



HURRICANE CITY UTAH

Mayor

City Manager

Nanette Billings Kaden DeMille

Planning Commission

*Mark Sampson, Chair
Shelley Goodfellow, Alternate Chair
Ralph Ballard
Paul Farthing
Brad Winder
Kelby Iverson
Amy Werrett
Michelle Smith*

Hurricane Planning Commission Meeting Agenda

September 11, 2025
6:00 PM

Hurricane City Offices 147 N 870 W, Hurricane

Notice is hereby given that the Hurricane City Planning Commission will hold a Regular Meeting commencing at 6:00 p.m. at the Hurricane City Offices 147 N 870 W, Hurricane, UT.

Meeting link:

<https://cityofhurricane.webex.com/cityofhurricane/j.php?MTID=me42b4eb65609e35eb0e0664c925c9dbc>

Meeting number: 2632 882 4836

Password: HCplanning

Host key: 730111

Join by phone +1-415-655-0001 US Toll

Access code: 2632 882 4836

Host PIN: 9461

Details on these applications are available in the Planning Department at the City Office, 147 N. 870 West.

6:00 p.m. - Call to Order

Roll Call

Pledge of Allegiance

Prayer and/or thought by invitation

Declaration of any conflicts of interest

Public Hearings

1. A Land Use Code Amendment request to Title 10, Chapters 3, 7, 13-17, & 37 regarding accessory buildings in the front yards.

NEW BUSINESS

1. PSP25-20: Discussion and consideration of a possible approval of a preliminary site plan for Pizza Wagon Restaurant, a restaurant located at 363 W State St. FireSalt LLC, Applicant. Jeffrey Madsen, Agent.
2. PSP25-17: Discussion and consideration of a possible approval of a preliminary site plan for Ernie's Too, a gas station and convenience store located at State St and 300 W. Gas Patch LLC, Applicant. Eric McFadden, Agent.

3. PP25-09: Discussion and consideration of a possible approval of a preliminary plat for Ridgecrest, a 21 lot manufactured home subdivision, located at 2680 W 200 N. Joby Venuti, Applicant.
4. PSP25-15: Discussion and consideration of a possible approval of a preliminary site plan for 65 N LLC, a nightly rental complex located at 57 N State St. Kendall Clements, Applicant. Karl Rasmussen, Agent.
5. PSP25-18: Discussion and consideration of a possible approval of a preliminary site plan for Hurricane Dental Holdings, a medical office located at 3174 W 90 N. Interstate Rock Products, Applicant. Kyson Spendlove, Agent.
6. PSP25-19: Discussion and consideration of a possible approval of a preliminary site plan for Ahi's Hurricane, a restaurant located at 282 W State St. Fassio Legacy, Applicant. Brandee Walker, Agent.
7. AFP25-10: Discussion and consideration of a possible approval of an amended final plat for BAJR subdivision Partial Amendment A, located at 800 N Old Highway 91. Jeff Andrus, Applicant. Ryan Scholes, Agent.

OLD BUSINESS

1. LUCA25-06: Discussion and consideration of a recommendation to the City Council on a Land Use Code Amendment request to Title 10, Chapters 3, 7, 13-17, & 37 regarding accessory buildings in the front yards.

Approval of Minutes:

1. February 27, 2025

Adjournment

Pizza Wagon Restaurant Site Plan Proposal Narrative

363 North State Street – Hurricane, Utah

For the past 15 years, Pizza Wagon has proudly served the community and visitors of Hurricane with high-quality, wood-fired pizza on State Street. Over that time, we have become not only a local favorite but also a nationally recognized destination, currently being named by Yelp as number 5 in their ongoing list of the Top 100 Pizza Restaurants in the United States. This recognition brings positive attention to Hurricane as the birthplace of Pizza Wagon and contributes to the city's reputation as a vibrant and growing community. We are getting visitors from all over the world going out of their way to come to State Street Hurricane to try our pizza.

With this proposal, we are excited to take the next step by establishing a permanent Pizza Wagon 'brick and mortar' Restaurant at 363 North State Street. Our vision is to create a space that enhances the downtown corridor, and continues our tradition of providing a pick-up-and-go atmosphere and a comfortable space for people to enjoy pizza with friends and family.

Project Details

- Proposed restaurant size: 2,500 sq. ft.
 - 1,500 sq. ft. dining area including foyer entrance, drink station area and "pick up" services staging area
 - 1,000 sq. ft. kitchen and prep area (this includes an additional 500 sq. ft. variance requested for kitchen efficiency).
- Seasonal outdoor seating in front to create a vibrant, downtown-style feel.
- Focus on beautifying State Street and creating a welcoming stop for both residents and visitors.

Community Benefit

The Pizza Wagon Restaurant will serve as a hub for the community, providing:

- A place for students from Hurricane High School to walk to and get lunch or hang out after school.
- A convenient destination for families attending sports games or events at the high school.

- Walkable access for residents coming from the city rec and arts center, library, and other downtown events just one block away.
- A continued pick-up and go model that has defined our success for years, catering to those who prefer quick service and takeout.

By incorporating outdoor seating and thoughtful design, we hope to contribute to the beautification and vibrancy of State Street, aligning with the City's vision for downtown Hurricane.

Parking and Variance Request

We recognize Hurricane City's ordinance requiring one parking stall per 100 sq. ft. of restaurant space. Our proposal seeks a variance to allow an additional 300-700 sq. ft. of kitchen space (depending on site plan option), bringing the total to 2,500 sq. ft.

Because of the unique size and layout of this lot, as well as our business model focused on takeout and short-stay dining, we believe the impact on parking will be minimal. A significant portion of our customers will continue to be students and families walking from the high school and nearby downtown amenities. Additionally, we anticipate that a shared parking agreement with future development of the neighboring lot will further mitigate any concerns.

Economic and Cultural Impact

While the heart of this proposal is about community gathering and beautification, there are also clear economic benefits:

- Establishing a permanent restaurant will create local jobs.
- It will increase sales and property tax revenue for the City.
- It will enhance Hurricane's reputation as a food destination, drawing tourists who already seek out Pizza Wagon as part of their Southern Utah experience.

Conclusion

The Pizza Wagon Restaurant at 363 North State Street represents more than just another restaurant. It is the next chapter in a long-standing Hurricane success story, one that brings national recognition, strengthens community life, beautifies State Street, and enhances the walkable, downtown feel envisioned by the City.

We respectfully request the Planning Commission's support of our site plan and the variance needed to allow for the additional 300-700 sq. ft. of kitchen prep space and the seasonal outdoor seating, so that we can continue to serve Hurricane with excellence for many more years to come.



STAFF COMMENTS

Agenda Date:	09/11/2025 - Planning Commission
Application Number:	PSP25-19
Type of Application:	Preliminary Site Plan
Action Type:	Administrative
Applicant:	FireSalt LLC
Agent:	Jeffrey Madsen
Request:	Preliminary Site Plan Approval
Location:	363 W State St.
Zoning:	HC
General Plan Map:	General Commercial
Recommendation:	Approve subject to staff and JUC comments.
Report Prepared by:	Fred Resch III

Discussion:

The applicant has submitted a preliminary site plan for a Pizza Wagon location on State Street. The Pizza Wagon currently operates as a food truck in front of the Fine Arts Center, and this proposal would establish a permanent building. The property is east of the Taco Bell and north of Hurricane High School parking lot; a vacant residence was recently demolished on the property. The applicant has proposed two site plan options: Option 1 provides more efficient traffic circulation but includes fewer parking stalls than typically required for the use; Option 2 accommodates more parking stalls but allows only a single driveway access. The property is zoned Highway Commercial.



Vicinity Map

JUC Comments

The following items will need to be addressed:

1. **Public Works:** Option 1 would seem the best for traffic. No other comments.
2. **Fire:** Approve (option 2).
3. **Sewer:** [No comments received.]
4. **Water:** Either option okay.
5. **Power:** Fill out an application with what the required service size will be. May have to upsize the transformer on the Northwest corner of property if the service is over 200 amps.
6. **Streets:** Prefer option 1.
7. **Engineering:** Option 1: Throat length should be 50' or more (Transportation Master Plan 9.3.7). The existing median in State Street would make accepting westbound left turns here nearly impossible. Reversing the proposed flow of traffic is encouraged. Diagonal parking and backing space must match table 10-34-2's dimensions (Hurricane City Code (HCC) 10-34-10). These stalls can be flipped to match the traffic flow or designated back in parking only. Can anyone report how WCSD plans to develop their vacant property? Should there be pedestrian connectivity or even vehicle connectivity? I understand the school district has had concerns with security. Should there be a fence here? Cross access (even pedestrian only) is encouraged by Hurricane City (HCS 2.1(bullet 2), HCC 10-35-4(B)(8), & HCC 10-33-5(H)). Option 2: Throat length should be 50' or more (Transportation Master Plan 9.3.7). It appears this site, the neighbor to the east, and the high school would benefit from a shared drive aisle along this shared property line (i.e. future access needs, future parking needs, and compatibility with existing

features)(HCS 3.2.4.2(G & K)). Can trash collections turn around? It appears space specific for said design vehicle must be reserved (HCS 3.2.4.2(J) & HCC 10-34-8(D)).

8. Gas: Okay.

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

Staff Comments: Preliminary Site Plan

1. **Land Use:** The proposed use of a restaurant is permitted in the Highway Commercial zone.
2. **Parking Requirement:** Per HCC 10-34-10(A), a restaurant requires one parking space per 100 square feet of gross floor area, with a minimum of 10 spaces. The proposed building would require 20 parking stalls, or 25 if the proposed “Kitchen Space Addition” is built. Option 1 has 18 parking stalls and Option 2 has 22 parking stalls. The applicant is requesting a parking modification due to the unique shape of the lot, the takeout model of the pizza restaurant, and the proximity to the downtown which anticipates more walking/foot traffic to the restaurant.
 - a. HCC 10-34-9 states a modification can be considered through a parking space study using planning or traffic engineering data and/or data collected from similar uses.
 - b. Staff is generally supportive of the proposed parking modification, particularly if it improves on-site circulation as the applicant has suggested. However, further analysis, as required by HCC 10-34-9, will be necessary before a parking modification can be approved under the ordinance. This can be deferred to the final site plan.
3. **Landscape:** A full landscaping plan will be required with the final site plan. Enough space for the 10’ landscape buffer along State St is depicted. Hurricane City Code Requires the following:

Sec. 10-32-5. Required landscaping.

A. General requirement. Landscaped areas may include trees, shrubs, vegetative, organic and inorganic ground cover and other organic and inorganic materials identified in an approved landscaping plan. All required landscape areas shall be occupied by plant material or ground cover.

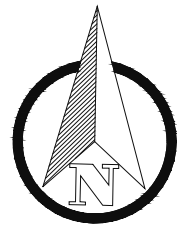
B. Landscaping adjacent to a public street. Except for approved driveways and pedestrian walkways, a landscaped area of ten-foot minimum shall be provided adjacent and parallel to the frontage of a public street as follows:

- 1. A ten-foot wide landscaped area on any commercial development.*
- 2. At least one tree and three shrubs shall be planted for every 35 feet of street frontage in a required landscaped area. Such trees and shrubs may be clustered, provided that no tree shall be within five feet of another.*

3. *The slope of any earth berm shall not exceed a vertical to horizontal ratio of one to two and shall be treated with suitable ground cover to prevent soil erosion.*

4. **Traffic Circulation:** The applicant has provided two different options to develop the site. Option 1 allows for easier through traffic on the site but has fewer parking stalls. Option 2 has more parking stalls with less-efficient circulation. Either option can meet city standards and staff would find either option approvable.
5. **No Vested Rights:** *It should be noted that pursuant to Hurricane City Code section 10-7-10 (D)(2)(b), A preliminary site plan is not intended to permit actual development of property pursuant to such a plan but shall be prepared merely to represent how the property could be developed. Submittal, review, and approval of an application for a preliminary site plan shall not create any vested rights to development.*

Recommendation: The Planning Commission should review this application based on standards within the Hurricane City Code. Both proposed site plan options are acceptable and the Planning Commission can approve either one, or both, and defer approval of a final layout to the Final Site Plan stage. Staff recommends approval subject to staff and JUC comments.



1 inch = 10 ft. (22x34 SHEET)
1 inch = 20 ft. (11X17 SHEET)

[illegible]

REVISIONS



PIZZA WAGON HURRICANE, UTAH PRELIMINARY SITE PLAN

PROJECT #	001-0071
NAME	JTM
DATE	22 AUG 2025

SITE EXHIBIT

SHEET	1
001-0071 PROP.dwg	



STAFF COMMENTS

Agenda Date:	09/11/2025 - Planning Commission
Application Number:	PSP25-17
Type of Application:	Preliminary Site Plan
Action Type:	Administrative
Applicant:	Gas Patch LLC
Agent:	Eric McFadden
Request:	Preliminary Site Plan Approval.
Location:	300 W State St.
Zoning:	HC
General Plan Map:	General Commercial
Recommendation:	Approve subject to staff and JUC comments.
Report Prepared by:	Fred Resch III

Discussion:

The applicant has submitted a preliminary site plan for the demolition and reconstruction of the existing Sinclair/Ernie's Too convenience store located at the intersection of 300 West and State Street. The existing gas pumps are proposed to remain. The new structure will be larger than the current building and will incorporate driveway and curb improvements along SR-9 and 300 West. The property is zoned Highway Commercial.



Vicinity Map

JUC Comments

The following items will need to be addressed:

1. **Public Works:** No comment.
2. **Fire:** No comment.
3. **Sewer:** No comment.
4. **Water:** Okay.
5. **Power:** Must maintain at least 10' of clearance from the power transformer to the building. Assuming that power will stay the same size, if not then we will have to upgrade the transformer. Neighboring parcels also receive power from this transformer, so anything affecting neighbors will be paid for by Ernie's.
6. **Streets:** Cut new approach per city code. Maintain existing drainage.
7. **Engineering:** A UDOT encroachment permit will be required for work in the state highway. Matt Rhodes is Engineering's recommended contact. Reach out to him early. It appears the corner of 300 W and State would be unkind to entering traffic. Engineering encourages a flared edge (or reduced height curb here). Scuffed pavement indicates that the approach is justified. Hurricane City Standards recommend that the approach should be 3% maximum (HCS 3.2.4.16). The existing curb and gutter suffers from poor drainage here. The proposed reconstruction presents a great opportunity to fix it; however, the design must be purposeful. Should extending the storm drain be considered (as a public

private partnership) with Public Works? This area seems to fall in the urban flood hazard area in the storm drain master plan. The purpose of an existing blue "high school 1/2 block" sign within the proposed work should be evaluated. It seems the sign should be removed or replaced with a typical yellow-green school sign (i.e. S1-1 Utah MUTCD). The proposal appears to introduce more permeable areas. The design engineer should make a statement on how it impacts the drainage design and plan during construction plan review (i.e. on the grading and drainage plan sheet). (HCS 3.4.1).

8. Gas: Okay.

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

Staff Comments: Preliminary Site Plan

1. **Land Use:** The proposed gas station and convenience store use is permitted in the Highway Commercial zone.
 - a. As the building currently and will continue to face 300 W, the street side setback of 20' in the Highway Commercial zone is enforced along State St.
2. **Parking Requirement:** Per Hurricane City Code (HCC) section 10-34-10(A), a convenience store requires, "*1 space per 200 square feet of gross floor area*" with a minimum of 5 spaces. The site plan shows 23 parking spaces and 21 are required.
3. **Landscape:** Hurricane City Code requires a 10-foot-wide landscape buffer along each right-of-way, and a full landscape plan will be required with the final site plan submittal. While the proposed plan does not provide a continuous buffer along both frontages, staff has considered the unique site constraints, including the property's location at a busy corner and the current lack of any landscaping on-site. The proposed landscaping areas represent a significant improvement over existing conditions. Based on these factors, staff finds the proposed landscaping sufficient to meet the intent of the City's landscaping requirements for this application.
4. **No Vested Rights:** It should be noted that pursuant to Hurricane City Code section 10-7-10 (D)(2)(b), *A preliminary site plan is not intended to permit actual development of property pursuant to such a plan but shall be prepared merely to represent how the property could be developed. Submittal, review, and approval of an application for a preliminary site plan shall not create any vested rights to development.*

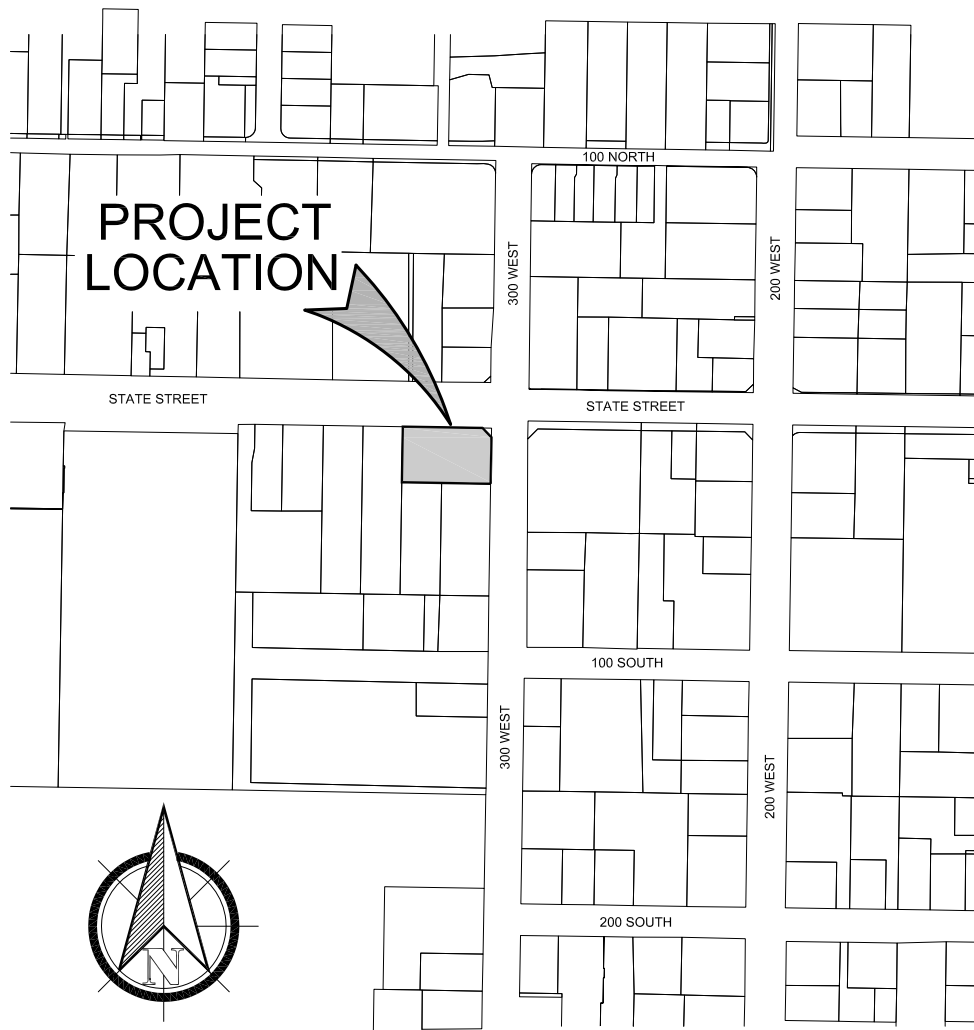
Recommendation: The Planning Commission should review this application based on standards within the Hurricane City Code. Staff recommends approval subject to staff and JUC comments.



August 15, 2025

Subject: Narrative for the Preliminary Site Plan – Ernie’s Too’ Convenient Store

The owner proposes to demolish the existing structure and build a new Convenient store and associated parking lot improvements, The existing fuel pumps will stay where they are currently located. Some curbing and sidewalk changes will be made along State Street & 300 West as well as some added landscaping features.



