HURRICANE CITY
UTAH

Mayor
Nanette Billings

City Manager
Kaden DeMille

City Council
Joseph Prete
Dave Sanders
David Hirschi
Kevin Thomas
Doug Heideman

Hurricane City Council Meeting
Agenda

July 20, 2023
2:30 PM
City Council Chambers 147 N 870 W, Hurricane

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

2:30 p.m. Eminent Domain Training

1. Agenda Summary

3:00 p.m. Work Meeting regarding 1150 West and 1100 West corridors

3:30 p.m. Closed Meeting regarding purchases of real property

5:00 p.m. Pre-meeting

6:00 p.m. - Call to Order

Prayer

Thought

Pledge of Allegiance

Declaration of any conflicts of interest

Minutes of the Regular City Council Meeting for June 1, 2023 and June 15, 2023 and special meeting June 6, 2023

Recognition of Life Saving Awards

Presentation from Washington County School District regarding a tax initiative

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. Discussion and decision regarding the **alignment and width of real property to purchase along 1150 West and 1100 West** corridors. -Mayor Billings
2. Consideration and possible approval of **updates to lease templates for leasing City hangar pads** at the City Airport. -Dave Houston
3. Resolution 2023-30: Consideration and possible approval of **a General Plan Amendment to adopt a Downtown Master Plan**.
4. Consideration and possible approval o**f Ordinance 2023-APA-01 approving an agriculture protection zone** for parcels H-3-2-3-44, H-3-1-4-21011, H-3-1-10-4471, and H-3-2-3-3315. -Kenneth Heaton

NEW BUSINESS

1. Consideration and possible approval of **amending the airport noise policies and procedures.**
2. Ordinance ZC23-14: Consideration and possible approval of a **Zone Change Amendment request located at 800 W 100 N from HC, highway commercial, to PC, planned commercial**. Parcel number H-3-1-34-31401. Aaron Beard Applicant. Mike Beard Agent.
3. Ordinance ZC23-16: Consideration and possible approval of a **Zone Change Amendment request located at 2095 S 700 W from R1-6, residential one unit per 6,000 square feet, to M-1, light industrial.** Parcel number H-3-2-10-232. Julie Iverson Trust Applicant. Karl Rasmussen Agent.
4. Ordinance ZC23-17: Consideration and possible approval of a **Zone Change Amendment request located at 2250 S 5140 W from R1-10, residential one unit per 10,000 square feet, to PF, public facility.** Parcel number H-4-2-11-320112. Russ Condie Applicant. Alliance Consulting Agent.
5. Consideration and possible approval on an **amended final plat for Pecan Valley Resort Phase 1** located at 5210 W 2400 S. Chris Wyler Applicant.
6. Consideration and possible approval on an **amended final plat for Dixie Springs Phase E Lots 92 & 93 located at 3640 W and Dixie Springs Drive**. Brett Kee Applicant. Brandee Walker-Civil Science Agent.
7. Public Hearing to take comments on the following:
   a. Petition to Disconnect parcels H-3403-C-2, H-3403-B-2, and adjacent roads 1200 W and 4500 South
   b. ~~Ag protection overlay on parcels H-3-2-3-440 and H-3-2-3-345~~ **This public hearing has been moved to the August 3, 2023 agenda**
8. Consideration and possible approval of a **disconnection request for parcels H-3403-C-2, H-3403-B-2, and adjacent roads**-Sky Ranch Ph 6 L.C. applicant, Doug Durbano agent
9. Consideration and possible approval of Resolution 2023-32 adopting a **policy governing commercial electric vehicle charging stations**. -Scott Hughes
10. Consideration and possible approval of **Resolution 2023-33 adopting a new rate for commercial electric vehicle charging stations.** -Scott Hughes

11. Consideration and possible approval of **awarding a contract for the 600 North Trail**-Arthur LeBaron
12. Consideration and possible approval on **cost adjustments for the 2800 West project**-Arthur LeBaron
13. Discussion and decision on **300 West improvements for the Lone Pine subdivision** - Brad Neilson and Brad Winder
14. Ordinance ZC23-15: Consideration and possible approval of a **Zone Change Amendment request located at 1300 W 3000 S from RA-1, residential agriculture one unit per acre, to PF, public facility.** This change will affect a portion of parcel number H-3394-B-1. John Bramall Applicant. JJ Allred/Lance Hutchings Agent
15. Ordinance ZC23-18: Consideration and possible approval of a **Zone Change Amendment request located at 1147 W 400 S from RA-1, residential agricultural one unit per acre, to RA-0.5, residential agricultural one unit per half acre.** Parcel number H-3-2-3-4443. Ellen and Matthew Bentley Applicant. Buy Sell Build STG Construction Agent.
16. Ordinance ZC23-19: Consideration and possible approval of a **Zone Change Amendment request located at approximately 1000 W 3100 S from RA-0.5, residential agriculture one unit per half acre, to M-1, light industrial**. Parcel number H-3396-E. Scott Stratton Applicant. Karl Rasmussen Agent.
17. Resolution 2023-34:Consideration and possible approval of A **General Plan Amendment to amend the 2022 Moderate-Income Housing Plan**
18. 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 July 20, 2023

2:30 p.m. Eminent Domain Training

3:00 p.m. Work Meeting regarding 1150 W and 1100 W corridors

3:30 p.m. Closed Meeting regarding purchases of real property

5:00 p.m. Pre-Meeting

6:00 p.m. Call to Order

Recognition of Life Saving Awards

Presentation from Washington County School District regarding a tax initiative

Old Business

1. 1100 & 1150 West decision
2. For consistency and ease of administration, it is proposed that the City Council adopt templates for personal and commercial leases for the leasing of the City's airport hangar pads. This will simplify the leasing process for future leases when the Council decides to lease additional hangar pads or re-lease existing hangars. The Council previously adopted templates on October 20, 2022. On April 6, 2023, some revisions to the templates were proposed to the Council, with the City Attorney and Airport Board recommending different versions of the updated templates. The Council decided to send the templates back to the Airport Board for further recommendations. For three months, the Airport Board and City Attorney have been working through the issues and are now jointly recommending updates to the private and SASO (commercial) lease templates.
   A change to the City's templates now cannot modify existing leases. These proposed changes will only apply to future leases. Each proposed change to the existing lease templates appear in red in the Council's meeting packet. A non-exhaustive summary of the proposed changes follows:
   1. Clarification that the City has the right to require the tenant to relocate to a new City airport at a pad provided by the City, at the tenant's cost. This option by the City does not include the right to require the tenant to move locations within the existing airport.
   2. Revision to eminent domain (condemnation) provision to clarify that the Tenant has a claim to the value of the Tenant Improvements that are condemned.
   3. A requirement that tenants maintain insurance for aircraft liability, including premises liability.

4. A requirement that automobile liability coverage be maintained if the tenant drives any automobile other than on roadways and automobile parking areas or parks an automobile in the hangar.
5. Insurance to cover the tenant's improvements (hangar), environmental losses, aircraft damage, and business interruption is NOT required by the proposed lease terms, but the lease states that those risks shall be borne by the tenant.
6. If the City elects to re-lease the hangar pad at the end of the 20-25 year lease term, the tenant has the first right of refusal to re-lease the pad on the terms approved by the City Council at that time.
7. If the Council decides not to re-lease the hangar pad, or if the tenant elects not to exercise its rights of first refusal, then any improvements on the pad site at the end of the lease term will be surrendered to the City.

3. This item was continued from the last meeting. Another public input meeting was held on July 7th. The consultants will provide updated renderings before the meeting.
4. This item was continued from the last meeting until more information has been received from Alpha Engineering. Information will be presented during the work meeting.

New Business

1. The proposed changes are in red. The Airport Board recommended denial of the changes.
2. The applicant is seeking a zone change and preliminary site plan approval from Highway Commercial to Planned Commercial. The applicant is the owner of the Hurricane Tire Pros shop and they are wanting to build 26 apartments north of their current storefront. The Planned Commercial zoning is a mixed use zoning that requires a mix of residential and commercial

   The Planning Commission unanimously recommended approval. The Planning Commission believed that this was a good place for multifamily with it's vicinity to schools and grocery shopping.
3. The applicant has proposed a zone change for 6.09 acres from R1-6 to M-1. This property is along 700 W behind the Legacy Estates subdivision and across the street from the Hurricane Airport. The applicant has told staff that due to the collapsible soils on the property they did not want to do residential on this property.

   The Planning Commission made a recommendation of denial of this zone change due to the negative impact of the neighborhood and it is not harmonious with the surrounding neighborhood. The vote on the motion was three in favor one against with one abstention due to a conflict of interest.
4. Dixie Power is building a new substation to the east of the Pecan Valley subdivision. This property was rezoned to R1-10 in April of 2021 as part of the larger Sand Hollow Village subdivision but was purchased by Dixie Power and is now looking to build a substation on site.

The Planning Commission recommended approval of this zone change. The vote was unanimous.

5. The applicant has applied to amend the final plat for Pecan Valley Resort Phase 1 to widen the size of the units bordering 5210 W by two feet. Building plans have already been submitted for two of these units.
   The Planning Commission unanimously recommended approval.
6. The applicant has applied to amend the final plat for Dixie Springs Plat E to combine Lots 92 and 93 into one lot. Combining lots within a recorded subdivision requires an amended final plat.
   The Planning Commission unanimously recommended approval.
7. Public Hearing
8. SUMMARY:
   A property owner has petitioned the Council to disconnect (de-annex) approximately 20 acres from the City. The property owner and agent have filed a complete application as required by Utah Code, so the City is required to hold a public hearing on the matter. The property is currently located within City limits on the south end of the existing peninsula of the unincorporated Sky Ranch area. The request is that the property be removed from City limits and placed back in the unincorporated County, making the peninsula of unincorporated County area extend further to the south. Utah Code section 10-2-502.7, which is included in the packet, sets out the factors that the legislature has deemed relevant to a disconnection petition. Staff recommends denial of the petition to disconnect for the reasons listed in the Staff Comments.

   STAFF COMMENTS:
   Legal / Engineering Department: The Utah Code places the burden of proof on the applicant to show that the proposed disconnection will not "leave ... one or more ... peninsulas of unincorporated territory." UCA 10-2-502.7(3)(iii). A peninsula of unincorporated territory currently exists in this area, and the proposed disconnection will exacerbate the issue. The applicant has not shown that the property qualifies for disconnection under State Code.
   Washington County: On March 15, 2022, the Washington County Commission passed Resolution No. R-2022-2931, a *Resolution Formally Recommending Annexation of a County Peninsula Into Adjacent Hurricane City Pursuant to Utah Code Ann. § 10-2-418(8)(c)*. The proposed disconnection would be directly contrary to the County Commission's Resolution by expanding the peninsula that the County recommends be annexed into the City. The County Commission found, among other things, that: (1) the area can be served more efficiently by the City than by the County; (2) the County is unable to provide the types of services in this location that are better provided by the City; (3) the County providing services to this area would result in in the wasteful overlap of governmental functions, including safety and police functions, roadway access and maintenance, and other governmental functions like community

development services; (4) the City's annexation of the area would result in a more equitable distribution of community resources and obligations between the City and the County, and it will correct the wasteful overlap of community services. For the same reasons that the County Commission recommends the annexation of the County peninsula, the expansion of the unincorporated peninsula by the proposed disconnection is similarly ill-advised.

Power Department: Power for the unincorporated area of Sky Ranch is provided by Hurricane City to Pacificorp/Rocky Mountain Power, which then sells the power to those residents. Hurricane City is the only power provider in the area capable of providing power in a cost-effective manner, and there are ongoing discussions about Hurricane City taking over the service area for Pacificorp. Because of the limitations on the circuit that delivers power to the area, the Power Department would not be in favor of allowing Pacificorp to expand its service area to include the subject property. As the Council is aware, the Power Department is actively working to increase capacity to this area.

Ash Creek Special Service District: The District's service area includes the subject property whether it is within City boundaries or not. The District takes no exception to the disconnection of the Sky Ranch Phase 6 project.

Streets Department: The Streets Department already receives calls from landowners within the unincorporated Sky Ranch area regarding road and drainage issues. Disconnecting this property would have a similar result. The proposed disconnection would also cause issues with roads and drainage in the future because of the differences in standards between the City and the County. As far as ongoing maintenance, the disconnection of the property would not have a significant impact on the department.

Water Department / Washington County Water Conservancy District: Although the District currently services the unincorporated Sky Ranch area, it purchases a significant amount of water from Hurricane City to serve the area. It does not make sense for the District to purchase water from Hurricane City to then serve more unincorporated area. The District was not planning on serving the subject property and will need to further evaluate the existing infrastructure. The District is concerned that the current infrastructure is insufficient to serve the subject property, especially with regards to storage capacity. The Water Department and the District have had discussions about the City taking over the water system in the area. Hurricane City already has a 12 inch water main near the property. If the City were to annex the unincorporated area of Sky Ranch in the future, it makes sense that the water system for the property be constructed to City standards and connected to the City's water system, which would not occur if the petition to disconnect were granted.

Engineering: The proposed disconnection will not resolve which entity should serve the subject property with utilities and public access. Existing lots along 4500 S are served by

the County; however, the existing lots are accessed via County roads within Hurricane City boundaries.

9– 10. Hurricane City currently has two applications submitted for the installation of Class 3 commercial electric vehicle chargers. Class 3 means that it will draw a higher amperage from the grid and charge the car faster than a class 2 or class 1. In the electrical world, amperage is what creates the heat in the conductors and equipment. So, class 3 chargers need to be regulated and even engineered to coordinate with the power flows on our city circuits. These 2 agenda items consisting of an EV Charging Station Policy and an EV Charging Station Rate are for the purpose of protecting our infrastructure and mitigating any monetary loss that could come from selling power to the EV charging business. Included in the packet are the recommendations from the DER Subcommittee, Power Dept. Staff, and the Power Board for the rate. The Power Board will hold an interim meeting Wed. July 19th to review and provide a recommendation of the policy.

11. Attached are the results of the bid advertisement for constructing phase 1 of the 600 North Trail from Gould Wash to 200 West.

    We received bids from two contractors:

    Interstate Rock Products at $593,722.00
    Royal T Enterprises at $484,179.10

    Both contractors are qualified to do the work. However, Royal T's bid is lower and they submitted extensive trail work history in their Statement of Qualifications.

12. After a conversation with Mayor Billings, we decided it best to have a discussion with the City Council to get approval for a possible cost adjustment for dealing with the slope stability issues on the north end of the 2800 West project. Staff has met with the property owner that is affected by the issue, along with the Contractor. We have a proposed cost of $70,000 to remove loose material and lay the slopes back, but the property owner is unwilling to grant the City permission to do this. Their position is that the City should construct a retaining wall so that their proposed building pads are unaffected by the additional earthwork that is required to stabilize the slopes. Mike Vercimak and Arthur LeBaron met with them and talked it through this week. Mr. LeBaron told them that he didn't feel like he had the authority to authorize any more cost than what he thinks is the simple solution to the problem. They agreed to come to the City with a preliminary design and cost for the retaining that they are proposing. Mayor Billings suggested that when we get this information we should have the discussion with the City Council.

13. SUMMARY:

    This agenda item was added after the cutoff date at the request of Kevin Thomas, David Hirschi, and David Sanders. The applicants are requesting to be exempted from the typical improvements required for subdivisions. The Lone Pine subdivision

is located between 300 West and 400 West at approximately 820 South. The applicants do not want to be required to construct any improvements along their portion 300 West. Normally, the developer of a subdivision would be required to install curb, gutter, sidewalk, and asphalt along 1/2 of 300 West. However, in this particular circumstance, Ash Creek SSD has an easement along 300 West and is expected to install a sewer main along the corridor. For this reason, staff recognizes that any asphalt installed would be disrupted. Therefore, staff has told the applicants the City will not require asphalt to be installed as part of the subdivision, but that curb, gutter, and sidewalk would be required along 300 West, plus a gravel turnaround on 300 West for emergency vehicles. This remains the staff recommendation.

TIMELINE AND PREVIOUS APPROVALS AND CONDITIONS:
On May 19, 2022, the 5.02 acre property was awarded a zone change from Residential Agriculture 1-acre ("RA-1") to R1-15 – Single Family 15,000 square foot lots. It is clear from the discussion on May 19, 2022, between the City Council and Ronald Campbell ("Mr. Campbell") that the dedication of the roadways at 400 West and 300 West was assumed to be required for development. The dedication requirement was a stated reason that the R1-15 zoning was being requested instead of a Residential Agriculture 0.5-acre ("RA-0.5") zone because the Campbells would not be able to achieve the desired nine lots with RA 0.5 zoning after the roadways were dedicated to the City. See May 19, 2022, City Council Meeting Minutes.

On October 20, 2022, the City Council conditionally approved the preliminary plat for the Lone Pine Subdivision. See Approved Preliminary Plat. The approval was conditional because it was subject to compliance with comments from City Staff and the Joint Utility Commission ("JUC"). Comments from the Staff and the JUC included the following: (1) 300 West is a planned roadway already existing or dedicated in several areas in the region; (2) staff has already met with the applicant regarding how improvements to 300 West will be done, and staff recommends that 300 West improvements not be installed before Ash Creek Sewer District installs its planned sewer line, but that applicant should be required to bond for the improvements; (3) the existing irrigation ditch through the property and along 300 West will need to be addressed; (4) irrigation tail water flowing through the property will need to be addressed; and (5) the applicant will need to coordinate with the Hurricane Canal Company regarding the placement of improvements for the canal along the east side of the property along 300 West. See October 20, 2022, City Council Meeting Minutes and Staff Comments.
Staff believe that requiring improvements along 300 West is consistent with the preliminary plat approval by the City Council.

In a letter dated March 9, 2023, the City received a letter from Matthew Ence, an attorney representing Mr. Campbell. Mr. Ence argued that the City's requirement that Mr. Campbell dedicate and improve his portion of 300 West constituted an illegal exaction. See Matthew J. Ence Letter.

In a letter dated May 12, 2023, Dayton Hall, Hurricane City Attorney, refuted the claims by Mr. Ence and provided the legal basis for requiring developers to dedicate land and install improvements proportionate to their impact on the community. See Dayton Hall Letter.

The City Attorney and City staff held a conference call with the Utah Property Rights Ombudsman to discuss the issue. City staff remain comfortable with the City's requirement that developers dedicate and improve half of roadways adjoining subdivisions.

After further discussions, City staff agree that the developer should not be required to install asphalt on half of 300 West, but that the normal improvements of curb, gutter, and sidewalk should be required, together with a temporary gravel turnaround to allow firetrucks to turn around at the end of 820 South.

14. The applicant is seeking a zone change for 22.96 acres from RA-1 to Public Facility on property directly south of 3000 S. The applicant has indicated that they would like to build an athletic training facility however that indication will not be binding and the applicant would be able to do any commercial use approved under the Public Facility code. The applicant initially applied for a commercial zone but at the direction of the Planning Commission applied for a more restrictive Public Facility zone.

    The Planning Commission unanimously recommended approval of this zone change subject to utility availability and staff and JUC comments. The Planning Commission believed that this proposal would most likely lessen the overall impact on the utility needs in the area.

15. The applicant is seeking a zone change from RA-1 to RA-0.5 in order to facilitate a future lot split on the property for another home. This property is located along the future 1150 W alignment and that will need to be accounted for when the lot is split.

    The Planning Commission unanimously recommended approval. There was much discussion with the applicant about what would be required for a subdivision however it is important to note that what a subdivision of this property would entail is the subject of a different application, what is being addressed here is whether the applicant should be allowed to possibly subdivide their lot.

16. The applicant has proposed a zone change for 4.37 acres of the previously approved Horseman’s Edge development along 1100 W and south of 3000 S. This property had

previously been approved for a PDO development consisting of mostly half-acre to quarter-acre lots, open space access to the Hurricane Cliffs, and 15 short-term rental units catering to the equestrian community. In March of this year the applicant requested and received a zone change on approximately 60% of the property to M-1, light industrial. This zone change is for another piece of the property. The applicant will be leaving a ~5 acre piece as RA-0.5 as this piece currently has a single family home on it.

The Planning Commission recommended approval subject to staff and JUC comments.

17. Staff is proposing this minor change to the Moderate Income Housing Plan approved last year in order to have our plan be fully compliant with state regulations. We can continue with our plan "as-is" however staff believes it is ideal that all seven of our goals are counted by the state.

The Planning Commission recommended approval of amending the Moderate Income Housing plan with regards to the sections about annually assessing and continually monitoring our accessory dwelling unit (ADU) code but deny the amendment with regards to lowering the property required to have a second accessory dwelling unit. The Planning Commission believes that allowing for three units on a half acre lot would be allowing for dense multifamily development in otherwise rural areas. The vote was 3-2 with the one dissenting vote being due to supporting lowering the property requirement for two ADUs and the other due opposing the plan in general. Staff will have a presentation for the Council on this item at the meeting to go over this in detail.

Minutes of the Hurricane City Council meeting held on June 1, 2023, in the Council Chambers at 147 North 870 West, Hurricane, Utah, at 4:00 p.m.

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

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

AGENDA

4:00 p.m. Work Meeting

Discussion with Greater Zion on the economic impact of Ironman and the Copper Rock LPGA tournament

Brittany McMichael with the Greater Zion Convention and Tourism Office reviewed the application and funding process for events supported by the Tourism Office. She reported that Greater Zion's general event and sponsorship budget is $500,000.

Joyce Kelly reported that she has been marketing golf for twenty years. There are fourteen golf courses within Washington County, and the Copper Rock tournament is an excellent opportunity for Hurricane City.

Penny James Garcia is the Copper Rock Tournament Director. Ms. Garcia thanked the City Council for their support of the tournament. She provided a PowerPoint presentation of the LPGA Epson Tournament and played a video from the Golf Channel promoting the Copper Rock Tournament. Her goal is to have the event live streamed on the Golf Channel. The tournament brings in 120 players from thirty countries. She explained that articles mentioning the tournament reached nineteen countries and were written in nine languages. The championship is a great outreach with a small footprint and has a minor impact on Hurricane City residents. The 2023 Championship had a total media value of $1,850,000. Hurricane City's $85,000 sponsorship generates a value of $143,750. Ms. Garcia provided the championship's financial summary and economic impact and summarized the championship's marketing.

Paige Chapman explained that the funding came from the City's Rap Tax for the past three years. She reported that it was not approved in this year's Rap Tax; if the City Council approves sponsoring the tournament, it will come from the general budget.

DRAFT

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

1. Presentation and discussion regarding a regional rail plan

Arthur LeBaron reported that railroads prefer to be on a one or two-percent incline. Hurricane City terrain is not conducive to a railway, but it can be accomplished. There is funding from the Federal Government to expand passenger rail service. The US Department of Transportation's Federal Railroad Administration is conducting a long-distance service study that will be reported to Congress in October. Five County Association of Governments is involved in the study and has asked for feedback from local jurisdictions. He provided maps of current railways and proposed routes in Utah and the United States. The Utah Rail Passengers Association sent a letter to the Secretary of Transportation expressing their support of a rail line in Southern Utah. Mr. LeBaron feels that a railway is an economic driver. Councilman Thomas stated that it is exceedingly difficult to build a railroad, and he does not support light rail or buses. Councilman Hirschi reported that his family in Northern Utah uses the railway and bus services regularly and is interested in seeing how this will transpire over the next five years. Mr. LeBaron reported that industries are interested in being close to the railway. Councilman Sanders feels there are ways to make a railway work; he is concerned that the protected land will prevent a railway through the area. Councilman Heideman agrees that a railway will open international trade.

Larry Palmer reported that the Building Department and staff reviewed twenty-three permits in the past two weeks.

Chief Excell invited the City Council to attend National Doughnut Day at Dixie Springs Park tomorrow morning. He is working with Timberline to relicense the radios. He explained that several departments have radios not licensed to Hurricane City. The HVAC contractor confirmed that the air conditioners at the radio repeater site are working properly. Mr. Excell noted that the Department is busy, and the citation volume is up.

Weston Walker reported that the northbound lane on 3000 South is complete, and they are now working on the southbound lane. Eastbound traffic on 650 South near 700 West is closed. He anticipates a small impact on 700 West.

Scott Hughes noted that the Power Board meeting is next week.

Ken Richins reported the Water Board is recommending approval of the secondary water impact fee. The Public Hearing will be on the next City Council agenda. Councilman Prete asked that the Washington County Conservancy District supports the direction the City is going with secondary water. Mr. Richins reported that the Conservancy District supports the secondary water system because it alleviates culinary water use.

DRAFT

Paige Chapman reported the budget meeting is on Tuesday, June 6th, at the Power Department. She asked for the City Council's direction on sponsoring the LPGA. She explained that the RAP Tax Committee recommends not using the funds for the tournament sponsorship this year. Councilman Heideman reported that the RAP Tax Committee does not support sponsoring private businesses or events. Mrs. Chapman explained that RAP Tax supports tourism. The City Council would like to discuss this during the budget meeting and requested a list of the RAP tax recommendation.

Tiffani Wright reported that summer programs start next week, and the Theater is preparing for the fall show. The pool is bustling, and she hopes they will not lose any lifeguards to the new water park. Mrs. Wright explained that they used water barricades around the driveway of the Fine Arts building to accommodate drop-offs and pick-ups. Councilman Prete asked for an update on Veterans Park and the gym space. Mayor Billings reported that the plans for the Veteran's Park have gone to JUC. Mrs. Wright reported that the engineer is still working to reverse engineer the gym, and she is hoping to meet the September deadline.

Mike Vercimack reported that the department continually meets with developers on new and current projects, and development activity remains robust. The City Council asked for development reports. Fred Resch III reported that he could provide the Council with a summary of Planning Commission meetings.

Arthur LeBaron reported that he oversees the traffic control for the parade and the logistic of fireworks at Sand Hollow State Park. He noted that the parade will have a chalk line to mark the area spectators must stay behind.

Fred Resch III reported that the Public Hearing for the Downtown Master Plan is scheduled for June 8th at 6:00 p.m. They are accepting planning applications online through City Inspect.

6:00 p.m. - Call to Order –

Prayer: Kevin Thomas

Thought and Pledge: Mayor Nanette Billings

Declaration of Conflict

None declared.

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

DRAFT

Kevin Thomas motioned to approve the minutes of the Regular City Council meeting for May 4, 2023, and May 18, 2023. Seconded by Doug Heideman. Joseph Prete, Dave Sanders, David Hirschi, Kevin Thomas, and Doug Heideman – aye. Motion carried unanimously.

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

Susan Seder explained that the Sky Mountain Golf Community HOA has a golf tournament yearly to raise funds for local organizations. This year they selected the Hurricane City K-9 unit. Twenty-three local businesses donated money and products to support the fundraiser. She thanked officers for making a presentation about the K-9 unit to the Sky Mountain Community. Skip Mercer and Bruce Scott presented the unit with a check for $1,368.79.

Public Forum – Comments From Public

Kenneth Heaton thanked the City Council for the work they do. He is here to comment on the proposed road on 1150 West. He does not think the area needs three north-south corridors. Mr. Heaton provided a history of his family's farm. Last fall, he attended the open house and spoke with every official who would listen to his concerns. However, he does not feel the staff listened to his concerns. The road will not provide him with better access to his farm and will expedite traffic in the area. If the road comes through his farm, it will run through his orchard and render his feedlot nonfunctional. He feels the developed property to the west is a more appropriate route for the road, and the land value on the range land would be less costly than through his farm.

Bruce Zimmerman provided the City Council with a document regarding health concerns with power lines. He loves the area and has lived on 1100 West for over two decades. Power lines were erected on the front of his property in 2018. Since then, his wife has been ill, he has had cancer, and they have lost three dogs to cancer. He is concerned for the health and safety of his grandchildren and animals. The proposed roadway will eliminate fruit and nut trees and add noise and light pollution. Mr. Zimmerman read the health concerns from the document he provided and asked the City Council to find a different route.

Clelen Tanner lives in Sky Ridge. He referenced the code variance request for Park Model Homes. He does not feel the plan is compatible with the established single-family homes. He feels reducing the square footage is a good idea, but limiting the number of units will benefit the residents in the Canyon Villas.

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

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Mayor Billings provided a summary of the possible amendments. Fred Resch III reported that the Beautification Committee would like to expand the civil citation system to other nuisances. Councilman Prete feels it is important for the City Attorney to review the changes. Chris Anderson explained that the current code states the City will clean up nuisance properties and bill the owner. However, the ordinance is not being enforced. Dayton Hall explained that this proposal would change the violation to a civil process. This proposal would follow the same civil process of vacation rental violations. Mr. Resch III reviewed the initial violation letter. He will add information for resources that can be utilized to assist in cleaning nuisance properties.

Joseph Prete motioned to continue possible amendments to Title 1-4-5 and Title 4-3 of the Hurricane City Code. Seconded by Dave Sanders. David Hirschi, Doug Heideman, Kevin Thomas, Joseph Prete, and Dave Sanders – aye. Motion carried unanimously.

Mr. Hall clarified that the City Council wants to provide direction on the process and have input on the wording of the letters; they are not interested in amending the code. Councilman Heideman explained that they are trying to emphasize the spirit of community, and he wants the letters to be positive.

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

Mayor Billings provided a summary of the agenda item. Paige Chapman reported the ethical behavior policy is part of the City being transparent with the State, lessens the City's liability, and meets the criteria of insurance through the Utah State Trust.

Doug Heideman motioned to approve the ethical behavior policy for City employees and officers. Seconded by Joseph Prete. Kevin Thomas, David Hirschi, Dave Sanders, Doug Heideman, and Joseph Prete – aye. Motion carried unanimously.

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

Mike Evans is the director of sales at Red Rock Media. Mr. Evans reported that Red Rock Media is excited about partnering with Hurricane City. He presented a video describing Red Rock Media's marketing. He reported that the initial proposal was a three-year commitment. However, the City Council has shown interest in a one-year commitment and asked what the City Council's vision is for the future of the fireworks in Hurricane City. Councilman Thomas is concerned about the increased traffic. Chief Lynn Excell reviewed the three-exit location. The department will contract with a towing company to assist stuck vehicles. Mr. Excell shared that

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this is the biggest patriotic event of the year and an opportunity for the community to shine. Arthur LeBaron reported that they have prepared a robust traffic control plan. Mr. Evans explained that they will work with the firework company to synchronize music with the fireworks, and as they transition, he would like to highlight the first responders who keep the community safe. He explained that a multiyear contract enables them to create a new vision and a way to bring the community together.

Councilman Hirschi appreciates that this does not affect the downtown events. Councilman Prete voiced concern about losing control of a private venture. Many unknowns exist with a new partnership, and he hesitates when entering multiyear contracts. Councilman Sanders feels this will enhance the Fourth of July celebrations. However, it will take more than one year to build the event. He is confident with a three-year agreement, this is not a financial obligation, and the City cannot afford this type of event. Dayton Hall explained Red Rock Media requires a firm three-year commitment. However, the MOU in the packet is for one year commitment and a first right of refusal on the second year. Mayor Billings read each partner's responsibilities in the MOU. Mr. Hall explained that the City can reserve the right to approve sponsors. Craig Hanson, the owner of Red Rock Media, appreciates this opportunity. He explained that these events grow yearly, and there will be more entertainment and activities each year. They are asking for a three-year commitment because they typically do not make a profit until the third year. Mr. Hansen is willing to allow the City Council to vet the sponsors but does not want to grant unilateral veto power.

Dave Sanders motioned to approve the memorandum of understanding with Redrock Media regarding broadcasting music for the July 4th fireworks display, changing the memorandum to three years, allowing the City to have input on the sponsors and the right to approve the title. Seconded by David Hirschi. Joseph Prete, Kevin Thomas, Doug Heideman, Dave Sanders, and David Hirschi – aye. Motion carried unanimously.

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.

Mayor Billings provided a summary of the agenda item. She explained that the Planning Commission sent a recommendation of denial due to the lack of a sensitive land application and will serve letters. Noting that the Planning Commission may be inclined to approve the applicant's roadway alignment. However, they cannot approve the preliminary plat as currently presented.

Colt Stratton explained that the will serve letters and sensitive lands applicant are not included in the preliminary plat because this application only pertains to the roadway alignment. He reported that they can meet the ten percent code in the roadway. However, it will destroy the sensitive lands in that roadway section. The developer is agreeable to utilizing two lots for open

space. They are seeking approval on the roadway alignment to move forward with their project. Fred Resch III reviewed the Master Plan, noting that the plat does not comply with the Master Planned Roadway. Councilman Heideman would like to hold another closed meeting to discuss the roadway. Arthur LeBaron explained that the decision was made when the City adopted the Transportation Master Plan. If the City Council wants to approve this, the master plan should be updated. Dayton Hall agreed with Mr. LeBaron's comments. The application does not comply with the Master Plan. This proposal combines two major roadways; if the City Council wants to approve this, the Master Plan must be updated. Councilman Prete noted that this affects more than the roadway; it affects how the power line ties into the new substation. Mr. Hall explained that the applicant is incomplete and cannot be approved at this time. The applicant is asking for direction from the City Council.

Kevin Thomas motioned to table possible approval of a preliminary plat for Kolob Views, a 20 lot single family subdivision located at 850 S 1300 W., based on the fact that the application is incomplete and until such time that the complicated issues can be addressed. Seconded by Joseph Prete. Doug Heideman, David Hirschi, Dave Sanders, Kevin Thomas, and Joseph Prete – aye. Motion carried unanimously.

Mayor Billings asked if the roadway discussion needs to be on the agenda. Dayton Hall explained that if the City Council wants to deviate from the Master Plan, they need to give direction to the City Engineer to amend the Master Transportation Plan. Councilman Prete feels the Council needs more information on the pros and cons of the different options. Mike Vercimack suggested a special meeting to discuss the options. The work meeting is scheduled for June 15th at 4:00 p.m.

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 remain the same. Located at approximately 250 N and 2800 W. Sunwood Homes of Southern Utah Applicant. James Jessop Agent.

Chris Anderson explained that she supported the previous approval. However, the new Canyon Villas was approved for an additional site in the same space, and the developer is again asking to increase the size of the park models. They are applying for three-bedroom homes with two parking spots. The increased parking on the street will affect the required open space. She disagrees that it is harmonious with surrounding uses and feels this is not in the City's best interest.

Councilman Thomas reported that a large crowd who shared the same concerns that have been voiced attended the Planning Commission.

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Mayor Billings is concerned about residents losing their homes because it is on the developer's land.

Steve Handcroft represents the applicant. He reported that the applicant hired a firm to complete a feasibility study. The study showed that by 2026 Washington County will still be 2500 units short, and housing costs will continue to increase. The applicant chose to follow the firm's recommendation that seventy-five percent of the homes in the development are three bedrooms. They appreciate the Planning Commission's recommendation but feel 800 square feet is inadequate. They want to increase the unit size to 1,100 square feet to avoid owners adding to the smaller units. They have doubled the lot size to accommodate the larger units, and they have added more parking spaces than what was required. Mr. Handcroft reported that a long-term lot lease provides a way to enforce the rules meant to protect the residents in the park. Mr. Handcroft reported that the land lease adjusts based on market value.

Dayton Hall explained that the zoning restricts park models to 400 square feet. A section in the code allows the Council to grant a variation and cap the size of the unit. Fred Resch III explained that manufactured home subdivisions, Park Model subdivisions, and RV parks are permitted within Mobile Home/RV zoning.

Clelen Tanner read a prepared comment and reiterated the comment he shared in the Public Forum.

Mr. Resch III explained the history of the zoning on the property and reviewed the surrounding zones. He reported that the Park Model code requires one space per unit, and the applicant proposes two spaces with an overflow parking space. Councilman Thomas feels the comments voiced tonight are valid, and approval would be a mistake. He understands that 400 square feet is too small. However, 400-600 square feet is more affordable than 1,000 square feet. Mayor Billings reiterated her concern with the land lease. Mr. Hall explained that the City Council could grant a variance to increase the square footage, noting that landlords can restrict homeowners from adding to their units. Under the current zoning, the applicant can build park models up to 400 square feet. Councilman Heideman still has parking concerns. The average family needs up to four parking spaces, and he questions whether the amenities are adequate. Mr. Handcroft explained the amenities of the development. Councilman Hirschi asked if the applicant would cap the land lease price. The applicant explained that the land lease would match the market value.

Councilman Prete feels this is too dense for the area, and the Council should not assume that add-ons will have to happen in large numbers. He would feel better with the three-bedroom concept if the units were reduced. The City Council discussed changing the ordinance to disallow additions to park models. Councilman Thomas is concerned that if the Council denies this proposal, the size of the units will be unlivable. Mr. Hall explained that the City Council

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could deny the applicant and initiate the process of revising the park model ordinance. Noting that the current proposal entitles the applicant to 400 square feet per unit with a maximum of 220 units.

Mr. Hall recommended that the City Council direct staff to initiate the process of revisiting the park model ordinance to consider parking and additional restrictions.

Kevin Thomas motioned to approve the Request for a Variation of Zoning Standards within the Canyon Villas development to allow up to 1,100 square feet with direction to staff to start the process of updating the park model ordinance. Seconded by Dave Sanders. David Hirschi, Kevin Thomas, and Dave Sanders – aye. Doug Heideman and Joseph Prete – nay. Motion carried.

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.

Mayor Billings reviewed the agenda item summary, noting that the Planning Commission recommended approval. Frank Lindhart explained that the preliminary plat adheres to the staff's recommendations.

Dave Sanders motioned to approve the preliminary plat for Sky Ridge PDO, a two lot subdivision located at 100 N 2600 W, subject to staff and JUC comments. Seconded by Joseph Prete. Doug Heideman, Kevin Thomas, David Hirschi, Dave Sanders, and Joseph Prete – aye. Motion carried unanimously.

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.

Mayor Billings reviewed the summary of the agenda item. Noting that the Planning Commission recommended approval conditional upon the applicant turning in a new plat complying with the amended final plat requirements. Frank Lindhart reported that the applicant replaced the townhomes with single family homes.

Kevin Thomas motioned to approve the amended the final plat for Sky Valley Phase 1A located at approximately 3100 W Coronado Dr, subject to staff and JUC comments and submission of a new plat that complies with amended final plat requirements. Seconded by Doug Heideman. Joseph Prete, David Hirschi, Dave Sanders, Kevin Thomas, and Doug Heideman – aye. Motion carried unanimously.

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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.

Mayor Billings reviewed the agenda item summary, noting that the Planning Commission recommended approval. She explained that there is an approved preliminary site plan for the storage units on the general commercial piece. The applicant has advised staff that they would like to develop the planned commercial as a mixed-use development. Fred Resch III noted that this section of Sand Hollow Road is not dedicated to the City and will have to be worked out moving forward.

Doug Heideman motioned to approve the preliminary plat for Azure Ridge, a two lot commercial subdivision located at the northwest corner of Turf Sod Road and Sand Hollow Road, subject to Staff and JUC comments. Seconded by David Hirschi. Dave Sanders, Kevin Thomas, Doug Heideman, and David Hirschi – aye. Joseph Prete – abstained on a conflict basis. Motion carried.

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

No closed meeting was held.

Arthur LeBaron reported that the City is in flux with the property owners on the north end of 2800 West. They have not been permitted to lay the slope back on their property. He staked the location of the proposed building pads and is waiting for feedback from the parties involved. Councilman Sanders stated the City should get something back from the contractor or the engineer for the inconvenience. Mr. LeBaron explained that the City traded property along Sky Ridge for the realignment of the road. He does not recommend purchasing more property. He understands the desire to open the road but does not recommend purchasing more property.

Mayor Billings reported that the Hurricane Pantry has outgrown its current location and has asked for assistance in finding a new location.

Adjournment: 9:53 p.m.

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Minutes of the Hurricane City Council special meeting held on June 6, 2023, at the Power Department 526 W 600 North, 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 and Finance Manager Paige Chapman

AGENDA

3:30 p.m. Discussion regarding the 2023-2024 budget

The City Council discussed the upcoming budget and what needed to be cut.

Adjournment:

Minutes of the Hurricane City Council meeting held on June 15, 2023, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 4:00 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 Vercimack, Planning Assistant Fred Resch III, Street Superintendent Weston Walker, Recreation Director Tiffani Wright, City Engineer Arthur LeBaron, City Recorder Cindy Beteag, Finance Director Paige Chapman, Building Official Larry Palmer, and Water Superintendent Ken Richins

AGENDA

4:00 p.m. Work Meeting regarding 1100 West.

Prayer offered by Doug Heideman.

Mayor Billings explained that this road alignment is not solely for developers and development. She noted that the City Council supports agriculture and understands that every roadway affects the adjacent property owner. All roads and power lines have had to go through somone's property at some time. Hurricane City is responsible for residents' health, welfare, and safety; this includes power, sewer, and water. The City Council feels strongly about properly utilizing taxes and is conscientious of its impact on the citizens. There is a lack of utilities in this area, and the roadway will benefit the community. Hurricane City hired a firm to design the roadway. After several public meetings, it was determined that this design was the least impactful and expensive. This meeting is meant to focus on the corridor rather than specific properties.

Glen Carnahan with Alpha Engineering explained that the firm was asked to review the alignment corridor from 400 South to 3000 South. This is an essential corridor for both transportation and utilities. He reviewed the three cross-sections, noting that the alignment follows the section line and does split property lines. The cost was too high to move the alignment around specific properties. Arthur LeBaron reported that the current focus is the right-of-way acquisitions from 1300 S South to the substation under construction. Councilman Thomas clarified that the City is only installing the transmission line now, and the road will only be developed as further development comes.

Rory Bringhurst asked for the total cost, infrastructure capacity, and how this will affect taxpayers.

Scott Hughes explained that the line is a 69 kV transmission line. He estimates that a straight line costs nearly one million a mile. Impact fees will pay for the transmission line, and developers pay for the distribution line. The transmission and distribution will be on the same line to minimize the impact on the residents. Mayor Billings reported that corridor funds are available to purchase property from willing sellers. The City is responsible for funding the corridor if there are no willing sellers.

Vicky Wiley is concerned that the power lines will cause health issues. She asked why it was necessary to move the power lines. Mr. LeBaron explained that the City's standard location for power is on the north or east side of the street, and his recommendation is to adhere to the City standards. Scott Hughes reported that the existing line is a distribution line, explaining that distribution lines require smaller structures than transmission lines.

Kenneth Heaton understands that impact fees fund the transmission cost. He questioned why the placement of the alignment when most of the development will be further west. He feels developers should share the cost of developing the transmission line.

Colt Stratton explained that two roads go around his property, and due to the sensitive lands, he can only develop two homes on the property. The City owns the right of way on 1100 West, and he questioned why the City is not using its right of way. As a developer, he is required to accommodate the master planned roads; there is a possibility that he will dead-end the road to prevent the City's access.

Councilman Hirschi understands how the residents feel; he hoped the intent of this meeting was to pursue other avenues. He feels the City Council needs to review the alternative costs and options.

Paul Farthing feels the analysis needs to be more comprehensive. He understands a straight line is cheaper, but there are ways to offset the cost of jogging the power line. He feels 1150 West was predetermined and should be re-evaluated.

Kelby Iverson feels going through the desert is a more appropriate option and suggested bringing in power from a different entity. The roads in the bench lake area are the widest part of the corridor, and a different corridor would minimize the impact on the community.

Mac Hall explained that twenty years ago, the City authorized him to find a route along 1150 West to the south fields. At that time, he advised the City to find an alternative route. Regarding the power line's cost, it might benefit the whole project to build it at an angle. It is important to keep the total cost in mind and not solely focus on the power line cost.

Don Wiley asked if the transmission line would run along the distribution line on 1100 West. Scott Hughes explained that it would temporarily run along the distribution line on 1100 West. However, to support the necessary capacity, the line must be upgraded.

Mayor Billings directed Alpha Engineering to research the City's existing easement on 1100 West. Councilman Heideman suggested declaring this area a special improvement district to increase the impact fees from developers.

Kenneth Heaton suggested going further west for the roadway. Arthur LeBaron explained that this had been included in a master plan for many years. The master plan's purpose is to guide appropriate development within the community. They have extensively studied the road widths; he does not recommend narrowing them.

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

Scott Hughes reported that the cost of power has dropped. However, they are preparing to use the generators. He reported that the underground work for the substation is nearing completion. He encouraged the City Council to complete their registration for the UAMPS conference.

Matt Goodrich reported that they are finishing the sewer portion of 650 South. They have received sixty percent of the Confluence Park design. He anticipates that the ninety percent design will be ready in September.

Ken Richins reported that Mayor Billings signed the notice to proceed with the irrigation meter installation project. The department will install meters in the southern part of town next week.

Lynn Excell reported that an officer is resigning, three officers are in field training, and the new recruits are doing great. A new officer, who just exited the military, is starting the Police Academy on the 26th. The flood trailer is being lettered today and can be used as early as next week. There are sandbags available to the residents, and the locations will be advertised on media sources.

Larry Palmer reported that thirty-four building permits were issued in the past two weeks. Jimmy Johns passed their final inspection and will open this month.

Tiffani Wright reported that lunches are being served at the recreation center, and summer programs are going great. They are receiving positive feedback from the road closure. However, it is a long walk for the elderly to get to the building from the parking lot.

Page Chapman reported that the budget is on the agenda.

Weston Walker reported that the repair on 650 South is complete and should be backed filled before the weekend. The meeting for Toquerville Falls was successful and produced several funding ideas. The meeting was steered more towards tourism, but the repeater site needs to be improved. The group will meet again next month.

Arthur LeBaron mentioned the traffic control is prepared for the 4th of July. The road work for the turn lane on 700 West is complete. Mayor Billings asked Kendra to post flyers and posters to direct residents to the correct radio station during the fireworks. Mr. LeBaron feels posters are the best solution to avoid littering the state park. Kaden DeMille suggested using a QR code.

Fred Resch III reported that he researched other City park model ordinances. He determined that no other city treats park models differently from manufactured homes and recommends removing the ordinance.

Kaden DeMille stated there is an open position in the GIS Department, Police Department, and Golf Course.

Mayor Billings reported that residents have asked her and the City Council to consider lowering the ADU acreage requirement to a half-acre. Councilman Prete feels this will turn single-family residential into multifamily, and this should not be approached lightly. Dayton Hall reported that the Planning Commission discussed lowering the acreage. However, they do not have any recommendations at this time. The City Council agreed to send the request to the Planning Commission for further discussion. Mayor Billing listed the candidates running for City Council and explained that the election date has changed to November 21st.

6:00 p.m. - Call to Order

Mayor Nanette Billings welcomed everyone to the meeting.

Prayer, Thought, and Pledge: Mrs. Ballard

Declaration of any conflicts of interest
None declared.

Public Forum – Comments From Public

Tracy Sahleen reported that the Street Department came to her house last week to repair the sidewalk. She has had severe health issues and nearly lost her life, and it was hard for her to walk on the damaged sidewalk. She thanked the City and the Street Department for their work and compassion towards her and her husband.

OLD BUSINESS

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

Mayor Billings reviewed the history of the agenda item. The staff has been working on an agreement with the Water Conservancy District, which is ready for consideration. Balance of Nature is ready to start Liberty Village after the zone change is finalized.

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

2. Discussion regarding **enforcement of the City's nuisance ordinances.** - Fred Resch III

Dayton Hall reported he made corrections to the draft and supports the form of the letters.

Joseph Prete reviewed the letters and feels the letters have the right tone. Councilman Heideman explained that the Beautification Committee is trying to approach these types of nuisances positively.

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

NEW BUSINESS

1. Consideration and possible **revocation of the Silver Flats Zone Change** due to the property owners not fulfilling the conditions of approval.

Dayton Hall reported that the last owner signed the development agreement, so he no longer recommends revoking the zone change.

2. Consideration and possible approval of an **Active Transportation Cooperative Agreement with UDOT** on a trail project along Sand Hollow Road - Arthur LeBaron

Arthur LeBaron explained this is an agreement between the Utah Department of Transportation, Hurricane City, Washington City, St. George City, and LaVerkin City to disperse trail funds. The City has budgeted a local match for the trail. He has discussed his concerns with the City Attorney. Dayton Hall reported that each City will sign this form of contract.

Kevin Thomas motioned to approve the Active Transportation Cooperative Agreement with UDOT on a trail project along Sand Hollow Road for $179,400. Seconded by David Hirschi. Joseph Prete, Dave Sanders, Doug Heideman, Kevin Thomas, and David Hirschi – aye. Motion carried unanimously.

3. Consideration and possible approval of **Resolution 2023-25 declaring the proposed use of land qualifies as a valid public use** located at approximately 500 N State Street.

Arthur LeBaron explained that the resolution is required by statute. The goal is to create a good intersection on 500 North.

Kevin Thomas motioned to approve Resolution 2023-25, declaring the proposed use of land qualifies as a valid public use. Seconded by Dave Sanders. Joseph Prete, David Hirschi, Doug Heideman, Kevin Thomas, and Dave Sanders – aye. Motion carried unanimously.

4. Consideration and possible approval of **awarding a contract for Turf Sod Road Spot Improvements**

Arthur LeBaron reported the City only received a bid from Interstate Rock, and he recommends awarding the contract.

Doug Heideman motioned to approve awarding a contract for Turf Sod Road Spot Improvements to Interstate Rock for $113,845. Seconded by Joseph Prete. Dave Sanders, Kevin Thomas, David Hirschi, Doug Heideman, and Joseph Prete – aye. Motion carried unanimously.

5. Consideration and possible approval of **Ordinance 2023-10 creating a Good Landlord Program**

Fred Resch III reported that this was adopted in the Moderate Income Housing Plan and is recommended by the state code. He explained that the business license fee is waived when a landlord completes the course.

Joseph Prete motioned to approve Ordinance 2023-10, creating a Good Landlord Program, subject to legal review. Seconded by Kevin Thomas. Dave Sanders, Doug Heideman, David Hirschi, Joseph Prete, and Kevin Thomas – aye. Motion carried unanimously.

6. **Public Hearing** to take comments on the following:

   a. 2023-2024 Fiscal Year Budget

   b. Proposed amendments to the 2022-2023 Fiscal Year Budget

c. Agriculture Protection Zone on parcels H-3-2-3-344, H-3-1-4-21011, H-3-2-10-4471, and H-3-2-3-3315

d. New impact fees for secondary water

No comments.

7. Ordinance 2023-ZC-13: Consideration and possible approval of a **Zone Change Amendment request located 191 W 600 N from MH/RV, mobile home/RV, to RM-1, multifamily 6 units per acre,** to build a duplex. Parcel number H-281-A-4-A. Silo One Investments LLC Applicant. Chris Potter Agent.

Mayor Billings reported that the Planning Commission voted five to one for a recommendation of approval. The dissenting vote was due to traffic concerns. Chris Potter reported that the only concern besides the traffic is keeping the driveway off 200 West. They may need a shared driveway with the neighboring duplex. Councilman Heideman has witnessed multiple people running the four-way stop, and he is concerned about the traffic and parking on 600 North. Mr. Potter feels that a shared driveway running north to south and extending the driveway on the east side will mitigate the parking concerns.

Councilman Thomas commented that there are many multifamily units in this section of town. He understands the need for affordable housing but does not want to continue setting this trend. Councilman Prete feels these homes are a good fit for the area, but his primary concern is the parking. Mr. Potter reported that the current driveway only allows the cars to back out onto the street. However, he intends to change the driveway to force the cars to exit straight onto 200 West. Councilman Hirschi is also concerned about the density on the north side of town, and this is one of the busiest four-way stops in town. Councilman Sanders voiced the same concerns.

Kevin Thomas motioned to deny the Zone Change Amendment request located 191 W 600 N from MH/RV, mobile home/RV, to RM-1, multifamily 6 units per acre, based on the poor conditions for parking. Seconded by Doug Heideman. Joseph Prete, Dave Sanders, David Hirschi, Kevin Thomas, and Doug Heideman – aye. Motion carried unanimously.

8. Resolution 2023-30: Consideration and possible approval of **a General Plan Amendment to adopt a Downtown Master Plan.**

Mayor Billings explained that the Downtown Master Plan had gone before the Planning Commission and was open for several Public Hearings. However, this is the first time the General Plan Amendment to adopt a Downtown Master Plan has been brought before the City Council. Tonight's agenda item is only a presentation. She read through the summary of the agenda item.

Ben Levenger reviewed the timeline for the project and explained that Master Plan is meant to be a vision for the area. They had a great turnout at the meetings, and he reviewed the feedback from the surveys. The consultant has identified a six block area representing the true core of the downtown area. He explained how each block was ranked during the assessment process. Based on market analysis, they have compiled a list of recommendations. The recommendations include first floor retail industries, implementing a vacant property ordinance, and incentives for developers or business owners. Public responses include a desire for curb, gutter, and striping on 100 North, creating curb bulb-outs, converting parallel parking spaces to angle parking, increasing signal timing, additional hardscape recreational surfaces, additional gathering places, and more vegetation to provide shade. Closing 100 West was a divided topic. However, there were more in favor of closing 100 West. The water concern was prominent in the survey; designing a rain garden and bioswales can help save water. The Downtown Master Plan includes recommendations to conduct a detailed leakage study to determine what money is leaving Hurricane City, adopt and enforce the international property maintenance code, develop a program to assist residents in rehabbing their homes, create defined crosswalks, incorporate biking lanes, and additional parking. He reviewed the map detailing the vision of the catalyst site.

Councilman Thomas reported that he previously commented that the church might be interested in upgrading its Family History Center. Some residents are concerned that the church might shut down the Family History Center if they are approached. That was not his intent.

Becky Holman is concerned about the lack of information regarding the Recreation Center. She is not in favor of the plan for dividing the blocks. Main Street Downtown and Main Street Rec Center are entirely different. Thirty two parking spaces are no longer accessible due to the closure of 100 West.

Clark Fawcett feels the community loves the current downtown area. He is not opposed to additional retail. He feels it is crucial to preserve the Family History Center.

David Stirland stated that plans usually come to fruition when they get passed. He agrees with Mr. Fawcett's comments. He does not think this plan is conducive to the Peach Days festivals.

Jarolyn Stout stated that the City Council follows plans as if they are laws and not a suggestion. The Peach Days committee is not in favor of this plan. The plan overlooks the existing events, and Hurricane City should support the successful event on the property. The plan will affect or eliminate Peach Days, pickle ball, and the car show. Hurricane City is fortunate to have this open space, and most community members do not want Hurricane City to mirror the image of St. George City. Hurricane is blessed to have the Family History Center.

Paula Arriola attended two open houses, and most of the residents were new. The car show donated their money to the all abilities park, and she questioned why the City was willing to remove the area utilized for the show.

Eric Sorenson noted that the noisy cars on state streets scare the children in the area. This area has many great activities, but taking space from those activities does not make sense. He commented that the pickleball courts need to be repaired.

Dave LeFevre thanked the City Council for this meeting. His biggest concern is the pickleball courts. The courts cannot stay the way they are, and he asked when the City will repair the courts.

Mayor Billings explained that repair of the pickle courts is in the City budget. Kaden DeMille explained that the plan is to reconstruct the courts. They may need to move the courts due to the problem with the tree roots.

Ken Ballard is against forcing unnecessary changes. There is no need to bring people to the downtown area; this plan will change the downtown atmosphere. It is important to consider noise pollution and the citizen's safety. His primary concern is the role of government. They should not dictate what the buildings should look like, and the City should not buy property to develop. He does like the additional parking and parks. He asked the City Council to step back and re-evaluate the proposal.

Bob Gowan volunteers at the Family History Center, which is an asset to the community. He applauded all of the comments made.

Michelle Peterson lives next to the Main Street Café, and they plan to stay here for the next thirty years. This will set a precedent for tall buildings. They left Washington City because of the increased development, and extensive development areas have increased crime. She is afraid of losing the precious green space.

David Hinton feels Ms. Stout said it the best. He would like more parking and green space but would hate to see the Family History Center leave.

Jeremy Pickering lives in the area and works for the City. Having a vision is a good idea, and he appreciates the work that has gone into this. He feels most citizens are struggling with the feeling that the plan is not capturing the community's needs. There needs to be more clarity as to how to implement this plan.

Fred Resch III stated that this is a 100-page document with recommendations, implementation, and strategies for the entire downtown area. The community center and pickleball courts will

be addressed in the upcoming Parks Master Plan. He would like the council to consider moving the catalyst site into the appendix as a future option.

Councilman Hirschi thanked the community for their input and Mr. Levenger for all his work. This was a reminder of the beauty that is already in the community. Mr. Levenger is concerned that the parking off state street will create noise pollution, and he suggested vegetation to block the noise. He stated it is not ideal for parking to be the first thing people see; a good comprise is a single-level retail building with parking in the back. Councilman Thomas stated that he liked the two-story buildings in the old downtown area, and the City needs commercial and professional offices downtown. He asked the citizens what they wanted to have on the strip from Tom's Clip Joint to the car lot.

Ms. Stout would like to extend the green space in front of the Community Center.

Mr. Stirland asked the City to present options based on the comments received tonight.

Ms. Holman thinks the surveys bias. She wants to make the area safer and more accessible.

A resident in attendance stated that she supports commercial development downtown and feels moving the greenspace to a secondary street would be safer.

Jeri Hinton attended the meetings; she did not feel allowed to say she didn't want something. The questions were yes or no without other options.

Mr. Sorenson commented that most attendees want to preserve the Family History Center and the pickleball courts.

Murna Trump would like to have a more significant rec center.

Michelle Peterson is not opposed to commercial development. She noted that she went to the meetings, and many the people did not understand what they were voting on.

Melody suggests taking sections from each part plan and producing something else.

Mayor Billings directed Mr. Levenger to bring two different renderings to the July 20th meeting. Mr. Levenger recommended another public input meeting before preparing additional renderings. Councilman Prete thanked everyone in attendance. He believes there is a need for more commercial gathering places. However, having millions of cars pass through State Street is not viable. Stopping the traffic for pedestrians would be a traffic nightmare. The City does need the tax revenue from commercial operations. He has serious concerns about the viability of accomplishing the vision in this area. He opposes the City's leadership role in the catalyst approach. Councilman Sanders feels that Peach Days is a big family reunion. He understands

that the buildings need to be torn down, and the consultant needs present ideas for the area. Councilman Heideman would like to hear suggestions for what the community wants for future generations.

David Hirschi motioned to continue the General Plan Amendment to adopt a Downtown Master Plan until July 20th to allow time for another public meeting. Seconded by Dave Sanders. Joseph Prete, Doug Heideman, Kevin Thomas, David Hirschi, and Dave Sanders – aye. Motion carried unanimously.

9. Consideration and possible approval of **Ordinance 2023-APA-01 approving an agriculture protection zone** for parcels H-3-2-3-44, H-3-1-4-21011, H-3-1-10-4471, and H-3-2-3-3315. - Kenneth Heaton

Mayor Billings provided a summary of the agenda item. Dixie Conversation District and the Planning Commission have recommended approval. However, Conservation District still needs to provide a letter of recommendation. Councilman Prete asked if the Conservation District had previously suggested denying approval of agriculture protection zones. Dayton Hall is not aware of any previous recommendation of denial. He reported that the ordinance allows the City to seek approval to condemn property within agriculture protection zoning. Mayor Billings reported that the Planning Commission recommended approval except for the build out of the master plan roadways and any space needed for the transmission line.

Kenneth Heaton feels that the community wants to maintain the smalltown dynamic. Hurricane is an agricultural place, and he does not want to lose his small family farm. The proposed roadway runs through his peach orchard and destroys his feed yard. The City has to return to the County Board if they plan to take the property for the roadway, and he feels the City will exercise its right to eminent domain. He is not convinced that the proposed roadway is the best option. It makes more sense for the roadway and powerline to go through the raw land. Councilman Prete appreciates Mr. Heaton's comments in the previous meetings. He understands that excluding the roadway in the agriculture protection does not accomplish Mr. Heaton's goal. It is vital to balance and embrace the growth and progress of the community.

Mayor Billings reported that other avenues were explored before the 1100 West proposal. 1100 West is the best solution for the least amount of money. Fred Resch III reported that the Planning Commission and staff's recommendation to exclude the master plan roadways is consistent with other approved protection zones. Councilman Hirschi asked if the City would have to reroute the roadway if the area was included in the protection zone. Mr. Hall explained that taking the property for the roadway is possible, but it is a complicated process. Councilman Heideman feels the alternative routes presented tonight are viable.

Doug Heideman motioned to approve Ordinance 2023-APA-01 approving an agriculture protection zone.

Councilman Prete explained that the City Council has yet to see the cost and modeling of the alternative options. It is important to make decisions based on all the information. The City Council is here to represent the City as a whole.

Melinda Rodimaker lives on 1100 West. She inherited farmland when her mother passed away. She promised her mom that the farmland would always remain within the family. She feels the developers should supply the infrastructure and implored the City Council to avoid taking her home.

Mayor Billings explained that an easement along the dedicated road enables the City to provide utilities to the area.

Councilman Prete stated that it is inaccurate to say that impact fees will cover the entire cost. They need all the information before they can make a sound decision.

Mr. Hall read from the agriculture protection code regarding eminent domain. If approved without excluding the master planned roadways, the City has to seek permission to exercise eminent domain. This would also eliminate the City's ability to have a master planned roadway for three other corridors. Councilman Heideman feels it is important to protect agriculture. Arthur LeBaron stated the transportation master plan is a framework for the buildout of the City. The City has gone through the process of legally adopting the transportation master plan. Excluding the roadways does not mean the City does not support agriculture. Councilman Hirschi feels it is premature to make any decision on the agriculture protection.

David Hirschi motioned to continue Ordinance 2023-APA-01 approving an agriculture protection zone until Alpha Engineering provides additional alternatives. Seconded by Joseph Prete. Doug Heideman, Kevin Thomas, Dave Sanders, David Hirschi, and Joseph Prete – aye. Motion carried unanimously.

10. Consideration and possible approval of **Ordinance 2023-11 adopting a secondary water impact fee.**

Mayor Billings read the summary of the agenda item. Ken Richins reviewed the current impact fee. The Conservancy District is allowing these systems because they plan to provide reclaimed water in the future. He thinks this is a win for the City and the District, and the goal is for development to pay for itself. Councilman Prete feels there will be a significant price escalation for the remaining water shares. Mr. Richins explained that impact fees are evaluated every five years. Dayton Hall reported that the impact fee statute governs impact fees, and staying within the capital facilities plan is essential. Glen Carnahan with Alpha Engineering explained the process of an impact fee study. Kaden DeMille noted that the City can bond to purchase water if necessary.

Dave Sanders motioned to approve Ordinance 2023-11 adopting a secondary water impact fee. Seconded by Doug Heideman. Kevin Thomas, Joseph Prete, David Hirschi, Dave Sanders, and Doug Heideman – aye. Motion carried unanimously.

11. Consideration and possible approval of **Resolution 2023-29 clarifying the scholarship program for Miss Hurricane**

Mayor Billings reported that Miss Hurricane and the Pageant Directors have asked to clarify the scholarship. She reviewed the proposed resolution, noting how the Miss Hurricane Pageant serves the community.

David Hirschi motioned to approve Resolution 2023-29 clarifying the scholarship program for Miss Hurricane. Seconded by Kevin Thomas. Roll call vote. Dave Sanders, Joseph Prete, Doug Hirschi, Kevin Thomas, and Doug Heideman – aye. Motion carried unanimously.

12. Consideration and possible approval of **Resolution 2023-27 approving the 2023-2024 Fiscal Year Budget**

Kaden DeMille explained that the budget is based on fund based accounting. The proposed general fund budget is $18,350,501. This is an increase of $1.1 million over the prior year. The overall budget is $72,480,137. This is an increase of $6.9 million over the prior year. There is an increase in the water budget to accommodate wells and repair the Sand Hollow water line. The additional generator was eliminated from the Power Department budget. Mr. DeMille noted the roadway project included in the budget. Paige Chapman included a budget summary in the packet. Mayor Billings asked if the Copper Rock tournament was included in the budget. Mrs. Chapman reported that they had included $20,000 in the RAP tax fund for the Copper Rock Tournament. The City Council can increase or decrease that contribution. Mr. DeMille prefers that any additional funding for Copper Rocks is taken from savings.

Kevin Thomas motioned to approve Resolution 2023-27, approving the 2023-2024 Fiscal Year Budget as presented. Seconded by Dave Sanders. Joseph Prete, Doug Heideman, David Hirschi, Kevin Thomas, and Dave Sanders – aye. Motion carried unanimously.

13. Consideration and possible approval of **Resolution 2023-28 approving & adopting amendments to the 2022-2023 budget.**

Kaden DeMille reported $1.7 million in unanticipated revenues, which will be used to offset expenses.

Kevin Thomas motioned to approve Resolution 2023-28, approving & adopting amendments to the 2022-2023 budget. Seconded by Doug Heideman. Joseph Prete, Dave Sanders, David Hirschi, Kevin Thomas, and Doug Heideman – aye. Motion carried unanimously.

14. Consideration and possible approval of a **polling location for the 2023 Election**

Mayor Billings read the summary of the agenda item. Councilman Hirschi wants a polling location. Councilman Thomas stated that this does not solve his concerns with elections. Councilman Hirschi feels the citizens want a location to vote in person. Penny James Garcia agrees with Councilman Hirschi. Voting in person is patriotic; citizens will vote in the person if the option is available.

David Hirschi motioned to approve having a polling location for the 2023 Election. Seconded by Kevin Thomas. Joseph Prete, Dave Sanders, David Hirschi, and Kevin Thomas – aye. Doug Heideman – nay. Motion carried.

Cindy Beteag reported receiving a variance to bypass the whole house vacation rental waiting list for having an ADA compliant vacation rental. She advised the property owner that the administration does not have the authority to grant that variance. The City Council is not in favor of approving that variance.

Kaden DeMille reported receiving the reverse engineering on the gym spaces. He reviewed the location, available utilities, and potential design of the building. Mayor Billings reported that the American Legion recommended a pavilion area on the north side.

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

Joseph Prete motioned to go into a closed meeting for the purchase of the property. Seconded by Dave Sanders. Kevin Thomas, Doug Heideman, David Hirschi, Joseph Prete, and Dave Sanders – aye. Motion carried unanimously.

Adjournment: 11:45 p.m.

DRAFT

HURRICANE CITY
UTAH

STAFF COMMENTS

Discussion and decision regarding the **alignment and width of real property to purchase along 1150 West and 1100 West** corridors. -Mayor Billings

Discussion:

Findings:

Recommendation:

Attachments:
None

HURRICANE CITY
UTAH

STAFF COMMENTS

Consideration and possible approval of **updates to lease templates for leasing City hangar pads** at the City Airport. -Dave Houston

Discussion:
For consistency and ease of administration, it is proposed that the City Council adopt templates for personal and commercial leases for the leasing of the City's airport hangar pads. This will simplify the leasing process for future leases when the Council decides to lease additional hangar pads or re-lease existing hangars. The Council previously adopted templates on October 20, 2022. On April 6, 2023, some revisions to the templates were proposed to the Council, with the City Attorney and Airport Board recommending different versions of the updated templates. The Council decided to send the templates back to the Airport Board for further recommendations. For three months, the Airport Board and City Attorney have been working through the issues and are now jointly recommending updates to the private and SASO (commercial) lease templates.
A change to the City's templates now cannot modify existing leases. These proposed changes will only apply to future leases. Each proposed change to the existing lease templates appear in red in the Council's meeting packet. A non-exhaustive summary of the proposed changes follows:

1. Clarification that the City has the right to require the tenant to relocate to a new City airport at a pad provided by the City, at the tenant's cost. This option by the City does not include the right to require the tenant to move locations within the existing airport.
2. Revision to eminent domain (condemnation) provision to clarify that the Tenant has a claim to the value of the Tenant Improvements that are condemned.
3. A requirement that tenants maintain insurance for aircraft liability, including premises liability.
4. A requirement that automobile liability coverage be maintained if the tenant drives any automobile other than on roadways and automobile parking areas or parks an automobile in the hangar.
5. Insurance to cover the tenant's improvements (hangar), environmental losses, aircraft damage, and business interruption is NOT required by the proposed lease terms, but the lease states that those risks shall be borne by the tenant.
6. If the City elects to re-lease the hangar pad at the end of the 20-25 year lease term, the tenant has the first right of refusal to re-lease the pad on the terms approved by the City Council at that time.
7. If the Council decides not to re-lease the hangar pad, or if the tenant elects not to exercise its rights of first refusal, then any improvements on the pad site at the end of the lease term will be surrendered to the City.

Findings:

Recommendation:
The Airport Advisory Board and the City Attorney recommend that the proposed revisions to the lease templates be adopted by the City Council.

Attachments:
1. 230703 HURRICANE AIRPORT - PRIVATE HANGAR LEASE AGREEMENT (City Atty-Airport Board recommendations)
2. 230703 HURRICANE AIRPORT - SASO OPERATING AND LEASE AGREEMENT (City Atty-Airport Board recommendations)

HURRICANE CITY
UTAH

PRIVATE HANGAR LEASE AGREEMENT

BETWEEN

HURRICANE CITY, UTAH

AND

_____

Effective Date:_____

PRIVATE HANGAR LEASE AGREEMENT

THIS PRIVATE HANGAR LEASE AGREEMENT (which, as amended from time to time, is defined herein as the ("Agreement") is entered into as of the _____ day of _____, _____, by and between Hurricane City, Utah, a Utah municipal corporation, (the "City") and _____, a _____, (the "Tenant").

RECITALS

WHEREAS, City owns and operates an airport located at 800 W. 2300 S., Hurricane, Utah 84737 (the "Airport"); and

WHEREAS, City and Tenant desire to accommodate, promote, and enhance general aviation at the Airport; and

WHEREAS, Tenant desires to lease certain real property at the Airport for the purpose of constructing or purchasing a private hangar for aircraft as provided in this Agreement;

NOW, THEREFORE, in consideration of the covenants and conditions stated herein, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Agreement to Lease and Operate Concession

A. Agreement to Lease Premises. City hereby leases to Tenant and Tenant hereby leases from City that certain real property _____ square feet in size including five feet beyond the hangar pad on three sides excluding the front and located at the property identified as _____ on the Airport property (the "Premises"). Tenant agrees to accept the Premises "as is" and City makes no warranty as to the condition of the Premises or its suitability for any particular purpose.

B. Disclosure of Soil Condition. City discloses to Tenant that the soil at the Airport is collapsible and otherwise unstable. Tenant is responsible to obtain appropriate soil evaluation reports, to adhere to the recommendations in the reports, and take whatever action is necessary to mitigate the soil condition on the Premises. Tenant is responsible to construct the hangar at the engineered drainage elevations so the drainage will flow properly. Tenant will maintain and keep the area around the premises clear of debris and obstructions so as not to cause disruption in the expected normal drainage flow.

C. Construction of Tenant Improvements. Tenant shall construct or purchase and maintain continuous improvements on the leased Premises, which shall include a concrete pad, an aircraft hangar, fixtures, and any utilities as may be necessary for the Tenant's aviation related activities (referred to herein as the "Tenant Improvements"). Such Tenant Improvements must meet the Airport's Building Development Standards and any applicable Federal Aviation Administration requirements in effect as of the date of this Agreement. The Tenant agrees to submit plans/drawings of the proposed Tenant Improvements to City within eight (8) months of the execution date of this Agreement. Tenant shall be responsible to obtain and pay for proper building permits for the Tenant Improvements and comply with all the applicable ordinances of the City when planning and constructing the Tenant Improvements. Tenant agrees to complete construction of the proposed Tenant Improvements within twenty-four (24) months from the date the building permit is issued.

D. Grant of Concession and Purpose of Agreement. Tenant agrees that it shall have the right, privilege, and obligation to use the Premises for the following purposes: The parking, storage, service, repair, light maintenance, operation, and modification or construction (on a noncommercial basis only) of Aircraft, plus incidental activities related to such purposes. An ("Aircraft") shall be any aircraft that Tenant owns or controls, or that is subject to an authorized sublease, when approved in writing in advance by City. Tenant shall provide to City the make, model, and registration number of any Aircraft owned or controlled by Tenant, or that are subject to an authorized sublease, that are based at the Premises.

