



# HURRICANE CITY UTAH

**Mayor**

Nanette Billings

**City Manager**

Kaden DeMille

## City Council

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

### **Hurricane City Council Meeting Agenda**

December 1, 2022

4:00 PM

City Council Chambers 147 N 870 W, Hurricane

Notice is hereby given that the City Council will hold a Regular Meeting in the City Council Chambers 147 N 870 W, Hurricane, UT. [Meeting Link on Webex](#) Meeting number: 2630 456 5376 Meeting password: HCcouncil Join from a video or application Dial 26304565376@cityofhurricane.webex.com. You can also dial 173.243.2.68 and enter your meeting number. Join by phone +1-415-655-0001 US Toll Access code:26304565376. A silent roll call will be taken, followed by the Pledge of Allegiance and prayer by invitation. **THOSE WISHING TO SPEAK DURING PUBLIC FORUM MUST SIGN IN WITH THE RECORDER BY 6:00 P.M.**

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**4:00 p.m. Work Meeting - Discussion on getting information out to the public**

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

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

Prayer

Thought

Pledge of Allegiance

Declaration of any conflicts of interest

Minutes of the Regular City Council Meeting for October 20, 2022

#### **Public Forum – Comments from Public**

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

#### **OLD BUSINESS**

1. Ordinance 2022-53 Consideration and possible approval of a **Land Use Code Amendment request to Title 10 Chapter 14: Residential Agriculture Zoning Standards to allow smaller lot sizes within Residential Agriculture Zones for limited subdivisions with master plan roadways.**

2. Consideration and possible approval **to fund an additional \$2,000 for Wreaths Across America to put in their fund for next year**
3. Ordinance 2022-54 Consideration and possible approval of a **A Zone Change Amendment request for Steward Land Holdings located at approx. 3112 West State Street from HC, highway commercial, to PC, planned commercial.** Parcel number H-3-1-31-3009. Steward Land Holdings Applicant. Brad Brown Agent.
4. Ordinance 2022-61 Consideration and possible approval of an amendment to Hurricane City Code **Title 10 Chapter 7 Section 9 Conditional Use Permit Standards, Title 10 Chapter 12 Agriculture Zoning Standards and Title 10 Chapter 14 Residential Agriculture Standards** to amend the code to allow Reception Centers as a conditional use within Agriculture and Residential Agriculture Zones.

## **NEW BUSINESS**

1. Ordinance 2022-62 Consideration and possible approval on a **Land Use Code Amendment Request to Title 10-Chapter 3-Subsection 4 and 10, Title 10-Chapter 15-Subsection 3, Title 10-Chapter 41, and Title 10-Chapter 51; and Title 3 Chapter 10** to make changes regarding short-term rental standards within residential areas, residential hosting standards, and short-term rental standards in commercial zones. Hurricane City Applicant.
2. Ordinance 2022-63 Consideration and possible approval on a **Land Use Code Amendment Request to Title 10-Chapter 25** to consider requiring a note be placed on new subdivision plats within a designated area around an airport.
3. Consideration and possible **approval of revoking the residential hosting license for Cris LLC** - Cindy Beteag
4. Consideration and possible approval of a **revision to the Airport Policy and Procedures for Aircraft Noise Abatement**
5. Consideration and possible approval of a **road dedication for Abbey Road** -Arthur LeBaron
6. Consideration and possible approval of **awarding the irrigation metering project bid**-Ken Richins
7. Consideration and possible approval of a preliminary plat for **Hurricane Heights Hobby Garages, a 33 lot storage unit development located at 400 N 700 W.** CSB Dev HH LLC (Max Stokes) Applicant. Civil Science - Brandee Walker Agent.
8. Consideration and possible approval of a **Technical Planning Assistance Program Funds Cooperative Agreement, a funding agreement between Hurricane City and the Utah Department of Transportation** for the Hurricane Downtown Master Plan.
9. Consideration and possible approval of **local consent for a Limited Restaurant license for Mountain Mike's Pizza**- Nicholas Lauritzen
10. Consideration and possible approval of **allocating funds to get information out to the public**-Nanette Billings



11. Consideration and possible approval of the **renewal of beer licenses**-Cindy Beteag
12. Consideration and possible **approval of the annual meeting schedule**
13. Consideration and possible approval of **Ordinance 2022- amending Title 7, Chapter 7 Events**
14. **Closed Meeting** held pursuant to Utah Code section 52-4-205

### **Adjournment**

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

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

\_\_\_\_\_ for the City Recorder

1 Minutes of the Hurricane City Council meeting held on October 20, 2022, in the Council  
2 Chambers at 147 North 870 West, Hurricane, Utah, at 3:30 p.m.

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

5 **Also Present:** City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Lynn Excell,  
6 Power Superintendent Scott Hughes, Planning Director Stephen Nelson, Street Superintendent  
7 Weston Walker, City Engineer Arthur LeBaron, Public Works Director Mike Vercimack, City  
8 Recorder Cindy Beteag, and GIS Analysis Pam Blackmore

9 **AGENDA**

10 **3:30 p.m. Closed Meeting: Strategy session to discuss the purchase of real property**

11 David Hirschi motioned to go into a closed meeting to discuss purchase real property. Seconded  
12 by Doug Heideman. Motion carried unanimously.

13 Kevin Thomas motioned to go out of a closed meeting at 4:45 p.m. Seconded by Joseph Prete.  
14 Motion carried unanimously

15 **5:00 p.m. Pre-meeting** - Discussion of Agenda Items, Department Reports

16 Mayor Billings invited the City Council to participate in the Neon Run and Trunk or Treat on  
17 October 29, 2022. The ribbon cutting and rodeo for the Equestrian Park is on November 5<sup>th</sup>. The  
18 Veterans Golf tournament is on November 12<sup>th</sup>. The Emergency Preparedness Fair is on  
19 November 18<sup>th</sup>. The Christmas Tree lighting is on November 28<sup>th</sup> at the Community Center.

20 Stephen Nelson reported that the Public Hearing for Residential Hosting was held last week,  
21 and he anticipates that recommendations will be made next week. The department is moving  
22 forward with the building software. There are minor issues to work out, but the program should  
23 go live soon.

24 Arthur LeBaron reported receiving notice of funding for the 600 North Trail Project. Alpha  
25 Engineering is preparing a package to go out to bid. He is working with the Bureau of Land  
26 Management to extend the trail through the golf course. Andrus Trucking is putting in curb and  
27 gutter on the north end of Old Hwy 91.

28 Weston Walker reported that the chip seal project is complete, and the striping should be  
29 finished next week. The department is cleaning out culverts; three were full in the Marla and  
30 Sand Hollow area. He noted that Gould's Wash will be cleaned out between November and  
31 December.

1 Councilman Heideman asked about the drainage above Three Falls. Arthur LeBaron reported  
2 that he and the National Resources Conservation Services, Washington County, and the  
3 Environmental Protection Agency have looked at the project. They visited four areas in town  
4 and the upper bench where they are proposing the detention basin. All agreed on a detention  
5 basin with channel modifications throughout town.

6 Chief Excell asked the City Council to help cook hamburgers and hot dogs at the Emergency  
7 Preparedness Fair on Friday the 18<sup>th</sup>. The fair is meant to help people prepare for a disaster.  
8 The Iron Man event is on the 28<sup>th</sup> and 29<sup>th</sup>. Justin Grey was promoted to Sargent, and the  
9 department is fully staffed. There are three officers in the Police academy. One is graduating  
10 Thursday, and three more start the Academy on November 7<sup>th</sup>. They are collaborating with  
11 architects on the expansion of the Animal Shelter. Utah Local Government Trust has approved  
12 rebuilding the flooded basement, starting on November 14<sup>th</sup>. The increased traffic patrol shifts  
13 have led to sixty-two traffic stops, fifty-five citations, twenty warnings, and two arrests. He is  
14 waiting for confirmation from the Utah Department of Transportation to verify that the yellow  
15 lights meet the requirements. Councilman Prete asked if the problem is vehicles running red  
16 lights or turning right on a red. Mr. Excell confirmed that most problems involve running red  
17 lights, but both are serious problems. Mr. Excell reported that the death on 400 South was  
18 caused by the bike running the stop sign. The driver of the vehicle was not impaired. Mayor  
19 Billings reported that the Youth City Council painted the curb to help the line of sight.  
20 Councilman Heideman noted that several areas in the City have limited sight.

21 Scott Hughes reported that the department is still short-staffed. Crews are building the power  
22 lines to Cordero and digging holes on 600 North in preparation for the transmission upgrade.  
23 The generators were heavily used this summer and required many repairs. Mr. Hughes  
24 reported that the UAMPS bill was 1.7 million dollars in August. Mark Magg, Wayne Whitaker,  
25 Angie Erickson, Amanda Condie, Clark Fawcett, and Todd Cole serve on the recently formed  
26 solar policy subcommittee.

27 Sel Lovell reported that open enrollment is in November. The City has open positions for a  
28 Building Official, Civil Hearing Officer, Journeyman Lineman, and a part-time maintenance  
29 position.

30 Stephen Nelson reported that he and Kaden DeMille are meeting with Shum Coda to review the  
31 Building Official position.

32 Pam Blackmore reported that the GIS Department is busy implementing new software. Ms.  
33 Blackmore is working on a five-year GIS strategy plan. Mayor Billings confirmed that the public  
34 can view the GIS system on the City website.

35  
36 **6:00 p.m. - Call to Order –**

- 1 Mayor Nanette Billings welcomed everyone to the meeting.
- 2 Prayer, Thought, and Pledge given by Doug Heideman
- 3 Declaration of any conflicts of interest
- 4 Councilman Prete declared a conflict of interest with the Elim Valley agenda items.
- 5 Consent Agenda
- 6 Amended minutes for August 18, 2022
- 7 Amended minutes for special meetings February 2, 2022, April 5, 2022, April 13, 2022, and June
- 8 14, 2022, adding Doug Heideman as present.
- 9 Minutes of the regular City Council meeting for September 15, 2022
- 10 Doug Heideman motioned to approve all minutes. Seconded by Joseph Prete. Motion carried
- 11 unanimously.
- 12 Mayor Billings recognized Dayton Hall for his commendable work in his first six months. He is an
- 13 excellent asset to the City and Staff. She expressed her gratitude to Cindy Beteag and
- 14 recognized her for her commitment to the community and the City.
- 15 **Public Forum – Comments From Public**
- 16 **OLD BUSINESS**
- 17 **1. Discussion regarding a Franchise Agreement between Hurricane City and Infowest**
- 18 Mayor Billings acknowledged receipt of Kelly's email. In the email, he asked if the ordinance
- 19 included an option to renew after fifteen years. Dayton Hall explained this is a discussion item.
- 20 Mr. Hall revised the proposed agreement to ensure it complies with the recently adopted
- 21 franchise ordinance. The remaining issue is identifying a timeline for when services will be
- 22 provided.
- 23 Kelly reviewed the map showing the trunk lines. The green lines show the proposed pole line,
- 24 and the yellow lines represent the underground conduit. They hope to have the system fully
- 25 built out within five years. Mr. Hall asked the City Council to determine how in-depth the
- 26 franchise agreement should be and if five years is a reasonable time frame for the completion
- 27 of services. He reported that fifteen years is the maximum term in the ordinance. He is

1 reluctant to commit to an automatic renewal. Mayor Billings recommended adding that the  
2 renewal agreement may be reviewed with written notice and a meeting with the City Council.  
3 Mr. Hall will add the recommendation to the agreement. Mayor Billings explained that the  
4 agreement will be on the November 17<sup>th</sup> agenda for discussion and possible approval.

5       **2. Consideration and possible approval of allocating funds to the Tourism Board - April**  
6       **Gates/Doug Heideman**

7 April Gates provided handouts to the City Council. She is the newly elected President of the  
8 Hurricane Valley Tourism Alliance. They are a nonprofit organization created by a previous City  
9 Council to ensure compliance with the Transient Room Tax (TRT). A portion of this tax is meant  
10 to support tourism, and the Tourism Alliance has not requested support since 2017. In 2021,  
11 Hurricane City collected \$382,852 TRT. The group is requesting \$7,500. There is a Hurricane City  
12 Council representative on the Board and a City representative from LaVerkin and Toquerville.

13 Kaden DeMille explained the TRT tax goes into the general fund and is used to fund operations.  
14 Ms. Gates would like the Tourism Alliance to participate in this tax funding. She reported that  
15 by State Law, a portion of the tax needs to be spent on tourism. They are trying to give the  
16 community and tourists a better experience. Doug Heideman asked them if the Board could  
17 apply for RAP tax money. Mayor Billings reported the Board can apply for RAP tax in February.  
18 Councilman Prete asked how the previous funding was used. Ms. Gates reported that the  
19 money was used to set up the 501 C and pay for the domain name, website, and other  
20 operational items.

21 Councilman Prete is convinced the City needs a meaningful way to communicate with the  
22 citizens. Other Cities have made huge strides; however, they have spent a lot of money to have  
23 that communication. Hurricane City is far behind, and there is a glaring void that needs to be  
24 addressed. Mayor Billings noted that Kendra is in the process of getting everything on the  
25 website and social media. Councilman Heideman agreed with Councilman Prete. Mr. DeMille  
26 reported the City Council has a contingency fund for various items; however, he feels this  
27 warrants a more extensive conversation.

28 Councilman Thomas would like to see this designated in the budget. Councilman Prete  
29 explained that the Council's job is to promote a sense of community, and it is essential to find a  
30 way to communicate with the community.

31 David Hirschi motioned to continue consideration and possible approval of allocating funds to  
32 the Tourism Board to the November 17<sup>th</sup> meeting. Seconded by Joseph Prete. Doug Heideman,  
33 Joseph Prete, David Hirschi, and Kevin Thomas voting aye. Motion carried unanimously.  
34

35 Mayor Billings noted that Ironman brings in twenty-one million dollars in revenue to the  
36 County. Councilman Heideman feels tourism is important to the community. Councilman

Hirschi suggested approaching business owners to seek donations since they are the ones that benefit from tourism.

**3. Ordinance 2022-53 Consideration and possible approval of a Land Use Code Amendment request to Title 10 Chapter 21: Agriculture Protection Overlay, Title 10 Chapter 14: Residential Agriculture Zoning Standards, Title 10 Chapter 7 Section 9: Conditional Use Permit Standards, and Title 10 Chapter 12: Agriculture Zoning Standards.**

Dayton Hall stated that one five-acre parcel is required to get agricultural protection overlay. This amendment allows a parcel less than five acres to apply for agricultural protection overlay if combined with a five-acre parcel. Mayor Billings reported that she has no concerns regarding allowing reception centers as a secondary use. Stephen Nelson reported that the City Council raised many concerns during the last discussion, and he asked for recommendations and guidance from the City Council. Councilman Thomas feels the ordinance is good the way it is. Councilman Prete wants to see better language regarding the best practices of those under an agriculture protection overlay. Councilman Thomas asked what the best way to define best practices is. Councilman Prete wants to ensure that those under the protection provide courtesy to the neighbors. Councilman Prete noted that this ordinance prevents neighbors from filing a nuisance claim. Mr. Nelson read through the nuisance section. Councilman Prete's primary concern is the smells, and he does not favor the half-acre concept.

Kevin Thomas motioned to deny the Land Use Code Amendment request to Title 10 Chapter 21: Agriculture Protection Overlay, Title 10 Chapter 14: Residential Agriculture Zoning Standards, Title 10 Chapter 7 Section 9: Conditional Use Permit Standards, and Title 10 Chapter 12: Agriculture Zoning Standards. Motion dies for lack of a second.

Mr. Hall explained that other changes were made to the code. Mr. Nelson reported that the amendments include the agriculture protection overlay, allowing smaller lots in RA.5 and RA-1 if a master roadway dedication is required, and allowing reception centers in agriculture zones.

Kevin Thomas amended his motion to approve the Land Use Code Amendment request to Title 10 Chapter 21: Agriculture Protection Overlay, Title 10 Chapter 14: Residential Agriculture Zoning Standards, Title 10 Chapter 7 Section 9: Conditional Use Permit Standards, and Title 10 Chapter 12: Agriculture Zoning Standards. Except for Chapter 21. Kevin Thomas rescinds his motion for further discussion.

Mr. Nelson reviewed the changes, including the parking requirements. He discussed the parking calculations and feels the current standard is sufficient. Mayor Billings is comfortable with the current code. Councilman Prete is concerned because reception centers bring commercial use to a residential area. Councilman Heideman feels the item should be continued for further review. Councilman Prete asked for the ordinances to be split into separate parts. Councilman

1 Thomas wants to review the acreage and off-street parking. Councilman Heideman wants a  
2 clear definition of agriculture use.

3 Doug Heideman motioned to continue consideration and possible approval of a Land Use Code  
4 Amendment request to Title 10 Chapter 14: Residential Agriculture Zoning Standards, Title 10  
5 Chapter 7 Section 9: Conditional Use Permit Standards, and Title 10 Chapter 12: Agriculture  
6 Zoning Standards. To the November 17<sup>th</sup> meeting. With the stipulation of breaking the  
7 ordinance into separate items. Seconded by Kevin Thomas. Joseph Prete, David Hirschi, Doug  
8 Heideman, and Kevin Thomas voting aye. Motion carried unanimously.

9 Mr. Hall asked if the motion to deny Title 10, Chapter 21, still stands.

10 Kevin Thomas motioned to deny chapter Title 10, Chapter 21. Seconded by David Hirschi.  
11 Joseph Prete, Doug Heideman, Kevin Thomas, and David Hirschi voting aye. Motion carried  
12 unanimously.

13 **4. Reconsideration and possible approval of a revised airport lease template -Joseph Prete**

14 Councilman Prete provided information to Mayor Billings and Dayton Hall. Councilman Prete  
15 asked for this to be brought before the City Council because he was concerned that the  
16 previous lease requires the City to pay for relocating hangars if the Airport is moved. His second  
17 concern is that the land lease concept is not in the agreement. Both of his concerns were  
18 addressed in the revised lease template. Mayor Billings agrees that the City should not be  
19 responsible for paying to move a hanger if the Airport is relocated. Dayton Hall reported that  
20 this template will be used going forward; however, potential lessees are required to come  
21 before the City Council.

22 Joseph Prete motioned to approve the revised airport lease template. Seconded by Kevin  
23 Thomas. Joseph Prete, David Hirschi, and Kevin Thomas voting aye. Doug Heideman voting nay.  
24 Motion carried.

25 **NEW BUSINESS**

26 **1. Consideration and possible approval of a preliminary plat for Southern Dunes**  
27 **Townhomes, a recreation resort 345 townhome development located at 2600 W and**  
28 **4200 S. Southern Dunes Townhomes Applicant. Bush & Gudgell, Inc Agent**

29 Stephen Nelson reported that the agent cannot attend and has requested a continuation. He  
30 explained that the Planning Commission recommended denial based on a lack of infrastructure.  
31 According to the number of approved projects and the current power loads, there is  
32 inadequate capacity.



David Hirschi motioned to table consideration and possible approval of a preliminary plat for Southern Dunes Townhomes, a recreation resort 345 townhome development located at 2600 W and 4200 S. Until the applicant is ready. Seconded by Joseph Prete. Dayton Hall explained that if the application is tabled, the applicant could wait for the Power Department to develop the services. He suggests a time limit of up to three months if the item is tabled. Motion dies.

David Hirschi motioned to continue consideration and possible approval of a preliminary plat for Southern Dunes Townhomes, a recreation resort 345 townhome development located at 2600 W and 4200 S. With the stipulation that the application is brought to the City Council no later than the first meeting in December. Seconded by Kevin Thomas. Joseph Prete, Doug Heideman, Kevin Thomas, and David Hirschi voting aye. Motion carried unanimously.

**2. Consideration and possible approval of a proposed amended final plat for Dixie Springs Plat E located at 2799 S 3680 W.** Kevin and Ralene Scott Applicant. Ryan Scholes Agent.

The applicant is not present. Stephen Nelson explained that the applicant is requesting to combine two lots in Dixie Springs. He noted that Staff has no concerns.

Kevin Thomas motioned to approve the proposed amended final plat for Dixie Springs Plat E located at 2799 S 3680 W. Seconded by Joseph Prete. Doug Heideman, David Hirschi, Kevin Thomas, and Joseph Prete voting aye. Motion carried unanimously.

**3. Ordinance 2022-59: Consideration and possible approval of a Zone Change Amendment request located at approx. 1436 W State Street** from the split zoning of HC, highway commercial, and RA-1, residential agricultural one unit per acre, to expand the HC, highway commercial, to develop the whole property with commercial type uses. Parcel Number: H-3-1-33-3217. Buck Hurst Applicant.

Buck Hurst is requesting to combine both properties to commercial zoning. Mayor Billings confirmed that the Planning Commission made a positive recommendation.

Kevin Thomas motioned to approve consideration and possible approval of a Zone Change Amendment request located at approx. 1436 W. Seconded by David Hirschi. Doug Heideman, Joseph Prete, Kevin Thomas, and David Hirschi voting aye. Motion carried unanimously.

Councilman Prete wants to ensure that traffic issues on 1515 West and pedestrian traffic from the RV Park are addressed. Stephen Nelson reported that the City Council can require buffering or walling of a commercial property. Councilman Heideman feels there should be a buffer between commercial and residential. Councilman Thomas feels this can be discussed in the site plan phase.



Buck Hurst reported that Ace Hardware is willing to donate to the Tourism Board as they benefit from tourism.

- 4. Consideration and possible approval of a proposed preliminary plat for Peregrine Pointe West Phase 1A, a three-lot residential subdivision located at 3000 W Cliffhanger Dr. Peregrine Pointe West Phase 1A Applicant. Greg Sant Agent.**

Greg Sant explained that these lots were developed fifteen years ago but were never recorded. The lots have sewer, water, and power, and they plan to divide the property into three lots if this preliminary plat is approved. Stephen Nelson reported that the Planning Commission gave a positive recommendation conditional upon will-serve letters from the Ash Creek Sewer District and the Water Department, which have been received.

Kevin Thomas motioned to approve the proposed preliminary plat for Peregrine Pointe West Phase 1A, a three-lot residential subdivision located at 3000 W Cliffhanger Dr. Peregrine Pointe West Phase 1A. Subject to Staff and JUC comments. Seconded by Doug Heideman. Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye. Motion carried unanimously.

- 5. Public Hearing to take comments on the following:**

Kevin Thomas motioned to go into a Public Hearing. Seconded by Joseph Prete. Motion carried unanimously.

- a. (A) The issuance and sale of not more than \$1,000,000 aggregate principal amount of water revenue bonds, series 2022, and (B) any potential economic impact that the project to be financed with the proceeds of the bonds issued under the act may have on the private sector; and related matters**

No comments

- b. A request for a road abandonment on a 7-foot section of Turf Sod Rd. Between 5140 West and Antenna Avenue**

No comments

- c. A request for a road abandonment of the north section of 2800 West to allow for the realignment of the master planned road**

No comments

Kevin Thomas motioned to go out of a Public Hearing. Seconded by Doug Heideman. Motion carried unanimously.

Kaden DeMille explained that this is the bonding for the secondary water system. The Parameters Resolution passed in September allows the City Manager and the Mayor to finalize the transaction. Councilman Prete referenced the minutes from September stating that the City will bond the remaining \$140,000. Mr. DeMille explained that the overall cost is 2.8 million. Seventy percent is granted, twenty five percent is paid by a bond, and five percent is paid by City. Councilman Prete noted that the minutes need to be corrected.

**6. Resolution 2022-48: Consideration and possible approval of a road abandonment on a 7-foot section of Turf Sod Rd. Between 5140 West and Antenna Avenue**

Arthur LeBaron reported that the School District deeded the property to the City for Turf Sod road. Last year, the property developer received approval on a preliminary plat that includes the seven-foot section of Turf Sod Road. Staff recommends that the City dispose of the road. Councilman Thomas asked if the developer should pay for the land. Mr. LeBaron noted that the City did not pay for the property; however, the City Council has the authority to request compensation for the property. Chris Wyler mentioned the developer contributed property to the City for two master planned roads in this area.

Ryan Hatch pointed out they have cooperated with the dedications required by the City. If the City takes the seven feet, ten lots will not meet size requirements because of the width of the roads and bike paths in the area. Councilman Thomas is sympathetic to developers who are required to dedicate property and noted that his concerns were alleviated. Stephen Nelson reviewed the resolution presented to the City Council. The abandonment is not releasing the developer of their obligated improvements on the third property. Councilman Thomas asked if the developer's cooperation with the City should be included in the motion. Councilman Prete feels the best practice is to sell the property. Mr. LeBaron explained that the property is not buildable and encouraged the City Council to consider all the information presented. Mayor Billings asked the developer to consider developing a lot for Habitat for Humanity or Self-Help Homes.

Kevin Thomas motioned to approve Resolution 2022-48 with the clause that the City recognizes the developer's dedication of significant property and that the strip of property is not usable. Seconded by David Hirschi. Doug Heideman, David Hirschi, and Kevin Thomas, voting aye. Joseph Prete voting nay. Motion carried.

**7. Resolution 2022-49: Consideration and possible approval of a road abandonment of the north section of 2800 West to allow for the realignment of the master-planned road**

1 Arthur LeBaron reported that there is a legacy right of way of eight feet on the west side of Sky  
2 Ridge. During the design of 2800 West, it was determined that the legacy plat was unsuitable  
3 from a safety perspective; therefore, they realigned the intersection two hundred feet to the  
4 west. The realignment impacted private property, and the property owners were granted the  
5 right of occupancy to build the road. As part of that negotiation, Staff recommends trading the  
6 portion of 2800 West. Dayton Hall explained that as the dedication is written, this is an  
7 abandonment of the existing right away based upon conditions. Councilman Prete confirmed  
8 that the abandonment is void if the City does not receive its portion of the trade.

9 Joseph Prete motioned to approve Resolution 2022-49. Seconded by Doug Heideman. Kevin  
10 Thomas, David Hirschi, Doug Heideman, and Joseph Prete voting aye. Motion carried  
11 unanimously.

12 **8. Consideration and possible approval of purchasing a tractor for the Airport using CARES**  
13 **money** - Mike Vercimack

14 Mike Vercimack reported that the Federal Aviation Administration (FAA) received \$30,000  
15 during the pandemic. Restrictions were placed on the funding, which limited its use to items  
16 that pertain to protection from the virus. Those restrictions have changed; therefore, the  
17 Airport Board recommends purchasing a tractor with those funds.

18 Doug Heideman motioned to approve purchasing a tractor for the Airport using CARES money  
19 up to \$30,000. Seconded by Kevin Thomas. Joseph Prete, David Hirschi, Doug Heideman, and  
20 Kevin Thomas voting aye. Motion carried unanimously.

21 **9. Consideration and possible approval of the amended Capital Improvement Plan (CIP)**  
22 **for the Hurricane City Airport** - Mike Vercimack

23 Mayor Billings reported one dissenting vote from an airport board member. She explained that  
24 the board member disagreed with adding airport lighting to the CIP. Mike Vercimack explained  
25 that this is part of the passed infrastructure bill. Hurricane City Airport received an additional  
26 \$159,000 each year for five years. To spend that money, the CIP had to be updated. He  
27 provided the existing plan and the proposed plan. The Board decided that the weather  
28 reporting equipment and rebuilding of the taxi lanes in phase one and phase two should be  
29 moved to the top of the CIP list. He noted that the plan is broken into a five-year and a ten-year  
30 horizon. The Airport Board chose to move the lighting project to 2029. Mr. Vercimack reviewed  
31 the projects included in the Capital Improvement Plan.

32 Steve Nation noted that Sky Ranch Airport has an AWA station, and he thinks it is a waste of  
33 money to have an AWA station at both airports. Dave Houston explained that the system at Sky  
34 Ranch is not an official FAA AWA system.

Councilman Prete is concerned because adding the lighting to the plan contradicts the City Council's previous vote. Mr. Houston reported that the Airport Board feels that it should be added as the last item on the list. This way, the lights can be reviewed again in the future. Councilman Thomas was not opposed to the lighting and thinks it is fair to have the lighting on the list so the future City Council can determine if they are necessary. Councilman Prete explained that the lighting was voted down, and to him, adding the lighting is contrary to the Council's decision. Councilman Hirschi agrees with Councilman Prete; however, the lights might be a good idea if the Airport is relocated.

Joseph Prete motioned to approve the Capital Improvement Plan (CIP) for the Hurricane City Airport with the stipulation of removing the airport lights. Seconded by David Hirschi. Joseph Prete and David Hirschi voting aye. Kevin Thomas and Doug Heideman voting nay. Mayor Billings voting aye. Motion carried.

**10. Consideration and possible approval of revoking the business license for DB HVAC -**  
Cindy Beteag

Cindy Beteag reported that the applicant expressed his intent to stay in retirement, so he let his DOPL license expire. Dayton Hall confirmed that there is no representative for DB HVAC present.

Kevin Thomas motioned to approve revoking the business license for DB HVAC. Seconded by Joseph Prete. David Hirschi, Doug Heideman, Kevin Thomas, and Joseph Prete voting aye. Motion carried **unanimously**.

**11. Consideration and possible approval of revoking the business license for Lower Falls -**  
Cindy Beteag

Cindy Beteag reported that the applicant did not obtain the required fire inspection within forty-five days, and the fire inspection scheduled after the allotted time failed. Dayton Hall noted that there is no representative for Lower Falls present. Councilman Prete asked if the due process rights of the business license holder were satisfied. Mrs. Beteag explained the communications that took place. She confirmed that notice of tonight's agenda was emailed to the property owner. Mr. Hall explained that notice was provided, and the ordinance was followed.

Kevin Thomas motioned to approve revoking the business license for Lower Falls. Seconded by David Hirschi. Kevin Thomas, David Hirschi, and Doug Heideman voting aye. Joseph Prete voted nay. Motion carried.

**12. Consideration and possible approval of Resolution 2022-47 appointing temporary**  
**Justice Court Judges** for the Justice Court - Kaden DeMille

1  
2 Kaden DeMille explained that State code allows the City to appoint a temporary Judge in cases  
3 where the Judge is absent or if there is a conflict of interest. He explained that the City has been  
4 in contact with Judge Matthew Carling, and he agrees to serve in this capacity.

5 Joseph Prete motioned to approve Resolution 2022-47. Seconded by Doug Heideman. Kevin  
6 Thomas, David Hirschi, Doug Heideman, and Joseph Prete voting aye. Motion carried  
7 unanimously.

8 **13. Consideration and possible approval of Ordinance 2022-56 amending Title 1, Chapters**  
9 **5, 6, and 8 regarding administrative policies - Cindy Beteag**

10 Cindy Beteag explained that this amendment brings the ordinance into compliance with State  
11 Code.

12 Joseph Prete motioned to approve Ordinance 2022-56, amending Title 1, Chapters 5, 6, and 8  
13 regarding administrative policies. Seconded by Doug Heideman. Kevin Thomas, David Hirschi,  
14 Doug Heideman, and Joseph Prete voting aye. Motion carried unanimously.

15 **14. Consideration and possible approval of Ordinance 2022-57 amending Title 3, Chapter 1**  
16 **regarding business licensing - Cindy Beteag**

17 Cindy Beteag reported that this change allows the City administration to deny applications and  
18 renewals that have not met the requirements.

19 Joseph Prete motioned to approve Ordinance 2022-57, amending Title 3, Chapter 1 regarding  
20 business licensing. Seconded by David Hirschi. Kevin Thomas, Doug Heideman, David Hirschi,  
21 and Joseph Prete voting aye. Motion carried unanimously.

22 **15. Consideration and possible approval of a proposed preliminary plat for Lone Pine**  
23 **subdivision**, a nine-lot residential subdivision located at 400 W 820 S. Brant Tuttle,  
24 Northern Engineering Applicant

25 Brant Tuttle and Ron Campbell were present. Stephen Nelson reported that this zone change  
26 was approved subject to a development agreement limiting the development to nine lots. The  
27 agreement has been signed, and this plan is compliant with that agreement. Staff and the  
28 Planning Commission favor the preliminary plat conditional upon the applicant working with  
29 the Power Department to develop service to the location.

30 Ron Campbell reported that the power plan has been approved. He explained that Ash Creek  
31 will tear up the irrigation ditch when they install the new sewer line so he would like to wait  
32 until they are done before he does the improvements to the canal. Mr. Nelson reported that

Ash Creek Sewer District plans to install a sewer line on 300 West. The City will work with the applicant regarding the timing of the sewer line. Councilman Prete asked if the opposition and concerns raised by the public have been addressed. Stephen Nelson reported that the tailwater concern was addressed. Other concerns will be worked out through the construction process.

Joseph Prete motioned to approve the proposed preliminary plat for Lone Pine subdivision, a nine-lot residential subdivision located at 400 W 820 S. Subject to Staff and JUC comments. Seconded by Kevin Thomas. Doug Heideman, David Hirschi, Kevin Thomas, and Joseph Prete voting aye. Motion carried unanimously.

Dayton Hall asked the City Council to make a motion to amend the minutes of 9/15/22 minutes to reflect the changes discussed tonight regarding the bond. The word bond should be replaced with pay for.

Joseph Prete motioned to amend the minutes on 9/15/22 to reflect the changes in which the word bond needs to be replaced with pay. Seconded by Kevin Thomas. David Hirschi, Doug Heideman, Kevin Thomas, and Joseph Prete voting aye. Motion carried unanimously.

**16. Ordinance 2022-58: Consideration and possible approval of a Zone Change Amendment request located at approx.. 29 N 1690 W** from R1-10, residential one unit per 10,000 square feet, to R1-8 with a PDO, residential one unit per 8,000 square feet with a planned development overlay. Parcel numbers H-3-1-33-3141 and H-3-1-33-4221. Richard & Kathleen Hinton Applicant.

Brent Peterson owns the property next to the proposed development, and the south portion adversely affects him. He has no issues or concerns regarding the northern portion. He feels the engineer is misrepresenting the proposal, which does not reflect his legal easement.

Dayton Hall explained that Mr. Peterson's easement is a private easement. The City cannot enforce a private easement. Mr. Hall requested to have the private easement shown on the map when the zone change was requested. No developments are proposed on southern portion of the property, and no zone changes affect that portion of the property. He clarified that he, Stephen Nelson, nor the Mayor have offered advice on a private easement.

Stephen Nelson explained this zone change includes a PDO over the northern section to build multifamily complexes. Mr. Nelson walked the property and confirmed there are two registered wetlands. The applicant's proposal plans to incorporate the wetlands into their features with a trail system and the current vegetation. Mr. Nelson reported that the applicant is asking for a maximum density bonus of twenty percent. The Planning Commission recommended the zone change and density bonus positively. Mr. Hall noted that there was one dissenting vote from the Planning Commission.



Councilman Prete thinks a density bonus makes sense for amenities but not for more open space. Councilman Hirschi likes the project but not the density. Mr. Nelson explained that he prefers clustering density to allow more open spaces. He noted that the site plan will change if approved with a limited density bonus. Councilman Thomas asked if the units were rentals. Mr. Hinton reported that a large portion of the units will be sold. Councilman Heideman does not like the high density, the PDO, or the shared open space. Mr. Nelson reported that the property is currently split-zoned highway commercial and R1-10. The applicant is proposing to rezone to R1-8 with a PDO overlay. The highway commercial will remain the same. Karl Rasmussen suggested reducing the units to forty-eight.

Kevin Thomas motioned to approve a Zone Change Amendment request located at approx. 29 N 1690 W. Subject to Staff and JUC comments and a five percent density bonus. Motion dies for lack of a second.

Dayton Hall clarified that the site plan needs to be revised to reflect the changes.

Kevin Thomas motioned to continue the Zone Change Amendment request located at approx. 29 N 1690 W. to the next meeting subject to a new site plan with a five percent density bonus. Motion dies for lack of a second.

Councilman Prete asked what concerns were expressed by the neighbors. Mayor Billings reported that the neighbors prefer single-family homes with garages.

David Hirschi motioned to deny the Zone Change Amendment request located at approx. 29 N 1690 W. based on it will negatively affect the adjacent property and it is not harmonious with the overall character of the existing development in the surrounding area. Seconded by Doug Heideman. David Hirschi and Doug Heideman voting aye. Joseph Prete and Kevin Thomas voting nay. Mayor Billings voting aye. Motion carried.

Joseph Prete motioned to waive the application fee if the applicant returns with another zone change request within four months. Seconded by Doug Heideman. David Hirschi, Kevin Thomas, Doug Heideman, and Joseph Prete voting aye. Motion carried unanimously.

Mr. Hall clarified that the discussion regarding density and the number of units is not part of the approval. It will be contingent upon noticing, public comment, and further discussion by the City Council.

**17. Consideration and possible approval of a proposed final site plan for Glampers Inn, an RV park and commercial development located south of Sand Hollow Road. Blow Sand LLC Applicant. Scott Nielson Agent.**



1 Katie Leavitt and Karl Rasmussen were present. Mayor Billings confirmed that the applicant met  
2 with Staff this morning. Councilman Heideman has attended three meetings regarding this final  
3 site plan. The water needs a loop to BASH Parkway and Sand Hollow Road. The applicant must  
4 pay the down payment for power to Dixie Power, and transformers are one year out. The PID  
5 needs to pay for gas to be installed. The fire hydrants need to be operational before the  
6 building permits are issued. He noted that any other problems shall be addressed with Public  
7 Works Director.

8 Dayton Hall asked if the construction drawings for Sand Hollow Road have been signed. Karl  
9 Rasmussen reported that after several reviews, Staff, Engineering, and Traffic Engineers are still  
10 making changes. He reviewed the proposed traffic routes. The roundabout was reduced to four  
11 exits. Mike Vercimack reported that all of the PID roads are bonded. Councilman Prete asked  
12 about the projected timeline of the roads and utilities to the site. Katie Leavitt noted that the  
13 power is dependent upon the receipt of the transformers. Brent Moser reported that the  
14 materials have been purchased for the roads. Councilman Prete is concerned that changes to  
15 the market and economy may cause delays to the project. Ms. Leavitt reported that everything  
16 has been purchased and is on site.

17 Mr. Hall pointed out it has been the City's practice to have signed construction drawings and  
18 bonding in place before approving site plans. The Cordero project was held up until the  
19 construction drawings were signed. Mr. Hall noted that from a liability perspective, he is  
20 concerned about approving the project prematurely. Mr. Vercimack thinks having the bonding  
21 in place is sufficient to move forward; however, a problem could arise if more than the bonded  
22 amount is needed. Mr. Hall reiterated that to be consistent, the site plan should only be  
23 approved once the construction drawings are signed.

24 Doug Heideman motioned to approve the proposed final site plan for Glampers Inn, an RV park  
25 and commercial development located south of Sand Hollow Road subject to the approval of the  
26 bonded amount by the City Attorney and the Public Works Director. The following conditions  
27 must be completed before a building permit is issued; The water must loop from the project  
28 back to Bash Parkway and Sand Hollow Road before the water system is accepted for use. The  
29 down payment must be made to Dixie Power. The PID must pay for gas installed in the  
30 roadways before service to the property. Fire needs an improved second access from the  
31 property. Fire hydrants must be operational. The public facilities must be determined adequate,  
32 as explained in Section 9-6-3. Seconded by David Hirschi. Kevin Thomas, David Hirschi, and  
33 Doug Heideman voting aye. Joseph Prete voted nay. He is concerned that an economic crash  
34 will leave the City in a challenging situation. Motion carried.

- 35 **18. Consideration and possible approval of a preliminary plat for Bash Resorts**, a 375-unit  
36 recreation resort development located north of Iron Bridge Blvd. Western Mortgage and  
37 Realty Co-Applicant. Brent Moser Agent.

Stephen Nelson explained that when the Elim Valley agreement was dissolved, the resort area expanded as part of the initial agreement approved by the City. The Planning Commission approved the off-site parking standards and the alternative amenities package. The Planning Commission's recommendation of approval was unanimous. Councilman Prete noted that there are 375 units in ten condo buildings, a hotel, and a clubhouse on 27.83 acres.

Kevin Thomas motioned to approve the preliminary plat for Bash Resorts, a 375-unit recreation resort development located north of Iron Bridge Blvd subject to Staff and JUC comments. Seconded by Doug Heideman. Kevin Thomas and Doug Heideman voting aye. David Hirschi voted nay. Joseph Prete abstained. Mayor Billings voting aye. Motion carried.

**19. Consideration and possible approval of a preliminary plat for Marla Phase 2, a nine-unit recreation resort development located at approximately 1600 S Sand Hollow Road. Western Mortgage and Realty Company Applicant. Brent Moser Agent.**

Mayor Billings asked how the current drainage issues would be solved. Brent Moser reported that a storm drain line on Wilson Drive would go into their detention basin, moving through another storm drain and continuing to the detention basin on the north side. Stephen Nelson explained the Marla development had remaining resort zoning around it, so the applicant is proposing to extend the subdivision with nine additional lots. One of the concerns is that the public roadways are shown to end in the common area. The applicant explained the public roadways end in the common area due to the detention pond. The Planning Commission felt this is justified.

Kevin Thomas motioned to approve the preliminary plat for Marla Phase 2, a nine-unit recreation resort development located at approximately 1600 S Sand Hollow Road subject to Staff and JUC comments. Seconded by Doug Heideman. Kevin Thomas, David Hirschi, and Doug Heideman voting aye. Joseph Prete abstained. Motion carried.

**20. Ordinance 2022-60: Consideration and possible approval of a proposed Zone Change Amendment request located at approx.. 5200 West and 2500 South from A-5, agriculture one unit per 5 acres, to RM-1/PDO, multifamily 6 units per acre with a Planned Development Overlay, and RR, recreation resort. Parcel numbers: H-4138-B, H-4138-L, H-4138-E. Chris Wyler Applicant. Brandee Walker-Civil Science Agent.**

Stephen Nelson reported that the Planning Commission recommended denial due to inadequate facilities. The sewer will likely need a bigger lift station, and Dixie Power needs to build a substation in the area to provide adequate power. He noted that the Planning Commission has reviewed many variations of the plan.

Chris Wyler reported that the Planning Commission has raised concerns each time the application is reviewed. As far as he is aware, this proposal meets Staff conditions. Mr. Nelson

1 reported that the applicant needs additional parking. Staff also recommends amenities in the  
2 southern section. Mr. Wyler reported that this proposal is well below his zoning. He presented  
3 renderings of the units and amenities. He feels that parking around the park made more sense.  
4 Mr. Wyler explained that the power is paid for. He turned in his preliminary plat for the estate  
5 lots, so the road has to be built out. They will have a secondary water system and four wells on  
6 the property, and the water loop is complete. This development consists of 420 townhomes  
7 and twenty-three single-family units. Mr. Nelson reported that this proposal is decreasing the  
8 overall zoning area; however, the number of units is increasing.

9 Councilman Thomas noted that this proposal is not requesting more than what is already  
10 approved. It is just reworking how it is laid out. Dayton Hall noted that this is adding twenty-five  
11 units. Mr. Nelson does not recommend changing the zone where the current clubhouse is  
12 located. Councilman Thomas asked if the applicant could be held to a reduction in the number  
13 of units. Mr. Nelson reported that a development agreement could accomplish this.

14 Mr. Nelson reiterated concerns regarding sewer and power. The applicant has signed  
15 construction drawings, bonded for the secondary access, and has started working on the  
16 project. Mr. Nelson explained that a development agreement can cap the total number of units.  
17 Mr. Hall advised that the development agreement includes standard language about adequate  
18 facilities and ensures that the density cap applies to the entire townhome section of the  
19 development. Mr. Wyler suggested a development agreement limiting the development to no  
20 more than two hundred units in this phase. Mr. Nelson recommends continuing the item so  
21 Staff and the applicant can collaborate on the development agreement.

22 Kevin Thomas motioned to continue consideration and possible approval of a proposed Zone  
23 Change Amendment request located at approx. 5200 West and 2500 South from A-5,  
24 agriculture one unit per 5 acres, to RM-1/PDO, multifamily 6 units per acre with a Planned  
25 Development Overlay, and RR, recreation resort to the next meeting to allow Staff and the  
26 applicant an opportunity to create a development agreement limiting the number of  
27 townhomes in this area to two hundred. Seconded by Joseph Prete. Doug Heideman, David  
28 Hirschi, Kevin Thomas, and Joseph Prete voting aye. Motion carried unanimously.

## 29 **Adjournment**

30 Doug Heideman motioned to adjourn at 11:30 p.m. Seconded by David Hirschi. Motion carried  
31 unanimously.

#### Sec. 10-14-4. Development standards.

Development standards within residential agriculture zones shall be as set forth in table 10-14-2 of this section.

TABLE 10-14-2  
DEVELOPMENT STANDARDS IN RESIDENTIAL AGRICULTURE ZONES

| Development standard                          | Zones                                                                                                                                                          |                                       |
|-----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
|                                               | RA-1                                                                                                                                                           | RA-.5                                 |
| Lot standards:                                |                                                                                                                                                                |                                       |
| Average lot area <sup>1</sup>                 | 1 acre <a href="#">(See Note 7)</a>                                                                                                                            | 0.5 acre <a href="#">(See Note 7)</a> |
| Minimum lot area <sup>2</sup>                 | 0.8 acre <a href="#">(See Note 7)</a>                                                                                                                          | 0.4 acre <a href="#">(See Note 7)</a> |
| Minimum lot width                             | 100 feet <a href="#">(See Note 7)</a>                                                                                                                          | 100 feet <a href="#">(See Note 7)</a> |
| Building standards:                           |                                                                                                                                                                |                                       |
| Maximum height, main building <sup>3</sup>    | 35 feet                                                                                                                                                        | 35 feet                               |
| Maximum height, accessory building            | 20 feet                                                                                                                                                        | 20 feet                               |
| Maximum size, accessory building <sup>4</sup> | 2,000 square feet                                                                                                                                              | 2,000 square feet                     |
| Building coverage                             | 50% of lot<br>(see subsection 10-37-12I of this title)                                                                                                         |                                       |
| Distance between buildings                    | No requirement                                                                                                                                                 | No requirement                        |
| Setback standards front yard:                 |                                                                                                                                                                |                                       |
| Any building <sup>5</sup>                     | 25 feet                                                                                                                                                        | 25 feet                               |
| Setback standards rear yard:                  |                                                                                                                                                                |                                       |
| Main building                                 | 30 feet                                                                                                                                                        | 30 feet                               |
| Accessory building, including private garage  | If located 10 feet from main building:<br>2 feet. If not, same as main building.                                                                               |                                       |
| Setback standards interior side yard:         |                                                                                                                                                                |                                       |
| Main building                                 | 10 feet one side and<br>20 feet other side                                                                                                                     | 10 feet                               |
| Accessory building                            | If located 10 feet from main building:<br>2 feet. If not, same as main building.                                                                               |                                       |
| Setback standards street side yard:           |                                                                                                                                                                |                                       |
| Main building                                 | 20 feet                                                                                                                                                        | 20 feet                               |
| Accessory building                            | If located 10 feet from main building:<br>10 feet. If not, same as main building.<br>No accessory building shall be built<br>within a public utility easement. |                                       |
| Pool location and setbacks <sup>6</sup>       | 3 feet                                                                                                                                                         | 3 feet                                |

#### Notes

1. "Average size" means the total acreage devoted to lots divided by the number of lots. Net density definition shall apply.
2. The indicated number is 80 percent of average lot area requirement.
3. Except as otherwise permitted by subsection 10-14-7C of this chapter.
4. Except as otherwise permitted by subsection 10-14-7B of this chapter.
5. Except as modified by the provisions of subsection 10-37-12F, setback measurement, of this title.

