



HURRICANE CITY UTAH

Mayor

City Manager

Nanette Billings Kaden DeMille

City Council

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

Hurricane City Council Meeting Agenda

June 2, 2022
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

6:00 p.m. - Call to Order

Prayer

Thought

Pledge

Declaration of any conflict of interest

Minutes of the Regular City Council Meeting for 9/16/21, 10/7/21, 2/17/22, and 5/5/22

Public Forum – Comments from Public

Please Note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda, public comments will be limited to 2 minutes per person per item. A spokesperson representing a group to summarize their concerns will be allowed 5 minutes to speak. Repetitious commentary will not be allowed. If you need additional time, please request agenda time with Cindy Beteag in writing before 5:00 p.m. the Wednesday one week before the Council meeting.

OLD BUSINESS

1. Consideration and possible approval of **Ordinance 2022-23 updating Code Section 7-1-8 regulating Off-Highway Vehicles**
2. Consideration and possible approval of **Ordinance 2022-34 adding Code Section 7-1-9 authorizing and regulating Golf Carts on City roads**

NEW BUSINESS

1. Discussion and possible approval of **funding to Utah Small Business District Center**
2. Consideration and possible approval of Resolution 2022-27 approving an **agreement with Natural Resources Conservation Service (NRCS)** regarding Warner Draw Watershed Supplemental Watershed Work Plan Agreement-Arthur LeBaron
3. Consideration and possible approval of **Resolution 2022-28 approving an Interlocal Agreement between multiple Washington County Law Enforcement Agencies** regarding crime scene equipment-Lynn Excell
4. ~~Ordinance 2022-31: Consideration and possible approval on a Zone Change amendment request located at 4527 S and 4491 S 1100 West from RA-1, residential one unit per acre, to RR, recreational resort, proposing four buildings and a clubhouse. Parcel numbers H-MOF-18 and H-MOF-19. Hidden Rock Development Group Applicant. Brent Bateman Agent. This application has been withdrawn.~~
5. Ordinance 2022-32: Consideration and possible approval on a **Zone Change Amendment request located at approx. 1150 W 600 N** from R1-10, residential one unit per 10,000 square feet, to PF, public facility, to build a power substation. Hurricane City Power Applicant. Scott Hughes Agent.
6. **Public Hearing** to discuss the following;
 - a. Agricultural Protection Overlay for an 11 acre property located at 902 S 700 W and 1075 S 700 W
7. Ordinance 2022-33: Consideration and possible approval on an **Agricultural Protection Overlay for Annie Reeve, an 11 acre property located at 902 S 700 W and 1075 S 700 W**. Parcel number H-3-2-3-304 and H-3-2-3-2418. Annie Reeve Applicant.
8. Consideration and possible approval on a **preliminary plat for Strawberry Fields Estates, a 163 lot residential subdivision located at approximately 1400 S and 3700 W**. Western Mortgage and Realty Co Applicant. Karl Rasmussen Agent.
9. Discussion regarding **dedicating City property in Falcon Ridge as a historical park**-David Hirschi
10. Discussion and possible approval of **trading City-owned farming equipment for help with other items** regarding the Historical Committee-David Hirschi
11. **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

Minutes of the Hurricane City Council meeting held on September 16, 2021, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 4 p.m.

Council Members: Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort. Mayor Bramall excused.

Also Present: City Manager Kaden DeMille, City Attorney Fay Reber, Power Superintendent Scott Hughes, Public Works Director Mike Vercimak, Planning Director Stephen Nelson, City Engineer Arthur LeBaron, Street Superintendent Weston Walker, Parks Superintendent Darren Barney, HR Director Beccie Williams, City Recorder Cindy Beteag and Fire Chief Tom Kuhlman.

AGENDA

4:00 p.m. Work Meeting – Discussion regarding water conservation in new development- Zach Renstrom, Washington County Water Conservancy

Zach Renstrom commented with the current drought and rapid growth there has been a lot of discussion regarding water. He met with City Mayors at the first of the summer and they asked the Water District to come up with some ideas. They are presenting information to different Council's for feedback. Then they will have a Water Summit the first of December. The goal is to have an uniformed plan across the district. He reported the current water levels as of yesterday for Sand Hollow at 68%, Quail Lake is lower because they will be doing work there, Kolob at 50%, and Gunlock is about 50%. There is a site above Kolob that measures snow depth and soil moistures. He showed the Council graphs of the rainwater that has been received this year and explained what they monitor. We need to make sure we are using water wisely. Washington County has decreased water usage by 30 % per capita. Most cities have time of day water restrictions, so the next step is water efficiency standards for new construction. They met with home builders association, and they requested a default uniformed option that is very easy but with an option to be able to apply for an exception. That is how they come up with traditional conservation and the water sensor. The traditional conservation is a few simple requirements. If someone wants to do something unique, then they have come up with a plan on how to conserve water in other ways i.e. lower flushed toilets. One of the things they are recommending is less lawn areas.

Stephen Nelson went over what Hurricane currently requires for landscaping in commercial. He recommended not allowing sod in parking strips. Mr. Renstrom gave recommendations for inside, outside and landscaping ideas. He commented commercial is similar to residential other than requiring a recycle pump at car washes, put golf courses on a budget, don't allow water features, and regulate water misting. Nanette Billings commented she is not in favor of limiting landscape areas to 2500 square feet for residential. We are trying to promote water conservancy not penalize people for using water.

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

Arthur LeBaron stated on the equestrian park bid Interstate Rock isn't interested in matching the low bid, so staff recommends offering it to JNJ. They are still working on the bell project. He is still trying to secure the 2800 W right of way.

Mike Vercimak reported 3000 S is patched and ready for Iron Man. They have a meeting tomorrow for the flaggers.

Weston Walker mentioned he had a sweeper out on 3000 South today to clear the road. They almost have a full staff.

Lieutenant Brisk explained what roads will be closed for Ironman. The police academy is tonight.

Chief Kuhlman has crews coming back from California. They have secured land on Kolob to do a fire station. It will house the Water District, Sherriff Office, Beehive Communications and Fire District.

Darren Barney is excited to get the Equestrian Park done. The Parks Department is still recovering from Peach Days. They are still down on staffing. He met with someone with the Rotary Club who would like to help with an ability park in Hurricane. The Youth City Council and other community members want to help with it too. He doesn't have a timeline for when the lights will be installed on the pickle ball courts in Dixie Springs.

Kole Staheli explained they didn't approve reservations on the ball fields in March and April because they are in use with our local teams. Darren Barney commented the constant use of the fields last year put a strain on the Parks Department staff. Council thinks we need to change the reservation fee for out of area users. The Recreation golf team placed 2nd in the Chambers tournament. Fall programs are up and running. They will be posting a position for an aquatic's coordinator. He received an email from Utah Department of Health saying Hurricane is a hot spot for COVID. There will be a free mobile testing next week at the Community Center.

Ken Richins thanked the Parks Department for all their work.

Scott Hughes mentioned they have a position open for a substation tech. He just heard they are losing a lineman so another position will be opening soon. UAMPS has a tool kit coming up in conjunction with Utah League. October 5th will be their Public Power Day.

Beccie Williams reported what jobs are currently open.

Stephen Nelson introduced Fred Resch III as the new Planning Assistant and Code Enforcement Officer. They are working with a new program for building, planning and code enforcement. Everything will move over by the end of the month. The disk golf course is being installed this week. Caution signs will be installed soon. They are looking at different ideas to kick start the affordable housing plan. He is still working with Fay on old business item 2, so it needs to be continued. Some Department Heads have asked him to look at doing a moratorium on building in the south end of town to figure out infrastructure plans.

6:00 p.m. - Call to Order –

Pledge: Mike Vercimak Prayer: David Hirschi

Approval of Minutes: Approval of minutes: May 20, 2021, June 9, 2021 Special Meeting, and August 4, 2021 Special Meeting

Nanette Billings motioned to approve all minutes. Seconded by Darin Larson. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

Public Forum – Comments From Public

April Pinkston is concerned with our community and having Afghanistan's take over. We are called infidels because we were born Islam. According to their faith they can kill infidels because they are

Islam. They have no intention of living under our constitution. She fears for our country. She apologized for being abrupt last week.

OLD BUSINESS

1. Consideration and possible approval of a proposed **zone change amendment request on 327 acres from RA-1, residential agriculture one unit per acre, to R1-10, residential one unit per 10,000 square feet. Parcel ID's H-3402 and H-3401-A.** Silver Flats LLC/ Duane Fielding Applicant, Jon Jensen Agent.

Jon Jensen commented they asked for this item to be back on the agenda. It meets the General Plan. Neighbors to the west and east have already been approved. They understand the concerns, but they are willing to do a development agreement that restricts development until the infrastructure is there. Joseph Prete commented the Planning Commission voted 4 to 3 in favor. There was a dissenting opinion that raised issues about the infrastructure, the density, the north south corridors, and the inadequate services. The Planning Commission had concerns about density, infrastructure, and roads. Stephen Nelson explained they voted in favor because they felt if the applicant got the zoning, they would help develop the infrastructure. He stated the other Commissioner's didn't vote for it because it doesn't meet the criteria of the infrastructure being in the vicinity. Darin Larson commented they are acknowledging the infrastructure is not there. They want to participate in getting it there. If they don't have a vested right to proceed, then they don't know if the development is feasible for them. A power transmission line was planned along SR-7, but the easement hasn't been secured. Lowe's haven't signed off at this point. Another concern is there isn't water storage in this area. Mr. Prete pointed out denying a zone change only cuts it off for a year before they can apply again. Dave Sanders stated Council is talking about a PID later tonight. If he is put off for a year, then he may not be involved in the PID. Nanette Billings read over the staff comments. She has a hard time approving zone changes when none of the infrastructure is there. Mr. Prete stated they have received notices from power and police that services are not there. Council needs to make course corrections when there is a problem. Now is the time to say no.

Mr. Jensen commented they have a different perspective. They acknowledge the problem but need approval to work with surrounding property owners to get the infrastructure there. The same problems existed with the other applications so why did they get approved. Mr. Prete feels we got ahead of ourselves in approving the other applicants. Dave Sanders stated the roads need to be developed. The only options are the PID or bond. Getting it all done at the same time would create fluid infrastructure.

Darin Larson motioned to table the zone change with a condition it isn't put back on the agenda until a discussion has been held about infrastructure. Seconded by Nanette Billings. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

2. Consideration and possible approval of a proposed **Land Use Code amendment to Title 10-chapter 7, regarding Building Permits.**

Dave Sanders motioned to continue. Seconded by Joseph Prete. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

NEW BUSINESS

123 **1. Consideration and possible approval of awarding a contract to construct the Hurricane**
124 **Equestrian Park-Arthur LeBaron**
125

126 Mike Vercimak stated this was advertised for bid, and we received five bids. Civil Science provided a bid
127 tabulation and a recommendation. Staff supports their recommendation of offering the bid to JNJ
128 Engineering for \$1,804,900.00. The second lowest bidder was within the 5% so they gave them option to
129 match the low price but they didn't say they wanted to. Darin Larson declared a conflict of interest.

130
131 Nanette Billing motioned to award the contract to JNJ Engineering for \$1,804,900. Seconded by Joseph
132 Prete. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort
133 voting aye.

134
135 J Var Dutson voiced concern regarding the local preference. They only live 30 minutes away and his son
136 lives here in town. This is where he does business. He thanked Council for the opportunity to construct
137 the equestrian park.

138
139 **2. Consideration and possible approval of a proposed amended final plat, located at 4146 W 2780**
140 **S Cir. Daniel Sanger Applicant.**
141

142 The Planning Commission unanimously recommended approval. They are just combining two lots that
143 they own. They asked for a garage across the property line but that can't be approved unless it is
144 combined. JUC requested to make sure the water connection is capped off on the second lot.

145
146 Joseph Prete motioned to approve the amended plat subject to staff recommendations. Seconded by
147 Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin
148 Tervort voting aye.

149
150 **3. Discussion regarding a PID for the Bench Lake area-Brennan Brown**
151

152 Matt Ence with Snow Jensen and Reece law firm is representing a team with a potential solution to the
153 challenges Hurricane is having. He is looking for direction on what the Council wants with PID's. Brennan
154 Brown with DA Davidson stated they are trying to figure out how to get a large amount of infrastructure
155 to this area and how to fund it. They would like to get as many property owners involved as they can.
156 They feel a PID is the best solution. He mentioned how Council previously talked about the piece meal
157 approach, but they felt it was better to have a unified plan. They have talked to the Romney Group,
158 Copper Rock, Balance of Nature, Lowe's, Spendlove, Scott Nielsen, and Cordero. They are still looking at
159 how the districts will work. Karl Rasmussen feels this is the way to go to get everyone to work together.
160 Mr. Brown explains the different payment options; prepayment, taxes, PID fee, or have the option to
161 pay upfront. There are some challenges so he thinks the easiest way is to do a property tax, so it is a flat
162 rate across of the properties. Hurricane is one of the front runners with PID's but there are a few in line
163 with us. Ivin's has one that is almost approved. Mr. Ence mentioned the project that was approved in
164 Ivins carries over to Santa Clara so he anticipates they will come to Santa Clara for a PID approval too.

165
166 Kevin Tervort is fairly in favor of doing it. We need a way to develop. Dave Sanders stated what works in
167 the past doesn't work today. We need to think outside the box in order to get the funding and
168 infrastructure. This does that. Nanette Billings stated the cost of the lot will still be market value plus the

infrastructure is added on top so the consumer will be paying twice. Mr. Brown explained it's not a doubling of the taxes. This is a solution where growth pays for growth. He agrees the end user will pay for it. What's important is the disclosure, the rate and the type of infrastructure that's being financed. Regional infrastructure benefits the whole community. Joseph Prete has a lot of concerns with PIDs. He likes the idea of uniformity and getting everyone to work together to solve this program. Hurricane has unique challenges because we are so spread out. He thinks there is a concern of Hurricane residents on the speed of the growth here. Mr. Sanders thinks we need to move forward and look into it further. A representative from Balance of Nature stated they are bringing jobs to this community. All the developers are on the same page to get this approved.

Darin Larson was excused at 7:30 p.m.

Ken Richins commented there is so much building interest in every direction of the City. His department is overwhelmed. They have on their budget to build a two million gallon well south of town but after meeting with this group of developers they realized that is only half the capacity of what will be needed in the next fifteen years. We can't bond for the all the demands in Hurricane. He thinks this is an option for the City to get the infrastructure developed. The City is going to have to explore an option like this if it is going to be developed. Mike Bradshaw stated they are out of lots to build in Copper Rock. This will help bring infrastructure to them too so they can continue to grow. We need to get homes for people. If we don't home values will continue to go up. Council agreed this needed to be discussed further.

4. Consideration and possible approval of a Resolution approving an Interlocal agreement with Washington County for funding of an OHV Staging area at Sand Mountain

This will give us a staging area that is paved from the end of Sand Hollow Road to SR-7. Great project.

Dave Sanders motioned to approve the Interlocal agreement. Seconded by Nanette Billings. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

5. Consideration and possible approval of a Resolution approving an Interlocal agreement with Washington County for funding of the 600 North Trail

This is a great project from Grandpa's Pond to 200 West. The funds are not all due this year. It will be paid over the course of the project. Kaden DeMille stated we did set aside some RAP Tax money for trails. This was one of the highest priorities people wanted to see when the General Plan was adopted. There is enough money in the budget to cover the approved jobs for this fiscal year. We can work out the details in the future of where the funding is coming from.

Nanette Billings motioned to approve the Interlocal agreement. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

6. Consideration and possible approval of a Resolution addressing mandatory vaccines

Nanette Billings explained she feels this is important for three reasons 1. it gives people a choice 2. making sure people's rights aren't taken away 3. It addresses consumers as well. Private businesses can stop anyone from going into their business, but she doesn't want to see people denied going into public

buildings. She read the resolution. Joseph Prete commented vaccines are an interesting topic. He thinks government is overreaching mandating vaccines, but he is not a fan of this type of resolution. They don't accomplish much other than draw unwanted attention. Dave Sanders agreed. He stated let the Congress deal with it on their level. He thinks it would be a mute decision at this point. Kevin Tervort agreed the resolution isn't necessary.

Dave Sanders motioned to deny the resolution. Seconded by Joseph Prete. Motion carried with Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye. Nanette Billings voted nay.

7. Mayor and Council reports

Mayor Bramall	Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineering -
Nanette Billings	Parks & Cemetery, Appeals Board, Airport, Historical Preservation, Solid Waste District and Youth Council -
Darin Larson	Planning Commission, Economic Development, Planning Department, Power and Swimming Pool -
Joseph Prete	Court, Water, Recreation, Tree Board and Beautification Committee – He mentioned the Powers and Duties book that has a section for legal standard of review for how they make their decision. He thinks there is great danger in approving zone changes just so the applicants can get things in place. He invited council to slow down and have stricter rules.
Dave Sanders	Emergency Management, Streets & Drainage, Prosecutor's Office, Code Enforcement and Building and Inspections – Commented Peach Days turned out great. He thanked everyone that was involved.
Kevin Tervort	Ash Creek Special Service District, Golf Course, Industrial Park, Mosquito Abatement, Fire District -
Kaden DeMille	City Administration -

April Pinkston stated the citizens need to know the Council will stand up to vaccine mandates.

Closed Session: Dave Sanders motioned to go into a closed session. Seconded by Kevin Tervort. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

Adjournment: 9:30 p.m.

Minutes of the Hurricane City Council meeting held on February 17, 2022, in the Council Chambers at 147 North 870 West, Hurricane, Utah, at 3:00 p.m.

Members Present: Mayor Nanette Billings and **Council Members:** Dave Sanders, David Hirschi, Kevin Thomas, and Doug Heideman – Joseph Prete joined the meeting at 4:17 p.m.

Staff Present: City Manager Kaden DeMille, City Attorney Fay Reber, Police Chief Lynn Excell, Power Superintendent Scott Hughes, Public Works Director Mike Vercimack, Planning Director Stephen Nelson, Street Superintendent Weston Walker, City Engineer Arthur LeBaron, Deputy Fire Chief Kevin Gildea, and City Recorder Cindy Beteag

AGENDA

3:00 p.m. PID Meeting

Mayor Nanette Billings noted that the discussion about the presented PIDs regards infrastructure in the community. Infrastructure is the responsibility of the City Government, and the city organizes ways to provide infrastructure for new developments.

Bench Lake PID –Brennen Brown explained that there are 155 acres in the petition and 5,000 acres in the annexation. He provided a signed petition from property owners who want to be included in the PID. Property owners that join the PID are subject to the tax to pay off the bond for the infrastructure. Engineers have reviewed the project's budget to ensure the accuracy of the cost associated with the infrastructure. The price for the infrastructure is sixty-five million. They are proposing to finance this in the PID. This can be funded through property tax or a Special Service Area Tax. (SSA) Bench Lake PID is proposing a mill rate of 2. Based on the mill rate, this is \$200 a year per a \$100,000 of taxable property value. The County Tax Assessor calculates the taxable value. SSA is a fixed payment. If the SSA tax is not paid, the bondholder can foreclose on the property. A bondholder cannot foreclose on a property if the property tax is not paid.

Karl Rasmussen stated that seventy percent of the land in the Bench Lake PID has approved zone changes. Secondary water will be included in the PID, and the water district approved an easement for the water line on the east side of the property. There are two four-million-gallon concrete water tanks. In this proposal, areas are set aside in Copper Rocks for public safety buildings. Medical facilities are planned in the Balance of Nature project. Council discussed how many units can be built in this area. Stephen Nelson explained that the City allows development under four units per acre in this area. There are 4,000 units on the preliminary site plan. If this is approved with quarter-acre lots, there is a potential of 17,000 units. Mr. Rasmussen explained the location of roads

1 and connections. The roadways will match up with the master planned roadways, and
2 tie into existing roads to prevent more congestion between 700 West and 1100 West.
3 Bench Lake PID loops the water and the roads together. The PID only includes
4 infrastructure, it does not include the development of the subdivision.

5 Councilman Kevin Thomas asked how a pioneering agreement would work for a
6 property owner who joined the PID late. Mr. Brown stated that it is at the City's
7 discretion to require new owners to pay toward their portion of infrastructure. The more
8 property owners that join the PID, the quicker the bond will be paid down. Marcus Keller
9 with Zion's Bank reminded everyone that a property can not be annexed into the PID
10 without 100% consent. They will include as many property owners as they can when the
11 PID is approved.

12 Councilman Dave Sanders asked about credits for impact fees already paid by
13 landowners. Randy Larson explained that the City can credit the property owners who
14 have paid impact fees for their infrastructure. Councilman Thomas asked if this would
15 tie into the existing water line on Rlington parkway. Ken Richins stated that the waterline
16 on Rlington is stubbed further than the paved road and is the correct size. The sewer
17 lines are not the correct size.

18 Mr. Brown pointed out that there is an overview of the drafted governing document for
19 all the PID's in the packet. There are no pioneering agreements in the governing
20 documents. If this moves forward, City Council will want to review these documents.

21 Mr. Brown discussed the Sand Hollow Mesa PID. This is the Romney Group project. He
22 reviewed their proposed phasing. The project is approved for 3,660 dwelling units and
23 130 acres of commercial. They are requesting 3 PIDs because it makes sense
24 financially to do this in phases. The total cost for infrastructure is 120 million. The
25 Romney Group has set aside areas in each PID for public use and public safety
26 buildings. They propose a max of 4.5 mills and a max debt limit of 150 million. Stephen
27 Nelson reported that the City does have a PID policy that maxes the mills at ten, and
28 the State code allows fifteen mills.

29 Kachina Ridge has seventy-five acres in the PID area, and there will be 500 condo
30 units, vacation rentals, and a hotel. The annexation area is 2,500 acres. He listed the
31 planned infrastructure for this PID. Mr. Nelson noted that the Kachina Ridge zoning and
32 development agreements are approved. Mayor Billings asked about the water rights for
33 the hot springs. Ted Fullerton stated that laws for geothermal water do not require
34 owning water rights as long as it is below your property and runs to the aquifer. He
35 noted the location of the planned water tanks. They have identified where to drill to hit
36 the hot springs. Ken Richins discussed the water tank locations. Mr. Brown discussed
37 the tax revenue these developments bring to the city. He thinks it is wise to invest in the
38 infrastructure now. Three owners in the PID have discussed creating a committee to
39 provide attainable housing.

1 Councilman Sanders is concerned about the location of the development. This area has
2 sheer cliffs and limestone. SR-59 traffic is already a problem, and this will increase
3 traffic and cause more issues. Mr. Fullerton explained that they have done extensive
4 research and know where to develop, and he thinks this is smart growth. Bruce Barrett
5 explained that a record number of tourists go to Zion every year. The surrounding areas
6 need gateway resorts. He agrees that SR-59 is a problem. Addressing the roadways
7 has to happen this is a way to do that. Mayor Billings agrees that this area needs more
8 attractions and lodging because Zion cannot manage all tourism.
9 These applications will be on the March 3rd agenda.

10 **5:00 p.m. Pre-meeting**

11 Weston Walker - The Street Department is still working on the roads for the chip and
12 slurry seal. Straight Stripe has been helping them with sealing because they are having
13 trouble with their machine. They have some vests that people can wear during the trash
14 cleanup. They have replaced six signs due to vandalism and theft in the last week.
15 Councilman Heideman asked about the cost difference for chip seal versus slurry seal.
16 The road conditions are considered when choosing between chip or slurry seal. Mike
17 Vercimack stated that there are different types of road surfaces. Slurry seal is used on
18 newer roads that do not have structural defects because it rejuvenates the surface. Chip
19 seal is used on roads that have structural defects. Chip seal is more expensive, but it
20 provides more substance to the road. There is more money in this year's budget for
21 road repair, so they are ahead of schedule. He noted that each sign cost about \$150.

22 Mike Vercimack - Public Works is staying incredibly busy. Building permits are
23 increasing again, and there were two preconstruction meetings today. He voiced
24 appreciation for everyone's hard work in trying to keep up with all the developments.

25 Aurthur LeBaron reported that single chip seal is \$2.25 per square yard. Double chip
26 seal is \$4.41 per square yard. Slurry seal is \$1.37 per square yard. The chip seal bid
27 needs to be reviewed and compared to the budget, so he asked for this item to be
28 continued until the next meeting. The slurry seal project is ready to be awarded. Mr.
29 LeBaron is working with Washington County and Washington City on the design of
30 Purgatory Road. Federal aid is funding the design. Washington City and Hurricane City
31 are splitting the local match, estimated at \$16,000 per city. The 600 North trail project is
32 in the planning and funding phase. Hurricane City must match the funding received from
33 the County. The project is separated into three phases. He thinks the next priority
34 should be a trail from the Main Street trailhead to the bridge.

35 Councilman Heideman asked about the bus route from St. George to Zion. Mayor
36 Billings stated that Hurricane City is not participating right now. State sales taxes are
37 funding the bus line. Until the City commits to having a stop, they will not receive any of

1 the taxes. Mr. LeBaron reported that the sales tax goes to the County if there is no
2 transit system in the City. He thinks the City would benefit by having a bus stop.

3 Chief Excell swore in the new officers. They have filled the records clerk position. Two
4 cadets will graduate on the 10th, and three in the academy will graduate in April. They
5 will do another citizen academy in the future. He discussed the Garrity Bill going to the
6 legislature tomorrow. The media is pushing hard against the bill.

7 Ken Richins - The backup generator for the west well was tested and is working. This is
8 a great accomplishment, and there is now a backup plan during a power outage.

9 Kevin Gildea reported that the recruiting academy is going well. They lost the use of the
10 ladder on their ladder truck and a computer on an older truck. The cost of new trucks is
11 exceptionally high. Call volume continues to increase.

12 **6:00 p.m. - Call to Order**

13 Mayor Nanette Billings welcomed everyone to the meeting.

14 **Prayer:**

15 Led by David Hirschi

16 **Historical Thought:**

17 Paula Hirschi

18 Ms. Hirschi shared a story about Mary Jane Leavitt Abbott.

19 **Pledge:**

20 Ms. Hirschi

21 Mayor Billings asked for a motion to continue Old Business items #1 and #4. Kevin
22 Thomas motioned to continue Old Business items #1 and #4. Seconded by David
23 Hirschi. Motion carried with Joseph Prete, Dave Sanders, David Hirschi, Kevin Thomas,
24 and Doug Heideman voting aye.

25 **Public Forum – Comments from Public**

26 **OLD BUSINESS**

- 27 1. Consideration and possible approval of a **Franchise Agreement between**
28 **Hurricane City and Infowest**

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

4 Kyle Arbizu was present. Stephen Nelson reported that there is not enough information
5 to make a recommendation. He doesn't think the applicant was quoted the right amount,
6 so he would like to look into it further. He is meeting with the applicant next week.

7 Kevin Thomas motioned to continue a reduction in park and road impact fees for an
8 apartment complex located at approximately 6129 W 100 South. Seconded by Doug
9 Heideman. Motion carried unanimously with David Hirschi, Joseph Prete, Dave
10 Sanders, Kevin Thomas, and Doug Heideman voting aye.

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

13 Ken Richins explained that in the late 70s, Stratton Brothers wanted to annex into the
14 City, and the City wanted to acquire their water rights. They came up with a specific
15 number of connections in return for the water rights. Due to clerical error, some of the
16 water rights were missed. They are requesting to add more water rights for twenty-four
17 more connections. The Water District approved this amendment and agreed to
18 recognize the additional connections.

19 David Hirschi motioned to approve the modified agreement between Hurricane City and
20 Stratton Brothers for twenty-four connections, and the District recognizes the waiver of
21 impact fees for the connections. Seconded by Doug Heideman. Motion carried
22 unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and
23 Doug Heideman voting aye.

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

27 Greg Sant representing Perry Development was present. Mr. Nelson read the terms of
28 the agreements. There was an easement not included in the original plat. Staff and the
29 applicant have agreed to terms on compensating Perry Homes for the extra dedication.
30 The ten feet they are dedicating gives the City room to work on the power poles. The
31 setbacks apply to the whole development. The Three Rivers Trail goes through this
32 property, so Perry Homes is providing a trail that will connect to the Three Rivers Trail.
33 Last week, he met with Interstate about the intersection on 600. The concerns have
34 been addressed.

35 Kevin Thomas motioned to approve an updated preliminary plat for Peregrine Point
36 West Phase 1-4 Amended, located at 600 N and 3100 W. Seconded by Dave Sanders.

Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

NEW BUSINESS

1. Public Hearing to take comments on the following:

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

A. A sensitive land application for Mountain View Estates, a 37 lot subdivision, located at 1300 W 650 S

no comments

B. A sensitive land application for Mesa Cove, a 91 lot residential subdivision, located at 1117 W 600 N

no comments

Joseph Prete motioned to go out of a public hearing. Seconded by Dave Sanders. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

2. Consideration and possible approval for a **preliminary plat and sensitive land application for Mountain View Estates Preliminary Plat, a 37 lot subdivision, located at 1300 W 650 S**. Craig Engel, RAC Inc Applicant. Marc Brown Agent.

Craig Engel was present. Stephen Nelson stated that their engineer provided an updated letter. They are now proposing thirty-seven lots. During the construction drawings, they realized the larger lots did not work with moving the road, road grading, and the taller slopes. The Planning Commission recommended approval. Mr. Nelson reported that this does meet the R1-10 zoning. The City requires larger lots when a slope is more than ten percent. If the developer provides a sound engineer principle letter, the Council can deviate from that requirement. There are eight lots with more than a ten percent slope. Councilman Prete asked why this changed to thirty-seven lots. Mr. Engel stated that to reduce road grade to meet fire access requirements, they needed to reduce some of the slopes and had an imbalance of cut and fill. To cover that expense, they are requesting additional lots. He feels a two-wall system is more stable than a large wall system. This makes the drainage, road grades, and lot sizes more consistent. Mark Brown stated that lots 28-32 still average 17,000 square feet. The entire subdivision does not average under 10,000 square feet.

Councilman Hirschi asked about the market value of the homes. The City needs affordable housing. Mr. Engel explained that the homes will not be in the affordable range because of the views and lot sizes. He is working on an affordable housing project in LaVerkin and would like to work on a similar project with the City.

Dave Sanders motioned to approve the preliminary plat and sensitive land application for Mountain View Estates Preliminary Plat located at 1300 W 650 S. Seconded by Joseph Prete. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

3. Consideration and possible approval on a preliminary plat and sensitive land application for Mesa Cove, a 91 lot residential subdivision, located at 1117 W 600 N. GVS Holdings LLC Applicant. Dwain Schallenberger Agent

Stephen Nelson explained that the density is approved for RM-2 on the south and R1-10 on the north. The project meets the appropriate densities. Dave Nasell had a conversation with the charter school, and they want the road to T, where the elementary ends. The school's final plat plan is an s curve. The applicant moved the road because the charter school was unwilling to participate in the road and did not want to sell the property. Arthur LeBaron stated that the road will tie into Valley Academy. Mayor Billings is concerned that if this is approved and the road is not developed, it will never get developed to the school. Mr. LeBaron stated Valley Academy submitted a site plan which includes 1040 west connecting to 600 N. The City needs to hold them to that expansion.

Mr. Nelson explained that the development has a PDO overlay. Councilman Prete feels that this is a good location for multi-family units. It is within walking distance of two schools. He asked if they were taking any measures to provide attainable housing. Mr. Nasell would like to keep costs as low as possible, but that is based on the price of building supplies. Councilman Sanders commented that attainable housing is not practical with the economy, and material and land costs are sky-high. If the Council is serious about attainable housing, the City could require large developments to provide a portion of affordable housing.

Kevin Thomas motioned to approve subject to staff and JUC comments on a preliminary plat and sensitive land application for Mesa Cove residential subdivision, located at 1117 W 600 N. Seconded by Doug Heideman. Motion carried with Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye. David Hirschi, nay.

4. Discussion and possible approval of an Equestrian Park grand opening celebration- Rob Goulding

1 Charles and Cheryl Reeve were present. Mr. Reeve does not know when the park will
2 open. Rob Goulding is excited about the park and the other opportunities that facilities
3 could provide. Mr. Reeve read over the grand opening ceremony prepared by Mr.
4 Goulding. They would like tentative approval to move the project forward. The City
5 Council is highly in favor of this and feels this is a fantastic opportunity. The County
6 contributed \$300,000 to the equestrian park. Mr. Reeve asked if the City could
7 contribute money towards the grand opening Kaden DeMille will look into that. The old
8 rodeo grounds will be converted into a baseball field.

9 **5. Consideration and possible approval of a Certificate of Sale and Restrictive**
10 **Covenant for purchase and acceptance of property from SITLA.**

11 Arthur LeBaron reported that the documents on the agenda are standard documents
12 that SITLA requires when they transfer property. The City is asking to purchase property
13 for a wellsite, and they are working to acquire another property for parks and trails.
14 SITLA is amicable to this proposal. Councilman Prete suggested that approval should
15 be subject to legal review. Mayor Billings noted the concerns mentioned in the staff
16 meeting.

17 Doug Heideman motioned to approve, subject to City Attorney review, a Certificate of
18 Sale and Restrictive Covenant for purchase and acceptance of property from SITLA.
19 Seconded by David Hirschi. Motion carried unanimously with David Hirschi, Joseph
20 Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

21 **6. Consideration and possible decision on the flood modeling approach for**
22 **Gould Wash.**

23 FEMA is working on updating the flooding mapping in Washington County. Hurricane
24 City has received a lot of criticism on the current map. The original mapping does not
25 represent the flood risk in the City. The wash does not hold to the 100-year flood plan.
26 There are two exits from the wash that cause flooding in the City. FEMA needs the City
27 to decide on an administrative or regulatory flood plan to move forward with the study.
28 When a municipality identifies risk, it must be addressed. The City currently has a
29 regulatory flood plan based on the Code of Federal Regulations. The regulations have
30 been adopted by ordinance. Citizens could oppose the remapping because it might
31 require flood insurance on more properties. Fay Reber read the sanctions for non-
32 participation in the National Flood Insurance Program.

33 Tyler Vanderhorst and his wife have extensively researched flood mapping. If the maps
34 are not adopted, the repercussions do not go into effect immediately. Other cities have
35 not adopted the maps, and FEMA has not officially adopted the maps. This is a study
36 being presented to FEMA for adoption, and adopting this will restrict current residents
37 and new buildings.

1 Harmony Vanderhorst has read the information presented to the City. She is very
2 informed and represents hundreds of citizens that will be affected if this is changed.
3 Property costs are already up, and the council members represent the citizens. This
4 process does not need to move forward. The current plan is not jeopardizing the
5 citizens.

6 Drew Ellerman was previously a floodplain administrator, and he currently works for
7 Washington City. He would prefer Hurricane City to look for ways to mitigate the issues
8 and wait until FEMA forces the City to adopt the mapping.

9 Arthur LeBaron agrees with most comments. He clarified that the discussion is not
10 regarding adopting a map. This is a discussion about how the study is completed. He
11 suggests a presentation from FEMA before they make a decision.

12 Richard Hirschi stated that no one in the City received money after the flood in 1991.
13 The government does not fix anything, and they aren't there to hand out money if it
14 floods.

15 Cecil Dutton's property line is on Gould's Wash, and he is concerned about how this
16 affects the citizens. This map has identified problems, and the City should fix this before
17 the problem occurs.

18 Mr. LeBaron is working with NRCS on a project to retain Gould's Wash. Mayor Billings
19 asked if cementing the wash would be a better way to mitigate the wash. Mr. LeBaron
20 does not think the citizens will like that. The wash is natural, and he prefers steering the
21 design to a more natural approach. We can't build detention upstream because of the
22 cost. The State Flood Plain Manager will be here in March and can provide more
23 information to the Council. Councilman Prete asked if any other City in Utah has acted
24 on this map. Mr. LeBaron does not know if other communities face the same issue as
25 Hurricane City. Mr. Reber recommended continuing until after meeting with the State
26 Floodplain Manager.

27 Councilman Hirschi stated that no one is in favor of the administrative floodplain. The
28 Council represents the citizens, and they don't want a change.

29 Mike Sheers reported that floodways were changed in Idaho, and everyone had to have
30 flood insurance even if they were not close to a floodway. FEMA gets a portion of the
31 flood insurance, and he thinks that is why they continue to include more areas in the
32 flood mappings.

33 Councilman Prete thinks the Council needs more information. Councilman Heideman
34 would like to continue until the representative comes.

David Hirschi motioned to deny moving forward on the flood modeling approach for Gould Wash. Seconded by Kevin Thomas. Motion carried David Hirschi, Dave Sanders, Kevin Thomas voting aye. Doug Heideman and Joseph Prete abstained.

7. Consideration and possible approval of a contract award for a slurry seal project.

Arthur LeBaron recommends awarding the bid to American Pavement Preservation in the amount of \$195,218.66. They have worked for the City before, do a good job, and are the low bidder.

Kevin Thomas motioned to approve the contract award for a slurry seal project in the amount of \$195,218.66 to American Pavement Preservation. Seconded by Doug Heideman. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

8. Consideration and possible approval of a contract award for a chip seal project.

Arthur LeBaron advertised three bid schedules. Single chip, double chip, and chip sealing the dirt road on 900 South. Dirt road requires a different kind of product. The price for double chip and chip sealing 900 South exceeds the budget. He recommended continuing until they identify a way to fit this in the budget.

Joseph Prete motioned to continue awarding the contract for a chip seal project. Seconded by Kevin Thomas. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

9. Consideration and possible approval of a grading permit for Dennett Construction south of Quail Creek Industrial- Doug Dennett

Doug Dennett stated that this is ten acres zoned for RV parking which will help the County Fair with parking. He would like to move forward with the project. He has withdrawn the preliminary plat application.

Stephen Nelson reported that they are coming in before they have any approvals. He read the code 10-723. The code states that the Council can approve an authorized zoning administrator to approve the grading permit. This allows them to start the grading before they get all the approvals. Usually, the grading permit is not issued before the approved plans. Mr. Nelson recommends that the Council require a reclamation plan and bonding. He wants a permit provision that prevents them from doing more than the grading. The entire parcel must be graded because a lift station is necessary for future improvements to the new road.

David Hirschi motioned to approve only for the grading and subject to a reclamation plan and bonding the grading permit for Dennett Construction south of Quail Creek Industrial. Seconded by Kevin Thomas. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

10. Consideration and possible approval of a grading permit for Scholzen Products-Bruce Ballard

Joseph Prete motioned to table approval of a grading permit for Scholzen Products. Seconded by Dave Sanders. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

11. Discussion and possible approval of event parking at Sand Hollow on the Washington County Water Conservancy District's property - Dan Staheli

Dan Staheli was present. Mayor Billings stated that her meeting with Zach Renstrom was postponed until Tuesday. The Water District owns the four corners going into the Sand Hollow. Sand Hollow prefers that the parking area is fenced, so it is only used during events. Mr. Staheli stated that large events are coming to Southern Utah. A concert is planned this fall with an expected attendance of 40,000 people, and there is no parking in this area. This parking would allow them to comply with event parking. The park is closing during events because there is no parking. They will provide a shuttle service to get into the lake. Stephen Nelson stated that the City can allow temporary parking, but it has to be on the same property as the venue. The Water District has an application on file for a rezone. He needs to study it more. Mayor Billings will talk to the Water District and State Park before any decisions are made. Chief Excell and Mr. Vercimack would like to participate in the discussion. Councilman Sanders would like to have a traffic plan for the next meeting.

Doug Heideman motioned to continue event parking at Sand Hollow on the Washington County Water Conservancy District's property. Seconded by Joseph Prete. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

12. Consideration and possible approval of a Zone Change Amendment request located north of 3000 S and west of 2100 W to amend the zoning boundary on 160 acres already approved as R1-10 PDO, planned development overlay, and M-1 zone, light industrial, from 26.7 acres of M-1 to 31.83 acres of M-1 with the remainder remaining R1-10 PDO, Parcel number: H-3373-NP. Molly's View LLC Applicant. Richard Wedig Agent.