E. Access. City agrees that if Tenant is not in breach of this Agreement, Tenant and Tenant's employees, officers, directors, subtenants that are approved by City pursuant to this Agreement, contractors, subcontractors, suppliers, agents, invitees, and other representatives ("Tenant's Associates") may ingress and egress across the Airport in the areas designated by City and as permitted by applicable Laws and Regulations, on a non-exclusive basis and to the extent reasonably necessary for Tenant's use, occupancy, and operations at the Premises.

F. Right of Flight and Other Reserved Rights. This Agreement conveys only a leasehold interest in the Premises on the terms and for the purposes provided herein, and it conveys no other rights, titles, or interest of any kind. City reserves rights in the Premises including but not limited to, a right of aircraft movement on Airport property, a right of flight for the passage of aircraft in the air, a right to cause such noise as may at any time be inherent in the operation of aircraft, subject to the rules, regulations, and policies as may be adopted from time to time by the City, and rights in water, minerals, oil, and gas.

G. Enjoyments of Rights. Subject to Tenant's complete performance of the payment and other obligations contained in this Agreement, Tenant shall enjoy the rights, uses, and privileges stated in this Agreement.

2. Term. The term of this Agreement shall commence on the date of execution of this Agreement and shall continue thereafter for a term of twenty (20) years until _____, (the "Initial Term"). If the tenant desires to renew this Agreement, the tenant must notify the City in writing at least 60 days prior to the expiration of the initial term. Upon such notification, this lease shall renew for an additional five (5) year period at the lease rates stated in Section 3 of this Agreement.

3. Rent

A. Rent. For Tenant's lease of the Premises, Tenant covenants to pay to City without off-set or deduction the annual ground rent as shown in the table below and commencing on the date of execution of this Agreement. All rent shall be due and payable to the City of Hurricane annually in advance, without notice or demand from City, on the 1st day of August. The first years rent payment will be prorated to the next August 1st payment date.

Years	Rent amount per square foot
2022 – 2027	.15
2028 – 2033	.18
2034 – 2039	.21
2040 – 2045	.24
2046 – 2051	.27
2052 – 2057	.30

2058 – 2063 .33

C. Dishonored Checks. If any check paid on behalf of Tenant is dishonored or returned by a bank for any reason, Tenant shall pay all charges assessed to City by the bank plus a service charge of fifty dollars ($50.00) per occurrence (or such other amount as City shall implement from time to time) in addition to other sums due under this Agreement.

D. Past Due Amounts. If tenant fails to pay when due any amount required to be paid by Tenant under this Agreement, such unpaid amount shall bear interest at the rate of eighteen percent (18%) from the due date of such amount to the date of payment in full, with interest. In addition, City may charge a sum of five percent (5%) of such unpaid amount as a service fee, which the parties agree is a reasonable amount to cover the additional costs for billing and collecting arising from Tenants failure to make payment in a timely manner. All amounts due under this Agreement are and shall be deemed to be rent, and shall be paid without abatement, deduction, off-set, prior notice, or demand (unless expressly provided by the terms of this Agreement). City's acceptance of any past due amount either full or partial (or its associated interest or service fee) shall not constitute a waiver of any default under this Agreement.

4. Tenant's Use of Premises and Airport

A. No Interference. Tenant and Tenant's Associates shall not use the Premises or the Airport in any manner that interferes with any operation at the Airport or decreases the Airport's effectiveness, as reasonably determined by the City at its sole discretion. Tenant shall promptly notify City of any use that creates such interference or decrease of effectiveness and remedy the same to City's satisfaction.

B. Comply with all Laws and Regulations. Tenant and Tenant's Associates shall comply at all times, at Tenant's sole cost, with any and all laws and regulations (as amended or otherwise modified from time to time) that are applicable to Tenant's use, occupancy, or operations at the Premises or the Airport (the "Laws and Regulations"), which include but are not limited to, the Airport Rules and Regulations, Policies and Procedures, Minimum Standards for Commercial Aeronautical Activities, Utah Code Annotated, the Code of Revised Ordinances of Hurricane City, the Protective Covenants of the Hurricane City Airport, applicable Federal Aviation Regulations, and all lawful, reasonable, and nondiscriminatory Airport policies and other requirements.

C. No Unauthorized Use. Tenant and Tenant's Associates shall use the Premises and the Airport only for purposes that are expressly authorized by this Agreement and shall not engage in any unauthorized use of the same. Unauthorized uses include, but are not limited to, any use that would damage, interfere with, or alter any improvement; restricting access on any road or other area that Tenant does not lease; placing waste materials on the Airport or disposing of such materials in violation of any Laws and Regulations; any use that would constitute a public or private nuisance or a disturbance or annoyance to other Airport users; the use of automobile parking areas in a manner not authorized by City; fueling activities on the Premises or any other area that City has not authorized; commercial activities, aircraft parking, or storage in areas not leased by Tenant, any use unrelated to the purposes of this Agreement; and any use that would be prohibited by or would impair coverage under either party's insurance policies.

D. Permits and Licenses. Tenant shall obtain and maintain in current status all permits and licenses that are required under any Laws and Regulations in connection with Tenant's use,

occupancy, or operations at the Premises or the Airport. In the event that Tenant receives notice from any governmental authority that Tenant lacks, or is in violation of, any such permit or license, Tenant shall provide City with timely written notice of the same.

E. Taxes and Liens. Tenant shall pay (before their respective due dates) all taxes, fees, assessments, and levies that relate to Tenant's use, occupancy, or operations at the Premises or the Airport and all other obligations for which a lien may be created relating thereto (including, but not limited to, utility charges and work for the Tenant Improvements). Within ten (10) days of notice of such lien, Tenant shall have the lien removed or deposit with the City cash or other security acceptable to City in an amount sufficient to cover the cost of removing such lien. When contracting for any work in connection with the Premises, Tenant shall include in such contract a provision prohibiting the contractor or any subcontractor or supplier from filing a lien or asserting a claim against City's real property or any interest therein.

F. Damage to Property and Notice of Harm. Tenant, at Tenant's sole cost, shall repair or replace to City's satisfaction any damaged property that belongs to City or City's other Tenants to the extent that such damage arises from or relates to an act or omission of Tenant or Tenant's Associates. Tenant shall promptly notify City of any such property damage. If Tenant discovers any other potential claims or losses that may affect City, Tenant shall promptly notify City of the same.

G. No Alterations or Improvements. Tenant shall not make or cause to be made any alterations or improvements to the Premises or to other areas of the Airport without City's prior written consent.

H. Security. Tenant is responsible to comply, at Tenants sole cost, with all security measures that City, Federal Aviation Administration, the United States Transportation Security Administration or any other governmental authority having jurisdiction may require in connection with the Airport. Tenant shall protect and preserve security at the Airport, including, but not limited to, protecting security information and protecting any access points to the Airport that are maintained by Tenant. Tenant will be vigilant in watching for unusual activity or persons that do not belong at the Airport, and will report such to the Airport Manager or by calling 1-866-GA-SECURE.

I. Removal of Disabled or Derelict Aircraft. Tenant shall promptly remove or cause to be removed from any portion of the Airport not leased by Tenant the Aircraft (or any other aircraft that Tenant owns or controls) if it becomes disabled or derelict. Tenant may store such aircraft within the Tenant Improvements or, with the City's prior written consent, elsewhere at the Airport on terms and conditions established by City. If Tenant fails to comply with this requirement after a written request by City to comply, City may (but is not required to) cause the removal of any such aircraft at Tenant's expense by any means that City determines to be in City's best interests.

J. Maintenance, Repair, Utilities, and Storage. Tenant's use, occupancy, and operations at the Premises shall be without cost or expense to the City. Tenant shall be solely responsible to design and construct the Tenant Improvements and to maintain, repair, reconstruct, and operate the Premises and the Tenant Improvements at Tenant's sole cost and expense, including, but not limited to, all utility services, janitorial services, waste disposal, and ramp repair. Tenant shall at all times maintain the Premises and the Tenant Improvements in a condition that is clean, safe, sanitary, and in good repair. Tenant shall perform all work in accordance with Laws and Regulations and in a good and workmanlike manner. City has sole

discretion to determine the quality of the work. Tenant shall promptly remedy any condition that fails to meet this standard. In addition to other restrictions and requirements contained in this Agreement, Tenant shall not store outside of the Tenant Improvements (aircraft hangar) any inoperable equipment, discarded or unsightly materials, materials likely to create a hazard, trailers (except trailers designed to carry gliders), inoperative motor vehicles, or any other similar items. Tenant is responsible to keep the area five feet out from all four sides of the aircraft hangar clear of weeds and any debris.

K. Operations. Tenant's operations shall comply with the following.

(i) Airport Operations. Tenant shall occupy the Premises and shall operate in a manner that promotes effective Airport operations. Among other things, Tenant shall immediately notify the Airport Manager of any condition observed at the Airport that may create a hazard or disruption; Tenant shall refrain from annoying, disturbing, or impairing Airport customers, tenants, or employees; and Tenant shall promptly respond to City's requests for information and reasonable assistance in connection with planning and other operational matters at the Airport. If City determines for any reason that emergency conditions exist at the Airport, Tenant shall participate in any emergency response as directed by City or other agency in charge and shall operate in a manner that protects safety and the interests of the public.

(ii) Safety. Tenant shall maintain appropriate safety items at the Premises as may be required by the City, Local Fire Authority, or other governmental agency

(iii) Personnel. Tenant shall control the conduct, demeanor, and appearance of its employees and Tenant's Associates so they do not annoy, disturb, or impair Airport customers, tenants, or employees. Tenant shall provide the Airport Manager with the name and contact number of a person who is responsible for and has authority to act on behalf of Tenant.

(iv) Deficiencies. Without limiting or waiving any other remedies available to City, including declaring a breach of this Agreement, City's remedies shall include the following in connection with deficiencies in Tenant's operations.

(a) Propose and Implement Cure. Tenant shall meet with the Airport Manager as he or she may request regarding the quality of Tenant's operations, whether or not in connection with a specific complaint. Tenant shall propose curative measures in response to City's determinations regarding deficiencies in Tenant's operations and shall implement as expeditiously as possible measures that are approved by City.

(b) Remove Employees and Associates. City shall have the right to require Tenant to remove from the Airport any employee or any of Tenant's Associates that City reasonably determines to be in violation of any provision of this Agreement or otherwise detrimental to City's interests at the Airport.

5. City's Rights and Obligations

A. Airport Maintenance. Subject to subparagraph C. of this section, City agrees that as long as the Airport is certified to operate as an airport by the Federal Aviation Administration (or any successor agency), City shall keep the property of the Airport in good repair and free from obstruction in accordance with applicable Federal standards.

B. Access to Premises. City for itself and its employees, officers, directors, agents, and other representatives ("City's Associates") reserves the right to enter the Premises and Tenant Improvements at reasonable times and with reasonable notice for any purpose relating to the Airport including, but not limited to, conducting inspections, determining compliance with this Agreement, conduct Airport work, or for emergency purposes, provided that they shall not unreasonably interfere with Tenant's use of the Premises or Tenant's Improvements.

C. City's Right to Relocate Tenant's Improvements from Premises. It is understood and agreed that as conditions may require, the City has the right to require Tenant to relocate Tenant's Improvements from the Premises ~~to a new location on the Airport property, or~~ to a new location at a new airport if the City elects to relocate the Airport, which would be comparable to Tenants current leased Premises. Tenant shall bear the costs associated with relocating Tenant's Improvements and property to the new location. City agrees to provide the Tenant with a new Private Hangar Lease Agreement for the new location upon the same terms and conditions as are contained herein for the unexpired term of this Agreement.

D. City Charges. City has the right to impose rates and charges in connection with any matter at the Airport in a manner consistent with Laws and Regulations.

E. City Directives. City is the owner and proprietor of the Airport, and City has the right to issue any lawful, reasonable, and non-discriminatory directive as a landlord and proprietor that City determines to be in City's best interests.

F. Governmental Acts. City is a governmental entity, and City has all rights, powers, immunities, and privileges afforded to it under Laws and Regulations. Tenant agrees that Tenant is subject to any lawful governmental act of City without regard to the provisions of this Agreement.

~~**G. Condemnation.** In the event that the demised Premises are condemned by any proper authority, the term of this lease will end on the date that Tenant is required to surrender possession of the Premises. Tenant shall be entitled to that portion of the condemnation proceeds attributable to the fair market value of any Tenant Improvements placed on the Premises by Tenant.~~

6. Indemnification, Insurance, and Letter of Credit

A. Indemnity by Tenant. Tenant agrees to indemnify, hold harmless, and defend City and its officers and employees from and against losses of every kind and character (including but not limited to, liabilities, causes of action, losses, claims, costs, fees, attorney fees, expert fees, court of dispute resolution costs, investigation costs, environmental claims, mitigation costs, judgments, settlements, fines, demands, damages, charges, and expenses) that arise out of or relate to: (i) this Agreement; (ii) any use, occupancy, or operations at the Premises or the Airport by Tenant or Tenant's Associates; or (iii) any wrongful, reckless, or negligent act or omission of Tenant or Tenant's Associates. Tenant shall use attorneys, experts, and professionals that are reasonably acceptable to City in carrying out this obligation. This obligation does not require Tenant to indemnify City and its officers and employees against losses (as defined above) that arise solely from the negligent acts or omissions of City and its officers and employees. The obligation stated in this Section 6.A. shall survive the expiration or other termination of this Agreement with respect to matters arising before such expiration or other termination. These duties shall apply whether or not the allegations made are proven to be true.

B. Waiver. Tenant assumes all risk of the use of the Premises and the Airport, and Tenant hereby knowingly, voluntarily, and intentionally waives any and all losses, liabilities, claims, and causes of action, of every kind and character, that may exist now or in the future (including, but not limited to, claims for business interruption and for damage to any aircraft) against City and its officers, employees, and volunteers arising from or related to Tenant's use, occupancy, or operations at the Premises or the Airport.

C. Insurance. At Tenant's cost, Tenant shall procure the following insurance coverage prior to entering the Premises, and Tenant shall maintain its insurance coverage in force at all times this Agreement is in effect:

i. Aircraft Liability with Additional Coverage. Aircraft liability insurance that includes premises liability, and, if applicable, mobile equipment coverage with a combined single limit for bodily injury and property damage of not less than one million dollars ($1,000,000) per occurrence (and one hundred thousand dollars ($100,000) per passenger seat for applicable claims), including, but not limited to, contractual liability coverage for Tenant's performance of the indemnity agreement set forth in Section 6.A. If any such coverage is not available to Tenant in the form of an aircraft liability policy, Tenant shall obtain substantially similar coverage through a commercial general liability policy.

ii. Property. Tenant is solely responsible for Tenant's Improvements and Tenant's personal property, and Tenant may purchase insurance for Tenant's Improvements and Tenant's personal property as Tenant may determine.

iii. Automobile. If Tenant drives any automobile other than in the roadways and automobile parking areas at the Airport (including, but not limited to, if Tenant parks an automobile in Tenant's hangar when permitted by this Agreement), comprehensive automobile liability coverage for claims and damage due to bodily injury or death of any person or property damage arising out of Tenant's ownership, maintenance, or use of any motor vehicles, whether owned, hired, or non-owned, of not less than five hundred thousand dollars ($500,000) single combined limit "per accident" for bodily injury and property damage.

iv. Pollution. Tenant is responsible for environmental losses. Any pollution legal liability insurance obtained by Tenant shall comply with the requirements for insurance that are stated in this Agreement. If Tenant engages in self-fueling, Tenant shall comply with City's self-fueling requirements, including, but not limited to, pollution legal liability insurance requirements.

v. Aircraft. Tenant is solely responsible for any damage to the Aircraft. Tenant shall obtain insurance coverage for the Aircraft as Tenant may determine.

vi. Business Interruption. Tenant is solely responsible for all costs of business interruption, however incurred, and Tenant may purchase business interruption insurance as Tenant may determine.

D. Insurance Requirements. The insurance described by this section have the following requirements:

i. General Requirements. At all times when this Agreement is in effect, Tenant shall maintain in force all required insurance coverage and shall have on file with the City Certificates of Insurance evidencing the same. Such certificates shall provide that coverage will

not be cancelled, suspended, voided, or reduced without at least thirty (30) days prior written notice to the City. Ratings for the financial strength of the companies providing Tenant's insurance policies shall be disclosed in such certificates and shall be "A- VII" or stronger as published in the latest Best's Key Rating Guide (or a comparable rating from a comparable rating service). If a lower rating is proposed, City may examine the financial strength of the insurance company proposed to provide coverage and may consent to a lower rating in the City's sole and absolute discretion, and City may also require additional assurances from Tenant. All certificates shall be signed by a person authorized by the insurer and licensed by the State of Utah. All policies (except any policies required for worker's compensation or error s and omissions) and the certificates evidencing coverage shall name City and its officers, employees, and volunteers as additional insureds (or in the case of property coverage, City shall be named as a loss payee). Tenant shall provide for a renewal of all insurance coverage on a timely basis to prevent any lapse in coverage. City retains the right to approve any deductibles, and Tenant shall notify City of any material erosion of the aggregate limits of any policy. Tenant's policies shall be primary. Such policies shall extend insurance to cover Tenant's contractual obligations under this Agreement.

ii. Minimum Requirements. City's insurance requirements are minimum requirements, and Tenant is responsible to obtain adequate insurance coverage as Tenant may determine. Except as otherwise expressly set forth in this Agreement, Tenant assumes all risk under this Agreement (including, but not limited to, business interruption claims) whether or not insured.

iii. Waiver of Subrogation. Notwithstanding any other provision contained in this Agreement, each of the parties hereby waives any rights of subrogation it may have against the other party for loss or damage from any risk that is covered by insurance (including, but not limited to, claims for business interruption). Each of the parties shall obtain a clause or endorsement providing for such waiver of subrogation in any policies of insurance required under this Agreement.

iv. Terms Subject to Change. City, in its sole and absolute discretion, reserves the right to review and adjust at any time Tenant's required insurance limits, types of coverage, and any other terms applicable to insurance to reasonably insure against any risk associated with this Agreement or Tenant's use, occupancy, or operations at the Airport. Among other things, City may review any or all insurance coverage on a periodic basis and in connection with any specific activity or event associated with the Airport or proposed by Tenant.

v. Stopping Operations. Among City's remedies, if at any time Tenant's insurance coverage is not in effect as required herein, City may (but is not required to) stop all or any portion of Tenant's operations without liability to City until Tenant fully restores such coverage.

E. Performance Security. City reserves the right to require a performance security in a form and amount acceptable to City upon any material default by Tenant under this Agreement.

7. Hazardous Materials. Tenant shall not cause or permit any Hazardous Materials to be used, produced, stored, transported, brought upon, or released on , under, or about the premises or the Airport by Tenant or Tenant's Associates in violation of applicable Environmental Laws. Tenant is responsible for any such violation as provided by Section 6.A. of this Agreement. Tenant agrees that in the event of a release or threat of release of any Hazardous Material by Tenant or Tenant's Associates at the Airport, Tenant shall provide City

with prompt notice of the same. Tenant shall respond to any such release or threat of release in accordance with applicable Laws and Regulations.

8. Assignment and Subleasing

A. Assignment. Tenant shall not assign any of its rights under this Agreement, including, but not limited to, rights in the Tenant Improvements, (whether such assignment is voluntary or involuntary, by merger, consolidation, dissolution, change in control, or any other manner), shall not encumber any such rights or record this Agreement (or any document or interest related thereto) and shall not delegate any performance under this Agreement, except with prior written consent of City to any of the same. City will not unreasonably withhold written consent to an assignment of this Agreement.

B. Subleasing. With prior written consent of City, Tenant shall have the right to sublease portions of the Premises and Tenant Improvements only for the purposes specified in this Agreement or to store an aircraft. City shall have the right to approve any sublease tenant and sublease agreement. Tenant shall impose on any approved sublease tenant the same terms set forth in this Agreement to provide for the rights and protections afforded to City. Tenant shall reserve the right to amend any sublease to conform to the requirements of this Agreement, and any sublease shall be consistent with and subordinate to this Agreement as it is amended from time to time. Any sublease shall include an agreement that the sublease will attorn to and pay rent to City if Tenant ceases to be a party to this Agreement. Tenant shall provide to City a copy of any sublease executed by Tenant. No sublease shall relieve Tenant of any obligations under this Agreement.

9. Damage ~~and~~, Destruction, and Condemnation.

A. Damage or Destruction of Premises. If any portion of the Premises or the Tenant Improvements is damaged in any manner, Tenant shall promptly remove from the Airport all debris and cause repairs to be made to restore the same to an orderly and safe condition. All work shall be performed in accordance with plans and specifications that are approved by City as being consistent or better that the original improvements, and ~~.~~ Tenant shall follow City's policies and procedures regarding obtaining building permits as necessary. Tenant shall apply all proceeds that are made available from Tenant's insurance policies (or those of any subtenant or assignee) to performing such work. If City performs such work pursuant to Section 10.B, such insurance proceeds shall be paid to City. If the Premises or Tenant Improvements are tenantable despite such damage, Tenant shall not receive any abatement of Tenant's rent obligations. To the extent that any portion is rendered untenantable by such damage in light of the purposes of this Agreement (as determined by City in its sole discretion), rent shall continue if Tenant has business interruption insurance, or if Tenant does not have such insurance, City shall abate Tenant's rent proportionately until repairs have been substantially completed (as determined by City in its sole discretion).

B. Condemnation. In the event of any condemnation proceeding in which all or any part of the Premises is taken (by a condemnor other than the City), all compensation from such proceeding shall be paid to City, except that Tenant may pursue a claim against the condemnor for the value of the Tenant Improvements and Tenant's leasehold interest and any subtenants may pursue a claim against the condemnor for the value of their subtenancy interests. In the event of a partial taking, City shall reduce the ground rent payable by Tenant on a pro rata basis for portions of the premises so taken. If City determines in its sole discretion that all or a material portion of the premises will be (or has been) rendered untenantable as a result of such

taking, City may terminate this Agreement by giving Tenant a written notice of termination, and this Agreement shall terminate at time specified in the notice (which shall not be less than sixty (60) days after the date of such notice).

10. Default

A. Tenant's Default. Each of the following events shall constitute a default or breach of this Agreement by the Tenant. (i) Tenant fails to timely pay any installment of rent; (ii) Tenant violates any requirement under this Agreement (including, but not limited to, abandonment of the Premises) and fails to cure the same within sixty (60) days after written notice thereof by City to Tenant; (iii) Tenant assigns or encumbers any right in this Agreement, delegates any performance hereunder, or subleases any part of the Premises (except as expressly permitted in this Agreement); (iv) Tenant files a petition in bankruptcy, becomes insolvent, or has a petition filed against Tenant in bankruptcy, insolvency, or for reorganization or appointment of a receiver or trustee which is not dismissed within sixty (60) days; (v) Tenant petitions for or enters into an arrangement for the benefit of creditors, or suffers this Agreement to become subject to a writ of execution and such writ is not released within thirty (30) days; or (vi) Tenant defaults in constructing a Tenant Improvement as provided for in this Agreement.

B. Remedies. Upon default by Tenant under this Agreement, City may (at any time) pursue any or all remedies available to City, including, but not limited to, the following: (i) perform in Tenant's stead any obligation that Tenant has failed to perform, and Tenant shall promptly pay to City all costs incurred by City for such performance; (ii) terminate Tenants rights under this Agreement upon delivering a written notice of termination; and (iii) re-enter and take possession of the Premises by any lawful means (with or without terminating this Agreement). Tenant shall pay all costs and damages arising out of Tenant's default, including, but not limited to, the cost of recovering possession of the Premises, the cost of improving and re-letting the Premises, and any attorney fees and costs. Notwithstanding any termination or re-entry, Tenant shall remain liable to pay the rent required under this Agreement for the remaining term of this Agreement, and Tenant shall pay City on demand for any deficiency in the same. No action by City or City's Associates shall be construed as an election by City to terminate this Agreement or accept any surrender of the Premises unless City provides Tenant with a written notice expressly stating that City has terminated this Agreement or accepted a surrender of the Premises. Following a default by Tenant under this Agreement, City shall exercise commercially reasonable, good faith efforts to mitigate its damages as required by applicable Utah law.

C. Default by City. City shall not be in default under this Agreement unless City fails to perform an obligation required of City under this Agreement within thirty (30) days after written notice by Tenant to City. If the nature of City's obligation is such that more than thirty (30) days are reasonably required for performance or cure, City shall not be in default if City commences performance within such thirty (30) day period and thereafter diligently prosecutes the same to completion. In no event may Tenant terminate this Agreement or withhold the payment of rent or other charges provided for in this Agreement as a result of City's default.

D. Survival. The provisions of this Section 10 and the remedies and rights provided in Section 6 shall survive any expiration or termination of this Agreement.

11. Expiration or Termination

A. Tenant's First Right of Refusal. If the City elects to re-let the Premises upon the expiration of this Agreement, and if the Tenant is in compliance with the terms of this

Agreement, the Tenant shall have the first right of refusal to enter into a new lease of the Premises upon the terms and conditions as the City Council at the time may require. No sooner than 180 days and no later than 30 days before the end of the term of this Agreement, Tenant shall notify City in writing that Tenant desires to exercise its right of first refusal under this paragraph, after which the Tenant's right of first refusal shall expire. Tenant's refusal to enter into a new lease upon the terms and conditions required by the City Council at the time shall also result in the expiration of Tenant's right of first refusal.

B. Disposition of Tenant Improvements. Upon the termination of this Agreement before or on the expiration date, Tenant shall do one of the following at the option of City: (1) enter into a new lease to relet the Premises pursuant to Tenant's right of first refusal as set out in Section 11.A.; (2) surrender the Tenant Improvements to City if City has determined to accept the Tenant Improvements, with Tenant's rights, title, and interests in the Tenants Improvements being deemed transferred to the City upon the City accepting the same; or (~~2~~3) remove all Tenant Improvements from the Premises and Airport at Tenant's sole expense in a manner acceptable to City (and the obligations of section 6.A. shall apply to such removal). If Tenant fails to remove any Tenant Improvements under subsection (~~2~~3), City may do so in any manner acceptable to City pursuant to Section 10.B.

C. Surrender of Premises. Unless the Premises is relet to Tenant prior to the expiration of this Agreement pursuant to Section 11.A., upon any expiration or termination of this Agreement, Tenant, at Tenant's sole cost, shall (i) promptly and peaceably surrender to City the Premises (and any Tenant Improvements accepted by the City pursuant to Section 11.B) "broom clean" and in good order and condition, excepting reasonable wear and tear; (ii) repair in a good and workmanlike manner any damage to the Premises or the Airport that arises from or relates to Tenant's use, occupancy, or operations under this Agreement (including, but not limited to, while removing any property upon expiration or termination); (iii) deliver to City all keys and access credentials relating to the Airport; (iv) perform Tenant's environmental obligations as provided in Section 7; and (v) remove all movable personal property and trade fixtures (including signage) that are not owned by City, (except that Tenant must obtain City's prior written consent to remove any such property if Tenant is in default under this Agreement or if such removal may impair the structure of any building). Upon any expiration or termination of this Agreement (which includes, but is not limited to, termination for abandonment of the Premises), all property that Tenant leaves on the Premises shall conclusively be deemed to have been abandoned and may be appropriated, sold, stored, destroyed, or otherwise disposed of by City without notice to, and without any obligation to account to, Tenant or any other person (except that Tenant Improvements shall be as provided in Section 11.B). Tenant shall pay to City all expenses incurred in connection with the disposition of such property in excess of any amount received by City from such disposition. Tenant shall not be released from Tenant's obligations under this Agreement in connection with surrender of the Premises until City has inspected the Premises and delivered to Tenant a written acceptance of such surrender.

~~B~~C. Holding Over. If Tenant remains in possession of the Premises after any expiration or termination of this Agreement, such occupancy shall not waive any default under this Agreement and City may terminate such occupancy as a tenancy at will in accordance with Utah Law. During such occupancy, Tenant shall comply will all provisions of this Agreement that are applicable to an at-will-tenancy, and Tenant shall pay the following rent: ground rent at the highest rate then charged at the Airport and rent for the Tenant Improvements at fair market value based on City's survey of rent for similarly situated facilities at the Airport and at other western airports.

~~C~~D**. Survival.** The provisions of this Section 11 shall survive any expiration or termination of this Agreement.

12. General Provisions

A. No Exclusive Rights. Nothing in this Agreement shall be construed to grant to Tenant any exclusive right or privilege for the conduct of any activity on the Airport (except to lease the Premises for Tenant's exclusive use as provided herein).

B. Agreement Preserves City's Compliance. This Agreement shall be interpreted to preserve City's rights and powers to comply with City's Federal and other governmental obligations.

C. Subordination to City's Government Commitments. This Agreement is subordinate to the provisions of any agreement between City and the United States or other governmental authority (regardless of when made) that affects the Airport, including, but not limited to, agreements governing the expenditure of Federal funds for Airport Improvements. In the event that the Federal Aviation Administration or other governmental authority requires any modification to this Agreement as a condition of City entering any agreement or participating in any program applicable to the Airport, Tenant agrees to consent to any such modification. If a governmental authority determines that any act or omission of Tenant or Tenant's Associates has caused or will cause City to be non-compliant with any of City's government commitments, Tenant shall immediately take such actions that may be necessary to preserve City's compliance with the same.

D. Subordination to Financing and Matters of Record. This Agreement is subordinate to the provisions of any agreements or indentures entered by City (regardless of when entered) in connection with any debt financing applicable to the Airport and is subordinate to any matter of record affecting the real property of the Airport.

E. Force Majeure. No act or event, whether foreseen or unforeseen, shall operate to excuse Tenant from the prompt payment of rent or any other amounts required to be paid under this Agreement. If City (or Tenant in connection with obligations other than payment obligations) is delayed or hindered in any performance under this Agreement by a force majeure event, such performance shall be excused to the extent so delayed or hindered during the time when such force majeure event is in effect, and such performance shall promptly occur or resume thereafter at the expense of the party so delayed or hindered. A "force majeure event" is an act or event, whether foreseen or unforeseen, that prevents a party in whole or in part from performing as provided in this Agreement, that is beyond the reasonable control of and not the fault of such party, and such party has been unable to avoid or overcome by exercising due diligence, and may include, but is not limited to, acts of nature, war, riots, strikes, accidents, fire, and changes in law.

F. Rights and Remedies. Except as expressly set forth in this Agreement, the rights and remedies set forth in this Agreement are not intended to be exhaustive and the exercise by either party of any right or remedy does not preclude the exercise of any other rights or remedies that may now or subsequently exist.

G. Attorneys Fees. If any action is brought to recover any rent or other amount under this Agreement because of any default under this Agreement, to enforce or interpret any of the provisions of this Agreement, or for the recovery of possession of the Premises, the party

prevailing in such action shall be entitled to recovery from the other party(s) reasonable attorneys fees, court costs, the fees of experts and other professionals, and other costs arising from such action (including those arising from any appeal), the amount of which shall be fixed by the court and made a part of any judgment rendered. Tenant shall be responsible for all expenses, including but not limited to, attorney fees incurred by the City in any case or proceeding involving the Tenant or any permitted assignee of Tenant under or related to any bankruptcy or insolvency law. The provisions of this Section 12.G. shall survive any expiration or termination of this Agreement.

H. Governing Law, Venue, and Waiver of Jury Trial. This Agreement and the respective rights and obligations of the parties shall be governed by, interpreted, and enforced in accordance with the Laws of the State of Utah. Venue for any action arising out of or related to this Agreement or actions contemplated hereby may be brought in the United States District Court for Utah or the District Court for the State of Utah sitting in Washington County, Utah so long as one of such courts shall have subject matter jurisdiction over such action or proceeding, and each of the parties hereby irrevocable consents to the jurisdiction of the same and of the appropriate appellate courts there from. Process in any such action may be served on any party anywhere in the world. CITY AND TENANT EACH KNOWINGLY, VOLUNTARILY, AND INTENTIONALLY WAIVES ITS RIGHT TO TRIAL BY JURY IN ANY ACTION, PROCEEDING, OR COUNTERCLAIM BROUGHT BY EITHER OF THEM AGAINST THE OTHER FOR ALL MATTERS ARISING OUT OF OR RELATING TO THIS LEASE OR ANY USE, OCCUPANCY, OR OPERATIONS AT THE PREMISES OR THE AIRPORT. The provisions of this Section 12.H. shall survive any expiration or termination of this Agreement.

I. Amendments and Waivers. No amendment to this Agreement shall be binding on City or Tenant unless reduced to writing and signed by both parties. No provision of this Agreement may be waived, except pursuant to a writing executed by the party against whom the waiver is sought to be enforced.

J. Severability. If any provision of this Agreement is determined to be invalid, illegal, or unenforceable, the remaining provisions of this Agreement shall remain in full force and effect if both the economic and legal substance of the transactions that this Agreement contemplates are not affected in any manner materially adverse to any part. If any provision of this Agreement is held invalid, illegal, or unenforceable, the parties shall negotiate in good faith to modify this Agreement to fulfill as closely as possible the original intents and purposes of this Agreement.

K. Merger. This Agreement constitutes the final, complete, and exclusive agreement between the parties on the matters contained in this Agreement. All prior and contemporaneous negotiations and agreements between the parties on the matters contained in this Agreement are expressly merged into and superseded by this Agreement. In entering into this Agreement, neither party has relied on any statement, representation, warranty, now agreement of the other party except for those expressly contained in this Agreement. Any proposal materials or exhibits submitted by Tenant in response to a solicitation by City, to the extent accepted by City, shall also be incorporated in this Agreement.

L. Confidentiality. Tenant acknowledges that City is subject to legal requirements regarding the public disclosure of records. Tenant shall comply with such laws in connection with making any request that City maintain a record confidentially, and if Tenant complies with the same, Tenant shall have the right to defend any such request for confidentiality at Tenant's expense.

M. Relationship of Parties. This Agreement does not create any partnership, joint venture, employment, or agency relationship between the parties. Nothing in this Agreement shall confer upon any other person or entity any right, benefit, or remedy of any nature.

N. Further Assurances. Each party shall execute any document or take any action that may be necessary or desirable to consummate and make effective a performance that is required under this Agreement.

O. Miscellaneous. The headings in this Agreement are provided for convenience only and do not affect this Agreement's construction or interpretation. All references to Sections are to Sections in this Agreement. Each provision to be performed by Tenant shall be construed as both a covenant and a condition. This Agreement shall be construed without regard to any presumption or rule requiring construction or interpretation against the drafting party. If Tenant consists of more than one individual or entity, the obligations of all such individuals and entities shall be joint and several. References in this Agreement to any period of days shall mean calendar days unless specifically stated otherwise.

P. Time is of the Essence. Time is of the essence in this Agreement.

Q. Notices. Any notice, demand, written consent, or other communication required to be in writing under this Agreement shall be given in writing by personal delivery, express mail (postage prepaid), nationally recognized overnight courier with all fees prepaid (such as, by way of example, Federal Express or UPS), or certified mail (return receipt requested and postage prepaid) when addressed to the respective parties as follows.

If to City:	If to Tenant:
Hurricane City City Attorney 147 N. 870 W. Hurricane, UT 84737	_____ _____ _____ _____

Either City or Tenant may change its notice address by giving written notice (as provided herein) of such change to the other party. Any notice, demand, or written consent or communication shall be deemed to have been given, and shall be effective, upon compliance with this Section 12.Q. and delivery to the notice address then in effect for the party to which the notice is directed; provided, however, that such delivery shall not be defeated or delayed by any refusal to accept delivery or an inability to effect delivery because of an address change that was not properly communicated.

R. Binding Obligation. Tenant warrants and represents that it has the right, power, and legal capacity to enter into and perform its obligations under this Agreement as a legal, valid, and binding obligation of Tenant.

S. City Approval and Consent. Wherever in this Agreement it specifies the City must give approval or consent by the terms of this Agreement, such approval or consent shall not be unreasonably withheld. Unless otherwise specified, approval, consent, or action by the City refers to approval or consent by the Hurricane City Council.

T. Personal Guaranty. The undersigned Guarantor does herewith personally guarantee the due performance of this Agreement regarding all its provisions and obligations in

the same way as if Guarantor were the original Tenant of this Agreement. This guaranty is continuing and unconditional. The undersigned Guarantor shall be liable as a principal debtor and not merely as surety, and the bankruptcy or any assignment in favor of creditors of Tenant shall not affect the enforceability of this Personal Guaranty. This Personal Guaranty shall bind the respective heirs, executors, administrators, and assigns of the undersigned Guarantor, and shall inure to the benefit of the City, its successors, assigns, and subrogees. Guarantor now waives and releases all benefits and relief from all and any appraisement, exemption, or stay laws of any state currently in force or passed in the future.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

HURRICANE CITY	TENANT
_____	_____
Nanette Billings, Mayor	By:_____
	Its:_____
Attest:	GUARANTOR
_____	_____
City Recorder	Printed Name:

Approved as to form:

_____
Dayton Hall, City Attorney

SASO OPERATING AND LEASE AGREEMENT

BETWEEN

HURRICANE CITY, UTAH

AND

_____

Effective Date:_____

SASO OPERATING AND LEASE AGREEMENT

THIS SASO OPERATING AND LEASE AGREEMENT (which, as amended from time to time, is defined herein as the ("Agreement") is entered into as of the _____ day of _____, _____, by and between the Hurricane City, Utah, a Utah municipal corporation, (the "City") and _____, a _____, (the "Tenant").

RECITALS

WHEREAS, City owns and operates an airport located at 800 W. 2300 S., Hurricane, Utah 84737 (the "Airport"); and

WHEREAS, City and Tenant desire to accommodate, promote, and enhance general aviation at the Airport; and

WHEREAS, Tenant is qualified to provide services as a single aeronautical service operator ("SASO") as set forth herein and desires to lease certain real property at the Airport for the purpose of operating a SASO concession on the terms provided in this Agreement;

NOW, THEREFORE, in consideration of the covenants and conditions stated herein, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Agreement to Lease and Operate Concession

A. Agreement to Lease Premises. City hereby leases to Tenant and Tenant hereby leases from City that certain real property _____ square feet in size including five feet beyond the hangar pad on three sides excluding the front and located at the property identified as _____ on the Airport property (the "Premises"). Tenant agrees to accept the Premises "as is" and City makes no warranty as to the condition of the Premises or its suitability for any particular purpose.

B. Disclosure of Soil Condition. City discloses to Tenant that the soil at the Airport is collapsible and otherwise unstable. Tenant is responsible to obtain appropriate soil evaluation reports, to adhere to the recommendations in the reports, and take whatever action is necessary to mitigate the soil condition on the Premises. Tenant is responsible to construct the hangar at the engineered drainage elevations so the drainage will flow properly. Tenant will maintain and keep the area around the Premises clear of debris and obstructions so as not to cause disruption in the expected normal drainage flow.

C. Construction of Tenant Improvements. Tenant shall construct or purchase and maintain continuous improvements on the leased Premises, which shall include a concrete pad, an aircraft hangar, fixtures, and any utilities as may be necessary for the Tenant's aviation related activities (referred to herein as the "Tenant Improvements"). Such Tenant Improvements must meet the Airport's Minimum Standards for Commercial Aeronautical Activities and Building Development Standards in effect as of the date of this Agreement. The Tenant agrees to submit plans/drawings of the proposed Tenant Improvements to City within eight (8) months of the execution date of this Agreement. Tenant shall be responsible to obtain and pay for proper building permits for the Tenant Improvements and comply with all the applicable ordinances of the City when planning and constructing the Tenant Improvements. Tenant agrees to complete

construction of the proposed Tenant Improvements within twenty four (24) months from the date the building permit is issued.

D. Grant of Concession and Purpose of Agreement. Tenant agrees that it shall have the right, privilege, and obligation to use the Premises for the following purposes: The non-exclusive operation of a SASO concession providing at a minimum the following services (as they may be more specifically required under the Airport's Minimum Standards for Commercial Aeronautical Activities): _____
_____.
Tenant shall provide to City the make, model, and registration number of any aircraft owned or controlled by Tenant, or that are subject to an authorized sublease, that are based at the Premises ("Aircraft").

E. Access. City agrees that if Tenant is not in breach of this Agreement, Tenant and Tenant's employees, officers, directors, subtenants that are approved by City pursuant to this Agreement, contractors, subcontractors, suppliers, agents, invitees, and other representatives ("Tenant's Associates") may ingress and egress across the Airport in the areas designated by City and as permitted by applicable Laws and Regulations, on a non-exclusive basis and to the extent reasonably necessary for Tenant's use, occupancy, and operations at the Premises.

F. Right of Flight and Other Reserved Rights. This Agreement conveys only a leasehold interest in the Premises (and grant of concession) on the terms and for the purposes provided herein, and it conveys no other rights, titles, or interest of any kind. City reserves rights in the Premises including but not limited to, a right of aircraft movement on Airport property, a right of flight for the passage of aircraft in the air, a right to cause such noise as may at any time be inherent in the operation of aircraft, subject to the rules, regulations, and policies as may be adopted from time to time by the City, and rights in water, minerals, oil, and gas.

G. Enjoyments of Rights. Subject to Tenant's complete performance of the payment and other obligations contained in this Agreement, Tenant shall enjoy the rights, uses, and privileges stated in this Agreement.

2. Term. The term of this Agreement shall commence on the date of execution of this Agreement and shall continue thereafter for a term of twenty (20) years until _____, (the "Initial Term"). If the tenant desires to renew this Agreement, the tenant must notify the City in writing at least 60 days prior to the expiration of the initial term. Upon such notification, this lease shall renew for an additional five (5) year period at the lease rates stated in Section 3 of this Agreement.

3. Rent

A. Rent. For Tenant's lease of the Premises, Tenant covenants to pay to City without off-set or deduction the annual ground as shown in the table below and commencing on the date of execution of this Agreement. All rent shall be due and payable to the City of Hurricane annually in advance, without notice or demand from City, on the 1st day of August. The first years rent payment will be prorated to the next August 1st payment date.

Years	Rent amount per square foot		
2022 – 2027	.15	2058 – 2063	.33
2028 – 2033	.18		
2034 – 2039	.21		

2040 – 2045	.24
2046 – 2051	.27
2052 – 2057	.30

C. Dishonored Checks. If any check paid on behalf of Tenant is dishonored or returned by a bank for any reason, Tenant shall pay all charges assessed to City by the bank plus a service charge of fifty dollars ($50.00) per occurrence (or such other amount as City shall implement from time to time) in addition to other sums due under this Agreement.

D. Past Due Amounts. If tenant fails to pay when due any amount required to be paid by Tenant under this Agreement, such unpaid amount shall bear interest at the rate of eighteen percent (18%) from the due date of such amount to the date of payment in full, with interest. In addition, City may charge a sum of five percent (5%) of such unpaid amount as a service fee, which the parties agree is a reasonable amount to cover the additional costs for billing and collecting arising from Tenants failure to make payment in a timely manner. All amounts due under this Agreement are and shall be deemed to be rent, and shall be paid without abatement, deduction, off-set, prior notice, or demand (unless expressly provided by the terms of this Agreement). City's acceptance of any past due amount either full or partial (or its associated interest or service fee) shall not constitute a waiver of any default under this Agreement.

4. Tenant's Use of Premises and Airport

A. No Interference. Tenant and Tenant's Associates shall not use the Premises or the Airport in any manner that interferes with any operation at the Airport or decreases the Airport's effectiveness, as reasonably determined by the City at its sole discretion. Tenant shall promptly notify City of any use that creates such interference or decrease of effectiveness and remedy the same to City's satisfaction.

B. Comply with all Laws and Regulations. Tenant and Tenant's Associates shall comply at all times, at Tenant's sole cost, with any and all laws and regulations (as amended or otherwise modified from time to time) that are applicable to Tenant's use, occupancy, or operations at the Premises or the Airport (the "Laws and Regulations"), which include but not limited to, the Airport Rules and Regulations, Policies and Procedures, Minimum Standards for Commercial Aeronautical Activities, Utah Code Annotated, the Code of Revised Ordinances of the Hurricane City, the Protective Covenants of the Hurricane City Airport, applicable Federal Aviation Regulations, and all lawful, reasonable, and nondiscriminatory Airport policies and other requirements.

C. No Unauthorized Use. Tenant and Tenant's Associates shall use the Premises and the Airport only for purposes that are expressly authorized by this Agreement and shall not engage in any unauthorized use of the same. Unauthorized uses include, but are not limited to, any use that would damage, interfere with, or alter any improvement; restricting access on any road or other area that Tenant does not lease; placing waste materials on the Airport or disposing of such materials in violation of any Laws and Regulations; any use that would constitute a public or private nuisance or a disturbance or annoyance to other Airport users; the use of automobile parking areas in a manner not authorized by City; fueling activities on the Premises or any other area that City has not authorized; commercial activities except those activities authorized herein, aircraft parking, or storage in areas not leased by Tenant, any use unrelated to the purposes of this Agreement; and any use that would be prohibited by or would impair coverage under either party's insurance policies.

D. Permits and Licenses. Tenant shall obtain and maintain in current status all permits and licenses that are required under any Laws and Regulations in connection with Tenant's use, occupancy, or operations at the Premises or the Airport. In the event that Tenant receives notice from any governmental authority that Tenant lacks, or is in violation of, any such permit or license, Tenant shall provide City with timely written notice of the same.

E. Taxes and Liens. Tenant shall pay (before their respective due dates) all taxes, fees, assessments, and levies that relate to Tenant's use, occupancy, or operations at the Premises or the Airport and all other obligations for which a lien may be created relating thereto (including, but not limited to, utility charges and work for the Tenant Improvements). Within ten (10) days of notice of any such lien, Tenant shall have the lien removed or deposit with the City cash or other security acceptable to City in an amount sufficient to cover the cost of removing such lien. When contracting for any work in connection with the Premises, Tenant shall include in such contract a provision prohibiting the contractor or any subcontractor or supplier from filing a lien or asserting a claim against City's real property or any interest therein.

F. Damage to Property and Notice of Harm. Tenant, at Tenant's sole cost, shall repair or replace to City's satisfaction any damaged property that belongs to City or City's other Tenants to the extent that such damage arises from or relates to an act or omission of Tenant or Tenant's Associates. Tenant shall promptly notify City of any such property damage. If Tenant discovers any other potential claims or losses that may affect City, Tenant shall promptly notify City of the same.

G. No Alterations or Improvements. Tenant shall not make or cause to be made any alterations or improvements to the Premises or to other areas of the Airport without City's prior written consent.

H. Security. Tenant is responsible to comply, at Tenants sole cost, with all security measures that City, Federal Aviation Administration, the United States Transportation Security Administration or any other governmental authority having jurisdiction may require in connection with the Airport. Tenant shall protect and preserve security at the Airport, including, but not limited to, protecting security information and protecting any access points to the Airport that are maintained by Tenant. Tenant will be vigilant in watching for unusual activity or persons that do not belong at the Airport, and will report such to the Airport Manager or by calling 1-866-GA-SECURE.

I. Removal of Disabled or Derelict Aircraft. Tenant shall promptly remove or cause to be removed from any portion of the Airport not leased by Tenant the Aircraft (or any other aircraft that Tenant owns or controls) if it becomes disabled or derelict. Tenant may store such aircraft within the Tenant Improvements or, with the City's prior written consent, elsewhere at the Airport on terms and conditions established by City. If Tenant fails to comply with this requirement after a written request by City to comply, City may (but is not required to) cause the removal of any such aircraft at Tenant's expense by any means that City determines to be in City's best interests.

J. Maintenance, Repair, Utilities, and Storage. Tenant's use, occupancy, and operations at the Premises shall be without cost or expense to the City. Tenant shall be solely responsible to design and construct the Tenant Improvements and to maintain, repair, reconstruct, and operate the Premises and the Tenant Improvements at Tenant's sole cost and expense, including, but not limited to, all utility services, janitorial services, waste disposal, and ramp repair. Tenant shall at all times maintain the Premises and the Tenant Improvements in a

condition that is clean, safe, sanitary, and in good repair. Tenant shall perform all work in accordance with Laws and Regulations and in a good and workmanlike manner. City has sole discretion to determine the quality of the work. Tenant shall promptly remedy any condition that fails to meet this standard. In addition to other restrictions and requirements contained in this Agreement, Tenant shall not store outside of the Tenant Improvements (aircraft hangar) any inoperable equipment, discarded or unsightly materials, materials likely to create a hazard, trailers (except trailers designed to carry gliders), inoperative motor vehicles, or any other similar items. Tenant is responsible to keep the area five feet out from all four sides of the aircraft hangar clear of weeds and any debris.

K. Operations. Tenant's operations shall comply with the following.

(i) Airport Operations. Tenant shall occupy the Premises and shall operate at a minimum during normal ~~scheduled~~ business hours. Tenant shall operate in a manner that promotes effective Airport operations. Among other things, Tenant shall immediately notify the Airport Manager of any condition observed at the Airport that may create a hazard or disruption; Tenant shall refrain from annoying, disturbing, or impairing Airport customers, tenants, or employees; Tenant shall promptly respond to City's requests for information and reasonable assistance in connection with planning and other operational matters at the Airport; Tenant shall not divert business to off-Airport locations or engage in discriminatory business practices; and Tenant shall promptly respond to City's requests for information and reasonable assistance in connection with planning and other operational matters at the Airport.

(ii) Concession Service Standard. Tenant's concession shall provide high quality services and facilities in a good and proper manner to effectively meet the needs of the public and City. The privilege to operate this concession shall exist only so long as the character of Tenant's facilities and services are consistent with such standard.

(iii) Complaints. Tenant shall respond in a prompt manner to questions and complaints regarding Tenant's operations when raised by Airport users or by City, and Tenant shall provide a timely resolution of such questions and complaints.

(iv) Emergencies. If City determines for any reason that emergency conditions exist at the Airport, Tenant shall participate in any emergency response as directed by City or other agency in charge and shall operate in a manner that protects safety and the interests of the public.

(v) Safety. Tenant shall maintain appropriate safety items at the Premises as may be required by the City, Local Fire Authority, or other governmental agency, and shall ensure that Tenant's personnel are properly trained in the use of such safety items.

(vi) Personnel. Tenant shall control the conduct, demeanor, and appearance of its employees and Tenant's Associates so they do not annoy, disturb, or impair Airport customers, tenants, or employees. Tenant shall provide the Airport Manager with the name and contact number of a person who is responsible for and has authority to act on behalf of Tenant.

(vii) Deficiencies. Without limiting or waiving any other remedies available to City, including declaring a breach of this Agreement, City's remedies shall include the following in connection with deficiencies in Tenant's operations.

(a) Propose and Implement Cure. Tenant shall meet with the Airport Manager as he or she may request regarding the quality of Tenant's operations, whether or not in connection with a specific complaint. Tenant shall propose curative measures in response to City's determinations regarding deficiencies in Tenant's operations and shall implement as expeditiously as possible measures that are approved by City.

(b) Remove Employees and Associates. City shall have the right to require Tenant to remove from the Airport any employee or any of Tenant's Associates that City reasonably determines to be in violation any provision of this Agreement or otherwise detrimental to City's interests at the Airport.

5. City's Rights and Obligations

A. Airport Maintenance. Subject to subparagraph C. of this section, City agrees that as long as the Airport is certified to operate as an airport by the Federal Aviation Administration (or any successor agency), City shall keep the property of the Airport in good repair and free from obstruction in accordance with applicable Federal standards.

B. Access to Premises. City for itself and its employees, officers, directors, agents, and other representatives ("City's Associates") reserves the right to enter the Premises and Tenant Improvements at reasonable times and with reasonable notice for any purpose relating to the Airport including, but not limited to, conducting inspections, determining compliance with this Agreement, conduct Airport work, or for emergency purposes, provided that they shall not unreasonably interfere with Tenant's use of the Premises or Tenant's Improvements.

C. City's Right to Relocate Tenant's Improvements from Premises. It is understood and agreed that as conditions may require, the City has the right to require Tenant to relocate Tenant's Improvements from the Premises ~~to a new location on the Airport property, or~~ to a new location at a new airport if the City elects to relocate the Airport, which would be comparable to Tenants current leased Premises. Tenant shall bear the costs associated with relocating Tenant's Improvements and property to the new location. City agrees to provide the Tenant with a new SASO Operating and Lease Agreement for the new location upon the same terms and conditions as are contained herein for the unexpired term of this Agreement.

D. City Charges. City has the right to impose rates and charges in connection with any matter at the Airport in a manner consistent with Laws and Regulations.

E. City Directives. City is the owner and proprietor of the Airport, and City has the right to issue any lawful, reasonable, and non-discriminatory directive as a landlord and proprietor that City determines to be in City's best interests.

F. Governmental Acts. City is a governmental entity, and City has all rights, powers, immunities, and privileges afforded to it under Laws and Regulations. Tenant agrees that Tenant is subject to any lawful governmental act of City without regard to the provisions of this Agreement.

~~**G. Condemnation.** In the event that the demised Premises are condemned by any proper authority, the term of this lease will end on the date that Tenant is required to surrender possession of the Premises. Tenant shall be entitled to that portion of the condemnation proceeds attributable to the fair market value of any Tenant Improvements placed on the Premises by Tenant.~~

6. Indemnification, Insurance, and Letter of Credit

A. Indemnity by Tenant. Tenant agrees to indemnify, hold harmless, and defend City and its officers and employees from and against losses of every kind and character (including but not limited to, liabilities, causes of action, losses, claims, costs, fees, attorney fees, expert fees, court of dispute resolution costs, investigation costs, environmental claims, mitigation costs, judgments, settlements, fines, demands, damages, charges, and expenses) that arise out of or relate to: (i) this Agreement; (ii) any use, occupancy, or operations at the Premises or the Airport by Tenant or Tenant's Associates; or (iii) any wrongful, reckless, or negligent act or omission of Tenant or Tenant's Associates. Tenant shall use attorneys, experts, and professionals that are reasonably acceptable to City in carrying out this obligation. This obligation does not require Tenant to indemnify City and its officers and employees against losses (as defined above) that arise solely from the negligent acts or omissions of City and its officers and employees. The obligation stated in this Section 6.A. shall survive the expiration or other termination of this Agreement with respect to matters arising before such expiration or other termination. These duties shall apply whether or not the allegations made are proven to be true.

B. Waiver. Tenant assumes all risk of the use of the Premises and the Airport, and Tenant hereby knowingly, voluntarily, and intentionally waives any and all losses, liabilities, claims, and causes of action, of every kind and character, that may exist now or in the future (including, but not limited to, claims for business interruption and for damage to any aircraft) against City and its officers, employees, and volunteers arising from or related to Tenant's use, occupancy, or operations at the Premises or the Airport.

C. Insurance. At Tenant's cost, Tenant shall procure the following insurance coverage prior to entering the Premises, and Tenant shall maintain its insurance coverage in force at all times this Agreement is in effect:

i. Aircraft Liability with Additional Coverage. Aircraft liability insurance that includes premises liability, and, if applicable, mobile equipment coverage with a combined single limit for bodily injury and property damage of not less than one million dollars ($1,000,000) per occurrence (and one hundred thousand dollars ($100,000) per passenger seat for applicable claims), including, but not limited to, contractual liability coverage for Tenant's performance of the indemnity agreement set forth in Section 6.A. If any such coverage is not available to Tenant in the form of an aircraft liability policy, Tenant shall obtain substantially similar coverage through a commercial general liability policy.

ii. Property. Tenant is solely responsible for Tenant's Improvements and Tenant's personal property, and Tenant may purchase insurance for Tenant's Improvements and Tenant's personal property as Tenant may determine.

iii. Automobile. If Tenant drives any automobile other than in the roadways and automobile parking areas at the Airport (including, but not limited to, if Tenant parks an automobile in Tenant's hangar when permitted by this Agreement), comprehensive automobile liability coverage for claims and damage due to bodily injury or death of any person or property damage arising out of Tenant's ownership, maintenance, or use of any motor vehicles, whether owned, hired, or non-owned, of not less than five hundred thousand dollars ($500,000) single combined limit "per accident" for bodily injury and property damage.

iv. Pollution. Tenant is responsible for environmental losses. Any pollution legal liability insurance obtained by Tenant shall comply with the requirements for insurance that are stated in this Agreement. If Tenant engages in self-fueling, Tenant shall comply with City's self-fueling requirements, including, but not limited to, pollution legal liability insurance requirements.

v. Aircraft. Tenant is solely responsible for any damage to the Aircraft. Tenant shall obtain insurance coverage for the Aircraft as Tenant may determine.

vi. Business Interruption. Tenant is solely responsible for all costs of business interruption, however incurred, and Tenant may purchase business interruption insurance as Tenant may determine.

D. Insurance Requirements. The insurance described by this section have the following requirements:

i. General Requirements. At all times when this Agreement is in effect, Tenant shall maintain in force all required insurance coverage and shall have on file with the City Certificates of Insurance evidencing the same. Such certificates shall provide that coverage will not be cancelled, suspended, voided, or reduced without at least thirty (30) days prior written notice to the City. Ratings for the financial strength of the companies providing Tenant's insurance policies shall be disclosed in such certificates and shall be "A- VII" or stronger as published in the latest Best's Key Rating Guide (or a comparable rating from a comparable rating service). If a lower rating is proposed, City may examine the financial strength of the insurance company proposed to provide coverage and may consent to a lower rating in the City's sole and absolute discretion, and City may also require additional assurances from Tenant. All certificates shall be signed by a person authorized by the insurer and licensed by the State of Utah. All policies (except any policies required for worker's compensation or error s and omissions) and the certificates evidencing coverage shall name City and its officers, employees, and volunteers as additional insureds (or in the case of property coverage, City shall be named as a loss payee). Tenant shall provide for a renewal of all insurance coverage on a timely basis to prevent any lapse in coverage. City retains the right to approve any deductibles, and Tenant shall notify City of any material erosion of the aggregate limits of any policy. Tenant's policies shall be primary. Such policies shall extend insurance to cover Tenant's contractual obligations under this Agreement.

ii. Minimum Requirements. City's insurance requirements are minimum requirements, and Tenant is responsible to obtain adequate insurance coverage as Tenant may determine. Except as otherwise expressly set forth in this Agreement, Tenant assumes all risk under this Agreement (including, but not limited to, business interruption claims) whether or not insured.

iii. Waiver of Subrogation. Notwithstanding any other provision contained in this Agreement, each of the parties hereby waives any rights of subrogation it may have against the other party for loss or damage from any risk that is covered by insurance (including, but not limited to, claims for business interruption). Each of the parties shall obtain a clause or endorsement providing for such waiver of subrogation in any policies of insurance required under this Agreement.

iv. Terms Subject to Change. City, in its sole and absolute discretion, reserves the right to review and adjust at any time Tenant's required insurance limits, types of coverage, and any other terms applicable to insurance to reasonably insure against any risk associated

with this Agreement or Tenant's use, occupancy, or operations at the Airport. Among other things, City may review any or all insurance coverage on a periodic basis and in connection with any specific activity or event associated with the Airport or proposed by Tenant.

v. Stopping Operations. Among City's remedies, if at any time Tenant's insurance coverage is not in effect as required herein, City may (but is not required to) stop all or any portion of Tenant's operations without liability to City until Tenant fully restores such coverage.

E. Performance Security. City reserves the right to require a performance security in a form and amount acceptable to City upon any material default by Tenant under this Agreement.

7. Hazardous Materials. Tenant shall not cause or permit any Hazardous Materials to be used, produced, stored, transported, brought upon, or released on , under, or about the premises or the Airport by Tenant or Tenant's Associates in violation of applicable Environmental Laws. Tenant is responsible for any such violation as provided by Section 6.A. of this Agreement. Tenant agrees that in the event of a release or threat of release of any Hazardous Material by Tenant or Tenant's Associates at the Airport, Tenant shall provide City with prompt notice of the same. Tenant shall respond to any such release or threat of release in accordance with applicable Laws and Regulations.

8. Assignment and Subleasing

A. Assignment. Tenant shall not assign any of its rights under this Agreement, including, but not limited to, rights in the Tenant Improvements, (whether such assignment is voluntary or involuntary, by merger, consolidation, dissolution, change in control, or any other manner), shall not encumber any such rights or record this Agreement (or any document or interest related thereto) and shall not delegate any performance under this Agreement, except with prior written consent of City to any of the same. City will not unreasonably withhold written consent to an assignment of this Agreement.

B. Subleasing. With prior written consent of City, Tenant shall have the right to sublease portions of the Premises and Tenant Improvements only for the purposes specified in this Agreement or to store an aircraft. City shall have the right to approve any sublease tenant and sublease agreement. Tenant shall impose on any approved sublease tenant the same terms set forth in this Agreement to provide for the rights and protections afforded to City. Tenant shall reserve the right to amend any sublease to conform to the requirements of this Agreement, and any sublease shall be consistent with and subordinate to this Agreement as it is amended from time to time. Any sublease shall include an agreement that the sublease will attorn to and pay rent to City if Tenant ceases to be a party to this Agreement. Tenant shall provide to City a copy of any sublease executed by Tenant. No sublease shall relieve Tenant of any obligations under this Agreement.

9. Damage ~~and~~, Destruction, and Condemnation.

A. Damage or Destruction of Premises. If any portion of the Premises or the Tenant Improvements is damaged in any manner, Tenant shall promptly remove from the Airport all debris and cause repairs to be made to restore the same to an orderly and safe condition. All work shall be performed in accordance with plans and specifications that are approved by City as being consistent or better that the original improvements~~.~~, and Tenant shall follow City's policies and procedures regarding obtaining building permits as necessary. Tenant shall apply

all proceeds that are made available from Tenant's insurance policies (or those of any subtenant or assignee) to performing such work. If City performs such work pursuant to Section 10.B, such insurance proceeds shall be paid to City. If the Premises or Tenant Improvements are tenantable despite such damage, Tenant shall not receive any abatement of Tenant's rent obligations. To the extent that any portion is rendered untenantable by such damage in light of the purposes of this Agreement (as determined by City in its sole discretion), rent shall continue if Tenant has business interruption insurance, or if Tenant does not have such insurance, City shall abate Tenant's rent proportionately until repairs have been substantially completed (as determined by City in its sole discretion).

B. Condemnation. In the event of any condemnation proceeding in which all or any part of the Premises is taken (by a condemnor other than the City), all compensation from such proceeding shall be paid to City, except that Tenant may pursue a claim against the condemnor for the value of the Tenant Improvements and Tenant's leasehold interest and any subtenants may pursue a claim against the condemnor for the value of their subtenancy interests. In the event of a partial taking, City shall reduce the ground rent payable by Tenant on a pro rata basis for portions of the premises so taken. If City determines in its sole discretion that all or a material portion of the premises will be (or has been) rendered untenantable as a result of such taking, City may terminate this Agreement by giving Tenant a written notice of termination, and this Agreement shall terminate at time specified in the notice (which shall not be less than sixty (60) days after the date of such notice).

10. Default

A. Tenant's Default. Each of the following events shall constitute a default or breach of this Agreement by the Tenant. (i) Tenant fails to timely pay any installment of rent; (ii) Tenant violates any requirement under this Agreement (including, but not limited to, abandonment of the Premises) and fails to cure the same within sixty (60) days after written notice thereof by City to Tenant; (iii) Tenant assigns or encumbers any right in this Agreement, delegates any performance hereunder, or subleases any part of the Premises (except as expressly permitted in this Agreement); (iv) Tenant files a petition in bankruptcy, becomes insolvent, or has a petition filed against Tenant in bankruptcy, insolvency, or for reorganization or appointment of a receiver or trustee which is not dismissed within sixty (60) days; (v) Tenant petitions for or enters into an arrangement for the benefit of creditors, or suffers this Agreement to become subject to a writ of execution and such writ is not released within thirty (30) days; or (vi) Tenant defaults in constructing a Tenant Improvement as provided for in this Agreement.

B. Remedies. Upon default by Tenant under this Agreement, City may (at any time) pursue any or all remedies available to City, including, but not limited to, the following: (i) perform in Tenant's stead any obligation that Tenant has failed to perform, and Tenant shall promptly pay to City all costs incurred by City for such performance; (ii) terminate Tenants rights under this Agreement upon delivering a written notice of termination; and (iii) re-enter and take possession of the Premises by any lawful means (with or without terminating this Agreement). Tenant shall pay all costs and damages arising out of Tenant's default, including, but not limited to, the cost of recovering possession of the Premises, the cost of improving and re-letting the Premises, and any attorney fees and costs. Notwithstanding any termination or re-entry, Tenant shall remain liable to pay the rent required under this Agreement for the remaining term of this Agreement, and Tenant shall pay City on demand for any deficiency in the same. No action by City or City's Associates shall be construed as an election by City to terminate this Agreement or accept any surrender of the Premises unless City provides Tenant with a written notice expressly stating that City has terminated this Agreement or accepted a surrender of the

Premises. Following a default by Tenant under this Agreement, City shall exercise commercially reasonable, good faith efforts to mitigate its damages as required by applicable Utah law.

C. Default by City. City shall not be in default under this Agreement unless City fails to perform an obligation required of City under this Agreement within thirty (30) days after written notice by Tenant to City. If the nature of City's obligation is such that more than thirty (30) days are reasonably required for performance or cure, City shall not be in default if City commences performance within such thirty (30) day period and thereafter diligently prosecutes the same to completion. In no event may Tenant terminate this Agreement or withhold the payment of rent or other charges provided for in this Agreement as a result of City's default.

D. Survival. The provisions of this Section 10 and the remedies and rights provided in Section 6 shall survive any expiration or termination of this Agreement.

11. Expiration or Termination

A. Tenant's First Right of Refusal. If the City elects to re-let the Premises upon the expiration of this Agreement, and if the Tenant is in compliance with the terms of this Agreement, the Tenant shall have the first right of refusal to enter into a new lease of the Premises upon the terms and conditions as the City Council at the time may require. No sooner than 180 days and no later than 30 days before the end of the term of this Agreement, Tenant shall notify City in writing that Tenant desires to exercise its right of first refusal under this paragraph, after which the Tenant's right of first refusal shall expire. Tenant's refusal to enter into a new lease upon the terms and conditions required by the City Council at the time shall also result in the expiration of Tenant's right of first refusal.

B. Disposition of Tenant Improvements. Upon the termination of this Agreement before or on the expiration date, Tenant shall do one of the following at the option of City: (1) enter into a new lease to relet the Premises pursuant to Tenant's right of first refusal as set out in Section 11.A.; (2) surrender the Tenant Improvements to City if City has determined to accept the Tenant Improvements, with Tenant's rights, title, and interests in the Tenants Improvements being deemed transferred to the City upon the City accepting the same; or (~~2~~3) remove all Tenant Improvements from the Premises and Airport at Tenant's sole expense in a manner acceptable to City (and the obligations of section 6.A. shall apply to such removal). If Tenant fails to remove any Tenant Improvements under subsection (~~2~~3), City may do so in any manner acceptable to City pursuant to Section 10.B.

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C. Surrender of Premises. Unless the Premises is relet to Tenant prior to the expiration of this Agreement pursuant to Section 11.A., upon any expiration or termination of this Agreement, Tenant, at Tenant's sole cost, shall (i) promptly and peaceably surrender to City the Premises (and any Tenant Improvements accepted by the City pursuant to Section 11.B) "broom clean" and in good order and condition, excepting reasonable wear and tear; (ii) repair in a good and workmanlike manner any damage to the Premises or the Airport that arises from or relates to Tenant's use, occupancy, or operations under this Agreement (including, but not limited to, while removing any property upon expiration or termination); (iii) deliver to City all keys and access credentials relating to the Airport; (iv) perform Tenant's environmental obligations as provided in Section 7; and (v) remove all movable personal property and trade fixtures (including signage) that are not owned by City, (except that Tenant must obtain City's prior written consent to remove any such property if Tenant is in default under this Agreement or if such removal may impair the structure of any building). Upon any expiration or termination of this Agreement (which includes, but is not limited to, termination for abandonment of the

Premises), all property that Tenant leaves on the Premises shall conclusively be deemed to have been abandoned and may be appropriated, sold, stored, destroyed, or otherwise disposed of by City without notice to, and without any obligation to account to, Tenant or any other person (except that Tenant Improvements shall be as provided in Section 11.B). Tenant shall pay to City all expenses incurred in connection with the disposition of such property in excess of any amount received by City from such disposition. Tenant shall not be released from Tenant's obligations under this Agreement in connection with surrender of the Premises until City has inspected the Premises and delivered to Tenant a written acceptance of such surrender.

~~B~~C. **Holding Over.** If Tenant remains in possession of the Premises after any expiration or termination of this Agreement, such occupancy shall not waive any default under this Agreement and City may terminate such occupancy as a tenancy at will in accordance with Utah Law. During such occupancy, Tenant shall comply will all provisions of this Agreement that are applicable to an at-will-tenancy, and Tenant shall pay the following rent: ground rent at the highest rate then charged at the Airport and rent for the Tenant Improvements at fair market value based on City's survey of rent for similarly situated facilities at the Airport and at other western airports.

~~C~~D. **Survival.** The provisions of this Section 11 shall survive any expiration or termination of this Agreement.

12. General Provisions

A. No Exclusive Rights. Nothing in this Agreement shall be construed to grant to Tenant any exclusive right or privilege for the conduct of any activity on the Airport (except to lease the Premises for Tenant's exclusive use as provided herein).

B. Agreement Preserves City's Compliance. This Agreement shall be interpreted to preserve City's rights and powers to comply with City's Federal and other governmental obligations.

C. Subordination to City's Government Commitments. This Agreement is subordinate to the provisions of any agreement between City and the United States or other governmental authority (regardless of when made) that affects the Airport, including, but not limited to, agreements governing the expenditure of Federal funds for Airport Improvements. In the event that the Federal Aviation Administration or other governmental authority requires any modification to this Agreement as a condition of City entering any agreement or participating in any program applicable to the Airport, Tenant agrees to consent to any such modification. If a governmental authority determines that any act or omission of Tenant or Tenant's Associates has caused or will cause City to be non-compliant with any of City's government commitments, Tenant shall immediately take such actions that may be necessary to preserve City's compliance with the same.

D. Subordination to Financing and Matters of Record. This Agreement is subordinate to the provisions of any agreements or indentures entered by City (regardless of when entered) in connection with any debt financing applicable to the Airport and is subordinate to any matter of record affecting the real property of the Airport.

E. Force Majeure. No act or event, whether foreseen or unforeseen, shall operate to excuse Tenant from the prompt payment of rent or any other amounts required to be paid under this Agreement. If City (or Tenant in connection with obligations other than payment obligations)

is delayed or hindered in any performance under this Agreement by a force majeure event, such performance shall be excused to the extent so delayed or hindered during the time when such force majeure event is in effect, and such performance shall promptly occur or resume thereafter at the expense of the party so delayed or hindered. A "force majeure event" is an act or event, whether foreseen or unforeseen, that prevents a party in whole or in part from performing as provided in this Agreement, that is beyond the reasonable control of and not the fault of such party, and such party has been unable to avoid or overcome by exercising due diligence, and may include, but is not limited to, acts of nature, war, riots, strikes, accidents, fire, and changes in law.

F. Rights and Remedies. Except as expressly set forth in this Agreement, the rights and remedies set forth in this Agreement are not intended to be exhaustive and the exercise by either party of any right or remedy does not preclude the exercise of any other rights or remedies that may now or subsequently exist.

G. Attorneys Fees. If any action is brought to recover any rent or other amount under this Agreement because of any default under this Agreement, to enforce or interpret any of the provisions of this Agreement, or for the recovery of possession of the Premises, the party prevailing in such action shall be entitled to recovery from the other party(s) reasonable attorneys fees, court costs, the fees of experts and other professionals, and other costs arising from such action (including those arising from any appeal), the amount of which shall be fixed by the court and made a part of any judgment rendered. Tenant shall be responsible for all expenses, including but not limited to, attorney fees incurred by the City in any case or proceeding involving the Tenant or any permitted assignee of Tenant under or related to any bankruptcy or insolvency law. The provisions of this Section 12.G. shall survive any expiration or termination of this Agreement.