Created: 2022-05-15 12:08:19 [EST]

(Supp. 1, Update 3)

- 
6. Pools must be located behind front yard setbacks. Setback is measured from rear and side property lines. Pools may require special engineering. A closer property line setback may be approved by the Building Official if engineering ensures structural integrity for any adjoining buildings or walls as well as the pool.
7. Subdivisions containing three lots or less may be approved with smaller lot sizes and smaller frontages than otherwise required with the following conditions:
- a. The development required dedication of a portion of a Master Planned Roadway.
  - b. The number of units does not exceed the overall gross density of the underlying zoning for the size of the parcel; provided, however, that when the City or other government entity acquires a portion of the property for a roadway, the area of roadway shall be accounted for in the gross density limitations of the development, if the applicant was the owner at the time of acquisition.
  - c. The subject property is zoned as RA-1 or RA-0.5.
  - d. Lots zoned as RA-1 shall have a minimum lot size of .6 acres.
  - e. Lots zoned as RA-0.5 shall have a minimum lot size of .35 acres.
  - f. The minimum frontage of each lot shall be no smaller than 80'.

## Cindy Beteag

---

**From:** Stephen Nelson  
**Sent:** Monday, October 03, 2022 8:12 AM  
**To:** Cindy Beteag; David Sanders; David Hirschi; Doug Heideman; Joseph Prete; Kaden DeMille; Kevin Thomas; Nanette Billings  
**Subject:** FW: Letter to coding commission

City Council,

Please see the public comment that came in over the weekend.

*Stephen Nelson, AICP*

*Hurricane City  
Planning Director  
(435) 635-2811*



PLANNING & ZONING  
**HURRICANE CITY**  
UTAH

---

**From:** travis dickey [REDACTED]  
**Sent:** Saturday, October 1, 2022 10:50 PM  
**To:** Stephen Nelson <stephen@cityofhurricane.com>  
**Subject:** Re: Letter to coding commission

Dear Hurricane City Representatives,

I write this letter in light of the RA coding on not just the size of my half acre lot, but in convenience of all Hurricane city homeowners. I have currently submitted for a permit on an addition to my primary structure and also my secondary structure. The addition I'm seeking for my primary structure surpasses the allowed distance from structure to the back side property line by 5 feet, being at 25 feet instead of the code of 30 feet. This has created hoops to jump through and extra time and money on my behalf to try and navigate the possibility of receiving permission to execute this project, and I'm certain other Hurricane residents have experienced this same process in their remodel/addition endeavors. I understand the importance of codes and being consistent with the rules in place which is why I'm hoping the City of Hurricane coding and planing committee will consider changing the allowed distance from the structure to the back side property line from 30 feet to 15 feet. I believe 15 feet is an adequate buffer for not only comfort, but privacy of one's back yard as well. I'm extremely satisfied with the coding of having 10 feet from the structure to the side yard property line, that gives at least a 20 foot minimum buffer zone of privacy and comfort from neighbor to neighbor at the side yard coding allowance. In light of those statistics, I believe the minimum possible distance of 25 feet from one's rear of their primary structure, to the potential neighbors side of their primary structure, should be strongly considered and reasoned with, especially with the fact of 2 adjoining properties that meet rear to rear will be a distance of 30 feet. Both being greater than the side yard allowance. With all do respect of the time and effort put into these decisions, I appreciate all involved. Hurricane has been an amazing place to raise my family, so thank you for that and I hope we can continue to find ways to make it better, together.

Sincerely,  
A proud Hurricane City resident

Travis Dickey

[Sent from Yahoo Mail for iPhone](#)

On Friday, September 30, 2022, 11:35 AM, Stephen Nelson <[stephen@cityofhurricane.com](mailto:stephen@cityofhurricane.com)> wrote:

Travis,

Please see the attached agenda and the staff report for your variance request. Let me know if you have any questions.

*Stephen Nelson, AICP*

*Hurricane City*

*Planning Director*

*(435) 635-2811*



PLANNING & ZONING  
**HURRICANE CITY**  
**UTAH**



AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING  
SECTIONS TITLE 10 CHAPTER 14: RESIDENTIAL AGRICULTURE ZONING  
STANDARDS TO ALLOW SMALLER LOT SIZES FOR SMALL SUBDIVISIONS THAT  
REQUIRE TRANSPORTATION MASTER PLAN ROADWAY DEDICATION

WHEREAS the City Council of Hurricane, Utah has authority to adopt and regulate zoning within its boundaries; and

WHEREAS, Hurricane City general plan recommends that the City adopt policies that will help preserve agriculture within the City; and

WHEREAS said City Council deems it necessary to make these changes to allow for the protection of agriculture within the City,

BE IT HEREBY ORDAINED by the Hurricane City Council Hurricane City Code Sections Title 10 Chapter 14: Residential Agriculture Zoning Standards, shall be, and is hereby, amended with the additional text as follows:

---

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

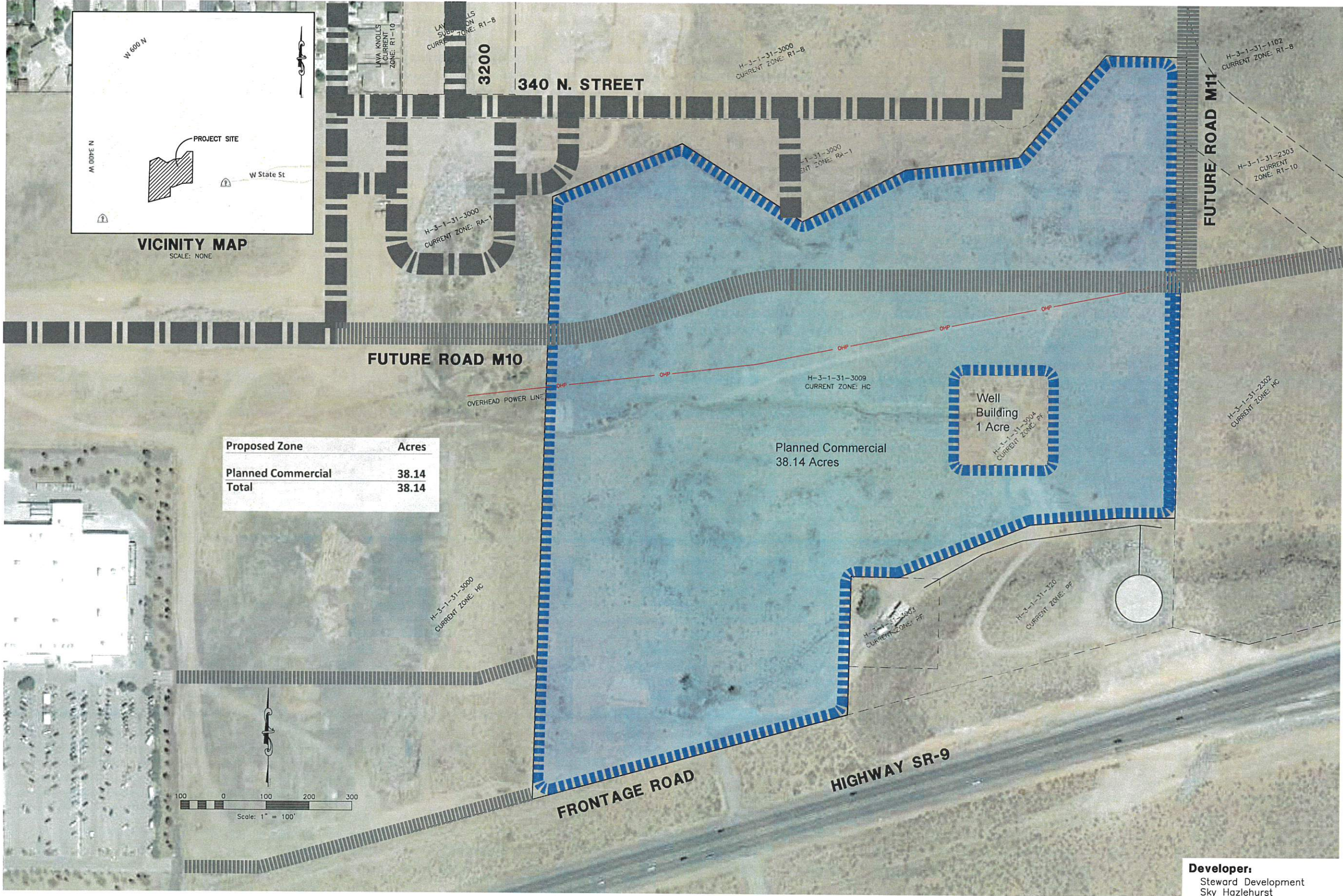
PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Nanette Billings, Mayor

[Seal]  
Attest:

\_\_\_\_\_  
Cindy Beteag, City Recorder





# Parcel H-3-1-31-3009

Washington County, Utah

**REVISED**  
12:28 pm, Sep 09, 2022

**Developer:**  
Steward Development  
Sky Hazlehurst  
1708 E. 5550 S.  
South Ogden, UT. 84405  
(801) 837-2020

**Reeve & Associates, Inc.**

**RA**

5160 SOUTH 1500 WEST, RIVERDALE, UTAH 84405  
TEL: (801) 821-3100 FAX: (801) 821-2668 [www.reeve-associates.com](http://www.reeve-associates.com)  
LAND SURVEYORS • CIVIL ENGINEERS • LAND DEVELOPERS • LANDSCAPE ARCHITECTS

| REVISIONS | DESCRIPTION |
|-----------|-------------|
| DATE      |             |
|           |             |
|           |             |
|           |             |
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**Parcel H-3-1-31-3009**

PART OF THE SW 1/4 OF SECTION 31, T.41S., R.13W., S.13B. & M., U.S. SURVEY  
HURRICANE CITY, WASHINGTON COUNTY, UTAH

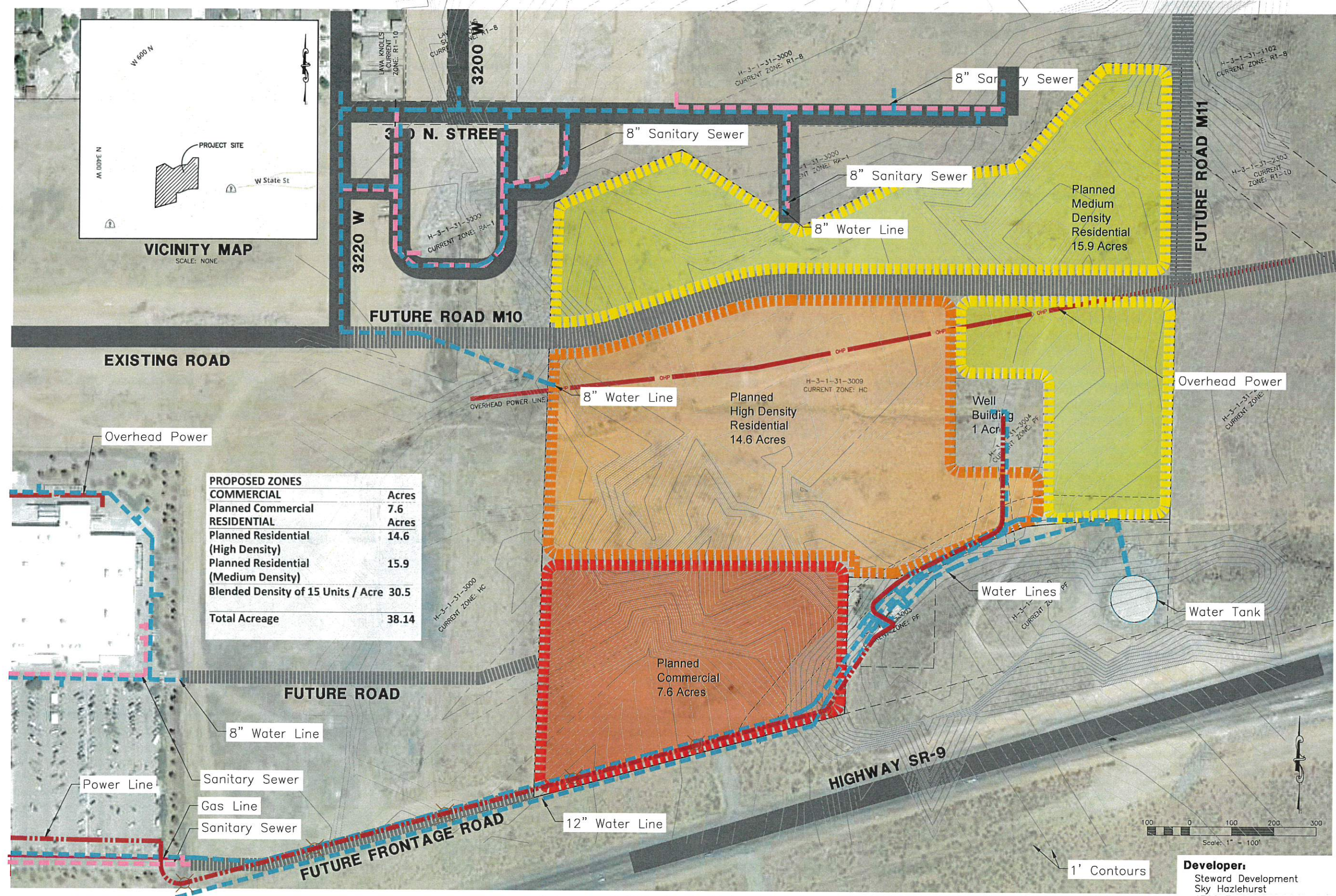
**Proposed Zoning Exhibit**

|                      |             |
|----------------------|-------------|
| <b>Project Info.</b> |             |
| Engineer:            | N. Reeve    |
| Planner:             | C. Cave     |
| Designer:            | N. Peterson |
| Date:                | 8-25-22     |
| Name:                |             |
| Number:              | 7152-26     |

|       |        |
|-------|--------|
| Sheet | 2      |
| 1     | Sheets |



Reeve & Associates, Inc. - Solutions You Can Build On



# Parcel H-3-1-31-3009

Washington County, Utah

**REVISED**  
12:28 pm, Sep 09, 2022

**Developer:**  
Steward Development  
Sky Hazlehurst  
1708 E. 5550 S.  
South Ogden, UT. 84405  
(801) 837-2020

**Reeve & Associates, Inc.**  
**RA**  
5160 SOUTH 1500 WEST, RIVERDALE, UTAH 84405  
TEL: (801) 837-2100 FAX: (801) 837-2050 www.reeve-associates.com  
TRAFFIC ENGINEERS • SURVEYORS • LAND SURVEYORS

| REVISIONS | DESCRIPTION |
|-----------|-------------|
| DATE      |             |
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**Parcel H-3-1-31-3009**  
PART OF THE SW 1/4 OF SECTION 31 T41S, R13W, S11B & M., U.S. SURVEY  
HURRICANE CITY, WASHINGTON COUNTY, UTAH

**Preliminary Site Plan**

|                      |             |
|----------------------|-------------|
| <b>Project Info.</b> |             |
| Engineer:            | N. Reeve    |
| Planner:             | C. Cove     |
| Designer:            | N. Peterson |
| Date:                | 8-25-22     |
| Name:                |             |
| Number:              | 7152-26     |

|       |        |
|-------|--------|
| Sheet | 2      |
| 2     | Sheets |

THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF REEVE & ASSOCIATES, INC., 5160 S. 1500 W., RIVERDALE, UTAH 84405, AND SHALL NOT BE PHOTOCOPIED, RE-DRAWN, OR USED ON ANY PROJECT OTHER THAN THE PROJECT SPECIFICALLY DESIGNED FOR, WITHOUT THEIR WRITTEN PERMISSION. THE OWNERS AND ENGINEERS OF REEVE & ASSOCIATES, INC. DISCLAIM ANY LIABILITY FOR ANY CHANGES OR MODIFICATIONS MADE TO THESE PLANS OR THE DESIGN THEREON WITHOUT THEIR CONSENT.





## STAFF COMMENTS

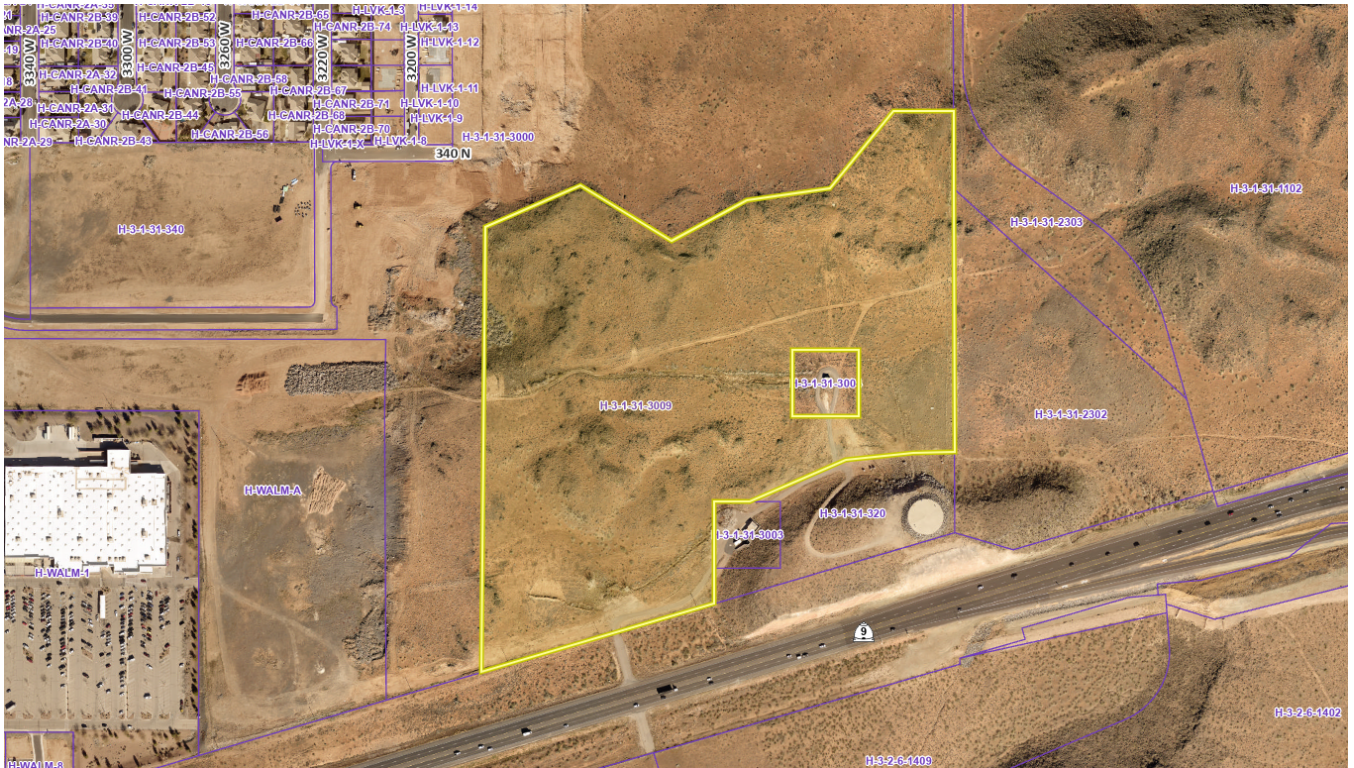
|                             |                                                                 |
|-----------------------------|-----------------------------------------------------------------|
| <b>Agenda Date:</b>         | <b>10/03/2022</b>                                               |
| <b>Application Number:</b>  | 2022-ZC-23 2022-PSP-41                                          |
| <b>Type of Application:</b> | Zone Change and Preliminary Site Plan Application               |
| <b>Action Type:</b>         | Legislative                                                     |
| <b>Applicant:</b>           | Steward Land Holdings                                           |
| <b>Agent:</b>               | Brad Brown                                                      |
| <b>Request:</b>             | A Zone Change from Highway Commercial to Planned Commercial     |
| <b>Location:</b>            | 3000 W State St                                                 |
| <b>Zoning:</b>              | HC                                                              |
| <b>General Plan Map:</b>    | <a href="#">Mixed Use, General Commercial and Single Family</a> |

### Planning Commission Recommendation

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

**Discussion:** The applicant is seeking a zone change and preliminary site plan approval from Highway Commercial to Planned Commercial. The applicant is proposing a commercial center, high density residential, and medium density residential. This property is located on the north side of SR-9 to the east of Walmart. Hurricane City Water has two wells and a water tank in the vicinity of this property.

|              | <b>Zoning</b>   | <b>Adjacent Land Use</b>                |
|--------------|-----------------|-----------------------------------------|
| <b>North</b> | RM-1 PDO        | Planned townhomes (Ridgeview townhomes) |
| <b>East</b>  | HC, R1-10, R1-8 | Undeveloped property                    |
| <b>South</b> | HC              | SR-9 and undeveloped property           |
| <b>West</b>  | HC, RM-1        | Planned townhomes and Walmart           |



### Zone Change Factors:

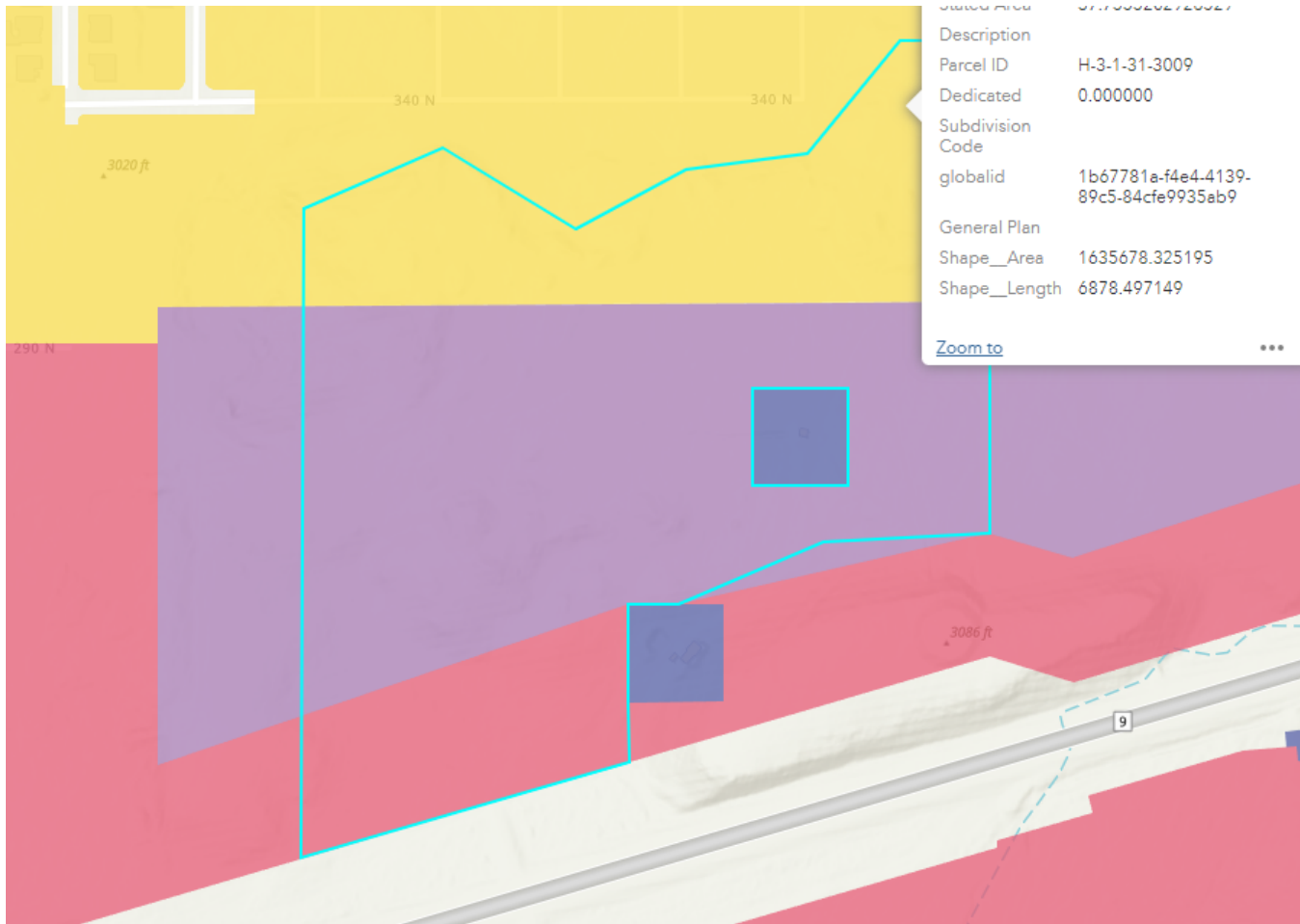
When considering a zone change the Planning Commission must consider the following:  
As per Hurricane City Code 10-7-7:

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

1. *Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;*
2. *Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;*
3. *The extent to which the proposed amendment may adversely affect adjacent property;*  
*and*
4. *The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.*

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

**Response:** This property has three designations on the General Plan Map



*Hurricane City Future Land Use Map*

*GENERAL COMMERCIAL: Commercial uses that provide retail, employment and service uses for the City. These developments should be located along major corridors*

*MIXED USE: Mixed use areas should be developed as small districts or community centers offering a mix of retail, dining, entertainment, employment, and supporting residential. These developments should be easy and safe to navigate on foot and located in areas with access to major roads and surrounded with appropriate residential densities to support these uses.*

*SINGLE FAMILY: These uses should be located near supporting community uses such as,*



*but not limited to churches, schools, and parks. Appropriate densities for this land use include R1-15, R1-10, R1-8, and R1-6.*

The applicant appears to have taken the General Plan into account in designing their plan by leaving in space a commercial area along the highway. Having more commercial and higher density residential in the middle area and medium density residential on the north end.

The General Plan also calls for “*Medium and high density residential developments should be planned near support facilities such as collector and arterial roads, schools, shopping, and employment centers. Medium and high density residential developments should be planned and designed to minimize impacts to nearby existing developments, while providing high-quality, attractive housing options*” It also calls for “*Support creating commercial spaces in population Centers in the City to provide services to those areas*” There are existing commercial uses in the area and planned schools and employment centers in the area

Overall staff believes this lines up with the spirit of the General Plan

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

**Response:** There are almost no developments currently in the vicinity. To the north is an approved townhome development that will provide road and utility access to this site and to further to the west is the Walmart development. This plan is largely harmonious with what is approved in the area.

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

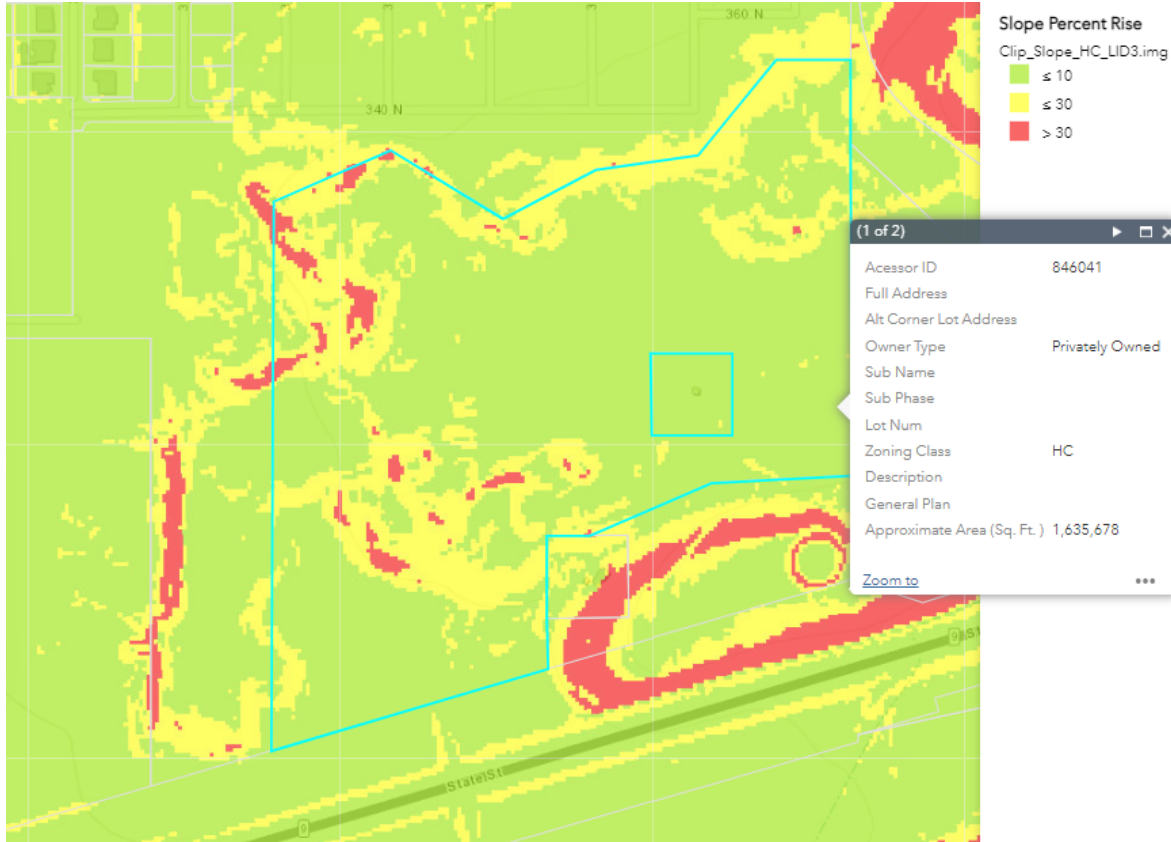
**Response:** Yes. Although the area is largely undeveloped currently. Commercial development in this area will be beneficial to the community.

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

**Response:** Public facilities and services are either planned to be brought to the property with the Villas at Lava Knolls development or are already at the property at the wells and water tanks. See JUC comments below.

**Other Considerations:**

This property is currently zoned Highway Commercial in an area of town where there is existing commercial development. The City in the past has expressed hesitation about commercial property being changed to residential when the City will eventually need more commercial space. However, there are several factors that may hinder commercial development on this property: the largest is poor access and visuals from SR-9. UDOT has declared that SR-9 will be a limited access corridor and no new intersections will be made west of the SR-7 interchange and all current stoplights will be turned into interchanges eventually. All access to this property will come from 290 N and eventually through the Walmart parking lot. There is also a large hill that the water tank is on that blocks visual of most of the property from SR-9 and steep topography throughout the property (shown below). Commercial developments are largely reliant on supporting residential uses. Staff believes that this plan will generate a better product on the commercial space being provided within the plan.



### JUC Comments

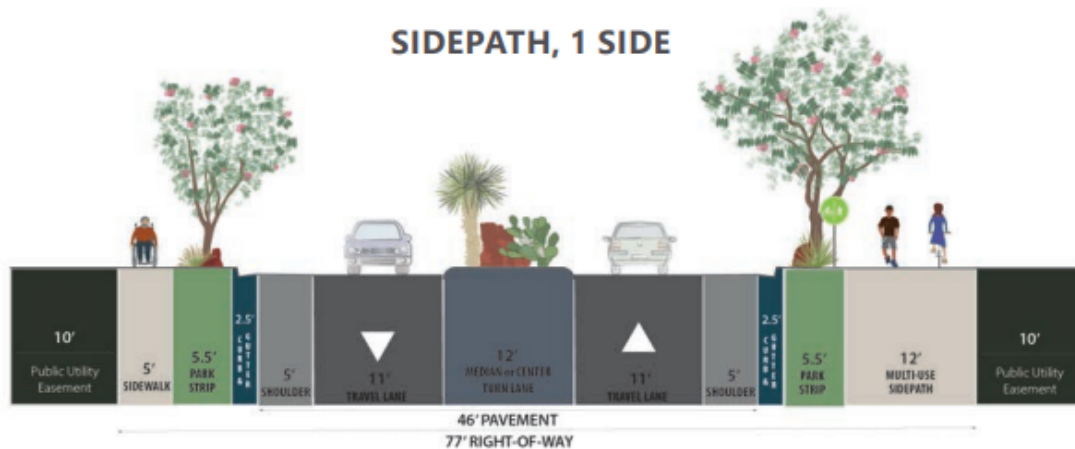
The following items will need to be addressed:

1. **Public Works:** Account for well protection zone.
2. **Sewer:** Possible manhole connection to 10" sewer line on the southeast corner of the Walmart property.
3. **Water:** Full water model and information about streets required.
4. **Fire:** No comments
5. **Engineering:** The Villas at Lava Knolls has planned subs to this property. Contact Interstate Rock to coordinate connections to roadways and utilities. Future Road M11 is a planned 84' ROW (77' probable) 12' trail on both sides or on the east side only. connects up to 3000 W and Sky Valley. The Active Transportation Master Plan indicates the trail goes all the way through to State St, may not be feasible with the hill. It appears water has been discharged from the production well site and the pump station site. Is the practice necessary and must it continue? Coordination with Hurricane City Water needed. It appears an existing easement does not cover all existing water lines. A frontage road will need to be on private property. A 30" storm drain pipe is shown along the southern property line on sheet 35 of the Hurricane Storm Drain Master Plan. Please account for this in the drainage study. Future Road M10 is a planned 77' ROW, 12' trail on the south side. Stubs from Villas at Lava Knolls will follow a slightly different alignment than what's on the plan.
6. **Streets:** No comments
7. **Power:** Upgrade existing powerline and put power underground. Rocky Mountain power easement crosses the middle of this property

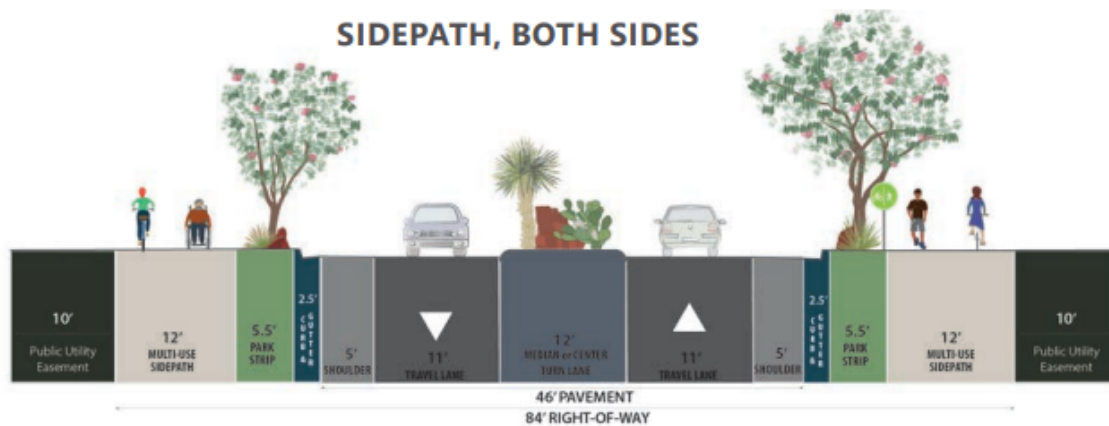
8. **Phone:** No comment

**Staff Comments: Preliminary Site Plan**

1. The newly passed Planned Commercial ordinance caps residential density at 15 units an acre unless 40% of the area is commercial or 10% of the units are affordable housing, in which case they can get a density bonus of up to 20 units per acre. The site plan indicates that the overall density in the residential area will not exceed 15 units an acre. The maximum number of units that could be developed in this property is 457 units. These units are proposed to clustered adjacent to the commercial use and have less density north of master plan roadway.
  - a. 20% of the property is designated for future commercial use
  - b. Staff would prefer a more detailed site plan that shows what densities are going in which area. The applicant has indicated about placing higher density south of the roadway and less density and the north side of the roadway. This clustering and movement of density can be allowed, but will need to be closely monitored to ensure the residential density does not exceed 15 units an acre total.
  - c. More detailed site plans will be required for each phase at the preliminary plat phase.
2. Appropriate well protection zones will be needed for the two wells onsite
3. Planned Commercial allows for buildings to be 55' tall. This would likely allow for four story buildings.
4. The two roads depicted connecting this site to Walmart do not currently exist and are conceptual. There are no development plans submitted on the property in between this one and Walmart. These are logical placements for roadways however.
5. Future Road M10 on the site plan (290 Nish) is a planned 77' ROW with a sidepath on the south side



6. Future Road M11 on the site plan (3000 W) is a planned 84' ROW with a sidepath on both sides



7. There are some steep slopes on the property that will need to be accounted for in the design. Sensitive lands applications will most likely be needed at the preliminary plat stage

*Hurricane City slope map*

#### **Findings:**

Staff makes the following findings:

1. The proposed zone change broadly meets the standards of the General Plan Map and goals
2. The proposed zone change is generally harmonious with the approved surrounding development
3. The proposed amendment will have an impact on the area, but there is no development currently in the area.
4. Services are adequate or planned to become adequate for the area.
5. A preliminary site plan has been provided that shows how this property could be developed

**Recommendation:** Staff recommends the City Council review this application based on standards with Hurricane City Code. Staff is generally supportive of this plan and would recommend approval subject to the four considerations and staff and JUC comments.





PLANNING & ZONING  
**HURRICANE CITY**  
UTAH

147 N 870 W Hurricane UT  
PHONE: 435.635.2811 FAX: 435.635.2184

**ZONE CHANGE APPLICATION**

*For office use only: \$500.00 Fee*  
File No. 2622-2C-33  
Receipt No. 7.699889

Name: Steward Land Holdings, Brad Brown Telephone: (801) 590-0980

Address: 1708 E 5550 S Ogden, UT 84403 Fax No. \_\_\_\_\_

Email: Brad@StewardLand.com Agent Email: \_\_\_\_\_

Agent (If Applicable): \_\_\_\_\_ Telephone: \_\_\_\_\_

Address/Location of Subject Property: 3000 w State Street, Hurricane, UT, 84737

Tax ID of Subject Property: H-3-1-31-3004 Existing Zone District: Highway Commercial (HC)

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

The purpose for the requested zone change is to be able to do a mixed-use development more in line with the General Plan.

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

- \_\_\_\_a. The name and address of every person or company the applicant represents.
- \_\_\_\_b. An accurate 11 x 17-inch property map showing the existing and proposed zoning classifications.
- \_\_\_\_c. All abutting properties showing present zoning classifications.
- \_\_\_\_d. An accurate legal description of the property to be rezoned.
- \_\_\_\_e. Stamped envelopes with the names and addresses of all property owners within 250 feet of the boundaries of the property proposed for rezoning.
- \_\_\_\_f. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property

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

\*\*\*\*\*  
(Office Use Only)

Date Received: \_\_\_\_\_ Application Complete: YES \_\_\_\_ NO \_\_\_\_

Date application deemed to be complete: \_\_\_\_\_ Completion determination made by: \_\_\_\_\_

AFFIDAVIT  
PROPERTY OWNER

STATE OF UTAH )

SS

COUNTY OF SLC

I (we), Mitchell J. Olsen being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) also acknowledge that I have received written instructions regarding the process for which I am applying and the Hurricane City Planning staff have indicated they are available to assist me in making this application.

Mitchell J. Olsen  
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 31 day of August 2022

Kristal Stephensen  
(Notary Public)



Residing In: Salt Lake County

My Commission Expires: 2/3/2023

Agent Authorization

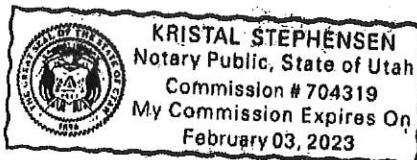
I (we), Mitchell J. Olsen the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Steward Land Holdings, LLC to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Mitchell J. Olsen  
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 15 day of September 2022

Kristal Stephensen  
(Notary Public)



Residing In: Salt Lake County

My Commission Expires: 2/3/2023

## ZONE CHANGE APPLICATION (General Information)

### PURPOSE

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

### WHEN REQUIRED

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

### REQUIRED CONSIDERATIONS TO APPROVE A ZONE CHANGE

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

1. Whether the proposed amendment is consistent with the Goals, Objectives, and Policies of the City's General Plan.
2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property.
3. The extent to which the proposed amendment may adversely affect adjacent property; and
4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and wastewater and refuse collection.

### PROCESS

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

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

Hurricane City Utah Zone Change Application

Approx. 3000 w State Street, Hurricane, UT, 84737

Tax ID: H-3-1-31-3004

Rezone from Highway Commercial (HC) to Planned Commercial (PC)

The name and address of every person or company the applicant represents:

Property Owner:

Mitchell J. Olsen

8142 South State Street

Salt Lake City, UT 84047

Applicant/Agent:

Steward Land Holdings LLC, Brad Brown

1708 E 5550 S Ste 18

Ogden, UT 84403



**From:** [Fred Resch](#)  
**To:** [Kris Attento](#)  
**Cc:** [Brienna Spencer](#)  
**Subject:** RE: Zone Change application question  
**Date:** Wednesday, August 24, 2022 1:55:44 PM  
**Attachments:** [image001.png](#)

---

Kris,

Since the mailing list for this zone change is so small the City is willing to accept the application without the envelopes. We will send the letters ourselves. Once we get the application our planning technician will contact you for payment options

**Fred Resch III**  
Assistant City Planner/Code Enforcement  
Hurricane City  
P: (435) 635-2811 x 110  
E: [fred@cityofhurricane.com](mailto:fred@cityofhurricane.com)



PLANNING & ZONING  
**HURRICANE CITY**  
UTAH

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**From:** Kris Attento <[Kris@stewardland.com](mailto:Kris@stewardland.com)>  
**Sent:** Wednesday, August 24, 2022 1:04 PM  
**To:** Fred Resch <[fred@cityofhurricane.com](mailto:fred@cityofhurricane.com)>  
**Cc:** Kris Attento <[Kris@stewardland.com](mailto:Kris@stewardland.com)>  
**Subject:** Zone Change application question

Hi. I'm working with Brad Brown on a Zone Change Application that he'll be submitting soon – I wanted to ask about requirement "E" on the application – stamped envelopes for all owners within 250 feet of the property.... I've been emailing the recorder's office and got directions to use their interactive map to get the mailing list of those property owners however, I believe we'd hoped to submit this application all via email since we are in Ogden. Obviously, I cannot send you via email a stamped envelope – is this something that your office can or will do for an additional fee?

This is in regard to parcel [H-3-1-31-3009](#) – the list of property owners within 250 feet is very small. I just want to make sure we're prepared when Brad is ready to submit this.

Any help you can provide is much appreciated!  
Thank you!

**Kris Attento** Executive Assistant

1708 E. 5550 S. STE 18 Ogden, UT 84403

P: 801.590.0980 M: 801.698.1337

[StewardLand.com](http://StewardLand.com)

**HURRICANE CITY**  
H-3-1-31-3003  
147 N 870 W  
HURRICANE, UT 84737

**STRATTON BROTHERS LLC**  
H-3-1-31-3000  
42 S 850 W  
HURRICANE, UT 84737

**HURRICANE CITY**  
H-3-1-31-320  
147 N 870 W  
HURRICANE, UT 84737-1671

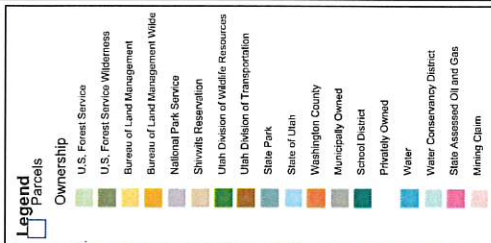
**FRIENDSHIP LLC, ET AL**  
H-3-1-31-2303  
PO BOX 460  
SANTA CLARA, UT 84765

**FRIENDSHIP LLC, ET AL**  
H-3-1-31-2302  
PO BOX 460  
SANTA CLARA, UT 84765

**OLSON ERNEST P**  
H-3-1-31-1102  
220 LIVE OAK HILLS CT  
SAN MARCOS, TX 78666

**HURRICANE CITY**  
H-3-1-31-3004  
147 N 870 W  
HURRICANE, UT 84737

**OLSEN MITCHELL J**  
H-3-1-31-3009  
2463 E BARCELONA DR  
SANDY, UT 84093-1148



Notes

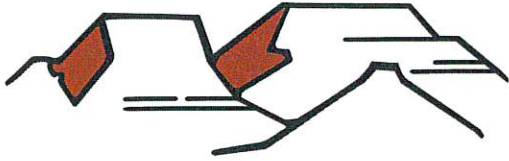
**DISCLAIMER:** The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible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



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# PLANNING & ZONING HURRICANE CITY UTAH

147 N 870 W Hurricane UT  
PHONE: 435.635.2811 FAX: 435.635.2184

## PRELIMINARY SITE PLAN APPLICATION

*For office use only: \$200.00 Fee*

File No. 2022-PSP-41

Receipt No. 8-161797

Name: Steward Land Holdings, Brad Brown Telephone: 801-590-0980

Address: 1708 E. 5550 S., Ste 18, Ogden, UT 84403 Fax No. \_\_\_\_\_

Email: brad@StewardLand.com Agent Email: \_\_\_\_\_

Agent (If Applicable): \_\_\_\_\_ Telephone: \_\_\_\_\_

Address/Location of Subject Property: 3000 W State Street, Hurricane, UT 84737

Tax ID of Subject Property: H-3-1-31-3004 Zone District: \_\_\_\_\_

Proposed Use: (Describe, use extra sheet if necessary. Include total number of lots) \_\_\_\_\_

This application shall be accompanied by the following:

- ☐ 1. A vicinity map showing the general location of the project.
- ☐ 2. Three (3) copies of a site plan showing:
  - ☐ Topography showing 2' contours, identification of 30% or greater slopes;
  - ☐ The layout of proposed uses.
  - ☐ Location of open space when applicable.
  - ☐ Proposed access to the property and traffic circulation patterns.
  - ☐ Adjoining properties and uses;
  - ☐ Proposed reservations for parks, playgrounds, school, and any other public facility sites, if any.
- ☐ 3. Preliminary utility plan, including water, sewer, and storm drainage plans, and including access points to utilities.
- ☐ 4. Tables showing the number of acres in the proposed development and a land use summary; and
- ☐ 5. A phased development plan if applicable.
- ☒ 6. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property
- ☒ 7. Signed and notarized Acknowledgment Water Supply (see attached)

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

(Office Use Only)

Date Received: \_\_\_\_\_ Received by: \_\_\_\_\_

Date application deemed to be complete: \_\_\_\_\_ Completion determination made by: \_\_\_\_\_

AFFIDAVIT  
PROPERTY OWNER

STATE OF UTAH )

SS

COUNTY OF Salt Lake

I (we), Mitchell J Olsen, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) also acknowledge that I have received written instructions regarding the process for which I am applying and the Hurricane City Planning staff have indicated they are available to assist me in making this application.

Mitchell J. Olsen  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Subscribed and sworn to me this 6th day of September 2022

Kristal Stephensen  
(Notary Public)

Residing in: Salt Lake County

My Commission Expires: 2/13/23



Agent Authorization

I (we), Mitchell J Olsen, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Steward Land Holdings, LLC to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Mitchell J. Olsen  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

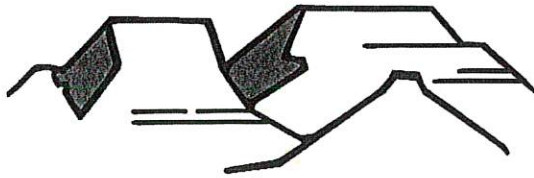
Subscribed and sworn to me this 6th day of September 2022

Kristal Stephensen  
(Notary Public)

Residing in: Salt Lake County

My Commission Expires: 2/13/23





# HURRICANE CITY UTAH

## ACKNOWLEDGEMENT OF WATER SUPPLY

I/We, Brad Brown am/are the applicant(s) of the application known as 3000 W State Street located on parcel(s) H-3-1-31-3004 within the City of Hurricane, Washington County, Utah.