Mayor Billings reported that the Balance of Nature project needs to increase the industrial area. The Planning Commission gave a positive recommendation. There are 325 units proposed in the original application. If they increase the M-1 zoning, the 325

units are still compliant. Stephen Nelson does not recommend reducing the number of units. He reviewed the development agreement and discussed the necessary updates to the agreement. Councilman Prete feels that Balance of Nature is a great asset to the community. Mayor Billings reported that their runner bringing a sapling starts in Alabama in April and will be in Hurricane City in July. They want to do a celebration around the 4th of July.

Joseph Prete motioned to approve with the Planning Commission recommendations the zone change amendment located north of 3000 S and west of 2100 W. Seconded by Dave Sanders. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

13. Consideration and possible approval for a preliminary plat for Gateway at Sand Hollow Commercial, a 6 lot commercial subdivision, located between SR-9 and Sand Hollow Road. Western MTG and Realty Co Applicant. Brent Moser Agent.

Karl Rasmussen stated that this is part of the Sand Hollow Gateway PID. There will be a roundabout on Sand Hollow Road separating this subdivision. He discussed the businesses planned in the area. Construction drawings were signed today for Resort Blvd and Glampers Road. The funding is in place, and the applicant hopes to start soon. Stephen Nelson's concern is that the Utah Department of Transportation (UDOT) has not responded regarding their property that adjoins this development. Arthur LeBaron reported that state code requires that UDOT is notified when a land-use development affects their property. UDOT has forty-five days to respond. He recommends that this is continued until UDOT has responded.

Kevin Thomas motioned to continue until staff has met with UDOT. Seconded by Dave Sanders. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

14. Consideration and possible approval of an amended final plat for Pioneer Estates Lot 5 located at 252 S 1430 W. Pat Stone Applicant

Pat Stone explained that they are requesting to split their one-acre lot into two lots to build two separate homes. Councilman Prete mentioned that a utility easement needs to be recorded on the plat. Stephen Nelson explained that the City utilizes the easement on the north of the property for utility services. The presented plat has eliminated the easement, but it must be retained.

Joseph Prete motioned to approve the amended final plat for Pioneer Estates Lot 5 located at 252 S 1430 W. with the condition that utility easement is added to the plat. Seconded by Kevin Thomas. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

1 **15.** Consideration and possible approval of a preliminary plat for Sand Hollow
2 Mancaves located at the northeast corner of Sand Hollow Road and Abbey
3 Road. Dixie Man Caves LLC Applicant. Jason Miller Agent

4 Jason Miller discussed the concept of the mancaves. The Planning Commission
5 requested CCRs, which he has provided. Stephen Nelson explained that these are
6 luxury storage units. He thinks the Planning Commission had concerns of overnight use,
7 long-term residential stay, and industrial warehousing is not permitted in this zoning.
8 They want documentation showing restrictions that keep the project within the permitted
9 zoning and list the intended use. Mr. Miller stated that the CCRs address those
10 concerns, and he provided their proposed plan. The bathrooms and showers are
11 permitted.

12 There will be an HOA to enforce the CCRs. A property management company will
13 manage the property. The estimated cost for a unit is between \$450,000 and \$600,000,
14 depending on what the owner wants inside their unit. These units are in high demand.
15 Mr. Nelson noted that infrastructure and road improvements are necessary. Staff
16 comments need to be included in the motion. CCRs are typically reviewed with the final
17 approval.

18 Joseph Prete motioned to approve the preliminary plat for Sand Hollow Mancaves
19 located at the northeast corner of Sand Hollow Road and Abbey Road, subject to staff
20 and JUC comments. Seconded by Dave Sanders. Motion carried unanimously with
21 David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting
22 aye.

23 **16.** Consideration and possible approval for a **preliminary plat for Elim Estates**, a
24 135 lot subdivision located at approximately 1400 S 4300 W. Bright Ideas REI
25 Applicant. Adam Allen Agent.

26 Adam Allen was present. The subdivision is in the Sand Hollow Gateway, on the
27 northeast corner of the Marla Subdivision. There are 135 lots with R1-8 zoning. The PID
28 to the north will have parks and amenities. Stephen Nelson stated that the infrastructure
29 needs to be updated. Parks and other amenities are not required in single-family
30 zoning. The density is already set, and this matches the zoning.

31 Kevin Thomas motioned to approve the preliminary plat for Elim Estates, a 135-lot
32 subdivision located at approximately 1400 S 4300 W subject to staff and JUC
33 comments and the road alignment up. Seconded by Dave Sanders. Motion carried with
34 Dave Sanders, Kevin Thomas, and Doug Heideman voting aye. David Hirschi, nay.
35 Joseph Prete abstained.

1 **17. Discussion and possible decision on renewing the contract with Granicus or**
2 **hiring a new position for licensing and reviewing vacation rentals - Mayor**
3 **Billings**

4 Granicus cannot enforce the code. The City's current code does not allow enforcement.
5 They monitor the number of vacation rentals and provide the information to staff. The
6 contract with Granicus is \$47,000 a year. Mayor Billings questioned if having a full-time
7 employee was the better option. Kaden DeMille stated that the Granicus contract is less
8 than a full-time employee. Councilman Prete explained that unlicensed vacation rentals
9 had become a big problem in the past year. The City contracted with Granicus to locate
10 all the rentals. The State does not allow the City to use advertisements to enforce
11 vacation rental ordinances. Granicus helps the City gather sufficient evidence to enforce
12 the ordinances. He would like to renew the contract for another year.

13 Joseph Prete motioned to approve renewing the contract with Granicus in the amount of
14 \$47,000. Seconded by Dave Sanders. Motion carried unanimously with David Hirschi,
15 Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

16 **18. Discussion regarding a water conservation ordinance**

17 Mayor Billings reported that the Water Board and Planning Commission have reviewed
18 the proposed ordinance. Councilman Prete provided the Council with Southern Utah
19 Home Builders Association positions on the water issue. Mayor Billings reported they
20 are in favor of the hot water recirculation, but they do have other concerns about some
21 of the recommendations. Stephen Nelson stated that Water Board knows water
22 conservation is important, and they want to work with other entities, but they want to
23 retain the rights of the City to make their water conservation choices. The Water Board
24 would like more incentives as opposed to more restrictions.

25 Mayor Billings expressed that the City does need to conserve water and be good
26 stewards. It is important to learn how to access and retain water. Ken Richins stated
27 that the water conservation ordinance requires all new developments to adopt the
28 landscape ordinance, but they are not requiring existing properties to remove their
29 grass. Councilman Prete asked Drew Ellerman how Washington City is addressing the
30 ordinance. Mr. Ellerman stated they are in the process of adopting the ordinance with
31 some changes. St. George City adopted a stricter policy because the City consumes
32 more water than any other City in the United States. Mr. Ellerman will send over the
33 ordinance Washington City is proposing.

34 **19. Discussion and possible approval of a part-time position to transcribe meeting**
35 **minutes-Mayor Billings**

1 Mayor Billings noted that the minutes for City Council and Planning Commission are six
2 months behind. The City is considering hiring an outside source to transcribe the
3 minutes. This is a part-time position.

4 David Hirschi motioned to approve a part-time position to transcribe meeting minutes.
5 Seconded by Joseph Prete. Motion carried unanimously with David Hirschi, Joseph
6 Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

7 **20. Discussion on short term rental ordinance-Mayor Billings**

8 Stephen Nelson stated that staff has been working on this ordinance for a long time.
9 Currently, code enforcement is managed through the criminal system, making it difficult
10 to enforce. This proposal is to move to the civil enforcement system. This allows staff to
11 issue a citation. There has to be a fee schedule for the fines and an appeal process.
12 The hearing officer must have a neutral position and should not be an employee. The
13 goal is to start with this ordinance focusing on short-term rentals and incorporate other
14 nuisance penalties in the future. Councilman Prete would like to have standards that
15 only allow the hearing officer to waive the civil penalty on the first violation. He would
16 like staff to research whether the City can record liens on properties for unpaid
17 citations.

18 **21. Discussion on the infrastructure needed in Hurricane City- Mayor Billings**

19 Mayor Billings turned the time over to Kaden DeMille to discuss infrastructure and
20 working with the PIDs. Mr. DeMille feels that the City should be cautious about the
21 infrastructure they allow to go through the PIDs. The City should only be responsible for
22 the infrastructure, not waterways and amenities. There are options to finance the
23 infrastructure through PID's with an SSA tax or property taxes. The PID is proposing
24 property taxes. There are other fundings that developers can use, but they could be
25 more harmful to the residents. Another option is to have the developers install what they
26 need as they go.

27 Councilman Prete believes there is an infrastructure gap. The City does not have
28 regional roadways, water, sewer, power, or public facilities in the southern part of the
29 City. Developers want to build projects further away from the current infrastructure. The
30 easiest way to develop is to start with the infrastructure in place and work outward.
31 Extending infrastructure to the south end of town is more expensive because of the
32 distance. Large developments are expected to provide benefits that are proportionate to
33 their impact. The added value being presented by the PID's is not necessarily an added
34 value. There is an infrastructure problem, but it can be addressed in other ways. He
35 questioned if a dual-track impact fee makes sense. Arthur LeBaron stated that dual-
36 track impact fees could be an option by having each region analyzed. Ken Richins
37 stated that impact fees cannot be used as collateral. They can be used to pay down the

1 debt, but the City cannot bond against them. Mr. DeMille agrees that this is not an easy
2 decision. There are pros and cons with however it is funded.

3 Councilman Sanders acknowledged that the previous Council made these decisions. All
4 these developments are approved. There are benefits to the PID. We need connectivity
5 from the south to the center of town. The north-south corridor is another necessity. The
6 City has to find a way to get infrastructure to the south. He is unsure if bonding is the
7 best way to do that.

8 Councilman Prete reported that there are two types of possible bonds. The City can
9 borrow money and use the revenue to pay it back. This type of bonding does not affect
10 taxes. The second is the general obligation bond which requires voter approval and is
11 harder to pass. The City does not want to go the route of general obligation bonding.
12 Mr. Demille noted that using the revenue to pay back the bond takes money from other
13 areas.

14 Mayor Billings suggested approving the PID for the major infrastructure, and the
15 developer has to fund the rest. Councilman Prete stated that if the PIDs are not passed,
16 the City needs to prioritize infrastructure and get a plan for moving forward.

17 Mr. Vercimack suggested that there is more to learn about PID's. This is a complicated
18 situation, and the City is collaborating with developers to address the infrastructure.
19 They did come in below the mill levy. Councilman Hirschi thinks approving the PID will
20 speed up growth. Once approved, he feels like the developments within the PID will feel
21 entitled to more zone changes. Councilman Prete is also concerned with the size of the
22 PID's. These areas are going to be bigger than the existing Hurricane area.

23 **22. Closed Session** Joseph Prete motioned to go into a closed session. Seconded
24 by David Hirschi. Motion carried unanimously with David Hirschi, Joseph Prete,
25 Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

26 **Adjournment** 12:23 p.m.

Minutes of the Hurricane City Council meeting held on October 7, 2021, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 4 p.m.

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

Also Present: City Manager Kaden DeMille, City Attorney Fay Reber, Police Chief Lynn Excell, Power Superintendent Scott Hughes, Public Works Director Mike Vercimak, Planning Director Stephen Nelson, City Engineer Arthur LeBaron, HR Director Beccie Williams, City Recorder Cindy Beteag, Deputy Fire Chief Kevin Gildea, Ash Creek Superintendent Mike Chandler, and Recreation Director Kole Staheli

AGENDA

4:00 p.m. Presentation and discussion on floodway modeling options on Gould Wash-Arthur LeBaron

Present: Darin Larson, Nanette Billings, David Sanders, Joseph Prete, Arthur LeBaron, Stephen Nelson, Kaden DeMille, Scott Hughes, and Cindy Beteag. Jamie Huff and Angelia Crowther were online.

Arthur LeBaron explained the purpose of this meeting is to discuss the two different scenarios that have been presented from FEMA on the floodway for Gould's Wash. He asked Jamie Huff and Angelia Crowther from the Utah Division of Emergency Management to explain the different methods. Ms. Huff stated they are conducting a study for multiple washes in Washington County in order to more accurately portray the floodway and update the maps. The current map was adopted in 2009. There is a letter of map revision that became effective in 2017. They started the current study in 2018. They received funds from FEMA to do the study. They have been developing data for the 110 miles of wash since 2018. They need the City's input on the next step. She showed Council the current map and explained what each color means. Mr. LeBaron stated the previous study showed water going down the channel, but the new study shows water leaving the channel. The new study will show where the water goes and how it poses as a hazard. Ms. Huff explained FEMA doesn't allow them to downgrade a floodway. Their challenge is to include a floodway that meets FEMA mapping guidelines. There are two approaches that we can move forward with. One option is the regulatory floodway option, and the second option is administration floodway option. Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Administrative floodway appears similar to the current effective Floodway, but it is not a regulatory floodway. Ms. Huff explained the pros and cons of each option. They prefer the regulatory option.

Nanette Billings asked if we could leave it how it is currently mapped. Ms. Huff stated FEMA is not willing to abandon the study because the maps show the current floodway is flawed. If the updated maps are approved, it would expand the floodplain and floodway. There is still a couple of years before this study is finalized and updated maps are effective. At that time, existing homeowners in the new floodplain would be required to have to flood insurance. Mr. LeBaron is working with the NRCS to design a detention basin. His hope is these two processes will combine but there might be a few years with this new mapping before then basin is finished. There is a risk, and something needs to be done. Council asked if other options were available. Deeper wash, concrete washes etc. Mr. LeBaron explained we have 2000 cubic feet per second of water that our current wash can't accommodate. We would have to take a lot of homes and infrastructure out to make that work. Making the wash deeper wouldn't help, only wider would. The NRCS project will help with a lot of the concerns. Mr. LeBaron explained if the

new map was approved and then the NRCS improvements are done, we would have to do a Letter of Map Revision. That is an easier process. Joseph Prete commented there is a strong argument to abandon the study and not change things since we already have something in motion. Mr. LeBaron agreed but the risk is here today. We have to decide what is the bigger liability. Today's decision is what option to do. No communities have the administrative floodway in Utah.

Mr. LeBaron stated if we did the administrative option the City would have to require a hydraulic analysis on every new structure. Ms. Billings thinks administration would be better because it is less area. Council wants more time to think about it and have time to look at all the pros and cons.

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

Mike Chandler mentioned their bidding for the Reach 11 project is on Tuesday. They anticipate starting in late November. It will have a lot of impact on Sand Hollow Road. The City is not participating in this project. Power poles may not need to be moved in the Sand Hollow area.

Scott Hughes commented they are moving forward on getting capacity out South. They are looking at taking power down 1100 West. Dave Sanders stated water and roads need to be done at the same time. Arthur LeBaron pointed out the need right now is power but if we are doing easements then they need to be big enough to accommodate all needs. Mr. Hughes stated they are looking at ordering another transformer because they are two years out.

Kevin Gildea stated they are extending offers for employment but are still hiring for other positions.

Kole Staheli commented the fall recreation leagues are running smoothly. Programming is very successful. We have more kids signed up for dance than ever before. They were able to involve special needs citizens in some of the programming. Darin Larson mentioned the Rotary Club wants to partner with the City to do an all-ability park. Mr. Staheli stated they are gearing up for a few upcoming events like the neon night run and the annual tree lighting in November.

Chief Excell introduced new employees, Sadie Lewis and Baylee Bradshaw will be on Animal Control. Tanner Pike and Jeremy Lambson will be at the Police Department. Riley Rodriguez was also hired and will come to a meeting in the future. Jimmy Duffey will be coming back as a reserve. There will be a swearing in ceremony next week and Council is invited. Officer DeHart resigned, and we lost Officer Carlson. Officer Torres is now the K9 unit. He will go to the academy next year to get certified. There was a press release today on yesterday's incident. All agencies were involved including SWAT. Steve Gilbert offered his helicopter to help find the suspect. Twelve vehicles were shot by the suspect. There was one injury from glass breakage but no fatalities. Four of the vehicles that were shot were in Hurricane. The suspect shot at our officers. They returned fire but did not hit him. The suspect is in the hospital in critical condition from a self-inflicting gun wound. He has an intensive background of charges.

Arthur LeBaron stated they are dealing with a lot of development inquires. He is spending a lot of time on right of way acquisitions and the bell tower project. The money is adding up fast for the bell tower. He is still working on 700 West north of 100 North. There are still a few holdouts on the 2800 West right of ways acquisition and then it will be ready to be bid out. He met with IHC last week regarding 100 North. He expects some revised drawings soon. Their construction drawings are still a few weeks out and then they'll have to do a final site plan.

Stephen Nelson went to Utah League last week. Most cities are feeling the push with development. He mentioned Mr. Resch has sent the first batch of enforcement letters. Mr. Nelson is working on plans for south of town. He will bring options to the next meeting.

86 **6:00 p.m. - Call to Order –**

87 Pledge: Nanette Billings Prayer: Joseph Prete

88 Mayor Bramall joined the meeting at 6:08 p.m.

89 Approval of Minutes: June 03, 2021, and June 17, 2021

90 Nanette Billings motioned to approve the minutes. Seconded by Dave Sanders. Motion carried with
91 Nanette Billings, Darin Larson, and Dave Sanders voting aye. Joseph Prete abstained.

92 **Public Forum – Comments From Public**

93 **OLD BUSINESS**

94 **1. Consideration and possible approval of a proposed Land Use Code amendment to Title 10-**
95 **chapter 7, regarding Building Permits.**

96 Council directed staff and the Planning Commission to look at this code to reevaluate requirements on
97 building permits for larger lots. The current code requires a property owner to dedicate road frontage
98 and make improvements. We have had a couple property owners come in and the Council waived the
99 requirements. The proposed code gives some exception to the requirement. Stephen Nelson read the
100 proposed changes. There has been debate on who should make the decision of what the rough
101 proportionality is. The proposed updates do allow a property owner to appeal staff's decision, but it
102 gives a checklist for the Planning Commission to consider. Fay Reber made suggestions to item F giving
103 power to the Planning Commission. Several Department Heads have concerns with this because it could
104 cause problems in the future if the roads are hodgepodge and owners aren't required to dedicate
105 roadways. Another concern is making a big change could open doors that we don't anticipate. Darin
106 Larson likes to streamline the process, and this has a lot of layers. Nanette Billings feels this gives
107 residents other options. Joseph Prete commented rough proportionality is hard to determine the right
108 number. There have been a lot of issues over the last few months. He doesn't think 2.25 acres is
109 arbitrary. He thinks it would be beneficial to vet Stephen Nelson and Dayton Hall's comments and come
110 to an agreement.

111 Nanette Billings motioned to continue the Land Use Code amendment. Seconded by Joseph Prete.
112 Council asked staff to have two versions next time to compare. Motion carried with Nanette Billings,
113 Darin Larson, Joseph Prete, and Dave Sanders voting aye.

114 **NEW BUSINESS**

115 **1. Consideration and possible approval of a Domestic violence Proclamation-Lindsey Boyer, DOVE**
116 **Center**

117
118 Joseph Prete asked where the facts stated in the paragraphs come from. Tiffany Mower explained they
119 are researched facts that the Country Attorney's Office reviews. The numbers are a little different from
120 last year, but they had to use the same number due to COVID and timing. Ms. Mower is the Victim
121 Service Coordinator for the eastern part of Washington County. She is part of the group called the
122 Washington County Coordinated Response Team. This team works with goals to help survivors and
123 those affected by domestic violence. In Utah 1 in 3 women or 1 in 7 men are affected by domestic
124 violence. It has been on the rise since COVID. Along with the numbers come more aggressive violence.
125 Our community is growing rapidly so we need to work together and spread awareness. We need to
126 teach safe and healthy standards. She thanked the Council for joining in their effects.

Nanette Billings motioned to approve the Domestic Violence Proclamation. Seconded by Darin Larson. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

Darin Larson motioned to go into a public hearing. Seconded by Joseph Prete. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

2. Public Hearing to take comments on the following:

- a. A request for a right of way abandonment of 290 North and Old Hwy 91

No Comments.

Darin Larson motioned to go out of public hearing. Seconded by Joseph Prete. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

3. Consideration and possible approval of a right of way abandonment of 290 North and Old Hwy 91

The applicant wants to consolidate lots to make them more build-able and bring the cul-de-sac into compliance. There is Rocky Mountain Power easement in the back. Staff sent letters and called Rocky Mountain to see if they have any objections, but they haven't heard anything back from them. Council discussed their easement and if they could access it another way. There is already a utility easement, but we don't want to limit their access to the easement. It is all overhead power in this area.

Nanette Billing motioned to approve the Resolution abandoning 290 North with the condition the easement to Rocky Mountain easement will be on the final plat before it can record. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

4. Consideration and possible approval of a proposed amended final plat, the Port at Gateway, Lots 1, 3, & 3A Second Amendment, located at 290 N and approx 5450 W. Rick Norton Applicant, Pro Value Engineering Agent.

Stephen Nelson stated the same condition should apply to this one. There are extra approval boxes on the plat that need to be removed. They need to add an amendment note stating what has been amended.

Dave Sanders motioned to approve the amended final for the Port at Gateway with the condition the easement to Rocky Mountain will be on the final plat before it can record, and the above changes are done. Seconded by Nanette Billings. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

5. Consideration and possible approval of adoption of a Letter of Map Revision on Gould Wash-Arthur LeBaron

The appeals period that was advertised has ended and no comments were received. It is ready to now be adopted. The FEMA study is not far enough along for them to submit an appeal. Joseph Prete asked if

173 this will create exposure to the City due to what was presented at the work meeting. Arthur LeBaron
174 stated no this is based on what is approved now. FEMA sent a letter of determination stating they are
175 okay with it pending going through the appeals period.

176
177 Nanette Billings motioned to approve the adoption of a Letter of Map Revision on Gould Wash.
178 Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave
179 Sanders voting aye.

- 180
181 **6. Consideration and possible approval of a proposed zone change located at 1205 S 400 W from**
182 **RA-0.5 to R1-15 to split the lot that complies with the zoning. Parcel number H-3-2-3-226.**
183 **Beau Davis Applicant.**

184
185 Beau Davis wanted to split the parcel into two half acre lots, but the lot size wasn't right because a
186 previous owner dedicated some land for the road. To meet zoning requirements, he needs it rezoned to
187 third acre to split the lots. Stephen Nelson explained when property is dedicated to the City the current
188 use is grandfather in but not future uses. The simplest solution is to change the zone.

189
190 Joseph Prete motioned to approve the zone change based on staff comments regarding the four criteria
191 points and the Planning Commission recommended approval. Seconded by Nanette Billings. Motion
192 carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

- 193
194 **7. Consideration and possible approval of a proposed zone change request located at 65 E 200**
195 **South on the portion that is RM-1, multifamily 6 units per acre, to GC, general commercial to**
196 **match the rest of the property. Parcel number H-63-B-1. Saint Paul Catholic Center Applicant,**
197 **David Bittmenn Agent.**

198
199 The Catholic Church has a thrift shop that is overflowing. They want to expand to the proposed
200 property, but they need a zone change to do that. They will have to do site improvements. This change
201 conforms to the future downtown plans.

202
203 Darin Larson motioned to approve the zone change based on there are adequate facilities to it, it is
204 harmonious the surrounding uses, no negative effect on the adjoining properties and it is matches the
205 General Plan. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph
206 Prete, and Dave Sanders voting aye.

- 207
208 **8. Consideration and possible approval of a proposed amended final plat for The Port at Gateway,**
209 **Lot 2 Amendment, located at 290 N and Old Highway 91. CWZ Inc Applicant. Clint Waters**
210 **Agent.**

211
212 Stephen Nelson explained now that the cul-de-sac has been approved to be shorter, the future road is
213 no longer needed. Staff would like assurance no other water lines are needed and fire has signed off. He
214 would like construction drawings signed before this is recorded. The plat needs an amendment note,
215 owners' dedication block and remove some of the blocks on the bottom.

Joseph Prete motioned to approve subject to staff and JUC written comments and comments as stated on the record. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

9. Consideration and possible approval of a grading permit for parcels H-WALM-A & H-3-1-31-3000 east of Walmart-Colt Stratton

Colt Stratton stated this property is east of Walmart. They would like to grade it to match the existing pads. They are working on the town homes behind it, so they want to blast it and grade it before the town homes are built to avoid future problems. Council doesn't approve grading permits; they grant permission for the Zoning Administrator to issue the permit. They will submit bonding and a grading plan for staff to review.

Dave Sanders motioned to approve staff accepting an application for a grading permit. Seconded by Nanette Billings. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

10. Mayor and Council reports

Mayor Bramall	Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineering -
Nanette Billings	Parks & Cemetery, Appeals Board, Airport, Historical Preservation, Solid Waste District and Youth Council – Ironman World will be here in May and LPGA will be at Copper Rock. Does the City want to allow families to host people, or should they be required to stay in hotels or vacation rentals? Mayor stated leave it up to the people to choose.
Darin Larson	Planning Commission, Economic Development, Planning Department, Power and Swimming Pool -
Joseph Prete	Court, Water, Recreation, Tree Board and Beautification Committee – He attended Utah League and one of the classes was on drones and their future involvement. He also attended a PID presentation. There were two speakers one pro and one reluctant who had more restrictive rules than we do. He thinks Council should listen to the presentation.
Dave Sanders	Emergency Management, Streets & Drainage, Prosecutor's Office, Code Enforcement and Building and Inspections -
Kevin Tervort	Ash Creek Special Service District, Golf Course, Industrial Park, Mosquito Abatement, Fire District -
Kaden DeMille	City Administration – Our Airport Attorney will be at the next meeting. April Hill has relocated out of State. Crystal Wright has taken her place. Kendra Rich will step into payroll, and they will open up the utility position. The bid for the equestrian park didn't include lighting and possibly stadium seating. He is looking at apply for transient room tax money to help pay for them. He will be gone tomorrow for Economic Development Director interviews.

Closed Session

Joseph Prete motioned to go into a closed session. Seconded by Nanette Billings. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

Adjournment: 8:40 p.m.

Minutes of the Hurricane City Council meeting held on May 5, 2022, in the Council Chambers at 147 North 870 West, Hurricane, Utah, at 4:00 p.m.

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

Staff Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Lynn Excell, Power Superintendent Scott Hughes, Public Works Director Mike Vercimack, Planning Director Stephen Nelson, Street Superintendent Weston Walker, Recreation Director Tiffani Wright, City Engineer Arthur LeBaron, Planning Technician Brienna Spencer, Ash Creek Special District Mike Chandler, and Fire Chief Tom Kuhlman.

AGENDA

4:00 p.m. Work Session regarding floodplain training

Angela Crowler, the State Floodplain Manager, presented the National Flood Insurance Program (NFIP) managed by FEMA to the City Council. Flash flood is on the rise in Utah. Fifteen presidentially declared disasters in Utah were flood-related. This is a voluntary program that gives communities eligibility for disaster insurance. The City has to opt into the program. There are currently twenty-five flood insurance policies through the NFIP in Hurricane City. Nine of the policies are in high-risk areas. That number does not include the private insurance policies in Hurricane City. Councilman Thomas asked if the twenty-five policyholders were required by their mortgage company to have flood insurance or did they voluntarily opt for coverage. Ms. Crowler shared that the nine policies in high-risk areas were likely required to have flood insurance. Councilman Hirschi clarified that if the Council chooses not to opt into the program, residents will not be able to obtain flood insurance through the NFIP.

Ms. Crowler discussed the NFIP requirements for communities that opt-in. Councilman Prete asked about the timeline for probation and suspension. Ms. Crowler shared that depending on the severity of the concerns, the probation period could be a year or more. FEMA does not want to put a community on probation or suspend them. If a community is on probation and fails to make the required improvements, FEMA will start the suspension process. Councilman Prete asked what the benefit is of NFIP when there is private insurance. Ms. Crowler stated that NFIP is consistent and federally backed. They do not deny insurance coverage, and there is a chance that private insurance will not insure the property.

Councilman Thomas asked how many cities are participating in Utah. Ms. Crowler stated that 228 cities are participating, and she thinks there are 290 cities within the state. Councilman Heideman asked how often the City needs to renew its participation.

1 Ms. Crowler reported that renewal is in conjunction with new studies. It does not cost
2 the City anything to opt-in, but there are requirements for the floodplain administration
3 personnel to attend specific training. Councilman Sanders asked who initiated this study
4 and why the NFIP is not helping with the detention basin for the reservoir. Arthur
5 LeBaron stated that this study was completed to convince the NRCS of the present
6 danger that needs to be mitigated. Ms. Crowler stated that Hurricane City is the sponsor
7 of the NRSC detention basin. The study identified the modeling flaws, and the NIFP is
8 obligated to show where the risk is.

9 This study is FEMA funded. Ideally, NFIP would like to update maps every five years,
10 which is difficult because the state does not have funds for that. Heavy thunderstorms
11 are becoming the most prominent issue. Multiple communities in Washington County
12 are going through this process. Councilman Prete stated that the proposed maps
13 increase the flood area. Ms. Crowler reviewed the current and drafted map. The risk
14 today is different than what the current maps are showing. Gould's Wash cannot handle
15 the water volume in a one percent annual chance event.

16 Mayor Billings asked if the channel was cleared of debris, will there still be an issue. Ms.
17 Crowler reported that the map projections are based on a clear channel. Mr. LeBaron
18 stated that they work hard to represent the channel properly when they model a
19 channel. The City has put in much effort to clear the channel. Councilman Prete asked if
20 the community opts-in does this give FEMA assistance to those affected by a flood but
21 are not within a floodplain. Mr. Crowler explained that FEMA defers to private insurance
22 first, and there is no guarantee of FEMA assistance.

23 Mark Drawe declared conflict because he lives in the area and sells FEMA insurance.
24 He reported that flood insurance deductibles typically start at \$1,000. Depending on the
25 flood zone, annual premiums can go up as high as \$5,000. Most properties are
26 underinsured even with a FEMA plan, and it is hard to get money from FEMA.

27 Ms. Crowler explained the difference between the Regulatory Floodway and
28 Administrative Floodway. Councilman Prete asked what the time frame is for the
29 completion of the study after the Goulds Wash retention is complete. Ms. Crowler stated
30 that it could take more than eighteen months.

31 **5:00 p.m. Pre-meeting** - Discussion of Agenda Items, Department Reports

32 Ken Richins stated that Dallin Wadsworth had given his two weeks' notice. He accepted
33 a position with Washington City. He went over updated information for New Business
34 agenda item # 4. They are now requiring a wet irrigation water system and a dry
35 system. The item should be continued until after Dayton Hall reviews it.

36 Tiffani Wright shared that the Recreation Department is slowly getting up to full staff.
37 The pool opened last week. School parties cannot be accommodated because the rec

1 center does not have enough lifeguards. Summer programming is starting soon. She
2 asked for direction on requirements for the Farmers Market. City Manager Kaden
3 DeMille stated that all required safety and health measures should be implemented. A
4 community member stated that people preparing food are required to have a food safety
5 handlers permit. Mayor Billings stated that more details should be discussed on
6 managing the Farmers Market. Councilman Prete feels it is important to promote
7 agriculture as he does want to add roadblocks.

8 Chief Excell shared that the police department is interviewing for an officer position. The
9 Crime Scene/Evidence Technician tech starts May 23rd providing she finds housing.
10 The intern in that division is starting in June. Officer Torres is going through the K-9
11 training in Salt Lake City, and Cole Hansen is in the academy. Kasen Kennedy was
12 rehired, and he started on Monday. There are six officers in the in-field training program
13 and three officers attending Emergency Vehicle Operations School.

14 Mike Chandler reported that Interstate Rock is currently working on the settlement and
15 patching on 3000 south. This is a temporary solution. They are working with a firm to
16 get ground penetration radar to verify that there are no additional voids. There are more
17 odor complaints when the weather gets hot, and they don't discourage the complaints
18 because it helps identify corrosion. Councilman Prete asked at what point does growth
19 becomes too much for our ponds to handle. Mr. Chandler stated that there are eight to
20 twelve years of continuous flow coming into the lagoons at the current growth rate. The
21 Confluence Park treatment plant will help ease that capacity.

22 Chief Kuhlman shared that Deputy Chief Kevin Gildea retired, and Joe Decker is the
23 new Deputy Chief. Twenty firefighters have graduated.

24 Mike Vercimack reported that twenty-four building permits were issued this week. The
25 slurry seal project is behind schedule because some materials did not meet the
26 specifications. The paving project on Hwy 91 in the Industrial Park is complete.

27 Fred Resch III shared that he got a complaint that he doesn't do enough code
28 enforcement and another that he does too much.

29 Stephen Nelson shared that the Open House for the Moderate-Income Housing
30 Program is on June 8th. They are doing citizen surveys. The City is required to approve
31 a new plan by October. He went over the timeline and steps to have the plan ready for
32 approval in October.

33 Dayton Hall is the new City Attorney. It was a busy week, and he could not review
34 everything on the agenda. Many items were removed from the agenda because they
35 didn't follow the correct procedure.

Councilman Prete shared that he had a tour of Three Falls Elementary this week, and there is concern about the safety of the path. The path the children are walking on is not paved and does not have sidewalks.

6:00 p.m. - Call to Order –

Mayor Nanette Billings welcomed everyone to the meeting.

Prayer: Dave Sanders

Thought: Mayor Billings shared a thought about recognizing fallen officers. She extended appreciation for Police Chief Lynn Excell.

Pledge: Mayor Billings

City Attorney Dayton Hall read a resolution that Hurricane City backs the blue and HONORS Law Enforcement for the month of May.

Awards given to "Our Heroes in Action"

Officer Omar Torres. Officer Darrin Richmond. Officer Steve Johnson. Officer Trent Leslie. Officer Ryan Erickson were awarded for going above and beyond their job.

Declaration of any conflict of interest.

Kevin Thomas declared a potential conflict of interest regarding the airport lighting.

Discussion and possible approval of an **all-abilities park in Dixie Springs-** Rotary Club

Marv Marcus is the President of the Hurricane Valley Rotary Club. Mr. Marcus explained that their motto is the Service above Self. Darin Larsen shared that they propose to use the open area of Dixie Springs Park as an all-abilities park. Dixie Springs Park already has bathroom facilities and parking spaces. He provided a presentation representing some of the features that can be included in the park. Matt Wetzel with Matt's Off Road Recovery presented the Rotary Club with a \$100,000.00 check. The Rotary Club asks for \$200,000 from the City to go towards this park. Mr. Larsen proposed that the City donates \$100,000 this year to get equipment ordered and another \$100,000 next spring.

Doug Heideman motioned to procreate \$100,000 this year and \$100,000 next year to the rotary club from the Dixie Springs bond fund for the all-abilities park. David Hirschi seconded the motion. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

1 **Public Forum – Comments from Public**

2 **Consent Agenda**

3 Mr. Hall explained the purpose of the consent agenda. All the items on the consent
4 agenda can be approved with one motion, and items that need more discussion can be
5 removed from the consent agenda.

6 Doug Heideman motioned to move item #3 from the consent agenda to item #1 on New
7 Business. Seconded by Dave Sanders. Motion carried unanimously with David Hirschi,
8 Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

9 Joseph Prete motioned to approve Consent Agenda items #1,2,4,5,6. Seconded by
10 Kevin Thomas. Motion carried unanimously with David Hirschi, Joseph Prete, Dave
11 Sanders, Kevin Thomas, and Doug Heideman voting aye.

12 David Hirschi motioned to move Old Business item #7 to item #5 on New Business and
13 to continue New Business item #3 for Bench Lake LLC at the applicant's request.
14 Seconded by Doug Heideman seconded the motion. Motion carried unanimously with
15 David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting
16 aye.

17 **1. Consideration and possible approval of Resolution 2022-18 supporting local**
18 **law Enforcement**

19 **2. Consideration and possible approval of Ordinance 2022-20 amending 8-4-4**

20 The rate changes were approved. This agenda item is an amendment of the ordinance
21 to match the approved fees.

22 **3. Resolution 2022-21: Discussion and possible approval of a resolution**
23 **appointing Kelby Iverson to the Planning Commission**

24 Councilman Sanders is concerned that there is no involvement from the Dixie Springs
25 area. Stephen Nelson stated that Michelle Cloud lives in Dixie Springs. Rebecca
26 Bronemann and Ralph Ballard live in the north section of the City. Councilman Prete
27 does not have any concerns with Kelby Iverson. Councilman Heideman is concerned
28 because Mr. Iverson is on the Water Board. He is uncomfortable with having one
29 person on two boards. Others declined. Mayor Billings reported that others she
30 approached for the position denied her request. She chose Mr. Iverson because he is
31 familiar with agriculture. Mr. Hall shared that the City ordinance does not prohibit
32 serving on multiple boards. Councilman Prete thinks Mr. Iverson would be a good voice,
33 but he is uncomfortable with him serving on two boards.

1 **4. Consideration and possible approval of a Proclamation designating May 13 as**
2 **Arbor Day**

3 **5. Minutes of the Special City Council Meeting for February 28, 2022, and regular**
4 **meeting September 2, 2021**

5 **6. Consideration and possible approval of an Interlocal Agreement with**
6 **Washington County for funding to construct the Hurricane Equestrian Park**

7 The money comes from the Washington County Tourism Advisory Board, and the City
8 will receive \$308,600.

9 **OLD BUSINESS**

10 **1. Ordinance 2022-12: Consideration and possible approval of a Land Use Code**
11 **Amendment to Title 10, Chapter 15, regarding Planned Commercial**
12 **development standards**

13 Stephen Nelson reviewed the changes to the setbacks, the live-work units, and the
14 change of minimum twenty percent of the development area shall be used as
15 commercial and twenty percent as long-term residential. He discussed the changes to
16 each section and the additional sections. Mr. Nelson reported that current law does not
17 allow councils to require a developer to do inclusionary housing, but they can offer
18 incentives. He and the City Attorney reviewed the amendment, and he is comfortable
19 with the City Council moving forward with this. Councilman Prete suggested a revision
20 to Subsection E. Possibly rewording it to increase density up to twenty units. The City
21 can look at both options to evaluate the increase. Councilman Hirschi is concerned that
22 this will set a precedence for developers.

23 Dwaine Shallenberger supports the ordinance. He thanked the Council and staff for
24 their time in this matter.

25 Joseph Prete motioned to approve Ordinance 2022-12 in its latest draft with revision to
26 Subsection E instead reads there is a density bonus of up to seventeen for commercial
27 division and up to seventeen for affordable housing provision. Up to twenty if they do
28 both. Seconded by Dave Sanders. Motion carried with Doug Heideman, Kevin Thomas,
29 Joseph Prete, and David Sanders voting aye. David Hirschi voted nay.

30 **2. Consideration and possible approval of a reimbursement agreement for the**
31 **Cordero Development, to provide impact fee vouchers for reimbursement for**
32 **master plan roadways and waterlines.**

33 Mr. Nelson stated that the applicant is request a significant reimbursement for regionally
34 based infrastructure. The City has tentatively agreed because most of this is beyond

1 their impact. Based on the latest water model, the City Engineer does not think they will
2 qualify for reimbursement of the waterline. He recommends tabling the item until the
3 details are worked out.

4 Joseph Prete motioned to table the item. Seconded by David Hirschi. Motion carried
5 unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and
6 Doug Heideman voting aye.

7 **3. Consideration and possible approval for a preliminary plat for Gateway at**
8 **Sand Hollow Commercial, a 6-lot commercial subdivision**, located between
9 SR-9 and Sand Hollow Road. Western MTG and Realty Co-Applicant. Brent
10 Moser Agent.

