



# HURRICANE CITY UTAH

**Mayor**

**City Manager**

Nanette Billings Kaden DeMille

## City Council

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

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

February 16, 2023  
5:00 PM

City Council Chambers 147 N 870 W, Hurricane

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

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

Agenda Summary

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

Prayer

Thought

Pledge of Allegiance

Declaration of any conflicts of interest

Recognition of officers involved in a critical incident

Development update from the Planning Department

#### **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.

#### **Consent Agenda**

1. Consideration and possible approval for the **Planning Director to issue a grading permit for the Gould's Wash Well site**-Ken Richins
2. Consideration and possible approval of **Resolution 2023-11 appointing a temporary Justice Court Judge** for the Justice Court-Kaden DeMille

3. **Minutes** of the Regular City Council Meeting for February 3, 2023, and special meeting January 31, 2023
4. Consideration and possible approval an amended **final plat for Quail Lake Estates Lots 10 and 11** located at 4400 W State St #10 and #11. Darrell and Christine Leigh Applicant. Ryan Scholes/Alpha Engineering Agent.
5. Consideration and possible approval on an **amended final plat for Dixie Springs Lot F41 and F42**, located at 2829 S 3200 W and 3203 W 2830 S. Heather Hugie Applicant. Mike Hugie Agent.
6. Table the discussion regarding the **maintenance of the park area behind the LDS Stake Center** at 677 S 700 West until further information is received

#### **OLD BUSINESS**

1. Ordinance 2022-62 Consideration and possible approval on a **Land Use Code Amendment Request to Title 1-Chapter 5-Subsection-5, 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 2023-04: Consideration and possible approval of a **Land Use Code Amendment request to Title 10 Chapter 32: Landscaping and Screening to make updates to water conservation standards**. Hurricane City Applicant.

#### **NEW BUSINESS**

1. Consideration and possible approval of **partnering with Washington County School District for a health and resource fair**-Nadina Angulo
2. Consideration and possible approval of a **resolution in support of developing a mountain bike race course on City and BLM Land**.
3. Consideration and possible approval of **waiving the rental & power fee for the Farmers Market**-Annie Spendlove
4. Ordinance 2023-ZC-03: Consideration and possible approval on a **zone change amendment request located at 663 W 400 S** from R1-8, single-family residential one unit per 8,000 sq ft to RM-1, multi-family six units per acre. Parcel H-231-B-1 Jeremy Black Applicant.
5. Presentation of the improvements at the **Washington County Solid Waste site**
6. Consideration and possible approval of a resolution regarding **Hurricane City's participation in the NuScale project**-Scott Hughes
7. Consideration and possible approval of **political candidates being allowed to purchase an ad in the Peach Days magazine**.
8. Consideration and possible **direction of use on City property located at approximately 100 W State Street and approximately 1000 W 100 North**
9. Consideration and possible approval of a **Resolution adopting a fee schedule for renting City equipment and supplies**
10. Closed Meeting held pursuant to Utah Code section 52-4-205, upon request

#### **Adjournment**



I hereby certify that the above notice was posted to the city website,  
([www.cityofhurricane.com](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

## **Agenda Summary for Hurricane City Council February 16, 2023**

### **Consent Agenda**

1. The Water Department is preparing for the future Gould's Wash Well at the Three Falls Trailhead. They are planning on starting the well soon and would like to have all the groundwork completed.
2. Court would like to appoint another temporary judge. Ronald L. Read from the Washington County Justice Court
3. Minutes of last meeting
4. The applicant has applied to amend the final plat for Quail Lake Estates to adjust the lot lines, so the lot lines no longer run through a building. Any lot line changes within a recorded subdivision require an amended final plat. The Planning Commission gave a positive recommendation on the proposed amended final plat.
5. The applicant has applied to amend the final plat for Dixie Springs to adjust the lot lines slightly as well as formally combine two parcels owned by the applicant. Any lot line changes within a recorded subdivision requires an amended final plat. The Planning Commission gave a positive recommendation of approval for the proposed amended final plat.
6. President David Broadbent is meeting with the real estate division of the church and said they have to have legal look at the agreement. Plus, it requires notice of 90 days to change the agreement with the church or the school so this just needs to get continued until April.

### **Old Business**

1. This was continued at the last meeting to give the City Attorney time to review the changes.
2. This was continued at the last meeting because the Washington County Water Conservancy had not responded yet.

### **New Business**

1. A representative from Washington County School District reached out to Mayor Billings about partnering with them to coordinate a health and resource fair at the Community Center. They are proposing school buses picking up families that don't have transportation to attend this fair where they can get help with health, job applications, food, etc.
2. The primary motivation behind this request is to provide a sustainable race venue for the NICA Utah League to hold their annual State Championship event. NICA is "National Interscholastic Cycling Association", a league that provides mountain bike racing for middle and high school students athletes across America. The Utah League has held the State Championship event in St. George since its inception. Over the years there have been multiple staging venues, and each one has been developed, making them unsuitable for such an event. Currently there is not a suitable venue available in Washington County, which is problematic because of the need for good weather at the end of the race season in late October. While exploring options, BLM identified the area around the Frog Hollow Dam property (80 acres that Hurricane City owns) to develop a race venue and mountain bike trails. This would require forging a partnership between Hurricane City and BLM where the City would make their property available for event staging and BLM land would be used for the development of the trails.
3. Last year there was a Farmer's Market held at the Community Center organized by a private party. They received a temporary use permit but the rental fee for the property was waived. They would like to do the same thing year, but they would like to expand

the market to longer hours, more months, and possible add food trucks. They are asking for the City to waive the rental and power fee again.

4. The applicant is seeking a zone change from R1-8 to RM-1 on .29 acres of property located on the corner of 700 W and 400 S just north of Gould's Wash. There is currently a small, 676 sq ft, house on the property as well as a recreational vehicle that is presumably being lived in. The applicant has told staff they would like to tear down the existing home and build a duplex on the property as well as take advantage of reduced setbacks in the RM-1 zone. The Planning Commission gave a positive recommendation finding that services are adequate for the area and there will be sufficient parking.
5. Update on the improvements at the Washington County dump site
6. The CFPP project has reached the end of the Class 3 Project Cost Estimate which triggers the opportunity for an off-ramp. Hurricane City has the question to answer if they want to continue as they are, increase in entitlement, decrease in entitlement, or withdraw from the project. The Class 3 Estimate failed to reach its target price of \$58. The Project Management Committee agreed to renegotiate the Development Cost Reimbursement Agreement to give the project a chance to move forward. The new target is set at \$89(2022 \$) and we added in a new term that is that the subscription of the project must meet at minimum 80% or the agreement triggers opportunity for 100% reimbursement. The Project Management Committee also approved a resolution in the February project meeting that states if those terms are not met, the committee WILL terminate the project so as to help municipalities feel more comfortable that the goal posts don't just continue to move in the future.
7. Mayor Billings would like the Council to decide if candidate campaign ads should be allowed in the Peach Days magazine.
8. Discussion on the use of the City property where the new proposed gym will be.
9. It has come to staff's attention that there isn't a fee schedule for some items that people are requesting to use. This includes staff moving picnic tables, setting up our barricades and possibly other items.
10. No closed meeting scheduled as of Friday.



## Development Report 2022

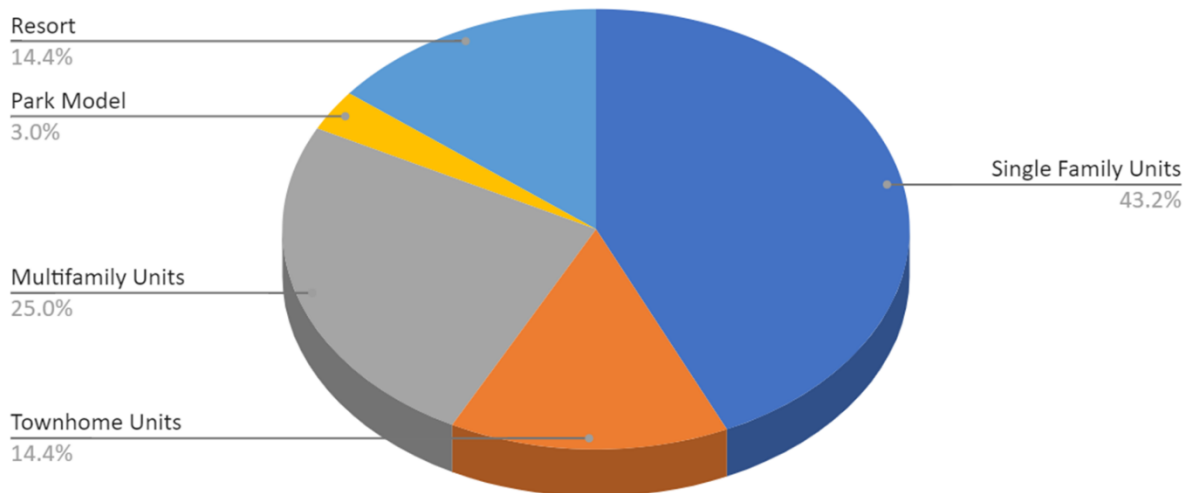
### Introduction:

As has been predicted and seen throughout the recent months there has been a marked slowdown in growth in 2022. This was perhaps inevitable as the overheated post pandemic economy was bound to come back to earth eventually. While there has been a significant decrease in the numbers of planning approvals and building permits there has still been significant growth, in some cases still above pre-2020 numbers. While the overall rate of growth has decreased, the potential for growth is still quite large and the challenges that come from growth have persisted.

### Planning:

At the preliminary site plan and preliminary plat level, the Planning Commission approved 5,972 new units. 2,557 single family homes, 862 townhome units, 1,492 multifamily units (this number is made up of duplexes, condos, and apartments approved as part of site plans), 180 park model units and 861 resort units.

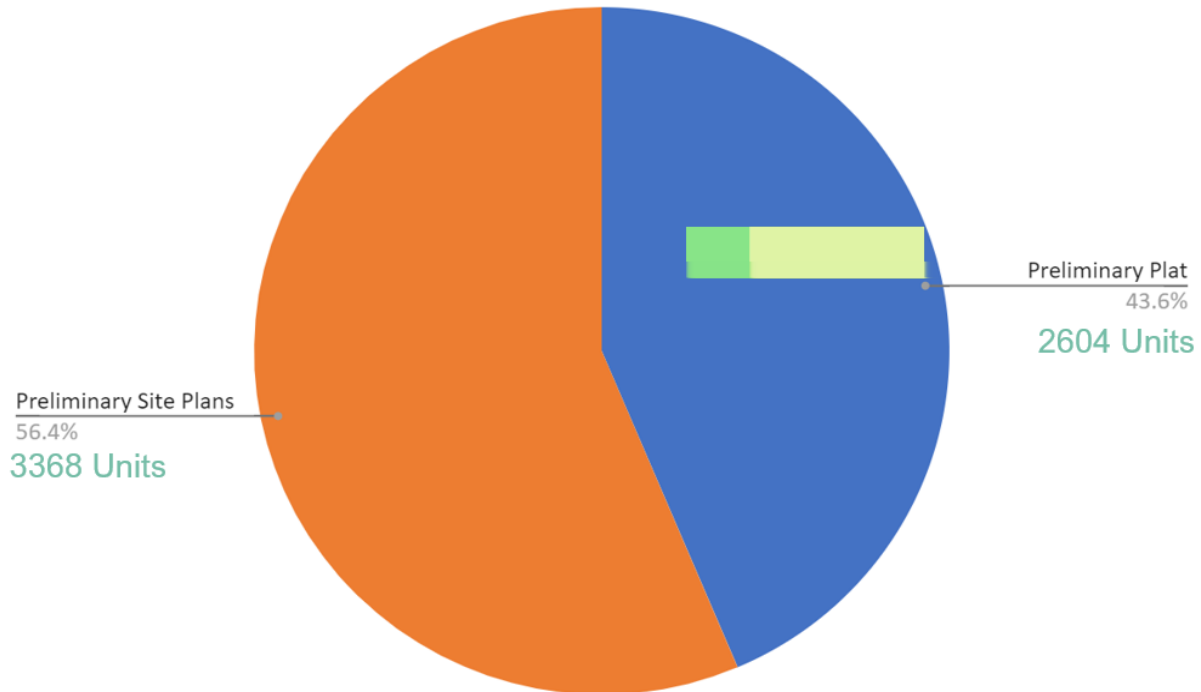
### Total Approved Units: 2022



This is a major decrease from last year's totals of 13,555 units. It would be incorrect to say that the City has approved 19,527 ( $13,555 + 5,972$ ) units over the past two years as many developments got preliminary site plan approval in 2021 and preliminary plat approval in 2022. This year did not have the same type of large scale developments that we saw in 2021. For example, the average planning approval (preliminary site plan and preliminary plat) in 2021 was 294 units



while it was 173 units in 2022. This year saw 2,604 units approved at the preliminary plat level and 3,368 units approved at the preliminary site plan level. This is a much more even split from last year, showing how development is continuing to progress.

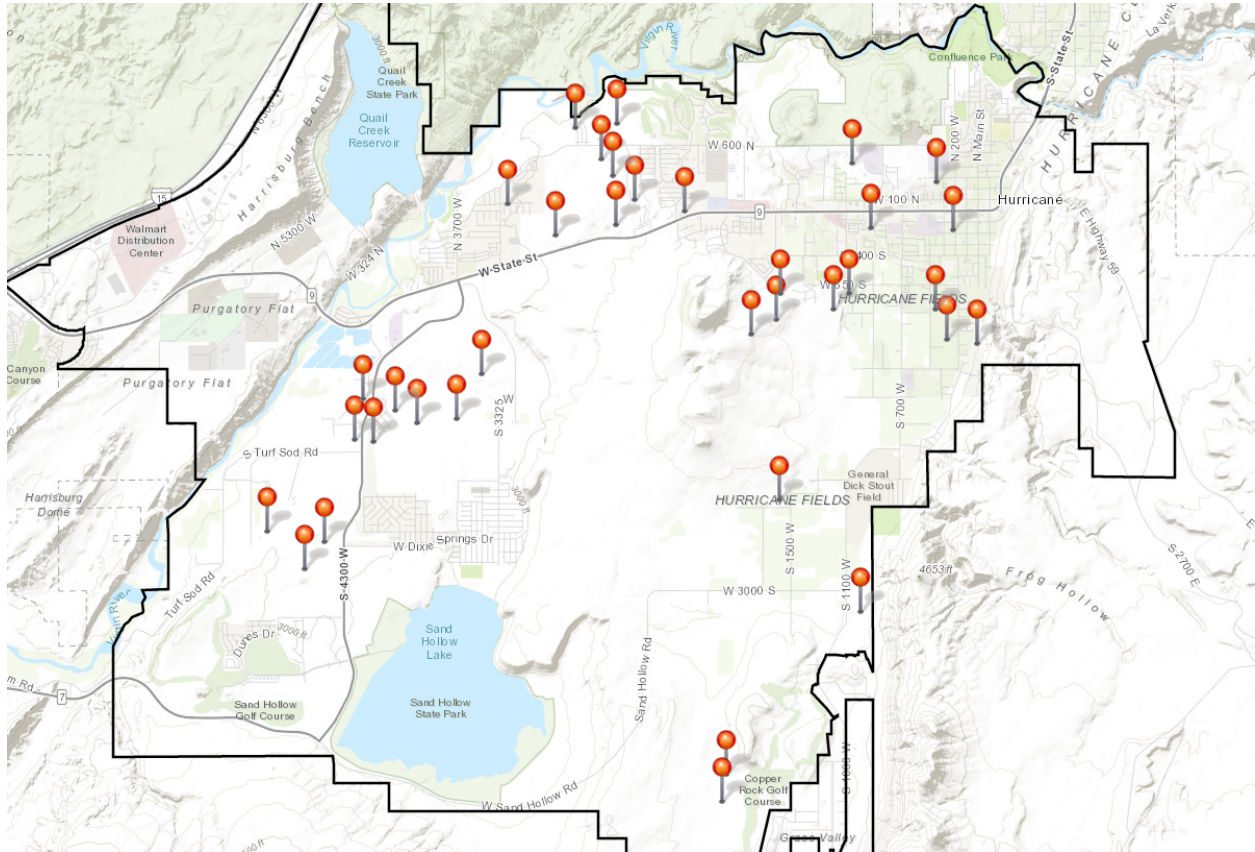


### Location of Development

The map below shows every approved development in the city in the past year. We are seeing patterns of development start to form around the Gateway to Sand Hollow/Elim Valley area, along SR-9, and south of 3000 S. We believe these areas will continue to be our growth areas moving forward. Despite this staff believes that the effects, both good and bad, will continue to be felt throughout the City.



# HURRICANE CITY UTAH



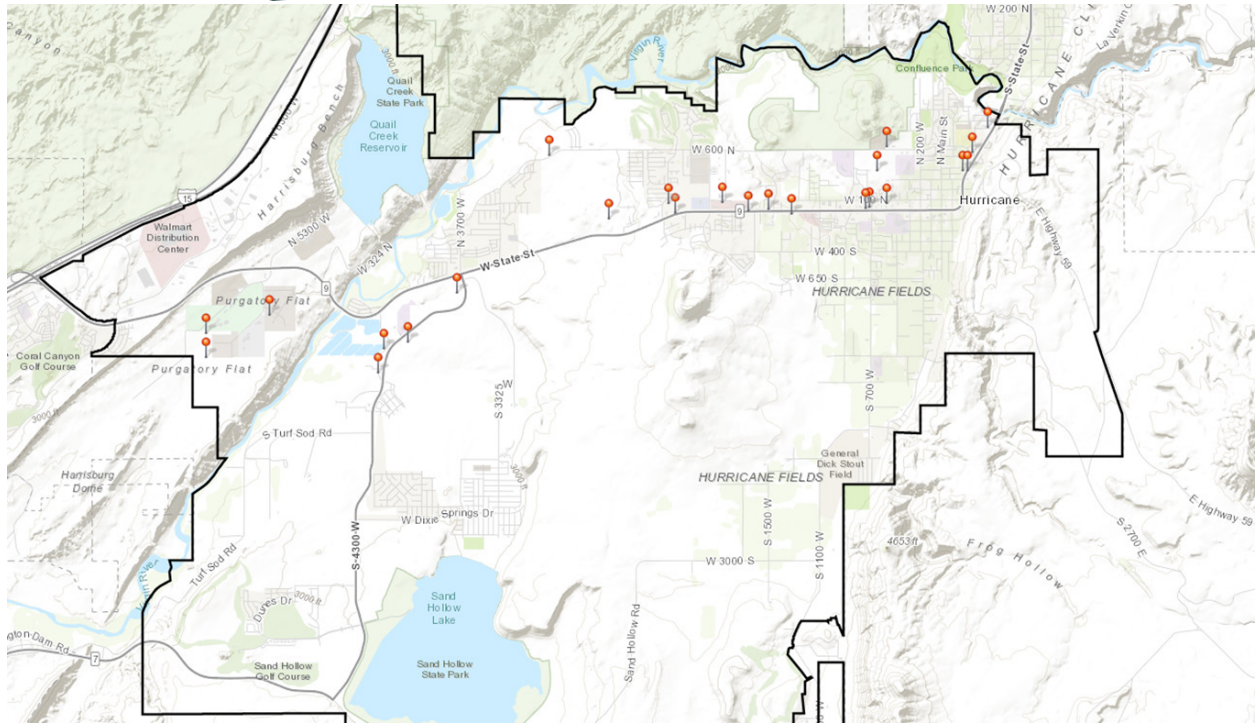
## Commercial:

As residential growth has continued we have started to see an increase in commercial development as well. This year the Planning Commission approved 13 new restaurant pads, 14 new retail pads, 82 new industrial lots, 252 new hotel rooms (over two hotels), 333 new RV pads (across two RV parks), and 212 new storage units (across three complexes). These developments have been clustered around SR-9 and Sand Hollow Road with new development in our industrial parks.

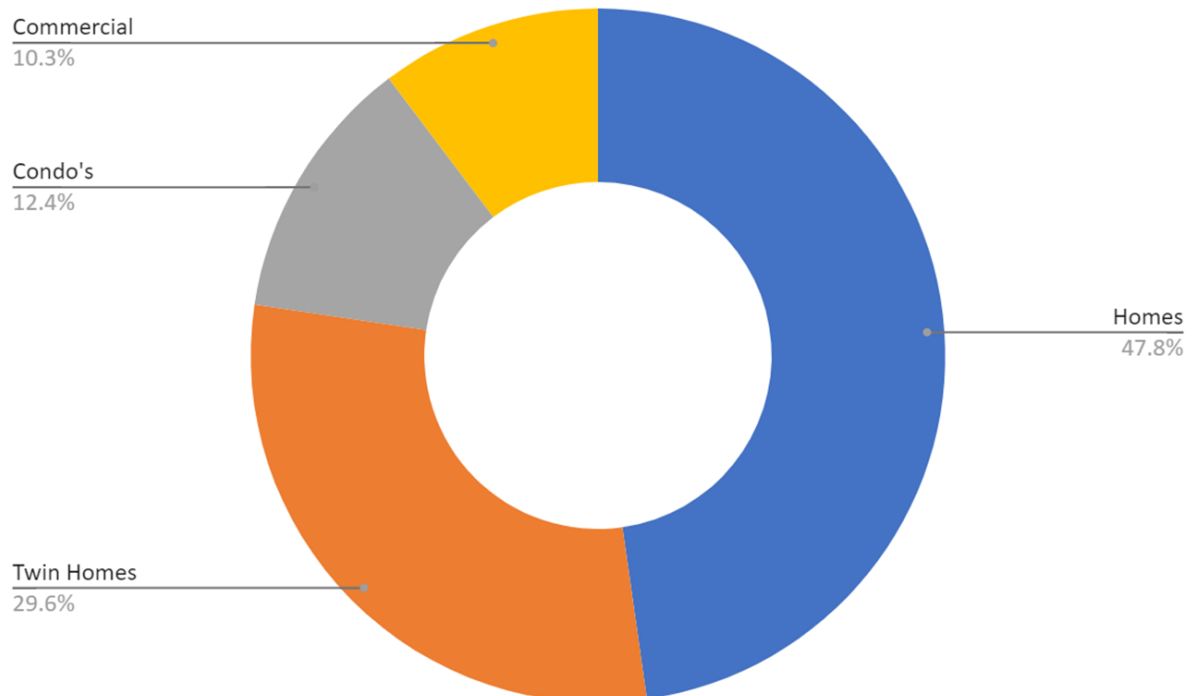


# HURRICANE CITY

## UTAH



### Building Permits:







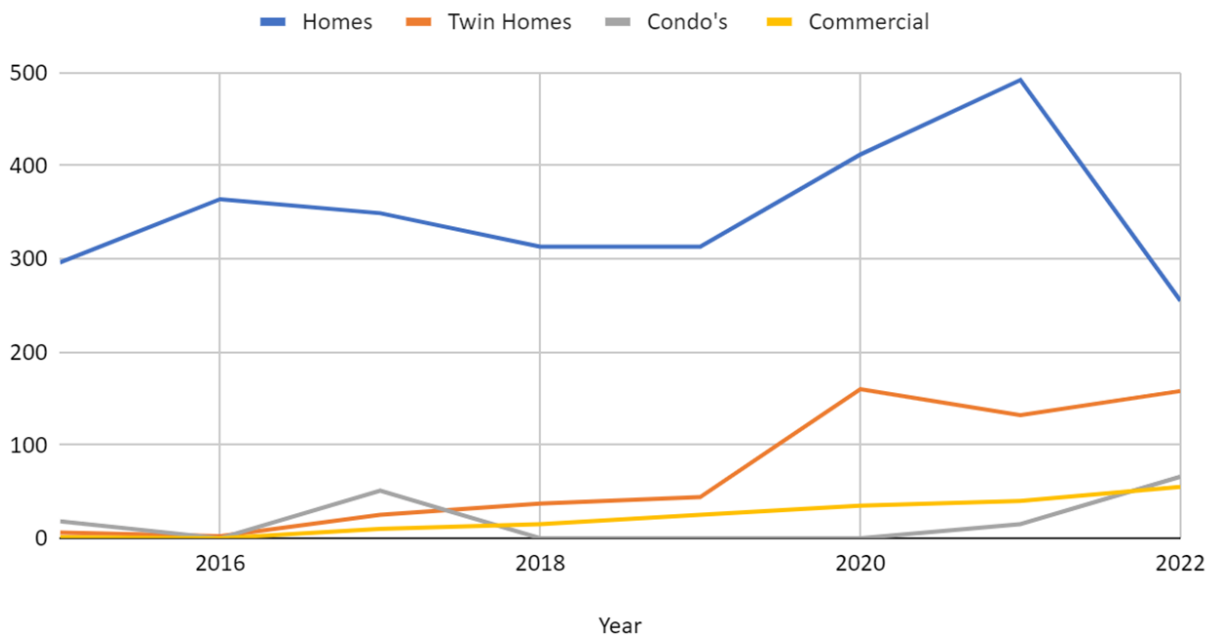
# HURRICANE CITY

## UTAH

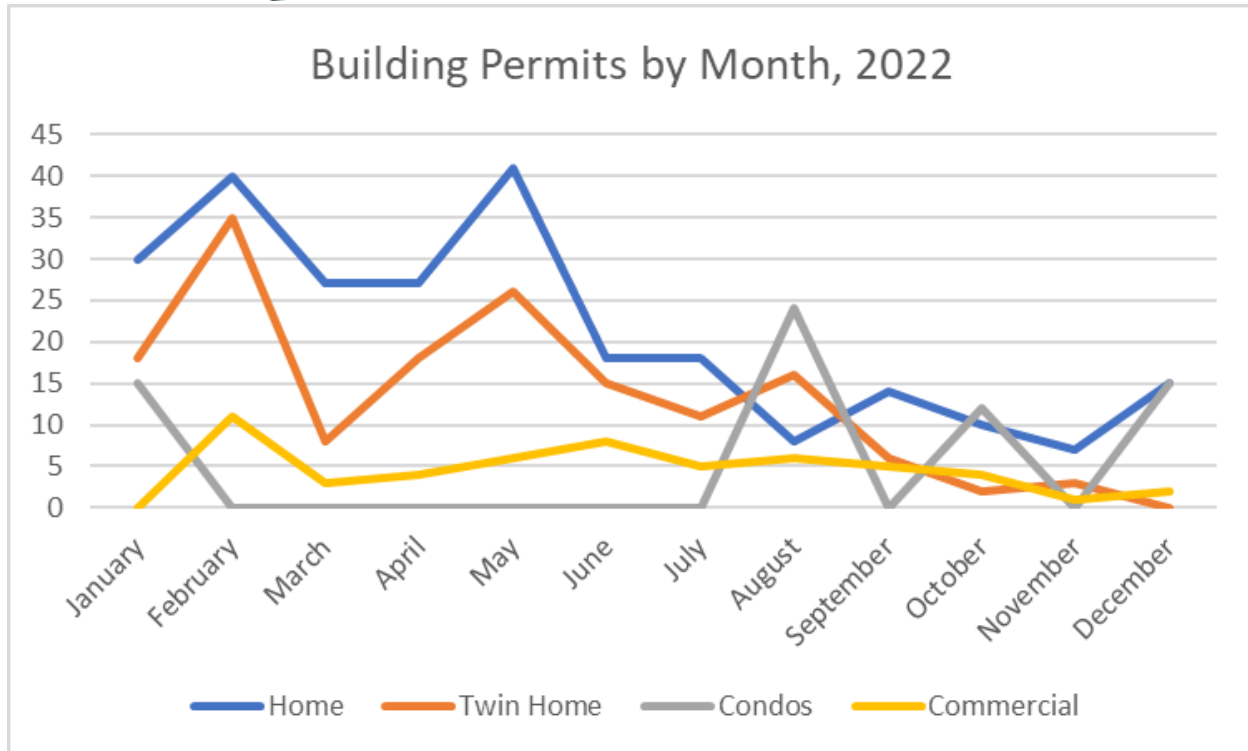
The total number of building permits issued for new buildings this year was 534 permits. This is a significant decrease from last year's totals of 679 permits but still well above pre-pandemic levels (see below) This breaks down to 255 single family homes, 158 twin homes, 66 condos, and 55 commercial as illustrated above.

As can be seen below, the majority of the decrease in building permits this year has been seen in single family home permits. Single family homes are expensive to build and have seen some of the highest inflation rates within the housing market. How this shakes out in the coming years is still unknown.

### Building Permits by Year





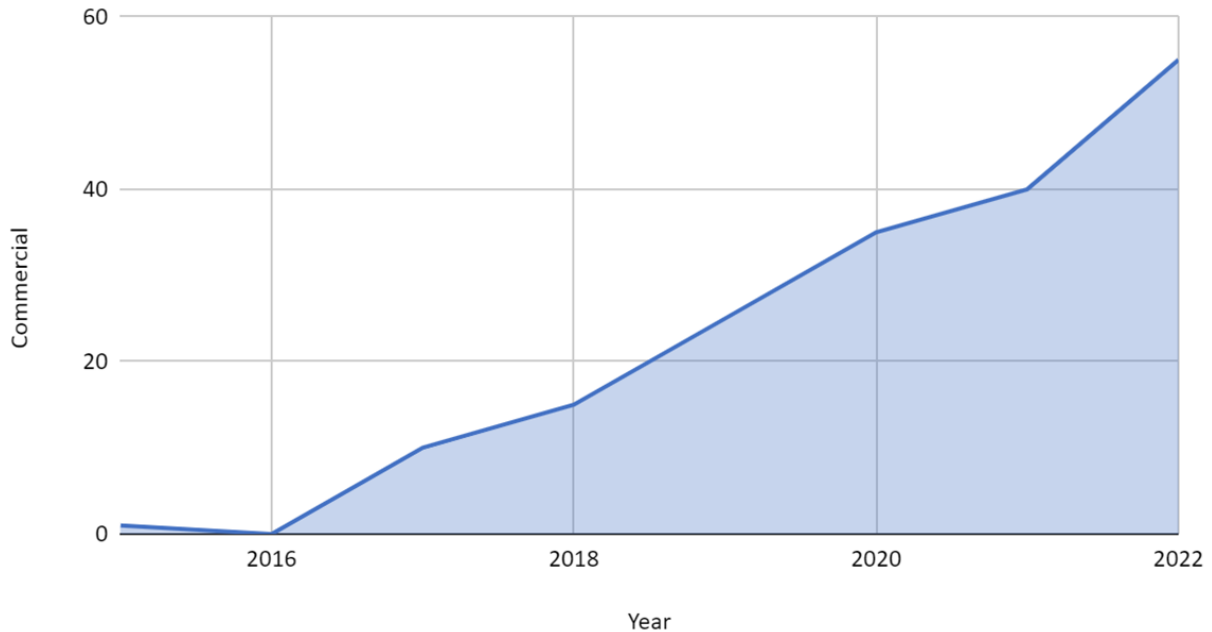


## Commercial/Industrial Growth

Residential growth is not the only kind of growth we have seen this year. The Building Department issued 55 commercial building permits this year, a 37.5% increase over last year. Of these commercial permits, 42 of them were industrial lots. Some other highlights include: the IHC expansion, Scooter's Coffee, Del Taco , and Jimmy Johns.



## Commercial Building Permits per year



## Population Growth

There are generally two ways that staff have used to estimate the population and population growth in Hurricane. The first is Census data, which in non-Census years is estimated through surveys and other data. Another way staff has estimated the population growth is through building permits. The Census Bureau says Hurricane averages 2.7 residents per dwelling unit, so we take the number of residential building permits issued, multiply that by 2.7, and add that number onto our population.

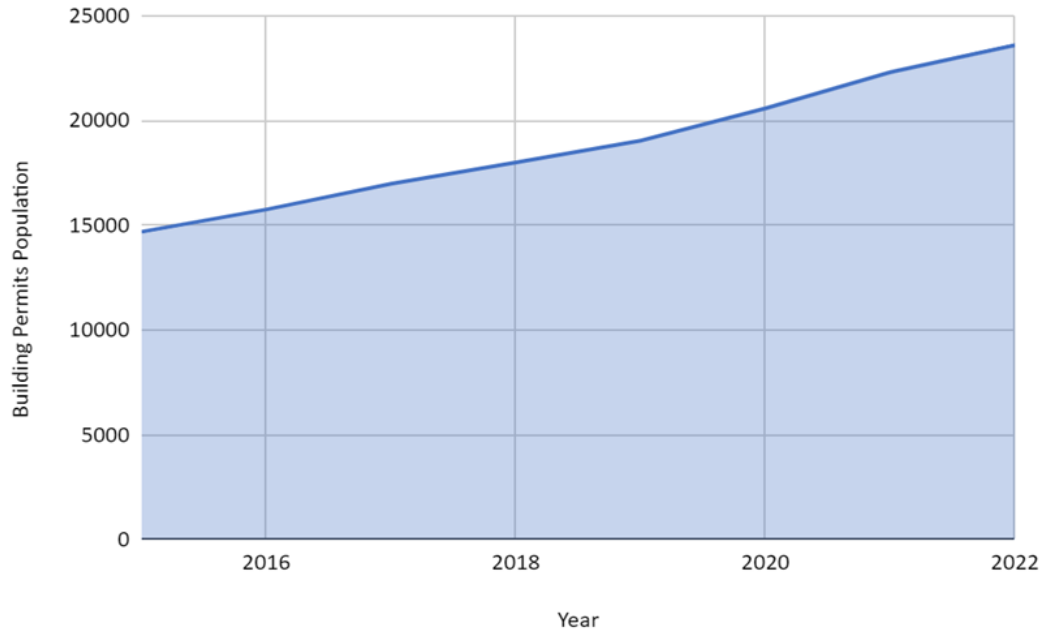
The Census estimates that our population is 21,808, a 5% increase from last year. Building permits allow us to estimate a population of 23,601, a 6% increase from last year. The gap between these numbers can be explained by a number of things: statistical errors on the Census Bureau's part, the large number of secondary/vacation homes in our market etc. Staff finds the near identical growth rate from the two numbers to be a sign that the real number is somewhere in there.



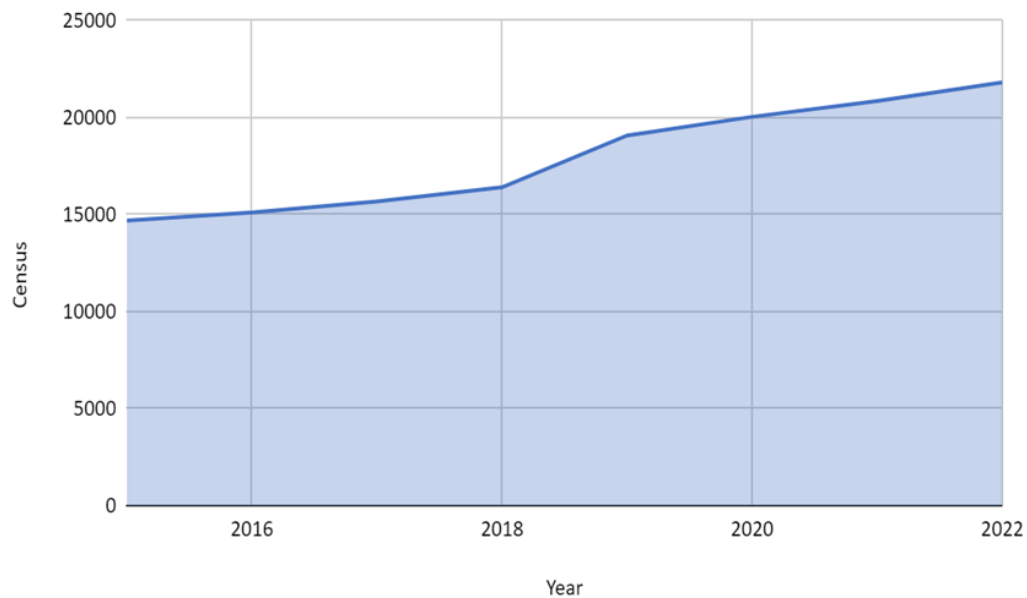
# HURRICANE CITY

## UTAH

Building Permits Population vs. Year



Census vs. Year





# HURRICANE CITY

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## UTAH

We project that growth will be fairly steady in the foreseeable future. There will be some years that may see an increase and other years with a decrease. Growth will continue to depend on several factors, including the local and national housing market, interest rates, zoning, and if key developments begin construction.

### **Summary**

Broader market factors and economic conditions will always be a factor when it comes to growth in Hurricane. This year has seen a broad slowdown in the economy and that has been reflected in both building permits and planning applications. Staff believes there is still a broad economic demand for growth in this area and that the slowdown we are seeing will only be temporary.

Even with this slowdown the problems related to growth continue to affect the City. Utility concerns continue to be an issue as the City attempts to ensure that new infrastructure is installed correctly and the City does not overextend themselves. City departments continue to find themselves overextended and in need of further help.

As well some of the positive effects of new growth are starting to manifest themselves. Housing prices are starting to see a slight decline for the first time since before the pandemic. New retail and dining establishments are slowly starting to come online which increase tax revenue and quality of life for Hurricane residents.

Overall staff remains cautiously optimistic about their ability to handle upcoming growth and development. Staff believes that the path that the City is on right now is broadly sustainable, especially if this slowdown continues, and that they can implement policies in the meantime to manage growth better if and when the market picks back up.



# Growth in Hurricane 2022



# Planning Overview

- ◆ For this presentation we mostly looked at two types of approvals for residential developments
  - ◆ Preliminary Site Plans: Are attached to the property but have no vested rights attached. Usually submitted as part of zone changes but are required for multifamily developments.
  - ◆ Preliminary Plats: These expire after one year and give owners rights to submit construction drawings for approval. Typically signal a higher level of dedication on the owner's part to develop

# Top Line Results

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37 new subdivisions approved

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2557 new single family units

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862 townhome units

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1492 multifamily units

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180 park model units

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861 resort units

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For a grand total of...

# 5,972

New residential units in Hurricane approved thus far in 2022

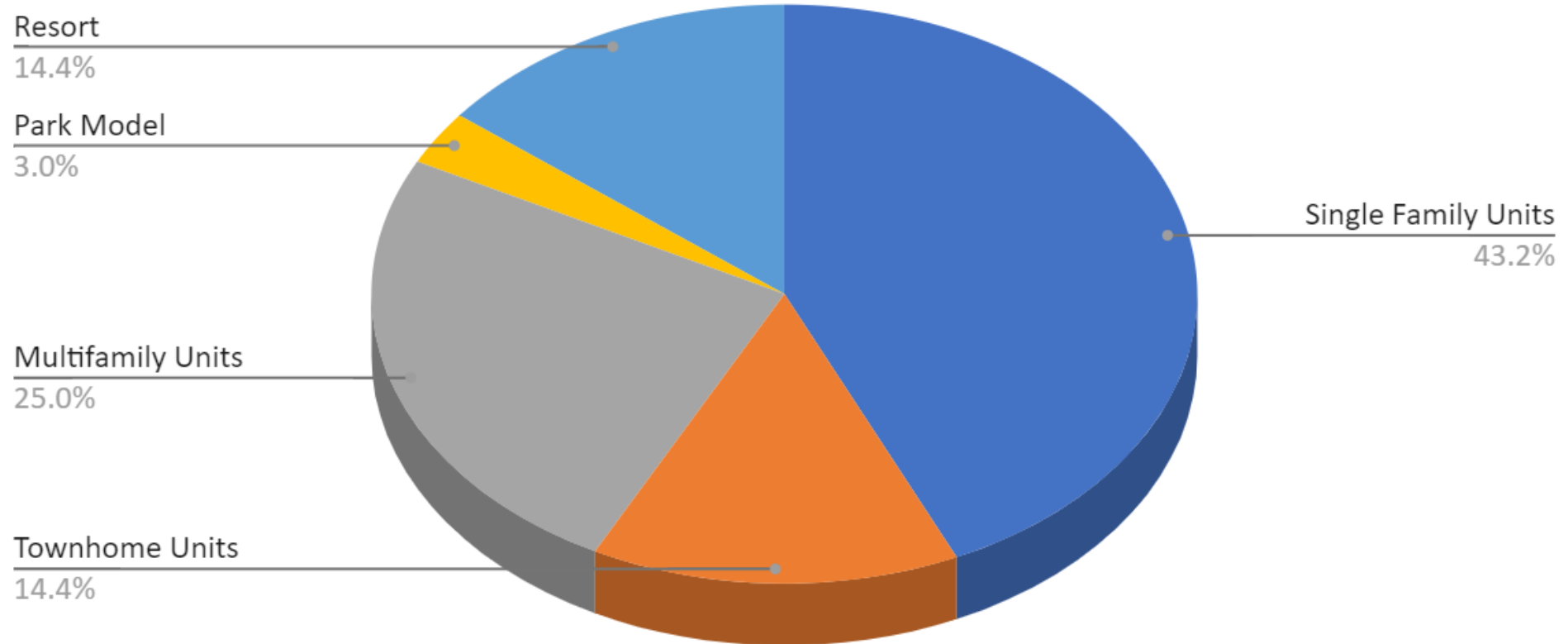


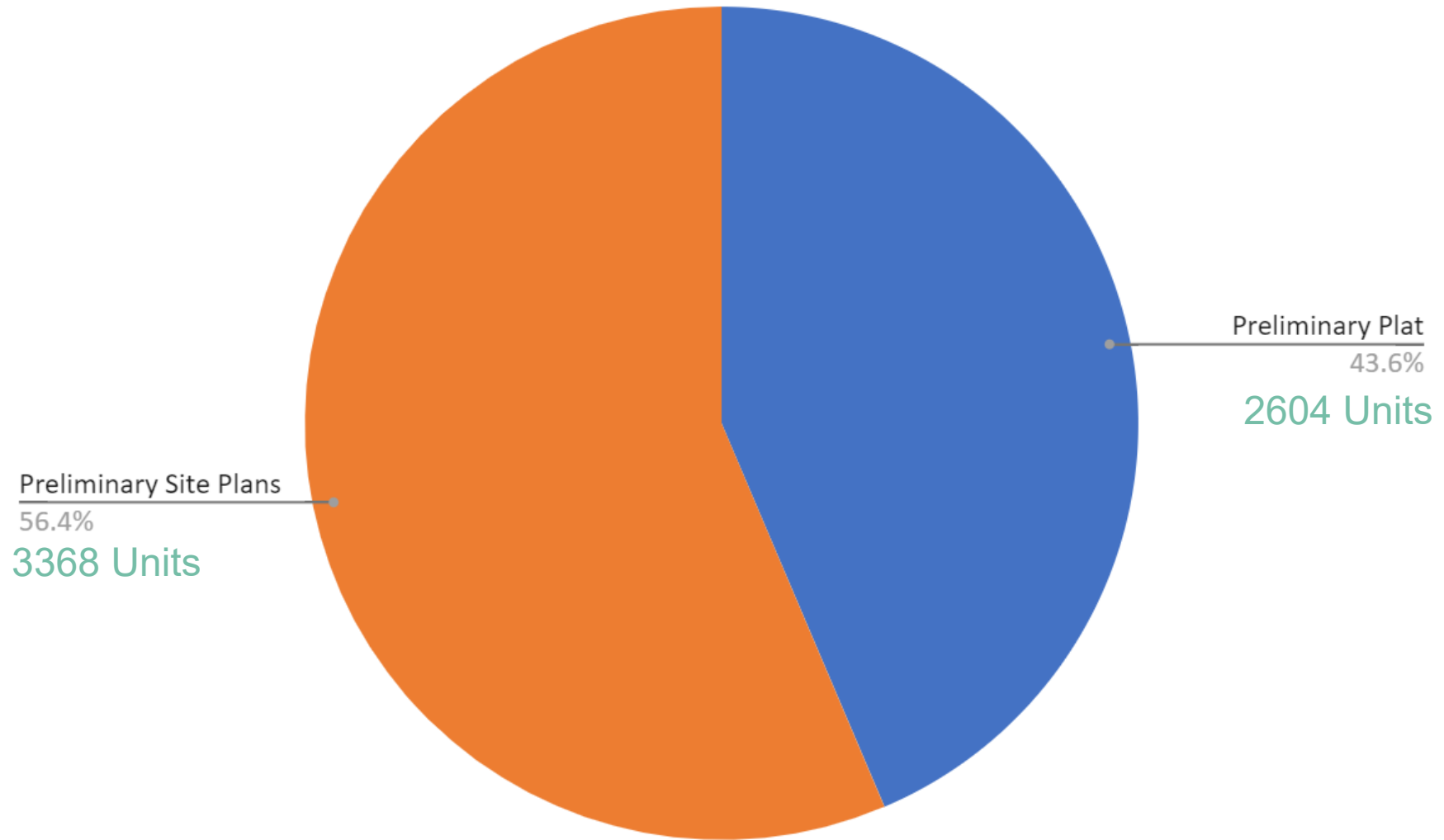
# Some Caveats

- ◆ A lot more units were approved in 2021
- ◆ About 900 of those were resort units so not all of these units will be adding onto our population
- ◆ Construction on these units may be delayed for one reason or another making it unlikely all of these will be completed in the next few months, years, or ever
  - ◆ Some developments might not be built out at full capacity
  - ◆ Future market factors



## Total Approved Units: 2022







The map displays the Harrisburg, New Mexico area, highlighting the locations of 20 red pins. The pins are distributed across the region, with a higher concentration in the northern and central parts. Key geographical features include the Quail Creek Reservoir, Sand Hollow Lake, and the Virgin River. Major roads shown are W-State St, W 600 N, W 100 N, W 300 N, W 400 N, W 500 N, W 600 N, W 700 N, W 800 N, W 900 N, W 1000 N, W 1100 N, W 1200 N, W 1300 N, W 1400 N, W 1500 N, W 1600 N, W 1700 N, W 1800 N, W 1900 N, W 2000 N, W 2100 N, W 2200 N, W 2300 N, W 2400 N, W 2500 N, W 2600 N, W 2700 N, W 2800 N, W 2900 N, W 3000 N, W 3100 N, W 3200 N, W 3300 N, W 3400 N, W 3500 N, W 3600 N, W 3700 N, W 3800 N, W 3900 N, W 4000 N, W 4100 N, W 4200 N, W 4300 N, W 4400 N, W 4500 N, W 4600 N, W 4700 N, W 4800 N, W 4900 N, W 5000 N, W 5100 N, W 5200 N, W 5300 N, W 5400 N, W 5500 N, W 5600 N, W 5700 N, W 5800 N, W 5900 N, W 6000 N, W 6100 N, W 6200 N, W 6300 N, W 6400 N, W 6500 N, W 6600 N, W 6700 N, W 6800 N, W 6900 N, W 7000 N, W 7100 N, W 7200 N, W 7300 N, W 7400 N, W 7500 N, W 7600 N, W 7700 N, W 7800 N, W 7900 N, W 8000 N, W 8100 N, W 8200 N, W 8300 N, W 8400 N, W 8500 N, W 8600 N, W 8700 N, W 8800 N, W 8900 N, W 9000 N, W 9100 N, W 9200 N, W 9300 N, W 9400 N, W 9500 N, W 9600 N, W 9700 N, W 9800 N, W 9900 N, W 10000 N, W 10100 N, W 10200 N, W 10300 N, W 10400 N, W 10500 N, W 10600 N, W 10700 N, W 10800 N, W 10900 N, W 11000 N, W 11100 N, W 11200 N, W 11300 N, W 11400 N, W 11500 N, W 11600 N, W 11700 N, W 11800 N, W 11900 N, W 12000 N, W 12100 N, W 12200 N, W 12300 N, W 12400 N, W 12500 N, W 12600 N, W 12700 N, W 12800 N, W 12900 N, W 13000 N, W 13100 N, W 13200 N, W 13300 N, W 13400 N, W 13500 N, W 13600 N, W 13700 N, W 13800 N, W 13900 N, W 14000 N, W 14100 N, W 14200 N, W 14300 N, W 14400 N, W 14500 N, W 14600 N, W 14700 N, W 14800 N, W 14900 N, W 15000 N, W 15100 N, W 15200 N, W 15300 N, W 15400 N, W 15500 N, W 15600 N, W 15700 N, W 15800 N, W 15900 N, W 16000 N, W 16100 N, W 16200 N, W 16300 N, W 16400 N, W 16500 N, W 16600 N, W 16700 N, W 16800 N, W 16900 N, W 17000 N, W 17100 N, W 17200 N, W 17300 N, W 17400 N, W 17500 N, W 17600 N, W 17700 N, W 17800 N, W 17900 N, W 18000 N, W 18100 N, W 18200 N, W 18300 N, W 18400 N, W 18500 N, W 18600 N, W 18700 N, W 18800 N, W 18900 N, W 19000 N, W 19100 N, W 19200 N, W 19300 N, W 19400 N, W 19500 N, W 19600 N, W 19700 N, W 19800 N, W 19900 N, W 20000 N, W 20100 N, W 20200 N, W 20300 N, W 20400 N, W 20500 N, W 20600 N, W 20700 N, W 20800 N, W 20900 N, W 21000 N, W 21100 N, W 21200 N, W 21300 N, W 21400 N, W 21500 N, W 21600 N, W 21700 N, W 21800 N, W 21900 N, W 22000 N, W 22100 N, W 22200 N, W 22300 N, W 22400 N, W 22500 N, W 22600 N, W 22700 N, W 22800 N, W 22900 N, W 23000 N, W 23100 N, W 23200 N, W 23300 N, W 23400 N, W 23500 N, W 23600 N, W 23700 N, W 23800 N, W 23900 N, W 24000 N, W 24100 N, W 24200 N, W 24300 N, W 24400 N, W 24500 N, W 24600 N, W 24700 N, W 24800 N, W 24900 N, W 25000 N, W 25100 N, W 25200 N, W 25300 N, W 25400 N, W 25500 N, W 25600 N, W 25700 N, W 25800 N, W 25900 N, W 26000 N, W 26100 N, W 26200 N, W 26300 N, W 26400 N, W 26500 N, W 26600 N, W 26700 N, W 26800 N, W 26900 N, W 27000 N, W 27100 N, W 27200 N, W 27300 N, W 27400 N, W 27500 N, W 27600 N, W 27700 N, W 27800 N, W 27900 N, W 28000 N, W 28100 N, W 28200 N, W 28300 N, W 28400 N, W 28500 N, W 28600 N, W 28700 N, W 28800 N, W 28900 N, W 29000 N, W 29100 N, W 29200 N, W 29300 N, W 29400 N, W 29500 N, W 29600 N, W 29700 N, W 29800 N, W 29900 N, W 30000 N, W 30100 N, W 30200 N, W 30300 N, W 30400 N, W 30500 N, W 30600 N, W 30700 N, W 30800 N, W 30900 N, W 31000 N, W 31100 N, W 31200 N, W 31300 N, W 31400 N, W 31500 N, W 31600 N, W 31700 N, W 31800 N, W 31900 N, W 32000 N, W 32100 N, W 32200 N, W 32300 N, W 32400 N, W 32500 N, W 32600 N, W 32700 N, W 32800 N, W 32900 N, W 33000 N, W 33100 N, W 33200 N, W 33300 N, W 33400 N, W 33500 N, W 33600 N, W 33700 N, W 33800 N, W 33900 N, W 34000 N, W 34100 N, W 34200 N, W 34300 N, W 34400 N, W 34500 N, W 34600 N, W 34700 N, W 34800 N, W 34900 N, W 35000 N, W 35100 N, W 35200 N, W 35300 N, W 35400 N, W 35500 N, W 35600 N, W 35700 N, W 35800 N, W 35900 N, W 36000 N, W 36100 N, W 36200 N, W 36300 N, W 36400 N, W 36500 N, W 36600 N, W 36700 N, W 36800 N, W 36900 N, W 37000 N, W 37100 N, W 37200 N, W 37300 N, W 37400 N, W 37500 N, W 37600 N, W 37700 N, W 37800 N, W 37900 N, W 38000 N, W 38100 N, W 38200 N, W 38300 N, W 38400 N, W 38500 N, W 38600 N, W 38700 N, W 38800 N, W 38900 N, W 39000 N, W 39100 N, W 39200 N, W 39300 N, W 39400 N, W 39500 N, W 39600 N, W 39700 N, W 39800 N, W 39900 N, W 40000 N, W 40100 N, W 40200 N, W 40300 N, W 40400 N, W 40500 N, W 40600 N, W 40700 N, W 40800 N, W 40900 N, W 41000 N, W 41100 N, W 41200 N, W 41300 N, W 41400 N, W 41500 N, W 41600 N, W 41700 N, W 41800 N, W 41900 N, W 42000 N, W 42100 N, W 42200 N, W 42300 N, W 42400 N, W 42500 N, W 42600 N, W 42700 N, W 42800 N, W 42900 N, W 43000 N, W 43100 N, W 43200 N, W 43300 N, W 43400 N, W 43500 N, W 43600 N, W 43700 N, W 43800 N, W 43900 N, W 44000 N, W 44100 N, W 44200 N, W 44300 N, W 44400 N, W 44500 N, W 44600 N, W 44700 N, W 44800 N, W 449

# Short Term Rentals

- ❖ 113 new short-term rental units as identified by Granicus
- ❖ 303 Number of new short-term rental licenses
- ❖ 75% of warning letters sent have resulted in compliance
- ❖ Over \$10,000 in fines collected by the City
- ❖ Only approximately 25 noncompliant properties the City is aware of



# Overall Data

- ❖ On behalf of WCWCD the following data was collected
  - 1,977 Final Plat lots without a building permit
  - 5,083 Preliminary Plat lots not final platted
  - 10,247 Lots subject to development agreements not platted
  - 7,627 PID lots not subject to a development agreement

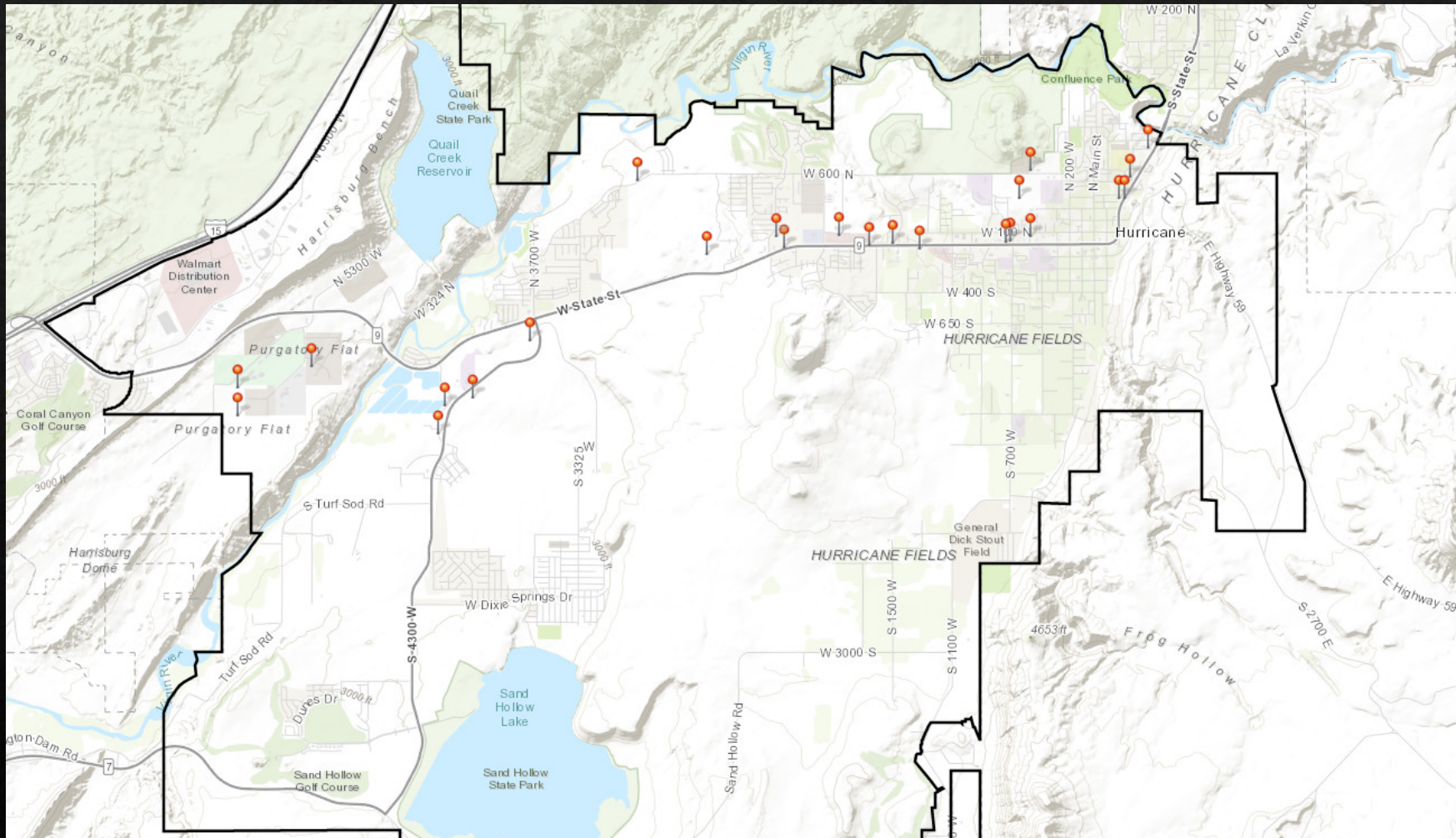


# Commercial Approvals

- ◆ On the Planning side
  - ◆ 13 new restaurants and restaurant pads
  - ◆ 14 new retail establishments
  - ◆ 82 new industrial pads
  - ◆ 252 new hotel rooms (across two hotels)
  - ◆ 333 new RV pads (across two new parks)
  - ◆ 212 new storage units (across three new facilities)



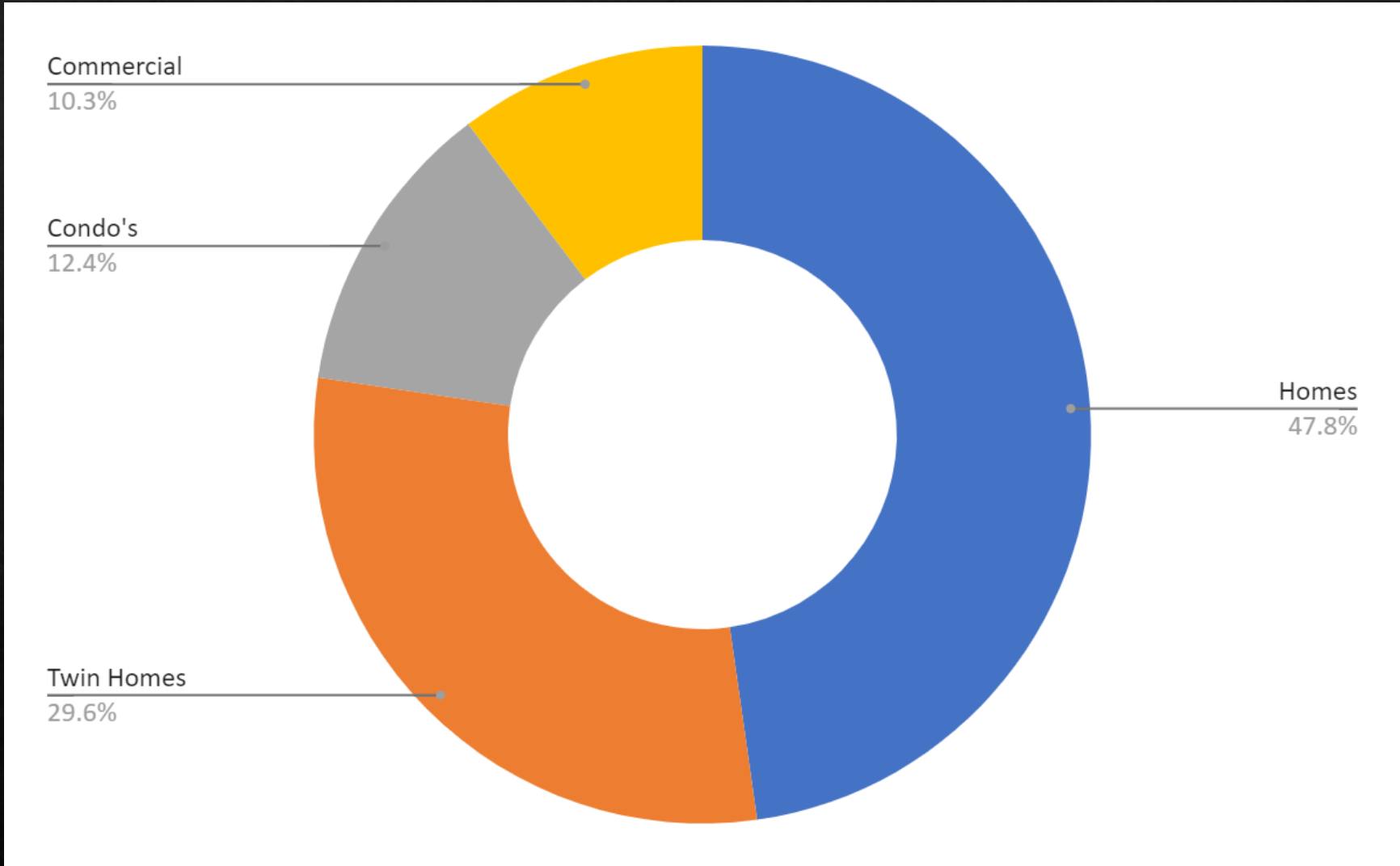
# Commercial Approvals



# Building Permits

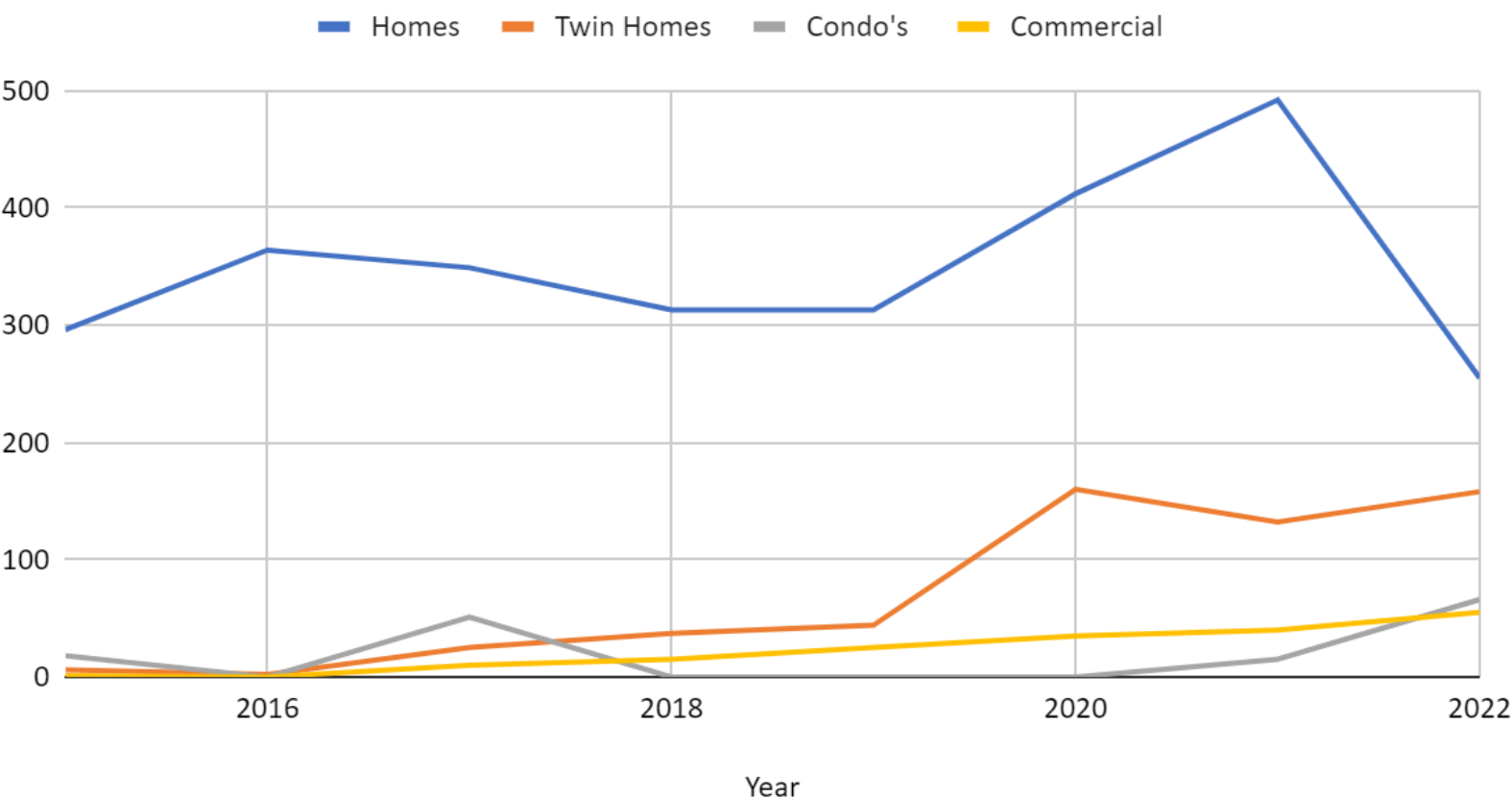
- ◆ 255 Single Family Home Permits
- ◆ 158 Twin Home Permits
- ◆ 66 Condo units (across 4 buildings)
- ◆ 55 Commercial Permits





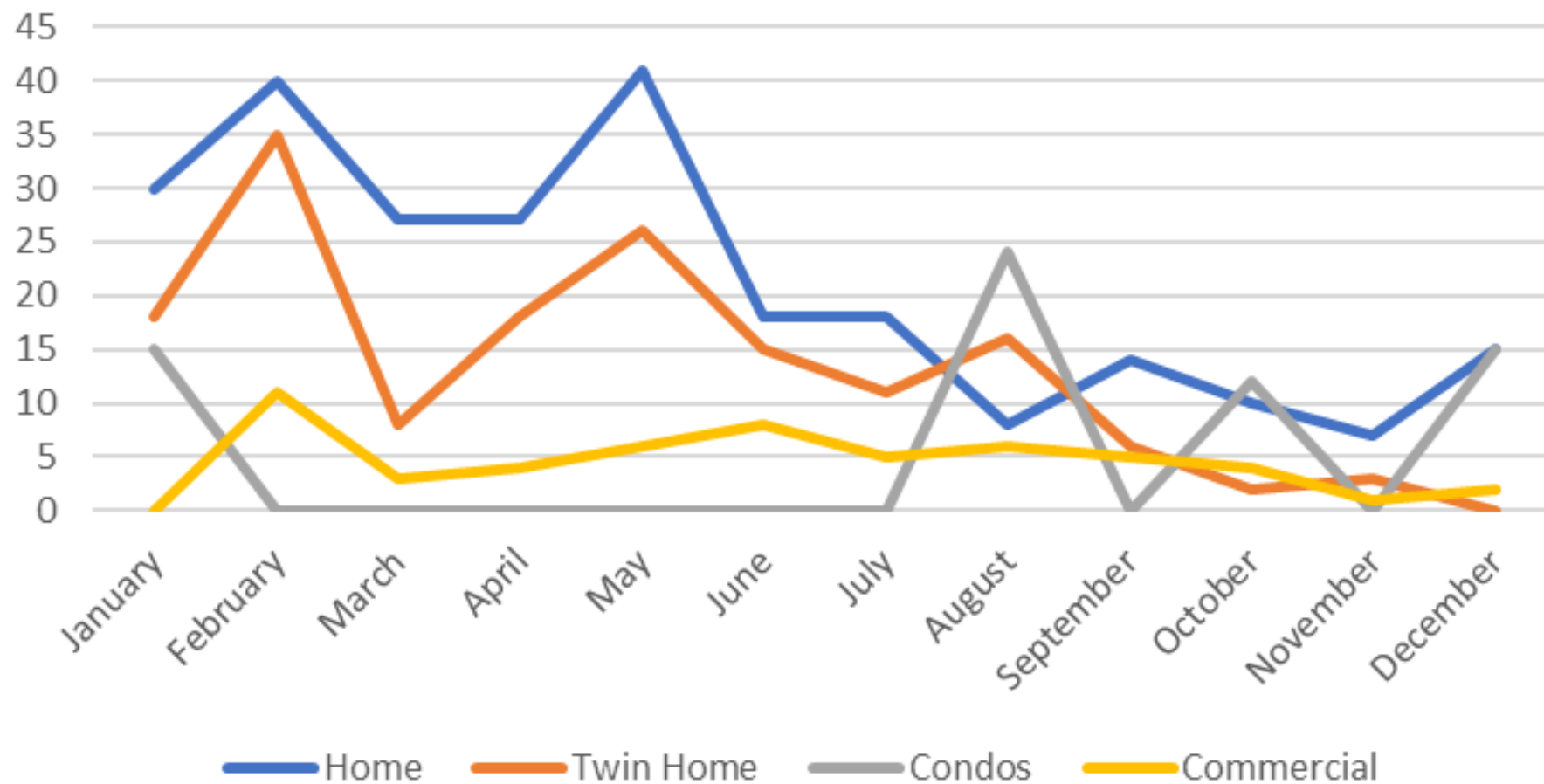


# Building Permits by Year

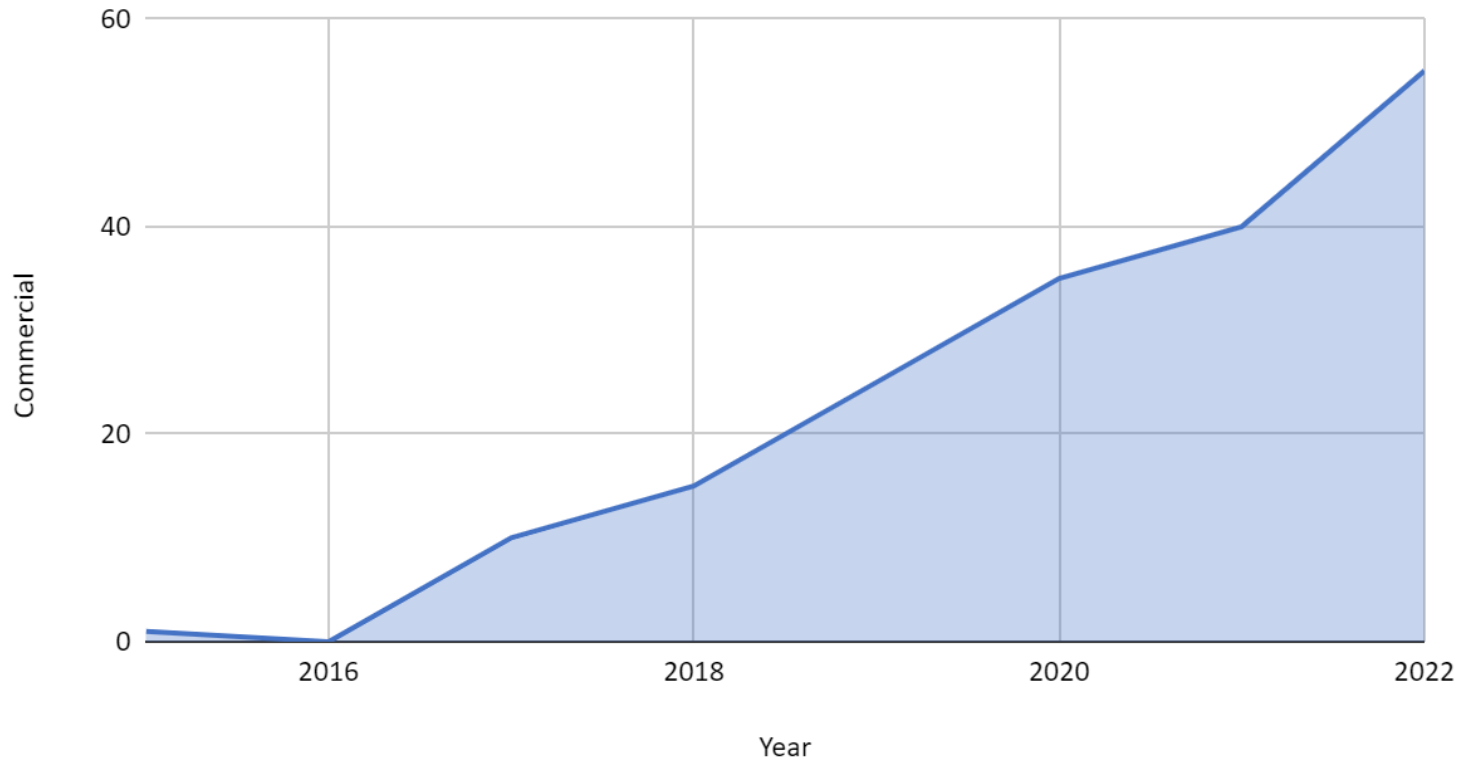


| Year | Total Number of Permits (including commercial) |
|------|------------------------------------------------|
| 2015 | 321                                            |
| 2016 | 366                                            |
| 2017 | 435                                            |
| 2018 | 365                                            |
| 2019 | 382                                            |
| 2020 | 607                                            |
| 2021 | 679                                            |
| 2022 | 534                                            |

## Building Permits by Month, 2022



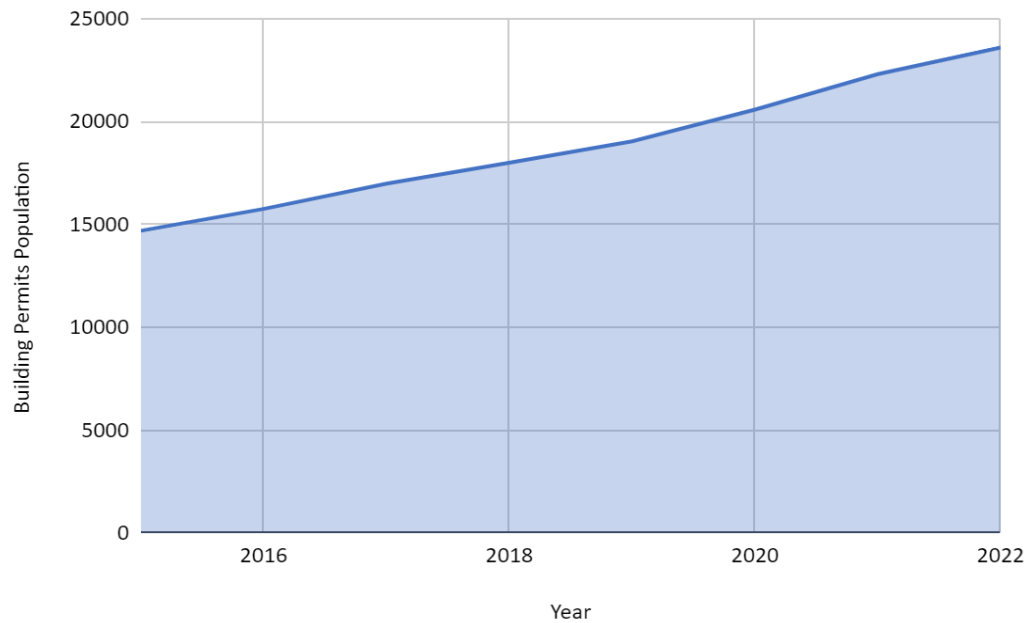
Commercial Building Permits per year



## Highlights

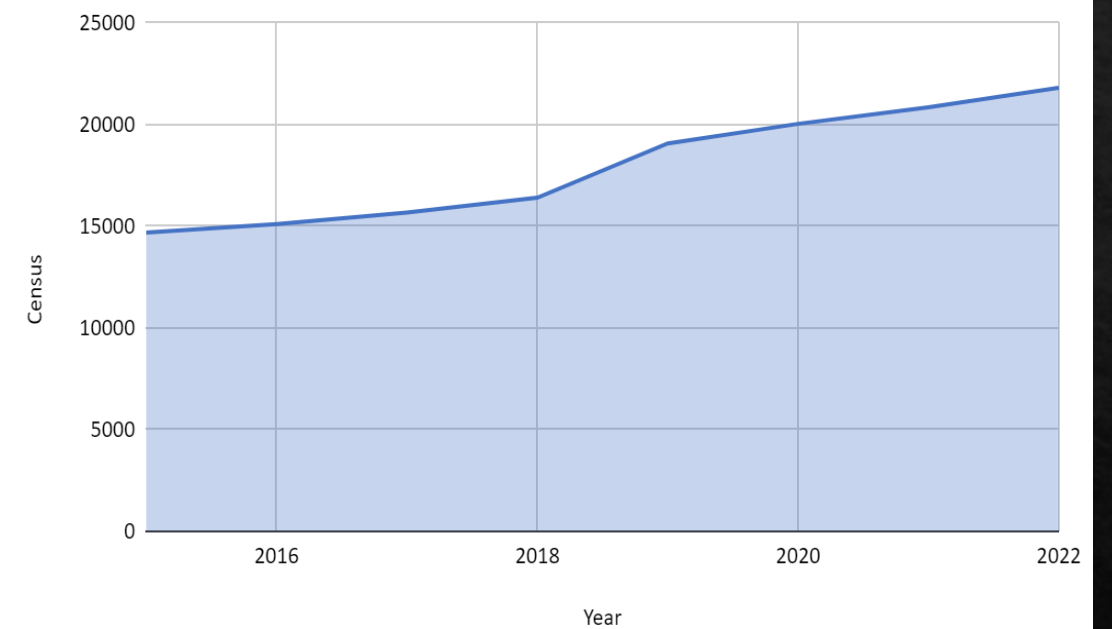
- ❖ 42 Industrial Units
- ❖ IHC Expansion
- ❖ Del Taco
- ❖ Scooter's Coffee
- ❖ Jimmy Johns

Building Permits Population vs. Year



2022 Population (estimated): 23,601  
Average Growth Rate: 7%

Census vs. Year



2022 Population (estimated): 21,808  
Average Growth Rate: 6%



# Conclusions

- ◆ While we have seen a decrease in growth in terms of building permits and planning approvals we do see an increase since before the pandemic
- ◆ Market factors and utility concerns continue to be challenges that will be overcome over the years

# Questions?



## **STAFF COMMENTS**

Consideration and possible approval of **Resolution 2023-11** appointing a temporary Justice Court Judge for the Justice Court-Kaden DeMille

### **Discussion:**

**Court would like to appoint another temporary judge. Ronald L. Read from the Washington County Justice Court**

### **Findings:**

### **Recommendation:**

### **Attachments:**

1. Resolution 2023-11 Appointing temporary Justice Court judge

**A RESOLUTION OF THE CITY COUNCIL OF HURRICANE, UTAH, APPOINTING  
THE HONORABLE RONALD L READ AS A TEMPORARY JUSTICE COURT JUDGE  
FOR THE HURRICANE JUSTICE COURT**

**WHEREAS**, the Hurricane Justice Court currently operates with one judge; and

**WHEREAS**, Utah Code 78A-7-208 permits the appointment of judges from other jurisdictions to serve as temporary justice court judges when the City Council determines it is necessary; and

**WHEREAS**, it has been recommended that the City Council appoint an eligible temporary judge to allow maximum flexibility in dealing with any necessary absences or recusals of the regular judge; and

**WHEREAS**, Judge Ronald L Read is presently qualified and is serving as a Washington County Justice Court Judge; and

**NOW, THEREFORE, BE IT RESOLVED** that we, the City Council of Hurricane, Utah, do hereby appoint as a temporary justice court judge The Honorable Ronald L Read to serve in the absence of the sitting judge.