H. Governing Law, Venue, and Waiver of Jury Trial. This Agreement and the respective rights and obligations of the parties shall be governed by, interpreted, and enforced in accordance with the Laws of the State of Utah. Venue for any action arising out of or related to this Agreement or actions contemplated hereby may be brought in the United States District Court for Utah or the District Court for the State of Utah sitting in Washington County, Utah so long as one of such courts shall have subject matter jurisdiction over such action or proceeding, and each of the parties hereby irrevocable consents to the jurisdiction of the same and of the appropriate appellate courts there from. Process in any such action may be served on any party anywhere in the world. CITY AND TENANT EACH KNOWINGLY, VOLUNTARILY, AND INTENTIONALLY WAIVES ITS RIGHT TO TRIAL BY JURY IN ANY ACTION, PROCEEDING, OR COUNTERCLAIM BROUGHT BY EITHER OF THEM AGAINST THE OTHER FOR ALL MATTERS ARISING OUT OF OR RELATING TO THIS LEASE OR ANY USE, OCCUPANCY, OR OPERATIONS AT THE PREMISES OR THE AIRPORT. The provisions of this Section 12.H. shall survive any expiration or termination of this Agreement.

I. Amendments and Waivers. No amendment to this Agreement shall be binding on City or Tenant unless reduced to writing and signed by both parties. No provision of this Agreement may be waived, except pursuant to a writing executed by the party against whom the waiver is sought to be enforced.

J. Severability. If any provision of this Agreement is determined to be invalid, illegal, or unenforceable, the remaining provisions of this Agreement shall remain in full force and effect if both the economic and legal substance of the transactions that this Agreement contemplates are not affected in any manner materially adverse to any part. If any provision of this Agreement

is held invalid, illegal, or unenforceable, the parties shall negotiate in good faith to modify this Agreement to fulfill as closely as possible the original intents and purposes of this Agreement.

K. Merger. This Agreement constitutes the final, complete, and exclusive agreement between the parties on the matters contained in this Agreement. All prior and contemporaneous negotiations and agreements between the parties on the matters contained in this Agreement are expressly merged into and superseded by this Agreement. In entering into this Agreement, neither party has relied on any statement, representation, warranty, now agreement of the other party except for those expressly contained in this Agreement. Any proposal materials or exhibits submitted by Tenant in response to a solicitation by City, to the extent accepted by City, shall also be incorporated in this Agreement.

L. Confidentiality. Tenant acknowledges that City is subject to legal requirements regarding the public disclosure of records. Tenant shall comply with such laws in connection with making any request that City maintain a record confidentially, and if Tenant complies with the same, Tenant shall have the right to defend any such request for confidentiality at Tenant's expense.

M. Relationship of Parties. This Agreement does not create any partnership, joint venture, employment, or agency relationship between the parties. Nothing in this Agreement shall confer upon any other person or entity any right, benefit, or remedy of any nature.

N. Further Assurances. Each party shall execute any document or take any action that may be necessary or desirable to consummate and make effective a performance that is required under this Agreement.

O. Miscellaneous. The headings in this Agreement are provided for convenience only and do not affect this Agreement's construction or interpretation. All references to Sections are to Sections in this Agreement. Each provision to be performed by Tenant shall be construed as both a covenant and a condition. This Agreement shall be construed without regard to any presumption or rule requiring construction or interpretation against the drafting party. If Tenant consists of more than one individual or entity, the obligations of all such individuals and entities shall be joint and several. References in this Agreement to any period of days shall mean calendar days unless specifically stated otherwise.

P. Time is of the Essence. Time is of the essence in this Agreement.

Q. Notices. Any notice, demand, written consent, or other communication required to be in writing under this Agreement shall be given in writing by personal delivery, express mail (postage prepaid), nationally recognized overnight courier with all fees prepaid (such as, by way of example, Federal Express or UPS), or certified mail (return receipt requested and postage prepaid) when addressed to the respective parties as follows.

If to City:	If to Tenant:
Hurricane City City Attorney 147 N. 870 W. Hurricane, UT 84737	_____ _____ _____ _____

Either City or Tenant may change its notice address by giving written notice (as provided herein) of such change to the other party. Any notice, demand, or written consent or communication shall be deemed to have been given, and shall be effective, upon compliance with this Section 12.Q. and delivery to the notice address then in effect for the party to which the notice is directed; provided, however, that such delivery shall not be defeated or delayed by any refusal to accept delivery or an inability to effect delivery because of an address change that was not properly communicated.

R. Binding Obligation. Tenant warrants and represents that it has the right, power, and legal capacity to enter into and perform its obligations under this Agreement as a legal, valid, and binding obligation of Tenant.

S. City Approval and Consent. Wherever in this Agreement it specifies the City must give approval or consent by the terms of this Agreement, such approval or consent shall not be unreasonably withheld. Unless otherwise specified, approval, consent, or action by the City refers to approval or consent by the Hurricane City Council.

T. Personal Guaranty. The undersigned Guarantor does herewith personally guarantee the due performance of this Agreement regarding all its provisions and obligations in the same way as if Guarantor were the original Tenant of this Agreement. This guaranty is continuing and unconditional. The undersigned Guarantor shall be liable as a principal debtor and not merely as surety, and the bankruptcy or any assignment in favor of creditors of Tenant shall not affect the enforceability of this Personal Guaranty. This Personal Guaranty shall bind the respective heirs, executors, administrators, and assigns of the undersigned Guarantor, and shall inure to the benefit of the City, its successors, assigns, and subrogees. Guarantor now waives and releases all benefits and relief from all and any appraisement, exemption, or stay laws of any state currently in force or passed in the future.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

HURRICANE CITY	TENANT
_____	_____
Nanette Billings, Mayor	By:_____
	Its:_____
Attest:	GUARANTOR
_____	_____
City Recorder	Printed Name:
Approved as to form:	

_____
Dayton Hall, City Attorney

HURRICANE CITY
UTAH

STAFF COMMENTS

Resolution 2023-30: Consideration and possible approval of **a General Plan Amendment to adopt a Downtown Master Plan**.

Discussion:

Findings:

Recommendation:

Attachments:

1. Resolution 2022-30 Downtown Master Plan
2. Downtown Summary CC 6.15.2023
3. PC Draft - HDTP-compressed
4. Dowwntown Master Plan Report

RESOLUTION NO: 2023-30

A RESOLUTION BY THE HURRICANE CITY COUNCIL
ADOPTING AN UPDATE TO THE GENERAL PLAN ADOPTING A DOWNTOWN MASTER PLAN

WHEREAS Hurricane City desires to protect the health, safety, and welfare of its citizens; and

WHEREAS the state gives Cities authority to control land uses within their borders; and

WHEREAS Hurricane City has a desire to revitalize and protect our historic downtown; and

WHEREAS the Planning Commission gave a unanimous recommendation of approval; and

BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF HURRICANE, UTAH that the attached downtown master plan be adopted by as part of Hurricane City's General Plan.

PASSED AND APPROVED this _____ day of_____, 2023

_____
Nanette Billings, Mayor

ATTEST:

_____
Cindy Beteag, City Recorder

The foregoing Resolution was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 15th 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:

	Yea	Nay	Abstain	Absent
Joseph Prete	___	___	___	___
Dave Sanders	___	___	___	___
David Hirschi	___	___	___	___
Kevin Thomas	___	___	___	___
Doug Heideman	___	___	___	___

_____
Cindy Beteag

PLANNING & ZONING
HURRICANE CITY
UTAH

STAFF COMMENTS

Agenda Date:	**06/15/2023**
Application Number:	
Type of Application:	City Master Plan
Action Type:	Legislative
Applicant:	Hurricane City Planning
Agent:	Ben Levenger w/ Downtown Redevelopment
Request:	Review and make a recommendation on an updated Downtown Master Plan

Discussion: This is the proposed draft for the Downtown Master Plan. The City was able to fund this plan with a 90% match grant from UDOT. The planning process started in October of 2022 and has gone through several steps as shown on the graphic on the next page. The General Plan recommends that the City create a downtown master plan to help create a "vibrant downtown". This plan seeks to help achieve this goal and accomplish others sets out in the General Plan as follows:

HURRICANE CITY GENERAL PLAN

HERITAGE AND CULTURE GOAL 3: PROTECT AND REVITALIZE DOWNTOWN HURRICANE

In its historical center, downtown Hurricane is both an iconic rural Utah town that gives Hurricane its unique character and is an economic engine for the City of Hurricane, drawing visitors from all over.

POLICIES

3.1. Hurricane will strive to preserve the small town feel and rural character of its historic Downtown area.

3.2. Hurricane supports infill development and redevelopment in the Downtown.

3.3. New development and redevelopment in the Downtown should be planned and designed to be compatible with the character of the historic period architecture and should be landscaped to enhance the pedestrian experience and overall look of the area.

3.4. Downtown Hurricane is intended to function as a mixed use village with effective pedestrian and bicycle connectivity to the surrounding neighborhoods.

Downtown Master Plan Project Schedule

3.5. Hurricane supports the development of unique shops, restaurants, professional offices, financial institutions in the Downtown, and supports additional residential options, including lofts, apartments, and townhouses.

3.6. The City encourages and sponsors occasional promotional activities (e.g. farmer's market, Peach Days) to bring people downtown.

3.7. The City encourages interim uses of vacant lots and buildings Downtown (i.e. holiday markets) to draw people to the area.

STRATEGIES

3.1. Develop a Downtown/historic main street master plan and accompanying zoning or overlay development standards to address:

a. Mixed Uses;

b. Design Standards;

c. Infill Standards;

d. Building Facades;

e. Public Realm Enhancements;

f. Gathering Places

3.2. Explore the redevelopment of the community center area as a catalyst project to revitalize the downtown area. Conduct a fiscal impact study to understand the amount of tax revenue, jobs, and other benefits such a project could provide while considering the cost of service.

3.3. Beautify Downtown's public spaces by enhancing landscaping, updating public furnishings, and establishing a façade improvement program to incentivize business owners to update their storefronts.

3.4. Explore funding grants such as CDBG Block Grants to accomplish downtown vibrancy goals.

3.5. Develop a Downtown community arts program and district to display public art.

3.6. Create a Parking Plan for the Downtown area.

3.7. Review City codes to identify possible regulatory barriers to Downtown development and identify possible incentives to support the types of development that the City supports. Options could include:

a. Consider a Downtown District form-based code

b. Evaluate parking requirements

c. Waive or reduce local development fees

d. Review project permitting processes for redundancies/inefficiencies

e. Consider a grant program to help local businesses update facades on buildings or provide for additional updates.

(Hurricane City 2021 General Plan, pp 28)

Key Inputs and Creation Process

The proposed Master Plan had a variety of input from several stakeholders.

- Steering Committee: Planning staff, a member of the Planning Commission (Rebecca Bronemann), a member of the City Council (Kevin Thomas), a representative from the Hurricane Valley Chamber of Commerce, a representative from UDOT, the consultant team, and the City Manager met once a month to provide guidance and direction on each step of the plan. This committee made recommendations on public input, draft details, and recommendations within the plan.
- Public Input: During the process, the plan aimed at gathering a variety of input stakeholders. This included two online surveys, three public input open houses, and invited key stakeholders to smaller workshops and stakeholder meetings. These inputs can be found on page 39 and the appendix.
- Analysis: The consultant team performed economic research, walking surveys, gathered and reviewed public data, and reviewed traffic data from UDOT to help make recommendations within the plan. Generally, these recommendations have been reviewed by staff, the steering committee, and the public.

Key Sections

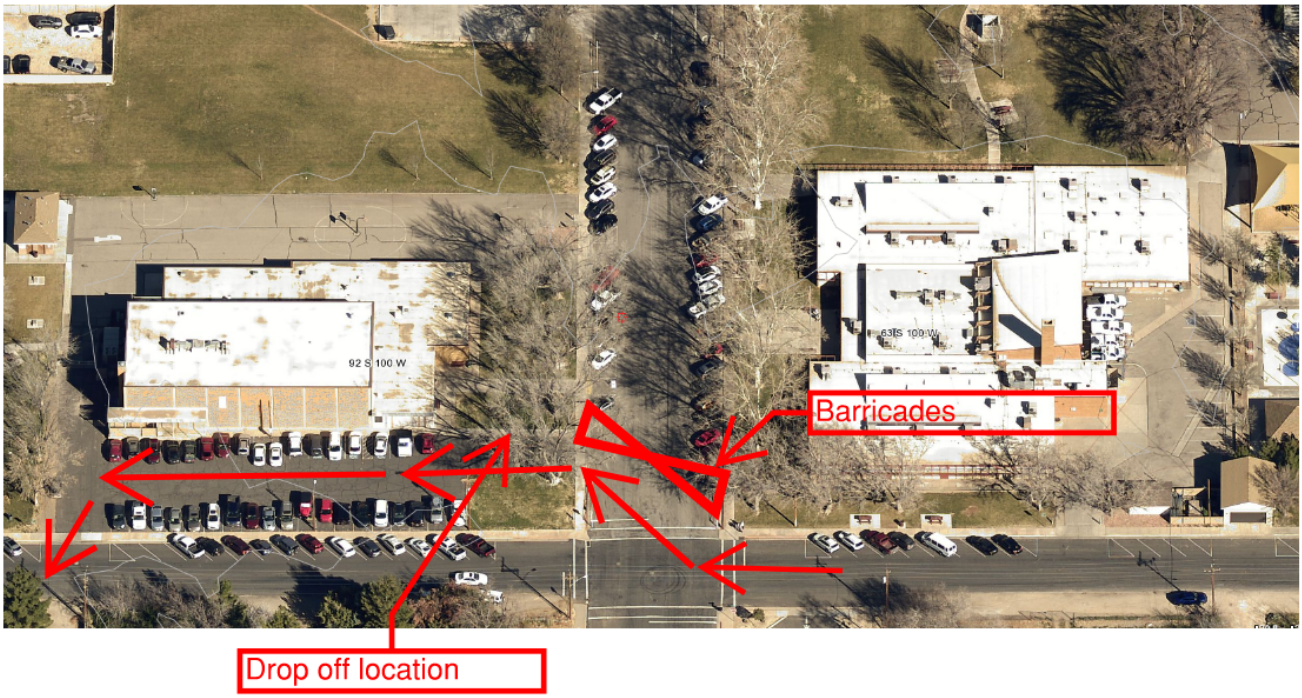
The following are key parts of the plan:

- Existing Conditions: This is the first section of the proposed master plan. This chapter reviews the current condition of the downtown and provides feedback on what conditions support the goals of the plan and what areas need additional work.
- Market Analysis: This chapter reviews the local economy and market to help guide what type of development is needed and could be viable within the downtown.
- Public Input Synopsis: This section summarizes the public feedback received. The full public input can be found in the appendixes.
- Draft Recommendations: This chapter contains draft recommendations for land use, built environment, urban design, transportation, housing, and more. These include additional details on how to achieve the recommendation.
- Implementation Strategies: This chapter gives general timelines for accomplishing the policies within the plan and prioritization.

There are a few major points to the plan staff would like to emphasize to the City Council with regards to the recommendations, these are issues that will most likely be brought up within the public forum

Closing of 100 W to Vehicular Traffic:

The 2021 General Plan states: *The City supports the transition of 100 West (from State Street to 100 South) from a vehicular road to a plaza.* The closing of 100 W from State St to 100 S has been done periodically for decades and permanently closing it has been part of City plans since the late 2000s. On May 18th, 2023 the City Council voted to temporarily close 100 W from Memorial Day through Labor Day to try it for the summer months. The existing gate on the north end was used, which provides ample turnaround space if someone accidentally turns down 100 W from State St. On the south end barriers were installed that directs traffic through the Fine Arts Center parking lot and out that parking lot to 100 S.



This provides, unlike the current system, a legal drop off location for children near the community center.

This idea saw wide support during the public outreach portion of the plan, will increase safety and provide constant space for programming in this area. The steering committee discussed other traffic calming options on 100 W such as turning it into a one-way street or adding measures such as medians but decided against it due to the effect it could have on Peach Days and the Farmer's Market.

The Downtown Master Plan proposes the City convert parallel parking along 100 S to angled parking to increase the number of available parking spaces, as well as possibly acquire more property for municipal parking lots. Except during major events the city provided parking in this area is rarely full. Staff will study the closure of 100 W's effect on parking throughout the summer.

Catalyst Project:

Many cities when in the process of revitalizing their historic downtown areas will invest in some sort of "catalyst project" as a way to signal to private property owners within the downtown that the City is investing in making the downtown a place worth investing in. Many cities will invest in facade programs or municipal parking lots but where Hurricane City owns a significant piece of prime downtown real estate a larger scale project is feasible.

The commercial building on the southwest corner of 100 W and State St, most recently home to the Mexican grocery store, Su Lugar Stop And Go Market, as well the house next door, are currently in process of being torn down by the City. These buildings are in bad shape and it was not seen as feasible to renovate them. The City owns almost all of the frontage along State St on this block giving the City the opportunity to provide the catalyst for revitalization in the downtown.

100 W
200 W
N
State Street

Figure 62: Northwest Corner Render

Figure 63: Northeast Corner Render

The project will be a 2-3 story building, with a three story parking garage in the back (invisible to the street). There will be retail and storefronts on the bottom floor along State St and offices or residences on the upper floors.

Under this scenario the City would work with neighboring property owners to relocate the existing car lot to another location in town and the existing LDS Family History Center within the structure. The City would partner with a private developer either through a long term lease or other mechanism to develop and operate the site.

Downtown Overlay Zone:

The Downtown Master Plan recommends a downtown mixed use overlay zone which would be a whole new zoning and change to the zone map. The exact details of this new zoning would have to be worked out in a separate ordinance passed by the Planning Commission and City Council however some important aspects to a downtown overlay zone would be *for new development in this area*:

- Form Based Code: regulations would focus more on the look and feel of the buildings (architectural styles, heights, building massing) rather than the uses within the buildings.
- Use Table: requiring that retail or service based industries be located on the ground levels of buildings allow for a mix of residential and commercial on second and third stories.

- Building massing: Using Floor Area Ratios, and setback requirements allowing for new buildings to be close to the street similarly to existing buildings in the downtown.
- Short-term rentals: Limiting the number and overall form of short-term rentals in the downtown area.
- Allowing for current downtown buildings to be rebuilt in largely the same footprint and spacing as currently exists

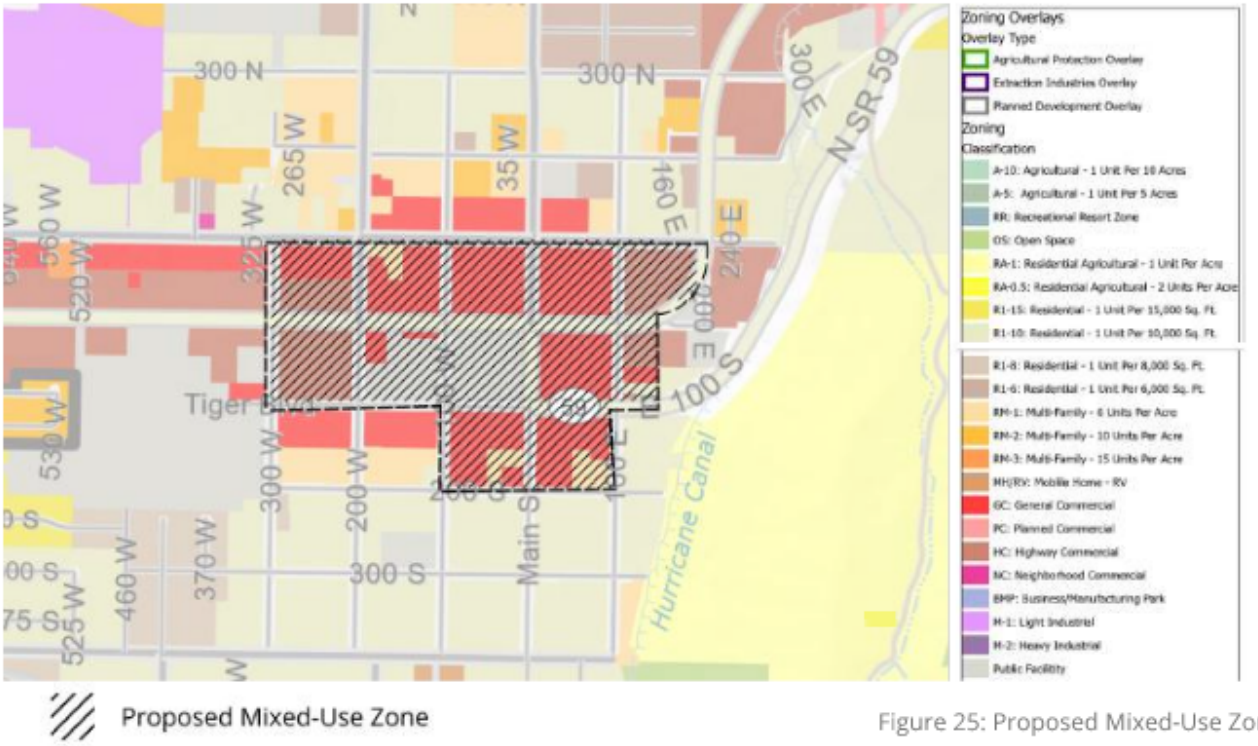


Figure 25: Proposed Mixed-Use Zone

Parking:

Throughout the planning process there were comments from the public about parking, not enough of it and people parking illegally during big events at the Community Center. The plan has a number of recommendations with how the City should address parking downtown

- More municipally owned parking lots: The catalyst project includes a parking garage with 100 parking spaces. There is an empty lot next to the city parking lot on 100 W and 100 S and the plan recommends the City look into purchasing that property for more parking
- Shared parking lots: encouraging business and property owners in the downtown area to share and interconnect parking lots so there are more available parking for businesses off the street.
- Two hour parking: The plan recommends that the City install “two hour parking only” signs in front of businesses in the downtown. Most small cities like Hurricane do not enforce these rules as ~90% of visitors will comply. This will increase turnover and preserve parking spaces in front of businesses for paying customers.
- Diagonal and striped parking: Many complaints were received from residents in the area that during major events at the Community Center people park in front of driveways blocking residents in. This complaint was most heard from residents on 100 N. This plan recommends the

City delineate parking spots throughout the downtown area, diagonal striping similar to what's on Main Street where we have the road width to do so and parallel parking elsewhere. This will help with enforcement since if parking is striped there is less of an excuse to park in someone else's driveway.

Recommendation:
Staff recommends the Council read through the plan and it's recommendations. If the City Council has any questions about the plan they are encouraged to reach out to staff.

HURRICANE DOWNTOWN

MASTER PLAN

Downtown Redevelopment Services
100 E Main St, Suite 100
Ravenna, OH 44266

CRSA
175 S Main St, Suite 300
Salt Lake City, Utah 84101

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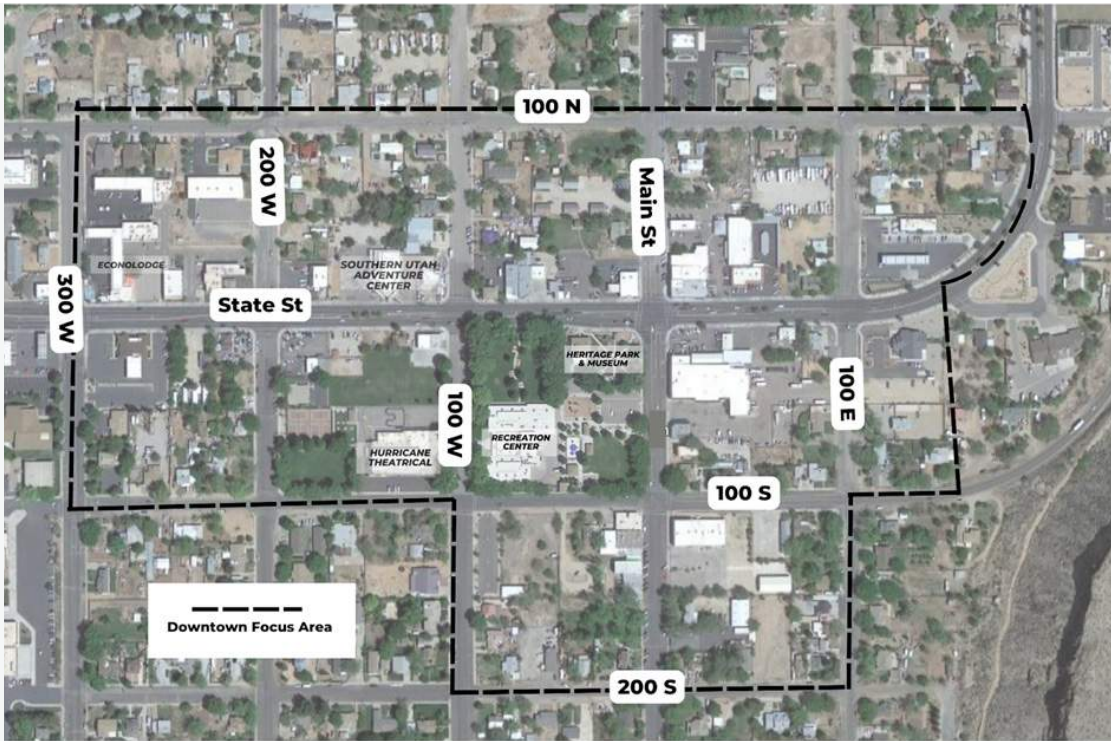
01

EXISTING CONDITIONS

Introduction

Hurricane City, Utah, pronounced “Her-ah-kun” by locals, is located on the eastern edge of the St. George metropolitan service area which covers south-central Washington County.

The city is a rapidly growing gateway community for the popular Zion National Park, located about 25 miles to the east on UT-9.



In addition to the National Park, other notable tourist destinations and geographic features include Sand Hollow State Park, Quail Creek State Park, and the Virgin River, public lands, trail systems and golf courses, giving Hurricane national exposure as a desirable place to live.

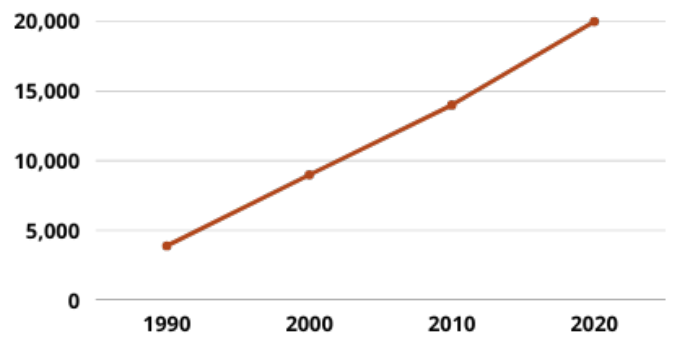
Interstate 15 forms the northwest border of the municipality while 300 W and 100 E along the State Street corridor are the main bounding features of downtown.

Demographic Analysis

Population

Hurricane's population has grown significantly over the past four census counts. Climbing from 3,915 in 1990 to 20,036 in 2020, the population has grown by more than five-fold.

POPULATION GROWTH
1990-2020



The city's racial makeup is 85.9% White, 1.0% Native American, 0.8% Asian, 0.6% Pacific Islander, and 0.4% African American or Black. Of the remainder, 4.3% are of another race and 7.1% are of two or more races. The population is 85.7% non-Hispanic and 10.2% Hispanic, growing from 7.2% Hispanic in 2010 due to significant in-migration in recent years.

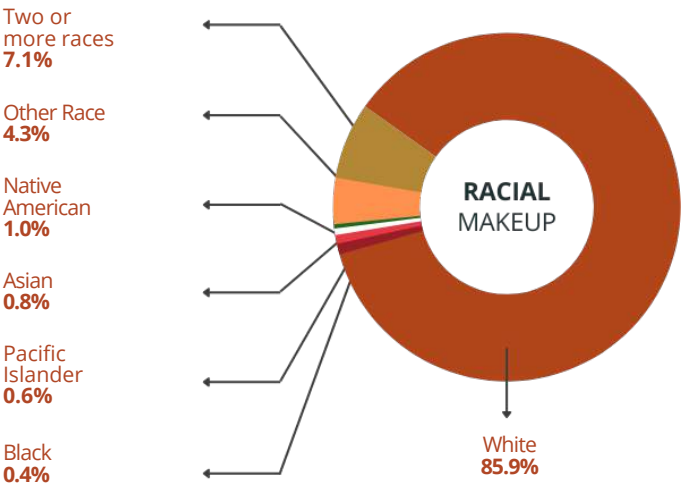


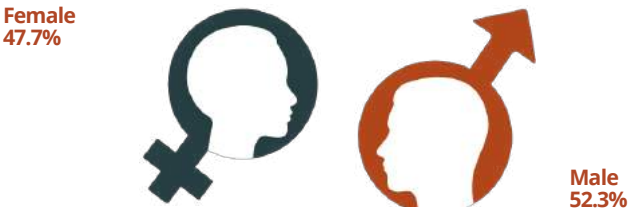
Figure 1: Racial and Ethnicity Makeup

Moreover, the in-migration has resulted in the community also boasting a high multilingual percentage, specifically 9.6% who speak a non-English language at home, predominantly Spanish.

HURRICANE CITY RACIAL MAKEUP	
2020 DECENNIAL CENSUS	
White	85.9%
American Indian and Alaska Native	1.0%
Asian	0.8%
Native Hawaiian and other Pacific Islander	0.6%
African American or Black	0.4%
Other Race	4.3%
Two or More Races	7.1%

HURRICANE CITY ETHNICITY MAKEUP	
ACS 2021 5-YEAR ESTIMATE	
Non-Hispanic	85.7%
Hispanic	10.2%

Approximately 52.3% of residents are male, and 47.7% are female, a near-even split consistent with most communities.



The median age is 38.4 years, significantly higher than the state median; however, the city's median is on par with that of the county and nation.

RESIDENT AGE DISTRIBUTION		
2021 ACS 5-YEAR ESTIMATE		
Age Group	**# of Individuals**	**Percentage**
Under 5 years	1,373	7.0%
5 to 9 years	1,183	6.1%
10 to 14 years	1,301	6.7%
15 to 19 years	1,286	6.6%
20 to 24 years	1,207	6.2%
25 to 29 years	812	4.2%
30 to 34 years	1,714	8.8%
35 to 39 years	1,160	5.9%
40 to 44 years	1,072	5.5%
45 to 49 years	1,095	5.6%
50 to 54 years	851	4.4%
55 to 59 years	1,273	6.5%
60 to 64 years	1,595	8.2%
65 to 69 years	1,035	5.3%
70 to 74 years	1,021	5.2%
75 to 79 years	759	3.9%
80 to 84 years	480	2.5%
85 years & over	284	1.5%

Figure 2: Resident Age Distribution

Due to the relocation of an aging population to the southern portion of Utah, the city has witnessed a rise in median age, climbing from 31.2 in 2010 to 38.4 years in 2021. A significant 33.1% of Hurricane City's population is 55 years old or older.

Hurricane's median age and trends are sustainable and are characteristic of a family-oriented community. Moreover, the city's age distribution shows promise of sustained population growth with a large percentage of minors and young adults. As those above 55 years continue to age, there will be a need for supportive services such as increased healthcare, assisted living, and disability access.

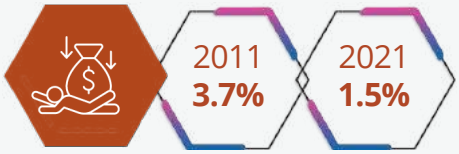
High school graduation, including equivalency, among Hurricane residents aged 25 years and over, has been trending upward over the past decade, from 91.4% in 2011 to 94.1% in 2021. The percentage of residents with bachelor's degrees or higher is also trending upward, from 20.7% in 2011 to 22.3% in 2021. The data in Figure 3 below outlines percentages and total assumed calculations of educational attainment by typology.

HURRICANE CITY EDUCATIONAL ATTAINMENT		
2021 ACS 5-YEAR ESTIMATE		
Less Than High School	772	5.9%
High School Graduate (Includes Equivalency)	3,498	26.6%
Some College	5,942	45.2%
Bachelor's Degree	2,057	15.6%
Master's Degree	507	507
Professional School Degree	261	2.0%
Doctorate Degree	114	0.9%
High School Graduate or More (Includes Equivalency)	12,379	94.1%
Bachelor's Degree or More	2,939	22.3%

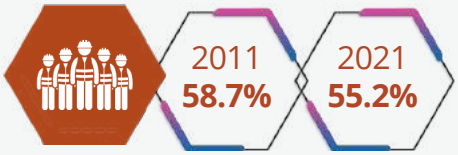
Figure 3: Educational Attainment

Employment

Among residents aged 16 years and over, 8,380 residents are in the civilian labor force and experience an unemployment rate of 1.5%. The unemployment rate is down from 3.7% in 2011 due to the national rebound from the Great Recession. Hurricane's labor force participation has decreased slightly from 58.7% to 55.2% from 2011 to 2021.



UNEMPLOYMENT RATE



LABORFORCE PARTICIPATOIN

For city residents, the following NAICS sectors are ranked from most common to least common for industry employers. The median earnings in Utah for the respective industry for the past 12 months are listed in the right column, including part-time and full-time employees. This data does not include individuals who work inside the city and live elsewhere, but rather only those living in the city. The three most common sectors in Hurricane are retail trade (15.13%); accommodation and food services (13.34%); and health care and social assistance (12.91%).

EMPLOYMENT BY INDUSTRY			
Industry	**# of employees**	**%age**	**Utah Industry Median Earnings**
Retail trade	1,249	15.13%	$27,113.00
Accommodation and food services	1,101	13.34%	$15,301.00
Health care and social assistance	1,066	12.91%	$35,430.00
Transportation and warehousing	800	9.69%	$43,970.00
Educational services	774	9.38%	$34,301.00
Construction	748	9.06%	$45,124.00

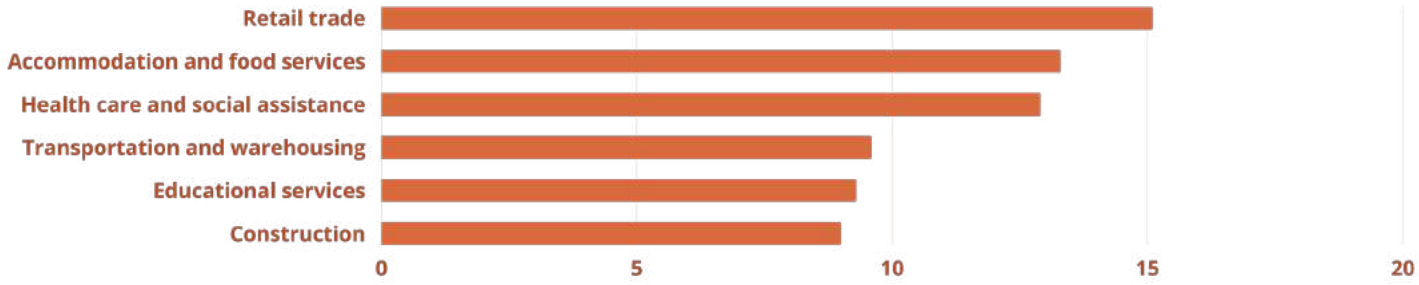


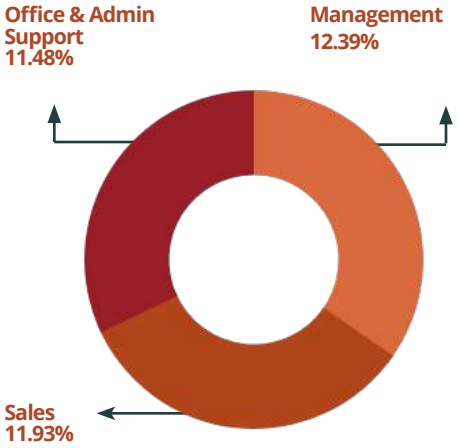
Figure 4: Employment by Industry (Percentages)

The figures below represent the number of Hurricane residents employed in each respective occupation. Utah median earnings are provided for each NAICS category on the furthermost right column. These figures are a cumulative average of earning over 12 months, including part-time and full-time employees.

EMPLOYMENT BY OCCUPATION			
Occupation	**# of employees**	**%age**	**Utah Occupational Median Earnings**
Management occupations	1,023	12.39%	$71,842.00
Sales and related occupations	985	11.93%	$34,639.00
Office and administrative support occupations	948	11.48%	$31,211.00
Building and grounds cleaning and maintenance occupations	579	7.01%	$20,719.00
Food preparation and serving related occupation	545	6.60%	$13,100.00
Production occupations	491	5.95%	$35,869.00

Figure 5: Employment by Occupation

The three most common occupations in Hurricane are management occupations (12.39%); sales and related occupations (11.93%); and office and administrative support occupations (11.48%).

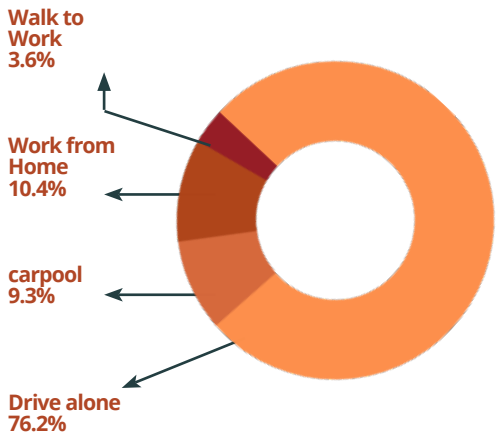


Commuting and Transportation Habits

For workers 16 years and over, 2021 commuting patterns were heavily auto dependent with a total of 85.5% of Hurricane residents commuting by driving, of which 76.2% drove alone and 9.3% carpooled. A significant 10.4% of residents worked from home, while just 3.6% walked to work. Residents' average commute to work is 22.5 minutes, comparable to state and national averages but slightly higher than the county average. The data below shows the breakdown of commute times among Hurricane residents.

COMMUTE TIME BREAKDOWN			
Commute Time	**%age**	**Commute Time**	**%age**
Less than 10 minutes	21.6%	30 to 34 minutes	14.0%
10 to 14 minutes	12.3%	35 to 44 minutes	5.5%
15 to 19 minutes	7.1%	45 to 59 minutes	5.2%
20 to 24 minutes	17.7%	60 or more minutes	3.4%
25 to 29 minutes	13.2%		

Figure 6: Commute Time Breakdown



Hurricane City is served by road and air infrastructure. The city is landlocked and lacks navigable waterways.

The city is served by Interstate 15 on its northwestern border, connected primarily via Utah State Route 9 at exit 16. S.R. 9 also connects with S.R. 17 in La Verkin before going on to connect with Interstate 15 north of Toquerville at exit 27. The interstate is the primary connection to nearby communities including St. George, to Salt Lake City 290 miles to the north, and Las Vegas, Nevada 138 miles to the south of Hurricane

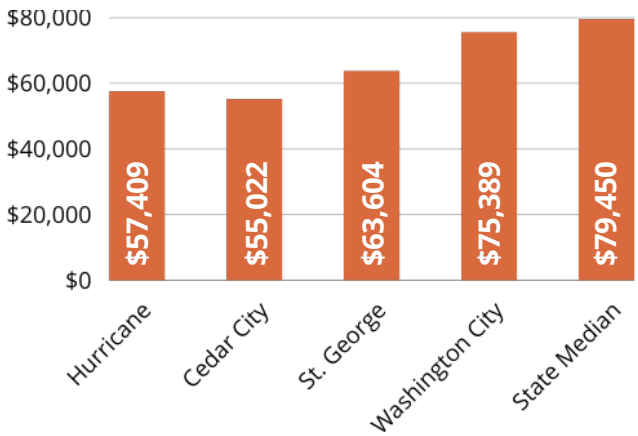
There are three state routes that run through Hurricane: State Routes 9, 59, and 7. Utah State Route 9 begins in Hurricane, at Harrisburg Junction. It travels east into Downtown Hurricane, forming State Street, before turning north towards La Verkin. Additional connections along this road include Zion National Park and S.R. 89. Second, S.R. 59 extends outward from the intersection of S.R. 9 and Main Street. Lastly, S.R. 7 (i.e., Southern Parkway) originates due south of Downtown Hurricane, connecting the city to Washington and South St. George.

Hurricane Municipal Airport, situated in the south Hurricane, is the only public airport. The municipal airport provides very limited service, with just one runway, no taxiway, and service for only small personal aircraft. Nearby, the St. George Regional Airport provides limited commercial service to hubs such as Salt Lake City, Denver, Phoenix, Los Angeles, and Dallas-Fort Worth. Approximately 130 miles away, the recently renamed Harry Reid International Airport is the closest international airport. There is currently no intra-city public transportation, but shuttle service does exist with Salt Lake City, Las Vegas, and Southern California by way of St. George.

Income and Poverty

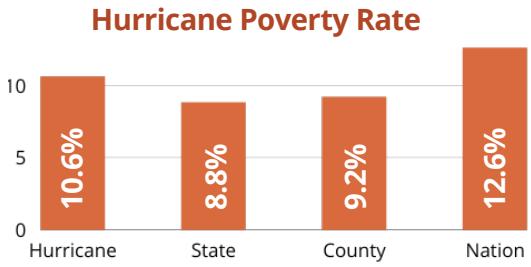
The 2021 median household income in Hurricane is $57,409, which is comparable to Cedar City's $55,022 and St. George's $63,604; however, it is much lower than Washington City's $75,389. It is also lower than the state median household income of $79,450. Hurricane's median household income has increased slightly from $51,146 in 2011.

Median Household Income



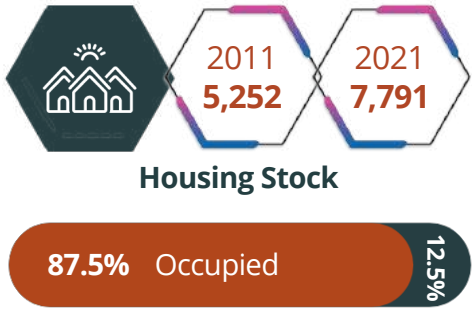
The **per capita income adjusted for inflation** has also increased slightly from $21,133 in 2011 to $27,086 in 2021. The median income is $70,513 for married-couple families and $28,465 for non-family households.

The **poverty rate** in Hurricane of 10.6% is higher than the state's 8.8% and the county's 9.2% but lower than the nation's 12.6%. While the City's poverty rate is much lower than the nation, the 10.6% of residents living in poverty demonstrates a mixture of various socio-economic conditions within the community.



Housing

Hurricane's housing stock consists of 7,791 units (ACS 2021 5-Year Estimate) compared to 5,252 (2010), a 48.3% increase. The city's housing supply is primarily occupied (87.5%,) with only 12.5% (974) of the units being vacant. Of the 6,142 occupied units, 4,616 (75.15%) are owner-occupied and 2,201 (35.84%) are renter occupied.



The Zillow-reported median rent is $2,399, up from $355 over last year, resulting in an estimated 54.5% of Hurricane renters being considered cost-burdened, classified as more than 30% of household income in the past 12 months.

The median value of an owner-occupied house is $486,000, up from $199,600 in 2011. The selected monthly owner costs (SMOC) for owners with a mortgage are $1,433, resulting in 27.4% of Hurricane households with a mortgage being cost-burdened. For owners without a mortgage, the SMOC is $390, resulting in 6.2% of Hurricane households without a mortgage being cost-burdened. The average household size is 2.7 persons, which is on par with the county, state, and national averages.

Consumer Expenditures

The data provided in this section highlights the estimated consumer expenditures for 2021 within Hurricane City.

(Source: EASI)

TOTAL CONSUMER EXPENDITURES					
Category	**City Total**	**Avg. per household Expenditure**	**% of Total Spending**	**UT %**	**UT %**
Food	$54,753,00	$8,914	13.0%	12.8%	12.7%
Housing	$135,889,000	$22,124	32.4%	32.0%	32.4%
Apparel and services	$12,031,000	$1,958	2.9%	2.9%	3.0%
Transportation	$72,009,000	$11,724	17.1%	17.0%	16.8%
Healthcare	$35,603.000	$5,796	8.5%	7.9%	7.9%
Entertainment	$21,136,000	$3,441	5.0%	5.1%	4.9%
Personal care products and services	$5,076,000	$826	1.2%	1.2%	1.2%
Reading	$629,000	$102	0.1%	0.1%	0.1%
Education	$9,261,000	$1,507	2.2%	2.5%	2.5%
Tobacco products and smoking supplies	$2,097,000	$341	0.5%	0.5%	0.5%
Cash contributions	$13,497,000	$2,197	3.2%	3.2%	3.2%
Personal insurance and pensions	$48,385,000	$7,877	11.5%	12.4%	12.3%
Total Annual Expenditures	**$419,948,000**	**$68,373**			

Figure 7: Total Annual Consumer Expenditures

Consumer expenditure distribution within Hurricane is comparable to that of the state of Utah and the nation. The two most significant differences between Hurricane and the state / national percentages are for healthcare and personal insurance and pensions. Healthcare makes up 0.6% more of consumer expenditures in the city than the rest of the state or nation, and personal insurance and pensions make up 0.9% and 0.8% less of consumer expenditures in the city than the rest of the state and nation respectively.

Food expenditure distribution within Hurricane is comparable to that of the state of Utah and the nation. Notably, food expenditures in the city are skewed more towards food at home when compared to the state and nation. In contrast, expenditures on food away from home are proportionately lower for the city than the state and nation. All other expenditures listed in the table below are comparable between the city, state, and nation.

CONSUMER EXPENDITURES ON FOOD				
	Total	**% Of Total**	**UT %**	**US %**
Food at home	$31,207,000	57.00%	55.8%	55.9%
Food away from home	$23,544,000	43.00%	44.2%	44.2%
Cereals and bakery products	$3,957,000	7.23%	7.1%	7.0%
Dairy products	$3,136,000	5.73%	5.6%	5.4%
Fruits and vegetables	$5,917,000	10.81%	10.6%	10.7%
Nonalcoholic beverages	$3,013,000	5.50%	5.3%	5.3%
Reading	$629,000	0.1%	0.1%	0.1%
Education	$9,261,000	2.2%	2.5%	2.5%
Food prepared by the consumer unit on out-of-town trips	$435,000	0.79%	0.8%	0.8%
Food on out-of-town trips	$2,530,000	4.62%	4.9%	4.8%
Alcoholic beverages	$3,959,000	7.23%	7.3%	7.0%
Total food expenditures	**$54,753,000**			

Figure 8: Consumer Expenditures on Food

Household and housing expenditure distribution within Hurricane is comparable to that of the state of Utah and the nation.

CONSUMER EXPENDITURES ON HOUSING				
	Total	**% Of Total**	**UT %**	**US %**
Household operations	$10,915,000	8.0%	8.2%	7.8%
Housekeeping services	$943,000	0.7%	0.7%	0.7%
Household furnishings and equipment	$14,053,000	10.3%	10.5%	10.1%
Household textiles	$873,000	0.6%	0.6%	0.6%
Furniture	$3,437,000	2.5%	2.6%	2.5%
Floor coverings	$172,000	0.1%	0.1%	0.1%
Major appliances	$2,199,000	1.6%	1.6%	1.5%
Small appliances	$300,000	0.2%	0.2%	0.2%
Miscellaneous household equipment	$6,605,000	4.9%	4.9%	4.7%
Total housing expenditures	**$135,889,000**			

Figure 9: Consumer Expenditures on Housing

Apparel expenditure distribution within Hurricane is comparable to that of the state of Utah and the nation.

CONSUMER EXPENDITURES ON APPAREL				
	Total	**% Of Total**	**UT %**	**US %**
Men and boys	$2,921,000	24.3%	24.6%	23.9%
Men, 16 and over	$2,241,000	18.6%	18.9%	18.4%
Boys, 2 to 15	$714,000	5.9%	6.1%	5.8%
Women and girls	$4,508,000	37.5%	37.2%	37.3%
Women 16 and over	$3,821,000	31.8%	31.6%	31.7%
Girls, 2 to 15	$703,000	5.8%	5.9%	5.8%
Children under 2	$561,000	4.7%	4.7%	4.1%
Footwear	$2,523,000	21.0%	20.8%	22.0%
Other apparel products and services	$1,501,000	12.5%	12.8%	12.7%
Total apparel products and services expenditures	**$12,031,000**			

Figure 10: Consumer Expenditures on Apparel

Transportation expenditure distribution within Hurricane is comparable to that of the state of Utah and the nation. The most significant differences are for vehicle purchases (net outlay) and public and other transportation. While 40.6% of the nation's transportation expenditures are on vehicle purchases (net outlay), a slightly higher 41.4% of Hurricane's transportation expenditures are in this category. This may demonstrate a preference for larger or custom (e.g., crossovers, trucks). On the contrary, public and other transportation makes up 1.2% less of consumer expenditures in Hurricane than the nation. The disparity is likely due to the lack of intra-city public transit.

CONSUMER EXPENDITURES ON TRANSPORTATION				
	Total	**% Of Total**	**UT %**	**US %**
Vehicle purchases (net outlay)	$29,840,000	41.4%	41.5%	40.6%
Gasoline and motor oil	$14,000,000	19.4%	19.1%	19.1%
Other vehicle expenses	$22,896,000	31.8%	31.6%	32.1%
Public and other transportation	$5,143,000	7.1%	7.8%	8.3%
Total transportation expenditures	**$72,009,000**			

Figure 11: Consumer Expenditures on Transportation

Healthcare expenditure distribution within Hurricane is comparable to that of the state of Utah and the nation. With the influx of older residents, it is likely that healthcare expenditures will rise in the coming years.

CONSUMER EXPENDITURES ON HEALTHCARE				
	Total	**% Of Total**	**UT %**	**US %**
Health insurance	$23,971,000	67.3%	67.1%	68.1%
Medical services	$6,950,000	19.5%	20.2%	19.3%
Drugs	$3,354,000	9.4%	9.0%	9.0%
Medical supplies	$1,333,000	3.7%	3.7%	3.6%
Total healthcare expenditures	**$35,603,000**			

Figure 12: Consumer Expenditures on Healthcare

Entertainment expenditure distribution within Hurricane is comparable to that of the state of Utah and the nation. Yet, it varies the most from state and national distributions among the various consumer expenditure categories.

CONSUMER EXPENDITURES ON ENTERTAINMENT (Thousands)				
	Total	**% Of Total**	**UT %**	**US %**
Fees and admissions	$6,083,000	28.8%	31.0%	31.1%
Audio and visual equipment and services	$6,474,000	30.6%	29.0%	30.6%
Pets, toys, hobbies, and playground equipment	$5,909,000	28.0%	26.8%	25.6%
Other entertainment supplies, equipment, and services	$2,690,000	12.7%	13.1%	12.9%
Total entertainment expenditures	**$21,136,000**			

Figure 13: Consumer Expenditures on Entertainment (Thousands)

Retail sales by sector varies much more greatly than the tables above. This can be attributed to the lack of, or limited, retail offerings in Hurricane, resulting in expenditures on these categories outside of the municipality. While numerous amenities and service based outlets are present in the municipality, there are likely missing amenities and/or services resulting in missed tax revenue. causing expenditures on necessity purchases outside of the municipal boundaries.

While numerous amenities and service-based outlets are present in the municipality, there are likely missing services and amenities community wide that are creating a lack of expenditures, due to the small market size within the city limits. However, these retail sectors may or may not be met through the larger trade areas throughout the region. If further detail is desired, a comprehensive market analysis must be completed.

Two retail sectors are underserved within the city limits – electrical and appliances stores and sporting goods stores. These specific sectors are likely met within the regional context, and may be provided locally as the City continues to grow and diversify. Non-served sectors aside, several sectors receive a markedly different share of retail sales in Hurricane than statewide or nationwide. Sectors with notable differences include motor vehicle store sales; gasoline stations store sales; general merchandise store sales; non-store purchases sales; and food services.

RETAIL SALES BY SECTOR				
	Total	**% Of Total**	**UT %**	**US %**
Motor Vehicles Store Sales	$119,137,000	38.2%	21.5%	21.3%
Furniture and Home Furnishings Store Sales	$1,800,000	0.6%	2.7%	1.8%
Electrical and Appliances Store Sale	$0	0.0%	1.0%	1.2%
Building Materials and Garden Store Sales	$11,425,000	3.7%	6.6%	6.6%
Food and Beverage Store Sales	$41,603,000	13.3%	8.9%	13.4%
Health and Personal Care Store Sales	$9,901,000	3.2%	2.7%	5.3%
Gasoline Stations Store Sales	$41,137,000	13.2%	6.8%	6.5%
Clothing and Accessories Store Sales	$195,000	0.1%	2.6%	3.1%
Sporting Goods Store Sales	$0	0.0%	1.9%	1.4%
General Merchandise Store Sales	$52,595,000	16.9%	13.2%	11.5%
Miscellaneous Store Sales	$1,320,000	0.4%	2.0%	2.1%
Nonstore Purchases Sales	$19,979,000	6.4%	22.8%	16.4%
Food Services	$12,823,000	4.1%	7.4%	9.5%
Total Retail Sales (including Food Services)	**$311,913,000**			

Figure 14: Retail Sales by Sector

Built
Environment

A detailed baseline analysis of existing conditions is a vital precursor to formulating downtown strategies and recommendations. Outlined in this section are the results of a thorough assessment, highlighting data retrieved from open-source databases and visual inspections of the downtown area depicted in the graphic above. Below are the specific finding classifications that were reviewed:

Built Environment
Vertical infrastrucrure and architecture

Urban Design
Public spaces and sidewalk systems

Infrastructure
Sanitary, electric, storm sewer

Pedestrian and Vehicular Circulation
Roadway and crosswalks

Real Estate and End-User Mixture
Housing, businesses, parcels and land

For the existing conditions analysis, Downtown Hurricane has been divided into minor study areas (i.e., groupings of blocks) to help improve the nuance of the findings.

These study areas, outlined in Figure 15 on the right, were each studied independently, allowing for a detailed analysis of the current conditions and deepened understanding of how they will impact the overall future goals of the downtown.

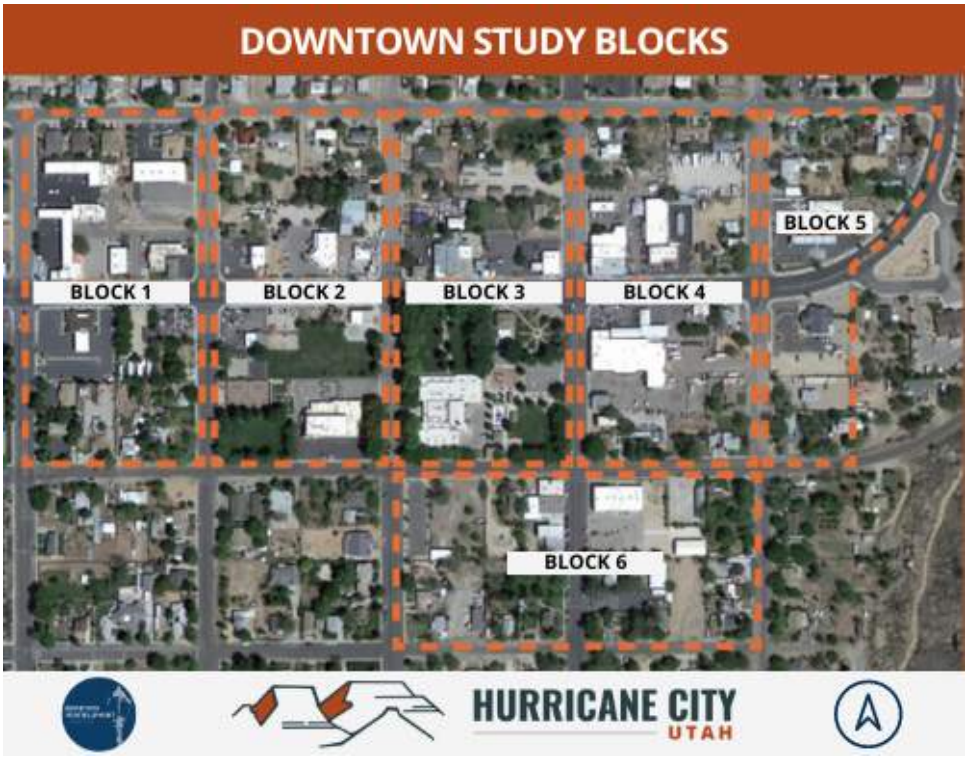


Figure 15 - Downtown Study Area

These existing conditions are the first informational chapter of the overall downtown master plan, focusing on outlining the current conditions witnessed within the downtown corridors. Physical ailments, pedestrian uses, and even visible or perceived roadblocks were identified, each providing for a deepened level of understanding to help plan for the future of Downtown Hurricane.

Overall Findings

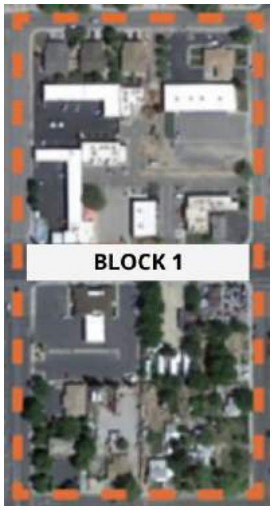
Outlined below are the findings from on-site investigations completed during November 2022 and open-source databases. The information provided is not meant to be a comprehensive list yet is provided to explain a clear vision of how an outsider witnesses the downtown, the interaction of residents, and the overall downtown atmosphere. The findings are prepared to outline general themes and do not propose to make assessments of individual properties.

1. **The corridor lacks general identity and distinguishable characteristics.**
2. **Building forming and massing is not providing a distinct look or feel.**
3. **The downtown is currently underserved in site amenities, limiting the time individuals or groups desire to be downtown.**
4. **A handful of asset buildings exist, including: the 1950s hotel; historic main street building; small close-to-the-street historic brick store buildings (found in blocks 2, 3, and 4); and the Heritage Park and its buildings.**
5. **Buildings throughout the study area demonstrate a substantial variety in size and purpose yet have limited ties or unifying characteristics together.**
6. **Gateway signage or area delineation are not properly identified within the downtown.**
7. **There is limited architectural uniformity in defining an existing corridor.**
8. **Vegetation and other softening features are generally lacking or misplaced, limiting their impact and resulting in an unpleasant pedestrian experience.**

Block-by-Block Findings

Block 1

This area is bound by 300 W and 200 W to the West and East and 100 N and 100 S on the north and south sides respectively, with State Street bisecting the area as a major thoroughfare and commercial corridor. This is the westernmost study block with a 3,200 linear feet perimeter.



BUILT ENVIRONMENT

HOW DOES IT SCORE

The south side of area no. 1 has a used car auto dealer, laundromat, hair salon, and the local Zions Bank branch. The north side of the study block has a chiropractor's office, restaurant, sportswear store, vacant commercial space, and a small hotel. Most of these structures appear to be made of cement block and brick construction, with some facades consisting of stone or stucco.

No buildings in this block seem to exceed 30 feet in height and vary in setback distances from the road. The Econo Lodge hotel is setback just a few feet from the road with a cement block barricade around the outdoor pool that is positioned at the intersection of State Street, and N 300 W.

The Zions Bank branch is positioned on the corner of State Street and South 300 W creates an insignificant entrance to the downtown area because most of the parcel is paved from curb to curb, lacking any notable architectural elements, landscaping, and space-defining building masses.

The lack of continuous street-facing businesses does not promote slowing traffic or engagement with the businessesIn addition, the architectural styles are not distinguished nor add to Hurricane's sense of place, lacking historical ties or promotion.

URBAN DESIGN

HOW DOES IT SCORE

In area no. 1, there are no distinct or defining characteristics aiding in creating a sense of place within the downtown. The current urban form identifies the downtown corridor as "just another small town" in Utah. Perhaps the oldest building in this study block, the Econo Lodge hotel is a 1950s mid-century motel/hotel-style building with low horizontal roof angles and vintage balcony railings.

This nostalgic architecture helps to anchor the area by giving it some historical significance and a sense of permanence. Evenly spaced traditional acorn luminaire street lighting lines both sides of the street; however, there is a significant lack of climate-appropriate landscaping to enhance the existing buildings and streetscape.

INFRASTRUCTURE
(based on known datasets)

HOW DOES IT SCORE

All infrastructure is in good condition. There is no data for maintenance and upgrades, yet preparing a database for this would be useful in capital improvements planning.

- All under*ground valves and valve boxes are in the ROW, ensuring proper maintenance and repairs.*
- *Abandoned water lines of 8" and 14" run underneath State Street.*
- *One high-pressure 14" ductile iron water line following State Street before turning north onto 200W.*
- *One 10" polyvinyl chloride water line runs parallel to State Street.*
- *Below-ground electricity is the primary method of power distribution, with just one short overhead secondary line connecting to a light near the NW corner of the hotel.*
- *Cast iron catch basins are present in the streetscape for stormwater drainage, and they are also present mid-block on the north side of State Street in some of the larger paved areas. All manholes are in the ROW for maintenance and r*epair access.

PEDESTRIAN AND VEHICULAR CIRCULATION

HOW DOES IT SCORE

The recently updated sidewalks, curbs, and streets make for easy traveling by automobiles.

However, the lack of a setback from the street for the sidewalk decreases both perceived and actual safety for pedestrians utilizing the sidewalks. The sidewalks are an average of 6 feet wide in this block area, with intermittent trees positioned between the pedestrians and the street. ADA ramps are placed at each intersection with marked crosswalks.

In addition, crosswalks crossing State Street are only present at the westernmost corner of this study block, all other crosswalks parallel State Street. Bicycle infrastructure is not currently allocated space or consideration for bicycle amenities in block 1.

State Street or SR-9 has two travel lanes in each direction, with a third lane for left turns at cross-street intersections. 300 W and 200 W are smaller streets with one lane of travel in each direction, a turn lane at State Street, and a parking lane on each side starting one-half block from State Street. Overall, circulation is concentrated on State Street with limited access in and out of parking lots depending on the direction of travel due to curbed medians.

REAL ESTATE AND END-USER MIX

HOW DOES IT SCORE

Current tenants in the area are a Pizza Hut, offices, a massage studio, a sporting goods store, a hotel, a bank, and a used car dealer.

There are currently three retail space with frontage on State Street is currently inactive, which could host service or retail-based businesses. There are no other vacant spaces in this study area.

Block 2

This area is bound by 200 W and 100 W to the West and East and 100 N and 100 S on the North and South sides, with State Street bisecting the area as a major thoroughfare and commercial corridor. This study block has a 3,200 linear feet perimeter.

BUILT ENVIRONMENT

Negatively Impacting Downtown | Neutral | Positively Impacting Downtown

HOW DOES IT SCORE

A greater mix of businesses and uses occupy this study block. The southern portion of this block hosts the Hurricane Valley Heritage Park, Family History Center, a used car dealership, an archery store, a market, and a single-family home.

The north side of the study area has a home furnishings store, an ATV rental and tours center, a fast-food restaurant, and an assisted living facility. The area is sparsely built, with the dominating features being paved surfaces for parking and driving.

The outdoor furnishings store is awkwardly oriented towards 200 W. Currently, the built form has a setback of 35 feet from the road with a swath of pavement between the building and the road, detracting from the definition of the commercial corridor. All the structures in this block are one story but have different setbacks or interactions to the street, a combination of their setback orientation or angle towards State Street.

URBAN DESIGN

Negatively Impacting Downtown | Neutral | Positively Impacting Downtown

HOW DOES IT SCORE

On the southwest corner of State Street and 100 W, a small one-story building can host up to four small service or retail-based businesses. This building adds to Hurricane's character with its traditional brick stucco architecture and small setback.

The building positioned at the northwest corner of State Street and 200 W, formerly a maverick gas station, has an appealing western-style architecture with an inviting covered front porch, harkening back to the area's history. In this study block, the corridor begins to have a landscaped median, adding much-needed greenery and interest to the thoroughfare.

INFRASTRUCTURE
(based on known datasets)

Negatively Impacting Downtown | Neutral | Positively Impacting Downtown

HOW DOES IT SCORE

All infrastructure within block 2 is in good condition. There is no full data for maintenance or upgrades completed over the last decade.

- *Water infrastructure for the southern half of the study block is accessible only on 200 W and 100 W and not State Street, as the water line runs on the north side of the ROW providing water to the buildings on the north side of the corridor.*

- *New fire hydrants were installed in 2008 and 2009.*
- *All underground valves and valve boxes are in the ROW, ensuring the ability for proper maintenance and repairs.*
- *Underground secondary electrical lines (lateral or service feeders) supply electricity to the park and lights on the south side of the study block.*
- *Underground main lines supply electricity to all the businesses on the north side of the corridor in this study block, except for one residence at 44 N 200 W.*
- *Cast iron catch basins are in the streetscape for stormwater drainage. All manholes are in ROW for maintenance and repair access.*

PEDESTRIAN AND VEHICULAR CIRCULATION

Like the last study block, the central vehicular circulation occurs on State Street or SR-9; the primary difference for this section is a slightly elevated median that provides ample room for vegetation. 200 W on the west side of this block is more minor than State Street, with one lane of travel in each direction, a turn lane at State Street, and a parking lane on each side starting one-half block from state street.

100 W utilizes a stop sign instead of a traffic signal to cross the highway and has angled parking on both sides of the road, making for a narrower and calmer travel lane. Well-maintained narrow sidewalks cap both sides of the street above a six-inch curb.

ADA ramps are accessible at all marked crosswalks; however, the crosswalks are only presently paralleling State Street, and no bicycle amenities are present.

REAL ESTATE AND END-USER MIX

The tenant mixture in this study block is less diverse than the first study block due to the abundance of in-front parking and large swaths of space utilized by the used car dealer.

Other tenants include a small market, home goods store, fast food diner, an adventure center, an assisted living home, and a few single-family homes. Two small commercial spaces with a history of service and retail use at approximately 117 W State Street are vacant. The City owns most of the block to the south of State Street. Additionally, there are plans by the municipality to build a multi-purpose recreational hall in this area.

Block 3

100 W and Main Street bisects this area to the east to the west and 100 N and 100 S on the north and south sides, with State Street bisecting the area as a major thoroughfare and commercial corridor. This study block has a 3,200 linear feet perimeter.

BUILT ENVIRONMENT

Negatively Impacting Downtown | Neutral | Positively Impacting Downtown

HOW DOES IT SCORE

Hurricane Valley Heritage Park and a local history museum and tourist information center border this study area. The north side of the study area has a Wells Fargo Bank, restaurant, barber shop, craft store, cafe, pawn shop, and a real estate agency office. This area has less land dedicated to parking lots than any other study area in this report.

The buildings across the street from the park are one story with similar form and position near the sidewalk or slightly recessed behind a small parking courtyard-like area. One building on the west side of this block is two stories with a hipped roof and stucco and stone exterior.

The Wells Fargo Bank, positioned on the eastern corner, uses almost 200 feet of street frontage for its parking lot and building combined, breaking up the continuous storefronts to the west.

URBAN DESIGN

Negatively Impacting Downtown | Neutral | Positively Impacting Downtown

HOW DOES IT SCORE

Block 3 is more inviting and conducive to pedestrian mobility and community gathering. The large park on the south side of State Street provides ample grass and shade with a sidewalk behind mature street trees.

Adding to the historical character of Hurricane, the local history museum's architecture and stone and iron fence bordering the public sidewalk are reminiscent of early Mormon settler architecture. The buildings across the street from the park, excluding the bank, are positioned next to the sidewalk, helping to define the corridor while inviting people to utilize the sidewalks. Street trees on this side of the street are smaller but help to shade the sidewalk for pedestrians.

INFRASTRUCTURE
(based on known datasets)

Negatively Impacting Downtown | Neutral | Positively Impacting Downtown

HOW DOES IT SCORE

All infrastructure is in fair to good condition. There is no data for maintenance except for recent fire hydrant upgrades.

- *New fire hydrants were installed in 2008 and 2009*
- *Underground secondary lines supply electricity to the park and lights on the south side of the study block.*
- *All underground valves and valve boxes are in the ROW, ensuring proper maintenance and repairs.*
- *Above-ground secondary electric lines supply electricity to the buildings on the north side of the street, equating to the most overhead lines out of the study blocks.*
- *Cast iron catch basins are in the streetscape for stormwater drainage. All manholes are in ROW for maintenance and repair access.*

PEDESTRIAN AND VEHICULAR CIRCULATION

Negatively Impacting Downtown | Neutral | Positively Impacting Downtown

HOW DOES IT SCORE

Automobile circulation is centralized around State Street with limited left turn mobility due to a landscaped median. The side streets, 100 W and Main Street, are quieter, with one lane of travel in each direction with a turn lane in the median at intersections. State Street and Main Street intersection has a traffic signal, while 100 W and State Street utilizes a stop sign.

While the intersection of State and Main has a crosswalk, the 2021 walking survey of the area called this intersection out as one of the most dangerous. Pedestrian accessibility is greatest in this study area because of the park's network of pathways and open space away from the traffic of State Street. In addition, there is a four-direction crosswalk with ADA accessibility at Main Street and State Street, one of the few crosswalks across the Highway. Moreover, the General Plan recommends that 100 W south of State Street in this area be closed for greater pedestrian access. No bicycle amenities are present.

REAL ESTATE AND END-USER MIX

Negatively Impacting Downtown | Neutral | Positively Impacting Downtown

HOW DOES IT SCORE

Single-family detached homes exist on the north side of the study block, and the municipally owned public park exists on the southern edge. Private businesses operate along the north side of State Street. A bank, pet shelter, restaurant, craft store, and a real estate broker's office are tenants on the north side of the highway. Two retail spaces in the middle of the block are vacant, yet in the process of renovation.

Block 4

This area is bound by Main Street and 100 E to the West and East and 100 N and 100 S on the North and South sides, with State Street bisecting the area as a major thoroughfare and commercial corridor. This is the easternmost study block with a 3,200 linear feet perimeter.

BUILT ENVIRONMENT

Negatively Impacting Downtown | Neutral | Positively Impacting Downtown

HOW DOES IT SCORE

This study block has a variety of businesses. The south side hosts a health foods store, auto repair, tire shop, Mexican food restaurant, and canine recreation center and spa.

The north side of the study area has a laundromat, tanning salon, antique mercantile, florist, tattoo shop, and a short-term rentals. Over 50% of the land area of this block is paved for parking and driving with inconsistent building placement and form. A mix of parking between and in front of buildings, in combination with no landscaping or uniform setbacks, creates a cumbersome area to navigate by foot, bicycle, or vehicle.

The historic building on the corner of State Street and Main Street is the most defining structure in this area because of its traditional form and placement next to the sidewalk.

URBAN DESIGN

HOW DOES IT SCORE

The urban design of this specific area is non-descript except for the historic Main Street building north of the intersection with State Street. This two-story brick building has four storefronts and historic heritage apartments on the second floor. A well-maintained craftsman bungalow with large windows, brick and shingle exterior, and large roof overhangs, houses the canine recreation and spa center. Some other buildings show decay and discoloration on their stucco, detracting from the area's value and aesthetics.

INFRASTRUCTURE
(based on known datasets)

HOW DOES IT SCORE

All infrastructure is in good condition. There is no data for maintenance except for recent fire hydrant upgrades.

- *New fire hydrants were installed in 2008 and 2009.*
- *Water of smaller caliper (6" -10") mains in ROW are present on all streets in the study block.*
- *All underground valves and valve boxes are in the ROW, ensuring proper maintenance and repairs.*
- *Below-ground electricity is the primary method of power distribution, with just one short overhead secondary line connecting to a house at 83 E State Street.*

PEDESTRIAN AND VEHICULAR CIRCULATION

HOW DOES IT SCORE

Like the other study areas, the vehicular transportation is concentrated in the main corridor of State Street. However, strip mall-style development (parking in front with large building setbacks) on the north side of State Street that is oriented perpendicular to the corridor creates a terminal and narrow shaped parking lot wedged between other buildings, making vehicular navigation cumbersome—navigating as a pedestrian is similar here to the other study areas. A six-foot-wide sidewalk abutting the curbs with intermittent street trees and no bicycle amenities.

REAL ESTATE AND END-USER MIX

HOW DOES IT SCORE

On the south side of State Street, current tenants include a veterinary clinic, Mexican restaurant, and a car mechanic. There is a recently renovated vacant auto body shop or commercial garage space at 46 E State Street with a large parking lot in front. On the north side of the study area, there is a single-family home, a vacant lot, and a strip mall with a tanning salon and laundromat. In the historic building on the corner of Main Street and State Street, there is an antique mercantile and florist with vacant units to the north on the ground floor. The upper level of the historic building is a mixture of vacancies and overnight accommodations.

Block 5

This area is uniquely shaped compared to the other study areas, given the topographic features on the far eastern edge of Hurricane. Bound by 100 N and 100 S to the North and South, the east border of this area is defined partially following the northward curve of State Street (HWY 9), and then the border follows the rear property line of the parcels fronting S 100 E. mid-block.

