



HURRICANE CITY UTAH

Mayor

City Manager

Nanette Billings Kaden DeMille

City Council

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

Hurricane City Council Meeting Agenda

June 1, 2023
4:00 PM

City Council Chambers 147 N 870 W, Hurricane

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

4:00 p.m. Work Meeting

1. Agenda Summary
2. Discussion with Greater Zion on the economic impact of Ironman and the Copper Rock LPGA tournament

5:00 p.m. Pre-meeting

1. Presentation and discussion regarding a regional rail plan

6:00 p.m. - Call to Order

Prayer

Thought

Pledge of Allegiance

Declaration of any conflicts of interest

Minutes of the Regular City Council meeting for May 4, 2023 and May 18, 2023

Presentation from Sky Mountain HOA on a donation to the K-9 unit

Public Forum – Comments from Public

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

OLD BUSINESS

1. Ordinance 2023-08 - Discussion and consideration of **possible amendments to Title 1-4-5 and Title 4-3** of the Hurricane City Code
2. Consideration and possible approval of an **ethical behavior policy for City employees and officers**

NEW BUSINESS

1. Consideration and possible approval of a **memorandum of understanding with Redrock Media** regarding broadcasting music for the July 4th fireworks display. - Mike Evans / Dayton Hall
2. Discussion and consideration of a possible approval of a **preliminary plat for Kolob Views**, a 20 lot single family subdivision located at 850 S 1300 W. Stratton Development Applicant. Colt Stratton Agent.
3. Ordinance 2023-ZC-12: Consideration and possible approval of a **Request for a Variation of Zoning Standards within the Canyon Villas development** for the definition of a park model, which limits each unit's size to 400 sq ft without the issuance of "room additions" by a building permit. This variation would allow the applicant to develop a park model development with larger units. The approved 180 units and density remains the same. Located at approximately 250 N and 2800 W. Sunwood Homes of Southern Utah Applicant. James Jessop Agent.
4. Consideration and possible approval of a **preliminary plat for Sky Ridge PDO, a two lot subdivision located at 100 N 2600 W**. Shadow Glen 420 Inc Applicant. Frank Lindhart Agent.
5. Consideration and possible approval of an **amended final plat for Sky Valley Phase 1A located at approximately 3100 W Coronado Dr**. Shoshone Land Co Applicant. Frank Lindhardt Agent.
6. Consideration and possible approval of a **preliminary plat for Azure Ridge, a two lot commercial subdivision located at the northwest corner of Turf Sod Road and Sand Hollow Road**. David Crowther Applicant. Dave Nasal Agent.
7. Closed Meeting held pursuant to Utah Code section 52-4-205, upon request

Adjournment

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

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

Agenda Summary for Hurricane City Council June 1, 2023

4:00 p.m. Work Meeting with Greater Zion

1. Discussion on the economic impact of Ironman and the Copper Rock LPGA tournament.

5:00 p.m. Pre-Meeting

1. Presentation and discussion regarding a regional rail plan

6:00 p.m. Call to Order

Approval of minutes from May 4th and May 18th

Old Business

1. This item was continued from the last meeting where Council gave the Beautification Committee direction to write the warning letters so the Council could review them.
2. The Council previously adopted an ethical behavior policy for City employees and officers/code of ethics. This is an adaptation of the State of Utah's code of ethics which focuses on the position an appointed official or city employee must take when it comes to dealing with the public in an ethical manner (prohibited conduct). The one addition which has been made is under number three (3) roman numeral XIV which states the following:

"Tips received by employees working in a City-operated food service establishment and associated with providing food or beverages." This addition was to allow City employees who work primarily in providing food and beverage services to collect tips.

New Business

1. This proposal is regarding a partnership between the City and Redrock Media for the Fourth of July fireworks display. The general agreement would be that the City puts on the fireworks show and Redrock media promotes the event, creates a playlist to play on its four stations during the fireworks display, and plays the music at two locations at the State Park. Redrock Media will be the exclusive media company for the event and will have the right to bring in local sponsors. As currently drafted, the City's commitment is for this year's event only, but Redrock Media will have the first right of refusal for the 2024 event if the City chooses to partner with a media company. There is a one-page draft of a memorandum of understanding in the packet that sets out the terms in more detail. Redrock Media is open to tailoring the nature of the event in a way that the Council deems most suitable. Mike Evans, General Sales Manager for Redrock Media, plans to be at the Council meeting to present ideas and answer questions.
2. The applicant is proposing a 20 lot single family subdivision located just south of Mountain View Estates Subdivision.

This application was tabled by the Planning Commission in October of 2022 in order to allow for the resolution of the 1150 W alignment and other issues with the plat.

The Planning Commission sent a recommendation of denial of this preliminary plat because of the lack of a sensitive lands application, will serve letters, and the required notes on the preliminary plat as well as the deviation from the Transportation Master Plan. The Planning Commission did state that they are inclined to approve Interstate Rock's planned roadway alignment.

It is important for the City Council to note that, even if they are inclined to approve the applicant's roadway alignment that they cannot approve the preliminary plat as currently presented. The requirements for a sensitive lands application and will serve letters are in city code and cannot be waived (HCC 10-24-3 HCC 10-39-7-C-11)

3. The applicant is proposing an amendment to the Canyons RV PDO to allow for larger park model units within the Canyons Villa (formerly Canyons del Sol). Hurricane City Code restricts the maximum size of a park model unit to 400 sq ft unless an addition is built with a building permit. Per HCC 10-23-6: "Variations from applicable development standards of an underlying zone and chapter 39 of this title may be approved as part of a preliminary site plan for a planned development pursuant to the provisions of this chapter." and HCC 10-23-7 states: "Amendments to approved plans and specifications shall be obtained by following the procedure required for preliminary plan approval." The applicant also seeks to clarify the roadway requirements. Under the preliminary site plan application staff was concerned about lack of sidewalks. The applicant is proposing to put sidewalks behind and between the units, creating shared common open space with sidewalk connections within the community.

Canyons RV is an older development, first approved in the 1980s, that has gone through a series of different development proposals and zoning standards. Generally, at this point the Canyons is governed by the Mobile Home/Recreational Vehicle Park standards unless otherwise modified through the Planned Development Overlay.

The Planning Commission recommended approval of the requested PDO variation with the change that the size of the park model units be limited to 800 sq ft or two bedrooms. There was a concern that a three bedroom park model would increase the parking demand within the development too much.

4. The applicant has filed a preliminary plat for Sky Ridge PDO, this is a mixed use development consisting of apartments and commercial areas that was approved by the City Council earlier this year. Future roadway 100 N runs through this property and the applicant is effectively proposing a lot split along that roadway. The Planning Commission recommended approval unanimously.
5. The applicant has applied to amend the final plat for Sky Valley Phase 1A. The applicant is looking to convert nine townhome units to six single family units. The Planning Commission recommended approval conditioned on the applicant turning in a new plat that complies with amended final plat requirements. The vote was unanimous.

6. The applicant has filed a preliminary plat for Azure Ridge, a commercial development on the corner of Sand Hollow Road and Turf Sod Road. This property has a split zoning of General Commercial and Planned Commercial. The property owner would like to split the General Commercial into two pieces and Planned Commercial piece into separate parcels as well as complete the road dedications for Sand Hollow Road, Turf Sod Road, and 4600 W.

There is an approved preliminary site plan for storage units on the General Commercial piece and the applicant has told staff they would like to develop the Planned Commercial piece as a mixed-use development with the PC property to the north that they also own with this piece being the commercial portion of the project and townhomes on the northern piece. The applicant has suggested rezoning Lot 1 to PC as part of that development but that will have to be resolved in a different application. The Planning Commission unanimously recommended approval of this preliminary plat.

7. No closed meeting as of Friday afternoon.

Washington County Rail Service



2062 will be the 200th anniversary of St. George. That is 39 years away. (1862) (2062)

2053 will be the 200th anniversary of Washington County. That is 30 years away. (1853) (2053)

May 10, 1869, transcontinental railroad and the “Golden Spike”. Still looking for Environmental Impact Statement



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IN FOCUS

Updated February 10, 2022

Passenger Rail Expansion in the Infrastructure Investment and Jobs Act (IIJA)

On November 15, 2021, the President signed into law the Infrastructure Investment and Jobs Act (IIJA; P.L. 117-58). The law contains a five-year reauthorization of surface transportation programs, including those for freight and passenger rail. It retains or alters many programs authorized in the previous authorization act, the Fixing America's Surface Transportation Act of 2015 (FAST Act; P.L. 114-94). Besides setting authorized funding levels subject to the availability of future appropriations, it directly appropriates \$550 billion in additional funds, including \$66 billion for rail, to be made available to recipients in (usually equal) portions on a yearly basis through FY2026. Of that \$66 billion, barring any future rescissions, at least \$18 billion will be available for costs directly related to expanding passenger service to new corridors, in addition to funds that may be made available through other multimodal programs.

Unless otherwise noted, rail grant programs are to be administered by the Federal Railroad Administration (FRA), part of the Department of Transportation (DOT).

Federal-State Partnership for Intercity Passenger Rail Program

Section 22307 of IIJA makes substantial changes to the Federal-State Partnership for State of Good Repair program first authorized by the FAST Act. Renamed the Federal-

structures the grant solicitation, this could potentially allow it to commit most or all of the \$36 billion in supplemental appropriations such that funds would be disbursed over a multiyear period to a single cohort of selected projects.

Even discounting projects on the NEC, there are a number of large projects currently under way that might be eligible under the program, including the California High Speed Rail project.

Restoration and Enhancement Grant Program

The Restoration and Enhancement grant program was created in the FAST Act and was reauthorized with few changes in Section 22304 of IIJA. The program differs from other rail grant programs in that funds may be used to cover operating (as opposed to only capital) expenses for the first several years, in order to defray the costs ordinarily borne by states under federal law. IIJA expands the use of grant funds for that purpose; whereas prior law allowed the federal government to pay 80% of the cost of operating a new route in the first year, declining to 40% in the third year, IIJA allows federal funds to cover a share that declines from 90% to 30% over six years. This change could further lessen the near-term cost of a new route for state governments and allow more time for state sponsors to generate ridership and identify sources of state funding

Long-Distance Service Study Engagement Schedule



PROPOSED ROUTE FOR REBUILT LINE

One Via St. George Viewed as
Likely to be the One
Selected.

THE OTHER FROM CRESTLINE

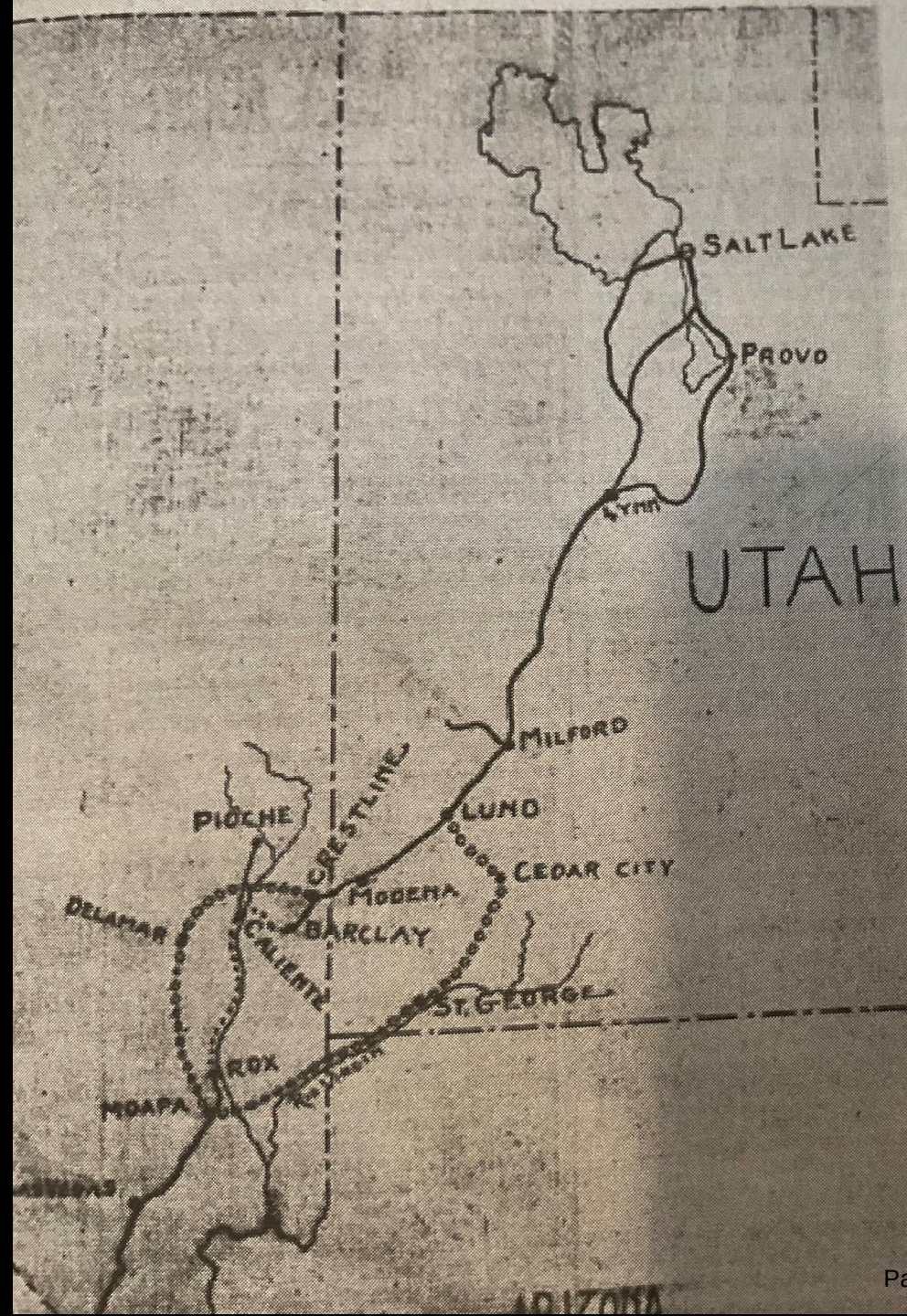
Would Connect Pioche Branch Once
More With Salt Lake Route
Near Panaca.

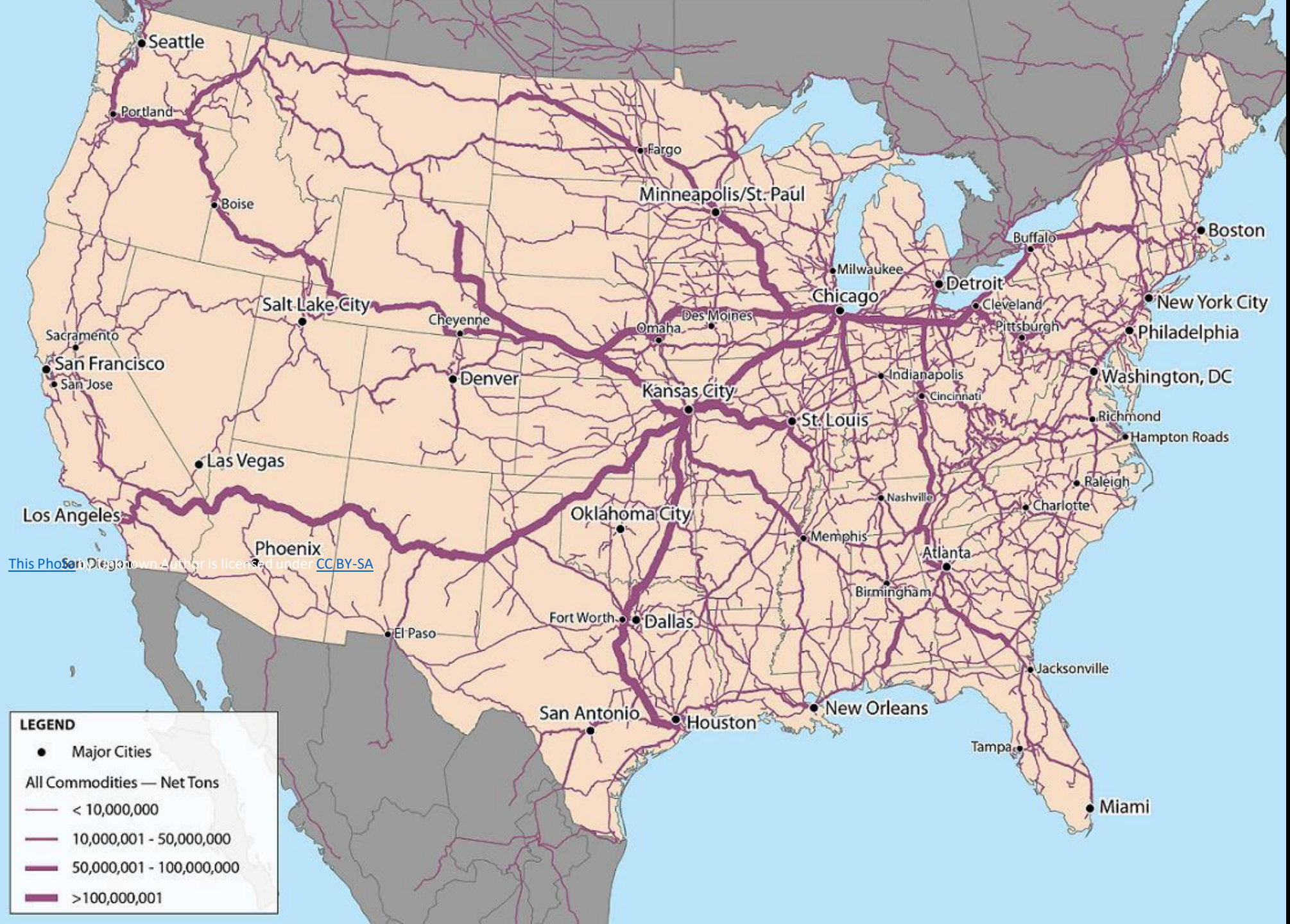
So much inquiry has been occasioned by the recent floods on the Salt Lake Route as to the extent of the disaster and the amount of track washed out, that The News has prepared a map giving a fairly accurate idea of the damage done by the flood waters of the Meadow valley. Also indicated on the accompanying map are the proposed routes which may be followed in the event the railroad company decides to abandon permanently the Meadow valley line, which now seems highly probable.

The washed out district on the Salt Lake Route extends from Barclay to Rox, a distance of 75 miles, and is shown on the map by the dotted line. The stations included in the washout belt beyond Barclay are Islen, Big Springs, Dorles, Callente, Etna, Stine, Boyd, Elgin, Kyle, Leith, St. George, Carp, Vigo, Galt, Hoyt and Rox. At some of these points sections of the track are left, and it is probable that 60 miles will cover the actual amount of track destroyed by the flood.

One of the proposed routes for the building of the Salt Lake is by way of Cedar City and St. George, starting from the present main line at Lund. It is said that the company had under serious consideration only a few months before the last flood came, the construction of a branch line from Lund to St. George, and that favorable engineer's reports had been taken under consideration. Therefore it appears likely that the St. George route may be selected in case a new route is chosen. From Lund to Cedar City is 35 miles; from Cedar City to St. George is approximately 60 miles; from St. George down the Rio Virgin river, taking off probably at Bunkerville from the river to cross over to Moapa, where the junction with the main line would in all likelihood be made, would cover another 60 miles, making a total of 155 miles by the new route from Lund by St. George to Moapa. The distance between these points by the present route is 157 miles, so the mileage would not be increased by the building of this line. This proposed St. George line is shown by a chained line.

The Commercial club of Pioche has asked the railroad management to build the new line by way of the Pioche branch, recommending that the new

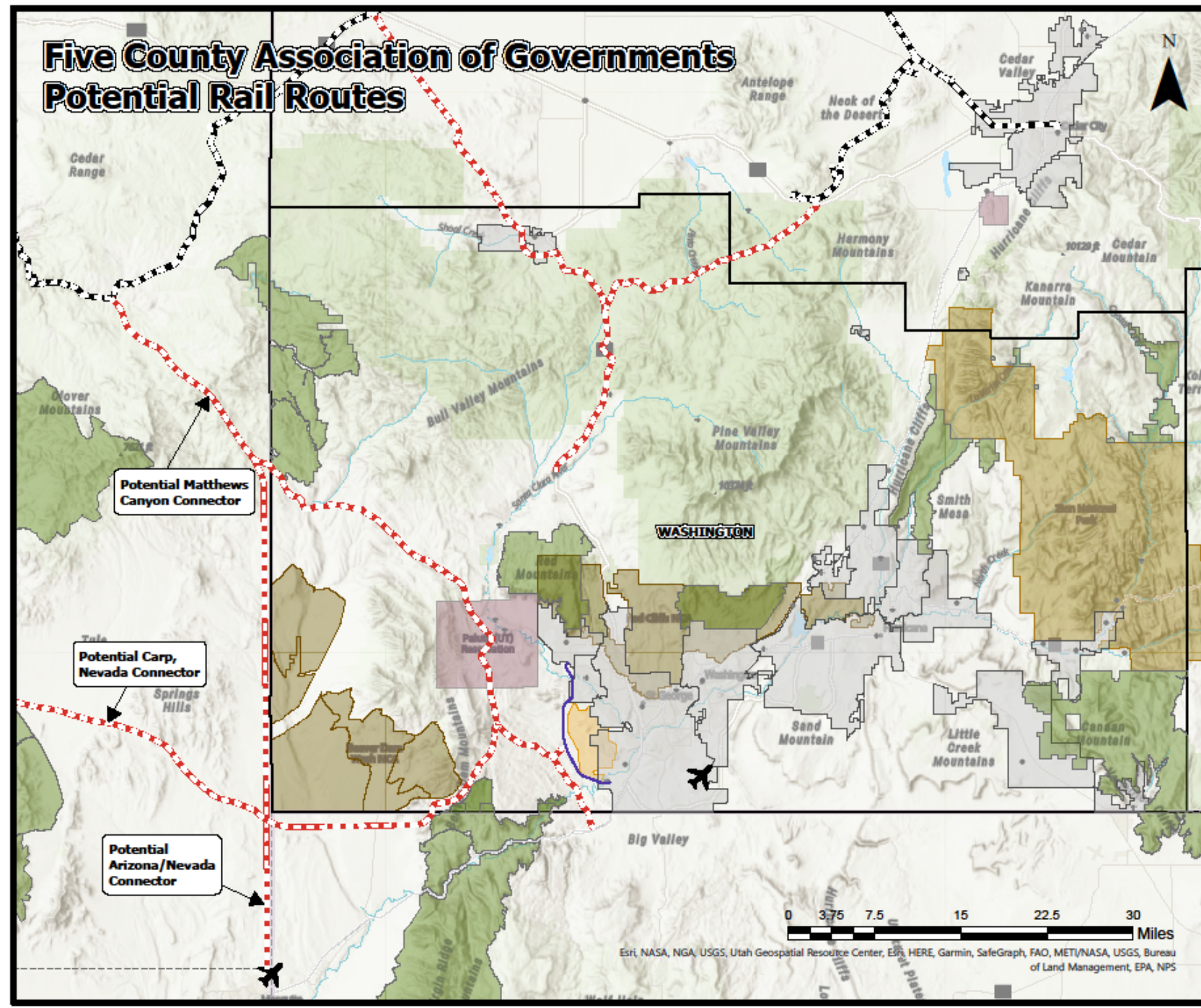
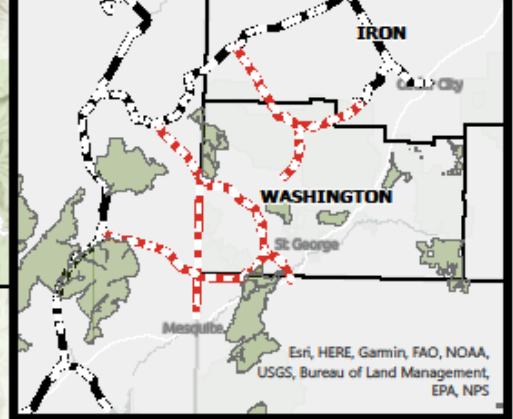




This Photo is licensed under CC BY-SA

Five County Association of Governments Potential Rail Routes

Regional Map

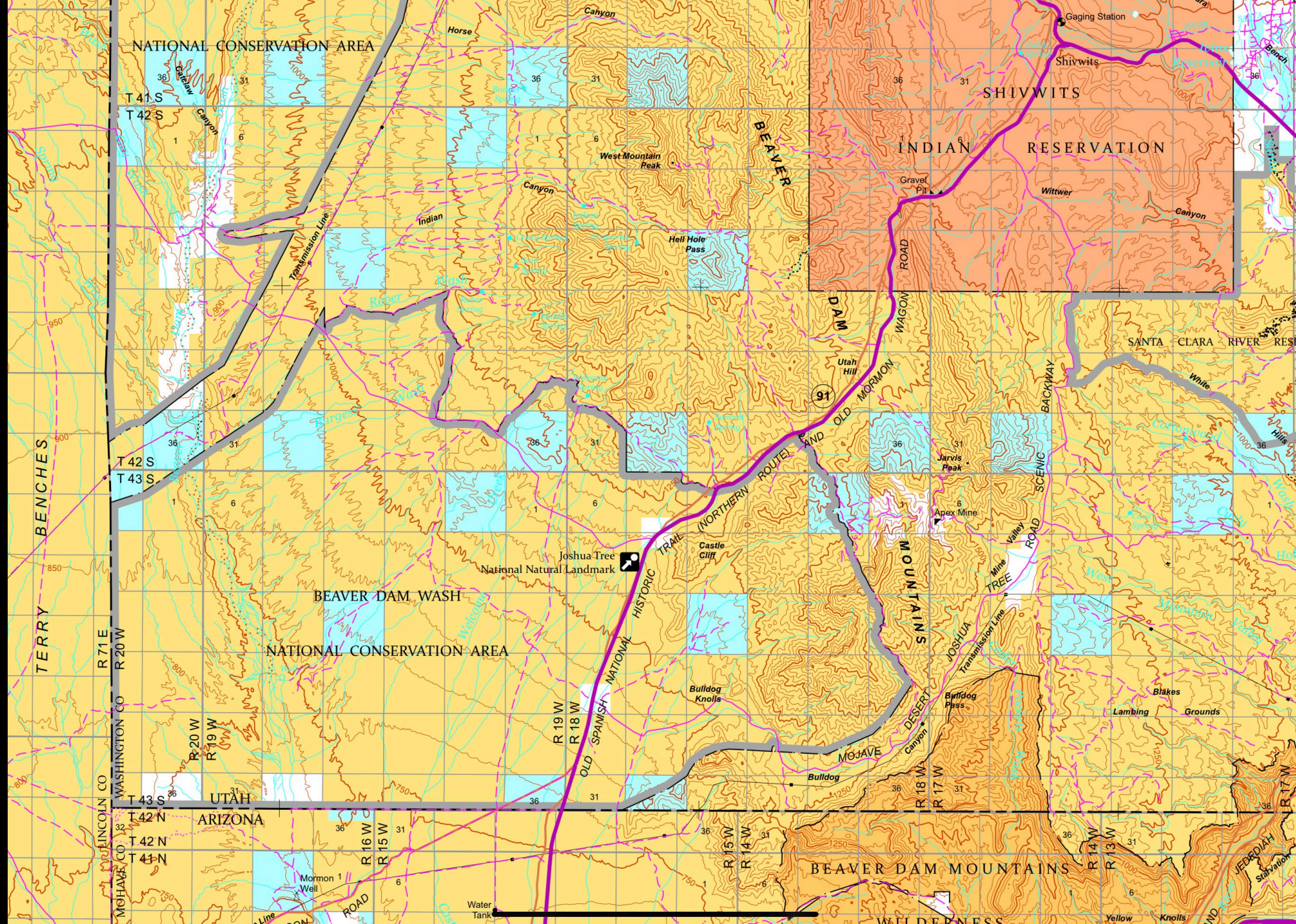


Legend

- Proposed Rail Routes
- Existing Union Pacific Routes
- Planned Roadway - Western Corridor
- Utah Counties
- Palut (UT) Reservation
- Utah Cities
- Southwest Utah Municipalities
- Cities (Point)
- Utah National Parks and NCA Areas
- National Conservation Areas
- Zion National Park
- Planned Zone 6 Exchange
- BLM NLCS Wilderness Areas
- Airports

Mileage of Proposed Rail Routes =
~248 Linear Miles

May 2023

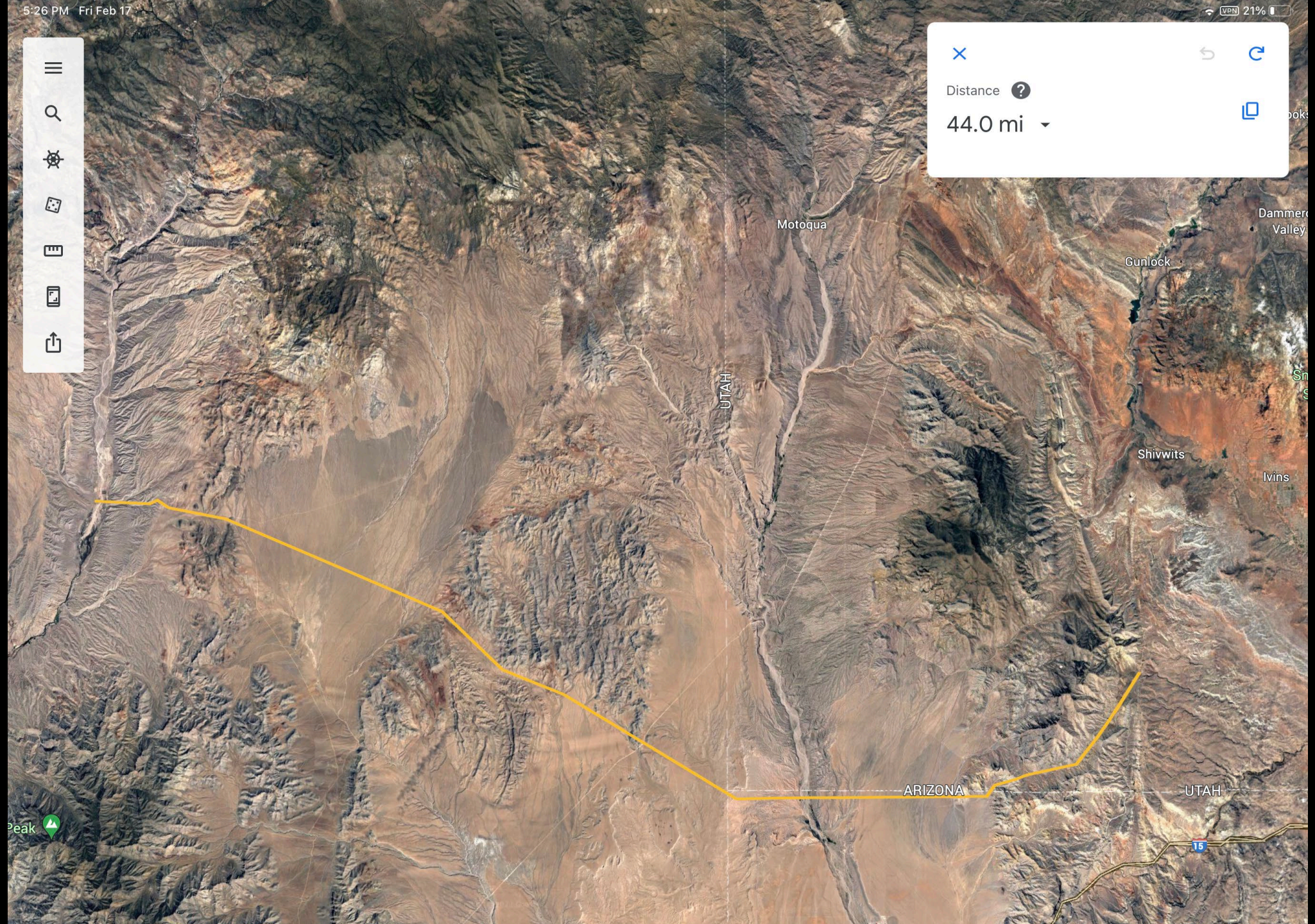




Distance ?

44.0 mi ▾

✕ ↶ ↷ 📄







Utah Rail Passengers Association

150 S State St Ste 100 Box 50
Salt Lake City UT 84111

Wednesday, November 23, 2022

The Honorable Pete Buttigieg

Secretary, US Department of Transportation
1200 New Jersey Ave SE
Washington DC 20590

RE: Federal Rail Administration Docket No. FRA-2022-0031 Expression of Interest

Dear Secretary Buttigieg:

The [Utah Rail Passengers Association](#) (Utah RPA)—a 501(c)(3) nonprofit organization—respectfully submits an Expression of Interest (EOI) per FRA docket No. FRA-2022-0031 to the Federal Railroad Administration.

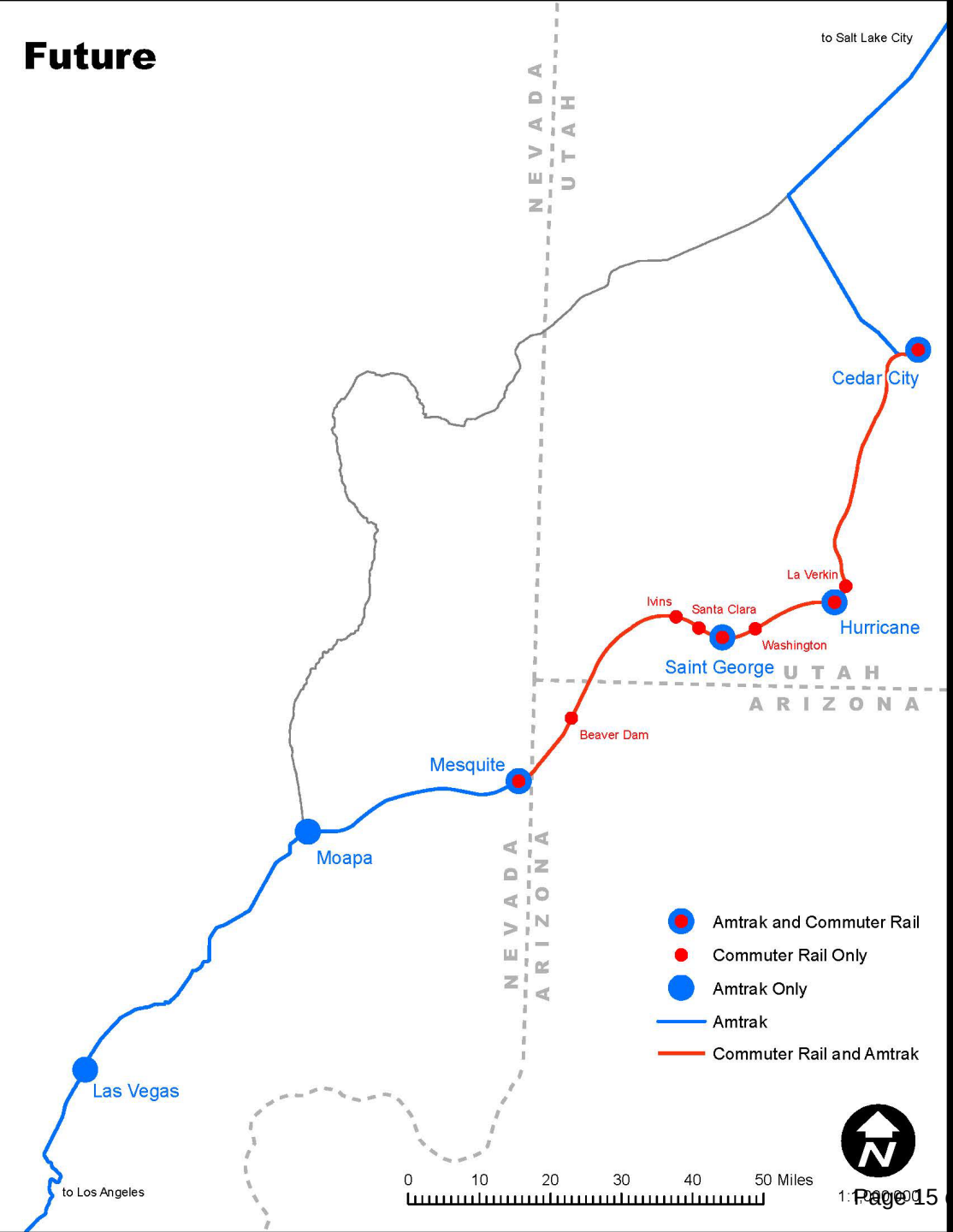
Support of Prior Expressions of Interest

The Utah RPA would like to express its support for the following previously made expressions of interest. The Salt Lake City to Boise to Portland “Pioneer/Intermountain” Corridor: [FRA-2022-0031-0031](#), [FRA-2022-0031-0035](#), and [FRA-2022-0031-0043](#). The Salt Lake City to Las Vegas to Los Angeles “Desert Wind/High Desert” Corridor: [FRA-2022-0031-0019](#), [FRA-2022-0031-0034](#), [FRA-2022-0031-0037](#), and [FRA-2022-0031-0043](#). The Chicago to St. Paul to Fargo to Bismarck to Billings to Missoula to Spokane to Seattle “North Coast Hiawatha” Corridor: [FRA-2022-0031-0035](#), [FRA-2022-0031-0066](#), and [FRA-2022-0031-0067](#). The Pueblo to Colorado Springs to Denver to Boulder to Longmont to Cheyenne “Front Range” Corridor: [FRA-2022-0031-0017](#) and [FRA-2022-0031-0028](#).

Corridors Suggested by Amtrak

The Utah RPA would like to express support for corridors suggested by Amtrak in their July 28, 2022, presentation in Salt Lake City. The following four corridors were suggested and are illustrated in the included maps: Salt Lake City to Las Vegas (the aforementioned “Desert Wind/High Desert” Corridor), Salt Lake City to Boise (the aforementioned “Pioneer/Intermountain” Corridor), Salt Lake City to Reno (as a daytime complement to Amtrak’s existing *California Zephyr*), and Salt Lake City to Denver (as a nighttime complement to Amtrak’s existing *California Zephyr*). One additional corridor to be considered, which was not suggested by Amtrak is but of a similar nature, is Salt Lake City to Denver via Cheyenne across southern Wyoming.

Future





All Aboard!