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

PASSED AND APPROVED this 16<sup>th</sup> day of February 2023.

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

Attest:

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

The foregoing Resolution was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 16<sup>th</sup> day of February, 2023. Whereupon a motion to adopt and approve said Resolution was made by

\_\_\_\_\_ and seconded by \_\_\_\_\_. A roll call vote was then taken with the following results:



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

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Cindy Beteag

1 Minutes of the Hurricane City Council special meeting held on January 31, 2023, at the Power  
2 Building 526 W 600 North, Hurricane, Utah, at 4:00 p.m.

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

5 **Also Present:** City Manager Kaden DeMille, City Attorney Dayton Hall, Power Superintendent  
6 Scott Hughes, Planning Director Stephen Nelson, City Recorder Cindy Beteag, Brian Anderson,  
7 Paige Chapman, UAMPS General Manager Mason Baker, and UAMPS Manger of Member  
8 Relations Jackie Coombs. Project Director Shawn Hughes (online)

9 **AGENDA**

10 **4:00 p.m. Work Meeting with UAMPS regarding pending projects**

11 Mason Baker explained that as part of the NuScale projects, built-in off-ramps allow members  
12 to reassess their position in the project. Members can terminate their participation or move  
13 forward for another year. Project Director Shawn Hughes explained that he has worked in the  
14 nuclear power industry for forty-two years. The Carbon Free Power Project (CFPP) is an LLC  
15 established by Utah Municipal Associated Power Systems (UAMPS). The project consists of six  
16 modules with a gross output of 462 megawatts. The forecasted commercial operation date for  
17 the first module is 2029. The remaining modules are anticipated to be online by 2030. The  
18 Nuclear Regulatory Commission (NRC) granted a forty-year license period. The Department of  
19 Energy's (DOE) financial contribution to the project is weighted toward the front end. In 2022,  
20 an experienced regulatory manager was brought into the project, and XL Industries was  
21 brought on as the maintenance and operations contractor. The geotechnical field activities  
22 were completed, and a nuclear quality assurance audit was performed. He reported that the  
23 project's cost has increased due to inflation and interest rates. The CFPP is supported by  
24 NuScale, Fluor, and Xcel. The owners have been involved in the collaboration and oversight,  
25 conceptual design and estimating, and the Combined Construction Operating License (COLA)  
26 development. The license application is due to be submitted in 2023. He reviewed the timeline  
27 for the NRC pre-application engagements.

28 Mayor Billings asked what other options the City has if they terminate participation in this  
29 project. She has talked to other municipalities, and they are staying in the project. Mr. Baker  
30 reported that UAMPS is pursuing other options. He presented a graph showing Hurricane City's  
31 resource portfolio. UAMPS is pursuing additional solar, new natural gas, wind, and geothermal.  
32 UAMPS considers CFPP as a generational replacement of resources. They see a strong value in  
33 continuing with this development. Councilman Prete reported that this is a significant risk and  
34 asked if other resources are available if the City chooses to dissolve participation in the project.  
35 Mr. Baker reported that the best-case scenario is that a solar project will generate thirty  
36 percent annually; however, the remaining seventy percent must be made of a different

resource. He doesn't see other options that provide long-term protection at this level. Councilman Prete asked why this is mainly funded by public entities, not private ventures. Mr. Baker explained that parties are interested in investing in a portion of the project. Councilman Sanders asked if other members are sitting on the sidelines. Mr. Baker reported that some interested members have not signed a long-term power sales contract.

UAMPS has a reimbursement agreement with NuScale, and reimbursements are a member's decision. Twenty-seven members have signed a contract with UAMPS. Mr. Baker reported that some of the drivers of the cost increases are tied to the commodities going into the project. Steel piping has increased by over one hundred percent, and the interest rates have increased by two hundred basis points. He explained that there will be another off-ramp in 2024, and the next NRC review is in 2026. Councilman Prete asked if the interest rate goes down, can it be locked in. Mr. Baker explained that this will be reviewed in 2026. In the current day dollars, the 2020 target price of fifty-eight dollars per megawatt hour is now eighty-nine dollars per megawatt. As a result, UAMPS may withdraw from the project and be reimbursed for most out-of-pocket expenses. Another significant change is that if the project is not eighty percent subscribed, UAMPS is eligible for full reimbursement. Councilman Prete asked what the marketing plan is to get more subscribers. Mr. Baker reported they are working hand in hand with NuScale. Due to their reimbursement exposure, they are highly motivated to bring the project to eighty percent participation. UAMPS is also hiring a Business Development Director to work on this full-time and reviewing different incentive structures.

Councilman Thomas is excited about the project; it is a valuable asset to Hurricane City's portfolio. Mayor Billings agreed. The City has more to lose if it does not participate in the project. Mr. Baker summarized the current total project costs and the benefit of the investment tax credit. Mayor Billings feels this is sustainable and something the City can afford. Councilman Prete's understanding is that at the next off-ramp, Hurricane City has to pay \$800,000 to dissolve its participation in the project. Scott Hughes asked what type of risks are present after the licensing stage. Shawn Hughes explained that there are many unknowns after construction begins. There are supply chain market risks. The NRC conducts many inspections, which could cause delays. Scott Hughes reported that any decision at this juncture has to be passed by resolution. Cindy Beteag reported that this will be on the February 16<sup>th</sup> City Council agenda.

**Adjournment: 5:55 p.m.**

## Hurricane City Council Minutes – February 2, 2023

1 Minutes of the Hurricane City Council meeting held on February 2, 2023, in the Council  
2 Chambers at 147 North 870 West, Hurricane, Utah, at 5:00 p.m.

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

5 **Also Present:** City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Lynn Excell,  
6 Power Superintendent Scott Hughes, Public Works Director Mike Vercimack, Planning Director  
7 Stephen Nelson, Street Superintendent Weston Walker, Recreation Director Tiffani Wright, City  
8 Engineer Arthur LeBaron, City Recorder Cindy Beteag, Water Superintendent Ken Richins, and  
9 Ash Creek Sewer District Assistant Superintendent Matt Goodrich

### 10 **AGENDA**

#### 11 **5:00 p.m. Pre-meeting** - Discussion of Agenda Items, Department Reports

12 Mayor Billings met with an individual to discuss enhancing the bike park through sponsors,  
13 grants, and RAP tax. Intermountain Health Care's Emergency Room in Hurricane City will open  
14 in July. She invited the City Council to attend the Sand Hollow Resort hot air balloon festival.

15 Darren Barney stated the flag at the museum is down due to damage to the pole. The Parks  
16 Department is preparing for spring maintenance.

17 Scott Hughes reported that the department's new hire is working on his apprenticeship. A  
18 Rocky Mountain Power breaker trip caused the power outage on Tuesday. He explained that  
19 the department is on Rocky Mountain Powers feed for the next few months due to work on 600  
20 North.

21 Matt Goodrich with Ash Creek Sewer District reported that the manhole on the east side of 700  
22 West has a T causing the backing up. A sewer line on 650 South needs to be repaired. The sonar  
23 sewer inspection will start in March, and easement cleanup will start soon.

24 Ken Richins reported that the Water Department has responded to several calls due to frozen  
25 pipes on the customer's side of the meter.

26 Weston Walker reported that fail of the patch on 700 West was caused by water and was not  
27 due to the contractor's fault. The skid steer was sent down to clear the wash.

28 Mayor Billings reported that she asked the legislator to support amending the bill to qualify  
29 Hurricane City as a second-class county. Joe Decker is hopeful that the bill will be numbered  
30 tomorrow.



Selwin Lovell reported an opening for cleaners, Journey Lineman, Building Official, and Golf Maintenance.

Arthur LeBaron encouraged the City Council to attend the Dixie Transportation Expo on February 7<sup>th</sup>. They are continuing to work on the gym building downtown. They are still trying to find plans for the building, but the asbestos inspection report should be available next week. The proposal to create a permanent location for a mountain biking course outside of City limits has gained a lot of attention, so he has asked for it to be on the next agenda for approval. He feels it will have a positive impact on the City. They are continuing to work on the design for Purgatory Road. Utah Department of Transportation reported that construction funding must be allocated to the project to utilize the granted federal aid. He will work with Hurricane and Washington City to discuss funding details. Mr. LeBaron reported that the staging area on Sand Mountain is strained because of the activity level. DRATS, Utah Public Lands Alliance, and Hurricane City created another staging area; however, the increased use of the road is causing problems. DRATS is working on a grant to improve the road.

Fred Resch III mentioned he will present a report detailing the approved developments at the next meeting and then provide a monthly development report going forward. Mayor Billings reported that Rentalscape is the new short-term rental enforcement company.

Stephen Nelson reported that the community vision workshop for the downtown master plan is being held next week. Targeted workshops with property owners will be held on Tuesday, and the municipal leadership meeting is scheduled for next Wednesday. There will be open houses for public comment before the plan returns to the Planning Commission.

Kaden DeMille reported that the City's bond ratings have increased. He attended the What's Up Down South conference and feels they provided great information.

Dave Sanders reported that two officers are retiring from the Police Department.

**6:00 p.m. - Call to Order –**

Mayor Nanette Billings welcomed everyone to the meeting.

Prayer, Thought, and Pledge led by Matt Goodrich

Declaration of any conflicts of interest

Dave Sanders declared a conflict of interest on Old Business item 3 and New Business items 8 and 9. Joseph Prete declared a conflict on New Business item 8.

**Public Forum – Comments From Public**

**Consent Agenda**

1. Consideration and possible approval of **local consent for an off-premise beer license - Gas Stop Hurricane**
2. Consideration and possible approval of **local consent for 6 events held at Sand Hollow Resort - Jennifer**
3. Consideration and possible approval of **local consent for the Washington County Fair - Sui Lafaele**
4. Consideration and possible approval of **Ordinance 2023-03 amending Chapter 8 Section Utility rate and fees**
5. Consideration and possible approval of an **Amended Resolution 2022-01 regarding fees for utilities**
6. Consideration and possible approval of **Resolution 2023-10 reappointing members to the Planning Commission**
7. Minutes of the Regular **City Council meeting for January 19, 2023**

Mayor Billings described the items within the consent agenda.

Dave Sanders motioned to approve all items. Seconded by Doug Heideman. Joseph Prete, Kevin Thomas, David Hirschi, Dave Sanders, and Doug Heideman – aye. Motion carried unanimously.

**OLD BUSINESS**

1. 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.

Mayor Billings explained that this amendment allows reception centers as a conditional use permit in agriculture zones. Stephen Nelson reported that the reception center definition was updated, and conditions 9 and 10 were added to address the fire Marshall's concerns. Mr. Nelson explained that the reception center should be a secondary use to the agriculture on the property. The language defining the maximum number of days per month a reception can be held will ensure the centers are a secondary use. Mr. Nelson reviewed the conditional use

1 parking requirements. Mayor Billings noted that the parking requirement might need to be  
2 adjusted because most people with a barn do not have fully improved roads. Councilman  
3 Thomas expressed concerns regarding on-street parking. Parking on both sides of the street  
4 could cause traffic problems. Councilman Prete prefers the parking to be onsite. The City  
5 Council agreed that parking should be contained on site.

6 Kevin Thomas motioned to approve Ordinance 2022-61 as redlined with the addition that all  
7 parking is contained onsite. Seconded by Joseph Prete. Dave Sanders, David Hirschi, Doug  
8 Heideman, Kevin Thomas, and Joseph Prete – aye. Motion carried unanimously.

9       **2. Ordinance 2022-62 Consideration and possible approval on a Land Use Code**  
10       **Amendment Request to Title 10-Chapter 3-Subsection 4 and 10, Title 10-Chapter 15-**  
11       **Subsection 3, Title 10-Chapter 41, and Title 10-Chapter 51; and Title 3 Chapter 10 to**  
12       make changes regarding short-term rental standards within residential areas, residential  
13       hosting standards, and short-term rental standards in commercial zones. Hurricane City  
14       Applicant.

15 Councilman Prete noted that the City Attorney has not reviewed the revisions, and he would  
16 rather have a vetted document. Councilman Thomas expressed his concerns with Chapter 5,  
17 Section 1051-5 B. He does not feel that short-term vacation rental hosts receive the  
18 information listed in the section. Stephen Nelson read the updated short-term rental  
19 definitions. Councilman Thomas feels detached ADUs should meet the same street side  
20 setbacks as a house.

21 Kevin Thomas motioned to continue Land Use Code Amendment Request to Title 10-Chapter 3-  
22 Subsection 4 and 10, Title 10-Chapter 15-Subsection 3, Title 10-Chapter 41, and Title 10-  
23 Chapter 51; and Title 3 Chapter 10. To the February 16<sup>th</sup> City Council meeting. Seconded by  
24 Doug Heideman. Joseph Prete, David Hirschi, Dave Sanders, Kevin Thomas, and Doug  
25 Heideman – aye. Motion carried unanimously.

26       **3. Consideration and possible approval of an appeal to the denial of a residential hosting**  
27       **application - Kelly Ashcroft**

28 Mayor Billings reported that the applicant provided the required documents to the City Council.  
29 Councilman Heideman visited the home and walked through the building on the property. Mike  
30 Vercimack reported structure meets all the requirements.

31  
32 Doug Heideman motioned to approve the appeal of the denial of a residential hosting  
33 application. Seconded by David Hirschi. Joseph Prete, Dave Sanders, Kevin Thomas, Doug  
34 Heideman, and David Hirschi – aye. Motion carried unanimously.

4. Consideration and possible approval of **Resolution 2023-05 adopting the Washington County Water Conservancy excess water surcharges**

Dayton Hall reported that he sent an email including the recommendations made by the Water Board. Councilman Prete read the recommendations and comments from the Water Board, noting that the recommendations are to adopt in part and reject in part. Councilman Prete explained that he had asked the water department to compile data to determine what he would have been fined in the previous two years based on the updated rate. He would be fined an average of \$100 yearly based on his usage; however, the fine for new homes would be a lot higher. Mr. Hall reported that the District has recommended an amendment to the Regional Water Supply Agreement. The amendment will allow the District to set the surcharge rates. He has taken a position in the discussion that the City is unlikely to agree to that amendment.

Councilman Heideman does not think it will be a significant hardship because people aren't putting as much grass when they develop; however, he is concerned about the excess water surcharge. Councilman Thomas feels this is a detriment to agriculture lots. Councilman Prete is primarily focused on existing homes. He feels there should be a bell curve for summer months for existing users. Councilman Heideman reported that the yearly flow of the Virgin River is continually decreasing. He understands the complexities of the situation, but he wants to see the valley stay mostly the same. Councilman Prete suggested an exemption for extenuating circumstances. Councilman Hirschi does not want to keep kicking this down the road. He sees the need to be wise with water, but he does not like the idea of putting limits. He also does want to cede control to the District.

Doug Heideman motioned to continue Resolution 2023-06. Dayton Hall clarified that his direction from the Council is to rewrite a resolution that follows the Water Board's recommendations, creates a bell curve, and provides that any funds received by additional surcharges be retained by the City. Seconded by Kevin Thomas. Joseph Prete, Dave Sanders, David Hirschi, Doug Heideman, and Kevin Thomas – aye. Motion carried unanimously.

**NEW BUSINESS**

1. Consideration and possible approval of a **conditional donation from Scott Nielson**

Mayor Billings reported that Scott Nielson has offered to donate a one-hundred-and-fifty-foot flagpole and two forty feet by eighty feet flags for the Veteran's Park. Mr. Neilson would like the City to commit to providing the concrete, the steel to erect the pole, and the future purchase of the flags. Mayor Billings explained that Staff's concern is the maintenance of an oversized flagpole and the cost of replacing this size of flag. Darren Barney reported that the height of the flagpole at Heritage Park is between eighty to one hundred feet. Councilman Heideman thinks the parking lot on the cemetery's north end is a better spot for this size of flag. Mayor Billings noted that another recommendation by Staff is to erect the flag by the new



gyms downtown. Councilman Hirschi asked if the donation is conditional upon the flag's location. Scott Nielsen noted that he is confident that the City Council will determine the appropriate location. He explained that Nielsen development will provide the excavation. The City's cost is rebar, concrete, and maintenance.

Dave Sanders motioned to approve working with Nielson Development for a flagpole, preferably in the Veteran's Park. Seconded by Doug Heideman. Joseph Prete, Kevin Thomas, David Hirschi, Dave Sanders, and Doug Heideman – aye. Motion carried unanimously.

**2. Consideration and possible approval of revoking the residential hosting license at 2640 S 3480 West - Cindy Beteag**

Mayor Billings reviewed staff comments, and the City Council confirmed that the applicant nor the owner are present.

Kevin Thomas motioned to approve revoking the residential hosting license at 2640 S 3480 West based on information in the staff report. Seconded by Joseph Prete. Dave Sanders, David Hirschi, Doug Heideman, Kevin Thomas, and Joseph Prete – aye. Motion carried unanimously.

**3. Consideration and possible approval of revoking the residential hosting license at 3445 W 120 North - Cindy Beteag**

Mayor Billings reviewed staff comments and complaints made by neighbors. Dayton Hall confirmed that the applicant nor the owner are present, and Councilman Prete verified that the owner received proper notice.

Kevin Thomas motioned to approve revoking the residential hosting license at 3445 W 120 North based on no response from the owner. Seconded by Doug Heideman. David Hirschi, Dave Sanders, Kevin Thomas, and Doug Heideman – aye. Joseph Prete – nay. Motion carried.

**4. Consideration and possible approval of support for United We Pledge Art Show - Dennis Leavitt**

Mayor Billings explained the purpose and intent of the show. Darrin Winn explained that the show's theme is "What did Liberty mean in 1776". The purpose is education and introducing the parents and youth to Liberty Village. They are seeking permission to run the show through the Recreation Center.

Doug Heideman motioned to approve support for the United We Pledge Art Show. Seconded by Kevin Thomas. Joseph Prete, Dave Sanders, David Hirschi, Doug Heideman, and Kevin Thomas – aye. Motion carried unanimously.

5. Consideration and possible approval of allowing a **building permit to be issued for Quail Creek Industrial Phase 5 lot #501**. Dennet Construction Applicant

Mayor Billings explained the preliminary plat is approved and the ordinance allows the construction of a model home; however, the question is whether the applicant can build a model industrial building. Doug Dennett explained that the building will be used as a model building, and they will follow the requirements of a model home. Councilman Thomas is not opposed to considering it a model home. Councilman Prete feels there is a good reason for things to happen in a specific order. He is not in favor of an expansive interpretation of a model home. Mr. Dennett explained that the plat has been approved and recorded. He noted that they are not asking for a certificate of occupancy until the phase is complete. Councilman Prete feels that the language of the model home is evident. If the City Council is open to expansive interpretation on this matter, it will open the door to expansive interpretations of terms throughout the code. Dayton Hall noted that if City Council interprets this as an allowed use, the same interpretation must be applied to future industrial model buildings. He reiterated that an industrial model building is not a model home.

Joseph Prete motioned to deny allowing a building permit to be issued for Quail Creek Industrial Phase 5 lot #501. Motion fails for lack of second.

Councilman Thomas understands the applicant's situation but worries about unforeseen consequences. Councilman Hirschi is concerned this will open the door for similar requests. Mr. Hall noted that if the City Council intends to direct Staff to interpret an industrial building as a house, the ordinance needs to be amended to reflect that change.

Doug Heideman motioned to deny the building permit to be issued for Quail Creek Industrial Phase 5 lot #501 and directed Staff to bring the ordinance to the Planning Commission. Seconded by Joseph Prete. David Hirschi and Kevin Thomas - nay. Joseph Prete and Doug Heideman – aye. Dave Sanders – abstained. Mayor Billing – nay. Motion fails.

Joseph Prete motioned to continue allowing a building permit to be issued for Quail Creek Industrial Phase 5 lot #501 to the first City Council meeting in March. Seconded by Kevin Thomas. Doug Heideman and David Hirschi – nay. Joseph Prete and Kevin Thomas – aye. Dave Sanders – abstained. Mayor Billings – nay. Motion fails.

Councilman Hirschi asked Mr. Nelson if he has any concerns. Mr. Nelson reported that in this specific case, he has no concerns; however, it needs to meet the code. He is concerned about skirting the code without going through the process. Councilman Prete feels that the position of the City Council is to be accommodating; however, if this is broadly interpreted, it sets a precedent for developers to interpret the code. Mr. Hall noted that his role as the City Attorney is to ensure the City follows the law. He agrees with Councilman Prete that a home is not a

1 commercial building. He does not think it is in the City Council's purview to make this  
2 interpretation without the proper public hearing process to amend the code.

3 David Hirschi motioned to deny allowing a building permit to be issued for Quail Creek  
4 Industrial Phase 5 lot #501. Seconded by Joseph Prete. Joseph Prete directed the Staff to  
5 research when this ordinance was adopted. Motion fails.

6 Joseph Prete motioned to deny allowing a building permit to be issued for Quail Creek  
7 Industrial Phase 5 lot #501 directing Stephen Nelson to research the details of the code and  
8 when the code was adopted. Kevin Thomas wants to deny it with no direction. Motion fails for  
9 lack of second.

10 Kevin Thomas motioned to deny allowing a building permit to be issued for Quail Creek  
11 Industrial Phase 5 lot #501. Seconded by Joseph Prete seconded. David Hirschi, Kevin Thomas,  
12 and Joseph Prete – aye. Dave Sanders and Doug Heideman – abstained. Motion carried.

- 13       **6. Consideration and possible approval of a preliminary plat for Desert Sky Estates, a 73**  
14       **lot residential subdivision located at 2100 W and 3350 S.** Desert Sky Estates Applicant.  
15       Ben Wilits and Tony Carter Agents.

16 Tony Carter explained that they have seventy-two lots due to three additional access points.  
17 Stephen Nelson reported that the applicant submitted a water model, but it has yet to be  
18 approved. Staff still has drainage concerns, but their primary concern is the lack of power and  
19 infrastructure. He stated staff and Planning Commission still recommend denial. Mayor Billings  
20 stated there are other developments within Hurricane City with approved preliminary plats  
21 without power to the location. She also explained that after the City Council denied this, staff  
22 has yet to approve any construction drawings in this area. Councilman Prete explained when  
23 the preliminary plat was first introduced, staff and the Planning Commission recommended  
24 denial, and the City Council denied it. He holds the same position now. Mr. Carter conceded  
25 that power and water are still concerns. The water pressure is good throughout the site, but the  
26 velocity issues need to be addressed.

27 Councilman Thomas stated that the decisions made by the City Council affect the economy in  
28 Hurricane City. He hates to see developments being shut down and employment layoffs due to  
29 a fear that utilities are not there. Mr. Hall explained that the development agreement states  
30 they can only apply for future development once the utilities are there. The purpose of the  
31 agreement was to avoid these situations. Ty Myers commented they do have adequate power if  
32 they were ready to build right now. Kaden DeMille explained that if this is approved and the  
33 construction drawings are approved, the City may be forced to extend the utilities without  
34 adequate power. He questioned whose timeline the City operates on.

1 Councilman Prete commented that the City Council needs to be careful not to reject the  
2 standards that are there for protection. He does not think it is appropriate to rewrite the code.  
3 Councilman Sanders stated the developer wants to proceed knowing they must wait for power  
4 and water. They are creating jobs that could be beneficial for the economy. Councilman Hirschi  
5 feels it should be denied for lack of infrastructure. Stephen Nelson reported that the question is  
6 whether utilities can be provided in a timely matter. If the preliminary plat is approved, at what  
7 point does the construction stop if power is unavailable? Mayor Billings reported that staff has  
8 denied construction drawings based on the City Council's denial of preliminary plats. She noted  
9 that based on will-serve letters and other criteria, the City is not responsible for serving the  
10 development if adequate facilities are unavailable. Councilman Prete feels it is essential to be  
11 mindful of the existing residents. They have voiced opposition to more growth. Councilman  
12 Sanders feels the development of this area should have started with the Copper Rocks project.  
13 Mayor Billings explained that her primary goal is to treat everyone the same.

14 Kevin Thomas motioned to approve the preliminary plat for Desert Sky Estates subject to a  
15 modification to the development agreement stating that construction drawings cannot be  
16 signed until capacity is available as determined by City staff and subject to other staff  
17 recommendations. Seconded by Dave Sanders. Doug Heideman, Kevin Thomas, and Dave  
18 Sanders – aye. David Hirschi and Joseph Prete – nay. Motion carried.

19 **7. Consideration and possible approval of a preliminary plat for Southern Dunes**  
20 **Townhomes, a recreation resort 345 townhome development located at 2600 W and**  
21 **4200 S. Southern Dunes Townhomes Applicant. Bush & Gudgell, Inc Agent**

22 Bob Hermandson reported that all staff comments have been addressed other than power.  
23 Stephen Nelson stated staff and the Planning Commission previously recommended denial  
24 based on lack of power; however, the developer was invited to reapply. He reported that the  
25 clubhouse needs to be built in phase one.

26 Kevin Thomas motioned to approve the preliminary plat for Southern Dunes Townhomes, a  
27 recreation resort 345 townhome development located at 2600 W and 4200 S. subject to staff  
28 and JUC comments and amending the existing development agreement just for this portion of  
29 the property. No construction drawings will be signed until public utilities are available.  
30 Seconded by Dave Sanders. Kevin Thomas, Dave Sanders, and Doug Heideman – aye. David  
31 Hirschi and Joseph Prete – nay. Motion carried.

32 **8. Consideration and possible approval of a preliminary plat for Dixie Meadows, a 238 lot**  
33 **single family subdivision, located at approximately 4392 W 2400 S. Western Mortgage**  
34 **and Realty Co-Brent Moser Applicant. ProValue Engineering-Karl Rasmussen Agent.**

35 Karl Rasmussen explained that the PID still needs to be funded. This preliminary plat will  
36 improve Sand Hollow Road and the water looping. The master planned road will tie into the

1 property owned by the Washington County School District, and Wilson Drive will tie into Turf  
2 Sod Road. The main focus is to address the drainage issue in the Marla subdivision. Stephen  
3 Nelson noted that the applicant has provided a letter to address staff comments.

4 Doug Heideman motioned to approve the preliminary plat for Dixie Meadows a 238 lot single  
5 family subdivision, located at approximately 4392 W 2400 S subject to staff to JUC comments.  
6 Seconded by Kevin Thomas. Doug Heideman, Kevin Thomas, and David Hirschi – aye. Joseph  
7 Prete and Dave Sanders – abstained. Motion carried.

8 **9. Consideration and possible approval for a preliminary plat for Bench Lake Townhomes,**  
9 **a 196 unit townhome development located at approximately 3145 S 1100 W.** Blue  
10 Mountain Property Enterprises LLC and Diamond Edge Construction, LLC-Scott Stratton  
11 Applicant. ProValue Engineering-Karl Rasmussen Agent.

12 Mayor Billings explained that this was brought before the City Council because the preliminary  
13 plat expired. Stephen Nelson clarified that after a prior version of a new preliminary plat was  
14 approved, the applicant requested and was granted a new zone and submitted a new plan that  
15 changed the layout and increased the density. Because the applicant was granted a new zone  
16 and was proposing higher density, the prior preliminary plat was void and the applicant was  
17 informed in the staff report that a new preliminary plat would be required. Because the prior  
18 preliminary plat was void, the City did not send the applicant a courtesy reminder to renew the  
19 voided plat. Scott Stratton reported that after giving the roadway to provide connectivity, they  
20 increased their density from one hundred and seventy to one hundred and ninety units. Mayor  
21 Billings advised Mr. Stratton that the construction drawings will not be signed until there is  
22 adequate power to the location. Mr. Stratton reviewed the history and his acquisition of the  
23 property. The roadway abutting his property was purchased utilizing COG funds, so he cannot  
24 use the roadway as a detention basin. At this point, he plans to develop the road to his  
25 property and tie it into the existing City street.

26 Arthur LeBaron commented the COG fund issue has not come up before. He thinks more work  
27 should have been put into determining the roadway. Development along a public right of way  
28 must improve that right of way. He does not support a development that is pulled away from  
29 the road with no improvements. He recommended scheduling a meeting to determine a  
30 solution. Mr. Stratton asked if he should be required to develop the City's road on the City's  
31 property. Mr. LeBaron stated the City has been working on the realignment of 1100 West. He  
32 agrees something needs to happen, but he doesn't support the plat as it's proposed. He noted  
33 that the City does reimburse developers when constructing system improvements that are  
34 greater than their impact. Mr. Stratton reported that if the property is deeded to him, he will  
35 develop the roadway to the new alignment. He suggested leaving the COG parcel undeveloped  
36 and just have landscaping and trails through it. He stated he could go back to his original plan of  
37 200 units but that would require him to build up the roadway. Mr. LeBaron prefers that  
38 scenario. Mr. Nelson stated the previous plat was approved but some items like double



frontage lots need further discussion, so he would recommend that any approval be subject to JUC and staff comments.

Doug Heideman motioned to approve the preliminary plat for Bench Lake Townhomes located at approximately 3145 S 1100 W. subject to the following conditions: Mr. Stratton must build the road and work with Staff to accomplish that; work with Staff to address the COG issue; the City will own the undeveloped area; this approval is subject to the old plat conditions; Mr. Stratton will continue to work on construction drawings; the three corner lots must be corrected; separating the road and subdivision plats; and staff and JUC comments. Seconded by David Hirschi.

Mayor Billings noted staff cannot sign off on the construction plans until power and infrastructure are developed. Karl Rasmussen voiced his concern that they can only submit the final plat once construction drawings are signed, and by that point, the preliminary plat has expired. There needs to be a better solution to address the power issues. Mayor Billings reported that the City and staff are working on a solution.

Dayton Hall asked how the City Council wants to handle the existing development agreement recorded against the property.

Doug Heideman amended the motion to note that no amendment to the development agreement is part of the motion. Seconded by David Hirschi, Dave Sanders, Kevin Thomas, Dough Heideman, and Dave Sanders – aye. Joseph Prete – nay. Motion carried.

Mr. Hall confirmed that Mr. Rasmussen will complete two construction drawings. A drawing for the roadway and a drawing for the subdivision, and that staff has permission to approve and move forward with the roadway drawings, but that the drawings for the subdivision may be reviewed but not approved until there are adequate public facilities. Council agreed.

**10. Consideration and possible approval for the Planning Director to issue a grading permit for Cordero Phase 2 - Brant Tuttle**

Mayor Billings reported the three requirements for the Planning Director to approve the permit are an approved grading plan, bonding, and reclamation for the project. Stephen Nelson stated a grading plan was submitted but it still needs to be signed, and there is nothing to bond against at this time. Staff has withheld signatures on construction drawings due to power capacity. Dust is a severe issue in this area. Last summer, staff had to stop developers from using water to control the dust because they were draining water from the tanks that serve residents. Councilman Prete feels that dust can only be controlled with water. Mr. Nelson reported dust is usually resolved when the asphalt is complete, and homes are built. Due to the uncertain timing of power to the site, the area could remain undeveloped for a substantial time. Dayton Hall noted that approval of the grading permit does not grant entitlement.

Kevin Thomas motioned to approve the Planning Director issuing a grading permit for Cordero Phase 2 conditional upon acknowledgment that no entitlements are granted and subject to dust mitigation, bonding, and a grading plan. Seconded by Doug Heideman. Kevin Thomas, Dave Sanders, and Doug Heideman – aye. Joseph Prete and David Hirschi – nay. Motion carried.

**11. Ordinance 2023-04: Consideration and possible approval of a Land Use Code Amendment request to Title 10 Chapter 32: Landscaping and Screening to make updates to water conservation standards. Hurricane City Applicant.**

Stephen Nelson reported that the Planning Commission recommended denial. They are not confident that this ordinance is meant to conserve water. He included their comments and suggested verbiage in the presented ordinance. Mr. Nelson reviewed the changes made to the code. The Hurricane Canal Company, irrigation plan, landscape area, landscape plan, park strips, secondary irrigation system, and water parks were defined. The scope and applicability were clarified, exceptions were added for agricultural use, and this ordinance does not apply to existing homes. He noted that some updates do not reflect the Conservancy District's recommendation. Mr. Nelson read additional changes made to the land use code. Mayor Billings feels golf courses should be allowed to develop property if they have their own water. Mr. Nelson reported that the drafted plan was submitted to the Conservancy District, but he is still waiting for their recommendation.

Dave Sanders motioned to continue a Land Use Code Amendment request to Title 10 Chapter 32: Landscaping and Screening to make updates to water conservation standards. Seconded by Kevin Thomas. Joseph Prete, Doug Heideman, David Hirschi, Dave Sanders, and Kevin Thomas – aye. Motion carried unanimously.

**12. Discussion and possible direction to staff on whether to proceed with the purchase of a natural gas generator - Scott Hughes**

Mayor Billings read through the summary included in the packet. Scott Hughes presented a list of pros and cons. Another generator is an additional resource that provides insurance against the power market and is less expensive than other options; however, a new generator is a lot of money upfront, and the return on investment is prolonged. Transmission expenses rise, and there is a risk due to the volatility of the natural gas market.

Kaden DeMille reported that adding a generator is estimated at \$275,000 over fifteen years. He added that this would be an impact fee expenditure.

Kevin Thomas motioned to direct Staff to proceed with the purchase of a natural gas generator. Seconded by Dave Sanders. Joseph Prete, David Hirschi, Doug Heideman, Kevin Thomas, and Dave Sanders – aye. Motion carried unanimously.

1       **13. Consideration and possible approval of an updated policy governing power generation**  
2       **by customers connected to the City's power grid. - Scott Hughes**

3       Mayor Billings read the summary included in the packet. The Power Board and Power  
4       Department recommended approval, and the City Attorney has approved the policy. Scott  
5       Hughes reviewed the rate changes in the new policy.

6       Joseph Prete motioned to approve the updated policy governing power generation by  
7       customers connected to the City's power grid. Seconded by Kevin Thomas. Dave Sanders, Doug  
8       Heideman, David Hirschi, Joseph Prete, and Kevin Thomas – aye. Motion carried unanimously.

9       **14. Consideration and possible approval of a MOU with the Utah Department of Workforce**  
10       **Services regarding the Five County HEAT program**

11       Mayor Billings read the summary included in the packet. Dayton Hall's concern is the paragraph  
12       stating the City cannot charge a fee unless it is approved by Workforce Services. Staff has  
13       requested that Workforce Services remove that paragraph, but they have not received a  
14       response.

15       Kevin Thomas motioned to approve the MOU with the Utah Department of Workforce Services  
16       subject to the amendment the City can charge the City's standard fees. Seconded by Dave  
17       Sanders. Joseph Prete, Doug Heideman, David Hirschi, Kevin Thomas, and Dave Sanders – aye.  
18       Motion carried unanimously.

19       **15. Consideration and possible approval of a Cost Sharing and Reimbursement Agreement**  
20       **with DAF Development and Richardson Brothers for 2800 West. - Mike Vercimack**

21       Mike Vercimack reported that some developers have requested improvements to their  
22       property in conjunction with 2800 West. This agreement finalizes the cost of each party.

23       Kevin Thomas motioned to approve the cost sharing and reimbursement agreement with DAF  
24       Development and Richardson Brothers for 2800 West. Seconded by Dave Sanders. Joseph  
25       Prete, David Hirschi, Doug Heideman, Kevin Thomas, and Dave Sanders – aye. Motion carried  
26       unanimously.

27       **16. Consideration and possible approval of Resolution 2023-09 authorizing and directing**  
28       **the retention of an outside engineering firm to perform development plan reviews. -**  
29       **Mayor Billings**

30       Mayor Billings reported that this will allow staff to find a company that is qualified to review the  
31       plans. She explained that plans should be reviewed in a timely matter. Councilman Sanders

1 asked how plans are prioritized. Arthur LeBaron explained that plans going to JUC have priority.  
2 The second review takes longer. They have more volume than they can process in a timely  
3 manner. Mayor Billings reported that this resolution would allow developers to pay for a review  
4 by an approved outside engineering firm. Councilman Prete asked if the five-business day  
5 turnaround is feasible. Karl Rasmussen reported that the State had extended its timeline for a  
6 large plan set. Mr. LeBaron agreed that larger plan sets should have a different turnaround  
7 time. Stephen Nelson updated the language in the resolution to reflect the changes made to  
8 turnaround time.

9 Joseph Prete motioned to approve Resolution 2023-09 as amended. Seconded by Doug  
10 Heideman. Kevin Thomas, David Hirschi, Dave Sanders, Joseph Prete, and Doug Heideman –  
11 aye. Motion carried unanimously.

12 **17. Discussion and possible decision regarding the maintenance of the park area behind**  
13 **the LDS Stake Center at 677 S 700 West**

14 Councilman Hirschi reported that the LDS church owns the park area behind the stake center;  
15 however, the school district has been maintaining the property. The school has requested that  
16 the City to maintains the property. Mayor Billings reached out to President Broadbent, and he  
17 was not aware the school did not want to maintain the property anymore.

18 Joseph Prete motioned to continue the decision regarding the maintenance of the park area  
19 behind the LDS Stake Center for two weeks until President Broadbent responds. Seconded by  
20 Dave Sanders. Kevin Thomas, David Hirschi, Doug Heideman, Joseph Prete, and Dave Sanders –  
21 aye. Motion carried unanimously.

22 **18. Closed Meeting held pursuant to Utah Code section 52-4-205 upon request**

23 No closed meeting was necessary.

24 Dave Sanders motioned to adjourn the meeting. Seconded by Doug Heideman. Motion carried  
25 unanimously.

26 **Adjournment: 12:12 a.m.**



## **STAFF COMMENTS**

Consideration and possible approval an amended **final plat for Quail Lake Estates Lots 10 and 11** located at 4400 W State St #10 and #11. Darrell and Christine Leigh Applicant. Ryan Scholes/Alpha Engineering Agent.

### **Discussion:**

The applicant has applied to amend the final plat for Quail Lake Estates to adjust the lot lines, so the lot lines no longer run through a building. Any lot line changes within a recorded subdivision require an amended final plat.

The Planning Commission gave a positive recommendation on the proposed amended final plat.

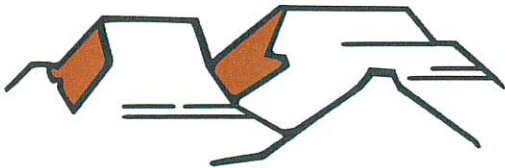
### **Findings:**

### **Recommendation:**

### **Attachments:**

1. 2023-AFP-03 App
2. 2023-AFP-03 Plans
3. 2023-AFP-03 Quail Lake Lot 10 \_ 11





# HURRICANE CITY UTAH

147 N 870 W Hurricane UT 84737

PHONE: 435.635.2811 FAX: 435.635.2184

## AMENDED FINAL PLAT APPLICATION

*For Office Use Only: \$150 Fee*

File No. 2023-AFP-03

Receipt No. 8-165451

Name: DARRELL & CHRISTINE LEIGH Telephone: 520-678-0900

Address: 4400 W STATE STREET #26, HURRICANE Fax No. \_\_\_\_\_

Email: DLEIGH117@MSN.COM Agent Email: RYANSCHOLES@ALPHAENGINEERING.COM

Agent (If Applicable): RYAN SCHOLES/ALPHA ENGINEERING Telephone: 435-628-6500

Address/Location of Subject Property: 4400 W STATE STREET #26, HURRICANE

Tax ID of Subject Property: H-QLE-10, H-QLE-11-A Number of Lots: \_\_\_\_\_

Subdivision Name: QUAIL LAKE ESTATES PUD PART. AMD. B Phase: \_\_\_\_\_

Submittal Requirements: 1-large paper copy, 1-11 X 17, and 1 disk in 2004 or newer Auto-Cad format

### 1. The final plat shall show:

- ☒ a. The name or designation of the subdivision that is distinct from any plat already recorded in the County Recorder's office, as approved by the Planning Commission.
- ☒ b. The boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a street or for another public use, and whether any such area is reserved or proposed for dedication for a public purpose.
- ☒ c. The lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage of all parcels, units, lots, and the length and width of the blocks and lots intended for sale.
- ☒ d. Every existing right-of-way and easement grant of record for communications infrastructure, for underground facilities as defined in Section 54-8a-2 of the Utah Code and for other utility facilities. Where the same is granted to a specific entity, that entity must be clearly identified.
- ☒ e. True angles and distances to the nearest established street lines or official monument, which shall be accurately described on the plat and shown by appropriate symbols.
- ☒ f. All street center line data must be shown, together with its relationship to the property lines, corners, etc.
- ☒ g. The accurate location of all monuments shall be shown on the plat, and shall be identified, including all United States, State, County or other official monuments.
- ☐ h. The dedication to the public of all streets and highways included in the proposed subdivision (except approved private streets).

- N/A j. Street monuments shall be installed by the subdivider in accordance with the requirements of City Standards. Locations of said monuments shall be approved by the City Engineer and indicated on the subdivider's plat by the appropriate symbols.
- X j. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common uses by all property owners.
- N/A k. Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the City Attorney.

**2. Required Forms & Certificates** In addition, the final plat shall contain the standard forms for the following:

- X a. A registered professional land surveyor's certificate of survey, together with a statement that: (a) the surveyor holds a license in accordance with Title 58, Chapter 22 of the Utah Code, Professional Engineers, and Professional Land Surveyor's Licensing Act; (b) the surveyor has completed a survey of the property described on the plat in accordance with Section 17-23-17 of the Utah Code and has verified all measurements; (c) has placed monuments as represented on the plat. **Plat must be signed and stamped by the licensed surveyor prior to final plat submittal.**
- X b. The owner's certificate of dedication of all streets, roads, rights-of-way, or other parcels intended for the use and benefit of the general public.
- X c. Mortgagee or other lien holder's Consent to Record, if applicable.
- X d. A notary public's acknowledgement space for the signature of the mortgagee and/or each owner signing the plat.
- X e. Certificate of approval of Ash Creek Special Service District.
- X f. Certificate of approval of the City Engineer.
- X g. Certificate of approval of the City Council, as evidenced by the signature of the mayor
- X h. Certificate of approval as to form executed by the City Attorney.
- X i. A one and one-half inch by five-inch (1 ½" x 5") space in the lower right-hand corner of the drawing for the use of the County Recorder.

**3. Other Information Required:** The following information or documentation shall be submitted:

- a. A completed form from the Washington County Treasurer's office (see attached copy of form) for property located within the subdivision verifying that all taxes or special assessments payable on all property within the limits of the subdivision are paid in full
- N/A b. An original copy for Staff review of the proposed deed restrictions or CC&Rs in proposed final form with signature lines for all owners of any interest in the subdivision who would sign the final subdivision plat must be submitted with final plat application. After being approved by staff this document shall be signed, acknowledged by a notary public, and recorded in the office of the County Recorder along with the final plat.
- c. Title report for the property being subdivided.
- d. A disk of the final plat prepared in 'Auto-Cad 2004' (or newer format)

**Application Process:** The following steps occur:

- A completed application with all required documents and fee payment as outlined above is submitted to the Planning Department along with the paper copy of the amended plat.



- A paper copy of the amended plat is submitted to the City Engineer for review. The City Engineer will redline the plat and email the subdivision engineer of required changes that need to be made. If a plat is still not ready for the City Engineers signature after the second submittal, an additional fee must be paid before the Engineer performs another review. An approved mylar of the final plat must be signed by the City Engineer before the City Council meeting at which the amendment is to be submitted
- A plat amendment without the notarized signatures of all the owners of record on the mylar or on consent to record forms will require a public hearing. The applicant will be required to pay all notification and/or publication costs for notice of the hearing.

#### Requirements for recordation:

1. Amended plat approval by the City Council
4. Two disks of the final plat provided in 'Auto Cad 2004' format – one for the city, and one for the County Recorder.
5. Review of the title report by the City Attorney.
7. All signatures must be on the mylar, including property owners of record according to the title report, City officials and Ash Creek Special Service District Superintendent. The City Attorney is the last signer of the mylar just prior to recordation.
8. Someone from the City Attorney's office will accompany the developer's representative to the County Recorder's office for recordation. The developer pays recording fees.

A development with CC&Rs should submit a copy of the CC&R's to the Planning Staff and one to the City Attorney for review at the time the plat amendment is submitted.

**Note: An amended plat that includes the abandonment of a dedicated road or for a subdivision that is not fully improved requires a different application and procedure**

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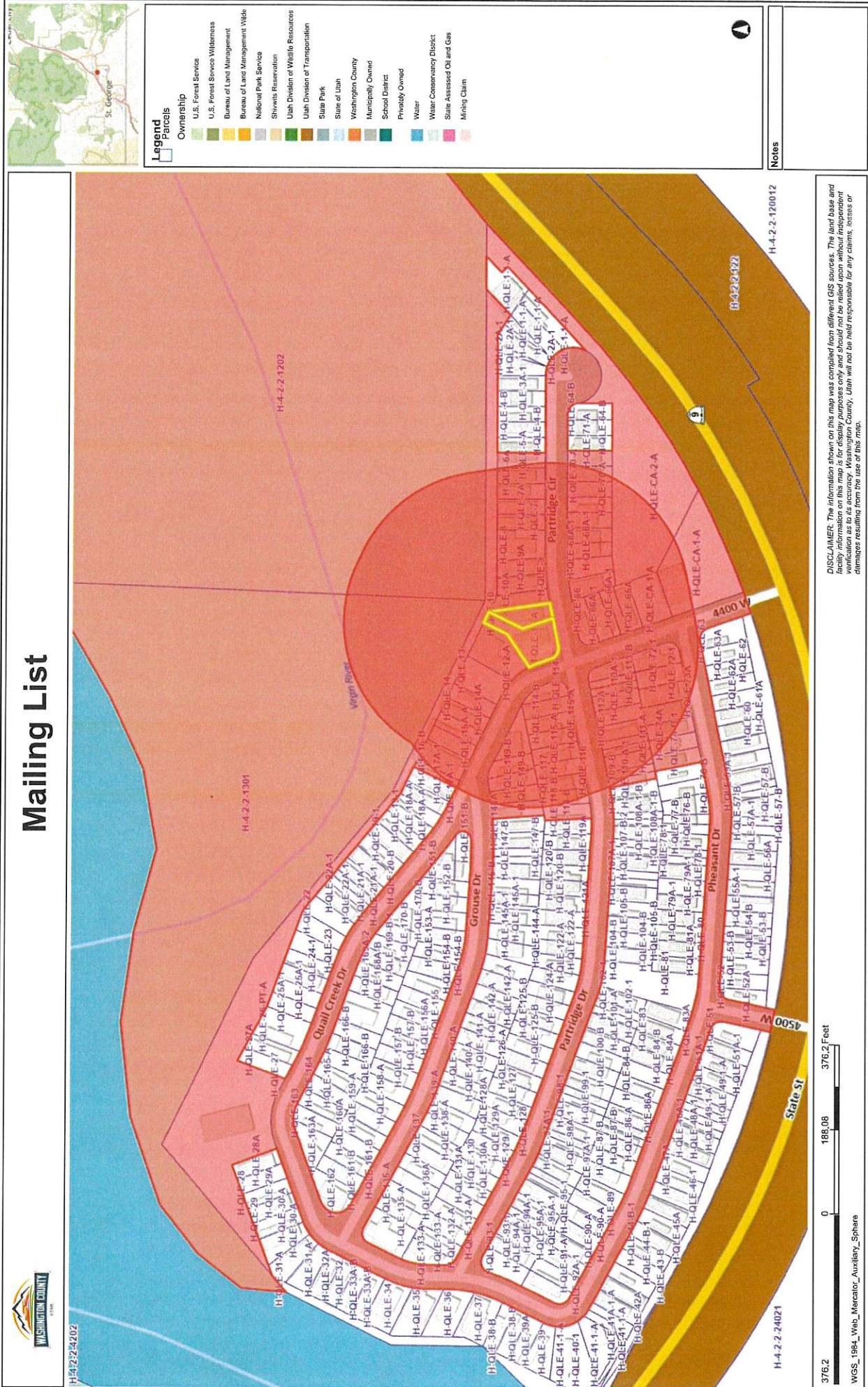
(Office Use Only)

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

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



# Mailing List



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**GALE ANDREW NATHAN**  
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LEHI, UT 84043

**EVERS MARK S & BEVERLY M**  
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H-QLE-149-B  
4400 W STATE ST # 149  
HURRICANE, UT 84737-3121

**HASSELL PARLEY DOUGLAS TR**  
H-QLE-149A  
149A GROUSE DR  
HURRICANE, UT 84737

**PRIDGEN WILLIAM**  
H-QLE-150  
4400 W STATE ST # 150  
HURRICANE, UT 84737

**WASHINGTON COUNTY WATER CONSERV DIST**  
H-4-2-2-1301  
533 WATER WORKS WAY  
SAINT GEORGE, UT 84770

**WRIGHT SETH & LEIRA**  
H-QLE-68A-1  
4400 W STATE ST # 68  
HURRICANE, UT 84737

**HITCHINGS JUNE A**  
H-QLE-14  
4400 W STATE ST # 14  
HURRICANE, UT 84737

**CRAFTS BREE A**  
H-QLE-8  
8 PARTRIDGE CIR  
HURRICANE, UT 84737

**JONES BRIAN**  
H-QLE-149-B  
4400 W STATE ST # 149  
HURRICANE, UT 84737-3121

**SIPOVY LLC**  
H-QLE-116  
PO BOX 819  
SAINT GEORGE, UT 84771-0819

**WILLIAMS RAY L & SARANN D**  
H-QLE-74-B-1  
51A PHEASANT DR  
HURRICANE, UT 84737-2925

**GRAY ROBERT**  
H-QLE-11-A  
4400 W STATE ST # 11  
HURRICANE, UT 84737

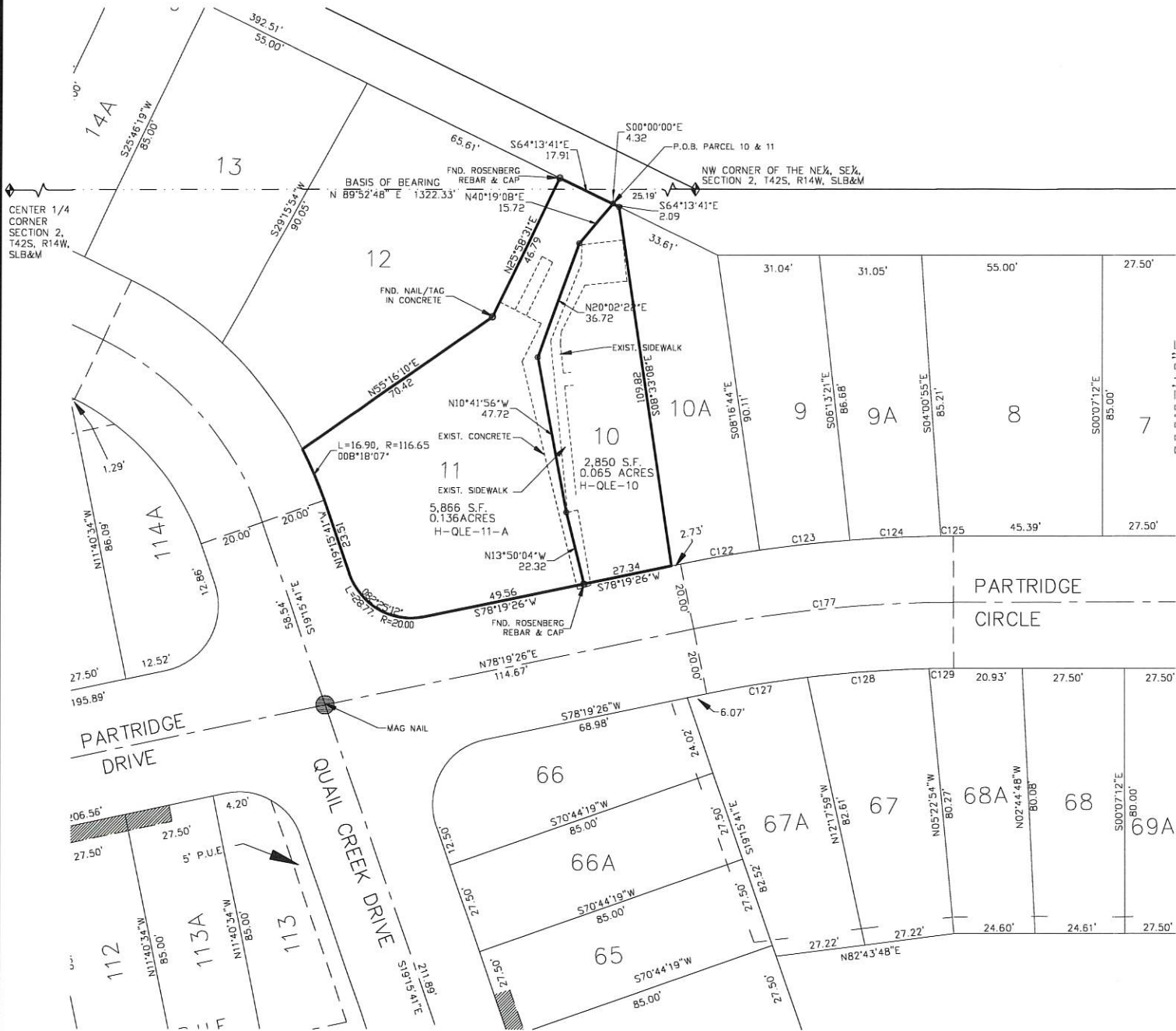
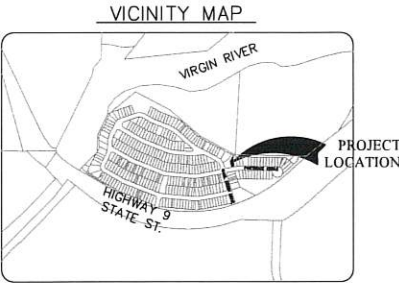
**CAMACHO MIDIAM, ET AL**  
H-QLE-75A-1  
4400 W STATE ST # 75A  
HURRICANE, UT 84737

**TERVORT INVESTMENTS LC**  
H-QLE-CA-1-A  
2591 W 100 S  
HURRICANE, UT 84737

**SCHUYLER CHERI LINDE, ET AL**  
H-QLE-6A  
6A PARTRIDGE CIR  
HURRICANE, UT 84737

QUAIL LAKE ESTATES PLANNED UNIT DEVELOPMENT  
AMENDED #5 PARTIAL AMENDMENT "B"  
(LOTS 10 & 11)

LOCATED IN THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 42 SOUTH, RANGE 14 WEST,  
SALT LAKE BASE AND MERIDIAN, HURRICANE CITY, UTAH



| CURVE TABLE |           |        |        |
|-------------|-----------|--------|--------|
| CURVE       | DELTA     | LENGTH | RADIUS |
| C122        | 03°23'46" | 24.60  | 415.00 |
| C123        | 03°48'56" | 27.64  | 415.00 |
| C124        | 03°49'05" | 27.65  | 415.00 |
| C125        | 00°31'40" | 3.82   | 415.00 |
| C126        | 11°33'26" | 75.64  | 375.00 |
| C127        | 04°45'06" | 31.10  | 375.00 |
| C128        | 05°40'50" | 37.18  | 375.00 |
| C129        | 01°07'30" | 7.36   | 375.00 |
| C177        | 11°33'26" | 79.68  | 395.00 |

BASIS OF BEARING

THE BASIS OF BEARING FOR THIS SURVEY IS NORTH 89°52'48" EAST, BETWEEN THE CENTER 1/4 CORNER AND THE NW CORNER OF THE NE¼, SE¼, OF SECTION 2, TOWNSHIP 42 SOUTH, RANGE 14 WEST, SLB&M.

AMENDMENT NOTE

THE PURPOSE OF THIS AMENDED PLAT IS TO FIX THE BOUNDARY LINES BETWEEN PARCELS 10 AND 11 SO THAT THERE IS NO LONGER ANY OVERLAPPING OF PROPERTY LINES ONTO EXISTING BUILDING STRUCTURES. NO OTHER CHANGES TO THE ORIGINAL PLAT ARE INTENDED WITH THIS AMENDED PLAT.

ACKNOWLEDGMENT

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2023, PERSONALLY APPEARED ROBERT GRAY, PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO IN THIS DOCUMENT, AND ACKNOWLEDGED HE EXECUTED THE SAME.

NOTARY PUBLIC FULL NAME: \_\_\_\_\_  
COMMISSION NUMBER: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_  
A NOTARY PUBLIC COMMISSIONED IN \_\_\_\_\_

NO STAMP REQUIRED  
(UTAH CODE 46-1-16(6))

NOTARY PUBLIC (SIGNATURE) \_\_\_\_\_  
NO STAMP REQUIRED (UTAH CODE 46-1-16(6))

LEGEND

- ⊙ SPECIFICS PROPERTY CORNER MONUMENT (ALPHA ENG. REBAR & CAP)
- CENTERLINE
- EASEMENT LINE

SURVEYOR'S CERTIFICATE

I, SCOTT P. WOOLSEY, PROFESSIONAL UTAH LAND SURVEYOR NUMBER 174919, HOLD A LICENSE IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT AND HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED HEREON IN ACCORDANCE WITH SECTION 17-23-17 AND HEREBY CERTIFY ALL MEASUREMENTS AND DESCRIPTIONS ARE CORRECT. MONUMENTS HAVE BEEN SET AS REPRESENTED ON THIS PLAT.

QUAIL LAKE ESTATES PLANNED UNIT DEVELOPMENT AMENDED #5  
PARTIAL AMENDMENT "B" (LOTS 10 & 11)

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

BOUNDARY DESCRIPTIONS

Parcel #10

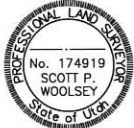
Commencing at the Northwest Corner of the Northeast 1/4 of the Southeast 1/4 of Section 2, Township 42 South, Range 14 West, Salt Lake Base and Meridian; Thence South 89°52'48" West, along the Center Section line, a distance of 25.19 feet Thence South 00°00'00" East, a distance of 4.32 feet, to the Point of Beginning, said point being on the Northern boundary line of Quail Lake Estates Planned Unit Development Amended #5, per Entry #824878, Official Washington County Records; Thence South 64°13'41" East, along said line, a distance of 2.09 feet, to the Northwest Corner of Lot 10-A of said Quail Lake Estates; Thence South 08°33'08" East, a distance of 109.82 feet, to the Southwest Corner of said Lot 10-A; Thence South 78°19'26" West, along the North right of way line of Partridge Circle, a distance of 27.34 feet; Thence North 13°50'04" West, a distance of 22.32 feet; Thence North 10°41'56" West, a distance of 47.72 feet; Thence North 20°02'22" East, a distance of 36.72 feet; Thence North 40°19'08" East, a distance of 15.72 feet to the Point of Beginning.

Containing: 2.850 square feet or 0.065 acres, more or less.

Parcel #11

Commencing at the Northwest Corner of the Northeast 1/4 of the Southeast 1/4 of Section 2, Township 42 South, Range 14 West, Salt Lake Base and Meridian; Thence South 89°52'48" West, along the Center Section line, a distance of 25.19 feet Thence South 00°00'00" East, a distance of 4.32 feet, to the Point of Beginning, said point being on the Northern boundary line of Quail Lake Estates Planned Unit Development Amended #5, per Entry #824878, Official Washington County Records; Thence South 40°19'08" West, a distance of 15.72 feet; Thence South 20°02'22" West, a distance of 36.72 feet; Thence South 10°41'56" East, a distance of 47.72 feet; Thence South 13°50'04" East, a distance of 22.32 feet, to a point on the Northern right of way line of Partridge Circle; Thence South 78°19'26" West, along said line, a distance of 49.56 feet to the beginning of a curve to the right, of which the radius point lies North 11°40'53" West, a radial distance of 20.00 feet; thence Northwest along the arc of said curve, through a central angle of 82°55'12", a distance of 28.77 feet, to a point on the Eastern right of way line of Quail Creek Drive; Thence North 19°15'41" West, along said line, a distance of 23.51 feet to the beginning of a curve to the left, of which the radius point lies South 70°44'21" West, a radial distance of 116.65 feet; thence Northwest along the arc of said curve, and said right of way line, through a central angle of 08°18'07", a distance of 16.50 feet; Thence North 55°16'10" East, a distance of 70.42 feet; Thence North 23°38'31" East, a distance of 46.79 feet to the Northeast Corner of Lot 12 of said Quail Lake Estates; Thence South 64°13'41" East, along said line, a distance of 17.91 feet to the Point of Beginning.

Containing: 5.865 square feet or 0.13 acres, more or less.



OWNERS' DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND HAVING CAUSED SAME TO BE SUBDIVIDED INTO A LOT AND UTILITY & DRAINAGE EASEMENTS TO BE HEREAFTER KNOWN AS:

QUAIL LAKE ESTATES PLANNED UNIT DEVELOPMENT AMENDED #5  
PARTIAL AMENDMENT "B" (LOTS 10 & 11)

FOR GOOD AND VALUABLE CONSIDERATION RECEIVED, DO HEREBY DEDICATE AND CONVEY TO HURRICANE CITY FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS UTILITY, AND DRAINAGE EASEMENTS. ALL LOTS AND EASEMENTS ARE AS NOTED OR SHOWN ON THIS PLAT. THE OWNER DOES HEREBY CONVEY AND WARRANT TO HURRICANE CITY, TITLE TO ALL PROPERTY DEDICATED AND CONVEYED TO PUBLIC USE HEREIN AGAINST THE CLAIMS OF ALL PERSONS.

IN WITNESS I HAVE HEREUNTO SET MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

BY: DARRELL D. LEIGH  
BY: CHRISTINE L. LEIGH

BY: ROBERT GRAY

ACKNOWLEDGMENT

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2023, PERSONALLY APPEARED DARRELL D. LEIGH AND CHRISTINE L. LEIGH, PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO IN THIS DOCUMENT, AND ACKNOWLEDGED THEY EXECUTED THE SAME.

NOTARY PUBLIC FULL NAME: \_\_\_\_\_  
COMMISSION NUMBER: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_  
A NOTARY PUBLIC COMMISSIONED IN \_\_\_\_\_

NO STAMP REQUIRED  
(UTAH CODE 46-1-16(6))

NOTARY PUBLIC (SIGNATURE) \_\_\_\_\_  
NO STAMP REQUIRED (UTAH CODE 46-1-16(6))

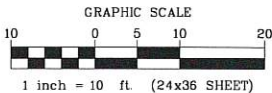
FINAL PLAT OF

QUAIL LAKE ESTATES PLANNED UNIT  
DEVELOPMENT AMENDED #5 PARTIAL  
AMENDMENT "B" (LOTS 10 & 11)

1887-02 SVY.DWG (JANUARY 2023)



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



APPROVAL OF ASH CREEK SPECIAL SERVICE DISTRICT

I hereby verify that this office examined this final subdivision plat and hereby recommends approval on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

SUPERINTENDENT  
ASH CREEK SPECIAL SERVICE DISTRICT

ENGINEER'S APPROVAL

I hereby verify that this office examined this final subdivision plat and hereby recommends approval on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

City Engineer  
Hurricane City

APPROVAL AS TO FORM

Approved as to Form, this the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2023.

City Attorney  
Hurricane City

APPROVAL AND ACCEPTANCE BY HURRICANE CITY, UTAH

We, the City Council of Hurricane City, have reviewed the above plat and hereby accept said plat with all commitments and all obligations pertaining thereto.

Mayor  
Hurricane City

Attest: City Recorder  
Hurricane City

TREASURER APPROVAL

I, Washington County Treasurer, certify on this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2023 that all taxes, special assessments, and fees due and owing on this subdivision Final Plat have been paid in full.