**PROJECT
LOCATION**

STATE STREET

STATE STREET

100 SOUTH

200 SOUTH

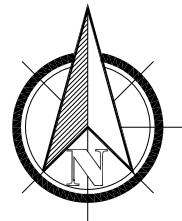
300 WEST

200 WEST

300 WEST

200 WEST

100 NORTH

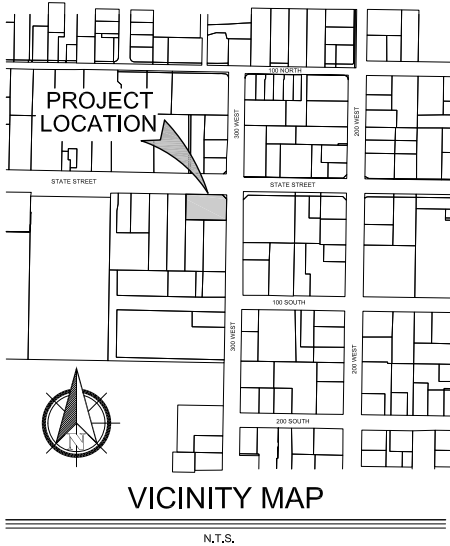
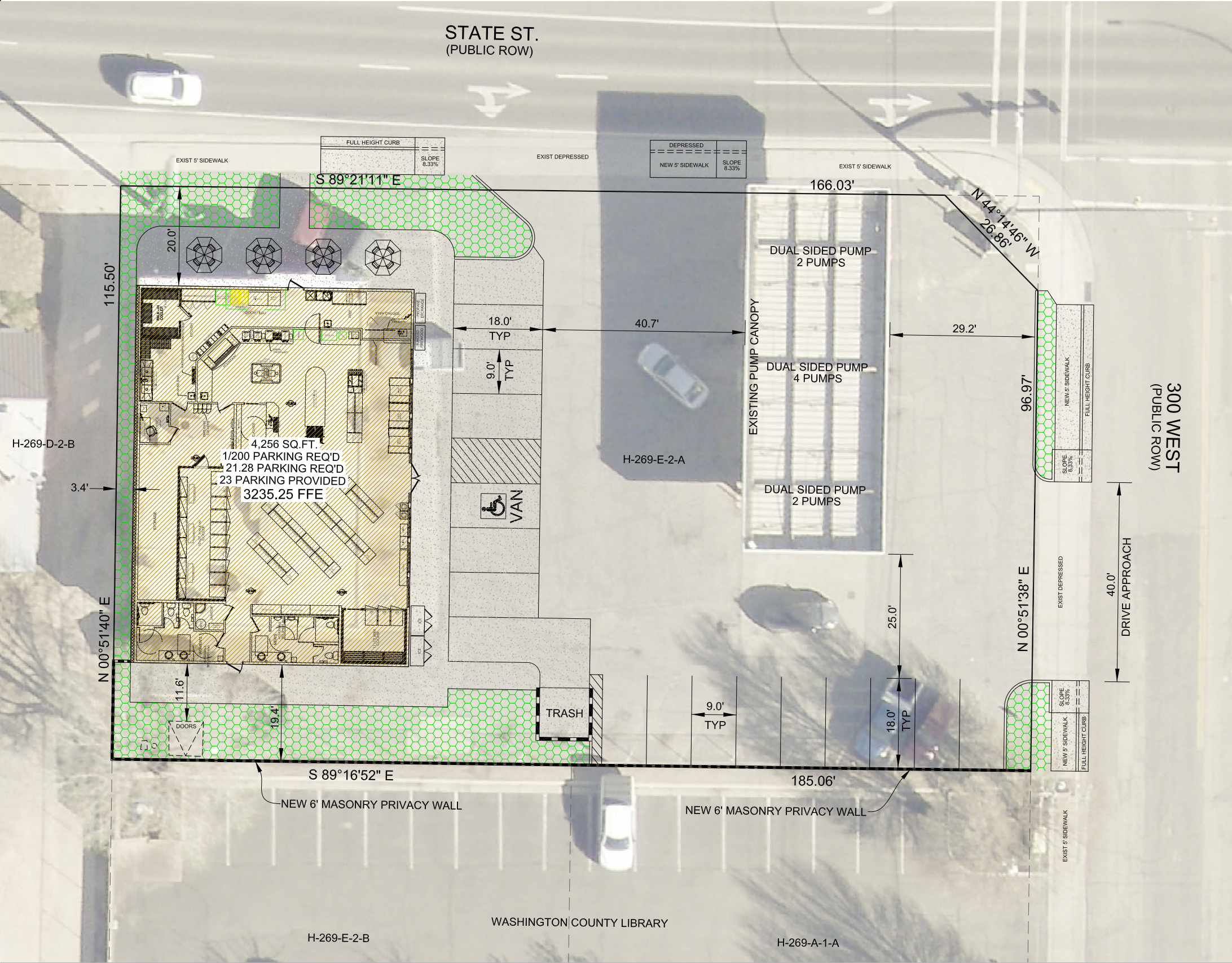


VICINITY MAP

N.T.S.

ERNIE'S TOO'

NEW CONVENIENT STORE BUILDING & PARKING LOT IMPROVEMENTS



SITE DATA

PARCEL: H-269-E-2-A
ZONING: HC
BUILDING HEIGHT: 24'-0" ±
BUILDING USE: CONVENIENT STORE / GAS STATION
SITE AREA: 21,214 SQ. FT. / 0.48 ACRES
BUILDING AREA: 4,256 SQ. FT. (FOOTPRINT) (20.0% OF SITE)
IMPERVIOUS AREA: 14,643 SQ. FT. (69.0%)
LANDSCAPING PROVIDED: 2,315 SQ. FT. (11.0% OF SITE)
PARKING REQUIRED:
CONVENIENT STORE: 4,256 SQ. FT. / 200 = 21.28 SPACES
PARKING PROVIDED: 23 SPACES (1 VAN ACCESSIBLE)

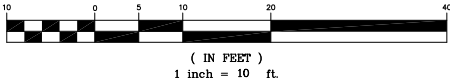
*NOTE: ALL UTILITIES ARE EXISTING & WILL BE UTILIZED IN THE SAME LOCATIONS

LEGEND

- PROPOSED BUILDING AREA
- PROPOSED CONCRETE AREA
- PROPOSED LANDSCAPE AREA
- PROPOSED MASONRY WALL



GRAPHIC SCALE



DATE: 8/14/2025
DRAWN BY: E.A.M.
CHECKED BY: M.R.F.
CLIENT: MRW



PRELIMINARY SITE PLAN
ERNIE'S TOO'
CORNER OF STATE STREET & 300 WEST
HURRICANE, UTAH 84737

PREMIER DESIGN & ENGINEERING INC.
75 EAST 100 NORTH
IVINS, UTAH 84738
(775) 385-7647 ~ PREMIER.DESIGN.MARC@GMAIL.COM
(435) 313-2267 ~ PREMIER.DESIGN.ERIC@YAHOO.COM



SHEET
PSP



STAFF COMMENTS

Agenda Date:	09/11/2025 - Planning Commission
Application Number:	PP25-09
Type of Application:	Preliminary Plat
Action Type:	Administrative
Applicant:	Joby Venuti
Agent:	N/A
Request:	Approval of a Preliminary Plat.
Location:	2680 W 200 N
Zoning:	MH/RV (PDO)
General Plan Map:	Single Family
Recommendation:	Table the item
Report Prepared by:	Fred Resch III

Discussion:

The applicant is seeking preliminary plat approval for a 21-lot manufactured home subdivision located south of Sky Ridge and east of Canyons RV. This site received preliminary site plan approval in 2023. The site is zoned Manufactured Home/RV with a Planned Development Overlay.

JUC Comments

The following items will need to be addressed: The applicant has addressed these comments and their response is attached to this report

1. **Public Works:** Second access? Water loop? Show power line easement and identify
2. **Fire:** Turnaround required.
3. **Sewer:** There is a pressure sewer line from Canyons RV that runs through a few of the lots (this line is not depicted on the preliminary plat). Ash Creek met with the developer and he was made aware that as a condition of Ash Creek approval on Construction Drawings the lots where the pressure line runs through will not be able to be sold until Option 1: the pressure line is abandoned as part of Canyons RV accessing gravity sewer or Option 2: the pressure line is relocated.
4. **Water:** Need water line loop. Needs water model.

5. **Power:** Power to the project will be brought from 2600 W. The apartments that are being built now will bring a connection point to the west side of 2600 W. Must do this for capacity problems that are found currently on 2600 W. Must have an application for the project services.
6. **Streets:** No comment.
7. **Gas:** Okay
8. **Engineering:** The existing pressure sewer should be located, shown, and a preliminary relocation plan proposed (Hurricane City Code (HCC) section 10-39-7(C)(13)). Include the planned cross section for 100 North. 77' right of way (44' pavement, 2-2.5' curbs and gutters, 2-5.5' landscape strips, 5' sidewalk, and 12' trail). These roads must be improved and dedicated for the proposed corner lots (HCC 10-39-11(A)(3) see also HCC 10-39-7(B)(3)). A concept road network for the remainder parcel(s) must be shown. a preliminary plan for completing a water loop (off-site work) must be shown. Engineering doesn't see a way that doesn't require the assistance of the neighbor's(s') (HCC 10-39-7(C)(10)). The preliminary plat must show and label all easements and properties within and adjacent to the proposed plat (include document numbers for the easements)(HCC 10-39-7(B)(4)).
9. **Washington County Water Conservancy District:** Washington County Water Conservancy District hereby acknowledges that based on the information provided, the project adequately mitigates interference with district facilities and property interests. The District reserves the right to rescind this acknowledgement if additional information becomes available. The district has not determined whether water will be available for this development and does not hereby make any guarantee of water availability. In addition, the development must conform with applicable district requirements, including but not limited to payment of fees.



Vicinity Map

Staff Comments: Preliminary Plat

1. **Density:** Zoning is Manufactured Home/Recreational Vehicle with a Planned Development Overlay as part of the Canyons RV. This layout matches the approved preliminary site plan from 2023.
2. **Will Serve Letters:** A will serve letter from Hurricane City Water and Ash Creek Sewer District has been provided.
3. **Water use:** To assist the Washington County Water Conservancy District (“WCWCD”) as the city’s wholesale water provider under the 2006 Regional Water Supply Agreement (“RWSA”), Hurricane City and other cities report monthly the number of number final platted lots, preliminary platted lots, lots subject to development agreements, and lots within PID taxing areas. These numbers help the WCWCD plan for future water needs and inform the WCWCD’s 20-year plan to supply water to the growing County. The 21 units contemplated by this application have not yet been reported to the WCWCD as lots to plan for, so adding these units to the monthly report will increase the number of future lots that the WCWCD will need to include in its plans for water supply and infrastructure.

Recommendation: The Planning Commission should review this application based on standards within the Hurricane City Code. The applicant’s response to the JUC comments (attached) came in too late to do a complete review. Staff recommends the item be tabled to allow staff more time to review the updates.

The Ridgecrest Subdivision previously received approval of the preliminary site plan for 53 lots. This submission is for the first 27 lot phase.

The second phase consisting of 26 additional lots will be submitted at a future time. The owner and developer are currently in discussions with the neighboring property owner to the south about layouts/property line adjustments that can accommodate the potential location of the future master planned 100N road. This may alter the south west corner of the subdivision, so no preliminary plat for that portion of the development is being presented at this time.

H-3-1-32-4409

H-3-1-32-312

2608 W 510 N
Hurricane, UT
84737

DOC # 20160012923

Easements Page 1 of 9
Russell Shirts Washington County Recorder
04/14/2016 12:17:47 PM Fee \$ 26.00
By SHOESHONE LAND CO.

TEMPORARY EMERGENCY EASEMENT AGREEMENT

This Temporary Emergency Easement Agreement ("Easement"), is made by and between VE Management & Investment Co., L.C. ("Grantor"), and Shoeshone Land Company, LLC and Gemstone Custom Homes, Inc. ("Grantee"), and is effective on the date of execution by the last signatory hereto ("Effective Date").

WHEREAS, Grantee desires to access certain property owned by Grantor in Hurricane City, Washington County, State of Utah (the "Easement"), as legally described on the attached Exhibit A, which is incorporated herein by this reference, for the construction of the Easement, and thereafter for the sole purpose of emergency ingress and egress by emergency personnel, and for contractors of Grantee to maintain the Easement;

WHEREAS, Grantor agrees to allow Grantee private ingress and egress access to the Easement for the purposes stated herein subject to the terms and conditions of this Easement.

NOW, THEREFORE, intending to be legally bound hereby, the parties agree to the following terms and conditions:

1. Use. Grantor hereby grants to Grantee this exclusive, temporary, private Easement to enter upon the Easement for the sole purpose of constructing a road, and thereafter for maintenance of the Easement and for ingress and egress for emergency purposes, subject to the terms and conditions herein. This Easement shall only be used by (1) emergency personnel of the City of Hurricane, a Municipal Corporation in the State of Utah, (2) emergency personnel of Hurricane Valley Fire District, a Washington County, Utah Special Service District, (3) contractors of Grantee to construct and maintain the Easement; and (4) residents of Sky Ridge, Phases 7-16 in the event that every other public access to Sky Ridge Phases 7-16 are not accessible and an emergency evacuation is required at a time when there are no alternate routes available. The Easement shall be closed to the public, and Grantee shall protect and prevent the public from accessing the same, except for the emergency purposes stated herein. Contractors not working on the Easement improvements are not authorized and shall not be allowed use of the Easement; this prohibition of use by contractors includes, but is not limited to contractors working on any Sky Ridge Phase, or otherwise. Use of the word contractors shall also include subcontractors.

2. Consideration. As consideration for this Easement, Grantee shall pay for all costs incurred in the creation of this Easement, and for the construction and maintenance of the Easement, including but not limited to engineering and survey fees, attorney fees, recording fees, leveling, compaction, grading and maintenance of the Easement. As additional consideration, Grantee agrees to abide by all the terms and condition contained herein.

3. Construction and Maintenance. Grantee shall, at its sole cost and expense, construct and maintain the Easement within the legal description as set forth herein. During construction and maintenance of the Easement, Grantee shall comply with all OSHA, OOSH and all other safety requirements imposed by law, ordinance or regulation, city, county, state or federal, and shall

keep equipment, and other construction activities maintained and closed to public so as to protect and prevent the public from access. Grantee shall ensure that there is dust control and that no other nuisance exists on or from the Easement. Grantee shall not unreasonably interfere with the normal operation and activities of Grantor, and Grantee shall use ordinary care during construction to Easement improvements to minimize inconvenience to Grantor, their agents, employees, and invitees. Upon the completion of the Easement improvements and any maintenance thereto, Grantee shall remove all equipment and material from and around the Easement. Any equipment and/or materials remaining on or around the Easement shall be considered abandoned and Grantor may take possession thereof or discard, in which case Grantor may charge, and Grantee agrees to pay for the cost of removal. Grantee may only use the property identified in the legal description and shall not use or access other areas of Grantor's property.

4. Location of Easement. Grantee acknowledges and agrees that this Easement is private and temporary. Grantee further acknowledges and agrees that the location of the Easement is not permanent and Grantor may, in its sole and absolute discretion, and at Grantor's expense, relocate the road to a different location as determined by Grantor to conform with Grantor's future development plans.

5. Utilities. All utilities shall be installed by Grantee in compliance with all applicable laws. Unless Grantor advises Grantee otherwise in writing, Grantee shall cause all utilities to be installed to Grantor's north property line where the Easement begins, or such other place as determined by Grantor and made available to Grantor for connection without charge to Grantor.

6. Safety and Cleanliness. Grantee shall see that the Easement is maintained in a safe, orderly and clean condition. Grantee shall keep and maintain all signs as described herein on each end of the Easement.

7. Term. Grantee's right to access the Easement shall commence upon the Effective Date and shall continue until Grantor commences development of Grantor's property at which time Grantor may relocate the road to fit its own development plans, and this Easement shall terminate ("Term").

8. Signage. Grantee shall cause signs to be installed and maintained on each end of the Easement giving notice that the Easement is not a through road, is Private, and is to be accessed by authorized emergency purposes only, and that violators will be prosecuted.

9. Conditions Applicable to Easement. This Easement is subject to all existing covenants, conditions, reservations, contracts, leases, Easements, easements, encumbrances, restrictions and rights of way of record and to such other matters concerning use of the Easement.

10. Permits. Grantee shall be responsible for securing any required approvals, permits, fees, and authorizations from any federal, state, or local agencies to construct and maintain the Easement.

11. Repair and Restoration. If Grantee, their agents or contractors cause any damage on or around the Easement, or to Grantor's infrastructure or other property and improvements (collectively "Property") in connection with the exercise of this Easement, or otherwise, Grantee shall repair and restore the Easement and Property to their original condition prior to damage. Grantee shall perform the repair and restoration required hereunder immediately upon causing the damage. In the event that repair and restoration is performed following the termination of this Easement, Grantee's Indemnity and Insurance obligations in paragraphs 15 and 16 shall continue until repair and restoration is completed as provided herein.

12. Breach and Cure. In the event Grantee breaches any of the obligations under this Easement, Grantor shall send Grantee a written notice specifying the nature of such breach. Grantee shall have ten (10) days from the receipt of such notice to cure such breach. If more time is reasonably required for Grantee's performance, then Grantee shall commence performance within such ten (10) day period and, thereafter, diligently proceed to completion. If Grantee fails to cure or to commence to cure within such ten (10) day period, then Grantor shall have the right to terminate this Easement immediately by serving Grantee with written notice of termination. Grantor shall have all rights and remedies available under Utah law including, but not limited to, actions for damages, injunctive relief, and specific performance, for any breach of Grantee's obligations hereunder. The remedies given to Grantor in this Easement shall be cumulative, and the exercise of any one remedy by Grantor shall not be to the exclusion of any other remedy.

13. Alteration in Writing. The terms and conditions contained herein supersede any and all prior understandings and agreements, whether written or oral, between the parties with respect to the subject matter of this Easement. No alteration or variation of this Easement shall be valid unless made in writing and signed by Grantor and Grantee.

14. Notice. Any notice required hereunder shall be in writing and shall be addressed as follows, or to such other address as a party may indicate in a written notice to the other:

GRANTOR:

VE Management & Investment Co. L.C.
1240 East 100 South, Unit 12
St. George, Utah 84770

GRANTEE:

Gemstone Custom Homes
2608 West 510 North
Hurricane, Utah 84737

All notices and communications given under this Easement shall be deemed to have been duly given and received: (i) upon personal delivery, or (ii) as of the third business day after mailing by United States certified mail, return receipt requested, postage prepaid, addressed as set forth above, or (iii) the immediately succeeding business day after deposit (for next day delivery) with Federal Express or other similar overnight courier system, or (iv) 24 hours after facsimile transmittal with confirmation of receipt and followed by personal delivery, United States mail, or overnight delivery as specified in this Paragraph.

15. Indemnification. Grantee shall indemnify, defend and hold harmless Grantor, its officers, managers, members, agents, attorneys, partners and employees, from and against any claims, arising out of or in any way connected with this Easement, including, without limitation, claims for loss or damage to any property, for death or injury to any person or persons, attorney fees, costs and fines as may be asserted against Grantee, Grantor, or the property where the Easement is located.

16. Insurance. Grantee, its subcontractors and others constructing, maintaining, or using the Easement, at their sole cost and expense, shall insure the property where the Easement is located and all activities in connection with this Easement, and obtain, keep in force and maintain insurance as follows:

A. General Liability Insurance, with minimum limits as follows:

1. Each Occurrence \$1,000,000.00
2. General Aggregate \$2,000,000.00

B. Workers' Compensation as required under Utah State law.

The coverages referred to under this Section 16.A, B and C shall include Grantor as an additional insured. Upon the execution of this Easement, Grantee shall furnish Grantor with certificates of insurance evidencing compliance with all requirements. Certificates shall provide for thirty (30) days advance written notice to Grantor of any material modification, change or cancellation of the above insurance coverages. Grantee shall at all times be licensed, bonded and insured.

17. Lien Free Condition. Grantee shall not allow any bond claims, construction liens, claims for unjust enrichment or any other claims to be made against the property where the Easement exists or against Grantor, and if any do arise, Grantee shall, within ten (10) days after receiving notice thereof, remove such lien or claim and shall indemnify, defend and hold harmless Grantor for all costs, expenses, damages, and attorney fees incurred in defending or removing the same. Further, Grantee shall notify each contractor, subcontractor, and supplier engaged in connection with the Easement improvements, that Grantee is solely liable for the Easement expenses, is the beneficiary of the Easement and Easement improvements, and that those who provide services and/or material for the Easement improvements shall waive all rights as against the Grantor and Grantor's property.

18. Termination. If Grantee breaches any term or condition of this Easement, Grantor has the right to terminate this Easement at any time prior to the natural expiration of the Term as defined in Section 7, provided that Grantor gives Grantee written notice thirty (30) days prior to the termination date. Upon termination, Grantee shall leave the Easement in a safe and secure fashion, and shall remove any and all equipment and materials from the Property and Easement.

19. Governing Law and Venue. Any action or judicial proceeding involving this Easement shall be governed under Utah law, both as it pertains to substantive and procedural issues, and shall be brought only in the courts of the County of Washington, State of Utah.

20. Attorney Fees. In the event of any action or proceeding relating to the provisions of this Easement, the prevailing party shall be entitled to recover expenses, costs and reasonable attorney fees from the non-prevailing party.