Questions

Minutes of the Hurricane City Council meeting held on May 4, 2023, in the Council Chambers at 147 North 870 West, Hurricane, Utah, at 3:30 p.m.

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

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Lynn Excell, Power Superintendent Scott Hughes, Public Works Director Mike Vercimack, Planning Director Stephen Nelson, Planning Assistant Fred Resch III, Street Superintendent Weston Walker, City Engineer Arthur LeBaron, City Recorder Cindy Beteag, Water Superintendent Ken Richins, Recreation Director Tiffani Wright, Finance Manager Paige Chapman, Human Resource Director Sel Lovell, and Building Official Larry Palmer

AGENDA

3:30 p.m. Closed Meeting

Joseph Prete motioned to go into a closed session. Seconded by Doug Heideman. Motion carried unanimously.

4:30 p.m. Pre-Business

1. Consideration and possible approval of the selection of engineering consultants for development reviews.

Arthur LeBaron reported the City Council approved a measure to allow developers to pay an outside engineering firm to review their plans. Four statements were received in response to the request for qualifications. The Selection Committee reviewed the responses and recommended Sunrise Engineering and Paul Hansen Associates. Both firms primarily work for agencies and municipalities. He discussed his concerns regarding the two firms that were not recommended. Councilman Prete's main concern about outsourcing is the difference between the engineering firms and the City's analysis. Mr. LeBaron agrees that there will be a learning curve with the new process. He recommends selecting both companies to ensure that the reviews are completed within the ten-day review period. Once it comes back, the City has five days to review the comments.

Mr. LeBaron explained that this is optional for developers. If developers choose not to pay for a review with the outside firm, the City will review the plans. Councilman Prete asked if the City could reject incomplete plans to help eliminate the backlog and expedite the City's review process. Stephen Nelson stated that he needs to review the State Code further, but it does allow a City to reject plans that are not adequate and ready to review. Mike Vercimack reported that the department recognizes a backlog and has made internal changes to the process,

1 reducing the burden on the engineering department. He expressed reservations regarding the
2 logistics of allowing outside firms to review plans.

3 Joseph Prete motioned to approve Sunrise Engineering and Paul Hansen as engineering
4 consultants for development reviews. Seconded by Dave Sanders. Kevin Thomas, Doug
5 Heideman, David Hirschi, Joseph Prete, and Dave Sanders – aye. Motion carried unanimously.

6 **5:00 p.m. Pre-meeting** - Discussion of Agenda Items, Department Reports

7 Stephen Nelson reported that the Downtown Master Plan is going well. They have completed
8 the first review, and the plan will be posted on the website for community feedback early next
9 week. The Utah Department of Transportation feels some of the recommendations deserve
10 further review. The Planning Department is negotiating with the consultant for the Parks
11 Master Plan. The Zions Regional Collaborative met at the Community Center today. They are
12 collaborating to develop a plan for the corridors in and out of Zion National Park. The Planning
13 Commission work meeting for the Downtown Master Plan is on May 25th, and the public
14 hearing will be held on June 8th.

15 Arthur LeBaron reported that there are slope stability issues on the 2800 West project, which is
16 preventing the road from being opened. Councilman Hirschi reported that he was approached
17 by a resident asking for access to their property from 700 West. Mr. LeBaron explained that this
18 can be discussed in a closed meeting. He has received complaints that motorized vehicles are
19 using the BMX bike jumps by ball fields. He noted that there are posted signs stating no
20 motorized vehicles are allowed, and the Parks Department will post more signage. Mayor
21 Billings suggested increasing the fine for violations.

22 Fred Resch III reported the roadside cleanup is tomorrow morning. He noted that the
23 Beautification Committee would like to add the weed ordinance to the agenda for the next City
24 Council meeting.

25 Mike Vercimack reported he and Weston Walker met with Ash Creek Sewer District to review
26 the proposals for repairs on 3000 South. They will meet with Landmark and Geotech to discuss
27 the proposed remedies next week.

28 Paige Chapman reported that the preliminary budget and amendments are on the agenda.

29 Tiffani Wright introduced the newest Recreation Coordinator, Darius McFarfield. He graduates
30 from Utah Tech with a Bachelor's in Recreation and Sports Management tomorrow. The fast-
31 pitch softball tournament went very well. She reported that the architect suggested reverse
32 engineering on the metal building donated for the gym. Roger Lichfield informed her that the
33 building came from a company in Florida. However, the company is no longer in business.
34 Arthur LeBaron would like to contact one more person to discuss reverse engineering. Kaden

DeMille reported that the committee has determined that the property northwest of the pool is the best location for the building.

Weston Walker reported that 3000 South is down to one lane. The time frame for the repairs is dependent upon the recommendations from next week's meeting. Preparations are complete for the Ironman Competition this weekend, and he noted that SR-9 will be congested on Saturday. Councilman Sanders reported that trees are blocking the crosswalk lights on 870 West.

Chief Excell reported that next week is National Police Week. The department is fully staffed, and a SWAT team member graduated from elite training this week.

Scott Hughes reported that the new hire is starting next week. He reminded the City Council that the Utah Associated Municipal Power Systems conference is in August.

Ken Richins reported that the water year has started well, and he hopes the moisture continues. Dixie Springs Well is being pumped again on Monday, and he anticipates the well be online soon.

Sel Lovell reported open positions are being filled. The biometric screening for employees is being held next week.

6:00 p.m. - Call to Order –

Prayer, Thought, and Pledge: Arthur LeBaron

Declaration of any conflicts of interest

Joseph Prete declared a conflict of interest on New Business item 2 and will abstain from voting.

Recognition of retirement for Joe Rhodes

Arthur LeBaron reported Joe Rhodes has been with Hurricane City since 2006. Without his expertise and work ethic, the GIS department would not be what it is today. He expressed gratitude for the opportunity to work with Mr. Rhodes. Mr. LeBaron welcomed Meriellle Redwine to the department.

Public Forum – Comments From Public

Thomas Eldridge lives in Coronado Ridge adjacent to the Sky View Subdivision. The subdivision connected to the sewer line in Coronado Ridge, the pavement repairs have started to settle,

and some trenches have collapsed. The neighborhood feels the repairs were inadequate, and he asks for the roadway to be brought up to Hurricane City standards.

Mike Vercimack reported that the repairs are temporary and more repairs will occur as the road is paved to the subdivision.

Consent Agenda

1. Consideration and possible approval of **Resolution 2023-21 updating the retention schedule.**

2. Consideration and possible approval of a **Memorandum of Understanding (MOU) with Big Brothers Big Sisters** regarding the placement of bins on City property

3. **Minutes** of the Regular City Council Meeting for April 20, 2023, and special meeting April 19, 2023

Mayor Billings reviewed each item on the consent agenda.

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

OLD BUSINESS

1. Consideration and possible approval of a **resolution approving an Interlocal Cooperation Agreement Regarding Election Services** between Hurricane City and Washington County.

Mayor Billings summarized the discussions in the previous City Council meetings. She reported that the current contract can only be null and void if all parties agree. Her request is for the County to do the first process, print, mail, receive the ballots, and verify signatures, and then the City would take possession. She reviewed State Code 20A-4-303 on the duties of the Board of Canvassers. Mayor Billings reported on her conversation with the Lt. Governor's office regarding this State Code section and read an email response from the Lt. Governor's office, which stated that "this code section is specifically referring to the canvass and not counting ballots. The election officer, election staff, and/or volunteers are able to help process and count ballots before the board of canvassers meet to canvass the election returns." Mayor Billings reviewed the current status of the election agreement and the process to terminate the contract with the County.

1 Washington County Attorney Eric Clark was present on behalf of the County's position. He
2 reported that the County feels hand counting is less accurate than machine counts. Mr. Clark
3 summarized the duties that would fall to the City if the current contract with the County were
4 terminated. Mayor Billings reported that the City wants the County to administer the election,
5 with the City verifying signatures as part of the canvass by hand counting. With the election
6 coming up so soon, the County is uncomfortable splitting the election duties with the City in
7 this way. Mr. Clark stated that the Council is welcome to be involved in the whole election
8 process as canvassers and, after votes are tabulated, may open the cage and hand count
9 specific precincts. The County expects to have a machine by the end of June that can sort
10 ballots by precincts to make this possible. The County's position is that the City Council is the
11 board of canvassers, and the County does not have the ability to have municipalities showing
12 up with staff to do full hand counts. If the Council, as the board of canvassers, chooses to
13 spend large amounts of time at the County's facilities verifying the election results, Mr. Clark
14 requested that the Council inform the County of those plans and expectations so the County
15 can be prepared. The County wants to accommodate the City Council in verifying the election
16 results but needs to be aware of expectations because it is a busy time for the County.

17 Councilman Prete commented that three Council members are up for reelection this year. If
18 those three Council members are running and choose not to participate in handling the ballots
19 to avoid the appearance of impropriety, that leaves only three members of the Council to
20 participate. Councilman Prete stated it seems untenable for three people to meaningfully check
21 or audit the ballots, so he is troubled by the County's position that only the Mayor and City
22 Council may participate. Mr. Clark stated that he believes that the canvassing responsibilities
23 are person specific and cannot be delegated, but he is open to discussing that issue more and
24 might be convinced otherwise. Councilman Prete asked Mr. Clark to confirm that the County is
25 willing to stay with the current agreement and that the County is willing to accommodate the
26 inspection and counting of ballots precinct by precinct for as many precincts as the Council
27 cares to count, and that the County would work with the Council to give the Council space in
28 the County building to carry out these actions with the ballots still in the County's custody. Mr.
29 Clark responded that, to the maximum extent the County can, the County will make every
30 effort to make that possible. Councilman Thomas has looked at State Code and the existing
31 agreement, and he feels there is room for improvement but thinks the best option is to stay
32 with the current interlocal agreement.

33 Kevin Thomas motioned to continue with the current interlocal agreement with Washington
34 County. Seconded by David Hirschi. Joseph Prete, Dave Sanders, Doug Heideman, Kevin
35 Thomas, and David Hirschi – aye. Motion carried unanimously.

36 NEW BUSINESS

- 37 1. Ordinance 2023-ZC-09. Discussion and consideration of a **Zone Change Amendment**
38 **request located at approximately 2700 W 600 N**, from R1-8/PDO, residential one unit

1 per 8,000 square feet with a planned development overlay, to RR, recreational resort.
2 This change will affect all of the Eagle Pointe Ph 1A, 1B, and 1C subdivisions. Perry
3 Development Applicant. Greg Sant Agent.

4 Mayor Billings reported that the City Council has reviewed the emails and the signatures on the
5 petition. She explained that the City Council can make a motion before hearing comments.

6 Councilman Prete asked the agent to address what changes have taken place since the denial.
7 Greg Sant reported the applicant is asking for a smaller portion of the development to be zoned
8 as a recreation resort. The proposal consists of eighty units. He reviewed the amenities and
9 noted that they are near completion. Mr. Sant read clauses from the 1996 Sky Mountain Golf
10 Course development agreement and explained that the applicant is trying to honor the
11 document while giving flexibility to the developer.

12 Roy Moffat relocated to Hurricane City seven years ago because of its beauty and charm. He
13 feels the City is losing those aspects, which is not something to take lightly.

14 Eric Sorenson lives in Peregrine Pointe. He explained that he expected the area to remain
15 single-family residential when he moved here, and resort communities should not be in the
16 middle of residential. He asked the City Council to deny this zone change.

17 Larry Whiting appreciates the City Council's time. He expressed gratitude for the meeting's
18 opening ceremony. He reported that 656 residents have signed the petition opposing this
19 zoning change, and he received more petitions tonight. They support the Planning
20 Commission's recommendations. The property has always been residential, and they feel it
21 would be unwise to approve the zoning change. He read a response email from Marsha Smart,
22 the Assistant Manager of the Sky Mountain Golf Course, stating that the golf course is booked
23 solid, and the community cannot absorb the nightly rental.

24 Councilman Prete noted that this will create higher property taxes, which creates more tax
25 revenue for the City. However, the City Council must determine whether this zone change will
26 affect the neighboring properties. Mr. Sant asked the City Council to continue the item. He feels
27 that denial will be harmful to the City and the developers. He understands that the City Council
28 is bound to the four criteria for a zone change. He explained that 600 North is a natural barrier,
29 and the development will not use any of Sky Mountain's roads. Councilman Thomas thinks the
30 City Council has already approved too many vacation rentals. This is a City Golf Course that
31 should be preserved for the community. Councilman Heideman agrees with Councilman
32 Thomas.

33 David Hirschi motioned to deny Ordinance 2023-ZC-09: Discussion and consideration of a Zone
34 Change Amendment request located at approximately 2700 W 600 N, based on the fact that it
35 is inconsistent with the City's plans, goals, objectives, and policy. It is not harmonious with the

1 overall character of the existing developments in the vicinity. It will negatively affect
2 surrounding uses, the strong opposition of the majority of property owners in the area, and the
3 Planning Commission's recommendation of denial. Seconded by Doug Heideman. Roll Call Vote
4 Joseph Prete, Dave Sanders, Kevin Thomas, David Hirschi, and Doug Heideman – aye. Motion
5 carried unanimously.

- 6 **2. Ordinance 2023-ZC-11: Discussion and consideration of a Zone Change Amendment**
7 **request located at approximately 1202 S Sand Hollow Road and 1151 S Sand Hollow**
8 **Road from NC**, neighborhood commercial, to PC, planned commercial. Which will affect
9 parcel numbers H-4-2-11-2112-GS1, H-4-2-12-1207-GS1, H-4-2-11-129, H-4-2-11-122,
10 and H-4-2-11-128. As well as the location at approx.. 1175 S Sand Hollow Road from NC,
11 neighborhood commercial, and RR, recreation resort, to PC, planned commercial, and
12 RR, recreation resort. To allow for the realignment of zoning for the proposed
13 development Obsidian Resort. This includes parcel numbers H-4-2-11-126 and H-4-2-12-
14 1113-GSI. Brent Moser Applicant. Karl Rasmussen Agent.

15 Karl Rasmussen reported that this project is near Marla in Elim Valley. The applicant is seeking
16 to change the general commercial and neighborhood commercial to planned commercial. He
17 noted that the Planning Commission gave a positive recommendation.

18 Stephen Nelson reviewed the map provided by the applicant. They are proposing commercial
19 units on the ground floor with residential units above the commercial units. This zone change
20 will not change the number of vacation rentals allowed, and the access and connectivity will
21 have to be worked out through the design process.

22 Doug Heideman motioned to approve the zone change amendment request located at
23 approximately 1202 S Sand Hollow Road and 1151 S Sand Hollow Road from NC, based on the
24 diversity of businesses it will offer; it is in a good location and matches the surrounding uses.
25 Approval is subject to updated site plans that address staff and JUC comments. Seconded by
26 Kevin Thomas. David Hirschi, Dave Sanders, Doug Heideman, and Kevin Thomas – aye. Joseph
27 Prete – abstained. Motion carried.

- 28 **3. Discussion and consideration on an amended final plat for Fairgrounds Lots 25-29**
29 located at 368 S Commerce St. Bill West Applicant. Pratt Engineering Agent.

30 Mayor Billings reported that the Planning Commission gave a positive recommendation.
31 Stephen Nelson reported that the applicant is increasing the size of the units.

32 Kevin Thomas motioned to approve the amended final plat for Fairgrounds Lots 25-29,
33 Seconded by Doug Heideman. Joseph Prete, Dave Sanders, David Hirschi, Kevin Thomas, and
34 Doug Heideman – aye. Motion carried unanimously.

1 **4. Discussion and consideration on a preliminary plat for Hurricane Cliffs**, a single family
2 subdivision located at approximately 3350 S 1100 W. DAF Development Applicant.

3 Mayor Billings reported that the Planning Commission recommended denial based on
4 inadequate infrastructure. Rick Richardson reported that the preliminary plat was previously
5 approved. However, working with the neighboring property to gain access to assist with
6 developing utilities caused delays, and the applicant missed the renewal period.

7 Dayton Hall prepared a development agreement at the request of Mayor Billings, which states
8 that no entitlements are granted until adequate facilities are available. Stephen Nelson
9 reported this area is a low-pressure water zone, and the Water Department has requested a
10 water model. They would be limited to the first phase until the water looping could be
11 completed. Some phasing and secondary access issues will have to be addressed. Mr.
12 Richardson reported that the construction drawing submitted is for the construction of the first
13 fourteen units, and they have received the water and sewer will-serve letters. He stated that
14 the applicant wants the City Council to approve the preliminary plat without the development
15 agreement. Mr. Hall recommends applying the adequate public facilities ordinance to the
16 project and strongly recommends the development agreement. Councilman Prete does not
17 want to delay development due to an extension technicality. Although, he is conflicted because
18 the power capacity is not available.

19 Dave Sanders motioned to approve the preliminary plat for Hurricane Cliffs, subject to the
20 development agreement, JUC, and staff comments. Seconded by Doug Heideman. David
21 Hirschi, Dave Sanders, and Doug Heideman – aye. Joseph Prete – aye, with the caveat that this
22 is an exception to the rule. Kevin Thomas – nay. Motion carried.

23 **5. Consideration and possible approval of a Proclamation regarding the discharge of**
24 **fireworks**

25 Mayor Billings reported that this proclamation will allow fireworks in the four parks on specific
26 dates.

27 Joseph Prete motioned to approve the proclamation regarding the discharge of fireworks as
28 presented. Seconded by Dave Sanders. Kevin Thomas, David Hirschi, Doug Heideman, Joseph
29 Prete, and Dave Sanders – aye. Motion carried unanimously.

30 **6. Report on the annual water rate and base rate increase**

31 Mayor Billings reported that the City Council adopted this increase on June 16, 2022. This item
32 is on the agenda to serve as a reminder of the rate increase and allow the City Council to
33 discuss questions or concerns with Ken Richins. Mr. Richins reported that the wholesale base

rate from the district is increasing from \$1.54 to \$1.64, and the retail rate is increasing from \$1.13 to \$1.23.

7. Ordinance 2023-07: Discussion and consideration of a Land Use Code Amendment request on Title 10 Chapter 3 Subsection 4 and Title 10 Chapter 39 Subsection 15 regarding model homes.

Mayor Billings reported that this has gone before the Planning Commission several times. Southern Utah Builders Association has asked for the item to be continued to allow them time to review the amendment.

Kevin Thomas motioned to continue the discussion and consideration of a Land Use Code Amendment request on Title 10 Chapter 3 Subsection 4 and Title 10 Chapter 39 Subsection 15 regarding model homes. Seconded by Dave Sanders. Joseph Prete, David Hirschi, Doug Heideman, Kevin Thomas, and Dave Sanders – aye. Motion carried unanimously.

8. Public Hearing to take comments on the following:

a. 2023-2024 Preliminary Budget

b. Proposed amendments to 2022-2023 Fiscal Year Budget

No Comments from the public.

9. Consideration and possible approval of Resolution 2023-22 approving the 2023-2024 Preliminary Budget

Paige Chapman reviewed the preliminary budget for the general fund. The projected revenue is \$17,826,639, which is slightly lower than last year. She reported that it is necessary to cut the budget by \$ 1.9 million. The projected budget is \$62,274,194. Kaden DeMille reported that it is normal to have an unbalanced preliminary budget. The City Council will meet again to approve budget cuts.

Doug Heideman motioned to approve Resolution 2023-22, approving the 2023-2024 Preliminary Budget. Seconded by David Hirschi. Joseph Prete, Kevin Thomas, Dave Sanders, Doug Heideman, and David Hirschi – aye. Motion carried unanimously.

10. Consideration and possible approval of Resolution 2023-23 approving & adopting amendments to the 2022-2023 budget.

Paige Chapman reported that the budget amendments result from grants and donations.

1 Joseph Prete motioned to approve Resolution 2023-23, approving & adopting amendments to
2 the 2022-2023 budget. Seconded by Dave Sanders. Kevin Thomas, Doug Heideman, David
3 Hirschi, Joseph Prete, and Dave Sanders – aye. Motion carried unanimously.

4 **11.** Close Meeting held pursuant to Utah Code section 52-4-205 to discuss pending or
5 reasonably imminent litigation and other purposes upon request.

6 No closed meeting was held.

7 **Adjournment:** 8:10 p.m.

Minutes of the Hurricane City Council meeting held on May 18, 2023, in the Council Chambers at 147 North 870 West, Hurricane, Utah, at 5:00 p.m.

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

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Lynn Excell, Power Superintendent Scott Hughes, Public Works Director Mike Vercimak, Planning Director Stephen Nelson, Planning Assistant Fred Resch III, Street Superintendent Weston Walker, Recreation Director Tiffani Wright, City Recorder Cindy Beteag, Water Superintendent Ken Richins, Parks Superintendent Darren Barney, Building Official Larry Palmer, Finance Manager Paige Chapman, and Human Resource Director Sel Lovell

AGENDA

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

Larry Palmer reported that thirty-three building permits have been submitted in the past week.

Scott Hughes commended his crew for the work on completing 600 North. The line was transferred back to Hurricane Power today. The department will start reinsulating the line to the Three Falls Substation soon. Councilman Heideman reported that residents contacted him regarding the route of the 1100 West line, and he would like to revisit the issue. Mr. Hughes reported that this had been discussed in several work meetings. His understanding is that the direction was to focus on the east side. Councilman Heideman agrees that there were discussions about focusing on the east side. However, he feels there should be more input from the property owners. Stephen Nelson reported that Interstate Rock filed a preliminary plat application for the parcels that will be impacted. The application will come before the City Council during the next meeting, and a decision will have to be made. Dayton Hall explained that the preliminary plat will dictate where the road will go for future landowners. Kaden DeMille agrees with Mr. Hughes's recollection of the meetings. There was a substantial difference in the cost of the two proposed alignments. Councilman Hirschi agreed with Mr. Hughes but felt the decision should be made in a public meeting.

Ken Richins reported that the Water Department is working hard to prepare for the summer. A lot of sand is coming down the river, and the irrigation water is turned off when the District flushes the sand out of the system.

Darren Barney reported that the dirty water is tremendously affecting the parks that are on irrigation. The installers have started installing the All-Abilities playground in Dixie Springs. Mayor Billings reported the Rotary Club is having a ribbon cutting on June 10th at 9 a.m.

1 Sel Lovell reported that URS might change the ROTH account, but it will not be until next year.

2 Tiffani Wright found an engineering company to reverse engineer the metal building. She asked
3 if the Council would participate in a whip cream contest on the 4th of July. She explained that
4 the City Council would get creamed if they answered a patriotic question incorrectly. The City
5 Council prefers the watermelon eating contest.

6 Chief Excell reported that there have been several rattlesnake bites and advised the community
7 to be aware and take caution. Mr. Excell reported that Washington County is donating money
8 toward the new flood trailer that the department purchased. He noted that the department is
9 seeing a lot of construction site and transport trailer burglaries.

10 Mike Vercimack reported that the 700 West projects has started. Interstate Rock will start to
11 work on the roundabout on 100 North when school ends for the summer. The 2800 West
12 project is complete but is still not open because of slope instability. Councilman Thomas
13 reported that the slopes were engineered and asked if the engineering failed. Mr. Vercimack
14 explained they were anticipating solid basalt, but they hit cinders during the drilling and
15 blasting. They continue working with Ash Creek on 3000 South and received a recommendation
16 to over X the roadway.

17 Weston Walker reported that the Streets Department is working to fix problem areas on 700
18 West. Sand Hollow Road was shut down overnight for construction. The department is mowing
19 and spraying weeds. He noted that a new employee started this week.

20 Fred Resch III attended the Utah Chapter of the American Planning Association Conference last
21 week. The department has sent forty letters and issued two citations for short-term rental
22 violations, and code enforcement is getting a lot of complaints about weeds.

23 Stephen Nelson mentioned the open house for the Washington County Transportation Plan on
24 Wednesday. The downtown master plan with the Planning Commission is next week. He will
25 distribute the comments and recommendations to the City Council. Mr. Nelson reported that
26 this is his last Council meeting, Fred Resch III will cover for him until the position is filled.

27 Dayton Hall stated there was interest in having a playlist synchronized with the fireworks last
28 year. There were copyright issues with playing music on the city radio station. However, Red
29 Rock Media is interested in playing the playlist on their radio station. They will create a
30 synchronized playlist and promote the fireworks at no cost to the City. Mr. Hall noted that there
31 would be an MOU with the City and Red Rock Media. The City Council wants to try it this year
32 before committing to future agreements.

33 **6:00 p.m. - Call to Order –**

1 Mayor Nanette Billings welcomed everyone to the meeting.

2 Prayer, Thought, and Pledge: Dave Sanders

3 Mayor Billings recognized Stephen Nelson and thanked him for everything he has done for the
4 City Council and Staff.

5 The farewell party for Larry Berguson's retirement from the School District is being held at the
6 Washington County School District building on May 19th. The open house for Joe Rhodes's
7 retirement will be held in the City Council chambers on May 25th.

8 Declaration of any conflicts of interest

9 David Hirschi declared a conflict of interest on New Business 3.

10 Legislative Update

11 Stephen Nelson reported that thirty-five bills were introduced, and nineteen bills passed.
12 Moderate Income Housing changed the compliance required date to August and established an
13 appeal process. There were general plan modifications on water use elements and
14 preservation, and the City will need to update its General Plan to reflect the modifications. Mr.
15 Nelson reported that the subdivision review and approval process was updated. He reviewed
16 the code changes that must be updated to match the State Code. He also reviewed the updated
17 development standards. The residential standards for cross sections, mobile business
18 standards, and annexation standards were also updated.

19 Dayton Hall reviewed the updated development agreement standards. The new code states
20 that the City must provide a written disclosure to the developer listing every right being given
21 up in the development agreement. The City can not enforce the development agreement if the
22 City fails to identify all the forfeited rights in the disclosure. He expressed concern about the
23 update and noted that he does not favor entering into development agreements moving
24 forward.

25 **Public Forum – Comments From Public**

26 Mike Bird stated that he is unwilling to accept the City's proposal to purchase his property to
27 widen 1100 West. Agriculture is vital to the community, and he wants to see it continue.
28 He asked the City Council to meet with all the landowners to discuss other options.

29 **OLD BUSINESS**

- 1 **1. Ordinance 2023-07: Discussion and consideration of a Land Use Code Amendment**
2 **request on Title 10 Chapter 3 Subsection 4 and Title 10 Chapter 39 Subsection 15**
3 **regarding model homes.**

4 Mayor Billings reintroduced the item and explained that this was brought to the attention of
5 the City Council several months ago.

6 Stephen Nelson reported that the change to this ordinance adds additional restrictions to the
7 current model home policy. The definition of "model home" was updated to a single dwelling
8 commercial or industrial unit within a subdivision. Mr. Nelson reviewed the changes made to
9 the land use code and Staff's recommendations. The JUC preferred not to allow model homes
10 at all. However, the Planning Commission recognized that surrounding cities allow model
11 homes. The proposed changes model Washington City's code with one exception. The Planning
12 Commission feels that the updated policy is a good compromise. Dayton Hall clarified that the
13 JUC is not concerned with model homes. They were concerned about granting an exception
14 from the normal process. Councilman Thomas disagrees with changing the definition from
15 model home to model unit. However, he is not opposed to most of the changes.

16 Doug Dennett explained they are building the model units in an industrial area; a model unit
17 allows them to present units to future owners. Councilman Prete feels there are four options.
18 The ordinance could be approved as drafted, keep the code as is, not change the model home
19 to model unit, or remove the model home exception altogether. He prefers reverting model
20 unit to model home and approving the other changes. Councilman Sanders feels the primary
21 issue is changing the term to model unit. Councilman Prete feels there are good reasons why
22 this is in place. Councilman Hirschi has no concerns with Mr. Dennett's project but does not
23 want to set a precedence.

24 Joseph Prete motioned to approve Land Use Code Amendment request on Title 10 Chapter 3
25 Subsection 4 and Title 10 Chapter 39 Subsection 15 regarding model homes, as written with the
26 addition of adding ten units or lots and changing the model units back to model homes. This
27 includes removing the unit definition. Seconded by Kevin Thomas. Joseph Prete, David Hirschi,
28 Doug Heideman, and Kevin Thomas – aye. Dave Sanders – nay. Motion carried.

29 Mayor Billings moved to hear New Business 1.

- 30 **2. Ordinance 2023-ZC-10: Discussion and consideration of a Zone Change Amendment**
31 **request located at approx. 2174 West 3000 South to contain an extraction overly with**
32 **the existing underlying zone remaining, RA-1, residential one unit per acre. Parcel**
33 **numbers H-3376-A and H-3375. Washington County Water Conservancy District**
34 **Applicant.**

Mayor Billings explained that the Washington County Conservancy District is seeking this zone change to allow clay extraction from these parcels. Cory Cram reported that the District plans to dedicate land for roadway dedications. They ask the City to provide fences around the parcels in exchange for road dedication and future land dedication. Dayton Hall reported that recently passed drainage requirements will be added to the agreement. He explained that the District requests that the City construct three reinforced concrete access points to the pit and relocate the irrigation lines on the east forty acres. He recommends continuing the item until an agreement is reached.

Kevin Thomas motioned to continue Ordinance 2023-ZC-10 to the next meeting. Seconded by David Hirschi. Joseph Prete requested to amend the motion to continue the item and authorize the City Attorney and City Manager to negotiate the development agreement and bring it before the City Council. Kevin Thomas accepted the amendment. Doug Heideman, Dave Sanders, Joseph Prete, Kevin Thomas, and David Hirschi – aye. Motion carried unanimously.

NEW BUSINESS

1. Consideration and possible a proposed amendment to the **Hurricane City Standards for Design and Construction and Hurricane City's Drainage Manual** to require development within the Frog Hollow Sub-basin to retain stormwater from 10-year storm events.

Mayor Billings explained that Washington County Conservancy District has requested that the City deploy a higher level of stormwater management to help prevent stormwater and pollutants from flowing into the clay extraction pit. The Planning Commission held a special meeting yesterday, and Pro Value provided preliminary findings about the changes impacting the area. She reviewed Staff's concerns and the proposed changes to the drainage manual.

Stephen Nelson reported that the District is concerned that the smaller storms not contained on surrounding properties funnel into the clay pit. They are requesting for property owners to retain water on their property. He reviewed the Frog Hollow Basin area, noting that the Planning Commission has concerns about the impacts of this requirement, and made a split recommendation.

Councilman Thomas stated that drainage flows to the lowest point. As this area develops, the water will flow to the clay pit. Councilman Prete asked if there was any discussion regarding the term "development." Mr. Nelson explained that this proposal applies to new developments contributing runoff to the frog hollow sub basin. Typically a single home or accessory building would not meet the criteria. Councilman Prete would like this limited to a subdivision of five or more units. Mr. Nelson read the Planning Commission's comments.

Corey Cram reported that water contamination is not the main issue. The District recognized that everything will drain into the pit and did not want to create a property inundated with

1 water. They suggest retention of anything less than a ten-year event. Councilman Prete asked if
2 the natural drainage routes have been studied. Mr. Nelson reported that the stormwater
3 master plan was based on a study. Richard Wigit reported that there were studies regarding the
4 volumes of water, which raised concerns.

5 Kevin Thomas motioned to approve the proposed amendment to the Hurricane City Standards
6 for Design and Construction and Hurricane City's Drainage Manual to require development
7 within the Frog Hollow Sub-basin to retain stormwater from 10-year storm events, subject to
8 the addition that it applies to developments of five lots or more and commercial or industrial.
9 Subdivisions consisting of single-acre lots are exempt. Seconded by Dave Sanders.

10 The City Council discussed adding additional exceptions to the standards.

11 Dayton Hall advised the City Council not to rush exceptions to the rules. He recommends
12 continuing the item so the City Council can process the proposal.

13 Kevin Thomas motioned to continue the proposed amendment to the Hurricane City Standards
14 for Design and Construction and Hurricane City's Drainage Manual, requiring development
15 within the Frog Hollow Sub-basin to retain stormwater from 10-year storm events. Seconded by
16 Dave Sanders. Motion failed.

17 Kevin Thomas motioned to approve the proposed amendment to the Hurricane City Standards
18 for Design and Construction and Hurricane City's Drainage Manual to require development
19 within the Frog Hollow Sub-basin to retain stormwater from 10-year storm events, as follows,
20 all new residential subdivisions of five lots or greater and commercial, industrial, and civic
21 developments that contribute to runoff to any of the Frog Hollow sub-basins will be required to
22 provide retention for the 10-year, 24-hour storm. Flows in excess of the 10-year, 24-hour storm
23 will be required to be detained and discharged at the standard rate. Subdivisions that comply
24 with RA-1 development standards are exempt from this retention requirement, except areas of
25 excessive slope or impervious surfaces are subject to review by the City Engineer. Seconded by
26 Dave Sanders. David Hirschi, Doug Heideman, Kevin Thomas, Dave Sanders – aye. Joseph Prete
27 – nay. Motion carried.

28 **2. Consideration and possible approval of local consent for 4 events held at Sand Hollow**
29 **Resort Rockbowl**

30 Mayor Billings reported that the events will be held at the RockBowl at the Sand Hollow Resort.

31 Dave Sanders motioned to approve local consent for 4 events held at Sand Hollow Resort
32 Rockbowl. Seconded by Joseph Prete. Kevin Thomas, David Hirschi, Doug Heideman, Dave
33 Sanders, and Joseph Prete – aye. Motion carried unanimously.

1 **3. Discussion and possible approval of softball field renovations and construction of new**
2 **fields - Matt Hirschi**

3 Mayor Billings reported that Matt Hirschi is proposing renovations to Spillsbury Ballpark fields
4 one and three. Mr. Hirschi reported that softball has tripled in the last few years, and he
5 proposes tearing out the grass to create an appropriately sized softball field. Mayor Billings
6 confirmed that Mr. Hirschi is requesting to take infield grass out of fields one and three and ten
7 feet of the grass toward the outfield. Councilman Heideman confirmed that the City needs to
8 purchase two portable mounds totaling \$8,000. Tearing out and replacing the dirt and other
9 miscellaneous work is between \$12,000 and \$13,000 per field. Darren Barney commented that
10 this is not included in the Park Department budget for the upcoming year. Kaden DeMille
11 prefers to approve this in the upcoming budget.

12 Doug Heideman motioned to remove the infield grass on fields one and three, an estimated
13 cost of \$30,000, to be paid for using funds in the next fiscal year budget. Seconded by Joseph
14 Prete. Motion carried with David Hirschi, Doug Heideman, Joseph Prete – aye. Kevin Thomas –
15 nay. Dave Sanders – abstained. Motion carried.

16 **4. Consideration and possible approval of updating the Quail Creek Phase 4**
17 **reimbursement agreement** to allow remaining vouchers to be used outside Phase 4.

18 Stephen Nelson reported that the City currently has a reimbursement agreement for phase
19 four. All vouchers were not used, and the applicant would like to utilize the remaining vouchers
20 in phase five. Dayton Hall recommends that the approval clarifies that amendment to the
21 reimbursement agreement allows the vouchers to be used in phases four, five, or six.

22 David Hirschi motioned to amend the reimbursement agreement to allow the remaining
23 vouchers to be used in phases four, five, or six. Seconded by Joseph Prete. Roll call vote. Kevin
24 Thomas, Doug Heideman, Dave Sanders, David Hirschi, and Joseph Prete – aye. Motion carried
25 unanimously.

26 **5. Public Hearing to take comments on the following:**
27 **a. Culinary water impact fees**

28 No comments.

29 **6. Consideration and possible approval of Ordinance 2023-09 amending the culinary**
30 **water impact fees.**

31 Mayor Billings reported that Water Department has been working with Alpha Engineer to
32 update the culinary water impact fee. The draft was presented to the Water Board, who

1 unanimously recommended approval. Councilman Prete clarified that the current current
2 impact fee is \$2,157, and will increase by \$599.

3 Doug Heideman motioned to approve Ordinance 2023-09 amending the culinary water impact
4 fees. Seconded by David Hirschi. Roll call vote. Doug Heideman, Kevin Thomas, Kevin Thomas,
5 Joseph Prete, and Dave Sanders – aye. Motion carried unanimously.

6 **7. Ordinance 2023-08 - Discussion and consideration of possible amendments to Title 1-4-**
7 **5 and Title 4-3 of the Hurricane City Code**

8 Mayor Billings reviewed the amendments and Staff comments. She reported that this proposal
9 is outside the current ordinance. Chris Anderson reported that weeds are an issue just like trash
10 is an issue. She explained that the Beatification Committee wants to unify the committee. They
11 would like to offer support by connecting those in violation to the code enforcement office for
12 suggestions or providing a list of approved vendors to assist in weed removal before issuing a
13 fine. Councilman Heideman reported that there are groups that help clean up properties.

14 Councilman Prete hesitates to get too aggressive with code enforcement. Councilman Hirschi
15 feels the City needs to reach out with compassion before turning to enforcement. Fred Resch III
16 reported that resources could be listed in the letter sent to non-compliant residents.
17 Councilman Thomas struggles with this. He wants a beautiful City but does not want to tell his
18 neighbor what to do. Mayor Billings asked the Beautification Committee to draft letters that
19 include resources and recommendations. Councilman Prete would like to review the letters.
20 The City Council would like to try a positive approach first.

21 Dave Sanders motioned to continue discussion and consideration of possible amendments to
22 Title 1-4-5 and Title 4-3 of the Hurricane City Code to the next meeting. Seconded by Doug
23 Heideman. David Hirschi, Kevin Thomas, Doug Heideman, and Dave Sanders – aye. Joseph Prete
24 – nay. Motion carried.

25 **8. Discuss and consider closing 100 W. between State Street and 100 S. to vehicle traffic.**

26 Mayor Billings reported that the Staff would like the City Council to temporarily close the road
27 for the summer to allow the City to review the closure to determine a permanent solution.
28 Councilman Heideman recommends closing the road from June 1st to September 3rd. Mayor
29 Billings suggested moving the gate to the south to allow vehicles to pull through to the Fine Arts
30 Building parking area. Stephen Nelson reported that the gates can be opened for emergency
31 services.

32 Dave Sanders motioned to temporarily close 100 W. between State Street and 100 S. to vehicle
33 traffic from Memorial Day to Labor Day, with a review in August to extend it possibly. Seconded

1 by Doug Heideman. Joseph Prete, Kevin Thomas, David Hirschi, Dave Sanders, and Doug
2 Heideman – aye. Motion carried unanimously.