BUILT ENVIRONMENT

Negatively Impacting Downtown | Neutral | Positively Impacting Downtown

HOW DOES IT SCORE

Block 5 has a newly built veterinary hospital and maverick gas station situated across State Street from each other. North of the gas station are eight single-family residential properties. South of the veterinary clinic is four residential properties. State Street in the block curves northward, eventually perpendicular to the rest of the corridor to the west. A twelve-foot wide median with mature desert landscaping adds beauty to the streetscape while traffic calming around the curve of the Highway.

URBAN DESIGN

Negatively Impacting Downtown | Neutral | Positively Impacting Downtown

HOW DOES IT SCORE

This area has quality urban design, in part due to the well-designed maverick gas station with western styling and the veterinary clinic's craftsman styling. Both new developments have desert-appropriate landscaping with swales for sequestering stormwater runoff – an aesthetic and functional feature. Most of the homes in the study block are charming older homes with large trees and maintained yards.

INFRASTRUCTURE
(based on known datasets)

Negatively Impacting Downtown | Neutral | Positively Impacting Downtown

HOW DOES IT SCORE

All infrastructure is in good condition. There is no data for maintenance except for recent fire hydrant upgrades.

- *New fire hydrants were installed in 2008 and 2009.*
- *Water of smaller caliper (6" -10") mains in the ROW are present on all streets in the study block.*
- *All underground valves and valve boxes are in the ROW, ensuring proper maintenance and repairs.*
- *Cast iron catch basins are in the streetscape and the veterinary hospital for stormwater drainage. All manholes are in the ROW for maintenance and repair access.*
- *Electrical mains run below ground to all businesses and homes except on E 100 N, where all the homes receive electrical overhead.*

PEDESTRIAN AND VEHICULAR CIRCULATION

Negatively Impacting Downtown | Neutral | Positively Impacting Downtown

HOW DOES IT SCORE

Like the other study areas, vehicular transportation is concentrated in the main corridor of State Street or SR-9. No crosswalks are available for crossing State Street in the study block, nor are there any bicycle amenities, demonstrating the auto centric design of the corridor. The space has been designed for the vehicle with little consideration for how bicyclists and pedestrians navigate the area, besides comfortable 9' wide sidewalks with ADA accessibility. Vehicle mobility through the parking lots is ample, with driveway access only present on 100 E for both lots due to the curve of the highway.

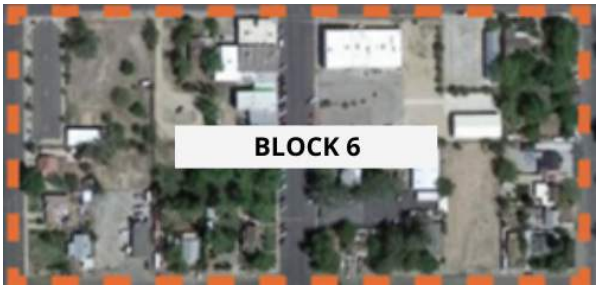
REAL ESTATE AND END-USER MIX

Negatively Impacting Downtown | Neutral | Positively Impacting Downtown

HOW DOES IT SCORE

The businesses in this block are Maverick gas station, Zion Veterinary Hospital, Ari Styles Hair Salon, and a short-term renal complex. The salon works out of a residential building tucked behind the gas station, and the area appears to have no vacant commercial spaces.

Block 6



This area is south of the main corridor centered on Main Street and bound by 100 W and 100 E, and 200 S to the south. This is the southernmost study block with a 3,200 linear feet perimeter.

BUILT ENVIRONMENT

Negatively Impacting Downtown | Neutral | Positively Impacting Downtown

HOW DOES IT SCORE

This study block has many charming qualities typically found in the historic grid-style planning of early Mormon settlements. Notable features are present, including wide streets, mature trees, and historic homes worthy of historic protection. In addition, infill development in the form of ranch-style single-family homes and a Century Link facility at 53 W 200 S. A strip of small businesses on the west side of the main street working out of historic buildings help to tie the neighborhood to its historical roots.

URBAN DESIGN

Negatively Impacting Downtown | Neutral | Positively Impacting Downtown

HOW DOES IT SCORE

The intermittent Victorian and Craftsman style historic homes are the greatest asset to this study block's urban design.

The wide street on 200 S can feel undefined due to the large gravel parking strip on both sides of the road in the place of a curb and gutter. The gravel parking strip and lack of gutter make the neighborhood feel quaint and less urbanized, adding a rustic western motif while allowing stormwater to percolate naturally into the soil instead of being piped off-site. Blighting parcels exist, including the Century Link facility and dry vacant lots.

INFRASTRUCTURE
(based on known datasets)

Negatively Impacting Downtown | Neutral | Positively Impacting Downtown

HOW DOES IT SCORE

All infrastructure is in fair to good condition, yet a lack of capacity increase has been notated due to limited pipe sizes. There is no data for maintenance except for fire hydrant upgrades.

- *Fire hydrant ages range from 1979 to 2012.*
- *Most electricity is supplied from primary overhead lines located mid-block at the rear property lines of residential parcels.*
- *The only stormwater infrastructure is a gutter on the west side of S 100 E.*
- *Potable water runs through a 6" cast iron line in the ROW.*

PEDESTRIAN AND VEHICULAR CIRCULATION

Negatively Impacting Downtown | Neutral | Positively Impacting Downtown

HOW DOES IT SCORE

This neighborhood area is calm and has wide streets, including ample room for 30-degree angled parking. Sidewalks are only present on 100 W and Main Street, where there is a curb and gutter. Parking is ample, with angled parking on 100 W and Main Street and gravel parking strips on 200 S. Accessibility is limited on 200 S for those using mobility devices due to the gravel parking lanes without sidewalks.

REAL ESTATE AND END-USER MIX

Negatively Impacting Downtown | Neutral | Positively Impacting Downtown

HOW DOES IT SCORE

Chums headquarters, and the Main Street Café anchor the neighborhood businesses on Main Street. In addition, the Catholic thrift center, a roofing company, and Over the Edge Sports also have tenure in this study block. 132 S Main Street is a mains street property with limited interaction to the street.

Transportation

Traffic Volume

Annual average daily traffic (AADT) is an estimation of how many cars travel along a specific street or street segment in a day. This number is typically derived by recording traffic counts for an extended period on a specific street. After the traffic counts have concluded, the numbers are examined and determined to be representative of normal traffic behavior, this data is then used to create an annual daily average.

The highest traffic volumes in Downtown Hurricane are recorded on State Street (SR-9) where it reaches up to 36,200 vehicles per day. State Street connects I-15, west of downtown, to Toquerville Boulevard (SR-17), which is the main access to Toquerville and La Verkin, as well as the entryway to Springdale and Zion National Park. SR-59 (100 S) has the second largest traffic volume in Downtown Hurricane (5,300 cars daily) where it connects to 100 E at the eastern edge of the study area. Other roads in downtown have lower traffic volumes remaining under 5,000 vehicles per day.

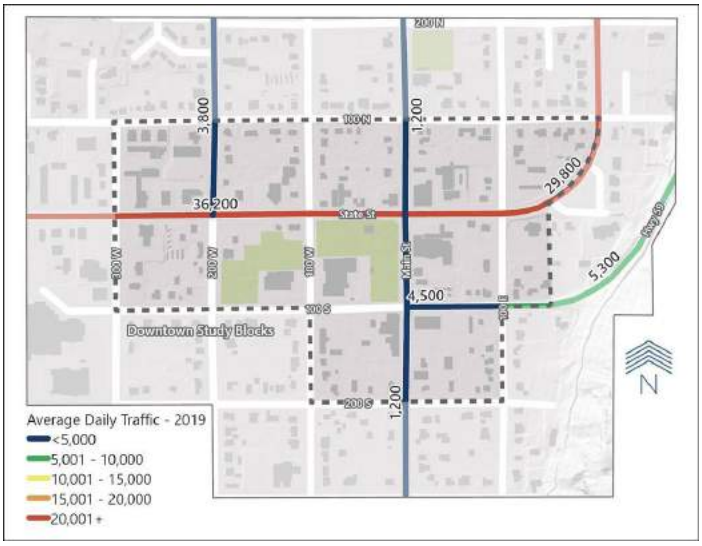


Figure 16: Average Daily Traffic Volumes (2019)

Truck Traffic Volume

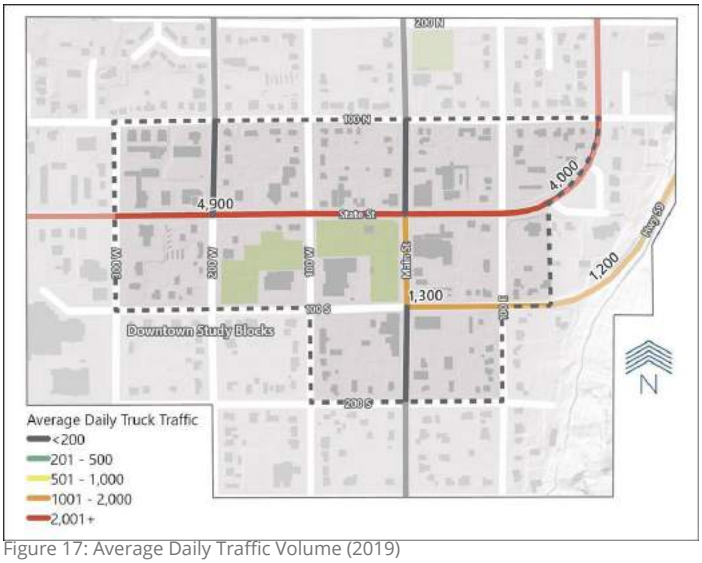


Figure 17: Average Daily Traffic Volume (2019)

All maps available in a larger format in the appendix

State Street (SR-9) is also the main truck route in Hurricane. About 12.4% of the traffic on SR-9 is related to trucks. Trucking routes are essential to local and regional economies and the ability to move goods is a necessary component for a comprehensive transportation system. In Downtown Hurricane, accommodating large tractor-trailers as well as passenger vehicles can be a challenge. In general, tractor-trailers take up more space and require more time to come to a complete stop. Safety becomes a heightened concern not only for other vehicles but for non-motorists. High noise levels, road debris, and air pollution are also issues of concern. However, designated truck routes and urban design strategies can help mitigate these challenges.

Bicycle Usage

Strava is an app that uses GPS tracking to record a variety of outdoor activities including cycling, running, walking, and other forms of active transportation. The company provides the GPS data in the form of geospatial data, providing a general idea of high-traffic corridors for active transportation (AT) such as biking and walking. It is understood that the data is representative of only certain segments and demographics of the population, such as expert bicyclists and those with access to mobile devices and does not by any means represent all active transportation users. However, it is beneficial to see where these AT trips are currently occurring in Downtown Hurricane.

State Street is the corridor with highest bicyclist usage in Downtown Hurricane, with up to 1,390 average yearly two-way trips. This represents potential conflict with car and truck traffic on the same route since bike lanes or other dedicated bicycle facilities do not exist along SR-9. The second most used corridor is 100 S which is a lower conflict alternative to State Street for moving cyclists east-west.

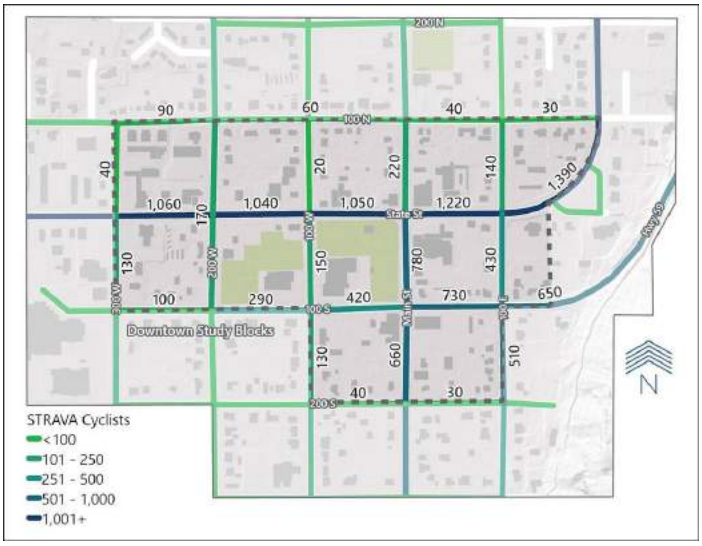


Figure 18: STRAVA Cycling Trips (2019) Yearly Two-way Trips

Pedestrian Usage

Strava data for pedestrians in Downtown Hurricane shows that State Street has the highest pedestrian usage as expected.

The area between 200 W and Main Street sees the highest number of people walking since it contains most of the main destinations in Downtown, including the Hurricane Valley Heritage Park Museum, the Hurricane City Leisure & Recreation building and park, Hurricane Theatrical, pickleball courts, and various commercial establishments. The second most trafficked street by pedestrians is Main Street followed by 100 W only between 200 S and 100 S. Most other streets in Downtown Hurricane are not used much by pedestrians. Pedestrian signal requests were evaluated for the existing traffic signals within the downtown area. These pedestrian requests are the number of times the crosswalk signal was called to allow pedestrians to cross at the intersection. These requests represent the number of times pedestrians could cross the street at the signal and not the total number of pedestrians, since each request can allow for more than one pedestrians to cross.

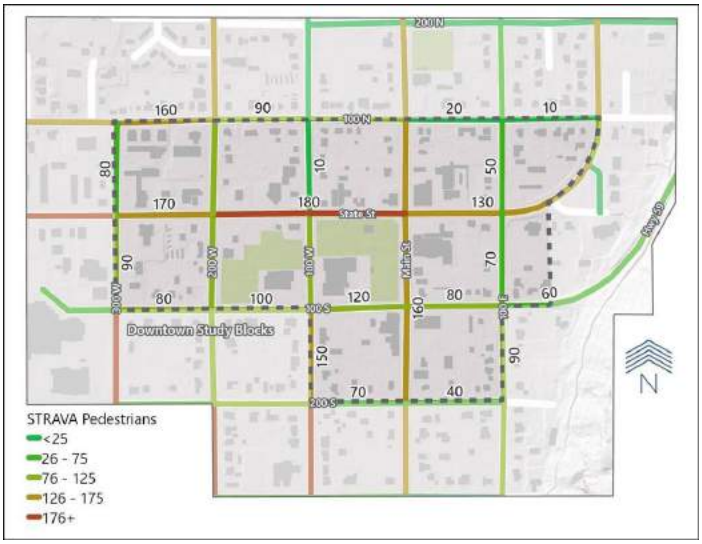
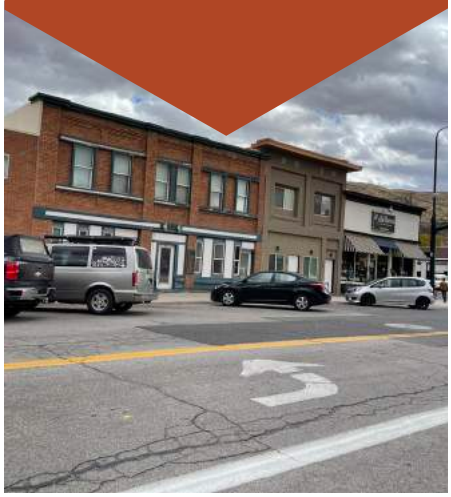


Figure 19: STRAVA Walking Trips (2019) Yearly Two-way Trips

02

MARKET ANALYSIS

MARKET ANALYSIS



Hurricane City serves as one of several regional nodes for commerce, offering various services and amenities to the City, nearby communities, and visitors to Zion National Park. While it does meet most of the necessities and many of the desired purchases, the City is still missing several critical services and amenities that are causing residents to venture further away, towards Washington or St. George, or even further to fulfill a need.

These underserved amenities are causing residents to spend taxable dollars outside the local market, demonstrating a leakage. These missing services are called "gap" services or amenities, hindering the long-term growth of Hurricane's economy.

The community must understand the most viable services or amenities to help the Downtown become a hub of activity and provide the highest use possible for properties. When reviewing market data and sales information, it is critical to remember there are two types of highest and best use, namely:

ROI Focused Use

This style of highest and best-use calculation is based on the return on investment (ROI), focusing on the most information generated with a property.

Civic-minded Use

This style of determination also includes qualitative factors, precisely elements necessary for vibrant communities and corridors. Often these elements have limited or no ROI yet are critical to the overall community health.

To determine opportunities for growth, the City must undergo a gap or market analysis, highlighting the potential end-users who can utilize the buildings or public spaces within Downtown, ultimately identifying the types of spaces needed. To identify these services, it is critical that the community better understand what services or amenities are being met within the community and what services residents have to travel for. By identifying these opportunity gaps, Hurricane can determine what will improve the quality of life for residents while preserving the existing businesses through limited competition.

Outlined in this section are data collected from the Claritas Market Analysis data, US Census Bureau, and other publicly available datasets. This information will be integrated within the formation from the existing conditions analysis and reviewed during recommendations preparation, ensuring the viability of critical elements or alterations.

Market Trade Areas

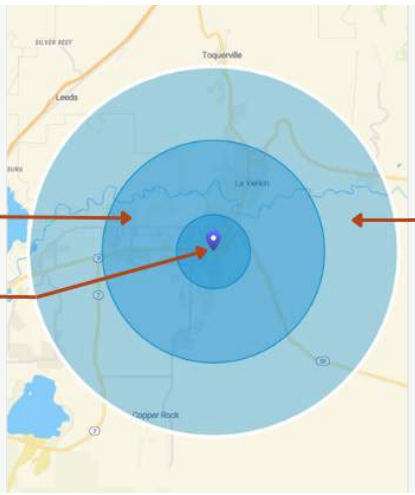
When preparing a market analysis, it is critical to identify a potential market demand or target market area. In the case of Downtown Hurricane, a draw radius of up to 5 miles was identified as the primary draw area. This area is demonstrated on the map in Figure 20 below. There are multiple municipalities within this drawing area, many of which utilize the services and amenities that Downtown Hurricane offers. Due to this nature, we provide information about a series of distinct trade areas up to a five-mile radius. The areas identified are:

Three-mile Radius

This area holds regular visitors and individuals/groups who utilize the Downtown Hurricane as their hometown.

One-mile Radius

This is the primary service area making up residents and routine visitors.



Five-mile Radius

This includes individuals or families who still utilize Downtown Hurricane as their downtown yet have reasonable access to other amenities within surrounding communities.

Figure 20: Site Study Radius

All information and data outlined in the remainder of this chapter represent conditions as documented for the one, three, and five-mile radius as provided in Claritas Data as pulled on 03/30/2023. Conditions change, and expenditures fluctuate regularly. Updating this report annually or bi-annually with new data is recommended to ensure it remains current.

Missing Services & Amenities

Missing retail services within a community represent sectors in a market that are not meeting their fullest potential, specifically with the comparison between the amount of revenue captured and projected demand. For a small community to succeed, it must provide all necessary purchases and most of the desired services for residents. Without these goods and services, residents will be forced to travel for them, taking their valuable tax dollars to another location.

This section outlines the services and amenities identified as underserved within the target market areas (listed above). These identified sectors represent under-served services with either a potential for growth or start-up within Downtown Hurricane. Additionally, all missing services have been vetted as desirable or applicable to be placed within the one-mile.

Additional services have been underserved, yet they are not well situated for downtown or smaller-scale locations. Details about the style of service and required physical/socio-economic characteristics are provided for each service type.Each NAICS sector has significant variation within, both in terms of market demand and compatibility with the downtown area. Stakeholders should seek to recruit retail tenants that have gaps in supply, have positive growth outlooks, and foster pedestrian activity.

Auto-oriented businesses must be carefully designed within downtown areas, i.e., gasoline stations (NAICS 447), motor vehicle and parts dealers (NAICS 441), and non-store retailers (NAICS 454). While these three NAICS categories are not recommended as part of this Plan, the City should require that these establishments provide accommodations for pedestrians and micromobility users.

Start-Up or Growth Opportunities

Compounding Pharmacies and Drug Stores

This sector includes pharmacies and drug stores engaged in retailing prescription or nonprescription drugs and medicines, specifically retail pharmacies, apothecaries, drug stores, and on-site institutional pharmacies.

MISSING SERVICE	Supply Gap (1 mile)	Supply Gap (3 mile)	Supply Gap (5 mile)	5 Mile Gap as a % of Avg. Sales
Pharmacies and drug stores (NAICS 44611)	$4,413,189	$14,026,681	$4,094,296	84.35%

Pharmacies and drug stores are a necessity and are already met somewhat within all three of the trade areas. Numerous establishments are located along SR 9, but none are located within Downtown. The lack of multimodal infrastructure creates an issue with accessibility between Downtown and nearby pharmacies.

The supply gap within the five-mile trade area could nearly support an average establishment in sales, and this is worth further exploration beyond the five-mile trade area. Moreover, as the area continues to grow in population, there will be a need for an additional establishment.

Convenience Stores

This sector includes convenience stores and food marts that sell a limited selection of necessity purchases (e.g., milk, bread, and snacks), excluding gas stations. Typical convenience stores provide necessity goods, and there is no existing supply within the one and three-mile trade areas. There is very limited supply within the five-mile trade area. The supply gap within the 5 mile trade area could nearly support two average establishments in sales. Theoretically, one could be placed on either end of Downtown. The City should promote locally-owned and moderate-income convenience stores to meet this sector.

MISSING SERVICE	Supply Gap (1 mile)	Supply Gap (3 mile)	Supply Gap (5 mile)	5 Mile Gap as a % of Avg. Sales
Convenience stores (NAICS 44512)	$515,150	$1,592,102	$2,100,316	196.16%

Women's Clothing Stores

This sector includes stores that sell women's and girl's clothing, including maternity wear. These establishments may provide basic alterations. Clothing is a desire purchase and should be designed to compete with online retail by providing a niche retail experience.

There is substantial supply within all three supply trade areas, but all three still have opportunity gaps. The supply gap within the five-mile trade area could nearly support an average establishment in sales, and this is worth further exploration beyond the five-mile trade area. Moreover, as the area continues to grow in population, there will be a need for an additional store.

MISSING SERVICE	Supply Gap (1 mile)	Supply Gap (3 mile)	Supply Gap (5 mile)	5 Mile Gap as a % of Avg. Sales
Women's clothing stores (NAICS 44812)	$486,382	$1,659,544	$563,280	63.96%

All Other General Merchandise Stores

This sector includes stores that primarily sell general merchandise, excluding department stores, warehouse clubs, superstores, and supercenters. Merchandise may include apparel, automotive parts, dry goods, hardware, housewares or home furnishings, and other lines in limited amounts, with none of the lines predominating. Examples include general stores, home and auto supply stores, and variety stores. Stores in this sector provide necessity goods, and while there is substantial supply within all three supply trade areas, all three still have opportunity gaps.

The supply gap within the five-mile trade area could nearly support two average establishments in sales, and this is worth further exploration beyond the five-mile trade area. Moreover, as the area continues to grow in population, there will be a need for an additional store.

MISSING SERVICE	Supply Gap (1 mile)	Supply Gap (3 mile)	Supply Gap (5 mile)	5 Mile Gap as a % of Avg. Sales
All other general merchandise stores (NAICS 452319)	$468,048	$2,161,879	$3,106,629	161.17%

Shoe Stores

This industry comprises establishments primarily engaged in retailing all types of new footwear, excluding hosiery and specialty sports footwear, e.g., golf shoes, bowling shoes, and spiked shoes. Stores primarily selling tennis shoes or sneakers are included.

MISSING SERVICE	Supply Gap (1 mile)	Supply Gap (3 mile)	Supply Gap (5 mile)	5 Mile Gap as a % of Avg. Sales
Shoe stores (NAICS 4482)	$464,479	$1,538,936	$2,087,198	186.56%

Clothing is a desire purchase and should be designed to compete with online retail by providing a niche retail experience. There is very limited supply within the five-mile trade area. The supply gap within the 5 mile trade area could nearly support two average stores in sales. Theoretically, one could be placed on either end of Downtown.

Jewelry Stores

This sector includes stores primarily selling new non-costume jewelry, sterling and plated silverware, and/or watches and clocks. These stores may also provide lapidary work and/or repair services. Jewelry is a desire purchase and should be designed to compete with online retail by providing a niche retail experience. While there is some supply within all three trade areas, there is still a very large opportunity gap at all distances.

MISSING SERVICE	Supply Gap (1 mile)	Supply Gap (3 mile)	Supply Gap (5 mile)	5 Mile Gap as a % of Avg. Sales
Jewelry stores (NAICS 44831)	$457,637	$1,595,805	$1,740,313	134.83%

Moreover, given the niche nature of the jewelry sector, the trade area is much larger, especially for niche services like grandfather clock repair. The supply gap within the 5 mile trade area could very well support an average store in sales, and this should be investigated further for the possibility of a larger draw area.

Specialty Food Stores

This sector includes stores primarily selling specialized lines of food. Meat markets, fish and seafood markets, fruit and vegetable markets, other specialty food markets. Specialty food stores provide higher-end necessity goods, and there is a limited supply within the five-mile trade area. The supply gap within the 5 mile trade area could nearly support two average establishments in sales, and this will grow as the region continues to grow. Theoretically, one could be placed on either end of Downtown. The City should promote locally-owned stores to meet this sector.

MISSING SERVICE	Supply Gap (1 mile)	Supply Gap (3 mile)	Supply Gap (5 mile)	5 Mile Gap as a % of Avg. Sales
Specialty food stores (NAICS 4452)	$358,157	$1,105,774	$1,463,842	159.98%

Snack and Non-Alcoholic Beverage Bars

This sector includes establishments primarily engaged in: preparing and/or serving a specialty snack, such as ice cream, frozen yogurt, cookies, or popcorn, or serving nonalcoholic beverages, such as coffee, juices, or sodas. These establishments may carry and sell a combination of snack, nonalcoholic beverage, and other related products (e.g., coffee beans, mugs, coffee makers) but generally sell a unique snack or nonalcoholic beverage. Examples include: beverage bars; carryout service doughnut, bagel, pretzel, and cookie shops with on-premises baking; coffee shops with on-premises brewing; and ice cream parlors.

Snack and non-alcoholic beverage bars are a mixture of niche and necessity goods, and these do not compete with online retailing. There is some supply within all three supply trade areas, but all three still have significant opportunity gaps. The supply gap within the five-mile trade area could nearly support four average establishments in sales, and this is worth further exploration beyond the five-mile trade area since Hurricane is a gateway to Zion National Park. These types of establishments are popular among travelers and families.

MISSING SERVICE	Supply Gap (1 mile)	Supply Gap (3 mile)	Supply Gap (5 mile)	5 Mile Gap as a % of Avg. Sales
Snack and non-alcoholic beverage bars (NAICS 722515)	$354,086	$1,617,355	$2,359,578	384.52%

Electronics Stores

Electronics are an ever-changing market given the rapid evolution in technology available to the market. Moreover, recent market trends have increased niche retailing for this sector. This sector includes stores that sell:

- Products such as televisions, computers, and cameras;
- Single line of consumer-type electronic products;
- New electronic products in combination with repair and support services;
- New prepackaged computer software; and/or
- Prerecorded audio and video media, e.g., such as vinyl records.

Examples include cell phone accessories stores, consumer electronic stores, and computer stores.

Electronics are desire purchases and should be designed to compete with online retail by providing a niche retail experience. While there is significant supply within all three trade areas, there is still a very large opportunity gap at all distances. The supply gap within the 5 mile trade area could well support an average store in sales.

MISSING SERVICE	Supply Gap (1 mile)	Supply Gap (3 mile)	Supply Gap (5 mile)	5 Mile Gap as a % of Avg. Sales
Electronics stores (NAICS 443142)	$335,225	$2,297,116	$3,512,062	125.48%

Luggage and Leather Goods Stores

This sector includes stores selling new luggage, briefcases, and trunks. These stores may also sell these in combination non-leather apparel such as belts, gloves, and handbags. Luggage and leather goods are desire purchases and should be designed to compete with online retail by providing a niche retail experience.

There is no supply within the five-mile trade area. The supply gap within the 5 mile trade area could well support two average stores in sales. Theoretically, one could be placed on either end of Downtown. National brands, whether sold by a local or national retailer, are the most popular products in this sector.

MISSING SERVICE	Supply Gap (1 mile)	Supply Gap (3 mile)	Supply Gap (5 mile)	5 Mile Gap as a % of Avg. Sales
Luggage and leather goods stores (NAICS 44832)	$334,021	$1,035,536	$1,385,859	218.42%

Missing Service Typology Recommendations

As important as identifying the potential demand is outlining the requirements for each leakage. The below chart, Figure 21, shows the critical factors for each of the specified services. These statistics are based on national standards, and further research may be required to verify their applicability to the Hurricane local economy.

MISSING SERVICE	Recommended Square Footage	Recommended Community Size	Recommended Per Capita Income
Pharmacies and drug stores **(NAICS 44611)**	1,500 - 2,500	5,000	$35,000
Convenience stores **(NAICS 44512)**	2,500 - 4,000	1,500	$30,000
Women's clothing stores **(NAICS 44812)**	1,500 - 2500	10,000	$40,000
All other general merchandise stores **(NAICS 452319)**	3,500 - 7,500	1,500	$30,000
Shoe stores **(NAICS 4482)**	3,00 - 5000	4,000	35,000
Jewelry stores **(NAICS 44831)**	1,500 - 2,500	5,000	$40,000
Specialty food stores **(NAICS 4452)**	5,000 - 10,000	3,000	$35,000
Snack and non-alcoholic beverage bars **(NAICS 722515)**	3,000 - 5,000	5,000	$30,000
Electronics stores **(NAICS 443142)**	3,000 - 6,000	5,000	$35,000
Luggage and leather goods stores **(NAICS 44832)**	2,000 - 4,000	10,000	$45,000

Figure 21: Missing Service Recommendations

The Claritas database provides all information from the above-outlined services. Market research or the Claritas database offers details about each amenity or category interpolated or reviewed.

Economic Impact of Missing Services or Amenities

Outlined below are calculations demonstrating the potential "leakage" of sales tax revenue to the City. The tax revenue calculations are based on a 1% City sales tax, and all estimates are provided per establishment. In addition to the 1% City sales tax, there is also a 4.85% Utah state sales tax, 0.35% Washington County sales tax, and 0.55% special district sales tax.

MISSING SERVICE	Average Revenue Per Utah Establishment (Source: 2017 Economic Census)	Potential City Sales Tax Capture (Per-Establishment
Pharmacies and drug stores **(NAICS 44611)**	$4,853,671	$48,537
Convenience stores **(NAICS 44512)**	$1,070,702	$10,707
Women's clothing stores **(NAICS 44812)**	$880,723	$8,807
All other general merchandise stores **(NAICS 452319)**	$1,927,519	$19,275
Shoe stores **(NAICS 4482)**	$1,118,778	$11,188
Jewelry stores **(NAICS 44831)**	$1,290,712	$12,907
Specialty food stores **(NAICS 4452)**	$915,003 (US)	$9,150
Snack and non-alcoholic beverage bars **(NAICS 722515)**	$613,649	$6,136
Electronics stores **(NAICS 443142)**	$2,799,000	$27,990
Luggage and leather goods stores **(NAICS 44832)**	$634,500	$63,450
Potential additional City tax revenue annually		**$218,417**

Figure 22: Missing Service Economic Impact

All calculations are based on Claritas database information and US Census Bureau revenue per NAICS sector. The above data is provided to compare and demonstrate potential revenue capture for Hurricane, and all statistics will require additional investigation. The information above does not guarantee the tax capture for properties or businesses and is merely a projection based on available data.

Oversaturated Services

While Hurricane has a documented lack of services and amenities, the community does have several over-saturated services. Oversaturated services are grossly overselling the potential demand for the Downtown. Outlined below are the services that are quoted as most oversaturated for all three identified radii.

Oversaturated Service	1 Mile Radius	3 Mile Radius	5 Mile Radius
Building material and supplies dealers **(NAICS 4441)**	-$19,825,073	-$33,986,488	-$42,349,014
Warehouse clubs and supercenters **(NAICS 452311)**	-$15,781,421	-$21,617,311	-$23,060,641
Other general merchandise stores **(NAICS 4523)**	-$15,313,373	-$19,455,432	-$19,954,012
Home centers **(NAICS 44411)**	-$11,235,187	-$22,624,074	-$32,636,821
Other building material dealers **(NAICS 44419)**	-$7,006,003	-$9,410,590	-$8,243,352
Home furnishings stores **(NAICS 4422)**	-$3,717,370	-$6,891,539	-$7,627,943
Furniture stores **(NAICS 4421)**	-$3,499,122	-$5,968,610	-$6,330,576

Figure 23: Oversaturated Services

> **By targeting end user clusters, the potential revenue per foot in a downtown is increased by 70%**

Economic Opportunity Impacts

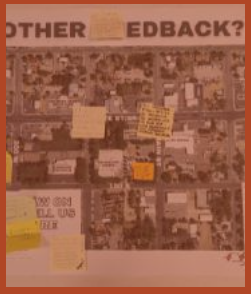
This section outlines recommendations for business or end-user types to attract into Downtown Hurricane. These recommendations are based on the market analysis and a detailed review of the currently vacant or underutilized buildings within the downtown area. The suggestions help identify tenant type, square footage, block location, and potential lease rates.

Recommended Use	Space Allocated in the building (sq. ft)	Potential Lease Rate (per foot)	Potential municipal revenue capture per foot
Pharmacies and drug stores **(NAICS 44611)**	6,500	$20.00	$7.46
Convenience stores **(NAICS 44512)**	5,000	$18.00	$2.14
Women's clothing stores **(NAICS 44812)**	2,000	$15.00	$4.40
All other general merchandise stores **(NAICS 452319)**	7,500	$15.00	$2.57
Shoe stores **(NAICS 4482)**	1,500	$17.50	$7.45
Jewelry stores **(NAICS 44831)**	2,000	$20.00	$6.45
Specialty food stores **(NAICS 4452**	5,000	$15.00	$1.83
Snack and non-alcoholic beverage bars **(NAICS 722515)**	1,500	$17.50	$4.09
Electronics stores **(NAICS 443142)**	5,000	$20.00	$5.60
Luggage and leather goods stores **(NAICS 44832)**	2,000	$15.00	$3.17
Note: The above-quoted rates are outlined as regional standards. Further review is required for market condition applicability.			

Figure 24: Economic Opportunity Impacts

03

PUBLIC INPUT SYNOPSIS



PUBLIC INPUT SYNOPSIS

Public input is the cornerstone of any civic-minded project, and the Hurricane City Downtown Plan is no different. Engagement with the public started early in the process and was a constant touchpoint throughout the entire process. Outlined below is the process that was utilized, and the results achieved.

The Process

The process utilized for the Hurricane City Downtown Plan followed the VAK (Visual, Auditory, Kinesthetic) model. Through this model, we were able to tailor feedback models to methods for which the public was comfortable with. Additionally, a test, refine, and repeat model was utilized, ensuring that public opinion was integrated throughout, ensuring the public's vision was met at every stage. Outlined below is the process that was utilized:

1. **Community values surveying**
2. **Stakeholder and one-on-one meetings**
3. **Community event participation**
4. **Community Visioning Workshops**
5. **Draft Recommendations**
6. **Community Feedback Survey**
7. **Final report presentation**

The Results

Due to the efforts of the public and stakeholders, engagement and feedback was an outstanding success. Some critical statistics include:

- **A total of 622 responses were completed for the community visioning survey.**
- **6 different stakeholder meetings were held.**
- **More than 47 individuals and families provided feedback at 3 public workshops across business owners, elected officials, and community member groups.**
- **128 members of the public participated over two meetings providing community visioning input and feedback, producing over 500 comments.**
- **A total of 220 responses were received for the community feedback survey.**

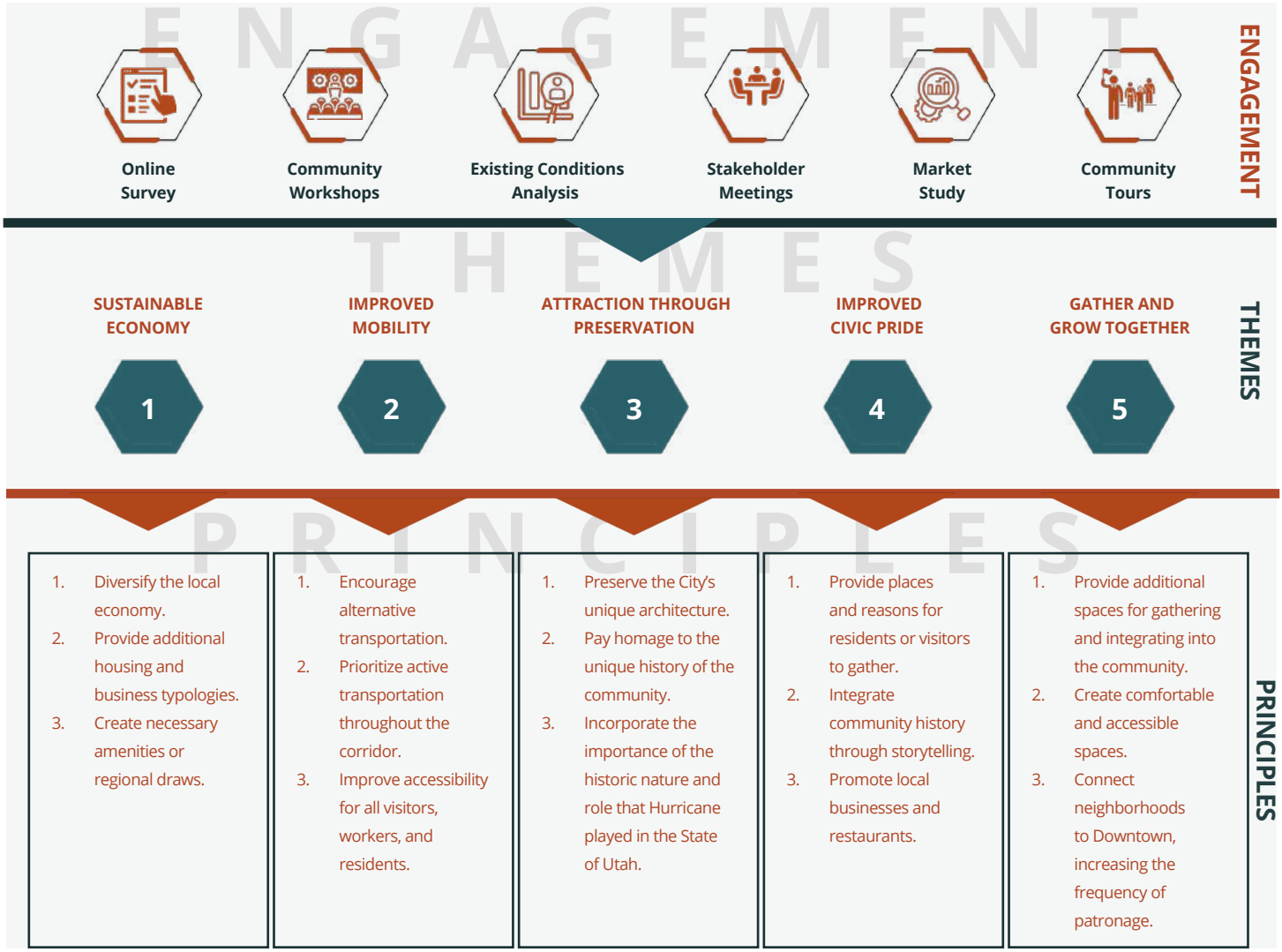
Additional data from public input events is provided in the appendix section

Community Character Elements

Outlined below are some of the critical community character elements determined through public engagement process. These elements were compiled and extrapolated from input surveys, community charrette notes, online comments, and other feedback methods to demonstrate the overall vision of the community:

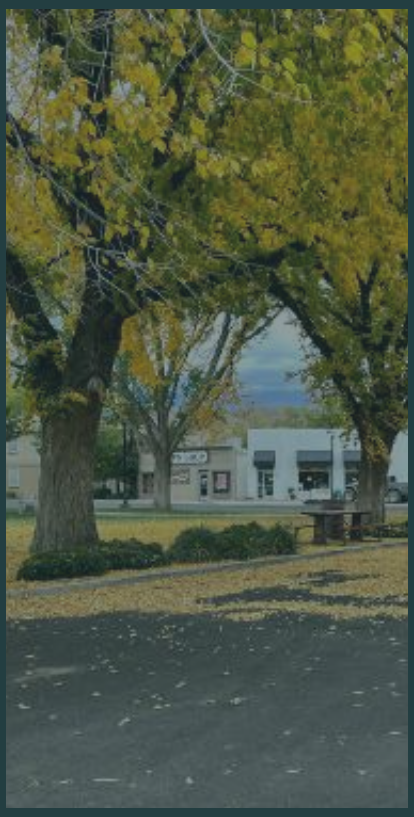
- **Residents enjoy the small-town atmosphere of Hurricane City.**
- **There are concerns that revitalization efforts and development will detract from the small-town feel of the community.**
- **33.8% of residents have lived in the community for one to five years.**
- **37.4% of respondents visit Downtown area daily.**
- **75.1% of respondents stated there are not enough service and retail options in Downtown.**
- **Of the second survey respondents, 72.9% indicated a desire for date night dining options as a priority.**
- **89.9% of survey respondents support further downtown revitalization in Hurricane City.**
- **71.8% of survey respondents indicated that improved retail and service opportunities in Hurricane City would make Downtown more vibrant.**

Plan Themes



04

DRAFT RECOMMENDATIONS



Revitalization
Recommendations

In the previous chapters, highlighted information has been prepared to outline the current Downtown conditions and a desired future for Downtown. These two items serve as both the beginning and terminus of a path forward for the community. However critical these steps are, they are not actionable or implementable without a series of detailed and attainable recommendations that will document a concise pathway between the two identified points. Outlined in this chapter are recommendations that will help drive Downtown and the community forward, achieving their goals to make a vibrant, attractive, and inviting downtown.

All recommendations outlined in this chapter are crafted to help revitalize or amend the community based on the results of the public input received during the extensive input campaign. Recommendations are broken down into categories to offer background data and information for each recommendation. The below information is provided for each recommendation:

- ☑ **Name/Topic of the recommendation**
- ☑ **A detailed explanation of the recommendation**
- ☑ **Justification for the recommendation**
- ☑ **What issues or concerns will the recommendation address**
- ☑ **Anticipated benefits from completion**

The implementation chapter will provide further details about each recommendation's timing, roles, and responsibilities, such as:

- ☑ **Timing and strategies for implementation**
- ☑ **Integration and cooperation necessary between community partners**

Land Use
Recommendations

This section outlines recommendations for Downtown's current and future land use, as outlined in Figure 25. These recommendations are created to help provide a series of changes to the land-use designations within Downtown that will drive catalyst changes and ensure enforceability. A list of proposed recommendations is as follows:

1. **Implement a vacant property ordinance.**
2. **Create a Downtown mixed-use zoning district, allowing and encouraging a variety of uses on upper floors such as dwelling units, office spaces, and studios.**
3. **Create an overlay zone for Downtown (specifically related to form-based codes).**
4. **Alter local ordinances and zoning to require retail or service-based industries in Downtown.**
5. **Update zoning and ordinances to ensure a minimum Floor Area Ratio (FAR) is met.**

Detailed information about each of the above-outlined recommendations is provided below:

1. Implement a vacant property ordinance

A vacant property ordinance will allow the community to better regulate the use of spaces (both indoor and outdoor) within Downtown. Through this effort, the community can ensure that maximized tax revenue is collected from sales and real estate. The proposed elements of a vacant property ordinance should include the following:

i. Name/Topic of the recommendation

Limiting the potential uses or end-users in a building will limit the potential impact for less impactful uses. For example, storage and unused spaces should not be allowed on retail window-facing or ground-floor spaces within downtown properties.

ii. Requirements for building use

Thresholds (minimum and maximum) for vacancy tenure – This part of the ordinance would focus on providing a set of guidelines for properties that are choosing to be vacant, specifically:

- *Documenting the minimum requirements for marketing the properties.*
- *Outlining the maximum time frame a property can be left vacant without adequate marketing or attempts to re-lease.*

iii. Document what a "used" building entails

As critical as the requirements for reducing vacancies is the definition of what a used property entail. This definition should include necessary language that will clearly and concisely define characteristic traits of what a user (or non-vacant) property requires. Special emphasis should be provided on the presence or appearance of spaces, not dictating the exact use of non-visible spaces.

iv. Provide incentives and penalties for compliance issues

As critical as the requirements for reducing vacancies is the definition of what a used property entail. This definition should include necessary language that will clearly and concisely define characteristic traits of what a user (or non-vacant) property requires. Special emphasis should be provided on the presence or appearance of spaces, not dictating the exact use of non-visible spaces.

2. Create a Downtown mixed-use zoning district, allowing and encouraging a variety of uses on upper floors such as dwelling units, office spaces, and studios

A mixed-use zoning district should be established within Downtown. This will require an amendment to the current zoning code and map. Creating a mixed-use zone will encourage all floors of Downtown buildings to be utilized.

The activation of upper floors within a downtown benefits the community's overall economy but it also benefits the specific property owner by providing the owner with a more diversified source of income from the property. Upper floor uses can include professional services, office spaces, studios, housing and more, depending on the space available and other site aspects.

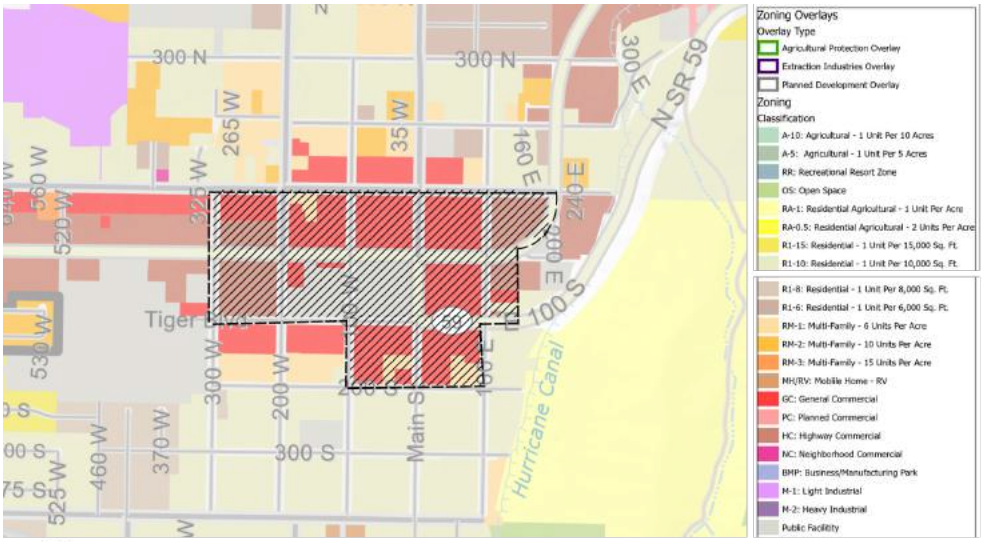


Figure 25: Proposed Mixed-Use Zone

3. Create an overlay zone for Downtown (specifically related to form-based codes)

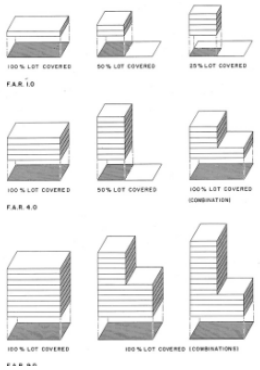
An overlay zone applies special zoning regulations over previously established zoning districts. Creating a new overlay zone will allow the City to implement the most successful parameters for Downtown while maintaining the previously determined requirements with the other zoning districts. All future development and redevelopment within Downtown will be subject to, and be able to take full advantage of, the new regulations. This is anticipated to impact newly constructed buildings, grandfathering existing uses in place. The proposed overlay zone would implement Form-Based Code regulations and the existing zoning requirements within Downtown.

4. Alter local ordinances and zoning to require retail or service-based industries in Downtown

This recommendation is provided as a method for helping to improve the utilization of space within Downtown. By implementing a retail or service-based industry, first-floor requirement, the community will be able to ensure Downtown properties maximize visibility and provide the most economic impact possible. Additionally, the efforts of ensuring retail or services-based industries on the first floor will drive the appearance of full store fronts, demonstrate viability of the corridor, and improve ADA accessibility, ensuring access for all users.

5. Update zoning and ordinances to ensure a minimum Floor Area Ratio (FAR) is met

This recommendation will ensure that downtown development or redevelopment maximizes the economic impact on the community. This will require an increase in the floor area ratio, or land covering percentage, to allow for greater density. FARs of 1 or higher represent square footage that meets 100% lot coverage. Square footage calculations are based on occupiable space, as determined on your occupancy permit.



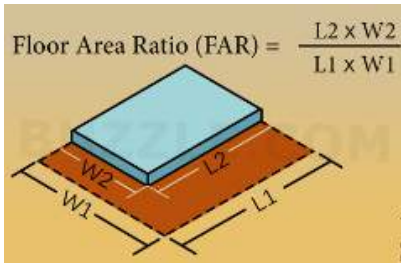


Figure 26: FAR Configurations

For example:

a. A 10,000 Sq Ft single-story building on a ½ acre lot would have the following calculation – 10,000 Sq Ft of building / 21,780 Sq Ft of lot size = FAR .459

b. A 30,000 Sq Ft building (2 floors at 15,00 Sq Ft each) on a ½ acre lot would have the following calculation – 30,000 Sq Ft of building / 21,780 Sq Ft lot size = FAR 1.37

Increasing the FAR calculations will be important to improve usable space in Downtown and even integrate housing. Outlined in Figure 27 is the proposed FAR calculation to be achieved by different tenant/building types:

While this list is not exhaustive, it should set the minimum calculations allowed for permitting during the City's business/building permitting process. Incentives for increased FAR could include reduced parking requirements or qualification. Special consideration should be given for buildings with a FAR of .75 or higher, to reduce parking. See page 83, recommendation 7 for further details.

Building Use	Floor Count	FAR
Retail	1 Floor	.75 - .90
	2 Floors	1.15 – 1.75
Commercial	1 Floor	.65 - .80
	2 Floors	1.05 – 1.3
Service/Restaurant	1 Floor	.60 - .80
	2 Floors	1.25 – 1.40
Residential (stand-alone)	1 Floor	.65 - .80
	2 Floors	.95 – 1.25

Figure 27: FAR Ratios by Building Use

Here are a few considerations to consider when calculating FARs for buildings:

- FAR's do not include parking or exterior hard surfaces in their calculations.
- ROW or other space calculations are not calculated in the FAR calculations.
- A FAR calculation should be conducted for all redevelopment or new construction.
- Outdoor dining spaces for restaurants (including decks and other above-ground spaces) should be calculated in the FAR.

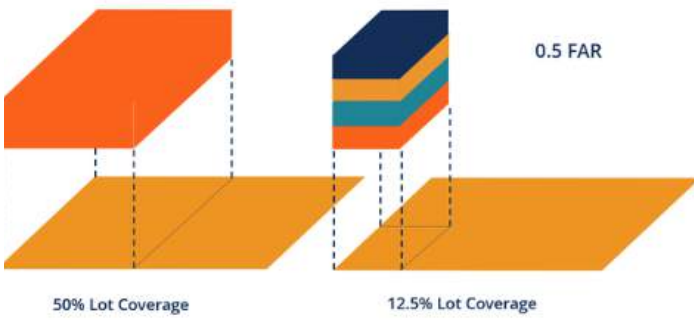


Figure 28: Lot Coverage Equivalencies

Built Environment Recommendations

Outlined in this section are recommendations relating to the built environment of Downtown. These recommendations are crafted to help implement necessary changes to the community's vision for the overall look, feel, and atmosphere of Downtown Hurricane. A list of proposed recommendations is as follows:

1. **Update and enforce signage regulations.**
2. **Create downtown design guidelines.**
3. **Create mid-sized, hard-surface community gathering spaces in Downtown.**
4. **Incentivize the development of mixed-uses for developers acquiring underutilized downtown properties.**
5. **Work with local realtors to create a downtown properties marketing database.**
6. **Implement an annual façade program.**
7. **Preparation and implementation of form-based code, specifically in the Downtown overlay zone**

Detailed information about each of the above-outlined recommendations is provided below:

1. Update and enforce signage regulations

Creating unified and comprehensible signage code will drive a distinct Downtown look and feel. In addition, updating sign regulations will provide a clear and consistent review framework. These guidelines will help ensure the proposed signage accentuates Downtown, furthering the area's brand.

These downtown design guidelines will help define a sense of place and can be further personified in the proposed downtown design guidelines. Samples of appropriately integrated signage in successful downtowns are provided below:

Some regulations to consider are:

- No more than three (3) colors for small or medium-sized signage
- Limited window-mounted or painted signage
- Limited text on signage, preferring logos and graphics for storytelling and identification
- Non-internally light signs, preferring ornate and accurate hook or overcast lighting
- Informational or LED scrolling signage should be discouraged; and
- Marquee or other attention-grabbing signage should be encouraged at critical intersections

2. Create downtown design guidelines

Preparing this community-driven document yields a defined and implementable "look" for Downtown. These elements will help promote an attractive and inviting atmosphere, encouraging individuals to spend more time downtown. Often, a successful set of design guidelines must be specific and place-based. Elements proposed to be included are:

- District elements and typology
- Architecture typology
- Architectural styles details
- Forming and massing of architectural elements
- Incremental development
- Before and After renderings
- Façade elements
- Signage requirements
- Site amenities and vegetation guidelines

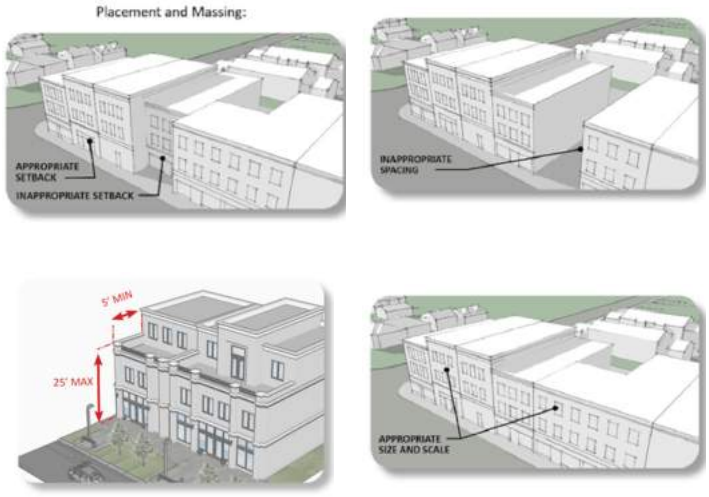


Figure 29: Design Guideline Example Graphics

Uses	Districts					
	Big Box Store	Medium Intensity Strip Mall	Medical Office	Mixed-Use Retail	Mid-Rise Residential	Village Residential
Residential & Lodging						
Residential				◓	●	●
Hotel & Inn	◓	●	◓	◓	●	●
Residential Care				◓	●	●
Civic						
Assembly			●	●	●	●
Transit Station	●	●	●	●	●	●
Hospital & Clinic		◓	●	◓	●	●
Library/Museum/Post Office (no distribution)	●	●	●	●	●	●
Police & Fire	○	○		○	○	○
School				◓	●	●
Retail						
Neighborhood Retail	●	●		●		
General Retail	●	●		○		
Outdoor Sales Lot						
Service						
Neighborhood Service	●	●	●	●	◐	◐
General Service	●	●				
Vehicle Service				○		
Office & Industrial						
Office	◓	◓	●	◓	●	●
Craftsman Industrial	◐	◐	◐	◐		
Infrastructure						
Parking Lot	◐	◐	◐	◐	◐	◐
Parking Structure	◐	◐	◐	◐	◐	◐
Utility & Infrastructure	○	○	○	○	○	○
Open Space	◐	◐	◐	◐	◐	◐
Accessory Uses						
Home Occupation	●	●	●	●	●	●
Outdoor Storage of Goods				◐		
Parking Lot	●	●	●	●	●	●
Parking Structure	◐	◐	◐	◐	◐	◐

3. Create mid-sized, hard-surface, community gathering spaces in Downtown

Public spaces are where a community gathers, integrates, and connects. For Hurricane, it is recommended that a series of public gathering spaces be created, helping to guide and encourage further downtown exploration. Depicted below are the proposed sites and amenities for each:

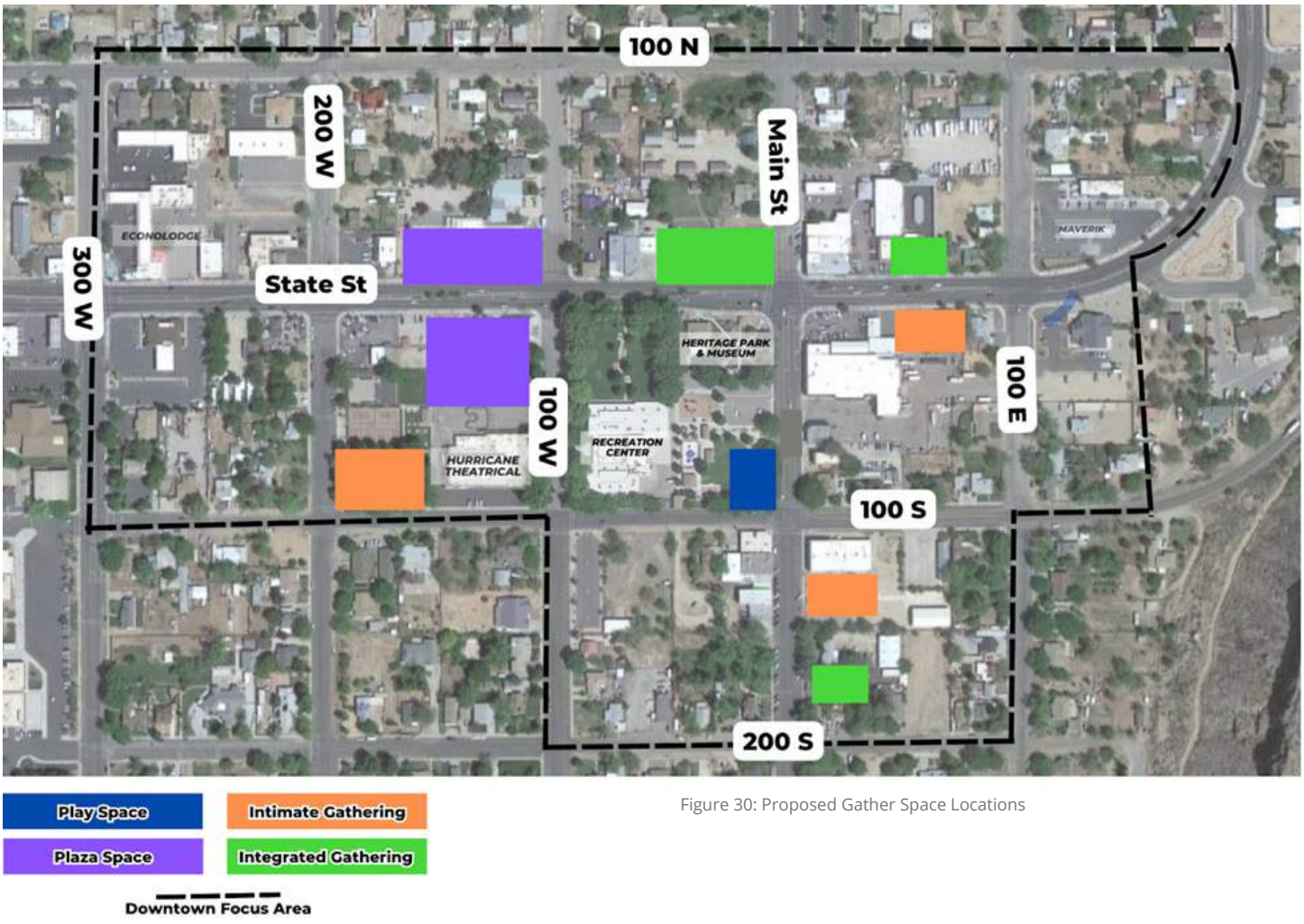


Figure 30: Proposed Gather Space Locations

Critical gathering spaces include:

DOWNTOWN PLAY SPACE	COMMUNITY PLAZA	INTIMATE GATHERING SPACE	INTEGRATED GATHERING SPACE
This space is meant to enrich the experience for kids, providing passive play opportunities and allowing families to stay downtown for a more extended period.	Community plazas are multi-purpose, providing the community with a space to eat, congregate, and enjoy time together. Plazas are also equipped to accentuate areas where people can spend more time and enjoy the attributes of Downtown.	These gathering spaces are meant for smaller groups, highlighting the opportunity to have private or quiet conversations right in the middle of all the action happening around them.	Integrated gathering spaces are places where people can quickly stop and enjoy the sights, sounds, and experiences of Downtown Hurricane. These amenities should focus on unique elements to draw in users while providing comfort.

4. Incentivize development of mixed-uses for developers acquiring underutilized downtown properties

Incentivizing property owners and/or developers to acquire, renovate or revitalize buildings is often met with a series of roadblocks, perceived or realized. To assist this, we recommend a series of incentives that have various fiscal and non-fiscal impacts, matching the anticipated return on investment (from the municipality) to the elements offered. When offering incentives to owners and developers, non-financial opportunities must be considered first and more frequently than budgetary incentives. Providing municipal officials and developers with a sample spreadsheet of opportunities is often the first step. However, when preparing these sheets, it is important to document how many items of each category can be selected, limiting the fiscal impacts on the overall community. Some sample incentives are as follows:

		AGENCY		
Concession Type	**Concession**	**Municipalty**	**Property Owner**	**CRA/DDA/BID**
Financial	Offer owner financing (purchase)			
Financial	Provide Sq. Ft. cost for rehab work (maximum)			
Financial	Offer facade or signage construction assistance			
Financial	Partner on grant applications to DEP			
Financial	Provide options for low-interest collective loans			
Financial	Offer tax abatement for necessary businesses			
Select 2 from above				

Figure 31: Financial Incentives

		AGENCY		
Concession Type	**Concession**	**Municipalty**	**Property Owner**	**CRA/DDA/BID**
Non-Financia	Offer business marketing assistance (digital)			
Non-Financia	Allow sub-let of unused space			
Non-Financia	Market and maintain database of properties			
Non-Financia	Organize community clean up days			
Non-Financia	Coordinate downtown-wide sales or events			
Non-Financia	Create a “shop local” spreadsheet for retail			
Select 2 from above				

Figure 32: Non-Financial Incentives

5. Work with local realtors to create a downtown properties marketing database

Helping property owners market their available buildings in a user-friendly and concise manner is an essential step towards increased utilization.

It is recommended that the City partner with local realtors to prepare and market files or dedicate a municipal staff to serve as the single point of interaction, empowering downtown property owners to become more active and engaged.

Below is a series of actionable goals to achieve this recommendation:

- **Create a customized website (custom website or database)**
- **Develop an interactive map of Downtown properties.**
- **Database links for assessor and parcel data**
- **Downloadable property flyers (marketing or one-off sheets)**
- **Contacts for leasing/owner agents**

Figure 33: Property Database Document Example

Helping prepare this type of marketing program is not cheap or quick, yet it is effective in quickly achieving more utilized buildings. To help streamline this community effort, due diligence reports should be prepared for all underutilized properties. These reports can be linked to the website and offer a downloadable flier for each. Information to be included in the reports includes:

- **Property address and imagery**
- **Allowable uses and zoning**
- **Building information (e.g., age, uses, permits**
- **Daily traffic counts**
- **Floor plans (if available)**
- **Succinct tax and assessor information**
- **Community data or socio-economic information**

Preparing these reports will provide property searchers and developers with applicable data for lease and purchase opportunities within Hurricane. With this information, the awareness of the current community conditions and market can be shared to a broader reach.

6. Implement an annual facade program

Facade programs are often the most profitable investment a small to medium-sized community can implement, helping drive revitalization. The annual facade program recommendation is to identify potential funding sources, prepare a necessary framework, and implement a matching facade program.

Details about the proposed program are outlined below:

a. Utilize a USDA or CDBG funding application to provide seed funds for the projects.

b. 50/50 match, up to $10,000 per addressed property

c. Eligible elements include:

Signage **Paint** **Awnings** **Windows/ doors** **Architectural features** **Entrance ramps/ accessibility**

The community can begin revitalizing Downtown properties through this program. Additional consideration should be given to areas along the alleyways, encouraging property owners to create "flow-through" businesses, increasing alleyway access, and driving safe pedestrian circulation. Below is the proposed priority map for facade improvements:

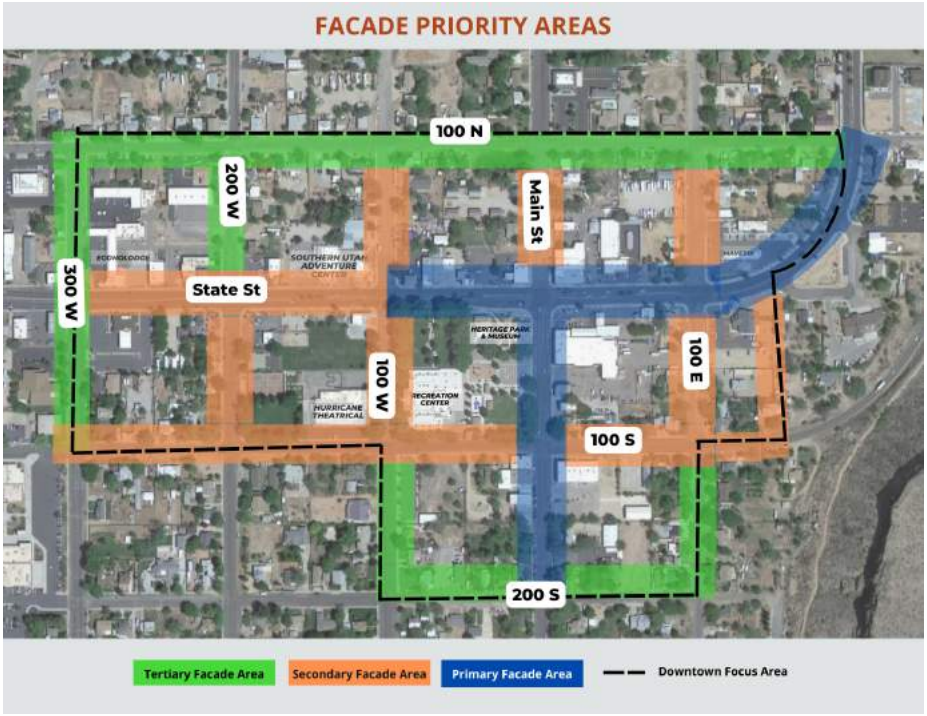
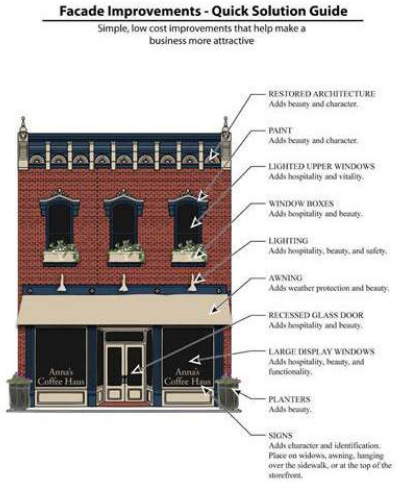


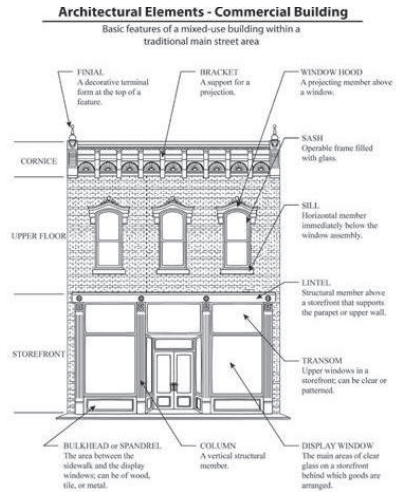
Figure 34: Property Database Document Example

The proposed facade grant program participation process includes the following:

1. **Preparation of a simple 2-page application (including cost estimates or contractor quotes)**
2. **Scoring and ranking of properties based on leveraged funds, project readiness, and community impact.**
3. **Grant agreement preparation and approval**
4. **Expenditure of funds and reimbursement every month**

The graphics below highlight various façade elements.





Above images provided in appendix section in larger size

7. Preparation and implementation of form-based code, specifically in the Downtown overlay zone

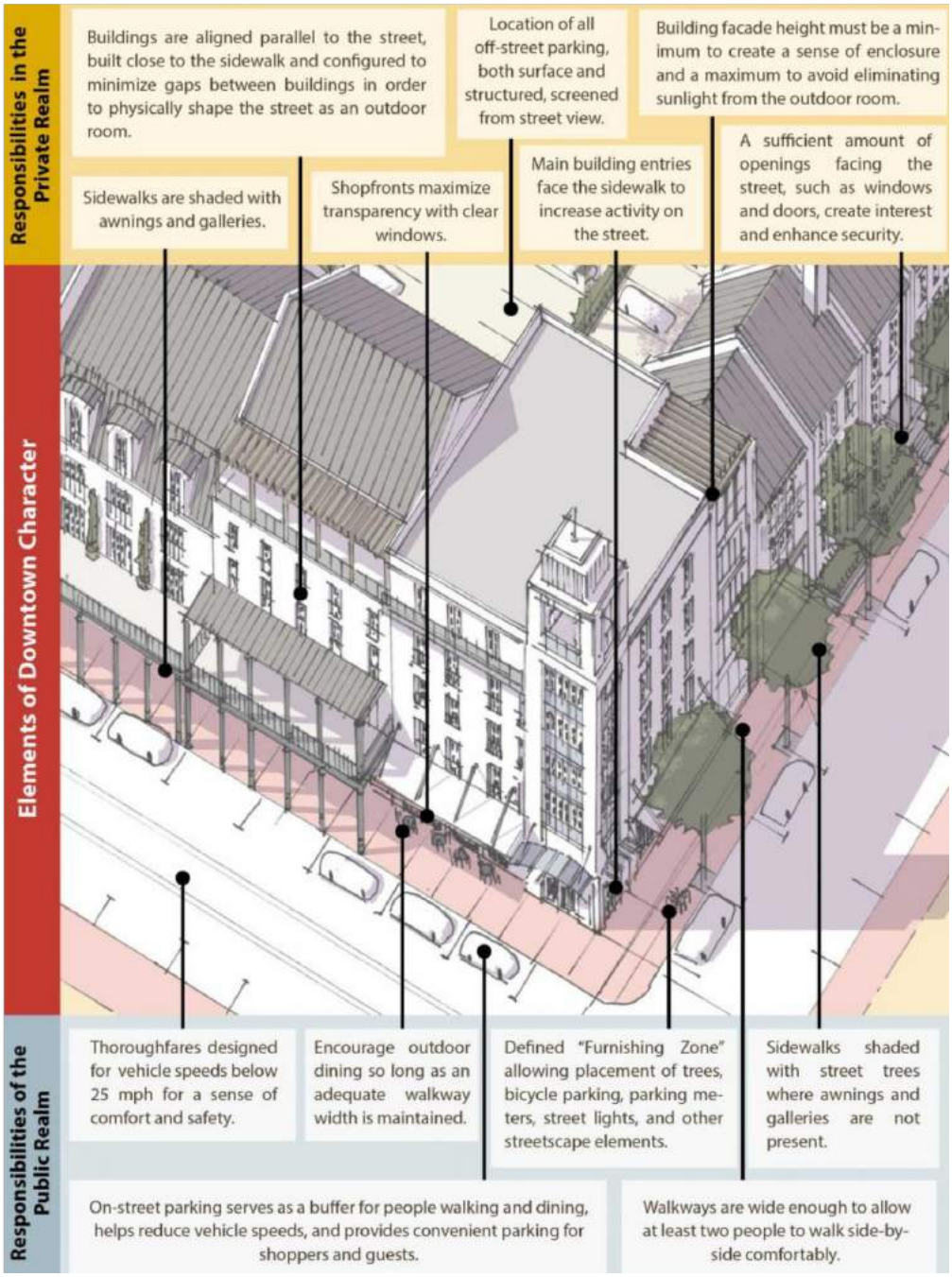


Figure 35: CNU Form Based Code Explanation

As a downtown district grows, adapts, and evolves, it will require flexibility in the types and styles of buildings provided. While the historical character is of critical importance, the forming and massing of a building can change while retaining the same character.