Washington County Treasurer

Washington County Recorder



## STAFF COMMENTS

|                             |                                   |
|-----------------------------|-----------------------------------|
| <b>Agenda Date:</b>         | <b>02/16/2023</b>                 |
| <b>Application Number:</b>  | 2023-AFP-03                       |
| <b>Type of Application:</b> | Amended Final Plat                |
| <b>Action Type:</b>         | Administrative                    |
| <b>Applicant:</b>           | Darrell and Christine Leigh       |
| <b>Agent:</b>               | Ryan Scholes/Alpha Engineering    |
| <b>Request:</b>             | Approval of an Amended Final Plat |
| <b>Location:</b>            | 4400 W State St #10               |
| <b>Zoning:</b>              | MH/RV                             |
| <b>General Plan Map:</b>    | Multifamily                       |

### Planning Commission Recommendation

The Planning Commission gave a positive recommendation on the proposed amended final plat.

**Discussion:** The applicant has applied to amend the final plat for Quail Lake Estates to adjust the lot lines so the lot lines no longer run through a building. Any lot line changes within a recorded subdivision requires an amended final plat.

### JUC Comments

1. **Public Works:** No comments
2. **Power:** No concerns
3. **Water:** Okay- on a private system
4. **Streets:** Okay with lot amendment
5. **Sewer:**
6. **Engineering:** No comments
7. **Fire:**
8. **Cable/Phone/Gas/Water Conservancy/Parks:** No comments

### Staff Comments

1. The plat does meet amended final plat standards contained in [Utah Code 10-9a-608](#). Subdivision Amendments, updated in 2022. The following are the key items:
  - a. Depicts only the portion of the subdivision that is proposed to be amended
  - b. Includes a plat name distinguishing the amended plat from the original plat
  - c. Describe the differences between from the original plat.
  - d. Includes references to the original plat
2. The Final Plat needs a full review by the City Engineering Department for surveying details.
3. The applicant listed on the application does not appear to be the owner of one of the properties. The property owner's will need to sign the mylar for this amended final plat.





**Recommendation:** Staff recommends that the City Council review this application based on Hurricane City and State Code standards. Staff would recommend approval of this item subject to staff and JUC comments.



## **STAFF COMMENTS**

Consideration and possible approval on an **amended final plat for Dixie Springs Lot F41 and F42**, located at 2829 S 3200 W and 3203 W 2830 S. Heather Hugie Applicant. Mike Hugie Agent.

### **Discussion:**

The applicant has applied to amend the final plat for Dixie Springs to adjust the lot lines slightly as well as formally combine two parcels owned by the applicant. Any lot line changes within a recorded subdivision requires an amended final plat.

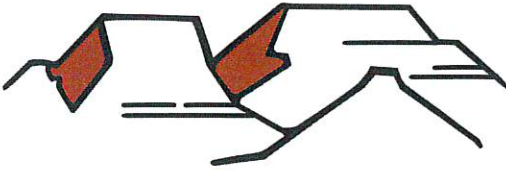
The Planning Commission gave a positive recommendation of approval for the proposed amended final plat.

### **Findings:**

### **Recommendation:**

### **Attachments:**

1. 2023-AFP-04 App
2. 2023-AFP-04 Plans
3. 2023-AFP-04 Dixie Springs Lot F41 \_ F42



# HURRICANE CITY

## UTAH

147 N 870 W Hurricane UT 84737  
PHONE: 435.635.2811 FAX: 435.635.2184

### AMENDED FINAL PLAT APPLICATION

*For Office Use Only: \$150 Fee*

File No. 2023-AFP-04

Receipt No. 8165542

Name: Heather Hugie Telephone: 435-757-5878

Address: 2829 S 3200 W Fax No. \_\_\_\_\_

Email: hhugie@gmail.com Agent Email: \_\_\_\_\_

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

Address/Location of Subject Property: \_\_\_\_\_

Tax ID of Subject Property: H-DSP-F-41 + H-DSP-F-42 Number of Lots: F-41/42

Subdivision Name: Dixie Springs Phase: F

Submittal Requirements: 1-large paper copy, 1-11 X 17, and 1 disk in 2004 or newer Auto-Cad format

#### 1. The final plat shall show:

- \_\_\_ a. The name or designation of the subdivision that is distinct from any plat already recorded in the County Recorder's office, as approved by the Planning Commission.
- \_\_\_ b. The boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a street or for another public use, and whether any such area is reserved or proposed for dedication for a public purpose.
- \_\_\_ c. The lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage of all parcels, units, lots, and the length and width of the blocks and lots intended for sale.
- \_\_\_ d. Every existing right-of-way and easement grant of record for communications infrastructure, for underground facilities as defined in Section 54-8a-2 of the Utah Code and for other utility facilities. Where the same is granted to a specific entity, that entity must be clearly identified.
- \_\_\_ e. True angles and distances to the nearest established street lines or official monument, which shall be accurately described on the plat and shown by appropriate symbols.
- \_\_\_ f. All street center line data must be shown, together with its relationship to the property lines, corners, etc.
- \_\_\_ g. The accurate location of all monuments shall be shown on the plat, and shall be identified, including all United States, State, County or other official monuments.
- \_\_\_ h. The dedication to the public of all streets and highways included in the proposed subdivision (except approved private streets).



- \_\_\_\_i. Street monuments shall be installed by the subdivider in accordance with the requirements of City Standards. Locations of said monuments shall be approved by the City Engineer and indicated on the subdivider's plat by the appropriate symbols.
- \_\_\_\_j. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common uses by all property owners.
- \_\_\_\_k. Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the City Attorney.

**2. Required Forms & Certificates:** In addition, the final plat shall contain the standard forms for the following:

- \_\_\_\_a. A registered professional land surveyor's certificate of survey, together with a statement that: (a) the surveyor holds a license in accordance with Title 58, Chapter 22 of the Utah Code, Professional Engineers, and Professional Land Surveyor's Licensing Act; (b) the surveyor has completed a survey of the property described on the plat in accordance with Section 17-23-17 of the Utah Code and has verified all measurements; (c) has placed monuments as represented on the plat. Plat must be signed and stamped by the licensed surveyor prior to final plat submittal.
- \_\_\_\_b. The owner's certificate of dedication of all streets, roads, rights-of-way, or other parcels intended for the use and benefit of the general public.
- \_\_\_\_c. Mortgagee or other lien holder's Consent to Record, if applicable.
- \_\_\_\_d. A notary public's acknowledgement space for the signature of the mortgagee and/or each owner signing the plat.
- \_\_\_\_e. Certificate of approval of Ash Creek Special Service District.
- \_\_\_\_f. Certificate of approval of the City Engineer.
- \_\_\_\_g. Certificate of approval of the City Council, as evidenced by the signature of the mayor
- \_\_\_\_h. Certificate of approval as to form executed by the City Attorney.
- \_\_\_\_i. A one and one-half inch by five-inch (1 ½" x 5") space in the lower right-hand corner of the drawing for the use of the County Recorder.

**3. Other Information Required:** The following information or documentation shall be submitted:

- \_\_\_\_a. A completed form from the Washington County Treasurer's office (see attached copy of form) for property located within the subdivision verifying that all taxes or special assessments payable on all property within the limits of the subdivision are paid in full
- \_\_\_\_b. An original copy for Staff review of the proposed deed restrictions or CC&Rs in proposed final form with signature lines for all owners of any interest in the subdivision who would sign the final subdivision plat must be submitted with final plat application. After being approved by staff this document shall be signed, acknowledged by a notary public, and recorded in the office of the County Recorder along with the final plat.
- \_\_\_\_c. Title report for the property being subdivided.
- \_\_\_\_d. A disk of the final plat prepared in 'Auto-Cad 2004' (or newer format)

**Application Process:** The following steps occur:

- A completed application with all required documents and fee payment as outlined above is submitted to the Planning Department along with the paper copy of the amended plat.



- A paper copy of the amended plat is submitted to the City Engineer for review. The City Engineer will redline the plat and email the subdivision engineer of required changes that need to be made. If a plat is still not ready for the City Engineers signature after the second submittal, an additional fee must be paid before the Engineer performs another review. An approved mylar of the final plat must be signed by the City Engineer before the City Council meeting at which the amendment is to be submitted
- A plat amendment without the notarized signatures of all the owners of record on the mylar or on consent to record forms will require a public hearing. The applicant will be required to pay all notification and/or publication costs for notice of the hearing.

#### Requirements for recordation:

1. Amended plat approval by the City Council
4. Two disks of the final plat provided in 'Auto Cad 2004' format – one for the city, and one for the County Recorder.
5. Review of the title report by the City Attorney.
7. All signatures must be on the mylar, including property owners of record according to the title report, City officials and Ash Creek Special Service District Superintendent. The City Attorney is the last signer of the mylar just prior to recordation.
8. Someone from the City Attorney's office will accompany the developer's representative to the County Recorder's office for recordation. The developer pays recording fees.

A development with CC&Rs should submit a copy of the CC&R's to the Planning Staff and one to the City Attorney for review at the time the plat amendment is submitted.

**Note: An amended plat that includes the abandonment of a dedicated road or for a subdivision that is not fully improved requires a different application and procedure**

\*\*\*\*\*

(Office Use Only)

Date Received: 1/23/23

Application Complete: YES ☐ NO ☐

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

**Exhibit "A"**

Lot 41-A:

Beginning at the southeast corner of Lot 40, Dixie Springs Amendment and Extension Plat "F", and running;

thence North  $00^{\circ}17'17''$  West 148.45 feet along the easterly line to the northeast corner of said Lot 40, said point being on the southerly line of 2830 South Street;

thence Northeast 61.31 feet along an arc of a 40.00 foot radius curve to the left (center bears North  $21^{\circ}01'10''$  East, long chord bears North  $67^{\circ}06'37''$  East 55.48 feet with a central angle of  $87^{\circ}49'08''$ ) along said southerly line of 2830 South Street;

thence South  $44^{\circ}21'43''$  East 26.21 feet;

thence South  $19^{\circ}07'43''$  East 160.13 feet to the southerly line of said Dixie Springs Amendment and Extension Plat "F";

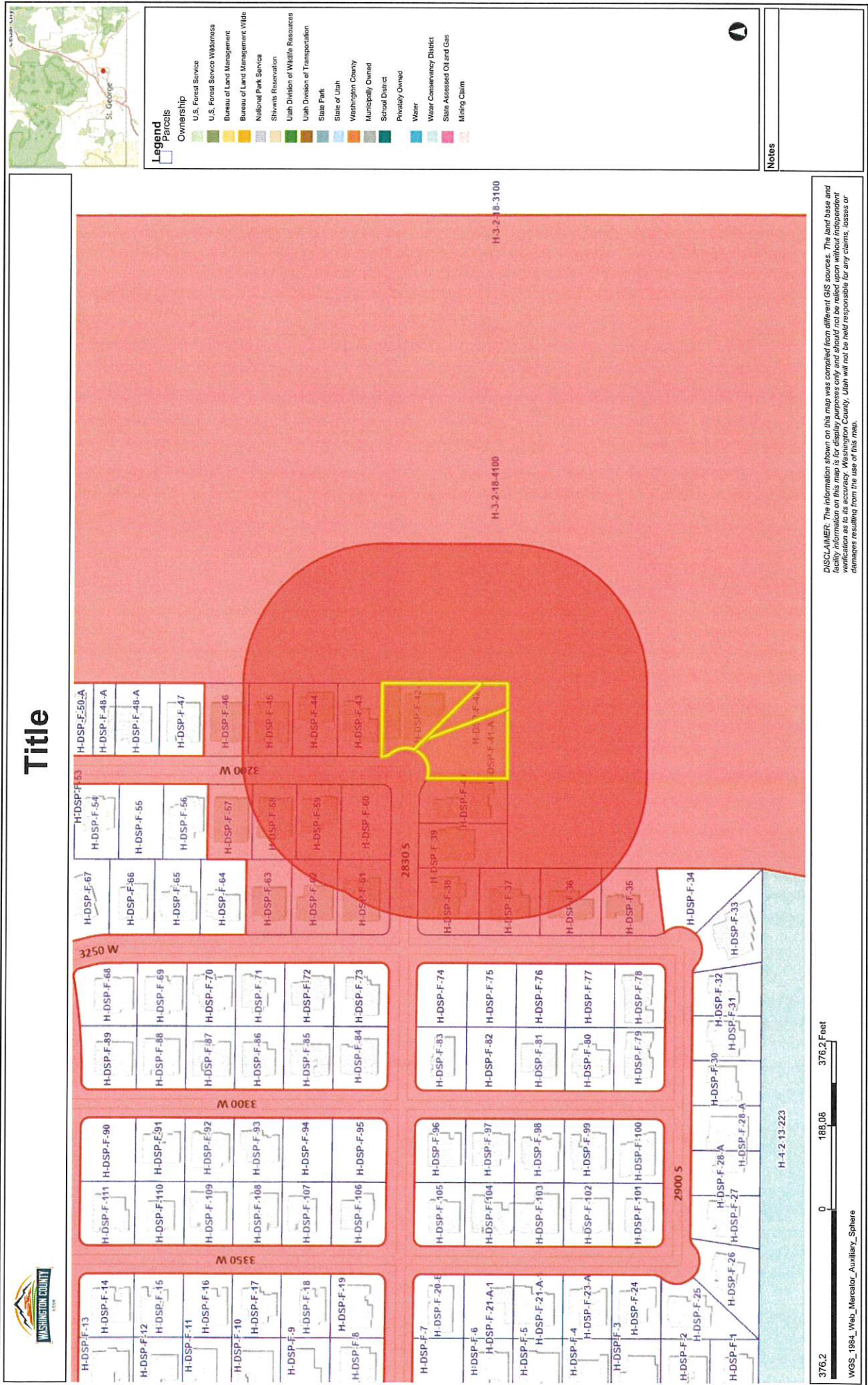
thence West 121.17 feet along said southerly line of Dixie Springs Amendment and Extension Plat "F" to the Point of Beginning.

Containing 14,570 square feet or 0.33 acres.



October 28, 2021





**LOHREY JOHN & JULIE**  
H-DSP-F-37  
2859 S 3250 W  
HURRICANE, UT 84737

**JENSEN RYAN R & LIZA**  
H-DSP-F-44  
2813 S 3200 W  
HURRICANE, UT 84737-7602

**WILLIAMS WILLIAM DOUG TR**  
H-DSP-F-35  
6933 E BONANZA RD  
LAS VEGAS, NV 89110

**HORNER BENJAMIN TR**  
H-DSP-F-58  
2865 E SOMERSET DR  
SPANISH FORK, UT 84660

**CONTI JOHN NICOLA & CAROL FINCH TRS**  
H-DSP-F-36  
2871 S 3250 W  
HURRICANE, UT 84737

**CHRISTENSEN CINDY L TR**  
H-DSP-F-40  
3215 W 2830 S  
HURRICANE, UT 84737

**COTTIS JOSEPH F & SHARLENE G TRS**  
H-DSP-F-60  
7935 SUMMER HILL DR  
PARK CITY, UT 84098-5367

**HUGIE HEATHER**  
H-DSP-F-42-A  
2829 S 3200 W  
HURRICANE, UT 84737

**WILLIAMS JAMES L & LUCINDA**  
H-DSP-F-39  
3227 W 2830 S  
HURRICANE, UT 84737

**VAN STAVEREN RICHARD J & SANDRA L TRS**  
H-DSP-F-59  
2814 S 3200 W  
HURRICANE, UT 84737

**ROCK HARD CONCRETE CONSTRUCTION LLC**  
H-DSP-F-41-A  
2829 S 3200 W  
HURRICANE, UT 84737-7602

**WESTERN MTG & REALTY CO**  
H-3-2-18-4100  
6610 W COURT ST  
PASCO, WA 99301

**SCHULTZ ROGER & CHRISTINE**  
H-DSP-F-57  
157 S 530 W  
LA VERKIN, UT 84745

**HUGIE HEATHER**  
H-DSP-F-42-A  
2829 S 3200 W  
HURRICANE, UT 84737

**MALONEY JOHN PATRICK**  
H-DSP-F-62  
2811 S 3250 W  
HURRICANE, UT 84737

**PARDUHN DAVID J & KAYLA W TRS**  
H-DSP-F-45  
2805 S 3200 W  
HURRICANE, UT 84737

**BRYANT TEDDY & DANIELLE**  
H-DSP-F-63  
680 RIDGE TOP CIR  
NORTH SALT LAKE, UT 84054

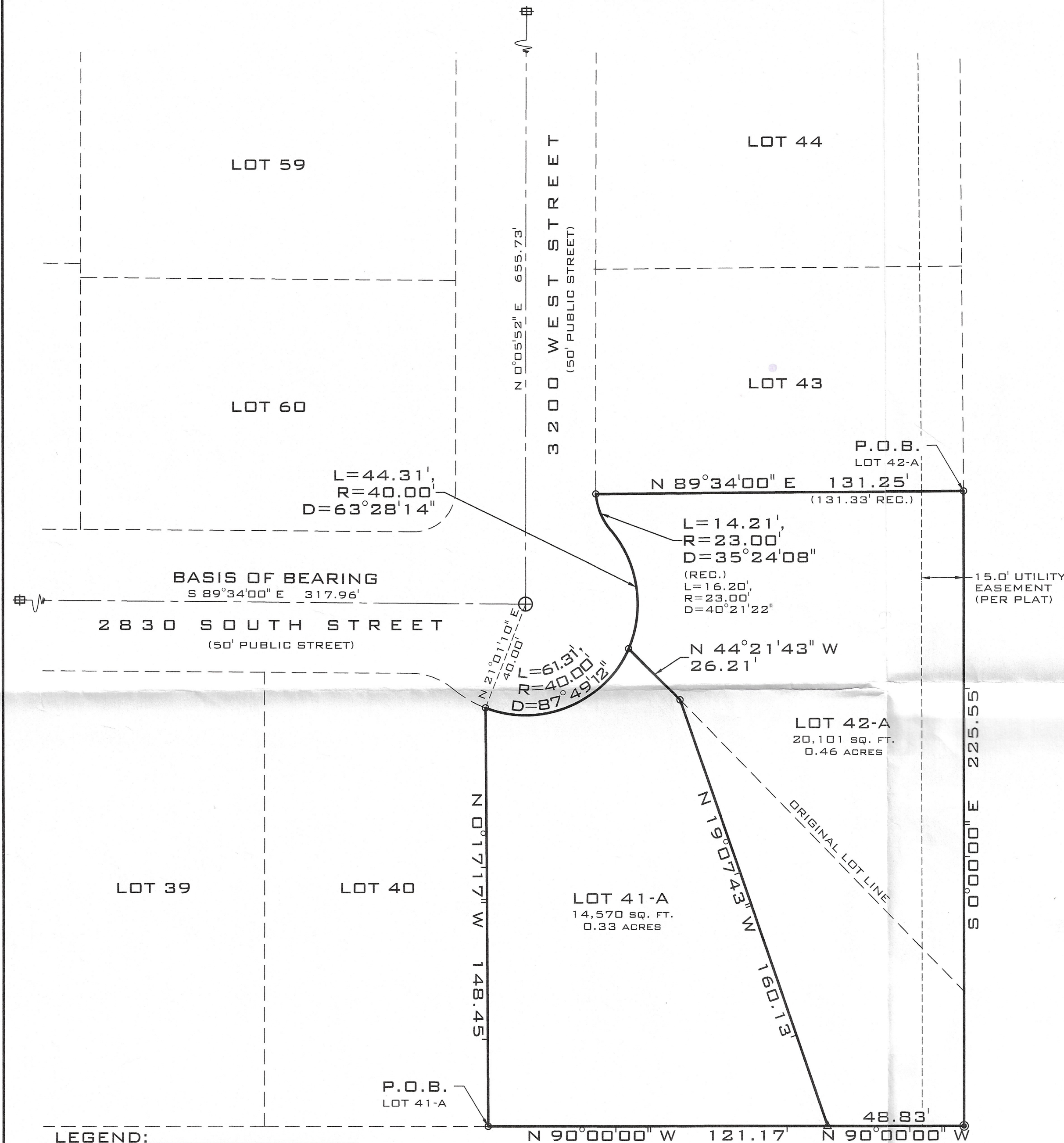
**SMITH JENNIFER**  
H-DSP-F-61  
2819 S 3250 W  
HURRICANE, UT 84737

**EDGAR DAVID LOUIS II & TRISHA E**  
H-DSP-F-43  
2821 S 3200 W  
HURRICANE, UT 84737

**SYLVESTER BLAINE M & STACEY L**  
H-DSP-F-46  
2797 S 3200 W  
HURRICANE, UT 84737

**FANCY DONAVAN ROBERT & TERESA MARIE**  
H-DSP-F-38  
3237 W 2830 S  
HURRICANE, UT 84737





# **NARRATIVE:**

THIS SURVEY WAS CONDUCTED AT THE REQUEST OF THE CLIENT TO ADJUST THE LINE BETWEEN LOTS 41 & 42. A CLOSURE ISSUE OCCURRED AT THE NORTHWEST CORNER OF LOT 42. MEASURED AND RECORD DISTANCES ARE SHOWN FOR CLOSURE PURPOSES. THE BASIS OF BEARING IS AS SHOWN.

## **SURVEYOR'S CERTIFICATE:**

I, BRANDON E. ANDERSON, PROFESSIONAL LAND SURVEYOR NUMBER 4938716, HOLD A LICENSE IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT AND HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED HEREON IN ACCORDANCE WITH SECTION 17-23-17 AND HEREBY CERTIFY ALL MEASUREMENTS AND DESCRIPTIONS ARE CORRECT. MONUMENTS WILL BE SET AS REPRESENTED ON THIS PLAT.

DATE: 10-28-21

BRANDON E. ANDERSON

CERTIFICATE NO. 4938716

## **LEGAL DESCRIPTION:**

### **LOT 42-A:**

BEGINNING AT THE SOUTHEAST CORNER OF LOT 43, DIXIE SPRINGS AMENDMENT AND EXTENSION PLAT "F", AND RUNNING;

THENCE SOUTHERLY AND WESTERLY THE FOLLOWING (2) COURSES ALONG SAID DIXIE SPRINGS AMENDMENT AND EXTENSION PLAT "F",  
 THENCE SOUTH 225.55 FEET;  
 THENCE WEST 48.83 FEET;  
 THENCE NORTH 19°07'43" WEST 160.13 FEET;  
 THENCE NORTH 44°21'43" WEST 26.21 FEET TO THE EASTERLY LINE OF 3200 WEST STREET;  
 THENCE NORTHERLY THE FOLLOWING (2) COURSES ALONG SAID EASTERLY LINE OF 3200 WEST STREET  
 THENCE NORTH 44.31 FEET ALONG AN ARC OF A 40.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 66°47'57" WEST, LONG CHORD BEARS NORTH 08°32'05" WEST 42.08 FEET WITH A CENTRAL ANGLE OF 63°28'14");  
 THENCE NORTHWEST 14.21 FEET ALONG AN ARC OF A 23.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS NORTH 49°43'48" EAST, LONG CHORD BEARS NORTH 22°34'08" WEST 13.99 FEET WITH A CENTRAL ANGLE OF 35°24'08") TO THE SOUTHWEST CORNER OF SAID LOT 43;  
 THENCE NORTH 89°34'00" EAST 131.25 FEET ALONG THE SOUTHERLY LINE OF SAID LOT 43 TO THE POINT OF BEGINNING.

CONTAINING 20,101 SQUARE FEET OR 0.46 ACRES.

### **LOT 41-A:**

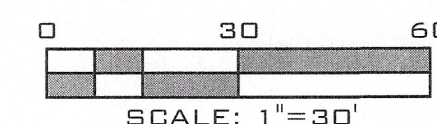
BEGINNING AT THE SOUTHEAST CORNER OF LOT 40, DIXIE SPRINGS AMENDMENT AND EXTENSION PLAT "F", AND RUNNING;

THENCE NORTH 00°17'17" WEST 148.45 FEET ALONG THE EASTERLY LINE TO THE NORTHEAST CORNER OF SAID LOT 40, SAID POINT BEING ON THE SOUTHERLY LINE OF 2830 SOUTH STREET;  
 THENCE NORTHEAST 61.31 FEET ALONG AN ARC OF A 40.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 21°01'10" EAST, LONG CHORD BEARS NORTH 67°06'37" EAST 55.48 FEET WITH A CENTRAL ANGLE OF 87°49'08") ALONG SAID SOUTHERLY LINE OF 2830 SOUTH STREET;  
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CONTAINING 14,570 SQUARE FEET OR 0.33 ACRES.

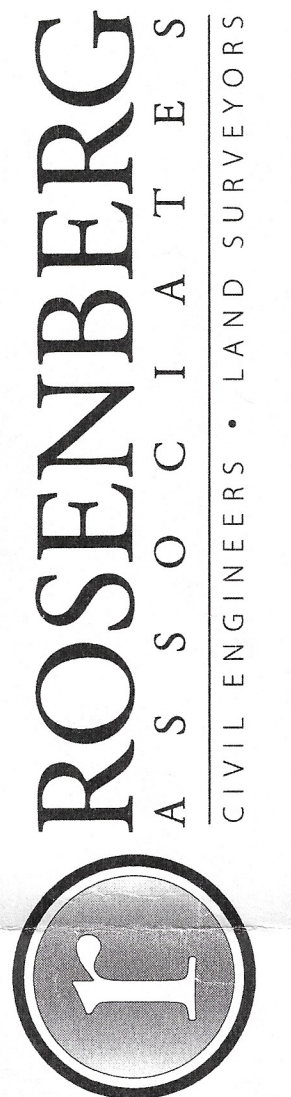
## **REFERENCE PLATS:**

1. THE FINAL PLAT OF DIXIE SPRINGS SUBDIVISION AMENDMENT AND EXTENSION PLAT "F", AS FOUND ON FILE AT THE WASHINGTON COUNTY, UTAH RECORDER'S OFFICE.



LOCATED IN S.W. QUARTER OF SECTION 18  
T.42S., R.13W., S.L.B.&M.

|                   |            |
|-------------------|------------|
| DATE:             | 10/28/21   |
| JOB NO.:          | 11757-19   |
| DRAWN BY:         | C.G.A.     |
| CHECKED BY:       | B.E.A.     |
| SCALE:            | 1"=30'     |
| DWG:              | SURVEY-RDS |
| REVISIONS         | DATE       |
| ADJUSTED LOT LINE | 10/28/21   |



352 EAST RIVERSIDE  
DRIVE, SUITE A-2 ST.  
GEORGE, UTAH 84790  
PH (435) 673-8586  
FX (435) 673-8397  
WWW.RACIVIL.COM

**RECORD OF SURVEY**  
**LOT LINE ADJUSTMENT**  
**FOR**  
**MIKE HUGIE**

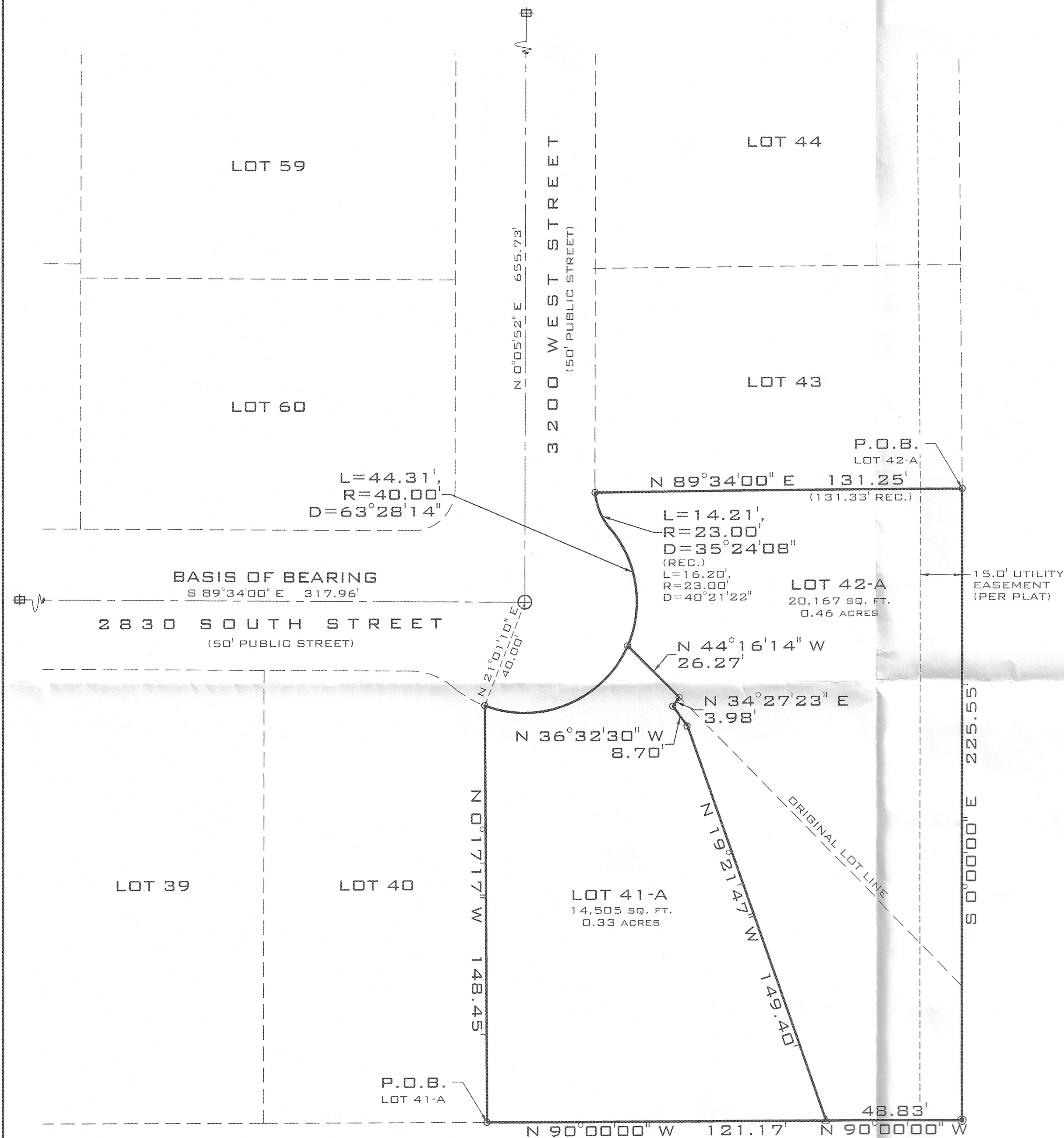
SHEET

1

OF 1 SHEETS

Current





LEGEND:

- NOTHING SET OR FOUND
- ⊕ FOUND SURVEY CONTROL MONUMENT - CLASS I
- ⊕ FOUND SURVEY CONTROL MONUMENT - CLASS II
- FOUND 5/8" REBAR

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NARRATIVE:

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DATE: 01-16-23

BRANDON E. ANDERSON

CERTIFICATE NO. 4938716

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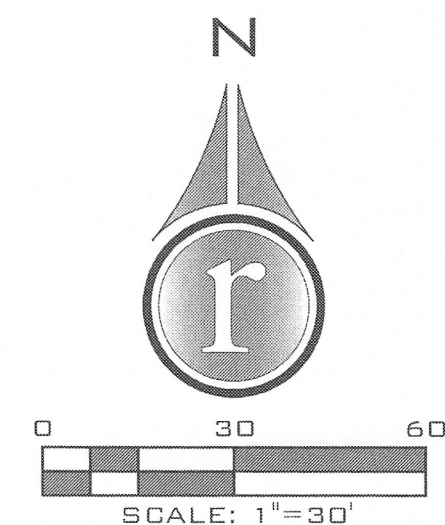
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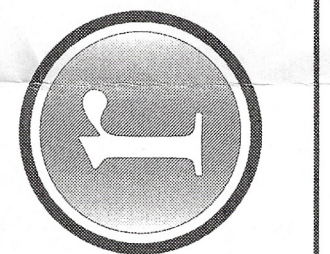


LOCATED IN S.W. QUARTER OF SECTION 18  
T.42S., R.13W., S.L.B.&M.

DATE: 01/16/23  
JOB NO.: 11757-19  
DRAWN BY: C.G.A.  
CHECKED BY: B.E.A.  
SCALE: 1"=30'  
DWG: SURVEY-RDS

| REVISIONS         | DATE     |
|-------------------|----------|
| ADJUSTED LOT LINE | 10/28/21 |

**ROSENBERG**  
A S O C I A T E S  
CIVIL ENGINEERS • LAND SURVEYORS



352 EAST RIVERSIDE  
DRIVE, SUITE A-2 ST.  
GEORGE, UTAH 84790  
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**RECORD OF SURVEY**  
LOT LINE ADJUSTMENT  
FOR  
**MIKE HUGIE**

SHEET  
**1**  
OF 1 SHEETS

Proposed





## STAFF COMMENTS

|                             |                                   |
|-----------------------------|-----------------------------------|
| <b>Agenda Date:</b>         | <b>02/16/2023</b>                 |
| <b>Application Number:</b>  | 2023-AFP-04                       |
| <b>Type of Application:</b> | Amended Final Plat                |
| <b>Action Type:</b>         | Administrative                    |
| <b>Applicant:</b>           | Heather Hugie                     |
| <b>Agent:</b>               | Mike Hugie                        |
| <b>Request:</b>             | Approval of an Amended Final Plat |
| <b>Location:</b>            | 2829 S 3200 W and 3203 W 2830 S   |
| <b>Zoning:</b>              | R1-10                             |
| <b>General Plan Map:</b>    | Single Family                     |

### Planning Commission Recommendation

The Planning Commission gave a positive recommendation for the proposed amended final plat.

**Discussion:** The applicant has applied to amend the final plat for Dixie Springs to adjust the lot lines slightly as well as formally combine two parcels owned by the applicant. Any lot line changes within a recorded subdivision requires an amended final plat.

### JUC Comments

1. **Public Works:** No comments
2. **Power:** No concerns
3. **Water:** No comments
4. **Streets:** No issues with lot realignment
5. **Sewer:** A separate lateral is needed for each unit. Another unit will need to be installed for Lot 41. Most likely lateral will need to be core drilled to the manhole
6. **Engineering:** Submit amended final plat for review.
7. **Fire:** Okay
8. **Cable/Phone/Gas/Water Conservancy/Parks:** No comments

### Staff Comments

1. The plat does meet amended final plat standards contained in [Utah Code 10-9a-608](#). Subdivision Amendments, updated in 2022. The following are the key items:
  - a. Depicts only the portion of the subdivision that is proposed to be amended
  - b. Includes a plat name distinguishing the amended plat from the original plat
  - c. Describe the differences between from the original plat.
  - d. Includes references to the original plat
2. The Final Plat needs a full review by the City Engineering Department for surveying details.

3. The public utility easement on the east and south property lines can be removed.



**Recommendation:** Staff recommends that the City Council review this application based on Hurricane City and State Code standards. Staff would recommend approval of this item subject to staff and JUC comments.





## **STAFF COMMENTS**

Table the discussion regarding the **maintenance of the park area behind the LDS Stake Center** at 677 S 700 West until further information is received

### **Discussion:**

President David Broadbent is meeting with the real estate division of the church and said they have to have legal look at the agreement. Plus it requires notice of 90 days to change the agreement with the church or the school so this just needs to get continued until April.

### **Findings:**

### **Recommendation:**

### **Attachments:**

None

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING TITLE 1, CHAPTER 4, SUBSECTION 5; TITLE 3, CHAPTER 11; TITLE 10, CHAPTER 3, SUBSECTIONS 4 AND 10; TITLE 10, CHAPTER 15, SUBSECTION 3; TITLE 10, CHAPTER 41; AND TITLE 10, CHAPTER 51 OF THE HURRICANE CITY CODE STANDARDS REGARDING TRANSIENT LODGING FACILITIES, SHORT-TERM RENTALS, AND ACCESSORY DWELLING UNITS.

WHEREAS the City Council of Hurricane, Utah has authority to adopt and regulate zoning and land use 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.

NOW, THEREFORE, BE IT ORDAINED BY THE HURRICANE CITY COUNCIL OF HURRICANE CITY, UTAH THAT Title 1, Chapter 4, Subsection 5; Title 3, Chapter 11; Title 10, Chapter 3, Subsections 4 and 10; Title 10, Chapter 15, Subsection 3; Title 10, Chapter 41; and Title 10, Chapter 51 of the Hurricane City Code 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.

BE IT FURTHER ORDAINED THAT:

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

[Seal]

Attest:

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

The foregoing Ordinance was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the \_\_\_\_\_ day of \_\_\_\_\_ 2023. Whereupon a motion to adopt and approve said Ordinance was made by \_\_\_\_\_ and seconded by \_\_\_\_\_. A roll call vote was then taken with the following results:



---

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

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Cindy Beteag, Recorder

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## Sec. 1-4-5. Civil enforcement.

The City may impose civil penalties for the violation of any requirement, regulation, ordinance, or other provision of this Code. When imposing a civil penalty for violation of any requirement, regulation, ordinance, or other provision of this Code, the City shall follow the procedure of this section. Civil enforcement of any violation is only one option for enforcement. Nothing in this section limits the City's ability to use criminal proceedings or other enforcement strategies authorized by state law and this Code in the resolution of code violations.

- A. *Notice of violation.* Upon inspection and discovery that any provision of this Code is being violated, the Planning Director, Chief of Police, Code Enforcement Officer, City Recorder, or other person designated by the City Manager shall provide written notice of the violation to the property owner as identified by the Washington County Recorder's Office. Written notice of the violation may also be provided to any other responsible party, if different from the property owner of record.
  - 1. The notice of violation shall:
    - a. Indicate the nature of the violation;
    - b. Order the necessary action to correct the violation;
    - c. Establish a reasonable time period for the necessary corrective actions to be completed (the "warning period"); and
    - d. State that the property owner and other responsible party (if any) will be subject to civil penalties if the violation is not corrected within the warning period.
  - 2. The warning period shall be the minimum time period reasonably necessary to correct the violation, given the nature of the violation and the amount of effort needed to correct the violation. The warning period could be as short as several hours or as long as several weeks.
  - 3. The notice of violation shall be delivered personally or mailed to the owner of record at the address shown on the records of the county recorder, or to a person designated, in writing, by the owner of record as the owner's agent for the specific purpose of receiving notice of an ordinance violation. The notice of violation may also be delivered personally or mailed to any other responsible party. Personal delivery or mailing of the written notice shall serve to start the warning period.
- B. *Civil citation.* If the violation remains uncorrected at the end of the warning period, the Planning Director, Chief of Police, City Recorder, or Code Enforcement Officer may issue a civil citation to the property owner and/or other responsible party.
  - 1. The civil citation shall be personally delivered or mailed to the property owner and/or other responsible party, as shown on the records of the county recorder.
  - 2. The delivery or mailing of the civil citation shall start the imposition and accrual of civil penalties. The civil citation shall state that civil penalties are being assessed to the property owner and/or other responsible party for each day the violation persists, beginning on the date the civil citation is personally delivered or mailed.
- C. *Referral to police department.* The Planning Director or Code Enforcement Officer may refer any violation to the Chief of Police for an immediate criminal enforcement action, as allowed by state law.
- D. *Daily violations.* If provided in the citation, each day a violation is continued or maintained after the date the civil citation is personally delivered or mailed is considered a separate violation and shall give rise to a separate civil penalty for each day of violation. The filing of an appeal does not stop the daily accrual of any penalty unless the civil hearing officer ultimately dismisses the citation.

- E. *Civil penalties.* A violation of any provision of this Code shall result in a civil penalty pursuant to the following schedule:

| Violation                                                                                        | Penalty          |
|--------------------------------------------------------------------------------------------------|------------------|
| Unlicensed short-term rental (see section 3-10-11)                                               | \$750.00 per day |
| Violation of short-term rental licensing standards (see section 3-10-11)                         | \$750.00 per day |
| Violation of zoning and licensing standards for Transient Lodging Facilities (see section 10-51) | \$750.00 per day |

- F. *Correction of violation required.* The payment of a civil penalty does not relieve the obligation to correct the violation. The property owner or other responsible party is required to correct the violation regardless of whether or not the civil penalty has been paid.
- G. *Citation appeal.* Any person who has received a civil citation and who wishes to dispute the violation may appeal the citation in writing to the civil hearing officer within 15 calendar days after the citation has been delivered or mailed. If a person who has received a citation does not appeal within 15 days, the right to an appeal is lost. In such case, the person shall be responsible for both correcting the violation and paying all applicable civil penalties.
- H. *Appeal procedures.*
1. The City Manager shall appoint the Civil Hearing Officer.
  2. The Hearing Officer shall adopt rules of procedure that govern the review and adjudication of civil citation appeals. Such rules shall provide a meaningful opportunity for the appellant to present evidence documenting one of the following defenses:
    - a. At the time of the citation and at all times ensuing, the alleged violation did not and does not exist.
    - b. At the time of citation, compliance with the subject ordinance(s) would have violated the criminal laws of the state.
    - c. Compliance with the subject ordinance(s) would have presented an imminent and irreparable physical injury to persons or property.
    - d. The violation and failure to correct the violation were both caused by a force majeure event such as war, act of nature, or civil disturbance.
  3. After reviewing the appeal, the Civil Hearing Officer may dismiss the citation only on a finding that one of the four defenses in paragraph 2 above applies to the appeal. If the hearing officer finds none of the defenses apply, the Hearing Officer shall uphold the citation and associated civil penalties. If the hearing officer upholds the citation, daily civil penalties shall continue to accrue after the hearing until the violation is corrected.
  4. If the Hearing Officer upholds the citation, the Hearing Officer may, in the interest of justice and on behalf of the City, enter into an agreement for the delayed or periodic payment of the civil penalty by the violator.
  5. If the Civil Hearing Officer upholds the citation, the hearing officer may partially or wholly abate the civil penalties for one of the following reasons only:
    - a. The violation was corrected promptly after the issuance of the civil citation and at the time of the appeal hearing the violation does not exist.



- 
- b. There has been a change in the actual ownership of the property where the violation exists since the time the citation was written, and the new owner is not related by blood, marriage, adoption, or common ownership to the prior owner.
  - I. *Late fees.* A late fee will be assessed for any unpaid civil penalty in instances where daily penalties are not accruing (such as when a violation has been corrected on the property but the civil penalty imposed by a citation for the earlier violation has not been paid, or when the violation was transitory and the unpaid civil penalty was only imposed for the period of time the violation existed). In such cases, a late fee equivalent to 25 percent of the civil penalty will be assessed 30 days after the date the civil citation is issued, or 15 days after the date of the appeal hearing, whichever is later. The property owner shall pay any late fee that is assessed in accordance with this section.
  - J. *Collection of civil penalties.* The City may file a civil action to collect any unpaid amount under this section. The violator and any responsible person shall pay for all costs of collection, including but not limited to attorney's fees and costs.

ALL DEFINITIONS BELOW REPLACE EXISTING DEFINITIONS; ALL PRIOR DEFINITIONS WITHIN SECTION 10-3-4 NOT INCLUDED BELOW SHALL REMAIN IN THE UPDATED CODE.

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 to provide long-term or short-term housing of any person not qualifying as the property owner’s Family, as that term is defined in this section. Each subordinate residential dwelling unit meeting this definition shall constitute a separate ADU regardless of how the units are configured or accessed. Guesthouses and casitas shall be considered an ADU when used for long-term or short-term housing of any person not qualifying as the property owner’s Family. An ADU may be internal, attached, or detached from the primary dwelling. All ADUs must meet the requirements of chapter 41 of this title.

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 in a residential or a commercial zone in which rooms may be rented to paying guests on a nightly basis and the breakfast meal is provided as part of the accommodation pursuant to the requirements of this chapter.

Boarding House means a building where not more than five guestrooms may be rented to no more than 15 guests on a nightly basis for compensation and meals are provided as part of the accommodation.

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.

Family means any one of the following who occupies a dwelling unit:

- A. One person living alone.
- B. Two or more persons related by blood, marriage, adoption, or other legal relationship living together as a single housekeeping unit; and up to two other

unrelated persons residing on the same premises where the housekeeping unit is located.

C. Two unrelated persons and the children of either of them.

D. Five unrelated individuals living together as a single housekeeping unit.

Hostel means an establishment in which people are lodged for less than a week at a time, excluding Short-Term Rental Complexes, Bed and Breakfast Inns; Hotels; and Motels.

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 an ADU not occupied by the full-time residents is used to house persons not qualifying as the property owner's Family on a short-term basis.

Residential Hosting Facility means a structure or any portion thereof being used for Residential Hosting.

Recreation Resort Short-Term Rentals means any dwelling unit used as a Transient Lodging Facility within the Recreation Resort Zone as governed by Hurricane City Code 10-26.

Short-Term Rental means a structure, room, or space that qualifies as a Transient Lodging Facility, but excluding Hotels and Motels.

Short-Term Rental Complex means any group of two to three Short-Term Rental units within commercial zones.

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, compensation, value, trade, or consideration 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, Short-Term Rental, Whole Home Vacation Rental, or Bed and Breakfast Inn.

Whole Home Vacation Rental means a form of a Transient Lodging Facility specifically classified as an entire single family residential structure that is located in a single family zone, is rented out on a short-term basis, and is not owner-occupied. Whole Home Vacation Rentals are

located in a single family zone as identified in Hurricane City Code chapters 10-13 and 10-14, are regulated on a per capita and unit separation basis by the Hurricane City Code, and are managed locally.



## CHAPTER 51. -Transient Lodging Facilities

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

The purpose of this chapter is to establish use and development regulations for Transient Lodging Facilities to ensure their compatibility with adjoining uses, particularly when located in a residential zone.

### **Sec 10-51-2 Definitions**

Terms and phrases used in this chapter are found in Chapter 3 of this Title.

### **Sec. 10-51-3. Management**

- A. Each Bed and Breakfast Inn, Boarding House, Hostel, Hotel, or Motel must maintain a management office on the premises at all times that is under the immediate supervision of a manager or attendant. The management office shall remain continuously open and staffed whenever guests are registered or present or when the facility is open to receive guests.
- B. Short-term Rental Complexes must have management located within Hurricane City boundaries and be available at all times to respond to complaints or issues related to the complex. A phone number for management must be posted within each unit and be given to the City with the business license application. Management shall inform the City if the contact phone number is updated.
- C. Residential Hosting Facilities shall be managed by the resident owner and meet accessory dwelling unit standards in Title 10, Chapter 41 of the Hurricane City Code.

### **Sec. 10-51-4. - Disclosure of available rooms.**

- A. 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 Short-Term Rentals, the total number of people the dwelling can safely accommodate:
  - 1. At the time of initial licensure or license renewal; and
  - 2. Within 72 hours of any change in the number of such available rooms or accommodation of guests.

### **Sec. 10-51-5. - Display of license; guest register.**

- A. Business license required. No Transient Lodging Facility shall be occupied or used until such time that the owner has obtained a business license in accordance with this section's provisions. 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 for Short-Term Rentals or Short-Term Rental Complexes. 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.

**Sec. 10-51-6. - 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.

**Sec. 10-51-7. - 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.

**Sec. 10-51-8. - 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. Short-Term Rental properties within residential and Recreation Resort zones may be occupied for longer than 30 days but must still comply with all Short-Term Rental regulations.

**Sec. 10-51-9. - Sanitary facilities.**

A. Each unit within a Transient Lodging Facility 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 that 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; and
- 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.

**Sec. 10-51-10. - 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. Each Short-Term Rental unit shall be inspected by the Fire Marshal or their representative each year prior to the renewal of the business license for the Short-Term Rental.

**Sec. 10-51-11. - 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.

**10-51-12 General Development and Maintenance Standards**

A. *Maintenance standards.* Any property that contains a dwelling which is licensed as Transient Lodging Facilities 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 area;
2. For Short-Term Rentals, 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.

B. *Prevention of noise, nuisance, or trespass at Short-Term Rentals.* The owner of any Short-Term Rental shall be responsible to ensure that guests or occupants 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.

C. *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 Rental:

1. A copy of the Short-Term 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 Short-Term Rentals.
5. The maximum occupancy of the Short-Term Rental and the maximum number of vehicles allowed.

D. *Miscellaneous rules and regulations.* The following rules and regulations shall apply to any property for which a Transient Lodging Facilities 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 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 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 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 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 Rental.

6. An inspection of a Short-Term Rental property for compliance with these regulations shall be performed prior to the issuance of a business license and shall be required each year before renewal of the business license. 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 Rental shall be required to collect and remit on a timely basis transient lodging taxes pursuant to Utah law.

**Sec. 10-51-13. - Whole Home Vacation Rentals and other Short-Term Rental Standards.**

- A. Regulations and restrictions imposed by this section are in recognition of the premise that a Short-Term Rentals provide 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 C of this section and total license limits listed in subsection D 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.
- B. *Business license required.* No dwelling in any permitted zone shall be occupied or used as Short-term Rental until such time that the owner has obtained a business license issued in accordance with the provisions of this section.
- C. *Conditions for issuance of a business license for a Short-Term Rental.* Issuance of a Short-Term Rental business license by the Business License Officer shall be subject to the following:
  - 1. A complete application for a Short-Term 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, have been built to meet building and fire codes for transient occupancy, and have 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 as a Residential Hosting Facility in accordance with the regulations for that use. A Whole Home Vacation Rental and a 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 Rental business license is sought shall not hold a business license to operate another Short-Term 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 or beneficial 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 Whole Home Vacation Rental license shall not be issued if there is another licensed Whole Home Vacation Rental property 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 Whole Home Vacation Rental license is being sought.

D. *Limit on the total number of Whole Home Vacation Rental licenses within single-family zones as contained in Title 10, Chapters 13 and 14 of this Code.* The total number of Whole Home Vacation Rental business licenses issued within single-family zones shall be limited in accordance with the following:

1. The maximum number of Whole Home Vacation Rental business licenses for properties in single-family zones to be issued shall be based on the City's total population, allowing three licenses for every 1,000 people of the 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 the 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 Whole Home Vacation Rental, the purchaser or transferee of the property is permitted to continue to use the property as a Whole Home Vacation Rental, but the purchaser or transferee 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 and ability to use the property as a Whole Home Vacation Rental will be forfeited, and the owner must reapply for any available license or be placed on the waiting list.

E. *Parking regulations.* The following parking regulations apply to property licensed as a Whole Home Vacation Rental:

1. No tenant, guest, or other person visiting a Whole Home Vacation Rental shall park on a public street.
2. Off-street parking shall be provided on the same lot as the dwelling that is licensed as a Whole Home Vacation Rental.
3. Off-street parking shall be provided at one vehicle per bedroom. Tandem spaces on a driveway may be used.
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 permitted for the occupants of a Whole Home Vacation Rental shall be restricted to the number of off-street parking spaces provided by the owner.
6. No tenant, guest, or other person visiting a Whole Home Vacation Rental shall park or allow to be parked recreational vehicles or trailers of any kind on the public street.
7. Owner shall supply a parking plan that complies with this section with the business license application.

## **10-51-14 Residential Hosting Facilities**

A. *Conformity with standards and business license required.* No Residential Hosting Facility shall be established unless:

1. The facility can meet the development standards of this chapter;
2. A business license has been issued in accordance with the regulations in title 3 of this Code;
3. Operation of a Residential Hosting Facility without a current City business license is considered a violation and each day of operation shall be considered a separate offense.

B. *Development standards; Residential Hosting Facilities.* The development standards set forth in this section shall apply to all Residential Hosting Facilities.

1. *Location.* A Residential Hosting Facility shall be located in a single-family residential structure deemed suitable for habitation.
2. *Number of Accessory Dwelling Units ("ADU").* Only one ADU may be used as a Residential Hosting Facility on any one lot, as those terms are defined in Title 10, Chapter 3 and Chapter 41 of the Hurricane City Code.
3. *Accessory Dwelling Units.* The use of an ADU for a Residential Hosting Facility shall be governed by this chapter, Hurricane City Code 10-41, and other applicable chapters.
4. *Guestrooms.* Rentable guestrooms shall be limited to not more than four bedrooms in the entirety of one ADU. The 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.

5. *Number of Bookings.* No more than one booking is allowed and no more than one party may occupy any Residential Hosting Facility at any one time.
6. *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.
7. *Meals.* If meals are offered, meals shall be served only to overnight guests.
8. *Landscaping.* Landscaping shall be provided and maintained to minimize impact on neighboring properties, to retain the residential character, and to provide a visual buffer for on-site parking in relation to adjacent properties and the street.
9. *Parking.* The following parking regulations apply to Residential Hosting Facilities:
  - a. Two off-street parking spaces shall be provided for the owner.
  - b. One space shall be provided per guestroom.
  - c. Off-street parking shall be provided on the same lot as the Residential Hosting Facility.
  - d. Tandem parking is permitted for one space only.
  - e. Off street parking may not be provided within the front yard setback other than the existing driveway.
  - f. No tenant, guest, or other person visiting a Residential Hosting Facility shall park on a public street.
  - g. The number of vehicles permitted for the occupants of a Residential Hosting Facility shall be restricted to the number of off-street parking spaces provided by the owner.
  - h. No tenant, guest, or other person visiting a Residential Hosting Facility shall park or allow to be parked recreational vehicles or trailers of any kind on the public street.
  - i. Owner shall supply a parking plan that complies with this section with the business license application.
9. *Signs.* Only one sign not larger than one foot by two foot in size may be used to advertise a Residential Hosting Facility. The sign may not be illuminated unless by a single down facing low wattage fixture.
10. *Street standards.* A Residential Hosting Facility shall be located on a street that meets fire code requirements.
11. *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 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. Provided, however, that a business license may be issued or maintained for a structure that was modified or constructed without a building permit if all applicable fines are paid and the Hurricane City Building Official is provided with adequate evidence to the satisfaction of the Official that the modification or construction was done in compliance with the building code and fire code.
12. *Other regulations.* A 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.



## **Sec. 10-51-15 Recreation Resort Units**

Recreation Resort Short-Term Rental units shall be subject to the provision of this chapter.

## **Sec. 10-51-16. - 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.

## **Sec. 10-51-17. - Penalty; suspension or revocation of license.**

### **A. Enforcement provisions.**

1. Any owner of any dwelling within the City who allows or permits occupation of said dwelling as a Short-Term Rental 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 for a Whole Home Vacation Rental as described in this chapter at the time of such violation, the business license application for said dwelling shall be removed from the waiting list and the dwelling shall not be considered for a Short-Term 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 Rental, thereafter operates or permits the operation of said Short-term 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 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 the

revocation of the business license for any Short-Term 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 Short-Term Rental business license for a period of one year.

B. In addition to the denial, suspension, revocation, or refusal to renew a license as outlined in this chapter, 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.

## 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 (“ADU”). These regulations are intended to ensure that limited use of ADUs allowed in a residential zone do not disturb the single-family residential character of a neighborhood.

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

The requirements of this chapter shall apply to all ADUs 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.

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

Only one ADU is allowed as a permitted use as listed in sections 10-13-3 and 10-14-3, except where a second ADU is allowed as a conditional use pursuant to Chapter 7 of this Title. ADUs shall be subject to the development standards of this chapter. Relevant definitions may be found in Chapter 3 of this Title.

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

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

- A. *Definition; setbacks and size.* An ADU 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 except that an ADU shall meet the same setbacks for primary units on side street sides.
- 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 a member of the Family of the property owner shall reside on the property as their primary residence as a condition for an ADU to be rented. For long-term occupancy, the property owner may live in the ADU or the primary building. Only the ADU may be used as a Short-Term Rental pursuant to chapter 51 of this Title.
- D. *Limit.* Generally, only one ADU may be established on one residential property. However, two accessory dwelling units may be allowed by a conditional use permit pursuant to Chapter 7 of this Title.
- E. *Entrance.* An ADU 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 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.
- G. *Secondary use.* An ADU shall be clearly incidental and secondary to the primary use of the dwelling for residential purposes.

- H. *Maximum size.* An ADU, if it is detached, must meet the size limitations for the zone or have been granted a conditional use permit.
- I. *Residential Hosting.* One ADU may be used per residential lot for Residential Hosting pursuant to Chapter 51 of this Title.

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

- A. Residential properties with ADUs 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 ADUs meet the development standards, a permit must be issued by the City for any use of the unit described in Section 3-9-2 or Chapter 51 of this Title.



## CHAPTER 10. - TRANSIENT LODGING FACILITIES

### Sec. 3-10-1. - Business License Required

- A. *Business license required.* No Transient Lodging Facility shall be occupied or used as a Short-Term Vacation Rental until such time that the owner has obtained a business license issued in accordance with the provisions of this section. A current, valid business license shall be posted in a conspicuous place in each Transient Lodging Facility.
- B. Business conditions shall be subject to the terms within this Title and Title 10, Chapter 51 of the Hurricane City Code.

## Discussion

The Mayor has asked the Planning Commission to consider an update to the Water Conservation section of the City Landscape Code. This allows Hurricane residents to qualify for grants and reimbursement programs by the state and the Washington County Water Conservation District. See the links below:

<https://conservewater.utah.gov/grass-removal-rebates/>

<https://www.wcwcd.org/conservation/rebates/water-efficient-landscape-rebate/>

To qualify, the City needs to update the standard on how much percentage of lawn is allowed in residential areas, namely up to 8% or 2,500 sq. ft. max.

Staff has also inserted a couple of other sections for the Planning Commission to consider regarding restricting new golf courses, water parks, lakes and ponds, and car washes.

Staff has also removed a section of landscape code about building frontage landscaping that staff was directed to no longer enforce a few years ago.



**AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH ADDING 10-32  
WATER CONSERVATION TO THE HURRICANE CITY CODE.**

**WHEREAS**, water is a limited resource within Hurricane City and Southern Utah; and

**WHEREAS**, the City has been given a stewardship over these resources; and

**WHEREAS**, City has previously adopted Ordinance No. 2020-13, codified in Section 8-1-10, imposing time of day water use restrictions and other water conservation measures;

**WHEREAS**, the City has determined that it is in the best interest of the health, safety, and welfare of the City's residents to adopt an ordinance further regulating certain landscaping to better conserve water; and

**WHEREAS**, the City wants to protect the rights of property owners within the City; and

**WHEREAS**, the City wants to maintain a high quality of life for those who live, work, and play within the City by allowing property owners to choose to take water conservation steps that meet their needs; and

**BE IT HEREBY ORDAINED** by the City Council of Hurricane, Utah that Section 10-32 of the Hurricane City Code to read as follows:

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

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

PASSED AND APPROVED this \_\_\_\_ day, February 2023.

Hurricane City

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

Attest:

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

The foregoing Ordinance was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the \_\_\_\_ day of February 2023. 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



## CHAPTER 32. LANDSCAPING AND SCREENING

### Sec. 10-32-1. Purpose.

The purpose of this chapter is to promote public health, safety and welfare by establishing minimum standards for the preservation, installation and maintenance of landscaping and buffering. This chapter is intended to achieve the following objectives:

- A. To improve the aesthetic appearance of development by establishing minimum landscaping standards;
- B. To promote water conservation by encouraging the use of drought tolerant landscape material; and
- C. To maintain and improve environmental conditions by providing groundwater recharge areas and minimizing stormwater runoff, noise and glare.

(Ord. 2004-15, 6-17-2004)

### Sec. 10-32-2 Definitions

The following definitions shall apply to this ordinance:

Active Recreation Area: An area that is dedicated to active play or other recreation purposes where grass may be used as the recreation surface. Examples of active recreation areas include sports fields, play areas, and other similar uses designated for outdoor activity.

Grass: A surface layer of earth containing irrigated grass ~~with its roots~~.

Hurricane Canal Company: A Utah non-profit corporation identified as the Hurricane Canal Company that provides secondary water to shareholders within the Hurricane City area.

Irrigation Plan: A plan that shows the components of ~~the~~an irrigation system, ~~including with~~ water meter size, backflow prevention, precipitation rates, flow rate, ~~and~~ operating pressure for each irrigation circuit, and identification of all irrigation equipment.

Landscape Area: Area within a lot, parcel, or development that is not the home footprint, driveway, sidewalk or patio. ~~Areas utilized for agriculture are not Landscaped Areas.~~

Landscape Plan or Planting Plan: A plan that clearly and accurately identifies the location and species of new and existing trees, shrubs, ground covers, and other plants on a site, and any other landscape element, and includes an irrigation plan.

Park Strip: A typically narrow landscaped area located between the back-of-~~bc~~urb and sidewalk.

Secondary Irrigation Water: Non-potable water that is untreated and used for irrigation of outdoor landscaping.

Secondary Irrigation System: A water system designed to deliver Secondary Irrigation Water to property for the purpose of irrigation of outdoor landscaping.

Water Park: ~~An outdoor~~ water play area designed for commercial ~~uses~~ or resort developments with enhanced water features, including but not limited to pools, slides, splash pads, spray grounds, lazy rivers, or similar recreational water related activities. Water Parks ~~are distinguished from pools or splash pads in that they contain multiple~~ water related features and are larger in impact.

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**Sec. 10-32-23. Scope.**

Unless exempted as provided in subsection B of this section, or otherwise specifically provided elsewhere in this title, the standards and requirements for a landscape plan according to this chapter shall apply.

- A. *Continuous maintenance.* Landscaping, buffering and site design features required by this chapter shall be continuously maintained as provided in this chapter.
- B. *Exemption.* The provisions of this chapter shall not apply to any agricultural use Public, civil, and commercial permitted uses in an agricultural zone are not exempt.

(Ord. 2011-11, 12-15-2011)

**Sec. 10-32-34. Landscaping plan.**

- A. *Information required.* Whenever a landscaping plan is required by this title, such plan shall demonstrate compliance with the provisions of this chapter and shall show the following information:
  - 1. Landscaping materials;
  - 2. Location and spacing of existing and proposed plantings;
  - 3. Plant sizes;
  - 4. Proposed treatment of ground surfaces;
  - 5. Irrigation or watering plan.
- B. *Visual obstructions.* Landscape plans shall conform to the visual obstruction requirements of subsection 10-37-9E of this title.

(Ord. 2004-15, 6-17-2004)

**Sec. 10-32-54. Deviation from strict compliance.**

- A. *Deviations authorized.* [Since Recognizing that](#) site conditions and development constraints may vary greatly among sites, the Planning Commission may approve landscape plans that deviate from strict compliance with the provisions of this chapter. Any proposed deviation from the requirements of this chapter shall be:
  - 1. Clearly identified on the proposed landscape plan; and
  - 2. Accompanied by a written description of the proposed deviation showing how the intent of this chapter will be met by the proposed plan.
- B. *Findings required.* The Planning Commission may authorize a landscape plan deviation only if it finds the deviation:
  - 1. Is consistent with the intent of this chapter;
  - 2. Is justified by site constraints; and
  - 3. Is of comparable quality to what would otherwise be required without a deviation.

(Ord. 2004-15, 6-17-2004)

**Commented [DH1]:** We need to clean up the applicability of the chapter. This section says that the chapter does not apply to single family dwellings. But, we want the water conservation section in the chapter to apply to new single family dwellings outside the canal company service area if they are connected to secondary water. I wanted to discuss before I started moving things around and making those types of changes.

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**Sec. 10-32-65. Required landscaping.**

- A. *General requirement.* Landscaped areas may include trees, shrubs, vegetative, organic and inorganic ground cover, and other organic and inorganic materials identified in an approved landscaping plan. All required landscape areas shall be occupied by plant material or ground cover.
- B. *Landscaping adjacent to a public street.* Except for approved driveways and pedestrian walkways, a landscaped area of ten-foot minimum shall be provided adjacent and parallel to the frontage of a public street as follows:
1. A ten-foot wide landscaped area on any commercial development.
  2. At least one tree and three shrubs shall be planted for every 35 feet of street frontage in a required landscaped area. Such trees and shrubs may be clustered, provided that no tree shall be within five feet of another.
  3. The slope of any earth berm shall not exceed a vertical to horizontal ratio of one to two and shall be treated with suitable ground cover to prevent soil erosion.
- C. *Parking strip landscaping.* All parking strips shall be landscaped.
- D. *Parking lot landscaping.*
1. Every parking lot consisting of more than ten spaces and 3,500 square feet of area shall contain internal landscaped areas as follows:
    - a. *Multiple-family residential.* A minimum of ten percent of total parking lot area.
    - b. *Office and commercial.* A minimum of seven percent of total parking lot area.
    - c. *Industrial and warehouse.* A minimum of five percent of total parking lot area.
  2. For every ten required parking spaces, or portion thereof, a minimum of two shrubs and one deciduous tree shall be provided within the internal parking area. The species of such trees shall be such that at maturity a tree canopy is provided to shade the parking area below each tree.
  3. Landscaped areas shall contain a minimum of 25 square feet and shall have a minimum average width of at least five feet.
  4. Landscape islands should be located in the following priority:
    - a. To define major drives and accessways;
    - b. To delineate ends of parking rows;
    - c. At aisle intersections; and
    - d. Within parking rows.
- ~~E. *Foundation landscaping.* Landscaping shall be provided adjacent to the wall of a building which has frontage on a public street as follows:~~
- ~~1. *At least 50 percent of the building frontage shall be landscaped; and*~~
  - ~~2. *The minimum width of the landscaped area shall be three feet.*~~
- F. *Landscaping in a multiple residential development.* Open space and common areas within a multiple residential development shall include a minimum of one tree and two shrubs per dwelling unit.

(Ord. 2011-11, 12-15-2011)

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#### **Sec. 10-32-67. Plant material standards.**

- A. *Plant characteristics.* Plant materials used to provide landscaping should be:
1. Drought tolerant;
  2. Have noninvasive growth habits;
  3. Have low maintenance characteristics; and
  4. Be commercially available.
- B. *Plant quality.* Plants installed pursuant to this chapter shall conform to or exceed the plant quality standards of the most recent edition of American Standard for Nursery Stock published by the American Nursery and Landscape Association.
- C. *Artificial plants.* No artificial plants shall be used to meet any standard of this chapter except by special permission of the Planning Commission.
- D. *Tree diameter and height.*
1. Trees planted to satisfy the standards of this chapter shall have a minimum caliper (diameter) of two inches measured at ground level.
  2. Evergreen trees planted to satisfy the standards of this chapter shall have a minimum height of four feet.
  3. Shrubs planted to satisfy the standards of this chapter shall have a minimum height of 18 inches at the time of planting.
- E. *Ground treatment.* Ground area within a required landscape area shall be landscaped and present a finished appearance upon completion of landscaping. Additional ground cover may consist of plant materials characterized by horizontal as well as vertical growth, generally not exceeding 18 inches in height. Up to 85 percent of additional ground cover may consist of inert material such as decomposed granite, gravel, crushed rock, bark chips, or other similar material. Porous landscape fabric shall be required under these types of ground cover.

(Ord. 2004-15, 6-17-2004)

#### **Sec. 10-32-87. Installation, irrigation, and maintenance.**

Any required landscaping shall be installed, irrigated, and maintained in accordance with the following standards:

- A. *Installation.* All landscaping shall be installed according to accepted nursery practices.
- B. *Verification of installation.* Prior to issuing a certificate of occupancy, the Zoning Administrator shall verify that [the requirements of this chapter have been met and the](#) required landscaping and screening has been installed in compliance with the approved landscape plan.
- C. *Irrigation.* Landscape areas shall be irrigated as necessary to maintain required plant materials in good and healthy condition, while at the same time avoiding water waste through inefficient irrigation.
- D. *Maintenance.* Landscape areas, including park strips, shall be maintained in a healthy, neat, and orderly condition as follows:
1. Landscaped areas shall be free of weeds and litter;

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(Supp. 1, Update 9)

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2. Landscape structures (e.g. walls, fences) shall be repaired or replaced in a structurally sound condition consistent with original appearance; and
  3. The City may require that any dead trees, shrubs and plants be replaced within the current or next planting season.

(Ord. 2004-15, 6-17-2004)

#### **Sec. 10-32-~~98~~. Substitute plant materials.**

The Zoning Administrator may approve installation of comparable substitute plant materials to satisfy the requirements of an approved landscape plan when approved materials are unavailable or when other unforeseen conditions prevent the use of materials shown on an approved landscaping plan. Any significant change to approved landscaping plans shall be reviewed and approved by the Planning Commission.

(Ord. 2011-11, 12-15-2011)

#### **Sec. 10-32-~~109~~. Temporary suspension of landscaping installation.**

During periods of adverse weather conditions or when plants and landscape materials are not available, the Zoning Administrator may issue a temporary certificate of occupancy, provided the landowner enters into an agreement with the City that requires the installation of required landscaping within a reasonable time.

(Ord. 2011-11, 12-15-2011)

#### **Sec. 10-32-~~110~~. Site feature buffering and screening.**

The following site features shall be screened as provided below:

- A. *Trash receptacles.* Trash receptacles in a multiple-family residential, commercial, public facility, business/manufacturing park, or professional office zone shall be screened from view by a wall or fence which:
  1. Is at least six feet in height;
  2. Provides complete visual screening of the receptacle; and
  3. Is compatible in material and color with the main building on the lot.
- B. *Permitted outdoor storage.* Outdoor storage areas permitted by this title shall be screened from view by an opaque fence or wall. Nonopaque fencing, such as powder or vinyl coated chainlink, may be used to satisfy this requirement in industrial zones if vinyl slats are inserted into the fence.
- C. *Ground mounted utility boxes, meters, and mechanical equipment.* Ground mounted utility boxes, meters, and mechanical equipment shall be screened from view by landscaping or architectural elements compatible in material and color with the primary structure(s) on the premises. This requirement shall not apply to:
  1. Rear and rear side yard locations adjacent to other service or mechanical areas not adjacent to a public street; and
  2. Development in agricultural and single-family residential zones.

(Ord. 2004-15, 6-17-2004)

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(Supp. 1, Update 9)

**Sec. 10-32-121. Water conservation.**

- A. Scope and Applicability. The standards of this section shall apply to all new construction and new development as set forth herein. ~~The standards of this section shall not apply to residential development in areas historically serviced by the Hurricane Canal Company and connected to a sSecondary Irrigation System. This section shall not apply to any new or existing agricultural uses in any zone.~~
- B. Commercial, industrial, and civic development. All new construction and new development in all commercial, industrial, and civic development in any zone, shall meet the landscape design standards and irrigation design standards of this section. ~~This section shall not apply to any new or existing agricultural uses in any zone.~~
1. Grass is not permitted outside of an ~~active~~ Active Recreation Area. In addition, grass is prohibited in all Landscape Areas less than eight feet wide and on any slope that exceeds 15 percent.
  2. Landscape and irrigation installers shall follow the plans that have been signed and approved by the ~~city~~City.
  3. Each project shall propose and follow an approved ~~P~~lanting ~~P~~lan of a Landscape Area with water-efficient shade trees and bushes adequate in number and configuration to visually enhance the project, prevent heat islands, and prevent soil erosion. Planting ~~P~~plans shall meet the minimum standards within this section.
  4. If City-provided ~~S~~secondary Irrigation ~~W~~water is available, each project shall connect to the system for all outdoor water use. The Planning Commission may make minor exceptions, allowing use of treated water for outdoor plantings in small beautification areas, in its sole discretion.
  5. Park strips. Grass is prohibited in all ~~P~~ark ~~S~~strips. Parks ~~S~~strips shall be maintained by the adjacent property owner unless otherwise maintained by an owners association. Park ~~S~~strips widths and landscaping shall count towards commercial and industrial landscaping frontage requirements.
- B. Residential development. All new ~~residential~~ construction and ~~new~~ development in ~~residential development~~ in any zone, shall meet the following landscape design standards and irrigation design standards: ~~of this section.~~
1. *Common areas.* If the development has a common area jointly owned and maintained by a homeowners association, grass in a common area is not permitted outside of an active recreation area.
  2. *Park strips.* Grass is prohibited in all park strips.
  3. *Controllers.* Water-smart irrigation controllers are required.
  1. 4. *Grass limitations for single family or two-family two-family dwellings.- Lawn area for single family or two-family dwellings must shall not exceed eight percent (8%) of the lot square footage, up to a maximum of two thousand five hundred (2,500) square feet of lawn area in new residential development.*
- For all single-family dwellings and multiple-family dwelling projects that contain private yards attached to a dwelling unit, the total grass area of each private yard associated with each lot shall not exceed the following:

| Lot size        | Maximum grass |
|-----------------|---------------|
| Up to 6,000 sf  | 1,500 sf      |
| Up to 12,000 sf | 2,000 sf      |
| Up to 18,000 sf | 2,500 sf      |
| Up to 24,000 sf | 3,000 sf      |

|                     |          |
|---------------------|----------|
| More than 24,000 sf | 4,000 sf |
|---------------------|----------|

C. Other Regulations and Restrictions

1. All new carwash projects shall utilize a water recirculation system
2. New exterior, decorative water features in common areas are limited to five features per subdivision or site. Each feature shall utilize a recirculation pump system.
3. New golf courses and expansions of existing golf courses are using any water supplied by the City, the Washington County Water Conservancy District, or a canal or irrigation company is prohibited.
4. The cCreation of artificial ponds, lakes, or Water Parks as part of new commercial, resort, or residential development using any water supplied by the City, the Washington County Water Conservancy District, or a canal or irrigation company is prohibited.
  - a. The City may approve a Water Park in a Recreation Resort development only by consolidating multiple pools or other recreation amenities to meet requirements in Hurricane City Code 10-26.
  - b. Improvements related to civic, stormwater facilities, and agriculture and livestock use are exempt from these provisions.