3 **9. Consideration and possible approval of a new private hangar lease agreement at the**
4 **City Airport. - Final Design Group, LLC / Stephen Lemmon**

5 Dave Houston explained that the Airport Board has made a recommendation of approval for a
6 lease agreement with Final Design Group.

7 Kevin Thomas motioned to approve the new private hangar lease agreement at the City Airport.
8 Seconded by Doug Heideman. Joseph Prete, Dave Sanders, David Hirschi, Kevin Thomas, and
9 Doug Heideman – aye. Motion carried unanimously.

10 Kaden DeMille provided cost estimates for the new gyms. Staff needs input from the City
11 Council on the direction they want to go. The cost of the building and an additional buildout on
12 the front of the building is over two million. Mayor Billings feels confident she can generate
13 some of the funds through donations. Mr. DeMille reviewed the available funds and the costs
14 of an additional building. He feels that the unrestricted funds can support the building, the
15 front buildout, and the mezzanine. He noted that the pool needs to be updated; impact fees
16 can be used to update the pool but cannot be used to pay for a new pool. Mayor Billings
17 reported that the School District has committed to help with some of the costs of the pool. Mr.
18 DeMille asked the City Council for their direction.

19 Councilman Heideman asked if there is adequate parking for two gyms and a pool. Mr. DeMille
20 reported that the parking should be adequate if the gyms are incorporated with the ball fields.
21 Councilman Prete prefers that both gyms are completed first, and Councilman Sanders prefers
22 completing the first gym and then the pool. Mr. DeMille suggests utilizing the impact fees for
23 the pool and ball fields and bonding for the gyms.

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

25 Joseph Prete motioned to go into a closed session to discuss the purchase of real property and
26 pending litigation. Seconded by Doug Heideman. Motion carried unanimously.

27 **Adjournment: 11:11 p.m.**



STAFF COMMENTS

Ordinance 2023-08 - Discussion and consideration of **possible amendments to Title 1-4-5 and Title 4-3** of the Hurricane City Code

Discussion:

At the last City Council meeting there was a desire to see the warning letters that are being sent to property owners in violation of city ordinances. Staff has attached draft warning letters that can be sent as well as our current citation form that is being used for short-term rentals and can be tweaked for nuisances

Findings:

Recommendation:

Attachments:

1. Ordinance 2023-08 Civil Enforcement
2. Sec._1_4_5.____Civil_enforcement. DRAFT (1)
3. CHAPTER_3.____WEEDS (1)
4. First Warning Template
5. Thank you note Template
6. Final Warning Template
7. citation form

**AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING
TITLE 1 CHAPTER 4 SECTION 5 AND TITLE 4 CHAPTER 3 WITH REGARDS TO
CIVIL ENFORCEMENT OF NUISANCES.**

WHEREAS, the City Council of Hurricane, Utah desires to amend Title 1 Chapter 4 Section 5 and Title 4 Chapter 3; and

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

WHEREAS, the proposed amendment would allow for more robust enforcement of the nuisance ordinance; and

WHEREAS, the Beautification Committee gave a positive recommendation.

BE IT HEREBY ORDAINED that Title 1 Chapter 4 Section 5 and Title 4 Chapter 3 of the Hurricane City Code shall be, and is hereby, amended as follows:

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 removes 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 designee, shall provide written notice of the violation to the property owner, and in addition, may provide written notice of the violation to any other responsible party.
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 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, as shown on the records of the county recorder.
 2. The civil citation shall serve to 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 residential hosting (see section 10-51)	\$750.00 per day
Violation of nuisance weed code (see section 4-3)	\$50.00 per day
Violation of nuisance rubbish code (see section 4-2)	\$50.00 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 issued. 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.

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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.

(Ord. No. 2022-13 , 4-7-2022)

Sec. 4-3-1. Definitions.

The following shall be considered weeds and shall constitute a nuisance within the meaning of this chapter:

- A. Vegetation, grasses, stubble, brush, tumbleweeds, clippings, and cuttings that endanger the public health and safety by creating:
 1. A fire hazard.

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2. A breeding ground or habitation for insects, rodents or other vermin.
 3. An obstruction of the public right of way.
 4. Grasses taller than 24 inches in heights
- B. Plants specified as noxious weeds in the Utah Noxious Weed Act, Utah Code Annotated section 4-17-1 et seq., and any regulations promulgated under the Utah Noxious Weed Act.
- C. The following shall not be considered weeds:
1. Plants growing on a hillside with a slope of 25 percent or greater which are necessary to stabilize the hillside or to prevent erosion of the hillside.
 2. Vegetation that is maintained in its natural, undisturbed state in areas of open space within the City, provided that such vegetation is not a noxious weed and does not pose a fire hazard to adjacent structures.
- D. For purposes of this chapter, "agriculture" shall be defined as:
1. The tilling of soil;
 2. The raising of crops, produce, horticulture, and gardening; and
 3. The keeping or grazing of domestic animals.

(Ord. 2011-7, 7-21-2011; Ord. 2020-22, 11-5-2020)

Sec. 4-3-2. Standard of weed control.

Weeds shall be maintained through mowing, tilling, or chemicals so they do not create a public nuisance as described in subsection 4-3-1A.

- A. *Disposal.* Weeds that are rototilled, disked, or removed by the root must be buried under the soil, removed from the property or composted. Weeds may not be left in piles on vacant property.
- B. *Exception.* If a property exceeds five acres in area or has difficulties in weed eradication due to topography and is not in close proximity to buildings or in a situation that does not create a fire hazard to surrounding properties, the weeds shall be maintained, mowed or sprayed for 30 feet from all property lines, public rights-of-way, structure(s), utilities and 15 feet from all fire protection devices.
- C. *Agricultural use of property exempt.* The provisions of this chapter shall not apply to any property used for agricultural purposes, as defined herein, provided that such agricultural use is conducted in accordance with sound agricultural practices and does not violate any federal or state law regulating weed control.

(Ord. 2011-7, 7-21-2011; Ord. 2020-22, 11-5-2020)

Sec. 4-3-3. Initial notification of nuisance.

Upon being made aware of a possible violation, the Nuisance Officer shall make an investigation and determination of a possible nuisance. If the Nuisance Officer determines that a nuisance exists, the Nuisance Officer shall send written notice to the property owner, as shown by the county property tax records, stating:

- A. That a nuisance exists in violation of this Code;
- B. Generally describing the conditions constituting the nuisance;

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- C. A time frame of not less than 15 days and not more than 30 days for bringing the property into compliance with this Code; and
 - D. That in the event the nuisance is not remedied within the time frame stated in the notice, the Nuisance Officer may proceed to notice of violation.

(Ord. 2020-22, 6-23-2021)

Sec. 4-3-4. Notice of violation.

- A. In the event that the nuisance is not remedied within the time frame stated in the notice required in section 4-3-3, the Nuisance Officer shall prepare a written notice of violation in accordance with the following:
 - 1. The written notice shall be delivered in person or sent by mail to the owner of the property and any non-owner occupant of the property.
 - 2. The notice shall identify the property owner of record.
 - 3. The notice shall describe the property and the nature of the violation, based on the investigation made by the Nuisance Officer.
 - 4. The notice shall require that the property owner, occupant, or other person responsible for the property eradicate, destroy, and remove any weeds identified in the notice within ten days of the date on which the notice was delivered or postmarked.
 - 5. The notice shall state that in the event of noncompliance, the City, by and through the Nuisance Officer, shall have the right to enter upon the premises and employ all necessary means to eradicate, destroy, and remove the weeds, with all costs and expenses thereof to be assessed against the property and/or property owner.
- B. Notice of violation shall not be required more than once in each annual season of growth for weeds on a particular property.

(Ord. 2011-7, 7-21-2011; Ord. 2020-22, 11-5-2020)

Sec. 4-3-5. Abatement.

If an owner or occupant, after receiving notice as outlined in section 4-3-4 of this chapter, fails to eradicate, destroy, or remove the weeds on property described in the notice, the Nuisance Officer may take all steps necessary to abate the nuisance, including the employment of all necessary assistance to enter the property and eradicate, destroy, or remove the weeds. Within ten days thereafter, the Nuisance Officer shall:

- A. Prepare an itemized statement which includes:
 - 1. The address of the property.
 - 2. An itemized list of and demand for payment of all expenses, including administrative expenses, incurred by the City to abate the weeds.
 - 3. The address of the City Treasurer where payment can be made.
 - 4. Notice to the property owner and occupant that failure to pay the expenses may result in a lien on the property.
 - 5. Notice that the owner may file a written objection to all or part of the statement within 20 days after the statement postmark and where to file the objection.

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- B. Deliver or send by certified mail the itemized statement to the owner of record as shown by the records of the county recorder.

(Ord. 2011-7, 7-21-2011; Ord. 2020-22, 11-5-2020)

Sec. 4-3-6. Failure to pay or owner objection to payment.

If an owner fails to timely file a written objection or pay the amount set forth in the statement under subsection 4-3-5A of this chapter, the City shall certify the past due costs and expenses to the county treasurer.

- A. The treasurer shall then enter the amount of the costs and expenses on the assessment and tax rolls of the county in the column prepared for that purpose. If current tax notices have been mailed, the treasurer of the county may carry the costs and expenses on the assessment and tax rolls to the following year.
- B. After entry by the treasurer, the amount entered:
 - 1. Shall have the force and effect of a valid judgment of the district court;
 - 2. Shall constitute a lien upon the property; and
 - 3. Shall be collected by the treasurer at the time of the payment of general taxes.
- C. Upon the property owner's payment of the costs and expenses:
 - 1. The judgment shall be satisfied;
 - 2. The lien shall be released from the property; and
 - 3. Receipt shall be acknowledged upon the general tax receipt issued by the treasurer.

(Ord. 2011-7, 7-21-2011; Ord. 2020-22, 11-5-2020)

Sec. 4-3-7. Objection by owner.

- A. In the event that the property owner files an objection in accordance with section 4-3-6 of this chapter, the City shall:
 - 1. Hold a hearing before the City Council in accordance with the open and public meetings act.
 - 2. Mail or deliver notice of the hearing date and time to the property owner at least ten days before the date of the hearing.
 - 3. Review and determine actual cost of abatement incurred by the City.
- B. If, upon conclusion of the hearing, the City Council determines that the property owner is responsible to reimburse City for the actual cost of abatement:
 - 1. The property owner shall pay said costs within 30 days after the date of the hearing, or
 - 2. If the property owner fails to pay within 30 days, City may certify the past due costs and expenses to the county treasurer and it shall be processed as described in section 4-3-6 of this chapter.

(Ord. 2011-7, 7-21-2011; Ord. 2020-22, 11-5-2020)

Sec. 4-3-8. Enforcement by criminal action.

In addition to any other provision contained in this chapter, any owner, occupant or person having an interest in property subject to this chapter who shall fail to comply with the provisions of this chapter shall be guilty of an infraction and upon conviction thereof, subject to penalty as provided in section 1-4-1 of this Code. The commencement of criminal proceedings for the purpose of enforcing the provisions of this chapter shall not be conditioned upon prior issuance of a notice or the granting to the defendant an opportunity to abate or remove the nuisance. The provisions of this chapter relating to notice and abatement shall be deemed merely alternative and additional methods of securing conformity to the provisions of this chapter.

(Ord. 2011-7, 7-21-2011; Ord. 2020-22, 11-5-2020)

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

PASSED AND APPROVED this ____ day of May 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 18th of May 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

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 removes 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 designee, shall provide written notice of the violation to the property owner, and in addition, may provide written notice of the violation to any other responsible party.
 - 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 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, as shown on the records of the county recorder.
 - 2. The civil citation shall serve to 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 residential hosting (see section 10-51)	\$750.00 per day
<u>Violation of nuisance weed code (see section 4-3)</u>	<u>\$50.00 per day</u>
<u>Violation of nuisance rubbish code (see section 4-2)</u>	<u>\$50.00 per day</u>

- 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 issued. 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:

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- 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.

(Ord. No. 2022-13 , 4-7-2022)

CHAPTER 3. WEEDS

Sec. 4-3-1. Definitions.

The following shall be considered weeds and shall constitute a nuisance within the meaning of this chapter:

- A. Vegetation, grasses, stubble, brush, tumbleweeds, clippings, and cuttings that endanger the public health and safety by creating:
 - 1. A fire hazard.
 - 2. A breeding ground or habitation for insects, rodents or other vermin.
 - 3. An obstruction of the public right of way.
 - 4. Grasses taller than 24 inches in heights
- B. Plants specified as noxious weeds in the Utah Noxious Weed Act, Utah Code Annotated section 4-17-1 et seq., and any regulations promulgated under the Utah Noxious Weed Act.
- C. The following shall not be considered weeds:
 - 1. Plants growing on a hillside with a slope of 25 percent or greater which are necessary to stabilize the hillside or to prevent erosion of the hillside.
 - 2. Vegetation that is maintained in its natural, undisturbed state in areas of open space within the City, provided that such vegetation is not a noxious weed and does not pose a fire hazard to adjacent structures.
- D. For purposes of this chapter, "agriculture" shall be defined as:
 - 1. The tilling of soil;
 - 2. The raising of crops, produce, horticulture, and gardening; and
 - 3. The keeping or grazing of domestic animals.

(Ord. 2011-7, 7-21-2011; Ord. 2020-22, 11-5-2020)

Sec. 4-3-2. Standard of weed control.

Weeds shall be maintained through mowing, tilling, or chemicals so they do not create a public nuisance as described in subsection 4-3-1A.

- A. *Disposal.* Weeds that are rototilled, disked, or removed by the root must be buried under the soil, removed from the property or composted. Weeds may not be left in piles on vacant property.
- B. *Exception.* If a property exceeds five acres in area or has difficulties in weed eradication due to topography and is not in close proximity to buildings or in a situation that does not create a fire hazard to surrounding properties, the weeds shall be maintained, mowed or sprayed for 30 feet from all property lines, public rights-of-way, structure(s), utilities and 15 feet from all fire protection devices.
- C. *Agricultural use of property exempt.* The provisions of this chapter shall not apply to any property used for agricultural purposes, as defined herein, provided that such agricultural use is conducted in

accordance with sound agricultural practices and does not violate any federal or state law regulating weed control.

(Ord. 2011-7, 7-21-2011; Ord. 2020-22, 11-5-2020)

Sec. 4-3-3. Initial notification of nuisance.

Upon being made aware of a possible violation, the Nuisance Officer shall make an investigation and determination of a possible nuisance. If the Nuisance Officer determines that a nuisance exists, the Nuisance Officer shall send written notice to the property owner, as shown by the county property tax records, stating:

- A. That a nuisance exists in violation of this Code;
- B. Generally describing the conditions constituting the nuisance;
- C. A time frame of not less than 15 days and not more than 30 days for bringing the property into compliance with this Code; and
- D. That in the event the nuisance is not remedied within the time frame stated in the notice, the Nuisance Officer may proceed to notice of violation.

(Ord. 2020-22, 6-23-2021)

Sec. 4-3-4. Notice of violation.

- A. In the event that the nuisance is not remedied within the time frame stated in the notice required in section 4-3-3, the Nuisance Officer shall prepare a written notice of violation in accordance with the following:
 - 1. The written notice shall be delivered in person or sent by mail to the owner of the property and any non-owner occupant of the property.
 - 2. The notice shall identify the property owner of record.
 - 3. The notice shall describe the property and the nature of the violation, based on the investigation made by the Nuisance Officer.
 - 4. The notice shall require that the property owner, occupant, or other person responsible for the property eradicate, destroy, and remove any weeds identified in the notice within ten days of the date on which the notice was delivered or postmarked.
 - 5. The notice shall state that in the event of noncompliance, the City, by and through the Nuisance Officer, shall have the right to enter upon the premises and employ all necessary means to eradicate, destroy, and remove the weeds, with all costs and expenses thereof to be assessed against the property and/or property owner.
- B. Notice of violation shall not be required more than once in each annual season of growth for weeds on a particular property.

(Ord. 2011-7, 7-21-2011; Ord. 2020-22, 11-5-2020)

Sec. 4-3-5. Abatement.

If an owner or occupant, after receiving notice as outlined in section 4-3-4 of this chapter, fails to eradicate, destroy, or remove the weeds on property described in the notice, the Nuisance Officer may take all steps

necessary to abate the nuisance, including the employment of all necessary assistance to enter the property and eradicate, destroy, or remove the weeds. Within ten days thereafter, the Nuisance Officer shall:

- A. Prepare an itemized statement which includes:
 - 1. The address of the property.
 - 2. An itemized list of and demand for payment of all expenses, including administrative expenses, incurred by the City to abate the weeds.
 - 3. The address of the City Treasurer where payment can be made.
 - 4. Notice to the property owner and occupant that failure to pay the expenses may result in a lien on the property.
 - 5. Notice that the owner may file a written objection to all or part of the statement within 20 days after the statement postmark and where to file the objection.
- B. Deliver or send by certified mail the itemized statement to the owner of record as shown by the records of the county recorder.

(Ord. 2011-7, 7-21-2011; Ord. 2020-22, 11-5-2020)

Sec. 4-3-6. Failure to pay or owner objection to payment.

If an owner fails to timely file a written objection or pay the amount set forth in the statement under subsection 4-3-5A of this chapter, the City shall certify the past due costs and expenses to the county treasurer.

- A. The treasurer shall then enter the amount of the costs and expenses on the assessment and tax rolls of the county in the column prepared for that purpose. If current tax notices have been mailed, the treasurer of the county may carry the costs and expenses on the assessment and tax rolls to the following year.
- B. After entry by the treasurer, the amount entered:
 - 1. Shall have the force and effect of a valid judgment of the district court;
 - 2. Shall constitute a lien upon the property; and
 - 3. Shall be collected by the treasurer at the time of the payment of general taxes.
- C. Upon the property owner's payment of the costs and expenses:
 - 1. The judgment shall be satisfied;
 - 2. The lien shall be released from the property; and
 - 3. Receipt shall be acknowledged upon the general tax receipt issued by the treasurer.

(Ord. 2011-7, 7-21-2011; Ord. 2020-22, 11-5-2020)

Sec. 4-3-7. Objection by owner.

- A. In the event that the property owner files an objection in accordance with section 4-3-6 of this chapter, the City shall:
 - 1. Hold a hearing before the City Council in accordance with the open and public meetings act.

-
2. Mail or deliver notice of the hearing date and time to the property owner at least ten days before the date of the hearing.
 3. Review and determine actual cost of abatement incurred by the City.
- B. If, upon conclusion of the hearing, the City Council determines that the property owner is responsible to reimburse City for the actual cost of abatement:
1. The property owner shall pay said costs within 30 days after the date of the hearing, or
 2. If the property owner fails to pay within 30 days, City may certify the past due costs and expenses to the county treasurer and it shall be processed as described in section 4-3-6 of this chapter.

(Ord. 2011-7, 7-21-2011; Ord. 2020-22, 11-5-2020)

Sec. 4-3-8. Enforcement by criminal action.

In addition to any other provision contained in this chapter, any owner, occupant or person having an interest in property subject to this chapter who shall fail to comply with the provisions of this chapter shall be guilty of an infraction and upon conviction thereof, subject to penalty as provided in section 1-4-1 of this Code. The commencement of criminal proceedings for the purpose of enforcing the provisions of this chapter shall not be conditioned upon prior issuance of a notice or the granting to the defendant an opportunity to abate or remove the nuisance. The provisions of this chapter relating to notice and abatement shall be deemed merely alternative and additional methods of securing conformity to the provisions of this chapter.

(Ord. 2011-7, 7-21-2011; Ord. 2020-22, 11-5-2020)



PLANNING & ZONING
HURRICANE CITY
UTAH

[Date]

[Name]

[Street Address]

[City State ZIP]

Re: [Case #]

The Property Located at [Property Address]

Our records show you are the owner of the property listed above. If you are not, please let us know so we can contact the correct person. We received a report to our Department that on [Complaint Date] that was verified by our Department that the property listed above was in violation of following Ordinance(s):

HCC 10-37-14 Storage of Trash and Debris Prohibited

"No yard or other open space shall be used for the accumulation of trash, debris, or abandoned equipment and no land shall be used for such purposes"

HCC 4-2-2 Nuisances

"A. Specified. Nuisances shall include, but shall not be limited to, the following:

1. Rubbish. Keeping or depositing on, about or over property or premises, or maintaining or allowing to remain on said property or premises, any of the following:

a. Rubbish, refuse, junk, trash, or debris.

b. Abandoned, discarded or unused furniture, equipment, automobiles, stoves, refrigerators, freezers, construction materials, cans, containers or other objects not being used.

Please resolve the issue within 30 days. Violations may be subject to fines and citations according to Utah and Hurricane City law. This letter is an official notice of the offense listed above, and the property will be reinspected in 30 days to ensure compliance.

If you are elderly, infirm, or have other difficulty coming into compliance within the next 30 days or if you need more than 30 days the City has access to resources that can potentially be utilized to help you out. If you have any questions, please contact me at (435) 635-2811 ext. 110.

Sincerely,

Fred Resch III
Code Enforcement Officer

[Picture of the property]

[Date of the inspection]

DRAFT



PLANNING & ZONING
HURRICANE CITY
UTAH

[Date]

[Name]

[Address]

[City State ZIP]

Re: [Case #]

The Property Located at [Address]

Our records show you are the owner of the property listed above. If you are not, please let us know so we can contact the correct person. We sent you a letter on [Date of first letter] about the nuisance debris and weeds on the property. We have done our reinspection and determined that progress has been made on cleaning up.

The City greatly appreciates your commitment to a cleaner and better community. We will continue to monitor your property for compliance with city ordinances but barring any material changes or new reports of violations you can consider your case closed.

If you have any questions, please contact me at (435) 635-2811 ext. 110.

Sincerely,
Fred Resch III
Code Enforcement Officer



PLANNING & ZONING
HURRICANE CITY
UTAH

[Date]

[Name]

[Street Address]

[City State ZIP]

Re: [Case #]

The Property Located at [Address]

On [Date of first letter], we sent you a letter informing you of the violations of city ordinances we found on your property and gave you 30 days to clean up your property. As of [Date of inspection], we still find the property listed above in violation of following Ordinance(s):

HCC 10-37-14 Storage of Trash and Debris Prohibited

"No yard or other open space shall be used for the accumulation of trash, debris, or abandoned equipment and no land shall be used for such purposes"

HCC 4-2-2 Nuisances

"A. Specified. Nuisances shall include, but shall not be limited to, the following:

1. Rubbish. Keeping or depositing on, about or over property or premises, or maintaining or allowing to remain on said property or premises, any of the following:

a. Rubbish, refuse, junk, trash, or debris.

b. Abandoned, discarded or unused furniture, equipment, automobiles, stoves, refrigerators, freezers, construction materials, cans, containers or other objects not being used.

We have received no contact from you and there is no sign of any progress to come into compliance. Please resolve the issue within 30 days by removing all junk and trash from the property in the proper manner. This letter is your **FINAL** notice of the offense listed above, and the property will be reinspected in 30 days to ensure compliance. In the event that you do not do so within 30 days of the date of this letter, the City will levy an administrative fine of \$50 per day for each day that the violation continues. Thank you in advance for your cooperation. If you have any questions, please contact me at (435) 635-2811 ext. 110.

Sincerely,
Fred Resch III
Code Enforcement Officer

DRAFT

HURRICANE CITY CODE VIOLATION CIVIL CITATION FORM

HURRICANE CITY 147 N 870 W Hurricane UT, 84737 435-635-2811			CODE VIOLATION CIVIL CITATION NUMBER Date of Issuance:
Property Owner or Responsible Party:		Violation Parcel Number:	
Violation Address:		Civil Penalty (fee per day):	
Description of Violation:		Unlicensed short-term rental \$750 Violation of short-term rental licensing standards \$750 Violation of residential hosting standards \$750	
		Beginning Date of Penalty Accrual:	
Code Section Violated:		Note: Civil penalties accrue on a daily basis until the violation is corrected.	
Issuing Officer:	Title:		
<i>I declare under penalty of perjury that the foregoing is true and correct.</i>			
Officer Signature:		Date and Time:	

NOTICE TO VIOLATOR

Read this information carefully.

Appealing a Civil Citation: Pursuant to section 1-4-5 (G-H) of the City Code, this citation may be appealed by filing a written appeal with the Civil Hearing Officer. The appeal must be submitted to the Hurricane City Office, 147 N 870 W, Hurricane, UT, 84737. The appeal must be received at the Hurricane City Office no later than 15 days after the issuance of this citation. If an appeal is not filed in this time the right to an appeal is lost

Payment Information: Payment of civil penalties may be made by: 1) paying in person during regular business hours at the Hurricane City Office, 147 N 870 W or 2) mailing a check, payable to Hurricane City, to "Hurricane City - Code Violation Payments, 147 N 870 W, Hurricane, UT 84737." A copy of this citation must be submitted with payment. Do not send cash. The sender assumes all risk and responsibility for payments that are sent by mail, including payments that are lost. If any civil penalty is not paid, the violator and any other responsible party will pay for all costs of collection, including but not limited to attorney's fees and costs.

Requirement to Correct Violation: *You are responsible for both correcting the violation and paying all applicable civil penalties.* Payment of civil penalties does not relieve your responsibility to correct the violation. Civil penalties will continue to accrue on a daily basis until the violation is corrected. Additional citations may be issued as a result of uncorrected violations.



STAFF COMMENTS

Consideration and possible approval of an **ethical behavior policy for City employees and officers**

Discussion:

The Council previously adopted an ethical behavior policy for City employees and officers/code of ethics. This is an adaptation of the State of Utah's code of ethics which focuses on the position an appointed official or city employee must take when it comes to dealing with the public in an ethical manner (prohibited conduct). The one addition which has been made is under number three (3) roman numeral XIV which states the following:

"Tips received by employees working in a City-operated food service establishment and associated with providing food or beverages." This addition was to allow City employees who work primarily in providing food and beverage services to collect tips.

Findings:

Recommendation:

This was recommended as part of the City's Fraud Risk Assessment.

Attachments:

1. HC - Ethical Behavior Policy



ETHICAL BEHAVIOR POLICY

Employee Code of Ethics

Prohibited Conduct

No current employee or officer, as specified, shall:

1. Disqualification from Acting on Hurricane City Business.
 - a. Engage in any transaction or activity, which is, or would to a reasonable person appear to be, in conflict with or incompatible with the proper discharge of official duties, or which impairs, or would to a reasonable person appear to impair, the employee's independence of judgment or action in the performance of official duties and fail to disqualify him or herself from official action in those instances where conflict occurs.
 - b. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any matter upon which the employee is required to act in the discharge of his or her official duties and fail to disqualify him or herself from acting or participating.
 - c. Fail to disqualify him or herself from acting on any transaction which involves Hurricane City and any person who is, or at any time within the preceding twelve (12) month period has been a private client of his or hers, or of his or her firm or partnership.
 - d. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any contract or transaction to which Hurricane City or any agency may be a party, and fails to disclose such interest to the appropriate authority prior to the formation of the contract or the time Hurricane City or agency enters into the transaction; provided, that this paragraph shall not apply to any contract awarded through the public bid process in accordance with applicable law.
2. Improper Use of Official Position.
 - a. Use his or her official position for a purpose that is or would to a reasonable person appear to be primarily for the private benefit of the employee, rather than primarily for the benefit of Hurricane City; or to achieve a private gain or an exemption from duty or responsibility for the employee or any other person.
 - b. Use or permit the use of any person, funds, or property under his or her official control, direction, or custody, or of any Hurricane City funds or property, for a purpose which is, or to a reasonable person would appear to be, for something other than a legitimate purpose.
 - c. Except in the course of official duties, assist any person in any transaction where the employee's assistance is, or to a reasonable person would appear to be, enhanced by that employee's position with the Hurricane City; provided that this subsection shall not apply to: any employee

appearing on his or her own behalf or representing himself or herself as to any matter in which he or she has a proprietary interest, if not otherwise prohibited by ordinance;

- d. Regardless of prior disclosure thereof, have a financial interest, direct or indirect, personally or through a member of his or her immediate family, in a business entity doing or seeking to do business with Hurricane City, and influence or attempt to influence the selection of, or the conduct of business with that business or entity.

3. Accept Gifts or Loans.

- a. Ask for or receive, directly or indirectly, any compensation, gift, gratuity, or thing of value, or promise thereof, for performing or for omitting or deferring the performance of any official duty; except that the following shall be allowed:
 - i. Unsolicited flowers, plants, and floral arrangements.
 - ii. Unsolicited advertising or promotional items of nominal value, such as pens and notepads.
 - iii. Unsolicited token or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item.
 - iv. Unsolicited food items given to a department when the contents are shared among employees and the public.
 - v. Unsolicited items received for the purpose of evaluation or review provided the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by Hurricane City.
 - vi. Information material, publications, or subscriptions related to the recipient's performance of official duties.
 - vii. Food and beverages consumed at hosted receptions where attendance is related to official duties.
 - viii. Meals, beverages, and lodging associated with retreats or other meetings where the official serves as a representative, designee, or is otherwise assigned to another organization or entity from Hurricane City
 - ix. Travel costs, lodging, and tuition costs associated with Hurricane City sanctioned training or education when not provided by a private entity under contract with the Hurricane City
 - x. Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization and other officials or employees of similar agencies are in attendance.
 - xi. Unsolicited gifts from dignitaries from another entity or other jurisdiction that are intended to be personal in nature.
 - xii. Campaign contributions; and
 - xiii. Unsolicited gifts with an aggregate economic value of \$50.00 or less from a single source in a calendar year received either directly or indirectly by the official or employee.
 - xiv. Tips received by employees working in a City-operated food service establishment and associated with providing food or beverages.

4. Disclose Privileged Information.

Disclose or use any privileged or proprietary information gained by reason of his or her official position for the immediate or anticipated personal gain or benefit of the employee or any other person or entity; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request.

5. Financial or Beneficial Interest in Transactions.

Regardless of prior disclosure an employee or officer may not participate in or benefit from (personally or through his or her family) a contract or agreement where that employee or officer acted as an agent of Hurricane City. This includes receiving compensation, gratuity or other benefit from an interested party of an agreement or contract with Hurricane City.

6. Nepotism.

- a. Violate *Utah Code* § 52-3, which prohibits employment of relatives, with few exceptions.

7. Misuse of Public Resources or Property.

- a. Violate *Utah Code* § 76-8-4, which delineates the unlawful use of public funds and destruction of property, including records.

8. Outside Employment.

- a. Retain secondary employment outside of Hurricane City employment, which, as determined by Hurricane City Council, and according to Utah Administrative Code R477-9-2:
 - i. Interferes with an employee's performance.
 - ii. Conflicts with the interests of Hurricane City or the State of Utah.
 - iii. Gives reason for criticism or suspicion of conflicting interests or duties.

9. Political Activity.

- a. Except as otherwise provided by law:
 - i. The partisan political activity, political opinion, or political affiliation of an applicant for a position with Hurricane City may not provide a basis for denying employment to the applicant.
 - ii. A Hurricane City officer's or employee's partisan political activity, political opinion, or political affiliation may not provide the basis for the officer or employee's employment, promotion, disciplinary action, demotion, or dismissal.
 - iii. A Hurricane City employee may not engage in political campaigning or solicit political contributions during hours of employment.
 - iv. A Hurricane City officer or employee may not use Hurricane City equipment while engaged in campaigning or other political activity.
 - v. A Hurricane City officer or employee may not directly or indirectly coerce, command, or advise another Hurricane City officer or employee to pay, lend, or contribute part of the officer's or employee's salary or compensation, or anything else of value to a political party, committee, organization, agency, or person for political purposes.

- vi. A Hurricane City officer or employee may not attempt to make another officer or employee's employment status dependent on the officers or employee's support, or lack of support of a political party, affiliation, opinion, committee, organization, agency, or person engaged in political activity.
 - b. A Hurricane City employee who has filed a declaration of candidacy may:
 - i. be given a leave of absence for the period between the primary election and the general election; and
 - ii. Use any vacation or other leave available to engage in campaign activities.
 - c. Neither the filing of a declaration of candidacy nor a leave of absence under this section may be used as the basis for an adverse employment action, including discipline and termination, against the employee.
 - d. Nothing in this chapter shall be construed to:
 - i. prohibit a Hurricane City officer or employee's voluntary contribution to a party or candidate of the officer or employee's choice; or
 - ii. Permit a Hurricane City officer or employee partisan political activity that is prohibited under federal law.
 - e. No Hurricane City officer or employee shall solicit or participate in soliciting any assessment, subscription, or contribution to any political party during working hours on the premises of any Hurricane City property.
 - f. No Hurricane City officer or employee shall promise any appointment to any position with Hurricane City as a reward for any political activity.
 - g. A Hurricane City employee who is elected to an office with Hurricane City shall terminate Hurricane City employment prior to being sworn into the elected office.
10. Fair and Equal Treatment.
- a. No person shall be appointed to, removed from, or in any way favored or discriminated against with respect to any appointive public office because of such person's race, color, age, religion, sex, national origin, or functional limitation as defined by applicable state or federal laws, if otherwise qualified for the position or office.
 - b. No Hurricane City officer or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.
11. Prohibited Conduct After Leaving Hurricane City:
- a. No former employee shall, during the period of one (1) year after leaving Hurricane City office or employment:
 - i. Disclose or use any privileged or proprietary information gained by reason of his/her Hurricane City employment for his/her gain or anticipated gain, or for the gain or anticipated gain of any person, unless the information is a matter of public knowledge or is available to the public on request.
 - ii. Assist any person in proceedings involving an agency of Hurricane City with which he/she was previously employed, involving a matter

in which he or she was officially involved, participated, or acted in the course of duty.

- iii. Represent any person as an advocate in any matter in which the former employee was officially involved while a Hurricane City employee.
- iv. Participate as a competitor in any competitive selection process for a Hurricane City contract in which he or she assisted the Hurricane City in determining the project or work to be done or the process to be used.

The following is an adaptation of the State of Utah's code of ethics which all elected officers and employees of Hurricane City must follow.



STAFF COMMENTS

Consideration and possible approval of a **memorandum of understanding with Redrock Media** regarding broadcasting music for the July 4th fireworks display. -Mike Evans / Dayton Hall

Discussion:

This proposal is regarding a partnership between the City and Redrock Media for the Fourth of July fireworks display. The general agreement would be that the City puts on the fireworks show and Redrock media promotes the event, creates a playlist to play on its four stations during the fireworks display, and plays the music at two locations at the State Park. Redrock Media will be the exclusive media company for the event and will have the right to bring in local sponsors. As currently drafted, the City's commitment is for this year's event only, but Redrock Media will have the first right of refusal for the 2024 event if the City chooses to partner with a media company. There is a one-page draft of a memorandum of understanding in the packet that sets out the terms in more detail. Redrock Media is open to tailoring the nature of the event in a way that the Council deems most suitable. Mike Evans, General Sales Manager for Redrock Media, plans to be at the Council meeting to present ideas and answer questions.

Findings:

Recommendation:

Attachments:

1. 230525 Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“Memorandum”) is entered into by Hurricane City, a Utah municipal corporation (“City”) and Redrock Broadcasting, Inc. d/b/a Redrock Media, a Utah corporation (“Redrock Media”) (the City and Redrock are referred to collectively as the “Parties”). The effective date of this Memorandum is June 1, 2023.

RECITALS

- A. For several years, the City has put on a Fourth of July fireworks display at the Sand Hollow State Park (the “State Park”) in Hurricane, Utah.
- B. The City would like to enhance the fireworks display by adding a synchronized music playlist to be played on the radio and on speakers at the State Park for the 2023 event.
- C. Redrock has agreed to create and play the playlist on its four radio stations and to also provide speakers at the State Park to play the music during the fireworks display.
- D. Redrock has also agreed to promote the event and to secure sponsors, to which the City has agreed.

NOW, THEREFORE, the City and Redrock have the following understanding:

- 1. The City will arrange for and contract with Lantis Fireworks and Lasers (“Lantis”) to put on a fireworks display on July 4, 2023, at the State Park (the “Display”).
- 2. Redrock will do the following:
 - a. Create a custom playlist that will play on each of its four local stations (MIX 103.1, 98.9 KOOL FM, 102.3 The Coyote and 104.1 ZION) that synchronizes with the Display. Redrock will coordinate with Lantis regarding the timing and synchronization of the playlist and Display.
 - b. Starting on June 5, 2023, schedule 8 promotional ads per day on all 4 of its local radio stations. These promos will highlight first responders in celebration of our nation’s birthday. Redrock will invite the public to celebrate with Hurricane City at the Sand Hollow Festival of Freedom at the 4th of July Firework Show at Sand Hollow Reservoir.
 - c. Provide large speakers to play music at two different locations starting at 6pm on July 4, 2023, and ending after the Display. The locations of the speakers will be in the parking lot next to the boat ramp and on the south shore.
- 3. The City agrees that Redrock will be the exclusive media company for this event at the State Park, including signage. Redrock has the right to bring other local businesses in as sponsors.
- 4. If the City chooses to contract with a media company to provide music in conjunction with the 2024 Fourth of July celebration, Redrock shall have the first right of refusal for such contract.
- 5. The Parties agree that they each will comply with the requirements, guidelines, and restrictions imposed by Sand Hollow State Park.

HURRICANE CITY

REDROCK BROADCASTING, INC.

By: Nanette Billings
Its: Mayor

By:
Its:



STAFF COMMENTS

Discussion and consideration of a possible approval of a **preliminary plat for Kolob Views**, a 20 lot single family subdivision located at 850 S 1300 W. Stratton Development Applicant. Colt Stratton Agent.

Discussion:

The applicant is proposing a 20 lot single family subdivision located just south of Mountain View Estates Subdivision.

This application was tabled by the Planning Commission in October of 2022 in order to allow for the resolution of the 1150 W alignment and other issues with the plat.

The Planning Commission sent a recommendation of denial of this preliminary plat because of the lack of a sensitive lands application, will serve letters, and the required notes on the preliminary plat as well as the deviation from the Transportation Master Plan. The Planning Commission did state that they are inclined to approve Interstate Rock's planned roadway alignment.