By my/our signature(s) below I/we do hereby acknowledge and agree to the following:

- 1 Neither acceptance nor approval of a development application by Hurricane City shall constitute a guarantee that sufficient water will be available to serve the zone designation, project, or permit for which this application is being submitted; and
- 2 Prior to receiving final approval for the application, the applicant may be required by Hurricane City to provide a guarantee of water availability which verifies that there is a sufficient water supply; and
- 3 For any application which may be approved without a guarantee of water availability, the applicant knowingly assumes the entire risk of water availability for the project and/or application; and
- 4 I/we waive any and all claims against Hurricane City that are in any way related to water availability for any project, permit, or use for which the land use application has been approved.

Dated this 6<sup>th</sup> day of September, 2022

Applicant Name: Brad Brown

Name of Signer (if different from Applicant Name): \_\_\_\_\_

Title of Signer: Managing Partner of Steward Land

Signature: [Signature]

STATE OF Utah )

COUNTY OF Weber )

On the 6<sup>th</sup> day of September, 2022, personally appeared before me Brad Brown, the signer of the above instrument, who duly acknowledged to me that he/she executed the same in the capacity indicated on behalf of the Applicant.

Notary Public: [Signature]

My Commission Expires: 3-15-2026



All signatures to this Acknowledgment, other than for Applicants signing in an individual capacity, shall be accompanied by documentation acceptable to the City attesting to the fact that the signer hereof is authorized to execute the Acknowledgment on behalf of the Applicant (e.g. a copy of a corporate resolution, copy of a partnership agreement, etc.). (Ord. No. 2022-37, 6-16-2022)



## PRELIMINARY SITE PLAN

### PURPOSE

The site plan review process is established to encourage adequate advanced planning and assure a good quality environment for the City. Such procedure is intended to provide for orderly, harmonious, safe, and functionally efficient development consistent with priorities, values, and guidelines stated in the various elements of the Hurricane City General Plan, and the Land Use Ordinance, and to protect the general welfare of the community.

### WHEN REQUIRED

The preliminary site plan review is only required on the following projects when the Zoning Administrator determines the scope of the project requires both the preliminary site plan and site plan approval.

- a. Any multiple-family residential use.
- b. Any public or civic use.
- c. Any commercial use; or
- d. Any industrial use.

The preliminary site plan is also required with a submittal of zone changes to Planned Development Overlay, or changes to an approved Planned Development Overlay.

A preliminary site plan is not intended to permit actual development of property pursuant to such plan but is 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.

Upon approval of a preliminary site plan, the applicant may prepare and submit the greater level of detail required for a site plan review application, which is required before construction may commence.

### PROCESS

The preliminary site plan is submitted to the Planning and Building Department approximately 1 week and 1 day by no later than 12:00 p.m. prior to a regularly scheduled Planning Commission meeting. During this time prior to the meeting, staff will review the plan, and prepare a report and recommendation for the Planning Commission. The Planning Commission at the public meeting will review the application and staff's report, and approve, approve with conditions, or deny the preliminary site plan.

### APPEALS

Since there are no vested rights with the approval of a preliminary site plan, the matter is generally not appealed. However, if an appeal is made, it would be filed with the Clerk of the Board of Adjustment located in the Planning and Building Department and heard by the Board of Adjustment. The decision of the Board of Adjustment is final unless appealed to a court of competent jurisdiction within thirty (30) days from the date of decision of the Board of Adjustment.



COMMITMENT FOR TITLE INSURANCE  
ISSUED BY

## NOTICE

**IMPORTANT—READ CAREFULLY:** THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

## COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Real Advantage Title Insurance Company, a California Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I—Requirements have not been met within 30 days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

REAL ADVANTAGE TITLE INSURANCE COMPANY

Countersigned By:

BY: \_\_\_\_\_  
William D. Burding, Jr.,  
Executive Vice President & General Counsel

BY: \_\_\_\_\_  
Ken Higley, Title Officer  
Real Advantage Title Insurance Company

*This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Real Advantage Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; [and] Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form].*

- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

**6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT**

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing [and authenticated by a person authorized by the Company].
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

**7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT**

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

**8. PRO-FORMA POLICY**

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

**[9. ARBITRATION**

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.]

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**SCHEDULE B, PART I**  
**Requirements**

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.

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9. General Property Taxes for the year 2021 have been paid in the amount of \$5,825.18.  
Tax Parcel # H-3-1-31-3009
10. Said property is within the boundaries of Hurricane and Tax District 3, and is subject to any charges and assessments levied thereunder.
11. Subject to all existing roads, streets, alleys, ditches, reservoirs, utilities, canals, pipe lines, power, telephone, sewer, gas or water lines, and right of way and easements thereof.
12. Grant of Easement and/or Right-of-Way and the terms, conditions and limitations contained therein:  
In favor of: Hurricane City, a Utah Municipal Corporation  
Recorded: 7/10/2019  
Entry No.: 20190027165
13. Claim, right, title or interest to water or water rights, whether or not shown by the public records.
14. Any and all outstanding oil and gas, mining and mineral rights, minerals and ores situated in, upon or under the above described tract of land, together with the right of the proprietor of a vein or lode to extract his ore therefrom should the same be found to penetrate or intersect the premises and the right of ingress and egress for the use of said rights, along with any other rights in connection with or relative to the mining, removal or sale of the same (but not including the right to enter upon the surface of the premises).
15. Subject to the following matters referenced on that certain survey prepared as Job No. 5533-09, by Scott P. Woolsey, License No. 174919
16. NOTE: No existing Deed of Trust appears of record under the current owner(s). If this information is not correct, please notify the Company as soon as possible to provide information regarding the existing loan.
17. The transaction contemplated in connection with this Report is subject to the review and approval of the Company's Corporate Underwriting Department. The Company reserves the right to add additional items or make further requirements after such review.
18. The rights of parties in possession of the subject property under unrecorded leases, contracts, rental or occupancy agreements and any claims, rights or interests arising thereunder.
19. Obtain a copy of the Articles of Incorporation for Steward Land Holdings, LLC.

NOTE: A search of the Federal and State judgment records revealed no unpaid judgments, tax liens or open bankruptcies in the past eight years (except as noted) against:

Mitchell J. Olsen

Steward Land Holdings, LLC.

NOTE: According to the Official Records, there have been no documents conveying the land described herein within a period of 24 months prior to the date of this commitment,

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**EXHIBIT A**

The Land referred to herein below is situated in the County of Washington, State of Utah, and is described as follows:

Commencing at the South Quarter Corner of Section 31, Township 41 South, Range 13 West, Salt Lake Base and Meridian; thence North 88°52'58" West along the Section line a distance of 751.16 feet; thence North, a distance of 452.94 feet to the Point of Beginning, said point being on the Northerly right of way line of Highway SR-9; thence South 74°50'08" West, along said right of way line a distance of 765.51 feet; thence North 01°42'49" East, a distance of 1399.98 feet; thence North 67°32'27" East a distance of 327.32 feet; thence South 57°30'11" East, a distance of 335.71, feet; thence North 63°09'32" East, a distance of 269.71 feet; thence North 83°12'08" East, a distance of 265.91 feet; thence North 40°40'01" East, a distance of 312.94 feet; thence South 88°58'18" East, a distance of 189.64 feet, to a point on the Center Section line of said Section 31; thence South 01°01'42" West, along said line a distance of 1070.46 feet; thence South 89°46'38" West, a distance of 131.69 feet; thence South 85°13'16" West, a distance of 211.19 feet; thence South 68°02'47" West, a distance of 332.30 feet; thence North 88°52'58" West a distance of 111.09 feet; thence South 01°07'02" West a distance of 320.61 feet to the Point of Beginning.

LESS and EXCEPTING the following described Parcel:

Commencing at the South Quarter Corner of Section 31, Township 41 South, Range 13 West, Salt Lake Base and Meridian; thence South 89°58'47" West a distance of 511.39 feet; thence North 00°01'13" West a distance of 1040.89 feet to the Southwest Corner of an existing 1 acre well site Parcel, and the Point of Beginning; thence North 00°01'13" West a distance of 208.71 feet; thence North 89°58'47" East a distance of 208.81 feet; thence South 00°01'13" East a distance of 208.71 feet; thence South 89°58'47" West a distance of 208.71 feet to the Point of Beginning.

Tax Parcel #: H-3-1-31-3009

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# Hurricane City, Utah – City Council November 17, 2022



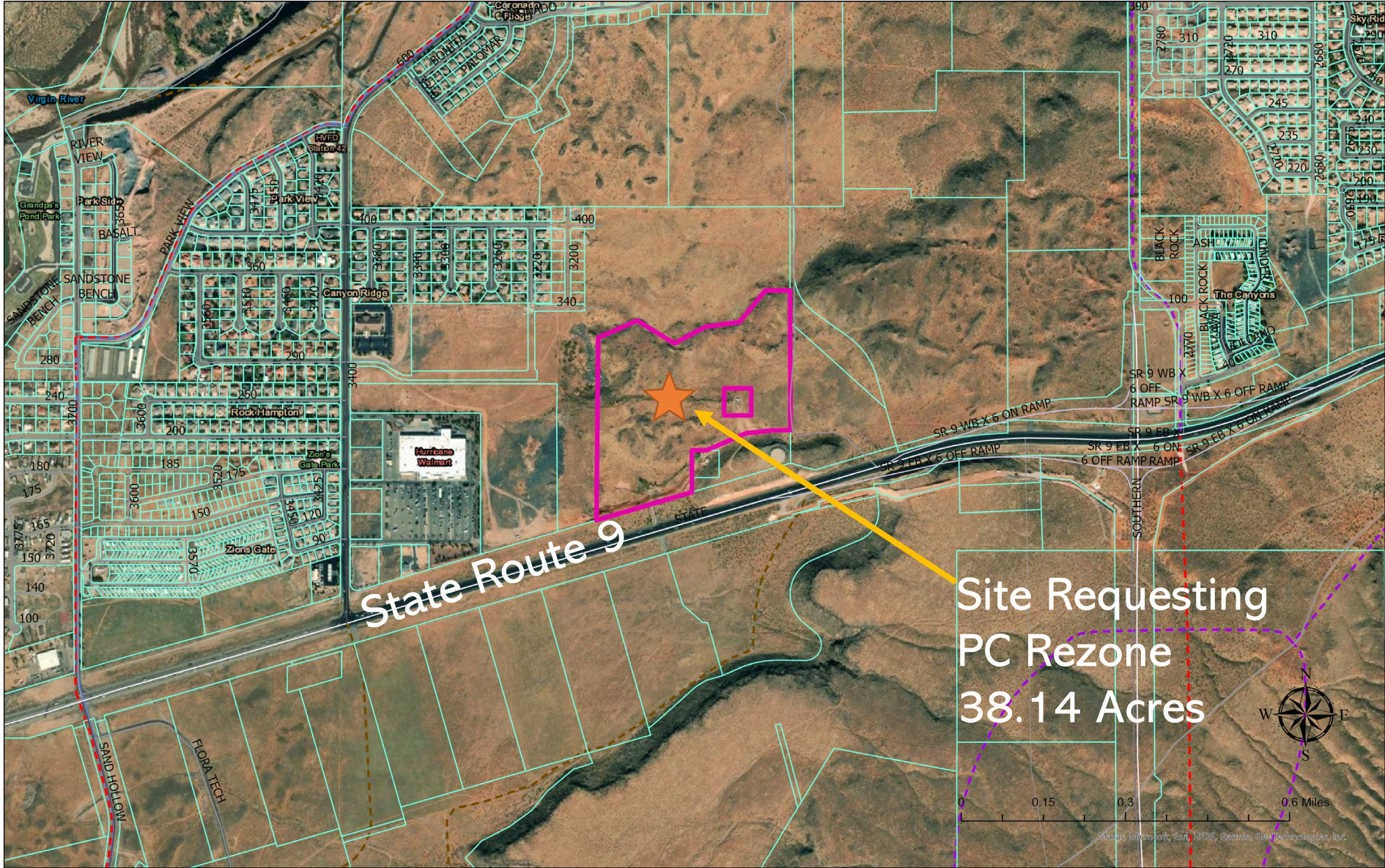
Brad Brown

# Presentation Outline

- General Project Info
- Planning Commission Criteria Questions
  - 1 – General Plan conformance
  - 2 – Proposal harmonious with existing character
  - 3 – Affects on adjacent properties
  - 4 – Adequacy of facilities
- Affordable Housing
- Growth in Hurricane
- Height Limit



# Site Area Map





**VICINITY MAP**  
SCALE: NONE

| Proposed Zone      | Acres |
|--------------------|-------|
| Planned Commercial | 38.14 |
| Total              | 38.14 |

**340 N. STREET**

**FUTURE ROAD M10**

**FRONTAGE ROAD**

**HIGHWAY SR-9**

**FUTURE ROAD M11**

**Well Building  
1 Acre**

**Planned Commercial  
38.14 Acres**

**OVERHEAD POWER LINE**

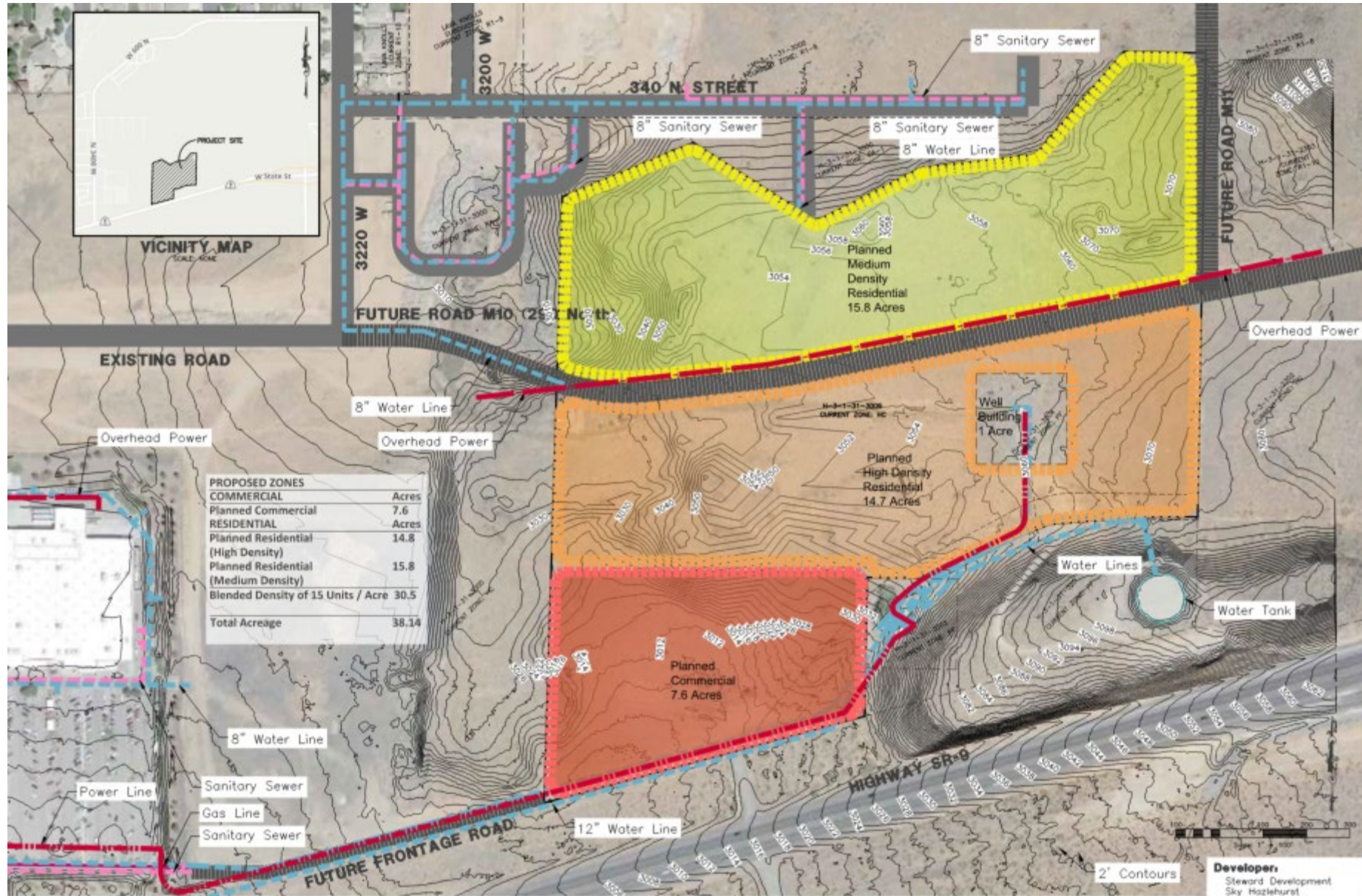
**Scale: 1" = 100'**

**Current Zones:**  
H-3-1-31-3000 CURRENT ZONE: RA-1  
H-3-1-31-3009 CURRENT ZONE: HC  
H-3-1-31-3003 CURRENT ZONE: PF  
H-3-1-31-1102 CURRENT ZONE: RI-8  
H-3-1-31-2303 CURRENT ZONE: RI-10

Page 57 of 251



# Updated Site Plan



# Hurricane City – Rezone Questions

**We will address these questions in the presentation:**

## **Sec. 10-7-7. - Zoning map and text amendments.**

*E. Approval standards.* A decision to amend the text of this title or the zoning map is a matter within the legislative discretion of the City Council as described in subsection 10-7-5A of this chapter. In making an amendment, the following factors should be considered:

- 1. Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;*
- 2. Whether the proposed amendment is **harmonious** with the overall character of existing development in the vicinity of the subject property;*
- 3. The extent to which the proposed amendment may adversely **affect adjacent property**;*  
*And*
- 4. The **adequacy of facilities** and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.*



# Hurricane City – Future Land Uses

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

**Response:** This property has three designations on the General Plan Map



*Hurricane City Future Land Use Map*

Source: staff report

**Proposed project includes three housing types:**

- Single Family
- Townhomes
- Apartments

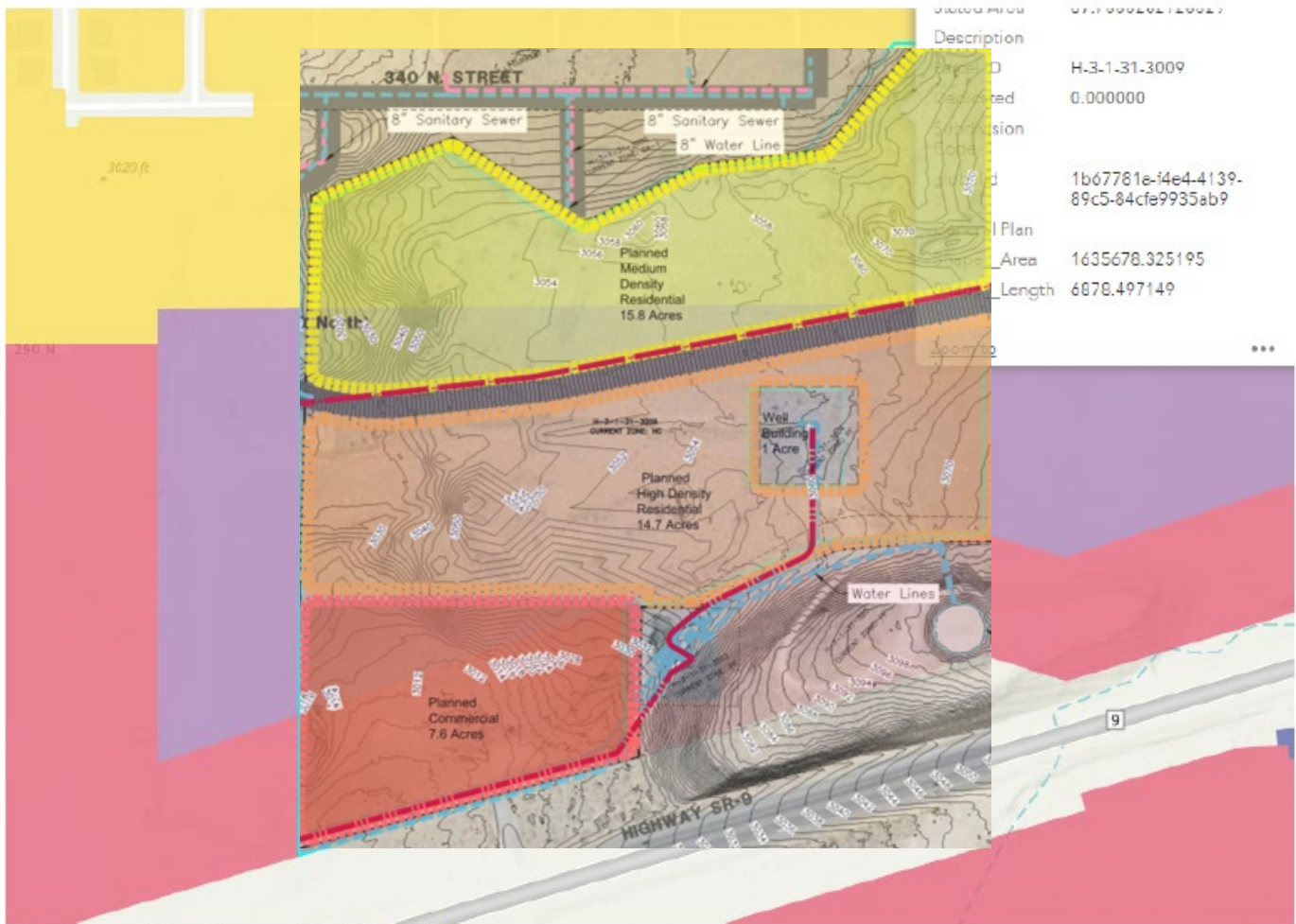
**and**

- Commercial on the highway.

# Hurricane City – Future Land Uses

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

Response: This property has three designations on the General Plan Map



Hurricane City Future Land Use Map

Proposed project includes three housing types:

- Single Family
- Townhomes
- Apartments

and Commercial on the highway.

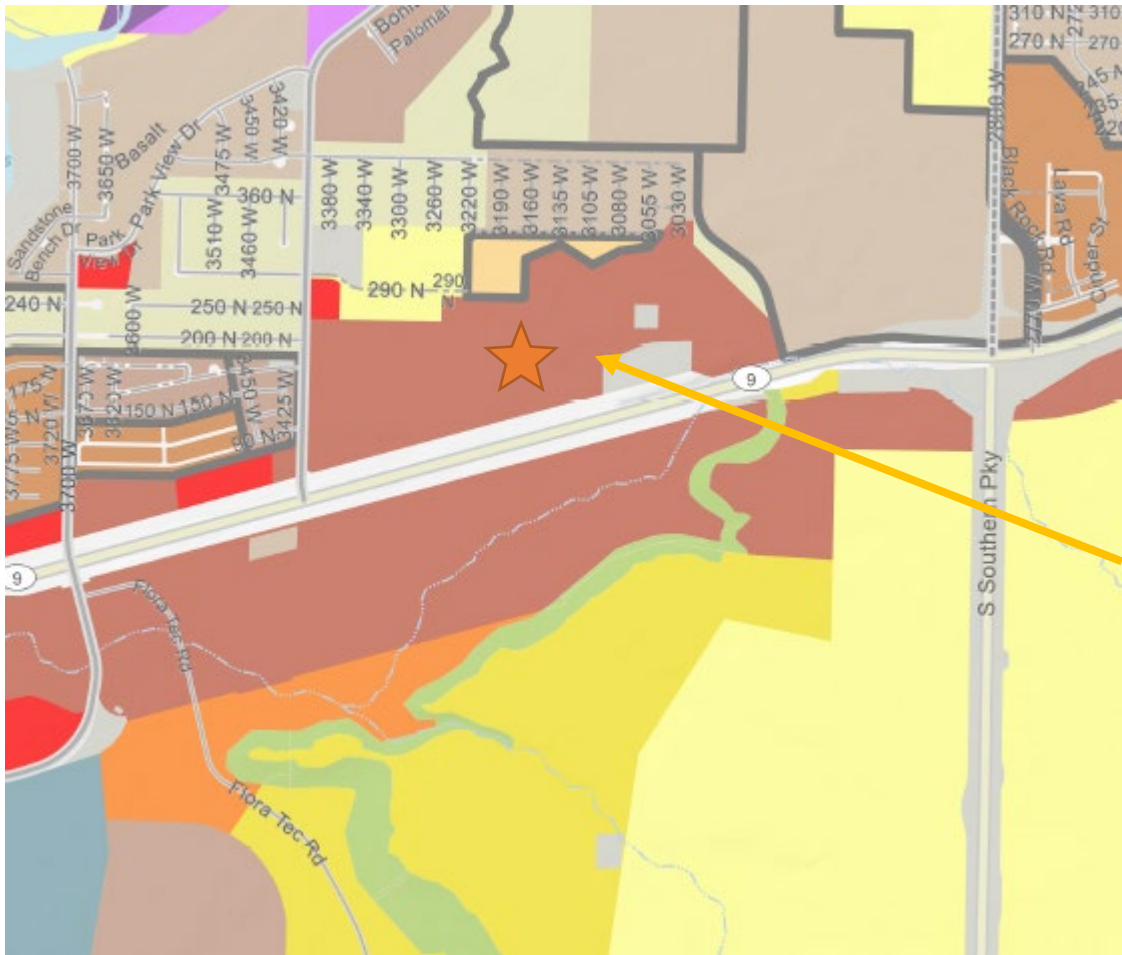
Source: staff report

# Future Land Use General Plan





# Hurricane City – Current Zoning



Site Requesting  
PC Rezone

| Zoning Overlays |                                                     |
|-----------------|-----------------------------------------------------|
| Overlay Type    |                                                     |
|                 | Agricultural Protection Overlay                     |
|                 | Extraction Industries Overlay                       |
|                 | Planned Development Overlay                         |
| Zoning          |                                                     |
| Classification  |                                                     |
|                 | A-10: Agricultural - 1 Unit Per 10 Acres            |
|                 | A-5: Agricultural - 1 Unit Per 5 Acres              |
|                 | RR: Recreational Resort Zone                        |
|                 | OS: Open Space                                      |
|                 | RA-1: Residential Agricultural - 1 Unit Per Acre    |
|                 | RA-0.5: Residential Agricultural - 2 Units Per Acre |
|                 | R1-15: Residential - 1 Unit Per 15,000 Sq. Ft.      |
|                 | R1-10: Residential - 1 Unit Per 10,000 Sq. Ft.      |
|                 | R1-8: Residential - 1 Unit Per 8,000 Sq. Ft.        |
|                 | R1-6: Residential - 1 Unit Per 6,000 Sq. Ft.        |
|                 | RM-1: Multi-Family - 6 Units Per Acre               |
|                 | RM-2: Multi-Family - 10 Units Per Acre              |
|                 | RM-3: Multi-Family - 15 Units Per Acre              |
|                 | MH/RV: Mobile Home - RV                             |
|                 | GC: General Commercial                              |
|                 | PC: Planned Commercial                              |
|                 | HC: Highway Commercial                              |
|                 | NC: Neighborhood Commercial                         |
|                 | BMP: Business/Manufacturing Park                    |
|                 | M-1: Light Industrial                               |
|                 | M-2: Heavy Industrial                               |
|                 | Public Facility                                     |

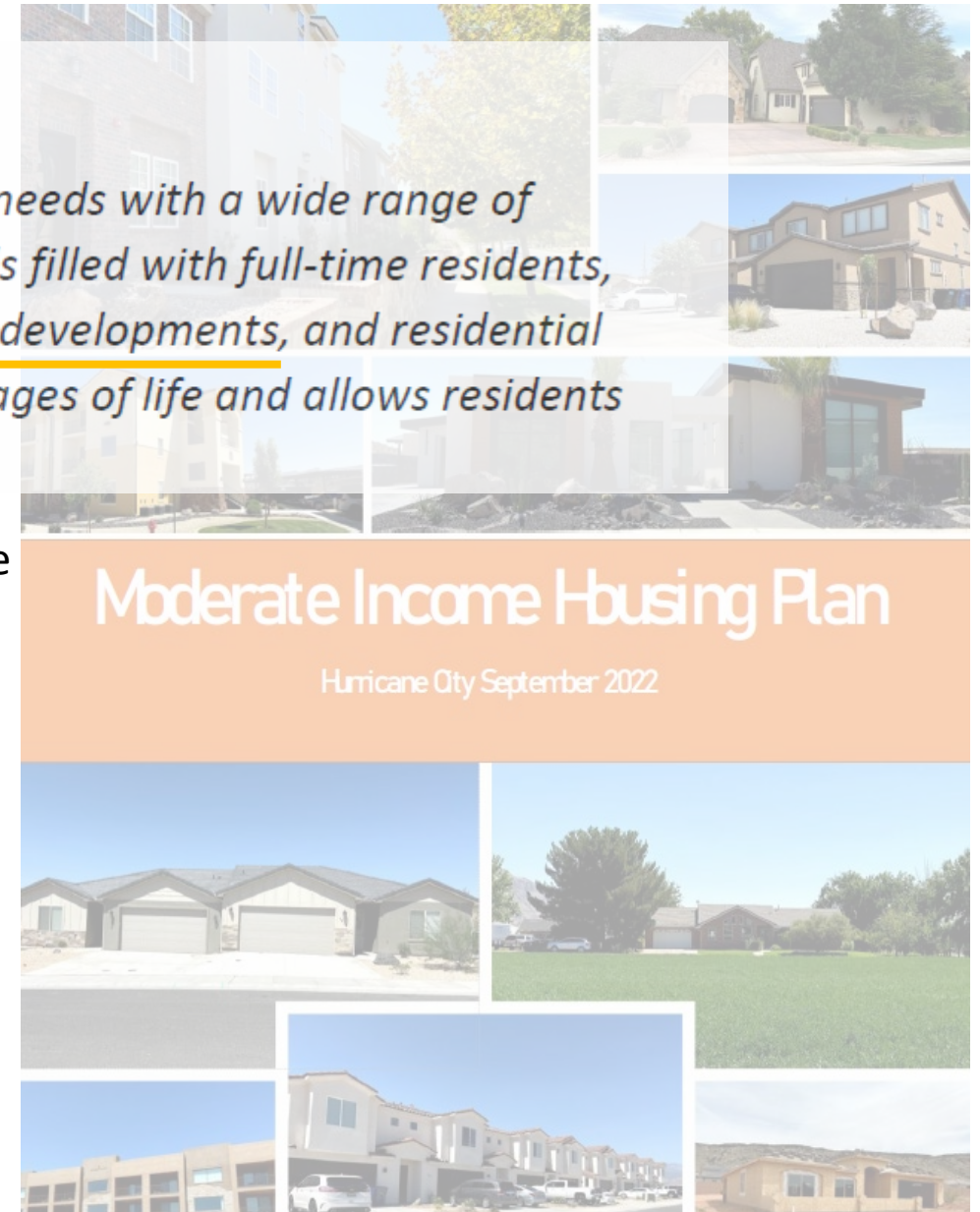


# Hurricane City – Moderate Income Housing Plan/General Plan

## OUR HOUSING VISION

*In 2030, Hurricane is a city that addresses their diverse housing needs with a wide range of housing options. A balance of stable single-family neighborhoods filled with full-time residents, retirement communities, affordable, well-designed multi-family developments, and residential agriculture provides options for families and individuals at all stages of life and allows residents to age-in-place.*

Source: Hurricane Moderate Income Housing Plan/General Plan



# Hurricane City – Moderate Income Housing Plan/General Plan

Source: Hurricane Moderate Income Housing Plan/General Plan  
Hurricane Strategies

## “Development Incentives

### 3. Implement zoning incentives for moderate income units in new developments

#### Policy Recommendations

- Evaluate an inclusionary zoning incentive for new developments to build affordable housing for those making 80%, 50%, and 30% of Washington County AMI.
  - Add density bonus for Planned Development Overlay for affordable units. These incentives could include deed-restricted units or units that nonprofit housing organizations will construct.
  - Create incentives for developers to pay fees into a housing fund that could help support the creation or construction of affordable units.
  - Evaluate density bonus incentive for affordable housing within the Planned Commercial Mix Use Zone.
  - Look at allowing land transfers for density bonuses or using Transfer of Development Rights to create more affordable developments in exchange for keeping other property open.
  - Encourage or require a variety of housing options within Master Plan Communities, including affordable options.”

Source: Hurricane Moderate Income  
Housing Plan/General Plan

# Hurricane City – Moderate Income Housing Plan/General Plan

Source: Hurricane Moderate Income Housing Plan/General Plan  
Hurricane Strategies

## “Mixed Use Development

**5. Create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones;**

### Policy Recommendations

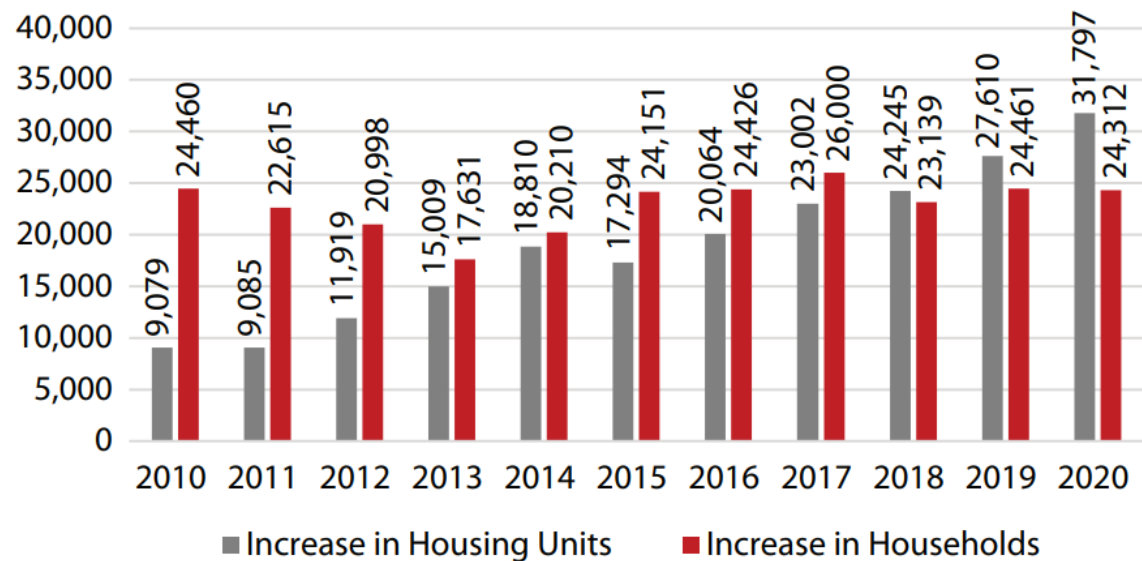
- Create a Downtown Master Plan and review housing policy within the downtown. Consider eliminating or reducing single-family zoning for infill development and creating mixed-use standards within the downtown. The Downtown Master Plan is scheduled to begin in August 2022 and is anticipated to take six to eight months.
- Look at areas where “Missing Middle Housing” and mixed-use zones can be implemented within existing and future residential and commercial developments. Areas for review include new development along SR-7, Sand Hollow Road Commercial Areas, and around 3400 W on the north side of SR-9.
- Review the Planned Commercial Zoning density bonus factors. “

Source: Hurricane Moderate Income  
Housing Plan/General Plan



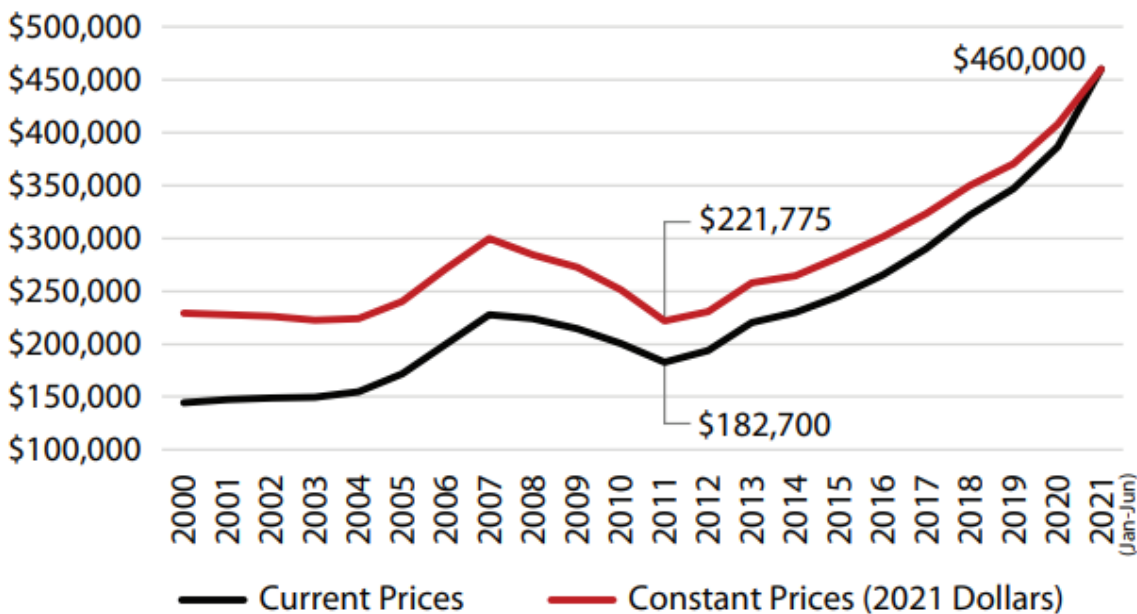
# Utah Housing Prices

**Figure 5: Annual Increase in Housing Units and Households in Utah, 2010–2020**



Source: Kem C. Gardner Policy Institute, University of Utah

**Figure 2: Median Sales Price of Single-Family Homes in Utah, 2000–2021**



Source: UtahRealEstate.com

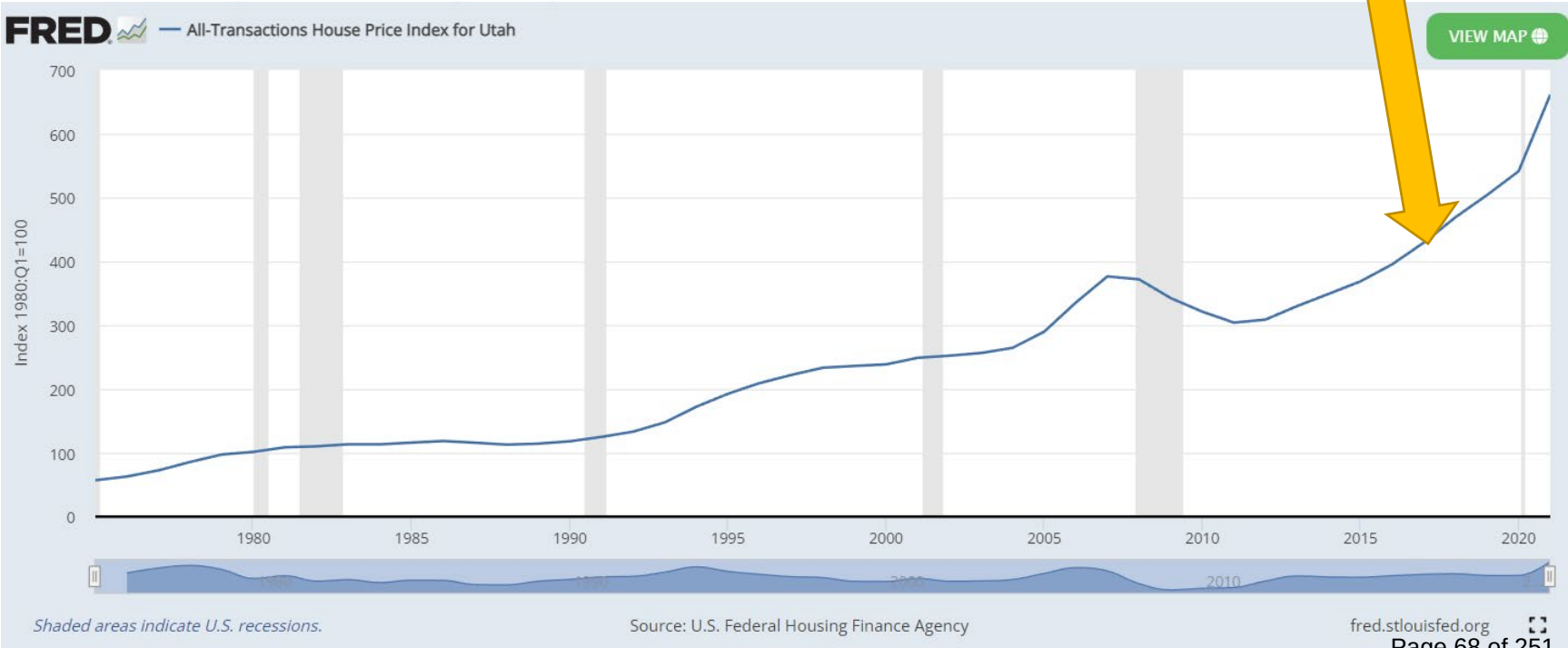
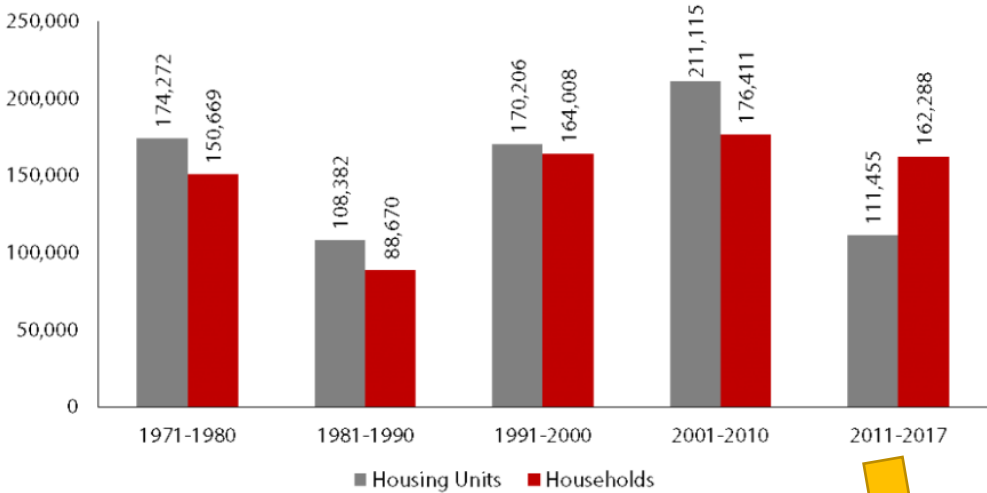
# Housing Affordability

Affordable housing is specific to low income.

Housing affordability refers to the whole market and how it affects everyone.

Both affordable housing

Utah Housing Units vs. Household Growth



# Housing Affordability

**Steward is committed to working with the City to address housing affordability. This project will provide:**

- **Housing Choices**
  - **Single-family, Townhomes, Multi-family**
- **Housing Supply in the right location**
  - **Near Schools**
  - **Near transportation infrastructure and future arterial roads**
  - **Limited impact to existing neighborhoods**
- **Affordable Units – The aerial and site plan have been designed with an affordable component integrated. Steward is willing to commit to 10% affordable units per the City's ordinance and Development Agreement.**

## Hurricane City – Rezone Question #2

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

**Response:** There are almost no developments currently in the vicinity. To the north is an approved townhome development that will provide road and utility access to this site and to further to the west is the Walmart development. This plan is largely harmonious with what is approved in the area.

Source: staff report

In addition:

- The proposed development will have single family and townhomes near adjacent development. Apartments and commercial will be located near the highway.
- The proposed development is planned to be harmonious with the area by adding trails, pathways and critical street connections (M10/M11).



## Hurricane City – Rezone Question #2

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

Building height limit was a concern that was brought up by council. We created an aerial image with the purpose of showing what 3-story buildings and the commercial building would 'feel' like.



## Hurricane City – Rezone Question #3

### *3. Will the proposed amendment affect the adjacent property?*

**Response:** Yes. Although the area is largely undeveloped currently. Commercial development in this area will be beneficial to the community.

Source: staff report

In addition:

- The proposed development will help the Hurricane community by adding three different types of housing choices to the market. One of the best ways to address attainable and affordable housing is by adding significant new housing choices and units to the market.
- The proposed development will benefit the local commercial businesses by adding more customers.
- The proposed development will benefit residents by increasing the street connectivity (M10/M11), adding a pathway (M10), and adding commercial to the area.
- The proposed development is on the perimeter of existing development and poses little to no traffic impact on existing neighborhoods.

# Hurricane City – Rezone Question #3

## Stratton Brothers LLC

### *3. Will the proposed amendment affect the adjacent property?*

11/03/2022

To whom it may concern.

#### **Steward Land Company - Hurricane Project at 3100 W SR-9**

~~Interstate Rock~~<sup>Stratton Brothers</sup> has been in discussions with Steward Land Company with regards to their project at 3100 W SR-9. We own, and are in the process of developing, the property to the North and to the West of their property. We are aware of their plans and we are supportive of the plan they are currently designing. We feel that their development and our development will be synergistic and will be a positive addition to the community.

As our properties are contiguous, and both are mostly undeveloped, there will be coordination and cooperation between Stratton Brothers and Steward, in terms of site planning, access points, and infrastructure.

We have agreed to coordinate cross access as needed between our property and Steward's property at a minimum, three locations, namely, 290 North as already defined, a frontage road connection across our property to the Walmart Parcel, and at least one connection to the North connecting our projects. These accesses will be formalized when appropriate – when site plans are coordinated and road locations are finalized.

Sincerely,



Craig Stratton

## Hurricane City – Rezone Question #4

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

**Response:** Public facilities and services are either planned to be brought to the property with the Villas at Lava Knolls development or are already at the property at the wells and water tanks. See JUC comments below.

