



HURRICANE CITY UTAH

Mayor

City Manager

Nanette Billings Kaden DeMille

City Council

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

Hurricane City Council Meeting Agenda

May 15, 2025
3:30 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.**

3:30 p.m. Work Meeting

1. Discussion regarding Zion Regional Medical Center
2. Agenda Summary

4:15 p.m. Work Meeting

1. Discussion regarding the City Civic Center

5:00 p.m. Pre-meeting

6:00 p.m. - Call to Order

Prayer

Thought

Pledge of Allegiance

Congratulate Local National Civic Bee Competition Winners: Megan Kane and Zoey Mecham

Declaration of any conflicts of interest

Public Forum – Comments from Public

Please Note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda, public comments will be limited to 3 minutes per person per item. A spokesperson representing a group to summarize their concerns will be allowed 5 minutes to speak. Repetitious commentary will not be allowed. If you need additional time, please request agenda time with Cindy Beteag in writing before 12:00 p.m. the Tuesday one week before the Council meeting.

OLD BUSINESS

1. Consideration and possible approval of **Ordinance ZC24-07 Zone Change and Preliminary Site Plan** request from NC, Neighborhood Commercial to R1-8 (PDO), Single Family Residential R1-8 with a Planned Development Overlay, located at 2230-2254 W 600 N. Parcel H-3-1-29-2213, H-3-1-29-2214. 317 Sycamore LLC, Applicant. Beau Ogzewalla, Agent
2. Consideration and possible approval of **Ordinance 2025-08 amending Title 10, Chapters 3, 7, 12, and 14** regarding farm stands; LUCA25-03; Hurricane City, Applicant
3. Consideration and possible approval of Ordinance **2025-04 Approving a Power Impact Fee Facilities Plan, a Power Impact Fee Analysis, and an Impact Fee** for Power on Development
4. Consideration and possible approval of **Ordinance 2025-09 creating term limits** for elected municipal officers -Mayor Billings

NEW BUSINESS

1. Consideration and possible approval of **waiving all City impact fees** for Washington County's EOC/Parks Building - Commissioner Iverson
2. Consideration and possible approval of **waiving the City water impact fee** for Washington County's Legacy Park trailer hookups - Commissioner Iverson
3. Discussion regarding the **City Civic Center** and informational notice to public that Civic Center survey closes at midnight on May 15, 2025
4. **Public Hearing** to take comments on the following:
 - a. A potential Real Estate Purchase and Construction Agreement, which includes the disposal of City-owned parcel numbers H-QCIP-2-7; H-QCIP-2-8; H-QCIP-2-9; H-QCIP-2-10; H-QCIP-2-11; H-QCIP-2-12; H-QCIP-3-20 located within the Quail Creek Industrial Park area
5. Consideration and possible approval of a **Real Estate Purchase and Construction Agreement** with D & G Property Holdings, LLC and Washington County Council of Governments - Arthur LeBaron
6. Consideration and possible **revocation of the Virgin River Massage** business license
7. Consideration and possible approval of **Resolution No. 2025-23 approving an increase in billing rates for culinary water usage** in Hurricane City - Ken Richins
8. Consideration and possible approval of **Resolution 2025-24 Appointing Mark Maag to the Power Board**
9. Consideration and possible approval of a **Power Line Extension request** for Zion Regional Medical Center
10. Consideration and possible approval of **awarding the contract for drilling and developing of the Sky Ranch well project**, to Gardner Brothers Drilling for the amount of \$1,308,985.00 - Ken Richins
11. Mayor, Council, and staff reports
12. Closed Meeting held pursuant to Utah Code section 52-4-205, upon request

Adjournment

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

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

_____ for the City Recorder

Agenda Summary for Hurricane City Council May 15, 2025

3:30 p.m. Work Meeting

Discussion regarding Zion Regional Medical Center

4:15 p.m. Work Meeting

Discussion regarding the City Civic Center

5:00 p.m. Pre-Meeting

6:00 p.m. Call to Order

Congratulate Local National Civic Bee Competition Winners: Megan Kane and Zoey Mecham

Old Business

1. This item was continued from April 3, 2025, to allow the applicant to provide additional parking to the site plan and explore possible alternative commercial options for the project. As requested, the applicants have submitted an updated site plan that shows the addition of 10 parking spaces. Other updates to the site plan include adjustments to the roadway to better match access and utility agreements, and to provide better connectivity with the neighboring property to the east. Also, the amount of proposed commercial area has been slightly increased. – Gary Cupp
2. This item was continued at the May 1, 2025, City Council meeting to allow staff to make adjustments to the proposed land use code update that would allow commercial farm stands. It was initially proposed that farm stands selling commercially packaged food and other items should only be allowed on agricultural properties of no less than five acres in size. At the request of the Council, the proposed minimum property size has been reduced to one acre and cannot be located in recorded subdivisions. Staff has also updated the proposed conditions of approval to clarify that commercial farm stands must be primarily devoted to the sale of agriculturally produced or farmed products, and also to clarify the percentage of commercially packaged goods allowed to be sold.

Please note, the Council is also considering an unrelated update to add the phrase *“drilling, or other methods”* to Section 10-3-4 of the City code for the purpose of clarifying the definition of Mineral Extraction. – Gary Cupp

3. When the Council last discussed this item, it was continued to allow additional time for the consultants to address the questions raised regarding the analysis supporting the recommended impact fee. Provided in the packet is the updated and final impact study report. This report has been updated to reflect the adjusted impact fees, and address the concerns brought to us through SUHBA.

4. When the Council discussed this item previously, it was continued to allow the Council additional time to consider the item.

New Business

1. Washington County has an approved site plan to construct a 16,150-square-foot building to house the Emergency Operations Center and Parks Department, located at approximately 5710 W Shooting Sports Park Road. As part of the project, the County is requesting a waiver for all impact fees associated with the development. Based on the building's square footage, the total impact and connection fees are as follows: Public Safety – \$345.80, 1" Water Impact – \$5,522.00, Parks Impact – \$11,938.56, Streets Impact – \$3,388.84, and 600-amp Power Impact – \$22,073.00, totaling \$43,268.20. The County will still pay the water connection fee, which is a hard cost to the City. Similarly, the Power Department will issue an invoice for the power connection fee, as the building will be CT metered. It is recommended that the County coordinate with the Fire District and Ash Creek Sewer District to seek waivers for their respective impact fees. Documentation has been provided confirming that the Washington County Water Conservancy District has already waived its impact fees for this project. - Cindy Beteag
2. Washington County is requesting a waiver for the water impact fees associated with the development of the trailer hookups, totaling \$3,106.00. The County will still pay the water connection fee, which is a hard cost to the City. - Cindy Beteag
3. Discussion regarding the City Civic Center and informational notice to public that Civic Center survey closes at midnight on May 15, 2025.
4. Public Hearing to take comments on a potential Real Estate Purchase and Construction Agreement, which includes the disposal of City-owned parcel numbers H-QCIP-2-7; H-QCIP-2-8; H-QCIP-2-9; H-QCIP-2-10; H-QCIP-2-11; H-QCIP-2-12; H-QCIP-3-20 located within the Quail Creek Industrial Park area.
5. Using Corridor Preservation Funds in 2017, the City purchased 7 vacant lots in the Quail Creek Industrial development to preserve the Purgatory Road corridor from development. Since that time Dennett Construction has finished several phases of the Quail Creek Industrial park, and has worked their way to the point that Purgatory Road needs to be connected through the preserved area. City staff members worked with an appraiser and Dennett Construction to make an agreement wherein the Dennetts purchase the 7 vacant lots for \$1,165,000 and complete the construction of Purgatory Road as it is master planned. The \$1,165,000 will go back into the Corridor Preservation Fund and the roadway connection will be completed between Phase 5 of Quail Creek Industrial and the existing 5300 West that runs past Purgatory Correctional Facility.

City Staff and Dennett Construction are happy with the agreement before the Council. Washington County Staff have been consulted and are on board with this sale. The property transaction has been properly noticed to the public for disposal.

Approval of the Purchase and Construction Agreement is recommended. – Arthur LeBaron

6. This agenda item is regarding the potential revocation of the business license for Virgin River Spa. Under the City Code, one of the roles of the City Council is to revoke business licenses if revocation is warranted under the City Code, and the City Council makes the decision as to whether revocation is warranted. The City staff's recommendation on this item is to revoke the business license based on the findings that (1) the conduct of the business is in violation of state and local law and (2) the business is interfering with the preservation of the public peace, health, safety, and welfare of the public. The packet includes a staff report with a more detailed explanation, together with supporting documentation. – Dayton Hall
7. The Washington County Conservancy District is increasing its wholesale water rate by \$0.15 per thousand gallons. Hurricane City buys a portion of the water it supplies to its residents from the district at the wholesale rate. This agenda item is to consider increasing Hurricane Cities retail rate by \$0.15 per thousand gallons to match the increase by the District. The Water Board discussed this item on April 29, 2025, and unanimously recommended that the City Council increase the city's water rates by \$0.15 per thousand gallons and a 2% across the board inflation increase. – Ken Richins
8. This item is needed to fill a vacancy on our Power Board that occurred when Tony Certonio vacated his Power Board seat due to personal time constraints. In the 5/7/25 Power Board meeting, Dave Imlay made a motion to recommend approval of this appointment with a second by David Hirschi. The motion passed unanimously. – Crystal Wright
9. Zion Regional Medical Center is requested approximately 10.5MW of power for their complete project. Power infrastructure needed to meet that need include the construction of the Sky Mountain Substation as well as some transmission line construction . These infrastructure needs have been identified and discussed with the development team and will be required in order to proceed with their project. They have agreed to provide for those needs.
10. Mayor and council members, on 2/13/2025 at 2:00 pm bids were received for the drilling and developing of the Sky Ranch well. There were three qualified bids. Alpha Engineering, our consulting engineer, recommended we award the bid to the lowest bidder which was Gardner Brothers from Enterprise Utah. For the project Base

Bid price + Additive Alternative No. 2 of \$1,308,985.00. The Engineers Letter of recommendation and bid tabulations are attached.

The reason we couldn't award this contract earlier was because we needed to trade the property we owned from the original test well that didn't work out for the property, we drilled the second test well on. – Ken Richins

11. Mayor, Council, and staff reports.

12. Closed Meeting upon request.



STAFF COMMENTS

Item: Work Meeting to discuss the City Civic Center

Discussion: Civic Center Questions:

- 1-What is the proposed size of each of the buildings?
- 2- What are the needs for the new City Office and the Police Department buildings?
- 2- What is the proposed cost of the infrastructure?
- 3- What is the proposed cost of the City Office?
- 4- What is the proposed cost of the Police Department?
- 5- How much money do we have SAVED to go toward the project now? And the proposed amount by July when the new year starts?
- 6- What is the amount needed for a bond payment minus off what we have saved?
- 7- Size of each proposed use of land zoned for commercial, Hotel, retail and commercial, multi family, single family, park space, public facilities property? Roadways and public open space?
- 8- Value of the total land at todays market?
- 9-Value of the partials if broken up with a zone change based on each use?
- 10-What is the proposed time frame to engineer a city office building?
- 11-What is the proposed time frame to engineer a police Station?
- 12: What is the proposed time frame to construct the new city office building?
- 13- What is the proposed time frame it would take to construct the new police station?
- 14-How much revenue could we generate if we lease the proposed property based on what Zions Bank proposed?
- 15- How much revenue could we generate if we lease the proposed property based on what our current zoning allows?
- 16- How much could we sell the proposed excess property the city does not need to build the civic buildings on that is left over?
- 17- How much could we sell the proposed excess property the city does not need to build the civic buildings on if we change the zone to follow the general plan and then sell the property?
- 18- What are the costs for the building behind the existing building to be built for city office and use current building for the court?
- 19- What is the cost for a mobil trailer to purchase or and for a lease for more office space for city employees?
- 20- What are the realistic possibilities & costs of purchasing the old ACE building to house the police department?
- 21- What percentage of property for the Civic Center was purchased with park impact fees? What

21- What percentage of property for the Civic Center was purchased with park impact fees? What percentage or portion from ARPA Funds. Did the purchase of the property come from any other funds? If so from where? Also Could you show the grant application that shows how the money must be used and the purpose of the ARPA funds.

Findings:

Recommendation:



STAFF COMMENTS

Consideration and possible approval of **Ordinance ZC24-07 Zone Change and Preliminary Site Plan** request from NC, Neighborhood Commercial to R1-8 (PDO), Single Family Residential R1-8 with a Planned Development Overlay, located at 2230-2254 W 600 N. Parcel H-3-1-29-2213, H-3-1-29-2214. 317 Sycamore LLC, Applicant. Beau Ogzewalla, Agent

Discussion:

Updated Summary for 5/15/2025 – Gary Cupp

This item was continued from April 3, 2025, to allow the applicant to provide additional parking to the site plan and explore possible alternative commercial options for the project. As requested, the applicants have submitted an updated site plan that shows the addition of 10 parking spaces. Other updates to the site plan include adjustments to the roadway to better match access and utility agreements, and to provide better connectivity with the neighboring property to the east. Also, the amount of proposed commercial area has been slightly increased.

Summary for 4/3/2025 - by Fred Resch

The applicant requests a zone change from Neighborhood Commercial with a Planned Development Overlay to R1-8 (PDO) for the property located at 2230 W 600 N, adjacent to the Sky Mountain Golf Course. As part of the Planned Development Overlay request, the applicant has submitted a preliminary site plan outlining the proposed development. The plan includes 35 townhomes, open space along the golf course, and a commercial pad along 600 N.

Findings

- The application meets the standards of the General Plan and General Plan Map.
- The proposed uses are generally compatible with surrounding existing and planned developments.
- The amendment is not expected to have a significant impact on the area.
- Adequate services are available to support the proposed development.

March 27, 2025 – Planning Commission

The Planning Commission considered this request at its March 27, 2025, meeting, after

previously tabling it on August 8, 2024, and February 27, 2025. A public hearing was held on August 8, 2024, where concerns were raised by residents of the Sky Mountain neighborhood regarding high density and the project's proximity to the golf course. The applicant later engaged with neighborhood representatives to address these concerns. At the March 27 meeting, no members of the public were present or voiced objections.

The Planning Commission had previously delayed a decision to allow time for securing agreements with neighboring property owners regarding access and water looping, which has now been completed. While the Commission was generally supportive of the project, discussions focused on whether the City should require screening between the townhomes and the golf course, as well as the suitability of the proposed open space amenities. Ultimately, the Commission determined that responsibility for screening should rest with future homeowners, consistent with other developments in the Sky Mountain community. The Planning Commission unanimously recommended City Council approval of the zone change, subject to staff and JUC comments outlined in the staff report.

Property Information

- **Address:** 2230-2254 W 600 N
- **Parcel Numbers:** H-3-1-29-2213, H-3-1-29-2214
- **Lot Size:** 7.86 acres
- **Current Use:** Vacant property
- **Current Zoning:** Neighborhood Commercial, Planned Development Overlay
- **General Plan Designation:** Planned Community

Findings:

Recommendation:

Attachments:

1. Staff Comments for Ordinance ZC24-07 zone change and preliminary site plan
2. ZC24-07 PSP24-21 Back 9 at Sky Mountain CC Staff Report
3. Ordinance ZC24-07 Back Nine at Sky Mountain
4. ZC24-07
5. PSP24-21
6. Zone Change Application Narrative
7. Preliminary Site Plan Narrative
8. Vicinity Map
9. Proposed Zoning
10. 2024.0807_Preliminary Site Plan[59]
11. 101-05_Sky Mountain_2025.4.28-Concept[68]



STAFF COMMENTS

Item: Consideration and possible approval of Ordinance ZC24-07 Zone Change and Preliminary Site Plan request from NC, Neighborhood Commercial to R1-8 (PDO), Single Family Residential R1-8 with a Planned Development Overlay, located at 2230-2254 W 600 N. Parcel H-3-1-29-2213, H-3-1-29-2214.

Discussion: The applicant requests a zone change from Neighborhood Commercial with a Planned Development Overlay to R1-8 (PDO) for the property located at 2230 W 600 N, adjacent to the Sky Mountain Golf Course. As part of the Planned Development Overlay request, the applicant has submitted a preliminary site plan outlining the proposed development. The plan includes 35 townhomes, open space along the golf course, and a commercial pad along 600 N.

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The Planning Commission had previously delayed a decision to allow time for securing agreements with neighboring property owners regarding access and water looping, which has now been completed. While the Commission was generally supportive of the project, discussions focused on whether the City should require screening between the townhomes and the golf course, as well as the suitability of the proposed open space amenities. Ultimately, the Commission determined that responsibility for screening should rest with future homeowners, consistent with other developments in the Sky Mountain community. The Planning Commission unanimously recommended City Council

approval of the zone change, subject to staff and JUC comments outlined in the staff report. – Fred Resch III

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- **Lot Size:** 7.86 acres
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- **Current Zoning:** Neighborhood Commercial, Planned Development Overlay
- **General Plan Designation:** Planned Community

Findings:

Recommendation:



STAFF COMMENTS

Agenda Date:	04/03/2025 – City Council
Application Number:	ZC24-07 PSP24-21
Type of Application:	Zone Change and Preliminary Site Plan
Action Type:	Legislative
Applicant:	317 Sycamore LLC
Agent:	Brixton Call
Request:	Approval of a Zone Change approval from NC/PDO to R1-8/PDO with associated Preliminary Site Plan.
Location:	2230 W 600 N
Zoning:	Neighborhood Commercial NC with a Planned Development Overlay (NC/PDO)
General Plan Map:	Planned Community
Recommendation:	Approve subject to staff and JUC comments.
Report Prepared by:	Fred Resch III/Gary Cupp

March 27, 2025 – Planning Commission

The Planning Commission considered this request at its March 27, 2025, meeting, after previously tabling it on August 8, 2024, and February 27, 2025. A public hearing was held on August 8, 2024, where concerns were raised by residents of the Sky Mountain neighborhood regarding high density and the project's proximity to the golf course. The applicant later engaged with neighborhood representatives to address these concerns. At the March 27 meeting, no members of the public were present or voiced objections.

The Planning Commission had previously delayed a decision to allow time for securing agreements with neighboring property owners regarding access and water looping, which has now been completed. While the Commission was generally supportive of the project, discussions focused on whether the City should require screening between the townhomes and the golf course, as well as the suitability of the proposed open space amenities. Ultimately, the Commission determined that responsibility for screening should rest with future homeowners, consistent with other developments in the Sky Mountain community. The Planning Commission unanimously recommended City Council approval of the zone change, subject to staff and JUC comments outlined in the staff report.

Update for March 27, 2025 - Tabled Item:

This item was heard by the Planning Commission on August 8, 2024, and again on February 27th, 2025, and tabled both times to allow the applicant time to continue to acquire access agreements and provide for a water loop. The property requires access from both the property to the east and west for proper

access and water looping. The applicant has provided a draft purchase contract for the property to the west and a cooperation agreement with the property owner to the east. Therefore, planning staff finds that these are sufficient for the purposes of this zone change application to confirm adequacy of public facilities, but recorded access will be required prior to any future development. Staff recommends the Planning Commission make a recommendation of approval to the City Council subject to staff and JUC comments, and that dedicated and recorded access be required prior to any future development approvals or entitlements.

Discussion:

This property was previously rezoned from Neighborhood Commercial (NC) with a Planned Development Overlay (PDO) to R1-8/PDO in 2019 to allow for the development of an assisted living facility, which was approved subject to a development agreement that stated that the zoning would revert to Neighborhood Commercial if a final site plan was not approved within two years. That project did not move forward and the property's zoning has reverted back. The current applicant is requesting approval of a preliminary site plan and zone change from the existing NC/PDO to R1-8/PDO and proposes to develop the site with 35 townhomes, open space, and a commercial pad along 600 N.

	Zoning	Adjacent Land Use
North	R1-8 PDO, PF	Sky Mountain Golf Course
East	R1-10	Undeveloped Property
South	M-1, RM-3	Storage units, apartments
West	R1-8 PDO, PC	Sky Mountain Golf Course, undeveloped property

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

This property is adjacent to, and currently considered part of, the Sky Mountain PDO. This development plan includes townhomes, which are generally permitted in the Planned Community general plan designation of the site, and also proposes supporting commercial space to benefit the community. This development proposes a large open space buffer area between the existing golf course and the existing single family residential homes in the adjacent Sky Mountain development.

The General Plan also states that, *“Medium and high density residential developments should be planned near support facilities such as collector and arterial roads, schools, shopping, and employment centers. Medium and high density residential developments should be planned and designed to minimize impacts to nearby existing developments, while providing high-quality, attractive housing options.”* Additionally, the Moderate Income Housing Plan states that the City should *“Look at areas where “Missing Middle Housing” and mixed-use zones can be implemented within existing and future residential and commercial developments”* This property would be integrated in with existing commercial and residential developments, thus, making the site suitable for the proposal.

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

Response: This development will be relatively isolated from the existing development in the vicinity due to the large open space buffer. The approved adjacent development to the west, which this development will eventually tie into, also consists of a similar mixed-use development type that will consist of townhomes and commercial uses. Thus, this proposal is considered harmonious with the overall character of existing development in the vicinity.

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

Response: Due to the large open space buffer that will prevent any potential conflicts with the golf course, and because this development will not tie into the existing Sky Mountain residential development, it will not have an adverse effect on the adjacent property. This townhome development is also much less dense than other nearby townhome developments, and is at an equivalent overall density to the other developments in the vicinity. Additional commercial development along 600 N will be a benefit to the community. Most traffic impacts will be along 600 N which is designed to handle larger traffic loads.

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

Response: See JUC Comments below. Development of this property will require participation of the neighbors to the east and the west and the applicant has informed staff that they are working with their neighbors for those connections. There were no concerns on the overall adequacy of public facilities and services to serve the property.

Other Considerations:

Sky Mountain Master Plan:

The Sky Mountain PDO, last amended in 2003 and attached to this packet, designated this area as “neighborhood commercial business park,” and designated the entire area along 600 N as a commercial corridor. The development agreement also states, “*High density residential attached and/or detached will be generally concentrated along 600 North, although some interior high density may ultimately be desired.*” This development agreement also speaks of design flexibility and that “*this development agreement shall not be considered a hard and fast rule*” and should be able to be changed as market conditions demand. Indeed, over the past two decades there have been a number of deviations from this plan.

Due to the fact that the development agreement is not recorded against the property, and is also only considered a “guiding document,” staff believes that this development proposal can be approved through the requested zone change as a separate project unassociated with the existing Sky Mountain development.

Preliminary Site Plan Review

JUC Comments:

Public Works: Would need to acquire and develop the road to the east labeled Future Public Right of Way for second access. Need to provide a water loop. Interior road does not meet current Hurricane City specifications, private roads need to meet current standards.

Power: Construction plans need to show the transmission line easement on 600N. Power dept also has minimum setback requirements along a transmission line/ this is a NEC mandated code. Block walls shall not come within 10' of the existing power lines. An application for services shall be filled out before construction plans for redlines are allowed to move forward. Application can be found on the Planning and Zoning page of Hurricane City website or requested directly from Hurricane Power. Power has questions about the roadway improvements and also PUE. No medians in the roadway. Power Dept requests that the future ROW be established and dedicated before construction begins, also all roadway improvement be finished at final acceptance. Power dept will require power lines to be established inside the PUE along the said (future roadway).

Water: Will need ductile iron pipe installed in private roads. This may also need a water model.

Streets: No comment.

Sewer: An easement is required for the line extending to existing sewer, along with a 14' all weather road centered over the sewer line.

Engineering: The depicted plan is dependent on neighboring property owners. The applicant must present agreement(s) specifying the arrangement(s) they've made with their neighbors when the preliminary plat application is submitted (HCC 10-39-7(c)(10)). Water looping (HCS 3.6.4 & 3.6.8.2), the sewer connection (crosses Toquerville Enterprises property [see also ACSSD standard 1.2.5(A)]),

and access challenges (future public right of way on the plan's east side is not a master planned road and it's owned by Toquerville Enterprises, see also HCS 3.2.4.2(k)) cannot be resolved without neighbors' participation/consent. Where much of the required infrastructure relies on neighboring property owners', engineering would recommend requiring said agreement(s) before granting the zone change. Existing conditions must be accurately modeled to be properly considered (HCC 10-7-10(d)(2)) this plan fails to depict the existing Hurricane City Power substation site (parcel H-3-1-28-3303) and the existing curb, gutter, sidewalk and accesses associated with it. Intersection spacing along the future public right of way can't be checked (see HCS 3.2.4.3 and the Transportation Master Plan section 9.3.2). Private streets must be public and meet Hurricane City standards.

Fire: No comment.

Phone/Cable: No comment.

WCWCD: Washington County Water Conservancy District hereby acknowledges that based on the information provided, the plans adequately mitigate interference with district facilities and property interests. The District reserves the right to rescind this acknowledgement if additional information becomes available. The district has not determined whether water will be available for this development and does not hereby make any guarantee of water availability. In addition, the development must conform with applicable district requirements, including but not limited to payment of fees.

Staff Comments:

1. **Density:** The proposed density is 4.45 units per acre which meets R1-8/PDO standards. The site plan says 5.22 units per acre however they are allowed to count the commercial area acreage towards their residential density, as the City has approved in many other developments, so the actual density is 4.4 units per acre, which conforms to the underlying R1-8 density requirements.
 - a. A PDO allows for a wide variety of housing options, including townhomes and duplexes. The City has allowed the commercial areas to count toward the total acres as long as the commercial use adds to the development.

10-23-5

C. Commercial Uses: Any commercial use shown on table 10-15-1 in subsection 10-15-3A of this title may be permitted within a planned unit development provided such use is:

- 1. Specifically authorized as part of a site plan approved pursuant to the provisions of this chapter; and*
- 2. Designed as an integral element of the planned development, including building and landscaping design which is consistent with design elements of the development. (Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)*

2. **Parking:** Per HCC 10-34-10 two parking spaces are required per unit. Each unit will have garages and driveways to meet this code. The commercial space will need to provide its own site plan to determine parking requirements.
3. **Open Space and Amenities:** This development significantly exceeds the required open space amount of 20% as laid out in HCC 10-33-5(E). A 35 unit development would require one amenity, which the trail system along the golf course provides. Staff would recommend the trail be extended to the east property line so that it can be used to connect to the Future Three Rivers Trail system.

4. HCC 10-23-9(l)(1) specifies, "all streets shall be public streets and shall be established according to public street standards adopted by the city." The City Council can approve a modified cross section, but that should be requested by the applicant.
5. Staff would recommend that, if approved, a new preliminary site plan addressing staff and JUC comments be provided.

Findings:

Staff makes the following findings:

1. The application meets the standards of the General Plan and the General Plan Map.
2. The uses are considered harmonious with most of the surrounding, existing and proposed, development.
3. The proposed amendment will not have a significant impact on the area.
4. Services and facilities are adequate to serve the property.

Recommendation: The Planning Commission should review the site plan and the zone change based on standards within the Hurricane City Code and consider any public comments received in the public hearing. Staff recommends sending a recommendation to approve the zone change to the City Council subject to staff and JUC comments, and that dedicated and recorded access be required prior to any future development approvals or entitlements.

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE APPROVING THE REZONE
FOR PARCEL H-3-1-29-2213 AND H-3-1-29-2214 FROM NEIGHBORHOOD
COMMERCIAL, WITH A PLANNED DEVELOPMENT OVERLAY TO SINGLE FAMILY
RESIDENTIAL 8 (R1-8), WITH A PLANNED DEVELOPMENT OVERLAY

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

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

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

WHEREAS, the proposal will not have an adverse impact on the surrounding area; and

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

WHEREAS, the proposed preliminary site plan is generally acceptable to the City; and

WHEREAS, the Planning Commission gave a positive recommendation on the proposed
zone change and preliminary site plan.

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

That parcels H-3-1-29-2213 and H-3-1-29-2214 is rezoned from Neighborhood Commercial,
with a Planned Development Overlay to Single Family Residential 8 (R1-8), with a Planned
Development Overlay.

PASSED AND APPROVED on this 3rd day of April 2025.

Hurricane City

Nanette Billings, Mayor

Attest:

Cindy Beteag, City Recorder

The foregoing Ordinance was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 3rd day of April 2025. Whereupon a motion to adopt and approve said Ordinance was made by _____ and seconded by _____. A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
David Hirschi	_____	_____	_____	_____
Kevin Thomas	_____	_____	_____	_____
Clark Fawcett	_____	_____	_____	_____
Drew Ellerman	_____	_____	_____	_____
Joseph Prete	_____	_____	_____	_____

Cindy Beteag, City Recorder

EXHIBIT A
ZONING MAP

EXHIBIT B

PRELIMINARY SITE PLAN



Application

Application Accepted Date: 07/18/2024		Valuation		\$	0.00					
Type of Improvement: Zone Change Application		PERMIT FEES								
Description: Back 9 At Sky Mountain Zone Change to R1-8		Planning Fee		\$	500.00					
Tenant / Project Name: Back 9 At Sky Mountain		Planning Fee		\$	500.00					
Bldg. Address: 2230â€2254 W 600 N St Hurricane, UT 84737		Sub Total:		\$	500.00					
City: Hurricane United States State: UT Zip: 84737		Permit Total:		\$	500.00					
Subdivision: Phase:		Amount Paid:		\$	500.00					
Block: Lot #: Parcel ID #: H-3-1-29-2213-RD2, H-		Remaining Due:		\$	0.00					
Zone: Neighborhood Commercial 3-1-29-2214-RD2										
Property Owner: 317 Sycamore LLC; B&P Properties LLC										
Permit Contact: Brixton Call P:(385) 220-4994										
Email: brixton@317cap.com										
CONTACT INFORMATION										
Engineer of Record: Thomas Hunt										
Email: thomas@huntday.co P: (801) 664-4724										
General Contractor: 317 Sycamore LLC										
License #: P: (385) 220-4994										
Address: 1222 W Legacy Crossing Blvd, Ste 6										
City: Centerville State: UT Zip: 84014										
Email: brixton@317cap.com										
APPLICATION DETAILS										
Setbacks		Front:	Rear:	Left:	Right:					
Min.										
Actual:										
APPLICATION NUMBER: PLANZC24-07										
This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I here-by certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury. Maintenance Deposit is refundable after final inspection if: 1) site is kept clean 2) building is NOT occupied prior to final inspection and issuance of Certificate of Occupancy.										
Applicant Name: Brixton Call										
Signature of Applicant/Authorized Agent or Owner: Date:										
Application Approved By:			Date:							
Application Issued By:			Date:							
Receipt #:										

Application

Application Accepted Date: 07/18/2024		Valuation		\$	0.00					
Type of Improvement: Site Plan (Preliminary)		PERMIT FEES								
Description:		Planning Fee		\$	200.00					
Tenant / Project Name: Back 9 At Sky Mountain		Planning Fee		\$	200.00					
Bldg. Address: 2230â€“2254 W 600 N St Hurricane, UT 84737		Sub Total:		\$	200.00					
City: Hurricane United States State: UT Zip: 84737		Permit Total:		\$	200.00					
Subdivision: Phase:		Amount Paid:		\$	200.00					
Block: Lot #: Parcel ID #: H-3-1-29-2213-RD2, H-		Remaining Due:		\$	0.00					
Property Owner: 317 Sycamore LLC; B&P Properties LLC										
Permit Contact: Brixton Call P:(385) 220-4994										
Email: brixton@317cap.com										
CONTACT INFORMATION										
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General Contractor: 317 Sycamore LLC										
License #: P: (385) 220-4994										
Address: 1222 W Legacy Crossing Blvd, Ste 6										
City: Centerville State: UT Zip: 84014										
Email: brixton@317cap.com										
APPLICATION DETAILS										
										
APPROVALS										
DATE										
INFO										
Setbacks										
Front: Rear: Left: Right:										
Min.										
Actual:										
APPLICATION NUMBER: PLANPSP24-21										
This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury. Maintenance Deposit is refundable after final inspection if: 1) site is kept clean 2) building is NOT occupied prior to final inspection and issuance of Certificate of Occupancy.										
Applicant Name: Brixton Call										
Signature of Applicant/Authorized Agent or Owner: Date:										
Application Approved By: Date:										
Application Issued By: Date:										
Receipt #:										

Zone Change Application Narrative

Project Name: Back Nine

Applicant: 317 Sycamore LLC

Property Address: Approximately 2230–2254 W 600 N, Hurricane, Washington County

Current Zoning: Neighborhood Commercial (NC)

Proposed Zoning: Single-Family Residential 8 (R1-8)

Date: 7/17/2024

Introduction

317 Sycamore LLC, the applicant, is submitting this application for a zone change for the property located at 2230–2254 W 600 N, Hurricane, currently zoned as Neighborhood Commercial (NC). We propose a change to Single-Family Residential 8 (R1-8) to support the development of Back Nine, a residential community. This change aligns with the surrounding land uses and provides the community with additional residential housing.

Property Description

The subject property comprises approximately 7.83 acres and is situated in a prime location for development. To the east, the property is bordered by undeveloped land, offering potential for future growth and expansion. To the west, the property borders Sky Mountain golf course, providing scenic views and recreational opportunities for residents. Additionally, to the west, there is a recently approved development featuring a similar mixed-use of commercial and residential, which complements the proposed Back Nine project and promotes a cohesive community environment.

Justification for Zone Change

- 1. Compatibility with Surrounding Land Use:** The proposed R1-8 zoning is consistent with the residential nature of the surrounding area. The golf course adjacent to the property creates a natural buffer and enhances the appeal of a residential community. The transition from commercial to residential zoning will create a harmonious blend with the existing neighborhood.
- 2. Preservation of Commercial Potential Along 600 N:** The Planned Development Overlay (PDO) will ensure that the commercial potential of the property along 600 N is preserved. This approach allows for a balanced development strategy, satisfying the city council's objective of maintaining commercial use along the main road while transitioning the rest of the property to residential use. This dual approach will enhance the overall utility and value of the property.
- 3. Traffic and Infrastructure:** The proposed zone change to R1-8 will have a manageable impact on local traffic and infrastructure. The development plan includes appropriate access points, road improvements, and utility connections to support the new residential community without

overburdening existing systems. Additionally, the intended infrastructure will be required for the development of the property to the east, which needs to use our road as secondary access for fire safety and other purposes. This collaboration enhances overall community safety and connectivity.

4. Supports sustainable growth: The proposed zone change aligns with Hurricane's long-term planning goals of promoting balanced and sustainable growth. By converting part of the property to residential use while retaining commercial possibilities along 600 N, the development supports a mixed-use community, fostering economic and social vitality.

Conclusion

The proposed zone change from Neighborhood Commercial (NC) to Single-Family Residential 8 (R1-8) for our property is a strategic move that benefits the community by providing additional housing, preserving commercial opportunities, and ensuring compatibility with the surrounding land uses. We respectfully request the city council's approval of this application to proceed with the development of Back Nine.

DATE: May 30th, 2024
TO: Hurricane City – Planning & Zoning
SUBJECT: Zone Change and Preliminary Site Plan Application

317 Capital Group, LLC
1222 West Legacy Crossing Blvd.
Suite 6
Centerville, UT 84014
PH: (801) 335-8205
E: Beau@317cap.com
E: brixton@317cap.com

Dear Zoning Department,

We are applying for a zone change for the properties listed below.

Tax Parcel # H-3-1-29-2213-RD2

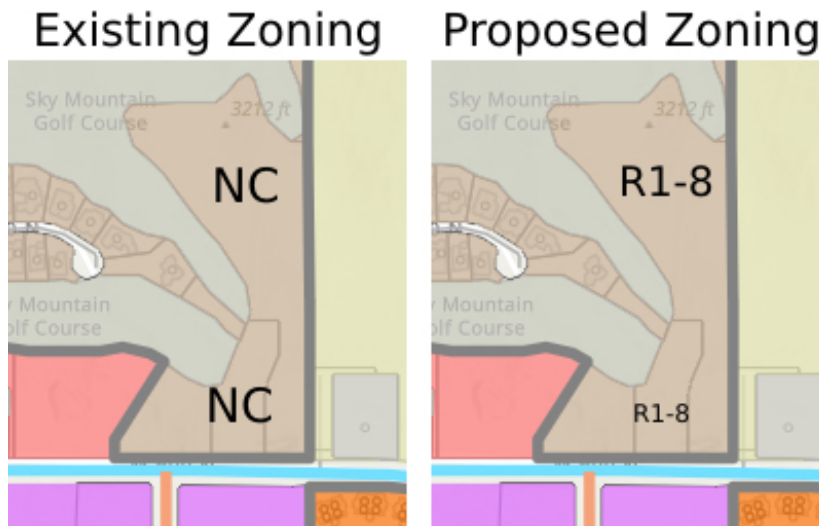
Tax Parcel # H-3-1-29-2214-RD2

Zone Change Application

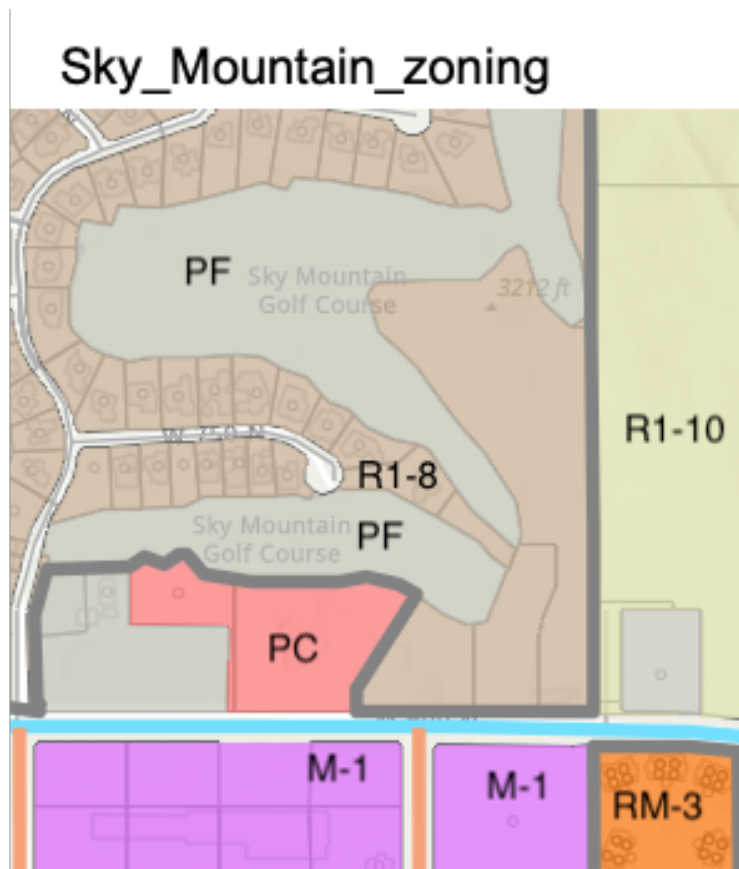
- a) Name and address of every person or company the applicant represents:
- 317 Sycamore LLC – 1222 W Legacy Crossing Blvd Ste. 6 Centerville, UT 84014
 - B&P Properties, LLC – 513 Greystone Drive Farmington, UT 84025



- b) Property map showing the existing and proposed zoning classifications.



- c) All abutting properties showing present zoning classifications



d) Accurate legal Description of the property to be rezoned

○ Parcel 1

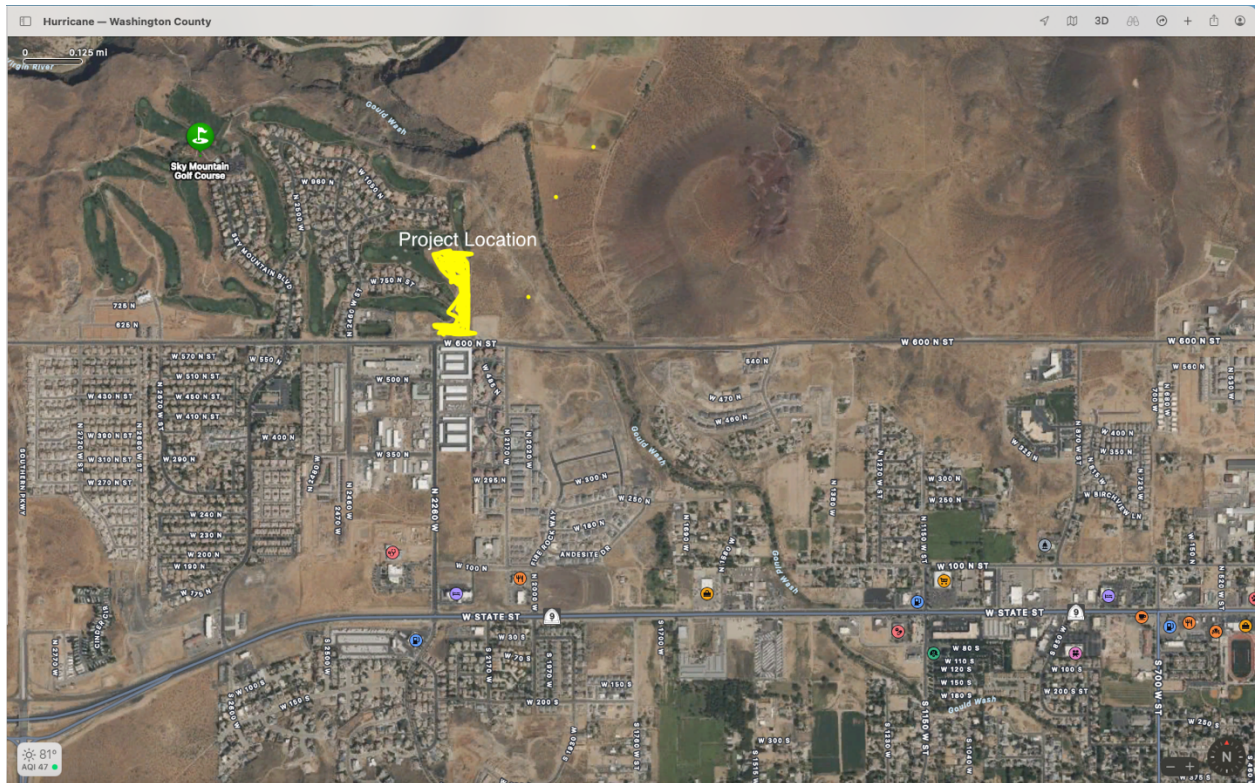
- Beginning at a point South 89°40'47" East, 2501.87 feet and North 0°00'00" East, 40.00 feet from the South Quarter Corner of Section 29, Township 41 South, Range 13 West, Salt Lake Base and Meridian, said point being a point on the North right-of-way line of 600 North Street, a public 80.00 foot wide roadway; thence North 00°19'13" East, 186.64 feet to the beginning of a 100.00 foot radius curve concave to the East; thence Northeasterly to the right, along the arc of said curve 38.92 feet through a central angle of 22°17'51"; thence North 22°37'04" East, 80.02 feet to the beginning of a 100.00 foot radius curve concave to the West; thence Northeasterly, to the left, along the arc of said curve 39.48 feet, through a central angle of 22°37'04"; thence North 00°00'00" East, 78.00 feet; thence North 90°00'00" West, 96.45 feet to a point on the Sky Mountain Golf Course, the following Twenty (20) courses follow the SKY MOUNTAIN GOLF COURSE BOUNDARY: thence North 17°32'08" East, 24.59 feet; thence North 07°49'17" West, 82.25 feet; thence North 33°05'41" West, 153.61 feet; thence North 43°06'09" West, 83.39 feet; thence North 38°59'36" West, 67.43 feet; thence North 35°04'15" West, 120.51 feet; thence North 45°30'57" West, 56.85 feet; thence North 48°33'31" West, 71.87 feet; thence North 16°20'04" West, 94.31 feet; thence North 36°16'05" East, 36.84 feet; thence North 87°59'45" East, 257.61 feet; thence North 53°35'22" East, 51.17 feet; thence North 38°32'44" East, 44.52 feet; thence North 54°14'37" East, 37.22 feet; thence South 46°05'18" East, 31.52 feet; thence South 12°40'51" East, 63.84 feet; thence South 24°26'02" East, 65.29 feet; thence South 46°07'24" East, 92.95 feet; thence North 57°37'95" East, 50.19 feet; thence South 89°56'21" East, 11.36 feet; thence South 00°03'21" West, 983.70 feet to a point on the North right of way line of 600 North Street; thence along said right of way line North 89°40'47" West, 135.20 feet to the point of beginning.