It is important for the City Council to note that, even if they are inclined to approve the applicant's roadway alignment that they cannot approve the preliminary plat as currently presented. The requirements for a sensitive lands application and will serve letters are in city code and cannot be waived (HCC 10-24-3 HCC 10-39-7-C-11)

Findings:

Recommendation:

Attachments:

1. 2022-PP-28 Kolob View Sub Report (1)
2. Copy of Kolob View PP App
3. Preliminary Plat - Alternate 2
4. Copy of Kolob View PP



STAFF COMMENTS

Agenda Date:	06/01/2023
Application Number:	2022-PP-28
Type of Application:	Preliminary Plat Application
Action Type:	Administrative
Applicant:	Stratton Development
Agent:	Colt Stratton
Request:	Approval of a Preliminary Plat
Location:	850 S 1300 W
Zoning:	R1-10
General Plan Map:	Single Family

Update 06/01/2023: The Planning Commission sent a recommendation of denial of this preliminary plat because of the lack of a sensitive lands application, will serve letters, and the required notes on the preliminary plat as well as the deviation from the Transportation Master Plan. The Planning Commission did state that they are inclined to approve Interstate Rock's planned roadway alignment.

It is important for the City Council to note that, even if they are inclined to approve the applicant's roadway alignment that they cannot approve the preliminary plat as currently presented. The requirements for a sensitive lands application and will serve letters are in city code and cannot be waived (HCC 10-24-3 HCC 10-39-7-C-11)

Update 5/25/2023: This application was tabled in October of 2022 in order to allow for the resolution of the 1150 W alignment. The City Council has not reached a resolution of the 1150 W alignment through this property at this time. The applicant is still missing a sensitive lands application as well. The following report reflects the updated proposed layout.

Discussion: The applicant is proposing a 20 lot single family subdivision located just south of Mountain View Estates Subdivision.

JUC Comments

Public Works: 1150 W Master Plan Roadway must continue.

Water: This looks like it will be dependent on Mountain View Estates for looping water lines. Water line will need to be looped before occupancy.

05/25/2023

2022-PP-28

Power: Power is under the impression that 900 S will be a connector road. They will need to bring power from 650 S along 1150 W.

Sewer: No sewer existing in 1150 W. There is an 8" line in Mountain View Dr

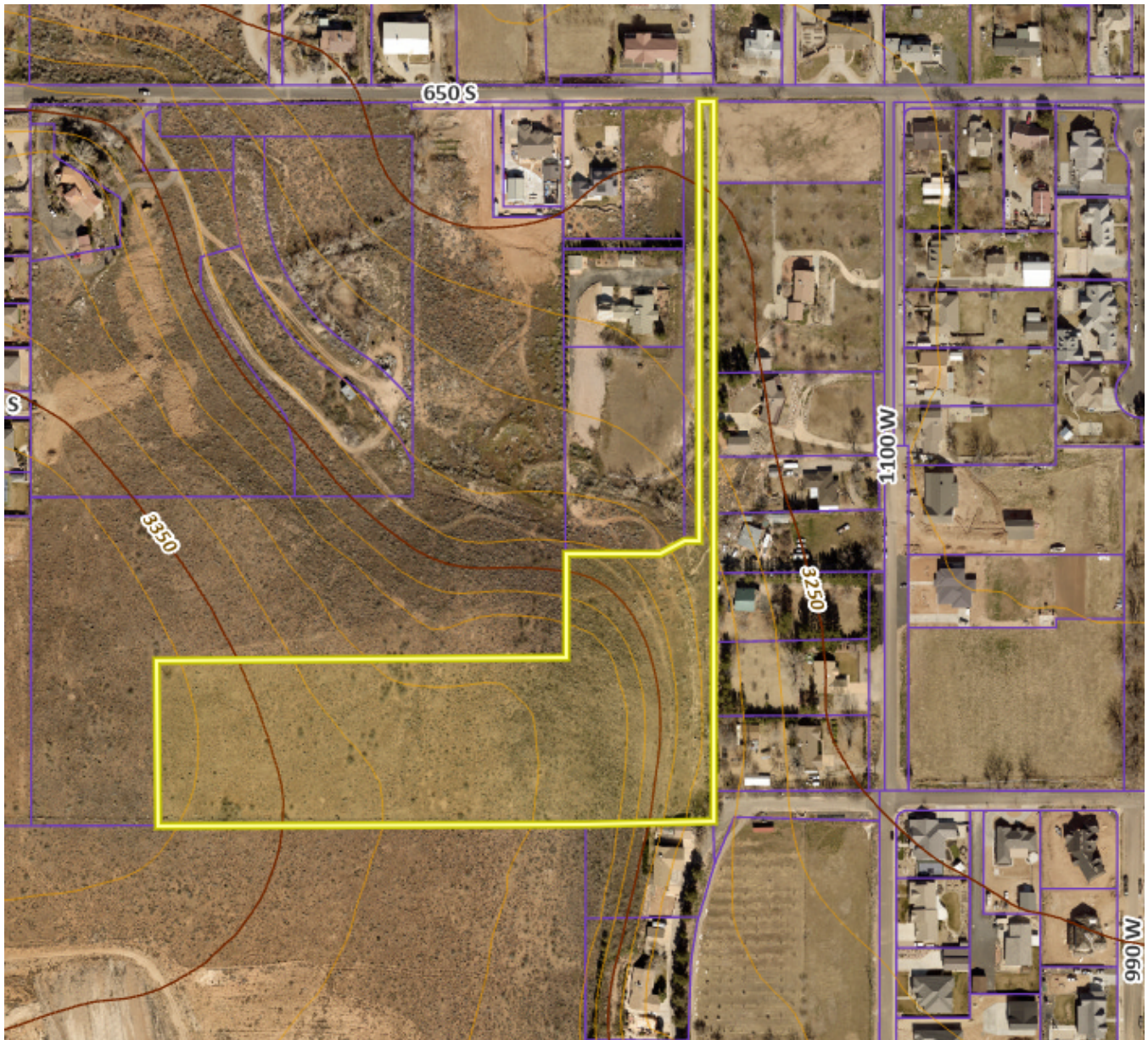
Engineering: 1150 W is a master planned minor collector that also includes a 12' sidepath on the east side (67' total width) and will extend southward. No drainage plan has been provided, a 24" storm drain is shown on the storm drain master plan along a portion of 1150 W. It appears the nearest existing storm drain along the master planned alignment is in 400 S. There is an existing canal pipe on the property. Must this remain functional during construction? Applicants must coordinate with the Hurricane Canal Company for relocation. Can the road between Mountain View Dr and 1150 W meet typical road grade standards?

Streets: Alignment of 1150 W does not match the master plan

Fire: Access is okay for the proposed number of homes if any additional homes are built a second access will be required..

Phone: Add Centurylink notes to construction drawings. Need PUE on west side of 1150 W.

Cable: No comments



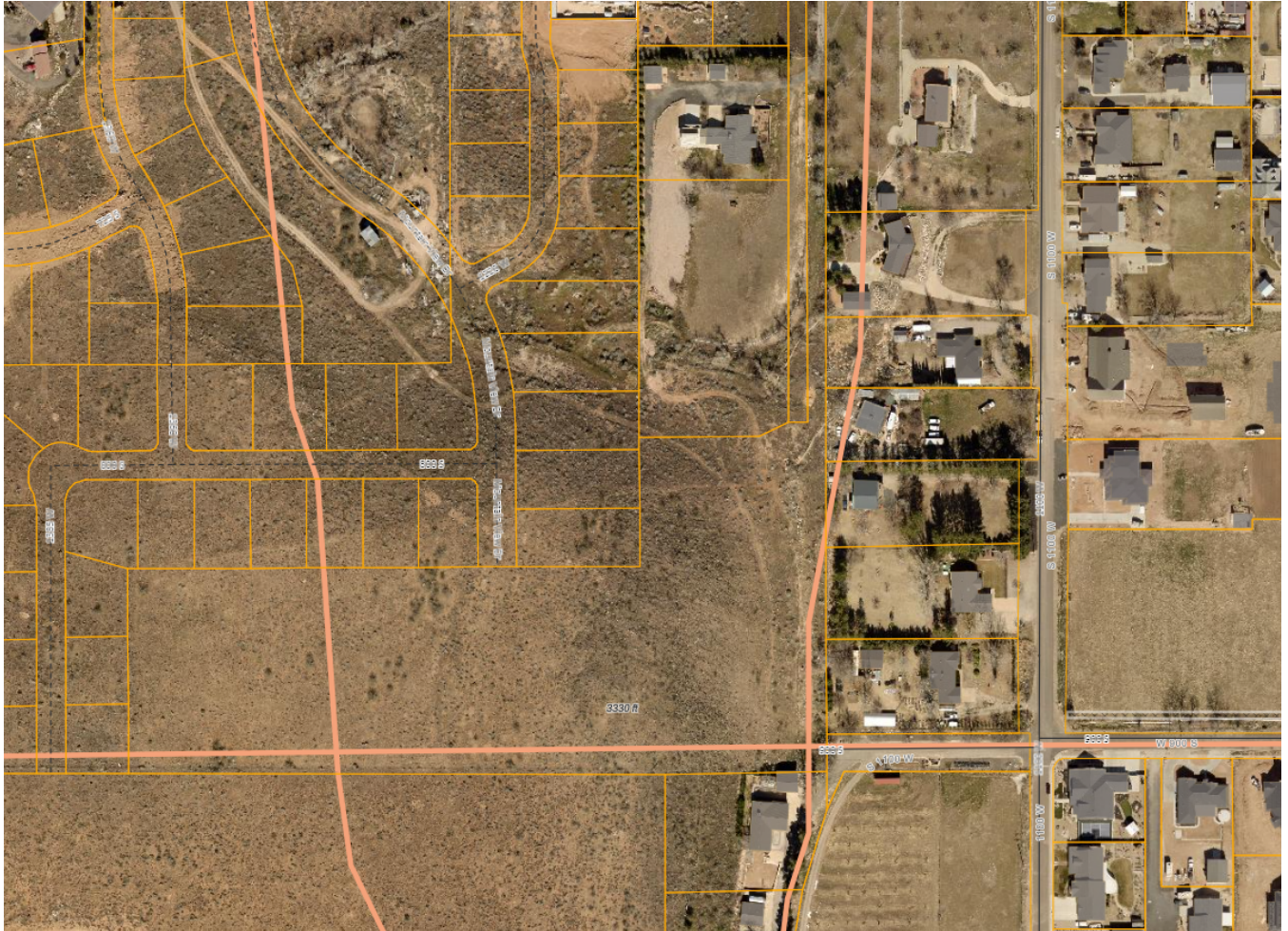
Staff Comments: Preliminary Plat

1. All lots meet R1-10 standards.
2. **Master Plan Roadways:** There are three master planned roadways within the development as shown below. This plan only addresses 1350 W, labeled as Mountain View Dr. on the plan.
 - a. 1150 W/1100 W: 1150 W is a future minor collector with a trail on the east side, a total of 67' ROW. Their plan only shows a 58' ROW The City is currently conducting an alignment study for 1150 W, with special consideration of the alignment within this area. The applicant will need to work with the city to ensure the alignment meets the goals of that study. 1150 W is also planned to be a new alignment of a major power transmission line. The proposed alignment does not line up with any proposed city alignment for the roadway

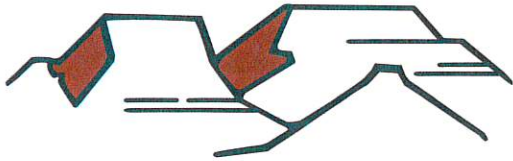
05/25/2023

2022-PP-28

- a. 900 S. Currently the Hurricane City Transportation Master Plan shows 900 S connecting down the hill to 1100 W along the south property boundary. The City has received slope data indicating the roadway continuing may be impossible however it is important to note that the roadway is still on the Transportation Master Plan.



3. **Second access:** 1150 W will need to function as a secondary access.
4. There is a Hurricane Canal Company canal on the property that is located near the proposed 1150 W and then cuts northwest into the Mountain Views Estates Subdivision. This canal needs to be shown, and a future alignment will need to be worked out with the canal company. HCC 10-37-7 (B) states *“Existing conditions. The preliminary plat shall show...Existing ditches, canals, natural drainage channels and open waterways and proposed realignments.”*
5. Needs Geotechnical constraints to note: Identification of potential geotechnical constraints on the project site (such as expansive rock and soil, collapsible soil, shallow bedrock and caliche, gypsiferous rock and soil, potentially unstable rock or soil units including fault lines, shallow groundwater, and windblown sand) and recommendations for their mitigation.
6. Need a letter from both the local sanitary sewer provider and culinary water provider indicating the availability of service.



PLANNING & ZONING
HURRICANE CITY
UTAH

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

PRELIMINARY PLAT APPLICATION

For office use only. \$150.00 Fee
File No. 2022-PP-28
Receipt No. 8-162483

Name: Stratton Development Telephone: 435-635-2628

Address: 42 S 850 W Hurricane, UT Fax No. 435-635-2177

Email: colt.stratton@interstaterock.com Agent Email: _____

Agent (If Applicable): Colt Stratton Telephone: 435-635-2628

Address/Location of Subject Property: 850 S 1300 W

Tax ID of Subject Property: H-3-2-4-127 Zone District: R1-10

Proposed Use: (Describe, use extra sheet if necessary. Include total number of lots) Single family
lots from 0.25 acre → 0.72 acre 20 lots total

Submittal Requirements: The preliminary plat application shall provide the following:

- ___ 1. Description: In a title block located in the lower right-hand corner of the sheet the following is required:
 - ___ a. The proposed name of the subdivision.
 - ___ b. The location of the subdivision, including the address and section, township and range.
 - ___ c. The names and addresses of the owner or subdivider, if other than the owner.
 - ___ d. Date of preparation, and north point.
 - ___ e. Scale shall be of sufficient size to adequately describe in legible form, all required conditions of Chapter 39, City Subdivision regulations.
- ___ 2. Existing Conditions: The preliminary plat shall show:
 - ___ a. The location of the nearest monument.
 - ___ b. The boundary of the proposed subdivision and the acreage included.
 - ___ c. All property under the control of the subdivider, even though only a portion is being subdivided. (Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted, and the street system of the part submitted shall be considered in light of existing Master Street Plan or other Commission studies.)
 - ___ d. The location, width, and names/numbers of all existing streets within two hundred (200) feet of the subdivision and of all prior streets or other public ways, utility rights of way, parks and other public open spaces, within and adjacent to the tract.
 - ___ e. The location of all wells and springs or seeps, proposed, active and abandoned, and of all reservoirs or ponds within the tract and at a distance of at least one hundred feet (100') beyond the tract boundaries.
 - ___ f. Existing sewers, water mains, culverts, or other underground facilities within the tract, indicating the pipe sizes, grades, manholes and the exact locations.
 - ___ g. Existing Hurricane Canal Company facilities; other ditches, canals, natural drainage channels and open waterways and any proposed realignments.

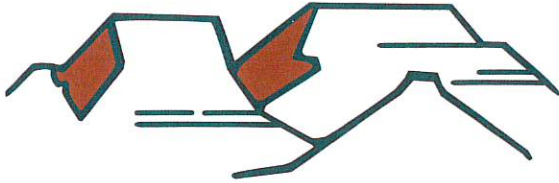
- ____ h. Contours at vertical intervals not greater than five (5) feet.
 - ____ i. Identification of potential geotechnical constraints on the project site (such as expansive rock and soil, collapsible soil, shallow bedrock, and caliche, gypsiferous rock and soil, potentially unstable rock or soil units including fault lines, shallow groundwater, and windblown sand) and recommendations for their mitigation.
 - ____ j. Information on whether property is located in desert tortoise take area
- ____ 3. Proposed Plan: The subdivision plans shall show:
- ____ a. The layout of streets, showing location, widths, and other dimensions of proposed streets, crosswalks, alleys, and easements.
 - ____ b. The layout, numbers, and typical dimensions of lots.
 - ____ c. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.
 - ____ d. Easements for water, sewers, drainage, utilities, lines and other purposes.
 - ____ e. Typical street cross sections and street grades where required by the Planning Commission. (All street grades over 5% should be noted on the preliminary plat)
 - ____ f. A tentative plan or method by which the subdivider proposes to handle the storm water drainage for the subdivision.
 - ____ g. Approximate radius of all center line curves on highways or streets.
 - ____ h. Each lot shall abut a street shown on the subdivision plat or on an existing publicly dedicated street. (Double frontage or flag lots shall be prohibited except where conditions make other design undesirable)
 - ____ i. In general, all remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allow to remain as unusable parcels.
 - ____ j. Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the Planning Commission.
 - ____ k. A letter from both the local sanitary sewer provider and culinary water provider indicating availability of service.
 - ____ l. Will this subdivision be phased? If yes show possible phasing lines.
 - ____ m. A tentative plan or method for providing non-discriminatory access to the subdivision for purposes of placement of communications infrastructure, and for purposes of placement of utility infrastructure.
- ____ 4. Required copies of plans:
- ____ a. Three copies of all full-scale drawings
 - ____ b. One copy of each drawing on a 11 x 17-inch sheets. (8 ½ x 11 is acceptable if the project is small and the plans are readable at that size).
- ____ 5. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property
- ____ 6. Signed and notarized Acknowledgement Water Supply (see attached)

NOTE: It is important that all applicable information noted above is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. A deadline missed due to an incomplete application, could result in a month's delay. Planning Commission meetings are held on the second Thursday and fourth Wednesday of each month at 6:00 p.m. The deadline to submit an application to be placed on an agenda is no later than 12:00 (noon) 20 full calendar days before the Planning Commission meeting at which you plan for your application to be heard.

.....
(Office Use Only)

Date Received: _____ Application Complete: YES _____ NO _____

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



HURRICANE CITY

UTAH

ACKNOWLEDGEMENT OF WATER SUPPLY

I/We, Stratton Development am/are the applicant(s) of the application known as Kolob View Subdivision located on parcel(s) H-3-2-4-127 within the City of Hurricane, Washington County, Utah.

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

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

Dated this 3rd day of October, 2022.

Applicant Name: Stratton Development

Name of Signer (if different from Applicant Name): Donald N. Stratton

Title of Signer: Managing Partner

Signature: Donald N. Stratton

STATE OF Utah

COUNTY OF Washington

On the 3rd day of October, 2022, personally appeared before me Donald N. Stratton, the signer of the above instrument, who duly acknowledged to me that he/she executed the same in the capacity indicated on behalf of the Applicant.

Notary Public: Laura K Lee

My Commission Expires: 9-15-24



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

AFFIDAVIT

PROPERTY OWNER

STATE OF UTAH)

:SS

COUNTY OF)

I (we), Stratton Development, 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.

[Signature]
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 3rd day of October 2022

[Signature]
(Notary Public)

Residing in: Virginia, UT

My Commission Expires: 9-15-24

Agent Authorization



I (we), Stratton Development, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Cole D. Stratton 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.

[Signature]
(Property Owner)

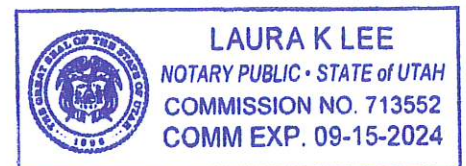
(Property Owner)

Subscribed and sworn to me this 3rd day of October 2022

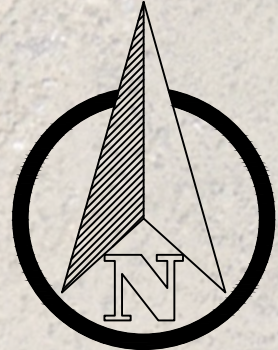
[Signature]
(Notary Public)

Residing in: Virginia, UT

My Commission Expires: 9-15-24



LOCATED IN NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 42 SOUTH, RANGE 13 WEST
SALT LAKE BASE AND MERIDIAN
HURRICANE, UTAH



TOTAL AREA: 9.73 ACRES
ZONE: R1-10
NUMBER OF LOTS: 20
DENSITY: 2.06 LOT/ACRE

REQUIRED SET BACKS	
FRONT	25 FT
SIDE	10 FT
REAR	20 FT
STREET SIDE	20 FT

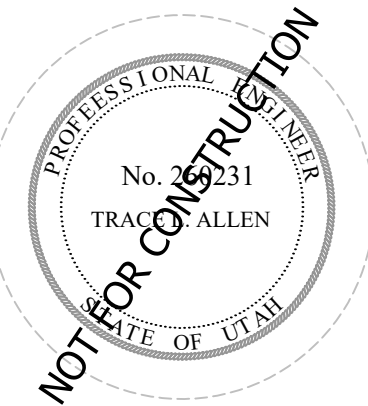
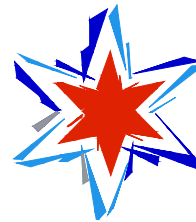
PARCEL ID H-3-2-4-127 BOUNDARY DESCRIPTION

BEGINNING AT THE EAST QUARTER CORNER OF LOT 4, TOWNSHIP 43 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 89°53'38" WEST ALONG THE QUARTER SECTION LINE 1079.71 FEET; THENCE NORTH 0°00'00" EAST 313.39 FEET; THENCE NORTH 90°00'00" EAST 791.40 FEET; THENCE NORTH 0°05'54" EAST 200.69 FEET; THENCE SOUTH 89°48'12" EAST 185.53 FEET; THENCE NORTH 64°35'43" EAST 51.24 FEET; THENCE SOUTH 89°48'12" EAST 29.00 FEET; THENCE NORTH 0°11'48" EAST 845.17 FEET, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF 650 SOUTH STREET; THENCE SOUTH 89°43'30" EAST, ALONG SAID RIGHT OF WAY LINE, 29.00 FEET, TO A POINT ON THE EAST LINE OF SAID SECTION 4; THENCE SOUTH 0°11'48" WEST, ALONG THE SECTION LINE, 1382.36 FEET TO THE POINT OF BEGINNING.

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	52.81	187.50	16.14	N8° 15' 54"E	52.63
C2	205.13	187.50	62.68	N47° 40' 29"E	195.05
C3	35.94	187.50	10.98	N84° 30' 29"E	35.89
C4	39.27	25.00	90.00	S45° 00' 00"E	35.36
C5	39.27	25.00	89.99	S44° 59' 48"W	35.35
C6	22.12	25.00	50.70	N64° 39' 17"W	21.41
C7	43.72	50.00	50.10	N64° 21' 09"W	42.34
C8	79.06	50.00	90.60	S45° 17' 56"W	71.08
C9	79.06	50.00	90.59	N45° 17' 56"W	71.08
C10	43.73	50.00	50.11	S64° 20' 46"W	42.35
C11	22.12	25.00	50.70	S64° 38' 30"W	21.41
C12	39.27	25.00	90.01	N45° 00' 12"W	35.36
C13	39.27	25.00	90.00	S45° 00' 00"W	35.36
C14	19.26	229.00	4.82	S87° 35' 26"W	19.25
C15	88.96	229.00	22.26	S74° 03' 08"W	88.40
C16	250.70	229.00	62.72	S31° 33' 38"W	238.37

LEDGEND	
	PROPERTY LINE
	ADJACENT PROPERTY LINE
	CENTER LINE
	CENTERLINE MONUMENT (TO BE INSTALLED)
	FOUND MONUMENT
	SECTION CORNER

INTERSTATE ROCK



DESIGNED BY TLA

DRAWN BY ____

CHECKED BY CDS

INTERSTATE ROCK PRODUCTS

PRELIMINARY PLAT

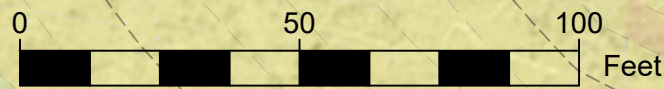
KOLOB VIEWS SUBDIVISION

HURRICANE, UTAH

DATE 04/06/2023

SCALE
1 IN = 80 FT

PROJ. #	PAGE #
300-1468	1



- ### PROPERTY CHARACTERISTICS

- | | |
|--|------------|
| 1. RATIO OF SLOPES GREATER THAN TEN PERCENT: | |
| TOTAL PROPERTY AREA INCLUDING OWNED PROPERTY WITHIN THE 1100 WEST CORRIDOR | 9.73 ACRES |
| TOTAL AREA WITH EXISTING SLOPES GREATER THAN 10% | 4.57 ACRES |
| TOTAL AREA WITH EXISTING SLOPES GREATER THAN 20% | 2.38 ACRES |
| TOTAL AREA WITH EXISTING SLOPES GREATER THAN 30% | 1.25 ACRES |

 **INTERSTATE ROCK**

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



DESIGNED BY TLA
DRAWN BY _____
CHECKED BY _____

INTERSTATE ROCK PRODUCTS
SENSITIVE LANDS MAP
KOLOB VIEWS SUBDIVISION
HURRICANE, UTAH

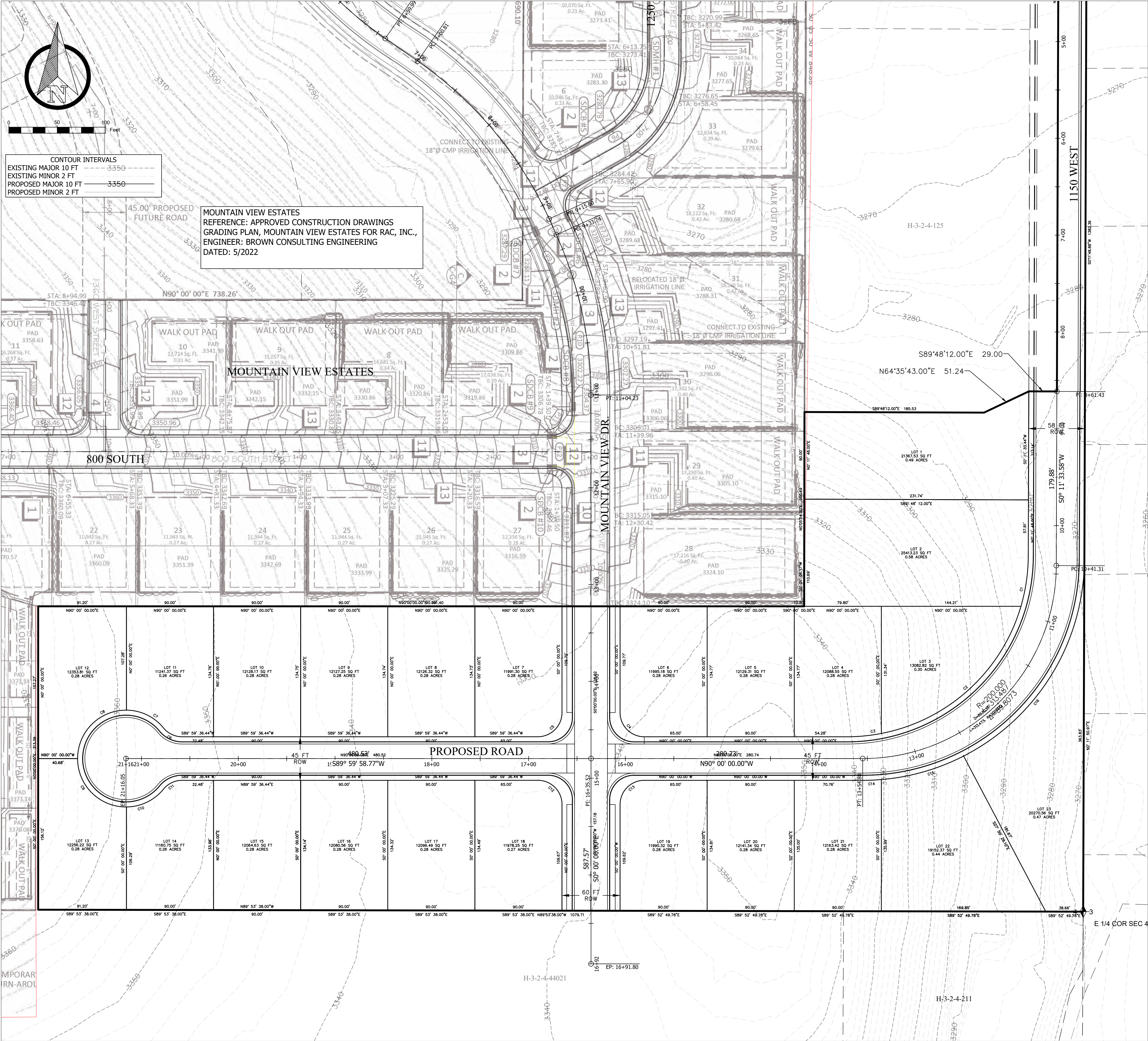
[illegible]

DATE 04/05/2023

SCALE
1 IN = 50 FT

PROJ. #	PAGE #
300-1468	2

Number	Minimum Slope	Maximum Slope	Color	Area (acre)
1	0.00%	5.00%		1.28
2	5.00%	10.00%		3.88
3	10.00%	20.00%		2.19
4	20.00%	30.00%		1.13
5	30.00%	260.91%		1.25



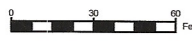
INTERSTATE ROCK
 GENERAL BUILDING & ENGINEERING CONTRACTOR
 42 SOUTH 850 WEST, HURRICANE, UT 84737
 P:435.635.2628 | F:435.635.2177

NOT FOR CONSTRUCTION

DESIGNED BY TJA
 DRAWN BY ---
 CHECKED BY CDS

INTERSTATE ROCK PRODUCTS		GRADING PLAN		KOLOB VIEWS SUBDIVISION		HURRICANE, UTAH	
DATE	03/03/2023	SCALE	1 IN = 50 FT	PROJ. #	300-1468	PAGE #	2
REV.	DATE	DESCRIPTION	BY				

SECTION 4, TOWNSHIP 42S, RANGE 13W, HURRICANE, UTAH



LEGEND

DEFINITION	EXISTING
SURVEY MONUMENTS	
SECTION CORNER AS NOTED	
CLASS I MONUMENT	
CLASS II MONUMENT	
PROPERTY CORNER	

HARDSCAPES/MISC.	
ASPHALT	
CONCRETE	
ISTORIC AREA / DND	
ADA RAMP	
WATERWAY	
30" CURB & GUTTER	
STREET LIGHT	
COMMUNICATION BOX & PEDISTAL	
POWER VAULT & TRANSFORMER	

CURRENT ZONE: R1-10
TOTAL AREA: 9.87 ACRES
RESIDENTIAL UNITS: 20

TOTAL RESIDENTIAL UNITS AREA: 6.92 ACRES
PERCENT: 70.11%

AVERAGE RESIDENTIAL LOT SIZE: .35 ACRES
DENSITY: 2 (UNITS/ACRE)



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

CHECKED BY CDS

INTERSTATE ROCK PRODUCTS, INC.

PRELIMINARY PLAT

KOLOB VIEW SUBDIVISION

850 SOUTH 1300 WEST HURRICANE UTAH

[illegible]

DATE 10/3/2022

SCALE

1"=70'

PROJ. #	PAGE #
3000-1468	C2.0



STAFF COMMENTS

Ordinance 2023-ZC-12: Consideration and possible approval of a **Request for a Variation of Zoning Standards within the Canyon Villas development** for the definition of a park model, which limits each unit's size to 400 sq ft without the issuance of "room additions" by a building permit. This variation would allow the applicant to develop a park model development with larger units. The approved 180 units and density remains the same. Located at approximately 250 N and 2800 W. Sunwood Homes of Southern Utah Applicant. James Jessop Agent.

Discussion:

The applicant is proposing an amendment to the Canyons RV PDO to allow for larger park model units within the Canyons Villa (formerly Canyons del Sol). Hurricane City Code restricts the maximum size of a park model unit to 400 sq ft unless an addition is built with a building permit. Per HCC 10-23-6: "Variations from applicable development standards of an underlying zone and chapter 39 of this title may be approved as part of a preliminary site plan for a planned development pursuant to the provisions of this chapter." and HCC 10-23-7 states: "Amendments to approved plans and specifications shall be obtained by following the procedure required for preliminary plan approval."

The applicant also seeks to clarify the roadway requirements. Under the preliminary site plan application staff was concerned about lack of sidewalks. The applicant is proposing to put sidewalks behind and between the units, creating shared common open space with sidewalk connections within the community.

Canyons RV is an older development, first approved in the 1980s, that has gone through a series of different development proposals and zoning standards. Generally, at this point the Canyons is governed by the Mobile Home/Recreational Vehicle Park standards unless otherwise modified through the Planned Development Overlay.

The Planning Commission recommended approval of the requested PDO variation with the change that the size of the park model units be limited to 800 sq ft or two bedrooms. There was a concern that a three bedroom park model would increase the parking demand within the development too much.

Findings:

Recommendation:

Attachments:

1. Ordinance 2023-ZC-12 Canyon Villas
2. 2023-ZC-12 App
3. 2023-ZC-12 Canyon Villas (1) (1)
4. Pacel H-3-1-32-44071 Recorded Warranty Deed
5. 2023-04-21 Hurricane City Zoning Board Letter Final Draft

6. 230502_CANYON VILLAS PRELIMINARY DESIGN PACKAGE - Reduced File Size
7. Champion Genesis Home Packet - Reduced File Size
8. Hurricane Build Dept_20230519_120802
9. 22290 Canyon Villas_ZV_050323

ORDINANCE NO 2023-ZC-12

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE APPROVING THE REZONE
FOR THE CANYON VILLAS, CURRENT PDO, PLANNED DEVELOPMENT OVERLAY,
TO ALLOW FOR LARGER PARK MODEL UNITS AND INTERIOR ROADWAY CROSS
SECTIONS

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 proposal will not have a negative impact on the surrounding area; AND

WHEREAS, where as the Planning Commission gave a positive recommendation on the
proposals subject to Joint Utility Committee and staff's report.

**BE IT ORDAINED BY THE CITY COUNCIL OF HURRICANE CITY THAT THE
FOLLOWING VARIATIONS BE APPROVED FOR THE CANYON VILLAS
DEVELOPMENT:**

1. Allow for up to 800 sq ft or two bedroom park model units
2. Allow for the proposed 34' cross section within the development.

PASSED AND APPROVED on this ____ day of _____ 2023.

Hurricane City

Nanette Billings, Mayor

Attest:

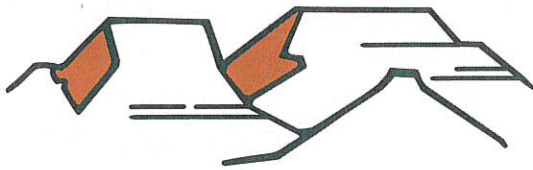
Cindy Beteag, City Recorder

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 June 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:

	Absent	Yea	Nay	Abstain
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

Variance to Park Model Definition
Canyon Villas

For office use only: \$500.00 Fee

File No. 2023-2C-12

Receipt No. 8-168474

Name: Sunwood Homes of Southern Utah Inc Telephone: 435-705-0831

Address: 1791 Nuteam Cir, Washington, UT 84780 Fax No. _____

Email: james@sunwoodhomes.com Agent Email: bwalker@civilsience.com

Agent (If Applicable): James Jessop Telephone: 435-705-0831

Address/Location of Subject Property: 2800 West

Tax ID of Subject Property: H-3-1-32-44071 Existing Zone District: MHRV

Proposed Zoning District and reason for the request (Describe, use extra sheet if necessary) Requesting a
variance to the definition of Park Model as defined by City Code limiting the size to 400 SF without
an issuance of "room additions" by building permit. The approved 180 units and density remains the same.

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 350 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 and fourth Thursday of each month at 6:00 p.m. The deadline for a regular zone change application is 14 days. The deadline for a PDO zone change is 20 days. 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)

COUNTY OF

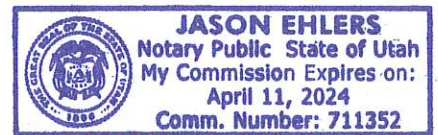
Washington

I (we), James Jessop & Royce Jessop, 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.

James Jessop
(Property Owner)
Royce Jessop
(Property Owner)

Subscribed and sworn to me this 3 day of May 2023

Jason Ehlers
(Notary Public)
Residing in: La Verkin, UT
My Commission Expires: 4-11-2024



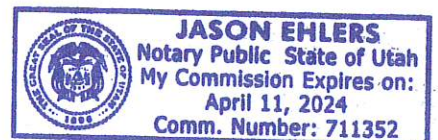
Agent Authorization

I (we), James Jessop & Royce Jessop, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) James Jessop 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.

James Jessop
(Property Owner)
Royce Jessop
(Property Owner)

Subscribed and sworn to me this 3 day of May 2023

Jason Ehlers
(Notary Public)
Residing in: La Verkin, UT
My Commission Expires: 4-11-2024



AFFIDAVIT
PROPERTY OWNER

STATE OF UTAH)

COUNTY OF Washington :SS

I (we), S. Bret Hawcroft & Stephen E. Hawcroft

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.

[Signature]
(Property Owner)

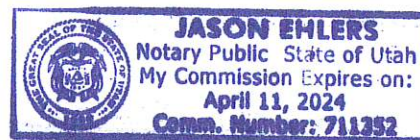
[Signature]
(Property Owner)

Subscribed and sworn to me this 3 day of May 2023

[Signature]
(Notary Public)

Residing in: La Verkin, UT

My Commission Expires: 4-11-2024



Agent Authorization

I (we), S. Bret Hawcroft & Stephen E. Hawcroft

the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) S. Bret Hawcroft 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.