#### **Other Considerations:**

This property is currently zoned Highway Commercial in an area of town where there is existing commercial development. The City in the past has expressed hesitation about commercial property being changed to residential when the City will eventually need more commercial space. However, there are several factors that may hinder commercial development on this property: the largest is poor access and visuals from SR-9. UDOT has declared that SR-9 will be a limited access corridor and no new intersections will be made west of the SR-7 interchange and all current stoplights will be turned into interchanges eventually. All access to this property will come from 290 N and eventually through the Walmart parking lot. There is also a large hill that the water tank is on that blocks visual of most of the property from SR-9 and steep topography throughout the property (shown below). Commercial developments are largely reliant on supporting residential uses. Staff believes that this plan will generate a better product on the commercial space being provided within the plan. Source: staff report

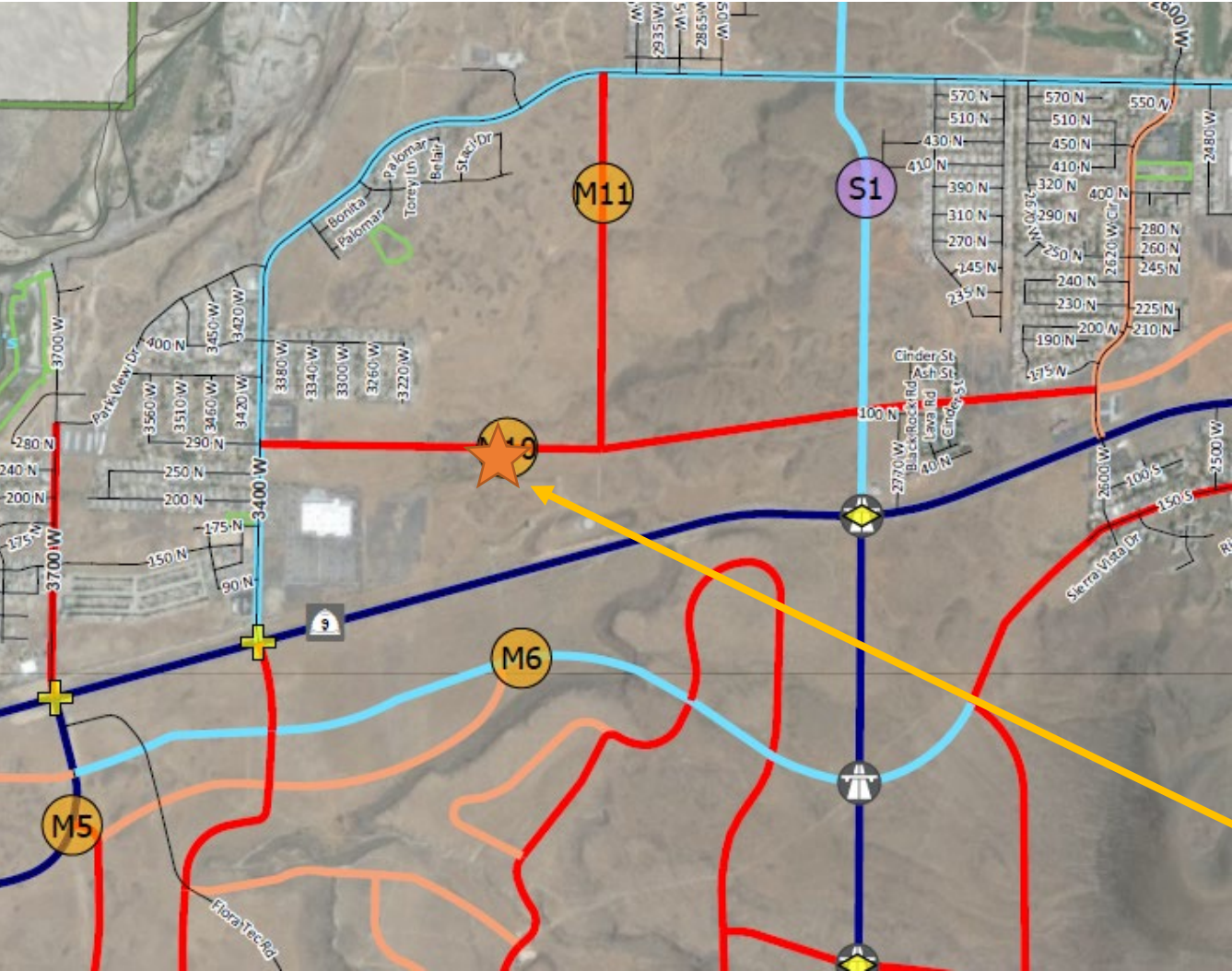
In addition:

- The proposed development will benefit residents by increasing the street connectivity and keeping the right size of commercial highway space.



# Hurricane's Transportation Plan

...**roadways**, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.



## Future Road Network

- Major Arterial (106' ROW)
- Minor Arterial (90' ROW)
- Major Collector (70' ROW)
- Minor Collector (60' ROW)

## Future Improvement Projects

- Short-term
- Mid-term
- Long-term

## Future Interchanges

- Double Interchange
- Single Interchange
- Future Bridges
- Existing Roads

Site Requesting  
PC Rezone

# Hurricane's Recreation

...roadways, **parks and recreation facilities**, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.



## Parks Department Needs:

- The City NEEDS to:
  - Improve Existing Facilities (Partially completed)
  - Acquire More Park Land (Ongoing process)
  - Develop Additional Park Facilities (Ongoing process)
  - Develop a City Wide Trail System

Source: Hurricane Parks and Rec.

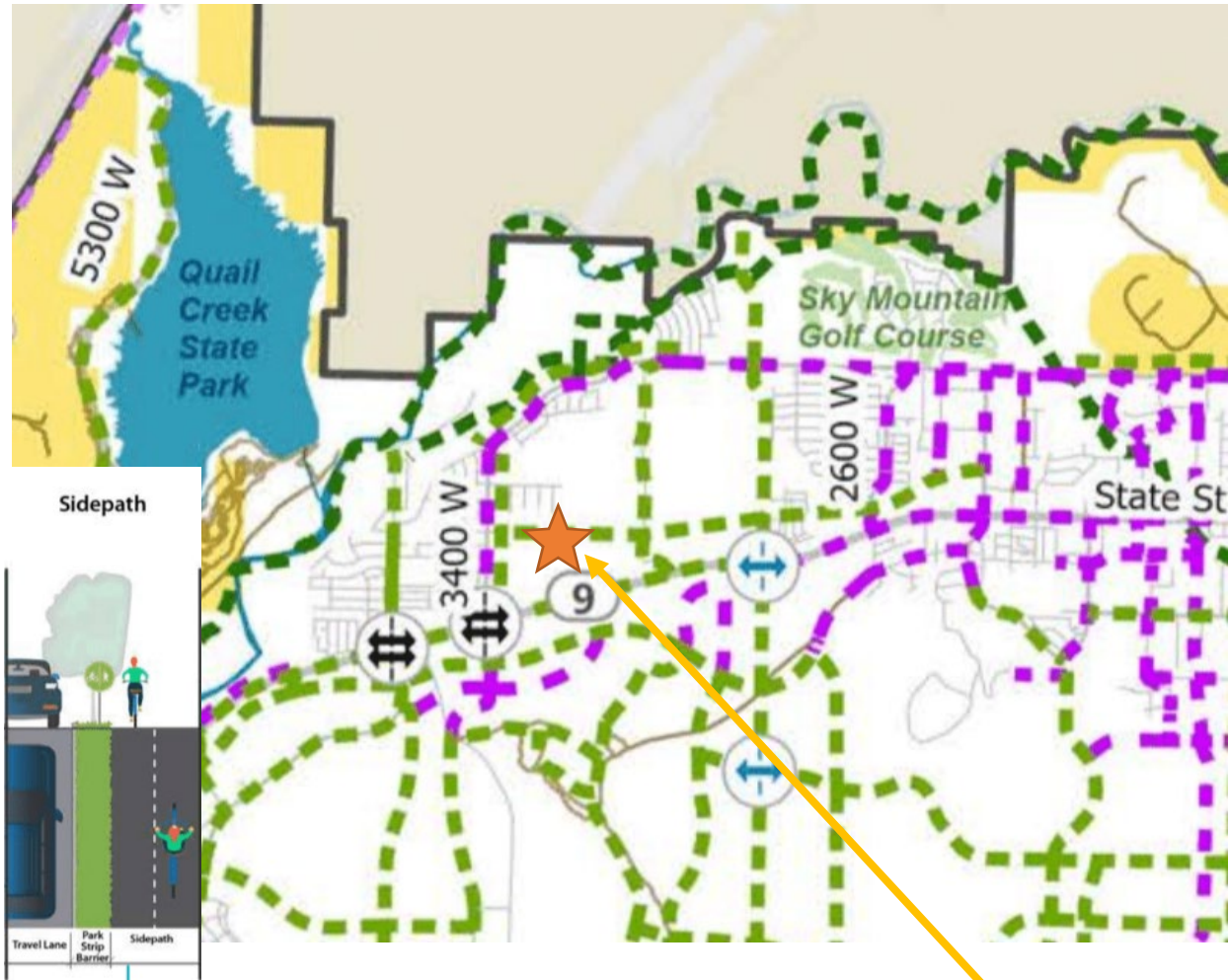
This project will help Parks and Recreation needs by:

- Providing park and recreation impact fees (\$3,109 per fee)
- Developing trails and pathways
- Developing local HOA pocket park type amenities



# Hurricane's Active Transportation Plan

...roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.



- Bike Lane
- Buffered Bike Lane
- Sidepath
- Shared Use Path

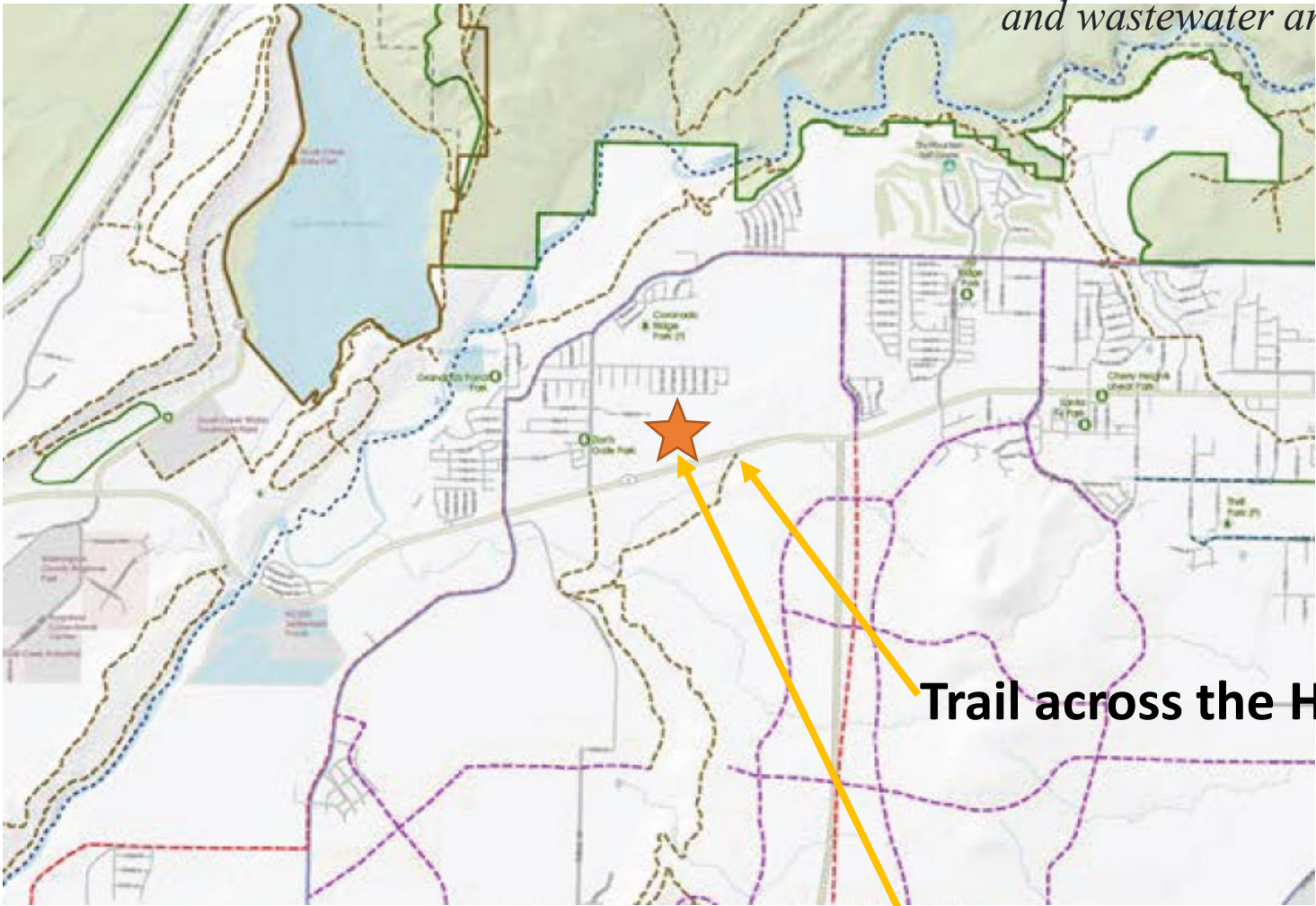
Table 2.1 Comparison of the most common AT facility types.

| FACILITY TYPE         | LOCATION   | WITHIN ROW | UDOT SCHEMA              |
|-----------------------|------------|------------|--------------------------|
| Signed Shared Roadway | On-Street  | Yes        | 3C Signed Shared Roadway |
| Marked Shared Roadway | On-Street  | Yes        | 3B Marked Shared Roadway |
| Shoulder Bikeway      | On-Street  | Yes        | 3A Shoulder Bikeway      |
| Bike Lane             | On-Street  | Yes        | 2B Bike Lane             |
| Buffered Bike Lane    | On-Street  | Yes        | 2A Buffered Bike Lane    |
| Cycle Tracks          | On-Street  | Yes        | 1A, 1B, 1C Cycle Tracks  |
| Sidepath              | Off-Street | Yes        | PP Parallel Bike Path    |
| Shared Use Paths      | Off-Street | No         | n/a                      |

Site Requesting  
PC Rezone

# Hurricane's Trail Plan

...roadways, **parks and recreation facilities**, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.



**Trail across the Highway**

**Site Requesting PC Rezone**



## Feedback from Police

*...roadways, parks and recreation facilities, **police** and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.*

We have discussed the proposed project with Chief Lynn Excell and he expressed his support for the project. He said that he supports it “150%.” He recognizes the need for additional staff as Hurricane grows.

He was also excited for the prospect of some ‘attainable housing’ as an option for his current and future officers to reside. He said it is difficult for them to find housing and a project like this would be a good fit.

We welcome the idea of officers living onsite as it will lead to a safer community and better overall living environment.

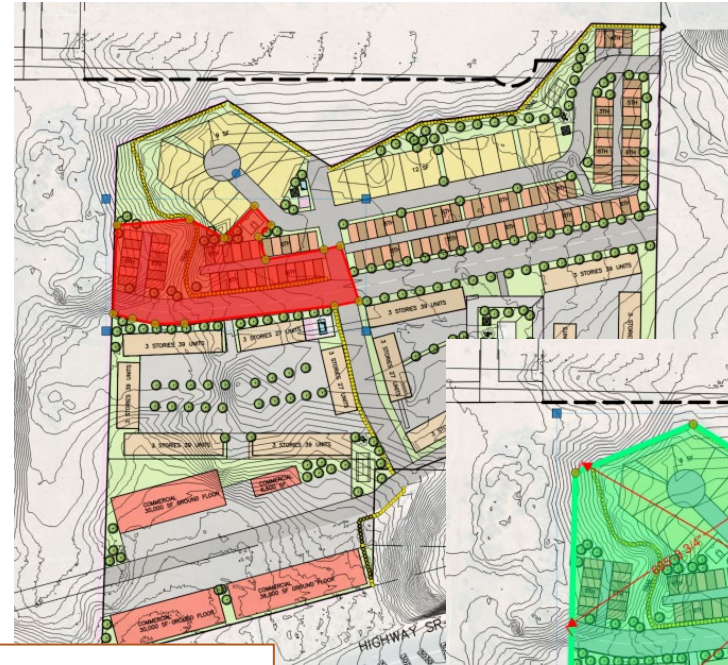


## Feedback from Fire

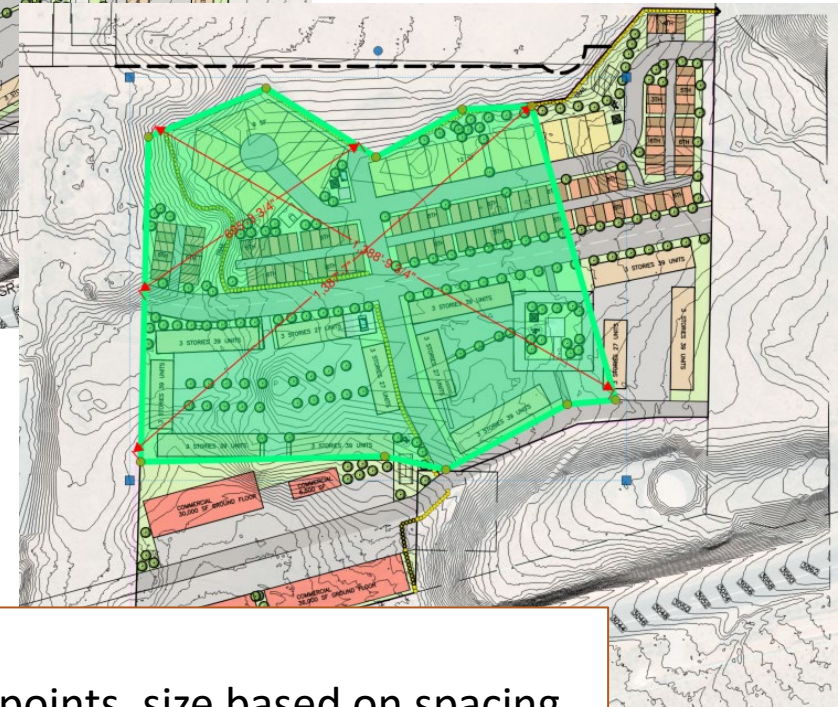


We had a good discussion with the Fire Chief John Postert. He was overall supportive of the project. We discussed how we will have to build in phases according to the fire code depending the access points.

*...roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.*



Phase 1:  
1 access, 30 units



Phase 2:  
2 access points, size based on spacing

## Hurricane's Schools

*...roadways, parks and recreation facilities, police and fire protection, **schools**, stormwater drainage systems, water supplies, and wastewater and refuse collection.*

We discussed this project with Bryan Dyer, the Physical Facilities Director for Washington School District. After reviewing the concept plan for our project, Bryan said that they “don’t have any concerns at this time.” He also discussed with us plans for the new elementary within walking distance of our project.



## Hurricane's Stormwater Drainage System

*...roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.*

Stormwater water will be detained on site and then will integrated with the city system. This has been discussed with the city engineers.



# Hurricane's Water Supplies

*...roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.*

Water to provided by the City of Hurricane.

- Property is located within the City's service area.
- Property will be served from the upper pressure zone.
- Connection on the north side from the residential development along 340 North. Several proposed 8" stubs
- Connection to the west side from the Wal-Mart Development. (1) 8" stub existing.
- Transmission from the upper pressure zone is located on the south side of the project for connection and to loop the current system.
- A water model will be created to ensure appropriate design of water system.



# Hurricane's Wastewater

*...roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.*

Provided by Ask Creek Special District.

- Property is located within their service district.
- Property will be served from multiple locations.
  - Connection on the north side from the residential development along 340 North. Several proposed 8" stubs
  - Connection to the west side from the Wal-Mart Development. (2) 10" stubs existing.



## Hurricane's Refuse Collection

*...roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.*

We contacted Republic Services; they confirmed that we are in their service area and there won't be a problem with capacity.



# Hurricane City Power

*...roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.*

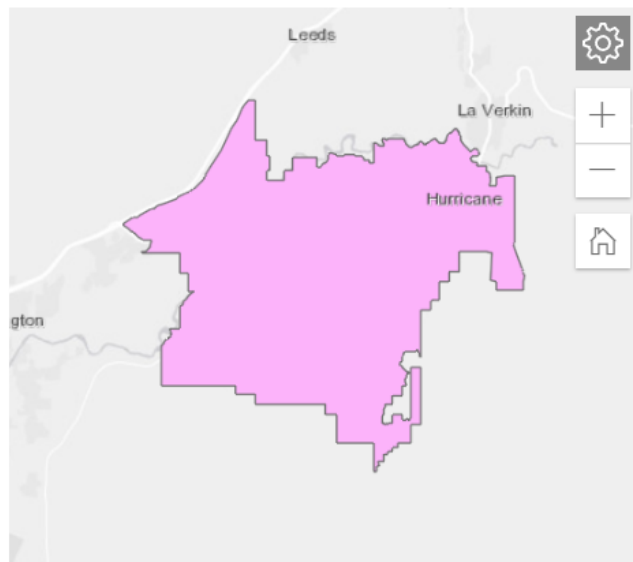


We spoke with Scott Hughes, with Hurricane City Power. He said that there is power available for our project. The current circuit near our property is getting kind of full, but we have other feasible options like moving us onto another circuit or shifting loads.

With all the rezones and PIDs in the last few years, it is reasonable for the City to be cautious and careful, but as far as power is concerned, there is enough available. But it's more of a 'process' than a 'problem'; it's a function of having the infrastructure in place or putting it in place (which would be the responsibility of the developer).



# This project will help meet Hurricane's wide demographics



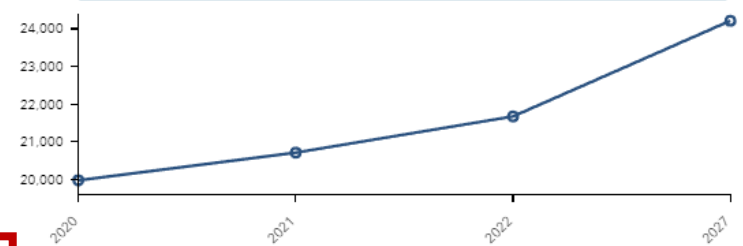
## POPULATION TRENDS AND KEY INDICATORS

| Hurricane  |            |                    |            |                         |                   |              |                       |                 |
|------------|------------|--------------------|------------|-------------------------|-------------------|--------------|-----------------------|-----------------|
| 21,670     | 7,654      | 2.76               | 37.1       | \$66,647                | \$330,381         | 70           | 97                    | 41              |
| Population | Households | Avg Size Household | Median Age | Median Household Income | Median Home Value | Wealth Index | Housing Affordability | Diversity Index |

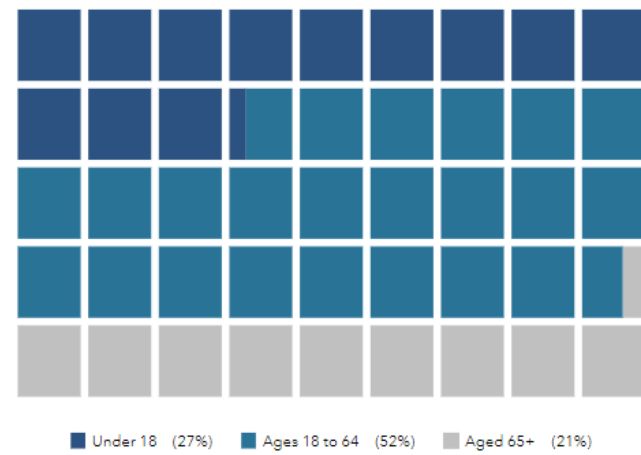
### MORTGAGE INDICATORS



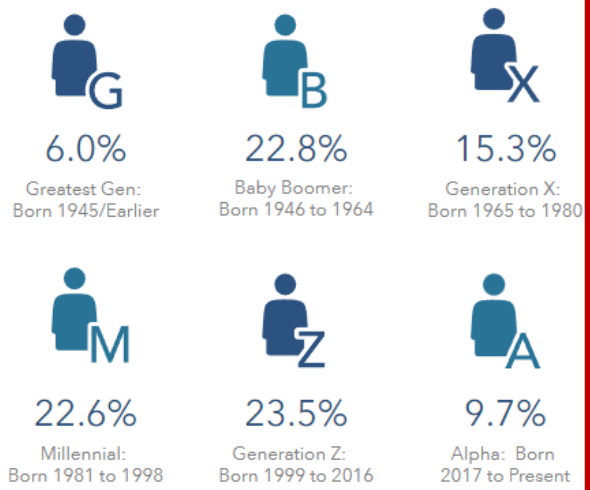
### Historical Trends: Population



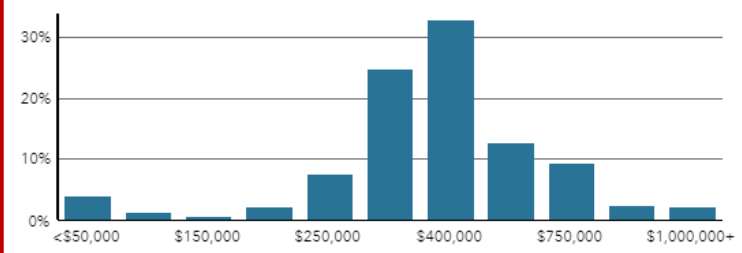
### POPULATION BY AGE



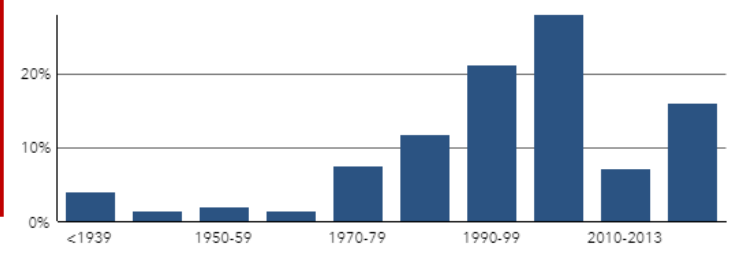
### POPULATION BY GENERATION



### Home Value



### Housing: Year Built



# Staff Comments – Planning Commission Recommendation



## STAFF COMMENTS

|                             |                                                                 |
|-----------------------------|-----------------------------------------------------------------|
| <b>Agenda Date:</b>         | 10/03/2022                                                      |
| <b>Application Number:</b>  | 2022-ZC-23 2022-PSP-41                                          |
| <b>Type of Application:</b> | Zone Change and Preliminary Site Plan Application               |
| <b>Action Type:</b>         | Legislative                                                     |
| <b>Applicant:</b>           | Steward Land Holdings                                           |
| <b>Agent:</b>               | Brad Brown                                                      |
| <b>Request:</b>             | A Zone Change from Highway Commercial to Planned Commercial     |
| <b>Location:</b>            | 3000 W State St                                                 |
| <b>Zoning:</b>              | HC                                                              |
| <b>General Plan Map:</b>    | <a href="#">Mixed Use, General Commercial and Single Family</a> |

### Planning Commission Recommendation

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

**Discussion:** The applicant is seeking a zone change and preliminary site plan approval from Highway Commercial to Planned Commercial. The applicant is proposing a commercial center, high density residential, and medium density residential. This property is located on the north side of SR-9 to the east of Walmart. Hurricane City Water has two wells and a water tank in the vicinity of this property.

Source: staff report

# Staff Comments – Planning Commission Recommendation

## Findings:

Staff makes the following findings:

1. The proposed zone change broadly meets the standards of the General Plan Map and goals
2. The proposed zone change is generally harmonious with the approved surrounding development
3. The proposed amendment will have an impact on the area, but there is no development currently in the area.
4. Services are adequate or planned to become adequate for the area.
5. A preliminary site plan has been provided that shows how this property could be developed

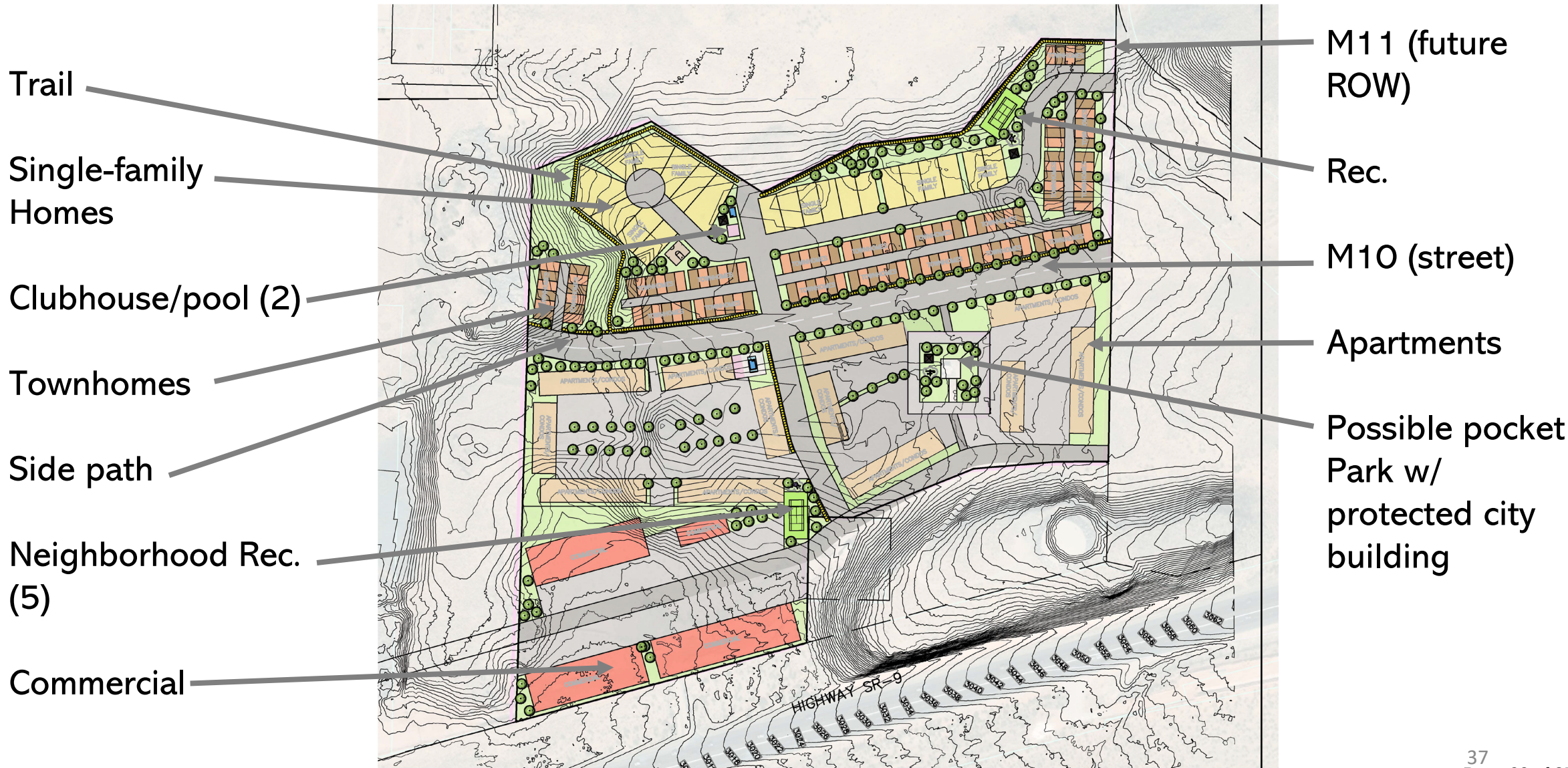
**Recommendation:** Staff recommends the City Council review this application based on standards with Hurricane City Code. Staff is generally supportive of this plan and would recommend approval subject to the four considerations and staff and JUC comments.

Source: staff report



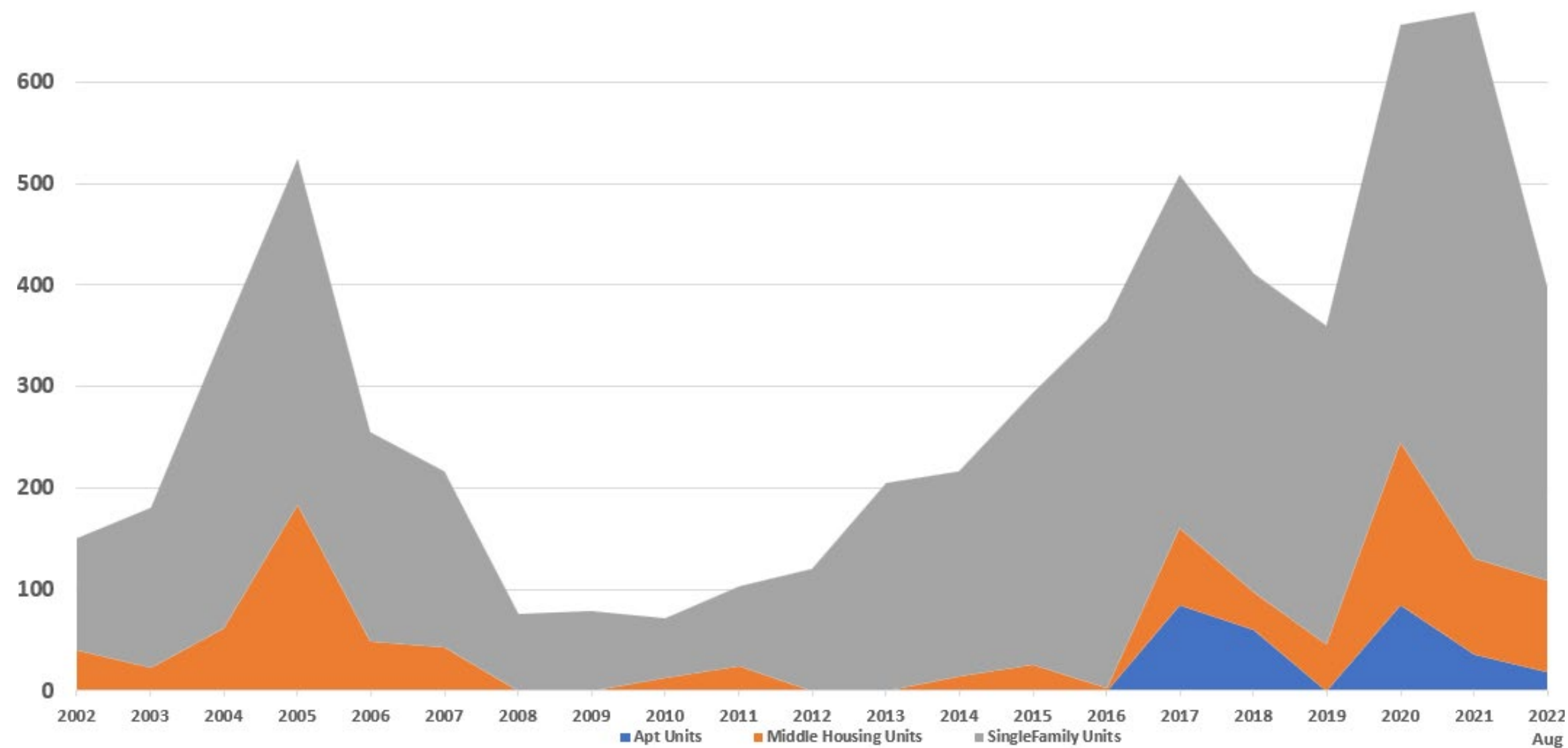
# Schematic Plan

HURRICANE CONCEPT 10.31.2022



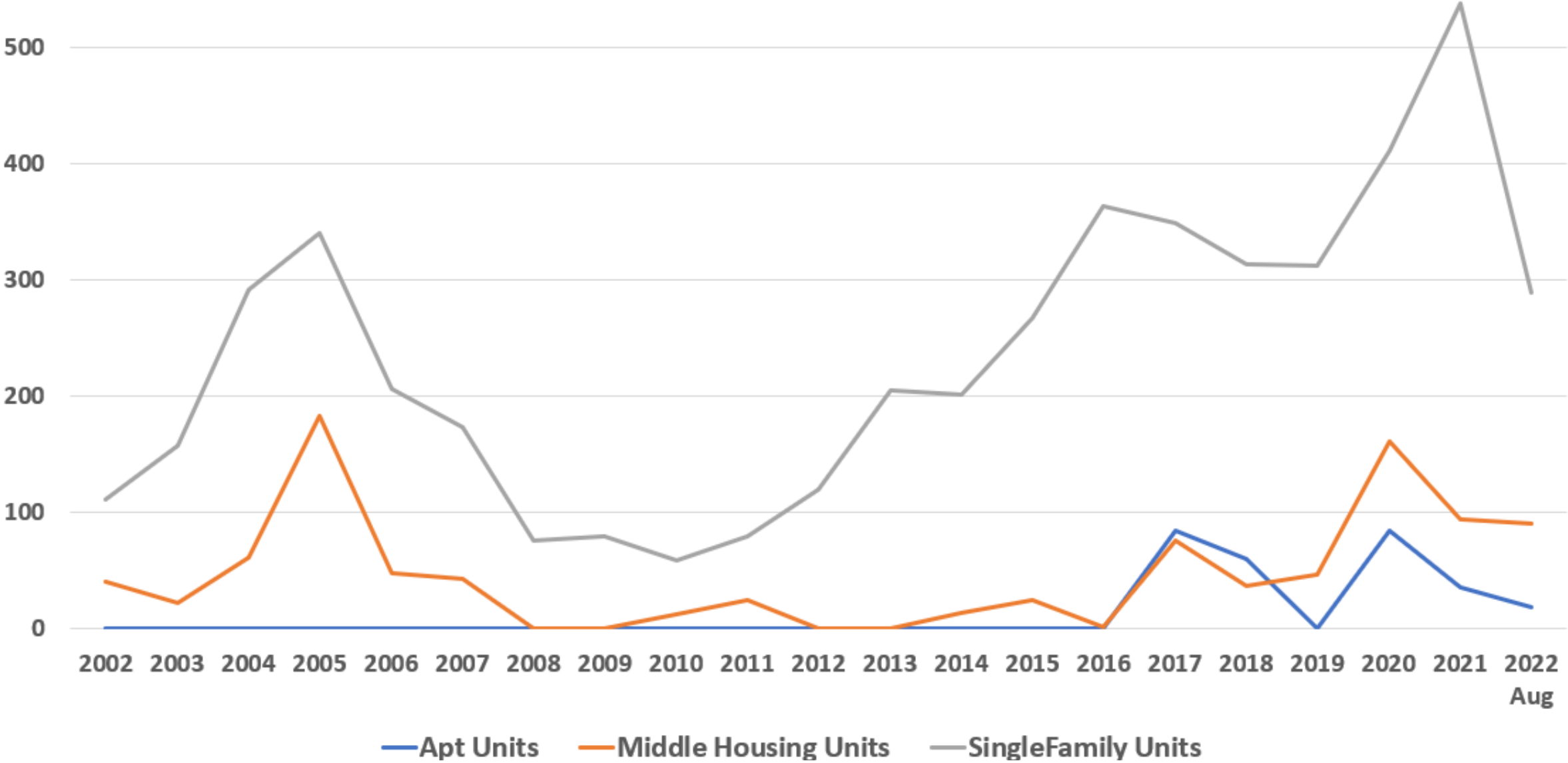


# Hurricane Housing Units

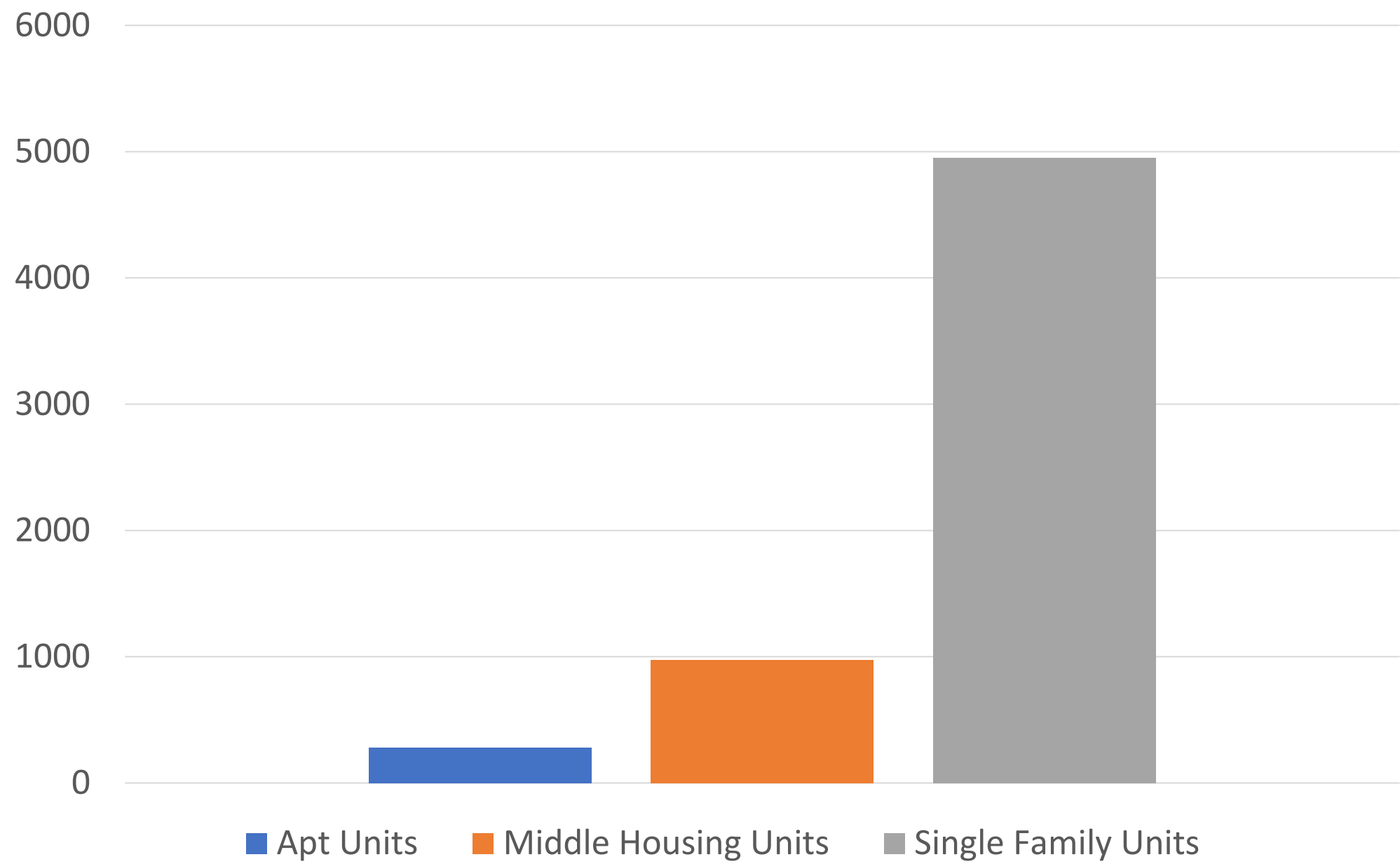


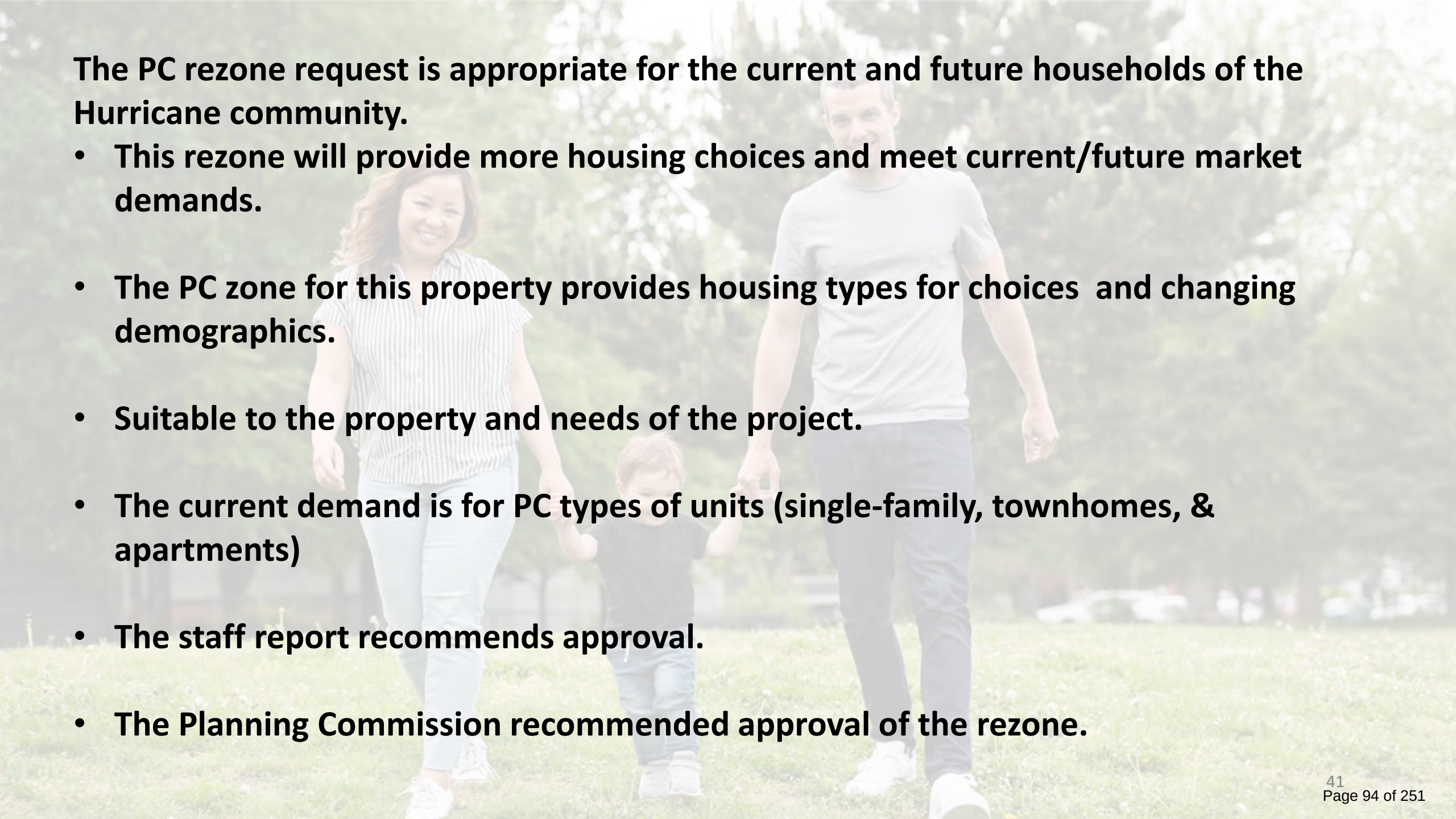
Source: Ivory-Boyer Construction Database

# Hurricane Housing Units



# Hurricane Housing Units Since 2002





**The PC rezone request is appropriate for the current and future households of the Hurricane community.**

- **This rezone will provide more housing choices and meet current/future market demands.**
- **The PC zone for this property provides housing types for choices and changing demographics.**
- **Suitable to the property and needs of the project.**
- **The current demand is for PC types of units (single-family, townhomes, & apartments)**
- **The staff report recommends approval.**
- **The Planning Commission recommended approval of the rezone.**







**DEVELOPMENT AGREEMENT  
FOR  
STEWARD LAND HOLDINGS**

THIS DEVELOPMENT AGREEMENT (“Agreement”) is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2022 (the “Effective Date”), by and between HURRICANE CITY, a Utah municipal corporation, hereinafter referred to as “City,” and Steward Land Holdings LLC, a Utah Limited Liability Company, hereinafter referred to as “Developer.” The City and Developer are hereinafter collectively referred to as “Parties.”

**RECITALS**

A. Developer is the owner of approximately 38.14 acres of land located within the City of Hurricane as is more particularly described on EXHIBIT A, attached hereto and incorporated herein by reference (the “Property”).

B. On \_\_\_\_\_ 20\_\_\_\_, the City Council approved a zone change of the entire property to the Planned Commercial (PC) Zone subject to and conditioned upon the terms and conditions of the Development Agreement. *See* City Council Minutes, attached as EXHIBIT B.

C. Developer has proposed, and City has approved, a Preliminary Site Plan attached hereto and incorporated herein as EXHIBIT C.

D. Developer is willing to design and construct the Project in accordance with the preliminary site plan and in a manner that is in harmony with and intended to promote the long-range policies, goals, and objectives of the City’s general plan, zoning and development regulations in order to receive the benefit of vesting for certain uses and zoning designations under the terms of this Agreement as more fully set forth below.

E. The City Council have further authorized the Mayor of the City to execute and deliver this Agreement on behalf of the City.