11 Mayor Billings asked if approval was received from UDOT. Karl Rasmussen reported
12 that the requirements are changing. He requested to table the item.

13 Joseph Prete motioned to table the item. Seconded by Dave Sanders. Motion carried
14 unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and
15 Doug Heideman voting aye.

16 **4. Consideration and possible approval of Ordinance 2022-23 updating code 7-1-8**
17 **Off-Highway Vehicles**

18 Dayton Hall reviewed this and did not have any concerns, but it is not ready to adopt.
19 Councilman Prete would like to discuss the content and concepts.

20 Dave Sanders motioned to continue the item for two weeks. Seconded by David Hirschi.
21 Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin
22 Thomas, and Doug Heideman voting aye.

23 **5. Ordinance 2022-14: Consideration and possible approval of an ordinance**
24 **updating changes to the short-term rental ordinance-Fred Resch III**

25 Mayor Billings noted that her recommendation is to leave the ordinance as is.

26 RuthAnn Beardsley bought a lot in Dixie Springs in 2011. They planned to use this as a
27 nightly rental. They were on the waiting list for over a year before being granted a
28 permit. Several developers in the area have designated areas for nightly rentals without
29 going through the permit process. They are doing everything according to the City
30 guidelines. Her home value will significantly decline if she cannot transfer her nightly
31 rental permit upon selling her property.

32 Scott Wolfenden purchased a residence in Dixie Springs in 2016. Their nightly rental
33 permit was granted in 2019. They have complied with the City guidelines. Item C4

allows the homeowner to transfer the permit upon sale of the property. He doesn't think this should be changed. He purchased this property to protect his investment. If this is moved forward, the existing permits should be grandfathered in.

Ed West agrees with the previous two speakers. He received his license after waiting for three years. The equity in his property has increased, and he will lose about thirty percent of his property value if he cannot transfer his license.

Fred Resch III reported that staff's recommendation is to leave the code as-is. Granicus has been helpful. He sent thirty-five final notice letters this week to comply, or they will be charged \$750 per day.

Joseph Prete motioned to table the item. Seconded by Dave Sanders. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

6. Consideration and possible approval of a. Frank Lindhardt/Shoshone Land Company Applicant.

Frank Lindhardt explained the project and the cause of the flag lot. Stephen Nelson reported that the Planning Commission gave a positive recommendation. Councilman Thomas stated that the flag lot could have been avoided if they had one less lot. Mr. Lindhardt agreed, but that would have created two large lots. These homes are primarily sold to empty nesters who do not prefer large lots.

Joseph Prete motioned to approve the preliminary plat for Sky Valley West, a 24-lot single family subdivision, located at 600 N and 3400 W. Subject to staff and JUC comments. Seconded Dave Sanders. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

NEW BUSINESS

1. Resolution 2022-21: Discussion and possible approval of a resolution appointing Kelby Iverson to the Planning Commission

Councilman Thomas thinks Mr. Iverson is a good fit for this position. He is very involved in the community and has an agricultural background.

Joseph Prete motioned to appoint Kelby Iverson to the Planning Commission. Seconded by Kevin Thomas and David Hirschi. Motion carried with Dave Sanders, Joseph Prete, David Hirschi, and Kevin Thomas voting aye. Doug Heideman, nay.

2. Discussion regarding updating the ordinance pertaining to the Airport Authority and the board members

1 Mayor Billings has received a large number of public comments. She recognized that
2 this is a big decision and that not everyone will be happy. She does not want people to
3 feel as if they are not valued. Historically, the airport has not had lights. People who
4 bought homes in this area knew it was an airport. She has not received any complaints
5 about the airplanes. The complaints she gets are about helicopters. The lights are a
6 change of use. The airport has been a daylight airport unless a pilot decides to fly in late
7 or leave early in the morning, but that is their choice.

8 Scott Freeman is a corporate pilot and flight instructor. He presented a "win-win
9 solution." The airport has been in Hurricane since 1942. There are thirteen small
10 businesses located at the airport. He discussed the small business revenue and
11 property taxes paid. The airport is a positive contributor to the community. This is the
12 only airport in the state without lights. A pilot attempted to land in the dark and went off
13 the end of the runway. Residents in the vicinity were subjected to excessive noise from
14 Southern Utah University (SUU) helicopters. They feel that lights will result in more
15 noise. He outlined a five-prong solution consisting of a noise abatement team, SUU
16 Liaison team, compliance with the Memorandum of Understanding (MOU) with SUU,
17 Implementing a Hurricane City Aircraft noise policy and procedures, and creation of a
18 robust pilot education program. SUU is abiding by the assigned MOU. Reduce the traffic
19 and have noise policies in place. Formed teams will implement and help keep things
20 running smoothly.

21 Russ Perkins favors the lights, but he is not allowed to fly at night because of
22 restrictions on his license. The PAPI lighting system is an important safety feature even
23 during the day, and safety is an important issue.

24 Dave Houston- Airport Manager, clarified that they have six instructors and two planes.

25 Rich Rathke likes the sound of helicopters, but he has not heard any helicopters in the
26 last month. The lights are always just right. If two cars were lined up on the runway,
27 their lights would be brighter than the runway lights. The lights are set for twenty
28 minutes, and they are there for safety.

29 Vaughn Jones lives in the flight path. He shared that not all pilots are the same, and it is
30 impossible to control their difference. Some are quiet and some are loud when they
31 land. This is a small hobby airport, and there is no reason to land in the nighttime. There
32 is a church across the street, and many pilots have had to adjust at the last minute to
33 miss the steeple.

34 Harmony Vanderhorst lives by the airport. She has politically been involved for the last
35 few years. When we take federal government money, there are restrictions that the
36 government imposes. This should be kept at the local level. The City should not pay for
37 this either. The people who want the lights should pay for them.

1 Lacy Jessop shared that she has lived around the airport since she was a teenager, and
2 she has witnessed six planes go down in the daylight, not because of lights but for other
3 reasons. As we bring up growth, there are just too many instances where people would
4 not like a plane to land in their yards or homes.

5 Steve Lemmon shared a portion of two letters that he and his wife received. Highway
6 Patrol and Life Flight are the only planes that landed between 1:00 a.m. and 3:00 a.m.
7 in the past six months. Mr. Lemmon does not fly at night but has been accused of flying
8 at night. The FAA states there is no record of the hillside being a problem. The City is
9 liable to pay back all the money given by the FAA if we turn it down. Mayor Billings
10 stated that the \$124,000 for the engineering will have to be paid back if the lights are
11 not installed. Mr. Lemmon read a portion of transcribed minutes from the City Council
12 and FAA meeting.

13 Jason Campbell stated that steps can take place to potentially avoid paying back the
14 money for the engineering if the City chooses not to move forward. SUU has admitted to
15 flying in retaliation. This has caused issues between friends and neighbors. The City put
16 together a resolution on the record that reminded SUU that the City is a Sovereign
17 community, and the way they fly could cause us to close our airport doors. The City
18 went through the process of putting SUU on notice. He does not think SUU is
19 controllable without a mandate. He agrees with the majority of Mr. Freeman's
20 presentation. However, he would have appreciated knowing about the presentation
21 ahead of time so he could prepare a counter presentation. The airport's lighting in
22 relation to Mr. Freeman's proposal is the cart before the horse. The FAA will control the
23 lights once installed, and the City will lose control. One hundred thirty-three signatures
24 of residents who do not want night flights were gathered in seven hours. Night landings
25 should continue to take place in St. George. It's safer for the residents and the pilots.
26 Almost 300 of the immediately affected residents do not want this historic change to the
27 airport.

28 Mayor Billings thinks it is important to review how board members are appointed. She is
29 proposing to make changes to the ordinance. It is important to have citizens on the
30 board who are not pilots. The ordinance states that there can be between three to
31 seven members. She listed the current members. Councilman Prete thinks the board
32 should be more diverse. Dave Houston shared that there were citizens on the airport
33 board in the past who were not pilots, and they provided good perspectives. Mr.
34 Campbell shared that it is important to citizens outside of the airport community on the
35 board because the aircraft affects more than those within the airport community. Steve
36 Cox stated that the board should be established proportionately. This requires
37 expertise.

38 **3. Consideration and possible approval of awarding the runway lighting project**
39 **at the airport - Mike Vercimak**

1 Councilman Sanders is appalled at the tension this has caused. Regardless of how he
2 votes, someone is going to lose. There is no place for disrespectful comments in this
3 discussion. He wants to do what is best for the citizens, and he would like to find some
4 middle ground on this. He is concerned because he doesn't feel that the Council was
5 involved in the bid process like they should have been.

6 Councilman Prete shared that he also has people on both sides. The Council has to
7 consider all of the resident's feelings on the matter. The Council never wants to
8 disappoint people, but it is impossible not to when voting on this issue. There are policy
9 considerations for the safety of people on the ground. The lights provide safety for pilots
10 flying at night but do not protect people on the ground. He questioned how this affects
11 the City's efforts to preserve agriculture.

12 Councilman Hirschi shared that both sides have excellent arguments. Some of the
13 things that stand out to him are the change of use application. Even though it may be
14 best for the City, it may not be best for the citizens, and sometimes that outweighs the
15 benefit to the City. There are many citizens living in the area who do not want this.

16 Councilman Thomas shared that he is saddened because of the things said about Mr.
17 Lemmon. Mr. Lemmon is a solid pillar of the community. Councilman Thomas also has
18 family and friends on both sides. He believes that the safety of the pilots is important
19 and doesn't want there to be an accident caused by someone flying after dusk or before
20 dawn because of missing the runway. He does respect and cares about the citizens that
21 do not want this. There are things he thinks were done wrong in the way the lights came
22 about, and things need to be changed on the airport board.

23 Mr. Vercimack shared how the process took place. In December 2020, the Council
24 passed the contract with JVIation unanimously. Some questions were brought up after
25 that meeting. In January 2021, there was another vote to move forward. On two
26 separate occasions, the lighting project was discussed. The project has received
27 approval from the FAA and UDOT. When proposing to accept the bid award for
28 JVIation, the motion was to table the item, which is how the item got to this point.
29 Councilman Prete asked what the move forward ahead vote was for. Mr. Vercimack
30 stated that it was to reaffirm whether the project should move forward. In the fiscal year
31 2021, the Council approved \$25,000 in the airport budget to match the 5% required for
32 the project. In 2022 the Council approved \$48,000 to pay for the City's share of the
33 actual project.

34 Councilman Heideman shared that he was neutral when he was put on the airport
35 board. After listening to the presentation and facts provided by the FAA, he feels that
36 the lights provide safety. The airport received a grant to improve it because it is a safety
37 issue. What is the cost of one life? Facts are important, and that is what he is basing his
38 opinion on. He knocked on many doors to get the opinions of community members.

1 Some were upset, but it wasn't the vast majority. If you identify a problem, you need to
2 come up with a solution. Just because we put in lights, it doesn't mean every pilot in
3 Southern Utah will start flying at night. Councilman Heideman stated that he thinks Mr.
4 Campbell tries to twist too many things, and it was a ridiculous suggestion to argue with
5 the FAA about not paying back the money. Mayor Billings asked Councilman Heideman
6 to express his feelings without singling out anyone. Councilman Heideman would rather
7 pay the money to finish the project instead of paying back the \$137,000.

8 David Hirschi motioned to deny awarding the runway lighting project. Seconded by
9 Joseph Prete. Motion carried with David Hirschi, Joseph Prete, and Dave Sanders, aye.
10 Keven Thomas and Doug Heideman, nay.

11 **4. Ordinance 2022-22: Consideration and possible approval of a Zone Change**
12 **Amendment request located on the northwest corner of 2500 South and**
13 **2100 West totaling 50 acres to contain a PDO, planned development**
14 **overlay, with the underlying zone of RA-1, residential agriculture one unit**
15 **per acre to build the American Village of the West. Parcel numbers H-3345 and**
16 **H-3346. Bench Lake LLC Applicant. Dennis Leavitt Agent.**

17 **5. Discussion and possible approval of Resolution 2022-22 naming a trail in**
18 **Hurricane City-David Hirschi**

19 Dan Zaleski is retiring from Hurricane Elementary. The Council would like to name a
20 trail after him. It will take about a year and a half to have the trail renamed through the
21 BLM process. Stephen Nelson stated that the City does not have the authority to name
22 a trail on BLM land. However, it is possible to name a trailhead within the City.
23 Councilman Hirschi read the resolution. The Council agrees with the name "The Dan
24 Zaleski Cinder Knoll trailhead.

25 David Hirschi motioned to approve Resolution 2022-22. Seconded by Kevin Thomas.
26 Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin
27 Thomas, and Doug Heideman voting aye.

28
29 Joseph Prete motioned to move into a public hearing. Seconded by Dave Sanders.
30 Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin
31 Thomas, and Doug Heideman voting aye.

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

33 **a. Amendments to the Design Standards pertaining to secondary water**
34 **system requirements**

35 Ken Richins shared that all new subdivisions are required to put in an irrigation system.
36 The Conservancy District has come up with a way to connect temporarily to the culinary

1 water system. The impact fee for secondary water will enable the City to put money
2 aside for improvements.

3 **b. 2022-2023 Preliminary Budget**

4 No comments

6 **c. Proposed amendments to 2021-2022 Fiscal Year Budget**

7 No comments

8 Dave Sanders motioned to move out of public hearing. Seconded by David Hirschi.
9 Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin
10 Thomas, and Doug Heideman voting aye.

11 **7. Consideration and possible approval of a Resolution approving the 2022-2023-**
12 **Preliminary Budget-Kaden DeMille**

13 Kaden DeMille went over the preliminary general fund budget. The proposed budget is
14 \$16,832,235.00. This is a 17.93% increase from the prior-year budget. The budget will
15 be trimmed before the June meeting. Revenues are anticipated to increase by 25%

16 Dave Sanders motioned to approve the Resolution for the 2022-2023 preliminary
17 budget. Seconded by Kevin Thomas. Motion carried unanimously with David Hirschi,
18 Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

19 **8. Consideration and possible approval of a Resolution approving the**
20 **amendments to the 2021-2022 Fiscal Year Budget-Kaden DeMille**

21 Paige Chapman reviewed budget amendments requested by Department Heads to
22 move from revenue to expenditure. Mayor Billings would like to see the total cost and
23 hours the City has paid for IT.

24 Joseph Prete motioned to approve the 2021-2022 fiscal year budget amendment.
25 Seconded by Dave Sanders. Motion carried unanimously with David Hirschi, Joseph
26 Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

27 Kelby Iverson shared that he is extremely thankful for anyone who decides to serve the
28 City. He is happy and willing to serve on the Planning Commission, and he is happy to
29 serve on the Water Board. His passions are water and agriculture and the citizen's
30 concerns.

31 **9. Mayor and Council reports**

Mayor Billings	Airport, Administration, Police, Washington County Solid Waste District, Washington County Water Conservancy District, Youth City Council, Ash Creek Special Sewer District
Joseph Prete	Court, Prosecutors Office, City Attorney, Fire District, Economic Development, Agriculture Preservation, Industrial Park, Power, Power Board
Dave Sanders	Animal Control, Police, Emergency Management, Mosquito Abatement, School Crossing Guards, Victim Services
David Hirschi	Historic Preservation, Parks/Cemetery, Recreation/Pool, Water Department, Water Board, Ash Creek Special Service District, Tourism Board, Golf Course
Kevin Thomas	Planning Commission, Streets and Drainage, Public Works, Engineering, Planning Dept
Vacant	Building Inspections, Code Enforcement, Tree Board, Airport Board, Appeals Board, Beautification Board
Kaden DeMille	City Administration -

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

2

3 Joseph Prete motioned to go into a closed meeting. Seconded by David Hirschi. Motion
4 carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas,
5 and Doug Heideman voting aye.

6 **Adjournment:**

**AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH
AMENDING SECTION 7-1-8 OF THE HURRICANE CITY CODE GOVERNING OFF-
HIGHWAY VEHICLES.**

WHEREAS the City Council of Hurricane, Utah desires to amend Section 7-1-8 of the Hurricane City Code governing Off Highway Vehicles on streets, sidewalks, and public ways;

WHEREAS the City Council of Hurricane, Utah is authorized pursuant to Utah Code Annotated section 10-8-30 to regulate the movement of traffic on City streets and public places;

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

BE IT HEREBY ORDAINED that Section 7-1-8 of the Hurricane City Code shall be, and is hereby, amended in its entirety as follows:

Sec. 7-1-8. Off-highway vehicles.

A. *Definitions.* For purposes of this section, the following definitions apply:

"All-terrain type I vehicle" means any motor vehicle 52 inches or less in width, having an unladen dry weight of 1,500 pounds or less, traveling on three or more low pressure tires, having a seat designed to be straddled by the operator, and designed for or capable of travel over unimproved terrain.

"All-terrain type II vehicle" means any motor vehicle 80 inches or less in width, traveling on four or more low pressure tires, having a steering wheel, non-straddle seating, a rollover protection system, and designed for or capable of travel over unimproved terrain, and is: (i) an electric-powered vehicle; or (ii) a vehicle powered by an internal combustion engine and has an unladen dry weight of 3,500 pounds or less. "All-terrain type II vehicle" does not include golf carts, any vehicle designed to carry a person with a disability, any vehicle not specifically designed for recreational use, or farm tractors as defined under Utah Code Annotated Section 41-1a-102.

"All-terrain type III vehicle" means any other motor vehicle, not defined herein as an All-terrain type I vehicle, an All-terrain type II vehicle, a Motorcycle, or Snowmobile, that is designed for or capable of travel over unimproved terrain. "All-terrain type III vehicle" does not include golf carts, any vehicle designed to carry a person with a disability, any vehicle not specifically designed for recreational use, or farm tractors as defined under Utah Code Annotated Section 41-1a-102.

"Golf cart" means a device that: (i) is designed for transportation by players on a golf course; (ii) has not less than three wheels in contact with the ground; (iii) has an unladen weight of less than 1,800 pounds; (iv) is designed to operate at low speeds; and (v) is designed to carry not more than six persons including the driver. "Golf cart" does not include: (i) a low-speed vehicle or an off-highway vehicle; (ii) a motorized wheelchair; (iii) an electric personal assistive

mobility device; (iv) an electric assisted bicycle; (v) a motor assisted scooter; (vi) a personal delivery device, as defined in Utah Code Annotated Section 41-6a-1119; or (vii) a mobile carrier, as defined in Utah Code Annotated Section 41-6a-1120.

"Off-highway implement of husbandry" means every All-terrain type I vehicle, All-terrain type II vehicle, All-terrain type III vehicle, Motorcycle, or Snowmobile that is used by the owner or the owner's agent for agricultural operations.

"Off-highway vehicle" means any Snowmobile, All-terrain type I vehicle, All-terrain type II vehicle, All-terrain type III vehicle, or Motorcycle.

"Motorcycle" means every motor vehicle having a saddle for the use of the operator and designed to travel on not more than two tires.

"Snowmobile" means any motor vehicle designed for travel on snow or ice and steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires.

"Street-legal all-terrain vehicle" or "street-legal ATV" means an All-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet the requirements of Utah Code Annotated Section 41-6a-1509 to operate on highways in the state.

B. *Registration of vehicle.* Unless exempt under Utah Code Annotated Section 41-22-9, a person may not operate or transport and an owner may not give another person permission to operate or transport, any Off-highway vehicle on any public land, trail, street, or highway within the City unless the Off-highway vehicle has been registered in accordance with the requirements of Utah Code Annotated title 41, chapter 22 for the current year.

C. *Equipment requirements.* All Off-highway vehicles, as defined herein,

1. Shall be equipped with:

- a. Brakes adequate to control the movement of and to stop and hold the vehicle under normal operating conditions; and
- b. A noise control device that limits the sound impact of the Off-highway vehicle to 93 decibels or less.

2. Headlights and taillights shall be used when operated between sunset and sunrise.

D. *Protective headgear.*

1. A person under the age of 18 may not operate or ride on an All-terrain type I vehicle or Motorcycle on any public land, trail, street, or highway within the City unless the person is wearing properly fitted and fastened United States Department of Transportation safety-rated protective headgear designed for motorized vehicle use.
2. The owner of an Off-highway vehicle or any other person may not give permission to a person who is under the age of 18 years to operate or ride on an off highway vehicle in violation of this subsection D.

E. *Restrictions on privately owned lands.*

1. No person shall operate or accompany a person operating an Off-highway vehicle upon privately owned land of any other person, firm or corporation without permission from the owner or person in charge.
 2. It shall be unlawful for any person operating or accompanying a person operating an Off-highway vehicle to refuse to immediately leave private land upon request of the owner or person in charge of the land.
 3. Subsections E.1. and E.2. of this section shall not apply to prescriptive easements on privately owned land.
 4. No person operating or accompanying a person operating an Off-highway vehicle shall obstruct any entrance or exit to private property without the owner's permission.
 5. It shall be unlawful for any person to tear down, mutilate, or destroy any sign, signboards, or other notice which regulates trespassing for purposes of operating a motor vehicle on land; or to tear down, deface, or destroy any fence or other enclosure or any gate or bars belonging to the fence or enclosure.
- F. *Prohibited uses.* No person may operate an Off-highway vehicle in connection with acts of vandalism, harassment of wildlife or domestic animals, burglaries or other crimes, or damage to the environment which includes excessive pollution of air, water, or land, abuse of the watershed, impairment of plant or animal life, or excessive mechanical noise.
- G. *Supervision, safety certificate, driver's license, or capability required.* A person may not operate and an owner may not give that person permission to operate an off highway vehicle on any public land, trail, street or highway within the City unless the person:
1. Is under the direct supervision of a certified off highway vehicle safety instructor during a scheduled safety course;
 2. Possesses an appropriate OHV Safety Certificate issued by the State;
 3. Possesses a valid motor vehicle operator's license; or
 4. Is able to reach and operate each control necessary to safely operate the Off-highway vehicle.
- H. *Operation by minors.*
1. A person must be under the direct visual supervision of a person who is at least 18 years old if the person operating the off-highway vehicle:
 - i. Is under 16 years old;
 - ii. Does not possess a valid license to operate a motor vehicle issued in accordance with Title 53, Chapter 3, Uniform Driver License Act; and
 - iii. Is operating the Off-highway vehicle on public land, a street, or a highway within the City that is not exclusively reserved for Off-highway vehicle use.
 2. A person under the age of 16 years old shall have an appropriate OHV Safety Certificate issued by the State to operate an Off-highway vehicle on public land, a street, or a highway within the City not exclusively reserved for Off-highway vehicle use.

- I. *Designation of routes; Limitations.* A person may only operate an Off-highway vehicle on any public land, street, or highway within the City to achieve the most direct route to or from a private or public area open to Off-highway vehicles, or as required for fueling or maintenance. Off-highway vehicles are not permitted to travel across or along State Route 7 or State Route 9, but Off-highway vehicles are permitted to cross these State Routes via overpasses/underpasses or at intersections controlled by stoplights.
- J. *Speed/regulations.* Any person operating an Off-highway vehicle is subject to the provisions of the Utah Code Annotated, unless specifically excluded.
- K. *Exemptions:*
1. Street-legal all-terrain vehicles are exempt from the provisions of this section. Street-legal all-terrain vehicles shall comply with Utah Code section 41-6a-1509 or successive legislation.
 2. Off-highway implements of husbandry used in agricultural operations are exempt from the provisions of this section. Off-highway husbandry vehicles shall comply with Utah Code section 41-22-5.5 or successive legislation.

PASSED AND APPROVED this _____ day of June, 2022.

Hurricane City

Nanette Billings, Mayor

Attest:

Cindy Beteag, City Recorder

The foregoing Ordinance was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the ____ day of June 2022. Whereupon a motion to adopt and approve said Resolution was made by _____ and seconded by _____. A roll call vote was then taken with the following results:

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

Cindy Beteag, Recorder

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH ADDING SECTION 7-1-9 TO THE HURRICANE CITY CODE GOVERNING GOLF CARTS.

WHEREAS the City Council of Hurricane, Utah desires to add Section 7-1-9 of the Hurricane City Code governing Golf carts on streets, sidewalks, and public ways;

WHEREAS the City Council of Hurricane, Utah is authorized pursuant to Utah Code Annotated section 10-8-30 to regulate the movement of traffic on City streets and public places;

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

BE IT HEREBY ORDAINED that Section 7-1-9 of the Hurricane Code is added, as follows:

Sec. 7-1-9. Golf Carts.

A. *Definitions.* For purposes of this section, the following definitions apply:

"Golf cart" means a device that: (i) is designed for transportation by players on a golf course; (ii) has not less than three wheels in contact with the ground; (iii) has an unladen weight of less than 1,800 pounds; (iv) is designed to operate at low speeds; and (v) is designed to carry not more than six persons including the driver. "Golf cart" does not include: (i) a low-speed vehicle or an off-highway vehicle; (ii) a motorized wheelchair; (iii) an electric personal assistive mobility device; (iv) an electric assisted bicycle; (v) a motor assisted scooter; (vi) a personal delivery device, as defined in Utah Code Annotated Section 41-6a-1119; or (vii) a mobile carrier, as defined in Utah Code Annotated Section 41-6a-1120.

B. *Restrictions on Operations.*

1. Only persons possessing a valid motor vehicle operator's license may operate a Golf cart on any public land, street, or highway within the City.
2. Golf carts shall not be operated at a speed in excess of 25 miles per hour.
3. Golf carts shall only be operated during daylight hours unless equipped with head and taillights.
4. Golf carts shall not carry any more than the number of individuals for which the Golf cart was originally manufactured, with only one person per seat.

C. *Restrictions on Areas of Use.*

1. A Golf cart may only be operated on a City street or highway within a .6-mile radius of any portion of the Sky Mountain Golf Course, the Sand Hollow Golf Course, or the Copper Rock Golf Course.
2. Golf carts shall not be operated on a City street or highway with a speed limit greater than 35 miles per hour.

3. Golf carts are not permitted to travel across or along State Route 7, State Route 9, State Route 59, or State Route 318, but golf carts are permitted to cross these State Routes via overpasses/underpasses or at intersections controlled by stoplights.

D. *Traffic Regulations.*

1. Golf carts are subject to alcohol, Driving Under the Influence, and open container laws of Utah Code Annotated Section 41-6a-526 whenever the Golf cart is moving, stopped, or parked on any City street or highway.
2. Except as otherwise provided in this section, Golf carts shall comply with the same requirements as a bicycle for traffic rules pursuant to Utah Code Annotated, Title 41, Chapter 6a, Traffic Code.

PASSED AND APPROVED this _____ day of June, 2022.

Hurricane City

Nanette Billings, Mayor

Attest:

Cindy Beteag, City Recorder

The foregoing Ordinance was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the ____ day of June 2022. Whereupon a motion to adopt and approve said Resolution was made by _____ and seconded by _____. A roll call vote was then taken with the following results:

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

Cindy Beteag, Recorder



The St. George SBDC Impact, the #1 SBDC in State

A Few of Many Clients

- | | |
|--------------------------------|--|
| • Tuacahn Center of the Arts | \$90 to \$100 Million Impact to Community, SVOGrant |
| • Black Bear Diners | 2 Locations 200 Jobs |
| • Contact Climbing | Prof. Training, Millions Investment, 25 Jobs, Revenues |
| • Big Shots Golf | Millions Investment, Tourism, Jobs, Revenues |
| • Design to Print | Investment, Jobs, National Recognition |
| • Tagg N' Go | Investment, 1 st of 5 stores, Jobs, Revenues |
| • Cliffside Restaurant & Hotel | Investment, Jobs, Revenues |
| • Large (Confidential) Project | Investment, New Facilities, Training, Jobs |

Local Government Benefits

- **Washington and Kane Counties**
 - Hurricane Businesses +500 Served
 - Assist Business Setups, Grow, Buy/Sell ...
 - Businesses Started Provide Tax Revenues for City Growth
- **Confidential No Cost Counseling from Experienced Counselors**
- **Assist Cities/State Referred Clients**
 - Business Licensing Office referrals
 - For Business Starts, Loan Prep, Feasibility, Valuations and More
 - Jobs 2,800 (\$70+ M) that turns 3 to 4 time in the economy
 - Revenues from Companies
 - Increased Tax Base and Taxes

Impact of St. George SBDC – Past 8+ Years 40+% of Utah's SBDC Impact

- | | |
|--|-----------------------|
| • Business Starts | 570+ |
| • Investment/Loans | \$190+ Million |
| • Revenue Increases | \$140+ Million |
| • Employee Payroll (2,900 jobs @ \$25k/) | \$70+ Million |

SBDC Contribution to Economy \$400+ Million



**Twice SBA Utah "Center for Excellence
and Innovation Award" Winner**

St. George Small Business Development Center
610 S Tech Ridge Drive, Bldg E
St. George, UT 84770





Host – Dixie Technical College Benefits

- **High visibility for #1 SBDC in state** (As our Host you win)
- **Educate and Inform Administration, Faculty, Staff and Students**
- **Educate and Inform Campus Programs of our services – 8+ in past year**
 - App. Development, Drafting, Digital Media, Electrical, HVAC/Plumbing, Auto, CDL,
- **Dixie Business Alliance (DBA) - Active contributor** (Custom Fit, St George Area Economic, PTAC, SBA, World Trade Center (WTC), Impact Utah?)
- **Professional Assistance and Counseling to Campus in starting, and growing (**
- **Events and SBDC additional training – Professionals, ?**
- **Entrepreneur Online education for clients/students (www.utahsbdc.org)**



**Twice SBA Utah “Center for Excellence
and Innovation Award” Winner**

St. George Small Business Development Center

610 S Tech Ridge Drive, Bldg E
St. George, UT 84770



AMERICA'S SBDC®

ST. GEORGE, UT

~~\$400 Million~~

WAYS WE'VE HELPED OUR CLIENTS

YEAR TO
DATE

2013 – 2022

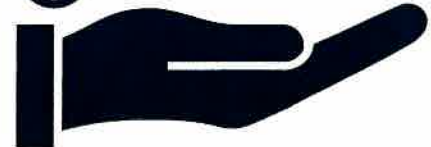
BUSINESSES STARTED



+ 570+

LOANS OBTAINED

\$ 195+ Million



CLIENTS SERVED



2,900+

JOB CREATED



2,900+

~~\$70+ Million~~

CLIENT SALES INCREASED



\$ 142+ Million



Funded in part through a
cooperative agreement with
the U.S. Small Business
Administration.



As Of May 2022



Utah Governor's Office of
Economic Development

BUSINESS • TOURISM • FILM



St. George SBDC Leads the State of Utah

St. George SBDC area represents 5-6% of the State's Population
Including Washington County and Kane County

SBDC Utah Statistics

Area Measured	2019	2019 % of State	2020	2020 % of State	2021	2021 % of State	Mid May 2022	2022 % of State
Capital Infusion	\$ 9.8M	14.4%	\$44.7M	41%	\$42.8M	43%	\$23.6M	54%
Sales Increase	\$18.2M	25.5%	\$20.3M	47%	\$22.0M	46%	\$19.7M	59%
*Economic Impact of Jobs Created	\$ 11.3M	21.9%	\$ 11.4M	33%	\$17.2M	51%	\$12.5M	62%
TOTAL IMPACT	\$39.3 M		\$76.4M		\$82.0M		\$55.8M	
Jobs Created & Retained	420 jobs	21.9%	423 jobs	33%	633 jobs	51%	455 Jobs	73%
New Business Starts	43 new	16.0%	85 new	27%	97 new	28%	68 New	58%
Advising Hours	1,237 hrs	9.9%	2,000+ hrs	15%	2,300+ hrs	18%	1,000+ hrs.	20%

* Assumption \$27,000/average annual salary/wage

Jeff Mather

Director, St George SBDC
JMather@dixietech.edu

Cameron Findlay

Assoc. Director, St George SBDC
Findlay@dixietech.edu

Keri Thompson

Office Manager, SBDC
KThompson@DixieTech.edu



Twice SBA Utah "Center for Excellence
and Innovation Award" Winner

St. George Small Business Development Center

610 S Tech Ridge Drive, Bldg C
St. George, UT 84770
435-674-8477 Office





Dixie Business Alliance Team

SBDC - Jeff Mather, Cam Findlay, and Keri Thompson

A small business development center (SBDC) provides marketing, financing, and business related assistance to local entrepreneurs.

CUSTOM FIT - Marie Bowcut

The Custom Fit Training program uses the state funds to provide training to for-profit businesses whose goal is to grow, train and retain a productive workforce.

St. George Area Economic Development - John Minnick

An economic developer is responsible for planning, designing, and implementing economic development strategies, as well as acting as a key liaison between public and private sectors and the community.

PTAC - Joshua Wiggins

A PTAC provides technical assistance to businesses interested in selling products or services to federal, state, and local governments.

SBA - Jackie Hobson

St George is one of two satellite offices approved by the SBA in past decade. The SBA continues to help small business owners and entrepreneurs pursue the American dream. The only cabinet-level federal agency fully dedicated to small business and provides counseling, capital, and contracting expertise as the nation's only go-to resource and voice for small businesses.

WTC - Shawn Christensen

A World Trade Center is an apolitical organization that can be located in any country. It supplies businesses with access to international trade services and facilities and seeks to simplify and stimulate trade by bringing together the offices of government and industry that serve and carry-on trade.

Utah Innovation Center – Jared Goodspeed

Assist clients to understand and write SBIR-STTR grant proposals for funding.

Impact Utah – Greyson Fox

Training specific to manufacturing. Can work closely with Custom Fit and SBDC programs as well as others.



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St. George, UT 84770
435-674-8477 Office



Cindy Beteag

From: Jeff Mather <jmather@dixietech.edu>
Sent: Friday, May 27, 2022 12:01 PM
To: Nanette Billings; Kaden DeMille; Cindy Beteag
Subject: Happy Memorial Day & Next Week at the City Council
Attachments: SBDC - St George SBDC Contributions to Community - Hurricane.docx; SBDC - Utah SBDC Impact Statistics 2013 - 2022 YTD.pdf; St. George SBDC Leads State - Stats 2022.docx; SBDC - Dixie Business Alliance (DBA) Team.docx

Mayor Billings, Kaden and Cindy,

Thank your taking time to visit about the St George SBDC, serving Hurricane as well as Washington and Kane Counties. We look forward to presenting at next weeks City Council Meeting. Please let me know the approximate time on the agenda.

The services the SBDC provides directly impact and benefit Hurricane with jobs, investments, sales and tax revenues. We have shared with you the services we offer to Hurricane businesses. We can assist with business licensing and getting LLC's set up for new ones. We provide a significant, confidential and financial impact to the city.

The more clients that use our services the more referrals we receive. We now ~20 new clients each month, up 400% from 3 years ago. We have the same staff and need to be more timely with serving the community.

We are sharing our latest updated Impact to the area. St George SBDC is requesting Hurricane City consideration of \$35,000 to our host, Dixie Tech, for the specific purpose of funding the SBDC. The County is in the process of funding \$50,000, or more. We are also working with St George and Washington cities. Other areas in the state have similar partnerships. One example is Tooele County, along with Tooele and Grantsville cities. These funds are critical to keeping us staffed at current levels and to add a part time person. Your additional funding, along with the County and other cities will help us increase staffing to continue providing these no-cost, confidential, services to local business. We appreciate your support. Happy Memorial Day.

Jeff Mather



Director, St George SBDC
JMather@DixieTech.edu

435-674-8478 Office

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

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

and the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Certification:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23. Signatures

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

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

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

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

Sponsor: Washington County Water Conservancy District	
By:	
Title:	
Date:	
Address:	Zip Code:
<i>The signing of this plan was authorized by a resolution of the governing body of Washington County Water Conservancy District adopted at a meeting held on_____.</i>	
_____	Address _____
Secretary [or other Title]	
Date: _____	

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

 United States Department of Agriculture Natural Resources Conservation Service	
Approved By: _____ EMILY FIFE	
Title:	NRCS State Conservationist
Date:	

RESOLUTION

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

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

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

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

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

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

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

PASSED AND APPROVED this 2nd day of June, 2022.

Nanette Billings, Mayor

Attest:

Cindy Beteag, Recorder

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

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

Cindy Beteag

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

Cindy,

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

Arthur LeBaron, PE, PLS, CFM

City Engineer

147 North 870 West

Hurricane, UT 84737

435-635-2811 x113

arthur@cityofhurricane.com

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

Arthur,

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

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

Lance Smith, P.E.
Natural Resources Conservation Service



P: 435-704-4861
lancem.smith@usda.gov

197 East Tabernacle
Saint George, UT 84770

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF HURRICANE, UTAH, APPROVING INTERLOCAL COOPERATION AGREEMENT TO PURCHASE ACCIDENT AND CRIME-SCENE RECONSTRUCTION EQUIPMENT WITH MULTIPLE WASHINGTON COUNTY LAW ENFORCEMENT AGENCIES

WHEREAS, pursuant to Utah Code Annotated 11-13-1 *et seq.*, the Interlocal Cooperation Act (the “Act”) public agencies are authorized to enter into mutually advantageous agreements for joint or cooperative action and the Parties are public agencies as defined in Utah Code Annotated 11-13-103(19);

WHEREAS, the Act further provides public agencies the ability to provide law enforcement services jointly or in a cooperative manner;

WHEREAS, the Parties have identified a law enforcement and safety need, that is, a need for accident and crime-scene reconstruction equipment (“Equipment”) and have prepared a Interlocal Agreement Between Multiple Washington County Law Enforcement Agencies to Purchase Accident and Crime-Scene Reconstruction Equipment (“Agreement”);

WHEREAS, this Equipment will be used by all Parties and will be housed at the Washington City Police Department building, and it will be used only by individuals that have received training for said Equipment;

WHEREAS, because the Parties will use the Equipment on an intermittent basis, it is in the best interest of the Parties to share the financial costs of the purchase of the Equipment;

WHEREAS, the total purchase price of the Equipment is \$85,101.00, which includes a 3 year warranty, 5 day training for 15 users, and 8 subscribers, with the following proportionate costs assigned by population:

St. George	\$50,652
Washington City	\$16,084
Hurricane City	\$10,578
<u>Washington County</u>	<u>\$7,787</u>
Total	\$85,101

WHEREAS, Washington County has agreed to make the initial purchase for the full cost of the Equipment and the other Parties will reimburse Washington County for the above totals respectively;

WHEREAS; the effective date of the Agreement is June 7, 2022; and

WHEREAS, the City Council of Hurricane, Utah deems it necessary and desirable to help fund this purchase as set forth in the Agreement,

BE IT HEREBY RESOLVED by the City Council of Hurricane, Utah that the Agreement regarding purchasing accident and crime scene reconstruction equipment, a copy of which is attached hereto as Exhibit "A", is hereby entered into, approved, ratified, accepted and made effective this 2nd day of June 2022.

PASSED AND APPROVED this 2nd day of June, 2022.

Nanette Billings, Mayor

Attest:

Cindy Beteag, Recorder

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

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

Cindy Beteag

INTERLOCAL AGREEMENT BETWEEN MULTIPLE WASHINGTON COUNTY LAW
ENFORCEMENT AGENCIES TO PURCHASE ACCIDENT AND CRIME-SCENE
RECONSTRUCTION EQUIPMENT

This Interlocal Agreement (“Agreement”) is by and between the law enforcement agencies of Washington County, St. George City, Washington City, and Hurricane City, (together as “Parties” or individually as “Party”).