To support this, it is recommended that a form-based code be prepared and implemented within the proposed downtown overlay zone. The overlay zone will allow for enforcement of the form-based codes within the defined area. Implementation of a form-based code in Downtown will result in a hybrid code for the City. Samples of successful form based code can be found at the Wasatch Front Regional Council website.

Form-based code is an alternative to conventional zoning that enables a more predictable built environment. Rather than regulating land uses, form-based code governs the relationship between buildings and the public right-of-way, the form and mass of buildings in relation to each other, and the scale and types of streets and blocks.

Much of the district was developed prior to the adoption or under the conventional zoning, which regulates parking, FAR, and most notably, allowable land uses. Creating a form-based code for Downtown will allow the flexibility needed to support small businesses, promote walkability, enable revitalization, and more. As a result, revitalization will become more common and new development will be more appropriate for Downtown.

Urban Design
Recommendations

Downtown Hurricane should be seen as a destination within the City and the greater region. With the proper design and programming, it can become a true city center. This will require investing in Downtown's public infrastructure, promoting redevelopment, and leveraging its assets and location. The result will be a vibrant place with character and attractive opportunities to invest and grow.

After the initial planning assessment of the city, key opportunities and challenges emerged that needed to be mitigated with urban design solutions. Priorities that emerged include public safety, increased pedestrian space, and multimodal access. We also identified the need for universal accessibility, better visual communication of amenities in Downtown, as well as improved gathering spaces. These aspects have been considered and prioritized in our urban design recommendations and illustrated through the plans, cross-sections, and renderings included in this section.

Lastly, It is imperative that every design decision undergoes oversight by the City's staff and appointed committees, with the ultimate authority for approving or rejecting all design decisions resting with the Council.

1. **Paint highly visible crosswalks.**
2. **Permanently close or create a pedestrian and bicycle-only street on 100 W between 100 S to State Street.**
3. **Explore a HAWK signal and median at 100 W.**
4. **Explore a new traffic signal at 200 W and State Street.**
5. **Create curb bulb-outs at applicable intersections and crosswalks.**
6. **Help facilitate discussions with property owners for shared parking lots.**
7. **Strategically locate accessible parking for equitable access.**
8. **Install parking signage with a maximum of a two-hour time limit.**
9. **Consider creating additional municipal parking lots to support site density development.**
10. **Add curb, gutter, sidewalks, and stripped parking along 100 N.**
11. **Install more appropriate (pedestrian scale) lighting and other amenities within the corridor.**
12. **Create additional public gathering spaces adjacent to the ROW space.**

Detailed information about each of the above-outlined recommendations is provided below:

01
Paint highly visible crosswalks

Adding bright colors and designs to crosswalks enhances the Downtown visual aesthetic, in addition to the added safety benefits of being highly visible and clearly delineating where pedestrians are to cross the street. These artistic crosswalk installations could be added temporarily or permanently. Temporary options would include using a non-permanent material to install an artistic design for a short period of time. These designs could be painted by local students, be centered around a specific celebration, or another idea.

If it was determined that a more permanent installation was desired, implementing attractive, long-lasting materials (i.e., thermoplastic) within crosswalks at key locations will ensure that residents and visitors can access Downtown in a safe and efficient manner for years to come. Installation of these will require coordiantion and maintenance disussions with UDOT.

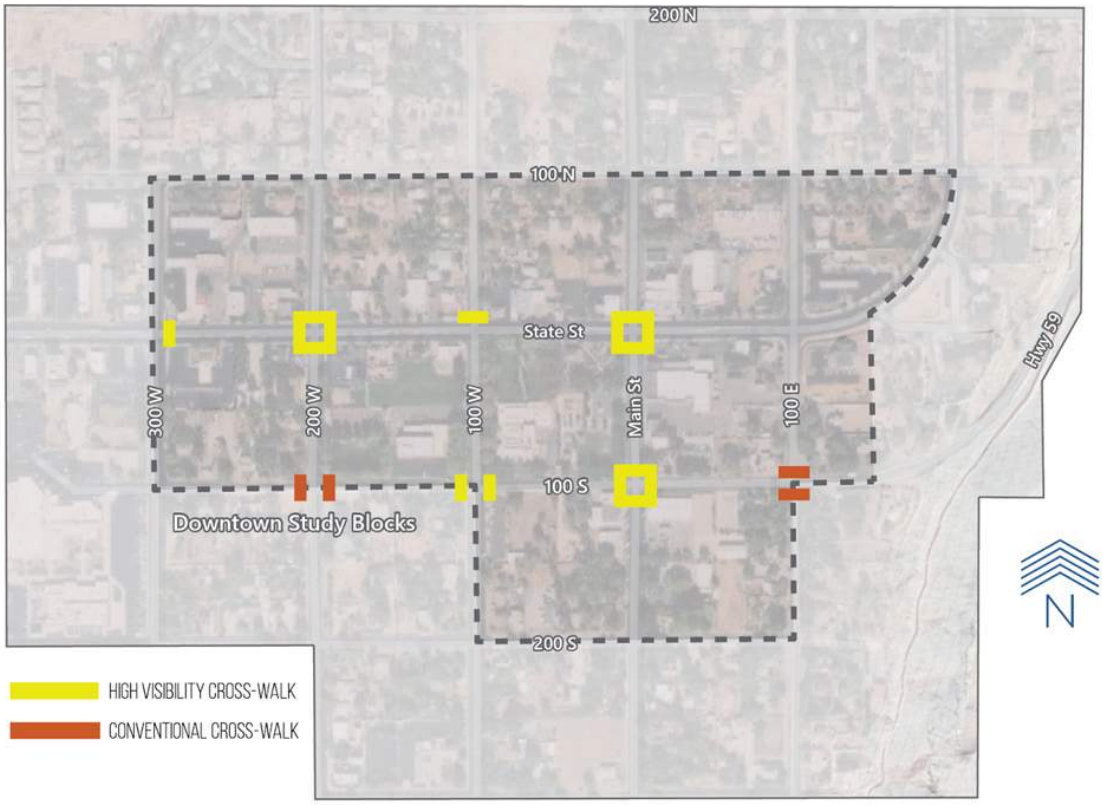


Figure 36: Suggested locations for highly visible crosswalks.

Example of thermoplastic high-visibility crosswalk (Source: Ennis Flint)

Example of thermoplastic high-visibility crosswalk (Source: Ennis Flint)

02
Create a pedestrian and bicycle-only street on 100 W between 100 S to State Street

The segment of 100 W between State Street and 100 S is surrounded by several popular amenities such as the Hurricane Recreation Center and Park, Hurricane Theatrical, Pickleball Courts and the Hurricane Valley Heritage Park Museum. During the public outreach for this study, residents expressed an interest in turning this area into a pedestrian-only street to make it safer and more enjoyable for all ages and abilities. The low car traffic numbers in this segment of 100 W coupled with its heavy utilization by pedestrians make it a perfect candidate for a pedestrian and bicycle-only street. Residents expressed their interest in turning this area.

Figure 37: Location of street closure: 100 W between State St and 100 S.

Closing this segment of 100 W to cars will bring several benefits to Downtown Hurricane:

- ***Increased Safety:*** *It will create a safer environment for pedestrians, as there are no cars or other vehicles on the road. As a result, there is less risk of accidents and injuries, particularly for children and the elderly.*
- ***Provide space for programming:*** *This area can provide a designated space for programmings such as farmers' markets, food trucks, fairs, and Peach Days.*
- ***Improved Air Quality:*** *Closing this street segment to traffic can improve air quality by reducing vehicle emissions.*
- ***Reduced Noise Pollution:*** *Pedestrian-only streets are typically much quieter than streets with vehicular traffic, which can reduce noise pollution and improve the quality of life for people who live and work in the area.*
- ***Increased Foot Traffic:*** *Pedestrian-only streets can attract more people to the area, benefiting businesses and the local economy.*
- ***Promotes Healthy Lifestyle:*** *It can encourage people to walk or bike more, creating more active lifestyles.*

The traffic dislocated due to the closure of this segment of 100 W is expected to minimally impact adjacent roadways. The parking loss can be offset by creating new municipal lots and increasing the angle parking spaces along 100 S. This street segment closure can be achieved incrementally using temporary closures and tactical urbanism (see Implementation Strategies Chapter).

Peach Days Photo by Jeremy Crawford, St. George News

03
Explore HAWK signal and median at 100 W

Aerial view of HAWK signal

A HAWK (High-Intensity Activated Crosswalk) signal has several benefits, including:

- ***Increased safety for pedestrians:*** *HAWK signals are designed to improve safety for pedestrians by providing a dedicated signal for them to cross busy roads safely.*
- ***Reduced risk of accidents:*** *HAWK signals reduce the risk of accidents involving pedestrians by up to 69%, improving visibility and reducing potential conflicts between pedestrians and vehicles.*
- ***Improved traffic flow:*** *While HAWK signals are primarily designed to improve pedestrian safety, they can also help improve traffic flow by reducing congestion and minimizing the need for pedestrians to cross the road in unsafe locations.*
- ***Increased pedestrian mobility:*** *HAWK signals can improve pedestrian mobility and encourage more people to walk or use other non-motorized modes by providing a safe and reliable pedestrian crossing point.*

The location and implementation of these fixtures or amenities will require further review by UDOT, including a corridor study.

A detailed corridor study and signal warrant study on State Street is recommended (see Transportation Recommendations) to evaluate incorporating a HAWK signal and median at 100 W and State Street. A HAWK (High-Intensity Activated Crosswalk) signal is a pedestrian-activated traffic signal designed to help pedestrians safely cross busy roads. When pedestrians want to cross the road, they press a button that activates the HAWK signal. The signal will then display a flashing yellow light, indicating drivers to slow down and prepare to stop. The signal will then display a solid red light, indicating to drivers that they must come to a complete stop and allow pedestrians to cross.

Once the pedestrians have safely crossed, the signal will turn off and return to its default state, allowing traffic to resume. HAWK signals are beneficial in areas with high pedestrian traffic, such as school zones or downtown areas. A HAWK signal with a refuge island/median is recommended on 100 W and State Street. The refuge island/median would restrict left turns northbound on 100 W to increase pedestrian safety. The segment of 100 W between State Street and 100 S is recommended to be closed to traffic to create a pedestrian zone (see #2 above), and as a result would not warrant a full signal. An example of a similar HAWK is found on State Street and Sunset Avenue in South Salt Lake (see below).

There have been several studies that have looked at the safety benefits of HAWK signals. One study conducted by the Federal Highway Administration (FHWA) found that HAWK signals can significantly improve safety for pedestrians at mid-block crossings.

- The study looked at pedestrian crossings in four different cities in the United States and found that HAWK signals reduced pedestrian-vehicle crashes by 29% compared to mid-block crossings without any traffic control devices.
- Another study conducted by the City of Tucson, Arizona found similar results. The study looked at pedestrian crossings at mid-block locations with and without HAWK signals and found that HAWK signals reduced pedestrian crashes by 60% and reduced overall crashes by 29%.
- Overall, these studies suggest that HAWK signals can be an effective way to improve safety for pedestrians at mid-block crossings, particularly in areas with high pedestrian traffic.

HAWK signal on State Street & Sunset Avenue in South Salt Lake, UT (Source: Google Street View).

04
Explore a new traffic signal at 200 W and State Street

A detailed corridor study combined with a signal warranty study on State Street is recommended (see Transportation Recommendations) to evaluate incorporating new signals along State Street in addition to the existing ones on 300 W and Main Street.

Signalized intersection at 300 W and State Street, Hurricane UT (Source: Google Street View)

A signal at 200 W is recommended due to the traffic leading up to the Hurricane Middle School north of downtown. The public expressed safety concerns in this intersection citing the desire to safely cross north-south which is not currently possible. During school pick-up and drop-off times traffic flow on 200 W is impacted due to the lack of a designated time to cross State Street. Placing a signal at 200 W would enhance traffic flow during peak school pick-up and drop-off hours as well as increase pedestrian safety at the intersection of State Street.

05
Strategically locate accessible parking for equitable access

Accessible parking spots are designated parking spaces that are specifically designed for use by individuals with disabilities. These parking spaces are typically located near building entrances and are marked with the international symbol of accessibility, which is a white wheelchair on a blue background. Accessible parking spots are wider than regular parking spaces to accommodate vehicles equipped with wheelchair lifts or ramps, and they are often located near curb ramps or accessible building entrances. In addition, accessible parking spots are usually positioned so that there is sufficient space for individuals with disabilities to enter and exit their vehicles safely.

It's important to note that accessible parking spots are reserved for individuals with disabilities who display a valid disabled parking placard or license plate. These spots are intended to ensure that individuals with disabilities have equal access to public facilities, and parking in an accessible spot without a valid permit or placard can result in fines or penalties.

Example of accessible parking stalls at the Salt Lake City Public Library (Source: Google Street View)

People with disabilities often face significant challenges in mobility, and accessible parking spots are designed to make it easier for them to access buildings, services, and amenities. The Public Rights of Way Accessibility Guidelines (PROWAG) states that for every 25 parking spaces on the block perimeter up to 100 spaces, one parking space must be accessible. For every additional 50 parking spaces on the block perimeter between 101 and 200 spaces, an additional parking space must be accessible. Emphasis should be placed on this recommendation after the closing of 100 West.

06
Help facilitate discussions with property owners for shared parking lots

There is a general desire within the community for efficient and effective parking. Offering shared parking agreements may provide more efficient and effective parking for residents and visitors alike. Shared parking can be through a lease program where private lot owners can lease parking stalls to individual building tenants or could be through a lease with the municipality for the lot to be used for public parking. Shared parking agreements help business owners communicate to their customers locations where they can park.

08
Install parking signage with a maximum of 2-hour time limit

Time-limited parking is a type of parking regulation that limits the amount of time a vehicle can park in a particular location. It is typically used in areas where there is high demand for parking, such as in busy downtown areas, shopping districts, or near public transportation hubs.

The purpose of time-limited parking is to ensure that parking spaces are available for a larger number of people throughout the day. By limiting the amount of time a vehicle can park in a particular space, time-limited parking encourages turnover and allows more people to access the parking space throughout the day. Residents have expressed concern about parking availability in downtown, however a parking occupancy study needs to be performed to accurately evaluate the usage of current parking in the area.

Timed parking, however, can be implemented without this study in areas where parking demand is frequently seen to exceed capacity. A 2-hour time limit is often enough for downtown visitors in locations such as near the Recreation Center, Hurricane Theatrical and Pickleball courts. Parking signs should be posted every 25’ of distance.

Timed parking does not necessarily need to be enforced by the city police or staff. It is shown that residents and visitors self-regulate parking time when time limits are posted.

Example of 2-hour parking limit sign (Source: cvilletomorrow.org

09
Create curb bulb-outs at applicable intersections and crosswalks

Curb bulb-outs, also known as curb extensions, refer to a traffic calming measure that involves extending the sidewalk or curb into the street. This results in a wider sidewalk and a narrower roadway, which can help slow down traffic and increase pedestrian safety.

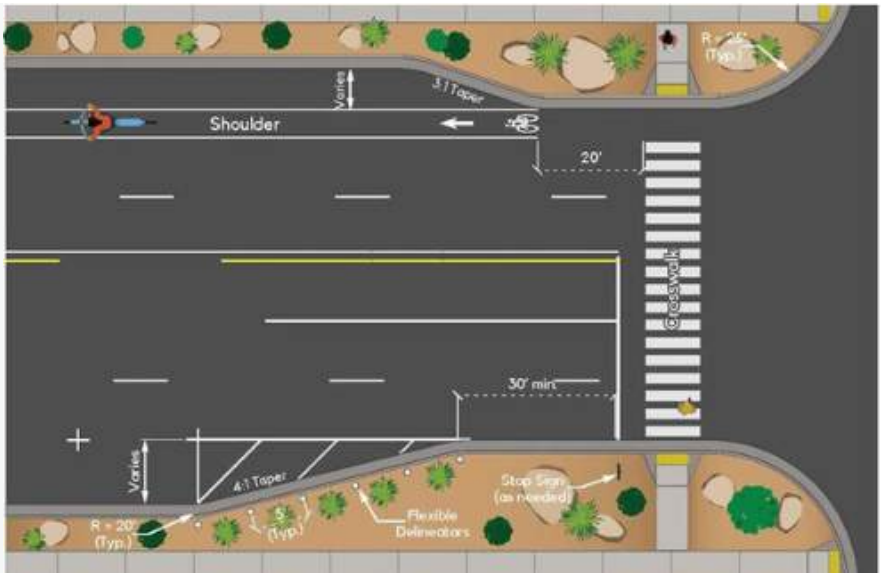


Figure 38: Sample curb bulb-outs design and specifications

Curb bulb-outs are usually created by adding a rounded or angled extension to the existing curb, creating a protrusion that narrows the roadway and shortens the crossing distance for pedestrians. They are often located at intersections or crosswalks and can include features such as benches, planters, or bicycle racks.

Concerns regarding curb bulb-outs include maintenance, vehicle turning radius and ownership. These points are discussed below:

- **Maintenance**

In areas with year-round growth seasons, it is important for municipalities and property owners to have a clear plan for maintenance and water management. This may involve coordinating with landscape maintenance contractors that utilize specialized equipment or designating specific personnel responsible for cleaning roadways. In general, curb bulb-outs do not present an undue hardship if designed and maintained properly.

- **Ownership**

Curb bulb-outs in non-UDOT roads are the responsibility of the city and should be installed and maintained by Hurricane. Curb bulb-outs located within UDOT right-of-way on State Street and Main Street between State Street and 100 S are owned and maintained by UDOT.

The location and implementation of these amenities within the ROW will require further review by UDOT, including a corridor study.

- **Turning Radius**

When a curb extension is installed at an intersection, it can reduce the amount of space available for vehicles to turn. This can be particularly problematic for larger vehicles such as trucks or buses, which may have difficulty navigating the turn without crossing into adjacent lanes or hitting the curb. A well-designed curb extension has a large enough radius to accommodate larger vehicles and maintain the flow of traffic. In general, curb extensions can be designed to improve the turning radius of smaller vehicles. By reducing the size of the intersection and creating a tighter turning radius, vehicles such as cars or bicycles may be able to navigate the turn more easily and safely. This can be particularly useful in areas with high pedestrian traffic or narrow roadways where vehicles need to make sharp turns.

Existing curb bulb-out on 300 W and State Street, Hurricane, UT (Source: Google Street View)

In Downtown Hurricane, curb bulb-outs should be considered in every intersection with a crosswalk outside of state routes. The one exception is the intersection of Main Street and State Street where the city and general public have expressed concern with the installation of curb bulb-outs, due to safety and traffic movement patterns. Below are examples of a similar width street and an after rendering.

Figure 39: Samples of curb bulb out imagery - Before or existing and after rendering

10
Consider the creation of additional municipal parking lots to support site density development

Parking is crucial to the success of new developments downtown as it affects the accessibility, convenience, and safety of the area. With projected growth in Downtown, and the potential closure of 100 W to cars, it is important that the city considers additional municipal lots.

Municipal lot installed by Hurricane City (Source: Google Street View)

Within the past 10 years, Hurricane built a municipal parking lot at the corner of 100 S and 100 W. This lot is a one-way through angle parking lot without time limits that maximizes the utilization of that parcel.

Similar underutilized parcels are present along 100 S and can be considered as potential locations for future parking lots. The design of each parking lot needs to be evaluated depending on the size and proportions of the parcel.

Adding more municipal lots would support site density development moving forward as well as assure long-term sustainability of local businesses by providing convenience, increasing foot traffic, and accessibility in downtown.

Figure 40: Municipal lot installed by Hurricane City (Source: Google Street View)

11
Add curb, gutter, sidewalks, and stripped parking along 100 N

Adding curb, gutter, sidewalks, and stripped parking on 100 N provide several benefits to the area. Some of the key benefits include:

Improved drainage
Curb bulb-outs in non-UDOT roads are the responsibility of the city and should be installed and maintained by Hurricane. Curb bulb-outs located within UDOT right-of-way on State Street and Main Street between State Street and 100 S are owned and maintained by UDOT.

Better vehicle control
Curb and gutter systems help to guide vehicles along the roadway, reducing the risk of vehicles crossing into opposing traffic lanes or leaving the roadway entirely. This can be particularly important in areas with heavy traffic or where the road is narrow.

Reduced maintenance costs
By directing water away from the roadway and into drainage systems, curb and gutter systems can help to reduce the risk of damage to the road and other infrastructure. This can lead to lower maintenance costs over time.

Increased pedestrian safety
Curb and gutter systems create a physical barrier between the roadway and the sidewalk, improving pedestrian safety and reducing the risk of accidents involving pedestrians.

Enhanced aesthetics
Curb and gutter systems can help to improve the overall appearance of a street, making it look more polished and professional. This can be particularly important in commercial or residential areas where appearances are important.

Control illegal parking
Residents have witnessed illegal parking along 100 N. Striping parking spaces on the road is a common way to control illegal parking. When parking spaces are clearly marked and designated, it becomes easier for drivers to understand where they can and cannot park. This helps to reduce the risk of illegal parking and improve overall traffic flow.

Parallel parking is recommended on 100 N due to the residential characteristic of the area and lower parking demand compared to other areas downtown. Parallel parking allows for a designated bike lane to be painted adjacent to it (see cross-section on page 68). A bike lane is proposed on 100 N by the Hurricane City Active Transportation Plan. A sidewalk minimum width of 6 feet is recommended to allow people to walk side-by-side and provide enough space for people with mobility devices. Sidewalks might be up to 10 feet wide with or without park strips. Refer to Figures 44 and 45 for recommended roadway element dimensions.

100 N between Main Street and 100 W where there is no curb and gutter, and parking stalls are not designated (Source: Google Street View).

100 N between 100 E and Main Street where there's curb and parallel parking

12
Install more appropriate (pedestrian scale) lighting and other amenities within the corridor

Street lighting aims to create an inviting atmosphere during the night, avoiding unshielded lights that shine light horizontally into the sky.

The best street lighting conforms to dark sky standards and is focused downtown onto the surface of the street and/or sidewalk. Downward shining lights are safer for drivers and pedestrians because there is less glare.

In addition, downward facing lights do not cast dark horizontal shadows across the landscape that the eyes cannot permeate due to the glare, lessening criminal activity by creating a more visible nighttime environment.

Lighting should be installed that is appropriately scaled for pedestrians utilizing the corridor and the light features should not feel as if they are dominating the corridor.

13
Create additional public gathering spaces adjacent to the ROW space

As mentioned above in the Built Environment Recommendation #3, public areas in Downtown that can be reclaimed for gathering and activity will ensure that Downtown is fully utilized. The integration of these spaces also provides a safe respite for pedestrians by bringing them back away from the ROW and any fast-moving traffic.

This is especially successful when the gathering space is immediately located next to the ROW space. These activities along the pedestrian walkway also encourage full use of the corridor, bringing pedestrian traffic to and from block edges. Please reference Figure 30 to see proposed gathering sites within the downtown study area.

Transportation Recommendations

Downtowns are often seen as the heart of a city or community, and it is important that they are accessible to all individuals, regardless of their preferred mode of transportation. To achieve this, it is important to provide a range of transportation options that are safe, efficient, and convenient for all users.

This section's recommendations include infrastructure improvements, such as the installation of bike lanes, sidewalks, and parking as well as the interventions that increase safety at key intersections.

By implementing these recommendations and prioritizing equitable and inclusive transportation options, Downtown Hurricane can become more accessible and welcoming to all individuals, while also driving economic growth and sustainability. A list of proposed recommendations is as follows:

1. **New corridor and signal warrant study on State Street**
2. **Install wayfinding / parking signage**
3. **Install bicycle facilities and sidewalks throughout downtown.**
4. **Convert parallel parking to angled parking and restripe parking along 100 S to mitigate closure of 100 W.**
5. **Increase crossing time at the intersection of State Street and Main Street**
6. **Add a 4-way stop sign at the intersection of 200 W and 100 N**

Detailed information about each of the above-outlined recommendations is provided the following pages of this section:

01
New corridor and signal warrant study on State Street

It is recommended that Hurricane City partner with UDOT in developing a State Street Corridor Study to better define the vision of the corridor into the future. A corridor study can have several benefits for transportation planning and development of State Street and Downtown Hurricane, including:

Improved safety

A corridor study can help identify safety concerns and provide recommendations for improving safety, such as adding new traffic signals, pedestrian crossings, or bike lanes.

Increased efficiency

A corridor study can help to identify bottlenecks and congestion points and provide recommendations for improving traffic flow and reducing travel times.

Better coordination

A corridor study can help to identify opportunities for coordination with other transportation modes, such as transit, bicycles, and pedestrians. This can help to create a more efficient and effective transportation network.

Improved accessibility

A corridor study can help to identify barriers to accessibility, such as lack of sidewalks or bike lanes, and provide recommendations for improving access for all users, including people with disabilities.

Enhanced economic development

A corridor study can help to identify opportunities for economic development, such as adding new commercial or residential developments, and provide recommendations for improving access and connectivity to support economic growth.

Increased sustainability

A corridor study can help to identify opportunities for sustainable transportation solutions, such as promoting walking, biking, or transit, reducing vehicle emissions and traffic congestion, and improving air quality.

The corridor study should be prepared in conjunction with a signal warrant study which is used to determine whether a traffic signal is warranted at a particular intersection. A signal warrant study is typically conducted to evaluate the need for a new signal or to assess the effectiveness of an existing signal. The study considers a range of factors, including traffic volumes, pedestrian activity, vehicle speeds, accident history, and roadway characteristics.

If the study determines that a signal is warranted, the traffic engineering team may make recommendations for the installation of a signal, including the type of signal, signal timing, and other related considerations. If the study determines that a signal is not warranted, other traffic control devices or modifications to the intersection may be recommended to improve safety and traffic flow.

Unsignalized intersection of 200 W and State Street in Downtown Hurricane, UT (Source: Google Street View)

02 Install wayfinding / parking signage

Wayfinding signage is necessary to help direct residents and visitors around downtown. It is recommended to incorporate integrated and branded downtown signage in addition. Efforts should be made to provide wayfinding signage for pedestrian and vehicular travel at the right locations. Optimal areas for each type are outlined below:

a. Pedestrian

Provided at a maximum height of 6' tall, this signage should focus on guiding or programming downtown users through a cultivated experience that downtown offers. This is referred to in the general plan as a self-guided history tour. These signs can provide interactive maps, displays, or other inviting elements to garner additional support.

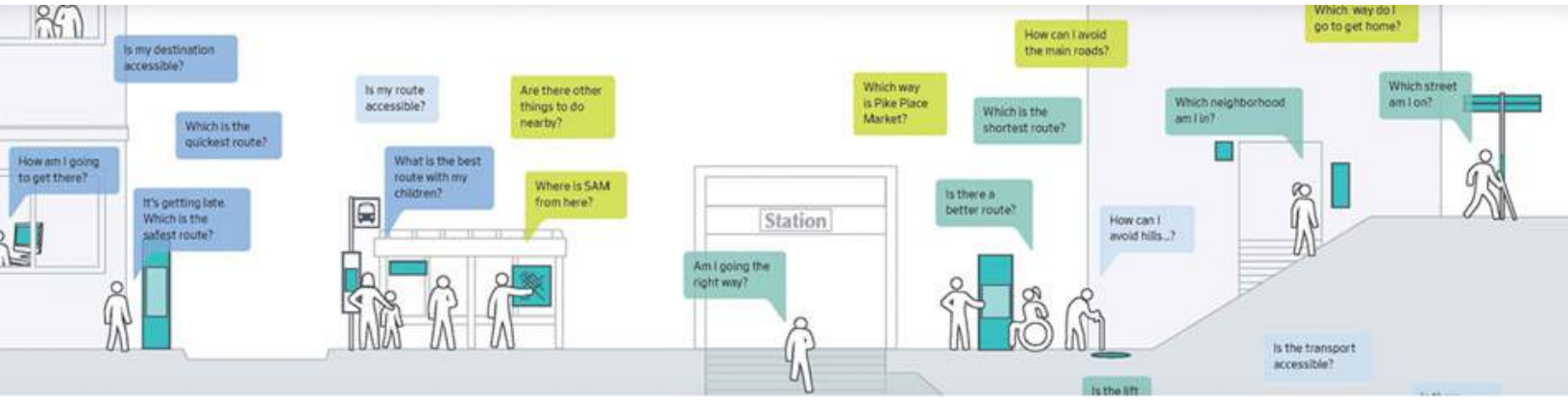


Figure 41: Wayfinding, Source: Seattle Department of Transportation

b. Vehicular

This style of signage should be primarily graphics with vibrant or internationally recognized colors. Emphasis should be placed on providing language at a size of no less than 9" in height and no larger than 18" in height.

c. Business

This kind of sign helps visitors understand what businesses or services are in Downtown and are typically placed at corners or main entry locations. They can include graphic maps or directional arrows that assist the user in understanding where they are in relation to where they want to go. These signs are good at quickly communicating what the city is known for to a visitor, and helping a resident connect with the identity of their city.

d. Informational signage

Information signage is excellent for providing information about events or unique features in Downtown. These signs should stand out yet should also be informational.

e. Downtown maps

Downtown maps are a great way to raise awareness of the extent of Downtown, driving more foot traffic from one end to another. Emphasis should be provided on keeping these maps updated with tenants and service/ restaurant information.

f. Parking signage

Providing wayfinding to simply and easily find accessible parking will help guide downtown users to off-street parking. This signage is essential when it comes to raising awareness with locals. Additionally, State Street signage should include parking tenure signage or business/patron parking delineation.

g. Historical markers

These signs are used to denote historical elements or existing buildings. They often highlight the true value and prominence of the historical events or figures that were around when they were erected. Highlighting and maintaining these feature signs or markers will prolong the character and memory of such history. Residents and visitors alike will understand and appreciate the city in a deeper way.

03
Install bicycle facilities and sidewalks throughout downtown

Transportation is more than just pedestrian vehicles, and it must provide equitable access for everyone. In 2021, Hurricane City adopted the Hurricane City Active Transportation Plan which proposed 41.5 miles of new bike lanes on existing roads, including in Downtown Hurricane.

There are numerous benefits of bicycle facilities in a downtown area, including:

- ***Increased safety:***

HAWK signals are designed to improve safety for pedestrians by providing a dedicated signal for them to cross busy roads safely.

- ***Improved health***

Cycling is a low-impact form of exercise that can help individuals improve their cardiovascular health and overall fitness.

- ***Reduced congestion***

Bicycles take up less space than cars, so encouraging more people to cycle can help reduce traffic congestion in a downtown area.

- ***Increased accessibility***

By providing bicycle facilities, downtown areas can become more accessible to people who may not have access to a car, such as low-income individuals or those who cannot drive.

- ***Economic benefits***

Studies have shown that investing in bicycle facilities can lead to increased economic activity in the surrounding area, as cyclists tend to spend more money at local businesses than car drivers.

The current study's recommendations build upon the Hurricane Active Transportation Plan. Each one provides minor few modifications to the plan to ensure bicycle safety. These include:

Require minimum sidewalk widths

Requiring a minimum of 6' width for sidewalks will allow for ample room and accessibility along all ROW thoroughfares. In high-traffic areas, sidewalks wider than 6' may need to be considered, but 6' is the minimum.

Adding bike lanes on 100 W from 100 S to 100 N

Creates an alternative north-south corridor in downtown to Main Street that provides less conflicts since 100 W is proposed to be a bicycle and pedestrian-only street between 100 S and State Street. It will also connect bicyclists through the HAWK signal on 100 W and State Street which is a safer crossing option than the Main Street and State Street intersection.

Adding marked shared roadways on 100 S from Main Street to 300 W

This will help reroute bicycle traffic from Main Street into 100 W. It also offers an alternative east-west route from State Street in downtown. Angle parking is proposed along 100 S which makes a shared lane the best option for that corridor.

Figure 42: Original recommendations from the Hurricane City Active Transportation Plan, 2021.

Figure 43: Proposed Shared Roadway

Current study's recommendations include a few modifications to the Hurricane Active Transportation Plan. To ensure safety, the following design standards are recommended for active transportation facilities in Downtown Hurricane:

Below cross sections are from the adopted Hurricane Transportaiton Master Plan and are provided to illustrate the potential uses for half ROW distances, allowing for mixture of purposes on streets

- **Bike Lanes**

Minimum of 6' width, adjacent to the curb or parallel parking. It is recommended that bike lanes are not striped adjacent to angled parking to reduce conflict with cars.

Figure 44: Half street cross-section of a road with angle parking and marked shared roadway.

- **Sidewalks**

A sidewalk minimum width of 6 feet is recommended to allow people to walk side-by-side and provide enough space for people with mobility devices. Sidewalks might be up to 10 feet wide with or without park strips. A sidewalk inventory and assessment should be created to prioritize replacements and installations for areas that are in the worst condition.

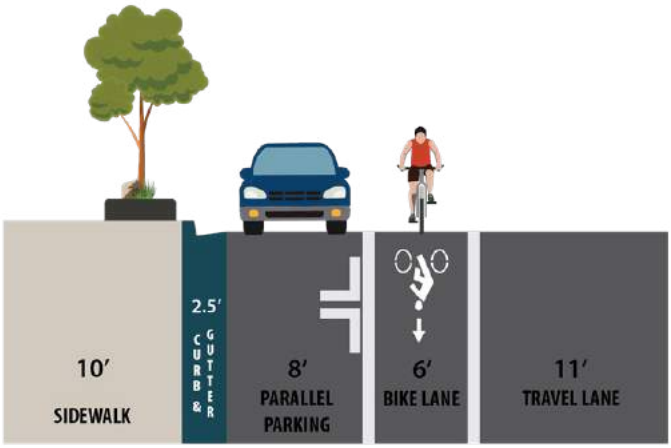


Figure 45: Half street cross-section of a road with parallel parking and bike lane.

- **Marked Shared Roadway**

Include "sharrow" pavement marking on 11' minimum travel lanes. Allowing bikes to utilize the full width of the travel lanes makes it safer when adjacent to angle parking which naturally generates more conflict between users.

Bike lanes adjacent to parallel parking on 400 S in Hurricane, UT

04
Convert parallel parking to angled parking and restripe parking along 100 S to mitigate closure of 100 W

As parking becomes more valuable downtown, finding alternatives is a priority. Converting parallel parking to angle parking can have several benefits, including:

- ***Increased parking capacity***

Angle parking can accommodate more cars in the same amount of space than parallel parking, which can be helpful in areas with limited parking.

- ***Improved pedestrian safety***

Angle parking can create wider sidewalks and narrower streets, which can help improve safety for pedestrians and reduce the risk of accidents involving pedestrians.

- ***Easier parking***

For drivers who find parallel parking difficult, angle parking can be easier to maneuver into and out of. This can improve traffic flow and reduce the risk of accidents or damage to parked vehicles.

- ***Better accessibility***

For people with disabilities or mobility issues, angle parking can provide easier access to buildings and sidewalks, as the parking spaces are typically closer to the entrance.

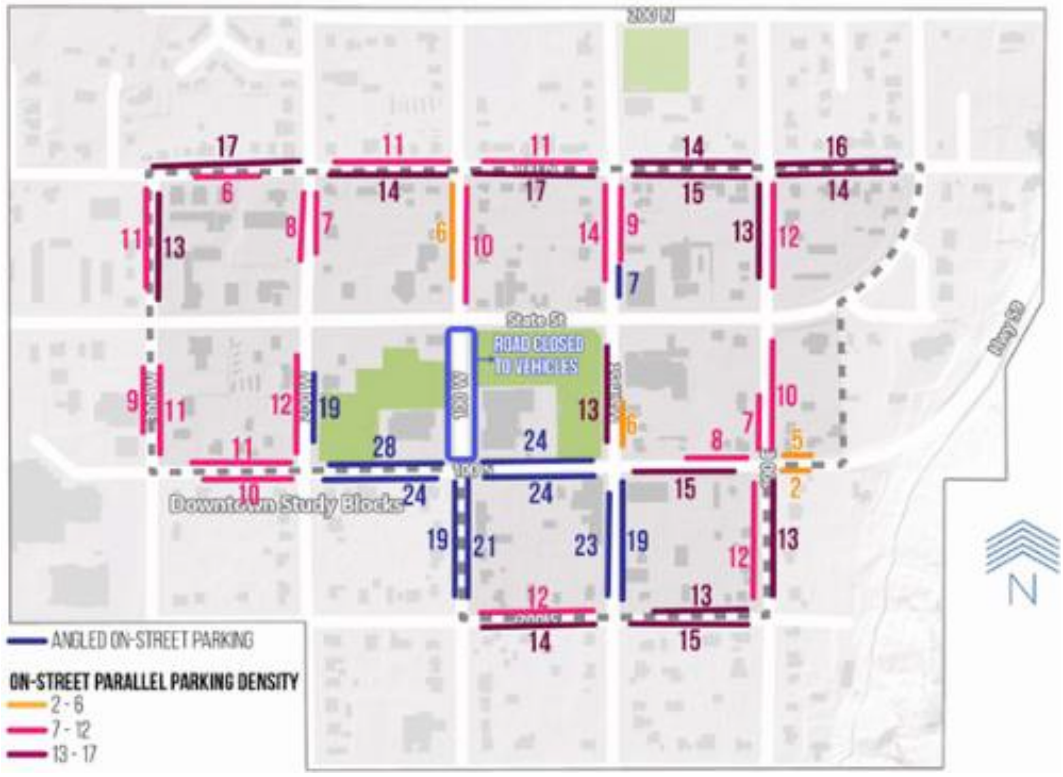


Figure 46: Parking availability in Downtown Hurricane including the creation of additional angle parking on 100 S.

Luckily, there is ample room to stripe parking stalls on 100 S. It is recommended that parking be striped on 100 S between Main Street and 200 W on one or both sides of the road depending on right-of-way widths (refer to Figure 45 above). This will make up for the lost parking due to the closure of 100 W between State Street and 100 S. The map below provides an overall idea of parking availability in Downtown Hurricane including the creation of additional angle parking on 100 S.

05
Increased crossing time at the intersection of State Street and Main Street

During this study and over the years, the city has received several complaints about the crossing time at the intersection of State Street and Main Street. Residents and visitors report that it is too fast and does not allow them to comfortably cross the road before the signal starts flashing.

Increasing pedestrian crossing time at a signalized intersection can have several benefits for pedestrian safety and accessibility. Here are some reasons why it can be important to increase pedestrian crossing time:

- ***Safer crossings***

Longer crossing times give pedestrians more time to cross the street safely, especially for those who may have mobility limitations, such as the elderly or people with disabilities. Pedestrians may also feel less rushed, reducing the likelihood of accidents and increasing confidence.

- ***Reduced stress and anxiety***

Pedestrians may feel anxious and stressed when trying to cross busy streets, particularly if they have limited time to cross. Longer crossing times can help reduce stress levels and create a more relaxing experience for pedestrians.

- ***Improved quality of life***

Increasing pedestrian crossing times can improve the quality of life for people who walk or use public transportation. It makes walking and crossing the street easier and more pleasant, which can encourage more people to walk or use public transportation instead of driving. This can have positive effects on health, the environment, and local communities.

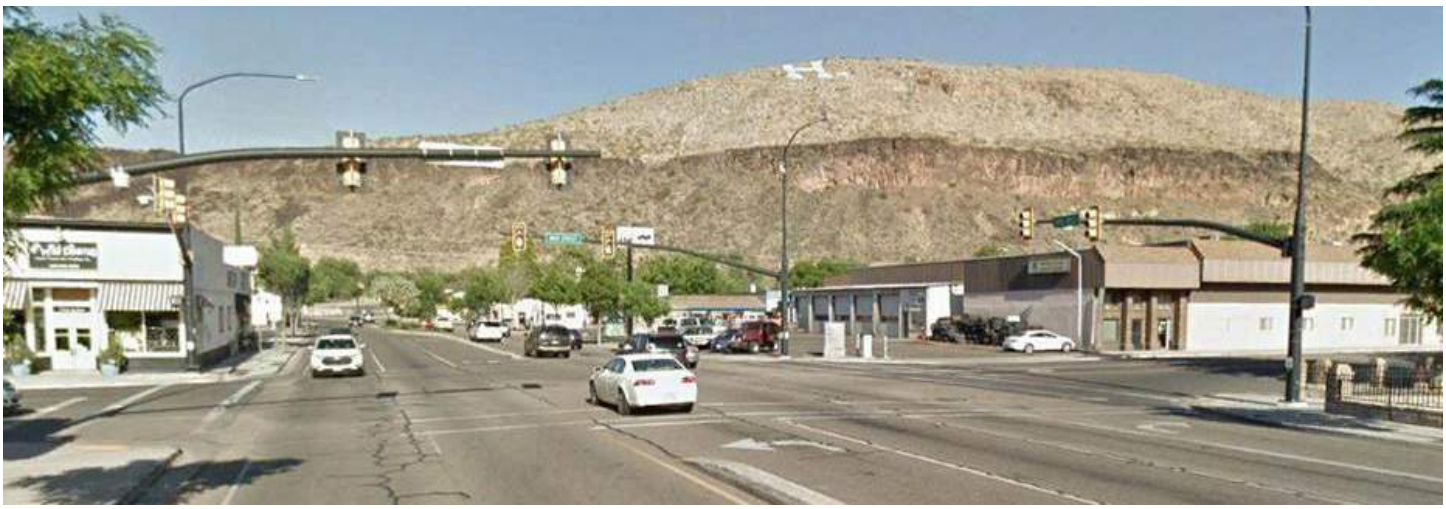
- ***Better accessibility***

Pedestrian crossing times should be increased in areas with heavy pedestrian traffic or where many people with disabilities may need to cross. This makes it easier for people to get around and access public transportation, shops, and services.

- ***Increased compliance***

When pedestrians feel safe crossing the street, they are more likely to comply with pedestrian crossing rules and wait for signals before crossing. This can lead to fewer jaywalking incidents and reduced pedestrian accidents.

The signal at State Street and Main Street would benefit from increased crossing time (20 seconds minimum) to accommodate all ages and abilities. The recommended corridor study and signal warrant study on State Street can address signal timing adjustment at this intersection.



Intersection of State Street and Main Street in Downtown Hurricane, UT (Source: Google Street View)

06
Add a 4-way stop sign at the intersection of 200 W and 100 N

Currently, there is a 2-way stop sign on 200 W where it intersects 100 N which hinders traffic flow on 200 W leading to the Hurricane Middle School. Changing a 2-way stop sign to a 4-way stop sign can have several benefits, including:

Improved traffic flow

A 4-way stop sign can help to improve traffic flow at busy intersections, as it ensures that all vehicles come to a complete stop before proceeding. This can help to reduce traffic congestion and delays.

Increased pedestrian safety

A 4-way stop sign can help to improve pedestrian safety at intersections by making it easier for pedestrians to cross the street. By requiring all vehicles to come to a complete stop, it can help to reduce the risk of accidents involving pedestrians.

Better visibility

A 4-way stop sign can improve visibility at intersections, making it easier for drivers to see other vehicles and pedestrians. This can help to reduce accidents and increase overall safety.

Increased safety

A 4-way stop sign can help to increase safety at intersections by reducing the likelihood of accidents. By requiring all vehicles to come to a complete stop before proceeding, it can help to prevent collisions that can occur when drivers fail to yield the right-of-way.

More predictable driving behavior

A 4-way stop sign can help to create a more predictable driving environment, as all drivers are required to stop and yield the right-of-way. This can help to reduce confusion and increase safety for all road users.

Existing 2-way stop sign at the intersection of 200 W and 100 N in Hurricane, UT (Source: Google Street View)

Parks & Civic Space
Recommendations

Recreational spaces are where people integrate into a downtown, imprinting on their community and creating memories. Providing access to the unique natural assets Hurricane provides will encourage more visitors and offer more purposeful destinations. Outlined below are sample parks & recreation goals that will help with downtown revitalization.

1. **Integrate the Downtown recreational core into the trails network.**
2. **Prepare additional hard-surface recreational play spaces in Downtown.**
3. **Integrate a historical or cultural trail through Downtown.**
4. **Implement a tree & vegetation ordinance for installation and maintenance.**
5. **Increase the size of sidewalks to encourage longer visit durations.**
6. **Improve the historic amphitheater and include a new amphitheater within the Targeted Development Scenario.**

Detailed information about each of the above-outlined recommendations is provided below:

01
Integrate the Downtown recreational core into the trails network

Recreational assets abound throughout Downtown, yet they are disconnected and not easy to access from the State Rd corridor. Making connections through shared use pathways between these locations and the existing and proposed trail network will give residents and visitors alike a more cohesive network to travel throughout the community. The map below outlines the planned active transportation network within Hurricane as identified in the Hurricane 2021 Active Transportation Plan.

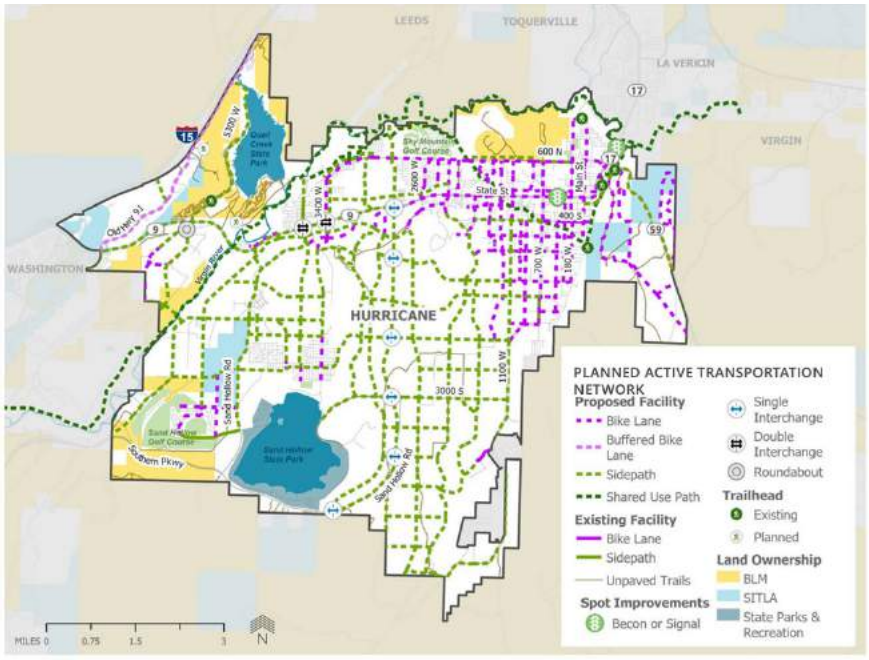


Figure 47: Transportation Network

Additionally, expansion of the network to incorporate linkages along 200 W will improve connectivity to city-wide and regional recreational assets including: the community pool, regional trails, and community parks. This will provide users with easy and convenient access to other regional destinations, while reducing vehicle miles traveled.

- *Jem Trailhead (6 miles)*
- *Quail Creek State Park (9 miles)*
- *Sand Hollow State Park (9.5 miles)*
- *Green Spring Park (16.5 miles)*
- *St. George Dinosaur Discovery Site (17 miles)*
- *Zion National Park (23 miles)*

02
Prepare additional hard-surface recreational play spaces in Downtown

Play spaces are a critical amenity most downtowns are missing. While an emphasis is placed on adults' purchases and spending power, there is a missing clientele, specifically the family. Families make up some of the largest expendable income households in any community, yet there are inadequate spaces to encourage lingering or regular visits. So, to encourage additional downtown tenure, it is recommended that passive or active play spaces are placed in Downtown to improve usability.

By doing passive play spaces for children, areas can be used to draw in families for an extended period, driving economic growth. A proposed location map for these types of gathering spaces can be found on the outdoor gathering space map found in the Built Environment Recommendations section. Areas used for the passive plan in downtown should:

- Be sheltered from roadways or crosswalk access.
- Be surrounded by a soft, yet imposing, barrier, such as throned or dense vegetation.
- Be ADA accessible.
- Be limited in size, ranging from 20' to 25' round, and offer a centralized play facility surrounded by safe play surfaces.
- Offer ample seating within the area and immediately adjacent to the area.
- Provide simple play options that are open to all age residents.

Sample access ramp in Hurricane

03
Improve the historic amphitheater and include a new amphitheater within the Targeted Development Scenario

The existing historic amphitheater located behind the Heritage Museum is best utilized by informal meetings and gathering space for children. More formal event meetings and entertainment needs are best met with a larger amphitheater within the plaza space of the proposed State Street development between 100 W and 200 W. It introduces flexibility to Downtown gathering areas, by more easily allowing outdoor seating for restaurants, entertainment settings, event vendors and casual group meetings. With some site grading and allocation of space, this area will gain a great versatile asset. Outlined in the Targeted Development Scenario (next section) recommendations is a description of the use and location.

Bike lanes adjacent to parallel parking on 400 S in Hurricane, UT

04
Integrate a historic or cultural trail through Downtown

The City of Hurricane is a diverse community with a rich history. However, there is little programming documenting and celebrating the diversity and history of the community. The City should partner with stakeholders to document the historic and cultural assets that are found within it. With documentation, partners should work together to develop a comprehensive and year-round historic or cultural heritage trail through the City that highlights its culture and attracts visitors regionally. Individuals moving along the trail should have the opportunity to learn about the areas and buildings they are passing by. Historic and cultural facts and stories should be posted on buildings and at appropriate locations along the trial. The trail should also include online interactive connections where individuals can scan a QR code or visit a specific website to learn more about the historic and cultural assets they are passing along the trail.

Below are three other regional walking tour examples:

- Salt Lake City has several self-guided walking tours within the community. The tour routes can be found online, and printed materials are available at locations within the City. The information includes maps of the points of interest on each of the tours and textual information about the locations. Tour topics include:
    - *North Downtown Heritage Trail*
    - *Main Street Tour*
    - *Time Travel on Main Street (designed for kids ages 9-12)*
    - *Exchange Place and Market Street Tour*
    - *Gateway and Railroad District Tour*

Figure 48: Salt Lake City Example of Points of Interest Map

- Provo has a self-guided Historic Buildings Walking Tour. The tour highlights 22 pioneer era buildings that range in construction dates from 1849 - 1910. Information is available online and at locations throughout the community. This information includes detailed descriptions of the historic buildings that are identified on the route.
- Ogden provides a guided tour of Historical 25th Street every first Friday of the month. This tour lasts from 5:30 - 7 PM. Topics along the route include:
    - *Pioneer history*
    - *Railroad contributions*
    - *Legal (and illegal) business history*
    - *Architectural styles*
    - *And others*

42 DALLAS H. YOUNG HOUSE • 517 East Center Street
The original owners of the house appear to have been Latinus O. and Rachel B. Taft. Mr. Taft was a prominent businessman who moved to Provo in 1896 as the local ZCMI manager. He formed the Utah Wholesale Grocery Company and the L.O. Taft Brokerage Company. From 1941 to the present, the home has been owned by members of the Dallas H. Young family. Mr. Young was a 4th District Court Judge, Provo City Attorney, Provo City Judge, President of the Utah County Bar Association and Chairman of the Utah County Democratic Party. A current owner and resident of the home is a granddaughter of Mr. Young. This building is an outstanding and distinctive example of the Arts and Crafts Bungalow style, typified by the deep, bracketed eaves, exposed rafter tails, single, broad, low gables, brick wainscoting, and small paned windows.

43 FRED TAYLOR HOUSE • 589 East Center Street
It appears that Fred R. Taylor and Mary J. Taylor were the owners of this property when this house was built. Dr. Taylor was a prominent pediatrician in Provo. From 1945 to 1947, the property was owned by lumberman, church and civic leader William Addison Spear. From 1950 to 1958, the property was held by the Arthur D. Sutton family. Mr. Sutton was a well-known druggist and theater/apartment house manager. This building is a good example of the English Tudor style, with steep roof pitch, plaster exterior walls and small window panes.

44 VAN WAGENEN HOUSE • 905 East Center Street
Constructed around 1900, this Victorian Box Style house features a classical columned porch and balcony. Since 1935, the home has been owned by members of the Van Wagenen family, including Alma Van Wagenen, Mayor of Provo in 1928-29 and Harold Van Wagenen, Mayor of Provo in 1956–57.

45 JUSTIS JOHNSON HOUSE • 939 East Center Street
Justis W. Johnson was the owner of the property when this house was contructed in 1928 and the deed was conveyed to the Decker Mortgage Company and then the Reserve Loan and Discount Company. Oran Groneman, a general contractor and Union Pacific rail car inspector, owned the property from 1935 to 1937. The house is unusual in that it does not readily fit into any one particular architectural style common to Provo. It has some characteristics of a 20th century military style cottage.

Figure 48: Salt Lake City Example of Points of Interest Map

05
Implement a tree & vegetation ordinance for installation and maintenance

Vegetation is an integral part of any streetscape or public space. Its benefits include noise reduction, pollution control, limited access areas, and reducing the heat island effect. For Hurricane, it is important to provide tiered or purposeful vegetation. The types of vegetation to implement are as follows:

Barrier vegetation

To be placed around children's downtown play areas or other gathering locations, reducing the opportunities for easy wondering.

Barrier vegetation

Installations are to be placed within the non-walk areas between sidewalks and curbing, promoting safe separation of uses.

Tree canopies

To be utilized throughout Downtown, encouraging extended downtown participation through heat reduction.

In addition to these vegetation types, special consideration needs to also be given to the inclusion of water-wise landscaping and xeriscape design. Water-wise landscaping and xeriscape design are implemented to minimize the required watering of vegetative installations and to promote water conservation with drier climate areas. More information on these specific types of landscaping can be found in the Green Infrastructure Recommendations section.

06
Increase the size of sidewalks to encourage longer visit durations

Larger sidewalks will encourage individuals to visit for longer durations in Downtown. The addition of sidewalk space allows for other positive downtown amenities to be added, upgraded, and included throughout Downtown. Larger sidewalks also accommodate more pedestrian traffic without resulting in congestion as individuals stop to interact with one another or view retail display windows. Additionally, a wider sidewalk increases Downtown pedestrian safety by further separating pedestrians from the road and providing more space between sidewalk users. The additional space also provides the opportunity for users to gather downtown.

Wider sidewalks should be installed, where possible, when new development is created. Sidewalks should be no less than 6 feet in width, but wider sidewalks provide additional benefits. The renovation of existing sidewalk areas would need to be considered on a case-by-case basis and it is likely that a corridor study would need to be conducted. As parking is reduced and/or relocated in Downtown, additional opportunities to expand existing sidewalk areas may arise. Any proposed changes to sidewalks within the state right-of-way would need to be coordinated with UDOT.

Narrow Sidewalk

Wide Sidewalk

Green Infrastructure Recommendations

Creating a vibrant and attractive downtown also includes planning for the future. This requires taking proactive steps that will provide sustainability, while also providing for increased usage. Recommendations to support this in Downtown are as follows:

1. **Implement xeriscape design for new construction or rehabilitations.**
2. **Design and implement bioswales for Downtown walkways and parking areas.**
3. **Install energy efficient or solar based lighting along non-DOT roadways.**
4. **Maintain and enhance trees and sidewalk level planting areas along the pedestrian way.**
5. **Create small rain gardens within curb bulb-outs and parks downtown.**

Detailed information about each of the above-outlined recommendations is provided below:

01
Integrate the Downtown recreational core into the trails network

Xeriscape design is a type of landscaping that is specifically designed for areas susceptible to drought and where water conservation is important. This type of design utilizes minimal water for the success of the plantings. It also eliminates the amount of lawn area within a property, which drastically reduces the amount of water required to maintain a lush lawn area. It also reduces the time and labor needed to maintain a traditional lawn and reduces the need for fertilizers and chemical application.

A variety of plantings and/or decorative rock gardens can be included in xeriscape landscaping designs. In addition to these elements, some designs also include a mixture of cobbles, mulch, pavers, planters, and edging. When selecting plants, it is important to prioritize selecting species that are naturally accustomed to dry conditions and/or native species to the region. Prioritizing this selection criteria will both reduce water consumption and provide a large variety of plants to choose from. Some example plantings include:

- *Big Sagebrush*
- *Blackfoot Daisy*
- *Dwarf Peach*
- *Coral Bells*
- *Gaura*
- *Stonecrop*

Additional plants can be found at https://tinyurl.com/4he5aduj

02
Design and implement bioswales for Downtown walkways and parking areas

Bioswales are a type of green infrastructure tool that capture, slow and filter runoff related to high intensity rain events. These bioswales are shallow, landscaped depressions that are vegetated. Because bioswales only require limited space, they work well when installed in medians, curb bulb-outs, and other public space areas within a downtown area. These plantings also offer a visually appealing design and add to the overall aesthetic of the corridor. Native plants should be utilizes in these swales as they can better accomodate the influx of water and drought.

Figure 50: Proposed Bioswale Locations

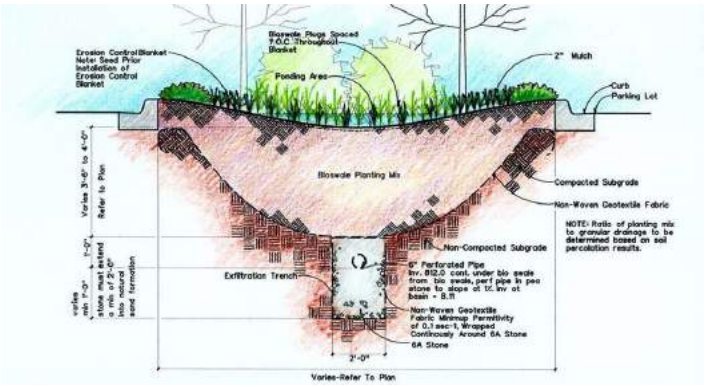


Figure 51: Bioswale Cross-Section and Style Example

03
Install energy efficient or solar based lighting along non-DOT roadways

Solar lighting has become more reliable and usable for downtown situations. While there are more restrictions along non-DOT roadways, it is important that the following be considered for municipally owned/operated roadways:

- **Photometrics shows an overlap of no less than 50%**
- **Lighting metrics offer an adequate shadow cast to provide uniform lighting.**
- **Long-life possibilities should be considered, preferring poles and luminaires with a usable life of 25 years or more.**
- **Festival plugs (requiring independent circuits) should be considered.**
- **Light poles and luminaries with dual power sources (solar and grid power) should be prioritized for longevity purposes**
- **Spacing of solar lights is closer than traditional lights, averaging 100 linear feet apart**

Where applicable and meeting municipal photometric standards, Outlined below are some samples of poles that could be considered:

Source - Greenshine Lighting products

04
Maintain and enhance trees and sidewalk level planting areas along the pedestrian way

The City currently has a variety of street trees and other sidewalk level planting areas throughout Downtown. Continued maintenance of these areas will ensure that they continue to positively contribute to the aesthetics of Downtown. Planting additional trees and street level plantings will further enhance the existing vegetative features. When adding vegetative features, the following elements should be considered:

- **Planting distance: all plantings should be appropriately spaced to maximize the growth and health of the vegetation.**
- **Planting types: a variety should be installed together for greater visual appeal.**
- **Tree size: Trees should be greater than 1 ½ inch diameter.**
- **Planting boxes: should be in greater than 24 inches.**
- **Root Growth: Where possible, tree filters or similar root boxes shouls be installed, allowing for adequate root growth**
- **Overhead utilities: only small-growing trees or sidewalk level plantings should be installed under overhead utilities.**
- **Sight triangle: maintaining the defined sight triangle at intersections to not create an obstruction**

05
Create small rain gardens within curb bulb-outs and parks downtown

Rain gardens common elements included in downtown. These rain gardens can provide a location for managing and temporarily retaining rainfall events, and these facilities are also attractive and an excellent opportunity for plannings that require additional water. Locations for these should be in places where curb-bulb outs are:

- **More significant than 5’ wide and 10’ in length**
- **Where adequate fall and gravity provisions are applicable**
- **In locations away from transformers or other utility connectors**
- **In areas where additional buffering or pedestrian projection is desired.**

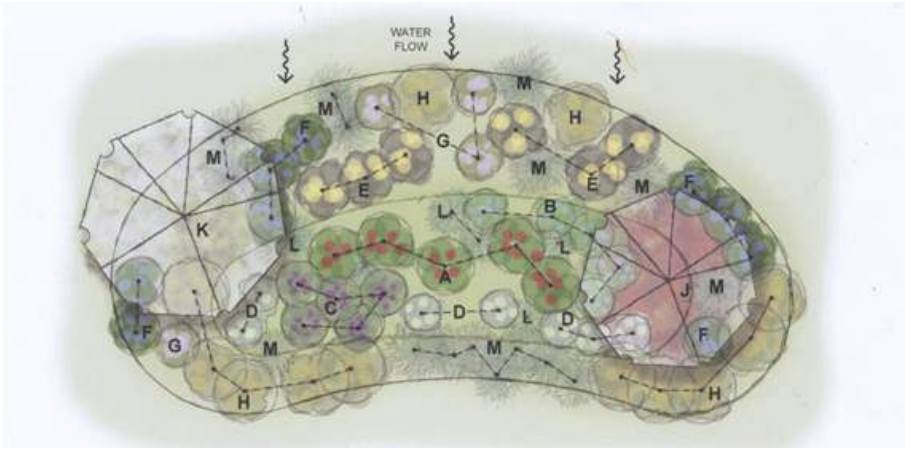


Figure 52: Rain Garden Layout Example

Housing
Recommendations

The key to a successful downtown is getting people into the corridor, and there is no better way to do that than encouraging individuals to live in Downtown. Providing a variety of accommodations within a downtown improves the base of users or taxpayers who utilize the retail establishments. For Hurricane, this would include exploring recommendations that will provide the community with multiple types of housing that would meet the demand for future residents. Recommendations include:

1. **Conduct a building inventory.**
2. **Create upper-floor residences utilizing the overlay district.**
3. **Create upper housing opportunities on State Street between 100 W and 200 W**
4. **Allow multi-family housing to be built to zero lot lines.**
5. **Provide zoning changes allowing a variety of residences in Downtown and surrounding area.**
6. **Encourage attainable housing.**
7. **Reduce parking requirements.**
8. **Craft, adopt, and enforce a short-term rental ordinance for Downtown.**

Detailed information about each of the above-outlined recommendations is provided below:

01
Conduct a building inventory

Preparing buildings and business inventory will help raise awareness of what facilities and services are available downtown. These inventories are focused on documenting the current conditions and availability, helping to document how to maximize the space available. The database can be a simple excel sheet or use a more specific CRM software. It is recommended that this list be prepared and regularly updated, categorizing the following:

- ☑ **Age of buildings**
- ☑ **Condition of buildings**
- ☑ **Utilized or unused spaces**
- ☑ **Owners' information**
- ☑ **Business name and contact information**
- ☑ **Social media handles**
- ☑ **Business owner contact information**

Emphasis should be placed on documenting businesses not only in Downtown but throughout the community. Online and non-brick-and-mortar companies should also be cataloged. There are numerous ways to gather this data, yet the most user-friendly is through self-provision utilizing a survey portal. After the initiated datasets have been collected, an AmeriCorps vista can be hired or used for the year to supplement the list with door-to-door or inline database data points. Software is available to manage this information (such as maestro), but the database must first be created to have importable information. By completing the proposed building and business inventories, the community will be provided with the following benefits:

- ***Increased awareness of downtown merchants***
- ***Improved access and connection with building and business owners***
- ***Opportunities for introductions and cross-promotions***
- ***Increased reach for sales and marketing efforts***

02
Create upper-floor residences utilizing the overlay district

Housing in Downtown forms a symbiotic relationship with businesses. This relationship provides enterprises with “doors” or “roofs” that will use the amenities, and businesses will attract more high-quality tenants. This also creates more centrally located residences which are a great option for young professionals and senior housing. To gain these positive effects, it is recommended that upper floors be considered for housing options, within the overlay district. Property owners within the overlay district may apply for assisted funding for upper-floor residences. The City should allocate funding for these grants or loans to boost the efficiency and attractiveness of Downtown.

The ideal matrix of upper-floor housing in downtown is as follows:

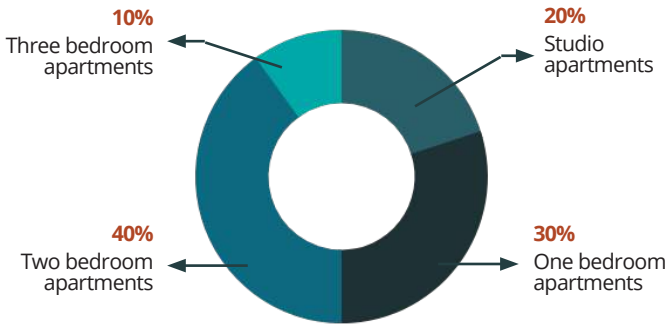


Figure 53: Quoted from the 2019 National Main Street Housing Survey

Some sample floor plans for smaller apartments are outlined below:

Figure 54: Sample Apartment Floor Plan

03
Create upper housing opportunities on State Street between 100 W and 200 W

As outlined in the Targeted Development Scenario (next section), there is an opportunity for additional housing on the currently underutilized parcel on State Street. This parcel is envisioned to be two full and one half stories tall and offer various housing options on the upper floors with an internal parking structure. This density will encourage better utilization of Downtown at all times of day and will provide more ‘roofs’ to attract larger businesses to Downtown. A total of 40,000 Sq Ft of residential space could be created, offering the following opportunities:

40 total units	**15** studio apartments at 550 Sq. Ft.	**16** 1 bedroom/1 bath units at 750 Sq. Ft.	**16** 2 bedroom/2 bath units at 1000 Sq. Ft.	**3** 3 bedroom/2 bath units at 1,350 Sq. Ft.

04
Allow multi-family housing to be built to zero lot lines

Providing increased densities in Downtown core and surrounding neighborhoods will ensure that viable housing options can be provided. Yet, it will require alterations to current building practices. It is recommended that downtown properties be allowed to build up to lot lines, matching the community's existing character. This change will require the following to be amended:

- ☑ **Zero-lot line construction is a right, not by special condition.**
- ☑ **Reduction of off-street parking requirements to zero**
- ☑ **Allowing for increased density massing for two and 3-story buildings (capped at a set height of 34') for structures.**
- ☑ **Requiring facilities to be ROW or back of sidewalk bordered**

Examples of inappropriate setbacks:

Example of uniform and appropriate setbacks:

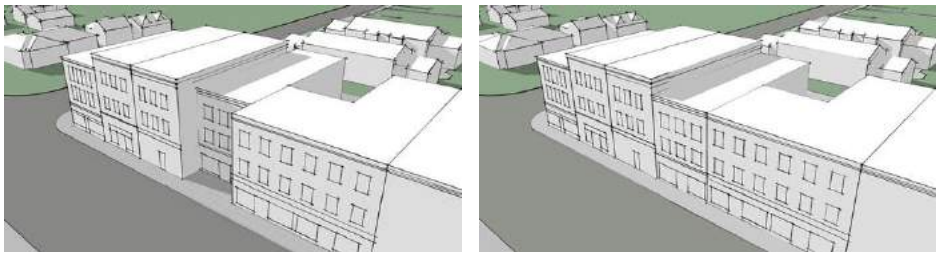


Figure 55: Setbacks, Source: West Point, UT Design Guidelines

05
Provide zoning changes allowing a variety of residences in Downtown

Ensuring a variety of housing is available in Downtown and surrounding zones of Hurricane will allow for more long-term activation of Downtown. Planning for housing in a changing community or demographic creates a moving target, so it is best to provide valuable developments that will adapt to a communities need, while also providing a "life cycle" housing stock within the community.

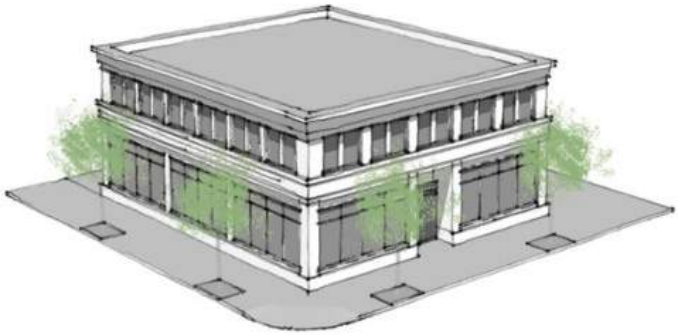
Figure 56: Life Cycle Housing

This will ensure that Hurricane can adapt to the community's changing needs as age cohorts move through their housing cycles, encouraging individuals or families to stay in Hurricane for their entire life.

Outlined below are the proposed housing priorities for Hurricane and their applicable timeframes for implementation:

- **Senior housing and empty-nesters**

In years 1-3, it is recommended to focus on incorporating senior housing into Downtown. This is due to the aging demographic of baby boomers and their soon-approaching transition to non-single-family dwelling units. This type of development requires careful consideration of accessibility and location. All senior housing must be equipped with ADA accessible units, garages, and fixtures, as well as proximity to everyday needs such as groceries and general shopping opportunities. By providing quality amenities in a multi-family complex (or upper floors), Downtown will gain regular patrons, specifically ones that value and expect vital service.

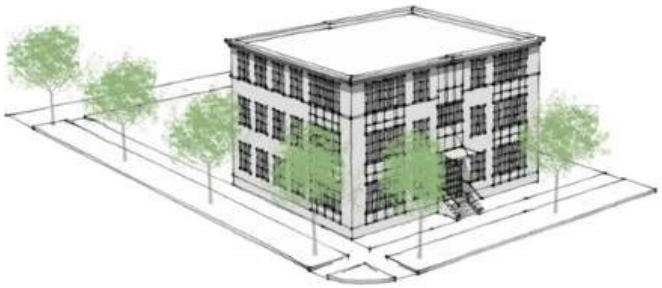


- **Empty-Nester housing**

Also within years 1-3, it is recommended that Hurricane develop the infrastructure for high quality one and 2-bedroom houses that can accommodate families whose children have recently moved out or gone to college. These houses may be new developments or renovated historic homes in the area.

- **Young professional housing**

In years 4-7, it is recommended to focus on young professional housing options. This will drive catalyst changes in Downtown's economy, providing a need for increased variety in services, amenities, and restaurants. Additionally, this will fill a need for non-single family-based housing for entry-level young professionals. These unit types should include studio and one-bedroom options as well as rehabilitated single-family size homes.



- **Family and transitional housing**

In years 8-14, it is recommended to focus on family or transitional housing options. These housing options are often considered last for downtown housing as they tend to provide the most negligible economic impact during a revitalization process. These unit types should focus on facilities (single-family or multi-family) with 3 or more bedrooms.

Priority should be given for these properties through incentives or reduced construction costs for municipal fees. This will ensure that equitable efforts are provided to these missing middle housing, as are given to single-family housing

06
Encourage attainable housing

When more considerable site development or redevelopment is considered, it is recommended that possible accommodation be required at a minimum of 20% of occupiable units. Attainable housing is housing that can be afforded, with average household incomes, using the 30% mortgage payment rule, i.e., the mortgage of a standard home should cost no more than 30% of the take home pay for an average family household income. Possible housing varies from low-income or market-rate housing, providing a missing middle housing option for regular families to purchase in a real estate market witnessing exponential property value growth. This can be completed through a series of options, including:

a. **Grants**
b. **Tax credits**
c. **Reductions in property taxes**

A mixture or massing of the above options may be required, yet it should be considered for developers or property owners attempting to provide attainable housing options.

Figure 57: Middle Housing, Source: Missing Middle Housing, 2020

Supporting the recently adopted moderate-income housing plan, this style of housing is recommended to be permitted within the downtown and surrounding areas

07
Reduce parking requirements

Parking requirements can make it hard to design a vibrant and diverse downtown by prioritizing parking spaces over the safety and comfortability of pedestrians, cyclists, and those taking public transport.

This practice can also impede the ability of a downtown to fully utilize both retail and residential units that maximize economic potential. Reducing parking minimums can help reduce greenhouse gas emissions, while also producing a more attractive urban environment that is used more effectively. To most accurately account for parking needs, this recommendation will require a study to be conducted on regular downtown users and their parking usage.