- Parcel 2
 - Beginning at a point South 89°40'47" East, 2501.87 feet and North 00°00'00" East, 40.00 feet from the South Quarter Corner of Section 29, Township 41 South, Range 13 West, Salt Lake Base and Meridian, said point being a point on the North right-of-way line of 600 North Street, a public 80.00 foot wide roadway, and the Southwest corner of that certain property conveyed in Book 1621, at Page 1118 (H-3-1-29-2213-RD2), Official Records, and running thence North 0°19'13" East, 186.64 feet to the beginning of a 100.00 foot radius curve concave to the East; thence Northeasterly to the right, along the arc of said curve 38.92 feet through a central angle of 22°17'51"; thence North 22°37'04" East, 80.02 feet to the beginning of a 100.00 foot radius curve concave to the West; thence Northeasterly, to the left, along the arc of said curve 39.48 feet, through a central angle of 22°37'04"; thence North 00°00'00" East, 78.00 feet; thence North 90°00'00" West, 96.45 feet to a point on the Sky Mountain Golf Course, and that certain property conveyed in Warranty Deed recorded as Doc ID 20080049339 (H-3-1-29-2141-RD2), Official Records, thence the following four (4) courses along the SKY MOUNTAIN GOLF COURSE BOUNDARY: South 17°22'26" West 18.88 feet; thence South 26°13'42" West 52.30 feet; thence South 22°37'04" West 143.11 feet; thence South 83°32'52" West 30.50 feet, to the Northeast corner of that certain property conveyed in Warranty Deed recorded in Book 1537, at Page 2606 (H-3-1-29-2212-RD1), Official Records; thence along the East line of said parcel South 00°00'00" East 213.50 feet, to the North line of said 600 North Street; thence along the North line of said 600 North Street, South 89°40'47" East 163.35 feet to the point of beginning.
- e) Stamped envelopes with the names and addresses of all property owners within 350 feet of the boundaries of the property proposed for rezoning
 - Envelopes being mailed
- f) Warranty Deed or preliminary title report or other document showing evidence that the applicant has control of the property
 - Attached
- g) PDO zone change applications must also have a separate preliminary site plan submitted
 - Preliminary Site Plan Application below.

Preliminary Site Plan Application

1. A vicinity map showing the general location of the project.



2. A site plan showing
3. Preliminary utility plan
4. Tables showing # acres in the proposed development and land use summary
5. Phased development plan if applicable
 - a. Not Applicable
6. Warranty deed or preliminary title report
 - a. See Attached
7. Signed and notarized Acknowledgment water supply
 - a. See Attached

Preliminary Site Plan Application Narrative

Project Name: Back 9 at Sky Mountain

Applicant: 317 Sycamore LLC

Property Address: Approximately 2230–2254 W 600 N, Hurricane, Washington County

Current Zoning: Neighborhood Commercial (NC)

Proposed Zoning: Single-Family Residential 8 (R1-8)

Date: 7/17/2024

Introduction

317 Sycamore LLC, the applicant, is submitting this preliminary site plan application for the development of Back 9 At Sky Mountain, a residential community. The site plan details the proposed layout, infrastructure, and amenities for the property located at 2230–2254 W 600 N, Hurricane. This application is contingent upon the approval of a pending zone change from Neighborhood Commercial (NC) to Single-Family Residential 8 (R1-8).

Property Description

The subject property comprises approximately 7.83 acres and is situated in a prime location for development. To the east, the property is bordered by undeveloped land, offering potential for future growth and expansion. To the west, the property borders Sky Mountain golf course, providing scenic views and recreational opportunities for residents. Additionally, to the west, there is a recently approved development featuring a similar mixed-use of commercial and residential, which complements the proposed Back 9 project and promotes a cohesive community environment.

Justification for Zone Change

1. Compatibility with Surrounding Land Use: The proposed R1-8 zoning is consistent with the residential nature of the surrounding area. The golf course adjacent to the property creates a natural buffer and enhances the appeal of a residential community. The transition from commercial to residential zoning will create a harmonious blend with the existing neighborhood.

2. Preservation of Commercial Potential Along 600 N: The Planned Development Overlay (PDO) will ensure that the commercial potential of the property along 600 N is preserved. This approach allows for a balanced development strategy, satisfying the city council's objective of maintaining commercial use along the main road while transitioning the rest of the property to residential use. This dual approach will enhance the overall utility and value of the property.

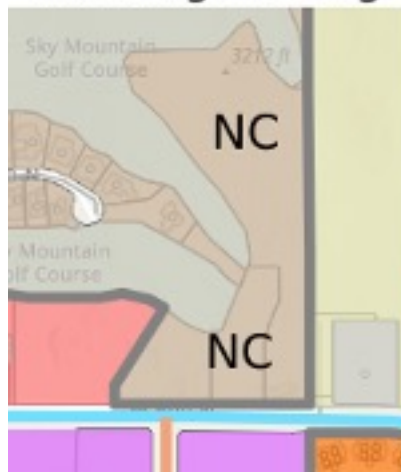
3. Traffic and Infrastructure: The proposed zone change to R1-8 will have a manageable impact on local traffic and infrastructure. The development plan includes appropriate access points, road improvements, and utility connections to support the new residential community without overburdening existing systems. Additionally, the intended infrastructure will be required for the development of the property to the east, which needs to use our road as secondary access for fire safety and other purposes. This collaboration enhances overall community safety and connectivity.

4. Supports sustainable growth: The proposed zone change aligns with Hurricane's long-term planning goals of promoting balanced and sustainable growth. By converting part of the property to residential use while retaining commercial possibilities along 600 N, the development supports a mixed-use community, fostering economic and social vitality.

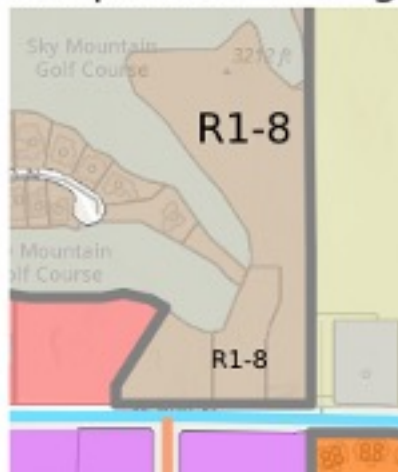
Conclusion

The proposed zone change from Neighborhood Commercial (NC) to Single-Family Residential 8 (R1-8) for our property is a strategic move that benefits the community by providing additional housing, preserving commercial opportunities, and ensuring compatibility with the surrounding land uses. We respectfully request the city council's approval of this application to proceed with the development of the Back 9 At Sky Mountain.

Existing Zoning



Proposed Zoning





HUNT · DAY
3445 Antelope Drive, St 200
Syracuse, UT 84075
PH: 801.664.4724
EM: Thomas@HuntDay.co

PROJECT TITLE
BACK 9 TOWNHOMES
2256 W 600 N
HURRICANE, UT
LOCATED IN THE SE QUARTER OF SECTION 29,
TOWNSHIP 41 SOUTH, RANGE 13 WEST, SL BASE AND MERIDIAN

REV.	DESCRIPTION	DATE	BY

SEAL

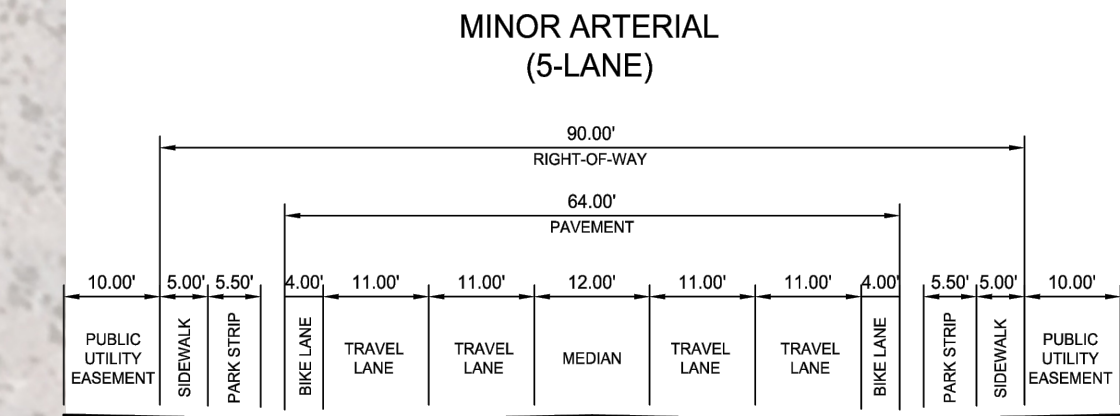
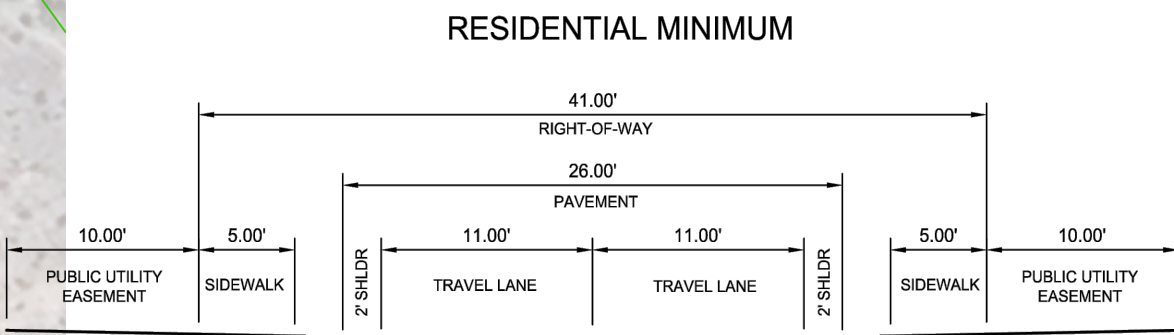
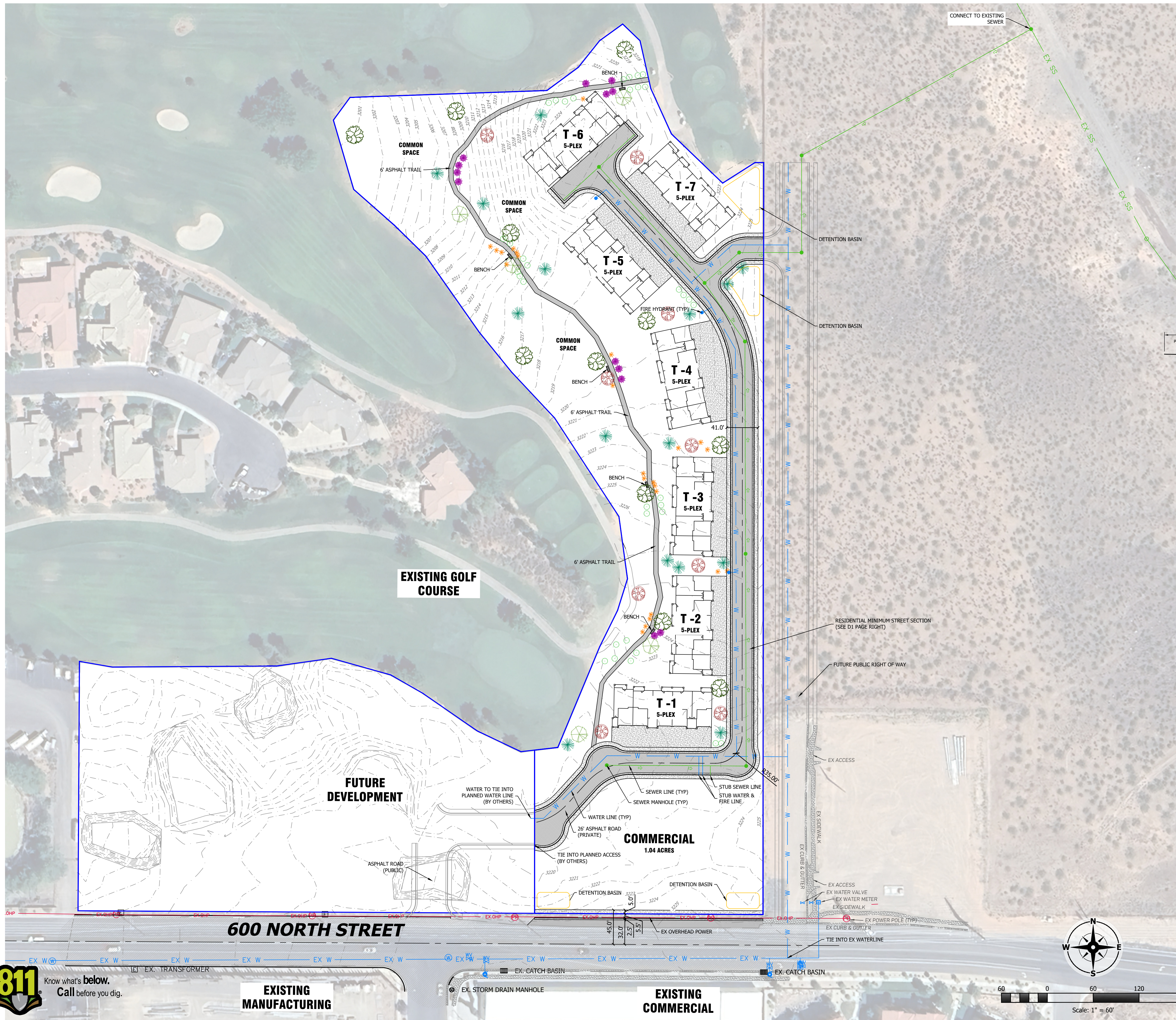
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0 1" 1"
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SCALES ACCORDINGLY

PROJECT INFO.
Engineer: T. Hunt
Drawn: R. Hatfield
Date: 08 / 07 / 2024
Proj. No. 101 - 05
SHEET TITLE

**PROPOSED
SITE PLAN**

SHEET NO.

C1.00



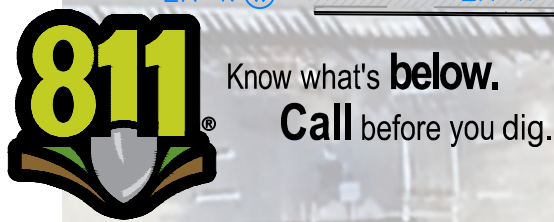
D1 Road Sections
Scale: NTS

General Notes

- TOWNHOMES TO BE PLATTED INDIVIDUALLY, THE REMAINDER OF THE PARCEL WILL BE PLATTED AS COMMON SPACE.

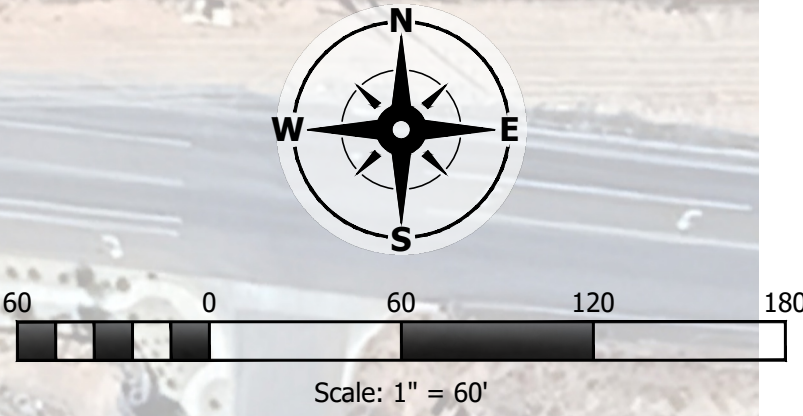
Site Data

LOCATION: HURRICANE, WASHINGTON COUNTY, UTAH
CURRENT ZONING: HC PDD
PROPOSED ZONING: RL-8 PDD
PROPERTY SIZE: 341,386 SF / 7.837 AC
TOWNHOMES: 35 UNITS
RESIDENTIAL: 6.71 ACRES = 5.22 UNITS/ACRE
COMMERCIAL: 1.04 ACRES
OPEN SPACE: 3.88 ACRES
ROAD/HARD SURFACE: 2.17 ACRES



**EXISTING
MANUFACTURING**

**EXISTING
COMMERCIAL**





HUNT · DAY
3445 Antelope Drive, St 200
Syracuse, UT 84075
PH: 801.664.4724
EM: Thomas@HuntDay.co

PROJECT TITLE
SKY MOUNTAIN
2256 W 600 N
HURRICANE, UT

LOCATED IN THE SE QUARTER OF SECTION 29,
TOWNSHIP 41 SOUTH, RANGE 13 WEST, 5L BASE AND MERIDIAN

REV. DATE	DESCRIPTION	BY

SEAL

VERIFY SCALES

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SCALES ACCORDINGLY

PROJECT INFO.

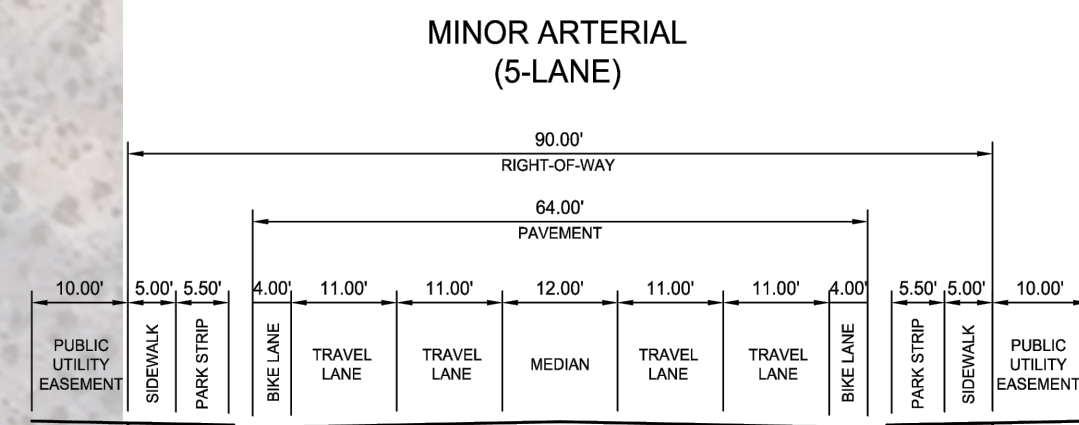
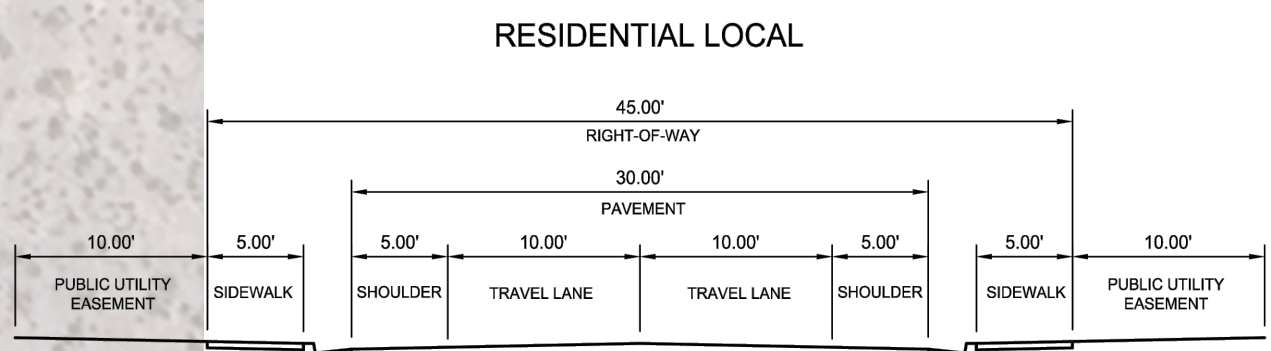
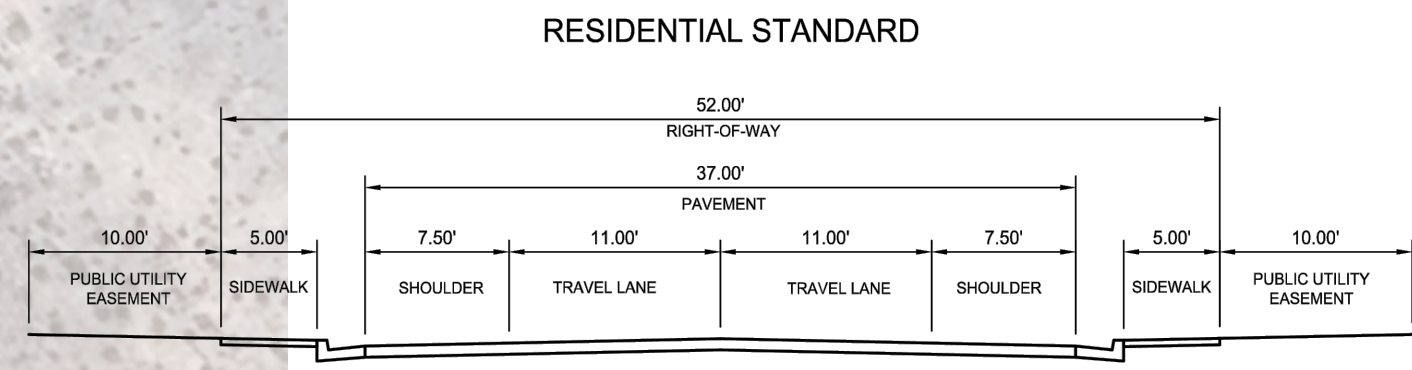
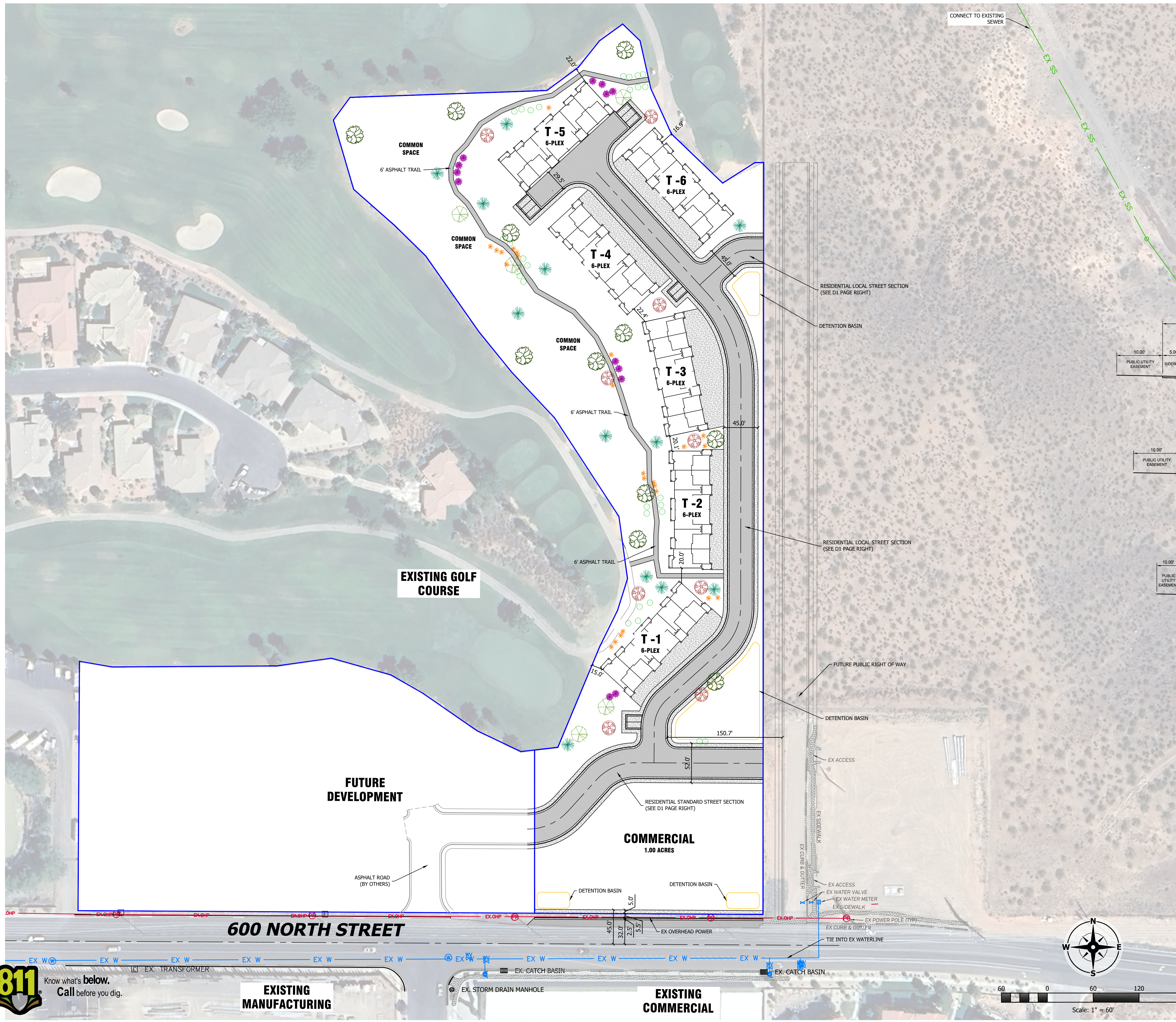
Engineer: T. Hunt
Drawn: R. Hatfield
Date: 04 / 28 / 2025
Proj. No. 101 - 05

SHEET TITLE

**PROPOSED
SITE PLAN**

SHEET NO.

C1.00



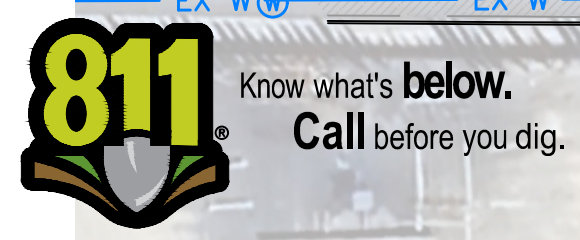
D1 Road Sections
C1.00 Scale: NTS

General Notes

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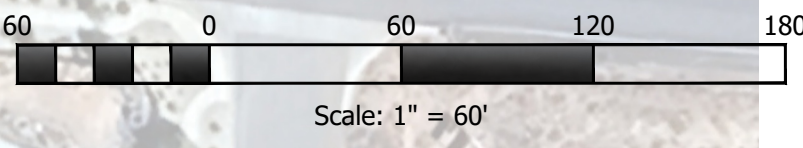
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CURRENT ZONING: MC PDD
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PROPERTY SIZE: 341,386 SF / 7.837 AC
TOWNHOMES: 36 UNITS
RESIDENTIAL: 6.84 ACRES = 5.22 UNITS/ACRE
COMMERCIAL: 1.00 ACRES
OPEN SPACE: 3.89 ACRES
ROADWAY SURFACE: 1.57 ACRES
PARKING: 10 STALLS



**EXISTING
MANUFACTURING**

**EXISTING
COMMERCIAL**



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STAFF COMMENTS

Item: Consideration and possible approval of Ordinance 2025-08 amending Title 10, Chapters 3, 7, 12, and 14 regarding farm stands.

Discussion: This item was continued at the May 1, 2025, City Council meeting to allow staff to make adjustments to the proposed land use code update that would allow commercial farm stands. It was initially proposed that farm stands selling commercially packaged food and other items should only be allowed on agricultural properties of no less than five acres in size. At the request of the Council, the proposed minimum property size has been reduced to one acre and cannot be located in recorded subdivisions. Staff has also updated the proposed conditions of approval to clarify that commercial farm stands must be primarily devoted to the sale of agriculturally produced or farmed products, and also to clarify the percentage of commercially packaged goods allowed to be sold.

Please note, the Council is also considering an unrelated update to add the phrase *“drilling, or other methods”* to Section 10-3-4 of the City code for the purpose of clarifying the definition of Mineral Extraction. – Gary Cupp

Findings:

Recommendation:

Sec. 10-12-3. Uses allowed.

- A. *Permitted and conditional uses.* Permitted and conditional uses allowed within agricultural zones shall be as set forth in table 10-12-1 of this section. Permitted and conditional uses are indicated by a "P" or "C," respectively, in the appropriate column. Uses not permitted are indicated by "N." Any use not shown on table 10-12-1 of this section shall be prohibited unless the Zoning Administrator determines the use is substantially the same as a permitted or conditional use as provided in subsection 10-7-18E4 of this title.

TABLE 10-12-1
PERMITTED AND CONDITIONAL USES ALLOWED IN AGRICULTURAL ZONES

Use	Zones				
	A-40	A-20	A-10	A-5	A-1
Agricultural uses:					
Accessory building	P	P	P	P	P
Agricultural business	P	P	P	P	P
Agricultural industry	P	P	P	P	C
Agriculture	P	P	P	P	P
Agritourism	P	P	P	P	C
Animal specialties	P	P	P	P	C
Animals and fowl for recreation and family food production	P	P	P	P	P
Stable, private	P	P	P	P	P
Residential uses:					
Assisted living facility	P	P	P	P	N
Building, accessory	P	P	P	P	P
Dwelling, earth sheltered	P	P	P	P	P
Dwelling, single-family	P	P	P	P	P
Dwelling, single-family with single accessory dwelling unit	P	P	P	P	P
Dwelling, temporary	P	P	P	P	P
Guesthouse for family members and non-paying guests	P	P	P	P	P
Home base business	P	P	P	P	P
Manufactured home	P	P	P	P	P
Residential facility for elderly persons ¹	P	P	P	P	N
Residential facility for persons with a disability ¹	P	P	P	P	P
Residential facility for troubled youth	N	N	N	N	N
Short term rental	N	N	N	N	P
Public and civic uses:					
Auditorium or stadium	N	N	N	N	N

Cemetery	P	P	P	P	P
Church or place of worship	P	P	P	P	P
Club or service organization	P	P	P	P	P
Convalescent care facility	N	N	N	N	N
Cultural service	P	P	P	P	P
Golf course	N	N	N	N	N
Hospital	N	N	N	N	N
Park	P	P	P	P	P
Protective service	P	P	P	P	P
Reception center	C	C	C	C	C
Stable, public	P	P	P	P	C
Utility, minor	P	P	P	P	P
Utility substation	P	P	P	P	P
Commercial uses:					
Agricultural sales and service	P	P	C	C	N
Agritourism activities	P	P	P	P	C
Animal hospital	P	P	P	P	P
Bed and breakfast, home	P	P	P	P	P
Child care center	N	N	N	N	N
<u>Farm stand³</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Garden center	P	P	P	P	P
Kennel, residential	P	P	P	P	P
Licensed family child care ²	P	P	P	P	P
Media service	N	N	N	N	N
Personal care service, home based ²	P	P	P	P	P
Personal instruction service, home based ²	P	P	P	P	P
Produce stand	P	P	P	P	P
Recreation and entertainment, outdoor	C	C	C	C	N
Residential certificate child care facility ²	P	P	P	P	N
Vehicle repair, limited	N	N	N	N	N
Veterinary service	P	P	P	P	P
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title				

Notes:

1. See chapter 46 of this title.
2. See chapter 42 of this title.
3. The sale of commercially packaged handicrafts or commercially processed or packaged food shall require approval of a conditional use permit pursuant to Sec. 10-7-9.

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- B. *Accessory uses.* Permitted and conditional uses set forth in table 10-12-1 of this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.
1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this title.
 2. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.
 3. Accessory uses in agricultural zones shall include, but are not limited to, the following:
 - a. Garage sales, subject to applicable standards of chapter 48, Temporary Uses, of this title.
 - b. Garages, carports, and off street parking areas, subject to applicable standards of chapter 34, Off Street Parking and Loading, of this title.
 - c. Hobby activities when conducted by an occupant of the premises solely for personal enjoyment, amusement, or recreation and which does not conflict with any applicable provision of this Code.
 - d. Home based businesses, subject to applicable standards of chapter 42, Home Based Businesses, of this title.
 - e. Household pets.
 - f. Keeping of machinery, livestock, and farming equipment as needed for agricultural use.
 - g. Nurseries and greenhouses.
 - h. Playhouses, patios, porches, gazebos, and incidental storage buildings.
 - i. Produce stands.
 - j. Swimming pools and hot tubs for use by residents and their guests.
 - k. Temporary real estate offices, subject to applicable standards of chapter 48, Temporary Uses, of this title.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2009-01, 2-5-2009; Ord. 2016-11, 11-17-2016; Ord. 2017-03, 1-19-2017; Ord. 2018-04, 4-5-2018; Ord. 2020-03, 2-6-2020; Ord. No. 2022-61, 2-2-2023; Ord. No. 2024-06, 6-6-2024; Ord. No. 2024-12, 8-15-2024)

Sec. 10-14-3. Uses allowed.

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

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

Use	Zones	
	RA-1	RA- 0.5
Agricultural uses:		
Agricultural business	P	N
Agricultural industry	N	N
Agriculture	P	P
Animal specialties	P	P
Animals and fowl for recreation and family food production	P	P ³
Stable, private	P	P
Residential uses:		
Assisted living facility	P	P
Boarding house	N	N
Building, accessory	P	P
Dwelling, earth sheltered	P	P
Dwelling, multiple-family	N	N
Dwelling, single-family	P	P
Dwelling, single-family with single accessory dwelling unit	P	P
Dwelling, temporary	P	P
Dwelling, two-family	N	N
Guesthouse	P	P
Manufactured home	P	P
Manufactured/mobile home park	N	N
Manufactured/mobile home subdivision	N	N
Protective housing facility	P	P
Residential facility for elderly persons ¹	P	P
Residential facility for persons with a disability ¹	P	P
Residential facility for troubled youth	C	C
Short term rental ⁴	N	N
Public and civic uses:		

Auditorium or stadium	N	N
Cemetery	P	P
Church or place of worship	P	P
Club or service organization	N	N
Convalescent care facility	N	N
Cultural service	P	P
Golf course	P	P
Hospital	N	N
Park	P	P
Protective service	P	P
Reception center	C	C
Stable, public	P	N
Utility, minor	P	P
Utility substation	P	P
Commercial uses:		
Agricultural sales and service	N	N
Animal hospital	P	P
Bed and breakfast, home	P	P
Bed and breakfast inn	N	N
Child care center	N	N
<u>Farm stand⁵</u>	<u>P</u>	<u>P</u>
Garden center	N	N
Kennel, residential	P	P
Licensed family child care ²	P	P
Media service	N	N
Personal care service, home based ²	P	P
Personal instruction service, home based ²	P	P
Produce stand	P	P
Recreational vehicle park	N	N
Residential certificate child care facility ²	P	P
Residential hosting facility	P	P
Temporary trailer	P	P
Veterinary service	N	N
Warehouse, self-service storage	N	N
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title	

Notes:

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

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3. See section 10-37-15 of this title for permitted animals and fowl.
 4. Whole home vacation rentals in residential zones are a nonconforming use pursuant to Ordinance No. 2023-20. See licensing and operations requirements in title 10, chapter 51 of this Code.

5. The sale of commercially packaged handicrafts or commercially processed or packaged food shall require approval of a conditional use permit pursuant to Sec. 10-7-9.

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

1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this title.
2. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.
3. Accessory uses in residential agriculture zones shall include, but not be limited to, the following:
 - a. Garage sales, subject to applicable standards of chapter 48, Temporary Uses, of this title.
 - b. Garages and off street parking areas, subject to applicable standards of chapter 34, Off Street Parking and Loading, of this title.
 - c. Hobby activities when conducted by an occupant of the premises solely for personal enjoyment, amusement, or recreation and which does not conflict with any other City ordinance.
 - d. Home based businesses, subject to applicable standards of chapter 42, Home Based Businesses, of this title.
 - e. Household pets.
 - f. Nurseries and greenhouses.
 - g. Playhouses, patios, porches, gazebos, and incidental storage buildings.
 - h. Swimming pools and hot tubs for use by residents and their guests.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2009-01, 2-5-2009; Ord. 2016-11, 11-17-2016; Ord. 2017-03, 1-19-2017; Ord. 2018-04, 4-5-2018; Ord. No. 2022-61, 2-2-2023; Ord. No. 2023-20, 12-7-2023; Ord. No. 2024-06, 6-6-2024; Ord. No. 2024-12, 8-15-2024)



STAFF COMMENTS

Agenda Date:	05/01/2025 – City Council
Application Number:	LUCA25-03
Type of Application:	Land Use Code Amendment
Action Type:	Legislative
Applicant:	Hurricane City
Agent:	N/A
Request:	Amend Title 10, Chapters 3, 7, 12, and 14 regarding farm stand regulations.
Recommendation:	Approve
Report Prepared By:	Gary Cupp

Discussion: This ordinance revision is being prepared at the request of the City Council to expand the definition of a farm stand to include the sale of commercially packaged handicrafts or commercially processed or packaged food products, which is currently prohibited by the city code. The proposed code update would allow the sale of such goods in a farm stand as a conditional use in agricultural and residential agriculture zones upon approval of a conditional use permit. An unrelated update to add the phrase “*drilling, or other methods*” to clarify the definition of Mineral Extraction is also being proposed.

The Planning Commission heard this item at its April 10, 2025, meeting. A public hearing was held and several public comments in support of the proposed code update were received. Staff recommended that the code amendment include a 5-acre lot-size minimum as a condition of any conditional use permit for farm stands that would sell commercially packaged items, since the use is more intensive than non-commercial farm stands. The Commission disagreed, feeling that there should be no restrictions on agricultural farm stands and tabled the discussion until April 24, 2025, to allow planning staff to remove the proposed 5-acre lot-size condition. Staff removed the minimum lot-size requirement and, on April 24, 2025, the Planning Commission recommended that the City Council now approve the code amendment.

Recommendation:

The City Council should consider the Planning Commission’s recommendation and any public comments made at the public hearing. Staff recommends approval of the proposed land use code amendment, but strongly recommends that the 5-acre lot-size requirement be included in the code update since the use is a more intensive commercial use that may be undesirable on smaller lots.

Sec. 10-3-4. Definitions of words and phrases.

As used in this title, the words and phrases defined in this section shall have the following meanings unless the context clearly indicates a contrary meaning. Words not included herein but defined in the building code shall be construed as defined therein.

• • •

Farm stand means a structure from which fruits, vegetables, flowers, herbs, plants, or other agriculture products are sold. This use may also include accessory sales of other unprocessed or home-processed foodstuffs such as canned goods, baked goods, and may also include homemade handicrafts, so as provided that the farm stand is primarily devoted to the sale of agriculturally produced or farmed products, and the area devoted to the sale of accessory items does not exceed 50% of the structure's total sales area. Only one such structure is allowed per legal lot. Additionally:

~~A. The area of the structure devoted to the sale of accessory items shall not exceed 50 percent of the structure's total sales area.~~

~~B. The sale of commercially packaged handicrafts or commercially processed or packaged food stuffs shall require approval of a conditional use permit.~~

~~C. Only one such structure is allowed per legal lot or parcel.~~

• • •

Mineral extraction means removal of sand, gravel, dirt, or other materials by grading, excavating, drilling, or other methods.

• • •

Sec. 10-7-9. Conditional use permit.

A. *Purpose.* This section sets forth procedures for considering and approving conditional use permits.

B. *Authority.*

1. The Planning Commission is authorized to issue conditional use permits for the following uses:

Agricultural industry.

Agritourism activities.

Animal specialties.

Assisted living facility.

Farm stands selling commercially packaged handicrafts or commercially processed or packaged food stuffs.

Greater heights than permitted by this Code in all zones except residential and residential agricultural zones.

Greater size than permitted by this Code in all zones except residential and residential agricultural zones.

Metal building in commercial and residential zones.

Multi family in commercial zones.

Public stable.

Reception center.

Recreation and entertainment, outdoor.

Fences or walls of greater height.

2. The Zoning Administrator is authorized to issue conditional use permits for the following uses:

Animals and fowl for recreation and family food production.

Greater size accessory buildings than permitted by this Code in residential zones.

Greater size accessory buildings than permitted by this Code in residential and residential agricultural zones.

Greater height accessory buildings than permitted by this Code in residential and residential agricultural zones.

C. *Initiation.* A property owner, or the owner's agent, may request a conditional use permit as provided in subsection D1 of this section.

D. *Procedure.* An application for a conditional use permit shall be considered and processed as provided in this subsection.