F. The City has the authority to enter into this Agreement pursuant to Utah Code Section 10-9a-102(2) and relevant municipal ordinances, and desires to enter into this Agreement with the Developer for the purpose of guiding the development of the Property in accordance with the terms and conditions of this Agreement and in accordance with applicable City Ordinances.

G. This Agreement is generally consistent with, and all preliminary and final plats within the Property are subject to and shall conform with, the City’s General Plan, Zoning Ordinances, and Subdivision Ordinances, and any permits issued by the City pursuant to City Ordinances and regulations.

H. The Parties desire to enter into this Agreement to specify the rights and responsibilities of the Developer to develop the Property as expressed in this Agreement and the rights and responsibilities of the City to allow and regulate such development pursuant to the requirements of this Agreement.

I. The Parties understand and intend that this Agreement is a “development agreement” within the meaning of, and entered into pursuant to, the terms of Utah Code Ann., §10-9a-102.

J. The Parties intend to be bound by the terms of this Agreement as set forth herein.

## AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the Developer hereby agree as follows:

1. Incorporation of Recitals. The foregoing Recitals are hereby incorporated into this Agreement, as a substantive part hereof.

2. Development Terms:

- a. Ten Percent (10% ) of the total units in residential areas shall be designated as Affordable housing as defined in Hurricane City Code section 10-15-8(E)(2)(a) and shall satisfy all of the requirements for Affordable housing as set forth in Hurricane City Code section 10-15-8(E)(2). A copy of the applicable sections of the Hurricane City Code is attached as Exhibit D.
- b. The total residential area shall not exceed 17 units per residential acre, which equates to approximately 519 units. If the project is developed in phases, Developer shall place a note on the preliminary plat or site plan of each phase showing the total number of units approved out of the total unit allowed.
- c. The applicant shall provide a mixture of townhomes and single-family homes within the “Medium Density” Area.
- d. The height of buildings shall not exceed three stories in height above grade.

3. Except as expressly stated herein, nothing in this Agreement shall amend or replace any requirements by City, State, Federal, Fire, other local development agreements or restrictions, or other applicable regulations.

4. Notices. Any notices, requests and demands required or desired to be given hereunder shall be in writing and shall be served personally upon the party for whom intended, or if mailed, by certified mail, return receipt requested, postage prepaid, to such party at its address shown below:

To the Developer: Steward Land Company  
Attention: Brad Brown, Managing Partner  
1708 E. 5550 S. Ste. 18

Ogden, UT 84403

To the City: City of Hurricane  
Attention: Dayton Hall, City Attorney  
147 N 870 W.  
Hurricane, UT 84737

5. General Term and Conditions.

**a. Adequate Public Facilities.**

- i. Developer understands, acknowledges and specifically agrees that: (a) power, water, and other utility services to the Property may not be currently available in sufficient capacity to serve some or all of the Property, and may not have been extended to the Property; (b) the granting of this zone change, approval of a preliminary plat, or review of construction drawings, does not in any way guarantee or warrant the availability and extension of power, water, or other utility services to the Property; (c) no application for any building permit requiring the availability and extension of power, water, or other utility service for the specific property identified in the permit application, shall be filed, made, or approved until such time that such utilities or services are available and have been extended to the applicable property, as determined by City staff; and (d) Developer assumes all risk and liability associated with any development activity on the Property, including but not limited to all costs incurred for engineering, feasibility studies, etc., in the event that such services do not become available and are not extended to the Property.
- ii. As part of any preliminary plat or site plan application, Developer shall identify needed utilities and roadways and provide a plan on how the Developer shall provide each of the required services to the site, including plans on providing off-site improvements.
- iii. Developer understands offsite improvements will likely be necessary for development and will be responsible for any required offsite improvements. These improvements may require the property owner to install utility lines and secure rights-of-way or easements for needed infrastructure. All offsite improvement plans and construction will be subject to review and approval by the Hurricane City Joint Utility Committee.

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

c. Binding Effect. This Agreement shall inure to the benefit of, and be binding upon, the parties hereto and their respective heirs, representatives, officers, agents, employees, members, successors and assigns (to the extent that assignment is



permitted). Without limiting the generality of the foregoing, a “successor” includes a party that succeeds to the rights and interests of the Developer as evidenced by, among other things, such party’s submission of land use applications to the City relating to the Property or the Project.

d. Non-Liability of City Officials and Employees. No officer, representative, consultant, attorney, agent, or employee of the City shall be personally liable to the Developer, or any successor in interest or assignee of the Developer, for any default or breach by the City, or for any amount which may become due to the Developer, or its successors or assignees, or for any obligation arising under the terms of this Agreement. Nothing herein will release any person from personal liability for their own individual acts or omissions.

e. Third Party Rights. Except for the Developer, the City and other parties that may succeed the Developer on title to any portion of the Property, all of whom are express intended beneficiaries of this Agreement, this Agreement shall not create any rights in and/or obligations to any other persons or parties. The Parties acknowledge that this Agreement refers to a private development and that the City has no interest in, responsibility for, or duty to any third parties concerning any improvements to the Property unless the City has accepted the dedication of such improvements

f. Further Documentation. This Agreement is entered into by the Parties with the recognition and anticipation that subsequent agreements, plans, profiles, engineering and other documentation implementing and carrying out the provisions of this Agreement may be necessary. The Parties agree to negotiate and act in good faith with respect to all such future items.

g. Relationship of Parties. This Agreement does not create any joint venture, partnership, undertaking, business arrangement or fiduciary relationship between the City and the Developer.

h. Agreement to Run With the Land. This Agreement shall be recorded in the Office of the Washington County Recorder against the Property and is intended to and shall be deemed to run with the land, and shall be binding on and shall benefit all successors in the ownership of any portion of the Property.

i. Applicable Law. This Agreement is entered into under and pursuant to, and is to be construed and enforceable in accordance with, the laws of the State of Utah.

j. Construction. This Agreement has been reviewed and revised by legal counsel for both the City and the Developer, and no presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement.

k. Consents and Approvals. Except as expressly stated in this Agreement, the consent, approval, permit, license or other authorization of any party under this Agreement shall be given in a prompt and timely manner and shall not be unreasonably withheld, conditioned or delayed. Any consent, approval, permit, license or other

authorization required hereunder from the City shall be given or withheld by the City in compliance with this Agreement and the City Ordinances.

1. Approval and Authority to Execute. Each of the Parties represents and warrants as of the Effective Date this Agreement, it/he/she has all requisite power and authority to execute and deliver this Agreement, being fully authorized so to do and that this Agreement constitutes a valid and binding agreement.

6. Amendment. This Agreement may be amended only in writing signed by the Parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first hereinabove written.

**CITY:**

CITY OF HURRICANE

ATTEST:

By: \_\_\_\_\_  
City Recorder

By: \_\_\_\_\_  
Mayor

**DEVELOPER:**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF UTAH                    )  
                                          :ss  
COUNTY OF UTAH                )

On the \_\_\_\_ day of \_\_\_\_\_, 202\_, personally appeared before me \_\_\_\_\_, who being by me duly sworn, did say that he is the \_\_\_\_\_ of \_\_\_\_\_, a Utah limited liability company, and that the within and foregoing instrument was signed on behalf of said limited liability company with proper authority and duly acknowledged to me that he executed the same.

\_\_\_\_\_  
Notary Public

Residing at:

DRAFT

## EXHIBIT A

### Legal Description Parcel:



Parcel #H-3-1-31-3009

#### Zoning Boundary Description

PART OF THE SOUTHWEST QUARTER OF SECTION 31 TOWNSHIP 41 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, SAID POINT BEING N88°52'58"W 751.16 FEET AND NORTH 452.94 FEET FROM THE SOUTH QUARTER CORNER OF SAID SECTION 31; THENCE S74°50'08"W 765.51 FEET; THENCE N01°42'49"E 1399.98 FEET; THENCE N67°32'27"E 327.32 FEET; THENCE S57°30'11"E 335.71 FEET; THENCE N63°09'32"E 269.71 FEET; THENCE N83°12'08"E 265.91 FEET; THENCE N40°40'01"E 312.94 FEET; THENCE S88°58'18"E 189.64 FEET TO A POINT ON THE CENTER SECTION LINE OF SAID SECTION 31; THENCE S01°01'42"W 1070.46 FEET; THENCE S89°46'38"W 131.69 FEET; THENCE S85°13'16"W 211.19 FEET; THENCE S68°02'47"W 332.30 FEET; THENCE N88°52'58"W 111.09 FEET; THENCE S01°07'02"W 320.61 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THE FOLLOWING DESCRIBED PARCEL:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 31, TOWNSHIP 41 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN: THENCE S89°58'47"W 511.39 FEET; THENCE N00°01'13"W 1040.89 FEET TO THE SOUTHWEST CORNER OF AN EXISTING 1 ACRE WELL SITE PARCEL AND TO THE POINT OF BEGINNING; THENCE N00°01'13"W 208.71 FEET; THENCE N89°58'47"E 208.81 FEET; THENCE S00°01'13"E 208.71 FEET; THENCE S89°58'47"W 208.71 FEET TO THE POINT OF BEGINNING.

CONTAINING A REMAINDER OF 38.14 ACRES, MORE OR LESS.

#### Solutions You Can Build On™

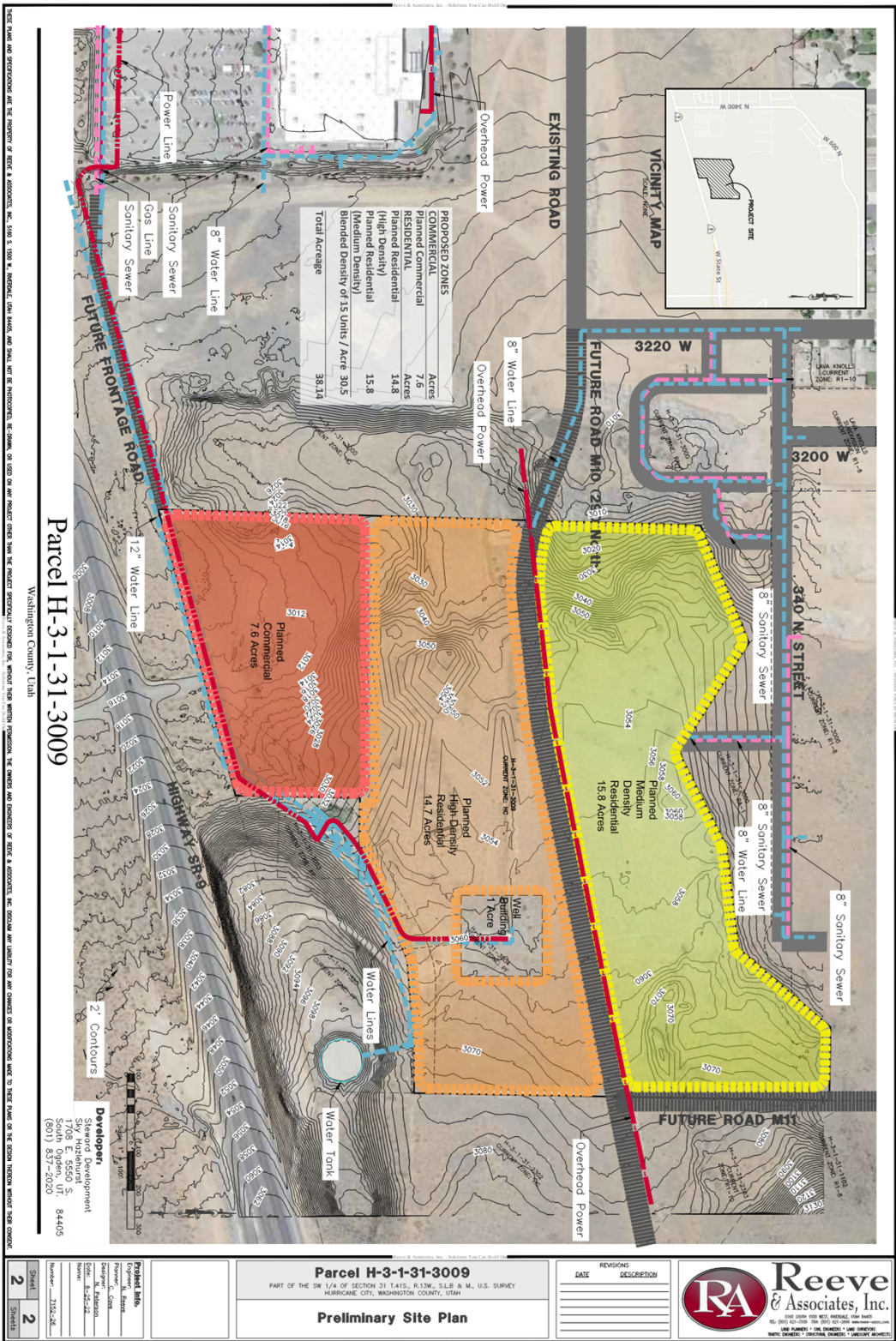
Civil Engineering • Land Planning • Structural Engineering • Landscape Architecture • Land Surveying • Construction Surveying  
5160 S 1500 W • Riverdale, Utah 84405 • Tel: 801-621-3100 • Fax: 801-621-2666  
ogden@reeve-assoc.com • reeve-assoc.com



**EXHIBIT B**  
City Council Approval Minutes

DRAFT

EXHIBIT C  
Site Plan



## EXHIBIT D

### Affordable Housing Requirements

#### HCC 10-15-8 (E)

2. *Affordable housing.* Projects shall not exceed 17 units an acre for residential areas that reserve ten percent of given units as affordable housing.

a. *Defined.* "Affordable housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80 percent of the median gross income for households in the county. Housing costs must be affordable based on housing and urban development standards.

b. *Duration and requirements of affordability.*

(1) *Affordable rental unit.* An affordable rental unit shall remain affordable for a period of 25 years from the time a certificate of occupancy is issued. Prior to or as a condition of approval of a final site plan, a deed restriction requiring compliance with this section shall be recorded with the county recorder, which deed restriction shall run with the land and bind all assigns, heirs, and successors of the applicant.

(2) *Affordable ownership unit.* An affordable ownership unit shall be sold only to income-qualified households for a period of 25 years from the time a certificate of occupancy is issued. Prior to or as a condition of approval of a final site plan, a deed restriction requiring compliance with this section shall be recorded with the county recorder, which deed restriction shall run with the land and bind all assigns, heirs, and successors of the applicant.

ORDINANCE NO 2022-54

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE APPROVING THE REZONE  
FOR PARCEL H-3-1-31-3009 FROM HIGHWAY COMMERCIAL TO PLANNED  
COMMERCAIL

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

**WHEREAS**, the proposed amendment is generally compatible with the current General Plan's map for future use; and

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

**WHEREAS**, the proposed amendment will have an impact on the area, but there is little development currently and the development may lead to enhance commercial space; and

**WHEREAS**, the services are adequate or planned to become adequate for the area; and

**WHEREAS**, the Planning Commission gave a positive recommendation for the zone change subject that zone change

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

1. That be rezoned as shown in the following legal description attached in Exhibit A to Planned Commercial condition of signing and recording the attached Development Agreement.
2. That the City Council approves the attached site plan and Development Agreement.

PASSED AND APPROVED on this 1<sup>st</sup> day of December 2022.

Hurricane City

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Cindy Beteag, City Recorder



The foregoing Ordinance was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 17<sup>th</sup> day of November 2022. Whereupon a motion to adopt and approve said Resolution was made by \_\_\_\_\_ and seconded by \_\_\_\_\_. A roll call vote was then taken with the following results:

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

\_\_\_\_\_  
Cindy Beteag, Recorder

**EXHIBIT A**  
LEGAL DESCRIPTION





## STAFF COMMENTS

Ordinance 2022-61 Consideration and possible approval of an amendment to Hurricane City Code **Title 10 Chapter 7 Section 9 Conditional Use Permit Standards, Title 10 Chapter 12 Agriculture Zoning Standards and Title 10 Chapter 14 Residential Agriculture Standards** to amend the code to allow Reception Centers as a conditional use within Agriculture and Residential Agriculture Zones.

**Discussion:**

**Findings:**

**Recommendation:**

**Attachments:**

1. Reception Centers
2. Ordinance 2022-61 Reception Center



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.

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.

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

Animals and fowl for recreation and family food production.

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

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

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

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

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

1. A complete application shall be submitted to the office of the Zoning Administrator in a form established by the administrator along with any fee established by the City's schedule of fees. The application shall include at least the following information:

- a. The name, address and telephone number of the applicant and the applicant's agent, if any;
- b. The address and parcel identification of the subject property;
- c. The zone, zone boundaries and present use of the subject property;
- d. A description of the proposed conditional use;
- e. A plot plan showing the following:
  - (1) Applicant's name;
  - (2) Site address;
  - (3) Property boundaries and dimensions;
  - (4) Layout of existing and proposed buildings, parking, landscaping, and utilities; and
  - (5) Adjoining property lines and uses within 100 feet of the subject property;
- f. Traffic impact analysis, if required by the City Engineer or the Planning Commission;
- g. A statement by the applicant demonstrating how the conditional use permit request meets the approval standards for the conditional use desired; and
- h. Such other and further information or documentation as the Zoning Administrator may deem necessary for proper consideration and disposition of a particular application.

2. After the application is determined to be complete, the Zoning Administrator shall schedule a public meeting before the Planning Commission as provided in section 10-7-4 of this chapter or shall review the application to determine if it meets the standards for an administrative conditional use permit.

3. A staff report evaluating the application shall be prepared by the Zoning Administrator for a conditional use permit that will be reviewed by the Planning Commission.

4. The Planning Commission shall hold a public meeting and shall thereafter approve, approve with conditions, or deny the application pursuant to the standards set forth in subsection E of this section. A conditional use shall be approved if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with the applicable standards, the conditional use may be denied.

5. After the Planning Commission or Zoning Administrator makes a decision, the Zoning Administrator shall give the applicant written notice of the decision.

6. A record of all conditional use permits shall be maintained in the office of the Zoning Administrator.

E. *Approval standards.* The following standards shall apply to the issuance of a conditional use permit:

1. A conditional use permit may be issued only when the proposed use is shown as conditional in the zone where the conditional use will be located, or by another provision of this title.

2. Standards for each use must be reviewed. Specific standards are set forth for each use in subsections E2a through E2g of this section:

a. *Standards for a reception center.*

(1) Hours of operation must be compatible with adjoining uses and comply with City noise regulations.

(2) Parking 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) The center must have an approved site plan.

(5) If beer, wine, or other alcoholic beverages are served, the center must be licensed by the state alcohol control board.

(6) Reception Center use must be secondary to any agricultural use on the property.

Sec. 10-12-3. Uses allowed.

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

TABLE 10-12-1

PERMITTED AND CONDITIONAL USES ALLOWED IN AGRICULTURAL ZONES

| Use                                                        | Zones |      |      |     |     |
|------------------------------------------------------------|-------|------|------|-----|-----|
|                                                            | A-40  | A-20 | A-10 | A-5 | A-1 |
| Agricultural uses:                                         |       |      |      |     |     |
| Accessory building                                         | P     | P    | P    | P   | P   |
| Agricultural business                                      | P     | P    | P    | P   | P   |
| Agricultural industry                                      | P     | P    | P    | P   | C   |
| Agriculture                                                | P     | P    | P    | P   | P   |
| Agritourism                                                | P     | P    | P    | P   | C   |
| Animal specialties                                         | P     | P    | P    | P   | C   |
| Animals and fowl for recreation and family food production | P     | P    | P    | P   | P   |
| Stable, private                                            | P     | P    | P    | P   | P   |
| Residential uses:                                          |       |      |      |     |     |
| Assisted living facility                                   | P     | P    | P    | P   | N   |



|                                                                 |   |   |   |   |   |
|-----------------------------------------------------------------|---|---|---|---|---|
| Building, accessory                                             | P | P | P | P | P |
| Dwelling, earth sheltered                                       | P | P | P | P | P |
| Dwelling, single-family                                         | P | P | P | P | P |
| Dwelling, single-family with single accessory dwelling unit     | P | P | P | P | P |
| Dwelling, temporary                                             | P | P | P | P | P |
| Guesthouse for family members and non-paying guests             | P | P | P | P | P |
| Home base business                                              | P | P | P | P | P |
| Manufactured home                                               | P | P | P | P | P |
| Residential facility for elderly persons <sup>1</sup>           | P | P | P | P | N |
| Residential facility for persons with a disability <sup>1</sup> | P | P | P | P | P |
| Residential facility for troubled youth                         | N | N | N | N | N |
| Short term rental                                               | N | N | N | N | P |
| Public and civic uses:                                          |   |   |   |   |   |
| Auditorium or stadium                                           | N | N | N | N | N |
| Cemetery                                                        | P | P | P | P | P |
| Church or place of worship                                      | P | P | P | P | P |
| Club or service organization                                    | P | P | P | P | P |

|                                         |           |           |           |           |           |
|-----------------------------------------|-----------|-----------|-----------|-----------|-----------|
| Convalescent care facility              | N         | N         | N         | N         | N         |
| Cultural service                        | P         | P         | P         | P         | P         |
| Golf course                             | N         | N         | N         | N         | N         |
| Hospital                                | N         | N         | N         | N         | N         |
| Park                                    | P         | P         | P         | P         | P         |
| Protective service                      | P         | P         | P         | P         | P         |
| Reception center                        | <u>CN</u> | <u>CN</u> | <u>CN</u> | <u>CN</u> | <u>CN</u> |
| Stable, public                          | P         | P         | P         | P         | C         |
| Utility, minor                          | P         | P         | P         | P         | P         |
| Utility substation                      | P         | P         | P         | P         | P         |
| Commercial uses:                        |           |           |           |           |           |
| Agricultural sales and service          | P         | P         | C         | C         | N         |
| Agritourism activities                  | P         | P         | P         | P         | C         |
| Animal hospital                         | P         | P         | P         | P         | P         |
| Bed and breakfast, home                 | P         | P         | P         | P         | P         |
| Garden center                           | P         | P         | P         | P         | P         |
| Kennel, residential                     | P         | P         | P         | P         | P         |
| Licensed family child care <sup>2</sup> | P         | P         | P         | P         | P         |

|                                                          |                                                  |   |   |   |   |
|----------------------------------------------------------|--------------------------------------------------|---|---|---|---|
| Media service                                            | N                                                | N | N | N | N |
| Personal care service, home based <sup>2</sup>           | P                                                | P | P | P | P |
| Personal instruction service, home based <sup>2</sup>    | P                                                | P | P | P | P |
| Produce stand                                            | P                                                | P | P | P | P |
| Recreation and entertainment, outdoor                    | C                                                | C | C | C | N |
| Residential certificate child care facility <sup>2</sup> | P                                                | P | P | P | N |
| Vehicle repair, limited                                  | N                                                | N | N | N | N |
| Veterinary service                                       | P                                                | P | P | P | P |
| Wireless telecommunication facility                      | See section 10-50-5, table 10-50-1 of this title |   |   |   |   |

## Notes

1. See chapter 46 of this title.

2. See chapter 42 of this title.

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

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

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

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

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

Garages, carports, 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 applicable provision of this Code.

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

Household pets.

Keeping of machinery, livestock, and farming equipment as needed for agricultural use.

Nurseries and greenhouses.

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

Produce stands.

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

Temporary real estate offices, subject to applicable standards of chapter 48, temporary uses, of this title.

Sec. 10-14-3. Uses allowed.

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

TABLE 10-14-1

PERMITTED AND CONDITIONAL USES ALLOWED IN

RESIDENTIAL AGRICULTURE ZONES

| Use | Zones |       |
|-----|-------|-------|
|     | RA-1  | RA-.5 |



|                                                             |   |                |
|-------------------------------------------------------------|---|----------------|
| Agricultural uses:                                          |   |                |
| Agricultural business                                       | P | N              |
| Agricultural industry                                       | N | N              |
| Agriculture                                                 | P | P              |
| Animal specialties                                          | P | P              |
| Animals and fowl for recreation and family food production  | P | P <sup>3</sup> |
| Stable, private                                             | P | P              |
| Residential uses:                                           |   |                |
| Assisted living facility                                    | P | P              |
| Boarding house                                              | N | N              |
| Building, accessory                                         | P | P              |
| Dwelling, earth sheltered                                   | P | P              |
| Dwelling, multiple-family                                   | N | N              |
| Dwelling, single-family                                     | P | P              |
| Dwelling, single-family with single accessory dwelling unit | P | P              |
| Dwelling, temporary                                         | P | P              |
| Dwelling, two-family                                        | N | N              |
| Guesthouse                                                  | P | P              |

|                                                                 |   |   |
|-----------------------------------------------------------------|---|---|
| Manufactured home                                               | P | P |
| Manufactured/mobile home park                                   | N | N |
| Manufactured/mobile home subdivision                            | N | N |
| Protective housing facility                                     | P | P |
| Residential facility for elderly persons <sup>1</sup>           | P | P |
| Residential facility for persons with a disability <sup>1</sup> | P | P |
| Residential facility for troubled youth                         | C | C |
| Short term rental <sup>4</sup>                                  | P | P |
| Public and civic uses:                                          |   |   |
| Auditorium or stadium                                           | N | N |
| Cemetery                                                        | P | P |
| Church or place of worship                                      | P | P |
| Club or service organization                                    | N | N |
| Convalescent care facility                                      | N | N |
| Cultural service                                                | P | P |
| Golf course                                                     | P | P |
| Hospital                                                        | N | N |
| Park                                                            | P | P |

|                                                       |           |           |
|-------------------------------------------------------|-----------|-----------|
| Protective service                                    | P         | P         |
| Reception center                                      | <u>CN</u> | <u>CN</u> |
| Stable, public                                        | P         | N         |
| Utility, minor                                        | P         | P         |
| Utility substation                                    | P         | P         |
| Commercial uses:                                      |           |           |
| Agricultural sales and service                        | N         | N         |
| Animal hospital                                       | P         | P         |
| Bed and breakfast, home                               | P         | P         |
| Bed and breakfast inn                                 | N         | N         |
| Garden center                                         | N         | N         |
| Kennel, residential                                   | P         | P         |
| Licensed family child care <sup>2</sup>               | P         | P         |
| Media service                                         | N         | N         |
| Personal care service, home based <sup>2</sup>        | P         | P         |
| Personal instruction service, home based <sup>2</sup> | P         | P         |
| Produce stand                                         | P         | P         |
| Recreational vehicle park                             | N         | N         |

|                                                          |                                                  |   |
|----------------------------------------------------------|--------------------------------------------------|---|
| Residential certificate child care facility <sup>2</sup> | P                                                | P |
| Residential hosting facility                             | P                                                | P |
| Temporary trailer                                        | P                                                | P |
| Veterinary service                                       | N                                                | N |
| Warehouse, self-service storage                          | N                                                | N |
| Wireless telecommunication facility                      | See section 10-50-5, table 10-50-1 of this title |   |

## Notes

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

**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.

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING SECTIONS TITLE 10 CHAPTER 14: RESIDENTIAL AGRICULTURE ZONING, TITLE 10 CHAPTER 7 SECTION 9: CONDITIONAL USE PERMIT STANDARDS, AND TITLE 10 CHAPTER 12: AGRICULTURE ZONING STANDARDS.OF THE HURRICANE CITY CODE STANDARDS TO ALLOW RECEPTION CENTERS AS A CONDTIONAL USE IN THOSE ZONES

WHEREAS the City Council of Hurricane, Utah has authority to adopt and regulate zoning within its boundaries; and

WHEREAS, Hurricane City general plan recommends that the City adopt policies that will help preserve agriculture within the City; and

WHEREAS said City Council deems it necessary to make these changes to allow for the protection of agriculture within the City,

BE IT HEREBY ORDAINED by the Hurricane City Council Hurricane City Code Title 10 Chapter 14: Residential Agriculture Zoning Standards, Title 10 Chapter 7 Section 9: Conditional Use Permit Standards, And Title 10 Chapter 12: Agriculture Zoning Standards. shall be, and is hereby, amended with the additional text as follows:

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Nanette Billings, Mayor

[Seal]  
Attest:

\_\_\_\_\_  
Cindy Beteag, City Recorder

## CHAPTER 10. - TRANSIENT LODGING FACILITIES

### Sec. 3-10-1. - Definitions.

As used throughout this chapter, the following terms or phrases shall have the following meanings:

*Bed and breakfast, home* means a limited commercial activity within a residential structure where not more than four rooms may be rented to paying guests on a nightly basis and the breakfast meal is provided for in the rental rate pursuant to the requirements of title 10, chapter 51 of this Code in an owner occupied home.

*Bed and breakfast inn* means a commercial activity within a residential structure, in a residential or a commercial zone, where rooms may be rented to paying guests on a nightly basis and the breakfast meal is provided for in the rental rate pursuant to the requirements of title 10, chapter 51 of this Code.

*Boarding house* means a building with not more than five guestrooms, where, for compensation, meals are provided for not more than 15 persons.

*Hostel* means an establishment in which people are lodged for a single night or less than a week at a time, but excluding bed and breakfast, home; bed and breakfast inn; hotel; or motel.

*Hotel* means an establishment with or without fixed cooking facilities in individual rooms offering transient lodging accommodations to the general public, and which may provide additional services such as restaurants and meeting rooms.

*Motel* means any building or group of buildings containing sleeping rooms, with or without fixed cooking facilities, designed for temporary occupancy by tourists or transients.

*Short term rental or vacation rental* means to rent, lease, loan, let or otherwise hire out any rental dwelling unit for a period of 30 days or less.

*Time period unit (timeshare)* means a multi-unit project in which an annually recurring part or parts of a calendar year specified in the condominium declaration or other document as a period for which a physical unit is separately owned. Separate ownership is represented by shares in a corporation, a partnership interest, or any other individually owned transferable property right or interest.

*Transient lodging facility* means any establishment that receives payment in any form in exchange for the use of any unit for one to 30 days, including any hotel, motel, time period unit, hostel, boarding house, vacation rental property, or bed and breakfast inn.

(Ord. 2015-2, 2-19-2015)

### Sec. 3-10-2. - Management.

Each bed and breakfast inn, boarding house, hostel, hotel, or motel must maintain an office on the premises in the charge and under the immediate supervision of a manager or attendant at all times. Such office shall remain continuously open and staffed whenever there are guests registered or present and whenever the facility is open to receive guests.

Short term rental complexes within commercial zones of two to three units are required to have management located within Hurricane City boundaries and must be available at all times to respond to complaints or issues raised by those staying within the complex.

(Ord. 2015-2, 2-19-2015)

### Sec. 3-10-3. - Disclosure of available rooms.

Each transient lodging facility shall disclose to the business license officer the current number of rooms available and/or held out for public accommodation, or, in the case of vacation rentals, the total number of people the dwelling can safely accommodate:



- A. At the time of initial licensure or license renewal; and
- B. Within 72 hours of any change in the number of such available rooms or accommodation of guests.

(Ord. 2015-2, 2-19-2015)

Sec. 3-10-4. - Display of license; guest register.

- A. A current, valid business license shall be posted in a conspicuous place in each transient lodging facility.
- B. A register of all guests shall be kept at all times on the transient lodging facility premises except vacation rentals. The guest register shall contain in ink the following information about each guest for which the transient lodging facility affords accommodations:
  - 1. Name and permanent address.
  - 2. Dates of arrival at the transient lodging facility and departure from the transient lodging facility.
  - 3. License plate number, state of licensure, make, type and color of all motor vehicles.
  - 4. Verification of a form of picture identification, including, but not limited to, driver's license, passport, or state issued identification card showing current name, address, and age of person registering and indicating which type of identification was verified and the identification number shown on said identification.
- C. The guest register required by this section shall be kept current and shall be immediately available at all times for inspection upon the demand of police officers or City officials.
- D. Vacation rental business license owners must keep an accurate register of all guests containing all the above information that can be provided upon the demand of police or emergency services personnel or City officials.

(Ord. 2015-2, 2-19-2015)

Sec. 3-10-5. - Occupancy.

It shall be unlawful for any transient lodging facility unit to be occupied by a greater number of persons than that which it is designed or furnished to accommodate.

(Ord. 2015-2, 2-19-2015)

Sec. 3-10-6. - Responsibility for minors.

No transient lodging facilities unit shall be rented, leased, or registered to any person under the age of 18 years. Each person to whom a lodging unit is rented, leased, or registered shall be responsible for any minors occupying such unit and shall remain on the transient lodging facility premises at all times while there are minors occupying such unit.

(Ord. 2015-2, 2-19-2015)

Sec. 3-10-7. - Length of stay.

No person shall occupy any unit or combination of units at any one transient lodging facility for longer than 30 consecutive days, and no transient lodging facility shall permit any person to occupy any unit or combination of units on the facility premises for longer than 30 consecutive days. This section shall not apply to federal, state, or municipal law enforcement or emergency personnel, or to transient lodging

facilities renting, leasing, or registering units to such personnel. Vacation rental properties may be occupied for longer than 30 days but must still comply with all vacation rental regulations.

(Ord. 2015-2, 2-19-2015)

Sec. 3-10-8. - Sanitary facilities.

A. Each lodging unit held out for public accommodation must comply with the minimum rules established by the state department of health.

B. It shall be unlawful to rent, lease, or otherwise hold out for public accommodation any transient lodging facility unit which does not have:

1. A complete operable bathroom, including flush toilet, sink, and bath or shower in working order; and
2. For each guest, an adequate daily supply of at least the following sanitary supplies:
  - a. Hot and cold running water.
  - b. Soap.
  - c. Towels.
  - d. Toilet paper.
  - e. Clean linen.

C. Each transient lodging facility shall be cleaned after the departure of each guest and before the arrival of any subsequent guest.

(Ord. 2015-2, 2-19-2015)

Sec. 3-10-9. - Inspections.

Each transient lodging facility shall comply and cooperate with any fire, land use, Code enforcement, building, health, or other inspection conducted by municipal officials, with or without notice.

(Ord. 2015-2, 2-19-2015)

Sec. 3-10-10. - Duty to report.

Any owner, manager, or attendant of any facility covered by this section shall report promptly to the proper authorities any violations of a municipal ordinance or any violation of law which he or she has reason to believe was or is being committed on the premises.

(Ord. 2015-2, 2-19-2015)

Sec. 3-10-11. - Short term vacation rentals.

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

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

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

1. A complete application for a short term vacation rental business license shall have been submitted in accordance with section 3-1-5, and which shall also include:
  - a. The name, address and phone number of the owner or other person designated by the owner as the property manager who shall be responsible for ensuring compliance with the rules and regulations specified in this section, and
  - b. A valid state tax number for remittance of transient lodging taxes.
2. The dwelling unit for which the business license is sought shall be located in a permitted zone according to this title and that has been built to meet building and fire codes for transient occupancy and has been issued a certificate of occupancy.
3. Portions of a single-family dwelling may not be used as a short term rental unless located within a Recreation Resort Zone or appropriately licensed for Residential Hosting in accordance with the regulations for that use. A short term vacation rental and residential hosting facility located in a residential zone may not be located in the same single-family dwelling.
4. In permitted single-family zones, the owner of a single-family dwelling for which a short term vacation business license is sought shall not hold a business license to operate another short term vacation rental within the City limits. For purposes of this subsection, "owner" means any individual, corporation, partnership, limited liability company, trust or other entity which has a legal or equitable ownership interest in the single-family dwelling, or any individual who has an ownership interest in any corporation, partnership, limited liability company, trust or other entity which has a legal or equitable ownership interest in the single-family dwelling.
5. In permitted single-family zones, a Vacation Rental license shall not be issued if there is another licensed Vacation Rental property within 300 feet, as measured along the same street or around the corner, of the front property line corners of the property where the proposed short term vacation rental license is being sought. This criterion does not apply to Residential Hosting, recreation resort zoning or motel type uses within commercial zoning.

C. *Limit on total number of short term vacation rental licenses within single-family zones as contained in title 10, chapter 13 of this Code.* The total number of short term vacation rental business licenses issued within single-family zones shall be limited in accordance with the following:

1. The maximum number of short term vacation rental business licenses for property in single-family zones to be issued shall be based on the total population of the City, allowing three licenses for every 1,000 of total population.
2. The total number of licenses available each year shall be recalculated based on an estimated population derived by adding the total number of new dwelling units times 2.77 residents per unit to the prior year's base population. The City shall readjust the population numbers every ten years after the release of the census numbers. If the census numbers are lower than the City's projection, the City shall not revoke any issued license but shall not issue any additional licenses until City population justifies additional license availability.
3. If, after the maximum number of licenses has been issued, an application meeting all other requirements for issuance of a license is received, the application shall be placed on a waiting list in order of the date of receipt. No fees will be due until a license becomes available. When a license becomes available, the first applicant on the waiting list shall be notified of the license availability, and the applicant shall have 45 days from the date of such notice to file a complete application and pay the filing fee, and six months thereafter to complete the licensing process. In the event that the applicant fails to file a complete

application and filing fee within said 45 days, or fails to complete the licensing process within said six months, the application shall be deemed to have expired, and the next applicant will be notified of the license availability, and the same procedure shall apply.

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

D. *Parking regulations.* The owner of any property licensed as a short term vacation rental shall provide off street parking for guests in accordance with the following:

1. Off street parking shall be provided on the same lot as the dwelling which is licensed as a short term vacation rental.
2. Parking shall be provided at one vehicle per bedroom. Tandem spaces on a driveway may be used.
3. All guest parking shall be contained off-street and on the site.
4. No off street parking space may be located in front of the living area of the dwelling unless there is a circular driveway.
5. The number of vehicles allowed by the occupants of a vacation rental home shall be restricted to the number of off street parking spaces provided by the owner.
6. No recreational vehicles or trailers of any kind may be parked on the public street .
7. Owner shall supply a parking plan that complies with this section with the bus. license application.

E. *Maintenance standards.* Any property that contains a dwelling which is licensed as a short term vacation rental shall conform to the following standards:

1. Structures shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained and watered in order that the use in no way detracts from the general appearance of the neighborhood;
2. The use of a dwelling as a short term rental shall not in any way change the appearance of the dwelling or property for residential purposes; and
3. Each sleeping room must meet current international residential codes for egress and be equipped with smoke and CO2 detectors. A fire exiting route plan and maximum occupancy number must be posted in each sleeping room.

F. *Prevention of noise, nuisance or trespass.* The owner of any dwelling licensed as a short term vacation rental shall be responsible to ensure that guests or occupants of the short term rental do not:

1. Create noises that by reason of time, nature, intensity or duration are out of character with noises customarily heard in the surrounding residential neighborhood.
2. Disturb the peace of surrounding residential property residents by engaging in shouting, fighting, playing of loud music, racing of cars or recreational vehicles on streets, engaging in outside recreational activities after 10:00 p.m., or other similar activities.
3. Interfere with the privacy of surrounding residents or trespass onto surrounding properties.



4. Allow pets or animals to create noise, roam the streets, trespass on neighboring properties, or create a mess that is not cleaned up by the owner or custodian of the pet or animal.
5. Engage in any disorderly or illegal conduct, including illegal consumption of drugs and alcohol.

G. *Required posting.* The following information must be posted in a clear, concise, and unambiguous manner and in a conspicuous location inside any dwelling licensed as a short term vacation rental:

1. A copy of the vacation rental business license.
2. The name, address, and phone number of the owner or property manager.
3. The location of all fire extinguishers.
4. A list of all rules applicable for vacation rentals.
5. The maximum occupancy of the vacation rental and the maximum number of vehicles allowed.

H. *Miscellaneous rules and regulations.* The following rules and regulations shall apply to any dwelling for which a short term vacation rental business license has been issued:

1. Outdoor pools, hot tubs or spas shall not be used between the hours of 11:00 p.m. and 6:00 a.m.
2. Maximum occupancy in any dwelling licensed as a short term vacation rental shall be ten persons at any one time. If, however, the property has a fire sprinkler system or other fire suppression system acceptable to the Hurricane Valley Fire District, a greater occupancy may be approved. Maximum occupancy of the dwelling must be included in the regulations sign.
3. The owner of any property containing a dwelling licensed as a short term vacation rental shall cause to be displayed in a City approved location on the exterior of the property an approved sign containing the name and 24-hour per day, 365-day per year telephone number of the owner or other party designated by the owner as property manager who will be responsible for receiving and resolving complaints regarding activities on the property and the conduct of its occupants and guests. The sign shall not exceed 12 inches by 18 inches and shall be the only sign other than an address permitted on a short term vacation rental property.
4. The owner or property manager shall provide information on current occupants to police, emergency, or City personnel as requested. The owner or other person designated as the property manager shall respond to complaints and concerns within one hour of any phone call or other notification. Failure of the owner or property manager to respond in a timely manner may result in a violation and possible fines to the business license holder and property owner.
5. The requirements of this section shall be in effect throughout the time a short term vacation rental license is in effect on the property, regardless of whether the property is occupied by the owner, nonpaying guests of the owner, or paying guests of the owner. The City finds that, given the practical difficulty of determining whether or not the occupants are paying guests, enforcement of the requirements contained in this section shall be based on whether the property is licensed as a short term vacation rental.
6. An inspection of a vacation rental property for compliance with these regulations will be performed at the time of business license review shall be required before a license is issued and each year before renewal. Additional inspections may be performed with 24-hour notice to the license holder/property manager if deemed necessary by the City.

7. The owner of any dwelling licensed as a short term vacation rental shall be required to collect and remit on a timely basis transient lodging taxes.

I. *Enforcement provisions.*

1. Any owner of any dwelling within the City who allows or permits occupation of said dwelling as a short term vacation rental, as defined herein, without having first obtained a business license in accordance with the provisions of this section shall be in violation of this section and shall be subject to a civil citation with a penalty of \$750 per day as set forth in section 1-4-5 of this Code. A violator of this paragraph shall also be guilty of an infraction, which shall be punishable by a fine of up to \$750.00 for each such violation. In addition, in the event that such dwelling is on the waiting list described in subsection C3 above at the time of such violation, the business license application for said dwelling shall be removed from said waiting list and the dwelling shall not be considered for a short term vacation rental business license unless a new application is submitted.

2. Any owner of any dwelling within the City, who, having first obtained a business license for use or occupation of said dwelling as a short term vacation rental, thereafter operates or permits operation of said short term vacation rental in violation of the terms and provisions of this section shall be subject to a civil citation with a penalty of \$750 per day as set forth in section 1-4-5 of this Code. A violator of this paragraph shall also be guilty of an infraction, and shall be punished by a fine of up to \$750.00 for each such violation.

3. Any person who occupies a short term rental as a guest and who violates any local ordinance or state law shall be subject to arrest, issuance of a citation, or other civil or criminal process in accordance with all state, federal or local statutes, rules or ordinances.

4. Violation of any provision of this section regulating short term vacation rentals shall constitute a separate offense for each day said violation occurs or continues.

5. In the event of three or more violations of this section committed by an owner or guest, or any combination of the two, within any 12-month period, the City Council may, depending on the nature or extent of the violations, proceed with revocation of the business license for any short term vacation rental property in accordance with the provisions of the general business license ordinance.

6. In the event of a license being revoked by the City Council for violations of this chapter, the owner of the property in question shall not be issued a new vacation rental business license for a period of one year.

(Ord. 2016-04, 3-17-2016; Ord. 2016-07, 7-21-2016; Ord. 2017-01, 1-5-2017; Ord. 2017-13, 8-17-2017; Ord. No. [2021-06](#), 7-1-2021)

Sec. 3-10-12. - Penalty; suspension or revocation of license.

In addition to the denial, suspension, revocation or refusal to renew a license as outlined in section 3-1-9 of this title, any licensee who shall operate a transient lodging facility in violation of this chapter, and/or any person designated by the licensee as the manager or person in charge of daily operation of said facility who shall permit or allow said facility to operate in violation of this chapter, shall be guilty of an infraction and shall be punished for each offense by a fine as provided in section 1-4-1 of this Code.

(Ord. 2015-2, 2-19-2015)

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

*Accessory building* means 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.

*Accessory dwelling unit (ADU)* means a subordinate residential dwelling unit that is being used for housing guests, renters, or any long-term or short-term stay of any persons 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 housing guests, renters, or any long-term or short-term stay of any persons not qualifying as the property owner's Family, as that term is defined in this section. An ADU may be internal, attached, or detached from the primary dwelling. All ADUs must meet the requirements of chapter 41 of this title.

*Accessory use.* See definition of *use, accessory*.

*Apartment house.* See definition of *dwelling, multiple-family*.

*Bed and breakfast inn* means a commercial activity within a residential structure where rooms may be rented to paying guests on a nightly basis and the breakfast meal is provided for in the rental rate pursuant to the requirements of chapter 51 of this title.

*Building* means a permanently located structure having a roof supported by columns or walls for the shelter, housing, or enclosure of any person, animal, article, or chattel.

*Duplex.* See definition of *dwelling, two-family*.

*Dwelling* means any building, or portion thereof, having one or more dwelling units occupied as, or designed or intended for occupancy as, a residence by one or more families as permitted by this title, but not including hotels, motels, boarding houses, or other facilities offering transient lodging facilities.

*Dwelling unit* means one or more rooms in a dwelling designed for or occupied as separate living quarters which provide sleeping and sanitary facilities and which 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.

*Hotel* means an establishment with or without fixed cooking facilities in individual rooms offering transient lodging accommodations to the general public, and which may provide additional services such as restaurants and meeting rooms. Hotels shall contain four or more sleeping rooms.

*Household* means a family living together in a one-dwelling unit with common access to and common use of all living and eating areas and facilities for the preparation and serving of food within the dwelling unit.

*Kitchen* means an area within a dwelling unit which contains a sink, fixed cooking appliances, and refrigeration facilities.

*Motel means any building or group of buildings containing four or more sleeping rooms, with or without fixed cooking facilities, designed for temporary occupancy by tourists or transients, with a garage attached or parking space conveniently located to each unit.*

*Residential hosting* means a limited commercial activity within an owner occupied single family residential structure where not more than four sleeping rooms not occupied by the full time residents may be rented to paying guests on a nightly basis and meals are not customarily provided pursuant to the requirements of chapter 51 of this title.

Short term rental or vacation rental means to rent, lease, loan, let or otherwise hire out any rental dwelling unit for a period of 30 days or less.

*Whole Home Vacation Rental* means an entire residential structure, which is not owner occupied but is managed locally, which is located in a residential neighborhood that is

conditionally permitted on a per capita and unit separation basis, to be rented out short-term to nightly guests.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2004-15, 6-17-2004; Ord. 2005-15, 7-21-2005; Ord. 2008-4, 3-6-2008; Ord. 2009-01, 2-5-2009; Ord. 2011-11, 12-15-2011; Ord. 2012-8, 10-18-2012; Ord. 2013-10, 10-3-2013; Ord. 2014-10, 11-6-2014; Ord. 2015-3, 2-19-2015; Ord. 2015-12, 12-17-2015; Ord. 2016-11, 11-17-2016; Ord. 2017-03, 1-19-2017; Ord. 2017-06, 2-16-2017; Ord. 2018-04, 4-5-2018; Ord. 2018-12, 10-18-2018; Ord. 2019-04, 5-2-2019; Ord. 2020-03, 2-6-2020; Ord. No. [2022-10](#), 5-19-2022; Ord. No. [2022-36](#), 8-18-2022)

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 subsection 10-7-18E4 of this title.