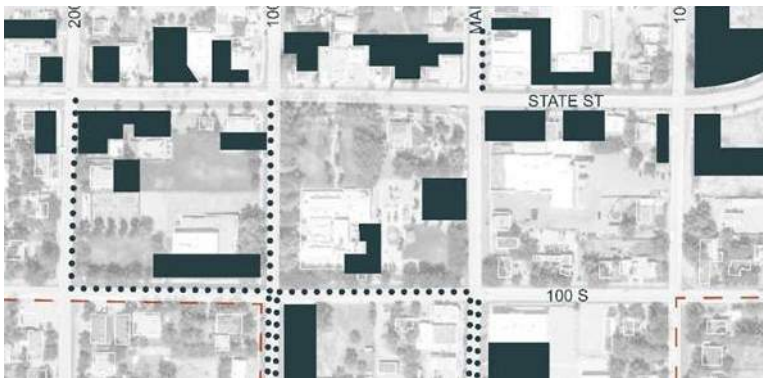


Figure 58: Existing Parking Lots and Angled Street Parking

Considering every building use, occupancy, and proximity to available parking lots, this survey would help determine the exact needs of Downtown in terms of parking stalls. In addition, some businesses may opt to reduce parking by using shared parking agreements. These are most helpful to businesses that require a consistent number of parking stalls, but operate at alternating times of day, relative to other businesses in the agreement. As an interim action step, consideration should be made to 1) reduce the parking minimums, and 2) add the requirement for parking to be located int eh rear of each newly permitted structure.

08
Craft, adopt, and enforce a short-term rental ordinance for Downtown

Short-term rentals can be an asset to a downtown, as they stimulate economic growth and support local businesses with steady traffic of diverse tourists. However, short-term rentals can produce their own unique challenges. To effectively address the short-term rental needs and current conditions in Hurricane, a thorough assessment must be conducted to understand:

- **How many short-term rentals are currently being rented?**
- **How large are the short-term rentals in Hurricane?**
- **When are they most utilized?**
- **How much revenue are short-term rentals generating for the community?**

In addition to understanding the existing conditions, the community will need to identify what role they see short-term rental fulfilling within the downtown. These efforts should strive to provide a balance for considerations of both property owners and neighbors while also filling a regional need for overnight accommodations. Some suggestions for review and implementation are outlined below:

- **Within the downtown, limit rental complexes to a spacing minimum of 100 linear feet**
- **Limit the number of potential complexes on a roadway facing block**
- **Require overnight accommodations have off-street parking facilities**
- **Prioritize rentals in redevelopment or targeted development parcels**
- **Create a registry or waiting list for high demand areas**

Targeted Development Scenarios

Based on the feedback received from the public and the assessment of the existing conditions, the consultant team has prepared a series of recommendations for a major catalyst development site. This process involved a survey of the existing assets and challenges, meetings with the steering committee and City, and thorough analysis of public feedback gathered through survey and public input processes.

Figure 59: Proposed Catalyst Site

The proposed scenario requires the City to acquire an underutilized lot in Downtown. This lot is located on State Street between 200 w and 100 W.

By acquiring this lot, and envisioning its full potential, the City can pursue a public-private development agreement in which all the necessary assets are provided to Downtown, but the cost burden is distributed to a private developer.

The Catalyst site developments are outlined in the below graphic.

Figure 60: Northwest Corner Aerial

Details are outlined below:

Catalyst Site:

- **Between 200 W and 100 W facing State Street**
- **Municipal land ownership through long-term lease**
- **Master developer agreement for Public Private partnership**
- **Relocation of the LDS Family Center within the structure along 200 West**
- **Potential for development in future phase(s)**
- **Two full stories, and a third half floor that is set back from the street facade (45' Tall)**
- **Retail storefront along State Street**
- **Residences and offices on upper floors**
- **Rooftop Terrace**
- **Plaza space and amphitheater for entertainment and events such as small gatherings or concerts and food truck events**
- **50% lot coverage**
- **Frontage buildings with side parking structure**
- **40,000 Sq Ft Residential**
- **32,000 Sq Ft Commercial**
- **Incorporated 100 Car parking facility**

Figure 61: Plan View Render

Figure 62: Northwest Corner Render

Figure 63: Northeast Corner Render

Economic Development
Recommendations

Creating a resilient local economy is one of the most critical components of downtown revitalization any community can undertake. For a downtown, this includes preparing a necessary framework that will bolster the existing amenities, while providing complementary businesses to ensure Downtown remains relevant while also providing flexibility for adaptation. Recommendations are as follows:

1. **Target business clusters for missing amenities.**
2. **Prepare a detailed market analysis and leakage study.**
3. **Offer façade and signage grants.**
4. **Adopt and enforce the international property maintenance code.**
5. **Facilitate a phased master development for municipal properties.**
6. **Diversify cultural amenities.**
7. **Draft and enforce a site development requirement for building permitting in Downtown.**
8. **Site Redevelopment.**
9. **Incentivize property rehabilitation.**

Detailed information about each of the above-outlined recommendations is provided below:

01
Target business clusters for missing amenities

In this Plan's market analysis phase, several end-users were identified as having a supply gap in the trade areas. These businesses are also opportunities that would fit well into the existing Downtown buildings. Attracting these businesses would provide the community with a necessary addition to the tax revenue and create a regional draw to the State Street corridor for regional attributes. This is done through clustering of development typologies, and the businesses for Downtown Hurricane are as follows, restating some of the start-up and growth opportunities from the market analysis.

Pharmacies and Drug Stores

Women's Clothing Stores

Convenience Stores

Jewelry Stores

02
Prepare a detailed market analysis and leakage study

One of the most important things any community can undertake is studying the expenditure of residents and visitors, specifically where, when, and what the funds are being spent on. Preparing a market analysis is not simply providing a series of statistics about expenditures within a community, it is a nuanced and detailed review of a community that illustrates deficiencies, over-expenditures, and other critical factors. The City will be able to build on this Plan's market analysis and:

- **Identify GAPS in services or amenities.**
- **Document areas where the community is over saturated.**
- **Create retail user profiles that document spending habits or characteristics.**
- **Define areas or geographic regions primary visitors are traveling from.**
- **Identify unique attributes about community expenditure habits.**
- **Prepare strategies for business expansions.**

Through this process, a NAICS-level analysis should be created to help identify beneficial targeted clusters. These clusters should be identified for locations within the community, providing a mixture of amenities or services that would benefit from a symbiotic relationship. Samples of targeted clusters are:

- **Women's clothing stores**
- **General Merchandise stores**
- **Jewelry stores**

Through these clustered developments, the community will be able to witness a catalyst style of development that is self-sufficient. As outlined in the above cluster, many of these facilities would serve a relationship with one another, driving increased uses that are consistent and not event driven. All efforts should be made to provide elements that are maximally productive. This process will require further development and revisitation in the future to build upon the market analysis provided in this document.

03
Offer façade and signage grants

As part of recommendation #6 from the Built Environment Recommendation section, a grant application system should be implemented to encourage upkeep of facades in Downtown. This process will require funding to be allocated from outside grants, or from the annual budget.

One great source of funding for this process is the USDA Rural Business Development Grant program. Towns and communities may apply for grants to be used for economic development, as well as planning and training, and even business incubators. Applications are evaluated by economic need, and consistency with local priorities and goals.

It is recommended that the City reach out to interested business owners in advance to get their proposed construction or rehabilitation plans. This information should be organized and ranked accordingly by need and benefit to the city. Once a list and information about each project is compiled along with additional application requirements, the City should apply as soon as the annual application window is opened. If the grant does not cover all projects submitted by the business owners, those projects have already been ranked, and facade grant plans can be updated accordingly based on the approved USDA grant amount.

Figure 64: Façade Grant Use Example, Source: Urban Redevelopment Authority of Pittsburgh, 2019

04
Adopt and enforce international property maintenance code

The international property maintenance code (IPMC) is the industry's standard code enforcement process. This program is utilized by more than 2,000 municipalities across the country and has been found legally defensible regularly in a court of law. Adopting the guidelines and language will provide the community with an easy-to-implement and follow the program, one that will provide a standard of enforcement for all properties. The adoption process for the international property maintenance code is as follows:

- **Sign-up for membership and order code books**
- **Begin reviewing the materials and redacting unnecessary materials from the code book.**
- **Prepare necessary compliance and review paperwork for municipal use.**
- **Set citation or infraction limits, processes, and costs.**
- **Municipal review and redaction of undesired or unnecessary sections.**
- **Adopt the redacted code through the council.**
- **Being implemented uniformly across the community.**

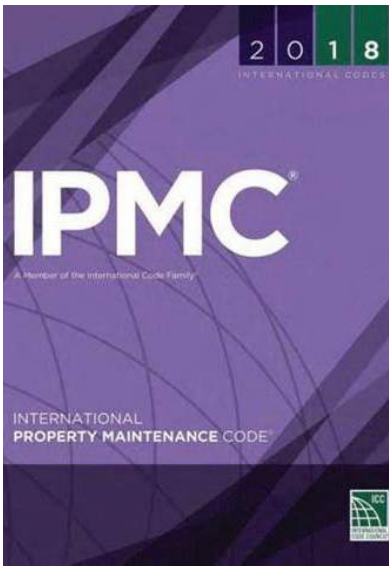


Figure 65: Career Path Graphic, Source: International Property Maintenance Code, 2021

05
Facilitate a phased master development for municipal properties

Transforming and revitalizing catalyst properties is one of the quickest and most impactful downtown revitalization tactics. Within the State Street corridor are several underutilized buildings, yet the property between 200 W and 100 W likely has the largest catalyst potential. Some details about the existing site are as follows:

- **Located at a prime location for maximum visibility.**
- **Only 8,500 Sq Ft of existing structures**
- **Opportunity for strategic municipal purchases**

Improvements to the site and facilities are as follows:

- **100,000 Sq. Ft. development area, allowing for multiple uses.**
- **Includes multiple entrances and rentable spaces.**
- **Offers potential alleyway access for deliveries or other necessary uses.**

Based on these characteristics, this property would have the most significant potential to positively impact Downtown. To ensure the property meets underserved needs, the following uses should be included:

PROPOSED USE	SPACE ALLOCATION	LOCATION	PURPOSE
Downtown food hall	5,000	Close to centralized entrance	A food hall is a rotating food preparation facility with multiple smaller stands or facilities. These facilities can both serve as an incubator for growing businesses, as well as provide year-round opportunities for local food trucks.
Ice cream parlor	1,500	High visibility	Nothing says downtown like an ice cream parlor. This facility should offer homemade or local sources ice cream and ample room for people to gather.
Household appliance & electronics store	4,000-6,500 Sq. Ft.	Access to loading	Currently, the community has a shortage in facilities that sell appliances and home electronics. This space will provide convenience for residents to equip their homes from a local establishment.
New & Used clothing stores	2,500-7,000 Sq. Ft.	Front of building	This space would serve as a resource for residents and visitors. With a significant gap in clothing retail stores, Hurricane could quickly reclaim this spending as potential revenue.
Bakery	1,800 Sq. Ft.	Northeast corner	Providing a local alternative to morning snacking and meals will help encourage longer activation of Downtown by both tourists and residents. Having such an amenity in Downtown will create a more convenient variety of shops.
Sporting goods or camping needs	5,000	Near parking	This facility would provide the community with an undermet need, specifically that of camping or non-big box store supplies. Due to the year-round recreation of the Hurricane area, this store is viable all-year round.
Coffee shop/ roastery	2,000	High visibility	Currently the community is undermet in facilities for lingering, socializing, and becoming part of the community. This facility, partnered with the bakery, would provide the residents with a necessary space to gather and enjoy their beverages of choice.

Figure 66: Suggested Building Uses

Efforts should be made to purchase and target marketing of parcels to necessary businesses. By acquiring these parcels, the community will be able to make the necessary catalyst changes much more quickly. Such parcels include the Hurricane Car Lot and the properties at 117 and 135 State Street. By purchasing these sites, the City would be the landowner of most of the block, offering the community a strong opportunity for catalyst development through a master developer agreement.

06
Diversify cultural amenities

Targeting development of specific amenities that encourage tourism and play into the outdoor recreation culture of Southern Utah will allow the City to reach its full potential of tourism spending. Existing businesses that already do such include Southern Utah Adventure Center and Over the Edge Sports. Additional new and used sporting goods stores and rental businesses will help boost this tourism effort. The City should partner with these existing business owners and help them reach their full potential with strategic location changes and facade or site enhancements.

The City should also consider hosting events that specifically benefit local businesses and craft vendors, as well as tailoring their permitting process to favor business owners with residency in Hurricane. Supporting Hurricane's existing asset businesses and business owners will further develop the identity and pride felt in Downtown.

07
Draft and enforce a site development requirement for building permitting in Downtown

Requirements for site development can be hard to regulate and organize. Using site development requirements that include a clear site plan for Downtown developments is a successful strategy for managing what is being designed and included. As part of this process, the City should evaluate what priorities or goals they would like to address within each site. Such goals should pertain to:

- **Parking**
- **Landscaping**
- **Hardscaping**
- **Entry locations**
- **Building orientation**
- **Pedestrian & cyclist amenities**

Once these priorities have been established, the building permitting process can be amended to require that each building have a site plan that clearly addresses such issues. Developing this process will help benefit Downtown by:

- **Creating cohesion within the look and feel of the streetscape and adjacent building designs.**
- **Highlight Downtown's goals and bring them to fruition.**
- **Create an easier understanding of building entrances and wayfinding.**
- **Prioritize the safety and accessibility of pedestrians and cyclists.**

08
Site Redevelopment

Reactivation of Downtown anchor buildings will provide one of the strongest ROIs possible and positively impact the overall corridor's economic health. Adjacent to the development outlined within the Targeted Development Scenario in the previous section, some multiple buildings and amenities would benefit from remodeling or rehab. The City Recreation Center and Fine Arts Building have both received heavy utilization by the community and highlight the need for great recreation and civic spaces within Hurricane.

The City will need to thoroughly study both buildings to understand their current uses and the potential for future retrofit or reconstruction that may improve upon these needs. If upgrades are done in conjunction with the Targeted Development, the city will have the opportunity to create an intentionally designed city center and anchor that provides updated recreational amenities for its residents. This can help set the tone aesthetically and architecturally for the rest of Downtown. Designing and implementing these upgrades will also give the community better facilities to meet their needs more effectively.

09
Incentivize property rehabilitation

A typical roadblock for property rehabilitation is the perception of unattainable increases in property taxes caused by property reassessments. A property tax deferment can encourage property redevelopment, specifically for municipal-based real estate tax increases. Removing this potential or perceived barrier will aid in building catalyst changes in Downtown. This program should conform to the following elements:

- **Be provided upon request, not automatically provided.**
- **Provide tax increase deferment on municipally based real estate tax for five years.**
- **Allow participants to improve their properties and increase rents before additional revenue is needed.**
- **Encourage regular maintenance through a rolling 15-year calendar for program participation.**

Implementing the use of GIS software integrated with permitting software, the City will be able to easily track what property upgrades have been done throughout the years by browsing each parcel and owner. Through this rehabilitation program, the community can conduct necessary work and gather additional revenue regularly before being concerned about other tax payments. Additionally, this program will empower property owners to make catalyst improvements with less fiscal impact.

05

IMPLEMENTATION STRATEGIES

IMPLEMENTATION STRATEGIES

As important as the recommendations are, preparing a priority order or ranking for implementation will ensure the proper steps are completed at the right time. Outlined below are the top prioritized projects and necessary action steps for implementation

YEAR 0 - 2

1

ALTER LOCAL ORDINANCES AND ZONING TO REQUIRE RETAIL OR SERVICE-BASED INDUSTRIES IN THE DOWNTOWN CORRIDOR

Land Use Recommendation No. 4

a. Research best practices from surrounding communities
b. Craft a set of draft ordinances and proposed changes
   i. *Identify an area where the ordinance will be implemented*
   ii. *Determine if current zoning / permitted uses will be followed or if amendments will need to be made to permitted uses within the defined area*
c. Complete the adoption process with planning and council

2

IMPLEMENT A VACANT PROPERTY ORDINANCE

Land Use Recommendation No. 1

a. Research best practices from surrounding communities
b. Craft a set of draft ordinances and proposed changes
   i. *Requirements for building use*
   ii. *Thresholds for vacancy tenure*
   iii. *What a "used" building entails*
   iv. *Incentives and penalties related to compliance*
c. Complete the adoption process with planning and council
d. Identify, create, and implement tracking mechanisms
e. Determine penalties for noncompliance and create and enforce enforcement mechanisms
f. Update vacant property list regularly

3

PAINT HIGHLY VISIBLE CROSSWALKS

Urban Design Recommendation No. 1

a. Start with temporary paintings along 100 S in partnership with the community (i.e., high school students, event celebrations, etc.)
b. Gather funding for permanent thermoplastic crosswalks

4 **CREATE A MIXED-USE ZONING DISTRICT, SPECIFICALLY WITHIN THE DOWNTOWN, ALLOWING AND ENCOURAGING A VARIETY OF USES ON UPPER FLOORS SUCH AS DWELLING UNITS, OFFICE SPACES, AND STUDIOS** Land Use Recommendation No. 2	a. Research best practices from surrounding communities b. Craft a set of draft ordinances and i. *Identify permitted uses within the mixed-use zone* ii. *Define the permitted density of development in a mixed-use zone* c. Update the zoning map to reflect the new mixed-use zone in downtown d. Complete the adoption process with planning and council
5 **CRAFT, ADOPT, AND ENFORCE A SHORT-TERM RENTAL ORDINANCE FOR THE DOWNTOWN** Housing Recommendation No. 8	a. Assess existing short-term rentals' current needs b. Identify what the City and the community would like to see. c. Adopt an ordinance specifying the number of short-term rentals allowed in the downtown and what is required of those rentals. d. Allocate funding for enforcement.
6 **CREATE AN OVERLAY ZONE FOR THE DOWNTOWN CORRIDOR (RELATED EXPLICITLY TO FORM-BASED CODES)** Land Use Recommendation No. 3	a. Research best practices from surrounding communities b. Identify the areas to be included in the overlay zone i. *Incorporate form-based code into overlay regulations as developed in Implementation Strategy 17* c. Craft a set of draft ordinances d. Update the zoning map to reflect the location of the overlay zone e. Complete the adoption process with planning and council
7 **ALLOW MULTI-FAMILY HOUSING TO BE BUILT TO ZERO LOT LINES** Housing Recommendation No. 4	a. Establish zero-lot line construction as a right b. Allowing for increased density massing for two and 3-story buildings (capped at a set height of 40') for structures c. Require facilities to be ROW or back of sidewalk bordered
8 **PROVIDE ZONING CHANGES ALLOWING A VARIETY OF RESIDENCES WITHIN THE DOWNTOWN** Housing Recommendation No. 5	a. Assess current zoning requirements b. Review and amend the code to allow for increased densities c. Eliminate requirements that prohibit certain housing types d. Rewrite zoning requirements to allow multiple housing types and styles as long as the preferred density is achieved.

9	
WORK WITH A LOCAL REALTOR(S) TO CREATE A DOWNTOWN PROPERTIES MARKETING DATABASE	a. Identify local realtors and create a partnership to implement recommendations. b. Create a list of eligible properties. c. Conduct assessments of the building condition, zoning, potential end-use types, etc. Also, gather owner or listing agent contact information. d. Create marketing materials and flyers for each identified property e. Create a website for available properties f. Share information about available properties with developers i. *Utilize an online platform where interested parties can easily access these marketing materials* g. Maintain and update the list regularly
Built Environment Recommendation No. 5	

10	
UPDATE AND ENFORCE SIGNAGE REGULATIONS	a. Research best practices from surrounding communities b. Review existing signage regulations i. *Identify corrections or additions needed to the current regulations* c. Craft a set of draft ordinances d. Identify and implement enforcement mechanisms for regulations e. Complete the adoption process with planning and council
Built Environment Recommendation No. 1	

11	
MAINTAIN AND ENHANCE TREES AND SIDEWALK LEVEL PLANTING AREAS ALONG THE PEDESTRIAN WAY	a. Identify existing areas where trees and street-level plantings are already present b. Assess the current condition of existing vegetative areas c. Implement plantings in areas where additional buffering is needed d. Determine ongoing maintenance needs and implement them as needed. Adjust fiscal budgets as required to accommodate necessary maintenance e. Conduct a downtown assessment to identify areas where trees and street-level plantings could be added f. Determine the estimated cost of such installations and budget accordinglyalready present
Green Infrastructure Recommendation No. 4	

12	
CLOSE 100 W FROM 100 S TO STATE STREET	a. Lock and reinforce permanent barricades b. Identify locations for, and stripe accessible parking locations c. Create an accessible turn-off for pick-up/drop-off along 100 South d. Remove/reduce curbs along 100W to create zero-grade transitions e. Provide vegetation in pots and moveable items to reduce heat island effect
Urban Design Recommendation No. 2	

13	
REDUCE PARKING REQUIREMENTS, ALLOWING FOR INCREASED DENSITY STRUCTURES	a. Identify current users and parking needs within the downtown b. Identify where the required on and off-street parking requirements for existing and new developments should be reduced (based on current and proposed users and needs) c. Craft a draft ordinance that updates the appropriate zoning regulations as they relate to on and off-street parking d. Complete the adoption process with planning and council e. In addition to the proposed ordinance change, locate existing parking lots and structures that can be utilized and potentially shared f. Facilitate and encourage shared agreements between businesses where feasible.
Housing Recommendation No. 7	

14	
INTEGRATE A HISTORICAL OR CULTURAL TRAIL THROUGH THE DOWNTOWN CORRIDOR	a. Identify historical and cultural assets throughout the downtown corridor b. Create a database with location and background information c. Create graphic representation/route of identified assets d. Distribute trail routes at places of business, as well as online, so individuals can access it and utilize trail route e. Create a QR code or another interactive aspect where individuals can learn more information about an asset as they pass through the downtown
Parks & Civic Space Recommendation No. 3	

15	
OFFER FAÇADE AND SIGNAGE GRANTS	a. Adopt design guidelines b. Identify funding for program implementation and administration c. Create a grant application program d. Establish criteria for awarding applicants e. Allocate funding from outside grant sources or annual budget
Economic Development recommendation No. 3	

16	
ADOPT AND ENFORCE INTERNATIONAL PROPERTY MAINTENANCE CODE	a. Sign-up for membership and order code books b. Review the materials and redact unnecessary materials from the code book c. Prepare necessary compliance and review paperwork for municipal use d. Set citation or infraction limits, processes, and costs e. Adopt the redacted code through the council f. Being implemented uniformly across the community
Economic Development Recommendation No. 4	

17	
DRAFT AND ENFORCE A SITE DEVELOPMENT REQUIREMENT FOR BUILDING PERMITS WITHIN THE DOWNTOWN	a. Establish goals for on-site parking, landscaping, hardscaping, entry locations, building orientation, and pedestrian & cyclist amenities. b. Require a site plan as part of the permitting process within downtown c. Create regulations for key goals to be shown on submitted site plans
Economic Development Recommendation No. 7	

18	
PREPARATION AND IMPLEMENTATION OF FORM-BASED CODE, SPECIFICALLY IN THE DOWNTOWN OVERLAY ZONE	a. Adopt an overlay zone within downtown where form-based codes will be implemented (see Implementation Strategy 6) b. Define and outline preferred development standards for construction within the overlay zone. c. Draft proposed guidelines d. Create a mechanism for enforcement of the form-based codes e. Complete the adoption process with planning and council
Built Environment Recommendation No. 7	

19	
NEW CORRIDOR AND SIGNAL WARRANT STUDY ON STATE STREET	a. Coordinate with UDOT about a new corridor and signal warrant study on State Street b. Secure internal funds and external grants (i.e., Dixie MPO) to provide a match for the study c. Help conduct and finalize the investigation in coordination with UDOT
Transportation Recommendation No. 1	

20	
CREATE A PEDESTRIAN AND BICYCLE-ONLY STREET ON 100 W BETWEEN 100 S TO STATE STREET	a. Temporary closure (3-4 months) during summer months b. Implement tactical urbanism and programming to increase space utilization (community art, fairs, events, etc.) c. Complete street closure after adoption with the planning commission and council
Urban Design Recommendation No. 2	

21	
STRATEGICALLY LOCATE ACCESSIBLE PARKING FOR EQUITABLE ACCESS	a. Identify areas close to destination entrances that can host accessible parking spots b. Count parking spots within each block c. Implement a minimum of 1 accessible stall for every 25 stalls
Urban Design Recommendation No. 7	

22	
INSTALL PARKING SIGNAGE WITH A MAXIMUM OF 2-HOUR TIME LIMIT	a. Identify areas where parking demand exceeds capacity, usually near the entrance of destinations and establishments b. Install 2-hour parking limit signs every 25’ distance
Urban Design Recommendation No. 8	

YEARS 3 - 7

1.	**Install parking signage with a maximum of 2-hour time limit** • *Identify areas where parking demand exceeds capacity, usually near the entrance of destinations and establishments.* • *Install 2-hour parking limit signs every 25' distance.*	Urban Design Recommendation No. 8
2.	**Increase crossing time at the intersection of State Street and Main Street** • *Adjust the crossing time of the signal following recommendations from the State Street corridor and signal warrant study.*	Transportation Recommendation No. 5
3.	**Add a 4-way stop sign at the intersection of 200 W and 100 N**	Transportation Recommendation No. 6
4.	**Implement two additional stop signs on 100 N at the corner of 200 W to convert it to a 4-way stop sign. Implement an annual façade program**	Built Environment Recommendation No. 6
5.	**Implement a tree & vegetation ordinance for installation and maintenance.**	Parks & Civic Space Recommendation No. 4
6.	**Create downtown design guidelines**	Built Environment Recommendation No. 2
7.	**Prepare additional hard-surface recreational play spaces within the downtown core.**	Parks & Civic Space Recommendation No. 2
8.	**Integrate the downtown recreational core into the trails network**	Parks & Civic Space Recommendation No. 1
9.	**Incentivize development of mixed-uses for developers acquiring underutilized downtown properties.**	Built Environment Recommendation No. 4
10.	**Install energy-efficient or solar-based lighting along non-DOT roadways**	Green Infrastructure Recommendation No. 3
11.	**Implement xeriscape design for new construction or rehabilitation**	Green Infrastructure Recommendation No. 1
12.	**Create small rain gardens within curb bulb-outs and parks downtown**	Green Infrastructure Recommendation No. 5
13.	**Provide zoning changes to ensure a minimum Floor Area Ratio (FAR) is met.**	Land Use Recommendation No. 5
14.	**Conduct a building inventory**	Housing Recommendation No. 1
15.	**Create upper-floor residence allowances utilizing the overlay district**	Housing Recommendation No. 2
16.	**Encourage attainable housing with deferred taxes or other financial incentives**	Housing Recommendation No. 6
17.	**Facilitate a phased master development for municipal catalyst site between 100 W and 200 W**	Targeted Development Scenario & Economic Development Recommendation No. 5
18.	**Create upper housing opportunities on State Street between 100 W and 200 W in conjunction with the Targeted Development Scenario**	Housing Recommendation No. 3
19.	**Prepare a detailed market analysis and leakage study**	Economic Development Recommendation No. 2
20.	**Incentivize property rehabilitation**	Economic Development Recommendation No. 9

21.	**Explore the HAWK signal and median at 100 W** • *Run corridor and signal warranty study in coordination with UDOT* • *Gather funding for design and engineering* • *Complete design and gather funding for construction* • *Finalize construction*	Urban Design Recommendation No. 3
22.	**Explore the new traffic signal at 200 W and State Street** • *Run corridor and signal warranty study in coordination with UDOT* • *Gather funding for design, engineering, and implementation* • *Install new signal*	Urban Design Recommendation No. 4
23.	**Create curb bulb-outs at non-DOT intersections and crosswalks** • *Create an implementation strategy for curb bulb-outs in partnership with UDOT* • *Gather financing for design and engineering* • *Complete design and gather funding for construction* • *Finalize construction*	Urban Design Recommendation No. 5
24.	**Help facilitate discussions with property owners for shared parking lots** • *Continue to work with current and new property owners on shared parking agreements.* • *Finalize shared parking agreements.*	Urban Design Recommendation No. 6
25.	**Add curb, gutter, sidewalks, and stripped parking along 100 N** • *Continue to secure funding for design and construction* • *Complete design and engineering of the project* • *Start construction*	Urban Design Recommendation No. 10
26.	**Install wayfinding/parking signage** • *Conduct a wayfinding plan to determine the location and content of signs.* • *This plan is best done with the abovementioned lighting and gathering spaces assessment.* • *Get the plan adopted by the planning commission and council* • *Start budgeting and securing funding for design and construction* • *Implement wayfinding and parking signage*	Transportation Recommendation No. 2
27.	**Install bicycle facilities and sidewalks throughout downtown** • *Verify locations of bike lanes and marked shared roadways in this map* • *Implement new bicycle facilities as roadways get re-paved or re-stripped* • *Finalize implementation of bike lanes and celebrate shared routes downtown*	Transportation Recommendation No. 3
28.	**Convert parallel parking to angled parking and restripe parking along 100 S to mitigate closure of 100 W** • *Verify the re-striping or re-pavement plan of 100 S; if possible, coordinate efforts to simultaneously re-stripe angled parking on 100 S between Main Street and 100 W.* • *Continue and finalize to re-stripe parking along 100 S between 100 W and 300 W*	Transportation Recommendation No. 4

YEARS 8 - 15

1.	**Improve the historic amphitheater, and include a new amphitheater within the Targeted Development Scenario**	Parks & Civic Space Recommendation No. 6
2.	**Design and implement bioswales along the downtown corridor walkways and parking areas**	Green Infrastructure Recommendation No. 2
3.	**Increase the size of sidewalks to encourage longer visit durations**	Parks & Civic Space Recommendation No. 5
4.	**Create mid-sized, hard-surface, community gathering spaces within the downtown**	Built Environment Recommendation No. 3
5.	**Target business cluster for missing amenities**	Economic Development Recommendation No. 1
6.	**Diversify cultural amenities**	Economic Development Recommendation No. 6
7.	**Site Redevelopment**	Parks & Civic Space Recommendation No. 6

8.	**Consider creating additional municipal parking lots to support site density development** • *Identify potential parcels for the creation of new municipal parking lots* • *Conduct an appraisal of the property to determine its market value* • *Negotiate with property owners to purchase the parcel at a fair price. This may involve making an offer, counter-offers, and ultimately agreeing on a purchase price.* • *Secure funding to purchase the parcel. This may involve using public funds or seeking grants or loans from the government or other sources.* • *Acquire the parcel. This may involve obtaining necessary permits, transferring ownership, and paying the purchase price.* • *Final design and construction of parking lots.*	Urban Design Recommendation No. 9

9.	**Install more appropriate (pedestrian scale) lighting and other amenities within the corridor** • *Conduct a lighting assessment to determine key areas where illumination is needed downtown. This may involve conducting a survey or consultation with residents and stakeholders.* • *Start budgeting and securing funding for design and construction.* • *Final construction of new lighting amenities*	Urban Design Recommendation No. 11

10.	**Create additional public gathering spaces adjacent to the ROW space** • *Conduct a plan for determining the need, location, and types of gathering spaces in downtown Hurricanes.* • *Get the plan adopted by the planning commission and council* • *Start budgeting and securing funding for design and construction* • *Start implementing new gathering amenities and spaces* • *Final construction of new gathering amenities and spaces.*	Urban Design Recommendation No. 12

HURRICANE DOWNTOWN

MASTER PLAN

APRIL

2023

PREPARED BY

Downtown Redevelopment Services
100 E Main St, Suite 100
Ravenna, OH 44266

CRSA
175 S Main St, Suite 300
Salt Lake City, Utah 84101

HURRICANE DOWNTOWN PLAN

TIMELINE

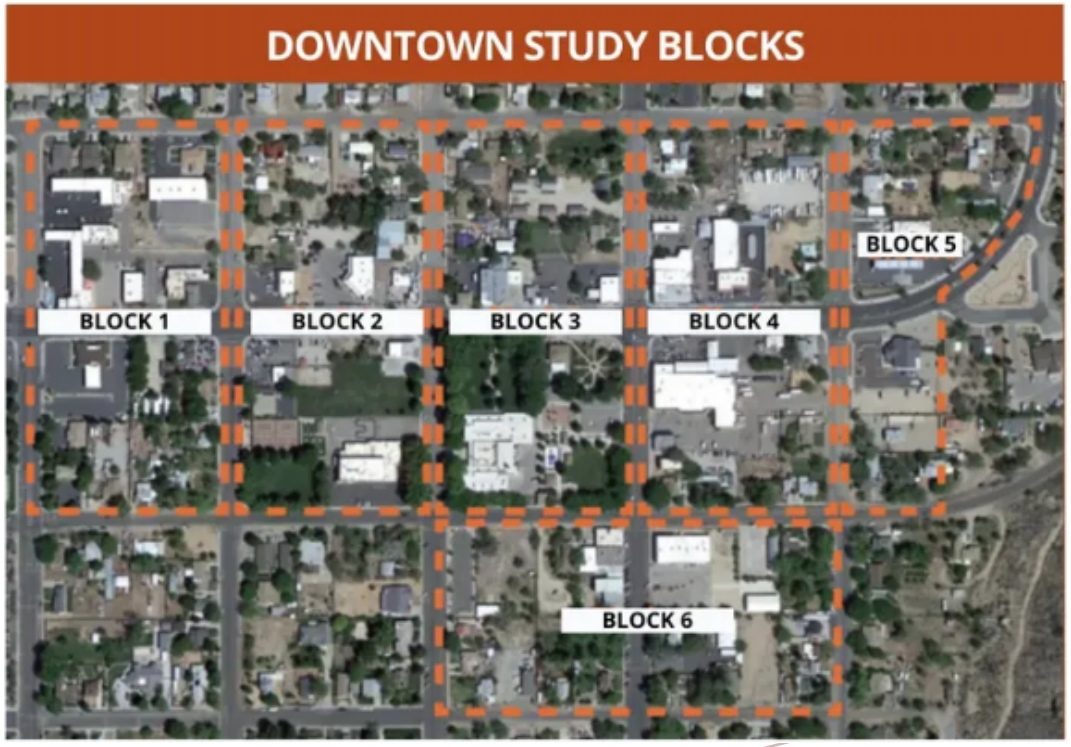
- $45,000 grant from UDOT
- Steering Committee starting meeting in October
- 2 online surveys and 3 public input open houses
- Received comments from over 600 residents

KEY SECTIONS

- Existing Conditions
- Market Analysis
- Public Input Synopsis
- Recommendations
- Implementation Strategies

EXISTING CONDITIONS

- Six study blocks
- From 300 W to the curve
- From 100 N to 100 S and to 200 S from 100 W to 100 E



MARKET ANALYSIS

- There is a potential for more retail and restaurants within the downtown

1. PHARMACIES & DRUG STORES
2. CONVENIENCE STORES
3. WOMEN'S CLOTHING STORES
4. SHOE STORES
5. JEWELRY STORES
6. SPECIALTY FOOD STORES
7. SNACK & NON-ALCOHOLIC BEVERAGE BARS
8. ELECTRONIC STORES
9. LUGGAGE & LEATHER GOODS STORES
10. ALL OTHER GENERAL MERCHANDISE STORES

RECOMMENDED USE	SPACE ALLOCATED IN THE BUILDING (SQ. FT)	POTENTIAL LEASE RATE	POTENTIAL MUNICIPAL REVENUE CAPTURE PER FOOT
Pharmacies & Drug Stores	6,500	$20.00	$7.46
Convenience Stores	5,000	$18.00	$2.14
Women's Clothing Stores	2,000	$15.00	$4.40
Shoe Stores	1,500	$17.50	$7.45
Jewelry Stores	2,000	$20.00	$6.45
Specialty Food Stores	5,000	$15.00	$1.83
Snack & Non-Alcoholic Beverage Bars	1,500	$17.50	$4.09
Electronic Stores	5,000	$20.00	$5.60
Luggage & Leather Goods Stores	2,000	$15.00	$3.17
All Other General Merchandise Stores	7,500	$15.00	$2.57

Note: The quoted rates are outlined as regional standards. Further review is required for market condition applicability.

PUBLIC INPUT

- Over 600 responses were received to surveys about the downtown
- Staff and consultants have worked to integrate citizen comments and concerns into the plan

THE RESULTS

Outlined below are some of the critical critical community character elements determined through the engagement process:

Residents enjoy the small-town atmosphere of Hurricane

There are concerns that revitalization efforts and development will detract from the small-town feel of the City

33.8% of residents have lived in the community for one to five years

37.4% of respondents visit the downtown area daily

75.1% of survey respondents stated there are not enough service and retail options in Downtown

72.9% of respondents (from the 75.1%) indicated date night dining options as a top priority

89.9% of survey respondents support further downtown revitalization in Hurricane

71.8% of respondents indicated improved retail and service opportunities would make Downtown more vibrant

RECOMMENDATIONS

LAND USE

- Allow ground-floor retail or service industries on Main St
- Create a Downtown mixed-use zoning district
- Implement a vacant property ordinance

BUILT ENVIRONMENT

- Form based code for Downtown
- Annual façade program

PARKS & CIVIC SPACE

- Downtown historic walking tour
- Integrate the downtown recreational core into trails network

RECOMMENDATIONS

ECONOMIC DEVELOPMENT

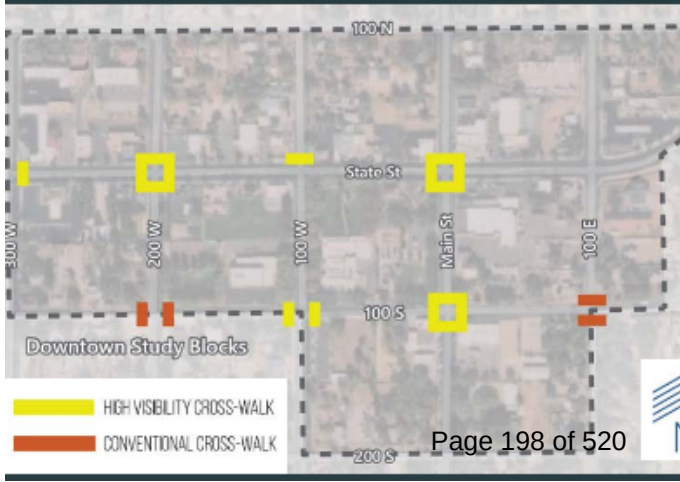
- Prepare a detailed market analysis
- Incentivize property rehabilitation
- Target business clusters for missing amenities
- Planning Staff has asked for budget money to do a full Economic Development Master Plan for next fiscal year

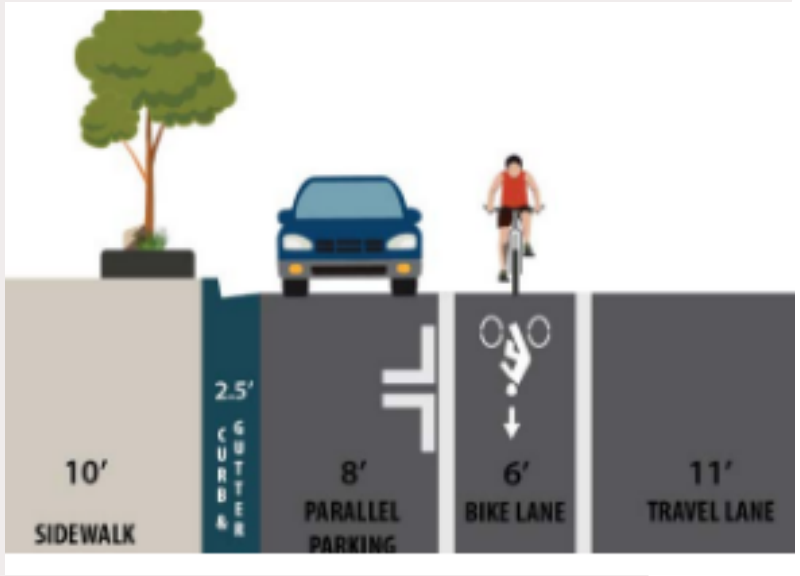
HOUSING

- Allow for housing in upper floors of downtown buildings
- Reduce parking requirements where shared use parking is available
- Allow a greater variety of housing types downtown

RECOMMENDATIONS

- **TRANSPORTATION**
- High visibility crosswalks to promote more walkability and visual appeal within the downtown
- Can be installed temporarily or permanently (or both!)





RECOMMENDATIONS

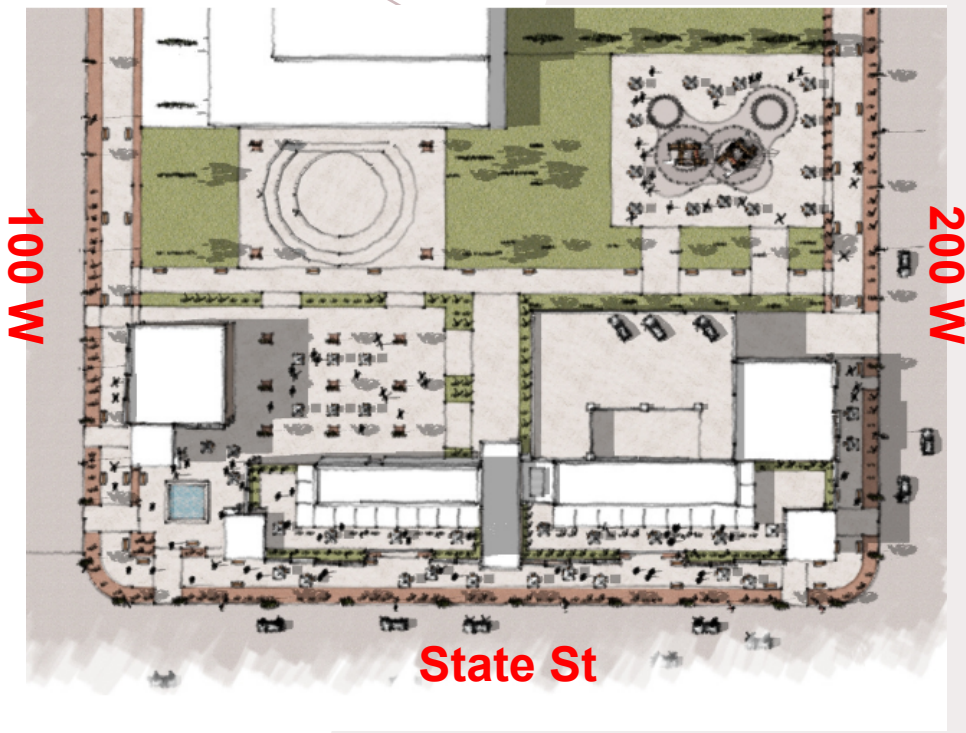
- **BIKE INFRASTRUCTURE**
- Bike lanes should be installed along busier roadways (100 N or Main St)
- Shared roadways along less busy roadways (100 S)

RECOMMENDATIONS

- On May 18th the City Council voted to close 100 W from State St to 100 S from Memorial Day to Labor Day this year
- The current General Plan and Downtown Plan believe this will provide open space within the

CATALYST SITE

- The buildings on the corner of 100 W and State St need to be removed
- The property is owned by the City
- Mixed Use 2-story building with rooftop patios
- Three story parking garage
- Can incorporate the current Family History Center



IMPLEMENTATION

- Downtown Master Plan features a 15-year implementation timeline
- Start with changing ordinances and start budgeting money for larger projects

HURRICANE CITY
UTAH

STAFF COMMENTS

Consideration and possible approval o**f Ordinance 2023-APA-01 approving an agriculture protection zone** for parcels H-3-2-3-44, H-3-1-4-21011, H-3-1-10-4471, and H-3-2-3-3315. - Kenneth Heaton

Discussion:

Findings:

Recommendation:

Attachments:

1. Ordinance 2023-APA-01 Heaton
2. 2023-APA-01 App
3. 2023-APA-01 Heaton
4. 2023-APA-01 Plans
5. Recomendation Letter

ORDINANCE NO 2023-APA-01

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE APPROVING THE AGRICULTURAL PROTECTION OVERLAY ZONE FOR PARCELS H-3-2-4-21011 H-3-2-3-344, H-3-2-3-3315, AND H-3-2-10-4471

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

WHEREAS, the land is currently being used for agricultural production and has plans to be used for immediate agricultural production; and

WHEREAS, the land is either zoned for agricultural use or is a legal nonconforming use; and

WHEREAS, the property is viable for agricultural use; and

WHEREAS, the property exceeds five acres; and

WHEREAS, approving the use of this land for agriculture is consistent with current and expected technological trends in agriculture; and

WHEREAS, the Hurricane City General Plan encourages the City to approve Agricultural Protection Zones in appropriate areas; and

WHEREAS, the Hurricane Planning Commission gave a positive recommendation to approve Parcels H-3-2-4-21011, H-3-2-3-344, H-3-2-3-3315, and H-3-2-10-4471 excluding the areas needed for the full cross-sections for the future master planned buildout of the roadways known as 1150 W, 900 S, 1300 S, and 1500 S; and

WHEREAS, the City has a need to protect future roadway and utility corridors within the City for continued growth.

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

1. The proposed Agricultural Protection Overlay Zone for Parcels H-3-2-4-21011, H-3-2-3-344, H-3-2-3-3315, and H-3-2-10-4471 is approved excluding the area needed for 1150 W, 900 S, 1300 S, and 1500S cross-sections including public utility easements.

PASSED AND APPROVED on this 15th day of June 2023.

Hurricane City

_____

Mayor

Attest:

_____
Cindy Beteag, City Recorder

The foregoing Ordinance was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the ___ 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:

	Yea	Nay	Abstain	Absent
Joseph Prete	___	___	___	___
David Sanders	___	___	___	___
David Hirschi	___	___	___	___
Kevin Thomas	___	___	___	___
Doug Heideman	___	___	___	___

_____
Cindy Beteag, Recorder

AGRICULTURAL PROTECTION AREA APPLICATION

City of Hurricane
147 North 870 West
Hurricane, UT 84737
(435) 635-2811
FAX (435) 635-2184

For Office Use Only:
File No. 2023-APA-01
Receipt No. N/A

Name: Kenneth W. Heaton FCPTE **Telephone:** (435) 773-5252

Address: 1184 ST. James, ST. George, UT **Fax No.** _____

Agent (If Applicable): _____ **Telephone:** _____

Email: kheaton47@gmail.com

To be included in an agriculture protection area established within Hurricane City land must consist of at least five (5) contiguous acres.

The application shall include:
1. The land in agriculture production that the proposal sponsors wish to become part of an agriculture protection area.
2. Any limits on the types of agriculture production to be allowed within the agriculture protection area;

_____

_____

3. For each parcel of land: (a) The owners of the land contained within the parcel; (b) The tax parcel number or account number of each parcel; and (c) The number or account number of acres as listed on the parcel tax records.

Owners Name(s)	Tax Parcel #	# of acres
Kenneth W. Heaton	164775 (H-3-2-3-344)	5.01
Kenneth W. Heaton	163710 (H-3-2-4-21011)	4.86
Kenneth W. Heaton	146509 (H-3-2-10-4471)	22.71
Kenneth W. Heaton	164742 (H-3-2-3-3315)	8.57

In order for this to be a complete application, it shall include:
(a) a plat from the county recorder's office showing each parcel of land with each outlined in color to identify proposed area. (b) application fee, if any, as outlined on the city fee schedule, available from the city recorder/clerk.

In order to apply for agricultural protection, the area being proposed must be evaluated based upon;
State Code 17-41-305, Criteria to be applied in evaluating proposals for the creation of agriculture protection areas.
In evaluating a proposal and in determining whether or not to create or recommend the creation of an agriculture protection area the advisory committee, planning commission, and county commission shall apply the following criteria:

1. Whether or not the land is currently being used for *agriculture production;*
2. Whether or not the land is zoned for agriculture use;
3. Whether or not the land is viable for *agriculture production*;
4. The extent and nature of existing or proposed farm improvements; and
5. Anticipated trends in agriculture and technological conditions.

NOTE:** the term ***agricultural production is defined by state law as follows:

State Code 17-41-101 Definitions

"Agriculture production" means production for commercial purposes of crops, livestock, and livestock products, the processing or retail marketing of any crops, livestock, and livestock products when more than 50% of the processed or merchandised products are produced by the farm operator.

List the type(s) of ***agricultural production*** that is currently occurring on the parcel(s) being included:

Fruit (primarily peaches), pecans, pasture – cattle 164775 163770

alfalfa pheasants 146509 grazing 164742

In what zoning district is the parcel(s) currently located: _____

Is the parcel(s) irrigated? yes / no

Describe the types and number of structures that are located on the parcel(s):

Grainery, feedlot, saddle shed

List the extent and nature of existing or proposed farm improvements:

upgrade irrigation system. Just installed $5000 of gated pipe

What do you anticipate to be the trends in agriculture and technical conditions for the *agricultural production* on the parcel(s)?

pressurized irrigation

Signature of Applicants Date

Kenneth W. Heaton gen ptnr KCP III 5-11-23

****

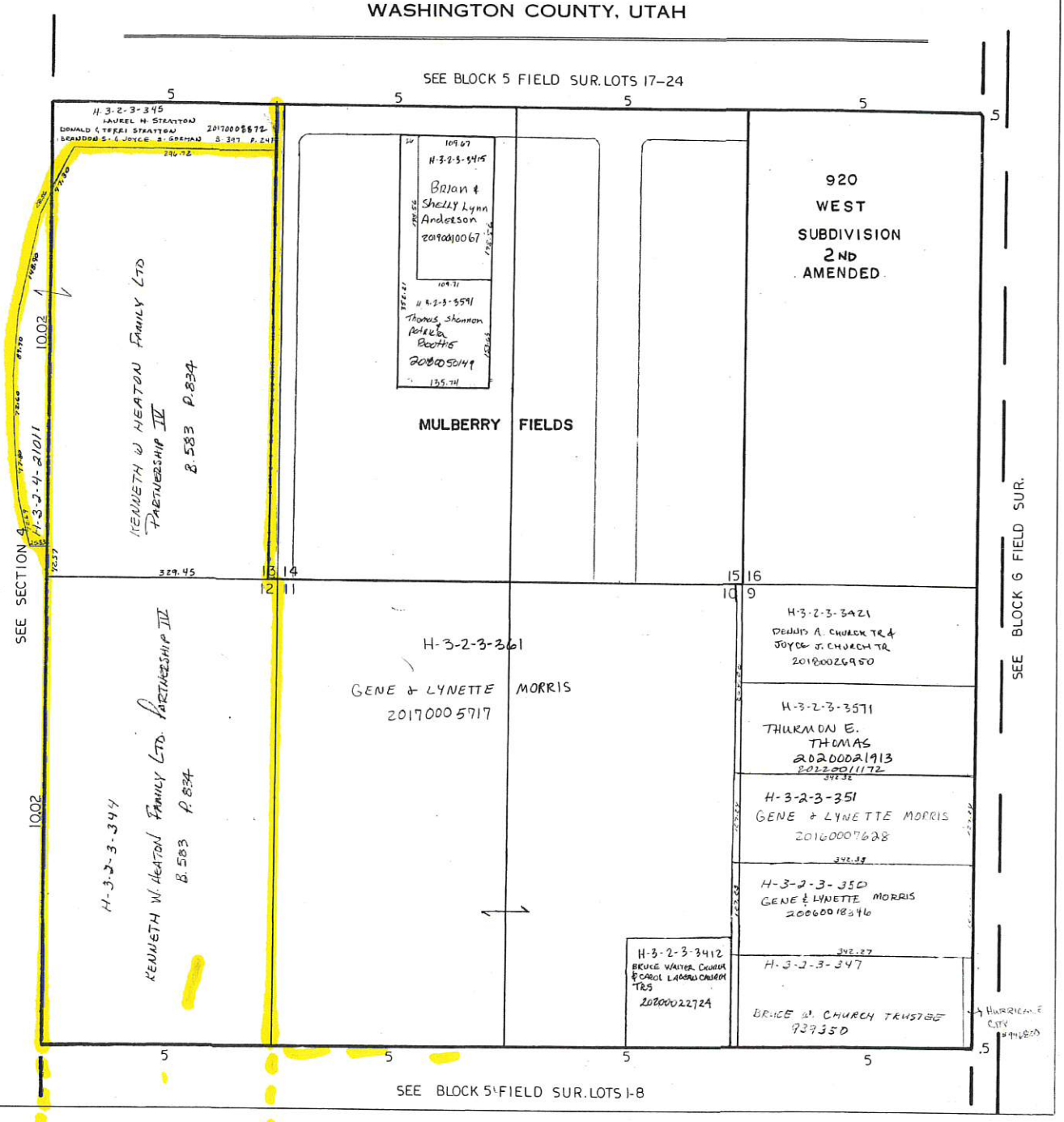
(Office Use Only)

Date Received : 5/15/23 Application Complete: YES ☒ NO ☐

Date application deemed to be complete: 5/15/23 Completion determination made by: B-S.

This plat is furnished for information only.
No liability is assumed by Assessor's or
Recorder's Office as to correctness of
such data.
Washington County Recorder

HURRICANE CITY
PT. OF BLOCK 5 FIELD SUR.
SALT LAKE BASE & MERIDIAN
SCALE: ONE INCH = 100 FEET
WASHINGTON COUNTY, UTAH



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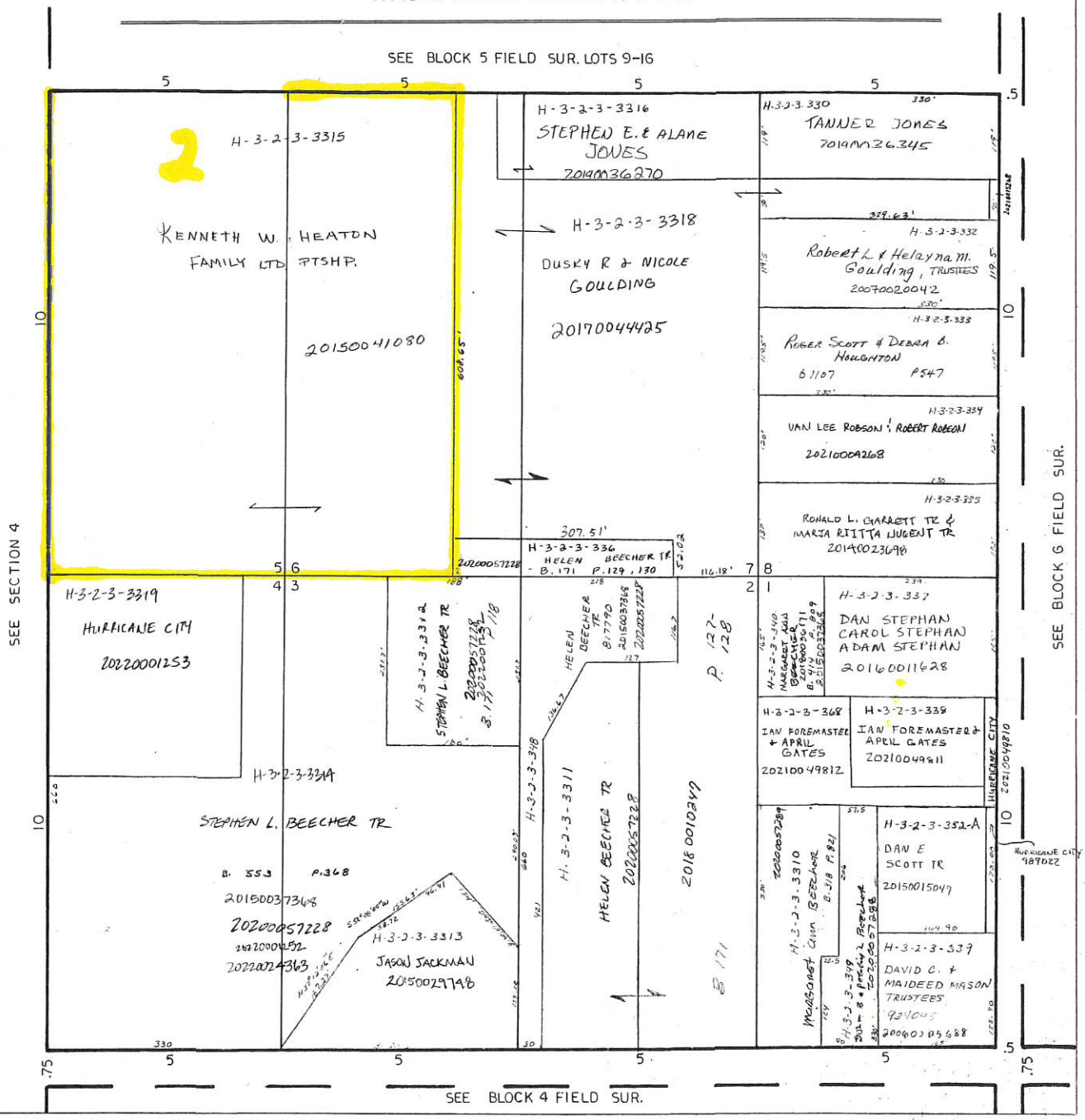
Washington County Recorder

HURRICANE CITY
PT. OF BLOCK 5 FIELD SUR.

SALT LAKE BASE & MERIDIAN

SCALE: ONE INCH = 100 FEET

WASHINGTON COUNTY, UTAH



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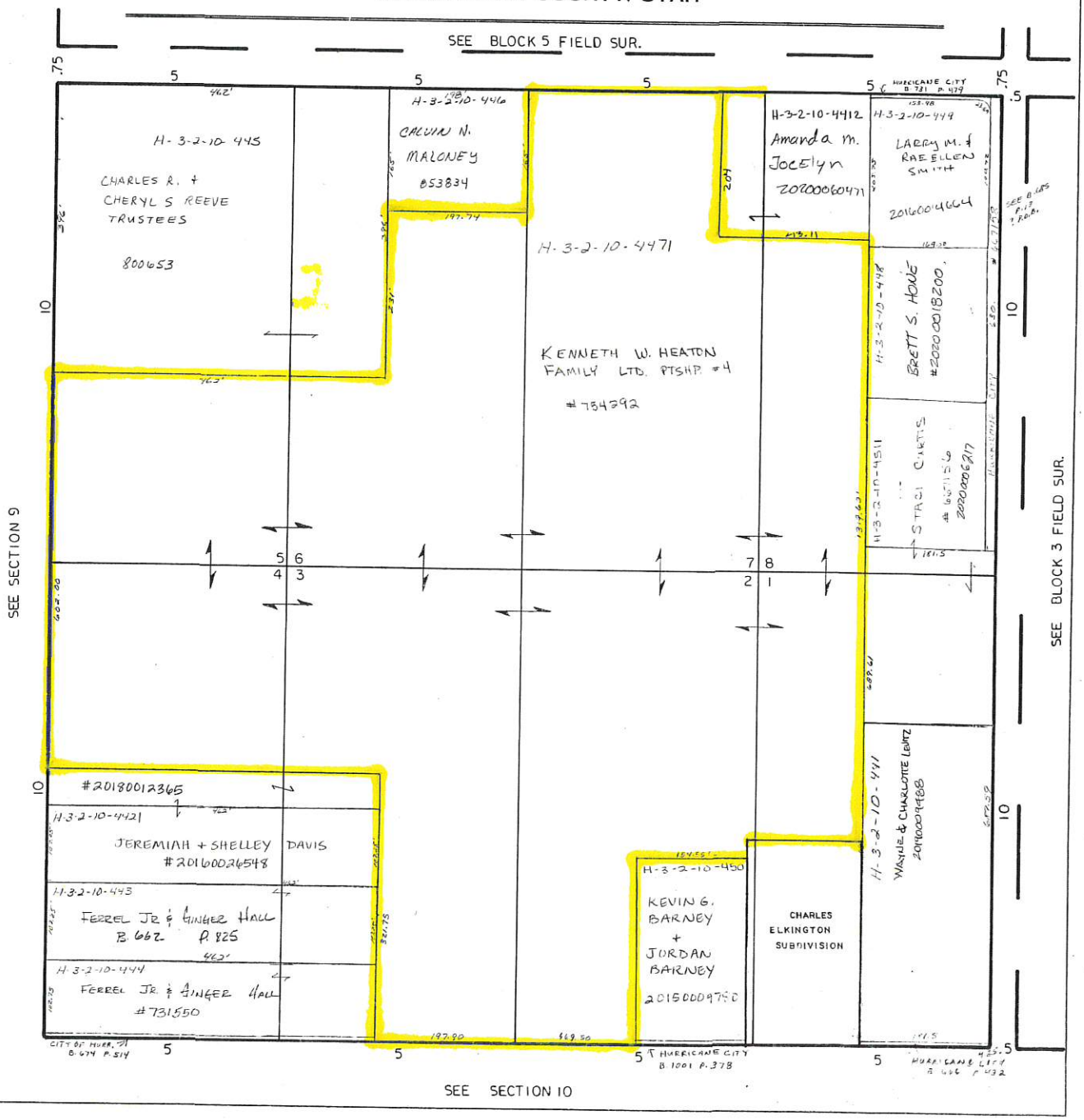
Washington County Recorder

HURRICANE CITY
BLOCK 4 FIELD SUR.
SALT LAKE BASE & MERIDIAN

SCALE: ONE INCH = 100 FEET

WASHINGTON COUNTY, UTAH



TAX_ID	NAME	ADDRESS	CITY	STATE	ZIP
H-HUE-2-16	ALAN V GREN ENTERPRISES INC	1018 N SUNSET DR	WASHINGTON	UT	84780-8475
H-MUF-7	ALLRED JAMES L & MARCI N TRS	962 S 990 W	HURRICANE	UT	84737
H-3-2-3-438	ALTON NOLA AUSTIN & RAYMOND WESLEY	535 S 440 E CIR	SAINT GEORGE	UT	84770
H-3-2-3-3415	ANDERSON BRIAN & SHELLY LYNN	1043 WEST 900 SOUTH	HURRICANE	UT	84737
H-HHES-7	ANDERSON CLARK V & MAURINE H TRS	1228 S 840 W	HURRICANE	UT	84737
H-3-2-3-308	BALLARD KENNETH A & JODY A	1095 S 920 W	HURRICANE	UT	84737-2439
H-3-2-10-450	BARNEY KEVIN G, BARNEY JORDAN	952 S 1500 S	HURRICANE	UT	84737
H-3-2-10-423	BEARDALL DANIEL JOHN & JILL SULLIVAN TRS	841 W 1300 S	HURRICANE	UT	84737
H-3-2-3-336	BEECHER HELEN TR	960 W 1300 S	HURRICANE	UT	84737
H-3-2-3-349	BEECHER JOHN B & PEGGY L	940 W 1300 S # 4	HURRICANE	UT	84737
H-3-2-3-340	BEECHER MARGARET ANN	960 WEST 1300 SOUTH	HURRICANE	UT	84737
H-3-2-3-33141	BEECHER STEPHEN L TR	375 W PEBBLE DR	WASHINGTON	UT	84780
H-3-2-3-306	BENNETT TIMOTHY PETER JR & AMANDA JANE TRS	1027 S 920 W	HURRICANE	UT	84737
H-3-2-3-445	BEUTLER MICHAEL & SHELLY	829 S 1100 W	HURRICANE	UT	84737
H-3-2-3-441	BLACK SANDRA L TR	870 S 1100 W	HURRICANE	UT	84737
H-3-2-10-435	BLAU DELRAY R & MONA RAE TRS	114 HICKORY ST	HENDERSON	NV	89015-5217
H-3-2-10-4191	BOHNE ROBERT C & JUDY F TRS	886 W 1500 S	HURRICANE	UT	84737-2538
H-3-2-3-3591	BOOTHE THOMAS SHANNON & PATRICIA	1051 W 900 S	HURRICANE	UT	84737
H-NTW-1	BRINGHURST DOUGLAS K & LISA	980 SOUTH 920 WEST	HURRICANE	UT	84737
H-HHES-8	BULLOCK DALE E TR	1227 S 840 W	HURRICANE	UT	84737
H-WIN-4A	BUTLER KRISTEN TR	782 S 990 W	HURRICANE	UT	84737
H-3-2-3-4314-D	CAHOON KENNETH VERNON & MARCIA	783 S 1100 W	HURRICANE	UT	84737
H-3-2-3-329	CARLISLE NATHAN C, COX TAMARA L	1175 S 920 W	HURRICANE	UT	84737
H-MUF-9	CHANDLER BRIAN K, CAMPBELL- CHANDLER TAMI	914 S 990 W	HURRICANE	UT	84737
H-WIN-5A-1-B-1-C	CHRISTIANSON DAVID J & JULIE J	781 S 990 W	HURRICANE	UT	84737-2575
H-3-2-3-3412	CHURCH BRUCE WALTER & CAROL LADEAN TRS	1096 S 920 W	HURRICANE	UT	84737
H-3-2-3-3421	CHURCH DENNIS A & JOYCE J TRS	992 S 920 W	HURRICANE	UT	84737
H-3-2-3-433-A	CLARK ROBERT W TR	810 S 920 W	HURRICANE	UT	84737-2507
H-3-2-10-41932-A	CLYDE FREDERIC E & KAREN R TRS	870 W 1500 S	HURRICANE	UT	84737
H-3-2-10-4194	CRAM JOHN COREY & NANCY L TRS	1410 S 160 W	HURRICANE	UT	84737
H-3-2-10-4192	CURTIS AMBREA RAE, CURTIS TYSON J	1305 S 920 W	HURRICANE	UT	84737-2534
H-3-2-10-419011	CURTIS JEFFREY D & TONI H	1359 S 920 W	HURRICANE	UT	84737-2534
H-3-2-10-4511	CURTIS STACI TR	1388 S 920 W	HURRICANE	UT	84737
H-3-2-3-303	DANIELS ANN NORWOOD	1239 S 920 W	HURRICANE	UT	84737
H-3-2-3-4315	DAVIS J BRENT & CAROLYN L TRS	754 S 1100 W	HURRICANE	UT	84737-2523
H-3-2-10-4421	DAVIS JEREMIAH & SHELLEY	627 S 600 W	HURRICANE	UT	84737
H-3-2-3-356	DEHART KENNETH L & JANET K	884 W 1300 S	HURRICANE	UT	84737
H-MUF-2	DEMILLE KEVIN, DEMILLE JILL	933 S 990 W	HURRICANE	UT	84737
H-NTW-4	DEMILLE LINDSEY	906 S 920 W	HURRICANE	UT	84737
H-HUE-1-5	DENSLEY RODNEY KIM, DENSLEY LORI ANN	12059 S SHANNEL CIR	RIVERTON	UT	84065
H-HHES-3	DESATOFF ROBIN & RUSSELL	1264 S 840 W	HURRICANE	UT	84737
H-HHES-2	DESATOFF ROXANNE G	1281 S 840 W	HURRICANE	UT	84737
H-CHEL-1	ELKINGTON CHARLES & JESSICA	948 W 1500 S	HURRICANE	UT	84737
H-3-2-10-4212	ENGENESS ARTHUR C JR & TAMMARA A TRS	865 W 1500 S	HURRICANE	UT	84737
H-3-2-10-415	ENHANCED HOME BUILDERS LLC	1460 S WINDSOR PKWY UNIT 4	HURRICANE	UT	84737-1290
H-3-2-4-125	FARTHING PAUL N & CAROLA VON HAUSEN TRS	1173 W 650 S	HURRICANE	UT	84737
H-HUE-2-12	FLAVIN JOHN T, SMALLWOOD LINDA A	23060 16TH ST	NEWHALL	CA	91321
H-3-2-10-414	GARNER SANDRA W TR	778 W 1500 S	HURRICANE	UT	84737
H-3-2-3-335	GARRETT RONALD L TR, NUGENT MARJA RIITTA TR	1188 S 920 W	HURRICANE	UT	84737
H-3-2-3-435	GEMMILL ROBERT H & CLAIRE P TRS	1672 N PALO VERDE DR	SAINT GEORGE	UT	84770
H-MUF-10	GENTRY RYAN JOE TR	913 S 1100 W	HURRICANE	UT	84737
H-HUE-1-9	GIBSON MICHAEL & TAMMY	18916 TENDERFOOT TRAIL RD	SANTA CLARITA	CA	91321
H-3-2-4-211	GORMAN JUSTIN N, GORMAN JOYCE S	960 S 1100 W	HURRICANE	UT	84737
H-3-2-4-2131	GORMAN ROWDY G, GORMAN JOYCE S	980 S 1100 W	HURRICANE	UT	84737
H-3-2-3-3318	GOULDING DUSKY R & NICOLE	1130 S 920 W	HURRICANE	UT	84737
H-3-2-3-332	GOULDING ROBERT L & HELAYNA M A TRS	1144 S 920 W	HURRICANE	UT	84737
H-WIN-3A	HADLEY NATHAN & SHAWN	474 W 250 S	HURRICANE	UT	84737
H-3-2-10-444	HALL FERRELL JR & GINGER	1090 W 1500 S	HURRICANE	UT	84737-2530
H-3-2-10-434	HALL LEGRAND T & DONNA L TRS	121 HICKORY ST	HENDERSON	NV	89015-6338
H-3-2-3-4314-C	HANKINS JOHN B & JEANNE S	753 S 1100 W	HURRICANE	UT	84737
H-3-2-3-301	HANSEN CALVIN LEVOY TR	918 W 1300 S	HURRICANE	UT	84737
H-HUE-2-13	HARDESTY SHANNON C	PO BOX 911293	SAINT GEORGE	UT	84791-1293
H-3-2-3-338	HAWKINS AUSTIN TODD, COTTAM AMBERLEE	1242 S 920 W	HURRICANE	UT	84737
H-3-2-3-439	HEIDELBERG S R & LINDA M TRS	810 S 1100 W	HURRICANE	UT	84737
H-3-2-3-4314-G	HESS DALE G & DEBRA D	729 S 1100 W	HURRICANE	UT	84737
H-3-2-10-4170	HILLIER DAVID WAYNE & JOAN MARIE	865 W 1300 S	HURRICANE	UT	84737-2524
H-3-2-3-307	HOLLAND DWAINE JOSEPH & KATHLEEN TRS	1075 S 920 W	HURRICANE	UT	84737-2439
H-3-2-3-436	HOLLAND JOSEPH & LADAWN	797 S 1100 W	HURRICANE	UT	84737
H-3-2-10-448	HONE BRETT S	1358 S 920 W	HURRICANE	UT	84737
H-3-2-3-333	HOUGHTON ROGER SCOTT & DEBRA B	1150 S 920 W	HURRICANE	UT	84737-2509
H-NTW-3	HOWARD RYAN R & SHELBIE	920 S 920 W	HURRICANE	UT	84737
H-MUF-11	HUNT THOMAS WAYNE TR, HUNT MARTHA LYNN TR	933 S 1100 W	HURRICANE	UT	84737
H-3-2-3-3319	HURRICANE CITY	147 N 870 W	HURRICANE	UT	84737