[Signature]
(Property Owner)

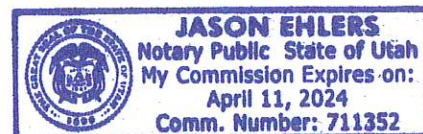
[Signature]
(Property Owner)

Subscribed and sworn to me this 3 day of May 2023

[Signature]
(Notary Public)

Residing in: La Verkin, UT

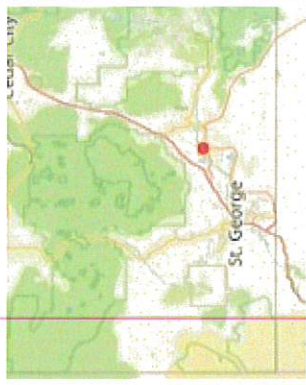
My Commission Expires: 4-11-2024



TAX_ID	NAME	ADDRESS	CITY	STATE	ZIP
H-CRV-1-144	● AINSLIE MICHAEL ANTHONY	144 ASH ST	HURRICANE	UT	84737
H-CRV-1-146	● ANDERSON SALLY C TR	146 ASH ST	HURRICANE	UT	84737
H-CRV-1-135	● ANDREWS KATHY	135 ASH ST	HURRICANE	UT	84737
H-SKRS-12-L-184	● ARNOLD GREGORY E & SHELLEY R	233 N 2720 W	HURRICANE	UT	84737
H-SKRS-9-B-I-102	● BARBER ROBERT E TR, BARBER MARGARET R TR	2729 W 310 N	HURRICANE	UT	84737
H-SKRS-12-L-177	● BARNES JOHN W & RAYLEEN H TRS	2696 W 235 N	HURRICANE	UT	84737
H-CRV-1-133	● BEAVERTAIL INC	4732 HWY 34	WAYAN	ID	83285
H-SKRS-12-L-180	● BLACK DIAMOND RENTALS LLC	2150 N CENTER ST	LEHI	UT	84043-5429
H-SKRS-12-L-191	● BOWLING BRENT & DIANE D TRS	2686 W 220 N	HURRICANE	UT	84737
H-SKRS-11-K-165	● BRIGGS MELVIN S & CLAUDIA G TRS	2710 W 245 N	HURRICANE	UT	84737
H-CRV-1-149	● BULLOCK LOUANA & TAMRA	3657 S SUMMERTIME PL	WEST VALLEY CITY	UT	84120
H-CRV-1-COMMON-PT-A	● CANYONS RV HOMEOWNERS ASSN	1240 E 100 S # 10	SAINT GEORGE	UT	84770
H-SKRS-12-L-186	● CHRISTIANSEN ERIC C TR, CHRISTIANSEN LORI K TR	221 N 2720 W	HURRICANE	UT	84737
H-SKRS-11-K-166	● CLINE ROBERT M & PAMELA S TRS	2713 W 245 N	HURRICANE	UT	84737
H-SKRS-12-L-190	● CORDON PAMELA A & BRENT	4893 S 6300 W	HOOPER	UT	84315
H-CRV-1-141	● DEUEL GEORGE B	141 ASH ST	HURRICANE	UT	84737-3439
H-SKRS-16-P-263	● EARLY MARK TR, EARLY CATHERINE L TR	271 N 2780 W	HURRICANE	UT	84737
H-SKRS-11-K-162	● EBERLINE LOREN LEE & RITA A TRS	2110 HWY 91 S	DILLON	MT	59725
H-SKRS-16-P-270	● EDWARDS THERALD & LOUETTA	2749 W 270 N	HURRICANE	UT	84737
H-CRV-1-148	● ELDREDGE DAVID G, ELDREDGE LINDA L	10842 S MEADOW RIVER CIR	SANDY	UT	84070
H-SKRS-10-J-151	● ERICKSON TARA DOLORES	257 N 2720 W	HURRICANE	UT	84737
H-CRV-1-63	● FACER LLOYD H & JERRY R TRS	1000 CANYON RD	SMITHFIELD	UT	84335-1014
H-SKRS-12-L-192	● FRONKO STEVEN J, FRONKO SHERRI S	PO BOX 734	HURRICANE	UT	84737-0734
H-CRV-1-65	● GARDNER BRENT & RHONDA TRS	1404 EASTPOINT DR	SANDY	UT	84092
H-SKRS-12-L-183	● GARDNER ROBERT & MICHELLE	237 N 2720 W	HURRICANE	UT	84737
H-CRV-1-130	● GRAYS LAKE LAND & CATTLE INC	4732 HWY 34	WAYAN	ID	83285
H-SKRS-16-P-269	● GUTHRIE BRET & DEBBIE	2750 W 270 N	HURRICANE	UT	84737
H-SKRS-16-P-272	● HAMM TERRY E & KRISTIN D	2739 W 270 N	HURRICANE	UT	84737
H-SKRS-11-K-163	● HEINER MARK G & MARILYN C	2704 W 245 N	HURRICANE	UT	84737
H-3-1-32-341	● HILL SCOTT C & CAROL S	876 HIGH COUNTRY DR	OREM	UT	84097
H-SKRS-10-J-149	● HODGE ROBERT J & LINDA D TRS	2729 W 270 N	HURRICANE	UT	84737
H-3-1-31-1109	HURRICANE CITY	147 N 870 W	HURRICANE	UT	84737-1671
H-CRV-1-143	● JAB PROPERTIES LLC	595 N 1300 E	SAINT GEORGE	UT	84770
H-CRV-1-61	● JACKSON GEORGE R & HELEN W TRS	2264 COUNTRYSIDE LANE	WEST JORDAN	UT	84084-2021
H-CRV-1-136	● JACOBSON DAVID, JACOBSON JULIE	PO BOX 548	ASHTON	ID	83420
H-CRV-1-139	● JENSEN JACK & CINDRA	1537 S 2950 W	VERNAL	UT	84078
H-CRV-1-62	● JOHNSON GREG & DEBBIE	62 CINDER CIR	HURRICANE	UT	84737-3434
H-CRV-1-142	● JOHNSON KEITH R & CONSTANCE M	4750 EVERGREEN AVE	WISCONSIN RAPIDS	WI	54494-8304
H-SKRS-11-K-154	● JONES CHRISTINE M	91 DENNIS RD	OSWEGO	NY	13126
H-CRV-1-137	● KELLER DOUGLAS A & VIRGINA J	137 ASH ST	HURRICANE	UT	84737
H-SKRS-10-J-147	● KEMP JENNIFER LYNN	2728 W 270 N	HURRICANE	UT	84737
H-CRV-1-67	● KIRK THOMAS D & CONNIE D	67 CINDER	HURRICANE	UT	84737
H-SKRS-12-L-178	● KLEEN DARREL W & CAROL L TRS	2624 W 230 N	HURRICANE	UT	84737
H-SKRS-16-P-266	● LANNERS PATRICIA K, LANNERS NICHOLAS PATRICK, LANNERS EMMA LEIGH	2771 W 270 N	HURRICANE	UT	84737
H-SKRS-10-J-145	● LEFEVRE DAVID O & CRISTINE	2714 W 270 N	HURRICANE	UT	84737
H-SKRS-12-L-187	● LITTLE PAUL B & PATSY W	2714 W 220	HURRICANE	UT	84737
H-SKRS-10-J-150	● MEYERS DONALD G, YOUNG MARILLYN JEAN	261 N 2720 W	HURRICANE	UT	84737
H-3-1-31-1111	● MIDDON LLC	1842 S 3430 E	SAINT GEORGE	UT	84790
H-SKRS-12-L-182	● MILLER DONALD L TR	2713 W 235 N	HURRICANE	UT	84737
H-CRV-1-64	● MOODY CALE E & REBECCA J	64 CINDER CIR	HURRICANE	UT	84737
H-SKRS-16-P-268	● MORTENSEN DAVID, PROCHASKA ALICE	2759 W 270 N	HURRICANE	UT	84737
H-SKRS-16-P-265	● NELSON BRIAN E & JANET L	2774 W 270 N	HURRICANE	UT	84737
H-SKRS-11-K-164	● NIELSON KIM R & GAYLE R TRS	2703 W 245 N	HURRICANE	UT	84737
H-SKRS-10-J-148	● NORTH CUTT JERRY K & BONNIE J TRS	2715 W 270 N	HURRICANE	UT	84737
H-SKRS-11-K-153	● OWENS PHILLIP JOHN & EARLEEN S	247 N 2720 W	HURRICANE	UT	84737
H-SKRS-15-O-256	● PALMER DANIEL & KIM	2739 W 310 N	HURRICANE	UT	84737
H-SKRS-15-O-252	● PIEL DONALD DEAN & LINDA MARIE TRS	2761 W 310 N	HURRICANE	UT	84737
H-SKRS-16-P-262	● RASMUSSEN RONALD V & DAUNA M, ROLLINS QUENTIN L & DEIDRE A	279 N 2780 W	HURRICANE	UT	84737
H-SKRS-16-P-267	● RICHMOND KENNETH P & DEANNA	2762 W 270 N	HURRICANE	UT	84737
H-CRV-1-159	● ROBINSON SCOTT & MARIE CAROLINE	66 CINDER ST	HURRICANE	UT	84737
H-SKRS-10-J-146	● RODRIGUEZ-STOECKER ANA MARIA, WILLIAMSON ANDREW	2711 W 270 N	HURRICANE	UT	84737
H-SKRS-10-J-144	● ROGALLE LOU	2705 W 270 N	HURRICANE	UT	84737
H-CRV-1-3	● SCH PROPERTIES LLC	876 HIGH COUNTRY DR	OREM	UT	84097
H-3-1-31-11011	● SCHNIPPEL MARK A TR, CHERSUS HOLDINGS LLC, WOOD WENDY R TR	PO BOX 777895	HENDERSON	NV	89077
H-SKRS-11-K-152	● SCHOW BOYD L & LOIS E TRS	251 N 2720 W	HURRICANE	UT	84737
H-CRV-1-138	● SEWELL RONALD E, SEWELL DIANA J	677 E 4625 S	OGDEN	UT	84403
H-SKRS-15-O-254	● SHIPLEY RACHAEL & AUSTIN JAMES	2749 W 310 N	HURRICANE	UT	84737
H-3-1-32-44071	● SUNWOOD HOMES OF SOUTHERN UTAH INC	1791 E NUTEAM CIR	WASHINGTON	UT	84780
H-3-1-31-1104	● SWISS SEVEN LLC	590 E SAINT GEORGE BLVD	SAINT GEORGE	UT	84770
H-SKRS-16-P-264	● TANNER CAROL A & CELEN C	2779 W 270 N	HURRICANE	UT	84737
H-CRV-1-145	● TERRY TIFFANY	3276 E RED CEDAR DR	SAINT GEORGE	UT	84790
H-SKRS-12-L-189	● THOMAS ROBERT	2702 W 220 N	HURRICANE	UT	84737
H-SKRS-15-O-261	● THOMPSON RICHARD & CRYSTAL TRS	2578 W 225 N	HURRICANE	UT	84737
H-3-1-32-44021	● UTAH DEPT OF TRANSPORTATION	4501 S 2700 W	SALT LAKE CITY	UT	84114
H-3-1-32-4409	● VE MGMT & INVESTMENT CO LC	1240 E 100 S STE 12	SAINT GEORGE	UT	84790
H-SKRS-12-L-179	● WAGNER KENNETH A, WAGNER SHARLYN D	2706 W 235 N	HURRICANE	UT	84737
H-CRV-1-140	● WEAVER RICHARD AKA RICK & SUSAN E TRS	2960 SILVER CREEK RD LOT # 1	BULLHEAD CITY	AZ	86442
H-SKRS-12-L-188	● WEST DAVID JAMES TR, WEST MARYJANE TR	PO BOX 477	SPRINGDALE	UT	84767
H-CRV-1-114	● WESTERN COMMERCIAL REAL ESTATE PLLC	1400 CHAPEL ST # 596	SANTA CLARA	UT	84765
H-CRV-1-168-PT-A	● WESTERN COMMERCIAL REAL ESTATE PLLC	3452 SAGEBRUSH DR	SANTA CLARA	UT	84765
H-SKRS-15-O-250	● WILCOX DOUGLAS LEON & GRACIE TOME	2773 W 310 N	HURRICANE	UT	84737
H-SKRS-12-L-185	● WILLIAMS FREDERICK J TR, WILLIAMS INGRID E TR	227 N 2720 W	HURRICANE	UT	84737
H-CRV-1-147	● WILSON JOHN CLYDE TR	1715 W TETON BLVD	GREEN RIVER	WY	82935
H-SKRS-11-K-167	● WINSLOW REBECCA L TR	2714 W 245 N	HURRICANE	UT	84737
H-SKRS-16-P-271	● WOOD KRISCHELLE RAE & MITCHELL LAMEN	2738 W 270 N	HURRICANE	UT	84737
H-SKRS-12-L-181	● YERGENSEN PHILIP E & JANICE E	2714 W 235 N	HURRICANE	UT	84737



Zoning Variance



Legend

Parcels

Ownership

U.S. Forest Service

U.S. Forest Service Wilderness

Bureau of Land Management

Bureau of Land Management Wide

National Park Service

Shiwiits Reservation

Utah Division of Wildlife Resources

Utah Division of Transportation

State Park

State of Utah

Washington County

Municipally Owned

School District

Privately Owned

Water

Water Conservancy District

State Assessed Oil and Gas

Mining Claim

Notes

Canyon Villas
350' Radius
5/03/2023



752.3 376.17 752.3 Feet



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.

JENSEN JACK & CINDRA
H-CRV-1-139
1537 S 2950 W
VERNAL, UT 84078

MEYERS DONALD G, ET AL
H-SKRS-10-J-150
261 N 2720 W
HURRICANE, UT 84737

WILSON JOHN CLYDE TR
H-CRV-1-147
1715 W TETON BLVD
GREEN RIVER, WY 82935

FACER LLOYD H & JERRY R TRS
H-CRV-1-63
1000 CANYON RD
SMITHFIELD, UT 84335-1014

WESTERN COMMERCIAL REAL ESTATE PLLC
H-CRV-1-168-PT-A
3452 SAGEBRUSH DR
SANTA CLARA, UT 84765

KEMP JENNIFER LYNN
H-SKRS-10-J-147
2728 W 270 N
HURRICANE, UT 84737

SWISS SEVEN LLC
H-3-1-31-1104
590 E SAINT GEORGE BLVD
SAINT GEORGE, UT 84770

NELSON BRIAN E & JANET L
H-SKRS-16-P-265
2774 W 270 N
HURRICANE, UT 84737

HURRICANE CITY
H-3-1-31-1109
147 N 870 W
HURRICANE, UT 84737-1671

CANYONS RV HOMEOWNERS ASSOCIATION
H-CRV-1-COMMON-A
1240 E 100 S # 10
SAINT GEORGE, UT 84770

CANYONS RV HOMEOWNERS ASSOCIATION
H-CRV-1-COMMON-A
1240 E 100 S # 10
SAINT GEORGE, UT 84770

GARDNER BRENT & RHONDA TRS
H-CRV-1-65
1404 EASTPOINT DR
SANDY, UT 84092

SUNWOOD HOMES OF SOUTHERN UTAH INC
H-3-1-32-44071
1791 E NUTEAM CIR
WASHINGTON, UT 84780

BEAVERTAIL INC
H-CRV-1-134
4732 HWY 34
WAYAN, ID 83285

BARBER ROBERT E TR, ET AL
H-SKRS-9-B-I-102
2729 W 310 N
HURRICANE, UT 84737

WEAVER RICHARD AKA RICK & SUSAN E TRS
H-CRV-1-140
2960 SILVER CREEK RD LOT # 1
BULLHEAD CITY, AZ 86442

EARLY MARK TR, ET AL
H-SKRS-16-P-263
271 N 2780 W
HURRICANE, UT 84737

EBERLINE LOREN LEE & RITA A TRS
H-SKRS-11-K-162
2110 HWY 91 S
DILLON, MT 59725

ROBINSON SCOTT & MARIE CAROLINE
H-CRV-1-159
66 CINDER ST
HURRICANE, UT 84737

BEAVERTAIL INC
H-CRV-1-151
4732 HWY 34
WAYAN, ID 83285

SCHOW BOYD L & LOIS E TRS
H-SKRS-11-K-152
251 N 2720 W
HURRICANE, UT 84737

SCH PROPERTIES LLC
H-CRV-1-4
876 HIGH COUNTRY DR
OREM, UT 84097

WAGNER KENNETH A, ET AL
H-SKRS-12-L-179
2706 W 235 N
HURRICANE, UT 84737

WESTERN COMMERCIAL REAL ESTATE PLLC
H-CRV-1-118
1400 CHAPEL ST # 596
SANTA CLARA, UT 84765

JOHNSON KEITH R & CONSTANCE M
H-CRV-1-142
4750 EVERGREEN AVE
WISCONSIN RAPIDS, WI 54494-8304

KELLER DOUGLAS A & VIRGINA J
H-CRV-1-137
137 ASH ST
HURRICANE, UT 84737

BOWLING BRENT & DIANE D TRS
H-SKRS-12-L-191
2686 W 220 N
HURRICANE, UT 84737

ROGALLE LOU
H-SKRS-10-J-144
2705 W 270 N
HURRICANE, UT 84737

PIEL DONALD DEAN & LINDA MARIE TRS
H-SKRS-15-O-252
2761 W 310 N
HURRICANE, UT 84737

MORTENSEN DAVID, ET AL
H-SKRS-16-P-268
2759 W 270 N
HURRICANE, UT 84737

LANNERS PATRICIA K, ET AL
H-SKRS-16-P-266
2771 W 270 N
HURRICANE, UT 84737

SCH PROPERTIES LLC
H-CRV-1-3
876 HIGH COUNTRY DR
OREM, UT 84097

SCH PROPERTIES LLC
H-CRV-1-2
876 HIGH COUNTRY DR
OREM, UT 84097

SHIPLEY RACHAEL & AUSTIN JAMES
H-SKRS-15-O-254
2749 W 310 N
HURRICANE, UT 84737

AINSLIE MICHAEL ANTHONY
H-CRV-1-144
144 ASH ST
HURRICANE, UT 84737

GUTHRIE BRET & DEBBIE
H-SKRS-16-P-269
2750 W 270 N
HURRICANE, UT 84737

WESTERN COMMERCIAL REAL ESTATE PLLC, E
H-3-1-32-343
1400 CHAPEL ST UNIT 596
SANTA CLARA, UT 84765-7023

JAB PROPERTIES LLC
H-CRV-1-143
595 N 1300 E
SAINT GEORGE, UT 84770

GRAYS LAKE LAND & CATTLE INC
H-CRV-1-130
4732 HWY 34
WAYAN, ID 83285

WESTERN COMMERCIAL REAL ESTATE PLLC
H-CRV-1-116
1400 CHAPEL ST # 596
SANTA CLARA, UT 84765

CANYONS RV HOMEOWNERS ASSOCIATION
H-CRV-1-COMMON-A
1240 E 100 S # 10
SAINT GEORGE, UT 84770

BEAVERTAIL INC
H-CRV-1-152
4732 HWY 34
WAYAN, ID 83285

WEST DAVID JAMES TR, ET AL
H-SKRS-12-L-188
PO BOX 477
SPRINGDALE, UT 84767

NIELSON KIM R & GAYLE R TRS
H-SKRS-11-K-164
2703 W 245 N
HURRICANE, UT 84737

RODRIGUEZ-STOECKER ANA MARIA, ET AL
H-SKRS-10-J-146
2711 W 270 N
HURRICANE, UT 84737

JONES CHRISTINE M
H-SKRS-11-K-154
91 DENNIS RD
OSWEGO, NY 13126

BEAVERTAIL INC
H-CRV-1-125
4732 HWY 34
WAYAN, ID 83285

LITTLE PAUL B & PATSY W
H-SKRS-12-L-187
2714 W 220
HURRICANE, UT 84737

WOOD KRISCHELLE RAE & MITCHELL LAMEN
H-SKRS-16-P-271
2738 W 270 N
HURRICANE, UT 84737

WESTERN COMMERCIAL REAL ESTATE PLLC
H-CRV-1-121
1400 CHAPEL ST # 596
SANTA CLARA, UT 84765

SCH PROPERTIES LLC
H-CRV-1-1
876 HIGH COUNTRY DR
OREM, UT 84097

KLEEN DARREL W & CAROL L TRS
H-SKRS-12-L-178
2624 W 270 N
HURRICANE, UT 84737

WESTERN COMMERCIAL REAL ESTATE PLLC
H-CRV-1-114
1400 CHAPEL ST # 596
SANTA CLARA, UT 84765

UTAH DEPT OF TRANSPORTATION
H-3-1-32-44021
4501 S 2700 W
SALT LAKE CITY, UT 84114

GARDNER ROBERT & MICHELLE
H-SKRS-12-L-183
237 N 2720 W
HURRICANE, UT 84737

TANNER CAROL A & CLELEN C
H-SKRS-16-P-264
2779 W 270 N
HURRICANE, UT 84737

WESTERN COMMERCIAL REAL ESTATE PLLC
H-CRV-1-123
1400 CHAPEL ST # 596
SANTA CLARA, UT 84765

HAMM TERRY E & KRISTIN D
H-SKRS-16-P-272
2739 W 270 N
HURRICANE, UT 84737

ELDRIDGE DAVID G, ET AL
H-CRV-1-148
10842 S MEADOW RIVER CIR
SANDY, UT 84070

BULLOCK LOUANA & TAMRA
H-CRV-1-149
3657 S SUMMERTIME PL
WEST VALLEY CITY, UT 84120

BEAVERTAIL INC
H-CRV-1-133
4732 HWY 34
WAYAN, ID 83285

WESTERN COMMERCIAL REAL ESTATE PLLC
H-CRV-1-10
3452 SAGEBRUSH DR
SANTA CLARA, UT 84765

RICHMOND KENNETH P & DEANNA
H-SKRS-16-P-267
2762 W 270 N
HURRICANE, UT 84737

KIRK THOMAS D & CONNIE D
H-CRV-1-67
67 CINDER
HURRICANE, UT 84737

ARNOLD GREGORY E & SHELLEY R
H-SKRS-12-L-184
233 N 2720 W
HURRICANE, UT 84737

DEUEL GEORGE B
H-CRV-1-141
141 ASH ST
HURRICANE, UT 84737-3439

WILCOX DOUGLAS LEON & GRACIE TOME
H-SKRS-15-O-250
2773 W 310 N
HURRICANE, UT 84737

ERICKSON TARA DOLORES
H-SKRS-10-J-151
257 N 2720 W
HURRICANE, UT 84737

JOHNSON GREG & DEBBIE
H-CRV-1-62
62 CINDER CIR
HURRICANE, UT 84737-3434

WESTERN COMMERCIAL REAL ESTATE PLLC
H-CRV-1-115
1400 CHAPEL ST # 596
SANTA CLARA, UT 84765

GRAYS LAKE LAND & CATTLE INC
H-CRV-1-126
4732 HWY 34
WAYAN, ID 83285

VE MGMT & INVESTMENT CO LC
H-3-1-32-4409
1240 E 100 S STE 12
SAINT GEORGE, UT 84790

HODGE ROBERT J & LINDA D TRS
H-SKRS-10-J-149
2729 W 270 N
HURRICANE, UT 84737

HILL SCOTT C & CAROL S
H-3-1-32-342
876 HIGH COUNTRY DR
OREM, UT 84097

ROBINSON SCOTT & MARIE CAROLINE
H-CRV-1-66
66 CINDER ST
HURRICANE, UT 84737

SCH PROPERTIES LLC
H-CRV-1-9
876 HIGH COUNTRY DR
OREM, UT 84097

ANDERSON SALLY C TR
H-CRV-1-146
146 ASH ST
HURRICANE, UT 84737

SCH PROPERTIES LLC
H-CRV-1-8
876 HIGH COUNTRY DR
OREM, UT 84097

MIDDON LLC
H-3-1-31-1111
1842 S 3430 E
SAINT GEORGE, UT 84790

BEAVERTAIL INC
H-CRV-1-155
4732 HWY 34
WAYAN, ID 83285

MOODY CALE E & REBECCA J
H-CRV-1-64
64 CINDER CIR
HURRICANE, UT 84737

BEAVERTAIL INC
H-CRV-1-124
4732 HWY 34
WAYAN, ID 83285

JACOBSON DAVID, ET AL
H-CRV-1-136
PO BOX 548
ASHTON, ID 83420

SEWELL RONALD E, ET AL
H-CRV-1-138
677 E 4625 S
OGDEN, UT 84403

BEAVERTAIL INC
H-CRV-1-158
4732 HWY 34
WAYAN, ID 83285

SCH PROPERTIES LLC
H-CRV-1-6
876 HIGH COUNTRY DR
OREM, UT 84097

NORTHCUTT JERRY K & BONNIE J TRS
H-SKRS-10-J-148
2715 W 270 N
HURRICANE, UT 84737

BEAVERTAIL INC
H-CRV-1-156
4732 HWY 34
WAYAN, ID 83285

GRAYS LAKE LAND & CATTLE INC
H-CRV-1-132
4732 HWY 34
WAYAN, ID 83285

GRAYS LAKE LAND & CATTLE INC
H-CRV-1-129
4732 HWY 34
WAYAN, ID 83285

YERGENSEN PHILIP E & JANICE E
H-SKRS-12-L-181
2714 W 235 N
HURRICANE, UT 84737

CHRISTIENSEN ERIC C TR, ET AL
H-SKRS-12-L-186
221 N 2720 W
HURRICANE, UT 84737

OWENS PHILLIP JOHN & EARLEEN S
H-SKRS-11-K-153
247 N 2720 W
HURRICANE, UT 84737

GRAYS LAKE LAND & CATTLE INC
H-CRV-1-127
4732 HWY 34
WAYAN, ID 83285

CLINE ROBERT M & PAMELA S TRS
H-SKRS-11-K-166
2713 W 235 N
HURRICANE, UT 84737

WESTERN COMMERCIAL REAL ESTATE PLLC
H-CRV-1-120
1400 CHAPEL ST # 596
SANTA CLARA, UT 84765

BEAVERTAIL INC
H-CRV-1-153
4732 HWY 34
WAYAN, ID 83285

BARNES JOHN W & RAYLEEN H TRS
H-SKRS-12-L-177
2696 W 235 N
HURRICANE, UT 84737

WINSLOW REBECCA L TR
H-SKRS-11-K-167
2714 W 245 N
HURRICANE, UT 84737

WESTERN COMMERCIAL REAL ESTATE PLLC
H-CRV-1-150
1400 CHAPEL ST # 596
SANTA CLARA, UT 84765

WILLIAMS FREDERICK J TR, ET AL
H-SKRS-12-L-185
227 N 2720 W
HURRICANE, UT 84737

THOMPSON RICHARD & CRYSTAL TRS
H-SKRS-15-O-261
2578 W 225 N
HURRICANE, UT 84737

BRIGGS MELVIN S & CLAUDIA G TRS
H-SKRS-11-K-165
2710 W 245 N
HURRICANE, UT 84737

WESTERN COMMERCIAL REAL ESTATE PLLC
H-CRV-1-122
1400 CHAPEL ST # 596
SANTA CLARA, UT 84765

THOMAS ROBERT
H-SKRS-12-L-189
2702 W 220 N
HURRICANE, UT 84737

BEAVERTAIL INC
H-CRV-1-160
4732 HWY 34
WAYAN, ID 83285

CANYONS RV HOMEOWNERS ASSN
H-CRV-1-COMMON-PT-A
1240 E 100 S # 10
SAINT GEORGE, UT 84770

CANYONS RV HOMEOWNERS ASSOCIATION
H-CRV-1-COMMON-A
1240 E 100 S # 10
SAINT GEORGE, UT 84770

LEFEVRE DAVID O & CRISTINE
H-SKRS-10-J-145
2714 W 270 N
HURRICANE, UT 84737

BEAVERTAIL INC
H-CRV-1-157
4732 HWY 34
WAYAN, ID 83285

WESTERN COMMERCIAL REAL ESTATE PLLC
H-CRV-1-117
1400 CHAPEL ST # 596
SANTA CLARA, UT 84765

TERRY TIFFANY
H-CRV-1-145
3276 E RED CEDAR DR
SAINT GEORGE, UT 84790

JACKSON GEORGE R & HELEN W TRS
H-CRV-1-61
2264 COUNTRYSIDE LANE
WEST JORDAN, UT 84084-2021

SCH PROPERTIES LLC
H-CRV-1-5
876 HIGH COUNTRY DR
OREM, UT 84097

SCH PROPERTIES LLC
H-CRV-1-7
876 HIGH COUNTRY DR
OREM, UT 84097

BLACK DIAMOND RENTALS LLC
H-SKRS-12-L-180
2150 N CENTER ST
LEHI, UT 84043-5429

MILLER DONALD L TR
H-SKRS-12-L-182
2713 W 235 N
HURRICANE, UT 84737

FRONKO STEVEN J, ET AL
H-SKRS-12-L-192
PO BOX 734
HURRICANE, UT 84737-0734

WESTERN COMMERCIAL REAL ESTATE PLLC
H-CRV-1-119
1400 CHAPEL ST # 596
SANTA CLARA, UT 84765

SCHNIPPEL MARK A TR, ET AL
H-3-1-31-11011
PO BOX 777895
HENDERSON, NV 89077

GRAYS LAKE LAND & CATTLE INC
H-CRV-1-131
4732 HWY 34
WAYAN, ID 83285

GRAYS LAKE LAND & CATTLE INC
H-CRV-1-128
4732 HWY 34
WAYAN, ID 83285

HILL SCOTT C & CAROL S
H-3-1-32-341
876 HIGH COUNTRY DR
OREM, UT 84097

PALMER DANIEL & KIM
H-SKRS-15-O-256
2739 W 310 N
HURRICANE, UT 84737

BEAVERTAIL INC
H-CRV-1-154
4732 HWY 34
WAYAN, ID 83285

EDWARDS THERALD & LOUETTA
H-SKRS-16-P-270
2749 W 270 N
HURRICANE, UT 84737

CORDON PAMELA A & BRENT
H-SKRS-12-L-190
4893 S 6300 W
HOOPER, UT 84315

ANDREWS KATHY
H-CRV-1-135
135 ASH ST
HURRICANE, UT 84737

RASMUSSEN RONALD V & DAUNA M, ET AL
H-SKRS-16-P-262
279 N 2780 W
HURRICANE, UT 84737

HEINER MARK G & MARILYN C
H-SKRS-11-K-163
2704 W 245 N
HURRICANE, UT 84737



STAFF COMMENTS

Agenda Date:	06/01/2023
Application Number:	2023-ZC-12
Type of Application:	Zone Change (PDO Amendment)
Action Type:	Legislative
Applicant:	Sunwood Homes of Southern Utah Inc
Agent:	James Jessop
Request:	A Zone Change to amend an existing PDO
Location:	250 N 2800 W
Zoning:	MHRV PDO
General Plan Map:	Single Family

Update 06/01/2023: The Planning Commission recommended approval of the requested PDO variation with the change that the size of the park model units be limited to 800 sq ft or two bedrooms. There was a concern that a three bedroom park model would increase the parking demand within the development too much.

Discussion:

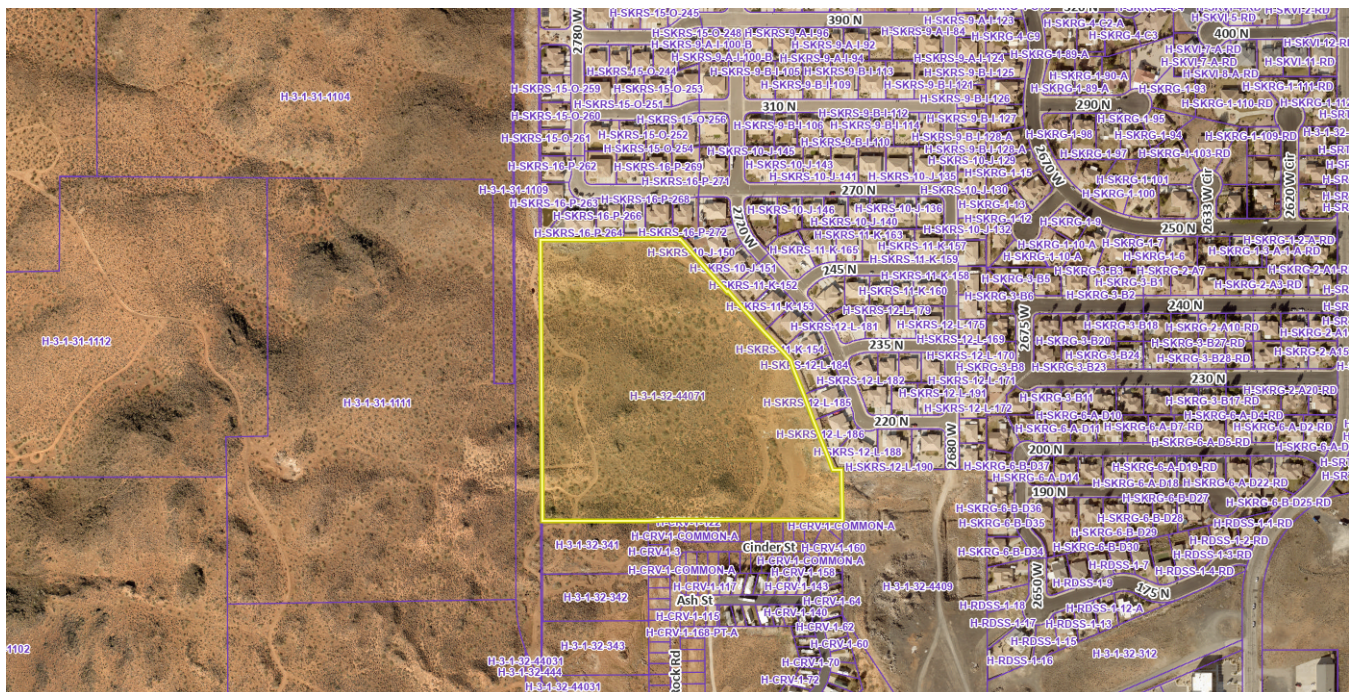
The applicant is proposing an amendment to the Canyons RV PDO to allow for larger park model units within the Canyons Villa (formerly Canyons del Sol). Hurricane City Code restricts the maximum size of a park model unit to 400 sq ft unless an addition is built with a building permit. Per HCC 10-23-6: *“Variations from applicable development standards of an underlying zone and chapter 39 of this title may be approved as part of a preliminary site plan for a planned development pursuant to the provisions of this chapter.”* and HCC 10-23-7 states: *“Amendments to approved plans and specifications shall be obtained by following the procedure required for preliminary plan approval.”*

The applicant also seeks to clarify the roadway requirements. Under the preliminary site plan application staff was concerned about lack of sidewalks. The applicant is proposing to put sidewalks behind and between the units, creating shared common open space with sidewalk connections within the community.

Canyons RV is an older development, first approved in the 1980s, that has gone through a series of different development proposals and zoning standards. Generally, at this point the Canyons is governed

by the Mobile Home/Recreational Vehicle Park standards unless otherwise modified through the Planned Development Overlay.

	Zoning	Adjacent Land Use
North	R1-8 PDO	Single Family Homes (Sky Ridge)
East	MH/RV PDO, R1-8 PDO	Single Family Homes (Sky Ridge) and undeveloped property (undeveloped phases of Canyons RV)
South	MHRV PDO	Canyons RV (long term RV and park model use)
West	R1-8 PDO	Undeveloped property (future Parris development)



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

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

Response: The General Plan has this property mapped as Single Family, which it defines as:

These uses should be located near supporting community uses such as, but not limited to churches, schools, and parks. Appropriate densities for this land use include R1-15, R1-10, R1-8, and R1-6.

The zoning for manufactured homes and park models is currently in place and has been for decades, however manufactured homes and park models do meet a broad definition of “single family home” and MH/RV zone standards are contained within Hurricane single family residential standards in 10-13. Increasing the permitted size for park models would bring the unit closer in line with the typical size of a single family home

During the Moderate Income Housing Plan and other discussions about growth with the City Council and other city leaders a desire was expressed for new manufactured home communities that can provide an affordable option for people on a scale similar to single family homes. Under the City Code a park model development cannot be subdivided and will have to be entirely rentals.

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

Response: The larger unit sizes will make it broadly harmonious with the new units in the Canyons RV development.

3. Will the proposed amendment affect the adjacent property?

Response: Currently this area is separated by a large hill from the Sky Ridge development and from some undeveloped property from Canyons RV. Increasing the size of the units could increase the number of residents living in the development, however, most of the traffic impact of the development will be on 2800 W which is planned for this amount of development and the increase would most likely be minimal.

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

Response: See JUC comments below. There are some layout and utilities issues with the overall development that need to be worked out, but there were no comments on the request for larger units.

JUC Comments

Public Works: Water loop must accommodate no more than two hydrants out of service at one time. Second access

Power: Power will be installed on the west side of the property after a new power line is installed on the west side of 2800 W. If lots are changed, power may need to be redesigned.

Water: Plans will require a water line loop. If these lots will be privately owned meters will be required at each residence from an 8” line. If the subdivision remains as one owner water lines will need to be ductile iron

Streets: No comments

Sewer: Project owner has met with Ash Creek to discuss sewer options. Sewer will need to be pumped from the project to an existing line. Owner will need to obtain easements for off-site sewer connection.

Engineering: Pedestrian circulation isn't shown. Will this be a single lot subdivision? A plat seems easiest to convey easements and specify common areas. Second access is required with phase 1 because the number of units in phase 1 exceeds 30. The expected transition from private driveway to public street must be shown. It's expected that Canyon Villas will obtain an access and utility easement from the neighboring property to connect this street to a public street. 2680 W is the nearest public street. It appears the nearest 8" water main to the south is in the intersection of 100 N and Black Rock Road. Utility and access easement from Canyons RV Resort required. It's likely the water main entering from 2800 W must be part of Hurricane City's network to appropriately serve this area. If so, the main must be ductile iron and protected by easement.

Fire: Need hydrant locations

Cable: Add Centurylink notes to construction drawings

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

Staff Comments

1. Per HCC 10-3-4: *Park model trailer means a transportable dwelling unit built on a single chassis which:*
 - a. *In the traveling mode, is eight body feet or more in width and not more than 40 body feet in length, or when is erected on site, has a gross area of at least 320 square feet and less than 400 square feet;*
 - b. *Is designed to be connected to utilities necessary for operation of installed fixtures and appliances; and*
 - c. *Meets the standards set forth in ANSI A-119.5 or its successor.*
2. It is important to note that the applicant could do the proposed development under a different subdivision standard within an MH/RV without a variation. This development could qualify as a manufactured home park. The key difference is using park model development standards greatly lowers the minimum lot size (from 4,000 to 1,000 sq. ft.) and allows about 45 additional units than what would be permitted. The applicant has a right to develop a park model development and would be entitled to the number of units shown. The applicant then could expand each unit with building permits after the park model was installed. The applicant is essentially asking to be able to install units above the 400 sq. ft. from the start, instead expanding each unit after being installed on site.
3. Roadways: the applicant has provided a 34' roadway cross-section they would also like to be approved. Hurricane Park Model Development roadway standards are as follows:
 - a. *10-43-6 (C)(8) Roadway design. Accessways within a manufactured home park or recreational vehicle park or park model park shall conform to construction design standards and specifications adopted by the City, with a minimum width of 30 feet, unless modified by a planned development approved pursuant to chapter 23 of this title.*
 - b. Staff has raised concerns about the lack of sidewalks in past designs. In order to address

- those concerns the applicant has provided a pedestrian connection plan with sidewalks located off the roadways and between buildings.
4. Short-term rentals are not permitted within MH/RV Zoning except for in RV Parks. Since this is a park model development, each unit would only be available for long-term rentals.