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

| Use                                    | Zones |    |    |    |     |
|----------------------------------------|-------|----|----|----|-----|
|                                        | NC    | GC | HC | PC | POC |
| Residential uses:                      |       |    |    |    |     |
| Building, accessory                    | P     | N  | N  | P  | P   |
| Dwelling, multiple-family <sup>4</sup> | N     | N  | N  | P  | P   |
| Dwelling, single-family <sup>4</sup>   | N     | N  | N  | P  | N   |
| Dwelling, temporary                    | N     | N  | N  | N  | N   |
| Dwelling, two-family <sup>4</sup>      | N     | N  | N  | P  | P   |
| Manufactured home                      | N     | N  | N  | N  | N   |
| Manufactured/mobile home park          | 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 <sup>1</sup>           | P | N | N | P | P |
| Residential facility for persons with a disability <sup>1</sup> | P | N | N | P | P |
| Residential facility for troubled youth                         | N | N | N | N | N |
| Transitional housing facility                                   | N | N | N | N | N |
| Public and civic uses:                                          |   |   |   |   |   |
| 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 |
| Convalescent care facility                                      | N | P | P | P | 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 |

|                                                                 |   |   |   |   |   |
|-----------------------------------------------------------------|---|---|---|---|---|
| Utility, major <sup>3</sup>                                     | N | N | N | C | C |
| Utility, minor <sup>3</sup>                                     | P | P | P | P | P |
| Utility substation <sup>3</sup>                                 | P | P | P | P | P |
| 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, home                                         | N | N | N | N | N |
| 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 |
| Club, private                                                   | N | P | P | P | N |
| Construction sales and service                                  | N | P | P | N | N |
| Convenience store                                               | P | P | P | P | P |
| Family child daycare facility <sup>2</sup>                      | P | N | N | P | N |
| Family child group daycare facility <sup>2</sup>                | P | N | N | P | N |
| Family child residential certificate care facility <sup>2</sup> | P | N | N | P | N |
| Family childcare center                                         | P | P | P | P | P |
| Funeral home                                                    | N | P | P | P | N |
| Garden center                                                   | P | P | P | P | P |

|                                  |   |   |   |   |   |
|----------------------------------|---|---|---|---|---|
| Gas and fuel, storage and sales  | N | N | C | N | N |
| Gasoline service station         | P | P | P | P | N |
| Hostel                           | N | P | P | P | N |
| Hotel                            | N | P | P | P | N |
| Kennel                           | C | P | C | C | C |
| Kennel, residential              | P | N | N | N | N |
| Laundry or dry cleaning, limited | P | P | P | P | P |
| 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            | P | P | P | P | P |
| Personal instruction service     | 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 |
| 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 Rentals                    | P | P | P | N | N |
| Takeoff and landing of aircraft       | N | N | N | N | N |
| Tattoo establishment                  | P | P | P | N | N |
| Tavern                                | N | P | P | P | N |
| Temporary trailer                     | P | P | P | P | P |
| 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       | P | P | N | N | N |

|                                     |                                                  |   |   |   |   |
|-------------------------------------|--------------------------------------------------|---|---|---|---|
| Wireless telecommunication facility | See section 10-50-5, table 10-50-1 of this title |   |   |   |   |
| Industrial uses:                    |                                                  |   |   |   |   |
| Laundry services                    | N                                                | N | N | P | N |
| Wholesale and warehousing, general  | N                                                | N | N | N | N |
| Wholesale and warehousing, limited  | N                                                | 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.
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-2 zone would apply. No new residential uses are permitted.

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)

#### CHAPTER 41. - ACCESSORY DWELLING UNITS

##### Sec. 10-41-1. - Purpose.

The purpose of this chapter is to establish use and development regulations for accessory dwelling units. These regulations are intended to ensure that limited use of accessory dwelling units allowed in a residential zone do not disturb the single-family residential character of a neighborhood.

(Ord. 2018-04, 4-5-2018; Ord. No. [2022-10](#), 5-19-2022)

##### Sec. 10-41-2. - Scope.

The requirements of this chapter shall apply to all accessory dwelling units in single-family zones. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, this Code, and other laws.

(Ord. 2018-04, 4-5-2018; Ord. No. [2022-10](#), 5-19-2022)

##### Sec. 10-41-3. - Permitted use.

A single accessory dwelling unit shall be allowed as permitted uses as listed in 10-13-3 and 10-14-3, and shall be subject to the development standards of this chapter. The definition of each use is set forth in chapter three (3) of this title.

(Ord. 2018-04, 4-5-2018; Ord. No. [2022-10](#), 5-19-2022)

##### Sec. 10-41-4. - Development standards; permitted use.

The development standards set forth in this section shall apply to any accessory unit allowed as a permitted use.

- A. *Definition; setbacks and size.* An accessory dwelling unit is an accessory use to the main residential dwelling unit. Setbacks and size and lot coverage limitations established for accessory buildings in each zone shall apply.
- B. *Egress and life safety requirements.* The dwelling unit must meet egress and life safety requirements of the International Residential Building Code.
- C. *Ownership.* The owner or an immediate family member of the property owner shall reside on the property as their primary residence as a condition for an accessory dwelling unit to be rented. For long term occupancy, the property owner may live in the accessory building or the primary building. Only the accessory unit may be used as a short-term rental pursuant to chapter 51 of this Code.
- D. *Limit.* Generally, only one accessory dwelling unit and/or casita shall be established on one residential property. However, two accessory dwelling units may be allowed by a conditional use permit pursuant to section 10-7-9.
- E. *Entrance.* The accessory dwelling unit may have its own outside entrance.
- F. *Landscaping.* Landscaping shall be provided and maintained to minimize impact on neighboring properties, to retain residential character, and to provide a visual buffer for onsite parking in relation to adjacent properties and the street. Landscaping may include, but shall not be limited to, planting trees in the park strip.

G. *Secondary use.* The accessory dwelling unit shall be clearly incidental and secondary to the primary use of the dwelling for residential purposes.

H. *Maximum size.* The accessory dwelling unit, if it is detached, must meet the size limitations for the zone or have been granted a conditional use permit.

I. *Residential hosting.* One accessory dwelling unit may be used per residential lot for residential hosting pursuant to Title 10, Chapter 51 of the City Code.

(Ord. 2018-04, 4-5-2018; Ord. No. [2022-10](#), 5-19-2022)

Sec. 10-41-5. - Compliance with development standards.

A. Residential properties with accessory dwelling units found to be in violation of the development standards set forth in section 10-42-4 of this title shall be subject to all applicable remedies set forth in chapter 9 of this title to ensure compliance.

B. In order to ensure accessory dwelling units meet the development standards, a permit must be issued by the City for any use of the unit described in section 3-9-2 and section 10-51.

(Ord. 2017-03, 1-19-2017; Ord. No. [2022-10](#), 5-19-2022)

## CHAPTER 51. - RESIDENTIAL HOSTING FACILITIES

Sec. 10-51-1. - Purpose.

The purpose of this chapter is to establish use and development regulations for bed and breakfast and residential hosting facilities to assure their compatibility with adjoining uses, particularly when located in a residential zone.

(Ord. 2015-12, 12-17-2015)

Sec. 10-51-2. - Scope.

The requirements of this chapter shall apply to any bed and breakfast or residential hosting facility within the City. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, this Code, and other laws.

(Ord. 2015-12, 12-17-2015)

Sec. 10-51-3. - Conformity with standards and business license required.

No bed and breakfast facility or residential hosting facility shall be established unless:

A. The facility can meet the development standards of this chapter;

B. A business license has been issued in accordance with the regulations in title 3 of this Code;

Operation of a home bed and breakfast or residential hosting facility without a current City business license is considered a violation and each day of operation shall be considered a separate offense.

(Ord. 2017-14, 8-17-2017)

Sec. 10-51-4. - Development standards; home bed and breakfast and residential hosting facilities.

The development standards set forth in this section shall apply to all home bed and breakfast and residential hosting facilities within permitted residential zones. *Bed and Breakfast Inn* establishments shall comply with standards established elsewhere within Hurricane City Code, including section 10-51-5.

- A. *Location.* Home bed and breakfast or a residential hosting facility shall be located in a single family residential structure deemed suitable for habitation.
- B. *Guestrooms.* Rentable guestrooms shall be limited to not more than four bedrooms in the primary dwelling or four bedrooms in the entirety of one ADU for each home bed and breakfast or residential hosting facility. Total number of occupants, including an owner, owner's family, and guests occupying the home at one time shall be no more than ten. Maximum occupancy must be posted in each rentable guestroom.
- C. *Number of Bookings.* No more than one bookings may occupy any home bed and breakfast or residential hosting facility at any one time.
- D. *Accessory Dwelling Units:* the use of an accessory dwelling unit for a home bed and breakfast or residential hosting facility shall be governed by Hurricane City Code 10-41 and standards within this and other applicable chapters.
- E. *Current codes.* Guestrooms must meet current international residential codes for egress and be provided with smoke and CO2 detectors. A fire exiting route plan must be posted in each sleeping guestroom.
- F. *Meals.* If meals are offered, meals shall be served only to overnight guests.
- G. *Landscaping.* Landscaping shall be provided and maintained to minimize impact on neighboring properties, to retain residential character, and to provide a visual buffer for on site parking in relation to adjacent properties and the street. Landscaping may include, but shall not be limited to, planting trees in the park strip.
- H. *Parking.* Nonfrontage, off street parking shall be provided as follows:
  - 1. Two spaces for owner.
  - 2. One space per guestroom.
  - 3. Parking must be located on the same property as the guestrooms.
  - 4. Tandem parking is permitted for one space only.
  - 5. Off street parking may not be provided within the front yard setback other than the existing driveway.
  - 6. Landscaping is required between parking and adjoining residential properties.
- I. *Signs.* Only one sign not larger than one foot by two foot in size may be used to advertise a home bed and breakfast or residential hosting facility. The sign may not be illuminated unless by a single down facing low wattage fixture.
- J. *Street standards.* A home bed and breakfast or residential hosting facility shall be located on a street that meets fire code requirements.
- K. *Structural modifications.* A valid building permit is required before any structural modifications or additions may be made to a building to be used pursuant to this chapter. A business license to operate a home bed and breakfast or residential hosting facility shall not be issued for a property that was modified or added to without a valid building permit. A previously-issued business license shall be subject to revocation pursuant to Title 3 of the City Code upon evidence that the structure was modified or added to without a valid building permit. L. *Other regulations.* A home bed and breakfast or residential hosting facility is subject to all other applicable sections of this Code, including, but not limited to, building and fire codes, transient lodging facility regulations, and transient room tax requirements.

(Ord. 2015-12, 12-17-2015; Ord. 2018-04, 4-5-2018; Ord. No. [2022-10](#), 5-19-2022)

Sec. 10-51-5. - Development standards; bed and breakfast inn.

A bed and breakfast inn may be established in any zone where allowed as a permitted or conditional use, and shall conform to applicable commercial construction codes, zoning requirements, state health department requirements and the requirements of any other applicable codes and/or ordinances adopted by the City.

(Ord. 2015-12, 12-17-2015)

## CHAPTER 41. - ACCESSORY DWELLING UNITS

### Sec. 10-41-1. - Purpose.

The purpose of this chapter is to establish use and development regulations for accessory dwelling units. These regulations are intended to ensure that limited use of accessory dwelling units allowed in a residential zone do not disturb the single-family residential character of a neighborhood.

(Ord. 2018-04, 4-5-2018; Ord. No. [2022-10](#), 5-19-2022)

### Sec. 10-41-2. - Scope.

The requirements of this chapter shall apply to all accessory dwelling units in single-family zones. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, this Code, and other laws.

(Ord. 2018-04, 4-5-2018; Ord. No. [2022-10](#), 5-19-2022)

### Sec. 10-41-3. - Permitted use.

~~A~~The ~~single~~ accessory dwelling units ~~described below~~ shall be allowed as permitted uses as listed in 10-13-3 and 10-14-3 in any residential zone, or any other zone in which such uses are permitted uses, and shall be subject to the development standards ~~of section 10-41-4~~ of this chapter. The definition of each use is set forth in chapter three (3) of this title.

~~Accessory dwelling units.~~

~~Guesthouse or casita.~~

~~Kitchen.~~

(Ord. 2018-04, 4-5-2018; Ord. No. [2022-10](#), 5-19-2022)

### Sec. 10-41-4. - Development standards; permitted use.

The development standards set forth in this section shall apply to any accessory unit allowed as a permitted use.

- A. *Definition; setbacks and size.* An accessory dwelling unit is an accessory use to the main residential dwelling unit. Setbacks and size and lot coverage limitations established for accessory buildings in each zone shall apply.
- B. *Egress and life safety requirements.* The dwelling unit must meet egress and life safety requirements of the International Residential Building Code.
- C. *Ownership.* The owner or an immediate family member of the property owner ~~of the main dwelling unit~~ shall reside on the property as their primary residence as a condition for an accessory dwelling unit to be rented. For long term occupancy, the property owner may live in the accessory building or the primary building. Only the accessory unit may be used as a short-term rental pursuant to chapter 51 of this Code.
- D. *Limit.* Generally, only one accessory dwelling unit and/or casita shall be established on one residential property. However, two accessory dwelling units may be allowed by a conditional use permit pursuant to section 10-7-9.
- E. *Entrance.* The accessory dwelling unit mayshall have its own outside entrance.
- F. *Landscaping.* Landscaping shall be provided and maintained to minimize impact on neighboring properties, to retain residential character, and to provide a visual buffer for onsite parking in

**Commented [1]:** I believe that this should remain as "shall" because it is intended to be used by people other than the family living in the main home. If it is an interior bedroom that is being rented then it is not an ADU. However, I am not opposed to an ADU being allowed to also have a door connecting the ADU to the home although I don't think that should be required.



relation to adjacent properties and the street. Landscaping may include, but shall not be limited to, planting trees in the park strip.

- G. *Secondary use.* The accessory dwelling unit shall be clearly incidental and secondary to the primary use of the dwelling for residential purposes.
- H. *Maximum size.* The accessory dwelling unit, if it is detached, must meet the size limitations for the zone or have been granted a conditional use permit.

I. ~~Home Bed and Breakfast and Residential hosting.~~ One detached accessory dwelling unit may be used per residential lot for ~~a home bed and breakfast or~~ residential hosting pursuant to [Title 10, Chapter 51 of the City Code](#)~~the terms of licensing for residential hosting.~~

(Ord. 2018-04, 4-5-2018; Ord. No. [2022-10](#), 5-19-2022)

Sec. 10-41-5. - Compliance with development standards.

- A. Residential properties with accessory dwelling units found to be in violation of the development standards set forth in section 10-42-4 of this title shall be subject to all applicable remedies set forth in chapter 9 of this title to ensure compliance.
- B. In order to ensure accessory dwelling units meet the development standards, a permit must be issued by the [City Planning Department](#) for any use of the unit described in section 3-9-2 ~~and section 10-51.-~~

(Ord. 2017-03, 1-19-2017; Ord. No. [2022-10](#), 5-19-2022)

Commented [2]: Isn't this item redundant where "D" already limits a lot to one ADU?

## CHAPTER 10. - TRANSIENT LODGING FACILITIES

### Sec. 3-10-1. - Definitions.

As used throughout this chapter, the following terms or phrases shall have the following meanings:

*Bed and breakfast, home* means a limited commercial activity within a residential structure where not more than four rooms may be rented to paying guests on a nightly basis and the breakfast meal is provided for in the rental rate pursuant to the requirements of title 10, chapter 51 of this Code in an owner occupied home.

*Bed and breakfast inn* means a commercial activity within a residential structure, in a residential or a commercial zone, where five or more rooms may be rented to paying guests on a nightly basis and the breakfast meal is provided for in the rental rate pursuant to the requirements of title 10, chapter 51 of this Code.

*Boarding house* means a building with not more than five guestrooms, where, for compensation, meals are provided for not more than 15 persons.

*Hostel* means an establishment in which people are lodged for a single night or less than a week at a time, but excluding bed and breakfast, home; bed and breakfast inn; hotel; or motel.

*Hotel* means an establishment with or without fixed cooking facilities in individual rooms offering transient lodging accommodations to the general public, and which may provide additional services such as restaurants and meeting rooms.

*Motel* means any building or group of buildings containing sleeping rooms, with or without fixed cooking facilities, designed for temporary occupancy by tourists or transients.

*Short term rental or vacation rental means to rent, lease, loan, let or otherwise hire out any rental dwelling unit for a period of 30 days or less.*

*Short term or vacation rental means a detached single-family dwelling unit used as a transient lodging facility.*

*Time period unit (timeshare)* means a multi-unit project in which an annually recurring part or parts of a calendar year specified in the condominium declaration or other document as a period for which a physical unit is separately owned. Separate ownership is represented by shares in a corporation, a partnership interest, or any other individually owned transferable property right or interest.

*Transient lodging facility* means any establishment that receives payment in any form in exchange for the use of any unit for one to 30 days, including any hotel, motel, time period unit, hostel, boarding house, vacation rental property, or bed and breakfast inn.

(Ord. 2015-2, 2-19-2015)

### Sec. 3-10-2. - Management.

Each bed and breakfast inn, boarding house, hostel, hotel, or motel must maintain an office on the premises in the charge and under the immediate supervision of a manager or attendant at all times. Such office shall remain continuously open and staffed whenever there are guests registered or present and whenever the facility is open to receive guests.

*Short term rental complexes within commercial zones of two to three units are required to have management located within Hurricane City boundaries, and must be available at all times to respond to complaints or issues raised by those staying within the complex.*

(Ord. 2015-2, 2-19-2015)

### Sec. 3-10-3. - Disclosure of available rooms.

Each transient lodging facility shall disclose to the business license officer the current number of rooms available and/or held out for public accommodation, or, in the case of vacation rentals, the total number of people the dwelling can safely accommodate:

- A. At the time of initial licensure or license renewal; and
- B. Within 72 hours of any change in the number of such available rooms or accommodation of guests.

(Ord. 2015-2, 2-19-2015)

Sec. 3-10-4. - Display of license; guest register.

- A. A current, valid business license shall be posted in a conspicuous place in each transient lodging facility.
- B. A register of all guests shall be kept at all times on the transient lodging facility premises except vacation rentals. The guest register shall contain in ink the following information about each guest for which the transient lodging facility affords accommodations:
  - 1. Name and permanent address.
  - 2. Dates of arrival at the transient lodging facility and departure from the transient lodging facility.
  - 3. License plate number, state of licensure, make, type and color of all motor vehicles.
  - 4. Verification of a form of picture identification, including, but not limited to, driver's license, passport, or state issued identification card showing current name, address, and age of person registering and indicating which type of identification was verified and the identification number shown on said identification.
- C. The guest register required by this section shall be kept current and shall be immediately available at all times for inspection upon the demand of police officers or City officials.
- D. Vacation rental business license owners must keep an accurate register of all guests containing all the above information that can be provided upon the demand of police or emergency services personnel or City officials.

(Ord. 2015-2, 2-19-2015)

Sec. 3-10-5. - Occupancy.

It shall be unlawful for any transient lodging facility unit to be occupied by a greater number of persons than that which it is designed or furnished to accommodate.

(Ord. 2015-2, 2-19-2015)

Sec. 3-10-6. - Responsibility for minors.

No transient lodging facilities unit shall be rented, leased, or registered to any person under the age of 18 years. Each person to whom a lodging unit is rented, leased, or registered shall be responsible for any minors occupying such unit and shall remain on the transient lodging facility premises at all times while there are minors occupying such unit.

(Ord. 2015-2, 2-19-2015)

Sec. 3-10-7. - Length of stay.

No person shall occupy any unit or combination of units at any one transient lodging facility for longer than 30 consecutive days, and no transient lodging facility shall permit any person to occupy any unit or combination of units on the facility premises for longer than 30 consecutive days. This section shall not apply to federal, state, or municipal law enforcement or emergency personnel, or to transient lodging

facilities renting, leasing, or registering units to such personnel. Vacation rental properties may be occupied for longer than 30 days but must still comply with all vacation rental regulations.

(Ord. 2015-2, 2-19-2015)

Sec. 3-10-8. - Sanitary facilities.

- A. Each lodging unit held out for public accommodation must comply with the minimum rules established by the state department of health.
- B. It shall be unlawful to rent, lease, or otherwise hold out for public accommodation any transient lodging facility unit which does not have:
  - 1. A complete operable bathroom, including flush toilet, sink, and bath or shower in working order; and
  - 2. For each guest, an adequate daily supply of at least the following sanitary supplies:
    - a. Hot and cold running water.
    - b. Soap.
    - c. Towels.
    - d. Toilet paper.
    - e. Clean linen.
- C. Each transient lodging facility shall be cleaned after the departure of each guest and before the arrival of any subsequent guest.

(Ord. 2015-2, 2-19-2015)

Sec. 3-10-9. - Inspections.

Each transient lodging facility shall comply and cooperate with any fire, land use, Code enforcement, building, health, or other inspection conducted by municipal officials, with or without notice.

(Ord. 2015-2, 2-19-2015)

Sec. 3-10-10. - Duty to report.

Any owner, manager, or attendant of any facility covered by this section shall report promptly to the proper authorities any violations of a municipal ordinance or any violation of law which he or she has reason to believe was or is being committed on the premises.

(Ord. 2015-2, 2-19-2015)

Sec. 3-10-11. - Short term vacation rentals.

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

- A. *Business license required.* No dwelling in any permitted zone shall be occupied or used as short term vacation rental until such time that the owner has obtained a short term vacation rental business license issued in accordance with the provisions of this section.
- B. *Conditions for issuance of a business license for a short term vacation rental.* Issuance of a short term vacation rental business license by the Business License Officer shall be subject to the following:

1. A complete application for a short term vacation rental business license shall have been submitted in accordance with section 3-1-5, and which shall also include:
  - a. The name, address and phone number of the owner or other person designated by the owner as the property manager who shall be responsible for ensuring compliance with the rules and regulations specified in this section, and
  - b. A valid state tax number for remittance of transient lodging taxes.
2. The dwelling unit for which the business license is sought shall ~~be located~~~~be a located~~ in a permitted zone according to this title and that has been built to meet building and fire codes for transient occupancy and has been issued a certificate of occupancy.
3. Portions of a single-family dwelling may not be used as a short term ~~rental unless located within a Recreation Resort Zone or appropriately licensed for Residential Hosting~~ ~~vacation rental unless licensed as a bed and breakfast or residential hosting facility~~ in accordance with the regulations for that use. A short term vacation rental and ~~a bed and breakfast or~~ residential hosting facility located in a residential zone may not be located in the same single-family dwelling.
4. In permitted single-family zones, the owner of a single-family dwelling for which a short term vacation business license is sought ~~shall~~~~does~~ not hold a business license to operate another short term vacation rental within the City limits. For purposes of this subsection, "owner" means any individual, corporation, partnership, limited liability company, trust or other entity which has a legal or equitable ownership interest in the single-family dwelling, or any individual who has an ownership interest in any corporation, partnership, limited liability company, trust or other entity which has a legal or equitable ownership interest in the single-family dwelling.
5. In permitted single-family zones, ~~a Vacation Rental license shall not be issued if there is another licensed Vacation Rental property the property line of another dwelling licensed as a short term vacation rental shallis not be located~~ within 300 feet, as measured along the same street or around the corner, of the front property line corners of the property where the proposed short term vacation rental license is being sought. This criterion does not apply to Residential Hosting, recreation resort zoning or motel type uses within commercial zoning.
- C. *Limit on total number of short term vacation rental licenses within single-family zones as contained in title 10, chapter 13 of this Code.* The total number of short term vacation rental business licenses issued within single-family zones shall be limited in accordance with the following:
  1. The maximum number of short term vacation rental business licenses for property in single-family zones to be issued shall be based on the total population of the City, allowing three licenses for every 1,000 of total population.
  2. The total number of licenses available each year shall be recalculated based on an estimated population derived by adding the total number of new dwelling units times 2.779 residents per unit to the prior year's base population. The City shall readjust the population numbers every ten years after the release of the census numbers. If the census numbers are lower than the City's projection, the City shall not revoke any issued license but shall not issue any additional licenses until City population justifies additional license availability.
  3. If, after the maximum number of licenses has been issued, an application meeting all other requirements for issuance of a license is received, the application shall be placed on a waiting list in order of the date of receipt. No fees will be due until a license becomes available. When a license becomes available, the first applicant on the waiting list shall be notified of the license availability, and the applicant shall have 45 days from the date of such notice to file a complete application and pay the filing fee, and six months thereafter to complete the licensing process. In the event that the applicant fails to file a complete application and filing fee within said 45 days, or fails to complete the licensing process within said six months, the application shall be deemed to have expired, and the next applicant will be notified of the license availability, and the same procedure shall apply.

Commented [1]: rental unless licensed for Residential Hosting



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

D. *Parking regulations.* The owner of any property licensed as a short term vacation rental shall provide off street parking for guests in accordance with the following:

1. Off street parking shall be provided on the same lot as the dwelling which is licensed as a short term vacation rental.
2. Parking shall be provided at one vehicle per bedroom. Tandem spaces on a driveway may be used.
3. All guest parking shall be contained [off-street and](#) on the site.
4. No off street parking space may be located in front of the living area of the dwelling unless there is a circular driveway.
5. The number of vehicles allowed by the occupants of a vacation rental home shall be restricted to the number of off street parking spaces provided by the owner.

[6. No recreational vehicles or trailers of any kind may be parked on the public street.](#)

[7. Owner shall supply a parking plan that complies with this section with the bus. license application.](#)

E. *Maintenance standards.* Any property that contains a dwelling which is licensed as a short term vacation rental shall conform to the following standards:

1. Structures shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained and watered in order that the use in no way detracts from the general appearance of the neighborhood;
2. The use of a dwelling as a short term rental shall not in any way change the appearance of the dwelling or property for residential purposes; and
3. Each sleeping room must meet current international residential ~~code~~ codes for egress and be equipped with smoke and CO2 detectors. A fire exiting route plan and maximum occupancy number must be posted in each sleeping room.

F. *Prevention of noise, nuisance or trespass.* The owner of any dwelling licensed as a short term vacation rental shall be responsible to ensure that guests or occupants of the short term rental do not:

1. Create noises that by reason of time, nature, intensity or duration are out of character with noises customarily heard in the surrounding residential neighborhood.
2. Disturb the peace of surrounding residential property residents by engaging in shouting, fighting, playing of loud music, racing of cars or recreational vehicles on streets, engaging in outside recreational activities after 10:00 p.m., or other similar activities.
3. Interfere with the privacy of surrounding residents or trespass onto surrounding properties.
4. Allow pets or animals to create noise, roam the streets, trespass on neighboring properties, or create a mess that is not cleaned up by the owner or custodian of the pet or animal.
5. Engage in any disorderly or illegal conduct, including illegal consumption of drugs and alcohol.

G. *Required posting.* The following information must be posted in a clear, concise, and unambiguous manner and in a conspicuous location inside any dwelling licensed as a short term vacation rental:

1. A copy of the vacation rental business license.

2. The name, address, and phone number of the owner or property manager.
3. The location of all fire extinguishers.
4. A list of all rules applicable for vacation rentals.
5. The maximum occupancy of the vacation rental and the maximum number of vehicles allowed.
- H. *Miscellaneous rules and regulations.* The following rules and regulations shall apply to any dwelling for which a short term vacation rental business license has been issued:
  1. Outdoor pools, hot tubs or spas shall not be used between the hours of 11:00 p.m. and 6:00 a.m.
  2. Maximum occupancy in any dwelling licensed as a short term vacation rental shall be ten persons at any one time. If, however, the property has a fire sprinkler system or other fire suppression system acceptable to the Hurricane Valley Fire District, a greater occupancy may be approved. Maximum occupancy of the dwelling must be included in the regulations sign.
  3. The owner of any property containing a dwelling licensed as a short term vacation rental shall cause to be displayed in a City approved location on the exterior of the property an approved sign containing the name and 24-hour per day, 365-day per year telephone number of the owner or other party designated by the owner as property manager who will be responsible for receiving and resolving complaints regarding activities on the property and the conduct of its occupants and guests. The sign shall not exceed 12 inches by 18 inches and shall be the only sign other than an address permitted on a short term vacation rental property.
  4. The owner or property manager shall provide information on current occupants to police, emergency, or City personnel as requested. The owner or other person designated as the property manager shall respond to complaints and concerns within one hour of any phone call or other notification. Failure of the owner or property manager to respond in a timely manner may result in a violation and possible fines to the business license holder and property owner.
  5. The requirements of this section shall be in effect throughout the time a short term vacation rental license is in effect on the property, regardless of whether the property is occupied by the owner, nonpaying guests of the owner, or paying guests of the owner. The City finds that, given the practical difficulty of determining whether or not the occupants are paying guests, enforcement of the requirements contained in this section shall be based on whether the property is licensed as a short term vacation rental.
  6. An inspection of a vacation rental property for compliance with these regulations will be performed at the time of business license review shall be required before a license is issued and each year before renewal. Additional inspections may be performed with 24-hour notice to the license holder/property manager if deemed necessary by the City. An inspection of a vacation rental property for compliance with these regulations will be performed at the time of business license review. Additional inspections may be performed with 24-hour notice to the license holder/property manager if deemed necessary by the City.
  7. The owner of any dwelling licensed as a short term vacation rental shall be required to collect and remit on a timely basis transient lodging taxes.
- I. *Enforcement provisions.*
  1. Any owner of any dwelling within the City who allows or permits occupation of said dwelling as a short term vacation rental, as defined herein, without having first obtained a business license in accordance with the provisions of this section shall be in violation of this section and shall be subject to a civil citation with a penalty of \$750 per day as set forth in section 1-4-5 of this Code. A violator of this paragraph shall also shall be guilty of an infraction, which shall be punishable by a fine of up to \$750.00 for each such violation. In addition, in the event that such dwelling is on the waiting list described in subsection C3 above at the time of such violation, the business license application for said dwelling shall be removed from said waiting list and the dwelling shall not be considered for a short term vacation rental business license unless a new application is submitted.

2. Any owner of any dwelling within the City, who, having first obtained a business license for use or occupation of said dwelling as a short term vacation rental, thereafter operates or permits operation of said short term vacation rental in violation of the terms and provisions of this section shall be subject to a civil citation with a penalty of \$750 per day as set forth in section 1-4-5 of this Code. A violator of this paragraph shall also ~~shall~~ be guilty of an infraction, and shall be punished by a fine of up to \$750.00 for each such violation.
3. Any person who occupies a short term rental as a guest and who violates any local ordinance or state law shall be subject to arrest, issuance of a citation, or other civil or criminal process in accordance with all state, federal or local statutes, rules or ordinances.
4. Violation of any provision of this section regulating short term vacation rentals shall constitute a separate offense for each day said violation occurs or continues.
5. In the event of three or more violations of this section committed by an owner or guest, or any combination of the two, within any 12-month period, the City Council may, depending on the nature or extent of the violations, proceed with revocation of the business license for any short term vacation rental property in accordance with the provisions of the general business license ordinance.

6. In the event of a license being revoked by the City Council for violations of this chapter, the owner of the property in question shall not be issued a new vacation rental business license for a period of one year.

(Ord. 2016-04, 3-17-2016; Ord. 2016-07, 7-21-2016; Ord. 2017-01, 1-5-2017; Ord. 2017-13, 8-17-2017; Ord. No. 2021-06, 7-1-2021)

Sec. 3-10-12. - Penalty; suspension or revocation of license.

In addition to the denial, suspension, revocation or refusal to renew a license as outlined in section 3-1-9 of this title, any licensee who shall operate a transient lodging facility in violation of this chapter, and/or any person designated by the licensee as the manager or person in charge of daily operation of said facility who shall permit or allow said facility to operate in violation of this chapter, shall be guilty of an infraction and shall be punished for each offense by a fine as provided in section 1-4-1 of this Code.

(Ord. 2015-2, 2-19-2015)

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 subsection 10-7-18E4 of this title.

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

| Use                                                             | Zones |    |    |    |     |
|-----------------------------------------------------------------|-------|----|----|----|-----|
|                                                                 | NC    | GC | HC | PC | POC |
| Residential uses:                                               |       |    |    |    |     |
| Building, accessory                                             | P     | N  | N  | P  | P   |
| Dwelling, multiple-family <sup>4</sup>                          | N     | N  | N  | P  | P   |
| Dwelling, single-family <sup>4</sup>                            | N     | N  | N  | P  | N   |
| Dwelling, temporary                                             | N     | N  | N  | N  | N   |
| Dwelling, two-family <sup>4</sup>                               | N     | N  | N  | P  | P   |
| Manufactured home                                               | N     | N  | N  | N  | N   |
| Manufactured/mobile home park                                   | 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 <sup>1</sup>           | P     | N  | N  | P  | P   |
| Residential facility for persons with a disability <sup>1</sup> | P     | N  | N  | P  | P   |
| Residential facility for troubled youth                         | N     | N  | N  | N  | N   |
| Transitional housing facility                                   | N     | N  | N  | N  | N   |

|                                 |   |   |   |   |   |
|---------------------------------|---|---|---|---|---|
| Public and civic uses:          |   |   |   |   |   |
| 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 |
| Convalescent care facility      | N | P | P | P | 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 |
| Utility, major <sup>3</sup>     | N | N | N | C | C |
| Utility, minor <sup>3</sup>     | P | P | P | P | P |
| Utility substation <sup>3</sup> | P | P | P | P | P |
| 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, home                                         | N | N | N | N | N |
| 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 |
| Club, private                                                   | N | P | P | P | N |
| Construction sales and service                                  | N | P | P | N | N |
| Convenience store                                               | P | P | P | P | P |
| Family child daycare facility <sup>2</sup>                      | P | N | N | P | N |
| Family child group daycare facility <sup>2</sup>                | P | N | N | P | N |
| Family child residential certificate care facility <sup>2</sup> | P | N | N | P | N |
| Family childcare center                                         | P | P | P | P | P |
| Funeral home                                                    | N | P | P | P | N |
| Garden center                                                   | P | P | P | P | P |
| Gas and fuel, storage and sales                                 | N | N | C | N | N |
| Gasoline service station                                        | P | P | P | P | N |
| Hostel                                                          | N | P | P | P | N |
| Hotel                                                           | N | P | P | P | N |
| Kennel                                                          | C | P | C | C | C |

|                                       |   |   |   |   |   |
|---------------------------------------|---|---|---|---|---|
| Kennel, residential                   | P | N | N | N | N |
| Laundry or dry cleaning, limited      | P | P | P | P | P |
| 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                 | P | P | P | P | P |
| Personal instruction service          | 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 |

|                                       |                                                  |          |          |   |          |
|---------------------------------------|--------------------------------------------------|----------|----------|---|----------|
| 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 Rentals                    | <u>P</u>                                         | <u>P</u> | <u>P</u> | N | <u>N</u> |
| Takeoff and landing of aircraft       | N                                                | N        | N        | N | N        |
| Tattoo establishment                  | P                                                | P        | P        | N | N        |
| Tavern                                | N                                                | P        | P        | P | N        |
| Temporary trailer                     | P                                                | P        | P        | P | P        |
| 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       | P                                                | P        | N        | N | N        |
| Wireless telecommunication facility   | See section 10-50-5, table 10-50-1 of this title |          |          |   |          |
| Industrial uses:                      |                                                  |          |          |   |          |
| Laundry services                      | N                                                | N        | N        | P | N        |
| Wholesale and warehousing, general    | N                                                | N        | N        | N | N        |
| Wholesale and warehousing, limited    | N                                                | N        | N        | N | N        |

Commented [1]: Move to residential use

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-2 zone would apply. No new residential uses are permitted.
- 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)

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

*Accessory building* means 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.

*Accessory dwelling unit (ADU)* means a subordinate residential dwelling unit that is being used for housing guests, renters, or any long-term or short-term stay of any persons not qualifying as the property owner's Family, as that term is defined in this section immediately related to the property owner. Each subordinate residential dwelling unit meeting this definition shall constitute a separate ADU regardless of how the units are configured or accessed. An ADU may have with a separate entrance, kitchen, and full bathroom facilities that is attached to or detached from a single-family structure. Guesthouses and/or casitas shall be considered an ADU when used for housing guests, renters, or any long-term or short-term stay of any persons not qualifying as the property owner's Family, as that term is defined in this section. An ADU may be internal, attached, or detached from the primary dwelling. All ADUs accessory dwelling units must meet the requirements of chapter 41 of this title.

**Commented [1]:** 10-41 current states that an ADU will have an separate entrance. Is that a requirement that we want to keep?

**Commented [2R2]:** No, I do not think we do.

*Accessory use.* See definition of *use, accessory*.

*Apartment house.* See definition of *dwelling, multiple-family*.

*Bed and breakfast, home* means a limited commercial activity within an owner-occupied residential structure where not more than four sleeping rooms may be rented to paying guests on a nightly basis and the breakfast meal is provided for in the rental rate pursuant to the requirements of chapter 51 of this title.

**Commented [3]:** I think this definition should be eliminated all-together.

*Bed and breakfast inn* means a commercial activity within a residential structure where five or more rooms may be rented to paying guests on a nightly basis and the breakfast meal is provided for in the rental rate pursuant to the requirements of chapter 51 of this title.

**Commented [4]:** By removing the number of rooms, the definition indicates the differences between a Residential Hosting use and a Bed and Breakfast Use.

*Building* means a permanently located structure having a roof supported by columns or walls for the shelter, housing, or enclosure of any person, animal, article, or chattel.

*Duplex.* See definition of *dwelling, two-family*.

*Dwelling* means any building, or portion thereof, having one or more dwelling units occupied as, or designed or intended for occupancy as, a residence by one or more families as permitted by this title, but not including hotels, motels, boarding houses, or other facilities offering transient lodging facilities.

*Dwelling unit* means one or more rooms in a dwelling designed for or occupied as separate living quarters which provide sleeping and sanitary facilities and which 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.

**Commented [5]:** We need to look at this one. I don't want to see a confusion between an Accessory Dwelling Unit and a Dwelling Unit. Maybe we should eliminate the Dwelling Unit definition. For an Accessory Dwelling Unit, I am OK to not require a kitchen for short term stays but allowing it if the owner wishes. A bathroom should be required in any ADU. Any ADU which is intended to be used as a long-term rental should be required to have a full kitchen, which should include, as a minimum: 2 burner stove, oven or microwave, sink, fridge and dining space. ADU's must also include an off-street parking space.

*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.*

*Hotel* means an establishment with or without fixed cooking facilities in individual rooms offering transient lodging accommodations to the general public, and which may provide additional services such as restaurants and meeting rooms. Hotels shall contain four-six or more sleeping rooms.

*Household* means a family living together in a one-dwelling unit with common access to and common use of all living and eating areas and facilities for the preparation and serving of food within the dwelling unit.



*Kitchen* means an area within a dwelling unit which contains a sink, fixed cooking appliances, and refrigeration facilities.

*Motel* means any building or group of buildings containing **four or more** sleeping rooms, with or without fixed cooking facilities, designed for temporary occupancy by tourists or transients, with a garage attached or parking space conveniently located to each unit.

*Residential hosting* means a limited commercial activity within an owner occupied single family residential structure where not more than four sleeping rooms not occupied by the full time residents may be rented to paying guests on a nightly basis and meals are not customarily provided pursuant to the requirements of chapter 51 of this title.

Short term rental or vacation rental means to rent, lease, loan, let or otherwise hire out any rental dwelling unit for a period of 30 days or less.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2004-15, 6-17-2004; Ord. 2005-15, 7-21-2005; Ord. 2008-4, 3-6-2008; Ord. 2009-01, 2-5-2009; Ord. 2011-11, 12-15-2011; Ord. 2012-8, 10-18-2012; Ord. 2013-10, 10-3-2013; Ord. 2014-10, 11-6-2014; Ord. 2015-3, 2-19-2015; Ord. 2015-12, 12-17-2015; Ord. 2016-11, 11-17-2016; Ord. 2017-03, 1-19-2017; Ord. 2017-06, 2-16-2017; Ord. 2018-04, 4-5-2018; Ord. 2018-12, 10-18-2018; Ord. 2019-04, 5-2-2019; Ord. 2020-03, 2-6-2020; Ord. No. [2022-10](#), 5-19-2022; Ord. No. [2022-36](#), 8-18-2022)

Whole Home Vacation Rental means an entire residential structure, which is not owner occupied but is managed locally, which is located in a residential neighborhood that is conditionally permitted on a per capita and unit separation basis, to be rented out short-term to nightly guests.

## CHAPTER 51. - ~~BED AND BREAKFAST AND~~ RESIDENTIAL HOSTING FACILITIES

### Sec. 10-51-1. - Purpose.

The purpose of this chapter is to establish use and development regulations for bed and breakfast and residential hosting facilities to assure their compatibility with adjoining uses, particularly when located in a residential zone.

(Ord. 2015-12, 12-17-2015)

### Sec. 10-51-2. - Scope.

The requirements of this chapter shall apply to any bed and breakfast or residential hosting facility within the City. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, this Code, and other laws.

(Ord. 2015-12, 12-17-2015)

### Sec. 10-51-3. - Conformity with standards and business license required.

No bed and breakfast facility or residential hosting facility shall be established unless:

- A. The facility can meet the development standards of this chapter;
- B. A business license has been issued in accordance with the regulations in title 3 of this Code;
- ~~C.~~ Operation of a home bed and breakfast or residential hosting facility without a current City business license is considered a violation and each day of operation shall be considered a separate offense.

(Ord. 2017-14, 8-17-2017)

### Sec. 10-51-4. - Development standards; home bed and breakfast and residential hosting facilities.

The development standards set forth in this section shall apply to all home bed and breakfast and residential hosting facilities within permitted residential zones. ~~Bed and Breakfast Inn establishments shall comply with standards established elsewhere within Hurricane City Code, including section 10-51-5.~~

- A. *Location.* Home bed and breakfast or a residential hosting facility shall be located in a single family residential structure deemed suitable for habitation.
- B. *Guestrooms.* Rentable guestrooms shall be limited to not more than four bedrooms in the primary ~~dwelling building~~ or four bedrooms in the entirety of ~~one a detached~~ ADU for each home bed and breakfast or residential hosting facility. Total number of occupants, including an owner, owner's family, and guests occupying the home at one time shall be no more than ten. Maximum occupancy must be posted in each rentable guestroom.
- ~~C. Number of Bookings Parties. No more than one bookings party may occupy any rentable guestrooms within a home bed and breakfast or residential hosting facility at any one time within~~  
~~Rentable guestrooms shall only be rented to no more than two parties at a time.~~
- ~~D. Accessory Dwelling Units: the use of an accessory dwelling unit for a home bed and breakfast or residential hosting facility shall be governed by Hurricane City Code 10-41 and standards within this and other applicable chapters.~~
- ~~E.G. Current codes.~~ Guestrooms must meet current international residential codes for egress and be provided with smoke and CO2 detectors. A fire exiting route plan must be posted in each sleeping guestroom.
- ~~F.D. Meals.~~ If meals are offered, meals shall be served only to overnight guests.

**Commented [1]:** All references to Bed and Breakfast or Home Bed and Breakfast should be removed. We should only have Bed and Breakfast Inn and Residential Hosting. The Bed and Breakfast Terminology should not be confused with Residential Hosting. The term "Residential Hosting" should be used for renting an interior guestroom or rooms or the renting of an ADU (attached or detached). Whereas a Bed and Breakfast Inn is an entire home where the owner lives onsite and rents any or all of the other bedrooms in the home on a nightly basis and serves breakfast to the guests. The bedrooms would not have kitchens in them. The bedrooms may, or may not, have exterior entrances.

**GE. Landscaping.** Landscaping shall be provided and maintained to minimize impact on neighboring properties, to retain residential character, and to provide a visual buffer for on site parking in relation to adjacent properties and the street. Landscaping may include, but shall not be limited to, planting trees in the park strip.

**HF. Parking.** Nonfrontage, off street parking shall be provided as follows:

1. Two spaces for owner.
2. One space per guestroom.
3. Parking must be located on the same property as the guestrooms.
4. Tandem parking is permitted for one space only.
5. Off street parking may not be provided within the front yard setback other than the existing driveway.
6. Landscaping is required between parking and adjoining residential properties.

**IG. Signs.** Only one sign not larger than one foot by two foot in size may be used to advertise a home bed and breakfast or residential hosting facility. The sign may not be illuminated unless by a single down facing low wattage fixture.

**JH. Street standards.** A home bed and breakfast or residential hosting facility shall be located on a street that meets fire code requirements.

**IK. Structural modifications.** ~~A valid building permit is required before any structural modifications or additions may be made to a building to be used pursuant to this chapter. A business license to operate a home bed and breakfast or residential hosting facility shall not be issued for a property that was modified or added to without a valid building permit. A previously-issued business license shall be subject to revocation pursuant to Title 3 of the City Code upon evidence that the structure was modified or added to without a valid building permit. Structural modifications may not be made to separate sleeping rooms from the remainder of the house without a valid building permit.~~

**LJ. Other regulations.** A home bed and breakfast or residential hosting facility is subject to all other applicable sections of this Code, including, but not limited to, building and fire codes, transient lodging facility regulations, and transient room tax requirements.

(Ord. 2015-12, 12-17-2015; Ord. 2018-04, 4-5-2018; Ord. No. [2022-10](#), 5-19-2022)

Sec. 10-51-5. - Development standards; bed and breakfast inn.

A bed and breakfast inn may be established in any zone where allowed as a permitted or conditional use, and shall conform to applicable commercial construction codes, zoning requirements, state health department requirements and the requirements of any other applicable codes and/or ordinances adopted by the City.

(Ord. 2015-12, 12-17-2015)

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING SECTIONS TITLE 3-CHAPTER 11, 10-CHAPTER 3-SUBSECTION 4 AND 10, TITLE 10-CHAPTER 15-SUBSECTION 3, TITLE 10-CHAPTER 41, AND TITLE 10-CHAPTER 51 OF THE HURRICANE CITY CODE STANDARDS ADDRESSING SHORT TERM RENTAL STANDARDS FOR ACCSSORY DWELLING UNITS AND UNITS IN SINGLE FAMILY ZONE

WHEREAS the City Council of Hurricane, Utah has authority to adopt and regulate zoning within its boundaries; and

WHEREAS, Hurricane City's General Plan and Moderate Income Housing Plan recommends that the City adopt policies that will govern and limit the use of short term rentals within single family zones; and

WHEREAS, Hurricane City has seen a large demand for short term rentals within the City; and

WHEREAS, short term rentals can have a negative impact on the surrounding neighbors and property; and

WHEREAS, Hurricane City is facing a high demand for long term housing and has a lack of affordable options; and

WHEREAS, the City Council deems it necessary to make these changes to further govern and define short term rentals within the City.

BE IT HEREBY ORDAINED by the Hurricane City Council Hurricane City Code Title 3-Chapter 11, Title 10-Chapter 3-Subsection 4 And 10, Title 10-Chapter 15-Subsection 3, Title 10-Chapter 41, And Title 10-Chapter 51 shall be, and is hereby, amended with the additional text as follows:

---

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Nanette Billings, Mayor

[Seal]  
Attest:

\_\_\_\_\_  
Cindy Beteag, City Recorder



AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING  
SECTIONS TITLE 10-CHAPTER 25 TO ADD A NOTE ONTO SUBDIVISION FINAL  
PLATS FOR AREAS WITHIN A DESIGNATED AREA AROUND AN AIRPORT

WHEREAS the City Council of Hurricane, Utah has authority to adopt and regulate zoning within its boundaries; and

WHEREAS, Hurricane City has a municipal airport within its boundaries and a private airport adjacent to municipal boundaries; and

WHEREAS, the City wishes to provide notice to future homeowners of development around airports that airport type activities will be taking place; and

WHEREAS, the Planning Commission and Airport Board both recommend that a note be required on subdivision plats near airports.