21. Waiver. The pursuit by Grantor of any of the remedies provided for in any section of this Easement shall not constitute a waiver of any of the remedies available to Grantor in any other section or under the law or equity. A waiver by Grantor of any breach of this Easement shall not constitute a waiver of any other breach. Forbearance or omission by Grantor in enforcing any of its remedies upon breach shall not constitute a waiver of any of its remedies.

22. Severability. In case any one or more of the provisions of this Easement or any application thereof shall be invalid, illegal or unenforceable in any respect, the invalid, illegal or unenforceable provision shall be redrafted, to the extent possible, to best meet the intent of this Easement, and the validity, legality and enforceability of the remaining provisions contained herein and any other application thereof shall not in any way be affected or impaired thereby.

23. Headings. Headings included herein are for reference purposes only and shall not in any way modify or limit the statements contained in any paragraph or provision of this Easement.

24. Time of the Essence. Time is of the essence of each and every provision, covenant, and condition herein contained and on the part of the parties to be done and performed.

25. Authorized Signatures. Each of the individuals signing this Easement hereby confirm, individually and on behalf of the entity who they represent, that they have full legal power and authority to execute this Easement on the entity's behalf and that the entity has full legal power and authority to perform this Easement. The consummation of all transactions contemplated herein have been duly authorized by all necessary entity action, including the passing of appropriate resolutions and directions, and this Easement constitutes a legal, valid, and binding obligations of such party, enforceable in accordance with its terms.

26. Acknowledgement of Representation. Grantee acknowledges that the law office of JensenBayles, LLP has prepared this Easement on behalf of Grantor. As such, JensenBayles, LLP has not specifically undertaken to represent Grantee or the interest of Grantee in drafting this Easement, but has and will continue to represent the interest of Grantor, which may be adverse to Grantee. Grantee accepts this disclosure and assumes full responsibility to seek independent and competent legal counsel regarding the terms and conditions of this Easement and further assumes all responsibilities or consequences which may result from Grantee's election not to seek such independent legal counsel or advice.

IN WITNESS THEREOF, this Easement was entered into on the above noted effective date.

VE Management & Investment Co., L.C.

James W. Wilson
James W. Wilson, Manager
Date: April 8th 2016

Shoeshone Land Company, LLC

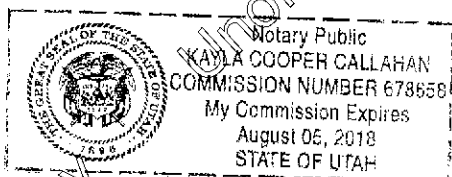
Frank G. Lindhardt
Frank G. Lindhardt, Manager
Date: 4-7-16

Gemstone Custom Homes, Inc.

Frank G. Lindhardt
Frank G. Lindhardt, Vice President
Date: 4/7/16

STATE OF UTAH,
County of Washington.

On this 1st day of April, 2016, personally appeared before me James W. Wilson, who being personally known to me (or satisfactorily proved to me), and who being by me duly sworn did say that he is a manager of VE Management & Investment Co., L.C., a Utah limited liability company, and that he executed the foregoing Easement on behalf of said limited liability company being authorized and empowered to do so by the operating agreement of said Company or resolution of its managers, and he acknowledged before me that such Company executed the same for the uses and purposes stated therein, and that the information therein is true and correct to the best of his knowledge.

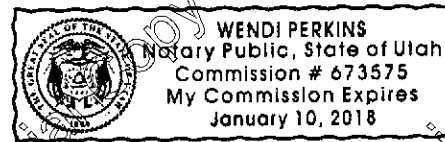


Kayla Cooper Callahan
Notary Public

STATE OF UTAH,)
County of Washington.) ss.

On this 7th day of April, 2016, personally appeared before me Frank G. Lindhardt, who being personally known to me (or satisfactorily proved to me), and who being by me duly sworn did say that he is a manager of Shoeshone Land Company, LLC, a Nevada limited liability company, and that he executed the foregoing Easement on behalf of said limited liability company being authorized and empowered to do so by the operating agreement of said Company or resolution of its managers, and he acknowledged before me that such Company executed the same for the uses and purposes stated therein, and that the information therein is true and correct to the best of his knowledge.

Wendi Perkins
Notary Public



STATE OF UTAH,)
County of Washington.) ss.

On this 7th day of April, 2016, personally appeared before me Frank G. Lindhardt, who is personally known to me (or satisfactorily proved to me), and who being by me duly sworn did say that he is the Vice President, of Gemstone Custom Homes, Inc., a Utah corporation, and that he executed the foregoing Easement on behalf said corporation by authority of a resolution of its Board of Directors, and he acknowledged before me that the corporation executed the same for the uses and purposes stated therein, and that the information therein is true and correct to the best of his knowledge.

Wendi Perkins
Notary Public

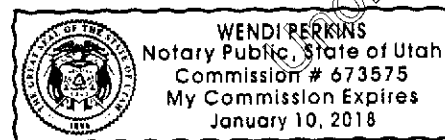
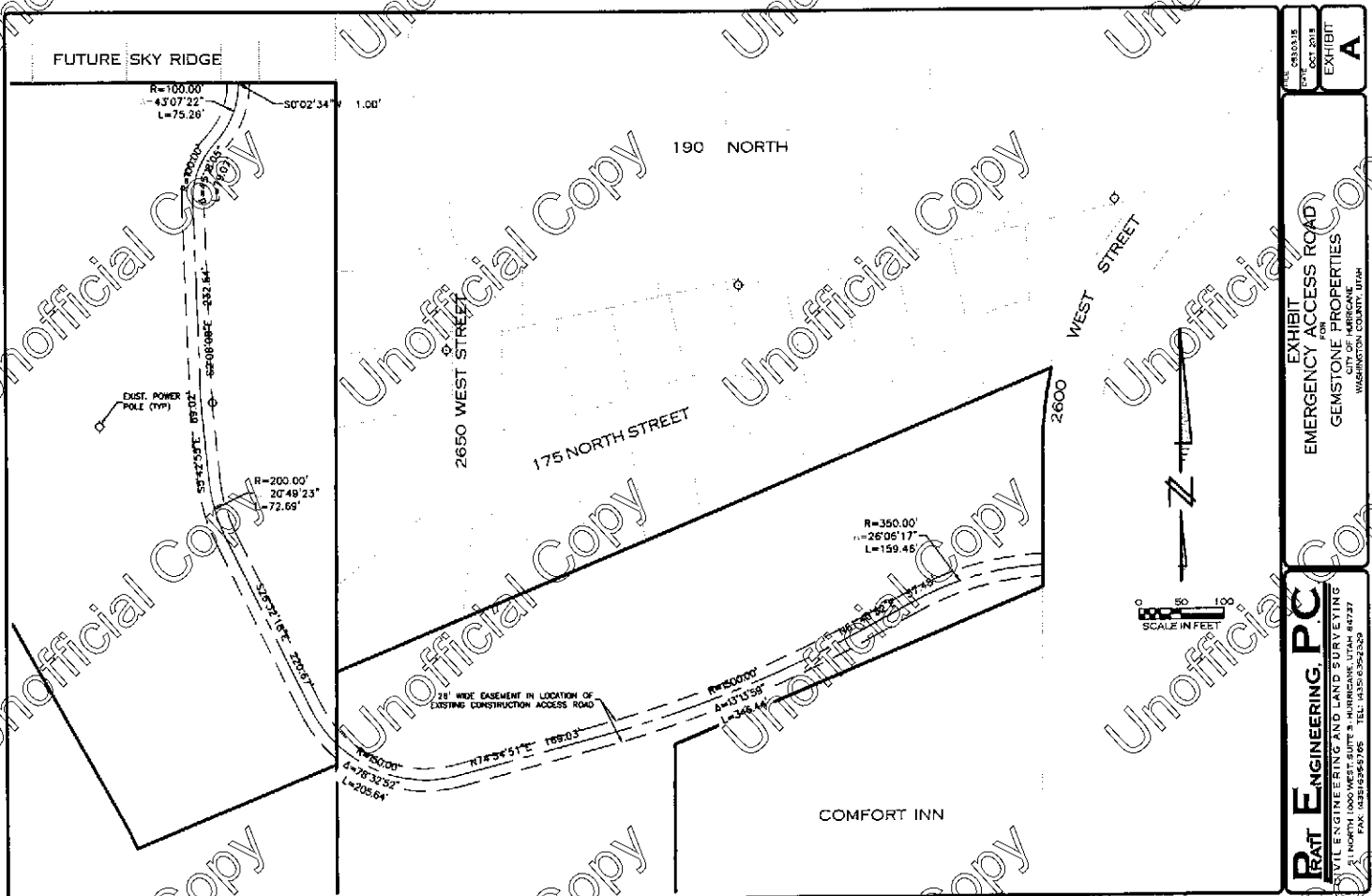


EXHIBIT A

The following is a centerline description of a twenty-six (26) foot wide Emergency Easement having thirteen (13) feet on each side of said described centerline, the sidelines of which shall be extended or trimmed back at the beginning, end, and along its entire length as to eliminate any and all overlaps and/or gaps with the properties it is intended to attach to and itself: Beginning at a point on the southerly line of that property identified as H-3-1-32-431, Official Records of Washington County, Utah, said point lies South 89°40'28" East 1507.88 feet along the section line, South 00°13'03" West 2542.09 feet, and North 89°57'58" West 114.34 feet from the northwest corner of Section 32, Township 41 South, Range 13 West of the Salt Lake Base and Meridian and running thence leaving said southerly line South 00°02'34" West 1.00 feet to the point of curvature of an 100.00 foot radius curve concave westerly, thence southerly 75.26 feet along the arc of said curve through a central angle of 43°07'22" to the point of reverse curvature of an 100.00 foot radius curve concave easterly; thence southerly 79.07 feet along the arc of said curve through a central angle of 45°18'04" to the point of tangency; thence South 02°08'08" East 232.54 feet; thence South 05°42'55" East 89.02 feet to the point of curvature of a 200.00 foot radius curve concave easterly; thence southerly 72.69 feet along the arc of said curve through a central angle of 20°49'23" to the point of tangency; thence South 26°32'18" East 220.67 feet to the point of curvature of an 150.00 foot radius curve concave northeasterly; thence southeasterly 205.64 feet along the arc of said curve through a central angle of 78°32'51" to the point of tangency; thence North 74°54'51" East 169.03 feet to the point of curvature of a 1500.00 foot radius curve concave northerly; thence easterly 346.44 feet along the arc of said curve through a central angle of 13°13'59" to the point of tangency; thence North 61°40'52" East 57.48 feet to the point of curvature of a 350.00 foot radius curve concave southerly; thence easterly 159.5 feet more or less to a point on the westerly right-of-way line of 2600 West Street, a public right-of-way and the point of termination.

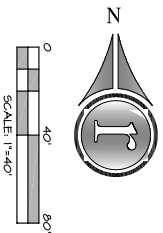


JUC Comments

Developer Responses in Red

Ridgecrest Phase 1 Preliminary Plat

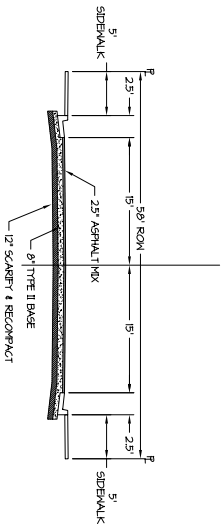
1. **Public Works:** Second access? Water loop? Show power line easement and identify
 - There is a recorded emergency access easement through the property(s) to the South and East, this is the same emergency access easement used by Sky Ridge. Copy Attached.
 - Developer met with Kory in the Hurricane City water department. The water loop will connect to the Canyons RV Resort line (note added to plat) in the same Pressure Zone. Additional water notes in item 4 below.
 - Rocky Mountain Power Line Easement is now labelled on plat.
2. **Fire:** Turnaround required.
 - added to plat map, and there is also the emergency access road listed in item 1
3. **Sewer:** There is a pressure sewer line from Canyons RV that runs through a few of the lots (this line is not depicted on the preliminary plat). Ash Creek met with the developer and he was made aware that as a condition of Ash Creek approval on Construction Drawings the lots where the pressure line runs through will not be able to be sold until Option 1: the pressure line is abandoned as part of Canyons RV accessing gravity sewer or Option 2: the pressure line is relocated.
 - Pressure sewer easement added to plat
4. **Water:** Need water line loop. Needs water model.
 - Water Loop location added to plat
 - Water model will be completed
 - 1st phase was reduced in size to keep the initial line less than 600'. Future phases will require water loop to be installed.
5. **Power:** Power to the project will be brought from 2600 W. The apartments that are being built now will bring a connection point to the west side of 2600 W. Must do this for capacity problems that are found currently on 2600 W. Must have an application for the project services.
6. **Streets:** No comments.
7. **Gas:** Okay
8. **Engineering:** See attached.
 - Engineering Notes were added to plat
 - Water loop, discussed with Water Department, is in a different location than assumed on redlines.
 - 100 N is not part of this plat map, it is located completely on neighboring properties.
 - Conceptual road locations for the future phases were shown on the preliminary site plan. This plan can be uploaded with the application if needed.
9. **Washington County Water Conservancy District:** Washington County Water Conservancy District hereby acknowledges that based on the information provided, the project adequately mitigates interference with district facilities and property interests. The District reserves the right to rescind this acknowledgement if additional information becomes available. The district has not determined whether water will be available for this development and does not hereby make any guarantee of water availability. In addition, the development must conform with applicable district requirements, including but not limited to payment of fees.



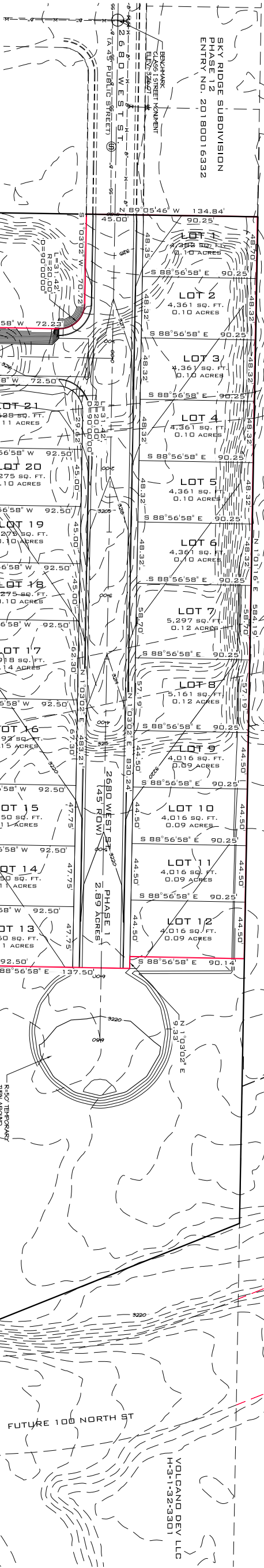
RIDGECREST PHASE 1 PRELIMINARY PLAT

LOCATED IN SECTION 32, TOWNSHIP 41 SOUTH, RANGE 13 WEST OF THE
SALT LAKE BASE AND MERIDIAN
IN THE CITY OF HURRICANE, WASHINGTON COUNTY, UTAH.
DEVELOPED BY: WESTERN COMMERCIAL REAL ESTATE, PLLC

2680 WEST TYP CROSS SECTION
SCALE: 1/8\"/>



VICINITY MAP
N.T.S.
NORTH



SITE INFORMATION:

CURRENT ZONE: H-HRV
TOTAL AREA: 2.84 AC (62,871 SQ.FT.)
RESIDENTIAL UNITS: 21
DENSITY: UNITS/ACRES = 21/2.84 = 7.41 UNITS PER ACRE

OWNER/DEVELOPER/CONTACT

THE DEVELOPER FOR THIS PROJECT IS
WESTERN COMMERCIAL REAL ESTATE, PLLC
P.O. BOX 596
SANTA CLARA, UTAH 84165
(435) 632-5624

PROJECT ENGINEER

THE ENGINEER FOR THIS PROJECT IS:
ROSENBERG ASSOCIATES
352 EAST RIVERSIDE DRIVE, SUITE A2
ST. GEORGE, UTAH 84140
(435) 679-8586

GEOTECHNICAL ENGINEER

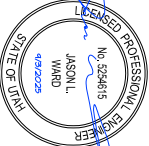
THE GEOTECHNICAL ENGINEER FOR THIS PROJECT IS:
ROSENBERG ASSOCIATES
352 EAST RIVERSIDE DRIVE, SUITE A2
ST. GEORGE, UTAH 84140
(435) 679-8586



352 East Riverside Drive, Suite A-2
St. George, Utah 84143
P: (435) 679-8586 F: (435) 679-8587
www.raaht.com



DATE	5/17/2024
JOB NO.	1036-24-015
DESIGNED BY:	JLM
CHECKED BY:	RYA
DWG.	COMP
DATE	
REVISIONS	





STAFF COMMENTS

Agenda Date:	09/11/2024
Application Number:	PSP25-15
Type of Application:	Preliminary Site Plan
Action Type:	Administrative
Applicant:	Kendall Clements
Agent:	Karl Rasmussen
Request:	Approval of a Preliminary Site Plan.
Location:	57 N State St.
Zoning:	HC
General Plan Map:	Downtown
Recommendation:	Approve subject to staff and JUC comments
Report Prepared by:	Fred Resch III

Discussion:

The applicant is proposing six new short-term rental units and a pool at the existing Passport Village development located on SR-9 at the eastern curve towards La Verkin. This development has four existing vacation rental units on site. A previous preliminary site plan was approved in August of 2024 with only four additional units. This site is zoned Highway Commercial.

JUC Comments

The following items will need to be addressed:

1. **Public Works:** No comment.
2. **Power:** Really need to figure out their power needs exactly. Do they want 6 meters or 1 master meter? Upsize the existing transformer to meet the demand. All single-phase power only.
3. **Sewer:** No comment.
4. **Street:** Add stop sign at end of driveway.
5. **Water:** Any abandon lines terminated at main line. Water lines will need to be ductile iron pipe.
6. **Engineering:** Existing easements (documents 20230027979 & 20230027980) must be depicted in the construction plans. Amendments to document 20230027979 appear unavoidable (HCC 10-37-8).
7. **Fire:** Proposed units will have to have a fire suppression system if short-term rentals.
8. **Cable:** No comment.

9. **Gas:** Okay.

10. **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.



Vicinity Map

Staff Comments: Preliminary Site Plan

1. **Land Use:** The property is zoned Highway Commercial. With over 10 units on site this use qualifies as a hotel/motel use, which is permitted in Highway Commercial zone.
2. **Parking:** Per HCC 10-34-10 the parking requirements for this use are,

Hotel	2 spaces plus 1 space per living or sleeping unit
-------	---

The plan shows 21 parking stalls for ten total units which satisfies the requirement.

3. **Landscaping:** The applicant will be required to submit with their final site plan application, per HCC 10-32-5,
 - a. *Landscaping adjacent to a public street. Except for approved driveways and pedestrian walkways, a landscaped area of ten-foot minimum shall be provided adjacent and parallel to the frontage of a public street as follows:*

- b. *A ten-foot wide landscaped area on any commercial development.*
- c. *At least one tree and three shrubs shall be planted for every 35 feet of street frontage in a required landscaped area. Such trees and shrubs may be clustered, provided that no tree shall be within five feet of another.*

The space for the ten foot landscape buffer appears to have been provided.

- 4. **Site Access:** Typically UDOT honors existing driveway accesses along SR-9, any modification of these accesses will need to be signed off on by UDOT.
- 5. **On Site Management Required:** Under Hurricane City Code 24-hour on-site management is required for hotels. The existing on-site management space will need to be preserved and able to provide oversight to the expanded development.
- 6. **No Vested Rights:** *It should be noted that pursuant to Hurricane City Code section 10-7-10 (D)(2)(b), A preliminary site plan is not intended to permit actual development of property pursuant to such plan but shall be prepared merely to represent how the property could be developed. Submittal, review, and approval of an application for a preliminary site plan shall not create any vested rights to development.*

Recommendation: The Planning Commission should review this application based on standards within the Hurricane City Code. Staff recommends approval subject to staff and JUC comments.

PROJECT LOCATION

HURRICANE

Virgin River

E1050N

E860N

E800N

E600N

W625N

W600N

N100W

MAIN

N120E

N200W

W300N

MAIN

W100N

W100N

S1150W

Super 8 Hurricane
Zion National Park

S300W

W300S

W400S



Six new 2 bedroom, 1 bathroom, nightly rental units added to the lot.