Findings: Staff makes the following findings:

1. The proposed amendment is compatible with the goals and policies of the General Plan
2. The proposed amendment is in harmony with the overall character of the existing development.
3. The proposed amendment will have little to no effect on adjacent properties.
4. Public facilities are adequate.

Recommendation: Staff recommends the Planning Commission review this application and the zone change amendment standards as well as take into consideration the comments from residents that will be made in the public hearing before making a recommendation to the City Council. Staff recommends approval of this amendment subject to staff and JUC comments.

Corrected Warranty Page 1 of 3

Gary Christensen Washington County Recorder
06/14/2022 03:12:02 PM Fee \$40.00 By GT TITLE
SERVICES

MAIL TAX NOTICES TO GRANTEE AT:
440 SOUTH NICHOLS PEAK ROAD
WASHINGTON, UT 84780



Property Reference Information:

Tax Parcel No(s): **H-3-1-32-44071**

Property Address(es) (if any):

(ADDRESS UNASSIGNED), HURRICANE, UT 84737

**CORRECTIVE
WARRANTY DEED**

2770 W. STATE STREET, LLC a Utah limited liability company ("Grantor"),

in exchange for good and valuable consideration, hereby conveys and warrants to

SUNWOOD HOMES OF SOUTHERN UTAH, INC., a Utah Corporation, ("Grantee"),

in fee simple the following described real property located in **WASHINGTON** County, Utah, together with all the appurtenances, rights, and privileges belonging thereto, to wit (the "Property"):

See Attached Exhibit "A"

With all the covenants and warranties of title from Grantor in favor of Grantee as are generally included with a conveyance of real property by warranty deed under Utah law, except for, however, the Property is subject to: (a) leases, rights of way, easements, reservations, plat maps, covenants, conditions, and restrictions appearing of record and enforceable in law; (b) zoning and other regulatory laws and ordinances affecting the Property; and (c) real property taxes and assessments for the year **2022** and thereafter.

[Remainder of page intentionally left blank. Signatures appear on the following page.]

****THE HEREIN DEED IS BEING RECORDED TO CORRECT A TYPO IN THE NAME OF THE GRANTOR IN THAT CERTAIN WARRANTY DEED RECORDED JUNE 13TH, 2022 AS DOC I.D. NUMBER 20220030605 AND IN THAT CERTAIN CORRECTED WARRANTY DEED RECORDED JUNE 13TH AS DOC ID 20220030845, AS WELL AS CORRECT THE GRANTEE NAME IN THAT CERTAIN CORRECTED WARRANTY DEED RECORDED JUNE 13TH AS DOC ID 20220030845 ****

Information for reference purposes:GT Title File No.: **W49958T**Tax Parcel No(s): **H-3-1-32-44071**

Property Address(es) (if any):

(ADDRESS UNASSIGNED), HURRICANE, UT 84737**-Signature Page to Warranty Deed-**

The undersigned person who signs this deed hereby represents and certifies that the conveyance of the Property hereby has been duly approved by Grantor and that he/she has executed and delivered this deed in his/her authorized capacity on behalf of Grantor.

Witness the hand of Grantor this 14th day of **JUNE, 2022**.

2770 W. STATE STREET, LLC a Utah limited liability company

By: Paul N. Farthing**PAUL N. FARTHING**Its: **Manager**

STATE OF UTAH)

COUNTY OF Washington)

ss.

On this 14th day of **June, 2022**, personally appeared before me **PAUL N. FARTHING**, who stated that he/she is the **Manager of 2770 W. STATE STREET, LLC** a Utah limited liability company, the named Grantor of the within instrument, proved on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to this instrument, and duly acknowledged that he/she/they executed this instrument in his/her authorized capacity on behalf of said company, intending to be legally bound.

Witness my hand and official seal.



Kendra Longman
NOTARY PUBLIC

ORDER NUMBER: W49958T

EXHIBIT "A"

BEGINNING AT A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF 2800 WEST STREET (DEDICATED AS 2720 WEST STREET), OFFICIAL RECORDS OF WASHINGTON COUNTY, UTAH, SAID POINT LIES NORTH 00°04'34" EAST 2392.73 FEET ALONG THE SECTION LINE AND SOUTH 89°55'26" EAST 50.00 FEET FROM THE SOUTHWEST CORNER OF SECTION 32, TOWNSHIP 41 SOUTH, RANGE 13 WEST OF THE SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 89°55'26" EAST 980.22 FEET; THENCE NORTH 00°04'34" EAST 334.37 FEET; THENCE NORTH 89°57'58" WEST 31.94 FEET; THENCE NORTH 20°48'53" WEST 380.09 FEET; THENCE NORTH 42°05'05" WEST 532.81 FEET; THENCE NORTH 89°55'26" WEST 455.55 FEET TO A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE IN THE FOLLOWING TWO (2) COURSES: SOUTH 00°02'47" WEST 836.78 FEET; THENCE SOUTH 00°04'34" WEST 247.62 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THE FOLLOWING:

BEGINNING AT A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF 2800 WEST STREET (DEDICATED AS 2720 WEST STREET), OFFICIAL RECORDS OF WASHINGTON COUNTY, UTAH, SAID POINT LIES NORTH 00°04'34" EAST 2392.73 FEET ALONG THE SECTION LINE AND SOUTH 89°55'26" EAST 50.00 FEET FROM THE SOUTHWEST CORNER OF SECTION 32, TOWNSHIP 41 SOUTH, RANGE 13 WEST OF THE SALT LAKE BASE AND MERIDIAN AND RUNNING; THENCE NORTH 00°04'34" EAST 172.00 FEET ALONG SAID EASTERLY RIGHT-OF-WAY LINE; THENCE SOUTH 89°55'26" EAST 980.22 FEET; THENCE SOUTH 00°04'34" WEST 172.00 FEET; THENCE NORTH 89°55'26" WEST 980.22 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPTING THE FOLLOWING:

BEGINNING AT A POINT S 0°52'28" W 1799.97 FEET ALONG THE WEST LINE OF SECTION 32, TOWNSHIP 41 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN, AND S 89°05'17" E 50.00 FEET, FROM THE NORTHWEST CORNER OF SAID SECTION 32, SAID POINT BEING THE NORTHWEST CORNER OF A PARCEL MORE PARTICULARLY DESCRIBED IN DOCUMENT NO. 20150014149, RECORDED AND ON FILE IN THE OFFICE OF THE RECORDER, WASHINGTON COUNTY, STATE OF UTAH, AND RUNNING THENCE S 89°05'17" E 5.00 FEET ALONG THE NORTH LINE OF SAID PARCEL; THENCE S 0°52'37" W 912.56 FEET, TO A POINT ON THE NORTH LINE OF A PARCEL MORE PARTICULARLY DESCRIBED IN DOCUMENT NO. 20180038461, RECORDED AND ON FILE IN THE OFFICE OF SAID RECORDER; THENCE N 89°05'45" W 5.00 FEET ALONG SAID NORTH LINE, SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY OF 2720 WEST STREET, RECORDED AND ON FILE IN THE OFFICE OF SAID RECORDER; THENCE N 0°52'37" E 912.56 FEET ALONG SAID LINE, TO POINT OF BEGINNING.

(For Reference Purposes Only Tax ID No.: H-3-1-32-44071)

Zoning Variance Narrative for Hurricane City Planning Commission and City Council

Introduction

Canyon Del Sol, a manufactured/mobile home and recreational vehicle park in Hurricane, is requesting a variance to the size of the units allowed. Currently, the zoning of MH/RV allows for park model units, limiting the square footage to 400 sq ft. We are proposing to place units that are 800 sq ft to 1100 sq ft with two to three bedrooms. In addition, we are requesting a name change from Canyon Del Sol to Canyon Villas. This narrative outlines the benefits of the proposed variance.

Demand for Larger Units

Our research indicates that park models, unless they are nightly rentals, are not in as much demand as a slightly larger unit. Park model definition is non-permanent and not used as a permanent dwelling. Realistically, since this is not a nightly rental park, many of the park models will be lived in permanently. They usually end up with “room additions” and converted into larger structures, which are non-uniform and pieced together and fall into disrepair, resulting in poor street appeal. Moreover, they are much more expensive on a per square foot basis, than the homes that we are proposing. RV’s and 5th wheel units will intermingle with the park model structures, creating a less uniform look and less street appeal. The trend is a smaller more affordable home; however, park models at 400 sq ft are just too small. We propose that small manufactured homes from 800 sq ft to 1100 sq ft on an average-sized lot of 2,450 is just right for livability and affordability.

Zoning Challenges in the MH/RV Zoning Regulations

Zoning regulations, as defined in Chapter 43 for the MH/RV zone, do not address a middle ground for home sizes, which is in demand. The Development standard table shows a gap between 1,000 sq ft lots that limit sizes to 400 sq ft park models and the 4,000 sq ft lots required for full double wide large manufactured homes. The proposed small manufactured homes are between 800 and 1100 sq ft, which is less than 45% of the lot for the largest home being proposed, making it affordable and livable. The proposed units would fulfill the purpose stated in Sec. 10-43-1 of Chapter 43 Manufactured/Mobile Home and Recreational Vehicle Regulations, which aims to permit variety, flexibility, and affordability in land development for residential purposes in designated areas of the City. The well-kept Harrisburg Lakeside Estates is an excellent example of a similar park with larger units of 800-1200 sq ft, and the same MH/RV zoning with a planned development overlay that includes smaller lots on average than what is proposed in Canyon Villas.

Manufactured Home Design and Amenities

The proposed manufactured homes will be built by Champion homes using the designs by Genesis homes. These homes have a modern style, have high ceilings, with nice new updated interior finishes. The proposed manufactured homes will not have room additions and will have matching exteriors throughout the project. The average pad is 2,450 sq ft, and the units are

clustered to allow more amenities. We have added a pool and several trails, fire pits, park areas, and parking to the previously approved site plan. The proposed density is similar to townhomes, and these units are more affordable and offer a rent (leased lot) and ownership hybrid model which makes the homes more accessible

Community

The proposed development aligns with the national trend for affordable and accessible housing. It is an excellent option for rent-to-own applicants, fixed income, veterans, young couples, and blue-collar workers. Furthermore, an accessible home community provides an increase in local discretionary spending, fewer evictions, and healthier populations, leading to a healthier economy. A national association of housing study shows that building 100 homes generates \$2.2M in taxes and other revenues for local governments. Studies also show that stabilized housing has direct effects on education achievements and economic output. There are many financing options that will allow 30-year financing with a long-term land lease. Many of these products have better rates and qualifying is easier, particularly for buyers with credit challenges or high debt-to-income ratio. Currently, a typical townhome costs \$400,000 and a typical single-family home is over \$500,000. Mortgage payments for these units are currently over \$3,000 per month. This product will cost much less and allow those to purchase a home with at a more affordable monthly payment.

Ownership and Management

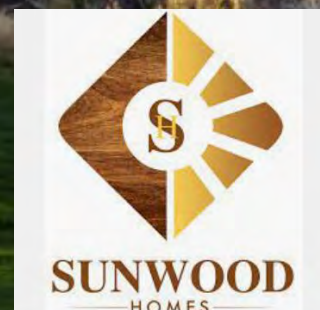
The proposed development project is a single owner and will be managed and kept nice. All units will be rented on a leased lot basis, and a management company will be formed to ensure the upkeep of the common areas and amenities. The management team will be responsible for enforcing the regulations and bylaws, which will include maintaining the appearance of the homes and ensuring compliance with city regulations. The owner and management team are committed to maintaining the quality of the development and to keeping the community a safe and enjoyable place to live.

Conclusion

In conclusion, the proposed zoning variance for Canyon Villas offers a variety of benefits to the community of Hurricane. By allowing slightly larger units of 800 to 1100 square feet, the development will provide more affordable and accessible housing options that align with the national trend. These modern and well-designed manufactured homes will not only offer a more uniform and appealing look, but also provide more amenities such as trails, fire pits, park areas, dog park, and a pool. Additionally, the proposed development will be managed by a single owner and management team, ensuring the upkeep of common areas and amenities. The proposed zoning variance for Canyon Villas offers an excellent option for those who are looking to purchase a home at a more affordable monthly payment while also contributing to the local economy and society.

Canyon Villas

A Sunwood Community Project
May 2, 2023



Canyon Villas

Hurricane, Utah



A Terracon
COMPANY

David Harris
6949 S. High Tech Drive, Midvale UT, 84047
480-213-6534
dharris@epgllc.co

Bret Howcroft
Sunwood Homes of Southern Utah
801-556-8386
Bret@mysunwoodhomes.com





NATIVE/NATIVE ADAPTED LANDSCAPE



DECORATIVE SCREEN WALLS



AFFORDABLE MODERN HOMES



NATURAL ROCK WALLS

INSPIRATION



MODERN CANYON LANDSCAPE THEME



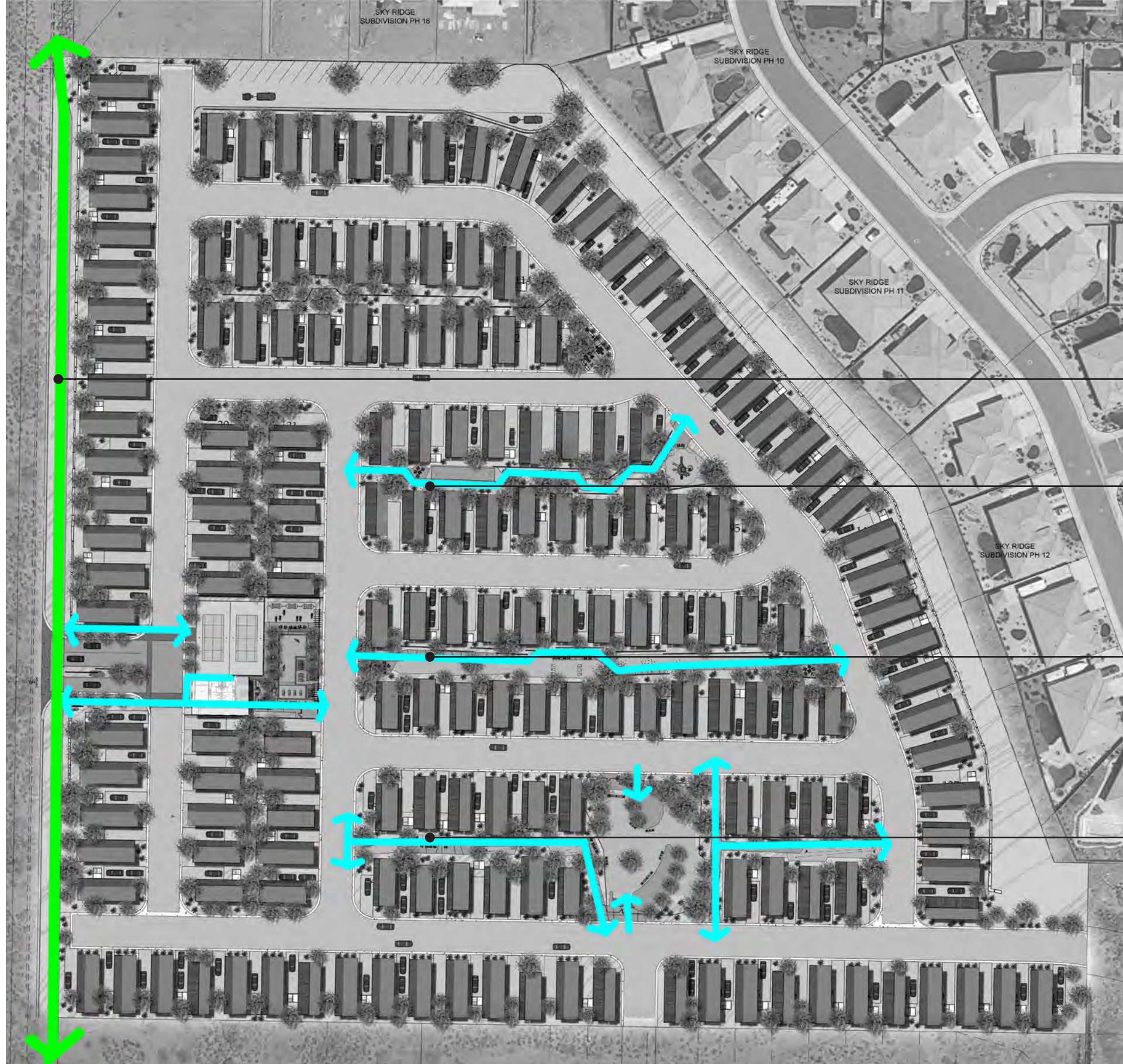
- OVERFLOW PARKING
- NATIVE/NATIVE ADAPTED LANDSCAPE
- BOULDER RETAINING WALL
- MULTI-USE ARTIFICIAL TURF PLAY AREA, SEATING AND PATH
- SHADED OUTDOOR BBQ SEATING AREA
- PASEO AREA PLAY STRUCTURE
- CANYON DEL SOL ENTRY MONUMENT
- OFFICE, REST ROOM, HOT TUB, POOL, PICKLE BALL COURTS
- PASEO AREA AMENITIES, BAG TOSS, BOCCE BALL, FIRE PIT COMMUNITY AMENITIES
- VERANDA DOG PARK AND RETENTION AREA
- PASEO AREA PUTTING GREENS / MULTI-USE PATH

PREFABRICATED HOME SIZES

21X45
21X50
21X55

ILLUSTRATIVE MASTER PLAN





10' WIDE EXISTING MULTI-USE PATH

5' MIN TO 8' MAX MULTI-USE PEDESTRIAN
CONCRETE SIDEWALK

5' MIN TO 8' MAX MULTI-USE PEDESTRIAN
CONCRETE SIDEWALK (TYP)

5' MIN TO 8' MAX MULTI-USE PEDESTRIAN
CONCRETE SIDEWALK (TYP)



PEDESTRIAN CIRCULATION PLAN



CUSTOM ENTRY MONUMENT



FAUX RAMMED EARTH MATERIAL



ACCENT PLANTING

ENTRY EXPERIENCE



SPECIMEN BOULDERS AND CRUSHED ROCK



ENTRY EXPERIENCE



ENTRY MONUMENTS

PICKLE BALL COURTS

COMMUNITY OFFICE, REST ROOM

HAMMOCK HANG OUT AREA

CUSTOM SWIMMING POOL

FIRE PIT SEATING AREA

LARGE CUSTOM HOT TUB

3-5 YEAR OLD WATER PLAY FEATURE

SHADED SEATING AREA

SHALLOW PLAY SHELF

POOL EQUIPMENT ROOM

COMMUNITY POOL AND AMENITIES



PRIVACY SCREEN WALL

HAMMOCK HANG OUT

LAWN AREA

PICKLE BALL COURTS

CUSTOM SWIMMING POOL

DECORATIVE PRIVACY FENCE

FIRE PIT SEATING AREA

SHALLOW PLAY AREA

COMMUNITY OFFICE MEN/WOMEN REST ROOM

POOL EQUIPMENT

COMMUNITY POOL AND AMENITIES



COMMUNITY POOL AND AMENITIES



COMMUNITY POOL AND AMENITIES



COMMUNITY POOL AND AMENITIES



COMMUNITY POOL AND AMENITIES

CANYON PASEO AMENITIES



NATIVE / NATIVE ADAPTED
DROUGHT TOLERANT
LANDSCAPE

OPEN LAWN/PASSIVE
PLAY AREA

FIRE PIT/HANG OUT
AREA

CANYON PASEO AMENITIES



OPEN PLAY AREA

DROUGHT TOLERANT
LANDSCAPE (TYP)

CUSTOM FIRE PIT/
SEATING AREA
BEYOND

RETAINING/SEAT
WALLS



- DECORATIVE RETAINING/SEAT WALL
- MULTI-USE TRAIL/SIDEWALK
- OPEN LAWN AREA
- CUSTOM BUILT IN BAG TOSS GAME SEATING AREA
- CUSTOM BUILT IN BAG TOSS GAME
- SHADE TREES (TYP)



CANYON PASEO AMENITIES



MUTI-USE TRAIL/
SIDEWALK (TYP)

CUSTOM ART/PLAY
FEATURE

RETAINING/SEAT
WALLS



SHADED SEATING

3-5 YEAR OLD SLIDE AREA

6-10 YEAR OLD SLIDE / PLAY TOWER

CLIMBING BOULDERS

PRE-FABRICATED PLAY STRUCTURE

CLIMBING BOULDERS

SHADED SEATING AREA

MULTI-USE TRAIL/SIDEWALK

CUSTOM PLAYGROUND



CUSTOM PLAYGROUND



VERADA DOG PARK

VERADA SEATING
AREA

4' TALL DOG PARK
DECORATIVE FENCE

LAWN PLAY AREA



VERADA DOG PARK

VERADA DECK
SEATING AREA

SHADE TREES (TYP)



CANYON PASEO AMENITIES

PASEO MULTI-USE
TRAIL/SIDEWALK

PUTTING GREEN

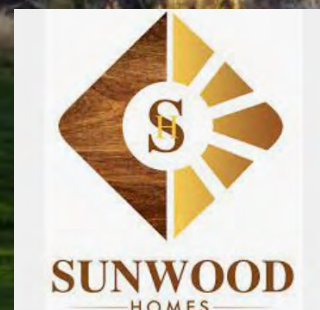


LANDSCAPE INSPIRATION



LANDSCAPE INSPIRATION

Canyon Villas





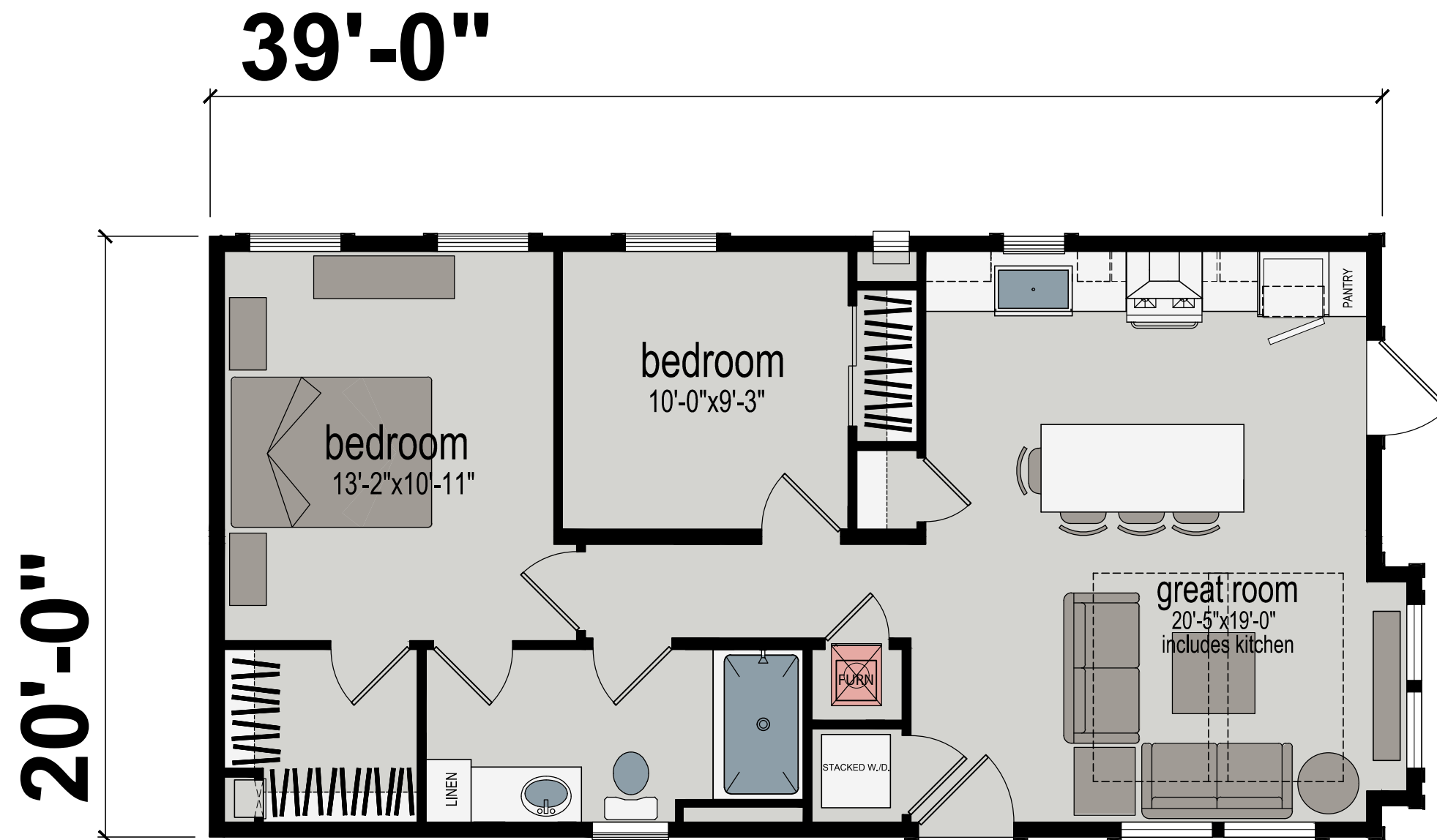
Silvercrest



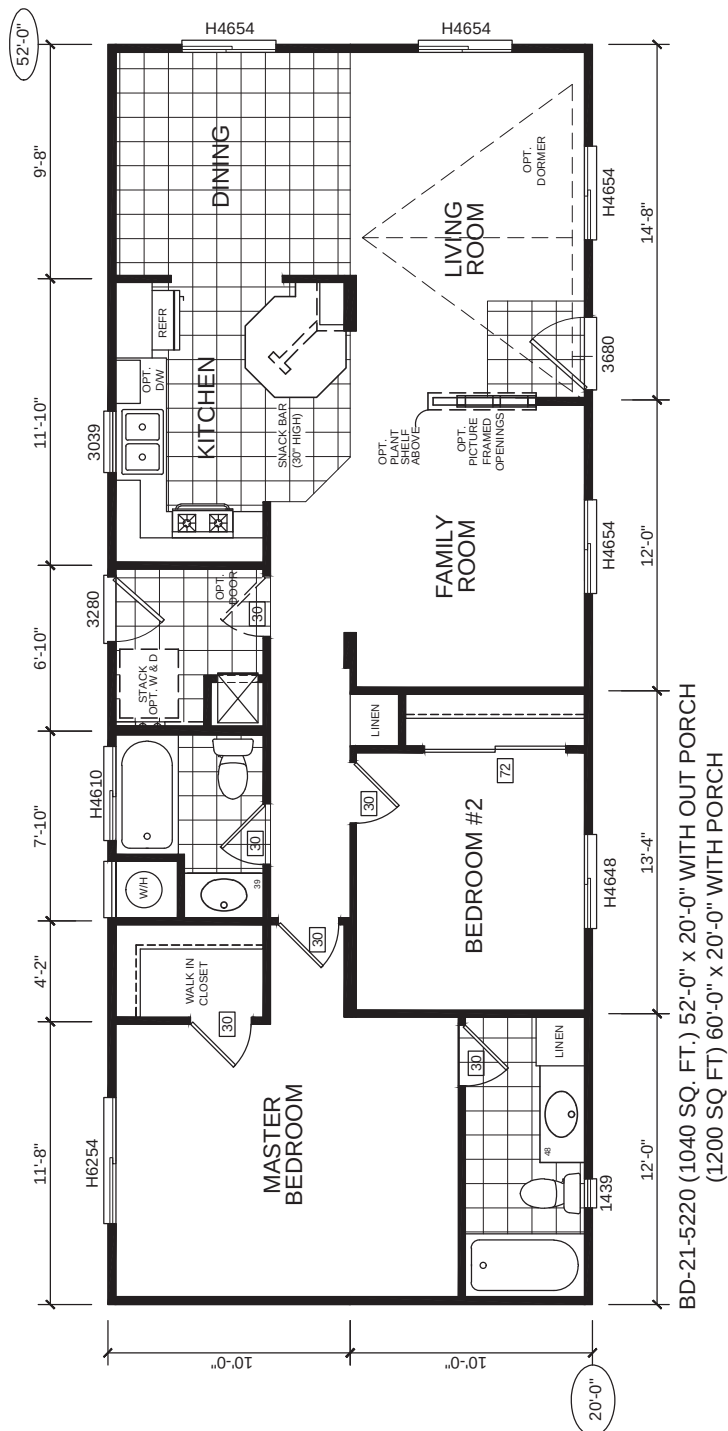








TWO BEDROOMS/ONE BATH OPTION



BD-21-5220 (1040 SQ. FT.) 52'-0" x 20'-0" WITH OUT PORCH
(1200 SQ FT) 60'-0" x 20'-0" WITH PORCH

 299 N. Smith Ave., Corona CA 92880		APPROVER'S SEAL		MODIFICATIONS		MODEL: BD-21-5220 52/20-2BR		SHEET NO.: LT-101			
 MANUFACTURED NAUTICALLY™						TITLE: LITERATURE PLAN					
PROPRIETARY AND CONFIDENTIAL "THESE DRAWINGS AND SPECIFICATIONS ARE ORIGINAL." PROPERTY OF CHAMPION HOME BUILDERS INC. COPYRIGHT © 1976-2016 BY CHAMPION						DATE: 4-16-12		SCALE: 1/8" = 1'-0"		FILENAME:	
						DRAWN BY: DJM		CHECKED BY:		BD-21-5220-LT101	
								PAGE:		1 OF 1	



CUSTOMER: TR-21720 STD
(NAVISION REVISION # 0)

Silvercrest™

CHAMPION®
MANUFACTURED BEAUTIFULITY™

299 N. Smith Ave., Corona CA 92878

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MODEL: TRANSITIONS TR-21720 56/20-2BR	
TITLE: LITERATURE PLAN	
DATE: 11-12-22	SCALE: 1/8" = 1'-0"
DRAWN BY: ACARBONE	CHECKED BY: TR-21720-LT101

LT-101

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SCALE: 1/8" = 1'-0"

TR-21720-LT101

1 OF 1

Lou Bullock
(801) 652-4867
149 Ash Street
Hurricane, Ut 84737

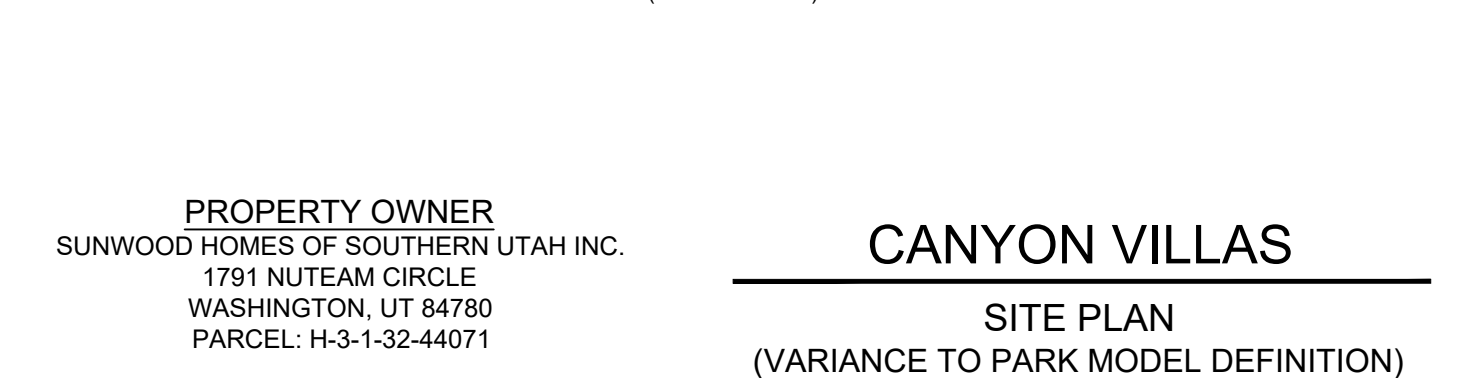
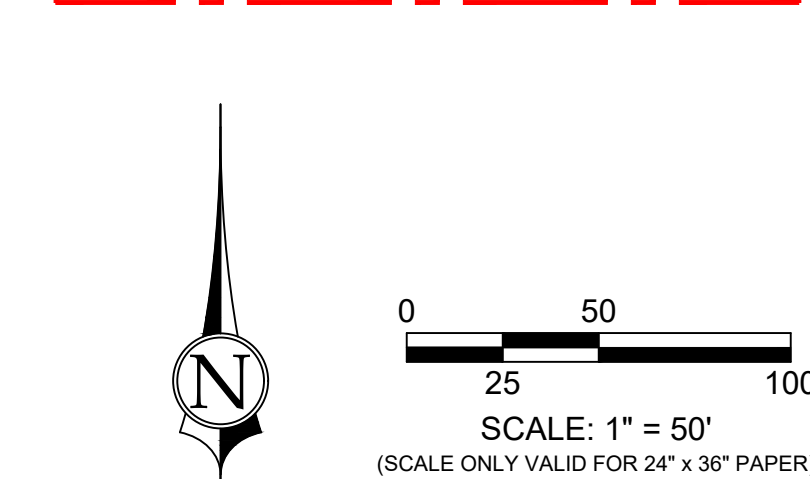
May 17, 2023

Dear Zoning Department:

I am writing about the zoning change to allow larger buildings to be built in the new community to the north of Canyon RV Community. My concern is not the size of the park models, my concern is the road that is to be connected to the new community that will run through the Canyons. I am opposed to road being extended and connected to the new community due to the additional traffic that will be in and out of our community. I purchased my property because of the solitude, privacy, and quietness of my area. I do not want additional traffic coming in and out that will run by the side of my home.

Thank you for your consideration in this matter.


Lou Bullock



1
OF
1



STAFF COMMENTS

Consideration and possible approval of a **preliminary plat for Sky Ridge PDO, a two lot subdivision located at 100 N 2600 W**. Shadow Glen 420 Inc Applicant. Frank Lindhart Agent.

Discussion:

The applicant has filed a preliminary plat for Sky Ridge PDO, this is a mixed use development consisting of apartments and commercial areas that was approved by the City Council earlier this year. Future roadway 100 N runs through this property and the applicant is effectively proposing a lot split along that roadway.

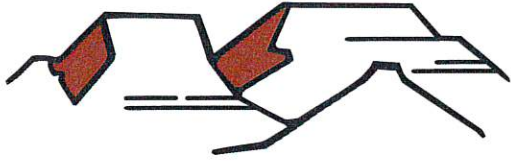
The Planning Commission recommended approval unanimously.

Findings:

Recommendation:

Attachments:

1. 2023-PP-15 APP
2. 2023-PP-15 Sky Ridge PDO (1)
3. 23141 Sky Ridge PDO_PrePlat image_050323
4. 23141 Sky Ridge PDO_PrePlat_050323
5. Will Serve Letter - Sky Ridge Apartments
6. Will Serve - Sky Ridge Apartments at 100 N 2600 W



PLANNING & ZONING
HURRICANE CITY
UTAH

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

PRELIMINARY PLAT APPLICATION

For office use only: \$150.00 Fee
File No. 2023-PP-15
Receipt No. 8-168479

Name: Shadow Glen 420 Inc Telephone: 435-229-4447

Address: 2608 West 510 North, Hurricane, UT Fax No. _____

Email: frankgl@gemstoneproperties.com Agent Email: bwalker@civilsience.com

Agent (If Applicable): Frank Lindhart Telephone: 435-229-4447

Address/Location of Subject Property: 100 North 2600 West

Tax ID of Subject Property: H-3-1-32-4212-RD Zone District: RM-3 & HC

Proposed Use: (Describe, use extra sheet if necessary. Include total number of lots) Split the existing parcel into two lots to separate the residential from the commercial and dedicate public streets.

Submittal Requirements: The preliminary plat application shall provide the following:

- ___ 1. Description: In a title block located in the lower right-hand corner of the sheet the following is required:
- ___ a. The proposed name of the subdivision.
 - ___ b. The location of the subdivision, including the address and section, township and range.
 - ___ c. The names and addresses of the owner or subdivider, if other than the owner.
 - ___ d. Date of preparation, and north point.
 - ___ e. Scale shall be of sufficient size to adequately describe in legible form, all required conditions of Chapter 39, City Subdivision regulations.
- ___ 2. Existing Conditions: The preliminary plat shall show:
- ___ a. The location of the nearest monument.
 - ___ b. The boundary of the proposed subdivision and the acreage included.
 - ___ c. All property under the control of the subdivider, even though only a portion is being subdivided. (Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted, and the street system of the part submitted shall be considered in light of existing Master Street Plan or other Commission studies.)
 - ___ d. The location, width, and names/numbers of all existing streets within two hundred (200) feet of the subdivision and of all prior streets or other public ways, utility rights of way, parks and other public open spaces, within and adjacent to the tract.
 - na e. The location of all wells and springs or seeps, proposed, active and abandoned, and of all reservoirs or ponds within the tract and at a distance of at least one hundred feet (100') beyond the tract boundaries.
 - ___ f. Existing sewers, water mains, culverts, or other underground facilities within the tract, indicating the pipe sizes, grades, manholes and the exact locations.
 - na g. Existing Hurricane Canal Company facilities; other ditches, canals, natural drainage channels and open waterways and any proposed realignments.

AFFIDAVIT

PROPERTY OWNER

STATE OF UTAH)

COUNTY OF)

:SS

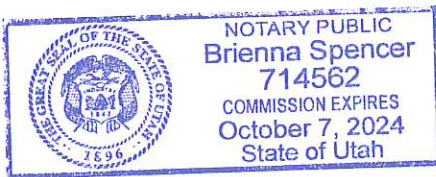
I (we), SHADOW Glen 420 INC, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and 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.

[Signature]
(Property Owner)

FRANK G. LINHARDT VP
(Property Owner)

Subscribed and sworn to me this 15 day of May 2023

[Signature]
(Notary Public)



Residing in: Washington County

My Commission Expires: 10/07/2024

Agent Authorization

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

(Property Owner)

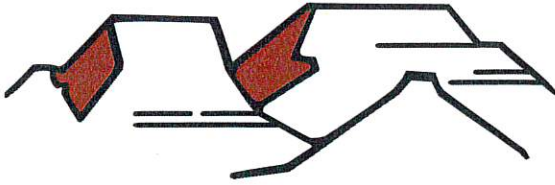
(Property Owner)

Subscribed and sworn to me this _____ day of _____ 20____.

