addresses of shareholders, members, or partners (applicable to Corporations, limited liability companies and partnerships)

1. Applicant If the license is for an individual or sole proprietorship, applicant must be the owner. If license is for a corporation, the applicant shall be a corporate officer/agent authorized to make the application and a separate sheet must be attached giving the names and addresses of all shareholders owning more than 10% of the corporation. If license is for a limited liability company, applicant must be a manager or managing member authorized to make the application. If license is for a partnership, the applicant shall be a general partner and a separate sheet must be attached giving the names and addresses of all partners.

Name Scott Nielson
(First) (Middle) (Last)

Home address [REDACTED]
(City) (State/Zip)

Phone Number [REDACTED]
Social Security # [REDACTED] Date of Birth [REDACTED]

U. S. Citizen? ☒ Yes ☐ No, if no, registered alien? ☐ Yes ☐ No

Relationship of applicant to entity for which license is sought:

☒ Owner ☐ Corporate Agent ☐ Corporate Officer ☐ Officer
☐ Partner ☐ Member of Limited Liability Company ☐ Other

2. Entity for which License is being sought

 Sole Proprietorship Corporation Non Profit Corporation
 X Partnership LLC Other

Name of Entity Glampers inn / DBA Zion Utah Jellystone Park

Address of Principal Office 505 S Sand Hollow Rd Hurricane, UT 84757

Phone 435-359-9970 (Street) (City) (State/Zip)
Email Jamie@ZionUtahJellystonePark.com

Names, addresses, Phone, DOB, Social Security Number of all Corporate Officers, Partners, Members, Board of Directors and Shareholders
(if necessary attach a separate sheet)

[illegible]

3. Business Name / Location / Management

Name under which business will be operated (if different from name of the applicant, corporation or partnership) Glampers Inn DBA Zion Utah Jellystone park

Business Address 505 S Sand Hollow Rd Hurricane, UT 84737
(Street) (City) (State/Zip)

Phone Number 435-669-2800

Owner of Property Scott Nielson

Name of Business Manager Jamie Johnson

Social Security # [REDACTED] (Middle) [REDACTED] of Birth [REDACTED]

Phone Number [REDACTED]

*Distance in feet from nearest public or public or private school 416

*Distance in feet from nearest church 7500+

*Distance in feet from nearest public playground 10,000+

*Distance in feet from nearest public park 10,000+

*Distance in feet from nearest public library 20,000+

4. Classification of license applied for:

☐ Airport Lounge
☐ Bar
☐ Hotel
☐ Package Agency
☐ Restaurant-beer only
☐ Restaurant-Limited
☐ Beer wholesaler
☐ Manufacturing

☐ Banquet
☒ Beer Recreational - on premise
☒ Off-Premise Beer
☐ Reception Center
☐ Restaurant-Full
☐ Tavern
☐ Liquor warehouse

5. Miscellaneous Information (For purposes of the following questions, the term "you" shall refer to any applicant, corporate officer, corporate director, corporate agent, LLC member, partner or manager)

Have you ever been engaged in any other business where beer or alcoholic beverages were sold to the public? Yes ☒ No. If yes, state name of business, location of business, nature of business, date(s) of operation. _____

Have you at any time been convicted of a felony in any court in the United States? Yes ☒ No. If so, give particulars - City, Dates, pertinent information, etc. _____

Have you been convicted or have you entered a plea of guilty at any time to a law violation involving beer or alcoholic beverages? _____ Yes ☒ No. If so, give particulars – City, Dates, pertinent information, etc. _____

Give particulars of your employment or business engaged in during the past five years, stating dates, business name and address, nature of business, position or title, employer's name and address of business. _____

Are business premises to be leased? _____ Yes ☒ No. If yes, state name and address of lessor and nature of lessor's interest in business premises. _____

Will food be served at business location? ☒ Yes _____ No (If yes, please attach a sample of the menu you plan to use)

Has a license covering any place in which you had a financial interest ever been revoked or suspended? _____ Yes ☒ No If yes, state type of license, location of license, date license was revoked or suspended, reason for revocation or suspension _____

6. Additional Information: Give any additional information which you believe will help the City Council to make a decision upon your application: _____

STATE OF UTAH

)

: ss.

COUNTY OF WASHINGTON

)

I, _____, 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;
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;
3. I have received and read the beer/alcoholic beverage license ordinance of the City of Hurricane, and I believe that this application in all respects conforms to the requirements thereof;
4. I consent to the entry in or upon the business premises by City employees or representatives at reasonable times for the purpose of inspecting the business premises to ensure 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 _____ day of _____, 20____

(NOTARY PUBLIC OR CITY LICENSE OFFICER)



HURRICANE CITY
UTAH

Hurricane City

BUSINESS LICENSE

THIS IS TO CERTIFY THAT

GLAMPER'S INN LLC

DBA

ZION UTAH JELLYSTONE PARK

OWNED BY: NIELSON, SCOTT

is duly licensed to conduct the business specified below at:

505 S SAND HOLLOW RD

within the City of Hurricane, Utah

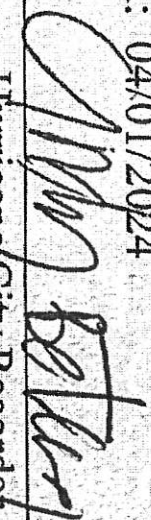
Type of License:

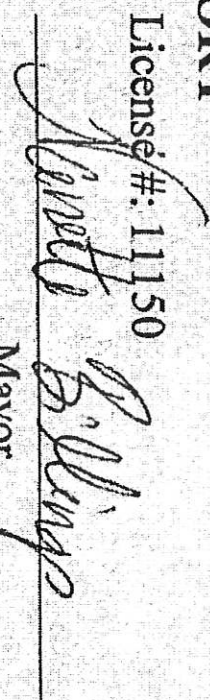
RV AND CABIN RESORT

Date Paid: 04/01/2024

License #: 11150

Attest:


Hurricane City Recorder


Mayor

Total License Fee Paid: 50.00

Expiration Date: 05/22/2025

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE

**HKE INCORPORATED
EMPLOY/EASE
396 EAST ST. GEORGE BLVD
ST. GEORGE, UT 84770**

06/18/2024

Re: Scott Nielson Zion Utah Jellystone Park Resort application

Dear Utah Licensing Board,

I write this letter to express my strong support for Scott Nielson and Zion Utah Jellystone Park Resort's application for a beer and liquor license. I have known Scott Nielson for more than 15 years, and have always found him to be a responsible, and caring business owner and community member. As a frequent visitor, I have always been impressed by the resort's commitment to providing a safe and enjoyable environment for all guests. Scott's leadership and attention to detail are exemplary and key to his success. I am certain that allowing them to serve beer and liquor will enhance the visitor experience while maintaining high standards of safety and service. Please consider my recommendation favorably.

Regards



Spencer Haynes
President
HKE, Inc Db a Employ/Ease.
Spencer@EmployEasePayroll.com

PH (435)-674-0478

Fx (435)-674-5881

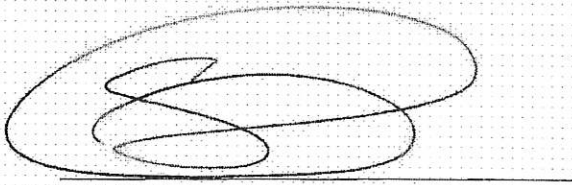
EMPLOYEEASEPAYROLL.COM

PAYROLL@EMPLOYEEASEPAYROLL.COM

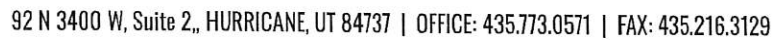
To Whom It May Concern:

I have been a resident of Washington County Utah since 2007. I have seen firsthand how Scott Nielson and Zion Utah Jellystone Park Resort are integral parts of our community. Their focus on family friendly activities and safety is commendable. Granting a beer and liquor license will allow them to offer a more comprehensive experience to visitors. I believe this will benefit both the resort and our local area. Scott's impeccable track record speaks for itself, and I am confident he will handle this new responsibility with the utmost care.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a horizontal line and a small loop.

Spencer Bailey



Owner/Agent



BEST FRIENDS CONSULTING

"A DEALER'S BEST FRIEND"

447 Bentwood Drive, Leesburg, Florida 34748, 352/840-3717

www.bestfriendsconsulting.com

DATE: July 2, 2024

TO: Licensing Authority

RE: Recommendation Letter for Scott Nielson

Dear Licensing Authority,

I have been visiting Zion Utah Jellystone Park Resort with my family for the past month, and each time, our experience has been nothing short of amazing. Scott Nielson's leadership and the resort's commitment to creating a welcoming atmosphere is evident in every aspect of our stay. I am confident that adding a beer and liquor license will further enrich the resort's offerings while maintaining the high standards of safety and enjoyment we've come to expect. Please consider this recommendation as a strong endorsement of Scott's ability to manage this responsibly.

Sincerely,

Marco A. Martinez, President
Best Friends Consulting, Inc.



To Whom It May Concern,

As you are aware, Clampers Inn, LLC, which owns and operates the Yogi Bear's Jellystone Park™ location in Hurricane, UT, has applied for a liquor license in association with their retail operation. As the franchisor of the Yogi Bear's Jellystone Park Camp-Resorts brand, I am writing to you in support of the application because the long-term prosperity and guest expectation of this location relies on the approval of that application.

Currently, over 90% of our Jellystone Park franchise locations across the country offer some form of alcohol items through different facilities within their operation. They do this through their store and/or food and beverage operations located on site.

The Jellystone Park location in Hurricane, as a new operation, should be afforded every opportunity to succeed as a viable and competitive operation. Today's camping groups want to spend their days swimming in a pool, playing mini golf, and experiencing the fun of the many amenities. One of the reasons these guests come to Jellystone Park locations is because our brand offers an array of options for many different tastes, all at one location.

We understand that issuance of such a permit comes with added responsibility to the operator. In our dealings with Scott Nielson, he has shown himself to be an individual of integrity and one with high regard for his guests' well-being. Therefore, I firmly believe he will be very cognizant of this added responsibility and will do what is necessary to ensure the enjoyment of all his guests.

Thank you for your consideration in this process.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert E. Schutter, Jr.".

Robert E. Schutter, Jr.
President

Camp Jellystone, LLC
27777 Franklin Road
Suite 300
Southfield, MI 48034
(248) 233-0103



STAFF COMMENTS

Consideration and possible approval of **local consent for a full-service liquor restaurant license** at PV Resort Amenities - Chris Wyler

Discussion:

Update for 8/1/24 meeting

This item was continued at the July 18, 2024, meeting for the applicant to provide a layout of their proposal. The proposal wasn't received until Friday afternoon, so staff didn't have time to review it before the packet went out.

PV Resort Amenities is applying for a full-service liquor restaurant license to sell beer and liquor at their clubhouse restaurant and in the cabanas around the water amenities. The Department of Alcoholic Beverage Services (DABS) will have specific requirements, such as sectioning off areas where alcohol is served and ensuring that meals are ordered with drinks. The applicants have stated that the restaurant and water amenities will be open to the public, though access may be limited if their vacation rentals are fully booked. Staff has the same concerns with this application as with the previous one for Jellystone Park. It is unclear if any other location in Utah operates in this manner. – Cindy Beteag

Findings:

Recommendation:

Attachments:

1. PV Resort Amenities
2. Chris Wyler - Ascendancy Flooring Reference Letter
3. Pecan Valley Resort Amenities business license app
4. Chris Wyler - In & Out Pool Reference Letter
5. Chris Wyler - Set The Stage Reference Letter
6. Bart Straight Line Plumbing Reference letter
7. Pecan Valley Bar
8. Pecan Valley Rest Menu
9. Pecan Valley Resort Safe Alcohol Mission Statement
10. Pecan Valley RASP
11. Pecan Valley 10 Steps to Responsible Alcohol Service
12. Current UDABS Licenses_Washington_County
13. Utah_Full_Service_Restaurant_Liquor_License_Laws_and_Rules
14. Clubhouse Venue

(FOR OFFICE USE ONLY)

New license:

Date Application Reviewed:

Non-refundable application fee received

Refundable license fee received

Character statement from 5 residents received:

Application referred to: Planning & Zoning

Building Inspection Department

Fire Department

Police Department

Health Department

Business License obtained/applied for:

Date Application was considered by City Council:

Application: _____ granted _____ denied

Comments: _____

7/9/24
8.179894
1 - still need 4
N/A
full restaurant
7/18/24

City License

FEES

A non-refundable application fee of Fifty Dollars (\$50.00) application for an original license.

At the time of application for an original license or renewal pay an annual license fee as follows:

All Classifications \$300.00

If a license is issued on or after July 1 in any year, one-half be charged.

CITY OF HURRICANE
147 NORTH 870 WEST
HURRICANE UT 84737 435-635-2811

Receipt No: 8.179894 Jul 9, 2024

PV RESORT AMENITIES

Previous Balance:	.00
NEW BUSINESS LICENSE	
NEW BEER LICENSE FEE	300.00
NEW BUSINESS LICENSE	
APPLICATION FEE	50.00
Total:	350.00
=====	
XBP Credit Cards -GS	
Check No: 204310976	350.00
Total Applied:	350.00
=====	
Change Tendered:	.00
=====	
07/09/2024 11:15 AM	
ACCT: XXXXXXXXXXXX	
APPROVAL: 204310976	
x pd. over phone	
CHRISTOPHER WYLER	



LIQUOR LICENSE APPLICATION AND QUESTIONNAIRE

**HURRICANE CITY
147 N 870 W
HURRICANE, UTAH 84737
(435) 635-2811**

NOTE: **Please print or type.** All questions must be answered completely or application will not be considered.

NEW LICENSES OR CHANGE OF OWNERSHIP must be accompanied by:

- ☒ \$50.00 non-refundable application fee
- ☒ Annual license fee (refunded if application is denied)
- ☐ Statement from 5 individuals or entities recommending the applicant
- ☐ Copy of business license or business license application
- ☐ Proof of completion of all necessary certifications by employees required by the city and state or understanding of necessary training requirements for new applicants
- ☒ Names and addresses of shareholders, members, or partners (applicable to Corporations, limited liability companies and partnerships)

1. **Applicant** If the license is for an individual or sole proprietorship, applicant must be the owner. If license is for a corporation, the applicant shall be a corporate officer/agent authorized to make the application and a separate sheet must be attached giving the names and addresses of all shareholders owning more than 10% of the corporation. If license is for a limited liability company, applicant must be a manager or managing member authorized to make the application. If license is for a partnership, the applicant shall be a general partner and a separate sheet must be attached giving the names and addresses of all partners.