PRELIMINARY SITE PLAN FOR:
65 N LLC

LOCATED IN SECTION 35, T41S, R13W, S.L.B.#M.
WASHINGTON COUNTY, UTAH

SITE DATA:

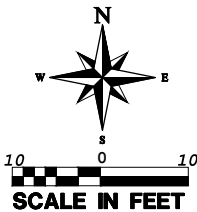
PARCEL ID	H-136-A-2-A	H-136-A-2-B
TOTAL AREA	13168.01 SQ. FT. OR 0.302 ACRES	10838.79 SQ. FT. OR 0.248 ACRES
LANDSCAPING AREA	2,609.13 SQ. FT.	3,296.94 SQ. FT.
PROPOSED BUILDING AREA	---	2,880 SQ. FT.
EXISTING BUILDING AREA	2,979.75 SQ. FT.	475.05 SQ. FT.
PARKING STALLS PROVIDED	21 STALLS TOTAL W/ 1 ADA, 20 STANDARD STALLS	
PROPOSED UNIT TYPE	---	2 BEDROOM W/ 1 BATHROOM
MAXIMUM OCCUPANCY PER UNIT	---	4 PEOPLE
PARKING STALLS REQUIRED	MOTEL/COMMERCIAL SPACES REQUIRED, 1 SPACE PER UNIT, PLUS 2 SPACES FOR HOST. TOTAL OF 12 SPACES REQUIRED	
ZONE	HIGHWAY COMMERCIAL	
NIGHTLY RENTAL UNITS	10	
PATIO AREA	294 SQ.FT. (EX.); 0 SQ.FT. (PRO.)	0 SQ.FT. (EX.); 96 SQ.FT. (PRO.)
PROPOSED USE	MOTEL	

CONSTRUCTION NOTES

- EXISTING BUILDING TO BE DEMOLISHED
- POOL AREA (11'x25')
- SEWER LINE TO BE ABANDONED
- PROPOSED ADA ACCESS ROUTE
- UNDERGROUND DRAINAGE VAULT (SIZE T.B.D.)
- PROPOSED 1" WATER METER
- FIRE DEPARTMENT ACCESS ROUTE
- INSTALL "A" CURB
- EXISTING STRUCTURE, NOW DEMOLISHED
(DEMOLITION PERMIT ISSUED BY BLDG. DEPT)
- EXISTING DRAINAGE VAULT
- PATIO (4'x4')
- 4FT CONCRETE WALKWAY
- INSTALL NEW FIRE HYDRANT

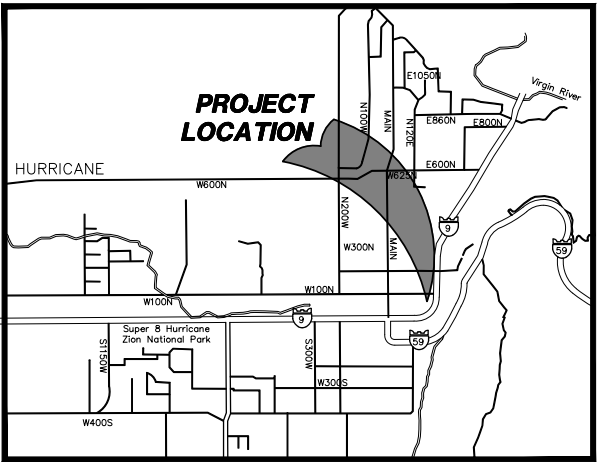
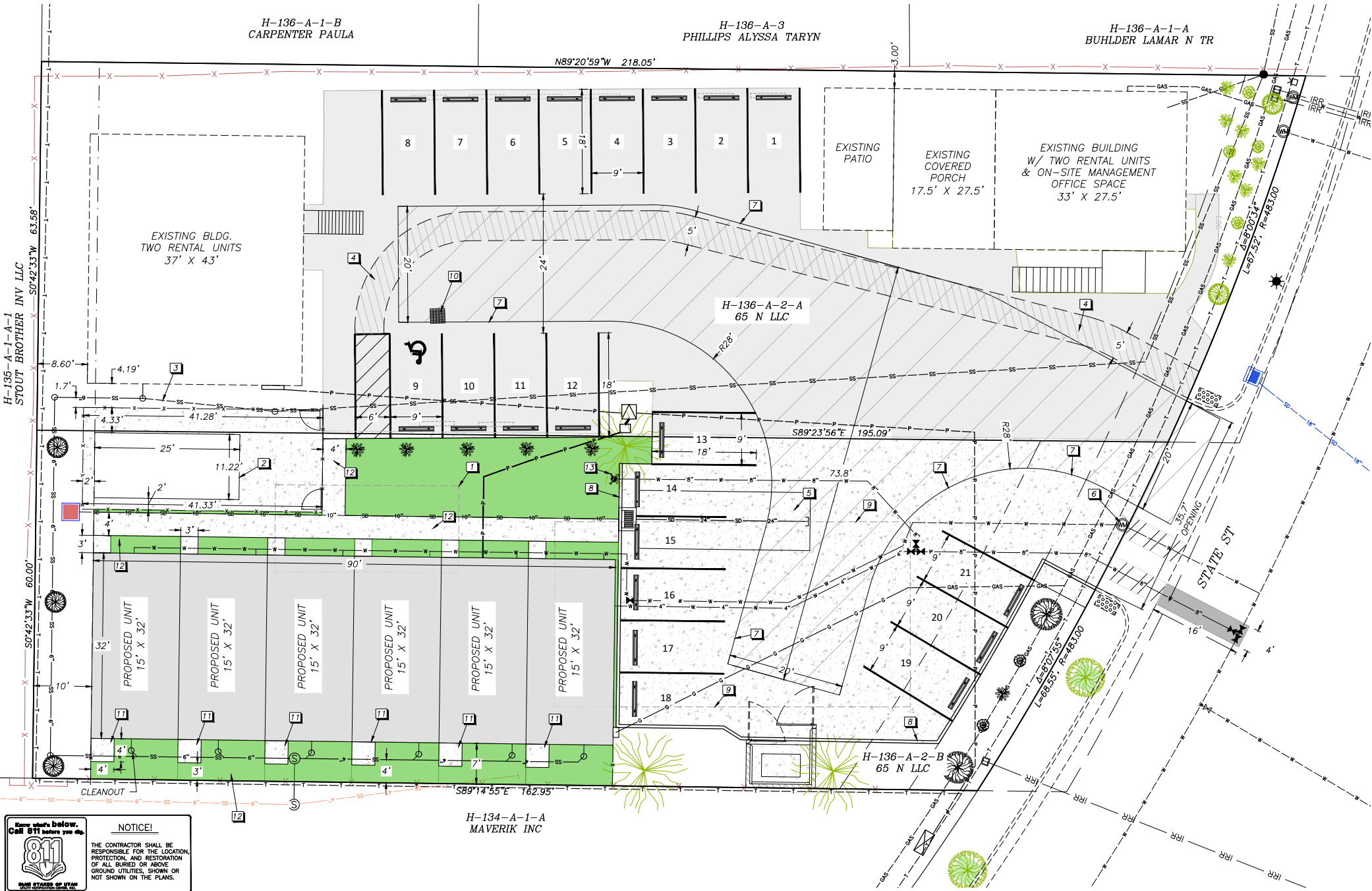
NOTE:

- ALL EXISTING PARKING BUMPERS TO BE MOVED.
- PREVIOUS PRELIMINARY SITE PLAN APPROVED ON DATE 6/22/23, THIS PRELIMINARY SITE PLAN HAS 10 NIGHTLY RENTAL UNITS.
- PROJECT IS ON PARCELS H-136-A-2-A & H-136-A-2-B



LEGEND

	PROPERTY LINE
	ADJACENT PROPERTY LINE
	10' PUBLIC UTILITY EASEMENT
	PROPOSED "A" CURB
	EXISTING FENCE
	NEW FENCE
	EXISTING CURB & GUTTER
	PROPOSED POWER LINE
	EXISTING POWER LINE
	EXISTING SEWER LINE
	PROPOSED 4" PVC SEWER LATERAL
	PROPOSED WATER
	EXISTING WATER MAIN
	EXISTING IRRIGATION LINE
	EXISTING GAS LINE
	PROPOSED GAS LINE
	EXISTING COMMUNICATION LINE
	PROPOSED CONCRETE
	EXISTING LANDSCAPE
	PROPOSED LANDSCAPING
	EXISTING BUILDINGS
	FIRE DEPARTMENT ACCESS ROUTE
	EXISTING CONCRETE
	INSTALL NEW ASPHALT
	REPAIR PATCH
	UNDISTURBED LANDSCAPING
	PROPOSED BUILDINGS
	EXISTING LIGHT POLE
	ELECTRICAL 4-WAY VAULT
	75 KVA TRANSFORMER
	PROPOSED FIRE HYDRANT
	EXISTING IRRIGATION BOX
	SEWER MANHOLE
	EX. SEWER MANHOLE
	WATER VALVE
	WATER METER
	PARKING CURB



Know what's below.
Call 811 before you dig.

NOTICE!

THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION, PROTECTION, AND RESTORATION OF ALL BURIED OR ABOVE GROUND UTILITIES SHOWN OR NOT SHOWN ON THE PLANS.

PROVALUE ENGINEERING, INC.
Engineers - Land Surveyors - Land Planners
20 South 850 West, Suite 1
Hurricane, Utah 84503
Phone: 435/868-8807

NO	REVISIONS	DATE	BY

PRELIMINARY SITE PLAN FOR:
65 N LLC
LOCATED IN SECTION 35, T41S, R13W, S.L.B.#M.

DATE: 12/03/2024
SCALE: 1"=10'

JOB NO.
497-003

SHEET NO:
1 OF 1



STAFF COMMENTS

Agenda Date:	09/11/2025 - Planning Commission
Application Number:	PSP25-18
Type of Application:	Preliminary Site Plan
Action Type:	Administrative
Applicant:	Interstate Rock Products
Agent:	Kyson Spendlove
Request:	Approval of a Preliminary Site Plan.
Location:	3174 W 90 N
Zoning:	HC
General Plan Map:	General Commercial
Recommendation:	Approve subject to staff and JUC comments.
Report Prepared by:	Fred Resch III

Discussion:

The applicant has filed a preliminary site plan for Hurricane Dental Holdings, a 9,900 sq ft medical office, planned to be located east of Walmart along the new 90 N road being constructed from the Walmart parking lot by the SkyRim development. The plan also includes a stormwater basin near the existing basin for Walmart. This road has been graded in but has not been fully constructed at this time. This site is zoned Highway Commercial.

JUC Comments

The following items will need to be addressed:

1. **Public Works:** Needs to front a dedicated street. 90 N not yet dedicated and improvements not in.
2. **Power:** Must fill out an application for power service. Must install the power infrastructure from the north side of 90 N to the project. Project must be paved and finished before power is given. Overhead line in back of building is too close to building, power dept is not aware of any changes to overhead line along SR-9.
3. **Water:** Needs looped water line connection water through 100 N.
4. **Street:** No comment.
5. **Sewer:** No comment.
6. **Engineering:** A traffic impact study must be provided because of the intersection at 90 N and 3400 W (HCS 3.9.2). Minimum frontage improvements: underground utilities, curb, gutter,

sidewalk, & 32' pavement (must be constructed prior to or with the site). The preliminary site plan fails to provide contours (Hurricane City Code (HCC) 10-7-10(D)(2)(a)(2)) the neighboring detention area, storm drain, and slope along the shared property line must be accurately depicted in the site construction plans. It appears a retaining wall is proposed (HCC 10-24-8(C)). A 30" storm drain pipe is master planned along State Street's north side. Staff discussed with Interstate that a potential lot split (HCC 10-39-4(c)) or lot line adjustment via final plat amendment (HCC 10-39-16) will create the site. Shared driveways must have an approved easement (HCC 10-35-4(B)(8)). Construction plans must show that safe stopping sight distances are observed (HCS 3.2.4.12), especially where atypical access spacing is requested (HCS 3.2.4.3). Accesses on the north side of 90 North must be considered. Site must be accessed from an improved public street. The final plat for SkyRim Phase 1 includes a roadway dedication for 90 North, but it has yet to be recorded. Minimum off-site improvements: underground utilities and 32' pavement (HCS 2.1 (bullets 2 & 3) & HCS 3.2.4.17). Proposed building appears to conflict with existing power and water. A plan to relocate or abandon said utilities has yet to be approved. The existing easement(s) (see document 20190031512) must be appropriately vacated/abandoned (HCC 10-37-8).

7. **Fire:** Approved.

8. **Phone:** No comment.

9. **Cable:** Blue stake for TDS facilities.

10. **Gas:** Okay.

11. **Fiber:** No comment.

12. **Water Conservancy:** 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.



Vicinity Map

Staff Comments: Preliminary Site Plan

1. **Land Use:** The proposed use of a medical office is permitted in the Highway Commercial zone.
2. The depicted site boundaries do not match the current property lines in the area (see parcel map above). Staff and the applicant have discussed several possible remedies such as a lot split or lot line adjustment, but these do not need to be addressed at this time.
3. **Parking Requirement:** Pursuant to Hurricane City Code (HCC) 10-34-10:

Office, general	1 space per 250 square feet of gross floor area	8 spaces minimum
-----------------	---	------------------

The plan proposes a 9,900 sq ft building; 40 parking stalls is required. 93 parking stalls are shown, which exceeds the requirement.

4. **Landscape:** A full landscaping plan will need to be submitted with the final site plan. The applicant will need to ensure that a proper landscaping buffer along 90 N is observed pursuant to HCC 10-32-6.
5. **Site Access:** The site currently lacks access from a public street. The planned roadway will be developed as part of the neighboring SkyRim project. The applicant has indicated that they have an agreement with SkyRim's developers to construct and dedicate the roadway depicted on the site plan (and move existing utilities in the area to said roadway). This roadway must be dedicated and constructed prior to, or concurrent with, development of the site. As this is not a

vesting application (see Note 6 below), staff is comfortable with the application proceeding subject to this condition; a final site plan cannot be approved until this condition is satisfied.

6. **No Vested Rights:** It should be noted that pursuant to Hurricane City Code section 10-7-10 (D)(2)(b), *A preliminary site plan is not intended to permit actual development of property pursuant to such a plan but shall be prepared merely to represent how the property could be developed. Submittal, review, and approval of an application for a preliminary site plan shall not create any vested rights to development.*

Recommendation: The Planning Commission should review this application based on the standards within the Hurricane City Code. Staff recommends approval of the preliminary site plan subject to staff and JUC comments.

Based on the preliminary site plan, the project is a "90 North Medical Facility". The project location is near a Walmart at the intersection of State Road 9 and 90 North. The surrounding properties are owned by Wal-Mart Real Estate Business Trust, Stratton Brothers LLC, and Sky Rim Development LLC, which is designated for commercial development.

The total proposed property area is 50,365 square feet, or 1.16 acres, with a building pad of 9,900 square feet, or 0.23 acres. The site plan includes a proposed ADA walkway, a proposed dumpster, and connections for gas, power, and water to the building. The site will have a proposed water meter, fire hydrant, and power vault. The landscaping area is 7,243 square feet, or 0.17 acres. The plan also indicates a proposed detention pond. The parking area will have 93 total stalls, including 4 ADA stalls.

FILE: Z:\1 - Engineering\ - Clients\Rigby Watts & Co\06.025.035 90 North Medical Facility (East of Hurricane Walmart)\1 - Engineering\ - Design\2 - Sheet\ Preliminary Site Plan.dwg TME: 18 August 2025

LEGEND		
DEFINITION	PROPOSED	EXISTING
HATCH TYPES		
ASPHALT		
CONCRETE		
LANDSCAPE		
BUILDING		
LINE TYPES		
SANITARY SEWER	SS	EX-SS
STORM DRAIN	SD	SD
POTABLE WATER	W	W
IRRIGATION	IRR	IRR
COMMUNICATION	COMM	EX-COMM
POWER	P	EX-P
GAS	GAS	GAS

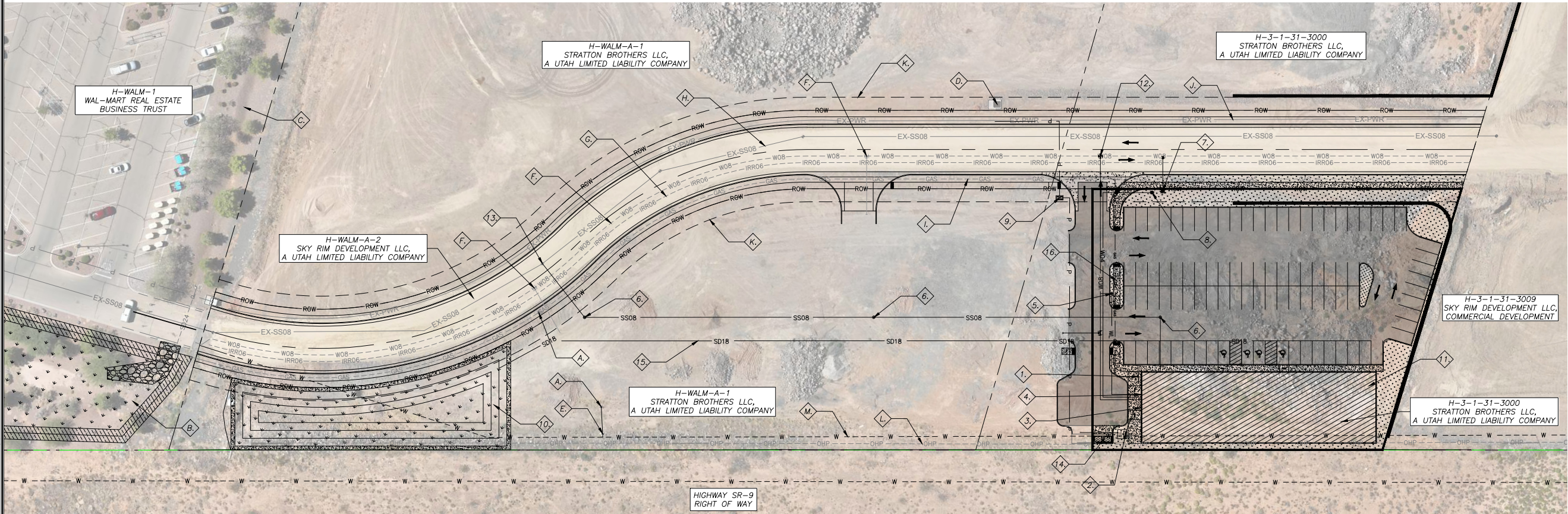
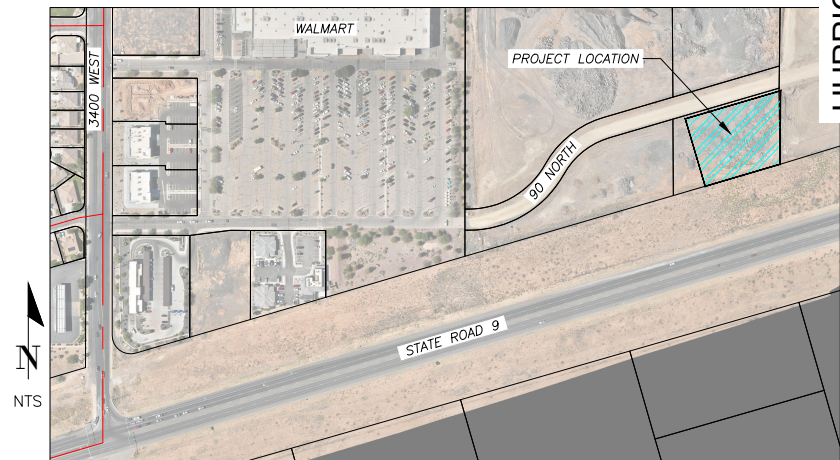
PROPOSED:

1. PROPOSED GAS CONNECTION TO BUILDING
2. PROPOSED POWER TRANSFORMER
3. PROPOSED POWER CONNECTION TO BUILDING
4. PROPOSED WATER CONNECTION TO BUILDING
5. PROPOSED WATER METER
6. PROPOSED SSMH
7. PROPOSED FIRE HYDRANT
8. PROPOSED REMOTE FIRE DEPARTMENT CONNECTION (RDC)
9. PROPOSED POWER VAULT
10. PROPOSED AREA DETENTION POND
11. PROPOSED BUILDING FOOTPAD
12. CONNECT TO EXISTING WATER LINE WITH TEE
13. CONNECT TO EXISTING SSMH
14. PROPOSED DUMPSTER
15. PROPOSED STORM DRAIN WILL CHANGE BASED UPON FINISH GRADE SURFACE
16. PROPOSED ADA WALKWAY

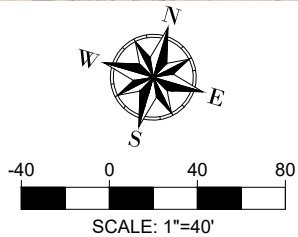
EXISTING:

- A. EXISTING FIRE HYDRANT TO BE REMOVED
- B. EXISTING WALMART DETENTION POND
- C. EXISTING WALMART SWALE
- D. EXISTING POWER VAULT
- E. EXISTING WATER VALVE TO BE REMOVED
- F. EXISTING WATER LINE
- G. EXISTING IRRIGATION LINE
- H. EXISTING SANITARY SEWER
- I. EXISTING GAS LINE
- J. EXISTING POWER LINE
- K. EXISTING PUBLIC UTILITY EASEMENT (PUE)
- L. EXISTING POWER LINE TO BE REMOVED
- M. EXISTING WATER LINE TO BE ABANDONED

PRELIMINARY SITE PLAN
90 NORTH MEDICAL FACILITY



90 NORTH MEDICAL FACILITY		
LAND USE	SF	ACRES
PROPOSED PROPERTY	50365	1.16
LANDSCAPE AREA	7243	0.17
BUILDING PAD	9900	0.23
PARKING STALL COUNT	ADA STALLS	TOTAL STALLS
	4	93



HURRICANE DENNY



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



DESIGNED BY IRP
DRAWN BY IRP
CHECKED BY TA

RIGBY WATTS & CO
PRELIMINARY SITE PLAN
90 NORTH MEDICAL FACILITY
HURRICANE CITY, UT 84737

REV.	DATE	DESCRIPTION	BY

DATE 18 AUG 2025
PROJ. # 06.025.035
PAGE # C1.4



STAFF COMMENTS

Agenda Date:	09/11/2025 - Planning Commission
Application Number:	PSP25-19
Type of Application:	Preliminary Site Plan
Action Type:	Administrative
Applicant:	Fassio Legacy
Agent:	Brandee Walker
Request:	Preliminary Site Plan Approval.
Location:	282 W State St.
Zoning:	HC
General Plan Map:	Downtown
Recommendation:	Approve subject to staff and JUC comments.
Report Prepared by:	Fred Resch III

Discussion:

The applicant has submitted a preliminary site plan for an Ahi's restaurant on State Street at the location of the former Old Red Barn building, between the Econolodge and the Cyprus Credit Union. The proposed building will generally occupy the footprint of the previous structure, with the exception of an expanded upper floor. The property is zoned Highway Commercial.