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1. A complete application shall be submitted to the office of the Zoning Administrator in a form established by the administrator along with any fee established by the City's schedule of fees. The application shall include at least the following information:
 - a. The name, address and telephone number of the applicant and the applicant's agent, if any;
 - b. The address and parcel identification of the subject property;
 - c. The zone, zone boundaries and present use of the subject property;
 - d. A description of the proposed conditional use;
 - e. A plot plan showing the following:
 - (1) Applicant's name;
 - (2) Site address;
 - (3) Property boundaries and dimensions;
 - (4) Layout of existing and proposed buildings, parking, landscaping, and utilities; and
 - (5) Adjoining property lines and uses within 100 feet of the subject property.
 - f. Traffic impact analysis, if required by the City Engineer or the Planning Commission;
 - g. A statement by the applicant demonstrating how the conditional use permit request meets the approval standards for the conditional use desired; and
 - h. Such other and further information or documentation as the Zoning Administrator may deem necessary for proper consideration and disposition of a particular application.
 2. After the application is determined to be complete, the Zoning Administrator shall schedule a public meeting before the Planning Commission as provided in section 10-7-4 of this chapter or shall review the application to determine if it meets the standards for an administrative conditional use permit.
 3. A staff report evaluating the application shall be prepared by the Zoning Administrator for a conditional use permit that will be reviewed by the Planning Commission.
 4. The Planning Commission shall hold a public meeting and shall thereafter approve, approve with conditions, or deny the application pursuant to the standards set forth in subsection E of this section. A conditional use shall be approved if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with the applicable standards, the conditional use may be denied.

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5. After the Planning Commission or Zoning Administrator makes a decision, the Zoning Administrator shall give the applicant written notice of the decision.
 6. A record of all conditional use permits shall be maintained in the office of the Zoning Administrator.
- E. *Approval standards.* The following standards shall apply to the issuance of a conditional use permit:
1. A conditional use permit may be issued only when the proposed use is shown as conditional in the zone where the conditional use will be located, or by another provision of this title.
 2. Standards for each use must be reviewed. Specific standards are set forth for each use in subsections E2a through E2g of this section:
 - a. *Standards for a reception center.*
 - (1) Hours of operation must be compatible with adjoining uses and comply with City noise regulations.
 - (2) Parking shall be contained onsite.
 - (3) The center must have an approved site plan.
 - (4) If beer, wine, or other alcoholic beverages are served, the center must be licensed by the state alcohol control board.
 - (5) Reception center use must be secondary to any agricultural use on the property.
 - (6) Property shall be a minimum of five acres.
 - (7) In RA zoning, reception center shall only be used a maximum of five days a month.
 - (8) Building must meet the fire code and be inspected by the fire marshal or their representative prior to the approval of the conditional use permit.
 - (9) The applicant shall provide an emergency access plan that shall be approved by the fire marshal prior to the approval of the conditional use permit.
 - b. *Standards for an agricultural industry.*
 - (1) Adequate fencing and/or enclosures must be provided to ensure animals and fowl are confined safely and in conformance with acceptable animal husbandry standards.
 - (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
 - (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.

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- (4) Animal enclosures used for intensive animal feeding operations must be at least 25 feet from any adjacent parcel that, at the time the applicant first seeks the conditional use, is zoned residential or residential-agricultural pursuant to chapters 13 or 14 of this title.
 - c. *Standards for a public stable.*
 - (1) Adequate fencing and/or enclosures must be provided to ensure horses are confined safely and in conformance with acceptable animal husbandry standards.
 - (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
 - (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
 - (4) Site must contain adequate off street parking for customers. All trailers must be contained on site.
 - (5) Barns must be located at least 30 feet from any adjacent parcel that, at the time the applicant first seeks a conditional use permit, is zoned residential or residential-agricultural.
 - d. *Standards for an assisted living facility.*
 - (1) The facility shall comply with building, safety, and health regulations applicable to similar structures.
 - (2) The facility shall be licensed by the state.
 - (3) A site plan shall be approved for the facility to ensure adequate parking and landscaping are installed.
 - e. *Standards for greater heights than permitted by this Code.*
 - (1) The height may not be greater than two stories or one and one-half times the average height of the immediately adjacent buildings, whichever is greater and the building must be of compatible architecture with immediately adjacent buildings.
 - (2) A greater height conditional use permit may not be issued for a flag lot if the proposed structure is higher than the average height of all residential structures within a 300-foot radius of the proposed structure.
 - (3) A greater height accessory building must be set back a minimum of five feet from side and rear property lines when the adjoining property is zoned or used for single family residential use.
 - (4) In no event shall a building exceed 55 feet in height.
 - f. *Standards for greater size than permitted by this Code.*

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- (1) The greater size building desired must be of compatible architecture with immediately adjacent buildings.
 - (2) At least 50 percent of the lot on which the building is located must remain free of buildings.
 - (3) The building must be for a use permitted in the zone in which it is located.
 - g. *Standards for animals and fowl for recreation and family food production.*
 - (1) Adequate fencing must be provided to ensure animals and fowl are confined safely.
 - (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
 - (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
 - (4) The number of fowl will be limited by the point system used in section 10-37-15 of this title.
 - (5) Livestock numbers may be limited at the administrator's discretion based on the size of the lot and the facilities available to contain and protect the animals.
 - h. *Standards for metal buildings.*
 - (1) In residential (R-1) zones the height and size may not be greater than permitted in the zone.
 - (2) The building must meet the following design standards:
 - (A) Exterior building materials shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments.
 - (B) Details of proposed colors and materials, including color chips, samples, and colored building elevations, shall be shown on building plans when a development project application is submitted. Colors shall be compatible with surrounding structures.
 - (C) Reflective surfaces or colors which may produce excessive reflections or glare that may create a potential safety problem are prohibited.
 - (D) In a commercial zone the faces of the building visible from nearby streets must include architectural relief items of non-metal materials including wood, stone, or stucco.
 - i. *Standards for animal specialties.*
 - (1) Adequate fencing and/or enclosures must be provided to ensure animals are confined safely and in conformance with acceptable animal husbandry standards.

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- (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
 - (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
 - (4) Animal enclosures used for intensive animal feeding operations must be at least 25 feet from any adjacent parcel that, at the time the applicant first seeks the conditional use, is zoned residential or residential agricultural pursuant to chapters 13 or 14 of this title.
 - j. *Standards for agritourism activities.*
 - (1) Hours of operation must be compatible with adjoining uses and comply with City noise regulations.
 - (2) On-site parking must be provided.
 - (3) The use of on street parking to provide up to 40 percent of the required parking may be permitted if adjoining uses are not residential uses and the street is fully improved.
 - (4) In agricultural zones, this use must be accessory to an established agricultural use.
 - k. *Standards for multi-family residential.* In order to promote and preserve commercial growth and to allow infill development of empty and vacant lots in the area designated as downtown on the general map, vacant parcels zoned for commercial uses as listed in this title may, as a conditional use, be allowed for multi-family residential use if the following criteria are met:
 - (1) No habitable building has been on the parcel for the previous three years.
 - (2) The land use on at least two sides of the property are residential use at the time of application. Property on the opposite side of a public road or right-of-way shall be considered adjacent for this criteria. Properties that do not meet this criteria may be approved for mix-use development as listed below.
 - (3) Mix use is allowed. If the proposed development is a mix of commercial use and residential use, then residential units shall be placed on a floor above the commercial use, or in a way to allow commercial buildings to front onto the public roadways. If mixed use, the commercial shall comply with the commercial zoning standards and housing shall comply with RM-3 zoning standards.
 - (4) Homes in the downtown area shall have the front of buildings face public roadways. The only exception for this requirement is for mix use developments and for parcels that would allow development of units behind units that front the public right-of-way. Every effort should be made to ensure the frontage of roadways are faced with the frontage of buildings.

Walls, fences, and the rear of buildings fronting on to public right-of-way should be avoided.

- (5) Dwelling units and sites shall comply with RM-3 zoning standards and density. RM-3 minimum required area shall not apply.

l. *Standards for multiple accessory dwelling units in a residential, agriculture, or commercial zone.*

- (1) Multiple accessory dwelling units may be permitted based on the lot area of the property at a rate in the table below assuming all other conditions for an accessory dwelling unit are met.

Lot area	Number of accessory dwelling units
0.79 acres or smaller	1
0.8 acres and greater	2

- (2) Fifty percent of the land area on the lot must be free of buildings.
- (3) A parking plan must be provided that shows adequate off street parking on the lot at a rate of one space per bedroom.
- (4) A landscape plan must be provided that shows how buildings will be shielded from other residential lots.
- (5) Occupancy plan: no more than ten people can stay in one building.
- (6) Only one accessory dwelling unit can be used as a short-term rental. All others must be for long term occupancy or as a guesthouse for non-paying guests.
- (7) Separate conditional use permits must be received for every accessory building that does not meet the height or size requirements of section 10-13-4.

m. *Standards for a fence or wall of greater height.*

- (1) Except for fences or walls surrounding public utility facilities, the fence or wall may not be located in the front yard of the property, but must be located in the rear or side yard;
- (2) The fence or wall may not exceed ten feet in height;
- (3) Except for fences or walls surrounding public utility facilities, the topography of the subject property and surrounding properties must be of such a unique or unusual character that a wall of greater height is necessary for the typical quiet enjoyment of the property;
- (4) The fence or wall shall comply with all other provisions of this title.

n. *Standards for commercial kennels.*

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- (1) Facilities shall be designed and operated so that noise generated from resident animals shall not exceed 50 decibels (50 dBA), as measured from the nearest property line. Flexibility in noise abatement design, such as solid wooden, metal, or masonry walls, is permitted to achieve the required decibel level.
 - (2) Outdoor dog runs shall be designed to reduce barking provocation. Dogs shall only be allowed in outdoor kennels between sunrise and sunset each day.
 - (3) Animal waste shall be collected daily and managed and properly disposed of for all animals on the property. Disposal shall be according to an approved waste disposal plan.
 - (4) The parts of a building where animals are boarded shall be fully enclosed and sufficiently insulated to provide both noise mitigation and climate control shelter for the animals.
 - (5) Outdoor facilities, including outdoor runs and exercise areas, shall not be located within 150 feet of any single-family zoning district.
 - (6) All lighting must comply with section 10-33-7 of this Code.
 - (7) All requirements of any applicable public health agencies and/or other regulatory agencies shall be met, and all necessary permits shall be obtained.
 - (8) All animals maintained in kennels shall be confined on the premises or trained or exercised or bred under the owner's control and shall be enclosed in a secure shelter during the hours of darkness, except when they are shown, tried, worked, or hunting under the owner's control.
- o. Standards for farm stands selling commercially packaged handicrafts or commercially processed or packaged foods.*
- (1) The farm stand is located on a parcel zoned agricultural or residential agriculture not less than 1 acre~~5 acres~~ in size.
 - (2) Merchandise sold in the farm stand shall comply with the following conditions:
 - i. All merchandise sold at the farm stand shall conform to the farm stand definition in Section 10-3-4.
 - ii. The structure shall be primarily devoted to the sale of agriculturally produced or farmed products.
 - iii. 50-Fifty percent (50%) of the structure's total sales area shall be devoted to the sale of farm products grown or produced on the property on which the farm stand is located. S
 - iv. The sale of accessory items (i.e., unprocessed or home-processed foodstuffs such as canned goods, baked goods, and homemade handicrafts),

commercially processed or packaged food stuffs, or commercial handicrafts shall be subordinate to the sale of agriculturally produced or farmed products, and the area of the structure utilized for the sale of such accessory items shall be less than fifty percent (50%).

ii. ~~not exceed the remaining 50 percent of the structure's sales area.~~

iii. ~~Commercially packaged items shall not exceed 50 percent of the structure's total sales area, including accessory sales of unprocessed or home-processed foodstuffs such as canned goods, baked goods, or homemade handicrafts.~~

- (3) Commercially processed or packaged foods must be fully labeled for retail sale pursuant to applicable State and Local health regulations.
- (4) Only one such structure not exceeding 500 square feet in size is allowed per legal lot or parcel. Structures are not permitted on lots or parcels that were subdivided in violation of the City Code.
- (5) The height may not be greater than permitted in the associated zoning district.
- (6) Structure must comply with all setbacks of the associated zoning district.
- (7) Use must be accessory-subordinate to an established agricultural use.
- (8) The conditional use shall be discontinued if the size of the lot or parcel is reduced in area to less than 1 acre~~5 acres~~ by subdivision or any other land-dividing activity.
- (9) Operation of the farm stand requires a business license pursuant to Title 3 of the Hurricane City Code.

(10) The use is not located in a recorded subdivision.

- F. *Appeal of decision.* Any person adversely affected by a decision of the Planning Commission regarding the transfer, issuance, or denial of a conditional use permit may appeal such decision to the Appeals Board by filing written notice of appeal stating the grounds therefor within 14 days from the date of such decision.
- G. *Appeal of decision by Zoning Administrator.* Any decision of the Zoning Administrator regarding the issuance or denial of a conditional use permit, shall, upon request by the applicant within ten days after a determination by the Zoning Administrator, be submitted for a de novo review and decision by the Planning Commission at their next available meeting.
- H. *Effect of approval.* A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this title or any other title of this Code.
 1. A conditional use permit may be transferred so long as the use conducted thereunder conforms to the terms of the permit.

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2. Unless otherwise specified by the Planning Commission and subject to the provisions relating to amendment, revocation or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and shall run with the land.
- I. *Amendment.* The procedure for amending any conditional use permit shall be the same as the original procedure set forth in this section.
 - J. *Revocation.* A conditional use permit may be revoked as provided in section 10-9-6 of this title.
 1. In addition to the grounds set forth in section 10-9-6 of this title, any of the following shall be grounds for revocation:
 - a. The use for which a permit was granted has ceased for one year or more;
 - b. The holder or user of a permit has failed to comply with the conditions of approval or any City, state, or federal law governing the conduct of the use;
 - c. The holder or user of the permit has failed to construct or maintain the site as shown on the approved site plan, map, or other approval materials; or
 - d. The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.
 2. No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Planning Commission and show cause as to why the permit should not be revoked or the conditions amended. Revocation of a permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit.
 - K. *Expiration.* A conditional use permit shall expire and have no further force or effect if the building, activity, construction, or occupancy authorized by the permit is not commenced within one year after approval.

(Ord. 2016-11, 11-17-2016; Ord. 2017-14, 8-17-2017; Ord. 2017-16, 11-16-2017; Ord. 2018-04, 4-5-2018; Ord. 2018-12, 10-18-2018; Ord. 2018-14, 12-20-2018; Ord. 2019-10, 9-19-2019; Ord. 2020-03, 2-6-2020; Ord. No. 2021-05, 6-3-2021; Ord. No. 2022-10, 5-19-2022; Ord. No. 2022-21, 7-7-2022; Ord. No. 2022-61, 2-2-2023; Ord. No. 2023-17, 9-21-2023; Ord. No. 2024-06, 6-6-2024)

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING TITLE 10, CHAPTERS 3, 7, 12, AND 14 WITH REGARDS TO FARM STAND REGULATIONS

WHEREAS, the City Council of Hurricane, Utah desires to amend Title 10, Chapters 3, 7, 12, and 14 of the Hurricane City Code governing farm stand regulations; and

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; and

WHEREAS, the Planning Commission of Hurricane City has recommended approval of the changes;

BE IT HEREBY ORDAINED by the City Council of Hurricane, Utah that Title 10, Chapter 3, Section 10-3-4 of the Hurricane City Code is amended to read as follows:

Sec. 10-3-4. Definitions of words and phrases.

...

Farm stand means a structure from which fruits, vegetables, flowers, herbs, plants, or other agriculture products are sold. This use may also include accessory sales of other unprocessed or home-processed foodstuffs such as canned goods, baked goods, and may also include homemade handicrafts, provided that the farm stand is primarily devoted to the sale of agriculturally produced or farmed products, and the area devoted to the sale of accessory items does not exceed 50% of the structure's total sales area. Only one such structure is allowed per legal lot.

...

Mineral extraction means removal of sand, gravel, dirt, or other materials by grading, excavating, drilling, or other methods.

...

BE IT HEREBY FURTHER ORDAINED, by the City Council of Hurricane, Utah that Title 10, Chapter 7, Section 10-7-9 of the Hurricane City Code is amended to read as follows:

Sec. 10-7-9. Conditional use permit.

A. *Purpose.* This section sets forth procedures for considering and approving conditional use permits.

B. *Authority.*

1. The Planning Commission is authorized to issue conditional use permits for the following uses:
 - Agricultural industry.
 - Agritourism activities.
 - Animal specialties.
 - Assisted living facility.
 - Farm stands selling commercially packaged handicrafts or commercially processed or packaged food stuffs.
 - Greater heights than permitted by this Code in all zones except residential and residential agricultural zones.
 - Greater size than permitted by this Code in all zones except residential and residential agricultural zones.
 - Metal building in commercial and residential zones.
 - Multi family in commercial zones.
 - Public stable.
 - Reception center.
 - Recreation and entertainment, outdoor.
 - Fences or walls of greater height.
 2. The Zoning Administrator is authorized to issue conditional use permits for the following uses:
 - Animals and fowl for recreation and family food production.
 - Greater size accessory buildings than permitted by this Code in residential zones.
 - Greater size accessory buildings than permitted by this Code in residential and residential agricultural zones.
 - Greater height accessory buildings than permitted by this Code in residential and residential agricultural zones.
- C. *Initiation.* A property owner, or the owner's agent, may request a conditional use permit as provided in subsection D1 of this section.
- D. *Procedure.* An application for a conditional use permit shall be considered and processed as provided in this subsection.
1. A complete application shall be submitted to the office of the Zoning Administrator in a form established by the administrator along with any fee established by the City's schedule of fees. The application shall include at least the following information:
 - a. The name, address and telephone number of the applicant and the applicant's agent, if any;
 - b. The address and parcel identification of the subject property;

- c. The zone, zone boundaries and present use of the subject property;
 - d. A description of the proposed conditional use;
 - e. A plot plan showing the following:
 - (1) Applicant's name;
 - (2) Site address;
 - (3) Property boundaries and dimensions;
 - (4) Layout of existing and proposed buildings, parking, landscaping, and utilities;
and
 - (5) Adjoining property lines and uses within 100 feet of the subject property.
 - f. Traffic impact analysis, if required by the City Engineer or the Planning Commission;
 - g. A statement by the applicant demonstrating how the conditional use permit request meets the approval standards for the conditional use desired; and
 - h. Such other and further information or documentation as the Zoning Administrator may deem necessary for proper consideration and disposition of a particular application.
- 2. After the application is determined to be complete, the Zoning Administrator shall schedule a public meeting before the Planning Commission as provided in section 10-7-4 of this chapter or shall review the application to determine if it meets the standards for an administrative conditional use permit.
 - 3. A staff report evaluating the application shall be prepared by the Zoning Administrator for a conditional use permit that will be reviewed by the Planning Commission.
 - 4. The Planning Commission shall hold a public meeting and shall thereafter approve, approve with conditions, or deny the application pursuant to the standards set forth in subsection E of this section. A conditional use shall be approved if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with the applicable standards, the conditional use may be denied.
 - 5. After the Planning Commission or Zoning Administrator makes a decision, the Zoning Administrator shall give the applicant written notice of the decision.
 - 6. A record of all conditional use permits shall be maintained in the office of the Zoning Administrator.
- E. *Approval standards.* The following standards shall apply to the issuance of a conditional use permit:

1. A conditional use permit may be issued only when the proposed use is shown as conditional in the zone where the conditional use will be located, or by another provision of this title.
2. Standards for each use must be reviewed. Specific standards are set forth for each use in subsections E2a through E2g of this section:
 - a. *Standards for a reception center.*
 - (1) Hours of operation must be compatible with adjoining uses and comply with City noise regulations.
 - (2) Parking shall be contained onsite.
 - (3) The center must have an approved site plan.
 - (4) If beer, wine, or other alcoholic beverages are served, the center must be licensed by the state alcohol control board.
 - (5) Reception center use must be secondary to any agricultural use on the property.
 - (6) Property shall be a minimum of five acres.
 - (7) In RA zoning, reception center shall only be used a maximum of five days a month.
 - (8) Building must meet the fire code and be inspected by the fire marshal or their representative prior to the approval of the conditional use permit.
 - (9) The applicant shall provide an emergency access plan that shall be approved by the fire marshal prior to the approval of the conditional use permit.
 - b. *Standards for an agricultural industry.*
 - (1) Adequate fencing and/or enclosures must be provided to ensure animals and fowl are confined safely and in conformance with acceptable animal husbandry standards.
 - (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
 - (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
 - (4) Animal enclosures used for intensive animal feeding operations must be at least 25 feet from any adjacent parcel that, at the time the applicant first seeks the conditional use, is zoned residential or residential-agricultural pursuant to chapters 13 or 14 of this title.
 - c. *Standards for a public stable.*
 - (1) Adequate fencing and/or enclosures must be provided to ensure horses are confined safely and in conformance with acceptable animal husbandry standards.

- (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
 - (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
 - (4) Site must contain adequate off street parking for customers. All trailers must be contained on site.
 - (5) Barns must be located at least 30 feet from any adjacent parcel that, at the time the applicant first seeks a conditional use permit, is zoned residential or residential-agricultural.
- d. *Standards for an assisted living facility.*
 - (1) The facility shall comply with building, safety, and health regulations applicable to similar structures.
 - (2) The facility shall be licensed by the state.
 - (3) A site plan shall be approved for the facility to ensure adequate parking and landscaping are installed.
- e. *Standards for greater heights than permitted by this Code.*
 - (1) The height may not be greater than two stories or one and one-half times the average height of the immediately adjacent buildings, whichever is greater and the building must be of compatible architecture with immediately adjacent buildings.
 - (2) A greater height conditional use permit may not be issued for a flag lot if the proposed structure is higher than the average height of all residential structures within a 300-foot radius of the proposed structure.
 - (3) A greater height accessory building must be set back a minimum of five feet from side and rear property lines when the adjoining property is zoned or used for single family residential use.
 - (4) In no event shall a building exceed 55 feet in height.
- f. *Standards for greater size than permitted by this Code.*
 - (1) The greater size building desired must be of compatible architecture with immediately adjacent buildings.
 - (2) At least 50 percent of the lot on which the building is located must remain free of buildings.
 - (3) The building must be for a use permitted in the zone in which it is located.
- g. *Standards for animals and fowl for recreation and family food production.*
 - (1) Adequate fencing must be provided to ensure animals and fowl are confined safely.
 - (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.

- (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
 - (4) The number of fowl will be limited by the point system used in section 10-37-15 of this title.
 - (5) Livestock numbers may be limited at the administrator's discretion based on the size of the lot and the facilities available to contain and protect the animals.
- h. *Standards for metal buildings.*
 - (1) In residential (R-1) zones the height and size may not be greater than permitted in the zone.
 - (2) The building must meet the following design standards:
 - i. Exterior building materials shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments.
 - ii. Details of proposed colors and materials, including color chips, samples, and colored building elevations, shall be shown on building plans when a development project application is submitted. Colors shall be compatible with surrounding structures.
 - iii. Reflective surfaces or colors which may produce excessive reflections or glare that may create a potential safety problem are prohibited.
 - iv. In a commercial zone the faces of the building visible from nearby streets must include architectural relief items of non-metal materials including wood, stone, or stucco.
- i. *Standards for animal specialties.*
 - (1) Adequate fencing and/or enclosures must be provided to ensure animals are confined safely and in conformance with acceptable animal husbandry standards.
 - (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
 - (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
 - (4) Animal enclosures used for intensive animal feeding operations must be at least 25 feet from any adjacent parcel that, at the time the applicant first seeks the conditional use, is zoned residential or residential agricultural pursuant to chapters 13 or 14 of this title.
- j. *Standards for agritourism activities.*
 - (1) Hours of operation must be compatible with adjoining uses and comply with City noise regulations.
 - (2) On-site parking must be provided.

- (3) The use of on street parking to provide up to 40 percent of the required parking may be permitted if adjoining uses are not residential uses and the street is fully improved.
 - (4) In agricultural zones, this use must be accessory to an established agricultural use.
- k. *Standards for multi-family residential.* In order to promote and preserve commercial growth and to allow infill development of empty and vacant lots in the area designated as downtown on the general map, vacant parcels zoned for commercial uses as listed in this title may, as a conditional use, be allowed for multi-family residential use if the following criteria are met:
- (1) No habitable building has been on the parcel for the previous three years.
 - (2) The land use on at least two sides of the property are residential use at the time of application. Property on the opposite side of a public road or right-of-way shall be considered adjacent for this criteria. Properties that do not meet this criteria may be approved for mix-use development as listed below.
 - (3) Mix use is allowed. If the proposed development is a mix of commercial use and residential use, then residential units shall be placed on a floor above the commercial use, or in a way to allow commercial buildings to front onto the public roadways. If mixed use, the commercial shall comply with the commercial zoning standards and housing shall comply with RM-3 zoning standards.
 - (4) Homes in the downtown area shall have the front of buildings face public roadways. The only exception for this requirement is for mix use developments and for parcels that would allow development of units behind units that front the public right-of-way. Every effort should be made to ensure the frontage of roadways are faced with the frontage of buildings. Walls, fences, and the rear of buildings fronting on to public right-of-way should be avoided.
 - (5) Dwelling units and sites shall comply with RM-3 zoning standards and density. RM-3 minimum required area shall not apply.
- l. *Standards for multiple accessory dwelling units in a residential, agriculture, or commercial zone.*
- (1) Multiple accessory dwelling units may be permitted based on the lot area of the property at a rate in the table below assuming all other conditions for an accessory dwelling unit are met.

Lot area	Number of accessory dwelling units
0.79 acres or smaller	1
0.8 acres and greater	2

- (2) Fifty percent of the land area on the lot must be free of buildings.
 - (3) A parking plan must be provided that shows adequate off street parking on the lot at a rate of one space per bedroom.
 - (4) A landscape plan must be provided that shows how buildings will be shielded from other residential lots.
 - (5) Occupancy plan: no more than ten people can stay in one building.
 - (6) Only one accessory dwelling unit can be used as a short-term rental. All others must be for long term occupancy or as a guesthouse for non-paying guests.
 - (7) Separate conditional use permits must be received for every accessory building that does not meet the height or size requirements of section 10-13-4.
- m. *Standards for a fence or wall of greater height.*
- (1) Except for fences or walls surrounding public utility facilities, the fence or wall may not be located in the front yard of the property, but must be located in the rear or side yard;
 - (2) The fence or wall may not exceed ten feet in height;
 - (3) Except for fences or walls surrounding public utility facilities, the topography of the subject property and surrounding properties must be of such a unique or unusual character that a wall of greater height is necessary for the typical quiet enjoyment of the property;
 - (4) The fence or wall shall comply with all other provisions of this title.
- n. *Standards for commercial kennels.*
- (1) Facilities shall be designed and operated so that noise generated from resident animals shall not exceed 50 decibels (50 dBA), as measured from the nearest property line. Flexibility in noise abatement design, such as solid wooden, metal, or masonry walls, is permitted to achieve the required decibel level.
 - (2) Outdoor dog runs shall be designed to reduce barking provocation. Dogs shall only be allowed in outdoor kennels between sunrise and sunset each day.
 - (3) Animal waste shall be collected daily and managed and properly disposed of for all animals on the property. Disposal shall be according to an approved waste disposal plan.
 - (4) The parts of a building where animals are boarded shall be fully enclosed and sufficiently insulated to provide both noise mitigation and climate control shelter for the animals.

- (5) Outdoor facilities, including outdoor runs and exercise areas, shall not be located within 150 feet of any single-family zoning district.
- (6) All lighting must comply with section 10-33-7 of this Code.
- (7) All requirements of any applicable public health agencies and/or other regulatory agencies shall be met, and all necessary permits shall be obtained.
- (8) All animals maintained in kennels shall be confined on the premises or trained or exercised or bred under the owner's control and shall be enclosed in a secure shelter during the hours of darkness, except when they are shown, tried, worked, or hunting under the owner's control.
- o. Standards for farm stands selling commercially packaged handicrafts or commercially processed or packaged foods.*
 - (1) The farm stand is located on a parcel zoned agricultural or residential agriculture not less than 1 acre in size.
 - (2) Merchandise sold in the farm stand shall comply with the following conditions:
 - i. All merchandise sold at the farm stand shall conform to the farm stand definition in Section 10-3-4.
 - ii. The structure shall be primarily devoted to the sale of agriculturally produced or farmed products.
 - iii. Fifty percent (50%) of the structure's total sales area shall be devoted to the sale of farm products grown or produced on the property on which the farm stand is located.
 - iv. The sale of accessory items (i.e., unprocessed or home-processed foodstuffs such as canned goods, baked goods, and homemade handicrafts), commercially processed or packaged food stuffs, or commercial handicrafts shall be subordinate to the sale of agriculturally produced or farmed products, and the area of the structure utilized for the sale of such accessory items shall be less than fifty percent (50%).
 - (3) Commercially processed or packaged foods must be fully labeled for retail sale pursuant to applicable State and Local health regulations.
 - (4) Only one such structure not exceeding 500 square feet in size is allowed per legal lot or parcel. Structures are not permitted on lots or parcels that were subdivided in violation of the City Code.
 - (5) The height may not be greater than permitted in the associated zoning district.
 - (6) Structure must comply with all setbacks of the associated zoning district.
 - (7) Use must be subordinate to an established agricultural use.

- (8) The conditional use shall be discontinued if the size of the lot or parcel is reduced in area to less than 1 acre by subdivision or any other land-dividing activity.
- (9) Operation of the farm stand requires a business license pursuant to Title 3 of the Hurricane City Code.
- (10) The use is not located in a recorded subdivision.

- F. *Appeal of decision.* Any person adversely affected by a decision of the Planning Commission regarding the transfer, issuance, or denial of a conditional use permit may appeal such decision to the Appeals Board by filing written notice of appeal stating the grounds therefor within 14 days from the date of such decision.
- G. *Appeal of decision by Zoning Administrator.* Any decision of the Zoning Administrator regarding the issuance or denial of a conditional use permit, shall, upon request by the applicant within ten days after a determination by the Zoning Administrator, be submitted for a de novo review and decision by the Planning Commission at their next available meeting.
- H. *Effect of approval.* A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this title or any other title of this Code.
 - 1. A conditional use permit may be transferred so long as the use conducted thereunder conforms to the terms of the permit.
 - 2. Unless otherwise specified by the Planning Commission and subject to the provisions relating to amendment, revocation or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and shall run with the land.
- I. *Amendment.* The procedure for amending any conditional use permit shall be the same as the original procedure set forth in this section.
- J. *Revocation.* A conditional use permit may be revoked as provided in section 10-9-6 of this title.
 - 1. In addition to the grounds set forth in section 10-9-6 of this title, any of the following shall be grounds for revocation:
 - a. The use for which a permit was granted has ceased for one year or more;
 - b. The holder or user of a permit has failed to comply with the conditions of approval or any City, state, or federal law governing the conduct of the use;
 - c. The holder or user of the permit has failed to construct or maintain the site as shown on the approved site plan, map, or other approval materials; or

- d. The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.
2. No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Planning Commission and show cause as to why the permit should not be revoked or the conditions amended. Revocation of a permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit.
- K. *Expiration.* A conditional use permit shall expire and have no further force or effect if the building, activity, construction, or occupancy authorized by the permit is not commenced within one year after approval.

BE IT HEREBY FURTHER ORDAINED, by the City Council of Hurricane, Utah that Title 10, Chapter 12, Section 10-12-3 of the Hurricane City Code is amended to read as follows:

Sec. 10-12-3. Uses allowed.

- A. *Permitted and conditional uses.* Permitted and conditional uses allowed within agricultural zones shall be as set forth in table 10-12-1 of this section. Permitted and conditional uses are indicated by a "P" or "C," respectively, in the appropriate column. Uses not permitted are indicated by "N." Any use not shown on table 10-12-1 of this section shall be prohibited unless the Zoning Administrator determines the use is substantially the same as a permitted or conditional use as provided in subsection 10-7-18E4 of this title.

TABLE 10-12-1
PERMITTED AND CONDITIONAL USES ALLOWED IN AGRICULTURAL ZONES

Use	Zones				
	A-40	A-20	A-10	A-5	A-1
Agricultural uses:					
Accessory building	P	P	P	P	P
Agricultural business	P	P	P	P	P
Agricultural industry	P	P	P	P	C
Agriculture	P	P	P	P	P
Agritourism	P	P	P	P	C
Animal specialties	P	P	P	P	C

Animals and fowl for recreation and family food production	P	P	P	P	P
Stable, private	P	P	P	P	P
Residential uses:					
Assisted living facility	P	P	P	P	N
Building, accessory	P	P	P	P	P
Dwelling, earth sheltered	P	P	P	P	P
Dwelling, single-family	P	P	P	P	P
Dwelling, single-family with single accessory dwelling unit	P	P	P	P	P
Dwelling, temporary	P	P	P	P	P
Guesthouse for family members and non-paying guests	P	P	P	P	P
Home base business	P	P	P	P	P
Manufactured home	P	P	P	P	P
Residential facility for elderly persons ¹	P	P	P	P	N
Residential facility for persons with a disability ¹	P	P	P	P	P
Residential facility for troubled youth	N	N	N	N	N
Short term rental	N	N	N	N	P
Public and civic uses:					
Auditorium or stadium	N	N	N	N	N
Cemetery	P	P	P	P	P
Church or place of worship	P	P	P	P	P
Club or service organization	P	P	P	P	P
Convalescent care facility	N	N	N	N	N
Cultural service	P	P	P	P	P
Golf course	N	N	N	N	N
Hospital	N	N	N	N	N
Park	P	P	P	P	P
Protective service	P	P	P	P	P
Reception center	C	C	C	C	C
Stable, public	P	P	P	P	C
Utility, minor	P	P	P	P	P
Utility substation	P	P	P	P	P
Commercial uses:					

Agricultural sales and service	P	P	C	C	N
Agritourism activities	P	P	P	P	C
Animal hospital	P	P	P	P	P
Bed and breakfast, home	P	P	P	P	P
Child care center	N	N	N	N	N
Farm stand ³	P	P	P	P	P
Garden center	P	P	P	P	P
Kennel, residential	P	P	P	P	P
Licensed family child care ²	P	P	P	P	P
Media service	N	N	N	N	N
Personal care service, home based ²	P	P	P	P	P
Personal instruction service, home based ²	P	P	P	P	P
Produce stand	P	P	P	P	P
Recreation and entertainment, outdoor	C	C	C	C	N
Residential certificate child care facility ²	P	P	P	P	N
Vehicle repair, limited	N	N	N	N	N
Veterinary service	P	P	P	P	P
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title				

Notes:

1. See chapter 46 of this title.
2. See chapter 42 of this title.
3. The sale of commercially packaged handicrafts or commercially processed or packaged food shall require approval of a conditional use permit pursuant to Sec. 10-7-9.

B. *Accessory uses.* Permitted and conditional uses set forth in table 10-12-1 of this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.

1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this title.
2. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.
3. Accessory uses in agricultural zones shall include, but are not limited to, the following:
 - a. Garage sales, subject to applicable standards of chapter 48, Temporary Uses, of this title.
 - b. Garages, carports, and off street parking areas, subject to applicable standards of chapter 34, Off Street Parking and Loading, of this title.

- c. Hobby activities when conducted by an occupant of the premises solely for personal enjoyment, amusement, or recreation and which does not conflict with any applicable provision of this Code.
- d. Home based businesses, subject to applicable standards of chapter 42, Home Based Businesses, of this title.
- e. Household pets.
- f. Keeping of machinery, livestock, and farming equipment as needed for agricultural use.
- g. Nurseries and greenhouses.
- h. Playhouses, patios, porches, gazebos, and incidental storage buildings.
- i. Produce stands.
- j. Swimming pools and hot tubs for use by residents and their guests.
- k. Temporary real estate offices, subject to applicable standards of chapter 48, Temporary Uses, of this title.

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

Sec. 10-14-3. Uses allowed.

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

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

Use	Zones	
	RA-1	RA- 0.5
Agricultural uses:		
Agricultural business	P	N
Agricultural industry	N	N
Agriculture	P	P
Animal specialties	P	P
Animals and fowl for recreation and family food production	P	p ³

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

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

Notes:

1. See chapter 46 of this title.
2. See chapter 42 of this title.
3. See section 10-37-15 of this title for permitted animals and fowl.
4. Whole home vacation rentals in residential zones are a nonconforming use pursuant to Ordinance No. 2023-20. See licensing and operations requirements in title 10, chapter 51 of this Code.
5. The sale of commercially packaged handicrafts or commercially processed or packaged food shall require approval of a conditional use permit pursuant to Sec. 10-7-9.

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

1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this title.
2. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.

3. Accessory uses in residential agriculture zones shall include, but not be limited to, the following:
 - a. Garage sales, subject to applicable standards of chapter 48, Temporary Uses, of this title.
 - b. Garages and off street parking areas, subject to applicable standards of chapter 34, Off Street Parking and Loading, of this title.
 - c. Hobby activities when conducted by an occupant of the premises solely for personal enjoyment, amusement, or recreation and which does not conflict with any other City ordinance.
 - d. Home based businesses, subject to applicable standards of chapter 42, Home Based Businesses, of this title.
 - e. Household pets.
 - f. Nurseries and greenhouses.
 - g. Playhouses, patios, porches, gazebos, and incidental storage buildings.
 - h. Swimming pools and hot tubs for use by residents and their guests.

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

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

PASSED AND APPROVED this 17th day, April 2025.

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 17th day of April 2025. Whereupon a motion to adopt and approve said Ordinance was made by _____ and seconded by _____. A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
David Hirschi	_____	_____	_____	_____
Kevin Thomas	_____	_____	_____	_____
Clark Fawcett	_____	_____	_____	_____
Drew Ellerman	_____	_____	_____	_____
Joseph Prete	_____	_____	_____	_____

Cindy Beteag, Recorder



STAFF COMMENTS

Item: Consideration and possible approval of Ordinance 2025-04 Approving a Power Impact Fee Facilities Plan, a Power Impact Fee Analysis, and an Impact Fee for Power on Development

Discussion: When the Council last discussed this item, it was continued to allow additional time for the consultants to address the questions raised regarding the analysis supporting the recommended impact fee. Provided in the packet is the updated and final impact study report. This report has been updated to reflect the adjusted impact fees, and address the concerns brought to us through SUHBA.

Findings:

Recommendation:

**AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH
APPROVING AN IMPACT FEE FACILITIES PLAN, AN IMPACT FEE ANALYSIS,
AND IMPACT FEE FOR POWER AND IMPOSING DEVELOPMENT
IMPACT FEES FOR POWER**

WHEREAS the City Council of Hurricane, Utah has by ordinance previously imposed impact fees in order to provide funding for public utilities and services needed to serve property and residents within the City of Hurricane; and

WHEREAS the City has undertaken a study for the purpose of preparing An Impact Fee Facilities Plan (“IFFP”) and Impact Fee Analysis (“IFA”) for power in accordance with the Utah Impact Fee Act contained in Utah law, which identify the demands placed upon existing facilities and services by new development activity and the proposed means by which the City will meet those demands; and

WHEREAS the City Council desires to give formal acceptance and approval of the IFFP and IFA; and

WHEREAS the City Council finds and determines that the IFFP and IFA establishes a need to impose impact fees on development activity in order to achieve an equitable allocation to the costs borne in the past and to be borne in the future; and

WHEREAS the City desires to assess and impose impact fees based upon IFFP and IFA and the analysis contained therein; and

WHEREAS a public hearing, after public notice as required by law, has been held by the Hurricane City Council on the 20th day of March, 2025 to take comments on the IFFP, IFA, and this proposed ordinance, a copy of which was made available at the Hurricane City Office and the Hurricane Branch of the Washington County Library for a period of 10 days prior to the public hearing;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of Hurricane, Utah as follows:

1. The City of Hurricane hereby approves and adopts herewith the Impact Fee Facility Plan (“IFFP”) prepared by Intermountain Consumer Professional Engineers, Inc. and the Impact Fee Analysis (“IFA”) prepared and certified by LRB Public Finance Advisors.
2. Based upon the analysis set forth in the IFFP and IFA approved above, the City hereby adopts at a 100% recovery level the Proposed Fee set forth in Table 1.2 of the IFA.
3. The service area for this Power Impact Fee is identified in Figure 3.1 of the IFA.

4. The fees adopted herein are based upon growth in kilowatts (“kW”). The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon public facilities. A developer may submit a written request, supported by studies and data for a particular development, and request an adjustment, with the developer being responsible for all reasonable costs incurred by the City to analyze the request, including the cost to retain electrical engineers and financial analysts. Any adjustment could result in a higher or lower impact fee if the City determines that a particular user may create a different impact than what is standard for its land use. The analysis within the IFFP and the IFA, together with the following formula, will generally guide the analysis of a requested adjustment: Estimated Diversified kW Usage * \$1,054.68. The City is authorized to adjust the standard impact fee at the time the fee is charged to: (1) Respond to unusual circumstances in specific cases or a request for a prompt and individualized impact fee review for the development activity of the state, a school district, or a charter school and an offset or credit for a public facility for which an impact fee has been or will be collected and (2) Ensure that the impact fees are imposed fairly. Any adjustments to the standard impact fee shall be made by the City Council at a regularly scheduled meeting.

5. Pursuant to Hurricane City Code, Title 9, Chapter 6, a developer, including a school district or charter school, is allowed a credit against or proportionate reimbursement of an impact fee if the developer: (1) Dedicates land for a system improvement; (2) Builds and dedicates some or all of a system improvement; (3) Dedicates a public facility that the City and the developer agree will reduce the need for a system improvement; (4) Dedicates land for, improvement to, or new construction of, any system improvements by the developer if the facilities are system improvements or are dedicated to the public and offset the need for an identified system improvement.

BE IT FURTHER ORDAINED that this ordinance shall take effect 90 days from the date of adoption, as required by law.

PASSED AND APPROVED THIS ____ DAY OF _____, 2025.