Name Christopher Wightman Wyler
(First) (Middle) (Last)
Home address [REDACTED] Hurricane UT 84737
(City) (State/Zip)
Phone Number [REDACTED]
Social Security # [REDACTED] Date of Birth [REDACTED]
U. S. Citizen? ☒ Yes ☐ No, if no, registered alien? ☐ Yes ☐ No
Relationship of applicant to entity for which license is sought:
☒ Owner ☐ Corporate Agent ☐ Corporate Officer ☐ Officer
☐ Partner ☐ Member of Limited Liability Company ☐ Other

2. Entity for which License is being sought

 Sole Proprietorship ~~X~~ Corporation Non Profit Corporation

____ Partnership ____ LEC ____ Other _____

Name of Entity PV Resort Amenities

Address of Principal Office 5202 W 2250S Hurricane UT 84737
(Street) (City) (State/Zip)

Phone 435-467-2246 Email wyltile@gmail.com

Names, addresses, Phone, DOB, Social Security Number of all Corporate Officers, Partners, Members, Board of Directors and Shareholders (if necessary attach a separate sheet)

[illegible]

3. Business Name / Location / Management

Name under which business will be operated (if different from name of the applicant, corporation or partnership) _____

Business Address 2431 S 5210 W Hurricane UT 84737
(Street) (City) (State/Zip)

Phone Number 435-467-2214

Owner of Property Chris Wyler

Name of Business Manager Bryson D Wyler

Social Security # _____ (Middle) _____
of Birth _____

Phone Number _____

*Distance in feet from nearest public or public or private school 3.4 miles

*Distance in feet from nearest church 5.2 miles

*Distance in feet from nearest public playground 2.8 miles

*Distance in feet from nearest public park 2.8 miles

*Distance in feet from nearest public library 8.9 miles

4. Classification of license applied for:

☐ Airport Lounge	☐ Banquet
☐ Bar	☐ Beer Recreational
☐ Hotel	☐ Off-Premise Beer
☐ Package Agency	☐ Reception Center
☐ Restaurant-beer only	☒ Restaurant-Full
☐ Restaurant-Limited	☐ Tavern
☐ Beer wholesaler	☐ Liquor warehouse
☐ Manufacturing	

5. Miscellaneous Information (For purposes of the following questions, the term "you" shall refer to any applicant, corporate officer, corporate director, corporate agent, LLC member, partner or manager)

Have you ever been engaged in any other business where beer or alcoholic beverages were sold to the public? _____ Yes ☒ No. If yes, state name of business, location of business, nature of business, date(s) of operation. _____

Have you at any time been convicted of a felony in any court in the United States? _____ Yes ☒ No. If so, give particulars – City, Dates, pertinent information, etc. _____

Have you been convicted or have you entered a plea of guilty at any time to a law violation involving beer or alcoholic beverages? _____ Yes ☒ No. If so, give particulars – City, Dates, pertinent information, etc. _____

Give particulars of your employment or business engaged in during the past five years, stating dates, business name and address, nature of business, position or title, employer's name and address of business. see attached

Are business premises to be leased? _____ Yes ☒ No. If yes, state name and address of lessor and nature of lessor's interest in business premises. _____

Will food be served at business location? ☒ Yes _____ No (If yes, please attach a sample of the menu you plan to use)

Has a license covering any place in which you had a financial interest ever been revoked or suspended? _____ Yes ☒ No If yes, state type of license, location of license, date license was revoked or suspended, reason for revocation or suspension _____

6. Additional Information: Give any additional information which you believe will help the City Council to make a decision upon your application: _____

STATE OF UTAH

)

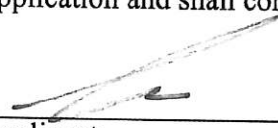
: ss.

COUNTY OF WASHINGTON

)

I, _____, 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;
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;
3. I have received and read the beer/alcoholic beverage license ordinance of the City of Hurricane, and I believe that this application in all respects conforms to the requirements thereof;
4. I consent to the entry in or upon the business premises by City employees or representatives at reasonable times for the purpose of inspecting the business premises to ensure 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 _____ day of _____, 20____

(NOTARY PUBLIC OR CITY LICENSE OFFICER)

FULL SERVICE RESTAURANT LIQUOR LICENSE

Local Consent

PURPOSE: Local business licensing authority provides written consent to the Alcoholic Beverage Services Commission (1) to issue an on-premise alcohol license for a person to store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on the premises of the applicant.

AUTHORITY: Utah Code 32B-1-202; 32B-5-201, 203, 205 and 206

_____, ☐ City ☐ Town ☐ County
Local business license authority

hereby grants its consent to the issuance of a full-service restaurant liquor license to:

Business Name (DBA): PV Resort Amenities

Entity Name (or owner's name if sole proprietor): PV Resort Amenities

Location Address: 2431 S 5210 W Hurricane UT 84737

Authorized Signature

Name/Title

Date

This is a suggested format. A locally produced city, town, or county form is also acceptable.
The local consent must be submitted to the DABS by the applicant as part of a complete application.

Incorporation Date	Title	Business Name	Business Address	Nature of Business	Notes
6/7/2024	Owner	PV Resort Amenities	2431 S 5210 W, Hurricane UT 84737	Water Park and Related Activities	
11/7/2022	Owner	Mori Property Management LLC	5202 W 2250 S, Hurricane UT 847387	Property Management	
5/21/2021	Owner	Pecan Valley Resort Homeowners Association, Inc.	5202 W 2250 S, Hurricane UT 847387	HOA	
6/17/2021	Owner	Artisan Homes LLC	5202 W 2250 S, Hurricane UT 847387	Builder	
2/7/2023	Owner	Pecan Valley Resort, LLC	5202 W 2250 S, Hurricane UT 847387	Operating Company	
12/15/2022	Owner	CL Wyler Company, LLC	5202 W 2250 S, Hurricane UT 847387	Own other companies	
7/10/2019	Owner	Pecan Valley Development	5202 W 2250 S, Hurricane UT 847387	Developer	
7/11/2019	Owner	Pecan Valley Holdings, LLC	5202 W 2250 S, Hurricane UT 847387	RE Holding Company	
6/16/2015	Owner	Law Holdings, LLC	5202 W 2250 S, Hurricane UT 847387	RE Holding Company	
1/1/2005	Owner	Artisan Tile	5202 W 2250 S, Hurricane UT 847387	Tile Installation	Sold in 2022



Philippians 2:3 Consulting
154 Private Road 8103
Canton, TX 75103
T: (903) 312-5566

Dear City of Hurricane,

I am writing to provide a professional reference for Chris Wyler, whose character and professional capabilities I have come to know well through our business interactions at Philippians 2:3 Consulting. Chris exemplifies integrity, dedication, and a commitment to high standards in all his endeavors.

In our professional dealings, Chris has consistently demonstrated a strong work ethic and a reliable sense of responsibility. He manages complex challenges effectively, consistently meeting project goals with efficiency and accuracy. His strategic thinking and innovative approach have significantly impacted various business ventures.

Chris's character is evident in his honest and transparent interactions with colleagues, clients, and stakeholders. His leadership fosters a collaborative work environment, encouraging team members to perform at their best.

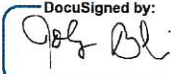
Chris remains calm under pressure, approaching tasks with a focused and positive attitude. His resilience and problem-solving abilities are commendable, leading to successful outcomes even in challenging situations.

Additionally, Chris communicates complex ideas clearly and effectively. He has built and maintained strong client relationships, resulting in successful partnerships and long-term collaborations. His dedication to continuous learning and professional development is both noteworthy and beneficial.

In summary, Chris Wyler is a professional of exceptional character and capability. I am confident he will excel in the Pecan Valley Resort project.

Please feel free to contact me if you require further information or wish to discuss Chris's character in more detail.

Sincerely,

DocuSigned by:

FD780BAF0BD84ED...

Johnny Blevins
President – CEO
Philippians 23 Consulting

To Whom It May Concern,

I am writing to enthusiastically recommend Christopher Wyler for your consideration. I have had the pleasure of knowing Christopher both personally and professionally for 17 years, during which time I have witnessed his outstanding character, exceptional work ethic, visionary mindset, and strong ethical standards.

Christopher Wyler consistently demonstrates a remarkable commitment to excellence in all his endeavors. His unique blend of strategic foresight and hands-on implementation skills allows him to navigate complex challenges while ensuring operational efficiency.

In addition to his professional achievements, Christopher is renowned for his integrity and reliability. He approaches every task with dedication and meticulous attention to detail, consistently delivering results that exceed expectations. His collaborative spirit and willingness to go above and beyond have earned him the respect and admiration of his colleagues.

In the community, he consistently empowers others by creating opportunities and setting ambitious goals. His contributions extend well beyond the norm, adding substantial value to our local community and the broader city as a whole.

I am confident that Christopher Wyler's leadership, vision, and integrity make him an ideal candidate for your city board. His insights and commitment will undoubtedly contribute to shaping our community's future policies and decisions.

Please do not hesitate to contact me at 801-645-0344 or jayrichie45@gmail.com if you require any further information. I wholeheartedly endorse Christopher Wyler without reservation.

Sincerely,

Jason Richards
Owner, Ascendancy Flooring



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

Date of Application

7.10.2024

License Fee \$50.00
Application Fee \$25.00
Total Due \$75.00

BUSINESS LICENSE APPLICATION

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

SECTION A — BUSINESS INFORMATION

Name of Business: Pecan Valley Resort Amenities
Business Phone: 435-619-5111 Business Email: admin@pecanvalleyresort.com
Business Address: 2431 S. 5210 W. Hurricane, Utah 84737
(Street Number) (Suite) (City) (State) (Zip)
Mailing Address (if different): 5202 W. 2250 S. Hurricane, Utah 84737
(Street Number) (City) (State) (Zip)
State Sales Tax Number (if applicable): Pending Dept. of Commerce Entity #: 14026575-0142
Professional License # (if applicable): NA Federal Identification #: 99-3413200
Website: www.pecanvalleyresort.com
Description of Business: Clubhouse, Waterpark and Restaurant.

Will there be any building or remodeling: NO Will the business be located in a newly constructed building: Yes
Commercial Lease-Property Owner Written Approval: Are you a Sexually Oriented Business: NO
Does your business sell alcohol: Yes Does your business sell tobacco products: NO

PART B — HOME OCCUPATION APPLICANTS ONLY

- Will customers visit the home.....
- Will display or stock of merchandise be at home
- Will employees be at the house.....
- Any unusual traffic be created in neighborhood.....
- Will parking on roadside be needed.....
- Will flammable, toxic or poisonous materials be kept at the home
- Will there be any disposal of material into the septic or sewer system?
- What portion of home is to be used for business (25% total structure area)

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: Christopher Wyle Phone Number: [REDACTED]
Home Address: [REDACTED] (Zip) [REDACTED]

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

> **This form is an application for a business license. The receipt for payment of license fees thereof does not constitute being approved to operate a business.** The actual license will be issued only when all inspections are completed and signed off by the various City departments and approval is given by the Business License Office. **To open and/or operate a business without final approval is a Class B Misdemeanor and punishable by law.**

Manager (if different):

Bryson Wulpe

Phone Number:

All businesses licensed in Hurricane City must be in compliance with applicable fire codes and regulations at all times. New businesses may be required to pass a fire inspection prior to issuance of a business license. Fire inspections encompass, but are not limited to: fire equipment such as extinguishers, exits and aisles, electrical equipment, storage, and fire protection systems. Inspections may include additional areas of concern specific to particular business activities and/or locations. The licensing clerk will inform new applicants whether an initial inspection is required. Please contact the Hurricane Valley District at 435-635-9562 to schedule an inspection.

I understand that compliance with applicable fire codes and regulations is required for all businesses licensed in Hurricane City. I understand that a fire inspection of my business may be required in the future and would be conducted by Hurricane City Fire Department personnel. I understand that failure to comply with applicable fire codes and regulations may be grounds for revocation of my business license.

I UNDERSTAND AND AGREE to comply with all regulations of Title 3 Business License Regulations. I UNDERSTAND that business shall not commence at this location without first obtaining an official copy of the business license, and that inspections of the City Building, Zoning, Fire Officials, and the County Health Officials must first be completed and the building approved by these officials for business activities.

Applicant's Signature

Date

7-10-2024

TOTAL FEES \$	75.00	Office Use Only	75.00
DATE	7/11/24	AMOUNT PAID \$	75.00
CITY LICENSE NUMBER		RECEIPT #	8.180914
Home Occupation: yes / ☒ no Zone: RR Permitted Use: ☒ yes / no			
Planning Commission Approval Required: yes / no If yes, which approval: site plan / conditional use			
Planning Commission approval date: N/A Zoning approval/date:			
New Construction: ☒ yes / no Remodel: yes / ☒ no Building Permit: ☒ yes / no			
Certificate of Occupancy or Tenant Improvement inspection required: yes / ☒ no			



In & Out Pools
5168 W 2150 S
Hurricane, UT 84737
T: (435) 359-7449

Dear City of Hurricane,

I am writing to offer a professional endorsement for Chris Wyler, with whom I have developed a deep appreciation for. Chris consistently demonstrates integrity, dedication, and a steadfast commitment to maintaining excellence in all his endeavors.

Throughout our business interactions, Chris has consistently displayed a robust work ethic and a strong sense of accountability. He adeptly navigates complex challenges, consistently achieving project objectives with efficiency and accuracy. His strategic insights and innovative approach have significantly influenced various business initiatives.

Chris's integrity shines through in his open and honest interactions with colleagues, clients, and stakeholders alike. His leadership style creates a positive work environment, empowering each team member to perform at their peak.

Even in high-pressure situations, Chris remains composed, approaching tasks with a focused and positive demeanor. His resilience and problem-solving abilities have consistently yielded successful outcomes, even in challenging circumstances.

Furthermore, Chris excels in communicating complex ideas clearly and effectively. He has forged and maintained strong client relationships, resulting in successful partnerships and enduring collaborations. His commitment to continuous learning and professional growth is both commendable and advantageous.

In conclusion, Chris Wyler is a professional of outstanding character and capability. I am confident that he will make valuable contributions to the Pecan Valley Resort project.

Please contact me should you require any additional information.

Sincerely,

Enoch Barlow 7-11-24

Enoch Barlow
Founder- CEO
In & Out Pools



SET THE STAGE
SOUTHERN UTAH

7/9/2024

To City of Hurricane,

First off, thank you for your consideration. I am very excited to see this project come to life. From the time I met Chris, I was fascinated with his potential opportunity and vision. Since this time, I have been routing him on and would love to write a letter of recommendation regarding Chris Wylie.