Vicinity Map

JUC Comments

The following items will need to be addressed:

- 1. Public Works:** Power will need to be developed for this site.
- 2. Fire:** Approved. Possible fire suppression with remote FDC.
- 3. Sewer:** [No comments received.]
- 4. Water:** Okay.
- 5. Power:** Fill out an application with what the required service size will be. The design looks good on the plat, Hurricane Power will decide the size of the transformer.
- 6. Streets:** Are they sharing parking?
- 7. Engineering:** Small reconfiguration on the ADA stall is recommended. Keep engineering informed if shared parking/shared drive aisle agreements have legal descriptions. (Hurricane City Code (HCC) 10-34-9(C)(3)).
- 8. Gas:** Service line location to be determined once the building is under construction.
- 9. Washington County Water Conservancy District:** Washington County Water Conservancy District hereby acknowledges that based on the information provided, the project adequately mitigates interference with district facilities and property interests. The District reserves the right to rescind this acknowledgement if additional information becomes available. The district has not determined whether

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

Staff Comments: Preliminary Site Plan

1. **Land Use:** The proposed use of a restaurant is permitted in the Highway Commercial zone.
 - a. The previous building was torn down but the foundation was left in place in order to preserve the existing legal nonconforming setback from State St.
2. **Parking Requirement:** Per HCC 10-34-10(A), a restaurant requires one parking space per 100 square feet of gross floor area, with a minimum of 10 spaces. The site plan identifies 10 parking stalls. The applicant's narrative indicates that a shared parking arrangement with neighboring properties may be secured, and a parking study or modification could be provided, as allowed under HCC 10-34-9. Given the retail nature of surrounding businesses and the limited space on site, staff would be supportive of a shared parking arrangement if a formal agreement is submitted.
 - a. HCC 10-34-9(B) states: *"The Planning Commission may authorize modified parking requirements for new commercial uses in existing commercial buildings in order to foster economic development."* While the subject property no longer contains an existing commercial building, staff believes that the application of this code provision is valid and appropriate since parking solutions for this property are extremely limited, and strict adherence to the parking requirements would render the property unusable. A parking modification will need to be approved by the Planning Commission under the Final Site Plan, and the required parking study shall be submitted with that future application.
 - b. **Landscape:** Hurricane City Code requires a 10-foot-wide landscape buffer along each right-of-way, and a full landscape plan will be required with the final site plan submittal. The existing site has limited landscaping and the site plan appears to add additional landscaping space.
3. Building renderings and design have been provided with the application, although not required at this stage. Staff has no concerns with submitted renderings.
4. **No Vested Rights:** It should be noted that pursuant to Hurricane City Code section 10-7-10 (D)(2)(b), *A preliminary site plan is not intended to permit actual development of property pursuant to such a plan but shall be prepared merely to represent how the property could be developed. Submittal, review, and approval of an application for a preliminary site plan shall not create any vested rights to development.*

Recommendation: The Planning Commission should review this application based on standards within the Hurricane City Code. Staff recommends approval subject to staff and JUC comments.

Ahi's Hurricane

Preliminary Site Plan

The proposed new restaurant site is located at 282 West State Street and offers 4,129 square feet of indoor use with an additional 2,040 square feet of patio area. The building is situated in the location of the prior establishment and will be a 2-story building totaling 31'-2" in height.

The parking will require a cross-use agreement with the adjoining properties which is being prepared and will be presented to the City, at or before, time of Final Site Plan application. The adjoining properties business hours allow for the cross-use of parking as Ahi's patrons will be primarily in the evening after the closure of the other businesses.

See attached for the architectural renderings.



Ahi's Hurricane



Legend

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

Notes

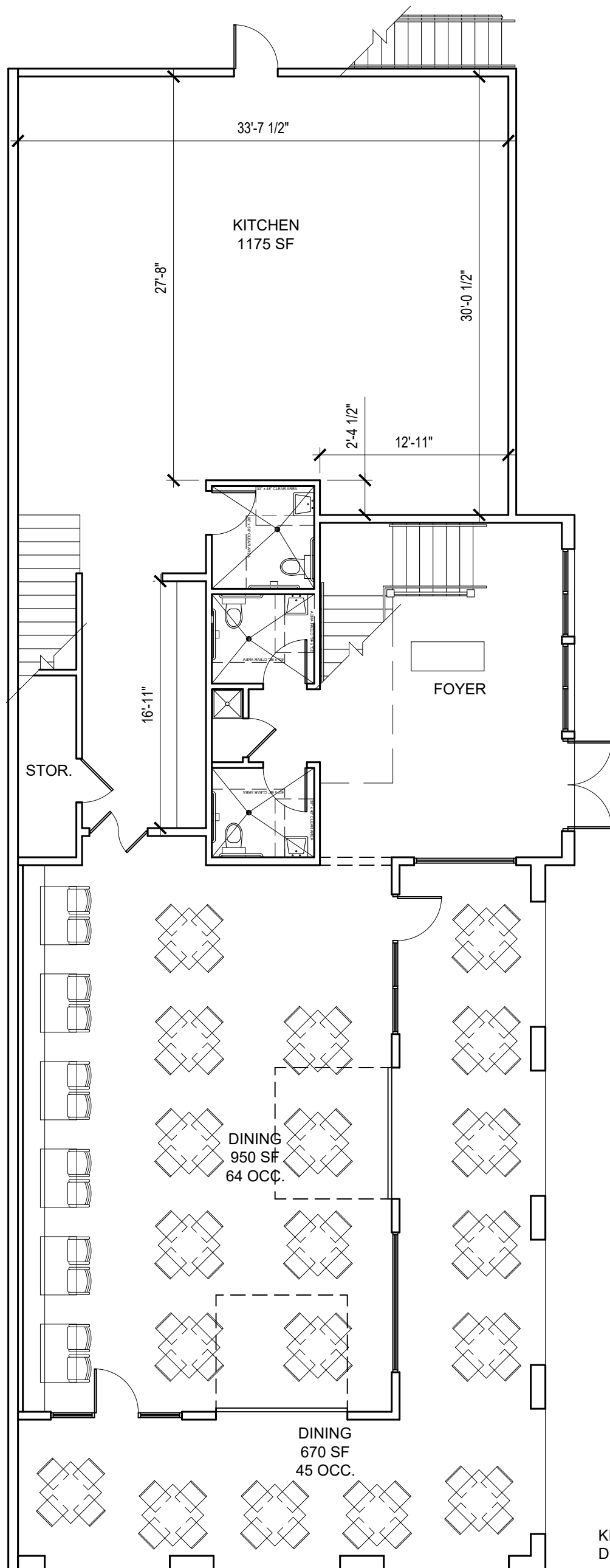
H-172-A
282 West State Street

376.2 0 188.08 376.2 Feet

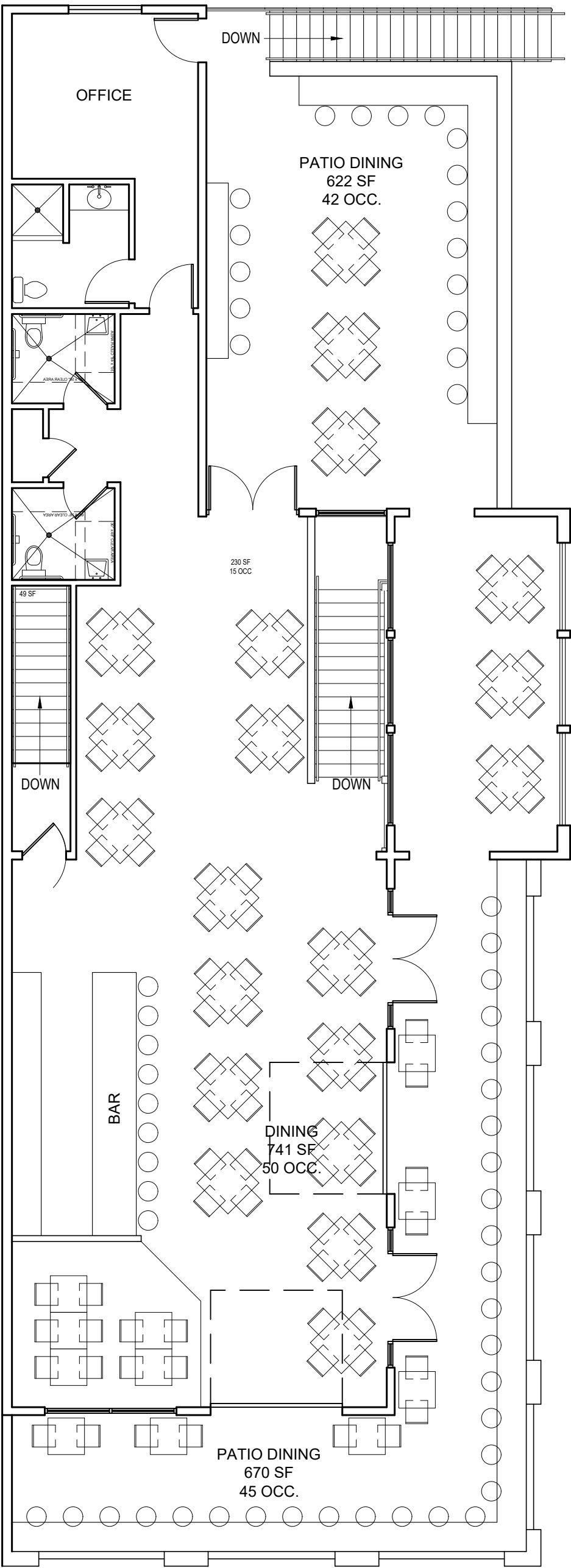
WGS_1984_Web_Mercator_Auxiliary_Sphere

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

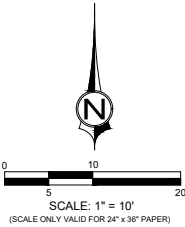
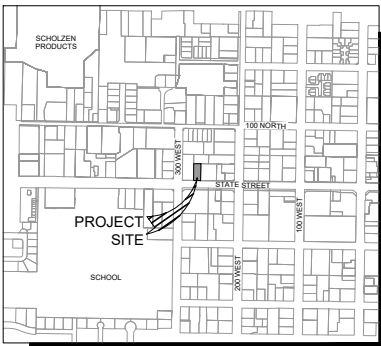




KITCHEN / OFFICE: 1,882 SF
DINING: 1664 SF



STOR. / BAR: 1,220 SF
DINING: 929 SF
PATIO DINING: 1,292 SF



- LEGEND**
- FIRE HYDRANT
 - WATER GATE VALVE
 - EXISTING WATER GATE VALVE
 - WATER LATERAL & SERVICE WITH BOX
 - EXISTING WATER LINE
 - INSTALL C-900 CLASS 150 WATER LINE
 - SEWER MANHOLE (SIZE AS NOTED ON PLAN)
 - SEWER LATERAL
 - EXISTING SEWER LINE
 - INSTALL SEWER LINE
 - EXISTING POWER
 - ASPHALT HATCH
 - CONCRETE HATCH
 - LANDSCAPE HATCH

PROJECT INFORMATION	
PARCEL #	H-172-A (282 WEST STATE STREET)
ZONE	HC
AREA	0.23 ACRES (10,022 SF)
BUILDING AREA	4,129 SQ FT + 2,040 PATIO
BUILDING USE	RESTAURANT
LANDSCAPE AREA	961 SQ FT (9.6%)
PARKING CALCULATIONS	
1 STALL	PER 300 SQ FT OF KITCHEN & STORAGE
1 STALL	PER 100 SQ FT OF DINING
KITCHEN, BAR, & STORAGE: 1,952 SQ FT / 300 = 6.5 STALLS	
DINING (INSIDE): 2,177 SQ FT / 100 = 21.8 STALLS	
PATIO DINING (OUTSIDE): 2,040 SQ FT / 100 = 20.4 STALLS	
49 STALLS REQUIRED	
10 STALLS PROVIDED*	
* ACCESS & PARKING CROSS USE AGREEMENT WILL BE PROVIDED	

AHI'S HURRICANE
PRELIMINARY SITE PLAN

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



AHI'S HURRICANE
PRELIMINARY SITE PLAN
LOCATED IN HURRICANE, UTAH

PROJ. #: IF25420
DRAWN BY: BLW
DATED: 08/20/2025
SCALE: 1" = 10'
SHEET



STAFF COMMENTS

Agenda Date:	09/11/2025 - Planning Commission
Application Number:	AFP25-12
Type of Application:	Amended Final Plat
Action Type:	Administrative
Applicant:	Jeff Andrus
Agent:	Ryan Scholes
Request:	Approval of an Amended Final Plat.
Location:	800 N Old Highway 91
Zoning:	Light Industrial (M-1)
General Plan Map:	Light Industrial/Business
Recommendation:	Approve subject to staff and JUC comments.
Report Prepared by:	Fred Resch III

Discussion: The applicant is requesting an amendment to the final plat of the BAJR Subdivision, located at the north end of Old Highway 91. The overall plan envisions subdividing Lot 2 into 20 individual industrial lots, which received preliminary site plan approval in 2024 as Silverwood Industrial. For phasing reasons, only six lots and a public roadway along the boundary of Lots 1 and 2 are being platted at this time. The property is zoned Light Industrial (M-1).



Vicinity Map

JUC Comments

1. **Public Works:** [No comments received.]
2. **Engineering:** Engineering needs a PDF of the Silverwood Industrial subdivision, phase 1 construction plans approved on or near 6/18/2025 to give a proper review. Existing monuments should be located, shown, and appropriately referenced (HCC 10-39-10(A)(5)). The existing right of way must be clearly identified. It appears Old Hwy 91 falls within the UDOT right of way (i.e. doesn't have a right of way of its own)(HCC 10-39-10(A)(4)).
3. **Streets:** No comment.
4. **Water:** Distance on 730 N requires waterline loop if more than 600 ft long (HCS 3.6.4, 3.6.8.11, 3.6.8.2)
5. **Fire:** Approved.
6. **Sewer:** [No comments received.]
7. **Power:** Power dept is working with owner to build a line along OH91. Power dept cannot approve this plat until the bonding has been posted with Public Works. Design is good.
8. **Gas:** Okay

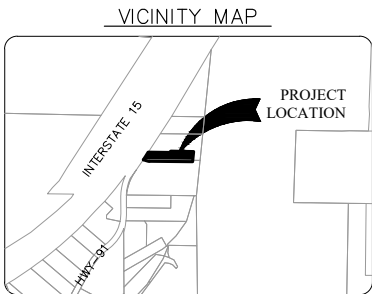
9. **Water Conservancy:** Washington County Water Conservancy District hereby acknowledges that based on the information provided, the plan adequately mitigates interference with district facilities and property interests. The District reserves the right to rescind this acknowledgement if additional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

Staff Comments

1. The plat meets the following standards for amending final plats contained in [Utah Code 10-9a-608](#). Subdivision Amendments, updated in 2023:
 - a. Depicts only the portion of the subdivision that is proposed to be amended.
 - b. Includes a plat name distinguishing the amended plat from the original plat.
 - c. An amendment note describing the changes from the original plat.
2. The Final Plat needs a full review by the City Engineering Department for surveying details.
3. The newly created lots will need individual site plan approvals by the JUC and Planning staff.

Recommendation: The Planning Commission should review this application based on Hurricane City and State Code standards. Staff recommends approval of this item subject to staff and JUC comments.

THE PURPOSE OF THIS AMENDED PLAT IS TO DIVIDE LOT 2, BAJR SUBDIVISION, RECORDED AS DOCUMENT 2022005291 IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER, AND CREATE 6 NEW LOTS, PUBLIC STREETS, AND PUBLIC UTILITY EASEMENTS. A PORTION OF LOT 1 IS BEING DEDICATED AS PART OF 730 SOUTH STREET ALONG WITH PUBLIC UTILITY EASEMENTS.



FINAL PLAT OF
**BAJR SUBDIVISION
PARTIAL AMENDMENT "A"
(LOTS 1 AND 2)**

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 27,
TOWNSHIP 41 SOUTH, RANGE 14 WEST, SLB&M,
HURRICANE CITY, UTAH

S1/16 CORNER
SECTION 27,
T41S, R14W,
SLB&M
FOUND BLM
1988 BRASS
CAP MONUMENT

SURVEYOR'S CERTIFICATE

I, RYAN SCHOLES, PROFESSIONAL UTAH LAND SURVEYOR NUMBER 13293573, HOLD A LICENSE IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT AND HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED HEREON IN ACCORDANCE WITH SECTION 17-23-17 AND HEREBY CERTIFY ALL MEASUREMENTS AND DESCRIPTIONS ARE CORRECT. MONUMENTS HAVE BEEN SET AS REPRESENTED ON THIS PLAT.

BAJR SUBDIVISION PARTIAL AMENDMENT "A"

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

BOUNDARY DESCRIPTION

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 27, TOWNSHIP 41 SOUTH, RANGE 14 WEST, SALT LAKE BASE AND MERIDIAN, THENCE NORTH 5°47'07" EAST 650.13 FEET ALONG THE SECTION LINE TO THE SOUTHEAST CORNER OF LOT 2, BAJR SUBDIVISION, RECORDED AS DOCUMENT 20220052791 IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER; THENCE NORTH 89°23'10" WEST 134.95 FEET ALONG THE SOUTH LINE OF SAID LOT 2 TO THE POINT OF BEGINNING, AND RUNNING THENCE SOUTH 05°47'07" WEST 26.11 FEET, THENCE NORTH 89°23'10" WEST 789.55 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 172.00 FEET; THENCE WESTERLY 95.81 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 31°54'52"; THENCE NORTH 89°23'10" WEST 20.04 FEET TO A POINT ON THE EASTERLY LINE OF THE REALIGNMENT OF OLD HIGHWAY 91 AND A POINT ON A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 7839.40 FEET OF WHICH THE RADIUS POINT LIES NORTH 56°18'32" WEST; THENCE NORTHEASTERLY 83.56 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00°36'38" AND A CHORD BEARING OF NORTH 33°23'09" EAST 83.56 FEET; THENCE NORTH 33°04'50" EAST 81.22 FEET ALONG SAID EASTERLY LINE; THENCE SOUTH 89°24'13" EAST 397.00 FEET; THENCE NORTH 33°10'19" EAST 27.93 FEET; THENCE SOUTH 88°57'57" EAST 416.45 FEET; THENCE SOUTH 05°47'07" WEST 160.04 FEET TO THE POINT OF BEGINNING.