Mayor Nanette Billings

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 15th day of May, 2025. Whereupon a motion to

adopt and approve said Resolution was made by _____ and seconded by _____. A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
David Hirschi	_____	_____	_____	_____
Kevin Thomas	_____	_____	_____	_____
Clark Fawcett	_____	_____	_____	_____
Drew Ellerman	_____	_____	_____	_____
Joseph Prete	_____	_____	_____	_____

Cindy Beteag, City Recorder



PUBLIC
FINANCE
ADVISORS



HURRICANE UTAH

MAY 2025

IMPACT FEE ANALYSIS (IFA)

ELECTRICAL TRANSMISSION AND
SUBSTATIONS

PREPARED BY:

LRB PUBLIC FINANCE ADVISORS

FORMERLY LEWIS YOUNG ROBERTSON & BURNINGHAM INC.

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IMPACT FEE CERTIFICATION

IFA CERTIFICATION

LRB Public Finance Advisors certifies that the attached impact fee analysis:

1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
3. offsets costs with grants or other alternate sources of payment; and,
4. complies in each and every relevant respect with the Impact Fees Act.

LRB Public Finance Advisors makes this certification with the following caveats:

1. All of the recommendations for implementations of the IFFP made in the IFFP documents or in the IFA documents are followed by City Staff and elected officials.
2. If all or a portion of the IFFP or IFA are modified or amended, this certification is no longer valid.
3. All information provided to LRB is assumed to be correct, complete, and accurate. This includes information provided by the City as well as outside sources.

LRB PUBLIC FINANCE ADVISORS



DEFINITIONS

The following acronyms or abbreviations are used in this document:

IFA:	Impact Fee Analysis
IFFP:	Impact Fee Facilities Plan
kVA:	Kilo-volt-amperes
kW:	Kilowatt
LOS:	Level of Service
LRB:	LRB Public Finance Advisors (Formerly Lewis Young Robertson & Burningham, Inc.)
M:	Million
MW:	Megawatt



SECTION 1: EXECUTIVE SUMMARY

The purpose of the electrical transmission and substation Impact Fee Analysis (“IFA”) is to fulfill the requirements established in Utah Code Title 11 Chapter 36a, the “Impact Fees Act”, and assist Hurricane City (the City) in financing and constructing necessary capital improvements for future growth. This document will address the appropriate impact fees the City may charge to new growth to maintain the level of service (LOS) as defined in the Impact Fee Facilities Plan, dated May 2025.

- **Impact Fee Service Areas:** The impact fees identified in this document will be assessed within the proposed Service Area, as discussed in **SECTION 3**.
- **Demand Analysis:** A total of 39,883 additional kilowatts (kW) of demand will be generated within the current Service Area in the IFFP planning horizon. See **SECTION 3** for details regarding growth in kW.
- **Level of Service:** The LOS is based on loading to the base rating on substation transformers and system voltage criteria. **Section 3** provides the LOS information used in this analysis. New facilities are designed to maintain the diversified kW LOS.
- **Excess Capacity:** This analysis focuses on the construction of new facilities and does not include a buy-in related to excess capacity within the current system.
- **Capital Facilities Analysis:** The IFFP has identified the growth-related projects needed within the next ten years. The total construction cost related to growth is **\$29M**, based on an inflation rate of four percent annually.
- **Financing of Future Facilities:** This analysis assumes the City will not utilize bond financing to fund future infrastructure.

SUMMARY OF PROPOSED IMPACT FEES

The impact fees proposed in this analysis will be assessed within the Service Area. The tables below illustrate the calculated impact fee for electric transmission and substation facilities.

TABLE 1.1: ILLUSTRATION OF COST PER NEW kW

	TOTAL COSTS	% GROWTH RELATED AND IMPACT FEE FUNDED	GROWTH RELATED & CITY FUNDED COSTS	GROWTH RELATED kW	COST PER NEW kW
Future System Improvements	\$49,006,901	59%	\$29,079,067	39,883	\$729.11
Professional Expense	\$73,925	65%	\$47,900	26,740	\$1.79
Interest Credit	(\$128,000)	100%	(\$128,000)	39,883	(\$3.21)
TOTALS:	\$48,952,826		\$28,998,968		\$727.69

Professional expense is based on the cost to complete the IFFP and IFA.



TABLE 1.2: ILLUSTRATION OF IMPACT FEE BY PANEL SIZE

PANEL RATING	LINE-TO-LINE VOLTAGE	100% PANEL KVA	AVG PANEL LOADING	AVG PEAK DEMAND @ PANEL (KVA)	POWER FACTOR	ESTIMATED DIVERSIFIED KW	PROPOSED FEE	EXISTING FEE	% CHANGE
Residential (120/240, 1 phase)									
125	240	30	12.50%	3.75	95%	3.56	\$2,592	\$1,622	60%
200	240	48	12.50%	6.00	95%	5.70	\$4,148	\$2,595	60%
400	240	96	12.85%	12.34	95%	11.72	\$8,528	\$5,190	64%
600	240	144	12.85%	18.50	95%	17.58	\$12,792	\$7,785	64%
Commercial (120/240, 1 phase)									
200	240	48	25.00%	12.00	90%	10.80	\$7,859	\$4,902	60%
400	240	96	25.00%	24.00	90%	21.60	\$15,718	\$9,803	60%
600	240	144	25.00%	36.00	90%	32.40	\$23,577	\$14,705	60%
800	240	192	25.00%	48.00	90%	43.20	\$31,436	\$19,607	60%
Commercial (120/208, 3 phase)									
200	208	72	25.00%	18.01	90%	16.21	\$11,797	\$7,358	60%
400	208	144	25.00%	36.03	90%	32.42	\$23,595	\$14,715	60%
600	208	216	25.00%	54.04	90%	48.64	\$35,392	\$22,073	60%
800	208	288	25.00%	72.05	90%	64.85	\$47,189	\$29,431	60%
1,000	208	360	25.00%	90.07	90%	81.06	\$58,987	\$36,788	60%
1,200	208	432	25.00%	108.08	90%	97.27	\$70,784	\$44,146	60%
1,600	208	576	25.00%	144.11	90%	129.70	\$94,378	\$58,861	60%
1,800	208	648	25.00%	162.12	90%	145.91	\$106,176	\$66,219	60%
2,000	208	721	25.00%	180.13	90%	162.12	\$117,973	\$73,577	60%
2,500	208	901	25.00%	225.17	90%	202.65	\$147,466	\$91,971	60%
3,000	208	1,081	25.00%	270.20	90%	243.18	\$176,960	\$110,365	60%
Commercial (277/480, 3 phase)									
200	480	166	25.00%	41.57	90%	37.41	\$27,225	\$16,979	60%
400	480	333	25.00%	83.14	90%	74.82	\$54,449	\$33,958	60%
600	480	499	25.00%	124.71	90%	112.24	\$81,674	\$50,938	60%
800	480	665	25.00%	166.28	90%	149.65	\$108,898	\$67,917	60%
1,000	480	831	25.00%	207.85	90%	187.06	\$136,123	\$84,896	60%
1,200	480	998	25.00%	249.42	90%	224.47	\$163,347	\$101,875	60%
1,600	480	1,330	25.00%	332.55	90%	299.30	\$217,796	\$135,834	60%
1,800	480	1,496	25.00%	374.12	90%	336.71	\$245,021	\$152,813	60%
2,000	480	1,663	25.00%	415.69	90%	374.12	\$272,246	\$169,792	60%
2,500	480	2,078	25.00%	519.62	90%	467.65	\$340,307	\$212,241	60%
3,000	480	2,494	25.00%	623.54	90%	561.18	\$408,368	\$254,689	60%

A detailed explanation of the increase in the proposed impact fee is in **Section 6** of this report.

NON-STANDARD IMPACT FEES

The proposed fees are based upon growth in kW. The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon public facilities.¹ A developer may submit studies and data for a particular development and request an adjustment. This adjustment could result in a higher or lower impact fee if the City

¹ UC 11-36a-402(1)(c)



determines that a particular user may create a different impact than what is standard for its land use. The following formulas will help determine the non-standard impact fee.

Estimated Diversified kW Usage * \$727.69

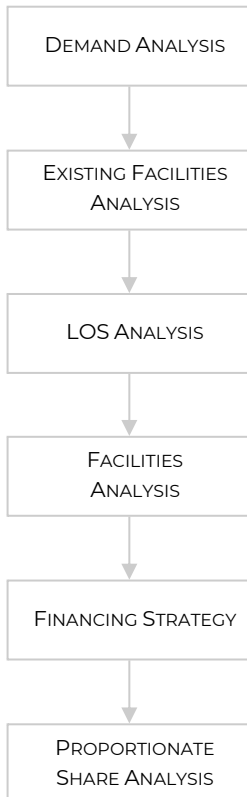
The formula for a non-standard impact fee should be included in the impact fee enactment (by resolution or ordinance). In addition, the impact fee enactment should contain the following elements:

- A provision establishing one or more service areas within which the local political subdivision or private entity calculates and imposes impact fees for various land use categories.
- A schedule of impact fees for each type of development activity that specifies the amount of the impact fee to be imposed for each type of system improvement or the formula that the local political subdivision or private entity will use to calculate each impact fee.
- A provision authorizing the local political subdivision or private entity to adjust the standard impact fee at the time the fee is charged to:
 - Respond to unusual circumstances in specific cases or a request for a prompt and individualized impact fee review for the development activity of the state, a school district, or a charter school and an offset or credit for a public facility for which an impact fee has been or will be collected.
 - Ensure that the impact fees are imposed fairly.
- A provision governing calculation of the amount of the impact fee to be imposed on a particular development that permits adjustment of the amount of the impact fee based upon studies and data submitted by the developer.
- A provision that allows a developer, including a school district or a charter school, to receive a credit against or proportionate reimbursement of an impact fee if the developer:
 - Dedicates land for a system improvement.
 - Builds and dedicates some or all of a system improvement.
 - Dedicates a public facility that the local political subdivision or private entity and the developer agree will reduce the need for a system improvement.
- A provision that requires a credit against impact fees for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities:
 - Are system improvements; or,
 - Dedicated to the public and offset the need for an identified system improvement.

Other provisions of the impact fee enactment may include exemption of fees for development activity attributable to low-income housing, the state, a school district, or a charter school. Exemptions may also include other development activities with a broad public purpose. If an exemption is provided, the entity should establish one or more sources of funds other than impact fees to pay for that development activity. The impact fee exemption for development activity attributable to a school district or charter school should be applied equally to either scenario.

SECTION 2: GENERAL IMPACT FEE METHODOLOGY

FIGURE 2.1: IMPACT FEE METHODOLOGY



The purpose of this study is to fulfill the requirements of the Impact Fees Act regarding the establishment of an IFFP and IFA. The IFFP identifies the demands placed upon the City's existing facilities by future development and evaluates how these demands will be met by the City. The IFFP is also intended to outline the improvements, which are intended to be funded by impact fees. The purpose of IFA is to allocate the cost of the new facilities and any excess capacity to new development, while ensuring that all methods of financing are considered. The Impact Fee Act requires that the IFFP and IFA consider the historic level of service provided to existing development and ensure that the proposed impact fees maintain the existing level of service. The following elements are important considerations when completing an IFFP and IFA.

DEMAND ANALYSIS

The demand analysis serves as the foundation for the IFFP and IFA. This element focuses on a specific demand unit related to each public service – the existing demand on public facilities and the future demand as a result of new development that will affect system facilities.

EXISTING FACILITY INVENTORY

In order to quantify the demands placed upon existing public facilities by new development activity, to the extent possible the IFFP provides an inventory of the City's existing system facilities. The inventory valuation should include the original construction cost and estimated useful life of each facility. The inventory of existing facilities is important to determine the excess capacity of existing facilities and the utilization of excess capacity by new development.

LEVEL OF SERVICE ANALYSIS

"Level of service" or LOS means the defined performance standard or unit of demand for each capital component of a public facility within a service area. Through the inventory of existing facilities, combined with the growth assumptions, this analysis identifies the existing LOS that is provided to a community's existing residents and ensures that future facilities maintain these standards.

EXCESS CAPACITY AND FUTURE CAPITAL FACILITIES ANALYSIS

The demand analysis, existing facility inventory and LOS analysis allow for the development of a list of capital projects necessary to serve new growth and to maintain the existing system. This list includes any excess capacity of existing facilities as well as future system improvements necessary to maintain the LOS. Any excess capacity identified within existing facilities can be apportioned to new development. Any demand generated from new development that overburdens the existing system beyond the existing capacity justifies the construction of new facilities.

FINANCING STRATEGY

This analysis must also include a consideration of all revenue sources, including impact fees, future debt costs, alternative funding sources and the dedication of system improvements, which may be used to finance system improvements.² In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.³

PROPORTIONATE SHARE ANALYSIS

The written impact fee analysis is required under the Impact Fees Act and must identify the impacts placed on the facilities by development activity and how these impacts are reasonably related to the new development. The written impact fee analysis must include a proportionate share analysis, clearly detailing each cost component and the methodology used to calculate each impact fee. A local political subdivision or private entity may only impose impact fees on development activities when its plan for financing system improvements establishes that impact fees are necessary to achieve an equitable allocation of the costs borne in the past and to be borne in the future (UCA 11-36a-302).

² 11-36a-302(2)

³ 11-36a-302(3)

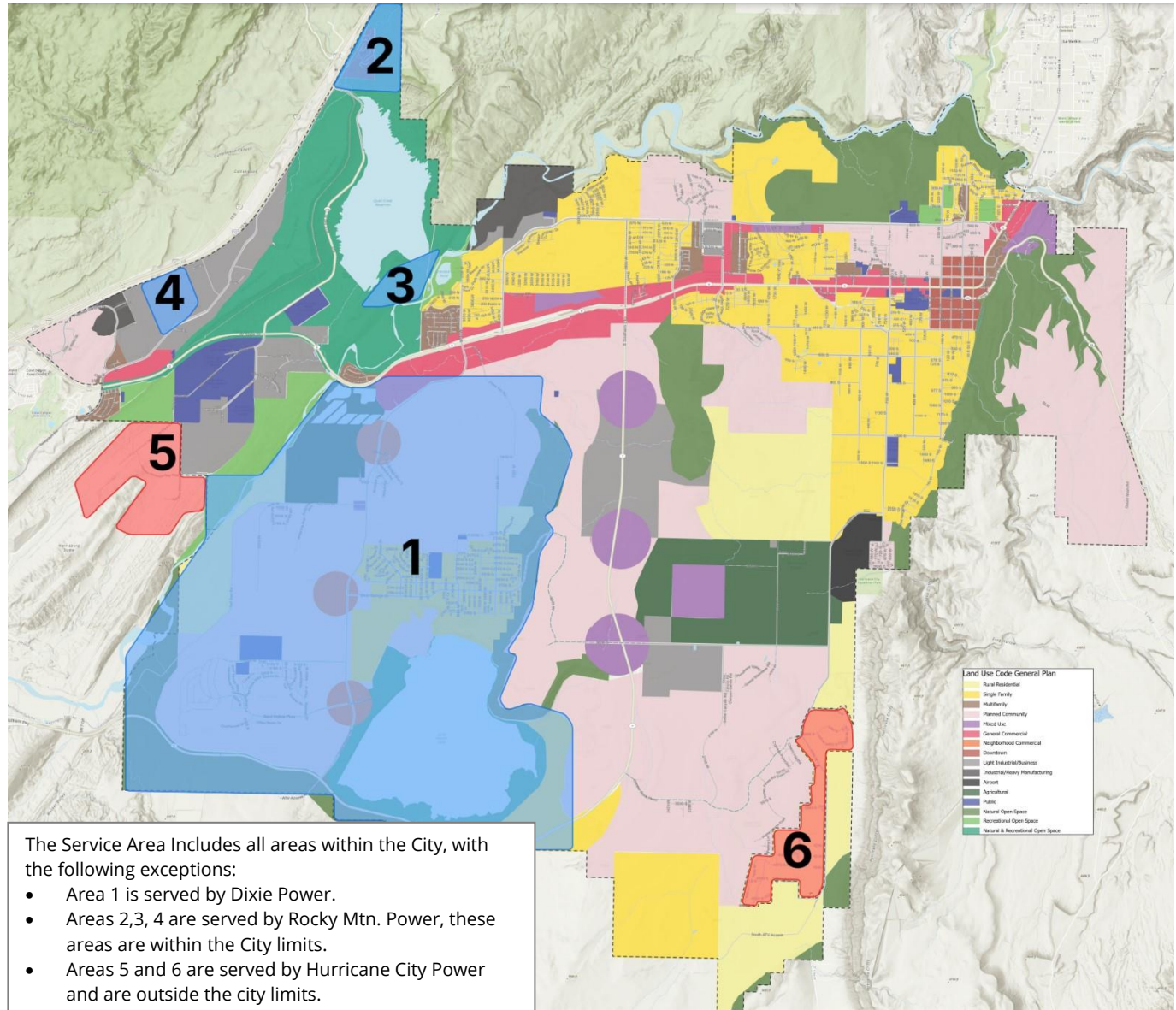


SECTION 3: SERVICE AREA, DEMAND, AND LOS

SERVICE AREA

Utah Code requires the impact fee enactment to establish one or more service areas within which impact fees will be imposed.⁴ This document identifies the necessary future system improvements for the Service Area that will maintain the existing LOS into the future. According to the 2025 IFFP, the Service Area includes areas within the City boundary as shown in **Figure 3.1**.

FIGURE 3.1: POWER SERVICE AREA



⁴ UC 11-36a-402(1)(a)

DEMAND

The City’s electrical system requires expansion to maintain the existing LOS as new growth and development activity occurs within the Service Area. To accurately determine the portion of the costs of future capital infrastructure that should be included in the impact fees, this analysis projects the future growth in megawatts (MW) and kilowatts (kW). The demand unit used in the calculation of the electrical impact fees is the estimated MW and kW at a power factor of 95 percent for residential and 90 percent for commercial.⁵ **TABLE 3.1** summarizes the projected annual increase in kW within the Service Area.

TABLE 3.1: PROJECTED DEMAND

DESCRIPTION	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
Total System CP Demands (kW)	50,635	54,686	59,061	63,786	68,888	74,399	77,375	80,470	83,689	87,037	90,518
Ten Year Demand	39,883										

It is anticipated that new growth will have an impact on the City’s existing services. Electrical facilities will need to be expanded to maintain the existing LOS. The IFFP, in conjunction with the impact fee analysis, are designed to accurately assess the true impact of a particular user upon the City’s infrastructure.

LEVEL OF SERVICE STANDARDS

Impact fees cannot be used to finance an increase in the LOS to current or future users of capital improvements. Therefore, it is important to identify the LOS within the Service Area to ensure that the new capacities of projects financed through impact fees do not exceed the established standard. According to the most recent IFFP, the City plans, designs and operates its system based on the following criteria:

- Transformer ratings under varying load levels and loading conditions must remain below their ONAN/ONFA/ONFA 55-degree rating.
- Dual bay substations loading shall not exceed 75% of combined ONAN/ONFA/ONFA 55-degree MVA rating of power transformers.
- The system must be able to adequately serve load under single contingency (N-1) situations, where “N” is a power system element such as a transformer or line.
- The system switching required under an N-1 contingency should remain as simplified as possible to ensure that switching orders do not become unnecessarily complex.
- Distribution circuit loading criteria must remain below 90% of its maximum current rating.
- Transmission circuit voltage must remain between 95% and 105% of its nominal value.
- Distribution circuit voltage must remain between 98% and 105% (at loads) of its nominal value.
- Distribution circuit mains must be able to serve additional load under N-1 contingencies.

The above criteria were used to determine Hurricane City’s facility needs based on the amount of load (i.e., demand) placed on the existing system over the study planning horizon.

⁵ Power factor (p.f.) is the ratio of working power, measured in kilowatts (kW), to apparent power, measured in kilovolt amperes (kVA). The power factor of the present system is acceptable, above 0.95. The system power factor is primarily influenced by the types and level of loads on the system and the amount of shunt capacitors installed in the system.



SECTION 4: EXISTING FACILITIES & EXCESS CAPACITY

This section is intended to summarize the existing public facilities related to electric transmission and substation infrastructure. The IFFP indicates the City is served by PacifiCorp's Purgatory Flat Transmission Substation with two radial 69kV lines, one line feeds Anticline substation and the other line feeds the other three 69kV substations. The radial 69kV line interconnects Hurricane City's four Distribution substations. Hurricane City's electrical system currently has four power distribution substations: Anticline Substation, Brentwood Substation, Clifton Wilson Substation, and Three Falls Substation. It is noted that during the time of this study Three Falls Substation was under construction but was not yet operating. So, the peak loading for Three Falls Substation was estimated.⁶

VALUE OF EXISTING INFRASTRUCTURE

Based upon data provided by the City using the electric utility depreciation schedule, the existing system is valued at approximately \$42M, based on original cost as shown in **TABLE 4.1**. Generation is excluded from the calculation of buy-in. Project improvements and non-eligible values are excluded from the analysis.

TABLE 4.1: VALUE OF EXISTING SYSTEM

Total System Value	\$42,235,807
Eligible Distribution/Transmission	\$4,951,860
Eligible Substations	\$8,240,115
Subtotal of Eligible Value	\$13,191,976
Estimate of Buildout Demand	140,000
IFFP Demand	39,883
% of Total	28%

EXCESS CAPACITY

The City maintains a network of transmission and distribution infrastructure. **TABLE 4.1** illustrates the value of the system on the proportion that would be assigned to new development, assuming the system benefits all users through buildout. However, this analysis excludes the excess capacity buy-in and instead determines the impact fees to construct only of the electrical projects that are necessary for the next ten years. A percentage of each project will be paid for by impact fees collected after the 10-year period.

MANNER OF FINANCING EXISTING INFRASTRUCTURE

The City has funded its existing capital infrastructure through a combination of different revenue sources, including user fee revenues, service fees, and impact fees. Therefore, the City's existing LOS standards have been funded by the City's existing residents. The City does not foresee receiving revenues from other entities (i.e., grants, federal or state funds, other contributions, etc.) to fund new facilities.

⁶ IFFP p.7. This station is now in operation.



SECTION 5: CAPITAL FACILITY ANALYSIS

The capital project and engineering data, planning analysis, and other information related to future capital needs can be found in the 2025 IFFP. The accuracy and correctness of this plan is contingent upon the accuracy of the data and assumptions. Any deviations or changes in the assumptions due to changes in the economy or other relevant information used by the City for this study may cause this plan to be inaccurate and may require modification to this analysis to ensure accuracy.

SUMMARY OF FUTURE CAPITAL FACILITIES

Based upon the projected increase in kW and demand on the system, the City has identified the future capital projects that must be constructed over the next ten years to serve future development. The costs of these projects are summarized in **TABLE 5.1**. The percentage of the total cost that is attributable to growth is based upon the ratio of the capacity available for meeting future growth in the 10-year IFFP demand period to the total capacity provided by the project. All the projects listed in the table below have a life expectancy of more than 10 years.

TABLE 5.1: SUMMARY OF FUTURE CAPITAL PROJECT COSTS

Project & Title	Opinion of Cost	Year	Const. Year Cost	% to IFFP Demand	Cost to Growth
Replace Anticline T1	\$1,943,675	2025	\$2,021,422	73.3%	\$1,481,702
New Future Substation 1	\$7,690,408	2027	\$8,650,663		\$6,340,936
Three Falls Substation Bay 2	\$3,728,421	2029	\$4,536,194		\$3,325,030
New Sky Mountain Substation	\$5,503,354	2030	\$6,963,498		\$5,104,244
Three Falls substation Bay 1 Upgrade	\$2,119,390	2032	\$2,900,532	28.5%	\$826,651
New 138kV-69kV Future Substation 2	\$7,195,069	2033	\$10,240,827	28.5%	\$2,918,636
New 138kV line from Purgatory to Future Sub 1	\$6,404,366	2026	\$6,926,962	73.3%	\$5,077,463
New 138kV line from Future Sub 1 to Three Falls	\$3,100,207	2027	\$3,487,311	73.3%	\$2,556,199
New 69kV line to Sky Mountain	\$200,805	2029	\$244,310	73.3%	\$179,079
New 138kV line to 600 North	\$685,450	2031	\$902,005	73.3%	\$661,170
New 138kV line from 600 North to Three Falls	\$1,339,409	2032	\$1,833,074	28.5%	\$522,426
New 138kV line to Future Substation 2	\$210,848	2033	\$300,102	28.5%	\$85,529
Total	\$40,121,402		\$49,006,901		\$29,079,067

According to the 2025 IFFP, the “% to IFFP Demand” percentage was calculated from the ratio of the total estimated growth and the added electrical capacity of the new projects. The electrical capacity of the new substations was determined by using 75% of the 55°C transformer rating which is what each transformer is allowed to be loaded to meet the Level of Service Standard. The total additional capacity added by the proposed substation projects to the system is 54.4 MW. The total estimated growth is 39.883 MW. The corresponding ratio for this approach is 73.3%. Therefore, it is proposed to apply 73.3% of the respective cost of these projects to the impact fees. The other 26.7% of the cost of these projects will be assumed to be captured by impact fees beyond the 10-year window of this current study. The % allocation of the remaining projects were based on a system-wide benefit, with the projects serving existing and future development. Thus the projects are spread across the combined system demand, with the IFFP demand comprising 28.5% of the total.

The projected resource needs for the next several years are detailed in the following paragraphs. The estimated costs of future capital projects are based on historical experience with the system and projected growth patterns for the system.



SYSTEM VS. PROJECT IMPROVEMENTS

System improvements are defined as existing and future public facilities that are intended to provide services to service areas within the community at large.⁷ Project improvements are improvements and facilities that are planned and designed to provide service for a specific development (resulting from a development activity) and considered necessary for the use and convenience of the occupants or users of that development.⁸ The Impact Fee Analysis may only include the costs of impacts on system improvements related to new growth within the proportionate share analysis. However, impact fees will be used for the substations, etc. since these are considered system improvements.

FUNDING OF FUTURE FACILITIES

Future facilities are generally funded using the following resources:

UTILITY RATE REVENUES

Utility rate revenues serve as the primary funding mechanism within enterprise funds. Rates are established to ensure appropriate coverage of all operations and maintenance expenses, debt service coverage, and capital project needs not related to growth.

GRANTS AND DONATIONS

The City does not anticipate receiving grants or donations to fund improvements currently contemplated in this IFFP. However, the impact fees will be adjusted if grants become available to reflect the grant monies received. A donor may be entitled to reimbursement for the value of the system improvements funded through impact fees if donations are made by new development. **SECTION 6** further addresses proposed credits available to development.

IMPACT FEE REVENUES

Impact fees are charged to ensure that new growth pays its proportionate share of the costs for the development of public infrastructure. Impact fee revenues can also be attributed to the future expansion of public infrastructure if the revenues are used to maintain an existing level of service. Increases to an existing level of service cannot be funded with impact fee revenues. Impact fee revenues are generally considered non-operating revenues and help offset future capital costs.

DEBT FINANCING

In the event the City has not accumulated sufficient impact fees to pay for the construction of time sensitive or urgent capital projects needed to accommodate new growth, the City must look to revenue sources other than impact fees for funding. The Impact Fees Act allows for the costs related to the financing of future capital projects to be legally included in the impact fee. This allows the City to finance and quickly construct infrastructure for new development and reimburse itself later from impact fee revenues for the costs of issuing debt. Debt financing costs are not included in this analysis.

⁷ 11-36a-102(20)

⁸ 11-36a102(13)

EQUITY OF IMPACT FEES

Impact fees are intended to cover the costs of system improvements (infrastructure) that relate to future growth. The impact fee calculations are structured for impact fees to fund 100 percent of the growth-related facilities identified in the proportionate share analysis as presented in the impact fee analysis. Even so, there may be years when actual impact fee revenues cannot cover the annual growth-related expenses. In those years, growth-related projects may be delayed, or other revenues such as general utility rate revenues may be borrowed to make up any annual deficits. Any borrowed funds are to be repaid in their entirety through subsequent impact fees.

NECESSITY OF IMPACT FEES

An entity may only impose impact fees on development activity if the entity's plan for financing system improvements establishes that impact fees are necessary to achieve parity between existing and new development. This analysis has identified the improvements to public facilities and the funding mechanisms to complete the suggested improvements. Impact fees are identified as a necessary funding mechanism to help offset the costs of new capital improvements related to new growth. In addition, alternative funding mechanisms have been identified to help offset the cost of future capital improvements.

SECTION 6: ELECTRICAL IMPACT FEE CALCULATION

The calculation of impact fees relies upon the information contained in this analysis. Impact fees are calculated based on many variables centered on proportionality and LOS. The following paragraph briefly discusses the methodology for calculating impact fees. Impact fees can be calculated using a specific set of costs specified for future development. The improvements are identified in the IFFP as growth-related projects. The total project costs are divided by the total demand units the projects are designed to serve. Under this methodology, it is important to identify the existing LOS and determine any excess capacity in existing facilities that could serve new growth.

IMPACT FEE CALCULATION

Based on the growth-related projects, as well as the applicable buy-in fee, the cost per new kW is shown in **TABLE 6.1**.

TABLE 6.1: ESTIMATE OF IMPACT FEE COST PER kW

	TOTAL COSTS	% GROWTH RELATED AND IMPACT FEE FUNDED	GROWTH RELATED & CITY FUNDED COSTS	GROWTH RELATED kW	COST PER NEW kW
Future System Improvements	\$49,006,901	59%	\$29,079,067	39,883	\$729.11
Professional Expense	\$73,925	65%	\$47,900	26,740	\$1.79
Interest Credit	(\$128,000)	100%	(\$128,000)	39,883	(\$3.21)
TOTALS:	\$48,952,826		\$28,998,968		\$727.69

Professional expense is based on the cost to complete the IFFP and IFA.

The fee per kW is then applied to the general usage statistics for residential and commercial users, as shown in **Table 6.2**. The higher impact fee base cost per kW in this analysis comes from the type of proposed projects in this analysis, the higher cost of system components and the increased costs construction labor since the last analysis was done.

TABLE 6.2: ILLUSTRATION OF IMPACT FEE BY PANEL RATING

PANEL RATING	LINE-TO-LINE VOLTAGE	100% PANEL KVA	AVG PANEL LOADING	AVG PEAK DEMAND @ PANEL (kVA)	POWER FACTOR	ESTIMATED DIVERSIFIED kW	PROPOSED FEE	EXISTING FEE	% CHANGE
Residential (120/240, 1 phase)									
125	240	30	12.50%	3.75	95%	3.56	\$2,592	\$1,622	60%
200	240	48	12.50%	6.00	95%	5.70	\$4,148	\$2,595	60%
400	240	96	12.85%	12.34	95%	11.72	\$8,528	\$5,190	64%
600	240	144	12.85%	18.50	95%	17.58	\$12,792	\$7,785	64%
Commercial (120/240, 1 phase)									
200	240	48	25.00%	12.00	90%	10.80	\$7,859	\$4,902	60%
400	240	96	25.00%	24.00	90%	21.60	\$15,718	\$9,803	60%
600	240	144	25.00%	36.00	90%	32.40	\$23,577	\$14,705	60%
800	240	192	25.00%	48.00	90%	43.20	\$31,436	\$19,607	60%
Commercial (120/208, 3 phase)									
200	208	72	25.00%	18.01	90%	16.21	\$11,797	\$7,358	60%
400	208	144	25.00%	36.03	90%	32.42	\$23,595	\$14,715	60%
600	208	216	25.00%	54.04	90%	48.64	\$35,392	\$22,073	60%



PANEL RATING	LINE-TO-LINE VOLTAGE	100% PANEL KVA	AVG PANEL LOADING	AVG PEAK DEMAND @ PANEL (kVA)	POWER FACTOR	ESTIMATED DIVERSIFIED kW	PROPOSED FEE	EXISTING FEE	% CHANGE
800	208	288	25.00%	72.05	90%	64.85	\$47,189	\$29,431	60%
1,000	208	360	25.00%	90.07	90%	81.06	\$58,987	\$36,788	60%
1,200	208	432	25.00%	108.08	90%	97.27	\$70,784	\$44,146	60%
1,600	208	576	25.00%	144.11	90%	129.70	\$94,378	\$58,861	60%
1,800	208	648	25.00%	162.12	90%	145.91	\$106,176	\$66,219	60%
2,000	208	721	25.00%	180.13	90%	162.12	\$117,973	\$73,577	60%
2,500	208	901	25.00%	225.17	90%	202.65	\$147,466	\$91,971	60%
3,000	208	1,081	25.00%	270.20	90%	243.18	\$176,960	\$110,365	60%
Commercial (277/480, 3 phase)									
200	480	166	25.00%	41.57	90%	37.41	\$27,225	\$16,979	60%
400	480	333	25.00%	83.14	90%	74.82	\$54,449	\$33,958	60%
600	480	499	25.00%	124.71	90%	112.24	\$81,674	\$50,938	60%
800	480	665	25.00%	166.28	90%	149.65	\$108,898	\$67,917	60%
1,000	480	831	25.00%	207.85	90%	187.06	\$136,123	\$84,896	60%
1,200	480	998	25.00%	249.42	90%	224.47	\$163,347	\$101,875	60%
1,600	480	1,330	25.00%	332.55	90%	299.30	\$217,796	\$135,834	60%
1,800	480	1,496	25.00%	374.12	90%	336.71	\$245,021	\$152,813	60%
2,000	480	1,663	25.00%	415.69	90%	374.12	\$272,246	\$169,792	60%
2,500	480	2,078	25.00%	519.62	90%	467.65	\$340,307	\$212,241	60%
3,000	480	2,494	25.00%	623.54	90%	561.18	\$408,368	\$254,689	60%

NON-STANDARD IMPACT FEES

The proposed fees are based upon growth in kW. The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon public facilities.⁹ A developer may submit studies and data for a particular development and request an adjustment. This adjustment could result in a higher or lower impact fee if the City determines that a particular user may create a different impact than what is standard for its land use.

Estimated Diversified kW Usage * \$727.69

⁹ UC 11-36a-402(1)(c)



CALCULATION OF IMPACT FEE INTEREST CREDIT

This analysis calculates projected interest earnings and applies a credit in the fee calculation. The table below illustrates that the proposed impact fee revenue collections compared to impact fee expense, with interest credit applied.

TABLE 6.3: IMPACT FEE INTEREST CALCULATION

YEAR	KW	NEW KW	FEE PER KW	PROJECTED REVENUE	PROJECTED EXPENSE	PROJECTED BUY-IN EXPENSE	NET	CUMULATIVE	INTEREST EARNED
2023	50,635								
2024	54,686	4,051	\$728	\$2,947,872	\$0	\$0	\$2,947,872	\$2,947,872	\$29,479
2025	59,061	4,375	\$728	\$3,183,644	(\$1,481,702)	\$0	\$1,701,941	\$4,649,814	\$46,498
2026	63,786	4,725	\$728	\$3,438,335	(\$5,077,463)	\$0	(\$1,639,128)	\$3,057,184	\$30,572
2027	68,888	5,102	\$728	\$3,712,674	(\$8,897,135)	\$0	(\$5,184,461)	(\$2,096,705)	(\$20,967)
2028	74,399	5,511	\$728	\$4,010,300	\$0	\$0	\$4,010,300	\$1,892,627	\$18,926
2029	77,375	2,976	\$728	\$2,165,605	(\$3,504,110)	\$0	(\$1,338,504)	\$573,049	\$5,730
2030	80,470	3,095	\$728	\$2,252,201	(\$5,104,244)	\$0	(\$2,852,044)	(\$2,273,264)	(\$22,733)
2031	83,689	3,219	\$728	\$2,342,434	(\$661,170)	\$0	\$1,681,264	(\$614,733)	(\$6,147)
2032	87,037	3,348	\$728	\$2,436,306	(\$1,349,077)	\$0	\$1,087,229	\$466,349	\$4,663
2033	90,518	3,481	\$728	\$2,533,089	(\$3,004,165)	\$0	(\$471,076)	(\$64)	(\$1)
Total				\$29,022,460	(\$29,079,067)	\$0			

Assumes interest earnings based on one percent interest rate.

CONSIDERATION OF ALL REVENUE SOURCES

The Impact Fees Act requires the proportionate share analysis to demonstrate that impact fees paid by new development are the most equitable method of funding growth-related infrastructure. See **SECTION 5** for further discussion regarding the consideration of revenue sources.

EXPENDITURE OF IMPACT FEES

Legislation requires that impact fees should be spent or encumbered within six years after each impact fee is paid. Impact fees collected in the next five to six years should be spent or encumbered on only those projects outlined in the IFFP as growth-related costs to maintain the LOS or to reimburse existing development for excess capacity used. The existing impact fee fund balance is included in this analysis and will be spent on the projects that are shown here that were identified in the prior Impact Fee Facilities Plan (also included in this analysis).

PROPOSED CREDITS OWED TO DEVELOPMENT

Credits may be applied to developers who have constructed and donated system facilities to the City that are included in the IFFP in-lieu of impact fees. Credits for system improvements may be available to developers up to, but not exceeding, the amount commensurate with the LOS identified within this IFA. Credits will not be given for the amount by which system improvements exceed the LOS identified within this IFA. This situation does not apply to developer exactions or improvements required to offset density or as a condition of development. Any project that a developer funds must be included in the IFFP, if a credit is to be issued.

In the situation that a developer chooses to construct system facilities found in the IFFP in-lieu of impact fees, the decision must be made through negotiation with the developer and the City on a case-by-case basis.

GROWTH-DRIVEN EXTRAORDINARY COSTS

The City does not anticipate any extraordinary costs necessary to provide services to future development.

SUMMARY OF TIME PRICE DIFFERENTIAL

The Impact Fees Act allows for the inclusion of a time price differential to ensure that the future value of costs incurred at a later date are accurately calculated to include the costs of construction inflation. A four percent annual construction inflation adjustment is applied to projects completed after 2023 (the base year cost estimate).





Hurricane City

Electrical Transmission and Substation Impact Fee Facility Plan

May 2025
Rev 2



**Intermountain Consumer
Professional Engineers, Inc.**
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SECTION I GENERAL

Introduction

Intermountain Consumer Professional Engineers, Inc. (“ICPE”) performed studies and analyses for Hurricane City to update their Electrical Power Capital Facilities Plan and Impact Fee Facilities Plan.

ICPE utilized load predictions in the studies that were developed using recent load data provided by Hurricane City and load trends observed in Hurricane City over the past several years. The future loads used in the studies are predictions and do not reflect actual values which prevents ICPE from guaranteeing or assuring that the recommendations reflect actual events that will occur in the future. However, it is believed that all predictions and observations used in the study are reasonable and appropriate for the purpose of the Capital Facilities Plan and Impact Fee Facilities Plan.

Impact Fees - General

Impact fees are generally used by cities to fund infrastructure projects necessary to provide services to new developments within the city’s boundary. The new development should bear the additional or incremental capital cost for the services, existing residents who do not benefit from the new development should not bear the costs for services to the new development. Impact fees are not intended for operating expenses or for corrections to existing deficiencies in the services presently being provided by a city. Impact fees are based on anticipated new load increase to the electrical system due to the new developments. The improvements outlined in the plans are required to maintain the present level of service to both new and existing customers.

Impact Fees - Utah

In Utah, impact fees are governed by state statute, specifically U.C.A. 1953 § 11-36a-102. The Statute requires that each governmental agency that imposes an impact fee shall (1) prepare an Impact Fee Facilities Plan (§ 11-36a-301), (2) perform an Impact Fee Analysis (§ 11-36a-303), (3) calculate the Impact Fee(s) (§ 11-36a-305) and (4) certify the Impact Fee Facilities Plan (§ 11-36a-306).

As stated in the Statute, the “Impact Fee Facilities Plan (“IFFP”) shall identify (a) demands placed upon existing public facilities by new development activity; and (b) the proposed means by which the political subdivision will meet those demands.” The IFFP shall also consider all revenue sources,

including impact fees, used to finance impacts on system improvements. This report incorporates the most recent Hurricane City Capital Facilities Plan (“CFP”), dated August 2024. In general, the CFP outlines all projects necessary to maintain electrical service to existing customers and the IFFP outlines fees for the improvements necessary to provide service to new developments and customers. Projects identified in the CFP may be due to the correction of an existing deficiency or improvement necessary to maintain reliability and are not included in the IFFP.

The Utah Statute requires the governmental agency that imposes an impact fee to perform an analysis of the impact fee and document the results. The agency is also required to provide a summary document of the analysis that can be understood by a layman. The estimated impacts on the existing electrical system due to the new development are to be included in the Impact Fee Analysis (IFA) along with the costs associated with addressing the impacts. The IFA is also required to include the costs of existing capacity that will be recouped.

Impact Fee calculations may include the following:

- (a) The construction cost.
- (b) The cost of acquiring land and material.
- (c) The cost for planning, surveying, and engineering fees for services provided to design the construction.
- (d) Debt service charges, if the impact fees are used to pay the principal and interest on bonds or other obligations to finance the costs of the construction.

Impact Fee calculations are to be based on local industry standard material and labor estimates. The assumptions used to develop the estimates are to be included in the IFA. The IFFP and the IFA are to be certified by the person or entity that prepared the documents.

Hurricane City



Hurricane City is located in southwest Utah in Washington County, approximately 140 miles northeast of Las Vegas, NV. According to the US Census, the land area is 31.5 square miles and the estimated population in 2022 was about 20,609 persons. The median resident age is 43.3 years, the average household size is 2.87 persons, and the median household income is about \$64,182.

Hurricane can best be described as a suburban community since many of its resident's commute to work in the City of St. George other nearby business areas. Hurricane, as well as the surrounding area has a rapidly growing population.

Electricity Supply

General

Figure 1 illustrates the three basic components of an electrical system, an electric generator that creates the electricity, a transmission system that carries the electricity to the distribution system; and the distribution system that delivers the electricity to the customer.