I originally met Chris at the beginning of 2023. I was immediately attracted to Chris' overall demeanor and sense of vision for the greater good of the Pecan Valley area. We have become well acquainted through our business interactions at Set the Stage of Southern Utah along with frequent visits to the area. Chris demonstrates integrity, dedication, and a commitment to excellence in all his endeavors, and I am grateful to be a part of it.

Chris's character is reflected in his honest and transparent interactions with the people around him. I have witnessed interactions along the way and admire his execution to on his commitments. His leadership style creates a collaborative work environment, motivating team members to perform at their highest potential. The team at Pecan Valley is the best in class and continues to do amazing work! One thing I admire about Chris is he has developed and maintained strong client relationships, resulting in successful partnerships and long-term collaborations. His commitment to continuous learning and professional growth is both notable and advantageous. I personally know Chris is involved in different Mastermind groups and other growth-related activities. As a professional, this trait is one that makes me confident in his ability to execute and fulfill his vision.

Thank you for your consideration

Sincerely,

Spencer Smith

SET THE STAGE of Southern Utah
801.573.7600



SET THE STAGE



Bart Taylor
7940 N Sapphire trl
St. George UT 84770
barttaylor@str8line.net
435 632 9378
07/09/2024

To Whom It May Concern,

I am writing to wholeheartedly recommend Chris Wyler. I have had the pleasure of knowing Chris for a number of years in both a personal and professional capacity, and I can confidently attest to his exceptional character and integrity.

Chris has consistently demonstrated a strong commitment to his community and has been an active participant in numerous local initiatives. His dedication to civic engagement and his willingness to volunteer his time and resources for the betterment of our community are truly commendable. Chris has a genuine passion for helping others, which is evident in the positive impact he has made on those around him.

In his professional endeavors, Chris is known for his reliability, diligence, and strong work ethic. He approaches every task with enthusiasm and a can-do attitude, ensuring that he delivers high-quality results. His problem-solving skills and ability to work collaboratively with others make him a valuable asset in any team setting.

On a personal level, Chris is a person of high moral standards and integrity. He is honest, trustworthy, and always strives to do the right thing. His respectful and compassionate nature makes him a well-liked and respected member of our community.

In summary, Chris Wyler possesses the qualities and character that make him an outstanding candidate for any role or responsibility. I have no doubt that he will continue to contribute positively and be a great asset to the community. If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

Bart Taylor

A handwritten signature in black ink that reads "Bart Taylor". The script is fluid and cursive, with a large, stylized initial "B".



PECAN VALLEY RESORT



COCKTAILS

CLASSIC MOJITO

Rum infused with fresh lime, mint and sugar.

\$12

ROYAL MARTINI

Freshly brewed espresso mixed with rum and lime.

\$14

RASPBERRY MOJITO

Rum stirred with raspberry, fresh mint, lime and sugar.

\$12

DAIQUIRI

Rum, lemon juice and sugar mixed with apple.

\$12

RETRO MARGARITA

Tequila, lime juice, rum with pinch of salt.

\$13

DRY FRUIT MOJITO

Vodka mixed with sugar and dry fruits

\$13

CLASSIC MARGARITA

Tequila mixed with sugar and lime

\$13

WHISKEY

MANHATTAN

White rum mixed with whiskey and sugar.

\$15

WHISKEY SOUR

Fresh lemon juice infused premium whiskey and lime.

\$16

BOURBON FLIP

Premium whiskey, lime mixed with sugar syrup.

\$16

OLD FASHIONED

Brown sugar, lime and sugar mixed with whiskey.

\$15

PAPER PLANE

Premium whiskey mixed with lime and sugar.

\$16

GIN FIZZ

Premium gin mixed with sugar syrup

\$13

GIM GIMLET

Premium gin with lime and tequila

\$13

BEER

DOMESTIC

\$8

IMPORTED

\$8

Menu

STARTERS

Nachos \$13

Corn tortilla chips smothered in creamy queso, pico, pickled jalepenos and topped with Crema

Chicken Fajita Quesadillas \$11

Homemade tortillas stuffed with grilled onions, chicken, bell peppers and mixed cheese

Deep Fried Pickles \$9

Crispy, dill pickles served with homemade ranch

Boneless Tenders \$12

5 Tenders doused in your favorite sauce - Plain, BBQ, Garlic Parm, Buffalo, Habanero

Nachos on Waffle Fries \$12

Try our famous Nachos served on waffle fries for some extra flavor

Mozzerella Sticks \$9

5 cheese sticks served with homemade ranch or marinara sauce

Chips and Guacamole \$12

Try our chips served with homemade guacamole and a side of fresh salsa for a special treat

6 Wings \$10

Perfectly seasoned and friend wings served in your favorite sauce -

Plain, BBQ, Garlic Parm, Buffalo, Habanero

10 Wings \$15

20 Wings \$25

PIZZAS

\$12

One Topping

Classic pizza made with your favorite single topping

\$18

Meat Lovers

Classic cheese pizza topped with bacon, chicken, pepperoni, and sausage

• Make it Supreme for \$1.50

\$18

Hawaiian

Chicken, bacon, red onion, mozz cheese, and grilled pineapple

Ask us about our healthy options. Upgrade to the cauliflower crust for \$4

EXTRA TOPPINGS \$1 EACH

Pepperoni

Black Olives

Pineapple

Sausage

Onion

Tomato

Bacon

Bell Peppers

Extra Cheese

Chicken

Mushroom

PECAN VALLEY

R E S O R T

Menu

SPECIALTIES

Comes with your choice of 2 sides -
Mashed Potatoes, Green Beans, Side Salad, Waffle
Fries, Green Beans, Steamed Veggies

Famous Hamburger Steak \$22

A half pound freshly ground beef hand-pressed and seared to perfection. Covered in brown or white gravy, grilled onions and mushrooms

Chicken Fried Steak \$23

Hand battered steak deep fried and topped with homemade cream gravy.

Chicken Fried Chicken \$22

Hand breaded chicken breast deep fried and topped with homemade cream gravy

Pan Seared Chicken \$21

Hand seasoned chicken breast pan seared to perfection

Fried Fish \$18

Fried fish hand battered and served with our special homemade sauce

BURGERS

Burgers are 1/2 lb fresh meat hand pressed and cooked to a perfect temperature. Served on House bun with fries.

The Original \$16

Your favorite burger made with melted cheddar, lettuce, tomato, onion, and pickles

Bacon Burger \$17

Take our famous classic burger and add some thick cut bacon for the perfect pairing. Add Homemade guac for \$1.00

Buffalo Ranch Chicken Burger \$16

Hand breaded chicken breast deep fried and topped with our house ranch and Buffalo sauce

Menu Item Name

\$12
This is a description of the item on the menu.
List all of the ingredients and details here.

SALADS

\$15

House Salad

Our house salad of mixed greens, bacon, tomatoes, sliced red onions, shredded cheese, and croutons

\$16

Caesar Salad

Green leaf lettuce topped with Parmesan cheese, croutons, and caesar dressing

\$16

Wedge Salad

Lettuce wedge served with all the sides of our house salad

Add bacon or grilled or crispy chicken to any salad for \$3

Dressings: Ranch, Caesar, Blue Cheese, House Vinaigrette, Raspberry Vinaigrette, Honey Mustard

KIDS MENU

Hot Dog \$8

Grilled Cheese \$7

Cheese Burger \$8

Chicken Strips \$7

DRINKS

Fountain Drink \$2

Homemade Tea \$2

Homemade Lemonade \$2

Coffee \$3

Pecan Valley Resort

Safe Alcohol Mission Statement

Introduction

Pecan Valley Resort Amenities aims to provide a customer experience that fosters safety, fun, and recreation for families. We offer a variety of activities to create a fun, inclusive environment. These include indoor golf simulators, an arcade, a restaurant, an amenity waterpark, live bands, playgrounds for kids, and additional amenities as the resort grows. Pecan Valley strives to maintain an upscale resort ambiance where safety and enjoyment are our top priorities.

In the Beach House area, where these amenities are provided, we aim to offer a full restaurant experience, including alcohol service. Alcohol will be served only with food and to seated guests. Alcohol consumption will always be accompanied by food and will not be allowed in areas where guests can walk around with alcohol or consume it without food.

Pecan Valley is committed to adhering to the guidelines set forth by the Utah Department of Alcoholic Beverage Services and maintaining even higher standards. This commitment ensures a safe environment for our guests, resort, and staff, making our community proud.

Outlined below are the steps Pecan Valley will take to uphold our commitment to excellence.

Steps to Excellence

1. Staff Age Requirement

All alcohol serving staff will be 21 years or older to ensure maturity and responsibility in handling

Pecan Valley Resort

Safe Alcohol Mission Statement

alcohol.

2. Seller-Server Certification

All staff will complete their responsible Seller-Server certification class before beginning work, ensuring they are well-trained in safe alcohol service.

3. Management Training

All management involved in any part of our operations will take the Utah DABS Alcohol Manager Class to ensure top-level compliance and understanding of alcohol service regulations.

4. Monthly Onsite Training

Onsite training will be held monthly to ensure all standards are being met and staff are updated on any new regulations or practices.

5. 10 Steps to Alcohol Service

All staff members will sign the 10 Steps to Alcohol Service document, which outlines our commitment to responsible service. This document is available for your viewing.

6. Public Posting of Standards

We will post our 10 Steps to Alcohol Service in all areas where alcohol is served, making our standards clear and visible to all guests.

7. Responsible Alcohol Service Plan

Pecan Valley Resort

Safe Alcohol Mission Statement

We have created a comprehensive Responsible Alcohol Service Plan, available for your viewing, which details our policies and procedures for safe alcohol service.

8. Random Audits

We will conduct random audits of our alcohol operations to ensure all standards are being met or exceeded at all times, maintaining the highest level of service and safety.

PECAN VALLEY



R E S O R T

Title: Responsible Alcohol Service Plan for Pecan Valley Resort Amenities

Introduction: This plan outlines strategies for promoting responsible alcohol service to ensure the safety and well-being of patrons, staff, and the community.

1. Staff Training:
 - Comprehensive training on local alcohol laws, signs of intoxication, and refusal techniques.
 - Regular refresher courses and certification requirements.
2. Identification and Age Verification:
 - Strict ID checking for patrons appearing underage.
 - Acceptance of only government-issued IDs with photo and date of birth.
3. Monitoring and Limiting Consumption:
 - Active observation for signs of intoxication.
 - Policies to limit drinks served per individual.
 - Offering non-alcoholic beverage options.
4. Intervention and Assistance:
 - Responsible intervention for intoxicated patrons.
 - Confident and respectful refusal of service.
 - Designated staff for handling intoxicated patrons.
5. Alternative Transportation:
 - Arranging taxis or ride-sharing services for intoxicated patrons.
 - Providing information on public transportation options.
 - Encouraging the use of designated driver programs.
6. Community Engagement:
 - Collaboration with law enforcement agencies.
 - Participation in community education programs.
 - Creating a supportive environment for seeking assistance.
7. Evaluation and Improvement:
 - Regular assessment through staff feedback and incident reports.
 - Adjustments and enhancements based on evaluation findings.
 - Commitment to continuous improvement in responsible alcohol service practices.

Conclusion: By implementing these measures, we aim to create a safe and enjoyable environment while fulfilling our responsibility for responsible alcohol service.

10 Steps To Responsible Alcohol Service

Pecan Valley is committed to the responsible service of alcoholic beverages. In accordance with this commitment, all employees are required to follow the procedures outlined below.

1. No employee will serve an alcoholic beverage to anyone under the age of 21. Further, it is the policy of Pecan Valley that no one be served alcoholic beverages which are intended to be given to a person under the age of 21.
2. All employees will carefully check identification of anyone who appears to be under 30 years of age
 - a. Acceptable documentation is a valid governmentally issued driver's license with a photo or a photo ID issued by a government agency.
 - b. The employee will carefully check the identification to determine its authenticity. A manager should be informed if there is any appearance of forgery or tampering.
 - c. In the absence of authentic identification, or in the case of double, the employee will refuse service of alcoholic beverages to the customer.
3. No employee will serve an alcoholic beverage to anyone who is or appears to be intoxicated.
4. No employees will serve alcoholic beverages to anyone to the point of intoxication.
5. It is the employee's responsibility to notify a manager when a customer shows signs of intoxication or is requesting alcoholic beverages above the limits of responsible beverage service.
6. Any intoxicated customer wishing to leave the establishment will be urged to use alternative transportation provided or arranged by the establishment.
7. All employees are obligated to inform law enforcement authorities when intervention attempts fail.
8. No employees will drink alcoholic beverages while clocked in or in uniform.

9. No employee will serve a single customer no more than two opened alcoholic drinks at one time.
10. All employees who serve/sell alcoholic beverages will successfully complete a Utah DABS approved seller/server training course prior to beginning employment, and will renew prior to expiration of their training certification.

The sale/service of alcoholic beverages should not be a routine! It is one of the few legal products you can sell that could put you in jail

THE MANAGEMENT FULLY SUPPORTS THESE POLICIES AND WILL STAND BEHIND OUR EMPLOYEES IN THEIR DECISIONS TO PROMOTE RESPONSIBLE SERVICE.