CONTAINS 3.48 ACRES, MORE OR LESS.

DATE

OWNERS' DEDICATION

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

BAJR SUBDIVISION PARTIAL AMENDMENT "A"

DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE AS STREETS AND PUBLIC UTILITY EASEMENTS. ALL LOTS, STREETS, AND EASEMENTS ARE AS NOTED OR SHOWN ON THIS PLAT. THE OWNERS DO HEREBY CONVEY AND WARRANT TO HURRICANE CITY, TITLE TO ALL PROPERTY DEDICATED AND CONVEYED TO PUBLIC USE HEREIN AGAINST THE CLAIMS OF ALL PERSONS.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____, 2025

JJS HURRICANE PROPERTIES, LLC, A UTAH LIMITED LIABILITY COMPANY

BY: _____
TITLE:

BAJR LLC

JAMES R. ANDRUS, MANAGER

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF WASHINGTON)

ON THIS _____ DAY OF _____ A.D. 2025, BEFORE ME _____ A NOTARY PUBLIC, PERSONALLY APPEARED _____ THE _____ OF JJS HURRICANE PROPERTIES, LLC, A UTAH LIMITED LIABILITY COMPANY, PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO IN THIS DOCUMENT, AND ACKNOWLEDGED THEY EXECUTED THE SAME.

NOTARY PUBLIC FULL NAME: _____

COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____

A NOTARY PUBLIC COMMISSIONED IN _____

NO STAMP REQUIRED
(UTAH CODE 46-1-16(7))

NOTARY PUBLIC (SIGNATURE) _____

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF WASHINGTON)

ON THIS _____ DAY OF _____ A.D. 2025, BEFORE ME _____ A NOTARY PUBLIC, PERSONALLY APPEARED JAMES R. ANDRUS THE MANAGER OF BAJR LLC, A UTAH LIMITED LIABILITY COMPANY, PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO IN THIS DOCUMENT, AND ACKNOWLEDGED THEY EXECUTED THE SAME.

NOTARY PUBLIC FULL NAME: _____

COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____

A NOTARY PUBLIC COMMISSIONED IN _____

NO STAMP REQUIRED
(UTAH CODE 46-1-16(7))

NOTARY PUBLIC (SIGNATURE) _____

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 27,
TOWNSHIP 41 SOUTH, RANGE 14 WEST, SLB&M,
HURRICANE CITY, UTAH

FINAL PLAT OF

**BAJR SUBDIVISION PARTIAL AMENDMENT "A"
(LOTS 1 AND 2)**

PARCEL LINE DATA		
LINE	LENGTH	DIRECTION
L1	50.00'	N56°34'41"W
L2	14.08'	N56°34'41"W
L3	14.12'	N56°34'41"W

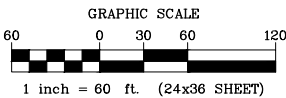
PARCEL CURVE DATA				
CURVE	LENGTH	RADIUS	DELTA	CHORD
C1	83.60'	146.00'	32°48'29"	72°58'55"E
C2	68.71'	120.00'	32°48'29"	72°58'55"E
C3	20.70'	7839.40'	0°09'05"	N33°09'23"E
C4	29.61'	20.00'	84°49'43"	N48°11'58"E

NOTES

- 10.0 FOOT WIDE PUBLIC UTILITIES AND DRAINAGE EASEMENTS ARE LOCATED ALONG ALL FRONT AND STREET SIDE LOT LINES.
- THE BASIS OF BEARING IS NORTH 5°47'07" EAST ALONG THE SECTION LINE BETWEEN FOUND MONUMENTS AS SHOWN HEREON.
- HURRICANE CITY OPERATES A MUNICIPAL CULINARY WATER SYSTEM WITH LIMITED WATER SUPPLY. APPROVAL OF A PLAT BY HURRICANE CITY DOES NOT GUARANTEE THAT SUFFICIENT WATER WILL BE AVAILABLE TO SERVE LOTS DEPICTED ON ANY PLAT. ANY LAND USE APPLICANT MAY BE REQUIRED BY HURRICANE CITY TO PROVIDE A GUARANTEE OF WATER AVAILABILITY, IF THERE IS ANY APPROVAL WITHOUT A WATER GUARANTEE, THE APPLICANT ASSUMES THE ENTIRE RISK OF WATER AVAILABILITY FOR A PLATTED LOT.
- THE PARENT PARCELS FOR THIS SUBDIVISION ARE: H-BAJR-1 AND H-BAJR-2.

AMENDMENT NOTE

THE PURPOSE OF THIS AMENDED PLAT IS TO DIVIDE LOT 2, BAJR SUBDIVISION, RECORDED AS DOCUMENT 2022005291 IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER, AND CREATE 6 NEW LOTS, PUBLIC STREETS, AND PUBLIC UTILITY EASEMENTS. A PORTION OF LOT 1 IS BEING DEDICATED AS PART OF 730 SOUTH STREET ALONG WITH PUBLIC UTILITY EASEMENTS. NO OTHER CHANGES ARE INTENDED TO THE ORIGINAL PLAT.



LEGEND

- NEW CLASS I (RING & LID) MONUMENT
- SPECIFIES PROPERTY CORNER MONUMENT
- SPECIFIES PROPERTY CORNER MONUMENT FOUND (MAG NAIL IN SIDEWALK ON PROPERTY LINE PROJECTION)
- CENTERLINE
- PUBLIC UTILITY EASEMENT & DRAINAGE LINE (P.U.E.&D.)

APPROVAL OF ASH CREEK SPECIAL SERVICE DISTRICT

I HEREBY VERIFY THAT THIS OFFICE EXAMINED THIS FINAL SUBDIVISION PLAT AND HEREBY RECOMMENDS APPROVAL ON THIS _____ DAY OF _____, 2025

SUPERINTENDENT
ASH CREEK SPECIAL SERVICE DISTRICT

ENGINEER'S APPROVAL

I HEREBY VERIFY THAT THIS OFFICE EXAMINED THIS FINAL SUBDIVISION PLAT AND HEREBY RECOMMENDS APPROVAL ON THIS _____ DAY OF _____, 2025

CITY ENGINEER
HURRICANE CITY

APPROVAL AS TO FORM

APPROVED AS TO FORM, THIS THE _____ DAY OF _____, A.D. 2025

CITY ATTORNEY
HURRICANE CITY

APPROVAL AND ACCEPTANCE BY HURRICANE CITY, UTAH

WE, THE CITY COUNCIL OF HURRICANE CITY, HAVE REVIEWED THE ABOVE PLAT AND HEREBY ACCEPT SAID PLAT WITH ALL COMMITMENTS AND ALL OBLIGATIONS PERTAINING THERETO.

MAYOR
HURRICANE CITY

ATTEST: CITY RECORDER
HURRICANE CITY

TREASURER APPROVAL

I, WASHINGTON COUNTY TREASURER, CERTIFY ON THIS _____ DAY OF _____ A.D. 2025 THAT ALL TAXES, SPECIAL ASSESSMENTS, AND FEES DUE AND OWING ON THIS SUBDIVISION FINAL PLAT HAVE BEEN PAID IN FULL.

WASHINGTON COUNTY TREASURER

Washington County Recorder

1102--08 AMD.DWG

**ALPHA
ENGINEERING**

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



STAFF COMMENTS

Agenda Date:	09/11/2025 - Planning Commission
Application Number:	LUCA25-06
Type of Application:	Land Use Code Amendment
Action Type:	Legislative
Applicant:	Hurricane City
Agent:	N/A
Request:	Amend Title 10, Chapters 3, 7, 13-17 & 37 regarding accessory buildings in the front buildable area of lots.
Recommendation:	Recommend approval to the City Council.
Report Prepared By:	Gary Cupp

Updated discussion 09/11/2025

This item was tabled at the June 26th, 2025 meeting to allow staff to revise the proposed ordinance update based on the discussion with the Planning Commission at that meeting. Staff has now incorporated the Planning Commission's direction to update the land use code to only allow accessory buildings in the front buildable area on lots in agricultural and residential agriculture zones; and to allow accessory dwelling units (ADU) in the front buildable area in all zones where ADUs are permitted with the requirement of a conditional use permit for ADUs on lots under 0.5 acres in size. Staff has also updated the definitions for "dwelling units" and ADUs to address code conflicts that have been encountered regarding the use of casitas and guesthouses. Lastly, the use tables have been updated to reflect the code update.

Discussion:

This item was tabled at the June 12, 2025, meeting to allow more discussion regarding the question of whether or not accessory buildings should be allowed in residential front yards. Planning staff has proposed to update Title 10 chapter 3 to clarify dwelling unit definitions, and chapter 37 to allow accessory buildings in the front yard area of lots under certain conditions. Recently, a property owner requested to have an accessory dwelling unit (ADU) in his front yard, and staff initially denied the request based on Hurricane City Code (HCC) section 10-37-12(G)(1), which states that yards are to be unobstructed except for accessory buildings in a rear yard or interior side yard. In other words, this code section gives an exception allowing accessory buildings in the side and rear yards only, and since an ADU is an accessory building, it cannot be located in the front yard. But since the code does not explicitly disallow accessory buildings in front yards, staff ultimately cannot legally deny the property owner's request for an ADU in his front yard.

It is therefore proposed that the code be updated to explicitly allow accessory buildings in front yards, provided it is setback a minimum of 100 feet from the front property line.

Recommendation:

The Planning Commission should consider the proposed ordinance amendment and any public comments received at the public hearing. Staff recommends the Planning Commission make a recommendation of approval to the City Council.

...

Accessory dwelling unit (ADU) means a dwelling unit that is subordinate to a principal dwelling unit, subordinate residential dwelling unit located on the same lot or parcel as a principal dwelling, used for long-term or short-term occupancy occupied on a long-term or short-term basis by any person not qualifying as the property owner's family, which and provides sleeping, kitchen, and sanitation facilities. An ADU may be internal to, attached to, or detached from the principal dwelling. Guesthouses and casitas shall be deemed ADUs when used for short-term housing of any person not qualifying as the property owner's family; however, guesthouses and casitas Subordinate dwelling units, including guesthouses and casitas, which are used exclusively by the property owner's family, shall not be considered ADUs. Each subordinate residential dwelling unit meeting the definition of an ADU shall constitute a separate ADU, regardless of configuration, location, or means of access. No more than one ADU shall be permitted per residential lot, unless a conditional use permit is obtained and the standards of Chapter 7 of this title are met. All ADUs shall comply with the requirements of Chapter 41 of this title. ~~that is being used to provide long-term or short-term housing of any person not qualifying as the property owner's family, as that term is defined in this section. Each subordinate residential dwelling unit meeting this definition shall constitute a separate ADU regardless of how the units are configured or accessed. Guesthouses and casitas shall be considered an ADU when used for long-term or short-term housing of any person not qualifying as the property owner's family. An ADU may be internal, attached, or detached from the primary dwelling. All ADUs must meet the requirements of chapter 41 of this title.~~

...

Dwelling unit means ~~one or more rooms in a dwelling conditioned living space~~ designed for or occupied as separate living quarters ~~which that~~ provides s sleeping and sanitary facilities and ~~which that~~ includes kitchen facilities, all for exclusive use by a single family maintaining a household or a single person or group utilizing the unit for a short-term stay.

...

Guesthouse or casita means a secondary dwelling unit, ~~without kitchen facilities, located on a lot with one main dwelling unit which is:~~

- ~~A. Used for housing of guests without compensation;~~
- ~~B. Not sold separately from the sale of the main dwelling unit on the lot and encumbered by a recorded agreement which provides notice of this condition;~~
- ~~C. May be rented or leased pursuant to a license or permit to allow such use; and~~
- ~~D. Is served by the same utility connections as the main dwelling unit.~~

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.
 - [Accessory dwelling units in the front buildable area on lots less than 0.5 acres in size.](#)
 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;

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- 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.

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- (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.

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- (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:
 - (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.

- (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

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- (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 one acre in size.
- (2) Merchandise sold in the farm stand shall comply with the following conditions:
 - (A) All merchandise sold at the farm stand shall conform to the farm stand definition in section 10-3-4.
 - (B) The structure shall be primarily devoted to the sale of agriculturally produced or farmed products.
 - (C) Fifty percent 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.
 - (D) 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 50 percent).
- (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 this 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 one acre by subdivision or any other land-dividing activity.
- (9) Operation of the farm stand requires a business license pursuant to title 3 of this Code.
- (10) The use is not located in a recorded subdivision.

p. *Standards for accessory dwelling units (ADU) in the front buildable area on lots less than 0.5 acres in size.*

- (1) The ADU must be subordinate in size and use to a primary residence.
- (2) The ADU must be architecturally consistent with the primary residence.
- (3) The height and size of the ADU may not be greater than permitted in the zone.
- (4) The ADU must meet the same setback requirements applicable to the primary dwelling. ~~primary setback requirements of the zone.~~

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.

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- 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.

(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; Ord. No. 2025-08, 5-15-2025)

Sec. 10-13-3. Uses allowed.

- A. *Permitted and conditional uses.* Permitted and conditional uses allowed within residential zones shall be as set forth in table 10-13-1 of this section. Permitted and conditional uses are indicated by a "P" or "C", respectively, in the appropriate column. Uses not permitted are indicated by "N." Any use not shown on table 10-13-1 of this section shall be prohibited unless the Zoning Administrator determines the use is substantially the same as a permitted or conditional use as provided in section 10-7-18 of this title. If the proposed use is determined to be a new or unlisted business use, the applicant may petition the City Council for review and possible approval pursuant to the procedures outlined in section 10-7-18.

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

Use	Zones								
	R1-15	R1-10	R1-8	R1-6	R1-4	RM-1	RM-2	RM-3	MH/RV
AGRICULTURAL USES:									
Accessory building	P	P	P	P	N	P	P	P	P
Agricultural business	N	N	N	N	N	N	N	N	N
Agricultural industry	N	N	N	N	N	N	N	N	N
Agriculture	N	N	N	N	N	N	N	N	N
Agriculture residential	P	P	P	P	P	P	P	P	P
Agritourism	N	N	N	N	N	N	N	N	N
Animal specialties	P	P	N	N	N	N	N	N	N
Animals and fowl for recreation and family food production	P ³ /C	P ³ /C	P ³	P ³	N	N	N	N	N
Stable, private	N	N	N	N	N	N	N	N	N
Stable, public	N	N	N	N	N	N	N	N	N
RESIDENTIAL USES:									
Assisted living facility	C	C	C	C	C	N	N	N	N
Boarding house	N	N	N	N	N	N	N	N	N
Building, accessory	P	P	P	P	N	P	P	P	P
Dwelling, earth sheltered	P	P	P	P	P	P	P	P	N
Dwelling, multiple-family	N	N	N	N	N	P	P	P	N
Dwelling, single-family	P	P	P	P	P	P	P	P	P
Dwelling, single-family with single accessory dwelling unit	P	P	P	P	N	N	N	N	N
Dwelling, two-family	N	N	N	N	N	P	P	P	N
—Guesthouse or casita	P	P	P	N	N	N	N	N	N
Home based business ²	P	P	P	P	P	P	P	P	P

Created: 2025-08-22 09:15:01 [EST]

(Supp. No. 4, Update 4)

Manufactured home	P	P	P	P	P	N	N	N	P
Manufactured/mobile home park	N	N	N	N	N	N	N	N	P
Manufactured/mobile home subdivision	N	N	N	N	N	N	N	N	P
Protective housing facility	N	N	N	N	N	N	N	N	N
Rehabilitation/treatment facility	N	N	N	N	N	N	N	N	N
Residential facility for elderly persons ¹	P	P	P	P	P	P	P	P	P
Residential facility for persons with a disability ¹	P	P	P	P	P	P	P	P	P
Residential facility for troubled youth	N	N	N	N	N	N	N	N	N
Residential hosting facility ⁶	P	P	P	P	N	N	N	N	N
Transitional housing facility	N	N	N	N	N	N	N	N	N
PUBLIC AND CIVIC USES:									
Airport	N	N	N	N	N	N	N	N	N
Auditorium or stadium	N	N	N	N	N	N	N	N	N
Bus terminal	N	N	N	N	N	N	N	N	N
Cemetery	P	P	P	P	P	P	P	P	P
Church or place of worship	P	P	P	P	P	P	P	P	P
Club or service organization	N	N	N	N	N	N	N	N	N
College or university	N	N	N	N	N	N	N	N	N
Convalescent care facility	N	N	N	N	N	N	N	N	N
Correctional facility	N	N	N	N	N	N	N	N	N
Cultural service	N	N	N	N	N	N	N	N	N
Golf course	P	P	P	P	N	P	P	P	P
Government service	N	N	N	N	N	N	N	N	N
Hospital	N	N	N	N	N	N	N	N	N
Operations center	N	N	N	N	N	N	N	N	N

Park	P	P	P	P	P	P	P	P	P
Post office	N	N	N	N	N	N	N	N	N
Protective service	P	P	P	P	P	P	P	P	P
Reception center	N	N	N	N	N	N	N	N	N
School, elementary, middle, or high	P	P	P	P	P	P	P	P	P
School, vocational	N	N	N	N	N	N	N	N	N
Utility, major	N	N	N	N	N	N	N	N	N
Utility, minor ⁷	P	P	P	P	P	P	P	P	P
Utility substation	N	N	N	N	N	N	N	N	N
COMMERCIAL USES:									
Agricultural sales and service	N	N	N	N	N	N	N	N	N
Animal hospital	N	N	N	N	N	N	N	N	N
Bail bond service	N	N	N	N	N	N	N	N	N
Bank or financial institution	N	N	N	N	N	N	N	N	N
Bed and breakfast inn	N	N	N	N	N	N	N	N	N
Business equipment rental, services, and supplies	N	N	N	N	N	N	N	N	N
Car wash	N	N	N	N	N	N	N	N	N
Child care center	N	N	N	N	N	N	N	N	N
Club, private	N	N	N	N	N	N	N	N	N
Construction sales and service	N	N	N	N	N	N	N	N	N
Convenience store	N	N	N	N	N	N	N	N	N
Farm stand	N	N	N	N	N	N	N	N	N
Funeral home	N	N	N	N	N	N	N	N	N
Garden center	N	N	N	N	N	N	N	N	N
Gasoline service station	N	N	N	N	N	N	N	N	N
Gas and fuel, storage and sales	N	N	N	N	N	N	N	N	N
Hostel	N	N	N	N	N	N	N	N	N

Hotel	N	N	N	N	N	N	N	N	N
Kennel, commercial	N	N	N	N	N	N	N	N	N
Laundry or dry cleaning, limited	N	N	N	N	N	N	N	N	N
Licensed family child care ²	P	P	P	P	P	P	P	P	P
Liquor store	N	N	N	N	N	N	N	N	N
Media service	N	N	N	N	N	N	N	N	N
Medical or dental laboratory	N	N	N	N	N	N	N	N	N
Medical service	N	N	N	N	N	N	N	N	N
Motel	N	N	N	N	N	N	N	N	N
Office, general	N	N	N	N	N	N	N	N	N
Parking garage, public	N	N	N	N	N	N	N	N	N
Parking lot, public	N	N	N	N	N	N	N	N	N
Pawnshop	N	N	N	N	N	N	N	N	N
Personal care service, home based ²	P	P	P	P	P	P	P	P	P
Personal instruction service, home based ²	P	P	P	P	P	P	P	P	P
Printing and copying, limited	N	N	N	N	N	N	N	N	N
Printing, general	N	N	N	N	N	N	N	N	N
Produce stand	N	N	N	N	N	N	N	N	N
Recreation and entertainment, indoor	N	N	N	N	N	N	N	N	N
Recreation and entertainment, outdoor	N	N	N	N	N	N	N	N	N
Recreational vehicle park	N	N	N	N	N	N	N	N	P
Repair service	N	N	N	N	N	N	N	N	N
Research service	N	N	N	N	N	N	N	N	N
Residential certificate child care ²	P	P	P	P	P	P	P	P	P
Restaurant, fast food	N	N	N	N	N	N	N	N	N

Restaurant, general	N	N	N	N	N	N	N	N	N
Retail, general	N	N	N	N	N	N	N	N	N
Secondhand store	N	N	N	N	N	N	N	N	N
Shopping center	N	N	N	N	N	N	N	N	N
Short term rental ^(4 & 5)	P	P	P	N	N	N	N	N	N
Tattoo establishment	N	N	N	N	N	N	N	N	N
Tavern	N	N	N	N	N	N	N	N	N
Transportation service	N	N	N	N	N	N	N	N	N
Vehicle and equipment rental or sale	N	N	N	N	N	N	N	N	N
Vehicle and equipment repair, general	N	N	N	N	N	N	N	N	N
Vehicle repair, limited	N	N	N	N	N	N	N	N	N
Veterinary service	N	N	N	N	N	N	N	N	N
Warehouse, self-service storage	N	N	N	N	N	N	N	N	N
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title								
INDUSTRIAL USES:									
Automobile wrecking yard	N	N	N	N	N	N	N	N	N
Freight terminal	N	N	N	N	N	N	N	N	N
Heavy industry	N	N	N	N	N	N	N	N	N
Junk or salvage yard	N	N	N	N	N	N	N	N	N
Laundry services	N	N	N	N	N	N	N	N	N
Manufacturing, general	N	N	N	N	N	N	N	N	N
Manufacturing, limited	N	N	N	N	N	N	N	N	N
Mineral extraction	N	N	N	N	N	N	N	N	N
Wholesale and warehousing, general	N	N	N	N	N	N	N	N	N
Wholesale and warehousing, limited	N	N	N	N	N	N	N	N	N
OTHER USES:									
Takeoff and landing of aircraft	N	N	N	N	N	N	N	N	N

Notes:

1. See chapter 46 of this title.
2. See chapter 42 of this title.
3. See section 10-37-15 of this title for permitted animals and fowl.
4. See licensing and operations requirements in title 3 of this Code.
5. Existing 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.
6. See chapter 51 of this title.
7. See chapter 45 of this title.