H-3-2-3-314	IMLAY DAVID B & MICHELLE R	1051 S 920 W	HURRICANE	UT	84737-2439
H-3-2-3-3313	JACKMAN JASON	1028 W 1300 S	HURRICANE	UT	84737
H-3-2-3-310	JENSEN LOVINA JEAN TR	1117 S 920 W	HURRICANE	UT	84737
H-3-2-10-4412	JOCELYN AMANDA M	967 W 1300 S	HURRICANE	UT	84737
H-3-2-3-437	JOHNSON BRIAN, GONZALES BRECK	850 S 1100 W	HURRICANE	UT	84737
H-HUE-1-3	JOHNSON GREGORY T & BRYANNE R	509 N 550 W	HURRICANE	UT	84737
H-3-2-3-302	JOLLEY BRADLEY & CHRISTY	1283 S 920 W	HURRICANE	UT	84737
H-3-2-3-3316	JONES STEPHEN E, JONES ALANE	1126 S 920 W	HURRICANE	UT	84737
H-3-2-3-330	JONES TANNER	1112 S 920 W	HURRICANE	UT	84737
H-3-2-3-344	KENNETH W HEATON FAMILY LTD PTSHP IV	1189 ST. JAMES LN	SAINT GEORGE	UT	84790
H-HUE-2-15	KLAYTON CONSTRUCTION INC	985 S 700 W	HURRICANE	UT	84737
H-HHES-4	KUREK BRANDON & BROOKE	1263 S 840 W	HURRICANE	UT	84737
H-HUE-1-4	LANCELLOTTI GINO, LANCELLOTTI DEBORAH	942 W 1640 S	HURRICANE	UT	84737
H-3-2-4-123	LAW HOLDINGS LLC	5202 W 2250 S	HURRICANE	UT	84737
H-HUE-2-11	LEBARON RONALD DOUGLAS & SAMANTHA	450 N 530 W	HURRICANE	UT	84737
H-3-2-10-441	LEVITZ WAYNE & CHARLOTTE	934 W 1500 S	HURRICANE	UT	84737
H-MUF-4	MADSEN JEFFREY B & NATALIE L	3672 W RIVER VIEW DR	HURRICANE	UT	84737
H-3-2-10-446	MALONEY CALVIN N	1029 W 1300 S # 131-7	HURRICANE	UT	84737-2526
H-HHES-1	MANGELSON STEPHEN P & AMY LYNNE	1282 S 840 W	HURRICANE	UT	84737
H-3-2-3-339	MASON DAVID C & MAIDEEN TRS	1288 S 920 W	HURRICANE	UT	84737-2521
H-3-2-3-328	MATHEWS JANET CRAWFORD TR	805 S RIVER RD # 62	SAINT GEORGE	UT	84790
H-3-2-3-351	MORRIS GENE & LYNETTE	1076 S 920 W	HURRICANE	UT	84737-2439
H-HHES-11	NORTH RAYMOND KARL & ELAINE T TRS	1192 S 840 W	HURRICANE	UT	84737
H-3-2-3-323-A	PERSINGER MICHAEL	2034 ROCKLIN DR	SANDY	UT	84092
H-MUF-8	PETERSON RYAN & JESSICA	938 S 990 W	HURRICANE	UT	84737
H-HUE-2-17	POLLOCK JASON G & RAELYN G	1751 E 1200 N	SAINT GEORGE	UT	84770-8602
H-3-2-4-124	RAC INC	1267 N 1390 W	SAINT GEORGE	UT	84770
H-3-2-3-43171	RADEMACHER MELINDA S TR	710 S 1100 W	HURRICANE	UT	84737
H-3-2-10-445	REEVE CHARLES R & CHERYL S TRS	559 S 400 W	HURRICANE	UT	84737-2210
H-3-2-10-452	RICH DANIEL R & KARI E	815 W 1300 S	HURRICANE	UT	84737
H-3-2-10-4311	RICHINS KEN & TERESA	1005 W 1500 S	HURRICANE	UT	84737-2530
H-3-2-3-334	ROBSON VAN LEE, ROBSON ROBERT	1170 S 920 W	HURRICANE	UT	84737
H-HHES-5	SCHOENFELD MICHAEL W & MARSHA TRS	1246 S 840 W	HURRICANE	UT	84737
H-MUF-5	SCHOLZEN JEFFREY N TR	993 S 990 W	HURRICANE	UT	84737
H-3-2-3-352-A	SCOTT DAN E TR	1274 S 920 W	HURRICANE	UT	84737
H-HHES-9	SCOTT MICAH & KACIE	1210 S 840 W	HURRICANE	UT	84737
H-3-2-3-337	SEEGMILLER ROGER & CONNIE	1128 N 700 W	OREM	UT	84057
H-HUE-1-6	SMITH DOUG, GLENN JEREMY, SMITH ASHLEE	PO BOX 1137	DRAPER	UT	84020
H-3-2-10-449	SMITH LARRY M & RAE ELLEN	1314 S 920 W	HURRICANE	UT	84737
H-HUE-1-10	SOLARIS DEV LLC	1568 S RIVER RD	SAINT GEORGE	UT	84790
H-3-2-3-354	STEPHAN DAN MARTIN & CAROL	1261 S 920 W	HURRICANE	UT	84737
H-NTW-2	STRATTON DALE & CHRISTINE	952 S 920 W	HURRICANE	UT	84737
H-3-2-4-127	STRATTON DEV LLC	42 S 850 W STE 201	HURRICANE	UT	84737
H-3-2-4-21211	STRATTON DONALD N & TERRI TRS	970 S 1100 W	HURRICANE	UT	84737
H-3-2-3-345	STRATTON LAUREL H, STRATTON DONALD	657 W 1500 S	HURRICANE	UT	84737
H-HUE-2-18	TERRY MICHAEL W & JESSICA H	201 S 2020 E CIR	SAINT GEORGE	UT	84790
H-MUF-3	THIOMBIANO ABRAHAM & CHELSEY DEMILLE	953 S 990 W	HURRICANE	UT	84737
H-3-2-3-3571	THOMAS THURMON E	1028 S 920 W	HURRICANE	UT	84737
H-MUF-12	VAN RY JOHN & WILMA JEAN TRS	PO BOX 142	HURRICANE	UT	84737-0142
H-MUF-13	VAN RY JOHN SCOTT & CHARLOTTE TRS	PO BOX 263	HURRICANE	UT	84737
H-HUE-1-7	VARGAS JUAN	281 N 2470 W	HURRICANE	UT	84737
H-3-2-3-309	VISSER NELLY L TR, VISSER EDGARDO	1155 S 920 W	HURRICANE	UT	84737
H-3-2-10-31111	WADSWORTH COLETTE TR	1810 S 700 W	HURRICANE	UT	84737
H-DKW-1	WADSWORTH DALLAN J & KATTIE	807 W 1500 S	HURRICANE	UT	84737-2538
H-HUE-2-19	WARSHAW HOLDINGS LLC	4363 S ZARAHEMLA DR	SALT LAKE CITY	UT	84124
H-3-2-10-413	WATERS GABRIEL S & MICHELLE M	10204 N YORKSHIRE CT	HIGHLAND	UT	84003
H-HHES-6	WAYMAN CLARENCE I & DOROTHY	1245 S 840 W	HURRICANE	UT	84737-2401
H-3-2-3-353	WHITAKER WAYNE O & DIANE H TRS	1217 S 920 W	HURRICANE	UT	84737
H-3-2-3-313	WILCOCK BENJAMIN & EMILY	1003 S 920 W	HURRICANE	UT	84737
H-MUF-14	WILD NATHAN & ASHLEY TRS	991 S 1100 W	HURRICANE	UT	84737
H-3-2-3-368	WOOD SHAWN K & SHAUNA	1246 S 920 W	HURRICANE	UT	84737
H-3-2-4-44021	WPP HURRICANE LAND LLC	595 S RIVERWOODS PKWY STE 400	LOGAN	UT	84321
H-MUF-1	WRIGHT RAYMOND	915 S 990 W	HURRICANE	UT	84737
H-MUF-6	YARDLEY RYAN P	988 S 990 W	HURRICANE	UT	84737
H-3-2-3-440	ZIMMERMAN BRUCE & LINDA	890 S 1100 W	HURRICANE	UT	84737-2513
H-3-2-9-122	ZIONS GATE ESTATES LLC	1035 N 1050 E	AMERICAN FORK	UT	84003

PLANNING & ZONING
HURRICANE CITY
UTAH

STAFF COMMENTS

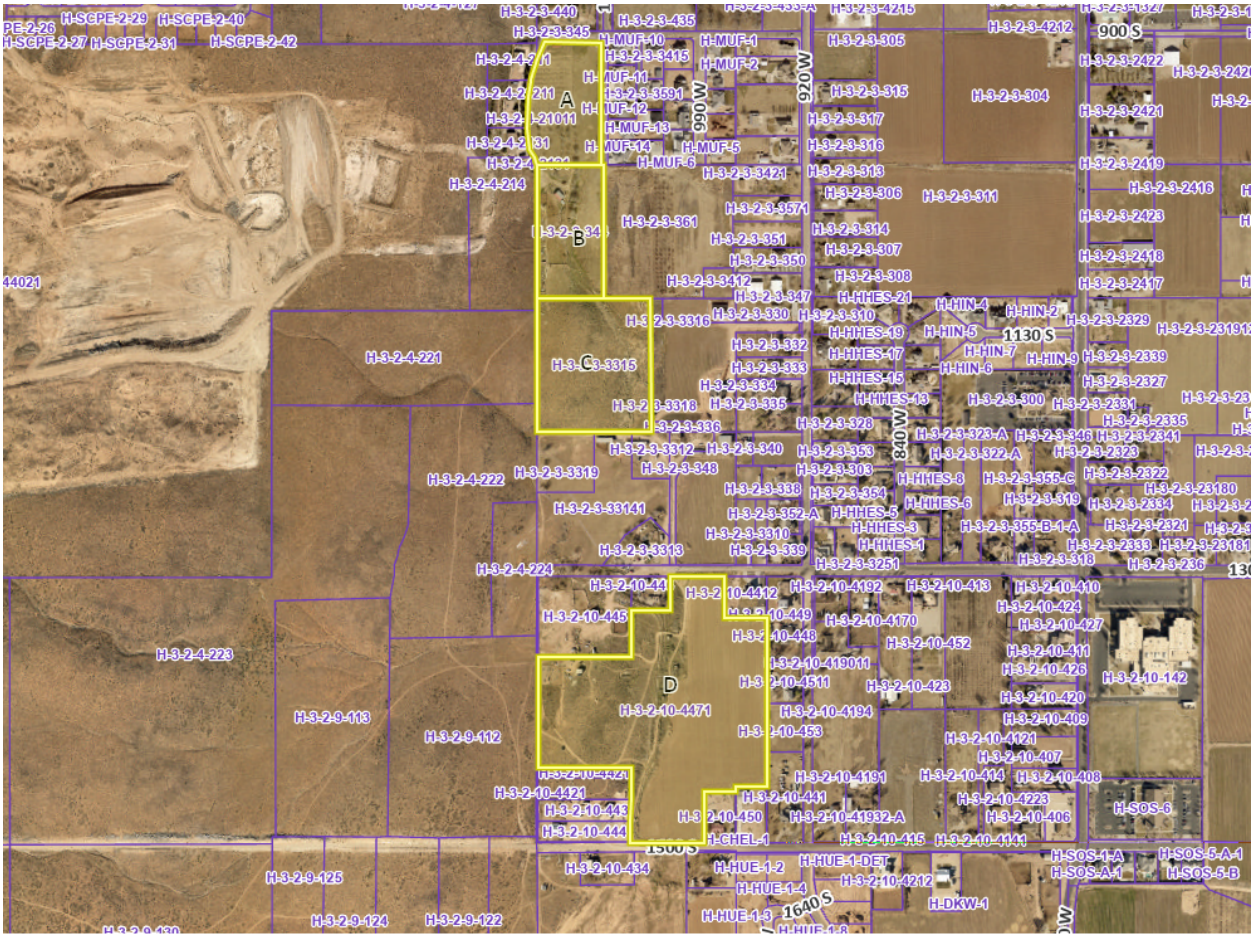
Agenda Date:	**06/15/2022**
Application Number:	2023-APA-01
Type of Application:	Agriculture Protection Overlay
Action Type:	Legislative
Applicant:	Kenneth W. Heaton
Agent:	
Request:	A report for the City Council on a proposal to create an Agricultural Protection Area
Location:	948 S 1100 W, 1046 W 1500 S
Zoning:	RA-1, R1-10
General Plan Map:	Single Family

Update 6/15/2023: The Planning Commission sent a unanimous recommendation of approval with the exception of the buildout of all Master Planned roadways running along this property's boundaries and any space needed for transmission lines. Please see the attached letter.

Discussion: This request is not to change the zone but protect the land with an Agricultural Protection Area Overlay Zone. The total size is 41.15 acres across four parcels. State and City codes set the standards for review by the Planning Commission and the County Agricultural Protection Area Advisory Committee. An Agricultural Protection Area grants certain legal protections to the property, including preventing forced rezoning the property, providing a defense against nuisance actions, notice to new subdivisions, and limiting eminent domain actions. These protections are found in the Utah Code, sections of which are included in this report.

The Dixie Conservation District has indicated that they have given a recommendation of approval for this application but no written recommendation letter has been received. Per Hurricane City Code: "*If the Planning Commission or the Advisory Board fail to submit a report within 45 days, the City Council shall consider their failure to report as an approval of the proposal.*"

	Zoning	Adjacent Land Use
North	R1-10, RA-1	Single family homes, some agriculture
East	RA-1, RA-0.5	Single family homes, some agriculture
South	RA-1	Single family homes, some agriculture
West	R1-10	Undeveloped property



To simplify the analysis the parcels have been labeled A-D, please take note of this.

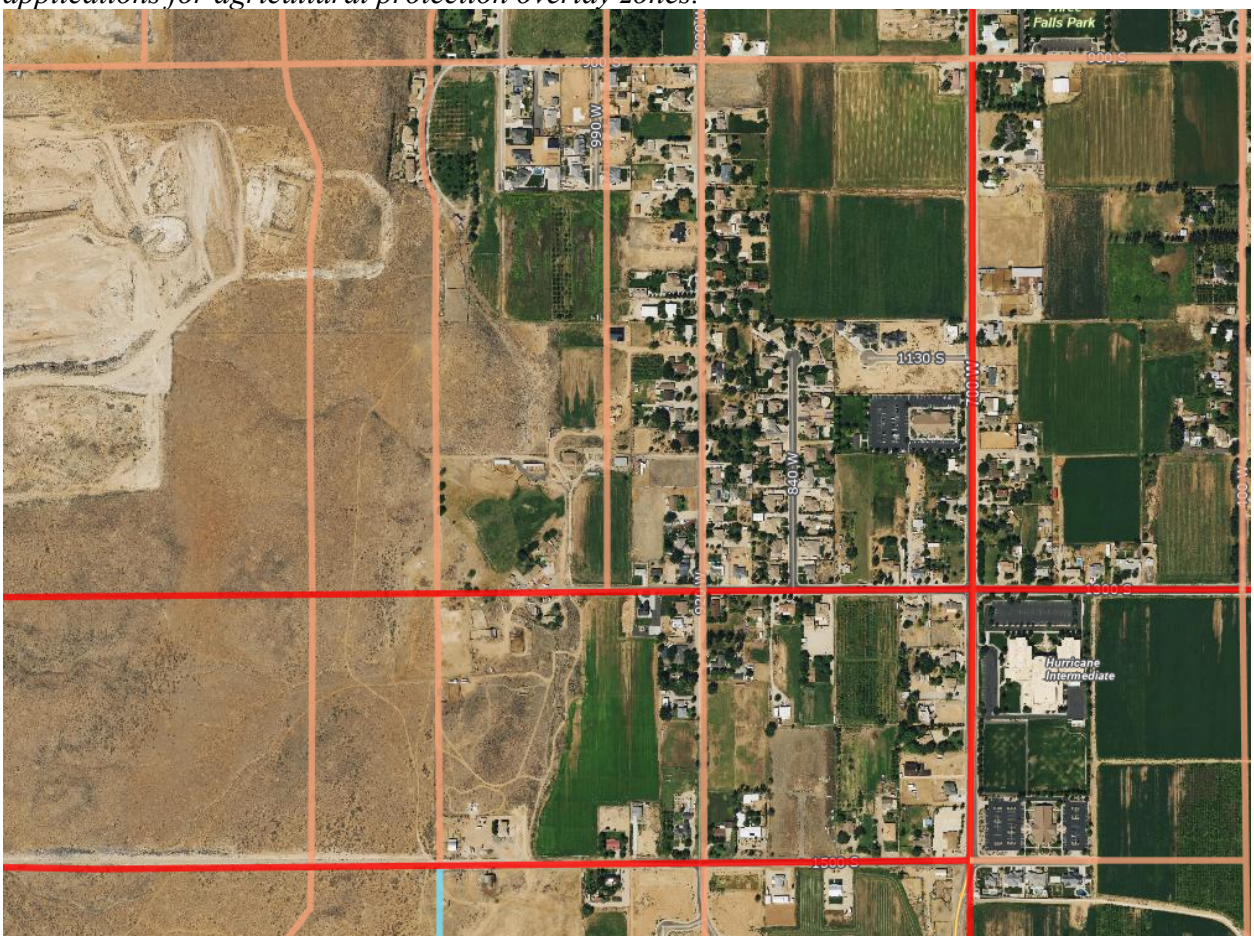
This proposal is over four parcels owned by the same owner, across two contiguous properties: the northern section consists of 18.44 acres and the southern parcel consists of 22.71 acres. Utah State Code 17-41-301 states that, "*A county and municipal legislative body shall establish the minimum number of continuous acres that shall be included in an agriculture protection area.*"

Hurricane City Code 10-21-3 states that, "*A minimum area of five contiguous acres shall be included in an agriculture protection area."*

The criteria set by State law (17-41-303) for a *"written report to the legislative body"* is that it:

1. *Analyzes and evaluates the effect of the creation of the proposed area on the planning policies and objectives of the ….municipality…..:*

   The 2021 General Plan states that the city should "*Encourage the use of and support applications for agricultural protection overlay zones."*



The City does have three future Master Plan Roads (1150 W, 1300 S, and 1500 S all of which are in some state of undeveloped at the location of this property) that traverses the property that should be considered (shown above). An Agricultural Protection Zone could make it more difficult for the City to secure the property for a roadway in the future if needed. The City is in progress of securing the right of way for 1150 W and this could seriously threaten the City's plans for this area.
At the last City Council meeting there was some discussion of amending the Transportation Master Plan alignment of 1150 W, however staff has received no clear direction at this time and the 2019 Transportation Master Plan still has standing.

2. *Analyzes and evaluates the proposal by applying the criteria contained in Section 17-41-305 –*

In evaluating a proposal and in determining whether or not to create or recommend the creation of an agriculture protection area, industrial protection area, or critical infrastructure materials protection area, the advisory committee, planning commission, and applicable legislative body shall apply the following criteria:

(1) whether or not the land is currently being used for agriculture production, industrial use, or critical infrastructure materials operations, as the case may be;

a. Per the application, Parcels A and B (labeled above) have fruit orchards and pasture space. Alfalfa is being grown on Parcel D and parcel C is used for pasture. Satellite view and property inspections appear to match this description.

(2) whether or not the land is zoned for agriculture use, industrial use, or critical infrastructure materials operations, as the case may be;

a. Parcels A and B are zoned R1-10, single family one unit per 10,000 sq ft. Staff would assume the agricultural use of the property is a legal nonconforming use. Parcels C and D are zoned RA-1, residential agriculture one unit per acre

(3) whether or not the land is viable for agriculture production, industrial use, or critical infrastructure materials operations, as the case may be;

a. This is the property's current use. Future viability will depend on a number of factors.

(4) the extent and nature of existing or proposed farm improvements, the extent and nature of existing or proposed improvements to or expansion of the industrial use, or the extent and nature of existing or proposed improvements to or expansion of critical infrastructure materials operations, as the case may be; and

a. The current agricultural use is not proposed to be expanded upon. The current agricultural use is not particularly impactful.

(5)

(a) in the case of an agriculture protection area, anticipated trends in agricultural and technological conditions;

a. The applicant intends to use pressurized irrigation when that becomes available.

(b) in the case of an industrial protection area, anticipated trends in technological conditions applicable to the industrial use of the land in question; or

(c) in the case of a critical infrastructure materials protection area, anticipated trends in technological conditions applicable to the critical infrastructure materials operations of the land in question.

3. *Recommends any modifications to the land to be included in the proposed agricultural protection area.*

Staff would recommend the Planning Commission not include the future right of ways for all master plan roadways through this property.

4. *Analyzes and evaluates any objections to the proposal.*

No objections have been received at the time of this writing.

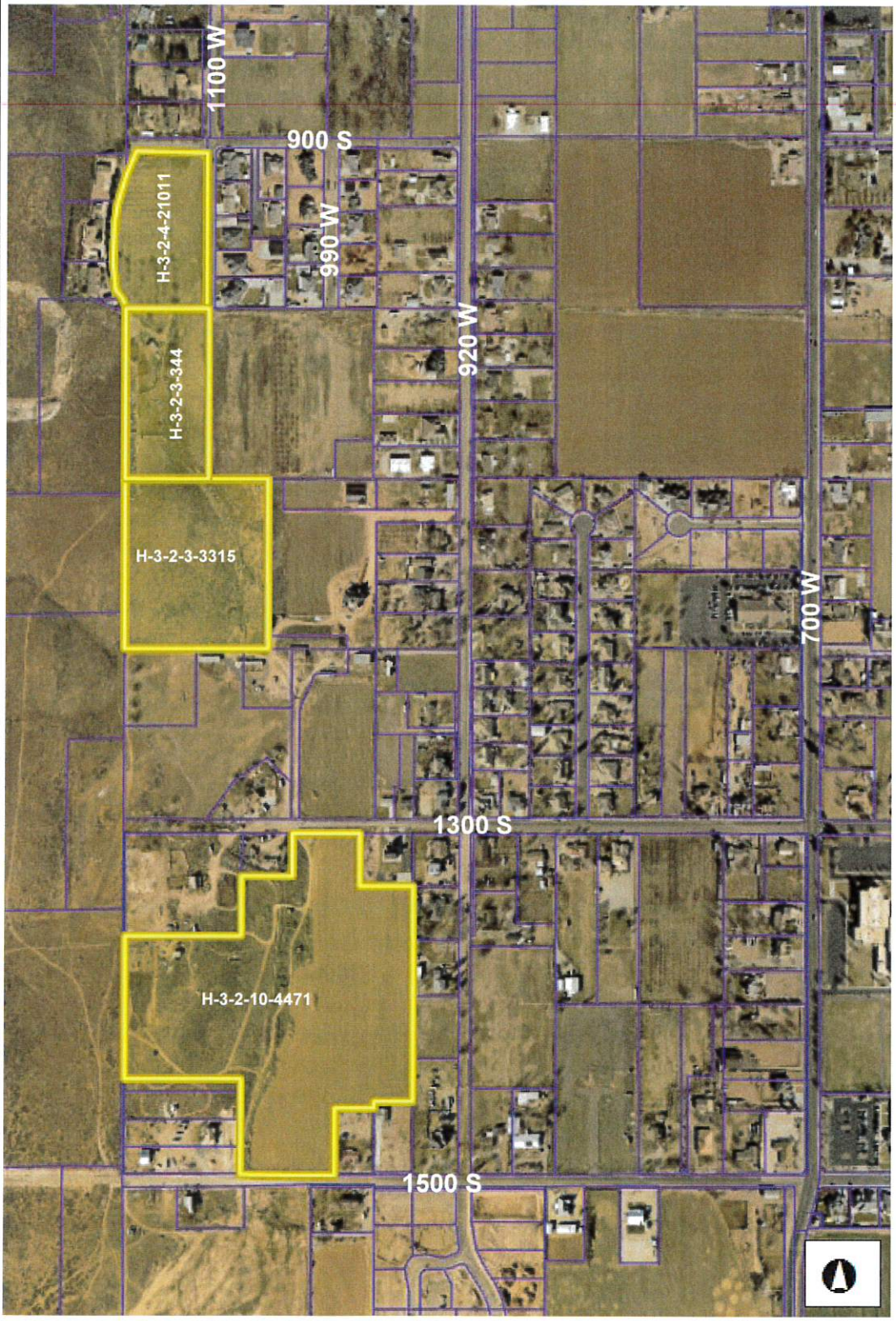
5. *Includes a recommendation to the ….legislative body to either accept, accept and modify, or reject the proposal.*

   See the attached letter

JUC Comments:
Public Works: This should be denied or or conditioned upon the City being able to get the 1150 W right of way.
Power: South side of 1300 S and north side of 1500 S along this property has power lines that must remain along with easements. Power department requests a 15' PUE on the west side of the proposed roadway of 1150 W and setbacks be at least 25' from the centerline of the power line.
Water: In these Agriculture Protection Areas we need to be able to accommodate planned and future water line easements for transmission and water line looping namely 1150 W.
Streets: This zoning will affect future master plan roadway alignments.
Sewer: Will impact sewer connectivity in the future.
Engineering: Area for 900 S (Planned 60' public street) and 1150 W (Planned 67' public street) should be excluded from the overlay. The storm drain master plan suggests there should be piping along Parcel C's southern boundary. The applicant may want to coordinate a local roadway with their neighbors to help capture and convey drainage. 10.25' should be excluded from the overlay on the north side of Parcel D for future widening of 1300 S (planned 70' public street). 17.25' should be excluded from the overlay on the south side of Parcel D for future widening of 1500 S (planned 77' public streets.
Fire: Okay
Cable: No comments

Recommendation: Staff recommends the Planning Commission review the evaluation criteria, discuss the application with the applicants, and recommend approval of the attached letter to the City Council.

Ag Protection



Legend

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

Notes

1,504.7 0 752.33 1,504.7 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

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

HURRICANE CITY
UTAH

Planning Commission

June 8, 2023

Subject: Report to City Council on proposed Agricultural Protection for Parcels H-3-2-4-21011, H-3-2-3-344, H-3-2-3-3315, H-3-2-10-4471

Hurricane City Council,

The Planning Commission forwards the following findings regarding Agricultural Protection Overlay 2023-APA-01:

1. The land is currently being used for agricultural production.
2. The land is either zoned for agricultural use or is a legal nonconforming use.
3. The land is viable for agricultural use
4. The property is congruent with agriculture protection zones
5. Approving the use of this land for agriculture is consistent with current and expected technological trends in agriculture.

Future Use

1. The General Plan maps have the area listed as Single Family
2. Future 1150 W and 900 S and current 1300 S and 1500 S are adjacent to this property. The City is in the process of acquiring right of way for 1150 W

Recommendation

The Planning Commission recommends that the City Council approve the overlay request for parcels H-3-2-4-21011, H-3-2-3-344, H-3-2-3-3315, H-3-2-10-4471 with the exception of the property needed for the master planned buildout of the roadways known as 1150 W, 900 S, 1300 S and 1500 S and the necessary space for transmission lines along 1150 W.

147 North 870 West • Hurricane, UT • 84737
Phone: (435) 635-2811 • Fax: (435) 635-4284
WEB: www.cityofhurricane.com

HURRICANE CITY
UTAH

STAFF COMMENTS

Consideration and possible approval of **amending the airport noise policies and procedures.**

Discussion:
The proposed changes are in red. The Airport Board recommended denial of the changes.

Findings:

Recommendation:

Attachments:
1. Hurricane Noise Abatement Policy Proposed 4-5-23

HURRICANE DICK STOUT AIRPORT POLICY & PROCEDURES FOR AIRCRAFT NOISE ABATEMENT

SECTION 1: PURPOSE AND POLICY

1. The control of airport noise is inherently a matter of local concern and there is a demonstrated need for noise abatement at the Airport;
2. It is in the public interest that aircraft noise be reduced to ensure the peace and tranquility of residential neighborhoods without impairing the ability of the Airport to serve the general aviation needs of the community and the national air transportation system;
3. It is the policy of the City of Hurricane to make reasonable effort to reduce noise from aircraft operations at the Airport;
4. City authority is not exclusive to this chapter. This document supplements any legal or equitable remedy available to the city and does not restrict any other remedy available including the City's right to abate nuisances or hazards under City ordinance or Utah Code; and,
5. This document is adopted under the City's power as owner, operator, and proprietor of the Airport to regulate the use of the Airport, consistent with the power of the United States Government to control air traffic and aircraft safety. This Code also exercises the City's police power over ground operations, motor vehicles, and other matters not preempted by State or Federal law.
6. It is understood that conformance to this Policy is voluntary and that unless an aircraft violates the current revision of the Federal Aviation Regulations, no civil penalties can be levied as a result of this Policy.

SECTION 2: DEFINITIONS

As used throughout this document, these terms or phrases shall have the following meanings as used in this title:

1. WEIGHTED SOUND PRESSURE LEVEL- The sound pressure level which has been filtered or weighted to quantitatively reduce the effect of low frequency noise. It was designed to approximate the response of the human ear to sound. A-weighted sound pressure level is measured in decibels with a standard sound level meter which contains the "A" weighting network. A-weighted decibels are abbreviated dBA. Relevant standards are defined by the American National Standards Institute Specification for Sound Level Meters.

2. ACCESS OR OPERATING PRIVILEGES- Any privileges, permits, or authority to land or take off from the airport, the use of tie-down facilities, or other airport services.

3. AIRCRAFT TRAINING OPERATIONS- Airwork operations with more than three (2) pattern circuits within 30 minutes including Touch-and-Go's, Stop-and-Go's, Practice Low Approach, Practice Autorotations to hover or touchdown, and Practice Missed Approach Operations, or any of them.

4. AUTOROTATION & RECOVERY- A power-off maneuver in a rotary wing aircraft in which the engine is disengaged from the main rotor disk and the rotor blades are driven solely by the upward flow of air through the rotor. Autorotations may be terminated in a hover by adding power in the flare or to full touch ground.

5. ENGINE RUNUP- The operation of an aircraft engine while stationary for testing (other than preflight), servicing or repairing an engine.

6. HURRICANE CITY NOISE ABATEMENT MEMORANDUM OF UNDERSTANDING- an agreement between two parties (in relation to this document one of the parties is the City of Hurricane) in which further clarification or exceptions are agreed upon and formally documented concerning this noise ordinance.

7. PRACTICE LOW APPROACH AND PRACTICE MISSED APPROACH- An action by an aircraft consisting of an approach to or over the Airport for a landing where the pilot intentionally does not contact the runway.

8. TOUCH-AND-GO- An action by an aircraft consisting of a landing and departure on a runway without stopping or exiting the runway.

9. TRAINING OPERATIONS- flight operations in the vicinity of the airport or utilizing the airport pattern by a specific aircraft that involve repetitive activity resulting in more than 3 (three) pattern circuits within 30 minutes.

10. STOP-AND-GO- An action by an aircraft consisting of a landing followed by a complete stop on the runway and a takeoff from that point.

SECTION 3: REFERENCE DOCUMENTS

The following Federal Aviation Administration (FAA) and other documents are referenced as follows in order to comply with guidelines for a municipal noise abatement policy:

1. Federal Aviation Administration (FAA) Advisory Circular 36-1H FAA entitled "Noise Levels for Certified and Foreign Aircraft," which lists take-off -2- and approach noise levels for all certified aircraft in the U.S. Fleet (except for

experimental and antique aircraft) as measured at 21,325 feet (6,500 meters) from beginning of take-off roll for take-off noise and 6,652 feet (2,000 meters) from the landing threshold for approach noise. The phrase "FAA Advisory Circular 36-1H" shall refer to the Federal Aviation Administration Advisory Circular 36-1H, including all revisions thereof, or the version of that document currently in effect.

2. AOPA's Guide to Airport Noise and Compatible Land Use

SECTION 4: AIRCRAFT NOISE CONTROL AIRCRAFT OPERATION PROCEDURES

1. The following voluntary procedures are defined to abate excessive noise at the airport:

   A. Runway 19 should be used whenever wind conditions allow for safe landing and takeoff operations. If departing to the north using Runway 1, a left crosswind turn should be executed as soon as safely practical to avoid unnecessary overflight of residential areas.

   B. All aircraft shall make a practical effort to reach pattern altitude (1000' AGL) before turning downwind. All aircraft departing the airport pattern area are to make a reasonable effort to climb to a minimum altitude of 1000' AGL before doing so utilizing the standard pattern legs as defined in Section 4-3-3 of the Aeronautical Information Manual (AIM).

   C. All arriving aircraft utilizing the traffic pattern are to maintain a minimum of 1000' AGL until established in the pattern per guidelines found in the AIM.

   D. Helicopters shall make a practical effort to vary the downwind distance from the runway when performing repetitive pattern work in order to reduce sustained ground noise under a particular flight path. See AIM 4-3-3(b).

   E. Simulated forced landings and/or autorotations should not initiate until the aircraft reaches the typical pattern altitude of 1000' AGL.

   F. Unless otherwise approved by the Airport Manager or a Memorandum of Understanding agreement between the City of Hurricane and the applicable entity, repetitive aircraft training operations should be limited to (2) 30 minute sessions within a 24 hour period Monday through Saturday for helicopters and/or aircraft that exceed 80 (eighty) decibel levels per noise measurement levels determined and defined in FAA Circular AC 36-1H. Repetitive pattern work for these aircraft is not to be flown on Sundays. This restriction shall not apply in emergencies, where necessitated by safety considerations, or when required by the Federal Aviation Administration.

   G. Aircraft are not to be started, run-up, or depart the Airport between sunset and sunrise other than to make an immediate departure from the airport area.

H. All aircraft arriving between sunset and sunrise to be limited to one (1) full stop approach and landing sequence. Due to the absence of airport lighting systems at the Hurricane City Airport, it is requested for safety considerations that no landings occur during nighttime hours between **the end of evening civil twilight and the beginning of morning civil twilight, as published in the American Air Almanac, converted to local time per** the FAA definition found in FAR 1.1.

I. Repetitive pattern work, touch and go's, stop and go's, low approaches, or practice autorotations are not to be conducted between sunset and sunrise.

2. EXCEPTIONS

The following categories of aircraft are exempt from airport noise abatement guidelines:

A. Aircraft operated by or under contact of the United States of America, any State, county, city, subdivision or special district of a state including military, firefighting, search & rescue, disaster relief, and medical evacuation flights;

B. Aircraft used for emergency purposes during an emergency officially proclaimed by competent authority pursuant to the laws of the United States, the State of Utah, Washington County, or the City of Hurricane;

C. Civil Air Patrol aircraft when engaged in actual search and rescue missions;

D. Aircraft which have declared an inflight emergency;

E. Aircraft operating as air ambulance for medical purposes.

F. Aircraft engaged in take-offs or landings while conducting tests under the direction of the Airport Director.

SECTION 5: TRAINING, AWARENESS, COMPLAINT MANAGMENT

The Airport Manager, the Airport Noise Coordinator, and the Airport Advisory Board, under the direction of the Hurricane City Mayor & Council, shall be responsible to ensure the following is completed on an on-going basis:

A. Monitor, address, & report all airport related noise complaints

B. Training for all Hurricane Airport based pilots, active flight instructors, and active flight students;

C. Creation & placement of Noise Abatement Procedure signage at the entrance and exit area of the ramp;

D. Creation and placement of a Noise Abatement Procedure Summary Sheet available at the Fuel Farm, Manager's Office, and Terminal Building;

E. Along with the Noise Abatement Coordinator, provide immediate Noise Abatement Policy & Procedure training and information to transient pilots as required

HURRICANE CITY
UTAH

STAFF COMMENTS

Ordinance ZC23-14: Consideration and possible approval of a **Zone Change Amendment request located at 800 W 100 N from HC, highway commercial, to PC, planned commercial**. Parcel number H-3-1-34-31401. Aaron Beard Applicant. Mike Beard Agent.

Discussion:
The applicant is seeking a zone change and preliminary site plan approval from Highway Commercial to Planned Commercial. The applicant is the owner of the Hurricane Tire Pros shop and they are wanting to build 26 apartments north of their current storefront. The Planned Commercial zoning is a mixed use zoning that requires a mix of residential and commercial
The Planning Commission unanimously recommended approval. The Planning Commission believed that this was a good place for multifamily with it's vicinity to schools and grocery shopping.

Findings:

Recommendation:

Attachments:
1. application-ZC23-14
2. application-PSP23-19
3. ZC23-14 PSP23-18 Beard Properties Multifamily
4. BEARD PROPERTIES MULTI FAMILY HOUSING SD R1
5. Ordinance 2023-ZC-14 Beard Properties

Hurricane City Application

Permit #: ZC23-14
Issue Date: 05/31/2023

Application Accepted Date: 05/31/2023
Type of Improvement: Zone Change Application
Description:
Tenant / Project Name: Beard Properties Multi Family
Bldg. Address: 800 w 100 n
City: Hurricane State: UT Zip: 84737
Subdivision: Phase:
Block: Lot #: Parcel #: h-3-1-34-31401
Zone: Highway Commercial
Property Owner: Mike and Aaron Beard
Permit Contact: Aaron Beard P:(801) 455-4871
Email: hurricaneaccc@gmail.com

CONTACT INFORMATION

General Contractor: Beard Properties Multi Family / Mike and
License #: Aaron Beard P: (801) 455-4871
Address: 848 W State St
City: Hurricane State: Utah Zip: 84737
Email: hurricaneaccc@gmail.com

Electrical Contractor:
License #: P:
City: State: Zip:

Plumbing Contractor:
License #: P:
City: State: Zip:
Email:

Mechanical Contractor:
License #: P:
City: State: Zip:
Email:

APPLICATION DETAILS

# of Units: 0	custom text: 1 building with 26 un.

Valuation	$	0.00

PERMIT FEES

Planning Fee	$	700.00
Sub Total:	**$**	**700.00**
Permit Total:	**$**	**700.00**
Amount Paid:	**$**	**700.00**
Remaining Due:	**$**	**0.00**

APPROVALS		DATE	INFO
Plan Review Finalized:	Yes	05/31/23	Brienna Spencer

Setbacks	Front:	Rear:	Left:	Right:
Min.				
Actual:				

Notes: BS

APPLICATION NUMBER: PENDZC23-14

This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I here-by certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be compiled with whether specified herein or not the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury. Maintenance Deposit is refundable after final inspection if: 1) site is kept clean 2) building is NOT occupied prior to final inspection and issuance of Certificate of Occupancy.

Applicant Name: Aaron Beard

Signature of Applicant/Authorized Agent or Owner: Date:

Application Approved By: Brienna Spencer Date: 05/31/2023

Application Issued By: Date: 05/31/2023

Receipt #: 8.169192-05/31/23

Hurricane City Application

Permit #: PSP23-19
Issue Date: 05/31/2023

Application Accepted Date: 05/31/2023
Type of Improvement: Site Plan (Preliminary)
Description:
Tenant / Project Name: Beard Properties Multi Family
Bldg. Address: 800 w 100 n
City: Hurricane State: UT Zip: 84737
Subdivision: Phase:
Block: Lot #: Parcel #: h-3-1-34-31401
Zone: Highway Commercial
Property Owner: Mike and Aaron Beard
Permit Contact: Aaron Beard P:(801) 455-4871
Email: hurricaneaccc@gmail.com

CONTACT INFORMATION

General Contractor: Beard Properties Multi Family / Mike and
License #: Aaron Beard P: (801) 455-4871
Address: 848 W State St
City: Hurricane State: Utah Zip: 84737
Email: hurricaneaccc@gmail.com

Electrical Contractor:
License #: P:
City: State: Zip:

Plumbing Contractor:
License #: P:
City: State: Zip:
Email:

Mechanical Contractor:
License #: P:
City: State: Zip:
Email:

APPLICATION DETAILS

# of Units: 0	custom text: 1 building with 26 un.

Valuation	$	0.00

PERMIT FEES

Sub Total:	**$**	**0.00**
Permit Total:	**$**	**0.00**
Amount Paid:	**$**	**0.00**
Remaining Due:	**$**	**0.00**

APPROVALS		DATE	INFO
Plan Review Finalized:	Yes	05/31/23	Brienna Spencer

Setbacks	Front:	Rear:	Left:	Right:
Min.				
Actual:				

APPLICATION NUMBER: PSP23-18

This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I here-by certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be compiled with whether specified herein or not the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury. Maintenance Deposit is refundable after final inspection if: 1) site is kept clean 2) building is NOT occupied prior to final inspection and issuance of Certificate of Occupancy.

Applicant Name: Aaron Beard

Signature of Applicant/Authorized Agent or Owner: Date:

Application Approved By: Brienna Spencer Date: 05/31/2023

Application Issued By: Date: 05/31/2023

Receipt #:

PLANNING & ZONING
HURRICANE CITY
UTAH

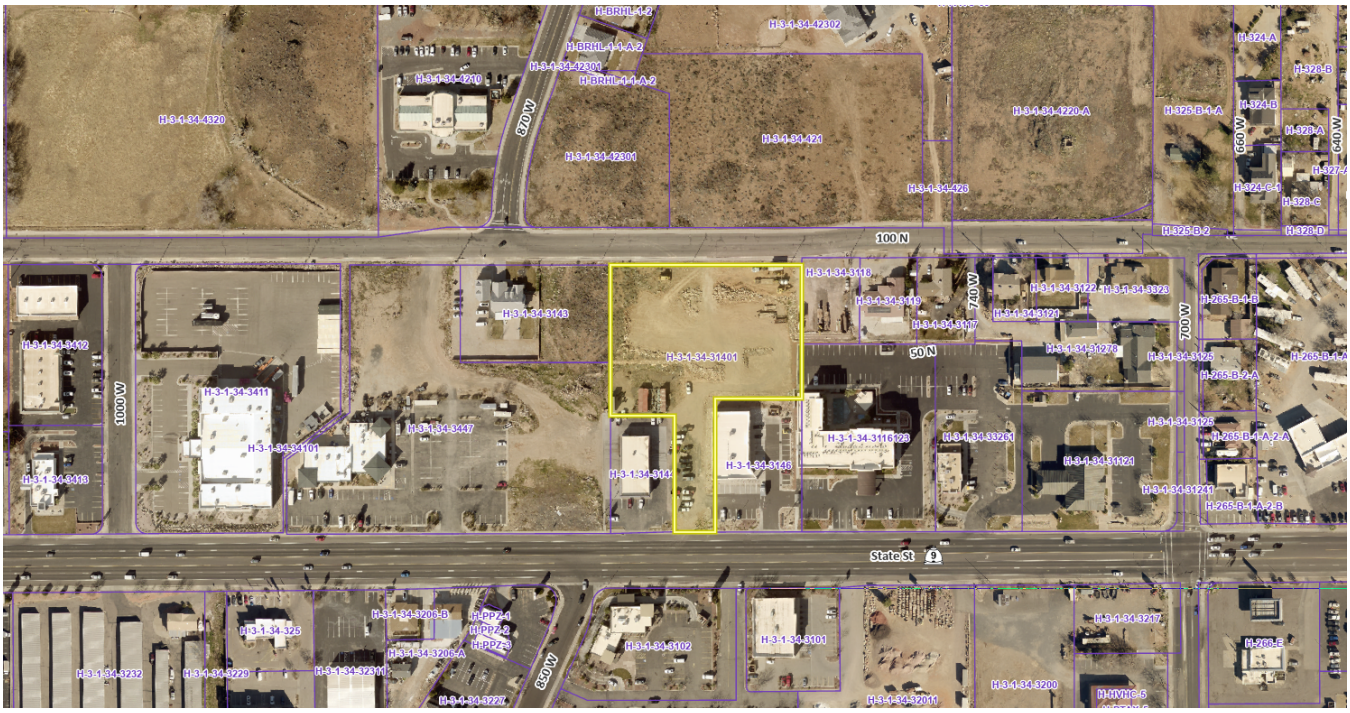
STAFF COMMENTS

Agenda Date:	**07/20/2023**
Application Number:	ZC23-14 PSP23-18
Type of Application:	Zone Change and Preliminary Site Plan Application
Action Type:	Legislative
Applicant:	Aaron Beard
Agent:	Mike Beard
Request:	A Zone Change from Highway Commercial to Planned Commercial
Location:	800 W 100 N
Zoning:	HC
General Plan Map:	General Commercial

Planning Commission update: The Planning Commission unanimously recommended approval. The Planning Commission believed that this was a good place for multifamily with it's vicinity to schools and grocery shopping. The Applicant has provided an updated site plan that addresses the Planning Commission and staff's concerns

Discussion: The applicant is seeking a zone change and preliminary site plan approval from Highway Commercial to Planned Commercial. The applicant is the owner of the Hurricane Tire Pros shop and they are wanting to build 26 apartments north of their current storefront. The Planned Commercial zoning is a mixed use zoning that requires a mix of residential and commercial

	Zoning	Adjacent Land Use
North	NC	Undeveloped property (approved church site)
East	HC	Single family homes and commercial uses
South	HC	SR-9 and commercial buildings
West	HC, M-1	Commercial uses and undeveloped property



Zone Change Factors:

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

> *Approval Standards: A decision to amend the text of this title or the zoning map is a matter within the legislative discretion of the city council as described in subsection 10-7-5A of this chapter. In making an amendment, the following factors should be considered:*
>
> *1. Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;*
>
> *2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;*
>
> *3. The extent to which the proposed amendment may adversely affect adjacent property; and*
>
> *4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.*

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

Response: This property is designated as General Commercial on the General Plan map.

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

Planned Commercial is a commercial zoning per city code, however the main point of this zone change is to allow for multifamily housing which is not a commercial use. The current zoning also matches the General Plan.

The General Plan also calls for "*Medium and high density residential developments should be planned near support facilities such as collector and arterial roads, schools, shopping, and employment centers. Medium and high density residential developments should be planned and designed to minimize impacts to nearby existing developments, while providing high-quality, attractive housing options"* The Moderate Income Housing Plan states that the City should *"Look at areas where "Missing Middle Housing" and mixed-use zones can be implemented within existing and future residential and commercial developments"*

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

Response: While residential uses would not be out of character with the area, there are residences to the east and a planned townhome development to the northwest as well as an existing four story hotel to the southeast, however a three story apartment complex may be considered out of character for the existing development in the vicinity.

3. Will the proposed amendment affect the adjacent property?

Response: All of the traffic impact will be on 100 N which is designed to handle a larger traffic load. When staff discussed this with the applicant there was concern about this property's access to State St due to the grade difference between 100 N and State St in this part of town. 26 apartments may have less of an impact on the area than a commercial use like a hotel.

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

Response: Public facilities and services are adequate for this development. See JUC comments below

JUC Comments
The following items will need to be addressed:

1. **Public Works:** What happens to the staff portion of this lot? Traffic impact on 100 N of 26 units. Drainage?
2. **Sewer:** No exception to the proposed zone change. 8" sewer main in 100 N.
3. **Water:** Water connection off 100 N.

4. **Fire:** As long as no short-term rental use we are okay.
5. **Engineering:** It appears an 8" water main was stubbed to the property from 100 N near the middle of the property assuming driveways on the north side of 100 N and on this property would align. Engineering would like to see some additional information before access locations are committed to. Will the existing drive approach be used? City code requires unused curb cuts be replaced with regular sidewalks. West driveway should be 150' minimum offset from 870 W and the driveways should be 250' minimum apart from each other. 100 N is a minor residential collector.
6. **Streets:** Okay with site plan.
7. **Power:** Power will come off 100 N. Need load calculations. Will need to pay $150 as a design fee for power.
8. **Phone:** No comment
9. **WCWCD:** Washington County Water Conservancy District hereby acknowledges that based on the information provided, the zone change adequately mitigates interference with district facilities and property interests. The District reserves the right to rescind this acknowledgement if additional information becomes available. The district has not determined whether water will be available for this development and does not hereby make any guarantee of water availability. In addition, the development must conform with applicable district requirements, including but not limited to payment of fees.

Staff Comments: Preliminary Site Plan

1. The newly passed Planned Commercial ordinance caps residential density at 15 units an acre unless 40% of the area is commercial or 10% of the units are affordable housing, in which case they can get a density bonus of up to 20 units per acre. The code also requires that at least 20% of the property be residential and 20% of the property be commercial.
    a. A breakdown of what percentage of the property is not provided. Per HCC 10-15-8 (D): *The preliminary site plan shall show general areas and proposed percentages of use. Applicants shall provide final percentages of uses within the final site plan application. Percentage calculations shall be approved by the Planning Commission.* More information is required from the applicant.
    b. The total property is 2.2 acres. Assuming they are, as per code, dedicating 20% of the property as commercial that leaves 1.76 acres for residential which at maximum density of 15 units per acre is 26 units maximum.
    c. In discussions with staff the applicant indicated that they wanted the property south of the ridge towards State St to be the commercial area and that they would eventually want to expand their tire shop. However vehicle repair is not a permitted use in Planned Commercial zoning
2. The property is 2.2 acres. HCC 10-15-4 states that a planned commercial property must be five acres unless, "*The property is incorporated into an existing commercial or multi-family development, and the proposed change will further the purpose of the planned commercial zone.*"
3. **Parking:** Per HCC 10-34-10:

Dwelling, multiple-family:		

Studio and 1 bedroom units	*1.5 spaces per dwelling unit*	
2 or more bedroom units	*2 spaces per dwelling unit*	

a. Per their site plan 52 parking stalls are required and 68 parking stalls are provided

4. **Landscaping:** Landscaping will be approved with the final site plan. They will have to meet the following standards under HCC 10-32-5: *" Open space and common areas within a multiple residential development shall include a minimum of one tree and two shrubs per dwelling unit."* As well as any required parking lot landscaping.
5. **Open Space and Amenities:** Per HCC 10-33-5: 20% of the area must be open space and one amenity must be provided. There is no indication of the percentage of open space on their plan. Per their site plan there appears to be a picnic table/ barbecue area on the north side. Per HCC 10-33-5 (F): *"Amenities may include, but are not limited to, pools of at least 1,500 square feet, health or fitness facilities, playgrounds, community gardens, trail systems, dog parks, sport courts, and club houses. All amenities shall be built to commercial standards."* The Planning Commission has some discretion on whether this counts as an amenity.

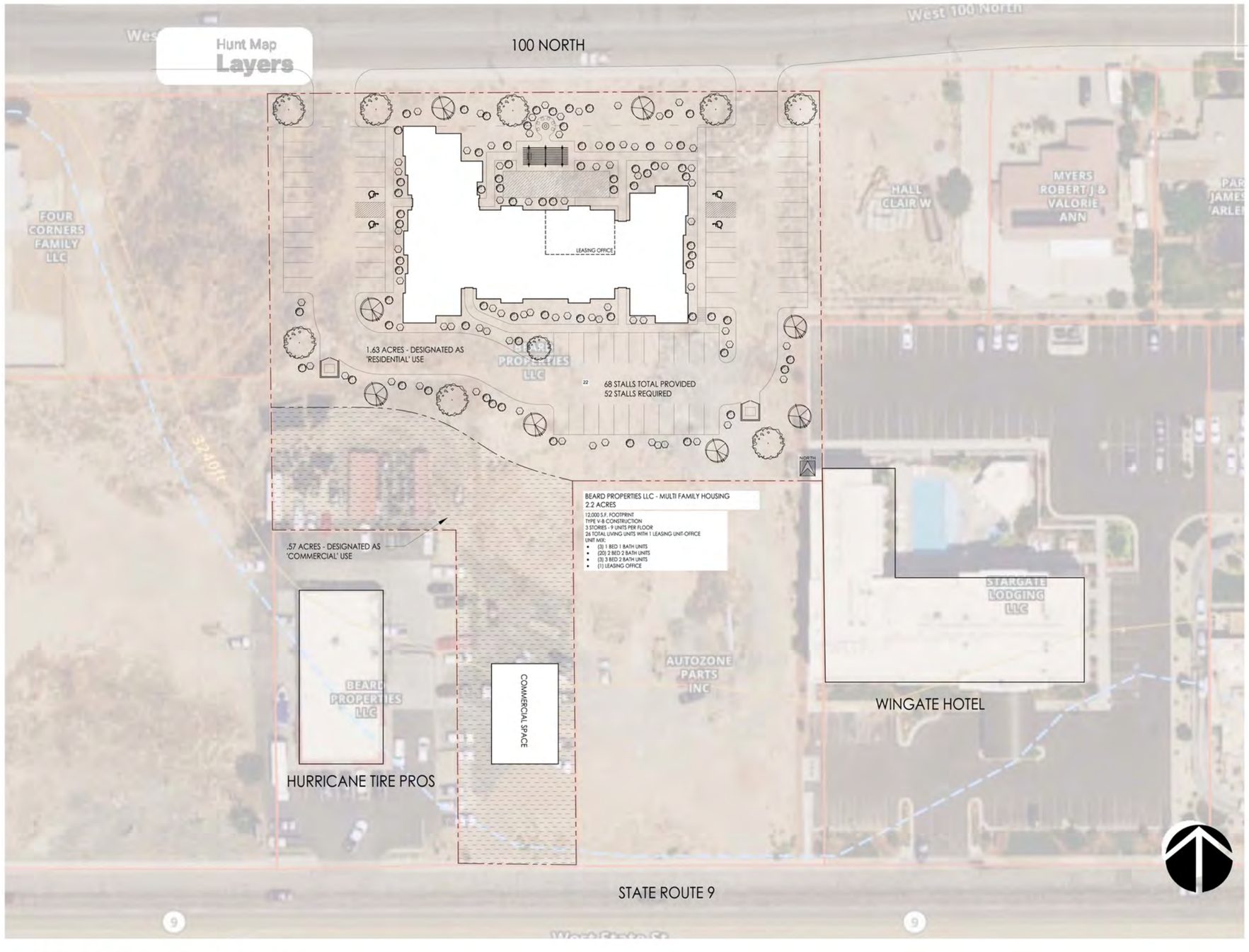
Findings:
Staff makes the following findings:

1. The proposed zone change broadly meets the standards of the General Plan Map and goals
2. The proposed zone change may be considered generally harmonious with the surrounding development.
3. The proposed amendment may have an impact on the area, however it may or may not be more impactful than the current zoning
4. Services are adequate or planned to become adequate for the area.
5. The submitted site plan is not adequate to determine if it meets Planned Commercial standards

Recommendation: Staff recommends the Planning Commission review this application based on standards with Hurricane City Code. Staff would not recommend approval until the issues with the preliminary site plan are addressed.

BEARD PROPERTIES LLC
MULTI-FAMILY HOUSING

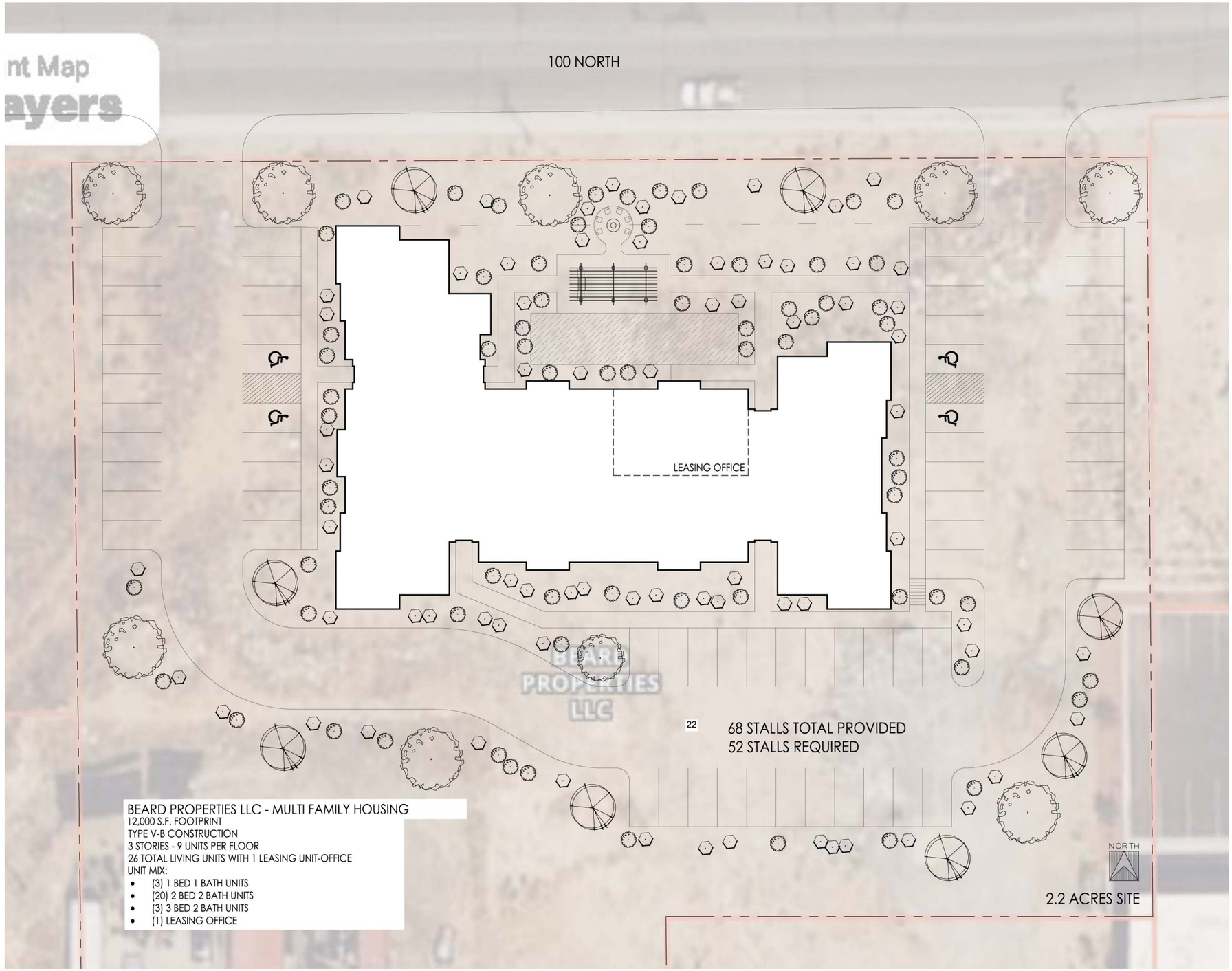
DESERT EDGE architecture



OVERALL SITE LOCATION PLAN
DRAWING SCALE 1" = 64'

BEARD PROPERTIES LLC
MULTI-FAMILY HOUSING

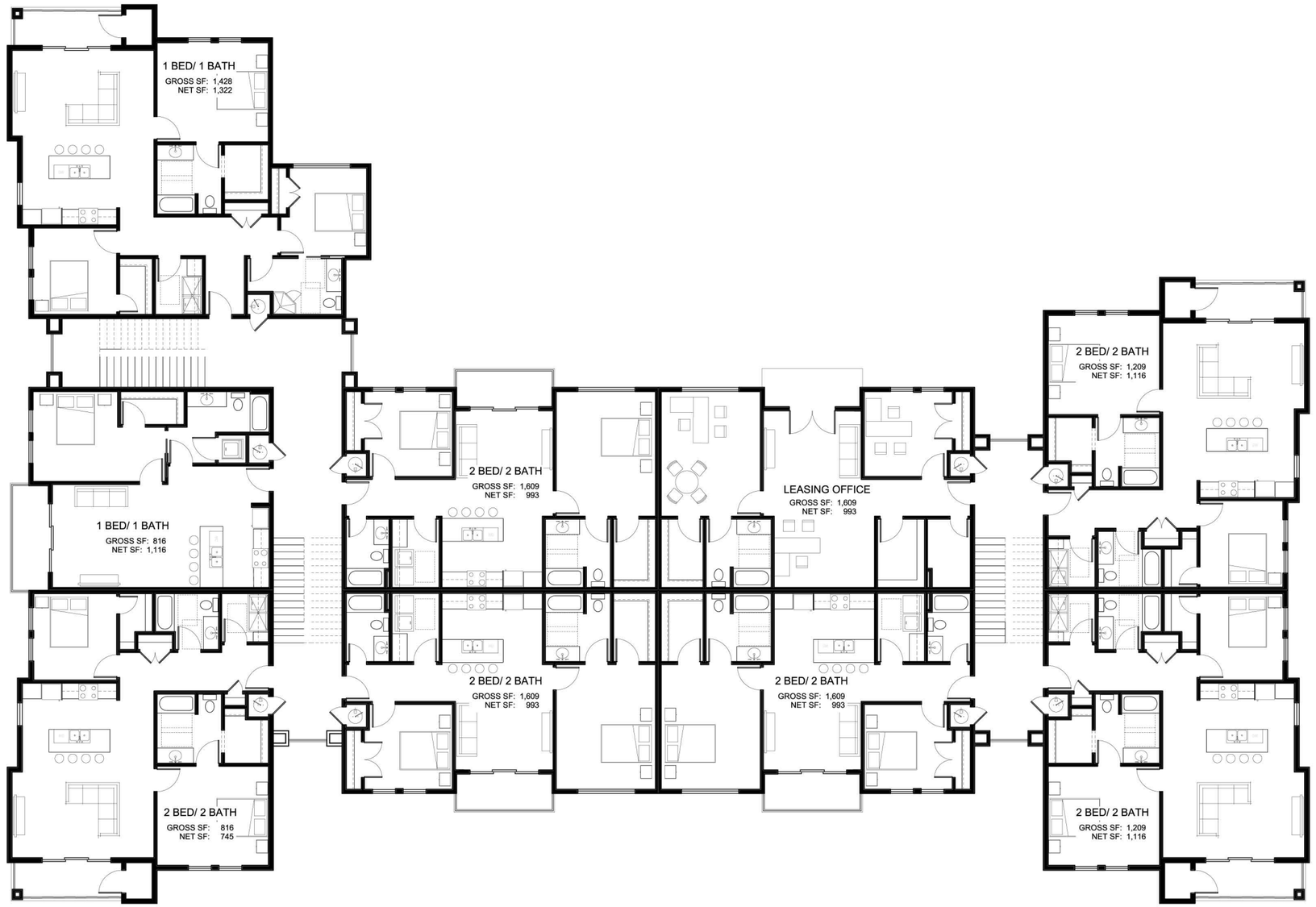
DESERT EDGE architecture



SITE PLAN
DRAWING SCALE 1" = 32'

BEARD PROPERTIES LLC
MULTI-FAMILY HOUSING

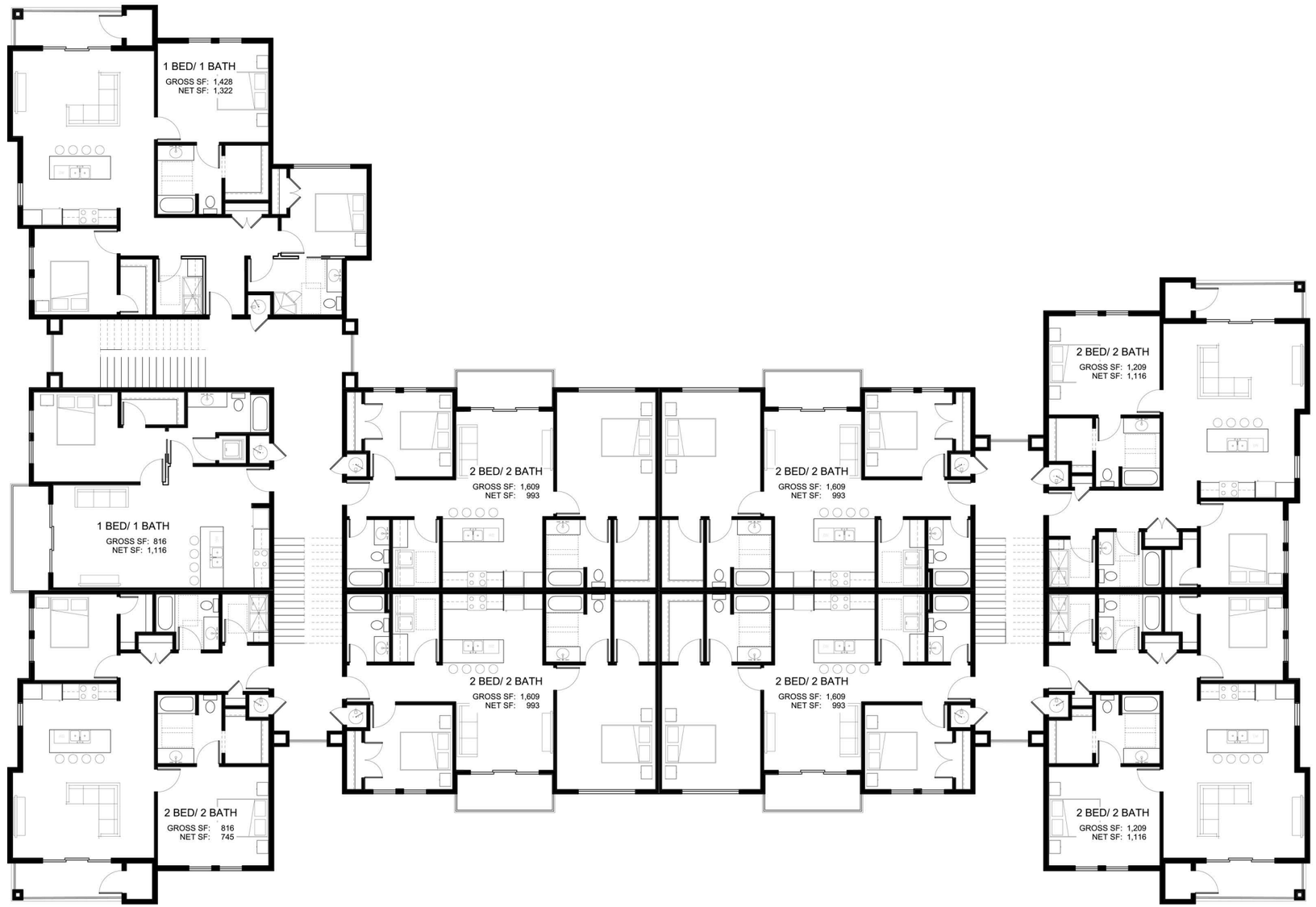
DESERT EDGE architecture



BEARD PROPERTIES LLC
MULTI-FAMILY HOUSING

MAIN LEVEL FLOOR PLAN
DRAWING SCALE 1" = 16'

DESERT EDGE architecture



BEARD PROPERTIES LLC
MULTI-FAMILY HOUSING

SECOND AND THIRD LEVEL FLOOR PLAN
DRAWING SCALE 1" = 16'

DESERT EDGE architecture

BEARD PROPERTIES LLC
MULTI-FAMILY HOUSING

DESERT EDGE architecture

BEARD PROPERTIES LLC
MULTI-FAMILY HOUSING

DESERT EDGE architecture

BEARD PROPERTIES LLC
MULTI-FAMILY HOUSING

DESERT EDGE architecture

BEARD PROPERTIES LLC
MULTI-FAMILY HOUSING

DESERT EDGE architecture

ORDINANCE NO 2023-ZC-14

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE APPROVING THE REZONE FROM HIGHWAY COMMERCIAL TO PLANNED COMMERCIAL FOR PARCEL H-3-1-4-31401.

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, the Planning Commission gave a positive recommendation on the proposed ordinance.

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

1. The following zone change be approved: Zone Change Amendment request located at approximately 800 W 100 N from Highway Commercial to Planned Commercial.
2. The attached site plans be approved subject to staff and JUC comments contained within the state report.

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 ____ 2023. Whereupon a motion to adopt and approve said Resolution was made by _____ and seconded by _____. A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
Joseph Prete	___	___	___	___
David Sanders	___	___	___	___
David Hirschi	___	___	___	___
Kevin Thomas	___	___	___	___
Doug Heideman	___	___	___	___

_____
Cindy Beteag, Recorder

EXHIBIT A

ZONING MAP AND PRELIMINARY SITE PLAN

HURRICANE CITY
UTAH

STAFF COMMENTS

Ordinance ZC23-16: Consideration and possible approval of a **Zone Change Amendment request located at 2095 S 700 W from R1-6, residential one unit per 6,000 square feet, to M-1, light industrial.** Parcel number H-3-2-10-232. Julie Iverson Trust Applicant. Karl Rasmussen Agent.

Discussion:
The applicant has proposed a zone change for 6.09 acres from R1-6 to M-1. This property is along 700 W behind the Legacy Estates subdivision and across the street from the Hurricane Airport. The applicant has told staff that due to the collapsible soils on the property they did not want to do residential on this property.
The Planning Commission made a recommendation of denial of this zone change due to the negative impact of the neighborhood and it is not harmonious with the surrounding neighborhood. The vote on the motion was three in favor one against with one abstention due to a conflict of interest.

Findings:

Recommendation:

Attachments:
1. application-ZC23-16
2. 6480fe2ca4b3bOwner_Affidavit_located_on_Ci
3. 6480fe2ca5165Zoning_Map
4. ZC23-16 Julie Iverson
5. FW Ted Dutton Structure increase
6. FW Zoning Change - Parcel Number H-3-2-10-232
7. Ordinance 2023-ZC-16 Iverson Industrial

Hurricane City Application

Permit #: ZC23-16
Issue Date: 06/07/2023

Application Accepted Date: 06/07/2023
Type of Improvement: Zone Change Application
Description:
Tenant / Project Name: Zone Change - Julie Iverson
Bldg. Address: 2095 S 700 W
City: Hurricane State: UT Zip: 84737
Subdivision: Phase:
Block: Lot #: Parcel #: H-3-2-10-232
Zone: R1-6
Property Owner: Iverson Julie TR
Permit Contact: ProValue Engineering P:(435) 668-8307
Email: karl@pv-eng.com

CONTACT INFORMATION

General Contractor: Zone Change - Julie Iverson / Julie Iverson
License #: TR P: (435) 680-4373
City: State: Zip:
Email: iversonr65@gmail.com

Electrical Contractor:
License #: P:
City: State: Zip:

Plumbing Contractor:
License #: P:
City: State: Zip:
Email:

Mechanical Contractor:
License #: P:
City: State: Zip:
Email:

APPLICATION DETAILS

of Units: 0 | custom text:

Valuation	$	0.00

PERMIT FEES

Planning Fee	$	500.00
Sub Total:	**$**	**500.00**
Permit Total:	**$**	**500.00**
Amount Paid:	**$**	**500.00**
Remaining Due:	**$**	**0.00**

APPROVALS		DATE	INFO
Plan Review Finalized:	Yes	06/07/23	Brienna Spencer

Setbacks	Front:	Rear:	Left:	Right:
Min.				
Actual:				

APPLICATION NUMBER: PENDZC23-16

This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I here-by certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be compiled with whether specified herein or not the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury. Maintenance Deposit is refundable after final inspection if: 1) site is kept clean 2) building is NOT occupied prior to final inspection and issuance of Certificate of Occupancy.

Applicant Name:

Signature of Applicant/Authorized Agent or Owner: Date:

Application Approved By: Brienna Spencer Date: 06/07/2023

Application Issued By: Date: 06/07/2023

Receipt #: 7.713067-06/07/23

AFFIDAVIT
PROPERTY OWNER

STATE OF UTAH)
:ss
COUNTY OF)

I (we), Julie Iverson, 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.

Julie Iverson
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 2nd day of June 2023.

(Notary Public)

Residing in: Hurricane, Ut

My Commission Expires: 1/19/26

NOTARY PUBLIC
Wendy Barney
722515
My Commission Expires
01/19/2026
STATE OF UTAH

Agent Authorization

I (we), Julie Iverson, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Karl Rassmussen 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.