Employee Name:_____ **Employee**

Signature:_____

License/Permit	Historical Permit	Category	Type	Business Name	Address	County	Original Issued	Conditional
RF-1	RE00018	On-Premise	Restaurant	BIT AND S	1212 ZION	Washington	20-Dec-85	No
RF-135	RE01713	On-Premise	Restaurant	OLIVE GAF	1340 E 17C	Washington	23-Feb-07	No
RF-138	RE01722	On-Premise	Restaurant	TEXAS RO	2654 E REI	Washington	30-Mar-07	No
RF-166	RE01859	On-Premise	Restaurant	SPOTTED	428 ZION F	Washington	28-Jan-09	No
RF-184	RE01924	On-Premise	Restaurant	DON PEDF	1004 W RE	Washington	27-Oct-09	No
RF-196	RE01990	On-Premise	Restaurant	SAKURA J	81 N 1100	Washington	24-Feb-11	No
RF-198	RE02002	On-Premise	Restaurant	PEPPER'S	144 W BRI	Washington	24-Feb-11	No
RF-211	RE02076	On-Premise	Restaurant	GEORGE'S	2 W ST GE	Washington	28-Feb-12	No
RF-243	RE02179	On-Premise	Restaurant	ANASAZI	51234 W SU	Washington	26-Feb-13	No
RF-245	RE02194	On-Premise	Restaurant	FISH ROC	1585 W LE	Washington	29-Apr-13	No
RF-248	RE02203	On-Premise	Restaurant	BUFFALO	221 S RIV	Washington	24-Jun-13	No
RF-251	RE02213	On-Premise	Restaurant	COURTYA	185 S 147C	Washington	30-Jul-13	No
RF-264	RE02267	On-Premise	Restaurant	RED ROBI	640 W TEL	Washington	#####	No
RF-276	RE02309	On-Premise	Restaurant	RED LOBS	263 N RED	Washington	28-Oct-14	No
RF-300	RE02397	On-Premise	Restaurant	HOLIDAY	11808 S CR	Washington	26-Jan-16	No
RF-309	RE02416	On-Premise	Restaurant	KING'S LA	1515 ZION	Washington	29-Mar-16	No
RF-332	RE02483	On-Premise	Restaurant	KORAL KA	2400 N TO	Washington	31-Jan-17	No
RF-336	RE02503	On-Premise	Restaurant	CAFE SAB	290 E ST C	Washington	25-Apr-17	No
RF-340	RE02513	On-Premise	Restaurant	OUTBACK	250 N RED	Washington	#####	No
RF-349	RE02533	On-Premise	Restaurant	PORTER'S	897 ZION F	Washington	27-Jun-17	No
RF-36	RE00848	On-Premise	Restaurant	SWITCHB	1149 ZION	Washington	26-Apr-96	No
RF-364	RE02566	On-Premise	Restaurant	APPLEBEE	156 S RIV	Washington	31-Oct-17	No
RF-373	RE02599	On-Premise	Restaurant	HYATT PL	1819 S 12C	Washington	19-Dec-17	No
RF-38	RE00916	On-Premise	Restaurant	ZION LOD	7 ZION PA	Washington	28-Jun-96	No
RF-382	RE02614	On-Premise	Restaurant	WING NUT	250 N RED	Washington	27-Feb-18	No
RF-420	RE02680	On-Premise	Restaurant	THE GRILL	5662 W CL	Washington	28-Aug-18	No
RF-423	RE02685	On-Premise	Restaurant	GURU'S SI	1091 N BL	Washington	25-Sep-18	No
RF-47	RE01107	On-Premise	Restaurant	PANCHO	81050 S BL	Washington	23-Oct-98	No
RF-480	RE02781	On-Premise	Restaurant	ANTHERA	281 ZION F	Washington	24-Sep-19	No
RF-482	RE02784	On-Premise	Restaurant	PIG'S EAR	75 N 2000	Washington	27-Aug-19	No
RF-521	RE02839	On-Premise	Restaurant	BALCONY	370 W HW	Washington	31-Mar-20	No
RF-550	RE02879	On-Premise	Restaurant	CAFE FEE	2 W ST GE	Washington	27-Oct-20	No
RF-551	RE02880	On-Premise	Restaurant	BLUES KA	307 N BLU	Washington	27-Oct-20	No
RF-571	RE02906	On-Premise	Restaurant	JACK'S SP	1149 ZION	Washington	30-Mar-21	No
RF-572	RE02907	On-Premise	Restaurant	DULIVIA	R 1149 ZION	Washington	30-Mar-21	No
RF-579	RE02915	On-Premise	Restaurant	CAMP OU	709 ZION F	Washington	27-Apr-21	No
RF-593	RE02933	On-Premise	Restaurant	FEELLOVE	1101 ZION	Washington	22-Jun-21	No
RF-628	RE02982	On-Premise	Restaurant	ST HELEN	395 E TEL	Washington	21-Dec-21	No
RF-631	RE02986	On-Premise	Restaurant	BIGSHOTS	1108 W BL	Washington	25-Jan-22	No
RF-645	RE03002	On-Premise	Restaurant	CASA TEQ	545 N MA	Washington	29-Mar-22	No
RF-65	RE01341	On-Premise	Restaurant	DON PEDF	567 S VAL	Washington	26-Sep-01	No
RF-666	RE03028	On-Premise	Restaurant	LONGHOR	1333 S AU	Washington	#####	No
RF-678	RE03041	On-Premise	Restaurant	MAZATLA	1141 W ST	Washington	26-Jul-22	No
RF-698	RE03064	On-Premise	Restaurant	WHIPTAIL	445 ZION F	Washington	25-Oct-22	No
RF-71	RE01348	On-Premise	Restaurant	CHILI'S	(S 311 N RED	Washington	31-Oct-01	No
RF-713	RE03084	On-Premise	Restaurant	RIB & CHC	1677 S CO	Washington	20-Dec-22	No
RF-714	RE03085	On-Premise	Restaurant	XETAVA G	815 N COY	Washington	20-Dec-22	No
RF-724	RE03095	On-Premise	Restaurant	LA FONDA	82 N COR	Washington	26-Jan-23	No
RF-727	RE03098	On-Premise	Restaurant	OVATION	1525 E OV	Washington	26-Jan-23	No
RF-730	RE03101	On-Premise	Restaurant	ZION CAN	95 ZION P	Washington	23-Feb-23	No
RF-735	RE03106	On-Premise	Restaurant	KAISEKI	S 1770 E RE	Washington	27-Apr-23	No

RF-736	RE03107	On-Premise Restaurant GURUS SF4210 S BLI	Washington	23-Feb-23	No
RF-759	RE03134	On-Premise Restaurant SILVER RE4391 S EN	Washington	29-Jun-23	No
RF-766	RE03143	On-Premise Restaurant PAINTED F2 W ST GE	Washington	#####	No
RF-774	RE03152	On-Premise Restaurant AUTO CAM 1322 E HW	Washington	#####	No
RF-779	RE03159	On-Premise Restaurant LOS TAPA 987 S BLU	Washington	29-Jun-23	No
RF-781	RE03161	On-Premise Restaurant BLOOMING 3174 S BL	Washington	29-Jun-23	No
RF-792		On-Premise Restaurant Stage Coac 99 N STAT	Washington	31-Aug-23	No
RF-823		On-Premise Restaurant Green Igua 250 N RED	Washington	30-Nov-23	No
RF-848		On-Premise Restaurant Tias Resta 1812 W SU	Washington	25-Jan-24	No
RF-870		On-Premise Restaurant Ahis Fresh 157 E RIV	Washington	28-Mar-24	
RF-872		On-Premise Restaurant Wild Thyme 2501 ZION	Washington	25-Apr-24	No
RF-90	RE01461	On-Premise Restaurant ERNESTO 929 W SUN	Washington	#####	No

[illegible]

Utah Full-Service Restaurant Liquor License Laws and Rules

Overview

Utah's full-service restaurant liquor licenses allow the sale of all types of alcoholic beverages (beer, wine, spirits) with meals. The Utah Department of Alcoholic Beverage Control (DABC) oversees these regulations.

Key Requirements

Eligibility and Application Process

Age

Applicants must be at least 21 years old.

Background Check

Required for all applicants.

Documentation

Submit a detailed business plan, floor plan, and financial statements.

Local Approval

Obtain approval from the local city or county before applying at the state level.

Operational Rules

Service Hours

Alcohol can be served from 11:30 AM to Midnight.

Food Service

Alcohol must be served with a substantial food order; food sales must be the primary source of revenue.

Dispensing Area

Alcoholic beverages must be prepared in a separate area from the dining space.

Certified Servers

Only certified servers can dispense alcohol.

Minors

Minors are not allowed in the bar area where alcohol is dispensed.

Training

Employee Training

All employees serving alcohol must complete an approved alcohol training and education seminar.

Compliance and Enforcement

Inspections

Regular inspections by the DABC to ensure compliance.

Record Keeping

Maintain detailed records of alcohol purchases and sales.

Penalties

Violations can result in fines, suspension, or revocation of the liquor license.

Important Points

Alcohol must be served with food.

Servers must be trained and certified.

The area for alcohol preparation must be separate from the dining area.

Adherence to operational hours and meticulous record-keeping is mandatory.

Conclusion

Obtaining a full-service restaurant liquor license in Utah requires strict adherence to the DABC's rules and regulations. The process involves thorough preparation, including background checks, server training, and ongoing compliance with operational guidelines. Regular inspections and strict enforcement of these rules ensure that licensed establishments maintain high standards.

Raised Area, over eight feet, cabanas and lounge chairs.

Raised Area, Lounge chairs

DETAILED POOL DECK AND
SPA AMENITIES DESIGN
BY OTHERS

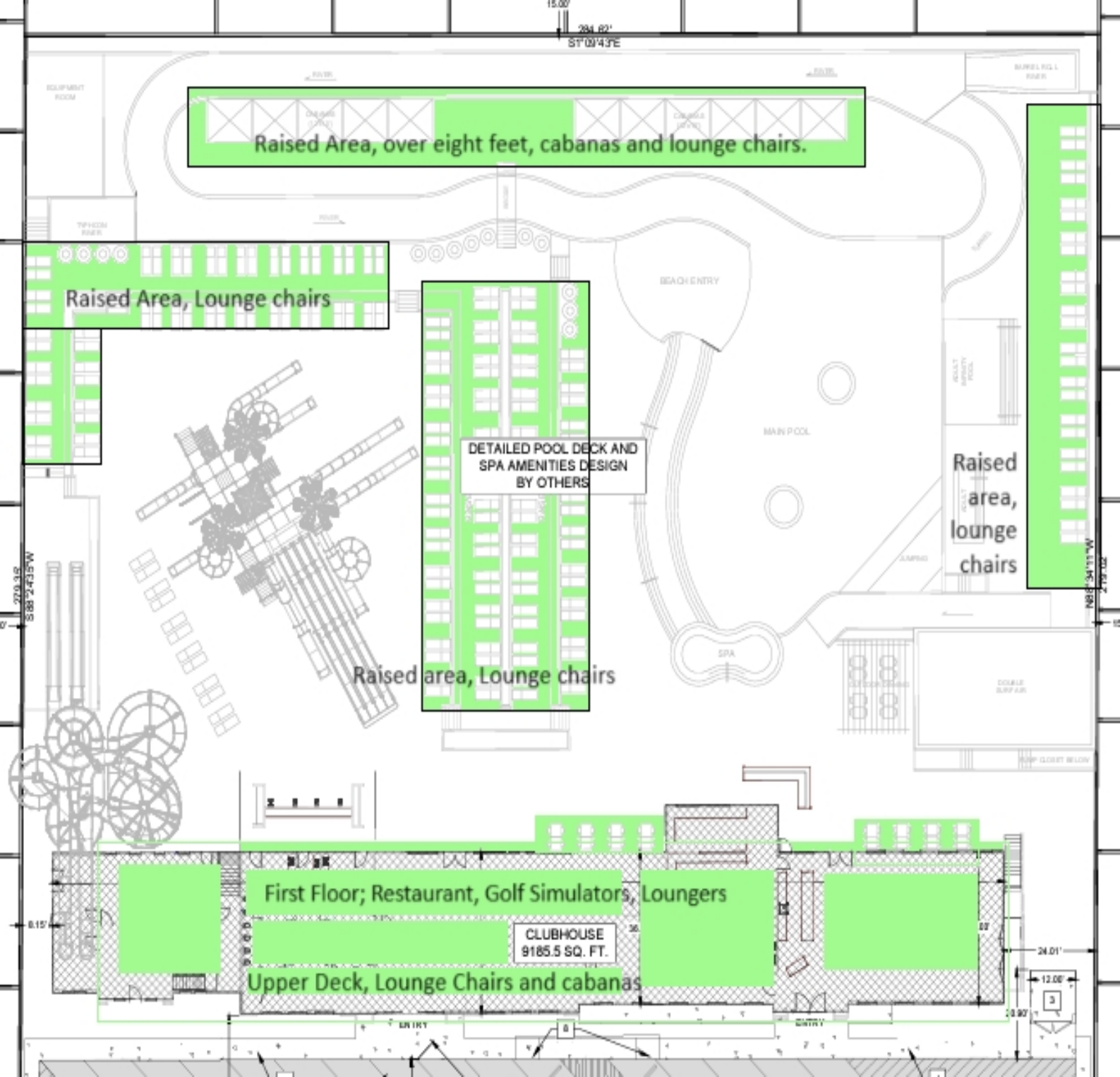
Raised
area,
lounge
chairs

Raised area, Lounge chairs

First Floor; Restaurant, Golf Simulators, Loungers

CLUBHOUSE
9185.5 SQ. FT.

Upper Deck, Lounge Chairs and cabanas





STAFF COMMENTS

Consideration and possible approval of a **Water Savings Agreement with The Nature Conservancy and the Washington County Water Conservancy District.** -Dayton Hall

Discussion:

As part of the NRCS's commitment to fund 75% (~\$12 million) of the pressurized irrigation system expansion, there were environmental studies done that indicated the project would result in water savings that could benefit the health of the Virgin River. An agreement confirming how the water savings will benefit the river is a condition of receiving funding from the NRCS. To avoid the complexities of calculating and committing future water savings, the proposed contract instead commits 193 acre feet of water that the City owns in the river to be available to assist in managing the health of the river. At the completion of the project, the project engineers have estimated that the water savings will be in excess of 193 acre feet. Staff recommend approval of the contract. -Dayton Hall

Findings:

Recommendation:

Attachments:

1. 240725 Water Savings Contract

WATER SAVINGS AGREEMENT

This WATER SAVINGS AGREEMENT (“**Agreement**”) is entered into by and between **THE NATURE CONSERVANCY**, (“**TNC**”), **HURRICANE CITY** (the “**City**”), and **WASHINGTON COUNTY WATER CONSERVANCY DISTRICT** (“**WCWCD**”). TNC, the City, and WCWCD may be referred to individually as a “**Party**” and collectively as the “**Parties.**”

RECITALS

A. TNC is a non-profit corporation organized under the laws of the District of Columbia.

B. Hurricane City is a municipal corporation and political subdivision organized under the laws of the State of Utah.

C. WCWCD is a water conservancy district organized under the laws of the State of Utah.

D. The Parties are sponsors of a cooperative undertaking to address several resource concerns in the Warner Draw Watershed, Utah, including insufficient water quantities, water quality degradation, soil quality degradation, enhancing agricultural water supplies, and inadequate habitat for fish and wildlife. This cooperative undertaking is administered by The United States Department of Agriculture Natural Resources Conservation Service (“**NRCS**”) through the Watershed and Flood Prevention Operations Program, which implements provisions of the Flood Control Act of 1944 (Pub. L. 78-534) and the Watershed Protection and Flood Prevention Act of 1954 (Pub. L. 83-566, 16 U.S.C. § 1001 *et seq.*).