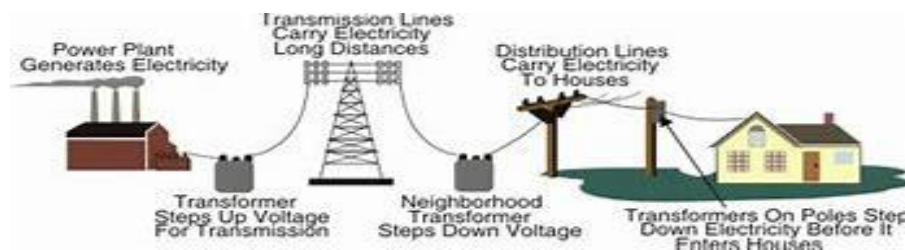


Figure 1

Illustration of a Typical Power Delivery System

Electricity Generation

Electricity is produced by a generator that is powered by a fuel source. The generator can be a steam, hydro, turbine, diesel engine, wind, solar or geothermal. The generated electricity is provided to a utility through purchased power agreements, which can be a firm power agreement (long-term and short-term); unit power (a portion of a specific generating unit) and non-firm (usually short-term). The type and amount of each generating resource that is used by a utility to meet the electrical demand depends on the amount and duration of the demand, the availability of the generating units and the cost of the electricity from the generating units. To meet the hourly demand for electricity, each available generating resource is evaluated according to its availability, capacity and operating cost and then dispatched accordingly to meet the demand for electricity in each hour of the day.

The utility's peak demand is the highest demand for electricity in any one hour. It is during these peak hours that a utility will use multiple generating resources including its own generating resources.

Electricity Transmission

The electricity leaving the generator is stepped up to a higher voltage by a transformer and delivered to the transmission system. The transmission system consists of transmission power poles or towers, conductors, substations and other equipment necessary to deliver electricity from the generators to the utility.

Transmission of electricity to Hurricane City is through the Utah Associated Municipal Power Systems (UAMPS) transmission system. UAMPS receives electricity through Rocky Mountain Power's transmission system.

Electricity Distribution

Electricity distribution is the final stage in the delivery of electricity to customers. An electricity distribution system receives electricity from the transmission system and delivers it to consumers. A typical electric distribution system includes medium-voltage (138kV, 69 kV & 12.47 kV) power lines, substations, transformers, service drops and metering. The distribution system begins where the voltage is stepped down through transformer(s) and ends at the secondary service point at the customer's meter. Distribution circuits begin at the low-voltage side of the transformer located in the City's substation. Conductors for the distribution delivery system are either located overhead on utility poles or buried underground.

Most electric customers are connected to a pole mounted or pad mounted transformer that reduces the distribution voltage to the low voltage used by customers. Each customer has an electrical service connection and a meter.

SECTION II CAPITAL FACILITIES PLAN AND IMPACT FEE FACILITIES PLAN

General

The Impact Fee Facilities Plan identifies the additional electrical load placed on an existing electrical system by new developments, identifies additions or modifications to the existing electrical system necessary to meet the increased load and provides costs for the system additions or modifications. The Plan will enable the utility to determine how they will fund the projects necessary to meet the load increase to the system.

The following summarizes the results of the Capital Facilities Plan Update that was completed in August 2024 where load increases were identified, projects were proposed to meet the load increase and costs were provided for the proposed projects.

Historical Population and Load Growth

According to the U.S. Census Bureau, the Hurricane City's population in 2020 was approximately 20,609. The population grew to 25,209 by 2024 for an approximate 22.3% increase in population over four years. The following table is a summary of the population growth since 1960.

Table 2-1
Hurricane City Historical Population

Historical population		
Census	Pop.	%±
1960	1,251	
1970	1,408	12.5%
1980	2,660	88.9%
1990	4,014	50.9%
2000	8,560	113.3%
2010	13,748	60.6%
2014	15,032	9.3%
2020	20,609	37.1%
Est 2024	25,209	22.3%

Hurricane City experienced a high growth rate between 1980 and 1990 and between 1990 and 2010. However, the electrical load during these periods did not increase as significantly as the population. The annual historical load growth since 1987 is shown in Table 2-2.

Table 2-2
Hurricane City
Electrical Load History

Year	PEAK kW	
	Summer Peak	% Growth (Summer)
1991	5,544	
1992	6,497	17.19%
1993	6,675	2.74%
1994	8,267	23.85%
1995	9,364	13.27%
1996	11,467	22.46%
1997	11,632	1.44%
1998	13,101	12.63%
1999	13,836	5.61%
2000	16,200	17.09%
2001	15,600	-3.70%
2002	18,200	16.67%
2003	19,700	8.24%
2004	21,200	7.61%
2005	25,700	21.23%
2006	27,800	8.17%
2007	31,300	12.59%
2008	29,300	-6.39%
2009	31,243	6.63%
2010	31,315	0.23%
2011	31,435	0.38%
2012	32,870	4.56%
2013	33,731	2.62%
2014	31,502	-6.61%
2015	34,228	8.65%
2016	37,411	9.30%
2017	37,527	0.31%
2018	38,483	2.55%
2019	39,148	1.73%
2020	44,416	13.46%
2021	49,060	10.46%
2022	49,314	0.52%
2023	50,635	2.68%

Electric Infrastructure and Future Needs

Transmission

Hurricane City Power is served by PacifiCorp's Purgatory Flat Transmission Substation with two radial 69kV lines, one line feeds Anticline substation and the other line feeds the other three 69kV substations. The radial 69kV line interconnects Hurricane City Power's four Distribution substations. Future Substation 1, Future Substation 2, and Three Falls Substation are planned to be fed by a 138 kV line originating at Purgatory Flat. Sky Mountain Substation is planned to be fed by the 69 kV line originating at Purgatory Flat.

In the 5-year planning horizon the new proposed Future Substation 1 will need a new 138 kV transmission line to provide power to the substation. This new 138kV transmission line would feed the new substation from the existing Purgatory Substation. The proposed 138kV line would be served by the 138kV bus of the Purgatory Substation. The line would be approximately 8.1 miles of single circuit 1272 ACSR conductor. Future Substation 1 would also need to be designed to allow for two transmission lines. The 138kV line needs to be extended to the Three Falls Substation from Future Substation 1. This line is necessary to provide power to the proposed second bay of Three Falls. This 138 kV would be approximately 4.6 miles of single circuit 1272 ACSR conductor. Three Falls was designed in a ring bus configuration to accommodate the building of this line.

In the 10-year planning horizon, Sky Mountain Substation will need to get power from the existing 69kV line that runs along 600 North, this line will be approximately 200 ft of 795 ACSR single circuit conductor. Future Substation 2 will need to get power from the existing 138kV line that runs along 600 North, this line will be approximately 400 ft of 1272 ACSR single circuit conductor. A new 138 kV transmission line is proposed that will make a connection between the existing 138kV line and the proposed line that will feed Future Substation 1, this line is necessary to build before Three Falls Substation is upgraded to a 138 kV substation. This 138 kV line would be approximately .9 miles of single circuit 1272 ACSR conductor. The existing 1/0 ACSR 69 kV transmission line that provides power to Three Falls Substation will need to be upgraded to accommodate the upgraded substation equipment and new bay. This new line will connect to the existing 138kV line along 600 North and will be approximately 1.9 miles of 1272 ACSR single circuit conductor.

Substations

Hurricane City Power system currently has four power distribution substations: Anticline Substation, Brentwood Substation, Clifton Wilson Substation, and Three Falls Substation. It is noted that during the time of this study Three Falls Substation was under construction but was not yet operating. So, the peak loading for Three Falls Substation was estimated.

In the 5-year planning horizon Anticline T1 will need to be upgraded to a 20 MVA transformer to meet growth requirements in the area. The Bay 1 voltage regulators will also need to be upgraded. Due to the projected growth in the area that Anticline Substation serves it will be necessary to have both bays of Anticline substation feeding load. The addition of one substation (Future Substation 1) will be necessary to meet growth requirements and to maintain the required current level of service. The location of Future Substation 1 should be in the general vicinity of 2700 South, east of Highway 7.

In the 10-year planning horizon the addition of Sky Mountain will be necessary to meet the estimated growth. The location of Sky Mountain is approximately 600 North and 2200 West. It will be necessary to install the second bay in Three Falls Substation to help take the load off Clifton Wilson and to help back up Future Substation 1. Sky Mountain Substation helps take load off Clifton Wilson and Brentwood Substations and helps provide backup of those substations during N-1 conditions. Three Falls substation should be upgraded from 69kV to 138kV. This is necessary to complete the 138kV loop for redundancy during N-1 conditions. Future Substation 2 will be a 138kV-69kV substation and will provide a second 69kV source for the 69kV substations during the loss of the 69kV line from Purgatory. The location of Future Substation 2 should be approximately 600 North in between Sky Mountain and Clifton Wilson.

Level of Service Standards

Consistent with current practice and level of service, Hurricane City plans, designs and operates its system based on the following criteria:

- Transformer ratings under varying load levels and loading conditions must remain below their ONAN/ONFA/ONFA 55-degree rating.
- Dual bay substations loading shall not exceed 75% of combined ONAN/ONFA/ONFA 55-degree MVA rating of power transformers.
- The system must be able to adequately serve load under single contingency (N-1) situations, where “N” is a power system element such as a transformer or line.
- The system switching required under an N-1 contingency should remain as simplified as possible to ensure that switching orders do not become unnecessarily complex.
- Distribution circuit loading criteria must remain below 90% of its maximum current rating.
- Transmission circuit voltage must remain between 95% and 105% of its nominal value.
- Distribution circuit voltage must remain between 98% and 105% (at loads) of its nominal value.
- Distribution circuit mains must be able to serve additional load under N-1 contingencies.

The above criteria were used to determine Hurricane City’s facility needs based on the amount of load (i.e., demand) placed on the existing system over the study planning horizon.

Demands Placed on Existing Facilities

Electrical demand loads on a system are measured in kilowatts (kW) or kilovolt-amperes (kVA) and are indicated as either coincident-peak (“CP”) demand or non-coincident peak (“NCP”) demand. The system CP demand is the maximum demand for the entire system measured at a point in time where the sum of all demands on the system is the highest for the system as a whole. The NCP demand is the sum of the maximum demands of individual customers or customer classes such as residential, commercial, industrial, measured for a period of time. The CP demand represents the combined loads across all customer classes measured at the system level where the NCP demand represents the total demand the system would be subject to if all customer classes peaked at the same time. The CP demand is usually lower than the NCP demand. For Impact Fees, CP represents the demand placed on the existing system as a whole, while NCP reflects the maximum demand placed on local facilities by individual customer classes. The CP demand is normally the demand that a utility plans for when sizing facilities that will be used to meet future growth on the system. However, each individual piece of equipment must be able to support its own individual peak demand even if that demand does not occur at the same time as the system’s CP.

Hurricane City’s projected CP demand between 2024 and 2033 are shown in Table 2-3. The System CP Demands for the planning period (2024 – 2033) were developed by ICPE.

Table 2-3
Summary of CP Demands
For the Period 2023 through 2033

Description	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
Total System CP Demands (kW)	54,686	59,061	63,786	68,888	74,399	77,375	80,470	83,689	87,037	90,518

System Modeling for the CFP/IFFP

The recent CFP completed contains results of load flow analysis of the Hurricane City electrical system. The system load flows provide insight on substation transformer loading and system voltage drop. The study includes analyzing N-1 outage conditions. An N-1 outage condition is the loss of a major system component such as loss of a substation transformer or loss of a main line section. The existing substations that were studied include Anticline, Brentwood, Clifton Wilson, and Three Falls. The CFP study is primarily focused on Transmission (69kV or greater) and Substation requirements.

To perform load flow analysis a system computer model was developed. System model development and analysis were performed on SKM Power Tools. System modeling data was developed from data provided by Hurricane City. System load was modeled based on 2023 peak values since they were available at the time. Circuit models are based on the assumption that provided circuit maps and data (conductor sizes, circuit configurations, line lengths, etc.) are reflective of actual field conditions.

Model Results

The following System Improvement Summary from the CFP details the anticipated projects and estimated expenditures necessary to sustain the projected growth rate for Hurricane City's electrical system for the next 10 years. There is greater confidence in projecting requirements for 2 to 3 years than there is for a 10-year or longer outlook. However, it is necessary to forecast future projects due to the magnitude (and cost) of the modifications necessary. Substation and transmission line projects can take significant time from start to finish due to material lead times and permitting requirements. Substation and transmission line requirements need to be addressed to meet future needs of the city in a timely fashion.

The proposed projects will provide a method for Hurricane City to plan and budget for the facilities necessary to serve the anticipated electrical load growth. Existing electrical facilities as well as new facilities will be used to meet projected load levels. Table 2-4 is a summary of the recommended projects, timing and costs. Detailed cost estimates for the various projects can be found in the appendix of the CFP. Costs shown are based on present 2024 project material and labor pricing.

Table 2-4
Summary of CFP Improvement Projects
For the Period 2024 through 2033*

Project Number	Description	Project Estimated Cost (\$) **	Estimated Timeframe	IFFP Percentage	Adjusted Project Cost
1	Replace Anticline T1	1,943,675.00	2025	73.3%	1,424,713.78
2	New 138kV line from Purgatory to Future Sub 1	6,404,366.00	2025-2027	73.3%	4,694,400.28
3	New Future Substation 1	7,690,408.00	2027	73.3%	5,637,069.06
4	New 138kV line from Future Sub 1 to Three Falls	3,100,207.00	2027-2028	73.3%	2,272,451.73
5	Three Falls Substation Bay 2	3,728,421.00	2029	73.3%	2,732,932.59
6	New 69kV line to Sky Mountain	200,805.00	2029	73.3%	147,190.07
7	New Sky Mountain Substation	5,503,354.00	2030	73.3%	4,033,958.48
8	New 138kV line to 600 North	685,450.00	2031	73.3%	502,434.85
9	New 138kV line from 600 North to Three Falls	1,339,409.00	2032	28.5%	381,731.57
10	Three Falls substation Bay 1 Upgrade	2,119,390.00	2032	28.5%	604,026.15
11	New 138kV line to Future Substation 2	210,848.00	2033	28.5%	60,091.68
12	New 138kV-69kV Future Substation 2	7,195,069.00	2033	28.5%	2,050,594.67
	TOTAL	40,121,402.00			24,541,594.90

* Note: Project timing will vary based on actual load growth amount and location.

** Values have been rounded.

IFFP Capital Projects and Costs

As previously mentioned, the costs for the above projects are estimated in 2024 dollars. As with most capital facilities plans, the majority of these projects are scheduled to occur in the earlier planning windows. However, growth in demand on the system generally happens in “groups” or “lumps” according to actual commercial and residential development. Actual load growth may be sooner or later than shown based on current economic and development levels. Projects shown in the IFFP may be delayed or accelerated based on actual load growth locations and timing.

Certification of the IFFP

I certify that the attached Impact Fee Facilities Plan:

1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;

CERTIFIED BY:

Signature: Mac Fillingim

Name: Mac Fillingim

Title: ICPE, Senior Engineer

Date: August 2024

**AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING
TITLE 1, CHAPTER 5 TO ADD SECTION 7 WITH REGARDS TO TERM LIMITS FOR
ELECTED MUNICIPAL OFFICIALS**

WHEREAS, the City Council of Hurricane, Utah desires to amend Title 1, Chapter 5 of the Hurricane City Code; and

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

BE IT HEREBY ORDINATED by the Hurricane City Council that Section 1-5-7 be added to the Hurricane City Code and to read as follows:

Sec. 1-5-7 Term Limits for Elected Municipal Officers.

A. Definitions. The terms utilized in this Section shall have the following meanings ascribed to them, unless the context clearly requires otherwise:

1. “Consecutive” means immediately following, without a break in service.
2. “Term” or “term of office” means the four-year period of time for which a mayor or council member is elected as provided by law.

B. Term limits established.

1. No person shall serve more than two consecutive terms of office as the mayor or a city council member; provided, however, that such person shall be eligible to hold office after a break in service of twenty-four months.

2. For purposes of this Section:

- a. The office of mayor is separate and distinct from the office of a member of the city council.
- b. A person serving for at least two years of an elected term shall be considered to have served a full term of office.
- c. Any periods of time during which a mayor or city council member serves as an appointed mayor or city council member shall not be included in the calculation of consecutive terms.
- d. A former mayor or city council member may be appointed to a position to fill a vacancy as otherwise provided by law without regard to the limits of this Section.

C. Effective date. In applying the term limits established by this Section, the calculation of consecutive terms shall begin with terms beginning or being served as of January 2026.

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

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

Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Hurricane City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.

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

PASSED AND APPROVED this 15th day of May 2025

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 15th day of May, 2025. Whereupon a motion to adopt and approve said Resolution was made by _____ and seconded by _____. A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
Joseph Prete	___	___	___	___
Clark Fawcett	___	___	___	___
David Hirschi	___	___	___	___
Kevin Thomas	___	___	___	___
Drew Ellerman	___	___	___	___


Cindy Beteag, Recorder



STAFF COMMENTS

Item: Consideration and possible approval of waiving all City impact fees for Washington County's EOC/Parks Building.

Discussion: - Washington County has an approved site plan to construct a 16,150-square-foot building to house the Emergency Operations Center and Parks Department, located at approximately 5710 W Shooting Sports Park Road. As part of the project, the County is requesting a waiver for all impact fees associated with the development. Based on the building's square footage, the total impact and connection fees are as follows: Public Safety – \$345.80, 1" Water Impact – \$5,522.00, Parks Impact – \$11,938.56, Streets Impact – \$3,388.84, and 600-amp Power Impact – \$22,073.00, totaling \$43,268.20. The County will still pay the water connection fee, which is a hard cost to the City. Similarly, the Power Department will issue an invoice for the power connection fee, as the building will be CT metered. It is recommended that the County coordinate with the Fire District and Ash Creek Sewer District to seek waivers for their respective impact fees. Documentation has been provided confirming that the Washington County Water Conservancy District has already waived its impact fees for this project. - Cindy Beteag

Findings:

Recommendation:

Cindy Beteag

From: Tami Jones
Sent: Wednesday, May 14, 2025 1:06 PM
To: Cindy Beteag
Subject: County Impact Fees

Cindy,

Here are the fees (impact and connection) for the County EOC building. The Power Department will invoice for the power connection fee since it will be CT metered.

Public Safety: \$345.80
1" Water Connection: \$1315.00
1" Water Impact: \$5522.00
Parks Impact: \$11,938.56
Streets Impact: \$3388.84
600-amp Power Impact: \$22,073.00

Here is the water impact and connection fees for the Legacy Park RV Pads.

¾" Water Connection: \$731.00
¾" Water Impact: \$3106.00

Thank you,
Tami Jones
Hurricane City
Permit Technician
435-635-2811 Ext 122
435-635-2184 Fax



STAFF COMMENTS

Item: Consideration and possible approval waiving the City water impact fee for Washington County's Legacy Park trailer hookups.

Discussion: - Washington County is requesting a waiver for the water impact fees associated with the development of the trailer hookups, totaling \$3,106.00. The County will still pay the water connection fee, which is a hard cost to the City. - Cindy Beteag

Findings:

Recommendation:

Cindy Beteag

From: Tami Jones
Sent: Wednesday, May 14, 2025 1:06 PM
To: Cindy Beteag
Subject: County Impact Fees

Cindy,

Here are the fees (impact and connection) for the County EOC building. The Power Department will invoice for the power connection fee since it will be CT metered.

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1" Water Connection: \$1315.00
1" Water Impact: \$5522.00
Parks Impact: \$11,938.56
Streets Impact: \$3388.84
600-amp Power Impact: \$22,073.00

Here is the water impact and connection fees for the Legacy Park RV Pads.

¾" Water Connection: \$731.00
¾" Water Impact: \$3106.00

Thank you,
Tami Jones
Hurricane City
Permit Technician
435-635-2811 Ext 122
435-635-2184 Fax



STAFF COMMENTS

Item: Consideration and possible approval of a Real Estate Purchase and Construction Agreement with D & G Property Holdings, LLC and Washington County Council of Governments - Arthur LeBaron

Discussion: Using Corridor Preservation Funds in 2017, the City purchased 7 vacant lots in the Quail Creek Industrial development to preserve the Purgatory Road corridor from development. Since that time Dennett Construction has finished several phases of the Quail Creek Industrial park, and has worked their way to the point that Purgatory Road needs to be connected through the preserved area. City staff members worked with an appraiser and Dennett Construction to make an agreement wherein the Dennetts purchase the 7 vacant lots for \$1,165,000 and complete the construction of Purgatory Road as it is master planned. The \$1,165,000 will go back into the Corridor Preservation Fund and the roadway connection will be completed between Phase 5 of Quail Creek Industrial and the existing 5300 West that runs past Purgatory Correctional Facility.

Findings: City Staff and Dennett Construction are happy with the agreement before the Council. Washington County Staff have been consulted and are on board with this sale. The property transaction has been properly noticed to the public for disposal.

Recommendation: Approval of the Purchase and Construction Agreement is recommended.
– Arthur LeBaron

REAL ESTATE PURCHASE AND CONSTRUCTION AGREEMENT

This Real Estate Purchase and Construction Agreement (“Agreement”) is entered into on the 15th day of May, 2025, by and between Hurricane City, a Utah municipal corporation (“City”), Washington County Council of Governments (“COG”) and D & G Property Holdings, LLC, a Utah Limited Liability Company (“D&G”). City, COG, and D&G are referred to collectively as the “Parties”.

RECITALS

- A. City and COG own the following seven (7) lots within the Quail Creek Industrial Park in Hurricane City, Washington County, state of Utah: H-QCIP-2-7; H-QCIP-2-8; H-QCIP-2-9; H-QCIP-2-10; H-QCIP-2-11; H-QCIP-2-12; H-QCIP-3-20 (the “Property”) (the Property is more particularly described at **Exhibit A**).
- B. City and COG acquired the Property to preserve a public corridor known as Purgatory Road and 5300 West, and some utilities have already been placed within the corridor.
- C. The total area of the Property exceeds what is necessary and appropriate to accommodate a public right-of-way, and City and COG have determined that the excess property should be disposed of for a beneficial use.
- D. D&G is a land developer and contractor that is willing to purchase the excess property and also construct Purgatory Road and dedicate it as a public right-of-way through the Property (the “Roadway Improvements”) in exchange for an offset to the purchase price. D&G will also be required to re-plat the Property to account for the new roadway and amend the existing lots.
- E. City has secured an appraisal that establishes the value of the Property and accounts for the estimated cost of the Roadway Improvements.
- F. The Parties have agreed to the terms regarding the property purchase, right-of-way construction, and land conveyance as set forth in this Agreement.

NOW, THEREFORE, the Parties AGREE as follows:

- 1. Recitals. The Recitals above are incorporated into this Agreement as if set forth herein.
- 2. Construction Obligations. D&G shall construct Roadway Improvements as shown on the construction drawings attached hereto as **Exhibit B** (the “Construction Drawings”). The Construction Drawings have not yet been approved by the City or the City’s Joint Utility Committee (“JUC”). D&G will be responsible to submit the Construction Drawings to the JUC for approval and, if necessary, make revisions. The Construction drawings, as amended, shall meet all applicable codes, regulations, and standards. The Roadway Improvements shall be within the Property, plus the improvements modifying and connecting the new right-of-way to the existing improvements in Purgatory Road and 5300 West, as shown on the Construction Drawings. The Roadway Improvements will be subject to all normal inspections by City and other regulatory authorities, including City’s preliminary acceptance. The Roadway Improvements shall be completed in accordance with all applicable local, state, and federal rules and regulations.

3. Plat Amendment. D&G shall submit appropriate land use applications to City to amend the existing lots within the Property and delineate the roadway within the Property to be dedicated to City. City shall waive all fees associated with land use applications necessary to amend the existing lots within the Property and establish the boundaries of the roadway.
4. Purchase Price. Pursuant to the appraisal commissioned by City, D&G shall pay to COG \$1,165,000 (the "Purchase Price") in the manner directed by COG. The Purchase Price reflects and accounts for the estimated costs that D&G will incur in constructing the Roadway Improvements.
5. Timing of Performance. After execution of this Agreement, D&G will actively pursue approval of the Construction Drawings, as revised, and the plat amendments and other land use applications necessary to amend the lots within the Property and delineate the dedicated public right-of-way. Following the approval of the Construction Drawings and the issuance of a Notice to Proceed, D&G may begin construction. D&G shall complete the Roadway Improvements on or before September 15, 2026. The land use applications amending the lots and delineating the dedicated public right-of-way within the Property may be approved by the City Planning Commission and City staff in the normal course, subject to the applications meeting the applicable rules, regulations, and standards. After preliminary acceptance of the Roadway Improvements, payment of the Purchase Price to COG, and the recording with the Washington County Recorder of the documents that amend the lots within the Property and delineate the dedicated roadway and public utility easements to the City, City and COG shall execute and deliver to D&G warranty deeds conveying the amended lots to D&G, which shall exclude the new roadway and identified public utility easements.
6. Mutual Cooperation, Concurrent Recording, and Additional Documents. Each Party will use its best and reasonable efforts to successfully carry out and complete each task, covenant, and obligation as stated herein. Each of the Parties shall cooperate in good faith with the other and shall do any and all acts and execute, acknowledge, and deliver any and all documents so requested in order to satisfy the conditions set forth herein and carry out the intent and purposes of the Agreement.
7. General Terms.
 - a. This Agreement may be executed on two or more counterparts, each of which shall be an original, but all of which shall constitute one and the same instrument.
 - b. Any uncertainty or ambiguity existing herein shall not be interpreted against any Party because such party prepared any portion of this Agreement but shall be interpreted according to the application of rules and interpretation of contracts generally.
 - c. This Agreement shall be governed by the laws of the State of Utah both as to interpretation and performance.
 - d. Neither any other provisions contained in this Agreement nor any acts of any party shall be deemed or construed by another party or by any third person to

create the relationship of partnership or of shared venture of any association between the Parties, other than contractual relationships stated in this Agreement.

- e. D&G, individually and for and on behalf of any heirs, administrators, successors and assigns, hereby indemnifies, releases and agrees to defend the City and COG and each of their past, present, and future employees, departments, contractors, managers, volunteers, elected officials, attorneys, agents, servants, representatives, insureds, and all other persons or entities for whose conduct they may be liable from any and all claims, demands, damages, causes of action, suits and liabilities which Releasing Party now has or which may hereafter accrue because of, arising out of or in any way connected with the subject matter of this Agreement.
- f. City and COG are governmental entities in the State of Utah and are bound by the provisions of the Utah Governmental Immunity Act (Title 63G, Chapter 7, Utah Code Annotated, 1953, as amended) and do not waive any procedural or substantive defense or benefit provided or to be provided by the Governmental Immunity Act or comparative legislation enactment, including with limitation, the provisions of Section 63G-7-604 regarding limitation of judgments. Any indemnity and insurance obligations incurred by City or COG under this Agreement are expressly limited to the amounts identified in the Act.

HURRICANE CITY

WASHINGTON COUNTY COUNCIL OF
GOVERNMENTS

By: Nanette Billings
Its: Mayor

By:
Its:

D & G PROPERTY HOLDINGS, LLC

By: Doug Dennett
Its: Manager

Exhibit A
Legal Description

Parcel 1: Lots 7, 8, 9, 10, 11 and 12, QUAIL CREEK INDUSTRIAL PARK SUBDIVISION -PHASE 2, according to the Official Plat thereof, on file in the Office of the Recorder of Washington County, State of Utah.

Parcel 2: Lot Twenty (20), QUAIL CREEK INDUSTRIAL PARK SUBDIVISION - PHASE 3, according to the Official Plat thereof, on file in the Office of the Recorder of Washington County, State of Utah.

PURGATORY ROAD

PRELIMINARY CONSTRUCTION DRAWINGS

LOCATED IN HURRICANE, UTAH

SECTION 3, TOWNSHIP 42 SOUTH, RANGE 14 WEST

SHEET NO.	SHEET NAME
C1	COVER SHEET
C2	GENERAL NOTES & LEGENDS
C3	SITE & SIGNAGE PLAN
C4	GRADING & DRAINAGE PLAN
C5	PLAN & PROFILE - PURGATORY ROAD REALIGNMENT
C6	PLAN & PROFILE - 720 SOUTH & 5520 WEST
C7	UTILITY PLAN
C8	STANDARD DETAILS
C9	STANDARD DETAILS
C10	STANDARD DETAILS
C11	STANDARD DETAILS
C12	STANDARD DETAILS

GENERAL NOTES

- CONTRACTOR IS RESPONSIBLE TO VERIFY LOCATIONS OF ALL UTILITIES PRIOR TO COMMENCEMENT OF WORK IN ANY ZONE.
- ALL WORK AND MATERIALS SHALL COMPLY WITH CITY STANDARD SPECIFICATIONS & ASH CREEK SPECIAL SERVICE DISTRICT CONSTRUCTION STANDARD.
- PROJECTS SHALL INSTALL AN INFORMATIONAL SIGN ON SITE BEFORE CONSTRUCTION BEGINS. THIS SIGN WILL HAVE A MINIMUM SIZE, PLACEMENT LOCATION AND CONTENT INFORMATION WITH THE COMPANY NAME, PHONE CONTACT AND GRADING PERMIT NUMBER.
- PROJECTS SHALL SUBMIT A DUST CONTROL PLAN WITH DETAILS ON EQUIPMENT, SCHEDULING AND REPORTING OF DUST CONTROL ACTIVITIES.
- A MANDATORY PRE-CONSTRUCTION MEETING WILL BE REQUIRED ON ALL PROJECTS PRIOR TO ANY GRUBBING, GRADING OR CONSTRUCTION ACTIVITIES. THE PERMIT HOLDER WILL BE REQUIRED TO NOTIFY ALL DEVELOPMENT SERVICE INSPECTORS.
- FOLLOW APPENDIX 'J' STANDARDS FOUND IN THE IBC.
- ALL OBJECTS SHALL BE KEPT OUT OF THE SIGHT DISTANCE CORRIDORS THAT MAY OBSTRUCT THE DRIVER'S VIEW.

DUST CONTROL

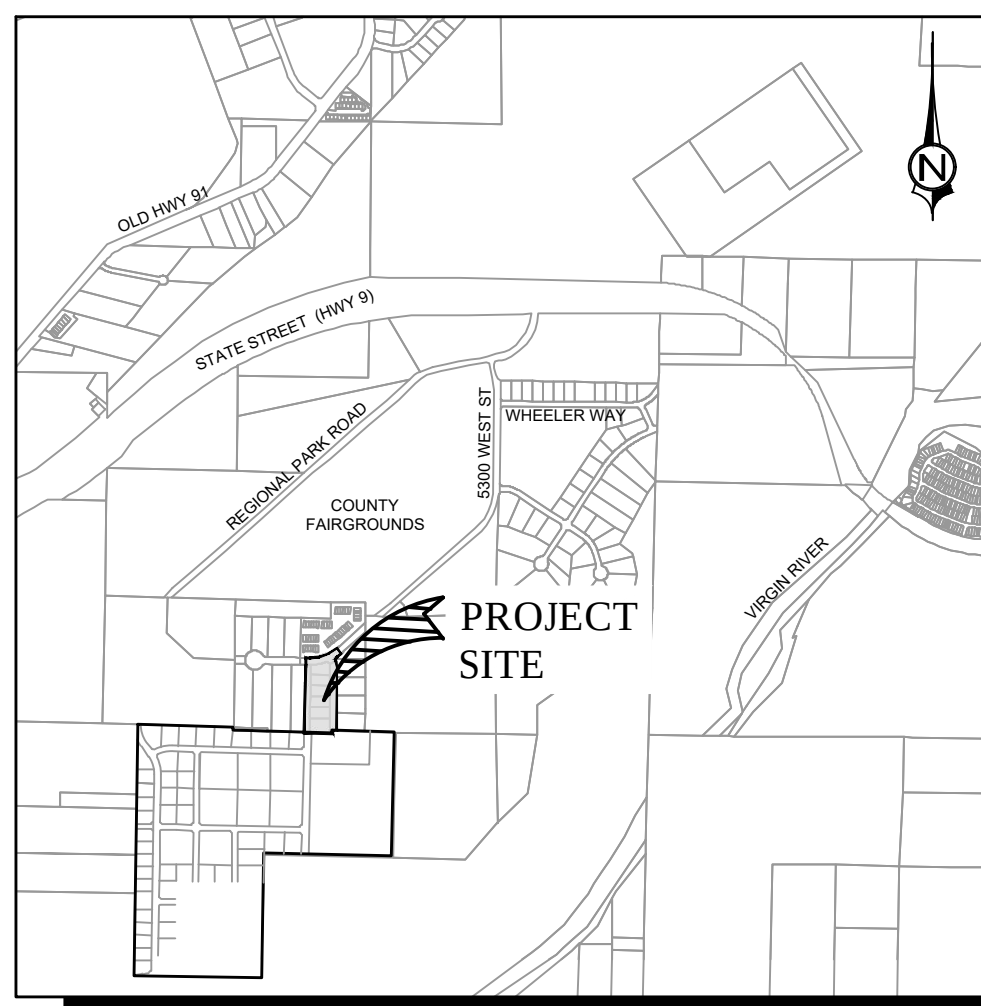
THESE DUST CONTROL MEASURES MUST BE OBSERVED AT ALL TIMES.

EARTH MOVING ACTIVITIES

- APPLY WATER BY MEANS OF TRUCKS, HOSES AND/OR SPRINKLERS AT SUFFICIENT FREQUENCY AND QUANTITY, PRIOR TO CONDUCTING, DURING AND AFTER EARTH MOVING ACTIVITIES.
- PRE-APPLY WATER TO THE DEPTH OF THE PROPOSED CUTS OR EQUIPMENT PENETRATION.
- APPLY WATER AS NECESSARY AND PRIOR TO EXPECTED WIND EVENTS.
- OPERATE HAUL VEHICLES APPROPRIATELY IN ORDER TO MINIMIZE FUGITIVE DUST AND APPLY WATER AS NECESSARY DURING LOADING OPERATIONS.

DISTURBED SURFACE AREAS OR INACTIVE CONSTRUCTION SITES

- WHEN ACTIVE CONSTRUCTION OPERATIONS HAVE CEASED, APPLY WATER AT SUFFICIENT FREQUENCY AND QUANTITY TO DEVELOP A SURFACE CRUST AND PRIOR TO EXPECTED WIND EVENTS.
- INSTALL FENCE BARRIER AND/OR "NO TRESPASSING" SIGNS TO PREVENT ACCESS TO DISTURBED SURFACE AREAS.



VICINITY MAP
(N.T.S.)

APPROVALS		UTILITIES	
PUBLIC WORKS	DATE	PHONE	DATE
CITY ENGINEERING	DATE	GAS	DATE
PLANNING & ZONING			DATE
PARKS & RECREATION			DATE
STREETS DEPARTMENT	DATE	HURRICANE VALLEY FIRE DISTRICT	DATE
WATER DEPARTMENT	DATE	WASHINGTON COUNTY WATER CONS DISTRICT	DATE
GIS	DATE	ASH CREEK SPECIAL SERVICE DISTRICT	DATE
POWER	DATE		



1453 S. DIXIE DRIVE, SUITE 150
ST. GEORGE, UT 84770
435.986.0100



NOT FOR
CONSTRUCTION

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REVISION			
NO.	DESCRIPTION	BY	DATE

CONSTRUCTION DRAWINGS

PURGATORY ROAD
LOCATED IN HURRICANE, UTAH

PROJ. #:	Fx. 25115
DATE:	03/26/2025
DESIGN BY:	ZNI
CHECKED BY:	BLW
SCALE OF SHEET	
HOR SCALE:	N/A
VER SCALE:	N/A
SHEET	

C1

2. ALL WATERLINE WORKS MUST BE INSTALLED BY A LICENSED AND INSURED CONTRACTOR THAT IS APPROVED BY HURRICANE CITY.
3. ALL CONSTRUCTION SHALL CONFORM TO THE "HURRICANE CITY STANDARD SPECIFICATIONS FOR DESIGN AND CONSTRUCTION", THE "INTERNATIONAL PLUMBING CODE", THE "INTERNATIONAL ELECTRICAL CODE", THE "INTERNATIONAL BUILDING CODE" AND THE "INTERNATIONAL MECHANICAL CODE".
4. CONTRACTOR SHALL POT-HOLE ALL PIPELINES AND VERIFY LOCATION AND DEPTH PRIOR TO PROCEEDING WITH ANY BUILDING OR PIPELINE CONSTRUCTION.
5. ALL PLUMBING WATER SUPPLY TO LAWN IRRIGATION SYSTEMS SHALL BE PROTECTED AGAINST BACK FLOW PER THE "INTERNATIONAL PLUMBING CODE (IPC)" SECTION 608.16.5 AND FOR FIRE SPRINKLER SYSTEMS PER (IPC) 608.16.4.
6. ALL BACK FLOW ASSEMBLY INSTALLATION AND TEST REQUIREMENTS SHALL BE IN ACCORDANCE WITH THE HURRICANE CITY BACK FLOW ORDINANCE (TITLE 8 CHAPTER 3).
7. ALL WORK IN EXCESS OF THE PERMIT OR IN VIOLATION OF THE NEW PIPELINE WILL BE AS SHOWN ON THE DETAILS. USE MEGA-LUG ON THE FITTINGS AND FIELD LOCK JOINT REINSTRAL GASKETS ON THE REQUIRED LENGTH OF RESTRAINED PIPE. NO CONCRETE THURST BLOCKS ARE ALLOWED WITHOUT WATER DEPARTMENT APPROVAL.
8. ASPHALT REPLACED OVER THE PIPE (TRENCHING IS TO MATCH EXISTING PAVEMENT DEPTHS WITH A 6" OVER CUT FROM EDGE OF THE TRENCH LINE ON EITHER SIDE).
9. CONTRACTORS SHALL CUT OFF AND CAP (BACK AT THE WATER MAIN), ALL EXISTING SERVICE LINES OR UN-USED STUB LINES THAT WILL BE ABANDONED.
10. ANY CHANGE MADE IN THE FIELD MUST BE FIRST APPROVED AND DOCUMENTED BY THE HURRICANE CITY WATER SERVICES DEPARTMENT.
11. ALL NEW FIRE HYDRANTS SHALL BE INSTALLED AT THE CORRECT HEIGHT. EXTENSIONS WILL NOT BE ALLOWED.
12. ALL NEW FIRE HYDRANTS SHALL BE INSTALLED AT THE SERVICE SIDE OF THE STREET. ALL NEW FIRE HYDRANTS SHALL NOT BE ALLOWED WITHOUT SPECIAL APPROVAL OF THE CITY. A MINIMUM OF 48 HOURS NOTICE TO THE CITY SHALL BE REQUIRED BEFORE MAKING CONNECTIONS. CONNECTIONS TO THE EXISTING INFRASTRUCTURE SHALL BE DONE DURING THE TIME OF LEAST INCONVENIENCE TO CUSTOMERS OF EXISTING SYSTEM. INTERRUPTIONS OF SERVICE SHALL BE LIMITED TO 24 HOURS. ANY INTERRUPTIONS OF SERVICE SHALL BE NOTIFIED TO ALL CUSTOMERS WHO WILL BE AFFECTED BY SERVICE INTERRUPTION AT LEAST 24 HOURS PRIOR TO THE INTERRUPTIONS OF SERVICE.
13. TEMPORARY CONSTRUCTION WATER MAY BE OBTAINED FROM AN EXISTING FIRE HYDRANT BY MAKING APPLICATION AT THE HURRICANE CITY WATER DEPARTMENT.
14. THE EXISTENCE AND LOCATION OF WATER FACILITIES SHOWN ON THE CONSTRUCTION DRAWINGS WERE OBTAINED BY A SEARCH OF AVAILABLE RECORDS. TO THE BEST OF THE DESIGN ENGINEER'S KNOWLEDGE, THE EXISTING WATER FACILITIES ARE AS SHOWN ON THE PLANS. HURRICANE CITY SHALL NOT BE HELD RESPONSIBLE FOR ANY ERROR IN THE LOCATION AND ELEVATION OF THE EXISTING WATER FACILITIES.
15. EACH WATER SERVICE SHALL BE TAPPED TO ALL WATER LINES FOR LOCATING PURPOSES. THE WIRE SHALL BE BROUGHT UP AT EACH WATER VALVE BOX AND HYDRANT.

PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS OF HURRICANE CITY POWER:

3. DEVELOPER RESPONSIBLE FOR AIR CLOSERS, UNLESS OTHERWISE STATED ON PRINT.
4. FOR SCHEMATIC PURPOSES ONLY, EQUIPMENT PLACEMENT TO BE INSTALLED TO HURRICANE POWER SPECS.
5. APPROVED CONTRACTOR TO GO OVER PLANS WITH HC POWER BEFORE WORK BEGINS. CONTACT HC POWER FOR AN APPOINTMENT. 435-635-5538
6. EASEMENTS TO BE SIGNED OVER TO HURRICANE CITY. IT IS THE DEVELOPER'S RESPONSIBILITY TO MAKE SURE EASEMENTS ARE OBTAINED FROM ANY PROPERTIES THAT MAY BE AFFECTED.
7. RUNNING LINE FOR POWER IS ON THE NORTH AND WEST SIDE OF THE STREET UNLESS OTHERWISE APPROVED. ALWAYS WITHIN THE EXISTING PAVED AVAILABLE.
8. NO RETAINING WALLS TO RUN INTO UTILITY EASEMENTS.
9. ANY CHANGES TO THE SIGNED SET OF PLANS MUST BE APPROVED BY HURRICANE POWER.
10. THE ENTIRE JUC TRENCH MUST BE BACKFILLED WITH 1" MINUS FROM THE BOTTOM TO THE TOP OF THE TRENCH. ALSO AROUND ELECTRICAL BOXES AND EQUIPMENT.
11. IMPACT FEES TO BE COLLECTED BY BUILDING DEPT. IMPACT FEES TO BE CHARGED PER METER/INDIVIDUAL BREAKER SIZE. CONTACT HURRICANE POWER.
12. ALL EQUIPMENT INCLUDING TRANSFORMERS, METERS VAULTS, ETC. SHALL NOT BE LOCATED INSIDE FENCED AREAS. METERS SHALL BE KEPT ACCESSIBLE.
13. DEVELOPERS WILL BE INVOICED A TERMINATION FEE PER PRIMARY ELBOW.
14. DETERMINE LOCATION OF TRANSFORMER LOCATION TRANSFORMER MAY NEED BOLLARDS TO PROTECT IT FROM TRAFFIC. CONTACT HURRICANE POWER REGARDING QUESTIONS.
15. CEMENT BASEMENTS, THREE PHASE TRANSFORMER PADS, AND STREETLIGHT BASES TO BE PRE-CAST ONLY. TO BE SUPPLIED BY APPROVED VENDORS ONLY.
16. HURRICANE CITY POWER WILL NEED TO KNOW MAIN PANEL SIZE AND SERVICE VOLTAGE NEEDS IN ORDER TO DETERMINE TRANSFORMER SIZE AND IMPACT FEES BEFORE PROJECT STARTS.
17. THE SIZE OF ACCEPTABLE CONDUIT FROM THE TRANSFORMER TO METER PANEL IS 2" 3" AND 4" PVC. SIZE OF ACCEPTABLE WIRE IS 40, 350, OR 500 MCM.
18. HURRICANE POWER HAS CHANGED OUR STREETLIGHT SPEC TO LED. SEE HC POWER FOR NEW SPECS. ALL STREETLIGHTS WILL BE BLACK HEAD AND BLACK POLE.
19. 0.75% SLOPE LEVEL WITH THE SIDEWALK WILL BE MAINTAINED AROUND ALL ELECTRICAL EQUIPMENT FOR 5' ON ALL SIDES, ANY SLOPES OR CHANGES OF GRADE WILL BE RETAINED WITH CONCRETE, BLOCK, OR STACKED ROCK TO MAINTAIN LEVEL.
20. ANY INVOICE WILL BE SENT AT TIME OF PUNCH-LIST FOR ALL ELBOW TERMINATIONS, RISER GEES, VAULT AND SWITCH CONNECTION FEES, AND ANY EXTRA TIME SPENT ON JOB IF APPLICABLE.
21. HURRICANE POWER WILL WORK IN CONJUNCTION WITH ALL METRIC SOCKETS MUST BE LABELED WITH PLACARDS, OR METALLIC STICKER TO THE APPROPRIATE UTILITY.
22. ALL NEW CONDUITS AND SWITCH WILL NEED TO BE RE-PLACED AS THEY WILL BE SHORT TO REACH THE NEW EQUIPMENT.
23. ALL NEW CONDUITS AND SWITCH WILL NEED TO BE IN PLACE BEFORE MAKING THE CONNECTION WITH THE OLD POWER EQUIPMENT.