BE IT HEREBY ORDAINED by the Hurricane City Council Hurricane City Code TITLE 10-CHAPTER 25 shall be, and is hereby, amended with the additional text as follows:

---

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Nanette Billings, Mayor

[Seal]  
Attest:

\_\_\_\_\_  
Cindy Beteag, City Recorder

Sec. 10-25-7. – Nuisances

For each new subdivision within Hurricane City limits that is located in whole or in part within 2,640 feet~~300 feet~~ of the boundary of the Hurricane Municipal Airport or any other approved public or private airport, the owner of the development shall provide notice on any plat filed with the county recorder the following notice:

Notice of Airport~~Airport Protection~~ Area

*This property is located in the vicinity of the Hurricane Municipal Airport or other public or private airport, in which normal aviation uses and activities exist. It can be anticipated that such aviation uses and activities may now or in the future be conducted at the aAirport. The use and enjoyment of this property is expressly conditioned on acceptance of annoyance or inconvenience which may result from such normal aviation uses and activities, provided that the airport and aviation operators and pilots are in compliance with laws, ordinances, rules, regulations, and guidelines of the Federal Aviation Administration and Hurricane City.*



## STAFF COMMENTS

Consideration and possible **approval of revoking the residential hosting license for Cris LLC** - Cindy Beteag

### Discussion:

This property, located at 5189 W 2040 S, has been the subject of multiple complaints from neighbors. The most frequent have been parking issues and the owner not living on site. The property has a residential hosting license, which is permitted in that zoning. Per city code to have a residential hosting license the owner must live on the property in the primary part of the dwelling. In July of 2022, staff was made aware that the property was registered with the county to an address in Lehi, an inspection by Fred Resch III and Cindy Beteag was performed and the owner insisted that he lived in one of the bedrooms within the main home. Staff does not entirely believe this and neighbors have reported to us that the owner, Chris Hanks, is almost never at the property. For residential hosting city code requires that the owner is on the property whenever the guests are there. Staff has also received multiple complaints over the course of several months about cars being parked on the street, which is not allowed.

Some of the attached complaints reference the house across the street, 5196 W 2040 S, staff has spoken with the owner and that home is no longer being used as a short-term rental.

### Findings:

Staff recommends revocation of the residential hosting license for CRIS LLC

### Recommendation:

### Attachments:

1. 5189 W 2040 S
2. Short Term Rental
3. pictures from neighbor

**From:** Tomballard4 <[REDACTED]>  
**Sent:** Monday, October 3, 2022 6:22 PM  
**To:** Fred Resch  
**Subject:** 5189 W 2040 S

The parking lot next door continues. The photos do not show two more vehicles at the residence. I thought you were invalidating the "license" of this house? Remember, as per the developer Chris Wyler, there are NO HOUSES ON THIS STREET that are in the confines of the set-aside resort area, and thusly NOT eligible for short term rental, never mind an ill gotten "license". Tom

[Sent from the all new AOL app for iOS](#)



**From:** Tomballard4 <[REDACTED]>  
**Sent:** Friday, October 7, 2022 10:58 AM  
**To:** Fred Resch  
**Subject:** 5189 W 2040 S

Just wanted you to see what living next to a parking lot looks like. I counted 13 (thirteen) vehicles in and around the house. Want to guess what goes on when the folks are not tearing up the dunes? They party

like there was no tomorrow. Surely you can empathize and shut this stuff down



**From:** Tomballard4 <[REDACTED]>  
**Sent:** Wednesday, October 19, 2022 5:16 PM  
**To:** Fred Resch  
**Subject:** 5189W 2040S

As I recall, you were going to invalidate the "license" on this house. Why aren't you fining the owner as required? Was the fining mandate just a recommendation? As a citizen I feel I am due an explanation. I'm sick of the noise, vehicles in the street and roaring UTV's going up and down our street. See today's

parking lot





**From:** Tomballard4 <[REDACTED]>  
**Sent:** Monday, July 18, 2022 1:22 PM  
**To:** Fred Resch  
**Subject:** ILLEGAL SHORT TERM RENTAL

Fred, nice to have met you today and look forward to assisting you in enforcing CCRs pertaining to our Pecan Valley neighborhood.

I am including some photos that clearly show parking violations and a multitude of occupants in 5189 W 2040 S. The residence is NOT occupied and is rented out remotely without license and without authority. Also, at 5196 W 2040 S it too is in violation of short term rental rules by NOT having a license, living in the casita and renting out the entire house short term. Often, 5 or 6 cars can be seen there and parked in the street. Next door to the East at 5175, that house is declared a second home and wholly unoccupied. Occasionally renters are there short term of course and act as short term renters do, noise, street parking and neighborhood unfriendly conduct.

I will do as you indicated and report these and future violations to the hot line in an effort to quell this illegal activity. I thank you for your time and information.

I look forward to your support

T. R. Ballard

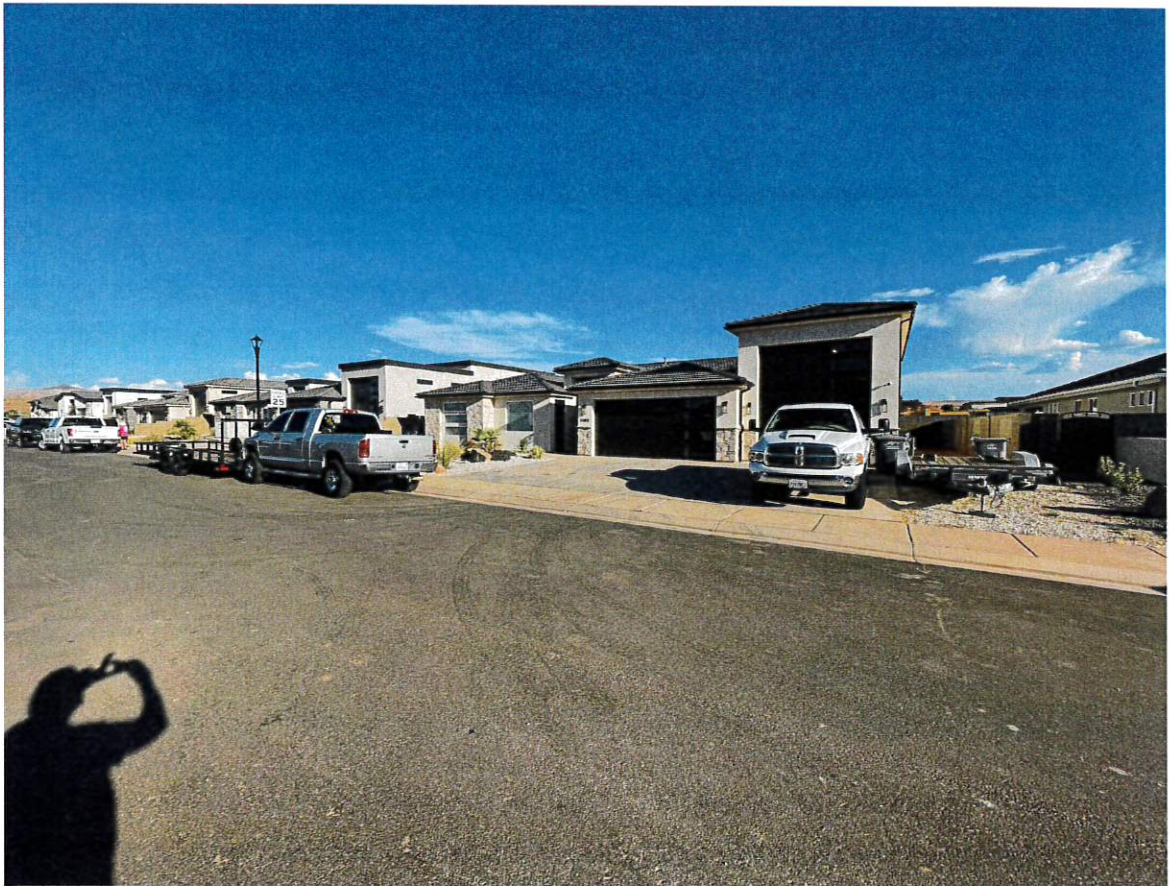


[Sent from the all new AOL app for iOS](#)

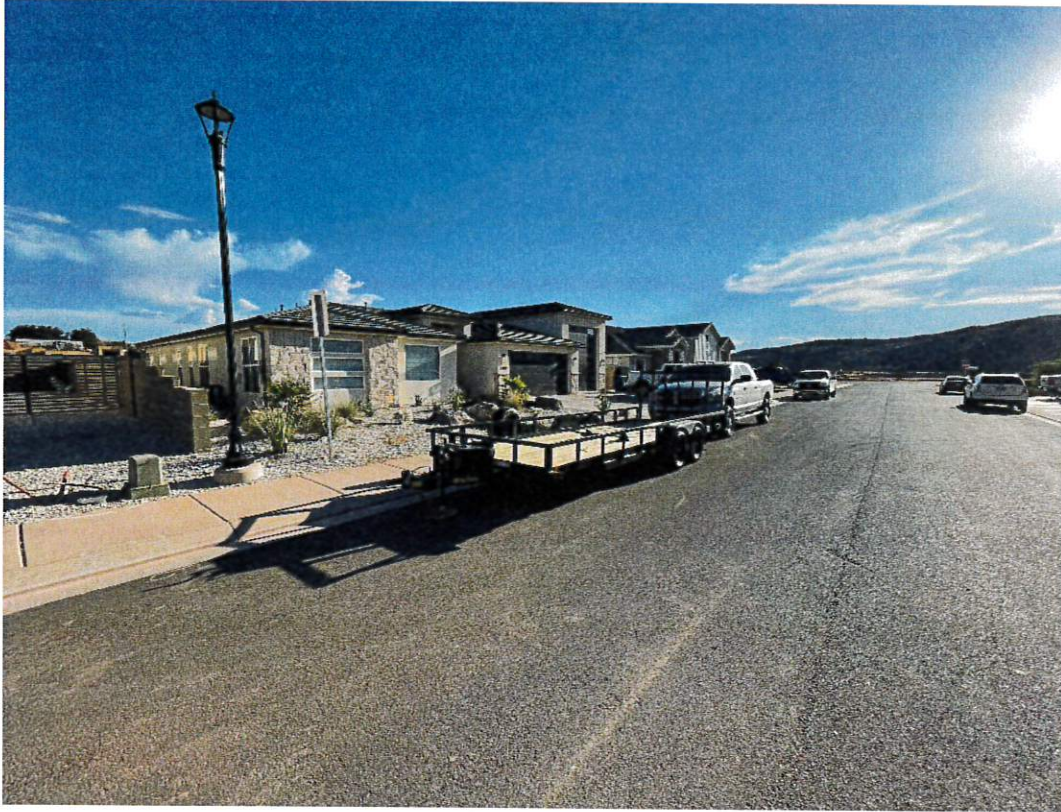












**From:** Tomballard4 <[REDACTED]>  
**Sent:** Wednesday, September 7, 2022 3:37 PM  
**To:** Fred Resch  
**Subject:** Re: The usual suspects

5196 and 5189 w 2040 s

[Sent from the all new AOL app for iOS](#)

On Wednesday, September 7, 2022, 12:38 PM, Fred Resch <[fred@cityofhurricane.com](mailto:fred@cityofhurricane.com)> wrote:

What address is this?

**From:** Tomballard4 <[tomballard4@aol.com](mailto:tomballard4@aol.com)>  
**Sent:** Tuesday, September 6, 2022 7:23 PM  
**To:** Fred Resch <[fred@cityofhurricane.com](mailto:fred@cityofhurricane.com)>  
**Subject:** The usual suspects

Illegal rentals continue. When does the fine occur?



[Sent from the all new AOL app for iOS](#)









## Cindy Beteag

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**From:** no-reply@mg.hostcompliance.com on behalf of Host Compliance <no-reply@mg.hostcompliance.com>  
**Sent:** Sunday, November 06, 2022 11:56 AM  
**To:** Cindy Beteag; Fred Resch; hcsystems@granicus.com  
**Subject:** New tip line form submission received regarding 5189 2040 S St, Hurricane, UT



# You got a new tips form submission!

We wanted to let you know that we just received a new tips form submission.  
You'll find the details below.

### Tip Details

**Submission ID**

aca35667811b45789ea5c947c0aee7e5

**Submission Time** 06/11/2022 11:55:54  
AM (America/Denver)

**Submitter Name** Tom Ballard

**Submitter's Callback #+** [REDACTED]

**Property's Contact Person Called** None

**Property's Contact Person's #** None

### Reported Issue Details

**Reported Address** 5189 2040 S St,  
Hurricane, UT

**Reported Issue Details**

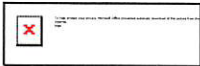
Unauthorized Short-term Rental:  
unauthorized\_str: This house has a  
lady functioning as rent coordinator.  
She lives in the casita and rents the  
rest of the house. AIRB&B and  
Venmo listed. According to my  
reading of the ordinances etc. , this  
activity is strictly forbidden. Fred  
Reich tells me the house has a  
license to rent short term. Problem is,  
2040S is excluded from the planned  
resort and thereby ineligible for such  
a license.

**Permit/Registration #** None

**Cindy Beteag**

---

**From:** no-reply@mg.hostcompliance.com on behalf of Host Compliance <no-reply@mg.hostcompliance.com>  
**Sent:** Saturday, July 16, 2022 8:30 PM  
**To:** Cindy Beteag; Fred Resch; hcsystems@granicus.com  
**Subject:** New Short-term Rental hotline call received regarding \*, Hurricane, Utah



## You got a new Short-term Rental Hotline call!

**This is the 1st report for this address.**

We wanted to let you know that we just received a new call on the Short-term Rental Hotline. You'll find the details below.

[Listen to call recording](#)

### Call Details

**Call ID**

3bc0ccac914c4610a009efe7bca5e01a

**Call Time** 16/07/2022 08:30:14 PM

(America/Denver)

**Caller Name** Marci Thomas

**Caller's Callback #** [REDACTED]

**Property's Contact Person Called**

None

**Property's Contact Person's #** None

### Reported Issue Details

**Reported Address \*** Hurricane, Utah

**Reported Issue Details**

Unauthorized Short-term Rental:

Caller was calling for three properties where it is for daily-unauthorized rentals. They properties is also very noisy, people make are yelling in the yards. Please contact back. \*5188 W 2040 S, 5189 W 2040 S and 5196 W 2040 S.

**Permit/Registration #** None



## Cindy Beteag

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**From:** Tonya Wilkins <[REDACTED]>  
**Sent:** Thursday, October 20, 2022 11:12 AM  
**To:** Cindy Beteag  
**Subject:** Pecan valley Airbnb 5189

Hi Cindy,

Thank you for taking my call and answering my questions. I ask that you please keep the anonymous for now.

Please see attached photos of the current tenants in the home. All of these cars, trucks and trailers belong to those guests. The 3 trucks and trailers on the west of us, that's a unfinished retention basin.

The white Ford dully is parked in front of our house. The trailers both block the sidewalk so someone is forced to walk in the street. Thank you again.

Also please let me know the process of us obtaining a license as well.









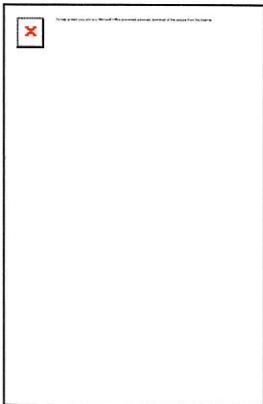
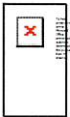












Brokered by: Real Broker, LLC

**Tonya A. Wilkins - S.61185**

Licensed Agent since 2000

Licensed Transaction Extraordinaire at Real Broker Nevada, LLC

M

E

A

W



November 9, 2022

CRIS LLC  
5189 W 2040 South  
Hurricane, UT 84737

Mr. Hanks,

It has been brought to our attention that your renters are continuing to park on the street and that you do not live in the home. Therefore, this notice is to inform you that a hearing before the City Council has been scheduled to consider revocation of the business license for Thursday, December 1, 2022, at 6:00 pm, or as soon thereafter as the matter can be heard, during the regular City Council meeting. The hearing will be held at the City Office located at 147 North 870 West, Hurricane. You have the right to appear at this hearing, to be represented by counsel, to hear the evidence against you, to cross examine witnesses, and to present evidence as to why the license should not be revoked.

If you have any questions or concerns, please do not hesitate to contact me at 435-635-2811 x106.

Sincerely,

Cindy Beteag

Cindy Beteag  
City Recorder

Cc: Dayton Hall, City Attorney  
Fred Resch III, Code Enforcement

| U.S. Postal Service™                                                                           |         |
|------------------------------------------------------------------------------------------------|---------|
| CERTIFIED MAIL™ RECEIPT                                                                        |         |
| (Domestic Mail Only; No Insurance Coverage Provided)                                           |         |
| For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a> ® |         |
| OFFICIAL USE                                                                                   |         |
| Postage                                                                                        | \$      |
| Certified Fee                                                                                  |         |
| Return Receipt Fee<br>(Endorsement Required)                                                   |         |
| Restricted Delivery Fee<br>(Endorsement Required)                                              |         |
| Total Postage & Fees                                                                           | \$ 7.82 |
| Postmark Here                                                                                  |         |
| Sent To                                                                                        |         |
| CRIS LLC                                                                                       |         |
| 11/10/22                                                                                       |         |
| Street, Apt. No.,<br>or PO Box No.                                                             |         |
| City, State, ZIP+4                                                                             |         |
| PS Form 3800, August 2006                                                                      |         |
| See Reverse for Instructions                                                                   |         |

Mayor  
Nanette Billings

City Manager  
Kaden C. DeMille



City Council  
Joseph Prete  
David Sanders  
David Hirschi  
Kevin Thomas  
Doug Heideman

October 20, 2022

Cris LLC  
5189 W 2040 South  
Hurricane, UT 84737

RE: Notice of Parking Violation

Mr. Hanks,

It has come to our attention that your short-term rental guests are parking on the street. Off street parking is a requirement for the residential hosting license.

10-51-4. F *Parking*. Nonfrontage, off street parking shall be provided as follows:

1. Two spaces for owner.
2. One space per guestroom.
3. Parking must be located on the same property as the guestrooms.
4. Tandem parking is permitted for one space only.
5. Off street parking may not be provided within the front yard setback other than the existing driveway.
6. Landscaping is required between parking and adjoining residential properties.

We understand you may not have been aware of this rule so this is a courtesy letter notifying you that if you continue to violate this ordinance, I will have no choice but to start the revocation process of your business license. Please ensure all parking is contained on the site as required by the ordinance.

Thank you for your compliance and understanding.

Sincerely,

Cindy Beteag  
Hurricane City Recorder

Cc: Dayton Hall, City Attorney

*See email  
in Problems folder*

Hurricane City  
147 N 870 W  
HURRICANE UT 84737  
435-635-2811

**RENEWAL NOTICE**  
08/16/2022

CRIS LLC  
5189 W 2040 SOUTH  
HURRICANE UT 84737

Please review the information below to verify that it is correct. Update any incorrect contact information by noting changes to the right of the information you are adding to or changing. Contact the Business Licensing Clerk if you need to change the business name, address, owner, or activity. Sign and return the application with the appropriate license fee(s). If you prefer to email it back, send it to [cindy@cityofhurricane.com](mailto:cindy@cityofhurricane.com) and then call with the payment. PLEASE DO NOT PAY VIA XPRESS BILL PAY. If you are no longer doing business, you must check the appropriate box, sign and return so we can update our system with the correct information.

Account #:9919

Business Name: CRIS LLC

DBA:

Address: 5189 W 2040 SOUTH

Mailing Address: 5189 W 2040 SOUTH  
HURRICANE UT 84737

Phone: 801-520-0047

Sales Tax ID #: AIR BNB/VRBO

Federal Tax ID#: 86-2797218

Professional License #:

Email Address: [chrishankss12@gmail.com](mailto:chrishankss12@gmail.com)

Website:

Owner Name: CRISTOPHER HANKS

Owner Phone: 801-520-0047

Manager Name:

Manager Phone:

License #: 9919

License Description: 4 ROOM RESIDENTIAL HOSTING

Fee: 50.00

Due 45 days from date of notice. Late fees will be assessed!

I have read the above, and declare under penalty of perjury that each and every statement made is true, correct and complete.

Authorized Signature

Date

No longer operating business in Hurricane City

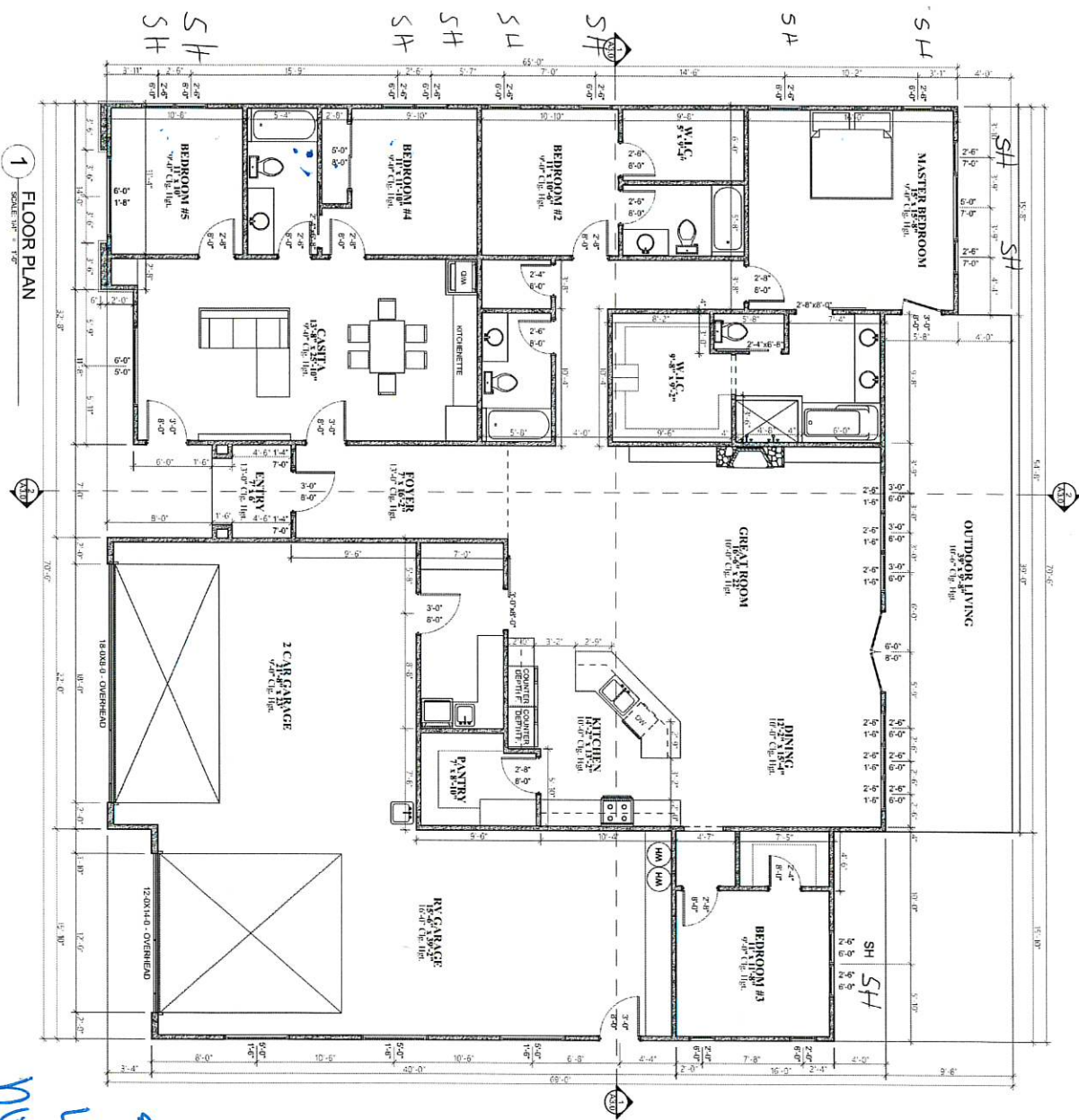
☐

Authorized Signature

Date

\*update notes





1 FLOOR PLAN  
SCALE: 1/8" = 1'-0"

| SQUARE FOOTAGE |             |
|----------------|-------------|
| TOTAL LIVING   | 2,944 Sq Ft |
| GARAGE         | 1,101 Sq Ft |
| COVERED ENTRY  | 42 Sq Ft    |
| COVERED PATIO  | 348 Sq Ft   |

- GENERAL STRUCTURAL NOTES**
1. OWNER IS RESPONSIBLE TO VERIFY THIS HOUSE IS BUILT IN COMPLIANCE WITH ALL LOCAL ORDINANCES. DESIGNER IS NOT RESPONSIBLE FOR SITE CONDITIONS AND/OR THE USE OF THE DRAWINGS DURING CONSTRUCTION.
  2. BUILDER MUST VERIFY ALL STRUCTURAL ELEMENTS FOR DESIGN AND SIZE WITH A LOCAL ENGINEER AND BUILDING OFFICIALS.
  3. EXACT SPECIFICATION FOR ALL CONCRETE FOUNDATIONS (i.e. SIZE & REINFORCEMENT MUST BE DETERMINED BY LOCAL SOIL CONDITIONS AND ALL CODES THAT APPLY LOCALLY. VERIFY STRUCTURAL DESIGN WITH LOCAL ENGINEER.
  4. STRUCTURAL LIABILITY: THE STRUCTURAL FRAMING SYSTEMS (STRUCTURAL ELEMENTS SUCH AS BUT NOT LIMITED TO FOOTINGS, FOUNDATION WALLS, REINFORCED CONCRETE, FRAMING WALLS, STRUCTURALLY INSULATED PANEL WALLS & ROOF BEAMS, CONNECTIONS, HEADERS, JOISTS, RAFTERS AND TRUSSES), FOR PURPOSE ONLY, A LOCAL STRUCTURAL ENGINEER SHOULD BE CONSULTED PRIOR TO CONSTRUCTION.

Inspected 8/23/22  
owner claims to be  
living in bedroom #3  
& renting out the other  
4 rooms. The casita is  
not being used separately.

FOR CONSTRUCTION SET

NEW CUSTOM HOME FOR  
CRISTOPHER HANKS  
HURRICANE, UT 84737



DETAILED  
DRAFTING  
& DESIGN  
1357-201-1387  
500 E. 1ST STREET, SUITE 100  
GEORGETOWN, DE 20636

Sheet Contents:  
FLOOR PLAN  
Drawing Date: 7/20/2020 Scale: As Noted  
A1.0

Mayor  
Nanette Billings

City Manager  
Kaden C. DeMille



City Council  
Joseph Prete  
David Sanders  
David Hirschi  
Kevin Thomas  
Doug Heideman

July 11, 2022

Christopher Hanks  
5189 W 2040 South  
Hurricane, UT 84737

CRIS LLC  
#9919

RE: Notice of Violation

Mr. Hanks,

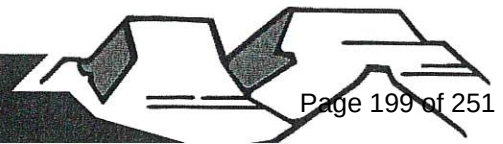
The City has been provided with evidence that you are renting your entire home and not just a portion of the home as a short-term rental. According to Hurricane City Code 10-51 the owner is required to live on the property to qualify for a residential hosting license. This letter serves as notice that you have 30 days to provide proof that the owner is living on site and is present when the home is being rented or a hearing will be scheduled with the City Council to revoke your residential hosting license.

If you have any questions, please call me at 435-635-2811 x 106.

Thank you,

Cindy Beteag  
Hurricane City Recorder

Cc: Dayton Hall, City Attorney  
Fred Resch III, Code Enforcement





## Entire home hosted by Evolve

1. 14 guests
2. · 4 bedrooms
3. · 10 beds
4. · 4 baths

## About this space

Feel right at home in the desert, thanks to this well-appointed 4-bedroom, 4-bath getaway. Featuring a central location in Hurricane, this vacation rental gives way to adventurous mornings on Sand Hollow Lake and Golf Course, scenic day trips to Zion, and relaxing evenings at local attractions and restaurants on State Street, just a couple blocks away. When it's time to unwind, make yourself at home inside the warm and inviting living space, equipped with a full kitchen, Smart TV and free WiFi.

Jason April 2022

Great place, really spacious. I think we had somebody staying in the connected unit while we were there but we never heard a thing from them and hopefully they never heard us with our noisy kids. The bunk beds were super fun for the kids to all be together. There were a few card games in the drawers. It was about 15-20 minutes from downtown St. George, 5 minutes from Sand Hollow, and 40 minutes from Zion. We were able to hit everything we wanted to do in 4 days and it was close enough to everything. Had a hard time finding it at first but I think that was more our fault than theirs. I'd bring your own pillows if you can.

Sally May 2022

Despite this though, my group ran into issues during our stay - 1) The listing said 4b4b but when we got there, it had 3b3b. 2) The listing said entire home/apt but there was another group staying at the connected complex with a door that could potentially access our "entire private space". 3) Miscommunications/misunderstandings with Evolve that caused us to stay on the phone with them for several hours on Saturday.

Leah September 2021

The location is gorgeous and the home is brand new. Be sure to get specific directions as the address does not yet pull up. The description also did not say that there is an attached apartment to the home that is also rented out. Otherwise, the home is new and clean and in a beautiful neighborhood near Sand Hollow Reserve.

Lisa April 2022

- The description of the second rental property on site is misleading and insufficient as "attached casita," which leads one to believe only the most tenuous of connections to the main house. A "casita" is not typically attached and integral to a home - it is a detached and separate unit. The correct description of this unit is a "mother-in-law apartment." This apartment shares two full, large walls with the main house, appears integral to the house from the exterior, has no soundproofing, and has an interior access door between the two that curious humans will try repeatedly. In the living room, noise from the apartment is quite loud, and the second bedroom (with the queen bed) is also noisy from the apartment via the shared wall with an apartment bedroom.

Paul A March 2022

Nice home in nice area. There is an attached Cacita at the front of the house and you can hear everything those tenants are saying. I'm sure they could hear us too. Terrible soundproofing. The master and queen beds are Very Uncomfortable. I had to move one of the bunk mattress into the master in order to get a good nights sleep. The kitchen utensils are bare minimum. The backyard was filled with sagebrush to the point we had to push it out of the way to get out the sliding door. The barbecue is the cheapest they could find. So light the top had blown off and was laying on the patio with more sagebrush with some empty beer bottles. We had a problem with the internet but the local contact responded quickly to help solve the issue

Published Mar 21, 2022

# Account 1053077

| <u>Location</u>                                         | <u>Owner</u>                 | <u>Value</u>                                           |
|---------------------------------------------------------|------------------------------|--------------------------------------------------------|
| <b>Account Number</b> 1053077                           | <b>Name</b> HANKS CRISTOPHER | <b>Market</b> (2021) \$407,000                         |
| <b>Parcel Number</b> H-PEV-1-24                         | 3852 W 1850 S # 303          | <b>Taxable</b> \$223,850                               |
| <b>Tax District</b> 03 - Hurricane City                 | LEHI, UT 84043               | <b>Tax Area:</b> 03 <b>Tax Rate:</b> 0.009782          |
| <b>Acres</b> 0.23                                       |                              | <b>Type</b> <b>Actual</b> <b>Assessed</b> <b>Acres</b> |
| <b>Situs</b> 5189 W 2040 S ,<br>HURRICANE               |                              | Primary \$407,000 \$223,850 0.230                      |
| <b>Legal</b> Subdivision: PECAN<br>VALLEY 1 (H) Lot: 24 |                              | Improved                                               |
| <b>Parent Accounts</b> 0958012                          |                              |                                                        |
| <b>Parent Parcels</b> H-4-2-10-224                      |                              |                                                        |
| <b>Child Accounts</b>                                   |                              |                                                        |
| <b>Child Parcels</b>                                    |                              |                                                        |
| <b>Sibling Accounts</b>                                 |                              |                                                        |
| <b>Sibling Parcels</b>                                  |                              |                                                        |

## Transfers

| <b>Entry Number</b>                | <b>Recording Date</b>                         |
|------------------------------------|-----------------------------------------------|
| <a href="#"><u>20160008892</u></a> | <a href="#"><u>03/16/2016 10:53:37 AM</u></a> |
| <a href="#"><u>20190047318</u></a> | <a href="#"><u>11/13/2019 04:13:53 PM</u></a> |
| <a href="#"><u>20200010098</u></a> | <a href="#"><u>02/27/2020 03:42:05 PM</u></a> |
| <a href="#"><u>20200047765</u></a> | <a href="#"><u>09/02/2020 04:23:35 PM</u></a> |

## **Images**

| <b>Tax Year</b> | <b>Taxes</b> |
|-----------------|--------------|
| 2021            | \$2,189.70   |
| 2020            | \$784.88     |

- [GIS](#)

### Business License Violations 10.17.22 through 10.23.22

| Incident                                            | Nature          | Name / Address | Reported   | Summary                          | Disposition | Complainant  |
|-----------------------------------------------------|-----------------|----------------|------------|----------------------------------|-------------|--------------|
|                                                     |                 |                |            | No matching records              |             |              |
| Vacation Rental Incidents 10.17.22 through 10.23.22 |                 |                |            |                                  |             |              |
| Incident                                            | Nature          | Name / Address | Reported   | Summary                          | Disposition | Complainant  |
| 22H007180                                           | Parking Problem | 5189 W 2040 S  | 10/21/2022 | Owners notified to move trailers | Closed      | C. Schroeder |

### Business License Letters - Citation notification 10.17.22 through 10.23.22

| Incident | Date Rec'd | Name/Business | Type of Notice | Delivered to Sgt | Date Rec'd<br>proof of<br>issuance | Issued<br>by<br>officer |
|----------|------------|---------------|----------------|------------------|------------------------------------|-------------------------|
|          |            |               |                |                  |                                    |                         |
|          |            |               |                |                  |                                    |                         |

We moved here from Florida in JUNE 2022. We purchased the home located at 5183W 2040S in Pecan Valley. After living here for only a month or so we noticed the house to our West, 5189W was having different vehicles parked in the driveway and in the street frequently. There were trailers, car haulers and Side-by-sides parked there almost constantly. And, of course the requisite noise of rumbling engines, slamming doors loud profanity and so on. On 17 July, 2022 I went to City Hall to complain. I was introduced to Mr. Fred Resch as the man to see. I told Mr. Resch that I suspected the entire house was being used a short term rental, and as I knew from the developer Mr. Chris Wyler, the street 2040S was a residential street and could not legally contain whole home short term rental. Mr. Resch told me that the owner of the house in mention had a license to short term rental known as “Residential Hosting”, but not for whole



home short term rental as that violates zoning mandates. He told me that license was being reviewed. I asked Mr. Resch to take action to revoke the license as it was clearly against rules established for residential hosting. He told me that revocation is a long process, as is closing down a short term rental even without a license. Mr. Resch gave me his card with his email address. We left in hopes of prompt action. Didn't happen.

As time went on, I would send Mr. Resch emails containing photos of the different vehicles and haulers etc. that routinely parked in the street and on the sidewalk. To date I have sent 39 emails to Mr. Resch, 39. I have also sent written reports of violations online through the Web portal. Before we purchased the home, we knew the area was developing as a vacation approved development, but there were restrictions on certain streets. We were assured the street we were on 2040S was a

residential zone only and could not contain whole home short term rentals. I was assured by my realtor Jaylin Stewart of ERA, and of course, Mr. Wyler this was the case in the home we were considering on 2040S. I expressed that we were senior citizens and would NOT purchase any house that was in an area saturated with short term rentals with the inevitable consequences. Again and again I was assured 2040S contained no whole home short term rentals, as it was not in the designated Resort area. In fact I was told, not only 2040S but the street to the South was also zone restricted.

Included in my emails to Mr. Resch, I complained that a house across the street, 5196W was likewise whole home short term renting. I would send in photos as I did on 5189W. Come to find out, the owner of the house Mr. Harley Williams came to me and wanted to discuss the status of his house. He told me that he purchased the house

specifically for short term rental. In fact, he put money down on the property behind him for a likewise investment. He said that the city wrote him a letter to cease whole home short term renting, as he does not possess a license to do so. He then went to the city to obtain a license as directed, when he was told the street 2040S was not zoned for whole home short term rental. I am not sure he went to the lengths as I did to understand the restrictions of his purchase. He pointed out that there is a very large sign posted on Sand Hollow Road indicating “vacation approved”. He took it that ALL properties would have that status. I told him the sign was ambiguous to me as well, but I sought clarity from my realtor and the developer before purchase. Accordingly, I feel the various restrictions are not well known or understood, neither to the public at large nor prospective purchasers.

Now, as to the house next to me, it appears

it was purchased to rent out whole home short term, and the license issued was for Residential Hosting and not Vacation Rental which is not allowed on this street. The house has been listed in a rental management company (Evolve.com) and (VRBO) with the address removed, showing 26 photos of the entire house, not just the casita. There have been 7 rental reviews on the home starting 11/29/2021 from VRBO indicating the home was indeed rented wholly and not partially as the rules call for. The owner does not live in the house, nor its casita, even so, that would be a violation too. My wife Anneliese met a lady from the house next door and she stated she was being allowed to reside in the casita for services rendered to rent out and clean the greater portion of the house. She also said the owner lives in Nephi and comes back and forth occasionally. In any event the house is not in compliance with any license that may have been issued. Had I known

the house was being rented short term,  
never mind the restrictions, I would Not  
have laid down a lifetime of savings  
following a 30 year career serving in the U.  
S. Navy, and U. S. Coast Guard. Thank  
You



**From:** [Tomballard4](#)  
**To:** [Cindy Beteag](#)  
**Subject:** 5189 w 2040 s  
**Date:** Wednesday, November 30, 2022 6:03:18 PM

---

Just took these pics just now showing the entire house is ready to rent short term, and yes nobody is home







[Sent from the all new AOL app for iOS](#)



# HURRICANE DICK STOUT AIRPORT POLICY & PROCEDURES FOR AIRCRAFT NOISE ABATEMENT

## SECTION 1: PURPOSE AND POLICY

1. The control of airport noise is inherently a matter of local concern and there is a demonstrated need for noise abatement at the Airport;
2. It is in the public interest that aircraft noise be reduced to ensure the peace and tranquility of residential neighborhoods without impairing the ability of the Airport to serve the general aviation needs of the community and the national air transportation system;
3. It is the policy of the City of Hurricane to make reasonable effort to reduce noise from aircraft operations at the Airport;
4. City authority is not exclusive to this chapter. This document supplements any legal or equitable remedy available to the city and does not restrict any other remedy available including the City's right to abate nuisances or hazards under City ordinance or Utah Code; and,
5. This document is adopted under the City's power as owner, operator, and proprietor of the Airport to regulate the use of the Airport, consistent with the power of the United States Government to control air traffic and aircraft safety. This Code also exercises the City's police power over ground operations, motor vehicles, and other matters not preempted by State or Federal law.
6. It is understood that conformance to this Policy is voluntary and that unless an aircraft violates the current revision of the Federal Aviation Regulations, no civil penalties can be levied as a result of this Policy.

## SECTION 2: DEFINITIONS

As used throughout this document, these terms or phrases shall have the following meanings as used in this title:

1. **WEIGHTED SOUND PRESSURE LEVEL-** The sound pressure level which has been filtered or weighted to quantitatively reduce the effect of low frequency noise. It was designed to approximate the response of the human ear to sound. A-weighted sound pressure level is measured in decibels with a standard sound level meter which contains the "A" weighting network. A-weighted decibels are abbreviated dBA. Relevant standards are defined by the American National Standards Institute Specification for Sound Level Meters.

2. ACCESS OR OPERATING PRIVILEGES- Any privileges, permits, or authority to land or take off from the airport, the use of tie-down facilities, or other airport services.
3. AIRCRAFT TRAINING OPERATIONS- Airwork operations with more than three (2) pattern circuits within 30 minutes including Touch-and-Go's, Stop-and-Go's, Practice Low Approach, Practice Autorotations to hover or touchdown, and Practice Missed Approach Operations, or any of them.
4. AUTOROTATION & RECOVERY- A power-off maneuver in a rotary wing aircraft in which the engine is disengaged from the main rotor disk and the rotor blades are driven solely by the upward flow of air through the rotor. Autorotations may be terminated in a hover by adding power in the flare or to full touch ground.
5. ENGINE RUNUP- The operation of an aircraft engine while stationary for testing (other than preflight), servicing or repairing an engine.
6. HURRICANE CITY NOISE ABATEMENT MEMORANDUM OF UNDERSTANDING- an agreement between two parties (in relation to this document one of the parties is the City of Hurricane) in which further clarification or exceptions are agreed upon and formally documented concerning this noise ordinance.
7. PRACTICE LOW APPROACH AND PRACTICE MISSED APPROACH- An action by an aircraft consisting of an approach to or over the Airport for a landing where the pilot intentionally does not contact the runway.
8. TOUCH-AND-GO- An action by an aircraft consisting of a landing and departure on a runway without stopping or exiting the runway.
9. TRAINING OPERATIONS- flight operations in the vicinity of the airport or utilizing the airport pattern by a specific aircraft that involve repetitive activity resulting in more than 3 (three) pattern circuits within 30 minutes.
10. STOP-AND-GO- An action by an aircraft consisting of a landing followed by a complete stop on the runway and a takeoff from that point.

### SECTION 3: REFERENCE DOCUMENTS

The following Federal Aviation Administration (FAA) and other documents are referenced as follows in order to comply with guidelines for a municipal noise abatement policy:

1. Federal Aviation Administration (FAA) Advisory Circular 36-1H FAA entitled "Noise Levels for Certified and Foreign Aircraft," which lists take-off -2- and approach noise levels for all certified aircraft in the U.S. Fleet (except for



experimental and antique aircraft) as measured at 21,325 feet (6,500 meters) from beginning of take-off roll for take-off noise and 6,652 feet (2,000 meters) from the landing threshold for approach noise. The phrase "FAA Advisory Circular 36-1H" shall refer to the Federal Aviation Administration Advisory Circular 36-1H, including all revisions thereof, or the version of that document currently in effect.

## 2. AOPA's Guide to Airport Noise and Compatible Land Use

### SECTION 4: AIRCRAFT NOISE CONTROL AIRCRAFT OPERATION PROCEDURES

1. The following voluntary procedures are defined to abate excessive noise at the airport:
  - A. Runway 19 should be used whenever wind conditions allow for safe landing and takeoff operations. If departing to the north using Runway 1, a left crosswind turn should be executed as soon as safely practical to avoid unnecessary overflight of residential areas.
  - B. All aircraft shall make a practical effort to reach pattern altitude (1000' AGL) before turning downwind. All aircraft departing the airport pattern area are to make a reasonable effort to climb to a minimum altitude of 1000' AGL before doing so utilizing the standard pattern legs as defined in Section 4-3-3 of the Aeronautical Information Manual (AIM).
  - C. All arriving aircraft utilizing the traffic pattern are to maintain a minimum of 1000' AGL until established in the pattern per guidelines found in the AIM.
  - D. Helicopters shall make a practical effort to vary the downwind distance from the runway when performing repetitive pattern work in order to reduce sustained ground noise under a particular flight path. See AIM 4-3-3(b).
  - E. Simulated forced landings and/or autorotations should not initiate until the aircraft reaches the typical pattern altitude of 1000' AGL.
  - F. Unless otherwise approved by the Airport Manager or a Memorandum of Understanding agreement between the City of Hurricane and the applicable entity, repetitive aircraft training operations should be limited to (2) 30 minute sessions within a 24 hour period Monday through Saturday **for helicopters and/or aircraft that** exceed 80 (eighty) decibel levels per noise measurement levels determined and defined in FAA Circular AC 36-1H. Repetitive pattern work for these aircraft is not to be flown on Sundays. This restriction shall not apply in emergencies, where necessitated by safety considerations, or when required by the Federal Aviation Administration.
  - G. Aircraft are not to be started, run-up, or depart the Airport between sunset and sunrise other than to make an immediate departure from the airport area.

- H. All aircraft arriving between sunset and sunrise to be limited to one (1) full stop approach and landing sequence.
- I. Repetitive pattern work, touch and go's, stop and go's, low approaches, or practice autorotations are not to be conducted between sunset and sunrise.

## 2. EXCEPTIONS

The following categories of aircraft are exempt from airport noise abatement guidelines:

- A. Aircraft operated by or under contract of the United States of America, any State, county, city, subdivision or special district of a state including military, firefighting, search & rescue, disaster relief, and medical evacuation flights;
- B. Aircraft used for emergency purposes during an emergency officially proclaimed by competent authority pursuant to the laws of the United States, the State of Utah, Washington County, or the City of Hurricane;
- C. Civil Air Patrol aircraft when engaged in actual search and rescue missions;
- D. Aircraft which have declared an inflight emergency;
- E. Aircraft operating as air ambulance for medical purposes.
- F. Aircraft engaged in take-offs or landings while conducting tests under the direction of the Airport Director.

## SECTION 5: TRAINING, AWARENESS, COMPLAINT MANAGMENT

The Airport Manager, the Airport Noise Coordinator, and the Airport Advisory Board, under the direction of the Hurricane City Mayor & Council, shall be responsible to ensure the following is completed on an on-going basis:

- A. Monitor, address, & report all airport related noise complaints
- B. Training for all Hurricane Airport based pilots, active flight instructors, and active flight students;
- C. Creation & placement of Noise Abatement Procedure signage at the entrance and exit area of the ramp;
- D. Creation and placement of a Noise Abatement Procedure Summary Sheet available at the Fuel Farm, Manager's Office, and Terminal Building;
- E. Along with the Noise Abatement Coordinator, provide immediate Noise Abatement Policy & Procedure training and information to transient pilots as required



## STAFF COMMENTS

Consideration and possible approval of a preliminary plat for **Hurricane Heights Hobby Garages, a 33 lot storage unit development located at 400 N 700 W**. CSB Dev HH LLC (Max Stokes) Applicant. Civil Science - Brandee Walker Agent.

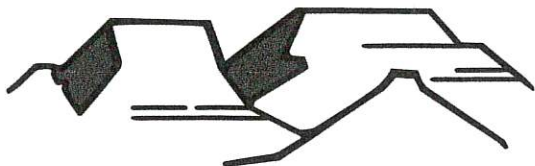
### Discussion:

### Findings:

### Recommendation:

### Attachments:

1. 2022-PP-29 App
2. 2022-PP-29 Legal description
3. 2022-PP-29 Plans
4. 2022-PP-29 Hurricane Heights Hobby Garages
5. Will Serve - Sand Hollow Mancaves - 2022.11.30
6. Will Serve Letter



PLANNING & ZONING  
**HURRICANE CITY**  
UTAH

147 N 870 W Hurricane UT  
PHONE: 435.635.2811 FAX: 435.635.2184

## PRELIMINARY PLAT APPLICATION

*For office use only: \$150.00 Fee*

File No. 2022-PP-29

Receipt No. 8-163154

Name: CSB Dev HH LLC (Max Stokes) Telephone: 801-979-7700

Address: 765 S Skylake Dr, Salem, UT 84653 Fax No. \_\_\_\_\_

Email: stokesmw@gmail.com Agent Email: bwalker@civilsience.com

Agent (If Applicable): Civil Science - Brandee Walker Telephone: 435-668-4023

Address/Location of Subject Property: 400 North 700 West

Tax ID of Subject Property: H-3-1-34-1404 Zone District: M-1

Proposed Use: (Describe, use extra sheet if necessary. Include total number of lots) 33 hobby garages to be individually sold located on approximately 4.2 acres. The 'town home' style project is requesting a zero lot line setback along the south boundary.