E. The Virgin River (the “**River**”) is the main channel of the Warner Draw Watershed. The City currently provides irrigation water sourced from the River to customers in its service area under its water shares in the Hurricane Canal Company (the “**Company**”). The Company is not a party to this Agreement. The Company’s water is diverted from the Virgin River by the WCWCD and delivered to the Hurricane Canal Company’s system pursuant to a Water Conveyance Agreement between the Hurricane Canal Company and WCWCD, which agreement guarantees the delivery of a certain quantity of water annually (the “**Water Conveyance Agreement**”).

F. The City presently provides pressurized irrigation service to a portion of the City using water shares purchased in the Company, but a significant portion of irrigated properties within the City are serviced by the Company using flood irrigation. The NRCS and the City have planned the construction of an expansion of the City’s pressurized irrigation system (the “**Project**”) into an area currently serviced by the Company using flood irrigation (the “**Expansion Area**”). The City does not own the water rights from which the Company’s shares are derived, nor is the City a party to the Water Conveyance Agreement between the Company and the WCWCD. To provide pressurized irrigation service within the Expansion Area, the City will acquire additional shares in the Company or otherwise arrange for water to service the Expansion Area.

G. The NRCS has committed funding to finance the planning and construction of the Project. The Parties anticipate that the Project will improve the efficiency of irrigation water use and delivery and produce water savings within the Expansion Area as irrigators convert from flood

irrigation to sprinkler irrigation, which will help ensure that irrigation demands can be met, even in dryer years. This increased efficiency will also help provide an in-stream benefit to the River. Due to the nature of the Project, the improved water efficiency cannot be certainly calculated until the conversion from flood irrigation to sprinkler irrigation has taken place.

H. Due to the complexity of attempting to calculate water savings within the Expansion Area to benefit the River, which savings will depend on many variables over a period of time as irrigators convert to sprinkler systems, the Parties have agreed that the in-stream benefit to the River will be satisfied by the City making available to the River 193.38 acre feet of water that it currently owns within the Virgin River.

NOW, THEREFORE, the Parties agree as follows:

AGREEMENT

1. Utilization of Water Savings. Recognizing that the Project will improve water efficiency within the Expansion Area as flood irrigators convert to pressurized irrigation over time, the Parties agree that the City's water right of 193.38 acre feet of water associated with Water Right Number 81-2475 (the "City Water") shall be made available to assist the WCWCD in its management of in-stream flows to support the River.

2. Term. This Agreement shall come into force upon the date of execution by the Parties and will continue for the installation period and evaluated life of the Project (52 years), unless terminated earlier in accordance with the provisions of this Agreement.

3. Amendments. This Agreement may be amended or revised only by mutual written agreement signed by all of the Parties.

4. Termination. The Parties may jointly terminate this Agreement, in whole or in part, at any time, by mutual agreement in writing.

5. No Assignment. The rights and obligations of the Parties shall not be assigned or transferred without the prior written approval of each Party hereto, and any attempt to provide for assignment or transfer without that prior written approval shall be void and of no legal effect.

6. Subordination. The Parties recognize and agree that the rights and obligations of this Agreement are subject to water right adjudications by courts of law, determinations by the Utah State Engineer regarding water rights and priorities, constitutional and statutory limitations, consents that could be required from third parties, and pre-existing contractual rights and obligations by the Parties or relevant third parties, including the Water Conveyance Agreement entered into between the WCWCD and the Company.

7. Force Majeure. All obligations of the Parties shall be suspended for so long as and to the extent the performance thereof is prevented, directly or indirectly, by earthquakes, fires, tornadoes, facility failures, floods, drought, strikes, other casualties, acts of God, orders of court or governmental agencies having competent jurisdiction, or other events or causes beyond the control of the Parties, including events that prevent one or more of the Parties from releasing and

delivering water through their systems. Upon cessation of the force majeure condition, the obligation shall remain enforceable. In no event shall any liability accrue against a Party, its officers, agents, or employees, for any damage arising out of or connected with a suspension of performance pursuant to this section. When a Party's performance is prevented by a cause identified herein, the affected party shall provide written notice to the other Parties as soon as reasonably practical of the force majeure condition. Such notice shall identify the cause of the prevention of performance and the estimated length that such prevention of performance will likely remain in place. Promptly after the prevention of performance is removed or ceases, the affected party shall provide written notice to the other parties that states that the prevention of performance has been removed or ceased and performance of the Agreement has been renewed.

8. Condition Precedent. Notwithstanding anything to the contrary contained in this Agreement, the Parties agree that the City's obligation to make the City Water available to the WCWCD shall be subject to the following condition precedent having been satisfied: NRCS provides the committed funding for the Project within the Expansion Area and the Project is constructed and completed.

9. Notices. All notices and other communications under this Agreement shall be in writing or sent via email. Notices shall be deemed as duly received on the date of service, if served personally on the Party to whom notice is to be given. Notices shall also be deemed as duly received five (5) days from the date said notice is emailed or mailed to the Party to whom notice is to be given, either by first class mail, registered or certified, postage prepaid or by express delivery with handling prepaid, and properly addressed as stated below.

If to the Nature Conservancy:

The Nature Conservancy
Attn: Elizabeth Kitchens
559 E. South Temple
Salt Lake City, UT 84102
ekitchens@TNC.ORG

If to Hurricane City:

City of Hurricane
Attn: City Manager
147 North 870 West
Hurricane, UT 84737
kaden@hurricane.utah.gov

If to Washington County Water Conservancy District:

Attn: General Manager
Washington County Water Conservancy District
533 East Waterworks Drive
St. George, UT 84770
zach@wcwcd.org

10. Conflict Resolution. This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of Utah. Any dispute or claim relating to this Agreement will first be submitted to the other Parties that are involved in the dispute or claim (“**Involved Parties**”) in reasonably detailed written form with any supporting documentation. If the Involved Parties do not satisfactorily resolve the dispute or claim, it will be submitted to non-binding mediation, with a qualified mediator selected by the Involved Parties, with each Involved Party sharing the cost of that non-binding mediation. If the Involved Parties cannot agree on a mediator, one may be appointed by a court of competent jurisdiction. After and only if these processes are first followed and the dispute or claim remains unresolved, an Involved Party may bring an action in the Fifth Judicial District Court of the State of Utah In and For Washington County. Under no circumstances shall any Involved Party be liable for any consequential damages. Each Involved Party shall be responsible for their own costs and attorney’s fees.

11. Binding Effect. All of the covenants, conditions, and provisions of this Agreement shall inure to the benefit of and be binding upon the Parties hereto and their respective successors and approved assigns.

12. Entire Agreement. This Agreement constitutes the entire agreement between the Parties and supersedes any prior understandings or oral or written agreements between the Parties respecting the within subject matter. This Agreement shall not be modified or amended except by the express written agreement of the parties.

13. No Third-Party Beneficiaries. This Agreement is exclusively for the benefit of and governs only the Parties hereto. The only Parties entitled to enforce the terms of this Agreement are listed herein as the Parties. Nothing in this Agreement gives, or is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly, or otherwise, to third persons.

14. No Waiver. Forbearance in enforcing any right or remedy under this Agreement shall not be deemed a waiver nor shall it be the basis for an inference that any party hereto has waived any provision hereof or that a party has waived any right hereunder.

15. Warranty of Authority. Each individual executing this Agreement on behalf of an entity represents and warrants that they have been duly authorized by such entity to execute this Agreement on behalf of and for such entity.

16. Counterparts. This Agreement may be executed in any number of counterparts, but all such counterparts shall be deemed but one original Agreement for all intents and purposes.

17. Headings. The headings contained in this Agreement are intended for convenience only and are in no way to be used to construe or limit the text herein.

18. Severability. Should any portion of this Agreement for any reason be declared invalid or unenforceable, the invalidity or unenforceability of such portion shall not affect the validity of any of the remaining portions, and the same shall be deemed in full force and effect as if this Agreement had been executed with the invalid portions eliminated.

19. Interpretation. In this Agreement, unless the context otherwise requires:

a. The captions and paragraph headings used in this Agreement are for descriptive purposes only and do not limit, define, or enlarge the terms of this Agreement.

b. Unless otherwise indicated by the context, use of the singular, plural, or a gender shall include the other, and the use of the words “include” and “including” shall be construed to mean “without limitation” or “but not be limited to.”

c. The word “may” is permissive;

d. The words “shall not” are prohibitive;

e. The words “will” and “shall” are mandatory or required; and

f. The present tense includes the future tense, unless otherwise specified.

20.

21. Legal Review. The Parties represent and agree that they had full opportunity to review this Agreement and that they accept the terms hereof. The rule that such Agreement is to be construed against its drafter shall not apply to this Agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed the day and year above written.

HURRICANE CITY

THE NATURE CONSERVANCY

By: Nanette Billings
Its: Mayor

By:
Its:

WASHINGTON COUNTY WATER CONSERVANCY DISTRICT

By: Zachary Renstrom
Its: Manager



STAFF COMMENTS

Consideration and possible approval of **Ordinance 2024-09 Amending Title 3, Chapters 1 and 2** regarding background checks in Business License regulations - Cindy Beteag

Discussion:

The Council has discussed the proposed changes at the last two meetings. Staff was directed to update the ordinance to require annual background checks. The Council supported adding tattoo artists to the list of businesses requiring a background check but opposed adding residential hosting. Staff was also tasked with researching the practices of surrounding cities. Only three cities responded: LaVerkin conducts background checks on all businesses, Cedar City does not require them for any businesses, and St. George only mandates them for solicitors, alcohol-related businesses, and those dealing with children.

During the last two discussions, it appeared the Council favored fewer restrictions on business owners. Staff has conducted additional research to determine the necessity of background checks. Consider the following:

1. The Department of Professional Licensing (DOPL) conducts background checks on massage therapists.
2. The Department of Alcoholic Beverage Services (DABS) performs background checks on all liquor license applicants.
3. The Bureau of Alcohol, Tobacco, and Firearms (ATF) requires background checks for all firearms-related businesses.

These checks are conducted during the initial application process and not on an annual basis, though businesses are asked to self-report at each renewal.

Based on these findings, there are two options for consideration in the packet:

1. **Option 1** aligns more closely with previous discussions.
2. **Option 2** removes the requirement for businesses already regulated by another entity.

Both options have been discussed internally, and staff does not have strong opinions on either. Everyone was comfortable with both options. - Cindy Beteag

Findings:

Recommendation:

Attachments:

1. Ordinance 2024-09 Amending Title 3, Section 1 regarding business license regulations.
Option 1
2. Ordinance 2024-09 Amending Title 3, Section 1 regarding business license regulations.
Option 2

**AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING
TITLE 3, CHAPTER 1, SECTION 3 WITH REGARDS TO BUSINESS LICENSING**

WHEREAS, the City Council of Hurricane, Utah desires to amend Title 3, Chapter 1, Section 3 of the Hurricane City Code; and

WHEREAS, the City Council finds these amendments necessary and desirable for the preservation of the general health, safety, and welfare of the residents of Hurricane City;

BE IT HEREBY ORDIANED by the Hurricane City Council that Section 3-1-3 of the Hurricane City Code is amended to read as follows:

Sec. 3-1-3. License Officer; powers and duties.

The City Recorder-Clerk is hereby designated and appointed as ex officio City License Officer and shall issue licenses in the name of the City to all persons qualified under the provisions of this chapter and shall remit to the City Treasurer all license fees collected hereunder. In addition to all other powers granted hereunder, the City Recorder-Clerk or designees shall have the following powers:

- A. *Adopt forms.* Authority to adopt all forms necessary or desirable to facilitate orderly and systematic issuance of all business licenses and ensure the preservation of business records.
- B. *Investigation of applicants.* Authority to authorize investigation of any applicant or licensee, either at the time of application for a license, or at any time thereafter, in order to determine the eligibility of such applicant or licensee for the issuance or renewal of a business license. The Chief of Police and the Fire Chief, and all officers, deputies or employees under their authority, are hereby authorized to conduct any such investigation on behalf of and at the request of the City Recorder-Clerk. An investigation, including an annual criminal background check, will be mandatory for any of the following businesses and their employees: massage therapy, tattoo artists, any business related to firearms, any business dealing with minor children, or entry to a private residence.
- C. *Determination of standing of applicant or licensee.* Make a determination whether the applicant or licensee is in violation of any provision of any City ordinance, or indebted or obligated in any manner to the City or any agency thereof, or in violation of any City land use regulation by reason of the condition of the business premises or the use to be made thereof.
- D. *Require necessary affidavits.* When considered necessary in the discretion of the City Recorder-Clerk, require affidavits regarding the prior history of the applicant, indicating whether such person has had prior business experience, has had a prior business license revoked or suspended, or any other information with respect to the

applicant's prior experience or personal integrity, including a record of prior convictions or arrests of the applicant or licensee.

- E. *Issuance of notice of acceptance or rejection.* Notify any applicant or licensee of the acceptance or rejection of the application for business license, and, in the event of rejection and upon request of the applicant, said notice shall state in writing the reasons for such rejection. The City Recorder-Clerk shall also have authority to notify the licensee of any facts constituting a violation of any City ordinance.
- F. *Enforcement.* Be responsible for enforcement of all provisions of this chapter, and shall cause to be filed complaints against all persons or entities violating any of the provisions of this chapter.
- G. *Denial of applications.* Deny business license applications, including applications to renew business licenses, as set forth in this chapter.

(1998 Code § 9-219; Ord. 2007-19, 9-20-2007; Ord. 2013-12, 11-7-2013; Ord. No. 2022-57, 10-20-2022)

ALL OTHER SECTIONS IN TITLE 3, CHAPTER 1 REMAIN UNCHANGED.

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.

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

PASSED AND APPROVED this 1st day of August, 2024

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 1st day of August, 2024. 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	_____	_____	_____	_____
Clark Fawcett	_____	_____	_____	_____
David Hirschi	_____	_____	_____	_____
Kevin Thomas	_____	_____	_____	_____
Drew Ellerman	_____	_____	_____	_____

Cindy Beteag, Recorder

**AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING
TITLE 3, CHAPTERS 1 AND 2 WITH REGARDS TO BUSINESS LICENSING**

WHEREAS, the City Council of Hurricane, Utah desires to amend Title 3, Chapters 1 and 2 of the Hurricane City Code; and

WHEREAS, the City Council finds these amendments necessary and desirable for the preservation of the general health, safety, and welfare of the residents of Hurricane City;

BE IT HEREBY ORDINATED by the Hurricane City Council that Section 3-1-3, 3-2-5, and 3-2-12 of the Hurricane City Code is amended to read as follows:

Chapter 1

Sec. 3-1-3. License Officer; powers and duties.