Commented [SN2]: Check wording.

(Ord. No. 2022-11 , 7-7-2022)

**From:** Karry Rathje Karry@wcwcd.org   
**Subject:** Meeting follow up  
**Date:** December 19, 2022 at 3:23 PM  
**To:** Nanette Billings billings@cityofhurricane.com  
**Cc:** Zach Renstrom Zach@wcwcd.org



Mayor Billings,

Thanks, again, for taking the time to meet with us today. We're so grateful for our well-established partnership with Hurricane.

As requested, we have 94 connections on the Kolob water system, 91 on standby. There are also some small water systems, dry parcels and parcels with their own wells in Kolob that are not currently connected to our system. In the Hurricane Valley Water system, we have 195 connections, 22 on standby.

We're happy to hear that your city council will be reconsidering your ordinance to meet the qualifications to participate in the Water Efficient Landscape Rebate. I'm attaching a copy of the board resolution that notes the ordinance must include the following:

- Prohibit non-functional grass in new commercial, institutional and industrial developments; and
- Limit grass to 8% of the lot size with a maximum allowance of up to 2,500 square feet in new residential developments

I have also mentioned to Mindy that you would appreciate receiving the agenda/board info prior to the meetings.

Please let us know if you'd like to take us up on our offer to meet with your staff and/or city council to discuss any desired topic related to water – we're happy to do this whenever desired.

Thanks,  
Karry



**Karry Rathje**

Communications & Government Affairs Manager  
Washington County Water Conservancy District  
P: 435.673.3617 | C: 435.668.5622 | wcwcd.org



2022-12-7 A  
RESOL...AM.pdf



**WASHINGTON COUNTY WATER CONSERVANCY DISTRICT  
A RESOLUTION ESTABLISHING CRITERIA FOR PARTICIPATION IN THE  
WATER EFFICIENT LANDSCAPE REBATE PROGRAM**

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WHEREAS, the Washington County Water Conservancy District is charged with conserving, developing, managing and stabilizing water supplies within the county in an ongoing effort to provide a safe, sustainable water supply for current and future generations;

WHEREAS, water conservation is an important mechanism for ensuring a sustainable water supply and is increasingly more important as undeveloped water sources are increasingly more scarce and expensive to develop;

WHEREAS, community landscape ordinances that adequately restrict outdoor irrigation are needed to help conserve water, and an establishment of criteria for such ordinances will help promote the district's water conservation objectives;

WHEREAS, the district is implementing a Water Efficient Landscape Rebate Program whereby it will rebate property owners for each square foot of grass removed and replaced with water efficient landscaping;

NOW THEREFORE, the Board of Trustees of the Washington County Water Conservancy District hereby resolves that:

- 1) Participation in the Water Efficient Landscape Rebate Program is limited to applications for properties in communities that have adopted landscape ordinances that meet the following criteria:
  - a) The landscape ordinance must prohibit non-functional grass in new commercial, institutional and industrial developments; and
  - b) The landscape ordinance must limit grass to 8% of the lot size with a maximum allowance of up to 2,500 square feet in new residential developments;
- 2) At present, the following communities have adopted landscape ordinances that conform with these criteria:
  - a) Ivins City
  - b) La Verkin City
  - c) Santa Clara City
  - d) St. George City
  - e) Washington City
- 3) When other communities adopt landscape ordinances that conform with these criteria, the general manager is authorized to accept applications for properties in those communities for participation in the Water Efficient Landscape Rebate Program; and
- 4) The general manager is authorized to establish other requirements for participating in the Water Efficient Landscape Rebate Program.

DATED this 7th day of December, 2022.

WASHINGTON COUNTY  
WATER CONSERVANCY DISTRICT:



Ed Bowler, Chairman of the Board

ATTEST:



Mindy Mees, Secretary

VOTING:

|                 |                                         |                             |
|-----------------|-----------------------------------------|-----------------------------|
| Ed Bowler       | Yea <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Adam Bowler     | Yea <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Chris Hart      | Yea <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Victor Iverson  | Yea <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Michele Randall | Yea <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Kress Staheli   | Yea <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Kevin Tervort   | Yea <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

To Washington County, Utah:

Mayors, City Council Members, City Managers, County Commissioners, Washington County Water Conservancy District, & SUHBA Members

***SUHBA Position Paper: Water Issues in Washington County***

The Southern Utah Homebuilders Association (“SUHBA”) has produced this position paper in response to the recent flurry of new and proposed water measures. Below is a relatively broad outline of our stance on the three main components of local water policy, as well as our comments on two specific items that are working their way toward adoption by some or all of the cities that are municipal customers of the Washington County Water Conservancy District (“WCWCD”). We do not comment herein on the several water bills being considered in this year’s state legislative session.

**Issue 1: Allocation of the Existing Water Supply**

1) *Policy Position.*

We wish to see the creation of a fair, intentional and orderly system for the prioritization of new water connections.

2) *Priorities.*

- a) Establish a common understanding of the **available supply of water** by clarifying the total amount of water reliably available from existing and readily developable sources, and the **amount of water currently being used in aggregate and per equivalent residential unit (“ERU”).**
- b) **Create a system for tracking the development pipeline across municipalities** to bring greater clarity to the match (or mismatch) between available water and prospective development.
- c) **Institute an orderly process for the allocation of the existing water supply**, including a fair and predictable procedure for the vesting of water service.
  - i) The method and timing of vesting should be based upon the expectation that **any reserved water service is utilized in a timely manner. The hoarding of water connections by way of a vesting “race to the bottom” must be prevented.**
  - ii) Variables that should be considered include: **the relative water usage of various competing land uses; the role and value of smaller projects and builders; and the feasibility and timing of prospective development.**

## Issue 2: Conservation

### 1) *Policy Position.*

We welcome the new emphasis on conservation. There are numerous measures that can be adopted or improved, however, individual tactics will yield widely varying results. **Focus should be placed on measures where water savings will be greatest.**

### 2) *Priorities.*

- a) Implement conservation best practices in all new development. See elsewhere herein for additional comments on this subject, including on the draft ordinance currently in the process of adoption.
- b) Regulation should apply the Pareto Principle (the 80/20 rule). **Focus policy on the relatively few measures that will yield the greatest water savings.** Avoid cluttering regulation with minutiae that create a significant administrative burden while providing little or no water savings.
- c) **Emphasize a normative approach geared toward improving freely made decisions rather than a prescriptive approach based on coercion and compliance.** Create more and better pricing feedback loops.
  - i) **Both at the time of its allocation and on an ongoing basis, the price of water should better reflect its marginal value.** Building types that use relatively more water should pay a higher impact fee than those that use less. Water rates should increase in a nonlinear manner, i.e. if the cost of  $X$  gallons of water is  $Y$ , then the price of  $2X$  should be greater than  $2Y$ .
  - ii) **Improve the transparency and usefulness of information available** to individual water users so they better understand the variables in their behavior that most affect water use. Accelerate the adoption of Advanced Metering Infrastructure.
- d) Conservation-oriented policies currently being considered by the WCWCD which we support include:
  - i) Tiered impact fees based upon typical water usage by a range of common building types.
  - ii) Creating a “conservation easement” opportunity by which a consumer can opt into a reduced (0.55 AF) water allocation with a punitive surcharge on water use in excess of the stipulated allotment.
  - iii) Rebate programs designed to encourage the widespread, voluntary conversion of ornamental lawn to xeriscape.



### Issue 3: New Sources

#### 1) *Policy Position.*

We continue to support the Lake Powell Pipeline as an expansion of Washington County's water supply and an alternative to relying solely on water sources from the Virgin River basin. **We also encourage the ongoing development of additional water capacity from sources over which we have greater local control.**

#### 2) *Priorities.*

- a) Expand and accelerate the **development of the secondary water system** (sources and distribution) in order to reduce the use of potable water for irrigation.
- b) Take the next steps in **exploring technological solutions** with the potential to significantly increase the amount of usable water available from the Virgin River.

### The Water Conservation Ordinance Applicable to New Construction

#### *General Conditions*

We attended the Water Summit in November 2021 and provided comments at that time in response to the conservation measures being considered. As we said then, we generally accept additional conservation-oriented regulation of new construction. We wish to be clear in our support of wise water management.

In fact, new residential construction already uses considerably less water across the board than was typical even a decade ago. New homes utilize indoor water very efficiently; beautiful, drip-irrigated xeriscaping has become commonplace; and smaller lots and multifamily homes comprise a larger share of new residential development than before. The cumulative impact is remarkable. Total countywide water consumption has remained relatively stable in recent years despite continued growth in tourism and permanent population. **The state of the art in new home construction has helped bend the demand curve for water and will continue to do so going forward.**

Unfortunately, while we accept additional regulation, the proposed ordinance is constructed in exactly the fashion we oppose: **rather than being focused on the few remaining areas that will yield large water savings, it is laden with minutiae that significantly increase administrative costs while providing little or no conservation benefit.**

We have also found the process lacking in transparency and stakeholder inclusion. As far as we can tell, the ordinance has been in the active drafting process for months, but we were not involved in

those deliberations at all. Instead, we were only provided a document once the language was substantially set in stone and its adoption set in motion.

### *Specific Policies*

**We support the installation of hot water recirculation systems, and the exclusive use of water-efficient fixtures and appliances.** We support the use of smart irrigation controllers. We support landscaping standards that emphasize shade trees and drought-tolerant plant species. We support ending the practice of placing turf in planter strips and on steep slopes. **We support a turf maximum on new residential construction,** however, we recommend indexing the allowance to lot or yard size (with a reasonable upper limit). We support applying conservation standards uniformly, including in HOAs and areas served by secondary irrigation water. We support accelerating the development of a secondary irrigation water system where feasible. We request that common sense be applied in the implementation of this strategy so that secondary distribution lines and meters are not required in locations that are not realistic candidates for connection to a secondary water system.

**We oppose conservation standards that are more stringent on multifamily building forms than single family.** This includes requiring the individual metering of multifamily homes. We oppose the mandatory landscaping of an entire yard prior to the issuance of a certificate of occupancy. We oppose a requirement of automatic pool covers. **(We strongly support efforts to make evaporation an educational point of emphasis so that pool owners are equipped to make better decisions as they design new pools and mitigate water loss from existing pools.)** In each case, our opposition is predicated on an assessment that the benefits fall well short of justifying the cost.

In analyzing the proposed ordinance, we searched for comparable regulations in Arizona and Nevada, and mostly came up empty. A notable exception was Las Vegas, which has adopted strict water regulations and makes them easy to find. Yet even compared with Las Vegas, the Washington County ordinance proposes several more stringent elements as applied to new residential construction. The landscaping standard for single family homes in Las Vegas allows up to 50% of the side and rear yard area to be turf with a cap of 5,000 square feet, which would equate to around 12-17% of the total lot size. We think that percentage range is about right, but the 5,000 square foot cap is too high. Las Vegas does not micromanage tree size or drip-irrigation design nor require automatic pool covers as part of their conservation mission.

### **City Disclaimer of Water Availability for Pending Development Applications**

Last week, St. George City adopted a temporary ordinance requiring that new development applications include a disclaimer of water availability. We understand the intent of the ordinance is to clarify the status quo as it pertains to the vesting of water availability: while land use vests earlier, there is currently no “guarantee” of water service until the impact fee is paid and a building permit is issued.

As discussed at greater length above, we endorse an intentional approach to the reservation of water connections so that all participants in the development process have sufficient predictability to make sound decisions relative to development activities which will span many years and entail the investment of many millions of dollars.

#### **Closing Statement**

We desire to be good community partners and a willing resource. We believe in the power of working together across institutional lines to address current and future growth-related issues.

Sincerely,

2022 Southern Utah Home Builders Association Board of Directors  
February 9, 2022

## CHAPTER 3: SINGLE FAMILY AND MULTIPLE FAMILY RESIDENTIAL WATER EFFICIENCY STANDARDS

These provisions are applicable to all new construction, and new development in any residential zone, or for any single family or multiple family residential development in any zone.

### -3-1: Construction Standards

- A. New single family or multiple family residential dwellings 1,000 square feet or greater shall install hot water recirculation systems, unless hot water delivery can be demonstrated to occur without first displacing more than 0.6 gallons of system water.
- B. New single family or multiple family residential dwellings shall install WaterSense labeled fixtures, including, but not limited to faucets, showerheads, toilets, and urinals.
- C. New single family or multiple family residential dwellings shall install Energy Star qualified appliances.
- D. All multiple family units with ground floor square footage or individually platted, shall be separately metered, submetered, or equipped with alternative technology capable of tracking the water use of the individual unit, and the information shall be made available to the resident of each unit. Individually platted condominium units are excepted if a property owners association owns and maintains the water lines and meters. All multiple family projects require separate water meters for all outdoor water usage, including landscaping.

### -3-2: Landscape Standards

- A. For all new residential construction or development, the landscaping shall meet the following requirements:
  - 1. Single Family Dwellings, and Multiple Family Dwelling Projects with Ten Units or Less:
    - a. The total grass area shall not exceed the following:

| Lot size            | Maximum grass |
|---------------------|---------------|
| Up to 6,000 sf      | 750 sf        |
| Up to 12,000 sf     | 1,000 sf      |
| Up to 18,000 sf     | 1,250 sf      |
| Up to 24,000 sf     | 1,500 sf      |
| More than 24,000 sf | 2,000 sf      |
    - b. In addition, grass is prohibited in park strips, all landscape areas less than eight feet wide, and on any slope that exceeds 15%; and



- 205 c. Each single dwelling shall have a minimum of two water-efficient shade trees  
206 with a minimum one-and-one-half-inch (1½") caliper trunk. Each multiple  
207 family development with ten units or less shall follow city approved landscape  
208 plans for number of shade trees.  
209

- 210 2. Multiple Family Dwelling Projects with More than Ten Units: Comply with the  
211 Landscape Standards in \_\_-4-2, below.  
212

213 **\_\_-3-3: Restrictive Covenants in Conflict with Water Efficiency Standards**

214 Any homeowners or property owners association governing documents, such as bylaws, operating  
215 rules, covenants, conditions, and restrictions that govern the operation of a common interest  
216 development, recorded after passage of this ordinance, are void and unenforceable if they conflict  
217 with the water efficiency standards in this ordinance, or if they have the effect of prohibiting or  
218 restricting compliance with this ordinance.  
219

220  
221 **CHAPTER 4: NONRESIDENTIAL ZONES AND DEVELOPMENT WATER**  
222 **EFFICIENCY STANDARDS**  
223

224 These provisions are applicable to all new construction and new development in all nonresidential  
225 zones, and nonresidential development in any zone.  
226

227 **\_\_-4-1: Construction Standards**  
228

- 229 A. Hot water recirculation systems shall be installed, unless hot water delivery can be  
230 demonstrated to occur without first displacing more than 0.6 gallons of system water.  
231  
232 B. WaterSense labeled fixtures shall be installed, including, but not limited to faucets,  
233 showerheads toilets, and urinals.  
234  
235 C. Energy Star qualified appliances shall be installed.  
236  
237 D. All shell units with ground floor square footage, or individually platted, shall be  
238 separately metered, submetered, or equipped with alternative technology capable of  
239 tracking the water use of the individual unit, and the information shall be made available  
240 to the individual unit. Individually platted condominium units are excepted if a property  
241 owners association owns and maintains the water lines and meters. All nonresidential  
242 projects require separate water meters for all outdoor water usage, including landscaping.  
243  
244 E. All carwash projects shall recirculate and limit the maximum amount of water to 35  
245 gallons per vehicle washed.  
246



247 F. Exterior, decorative water features are prohibited, except up to five decorative water  
248 features with 50 gallon or less capacity and maintained recirculating pumps.  
249

250 G. All golf courses using water district or municipal water supplies shall irrigate with  
251 secondary irrigation water and shall have separate water meters for the golf course.  
252 Irrigation with potable water is prohibited. Each golf course development shall submit  
253 and follow a water budget with the Landscape Documentation Packet and identify water  
254 conservation measures for city approval.  
255

256 H. Outside misting systems shall only operate during the May through August time period  
257 where the daily high temperature is 90 degrees Fahrenheit or greater.  
258

#### 259 **-4-2: Landscape Standards**

260

261 A. All new construction and new development in all nonresidential zones, and nonresidential  
262 development in any zone, shall meet the Landscape Design Standards and Irrigation  
263 Design Standards of this ordinance.  
264

265 1. Grass is not permitted outside of an active recreation area. In addition, grass is  
266 prohibited in park strips, all landscape areas less than eight feet wide, and on any  
267 slope that exceeds 15%. Note 15% is about a 4 to 1 slope  
268

269 2. Landscape and irrigation installers shall follow the plans that have been signed  
270 and approved by the city.  
271

272 3. Each project shall propose and follow an approved Planting Plan that has a  
273 minimum of 40% vegetative cover of a landscaped area with water-efficient  
274 shade trees and bushes adequate in number and configuration to visually enhance  
275 the project, prevent heat islands, and prevent soil erosion. The configuration of  
276 the vegetation in the Planting Plan is in the sole discretion of the city.  
277

278 4. If secondary irrigation water is available, each project shall connect to the system  
279 for all outdoor water use. A city may make minor exceptions, allowing use of  
280 treated water for outdoor plantings in small beautification areas, in its sole  
281 discretion.  
282

#### 283 **B. Required Documentation**

284

285 1. **Landscape Documentation Package:** A copy of a Landscape Documentation  
286 Package shall be submitted to and approved by the city prior to the issue of any  
287 building permit. A copy of the approved Landscape Documentation Package shall  
288 be provided to the property owner or site manager. The Landscape  
289 Documentation Package shall be prepared by a professional landscape architect  
290 (PLA) and shall consist of the following items:

## Proposed WCWCD landscape ordinance

Waterboards opinion of items chapter 3 CONSTRUCTION STANDARDS.

Please use the commonsense parts of the proposed landscape ordinance. Possible examples.

3- 1A Hot water recirculation systems make sense.

3-1 B Water sense fixture requirement, fixtures can easily be replaced after occupancy. Why not keep suggesting water saving devices and keep offering grants.

3-1 C Continue to offer grants based on energy star rating.

3-1-D Encourage outside water meters where feasible not mandated. One size does not fit all.

### 3.2: LANDSCAPE STANDARDS

3-2 A. Ease up on lawn restrictions, encourage lawn irrigation recirculation systems, the only loss is consumptive use and evaporation, made up by harvesting rainwater.

Encourage use of low water consumption grass varieties

3-2 B encourage low consumption water park strips

3-2 C Do not mandate types of plants and trees. Encourage low water use varieties using rebate grants. For the use of listed varieties.

### 3-3: RESTRICTIVE COVENANTS IN CONFLICT WITH WATER EFFICENCY STANDARDS

The board wanted to make sure existing homeowners association rules can be grandfathered or recognized. (Example the next phase of an existing development.)

## CHAPTER 4: NON-RESIDENTIAL ZONES AND DEVELOPMENT WATER EFFICENCY STANDARD

Most of this chapter seems to mirror the residential standards. Waterboards concerns were forcing owners to hire a landscape architect for design.

can the district create several designs, (Encourage use of recommended design using water savings data)?

Pressure regulation on landscape should be encouraged depending on water quality concerns. If secondary water is not clean it will plug pressure reducing valves.

Water sense labeled smart controllers irrigation controllers make sense, offer rebates

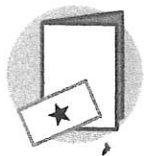
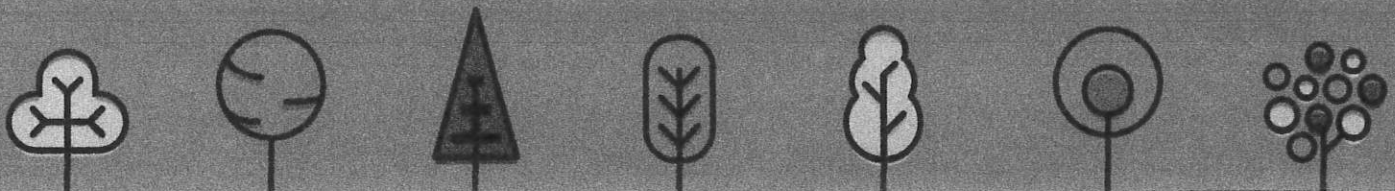
Encourage low flow volume irrigation equipment.

? should a standardized landscape ordinance include urbanized farming? What about Agriculture related residential zoning?

If all the shall references were removed from the ordinance there would be a good place to start.

NOTE: The districts draft ordinance is kind of like the ten commandments. The waterboard recommendations are kind of like the 10 suggestions. Hopefully there can be some common ground that does not appear we are dictating. If the landscape draft is approved as written, the cities will need to staff new departments to enforce all the new regulations.

# RECEIVE UP TO \$30 OFF ON SELECT TREES



Secure your coupon and information packet today by emailing your name and address to [julie@wcwcd.org](mailto:julie@wcwcd.org).

## QUALIFICATIONS

- Valid for the purchase of one (1) tree per property.
- Property must be located in Washington County.
- Tree must be purchased from a participating retailer between February 15 through May 1 or September 1 through December 1.
- The redemption value is \$30 (or less if the purchase price is less than \$30).
- Coupon only valid on select trees. Review the list of qualifying trees prior to purchasing.
- Trees must be 5-gallon or larger (15 gallon sizes are recommended).
- Coupon does not cover sales tax.
- Coupon is not transferable or redeemable for cash.
- Offer not valid on prior purchases.

## PARTICIPATING RETAILERS

### Star Nursery

1145 W. Sunset Blvd.  
St. George, UT 84770

385 W. Telegraph Road  
Washington, UT 84780

1335 S. Dixie Drive  
St. George, UT 84770

### Ballard's Nursery

691 N State St  
Hurricane, UT 84737

### Elim Valley Nursery

1825 South Flora Tech Rd  
Hurricane, UT 84737

### Sandia Nursery

4234 S Washington Fields Rd  
Washington, UT 84780

### Big Trees Nursery

240 N 100 E  
Kanarrville, UT 84742



This program is funded by the Washington County Water Conservancy District and Utah Community Forestry Council. This program's funding period ends May 1, 2022.



# QUALIFYING TREES:

| Common Name             | Scientific Name                         | Size (HxW) | Type           |
|-------------------------|-----------------------------------------|------------|----------------|
| Podless Sweet Acacia    | <i>Acacia farnesiana</i> 'Sierra Sweet' | 20'x20'    | Deciduous      |
| Sensation Boxelder      | <i>Acer negundo</i> 'Sensation'         | 30'x25'    | Deciduous      |
| Apple Serviceberry      | <i>Amelanchier</i> x <i>grandiflora</i> | 25'x20'    | Deciduous      |
| Common Hackberry        | <i>Celtis occidentalis</i>              | 60'x60'    | Deciduous      |
| Nettleleaf Hackberry    | <i>Celtis reticulata</i>                | 30'x30'    | Deciduous      |
| Western Redbud          | <i>Cercis occidentalis</i>              | 15'x10'    | Deciduous      |
| Desert Willow           | <i>Chilopsis linearis</i>               | 25'x15'    | Deciduous      |
| Cockspur Hawthorn       | <i>Crataegus crusgallii</i>             | 35'x35'    | Deciduous      |
| Arizona Cypress         | <i>Cupressus arizonica</i>              | 40'x20'    | Deciduous      |
| New Mexico Olive/Privet | <i>Forestiera neomexicana</i>           | 18'x12'    | Deciduous      |
| Kentucky Coffee Tree    | <i>Gymnocladus dioicus</i>              | 80'x55'    | Deciduous      |
| Golden Raintree         | <i>Koelreuteria paniculata</i>          | 40'x40'    | Deciduous      |
| Crabapple               | <i>Malus</i> spp.                       | 20'x20'    | Deciduous      |
| Texas Umbrella Tree     | <i>Melia azedarach</i>                  | 40'x40'    | Deciduous      |
| Wilson Olive            | <i>Olea europaea</i> 'Wilson'           | 25'x20'    | Evergreen      |
| Pinyon Pine             | <i>Pinus edulis</i>                     | 36'x20'    | Evergreen      |
| Alleppo Pine            | <i>Pinus halepensis</i>                 | 40'x70'    | Evergreen      |
| Stone Pine              | <i>Pinus pinea</i>                      | 40'x60'    | Evergreen      |
| Japanese Black Pine     | <i>Pinus thunbergii</i>                 | 20'x60'    | Evergreen      |
| Arizona Sycamore        | <i>Platanus wrightii</i>                | 50'x50'    | Deciduous      |
| Texas Honey Mesquites   | <i>Prosopis glandulosa</i>              | 40'x35'    | Deciduous      |
| Screwbean Mesquite      | <i>Prosopis pubescens</i>               | 15'x20'    | Deciduous      |
| Arizona Velvet Mesquite | <i>Prosopis velutina</i>                | 30'x30'    | Semi-Deciduous |
| Western Honey Mesquite  | <i>Prosopis glandulosa torreyana</i>    | 30'x20'    | Deciduous      |
| Texas Red Oak           | <i>Quercus buckleyi</i>                 | 50'x50'    | Deciduous      |
| Holly Oak               | <i>Quercus ilex</i>                     | 60'x60'    | Evergreen      |
| Burr Oak                | <i>Quercus macrocarpa</i>               | 80'x80'    | Deciduous      |
| Shumard Oak             | <i>Quercus shumardii</i>                | 40'x60'    | Deciduous      |
| Cork Oak                | <i>Quercus suber</i>                    | 70'x70'    | Evergreen      |
| Lacebark Elm            | <i>Ulmus parvifolia</i>                 | 40'x50'    | Deciduous      |
| Arizona Rosewood        | <i>Vauquelinia californica</i>          | 15'x20'    | Evergreen      |
| Japanese Zelkova        | <i>Zelkova serrata</i>                  | 50'x50'    | Deciduous      |

| <b>Year</b>         | <b>Residential</b> | <b>Growth</b> | <b>Commercial</b> | <b>Growth</b> | <b>Industrial</b> | <b>Growth</b> |
|---------------------|--------------------|---------------|-------------------|---------------|-------------------|---------------|
| 2021                | 3,835.00           | 0%            | 1,122.94          | 13%           | 126.03            | 6%            |
| 2020                | 3,826.81           | 19%           | 993.44            | 40%           | 119.17            | 14%           |
| 2019                | 3,224.54           | 0%            | 711.12            | 36%           | 104.7             | 4%            |
| 2018                | 3,234.62           | 5%            | 522.31            | 34%           | 100.44            | -32%          |
| 2017                | 3,087.16           | 9%            | 390.64            | 13%           | 147.49            | 100%          |
| 2016                | 2,835.11           | 9%            | 346.09            | 17%           | 73.65             | 74%           |
| 2015                | 2,598.82           |               | 295.5             |               | 42.4              |               |
| Average Growth Rate |                    | 7%            |                   | 25%           |                   | 28%           |



| <b>Institutional</b> | <b>Growth</b> | <b>Total (ACFT)</b> | <b>Growth</b> | <b>Population</b> |    |
|----------------------|---------------|---------------------|---------------|-------------------|----|
| 453.31               | -8%           | 5,537.27            | 2%            | 22307.9           | 8% |
| 492.71               | 3%            | 5,432.13            | 20%           | 20582.6           | 8% |
| 479.61               | -3%           | 4,519.98            | 4%            | 19038.2           | 6% |
| 495.93               | 2%            | 4,353.31            | 6%            | 18002.9           | 6% |
| 484.66               | 10%           | 4,109.94            | 11%           | 16987.9           | 8% |
| 440.15               | 32%           | 3,695.00            | 13%           | 15755.4           | 7% |
| 333.32               |               | 3,270.04            |               | 14694             |    |
|                      |               | 6%                  |               | 9%                | 7% |



# Recommended Ordinances to Extend Limited Water Supplies

Zach Renstrom | City Council Meetings | September 2021

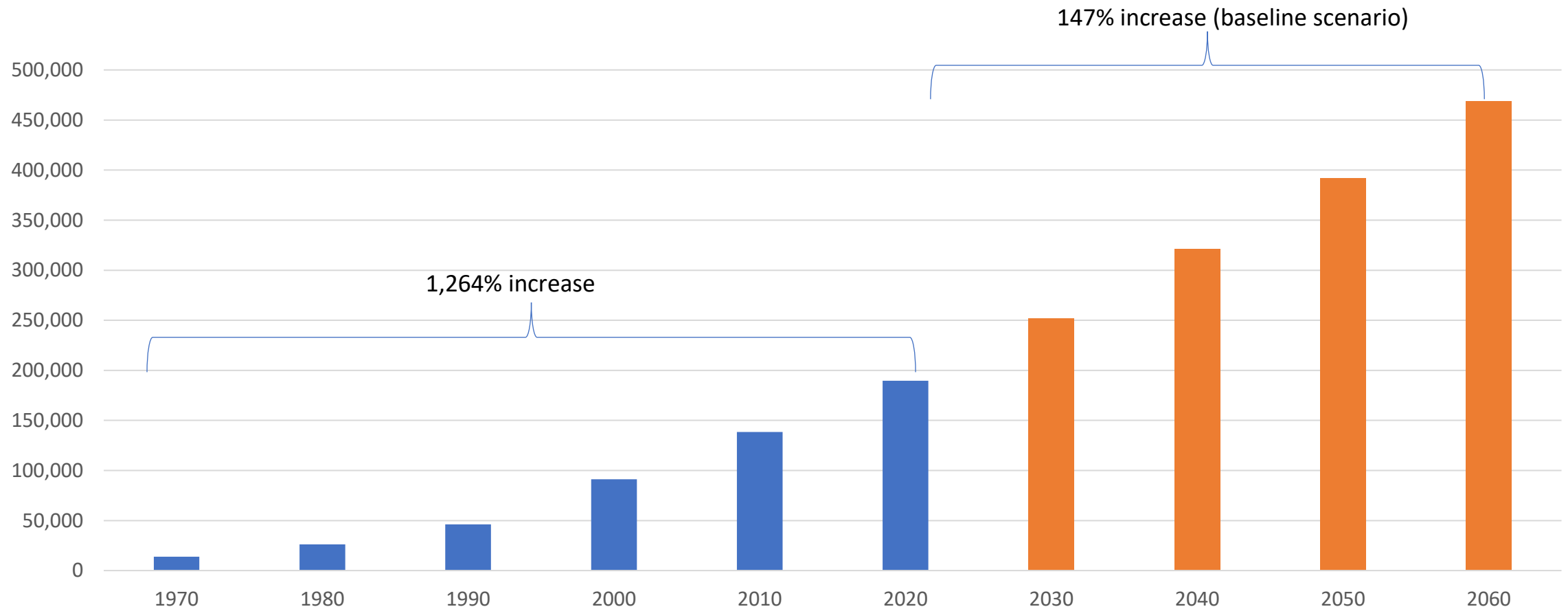
# Water Supply

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Washington County's major population centers are 100% dependent on the Virgin River basin, which is closed to further appropriations.



# Population Growth



Source: ■ U.S. Census Bureau, ■ Kem C. Gardner Policy Institute





# Water Conservation

---

- Washington County has decreased its water use by more than 30% since 2000
- First county to meet the statewide water conservation goal
- More than \$70 million invested in recent conservation efforts





# District Recommendations

---

- Time-of-day watering ordinance
- Water waste ordinance
- Water efficiency standards for all new construction



# Water Efficiency Standards

- Ongoing collaboration with all our municipal partners to ensure standards are consistent throughout the county
- Standards would apply to all **new** construction, including all homeowner association areas and those served by secondary irrigation water



# Residential Standards

Applies to all new residential construction, including single and multi-family housing



Two options:

Traditional  
Conservation

WaterSense  
Certified

# Residential Standards: Traditional

---

- Indoor requirements
  - Hot water recirculation system
  - WaterSense labeled fixtures
  - Energy Star appliances
  - Multi-family housing individually metered with the capability of tracking/reporting unit specific use





# Residential Standards: Traditional

- Outdoor requirements
  - Limit irrigated landscape area to 2,500 square feet, lawn to 750 square feet
    - Pools, spas and other water features count toward 750 square feet unless covered
  - Install landscape specific meters at each property
  - Use a minimum number of approved water-efficient trees and shrubs; irrigate with a drip system
  - Install water-smart irrigation controllers
  - Avoid lawn on park strips, slopes greater than 25% and areas less than 8 ft wide
  - Require pool covers
  - Secure city verification

# Residential Standards: Traditional Cost

---

| Conservation Measure                                                                                              | Average Cost | Anticipated Water Savings<br>(per gallon/year/home) |
|-------------------------------------------------------------------------------------------------------------------|--------------|-----------------------------------------------------|
| Hot water recirculation system                                                                                    | \$550        | 10,600                                              |
| WaterSense toilet                                                                                                 | \$0          | 1,900                                               |
| WaterSense faucet                                                                                                 | \$0          | 3,700                                               |
| WaterSense showerhead                                                                                             | \$0          | 2,800                                               |
| Energy Star dishwasher                                                                                            | \$100        | 400                                                 |
| Landscape modifications<br>(separate meter, smart controller and more efficient<br>landscape on 10,000 sq ft lot) | \$3,250      | 28,700                                              |
| Pool cover                                                                                                        | \$10,000     | 10,000                                              |

# Residential Standards: Traditional Concept





# Examples



10,300 sf lot



9,040 sf lot



# Large Lot Examples



18,500 sq ft lot



18,700 sq ft lot

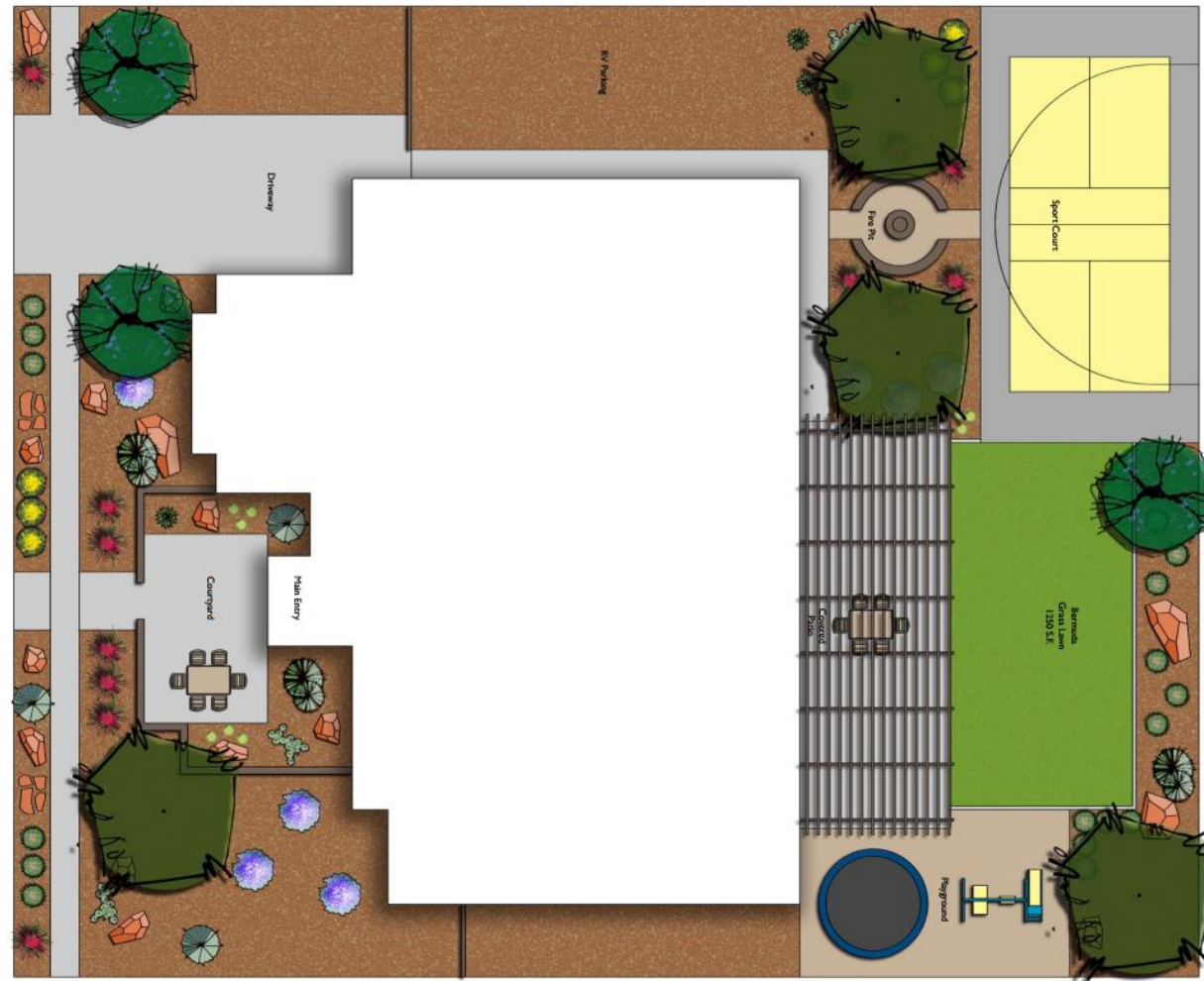




# Residential Standards: Certified

- Allows for greater flexibility
- Certification by approved verifier
- Additional costs

# Residential Standards: Certified Concept



22,000 sq ft lot

# Examples Requiring Certification



10,900 sq ft lot



18,200 sq ft lot



# Commercial, Institutional and Industrial Standards

- Indoor requirements
  - Hot water recirculation system
  - WaterSense labeled fixtures
  - Energy Star appliances
  - Submeter all units
  - Recycle pumps at carwash facilities



# Commercial, Institutional and Industrial Standards

- Outdoor requirements
  - Lawn prohibited unless a waiver is granted demonstrating a functional purpose
  - Install landscape specific meters at each property
  - Use only approved water-efficient trees and shrubs; irrigate via drip system
  - Install water-smart irrigation controllers
  - Enforce water budget and require use of secondary irrigation at golf courses
  - Prohibit decorative water features
  - Limit commercial misting systems for use from May – August
  - Secure city verification

# Feedback, Q&A

wcwcd.org  
info@wcwcd.org

# Conserving water and lowering overall temperature through landscaping

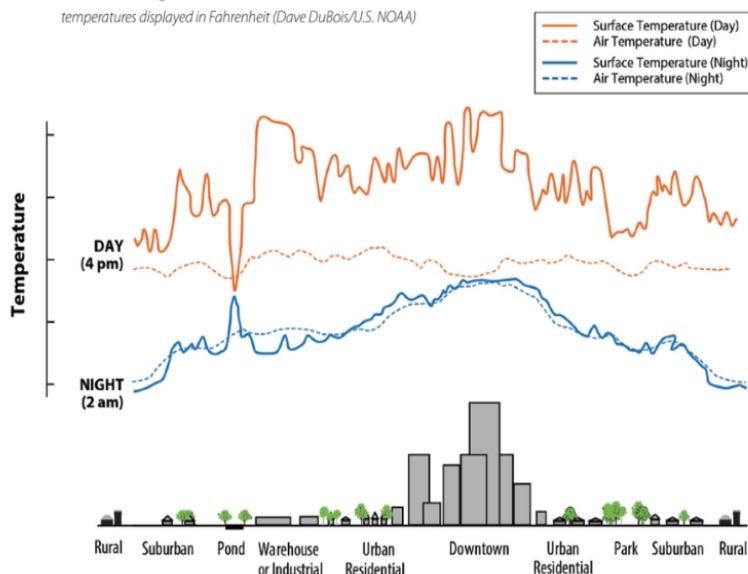
Landscaping in our community is necessary and vital to our communities overall quality of living. There is a large benefit to having trees and less of a need to push for grass to conserve water. Trees conserve more water and help our community more than just rock by lowering the overall temperature and working to keep humidity and moisture in our area.

## Tree Basics

- Absorb rainwater
- Absorb tailpipe emissions
- Provide UV protection
- Help reduce the effects of wind
- Increase property value
- Shown to slow down traffic
- Reduce the ambient temperature in hot weather



Figure 2.15. Thermal image (right) taken in Las Cruces, New Mexico, showing hotter areas in brighter colors with cooler areas in darker colors, with temperatures displayed in Fahrenheit (Dave DuBois/U.S. NOAA)



112  
gal per year

VS

96  
gal per year  
per sq ft



## Now What?

City Tree Booklet by WCWCD



Localscapes.com

StrongTowns.org

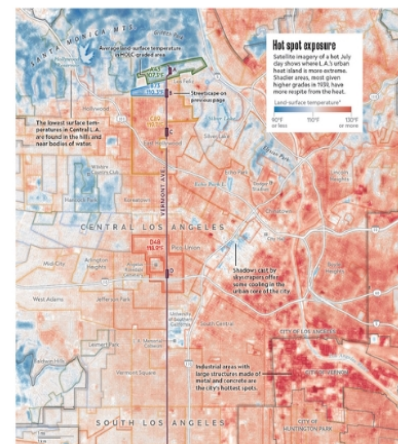


American Planning Association



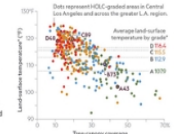
### AN URBAN CANOPY CAN HELP COOL A CITY

An effective urban forest has a variety of climate-related benefits. Trees, with large canopies and dense foliage, can help cool a city by up to 10°F.



### BUT SHADE CAN BE HARD TO FIND IN MUCH OF L.A.

As Los Angeles experiences more extreme hot days because of climate change, the urban canopy's capacity to lower temperatures can be a lifesaver. Today, however, L.A.'s tree canopy is mostly developed in areas where residents are more likely to be white and rich, in poorer neighborhoods that were redlined and neglected—and where there are still more people of color—this protection from deadly heat is missing.



| Lot Size | Lawn Area 8% | Lawn Area 15% |
|----------|--------------|---------------|
| 6,000    | 480          | 900           |
| 8,000    | 640          | 1,200         |
| 10,000   | 800          | 1,500         |
| 15,000   | 1,200        | 2,250         |
| 20,000   | 1,600        | 3,000         |
| 30,000   | 2,400        | 4,500         |
| 40,000   | 2,500        | 6,000         |



# **UTAH GROWING WATER SMART**

## **The Water-Land Use Integration Guidebook**

---

Ensuring a Prosperous Future and Healthy  
Watersheds Through the Integration of Water  
Resources and Land Use Planning

# ACKNOWLEDGEMENTS

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## Growing Water Smart Program

Growing Water Smart is a joint program between the Babbitt Center for Land and Water Policy, a Center of the Lincoln Institute of Land Policy and the Sonoran Institute. See [www.growingwatersmart.org](http://www.growingwatersmart.org) for information.

### Cover Photo Credit

Wayne Wurtsbaugh, Professor Emeritus, Utah State University



## PREFACE

### Utah Growing Water Smart

The Utah Growing Water Smart workshop brings key community staff and decision-makers on water and land use planning together to collaborate to help build a more resilient and sustainable water future. The workshop uses a range of public engagement, planning, communication, and policy implementation tools to help community teams realize their water efficiency, smart growth, watershed health, and water resiliency goals.

About the Utah Growing Water Smart partner organizations:

#### ***Utah Division of Water Resources***

The Utah Division of Water Resources is one of the seven divisions housed within the Department of Natural Resources. Tasked with Planning, Conserving, Developing and Protecting Utah's water resources, the Division earnestly strives to be Utah's water steward. It is our belief that we will meet the future water needs through a combination of multi-faceted solutions that include conservation, efficiency, optimization, agriculture conversion and water development. Such an approach will help us prepare, plan and sustain Utah's water future.

#### ***Babbitt Center for Land and Water Policy***

The Babbitt Center for Land and Water Policy, a center of the Lincoln Institute of Land Policy, seeks to advance the integration of land and water management to meet the current and future water needs of communities, economies, and the environment. The Babbitt Center develops tools and best practices to guide decisions through research, training, and partnerships for management of land and water resources. We recognize that water is the lifeblood of the American West and land use decisions are made every day that shape our water future. Coordination of these land and water use decisions is critical for ensuring resilient and sustainable communities.

#### ***Western Resource Advocates***

Western Resource Advocates (WRA) fights climate change and its impacts in order to sustain the environment, economy, and people of the West. Our team of policy experts, scientists, economists, and attorneys has a 30-year history of working where decisions are made, sweating the details, creating evidence-based solutions, and holding decision-makers accountable. This on-the-ground work advances clean energy, protects air, land, water, and wildlife—and sustains the lives and livelihoods of the West. WRA brings a unique set of skills, knowledge, relationships, and leadership to solving conservation issues in the West.

#### ***Utah State University's Center for Water Efficient Landscaping***

The Center for Water Efficient Landscaping (CWEL) at Utah State University is a research and outreach center designed to improve and optimize the efficient use of water for landscape irrigation. Our team conducts research in the areas of irrigation technology and management, plant water use and drought, water wise and native plants, sustainable turfgrass management, and urban water conservation. The Center also delivers Utah's Qualified Water Efficient Landscaper (QWEL) certificate training program, hosts a monthly "Water Well with CWEL" webinar, and is the home of the Water Check and WaterMAPS™ programs. The Center's overall mission is to promote water conservation through environmentally, socially, and economically sound landscape management practices.







## MESSAGE FROM UTAH GOVERNOR SPENCER J. COX

---

“Welcome, Growing Water Smart Workshop participants! Thank you for dedicating your time and energy to address such an important topic for our state. As you all know, Utah is facing immense challenges with our water resources. The extreme drought is causing us to think hard about where and how we can best use and conserve water. We also know that water conservation requires all Utahns to do their part, including all of you - who represent our growing towns, cities, and counties. Your participation in this workshop is essential to making our state more resilient by identifying ways to integrate water and land use planning—two vital and connected efforts in one of the fastest growing states in the country. These next few days will be a lot of work, but I have no doubt that the action plans you develop will put your communities on the path to a more sustainable water future.”

Wayne Wurtsbaugh, Utah State University, 2013





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Introduction

Utah faces a formidable challenge. We have the distinction of being among the driest states in the nation *and* one of the fastest growing. At the convergence of these two realities lies the challenge of providing a secure water supply for our growing population – projected to reach 6 million by 2065<sup>1</sup> – while maintaining the environment, the economy, and agricultural production.

The fragility of a secure water supply is evident today. In the summer of 2022, the [U.S. Drought Monitor](#) showed most of Utah in either the “Exceptional Drought” (most severe) category or “Extreme Drought” (second most severe) category for extended periods of time, with drought conditions persisting through the fall. The eastern and southwestern part of Utah lie in the Colorado River Basin, which is in crisis with reservoir levels declining and mandatory water shortages affecting users in the Lower Basin states. Most of the western and northern part of Utah lies in the Great Basin, where the Great Salt Lake has reached historic low elevation levels. This has led to fears over ecosystem, economic, and public health risks from the Lake’s decline. The exposure of large expanses of lakebed to wind storms can disperse toxic dust throughout the watershed and region.

While these conditions represent only a snapshot in time, Utah and other western states are experiencing the most persistent and driest conditions in recorded history. Nevertheless, many people remain optimistic that droughts will be short-lived, and that snowpack, rain, and soil moisture will return to “normal.” However, as we face a changing climate coupled with population and economic growth, we must build resiliency into our water and land use planning by taking immediate steps to adjust habits that contribute to growing water scarcity. We must also implement measures to support responsible and sustainable growth.

There is broad consensus that optimizing water use and reducing demand for municipal, commercial, institutional, industrial (M&I), and agricultural water is critical to ensure that Utah’s limited water supply can equitably meet the needs of people, agriculture, the economy, and the environment. However, the pathway to achieving substantial water conservation includes many challenges as well as opportunities.

One significant opportunity for reducing water consumption lies with integrating water use into land use planning. Too often, land use planning is undertaken independently of water use planning efforts, even though the two can and should inform one another. Traditionally, responsibilities for water resource management and land use planning have been siloed in different levels of government, departments, and management entities. The way that new development occurs, however, can have a major impact on municipal water demand, as well as the health of the communities and watersheds in which it happens. Land use planning that incorporates water use considerations can lead to a more sustainable urban design in terms of the built environment, urban ecology, and lifestyle patterns of cities and towns.

<sup>1</sup> Hollingshaus, M., M. Hogue, E. Harris, M. Bateman, M. Backlund, and E. Albers. 2022. Utah Long-Term Planning Projections: A Baseline Scenario of Population and Employment Change in Utah and its Counties. Kem C. Gardner Policy Institute. University of Utah.

Another significant opportunity lies in integrating land use considerations into water planning. This opportunity recognizes that the earth’s water cycle is a closed loop that circulates water between oceans, the atmosphere, and land via precipitation, drainage, and evaporation. Just as the natural environment treats water as a cycle, it is important that communities view their water supply, including wastewater and storm water, as interconnected and part of their larger watershed. Integrated Water Resource Management (IWRM) coordinates the development and management of water, land, and related resources, while maximizing economic and social benefits, and minimizing impacts on the environment. A key step in this process is to change institutional structures to strengthen the coordination and collaboration between water supply and wastewater managers, land use planners, economic development managers, and other community and regional officials.

National organizations of water and land professionals recognize the urgent need to integrate water and land use planning, policies, and management.<sup>2</sup> In 2021, the American Water Resources Association along with the Babbitt Center for Land and Water Policy, the American Planning Association’s Water and Planning Network, and the American Water Works Association issued a Findings Statement and Call to Action resulting from the Specialty Conference on Connecting Land and Water for Healthy Communities. The findings synthesize observations from conference participants about the reasons for and consequences of fragmentation between water and land planning. The call to action includes a set of guiding principles to aid land-water integration efforts.

**For additional information on the call to action:** [https://www.awra.org/Members/Publications/Policy\\_Statements/Connecting\\_Land\\_and\\_Water.aspx](https://www.awra.org/Members/Publications/Policy_Statements/Connecting_Land_and_Water.aspx)

Notable key stakeholder processes, authorities, and studies have advocated for the integration of land use and water planning in Utah, including, but not limited to the:

- Recommended State Water Strategy (2017)
- [Water Resources Plan \(2021\)](#)
- [Utah’s Coordinated Action Plan for Water \(2022\)](#)
- Utah’s Division of Water Resources [Conservation Programs](#) and [Integration of Water and Land Planning](#),
- Utah’s Division of Water Quality [Watershed Programs](#),
- [Great Salt Lake HCR10 Steering Group Recommendations to help maintain adequate flows to Great Salt Lake \(2020\)](#), and
- [Reports and studies](#) commissioned by the Great Salt Lake Advisory Committee.

This guidebook provides resources to bring water resource management and land use planning in line with one another. By doing so, Utah’s communities—regardless of their size or geographic location—can shift their focus from supply- to demand-side water management, promote

<sup>2</sup> Endter-Wada, J. L., Sternlieb, F., Church, S. P., & Stoker, P. 2022. Featured Collection Introduction: “Connecting Land and Water for Healthy Communities.” Journal of the American Water Resources Association, 58(3):313-318. <https://doi.org/10.1111/1752-1688.13042>

cooperation to enhance watershed health, and seek opportunities to implement integrated water and land use planning.

FOCUSING ON DEMAND-SIDE WATER MANAGEMENT

*Instead of making costly investments to increase water supply, communities increasingly are reducing demand for water by using existing supplies more efficiently.* A growing population can escalate the costs of operating local utilities, the need for enhanced and expanded infrastructure, and if the water supply is constrained, the cost of acquiring new sources. In the past, water resource managers and water providers turned to supply side management to meet growing demand by investing in water acquisition, treatment, and storage and distribution projects. However, these options come with a significant price tag and can be time and resource intensive. Recent and projected warming throughout the region also makes the availability and reliability of new supplies less predictable. An alternative to these costly investments is more efficient use of existing supplies. Increasingly, communities are turning to demand side management—an approach that seeks to reduce the demand for water. A demand side approach generally includes:

- **Water Conservation:** Encouraging water users to reduce how much water they use.
- **Water Efficiency:** Encouraging or requiring the use of technology, building, or site designs that use less water.
- **Water Reuse:** Treating or converting gray and black water to replace or augment water supply.

One particularly impactful demand side management strategy is the integration of water conservation, efficiency, and reuse into land use planning. Communities throughout the West have found that by increasing development density, utilizing technological efficiencies, and enacting aggressive conservation programs, they have been able to continue to grow without acquiring new water supplies. Water-smart land use planning can reduce the negative financial impacts of increased water demand through efficiency and conservation measures implemented prior to, during, and after building construction. The demand side management approach to water resources is also good for the triple bottom line of financial, social, and environmental outcomes. It increases the cost-benefit ratio of capital investments by using the same amount of water and infrastructure to serve more people per dollar spent, benefits the environment by balancing ecosystem and human needs, and ensures a more sustainable future for our communities through a more resilient and long-lasting water supply.

PROMOTING WATERSHED COOPERATION

*Every community lives within a watershed—a land area that channels rainfall and snowmelt to creeks, streams, rivers, and underlying groundwater aquifers.* The amount and quality of water in rivers, streams, and groundwater aquifers depend on activities in the land areas upstream from those sources. Water and land are connected through the geography and hydrology of watersheds, as are the people who use the water and land and share in the benefits and risks that their collective actions have on watershed health. For instance, the dwindling Great Salt Lake



Wayne Wurtsbaugh, Utah State University, 2022

lies at the bottom of its large watershed; cooperation within and between upstream communities is required to help secure its future.

Watersheds integrate natural terrestrial and aquatic ecosystems with human water and land uses. Tensions often exist between preserving the natural environment and developing land for residential, commercial, or industrial uses to house a growing population and promote economic growth. While degradation of land within a watershed comes with societal and environmental costs, careful management yields significant benefits. Holistically managed watersheds can store water supplies; reduce erosion and channel incision; increase infiltration into local floodplains and regional aquifers; reduce water treatment costs; and provide habitat, biodiversity, recreation, and aesthetic values. Healthy watersheds and resilient natural systems can also help communities cope with increasingly extreme weather events such as droughts, high temperatures, and severe wildfires.

Fortunately, many measures can be taken to maintain and improve watershed health, both for existing and future development. Factors such as residential lot size, housing density, water conservation measures, vegetation management and habitat protection, and storm water management all influence the health of a watershed and impact water quality and stream flows. However, to realize the benefits of such measures, communities located within the same watershed must cooperate and work together toward shared goals.

WATER AND LAND USE INTEGRATION OPPORTUNITIES

Utah communities are faced with the challenge of accommodating growing populations, supporting economic development, and maintaining or enhancing quality of life, all while managing increasingly variable and scarce water supplies, infrastructure challenges related to growth, and the impacts of land and habitat degradation.

Regionally shared risks of extreme weather and wildfires also make understanding the interconnectedness of water and land particularly urgent. Across Utah, communities have experienced record heat, devastating fires, dry soils, ongoing drought, and damaging floods, alongside recent health and economic impacts associated with the COVID-19 pandemic which, in some places, were exacerbated by limited access to safe and reliable water. These conditions have highlighted the need to act now to build community, economic, and environmental resiliency within communities and across regions and watersheds.

At the community level, each planning and regulatory mechanism guiding how and where a community develops provides an opportunity to consider how to better integrate water and land use with a view toward reducing future risks and strengthening resiliency. Potential points

of intervention to enhance land-water integration are described in Table 1. Determining how and where to intervene will depend on a community’s political motivation and capacity, the demand side management initiatives that have been implemented to date, and their water-saving goals. The vision and goals defined in general and master plans will guide opportunities in other elements of a local government’s water and land use policies and programs.

Table 1. Intervention points, tools, and their purpose for strengthening integration between water and land use.

| Point of Intervention                             | Tool                                                                                                                                                                                                                                                      | Purpose                                                                                                                                                                                                               |
|---------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Planning & Goal Setting                           | <ul style="list-style-type: none"><li>General Plans</li><li>Water Conservation Plans</li><li>Storm Water Management Plans</li><li>Capital Improvement Plans</li><li>Hazard Mitigation, Response, &amp; Recovery Plans</li></ul>                           | Evaluates local water supplies, current and future demands, and related community and economic values. Establishes goals and objectives for managing the intersection of natural resources and the built environment. |
| Development Policies                              | <ul style="list-style-type: none"><li>Zoning Ordinances, Subdivision Regulations, &amp; Planned Development Policies</li><li>Water Budgets</li><li>Demand Offset Programs</li><li>Building and Design Codes</li><li>Water Efficient Landscaping</li></ul> | Links new development to water supply planning. Determines the requirements applied to new development for water resource management, conservation, and efficiency.                                                   |
| Watershed Resilience & Water Smart Infrastructure | <ul style="list-style-type: none"><li>Watershed Planning for Resilience</li><li>Green Infrastructure and Low Impact Development</li></ul>                                                                                                                 | An integrated water resource management approach helps mitigate the factors that can degrade ground and surface water quality and quantity. Green infrastructure can support these efforts.                           |
| Water Conservation and Efficiency Tools           | <ul style="list-style-type: none"><li>Conservation Rate Structuring</li><li>Post-Occupancy Incentives and Educational Programs</li><li>Consumer Educational Messaging</li></ul>                                                                           | Empowers and incentivizes landowners and renters to reduce water consumption. Links community-wide programs to water supply planning.                                                                                 |



THE INTEGRATION OF WATER AND LAND USE PLANNING GUIDEBOOK

This workshop guidebook is intended to help your community identify the most appropriate actions related directly to land use that will help you achieve your community’s water resource management goals. It is divided into four sections.

Section 1: Planning and Goal Setting

Summarizes opportunities provided by integrating water and land use during planning processes for new and existing areas.

Section 2: Water Smart Land Use and Development Policies

Provides a review of policies and requirements that can make a community’s development pattern water smart.

Section 3: Watershed Resilience and Water Smart Infrastructure

Describes water smart infrastructure approaches that can protect watersheds, support vegetation and wildlife, recharge local floodplains, and provide community amenities and open space.

Section 4: Water Conservation & Efficiency Tools

Summarizes water conservation and efficiency tools for managing existing community water demands.

Each section includes:

- 1. An overview case statement that provides justification for each approach and the water saving impacts that can be expected.
- 2. Toolboxes of specific policy or management actions a community can take to achieve water conservation and efficiency outcomes for each approach.
- 3. Case studies that illustrate how Utah communities and institutions have implemented one or more of these tools to integrate their water and land use planning efforts.
- 4. Approaches and strategies for implementation of the tools and model policies.

The Growing Water Smart Resource Appendix at the end of the Guidebook provides resources for more information and will be updated as more resources become available.



Section 1: **PLANNING AND GOAL SETTING**

OVERVIEW

Traditionally, water planning and land use planning processes have been conducted in separate departments or agencies with different mandates and responsibilities. Land use planners have focused on how much and what type of growth may take place in their communities, while water resource managers have focused on ensuring adequate water availability.

Comprehensive land use planning, water planning, and capital improvement planning are all interrelated, however, and integrating them requires breaking down traditional planning and operational silos. Done successfully, an integrated water resource and land use management plan can ensure the following:

- A community’s vision for the future considers water and growth together.
- Plans for water resource management, community health, capital improvement, and economic development are consistent with both the community’s vision for future land use and its goals for sustainability and resilience.
- Development occurs in a way that protects watersheds, including ecological functions, and the quality and quantity of water supplies

Planning is a continuous process and includes developing and adopting written plans as well as a series of actions to implement, monitor and review, and update those plans. Current best practices in planning encourage collaboration among staff in various departments within a jurisdiction, partnerships with other jurisdictions, and robust engagement of all segments of a community to gather input from residents, community organizations, and private sector and non-profit groups and to build public support for the plans and their implementation.

Goal setting is an important purpose and component of a comprehensive planning process. A community’s future goals are generally shaped by its historical context, affected by current trends and issues that need to be addressed, and guided by its shared values and aspirations. A variety of collaborative processes can be used to create a future vision, define guiding principles, and set goals that will direct and guide community actions toward integrated water and land planning. Tools such as scenario planning are particularly useful for imaging and choosing between different community futures, offering communities pathways toward more sustainable alternatives in how they use and integrate water and land.

TOOLBOX: GENERAL PLANS

General plans, sometimes referred to as master plans, are required of municipalities in Utah and guide how a community will manage future land use and its implications for a wide variety



of functions, including transportation networks, parks and open space, natural resources, housing, economic development, and future infrastructure needs ([Utah Code § 10-9a-401](#)). *One of the greatest values of a general planning process is that it provides opportunities for a communitywide dialogue about the future.*

In 2022, the state legislature passed [Senate Bill \(S.B.\) 110](#), which amended the municipal and county Land Use, Development, and Management Acts to require municipalities (but not cities of the fifth class or towns) to include a water use and preservation element in their general plans by December 31, 2025. The legislation includes specific requirements on what the water use and preservation element must address and requires general plans to account for the effect of land use on water demand and to coordinate the general plan’s land use and water use elements.

S.B. 110 also directs planning commissions to consult with relevant public water systems and to consider regional water conservation goals, applicable municipal water conservation plans, and principles of sustainable landscaping. The planning commission must also make numerous water conservation-related recommendations to the municipal or county legislative body.

Through S.B. 110 in 2022, Utah joined several other states whose statutes require water as an element in comprehensive/general plans (Rugland 2022:19). Integrating water-related goals into one holistic plan or across plan elements ensures that the complex interrelationships between water systems, human systems, and ecological processes are considered together in relation to the land. General plans also offer an excellent educational opportunity for helping a community understand:

- Projections for future population and drivers of growth.
- The type and location of development occurring in the community.
- The source, capacity, and conditions of a community’s water supply, distribution systems, and water-related infrastructure.
- Adequacy, sustainability, and vulnerability of the water supply.
- Health conditions of the watershed in which the community is located.
- Current community programs and projects.
- Tradeoffs that may be involved in achieving the community’s long-term goals.

A general plan can also help a community identify opportunities to integrate water into traditionally land use-focused general plans by including goals for:

- Water supply and demand management.
- Wastewater treatment and disposal.
- Watershed processes and health.
- Floodplain and storm water management.
- Interagency coordination and collaboration.

Water-related goals and policies may arise in a variety of ways in different general plan elements. The most obvious is through inclusion of a water resources element. Examples of water resource elements include: (1) the known legally and physically available surface water,

groundwater and effluent supplies; (2) the total demand for water that likely will result from future growth projected in the general plan in addition to existing uses; and (3) an analysis of how projected future demand for water will be served by the identified water supplies or plans to obtain additional necessary water supplies.

Water resource elements leave significant room for exploring various approaches to securing and preserving community water supplies outside of the state’s regulatory roles (e.g., administering water rights and allowable uses, and permitting wells). A water resource plan element could, for example:

- Address concerns about sustainability of the water resource as part of the discussion of necessary water supplies.
- Evaluate conservation as a planning factor in demand modeling, among other things.
- Identify goals and approaches for coordinating and consulting among departments and with other relevant entities to secure and preserve community water supplies through a variety of approaches and authorities.

Water-related goals and policies may also arise in other plan elements, depending on the planning and development concerns and priorities of the community or municipality. Water resources considerations may also influence policies developed for environmental planning, cost of development, and other elements.

**TOOLBOX: WATER CONSERVATION PLANS**

Separate from general plans, the state requires water providers with more than 500 connections to submit a water conservation plan to the [Division of Water Resources](#) to comply with the state’s Water Conservation Act ([Utah Code § 73-10-32](#)). Providers with fewer than 500 connections may also submit plans for review, although they are not required. These plans describe existing and proposed water conservation measures that outline how water providers and the end users of culinary water will conserve water so that adequate supplies are available for future needs. The plans also describe measures that will enable the water provider to meet the state’s Regional Water Conservation Goals.

**TOOLBOX: STORM WATER MANAGEMENT PLANS**

The state’s [Division of Water Quality](#) also requires storm water management plans from communities to meet the requirements of the [Utah Pollutant Discharge Elimination System](#) (UPDES) permit system which is mandated by the U.S. Environmental Protection Agency’s [Clean Water Act](#). Utah’s Storm Water Program regulates storm water discharges from municipal storm sewer systems (MS4s), as well as industrial and construction activities, and operators of these systems may be required to obtain a UPDES permit before they can discharge storm water runoff that has the potential for delivering harmful pollutants into local surface waters such as streams, rivers, or lakes. This is an important mechanism for protecting water resources in the state because water sources with impaired quality may no longer be available for beneficial uses, effectively reducing available water supplies.

**TOOLBOX: CAPITAL IMPROVEMENT PLANS**

Capital Improvement Plans (CIPs) forecast and match a community’s projected revenues and its capital needs over a multi-year period. Planning departments, parks, public works, and water and wastewater utilities often rely on grants and bonds to invest in green and gray infrastructure improvements or new construction. By creating a long-term investment strategy for the infrastructure improvements identified in a general plan or water conservation plan, a CIP ensures that financial resources match community priorities and further water infrastructure that is resilient to climate change and other future scenarios.

**TOOLBOX: HAZARD MITIGATION, RESPONSE, & RECOVERY PLANS**

Hazard mitigation plans identify specific hazards likely to impact a community, including acute shocks such as wildfire or flooding, as well as long-term stressors such as drought. These plans identify pre-disaster risk reduction as well as post-disaster response activities. Planning should include determination of how hazards can impact water infrastructure and plans for reducing vulnerability and risks.

**TOOLBOX: SETTING THE FOUNDATION FOR STRONG PLANS**

Planning provides the roadmap for a community’s policies, programs, and regulations. Processes such as visioning, information sharing, data alignment, public education and engagement, and regional partnerships serve as the foundation for creating scientifically sound, publicly understood, and community-supported plans.

Land use and water departments often use different data sets and analysis methods in their decision-making processes, such as growth rates to inform future land use or water demand projections. Identifying the discrepancies and understanding the implications of different projection methods can help communities estimate the extent of uncertainty and error in results. Coordinating around these issues, sharing information, and looking for ways to align data sets and methods will promote consistency and mutual understanding across departments and lead to better decision-making.

**COMMUNITY ENGAGEMENT AND EDUCATION**

The support of community members and organizations is critical for integrated water and land use planning and implementation. Engaging in planning and goal setting provides people with opportunities to provide important feedback, learn from information provided during the process, and build a common understanding of how climate change and land use patterns are impacting water availability and quality. Education or training programs for staff, elected officials, and public stakeholders strengthen support for perspectives and strategies that incorporate water-saving measures into land use.

***Case Study: Salt Lake City Department of Public Utilities - Civic Engagement***

Contributors: Laura Briefer, Director and Stephanie Duer, Water Conservation Program Manager, Salt Lake City Department of Public Utilities

Salt Lake City is committed to and actively encourages civic engagement. Community outreach and equity and inclusion are high priorities of [Mayor Erin Mendenhall](#). The city has a [Civic Engagement Team](#) that facilitates best practices for public participation and works with city departments to build their civic engagement capacity. The city uses a variety of means for people to [get involved](#) (e.g., community councils, community action teams, boards, commission, internships, and community programs). Its [community outreach](#) efforts include Community Office Hours where people can talk to one of Mayor Mendenhall’s liaison team out in the community, translation of community documents and communications into different languages, community outreach newsletters, and many more informal means of engagement.

This city-wide platform for Civic Engagement is utilized by departments throughout the city. The [Salt Lake City Department of Public Utilities](#) (SLCDPU) is especially active and responsive in interacting with its customers, including residential, commercial, industrial, and institutional entities in Salt Lake City, eight other municipalities, and unincorporated areas of Salt Lake County. The city provides drinking water, manages flood control and storm water, and collects and treats wastewater. It engages with the communities and people it serves in the processes of planning, policy development, program delivery, and project implementation in all of these water service areas.

Laura Briefer, the Director of the Department, stresses the importance of public engagement. She establishes personal connections with the mayors and key staff in the communities they serve, and coordinates with them about activities like land planning and establishing rate structures. She also coordinates with a wide range of constituencies on state-level water issues such as drought management and the Great Salt Lake. As a result of integrating public engagement into their operations and capital improvement activities, the utility spent a long time working with the public to implement an ordinance prohibiting new commercial or industrial land use that consumes more than 200,000 gallons per day, the rebuild of the sewer treatment plant, and reconstruction of the Fourth Avenue Well in Memory Grove. Public engagement is invaluable in these processes and helps them to better serve their member cities.

SLCPU’s public engagement was critical during development of its [2020 Water Conservation Master Plan](#). Stephanie Duer, Salt Lake City’s Water Conservation Program Manager, organized a suite of public engagement activities that included giving presentations about the plan in various municipalities, utilizing social media, and soliciting public feedback in person and through an online survey. After this public engagement, the utility’s plan exceeded the state’s basic requirements for a water conservation master plan. It provides a good example of issue framing, articulation of conservation goals, data analysis, identification of conservation programs and practices to implement, and includes an ongoing public outreach and communication plan.

REGIONAL COLLABORATION AND PARTNERSHIPS

Some goals are attainable within a single governmental jurisdiction while others may require engaging in collaboration between jurisdictions and partnerships with regional organizations, the private sector and non-profit organizations. Adding partners and coordinating across jurisdictions can identify shared interests, expand resources, and result in coordinated action strategies with larger impact. Regional committees and partnerships can provide an opportunity for cross-jurisdictional planning around shared water resources. They offer a way for county, municipal, water district staff, and stakeholders to collaboratively study local and regional issues, define desired future conditions, evaluate potential paths forward, and partner on implementation.

Approaches for Setting Strong Foundations for Integrated Land-Water Planning

- Link water supply and demand to projected land use patterns in both general plans as well as water conservation plans for a more granular understanding of water use by land use type.
- Reference general plan goals and strategies in the establishment or update of associated land use policies.
- Meaningfully address water throughout the community’s general plan elements, as well as thoroughly in the water resources element.
- Link water supply and demand, conservation, and recharge priorities and policies across related plans—including storm water management plans—to address common resource concerns through a variety of approaches and authorities.
- Set aside land for water-related infrastructure, such as recharge basins and treatment and recovery wells, in future land use maps.
- Use capital improvement plans to ensure investments are made in the physical infrastructure needed for water management, such as treatment facilities and water reuse infrastructure, or in projects that manage storm water through green infrastructure, infill development, hazard risk reduction, and watershed restoration.
- Increase the strength of your plans with consistency requirements, which require that future plans and zoning codes be consistent with the comprehensive plan.
- Look for confusing or conflicting language, goals, policies, processes, or regulations and take steps to clarify and align them.