RECITALS

WHEREAS, pursuant to Utah Code Annotated 11-13-1 *et seq.*, the Interlocal Cooperation Act (the “Act”) public agencies are authorized to enter into mutually advantageous agreements for joint or cooperative action and the Parties are public agencies as defined in Utah Code Annotated 11-13-103(19);

WHEREAS, the Act further provides public agencies the ability to provide law enforcement services jointly or in a cooperative manner;

WHEREAS, the Parties have identified a law enforcement and safety need, that is, a need for accident and crime-scene reconstruction equipment (“Equipment”);

WHEREAS, this Equipment will be used by all Parties and will be housed at the Washington City Police Department building, and it will be used only by individuals that have received training for said Equipment;

WHEREAS, because the Parties will use the Equipment on an intermittent basis, it is in the best interest of the Parties to share the financial costs of the purchase of the Equipment;

WHEREAS, the total purchase price of the Equipment is \$85,101.00, which includes a 3 year warranty, 5 day training for 15 users, and 8 subscribers, with the following proportionate costs assigned by population:

St. George	\$50,652
Washington City	\$16,084
Hurricane City	\$10,578
Washington County	<u>\$7,787</u>
Total	\$85,101

WHEREAS, Washington County has agreed to make the initial purchase for the full cost of the Equipment and the other Parties will reimburse Washington County for the above totals respectively;

THEREFORE, the parties agree as follows:

AGREEMENT

1. TERMS

- 1.1 Purchase. Washington County will purchase the Equipment, Washington County will subsequently bill the other Parties, and each Party will timely reimburse Washington County.
- 1.2 Equipment Storage. The Parties will house the Equipment at the Washington City Police Department Building. If the Parties determine that a different location is more suitable the Parties may mutually agree to house the Equipment at the more suitable location, such an amendment is not needed in writing.
- 1.3 Access to Equipment. Parties to this Agreement shall have unimpeded access and use of the equipment. The Equipment will be available on a first-come-first-serve basis. However, no Party shall unreasonably restrict or impede another Party from the use of the Equipment.
- 1.4 Requisite Training. Only trained and qualified employees or agents of the Parties shall use the Equipment.
- 1.5 Maintenance. The Parties shall jointly share in any costs of maintenance or repair. Should such costs arise, the incurring Party shall pay the expense and subsequently bill the other Parties. Each Party will timely reimburse the paying Party.

2. INTERLOCAL AGREEMENT REQUIREMENTS

- 2.1 Resolution. This Agreement shall be authorized and adopted by resolution of each legislative body of each Party to this Agreement, pursuant to and in accordance with the provisions of Utah Code Ann. 11-13-202 and 202.5;
- 2.2 Effective Date. The effective date of this Agreement shall be June 7, 2022 and this Agreement shall terminate upon any of the following events: (1) the equipment is relinquished, sold, or otherwise unsuitable to be used by the Parties, or (2) the purchase of new accident and crime-scene reconstruction equipment for which a new Agreement with be in effect.
- 2.3 Filing. A duly executed original counterpart of this Agreement shall be filed immediately with the keeper of records of each Party.

3. GENERAL TERMS

- 3.1 Authorization. Each individual executing this Agreement does represent and warrant to each other so signing (and each other entity for which another person may be signing) that he or she has been duly authorized to sign this Agreement in the capacity and for the entities set forth.
- 3.2 Recitals. The Recitals contained herein are incorporated into the Agreement.

- 3.3 Severability. The articles, sections, paragraphs, sentences, clauses, and phrases of this Agreement, and the application thereof, are expressly declared to be severable. If any such article, section, paragraph, sentence, clause, or phrase, or the application thereof, shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining articles, sections, paragraphs, sentences, clauses, or phrases, or applications, of this Agreement.
- 3.4 Governing Law. This Agreement shall be governed according to the laws of the State of Utah.
- 3.5 Captions. The Captions to the various Articles and Sections of this Agreement are for convenience and ease of reference only, and neither define, limit, augment, nor describe the scope, content, and/or intent of this Agreement or any part or parts hereof.
- 3.6 Counterparts. This Agreement may be executed simultaneously in one or more counterpart(s), each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
- 3.7 Entire Agreement. This Agreement contains the entire agreement between the Parties concerning its subject matter and shall not be modified except by written agreement duly executed by the Parties hereto. There are no oral understandings or agreements not set forth herein.

(Signatures on next page)

ST. GEORGE CITY

Michelle Randall, Mayor

Date: _____

ATTEST:

Kyle Whitehead
St. George City Police Chief

City Recorder

APPROVED AS TO FORM:

City Attorney

WASHINGTON CITY

Kress Staheli, Mayor

Date: _____

ATTEST:

Jason Williams
Washington City Police Chief

City Recorder

APPROVED AS TO FORM:

City Attorney

HURRICANE CITY

Nanette Billings, Mayor

Date: _____

ATTEST:

Lynn L. Excell
Hurricane City Police Chief

City Recorder

APPROVED AS TO FORM:

City Attorney

WASHINGTON COUNTY

Victor Iverson, Chair
Washington County Commission

Date: _____

ATTEST:

Nate Brooksby
Washington County Sheriff

Susan Lewis
Washington County Clerk-Auditor

APPROVED AS TO FORM:

County Attorney

ZONE CHANGE APPLICATION

City of Hurricane
147 North 870 West
Hurricane, UT 84737
(435) 635-2811
FAX (435) 635-2184

Fee: \$500.00

For Office Use Only:

File No. 2022-ZC-23

Receipt No. 8158645

Name: Hidden Rock Development Group Telephone: (801) 674-6182

Address: 5889 S. Highland Dr. Holladay, UT 84121 Fax No. _____

Agent (If Applicable): Brent Bateman Telephone: (801) 655-4751

Email: anish@room9.com Agent Email: brent.bateman@dentons.com

Address/Location of Subject Property: 4527 S. and 4491 S. 1100 W. Hurricane, UT 84737

Tax ID of Subject Property: H-MOF-18 & H-MOF-19 Existing Zone District: RA-1

Proposed Zoning District and reason for the request (Describe, use extra sheet if necessary)

Recreational Resort Zone -- See Attached and below.

Submittal Requirements: The zone change application shall provide the following:

- Page 21 a.** The name and address of every person or company the applicant represents;
Page 12 & 15 b. An accurate property map showing the existing and proposed zoning classifications;
Page 12 c. All abutting properties showing present zoning classifications;
Page 5 d. An accurate legal description of the property to be rezoned;
☒ **e.** Stamped envelopes with the names and addresses of all property owners within 250 feet of the boundaries of the property proposed for rezoning.
Attached herein. f. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property

Note: It is important that all applicable information noted above along with the fee is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Planning Commission meetings are held on the second Thursday and fourth Wednesday of each month at 6:00 p.m. Contact the Planning Department for the deadline date for submissions. Once your application is deemed complete, it will be put on the agenda for the next Planning Commission meeting. A deadline missed or an incomplete application could result in a month's delay.

(Office Use Only)

Date Received: _____ Application Complete: YES ☐ NO ☐

Date application deemed to be complete: _____ Completion determination made by: _____

ZONE CHANGE APPLICATION (General Information)

PURPOSE

All lands within the City are zoned for a specific type of land use (single family residential, multi-family, commercial, industrial, etc). Zoning occurs as a means to provide for a relationship between various types of land uses which promotes the health, safety, welfare, order, economics, and aesthetics of the community. Zoning is one of the main tools used to implement the City's General Plan.

WHEN REQUIRED

A zone change request is required any time a property owner desires to make a significant change to the use of his/her land. The change may be from one zone density (say 1 acre lots) to smaller lots (10,000 square foot lots). Or, it may be to an entirely different type of use, such as a change from single family zoning to multiple family or commercial zoning. Since the zone applied to your land limits what you can do, a rezoning application is typically the first step toward a change.

REQUIRED CONSIDERATIONS TO APPROVE A ZONE CHANGE

When approving a zone change the following factors should be considered by the Planning Commission and City Council:

1. Whether the proposed amendment is consistent with the 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, storm water drainage systems, water supplies, and waste water and refuse collection.

PROCESS

Contact the Planning Department for when the deadline for submission is. After it is deemed complete, staff will review the request, and prepare a report and recommendation for the Planning Commission. This will be reviewed at a public hearing where the applicant should attend, present the project, and respond to questions from the Planning Commission. Since it is a public hearing, members of the public may also have questions or comments. At the public hearing the Planning Commission will review the application and staff's report, and forward a recommendation to the City Council of approval, approval with modifications, or denial the zone change application.

Upon receipt of the Planning Commission recommendation, typically 1-2 weeks after the Planning Commission action, the City Council will consider and act on the Commission's recommendation. The action of the City Council is final. If denied, a similar application generally cannot be heard for a year.

CALIFORNIA JURAT WITH AFFIANT STATEMENT**GOVERNMENT CODE § 8202**

- ☒ See Attached Document (Notary to cross out lines 1-6 below)
☐ See Statement Below (Lines 1-6 to be completed only by document signer[s], *not* Notary)

~~_____
Signature of Document Signer No. 1~~

~~_____
Signature of Document Signer No. 2 (if any)~~

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles

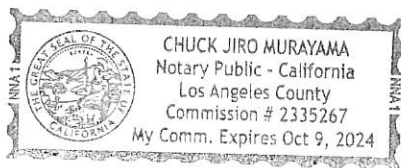
Subscribed and sworn to (or affirmed) before me

on this 30 day of April, 2022,
by Date Month Year

(1) Dallin Jolley

(and (2) Anish Bhatia),
Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence
to be the person(s) who appeared before me.



Signature [Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Affidavit Document Date: April 30, 2022

Number of Pages: 1 Signer(s) Other Than Named Above: —

Corporate Warranty Deed Page 1 of 6
 Gary Christensen Washington County Recorder
 04/27/2022 01:52:17 PM Fee \$40.00 By
 SOUTHERN UTAH TITLE COMPANY

When recorded mail deed and tax notice to:
 Lot 19 Moccasin Flats LLC, A Utah Limited Liability
 Company
 1100 W 4500 S
 Hurricane, UT 84737



SOUTHERN UTAH
 TITLE COMPANY
 "Doing good Deeds for over 70 years"
 sutlcr.com

Order No. 223185 - TW
 Tax I.D. No. H-MOF-18

Space Above This Line for Recorder's Use

WARRANTY DEED

Corporate Form

R. Jensen Co., Inc., a California Corporation, who acquired title as R. Jensen Company, Inc., a California corporation, organized and existing under the laws of the State of CA with its principal office at NORCO, County of Washington, State of CA, grantor(s), hereby

CONVEYS and WARRANTS to

Lot 19 Moccasin Flats LLC, A Utah Limited Liability Company, grantee(s) of Hurricane, County of Washington, State of Utah, for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION the following described tract of land in Washington County, State of Utah:

Lot Eighteen (18), MOCCASIN FLATS, according to the Official Plat thereof, on file in the Office of the Recorder of Washington County, State of Utah.

See Water Rights Addendum to Land Deeds attached hereto and made a part hereof

TOGETHER WITH all improvements and appurtenances there unto belonging, and being SUBJECT TO easements, rights of way, restrictions, and reservations of record and those enforceable in law and equity.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the grantor(s) has/have caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 20th day of April, 2022.

R. Jensen Co., Inc., A California Corporation

By: Robert K. Jensen

Robert K. Jensen, President

STATE OF Utah

)

:ss.

COUNTY OF Washington

)

On the 21st day of April, 2022, personally appeared before me, Robert K. Jensen, who being by me duly sworn, did say that the said Robert K. Jensen is the President of R. Jensen Co., Inc., A California Corporation, and that said instrument was signed in behalf of said corporation by authority of its by-laws (or by a resolution of its board of directors) and Robert K. Jensen duly acknowledged to me that said corporation executed the same.

SEE ATTACHED
 NOTARY PUBLIC

My Commission Expires: NOV. 3, 2025

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

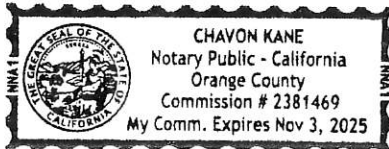
State of California

County of ORANGE

On APRIL 21ST, 2022 before me, CHAVON KANE, NOTARY PUBLIC
Date Here Insert Name and Title of the Officer

personally appeared ROBERT K. JENSEN
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Chavon Kane
Signature of Notary Public

Place Notary Seal and/or Stamp Above

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: WARRANTY DEED (CORPORATE FORM)

Document Date: _____ Number of Pages: ONE

Signer(s) Other Than Named Above: NONE

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Corporate Officer – Title(s): _____
☐ Partner – ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
Signer is Representing: _____

Signer's Name: _____
☐ Corporate Officer – Title(s): _____
☐ Partner – ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
Signer is Representing: _____

WATER RIGHTS ADDENDUM TO LAND DEEDS

Grantor: R. Jensen Co., Inc., A California Corporation
Grantee: Lot 19 Moccasin Flats LLC, A Utah Limited Liability Company
Tax ID Number(s): H-MOF-18

In connection with the conveyance of the above referenced parcel(s), Grantor hereby conveys to Grantee without warranty, except for a warranty of title as to all claiming title by or through Grantor, the following interests in water and/or makes the following disclosures:

Check one box only

- 1 ☐ All of Grantor's water rights used on Grantor's Parcel(s) are being conveyed.
2 ☐ Only a portion of Grantor's water rights are being conveyed. (County Recorder should forward a copy of this form to the Utah Division of Water Rights if Box 1 or 2 above is checked)
3 ☒ No water rights are being conveyed.
4 ☐ Water rights are being conveyed by separate deed.

Proceed to Section

A

B

C

C

Important Notes
(see other side)

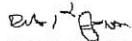
Section

A	The water right(s) being conveyed include Water Right No(s). along with all applications pertaining to the water right(s) listed in this Section A, and all other appurtenant water rights (Proceed to Section C)	N1 N2 N3
B	Only the following water rights are being conveyed: (check all boxes that apply) ☐ All of Water Rights No(s). ☐ acre-feet from Water Right No. for: families acres of irrigated land: stock water for Equivalent Livestock Units; and/or for the following other uses ☐ acre-feet from Water Right No. for: families acres of irrigated land: stock water for Equivalent Livestock Units; and/or for the following other uses Along with all applications pertaining to the water right(s) listed in this Section B. (Proceed to Section C)	N1 N4 N5 N5 N2
C	Disclosures By Grantor: (check all boxes that apply) ☐ Grantor is endorsing and delivering To Grantee stock certificates for Shares stock in the following water company: ☒ Culinary water service is provided by: Hurricane City ☐ Outdoor water service is provided by: ☐ There is no water service available to Grantor's Parcel(s). ☐ Other water related disclosures:	N6 N7 N8 N9 N10

Attach and sign additional copies of this form if more space is needed.

The undersigned acknowledge sole responsibility for the information contained herein even though they may have been assisted by employees of the Utah Division of Water Rights, real estate professionals, or other professionals, except to the extent that title insurance or a legal opinion concerning such information is obtained.

Grantor's Signature: R. Jensen Co., Inc., A California Corporation



Robert K. Jensen, President

Grantee's Acknowledgment of Receipt: Lot 19 Moccasin Flats LLC, A Utah Limited Liability Company

By: Hidden Rock Development Group, LLC, A Delaware Limited Liability Company, Sole Member

Anish Bhatia, Manager

Dallin Jolley, Manager

Grantee's Address: 1100 W 4500 S, Hurricane, Utah 84737

NOTE: GRANTEE MUST KEEP A CURRENT ADDRESS ON FILE WITH THE UTAH DIVISION OF WATER RIGHTS.

WATER RIGHTS ADDENDUM TO LAND DEEDS

Grantor: R. Jensen Co., Inc., A California Corporation
Grantee: Lot 19 Moccasin Flats LLC, A Utah Limited Liability Company
Tax ID Number(s): H-MOF-18

In connection with the conveyance of the above referenced parcel(s), Grantor hereby conveys to Grantee without warranty, except for a warranty of title as to all claiming title by or through Grantor, the following interests in water and/or makes the following disclosures:

Check one box only

- 1 ☐ All of Grantor's water rights used on Grantor's Parcel(s) are being conveyed.
2 ☐ Only a portion of Grantor's water rights are being conveyed. (County Recorder should forward a copy of this form to the Utah Division of Water Rights if Box 1 or 2 above is checked)
3 ☒ No water rights are being conveyed.
4 ☐ Water rights are being conveyed by separate deed.

Proceed to Section

A

B

C

C

Important Notes
(see other side)

Section

A	The water right(s) being conveyed include Water Right No(s). along with all applications pertaining to the water right(s) listed in this Section A, and all other appurtenant water rights (Proceed to Section C)	N1 N2 N3
B	Only the following water rights are being conveyed: (check all boxes that apply) ☐ All of Water Rights No(s). ☐ acre-feet from Water Right No. for: families acres of irrigated land: stock water for Equivalent Livestock Units; and/or for the following other uses ☐ acre-feet from Water Right No. for: families acres of irrigated land: stock water for Equivalent Livestock Units; and/or for the following other uses Along with all applications pertaining to the water right(s) listed in this Section B. (Proceed to Section C)	N1 N4 N5 N5 N2
C	Disclosures By Grantor: (check all boxes that apply) ☐ Grantor is endorsing and delivering To Grantee stock certificates for Shares stock in the following water company: ☒ Culinary water service is provided by: Hurricane City ☐ Outdoor water service is provided by: ☐ There is no water service available to Grantor's Parcel(s). ☐ Other water related disclosures:	N6 N7 N8 N9 N10

Attach and sign additional copies of this form if more space is needed.

The undersigned acknowledge sole responsibility for the information contained herein even though they may have been assisted by employees of the Utah Division of Water Rights, real estate professionals, or other professionals, except to the extent that title insurance or a legal opinion concerning such information is obtained.

Grantor's Signature: R. Jensen Co., Inc., A California Corporation

Robert K. Jensen, President

Grantee's Acknowledgment of Receipt: Lot 19 Moccasin Flats LLC, A Utah Limited Liability Company

By: Hidden Rock Development Group, LLC, A Delaware Limited Liability Company, Sole Member

Anish Bhatia

Anish Bhatia, Manager

Dallin Jolley, Manager

Grantee's Address: 1100 W 4500 S, Hurricane, Utah 84737

NOTE: GRANTEE MUST KEEP A CURRENT ADDRESS ON FILE WITH THE UTAH DIVISION OF WATER RIGHTS.

WATER RIGHTS ADDENDUM TO LAND DEEDS

Grantor: R. Jensen Co., Inc., A California Corporation
Grantee: Lot 19 Moccasin Flats LLC, A Utah Limited Liability Company
Tax ID Number(s): H-MOF-18

In connection with the conveyance of the above referenced parcel(s), Grantor hereby conveys to Grantee without warranty, except for a warranty of title as to all claiming title by or through Grantor, the following interests in water and/or makes the following disclosures:

Check one box only

- | | | |
|---------------------------------------|---|----------------------|
| 1 ☐ | All of Grantor's water rights used on Grantor's Parcel(s) are being conveyed. | Proceed to Section A |
| 2 ☐ | Only a portion of Grantor's water rights are being conveyed. (County Recorder should forward a copy of this form to the Utah Division of Water Rights if Box 1 or 2 above is checked) | B |
| 3 ☒ | No water rights are being conveyed. | C |
| 4 ☐ | Water rights are being conveyed by separate deed. | C |

Section		Important Notes (see other side)
A	The water right(s) being conveyed include Water Right No(s). along with all applications pertaining to the water right(s) listed in this Section A, and all other appurtenant water rights (Proceed to Section C)	N1 N2 N3
B	Only the following water rights are being conveyed: (check all boxes that apply) ☐ All of Water Rights No(s). ☐ acre-feet from Water Right No. for: families acres of irrigated land: stock water for Equivalent Livestock Units; and/or for the following other uses ☐ acre-feet from Water Right No. for: families acres of irrigated land: stock water for Equivalent Livestock Units; and/or for the following other uses Along with all applications pertaining to the water right(s) listed in this Section B. (Proceed to Section C)	N1 N4 N5 N5 N2
C	Disclosures By Grantor: (check all boxes that apply) ☐ Grantor is endorsing and delivering To Grantee stock certificates for Shares stock in the following water company: ☒ Culinary water service is provided by: Hurricane City ☐ Outdoor water service is provided by: ☐ There is no water service available to Grantor's Parcel(s). ☐ Other water related disclosures:	N6 N7 N8 N9 N10

Attach and sign additional copies of this form if more space is needed.

The undersigned acknowledge sole responsibility for the information contained herein even though they may have been assisted by employees of the Utah Division of Water Rights, real estate professionals, or other professionals, except to the extent that title insurance or a legal opinion concerning such information is obtained.

Grantor's Signature: R. Jensen Co., Inc., A California Corporation

Robert K. Jensen, President

Grantee's Acknowledgment of Receipt: Lot 19 Moccasin Flats LLC, A Utah Limited Liability Company

By: Hidden Rock Development Group, LLC, A Delaware Limited Liability Company, Sole Member

Anish Bhatia, Manager

Dallin Jolley

Dallin Jolley, Manager

Grantee's Address: 1100 W 4500 S, Hurricane, Utah 84737

NOTE: GRANTEE MUST KEEP A CURRENT ADDRESS ON FILE WITH THE UTAH DIVISION OF WATER RIGHTS.

NOTES TO WATER RIGHTS ADDENDUM TO LAND DEEDS

Please read the following notes carefully in order to avoid problems and the possible loss of the water rights being conveyed in connection with this transaction.

The mere purchase of a water right does not guarantee: (1) that the water right is in good standing with the Utah Division of Water Rights; (2) that the owner has clear title to the water right; (3) that the Division will recognize the ownership change; or (4) that the Division will approve any proposed changes or extensions regarding the water right. You are encouraged to conduct proper "due diligence" research into any water right before purchasing it.

- N1 Once this Water Rights Addendum has been recorded at the County Recorder's Office, Grantee must prepare a "Report of Water Right Conveyance" or "ROC" (available from the Utah Division of Water Rights) and file it with the Utah Division of Water Rights in order to: (1) have the Division's records updated with current ownership and address information; (2) file any application on these water rights; and (3) receive notifications concerning deadlines and other essential information pertaining to these rights. **Failure to do so PROMPTLY may result in the loss of these water rights.** Help with reviewing the water rights and completing the ROC can be obtained from the Utah Division of Water Rights and/or water professionals, such as attorneys, engineers, surveyors, and title professionals with experience in water rights and water law.
- N2 A water right often has one or more applications on file with the Utah Division of Water Rights that affect that water right, such as change applications, extension requests, and non-use applications. These applications should be transferred with the water right. The Grantee should review the water right applications and other documents on file with the Utah Division of Water Rights.
- N3 Water rights owned by the Grantor and used on Grantor's Parcel may be "appurtenant" to Grantor's Parcel. Not all appurtenant water rights have been assigned a water right number because not all water rights are "of record." If Section A is being completed, this conveyance includes all appurtenant water rights, whether or not they are listed by water right number or are of record. Grantee should investigate each water right listed and determine if there are any water rights that are not of record. If there are water rights not of record, Grantee should seriously consider making them of record by filing the appropriate forms with the Utah Division of Water Rights.
- N4 100% of the water rights listed here are being conveyed to Grantee. A Report of Water Right Conveyance (see N1 above) should be filed on each water right listed here. The Water Rights listed in Section B may not provide sufficient water for all of the historic water uses.
- N5 Less than 100% of the water right listed is being conveyed to Grantee. The exact portion to be conveyed, expressed in terms of the beneficial uses associated with this portion of the water right must be described. This description generally consists of: (1) the number of families for domestic (indoor culinary) uses (generally quantified as 0.45 acre-feet per family for a year-round residence and 0.25 acre-feet per family for a seasonal residence); (2) the number of acres irrigated (this involves issues of "irrigation duty" [the number of acre-feet of water allowed per acre of irrigated land] and "sole supply/supplemental supply" [the amount of water allocated to each water right when more than one right is used on the same land or for the same livestock]; and (3) the number of livestock being watered (expressed in terms of equivalent livestock units or "ECUS" which are quantified at the rate of 0.028 acre-feet per EAU for full-year use. Any other uses being conveyed should be similarly described. Help with evaluating, quantifying, and/or describing the uses can be obtained from the Utah Division of Water Rights and/or water professionals.
- N6 Shares of stock in water companies (including irrigation, canal, and ditch companies) are generally not transferred by deed. Each company has procedures for transferring ownership. The company should be contacted to ascertain the appropriate procedures to follow. The most common procedure is for the Grantor to endorse and deliver the stock certificate to the Grantee, who then presents that certificate to company for issuance of a new certificate in the Grantee's name. If another procedure is to be followed, that should be noted on the "Other water related disclosures" line in Section C of this form. Each company also defines how much water is associated with a particular share and what fees and assessments are charged. The Grantee should contact the company about all such issues.
- N7 If culinary water service is currently being provided to the Grantor's Parcel by a municipality, a water district, or a water company, that entity should be listed here and the Grantee should contact that entity to ascertain what is required to continue receiving such service.
- N8 If outdoor/secondary/irrigation water service is currently being provided to the Grantor's Parcel by a municipality, a water district, or a water company, that entity should be listed here and the Grantee should contact that entity to ascertain what is required to continue receiving such service.
- N9 If this box is checked, the Grantee should investigate what water IF ANY is available for use on the Grantor's Parcel.
- N10 This space should be used for any other information that the Grantor has which is relevant to water issues associated with the Grantor's Parcel.

The Utah Division of Water Rights (often referred to as the State Engineer's Office) is located at 1594 W. North Temple, Suite 220, PO Box 146300, Salt Lake City, Utah 84114-6300 Telephone: 801-553-7240 Web Address: www.waterrights.utah.gov

Warranty Deed Page 1 of 6

Gary Christensen Washington County Recorder

12/27/2021 01:54:01 PM Fee \$40.00 By

SOUTHERN UTAH TITLE COMPANY

When recorded mail deed and tax notice to:
 Lot 19 Moccasin Flats LLC, a Utah limited
 liability company
 1100 W 4500 S
 Hurricane, UT 84737



**SOUTHERN UTAH
 TITLE COMPANY**
"Doing good Deeds for over 70 years"
 sutc.com

Order No. 221904 - TW
 Tax I.D. No. H-MOF-19

Space Above This Line for Recorder's Use

WARRANTY DEED

Dallin Jolley and Blake Ballard, grantor(s), of Los Angeles, County of Los Angeles, State of California, hereby CONVEY and WARRANT to

Lot 19 Moccasin Flats LLC, a Utah limited liability company, grantee(s) of Hurricane, County of Washington, State of Utah, for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION the following described tract of land in Washington County, State of Utah:

Lot Nineteen (19), MOCCASIN FLATS, according to the Official Plat thereof, on file in the Office of the Recorder of Washington County, State of Utah.

See Water Rights Addendum to Land Deeds attached hereto and made a part hereof

TOGETHER WITH all improvements and appurtenances there unto belonging, and being SUBJECT TO easements, rights of way, restrictions, and reservations of record and those enforceable in law and equity.

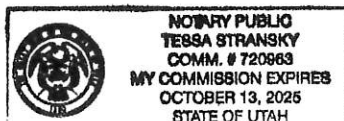
WITNESS the hand(s) of said grantor(s), this 22nd day of December, 2021.

Signed in counterpart
 Dallin Jolley

[Signature]
 Blake Ballard

STATE OF Utah)
 SALT LAKE) :ss.
 COUNTY OF Washington)

On the 22nd day of December, 2021, personally appeared before me, ~~Dallin Jolley~~ and Blake Ballard, the signer(s) of the within instrument who duly acknowledged to me that he/she/they executed the same.



[Signature]
 NOTARY PUBLIC

My Commission Expires:

October 13, 2025

When recorded mail deed and tax notice to:
Lot 19 Moccasin Flats LLC, a Utah limited
liability company
1100 W 4500 S
Hurricane, UT 84737



SOUTHERN UTAH
TITLE COMPANY
"Doing good Deeds for over 70 years"
suttac.com

Order No. 221904 - TW
Tax I.D. No. H-MOF-19

Space Above This Line for Recorder's Use

WARRANTY DEED

Dallin Jolley and Blake Ballard, grantor(s), of Los Angeles, County of Los Angeles, State of California, hereby CONVEY and WARRANT to

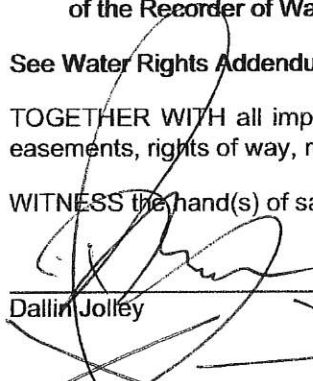
Lot 19 Moccasin Flats LLC, a Utah limited liability company, grantee(s) of Hurricane, County of Washington, State of Utah, for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION the following described tract of land in Washington County, State of Utah:

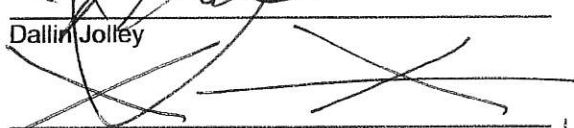
Lot Nineteen (19), MOCCASIN FLATS, according to the Official Plat thereof, on file in the Office of the Recorder of Washington County, State of Utah.

See Water Rights Addendum to Land Deeds attached hereto and made a part hereof

TOGETHER WITH all improvements and appurtenances there unto belonging, and being SUBJECT TO easements, rights of way, restrictions, and reservations of record and those enforceable in law and equity.

WITNESS the hand(s) of said grantor(s), this 21st day of December, 2021.


Dallin Jolley


Blake Ballard

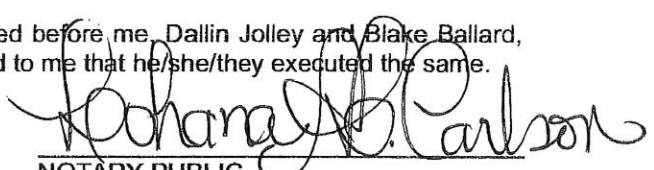
Signed in counterpart

STATE OF Utah)

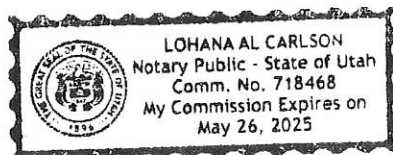
:ss.

COUNTY OF Washington SALT LAKE

On the 21 day of December, 2021, personally appeared before me, Dallin Jolley and Blake Ballard, the signer(s) of the within instrument who duly acknowledged to me that he/she/they executed the same.


NOTARY PUBLIC

My Commission Expires: May 26, 2025



WATER RIGHTS ADDENDUM TO LAND DEEDS

Grantor: Dallin Jolley and Blake Ballard
 Grantee: Lot 19 Moccasin Flats LLC, a Utah limited liability company
 Tax ID Number(s): H-MOF-19

In connection with the conveyance of the above referenced parcel(s), Grantor hereby conveys to Grantee without warranty, except for a warranty of title as to all claiming title by or through Grantor, the following interests in water and/or makes the following disclosures:

Check one box only

- 1 ☒ All of Grantor's water rights used on Grantor's Parcel(s) are being conveyed.
 2 ☐ Only a portion of Grantor's water rights are being conveyed. (County Recorder should forward a copy of this form to the Utah Division of Water Rights if Box 1 or 2 above is checked)
 3 ☐ No water rights are being conveyed.
 4 ☐ Water rights are being conveyed by separate deed.

Proceed to Section

A

B

C

C

Important Notes
(see other side)

Section

A	The water right(s) being conveyed include Water Right No(s). <u>81-5228(a44087)</u> along with all applications pertaining to the water right(s) listed in this Section A, and all other appurtenant water rights (Proceed to Section C)	N1 N2 N3
B	Only the following water rights are being conveyed: (check all boxes that apply) ☐ All of Water Rights No(s). ☐ acre-feet from Water Right No. for: families acres of irrigated land: stock water for Equivalent Livestock Units; and/or for the following other uses ☐ acre-feet from Water Right No. for: families acres of irrigated land: stock water for Equivalent Livestock Units; and/or for the following other uses Along with all applications pertaining to the water right(s) listed in this Section B. (Proceed to Section C)	N1 N4 N5 N5 N2
C	Disclosures By Grantor: (check all boxes that apply) ☐ Grantor is endorsing and delivering To Grantee stock certificates for Shares stock in the following water company: ☐ Culinary water service is provided by: ☐ Outdoor water service is provided by: ☒ There is no water service available to Grantor's Parcel(s). ☐ Other water related disclosures:	N6 N7 N8 N9 N10

Attach and sign additional copies of this form if more space is needed.

The undersigned acknowledge sole responsibility for the information contained herein even though they may have been assisted by employees of the Utah Division of Water Rights, real estate professionals, or other professionals, except to the extent that title insurance or a legal opinion concerning such information is obtained.

Grantor's Signature:

Dallin Jolley

Blake Ballard

Grantee's Acknowledgment of Receipt:

Lot 19 Moccasin Flats LLC, a Utah
limited liability company

By: Hidden Rock Development, Group,
LLC, a Delaware limited liability
company, Sole Member

Anish Bhatia, Manager

Dallin Jolley, Manager

Grantee's Address: 1250 Long Beach Ave., Los Angeles, California 90021

NOTE: GRANTEE MUST KEEP A CURRENT ADDRESS ON FILE WITH THE UTAH DIVISION OF WATER RIGHTS.

WATER RIGHTS ADDENDUM TO LAND DEEDS

Grantor: Dallin Jolley and Blake Ballard
Grantee: Lot 19 Moccasin Flats LLC, a Utah limited liability company
Tax ID Number(s): H-MOF-19

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Check one box only

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Proceed to Section

A
B
C
C

Important Notes
(see other side)

Section		
A	The water right(s) being conveyed include Water Right No(s). <u>81-5228(a44087)</u> along with all applications pertaining to the water right(s) listed in this Section A, and all other appurtenant water rights (Proceed to Section C)	N1 N2 N3
B	Only the following water rights are being conveyed: (check all boxes that apply) ☐ All of Water Rights No(s). ☐ acre-feet from Water Right No. for: families acres of irrigated land: stock water for Equivalent Livestock Units; and/or for the following other uses ☐ acre-feet from Water Right No. for: families acres of irrigated land: stock water for Equivalent Livestock Units; and/or for the following other uses Along with all applications pertaining to the water right(s) listed in this Section B. (Proceed to Section C)	N1 N4 N5 N5 N2
C	Disclosures By Grantor: (check all boxes that apply) ☐ Grantor is endorsing and delivering To Grantee stock certificates for Shares stock in the following water company: ☐ Culinary water service is provided by: ☐ Outdoor water service is provided by: ☒ There is no water service available to Grantor's Parcel(s). ☐ Other water related disclosures:	N6 N7 N8 N9 N10

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Grantor's Signature:

Dallin Jolley

Blake Ballard

Grantee's Acknowledgment of Receipt: Lot 19 Moccasin Flats LLC, a Utah limited liability company

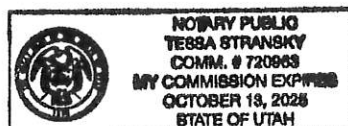
By: Hidden Rock Development, Group, LLC, a Delaware limited liability company, Sole Member

Anish Bhatia, Manager

Dallin Jolley, Manager

Grantee's Address: 1250 Long Beach Ave, Los Angeles, California 90021

NOTE: GRANTEE MUST KEEP A CURRENT ADDRESS ON FILE WITH THE UTAH DIVISION OF WATER RIGHTS.



State of UTAH County of SALT LAKE
Subscribed and sworn before me on 12-22-2021 (Date)
Tessa Stransky
(Notary Signature)

WATER RIGHTS ADDENDUM TO LAND DEEDS

Grantor: Dallin Jolley and Blake Ballard
Grantee: Lot 19 Moccasin Flats LLC, a Utah limited liability company
Tax ID Number(s): H-MOF-19

In connection with the conveyance of the above referenced parcel(s), Grantor hereby conveys to Grantee without warranty, except for a warranty of title as to all claiming title by or through Grantor, the following interests in water and/or makes the following disclosures:

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Proceed to Section

A

B

C

C

Important Notes
(see other side)

Section

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Grantor's Signature:

Dallin Jolley

Blake Ballard

Grantee's Acknowledgment of Receipt: Lot 19 Moccasin Flats LLC, a Utah limited liability company

By: Hidden Rock Development, Group, LLC, a Delaware limited liability company, Sole Member

Anish Bhatia

Anish Bhatia, Manager

Dallin Jolley

Dallin Jolley, Manager

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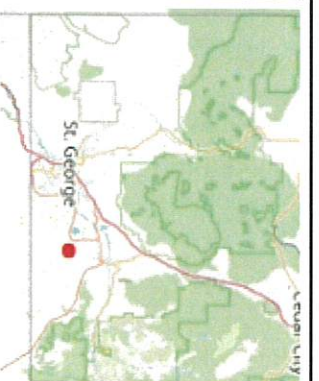
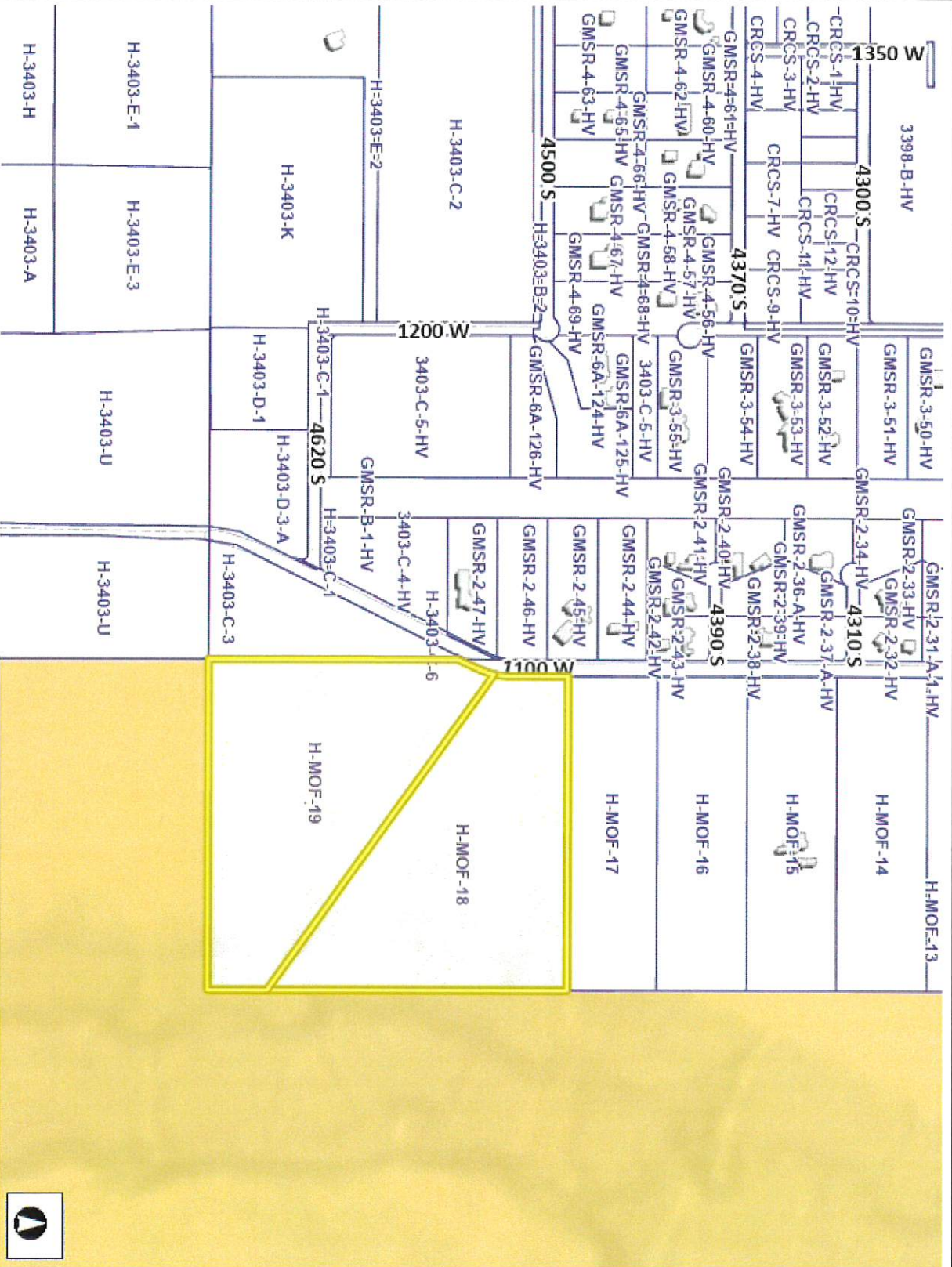
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Oculita Roca Zone Change



Legend

- Parcels
- 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

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.