1. SEWER IS TO MEET THE CURRENT ASH CREEK SPECIAL SERVICE DISTRICT (DISTRICT) CONSTRUCTION STANDARD.
2. PRIOR TO COMPLETION OF THE PROJECT PROVIDE A COPY OF THE GEOTECHNICAL REPORT AND THE COMPACTION TEST RESULTS TO THE DISTRICT.
3. 2" CONCOURSE SHALL BE CONSTRUCTED TO THE EXISTING FINISH ELEVATION OF RECORD. THE DRAWING OF RECORD SHALL BE USED TO DETERMINE THE LOCATION OF RECORD. THE DISTRICT SHALL BE PROVIDED A DISTANCE FROM THE NEAR SIDE PROPERTY LINE TO THE SEWER LATERAL MARKER, ALSO INCLUDE ANY CHANGES TO SEWER MAIN LINE SLOPES AND DEPTHS.
4. PRIOR TO THE CONTRACTOR BEING RESPONSIBLE TO CLEAN AND TEST THE SEWER LINES AFTER ALL UTILITIES HAVE BEEN INSTALLED BUT PRIOR TO ASPHALT PLACEMENT. THE FOLLOWING TESTS WILL NEED TO BE COMPLETED BY THE CONTRACTOR: MANHOLE TEST, AIR TEST AND CLOSED-CIRCUIT CAMERA INSPECTION. CAMERA INSPECTION IF PROVIDED BY THE DISTRICT CAN BE SCHEDULED WITH THE DISTRICT REPRESENTATIVE. TUESDAYS OR THURSDAYS ARE GENERALLY WHEN THE DISTRICT CAN PERFORM THIS CAMERA WORK.
5. DURING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE TO MAINTAIN ALL EXISTING UTILITIES AND TO PROTECT THE SEWER SYSTEM FROM FLOODING OR RAIN EVENTS.
6. SEWER CROSSING PER NOTE (SLEEVE SEWER MAINS & LATERALS 18" CLEARANCE ARE NOT MET OR WHEN SEWER IS ABOVE WATER, 20" LONG CENTERED AT WATER LINE).
7. NO SEWERS UNDER 9" DEEP UNLESS APPROVED BY ASH CREEK SSD 435-635-2348.
8. ANY SEWERS NOT IN PUBLIC STREETS SHALL SHOW RECORD EASEMENTS.

1. CONSTRUCTION OF ROADS MUST BE COMPLETE WITH ALL WEATHER SURFACE PRIOR TO SIGN OFF FOR BUILDING PERMIT
2. FIRE HYDRANT MUST PRODUCE A MINIMUM OF 1,000 GPM. (2021 IFC APPENDIX B)
3. HYDRANT SPACING PER 2021 IFC APPENDIX C
4. BURNING OF CONSTRUCTION MATERIAL IS PROHIBITED
5. HYDRANTS MUST BE CHARGED AND WORKING BEFORE COMBUSTIBLE MATERIAL CAN BE DELIVERED
6. KNOW THE LOCATION OF ALL COMMERCIAL BUILDINGS
7. FDC MUST BE REMOTE, OUT OF THE COLLAPSE ZONE OF THE BUILDING AND WITHIN 50' OF A FIRE HYDRANT & EQUIPPED WITH KNOW CAPS
8. UNDERGROUND PLUMB MUST BE WITNESSED BY HVFSD
9. FIRE HYDRANTS MUST MAINTAIN 3' CLEAR SPACE AROUND HYDRANT. NO FENCES OR SHRUBS SHALL BE WITHIN 3'

1. DEVELOPER TO PROVIDE ALL TRENCH, BACKFILL, AND ROAD CROSSINGS. CENTURYLINK SUB CONTRACTOR (NELLS FUGALI) WILL PLACE CONDUIT IN TRENCH. CALL 435-632-6553 15 DAYS PRIOR TO REQUIREING CONDUIT TO SCHEDULE DELIVERY.

2. ANY BREAKS/BLOCKAGES IN CONDUIT RESULTING FROM IMPROPER BACKFILL OR OTHER CONSTRUCTION/UTILITY PLACEMENT ARE THE DEVELOPER RESPONSIBILITY TO REPAIR AND MAY RESULT IN DELAY OF SERVICE.

3. CENTURYLINK WILL BE CONTACTED AT 365-244-7763 OR DARRIN ALLEN AT 365-244-7763 WITH ANY QUESTIONS OR CHANGES TO JUC PLANS

4. ANY CENTURYLINK FACILITY RELOCATION ASSOCIATED WITH PROJECT WILL BE BILLABLE 100% TO OWNER/DEVELOPER AND MUST BE SCHEDULED A MINIMUM OF 45 DAYS IN ADVANCE.

1. DEVELOPER TO PROVIDE ALL REQUIRED TRENCH WITHIN THE PROJECT.
2. ANY MODIFICATIONS REQUIRED TO FEED PROJECT WILL BE BILLED TO THE DEVELOPER.
3. INFOWEST WILL PROVIDE ALL CONDUITS. CALL 435-272-3559 OR EMAIL JUCI: INFOWEST.COM FOR CONDUIT DELIVERY AT LEAST ONE WEEK PRIOR TO OPENING THE TRENCH.
4. FOR COMMERCIAL PROJECTS WITH AN MDF/COMM ROOM, DEVELOPER WILL INSTALL A 2" PVC RUN TO THE EXTERIOR OF THE BUILDING.
5. ANY QUESTIONS REGARDING SERVICE SHOULD BE DIRECTED TOWARDS GAB TREMBLAY, 435-272-3559 OR JUCI: INFOWEST.COM
6. THE COST OF ANY OF THE EXISTING INFOWEST FACILITIES IS BILLABLE TO THE DEVELOPER. THE DEVELOPER WILL BE PROVIDED WITH AN ESTIMATE OF COSTS FOR WORK DONE.

1. THE DEVELOPER WILL PROVIDE ALL REQUIRED TRENCH WITHIN THE PROJECT. ANY MODIFICATIONS ALONG THE PERIPHERY TO FEED THIS PROJECT WILL BE BILLED TO THE DEVELOPER.
2. TDS WILL PLACE CONDUITS IN AN OPEN/JOINT TRENCH. PLEASE CONTACT TDS ENGINEERING AT 438-286-1415 AT LEAST 3 WEEKS PRIOR TO OPENING TRENCH TO CREATE DESIGN AND SCHEDULE WORK.
3. CONTACT TDS PRIOR TO CONSTRUCTING BUILDINGS FOR PREWIRE OPTIONS FOR FIBER OPTIC SERVICE. ANY OTHER QUESTIONS REGARDING CONSTRUCTION OF SERVICE SHOULD BE DIRECTED TO TDS ENGINEERING AT 438-286-1415.
4. RELOCATION OF NEW OR EXISTING TDS FACILITIES WILL BE BILLABLE TO THE DEVELOPER/CONTRACTOR.
5. ANY MODIFICATIONS AFTER CONDUIT/CABLE PLACEMENT WILL BE BILLABLE TO THE DEVELOPER/CONTRACTOR AS WILL DAMAGES CAUSED BY OTHER CONTRACTORS WORKING FOR THE DEVELOPER ON THIS PROJECT.

1. DEVELOPER NEEDS TO CONTACT ENBRIDGE PRE-CONSTRUCTION DEPARTMENT PRIOR TO BREAKING GROUND FOR GAS SIGN UP. JAKE BOZARTH-432-391-9971

2. DEVELOPER WILL BE RESPONSIBLE TO GET ALL COMPACTION TESTS DONE AT DEVELOPER'S EXPENSE.

IF CASINGS/CONDUITS ARE NOT, THEY ARE TO BE INSTALLED BY DEVELOPER AT THEIR COSTS. A MAP WILL BE AVAILABLE AT ENBRIDGE GAS FOR CASING LOCATIONS (1155 E 350 N - ST. GEORGE).

3. IF UTILITY EXISTING UNDER DRAINAGE DRAINAGE WILL BE GRADED, AT FULL WIDTH, TO WITHIN 6 INCHES OF TOP BACK OF CURB BEFORE GAS LINES WILL BE INSTALLED. NO RETAINING, ROCK, OR BLOCK WALLS MAY BE CONSTRUCTED ONIN A PUE+DEVELOPER WILL BE RESPONSIBLE FOR THE COSTS OF ANY GAS LINES TO BE LOWERED AND/OR RELOCATED AFTER INSTALLATION. []

4. ALL TRENCHES SHALL BE BACKFILLED AND ALL DEBRIS, CONSTRUCTION MATERIALS, AND EXCESS DIRT PILES SHALL BE CLEARED AWAY. PROTECT ALL EXISTING UTILITIES, CURBS, AND GRADED SURFACES. BEFORE DEVELOPER, BEFORE GAS WILL BE INSTALLED.

5. POWER, WATER, SEWER LINES, CULVERTS, OR OTHER HAZARDS NOT CLEARLY NOTICEABLE SHALL BE STAKED BY DEVELOPER.

6. FAILURE TO COMPLY WITH THE ABOVE NOTICES WILL RESULT IN DELAY OF SERVICE TO THIS PROJECT.

7. IF THE HIGH PRESSURE GAS LINE IS LOCATED AT LEAST TWO FEET FROM THE STREET PRIOR TO BEING REIDY, FOR SOME REASON, DURING INSTALLATION.

[IMPORTANT NOTICE] GAS WILL BE PUT ON THE SCHEDULE FOR INSTALLATION WHEN POWER TRENCH IS BURNED. STREETS ARE WITHIN 6 INCHES OF SUB-GRAD, AND THE FULL WIDTH OF THE UTILITY EXISTENCE IS GRADED TO THE TOP BACK OF CURB.

8. HIGH PRESSURE GAS (NOTE)

IF HIGH PRESSURE GAS LINES ARE LOCATED IN OR NEAR YOUR DIGGING AREA, BEFORE DIGGING PLEASE CALL: BRYAN WARD (435) 559-6547.

77' PUBLIC STREET

The diagram illustrates the cross-section of a 77-foot wide public street. The total width is divided into several sections: a 10-foot utility easement on the left, a 10-foot paved area, a 7.5-foot landscape strip, a 2.5-foot curb and gutter, a 22-foot roadway, another 2.5-foot curb and gutter, a 7.5-foot landscape strip, a 5.5-foot sidewalk, and a final 10-foot utility easement on the right. The roadway has a 2% slope on both sides. The base consists of a 2.5-inch asphalt layer over a 6-inch base course. A 10-foot asphalt trail is installed on the left, and a 5-foot sidewalk is installed on the right. The diagram also shows the utility easement, landscape, and curb and gutter details.

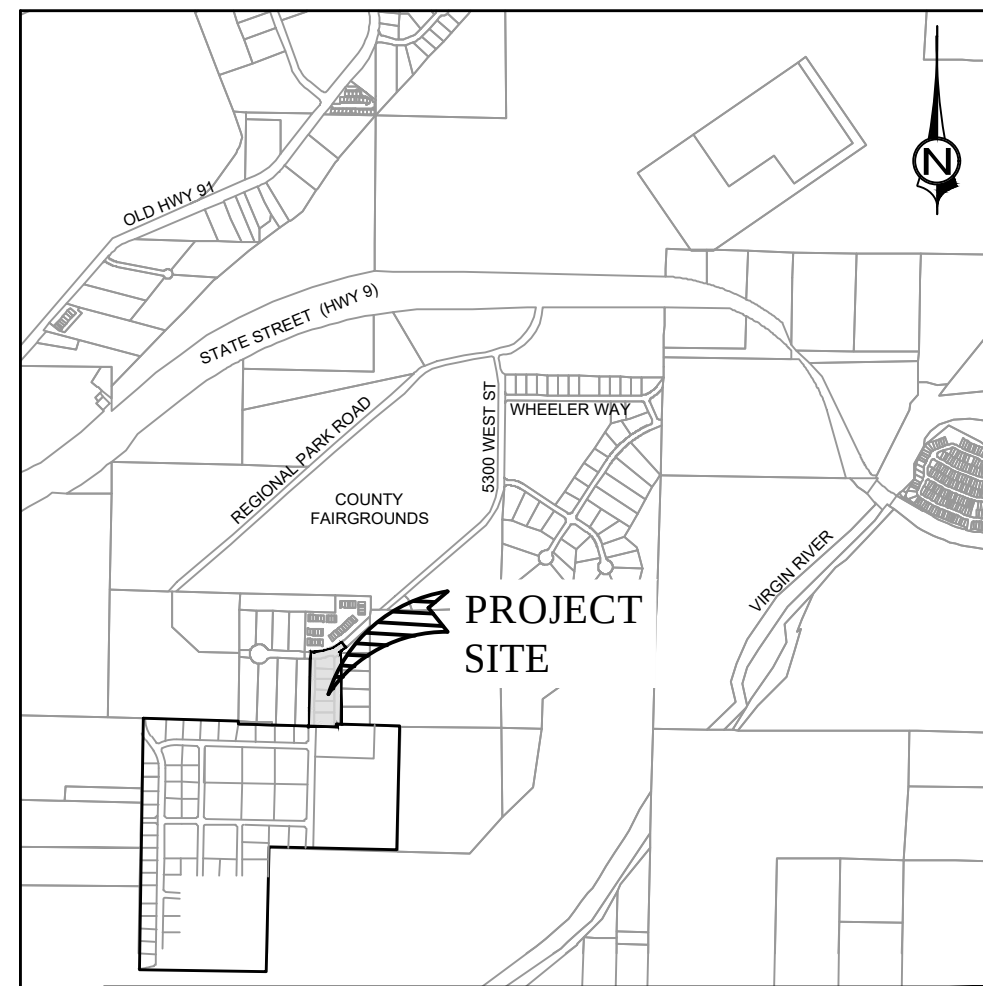
The diagram illustrates a cross-section of a 72.0' roadway. The roadway surface is sloped at 2% on both sides. The total width of the roadway is 72.0'. The diagram shows the following details from left to right:

- UTILITY EASEMENT: 10.0' wide.
- PL (Proprietary Layer): 2.5' wide.
- 5.0' wide section.
- 26.0' wide section.
- 26.0' wide section.
- 2.5' wide section.
- 5.0' wide section.
- PL (Proprietary Layer): 2.5' wide.
- UTILITY EASEMENT: 10.0' wide.

The roadway surface is sloped at 2% on both sides. The diagram also shows the following details:

- INSTALL 5' SIDEWALK
- 30" HIGH BACK CURB & GUTTER
- 2.5" ASPHALT & 6" UTBC (PER GEOTECH)
- 30" HIGH BACK CURB & GUTTER
- INSTALL 5' SIDEWALK

The diagram illustrates a cross-section of a 60.0' roadway. On the left side, there is a 10.0' UTILITY EASEMENT and a 2.5' PL (Public Limit) area. The road surface consists of a 2.5' high back curb & gutter, followed by a 20.0' section of 2.5" ASPHALT & 6" UTBC (PER GEOTECH), and another 20.0' section of 2.5" ASPHALT & 6" UTBC. The road surface slopes down at a 2% SLOPE. On the right side, there is a 2.5' high back curb & gutter, followed by a 20.0' section of 2.5" ASPHALT & 6" UTBC, and another 20.0' section of 2.5" ASPHALT & 6" UTBC. The road surface slopes up at a 2% SLOPE. The right side also includes a 2.5' PL area and a 10.0' UTILITY EASEMENT. The total width of the roadway is 60.0'.

VICINITY MAP
(N.T.S.)

Civil Science
Engineers / Surveyors / Solutions
 1453 S. DIXIE DRIVE, SUITE 150
 ST. GEORGE, UT 84770
 435.986.0100

NOT FOR
CONSTRUCTION

REUSE OF DRAWINGS

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GENERAL NOTES & LEGENDS

PURGATORY ROAD
LOCATED IN HURRICANE, UTAH

PROJ. #:	Fx. 25115
DATE:	03/26/2025
DESIGN BY:	ZNI
CHECKED BY:	BLW
SCALE OF SHEET	
HOR SCALE:	N/A
VER SCALE:	N/A
SHEET	

C2



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CONSTRUCTION

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<u>REVISION</u>			
NO.	DESCRIPTION	BY	DATE

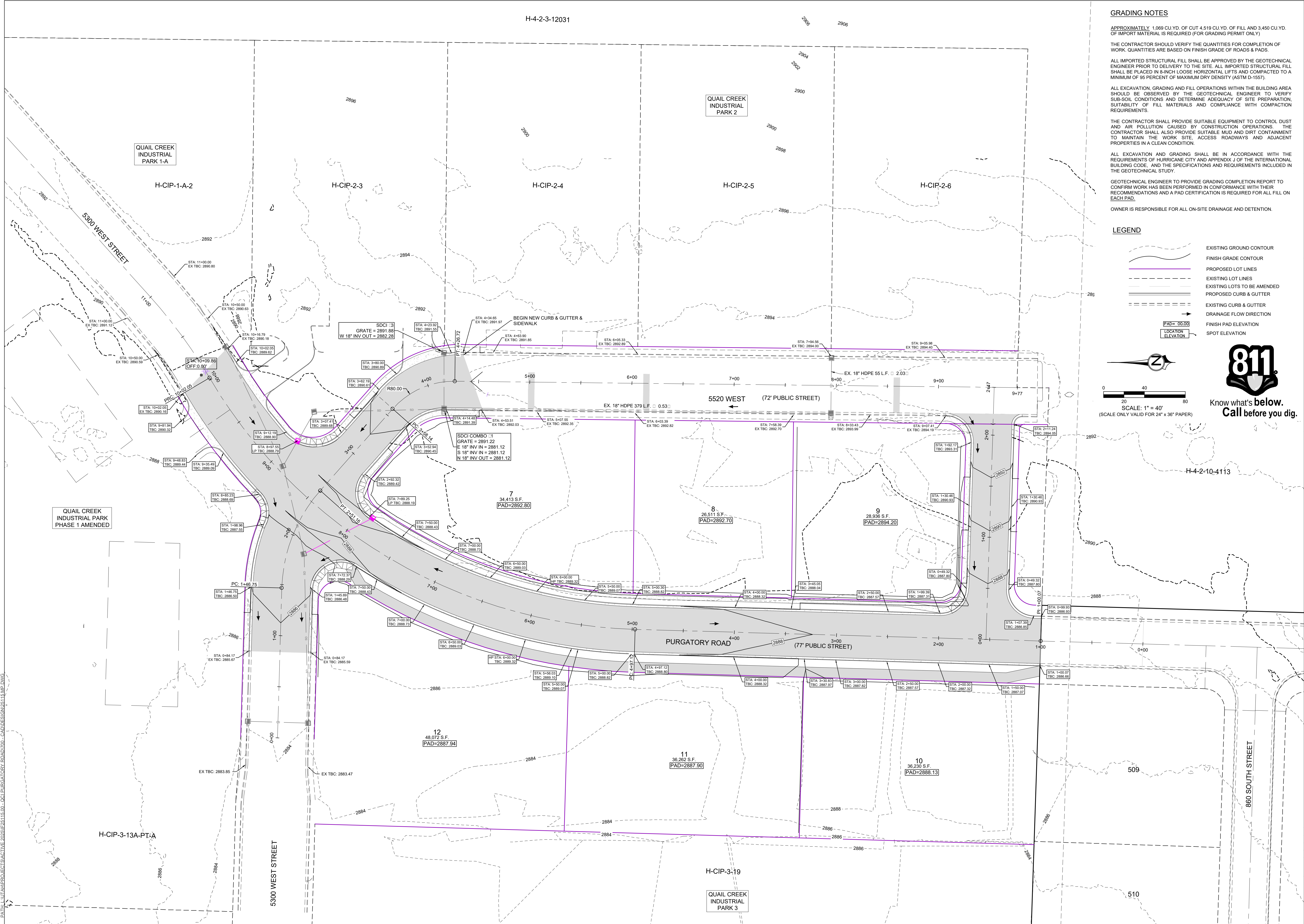
SITE & SIGNAGE PLAN

PURGATORY ROAD

LOCATED IN HURRICANE, UTAH

PROJ. #:	Fx. 25115
DATE:	03/26/2025
DESIGN BY:	ZNI
CHECKED BY:	BLW
SCALE OF SHEET	
HOR SCALE:	N/A
VER SCALE:	N/A
SHEET	

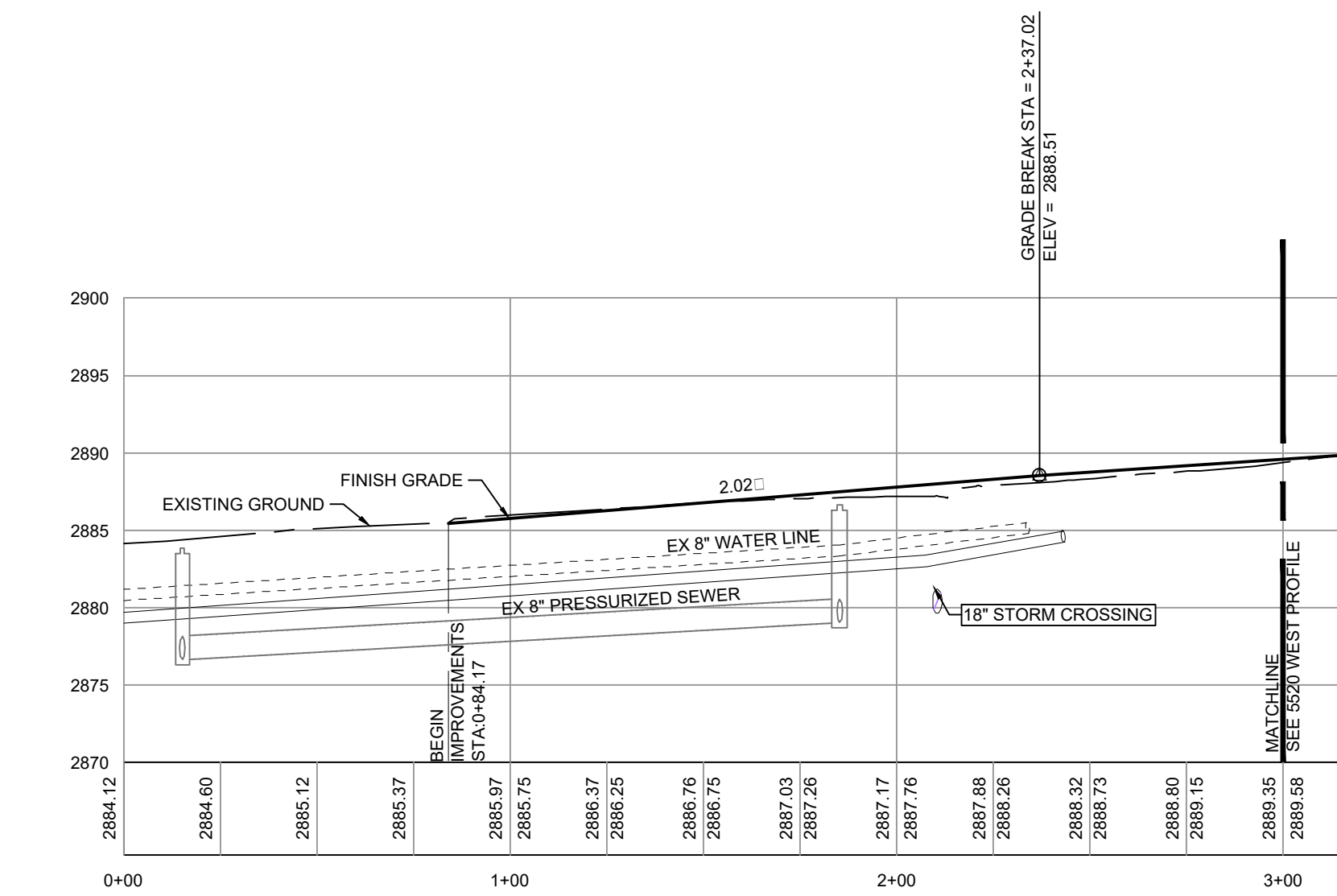
C3



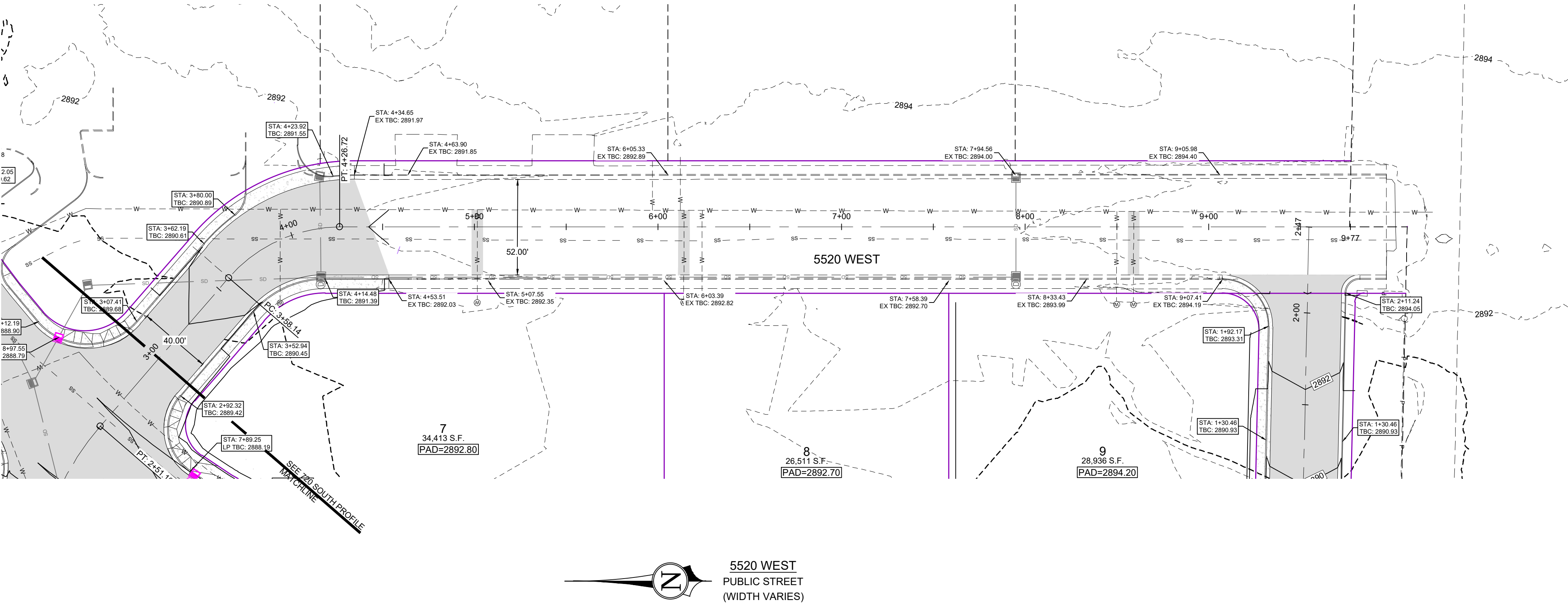
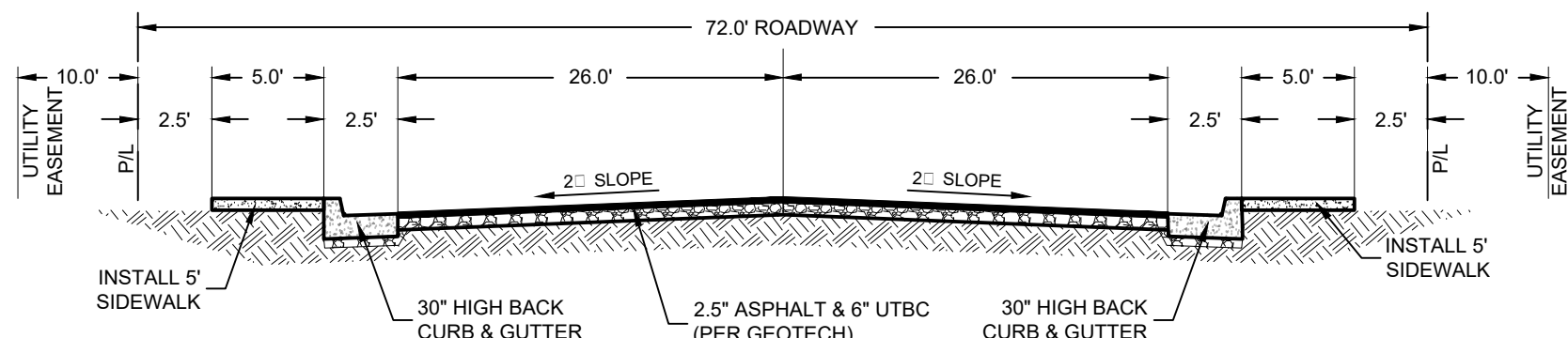
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LEGEND

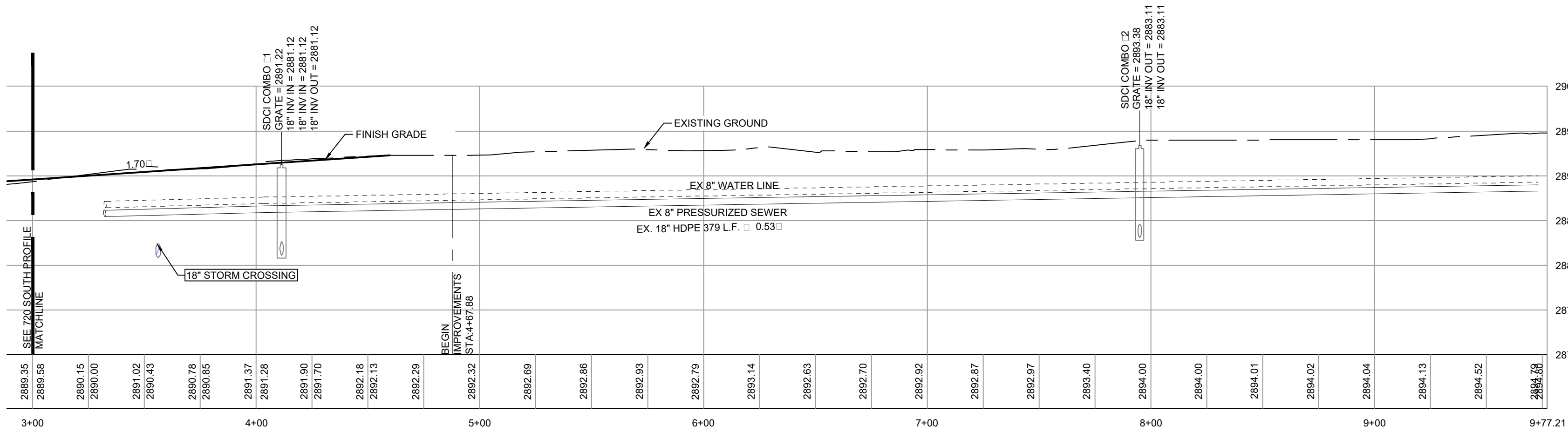
- EXISTING GROUND CONTOUR
- FINISH GRADE CONTOUR
- PROPOSED LOT LINE
- PROPOSED CURB & GUTTER
- EXISTING CURB & GUTTER
- EXISTING CURB & GUTTER (TO BE REMOVED)
- DRAINAGE FLOW DIRECTION
- FIRE HYDRANT
- WATER GATE VALVE
- INSTALL 3/4" WATER METER
- EXISTING WATER LINE
- EXISTING FIRE HYDRANT
- EXISTING WATER METER
- EXISTING WATER LINE
- C-900 CLASS 150 WATER LINE (SIZE PER PLAN)
- EX. SEWER MANHOLE
- SDR SEWER LINE
- EXISTING SEWER LINE
- EXISTING PRESSURIZED SEWER LINE



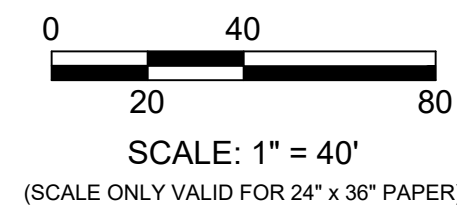
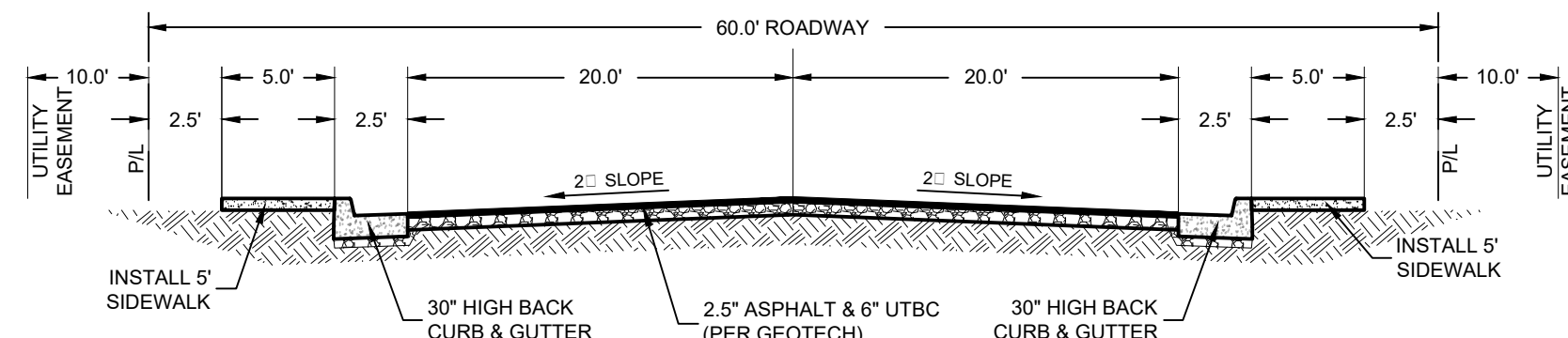
72' PUBLIC STREET



5520 WEST
PUBLIC STREET
(WIDTH VARIES)



60' PUBLIC STREET



PLAN & PROFILE

720 SOUTH & 5520 WEST
LOCATED IN HURRICANE, UTAH

PROJ. #: Fx 25115
DATE: 03/26/2025
DESIGN BY: ZNI
CHECKED BY: BLW
SCALE OF SHEET
HOR SCALE: N/A
VER SCALE: N/A

SHEET
C6

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NOT FOR
CONSTRUCTION

NO.	DESCRIPTION	BY	DATE

Cindy Beteag

From: Karri Richardson
Sent: Monday, May 12, 2025 11:21 AM
To: Cindy Beteag
Subject: FW: business licence

From: Juan Gomez [REDACTED]
Sent: Monday, May 12, 2025 11:00 AM
To: Karri Richardson <karri@hurricane.utah.gov>
Subject: business licence

Received your letter dated May 1 2025 I was not aware of a violation that happened at Virgin River Massage until now.. My business manager hired a lady to run the business. I was not aware and I regret that it happened causing this bad situation. I Juan Gomez have been made aware of this violation I'm not able to attend the hearing on May 15 2025 have no objections to the business licence being Revoked Thank You Juan Gomez



AGENDA ITEM STAFF REPORT

TO: Hurricane City Council
FROM: Dayton Hall, City Attorney
DATE: May 8, 2025
RE: Potential Revocation of the Business License for Virgin River Spa

I. Summary

This agenda item is regarding the potential revocation of the business license for Virgin River Spa. Under the City Code, one of the roles of the City Council is to revoke business licenses if revocation is warranted under the City Code, and the City Council makes the decision as to whether revocation is warranted. The City staff's recommendation on this item is to revoke the business license based on the findings that (1) the conduct of the business is in violation of state and local law and (2) the business is interfering with the preservation of the public peace, health, safety, and welfare of the public. The packet includes a staff report with a more detailed explanation, together with supporting documentation.

II. Factual Background

Virgin River Spa is located at 985 West State Street, Suite #5 in Hurricane, Utah, and has a current business license to operate a massage business. During February and March of 2025, the Hurricane City Police Department received multiple complaints of a massage therapist offering to perform sexual acts in exchange for additional compensation, and one victim provided information that the therapist touched him inappropriately without his consent. Based on this information, the Police Department visited the Virgin River Spa on March 27, 2025, and placed the therapist under arrest for prostitution and sexual battery.

While onsite at the business, officers observed that the therapist was residing in a room at the business set up for that purpose. The property is commercially zoned, which prohibits residential housing. The therapist also admitted that the money she charges for services is collected on a monthly basis by an unidentified person and that she is not paid a wage or salary, but is compensated solely by tips. This compensation scheme is in violation of the Utah Minimum Wage Act.

On March 31, 2025, pursuant to Hurricane City Code section 3-1-9, the City issued a Notice of Violation letter to the business license holder, which provided 30 days to provide evidence that the business was not in violation of the business license code. On April 30, 2025, the City received an email from an individual claiming to represent the business owner. The email admits the violations of the labor laws and disputes the remaining allegations.

The Police Department continued to receive reports of potential crimes during the 30-day window for the business to show that the business was not in violation of City Code. On April 30, 2025—the same day that the City received an email contesting the allegations of misconduct—the Police Department executed a search warrant at the business. During the execution of the warrant, a male customer was interviewed and admitted that sexual services had been offered by a different massage therapist at the business. Based on these statements, a second therapist was arrested for solicitation.

III. Documents Provided in the Packet

The following documents are included in the City Council packet:

1. Letter from Hurricane City Police Department Lieutenant Travis Hall regarding the arrest and interview of the first massage therapist arrested on March 27, 2025.
2. March 31, 2025, Notice of Violation letter to business license holder.
3. April 30, 2025, email from individual claiming to represent the business license holder.
4. May 1, 2025, Notice of Revocation Hearing letter to business license holder.
5. May 7, 2025, Summary of Investigations provided by Lieutenant Travis Hall
6. Police Reports

IV. Applicable Ordinances

Hurricane City Code section 3-1-9 governs the potential revocation of business licenses. The Code section is provided below, with emphasis on the relevant portions.

Sec. 3-1-9. - Revocation or denial of license.

A. Grounds. A business license application or existing business license may be denied or revoked for any of the following reasons:

1. The application is not on the form provided or does not contain the required information.
2. The application contains materially false information.
3. The equipment, vehicle, device or structure to be used is inadequate or unsafe for the purpose for which it is to be used.
4. The business or location of the business activity is such as to interfere with or unreasonably obstruct the free flow of vehicular traffic or with other means of travel on any public street or with pedestrian traffic on the sidewalk.
5. The applicant, or any other person conducting the business has violated any federal, state or local law, regulation or ordinance governing the business, or has been convicted of a felony or a misdemeanor involving moral turpitude.
6. The conduct of the business or activity will be contrary to law, including the requirements of this chapter.
7. The conduct of the business or activity will interfere with the preservation of the public peace, health, safety or welfare of the public.
8. Failure of the licensee or applicant to comply with any conditions and requirements of this chapter or any other ordinance of the City.
9. Failure to pay sales tax, or other required taxes, or any other fee imposed by the City.

B. Denial of applications by City Recorder-Clerk. The City Recorder-Clerk shall not issue or renew a business license until the applicant has satisfied the requirements of this chapter, nor shall the City Recorder-Clerk issue or renew a business license if any one of the grounds for denial stated in subsection A of this section apply. If an applicant fails to satisfy the requirements of this chapter within six months after an application is submitted, the City Recorder-Clerk shall deny the application. A denial of a business license application under this paragraph may be appealed by the applicant to the City Council by filing a written notice of appeal with the City Recorder-Clerk within 15 days of the denial. Upon receiving a timely-submitted written notice of appeal, the matter shall be heard and decided by the City Council in the next City Council meeting at least 14 days from the date the notice of appeal was received by the City Recorder-Clerk.

C. Revocation of Existing Business Licenses by City Council. The City Council may revoke an existing business license on any one of the grounds for revocation set forth in subsection A of this section. Any licensed business found to be in violation of this chapter shall be notified in writing by the City Recorder-Clerk of any facts constituting a violation. Notification shall include facts describing the violation, the applicable ordinance or law, and measures to be taken in order to correct the violation. The notification shall also set a deadline 30 days from the date of notification when the violation must be corrected in order to avoid penalty. The notification shall also state that in the event of unusual circumstances the licensee may apply to the City Recorder-Clerk for an extension. If, during the 30-day period, the licensee applies to the City Recorder-Clerk for an extension, more time may be granted at the reasonable discretion of the City Recorder-Clerk. Any such extension shall be detailed in a written agreement that must be signed by the licensee. If, after the 30-day period has expired, the violation has not been corrected and the licensee has not received an extension, the City Recorder-Clerk shall proceed with the steps described in subsection D of this section to revoke the business license. If at any time during this process the license becomes due for renewal, the licensee will not be permitted to renew the license prior to satisfactorily resolving the violation.