The City Recorder-Clerk is hereby designated and appointed as ex officio City License Officer and shall issue licenses in the name of the City to all persons qualified under the provisions of this chapter and shall remit to the City Treasurer all license fees collected hereunder. In addition to all other powers granted hereunder, the City Recorder-Clerk or designees shall have the following powers:

- A. *Adopt forms.* Authority to adopt all forms necessary or desirable to facilitate orderly and systematic issuance of all business licenses and ensure the preservation of business records.
- B. *Investigation of applicants.* Authority to authorize investigation of any applicant or licensee, either at the time of application for a license, or at any time thereafter, in order to determine the eligibility of such applicant or licensee for the issuance or renewal of a business license. The Chief of Police and the Fire Chief, and all officers, deputies or employees under their authority, are hereby authorized to conduct any such investigation on behalf of and at the request of the City Recorder-Clerk. An investigation, including **an annual** criminal background check, will be mandatory for any of the following businesses **and their employees**: ~~massage therapy, any business related to firearms,~~ **tattoo artists**, any business dealing with minor children or entry to a private residence.
- C. *Determination of standing of applicant or licensee.* Make a determination whether the applicant or licensee is in violation of any provision of any City ordinance, or indebted or obligated in any manner to the City or any agency thereof, or in violation of any City land use regulation by reason of the condition of the business premises or the use to be made thereof.
- D. *Require necessary affidavits.* When considered necessary in the discretion of the City Recorder-Clerk, require affidavits regarding the prior history of the applicant, indicating whether such person has had prior business experience, has had a prior

business license revoked or suspended, or any other information with respect to the applicant's prior experience or personal integrity, including a record of prior convictions or arrests of the applicant or licensee.

- E. *Issuance of notice of acceptance or rejection.* Notify any applicant or licensee of the acceptance or rejection of the application for business license, and, in the event of rejection and upon request of the applicant, said notice shall state in writing the reasons for such rejection. The City Recorder-Clerk shall also have authority to notify the licensee of any facts constituting a violation of any City ordinance.
- F. *Enforcement.* Be responsible for enforcement of all provisions of this chapter, and shall cause to be filed complaints against all persons or entities violating any of the provisions of this chapter.
- G. *Denial of applications.* Deny business license applications, including applications to renew business licenses, as set forth in this chapter.

(1998 Code § 9-219; Ord. 2007-19, 9-20-2007; Ord. 2013-12, 11-7-2013; Ord. No. 2022-57, 10-20-2022)

ALL OTHER SECTIONS IN TITLE 3, CHAPTER 1 REMAIN UNCHANGED.

CHAPTER 2

SECTIONS 3-2-1 THROUGH 3-2-4 REMAIN UNCHANGED.

Sec. 3-2-5 Application; requirements for license.

- A. *Form; information.* An application for a new license under this chapter shall be made in writing, under oath, and on a form provided by the license officer, and shall include for the applicant and any other person who shall have an ownership interest in the business or control over the daily operation and management of the business, the applicant's or such other person's name, social security number, date of birth and residence address, the location of the proposed licensed premises, the type of license desired, any conviction or plea in abeyance for any felony or misdemeanor offense, and a space for the applicant to sign, under penalty of law, certifying that the applicant has complied with all requirements and possesses all qualifications for issuance of a license and that all information contained in the application is true. If the applicant is a partnership, corporation, limited liability company or other entity, the names and addresses of all persons with supervisory or operational control over the business must be stated. Applications by a partnership, limited liability company or joint venture must be subscribed and sworn to as set out above by all partners or members. Applications by a corporation must be subscribed and sworn to as set out above by the president and secretary, or other authorized representative.
- B. *Fees; documentation.* Any application for a new license submitted under this chapter shall be accompanied by:
 - 1. A nonrefundable \$50.00 application fee;

2. An initial license fee as prescribed in subsection 3-2-7A2 of this chapter, which is refundable if a license is not issued;
 3. A copy of the applicant's current business license or application therefor;
 4. Statements provided by at least five individuals or entities stating the relationship to the applicant, that the applicant engages in good business practices, and that in the opinion of the individual or entity, the applicant is fit and proper to be granted a license;
 5. Evidence of the distance to the nearest school, church, public library, public playground or park;
 6. A signed consent form stating that the licensee will permit any authorized representative of the City or any law enforcement officer unrestricted right to enter the licensed premises; and
 7. Any other information the license officer may require.
- C. *Applicability.* All applications for any license or permit, other than a renewal license, shall be made pursuant to this section regardless of whether the application is for a new license, or due to a change of ownership, a change of lessee of an existing licensed premises, or a change of location of an existing licensed premises.
- D. *Submission to license officer.* All applications and accompanying information shall be returned to the license officer.
- E. *Reviewing agencies.* The license officer shall submit copies of the application and accompanying information to the police department. ~~who will conduct a background check on the principal owner, manager, or other person having control over the daily operation and management of the business, as deemed necessary by the police department.~~
- F. *City Council review.* After receiving the signed, written approval from the police department, the application and accompanying information, along with a criminal history summary of the principal owner and manager, or other person having control over the daily operation and management of the business, as deemed necessary by the police department, shall be presented to the City Council for its review and approval.
- G. *Conditions for issuance.* The City Council shall authorize issuance of a license only after:
1. A review has been made of the location, physical characteristics, capacity and condition of the proposed licensed premises;
 2. The character, background, management experience and qualifications of the applicant, owner or other person having control over the daily operation and management of the business, have been considered;
 3. The nature and class of the proposed license has been considered;
 4. Public input with respect to issuance of the license has been received; and
 5. A determination has been made that the public convenience requires and the best interests of the community will be substantially served by the issuance of the license.

- H. *Permitted activities; separate license.* Any license issued under this chapter shall be to sell beer or otherwise conduct permitted activities only at the specific place and in the specific manner provided in such license. A separate license shall be obtained for each license classification and for each different location for which the applicant desires to carry on activities regulated by this chapter.
- I. *Assignment; transfer.* No license issued under this section shall be assigned, transferred, leased, subleased or sold, or otherwise transferred, except that in the sole discretion of the City Council, a transfer of a license may be permitted upon a change of location where the owner remains the same, or upon a change of owners where the location remains the same. In either case, the same requirements as to the location of premises and the character and qualifications of the licensee shall apply, and the same procedure and fees shall apply as in the case of the issuance of an original license.

(Ord. 2006-22, 9-7-2006; Ord. 2007-21, 9-20-2007; Ord. 2020-26, 11-19-2020)

SECTIONS 3-2-6 THROUGH 3-2-11 REMAIN UNCHANGED.

Sec. 3-2-12 Renewal of license.

All licenses issued pursuant to this chapter shall expire on December 31 of the year for which it was issued, and a renewal license for any following year must be obtained in accordance with the following:

- A. *Application; fee.* The licensee shall, prior to December 1 of the year for which a license has been issued, submit on a form to be provided by the license officer a written application for renewal license, together with the applicable annual license fee.
- B. *Report by Police Department.* Upon receipt of an application for a renewal license and annual license fee, the license officer shall, in connection with each application for a renewal license, cause the preparation of a report by the police department, describing any violations or alleged violations of any provision of this chapter, the act or any other applicable ordinance or law by the applicant for renewal license during the year for which a license was issued, ~~a background report on the principal owner, manager and any other person having daily control over operation and management of the business~~ as well as any other information deemed relevant to the issuance of a renewal license. All applications for a renewal license, together with said report, shall then be included as an agenda item for the second regularly scheduled City Council meeting in December for review by the City Council.
- C. *Decision of City Council.*
 - 1. Upon review of any renewal application and report by the Police Department, the City Council shall, in the absence of any violations of this chapter, the act or any other applicable ordinance or law during the year for which a license was issued, direct the license officer to issue a renewal license to any qualified applicant for a renewal license.
 - 2. If, upon review of any renewal application and report by the Police Department, the City Council concludes that the applicant for a renewal license has violated the

provisions of this chapter, the act or any other applicable ordinance or law during the year for which a license was issued, and that granting a renewal license without further hearing may not be in the best interest of the residents of the City, the City Council shall direct the license officer to send written notice to the applicant, containing the following:

- a. A statement that the City Council has determined that the applicant's request for a renewal license requires additional hearing;
- b. A statement that the matter will be set for further hearing at the next regularly scheduled City Council meeting; and
- c. A statement that failure of the applicant to appear at said City Council meeting shall be deemed to be evidence of the applicant's acquiescence in the City Council's denial of the renewal license.

(Ord. 2006-22, 9-7-2006; Ord. 2020-26, 11-19-2020)

SECTIONS 3-2-13 THROUGH 3-2-15 REMAIN UNCHANGED.

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.

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

PASSED AND APPROVED this 1st day of August, 2024

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 1st day of August, 2024. 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	_____	_____	_____	_____
Clark Fawcett	_____	_____	_____	_____
David Hirschi	_____	_____	_____	_____
Kevin Thomas	_____	_____	_____	_____
Drew Ellerman	_____	_____	_____	_____

Cindy Beteag, Recorder



STAFF COMMENTS

Consideration and possible approval of **Assurances Relating to Real Property Acquisition** for the irrigation expansion project. -Arthur LeBaron

Discussion:

The proposed document provides assurances to the Natural Resources Conservation Service that the City has acquired the necessary rights-of-ways and easement associated with the irrigation expansion project. This document is required for NRCS to issue funding for the project. There is one remaining easement that needs to be acquired on 1150 West. If the closing on that easement has not occurred by the Council meeting, this item will need to be continued. -Dayton Hall

Findings:

Recommendation:

Attachments:

1. Assurances Relating to Real Property Acquisition - ADS-078

ASSURANCES RELATING TO REAL PROPERTY ACQUISITION

-
- A. **PURPOSE** — This form is to be used by sponsor(s) to provide the assurances to the Natural Resources Conservation Service of the U.S. Department of Agriculture which is required in connection with the installation of project measures which involve Federal financial assistance furnished by the Natural Resources Conservation Service.
-

- B. **PROJECT MEASURES COVERED** —

Name of project Hurricane City Irrigation Expansion

Identity of improvement or development _____

Location Hurricane City, Utah

- C. **REAL PROPERTY ACQUISITION ASSURANCE** —

This assurance is applicable if real property interests were acquired for the installation of project measures, and/or if persons, businesses, or farm operations were displaced as a result of such installation; *and* this assurance was not previously provided for in the watershed, project measure, or other type of plan.

If this assurance was not previously provided, the undersigned sponsor(s) hereby assures they have complied, to the extent practicable under State law, with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. 4601-4655), as implemented in 7 C.F.R. Part 21. Any exceptions taken from the real property acquisition requirements under the authority of 42 U.S.C. 4655 because of State law have been or is hereby furnished to the Natural Resources Conservation Service along with the opinion of the Chief Legal Officer of the State containing a full discussion of the facts and law furnished.

- D. **ASSURANCE OF ADEQUACY OF REAL PROPERTY RIGHTS** —

The undersigned sponsor(s) hereby assures that adequate real property rights and interests, water rights if applicable, permits and licenses required by Federal, State, and local law, ordinance or regulation, and related actions have been taken to obtain the legal right to install, operate, maintain, and inspect the above-described project measures, except for structures or improvements that are to be removed, relocated, modified, or salvaged before and/or during the installation process.

This assurance is given with the knowledge that sponsor(s) are responsible for any excess costs or other consequences in the event the real property rights are found to be inadequate during the installation process.

Furthermore, this assurance is supported by an attorney's opinion attached hereto that certifies an examination of the real property instruments and files was made and they were found to provide adequate title, right, permission and authority for the purpose(s) for which the property was acquired.

If any of the real property rights or interests were obtained by condemnation (eminent domain) proceedings, sponsor(s) further assure and agree to prosecute the proceedings to a final conclusion and pay such damages as awarded by the court.

_____	This action authorized
(Name of Sponsor)	at an official meeting _____
By: _____	_____ on _____
Title: _____	day of _____, 19____,
Date: _____	at _____
	State of _____
	Attest: _____
	(Name)

	(Title)

_____	This action authorized
(Name of Sponsor)	at an official meeting _____
By: _____	_____ on _____
Title: _____	day of _____, 19____,
Date: _____	at _____
	State of _____
	Attest: _____
	(Name)

	(Title)



STAFF COMMENTS

Consideration and possible approval of a **Zone Change Amendment request located at approximately 2250 S 5140 W from A-5, agriculture one unit per 5 acres to RA-0.5, residential agriculture one unit per half acre.** Parcel numbers H-4138-K-1 and H-4-2-15-112. Dylan Stratton, Applicant. Brandee Walker-CivilScience, Agent.

Discussion:

This zone-change request was originally heard by the Planning Commission on May 23, 2024, but due to an illegal lot split, the Commission tabled the application to allow the land division to be corrected. Initially, the zone-change request only included one of the parcels involved in the lot split, parcel H-4138-K-1. The request was updated to include the other parcel involved, parcel H-4-2-15-112. The applicants' ultimate desire is to get a building permit for a new single-family residence, but since there is an illegal subdivision of land, the City cannot issue a building permit pursuant to HCC section 10-39-4(D). The original unsplit parent parcel and the two new parcels are too small to conform to the 5-acre minimum lot size required by the existing A-5 zoning. During discussions between staff, the city attorney, and the applicants, it was agreed that in order to legalize the lot split, both parcels would need to be rezoned to a zoning class with an appropriate minimum lot size requirement. At which point, the applicant could move forward with the process to legalize the lot split and receive a building permit. The Planning Commission heard this application again on July 25, 2024, and unanimously recommended approval of the requested zone change to RA-0.5. --Gary Cupp

Findings.

Staff finds that the proposed zone change:

1. is consistent with the goals, objectives, and policies of the City's General Plan,
2. is harmonious with the overall character of existing development in the subject property's vicinity,
3. does not adversely affect the adjacent property, and that
4. public facilities and services are adequate to serve the subject property.

Recommendation.

Staff recommends that this zone change request be reviewed based on standards within the Hurricane City Code and be approved subject to staff and JUC comments.