MMW LLC H-3403-C-6 PO BOX 629 HURRICANE, UT 84737	LOT 19 MOCCASIN FLATS LLC H-MOF-18 1100 W 4500 S HURRICANE, UT 84737
STEARNS KEVIN & JENNIFER GMSR-2-44-HV 4446 S 1100 W HURRICANE, UT 84737	BROWN JEREMY JR GMSR-2-45-HV 7050 CANYON DR PARK CITY, UT 84098
BROWN JEREMY JR GMSR-2-46-HV 7050 CANYON DR PARK CITY, UT 84098	LOT 19 MOCCASIN FLATS LLC H-MOF-19 1100 W 4500 S HURRICANE, UT 84737
BROWN JEREMY JR GMSR-2-45-HV 7050 CANYON DR PARK CITY, UT 84098	BRADLEY RICHARD TR GMSR-2-47-HV 3187 ROWENA AVE LOS ANGELES, CA 90027-2528
LOWE LAND 280 LLC H-3403-U 1038 E 760 N OREM, UT 84097	GRAHAM DAVID & JULI RENEE H-MOF-17 18295 MOCKINGBIRD CYN RD RIVERSIDE, CA 92504
BRADLEY RICHARD PHILIP TR 3403-C-4-HV 3187 ROWENA AVE LOS ANGELES, CA 90027	RLB&M ENTERPRISES LLC H-3403-C-3 561 E TABERNACLE ST SAINT GEORGE, UT 84770

OCULTA ROCA

ZONE CHANGE APPLICATION

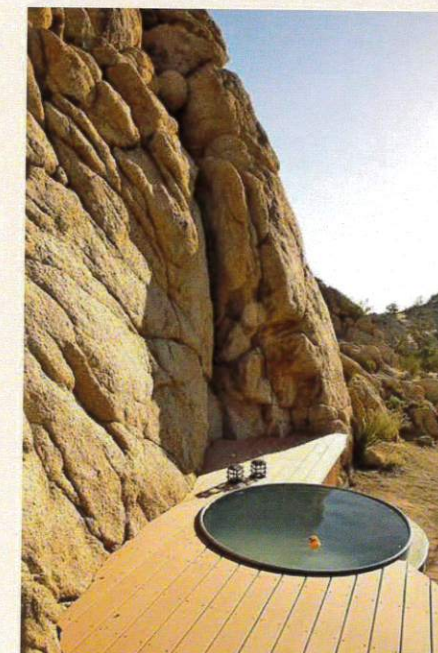
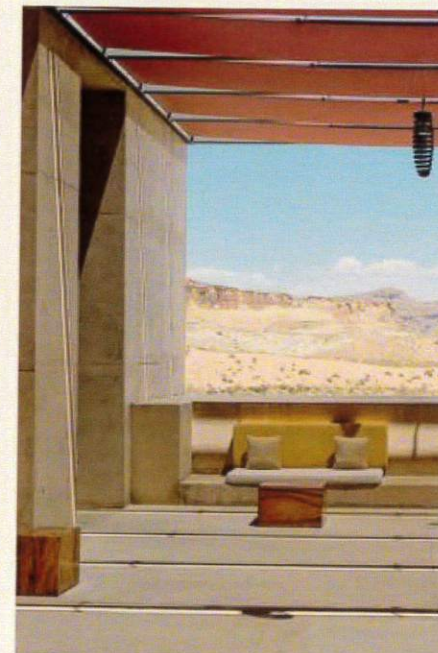
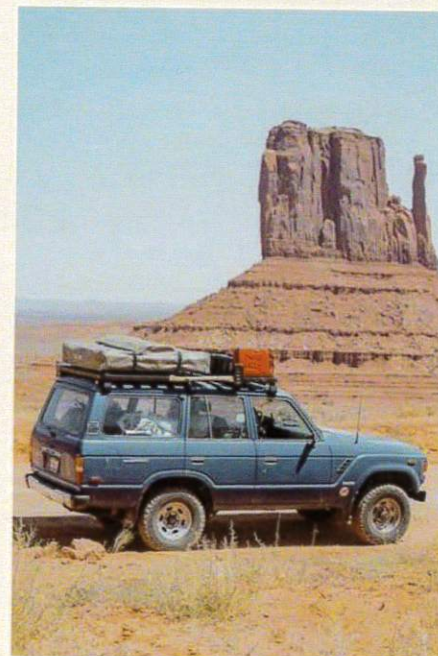
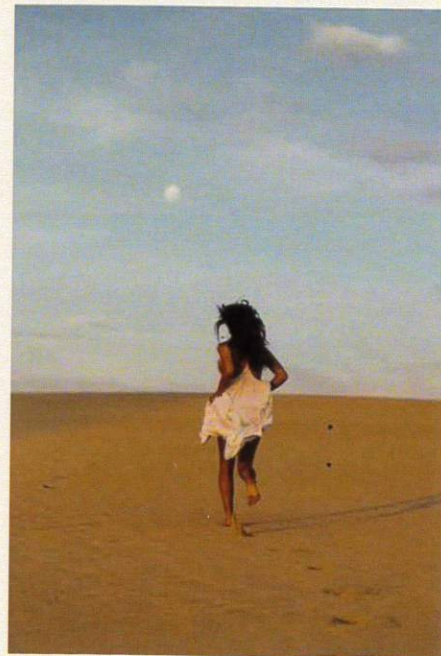
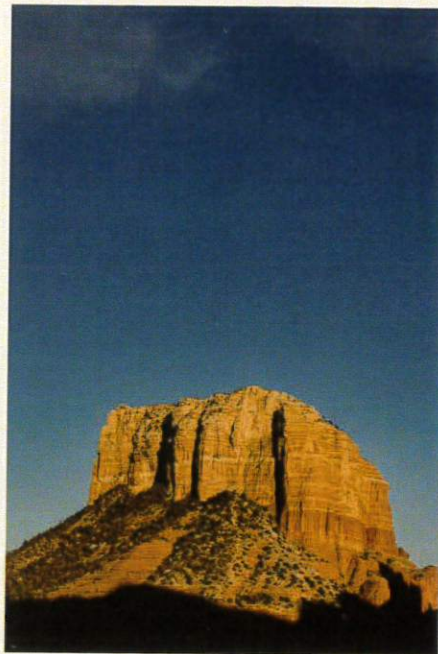
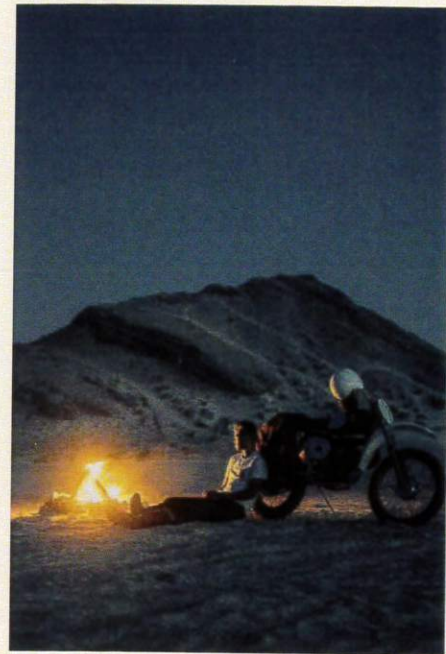


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FIND YOURSELF IN THE DESERT

"WHAT DRAWS US INTO THE DESERT IS THE SEARCH FOR SOMETHING INTIMATE IN THE REMOTE."

LOSE YOURSELF IN THE DESERT



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02	SITE OVERVIEW
03	PROJECT RENDERS

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01

OVERVIEW AND REASON

OCULTA ROCA BY HIDDEN ROCK DEVELOPMENT GROUP

Hidden Rock Development Group is pleased to present a zone change request to Hurricane City for the properties shown in the attached Zone Change Application. Our Development, Oculta Roca (the "Project" or "Development"), is in control of parcels H-MOF-18 ("Lot 18") and H-MOF-19 ("Lot 19") located in the Moccasin Flats Subdivision of Hurricane City.

Oculta Roca (which means "hidden rock" in Spanish) is an architectural retreat focused on the guests' wellness through active experiences within the property lines and beyond.

The retreat is designed to be built with large concrete massings and glazing that extends the guests' eyes to the beautiful landscape.

Nestled into the hillside of Mollies Bluff in the beautiful desert landscape of Southern Utah, the resort homes are designed with privacy and accessibility in mind.

OCULTA ROCA HAS A MISSION TO INSPIRE THE MIND AND NOURISH THE BODY THROUGH ACTIVATIONS IN THE DESERT.





OCULTA ROCA

ZONE CHANGE APPLICATION

MARCH 2022

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PROPOSED ZONE CHANGE REQUEST

The mentioned parcels total over forty-four (44) contiguous acres and are currently zoned RA-1. The aim for this requested Zone Change Application is to combine both parcels and rezone them to the "Recreational Resort Zone" classification.

We believe Oculita Roca will have an immensely positive impact on the City of Hurricane and will maintain the integrity of the long-term objectives set forth by both the Planning Commission and City Council. Our two main objectives for the Project are as follows:

I. DEVELOP AN EXTREMELY LOW-DENSITY HOSPITALITY PROJECT THAT PRESERVES OPEN SPACE FOR VISUAL ENJOYMENT AND RECREATIONAL USE THAT IS HARMONIOUS WITH THE CURRENT RESIDENTIAL SCALE OF THE SURROUNDING AREA.

II. DELIVER A UNIQUE GUEST EXPERIENCE THROUGH STUNNING ARCHITECTURE AND DESIGN, PARTNERSHIPS WITH LOCAL BUSINESSES AND TOUR OPERATORS, AND OPERATIONAL EXCELLENCE VIA PROFESSIONAL ON-SITE PROPERTY MANAGEMENT AND TEAM MEMBERS.



I. DEVELOP AN EXTREMELY LOW DENSITY AND ATTRACTIVE PRODUCT TYPE

Oculta Roca aims to emphasize the dynamism of the two parcels by highlighting the topography created by the beautiful bluff and its natural landscape. We have designed Oculta Roca within the landscape provided instead of against it, which allows for the preservation of open space for visual enjoyment/recreational use while simultaneously creating an attractive and desirable development within Hurricane City.

The current zoning allows for nightly rentals via Bed and Breakfasts (BNB Homes) by right. We would like to slightly increase the number of rooms available to be rented from the current zoning. Although the "Recreational Resort Zone" technically would allow a maximum of 15 units per acre (or in our case 660 units across 44 acres), **our intent for the Project is to maintain the integrity of the land with an extremely low density of 0.5 units per 1 acre – totaling only 20 units on the site.** Furthermore, these 20 units will be built across five unique structures, all one-level above grade and spread-out across the property's 44 acres to match the sanctity of the neighboring architecture and emphasize the natural beauty of the bluff and 360-degree views of the surrounding area.

The development complies with all the Lot Standards set forth in Chapter 26 of the Recreation Resort Zone code. The code states that the Recreation Resort Zone shall be applied only to projects consisting of at least five (5) acres. Our Project contains forty-four (44) acres, far exceeding the minimum by almost nine times. Also, the Project's parcels are on the southernmost tip of Hurricane City and border the vast acreage of BLM land.



II. ON-SITE PROPERTY MANAGEMENT FOR A BETTER GUEST EXPERIENCE

Another priority of Oculita Roca is to provide our guests with an exceptionally high level of service not currently provided in Hurricane City. We would like the guests of Oculita Roca to experience the desert landscape in its most real form which is why we have designed our Project to focus on the natural landscape and bluff.

More critical to the guest experience will be the service levels we plan to offer. We plan to hire between five and fifteen employees to staff the Property, with many of the employees hired as full-time team members. With professional on-site property management, Oculita Roca will be able to provide a truly magical experience for all guests.

As stated in the Recreational Resort Zone code, Oculita Roca would provide the minimum facilities and services: 1) a swimming pool and clubhouse and 2) an on-site property manager. Our aim is to provide the local community with a unique resort to be proud of and which many of them can experience its amenities. H-MOF-18 ("Lot 18") and H-MOF-19 ("Lot 19") are large parcels containing a combined 44 acres of land with plenty of space between structures to allow for privacy and unique guest experiences throughout.

The luxury full service offering combined with indoor/outdoor recreation facilities and restaurant/outdoor dining across our extremely low-density site will create the utmost desirable resort/retreat atmosphere, which is a major objective set forth in the Recreational Resort Zone code.



SUMMARY

Our goal is to build an extremely low-density Project that blends in with similar low-density single-family homes in the area, rather than some large 3 or 4-story hotel. We do not want high-density. Our Project won't require additional utility infrastructure than what is already provided to the site due to our design being more similar to single family homes than a large-scale development. Our 44 acres allow for our five distinct low-rise buildings to be far enough apart to provide privacy and naturally landscaped pathways. **Furthermore, we have dedicated a huge portion of our site to remain open air and recreationally designated areas.**

We want to build a Project that can be managed like a hotel, with numerous on-site staff and managers, but still look and feel like single family residences. By having professional on-site property management and numerous full-time staff members, our guests will experience something completely unique in Hurricane – a luxury hospitality experience that feels residential. Our guests will have daily meals provided by a full-time chef, and they will have access to at least one pool at each of our buildings. **We also plan to partner with local businesses and local experts to provide our guests with unique experiences in Hurricane and the surrounding area.**

In closing, we hope you will approve our 44 acres of land to be re-zoned to the "Recreational Resort Zone". If this zoning change is approved, we are highly confident the Project will have an immensely positive impact on the City of Hurricane. We want the local community to feel as proud of Oculita Roca as we are and we know our guests will be. Our extremely low-density buildings have been designed specifically to incorporate the beautiful bluff and natural landscape. We feel our professional on-site staff will provide guests with exceptional levels of service. We hope to create a different type of development – one that will induce demand to Hurricane and won't stick out like a sore thumb, but rather "wow" residents and travelers alike by the high-design, low-impact nature of the Project. **We ask you to allow us to develop this incredible Project for our future guests, the local community, and the City of Hurricane. We ask you to allow us to bring Oculita Roca to life.**



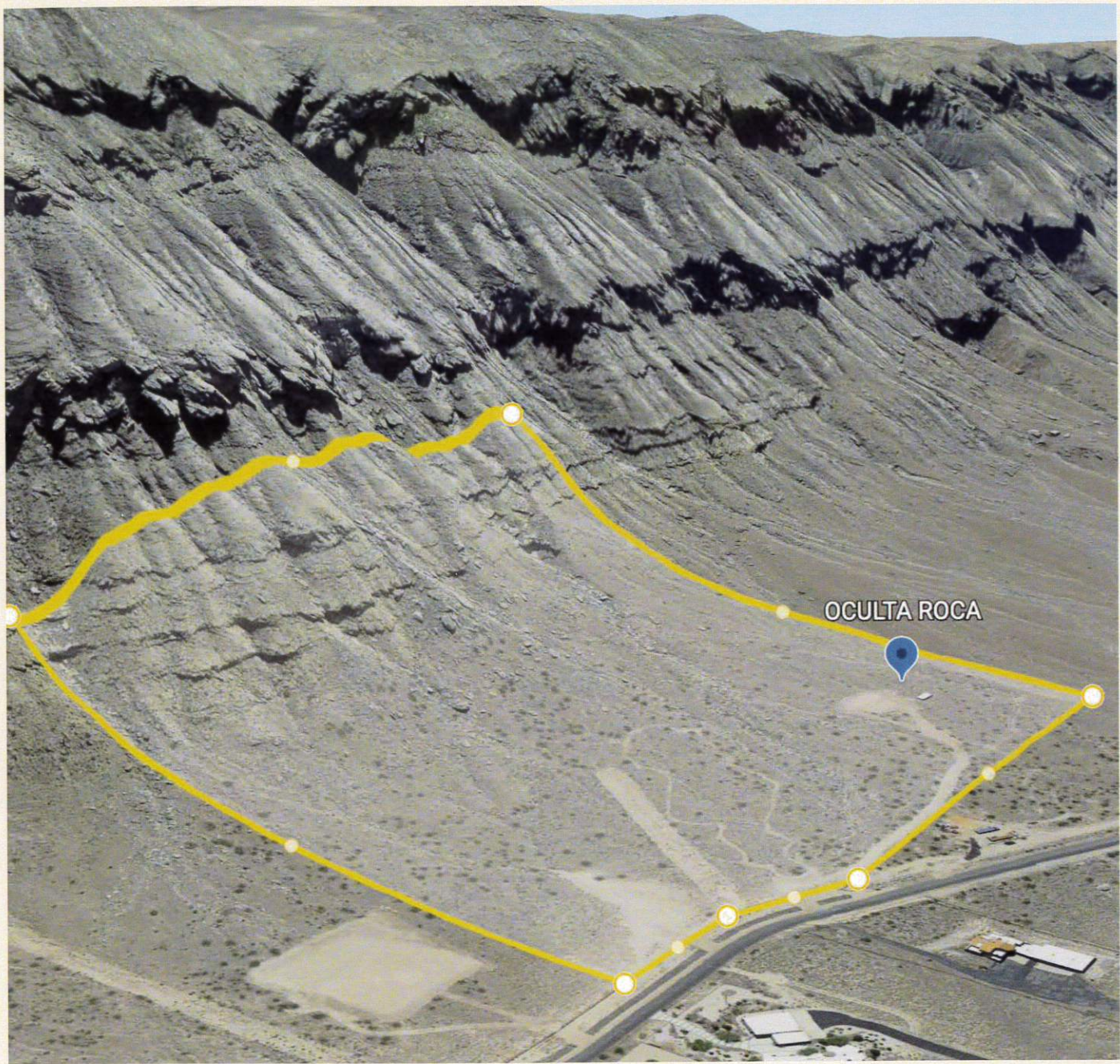


02

SITE OVERVIEW

EXISTING TOPOGRAPHY

WE HAVE DEDICATED A HUGE PORTION OF OUR SITE TO REMAIN OPEN AIR AND RECREATIONALLY DESIGNATED AREAS.



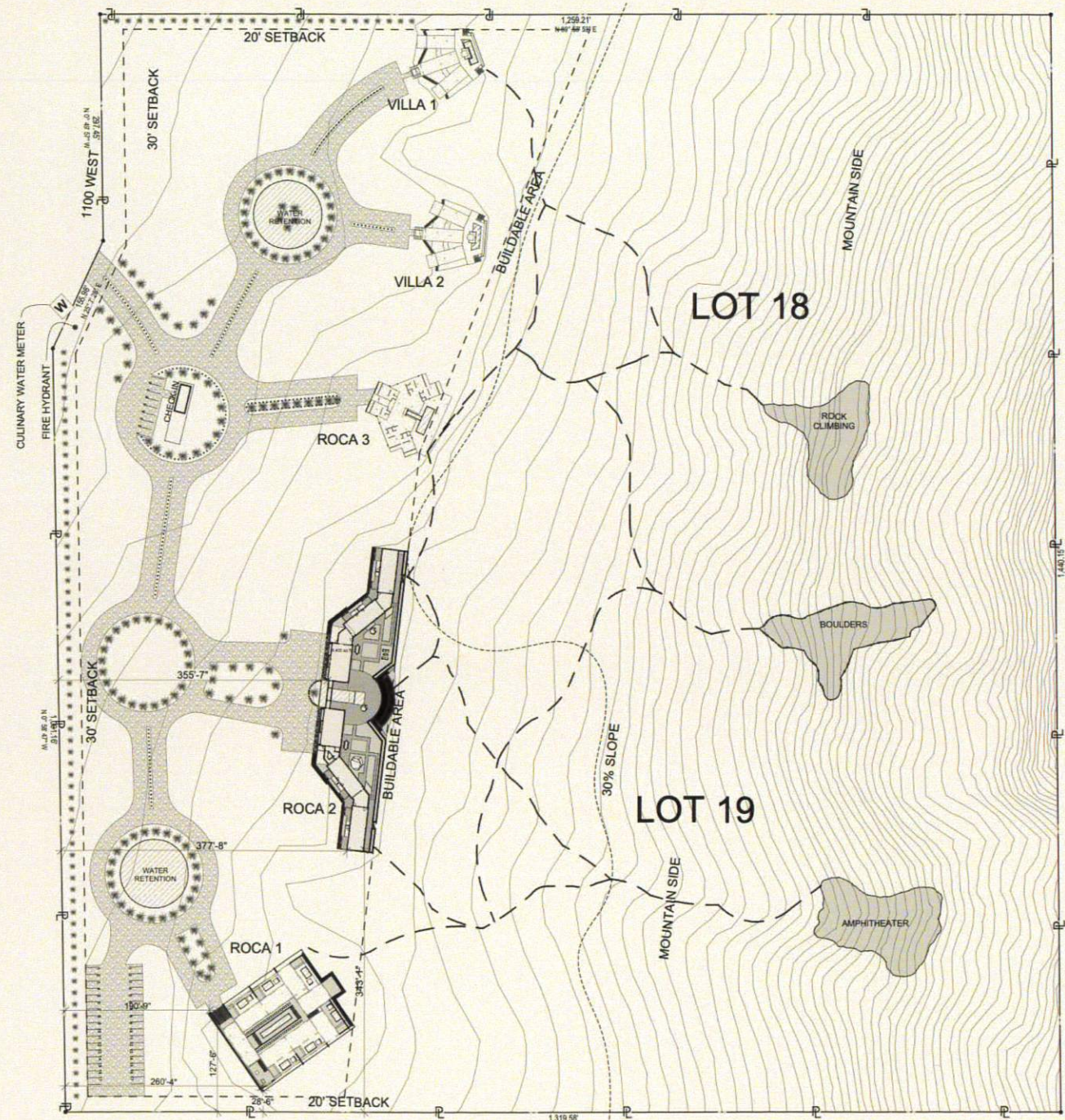
SITE PHOTOS

HIDDEN ROCK DEVELOPMENT GROUP IS DEDICATED TO MAINTAIN THE BEAUTY OF THE NATURAL LANDSCAPE THROUGH THE OCULTA ROCA'S LOW-DENSITY.



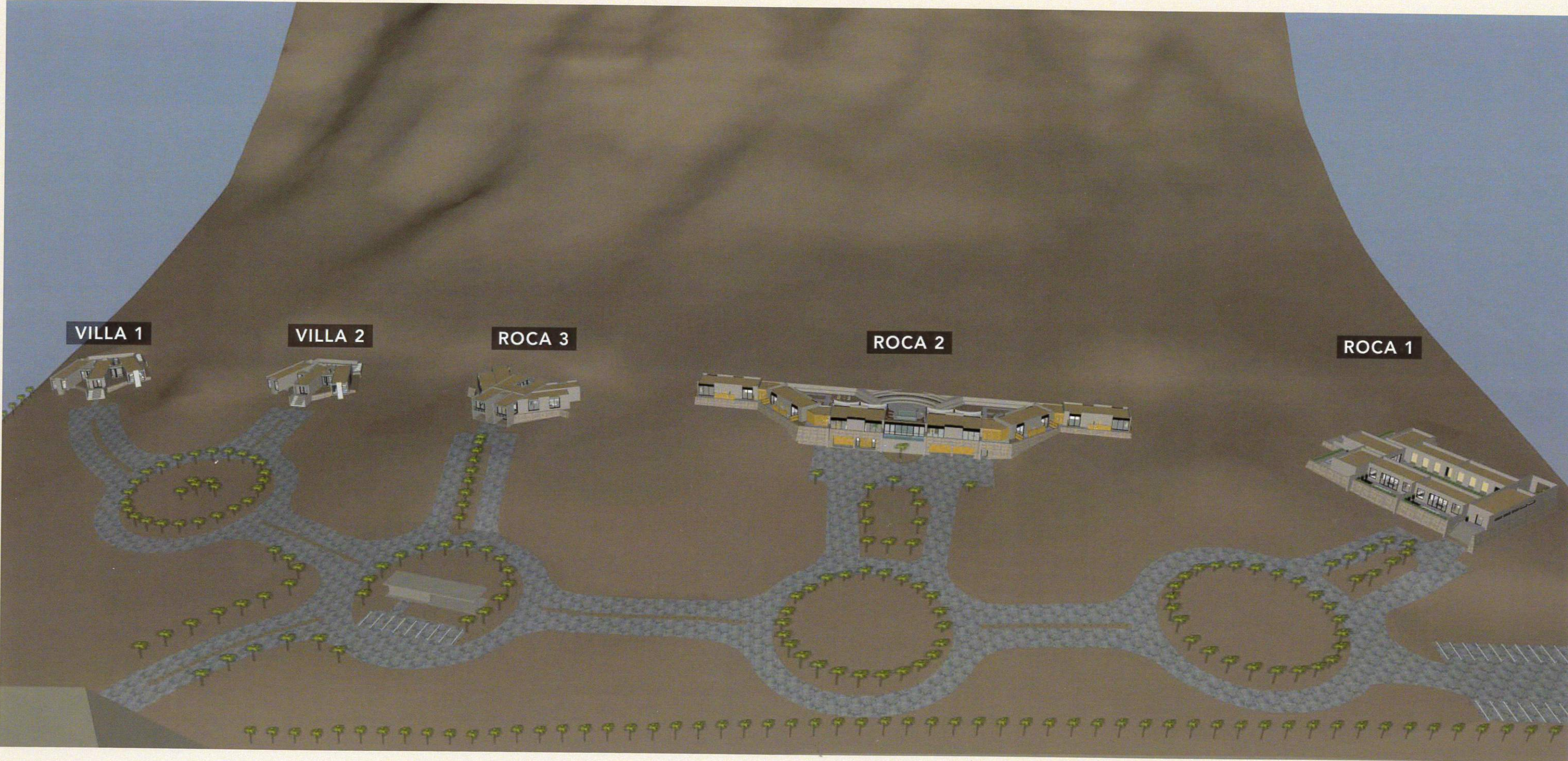
SITE PLAN

OUR 44 ACRES ALLOW FOR OUR FIVE DISTINCT LOW-RISE BUILDINGS TO BE FAR ENOUGH APART TO PROVIDE PRIVACY AND NATURALLY LANDSCAPED PATHWAYS.



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PROPOSED STRUCTURES ON THREE-DIMENSIONAL SITE PLAN



PROPOSED ROCA STRUCTURES

OUR GOAL IS TO BUILD AN EXTREMELY LOW-DENSITY PROJECT THAT BLENDS IN WITH SIMILAR LOW-DENSITY SINGLE-FAMILY HOMES IN THE AREA, RATHER THAN SOME LARGE 3 OR 4-STORY HOTEL.



Roca 1
6,095 SF
Six Units / Six Bedrooms



Roca 2
8,245 SF
Six Units / Eight Bedrooms



Roca 3
3,854 SF
Six Units / Six Bedrooms

PROPOSED VILLAS STRUCTURES

THE PROJECT WILL ALSO CONTAIN TWO BEAUTIFULLY DESIGNED THREE-BEDROOM VILLAS



Villa 1
2,120 SF
One Unit / Three Bedrooms



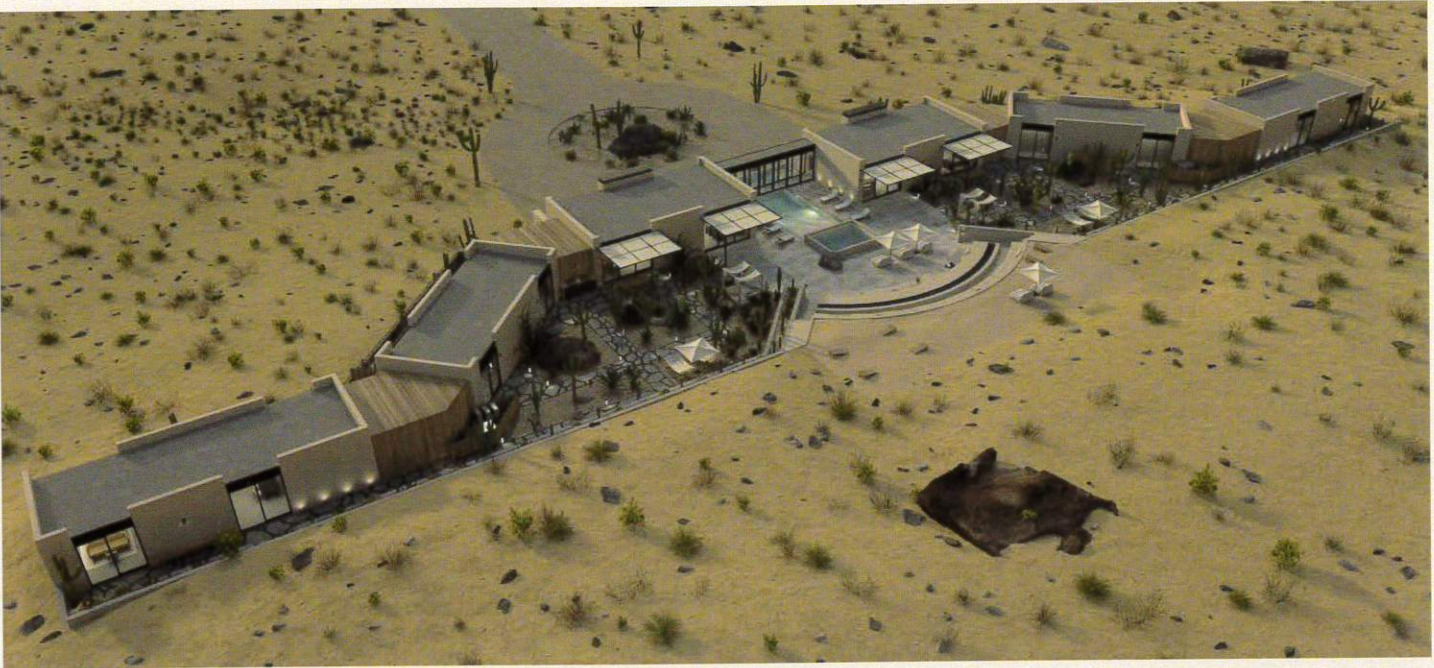
Villa 2
2,120 SF
One Unit / Three Bedrooms



03

PROJECT RENDERS

EXTERIOR RENDERS



OCULTA ROCA

ZONE CHANGE APPLICATION

MARCH 2022

DO NOT DISTRIBUTE

INTERIOR RENDERS



OCULTA ROCA

ZONE CHANGE APPLICATION

MARCH 2022

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THANK YOU

FOR MORE INFORMATION:

HIDDEN ROCK DEVELOPMENT GROUP

DALLIN JOLLEY

Dallin@HikkoDesign.com

5889 S. Highland Fr.

Holladay, Ut 84121

ANISH BHATIA

Anish@room9.com

100 Norfolk St. Apt 6B

New York, NY 10002



STAFF COMMENTS

Agenda Date:	06/02/2022
Application Number:	2022-ZC-23
Type of Application:	Zone Change
Action Type:	Legislative
Applicant:	Hidden Rock Development Group
Agent:	Brent Bateman
Request:	A Zone Change from RA-1 to RR
Location:	4527 S and 4491 S 1100 W
Zoning:	RA-1
General Plan Map:	Natural Open Space

Planning Commission Recommendation:

Planning Commission recommended to deny this zone change because it was not harmonious with the surrounding development, there are not adequate facilities, and does not match the criteria for recreation resort zoning. The vote was unanimous.

Discussion:

The applicant is seeking to rezone lots 18 and 19 in Moccasin Flats from RA-1 to RR to create a resort area. These lots are larger than the other lots in Moccasin Flats, each are about 20 acres, because of the steep slopes on the property. They are planning on 20 resort units spread across five buildings.

	Zoning	Adjacent Land Use
North	RA-1	Moccasin Flats, single family homes
East	RA-1, Unincorporated	Undeveloped, Sky Ranch

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

Response: The General Plan Map shows this area as Natural Open Space which it defines as: *Areas within the City of undeveloped open space, such as hillsides, ridge lines, river corridors, habitat, and drainage channels left in a predominately undisturbed state with minimal use impacts. These areas may include uses such as trails, trailheads, and small pavilions*

This was mapped this way on the General Plan Map because of the steep slopes on the property. The City has allowed development on areas of Natural Open Space in the past, Hideaway Ridge for example, but usually these are less intensive or already approved developments.

The General Plan states that “Hurricane is in a unique location with close proximity to several national and state parks and a celebrated network of mountain biking trails. Capitalizing on this national and state-wide trend will have huge economic benefits and can create hundreds of jobs each year. (Hurricane City General Plan, 2021, p. 50)” but it also states that, “The City supports and encourages the preservation of natural open space.”

Overall staff does not believe that this matches the General Plan Map or intentions

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

Response: Resort use would not be harmonious with the large lot single family homes within Moccasin Flats and Sky Ranch. However, the building renderings supplied by the applicant do match the surrounding homes in style.

There are a number of short-term rentals, illegal and legal, within Sky Ranch and Moccasin Flats.

3. Will the proposed amendment affect the adjacent property?

Response: The proposed zoning will have an impact on the surrounding property. Resort uses tend to be more intensive than single family uses, generating more trips and necessitating more parking than residential uses. However the property's general remoteness may alleviate some of that.

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

Response: Services are currently inadequate but there are developments in the area as well as a Public Infrastructure District in the area that will bring services to the area. All major utilities: power, water, and sewer, have plans to upgrade services down 1100 W.

Other Considerations:

Per Hurricane City Code Recreation Resorts 10-26-5:

B. In addition to the items required by 10-7-7, the City shall consider the following criteria in assessing any zone change application.

- 1. General Plan Map: Recreation Resort Zoning shall be located in Commercial, Planned Community, Mixed Use, or Multi-Family areas as labeled by the General Plan Map.*
- 2. Recreation Resort Zoning shall avoid clustering in a single location, and should be limited in size relative to the commercial or multi-family zoned area. Only in rare cases should a recreation resort zone exceed 20 acres.*
- 3. Recreation Resort Zoning shall only be located adjacent to Major Collectors, Minor Arterials, or Major Arterial Roads.*
- 4. Recreation Resort Zoning should help add to the commercial viability of an area within commercial areas listed in the General Plan Map. It may do this by adding commercial amenities, tourism, or renewed development of an area.*
- 5. Recreation Resort Zoning should not conflict with long term housing and moderate income housing needs of an area. Recreation Resort Zoning should not be located in places where multi-family housing could be built that would have easy access to public amenities and services, such as schools, parks, and utilities.*

1. The property is not located in Commercial, Planned Community, Mixed Use, or Multi-Family areas of the General Plan Map
2. This property is about 44 acres, double what the code recommends. The very limited number of units could qualify this for a rare exception
3. 1100 W is planned as a Major Collector however it is not currently that wide or developed
4. Not applicable
5. This property does not have easy access to public amenities and services. There are some multifamily approved as part of Solaroca and Copper Rock but this area overall is not a great place for multifamily.

Vacation Rentals

The city has 4757 vacation rentals built or approved in the past few years. The vast majority of these approved units have not been built yet so their effect on the local economy, housing market, and community at-large have yet to be fully felt or realized. Generally, staff would not recommend the approval of any more vacation rentals unless some amenities or other attractions are included in the proposal. The property's unique location along the Hurricane Cliffs may count for this.

Recreation Resort Zones

Development	Approved Number of Units
Bash Resort	353
Copper Rock	774
Coral Canyon	140
Cordero	148
Desert Sands	354
Horseman's Edge	15
Marla	121
Pecan Valley	443
Sand Hollow	702
Sand Hollow Gateway Resort	885
Sand Hollow Mesa	707
Zion Hub	37
Zion Village	89
<i>Oculita Roca</i>	20
Total	4777

Preliminary Site Plan Review

JUC Comments:

Power: Do not think power line is sufficient

Water: Do not have the infrastructure right now, may once the PID goes through.

Streets: Only one access. Private streets within.

Sewer: Unclear, need 9 acres for a single residential septic tank. Might need to run the sewer out.

Engineering: Not enough information. 1100 W should have been built to current standards when Moccasin Flats was put in, will likely need to be built out to current standards now

Fire: Need hydrant location

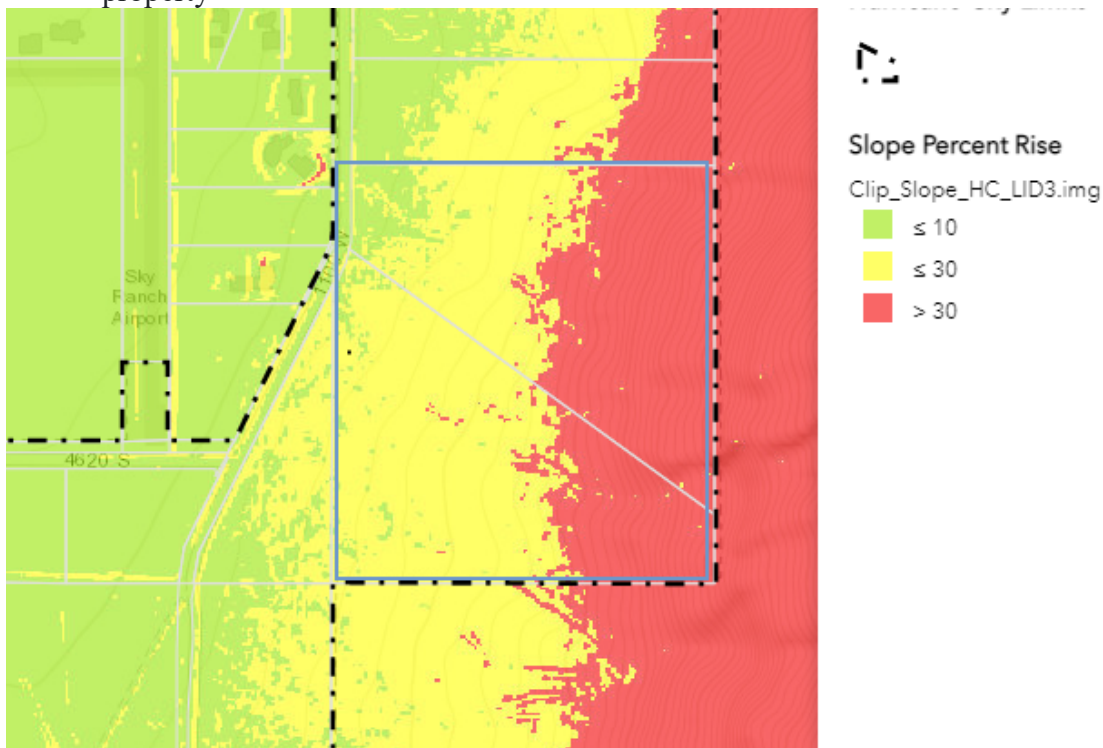
Gas: No concerns.