Section 2: WATER SMART LAND USE AND DEVELOPMENT POLICIES

OVERVIEW

Urban water demand is both a function of household size, income, and lifestyle habits, as well as how we plan, design, and maintain our communities, including their commercial, industrial and institutional sectors. When it comes to saving water, where and how we grow and build truly matters.

Efficiencies may be found in cluster development patterns and in the design of buildings, sites, and infrastructure systems, especially for urban irrigation systems and landscaping. We also know that:

- Higher density and cluster developments consume less water than other development patterns.
- Some residential land use types consume less water than others.
- High-performing, water-efficient plumbing and building standards contribute to community water savings.
- Newer appliances and plumbing fixtures are more efficient than older ones.
- Water-saving and climate-appropriate plantings, landscaping standards, and maintenance practices consume less and conserve more water.
- Households that conserve water save money for themselves and their water provider, while conserving water for other people and nature.

To use less water, the best development policy is to make water smart development the easiest and most incentivized type of development to build by:

- Promoting higher density and cluster development, especially where infrastructure already exists.
- Promote high efficiency, water efficient plumbing and building standards.
- Promote water saving and climate appropriate landscaping standards and maintenance practices.

TOOLBOX: ZONING ORDINANCES, OVERLAY ZONES, AND CLUSTER DEVELOPMENT

Zoning ordinances are often the cornerstone of local land-use planning and are effective tools that municipalities and counties have to conserve and promote public health, safety, convenience, and general welfare.

OVERLAY DISTRICTS/ZONES

Overlay districts are special zoning districts that modify the regulations applicable in an underlying zoning district. Overlay districts may overlay one or more underlying zones. They cannot be used to require a use permit that would otherwise be allowable in the underlying district, but they may be used to apply additional requirements for uses permitted on a conditional basis in the underlying zone.

Overlay zones add an additional “layer” that increases or modifies regulations to the existing zoning of a [particular geographic area](#). Though typically used to guide development in specific areas like central business and historic districts, overlay zones are also effective tools for [natural resource protection](#) and the preservation of other critical areas. For example, overlay zones may be used to protect [working farms and ranches](#), ridgelines, riparian areas, and groundwater recharge areas, to name a few.

Some notable overlay zones in Utah include the following examples from Lehi City:

Lehi City Jordan River Protection Overlay Zone: [www.lehi-ut.gov/wp-content/uploads/2013/09/Chapter-36-B-Jordan-River-Protection-Overlay-Zone.pdf](http://www.lehi-ut.gov/wp-content/uploads/2013/09/Chapter-36-B-Jordan-River-Protection-Overlay-Zone.pdf)

Lehi City Utah Lake Shoreline Protection Overlay Zone: [www.lehi-ut.gov/wp-content/uploads/2018/11/Chapter-36-Utah-Lake-Shoreline-Protection.pdf](http://www.lehi-ut.gov/wp-content/uploads/2018/11/Chapter-36-Utah-Lake-Shoreline-Protection.pdf)

CLUSTER/CONSERVATION DEVELOPMENT

While most water conservation and efficiency efforts related to land use have focused on outdoor watering and indoor plumbing fixtures, there are considerable benefits to encouraging more clustered development patterns. Water usage studies have consistently demonstrated that in urban areas, the largest consumption of water is by large-lot, single- family homes where most of the water consumed is used outdoors during spring and summer. Alternatively, higher density development can result in reduced water consumption. Research has demonstrated that developments between 3-8 units per acre achieve the most water reductions and that even small adjustments to development density can yield large water savings for [cities](#).

Promoting water-efficient land use patterns provides many benefits in addition to saving water. It can also support the more efficient use of existing infrastructure, protect other natural resources, promote walkability, control flooding, and enhance neighborhood or community vibrancy. Another significant benefit to clustered development is the preservation of larger tracts of agricultural lands and open space through easement, covenant, or deed restrictions.

STRATEGIES FOR PROMOTING CLUSTER DEVELOPMENT

- At pre-development review, make rezoning, annexations, and Planned Unit Development (PUD) applications conditional on meeting water conservation standards. For PUDs, this can

include requiring a meter at each connection within the development and that standards within PUDs are the same as the requirements for the public utility distribution system.

[Planned unit development](#) is a distinct category of conditional use that is intended to promote the efficient use of land and resources, promoting greater efficiency in public and utility services, preservation of open space, efficient use of alternative transportation and encouraging innovation in the planning and building of all types of development.

- Develop future land use plans that establish designated future growth areas, both infill and greenfield, where adequate infrastructure exists for accommodating growth at higher and/or more urban densities.

Infill describes the construction of buildings on urban lands. Usually, these lands have not previously been built upon. Greenfield development occurs on land that has not been previously developed for any purpose.

- Change the zoning code to permit smaller lot sizes and higher densities by right in designated districts.

Zoning code is considered “by right” if the approvals process is simplified and projects receive approval without a discretionary review process, having met required zoning standards.

- Reduce or remove development standard barriers to cluster development, such as parking requirements, minimum lot sizes, and lot setbacks.
- Add height limitations to limit cooling towers and the associated water demand increases.
- Change zoning code to permit multiple types of residential development (e.g., multiplex, townhomes, apartments, accessory dwelling units) by right in designated growth areas to provide a diversity of housing options.

Accessory dwelling units are smaller, independent residential housing units located on the same size lot as single-family residences.

- Change zoning code to permit cluster and mixed-use development by right in designated growth areas.
- In exurban and rural areas, change zoning code to permit and incentivize cluster and conservation development by right.
- Manage commercial uses by making water-intensive uses, such as canning and bottling plants, data centers, etc., conditional instead of by right. Issue permits based on standards to meet water conservation and efficiency standards such as water recycling.

By code, Salt Lake City prohibits commercial and industrial uses of water that exceed 200,000 gallons per day ([Salt Lake City § 21A.33.010](#)). The ordinance was developed in response to ongoing drought conditions and the potential for water-intensive industries such as bottling plants and data centers relocating to the city.



- Provide incentives for increased densities using development or utility fee reductions/ waivers and density bonuses for developers.

## TOOLBOX: WATER BUDGETS

A foundational element of water supply planning is the development of a water budget—an estimation of water flows into and out of a system. Water budgets can be applied at various scales: to a single home, to a development, to a single water provider, or to a local government with multiple water providers. At development planning stages, calculating a water budget for buildout can allow a community to carefully craft a vision within the constraints of its anticipated water supplies.

Like financial budgeting, every line item of water supply and demand should be accounted for in water budgeting, and tradeoffs and opportunity costs should be carefully considered in planning for and managing water resources. For instance, such a budget provides guidance for evaluating water demand at the development or site scale. A community that adds water budgets to development review processes and site plans optimizes site performance, conformance with the community’s vision, and stewardship of the overall water budget for buildout.

### APPROACHES FOR DEVELOPING A WATER BUDGET

- Examine and tailor calculation methodology. The state has developed a [water budget model](#) to estimate water budgets at the state and basin level for planning purposes and basin level budgets may be used by counties for planning purposes. The information is used to formulate plans for conservation, demand reduction, repurposing of water use, inter-basin transfers and other planning activities and may provide a basis for smaller-scale water budgeting.
- Align methodologies and data sources across departments and communities. Different departments or water providers may use disparate data sources or methodologies. Communities that compare and coordinate data and information build a mutual understanding, improve communication, and reduce uncertainty in their projections.
- Connect water billing and actual land use data using GIS. Granularity and accuracy of estimations inform rate structuring and advance efficiency programs. This approach helps communities better understand how a rezoning proposal could impact water demand. It also helps them understand and compare the water use patterns and trends of different land uses and densities.
- Shift units of demand measurement to account for density. Moving from a *per-acre* scale to a *per-unit* or *per-square-foot-of-building-area* scale can help account for increasing density in residential and commercial developments.
- Utilize water budgeting to set maximum amounts for use on outdoor landscaping. A landscaping allocation allows a developer to select plant materials that require watering in amounts at or below the total amount of water budgeted.



(Water Feature) is by Todd Stonely 2022

## TOOLBOX: DEMAND OFFSET PROGRAMS

Water demand offset programs require new development to offset projected water demand either through water conservation in existing development or transfer of water rights. The goal is to have all new development, including the expansion of existing homes or businesses, be “water neutral” in the water supply system. Some communities provide an in-lieu fee alternative. This concept can also apply to offsetting energy, wastewater, air quality, historic preservation, or watershed health impacts.

### APPROACHES FOR MANAGING A WATER DEMAND OFFSET PROGRAM

- Establish an authority to monitor and administer the program.
- Determine the offset ratio. A ratio of 1:1 will maintain the current water supply and demand balance, and a 2:1 mitigation ratio will reduce the ratio of demand relative to supply. Wastewater reclamation projects are more reliable and are given a 1:1 offset value, and supplies created through demand management are considered temporary and are given a 2:1 ratio.
- If fee-based, ensure the charge reflects the costs of implementing the offset as well as administrative costs. Costs of developing new supplies are borne by the entity needing to offset demand. Fee schedules can be a flat rate or based on a percentage.
- Require verification of sufficient water supplies and water budgets. Work completed by developers must include documentation and verification by local program administrators.
- Consider the timing of the offset fee payment to allow enough time to procure supplies with those fees by the time the new demand is created by the development.
- Promote infill development by giving priority access for new water supplies to new demands within the existing service area boundary. Consider maximizing development opportunities within the target area before approving development in new regions.

**Case Study: Water Demand Offset Program, Santa Fe, NM**

Case study reprinted from the Sonoran Institute’s Growing Water Smart: The Water-Land Use Guidebook for Colorado (2021).

The City of Santa Fe, New Mexico began a Water Conservation Program in 1997 that has contributed to a per capita water use reduction of more than 50% since 1995 bringing demand down to 56 gallons per capita per day (GPCD).

A 2002 drought caused the City’s demand to exceed supply. The City took aggressive action initiating a rate structure increase, a rebate program, and a water demand offset program. Their water demand offset program gained national recognition demonstrating its effectiveness as a way to meet future demand. The program set requirements for all new development to offset water demand either through conservation in existing development or transfer of water rights to the City. The requirements are:

- For residential development requiring under 10 acre feet/yr and commercial development requiring under 5 acre feet/yr, the water demand offset could be met through conservation;
- For new development requiring greater than this demand, water rights would be required to offset new demand. To help developers offset demand, the City developed a toilet retrofits program.

The program connected willing homeowners who desired a retrofit to developers who could either buy credits from a qualified broker or do it themselves.

This program was so successful that the City nearly maximized its conservation potential. In response, the City updated its water demand offset program. The program includes the creation of a water bank to hold conservation credits for future development and a Water Conservation Credit Program. This program includes:

- The addition of rebates for more types of water use efficient appliances or retrofits of older ones and for outdoor watering equipment;
- A water budget program where a water user enters into an agreement to use less water and the City monitors the usage and pays the customer for the reduction in use; and
- A “free stuff” program including low-flow faucet and shower heads.

The water demand offset program applies to commercial projects that require 5 acre-feet per year (AFY) or more, residential projects that require 10 AFY or more, and mixed use projects that require 7.5 AFY or more.

**TOOLBOX: BUILDING AND DESIGN CODES (PLUMBING, BUILDING EFFICIENCY, & GRAYWATER STANDARDS)**

Reducing indoor water use in residences and businesses can be accomplished through water efficiency standards for indoor plumbing fixtures. These standards are important for managing long-term water demand because fixtures installed today will likely last 20-30 years and have the potential to require higher water use during that time. Utah’s maximum flow rates for indoor plumbing fixtures are comparable to federal standards in some instances, but higher

than Environmental Protection Agency (EPA) WaterSense product standards. Currently, WaterSense labeled products are not legally required to be installed by new development in Utah. However, local jurisdictions may incentivize water-efficient plumbing in local ordinances and in retrofit programs.

Table 2. Water efficiency standards comparison.

|                     | Utah Statutes                | Federal Standards  | E.P.A. WaterSense Products |
|---------------------|------------------------------|--------------------|----------------------------|
| Residential Toilets | 1.6 gallons/flush            | 1.6 gallons/flush  | 1.28 gallons/flush         |
| Bathroom Faucets    | 2.2 gallons/minute @ 60 psi* | 3.0 gallons/minute | 1.5 gallons/minute         |
| Showerheads         | 2.5 gallons/minute @ 80 psi  | 2.5 gallons/minute | 2.5 gallons/minute         |

*STRATEGIES FOR PLUMBING FIXTURES AND BUILDING EFFICIENCY STANDARDS*

- Use green plumbing codes as a guide or adopt a green plumbing code requiring high-efficiency faucets, showerheads, and toilets in the plumbing code.

Green plumbing codes supplement the [Uniform Plumbing Code](#) or the [International Plumbing Code](#) in an effort to encourage sustainable construction practices. There are currently two organizations leading the development of green plumbing codes, the [International Code Council](#) and the [International Association of Plumbing and Mechanical Officials](#).

- Adopt building code standards that permit the use of water recycling systems.
- Adopt building code standards for the submetering of multifamily units.
- Incentivize the replacement of less-efficient toilet and faucet technologies with water efficient ones through rebates or replacement fixture programs.
- Create incentives for developers to receive lower impact fees for meeting water efficiency standards that go beyond requirements of the building code.
- Link impact fees to water budgets to guarantee that the low demands projected when impact fees are paid will be realized over time.

In response to drought, the Utah Water Quality Board adopted a graywater rule in 2004. However, the initial rule was very restrictive and was revised in 2020 to allow simple gravity-fed systems and expanded application to include multi-family and commercial properties. [Utah Code § R317-401](#) defines graywater and places authority for administration with local health departments that may or may not permit graywater systems and use. Where permitted, systems must be designed by a certified professional.



TOOLBOX: DEVELOPMENT REVIEW PROCESSES

The development review process encompasses all the procedures necessary to ensure development applications meet a community’s land use regulations. Communities’ development review processes vary slightly but engaging water providers in the process is an important strategy for integrating water and land and can support water resilient outcomes.

APPROACHES FOR INTEGRATED DEVELOPMENT REVIEW

- Document the development review process. Identify opportunities to add water conservation managers and include other sustainability or resilience experts to the land review process to identify and resolve water-related challenges or opportunities.
- Promote collaboration and build relationships between water and land professionals through regular meetings that maintain a shared understanding of the community’s strategic vision and priorities.
- Ensure that water-related compliance challenges are addressed and alternative approaches are considered early by involving water managers at pre-application and preliminary plat review meetings.
- Seek review and agreement from water resource departments on final approval of land use decisions.
- Ensure that a development is built, operated, and maintained as stated in the proposal by training site inspectors to recognize and enforce compliance on water-efficient design elements.
- Shape development agreements or planned unit developments (PUDs) to include water efficiency standards, alternative water use, and watershed protection efforts.
- Integrate low-impact development design recommendations into the site planning review.
- Use connection charges, such as impact and other fees, as incentives to guide development to areas with existing or planned infrastructure. Connection charges can reflect water budgets and allocation policies.
- Promote voluntary, incentive-based programs to implement creative plat designs with open space, water-use offsets, and water efficient plumbing, landscaping, and rainwater harvesting systems (in new builds and/or retrofits). Incentives may encourage developers to exceed the required water efficiency standards.
- Develop guidance to help residents and builders understand and comply with building and design codes and to learn about alternative codes being developed to promote sustainability innovations.

TOOLBOX: WATER EFFICIENT LANDSCAPING

In Utah, landscape irrigation accounts for 50-70% of per capita water use and represents a significant water conservation opportunity ([Utah Water Resources Plan, 2021](#)). Related, the legislature enacted [Utah Code § 10-91-536](#) in 2022 which defined water wise landscaping for the first time in the state’s history.

This Utah code broadly defined water wise landscapes as being suited to the microclimate and soil conditions of a given location, having the ability to remain healthy with minimum amount of irrigation once established, and using proper and efficient irrigation system design. In addition, the code prohibited municipalities from enacting or enforcing “an ordinance, resolution, or policy that prohibits, or has the effect of prohibiting, a property owner from incorporating water wise landscaping on the property owner’s property.”

Municipalities may still require property owners to comply with review processes before installing water wise landscaping, to maintain plant material in a healthy condition, or to follow water wise design requirements adopted by the municipality. Importantly, the code states that a municipality may no longer require a property owner to install or keep in place lawn or turfgrass in areas less than 8 feet wide (enabling property owners to change landscaping in parking strips, which are hard to water efficiently).

The legislature also addressed water efficient landscaping by homeowners’ associations (HOAs) in 2022 by enacting [Utah Code § 57-8a-218](#). This code requires HOAs to adopt rules that support water efficient landscaping, including allowances for reducing irrigation to lawns during drought conditions (making grass dormancy acceptable). It also prevents HOAs from prohibiting or restricting the conversion of existing water-intensive park strips to water efficient landscaping.

Communities working to make landscaping water smart should integrate tools to reduce water demand at the time of new construction. Many such tools that integrate [best practices](#) into development codes for water conservation and efficiency are available to local governments. These best practices may include requirements for:

- Plant materials that are best suited for the local climate and soil conditions.
- Grouping of plants into hydrozones.

Hydrozones are areas of the landscape where plants with similar water requirements are grouped.

- Limited use of turfgrasses to practical and functional applications.
- Low-flow and efficient irrigation technologies, including drip irrigation, smart irrigation controllers, and pressure-regulating irrigation valves and sprinkler heads.
- Water efficiency standards for landscapes.
- Rain sensors with a shutoff mechanism to prevent irrigation during natural rainfall events.
- Soil enhancements and mulching to optimize moisture holding capacity.
- Training for landscape contractors and professionals on water-efficient landscaping







techniques and irrigation water budgeting, like the [Qualified Water Efficient Landscaper \(QWEL\)](#) training program.

- Model [maintenance standards](#) and agreements for HOAs and others to use in contracting landscape services.
- A total amount of landscaped area permitted based on lot size percentage or square footage.
- A water budget for outdoor water use, ideally tied to tiered water rate structuring, that sends a price signal to ratepayers.

Since mandatory requirements significantly increase water savings, the goal of a community committed to water conservation should be to require all new developments and retrofits to meet robust water efficiency standards.

#### STRATEGIES FOR PROMOTING WATER EFFICIENT LANDSCAPING

- Develop landscaping guidelines that provide specific recommendations to individuals and developers on water-efficient plant materials, soil enhancement, mulching, and irrigation scheduling appropriate for local climates.
- Promote and/or incentivize the use of individual household rainwater harvesting for outdoor irrigation.
- Adopt [community water efficiency standards](#) that allow residents to take advantage of [rebate programs](#) offered by the state.
- Provide incentives for developers to install water-efficient landscapes through reduction of impact fees.
- Change subdivision codes to include residential, commercial, and public landscaping standards that reduce the use of water for irrigation by regulating:
  - Irrigated system efficiency and irrigated area;
  - Plant materials;
  - Rain sensors and/or smart irrigation controllers that adjust irrigation in accordance with local weather conditions;
  - Irrigation scheduling (frequency and depth);
  - Soil amendments;
  - Water loss limits.
- Non-regulatory options include changing property owner behavior through conservation and education programs implemented by the water provider, such as:
  - Rebate programs for water-efficient plumbing fixtures such as low-flow toilets and showerheads, and water-efficient washing machines;
  - Rebate programs for the replacement of water-intensive landscapes with water efficient landscaping;
  - Education about water efficient landscaping and efficient irrigation systems;
  - Irrigation audits/evaluations that educate homeowners and landscape managers on landscape irrigation efficiency.

### Case Study: Herriman City Water Efficiency Standards

Contributor: Justun Edwards, Director of Public Works, Herriman City

Herriman City, a fast-growing city in southwestern Salt Lake County, receives 65% of its water from Jordan Valley Water Conservancy District (JVWCD). City officials estimate that Herriman's population will double by 2040. Beginning in 2019, Jordan Valley Water Conservancy District developed [Water Efficiency Standards](#) in order to help their member agencies use water more efficiently. JVWCD requires member agencies to adopt the standards when updating their water contracts. The standards include specific criteria for landscapes in new commercial and residential developments that use significantly less water than prior development. Setting water efficiency standards for landscapes is an effective tool to ensure efficient outdoor water use in new developments or redevelopments. Water providers want to make sure water is used efficiently and city planning departments want to make sure they have sufficient water supplies to continue to grow, ensure future water security, and protect their watersheds.

As part of the renegotiation of its contract with JVWCD, Herriman City decided to become the first of JVWCD's member agencies to adopt its new Water Efficiency Standards in [December 2020](#). The standards include setting a limit on the amount of turf allowed in landscapes, and requiring drip irrigation and 3-4 inches of mulch in planting beds. All new developments need to follow the standards in order to be approved. To mitigate conflicting code, Herriman changed part of its land use code in order to adopt the standards. They implemented a plan review and inspection process, and hired a full-time conservation staff member to ensure compliance. New landscapes are inspected by the city after installation to ensure that the water efficiency standards have been followed.

To ensure landscapes for new residential and commercial developments meet the intent and requirements of the Water Efficiency Standards, Herriman implemented a landscape review and inspection process. Builders and developers must submit a detailed landscape plan to be reviewed for compliance. As part of the plan submittal, they must complete a table that identifies lot size, impervious area, and landscape areas listing the total sod area which cannot exceed 35% for residential lots and 20% in commercial developments. Once the landscapes are installed an inspection must be performed to ensure compliance with the approved plan.

The reaction of developers to the standards has been generally positive. Herriman City initially wanted to keep a 75% living plant cover requirement, but reduced that standard to meet the Jordan Valley Water Efficiency Standards of 50% living plant cover to eliminate confusion, address developer cost concerns, and to further reduce water consumption. However, some issues have arisen during the implementation of the Water Efficiency Standards. Developers are finding that it is costlier to install water efficient landscapes than to install a traditional turf grass landscape. There has also been some pushback against the standards by developers with neighborhoods that were partially built-out when the new standards came into effect creating landscape inconsistency throughout the development. The homes built before the standards were implemented have a more traditional landscaping style; now the developers will have to navigate building new homes with the updated standards in those neighborhoods.



*Case Study Continued*

Herriman City was the first of the Jordan Valley Conservancy District’s member agencies to adopt their Water Efficiency Standards and has since been approached by other member agencies for advice on adopting the standards, and by cities in other parts of Utah who are looking to develop their own standards. Herriman City has approved a handful of commercial projects that follow the standards, and are beginning to see residential projects follow the standards in 2022. They will have more data available on the program’s progress in 2023. Beyond implementing the efficiency standards, Herriman City has initiated a process to consider how to implement the requirements of [SB 110](#), which was passed by the state legislature in 2022. This bill requires that water use and preservation elements be integrated into a city’s General Plan. Herriman City has taken an important first step on the path to a more water efficient future, and is making plans to do even more to achieve it.



Jake Powell, Utah State University, 2022

***Case Study: Cedar City Water Wise Demonstration Street***

Contributors: Candace Schaible, Extension Assistant Professor of Horticulture and Water Wise Landscaping and Jake Powell, Extension Landscape Architecture and Environmental Planning Specialist, Utah State University

Cedar City is the largest city in Iron County, Utah. Located 250 miles south of the state capital, it is the home of Southern Utah University, the Utah Shakespeare Festival, and the Utah Summer Games. The city has a population of approximately 36,000 and encompasses roughly 20 square miles on the western edge of the Markagunt Plateau in the Cedar Valley. Although the Cedar Valley rests on top of a natural aquifer, the city does not have access to sufficient water supplies at current levels of use.

Rural communities are often physically distanced from the water conservation and demonstration gardens located along the Wasatch Front. However, these demonstration gardens provide tangible examples of how water wise landscapes can look and feel and provide an opportunity for homeowners to gather landscape ideas and inspiration. In 2019, Iron County Extension Assistant Professor, Candace Schaible, wanted to make access to such demonstrations easier for Cedar City residents by installing water wise landscapes in a new suburban neighborhood.

To make this goal a reality, she collaborated with Utah State University Landscape Architecture and Environmental Planning Specialist, Jake Powell, on an Extension Water Initiative grant to help design, fund, and install a water-wise demonstration street in the city. The two brought the idea to the Iron County Home Builders Association and one builder volunteered to take on the project.

Working with local real estate developer, [Alex Meisner Construction](#), the team created a series of front yard designs showcasing water-wise landscape design principles and techniques and these designs were then installed at nine model home sites. Demonstrating water wise landscape design principles at the model homes has worked to provide homebuyers with an immediate connection to water wise landscape construction ideas and principles that they may then apply on their own properties.

The nine home landscapes are a tangible focus for the partnership that is helping to change the vernacular landscape of Cedar City and more water wise landscapes continue to be installed in the neighborhood. The project includes a [website](#) that details the landscape designs and will also share water use data from the demonstration landscapes over time. A series of associated courses and resources teaching and reinforcing the principles displayed at the homes is also planned.

*Case Study: Utah Department of Facilities Construction and Maintenance*

Contributor: Andy Marr, Assistant Director of Facilities, Utah Department of Facilities Construction Management

The mission of the Utah Department of Facilities Construction and Management (DFCM) is to provide professional services to assist State entities in meeting their facility needs for the benefit of the public. This includes jurisdiction over nearly 4000 properties and landscapes across the state such as universities, community and technical colleges, the Utah State Fair Park, and other state agencies.

In 2021, in response to the ongoing drought, Governor Spencer Cox issued [Executive Order 2021-10](#) requiring state agencies to follow the Utah Division of Water Resources’ [weekly lawn watering guide](#). All DFCM facilities complied with the executive order, but the public still saw sprinklers running and green grass on state facilities, which presented a public relations challenge. In 2022, the state legislature passed [H.B. 121](#), adding more robust guidance to the executive order to require turfgrass dormancy to help conserve water. To meet the requirements of the new legislation, Andrew Marr, Assistant Director of Facilities, DFCM, consulted with Utah State University’s [Center for Water Efficient Landscaping](#).

Quantitative guidelines for irrigation of state facilities were developed, including only allowing ½ inch of irrigation water applied weekly during shoulder seasons and 1 inch applied during the hottest weeks of the summer. Slightly higher irrigation amounts were allowed in southern Utah to accommodate a longer growing season and higher temperatures. These guidelines were brought to the Governor’s cabinet and received their approval, and the new requirements were issued to all delegated facilities falling under DFCM jurisdiction. In addition to the new irrigation requirements, all grounds supervisory staff of DFCM were required to complete training through the [Qualified Water Efficient Landscaper](#) program to learn how to install and maintain their landscapes and irrigation systems for water efficiency.

DFCM has also implemented other processes to facilitate the success of their response to the Governor’s executive order and H.B. 121. A database is now maintained for all managers to indicate their compliance with the reporting requirements of H.B. 121 and any factors that may prevent that compliance (e.g., local city or water district requirements). Monthly meetings provide an opportunity for managers and stakeholders to discuss questions regarding the new irrigation practices and to request funding for water meters, smart irrigation control technologies, rezoning of irrigation systems, and water efficient landscaping to bring facilities into compliance.

Andrew Marr describes DFCM’s efforts as an ongoing progression of learning and implementation that is just beginning. “It’s time to figure out our process and in the coming seasons our managers will know what to do,” he says. “It’s more about the buy-in, the common goal and common mission. It’s hard to turn the ship around but (by) providing incentives and recognition...we’re getting there.”

Section 3: **WATERSHED RESILIENCE & WATER SMART INFRASTRUCTURE**

**OVERVIEW**

How we manage all forms of water, from storm water to wastewater, impacts both the built and natural environment. Approaches that incorporate an [Integrated Water Resource Management](#) (IWRM) methodology into building, site, subdivision, and infrastructure standards can protect ecosystems, enhance watershed resilience, and harness the utility of all forms of water. An IWRM approach can help to mitigate the factors that can degrade ground and surface water quality and quantity including:

- Pollution from urban and agricultural runoff and natural disasters like floods and wildfires;
- Sedimentation due to soil disturbances, vegetation loss, and erosion from road construction and new development;
- Destruction of riparian areas due to development and changes in climate;
- Increased amounts of storm water due to increases in impervious surface area from development;
- Decreased or lost water infiltration resulting from increases in impervious surface area and more rapid runoff; and,
- Variability in water supplies caused by periodic droughts.

Municipal and county governments are also tasked with providing necessary public services within their jurisdictions, which may involve community-scale water, wastewater, sewer, and other infrastructure and improvements. Such infrastructure development usually occurs over many years and depends on local goals, development and buildout needs, and sufficient revenue and financing. Water smart approaches like green infrastructure can provide several additional benefits to traditional ‘gray’ infrastructure, like recharging local floodplains, supporting vegetation and wildlife, providing community amenities and open space, mitigating urban heat island effects, and protecting watershed health and resilience.

**Green infrastructure** describes a range of measures that use permeable surfaces, plants, and soils to keep storm water onsite, thereby reducing flows into community sewer systems or to nearby surface waters.

**Gray infrastructure** describes systems designed to move storm water away from the built environment.



TOOLBOX: WATERSHED PLANNING FOR RESILIENCE

Landscape scale changes resulting from both human and natural forces have a significant impact on natural ecosystems and water resource availability. Safeguarding available water resources through watershed protection standards and policies is an important but often overlooked goal in Western communities. Watershed planning and protection has often been considered a function of collaboratives and nonprofits working with local, state, and federal agencies to restore ecological processes and functions. However, the way communities develop and redevelop can either escalate the threat to our watersheds or nurture nature and enhance the returns.

Watershed planning for resilience focuses on minimizing negative impacts as new development occurs. Watershed protection goals are included in a wide variety of community plans, such as comprehensive plans, emergency management plans, watershed plans, water resource management plans, and open space plans. Converting these goals into concrete policy in development code is essential to prevent watershed degradation and enhance community resilience.

APPROACHES FOR ENHANCING WATERSHED RESILIENCE

- Map all sensitive areas including wetlands, riparian corridors, infiltration zones, water supply watersheds, groundwater basins, and natural disaster-prone areas, such as flood, drought, and wildfire areas.
- Adopt plans for wildfire mitigation, watershed management, storm water management, and floodplain management that designate sensitive areas and goals for mitigation. These plans should reference other plans so that priorities and objectives build on and reinforce each other and the environment is viewed holistically.
- Limit development in sensitive areas by clustering homes within a smaller geographic zone, incentivizing infill development in less sensitive areas, and providing low impact design standards/guidelines.
- Create zoning districts with lower densities and/or cluster development to protect surface and groundwater sensitive areas.
- Adopt development standards for stream buffers and setbacks to protect water quality. Adopt vegetation protection standards that minimize disturbance to vegetation within the riparian corridor.
- Adopt storm water management and site design standards that utilize best practices for low impact design reducing storm event runoff and increasing water infiltration.
- Adopt site level soil erosion mitigation standards for new development to reducesedimentation and run-off and protect water quality from land disturbance.

- Adopt surface and/or groundwater districts with standards to minimize contamination of streams and shallow aquifers that will protect existing and potential sources of drinking water supplies.
- Participate in collaborative efforts to restore watershed functions through watershed restoration projects.

Communities should identify the top multi-benefit and integrated strategies and projects, then implement these projects ahead of less integrated proposals (unless crucial urgency demands otherwise). Policies, plans, programs, and projects should be monitored and evaluated to determine if the expected results are achieved, and to improve future practices.

TOOLBOX: GREEN INFRASTRUCTURE & LOW-IMPACT DEVELOPMENT

Green infrastructure uses the natural ability of permeable surfaces to absorb storm water. Low-impact development (LID) is the retention or restoration of natural hydrologic patterns by using landscape and site design to keep as much rainwater as possible from leaving the site. Instead of designing a site or streetscape to funnel storm water off-site as fast as possible, green infrastructure and LID approaches use vegetation, porous materials, rain gardens, and detention basins to reduce storm water runoff and encourage the onsite infiltration of storm water.

| Common Water Smart Infrastructure Techniques                        |                                                                                                                                  |
|---------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| Application                                                         | Description                                                                                                                      |
| Bioretention basins, storm water harvesting basins and rain gardens | Small to large scale planting areas within the hardscape containing shrubs, trees and grasses.                                   |
| Bioswales                                                           | Shallow and uncovered channels that induce meandering and are placed inline within a drainage channel.                           |
| Curb extensions and chicanes                                        | Traffic calming measures which widen the sidewalk and/or narrow the street for a short distance.                                 |
| Curb openings                                                       | Drainage inlets that divert storm water into bioretention basins.                                                                |
| Detention ponds                                                     | Basins that provide flow control by collecting storm water runoff.                                                               |
| Permeable pavement, gravel, or pavers                               | Methods of paving that allow infiltration and can be used in low to moderately trafficked areas like sidewalks and parking lots. |



Benefits of green infrastructure include:

- Reducing the need for outdoor irrigation; native and adapted plants may be used to revegetate channels and basins and survive with naturally occurring rainfall once established.
- Storm water that is not used by plants is cleaned as it recharges into the ground, thus reducing peak flooding, reducing pollutant loads downstream, and lowering the risk of sewer overflow.
- Additional vegetated areas in a community can help to mitigate heat impacts by providing shade, sequestering carbon, and absorbing solar radiation in urban neighborhoods.
- Relative to other types of traditional or gray infrastructure for storm water management, green infrastructure is more affordable to install and maintain.
- Particularly in shallow groundwater areas or near riparian areas, increased storm water infiltration can improve water quality and restore watershed health and other natural hydrologic functions in urban areas.
- Indirect benefits include:
  - Increased public safety due to reduced flooding, improved emergency vehicle access, and reduced property damage;
  - Expanded landscaped areas that produce more oxygen, cool neighborhoods, and reduce energy consumption;
  - More attractive neighborhoods that foster pedestrian and cycling activity, reduce traffic speeds, and enhance feelings of safety;
  - Job creation through installation and maintenance of LID and, indirectly, landscape industry jobs (plant production and sales).

STRATEGIES FOR IMPLEMENTING WATER SMART INFRASTRUCTURE

- Map all sensitive areas including wetlands, riparian corridors, infiltration zones, water supply watersheds, groundwater basins, and natural disaster-prone areas, such as flood, drought, and wildfire prone areas.
- Limit development in sensitive areas by clustering homes within a smaller geographic zone, incentivizing infill development in less sensitive areas, and providing LID standards or guidelines.
- Preserve regional open space by clustering development, maximizing unpaved areas for storm water retention.

- Consider the potential to use storm water recapture for a centralized urban natural open space. Conveying this water to a common area or neighborhood park may enhance the vision of your community or neighborhood.
- Incorporate water holding areas into the landscape, such as creek beds, recessed athletic fields, ponds, cisterns, and other features.
- Adopt development standards for stream buffers and setbacks to protect water quality.
- Design all aspects of landscaping—from the selection of plants to soil preparation and installation of irrigation systems—to reduce water demand, retain runoff, decrease flooding, and recharge groundwater.
- Use permeable surfaces for hardscapes whenever possible.
- Work with transportation and civil engineers to update development standards and to map streets and areas that have the highest flood potential, as well as the widest setbacks where there will be room for tree plantings.
- Use green infrastructure for traffic calming, beautification, and placemaking. Consider placing green infrastructure along areas where vehicle speeds need reducing or where bicycle and pedestrian traffic is more concentrated.

Placemaking is the participatory process of creating places where people want to live, work, play, and learn.

- Adopt plans for wildfire mitigation, watershed management, storm water management, and floodplain management that designate sensitive areas and goals for mitigation. These plans should reference other plans so that priorities and objectives build on each other and the environment is viewed holistically.
- Connect infrastructure and improvements in the capital improvement plan with relevant goals and policies adopted in the general plan.



(Succulents) is by Shelby Ericksen 2020.



*Case Study: Green Infrastructure at Our Village Community Center in Moab*

Contributor: Jeff Adams, Founder and Principal, [TerraSophia LLC](#)

On August 20, 2022, Moab, Utah experienced an unprecedented rainstorm that led to a 100-year flood. The total amount of rainfall attributed to the storm ranged from 1 to 1.5 inches, but close to 1 inch of that amount fell within a 20-minute span that evening. The rain fell southeast of town, draining county and Bureau of Land Management land into Mill Creek, a typically small creek that originates in the nearby La Sal Mountains and meanders through the heart of town.

Moab was unprepared for the amount of destruction and property damage that a storm of this magnitude would cause. In some cases, detention ponds that had been designed to blow out under previously approved plans and flood neighbors did so and in other cases, detention ponds that had been designed to retain storm water blew out and flooded neighboring properties.. A wall of water rushed down Main Street, flooding businesses, resulting in desperate clean-up efforts as Labor Day and the busiest tourism weekend of the year quickly approached. A lack of integrated land and water use planning was on display.

Though many neighborhoods and businesses were devastated by the flood, others not only survived the storm, but did so without any damage. One of these was Moab's [Our Village Community Center](#). The Center, a local non-profit located on a 5.5 acre farm in the heart of town, runs a pre-school and childcare center as well as many other community-focused programs.

In the spring of 2020, Annie Thomas, director of the Center, reached out to Jeff Adams, founder and principal of TerraSophia LLC, to address a legacy of storm water runoff from an adjacent property, a tourism-related business. Drainage from that business's roofs and parking lot had often flooded the farm buildings now occupied by the Center. The Center had recently completed an extensive remodeling project to bring its facilities up to code to be used as a daycare center and the continued flooding put its mission and goals at risk.

Annie and Jeff developed a project to intercept the sheet flow of storm water using three basins and swales that intercepted that flow and then poured from one basin into the next. A shallow rolling dip in the Center's access road allowed overflow from the basins to cross the road and enter another series of basins on the other side, ultimately draining to one of the farm's fields.

Backhoe work finished two days before the Covid pandemic shut the project down, putting plans to involve the community in the project on hold. TerraSophia staff were able to return to complete the rock work and volunteers transplanted plants salvaged from the local middle school renovation. In all, the project required 3 or 4 days of machine work, 5 or 6 days of rock work, and hours of planting, mulching, and irrigation work. [Bee-Inspired gardens](#) and shrubs were also installed to add beauty and privacy.

The Center's green infrastructure system has served its purpose well, even during the August 20, 2022 flood. Storm water has been redirected to soak into the Center's grounds, and most

of the donated plants are still thriving. Ongoing maintenance is the new focus; some puddling that has started to occur on the access road will be addressed by the addition of gravel and cobblestones.

In the spring of 2022, a second phase of the project installed gentle earthworks around a new heritage tree orchard on the property. Now, when one of the city's nearby storm ditches overflows and floods the property, the water is directed around the orchard, successfully joining with the initial green infrastructure project to move excess water offsite.

One month after the 100-year flood shocked the Town of Moab, there were still large debris piles and layers of sand and mud in some areas. However, the Moab community rallied, and the city and state have worked effectively together to support the citizens and businesses affected by this historic event.

Though catastrophic, the storm in August 2022 highlighted weak areas in the city's planning processes and a lack of water and land use integration. The county has since begun reviewing storm water management codes, specifically maintenance practices, to ensure that storm water infrastructure is appropriately sized, built and maintained, and that existing code is enforced.



# Section 4: WATER CONSERVATION AND EFFICIENCY TOOLS

## OVERVIEW

Establishing water conservation, efficiency, and reuse in new development enables a community to grow water-smart from the start. Programs that incentivize or assist consumers in reducing water demand also serve an important role in retrofitting existing development and promoting a continued focus on wise water use.

Incentive programs and conservation rate structures can promote efficient water use by:

- Sending a price signal to encourage water conservation.
- Helping consumers invest in and manage efficient fixtures, appliances, and irrigation systems.
- Monitoring and communicating data about water usage to consumers.

## TOOLBOX: CONSERVATION RATE STRUCTURING

Water providers set rates to collect the revenue they need for operations, invest in infrastructure, and protect public health. With a revenue goal identified, providers can develop a rate structure to meet additional objectives, including water conservation and acquisition of supplies. The state legislature also codified support for conservation rate structures ([Utah Code § 73-10-32.5](#)) in 2016 by requiring water retailers to establish increasing block rates for water as use increases. Prioritizing conservation and mitigating water demand can reduce water provider expenses by sizing water supply acquisition or storage to the lower level of demand.

Water rates are determined by two factors: fixed and variable costs. The fixed costs of water are determined by the costs of water acquisitions and the costs to establish, operate, and maintain the infrastructure to convey the water. The variable costs are based on the amount of water that consumers use.

Common goals for adopting water conservation rate structures include:

- Reducing daily peak usage.
- Reducing seasonal peak usage.
- Reducing total system demand.

Consumer water conservation does not create financial strain for a utility if the offset demand

allows new customers to be added to the system while maintaining overall water use with existing supplies. If it is possible that customer conservation may exceed the point where it would present a revenue challenge with the current price of water, consider having a public dialogue to design solutions and rate structures that reflect the community’s values and needs. Keep in mind that less demand pressure can result in considerable cost savings over time by reducing strain on water system infrastructure, thus delaying the need for maintenance, retrofitting, or expanding infrastructure.

There are a variety of conservation-oriented rate structuring options:

- Drought demand pricing: rates are higher during drought periods;
- Excess use: rates are higher for above-average water use;
- Inclining block: rate per block increases as water use increases;
- Indoor/outdoor: with separate meters, rates for indoor use are lower than rates for outdoor use;
- Penalties: customers are charged for exceeding allowable water usage limits;
- Scarcity pricing: the costs of developing new supplies is added to bills;
- Seasonal pricing: water rates are higher during the season with the most demand;
- Sliding scale: the unit price increases based on an average consumption;
- Spatial pricing: water rates are determined by the actual costs to supply water to specific locations;
- Time-of-use: water rates are higher during peak days or specific hours of the week;
- Water Budget: block rate is defined for each individual customer based on efficiency projections/expectations for that customer.

## APPROACHES TO CONSERVATION RATE STRUCTURES

- Develop a utility water conservation plan to clarify water conservation goals.
- Conduct a rate assessment to determine options for rate structuring.
- Develop a rate structuring plan and conduct community education and outreach to minimize opposition to potential rate increases.
- Adopt a conservation rate structuring strategy.

## TOOLBOX: POST-OCCUPANCY INCENTIVES AND EDUCATIONAL PROGRAMS

Both land use planning programs and water providers can engage consumers and provide incentives and education on the benefits of using water efficiently in their homes and businesses. Using technology like advanced water meters and sub-metering helps tailor these post-occupancy interventions.



**CONSERVATION REBATE PROGRAMS**

Incentive programs can be a useful way to reduce current water demands for both residential and commercial properties/water users. They can serve as a complementary way to involve current residents/post-occupancy developments in implementing water smart building and design features. Providing rebates for homeowners and businesses to remove water-intensive landscaping and retrofit water-smart plumbing fixtures is a well-tested tool that can generate meaningful water savings.

**APPROACHES FOR CONSERVATION REBATE PROGRAMS**

- Offer rebates to residents for installation of low flow plumbing fixtures such as toilets and showerheads, appliances such as high efficiency washing machines, and “smart” home water monitors to reduce indoor water use.
- Offer rebates to residents and commercial customers for “smart” irrigation controllers and other elements of water efficient landscaping to reduce outdoor water use.
- Use rebates or grants to incentivize HOAs to install water efficient landscapes, irrigation systems, and controllers.
- Establish a rebate program for multi-family residential buildings that have cooling towers to upgrade their conductivity controllers.

Cooling tower conductivity controllers monitor the electrical conductivity of the water in the tower. If the water’s conductivity exceeds a set point, a “blowdown” process is activated and water is released. Carefully controlling the quantity of blowdown water provides a significant opportunity for water conservation in these systems.

**WATER METERING, AUDITS, & LEAK DETECTION**

Water customers, including commercial, industrial, and residential users, may not be aware that water leaks and inefficient fixtures may be unnecessarily increasing their water use. While water providers may perform their own system-wide water loss audits, they can also support and incentivize customers to do the same.

Water metering is a method of measuring water consumption. Advanced metering technology, also known as “smart metering,” eases the data collection process and increases the specificity and frequency of the data. This increased granularity of information creates the opportunity for easily justifiable rate structures, rapid leak detection, and customized demand management programs. Utilities that pair metering and commodity rate structures report a 15% to 30% reduction in water consumption.

[Privately purchased metering devices](#) are also growing in popularity because they connect consumers to their water data in real time. In the absence of utility-wide advanced metering infrastructure (AMI), encouraging consumers to purchase their own meters may achieve similar water demand reductions at individual properties.

Furthermore, sub-metering multi-family, commercial, and outdoor uses can provide data granularity to empower refinement and optimization of water policies, rates, and fees. The value of this information may be worth more than the cost of installing extra meters.

Metering and the corresponding audits and interpretation can identify opportunities to modify water-consumptive behaviors. They can also detect leaks in the system and signal when infrastructural updates are necessary to mitigate water loss.

**APPROACHES FOR WATER METERING, AUDITS, & LEAK DETECTION**

- Deploy leak detection equipment, such as specialized meters temporarily attached to the main meter, in scenarios where low staff capacity limits on-site visits.
- Offer landscape audits that recommend watering schedules, infrastructure upgrades, and drought-tolerant plants.
- Offer audits at no cost to customers or pair it with an incentive, like a free fixture.
- Encourage community participation by providing water audit results of public buildings as examples that demonstrate potential water saving outcomes.
- Use the aggregated analysis of audit results to identify potential code and policy changes.
- Update your codes to allow individuals to install privately purchased metering devices on the utility meter and provide guidance on how to attach them in a way that avoids disturbance to utility operations.





### *Case Study: Secondary Water Metering: Finding New Water Supplies Through Waste Reduction*

Contributors: Darren Hess, Assistant General Manager for Operations and Jon Parry, Assistant General Manager for Strategic Initiatives, Weber Basin Water Conservancy District

In 2022, the Utah Legislature passed H.B. 242 which requires water meters be installed by 2030 on all new and existing pressurized secondary water systems. They also appropriated \$250 million for grants to help operators of those systems comply. The Legislature took this action based on documented success of water savings from metering secondary water.

Utah has approximately 260,000 locations statewide that use secondary, untreated (non-potable) water for irrigation of lawns, gardens, parks and landscapes. In many areas, this secondary water is attached to urban properties that previously were agricultural land. In the land transition process, treated culinary water was provided for indoor use, but untreated irrigation water was provided through secondary systems for use on outdoor landscapes, primarily as a cost saving measure to the providers and users. In Utah, secondary water often comes from Bureau of Reclamation storage projects. Properties receiving secondary water have water allotments for the amount they can use and property owners are assessed fees for these allotments on their property bills. Approximately 85% of all locations with access to secondary water were unmetered in 2022.

The success of secondary metering as a water conservation strategy was originally demonstrated by [Weber Basin Water Conservancy District](#) (WBWCD), which has the largest contiguous secondary water system in the United States. Many areas with secondary water had piped and pressurized delivery systems for years, but the district's challenge was finding the right technology to meter "raw" (untreated) water. When meters that could work became available in 2009, WBWCD planned and implemented their first retrofit projects, installing approximately 1,100 meters between 2011-2013 in three neighborhoods where they retail secondary water. The aim of WBWCD was to determine if water use was within the property allocations, educate users on how much they were using, educate users on the water needs and efficient application of the needed water for their landscapes, and eventually charge people for water use including a tiered water rate structure to incentivize conservation. By 2022, the district had metered approximately 14,000 locations and had documented reductions in use of approximately 20-30% compared to unmetered areas and compared to use when meters were first installed, according to Jon Parry, WBWCD's Assistant General Manager for Strategic Initiatives.

The key to WBWCD's conservation success in metering secondary systems is its approach to sharing meter information with users through [secondary water use reports](#) and near real time access to their water usage via the District's Customer Portal. Developed in conjunction with the [WaterMAPS™](#) program in the Center for Water Efficient Landscaping at Utah State University, the reports use a landscape water budgeting approach to show water users how much water they are applying to their landscapes in comparison to how much water their

landscapes need. This information, individualized to each property, informs water users of their ability to reduce overuse or waste, which has been a powerful educational motivator for landscape water conservation. WBWCD provides these reports monthly from May-October to help users track the efficiency of their water use and conservation success.

"We learned you can't just meter the water, you have to educate the consumer, and we are seeing some significant water savings as a result," said Darren Hess, WBWCD's Assistant General Manager for Operations. He noted, "This is really the largest water supply project we have. Every gallon we save is another gallon that can be stored in our existing reservoirs for the next season, which helps with future uncertainty in water supply." Saved secondary water has also helped WBWCD delay additional water supply projects and provide water for environmental flows to Great Salt Lake.

Other cities in Utah that implemented secondary metering prior to the recent legislation and availability of grant funding showed similar success in reducing water use. Saratoga Springs implemented secondary metering to address overwatering of landscapes serious enough to cause flooded basements and damages to homes, as well as to be fiscally responsible in avoiding costs of other more expensive water supply infrastructure. Saratoga Springs, Spanish Fork, and Santaquin have seen water savings of 25-50% through metering. They provided implementation advice to other communities undertaking metering in a spring 2022 Utah League of Cities and Towns [training](#) session.

WBWCD is realizing additional conservation programming benefits from secondary metering. Programs for indoor and outdoor water efficiency are somewhat distinct, and metering on dual systems helps them determine an appropriate amount for each type of use and refine the delivery and assessment of their water conservation programs. The secondary meters also enable WBWCD to monitor for leaks and use of seasonal allocations and alert customers, provide flexibility in implementing watering restrictions, and open up opportunities to financially incentivize customers to use less than their full allocations. WBWCD is promoting low water landscape alternatives on new development throughout the District's secondary retail service area, which would result in lesser allocation volumes being contracted and lower annual assessments for that water. In West Haven City, WBWCD is incentivizing developers to adopt low water landscapes by reducing the amount of water they have to turn over to be served through secondary systems.

In response to its first call for applications, the Utah Board of Water Resources on August 4, 2022 approved \$190 million in grants to about 70 water conservancy districts, irrigation companies, municipalities and other water users for up to 70% of the costs of secondary metering projects.

TOOLBOX: CONSUMER EDUCATIONAL MESSAGING

There are many ways for planners and water providers to reach consumers with conservation messaging. Utility bills often include an educational insert or other content to inform the reader about policy changes and to encourage water savings with tips and tricks. Some may include warnings and fear-inducing messages designed to curb water use. However, these messages often miss the mark because people tend to defend themselves from fear or negative self-images by ignoring these messages or rationalizing why the new information does not apply to them. Instead, studies show that messaging techniques that promote a sense of control, offer social incentives, provide immediate rewards, and are framed positively are more effective in changing behavior.

APPROACHES FOR COMPELLING CONSERVATION MESSAGING

- Help your customers feel they have control or influence. Provide tangible acts or decisions they can make to “move the needle” toward a goal.
- People generally want to be either the same or better than their peers. Offer comparisons or share high compliance figures (e.g., “Nine out of ten residents follow these irrigation best practices to save water.”).
- Near-term rewards make people feel good. This reward structure can even motivate behavior changes that relate to long-term goals or outcomes that are not immediately visible. The reward can be external or intrinsic.
- People are more likely to believe and act on positive rather than negative information. So, when given an opportunity to describe a trend, note progress toward goals.



Case Study: Slow the Flow Consumer Messaging

Contributor: Shelby Ericksen, Water Conservation Manager, Utah Division of Water Resources

In the early 2000’s, Utah Governor Mike Leavitt brought together a water conservation team composed of the state’s Division of Water Resources and the five largest water conservancy districts in the state. Each member of the team contributed funding to create the state’s first water conservation consumer messaging campaign, “Slow the Flow. Save H<sub>2</sub>O”. Now commonly known as “Slow the Flow”, this consumer messaging campaign has a permanent home on the internet at [slowtheflow.org](http://slowtheflow.org) and serves as a “one stop shop” for water conservation and drought resources for any community (or individual) in the state.

The Slow the Flow website displays several consumer messages that are also displayed on billboards across the state. These messages change over time and include:

“Save for the future, water less today,”  
“Utah is in a drought, use less water,”  
“Rain delay, don’t water,”  
“Protect tomorrow, water less today,” and  
“Cooler temps=less watering.”

In addition, the website provides simple water conservation tips for consumers for both indoor and outdoor use, drought actions that consumers can take, and a list of tools and resources including links to [rebate programs](#), the Division of Water Resource’s [Weekly Lawn Watering Guide](#), the [Water Check program](#), water wise plant lists and gardens, and more. [Printable materials](#) are also available on the site and include fliers as well as lawn signs.

The Slow the Flow consumer messaging campaign also utilizes social media to get messages out including [Facebook](#), Instagram (@slowtheflowutah), and [YouTube](#) and encourages communities to follow and share their water conservation messaging across the state.

If you have consumer messaging needs (infographics, educational materials), contact the Slow the Flow campaign at [waterwise@utah.gov](mailto:waterwise@utah.gov).



# Conclusion

The toolboxes outlined in this workbook highlight some of the most effective strategies communities can employ to manage local water demand. By implementing these tools and strategies, Utah communities can help meet the state’s need for clean and affordable water “to sustain thriving communities and businesses, robust agriculture, ample recreation, and a healthy and resilient natural environment” as our population grows and we face an uncertain climate future. Of course, measuring and tracking progress toward integrating water and land use will help to ensure your community’s success.

## Measuring and Tracking Progress

Measuring and tracking the results of water and land use integration is vital to determining whether your community’s plans and goals are being met. [Growing Water Smart Metrics: Tracking the Integration of Water and Land Use Planning](#) offers a set of indicators that can be assessed for year-over-year trends to demonstrate achievement of water savings through land use planning. Ten *progress* metrics track whether: the community’s land use plan integrates water efficiency and its water plan integrates land use strategies; conservation-oriented system development charges and pricing structures are being used; indoor and outdoor water efficiency measures are being utilized; and collaboration around development proposals is occurring. Fourteen *impact* metrics measure increasing or decreasing trends in water demand and use and trends in development patterns and land use.



Wayne Wurtsbaugh, Utah State University, 2021

# Additional Resources

## Water Supply & Demand, Planning

| Title                                                                            | Theme                            | Source                                        | Type of Resource                     |
|----------------------------------------------------------------------------------|----------------------------------|-----------------------------------------------|--------------------------------------|
| <a href="#">State Water Plan (2021)</a>                                          | Water Supply and Demand          | Utah Division of Water Resources              | Plan                                 |
| <a href="#">Utah’s Regional M&amp;I Conservation Goals</a>                       | Water Supply and Demand          | Utah Division of Water Resources              | Report                               |
| <a href="#">Public Water Supplier 40 Year Water Requirement Plan Standards</a>   | Water Supply and Demand Planning | State of Utah, Division of Water Rights       | Policy Document                      |
| <a href="#">City of Orem Water Master Plan (2017)</a>                            | Water Supply and Demand Planning | City of Orem                                  | Plan                                 |
| <a href="#">Salt Lake City Water Conservation Master Plan</a>                    | Water Supply and Demand Planning | Salt Lake City Department of Public Utilities | Plan                                 |
| <a href="#">Salt Lake City’s Storm Water Management Plan</a>                     | Water Supply and Demand Planning | Salt Lake City Department of Public Utilities | Plan                                 |
| <a href="#">South Jordan Water Conservation Plan</a>                             | Water Supply and Demand Planning | South Jordan City                             | Plan                                 |
| <a href="#">Genoa Water Conservation Plan</a>                                    | Water Supply and Demand Planning | Town of Genoa                                 | Plan                                 |
| <a href="#">Salt Lake City Water Shortage Contingency Plan</a>                   | Water Supply and Demand Planning | Salt Lake City Department of Public Utilities | Plan                                 |
| <a href="#">Park City’s Storm Water Management Program</a>                       | Storm Water Planning             | Park City Public Utilities                    | Plan                                 |
| <a href="#">City of Logan Drinking Water System Master Plan (2016)</a>           | Water Supply and Demand Planning | City of Logan                                 | Plan                                 |
| <a href="#">Community Solutions for Voluntary Long-Term Storm Water Planning</a> | Storm Water Planning             | U.S. Environmental Protection Agency          | Guide, Toolkit, Technical Assistance |
| <a href="#">Millcreek Community Wildfire Preparedness Plan</a>                   | Wildfire Planning                | State of Utah                                 | Plan                                 |

| Title                                                         | Theme                                       | Source                           | Type of Resource                                |
|---------------------------------------------------------------|---------------------------------------------|----------------------------------|-------------------------------------------------|
| <a href="#">WRA Water System Development Charge Guidebook</a> | Water Supply and Demand                     | Western Resource Advocates       | Guidebook                                       |
| <a href="#">Net Blue: Water-Neutral Growth</a>                | Water Supply and Demand                     | Alliance for Water Efficiency    | User Guide, Model Ordinance, Offset Methodology |
| <a href="#">Conservation Plan Resources</a>                   | Water Supply and Demand, Water Conservation | Utah Division of Water Resources | Website                                         |
| <a href="#">Great Salt Lake Integrated Model (2019)</a>       | Water Supply and Demand, Water Conservation | Great Salt Lake Advisory Council | Report                                          |

### Land Use-Water Integration

| Title                                                                                                                    | Theme                                          | Source                           | Type of Resource   |
|--------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|----------------------------------|--------------------|
| <a href="#">Integrating Water Efficiency into Land Use Planning in the Interior West: A Guidebook for Local Planners</a> | Water Conservation, Land Use-Water Integration | Western Resource Advocates       | Guidebook          |
| <a href="#">Great Salt Lake Advisory Council Conservation Impacts Assessment</a>                                         | Water Conservation, Land Use-Water Integration | Northern Utah                    | Study              |
| <a href="#">Incorporating Water into Comprehensive Planning</a>                                                          | Land Use-Water Integration                     | Lincoln Institute of Land Policy | Manual             |
| <a href="#">Incorporating Water into Comprehensive Plans in Utah</a>                                                     | Land Use-Water Integration                     | Western Resource Advocates       | Website - Webinars |
| <a href="#">Guiding Principles for Equitable Management in Coordinated Planning</a>                                      | Land Use-Water Integration                     | Local Government Commission      | Guiding Principles |
| <a href="#">Salt Lake City Sustainability Plan</a>                                                                       | Land Use-Water Integration                     | Salt Lake City                   | Plan               |
| <a href="#">City of Bluffdale Floodplain Management Plan</a>                                                             | Land Use-Water Integration                     | City of Bluffdale                | Plan               |

| Title                                                                              | Theme                      | Source                                                              | Type of Resource                       |
|------------------------------------------------------------------------------------|----------------------------|---------------------------------------------------------------------|----------------------------------------|
| <a href="#">Assured Water Supplies in Western States</a>                           | Land Use-Water Integration | Colorado Natural Resources, Energy & Environmental Review           | Legal research                         |
| <a href="#">Growing Water Smart: The Water-Land Use Guidebook (Arizona)</a>        | Land Use-Water Integration | Babbitt Center for Land and Water Policy and Sonoran Institute      | Arizona Growing Water Smart Guidebook  |
| <a href="#">Growing Water Smart: The Water-Land Use Nexus Guidebook (Colorado)</a> | Land Use-Water Integration | Babbitt Center for Land and Water Policy and Sonoran Institute      | Colorado Growing Water Smart Guidebook |
| <a href="#">A Guide to Low Impact Development within Utah</a>                      | Land Use-Water Integration | Utah Department of Environmental Quality, Division of Water Quality | Guidebook                              |
| <a href="#">Model Landscape Ordinance</a>                                          | Land Use-Water Integration | South Metro Water Supply Authority, Colorado                        | Website - Model Code                   |
| <a href="#">Water Efficient Landscape Design and Development Standards</a>         | Land Use-Water Integration | Salt Lake County, UT                                                | Website - Code                         |
| <a href="#">Model Water Efficient Landscape Ordinance</a>                          | Land Use-Water Integration | California Department of Water Resources                            | Website - Model Code                   |
| <a href="#">Landscaping Standards</a>                                              | Land Use-Water Integration | Sandy City                                                          | Website - Code                         |
| <a href="#">Water Efficiency Standards</a>                                         | Land Use-Water Integration | Herriman City                                                       | Website - Code                         |
| <a href="#">Rule R317-401-Graywater Systems</a>                                    | Land Use-Water Integration | State of Utah                                                       | Website - Code                         |
| <a href="#">Ch. 13.04.260 Waste Prohibited</a>                                     | Land Use-Water Integration | South Jordan City                                                   | Website - Code                         |
| <a href="#">Strengthening Collaboration</a>                                        | Land Use-Water Integration | Sonoran Institute                                                   | Video                                  |

### Water Conservation

| Title                                   | Theme              | Source                           | Type of Resource |
|-----------------------------------------|--------------------|----------------------------------|------------------|
| <a href="#">Conserviewater.utah.gov</a> | Water Conservation | Utah Division of Water Resources | Website          |



| Title                                                                                        | Theme              | Source                                                              | Type of Resource                         |
|----------------------------------------------------------------------------------------------|--------------------|---------------------------------------------------------------------|------------------------------------------|
| <a href="#">Drought Management Toolkit for Public Water Suppliers</a>                        | Water Conservation | Utah Department of Environmental Quality/Division of Drinking Water | Toolkit                                  |
| <a href="#">Conservation Tracking Tool</a>                                                   | Water Conservation | Alliance for Water Efficiency                                       | Excel-Based Model                        |
| <a href="#">Water &amp; Energy Efficiency Grants and Small-Scale Water Efficiency Grants</a> | Water Conservation | Bureau of Reclamation                                               | Federal Grants Program                   |
| <a href="#">Utah Water Savers</a>                                                            | Water Conservation | Utah Division of Water Resources                                    | Website - Programs and Rebates           |
| <a href="#">Central Utah Water Conservancy District Rebates</a>                              | Water Conservation | Central Utah Water Conservancy District                             | Website - Programs and Rebates           |
| <a href="#">Water Smart So Jo</a>                                                            | Water Conservation | South Jordan City                                                   | Website - Programs and Rebates           |
| <a href="#">Tap Into Resilience</a>                                                          | Water Conservation | Spanish Fork in partnership with Water Now Alliance                 | Website - Case Studies                   |
| <a href="#">Slow the Flow</a>                                                                | Water Conservation | Utah DWR                                                            | Website - Guide, Rebates, and Monitoring |
| <a href="#">Preparing for Drought in the Home</a>                                            | Water Conservation | Utah State University Extension                                     | Website - Guide                          |
| <a href="#">H2OATH</a>                                                                       | Water Conservation | Utah Division of Water Resources                                    | Pledge                                   |
| <a href="#">Home Water Works Calculator</a>                                                  | Water Conservation | Alliance for Water Efficiency                                       | Home Water Use Calculator                |
| <a href="#">EPA WaterSense Water Budget Tool</a>                                             | Water Conservation | U.S. Environmental Protection Agency                                | Excel-Based Tool                         |
| <a href="#">Rain Barrels in Utah</a>                                                         | Water Conservation | Utah State University Extension                                     | Factsheet                                |
| <a href="#">Water Amendments</a>                                                             | Water Conservation | State of Utah                                                       | Website - Law                            |
| <a href="#">A Guide to Municipal Water Conservation Pricing in Utah</a>                      | Water Conservation | Utah State University Extension                                     | Guidebook                                |
| <a href="#">Water Rate Structures in Utah</a>                                                | Water Conservation | Western Resource Advocates                                          | Guidebook                                |

| Title                                                                 | Theme              | Source                                                         | Type of Resource                   |
|-----------------------------------------------------------------------|--------------------|----------------------------------------------------------------|------------------------------------|
| <a href="#">Financing Sustainable Water</a>                           | Water Conservation | Alliance for Water Efficiency                                  | Handbook and Model                 |
| <a href="#">Sandy City Water Conservation Rate Structure</a>          | Water Conservation | Sandy City                                                     | Website                            |
| <a href="#">Summit County Graywater Administration and Permitting</a> | Water Conservation | Summit County                                                  | Website-Permitting and Information |
| <a href="#">Gray Water Use and Regulations in Utah (Webinar)</a>      | Water Conservation | Utah State University's Center for Water Efficient Landscaping | Webinar                            |
| <a href="#">Gray Water Systems Permitting, Moab</a>                   | Water Conservation | Moab City                                                      | Website-City Regulations           |

## Landscape Water Conservation

| Title                                                    | Theme                        | Source                                                         | Type of Resource                                                               |
|----------------------------------------------------------|------------------------------|----------------------------------------------------------------|--------------------------------------------------------------------------------|
| <a href="#">Center for Water Efficient Landscaping</a>   | Landscape Water Conservation | Utah State University Extension                                | Website, Fact Sheets, Reports, Publications, Webinars                          |
| <a href="#">Preparing for Drought in the Landscape</a>   | Landscape Water Conservation | Utah State University Extension                                | Website - Guide                                                                |
| <a href="#">Localscapes</a>                              | Landscape Water Conservation | Jordan Valley Water Conservancy District                       | Guides, Landscape Designs, Classes                                             |
| <a href="#">Water Wise Plants for Utah Landscapes</a>    | Landscape Water Conservation | Utah State University's Center for Water Efficient Landscaping | Water Wise Plant List                                                          |
| <a href="#">Gardenwise SLC</a>                           | Landscape Water Conservation | Salt Lake City Department of Public Utilities                  | Water Wise Plant List, Management<br><br>Guidelines, Plant Watering Guidelines |
| <a href="#">Sego Lily Gardens Plant Guide</a>            | Landscape Water Conservation | Sandy City                                                     | Water Wise Plant List                                                          |
| <a href="#">Native Plants for the Intermountain West</a> | Landscape Water Conservation | Utah State University's Center for Water Efficient Landscaping | Intermountain West Native Plant List                                           |

| Title                                                                                                          | Theme                                        | Source                                                                              | Type of Resource                            |
|----------------------------------------------------------------------------------------------------------------|----------------------------------------------|-------------------------------------------------------------------------------------|---------------------------------------------|
| <a href="#">Conservation Garden Park Plant Database</a>                                                        | Landscape Water Conservation                 | Jordan Valley Water Conservancy District                                            | Water Wise Plant List                       |
| <a href="#">Utah State University Tree Browser</a>                                                             | Landscape Water Conservation                 | Utah State University Extension                                                     | Online Tool for Tree Selection              |
| <a href="#">USU Botanical Garden Water Wise Plant List</a>                                                     | Landscape Water Conservation                 | Utah State University Extension                                                     | Water Wise Plant List                       |
| <a href="#">Weber Basin's Water Conservation Learning Garden Plant Database</a>                                | Landscape Water Conservation                 | Weber Basin Water Conservancy District                                              | Water Wise Plant List                       |
| <a href="#">Red Hills Desert Garden Plant List</a>                                                             | Landscape Water Conservation                 | Washington County Water Conservancy District, St. George City, Virgin River Project | Water Wise Plant List for Desert Landscapes |
| <a href="#">Firewise Landscaping</a>                                                                           | Landscaping for the Wildland Urban Interface | Utah State University Extension                                                     | Guidebook                                   |
| <a href="#">Weekly Lawn Watering Guide</a>                                                                     | Landscape Water Conservation                 | Utah Division of Water Resources                                                    | Website - Guide                             |
| <a href="#">Smart Controller Project</a>                                                                       | Landscape Water Conservation                 | Spanish Fork                                                                        | Website                                     |
| <a href="#">Learning Landscapes: Outdoor Water Efficiency and Conservation Lessons</a>                         | Landscape Water Conservation                 | Alliance for Water Efficiency                                                       | Educator Resource (Grades 3-8)              |
| <a href="#">Landscape Transformation: Assessment of Water Utility Programs and Market Readiness Evaluation</a> | Landscape Water Conservation                 | Alliance for Water Efficiency                                                       | Report                                      |
| <a href="#">Utah Public Garden Network</a>                                                                     | Landscape Water Conservation                 | Utah State University Extension                                                     | Website                                     |
| <a href="#">Design 4 Everyone: Advanced Landscape Design Process</a>                                           | Landscape Water Conservation                 | Utah State University Extension                                                     | Online Course                               |
| <a href="#">How to Have a Water Efficient Landscape</a>                                                        | Landscape Water Conservation                 | Utah State University Extension                                                     | Online Course                               |

Climate Resources

| Title                                                                                               | Theme           | Source                          | Type of Resource     |
|-----------------------------------------------------------------------------------------------------|-----------------|---------------------------------|----------------------|
| <a href="#">Salt Lake City Climate Plan</a>                                                         | Climate         | Salt Lake City                  | Website, Plan, Video |
| <a href="#">UT DWR Climate Change, Water Resources, and Potential Adaptation Strategies in Utah</a> | Climate         | State of Utah                   | Report               |
| <a href="#">Utah Climate Data</a>                                                                   | Climate         | Utah Climate Center             | Website              |
| <a href="#">Western Regional Climate Center</a>                                                     | Climate         | Western Regional Climate Center | Website              |
| <a href="#">U.S. Climate Resilience Toolkit-Southwest</a>                                           | Climate         | U.S. Climate Resilience Toolkit | Website              |
| <a href="#">Climate Change Science Essentials</a>                                                   | Climate Science | Utah State University Extension | Online Course        |

[water.utah.gov/integrated-water-land-planning](http://water.utah.gov/integrated-water-land-planning)



## Stephen Nelson

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**From:** Cindy Beteag  
**Sent:** Wednesday, January 25, 2023 3:17 PM  
**To:** Council; Stephen Nelson; Brienna Spencer  
**Subject:** FW: WCWCD Lawn Replacement Initiative

All- below is more public comments regarding the landscape ordinance.

Stephen – Brienna, could you please get them to the Planning Commissioners?

Thanks,

*Cindy Beteag*



**HURRICANE CITY**  
**UTAH**

Cindy Beteag  
City Recorder  
Hurricane City  
Office 435-635-2811 x 106

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**From:** Bob and Terri Slone <terribob6520@gmail.com>  
**Sent:** Wednesday, January 25, 2023 1:53 PM  
**To:** Cindy Beteag <cindy@cityofhurricane.com>  
**Subject:** WCWCD Lawn Replacement Initiative

Cindy--

We understand you are the point of contact for registering support of the City Council signing off on the WCWCD proposal for rebating part of the cost of replacing sod with desert scaping.

We prefer having a lawn. Washington County is getting plenty of snow in the upper elevations and rain in the lower as we write this. But we need to face reality. Washington County will be dry again by mid-summer. It's time for the City and County to help implement water-use reduction incentives for existing homes, new development, golf courses, alfalfa growers, and truck farms still using flood irrigation.

We are anxious to re-landscape and take advantage of the WCWCD rebate program.

Thank you,

Bob & Terri Slone  
2468 W 770 N  
Hurricane, Utah



## Stephen Nelson

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**From:** Brienna Spencer  
**Sent:** Friday, January 27, 2023 9:50 AM  
**To:** Stephen Nelson  
**Subject:** FW: Water efficient landscape rebate program

Brienna Spencer  
Planning Technician  
Planning Department  
Phone : 435.635.2811 ext. 112  
Email : [brienna@cityofhurricane.com](mailto:brienna@cityofhurricane.com)  
147 N. 870 W. Hurricane UT, 84737  
[www.cityofhurricane.com](http://www.cityofhurricane.com)

-----Original Message-----

From: Cindy Beteag <[cindy@cityofhurricane.com](mailto:cindy@cityofhurricane.com)>  
Sent: Tuesday, January 24, 2023 8:54 AM  
To: Council <[council@cityofhurricane.com](mailto:council@cityofhurricane.com)>  
Cc: Stephen Nelson <[stephen@cityofhurricane.com](mailto:stephen@cityofhurricane.com)>; Brienna Spencer <[brienna@cityofhurricane.com](mailto:brienna@cityofhurricane.com)>  
Subject: FW: Water efficient landscape rebate program

Council and Planning Commission,

This gentleman below came in yesterday expressing his desire to be able to qualify for the rebate program on water efficiency.