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

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

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

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

Garage sales, subject to applicable standards of chapter 48, Temporary Uses, of this title.

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

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

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

Household pets, as defined in section 10-3-4.

Nurseries and greenhouses, when used for family food production.

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

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

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2009-01, 2-5-2009; Ord. 2016-11, 11-17-2016; Ord. 2017-03, 1-19-2017; Ord. 2018-04, 4-5-2018; Ord. No. 2023-20, 12-7-2023; Ord. No. 2024-06, 6-6-2024; Ord. No. 2024-12, 8-15-2024; Ord. No. 2024-07, 1-2-2025; Ord. No. 2025-15, 7-3-2025)

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 section 10-7-18 of this title. If the proposed use is determined to be a new or unlisted business use, the applicant may petition the City Council for review and possible approval pursuant to the procedures outlined in section 10-7-18.

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

Use	Zones	
	RA-1	RA-.5
AGRICULTURAL USES:		
Accessory building	P	P
Agricultural business	P	N
Agricultural industry	N	N
Agriculture	P	P
Agriculture Residential	P	P
Agritourism	N	N
Animal specialties	P	P
Animals and fowl for recreation and family food production	P	P ³
Stable, private	P	P
Stable, public	P	N
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, two-family	N	N
—Guesthouse or casita	P	P
Home based business ²	P	P
Manufactured home	P	P
Manufactured/mobile home park	N	N
Manufactured/mobile home subdivision	N	N
Protective housing facility	P	P
Rehabilitation/treatment facility	N	N
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
Residential hosting facility ⁶	P	P
Transitional housing facility	N	N

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(Supp. No. 4, Update 4)

PUBLIC AND CIVIC USES:		
Airport	N	N
Auditorium or stadium	N	N
Bus terminal	N	N
Cemetery	P	P
Church or place of worship	P	P
Club or service organization	N	N
College or university	N	N
Convalescent care facility	N	N
Correctional facility	N	N
Cultural service	P	P
Golf course	P	P
Government Service	N	N
Hospital	N	N
Operations Center	N	N
Park	P	P
Post office	N	N
Protective service	P	P
Reception center	C	C
School, elementary, middle, or high	N	N
School, vocational	N	N
Utility, minor	N	N
Utility, major	N	N
Utility substation	N	N
COMMERCIAL USES:		
Agricultural sales and service	N	N
Animal hospital	P	P
Bail bond service	N	N
Bank or financial institution	N	N
Bed and breakfast inn	N	N
Business equipment rental, services, and supplies	N	N
Car wash	N	N
Club, Private	N	N
Child care center	N	N
Construction sales and service	N	N
Convenience store	N	N
Farm stand ⁵	P	P
Funeral home	N	N
Garden center	N	N
Gasoline service station	N	N
Gas and fuel, storage and sales	N	N
Hostel	N	N
Hotel	N	N
Kennel, commercial	N	N
Laundry or dry cleaning, limited	N	N
Licensed family child care ²	P	P
Liquor store	N	N

Media service	N	N
Medical or dental laboratory	N	N
Medical service	N	N
Motel	N	N
Office, general	N	N
Parking garage, public	N	N
Parking lot, public	N	N
Pawnshop	N	N
Personal care service, home based ²	P	P
Personal instruction service, home based ²	P	P
Printing and copying, limited	N	N
Printing, general	N	N
Produce stand	P	P
Recreation and entertainment, indoor	N	N
Recreation and entertainment, outdoor	N	N
Recreational vehicle park	N	N
Repair service	N	N
Research service	N	N
Residential certificate child care facility ²	P	P
Restaurant, fast food	N	N
Restaurant, general	N	N
Retail, general	N	N
Secondhand store	N	N
Shopping center	N	N
Short-term rental ⁴	N	N
Tattoo establishment	N	N
Tavern	N	N
Transportation service	N	N
Vehicle and equipment rental or sale	N	N
Vehicle and equipment repair, general	N	N
Vehicle repair, limited	N	N
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	
INDUSTRIAL USES:		
Automobile wrecking yard	N	N
Freight terminal	N	N
Heavy industry	N	N
Junk or salvage yard	N	N
Laundry services	N	N
Manufacturing, general	N	N
Manufacturing, limited	N	N
Mineral extraction	N	N
Wholesale and warehousing, general	N	N
Wholesale and warehousing, limited	N	N
OTHER USES:		

Takeoff and landing of aircraft	N	N
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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. Existing 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. Farm stands selling commercially packaged handicrafts or commercially processed or packaged food stuffs require approval of a conditional use permit pursuant to chapter 7, section 10-7-9.
6. See chapter 51 of this title.

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

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

Garage sales, subject to applicable standards of chapter 48, Temporary Uses, of this title.

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

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

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

Household pets.

Nurseries and greenhouses.

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

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

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2009-01, 2-5-2009; Ord. 2016-11, 11-17-2016; Ord. 2017-03, 1-19-2017; Ord. 2018-04, 4-5-2018; Ord. No. 2022-61, 2-2-2023; Ord. No. 2023-20, 12-7-2023; Ord. No. 2024-06, 6-6-2024; Ord. No. 2024-12, 8-15-2024; Ord. No. 2025-08, 5-15-2025; Ord. No. 2025-15, 7-3-2025)

Sec. 10-15-3. Uses allowed.

- A. *Permitted and conditional uses.* Permitted and conditional uses allowed within commercial zones shall be as set forth in table 10-15-1 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 10-15-1 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 section 10-7-18 of this title. If the proposed use is determined to be a new or unlisted business use, the applicant may petition the City Council for review and possible approval pursuant to the procedures outlined in section 10-7-18.

TABLE 10-15-1
PERMITTED AND CONDITIONAL USES ALLOWED IN COMMERCIAL ZONES

Use	Zones				
	NC	GC	HC	PC	POC
AGRICULTURAL USES:					
Accessory building	N	N	N	N	N
Agricultural business	N	N	N	N	N
Agricultural industry	N	N	N	N	N
Agriculture	N	N	N	N	N
Agriculture Residential	N	N	N	N	N
Agritourism	N	N	N	N	N
Animal specialties	N	N	N	N	N
Animals and fowl for recreation and family food production	N	N	N	N	N
Stable, private	N	N	N	N	N
Stable, public	N	P	P	P	P
RESIDENTIAL USES:					
Assisted living facility	P	N	N	P	P
Boarding house	N	N	N	N	N
Building, accessory	P	N	N	P	P
Dwelling, earth sheltered	N	N	N	N	N
Dwelling, multiple-family ⁴	C	C	C	P	P
Dwelling, single-family ⁴	N	N	N	P	N
Dwelling, single family with single accessory dwelling unit ⁴	N	N	N	P	N
Dwelling, two-family ⁴	N	N	N	P	P
Guesthouse or casita	N	N	N	N	N
Home based business ²	P	P	P	P	P
Manufactured home	N	N	N	N	N
Manufactured/mobile home park	N	N	N	N	N
Manufactured/mobile home subdivision	N	N	N	N	N
Protective housing facility	N	N	N	N	N
Rehabilitation/treatment facility	N	P	P	P	P
Residential facility for elderly persons ¹	P	N	N	P	P
Residential facility for persons with a disability ¹	P	N	N	P	P
Residential facility for troubled youth	N	N	N	N	N
Residential hosting facility ⁶	P	P	P	P	P

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(Supp. No. 4, Update 4)

Transitional housing facility	N	N	N	N	N
PUBLIC AND CIVIC USES:					
Airport	N	N	N	N	N
Auditorium or stadium	N	P	P	P	N
Bus terminal	N	P	P	P	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
College or university	P	P	P	P	P
Convalescent care facility	N	P	P	P	N
Correctional facility	N	N	N	N	N
Cultural service	P	P	P	P	P
Golf course	P	P	P	P	P
Government service	N	P	P	P	N
Hospital	N	P	P	P	N
Operations center	N	P	P	P	P
Park	P	P	P	P	P
Post office	P	P	P	P	P
Protective service	P	P	P	P	P
Reception center	C	P	P	P	P
School, elementary, middle, or high	P	P	P	P	P
School, vocational	P	P	P	P	P
Utility, major ³	N	N	N	C	C
Utility, minor ³	P	P	P	P	P
Utility substation	N	N	N	N	N
COMMERCIAL USES:					
Agricultural sales and service	N	P	P	P	N
Animal hospital	P	P	P	P	N
Bail bond service	N	P	P	P	N
Bank or financial institution	P	P	P	P	P
Bed and breakfast inn	P	P	P	P	N
Business equipment rental, services, and supplies	P	P	P	P	P
Car wash	P	P	P	P	P
Child care center	P	P	P	P	P
Club, private	N	P	P	P	N
Construction sales and service	N	P	P	N	N
Convenience store	P	P	P	P	P
Farm stand	N	N	N	N	N
Funeral home	N	P	P	P	N
Garden center	P	P	P	P	P
Gasoline service station	P	P	P	P	N
Gas and fuel, storage and sales	N	N	C	N	N
Hostel	N	P	P	P	N
Hotel	N	P	P	P	N
Kennel, commercial	C	C	C	C	C
Laundry or dry cleaning, limited	P	P	P	P	P
Licensed family child care ²	P	N	N	P	N

—Created: 2025-08-22 09:15:02 [EST]

(Supp. No. 4, Update 4)

Liquor store	N	P	P	P	N
Media service	P	P	P	P	P
Medical or dental laboratory	N	P	P	P	N
Medical service	P	P	P	P	P
Motel	N	P	P	P	N
Office, general	P	P	P	P	P
Parking garage, public	N	P	P	P	P
Parking lot, public	N	P	P	P	P
Pawnshop	N	N	P	P	N
Personal care service, home based ²	P	P	P	P	P
Personal instruction service, home based ²	P	P	P	P	P
Printing and copying, limited	P	P	P	P	P
Printing, general	N	P	P	P	P
Produce stand	P	P	P	P	P
Recreation and entertainment, indoor	P	P	P	P	P
Recreation and entertainment, outdoor	N	P	P	P	N
Recreational vehicle park	N	N	P	N	N
Repair service	P	P	P	N	P
Research service	N	P	P	N	N
Residential certificate child care ²	P	N	N	P	N
Restaurant, fast food	P	P	P	P	P
Restaurant, general	P	P	P	P	P
Retail, general	P	P	P	P	P
Secondhand store	P	P	P	P	P
Shopping center	P	P	P	P	P
Short-term rental	N	N	N	N	N
Tattoo establishment	P	P	P	N	N
Tavern	N	P	P	P	N
Transportation service	N	P	P	N	N
Vehicle and equipment rental or sale	N	P	P	N	N
Vehicle and equipment repair, general	N	P	P	N	N
Vehicle repair, limited	N	P	P	N	P
Veterinary service	P	P	P	N	N
Warehouse, self-service storage	N	N	N	N	N
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title				
INDUSTRIAL USES:					
Automobile wrecking yard	N	N	N	N	N
Freight terminal	N	N	N	N	N
Heavy industry	N	N	N	N	N
Junk or salvage yard	N	N	N	N	N
Laundry services	N	N	N	P	N
Manufacturing, general	N	N	N	N	N
Manufacturing, limited	N	N	N	N	N
Mineral extraction	N	N	N	N	N
Wholesale and warehousing, general	N	N	N	N	N
Wholesale and warehousing, limited	N	N	N	N	N
OTHER USES:					

Takeoff and landing of aircraft (hospitals exempted) ⁵	N	N	N	N	N
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Notes:

1. See chapter 46 of this title.
2. See chapter 42 of this title.
3. See chapter 45 of this title.
4. In the area designated as downtown district on the general plan map, existing single family residential uses may continue as permitted residential uses. Use and development standards for an R-1-8 zone shall apply. Existing approved multi-family and two family uses may continue as permitted residential uses. Use and development standards for an RM-3 zone would apply.
5. Takeoff and landing of aircraft at hospitals or medical facilities for the purpose of medical transport (e.g. "life flights", organ deliveries, delivery of medical supplies and equipment, or other urgent circumstances) shall be allowed.
6. See chapter 51 of this title.

B. *Accessory uses.* Permitted and conditional uses set forth in table 10-15-1 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 commercial zones shall include, but not be limited to, the following:

Accessory dwelling units attached to a commercial permitted use structure or on the same lot and under same ownership as a permitted use structure.

Accessory dwelling units for security and maintenance personnel.

Cafeterias, dining halls and similar food service facilities when located within the main use and operated primarily for the convenience of employees, residents, clients, or visitors to the main use.

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

Recreational areas and facilities for the use of employees.

Recycling collection stations.

Refreshment stands and food and beverage sales located in uses involving public assembly.

Temporary uses, subject to applicable standards of chapter 48, Temporary Uses, of this title.

(Ord. 2012-8, 10-18-2012; Ord. 2016-11, 11-17-2016; Ord. 2017-14, 8-17-2017; Ord. No. 2021-05, 6-3-2021; Ord. No. 2022-12, 5-5-2022; Ord. No. 2024-06, 6-6-2024; Ord. No. 2024-12, 8-15-2024; Ord. No. 2024-13, 11-7-2024; Ord. No. 2024-14, 11-21-2024; Ord. No. 2025-10, 6-5-2025; Ord. No. 2025-15, 7-3-2025)

Sec. 10-16-3. Uses allowed.

- A. *Permitted and conditional uses.* Permitted and conditional uses allowed within business and industrial zones shall be as set forth in table 10-16-1 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 10-16-1 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 section 10-7-18 of this title. If the proposed use is determined to be a new or unlisted business use, the applicant may petition the City Council for review and possible approval pursuant to the procedures outlined in section 10-7-18.

TABLE 10-16-1
PERMITTED AND CONDITIONAL USES ALLOWED IN
BUSINESS AND INDUSTRIAL ZONES

Uses	Zones			
	BMP	PO	M-1	M-2
AGRICULTURAL USES:				
Accessory building	P	P	P	P
Agricultural business	N	N	N	N
Agricultural industry	N	N	P	N
Agriculture	N	N	N	N
Agriculture residential	N	N	N	N
Agritourism	N	N	N	N
Animal specialties	N	N	P	N
Animals and fowl for recreation and family food production	N	N	N	N
Stable, private	N	N	N	N
Stable, public	N	N	N	N
RESIDENTIAL USES:				
Assisted living facility	N	N	N	N
Boarding house	N	N	N	N
Building, accessory	P	P	P	P
Dwelling, earth sheltered	N	N	N	N
Dwelling, multiple-family	N	N	N	N
Dwelling, single-family	N	N	N	N
Dwelling, single-family with single accessory dwelling unit	N	N	N	N
Dwelling, two-family	N	N	N	N
—Guesthouse or casita	N	N	N	N
Home based business	N	N	N	N
Manufactured home	N	N	N	N
Manufactured/mobile home park	N	N	N	N
Manufactured/mobile home subdivision	N	N	N	N
Protective housing facility	N	N	N	N
Rehabilitation/treatment facility	P	P	P	P
Residential facility for elderly persons ¹	P	P	N	N
Residential facility for persons with a disability ¹	P	N	N	N
Residential facility for troubled youth	N	N	P	N
Residential hosting facility	N	N	N	N

Transitional housing facility	N	N	P	N
PUBLIC AND CIVIC USES:				
Airport	N	N	N	N
Auditorium or stadium	N	N	N	N
Bus terminal	P	N	N	N
Cemetery	N	N	N	N
Church or place of worship	P	P	N	N
Club or service organization	P	P	N	N
College or university	P	P	N	N
Convalescent care facility	P	N	N	N
Correctional facility	N	N	N	N
Cultural service	P	P	N	N
Golf course	N	N	N	N
Government service	P	P	N	N
Hospital	P	P	N	N
Operations center	P	N	P	P
Park	P	P	P	P
Post office	P	P	P	P
Protective service	P	P	P	P
Reception center	P	P	N	N
School, elementary, middle, or high	N	N	N	N
School, vocational	P	P	P	P
Utility, major ³	N	P	P	P
Utility, minor ³	P	P	P	P
Utility substation	N	N	N	N
COMMERCIAL USES:				
Agricultural sales and service	P	N	P	P
Animal hospital	P	P	N	N
Bail bond service	P	P	P	P
Bank or financial institution	P	P	N	N
Bed and breakfast inn	N	N	N	N
Business equipment rental, services, and supplies	P	N	P	N
Car Wash	N	N	N	N
Child care center	P	N	P	N
Club, private	P	N	N	N
Construction sales and service	P	N	P	P
Convenience store	P	N	P	P
Farm stand	N	N	N	N
Funeral home	P	N	N	N
Garden center	P	N	N	N
Gasoline service station	P	N	P	P
Gas and fuel, storage and sales	N	N	P	P
Hostel	P	N	N	N
Hotel	P	N	N	N
Kennel, commercial	P	P	P	P
Laundry or dry cleaning, limited	P	N	N	N
Licensed family child care	N	N	N	N

Liquor store	P	P	P	P
Media service	P	P	P	P
Medical or dental laboratory	P	P	P	P
Medical service	P	P	N	N
Motel	P	N	N	N
Office, general	P	P	N	N
Parking garage, public	P	P	P	P
Parking lot, public	P	P	P	P
Pawnshop	P	N	N	N
Personal care service, home based ²	P	P	N	N
Personal instruction service, home based ²	P	P	N	N
Printing and copying, limited	P	P	P	N
Printing, general	P	N	P	P
Produce stand	N	N	N	N
Recreation and entertainment, indoor	P	N	N	N
Recreation and entertainment, outdoor	P	N	N	N
Recreational vehicle park	N	N	N	N
Repair service	P	N	P	N
Research service	P	P	P	P
Residential certificate child care	N	N	N	N
Restaurant, fast food	P	N	N	N
Restaurant, general	P	P	N	N
Retail, general	P	N	N	N
Secondhand store	P	N	N	N
Shopping center	N	N	N	N
Short-term rental	N	N	N	N
Tattoo establishment	P	N	N	N
Tavern	P	N	N	N
Transportation service	P	N	P	P
Vehicle and equipment rental or sale	P	N	P	N
Vehicle and equipment repair, general	P	N	P	P
Vehicle repair, limited	P	N	P	P
Veterinary service	P	N	N	N
Warehouse, self-service storage	P	N	P	P
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title			
INDUSTRIAL USES:				
Automobile wrecking yard	N	N	C	C
Freight terminal	N	N	P	P
Heavy industry	N	N	N	P
Junk or salvage yard	N	N	N	N
Laundry services	P	N	P	P
Manufacturing, general	P	N	P	P
Manufacturing, limited	P	N	P	P
Mineral extraction	N	N	N	P
Wholesale and warehousing, general	P	N	P	P
Wholesale and warehousing, limited	P	N	P	P

OTHER USES:				
Takeoff and landing of aircraft	N	N	N	N

Notes:

1. See chapter 46 of this title.
2. See chapter 42 of this title.
3. See chapter 45 of this title.

B. *Accessory uses.* Permitted and conditional uses set forth in table 10-16-1 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 business and industrial zones shall include, but not be limited to, the following:

Cafeterias, dining halls and similar food service facilities when located within the main use and operated primarily for the convenience of employees, residents, clients, or visitors to the main use.

Dwelling units for security and maintenance personnel.

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

Recreational areas and facilities for the use of employees.

Recycling collection stations.