(Notary Public)

Residing in: _____

My Commission Expires: _____



HURRICANE CITY

UTAH

ACKNOWLEDGEMENT OF WATER SUPPLY

I/We, SHADOW GLEN 420 INC am/are the applicant(s) of the application known as Sky Ridge PDO located on parcel(s) H-3-1-32-4212-RD within the City of Hurricane, Washington County, Utah.

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

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

Dated this 4 day of MAY, 2023

Applicant Name: SHADOW GLEN 420 INC

Name of Signer (if different from Applicant Name): FRANK G. LINDHARDT

Title of Signer: VP

Signature: [Handwritten Signature]

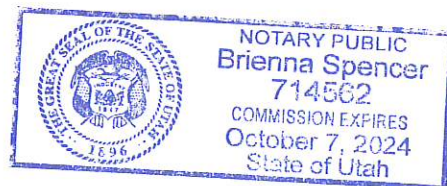
STATE OF Utah)

COUNTY OF Washington)

On the 4 day of May, 2023, personally appeared before me Frank Lindhardt the signer of the above instrument, who duly acknowledged to me that he/she executed the same in the capacity indicated on behalf of the Applicant.

Notary Public: [Handwritten Signature]

My Commission Expires: 10/07/2024



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

- _____ h. Contours at vertical intervals not greater than five (5) feet.
- _____ i. Identification of potential geotechnical constraints on the project site (such as expansive rock and soil, collapsible soil, shallow bedrock, and caliche, gypsiferous rock and soil, potentially unstable rock or soil units including fault lines, shallow groundwater, and windblown sand) and recommendations for their mitigation.
- _____ j. Information on whether property is located in desert tortoise take area

_____ 3. Proposed Plan: The subdivision plans shall show:

- _____ a. The layout of streets, showing location, widths, and other dimensions of proposed streets, crosswalks, alleys, and easements.
- _____ b. The layout, numbers, and typical dimensions of lots.
- _____ c. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.
- _____ d. Easements for water, sewers, drainage, utilities, lines and other purposes.
- _____ na e. Typical street cross sections and street grades where required by the Planning Commission. (All street grades over 5% should be noted on the preliminary plat)
- _____ f. A tentative plan or method by which the subdivider proposes to handle the storm water drainage for the subdivision.
- _____ g. Approximate radius of all center line curves on highways or streets.
- _____ h. Each lot shall abut a street shown on the subdivision plat or on an existing publicly dedicated street. (Double frontage or flag lots shall be prohibited except where conditions make other design undesirable)
- _____ i. In general, all remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allow to remain as unusable parcels.
- _____ j. Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the Planning Commission.
- _____ k. A letter from both the local sanitary sewer provider and culinary water provider indicating availability of service.
- _____ na l. Will this subdivision be phased? If yes show possible phasing lines.
- _____ m. A tentative plan or method for providing non-discriminatory access to the subdivision for purposes of placement of communications infrastructure, and for purposes of placement of utility infrastructure.

_____ 4. Required copies of plans:

- _____ a. Three copies of all full-scale drawings
- _____ b. One copy of each drawing on a 11 x 17-inch sheets. (8 1/2 x 11 is acceptable if the project is small and the plans are readable at that size).

_____ 5. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property

_____ 6. Signed and notarized Acknowledgement Water Supply (see attached)

NOTE: It is important that all applicable information noted above is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. A deadline missed due to an incomplete application, could result in a month's delay. Planning Commission meetings are held on the second Thursday and fourth Wednesday of each month at 6:00 p.m. The deadline to submit an application to be placed on an agenda is no later than 12:00 (noon) 20 full calendar days before the Planning Commission meeting at which you plan for your application to be heard.

(Office Use Only)

Date Received: _____ Application Complete: YES _____ NO _____

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



STAFF COMMENTS

Agenda Date:	06/01/2023
Application Number:	2023-PP-15
Type of Application:	Preliminary Plat Application
Action Type:	Administrative
Applicant:	Shadow Glen 420 Inc
Agent:	Frank Lindhardt
Request:	Approval of a Preliminary Plat
Location:	100 N 2600 W
Zoning:	RM-3, HC
General Plan Map:	Commercial , Multifamily

Update 06/01/2023: The will serve letters have been received. The Planning Commission recommended approval unanimously.

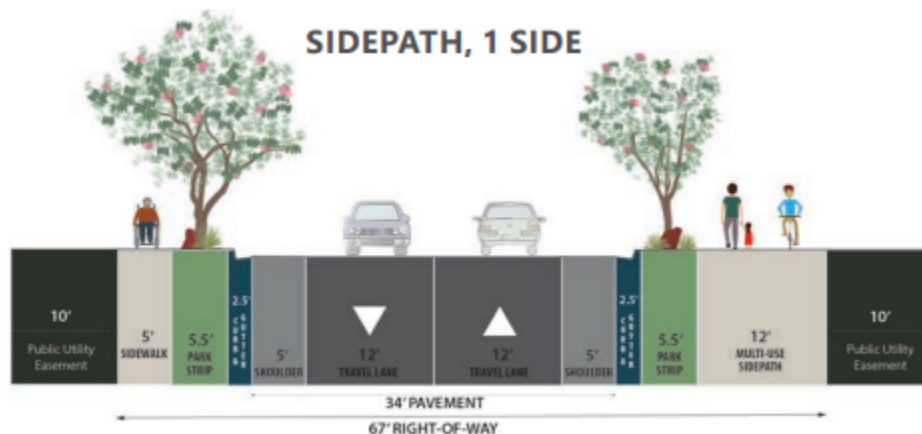
Discussion:

The applicant has filed a preliminary plat for Sky Ridge PDO, this is a mixed use development consisting of apartments and commercial areas that was approved by the City Council earlier this year. Future roadway 100 N runs through this property and the applicant is effectively proposing a lot split along that roadway.

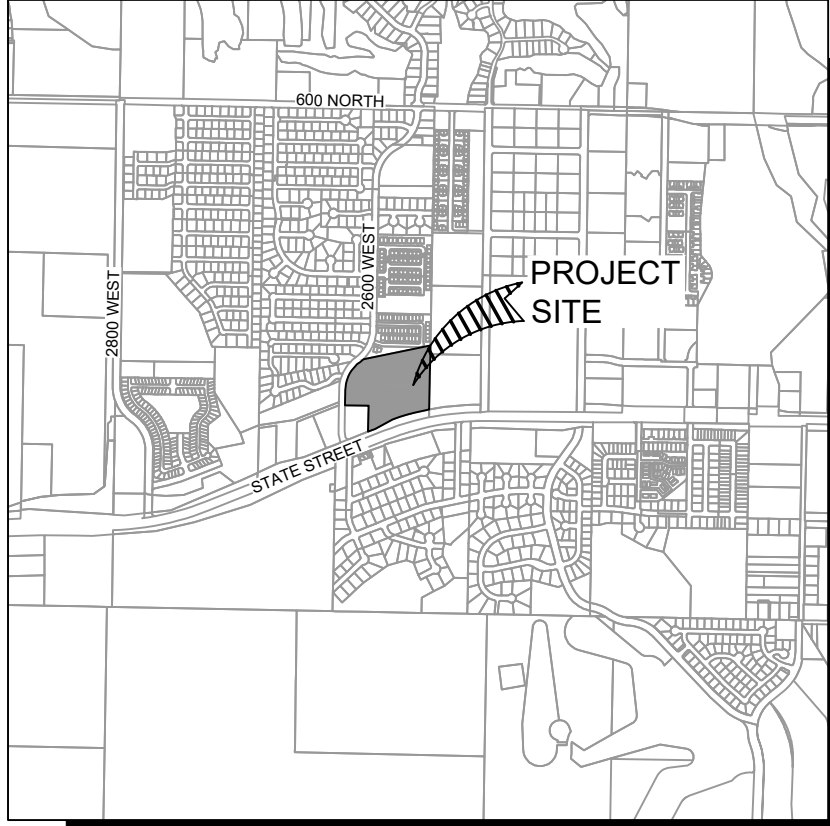
7. **Fire:** Need hydrant locations
8. **Cable:** No comments
9. **Phone:** No comments
10. **Gas:** No comments.
11. **Water Conservancy:** Washington County Water Conservancy District hereby acknowledges that based on the information provided, the plans adequately mitigates interference with district facilities and property interests. The District reserves the right to rescind this acknowledgement if additional information becomes available. The district has not determined whether water will be available for this development and does not hereby make any guarantee of water availability. In addition, the development must conform with applicable district requirements, including but not limited to payment of fees.

Staff Comments: Preliminary Plat

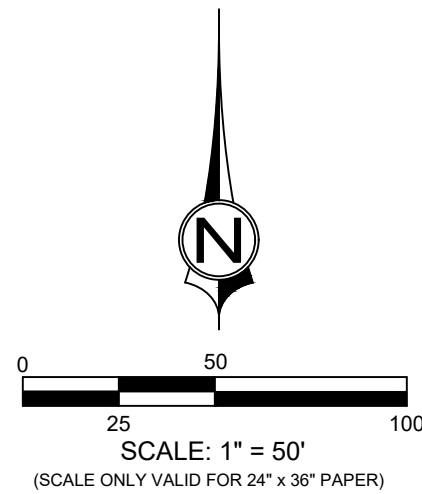
1. The property has a split zoning of RM-3 PDO and HC. The applicant's intention at this time seems to be to not subdivide the property further than separating the residential and commercial aspects of the project. Any further subdivisions will require amended final plats.
2. The plat does indicate the property is not in a desert tortoise take area.
3. Will serve letters from the culinary and sanitary water providers have not been provided.
4. The applicant is proposing a public street connecting to the southern street in Desert Fields Townhomes as required by the Planning Commission and City Council during the zone change process.
 - a. They are showing half the roadway to be on the property to the east with 25' of asphalt, the City will need sign off from that property owner for roadway construction.
5. Future Road 100 N (?) is a master planned Minor Collector with a 67" ROW and a trail on the southside



Recommendation: Staff recommends the Planning Commission review this application based on standards with Hurricane City Code. Staff recommends continuing this item until will serve letters are received from the water and sewer providers.



- LEGEND
- FIRE HYDRANT
 - WATER GATE VALVE
 - EXISTING WATER GATE VALVE
 - WATER LATERAL & SERVICE WITH BOX
 - EXISTING WATER LINE
 - C-900 CLASS 150 WATER LINE
 - SEWER MANHOLE (SIZE AS NOTED ON PLAN)
 - SEWER LATERAL
 - EXISTING SEWER LINE
 - 8" SDR 35 PVC SEWER LINE
 - PROJECT BOUNDARY
 - PROPOSED 10.0' PUBLIC UTILITY EASEMENT LINE
 - PUBLIC STREET DEDICATION



PROPERTY OWNER
SHADOW GLEN 420 INC
FRANK LINDHART / GEMSTONE HOMES
4560 S DECATUR BLVD STE 202
LAS VEGAS, NV 89103

PARCEL: H-3-1-32-4212-RD

SKY RIDGE PDO
PRELIMINARY PLAT

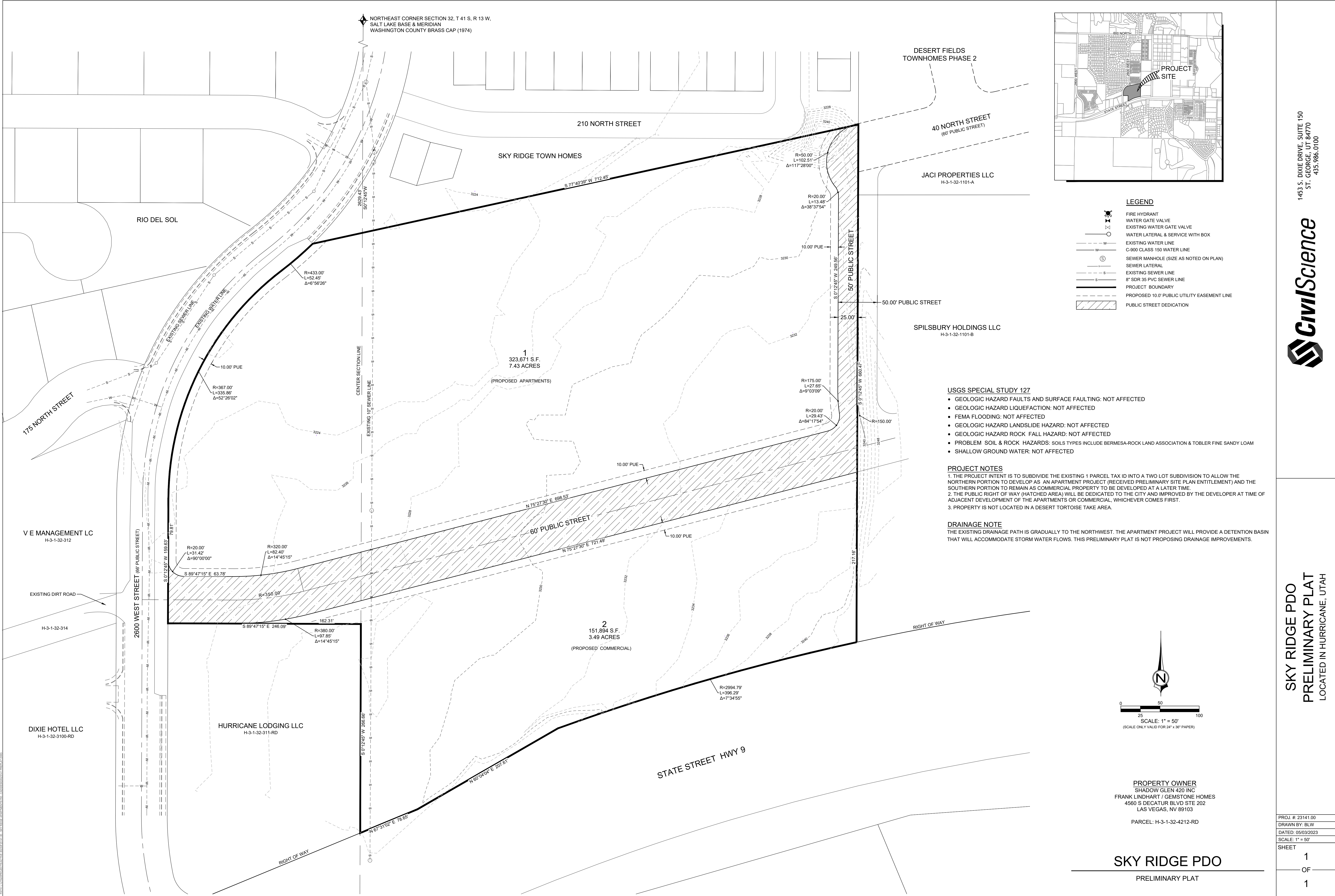
1453 S. DIXIE DRIVE, SUITE 150
ST. GEORGE, UT 84770
435.986.0100



SKY RIDGE PDO
PRELIMINARY PLAT
LOCATED IN HURRICANE, UTAH

PROJ. #: 23141.00
DRAWN BY: BLW
DATED: 05/03/2023
SCALE: 1" = 50'
SHEET

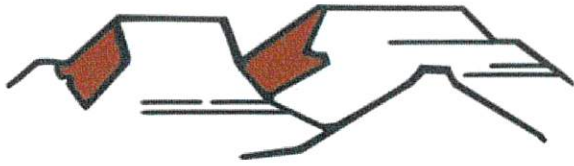
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OF
1



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



SKY RIDGE PDO
PRELIMINARY PLAT
LOCATED IN HURRICANE, UTAH



HURRICANE CITY

UTAH

Water Department
Ken Richins, Superintendent

May 25, 2023

To Whom It May Concern:

Frank Lindhardt/Shoshone Land (the "Developer") has requested a culinary water will serve letter for the subdivision known as Sky Ridge Apartments, located at approximately 100 N 2600 W in Hurricane, Utah (the "Project").

Infrastructure

The City currently has infrastructure to supply culinary water in the general area of the Project. However, Developer will be responsible to connect the Project to the existing water infrastructure, including the installation of infrastructure in dedicated public streets and as otherwise required to meet City standards. In addition, Developer may be required to obtain and supply a hydraulic water study to ensure the waterline will deliver required fire flows. A looped water system may be required.

Water Supply

As of the date of this letter, the city has adequate water to supply water to 120 residential connections within the Project. However, water within the City is a finite resource with limited supply. The ability of the City to supply water to previously approved projects, as well as continue to serve additional water customers, is contingent on water supplies being available from the Washington County Water Conservancy District (the "Conservancy District"). Therefore, the City's statements in this letter regarding the adequacy of water supply is (1) contingent on water being available from the Conservancy District and (2) shall expire one year from the date of this letter, after which a renewed will serve letter will be required for any property or lot that has not obtained a metered connection to the City's culinary water system. Developer is encouraged to obtain a guarantee of water from the Conservancy District.

General Requirements

In addition to the requirements and limitations described above, Developer shall be required to comply with all applicable laws, ordinances, policies, and construction and design standards. These requirements include, but are not limited to, secondary water system requirements and any obligations described in an applicable development agreement.

Sincerely,

Ken Richins
Water Department Superintendent



Ash Creek Special Service District

1350 S. Sand Hollow Road

Hurricane, UT 84737

Office: (435) 635-2348 Fax: (435) 635-8550

ashcreek@infowest.com

May 25, 2023

Hurricane City
Stephen Nelson
127 N. 870 W.
Hurricane, UT 84737

RE: Sky Ridge Apartments @ 100 North 2600 West

Stephen,

There is sewer capacity for this project. The developers understand and agree that they will need to get plan approval for the sewer system.

After approval, they agree to pay all costs associated with construction and impact fees. Please let us know if you have any questions.

Sincerely,

Gary Wilcox
Inspections Department
Ash Creek Special Service District



STAFF COMMENTS

Consideration and possible approval of an **amended final plat for Sky Valley Phase 1A located at approximately 3100 W Coronado Dr.** Shoshone Land Co Applicant. Frank Lindhardt Agent.

Discussion:

The applicant has applied to amend the final plat for Sky Valley Phase 1A. The applicant is looking to convert nine townhome units to six single family units.

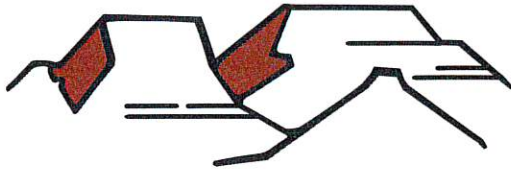
The Planning Commission recommended approval conditioned on the applicant turning in a new plat that complies with amended final plat requirements. The vote was unanimous.

Findings:

Recommendation:

Attachments:

1. 2023-AFP-11 App
2. 2023-AFP-11 Sky Valley Phase 1-A (1)
3. SkyValley Phase 1-A Amen
4. Hurricane Build Dept_20230517_102701



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-11

Receipt No. 8-168478

Name: SHOSHONE LAND CO Telephone: 435-229-4447

Address: 2608 W 510 N Hurricane Fax No. 435-635-8414

Email: FRANK@GEMSTONEPROPERTIES.COM Agent Email: _____

Agent (If Applicable): FRANK LINDBART Telephone: 435-229-4447

Address/Location of Subject Property: _____

Tax ID of Subject Property: H-3-1-31-4101 H-SKTH-J-common Number of Lots: 9

Subdivision Name: SKY VALLEY TH & SKY VALLEY HOMES Phase: 1 & 1TH

Submittal Requirements:

- 1 – 11x17 plat map
- Postage Stamps for all property owners within 250 feet of the property boundaries of the proposed amendment.

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 reviews 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, updated within 30 days, for the property being subdivided.
- _____d. A disk of the final plat prepared in 'Auto-Cad'

Application Process: The following steps occur:

1. A completed application with all required documents and fee payment as outlined above is submitted to the Planning Department.
2. 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.
3. 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
2. One disk of the final plat provided in 'Auto Cad' format – one for the County Recorder.
3. Review of the title report by the City Attorney.
4. 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.
 - a. The City Attorney is the last signer of the mylar just prior to recordation.
5. 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 for review at the time the plat amendment is submitted.

Note: It is important that all applicable information is submitted with the application at least 10 days prior to the Planning Commission meeting. An incomplete application will not be scheduled for Planning Commission consideration. Planning Commission meetings are held on the second and fourth Thursday of each month at 6:00 p.m. A deadline missed due to an incomplete application could result in a delay.

***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.

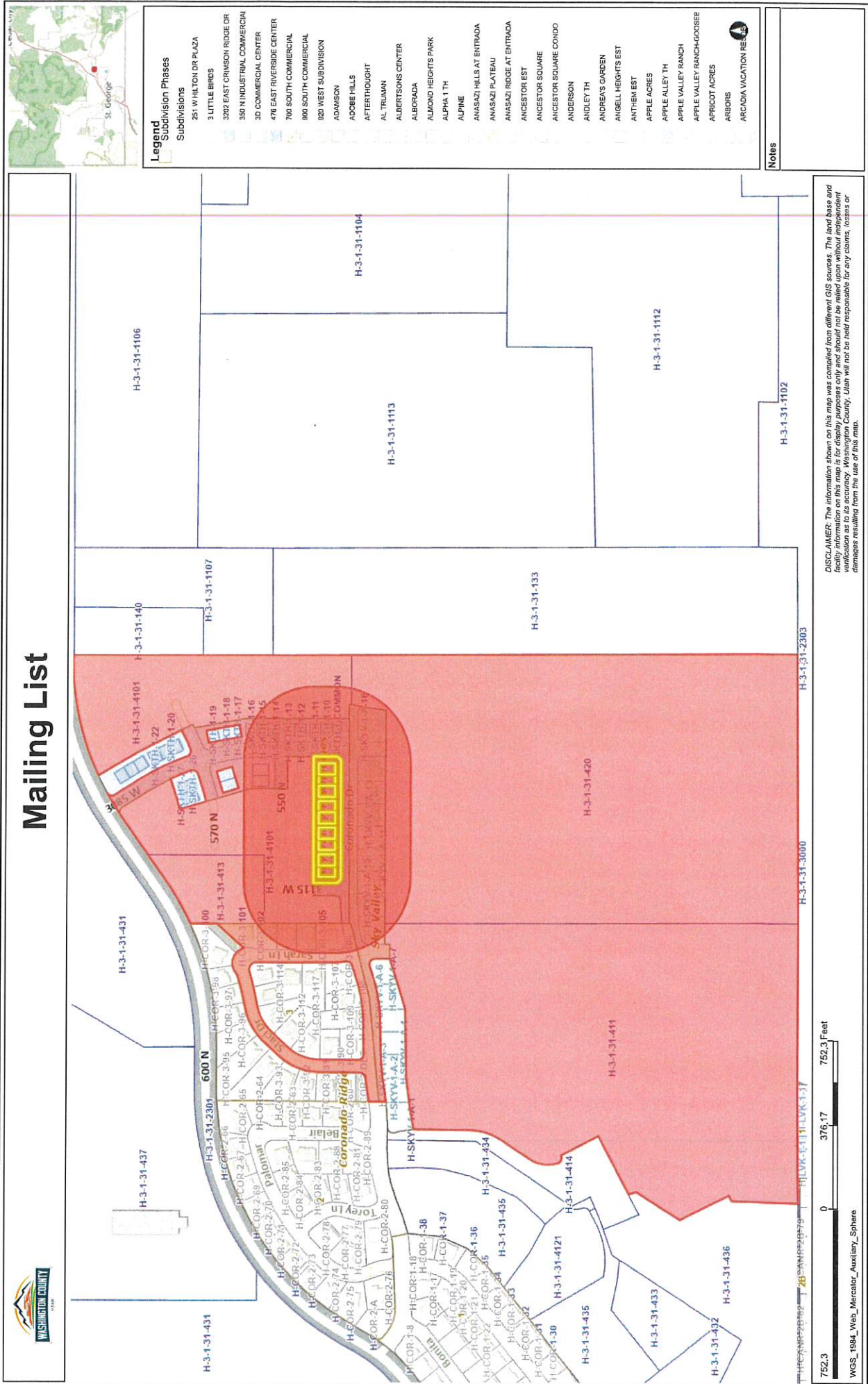
(Office Use Only)

Date Received: _____ Application Complete: YES ☐ NO ☐

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

TAX_ID	NAME	ADDRESS	CITY	STATE	ZIP
H-COR-3-102	ELDRIDGE THOMAS A & MARY JO	590 N SARAH LN	HURRICANE	UT	84737
H-COR-3-105	FLORES ADALY & NIKELLE HOLLY	562 N SARAH LN	HURRICANE	UT	84737
H-SKTH-1-COMMON	GEMSTONE CUSTOM HOMES INC	4560 S DECATUR BLVD STE 202	LAS VEGAS	NV	89103
H-COR-3-104	GILES MIKENSEY & WACEY L	574 N SARAH LN	HURRICANE	UT	84737
H-3-1-31-413	JACI PROPERTIES LLC	PO BOX 1516	WASHINGTON	UT	84780-1516
H-COR-3-101	MACDONALD MYLEE	1881 W ANDESITE DR	HURRICANE	UT	84737-1402
H-SKYV-1-A-9	MORRIS ROBERT LUTHER TR	3117 W CORONADO DR	HURRICANE	UT	84737
H-3-1-31-420	SHOSHONE LAND CO LLC	4560 S DECATUR BLVD STE 202	LAS VEGAS	NV	89103
H-COR-3-103	STEADMAN ROLAND MAX JR & CAROL DIANN S TRS	693 PARK AVE	LOGAN	UT	84321
H-SKYV-1-A-13	WOODCOX JERRY	3099 W CORONADO DR	HURRICANE	UT	84737

Mailing List





STAFF COMMENTS

Agenda Date:	05/25/2023
Application Number:	2023-AFP-11
Type of Application:	Amended Final Plat
Action Type:	Administrative
Applicant:	Shoshone Land Company
Agent:	Frank Lindhardt
Request:	Approval of an Amended Final Plat
Location:	Approximately 3100 W Coronado Dr
Zoning:	R1-8 PDO
General Plan Map:	Single Family

Update 06/01/2023: The Planning Commission recommended approval conditioned on the applicant turning in a new plat that complies with amended final plat requirements. The vote was unanimous

Discussion: The applicant has applied to amend the final plat for Sky Valley Phase 1A. The applicant is looking to convert nine townhome units to six single family units.

rescind this acknowledgement if additional information becomes available. The district has not determined whether water will be available for this development and does not hereby make any guarantee of water availability. In addition, the development must conform with applicable district requirements, including but not limited to payment of fees.

Staff Comments

1. The plat does not meet amended final plat standards contained in [Utah Code 10-9a-608](#). Subdivision Amendments, updated in 2022. The following are the key items:
 - a. The plat does depict only the portion of the subdivision that is proposed to be amended
 - b. The plat does not include a plat name distinguishing the amended plat from the original plat
 - c. The plat does not provide an amendment note
 - d. Does not include references to the original plat
2. The Final Plat needs a full review by the City Engineering Department for surveying details.
3. The preliminary plat for Sky Valley and Sky Valley Townhomes includes a requirement to decrease the development by three units in order to match the approved density. This amendment would accomplish that.
4. Utility meters and services will need to be moved and capped to match the new lot lines

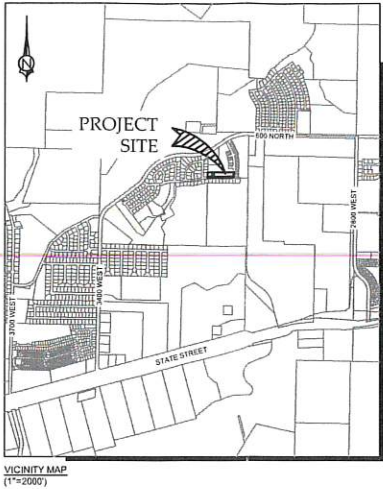
Recommendation: Staff recommends that the Planning Commission review this application based on Hurricane City and State Code standards. Staff recommends continuing this item until the amended final plat standards can be met.

CORPORATION ACKNOWLEDGMENT

STATE OF _____ } s.s.
COUNTY OF _____

ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, NANETTE BILLINGS, WHO BEING BY ME DULY SWORN DID SAY THAT SHE IS THE MAYOR OF THE HURRICANE CITY, A MUNICIPAL CORPORATION, AND THAT SHE EXECUTED THE FOREGOING DOCUMENT ON BEHALF OF SAID CORPORATION BY AUTHORITY OF A RESOLUTION OF ITS BOARD OF DIRECTORS AND SHE DID ACKNOWLEDGE TO ME THAT THE CORPORATION EXECUTED THE SAME FOR THE PURPOSES STATED THEREIN.

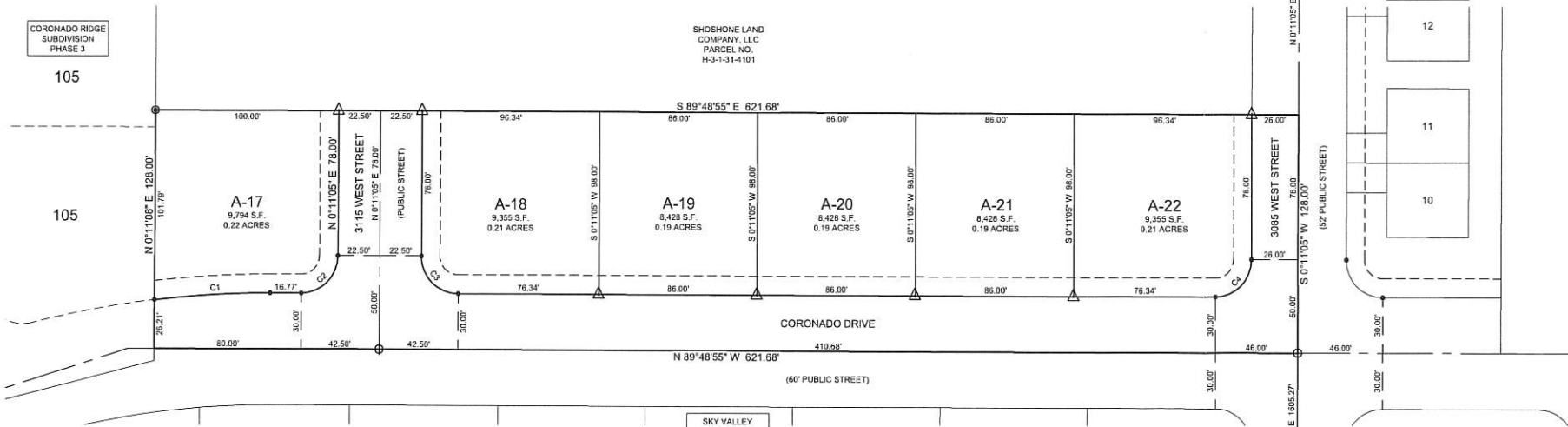
NOTARY PUBLIC _____ COMMISSION NUMBER: _____
NOTARY PUBLIC FULL NAME: _____ MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH
STAMP IS NOT REQUIRED PER UTAH CODE 46-1-16(6)



GENERAL NOTES

1. A 10.00 FOOT WIDE PUBLIC UTILITIES, MAILBOX, AND DRAINAGE EASEMENT EXISTS ALONG ALL FRONT AND STREETSIDE LOT LINES, UNLESS OTHERWISE NOTED ON THIS PLAT. THERE EXISTS A BLANKET PUE AND DRAINAGE EASEMENT OVER ALL COMMON OPEN SPACE.
2. A GEOTECHNICAL INVESTIGATION WAS PERFORMED BY LANDMARK TEST & ENGINEERING. THE INVESTIGATION RESULTS AND SPECIFIC RECOMMENDATIONS FOR THE CONSTRUCTION OF FOUNDATIONS AND FLOOR SLABS ARE COMPILED IN A REPORT DATED MARCH 18, 2021. A COPY OF THIS REPORT IS ON FILE WITH HURRICANE CITY. OWNERS, BUILDERS, AND CONTRACTORS SHOULD BECOME FAMILIAR WITH THIS REPORT AND SHALL COMPLY WITH ITS RECOMMENDATIONS.
3. ALL ROCK WALLS ARE PRIVATE AND ALL ROCK WALL REPAIR AND MAINTENANCE SHALL BE THE RESPONSIBILITY OF THE OWNER SAID OWNER SHALL INDEMNIFY AND, HOLD HARMLESS HURRICANE CITY, ITS OFFICERS, BOARDS, EMPLOYEES, AGENTS AND ASSIGNS, FROM ANY CLAIMS RESULTING FROM ROCK WALLS LOCATED WITHIN THIS SUBDIVISION.

CURVE TABLE				
CURVE NO.	LENGTH	RADIUS	DELTA	CHORD BEARING
C1	63.39'	530.00'	8°51'08"	S 86°45'31" W
C2	31.42'	20.00'	90°00'00"	N 45°11'05" E
C3	31.42'	20.00'	90°00'00"	S 44°48'55" E
C4	31.42'	20.00'	90°00'00"	N 45°11'05" E

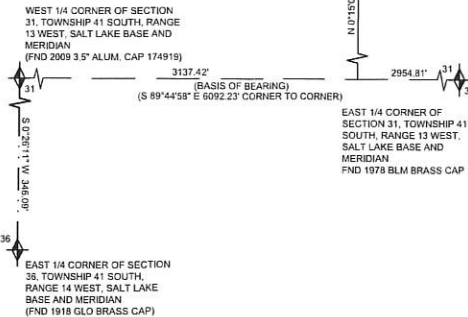


LEGEND

- SECTIONAL MONUMENTATION (FOUND: TYPE, DATE, AGENCY AND LOCATION ETC, AS SHOWN ON THE PLAT).
- SPECIFIES FOUND SURVEY CONTROL MONUMENT AS SHOWN AND NOTED (CLASS I, RING & LID).
- SPECIFIES FOUND SURVEY CONTROL MONUMENT AS SHOWN AND NOTED, (CLASS II, REBAR & ALUM. CAP).
- SPECIFIES FRONT LOT PROPERTY CORNER OFFSET RIVET, OR NAIL & WASHER SET AT 5.50' ALONG PROJECTION OF LOT LINE, UNLESS OTHERWISE SPECIFIED ON THE PLAT.
- ALL BOUNDARY AND PROPERTY (LOT) CORNERS TO BE SET WITH 3/8" REBAR AND CAP STAMPED CIVIL SCIENCE SURVEYORS, UNLESS OTHERWISE SPECIFIED ON THE PLAT.
- HORIZONTAL GEOMETRY POINT, NOTHING SET.

- BOUNDARY LINE
- LOT LINE
- EXISTING RIGHT OF WAY LINE
- EXISTING LOT LINE
- EASEMENT LINE (SEE GENERAL NOTES ON SHEET 1 OF 2)
- CENTERLINE
- SECTION LINE

SCALE: 1" = 40'
(SCALE ONLY VALID FOR 24" x 36" PAPER)



SURVEYOR'S CERTIFICATE

I, TRAVIS SANDERS, A PROFESSIONAL LAND SURVEYOR, LICENSE NUMBER 9481170, HOLD THIS LICENSE IN ACCORDANCE WITH TITLE 58 CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT AND HAVE COMPLETED THIS SURVEY OF THE PROPERTY DESCRIBED HEREON IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS AND HAVE PLACED MONUMENTS AS REPRESENTED ON THIS PLAT. I CERTIFY THAT BY AUTHORITY OF THE HEREON OWNERS I HAVE MADE A SURVEY OF THE TRACT OF LAND AS SHOWN ON THIS PLAT AND HAVE SUBDIVIDED THE SAME TRACT INTO LOTS, PUBLIC STREETS AND EASEMENTS TO BE HEREINAFTER KNOWN AS:

SKY VALLEY PHASE 1-A

AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

DATE _____

TRAVIS W. SANDERS, PLS

BOUNDARY DESCRIPTION

BEGINNING AT A POINT S 89°44'59" E 3137.42' FEET ALONG THE CENTER SECTION LINE OF SECTION 31, TOWNSHIP 41 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN, AND N 0°15'02" E 1605.27' FEET FROM THE WEST 1/4 CORNER OF SAID SECTION 31, POINT BEING ON THE CENTERLINE OF CORONADO DRIVE AS SHOWN ON SKY VALLEY PHASE 1 SUBDIVISION, RECORDED AND ON FILE IN THE OFFICE OF THE RECORDER, WASHINGTON COUNTY, STATE OF UTAH, AND RUNNING THENCE N 89°48'55" W 621.88' FEET ALONG SAID LINE, TO A POINT ON THE EAST BOUNDARY OF CORONADO RIDGE PHASE 3 SUBDIVISION, RECORDED AND ON FILE IN THE OFFICE OF SAID RECORDER, THENCE N 0°11'05" E 128.00' FEET ALONG SAID LINE, THENCE S 89°48'55" E 621.88' FEET, TO A POINT ON THE CENTERLINE OF 3085 WEST STREET AS SHOWN ON SKY VALLEY TOWNHOMES, PHASE 1, RECORDED AND ON FILE IN THE OFFICE OF SAID RECORDER, THENCE S 0°11'05" W 128.00' FEET ALONG SAID LINE, TO THE POINT OF BEGINNING.

CONTAINS 79,575 SQ FT OR 1.83 ACRES MORE OR LESS

OWNER'S DEDICATION

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

SKY VALLEY PHASE 1-A

AND 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 PUBLIC STREETS AND EASEMENTS. ALL LOTS, PUBLIC STREETS AND EASEMENTS ARE AS NOTED OR SHOWN. THE OWNERS DO HEREBY WARRANT TO HURRICANE CITY AND ITS SUCCESSORS AND ASSIGNS, TITLE TO ALL PROPERTY DEDICATED AND CONVEYED TO PUBLIC USE HEREIN AGAINST THE CLAIMS OF ALL PERSONS. LOTS SHOWN ON THIS PLAT ARE SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS, RECORDED IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER ON THIS _____ DAY OF _____, 20____, SAID DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS IS HEREBY INCORPORATED AND MADE A PART OF THIS PLAT.