Findings:

Recommendation:

Attachments:

1. PLANZC24-05_
2. 23117 Zone Change Exhibit-ZC
3. Dylan Stratton ZC
4. Recorded PUE
5. ZC24-05 Dylan Stratton CC Staff Report
6. Ordinance ZC24-05 Dylan Stratton



Application

Application Accepted Date: 04/25/2024					Valuation \$ 0.00	
Type of Improvement: Zone Change Application					PERMIT FEES	
Description: ZC A-5 to RA-0.5					Planning Fee	\$ 500.00
Tenant / Project Name: Dylan Stratton Parcel					Planning Fee	\$ 500.00
					Sub Total:	\$ 500.00
Bldg. Address: 2250 South 5140 West					Permit Total:	\$ 500.00
City: Hurricane City State: UT Zip: 84737					Amount Paid:	\$ 500.00
Subdivision: Phase:					Remaining Due:	\$ 0.00
Block: Lot #: Parcel #: H-4138-K						
Zone: A-5						
Property Owner: Dylan Stratton						
Permit Contact: Brandee Walker P:(435) 668-4023						
Email: bwalker@civilsience.com						
CONTACT INFORMATION						
Engineer of Record: Civil Science						
Email: bferrell@civilsience.com P: (435) 986-0100						
General Contractor: Dylan Stratton						
License #: P: (701) 570-0749						
City: State: Zip:						
Email:						
APPLICATION DETAILS						
DRAFT						
Setbacks			APPROVALS		DATE	INFO
Front:	Rear:	Left:				
Right:						
Min.						
Actual:						
APPLICATION NUMBER:					PLANZC24-05	
This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I here-by certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury. Maintenance Deposit is refundable after final inspection if: 1) site is kept clean 2) building is NOT occupied prior to final inspection and issuance of Certificate of Occupancy.						
Applicant Name: Brandee Walker						
Signature of Applicant/Authorized Agent or Owner: _____ Date: _____						
Application Approved By: _____					Date: _____	
Application Issued By: _____					Date: _____	
Receipt #:						



PECAN VALLEY DEVELOPMENT LLC LEGAL DESCRIPTION:

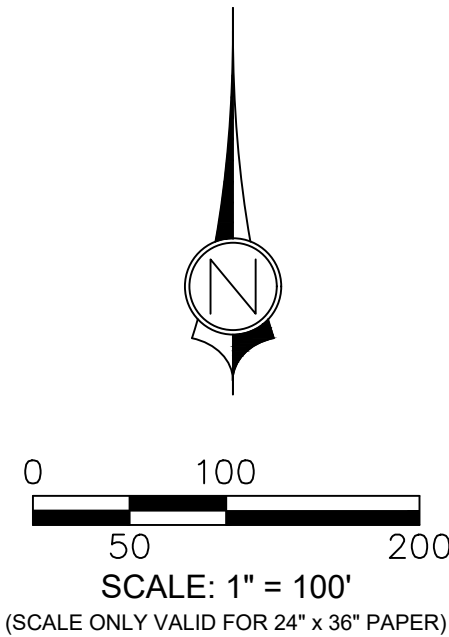
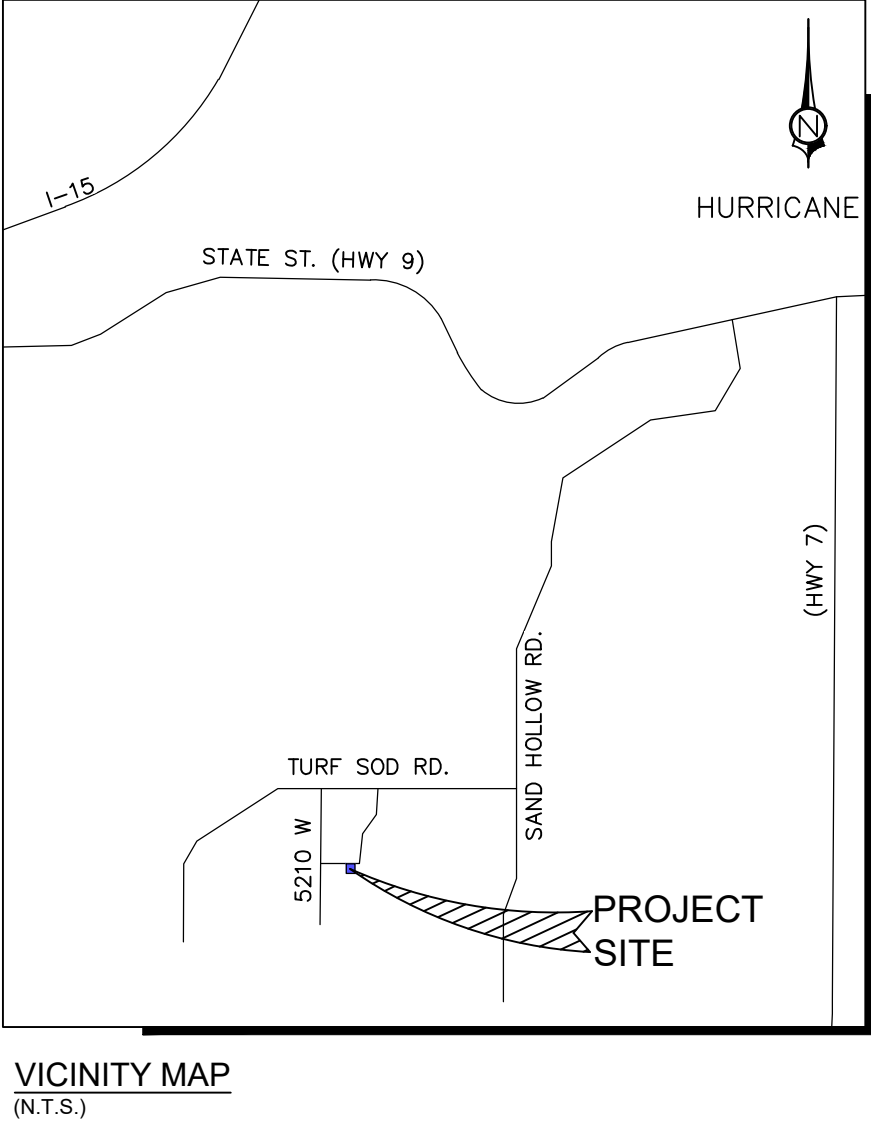
BEGINNING AT A POINT BEING N 88°27'52" W 475.20 FEET ALONG THE NORTH LINE OF SECTION 15, TOWNSHIP 42 SOUTH, RANGE 14 WEST, SALT LAKE BASE AND MERIDIAN FROM THE NORTHEAST CORNER OF SAID SECTION 15, POINT ALSO BEING THE NORTHWEST CORNER OF A PARCEL MORE PARTICULARLY DESCRIBED IN ENTRY NO. 641595, RECORDED AND ON FILE IN THE OFFICE OF THE RECORDER, WASHINGTON COUNTY, STATE OF UTAH, AND RUNNING THENCE ALONG SAID PARCEL THE FOLLOWING TWO (2) COURSES: (1) S 1°07'30" W 150.00 FEET, (2) THENCE S 88°27'52" E 145.20 FEET, TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE S 1°07'30" W 57.99 FEET ALONG THE EXTENSION OF THE EAST LINE OF SAID PARCEL; THENCE S 88°27'52" E 137.48 FEET; THENCE S 1°07'30" W 52.00 FEET, TO THE NORTHEAST CORNER OF A PARCEL MORE PARTICULARLY DESCRIBED IN DOCUMENT NO. 20220002045, RECORDED AND ON FILE IN THE OFFICE OF SAID RECORDER; THENCE N 88°27'50" W 181.50 FEET ALONG THE NORTH LINE OF SAID PARCEL, TO THE NORTHEAST CORNER OF A PARCEL MORE PARTICULARLY DESCRIBED IN DOCUMENT NO. 20220002045, RECORDED AND ON FILE IN THE OFFICE OF SAID RECORDER; THENCE ALONG SAID PARCEL THE FOLLOWING THREE (3) COURSES: (1) N 88°27'50" W 132.00 FEET, (2) THENCE N 1°07'30" E 45.00 FEET, (3) THENCE N 88°27'50" W 88.00 FEET, TO A POINT ON A PARCEL MORE PARTICULARLY DESCRIBED IN DOCUMENT NO. 20230023475, RECORDED AND ON FILE IN THE OFFICE OF SAID RECORDER; THENCE N 1°07'30" E 214.99 FEET ALONG THE EAST LINE OF SAID PARCEL, TO A POINT ON THE SOUTH LINE OF A PARCEL MORE PARTICULARLY DESCRIBED IN DOCUMENT NO. 20160008892, RECORDED AND ON FILE IN THE OFFICE OF THE RECORDER; THENCE S 88°27'52" E 118.82 FEET ALONG THE SOUTH LINE OF SAID PARCEL, TO THE POINT OF BEGINNING.

CONTAINS 50,050 SQ FT OR 1.15 ACRES MORE OR LESS

DYLAN STRATTON LEGAL DESCRIPTION:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 15, TOWNSHIP 42 SOUTH, RANGE 14, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE S 1°07'30" W 440.00 FEET ALONG THE EAST LINE OF SAID SECTION 15, TO THE NORTHEAST CORNER OF A PARCEL MORE PARTICULARLY DESCRIBED IN DOCUMENT NO. 20230023475, RECORDED AND ON FILE IN THE OFFICE OF THE RECORDER, WASHINGTON COUNTY, STATE OF UTAH; THENCE N 88°27'52" W 192.52 FEET ALONG THE NORTH LINE OF SAID PARCEL, TO THE SOUTHEAST CORNER OF A PARCEL MORE PARTICULARLY DESCRIBED IN DOCUMENT NO. 20220002045, RECORDED AND ON FILE IN THE OFFICE OF SAID RECORDER; THENCE N 1°07'30" E 232.00 FEET ALONG THE EAST LINE OF SAID PARCEL AND THE EXTENSION THEREOF; THENCE N 88°27'52" W 137.48 FEET, TO A POINT ON THE EXTENSION OF THE EAST LINE OF A PARCEL MORE PARTICULARLY DESCRIBED IN ENTRY NO. 641595, RECORDED AND ON FILE IN THE OFFICE OF SAID RECORDER; THENCE N 1°07'30" E 217.52 FEET ALONG SAID LINE AND THE EXTENSION THEREOF, TO A POINT ON THE EXISTING SOUTH RIGHT OF WAY LINE OF 2250 STREET; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES: (1) S 88°28'33" E 280.14 FEET, TO THE POINT OF CURVATURE OF A 20.00 FOOT RADIUS TO THE RIGHT, (2) THENCE ALONG THE ARC OF SAID CURVE 20.46 FEET THROUGH A CENTRAL ANGLE OF 58°36'21", TO A POINT ON THE NORTH LINE OF SAID SECTION 15; THENCE S 88°27'52" E 32.86 FEET ALONG SAID NORTH LINE, TO THE POINT OF BEGINNING.

CONTAINS 116,093 SQ FT OR 2.67 ACRES MORE OR LESS



PRECISION HOMES -STRATTON PROPERTY
ZONE CHANGE EXHIBIT
LOCATED IN HURRICANE, UTAH

Dylan Stratton Zone Change

This application proposes to amend the current zone of A-5 to RA-0.5. The applicant wishes to build a home on his 2.67-acre parcel as well as update the zoning of his previously owned property 1.15-acre parcel now owned by Pecan Valley Development LLC. This zone change application is to bring the parcels into zoning compliance. The proposed zoning is in harmony with the general plan and adjacent properties.

4
When Recorded Return To:
City of Hurricane
147 North 870 West
Hurricane, UT 84737

DOC # 20210081730

Easements Page 1 of 4
Gary Christensen Washington County Recorder
12/29/2021 02:52:00 PM Fee \$ 0.00
By HURRICANE CITY



Tax ID: H-4-2-10-224 & H-4-2-10-225

ACCESS, PUBLIC UTILITIES, AND DRAINAGE EASEMENT

That in consideration of Ten Dollars and other good and valuable consideration paid to City of Hurricane, a Utah municipal corporation, herein referred to as Grantor, by CHRIS WYLER, herein referred to as Grantee, the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell, transfer and convey unto Grantee, its successors and assigns, a perpetual easement for access, public utilities, and drainage improvements and access, construction, and maintenance in and along real property owned by Grantor in Washington County, State of Utah, and the easement being more fully described as follows:

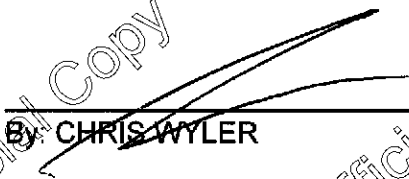
See Exhibit A & B attached hereto and make a part hereof.

TO HAVE AND TO HOLD such property to Grantee forever for the uses and purposes normally associated with public uses such as access, public utilities, and storm drain improvements.

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of the Grantee its successors and assigns.

IN WITNESS WHEREOF, the Grantors have executed this instrument this 3 day of September, 2020.

GRANTOR: CHRIS WYLER

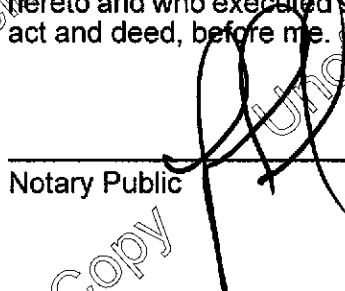

By: CHRIS WYLER

STATE OF UTAH)

ss.

WASHINGTON COUNTY)

On the 3 day of, September, 2020, personally appeared before me CHRIS WYLER to me known to be the individuals described in and who executed the document annexed hereto and who executed same in my presence or acknowledged said signature as a true and free act and deed, before me.