D. Notice; hearing. Prior to the revocation of a license, the licensee shall be given written notice which shall state in substance that the City Council intends to revoke the business license, together with the reason or reasons therefor, at a regular or special meeting of the City Council, and that the licensee has a right to appear, to be represented by counsel, to hear the evidence against him, to cross examine witnesses and to present evidence as to why the license should not be revoked. The regular or special meeting of the City Council shall be at least ten days and not more than 30 days from the date such notice is sent.

V. City Compliance with Revocation Procedure

City staff have complied with the procedure outlined in HCC 3-1-9 in order to revoke the business license for Virgin River Spa. At the hearing on May 15, 2025, the licensee has a right to appear, to be represented by counsel, to hear the evidence against him, to cross examine witnesses, and to present evidence as to why the license should not be revoked.

VI. Recommended Findings in Support of Revocation

City staff recommend that the business license for Virgin River Spa be revoked based on each of the following findings:

1. The business is in violation of local laws by permitting multiple employees to engage in prostitution, solicitation, and sexual battery.
2. The business is in violation of local laws by permitting at least one employee to reside in the place of business, which is in violation of Title 10, Chapter 15 of Hurricane City Code.
3. The business is in violation of the Utah Minimum Wage Act by requiring employees to work for tips only.
4. The conduct of the business interferes with the preservation of the public peace, health, safety, and welfare of the public.

Mayor
Nanette Billings

City Manager
Kaden C. DeMille

Chief of Police
Kurt Yates



City Council
David Hirschi
Kevin Thomas
Clark Fawcett
Drew Ellerman
Joseph Prete

3/28/25

To: Hurricane City Business Licensing

From: Lieutenant Travis Hall, Police Department

Subject: Virgin River Spa Investigation

To Whom It May Concern,

Over the past two months, the police department has received multiple complaints regarding Virgin River Spa, a massage establishment located at 985 W State Street, Suite 5. In both reported incidents, victims claimed that the therapist offered to perform sexual acts in exchange for additional money. One victim further stated that the therapist repeatedly grabbed his crotch and attempted to place a condom on him without his consent.

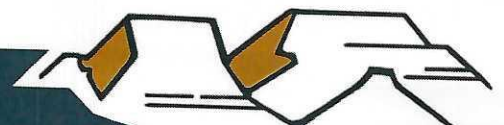
During our investigation, we also discovered that Virgin River Spa is listed on a website called "Rubmaps," an illicit platform where users can find massage parlors offering sexual favors. The site describes itself as being "devoted to erotic massage parlor reviews and happy endings."

On March 27, 2025, detectives visited Virgin River Spa and made contact with an individual identified as Pei Yu Chen, an Asian woman. Ms. Chen had a bedroom set up within the spa and was residing there. When asked about the owner of the establishment, she was unable to provide any information. It was also observed that the business relies heavily on cash transactions, with an ATM set up inside the office. According to Ms. Chen, someone visits once a month to collect the money she has earned, and she disclosed that she does not receive a salary, relying solely on tips for her services.

Ms. Chen was subsequently arrested for prostitution and sexual battery after both victims were able to positively identify her from photographs. Based on these findings, it is apparent that Virgin River Spa is operating as an illicit massage parlor, and further action is required.

Sincerely,

Lt. Travis Hall
Hurricane City Police Department



Mayor
Nanette Billings

City Manager
Kaden C. DeMille



City Council
David Hirschi
Kevin Thomas
Clark Fawcett
Drew Ellerman
Joseph Prete

March 31, 2025

Virgin River Massage
985 W State St #5
Hurricane, UT 84737

RE: Notice of Violation

Dear Business Owner,

This letter is being issued pursuant to Hurricane City Code (HCC) Section 3-1-9 to formally notify you that Virgin River Massage is currently in violation of the Hurricane City business licensing code. Specifically, per HCC regulations, a business may be in violation if:

- The applicant or any individual conducting business has violated federal, state, or local laws governing the business.
- A person associated with the business has been convicted of a felony or a misdemeanor involving moral turpitude.
- The business operations are contrary to the law or pose a risk to public peace, health, safety, or welfare.

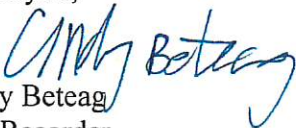
On March 28, 2025, the Business Licensing Department was informed that one of your employees was arrested for prostitution and sexual battery, classified as misdemeanor offenses (A & B). The police report also indicated:

1. Officers observed an employee residing at the place of business, which is a violation of HCC 10-15.
2. The arrested employee disclosed that they do not receive a salary and rely solely on tips for their services, which is a violation of Utah Labor Commission regulations.

This letter serves as your **formal thirty-day notice** to provide evidence that your business is not in violation of these regulations. Failure to address and rectify these issues within this period will result in a **revocation hearing for your business license**.

If you have any questions or require guidance on resolving these matters, please contact me directly at (435) 635-2811, extension 106.

Thank you,


Cindy Beteag
City Recorder

cc: Hurricane City Police Department
City Attorney, Dayton Hall
Licensing Department



Cindy Beteag

From: Louie Lei <louielei@gmx.com>
Sent: Friday, May 9, 2025 5:48 AM
To: Cindy Beteag
Subject: Re: RE: Virgin River Spa Letter Response

Dear Cindy,

I just learned of the news of the unfortunate incident that occurred. I have relayed the information directly to the owner Juan and made him aware of the serious of the matter.

At the same time, I've been leaving messages to the manager of the location who hasn't gotten back to us. I feel like caught in the middle of the incident while trying to help both sides come to a resolution, but ultimately I'm not the owner so would have to leave it to Mr. Gomez to see how he plans to address it. Being remote owner, he relies on the manager for day to day operations and unfortunately this was absolutely unacceptable from his standpoint and goes in contrast to the history of positive reviews for the business.

I just want to thank you for your professionalism in handling this matter and sorry for the inconvenience the mismanagement of the business has caused you and the city of Hurricane.

Best regards

Louie Lei

Sent: Tuesday, May 06, 2025 at 12:46 PM
From: "Cindy Beteag" <cindy@hurricane.utah.gov>
To: "Louie Lei" <louielei@gmx.com>
Subject: RE: Virgin River Spa Letter Response

Hi Louie,

Thank you for reaching out regarding the recent letter that was sent.

Unfortunately, I must inform you that since the time of that initial correspondence, there has been another incident/arrest involving the business. As a result, a revocation letter was issued to the business owner on May 1st.

A revocation hearing has been scheduled and will take place before the City Council on **May 15th at 6:00 p.m.** We encourage attendance at the hearing if you wish to provide input or receive more information.

Please let us know if you have any further questions or need additional details.

Thank you,

Cindy Beteag



Cindy Beteag

City Recorder

Hurricane City

Office 435-635-2811 x 106

From: Louie Lei <louielei@gmx.com>
Sent: Wednesday, April 30, 2025 6:11 PM
To: Cindy Beteag <cindy@hurricane.utah.gov>
Subject: Virgin River Spa Letter Response

Dear Cindy

My name is Louie and I'm responding on behalf of Juan Gomez who is the elderly owner of Virgin River Spa. He recently got a letter with a few concerns that needed to be addressed. Due to his age and health conditions, he had tasked me with answer the concerns as outlined in the letter. I tried calling your number but the voicemail indicated that you won't be available until mid - May so I thought best to email you with the reply and we can address the issues or any further questions upon your return.

So I'll briefly outline the concerns in the verified letter received and the response from the owner and manager.

1) The first concern was one of the employees has been ordered to appear in court on May 23 for an arraignment on a charge of prostitution.

I had a chance to speak with the employee who referred me to the lawyer handling the case. They have evidence indicating that she was absolutely not guilty of the charge and it was a malicious attempt from the customer to attack her personally. Other than the limited information given to us by the attorney, we're waiting on the outcome of the court case and should there be any further information I would forward them to you as soon as received. The employee quit due to the mental stress and being distraught this hurtful event and the attorney is not disclosing much to as the case is in the preliminary stages.

2) The officer noted that there potentially could be someone living at the facility.

Our employees are contractors who are responsible for their own lodgings and tell them that the rest area is not to be used for living. I will attach a picture of the room the officer was referring to. It is actually a rest area when business is slow and our employees can take a nap or a short rest after their manual labor which can take a toll on their bodies on a busy day. As you can see, its not a living quarter but just a rest area at the front of the location.

3) The notes mentioned that the employee was working for tips and without a base salary, this accordingly was in violation of the labor laws of Utah.

This employee was previously employed in California where the labor laws governing contract workers do differ. She negotiated a higher portion of the tips without a guaranteed base salary. This was the first case that happened as our previous contractors would ask for a base salary plus a lower cut of the tips sharing. So thinking that the state laws should be similar, it was agreed to this. Had we known that it was a violation of Utah labor laws, we would not have consented. From this point forward on, we'll knowingly not accept such an agreement of negotiation. If possible, could you point us to the Utah labor laws governing this so that we can understand what is the minimum required pay for independent contractors and what amount of tips sharing is allowed. We would highly appreciate this so that we won't run into any further issues or potential violations without knowing.

I hope this email explains the main concerns from the email and would be happy to answer any other questions to the best of my knowledge.

I'm attaching a picture of the resting area for our employees for your reference. Thank you for your attention.

Best regards

Louie Lei

on behalf of Juan Gomez.

Attachment: Pictures of the rest area room in question.





Mayor
Nanette Billings

City Manager
Kaden C. DeMille



City Council
David Hirschi
Kevin Thomas
Clark Fawcett
Drew Ellerman
Joseph Prete

May 1, 2025

Virgin River Massage
985 W State St #5
Hurricane, UT 84737

RE: Notice of Revocation Hearing

Mr. Gomez:

This letter constitutes written notice pursuant to Hurricane City Code (HCC) Section 3-1-9 related to the potential revocation of the business license for Virgin River Massage.

On March 31, 2025 a Notice of Violation was sent regarding the multiple violations brought against your business. That notice gave a deadline to come into compliance by April 30, 2025. A copy of the March 31, 2025 letter is enclosed. As of today's date, the violations have not been resolved, and the violations appear to be continuing. Therefore, this notice is to inform you that a hearing before the City Council has been scheduled to consider and possibly revoke the business license for Virgin River Massage. This hearing is scheduled for Thursday, May 15, 2025, at 6:00 pm, or as soon thereafter as the matter can be heard, during the regular City Council meeting. The hearing will be held at the City Office located at 147 North 870 West, Hurricane. You have the right to appear at this hearing, to be represented by counsel, to hear the evidence against you, to cross examine witnesses, and to present evidence as to why the license should not be revoked.

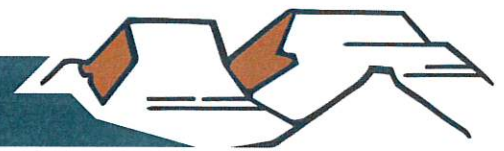
If you have any questions, please contact the City Attorney, Dayton Hall, at (435) 635-2811, extension 128.

Thank you,

Karri Richardson
Licensing Technician

Enclosures (1)

cc: Code Enforcement, Fred Resch III
City Attorney, Dayton Hall
Licensing Department



Subject: Summary of Investigations – The Virgin River Spa

From: Lieutenant Travis Hall

Date: May 7, 2025

The following is a summary of cases investigated by the Hurricane City Police Department involving The Virgin River Spa. These cases clearly establish that the business is engaged in illegal sexual activities.

Case Summaries:

25H001391 – March 3, 2025

A mountain biker from Canada received a massage at The Virgin River Spa. Within 5–10 minutes, the therapist mounted him on the back of his legs while he was face down. The client found this unusual, and shortly afterward, the therapist made hand gestures simulating sexual acts. She then verbally offered to perform sexual services, which he declined before leaving. The client, being a Canadian resident, did not wish to pursue victim status.

25H001529 – March 8, 2025

A local male client reported that during a massage at the spa, the therapist attempted to massage his genital area and used hand gestures to solicit sexual acts, including a blowjob, masturbation, and intercourse. After declining, the massage continued briefly before another inappropriate touch occurred. The client then left after being charged double the agreed price and demanding a refund. A witness statement was completed.

The therapist in this incident was later arrested. Both this client and the Canadian client were able to positively identify her.

25H002796 – April 28, 2025

A female from out of town attempted to schedule a massage. A female employee who did not speak English directed her to an ATM. A male entered, and the female employee took

him into a back room. After retrieving cash from a bank, the client returned to find the therapist dressed in lingerie. She was then left alone upstairs while the therapist met another male client downstairs. Feeling extremely uncomfortable and suspicious, the client left and completed a witness statement.

25H002816 – April 29, 2025

A male client reported that during his massage, the therapist used hand gestures to solicit masturbation services and later verbally confirmed the offer via a phone translation app. He declined both times.

While in the massage room, he observed another male client entering the facility via the room's security monitor. The therapist left him unattended for about fifteen minutes, during which he saw her on camera kissing the new client. The male client left immediately and reported the incident.

Following this, Detective Duffey obtained a search warrant to seize the facility's security system. On April 30, 2025, Detective Duffey and Sgt. Gubler executed the warrant.

While on-site, they encountered a male client who admitted that sexual services had been offered to him by a different therapist. This second therapist was subsequently arrested for solicitation.

25H002973 – Ongoing Investigation

Additional Information:

Website Searches: Attempts to access virginriverspa.com resulted in a security warning ("this is not a private connection; attackers might be trying to steal your information").

Advertisements: Various online ads displayed numerous young Asian women offering massages.

Rubmaps.com: The spa was listed on Rubmaps.com, a website specializing in erotic massage parlor reviews known to reference "happy endings." Rubmaps has also been cited by U.S. politicians for alleged connections to child sex trafficking.

After the initial arrest, an unidentified male — claiming to represent the arrested therapist but admitting he was neither a lawyer nor the owner — visited the police department. Based on his behavior, it is suspected he may be a pimp or human trafficker managing workers at the facility.

Conclusion:

The investigations strongly indicate The Virgin River Spa is operating as a front for illegal sexual services, including prostitution. These cases will be forwarded to the County Attorney's Office for further charges.

No further information at this time.

Lieutenant Travis Hall

25H001529

03/27/25
17:02

Hurricane City Police Department
Warrantless Arrest Probable Cause Statement

BK#:
Page: 1

Officer:
Agency:

Under oath I state that there existed probable cause for the arrest without warrant of the person named below based upon the following:

Name# 844188
Name of person arrested: PEI YU CHEN
Date of arrest: 03/27/25 Time: 15:57:57
Place of arrest:

The above-named person is currently being detained on the following charges:

Offense	Date/Time	Statute Code	CC	Bail Amt
PROSTITUTION	03/27/25 16:25:59	76-10-1302(2) (A)	BM	\$0.00
SEX OFFENSE-SEXUAL BATTERY AM	03/27/25 16:26:25	76-9-702.1	AM	\$0.00

I believe that probable cause existed for this warrantless arrest and the continued detention of the above-named person based upon the following information which was either known by me personally or was obtained by me in my capacity as a peace officer:

Arrest Narrative Report

1. Description of the arrest: Sexual Battery 76-9-702.1 Prostitution
76-10-1302

2. Date, Time, Reporting Officer: Thu Mar 27 16:11:45 2025 J. Duffey

Probable Cause Statement:

On March 8, 2025 it was reported that a female at Virgin River Spa in Hurricane Utah(985 W State St #5), offered sexual services in exchange for money, it was also reported that said female attempted to put a condom on the male victim who was there to get a massage. The male victim stated that the female had used hand gestures, she held her hand in a half open fist and motioned like she was giving a blow job, she also made fists and thrust her hips and said "pump me \$200". The male also stated when she attempted to put the condom on him the victim stood up from the massage chair and told her no he just wanted a massage. The male was offered these services after being given the massage when he left the facility he paid the female \$70 for the massage. It should be noted that the male wrote in a statement that he was naked during the massage.

Several days later, a second case was reported by another male stating that the same sexual gestures were offered where the female used her hand to offer sexual favors in return for money. The second male stated he did not want to pursue charges due to not living in the United States. The female was identified by both males as Pei Yu Chen, the first victim was able to provide a

PC2100426

picture from Ms. Chen's Venmo account and both males positively identified her as the female who used the hand gestures and attempted to put the condom on the first victim. When contact was made with Ms. Chen she verified that the picture was her. Ms. Chen also provided identification in the form of a California drivers license.

Ms. Chen was then handcuffed, the handcuffs where checked for fit and double locked to prevent them from tightening. Ms. Chen was searched by a female officer before she was transported to the Hurricane Police Department for a more in depth interview. After Ms. Chen was interview she was placed back in handcuffs that where checked for fit and double locked to prevent tightening. Ms. Chen was then transported to the Washington County Purgatory without incident.

/s/ J. Duffey

On this 27th day of March , 2025.
State of
County of

I request the magistrate to whom this statement is presented to execute an order determining that probable cause existed for the above-described warrantless arrest, authorizing the continued detention of the above-named person on the stated charges, and setting appropriate bail, if any.

03/27/25
17:02

Hurricane City Police Department
Warrantless Arrest Probable Cause Statement

BK#:
Page: 2

Findings and Order

Based upon the foregoing statement, the undersigned magistrate finds that probable cause existed for the arrest without a warrant of

PEI YU CHEN

upon the stated charges; that detention of the above-named person may continue; and that bail for the offenses shall be as follows:

[] The defendant is to be held without bail
pending a bail hearing.

[] The defendant may post bail as follows:

Count 1 - \$ _____
Count 2 - \$ _____

Other order: _____

Date: _____, 2025

Time: _____ .m.

Hurricane City Police Department
Officer Report for Incident 25H002816

Case Numbers:

Nature: Prostitution
Location: HURRE

Address: 985 W STATE ST UNIT 5; V
Hurricane, UT 84737

Offense Codes: PROT, ARST, BACK, SRCH

Received By: Bird, Kaz How Received: T Agency: HCPD

Responding: Ober, James, Gazlay, Ryan, Duffey, Jimmy, Gubler, Stacey,
Johnson, Stev-H, Newport, Nikita, Pike, Tanner

Responsible: Duffey, Jimm Disposition: AAI 04/29/25

When Reported: 13:25:49 04/ Occurred Between: 13:25:49 04/29/25 and 13:26:33 04/

Assigned To: Detail: Date Assigned: **/**/**
Status: Status Date: **/**/** Due Date: **/**/**

Complainant:

Last: [REDACTED] First: [REDACTED] Mid: [REDACTED]
DOB: [REDACTED] DL #: [REDACTED] Address: [REDACTED]
Race: W Sex: M Phone: [REDACTED] City: [REDACTED]

OFFENSE CODES

Reported:

Observed: PROT PROSTITUTION ,SOLICIT

Additional Offense: PROT PROSTITUTION ,SOLICIT

Additional Offense: ARST ARRESTED PERSON

Additional Offense: BACK BACKUP OFFICER

Additional Offense: SRCH SEARCH WARRANT

Circumstances

BM88 No Bias

LT05 Commercial/Office Building

Responding Officers:

Unit:

Ober, James 4X38
Gazlay, Ryan 4X38
Duffey, Jimmy 4D3
Gubler, Stacey 4D1
Johnson, Stev-H 4D2
Newport, Nikita 4D4
Pike, Tanner 4X18

Responsible Officer: Duffey, Jimmy

Agency: HCPD

Received By: Bird, Kaz

Last Radio Log: **:**:** **/**/**

How Received: T TELEPHONE

Clearance: CRO Cleared, Responding

When Reported: 13:25:49 04/29/25

Disposition: AAI Date: 04/29/25

Judicial Status:

Occurred between: 13:25:49 04/29/25

Misc Entry:

and: 13:26:33 04/29/25

HURRICANE CITY POLICE DEPARTMENT

"This is a Protected Record." These records are classified as "Protected" under U.C.A. 63G-2-206 and are subject to all of the conditions contained therein. They are being shared based upon your representation that you are eligible to receive these records under Utah law. You cannot disclose these records except as provided under Utah law. Intentionally disclosing or providing a copy of a private, controlled or protected record is prohibited and may be punishable by up to a Class B Misdemeanor.

Modus Operandi:

Description:

Method:

Involvements

Date	Type	Description	Relationship
04/30/25	Name	[REDACTED]	VICTIM
04/30/25	Name	LIU, SHULI	ARRESTED
04/29/25	Name	VIRGIN RIVER SPA,	OTHER
04/29/25	Name	CHEN, PEI YU	OTHER
04/29/25	Name	[REDACTED]	Complainant
04/29/25	Name	[REDACTED]	VICTIM
04/30/25	Offense	Offense#: 500100 - AM - 1 c	Charged With
04/29/25	Cad Call	13:25:49 04/29/25 Informati	Initiating Call
05/01/25	Property	GRN MONEY / CASH US Currenc	Evidence
05/01/25	Property	GRN MONEY / CASH US Currenc	Evidence
05/01/25	Property	GRN MONEY / CASH US Currenc	Evidence
05/01/25	Property	GRN MONEY / CASH US Currenc	Evidence
05/01/25	Property	GRN MONEY / CASH US Currenc	Evidence
05/01/25	Property	GRN MONEY / CASH US Currenc	Evidence
05/01/25	Property	GRN MONEY / CASH US Currenc	Evidence
05/01/25	Property	GRN MONEY / CASH US Currenc	Evidence
05/01/25	Property	GRN MONEY / CASH US Currenc	Evidence
05/01/25	Property	GRN MONEY / CASH US Currenc	Evidence
05/01/25	Property	WHI RECEIPT ATM Receipt 1	Evidence
05/01/25	Property	LBL CELL PHONE Apple iPhone	Evidence
05/01/25	Property	BLK CELL PHONE Apple iPhone	Evidence
05/01/25	Property	GLD KEY / KEY RING Gold Key	Evidence
05/01/25	Property	GRN MONEY / CASH US Currenc	Evidence
05/01/25	Property	BLK RECORDER HD Recorder 50	Evidence
05/01/25	Evidence	NN1/\$400 US Currency	Evidence Incident
05/01/25	Evidence	NN2/\$75 US Currency	Evidence Incident
05/01/25	Evidence	NN3/ \$160 US Currency	Evidence Incident
05/01/25	Evidence	NN4/\$340 US Currency	Evidence Incident
05/01/25	Evidence	NN5/\$150 US Currency	Evidence Incident
05/01/25	Evidence	NN6/\$45 US Currency	Evidence Incident
05/01/25	Evidence	NN7/\$80 US Currency	Evidence Incident
05/01/25	Evidence	NN8/\$20 US Currency	Evidence Incident
05/01/25	Evidence	NN9/\$10 US Currency	Evidence Incident
05/01/25	Evidence	NN10/\$11 US Currency	Evidence Incident
05/01/25	Evidence	NN21/ATM Receipt	Evidence Incident
05/01/25	Evidence	NN31/Apple iPhone	Evidence Incident
05/01/25	Evidence	NN41/Apple iPhone	Evidence Incident
05/01/25	Evidence	NN61/Key	Evidence Incident
05/01/25	Evidence	NN71/\$100 US Currency	Evidence Incident
05/01/25	Evidence	NN81/HD Recorder	Evidence Incident

HURRICANE CITY POLICE DEPARTMENT

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Narrative

Initial Contact Report
(UCA 63G-2-103(14) (a) (b))

Reporting Officer: J Duffey

1. The nature or general scope of the agency's initial actions taken in response to the Incident:

Detectives responded to a call for sexual solicitation. It was reported that an individual was propositioned for sexual services in exchange for money at a local business. Further investigation will be done regarding this incident. See report.

2. The general nature of any injuries or estimate of damage sustained in the Incident:

None.

HURRICANE CITY POLICE DEPARTMENT

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Officer Report

Reporting Officer: J Duffey

Date and Time of Report: Tue Apr 29 16:16:59 MDT 2025

1. Officers Observation, Actions, Investigation:

The following is a brief summary of the statements provided. It is not intended to be a verbatim account of everything that was said or discussed. Additional information can be found in any documents and recordings associated with this case.

INVESTIGATION:

On April 29th, 2025, it was reported by [REDACTED] that he had gone into Virgin River Massage Spa to get a massage. [REDACTED] said he is from Cedar City was in the area for an appointment and had time to kill. [REDACTED] said he had not gotten a massage in a while so he thought he'd check out Virgin River Spa. He said when he arrived a female came from the back of the business and greeted him, asking him how long of a massage he wanted. [REDACTED] said he told her an hour would be fine, and the female replied that would be \$70.00.

[REDACTED] said the female instructed him to use the ATM inside the spa to withdraw cash for payment. He said when he entered the massage room, he seen a security camera screen and he thought that was weird. [REDACTED] said he figured it was there so the female could be on the lookout, but he could also see who was coming in and out of the business while he was being massaged. [REDACTED] said after about ten minutes the female asked him "You wanna do that?", while using her hand showing him a motion of masturbation. [REDACTED] said he told the female no, and she then had him lay on his stomach.

After several more minutes of massaging his back, he said the female pulled the back of his underwear down to the bottom of his butt. He said the female was Asian and only spoke broken English, so she used a cell phone to translate "You have a beautiful Butt", again using a hand motion showing her fist closed and thumb up and in a penetrating motion. [REDACTED] said at this point he told her to back off. He said shortly after this another customer entered the business and the female left the room. [REDACTED] said he felt like this was his opportunity to leave the spa.

[REDACTED] said he seen on the video security screen in the room the female hug the customer before they started kissing. He said the female came in the room and told him she would be back in fifteen minutes. [REDACTED] said the female put her phone down next to the door of the room he was in with loud music playing, then went and changed her clothes before going into the other room with the unknown male. [REDACTED] said when this happened, he put his clothes back on and left the facility, shortly before calling the police to report the incident.

HURRICANE CITY POLICE DEPARTMENT

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I asked [REDACTED] if the female touched him anywhere on his genitals or butt and he replied no. After speaking with [REDACTED] I drafted a warrant to seize the video surveillance from within the Virgin River Spa facility, which was approved and signed by Judge Ronald Read.

SERVING SEARCH WARRANT

On April 30th, 2025, around 10:00:00 I met Sgt Gubler in the parking lot of Sherwin Williams paint supply to conduct surveillance on Virgin River Massage Spa. We could see the front entrance of the spa from our position, and it was believed the massage staff were living at the facility. About twenty minutes later a male exited the massage parlor and got into a white pickup truck. Shortly before this male exited, another male had entered the spa after parking directly in front of the entrance, driving a white dually pickup.

Sgt Gubler and I exited our unmarked patrol vehicle and approached the male as he was getting ready to leave the parking lot. We spoke to the male who identified himself as [REDACTED], I recognized him from a previous incident where he was a victim on a separate case. [REDACTED] said he has been coming to Virgin River Massage Spa for a few years. We explained to him that there had been multiple complaints come in regarding the inappropriate sexual behavior at the spa.

[REDACTED] stated that he has never experienced any of this when he has been there, nor has he been offered any sexual services in return for money. We thanked [REDACTED] for speaking to us and concluded the conversation so he could leave. I then called for Detective's Newport, and Johnson to come to our location to assist in conducting the search warrant and collecting evidence.

As we entered the spa we were greeted by 60 seconds

J Duffey

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Officer Report

Reporting Officer: T. Pike

Date and Time of Report: Wed Apr 30 13:25:57 MDT 2025

1. Officers Observation, Actions, Investigation:

Initial:

On 04/30/2025 at 11:22 I was in the area when Hurricane City Detectives asked for a patrol unit to assist them. I arrived and observed Detectives quickly exiting the building and running after a white dually pickup truck. I indicated for the driver to stop, and they did.

The driver identified himself by driver's license as [REDACTED]. [REDACTED] agreed to park his vehicle and remain to speak with detectives. Sgt. Gubler spoke to him for a moment, then asked me to provide a witness statement. [REDACTED] was handed the statement to fill out, and the statement was later collected by Sgt. Gubler.

I then remained near the front door to assist with scene security and keep eyes on a suspect female who was near the front door.

Evidence:

Detective Duffey requested assistance in removing an electronic device from the wall upstairs. I retrieved a tool from my vehicle and removed the exterior cover, so that the screws that were holding the device against the wall could be removed. Pictures were taken of the device by the evidence technician on scene.

Transport:

Once evidence was gathered and documented, I was asked to transport the female to the police department building. I observed Detective Duffey place handcuffs on the female using a belt to secure their hands in front. Detective Newport searched the female and escorted her to my patrol vehicle.

I transported the female from the scene to the police department parking lot, where Sgt. Gubler took custody and escorted her inside.

I was informed that my assistance was no longer needed, and I had no further involvement in this incident.

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Officer Report

Reporting Officer: Stacey Gubler

Date and Time of Report: Thu May 01 10:44:08 MDT 2025

1. Officers Observation, Actions, Investigation:

Det. Duffey and I were conducting surveillance on Virgin River Massage and Spa located at 985 W State Street 5. The surveillance was in anticipation of serving a search warrant at the business. I observed a white dually truck pull into the parking lot and a white male that appeared to be a construction type person enter the business. I waited until Detectives Johnson and Newport arrived on scene and we made our approach to the business. The open sign was lit up in the window and office door was open. The door to the hallway was closed and the office was empty. We made a verbal plan amongst ourselves prior to going further in side the building. The hallway door opened, and an Asian female entered and put both hands up by her face and tilted her head. This is the universal hand sign that she had been sleeping. The question was asked if anybody else was inside the business and she moved her head side to side for no. (later she said she seen a black male in sunglasses).

The ground floor and rooms were safely cleared by Det. Duffey and I. I did observed the rear door was unlatched and slightly open. No other people were located inside the business. I felt the male we had seen earlier had ran out the back door. The rooms set up for massages on the ground floor had monitors on that showed the office area and outside front of business area. The missing males' truck was still parked in front of the business. While observing the parked truck from within the office area a male entered the truck, and it's started to leave the parking lot. The male driver was stopped and asked to return to the parking spot in front of the business.

The male was identified as: [REDACTED].

Statement of [REDACTED] 38 years old

I made contact with [REDACTED] after he returned to the front parking lot of the business. I asked [REDACTED] why he ran out the back door. [REDACTED] replied "she pushed me out the back door". [REDACTED] said this is the first time he had been to this business. [REDACTED] said he had never heard of this business and wanted a massage because he rode his bike last night and was sore.

[REDACTED] said the female told him fifty dollars for a half hour and wanted the money up front. [REDACTED] gave her fifty dollars at this time. [REDACTED] said she tried to take his clothes off of him and he said no, and she left the room. [REDACTED] removed them himself and laid down on the table. [REDACTED] said she started to massage him and then asked him some stuff. I asked what she asked him? [REDACTED] said she went like this and used his own hand to show me the gesture. [REDACTED] moved his hand in a up and down motion. I asked [REDACTED] what he thought she meant when she did this. [REDACTED] said a "hand job".

HURRICANE CITY POLICE DEPARTMENT

█████ said she pointed to the camera monitor that showed us enter the office area and started pushing him out of the room and out the back door. █████ said he was scared and did not know what to do. █████ said he was not asking for anything other than a massage. █████ said she tried to kiss me at one point and that weirded me out.

I assisted other Detectives on scene and returned to watch over the suspect while they collected evidence.

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Officer Report

Reporting Officer: N. Newport
Date and Time of Report: Thu May 1 11:55:51 2025

1. Officers Observation, Actions, Investigation:

On 4-30-2025 while working as a police officer for the Hurricane City Police Department who is currently assigned as a Detective in the Investigations Division, I assisted Detective Duffey on a warrant to seize video surveillance at the address of 985 West State Street unit 5, also known as Virgin River Spa. Knowing from a previous incident at this establishment that the employees may not speak English, I was tasked with helping with translation with an AI translator provided by the department.

Detective Duffey had stated that a customer had entered the business. When I arrived at the Virgin River Spa, I opened the front door into the main waiting room/reception area. After a moment waiting in the front area, a female wearing a black dress, with black hair poked her head out from behind a curtain separating the reception area to the back area where the massage rooms are. Using the AI translator, I was able to explain to the female that we were there because we had a search warrant for their Security camera system.

Using the AI translation, I communicated with the female who identified herself form a United States Government Employment card as Shuli Liu, with the date of birth January 12, 1969. I assisted Detective Johnson with counting money that was located at the business. This money was counted on body camera. I also assisted with listing all items that were taken from the business on property receipts, copies were left at the residence.

Ms. Liu was advised she was under arrest; she was placed in handcuffs using a belt so that her hands were secured to her front. I then completed a search of Ms. Liu and did not locate any weapons or illegal substances on her person. I escorted Ms. Liu to Officer Pikes vehicle who then transported her to the Police Department.

INTERVIEW:

Once at the Police Department Ms. Liu was sat down in an interview room and was given a bottle of water. I assisted Detective Duffey with an interview with Ms. Liu in order to help with the translation device. I was able to use the translation device to read Ms. Liu her Miranda Right, she asked me to repeat them, I then reread her Miranda Right and went sentence by sentence in order for her to understand. Ms. Liu agreed to speak with us.

Detective Duffey conducted an interview with Ms. Liu, see his report for further information. When Detective Duffey exited the interview room I continued to ask Ms. Liu questions. I asked Ms. Liu about a group she had mentioned of people that were looking for a job and a place to rent. I asked her how the group communicated with each other, and she stated that they used an app called WeChat. Ms. Liu said that the app is on the blue iPhone 16 that was taken into evidence.

HURRICANE CITY POLICE DEPARTMENT

I continued to sit in on Detective Duffey's interview. This interview was recorded and will be attached to this incident. At the end of the interview Ms. Liu was advised that she was under arrest for prostitution and was going to be transported to the county jail.

TRANSPORT:

While transporting Ms. Liu to the Washington County Jail, she started to make pained sounds and was moving around in her seat. I was able to use the translator and ask her if she was okay. She told me that she hadn't eaten and that she felt like she was going to vomit. I told her that we were almost to the jail and that they had a nurse that could provide her with medical attention if needed.

CONCLUSION:

A search warrant was conducted at the address of 985 West State St, also known as the Virgin River Spa. One female was arrested, interviewed and transported to the Washington County Jail for prostitution. I assisted in using an AI translator because our suspect, Ms. Liu only spoke Chinese. I also assisted in counting money that was located at the business and collected as evidence.

This ends my involvement.

/S/ Det. Nikita Newport

After completion of this report, I was asked by our Evidence Technician Shaylee Carter, to upload the photographs she took for this incident. The photographs were uploaded to axon.

Nothing further.

/S/ Det. Nikita Newport

HURRICANE CITY POLICE DEPARTMENT

Sentryx Booking Information:

Sentryx Booking Number: 394794 Name Number: 847341
Name: LIU, SHULI Address: 985 W STATE ST UNIT 5; #5
Phone: () - Hurricane, UT 84737
DOB: 01/12/69 Dr Lic: IOE9249006406
Asgnd Bed: PURGATORY-EAST-G BLOCK-G B Cur Loc: PURGATORY-EAST-G BLOCK-G BLOC
Book Date: 04/30/25

Sentryx Inmate Property Taken 14:41:27 04/30/25

Item	Description	Qty In	Location	Receipt
misc	candies	1	037	66942
misc	face mask	1	037	66942
bracelet	gray	1	037	66942
jacket	green	2	037	66942
shirt	black	1	037	66942
pants	tan	1	037	66942
shoes	white	2	037	66942

Sentryx Sentences For booking # 394794:

Bond Type: jlbond_type Judge:
Issue Date:
Clear Date: Clr Code:
Ex Clearnc: Descript:

Bond Type: jlbond_type Judge:
Issue Date:
Clear Date: Clr Code:
Ex Clearnc: Descript:
Req Amount: Opt Amount:
Cash Due:

Bond Type: jlbond_type Judge:
Issue Date:
Clear Date: Clr Code:
Ex Clearnc: Descript:

Sentryx Inmate Holds On Booking # :

Type: [No Type Entered]
Entered by: When Entered:
Cleared by: When Cleared:
Remarks:

Sentryx Arrest # 2502957A

Time/Date: 14:23:37 04/30/25 Agency: HCPD
Age at Arrest: 56 Location: 985 W State St; Officer: Duffey, Jimm
Arrest Type: MISD Area: HURRE Reference:
Disposition:

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Sentryx Offense # 500100
Statute: 76-10-1313(4) (A) NCIC: 4099
Offense: PROS PROSTITUTION Crime Class: AM
Offense Ref: 251500784 Off Type: S Off Area: HURRE
Related Inci: 25H002816 Law Jurisdiction: UT
Entry Code: CRIM Offense Location:
Court Code: 5DIS Offense Time/Date: 14:49:01 04/30/25
Offense Dispo: PRV Disposition Date: 05/02/25

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Property:

Property Number: 648702	Owner Applied Nmbr:
Item: MONEY / CASH	Model: 100's
Brand: US Currency	Quantity: 4
Year: 0	Serial Nmbr:
Meas: DU	Color: GRN
Total Value: \$400.00	
Owner:	
Agency: HCPD Hurricane Polic	Tag Number: NN1
Accum Amt Recov: \$400.00	Officer: Duffey, Jimmy
UCR: MON MONEY	UCR Status:
Local Status:	Storage Location:
Crime Lab Number:	Status Date: 05/01/25
Date Released: **/**/**	Date Recov/Rcvd: 04/30/25
Released By:	Amt Recovered: \$400.00
Released To:	Custody: **:**:** **/**/**
Reason:	
Comments:	

Property Number: 648703	Owner Applied Nmbr:
Item: MONEY / CASH	Model: 5's
Brand: US Currency	Quantity: 15
Year: 0	Serial Nmbr:
Meas: DU	Color: GRN
Total Value: \$75.00	
Owner:	
Agency: HCPD Hurricane Polic	Tag Number: NN2
Accum Amt Recov: \$75.00	Officer: Duffey, Jimmy
UCR: MON MONEY	UCR Status:
Local Status:	Storage Location:
Crime Lab Number:	Status Date: 05/01/25
Date Released: **/**/**	Date Recov/Rcvd: 04/30/25
Released By:	Amt Recovered: \$75.00
Released To:	Custody: **:**:** **/**/**
Reason:	
Comments:	

Property Number: 648704	Owner Applied Nmbr:
Item: MONEY / CASH	Model: 10's
Brand: US Currency	Quantity: 16
Year: 0	Serial Nmbr:
Meas: DU	Color: GRN
Total Value: \$160.00	
Owner:	
Agency: HCPD Hurricane Polic	Tag Number: NN3
Accum Amt Recov: \$160.00	Officer: Duffey, Jimmy
UCR: MON MONEY	UCR Status:
Local Status:	Storage Location:
Crime Lab Number:	Status Date: 05/01/25
Date Released: **/**/**	Date Recov/Rcvd: 04/30/25
Released By:	Amt Recovered: \$160.00
Released To:	Custody: **:**:** **/**/**

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Reason:
Comments:

Property Number: 648705	Owner Applied Nmbr:
Item: MONEY / CASH	Model: 20's
Brand: US Currency	Quantity: 17
Year: 0	Serial Nmbr:
Meas: DU	Color: GRN
Total Value: \$340.00	
Owner:	
Agency: HCPD Hurricane Polic	Tag Number: NN4
Accum Amt Recov: \$340.00	Officer: Duffey, Jimmy
UCR: MON MONEY	UCR Status:
Local Status:	Storage Location:
Crime Lab Number:	Status Date: 05/01/25
Date Released: **/**/**	Date Recov/Rcvd: 04/30/25
Released By:	Amt Recovered: \$340.00
Released To:	Custody: **:**:** **/**/**
Reason:	
Comments:	

Property Number: 648707	Owner Applied Nmbr:
Item: MONEY / CASH	Model: 50's
Brand: US Currency	Quantity: 3
Year: 0	Serial Nmbr:
Meas: DU	Color: GRN
Total Value: \$150.00	
Owner:	
Agency: HCPD Hurricane Polic	Tag Number: NN5
Accum Amt Recov: \$150.00	Officer: Duffey, Jimmy
UCR: MON MONEY	UCR Status:
Local Status:	Storage Location:
Crime Lab Number:	Status Date: 05/01/25
Date Released: **/**/**	Date Recov/Rcvd: 04/30/25
Released By:	Amt Recovered: \$150.00
Released To:	Custody: **:**:** **/**/**
Reason:	
Comments:	

Property Number: 648708	Owner Applied Nmbr:
Item: MONEY / CASH	Model: 1's
Brand: US Currency	Quantity: 45
Year: 0	Serial Nmbr:
Meas: DU	Color: GRN
Total Value: \$45.00	
Owner:	
Agency: HCPD Hurricane Polic	Tag Number: NN6
Accum Amt Recov: \$45.00	Officer: Duffey, Jimmy
UCR: MON MONEY	UCR Status:
Local Status:	Storage Location:
Crime Lab Number:	Status Date: 05/01/25
Date Released: **/**/**	Date Recov/Rcvd: 04/30/25
Released By:	Amt Recovered: \$45.00

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Released To:
Reason:
Comments:

Custody: **:**:** **/**/**

Property Number: 648709	Owner Applied Nmbr:
Item: MONEY / CASH	Model: 20's
Brand: US Currency	Quantity: 4
Year: 0	Serial Nmbr:
Meas: DU	Color: GRN
Total Value: \$80.00	
Owner:	
Agency: HCPD Hurricane Polic	Tag Number: NN7
Accum Amt Recov: \$80.00	Officer: Duffey, Jimmy
UCR: MON MONEY	UCR Status:
Local Status:	Storage Location:
Crime Lab Number:	Status Date: 05/01/25
Date Released: **/**/**	Date Recov/Rcvd: 04/30/25
Released By:	Amt Recovered: \$80.00
Released To:	Custody: **:**:** **/**/**
Reason:	
Comments:	

Property Number: 648710	Owner Applied Nmbr:
Item: MONEY / CASH	Model: 10's
Brand: US Currency	Quantity: 2
Year: 0	Serial Nmbr:
Meas: DU	Color: GRN
Total Value: \$20.00	
Owner:	
Agency: HCPD Hurricane Polic	Tag Number: NN8
Accum Amt Recov: \$20.00	Officer: Duffey, Jimmy
UCR: MON MONEY	UCR Status:
Local Status:	Storage Location:
Crime Lab Number:	Status Date: 05/01/25
Date Released: **/**/**	Date Recov/Rcvd: 04/30/25
Released By:	Amt Recovered: \$20.00
Released To:	Custody: **:**:** **/**/**
Reason:	
Comments:	