Temporary uses, subject to applicable standards of chapter 48, Temporary Uses, of this title.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2016-11, 11-17-2016; Ord. 2020-28, 12-17-2020; Ord. No. 2024-06, 6-6-2024; Ord. No. 2024-12, 8-15-2024; Ord. No. 2025-15, 7-3-2025)

Sec. 10-17-3. Uses allowed.

- A. *Permitted and conditional uses.* Permitted and conditional uses allowed within open space or public facility zones shall be as set forth in table 10-17-1 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 10-17-1 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 section 10-7-18 of this title. If the proposed use is determined to be a new or unlisted business use, the applicant may petition the City Council for review and possible approval pursuant to the procedures outlined in section 10-7-18.

TABLE 10-17-1
PERMITTED AND CONDITIONAL USES ALLOWED IN
OPEN SPACE AND PUBLIC FACILITY ZONES

Use	Zones	
	OS	PF
AGRICULTURAL USES:		
Accessory building	P	P
Agricultural business	P	N
Agricultural industry	N	N
Agriculture	P	P
Agriculture Residential	N	N
Agritourism	N	N
Animal specialties	P	N
Animals and fowl for recreation and family food production	N	N
Stable, private	P	N
Stable, public	N	N
RESIDENTIAL USES:		
Assisted living facility	N	N
Boarding house	N	N
Building, accessory	N	N
Dwelling, earth sheltered	N	N
Dwelling, multiple-family	N	N
Dwelling, single-family	N	N
Dwelling, single-family with single accessory dwelling unit	N	N
Dwelling, two-family	N	N
—Guesthouse or casita	N	N
Home based business	N	N
Manufactured home	N	N
Manufactured/mobile home park	N	N
Manufactured/mobile home subdivision	N	N
Protective housing facility	N	N
Rehabilitation/treatment facility	N	N
Residential facility for elderly persons	N	N
Residential facility for persons with a disability	N	N
Residential facility for troubled youth	N	N
Residential hosting facility	N	N

Transitional housing facility	N	N
PUBLIC AND CIVIC USES:		
Airport	N	P
Auditorium or stadium	N	P
Bus terminal	N	P
Cemetery	N	P
Church or place of worship	N	N
Club or service organization	N	N
College or university	N	P
Convalescent care facility	N	N
Correctional facility	N	P
Cultural service	N	P
Golf course	N	P
Government service	N	P
Hospital	N	P
Operations center	N	P
Park	P	P
Post office	N	P
Protective service	N	P
Reception center	N	P
School, elementary, middle, or high	N	P
School, vocational	N	P
Utility, major ²	P	P
Utility, minor ²	P	P
Utility substation ²	P	P
COMMERCIAL USES:		
Agricultural sales and service	N	N
Animal hospital	N	N
Bail bond service	N	N
Bank or financial institution	N	N
Bed and breakfast inn	N	N
Business equipment rental, services, and supplies	N	N
Car wash	N	N
Child care center	N	P
Club, private	N	N
Construction sales and service	N	N
Convenience store	N	N
Farm stand	N	N
Funeral home	N	P
Garden center	N	N
Gasoline service station	N	N
Gas and fuel, storage and sales	N	N
Hostel	N	N
Hotel	N	N
Kennel, commercial	N	N
Laundry or dry cleaning, limited	N	N
Licensed family child care	N	N

Liquor store	N	N
Media service	N	N
Medical or dental laboratory	N	P
Medical service	N	N
Motel	N	N
Office, general	N	N
Parking garage, public	N	P
Parking lot, public	N	P
Pawnshop	N	N
Personal care service, home based	N	N
Personal instruction service, home based	N	N
Printing and copying, limited	N	N
Printing, general	N	N
Produce stand	N	N
Recreation and entertainment, indoor	N	N
Recreation and entertainment, outdoor	N	P
Recreational vehicle park	N	N
Repair service	N	N
Research service	N	N
Residential certificate child care	N	N
Restaurant, fast food	N	N
Restaurant, general	N	N
Retail, general	N	N
Secondhand store	N	N
Shopping center	N	N
Short-term rental	N	N
Tattoo establishment	N	N
Tavern	N	N
Transportation service	N	N
Vehicle and equipment rental or sale	N	N
Vehicle and equipment repair, general	N	N
Vehicle repair, limited	N	N
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	
INDUSTRIAL USES:		
Automobile wrecking yard	N	N
Freight terminal	N	N
Heavy industry	N	N
Junk or salvage yard	N	N
Laundry services	N	N
Manufacturing, general	N	N
Manufacturing, limited	N	N
Mineral extraction	N	N
Wholesale and warehousing, general	N	N
Wholesale and warehousing, limited	N	N

OTHER USES:		
Takeoff and landing of aircraft ³	N	N

Notes:

1. See chapter 42 of this title.
 2. See chapter 45 of this title.
 3. Takeoff and landing of aircraft at hospitals or medical facilities for the purpose of medical transport (e.g. "life flights", organ deliveries, delivery of medical supplies and equipment, or other urgent circumstances) shall be allowed.
- B. *Accessory uses.* Permitted and conditional uses set forth in table 10-17-1 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 public facility zones shall include, but not be limited to, the following:

Cafeterias, dining halls and similar food service facilities when located within the main use and operated primarily for the convenience of employees, residents, clients, or visitors to the main use.

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

Gift shops, newsstands, and similar commercial activities operated primarily for the convenience of employees, residents, clients, or visitors to the main use.

Recreational areas and facilities.

Refreshment stands and food and beverage sales located in uses involving public assembly.

Temporary uses, subject to applicable standards of chapter 48, Temporary Uses, of this title.

(Ord. 2018-01, 2-15-2018; Ord. No. 2025-05, 4-3-2025; Ord. No. 2025-15, 7-3-2025)

Sec. 10-37-12. Lots and yards.

- A. *Every building on legally created lot.* Every building shall be located and maintained on a legally created lot as defined in this title, unless such lot is a legally nonconforming lot. Not more than one single-family dwelling or commercial structure shall occupy any one lot except as authorized by the provisions of this title.
- B. *Sale or Lease of required land.* No land needed to meet the size, width, yard, area, coverage, parking or other requirements of this title shall be sold, leased, or otherwise transferred away, whether by subdivision or metes and bounds, so as to create or increase the nonconformity of a lot, building, or site development. No lot having less than the minimum width and area required by the zone where it is located may be divided from a larger parcel of land, except as permitted by this section or by the Appeals Board pursuant to the requirements of this title.
1. A reduction in the minimum required area of a lot owned by the City, county, state, or other public entity or utility provider may be granted a special exception approved by the Appeals Board provided:
 - a. Such lot is used exclusively for public purposes; and
 - b. No living quarters are located on such lot.
 2. If a portion of a lot which meets minimum lot area requirements is acquired for public use in any manner, including dedication, condemnation or purchase, and such acquisition reduces the minimum area required, the remainder of such lot shall nevertheless be considered as having the required minimum lot area if all of the following conditions are met:
 - a. The lot contains a rectangular space of at least 30 feet by 40 feet exclusive of applicable front and side yard requirements, and exclusive of one-half of the applicable rear yard requirements, and such rectangular space is usable for a principal use or structure.
 - b. The remainder of the lot has an area of at least one-half of the required lot area of the zone in which it is located.
 - c. The remainder of the lot has access to a public street.
- C. *Reduction of minimum lot width and area requirements.* Minimum lot area or lot width requirements of this title shall not be construed to prevent the use of a lot for a single-family dwelling so long as such lot was:
1. Held in separate ownership on the effective date of this title; and
 2. Was legally created when it became nonconforming as to area or width.
- D. *Adjacent lots when used as one building lot.* When a common side lot line separating two or more contiguous lots is covered or proposed to be covered by a building, such lots shall constitute a single building site and the setback requirements of this title shall not apply to a common lot line if a document is recorded indicating the owner's intent to use the combined lots as a single development site. The setback requirements of this title shall apply only to the exterior side lot lines of the contiguous lots so joined.
- E. *Double frontage lots.* Lots having frontage on two or more streets shall be prohibited except for corner lots and double frontage lots in subdivisions which back onto streets shown on the City's road master plan. Such double frontage lots shall be accessed only from an internal subdivision street. Frontage on lots having a front lot line on more than one street shall be measured on one street only.
- F. *Setback measurement.* The depth of a required yard abutting a street shall be measured from the lot line except as set forth below:
1. In blocks where more than 50 percent of the buildable lots have main buildings which do not meet the current front yard setback of the zone where the block is located, the minimum front yard requirement

for new construction shall be equal to the average existing front yard size on the block. In no case shall a front yard of more than 30 feet be required.

2. On lots with frontage on the curve of a cul-de-sac or "knuckle" street, the front setback may be measured from a straight line drawn joining the front corners of the lot. In no case may the living area be any closer than 15 feet from the back of sidewalk or the garage be any closer than 20 feet from the back of sidewalk.

G. *Yards to be unobstructed; exceptions.* Every part of a required yard shall be open to the sky and unobstructed except for:

1. Accessory buildings in the Buildable Area of a rear yard or interior side yard;
2. Accessory buildings in the front Buildable Area on lots in Agricultural and Residential Agriculture zones;
3. Accessory dwelling units (ADU) in the front Buildable Area on lots greater than 0.5 acres in size in zones where ADUs are permitted, subject to meeting the same setback requirements applicable to the primary dwelling setback requirements;
24. The ordinary projections of window bays, roof overhangs, skylights, sills, belt courses, cornices, chimneys, flues and other ornamental features, which shall not project into a yard more than four feet;
35. Open or lattice enclosed fire escapes, fireproof outside stairways and balconies open upon fire towers projecting into a yard not more than five feet; and
46. Any part of an uncovered deck or patio, excluding nonopaque railings.

H. *Yard space for one building only.* No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this title, shall be considered as providing a yard or open space for any other building, nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established.

I. *Lot coverage.* In no zone shall a building or group of buildings with their accessory buildings cover more than 50 percent of the area of the lot.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2005-12, 6-2-2005; Ord. 2017-14, 8-17-2017; Ord. 2018-12, 10-18-2018)

Commented [1]: For reference, Accessory Building definition: a detached subordinate building located on the same lot with a main building, the use of which is customarily incidental to that permitted in the main building, or to the land upon which the main building is located.

Commented [2]: For reference, Buildable Area definition: the area of a lot within front, rear and side yard setback lines where a main building may be constructed.

Hurricane Planning Commission
Meeting Minutes
February 27, 2025

Minutes of the Hurricane City Planning Commission meeting held on February 27, 2025, at 6:00 p.m. in the City Council Chambers located at 147 N. 870 West Hurricane UT, 84737

Members Present: Mark Sampson, Paul Farthing, Shelley Goodfellow, Ralph Ballard, Brad Winder, Kelby Iverson, Michelle Smith, and Amy Werrett.

Members Excused: Kelby Iverson and Paul Farthing

Staff Present: City Planner Fred Resch III, City Attorney Dayton Hall, Building and Planning Clerk Karri Richardson, City Engineer Representative Jeremy Pickering, Water Department Representative Kory Wright, Power Department Representative Scott Hughes, and Councilman Kevin Thomas.

6:00 p.m – Call to Order

Roll Call

Pledge of Allegiance led by Brad Winder

Prayer and/or thought by invitation given by Ralph Ballard

Shelley Goodfellow motioned to approve the agenda as presented. Ralph Ballard seconded the motion. Unanimous.

Declaration of any conflicts of interest – none were expressed

Public Hearings

- 1. A Zone Change Amendment request located at 952 S 920 W from RA-1, residential agriculture one unit per acre, to RA-0.5, residential agriculture one unit per half acre. Parcel number H-NTW-2**

No comments

OLD BUSINESS

- 1. ZC24-07 PSP24-21: Discussion and consideration of a recommendation to the City Council on a Zone Change Amendment 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.**

Fred Resch III shared that the neighboring agreement has not yet been received, and staff's recommendation is to table the item. There was some discussion regarding the access easement from the neighbors; they were expected to present the agreement, but it has not been submitted.

51
52 *Ralph Ballard motioned to table ZC24-07 and PSP24-21. Brad Winder seconded the motion.*
53 *Unanimous.*
54

55 Mark Sampson asked the residents walking out what their concerns were regarding the item. Sky
56 Mountain residents expressed concern that the notification was insufficient. Fred Resch III clarified that
57 there is no requirement to renotify, as a public meeting occurred in August 2024. Mr. Sampson
58 explained that the developer has rights to utilize the land along 600 N as neighborhood commercial and
59 noted that the primary concern was fire access. He clarified that negotiations are ongoing to secure that
60 access. A resident mentioned that the last update they received indicated the developer was working on
61 the access situation, but now discussions involve a water loop. Mr. Sampson responded that during staff
62 review, the water loop was evaluated, but the current issue is the secondary fire access. The resident
63 added that they have not heard from the builder, despite the builder stating at the last meeting that they
64 would reach out. Beau Ogzewalla, the builder, stated he obtained contact information from one resident
65 and did not receive further communication after an email exchange; he also sent an email to Debbie but
66 received no response. Mr. Sampson suggested Beau try reaching out again, and Mr. Ogzewalla
67 confirmed he had provided contact information to the residents. Jim Merseur, a resident, spoke regarding
68 T-box issues for balls heading in that direction, noting they just want the developer to be aware. Mr.
69 Sampson advised that the item will appear on a future agenda for follow-up.
70

71 **NEW BUSINESS**

72

- 73 **1. ZC25-05: Discussion and consideration of a recommendation to the City Council on a**
74 **Zone Change Amendment request located at 952 S 920 W from RA-1, residential**
75 **agriculture one unit per acre, to RA-0.5, residential agriculture one unit per half acre.**
76 **Parcel number H-NTW-2. Christine Stratton, Applicant. Nicholette Parker, Agent.**
77

78 Dennis Parker and Nicolette Parker presented their request. Dennis explained that the applicants
79 husband passed and their son would like to build a house to be closer to his mother. Brad Winder noted
80 that a similar project was recently completed nearby and looks good. Amy Werrett and Shelley
81 Goodfellow expressed no concerns, though Shelley added that they could create three lots instead of
82 two, if desired, and that the lots would still be larger than those behind them. Michelle Smith asked
83 whether curb, gutter, and sidewalk would be required when building. Dayton Hall explained that to add a
84 second house on the parcel, they would need to plat it as a subdivision, which would include the
85 required improvements. Ralph Ballard stated he had no concerns.
86

87 *Shelley Goodfellow motioned a recommendation of approval of ZC25-05 to the City Council subject to*
88 *staff and JUC comments. Ralph Ballard seconded the motion. Unanimous.*
89

- 90 **2. PP25-06: Discussion and consideration of a possible approval of a preliminary plat for**
91 **Desert Dunes at Desert Sands, a 100 unit patio home subdivision located at 4750 W Dixie**
92 **Springs Dr. The Hollows LLC, Applicant. DSG Engineering - Logan Blake, Agent.**
93

94 Brett Burgess provided a continuation on the Desert Sands master plan. He explained that the patio
95 home units are intended to create a lifelong community where residents can start in the townhomes and
96 eventually move into single-family homes. He addressed confusion regarding the cut slope, noting that
97 they believe they can work with the existing slope and make it function for their request. Jeremy
98 Pickering clarified that there is a 6-foot difference between what is proposed and the existing slope. Mr.
99 Burgess explained that access to public space includes a trail approximately 1.25 miles long for biking
100 and running. The northern area will be open space with a trailhead and a primitive park. He noted that
101 access could be provided by Lot 92, where the slope is less steep, or alternatively between Lots 39-40

for better public access. Mr. Pickering clarified that his concern was about the public area inside the development, not the outside area, noting the retaining walls surrounding it. Mr. Burgess responded that they can develop a plan with stairs and other access solutions and adjust lot placement to improve the grade. Mr. Pickering confirmed that items in the staff report are meant to guide discussion but that staff supports proceeding tonight. Ralph Ballard asked whether the 16-foot requirement is mandatory or a suggestion. Fred Resch III explained that while 16 feet is the maximum height for cut and fill slopes, staff has discretion; the proposal shows 22 feet, but because the units are two stories and will help hide the slopes, staff is exercising discretion. Mr. Ballard asked if the trail connects to other areas. Mr. Burgess clarified that it is a loop around the development intended for park and recreation use. Michelle Smith inquired about landscaping responsibility. Mr. Burgess explained that the HOA will maintain the pool, amenity areas, and common spaces, including those platted as common areas within the subdivision. Mr. Ballard asked if the HOA will also maintain the exterior loop trail. Mr. Burgess confirmed that the commercial HOA will handle maintenance and that the primitive trail requires minimal upkeep, though sand may cause some challenges. Mrs. Smith asked about ownership of the trail. Mr. Burgess stated that it will be owned by the master HOA of the development, not the city.

Amy Werrett motioned to approve PP25-06 subject to staff and JUC comments. Shelley Goodfellow seconded the motion. Unanimous.

3. FSP25-06: Discussion and consideration of a possible approval of a final site plan for Washington County Fairgrounds Emergency Operations Center and Parks Building, a civic building located at 5710 W Shooting Sports Park Road. Washington County, Applicant. Ryan Neilson, Agent.

Fred Resch III explained that almost two years ago, the property was zoned for public space, prompting the initial zone change request. The project was tabled previously due to county budget considerations, but they are now ready to move forward. Mark Sampson asked why the approval didn't expire. Mr. Resch clarified that preliminary site plans do not expire as they do not grant vested rights. Amy Werrett stated she had no concerns. Shelley Goodfellow asked about emergency response facilities and Jeff Mathas explained that the site will be used for EOC storage for trailers, trucks, and similar equipment, but it is not a response center.

Shelley Goodfellow motioned to approve FSP25-06 subject to staff and JUC comments. Amy Werrett seconded the motion. Unanimous.

Ralph Ballard asked Mr. Mathas if they will use the other building currently used for meetings. Brad Winder clarified that the building is part of the fairgrounds. Jeff Mathas added that the middle part of the front building is a larger training room with bathrooms and showers, intended to be used for meetings and similar activities.

Planning Commission Business:

Shelley Goodfellow asked if there is a minimum for patio homes on a cul-de-sac. Fred Resch III explained that there is a maximum but no minimum, and Jeremy Pickering added that frontage requirements would be the only factor that creates a minimum space. Mrs. Goodfellow then asked about WCWCD and at what point the units are counted—preliminary plat, final, etc. Mr. Resch pulled up a spreadsheet showing totals for reporting to WCWCD, separated by preliminary and final plat stages, with numbers updating as applications move through. Mrs. Goodfellow asked if the city is over the allotted amount. Dayton Hall explained that when the city joined the agreement, the district just wants to be informed of upcoming water needs for planning purposes. He emphasized that applicants must pay WCWCD prior to permit issuance, and as a Planning Commission, water is a resource to consider when

reviewing land use applications. Ralph Ballard asked if the city should consider existing water usage to protect in-town and downtown areas rather than diverting it for new development. Dayton Hall confirmed that water usage is tracked and reported to the state for water rights and for what the city purchases from WCWCD. Mrs. Goodfellow asked if the excess water usage fee is paid to WCWCD, and Mr. Hall explained that the city provides most of its own water, with purchased water going to WCWCD minus an administrative fee. Mrs. Goodfellow noted that citizens not on district water are still paying for district water. Michelle Smith asked if water is allocated at subdivision approval or building stage. Mr. Hall said once a final plat is recorded, it's difficult to deny water, and impact fees guarantee water availability. He also referenced conservation measures adopted in 2006, including limits on lawn size and water features. Mr. Ballard emphasized protecting existing citizens. Discussion shifted to the Eagles property, and Mrs. Goodfellow raised concerns that water is being taken from existing residents to supply recreation and resort areas. She suggested limiting amenities in resort zones. Mr. Resch showed Chapter 26 requiring amenities like pools. Mrs. Goodfellow suggested removing the pool requirement, and Mr. Hall asked for commission feedback. Mr. Ballard noted that Southern Shores uses its own water rights. Mark Sampton added that hook-up rates for new development now act as a deterrent. Discussion continued about daytime watering restrictions, pressurized irrigation, and pool evaporation. Mrs. Goodfellow stressed the need for fairness: citizens face restrictions while resorts have amenities. Amy Werrett asked why pools were required in resort zones and Mrs. Goodfellow said it was to make them attractive. Mr. Resch noted that even if pools weren't required, most developers would still build them. Mr. Ballard and Mrs. Werrett discussed efficient water use, grass restrictions, and excess water charges as an incentive to reduce water-intensive landscaping.

Approval of Minutes: None to approve.

Ralph Ballard motioned to adjourn. Shelley Goodfellow seconded the motion. Unanimous.

Adjournment