Notary Public



GRANTEE:

CITY OF HURRICANE

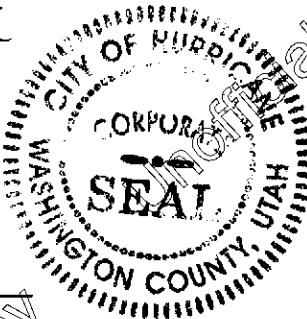
BY:


John W. Bramall, MAYOR

ATTEST:

BY:


Cindy Beteng, CITY RECORDER





1453 S Dixie Drive, Suite 150

St. George, UT 84770

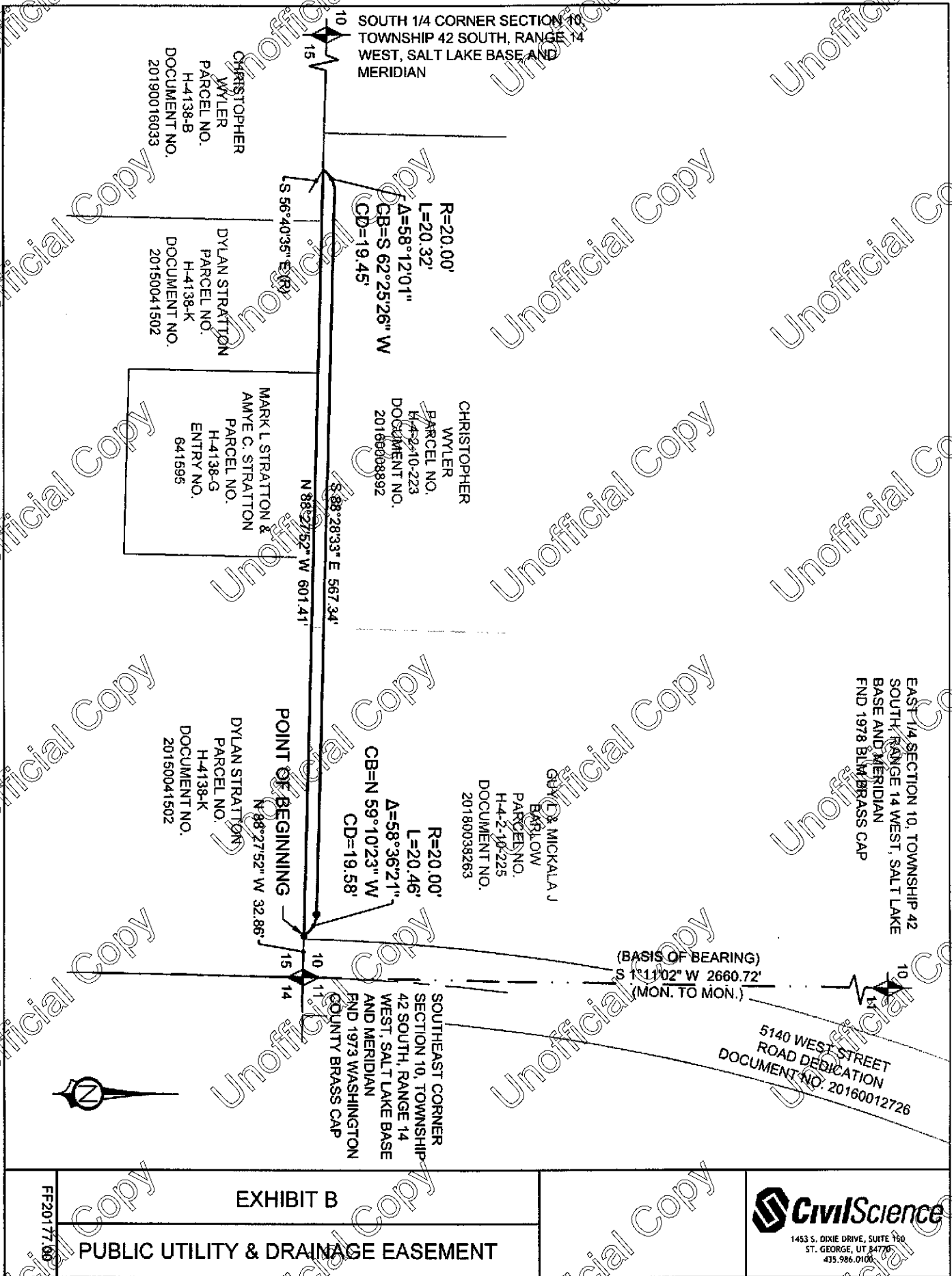
435-986-0100

EXHIBIT "A"
LEGAL DESCRIPTION

PUBLIC UTILITY AND DRAINAGE EASEMENT:

BEGINNING AT A POINT N 88°27'52" W 32.86 FEET ALONG THE SOUTH LINE OF SECTION 10, TOWNSHIP 42 SOUTH, RANGE 14 WEST, SALT LAKE BASE AND MERIDIAN, FROM THE SOUTHEAST CORNER OF SAID SECTION 10, AND RUNNING THENCE N 88°27'52" W 601.41 FEET CONTINUING ALONG SAID SOUTH LINE, TO A POINT ON A 20.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, WITH A RADIUS WHICH BEARS S 56°40'35" E; THENCE ALONG THE ARC OF SAID CURVE 20.32 FEET THROUGH A CENTRAL ANGLE OF 58°12'01"; THENCE S 88°28'33" E 567.34 FEET, TO THE POINT OF A 20.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 20.46 FEET THROUGH A CENTRAL ANGLE OF 58°36'21", TO THE POINT OF BEGINNING.

TWS
20177





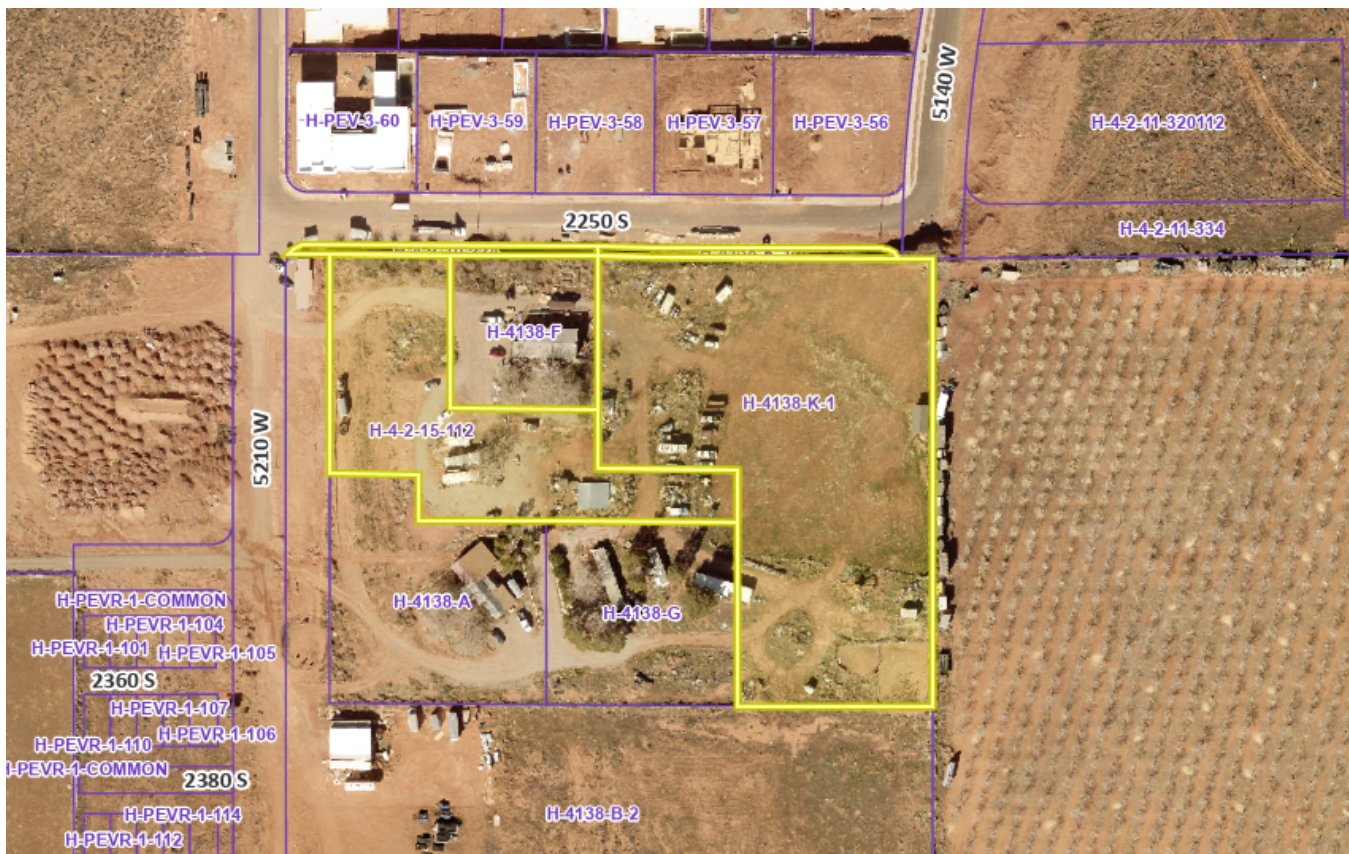
STAFF COMMENTS

Agenda Date:	08/01/2024
Application Number:	ZC24-05
Type of Application:	Zone Change Application
Action Type:	Legislative
Applicant:	Dylan Stratton
Agent:	Brandee Walker
Request:	Zone Change from A-5 to RA-0.5.
Location:	2250 S 5140 W
Zoning:	A-5
General Plan Map:	Planned Community
Recommendation:	Approve
Report Prepared by:	Fred Resch III/Gary Cupp

Discussion:

This zone-change request was originally heard by the Planning Commission on May 23, 2024, but due to an illegal lot split, the Commission tabled the application to allow the land division to be corrected. Initially, the zone-change request only included one of the parcels involved in the lot split, parcel H-4138-K-1. The request was updated to include the other parcel involved, parcel H-4-2-15-112. The applicants' ultimate desire is to get a building permit for a new single-family residence, but since there is an illegal subdivision of land, the City cannot issue a building permit pursuant to HCC section 10-39-4(D). The original unsplit parent parcel and the two new parcels are too small to conform to the 5-acre minimum lot size required by the existing A-5 zoning. During discussions between staff, the city attorney, and the applicants, it was agreed that in order to legalize the lot split, both parcels would need to be rezoned to a zoning class with an appropriate minimum lot size requirement. At which point, the applicant could move forward with the process to legalize the lot split and receive a building permit. The Planning Commission heard this application again on July 25, 2024, and unanimously recommended approval of the requested zone change to RA-0.5.

	Zoning	Adjacent Land Use
North	RR	Single Family Homes
East	RA-1	Pistachio Orchard
South	RR	Undeveloped property
West	A-5	Undeveloped property



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

10-7-7: ZONING MAP AND TEXT AMENDMENTS:

E. Approval Standards: A decision to amend the text of this title or the zoning map is a matter within the legislative discretion of the city council as described in subsection [10-7-5\(A\)](#) of this chapter. In making an amendment, the following factors should be considered:

- 1. Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;*
- 2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;*

3. *The extent to which the proposed amendment may adversely affect adjacent property; and*
4. *The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.*

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

Response: The General Plan Map shows this area as Planned Community. The General Plan describes this area as:

Master planned communities should be complete communities that offer a mixture of housing types and supporting uses such as neighborhood and supporting commercial uses, offices, churches, schools, and parks. Development in this designation should take into account the character of existing surrounding development.

This zone change does not strictly comply with the General Plan; however, it helps further the goals of the General Plan to, “Work with property owners in key agricultural areas... to preserve current agricultural land uses” and preserve agriculture more generally. The zone change will also allow for slightly denser development along a major collector corridor, which the General Plan supports.

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

Response: The surrounding properties are zoned either Recreation Resort or RA-1. This property could serve as a buffer between the more dense resort uses to the north and south, and the agricultural use to the east.

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

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

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

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

JUC Comments:

1. **Public Works:** Roadway dedication required. PUE required along neighboring property.
2. **Power:** Dixie Power area: No comments received.
3. **Sewer:** No exception to zone change

4. **Streets:** Okay
5. **Water:** Okay
6. **Engineering:** The applicant has been informed that 5140 W is a master planned roadway (a minor collector with a 12' trail on its east side, typical section: 67' wide). Higher densities near master plan roads help offset construction costs. Most facilities are adequate for the proposed zone and it's reasonable to expect that the property owner can shoulder the burden to rectify any deficiencies when they develop the property.
7. **Fire:** Okay.
8. **Cable/Phone/Gas:** No comment.
9. **WCWCD:** Washington County Water Conservancy District hereby acknowledges that based on the information provided, the zone change adequately mitigates interference with district facilities and property interests. The District reserves the right to rescind this acknowledgement if additional information becomes available. The district has not determined whether water will be available for this development and does not hereby make any guarantee of water availability. In addition, the development must conform with applicable district requirements, including but not limited to payment of fees.

Staff Comments:

1. The subject property was unlawfully subdivided by document [20240009437](#) without staff's approval ([HCC 10-39-4\(A\)](#)). Due to the minimum lot-size requirements of the existing A-5 zoning of the property, staff is unable to legalize the lot split without a zone change. Staff deems illegal subdivisions to be serious land use violations, and it should be noted that the City Council has the authority to deny the requested zone change and require that the lots be re-merged before considering any zone changes or lot splits. Staff initially directed this approach, but the applicants indicated that because of the current ownership circumstances of the two lots, reversing the split would be a significant hardship. Therefore, staff and the applicants have worked to find a way to move forward. The following steps are proposed to legalize the lot split:
 - 1.1. The applicant requests a zone change from A-5 to RA-0.5.
 - 1.2. The applicant can then apply for a retroactive lot split to bring the illicit division of land into compliance with HCC 10-39-4. During the lot-split process, staff and the applicant would also resolve the outstanding issue of the road dedications along master planned 5140 W.
 - 1.3. Once the illegal subdivision is resolved, then the City can continue processing a building permit for the lot, which is the applicants' ultimate objective.

Findings:

Staff makes the following findings:

1. The proposed amendment is consistent with the goals, objectives, and policies of the City's General Plan.
2. The proposed amendment is harmonious with the overall character of existing development in the subject property's vicinity.
3. The proposed amendment does not adversely affect the adjacent property.
4. Public facilities and services adequate to serve the subject property.

Recommendation: The City Council should review this application based on standards within the Hurricane City Code. Staff recommends that this zone change request be approved subject to staff and JUC comments.

ORDINANCE NO ZC24-05

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE APPROVING THE REZONE
FOR PARCELS H-4138-K-1 AND H-4-2-15-112 FROM AGRICULTURAL 5 (A-5) TO
RESIDENTIAL AGRICULTURAL 0.5 (RA-0.5)

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

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 an adverse 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-4138-K-1 and H-4-2-15-112 be rezoned from Agricultural 5 (A-5) TO
Residential Agricultural 0.5 (RA-0.5).

PASSED AND APPROVED on this 1st day of August 2024.

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 1st day of August 2024. 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
David Hirschi	_____	_____	_____	_____
Kevin Thomas	_____	_____	_____	_____
Clark Fawcett	_____	_____	_____	_____
Drew Ellerman	_____	_____	_____	_____
Joseph Prete	_____	_____	_____	_____

Cindy Beteag, City Recorder

EXHIBIT A
ZONING MAP



STAFF COMMENTS

Mayor, Council, and staff reports

Discussion:

Findings:

Recommendation:

Attachments:

None



STAFF COMMENTS

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

Discussion:

Findings:

Recommendation:

Attachments:

None