Submittal Requirements: The preliminary plat application shall provide the following:

- ☒ 1. Description: In a title block located in the lower right-hand corner of the sheet the following is required:
- ☒ a. The proposed name of the subdivision.
  - ☒ b. The location of the subdivision, including the address and section, township and range.
  - ☒ c. The names and addresses of the owner or subdivider, if other than the owner.
  - ☒ d. Date of preparation, and north point.
  - ☒ e. Scale shall be of sufficient size to adequately describe in legible form, all required conditions of Chapter 39, City Subdivision regulations.
- ☒ 2. Existing Conditions: The preliminary plat shall show:
- ☐ a. The location of the nearest monument.
  - ☒ b. The boundary of the proposed subdivision and the acreage included.
  - ☒ c. All property under the control of the subdivider, even though only a portion is being subdivided. (Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted, and the street system of the part submitted shall be considered in light of existing Master Street Plan or other Commission studies.)
  - ☒ d. The location, width, and names/numbers of all existing streets within two hundred (200) feet of the subdivision and of all prior streets or other public ways, utility rights of way, parks and other public open spaces, within and adjacent to the tract.
  - ☐ e. The location of all wells and springs or seeps, proposed, active and abandoned, and of all reservoirs or ponds within the tract and at a distance of at least one hundred feet (100') beyond the tract boundaries.
  - ☒ f. Existing sewers, water mains, culverts, or other underground facilities within the tract, indicating the pipe sizes, grades, manholes and the exact locations.
  - ☐ g. Existing Hurricane Canal Company facilities; other ditches, canals, natural drainage channels and open waterways and any proposed realignments.

- ☒ h. Contours at vertical intervals not greater than five (5) feet.
  - ☒ i. Identification of potential geotechnical constraints on the project site (such as expansive rock and soil, collapsible soil, shallow bedrock, and caliche, gypsiferous rock and soil, potentially unstable rock or soil units including fault lines, shallow groundwater, and windblown sand) and recommendations for their mitigation.
  - ☒ j. Information on whether property is located in desert tortoise take area
- ☒ 3. Proposed Plan: The subdivision plans shall show:
- ☒ a. The layout of streets, showing location, widths, and other dimensions of proposed streets, crosswalks, alleys, and easements.
  - ☒ b. The layout, numbers, and typical dimensions of lots.
  - ☒ c. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.
  - ☒ d. Easements for water, sewers, drainage, utilities, lines and other purposes.
  - ☒ e. Typical street cross sections and street grades where required by the Planning Commission. (All street grades over 5% should be noted on the preliminary plat)
  - ☒ f. A tentative plan or method by which the subdivider proposes to handle the storm water drainage for the subdivision.
  - ☒ g. Approximate radius of all center line curves on highways or streets.
  - ☒ h. Each lot shall abut a street shown on the subdivision plat or on an existing publicly dedicated street. (Double frontage or flag lots shall be prohibited except where conditions make other design undesirable)
  - ☒ i. In general, all remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allow to remain as unusable parcels.
  - ☒ j. Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the Planning Commission. *land swap*
  - ☐ k. A letter from both the local sanitary sewer provider and culinary water provider indicating availability of service.
  - ☒ l. Will this subdivision be phased? If yes show possible phasing lines.
  - ☒ m. A tentative plan or method for providing non-discriminatory access to the subdivision for purposes of placement of communications infrastructure, and for purposes of placement of utility infrastructure.
- ☒ 4. Required copies of plans:
- ☒ a. Three copies of all full-scale drawings
  - ☒ b. One copy of each drawing on a 11 x 17-inch sheets. (8 1/2 x 11 is acceptable if the project is small and the plans are readable at that size).
- ☒ 5. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property
- ☒ 6. Signed and notarized Acknowledgement Water Supply (see attached)

NOTE: It is important that all applicable information noted above is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. A deadline missed due to an incomplete application, could result in a month's delay. Planning Commission meetings are held on the second Thursday and fourth Wednesday of each month at 6:00 p.m. The deadline to submit an application to be placed on an agenda is no later than 12:00 (noon) 20 full calendar days before the Planning Commission meeting at which you plan for your application to be heard.

(Office Use Only)

Date Received: \_\_\_\_\_ Application Complete: YES \_\_\_\_\_ NO \_\_\_\_\_

Date application deemed to be complete: \_\_\_\_\_ Completion determination made by: \_\_\_\_\_



AFFIDAVIT

PROPERTY OWNER

STATE OF UTAH )

:SS

COUNTY OF )

I (we), H. Russell Brown being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) also acknowledge that I have received written instructions regarding the process for which I am applying and the Hurricane City Planning staff have indicated they are available to assist me in making this application.

H. Russell Brown

(Property Owner)

(Property Owner)

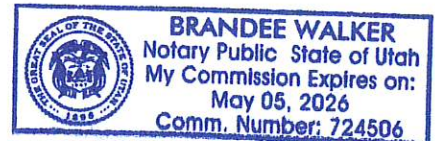
Subscribed and sworn to me this 19 day of OCTOBER 2021

Brandee Walker

(Notary Public)

Residing in: St. George

My Commission Expires: 5/5/26



Agent Authorization

I (we), \_\_\_\_\_, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) \_\_\_\_\_ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

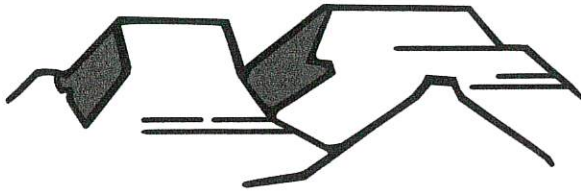
(Property Owner)

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

(Notary Public)

Residing in: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



# HURRICANE CITY UTAH

## ACKNOWLEDGEMENT OF WATER SUPPLY

I/We, H. Russell Brown am/are the applicant(s) of the application known as Hurricane Heights located on parcel(s) \_\_\_\_\_ within the City of Hurricane, Washington County, Utah.

By my/our signature(s) below I/we do hereby acknowledge and agree to the following:

- 1 Neither acceptance nor approval of a development application by Hurricane City shall constitute a guarantee that sufficient water will be available to serve the zone designation, project, or permit for which this application is being submitted; and
- 2 Prior to receiving final approval for the application, the applicant may be required by Hurricane City to provide a guarantee of water availability which verifies that there is a sufficient water supply; and
- 3 For any application which may be approved without a guarantee of water availability, the applicant knowingly assumes the entire risk of water availability for the project and/or application; and
- 4 I/we waive any and all claims against Hurricane City that are in any way related to water availability for any project, permit, or use for which the land use application has been approved.

Dated this 19 day of October, 2022

Applicant Name: CSB Development HH, LLC

Name of Signer (if different from Applicant Name): \_\_\_\_\_

Title of Signer: Member

Signature: [Signature]

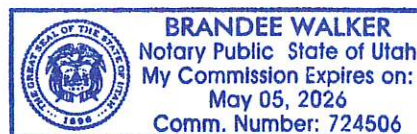
STATE OF Utah )

COUNTY OF Washington )

On the 19 day of October, 2022, personally appeared before me H. Russell Brown, the signer of the above instrument, who duly acknowledged to me that he/she executed the same in the capacity indicated on behalf of the Applicant.

Notary Public: [Signature]

My Commission Expires: 5/7/26







|            |                       |                                                                                                                                                               |                                                                                                                                                                 |
|------------|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| FF22279.00 | EXHIBIT B             | <div data-bbox="899 1833 997 1875" style="display: inline-block; width: 40px; height: 20px; background-color: red; border: 1px solid black;"></div> FROM CITY | <br>1453 S. DIXIE DRIVE, SUITE 150<br>ST. GEORGE, UT 84770<br>435.986.0100 |
|            | LAND EXCHANGE EXHIBIT | <div data-bbox="899 1896 997 1938" style="display: inline-block; width: 40px; height: 20px; background-color: green; border: 1px solid black;"></div> TO CITY |                                                                                                                                                                 |

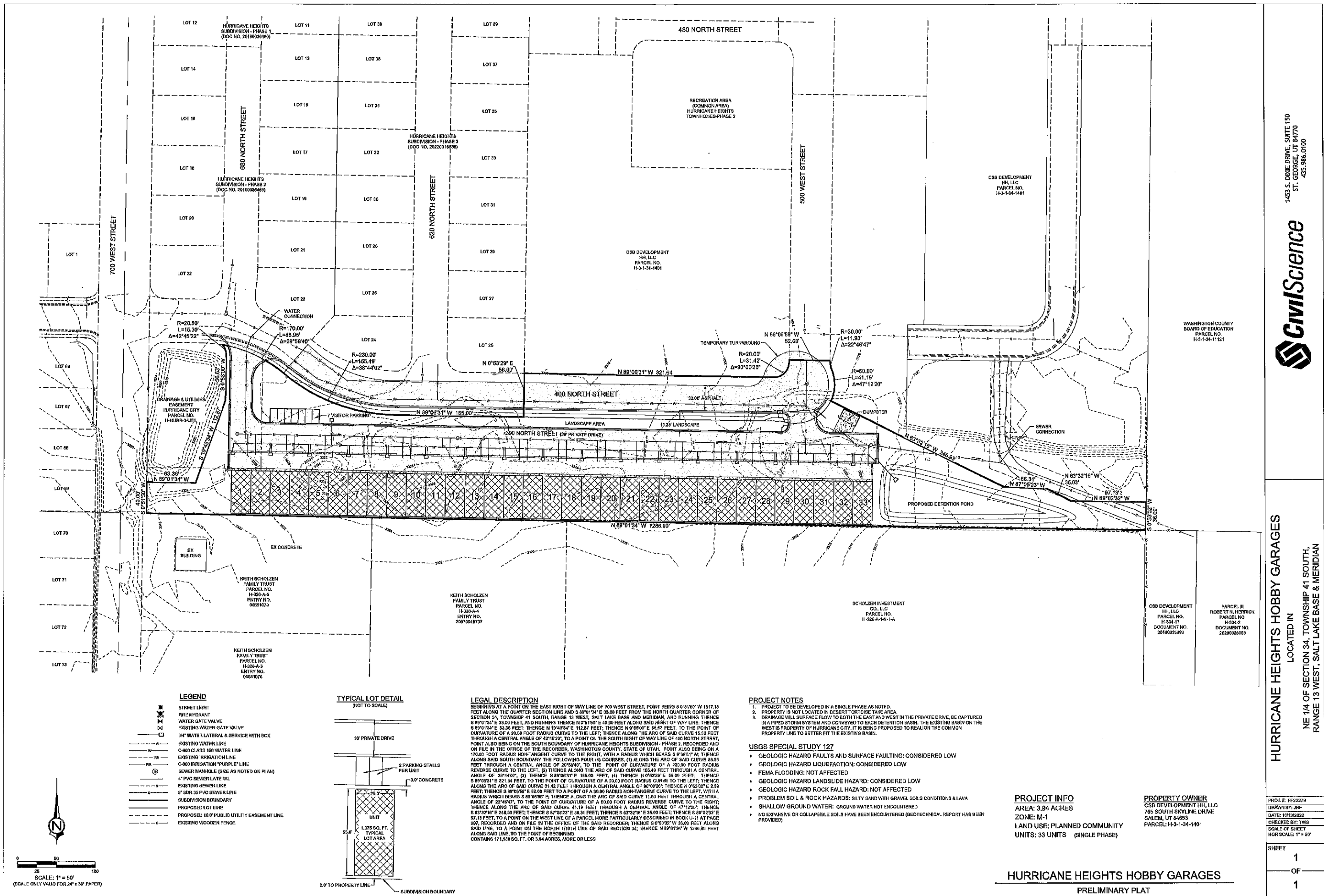
## HURRICANE HEIGHTS HOBBY GARAGES BOUNDARY DESCRIPTION

BEGINNING AT A POINT ON THE EAST RIGHT OF WAY LINE OF 700 WEST STREET, POINT BEING S 0°51'50" W 1317.15 FEET ALONG THE QUARTER SECTION LINE AND S 89°01'34" E 33.00 FEET FROM THE NORTH QUARTER CORNER OF SECTION 34, TOWNSHIP 41 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE S 89°01'34" E 33.00 FEET, AND RUNNING THENCE N 0°51'50" E 40.00 FEET ALONG SAID RIGHT OF WAY LINE; THENCE S 89°01'34" E 63.36 FEET; THENCE N 19°43'34" E 112.87 FEET; THENCE N 0°58'00" E 56.63 FEET, TO THE POINT OF CURVATURE OF A 20.50 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE 15.30 FEET THROUGH A CENTRAL ANGLE OF 42°45'22", TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF 400 NORTH STREET, POINT ALSO BEING ON THE SOUTH BOUNDARY OF HURRICANE HEIGHTS SUBDIVISION – PHASE 2, RECORDED AND ON FILE IN THE OFFICE OF THE RECORDER, WASHINGTON COUNTY, STATE OF UTAH, POINT ALSO BEING ON A 170.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, WITH A RADIUS WHICH BEARS S 9°38'51" W; THENCE ALONG SAID SOUTH BOUNDARY THE FOLLOWING FOUR (4) COURSES, (1) ALONG THE ARC OF SAID CURVE 88.95 FEET THROUGH A CENTRAL ANGLE OF 29°58'40", TO THE POINT OF CURVATURE OF A 230.00 FOOT RADIUS REVERSE CURVE TO THE LEFT, (2) THENCE ALONG THE ARC OF SAID CURVE 155.49 FEET THROUGH A CENTRAL ANGLE OF 38°44'02", (3) THENCE S 89°06'31" E 165.00 FEET, (4) THENCE N 0°53'29" E 56.00 FEET; THENCE S 89°06'31" E 321.64 FEET, TO THE POINT OF CURVATURE OF A 20.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE 31.42 FEET THROUGH A CENTRAL ANGLE OF 90°00'26"; THENCE N 0°53'02" E 2.39 FEET; THENCE S 89°06'58" E 52.00 FEET TO A POINT OF A 30.00 RADIUS NON-TANGENT CURVE TO THE LEFT, WITH A RADIUS WHICH BEARS S 89°06'58" E; THENCE ALONG THE ARC OF SAID CURVE 11.93 FEET THROUGH A CENTRAL ANGLE OF 22°46'47", TO THE POINT OF CURVATURE OF A 50.00 FOOT RADIUS REVERSE CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 41.19 FEET THROUGH A CENTRAL ANGLE OF 47°12'20"; THENCE S 63°32'16" E 246.93 FEET; THENCE S 87°05'23" E 56.31 FEET; THENCE S 63°32'16" E 35.03 FEET; THENCE S 89°02'32" E 97.13 FEET, TO A POINT ON THE WEST LINE OF A PARCEL MORE PARTICULARLY DESCRIBED IN BOOK U-11 AT PAGE 297, RECORDED AND ON FILE IN THE OFFICE OF THE SAID RECORDER; THENCE S 0°53'02" W 36.09 FEET ALONG SAID LINE, TO A POINT ON THE NORTH 1/16TH LINE OF SAID SECTION 34; THENCE N 89°01'34" W 1286.99 FEET ALONG SAID LINE, TO THE POINT OF BEGINNING.

CONTAINS 171,538 SQ. FT. OR 3.94 ACRES, MORE OR LESS

TWS  
22279





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



# HURRICANE HEIGHTS HOBBY GARAGES

LOCATED IN  
NE 1/4 OF SECTION 34, TOWNSHIP 41 SOUTH,  
RANGE 13 WEST, SALT LAKE BASE & MERIDIAN

**PROJECT INFO**  
AREA: 3.94 ACRES  
ZONE: M-1  
LAND USE: PLANNED COMMUNITY  
UNITS: 33 UNITS (SINGLE PHASE)

**PROPERTY OWNER**  
CSB DEVELOPMENT HH, LLC  
765 SOUTH SKYLINE DRIVE  
SALEM, UT 84653  
PARCEL: H-3-1-34-1401

|                     |
|---------------------|
| PROJ. E. FE22279    |
| DRAWN BY: JRF       |
| DATE: 10/13/2022    |
| CHECKED BY: TWB     |
| SCALE OF SHEET      |
| HOR SCALE: 1" = 50' |
| SHEET               |
| 1                   |
| OF                  |
| 1                   |

**HURRICANE HEIGHTS HOBBY GARAGES**  
PRELIMINARY PLAT





## STAFF COMMENTS

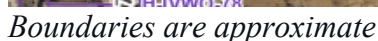
|                             |                                   |
|-----------------------------|-----------------------------------|
| <b>Agenda Date:</b>         | 12/01/2022                        |
| <b>Application Number:</b>  | 2022-PP-29                        |
| <b>Type of Application:</b> | Preliminary Plat Application      |
| <b>Action Type:</b>         | Administrative                    |
| <b>Applicant:</b>           | CSB Dev HH LLC (Max Stokes)       |
| <b>Agent:</b>               | Civil Science - Brandee Walker    |
| <b>Request:</b>             | Approval of a Preliminary Plat    |
| <b>Location:</b>            | 400 N 700 W                       |
| <b>Zoning:</b>              | M-1                               |
| <b>General Plan Map:</b>    | <a href="#">Planned Community</a> |

### Planning Commission Recommendation

The Planning Commission made a positive recommendation of the proposed preliminary plat.

### Discussion:

The applicant has filed a preliminary plat for 33 hobby garages located south of the approved Hurricane Heights Townhomes subdivision. This property was zoned M-1 as a buffer zone between the townhomes and the Scholzen Products property. The applicant is also proposing a property swap with the City on the existing detention basin near the property. The “hobby garages” concept is similar to the “man caves” concept approved elsewhere in the city: nicer storage units, no residential use permitted or intended for this development.



The following items will need to be addressed:

- 12/01/2022

the completion of the rest of Hurricane Heights Townhomes. Where is the proposed inlet and outlet to the eastern detention pond? Additional grading detail should be requested. It's difficult to negotiate elevation differences at property lines without a building setback. Property swap may require a plat amendment to Hurricane Heights Phase 3. Improvements for 700 W, a planned 70' ROW, will be required at this phase.

7. **Fire:** Need hydrants. Turnaround is okay. Must have secondary access functional
8. **Cable:** No comments
9. **Gas:** No comments.
10. **Water Conservancy:** No comments
11. **GIS:** No street name needed on private drive

**Staff Comments: Preliminary Plat**

1. Zoning is M-1, light industrial, and storage units are an approved use in M-1. No residential uses are permitted in M-1 zoning.
  - a. There are no setbacks between lots zoned M-1
2. **Parking:** No office space is provided on site so no parking spaces are required. Seven visitor spaces are provided and each unit will have two spaces in front of it.
3. Staff recommends an HOA or CC&Rs to enforce the zoning prohibitions within this zone
4. The applicant is proposing a land swap with the city. The applicant had previously dedicated a chunk of land (pictured below) to the City for a regional detention basin and is now proposing the boundaries of this piece of property be adjusted to reflect the exact placement of the detention basin. Staff finds this generally acceptable but that will need to be approved by the City Council.
5. All park strips will need to be landscaped and have the proper improvements.
6. A will serve letter from the culinary and sanitary water providers has not been provided. A water acknowledgement form has been provided
7. A note indicating whether or not the property is in a tortoise take area has been provided

**Recommendation:** Staff recommends the City Council review this application based on standards with Hurricane City Code. Staff recommends approval subject to staff and JUC comments as well as receipt of will serve letters.







## **Ash Creek Special Service District**

1350 S. Sand Hollow Road  
Hurricane, UT 84737  
Office: (435) 635-2348 Fax: (435) 635-8550  
ashcreek@infowest.com

November 30, 2022

Hurricane City  
Stephen Nelson  
127 N. 870 W.  
Hurricane, UT 84737

### **RE: Sand Hollow Mancaves**

Stephen,

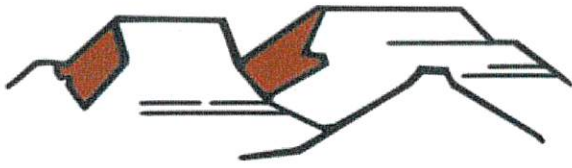
There is sewer capacity for this project. The developers understand and agree that they will need to get plan approval for the sewer system.

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

Sincerely,

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





# HURRICANE CITY

## UTAH

Water Department  
Ken Richins, Superintendent

December 1, 2022

To Whom It May Concern:

CSB Dev HH LLC (Max Stokes) (the "Developer") has requested a culinary water will serve letter for the subdivision known as Hurricane Heights Hobby Garages, located at approximately 700 W 400 N in Hurricane, Utah (the "Project").

### Infrastructure

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

### Water Supply

As of the date of this letter, the city has adequate water to supply water to 33 residential connections within the Project. However, water within the City is a finite resource with limited supply. The ability of the City to supply water to previously approved projects, as well as continue to serve additional water customers, is contingent on water supplies being available from the Washington County Water Conservancy District (the "Conservancy District"). Therefore, the City's statements in this letter regarding the adequacy of water supply is (1) contingent on water being available from the Conservancy District and (2) shall expire one year from the date of this letter, after which a renewed will serve letter will be required for any property or lot that has not obtained a metered connection to the City's culinary water system. Developer is encouraged to obtain a guarantee of water from the Conservancy District.

### General Requirements

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

Sincerely,

Ken Richins

Water Department Superintendent

## **TECHNICAL PLANNING ASSISTANCE PROGRAM FUNDS COOPERATIVE AGREEMENT**

This Technical Planning Assistance Program Funds Cooperative Agreement (the “Agreement”) is entered into on \_\_\_\_\_, by and between the Utah Department of Transportation (“UDOT”), an agency of the State of Utah, and Hurricane City (“Local Government”), a political subdivision of the State of Utah. UDOT and Local Government are collectively referred to as “Parties” and each may be referred to individually as “Party.”

### **RECITALS**

WHEREAS, the Utah Legislature appropriated money for the Technical Planning Assistance Program (“Program”) pursuant to Utah Code Section 63J-1-206, and UDOT awarded the funding provided for under this Agreement to the Local Government pursuant to a competitive process that specified requirements applicable to the funding, and the funding is intended to help local governments plan for future land use and transportation; and

WHEREAS, funds from this Program must be used to pay for costs for an approved scope of work pursuant to the competitive award; and

WHEREAS, the Local Government has committed a local match amount for an approved scope of work in order to receive Program funding appropriated by the Legislature through UDOT; and

WHEREAS, this Agreement describes the amount of the funds that will be used for an approved scope of work for a planning project addressing future land use and transportation.

### **AGREEMENT**

NOW, THEREFORE, on the stated Recitals, which are incorporated herein by reference, and for and in consideration of the mutual covenants and agreements hereafter set forth, the mutual benefits to the Parties to be derived, and for other valuable consideration, the receipt and sufficiency of which the Parties acknowledge, it is hereby agreed as follows:

1. **Objective and Initial Scope of Work.** This Agreement is entered in connection with assistance for the Downtown Master Plan project (the “Project”). UDOT must approve in writing the initial scope of work for the Project that will be funded through the Program under this Agreement (based on the approved UDOT Technical Planning Assistance Grant Application and UDOT’s award). The scope of work will describe the work to be done, estimated costs, and estimated schedule consistent with UDOT’s competitive award to the Local Government. Upon approval, that initial scope of work will, by this reference, be incorporated into this Agreement, and UDOT must give prior written approval for any material modifications thereto for the duration of the Project or they will not be acceptable for funding. Program funds can only be used to pay for expenses that are stated in the Project’s approved scope of work.

2. Local Match Amount and Payment Schedule. Local Government commits to fund a local match amount of 5,000 in order to receive the eligible Program fund amount of 45,000 for the Project. UDOT will deliver the Program funds to the Local Government in one lump-sum payment no later than sixty (60) days after this Agreement is signed by both Parties. The Local Government must apply Program funds and Local Government matching funds pro-rata to expenses within the approved scope of work as they are paid. Upon UDOT's request, the Local Government will provide UDOT with an itemized list of all spending for the activities described in the approved scope of work that includes all funding sources and project costs.
3. Progress Report. The Local Government will submit to UDOT a brief, one (1) -page progress report for each quarter of the calendar year during which the Local Government is holding unexpended Program funds. The quarterly progress report will be submitted within thirty (30) days after the end of each quarter and shall include the following:
  - a. A brief description of the progress and tasks completed for the approved scope of work for the Project.
  - b. A summary of the funds expended and budget remaining.
4. Additional Information. The Local Government will cooperate with any of UDOT's requests for information or status concerning the Project and will promptly respond to them. The Local Government acknowledges that the Local Government and UDOT may be asked to submit reports or respond to inquiries about Program funds for the Utah State Legislature and the Utah Governor's Office.
5. Adoption of Project. After the Project is complete, the Local Government will adopt or start the process to adopt the results of the Project.
6. Residual Funds. If any Program funds remain unexpended after the completion of the approved scope of work, the Local Government shall return the unexpended Program funds to UDOT within sixty (60) days, with or without a request by UDOT. Program funds and matching funds must be expended on the Project pro-rata, and the amount to be returned must be the unexpended pro-rata portion of the Program funds provided for the Project.
7. No Additional Funds. Unless specifically agreed to in a written amendment to this Agreement, UDOT and the Local Government will not be required to contribute additional funds to the Project. If the Local Government decides to cancel or abandon the Project before it is complete, or the approved scope of work cannot be completed for any reason, the Program funds and the Local Government funds must bear expenses for completed portions of the approved scope of work pro-rata, and the Local Government shall return to UDOT the unexpended pro-rata portion of the Program funds within sixty (60) days.
8. Term. The Parties agree that this Agreement shall remain in full force and effect for a period of five (5) years unless otherwise agreed to by the Parties in an amendment to this Agreement. At the end of the five-year term, if any Program funds have not been expended for the approved scope of work, the Local Government shall return to UDOT

the unexpended pro-rata portion of the Program funds within sixty (60) days.

9. Termination. In the event that UDOT determines the Local Government has not complied with the requirements of this Agreement, UDOT will provide written notice of the non-compliance. The Local Government agrees to cooperate with any inquiries or investigations conducted by UDOT. If the Local Government does not remedy the breach stated in UDOT's written notice of non-compliance within the time period stated in the notice, UDOT may terminate the Agreement. In the event of termination for non-compliance, the Local Government agrees that within sixty (60) days it will pay to UDOT all unexpended Program funds that it then holds, and it will also repay to UDOT the amount of any Program funds that were spent on unapproved expenses.
10. Amendment/Waiver. No waiver, termination, amendment or other modification of any provision to this Agreement shall be effective unless the same shall be in writing and signed by all Parties, and then such waiver, termination, amendment or modification shall be effective only in the specific instance and for the specific purpose for which it is given.
11. Entire Agreement. This Agreement constitutes the entire Agreement by and between the Parties with respect to the subject matter of this Agreement and supersedes all prior agreements, understandings and negotiations, both written and oral, with respect to the subject matter of this Agreement. No representation, warranty, inducement, promise, understanding or condition which is not set forth in this Agreement has been made or relied upon by either of the Parties hereto.
12. Dispute Resolution. The Parties agree to make a good faith effort to resolve any dispute regarding the construction or interpretation of any provision of this Agreement, or regarding any policy matter or the determination of any issue of fact, at the lowest appropriate level.
13. Further Action. Local Government agrees to properly address the legal requirements that apply to the work which is funded under this Agreement, and Local Government agrees to take any further actions that are necessary to provide for compliance with those legal requirements.
14. Authority. By signing below each Party represents and warrants: (i) that the individual(s) signing below are all of the individuals who are authorized and necessary to sign on behalf of the Party to make this Agreement binding on the Party, and (ii) that the execution, delivery and performance of this Agreement by the Party will not constitute a default under any other agreement to which it is a party or a violation of a law applicable to that Party.

IN WITNESS WHEREOF, the Parties have entered into this Agreement effective the date first set forth herein.

UTAH DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_  
Title: Program Development Director  
Date: \_\_\_\_\_

HURRICANE CITY

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_

Attest:

\_\_\_\_\_





147 N 870 WEST, HURRICANE, UTAH 84737  
 PHONE: 435-635-2811 FAX: 435-635-2184  
[www.cityofhurricane.com](http://www.cityofhurricane.com)

Date of Application 10-12-2022

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

NEW BUSINESS ☒  
 NEW OWNER ☐  
 RE-APPLY ☐

### ◆ BUSINESS LICENSE APPLICATION ◆

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

#### SECTION A — BUSINESS INFORMATION

Name of Business: Mountain Mikes Pizza

Business Phone: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Business Address: 88 N. 3400 W Hurricane UT 84737  
(Street Number) (Suite) (City) (State) (Zip)

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

State Sales Tax Number (if applicable): 15351086-004-5TC Dept. of Commerce Entity #: 12512924-0160

Professional License # (if applicable): \_\_\_\_\_ Federal Identification #: 87-3005274

Website: \_\_\_\_\_ E-Mail Address: Pizza@easyshopinsurance.com

Description of Business: Restaurant providing pizza, wings, salad, dessert, beer, and wine.

Business Type (check one): Proprietorship ☐ Partnership ☐ Corporation ☒

Will there be any building or remodeling: Yes ☒ No ☐ Will the business be located in a newly constructed building: Yes ☒ No ☐

Commercial License - Property Owner Written Approval: Yes ☒ No ☐ Are you a Sexually Oriented Business: Yes ☐ No ☒

Does your business sell alcohol: Yes ☒ No ☐ Does your business sell tobacco products: Yes ☐ No ☒

Does Your Business Have an Alarm: Yes ☒ No ☐ Business Hours: 11am - 9pm

#### PART B — HOME OCCUPATION APPLICANTS ONLY

- Will customers visit the home..... Yes ☐ No ☒
- Will display or stock of merchandise be at home..... Yes ☐ No ☒
- Will employees be at the house..... Yes ☐ No ☒
- Any unusual traffic be created in neighborhood..... Yes ☐ No ☒
- Will parking on roadside be needed..... Yes ☐ No ☒
- Will flammable, toxic or poisonous materials be kept at the home..... Yes ☐ No ☒
- Will there be any disposal of material into the septic or sewer system?..... Yes ☐ No ☒
- What portion of home is to be used for business (25% total structure area).....

#### PART C — BUSINESS OWNER INFORMATION

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

Owner's Name: Nicholas Lauritzen Title: President

Home Address: [REDACTED] Hurricane UT 84737  
(Street Number) (City) (State) (Zip)

Social Security Number: [REDACTED] Date of Birth: [REDACTED]

Home Phone: \_\_\_\_\_ Cell Phone: [REDACTED]

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

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



Manager (if different): \_\_\_\_\_

Home Address: \_\_\_\_\_ (Street Number) \_\_\_\_\_ (City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip)

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Social Security Number: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

**LIST TWO RESPONSIBLE / AVAILABLE EMERGENCY CONTACTS:**

Name: Kathryn Lauritzen Name: \_\_\_\_\_  
Address: [REDACTED] Address: \_\_\_\_\_  
Phone: [REDACTED] Phone: \_\_\_\_\_

**PART D — HURRICANE VALLEY FIRE DISTRICT**

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

☐ Inspection Required. Contact the Fire Dept at 435-635-9562 to schedule a fire inspection.

☒ No Inspection required at this time.

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

[Signature]  
Applicant's Signature

10-12-2022  
Date

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

[Signature]  
Applicant's Signature

10-12-2022  
Date

TOTAL FEES \$ 75 Office Use Only AMOUNT PAID \$ 75  
DATE 11/29/22 RECEIPT # 7,704251  
CITY LICENSE NUMBER \_\_\_\_\_

Home Occupation: yes / no Zone: HC Permitted Use: yes / no  
Planning Commission Approval Required: yes / no If yes, which approval: site plan / conditional use  
Planning Commission approval date: \_\_\_\_\_ Zoning approval/date: \_\_\_\_\_  
New Construction: yes / no Remodel: yes / no Building Permit: yes / no  
Certificate of Occupancy or Tenant Improvement inspection required: yes / no





2. Entity for which License is being sought

\_\_\_\_ Sole Proprietorship \_\_\_\_ Corporation \_\_\_\_ Non Profit Corporation  
 \_\_\_\_ Partnership X \_\_\_\_ LLC \_\_\_\_ Other \_\_\_\_\_

Name of Entity Pepperoni LLC

Address of Principal Office 88 N 3400 W Hurricane UT/84737  
 (Street) (City) (State/Zip)

Phone 435 215 4134 Fax \_\_\_\_\_

If a Corporation, Non Profit Corporation, Partnership, Limited Liability, State:  
 State of incorporation, organization, or Partnership; Utah

If a foreign corporation, is corporation authorized to do business in the  
 State of Utah \_\_\_\_ Yes \_\_\_\_ No

Name and address of registered corporate agent \_\_\_\_\_

Names, addresses, Phone, DOB, Social Security Number of all Corporate  
 Officers, Partners, Members, Board of Directors and Shareholders

(if necessary attach a separate sheet)

| Name                      | Address | Phone | DOB | Social Security Number |
|---------------------------|---------|-------|-----|------------------------|
| Nicholas Robert Lauritzen |         |       |     |                        |
| Kathryn Leigh Lauritzen   |         |       |     |                        |
|                           |         |       |     |                        |
|                           |         |       |     |                        |
|                           |         |       |     |                        |

3. Business Name / Location / Management

Name under which business will be operated (if different from name of the applicant, corporation or partnership) dba Mountain Mike's Pizza

Business Address 88 N 3400 W Hurricane UT/84737  
(Street) (City) (State/Zip)  
Phone Number 435 215 4134

Owner of Property Ben Ruesch

Name of Business Manager Cassie Dee Hughes  
(First) (Middle) (Last)  
Social Security # [REDACTED] Date of Birth [REDACTED]

Address of Manager [REDACTED] Hurricane UT/84737  
(City) (State/Zip)  
Phone Number [REDACTED]

**\*(This information is not required for a Renewal)**

\*Distance in feet from nearest public or public or private school More than 300 ft

\*Distance in feet from nearest church More than 300 ft

\*Distance in feet from nearest public playground More than 300ft

\*Distance in feet from nearest public park More than 300ft

\*Distance in feet from nearest public library More than 300ft

4. Classification of license applied for: ☒ New ☐ Renewal

- ☐ Class A License
- ☐ Class B License
- ☐ Class C License
- ☐ Class D License
- ☐ Class E License
- ☐ Class F License
- ☐ Single Event Permit

Limited Restaurant

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

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

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



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

Give particulars of your employment or business engaged in during the past five years, stating dates, business name and address, nature of business, position or title, employer's name and address of business. Easy Shop Insurance 09/11/2013-Present 11/28/2022

Easy Shop Insurance 1210 W State Street, Hurricane, UT 84737 which then moved to 51 N 1000 W Suite 6 in Hurricane, UT.

I am the owner of the company and have owned it for over 9 years. We sell insurance policies.

Who owns the real estate where this business is located? \_\_\_\_\_

Abcose Properties, LLC (Benjamin Ruesch)

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

Abcose Properties, LLC is the owner of the property and Pepperoni LLC is the tenant.

Do you own fixtures at this location? ☒ Yes \_\_\_\_\_ No. If yes, state the investment which you have in fixtures and equipment \$ 180,000

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

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

6. Additional Information: Give any additional information which you believe will help the City Council to make a decision upon your application: I love the city of Hurricane and want to provide a wonderful family environment. I have served as the President of  
The Chamber of Commerce and consider myself a valuable member of the community.

STATE OF UTAH )  
 : ss.  
COUNTY OF WASHINGTON )

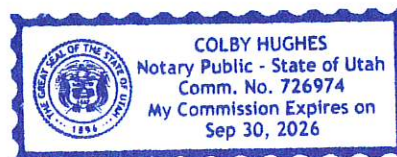
I, Nicholas Robert Lauritzen, being first duly sworn, depose and say as follows:

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

Nicholas Robert Lauritzen  
Applicant

SUBSCRIBED AND SWORN TO before me this 29<sup>th</sup> day of November, 2022

Colby Hughes  
(NOTARY PUBLIC OR CITY LICENSE OFFICER)





Extension  
UtahStateUniversity

November 29, 2022

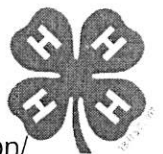
To whom it may concern:

This letter serves as a reference for Nic Lauritzen who a business owner and community leader in Washington County, Utah. Nic has always displayed a high degree of integrity, responsibility, and ambition. He is definitely an influential leader in our business community and has served as president of the Hurricane Valley Chamber of Commerce in addition to other volunteer initiatives in public schools. In addition to his excellent business accomplishments, he has proven his leadership ability by mentoring and coaching young athletes in youth recreation sports, providing many young people with an opportunity to compete and learn good sportsmanship. Nic is also a dependable team player. His good judgment and mature outlook ensure a logical and practical approach to his endeavors. I am happy to provide my endorsement and recommendation of Nic Lauritzen.

Sincerely,

A handwritten signature in blue ink, appearing to be 'P. Hill'.

Paul Hill, Ph. D.  
Extension Professor  
Utah State University  
Washington County  
Email: paul.hill@usu.edu  
Office: 435-634-5706





Nov. 28, 2022

To Whom It May Concern:

It is my distinct honor to write a letter of recommendation for Nicholas Lauritzen, a business associate, mentor, and friend.

I became acquainted with Nic in 2010 while working for Danville Services in St. George, Utah. Nic had opened his new business, Ultimate Detailing. This start-up business cleaned cars, trucks, RV Trailers, Vans, you name it and he and his crew did an amazing job.

Danville Services provides day care and residential care to permanently mentally and physically disabled individuals and the vans used for their transport would pose all kinds of cleaning challenges. Ultimate Detailing cleaned the vans from top to bottom, inside and outside, weekly. Nic contacted every car dealership in St. George and Washington County and secured contracts with almost all of them. He eventually sold the business when he opened Easy Shop Insurance. You still see the Ultimate Detailing trucks and trailers around town, doing what Nic taught – to do the job to perfection and provide excellent customer service.

Nic's warm, engaging personality has served him well as an insurance agent. His clients quickly become his friends. His agency quickly grew, and he now employs additional agents and office help, whom, I might add, simply adore him. He treats his staff well, rewards them for supporting him and his business, and makes working there fun!

Nic served as President of the Hurricane Valley Chamber of Commerce for two terms. His leadership abilities are unparalleled. He recommended new programs the HVCC Board of Directors adopted, such as recognizing businesses and business people publicly, creating a video presentation for the annual Awards and Installation Gala, organizing numerous fundraising events and activities with proceeds benefiting those in need, and many more. Nic created the anti-bullying program, Make Kindness Easy, and implemented it in Washington County schools. Nic's creative mind never stops. He is constantly creating contests and games on social media, all to benefit Hurricane Valley organizations, civic clubs, or people.

Nic is the recipient of numerous prestigious awards and will do well in whatever position he is applying for. I feel confident he will be dedicated, trustworthy, and successful. He is a hard worker, extremely organized and driven, and an all-around good man.

Please feel free to contact me should you have additional questions.

Sincerely,

Lana Hone  
Office Manager  
Hurricane Valley Chamber of Commerce  
(435) 635-3402

To whom it may concern,

It is with great pleasure that I write a letter of recommendation regarding Nic Lauritzen. I have known Nic since 2016, when he moved into the same neighborhood. An epitaph that could be placed on his headstone would be, he never met a stranger. When Nic enters a place he meets and greets most everyone with a smile and sincere salutation. My first time meeting him was when he was putting in his own floor in his new house never having done so before. This showed me his attitude toward ingenuity, providence, and self-reliance. Our families have crossed paths many times and my children have spent countless hours in their home. When my children have misbehaved he has approached me with a kind understanding that kids have much to learn and we can together help them learn from mistakes. Another experience was when both our families were at the splash pad downtown Hurricane. There was a man there that looked down on his luck and possibly homeless. While I went into papa bear mode, Nic chose to see if he needed some food and shared his family's dinner. Minutes later he was playing catch with the football and made this man's day. I am grateful to have people like Nic in my community and as a neighbor. I would recommend him by his character to any avenue that he is seeking.

Respectfully,  
Reed James  
2891 S 3680 W  
Hurricane Ut



To Whom it May Concern,

I have known Nic Lauritzen for over 7 years. I have done business with him several times over that time period. I have been a client of his and he has been a client of mine. I have nothing but praise for his business ethics as well as his personal integrity. He is great with his people skills and follow up. His clients love him and he genuinely cares about them

I have served on the Hurricane Chamber of Commerce Board of Directors for the past 6 years with Nic. For two of those years, Nic was the president of the Chamber and did some amazing things for businesses in the community during the Covid mess.

Nic is a devoted and loving husband and father, working hard to provide for them and to also be able to spend quality time with them. I can not think of a better family man or businessman.

--

DeWynn Nelson  
Sales and Marketing Manager  
Servpro St. George  
1136 E. 200 S. St George Ut 84790  
C: 435-669-4482 O: 435-656-9061

Merinda Pickett  
141 North 70 East  
La Verkin, UT 84745  
(435) 525-8030  
merindajo@hotmail.com

November 29, 2022

Re: Nicholas Lauritzen - Mountain Mike's Pizza

To Whom It May Concern:

I have had the pleasure of knowing Nic Lauritzen since 2011 when my family moved in next door to him and his family. I now enjoy working with Nic as his office manager at Easy Shop Insurance and I am pleased to have the opportunity to write a letter for him explaining my observation of his character.

Nic is a genuine individual with strong moral character. He values integrity, service, leadership, family, and friends. The list could go on and on with the great qualities that Nic possesses. He spends countless hours serving in our community by coaching multiple different youth sports teams, serving on the Hurricane Valley Chamber board, and church callings. He sponsors local clubs and events and donates to different organizations and individuals as well.

Nic is a great example to me and those around him by leading and guiding us with his positive attitude and character. He shows his appreciation for all who work with him and treats everyone with respect. He is an upstanding individual in our community and I feel we are lucky to have him as a local business owner and resident of Hurricane Valley.

Please feel free to let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Merinda Pickett". The ink is dark and the signature is fluid, with a large initial 'M' and a stylized 'P'.

Merinda Pickett  
Office Manager, Easy Shop Insurance

**From:** [Lynn Excell](#)  
**To:** [Cindy Beteag](#)  
**Subject:** RE: Mountain Mike's Pizza - new limited restaurant license  
**Date:** Wednesday, November 30, 2022 12:19:09 PM  
**Attachments:** [image001.png](#)

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Cindy, I have run a local check on Nicholas Lauritzen and Cassie Hugh's from Mountain Mikes Pizza, both records are clear and I recommend approval of their for local consent for an on-premise alcohol license serving beer and wine.  
Any questions, please let me know.

**Chief Lynn Excell**  
**Hurricane City Police Department**  
**Office (435)635-9663**

[lexcell@hcpd.utah.gov](mailto:lexcell@hcpd.utah.gov)

This email message is for the sole use of the intended recipient(s) and may contain privileged or confidential information. Unauthorized use, distribution, review or disclosure is prohibited. If you are not the intended recipient, please contact [lexcell@hcpd.utah.gov](mailto:lexcell@hcpd.utah.gov) by reply email and destroy all copies of the original message.

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**From:** Cindy Beteag <cindy@cityofhurricane.com>  
**Sent:** Tuesday, November 29, 2022 3:51 PM  
**To:** Lynn Excell <lexcell@hcpd.utah.gov>; Stephen Nelson <stephen@cityofhurricane.com>; Dayton Hall <dayton@cityofhurricane.com>; Kaden DeMille <kaden@cityofhurricane.com>  
**Subject:** Mountain Mike's Pizza - new limited restaurant license

All,

We received the attached application today for Mountain Mike's Pizza for a limited restaurant liquor license. It is on the agenda for this Thursday to get local consent. I have ran a background on the owner and manager and I have no concerns. Please let me know if you have any concerns you would like the Council to be aware of.

Chief – If you need the application without the redactions please let me know.

Thank you,

*Cindy Beteag*



**HURRICANE CITY**  
**UTAH**

Cindy Beteag  
City Recorder  
Hurricane City  
Office 435-635-2811 x 106

**Mayor**  
John Bramall

**City Manager**  
Kaden C. DeMille



**City Council**  
Nanette Billings  
Darin Larson  
Joseph Prete  
David Sanders  
Kevin Tervort

November 28, 2022

Employee training for alcohol sales.

**7-Eleven #53614**

Off-Premises Beer License: 19 of 19 employees verified.

**Chevron**

Off-Premises Beer License: 3 of 3 employees verified.

**Copper Rock Golf Course**

Limited Restaurant License: 10 of 10 employees verified.

**Coral Canyon Market**

Off-Premises Beer License: 6 of 6 employees verified.

**Coral Canyon Texaco**

Off-Premises Beer License: 3 of 3 employees verified.

**Ernie's Too**

Off-Premises Beer License: 11 of 11 employees verified.

**Las Lupitas Mexican Restaurant**

Restaurant Beer Only License: 10 of 11 employees verified. Valeria Chedha not found.

**Lin's Market Place**

Off-Premises Beer License: 18 of 19 employees verified. Strickler Schae not found.

**Lonny Boy's Barbecue**

Restaurant Beer Only License: 5 of 5 employees verified.

**Maverik #402**

Off-Premises Beer License: 17 of 18 employees verified. Becky Sylvester not found.

**Maverik #594**

Off-Premises Beer License: 16 of 16 employees verified.

**Mazatlan**

Full-Service Liquor License: 6 of 6 employees verified.



**Pig's Ear American Bistro**

Full-Service Liquor License: 11 of 14 employees verified. Samantha Polanco, Tanya Sproul, and Jennifer Tisdale not found.

**Quail Lake Quik Stop**

Off-Premises Beer License: 7 of 8 employees verified. Chasta Dupaix not found. One underage sell violation.

**Sky Mountain Golf Course**

On-Premises Beer License: 4 of 4 employees verified. One underage sell violation.

**The Grille at Sand Hollow Resort**

Full-Service Liquor License: 15 of 15 employees verified.

**The Golf Course at Sand Hollow Resort**

On-Premises Beer License: 15 of 15 employees verified. One underage sell violation.

**Triple TJ's Café**

Limited Restaurant License: 4 of 4 employees verified.

**Venture Fuel**

Off-Premises Beer License: 7 of 7 employees verified.

**Walgreens #11673**

Off-Premises Beer License: 19 of 21 employees verified. Sky Lewis and Nichole Bentley not found.

**Walmart #4678**

Off-Premises Beer License: 66 of 67 employees verified. Erica Swyers expired on 10/9/22



## 2023 Hurricane City Annual Meeting Notice

The **City Council** is scheduled to meet on the following dates:

January 5 & 19, February 2 & 16, March 2 & 16, April 6 & 20, May 4 & 18, June 1 & 15, July 6 & 20, August 3 & 17, September 7 & 21, October 5 & 19, November 2 & 16, and December 7 & 21. Meetings are held at 5:00 p.m. at 147 North 870 West.

*All meetings are open to the public. Agendas are posted on the city website: [cityofhurricane.com](http://cityofhurricane.com) and on the Utah Public Notice website: [pmn.utah.gov](http://pmn.utah.gov)  
Any meeting schedule changes will be posted at these same sites.*



## **STAFF COMMENTS**

**Closed Meeting** held pursuant to Utah Code section 52-4-205

**Discussion:**

**Findings:**

**Recommendation:**

**Attachments:**

None