Staff Comments:

1. **Density:** The density is about 0.5 units an acre which is well under the 15 units an acre density cap.
2. **Parking:** Per HCC 10-26-6:

E. Off street parking: Parking shall comply with the following standards.

1. *Within recreational resorts, an application shall provide two parking spaces per unit or one space per bedroom, whichever is higher. Tandem parking spaces are permitted only if approved as part of the preliminary site plan by the Planning Commission.*
2. *RV and Trailer Parking: An applicant shall provide sufficient parking areas for RV's and trailers. A minimum of one RV/trailer parking space shall be provided for every 5 units.*
 - a. More information is required to ensure compliance. Their submitted site plan does not show any RV/trailer parking, four are required
3. **Amenities:** Per Hurricane City Code 10-26-4: 1 clubhouse of at least 1000 sq ft and 1 pool of at least 1500 sq ft is required.
 - a. The unit labeled "Roca 2" is planned to serve as the clubhouse area. It is not clear that they are providing sufficient clubhouse space
 - b. There are some pools shown on the site plan and renderings but it is not clear that this is sufficient for this codes requirements
4. **Sensitive Lands:** A sensitive lands application should have been received with the original Moccasin Flats subdivision. These two lots were made larger because of the steep slopes on the property



Unless a subdivision is desired, which does not seem to be the case, a new sensitive lands application will not be required. Staff would recommend special care be taken with the slope engineering on the property

5. A table providing the percentage of building coverage should be provided
6. The buildable area line shown on the site plan matches the one on the Final Plat for Moccasin Flats
7. Staff does not recommend the amenities up in the cliffs are provided, doesn't look very safe
8. Staff has been informed that the CC&Rs for Moccasin Flats do not allow subdivisions or uses other than single family homes. It is not clear from the site plan that subdivisions are planned for the property. Enforcement of CC&Rs falls under the jurisdiction of the HOA or the individual homeowners within the property and staff has not verified these reports

Findings:

Staff makes the following findings:

1. The application does not meet the standards of the General Plan Map for the property.
2. Generally, the uses are harmonious in some ways but not in others from the surrounding development. There are some short-term rentals in the area and the applicant proposal is minimal in density for a resort zone. However, most of the surrounding property has long term residential uses with some agriculture uses.
3. The proposed amendment will have an impact on the area.
4. Services are currently inadequate to serve the area and proposed project but plans are already in motion to get services near this property.
5. The application does not meet items 1 and 2 of the criteria to zone a property to Recreation Resort. Namely, it is not located in the Commercial, Planned Community, Mixed Use, or Multi-Family areas of the General Plan Map and the property is larger than 20 acres.
6. The Preliminary Site Plan provided is lacking certain details required by the Recreation Resort zone

Recommendation: Staff recommends the Planning Commission review this application and the zone change based on standards and considers residents' comments. Staff would recommend denial of this zone change.

Stephen Nelson

From: Anish Bhatia <anish@room9.com>
Sent: Tuesday, May 31, 2022 9:55 AM
To: Stephen Nelson
Cc: Fred Resch; DALLIN JOLLEY; Brent N. Bateman
Subject: Oculita Roca Update

Hey Stephen - I am emailing to formally rescind the RR zone change application of lots H-MOF-18 and H-MOF-19 before it reaches City Council.

It was our initiative to work in a collaborative nature with the City and your team to build Oculita Roca and never our intent to create any amount of animosity with the neighbors and residents of Hurricane.

Although we are disappointed in the outcome and general tone of the public/ planning commission, we look forward to working with you in a different direction.

Best,
Anish



Anish Bhatia
(240) 994-3385
www.room9.com

ZONE CHANGE APPLICATION

City of Hurricane
147 North 870 West
Hurricane, UT 84737
(435) 635-2811
FAX (435) 635-2184

Fee: \$500.00

For Office Use Only:

File No. 2022-2C-24
Receipt No. _____

Name: HURRICANE CITY POWER Telephone: 435-635-5536

Address: 526 W. 600 N. Fax No. 435-635-4127

Agent (If Applicable): SCOTT HUGHES Telephone: 435-668-8457

Email: _____ Agent Email: powercott@cityofhurricane.com

Address/Location of Subject Property: Approx. 1150 W. 600 N.

Tax ID of Subject Property: 4-3-1-33-1110 Existing Zone District: _____

Proposed Zoning District and reason for the request (Describe, use extra sheet if necessary)

Public Facility - to begin the process for building
a power substation.

Submittal Requirements: The zone change application shall provide the following:

- _____ a. The name and address of every person or company the applicant represents;
- _____ b. An accurate property map showing the existing and proposed zoning classifications;
- _____ c. All abutting properties showing present zoning classifications;
- _____ d. An accurate legal description of the property to be rezoned;
- _____ e. Stamped envelopes with the names and addresses of all property owners within 250 feet of the boundaries of the property proposed for rezoning.
- _____ f. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property

Note: It is important that all applicable information noted above along with the fee is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Planning Commission meetings are held on the second Thursday and fourth Wednesday of each month at 6:00 p.m. Contact the Planning Department for the deadline date for submissions. Once your application is deemed complete, it will be put on the agenda for the next Planning Commission meeting. A deadline missed or an incomplete application could result in a month's delay.

(Office Use Only)

Date Received: _____ Application Complete: YES ☐ NO ☐

Date application deemed to be complete: _____ Completion determination made by: _____

ZONE CHANGE APPLICATION (General Information)

PURPOSE

All lands within the City are zoned for a specific type of land use (single family residential, multi-family, commercial, industrial, etc). Zoning occurs as a means to provide for a relationship between various types of land uses which promotes the health, safety, welfare, order, economics, and aesthetics of the community. Zoning is one of the main tools used to implement the City's General Plan.

WHEN REQUIRED

A zone change request is required any time a property owner desires to make a significant change to the use of his/her land. The change may be from one zone density (say 1 acre lots) to smaller lots (10,000 square foot lots). Or, it may be to an entirely different type of use, such as a change from single family zoning to multiple family or commercial zoning. Since the zone applied to your land limits what you can do, a rezoning application is typically the first step toward a change.

REQUIRED CONSIDERATIONS TO APPROVE A ZONE CHANGE

When approving a zone change the following factors should be considered by the Planning Commission and City Council:

1. Whether the proposed amendment is consistent with the 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, storm water drainage systems, water supplies, and waste water and refuse collection.

PROCESS

Contact the Planning Department for when the deadline for submission is. After it is deemed complete, staff will review the request, and prepare a report and recommendation for the Planning Commission. This will be reviewed at a public hearing where the applicant should attend, present the project, and respond to questions from the Planning Commission. Since it is a public hearing, members of the public may also have questions or comments. At the public hearing the Planning Commission will review the application and staff's report, and forward a recommendation to the City Council of approval, approval with modifications, or denial the zone change application.

Upon receipt of the Planning Commission recommendation, typically 1-2 weeks after the Planning Commission action, the City Council will consider and act on the Commission's recommendation. The action of the City Council is final. If denied, a similar application generally cannot be heard for a year.

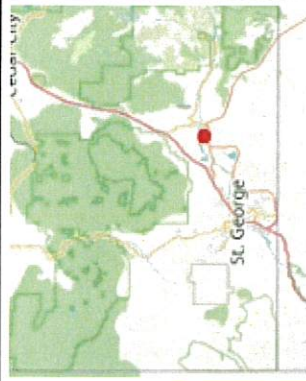
STATE OF UTAH)
)
) :ss
COUNTY OF)

My Commission Expires: _____

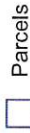
My Commission Expires: _____



Zone Change



Legend

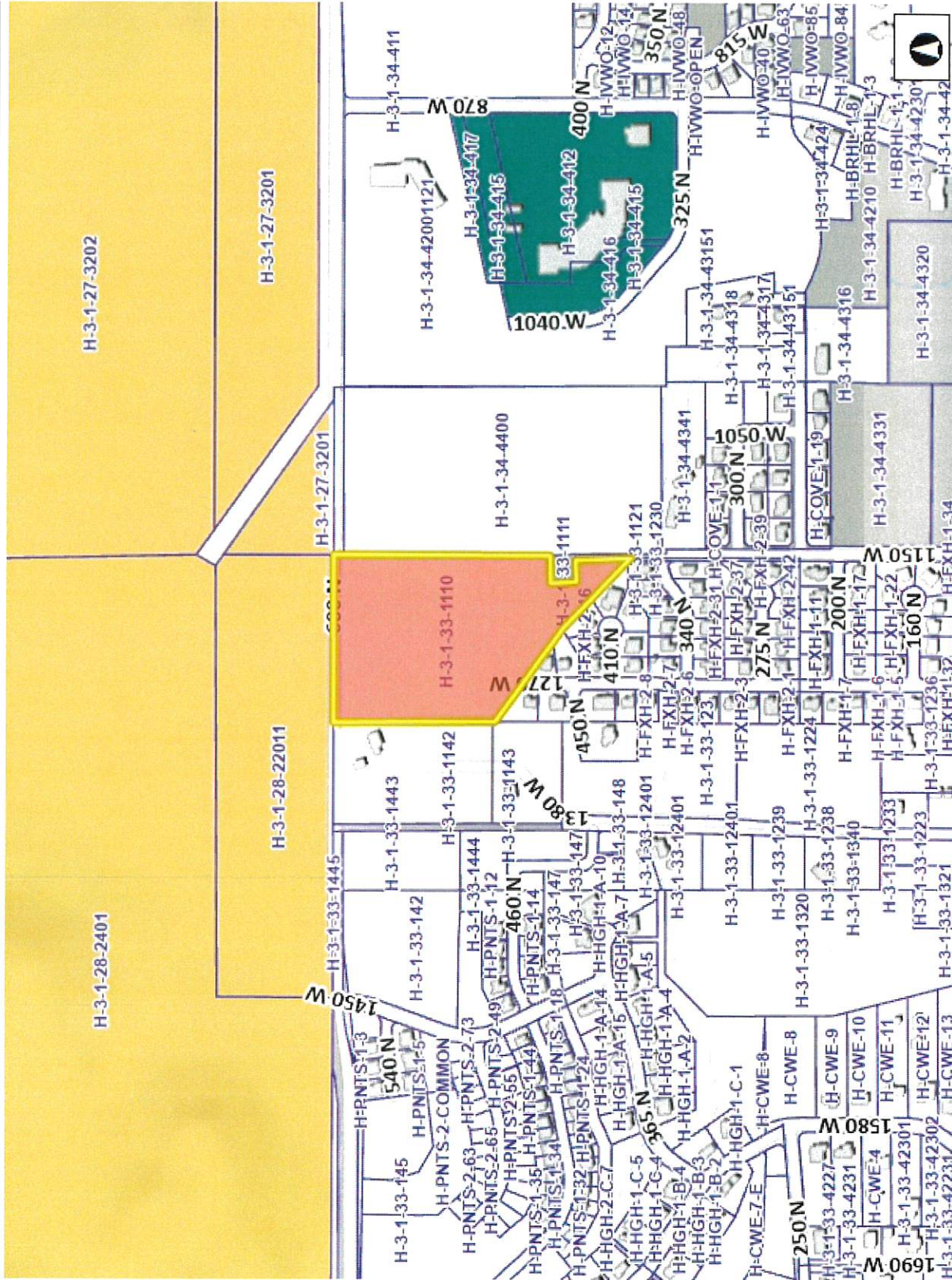


Ownership

- 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

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.



1,504.7 752.33 0 1,504.7 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

MCGINNIS FLOYD & MELANIE
H-FXH-2-28
1171 W 340 N
HURRICANE, UT 84737

THORNTON LYNDIE L TR
H-FXH-2-13
486 N 1270 W
HURRICANE, UT 84737

CANFIELD ELIZABETH A & GREG
H-FXH-2-18
1207 W 410 N
HURRICANE, UT 84737

HURRICANE CITY
H-3-1-33-1121
147 N 870 W
HURRICANE, UT 84737-1671

BILLINGS JOSHUA GERALD
H-FXH-2-20
1245 W 410 N
HURRICANE, UT 84737

UNITED STATES OF AMERICA
H-3-1-28-22011
345 E RIVERSIDE DR
SAINT GEORGE, UT 84790-6714

PASSMORE JOYCE C TR
H-FXH-2-15
1266 W 410 N
HURRICANE, UT 84737

STANDLEY ANNE
H-FXH-2-19
1227 W 410 N
HURRICANE, UT 84737

RMC PLATINUM LLC
H-FXH-2-21
1195 E ROYAL SUNSET RD
WASHINGTON, UT 84780

BLAKE ROYAL W & SUSAN M
H-FXH-2-27
1172 W 340 N
HURRICANE, UT 84737

HURRICANE CITY
H-3-1-33-1110
147 N 870 W
HURRICANE, UT 84737-1671

DOUGLAS VALERIE
H-3-1-34-4341
330 N 1150 W
HURRICANE, UT 84737

QUELLA THOMAS P & LYNDIA J TRS
H-FXH-2-14
470 N 1270 W
HURRICANE, UT 84737

SEELY CASEY D & CARRIE A
H-3-1-33-123
2787 HAVEN HILLS RD
RIVERTON, UT 84065

SEELY SHON C & ANGIE
H-3-1-33-125
1310 W 450 N
HURRICANE, UT 84737

GOLDLINE HOMES LLC
H-3-1-34-4400
1173 S 250 W STE 311
SAINT GEORGE, UT 84770

ANDERSON JASON A
H-FXH-2-17
1228 W 410 N
HURRICANE, UT 84737

COLEMAN ROGER G JR & LESLIE K
H-3-1-33-1142
2520 W HORSESHOE CR
SO JORDAN, UT 84095

HURRICANE CITY
H-3-1-33-1210
147 N 870 W
HURRICANE, UT 84737-1671

MENDEZ LUIS, ET AL
H-3-1-33-1143
372 N 1380 W
HURRICANE, UT 84737

BAKER KENNETH D & ANN L
H-FXH-2-29
1191 W 340 N
HURRICANE, UT 84737

UNITED STATES OF AMERICA
H-3-1-27-3201
345 E RIVERSIDE DR
SAINT GEORGE, UT 84790-6714

HURRICANE CITY
H-3-1-33-1230
147 N 870 W
HURRICANE, UT 84737-1671

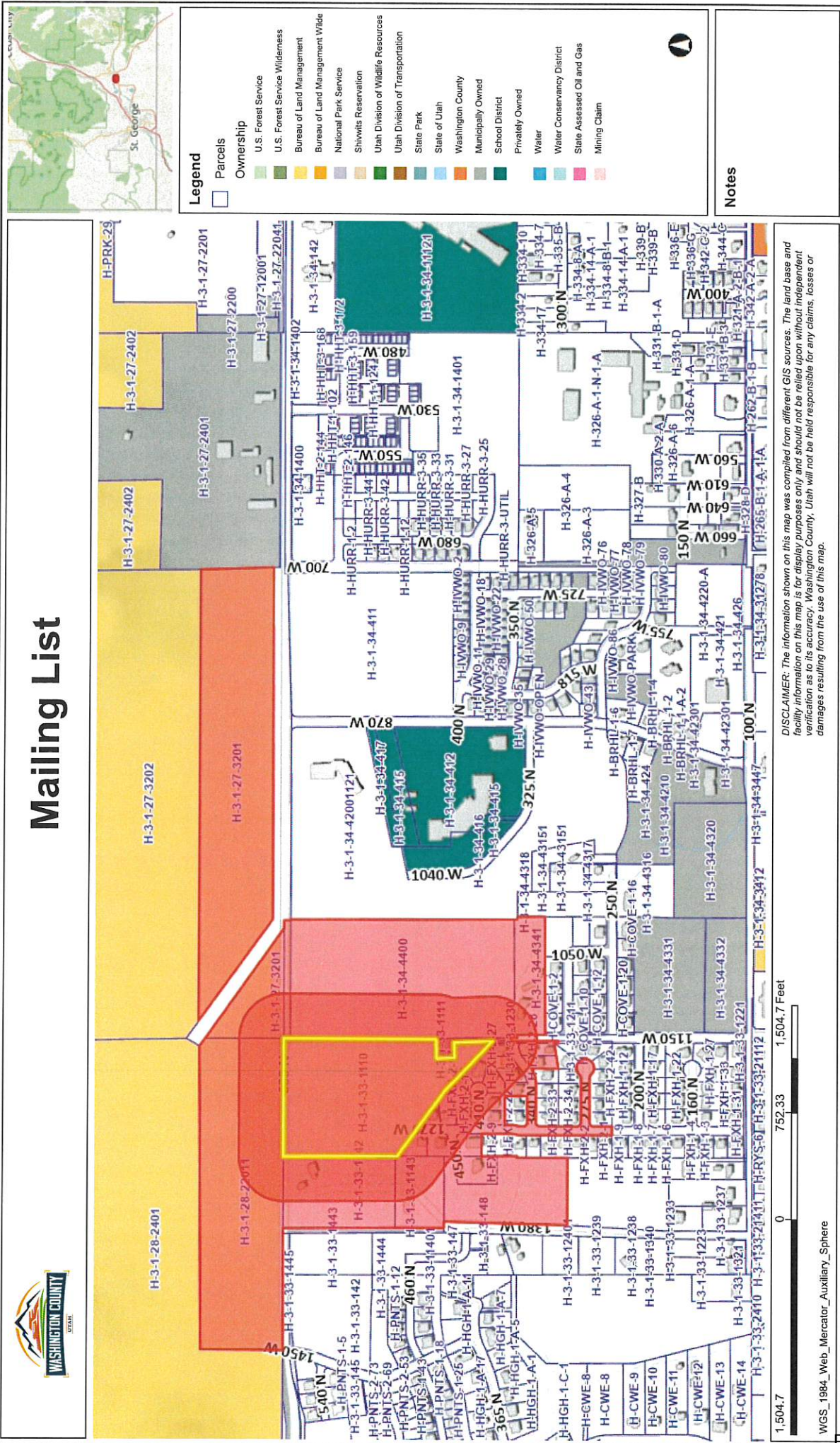
THOMPSON WILLIAM H & MYRA A
H-FXH-2-10
411 N 1270 W
HURRICANE, UT 84737

HURRICANE CITY CORP
H-3-1-33-1111
147 N 870 W
HURRICANE, UT 84737-1671

ISOM WALLACE S & BARBARA J TRS
H-FXH-2-12
487 N 1270 W
HURRICANE, UT 84737

TOMME STEVEN C & MARCIA
H-FXH-2-16
1246 W 410 N
HURRICANE, UT 84737

Mailing List



Account 0075104

<u>Location</u>	<u>Owner</u>	<u>Value</u>
Account Number 0075104	Name HURRICANE CITY	Market (2021) \$633,800
Parcel Number H-3-1-33-1110	147 N 870 W	Taxable \$0
Tax District 03 - Hurricane City	HURRICANE, UT 84737-1671	Tax Area: 03 Tax Rate: 0.009782
Acres 13.00		Type Actual Assessed Acres
Situs 0, 0		Exempt \$633,800 13.000

Legal S: 33 T: 41S R: 13W BEG NE COR SEC 33 T41S R13W TH S
 0*03'04 W ALG SEC/L 1191.98 FT; TH N 45*53'23W 412.97 FT;
 TH N 53*48'50 W 449.17 FT TO LN THRU CTR NE1/4 NE1/4 SEC
 33; TH N0*02'31 E 641.39 FT TO N LN SEC 33; TH S 89*49'22 E
 ALG N LN SEC 33 659.63 FT TO POB. LESS: RDWY TO
 HURRICANE CITY & CAL-PAC UTILITIES CO PRPTY

Parent Accounts

Parent Parcels

Child Accounts

Child Parcels

Sibling Accounts

Sibling Parcels

Transfers

Entry Number	Recording Date	
00423047	12/31/1992 04:00:00 PM	B: 700 P: 732
00707540	01/17/2001 10:30:00 AM	B: 1391 P: 2559
20090048182	12/22/2009 03:58:25 PM	
20100006647	03/01/2010 04:23:46 PM	
20100006648	03/01/2010 04:23:46 PM	
20100043974	12/30/2010 10:52:48 AM	
20110000235	01/04/2011 09:18:39 AM	
20150029733	08/24/2015 02:36:46 PM	
20150029734	08/24/2015 02:36:46 PM	

"Tax"Images

Tax Year	Taxes	
2021	\$0.00	• GIS
2020	\$0.00	

Warranty Deed Page 1 of 6
 Russell Shirts Washington County Recorder
 08/24/2015 02:36:46 PM Fee \$21.00 By
 SOUTHERN UTAH TITLE

When recorded mail deed and tax notice to:
 HURRICANE CITY
 147 N. 870 W
 Hurricane, UT 84737



SOUTHERN UTAH TITLE

www.suttc.com

Doing Good Deeds for Over 60 Years

Order No. 179845 - DBL
 Tax I.D. No. H-3-1-33-1110

Space Above This Line for Recorder's Use

WARRANTY DEED

Burgess Thomas Colemere also known as B. Thomas Colemere and Annette Marie Colemere Knight Hemingway, Successor Co-Trustees of the ENID MARIE B. COLEMERE RESTATED REVOCABLE TRUST, dated July 31, 1991, grantor(s), of Holliday, County of Salt Lake, State of UT, hereby CONVEY and WARRANT to

HURRICANE CITY, a Municipal Corporation, grantee(s) of Hurricane, County of Washington, State of UT, for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION the following described tract of land in Washington County, State of UTAH:

See Attached Exhibit "A"

See Water Rights Addendum to Land Deeds attached hereto and made a part hereof

TOGETHER WITH all improvements and appurtenances there unto belonging, and being SUBJECT TO easements, rights of way, restrictions, and reservations of record and those enforceable in law and equity.

WITNESS the hand(s) of said grantor(s) this 19th day of August, 2015.

ENID MARIE B. COLEMERE RESTATED
 REVOCABLE TRUST, dated July 31, 1991

By: Burgess Thomas Colemere
 Burgess Thomas Colemere, Successor Co-Trustee

By: Annette Marie Colemere Knight Hemingway
 Annette Marie Colemere Knight Hemingway,
 Successor Co-Trustee

STATE OF Utah)

COUNTY OF SALT LAKE)

:ss.

On the 19 day of August, 2015, personally appeared before me, Annette Marie Colemere Knight Hemingway, Successor Co-Trustee, of ENID MARIE B. COLEMERE RESTATED REVOCABLE TRUST, dated July 31, 1991, the signer of the within instrument who duly acknowledged to me that he/she executed the same.



Stacie M Quast
 NOTARY PUBLIC

My Commission Expires: 8/28/2018

STATE OF Utah)

COUNTY OF Washington Salt Lake) ss.

On the 07 day of August, 2015, personally appeared before me, Burgess Thomas Colemere, Successor Co-Trustee, of ENID MARIE B. COLEMERE RESTATED REVOCABLE TRUST, dated July 31, 1991, the signer of the within instrument who duly acknowledged to me that he/she executed the same.



Stacie M. Quast
NOTARY PUBLIC

My Commission Expires: 8/28/2018

Attachment to that certain Warranty Deed executed by Burgess Thomas Colemere also known as B. Thomas Colemere and Annette Marie Colemere Knight Hemingway, Successor Co-Trustees of the ENID MARIE B. COLEMERE RESTATED REVOCABLE TRUST, dated July 31, 1991 grantor(s), to HURRICANE CITY grantee(s).

Order No. 179845
Tax I.D. No. H-3-1-33-1110

EXHIBIT "A"

Beginning on the Northeast Corner of Section 33, Township 41 South, Range 13 West, Salt Lake Base and Meridian, and running thence South 0°03'04" West along the Section line 1191.98 feet; thence North 45°53'23" West, 412.97 feet; thence North 53°48'50" West, 449.17 feet to a line through the center of the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of said Section 33; thence North 0°02'31" East, along said line 641.39 feet to the North line of said Section 33; thence South 89°49'22" East, along the North line of said Section 33, 659.63 feet to the point of beginning.

LESS AND EXCEPTING THEREFROM that certain parcel recorded to Hurricane City for a roadway along the East 29.0 feet of a portion of said property and less and excepting that parcel previously deeded to California-Pacific Utilities Company, as follows:

Beginning at a point North 0°09' West, 1666.00 feet from the East Quarter Corner of Section 33, Township 41 South, Range 13 West, Salt Lake Base and Meridian and running thence West 100.00 feet; thence North 0°09' West, 100.00 feet; thence East 100.00 feet; thence South 0°09' East, 100.00 feet to the point of beginning.

Initials BCC

WATER RIGHTS ADDENDUM TO LAND DEEDS

Grantor: Burgess Thomas Colemere and Annette Marie Colemere Knight Hemingway, Successor Co-Trustees of ENID MARIE B. COLEMERE RESTATED REVOCABLE TRUST, dated July 31, 1991
Grantee: HURRICANE CITY
Tax ID Number(s): H-3-1-33-1110

In connection with the conveyance of the above referenced parcel(s), Grantor hereby conveys to Grantee without warranty, except for a warranty of title as to all claiming title by or through Grantor, the following interests in water and/or makes the following disclosures:

Check one box only

- ☐ 1 All of Grantor's water rights used on Grantor's Parcel(s) are being conveyed.
☐ 2 Only a portion of Grantor's water rights are being conveyed. (County Recorder should forward a copy of this form to the Utah Division of Water Rights if Box 1 or 2 above is checked)
☒ 3 No water rights are being conveyed.
☐ 4 Water rights are being conveyed by separate deed.

Proceed to Section

A
B

C
C

Important Notes
(see other side)

Section		
A	The water right(s) being conveyed included Water Right No(s) along with all applications pertaining to the water right(s) listed in this Section A, and all other appurtenant water rights (Proceed to Section C)	N1 N2 N3
B	Only the following water rights are being conveyed: (check all boxes that apply) ☐ All of Water Rights (Note). ☐ acre-feet from Water Right No. for: families acres of irrigated land: stock water for Equivalent Livestock Units; and/or for the following other uses ☐ acre-feet from Water Right No. for: families acres of irrigated land: stock water for Equivalent Livestock Units; and/or for the following other uses Along with all applications pertaining to the water right(s) listed in this Section B (Proceed to Section C)	N1 N4 N5 N5 N2
C	Disclosures By Grantor: (check all boxes that apply) ☐ Grantor is endorsing and delivering To Grantee stock certificates for Shares stock in the following water company: ☐ Culinary water service is provided by: ☐ Outdoor water service is provided by: ☐ There is no water service available to Grantor's Parcel(s). ☒ Other water related disclosures: Grantor is not conveying any water rights to Grantee	N6 N7 N8 N9 N10

Attach and sign additional copies of this form if more space is needed.

The undersigned acknowledge sole responsibility for the information contained herein even though they may have been assisted by employees of the Utah Division of Water Rights, real estate professionals, or other professionals, except to the extent that title insurance or a legal opinion concerning such information is obtained.

Grantor's Signature:

Burgess Thomas Colemere and Annette Marie Colemere Knight Hemingway
Burgess Thomas Colemere and Annette Marie
Colemere Knight Hemingway, Successor Co-
Trustees of ENID MARIE B. COLEMERE
RESTATED REVOCABLE TRUST, dated July 31,
1991

Grantee's Acknowledgment of Receipt:

HURRICANE CITY

Grantee's Address:

147 N. 870 W., Hurricane, UT 84737

NOTE: GRANTEE MUST KEEP A CURRENT ADDRESS ON FILE WITH THE UTAH DIVISION OF WATER RIGHTS.

WATER RIGHTS ADDENDUM TO LAND DEEDS

Grantor: Burgess Thomas Colemere and Annette Marie Colemere Knight Hemingway, Successor Co-Trustees of ENID MARIE B. COLEMERE RESTATED REVOCABLE TRUST, dated July 31, 1991
Grantee: HURRICANE CITY, a Municipal Corporation
Tax ID Number(s): H-3-1-33-1110

In connection with the conveyance of the above referenced parcel(s), Grantor hereby conveys to Grantee without warranty, except for a warranty of title (as to all claiming title by or through Grantor, the following interests in water and/or makes the following disclosures:

Check one box only

- 1 ☐ All of Grantor's water rights used on Grantor's Parcel(s) are being conveyed.
2 ☐ Only a portion of Grantor's water rights are being conveyed. (County Recorder should forward a copy of this form to the Utah Division of Water Rights if Box 1 or 2 above is checked)
3 ☒ No water rights are being conveyed.
4 ☐ Water rights are being conveyed by separate deed.

Proceed to Section

A

B

C

C

Important Notes
(see other side)

Section	
A	The water right(s) being conveyed (Included Water Right No(s), along with all applications pertaining to the water right(s) listed in this Section A, and all other appurtenant water rights. (Proceed to Section C)
B	Only the following water rights are being conveyed: (check all boxes that apply) ☐ All of Water Rights No(s). ☐ acre-feet from Water Right No. for: families. acres of irrigated land: stock water for Equivalent Livestock Units; and/or for the following other uses ☐ acre-feet from Water Right No. for: families acres of irrigated land: stock water for Equivalent Livestock Units; and/or for the following other uses Along with all applications pertaining to the water right(s) listed in this Section B. (Proceed to Section C)
C	Disclosures By Grantor: (check all boxes that apply) ☐ Grantor is endorsing and delivering To Grantee stock certificates for Shares stock in the following water company: ☐ Culinary water service is provided by: ☐ Outdoor water service is provided by: ☐ There is no water service available to Grantor's Parcel(s). ☒ Other water related disclosures: Grantor is not conveying any water rights to Grantee

Attach and sign additional copies of this form if more space is needed.

The undersigned acknowledge sole responsibility for the information contained herein even though they may have been assisted by employees of the Utah Division of Water Rights, real estate professionals, or other professionals, except to the extent that title insurance or a legal opinion concerning such information is obtained.

Grantor's Signature:

Burgess Thomas Colemere and Annette Marie
Colemere Knight Hemingway, Successor Co-
Trustees of ENID MARIE B. COLEMERE
RESTATED REVOCABLE TRUST, dated July 31,
1991

Grantee's Acknowledgment of Receipt:

HURRICANE CITY, a
Municipal Corporation

Grantee's Address: 147 N. 870 W., Hurricane, UT 84737

NOTE: GRANTEE MUST KEEP A CURRENT ADDRESS ON FILE WITH THE UTAH DIVISION OF WATER RIGHTS.

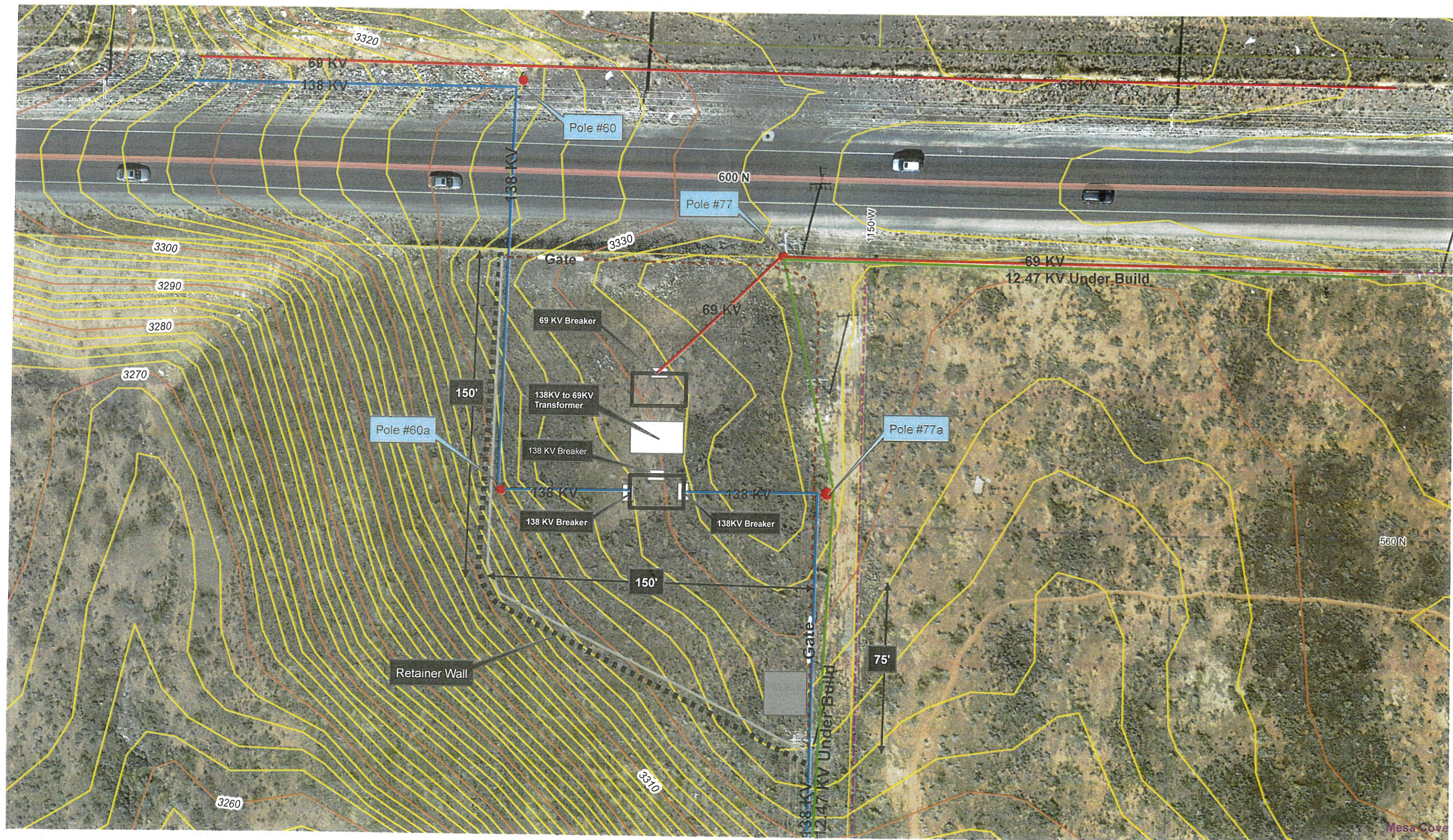
NOTES TO WATER RIGHTS ADDENDUM TO LAND DEEDS

Please read the following notes carefully in order to avoid problems and the possible loss of the water rights being conveyed in connection with this transaction.

The mere purchase of a water right does not guarantee: (1) that the water right is in good standing with the Utah Division of Water Rights; (2) that the owner has clear title to the water right; (3) that the Division will recognize the ownership change; or (4) that the Division will approve any proposed changes or extensions regarding the water right. You are encouraged to conduct proper "due diligence" research into any water right before purchasing it.

- N1 Once this Water Rights Addendum has been recorded at the County Recorder's Office, Grantee must prepare a "Report of Water Right Conveyance" or "ROC" (available from the Utah Division of Water Rights) and file it with the Utah Division of Water Rights in order to: (1) have the Division's records updated with current ownership and address information; (2) file any application on these water rights; and (3) receive notifications concerning deadlines and other essential information pertaining to these rights. **Failure to do so PROMPTLY may result in the loss of these water rights.** Help with reviewing the water rights and completing the ROC can be obtained from the Utah Division of Water Rights and/or water professionals, such as attorneys, engineers, surveyors, and title professionals with experience in water rights and water law.
- N2 A water right often has one or more applications on file with the Utah Division of Water Rights that affect that water right, such as change applications, extension requests, and non-use applications. These applications should be transferred with the water right. The Grantee should review the water right applications and other documents on file with the Utah Division of Water Rights.
- N3 Water rights owned by the Grantor and used on Grantor's Parcel may be "appurtenant" to Grantor's Parcel. Not all appurtenant water rights have been assigned a water right number because not all water rights are "of record." If Section A is being completed, this conveyance includes all appurtenant water rights, whether or not they are listed by water right number or are of record. Grantee should investigate each water right listed and determine if there are any water rights that are not of record. If there are water rights not of record, Grantee should seriously consider making them of record by filing the appropriate forms with the Utah Division of Water Rights.
- N4 100% of the water rights listed here are being conveyed to Grantee. A Report of Water Right Conveyance (see N1 above) should be filed on each water right listed here. The Water Rights listed in Section B may not provide sufficient water for all of the historic water uses.
- N5 Less than 100% of the water right listed is being conveyed to Grantee. The exact portion to be conveyed, expressed in terms of the beneficial uses associated with this portion of the water right must be described. This description generally consists of: (1) the number of families for domestic (indoor culinary) uses (generally quantified as 0.45 acre-feet per family for a year-round residence and 0.25 acre-feet per family for a seasonal residence); (2) the number of acres irrigated (this involves issues of "irrigation duty" [the number of acre-feet of water allowed per acre of irrigated land] and "sole supply/supplemental supply" [the amount of water allocated to each water right when more than one right is used on the same land or for the same livestock]; and (3) the number of livestock being watered (expressed in terms of equivalent livestock units or "ECUS" which are quantified at the rate of 0.028 acre-feet per EAU for full-year use). Any other uses being conveyed should be similarly described. Help with evaluating, quantifying, and/or describing the uses can be obtained from the Utah Division of Water Rights and/or water professionals.
- N6 Shares of stock in water companies (including irrigation, canal, and ditch companies) are generally not transferred by deed. Each company has procedures for transferring ownership. The company should be contacted to ascertain the appropriate procedures to follow. The most common procedure is for the Grantor to endorse and deliver the stock certificate to the Grantee, who then presents that certificate to company for issuance of a new certificate in the Grantee's name. If another procedure is to be followed, that should be noted on the "Other water related disclosures" line in Section C of this form. Each company also defines how much water is associated with a particular share and what fees and assessments are charged. The Grantee should contact the company about all such issues.
- N7 If culinary water service is currently being provided to the Grantor's Parcel by a municipality, a water district, or a water company, that entity should be listed here and the Grantee should contact that entity to ascertain what is required to continue receiving such service.
- N8 If outdoor/secondary/irrigation water service is currently being provided to the Grantor's Parcel by a municipality, a water district, or a water company, that entity should be listed here and the Grantee should contact that entity to ascertain what is required to continue receiving such service.
- N9 If this box is checked, the Grantee should investigate what water IF ANY is available for use on the Grantor's Parcel.
- N10 This space should be used for any other information that the Grantor has which is relevant to water issues associated with the Grantor's Parcel.