SHOSHONE LAND CO, L.L.C.
(A NEVADA LIMITED LIABILITY COMPANY)

GEMSTONE CUSTOM HOMES, INC
(A UTAH CORPORATION)

FRANK G. LINDHARDT, MANAGING MEMBER
SHOSHONE LAND COMPANY L.L.C.

FRANK G. LINDHARDT, PRESIDENT
GEMSTONE CUSTOM HOMES, INC.

HURRICANE CITY
(MUNICIPAL CORPORATION)

NANETTE BILLINGS, HURRICANE CITY MAYOR

LIMITED LIABILITY ACKNOWLEDGMENT

STATE OF _____ } s.s.
COUNTY OF _____

ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, FRANK G. LINDHARDT WHO BEING BY ME DULY SWORN, DID SAY THAT HE IS THE MANAGING MEMBER OF SHOSHONE LAND CO, LLC, AND THAT HE EXECUTED THE FOREGOING OWNER'S DEDICATION IN BEHALF OF SAID LIMITED LIABILITY COMPANY BEING AUTHORIZED AND EMPOWERED TO DO SO BY THE OPERATING AGREEMENT OF SHOSHONE LAND CO, LLC, AND HE DID DULY ACKNOWLEDGE TO ME THAT SUCH LIMITED LIABILITY COMPANY EXECUTED THE SAME FOR THE USES AND PURPOSES STATED THEREIN.

NOTARY PUBLIC FULL NAME: _____ COMMISSION NUMBER: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH
STAMP IS NOT REQUIRED PER UTAH CODE 46-1-16(6)

CORPORATION ACKNOWLEDGMENT

STATE OF _____ } s.s.
COUNTY OF _____

ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, FRANK LINDHARDT, WHO BEING BY ME DULY SWORN DID SAY THAT HE IS THE PRESIDENT OF COMMUNITY GEMSTONE CUSTOM HOMES, INC, AND THAT HE EXECUTED THE FOREGOING DOCUMENT ON BEHALF OF SAID CORPORATION BY AUTHORITY OF A RESOLUTION OF ITS BOARD OF DIRECTORS AND HE DID ACKNOWLEDGE TO ME THAT THE CORPORATION EXECUTED THE SAME FOR THE PURPOSES STATED THEREIN.

NOTARY PUBLIC _____ COMMISSION NUMBER: _____
NOTARY PUBLIC FULL NAME: _____ MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH
STAMP IS NOT REQUIRED PER UTAH CODE 46-1-16(6)

SKY VALLEY PHASE 1-A

LOCATED IN
NW 1/4 OF SECTION 31, TOWNSHIP 41 SOUTH,
SALT LAKE BASE AND MERIDIAN
WASHINGTON COUNTY - HURRICANE, UTAH

APPROVAL ASH CREEK SPECIAL SERVICE DISTRICT
I, HEREBY CERTIFY THAT THIS OFFICE HAS REVIEWED THE ABOVE FINAL PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE THIS _____ DAY OF _____, A.D. 20____.

ENGINEER'S APPROVAL
THE HEREON FINAL PLAT HAS BEEN REVIEWED AND IS APPROVED IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE THIS _____ DAY OF _____, A.D. 20____.

APPROVAL AS TO FORM
APPROVED AS TO FORM, THIS THE _____ DAY OF _____, A.D. 20____.

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, THIS _____ DAY OF _____, 20____.

TREASURER APPROVAL
I, WASHINGTON COUNTY TREASURER, CERTIFY ON THIS _____ DAY OF _____, A.D. 20____ THAT ALL TAXES, SPECIAL ASSESSMENTS, AND FEES DUE AND OWING ON THIS FINAL PLAT HAVE BEEN PAID IN FULL.

RECORDED No. _____
WASHINGTON COUNTY RECORDER

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



SKY VALLEY PHASE 1-A

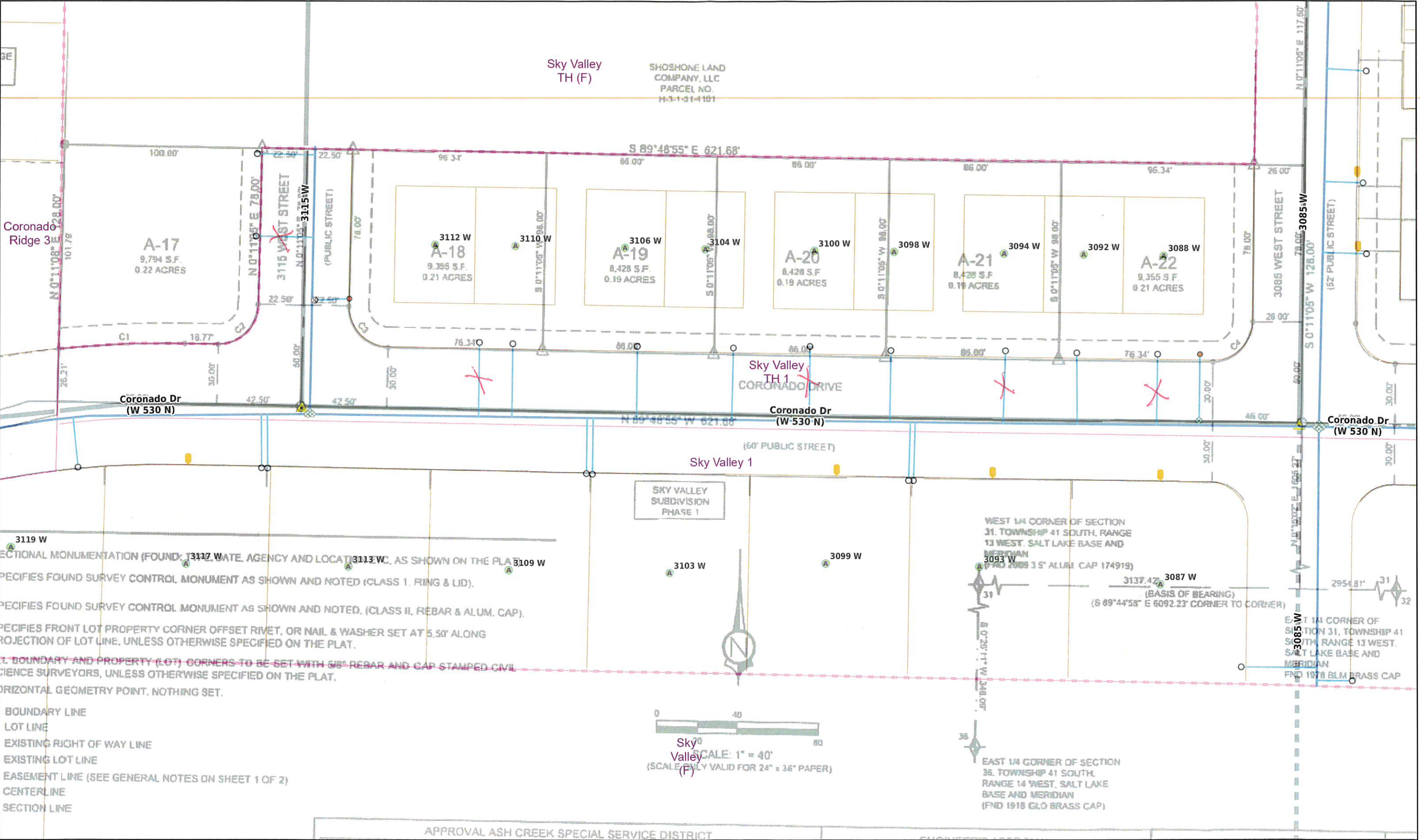
LOCATED IN

NW 1/4 OF SECTION 31, TOWNSHIP 41 SOUTH,
RANGE 13 WEST, SALT LAKE BASE & MERIDIAN

PROJ. # 21065.018
DRAWN BY: PJW
DATE: 12-9-2022
CHECKED BY: TWS
SCALE OF SHEET
HOR SCALE 1" = 40'
SHEET
1
OF
1

Sky Valley 1A

Subdivision Reference





STAFF COMMENTS

Consideration and possible approval of a **preliminary plat for Azure Ridge, a two lot commercial subdivision located at the northwest corner of Turf Sod Road and Sand Hollow Road**. David Crowther Applicant. Dave Nasal Agent.

Discussion:

The applicant has filed a preliminary plat for Azure Ridge, a commercial development on the corner of Sand Hollow Road and Turf Sod Road. This property has a split zoning of General Commercial and Planned Commercial. The property owner would like to split the General Commercial into two pieces and Planned Commercial piece into separate parcels as well as complete the road dedications for Sand Hollow Road, Turf Sod Road, and 4600 W.

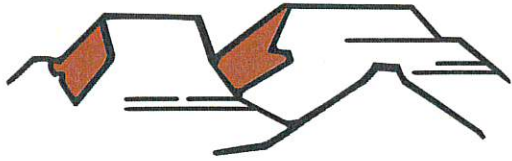
There is an approved preliminary site plan for storage units on the General Commercial piece and the applicant has told staff they would like to develop the Planned Commercial piece as a mixed use development with the PC property to the north that they also own with this piece being the commercial portion of the project and townhomes on the northern piece. The applicant has suggested rezoning Lot 1 to PC as part of that development but that will have to be resolved in a different application. The Planning Commission unanimously recommended approval of this preliminary plat.

Findings:

Recommendation:

Attachments:

1. 2023-PP-16 App
2. 2023-PP-16 Azure Ridge (1)
3. PRELIMINARY PLAT SOUTH PARCEL 3 LOTS 5-17-2023
4. Will Serve - Azure Ridge - 2023.05.23
5. Hurricane Water Dept_20230523_145431



PLANNING & ZONING
HURRICANE CITY
UTAH

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

PRELIMINARY PLAT APPLICATION

For office use only: \$150.00 Fee

File No. 2023-PP-11

Receipt No. 7-711751

Name: DAVID CROWTHER Telephone: (435) 590-6192

Address: 347 E MUNICH DR, ST GEORGE, UT Fax No. N/A

Email: OSMONDOC@GMAIL.COM Agent Email: DAVENASAL@GMAIL.COM

Agent (If Applicable): DAVE NASAL Telephone: (435) 705-4474

Address/Location of Subject Property: NORTHWEST CORNER OF TURF SOD RD & SAND HOLLOW RD.

Tax ID of Subject Property: H-4-2-11-243 Zone District: GC + PC

Proposed Use: (Describe, use extra sheet if necessary. Include total number of lots) just to SUBDIVIDE
legally into 2 separate PARCELS

Submittal Requirements: The preliminary plat application shall provide the following:

- ☒ 1. Description: In a title block located in the lower right-hand corner of the sheet the following is required:
 - ☒ a. The proposed name of the subdivision.
 - ☒ b. The location of the subdivision, including the address and section, township and range.
 - ☒ c. The names and addresses of the owner or subdivider, if other than the owner.
 - ☒ d. Date of preparation, and north point.
 - ☒ e. Scale shall be of sufficient size to adequately describe in legible form, all required conditions of Chapter 39, City Subdivision regulations.
- ☒ 2. Existing Conditions: The preliminary plat shall show:
 - ☒ a. The location of the nearest monument.
 - ☒ b. The boundary of the proposed subdivision and the acreage included.
 - ☒ c. All property under the control of the subdivider, even though only a portion is being subdivided. (Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted, and the street system of the part submitted shall be considered in light of existing Master Street Plan or other Commission studies.)
 - ☒ d. The location, width, and names/numbers of all existing streets within two hundred (200) feet of the subdivision and of all prior streets or other public ways, utility rights of way, parks and other public open spaces, within and adjacent to the tract.
 - ☒ e. The location of all wells and springs or seeps, proposed, active and abandoned, and of all reservoirs or ponds within the tract and at a distance of at least one hundred feet (100') beyond the tract boundaries.
 - ☒ f. Existing sewers, water mains, culverts, or other underground facilities within the tract, indicating the pipe sizes, grades, manholes and the exact locations.
 - ☒ g. Existing Hurricane Canal Company facilities; other ditches, canals, natural drainage channels and open waterways and any proposed realignments.

- ☒ h. Contours at vertical intervals not greater than five (5) feet.
 - ☒ i. Identification of potential geotechnical constraints on the project site (such as expansive rock and soil, collapsible soil, shallow bedrock, and caliche, gypsiferous rock and soil, potentially unstable rock or soil units including fault lines, shallow groundwater, and windblown sand) and recommendations for their mitigation.
 - ☒ j. Information on whether property is located in desert tortoise take area
- ☒ 3. Proposed Plan: The subdivision plans shall show:
- ☒ a. The layout of streets, showing location, widths, and other dimensions of proposed streets, crosswalks, alleys, and easements.
 - ☒ b. The layout, numbers, and typical dimensions of lots.
 - ☒ c. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.
 - ☒ d. Easements for water, sewers, drainage, utilities, lines and other purposes.
 - ☒ e. Typical street cross sections and street grades where required by the Planning Commission. (All street grades over 5% should be noted on the preliminary plat)
 - ☒ f. A tentative plan or method by which the subdivider proposes to handle the storm water drainage for the subdivision.
 - ☒ g. Approximate radius of all center line curves on highways or streets.
 - ☒ h. Each lot shall abut a street shown on the subdivision plat or on an existing publicly dedicated street. (Double frontage or flag lots shall be prohibited except where conditions make other design undesirable)
 - ☒ i. In general, all remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allow to remain as unusable parcels.
 - ☒ j. Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the Planning Commission.
 - ☒ k. A letter from both the local sanitary sewer provider and culinary water provider indicating availability of service.
 - ☒ l. Will this subdivision be phased? If yes show possible phasing lines.
 - ☒ m. A tentative plan or method for providing non-discriminatory access to the subdivision for purposes of placement of communications infrastructure, and for purposes of placement of utility infrastructure.
- ☒ 4. Required copies of plans:
- ☒ a. Three copies of all full-scale drawings
 - ☒ b. One copy of each drawing on a 11 x 17-inch sheets. (8 1/2 x 11 is acceptable if the project is small and the plans are readable at that size).
- ☒ 5. Warranty deed or preliminary title report or another document (see attached Affidavit) showing evidence that the applicant has control of the property
- ☒ 6. Signed and notarized Acknowledgement Water Supply (see attached)

NOTE: It is important that all applicable information noted above is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. A deadline missed due to an incomplete application, could result in a month's delay. Planning Commission meetings are held on the second Thursday and fourth Thursday of each month at 6:00 p.m. The deadline to submit an application to be placed on an agenda is no later than 12:00 (noon) 20 full calendar days before the Planning Commission meeting at which you plan for your application to be heard.

(Office Use Only)

Date Received: _____ Application Complete: YES _____ NO _____

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

AFFIDAVIT

PROPERTY OWNER

STATE OF UTAH)

COUNTY OF) Washington :SS

I (we), DANA CROWTHER, 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.

* [Signature]
(Property Owner)

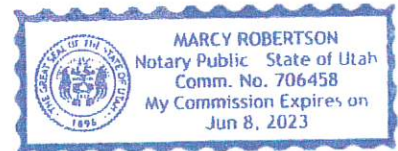
(Property Owner)

Subscribed and sworn to me this 4 day of May 2023

Marcy Robertson
(Notary Public)

Residing in: St. George, UT

My Commission Expires: 6-8-23



Agent Authorization

I (we), DANA CROWTHER, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) DANE NAYLOR ERIC McFADDEN 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.

* [Signature]
(Property Owner)

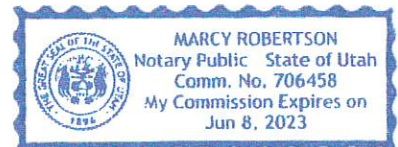
(Property Owner)

Subscribed and sworn to me this 4 day of May 2023

Marcy Robertson
(Notary Public)

Residing in: St. George, UT

My Commission Expires: 6-8-23



ACKNOWLEDGEMENT OF WATER SUPPLY

I/We, DAVE CROWTHER am/are the applicant(s) of the application known as _____ located on parcel(s) H-4-2-11-243 within the City of Hurricane, Washington County, Utah.

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

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

Dated this 4 day of MAY, 2023.

Applicant Name: DAVE NASH / ERIC McFARSON

Name of Signer (if different from Applicant Name): DAVE CROWTHER

Title of Signer: OWNER

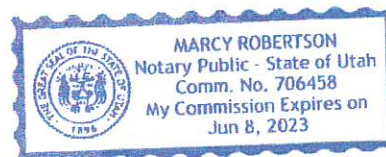
* Signature: [Signature]

STATE OF Utah)

COUNTY OF Washington)

On the 4 day of May, 2023, personally appeared before me Dave Crowther the signer of the above instrument, who duly acknowledged to me that he/she executed the same in the capacity indicated on behalf of the Applicant.

Notary Public: Marcy Robertson
My Commission Expires: 6-8-23



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

PRELIMINARY PLAT APPLICATION page 5 (General Information)

PURPOSE

The preliminary plat application is the first step in land development process in those instances where land is divided for eventual sale. The process is established to ensure that all proposed divisions of land conform to the City General Plan and to adopted development standards of the Land Use Ordinance.

WHEN REQUIRED

The preliminary plat is required any time land is to be divided, re-subdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease or development either on installment plan or upon any and all other plans, terms and conditions. It is not required on agricultural divisions where the agricultural parcel is divided to be combined with another agricultural parcel, nor is it required when two un-subdivided properties are merged, or where the boundary between two un-subdivided properties are adjusted.

The preliminary plat must be approved before a final plat can be processed and recorded.

Subdivision approval process:

- Determine current zoning for property.
- If zoning fits desired subdivision, meet with Planning staff to discuss the proposed project.
- Obtain a preliminary plat application form and complete the application and have a plat prepared by an engineer to meet the requirements on the preliminary plat application.
- Submit completed application, preliminary plat, and required \$150 fee to Planning Department before noon on the Wednesday two weeks before desired Planning Commission meeting. (See submittal dates sheet)
- Appear at the scheduled Planning Commission meeting to discuss preliminary plat, hear comments, answer questions, and receive recommendation of approval or disapproval from Planning Commission.
- Appear at the next scheduled City Council meeting that occurs after the Planning Commission meeting at which a recommendation was received. Hear City Council comments, answer questions, and receive City Council decision. City Council can approve the plat with conditions, recommend changes and send it back to the Planning Commission, or deny the plat.

If the preliminary plat is approved, have construction drawings for utilities and streets prepared by an engineer according to Hurricane City standards. Construction drawings must be approved by both the Hurricane Joint Utilities Committee and the Ash Creek Special Service District. Approval means changes are made and all required signatures are obtained.

Once the preliminary plat is approved by the City Council, the applicant has one year after receiving approval of the preliminary plat to submit the final plat to the Planning Commission for action. The Planning Commission may authorize a one-year time extension, provided the extension request is made before the one-year time limit is reached. The Planning Commission will review and make recommendation to the City Council on the final plat

when submitted. The City Council will typically review the Planning Commission recommendation within 1-2 weeks after the Commission action on the final plat.

APPEALS

- The Planning Commission makes a recommendation to the City Council, so there is no appeal. The City Council's action on a preliminary plat is final unless appealed to the appropriate court.



STAFF COMMENTS

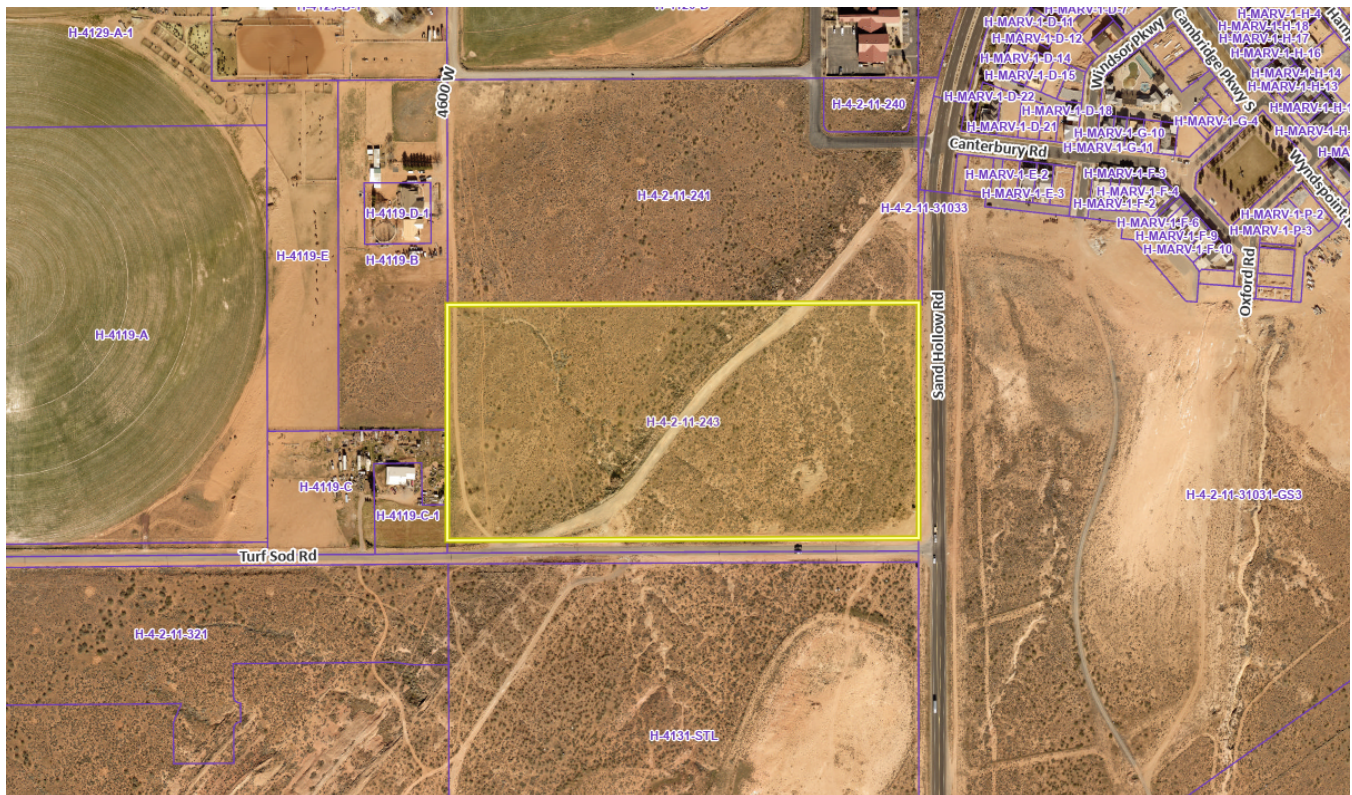
Agenda Date:	06/01/2023
Application Number:	2023-PP-16
Type of Application:	Preliminary Plat Application
Action Type:	Administrative
Applicant:	David Crowther
Agent:	Dave Nasal
Request:	Approval of a Preliminary Plat
Location:	Northwest corner of Turf Sod Road and Sand Hollow Road
Zoning:	GC, PC
General Plan Map:	Mixed Use , Planned Community

Update 06/01/2023: The will serve letters have been received. The Planning Commission unanimously recommended approval of this preliminary plat.

Discussion:

The applicant has filed a preliminary plat for Azure Ridge, a commercial development on the corner of Sand Hollow Road and Turf Sod Road. This property has a split zoning of General Commercial and Planned Commercial. The property owner would like to split the General Commercial into two pieces and Planned Commercial piece into separate parcels as well as complete the road dedications for Sand Hollow Road, Turf Sod Road, and 4600 W.

There is an approved preliminary site plan for storage units on the General Commercial piece and the applicant has told staff they would like to develop the Planned Commercial piece as a mixed use development with the PC property to the north that they also own with this piece being the commercial portion of the project and townhomes on the northern piece. The applicant has suggested rezoning Lot 1 to PC as part of that development but that will have to be resolved in a different application.



JUC Comments

The following items will need to be addressed:

1. **Public Works:** No access off Sand Hollow Road. Drainage concerns.
2. **Power:** Dixie Power area. No comments received.
3. **Sewer:** 8" main in Sand Hollow Road. 6" pressure line in Turd Soad Road. Will likely require pump.
4. **Street:** Improvements to adjacent roadways will need to be done.
5. **Water:** Okay
6. **Engineering:** Engineering would recommend a preliminary site plan for the internal roadways be provided. The applicant should consult a traffic engineer to determine if a right turn deceleration lane is needed at the corner of Turf Sod Road and Sand Hollow Road as recommended by the traffic impact study for Pecan Valley Resort. The traffic impact study for Gateway at Sand Hollow indicates there should be a traffic signal at Turf Sod Road and Sand Hollow Road.
7. **Fire:** Access and hydrant spacing concerns.
8. **Cable:** Add Centurylink notes to construction drawings. Need a developed conduit.
9. **Phone:** No comments
10. **Gas:** No comments.
11. **Water Conservancy:** Washington County Water Conservancy District hereby acknowledges that based on the information provided, the plans adequately mitigates interference with district facilities and property interests. The District reserves the right to rescind this acknowledgement if additional information becomes available. The district has not determined whether water will be available for

05/25/2023

2023-PP-16

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

Staff Comments: Preliminary Plat

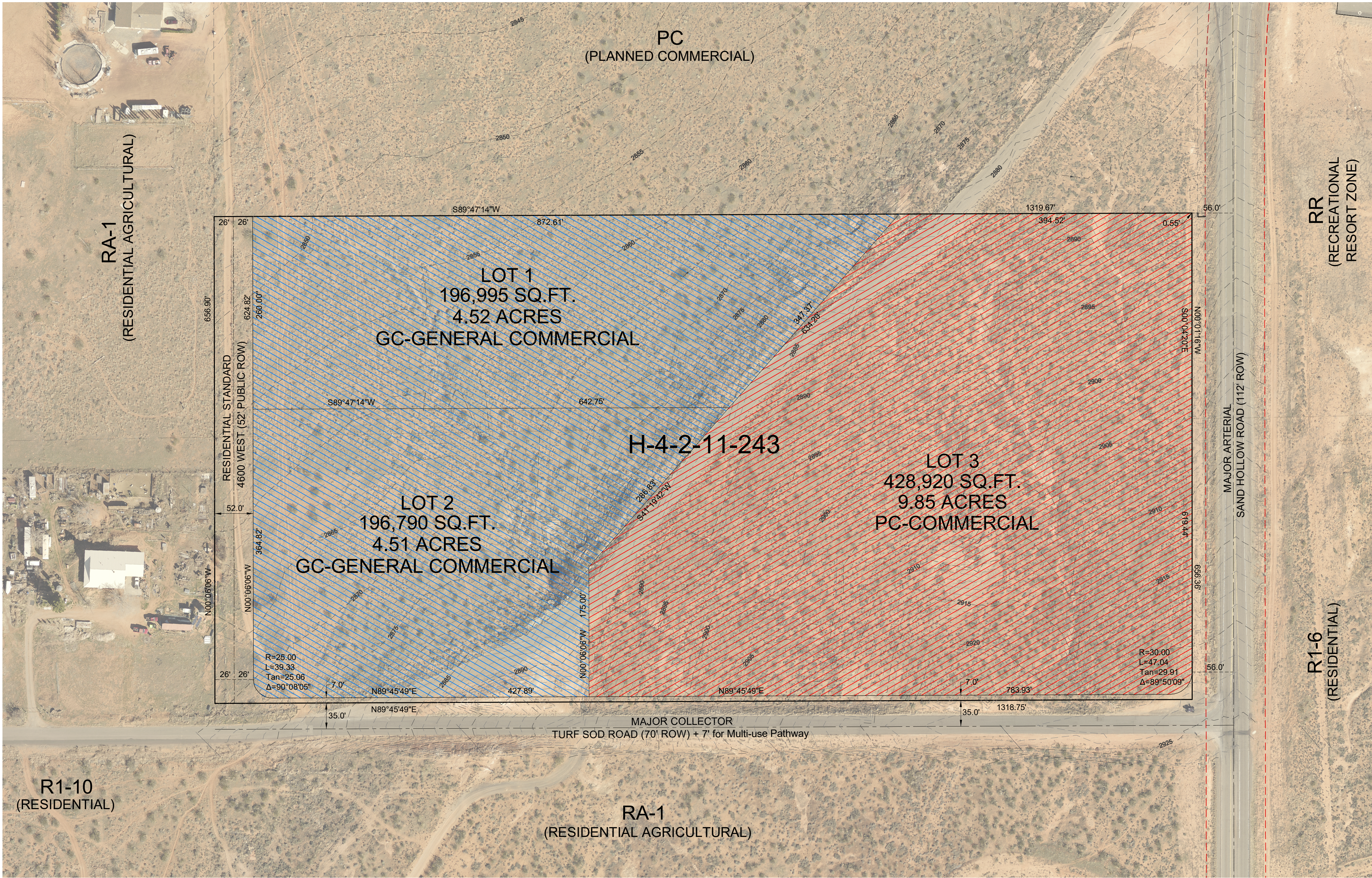
1. The property has a split zoning of PC and GC. Any further subdivisions will require amended final plats.
2. The applicant is showing dedication for Sand Hollow Road from the centerline of the existing roadway. Sand Hollow Road is not dedicated through this section and some negotiation between the applicant, the city, and the Gateway to Sand Hollow PID to make sure the roadway is correct through this area.
3. The plat does not indicate if the property is in a desert tortoise take area.
4. Will serve letters from the culinary and sanitary water providers have not been provided.

Recommendation: Staff recommends the Planning Commission review this application based on standards with Hurricane City Code. Staff recommends continuing this item until will serve letters are received from the water and sewer providers.

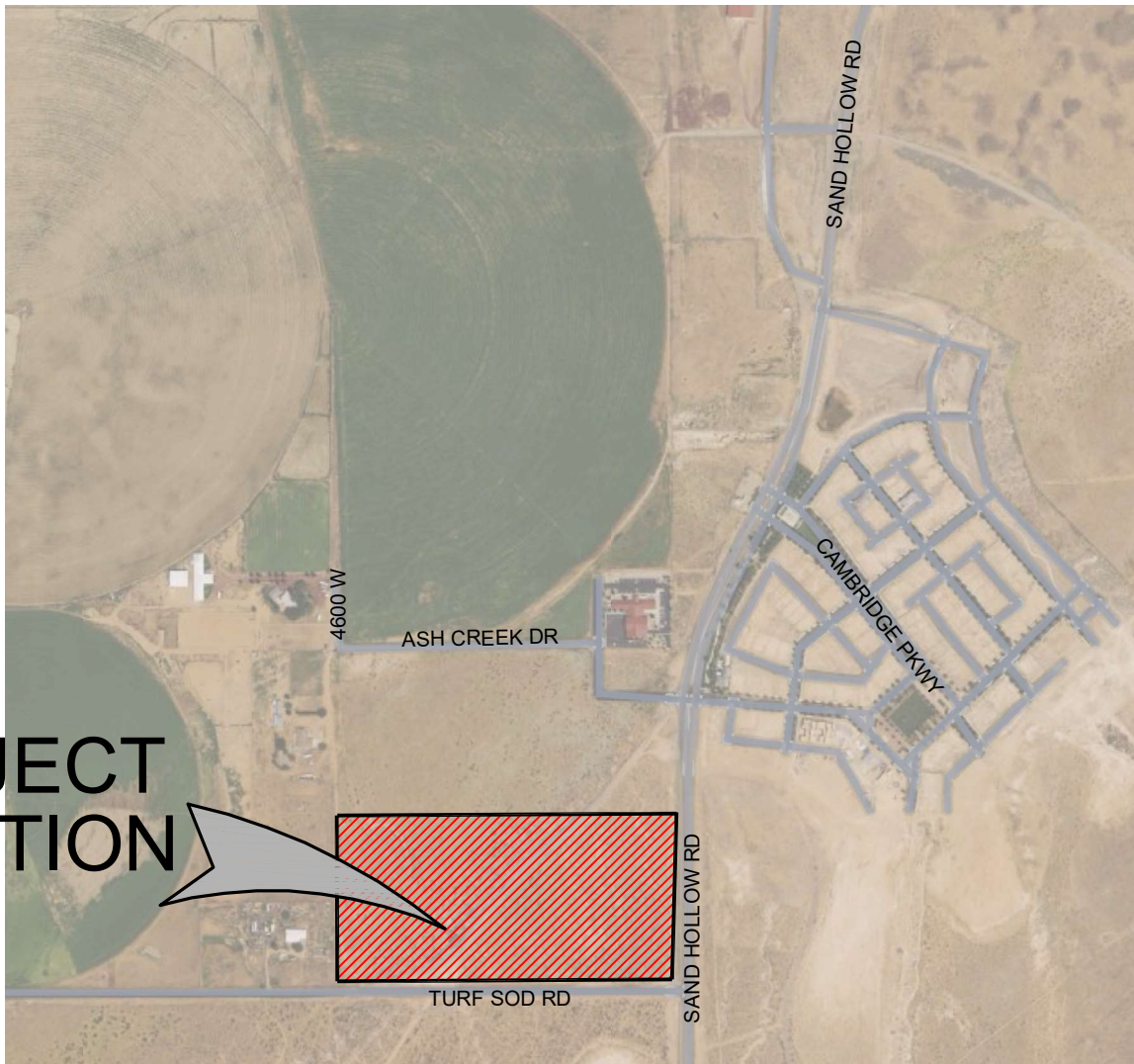
AZURE RIDGE

3 LOT SUBDIVISION

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 11,
TOWNSHIP 42 SOUTH, RANGE 14 WEST, SLB&M



PROJECT
LOCATION



LEGEND

- PC-COMMERCIAL AREA
- GC-GENERAL COMMERCIAL AREA

SITE DATA

OWNER: DAVE CROWTHER
347 E MUNICH DR.
ST. GEORGE, UTAH 84790

PARCEL ADDRESS: NORTHWEST CORNER OF
TURF SOD RD & SAND HOLLOW RD.

PARCEL NUMBER: H-4-2-11-243

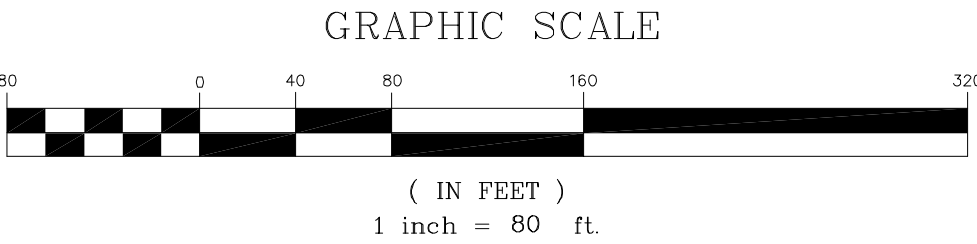
TOTAL PARCEL = 19.88 ACRES

GC-GENERAL COMMERCIAL = 9.03 ACRES (45.5%)

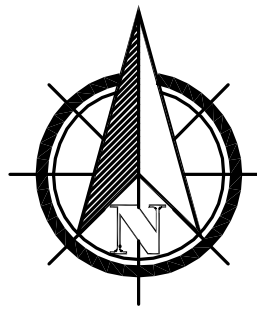
PC-COMMERCIAL = 9.85 ACRES (49.5%)

ROADWAYS = 0.99 ACRES (5.0%)

EXISTING ZONING: WEST SIDE OF PARCEL = GC-GENERAL COMMERCIAL
EAST SIDE OF PARCEL = PC-PLANNED COMMERCIAL



DATE:	5/3/2023
DRAWN BY:	E.A.M.
CHECKED BY:	M.R.F.
CLIENT:	GHLIC



SCALE: 1" = 80'

PRELIMINARY PLAT
AZURE RIDGE - 3 LOT SUBDIVISION
DAVID CROWTHER
PARCEL # H-4-2-11-243
HURRICANE, UTAH 84737

PREMIER
Design & Engineering
75 EAST 100 NORTH IVNS, UTAH 84738 (435) 315-2267



SHEET

PP



May 23, 2023

Hurricane City
Stephen Nelson
127 N. 870 W.
Hurricane, UT 84737

Subject: Azure Ridge

Stephen,

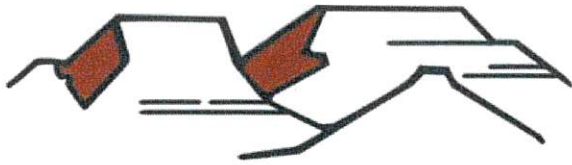
There is sewer capacity for this project. The developers understand and agree that they will need to get plan approval for the sewer system.

The developers understand and agree that due to topographic variation a portion of the proposed project may require a pump station. It is incumbent on the design engineer and developer to ensure that a possible pump station meets all Ash Creek Construction Standards.

After approval, they agree to pay all costs associated with construction and impact fees for this project. Please let us know if you have any questions.

Sincerely,

Amber Gillette, P.E.
Engineer
Ash Creek Special Service District



HURRICANE CITY UTAH

Water Department
Ken Richins, Superintendent

May 23, 2023

To Whom It May Concern:

David Nasal with Smoothie Kings Holdings, LLC (the “Developer”) has requested a culinary water will serve letter for the subdivision known as Azure Ridge Subdivision located at approximately North side of Turf Sod Road and Sand Hollow Road in Hurricane, Utah (the “Project”).

Infrastructure

The City currently has infrastructure to supply culinary water in the general area of the Project. However, Developer will be responsible to connect the Project to the existing water infrastructure, including the installation of infrastructure in dedicated public streets and as otherwise required to meet City standards. In addition, Developer may be required to obtain and supply a hydraulic water study to ensure the waterline will deliver required fire flows. A looped water system may be required.

Water Supply

As of the date of this letter, the city has adequate water to supply water to 20 residential connections within the Project. However, water within the City is a finite resource with limited supply. The ability of the City to supply water to previously approved projects, as well as continue to serve additional water customers, is contingent on water supplies being available from the Washington County Water Conservancy District (the “Conservancy District”). Therefore, the City’s statements in this letter regarding the adequacy of water supply is (1) contingent on water being available from the Conservancy District and (2) shall expire one year from the date of this letter, after which a renewed will serve letter will be required for any property or lot that has not obtained a metered connection to the City’s culinary water system. Developer is encouraged to obtain a guarantee of water from the Conservancy District.

General Requirements

In addition to the requirements and limitations described above, Developer shall be required to comply with all applicable laws, ordinances, policies, and construction and design standards. These requirements include, but are not limited to, secondary water system requirements and any obligations described in an applicable development agreement.

Sincerely,

Ken Richins
Water Department Superintendent



STAFF COMMENTS

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

Discussion:

Findings:

Recommendation:

Attachments:

None