Stephen or Brienna, can you please send his comments to the Planning Commissioners?

Thanks,

Cindy Beteag

Cindy Beteag  
City Recorder  
Hurricane City  
Office 435-635-2811 x 106

-----Original Message-----

From: Doug Webb <[dougwebb@webbland.com](mailto:dougwebb@webbland.com)>  
Sent: Monday, January 23, 2023 9:40 PM  
To: Cindy Beteag <[cindy@cityofhurricane.com](mailto:cindy@cityofhurricane.com)>  
Subject: Water efficient landscape rebate program

Hello Cindy

Thanks for your time today, much appreciate your input. This communication is to express our desire for saving water at our property location 918 N. 2360 W. In Sky Mountain. The front grass lawn is approximately 450 sq ft, we would remove and replace with artificial turf. We spoke with Jeff regarding possible grass use on the Golf Course.

Thank you  
Doug Webb

Sent from my iPad

**CITY OF SANTA CLARA  
ORDINANCE NO. 2022-05**

**AN ORDINANCE ADOPTING AND IMPLEMENTING REGULATIONS FOR  
LANDSCAPING AND WATER CONSERVATION FOR NEW DEVELOPMENT IN  
SANTA CLARA CITY, UTAH**

**WHEREAS**, Washington County is one of the most arid and fastest growing regions in Utah with all its major population centers dependent on a single water resource that is prone to drought, so it is essential that additional water conservation initiatives are enacted to protect the county's population, economy and quality of life;

**WHEREAS**, Santa Clara City, in partnership with Washington County and the Washington County Water Conservancy District, want to establish uniform standards for water efficient new development, to address limited water supplies, drought conditions, and the sustainability of future water resources;

**WHEREAS**, Santa Clara City, Washington County, and the Washington County Water Conservancy District want to ensure that the City and its residents continue to have a reliable, resilient, and sustainable water supply;

**WHEREAS**, establishing standards for all new construction including single family residential, multi-family residential, and commercial development will help sustain a reliable and resilient water supply to all residents;

**WHEREAS**, it is in the public interest to conserve the public's water resources and to promote water efficient construction and landscaping to protect and enhance the community's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water in our community's buildings and landscapes, reduce water waste, and establish a structure for designing, installing, and maintaining water efficient buildings and landscapes throughout the City;

**WHEREAS**, establishing standards for the use of water for outdoor landscaping and irrigation will help sustain a reliable and resilient water supply to all residents;

**WHEREAS**, carefully managing the county's water resources is of great importance to our community for the protection of present and future citizens;

**WHEREAS**, this proposed ordinance is necessary and proper for the safety, peace and good order of the City and its citizens; and

**WHEREAS**, this proposed ordinance is necessary for the preservation and longevity of these lands.

**NOW THEREFORE, BE IT ORDAINED** by the City Council of Santa Clara, Utah that the attached standards and regulations are adopted, and shall be incorporated into the ordinances of the City, as Title 17, Chapter 92. This Ordinance shall become effective on the date executed below and upon posting as required by law.

**APPROVED AND ADOPTED** by a duly constituted quorum of the Santa Clara City Council this 23rd day of February, 2022.

IN WITNESS THERETO:

\_\_\_\_\_  
Rick Rosenberg, Mayor

ATTEST:

\_\_\_\_\_  
Chris Shelley, City Recorder



## **CHAPTER 17.92**

### **WATER EFFICIENT LANDSCAPING & CONSERVATION STANDARDS**

#### **SECTION:**

#### **17.92.010: APPLICABILITY**

#### **17.92.020: DEFINITIONS**

#### **17.92.030: SINGLE FAMILY & MULTIPLE FAMILY RESIDENTIAL WATER EFFICIENCY STANDARDS**

#### **17.92.040: NONRESIDENTIAL WATER EFFICIENCY STANDARDS**

#### **17.92.050: LANDSCAPE AND IRRIGATION DESIGN AND OPERATION STANDARDS**

#### **17.92.060: RESTRICTIVE COVENANTS IN CONFLICT WITH WATER EFFICIENCY STANDARDS**

#### **17.92.010: APPLICABILITY**

The provisions of this title are applicable to all new construction, development (including redevelopment), and landscape improvements in the city, except for (a) permitted uses in the Open Space zone; (b) permitted agricultural, horticultural, and gardening uses (including fruit trees) in any zone; (c) public parks or playgrounds, or public or school-owned active recreation areas, in any zone; however, all new uses which fall under (c) must be required to be served by secondary and not culinary municipal water. Landscape improvements to be irrigated solely with private, non-municipal water may be exempt from certain provisions of this chapter as noted.

The provisions of this chapter are severable and if any provision, clause, sentence, word, or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability must not affect or impair any of the remaining provisions, clauses, sentences, sections, words, or parts of this ordinance or their applicability to other persons or circumstances.

#### **17.92.020: DEFINITIONS**

**Active Recreation Area:** An area that is dedicated to active play where lawn may be used as the playing surface. Examples of active recreation areas include sports fields, play areas, and other similar uses designated for physical activity.

**Controller:** A device used in irrigation systems to automatically control when and how long sprinklers or drip irrigation systems operate.

**Drip Irrigation:** An irrigation system that delivers water by adding water at the plant's base and root zone, usually measured in gallons per hour. Drip irrigation exhibits a droplet, trickle, umbrella or short stream pattern, to reduce evaporation, overspray, and water use, and improving water conservation.

**Drip Emitter:** A drip irrigation fitting that delivers water slowly at the root zone of the plant, usually measured in gallons per hour.

**Grading Plan:** The grading plan shows all finish grades, spot elevations, drainage as necessary, and new and existing contours with the developed landscaped area.

**Ground Cover:** Material planted in such a way as to form a continuous cover over ground that can be maintained at a height no more than twelve inches (12”).

**Hardscape:** Elements of landscape constructed from non-living materials such as concrete, boulders, brick, blacktop, and lumber. Includes patios, decks, and paths, but does not include driveways and sidewalks.

**Hydrozone:** Portion of landscape area having plants with similar water needs and rooting depth. A hydrozone may be irrigated or non-irrigated.

**Irrigation Plan:** A plan that shows the components of the irrigation system with water meter size, backflow prevention, precipitation rates, flow rate, and operating pressure for each irrigation circuit, and identification of all irrigation equipment.

**Irrigation Runoff:** Irrigation water that is not absorbed by the soil or landscape area to which it is applied, and that flows onto other areas.

**Landscape Architect:** A person who holds a professional license to practice landscape architecture in the state of Utah. Pursuant to Utah Code, licensed landscape architects, licensed architects, licensed land surveyors, and licensed engineers can professionally stamp plans that fall under the practice of landscape architecture. This includes commercial landscape and irrigation plans.

**Landscape Area:** Area of a Lot not including any building footprints, driveways, sidewalks, and patios; also not including areas of agricultural, horticultural, or gardening uses which are permitted by applicable zoning.

**Landscape Designer:** A person who may or may not hold professional certificates for landscape design/architecture, and who generally focuses on residential design and horticultural needs of home landscapes. Landscape designers may assist developers and property owners with landscape design but may not submit landscape plans for multifamily residential or nonresidential properties and projects under this ordinance unless certified by a landscape architect.

**Landscape Documentation Package:** The documentation of graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features to comply with the provisions of this ordinance. The Landscape Documentation Package must include a project data sheet, a site plan, a planting plan, an irrigation plan, construction details, and a grading plan.

**Landscape or Landscaping:** Any combination of berms; living plants, such as trees, shrubs, vines, ground cover, annuals, perennials, ornamental grass, or seeding; natural features such as rock, stone, or bark chips; and structural features, including but not limited to, fountains, reflecting pools, outdoor artwork, screen walls, fences, or benches that create an attractive and pleasing environment.

**Landscape or Landscaping Maintenance:** Maintaining or keeping any landscaping, or any area required to be landscaped:

A. In a live and thriving condition, with consideration for normal growth and water needs; and

B. Fertilized, mowed, trimmed, edged, mulched and free from weeds, dead plants, litter, refuse, or debris in compliance with regionally accepted horticultural practice and city ordinances.

**Landscape Plan:** A plan that clearly and accurately identifies the location and species of new and existing trees, shrubs, ground cover, and other plants on a site, and any other landscape element, and includes an irrigation plan.

**Lawn:** A surface layer of earth containing mowed grass with its roots; includes grass turf.

**Mulch:** Any organic material such as leaves, bark, wood chips, straw; inorganic material such as crushed stone or gravel; other materials left loose and applied to the soil surface for the beneficial purpose of controlling weeds and conserving soil moisture.

**Multifamily:** Any residential use comprised of a dwelling or dwellings designed for occupation by more than one family in any zone, but for purposes of this Chapter, excludes single-family dwellings, two-family dwellings, dwellings containing an approved internal accessory dwelling unit, or dwellings which are an approved accessory dwelling unit to a primary dwelling.

**Park Strip:** A typically narrow landscaped area located between the back-of-curb and sidewalk.

**Planting Plan:** A planting plan that clearly and accurately identifies the type, size, and locations for new and existing trees, shrubs, planting beds, ground cover, lawn areas, driveways, sidewalks, hardscape features, and fences.

**Precipitation Rate:** The depth of water applied to a given area, usually measured in inches per hour.

**Pressure Regulating Valve:** A valve installed in an irrigation mainline that reduces a higher supply pressure at the inlet down to a regulated lower pressure at the outlet.

Rehabilitated Landscape: Landscape area in which over fifty percent (50%) of existing landscaping is removed and replaced. Includes all landscaping funded in part, or completely, by Washington County Water Conservancy District's landscape conversion program.

Secondary Irrigation Water: Non-potable water that is untreated and used for irrigation of outdoor landscaping.

Single Family: Any residential use comprised of a dwelling designed for occupation by only one family in any zone, and for purposes of this Chapter includes primary dwellings, dwellings containing an approved internal accessory dwelling unit, and approved accessory dwelling units.

Slope: A vertical rise in feet measured over a horizontal distance, expressed as a percentage, measured generally at right angles to contour lines.

Two-Family: Any residential use comprised of a dwelling designed for occupation by two families in any zone, but for purposes of this Chapter excludes dwellings containing an approved internal accessory dwelling unit, or dwellings which are an approved accessory dwelling unit to a primary dwelling.

Water-Conserving Plant: A plant that can generally survive with available rainfall once established, with possible supplemental irrigation needed or desirable during spring and summer months or during drought periods.

### **17.92.030: SINGLE FAMILY AND TWO-FAMILY RESIDENTIAL WATER EFFICIENCY STANDARDS**

The provisions of this section are applicable to all new single family or two-family residential development or redevelopment in any zone.

#### **A. Construction Standards:**

1. New single family or two-family dwellings, including accessory dwelling units, having at least one thousand (1,000) square feet of living space must have installed a hot water recirculation system or systems, unless hot water delivery can be demonstrated to occur without first displacing more than 0.5 gallons of system water.
2. New single family or two-family residential dwellings, including accessory dwelling units, must use WaterSense labeled fixtures, including but not limited to faucets, showerheads, toilets, and urinals.

#### **B. Landscape Standards: For all residential construction and development which is subject to this section, except where landscaping will be irrigated solely with a**



private, non-municipal water source, landscaping must meet the following requirements:

1. The total irrigated landscape area must not exceed sixteen percent (16%) of the lot square footage. Lawn area must not exceed eight percent (8%) of the lot square footage, up to a maximum of two thousand five hundred (2,500) square feet of lawn area.
2. Lawn is prohibited in park strips, in all landscape areas less than eight feet wide, and on any slope that exceeds twenty percent (20%).
3. Any lot in any zone which is larger than one-half (1/2) acre must use secondary irrigation to irrigate any agricultural, horticultural, or gardening uses which are permitted in the applicable zone.

#### **17.92.040: MULTIFAMILY RESIDENTIAL AND NONRESIDENTIAL WATER EFFICIENCY STANDARDS**

The provisions of this section are applicable to all new multifamily residential and nonresidential development or redevelopment in any zone.

##### **A. Construction Standards:**

1. Hot water recirculation systems must be installed, unless hot water delivery can be demonstrated to occur without first displacing more than 0.5 gallons of system water.
2. WaterSense labeled fixtures must be installed, including but not limited to faucets, showerheads, toilets, and urinals.
3. All units located partially or completely on a ground floor, and which are individually subdivided, must be separately metered, sub metered, or equipped with alternative technology capable of tracking the water use of the individual unit, and the information must be made available to the resident of each unit. Individually platted condominium units are excepted if a condominium owners' association owns and maintains the water lines and meters. All nonresidential projects require separate water meters for all outdoor water usage, including landscaping.

4. All commercial car washes must utilize a wastewater recirculation system and limit water use to a maximum amount of thirty-five (35) gallons per vehicle washed.
  5. Exterior, decorative water features in any project must be limited to an aggregate capacity of fifty (50) gallons or less for all features in the project, and recirculating pumps are required in each feature.
  6. All golf courses using water district or municipal water supplies must irrigate with secondary irrigation water and must have separate water meters for the golf course. Irrigation with potable water is prohibited. Each golf course development must submit and follow a water budget with the Landscape Documentation Package and identify water conservation measures for city approval.
  7. Outdoor misting systems may only be operated during the May through September time period where the daily high temperature is ninety degrees (90°) Fahrenheit or greater.
- B. Landscape Standards: For all multifamily residential and nonresidential development subject to this section, except where landscaping will be irrigated solely with a private, non-municipal water source, landscaping must meet the following requirements:
1. Lawn is not permitted outside of an active recreation area. Lawn is prohibited in park strips, all landscape areas less than eight feet wide, and on any slope that exceeds twenty percent (20%).
  2. Landscape and irrigation installers must follow plans that have been signed and approved by the city.
  3. Each project must propose and comply with an approved planting plan that has a minimum of forty percent (40%) vegetative cover of a landscaped area with water-efficient shade trees and bushes adequate in number and configuration to visually enhance the project, prevent heat islands, and prevent soil erosion. The city has sole discretion to approve or require adjustments to the configuration of vegetation in the planting plan.
  4. If secondary irrigation water is available, each project shall connect to the system for all outdoor water use. The city may make minor exceptions,

allowing use of treated water for outdoor plantings in small beautification areas, in its sole discretion.

C. Required Documentation:

1. Landscape Documentation Package: A copy of a Landscape Documentation Package must be submitted to and approved by the city prior to the issue of any building permit. A copy of the approved Landscape Documentation Package must be provided to the property owner or site manager. The Landscape Documentation Package must be prepared by a professional landscape architect (PLA) and must consist of the following items:
  - a. Project Data Sheet containing the following:
    - i. Project name and address;
    - ii. Applicant or applicant agent's name, address, phone number, and email address;
    - iii. Landscape architect's name, address, phone number, and email address; and
    - iv. Landscape contractor's name, address, phone number and email address, if available currently.
  - b. Planting Plan. A detailed planting plan must be drawn at a scale that clearly identifies the following:
    - i. Location of all plant materials, a legend with common and botanical names, and size of plant materials;
    - ii. Property lines and street names;
    - iii. Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;
    - iv. Existing trees and plant materials to be removed or retained;
    - v. Scale: graphic and written;
    - vi. Date of design;
    - vii. Designation of hydrozones; and

- viii. Details and specifications for tree staking, soil preparation, and other planting work.
  - c. Irrigation Plan. A detailed irrigation plan must be drawn at the same scale as the planting plan and contain the following information:
    - i. Layout of the irrigation system and a legend summarizing the type and size of all components of the system, including manufacturer name and model numbers;
    - ii. Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;
    - iii. Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with irrigation equipment (i.e., sprinklers, drip emitters, bubblers, etc.); and
    - iv. Installation details for irrigation components.
  - d. Grading Plan. A grading plan must be drawn at the same scale as the planting plan and must contain the following information:
    - i. Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas, and other site improvements; and
    - ii. Existing and finished contour lines and spot elevations as necessary for the proposed site improvements, as well as drainage.
2. Plan Review, Construction Inspection, and Post-Construction Monitoring:
- a. As part of the building permit approval process, a copy of the Landscape Documentation Package must be submitted with a city provided pre-submittal checklist completed for the city to initiate a review and approval process before construction begins.
  - b. All installers and designers must meet state and local license, insurance, and bonding requirements, and be able to show proof of such.
  - c. During construction, site inspection of the landscaping may be performed by the Building Department or other city official tasked with such inspections.



- d. Following construction and prior to issuing an occupancy permit, an inspection must be scheduled with the Building Department or other city official tasked with such inspections to verify compliance with the approved landscape plans. The Certificate of Substantial Completion must be completed by the property owner, developer, contractor, or landscape architect and submitted to the city. The Certificate of Substantial Completion must be accompanied by a certification from the landscape architect that the landscaping, irrigation, and related improvements have been installed consistent with the approved Landscape Documentation Package.
- e. The Building Department or other city official tasked with such inspections reserves the right to perform site inspections at any time before, during, or after the irrigation system and landscape installation, and to require corrective measures if requirements of this ordinance are not satisfied.

#### **17.92.050: LANDSCAPE AND IRRIGATION DESIGN AND OPERATION STANDARDS**

The provisions of this section shall apply to all new landscaping and irrigation in the City which is subject to this chapter, except where landscaping will solely be irrigated with a private, non-municipal source of water. Any landscape area to be converted from private, non-municipal to municipal water, whether culinary or secondary, must first be brought into compliance with this section.

- A. Plants must be well-suited to the microclimate and soil conditions at the project site. Native, locally adaptable, and environmentally sustainable plants are acceptable. See the Washington County Water Conservancy District's recommended plant list on <https://wcwcd.org>. Plants with similar water needs must be grouped together as much as possible into hydrozones for efficient irrigation. Invasive plant species as identified by Washington County must not be planted.
  - 1. Areas with slopes greater than twenty percent (20%) slope must be landscaped with deep-rooting, water-conserving plants that do not include lawn.
  - 2. Park strips and other landscaped areas less than eight feet (8') wide must be landscaped with water-conserving plants and/or mulch that do not include lawn.
- B. Tree species must be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Trees should be suited for water-efficient landscapes; however,

fruit trees are allowed where permitted by zoning. Trees must be selected and planted in accordance with the following city guidance:

1. Broad canopy trees may be selected where shade or screening of tall objects is desired.
2. Low-growing trees must be selected for spaces under utility wires.
3. Select trees from which lower branches will be trimmed to maintain a healthy growth habit where visual clearance and natural surveillance is a concern.
4. Narrow or columnar trees are recommended for small spaces, or where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street for natural surveillance.
5. Tree placement must provide canopy cover (shade) and avoid conflicts with existing trees, retaining walls, above and below ground utilities, lighting, and other obstructions.

#### C. Irrigation Design Standards:

1. Pressure Regulation. A pressure regulating valve must be installed by the builder or developer, and maintained by the owner, if the static service pressure exceeds ninety (90) pounds per square inch (psi). The pressure regulating valve must be located between the meter and the first point of water use, or first point of division in the pipe, and must be set at the manufacturer's recommended pressure for the sprinklers.
2. Irrigation Controller. It is required that landscaped areas use a WaterSense labeled smart irrigation controller, which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers must be equipped with automatic rain delay or rain shut-off capabilities. All controllers must have memory retention capability to retained pre-programmed irrigation schedules. Sites are not exempt from water waste prohibitions.
3. Low-volume irrigation equipment (i.e., drip emitters, bubblers) must be provided for each tree.
4. Drip irrigation must be used to irrigate plants in non-lawn areas.
5. High conservation efficiency spray nozzles are required for sprinkler applications.
6. Sprinkler heads must have matched precipitation rates with each control valve circuit.

7. Filters and end-flush valves must be provided for drip irrigation lines.

D. Irrigation Operation Standards:

1. Landscape watering with potable (treated) water is prohibited from 10 a.m. to 8 p.m., from June 1 to October 1, to maximize irrigation efficiency.
2. Water waste is prohibited. Waste includes overwatering, irrigating during a precipitation event, water that sprays or flows off your property, failure to comply with drought restrictions and/or a failure to repair irrigation system leaks and/or malfunctions in a timely manner.
3. Overwatering can be avoided by following the water district's recommended irrigation schedule and practices as noted on [wcwcd.org](http://wcwcd.org). The generally recommended schedule is:
  - a. Winter (Nov - Feb) - sprinkler and drip irrigation up to 1 day a week. Irrigation is typically not needed in December and January
  - b. Spring (Mar - April) - sprinkler irrigation up to 3 days a week and drip irrigation up to 2 days a week
  - c. Summer (May - Aug) - sprinkler irrigation up to 4 days a week and drip irrigation up to 3 days a week
  - d. Fall (Sept - Oct) - sprinkler irrigation up to 3 days a week and drip irrigation up to 2 days a week
4. Program valves for multiple repeat cycles are required to reduce runoff on slopes and for soils with slow infiltration rates.

**17.92.060: RESTRICTIVE COVENANTS IN CONFLICT WITH WATER EFFICIENCY STANDARDS**

Any homeowners', condominium owners', or property owners' association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, recorded after passage of this ordinance, are void and unenforceable if they conflict with the water efficiency standards in this ordinance, or if they have the effect of prohibiting or restricting compliance with this ordinance.

**ORDINANCE NO. 2022-22**

**AN ORDINANCE ADOPTING AND IMPLEMENTING REGULATIONS FOR  
LANDSCAPING AND WATER CONSERVATION FOR DEVELOPING LAND  
IN WASHINGTON CITY, UTAH**

**WHEREAS**, Washington City is located in Washington County, which area is one of the most arid and fastest growing regions in Utah with all its major population centers dependent on a water resource that is subject to natural conditions, including drought, so it is essential that water conservation initiatives be enacted to protect residents of Washington City and Washington County;

**WHEREAS**, establishing standards for new construction will help sustain a reliable and resilient water supply to all residents of Washington City and Washington County;

**WHEREAS**, it is in the interest of residents of Washington City and in the public interest to protect and enhance the community's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water in our community's buildings and landscapes, reduce water waste, and establish standards for designing, installing, and maintaining water efficient buildings and landscapes throughout the City;

**WHEREAS**, establishing standards for the use of water for outdoor landscaping and irrigation will help sustain a reliable and resilient water supply to all residents;

**WHEREAS**, carefully managing water resources is of great importance to our community for the protection of present and future citizens;

**WHEREAS**, the Washington City Mayor, Council, and Staff respect the individual decision-making of city residents and trust that they will act in the best interest of the long-term viability and security of the community when it comes to water conservation;

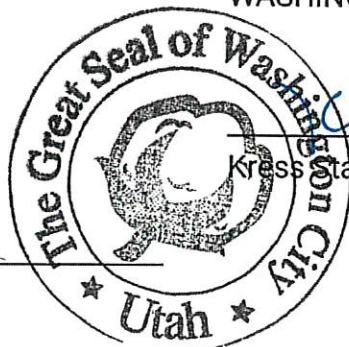
**NOW THEREFORE**, be it ordained by the City Council of Washington City, Utah that the attached standards and regulations are adopted, and shall be incorporated into the ordinances of the City, as Title 8, Chapter 9, Sections 1 through 5. This Ordinance shall become effective on the date executed below and upon posting as required by law.

**PASSED AND ORDERED POSTED** on this 11th day of May, 2022.

WASHINGTON CITY

ATTEST:

  
Tara Pentz, City Recorder



  
Kress Staheli, Mayor



## **TITLE 8, CHAPTER 9**

### **SECTION 1: GENERAL PROVISIONS**

#### **8-9-1: APPLICABILITY**

The provisions of this ordinance are severable and if any provision, clause, sentence, word, or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of this ordinance or their applicability to other persons or circumstances.

### **SECTION 2: DEFINITIONS**

#### **8-9-2: DEFINITIONS**

The following definitions shall apply to this ordinance:

**Active Recreation Area:** An area that is dedicated to active play where grass may be used as the playing surface. Examples of active recreation areas include sports fields, play areas, and other similar uses designated for physical activity. plan

**Grass:** A surface layer of earth containing irrigated grass with its roots.

**Hardscape:** Elements of landscape constructed from non-living materials such as concrete, boulders, brick, blacktop, and lumber. Hardscape includes patios, decks, and paths, but does

**Landscape Area:** Area within a lot or parcel that is not the home footprint, driveway, or sidewalk.

**Landscape or Landscaping:** Any combination of berms; living plants, such as trees, shrubs, vines, ground covers, annuals, perennials, ornamental grass, or seeding; natural features such as rock, stone, or bark chips; and structural features, including but not limited to outdoor artwork, screen walls, fences, Hardscape, Pool, or benches that create an attractive and pleasing environment.

**Park Strip:** A typically narrow landscaped area located between the back-of-curb and sidewalk.

Rehabilitated Landscaping: Landscape area in which over 75% percent of existing landscaping is removed and replaced. Includes all landscaping funded in part, or completely, by Washington County Water Conservancy District's landscape conversion program.

Secondary Irrigation Water: Non-potable water that is untreated and used for irrigation of outdoor landscaping.

Slope: A vertical rise in feet measured over a horizontal distance, expressed as a percentage, measured generally at right angles to contour lines.

### **SECTION 3: WATER EFFICIENCY STANDARDS FOR SINGLE FAMILY AND MULTIPLE FAMILY RESIDENTIAL ZONES**

These provisions are applicable to all new construction and new development in any residential zone, or for any single family or multiple family residential development in any zone.

#### **8-9-3(i): Construction Standards**

- A. New single family or multiple family residential dwellings 1,400 square feet or greater shall install hot water recirculation systems.
- B. All multiple family units with ground floor square footage or individually platted, shall be separately metered, submetered, or equipped with alternative technology capable of tracking the water use of the individual unit, and the information shall be made available to the resident of each unit. Individually platted condominium units are exempted from the provision of this Paragraph D if a property owners association owns and maintains the water lines and meters. All multiple family projects require separate water meters for all outdoor water usage, including landscaping. Nothing herein shall be interpreted to require individual and separate landscape water meters for each and every unit of a multiple family project.

Nothing in this paragraph nor this Chapter 9 of Title 8 is intended to influence or modify the calculation and assessment of impact fees under Washington City Code

#### **8-9-3(ii): Landscape Standards**

- A. For all new residential construction, Rehabilitated Landscaping, residential development, and new landscape improvements, the landscaping shall meet the following requirements:

1. Single Family Dwellings, and Multiple Family Dwelling Projects with Ten Units or Less:
  - a. Irrigated Lawn area must not exceed eight percent (8%) of the lot square footage, up to a maximum of one thousand five hundred (1,500) square feet of grass (irrigated lawn area). No lot, regardless of its size, may install grass areas that exceed 1,500 square feet of surface area on the lot. Applicants will identify the size of the building lot in square feet, the amount of irrigated lawn proposed in square feet, and calculate the percentage of the lot to be installed with irrigated lawn at the time of building application. Following construction, the City will verify the installed irrigated lawn area does not exceed the maximum allowed.
  - b. Grass is prohibited in park strips, in any landscape area that measures less than eight feet in width, and on any slope that exceeds 15%; and
2. Multiple Family Dwelling Projects with More than Ten Units: Comply with the Landscape Standards in 8-9-4(ii), below.

#### **8-9-3(iii): Restrictive Covenants in Conflict with Water Efficiency Standards**

Any homeowners or property owners association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, and that are recorded after passage of this ordinance, are preempted by this ordinance and unenforceable by the owners or association contrary to Washington City Code if they conflict with the standards in this ordinance, or if they have the effect of prohibiting or restricting compliance with this ordinance.

#### **SECTION 4: WATER EFFICIENCY STANDARDS FOR NONRESIDENTIAL ZONES AND NONRESIDENTIAL DEVELOPMENTS**

These provisions are applicable to all new construction and new development in all nonresidential zones and nonresidential developments in any zone.

#### **8-9-4(i): Construction Standards**

- A. Hot water recirculation systems shall be installed, unless hot water delivery can be demonstrated to occur without first displacing more than 0.6 gallons of system water.
- B. All shell units with ground floor square footage, or individually platted, shall be separately metered, submetered, or equipped with alternative technology capable

of tracking the water use of the individual unit, and the information shall be made available to the individual unit. Individually platted condominium units are exempted if a property owners association owns and maintains the water lines and meters. All nonresidential projects require separate water meters for all outdoor water usage, including landscaping.

- C. All commercial car wash projects shall be built and operated to limit the maximum amount of new consumed water from the utility for car washes to 20 gallons per vehicle washed. Washington City shall have the right to review, inspect, and audit on recurring review cycles carwash project compliance with quantity maximums per vehicle washed.
- D. All golf courses using water district or municipal water supplies shall irrigate with secondary irrigation water and shall have separate water meters for the golf course. Irrigation with potable water at golf courses is prohibited to promote conservation of available drinking water. Each golf course development shall submit and follow a water budget with the Landscape Documentation Packet and identify water conservation measures for city review and approval.
- E. Outdoor or exterior Pools, fountains, or decorative water features that do not use secondary water are prohibited as part of any non-residential Landscape Plan, except as considered by the City Council for consumptive effect on potable (treated) water supplies and if approved by the City Council as a permitted exception.

#### **8-9-4(ii): Landscape Standards**

- A. For all new construction, Rehabilitated Landscaping, new development, and new landscape improvements in all nonresidential zones, and nonresidential development in any zone, the landscaping shall meet the following requirements:
  - 1. Grass is prohibited outside of an active recreation area. Grass is prohibited in park strips, in all landscape areas that measure less than eight feet in width, and on any slope that exceeds 15%.
  - 2. If secondary irrigation water is available, each project shall connect to the secondary irrigation water system for all outdoor water use. Washington City may make minor case-by-case permitted exceptions by approval of the City Council, allowing use of treated water for outdoor plantings that have secondary irrigation water available, subject to review and approval at the sole discretion of the city. An example of such a permitted exception would be for a small beautification planting of flowers or foliage that may be sensitive to secondary irrigation water quality.



## CHAPTER 8

### CONSERVATION LANDSCAPE REQUIREMENTS

#### SECTION:

#### 8-8-1: General Provisions

##### 8-8-1-1: Short Title

##### 8-8-1-2: Conflict

##### 8-8-1-3: Applicability

##### 8-8-1-4: Severability

#### 8-8-2: Definitions

#### 8-8-3: Single-Family And Multiple-Family Residential Water Efficiency Standards

##### 8-8-3-1: Construction Standards

##### 8-8-3-2: Landscape Standards

##### 8-8-3-3: Restrictive Covenants In Conflict With Water Efficiency Standards

#### 8-8-4: Nonresidential Zones And Development Water Efficiency Standards

##### 8-8-4-1: Construction Standards

##### 8-8-4-2: Landscaped Standards

##### 8-8-4-3: Irrigation Design Standards

#### 8-8-5: Relief From Application Of Provisions Of Chapter

#### 8-8-1: GENERAL PROVISIONS:

##### 8-8-1-1: SHORT TITLE:

This Chapter shall be known as "Conservation Landscape Requirements". (Ord. 2022-08, 9-7-2022)

##### 8-8-1-2: CONFLICT:

The terms and requirements of this Chapter and those of the currently-adopted Building Related Codes identified in Chapter 1 of Title 9 shall be read and applied together. Any conflict between the terms and requirements of this Chapter and those of the Building Related Codes shall be resolved in favor of the latter. (Ord. 2022-08, 9-7-2022)

##### 8-8-1-3: APPLICABILITY:

The provisions of this Chapter are applicable to all new construction, development and major landscape improvements (a) on the Top Side and (b) in the residential areas within the main land area of the City that are not connected to or reasonably able to connect to and be served by the City's secondary water system. (Ord. 2022-08, 9-7-2022)

##### 8-8-1-4: SEVERABILITY:

The provisions of this chapter are severable and if any provision, clause, sentence, word, or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of this chapter or their applicability to other persons or circumstances. (Ord. 2022-08, 9-7-2022)

#### 8-8-2: DEFINITIONS:

The following definitions shall apply to this chapter:

|                         |                                                                                                                                                                                                                                                                                                     |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ACTIVE RECREATION AREA: | An area that is dedicated to active play where grass may be used as the playing surface. Examples of active recreation areas include sports fields, play areas, and other similar uses designated for physical activity.                                                                            |
| CHECK VALVE:            | A device used in sprinkler heads or pipe to prevent water from draining out of the pipe through gravity flow.                                                                                                                                                                                       |
| CONTROLLER:             | A device used in irrigation systems to automatically control when and how long sprinklers or drip irrigation systems operate.                                                                                                                                                                       |
| DRIP EMITTER:           | A drip irrigation fitting that delivers water slowly at the root zone of the plant, usually measured in gallons per hour.                                                                                                                                                                           |
| DRIP IRRIGATION:        | An irrigation system that delivers water by adding water at the plant's base and root zone, usually measured in gallons per hour. Drip irrigation exhibits a droplet, trickle, umbrella or short stream pattern, to reduce evaporation, overspray, and water use, and improving water conservation. |

|                                       |                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| GRADING PLAN:                         | The grading plan shows all finish grades, spot elevations, drainage as necessary, and new and existing contours with the developed landscaped area.                                                                                                                                                                                                                                     |
| GRASS:                                | A surface layer of earth containing mowed grass with its roots.                                                                                                                                                                                                                                                                                                                         |
| GROUND COVER:                         | Material planted in such a way as to form a continuous cover over ground that can be maintained at a height no more than twelve (12) inches.                                                                                                                                                                                                                                            |
| HARDSCAPE:                            | Elements of landscape constructed from non-living materials such as concrete, boulders, brick, blacktop, and lumber. It includes patios, decks, and paths, but does not include driveways and sidewalks.                                                                                                                                                                                |
| HYDROZONE:                            | Portion of landscape area having plants with similar water needs and rooting depth. A hydrozone may be irrigated or non-irrigated.                                                                                                                                                                                                                                                      |
| IRRIGATION PLAN:                      | A plan that shows the components of the irrigation system with water meter size, backflow prevention, precipitation rates, flow rate, and operating pressure for each irrigation circuit, and identification of all irrigation equipment.                                                                                                                                               |
| IRRIGATION RUNOFF:                    | Irrigation water that is not absorbed by the soil or landscape area to which it is applied, and that flows onto other areas.                                                                                                                                                                                                                                                            |
| LANDSCAPE ARCHITECT:                  | A person who holds a professional license to practice landscape architecture in the state of Utah. Per State Code, licensed landscape architects, licensed architects, licensed land surveyors, and licensed engineers can professionally stamp plans that fall under the practice of landscape architecture. This includes commercial landscape and irrigation plans.                  |
| LANDSCAPE AREA:                       | Area within a lot or parcel that is not the home footprint, driveway, sidewalk or patio.                                                                                                                                                                                                                                                                                                |
| LANDSCAPE DESIGNER:                   | A person who may or may not hold professional certificates for landscape design/architecture, and who generally focuses on residential design and horticultural needs of home landscapes. Landscape designers cannot legally create commercial landscape plans.                                                                                                                         |
| LANDSCAPE DOCUMENTATION PACKAGE:      | The documentation of graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features to comply with the provisions of this chapter. The Landscape Documentation Package shall include a project data sheet, a site plan, a planting plan, an irrigation plan, construction details, and a grading plan.                          |
| LANDSCAPE OR LANDSCAPING:             | Any combination of berms; living plants, such as trees, shrubs, vines, ground covers, annuals, perennials, ornamental grass, or seeding; natural features such as rock, stone, or bark chips; and structural features, including but not limited to outdoor artwork, screen walls, fences or benches that create an attractive and pleasing environment.                                |
| LANDSCAPE OR LANDSCAPING MAINTENANCE: | Maintaining or keeping any landscaping, or any area required to be landscaped:                                                                                                                                                                                                                                                                                                          |
|                                       | <p>A. In a live and thriving condition, with consideration for normal growth and water needs; and</p> <p>B. Fertilized, mowed, trimmed, edged, mulched and free from weeds, dead plants, litter, refuse, or debris in compliance with regionally accepted horticultural practice and city ordinances.</p>                                                                               |
| LANDSCAPE PLAN:                       | A plan that clearly and accurately identifies the location and species of new and existing trees, shrubs, ground covers, and other plants on a site, and any other landscape element, and includes an irrigation plan.                                                                                                                                                                  |
| MULCH:                                | Any organic material such as leaves, bark, wood chips, straw; inorganic material such as crushed stone or gravel; other materials left loose and applied to the soil surface for the beneficial purpose of controlling weeds and conserving soil moisture.                                                                                                                              |
| PARK STRIP:                           | A typically narrow landscaped area located between the back-of-curb and sidewalk.                                                                                                                                                                                                                                                                                                       |
| PLANT LIST:                           | A list of locally adaptable and environmentally sustainable plants for compliant Planting Plans as provided by the Washington County Water Conservancy District (see current version of the Washington County, Utah, Plant Guide, or successor thereof, available at the Washington County Water Conservancy District, or online at <a href="http://www.wcwcd.org">www.wcwcd.org</a> ). |

|                             |                                                                                                                                                                                                                                   |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PLANTING PLAN:              | A Planting Plan that clearly and accurately identifies the type, size, and locations for new and existing trees, shrubs, planting beds, ground covers, grass areas, driveways, sidewalks, hardscape features, and fences.         |
| PRECIPITATION RATE:         | The depth of water applied to a given area, usually measured in inches per hour.                                                                                                                                                  |
| PRESSURE COMPENSATING:      | A drip irrigation system that compensates for fluctuating water pressure by only allowing a fixed volume of water through drip emitters.                                                                                          |
| PRESSURE REGULATING VALVE:  | A valve installed in an irrigation mainline that reduces a higher supply pressure at the inlet down to a regulated lower pressure at the outlet.                                                                                  |
| REHABILITATED LANDSCAPING:  | Landscape area in which over 50% percent of existing landscaping is removed and replaced. Includes all landscaping funded in part, or completely, by Washington County Water Conservancy District's landscape conversion program. |
| SECONDARY IRRIGATION WATER: | Non-potable water that is untreated and used for irrigation of outdoor landscaping.                                                                                                                                               |
| SLOPE:                      | A vertical rise in feet measured over a horizontal distance, expressed as a percentage, measured generally at right angles to contour lines.                                                                                      |
| TOP SIDE:                   | the area of the city situated atop the cliffs that line the easterly portions of the City, designated as "Top side / East Bench" in the City's General Plan.                                                                      |
| WATER-CONSERVING PLANT:     | A plant that can generally survive with available rainfall once established, with possible supplemental irrigation needed or desirable during spring and summer months or during drought periods. (Ord. 2022-08, 9-7-2022)        |

### **8-8-3: SINGLE-FAMILY AND MULTIPLE-FAMILY RESIDENTIAL WATER EFFICIENCY STANDARDS:**

These provisions are applicable to all new construction, and new development in any residential zone, or for any single family or multiple family residential development in any zone located in the areas identified in Section 8-8-1-3 above. (Ord. 2022-08, 9-7-2022)

#### **8-8-3-1: CONSTRUCTION STANDARDS:**

A. The following shall be installed in new single-family and multiple-family dwellings of 1,000 square feet or greater: tankless water heater (unless hot water delivery can be demonstrated to occur without first displacing more than 0.6 gallons of system water).

B. The following shall be installed in all new single-family and multiple-family dwellings:

1. Water Sense labeled fixtures, including, but not limited to faucets, showerheads, toilets, and urinals.
2. Energy Star qualified appliances.

C. All multiple-family units shall be separately metered, sub-metered, or equipped with alternative technology capable of tracking the water use of the individual unit; and the information related thereto shall be made available to the resident of each unit.

D. All multiple-family projects shall be equipped with separate water meters for all outdoor water usage, including landscaping. (Ord. 2022-08, 9-7-2022)

#### **8-8-3-2: LANDSCAPE STANDARDS:**

A. For all new residential construction or development, landscaping shall meet the following requirements:

1. Single-Family Dwellings, and Multiple-Family Dwelling Projects with Ten Units or Less:

- a. The total grass area shall not exceed the following:

| Lot size             | Maximum grass |
|----------------------|---------------|
| Up to 10,000 sf      | 800 sf        |
| 10,000+ to 25,000 sf | 8% of lot sf  |
| 25,000+ sf           | 2,000 sf      |

- b. Grass is prohibited in park strips, in landscape areas less than eight feet wide, and on any slope that exceeds 15%; and

c. Each single-family dwelling shall have a minimum of two water-efficient shade trees with a minimum one-and-one-half-inch (1½") caliper trunk. Each multiple-family development with ten units or less shall follow city approved landscape planting plans for number of shade trees.

2. Multiple-Family Dwelling Projects with More than Ten Units: Comply with the Landscape Standards in 8-8-4-2, below.

B. The Plant List, as defined in Section 8-8-2, shall be consulted in determining appropriate, adaptable and environmentally

sustainable trees, shrubs, and other plants to be planted and maintained. (Ord. 2022-08, 9-7-2022)

### **8-8-3-3: RESTRICTIVE COVENANTS IN CONFLICT WITH WATER EFFICIENCY STANDARDS:**

To the extent permitted by applicable law, any homeowners or property owners' association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions, that govern the operation of a common interest development, recorded after adoption of this Chapter, are deemed void and unenforceable if they conflict with the water efficiency standards in this Chapter, or if they have the effect of prohibiting or restricting compliance with this Chapter. (Ord. 2022-08, 9-7-2022)

### **8-8-4: NONRESIDENTIAL ZONES AND DEVELOPMENT WATER EFFICIENCY STANDARDS:**

These provisions are applicable to all new construction and new development in all nonresidential zones, and nonresidential development in any zone located in the areas identified in Section 8-8-1-3 above. (Ord. 2022-08, 9-7-2022)

#### **8-8-4-1: CONSTRUCTION STANDARDS:**

A. Tankless water heaters shall be installed, unless hot water delivery can be demonstrated to occur without first displacing more than 0.6 gallons of system water.

B. Water Sense labeled fixtures shall be installed, including, but not limited to faucets, showerheads toilets, and urinals.

C. Energy Star qualified appliances shall be installed.

D. All shell units with ground floor square footage, or which are individually platted, shall be separately metered, sub-metered, or equipped with alternative technology capable of tracking the water use of the individual unit,; and the information related thereto shall be made available to the individual unit.

1. Individually-platted condominium units are excepted if a property owners association owns and maintains the water lines and meters.

2. All nonresidential projects require separate water meters for all outdoor water usage, including landscaping.

E. All carwash projects shall recirculate and limit the maximum amount of water to 35 gallons per vehicle washed.

F. Exterior, decorative water features are prohibited, except up to five decorative water features with 50 gallon or less capacity and maintained recirculating pumps.

G. All golf courses using water district or municipal water supplies shall irrigate with secondary irrigation water and shall have separate water meters for the golf course. Irrigation with potable water is prohibited. Each golf course development shall submit and follow a water budget with the Landscape Documentation Packet and identify water conservation measures for city approval.

H. Outside misting systems shall only operate during the May through August time period where the daily high temperature is 90 degrees Fahrenheit or greater. (Ord. 2022-08, 9-7-2022)

#### **8-8-4-2: LANDSCAPED STANDARDS:**

A. All new construction and new development shall meet the Landscape Design Standards and Irrigation Design Standards of this Chapter.

1. Grass is not permitted outside of an active recreation area.

2. Grass is prohibited in park strips, in landscape areas less than eight feet wide, and on any slope that exceeds fifteen percent (15%).

3. Landscape and irrigation installers shall follow the plans that have been signed and approved by the city.

4. Each project shall propose and follow an approved Planting Plan. At least forty percent (40%) of the project's proposed (and installed) landscaped area shall contain vegetative cover consisting of water-efficient shade trees and/or bushes adequate in number and configuration to visually enhance the project, prevent heat islands, and prevent soil erosion. The configuration of the vegetation in the Planting Plan is in the sole discretion of the city.

5. If secondary irrigation water is reasonably available, each project shall connect to the system for all outdoor water use. A city may make minor exceptions, allowing use of treated water for outdoor plantings in small beautification areas, in its sole discretion.

B. The Plant List, as defined in Section 8-8-2, shall be consulted in determining appropriate, adaptable and environmentally sustainable trees, shrubs, and other plants to be planted and maintained.

C. Required Documentation

1. Landscape Documentation Package: A copy of a Landscape Documentation Package shall be submitted to and approved by the city prior to the issue of any building permit. A copy of the approved Landscape Documentation Package shall be provided to the property owner or site manager. The Landscape Documentation Package shall be prepared by a professional landscape architect (PLA) and shall consist of the following items:

a. Project Data Sheet containing the following:

(1) Project name and address;

(2) Applicant or applicant agent's name, address, phone number, and email address;

(3) Landscape architect's name, address, phone number, and email address; and

(4) Landscape contractor's name, address, phone number and email address, if available at this time.

b. Planting Plan. A detailed Planting Plan shall be drawn at a scale that clearly identifies the following:



- (1) Location of all plant materials, a legend with common and botanical names, and size of plant materials;
- (2) Property lines and street names;
- (3) Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;
- (4) Existing trees and plant materials to be removed or retained;
- (5) Scale: graphic and written.;
- (6) Date of design;
- (7) Designation of hydrozones; and
- (8) Details and specifications for tree staking, soil preparation, and other planting work.

c. Irrigation Plan. A detailed irrigation plan shall be drawn at the same scale as the Planting Plan and shall contain the following information:

- (1) Layout of the irrigation system and a legend summarizing the type and size of all components of the system, including manufacturer name and model numbers;
- (2) Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;
- (3) Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with irrigation equipment (i.e., sprinklers, drip emitters, bubblers, etc.); and
- (4) Installation details for irrigation components.

d. Grading Plan. A grading plan shall be drawn at the same scale as the Planting Plan and shall contain the following information:

- (1) Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements; and
- (2) Existing and finished contour lines and spot elevations as necessary for the proposed site improvements, as well as drainage.

## 2. Plan Review, Construction Inspection, and Post-Construction Monitoring.

a. As part of the building permit approval process, a copy of the Landscape Documentation Package shall be submitted with a city-provided pre-submittal checklist completed to initiate a review and approval process before construction begins.

b. All installers and designers shall meet state and local license, insurance, and bonding requirements, and shall be able to show proof of such.

c. During construction, site inspection of the landscaping may be performed by the city Building Inspection Department or another entity tasked with approvals.

d. Following construction, and prior to issuance of an occupancy permit, an inspection shall be scheduled with the Building Inspection Department or other appointed entity to verify compliance with the approved landscape plans. The Certificate of Substantial Completion shall be completed by the property owner, developer, contractor or landscape architect, and submitted to the city.

e. The city or other appointed entity reserves the right to perform site inspections at any time before, during or after the irrigation system and landscape installation, and to require corrective measures if requirements of this Chapter are not satisfied. (Ord. 2022-08, 9-7-2022)

### **8-8-4-3: IRRIGATION DESIGN STANDARDS:**

A. Pressure Regulation. A pressure regulating valve shall be installed by the builder or developer, and maintained by the owner, if the static service pressure exceeds 90 pounds per square inch (psi). The pressure-regulating valve shall be located between the meter and the first point of water use, or first point of division in the pipe, and shall be set at the manufacturer's recommended pressure for the sprinklers.

B. Irrigation Controller. It is required that landscaped areas use a Water Sense labeled smart irrigation controller, which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities and shall have memory retention capability to retain pre-programmed irrigation schedules. Sites are not exempt from water waste prohibitions.

C. Each valve shall irrigate a landscape with a similar site, slope and soil conditions, and plant materials with similar watering needs. Grass, trees and non-grass areas shall be irrigated on separate valves. Drip emitters and sprinklers shall be placed on separate valves.

D. Low-volume irrigation equipment (i.e., drip emitters, bubblers) shall be provided for each tree.

E. Drip irrigation shall be used to irrigate plants in non-grass areas. Spray head to drip conversion for rehabilitated landscape sites may be acceptable with city approval of Irrigation Plans.

F. High conservation efficiency spray nozzles are required for sprinkler applications.

G. Sprinkler heads shall have matched precipitation rates with each control valve circuit.

- H. Sprinkler heads shall be attached to rigid lateral lines with flexible material (swing joints) to reduce potential for breakage.
- I. Check valves are required. Pressure compensating valves and sprinklers are required where a significant variation in water pressure occurs within the irrigation system due to elevation differences.
- J. Filters and end-flush valves shall be provided for drip irrigation lines.
- K. Landscape watering with potable (treated) water is prohibited from 10:00 a.m. to 6:00 p.m., June 1 to September 1, to maximize irrigation efficiency; and it should be limited to the hours of 6:00 p.m. to 10:00 a.m. during times of low wind, year-round, to avoid excessive loss of water through evapotranspiration, with treated or untreated (secondary) water. (c.f., Section 8-6-6)
- L. Water waste is prohibited.
  - 1. Waste includes overwatering, irrigating during a precipitation event, water that sprays or flows off your property, failure to comply with drought restrictions and/or a failure to repair irrigation system leaks and/or malfunctions in a timely manner. [See Section 8-1-17.]
  - 2. Overwatering can be avoided by following the water district's recommended irrigation schedule and practices as noted on [wcwcd.org](http://wcwcd.org). The generally recommended schedule is:
    - a. Winter (Nov - Feb) - sprinkler and drip irrigation up to 1 day a week. Irrigation is typically not needed in December and January
    - b. Spring (Mar - April) - sprinkler irrigation up to 3 days a week and drip irrigation up to 2 days a week
    - c. Summer (May - Aug) - sprinkler irrigation up to 4 days a week and drip irrigation up to 3 days a week
    - d. Fall (Sept - Oct) - sprinkler irrigation up to 3 days a week and drip irrigation up to 2 days a week
- M. Program valves for multiple repeat cycles are required to reduce runoff on slopes and for soils with slow infiltration rates. (Ord. 2022-08, 9-7-2022)

**8-8-5: RELIEF FROM APPLICATION OF PROVISIONS OF CHAPTER:**

Any landowner or developer of property located within the main land area of the City-for which new construction, development and/or major landscape improvements are desired, but which the landowner or developer asserts is not connected and cannot reasonably connect to and be served by the City's secondary water system-may submit a written request for relief to the City Administrator, who shall review the request within ten (10) business days and grant such relief as he or she deems necessary and proper, and in accordance with application state and local law. If aggrieved by the decision of the City Administrator, such landowner or developer may make application to appear before the City Council to request relief. (Ord. 2022-08, 9-7-2022)



## **STAFF COMMENTS**

Consideration and possible approval of **partnering with Washington County School District for a health and resource fair**-Nadina Angulo

**Discussion:**

**Findings:**

**Recommendation:**

**Attachments:**

None



## STAFF COMMENTS

Consideration and possible approval of a **resolution in support of developing a mountain bike race course on City and BLM Land.**

### Discussion:

The primary motivation behind this request is to provide a sustainable race venue for the NICA Utah League to hold their annual State Championship event. NICA is "National Interscholastic Cycling Association", a league that provides mountain bike racing for middle and high school students athletes across America. The Utah League has held the State Championship event in St. George since its inception. Over the years there have been multiple staging venues, and each one has been developed, making them unsuitable for such an event. Currently there is not a suitable venue available in Washington County, which is problematic because of the need for good weather at the end of the race season in late October. While exploring options, BLM identified the area around the Frog Hollow Dam property (80 acres that Hurricane City owns) to develop a race venue and mountain bike trails. This would require forging a partnership between Hurricane City and BLM where the City would make their property available for event staging and BLM land would be used for the development of the trails.

Staging requirements include some of the following activities:

- Race start and finish areas
- Team pit zones
- Public parking
- Participant Camping

Typically a NICA event requires 15 acres minimum for staging. Participant camping requires additional acreage.

BLM has indicated that they would like to create a primary 5-mile race loop for the NICA Utah League State Championship, with many more miles of trail network that would connect to existing trails in the area. Additionally, BLM would like to use this proposed venue for other bike racing events such as "25 Hours of Frog Hollow". These events are problematic because they require closure of many miles of the JEM Trail network, as well as Sheep Bridge Road. This new venue would provide a course that would not require closure of any roads, and keep the JEM Trail open during events.

For those not into mountain biking, or unfamiliar with the JEM Trail network: The JEM Trail is a world-famous network of trails on both sides of Sheep Bridge Road. People come internationally to ride this iconic trail system. It is very problematic to close it.



City Staff has met with personnel from the State of Utah, National Park Service, Bureau of Land Management, and Washington County (Greater Zion) to discuss this project. There are grants available to be used for this type of project. Transient Room Tax that is managed by Greater Zion seems to be the most available and beneficial source. It has been indicated that adequate funding has been pledged by Washington County to bring this project to fruition. Securing permission from the City for use of the City property is the next step for the project to proceed.

**Findings:**

The City property in the Frog Hollow Basin would be very useful for temporary event staging. The property lies within the inundation area for the Frog Hollow Debris Basin, so there is the risk that the staging area could be temporarily under water. The staging area could be designed to minimize this risk.

Events that use this venue will attract thousands of participants and their families, which will create additional traffic for local businesses, without affecting City streets or infrastructure.

Providing more trail miles in the area will disperse cycling traffic, creating a better experience for all users.

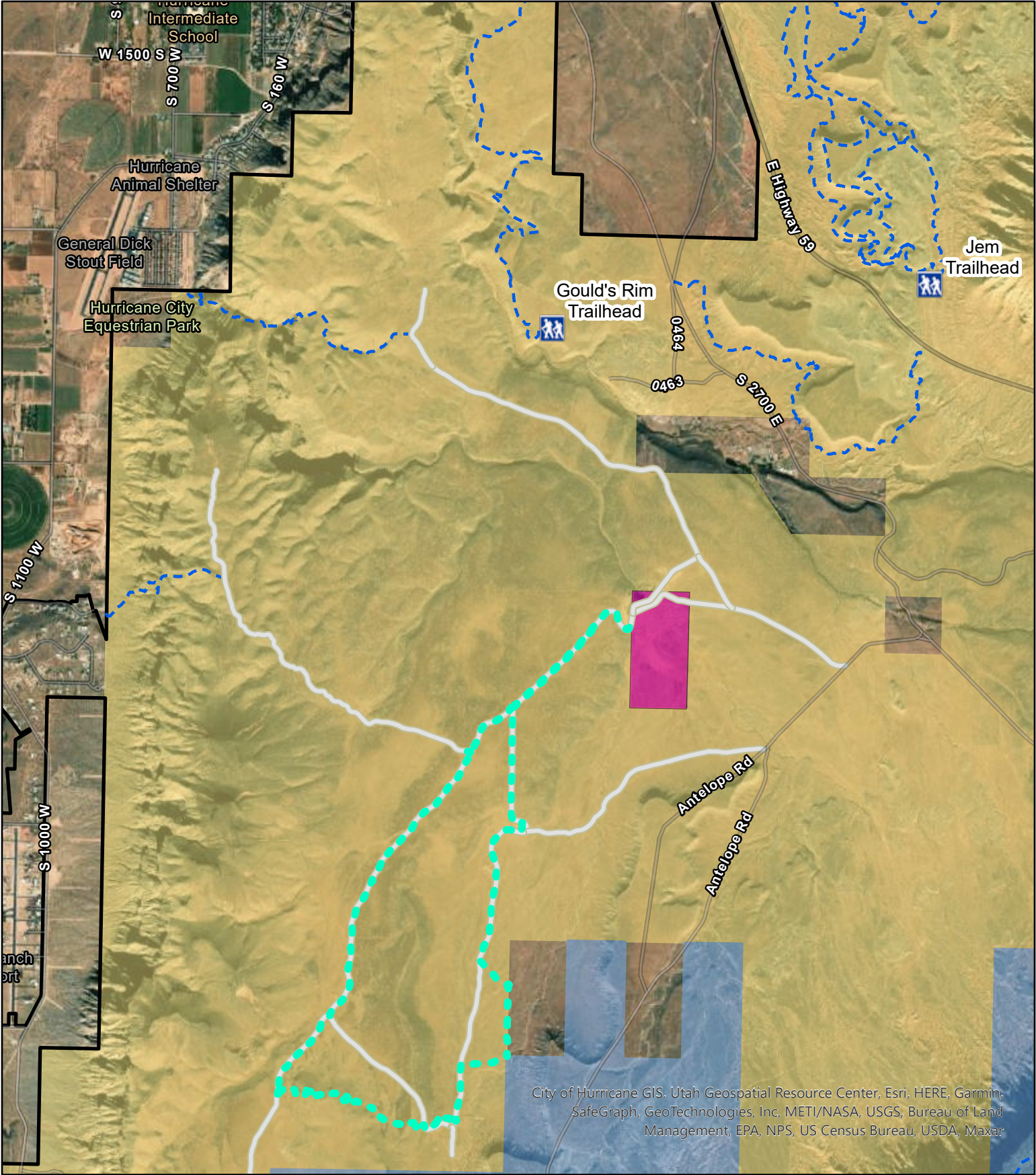
**Recommendation:**

Approval

**Attachments:**

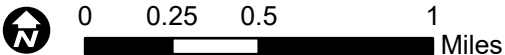
1. Frog Hollow Preliminary Route \_2\_3\_2023
2. Resolution 2023-12 Support of the mountain bike race course

# Potential NICA State Championship Course--to be revised



- Potential Bike Trail (currently being revised)
- Hurricane City Property
- Bureau of Land Management
- Private
- State Trust Lands
- Existing Non-maintained Dirt Road
- Existing Trailhead
- Singletrack
- Municipal Boundaries

This map is provided on an as is basis. The City of Hurricane makes no warranties expressed or implied as to the quality, and completeness, of the map and data provided. While the City of Hurricane has reviewed the information on this map, in no event shall the City of Hurricane be liable for damages arising from use by others.



**RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF HURRICANE, UTAH,  
IN SUPPORT OF USING CITY PROPERTY IN CONJUNCTION WITH THE BUREAU  
OF LAND MANAGEMENT (“BLM”) TO DEVELOP A MOUNTAIN BIKE  
RACECOURSE ON CITY AND BLM PROPERTY**

**WHEREAS**, the National Interscholastic Cycling Association “NICA” has held the State Championship event in St. George, Utah since its inception;

**WHEREAS**, previously used staging areas are now developed; and

**WHEREAS**, BLM has identified the area around the Frog Hollow Dam property as a possible area to develop a race venue and mountain bike trails;

**WHEREAS**, Hurricane City owns 80 acres at this location;

**WHEREAS**, it is in the best interest of the citizens of Hurricane City to develop additional venues and mountain bike trails;

**BE IT HEREBY RESOLVED** by the City Council of Hurricane, Utah to support coordination with the BLM by making the City property at the Frog Hollow Dam available for event staging in conjunction with the BLM’s development of mountain biking trails.

DATED this 16<sup>th</sup> day of February 2023

---

Nanette Billings, Mayor

Attest:

---

Cindy Beteag, Recorder

The foregoing Resolution was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 16<sup>nd</sup> day of February, 2023.

Whereupon a motion to adopt and approve said Resolution was made by

\_\_\_\_\_ and seconded by \_\_\_\_\_. A

roll call vote was then taken with the following results:

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

\_\_\_\_\_  
Cindy Beteag





## **STAFF COMMENTS**

Consideration and possible approval of **waiving the rental & power fee for the Farmers Market**-Annie Spendlove

### **Discussion:**

Last year there was a Farmer's Market held at the Community Center organized by a private party. They received a temporary use permit but the rental fee for the property was waived. They would like to do the same thing year, but they would like to expand the market to longer hours, more months, and possibly add food trucks. They are asking for the City to waive the rental and power fee again.

### **Findings:**

### **Recommendation:**

### **Attachments:**

1. city ask letter

Hurricane City Council and Mayor,

Thank you for taking the time to consider your continued support of the Hurricane Utah Farmers Market.

We are making plans for this year and would like to expand our dates and hours to April 5 - November 18 9am-1pm every Saturday. We are aware of a few conflicts, one being the Hurricane Market scheduled for May 13, and Peach Days September 2. We have been able to work with events in the past to continue to offer produce, baked goods and local art, with minimal interruption and hope to continue this year.

We would also like to expand the offering of our market to include food trucks and have them parked on 100 West during the market.

We are registered with the State of Utah Department of Agriculture and Food #12239929

We have applied for a Hurricane City Business license.

We are a 501(c3) and have a FSA Number to accept SNAP. We are currently in the process of becoming a SNAP Accessible Market and are looking forward to participating in the Double-Up program.

We carry our own insurance and require each vendor to have consumer protection and liability insurance.

We are asking the city to waive our rental fees, along with our electric fees at the Hurricane Recreation Center, as done in previous years. We would ask that you consider approving our new market dates and hours, along with our proposed expansion of 1-3 food trucks on Saturdays.

Thank you for your time and consideration of the Hurricane Farmers Market.

Annie Spendlove  
HUFM Market Manager 2023



## STAFF COMMENTS

Ordinance 2023-ZC-03: Consideration and possible approval on a **zone change amendment request located at 663 W 400 S** from R1-8, single-family residential one unit per 8,000 sq ft to RM-1, multi-family six units per acre. Parcel H-231-B-1 Jeremy Black Applicant.

### Discussion:

The applicant is seeking a zone change from R1-8 to RM-1 on .29 acres of property located on the corner of 700 W and 400 S just north of Gould's Wash. There is currently a small, 676 sq ft, house on the property as well as a recreational vehicle that is presumably being lived in. The applicant has told staff they would like to tear down the existing home and build a duplex on the property as well as take advantage of reduced setbacks in the RM-1 zone.

The Planning Commission gave a positive recommendation finding that services are adequate for the area and there will be sufficient parking

### Findings:

### Recommendation:

### Attachments:

1. Ordinance 2023-ZC-03 Jeremy Black
2. 2023-ZC-03 App
3. 2023-ZC-03 Plans
4. 2023-ZC-03 Jeremy Black
5. Black Building areas
6. Hurricane Build Dept\_20230213\_094043

ORDINANCE NO 2023-ZC-02

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE APPROVING THE REZONE  
FOR PARCEL H-231-B-1 FROM R1-8 TO RM-1

**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; 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, however, that impact will not change from the current approved zoning and master plan; and

**WHEREAS**, the proposed zoning realignment will not substantially affect the approved preliminary site plan; and

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

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

1. That Parcel H-231-B-1 be rezoned from R1-8 to RM-1

PASSED AND APPROVED on this 16<sup>th</sup> day of February 2023.

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 16<sup>th</sup> day of February 2023. Whereupon a motion to



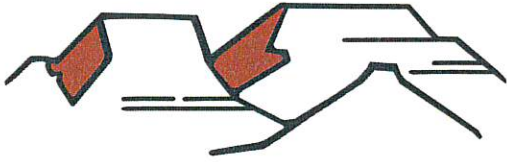
adopt and approve said Resolution was made by \_\_\_\_\_ and seconded by \_\_\_\_\_. A roll call vote was then taken with the following results:

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

---

Cindy Beteag, Recorder

**EXHIBIT A**  
**ZONING MAP**



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. 2023-ZC-03  
Receipt No. 8-165580

Name: Jeremy Black Telephone: 435-314-7700  
Address: 663 W. 400 S. Fax No. \_\_\_\_\_  
Email: Abuildingsystem@gmail.com Agent Email: \_\_\_\_\_  
Agent (If Applicable): \_\_\_\_\_ Telephone: \_\_\_\_\_  
Address/Location of Subject Property: 663 W. 400 S.  
Tax ID of Subject Property: H-231-B-1 Existing Zone District: R1-6  
Proposed Zoning District and reason for the request (Describe, use extra sheet if necessary) RM-1

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 <sup>360</sup>~~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 )

I (we), JEREMY BLACK, 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.

Jeremy Black  
(Property Owner)

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

Subscribed and sworn to me this 25<sup>th</sup> day of Jan, 2023

Cindy Beteag  
(Notary Public)

Residing in: Hurricane, UT

My Commission Expires: 1/9/25



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: \_\_\_\_\_



## 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.

Corrected Special Page 1 of 2  
 Gary Christensen Washington County Recorder  
 08/17/2022 10:02:50 AM Fee \$40.00 By SNOW  
 CALDWELL BECKSTROM & WILBANKS, PLLC

MAIL TAX NOTICE TO:  
 Jeremy Black  
 663 West 400 South  
 Hurricane, Utah 84737

Parcel No. H-231-B-1

**CORRECTIVE  
 SPECIAL WARRANTY DEED**

**JEREMY BLACK a/k/a JEREMY M. BLACK**, Grantor, hereby **CONVEYS** and **WARRANTS**, only as against all claims by, through, or under him, to **JEREMY BLACK, TRUSTEE, OR HIS SUCCESSORS, OF THE MTAR TRUST DATED AUGUST 11, 2022**, Grantee, for the sum of Ten Dollars and other good and valuable consideration, all of his right, title, and interest in the following described real property located in Washington County, State of Utah, described as:

BEGINNING at the Northwest Corner of Lot Thirty-Two (32), Block 7, HURRICANE FIELD SURVEY, as platted on the Official Map of said Survey on file in the Office of the Recorder of Washington County, State of Utah, and running thence East 26 rods; thence South 6.825 rods; thence Northwesterly to the point of beginning.

LESS AND EXCEPTING THEREFROM the East 121 feet.

ALSO, LESS AND EXCEPTING THEREFROM THE FOLLOWING:

A portion of the NE 1/4 of Section 3, Township 42 South, Range 13 West, Salt Lake Base and Meridian, located in Lot 32, Block 7, Hurricane Field Survey, more particularly described as follows: Beginning at a point on the Southerly line of 400 South Street located S89°51'12"E along the Lot line 56.39 feet from the Northwest Corner of Lot 32, Block 7, Hurricane Field Survey; thence S89°51'12"E 31.46 feet; thence S26°45'26"W 21.31 feet to a point on the Southerly line of the Grantor's property; thence N76°10'32"W 38.84 feet to a point on the back of an existing sidewalk; thence Northeasterly along the arc of a 43.00 foot radius non-tangent curve 18.80 feet through a central angle of 25°03'11" (chord: N58°11'48"E 18.65 feet) to the point of beginning.

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

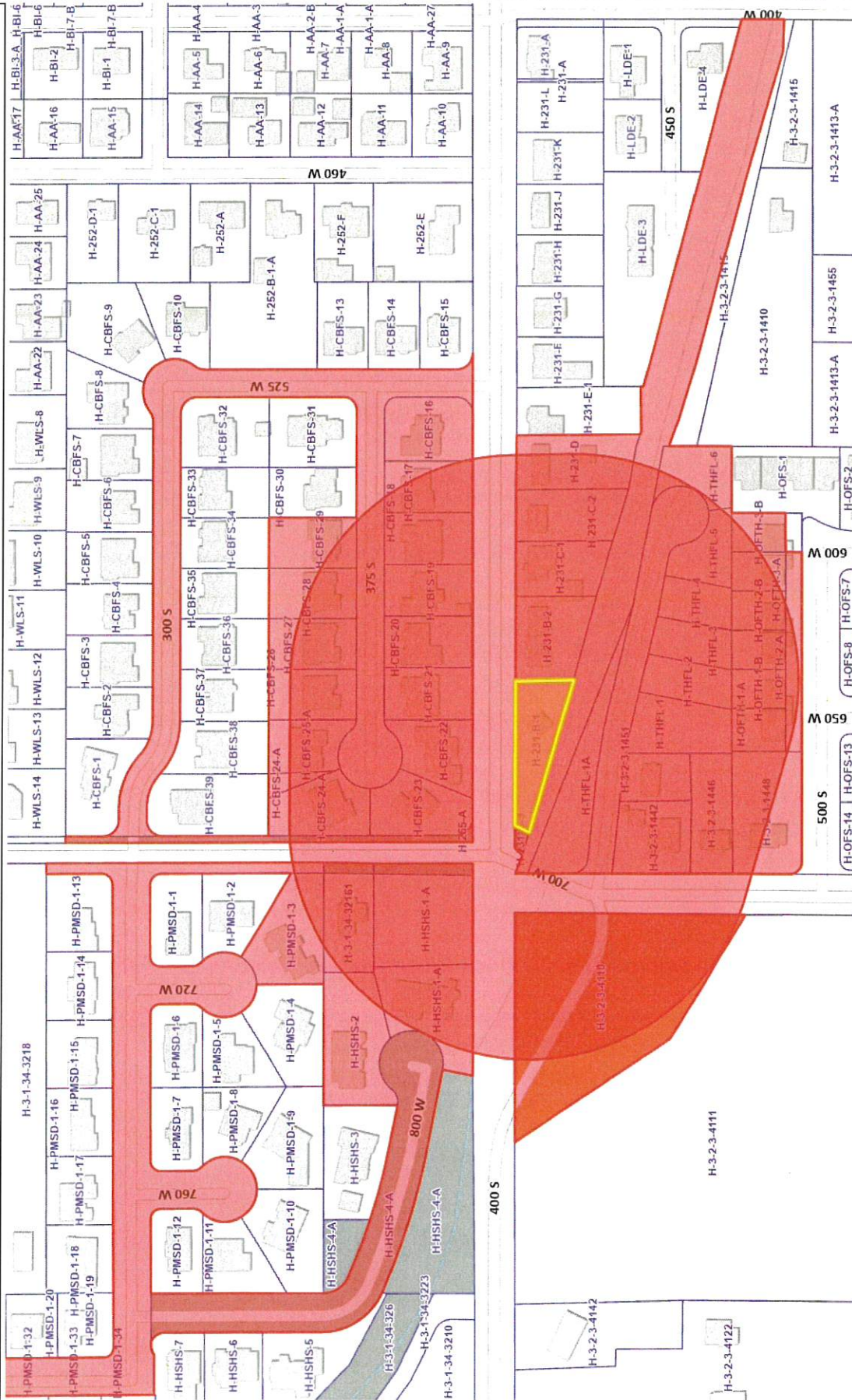
*This instrument has been prepared by Snow Caldwell Beckstrom & Wilbanks, PLLC, solely from information provided by the client. There are no express or implied guarantees as to marketability of title, accuracy of the property or property legal description or quantity of land described, as no examination of title property was requested by the client.*



# Mailing List



- Legend**
- Ownership**
- U.S. Forest Service
  - U.S. Forest Service Wilderness
  - Bureau of Land Management
  - Bureau of Land Management Wildlife
  - National Park Service
  - Shovel's Reservation
  - Utah Division of Wildlife Resources
  - Utah Division of Transportation
  - State Park
  - State of Utah
  - Washington County
  - Municipality Owned
  - School District
  - Privately Owned
  - Water
  - Water Conservancy District
  - State Assessed Oil and Gas
  - Mining Claim



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.