The Utah Division of Water Rights (often referred to as the State Engineer's Office) is located at 1594 W. North Temple, Suite 220, PO Box 146300, Salt Lake City, Utah 84114-6300 Telephone: 801-553-7240 Web Address: www.waterrights.utah.gov





STAFF COMMENTS

Agenda Date:	05/25/2022
Application Number:	2022-ZC-24
Type of Application:	Zone Change Application
Action Type:	Legislative
Applicant:	City of Hurricane
Agent:	Scott Hughes
Request:	A Zone Change from R1-10 to Public Facility
Location:	Approximately 1150 W 600 N
Zoning:	R1-10
General Plan Map:	North section as Planned Community and south section as Single Family

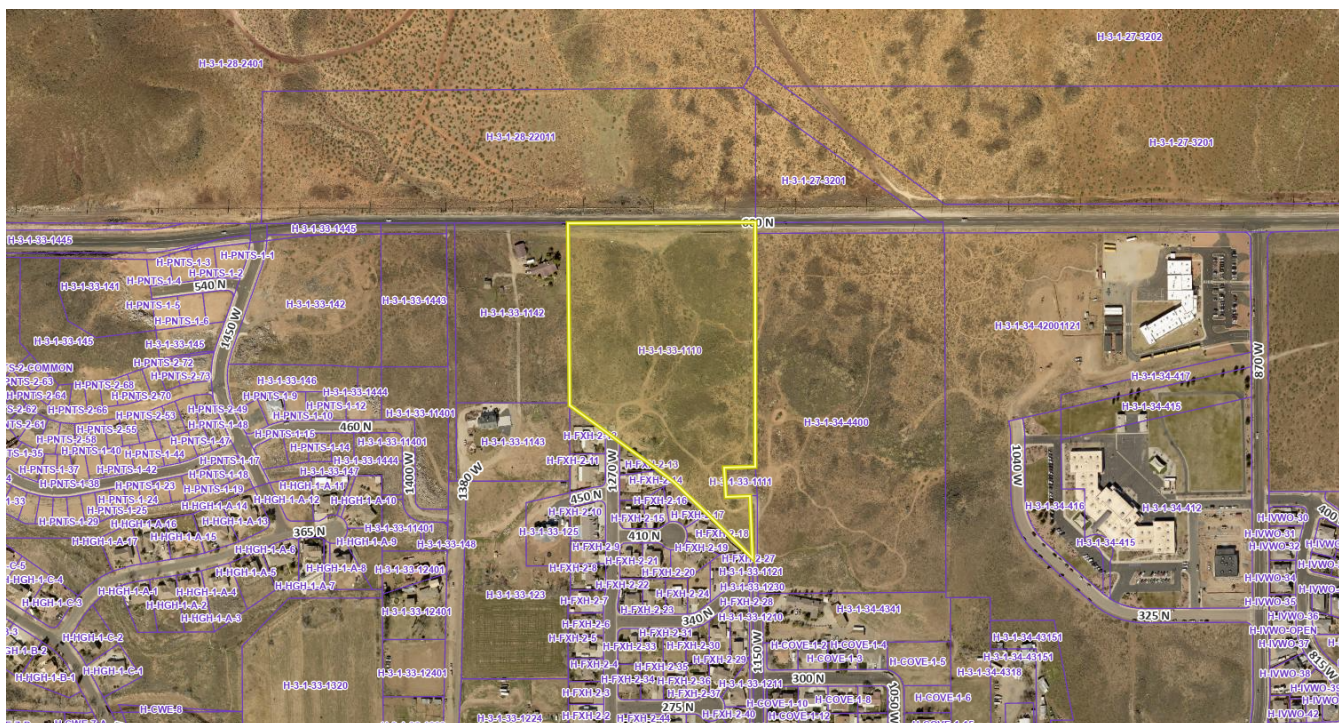
Planning Commission Recommendation:

Planning Commission recommended approval because it is compatible with the General Plan goals, it is harmonious with the surrounding development, its impact will be less than commercial or residential, and facilities are adequate. The vote was unanimous.

Discussion:

Hurricane City Power is planning for a new power substation at the corner of Future 1150 W and 600 N. This parcel is to the west of the approved Mesa Cove subdivision. There is a small parcel at the bottom of the cliff that is currently zoned Public Facility where the Power Department initially planned the substation but now the Power Department wants to move it to the southwest corner of 600 N and Future 1150 W. The power substation will not take up the entirety of the 13 acre parcel but the new zoning will allow the Power Department flexibility with placement of the substation as well as flexibility for the city to decide what to do with the property.

	Zoning	Adjacent Land Use
North	OS	Undeveloped, BLM land
East	RM-2 and R1-10 PDO	Mesa Cove subdivision, single family homes and townhomes
South	R1-10	Fox Hollow subdivision, single family homes
West	R1-10, NC, R1-8 PDO	Undeveloped, Painted Sands



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

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

Response: The General Plan includes the following. *Goal VII: Public Services Ensure that public facilities, services, and utilities are adequate to meet the needs of present and future residents.*

Additionally, the capital facilities plan for Power anticipates the construction of this substation.

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

Response: The area is largely undeveloped at this point and this proposal will, for the time being, keep it that way. New development in the area will have to keep the substation in mind when they develop

3. Will the proposed amendment affect the adjacent property?

Response: The connection from 1150 W to 600 N will be a vital connection point for the city. The Transportation Master Plan calls for the city to, *“Extend 1150 W to the north to create a direct connection between SR-9 and 600 N to alleviate strain on existing 2260 W and 200 W connections.”* While this roadway goes in with Mesa Cove, the city’s participation in the roadway will be beneficial to the community.

This property is currently used by residents in Fox Hollow and neighboring areas to access the BLM land to the north. This plan will keep that access intact for the time being

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

Response: Yes. JUC had no major concerns.

JUC Comments

Power: No comments

Water: No water line in 600 N.

Streets: No concerns

Sewer: No sewer there yet

Engineering: No issues

Fire: No issues

Other Considerations

1. There is a 60' master planned roadway on the eastern edge of the property (Future 1150 W). This roadway needs to be dedicated when the property is developed
2. The city currently plans to leave the access through this property to the BLM land to the north open
3. The city has not solidified their plans for the parcel besides setting aside a portion of it for a substation. Public Facility zoning would allow for a park or other civic uses

Findings: Staff makes the following findings:

1. The proposed amendment is compatible with the goals and policies of the General Plan pertaining to public facilities.
2. The proposed amendment is in harmony with the overall character of the existing development.
3. The proposed amendment will affect adjacent property but not as much as typical commercial and residential uses.
4. Public facilities are adequate.

Recommendation: Staff recommends the Planning Commission review this application and the zone change amendment standards as well as take into consideration the comments from residents that will be made in the public hearing before making a recommendation to the City Council. Staff recommends approval of this zone change.

ORDINANCE NO 2022-32

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE APPROVING THE REZONE
FOR PARCEL H-3-1-33-1110 FROM R1-10 TO PUBLIC FACILITIES

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

WHEREAS, the proposed amendment is generally compatible with the current General Plan's map for future use; and

WHEREAS, the City has an obligation to plan for future growth and utility needs within the City and needs the property for utility infrastructure; and

WHEREAS, the services are sufficient in the area to support the proposed use; and

WHEREAS, the proposed zone change will have a minimal impact on the surrounding development.

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

1. The proposed zone change for H-3-1-33-1110 from R1-10 to Public Facilities is approved.

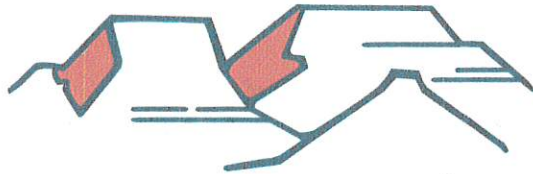
PASSED AND APPROVED on this 2nd day of June 2022.

Hurricane City

Mayor

Attest:

Cindy Beteag, City Recorder



PLANNING & ZONING
HURRICANE CITY
UTAH

147 N 870 W Hurricane UT
PHONE: 435.635.2811 FAX: 435.635.2184

AGRICULTURAL PROTECTION AREA APPLICATION

For Office Use Only: No Fee
File No. 2022-APA-01
Receipt No. _____

APPLICATION & SUBMITTAL CHECKLIST

Name: Annie Reeve Telephone: (435) 879-9693
Address: 902 S. 700W. Fax No. (435) 668-2334
Email: Samantha-black1@hotmail.com
Agent (If applicable): _____ Agent's Phone: _____
Agent email: _____
Address of Subject Property: 902 S. 700 W. , 1075 S. 700 W.
Tax ID of Subject Property: H-3-2-3-304 | H-3-2-3-2418 Zone District: RA-1
Proposed Conditional Use: (Describe, use extra sheet if necessary) it's used for hay
operation and feed lot.

To be included in an agriculture protection area established within Hurricane City land must consist of at least five (5) contiguous acres.

The application shall include:

1. The land in agriculture production that the proposal sponsors wish to become part of an agriculture protection area.

2. Any limits on the types of agriculture production to be allowed within the agriculture protection area: NO

3. For each parcel of land: (a) The owners of the land contained within the parcel; (b) The tax parcel number or account number of each parcel; and (c) The number or account number of acres as listed on the parcel tax records.

Owners Name(s)	Tax Parcel #	# of acres
Annie Reeve	H·3·2·3·304	10.03
Annie Reeve	H·3·2·3·2418	1

In order for this to be a complete application, it shall include:

- (a) A plat from the county recorder's office showing each parcel of land with each outlined in color to identify proposed area.
- (b) Application fee, if any, as outlined on the city fee schedule, available from the city recorder/clerk.

In order to apply for agricultural protection, the area being proposed must be evaluated based upon State Code 17-41-305, Criteria to be applied in evaluating proposals for the creation of agriculture protection areas.

In evaluating a proposal and in determining whether or not to create or recommend the creation of an agriculture protection area the advisory committee, planning commission, and county commission shall apply the following criteria:

1. Whether or not the land is currently being used for agriculture production.
2. Whether or not the land is zoned for agriculture use.
3. Whether or not the land is viable for agriculture production.
4. The extent and nature of existing or proposed farm improvements; and
5. Anticipated trends in agriculture and technological conditions.

*NOTE: the term agricultural production is defined by state law as follows:

State Code 17-41-101 Definitions

"Agriculture production" means production for commercial purposes of crops, livestock, and livestock products, the processing or retail marketing of any crops, livestock, and livestock products when more than 50% of the processed or merchandised products are produced by the farm operator.

List the type(s) of agricultural production that is currently occurring on the parcel(s) being included:

Alfalfa and feed lot

Is the parcel(s) irrigated? H·3·2·3·304 is, but H·3·2·3·2418 is not

Describe the types and number of structures that are located on the parcel(s):

H-3-2-3-204 - House and sheds

H-3-2-3-2418 - sheds and grain bins

List the extent and nature of existing or proposed farm improvements:

Keep it as ~~an~~ a hay operation and feed lot.

What do you anticipate being the trends in agriculture and technical conditions for the *agriculture production* on the parcel(s)?

being able to keep processing hay to feed my cows on the feed lot.



Signature of Applicant(s)

April 28, 2022

Date

(Office Use Only)

Date Received: _____ Application Complete: YES ☐ NO ☐

Date application deemed to be complete: _____ Completion determination made by: _____

AFFIDAVIT
PROPERTY OWNER

STATE OF UTAH)
 : ss
COUNTY OF)

I (we), Annie Reeve, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) also acknowledge that I have received written instructions regarding the process for which I am applying and the Hurricane City Planning staff have indicated they are available to assist me in making this application.

Annie Reeve
(Property Owner)

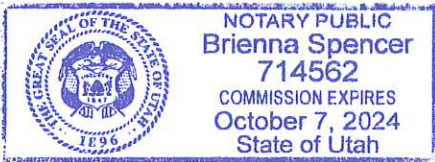
(Property Owner)

Subscribed and sworn to me this 28th day of April 2022

Brienna Spencer
(Notary Public)

Residing in: Hurricane UT

My Commission Expires: 10-07-2024



Agent Authorization

I (we), _____, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) _____ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____ 20____.

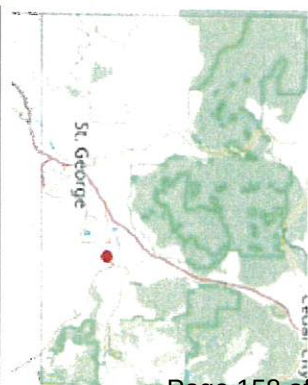
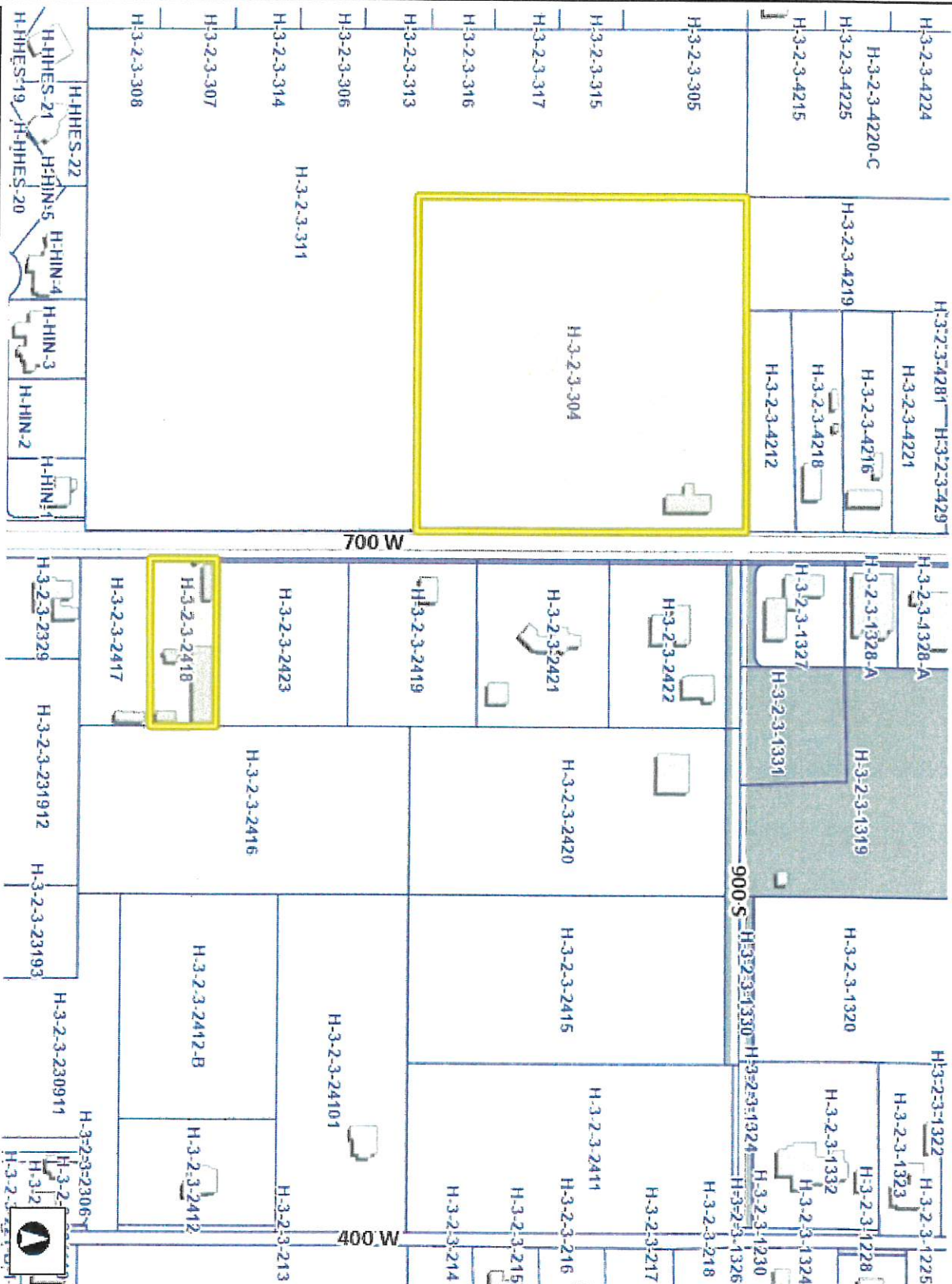
(Notary Public)

Residing in: _____

My Commission Expires: _____



Ag Protection Areas



- Legend**
- ☐ Parcels
 - Ownership**
 - U.S. Forest Service
 - U.S. Forest Service Wilderness
 - Bureau of Land Management
 - Bureau of Land Management Wildlife
 - National Park Service
 - Shirah's Reservation
 - Utah Division of Wildlife Resources
 - Utah Division of Transportation
 - State Park
 - State of Utah
 - Washington County
 - Municipality Owned
 - School District
 - Privately Owned
 - Water
 - Water Conservancy District
 - State Assessed Oil and Gas
 - Mining Claim

Notes

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.

KLUNKER CHRISTOPHER A
H-HHES-20
1119 S 840 W
HURRICANE, UT 84737-2422

REEVE CASSIE, ET AL
H-3-2-3-2423
486 S 330 W
HURRICANE, UT 84737-2200

STRATTON DALE & CHRISTINE
H-NTW-2
952 S 920 W
HURRICANE, UT 84737

METCALF SKYLER & KARA
H-3-2-3-321
738 W 1300 S
HURRICANE, UT 84737

REEVE ANNIE TR, ET AL
H-3-2-3-304
902 S 700 W
HURRICANE, UT 84737

BALLARD KENNETH A & JODY A
H-3-2-3-308
1095 S 920 W
HURRICANE, UT 84737-2439

WADSWORTH JOSHUA D & HEATHER
H-HACA-4
745 S 775 W
HURRICANE, UT 84737

LDS CORP OF PRES OF CHURCH
~~H-3-2-3-1314~~
~~50 E NORTH TEMPLE ST STE 2225~~
~~SALT LAKE CITY, UT 84150-0022~~

HURRICANE CITY
~~H-3-2-3-1330~~
~~147 N 870 W~~
~~HURRICANE, UT 84737-1671~~

JOHNSON DALE W & CHERI L
H-3-2-3-23180
1239 S 700 W
HURRICANE, UT 84737

GREEN H MYATT JR
H-HHES-19
1120 S 840 W
HURRICANE, UT 84737

VISSER NELLY L TR, ET AL
H-3-2-3-309
1155 S 920 W
HURRICANE, UT 84737

BALLARD JASON D & MARILYN H
H-3-2-3-2322
1255 S 700 W # 130-10
HURRICANE, UT 84737-2506

HOWARD RYAN R & SHELBI E
H-NTW-3
920 S 920 W
HURRICANE, UT 84737

WISHAM RONNIE CAROL & JOELLA WOOD TRS
H-3-2-3-4225
853 MONTERA LN
BOULDER CITY, NV 89005

WOOD VAN D & JOAN TRS
H-3-2-3-4215
855 S 920 W
HURRICANE, UT 84737

JOHNSON BEVIN W & SUSAN S TRS
H-3-2-3-2335
1235 S 700 W
HURRICANE, UT 84737

HERBERT DUSTIN & MICHELLE
H-3-2-3-2306
1132 S 400 W
HURRICANE, UT 84737

PERKINS KENNETH D & NANCY J TRS
H-3-2-3-316
979 S 920 W
HURRICANE, UT 84737

ZIMMERMAN LONNIE J
H-3-2-3-1327
889 S 700 W
HURRICANE, UT 84737

REEVE RYAN S & CHANTEL TRS, ET AL
H-3-2-3-311
257 S 370 W
HURRICANE, UT 84737

LEMMON STEPHEN W & JULIE D
H-HIN-4
39 S MAIN
HURRICANE, UT 84737

WILCOCK BENJAMIN & EMILY
H-3-2-3-313
1003 S 920 W
HURRICANE, UT 84737

JJLK AGRICULTURAL HOLDINGS LLC
~~H-3-2-3-2415~~
~~201 S 700 W~~
~~HURRICANE, UT 84737~~

J C & ASSOCIATES FINANCIAL LLC
H-HHES-18
PO BOX 580
HURRICANE, UT 84737

JJLK AGRICULTURAL HOLDINGS LLC
H-3-2-3-1320
201 S 700 W
HURRICANE, UT 84737

WADSWORTH COLETTE R TR
H-3-2-3-429
1810 S 700 W
HURRICANE, UT 84737

REEVE LEO & RUTH N TRS
H-3-2-3-2417
85 E 300 S
HURRICANE, UT 84737

STOUT COLLIN A & JAROLYN B
H-3-2-3-24101
1020 S 400 W
HURRICANE, UT 84737-2311

HARVEY DONALD LEE & RUBY
H-3-2-3-23381
1174 S 400 W
HURRICANE, UT 84737

JOHNSON DALE W & CHERI L
H-3-2-3-23193
1239 S 700 W
HURRICANE, UT 84737

BRINGHURST DOUGLAS K & LISA
H-NTW-1
980 SOUTH 920 WEST
HURRICANE, UT 84737

LDS CORP OF PRES OF CHURCH
H-3-2-3-300
50 E NORTH TEMPLE ST STE 2225
SALT LAKE CITY, UT 84150-0022

JOHNSON RANDY A & CHELSEA F
H-3-2-3-2323
1245 S 700 W
HURRICANE, UT 84737

STUMAR PROPERTIES LLC
H-3-2-3-2314
1516 ZION PARK BLVD PO BOX 99
SPRINGDALE, UT 84767

CHRISTIENSEN BRAD B & JENNIFER
H-HHES-17
1138 S 840 W
HURRICANE, UT 84737-2422

JJLK AGRICULTURAL HOLDINGS LLC
H-3-2-3-2420
201 S 700 W
HURRICANE, UT 84737

WASHINGTON COUNTY SCHOOL DISTRICT
H-3-2-3-1316
121 W TABERNACLE
SAINT GEORGE, UT 84770-3338

JOHNSON DALE W & CHERI L
H-3-2-3-23180
1239 S 700 W
HURRICANE, UT 84737

REEVE RYAN S & CHANTEL TRS
H-HIN-2
257 S 370 W
HURRICANE, UT 84737

JENSEN LOVINA JEAN TR
H-3-2-3-310
1117 S 920 W
HURRICANE, UT 84737

DUTTON STAN K & SHANI A
H-3-2-3-355-C
724 W 1300 S
HURRICANE, UT 84737

PERSINGER MICHAEL & REGENA
H-3-2-3-322-A
2034 ROCKLIN DR
SANDY, UT 84092

IMLAY DAVID B & MICHELLE R
H-3-2-3-314
1051 S 920 W
HURRICANE, UT 84737-2439

WOOD NATHELLA TR
H-3-2-3-4222
805 S 920 W
HURRICANE, UT 84737

PACKARD LUCY ANNETTE PEEPLES TR
H-HACA-3
766 N 325 E
HURRICANE, UT 84737-1777

DAVIS EUGENE & PATRICIA L
H-3-2-3-23131
PO BOX 814
HURRICANE, UT 84737-0814

DRATTER PETER J TR
H-3-2-3-4220-B
PO BOX 277
HURRICANE, UT 84737-0277

HURRICANE CITY, ET AL
H-3-2-3-1331
147 N 870 W
HURRICANE, UT 84737

HURRICANE CITY, ET AL
H-3-2-3-1319
147 N 870 W
HURRICANE, UT 84737

JOHNSON NATHAN L & SUMMER R
H-3-2-3-346
1240 S 700 W
HURRICANE, UT 84737

DRATTER PETER J TR
H-3-2-3-425
PO BOX 277
HURRICANE, UT 84737-0277

BROWN CASEY, ET AL
H-HHES-21
1102 S 840 W
HURRICANE, UT 84737

REEVE RYAN S & CHANTEL TRS
H-HIN-1
257 S 370 W
HURRICANE, UT 84737

REEVE LEO & RUTH N TRS
H-3-2-3-2416
85 E 300 S
HURRICANE, UT 84737

JOHNSON BEVIN W & SUSAN S TRS
H-3-2-3-231912
1235 S 700 W
HURRICANE, UT 84737

HARVEY DONALD LEE & RUBY
H-3-2-3-23381
1174 S 400 W
HURRICANE, UT 84737

PHILLIPS GLEN N
H-3-2-3-424
PO BOX 750132
LAS VEGAS, NV 89136-0132

REEVE RYAN S & CHANTEL TRS
H-HIN-5
257 S 370 W
HURRICANE, UT 84737

STRATTON STEPHEN C & ARTIE TRS
H-3-2-3-2419
3015 MONTESSOURI ST
LAS VEGAS, NV 89117-3149

HATCH JEREMY D & BRITTANY TAYLOR
H-REDD-1
227 W 1080 S
HURRICANE, UT 84737

JOHNSON NATHAN L & SUMMER R
H-3-2-3-2327
1161 S 700 W
HURRICANE, UT 84737

DRATTER PETER J TR
H-3-2-3-4219
PO BOX 277
HURRICANE, UT 84737-0277

LAYTON LARENE W TR
H-3-2-3-4223
PO BOX 973
LITTLEFIELD, AZ 86432-0973

HERBERT DUSTIN & MICHELLE
H-3-2-3-231110
1132 S 400 W
HURRICANE, UT 84737

STAHELI HOLDINGS LLC
H-3-2-3-2411
PO BOX 3006
GREENWOOD VILLAGE, CO 80128

RASMUSSEN DUSTY, ET AL
H-3-2-3-4216
860 S 700 W
HURRICANE, UT 84737

CHURCH DENNIS A & JOYCE J TRS
H-3-2-3-3421
992 S 920 W
HURRICANE, UT 84737

JC HORNE MGMT LLC
H-3-2-3-1328-A
1122 N CORAL CANYON BLVD
WASHINGTON, UT 84780

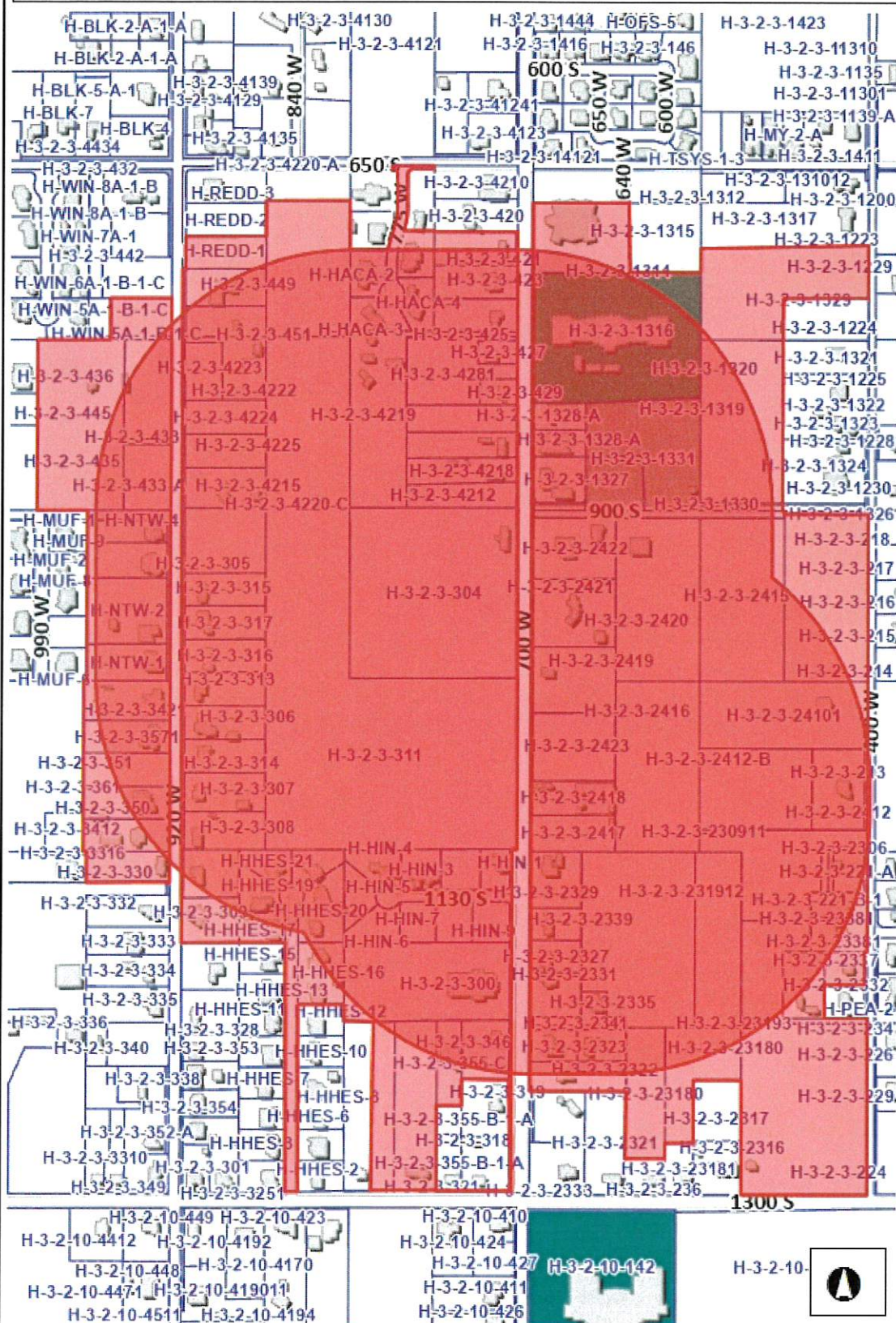


- Parcels**

Ownership

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

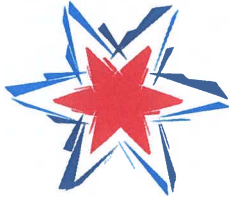
Notes



1,504.7	0	752.33	1,504.7Feet
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WGS 1984 Web Mercator Auxiliary Sphere

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INTERSTATE ROCK PRODUCTS

42 S 850 W - Hurricane, UT 84737
(435) 635-2628 - www.interstaterock.com

5/18/2022

Dear Planning Commission,

We are writing to you as it has been requested by our client, Pete Dratter, in regards to the Agricultural Protection Zone which has been proposed for parcel H-3-2-3-304.

While we do not have an issue with the agricultural protection zone and its stipulations, we do have concerns with how it could affect future development for our client as it pertains to parcel H-3-2-3-304 specifically.

Some of the issues we would recommend taking into consideration are as follows:

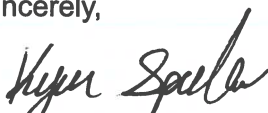
- How will this proposed zone affect the ability to build the future master plan road, 900 South, and its utilities as development progresses and street connectivity continues to be a necessity?
 - 30 feet of the 60 foot right-of-way would be included within the aforementioned zone which would make a narrow 17 foot asphalt road for incoming and outgoing vehicles if only half of the road is able to be installed.
 - As utilities are needed on both sides of the road, having this aforementioned zone overlay will make it a longer and more difficult process to get the needed infrastructure.
 - Tailwater issues could potentially damage the future roadway while waiting for the needed approvals to get facilities installed to mitigate flooding and damage.

We urge you to look at the master plan which the community created and see how this protection zone will affect all of the surrounding citizens and land owners.

We ask that if you recommend this proposal for approval to City Council that you recommend it with the stipulation that a total of 40 feet along the north side of the parcel be excluded from the protection zone to enable the improvements to be established with ease. If this is not the concluding decision we ask that you push to allow any developers who might be improving the future master planned road be allowed to only improve $\frac{1}{2}$ of the master plan road instead of requiring the standard $\frac{3}{4}$ upon development.

Thank you for your time.

Sincerely,


Kyson Spendlove, EIT



May 25, 2022

Subject: Report to City Council on proposed Agricultural Protection for Parcel H-3-2-3-304

Hurricane City Council,

The Planning Commission forwards the following findings regarding Agricultural Protection Overlay 2022-AP-01:

1. The land is currently being used for agricultural production or has plans to be used for immediate agricultural production.
2. The land is zoned for agricultural uses, RA-1
3. The land is viable for agricultural use
4. The property is congruent with agriculture protection zones
5. Approving the use of this land for agriculture is consistent with current and expected technological trends in agriculture.

Future Use

1. The General Plan maps have the area listed as Single Family
2. 700 W and Future 900 S are located adjacent to the property. Most roadways are not fully developed until the property is developed.

Parcel H-2-3-2-2418

The Planning Commission does not recommend including parcel H-2-3-2-2418 as its inclusion would violate city ordinance.

Recommendation

The Planning Commission recommends that the City Council approve the overlay request for parcel H-3-2-3-304, but recommends that the master planned cross-sections for 700 W and 900 S be excluded from the overlay

Agenda Date:	05/25/2022
Application Number:	2022-AP-01
Type of Application:	Agriculture Protection Overlay
Action Type:	Legislative
Applicant:	Annie Reeve
Agent:	
Request:	A report for the City Council on a proposal to create an Agricultural Protection Area
Location:	902 S 700 W, 1075 S 700 W
Zoning:	RA-1
General Plan Map:	Single Family

Planning Commission Recommendation:

The Planning Commission recommended approving this Agricultural Protection Area with the exception of the master planned cross-sections for 700 W and 900 S. The vote was six to one in favor of the attached letter.

Discussion: This request is not to change the zone but protect the land with an Agricultural Protection Area Overlay Zone. The total size is 11 acres. State and City codes set the standards for review by the Planning Commission and the County Agricultural Protection Area Advisory Committee. An Agricultural Protection Area grants certain legal protections to the property, including preventing forced rezoning the property, providing a defense against nuisance actions, notice to new subdivisions, and limiting eminent domain actions. These protections are found in the Utah Code, sections of which are included in this report.

The Dixie Conservation District has been reached out to about reviewing this application but no confirmation has been given yet. Per Hurricane City Code: *“If the Planning Commission or the Advisory Board fail to submit a report within 45 days, the City Council shall consider their failure to report as an approval of the proposal.”*

	Zoning	Adjacent Land Use
North	RA-1	Single family homes, some agriculture
East	RA-1	Single family homes, some agriculture
South	RA-1	Single family homes, some agriculture
West	RA-1 and PF	Single family homes, some agriculture, Three Falls Park

This proposal is over two parcels owned by the same owner, one H-3-2-3-304 is ten acres and H-3-2-3-2418 is one acre. Utah State Code 17-41-301 states that, *“A county and municipal legislative body shall establish the minimum number of continuous acres that shall be included in an agriculture protection area.”* Hurricane City Code 10-21-3 states that, *“A minimum area of five contiguous acres shall be included in an agriculture protection area.”* The two parcels are not contiguous with each other and thus cannot be counted together.

The criteria set by State law (17-41-303) for a *“written report to the legislative body”* is that it:

1. *Analyzes and evaluates the effect of the creation of the proposed area on the planning policies and objectives of themunicipality.....:*

The 2021 General Plan states that the city should *“Encourage the use of and support applications for agricultural protection overlay zones.”*



The City does have a future Master Plan Road (900 S) that traverses the property on the northern boundary that should be considered (shown above). An Agricultural Protection Zone could make it more difficult for the City to secure the property for a roadway in the future if needed. This would include for future utilities that may run in the area. However, these roadway and utilities will likely not be needed until the property is being considered for development.

2. *Analyzes and evaluates the proposal by applying the criteria contained in Section 17-41-305 –*

In evaluating a proposal and in determining whether or not to create or recommend the creation of an agriculture protection area, industrial protection area, or critical infrastructure materials protection area, the advisory committee, planning commission, and applicable legislative body shall apply the following criteria:

- (1) *whether or not the land is currently being used for agriculture production, industrial use, or critical infrastructure materials operations, as the case may be;*
- (2) *whether or not the land is zoned for agriculture use, industrial use, or critical infrastructure materials operations, as the case may be;*
- (3) *whether or not the land is viable for agriculture production, industrial use, or critical infrastructure materials operations, as the case may be;*
- (4) *the extent and nature of existing or proposed farm improvements, the extent and nature of existing or proposed improvements to or expansion of the industrial use, or the extent and nature of existing or proposed improvements to or expansion of critical infrastructure materials operations, as the case may be; and*
- (5)
 - (a) *in the case of an agriculture protection area, anticipated trends in agricultural and technological conditions;*
 - (b) *in the case of an industrial protection area, anticipated trends in technological*

conditions applicable to the industrial use of the land in question; or
(c) in the case of a critical infrastructure materials protection area, anticipated trends in technological conditions applicable to the critical infrastructure materials operations of the land in question.

The current agricultural uses include a hay operation and feed lot for a number of cows. The applicant only wants to continue with its current use. The Zoning is RA-1.

3. *Recommends any modifications to the land to be included in the proposed agricultural protection area.*

Staff would recommend the Planning Commission not include parcel H-2-3-2-2418 as it's inclusion would violate city ordinance.

4. *Analyzes and evaluates any objections to the proposal.*

An objection to this proposal has been received and included in this packet.

5. *Includes a recommendation to thelegislative body to either accept, accept and modify, or reject the proposal.*

See the attached letter

JUC Comments:

Power: Want a utility easement on 900 S. Nervous about the loss of that roadway connection

Streets: Do not like the idea for ag protection over a master planned roadway

Water: 900 S might need to tie through for future water looping. 700 W to 920 W

Sewer: Only a line in 700 W and 920 W. Sewer is in favor of maintaining the alignment of 900 S.

Engineering: In favor of granting the Ag protection except for future 900 S alignment. 700 W may need to be widened in the future, about 13' of width of frontage

Cable: Need easements/future right of way

Recommendation: Staff recommends the Planning Commission review the evaluation criteria, discuss the application with the applicants, and recommend approval of the attached letter to the City Council.

ORDINANCE NO 2022-32

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE APPROVING THE
AGRICULTURAL PROTECTION OVERLAY ZONE FOR PARCEL H-3-2-3-304

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

WHEREAS, the land is currently being used for agricultural production and has plans to be used for immediate agricultural production; and

WHEREAS, the land is currently zone for agricultural use as RA-1; and

WHEREAS, the property is viable for agricultural use; and

WHEREAS, the property exceeds five acres; and

WHEREAS, approving the use of this land for agriculture is consistent with current and expected technological trends in agriculture; and

WHEREAS, the Hurricane City General Plan encourages the City to approve Agricultural Protection Zones in appropriate areas; and

WHEREAS, the Hurricane Planning Commission gave a positive recommendation to approve Parcel H-3-2-3-304 excluding the areas needed for the full cross-sections for the future 900 S and 700 W and excluding Parcel H-2-3-2-2418; and

WHEREAS, the City has a need to protect future roadway and utility corridors within the City for continued growth.

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

1. The proposed Agricultural Protection Overlay Zone for Parcel H-3-2-3-304 for H-3-1-33-1110 from R1-10 to Public Facilities is approved excluding the area needed for 900 S and 700 W cross-sections including public utility easements.

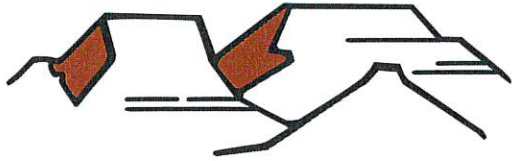
PASSED AND APPROVED on this 2nd day of June 2022.

Hurricane City

Mayor

Attest:

Cindy Beteag, City Recorder



PLANNING & ZONING
HURRICANE CITY
UTAH

147 N 870 W Hurricane UT
PHONE: 435.635.2811 FAX: 435.635.2184

PRELIMINARY PLAT APPLICATION

For office use only: \$150.00 Fee
File No. 2622-PP-08
Receipt No. 8.157973

Name: Western MTG & Realty Co. Telephone: _____
Address: 6670 W Court St, Pasco, WA 99301 Fax No. _____
Email: _____ Agent Email: Karl@pu-eng.com
Agent (If Applicable): Karl Rasmussen Telephone: 435-668-8307
Address/Location of Subject Property: In the SW Corner of the NE Corner of section 12T, 42R, 14W
Tax ID of Subject Property: A piece of: H-4-2-12-1208-GS1 Zone District: R1-8
Proposed Use: (Describe, use extra sheet if necessary. Include total number of lots) _____

Submittal Requirements: The preliminary plat application shall provide the following:

- ☒ 1. Description: In a title block located in the lower right-hand corner of the sheet the following is required:
 - ☒ a. The proposed name of the subdivision.
 - ☒ b. The location of the subdivision, including the address and section, township and range.
 - ☒ c. The names and addresses of the owner or subdivider, if other than the owner.
 - ☒ d. Date of preparation, and north point.
 - ☒ e. Scale shall be of sufficient size to adequately describe in legible form, all required conditions of Chapter 39, City Subdivision regulations.
- ☒ 2. Existing Conditions: The preliminary plat shall show:
 - ☒ a. The location of the nearest monument.
 - ☒ b. The boundary of the proposed subdivision and the acreage included.
 - ☒ c. All property under the control of the subdivider, even though only a portion is being subdivided. (Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted, and the street system of the part submitted shall be considered in light of existing Master Street Plan or other Commission studies.)
 - ☒ d. The location, width, and names/numbers of all existing streets within two hundred (200) feet of the subdivision and of all prior streets or other public ways, utility rights of way, parks and other public open spaces, within and adjacent to the tract.
 - ☒ e. The location of all wells and springs or seeps, proposed, active and abandoned, and of all reservoirs or ponds within the tract and at a distance of at least one hundred feet (100') beyond the tract boundaries.
 - ☒ f. Existing sewers, water mains, culverts, or other underground facilities within the tract, indicating the pipe sizes, grades, manholes and the exact locations.
 - ☒ g. Existing Hurricane Canal Company facilities; other ditches, canals, natural drainage channels and open waterways and any proposed realignments.