Property Number: 648711	Owner Applied Nmbr:
Item: MONEY / CASH	Model: 5's
Brand: US Currency	Quantity: 2
Year: 0	Serial Nmbr:
Meas: DU	Color: GRN
Total Value: \$10.00	
Owner:	
Agency: HCPD Hurricane Polic	Tag Number: NN9
Accum Amt Recov: \$10.00	Officer: Duffey, Jimmy
UCR: MON MONEY	UCR Status:
Local Status:	Storage Location:
Crime Lab Number:	Status Date: 05/01/25
Date Released: **/**/**	Date Recov/Rcvd: 04/30/25

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Released By:
Released To:
Reason:
Comments:

Amt Recovered: \$10.00
Custody: **:**:** **/**/**

Property Number: 648712
Item: MONEY / CASH
Brand: US Currency
Year: 0
Meas: DU
Total Value: \$11.00
Owner:
Agency: HCPD Hurricane Polic
Accum Amt Recov: \$11.00
UCR: MON MONEY
Local Status:
Crime Lab Number:
Date Released: **/**/**
Released By:
Released To:
Reason:
Comments:

Owner Applied Nmbr:
Model: 1's
Quantity: 11
Serial Nmbr:
Color: GRN
Tag Number: NN10
Officer: Duffey, Jimmy
UCR Status:
Storage Location:
Status Date: 05/01/25
Date Recov/Rcvd: 04/30/25
Amt Recovered: \$11.00
Custody: **:**:** **/**/**

Property Number: 648713
Item: RECEIPT
Brand: ATM Receipt
Year: 0
Meas: DU
Total Value: \$1.00
Owner:
Agency: HCPD Hurricane Polic
Accum Amt Recov: \$1.00
UCR: DOC DOCUMENT PERSONA
Local Status:
Crime Lab Number:
Date Released: **/**/**
Released By:
Released To:
Reason:
Comments:

Owner Applied Nmbr:
Model:
Quantity: 1
Serial Nmbr:
Color: WHI
Tag Number: NN21
Officer: Duffey, Jimmy
UCR Status:
Storage Location:
Status Date: 05/01/25
Date Recov/Rcvd: 04/30/25
Amt Recovered: \$1.00
Custody: **:**:** **/**/**

Property Number: 648714
Item: CELL PHONE
Brand: Apple
Year: 0
Meas: DU
Total Value: \$400.00
Owner:
Agency: HCPD Hurricane Polic
Accum Amt Recov: \$400.00
UCR: PDA CELL PHONE/PDA/P
Local Status:
Crime Lab Number:

Owner Applied Nmbr:
Model: iPhone
Quantity: 1
Serial Nmbr:
Color: LBL
Tag Number: NN31
Officer: Duffey, Jimmy
UCR Status:
Storage Location:
Status Date: 05/01/25

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Date Released: **/**/**
Released By:
Released To:
Reason:
Comments:

Date Recov/Rcvd: 04/30/25
Amt Recovered: \$400.00
Custody: **:**:** **/**/**

Property Number: 648715
Item: CELL PHONE
Brand: Apple
Year: 0
Meas: DU
Total Value: \$1,000.00
Owner:
Agency: HCPD Hurricane Polic
Accum Amt Recov: \$1,000.00
UCR: PDA CELL PHONE/PDA/P
Local Status:
Crime Lab Number:
Date Released: **/**/**
Released By:
Released To:
Reason:
Comments:

Owner Applied Nmbr:
Model: iPhone
Quantity: 1
Serial Nmbr:
Color: BLK
Tag Number: NN41
Officer: Duffey, Jimmy
UCR Status:
Storage Location:
Status Date: 05/01/25
Date Recov/Rcvd: 04/30/25
Amt Recovered: \$1,000.00
Custody: **:**:** **/**/**

Property Number: 648716
Item: KEY / KEY RING
Brand: Gold Key
Year: 0
Meas: DU
Total Value: \$1.00
Owner:
Agency: HCPD Hurricane Polic
Accum Amt Recov: \$1.00
UCR: MET METALS (NON PREC
Local Status:
Crime Lab Number:
Date Released: **/**/**
Released By:
Released To:
Reason:
Comments:

Owner Applied Nmbr:
Model:
Quantity: 1
Serial Nmbr:
Color: GLD
Tag Number: NN61
Officer: Duffey, Jimmy
UCR Status:
Storage Location:
Status Date: 05/01/25
Date Recov/Rcvd: 04/30/25
Amt Recovered: \$1.00
Custody: **:**:** **/**/**

Property Number: 648717
Item: MONEY / CASH
Brand: US Currency
Year: 0
Meas: DU
Total Value: \$100.00
Owner:
Agency: HCPD Hurricane Polic
Accum Amt Recov: \$100.00
UCR: MON MONEY
Local Status:

Owner Applied Nmbr:
Model: 100
Quantity: 1
Serial Nmbr:
Color: GRN
Tag Number: NN71
Officer: Duffey, Jimmy
UCR Status:
Storage Location:

HURRICANE CITY POLICE DEPARTMENT

Crime Lab Number:	Status Date: 05/01/25
Date Released: **/**/**	Date Recov/Rcvd: 04/30/25
Released By:	Amt Recovered: \$100.00
Released To:	Custody: **:**:** **/**/**
Reason:	
Comments:	
Property Number: 648718	Owner Applied Nmbr:
Item: RECORDER	Model:
Brand: HD Recorder	Quantity: 1
Year: 0	Serial Nmbr: 24098008H5-BN20047
Meas: DU	Color: BLK
Total Value: \$50.00	
Owner:	
Agency: HCPD Hurricane Polic	Tag Number: NN81
Accum Amt Recov: \$50.00	Officer: Duffey, Jimmy
UCR: RTV TV/VCR/DVD/OTH T	UCR Status:
Local Status:	Storage Location:
Crime Lab Number:	Status Date: 05/01/25
Date Released: **/**/**	Date Recov/Rcvd: 04/30/25
Released By:	Amt Recovered: \$50.00
Released To:	Custody: **:**:** **/**/**
Reason:	
Comments:	

HURRICANE CITY POLICE DEPARTMENT

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Name Involvements:

OTHER : 844188
Last: CHEN First: PEI YU Mid:
DOB: 01/28/74 DL #: D6531987 Address: 1725 S SAN GABRIEL BLVD
Race: A Sex: F Phone: (626)898-2518 City: San Gabriel, CA 91776

OTHER : 842578
Last: VIRGIN RIVER S First: Mid:
DOB: **/**/** DL #: Address: 985 W STATE ST UNIT 5
Race: Sex: Phone: (435)313-7964 City: Hurricane, UT 84737

VICTIM : 847282
Last: [REDACTED] First: [REDACTED] Mid:
DOB: [REDACTED] DL #: [REDACTED] Address: [REDACTED]
Race: W Sex: M Phone: [REDACTED] City: [REDACTED]

ARRESTED : 847341
Last: LIU First: SHULI Mid:
DOB: 01/12/69 DL #: IOE9249006406 Address: 985 W STATE ST UNIT 5;
Race: A Sex: F Phone: () - City: Hurricane, UT 84737

VICTIM : 136117
Last: [REDACTED] First: [REDACTED] Mid: [REDACTED]
DOB: [REDACTED] DL #: [REDACTED] Address: [REDACTED]
Race: W Sex: M Phone: ([REDACTED]) City: [REDACTED]

HURRICANE CITY POLICE DEPARTMENT

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STAFF COMMENTS

Item: Consideration and possible approval of Resolution No. 2025-23 approving an increase in billing rates for culinary water usage in Hurricane City.

Discussion: The Washington County Conservancy District is increasing its wholesale water rate by \$0.15 per thousand gallons. Hurricane City buys a portion of the water it supplies to its residents from the district at the wholesale rate. This agenda item is to consider increasing Hurricane Cities retail rate by \$0.15 per thousand gallons to match the increase by the District. The Water Board discussed this item on April 29, 2025, and unanimously recommended that the City Council increase the city's water rates by \$0.15 per thousand gallons and a 2% across the board inflation increase. – Ken Richins

Findings:

Recommendation:

**A RESOLUTION OF THE CITY COUNCIL OF HURRICANE, UTAH, APPROVING
AN INCREASE IN BILLING RATES FOR WATER USAGE IN THE CITY OF
HURRICANE**

WHEREAS the Washington County Water Conservancy District has imposed an annual rate increase on the cost of wholesale water in the amount of \$0.15 per thousand gallons; and

WHEREAS the Hurricane City Water Board has recommended a corresponding increase in Hurricane City's billing rates for usage of water; and

WHEREAS the Hurricane City Council finds that an increase in the City's billing rates is necessary to account for the increase in the wholesale water rate, to pay for costs of water development, to pay to replace failing infrastructure, and to stabilize revenue for the Hurricane City Water Department; and

WHEREAS the Hurricane City Council finds that it is necessary and desirable for the preservation and protection of the health, safety, and welfare of the residents of Hurricane,

BE IT HEREBY RESOLVED by the City Council of Hurricane, Utah as follows:

1. At such time that the Washington County Water Conservancy District imposes its annual increase of \$0.15 per thousand gallons for the cost of wholesale water, the Hurricane City water rates shall also be increased by the following amounts:

- a. an increase of \$0.15 per thousand gallons of water;
- b. unless otherwise amended by the Hurricane City Council, this annual increase in water rates shall continue each year for five years, after which it shall be reviewed by the Hurricane City Water Board and updated by the Hurricane City Council;

2. Unless otherwise amended by the Hurricane City Council, each year for five years, there shall be a 2% increase in Hurricane City's general base rate and per-thousand-gallon rate for water to stabilize revenue for the Hurricane City Water Department, after which it shall be reviewed by the Hurricane City Water Board and updated by the Hurricane City Council;

BE IT FURTHER RESOLVED that this Resolution shall take effect at the earliest date allowed by law.

PASSED AND APPROVED this 15th day of May 2025.

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 15th day of May 2025. Whereupon a motion to adopt and approve said Resolution was made by _____ and seconded by _____. A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
David Hirschi	_____	_____	_____	_____
Kevin Thomas	_____	_____	_____	_____
Clark Fawcett	_____	_____	_____	_____
Drew Ellerman	_____	_____	_____	_____
Joseph Prete	_____	_____	_____	_____

Cindy Beteag



STAFF COMMENTS

Item: Consideration and possible approval of Resolution 2025-24 Appointing Mark Maag to the Power Board.

Discussion: - This item is needed to fill a vacancy on our Power Board that occurred when Tony Certonio vacated his Power Board seat due to personal time constraints. In the 5/7/25 Power Board meeting, Dave Imlay made a motion to recommend approval of this appointment with a second by David Hirschi. The motion passed unanimously. – Crystal Wright

Findings:

Recommendation:

**A RESOLUTION OF THE CITY COUNCIL OF HURRICANE, UTAH, APPOINTING
~~KERRY PRINCE~~MARK MAAG TO THE POWER BOARD**

WHEREAS, Hurricane City has adopted Hurricane City Code Title 8, Chapter 4, Section 2: Municipal Power Board;

WHEREAS, Hurricane City Code creates a Municipal Power Board (“Board”) to serve as an advisory Board to the City Council, with the Board consisting of six voting commissioners, with each commissioner serving a four-year term;

WHEREAS, new members are appointed by the Mayor, with the advice and consent of the City Council;

WHEREAS, the City Council appointed ~~Dale Johnson~~Tony Certonio on January 18, 2024, but due to scheduling conflicts he is not able to serve on the board and has resigned,

BE IT HEREBY RESOLVED that ~~Kerry Prince~~Mark Maag will serve in Mr. ~~Johnson’s~~Certonio’s place for the term of 02/01/2024-02/01/2028.

PASSED AND APPROVED this 15th ~~1st~~ day of ~~February 2024~~May 2025.

Nanette Billings, Mayor

Attest:

Cindy Beteag, City Recorder

The foregoing Resolution was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 15th ~~st~~ day of ~~February 2024~~May 2025. Whereupon a motion to adopt and approve said Resolution was made by _____ and seconded by _____. A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
David Hirschi	_____	_____	_____	_____

Kevin Thomas
Clark Fawcett
Drew Ellerman
Joseph Prete

Cindy Beteag, Recorder



STAFF COMMENTS

Item: Consideration and possible approval of a Power Line Extension request for Zion Regional Medical Center.

Discussion: - Zion Regional Medical Center is requested approximately 10.5MW of power for their complete project. Power infrastructure needed to meet that need include the construction of the Sky Mountain Substation as well as some transmission line construction . These infrastructure needs have been identified and discussed with the development team and will be required in order to proceed with their project. They have agreed to provide for those needs. – Crystal Wright

Findings:

Recommendation:

-ELECTRICAL NARRATIVE-

PRIMARY SERVICE ENTRANCE

One Utility Company pad mounted transformer is anticipated, estimated at 1,500kVA. The transformer will be located in exterior courtyard in vicinity of the central plant and separated from the emergency generator by block wall and 10'. Utility transformer pad is anticipated to be 12' x 12' with clearance requirements per Utility requirements (typically 5' rear and side access to solid walls, 15' front access). Exact transformer size is determined based on the Utility Company.

The transformer primary will be connected to Utility Company primary.

~~The Utility Company transformer and primary conductors will be furnished and installed by the local electric utility company.~~ The primary conduits, secondary conduits, all trenching, duct banks and secondary conductors associated with the new transformer will be furnished and installed as part of Project construction. Primary conduits will be routed in an easement.

Service entrance conductors (transformer secondary) shall be routed in below-grade ductbank.

Coordinate requirements with local Utility Company. Utility metering is anticipated to be within the main switchboard per Utility requirements.

MAIN ELECTRICAL SWITCHBOARD

Main Electrical Switchboard MSA shall be 3,000 - 4,000-amp main circuit breaker, 277/ 480 volt, 3-phase, 4-wire, 65,000 AIC.

Main service entrance protective device shall be manually operated with solid state electronic trip having adjustable current setting, adjustable long-time pickup, adjustable long-time delay, adjustable short-time pickup, adjustable short-time delay, integral ground fault protection with adjustable ground fault pickup and ground fault delay, visual trip indicators to identify overload, short circuit, or ground fault as the cause of tripping, with solid state programmer. The breaker shall be provided with a ground fault test button.

Short Circuit, Overcurrent Coordination Protective Device and Arc Flash Analysis: Submit as part of Equipment Shop Drawings short circuit analysis to include short circuit values at all switchboards, distribution boards and panelboard locations to verify the correct application of equipment AIC ratings. Submit overcurrent coordination protective devices analysis with recommendations for switchboard and distribution board overcurrent protective devices (current setting, long-time pickup, long-time delay, short-time pickup, short-time delay, ground fault pickup and ground fault delay) to illustrate the coordination with downstream devices.

Switchboard distribution section(s) and distribution boards shall contain fixed mounted circuit breakers shall be manually operated with solid state electronic trip having adjustable current setting, adjustable long-time pickup, adjustable long-time delay, adjustable short-time pickup, adjustable short-time delay, integral ground fault protection with adjustable ground fault pickup and ground fault delay, visual trip indicators to identify overload, short circuit or ground fault as

-ELECTRICAL NARRATIVE-MAIN ELECTRICAL SWITCHBOARD

the cause of tripping, with solid state programmer.

Circuit breakers within both normal distribution system 225 amp and larger shall be manually operated with solid state electronic trip having adjustable current setting, adjustable long-time pickup, adjustable long-time delay, adjustable short-time pickup, adjustable short-time delay, integral ground fault protection with adjustable ground fault pickup and ground fault delay, visual trip Indicators to Identify overload, short circuit or ground fault as the cause of tripping, with solid state programmer.

MSB will contain fixed-mounted insulated case main and feeder/ secondary circuit breakers with integral adjustable solid-state phase and ground overcurrent and short circuit protective devices. Adjustable ground fault protection to selectively open main and feeder devices.

The main service distribution board will serve normal power distribution and branch circuit panelboards, as well as each of the essential electrical system automatic transfer switches in each of the following:

Normal Power Distribution

1. Power for mechanical equipment in the facility will be distributed by 480 volt, 3-phase, 4-wire feeders extending from Main Switchboard MSA to distribution panels that serve mechanical equipment.

The central plant electrical rooms (normal and emergency rooms) will serve hospital branch circuit panelboards.

Allow for adequate distribution equipment and feeders based on mechanical equipment indicated, along with necessary starters, disconnect switches, etc.

2. Power for fluorescent lighting will be distributed by 480y/277 volt, 3-phase, 4-wire feeders from the main switchboard to panels located in electrical rooms.
3. Power for receptacle loads will be distributed by 120/208 volt, 3-phase, 4-wire lighting, and appliance branch circuit panelboards located in the electrical rooms.

Emergency Power

1. Standby electrical power will be supplied to the facility by diesel engine-driven generator, 1,500 to 2,000 kw total system capacity, 277/ 480-volt, 3-phase, 4-wire service and located exterior in central plant MEP equipment yard. The generator is sized to accommodate 1 chiller and associated pumps to provide minimal cooling to the OR and patient recovery areas.

The generator shall be connected to skid mounted base fuel tanks, 24-hour capacity.

-ELECTRICAL NARRATIVE-**MAIN ELECTRICAL SWITCHBOARD**

2. Main Emergency Electrical Switchboard EMSA shall be 2,000 to 3,000 amp, 277/ 480-volt, 3-phase, 4--wire, 65,000 AIC, NEMA 3R and located in outside equipment courtyard in vicinity of Central Plant
3. The Essential Electrical System will be provided in conformance with most current version of NFPA 99, Chapter 12. It will consist of a Life Safety Branch, a Critical Branch, and Equipment Branches as required. Automatic transfer switches (ATS's) for the Critical Branches will be closed-transition type. ATS's for life safety and equipment branch shall be open-transition type. All ATS's will be 4-pole.
4. Allow for adequate Equipment Branch power distribution equipment to accommodate the hospital's heating requirements (pumps, motors, etc.), and any other mechanical equipment required to be served by the Equipment Branch.
5. Provide two 7.5 kVA, 277volt - 120-volt isolation panels with 20 - 2P20amp secondary circuit breakers within each OR. Provide service to the isolation panels from the Critical Branch. Allow for full distribution of branch circuits within OR areas with XHHW conductors.
6. Loads arranged for service from the Life Safety Branch will include the following:
 - a) Exit lights, stairway, and egress path lighting.
 - b) Selected lighting and receptacles at the generator location.
 - c) Exterior egress paths.
 - d) Fire alarm system.
 - e) Medical gas alarms.
7. Loads arranged for service from the Critical Branch will include the following:
 - a) Nurse call systems.
 - b) Telephone equipment rooms.
 - c) Task lighting and selected receptacles in:
 - d) Medication Preparation Areas.
 - e) Treatment Rooms.
 - f) Nurses' stations.
 - g) Other areas and functions related to patient care or necessary for effective hospital operation.

Lighting, selected receptacles and special power circuits in:

- a) Patient Room exam and night-lights and special receptacles.
 - b) Operating Rooms.
 - c) Special Procedure Rooms.
8. Loads arranged for service from the delayed automatic Equipment System Branch will include the following:

-ELECTRICAL NARRATIVE-

MAIN ELECTRICAL SWITCHBOARD

- a) HVAC equipment serving:
 - Patient Areas.
 - Operating Rooms.
 - Emergency Department.
- b) Limited radiology equipment
- c) Automatic door operators.
- d) Sterilizers.

Wire and cable for power and communications will be copper and installed in conduit. Provide a remote emergency generator annunciator panel in the Maintenance Office and at 24-hour Nurse's Station.

LIGHTING

Provide allowance for building facade and landscape lighting. Provide allowance for building entry area (decorative fixtures will be selected by Architect) including clearstory up-lighting.

Interior lighting systems for the hospital will be designed to provide lighting levels consistent with current recommendations of the Illuminating Engineering Society for the specific visual task to be performed in a given area or task location.

Generally, LED lighting and LED downlights will be used. Incandescent lighting will not be used.

Lighting systems will be designed following IES currently recommended luminance categories and luminance values for the type of area or activity various interior spaces in the building will serve. Target maintained levels of illumination will be subject to further evaluation during subsequent phases of the design process.

Lamps will be low-mercury type, with mercury content less than 70 picograms per lumen-hour.

Individual task lighting will be provided in open office and multi-occupant areas.

Adjustable lighting controls such as dimming will be provided in all conference rooms, meeting rooms, training rooms, and other multi-occupant areas.

Occupancy sensor auto control of light fixtures shall be provided for all non-patient care areas including but not limited to offices, storage rooms, janitor closets, soiled and clean utility, restrooms, nourishment, meds, consult, waiting, and like rooms.

Daylight harvesting shall be provided for main entry areas and clearstory to daylight harvest light fixtures within 25' of glass.

-ELECTRICAL NARRATIVE-

LIGHTING

Parking Lot Lighting - Provide branch circuits and controls to LED parking lot lighting. Two fixtures in front parking and two fixtures in building rear will be circuited to critical branch, with remainder of parking lot lights circuited to normal power.

FIRE ALARM SYSTEMS

Fire alarm systems will be a 24-volt DC automatic and manual, zoned, non-coded closed circuit, supervised general alarm system using individually addressable devices.

The fire alarm system will be connected to the standby electrical power system, and in addition, will be equipped with backup batteries to operate the supervision system and associated trouble signals for up to four hours if both normal and standby power sources are unavailable.

The fire alarm system will be zoned with zones conforming to individual smoke compartments. In addition, zones will be provided for each air handling unit, the main sprinkler flow alarm switch, sprinkler zone flow alarm switches, and sprinkler valve tamper switches.

Zone annunciators will be provided as required.

Provide tamper switches and connection to fire alarm system for backflow preventers (located outside the building). Coordinate location of backflow preventers.

COMMUNICATIONS AND MISCELLANEOUS SYSTEMS

General: Provide backbox and raceway conduit stub-ups to above accessible ceiling for the following Owner provided systems: Nurse Call Including Code Blue, Access Control, Surveillance, Overhead Page/ Public Address, TV, Master Clock System, Voice/ Data.

Provide j-hook pathway system throughout all corridors of hospital.

Television Antenna Distribution System will consist of antenna outlets in patient rooms, waiting areas and other locations, cable in conduit, amplifiers as required and connection to either a master antenna (MATV) for the facility or the community antenna (CATV) system.

The Background Music/Public Address System will consist of ceiling mounted speakers in corridors and waiting areas, wiring in conduit, amplifiers and music sources as required, microphones and inputs from the telephone system for paging as required.

Master Clock System.

Patient Area Nurse Call Systems will be full-feature manual-type audio-visual system. Master stations will be located at the nurse station. Duty stations or staff/duty stations will be located in clean and soiled utility rooms, nourishment rooms, and medication rooms, and

-ELECTRICAL NARRATIVE-

COMMUNICATIONS AND MISCELLANEOUS SYSTEMS

other areas as needed. Emergency pull cord stations, with the cord extended to within 2" above finished floor, will be located in all patient toilet rooms, shower rooms, and tub rooms.

Diagnostic Area Nurse Call Systems will be a visual system with annunciator panels at nurse or control stations. Patient emergency pull cord stations will be provided at all toilet rooms and dressing rooms. Patient bed stations will be provided at all locations where patients will be left unattended. Staff emergency stations will be provided in all procedure rooms.

A Cardiac Arrest "Code Blue" system will be provided for staff use in each operating room, recovery room, patient rooms, etc.

An empty raceway system will be provided for Owner furnished telephone equipment cable, data processing cable, timeclock system cable, and cardiac monitoring system cable.

Lightning Protection System, Mater UL Label is included within the project scope.

Hurricane Medical Center MOB



DESIGN NARRATIVE



ELECTRICAL NARRATIVE

ELECTRICAL SERVICE AND DISTRIBUTION

Electrical Service to Building 277/480-volt three-phase four-wire; Underground from pad mounted transformer

Main Electrical Switchboard Service entrance rated switchboard with distribution; Incoming utility meter section, solid state 3,000A main circuit breaker section with LSIG trip function and integral power meter;

Each feeder breaker in distribution section is solid state electronic with LSI, GFPE, and integral power meter;

Feeder Breakers:

- (4) 250AF 3P serving each Roof Top HVAC Unit
 - (3) 600AF 3P serving distribution panels on floors 2,3,4
 - (1) 1,000AF 3P serving distribution panel on 1st floor
 - (1) 250AF 3P serving Article 700 ATS (normal side)
- Integrated SPD;

Essential Electrical Power System (for future ASC)

750 kW Packaged diesel generator outside in weather-proof sound enclosure with adjacent day tank (UL2085);

Level 1, Class 48, Type 10 EPSS (Essential Power System Supply) rated at 0.8 PF, 277/480V 3P4W;

Dual purpose exterior generator docking station connected to the EPSS feeder for load bank testing and connection of temporary generator;

Generator distribution panel (GDP) 1,200-amps to distribute to the following ATS:

Article 700 Branch: 250A 4-pole ATS serving core area emergency lighting, generator accessories, fire alarm, elevator lighting and controls, sump pump, jockey pump

Fire Pump: Fire pump controller with integrated 250A 3-pole ATS

Future: Future ASC tenant will require Life Safety (100A), Critical (250A), and Equipment branch (400A) ATS

Hurricane Medical Center MOB



DESIGN NARRATIVE



ELECTRICAL NARRATIVE

ELECTRICAL SERVICE AND DISTRIBUTION (continued)

Feeders/Conductors/ Conduit Feeders in EMT conduit using copper conductors for 200-amps and less; Aluminum conductors if over 200-amps.

PVC conduit used underground.

Interior Electrical Distribution Transformers

Aluminum winging; 150C rise; Dry-type distribution transformers compliant with DOE standards.

Electrical Branch Circuit Panelboards

Dead front style commercial panelboards with bolt-on breakers; Tin-plated aluminum bus

Motor Starters

NEMA sized motor starters for exhaust fans and other equipment requiring control that does not have a factory installed control panel.

LIGHTING AND BRANCH WIRING

Electrical Branch Wiring MC cable for 20-amp branch circuits on normal branch; EMT and copper wire for all essential branch circuits and branch circuits larger than 20-amps; EMT/copper for all homeruns above ceiling.

Receptacles and general power Commercial receptacles; GFCI in all wet areas and as required by NEC

Interior Lighting Dimmable LED fixtures in public spaces of core; Accent lighting and wall sconces in public areas; See architectural RCP for ceiling types.

4' strip lighting with lenses in mechanical and back of house spaces; Wall mounted linear LED with integral occupancy sensor for all stair lighting.

Life Safety Lighting All egress lighting fed from Life Safety system; Emergency battery powered lighting at the generator location;

Exterior Building Lighting Accent lighting, canopy lighting where required; Egress lighting at all exits.

Lighting Controls PIR vacancy sensors in small spaces; Dual-Technology vacancy/occupancy sensors and power packs in larger spaces;

Hurricane Medical Center MOB



DESIGN NARRATIVE



ELECTRICAL NARRATIVE

LIGHTING AND BRANCH WIRING (continued)

New lighting control panel for exterior lighting and main lobby/core area circulation;

COMMUNICATION AND SECURITY

Detection and Alarm	Complete fire alarm system; Public mode; Include duct smoke detectors, sprinkler water flow monitoring; integration with smoke dampers.
Security Access and Surveillance	By Others – Power/raceways requirements under division 26
Voice and Data Systems	By others – Power/raceways requirements under division 26
Public Address and Music Systems	By others – Power/raceways requirements under division 26

OTHER ELECTRICAL SYSTEMS

Lightning Protection Systems	New LPS for entire facility; NPFA 780 compliant
Solar Power Generation	Preparation for future roof-mounted solar array
Electric Vehicle Ready	Six (6) Level II EV charging stations in designated areas of the parking lot; Exterior rated 112.5 kVA step down transformer and 400-amp MCB panel inside generator enclosure, dedicated for these 6, and up to 10 future EV charging stations.

DOORS

Provide card readers at front doors, back doors, and stair doors.

ELEVATORS

ThyssenKrupp. Machine room – less. Owner to select specific model.

Cab finishes:

- Stainless steel doors, frames (brushed finish) and handrail. Wilsonart raised laminate panels.
- Tile floor.

Hurricane Medical Center MOB



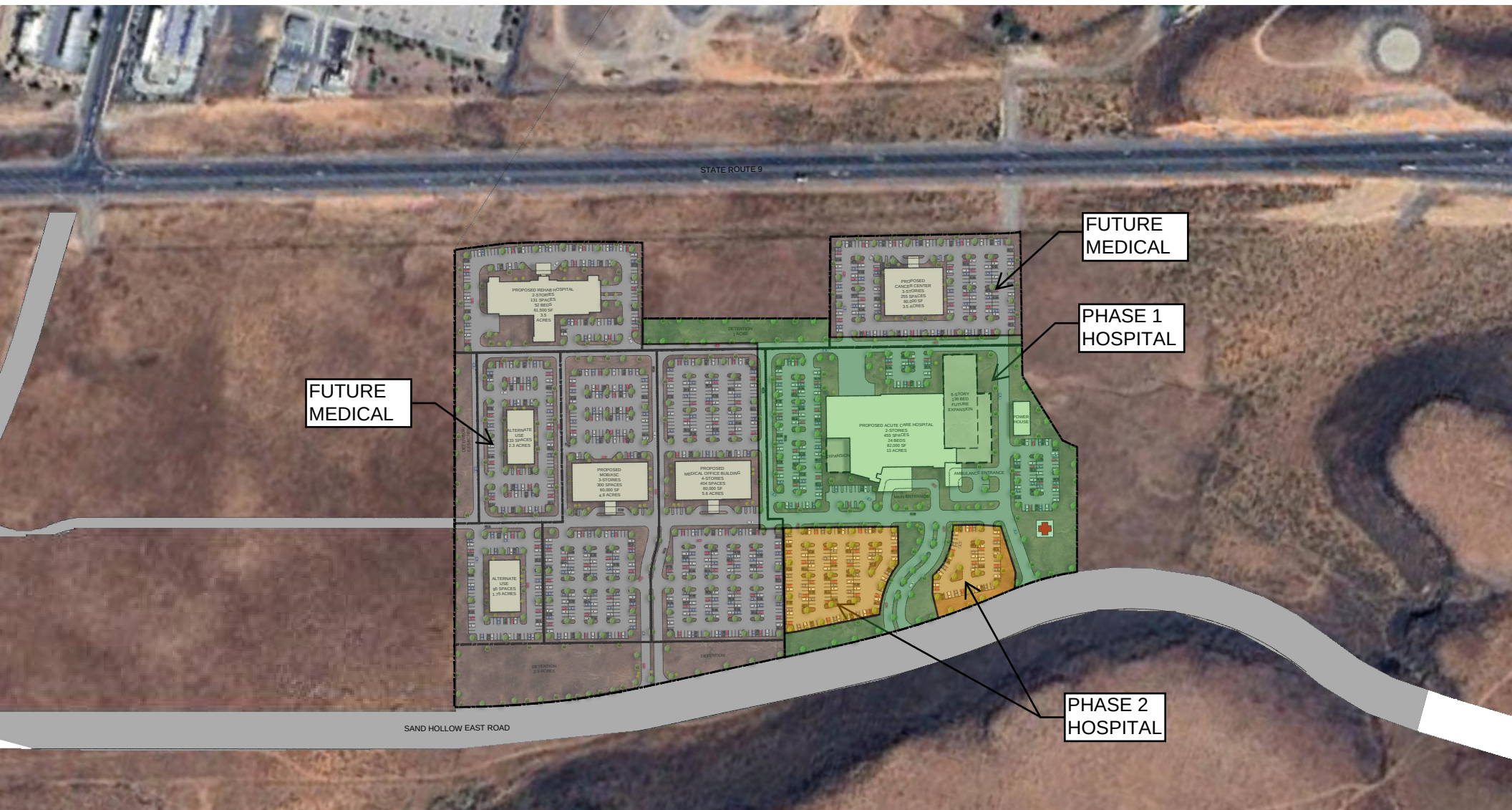
DESIGN NARRATIVE



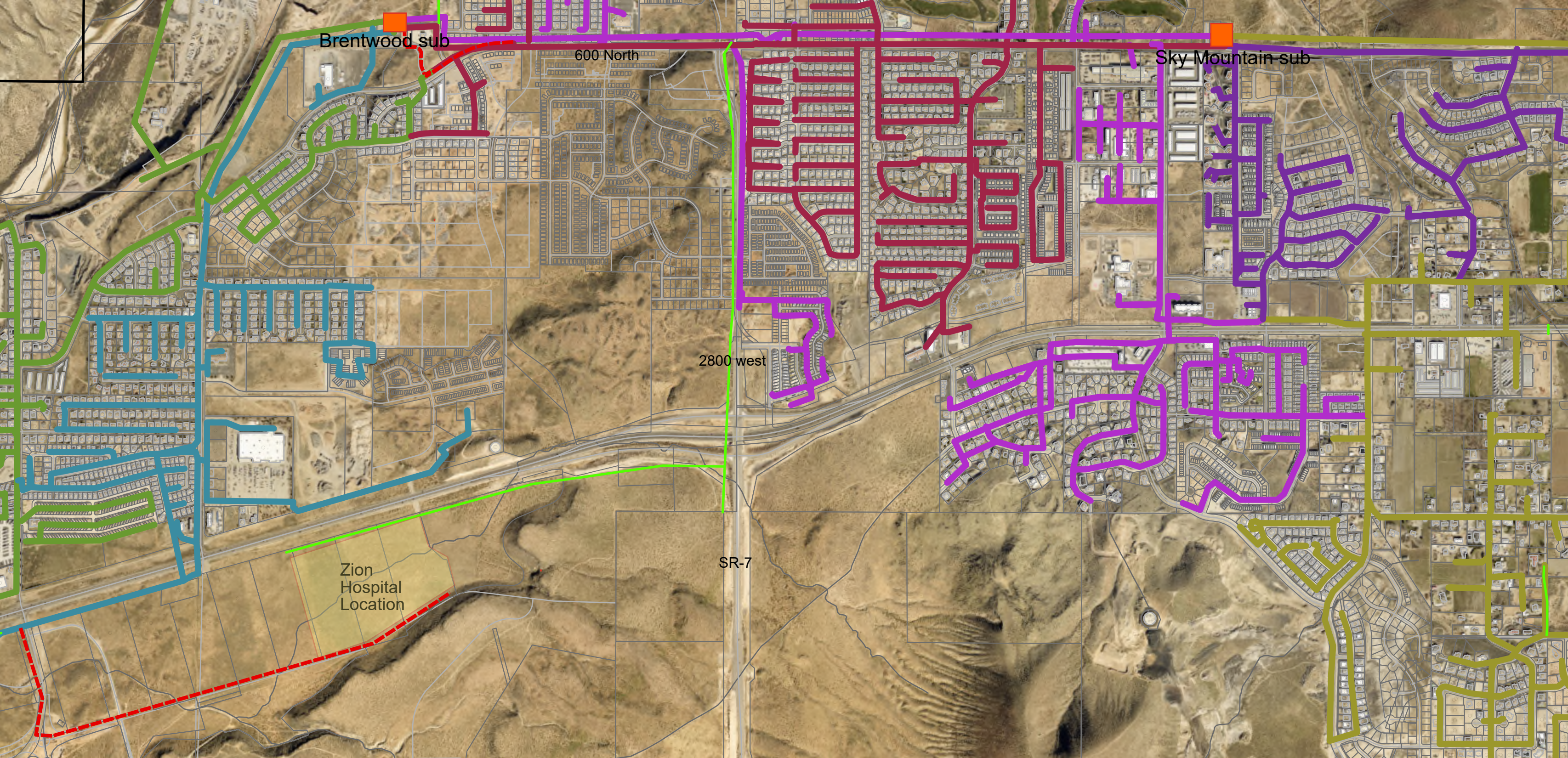
ELECTRICAL NARRATIVE

OTHER ELECTRICAL SYSTEMS (continued)

- Stainless ceiling with accent can lighting (light levels to be consistent with lobby)
- One set of pads per cab.







Brentwood sub

600 North

Sky Mountain sub

2800 west

SR-7

Zion
Hospital
Location

Summary for Water Department Agenda item for the City Council meeting 5/15/2025

Sky Ranch well.

Mayor and council members, on 2/13/2025 at 2:00 pm bids were received for the drilling and developing of the Sky Ranch well. There were three qualified bids.

Alpha Engineering, our consulting engineer, recommended we award the bid to the lowest bidder which was Gardner Brothers from Enterprise Utah. For the project Base Bid price + Additive Alternative No. 2 of \$1,308,985.00. The Engineers Letter of recommendation and bid tabulations are attached.

The reason we couldn't award this contract earlier was because we needed to trade the property we owned from the original test well that didn't work out for the property, we drilled the second test well on.



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

alphaengineering.com

February 27, 2025

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

Re: Sky Ranch Well Drilling and Well Development Bid

Dear Ken:

Bids were received for the Sky Ranch Well Drilling and Well Development Project on February 13, 2025 at 10:30 a.m. at the Hurricane City offices. Four bids were received for the project, only three were complete.

This project was bid with a bid alternative for the well screen and gravel pack to compare natural gravel pack with glass bead gravel pack. We recommend the combination of the Base Bid and Additive Alternative #2 (glass bead gravel pack) and note that although this alternative is more costly up front, we feel the City will save in future cost of well development based on our research of similar wells drilled recently in this area.

After reviewing the submitted bids, we recommend approval of the lowest bidder, Gardner Brothers Drilling, Inc., to be the contractor for the Sky Ranch Well Drilling and Well Development Project at the total Base Bid Price + Additive Alternative No. 2 of \$1,308,985.00, subject to review and approval by the City's legal counsel. The bid tabulation is attached for your reference.

We appreciate the opportunity to work with the City on this important project. Let me know if I can provide any additional information.

Sincerely,

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

Encl: Bid Tabulation Sheet

City of Hurricane
Sky Ranch Well Drilling and Well Development Project
Bid Tabulation - February 13, 2025

BASE BID SCHEDULE - SKY RANCH WELL DRILLING AND WELL DEVELOPMENT PROJECT

Item	Description	Quantity	Units	Gardner Brothers Drilling		High Plains Drilling		KP Ventures Drilling & Pump	
				Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Mobilization	1	L.S.	\$60,000.00	\$60,000.00	\$10,000.00	\$10,000.00	\$110,000.00	\$110,000.00
2	Drill 30" Hole and Furnish and Install 26" Carrier Casing	103	L.F.	\$800.00	\$82,400.00	\$700.00	\$72,100.00	\$1,200.00	\$123,600.00
3	Grout (upper 100 ft of well)	1	L.S.	\$20,000.00	\$20,000.00	\$23,000.00	\$23,000.00	\$12,400.00	\$12,400.00
4	Drill 24 Inch Diameter Hole	1,000	L.F.	\$384.00	\$384,000.00	\$580.00	\$580,000.00	\$600.00	\$600,000.00
5	Alignment Deviation Survey	1	L.S.	\$4,500.00	\$4,500.00	\$4,000.00	\$4,000.00	\$5,500.00	\$5,500.00
6	Furnish and Install 16 Inch Diameter Steel Well Casing	453	L.F.	\$150.00	\$67,950.00	\$160.00	\$72,480.00	\$125.00	\$56,625.00
7	Furnish and Install 16 Inch Diameter SS Well Casing	120	L.F.	\$409.50	\$49,140.00	\$290.00	\$34,800.00	\$370.00	\$44,400.00
8	Furnish and Install 1-1/2" Schedule 80 PVC Telemetry Tube	1,100	L.F.	\$20.00	\$22,000.00	\$40.00	\$44,000.00	\$30.00	\$33,000.00
9	Casing Alignment	1	L.S.	\$4,500.00	\$4,500.00	\$3,000.00	\$3,000.00	\$5,500.00	\$5,500.00
10	Develop Well (Dual Surge Block)	165	Hours	\$480.00	\$79,200.00	\$400.00	\$66,000.00	\$750.00	\$123,750.00
11	Develop Well (Pump Surge)	165	Hours	\$380.00	\$62,700.00	\$400.00	\$66,000.00	\$550.00	\$90,750.00
12	Furnish, Install and remove Test Pump Equipment (300 to 1500 gpm capacity)	1,080	Ln. Ft.	\$40.00	\$43,200.00	\$26.00	\$28,080.00	\$70.00	\$75,600.00
13	Test Pump (300 to 1500 gpm capacity pump)	165	Hours	\$480.00	\$79,200.00	\$400.00	\$66,000.00	\$600.00	\$99,000.00
14	Disinfect Well	1	L.S.	\$2,500.00	\$2,500.00	\$3,000.00	\$3,000.00	\$2,500.00	\$2,500.00
Total Base Bid Schedule					\$961,290.00		\$1,072,460.00		\$1,382,625.00

BID SCHEDULE - ADDITIVE ALTERNATIVE NO. 1

15	Furnish and Install 16" SS Well Screen	530	L.F.	\$231.50	\$122,695.00	\$320.00	\$169,600.00	\$200.00	\$106,000.00
16	Furnish and Install Gravel Pack	109	Tons	\$1,800.00	\$196,200.00	\$1,400.00	\$152,600.00	\$625.00	\$68,125.00
Total of Alternative No. 1					\$318,895.00		\$322,200.00		\$174,125.00

BID SCHEDULE - ADDITIVE ALTERNATIVE NO. 2

17	Furnish and Install 16" SS Well Screen	530	L.F.	\$231.50	\$122,695.00	\$320.00	\$169,600.00	\$200.00	\$106,000.00
18	Furnish and Install Glass Bead Gravel Pack	100	Tons	\$2,250.00	\$225,000.00	\$2,100.00	\$210,000.00	\$2,300.00	\$230,000.00
Total of Alternative No. 2					\$347,695.00		\$379,600.00		\$336,000.00

TOTAL BASE BID + ADDITIVE ALTERNATIVE NO. 1 **\$1,280,185.00** **\$1,394,660.00** **\$1,556,750.00**

TOTAL BASE BID + ADDITIVE ALTERNATIVE NO. 2 **\$1,308,985.00** **\$1,452,060.00** **\$1,718,625.00**