376.2 0 188.08 376.2 Feet

Page 220 of 287

**GUBLER DEVELOPMENT L C**  
H-THFL-1A  
619 S 80 W  
HURRICANE, UT 84737

**HURRICANE CITY**  
H-HSHS-4-A  
147 N 870 W  
HURRICANE, UT 84737-1671

**GUBLER DEVELOPMENT L C**  
H-THFL-1  
619 S 80 W  
HURRICANE, UT 84737

**GUBLER DEVELOPMENT L C**  
H-THFL-5  
619 S 80 W  
HURRICANE, UT 84737

**LEAVITT ERIC DEAN**  
H-3-2-3-1448  
479 S 700 W  
HURRICANE, UT 84737

**SALINE SANFORD**  
H-OFTH-3-A  
45 E 400 S  
HURRICANE, UT 84737

**SMITH DANIEL S TR**  
H-CBFS-17  
567 W 375 S  
HURRICANE, UT 84737

**HURRICANE CITY**  
H-255-A  
147 N 870 W  
HURRICANE, UT 84737-1671

**LYONS JAY ALEXANDER, ET AL**  
H-231-C-1  
589 W 400 S  
HURRICANE, UT 84737

**DUPLEX 612 LLC**  
H-OFTH-2-B  
45 E 400 S  
HURRICANE, UT 84737

**STEGlich CHANCE & ASHLYN**  
H-CBFS-25-A  
676 W 375 S  
HURRICANE, UT 84737

**1ST PROPERTIES LLC**  
H-HSHS-1-A  
385 S 800 W  
HURRICANE, UT 84737

**HURRICANE CITY**  
H-3-2-3-4110  
147 N 870 W  
HURRICANE, UT 84737-1671

**VOSS LANCE R & CRYSTAL H**  
H-CBFS-24-A  
698 W 375 S  
HURRICANE, UT 84737

**SMITH GREGORY F & MICHELLE N**  
H-CBFS-28  
610 W 375 S  
HURRICANE, UT 84737

**HANKS EPHRAIM K & MEGAN S**  
H-CBFS-22  
677 W 375 S  
HURRICANE, UT 84737

**ROULSTONE BRANDON DAVID**  
H-CBFS-26  
654 W 375 S  
HURRICANE, UT 84737

**MATHESON ALVA L**  
H-PMSD-1-3  
11059 LAMEY BRIDGE RD #1103  
DIBERVILLE, MS 39540

**SORENSEN JEFFERY A & LINDA K**  
H-CBFS-27  
632 W 375 S  
HURRICANE, UT 84737

**HANSEN DRINDA ANN & RALPH LESLIE**  
H-231-D  
563 W 400 S  
HURRICANE, UT 84737

**HURRICANE CITY**  
H-231-B-3  
147 N 870 W  
HURRICANE, UT 84737

**VOSS LANCE R & CRYSTAL H**  
H-CBFS-24-A  
698 W 375 S  
HURRICANE, UT 84737

**FORSYTH ZACHARY & SHELLA**  
H-CBFS-21  
559 S 400 W  
HURRICANE, UT 84737

**ANDERSON CAROLE**  
H-CBFS-19  
611 W 375 S  
HURRICANE, UT 84737

**BLACK JEREMY TR**  
H-231-B-1  
663 W 400 S  
HURRICANE, UT 84737

**BECK JOHN W & ELSIE G**  
H-CBFS-16  
PO BOX 461265  
LEEDS, UT 84746-1235

**BARTHOLOMEW DARYLE**  
H-CBFS-29  
588 W 375 S  
HURRICANE, UT 84737

**SUTTON ELIZABETH ALICE**  
H-3-2-3-1446  
459 S 700 W  
HURRICANE, UT 84737

**HUMMER CHARLES E**  
H-3-2-3-1451  
423 S 700 W  
HURRICANE, UT 84737



**DUCKWORTH IRENE H & TOBEY J**  
H-3-1-34-32161  
380 S 700 W  
HURRICANE, UT 84737

**HEIDEMAN VAN DOUGLAS & DEBRA Z**  
H-HSHS-2  
375 S 800 W  
HURRICANE, UT 84737

**GUBLER DEVELOPMENT L C**  
H-THFL-2  
619 S 80 W  
HURRICANE, UT 84737

**SINGLETON SAMANTHA**  
H-231-B-2  
633 W 400 S  
HURRICANE, UT 84737

**SALINE SANFORD L, ET AL**  
H-OFTH-1-B  
45 E 400 S  
HURRICANE, UT 84737

**KELSEY RONY DAVID & SUSAN COLEEN TRS**  
H-CBFS-23  
699 W 375 S  
HURRICANE, UT 84737

**1ST PROPERTIES LLC**  
H-HSHS-1-A  
385 S 800 W  
HURRICANE, UT 84737

**GUBLER DEVELOPMENT L C**  
H-THFL-3  
619 S 80 W  
HURRICANE, UT 84737

**GUBLER DEVELOPMENT L C**  
H-THFL-6  
619 S 80 W  
HURRICANE, UT 84737

**GUBLER DEVELOPMENT L C**  
H-THFL-4  
619 S 80 W  
HURRICANE, UT 84737

**BLACK RICHARD E & PAMELA W TRS**  
H-CBFS-18  
589 W 375 S  
HURRICANE, UT 84737

**DUPLEX 612 LLC**  
H-OFTH-2-A  
45 E 400 S  
HURRICANE, UT 84737

**SILVA KARAN VICKIE TR**  
H-3-2-3-1442  
4 W 975 N  
HURRICANE, UT 84737

**KADAKIA MITALI & VRAJESH**  
H-231-C-2  
65 S 700 W  
HURRICANE, UT 84737

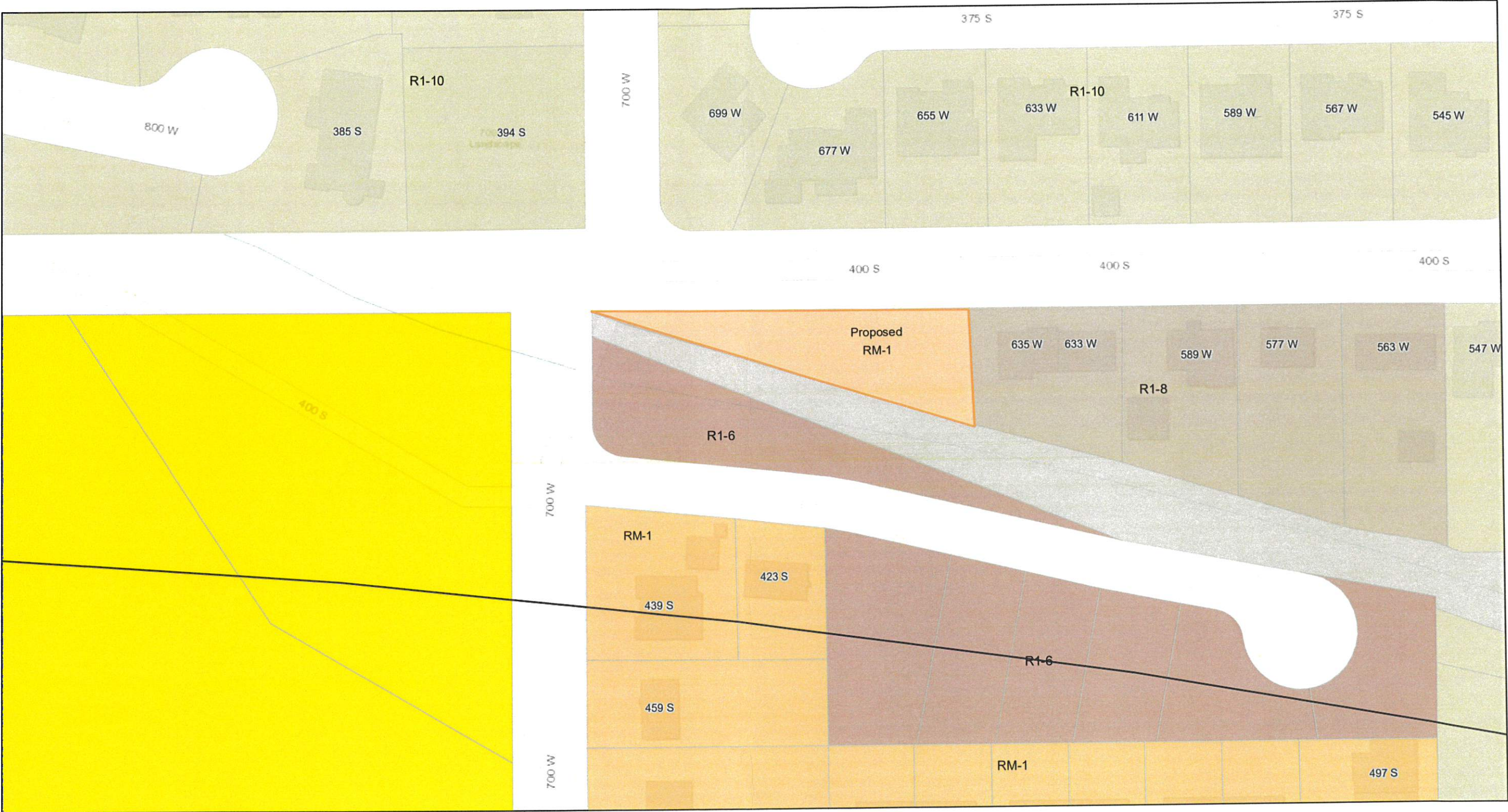
**SALINE SANFORD**  
H-OFTH-3-B  
45 E 400 S  
HURRICANE, UT 84737

**MANGELSON DAVID & SHEILA**  
H-OFTH-1-A  
654 W 500 S  
HURRICANE, UT 84737

**SALGY RICHARD R, ET AL**  
H-CBFS-20  
633 W 375 S  
HURRICANE, UT 84737



Proposed Zoning



1/26/2023, 11:26:44 AM

— Airport Control Zone

Parcels

ZoningP

RA-0.5: Residential Agricultural - 2 Units Per Acre

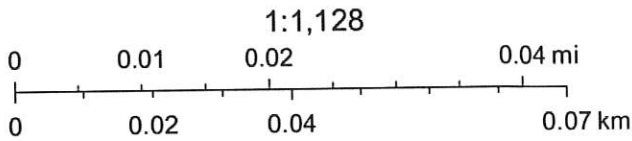
R1-10: Residential - 1 Unit Per 10,000 Sq. Ft.

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

Public Facility



City of Hurricane GIS, Bureau of Land Management, Utah AGRC, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA



# Zoning Map



1/25/2023, 2:39:14 PM

— Airport Control Zone

▬ Parcels

ZoningP

RA-0.5: Residential Agricultural - 2 Units Per Acre

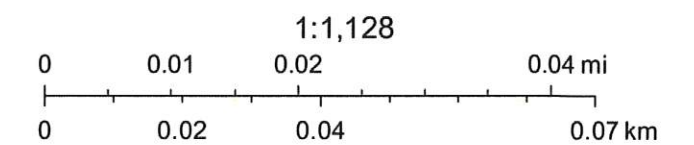
R1-10: Residential - 1 Unit Per 10,000 Sq. Ft.

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

Public Facility



Esri Community Maps Contributors, City of Hurricane GIS, Utah Geospatial Resource Center, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS,





## STAFF COMMENTS

|                             |                                 |
|-----------------------------|---------------------------------|
| <b>Agenda Date:</b>         | 02/16/2023                      |
| <b>Application Number:</b>  | 2023-ZC-03                      |
| <b>Type of Application:</b> | Zone Change Application         |
| <b>Action Type:</b>         | Legislative                     |
| <b>Applicant:</b>           | Jeremy Black                    |
| <b>Agent:</b>               |                                 |
| <b>Request:</b>             | A Zone Change from R1-8 to RM-1 |
| <b>Location:</b>            | 663 W 400 S                     |
| <b>Zoning:</b>              | R1-8                            |
| <b>General Plan Map:</b>    | Single Family                   |

### Planning Commission Recommendation

The Planning Commission gave a positive recommendation finding that services are adequate for the area and there will be sufficient parking.

There was one public comment at the meeting stating concerns about parking availability in the area and concerns about traffic. The Planning Commission discussed that the site would need to meet parking requirements and do not believe it would have a negative impact on traffic or parking in the area.

### Discussion:

The applicant is seeking a zone change from R1-8 to RM-1 on .29 acres of property located on the corner of 700 W and 400 S just north of Gould's Wash. There is currently a small, 676 sq ft, house on the property as well as a recreational vehicle that is presumably being lived in. The applicant has told staff they would like to tear down the existing home and build a duplex on the property as well as take advantage of reduced setbacks in the RM-1 zone.

Per HCC 10-13-4 in the RM-1 zone, "*Duplex only permitted on first 10,000 square feet. Any additional units must meet density per acre standards.*" The lot is approximately 12,000 sq ft so only a duplex would be possible on this property.

|       | Zoning | Adjacent Land Use   |
|-------|--------|---------------------|
| North | R1-10  | Single Family Homes |



|              |                  |                                                              |
|--------------|------------------|--------------------------------------------------------------|
| <b>East</b>  | R1-8             | Single Family Homes and Duplexes                             |
| <b>South</b> | R1-6, PF         | Gould's Wash, single family homes and duplexes further south |
| <b>West</b>  | PF, R1-6, RA-0.5 | Gould's Wash, undeveloped property                           |



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

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

*E. Approval Standards: A decision to amend the text of this title or the zoning map is a matter within the legislative discretion of the city council as described in subsection [10-7-5A](#) 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:** The General Plan Map shows this area as a Single Family. The 2021 General Plan defines Planned Community as follows:

***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.*

While the proposed zoning does not strictly comply with the General Plan Map, staff generally believes that this is one of those areas where the General Plan Map does not reflect the reality on the ground. As pointed out below, there is already multifamily uses and zoning in this area. Allowing for more diverse housing types, especially on oddly shaped properties and where it is consistent with the neighborhood, may be appropriate for this area.

The Hurricane City General Plan recommends that the City consider adding different housing types in appropriate areas:

*In recent years, the City has recognized the need to approve zoning changes and project plans that provide a wider variety of housing options for Hurricane residents. A number of new multi-family housing units have been approved in recent years and are in various stages of construction and occupation. These multi-family homes are a mixture of rental apartments, rental and owner-occupied townhomes, and duplex housing.*

*In 2018, the City adopted the Hurricane Moderate Income Housing Plan. The Plan provides information on housing costs in Hurricane, local incomes, and the attainability of housing for City residents. The Plan also sets policies and identifies strategies to broaden housing availability. The 2019 Plan states:*

*“While the City cannot control the housing market, it can take steps to ensure housing options continue to be available for all residents of all income ranges and ages. These include locating appropriate land use designations for multi-family housing, manufactured home communities, and townhome development. Ensuring these land use designations are located in areas convenient to shopping, transportation, and jobs will help families keep transportation costs lower. The City will be starting an amendment of the entire General Plan in 2020 and will ensure consideration is given to these factors when finalizing the updated plan.” (Hurricane City General Plan, 2021, p 41).*

The 2022 Moderate Income Housing Plan also encourages the City to look at more areas where “missing middle” housing can be provided.

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

**Response:** Yes, there are already small scale duplexes in the area. There are multiple duplexes as non complying uses along the south side of 400 S and there are zoned RM-1 areas south of Gould's Wash that also contain duplexes

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

**Response:** The proposed zoning will allow the addition of one additional residential unit on the property. The property is along a major roadway in town and will most likely not have a major impact on the area. The property is currently in a fairly dilapidated state and any updates to the property will most likely be beneficial to the property and the area.

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

**Response:** Facilities and services are adequate for this development. JUC had no major concerns about availability. The applicant will need to do some roadway improvements in front of the property to bring it up to Hurricane standards.

**Other Considerations**

**Flood Plain and Shape of the Property:**

As seen in the image from Washington County GIS below, this property sits largely high enough above Gould's Wash that it is largely unencumbered by the floodway. This is an oddly shaped corner piece of property so what the setback standards are can play a major role in how the property is developed. Please see the attached diagram for a demonstration.

|               | <b>R1-8</b> | <b>RM-1</b>                           |
|---------------|-------------|---------------------------------------|
| Front         | 25 feet     | Living area-20 feet<br>Garage-22 feet |
| Rear          | 20 feet     | 10 feet                               |
| Interior Side | 10 feet     | 10 feet                               |
| Street Side   | 20 feet     | 20 feet                               |





## FEMA Floodplain Map

## Missing Middle Housing:



Duplexes are part of the missing middle housing. Over the past 60 years, most housing growth has been either single family homes in suburban areas or large apartment complexes in urban centers. “Middle” types of housing such as duplexes, townhomes, mixed-use buildings etc. have become rare in recent years. However, with ever increasing housing prices, these housing types are increasingly popular as starter homes for young families. These housing types are also considered a good way to increase neighborhood density, especially in more walkable parts of town such as near downtown, without the same level of impact on a neighborhood that a mid-rise apartment complex would have.

**JUC Comments:**



**Public Works:** Does the lot have floodway problems? Sufficient size for a duplex?

**Power:** Owner must develop power to the property. Must meet with HC Power to design. Must provide a site plan as to what is needed.

**Water:** Irrigation line and culinary line in 400 S. Fire hydrant on property. Irrigation blow off into Gould's Wash will need to stay in place.

**Streets:** No comments

**Sewer:** Each unit will need it's own lateral. No issues with zone change.

**Fire:** Okay with zone change

**Engineering:** A floodplain development permit will be needed. The applicant should be aware that 700 W and 400 S may be reconfigured sometime in the future. There are no current or in progress plans to do this.

**Phone/Cable:** No comment

**Findings:**

Staff makes the following findings:

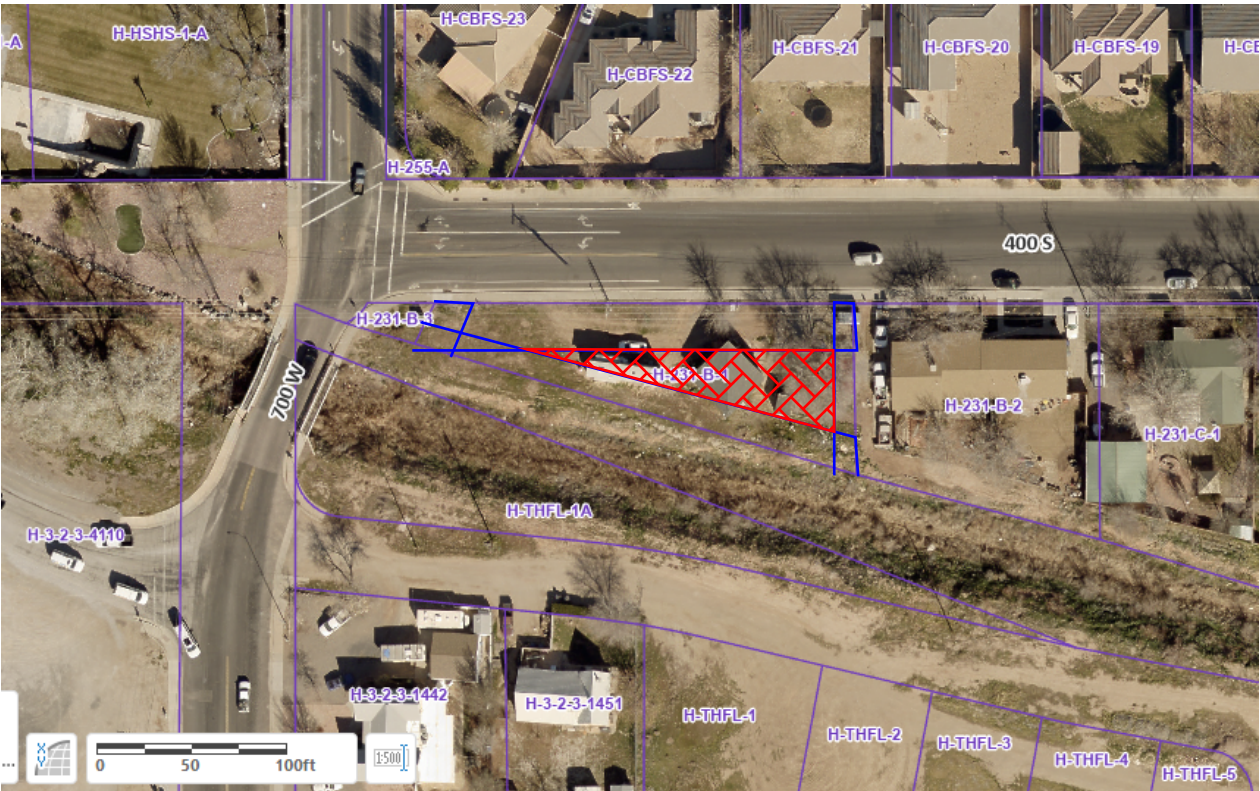
1. The proposed change does not meet the standards of the General Plan Map but does match the goals of the General Plan and the Moderate Income Housing Plan
2. The proposed change matches the surrounding development in use and zoning.
3. The proposed amendment will have an impact on the area, but the limited number of units would mitigate the impact.
4. Services are adequate to serve the area and proposed project.
5. The reduced setbacks of the RM-1 zoning increase the development potential of this underdeveloped property.

**Recommendation:** Staff recommends the City Council review this application and the zone change based on standards and consider residents' comments. Staff would recommend approval of the proposed zone change to RM-1.

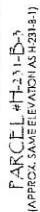
## RM-1 Building footprint



## R1-8 Building footprint



ELEV 100.00





# Washington County Solid Waste Scale House, Administration Building Improvements (Phase 1&2)

PCC and Container Storage & Assembly (Phase 3)  
Administrative Control Board Update  
February 13, 2023





## **Project Goals and Objectives**

- Improve Safety and Flow of the Increasing Volume of Private and Commercial Traffic
- Create Required Facilities to Accommodate Anticipated Future Growth

## **Improvements Include:**

- Expanded Vehicle Circulation Lanes
  - Expanded Scale House
  - New Administration Building
- Public Convenience Center PCC (Phase 3)
- Container Storage and Assembly Building and Staff Support Space (Phase 3)

# Programming and Space Needs Assessment Verification

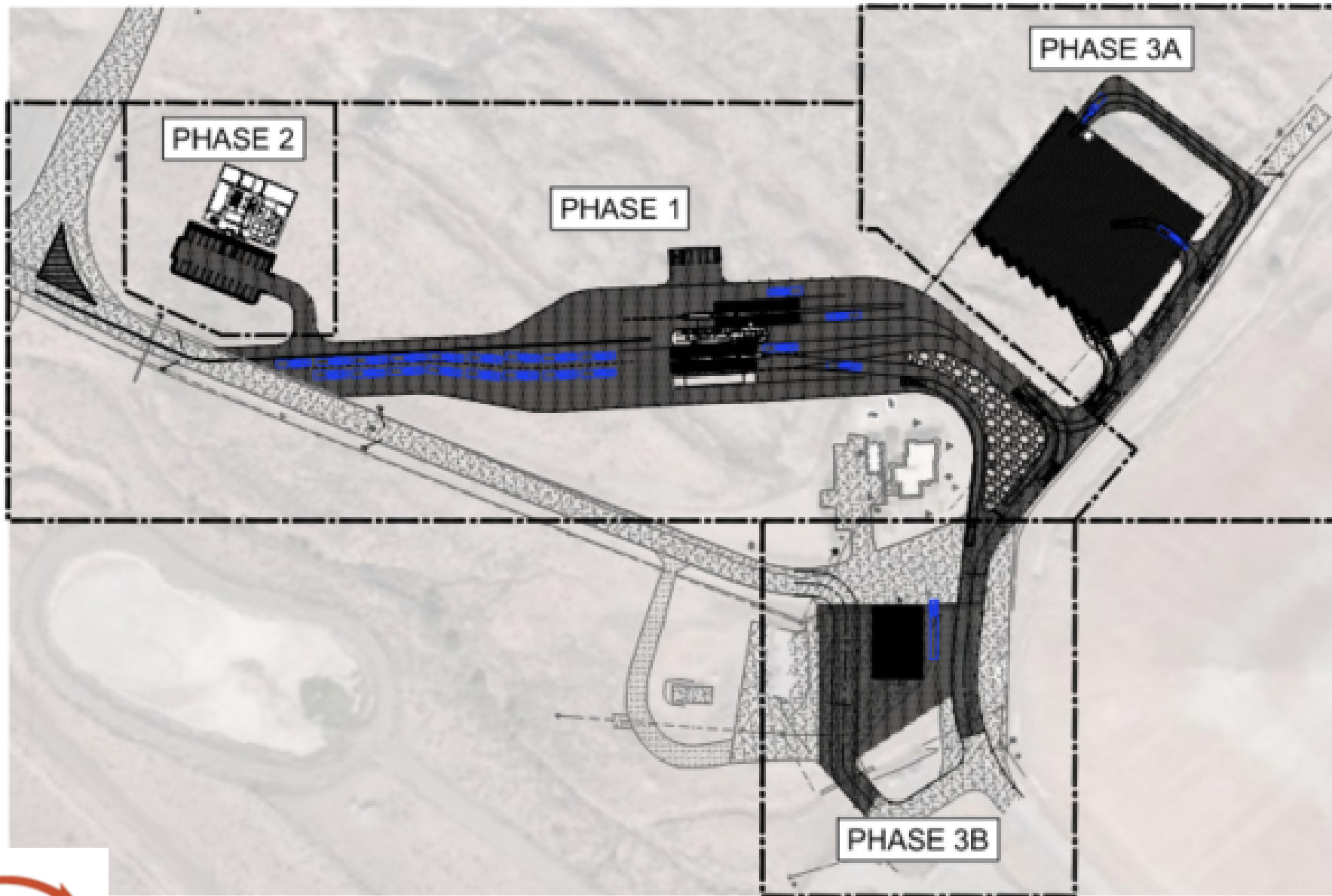
## Space Needs Summary Administration Building

| Space No.  | Space Description              | Current Staff | Current Space Size | Projected 5-10 Yr. | Projected 10-15 Yr. | Space Standard | Gross Factor | Design Requirement | Comments                                      |
|------------|--------------------------------|---------------|--------------------|--------------------|---------------------|----------------|--------------|--------------------|-----------------------------------------------|
| 101        | Director                       | 1             | S.F.               | 1                  | 1                   | 240 S.F.       | 35%          | 324 S.F.           |                                               |
| 102        | Finance                        | 1             | S.F.               | 1                  | 1                   | 160 S.F.       | 35%          | 216 S.F.           |                                               |
| 103        | Admin Assistant                | 1             | S.F.               | 1                  | 1                   | 120 S.F.       | 35%          | 162 S.F.           |                                               |
| 104        | Customer Service               | 1             | S.F.               | 1                  | 1                   | 64 S.F.        | 20%          | 77 S.F.            |                                               |
| 105        | Service Counter                | 1             | S.F.               | 1                  | 1                   | 64 S.F.        | 20%          | 77 S.F.            |                                               |
| 106        | Archive Storage                | 1             | S.F.               | 1                  | 1                   | 118 S.F.       | 35%          | 159 S.F.           | 2x the current                                |
| 107        | Safe Room                      | 1             | S.F.               | 1                  | 1                   | 50 S.F.        | 35%          | 68 S.F.            | Separate, 10 cash boxes, Small Safe           |
| 108        | Future Office                  | 1             | S.F.               | 1                  | 1                   | 120 S.F.       | 35%          | 162 S.F.           |                                               |
| 109        | Training Room                  | 1             | S.F.               | 1                  | 1                   | 240 S.F.       | 35%          | 324 S.F.           | 12 - 16 People                                |
| 110        | Server Room                    | 1             | S.F.               | 1                  | 1                   | 96 S.F.        | 35%          | 130 S.F.           | (2) 4 Post Racks                              |
| 111        | Copy Room                      | 1             | S.F.               | 1                  | 1                   | 96 S.F.        | 35%          | 130 S.F.           |                                               |
| 112        | Conference Room/Education Room | 1             | S.F.               | 1                  | 1                   | 650 S.F.       | 35%          | 878 S.F.           | 49 People, 2x4 nesting tables and Side Chairs |
| 113        | Conference Table Storage       |               | S.F.               | 1                  | 1                   | 120 S.F.       | 35%          | 162 S.F.           |                                               |
| 114        | Hotel Workstation              |               | S.F.               | 1                  | 1                   | 96 S.F.        | 20%          | 115 S.F.           |                                               |
| 115        | Mobile Technician              | 2             | S.F.               | 1                  | 1                   | 96 S.F.        | 20%          | 115 S.F.           | Not in Admin                                  |
| 116        | Landfill Technician            | 1             | S.F.               | 1                  | 1                   | 96 S.F.        | 20%          | 115 S.F.           | Not in Admin                                  |
| 117        | Grounds                        | 1             | S.F.               | 1                  | 1                   | 96 S.F.        | 20%          | 115 S.F.           | Not in Admin                                  |
| 118        | HSK                            | 1             | S.F.               | 1                  | 1                   | 52 S.F.        | 35%          | 70 S.F.            |                                               |
| 119        | Quiet/Lactation Room           | 1             | S.F.               | 1                  | 1                   | 70 S.F.        | 35%          | 95 S.F.            |                                               |
| 120        | Locker Area                    | 5             | S.F.               | 10                 | 18                  | 10 S.F.        | 35%          | 243 S.F.           |                                               |
| 121        | Shower Rest Room               |               | S.F.               | 2                  | 2                   | 74 S.F.        | 35%          | 200 S.F.           |                                               |
| 122        | Public Rest Room               |               |                    | 1                  | 1                   | 56 S.F.        | 35%          | 76 S.F.            |                                               |
| 123        | Break Room                     |               |                    | 1                  | 1                   | 300 S.F.       | 35%          | 405 S.F.           |                                               |
| 124        | Fitness                        |               |                    | 1                  | 1                   | 200 S.F.       | 35%          | 270 S.F.           |                                               |
| 125        | Electrical                     |               |                    | 1                  | 1                   | 61 S.F.        | 35%          | 82 S.F.            |                                               |
| 126        | Mechanical                     |               |                    | 1                  | 1                   | 155 S.F.       | 35%          | 156 S.F.           |                                               |
| 127        | Vestibule                      |               |                    | 1                  | 1                   | 80 S.F.        | 35%          | 108 S.F.           |                                               |
| 128        | Lobby                          |               |                    | 1                  | 1                   | 300 S.F.       | 35%          | 405 S.F.           |                                               |
| Area Total |                                |               |                    |                    |                     |                |              | 5,438 S.F.         |                                               |

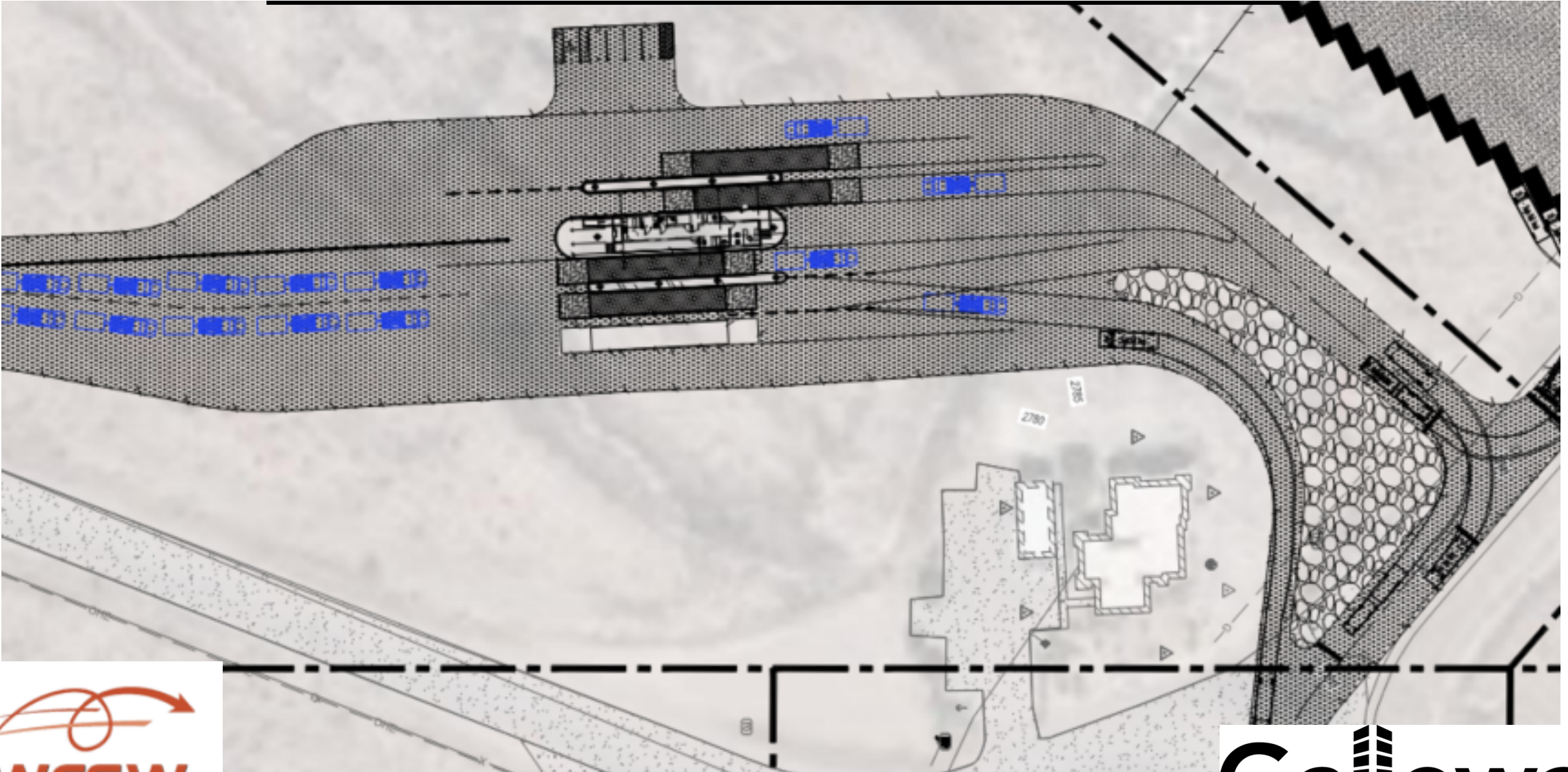
## Space Needs Summary

| Space No. | Space Description              | Design Requirement |
|-----------|--------------------------------|--------------------|
| 1.0       | Scale House                    | 1,046 S.F.         |
| 2.0       | Administration Building        | 5,438 S.F.         |
| 5.0       | Staff Support                  | 873 S.F.           |
|           | Container Storage and Assembly | 3,519 S.F.         |



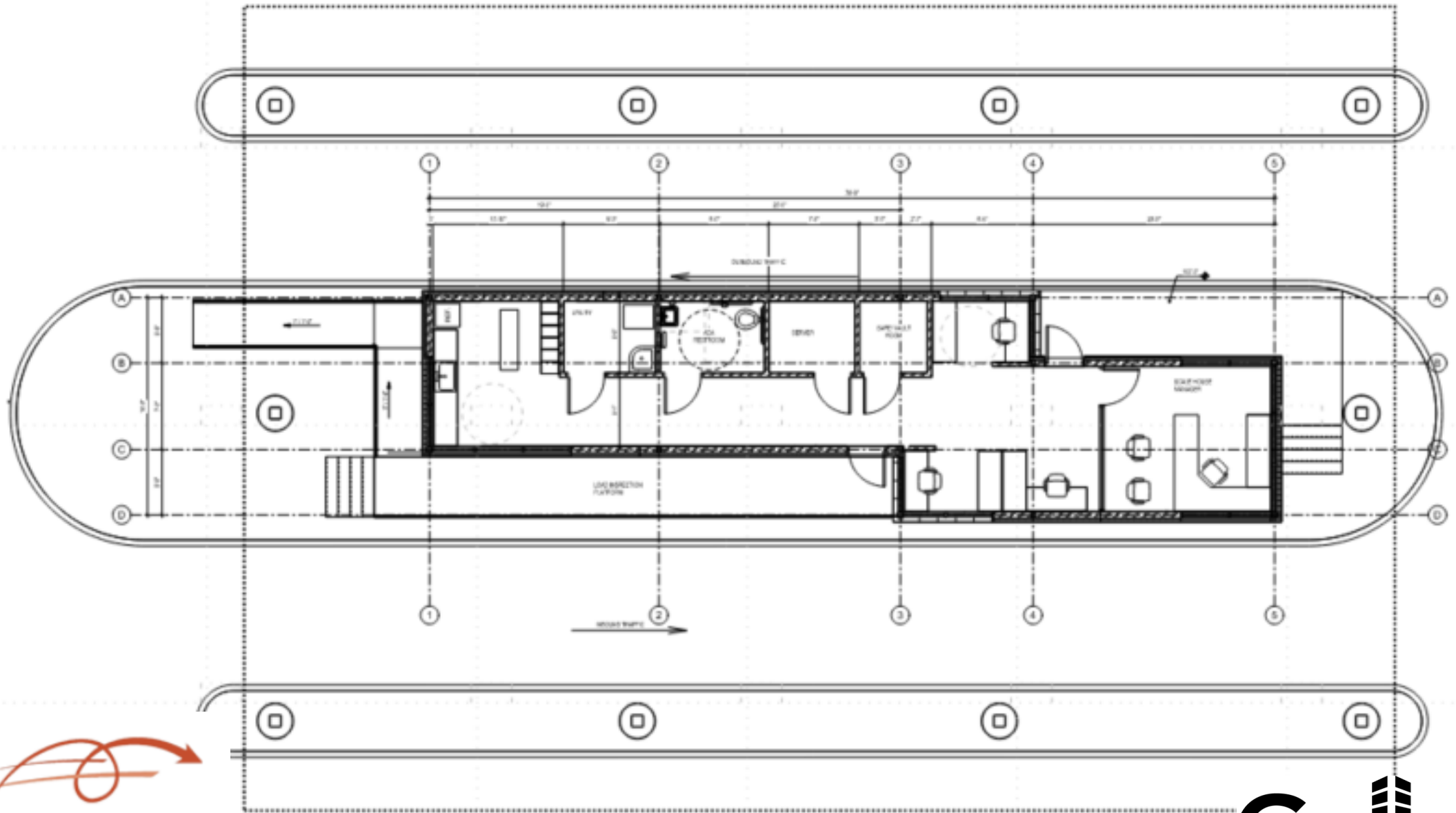


# Scale House – In Bound and Out Bound

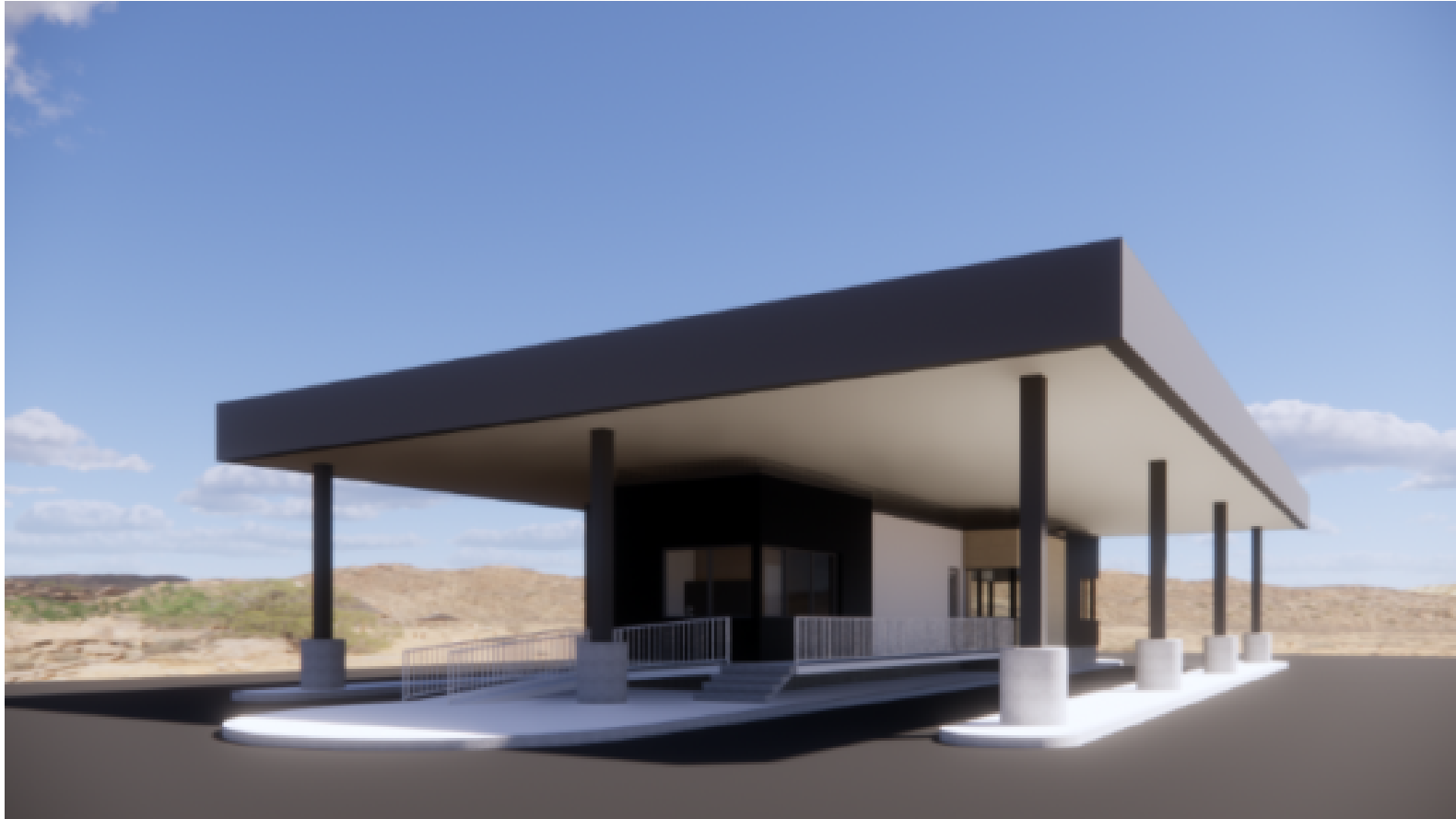




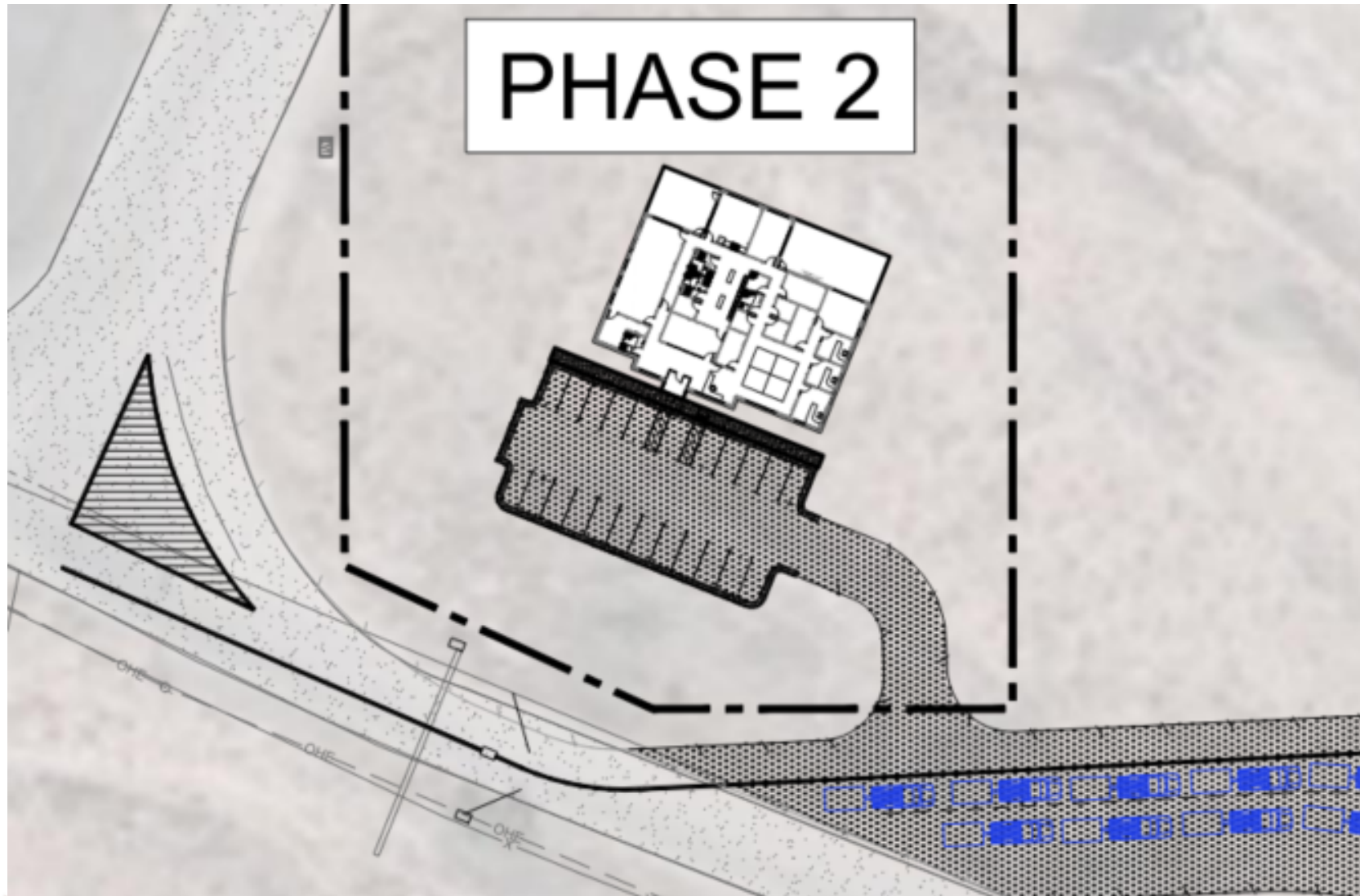
# Scale House – In Bound and Out Bound



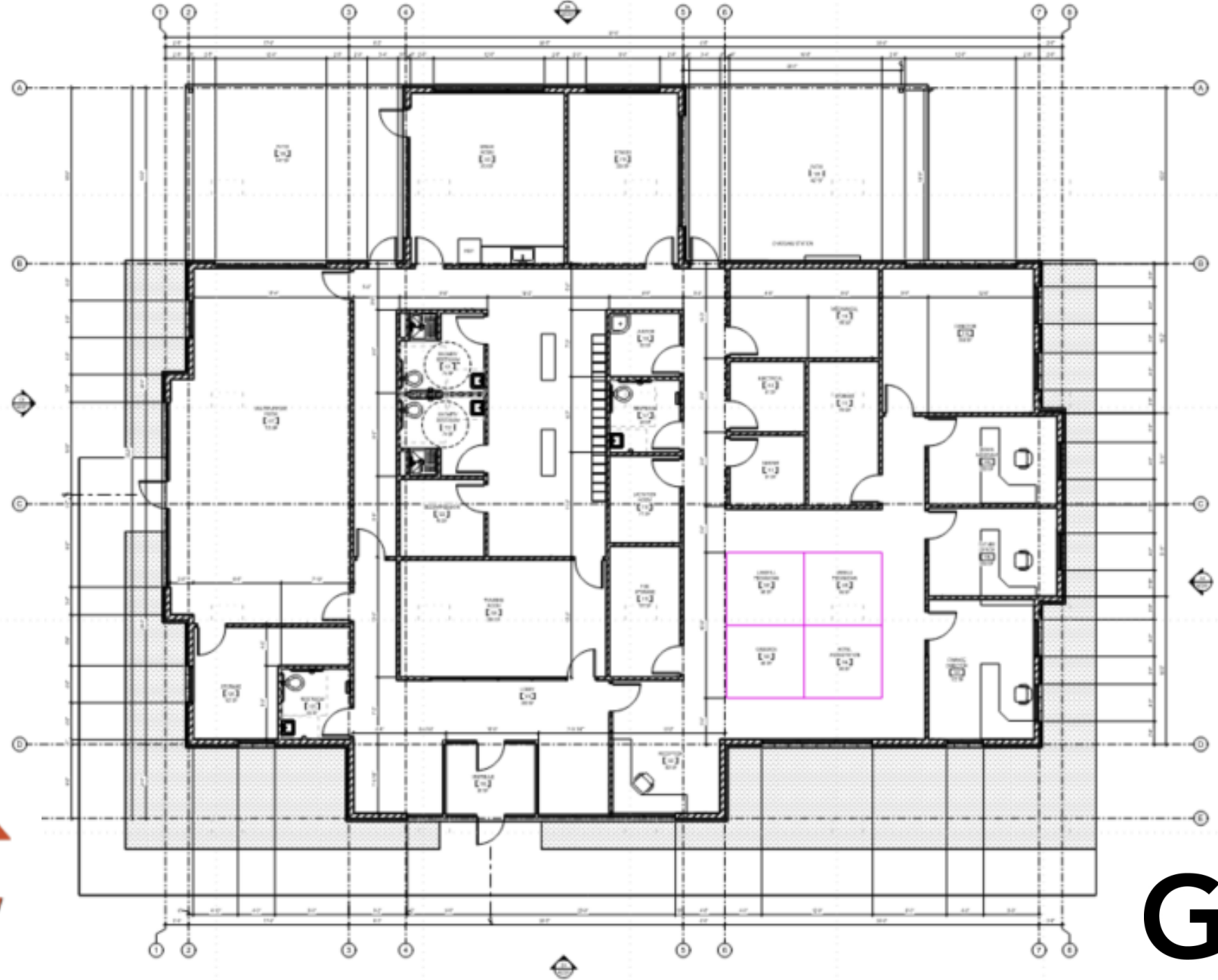
## Scale House (concept rendering)



# Administration Building



# Administration Building



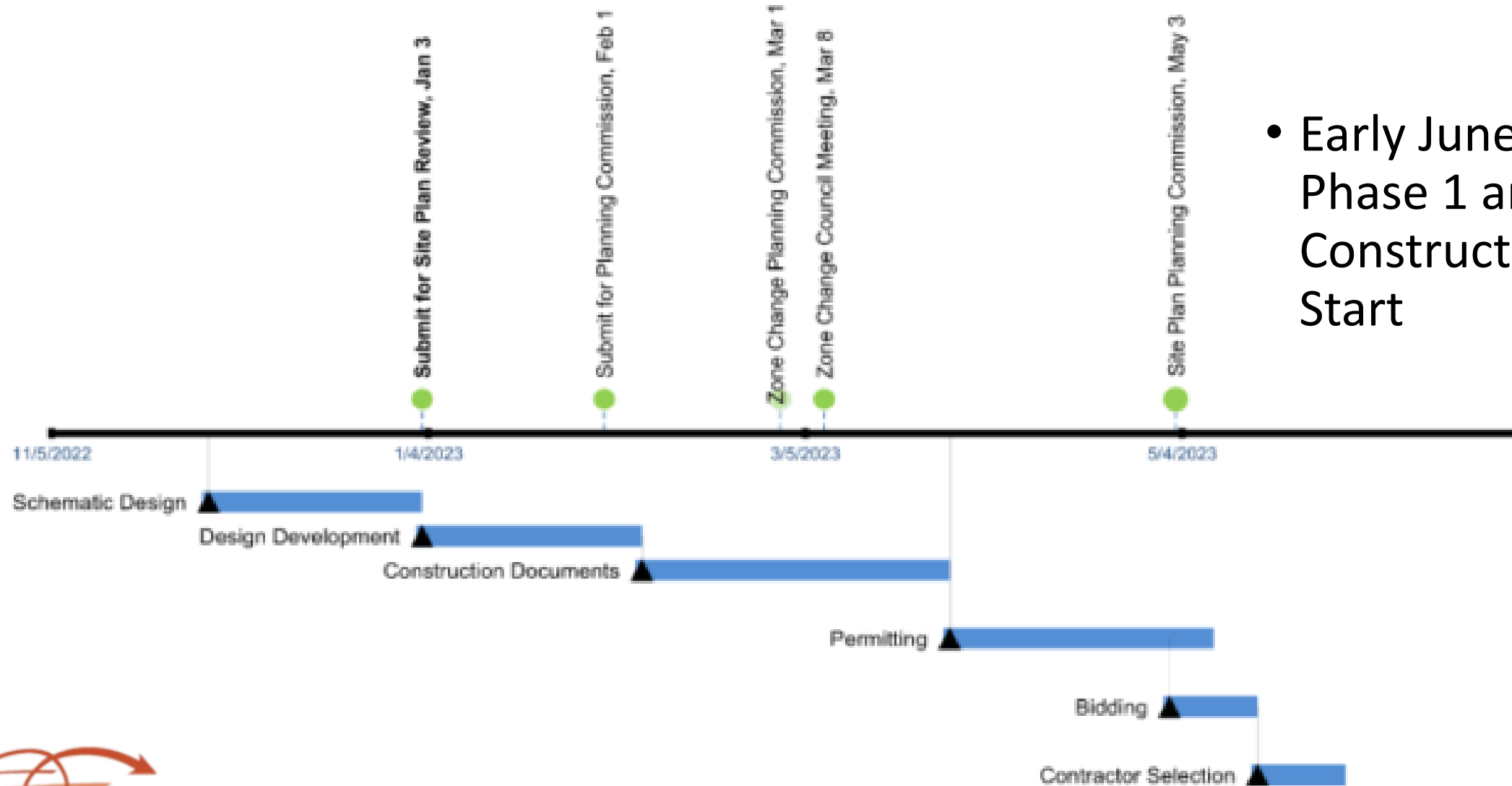


## Administration Building (concept rendering)



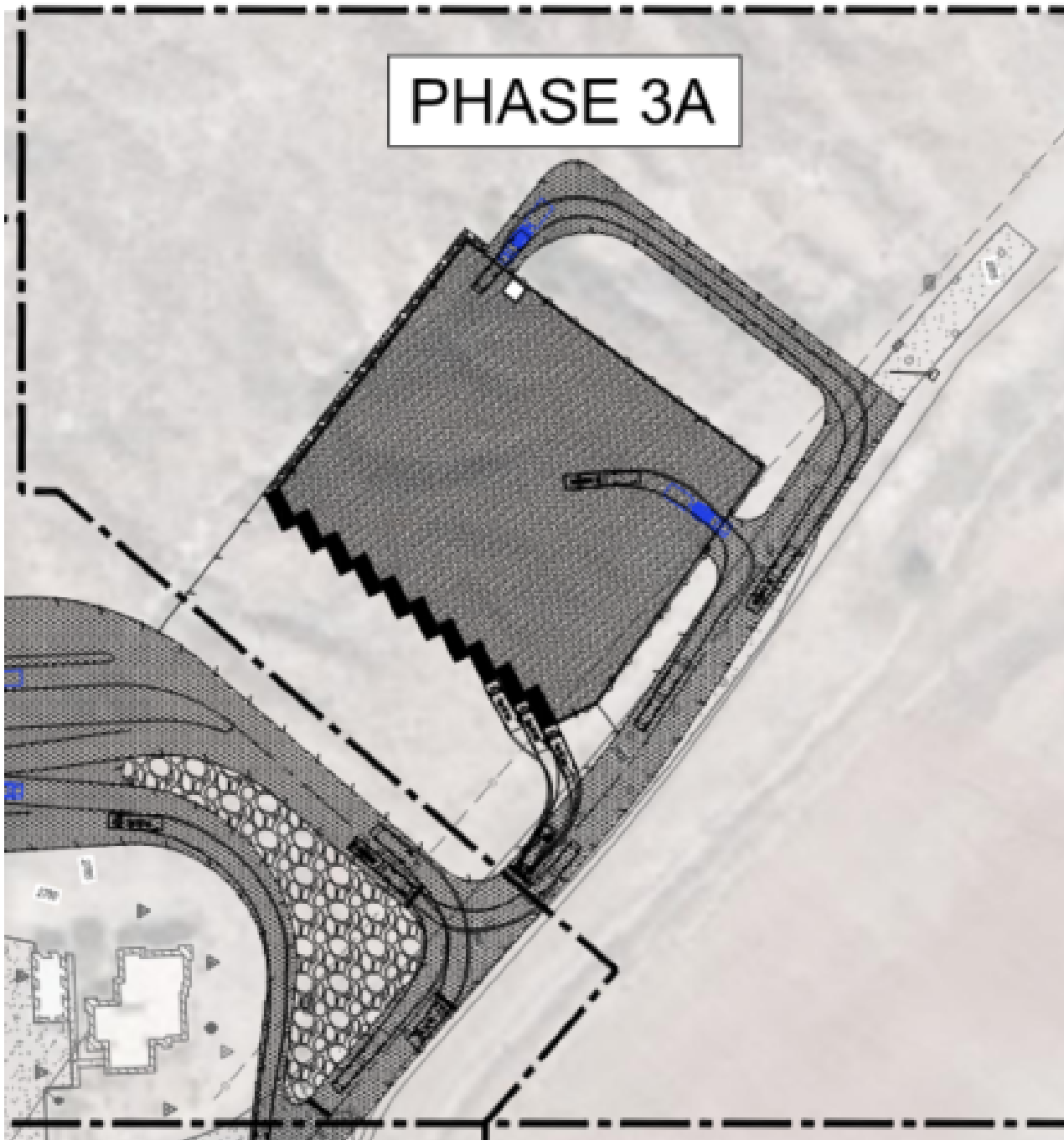
# Project Schedule – Phases 1 and 2

- Early June  
Phase 1 and 2  
Construction  
Start

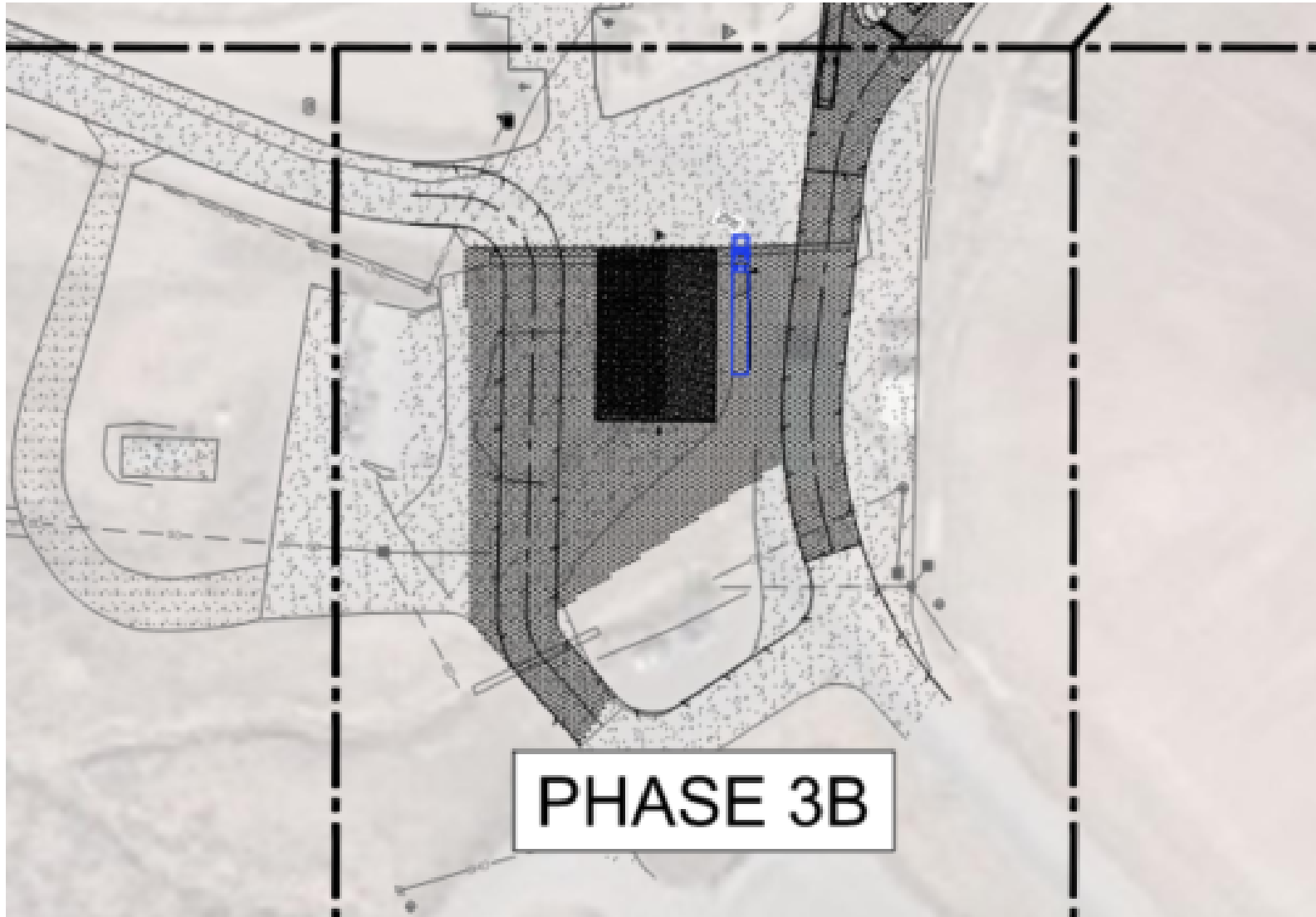


PHASE 3A

Public  
Convenience  
Center PCC

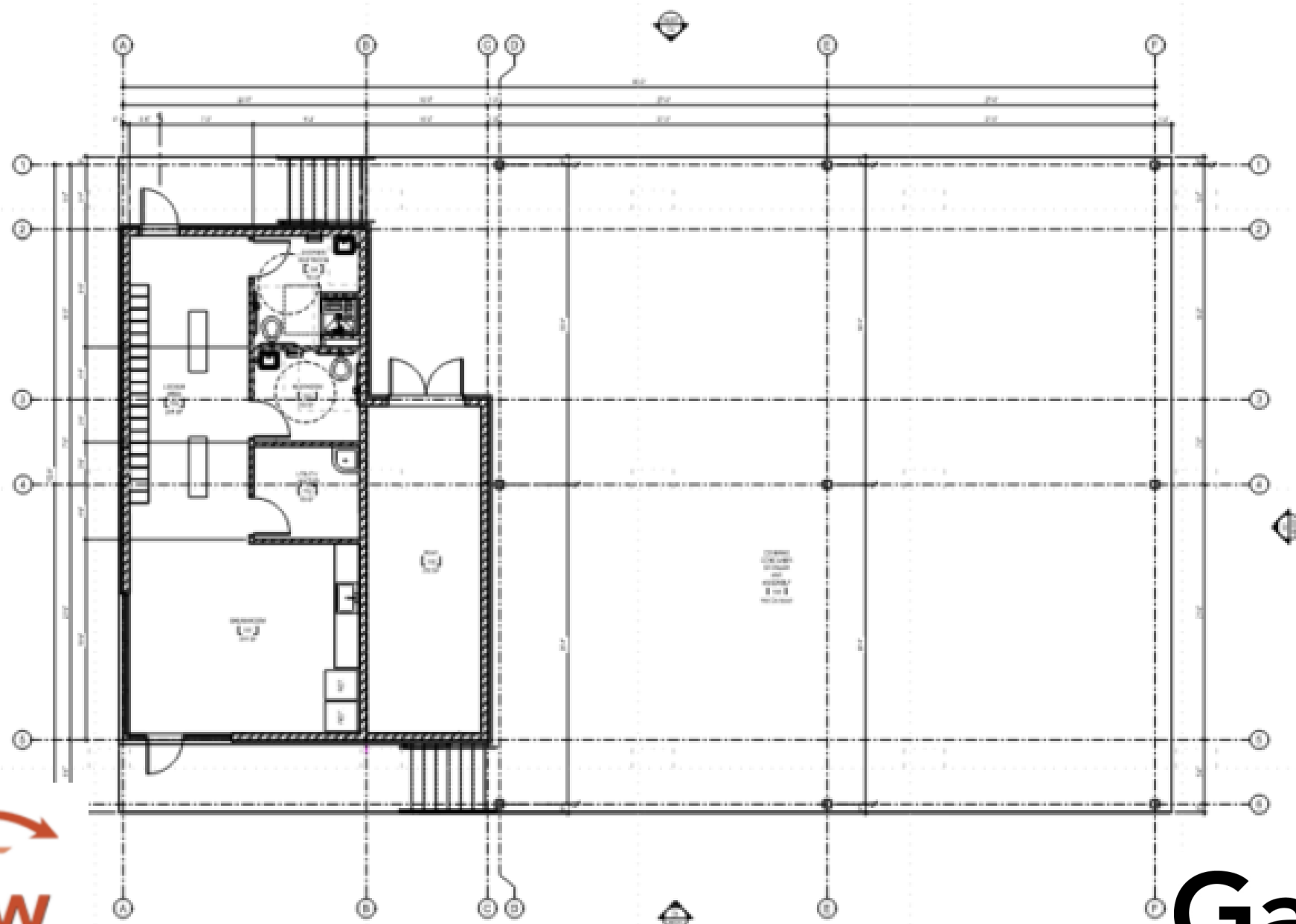


# Container Assembly/Storage Building and Staff Support Space

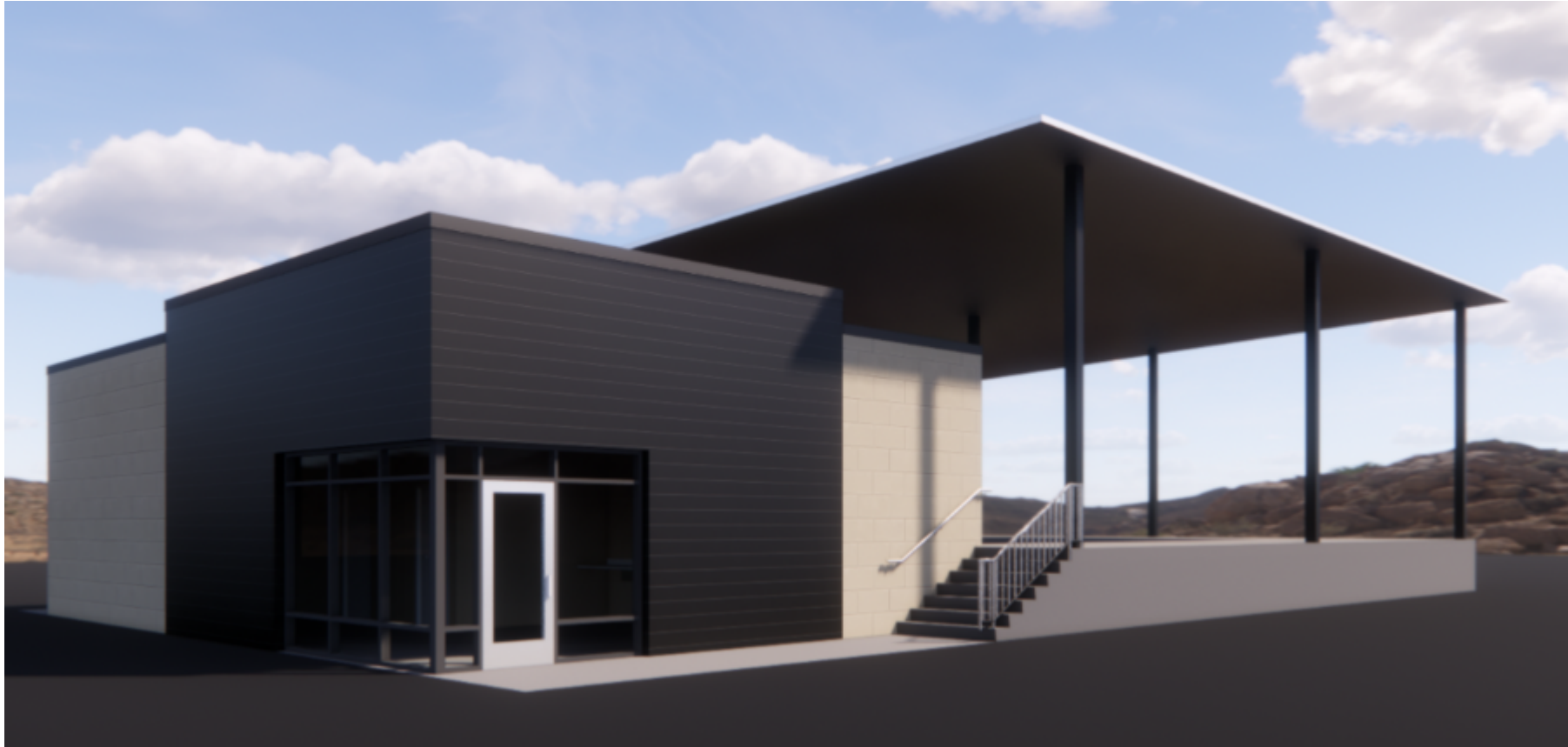




# Container Assembly/Storage Building and Staff Support Space



# Container Assembly/Storage Building and Staff Support Space





## **STAFF COMMENTS**

Consideration and possible approval of a resolution regarding **Hurricane City's participation in the NuScale project**-Scott Hughes

### **Discussion:**

The CFPP project has reached the end of the Class 3 Project Cost Estimate which triggers the opportunity for an off-ramp. Hurricane City has the question to answer if they want to continue as they are, increase in entitlement, decrease in entitlement, or withdraw from the project. The Class 3 Estimate failed to reach its target price of \$58. The Project Management Committee agreed to renegotiate the Development Cost Reimbursement Agreement to give the project a chance to move forward. The new target is set at \$89(2022 \$) and we added in a new term that is that the subscription of the project must meet at minimum 80% or the agreement triggers opportunity for 100% reimbursement. The Project Management Committee also approved a resolution in the February project meeting that states if those terms are not met, the committee WILL terminate the project so as to help municipalities feel more comfortable that the goal posts don't just continue to move in the future.

### **Findings:**

### **Recommendation:**

### **Attachments:**

1. Notice of Amended BPF \_\_ Hurricane
2. GLOSSARY OF NUCLEAR TERMS \_Jan 2023
3. Talking Points \_ Class 3 \_ 20230102 \_ Final

To: Participants in the Carbon Free Power Project

From: Utah Associated Municipal Power Systems

Date: January 4, 2023

Re: Notice of Amended Budget and Plan of Finance and Class 3 Project Cost Estimate

## INTRODUCTION

This memorandum and accompanying documents (this “*Notice*”) constitutes UAMPS’ notice to you pursuant to the Carbon Free Power Project Power Sales Contracts (the “*Power Sales Contracts*”) and certain resolutions approved and adopted by the Project Management Committee (the “*PMC*”) and the Board of Directors with respect to (a) the PMC’s approval of an amended Budget and Plan of Finance (the “*Amended BPF*”) for the Carbon Free Power Project (the “*Project*”) and (b) the Class 3 Project Cost Estimate (the “*Class 3 PCE*”) for the Project and the results of the related Economic Competitiveness Test (the “*ECT*”). Capitalized terms used and not defined herein have the meanings assigned to in the Power Sales Contracts.

The Amended BPF increases the maximum amount of Development Costs that may be incurred during the phase of the Licensing Period that is expected to begin on March 1, 2023 and that ends upon the delivery of the Class 2 Project Cost Estimate by Fluor and the submission of the Construction and Operating Licensing Application (the “*COLA*”) to the Nuclear Regulatory Commission (the “*NRC*”), which are expected to occur by the end of January 2024 (this period is referred to in the Amended BPF as “Phase 1B of the Licensing Period”). As described below, the increased estimated Cost of Acquisition and Construction in the Amended BPF is based upon the Class 3 PCE that has been submitted by Fluor, as well as updates to other items within the Cost of Acquisition and Construction (e.g., owner’s costs, interest rate assumptions, etc.).

Under the provisions of the Power Sales Contracts and certain resolutions approved and adopted by the PMC and the Board of Directors, the delivery of this Notice provides each of the Participants with the option to withdraw from the Project or to reduce its Entitlement Share in the Project by delivering a Notice of Withdrawal or a Notice of Reduction to UAMPS by February 17, 2023. Any withdrawals or reductions will become effective immediately before the expected March 1, 2023 effective date of the Amended BPF (i.e., at 11:59:59 p.m. on February 28, 2023). A Participant’s decision on whether to withdraw from the Project, to reduce its Entitlement Share in the Project, or to continue in the Project with its current Entitlement Share by providing a Notice of Continuation should be made by a resolution adopted by its governing body. Forms of these resolutions, the Notice of Withdrawal, the Notice of Reduction and the Notice of Continuation, together with details on how to complete and deliver a Notice of Withdrawal, a Notice of Reduction or a Notice of Continuation are included at the end of this Notice.