- _____ h. Contours at vertical intervals not greater than five (5) feet.
- ✓ i. Identification of potential geotechnical constraints on the project site (such as expansive rock and soil, collapsible soil, shallow bedrock, and caliche, gypsiferous rock and soil, potentially unstable rock or soil units including fault lines, shallow groundwater, and windblown sand) and recommendations for their mitigation.
- ✓ j. Information on whether property is located in desert tortoise take area
- ✓ 3. Proposed Plan: The subdivision plans shall show:
- ✓ a. The layout of streets, showing location, widths, and other dimensions of proposed streets, crosswalks, alleys, and easements.
- ✓ b. The layout, numbers, and typical dimensions of lots.
- ✓ c. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.
- ✓ d. Easements for water, sewers, drainage, utilities, lines and other purposes.
- ✓ e. Typical street cross sections and street grades where required by the Planning Commission. (All street grades over 5% should be noted on the preliminary plat)
- ✓ f. A tentative plan or method by which the subdivider proposes to handle the storm water drainage for the subdivision.
- ✓ g. Approximate radius of all center line curves on highways or streets.
- ✓ h. Each lot shall abut a street shown on the subdivision plat or on an existing publicly dedicated street. (Double frontage or flag lots shall be prohibited except where conditions make other design undesirable)
- N/A i. In general, all remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allow to remain as unusable parcels.
- ✓ j. Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the Planning Commission.
- ✓ k. A letter from both the local sanitary sewer provider and culinary water provider indicating availability of service.
- ✓ 4.5 l. Will this subdivision be phased? If yes show possible phasing lines.
- ✓ m. A tentative plan or method for providing non-discriminatory access to the subdivision for purposes of placement of communications infrastructure, and for purposes of placement of utility infrastructure.
- ✓ 4. Required copies of plans:
- ✓ a. Three copies of all full-scale drawings
- ✓ b. One copy of each drawing on a 11 x 17-inch sheets. (8 1/2 x 11 is acceptable if the project is small and the plans are readable at that size).
- ✓ 5. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property

NOTE: It is important that all applicable information noted above is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. A deadline missed due to an incomplete application, could result in a month's delay. Planning Commission meetings are held on the second Thursday and fourth Wednesday of each month at 6:00 p.m. The deadline to submit an application to be placed on an agenda is no later than 12:00 (noon) 20 full calendar days before the Planning Commission meeting at which you plan for your application to be heard.

(Office Use Only)

Date Received: _____ Application Complete: YES NO

Date application deemed to be complete: _____ Completion determination made by: _____

PRELIMINARY PLAT APPLICATION page 4 (General Information)

PURPOSE

The preliminary plat application is the first step in land development process in those instances where land is divided for eventual sale. The process is established to ensure that all proposed divisions of land conform to the City General Plan and to adopted development standards of the Land Use Ordinance.

WHEN REQUIRED

The preliminary plat is required any time land is to be divided, re-subdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease or development either on installment plan or upon any and all other plans, terms and conditions. It is not required on agricultural divisions where the agricultural parcel is divided to be combined with another agricultural parcel, nor is it required when two un-subdivided properties are merged, or where the boundary between two un-subdivided properties are adjusted.

The preliminary plat must be approved before a final plat can be processed and recorded.

Subdivision approval process:

- Determine current zoning for property.
- If zoning fits desired subdivision, meet with Planning staff to discuss the proposed project.
- Obtain a preliminary plat application form and complete the application and have a plat prepared by an engineer to meet the requirements on the preliminary plat application.
- Submit completed application, preliminary plat, and required \$150 fee to Planning Department before noon on the Wednesday two weeks before desired Planning Commission meeting. (See submittal dates sheet)
- Appear at the scheduled Planning Commission meeting to discuss preliminary plat, hear comments, answer questions, and receive recommendation of approval or disapproval from Planning Commission.
- Appear at the next scheduled City Council meeting that occurs after the Planning Commission meeting at which a recommendation was received. Hear City Council comments, answer questions, and receive City Council decision. City Council can approve the plat with conditions, recommend changes and send it back to the Planning Commission, or deny the plat.

If the preliminary plat is approved, have construction drawings for utilities and streets prepared by an engineer according to Hurricane City standards. Construction drawings must be approved by both the Hurricane Joint Utilities Committee and the Ash Creek Special Service District. Approval means changes are made and all required signatures are obtained.

Once the preliminary plat is approved by the City Council, the applicant has one year after receiving approval of the preliminary plat to submit the final plat to the Planning Commission for action. The Planning Commission may authorize a one-year time extension, provided the extension request is made before the one-year time limit is reached. The Planning Commission will review and make recommendation to the City Council on the final plat

when submitted. The City Council will typically review the Planning Commission recommendation within 1-2 weeks after the Commission action on the final plat.

APPEALS

The Planning Commission makes a recommendation to the City Council, so there is no appeal. The City Council's action on a preliminary plat is final unless appealed to the appropriate court.

AFFIDAVIT
PROPERTY OWNER

STATE OF UTAH)

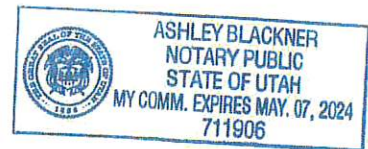
COUNTY OF Washington :ss

I (we), WESTERN MORTGAGE + REALTY COMPANY, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) also acknowledge that I have received written instructions regarding the process for which I am applying and the Hurricane City Planning staff have indicated they are available to assist me in making this application.

WESTERN MORTGAGE + REALTY CO.
(Property Owner)
[Signature] Vice President
(Property Owner)

Subscribed and sworn to me this 13th day of MAY 2024.
[Signature]
(Notary Public)

Residing in: HURRICANE, UT
My Commission Expires: 5/7/2024



Agent Authorization

I (we), _____, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) _____ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____ 20__.

(Notary Public)

Residing in: _____

My Commission Expires: _____

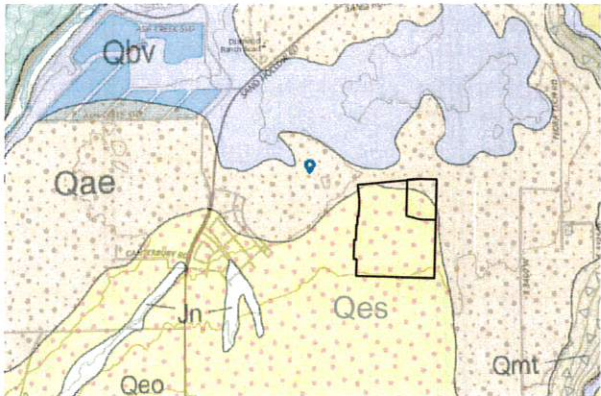
DESERT TORTOISE TAKE AREA

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-LOW SUSCEPTIBILITY TO EXPANSION
GYPSEIFEROUS 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.



GEOLOGICAL NARRATIVE

QAE: ALLUVIAL AND EOLIAN DEPOSITS (HOLOCENE TO UPPER PLEISTOCENE):-

MODERATELY SORTED GRAVEL, SAND, AND SILT DEPOSITED IN SMALL CHANNELS AND ON ALLUVIAL FLATS, AND WELL-SORTED, FINE- TO MEDIUM-GRAINED, REDDISH-BROWN EOLIAN SAND LOCALLY REWORKED BY ALLUVIAL PROCESSES; YOUNGER DEPOSITS (QAE) FORM ACTIVE DEPOSITIONAL SURFACES, WHEREAS OLDER DEPOSITS (QAEQ) TYPICALLY FORM INCISED, INACTIVE SURFACES; AS MUCH AS ABOUT 20 FEET (6 M) THICK.

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 CALCIC SOILS (HARDPAN OR CALICHE); TYPICALLY LESS THAN 20 FEET (6 M) THICK.

LAND USE SUMMARY

TOTAL LOTS: 163

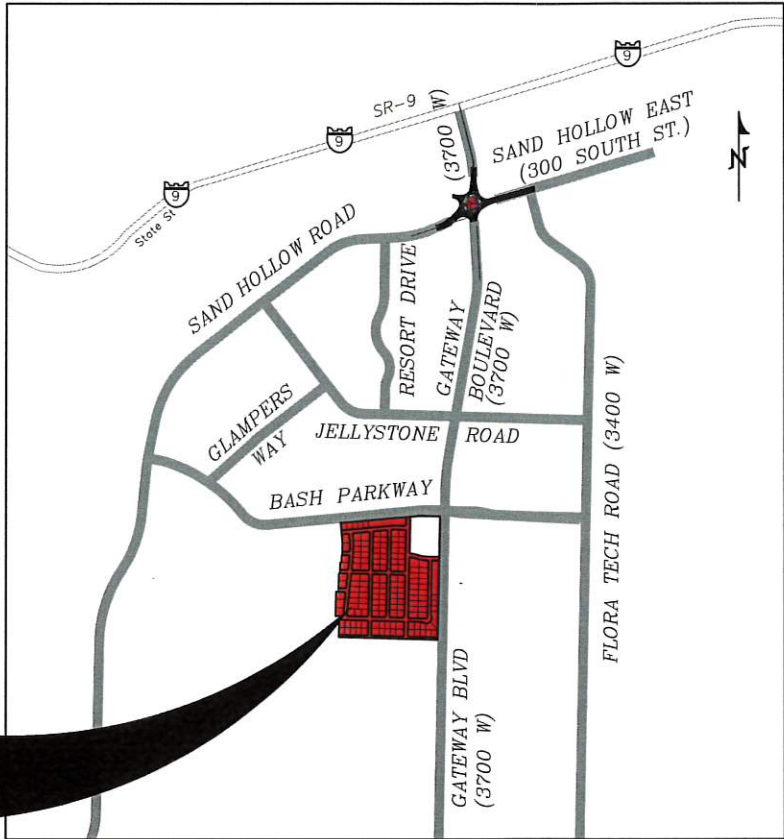
AVERAGE LOT SIZE: 8877 SQ FT (0.20 AC)

NOTES

STORM DRAINAGE WILL FOLLOW RECOMMENDATIONS GIVEN IN THE GATEWAY AT SAND HOLLOW DRAINAGE STUDY REPORT. WATER WILL BE CONVEYED USING CURB AND GUTTER AS WELL AS DRAINAGE PIPE. DRAINAGE WILL BE CARRIED TO A COMMUNAL BASIN BEFORE MOVING FURTHER DOWN STREAM. ANY OFFSITE DRAINAGE WILL BE ACCOUNTED FOR AND PIPE SIZED ACCORDINGLY.

PRELIMINARY PLAT FOR:
STRAWBERRY FIELDS ESTATES

LOCATED IN SECTION 1, T42S, R42S, R14W, S.L.B.&M.
SAND HOLLOW RD, HURRICANE, WASHINGTON COUNTY, UTAH 84737



VICINITY MAP

N. T. S.

OWNERS:

WESTERN MORTGAGE & REALTY COMPANY
TO BE SOLD TO LIFETIME HOMES INC.

CONTACT REPRESENTATIVE:

JIMMY DEGRAFFENRIED
(801)-830-5490
LIFETIMEHOMESINC@GMAIL.COM

CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD DIST.	CHORD BRG.	DELTA
C1	22.09'	200.00'	22.08'	S2°01'04"E	6°19'43"
C2	88.74'	424.81'	88.58'	N77°01'34"W	11°58'10"
C3	132.06'	424.81'	131.53'	N79°56'51"W	17°48'44"
C4	22.36'	15.00'	20.34'	S52°29'00"E	85°23'50"
C5	33.18'	173.94'	33.13'	S4°19'13"E	10°55'44"
C6	23.55'	15.00'	21.21'	S46°09'42"W	89°58'10"
C7	24.96'	226.00'	24.95'	S87°58'57"W	6°19'41"
C8	19.21'	173.94'	19.20'	N87°59'01"E	6°19'41"
C9	21.90'	15.00'	20.01'	N42°58'30"E	83°39'25"
C10	25.22'	15.00'	22.35'	S47°01'30"E	96°20'35"
C11	21.90'	15.00'	20.01'	N42°58'30"E	83°39'25"
C12	25.22'	15.00'	22.35'	N47°01'30"W	96°20'35"
C13	23.56'	15.00'	21.21'	S39°48'34"W	89°59'17"
C14	23.57'	15.00'	21.22'	N50°11'26"W	90°00'43"
C15	22.09'	200.00'	22.08'	N87°58'57"E	6°19'41"
C16	23.56'	15.00'	21.21'	S43°51'12"E	90°00'00"
C17	23.31'	200.00'	23.30'	N1°50'45"W	6°40'39"
C18	9.97'	177.50'	9.97'	N3°34'33"W	3°13'05"
C19	10.72'	177.50'	10.72'	N0°14'13"W	3°27'35"
C20	25.93'	222.50'	25.92'	S1°50'45"E	6°40'39"
C21	23.56'	15.00'	21.21'	N46°29'44"E	90°00'18"
C22	24.77'	15.00'	22.05'	N41°11'12"W	94°37'50"
C23	18.00'	222.50'	18.00'	S3°48'39"W	4°38'08"
C24	22.35'	15.00'	20.34'	N48°48'35"E	85°21'44"
C25	24.78'	15.00'	22.05'	S41°11'25"E	94°38'16"
C26	22.35'	15.00'	20.34'	S48°48'35"W	85°21'44"
C27	24.78'	15.00'	22.05'	S41°11'25"E	94°38'16"
C28	23.65'	15.00'	21.28'	N46°19'07"E	90°20'39"
C29	23.47'	15.00'	21.15'	N43°40'53"W	89°39'21"
C30	23.65'	15.00'	21.28'	N46°19'07"E	90°20'39"
C31	23.47'	15.00'	21.15'	N43°40'53"W	89°39'21"
C32	23.65'	15.00'	21.28'	S46°19'07"W	90°20'39"
C33	23.47'	15.00'	21.15'	N43°40'53"W	89°39'21"
C34	23.65'	15.00'	21.28'	S46°19'07"W	90°20'39"
C35	37.44'	367.19'	37.43'	N86°19'43"W	5°50'34"
C36	5.88'	57.68'	5.88'	N83°24'26"W	5°50'34"

CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD DIST.	CHORD BRG.	DELTA
C37	88.74'	424.81'	88.58'	N77°01'34"W	11°58'10"
C38	25.17'	15.00'	22.32'	S49°12'46"W	96°07'56"
C39	81.30'	398.81'	81.16'	N76°52'52"W	11°40'48"
C40	34.03'	450.81'	34.02'	N73°12'14"W	4°19'31"
C41	106.12'	450.81'	105.87'	N82°06'36"W	13°29'13"
C42	23.58'	15.00'	21.23'	N43°49'03"W	90°04'20"
C43	23.54'	15.00'	21.20'	S46°10'57"W	89°55'40"
C44	23.58'	15.00'	21.23'	N43°49'03"W	90°04'20"
C45	23.47'	15.00'	21.15'	S43°40'53"E	89°39'21"
C46	23.65'	15.00'	21.28'	N46°19'07"E	90°20'39"
C47	23.47'	15.00'	21.15'	S43°40'53"E	89°39'21"
C48	21.17'	95.00'	21.13'	S5°09'55"E	12°46'05"
C49	58.31'	65.00'	56.37'	S14°08'53"W	51°23'41"
C50	73.00'	65.00'	69.22'	S72°01'04"W	64°20'41"
C51	23.63'	15.00'	21.26'	N46°21'22"E	90°16'30"
C52	7.80'	100.00'	7.80'	N78°02'41"W	4°28'11"
C53	14.36'	100.00'	14.35'	N84°23'35"W	8°13'37"
C54	20.68'	12.02'	18.22'	N50°32'17"E	98°32'50"
C55	23.47'	15.00'	21.15'	S43°40'48"E	89°39'11"
C56	23.65'	15.00'	21.28'	S46°19'12"W	90°20'49"
C57	23.47'	15.00'	21.15'	N43°40'48"W	89°39'11"
C58	23.65'	15.00'	21.28'	S46°19'12"W	90°20'49"
C59	23.56'	15.00'	21.21'	N46°29'37"E	90°00'00"
C60	23.56'	15.00'	21.21'	S43°30'23"E	90°00'00"
C61	23.65'	15.00'	21.28'	N46°19'12"E	90°20'49"
C62	23.47'	15.00'	21.15'	N43°40'48"W	89°39'11"
C63	23.65'	15.00'	21.28'	N46°19'12"E	90°20'49"
C64	23.47'	15.00'	21.15'	S43°40'48"E	89°39'11"
C65	23.65'	15.00'	21.28'	S46°19'12"W	90°20'49"
C66	23.47'	15.00'	21.15'	N43°40'48"W	89°39'11"
C67	23.65'	15.00'	21.28'	S46°19'12"W	90°20'49"
C68	23.47'	15.00'	21.15'	S43°40'48"E	89°39'11"
C69	23.65'	15.00'	21.28'	S46°19'12"W	90°20'49"
C70	23.47'	15.00'	21.15'	S43°40'48"E	89°39'11"
C71	14.36'	177.50'	14.36'	S3°48'40"W	4°38'06"
C72	16.18'	200.00'	16.17'	N3°48'40"E	4°38'06"

STRAWBERRY FIELDS LEGAL DESCRIPTION

BEGINNING AT A POINT LOCATED S88°30'47"E ALONG THE SECTION LINE 1903.48 FEET FROM THE WEST QUARTER CORNER OF SECTION 12, TOWNSHIP 42 SOUTH, RANGE 14 WEST, SALT LAKE BASE AND MERIDIAN; THENCE N01°29'50"E 311.22 FEET; THENCE S88°34'15"E 29.41 FEET; THENCE N01°30'03"E 252.04 FEET; THENCE S88°30'44"E 15.41 FEET; THENCE N01°30'06"E 144.99 FEET; THENCE S88°36'31"E 16.47 FEET; THENCE N01°29'25"E 99.98 FEET; THENCE S88°28'11"E 5.00 FEET; THENCE N01°29'08"E 162.00 FEET; THENCE N05°02'42"W 268.18 FEET; THENCE N84°49'07"E 916.00 FEET; THENCE S05°10'55"E 27.75 FEET; THENCE SOUTHERLY ALONG THE ARC OF A 200.00 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 22.09 FEET, THROUGH A CENTRAL ANGLE OF 06°19'43" (LONG CHORD BEARS: S02°01'04"E 22.08 FEET); THENCE S01°08'48"W 462.77 FEET; THENCE EASTERLY ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 424.81 FEET AND A RADIAL BEARING OF S01°08'48"W, A DISTANCE OF 132.06 FEET, THROUGH A CENTRAL ANGLE OF 17°48'44" (LONG CHORD BEARS: S79°56'51"E 131.53 FEET); THENCE EASTERLY ALONG THE ARC OF A 424.81 FOOT RADIUS REVERSE CURVE TO THE LEFT (LONG CHORD BEARS: S79°56'51"E 131.53 FEET), CENTER POINT LIES N18°57'31"E THROUGH A CENTRAL ANGLE OF 17°48'44" A DISTANCE OF 132.06 FEET; THENCE S88°51'12"E 168.49 FEET; THENCE S01°13'07"W 1084.98 FEET; THENCE N88°30'25"W 1337.50 FEET; THENCE N01°30'13"E 282.05 FEET; THENCE N88°31'47"W 49.35 FEET; THENCE N01°29'50"E 10.25 FEET TO THE POINT OF BEGINNING.

AREA CONTAINS 1919721 SQUARE FEET OR 44.071 ACRES.

REVISIONS		DATE	BY
NO	DESCRIPTION		

PROVALUE ENGINEERING, INC.
Engineers - Land Surveyors - Land Planners
28 South 850 West, Suite 1
Hurricane City, Utah 84737
Phone: (435) 866-5507



PRELIMINARY PLAT FOR:
STRAWBERRY FIELDS ESTATES
LOCATED IN SECTION 1, T42S, R42S, R14W, S.L.B.&M.
SAND HOLLOW RD, HURRICANE, WASHINGTON COUNTY, UTAH 84737

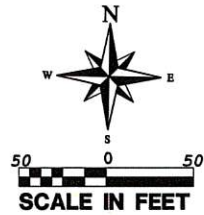
DATE: 04/28/2022
SCALE: N/A

JOB NO:
654-001

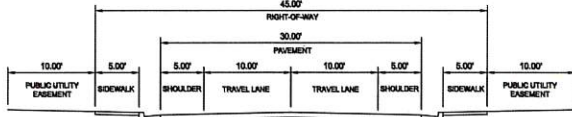
SHEET NO:
1 OF 4

LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- STREET CENTERLINE
- 10' PUBLIC UTILITY EASEMENT (PUE)
- SECTION LINE
- STRAWBERRY FIELDS ESTATES BOUNDARY
- PHASE LINE
- EXISTING MINOR CONTOUR 1'
- EXISTING MAJOR CONTOUR 5'
- PROPOSED PUBLIC UTILITY EASEMENT
- SECTION CORNER AS DESCRIBED

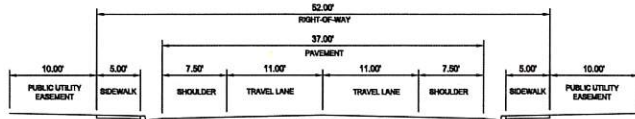


RESIDENTIAL LOCAL



45' ROAD TYPICAL SECTIONS

RESIDENTIAL STANDARD



52' ROAD TYPICAL SECTIONS

FOUND BRASS CAP MONUMENT
WEST QUARTER CORNER
SECTION 12,
T42S, R14W, S.L.B.&M.

2642.11' S0107°24'W BASIS OF BEARING

2643.24' S0107°06'W

FOUND BRASS CAP
SET 1978
NORTHWEST CORNER
SECTION 12,
T42S, R14W, S.L.B.&M.

1903.48'
S88°30'47"E

FOUND BRASS CAP
MONUMENT
SOUTHWEST CORNER
SECTION 12,
T42S, R14W, S.L.B.&M.

FULL SITE PRELIMINARY PLAT FOR:
STRAWBERRY FIELDS ESTATES

LOCATED IN SECTION 1, T42S, R42S, R14W, S.L.B.&M.
SAND HOLLOW RD, HURRICANE, WASHINGTON COUNTY, UTAH 84737



REVISIONS		DATE	BY
NO	DESCRIPTION		

PROVALUE ENGINEERING, INC.
Engineers - Land Surveyors - Land Planners
20 South 850 West, Suite 1
Hurricane City, Utah 84737
Phone: (435) 669-5307



PRELIMINARY PLAT FOR:
STRAWBERRY FIELDS ESTATES
LOCATED IN SECTION 1, T42S, R42S, R14W, S.L.B.&M.
SAND HOLLOW RD, HURRICANE, WASHINGTON COUNTY, UTAH 84737

DATE: 04/28/2022
SCALE: 1"=50'

JOB NO.
654-001

SHEET NO.
2 OF 4

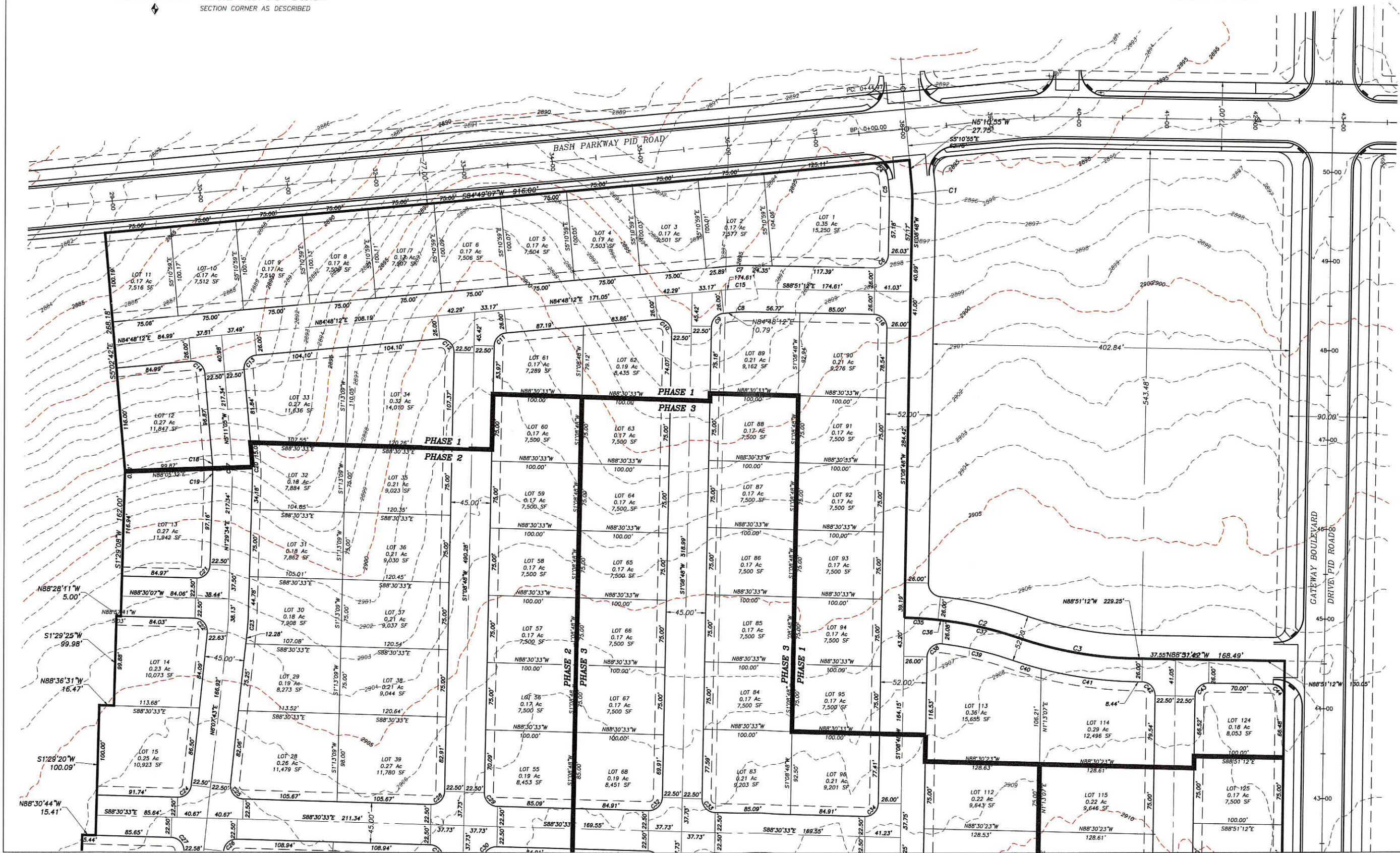
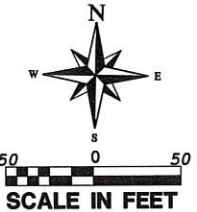
PRELIMINARY PLAT

PRELIMINARY PLAT FOR:
STRAWBERRY FIELDS ESTATES

LOCATED IN SECTION 1, T42S, R42S, R14W, S.L.B.&M.
SAND HOLLOW RD, HURRICANE, WASHINGTON COUNTY, UTAH 84737

LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- STREET CENTERLINE
- 10' PUBLIC UTILITY EASEMENT (PUE)
- SECTION LINE
- STRAWBERRY FIELDS ESTATES BOUNDARY
- PHASE LINE
- EXISTING MINOR CONTOUR 1'
- EXISTING MAJOR CONTOUR 5'
- PROPOSED PUBLIC UTILITY EASEMENT
- SECTION CORNER AS DESCRIBED



REVISIONS	
NO	DESCRIPTION

PROVALUE ENGINEERING, INC.
Engineers - Land Surveyors - Land Planners
20 South 850 West, Suite 1
Hurricane, Utah 84737
Phone: (435) 668-9507

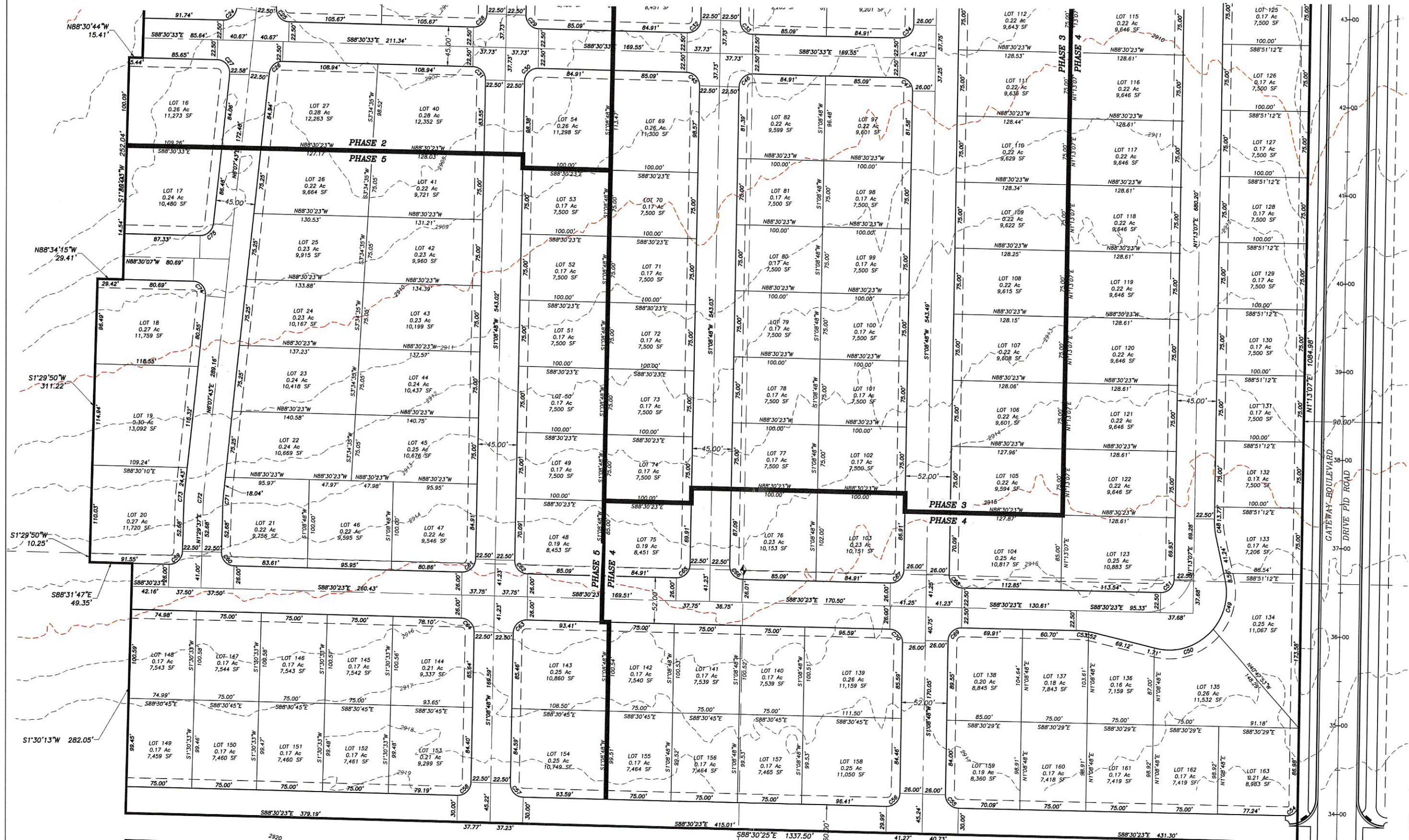
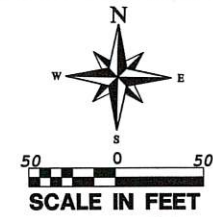


PRELIMINARY PLAT FOR:
STRAWBERRY FIELDS ESTATES
LOCATED IN SECTION 1, T42S, R42S, R14W, S.L.B.&M.
SAND HOLLOW RD, HURRICANE, WASHINGTON COUNTY, UTAH 84737

DATE: 04/28/2022
SCALE: 1"=50'
JOB NO:
654-001
SHEET NO:
3 OF 4

_____	PROPERTY LINE	-----	PROPOSED PUBLIC UTILITY EASEMENT
_____	ADJACENT PROPERTY LINE	-----	EXISTING MINOR CONTOUR 1'
_____	STREET CENTERLINE	-----	EXISTING MAJOR CONTOUR 5'
_____	10' PUBLIC UTILITY EASEMENT (PUE)	-----	
-----	SECTION LINE	◆	SECTION CORNER AS DESCRIBED
_____	PHASE LINE		
_____	STRAWBERRY FIELDS ESTATES BOUNDARY		

LOCATED IN SECTION 1, T42S, R42S, R14W, S.L.B.&M.
SAND HOLLOW RD, HURRICANE, WASHINGTON COUNTY, UTAH 84737

[illegible]

PROVALUE ENGINEERING, INC.
Engineers - Land Surveyors - Land Planners
20 South 850 West, Suite 1
Hurricane City, Utah 84717
Phone: (435) 668-8307



PRELIMINARY PLAT FOR:
STRAWBERRY FIELDS ESTATES
LOCATED IN SECTION 1, T42S, R42E, S14W, S11E, #1M,
SAND HOLLOW RD, HURRICANE, WASHINGTON COUNTY, UTAH 84131

DATE: 04/28/2022
SCALE: 1"=50'

JOB NO.
654-001

SHEET NO:

4 OF 4



STAFF COMMENTS

Agenda Date:	05/25/2022
Application Number:	2022-PP-08
Type of Application:	Preliminary Plat and Preliminary Site Plan Application
Action Type:	Administrative
Applicant:	Western Mortgage and Realty Co
Agent:	Karl Rasmussen
Request:	Preliminary Plat Application
Location:	Approximately 1400 S 3700 W
Zoning:	R1-8
General Plan Map:	Planned Community

Planning Commission Recommendation: Planning Commission recommended approval subject to staff and JUC comments as well as sufficient buildout of the Sand Hollow Gateway PID. Vote was unanimous.

Discussion:

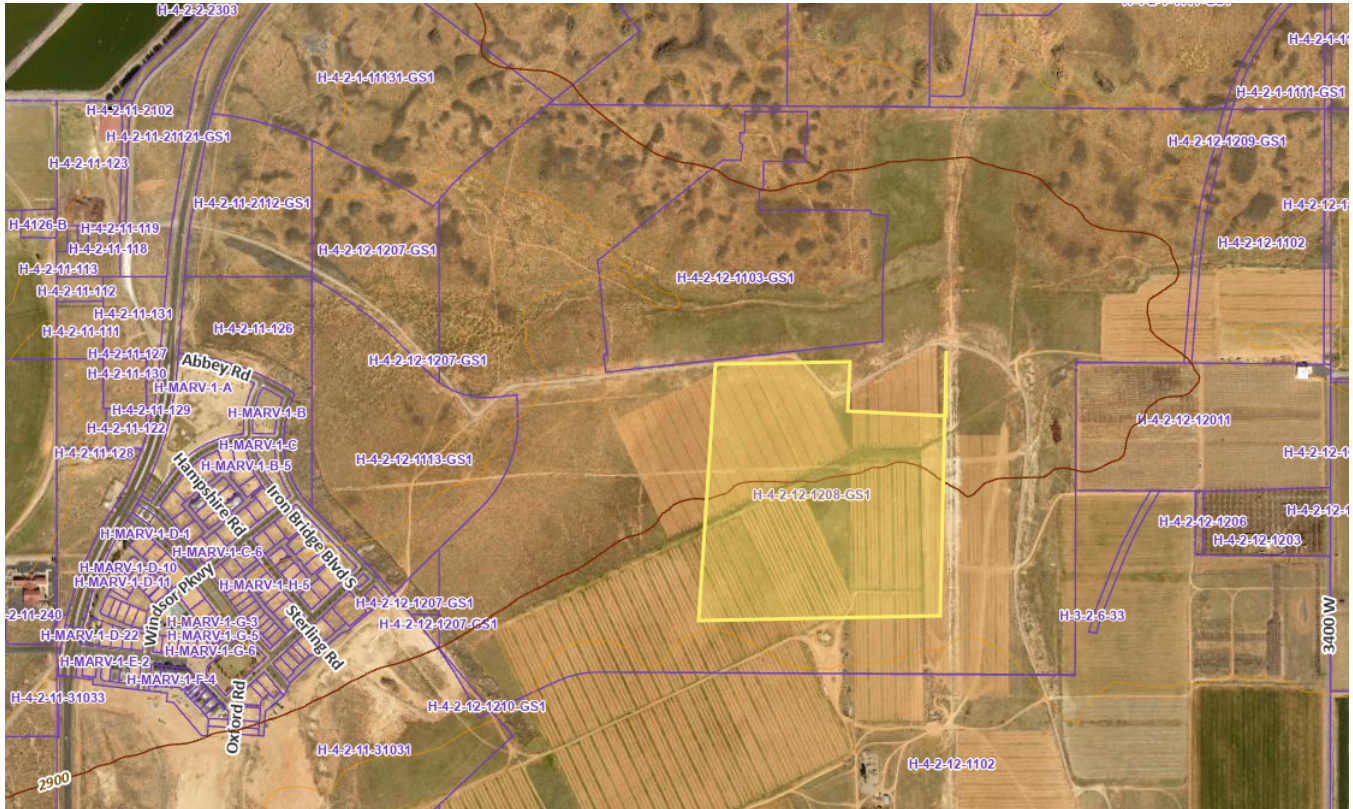
The applicant is seeking preliminary plat and preliminary site plan approval for a subdivision containing 163 lots located within the Sand Hollow Gateway PID for the Strawberry Fields Estates subdivision. This property is due east of the approved Elim Estates subdivision and further east from Marla at Elim Valley. This property requires extensive PID infrastructure to be put in and is planned to be served by several PID roadways. Construction has begun on Bash Parkway which will bring utilities to this property. Any approval should be conditioned on sufficient buildout of the Sand Hollow Gateway PID infrastructure

JUC Comments

The following items will need to be addressed:

1. **Power:** Need Bash Parkway to be put in for power
2. **Sewer:** Sewer line in Bash Parkway
3. **Streets:** Infrastructure from PID needs to be in. Traffic study required
4. **Water:** Water model required. PID improvements need to be done before approval.
5. **Engineer:** Check block lengths. Connectivity looks good

6. **Fire:** No issues
7. **Cable/Phone:** Good
8. **Gas:** Good
9. **Water Conservancy District:** No comments



Map is very approximate

Staff Comments: Preliminary Plat

1. Zoning is R1-8. The average lot size is 8877 sq ft . Density is 3.69 units per acre. All lots appear to match R1-8 development standards.
2. The plat shows the future roadways and utilities in the area, but currently, these services do not exist.
3. The applicant has noted that the property isn't located in a desert tortoise take area.
4. The easternmost street before Gateway Blvd is over 800 feet and exceeds the block length standard. All other block lengths meet city standards.
5. The southernmost roadway is a 60' right-of-way. Houses are allowed to front 60' right of ways. Generally speaking, staff recommends that collector roadways have limited driveway access.
6. The layout and roadway alignments appear to line up with the Elim Estates preliminary plat that was approved earlier this year as well as the Peach Springs Estates plat that was approved in 2021.

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7. It's not clear what the open space in the northeast corner is for. No open space is required by code; however, there is a PID planned park to the north of this development.
8. A will serve letter from Hurricane City Water and Ash Creek Sewer District has not been provided
9. Utilities: The property is isolated but has services planned for the area. The Sand Hollow Gateway PID has begun construction on Bash Parkway (the northern boundary of this plat) which will bring utilities and road connections to this site. Hurricane City Code states the following:

10-37-4: ADEQUATE PUBLIC FACILITIES:

Land shall be developed only where existing infrastructure is in place or will be timely provided to service proposed development. The city may require an analysis to be completed to determine 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)

Recommendation: Staff recommends the Planning Commission review this application based on standards with Hurricane City Code. Any approval of the application should have the following conditions.

1. Sufficient buildout of Bash Parkway and 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.