### CLASS 3 PROJECT COST ESTIMATE; ESTIMATED COST OF ACQUISITION AND CONSTRUCTION

Flour provided the Class 3 PCE to CFPP LLC (*“Project Company”*) pursuant to the provisions of the Development Agreement between them. The Class 3 PCE together with updated owner’s costs and interest rate assumptions produced a total estimated Cost of Acquisition and Construction for the Project of \$9,336 million. The primary causes of the increase in the estimated costs of the Project are the effects of inflation, increased commodity prices and increased interest rates. In addition, Xcel Energy also provided an updated operating and maintenance cost estimate (the *“Updated OCE”*) for the Project. The Class 3 PCE, the Updated OCE and the Owner’s Cost Estimate were approved by Project Company on December 16, 2022.

The total estimated Cost of Acquisition and Construction will be offset by the cost-sharing payments made by the U.S. Department of Energy (*“DOE”*) under the Assistance Agreement (the *“Cost Share Award”*) awarded to Project Company in October 2020. These payments are expected to total \$1,355 million which, together with \$9 million of prior cost sharing payments by NuScale, reduces Project costs to \$7,972 million. Project costs are expected to be further reduced by the benefits available for the Project under the Inflation Reduction Act (the *“IRA”*) that was signed into law in August 2022. While the amount of the benefits from the Inflation Reduction Act cannot be determined until guidance is provided by the U.S. Treasury, a preliminary analysis indicates that approximately \$2,846 million of benefits could be available, which would reduce net Project costs to \$5,126 million. Any benefits under the IRA would be received after the commercial operation date of the Project and would be used to retire a portion of the bonds issued to finance the cost of construction.

Based upon the information in the Class 3 PCE, it is necessary for UAMPS to amend the Budget and Plan of Finance for the Project as described below.

### ECONOMIC COMPETITIVENESS TEST AND LEVELIZED COST OF ENERGY

Under the Development Cost Reimbursement Agreement, as previously amended (the *“DCRA”*), NuScale provided the results of the required Economic Competitiveness Test (the *“ECT”*) to Project Company on December 16, 2022. Based on the Class 3 PCE, the DOE cost-sharing payments, the estimated IRA benefits and the Updated OCE, the projected levelized cost of energy from the Project is projected to be \$89.00/MWh (in July 2022 dollars). This exceeds the current Price Target of \$58.00/MWh (in July 2020 dollars) and constitutes an *“ECT Failure,”* which gives Project Company the right to terminate the DCRA.

If Project Company (acting at the direction of the PMC) elects to terminate the DCRA based on this ECT Failure, NuScale would be obligated to reimburse Project Company for the accrued *“Net Development Costs”* (as defined in the DCRA) of the Project. Reimbursement amounts received from NuScale would be used to pay down the outstanding balance of the revolving line of credit that has been used to pay the Development Costs of the Project.

## PROJECT SUBSCRIPTION; SUBSCRIPTION PLAN

The attached Schedule I lists the current Participants in the Project and their current Entitlement Shares (in kW) and Development Cost Shares (as a percentage of Development Costs). The current Entitlement Shares of all Participants total 115,859 kW or approximately 25% of the 462,000 kW projected gross generating capacity of the Project.

As a part of Amendment No. 3 to the DCRA (described below), Project Company and NuScale will implement the “CFPP 2023 Subscription Plan” that includes a number of collaborative efforts to increase the subscription in the Project to 370,000 kW, which is approximately 80% of the projected gross generating capacity of the Project, by the time the COLA is submitted to the NRC (the “*Subscription Target*”). The Subscription Target will be reduced on a kW for kW basis if Participants withdraw from the Project or reduce their Entitlement Shares after January 4, 2023.

The collaborative efforts under the CFPP 2023 Subscription Plan include: further outreach to prospective power purchasers and equity investors; reducing the levelized cost of energy from the Project through value engineering, additional funding options, and lower cost financing options; creating early-mover incentives in power purchase and ownership agreements; and engaging and supporting the existing Participants to assess their generation needs and optimize their subscription levels under the Power Sales Contracts. Project Company will recruit and hire a Business Development Director to lead and oversee these subscription efforts.

## AMENDMENT NO. 3 TO THE DCRA, LLM AGREEMENT AND TOLLING AGREEMENT

In connection with the continued development of the Project, Project Company and NuScale have negotiated, and the PMC has approved, the following agreements:

*Amendment No. 3 to the DCRA.* Amendment No. 3 supplements and amends the DCRA in the following respects:

- The Price Target for the levelized cost of energy from the Project under the ECT is increased from \$58.00/MWh (in July 2020 dollars) to \$89.00/MWh (in July 2022 dollars).
- In addition to its existing right to terminate the DCRA for failure of the ECT, Project Company has an additional right to terminate the DCRA and collect reimbursement from NuScale if Project subscription fails to meet or exceed the Subscription Target (described above) on the earlier of the COLA submittal or February 1, 2024.
- In the event that Project Company terminates the DCRA for failure of the ECT or failure to achieve the Subscription Target and NuScale does not instruct Project Company to convey its ownership interest in the Project Assets to NuScale within sixty days, CFPP may convey the Project Assets to DOE pursuant to the Cost Share Award. The parties may agree to extend the sixty-day period, but any such

extension will not affect the timing for the reimbursement payment due from NuScale.

- NuScale may terminate the DCRA for convenience on or before March 1, 2023 if it is unable to reach an agreement with DOE relating to the conveyance of LLM to NuScale in the event of a future termination of the DCRA by Project Company for failure of the ECT. The terms and effect of such termination would be the same as the terms for and effect of a termination of the DCRA for failure of the ECT (*i.e.*, NuScale reimbursement of Net Development Costs up to the Reimbursement Caps).
- The Reimbursement Cap (*i.e.*, the maximum amount of reimbursement that NuScale is required to pay in the event that the DCRA is terminated by Project Company) for the period from the effective date of Amendment No. 3 to the later of COLA submission or the delivery of the Class 2 PCE will be \$34.5 million.
- For purposes of the ECT, the parties agree to develop a methodology for measuring the expected economic benefits of the IRA.

Amendment No. 3 will become effective as of the later of February 28, 2023 or the date on which the PMC approves any revisions to Schedule I to the Power Sale Contracts associated with the Project for the remainder of Phase 1 under the DCRA.

*LLM Agreement.* Project Company and NuScale are negotiating the terms of an OEM Equipment Supply Agreement under which NuScale will manufacture and deliver the nuclear power modules and other long lead materials (the “*LLM*”) for the Project. Pending the completion of the OEM Equipment Supply Agreement and in order to advance the development of the Project, Project Company and NuScale will enter into a Long Lead Material Reimbursement Agreement (the “*LLM Agreement*”) under which Project Company will issue task orders to NuScale for the LLM. In the event that Project Company terminates the DCRA for failure of the ECT or failure to achieve the Subscription Target, NuScale will be obligated to reimburse Project Company for the amounts actually paid for the LLM, subject to a reimbursement cap of \$49 million. NuScale is required to provide credit support for this reimbursement obligation under the same terms and conditions as are in the DCRA.

*Tolling Agreement.* Under the Tolling Agreement, NuScale agrees that Project Company will have until March 1, 2023, unless extended by mutual agreement of the parties, to deliver written notice of its intent to terminate its participation in the Project based on the ECT Failure under the DCRA.

#### AMENDED BUDGET AND PLAN OF FINANCE

Attached as Exhibit BPF is a summary of the Amended BPF. The Amended BPF increases the maximum amount of Development Costs for Phase 1B of the Licensing Period, which is expected to begin on March 1, 2023 and end on the date of delivery of the Class 2 PCE and the submission of the COLA to the NRC (expected to occur by January 31, 2024) from \$197 million

to \$255 million. After DOE reimbursements pursuant to the Cost Share Award, the net Development Costs for Phase 1B of the Licensing Period are expected to be approximately \$60 million. As noted above, the Reimbursement Cap under the DCRA has been increased to cover most of the increase in Net Development Costs during Phase 1B of the Licensing Period. The total maximum cost exposure of all Participants is expected from \$4.7 million to \$5.4 million during Phase 1B of the Licensing Period, which is less than 0.30% of the total Development Costs during this Phase.

Exhibit BPF also includes a schedule showing the major categories of the projected Development Costs expected to be incurred during the term of the Amended BPF (*i.e.*, during Phase 1B of the Licensing Period).

Upon the conclusion of Phase 1B of the Licensing Period, the PMC will determine whether to submit the COLA to the NRC and whether the Budget and Plan of Finance needs to be amended to cover the net Development Costs during Phase 2 of the Licensing Period (February 2024 through July 2026). The Power Sales Contracts require UAMPS to provide notice to the Participants of (a) the proposed determinations of the PMC and (b) their right to deliver a Notice of Withdrawal or a Notice of Reduction that would become effective at the end of Phase 1B of the Licensing Period.

#### PARTICIPANT COST EXPOSURE UNDER THE AMENDED BPF

Exhibit X shows the Participant's maximum cost exposure under the Amended BPF (*i.e.*, its Development Cost Share of net Development Costs incurred from April 2015 through January 31, 2024). This information is being provided on an individual basis so that each Participant will receive only its maximum cost exposure and not the cost exposures of the other Participants.

Under the Power Sales Contracts (a) the Participants' maximum cost exposure can be increased only if the Amended Budget and Plan of Finance is amended to increase the maximum amount of Development Costs that may be incurred, and (b) before any such amendment can take effect, each Participant must be provided with the opportunity to deliver a Notice of Withdrawal or a Notice of Reduction. Accordingly, if a Participant is comfortable with the amount of its maximum cost exposure, it is not necessary for the Participant's governing body to impose an additional dollar limit on the amount of its maximum cost exposure. If a Participant is not comfortable with the amount of its maximum cost exposure, it should consider delivering a Notice of Reduction to reduce its Development Cost Share.

#### PARTICIPANT PAYMENTS AFTER WITHDRAWAL OR REDUCTION

A Participant that elects to withdraw from the Project or to reduce its Entitlement Share will be responsible for its Development Cost Share of the net Development Costs incurred to the effective date of its withdrawal or reduction (*i.e.*, through February 28, 2023).

A Participant that delivers a Notice of Withdrawal pursuant to this Notice is required to repay its Development Cost Share of net Development Costs within twelve months of the effective



date of the withdrawal. Exhibit X also shows the estimated exit payment that would be payable if the Participant delivers a Notice of Withdrawal. This information is being provided on an individual basis so that each Participant will receive only its exit payment and not the exit payments of the other Participants. The estimated exit payment is subject to change and adjustment based upon actual net Development Costs incurred through February 28, 2023.

A Participant that delivers a Notice of Reduction pursuant to this Notice will not be required to repay its Development Cost Share of net Development Costs, and will have a reduced Development Cost Share from and after the effective date of its reduction (*i.e.*, March 1, 2023). The amount of the reduction in the Development Cost Share depends in part on any withdrawals or reductions by other Participants.

#### REGIONAL BRIEFINGS

UAMPS has scheduled several in-person and virtual regional briefing meetings during the month of January to provide additional information regarding the Project and the topics summarized in this Notice to the Participants, their elected officials and utility representatives. Powerpoint presentations will also be prepared to provide further information with respect to the Project. Please contact Jackie Coombs if you need further information regarding these briefings.

#### PARTICIPANT RESOLUTION, NOTICE OF WITHDRAWAL AND NOTICE OF REDUCTION; DELIVERY

*Forms.* If a Participant's governing body determines that the Participant should withdraw from the Project, it should adopt the "Withdrawal Resolution" attached as Exhibit W, and the Participant's Representative to UAMPS should complete the "Notice of Withdrawal" attached to Exhibit W.

If a Participant's governing body determines that the Participant should reduce its Entitlement Share in the Project, it should adopt the "Reduction Resolution" attached as Exhibit R, and the Participant's Representative to UAMPS should complete the "Notice of Reduction" attached to Exhibit R.

If a Participant's governing body determines that the Participant should continue as a Participant with its current Entitlement Share, it should adopt the "Continuation Resolution" attached as Exhibit C. No separate Notice of Continuation needs to be provided by a Participant that adopts a Continuation Resolution.

*Please contact Jackie Coombs if you believe that you need to make any revisions or additions to the attached forms of the Resolutions and Notices. Changes to the text of these forms can have unintended consequences, and we will work with you to resolve any issues or concerns that you may have.*

*Delivery.* Withdrawal Resolutions, Notices of Withdrawal, Reduction Resolutions, Notices of Reduction and Continuation Resolutions ***must be delivered to UAMPS no later than February 17, 2023***, as follows:

Jackie Coombs  
Manager of Corporate and Member Relations  
Utah Associated Municipal Power Systems  
155 North 400 West, Suite 480  
Salt Lake City, Utah 84103  
Email: jackie@uamps.com

Please send scanned copies of your completed Resolution and Notice of Withdrawal or Notice of Reduction to Jackie's email address shown above, and send hardcopies of your completed Resolution and Notice to Jackie via overnight delivery service (FedEx, UPS, USPS) or registered mail. Don't hesitate to contact Jackie if you have any questions regarding how to complete and deliver your Resolution and Notice.

ATTACHMENTS:

|             |                                                              |
|-------------|--------------------------------------------------------------|
| Schedule I  | Participants, Entitlement Shares and Development Cost Shares |
| Exhibit BPF | Amended Budget and Plan of Finance                           |
| Exhibit C   | Continuation Resolution                                      |
| Exhibit R   | Reduction Resolution and Notice of Reduction                 |
| Exhibit W   | Withdrawal Resolution and Notice of Withdrawal               |
| Exhibit X   | Participant's Maximum Cost Exposure/Exit Payment             |

**SCHEDULE I****SCHEDULE OF PARTICIPANTS, ENTITLEMENT SHARES  
AND DEVELOPMENT COST SHARES**

| PARTICIPANT  | ENTITLEMENT<br>SHARE (KW) | DEVELOPMENT<br>COST SHARE (%) |
|--------------|---------------------------|-------------------------------|
| Beaver       | 2,155                     | 1.8600                        |
| Blanding     | 2,500                     | 2.1578                        |
| Brigham City | 15,250                    | 13.1626                       |
| Enterprise   | 392                       | 0.3383                        |
| Ephraim      | 8,000                     | 6.9049                        |
| Fairview     | 900                       | 0.7768                        |
| Fallon       | 2,000                     | 1.7262                        |
| Fillmore     | 3,019                     | 2.6058                        |
| Holden       | 500                       | 0.4316                        |
| Hurricane    | 20,000                    | 17.2624                       |
| Hyrum        | 10,000                    | 8.6312                        |
| Idaho Falls  | 5,000                     | 4.3156                        |
| Kanosh       | 300                       | 0.2589                        |
| Los Alamos   | 2,155                     | 1.8600                        |
| Monroe       | 1,200                     | 1.0357                        |
| Morgan       | 1,398                     | 1.2066                        |
| Mt. Pleasant | 3,000                     | 2.5894                        |
| Oak City     | 500                       | 0.4316                        |
| Paragonah    | 200                       | 0.1726                        |
| Parowan      | 3,000                     | 2.5894                        |
| Payson       | 5,000                     | 4.3156                        |
| Santa Clara  | 5,000                     | 4.3156                        |
| SESD         | 3,000                     | 2.5894                        |
| Spring City  | 400                       | 0.3452                        |
| Washington   | 17,990                    | 15.5275                       |
| Weber Basin  | 2,000                     | 1.7262                        |
| Wells REC    | <u>1,000</u>              | <u>0.8631</u>                 |
|              | <u>115,859</u>            | <u>100.0000</u>               |

## EXHIBIT BPF

### AMENDED BUDGET AND PLAN OF FINANCE

#### EFFECTIVE DATE AND PERIOD

The expected effective date of the Amended BPF is March 1, 2023, and the Amended BPF is expected to remain in effect until January 31, 2024. The period during which the Amended BPF is in effect is referred to as “Phase 1B” of the Licensing Period.

#### ESTIMATED DEVELOPMENT COSTS AND COST OF ACQUISITION AND CONSTRUCTION

*Gross Costs.* The following table shows the total Development Costs and the total Cost of Acquisition and Construction of the Project without accounting for the DOE Cost Share Award or potential IRA benefits (*i.e.*, gross costs).

| PERIOD                                                       | COSTS (\$M)    | START    | END      |
|--------------------------------------------------------------|----------------|----------|----------|
| Initial Development Period                                   | \$ 13          | Apr 2015 | Dec 2020 |
| Licensing Period Phase 1A (Development Work to PCE 3)        | 112            | Jan 2021 | Feb 2023 |
| Licensing Period Phase 1B (Devel. Work to PCE 2/COLA Submit) | 255            | Mar 2023 | Jan 2024 |
| Licensing Period Phase 2 (NRC COLA review)                   | <u>2,302</u>   | Feb 2024 | Jul 2026 |
| TOTAL DEVELOPMENT COSTS                                      | \$2,682        | Apr 2015 | Jul 2026 |
| Construction Period                                          | <u>6,654</u>   | Aug 2026 | Dec 2030 |
| TOTAL COST OF ACQUISITION AND CONSTRUCTION                   | <u>\$9,336</u> |          |          |

*Net Costs.* The following table shows the total net Development Costs and the net Cost of Acquisition and Construction of the Project after DOE reimbursements under the Cost Share Award and potential Inflation Reduction Act (“IRA”) benefits (*i.e.*, net costs).

| PERIOD                                                       | COSTS (\$M)    | START    | END      |
|--------------------------------------------------------------|----------------|----------|----------|
| Initial Development Period                                   | \$ 3           | Apr 2015 | Dec 2020 |
| Licensing Period Phase 1A (Development Work to PCE 3)        | 26             | Jan 2021 | Feb 2023 |
| Licensing Period Phase 1B (Devel. Work to PCE 2/COLA Submit) | 60             | Mar 2023 | Jan 2024 |
| Licensing Period Phase 2 (NRC COLA review)                   | <u>1,446</u>   | Feb 2024 | Jul 2026 |
| TOTAL NET DEVELOPMENT COSTS <sup>1</sup>                     | \$1,535        | Apr 2015 | Jul 2026 |
| Construction Period                                          | <u>6,437</u>   | Aug 2026 | Dec 2030 |
| NET COST OF ACQUISITION AND CONSTRUCTION <sup>1</sup>        | \$7,972        | Apr 2015 | Dec 2030 |
| Projected IRA Benefits (post COD)                            | <u>(2,846)</u> | Jan 2031 | Jun 2031 |
| TOTAL NET COST OF ACQUISITION AND CONSTRUCTION <sup>2</sup>  | <u>\$5,126</u> |          |          |

1. Net of DOE reimbursements under Cost Share Award and previous cost sharing payments from NuScale.

2. Net of DOE reimbursements under Cost Share Award, NuScale cost sharing payments and projected IRA benefits.



## ESTIMATED TIMELINE

Phase 1A of the Licensing Period is expected to end on February 28, 2023 (*i.e.*, immediately before the effective date of the Amended BPF). Phase 1B of the Licensing Period is expected to begin on March 1, 2023 and is expected end on January 31, 2024. Phase 2 of the Licensing Period is expected to begin on February 1, 2024 and is expected end on July 31, 2026. The Construction Period is expected to begin on the date that the Completion of Development occurs (August 1, 2026 expected) and to end on the Commercial Operation Date of the Project (December 31, 2030 expected).

## TARGET PRICE

The target price for Project output sold to the Participants under the Power Sales Contracts is \$89.00/MWh (2022 dollars).

## FUNDING AND FINANCING FOR DEVELOPMENT COSTS

During the Licensing Period, the Development Costs will be funded in part by reimbursements made by DOE under the Cost Share Award. Approximately \$1,147 million of total reimbursements are expected to be received from DOE in respect of Development Costs during the Licensing Period.

Development Costs not reimbursed by DOE will be carried on the Revolving Credit Agreement which became effective on September 15, 2021 and which has been extended to March 31, 2023. Up to \$50 million may be drawn under the extended Revolving Credit Agreement, and approximately \$29 million of draws (net of DOE reimbursements) are expected to be outstanding under the Revolving Credit Agreement as of February 28, 2023.

In connection with the Amended BPF, UAMPS has begun negotiations with the Administrative Agent to extend the term of the Revolving Credit Agreement and increase in the amount that may be drawn to \$89 million, which is expected to be sufficient to carry the net Development Costs of the Project through the term of the Amended BPF (*i.e.*, to the end of Phase 1B of the Licensing Period, January 31, 2024 expected).

At the end of Phase 1B of the Licensing Period, the Project Management Committee will determine whether to submit the COLA to the NRC and whether to approve additional amendments to the Budget and Plan of Finance for Phase 2 of the Licensing Period based on the Class 2 PCE and other necessary updates. If the Project proceeds to Phase 2 of the Licensing Period, UAMPS will require financing for the approximately \$1,535 million of net Development Costs that are currently estimated to be incurred to the Completion of Development. UAMPS currently expects that this financing will be under a credit facility provided by a syndicate of large banks under a new credit agreement.

## FUNDING AND FINANCING FOR COST OF ACQUISITION AND CONSTRUCTION

At the time of that Completion of Development occurs and if the Project Management Committee determines that the Project should proceed to the Construction Period, UAMPS will require approximately \$7,972 million to finance the Cost of Acquisition and Construction of the

Project, which amount (a) includes the funds necessary to repay the amounts outstanding under the bank credit facility for the net Development Costs of the Project and (b) is net of expected DOE reimbursements during the Construction Period of \$217 million.

It is expected that this financing will be accomplished through three separate bond issuances: (a) an initial issuance at the beginning of the Construction Period of approximately \$4,000 million to repay all outstanding amounts under the bank credit facility and to fund the first 15 months of construction costs; (b) a second issuance of approximately \$2,500 million to fund the next 12 months of construction costs; and (c) a final issuance of approximately \$1,500 million to finance the remaining construction costs to the Completion of Development. The bonds are expected to be issued as tax-exempt obligations under the Internal Revenue Code, and a combination of variable rate bonds (up to 25% of total principal) and fixed rate bonds (75% or more of total principal) is currently expected.

Following the Commercial Operation Date of the Project, Project Company will apply to the U.S. Treasury for the investment tax credit and other benefits available for the Project under the IRA. While the amount of the benefits from the IRA cannot be determined until guidance is provided by the U.S. Treasury, a preliminary analysis indicates that approximately \$2,846 million of tax credits and other benefits could be available. Amounts received from the U.S. Treasury would be used to retire a portion of the bonds issued to finance the cost of construction of the Project, potentially reducing the total amount of outstanding bonds to \$5,126 million. The terms of the bonds will be structured to optimize and enable their early retirement with the IRA benefits that are received.

## EXHIBIT C

### FORM OF CONTINUATION RESOLUTION

#### RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING THE CONTINUATION OF THE PARTICIPANT'S ENTITLEMENT SHARE UNDER THE CARBON FREE POWER PROJECT POWER SALES CONTRACT FOR PHASE 1B OF THE LICENSING PERIOD FOR THE CARBON FREE POWER PROJECT; AND RELATED MATTERS.

\*\*\*\*\*      \*\*\*\*\*      \*\*\*\*\*

WHEREAS, the entity named below (the "*Participant*") is a member of Utah Associated Municipal Power Systems ("*UAMPS*") pursuant to the provisions of the Utah Associated Municipal Power Systems Amended and Restated Agreement for Joint and Cooperative Action, as amended (the "*Joint Action Agreement*");

WHEREAS, the Participant has previously approved, executed and delivered the Carbon Free Power Sales Contract dated as of April 1, 2018 (the "*Power Sales Contract*") with UAMPS, with a current Entitlement Share and a current Development Cost Share shown on Schedule I attached hereto (initially capitalized terms used and not defined herein have the meanings assigned to them in the Power Sales Contract);

WHEREAS, at the direction of the Project Management Committee, UAMPS has delivered a notice dated January 4, 2023 (the "*UAMPS Notice*") to the Participant of (a) the delivery of the Class 3 Project Cost Estimate for the Project and the results of the related run of the economic competitiveness test, (b) the proposed adoption of an amendment to the Budget and Plan of Finance for the Project (the "*Amended BPF*"), and (c) the Participant's right to deliver a Notice of Withdrawal or a Notice of Reduction or to continue with its current Entitlement Share in the Project during the term of the Amended BPF, with any such withdrawal, reduction or continuation to be effective immediately before the Amended BPF takes effect;

WHEREAS, the Amended BPF is expected to be in effect from approximately March 1, 2023 until approximately January 31, 2024 (such period is referred to herein as "*Phase 1B of the Licensing Period*") and pursuant to the Power Sales Contract, the Participant will have the additional right to deliver a Notice of Withdrawal or a Notice of Reduction or to continue with its current Entitlement Share in the Project at the end of Phase 1B of the Licensing Period; and

WHEREAS, the Governing Body has determined that the Participant should continue with its current Entitlement Share during Phase 1B of the Licensing Period;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Participant, as follows:

*Section 1. Continuation of Entitlement Share for Phase 1B of the Licensing Period.* (a) The Participant hereby authorizes and approves maintaining and continuing its current Entitlement Share in the Project as shown on Schedule I attached hereto. The Participant acknowledges and agrees that Schedule I shows its correct Entitlement Share and its correct Development Cost Share as of the date hereof.

(b) The Participant acknowledges that its Development Cost Share for Phase 1B of the Licensing Period (as shown on the attached Schedule I) would, by operation of the provisions of the Power Sales Contract, increase if other Participants determine to withdraw from the Project or reduce their Entitlement Shares as provided in the UAMPS Notice. Upon receipt of notice from UAMPS of any such withdrawals or reductions, the Participant's Representative is hereby authorized by and on behalf of the Participant, and is hereby delegated full authority, to give notice to UAMPS of the Participant's election to (i) reduce its current Entitlement Share in such amount as shall be necessary to maintain its current Development Cost Share or (ii) maintain its current Entitlement Share, which will result in an increase in its current Development Cost Share, *provided that* the Participant's current Development Cost Share may not be increased by more than ten percent without the approval of the Governing Body.

*Section 2. Miscellaneous; Effective Date.* (a) All prior resolutions that conflict with the provisions of this resolution respecting the Participant's Entitlement Share or Development Cost Share are, to the extent of such conflict, hereby repealed.

(b) In case any provision in this resolution shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

(c) This resolution shall take effect immediately upon its adoption and approval.



ADOPTED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2023.

HURRICANE CITY

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

ATTEST:

\_\_\_\_\_  
City Recorder

[SEAL]

Dated November 1, 2021

**SCHEDULE I**  
**SCHEDULE OF PARTICIPANTS, ENTITLEMENT SHARES**  
**AND DEVELOPMENT COST SHARES**

| PARTICIPANT  | ENTITLEMENT<br>SHARE (KW) | DEVELOPMENT COST<br>SHARE (%) |
|--------------|---------------------------|-------------------------------|
| Beaver       | 2,155                     | 1.8600                        |
| Blanding     | 2,500                     | 2.1578                        |
| Brigham City | 15,250                    | 13.1626                       |
| Enterprise   | 392                       | 0.3383                        |
| Ephraim      | 8,000                     | 6.9049                        |
| Fairview     | 900                       | 0.7768                        |
| Fallon       | 2,000                     | 1.7262                        |
| Fillmore     | 3,019                     | 2.6058                        |
| Holden       | 500                       | 0.4316                        |
| Hurricane    | 20,000                    | 17.2624                       |
| Hyrum        | 10,000                    | 8.6312                        |
| Idaho Falls  | 5,000                     | 4.3156                        |
| Kanosh       | 300                       | 0.2589                        |
| Los Alamos   | 2,155                     | 1.8600                        |
| Monroe       | 1,200                     | 1.0357                        |
| Morgan       | 1,398                     | 1.2066                        |
| Mt. Pleasant | 3,000                     | 2.5894                        |
| Oak City     | 500                       | 0.4316                        |
| Paragonah    | 200                       | 0.1726                        |
| Parowan      | 3,000                     | 2.5894                        |
| Payson       | 5,000                     | 4.3156                        |
| Santa Clara  | 5,000                     | 4.3156                        |
| SESD         | 3,000                     | 2.5894                        |
| Spring City  | 400                       | 0.3452                        |
| Washington   | 17,990                    | 15.5275                       |
| Weber Basin  | 2,000                     | 1.7262                        |
| Wells REC    | <u>1,000</u>              | <u>0.8631</u>                 |
|              | <u>115,859</u>            | <u>100.0000</u>               |

## EXHIBIT R

### FORM OF REDUCTION RESOLUTION

#### RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING THE REDUCTION OF THE PARTICIPANT'S ENTITLEMENT SHARE UNDER THE CARBON FREE POWER PROJECT POWER SALES CONTRACT; AND RELATED MATTERS.

\*\*\*\*\*

WHEREAS, the entity named below (the "*Participant*") is a member of Utah Associated Municipal Power Systems ("*UAMPS*") pursuant to the provisions of the Utah Associated Municipal Power Systems Amended and Restated Agreement for Joint and Cooperative Action, as amended (the "*Joint Action Agreement*");

WHEREAS, the Participant has previously approved, executed and delivered the Carbon Free Power Sales Contract dated as of April 1, 2018 (the "*Power Sales Contract*") with UAMPS, with a current Entitlement Share and a current Development Cost Share shown on Schedule I attached hereto (initially capitalized terms used and not defined herein have the meanings assigned to them in the Power Sales Contract);

WHEREAS, at the direction of the Project Management Committee, UAMPS has delivered a notice dated January 4, 2023 (the "*UAMPS Notice*") to the Participant of (a) the delivery of the Class 3 Project Cost Estimate for the Project and the results of the related run of the economic competitiveness test, (b) the proposed adoption of an amendment to the Budget and Plan of Finance for the Project (the "*Amended BPF*"), and (c) the Participant's right to deliver a Notice of Withdrawal or a Notice of Reduction or to continue with its current Entitlement Share in the Project during the term of the Amended BPF, with any such withdrawal, reduction or continuation to be effective immediately before the Amended BPF takes effect;

WHEREAS, the Amended BPF is expected to be in effect from approximately March 1, 2023 until approximately January 31, 2024 (such period is referred to herein as "*Phase 1B of the Licensing Period*") and pursuant to the Power Sales Contract, the Participant will have the additional right to deliver a Notice of Withdrawal or a Notice of Reduction or to continue with its current Entitlement Share in the Project at the end of Phase 1B of the Licensing Period; and

WHEREAS, the Governing Body has determined that the Participant should reduce its Entitlement Share under the Power Sales Contract, and such reduction shall be effective immediately before the effective date of the Amended BPF;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Participant, as follows:

*Section 1. Reduction of Entitlement Share.* (a). The Participant hereby elects to reduce its Entitlement Share under the Power Sales Contract to the amount shown in the Notice of Reduction attached hereto, and the Participant's Representative is authorized and directed to execute and deliver to UAMPS such Notice of Reduction. The Participant acknowledges and agrees that it shall remain responsible for the payment of its Development Cost Share (as shown on Schedule I attached hereto) of the net Development Costs of the Project that are incurred up to (but not including) the effective date of the Amended BPF.

(b) The Participant acknowledges that the reduction in its Development Cost Share for Phase 1B of the Licensing Period may not be proportional to the reduction in its Entitlement Share if other Participants to determine to withdraw from the Project or reduce their Entitlement Shares as provided in the UAMPS Notice. Upon receipt of notice from UAMPS of any such withdrawals or reductions, the Participant's Representative is hereby authorized by and on behalf of the Participant, and is hereby delegated full authority, to give notice to UAMPS of the Participant's election to (i) further reduce its current Entitlement Share in such amount as shall be necessary to achieve a reduction in its Development Cost Share that is proportional to the reduction in its Entitlement Share or (ii) maintain its election to reduce its Entitlement Share in the amount shown in the attached Notice of Reduction, which will result in a reduced decrease in its Development Cost Share for Phase 1B of the Licensing Period.

*Section 2. Miscellaneous; Effective Date.* (a) All prior resolutions that conflict with the provisions of this resolution respecting the Participant's Entitlement Share or Development Cost Share are, to the extent of such conflict, hereby repealed.

(b) In case any provision in this resolution shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

(c) This resolution shall take effect immediately upon its adoption and approval.



ADOPTED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2023.

HURRICANE CITY

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

ATTEST:

\_\_\_\_\_  
City Recorder

[SEAL]

Dated November 1, 2021

**SCHEDULE I**  
**SCHEDULE OF PARTICIPANTS, ENTITLEMENT SHARES**  
**AND DEVELOPMENT COST SHARES**

| PARTICIPANT  | ENTITLEMENT<br>SHARE (KW) | DEVELOPMENT COST<br>SHARE (%) |
|--------------|---------------------------|-------------------------------|
| Beaver       | 2,155                     | 1.8600                        |
| Blanding     | 2,500                     | 2.1578                        |
| Brigham City | 15,250                    | 13.1626                       |
| Enterprise   | 392                       | 0.3383                        |
| Ephraim      | 8,000                     | 6.9049                        |
| Fairview     | 900                       | 0.7768                        |
| Fallon       | 2,000                     | 1.7262                        |
| Fillmore     | 3,019                     | 2.6058                        |
| Holden       | 500                       | 0.4316                        |
| Hurricane    | 20,000                    | 17.2624                       |
| Hyrum        | 10,000                    | 8.6312                        |
| Idaho Falls  | 5,000                     | 4.3156                        |
| Kanosh       | 300                       | 0.2589                        |
| Los Alamos   | 2,155                     | 1.8600                        |
| Monroe       | 1,200                     | 1.0357                        |
| Morgan       | 1,398                     | 1.2066                        |
| Mt. Pleasant | 3,000                     | 2.5894                        |
| Oak City     | 500                       | 0.4316                        |
| Paragonah    | 200                       | 0.1726                        |
| Parowan      | 3,000                     | 2.5894                        |
| Payson       | 5,000                     | 4.3156                        |
| Santa Clara  | 5,000                     | 4.3156                        |
| SESD         | 3,000                     | 2.5894                        |
| Spring City  | 400                       | 0.3452                        |
| Washington   | 17,990                    | 15.5275                       |
| Weber Basin  | 2,000                     | 1.7262                        |
| Wells REC    | <u>1,000</u>              | <u>0.8631</u>                 |
|              | <u>115,859</u>            | <u>100.0000</u>               |

**EXHIBIT A**

**FORM OF NOTICE OF REDUCTION**

Utah Associated Municipal Power Systems  
155 North 400 West, Suite 480  
Salt Lake City, Utah 84103  
Attention: Chief Executive Officer  
General Counsel

Re: Carbon Free Power Project Power Sales Contract

Ladies and Gentlemen,

Pursuant to Section 301(d) of the above-referenced Power Sales Contract (the "*Power Sales Contract*"), the entity named below (the "*Participant*") hereby gives notice of its election to reduce its Entitlement Share to [\_\_\_\_\_] kW (the "*Reduced Entitlement Share*").

The Participant hereby acknowledges and agrees that:

1. This Notice of Reduction shall be effective at and as of the end of the last day of the current phase of the Licensing Period, which is expected to occur on or about February 28, 2023.
2. The Participant shall remain responsible for the payment of an amount equal to its Development Cost Share (as in effect from time to time) of all net Development Costs incurred, including its Development Cost Share of the amounts necessary to repay all Bonds issued and outstanding under the Financing Documents.
3. From and after the effective date of this Notice of Reduction, the Participant's Reduced Entitlement Share shall apply during Phase 1B of the Licensing Period under the Power Sales Contract, including the calculation of the Participant's Development Cost Share.

Capitalized terms used and not otherwise defined herein have the meanings assigned to them in the Power Sales Contract.

Dated: \_\_\_\_\_, 2023

Hurricane City

By \_\_\_\_\_  
Authorized Representative

**EXHIBIT W**

**FORM OF WITHDRAWAL RESOLUTION**

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION APPROVING THE PARTICIPANT’S WITHDRAWAL FROM  
THE CARBON FREE POWER PROJECT; AND RELATED MATTERS.

\*\*\*\*\*        \*\*\*\*\*        \*\*\*\*\*

WHEREAS, the entity named below (the “*Participant*”) is a member of Utah Associated Municipal Power Systems (“*UAMPS*”) pursuant to the provisions of the Utah Associated Municipal Power Systems Amended and Restated Agreement for Joint and Cooperative Action, as amended (the “*Joint Action Agreement*”);

WHEREAS, the Participant has previously approved, executed and delivered the Carbon Free Power Sales Contract dated as of April 1, 2018 (the “*Power Sales Contract*”) with UAMPS, with a current Entitlement Share and a current Development Cost Share shown on Schedule I attached hereto (initially capitalized terms used and not defined herein have the meanings assigned to them in the Power Sales Contract);

WHEREAS, at the direction of the Project Management Committee, UAMPS has delivered a notice dated January 4, 2023 (the “*UAMPS Notice*”) to the Participant of (a) the delivery of the Class 3 Project Cost Estimate for the Project and the results of the related run of the economic competitiveness test, (b) the proposed adoption of an amendment to the Budget and Plan of Finance for the Project (the “*Amended BPF*”), and (c) the Participant’s right to deliver a Notice of Withdrawal or a Notice of Reduction or to continue with its current Entitlement Share in the Project during the term of the amended BPF, with any such withdrawal, reduction or continuation to be effective immediately before the Amended BPF takes effect;

WHEREAS, in addition to the UAMPS Notice, UAMPS has provided additional information to the Participant with respect to the Amended BPF and related matters, including the estimated amount that the Participant would be required to pay to UAMPS in respect of its Development Cost Share (as in effect from time to time) of the net Development Costs of the Project;

WHEREAS, the Governing Body has determined that the Participant should withdraw from the Project, and such withdrawal shall be effective immediately before the effective date of the Amended BPF;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Participant, as follows:



*Section 1. Withdrawal from the Project.* The Participant hereby elects to withdraw from the Project and the Participant's Representative is authorized and directed to execute and deliver to UAMPS the Notice of Withdrawal in the form attached hereto. The Participant acknowledges and agrees that it shall (i) remain responsible for the payment of its Development Cost Share (as shown on Schedule I attached hereto) of the net Development Costs of the Project that are incurred up to (but not including) the effective date of the Amended BPF, and (ii) within twelve months of the effective date of its withdrawal, pay to UAMPS its Development Cost Share (as in effect from time to time) of the net Development Costs of the Project, together with any interest expense on such amounts and any other charges incurred by UAMPS under the Financing Documents.

*Section 2. Miscellaneous; Effective Date.* (a) In case any provision in this resolution shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

(b) This resolution shall take effect immediately upon its adoption and approval.

ADOPTED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2023.

HURRICANE CITY

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

ATTEST:

\_\_\_\_\_  
City Recorder

[SEAL]

Dated November 1, 2021

**SCHEDULE I**  
**SCHEDULE OF PARTICIPANTS, ENTITLEMENT SHARES**  
**AND DEVELOPMENT COST SHARES**

| PARTICIPANT  | ENTITLEMENT<br>SHARE (KW) | DEVELOPMENT COST<br>SHARE (%) |
|--------------|---------------------------|-------------------------------|
| Beaver       | 2,155                     | 1.8600                        |
| Blanding     | 2,500                     | 2.1578                        |
| Brigham City | 15,250                    | 13.1626                       |
| Enterprise   | 392                       | 0.3383                        |
| Ephraim      | 8,000                     | 6.9049                        |
| Fairview     | 900                       | 0.7768                        |
| Fallon       | 2,000                     | 1.7262                        |
| Fillmore     | 3,019                     | 2.6058                        |
| Holden       | 500                       | 0.4316                        |
| Hurricane    | 20,000                    | 17.2624                       |
| Hyrum        | 10,000                    | 8.6312                        |
| Idaho Falls  | 5,000                     | 4.3156                        |
| Kanosh       | 300                       | 0.2589                        |
| Los Alamos   | 2,155                     | 1.8600                        |
| Monroe       | 1,200                     | 1.0357                        |
| Morgan       | 1,398                     | 1.2066                        |
| Mt. Pleasant | 3,000                     | 2.5894                        |
| Oak City     | 500                       | 0.4316                        |
| Paragonah    | 200                       | 0.1726                        |
| Parowan      | 3,000                     | 2.5894                        |
| Payson       | 5,000                     | 4.3156                        |
| Santa Clara  | 5,000                     | 4.3156                        |
| SESD         | 3,000                     | 2.5894                        |
| Spring City  | 400                       | 0.3452                        |
| Washington   | 17,990                    | 15.5275                       |
| Weber Basin  | 2,000                     | 1.7262                        |
| Wells REC    | <u>1,000</u>              | <u>0.8631</u>                 |
|              | <u>115,859</u>            | <u>100.0000</u>               |

## EXHIBIT A

### FORM OF NOTICE OF WITHDRAWAL

Utah Associated Municipal Power Systems  
155 North 400 West, Suite 480  
Salt Lake City, Utah 84103  
Attention: Chief Executive Officer  
General Counsel

Re: Carbon Free Power Project Power Sales Contract

Ladies and Gentlemen,

Pursuant to Section 204 of the above-referenced Power Sales Contract (the "*Power Sales Contract*"), the entity named below (the "*Participant*") hereby gives notice of its election to withdraw from the Project.

The Participant hereby acknowledges and agrees that:

1. This Notice of Withdrawal shall be effective at and as of the end of the last day of the current phase of the Licensing Period, which is expected to occur on or about February 28, 2023.
2. By delivering this Notice of Withdrawal, the Participant waives its right to receive any reimbursement for Development Costs previously paid by it, except as otherwise provided in the Power Sales Contract.
3. The Participant shall remain responsible for the payment of an amount equal to its Development Cost Share (as in effect from time to time) of all Development Costs incurred, including its Development Cost Share of the amounts necessary to repay all Bonds issued and outstanding under the Financing Documents, in each case up to the effective date of the Participant's withdrawal from the Project.
4. The Participant shall, within twelve months of the effective date of its withdrawal, repay the amounts described in paragraph 3 above together with any interest expense on such amounts and any other charges incurred by UAMPS under the Financing Documents.
5. From and after the effective date of its withdrawal (a) the Participant's Entitlement Share shall be terminated, (b) the Participant's Representative shall have no right to participate in or vote at meetings of the Project Management Committee or meetings of the Board with respect to the Project, and (iii) the Power Sales Contract will remain in effect only with respect to the Participant's repayment obligations described in paragraph 4 above.

6. The Participant shall have no responsibility for the payment of Development Costs incurred or Bonds issued after the effective date of its withdrawal.

Capitalized terms used and not otherwise defined herein have the meanings assigned to them in the Power Sales Contract.

Dated: \_\_\_\_\_, 2023

Hurricane City

By \_\_\_\_\_  
Authorized Officer



## **EXHIBIT X**

### **PARTICIPANT'S MAXIMUM COST EXPOSURE/EXIT PAYMENT**

#### **HURRICANE CITY**

Participant's maximum cost exposure under the Amended BFP: \$15,363,536.

The amount shown above is the Participant's Development Cost Share multiplied by the maximum amount of net Development Costs that Project Company may incur under the Amended BFP through the end of Phase 1B of the Licensing Period (*i.e.*, through January 31, 2024).

Estimated exit payment if Participant delivers a Notice of Withdrawal: \$4,946,639.

The amount shown above is the Participant's Development Cost Share multiplied by the estimated amount of net Development Costs that Project Company incurs under the Budget and Plan of Finance through the end of Phase 1A of the Licensing Period (*i.e.*, through February 28, 2023). The actual exit payment due from the Participant will be calculated based on the actual amount of Development Costs that Project Company incurs under the Budget and Plan of Finance through the end of Phase 1A of the Licensing Period, net of cost sharing payments received from DOE.

## GLOSSARY OF NUCLEAR TERMS

**Boiling Water Reactor (BWR)** – a common nuclear power reactor design in which water flows upward through the core, where it is heated by fission and allowed to boil in the reactor vessel. The resulting steam then drives a turbine-generator to produce electrical power. The CFPP is not a BWR design.

**Budget and Plan of Finance (BPF)** – a comprehensive budget and plan of finance for the development and construction costs during the licensing and construction periods. The BPF is a contractual term and condition for CFPP. A BPF is required prior at the beginning of each CFPP development phase and at certain other times, such as an increase in the budgeted cost of the CFPP.

**Burns & McDonnell (BnM)** – a full service engineering architecture, construction, environmental solutions firm. BnM represents UAMPS as an owner’s engineer for the CFPP.

**Carbon Free Power Project (CFPP)** - UAMPS’ project to develop and construct a small modular reactor project as a long-term source of reliable, carbon-free electricity to replace carbon based resources.

**CFPP LLC** – a limited liability company formed to develop, construct, operate and decommission a nuclear facility located at INL. UAMPS is the sole Member of the CFPP LLC.

**Combined Operating License Application (COLA)** – an application to the NRC for the construction and operation license of nuclear power plant at a specific site. The CFPP is currently completing the necessary work to submit a COLA in January 2024.

**Combined Operating License (COL)** – an NRC issued license that authorizes a licensee to construct and operate a nuclear power plant at a specific site. A COL is usually valid for 40 years (with the possibility of a two 20 year renewals).

**Department of Energy (DOE)** – governmental authority and owner of the INL site. The DOE has the right and ability to assign, sell, lease or otherwise make available the site to construct and operate the CFPP on the site. DOE is also providing cost-share support for the CFPP to support commercialization of NuScale technology.

**Design Certification Application (DCA)** – an application to the NRC for approval of a nuclear power plant design independent of an application to construct or operate a plant. Design

certification is achieved through the NRC's rulemaking process and is founded on the NRC staff's review of the application. The application addresses the various safety issues associated with the proposed nuclear power plant design independent of a specific site. NuScale has received a design certification for a 50 MW 12 module plant from the NRC.

**Development Cost Reimbursement Agreement (DCRA)** – an agreement between UAMPS and NuScale in which NuScale agrees to reimburse UAMPS for a portion of the development costs if a defined project price target or defined subscription target are not achieved and UAMPS elects to withdraw from the project. The price target criteria apply until UAMPS would issue the final notice to proceed to construction and the subscription target criteria apply until submittal of the COLA to the NRC.

**Economic Competitiveness Test (ECT)** – evaluates the cost to finance, construction, operate and decommission the CFPP utilizing a 40 year levelized cost of energy model and is used to compare to the DCRA price target.

**Emergency Planning Zone (EPZ)** – an area surrounding a nuclear power plant where predetermined strategies and actions are established for protective actions during a plant emergency situation. The NRC has approved an EPZ at the site boundary for the NuScale Voygr SMR Plants.

**Engineering, Procurement and Construction Development Agreement (EPCDA)** – an Agreement between UAMPS and Fluor for the initial phases of engineering, procurement and construction of the CFPP.

**Final Notice to Proceed (FNTP)** – a notice to be issued by UAMPS at the point in time to authorize the construction of the CFPP.

**Final Safety Analysis Report (FSAR)** – applicants submitting a DCA or COLA to the NRC include a final safety analysis report to provide the technical and safety basis for the NRC's approval of the requested COL or DC.

**First of a Kind Engineering (FOAKE)** – component and system level engineering and testing needed for new and novel designs that have not been deployed before.

**Fluor** – the company performing the engineering, procurement and construction (EPC) scope for the CFPP.

**Idaho National Laboratory (INL)** – a laboratory of the Department of Energy Office of Nuclear Energy located in southeast Idaho near Idaho Falls. UAMPS has entered into a long-term (99

year) Site Use Permit with the DOE for the selection, development and use of an appropriate site at the INL for the CFPP.

**Inspections, Tests, Analysis, and Acceptance Criteria (ITAAC)** – standards that must be satisfied at the conclusion of constructing a nuclear power plant that confirm the as-constructed plant meets the design and criteria defined in the COL. The plant cannot operate until the ITAAC are completed.

**Levelized Cost of Energy (LCOE)** – the cost of energy over a specific period of time. The CFPP LCOE is based on a not to exceed price over a 40 year period.

**Limited Work Authorization** – an application submitted to the NRC to allow for early non-nuclear work at the plant site while the COLA review is underway. CFPP is working with the NRC and DOE on the LWA review process.

**Low-level Radioactive Waste (LLW)** – a general term for a wide range of items that have become contaminated with radioactive material or have become radioactive through exposure to neutron radiation.

**MPR Associates (MPR)** – a leading engineering and technology consulting firm aimed at developing and deploying next generation solutions for the electric utility industry. MPR represents UAMPS as an owner’s engineer for the CFPP.

**Nuclear Energy Institute (NEI)** – is the policy organization of the nuclear energy and technologies industry. NEI participates in both the national and global policy making process. NEI’s objective is to ensure the formation of policies that promote the beneficial uses of nuclear energies and technologies in the United States and around the world.

**Nuclear Regulatory Commission (NRC)** – regulates commercial nuclear power plants and other uses of nuclear material, such as in nuclear medicine, through licensing, inspection and enforcement of its requirements.

**NuScale** - a private commercial company formed to develop, license, and market the small modular nuclear reactor concept commonly referred to as the NuScale VOYGR.

**NuScale Integral System Test (NIST)** – a facility designed by NuScale to test a scaled representation of a NuScale reactor design.

**Power Sales Contract (PSC)** – a contract between UAMPS and its members for the development, construction, operations and decommissioning of the CFPP.



**Pressurized Water Reactor (PWR)** – a common nuclear power reactor design in which water is heated by fission, kept under high pressure (to prevent from boiling), and used to heat water in a separate system to make steam which is then used to drive a turbine-generator to produce electrical power. The CFPP is a PWR design.

**Price Cost Estimate (PCE)** – the estimated cost to design, license, and construct a facility. The PCE typically matures and uncertainty is reduced as engineering and the design are completed. The CFPP had a Class 4 PCE, then completed additional engineering to develop a Class 3 PCE. Future work will perform additional engineering to develop a Class 2 PCE and eventually a Class 1 PCE (the most accurate).

**Probabilistic Risk Assessment (PRA)** – a systematic method for assessing three questions that designers and the NRC use to define “risk”. These questions consider (1) what can go wrong, (2) how likely it is, and (3) what its consequences might be. These questions allow the NRC to understand likely outcomes, sensitivities, areas of importance, system interaction, and areas of uncertainty, which the staff can use to identify risk-significant scenarios. The NRC uses PRA to determine a numeric estimate of risk to provide insights into the strengths and weaknesses of the design and operation of a nuclear plant.

**Regulatory Issue Summary (RIS)** – generic communication from the NRC to give licensees, applicants for a license, holders of certifies compliance, and their contractors guidance on meeting NRC expectations and requirements.

**Seismic Safety Hazards Analysis (SSHAC)** – evaluation of the probability of earthquakes and resulting safety concerns for nuclear facility installations.

**SCRAM** – an emergency shutdown of a nuclear reactor. The term and acronym are derived from “Safety Control Rod Axe Man” for the first nuclear reactor at the University of Chicago’s Stagg Field.

**Standard Design Approval (SDA)** – NRC approval of a standard design for a nuclear power plant (or portions of a plant) that can be referenced and used in subsequent applications. An application for an SDA is an SDAA. NuScale submitted an application to the NRC in December 2022 for the CFPP configuration of six pack of 77 MW reactors.

**Small Modular Reactor (SMR)** – a nuclear reactor design that is less than 300 MW and typically designed to include large amounts of content manufactured in factories rather than constructed on-site.

**Xcel Energy (Xcel)** – is the utility company to be the Operations Partner for the CFPP. They are responsible to ensure the CFPP is prepared to operate when constructed. They also assist with the NRC review and approval of the COLA.

## TALKING POINTS

*Class 3 Project Cost Estimate*

*Economic Competitiveness Test*

*Revised Budget and Plan of Finance*

*Development Cost Reimbursement Agreement*

A key milestone and decision point in the development of the Carbon Free Power Project has been reached with the receipt and acceptance of the Class 3 Project Cost Estimate (PCE), which further refines the total cost of the project.

Completion of the Class 3 PCE has triggered key activities.

- A run of the Economic Competitiveness Test (ECT), which resulted in a Levelized Cost of Energy (LCOE) has exceeded the target price of \$58/MWH 2020\$. This means UAMPS can withdraw from the project and be reimbursed for most of its out-of-pocket expenses.
- The new cost estimate also requires a revised Budget & Plan of Finance (BPF), effective March 1, 2023. The revised BPF provides each of the individual Participants with the option to withdraw from the project or to reduce its entitlement share in the project.
- An amended Development Cost Reimbursement Agreement (DCRA) has been negotiated to reduce risk and allow project termination in the event of a future ECT failure or if subscription targets are not achieved by the end of 2023.

The following information is provided to help members make decisions going forward.

## Why did costs increase?

- The costs were primarily influenced by external impacts, not by the project's development.
- Price increases have occurred due to inflationary pressures on the energy supply chain that have not been seen for more than 40 years. In the past two years:
  - Producer Price Index for Fabricated Steel Plate increased 54%
  - Producer Price Index for Carbon Steel Piping increased 106%
  - Producer Price Index for Electrical Equipment increased 25%
  - Producer Price Index for Fabricated Structural Steel increased 70%
  - Producer Price Index for Copper Wire and Cable increased 32%
  - Producer Price Index for All Commodities increased 45%
- In addition, the referenced interest rate used for the project's cost modeling has increased approximately 200 basis points since July 2020.

**The costs of other new non-carbon, non-intermittent generation have also increased commensurately. Does the CFPP remain cost-competitive despite the cost increases?**

- CFPP remains cost-competitive and needed as a carbon-free, dispatchable resource, part of a diversified resource portfolio. The higher costs reflect the changing financial landscape for the development of energy projects nationwide. The CFPP has matured to face, understand and address these challenges that other technologies and generation options must also still face.

**How does the Development Cost Reimbursement Agreement (DCRA) help de-risk the project?**

- The amended DCRA establishes a new ECT target of \$89/MWH (2022\$). An ECT cost higher than that will provide for 100% reimbursement on CFPP termination at the Class 2 PCE or COLA submittal in January 2024.
- The DCRA also obligates NuScale to 100% reimbursement on CFPP termination for failure to achieve the subscription goal of 80% at Class 2 PCE. UAMPS will have the option to terminate the project and be reimbursed if subscription does not reach 370 MW (of 462 MW available) by the end of 2023.

**Has the project schedule changed?**

The project remains on schedule:

- Submittal of the Combined Operating License Application to the Nuclear Regulatory Commission in January 2024
- Construction to begin in 2026
- First module in service in December 2029
- All modules in service by November 2030

**What are the Class 3 projected costs of the project?**

- Total cost of acquisition and construction, including financing: \$9.3 billion
- Total value of DOE Cost Share Award and projected IRA benefits: \$4.2 billion
- Net cost of acquisition and construction: \$5.1 billion

**What is the off-ramp schedule?**

- January 4, 2023, off-ramp period begins
- February 17, 2023, off-ramp period ends

## **Summary**

Given that UAMPS members need large amounts of clean, reliable and affordable energy early in the 2030s, the CFPP remains, by far, the most attractive option.



## **STAFF COMMENTS**

Consideration and possible approval of **political candidates being allowed to purchase an ad in the Peach Days magazine.**

### **Discussion:**

Mayor Billings would like the Council to decide if candidate campaign ads should be allowed in the Peach Days magazine.

### **Findings:**

### **Recommendation:**

### **Attachments:**

None





## **STAFF COMMENTS**

Consideration and possible **direction of use on City property located at approximately 100 W State Street and approximately 1000 W 100 North**

### **Discussion:**

Discussion on the use of the City property where the new proposed gym will be.

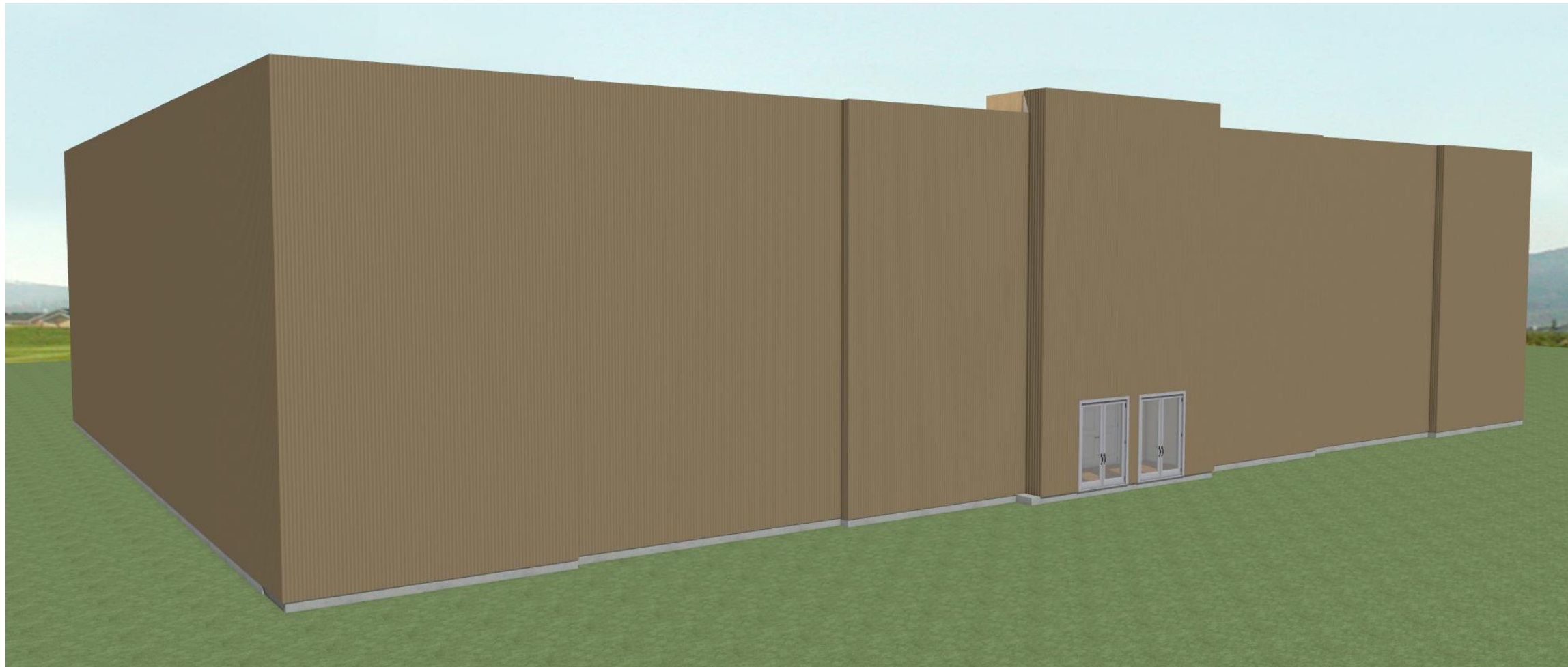
### **Findings:**

### **Recommendation:**

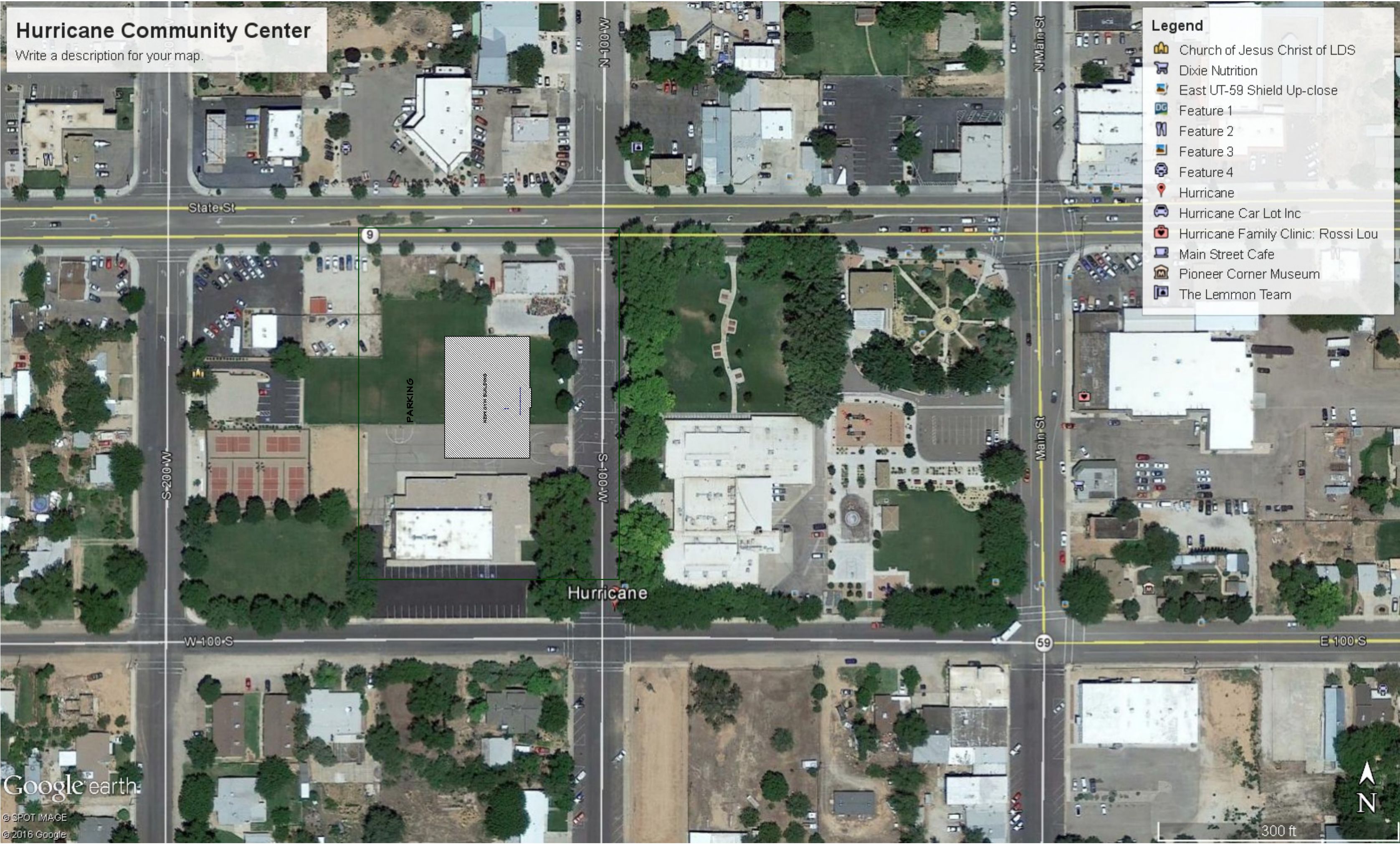
### **Attachments:**

1. Metal Building 2-Gym FloorplanS Proposal 03





PROPOSED ROUGH BUILDING BLOCKED OUT SHAPE



POSSIBLE SITE LOCATION FOR TWO-GYM METAL BUILDING  
SCALE: APPROX 1"=100' PROPOSED BY KEVIN THOMAS

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DATE:  
2/15/2023

DRAWN BY:  
KT

PROJECT #23000



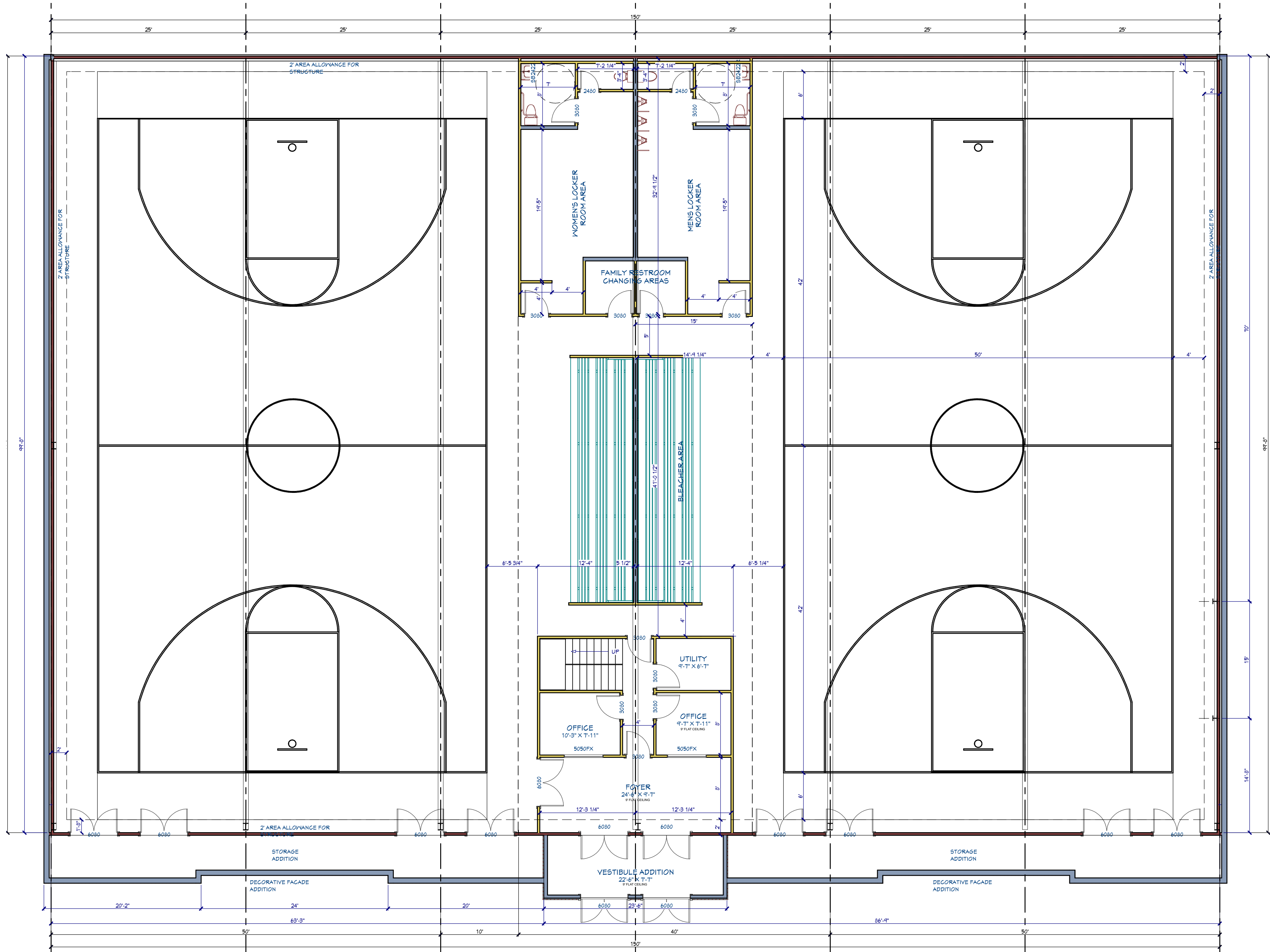
POSSIBLE TWO-GYM METAL  
BUILDING FLOOR PLAN

**Draw Works**  
970 N 120 E  
HURRICANE, UT 84737  
435-634-1450  
KEVIN D. THOMAS HOME DESIGNER



SHEET:  
**SD-1**





POSSIBLE TWO-GYM METAL BUILDING MAIN FLOOR PLAN  
SCALE: 1/8"=1'-0" PROPOSED BY KEVIN THOMAS

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2/15/2023

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PROJECT #23000



POSSIBLE TWO-GYM METAL  
BUILDING FLOOR PLAN

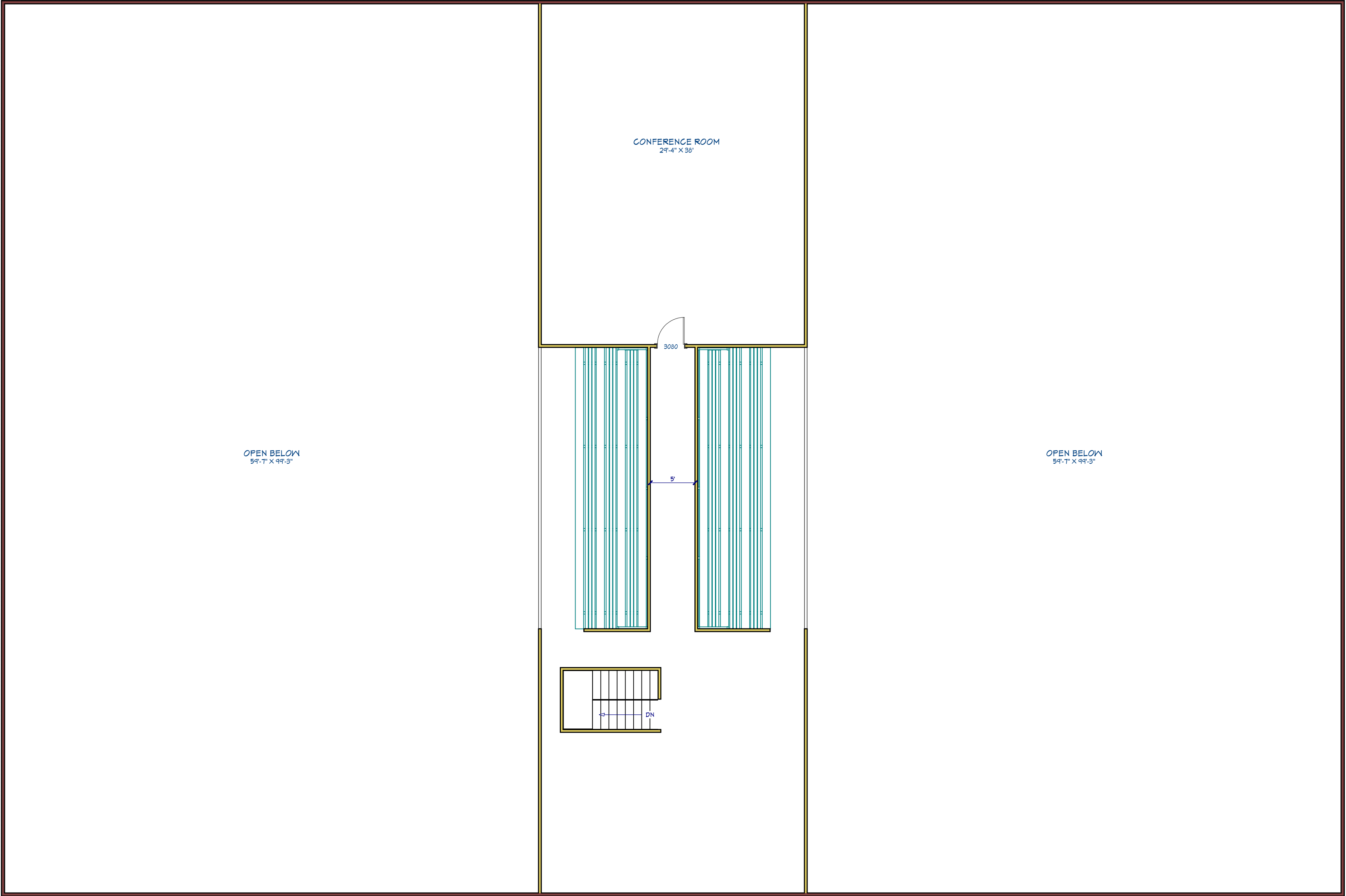
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970 N 120 E  
HURRICANE, UT 84737  
435-634-1450

KEVIN D. THOMAS  
HOME DESIGNER



SHEET:  
**A-2**



POSSIBLE TWO-GYM METAL BUILDING UPPER FLOOR PLAN  
SCALE: 1/8"=1'-0" PROPOSED BY KEVIN THOMAS



## **STAFF COMMENTS**

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

**Discussion:**

**Findings:**

**Recommendation:**

**Attachments:**

None