Julie Iverson
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 2nd day of June 2023

(Notary Public)

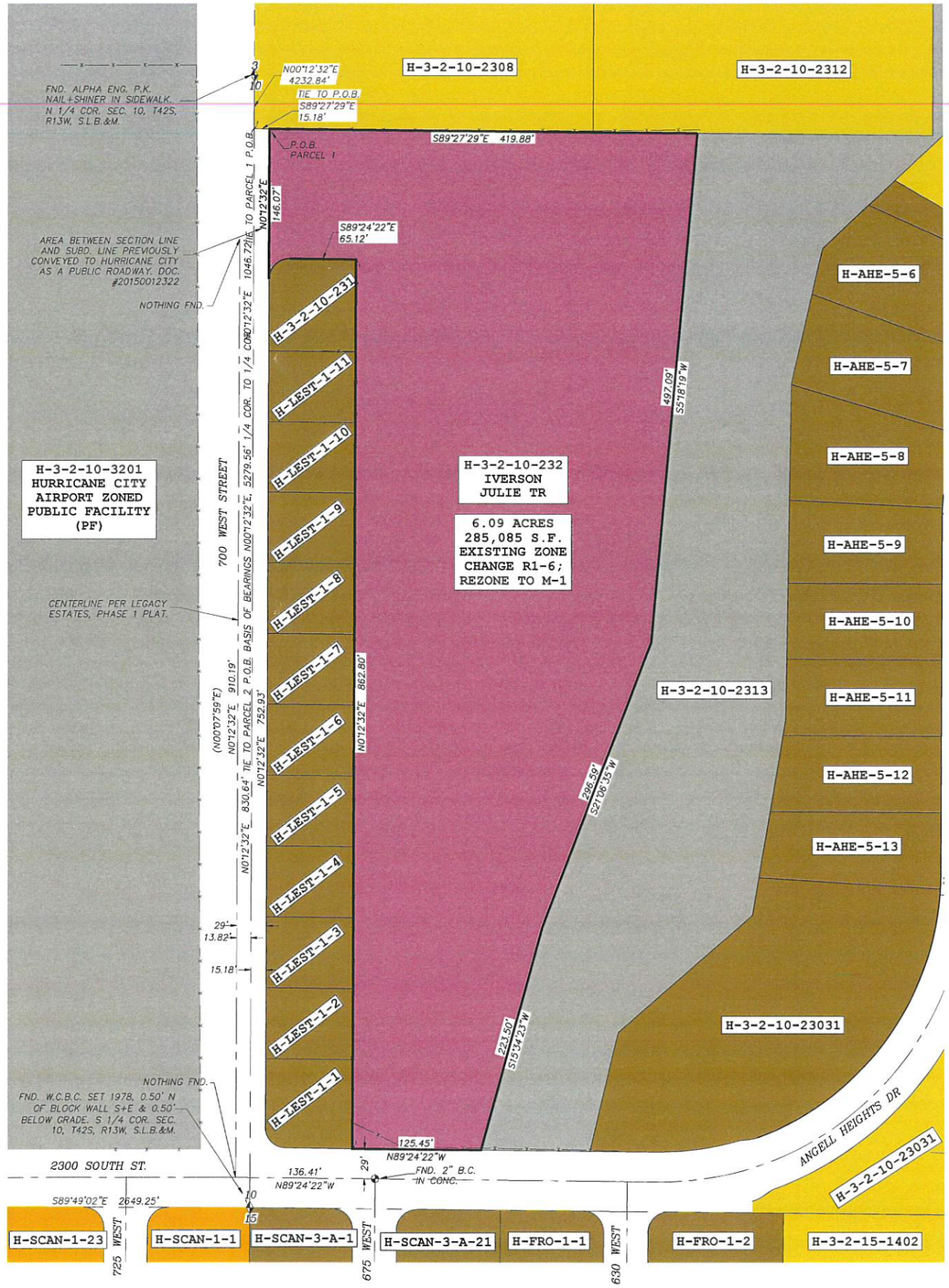
Residing in: Hurricane Ut

My Commission Expires: 1/19/26

NOTARY PUBLIC
Wendy Barney
722515
My Commission Expires
01/19/2026
STATE OF UTAH

ZONE CHANGE MAP FOR:
JULIE IVERSON TRUSTEES

LOCATED IN THE SW 1/4 OF THE SE 1/4 OF SECTION 10, T42S, R13W, S.L.B.&M. HURRICANE CITY, WASHINGTON COUNTY, UTAH



OWNER:

IVERSON JULIE TR
1330 S 50 W
HURRICANE, UT 84737-2303
435-680-4373

LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- SECTION LINE
- CENTER LINE
- PROJECT AREA LINE
- FENCE LINE

ZONE LEGEND

- M-1: LIGHT INDUSTRIAL
- R1-6: RESIDENTIAL - 1 UNIT PER 6,000 S.F.
- R1-15: RESIDENTIAL - 1 UNIT PER 15,000 S.F.\
- PF: PUBLIC FACILITY
- RM-2: MULTI-FAMILY - 10 UNITS PER ACRE

LEGAL DESCRIPTION FOR PROPOSED M-1 ZONE:

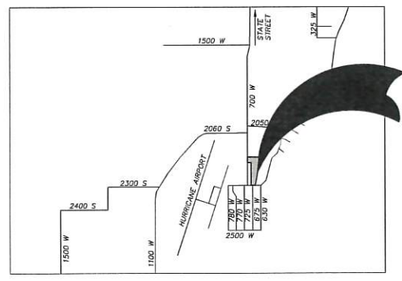
PARCEL H-3-2-10-232:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 10, TOWNSHIP 42 SOUTH, RANGE 13 WEST, OF THE SALT LAKE BASE AND MERIDIAN; THENCE N00°12'32"E, ALONG THE NORTH-SOUTH CENTER SECTION LINE, 1,046.72 FEET; THENCE S89°27'29"E, 15.18 FEET TO THE POINT OF BEGINNING. SAID POINT BEING LOCATED ON THE EAST LINE OF 700 WEST STREET; THENCE DEPARTING SAID LINE AND CONTINUING S89°27'29"E, 419.88 FEET; THENCE S05°18'19"W, 497.09 FEET; THENCE S21°06'35"W, 296.59 FEET; THENCE S15°34'23"W, 223.50 FEET TO A POINT LOCATED ON THE NORTH LINE OF 2300 SOUTH STREET; THENCE N89°24'22"W, ALONG SAID LINE, 125.45 FEET TO THE SOUTHEAST CORNER OF LEGACY ESTATES, PHASE #1 SUBDIVISION; THENCE N00°12'32"E, ALONG THE EAST LINE OF SAID PHASE #1, 862.80 FEET; THENCE N89°24'22"W, 65.12 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET, AND A CENTRAL ANGLE OF 90°23'06"; THENCE SOUTHWESTERLY ALONG SAID CURVE, 31.55 FEET TO A POINT LOCATED ON THE EAST LINE OF SAID 700 WEST STREET; THENCE N00°12'32"E, ALONG SAID LINE, 146.07 FEET TO THE POINT OF BEGINNING. CONTAINING 6.09 ACRES.

LEGAL DESCRIPTION FROM RECORDED RECORD OF SURVEY DOC #: RS006691-16

PURPOSE:

PLAN IS TO CHANGE PARCELS H-3-2-10-232 ZONE CHANGE FROM R1-6: RESIDENTIAL - 1 UNIT PER 6,000 S.F. TO M-1: LIGHT INDUSTRIAL FOR IVERSON JULIE TR.



PROJECT LOCATION

COPYRIGHT © 2013 PROVALUE ENGINEERING INC.

NO	DESCRIPTION	DATE	BY
	REVISIONS		

PROVALUE ENGINEERING, INC.
Engineers - Land Surveyors - Land Planners
36 South 850 West, Suite I
Hurricane City, Utah 84737
Phone: (435) 668-8307 Karl Rasmussen
Phone: (435) 668-7388 Steve Waldrip
Fax: (866) 468-3672

ZONE CHANGE MAP FOR:
JULIE IVERSON TRUSTEES
HURRICANE CITY, WASHINGTON COUNTY, UTAH
LOCATED IN THE SW 1/4 OF THE SE 1/4 OF SECTION 10, T42S, R13W, S.L.B.&M.

DATE: 6/6/2013
SCALE: 1"=60'
JOB NO. 300-007
SHEET NO: 1 OF 1

300-007

PLANNING & ZONING
HURRICANE CITY
UTAH

STAFF COMMENTS

Agenda Date:	**07/20/2023**
Application Number:	ZC23-16
Type of Application:	Zone Change
Action Type:	Legislative
Applicant:	Iverson Julie TR
Agent:	ProValue Engineering
Request:	A zone change from R1-6 to M-1
Location:	2095 S 700 W
Zoning:	R1-6
General Plan Map:	Planned Community

Planning Commission Update: The Planning Commission made a recommendation of denial of this zone change due to the negative impact of the neighborhood and it is not harmonious with the surrounding neighborhood. The vote on the motion was three in favor one against with one abstention due to a conflict of interest.

Discussion:
The applicant has proposed a zone change for 6.09 acres from R1-6 to M-1. This property is along 700 W behind the Legacy Estates subdivision and across the street from the Hurricane Airport. The applicant has told staff that due to the collapsible soils on the property they did not want to do residential on this property.

	Zoning	Adjacent Land Use
North	R1-15, M-1	Single Family residential and storage units
East	PF, R1-6, R1-15	Open Space and single family lots (largely unbuilt)

South	R1-6	Single family homes
West	R1-6, PF	Hurricane Airport, single family homes

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 Map shows this area as Planned Community:

Master planned communities should be complete communities that offer a mixture of housing types and supporting uses such as neighborhood and supporting commercial uses, offices, churches, schools, and

parks. Development in this designation should take into account the character of existing surrounding development.

The proposed zoning does not comply with the General Plan map for the area. Commercial uses in this area of the General Plan map are usually intended to be uses that are compatible with nearby residential uses which light industrial may or may not be. The General Plan recommends the City, *"Support continued industrial growth and zone changes in appropriate areas of the City."*

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

Response: There is currently light industrial use in the vicinity being used for storage units as well as warehouse-like buildings at the airport. There are a lot of residences in the area and while light industrial uses are intended to be those that do not cause smoke, noise, or odor there are some light industrial uses like manufacturing that may possibly disrupt the neighborhood.

3. Will the proposed amendment affect the adjacent property?

Response: M-1 zoning allows for a variety of possible uses from storage units, as is used on the parcel to the north, to light manufacturing. What effect this zone change has on the adjacent properties can depend heavily on what industrial uses are proposed on the property. It's important to note that if the zone change is approved, any light industrial use permitted under the M-1 zone could go on the property.

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

Response: Services and facilities are largely adequate for this development. See JUC comments below.

JUC Comments

1. **Public Works:** Highly collapsible soils, low impact development would be good.
2. **Power:** Currently there is not power capacity in this area. Please contact Hurricane City Power for further information.
3. **Sewer:** No exceptions with zone change
4. **Streets:** Okay with zone change
5. **Water:** Okay
6. **Engineering:** Acceptable access locations to the property are limited. M-1 uses can potentially have less traffic impact or more traffic impact than a residential development. Can making Lots 1 & 2 of Legacy Estates double frontage be avoided?
7. **Fire:** Will need to add hydrants in M-1 area.

8. **Gas:** No comments
9. **Cable:** No comments
10. **WCWCD:** Washington County Water Conservancy District hereby acknowledges that based on the information provided, the zone change 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.

Items to Considers

The following are key items to consider:

- If this zone change is approved any use permitted in the M-1 zone would be permitted on this property. This includes but is not limited to:
    - *Residential Uses*
        - *Rehabilitation/treatment facility*
        - *Residential facility for troubled youth*
        - *Transitional housing facility*
    - *Commercial Uses*
        - *Vocational school*
        - *Agricultural sales and service*
        - *Business equipment rental*
        - *Convenience store and gas station*
        - *Commercial kennel*
        - *Liquor store*
        - *Vehicle repair/rentals/sales*
        - *Storage units*
    - *Industrial Uses*
        - *Manufacturing*
        - *Warehousing*

Findings:
Staff makes the following findings:

1. The proposed zone change is not compatible with the General Plan Map but may meet some of it's goals.
2. The proposed zone change can be considered to be in harmony with some of the properties in the area but not all of them.
3. The proposed zone change will have an impact on the area, but that depends on what the actual use ends up being.
4. The services are generally adequate for the development in this region.

Recommendation: Staff recommends the Planning Commission review this application and the zone change based on standards and considers residents' comments. Staff finds the proposal generally acceptable.

From: Fred Resch
Sent: Tuesday, June 20, 2023 10:30 AM
To: Brad Winder; Brienna Spencer; Dayton Hall; Fred Resch; Jeremy Pickering; Kelby Iverson; Kevin Thomas; 'Mark Sampson.1'; 'Michelle Cloud'; Nanette Billings; 'Paul Farthing'; 'Ralph Ballard'; 'Rebecca Bronemann'; 'Shelley Goodfellow'
Subject: FW: Ted Dutton Structure increase

Please see the public comment below

From: Public Comment <publiccomment@cityofhurricane.com>
Sent: Tuesday, June 20, 2023 10:29 AM
To: Fred Resch <fred@cityofhurricane.com>
Subject: FW: Ted Dutton Structure increase

From: Lynn Hanson <desertbug@hotmail.com>
Sent: Saturday, June 17, 2023 12:48 PM
To: Public Comment <publiccomment@cityofhurricane.com>
Subject: RE: Ted Dutton Structure increase

Attn: Mr. Stephen Nelson

Dear Mr. Nelson

Maybe you can clear up some issues that have been raised by the residents of Rainbow Canyon. I live at 2322 S 675 W.

When I received this bulletin, I was assuming that Mr. Dutton wishes to increase the size of his garage. I have no issues with that if that is what is being asked of us in this area.

However, I am being told that the Iversons wish to change the property designation for the area between the homes running along 700 W and 2300 S and Angle Heights area homes. Apparently (I'm being told, they want this particular parcel to become "commercial" so they can put in storage units. If so, that is a definite No! No! No ! It is bad enough we will have to put up with traffic during Peach Tree Days going to the Rodeo stadium but now you expect us to put up with traffic coming in and out of the storage units. **These units should definetly be in the down town area off of State Street somewhere.** Storage units also bring a lot of crime into neighborhoods. Not the most "honorable citizens " use those storage units for "legal purposes". The area is currently designated R1. I love my little home and I am very happy here as are a lot of my neighbors. Why do the Iversons insist on ruining this for us just because

they own the property across the street. They have " Just because I can" attitude ? They have enough money to put this elsewhere where it should be, in a Commercial downtown area. I am sure the homeowners on 700 W and the Angel Heights area will have a lot to say about this also.

Sincerely, Ms. Lynn Hanson

From: Fred Resch
Sent: Tuesday, June 20, 2023 10:31 AM
To: Brad Winder; Brienna Spencer; Dayton Hall; Fred Resch; Jeremy Pickering; Kelby Iverson; Kevin Thomas; 'Mark Sampson.1'; 'Michelle Cloud'; Nanette Billings; 'Paul Farthing'; 'Ralph Ballard'; 'Rebecca Bronemann'; 'Shelley Goodfellow'
Subject: FW: Zoning Change - Parcel Number H-3-2-10-232

Please see the public comment below

From: Public Comment <publiccomment@cityofhurricane.com>
Sent: Tuesday, June 20, 2023 10:29 AM
To: Fred Resch <fred@cityofhurricane.com>
Subject: FW: Zoning Change - Parcel Number H-3-2-10-232

From: Bonnie Maynard <bonniemaynard64@yahoo.com>
Sent: Sunday, June 18, 2023 10:50 AM
To: Public Comment <publiccomment@cityofhurricane.com>
Subject: Zoning Change - Parcel Number H-3-2-10-232

Hello, I am the property owner of 2279 S 700 W Hurricane, Utah and am in opposition of a zoning change to the parcel behind my property. Parcel Number H-3-2-10-232 This is an area of residential homes and I feel that it would not be good for the area and property values.

Thank you for your consideration in this matter,
Robert Maynard
(406) 799 4428

ORDINANCE NO 2023-ZC-16

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE APPROVING THE REZONE FOR PARCEL H-3-2-10-232 FROM R1-6, RESIDENTIAL ONE UNIT PER 6,000 SQUARE FEET TO M-1, LIGHT INDUSTRIAL

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;

WHEREAS, the proposal may lessen the service and utility needs in the area

.

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

1. That parcel H-3-2-10-232 be rezoned from R1-6 to M-1 Light Industrial

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 20th day of July 2023. Whereupon a motion to adopt and approve said Resolution was made by _____ and seconded by _____. A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
Joseph Prete	___	___	___	___
David Sanders	___	___	___	___
David Hirschi	___	___	___	___
Kevin Thomas	___	___	___	___
Doug Heideman	___	___	___	___

_____
Cindy Beteag, Recorder

EXHIBIT A

ZONING MAP

HURRICANE CITY
UTAH

STAFF COMMENTS

Ordinance ZC23-17: Consideration and possible approval of a **Zone Change Amendment request located at 2250 S 5140 W from R1-10, residential one unit per 10,000 square feet, to PF, public facility.** Parcel number H-4-2-11-320112. Russ Condie Applicant. Alliance Consulting Agent.

Discussion:
Dixie Power is building a new substation to the east of the Pecan Valley subdivision. This property was rezoned to R1-10 in April of 2021 as part of the larger Sand Hollow Village subdivision but was purchased by Dixie Power and is now looking to build a substation on site. The Planning Commission recommended approval of this zone change. The vote was unanimous.

Findings:

Recommendation:

Attachments:
1. Application
2. Mailing Map
3. Warranty Deed
4. Mailing Lables
5. Legal Discription
6. Affidavit
7. ZC23-17 Dixie Power
8. Zoning Map
9. Ordinance 2023-ZC-17 Dixie Power

PLANNING & ZONING
HURRICANE CITY
UTAH
147 N 870 W Hurricane UT
PHONE: 435.635.2811 FAX: 435.635.2184

ZONE CHANGE APPLICATION

For office use only: $500.00 Fee
File No. _____
Receipt No. _____

Name: Dixie Power (Russ Condie) Telephone: 435-673-3297

Address: 145 Brigham Rd. St. George, UT 84790 Fax No. _____

Email: russc@dixiepower.com Agent Email: ccoats@allianceconsulting.us

Agent (If Applicable): Alliance Consulting LLC Telephone: 435-673-8060

Address/Location of Subject Property: 2250 S 5140 W, Hurricane, UT.

Tax ID of Subject Property: H-4-2-11-320112 Existing Zone District: R-10

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

To install a Substation Site for Dixie Power.

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

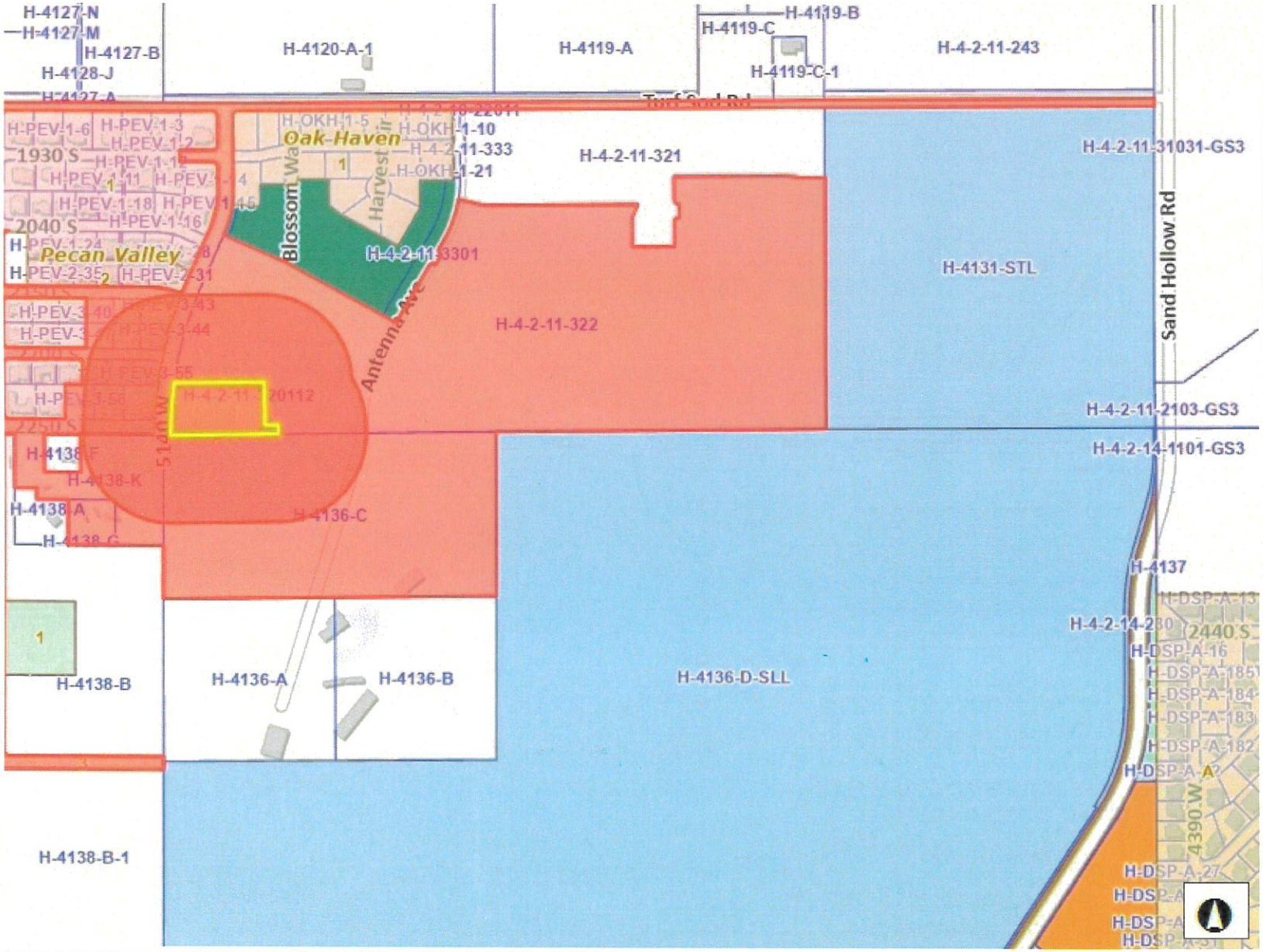
Note: It is important that all applicable information noted above along with the fee is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Planning Commission meetings are held on the second and fourth Thursday of each month at 6:00 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: _____

Dixie Power 350 foot



Legend

Subdivision Phases

Subdivisions

- 251 W HILTON DR PLAZA
- 3 LITTLE BIRDS
- 3202 EAST CRIMSON RIDGE DR
- 350 N INDUSTRIAL COMMERCIAI
- 3D COMMERCIAL CENTER
- 476 EAST RIVERSIDE CENTER
- 700 SOUTH COMMERCIAL
- 900 SOUTH COMMERCIAL
- 920 WEST SUBDIVISION
- ADAMSON
- ADOBE HILLS
- AFTERTHOUGHT
- AL TRUMAN
- ALBERTSONS CENTER
- ALBORADA
- ALMOND HEIGHTS PARK
- ALPHA 1 TH
- ALPINE
- ANASAZI HILLS AT ENTRADA
- ANASAZI PLATEAU
- ANASAZI RIDGE AT ENTRADA
- ANCESTOR EST
- ANCESTOR SQUARE
- ANCESTOR SQUARE CONDO

Notes

1,504.7 0 752.33 1,504.7 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

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

When recorded mail deed and tax notice to:
Dixie-Escalante Rural Electric Association, Inc.,
a Utah corporation
71 E Highway 56
Beryl, UT 84714

SOUTHERN UTAH TITLE COMPANY
"Doing good Deeds for over 70 years"
sutc.com

Order No. 227162 - NS
Tax I.D. No. H-4-2-11-320112

Space Above This Line for Recorder's Use

WARRANTY DEED

SHV LLC., a Utah Limited Liability Company, grantor(s), of St. George, County of Washington, State of Utah, hereby **CONVEY and WARRANT to**

Dixie-Escalante Rural Electric Association, Inc., a Utah corporation, grantee(s) of Beryl, County of Iron, State of Utah, for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION the following described tract of land in Washington County, State of Utah:

See Attached Exhibit "A"

See Water Rights Addendum to Land Deeds attached hereto and made a part hereof

TOGETHER WITH all improvements and appurtenances there unto belonging, and being SUBJECT TO easements, rights of way, restrictions, and reservations of record and those enforceable in law and equity.

WITNESS the hand(s) of said grantor(s), this 28 day of February, 2023.

SHV LLC., a Utah Limited Liability Company
By: Eugene Gordon, Inc., a Utah Corporation
Its: Member

By: _____
Jared Westhoff, President

STATE OF Utah)
:ss.
COUNTY OF Washington)

On the 28th day of February, 2023, personally appeared before me, Jared Westhoff, who being by me duly sworn, did say that he/she is the President of Eugene Gordon, Inc., a Utah Corporation, Member of SHV LLC., a Utah Limited Liability Company, and that said instrument was signed by him/her in behalf of said limited liability company by authority of statute, its articles of organization or its operating agreement, for the uses and purposes herein mentioned, and said Jared Westhoff acknowledged to me that said limited liability company executed the same.

Nicole Stanworth
NOTARY PUBLIC

NICOLE STANWORTH
Notary Public
State Of Utah
My Commission Expires 03-05-2024
COMMISSION NO. 710993

My Commission Expires:

Unofficial Copy

Attachment to that certain Warranty Deed executed by SHV LLC., a Utah Limited Liability Company grantor(s), to Dixie-Escalante Rural Electric Association, Inc., a Utah corporation grantee(s).

Order No. 227162
Tax I.D. No. H-4-2-11-320112

EXHIBIT "A"

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 11, TOWNSHIP 42 SOUTH, RANGE 14 WEST, OF THE SALT LAKE BASE AND MERIDIAN; THENCE S89°31'38"E 30.01 FEET ALONG THE SOUTH SECTION LINE TO THE POINT OF BEGINNING; THENCE NORTHERLY ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 1520.00 FEET AND A RADIAL BEARING OF S88°42'39"E, A DISTANCE OF 210.87 FEET, THROUGH A CENTRAL ANGLE OF 07°56'55" (LONG CHORD BEARS: N05°15'49"E 210.70 FEET); THENCE S89°31'40"E 359.40 FEET; THENCE S00°28'20"W 172.50 FEET; THENCE S89°31'40"E 51.98 FEET; THENCE S00°28'20"W 37.47 FEET; THENCE N89°31'38"W 428.98 FEET TO THE POINT OF BEGINNING.

***

Initials _____

Unofficial Copy

WATER RIGHTS ADDENDUM TO LAND DEEDS

Grantor: SHV LLC., a Utah Limited Liability Company
Grantee: Dixie-Escalante Rural Electric Association, Inc., a Utah corporation
Tax ID Number(s): H-4-2-11-320112

In connection with the conveyance of the above referenced parcel(s), Grantor hereby conveys to Grantee without warranty, except for a warranty of title as to all claiming title by or through Grantor, the following interests in water and/or makes the following disclosures:

Check one box only — Proceed to Section

1 ☐ All of Grantor's water rights used on Grantor's Parcel(s) are being conveyed. — A
2 ☐ Only a portion of Grantor's water rights are being conveyed. (County Recorder should forward a copy of this form to the Utah Division of Water Rights if Box 1 or 2 above is checked) — B
3 ☑ No water rights are being conveyed. — C
4 ☐ Water rights are being conveyed by separate deed. — C

Section		Important Notes (see other side)
A	The water right(s) being conveyed include Water Right No(s). along with all applications pertaining to the water right(s) listed in this Section A, and all other appurtenant water rights (Proceed to Section C)	N1 N2 N3
B	Only the following water rights are being conveyed: (check all boxes that apply) ☐ All of Water Rights No(s). ☐ acre-feet from Water Right No. for: families acres of irrigated land: stock water for Equivalent Livestock Units; and/or for the following other uses ☐ acre-feet from Water Right No. for: families acres of irrigated land: stock water for Equivalent Livestock Units; and/or for the following other uses Along with all applications pertaining to the water right(s) listed in this Section B. (Proceed to Section C)	N1 N4 N5 N5 N2
C	Disclosures By Grantor: (check all boxes that apply) ☐ Grantor is endorsing and delivering To Grantee stock certificates for Shares stock in the following water company: ☐ Culinary water service is provided by: ☐ Outdoor water service is provided by: ☑ There is no water service available to Grantor's Parcel(s). _ ☐ Other water related disclosures:	N6 N7 N8 N9 N10

Attach and sign additional copies of this form if more space is needed.

The undersigned acknowledge sole responsibility for the information contained herein even though they may have been assisted by employees of the Utah Division of Water Rights, real estate professionals, or other professionals, except to the extent that title insurance or a legal opinion concerning such information is obtained.

Grantor's Signature: SHV LLC, a Utah Limited Liability Company

By: Eugene Gordon, Inc., a Utah Corporation,
Member

Jared Westhoff, President

Grantee's Acknowledgment of Receipt: Dixie-Escalante Rural Electric Association, Inc., a Utah corporation

ESIGN | 20230228154155758
LaDel Laub

LaDel Laub, President

Grantee's Address: 71 E Highway 56 , Beryl, Utah 84714
NOTE: GRANTEE MUST KEEP A CURRENT ADDRESS ON FILE WITH THE UTAH DIVISION OF WATER RIGHTS.

Unofficial Copy

NOTES TO WATER RIGHTS ADDENDUM TO LAND DEEDS

Please read the following notes carefully in order to avoid problems and the possible loss of the water rights being conveyed in connectionwith this transaction.

The mere purchase of a water right does not guarantee: (1) that the water right is in good standing with the Utah Division of Water Rights; (2) that the owner has clear title to the water right: (3) that the Division will recognize the ownership change; or (4) that the Division will approve any proposed changes or extensions regarding the water right. You are encourage to conduct proper "due diligence' research into any water right before purchasing it.

N1 Once this Water Rights Addendum has been recorded at the County Recorder's Office, Grantee must prepare a "Report of Water Right Conveyance" or "ROC" (available from the Utah Division of Water Rights) and file it with the Utah Division of Water Rights in order to: (1) have the Division's records updated with current ownership and address information; (2) file any application on these water rights; and (3) receive notifications concerning deadlines and other essential information pertaining to these rights. **Failure to do so PROMPTLY may result in the loss of these water rights.** Help with reviewing the water rights and completing the ROC can be obtained from the Utah Division of Water Rights and/or water professionals, such as attorneys, engineers, surveyors, and title professionals with experience in water rights and water law.

N2 A water right often has one or more applications on file with the Utah Division of Water Rights that affect that water right, such as change applications, extension requests, and non-use applications. These applications should be transferred with the water right. The Grantee should review the water right applications and other documents on file with the Utah Division of Water Rights.

N3 Water rights owned by the Grantor and used on Grantor's Parcel may be "appurtenant" to Grantor's Parcel. Not all appurtenant water rights have been assigned a water right number because not all water rights are "of record." If Section A is being completed, this conveyance includes all appurtenant water rights, whether or not they are listed by water right number or are of record. Grantee should investigate each water right listed and determine if there are any water rights that are not of record. If there are water rights not of record, Grantee should seriously consider making them of record by filing the appropriate forms with the Utah Division of Water Rights.

N4 100% of the water rights listed here are being conveyed to Grantee. A Report of Water Right Conveyance (see N1 above) should be filed on each water right listed here. The Water Rights listed in Section B may not provide sufficient water for all of the historic water uses.

N5 Less than 100% of the water right listed is being conveyed to Grantee. The exact portion to be conveyed, expressed in terms of the beneficial uses associated with this portion of the water right must be described. This description generally consists of: (1) the number of families for domestic (indoor culinary) uses (generally quantified as 0.45 acre-feet per family for a year-round residence and 0.25 acre-feet per family for a seasonal residence): (2) the number of acres irrigated (this involves issues of "irrigation duty" [the number of acre-feet of water allowed per acre of irrigated land] and "sole supply/supplemental supply"[the amount of water allocated to each water right when more than one right is used on the same land or for the same livestock]; and (3) the number of livestock being watered (expressed in terms of equivalent livestock units or "ECUS" which are quantified at the rate of 0.028 acre-feet per EAU for full-year use. Any other uses being conveyed should be similarly described. Help with evaluating, quantifying, and/or describing the uses can be obtained from the Utah Division of Water Rights and/or water professionals.

N6 Shares of stock in water companies (including irrigation, canal, and ditch companies) are generally not transferred by deed. Each company has procedures for transferring ownership. The company should be contacted to ascertain the appropriate procedures to follow. The most common procedure is for the Grantor to endorse and deliver the stock certificate to the Grantee, who then presents that certificate to company for issuance of a new certificate in the Grantee's name. If another procedure is to be followed, that should be noted on the "Other water related disclosures" line in Section C of this form. Each company also defines how much water is associated with a particular share and what fees and assessments are charged. The Grantee should contact the company about all such issues.

N7 If culinary water service is currently being provided to the Grantor's Parcel by a municipality, a water district, or a water company, that entity should be listed here and the Grantee should contact that entity to ascertain what is required to continue receiving such service.

N8 If outdoor/secondary/irrigation water service is currently being provided to the Grantor's Parcel by a municipality, a water district, or a water company, that entity should be listed here and the Grantee should contact that entity to ascertain what is required to continue receiving such service.

N9 If this box is checked, the Grantee should investigate what water IF ANY is available for use on the Grantor's Parcel.

N10 This space should be used for any other information that the Grantor has which is relevant to water issues associated with the Grantor's Parcel.

The Utah Division of Water Rights (often referred to as the State Engineer's Office) is located at 1594 W. North Temple, Suite 220, PO Box 146300, Salt Lake City, Utah 84114-6300 Telephone: 801-553-7240 Web Address: www.waterrights.utah.gov

Unofficial Copy

PECAN VALLEY DEV LLC
H-PEV-3-46
5202 W 2250 S
HURRICANE, UT 84737

DIXIE-ESCALANTE RURAL ELECTRIC ASSN INC
H-4-2-11-320112
71 E HIGHWAY 56
BERYL, UT 84714

STRATTON DYLAN
H-4138-K
PO BOX 803
NEW HARMONY, UT 84757

WYLER CHRISTOPHER
H-4-2-10-224
5202 W 2250 S
HURRICANE, UT 84737

WYLER CHRISTOPHER
H-4-2-10-225
5202 W 2250 S
HURRICANE, UT 84737

HENDLEMAN JOHN W, ET AL
H-PEV-3-54
3466 S WALNUT CANYON DR
SAINT GEORGE, UT 84790

HARDING RYAN
H-PEV-3-57
242 W 1000 S
LEHI, UT 84043

PECAN VALLEY HOLDINGS LLC
H-4138-G
5202 W 2250 S
HURRICANE, UT 84737

PISTACHIO ORCHARDS LAND LLC
H-4136-C
2501 S ANTENNA AVE
HURRICANE, UT 84737

5171 LLC
H-PEV-3-53
399 E HERITAGE HILLS DR
ALPINE, UT 84004

PECAN VALLEY DEV LLC
H-PEV-3-45
5202 W 2250 S
HURRICANE, UT 84737

HENDLEMAN JOHN W, ET AL
H-PEV-3-55
3466 S WALNUT CANYON DR
SAINT GEORGE, UT 84790

ROSTROM LAURA L TR, ET AL
H-PEV-3-56
259 STONE BROOK LN
PROVO, UT 84604

PECAN VALLEY DEV LLC
H-PEV-3-44
5202 W 2250 S
HURRICANE, UT 84737

PECAN VALLEY DEV LLC
H-PEV-3-43
5202 W 2250 S
HURRICANE, UT 84737

ANDRA ROBERT BRANDON
H-PEV-3-58
5174 W 2250 S
HURRICANE, UT 84737

PECAN VALLEY DEV LLC
H-PEV-3-41
5202 W 2250 S
HURRICANE, UT 84737

PECAN VALLEY DEV LLC
H-PEV-3-42
5202 W 2250 S
HURRICANE, UT 84737

SHV LLC
H-4-2-11-322
321 N MALL DR SUITE O-202
SAINT GEORGE, UT 84790

DIXIE POWER PECAN SUBSTATION LEGAL

Commencing at the Southwest Corner of Section 11, Township 42 South, Range 14 West, of the Salt Lake Base and Meridian; thence S89°31'38"E 30.01 feet along the South Section line to the point of beginning; thence Northerly along the arc of a non-tangent curve to the right, having a radius of 1520.00 feet and a radial bearing of S88°42'39"E, a distance of 210.87 feet, through a central angle of 07°56'55" (long chord bears: n05°15'49"e 210.70 feet); thence S89°31'40"E 359.40 feet; thence S00°28'20"W 172.50 feet; thence S89°31'40"E 51.98 feet; thence S00°28'20"W 37.47 feet; thence N89°31'38"W 428.98 feet to the point of beginning.

Area contains 79,773 square feet or 1.83 acres.

AFFIDAVIT
PROPERTY OWNER

STATE OF UTAH)
:ss
COUNTY OF)

I (we), Alan Scott, 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.

Alan Scott (Head of operations)
(Property Owner)

Alan Scott
(Property Owner)

Subscribed and sworn to me this 7th day of June 2023

Kay Dell Whitlock
(Notary Public)

KAY DELL WHITLOCK
Notary Public
State Of Utah
My Commission Expires 01-31-2025
COMMISSION NO. 716278

Residing in: Washington County- St George Utah

My Commission Expires: 01-31-2025

Agent Authorization

I (we), Alan Scott, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Alliance Consulting 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.

Alan Scott
(Property Owner)

Alan Scott
(Property Owner)

Subscribed and sworn to me this 7th day of June 2023

Kay Dell Whitlock
(Notary Public)

Residing in: Washington County / St George Utah

My Commission Expires: 01-31-2025

KAY DELL WHITLOCK
Notary Public
State Of Utah
My Commission Expires 01-31-2025
COMMISSION NO. 716278

PLANNING & ZONING
HURRICANE CITY
UTAH

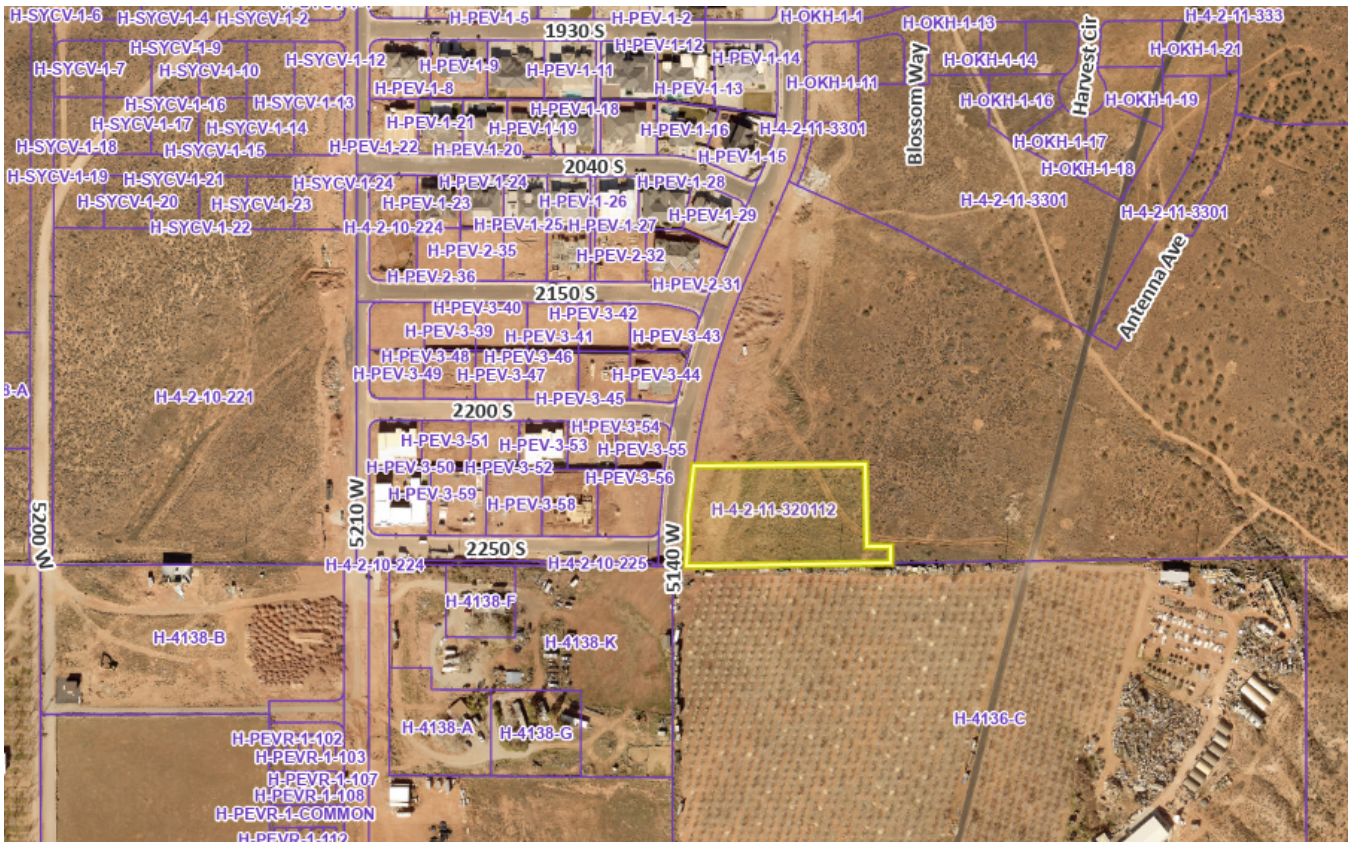
STAFF COMMENTS

Agenda Date:	**07/20/2023**
Application Number:	ZC23-17
Type of Application:	Zone Change Application
Action Type:	Legislative
Applicant:	Dixie Power (Russ Condie)
Agent:	Alliance Consulting LLC
Request:	A Zone Change from R1-10 to Public Facility
Location:	2250 S 5140 W
Zoning:	R1-10
General Plan Map:	Planned Community

Planning Commission Update: The Planning Commission recommended approval of this zone change. The vote was unanimous.

Discussion:
Dixie Power is building a new substation to the east of the Pecan Valley subdivision. This property was rezoned to R1-10 in April of 2021 as part of the larger Sand Hollow Village subdivision but was purchased by Dixie Power and is now looking to build a substation on site.

	Zoning	Adjacent Land Use
North	R1-10	Undeveloped property (future single family homes)
East	R1-10	Undeveloped property (future single family homes)
South	RA-1	Agricultural (pistachio farm)
West	RR	Pecan Valley Resort (resort single family homes)



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 includes the following. *Goal VII: Public Services Ensure that public facilities, services, and utilities are adequate to meet the needs of present and future residents.*

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

Response: The area is largely undeveloped at this point with development only on the west side of the property. There are already large power lines along the south side of this property.

3. Will the proposed amendment affect the adjacent property?

Response: Most of the adjacent property is undeveloped. The existence of this substation will have to be accounted for when these properties develop.

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

Response: Yes. JUC had no major concerns.

JUC Comments
Construction drawings for this project have already been submitted.
Public Works: No comments
Power: Dixie Power area. No comments received
Water:.Okay with zone change
Streets: Okay with zone change
Sewer: No issues with zone change
Engineering: No comments
Fire: Okay
WCWCD: Washington County Water Conservancy District hereby acknowledges that based on the information provided, the zone change 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.

Other Considerations

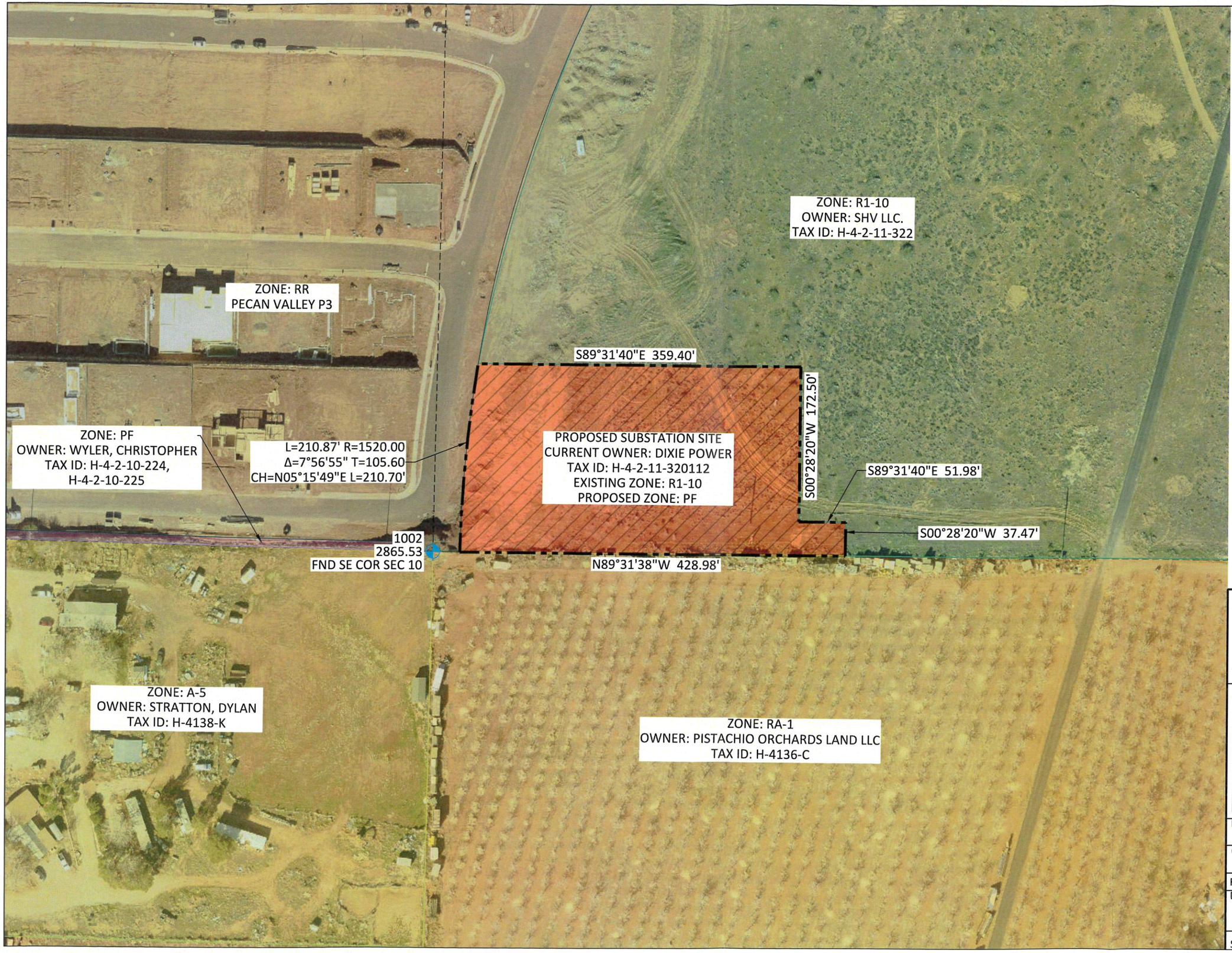
1. Dixie Power is planning on making improvements to 5140 W and 2250 S.

2. The applicant will need to do a final site plan for the substation once construction drawings are signed off.

Findings: Staff makes the following findings:

1. The proposed amendment is compatible with the goals and policies of the General Plan pertaining to public facilities.
2. The proposed amendment is in harmony with the overall character of the existing development.
3. The proposed amendment will affect adjacent property but not as much as typical commercial and residential uses.
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.



LEGEND

- PROPOSED ZONE CHANGE PUBLIC FACILITY
- PROPOSED ZONE CHANGE EXISTING ZONE: R1-10 PROPOSED ZONE: PF
- RR: RECREATIONAL RESORT ZONE
- A-5: AGRICULTURAL - 1 UNIT PER 5 ACRES
- RA-1: RESIDENTIAL AGRICULTURAL - 1 UNIT PER ACRE
- R1-10: RESIDENTIAL - 1UNIT PER 10,000 SQ.FT.
- PF: PUBLIC FACILITY

N

GRAPHIC SCALE

100 0 50 100

(IN FEET)

1 inch = 100 ft.

ALLIANCE CONSULTING
A PLANNING AND ENGINEERING FIRM

ZONE CHANGE EXHIBIT

FOR

DIXIE POWER PECAN VALLEY SUB.

LOCATED IN SECTION 11
TOWNSHIP 42 SOUTH, RANGE 14 WEST SLB&M
HURRICANE CITY, WASHINGTON COUNTY, UTAH

Drawn By: TY	Date: 6-6-23
Client No. 4621	Project No. 4621-22
File Name: Pecan Valley Substation Site -Base (SECOMAP).dwg	
Drawing Sheet 1	
Sheet 1 of 1 Sheets	

ORDINANCE NO 2023-ZC-17

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE APPROVING THE REZONE FOR PARCEL H-4-2-11-320112 FROM R1-10, RESIDENTIAL ONE UNIT PER 10,000 SQUARE FEET TO PUBLIC FACILITIES (PF)

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

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

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

That parcel H-4-2-11-320112 from Residential one unit per 10,000 sqft (R1-10) to Public Facilities (PF)

PASSED AND APPROVED on this 20th day of July 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 20th day of July 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	___	___	___	___

_____
Kaden DeMille, Deputy Recorder

EXHIBIT A

ZONING MAP

HURRICANE CITY
UTAH

STAFF COMMENTS

Consideration and possible approval on an **amended final plat for Pecan Valley Resort Phase 1** located at 5210 W 2400 S. Chris Wyler Applicant.

Discussion:
The applicant has applied to amend the final plat for Pecan Valley Resort Phase 1 to widen the size of the units bordering 5210 W by two feet. Building plans have already been submitted for two of these units.
The Planning Commission unanimously recommended approval. The applicant's engineer has submitted an updated amended final plat that addresses Hurricane Engineering's comments and also, for reasons unknown to staff, shrinks the size of the clubhouse and amenity area for the development by 4,265 sqft.

Findings:

Recommendation:

Attachments:
1. application-AFP23-12
2. AFP23-12 Pecan Valley Resort Phase 1
3. 21188 FP Pecan Valley Resort Ph 1 - Amend - Review

Hurricane City Application

Permit #: AFP23-12
Issue Date: 06/05/2023

Application Accepted Date: 06/01/2023
Type of Improvement: Subdivision (Final Plat Amendment)
Description: Amendment to increase units adjacent to 5210 West

Tenant / Project Name: Pecan Valley Resort Phase 1 Amended

Bldg. Address: 5210 West 2400 South
City: Hurricane State: UT Zip: 84737
Subdivision: Pecan Valley Resort Phase 1 Amended Phase:
Block: Lot #: Parcel #: H-PEVR-1
Property Owner: Chris Wyler
Permit Contact: Brandee Walker P:(435) 668-4023
Email: bwalker@civilscience.com

CONTACT INFORMATION

Engineer of Record: Travis Sanders
Email: tsanders@civilscience.com P: (435) 986-0100

General Contractor: Pecan Valley Resort Phase 1 Amended / Pecan Valley Development LLC
License #: P: (435) 467-2216
Address: 5202 W 2250 S
City: Hurricane State: UT Zip: 84737
Email: wyltile@gmail.com

Electrical Contractor:
License #: P:
City: State: Zip:

Plumbing Contractor:
License #: P:
City: State: Zip:
Email:

Mechanical Contractor:
License #: P:
City: State: Zip:
Email:

APPLICATION DETAILS

of Units: 0 custom text:

Valuation	$	0.00

PERMIT FEES

Planning Fee	$	150.00
Sub Total:	**$**	**150.00**
Permit Total:	**$**	**150.00**
Amount Paid:	**$**	**150.00**
Remaining Due:	**$**	**0.00**

APPROVALS		DATE	INFO
Plan Review Finalized:	Yes	06/05/23	Brienna Spencer

Setbacks	Front:	Rear:	Left:	Right:
Min.				
Actual:				

APPLICATION NUMBER: PENDAFP23-12

This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I here-by certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be compiled with whether specified herein or not the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury. Maintenance Deposit is refundable after final inspection if: 1) site is kept clean 2) building is NOT occupied prior to final inspection and issuance of Certificate of Occupancy.

Applicant Name: Brandee Walker

Signature of Applicant/Authorized Agent or Owner: Date:

Application Approved By: Brienna Spencer Date: 06/05/2023

Application Issued By: Date: 06/05/2023

Receipt #: 8.169218-06/05/23

PLANNING & ZONING
HURRICANE CITY
UTAH

STAFF COMMENTS

Agenda Date:	**07/20/2023**
Application Number:	AFP23-12
Type of Application:	Amended Final Plat
Action Type:	Administrative
Applicant:	Chris Wyler
Agent:	Brandee Walker-Civil Science
Request:	Approval of an Amended Final Plat
Location:	5210 W 2400 S
Zoning:	RR
General Plan Map:	Planned Community

Planning Commission Update: The Planning Commission unanimously recommended approval. The applicant's engineer has submitted an updated amended final plat that addresses Hurricane Engineering's comments and also, for reasons unknown to staff, shrinks the size of the clubhouse and amenity area for the development by 4,265 sqft.

Discussion: The applicant has applied to amend the final plat for Pecan Valley Resort Phase 1 to widen the size of the units bordering 5210 W by two feet. Building plans have already been submitted for two of these units.

JUC Comments

1. **Public Works:** No comments
2. **Power:** No comments received
3. **Water:** Need details
4. **Streets:** Okay with making units larger
5. **Sewer:** No exceptions to proposed change
6. **Engineering:** Notes from original plat are missing. Should we complete parcel H-4138-B's roadway and easement conveyances for 5200 W and 2360 S to cover existing utilities for Pecan Valley Resort and Sycamore Village with this document? Owners dedication references CC&Rs it appears these were never recorded concurrently with this plat. The CC&Rs should be reviewed by the City Attorney.
7. **Fire:** Okay
8. **WCWCD:** Washington County Water Conservancy District hereby acknowledges that based on the information provided, the zone change adequately mitigates interference with district facilities and property interests. The District reserves the right to rescind this acknowledgement if additional information becomes available. The district has not determined whether water will be available for this development and does not hereby

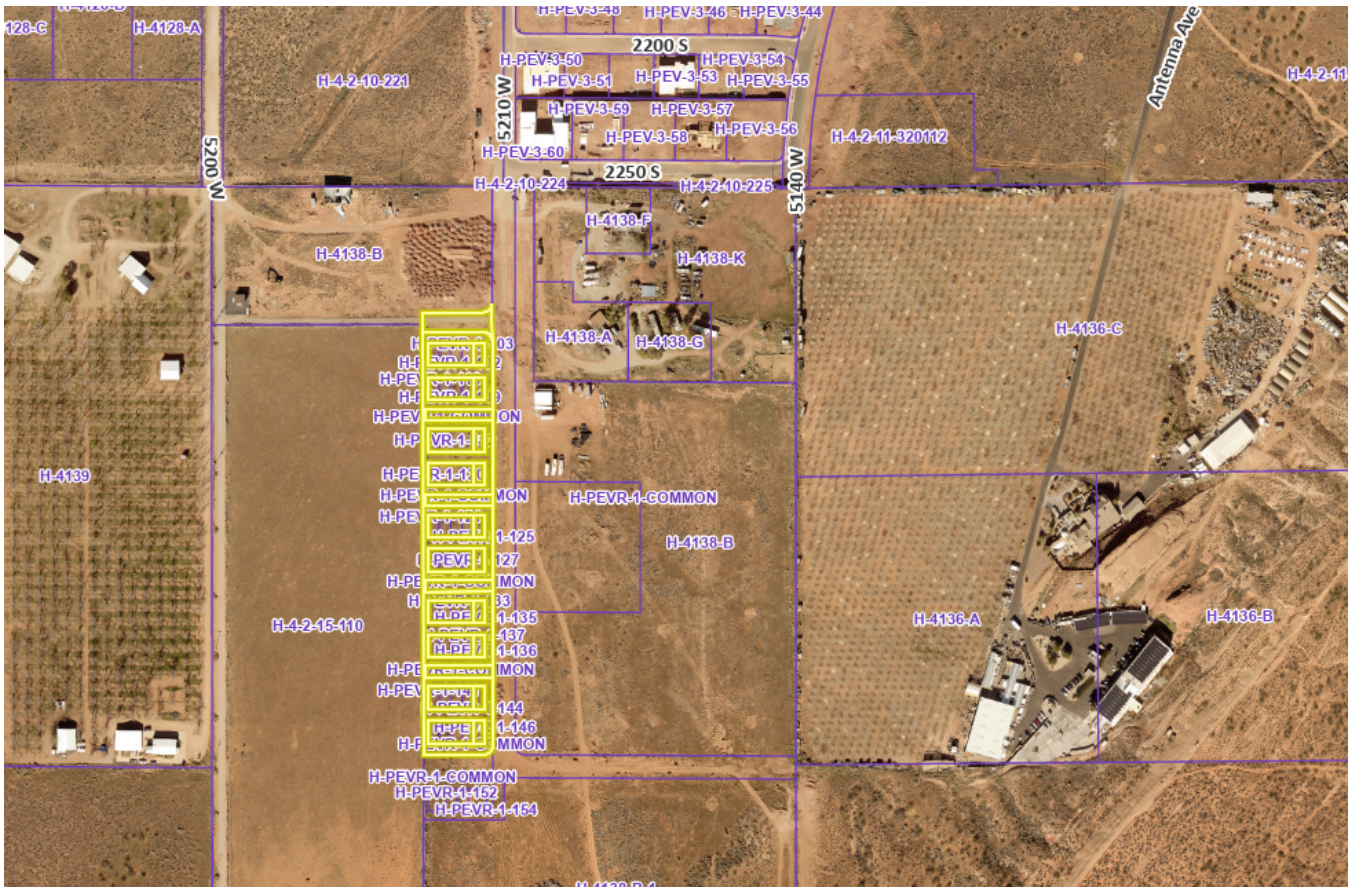
make any guarantee of water availability. In addition, the development must conform with applicable district requirements, including but not limited to payment of fees.

Staff Comments

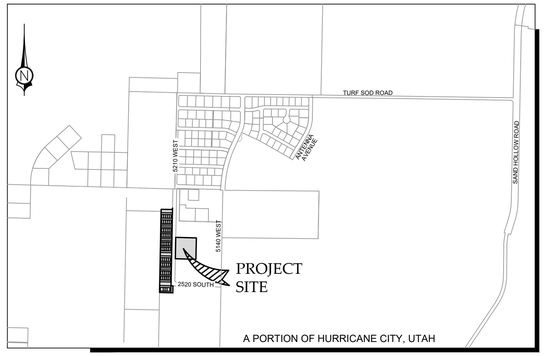
1. The plat does meet amended final plat standards contained in Utah Code 10-9a-608. Subdivision Amendments, updated in 2023. The following are the key items:
    a. Depicts only the portion of the subdivision that is proposed to be amended
    b. Includes a plat name distinguishing the amended plat from the original plat
    c. Describe the differences between from the original plat.
    d. Includes references to the original plat
2. The Final Plat needs a full review by the City Engineering Department for surveying details.
3. Per HCC 10-26-4:

Setback standards—street side yard:	
Main building	*15 feet*

    a. All units are setback 15 feet from 5210 W.



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



VICINITY MAP
(N.T.S.)

GENERAL NOTES

1. A 10.00 FOOT WIDE PUBLIC UTILITIES, MAILBOX, SIDEWALKS, AND DRAINAGE EASEMENT EXISTS ALONG ALL FRONT AND STREET SIDE LOT LINES, UNLESS OTHERWISE NOTED ON THIS PLAT.
2. SOME STREETS WITHIN THIS SUBDIVISION ARE PRIVATE AND ALONG WITH ALL IDENTIFIED COMMON AREA, ARE DEDICATED AS PUBLIC UTILITY EASEMENTS HEREWITH.
3. PRIVATE AREAS SHOWN INDICATE THE MAXIMUM SIZE BUILDING AREA.
4. ALL LIMITED COMMON AREAS ADJACENT TO PRIVATE AND/OR PUBLIC STREETS ARE SUBJECT TO A 10.00 FOOT WIDE PUBLIC UTILITY EASEMENT, DEDICATED HEREWITH.
5. HURRICANE CITY OPERATES A MUNICIPAL CULINARY WATER SYSTEM WITH LIMITED WATER SUPPLY. APPROVAL OF A PLAT BY HURRICANE CITY DOES NOT GUARANTEE THAT SUFFICIENT WATER WILL BE AVAILABLE TO SERVE LOTS DEPICTED ON ANY PLAT. ANY LAND USE APPLICANT MAY BE REQUIRED BY HURRICANE CITY TO PROVIDE A GUARANTEE OF WATER AVAILABILITY. IF THERE IS ANY APPROVAL WITHOUT A WATER GUARANTEE, THE APPLICANT ASSUMES THEN ENTIRE RISK OF WATER AVAILABILITY FOR A PLATTED LOT.
6. THE PARENT PARCELS FOR THIS SUBDIVISION ARE: H-4138-B & H-4138-B-1

AMENDMENT NOTE

THE PURPOSE OF THIS PLAT AMENDMENT IS TO WIDEN UNITS 106, 115, 116, 125, 126, 135, 136, 145, AND 146 BY TWO FEET TO THE EAST AND REDUCING THE SIZE OF THE COMMON AREA (CLUBHOUSE & AMENITY AREA). NO OTHER CHANGES WERE MADE.

MORTGAGEE'S CONSENT TO RECORD

THE UNDERSIGNED, _____, A MORTGAGEE FOR ROCK CANYON BANK, DOES HEREBY GIVE CONSENT TO THE RECORDATION OF THE HEREON ENTITLED PROJECT FOR SAID TRACT OF LAND TO BE USED FOR THE USES AND PURPOSES DESCRIBED IN THE PLAT, TO RECORDING PLAT, RECORDING OF COVENANTS, CONDITIONS AND RESTRICTIONS AND JOINS IN ALL DEDICATIONS AND CONVEYANCES.

_____

REPRESENTATIVE: _____

MORTGAGEE 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, _____, WHO BEING BY ME DULY SWORN, DID ACKNOWLEDGE TO ME THAT ___ SIGNED THE CONSENT OF MORTGAGEE TO RECORD FOR THE USES AND 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)

MORTGAGEE'S CONSENT TO RECORD

THE UNDERSIGNED, _____, A MORTGAGEE FOR HILLCREST BANK, A DIVISION OF NBH BANK, DOES HEREBY GIVE CONSENT TO THE RECORDATION OF THE HEREON ENTITLED PROJECT FOR SAID TRACT OF LAND TO BE USED FOR THE USES AND PURPOSES DESCRIBED IN THE PLAT, TO RECORDING PLAT, RECORDING OF COVENANTS, CONDITIONS AND RESTRICTIONS AND JOINS IN ALL DEDICATIONS AND CONVEYANCES.

_____

REPRESENTATIVE: _____

MORTGAGEE 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, _____, WHO BEING BY ME DULY SWORN, DID ACKNOWLEDGE TO ME THAT ___ SIGNED THE CONSENT OF MORTGAGEE TO RECORD FOR THE USES AND 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)

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, LIMITED COMMON AREA, COMMON AREA, PRIVATE STREETS, PUBLIC STREETS AND EASEMENTS TO BE HEREINAFTER KNOWN AS:

PECAN VALLEY RESORT PHASE 1 AMENDED

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

_____
DATE

PROFESSIONAL LAND SURVEYOR — No.9481170 — TRAVIS W. SANDERS — STATE OF UTAH

_____
TRAVIS W. SANDERS, PLS

DRAFT COPY FOR REVIEW ONLY

BOUNDARY DESCRIPTION

WEST PORTION:

BEGINNING AT A POINT S 1°07'30" W 259.79 FEET ALONG THE EAST LINE OF SECTION 15, TOWNSHIP 42 SOUTH, RANGE 14 WEST, SALT LAKE BASE AND MERIDIAN, AND N 88°52'30" W 689.40 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 15, SAID POINT BEING ON THE WEST BOUNDARY LINE OF PECAN VALLEY PHASE 3 AMENDED, RECORDED AND ON FILE IN THE OFFICE OF THE RECORDER, WASHINGTON COUNTY, STATE OF UTAH, AND RUNNING THENCE ALONG SAID BOUNDARY THE FOLLOWING THREE (3) COURSES, (1) S 1°09'32" W 42.46 FEET, (2) THENCE S 1°05'47" W 1030.31 FEET, (3) THENCE S 88°34'06" E 26.00 FEET; THENCE S 1°05'47" W 96.00 FEET; THENCE N 88°34'06" W 183.00 FEET, TO A POINT ON THE EAST LINE OF A PARCEL MORE PARTICULARLY DESCRIBED IN DOCUMENT NO. 20140011173, RECORDED AND ON FILE IN THE OFFICE OF SAID RECORDER; THENCE N 1°05'47" E 1147.86 FEET ALONG SAID LINE AND THE EXTENSION THEREOF; THENCE S 88°54'31" E 137.05 FEET, TO THE POINT OF CURVATURE OF A 20.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE 31.39 FEET THROUGH A CENTRAL ANGLE OF 89°55'57", TO THE POINT OF BEGINNING.

CONTAINS 182,869 SQ FT OR 4.20 ACRES MORE OR LESS

EAST PORTION:

BEGINNING AT A POINT S 1°07'30" W 669.70 FEET ALONG THE EAST LINE OF SECTION 15, TOWNSHIP 42 SOUTH, RANGE 14 WEST, SALT LAKE BASE AND MERIDIAN, AND N 88°52'30" W 357.90 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 15, AND RUNNING THENCE S 1°09'43" W 284.62 FEET; THENCE N 88°34'11" W 279.02 FEET, TO A POINT BEING ON THE EAST BOUNDARY LINE OF PECAN VALLEY PHASE 3 AMENDED, RECORDED AND ON FILE IN THE OFFICE OF THE RECORDER, WASHINGTON COUNTY, STATE OF UTAH; THENCE N 1°05'47" E 285.40 FEET ALONG SAID LINE; THENCE S 88°24'35" E 279.35 FEET, TO THE POINT OF BEGINNING.

CONTAINS 83,833 SQ FT OR 1.92 ACRES MORE OR LESS

OWNER'S DEDICATION

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

PECAN VALLEY RESORT PHASE 1 AMENDED

FOR GOOD AND VALUABLE CONSIDERATION RECEIVED, THE OWNER DOES 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, STREETS AND EASEMENTS ARE AS NOTED OR SHOWN. THE OWNER DOES 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.

PECAN VALLEY DEVELOPMENT, LLC
(LIMITED LIABILITY COMPANY)

_____
MANAGING MEMBER: CHRISTOPHER WYLER

LIMITED LIABILITY ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF WASHINGTON } S.S.

ON THE ___ DAY OF _____ 20__, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, CHRISTOPHER WYLER WHO BEING BY ME DULY SWORN, DID SAY THAT HE IS THE MANAGER/MEMBER OF PECAN VALLEY DEVELOPMENT, 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 PECAN VALLEY DEVELOPMENT, 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 — 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)

PECAN VALLEY RESORT PHASE 1 AMENDED

LOCATED IN
SE 1/4 OF SECTION 10 & SW 1/4 OF SECTION 11, TOWNSHIP 42 SOUTH, RANGE 14 WEST,
SALT LAKE BASE AND MERIDIAN
WASHINGTON COUNTY - HURRICANE, UTAH

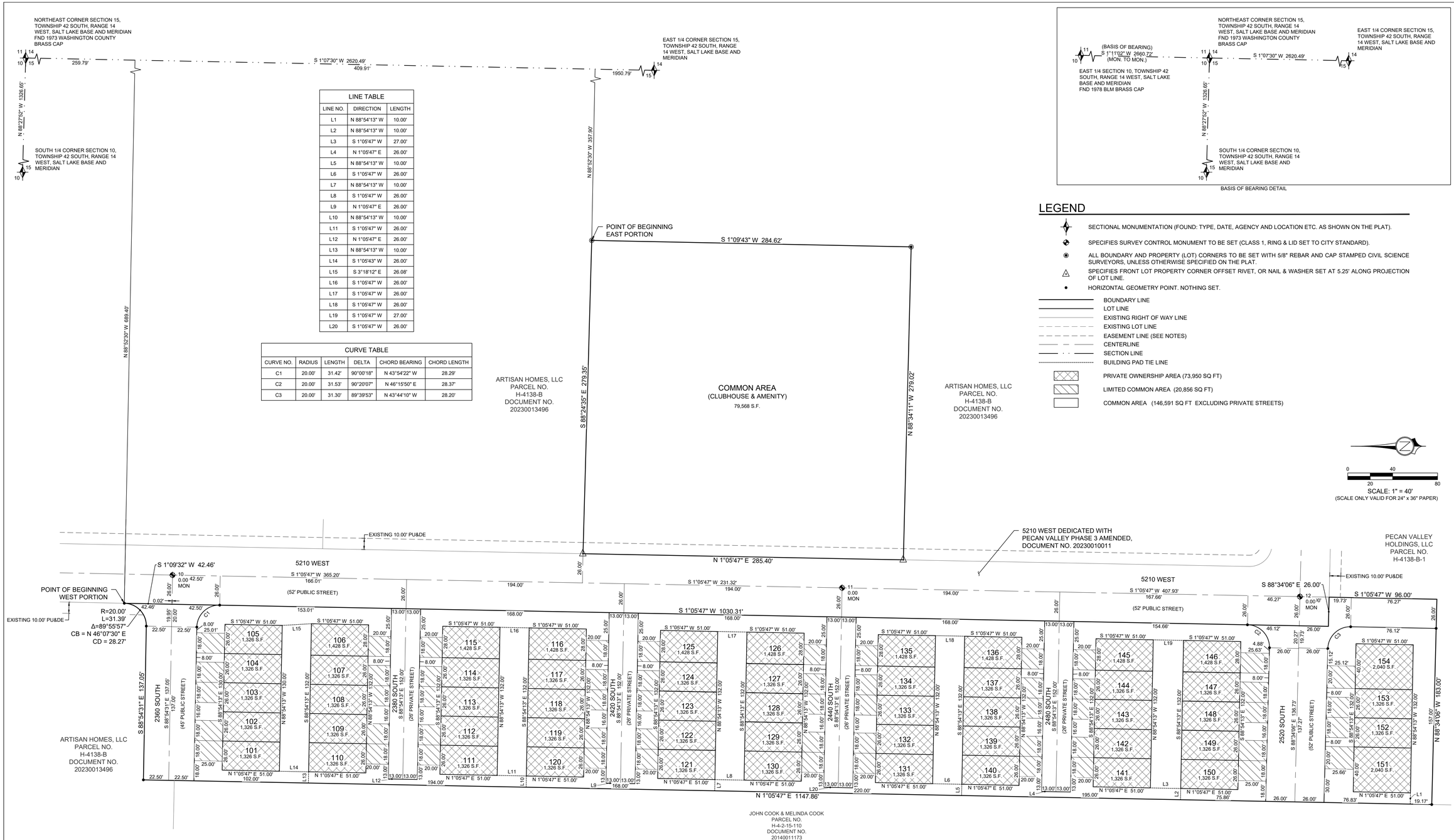
APPROVAL ASH CREEK SPECIAL SERVICE DISTRICT	ENGINEER'S APPROVAL	APPROVAL AS TO FORM	APPROVAL AND ACCEPTANCE BY HURRICANE CITY, UTAH	TREASURER APPROVAL	RECORDED No.
I, HEREBY CERTIFY THAT THIS OFFICE HAS REVIEWED THE ABOVE FINAL PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE THIS ____ DAY OF _____ A.D. 20____.	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____	APPROVED AS TO FORM, THIS THE ____ DAY OF _____, A.D. 20____	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___.	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.	
_____ SUPERINTENDENT, SSD	_____ ENGINEER, HURRICANE CITY	_____ CITY ATTORNEY, HURRICANE CITY	_____ ATTEST: CITY RECORDER HURRICANE UTAH _____ NANETTE BILLINGS MAYOR HURRICANE, UTAH	_____ WASHINGTON COUNTY TREASURER	_____ WASHINGTON COUNTY RECORDER

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

PECAN VALLEY RESORT PHASE 1 AMENDED
LOCATED IN
NE 1/4 OF SECTION 15, TOWNSHIP 42 SOUTH,
RANGE 14 WEST, SALT LAKE BASE & MERIDIAN

PROJ. #: FF21188
DRAWN BY: PJW
DATE: 6-26-2023
CHECKED BY: TWS
SCALE OF SHEET HOR SCALE: 1" = 40'

SHEET 1 OF 2



LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	N 88°54'13" W	10.00'
L2	N 88°54'13" W	10.00'
L3	S 1°05'47" W	27.00'
L4	N 1°05'47" E	26.00'
L5	N 88°54'13" W	10.00'
L6	S 1°05'47" W	26.00'
L7	N 88°54'13" W	10.00'
L8	S 1°05'47" W	26.00'
L9	N 1°05'47" E	26.00'
L10	N 88°54'13" W	10.00'
L11	S 1°05'47" W	26.00'
L12	N 1°05'47" E	26.00'
L13	N 88°54'13" W	10.00'
L14	S 1°05'43" W	26.00'
L15	S 3°18'12" E	26.08'
L16	S 1°05'47" W	26.00'
L17	S 1°05'47" W	26.00'
L18	S 1°05'47" W	26.00'
L19	S 1°05'47" W	27.00'
L20	S 1°05'47" W	26.00'

CURVE TABLE					
CURVE NO.	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	20.00'	31.42'	90°00'18"	N 43°54'22" W	28.29'
C2	20.00'	31.53'	90°20'07"	N 46°15'50" E	28.37'
C3	20.00'	31.30'	89°39'53"	N 43°44'10" W	28.20'

BASIS OF BEARING DETAIL

LEGEND

- SECTIONAL MONUMENTATION (FOUND: TYPE, DATE, AGENCY AND LOCATION ETC. AS SHOWN ON THE PLAT).
- SPECIFIES SURVEY CONTROL MONUMENT TO BE SET (CLASS 1, RING & LID SET TO CITY STANDARD).
- ALL BOUNDARY AND PROPERTY (LOT) CORNERS TO BE SET WITH 5/8" REBAR AND CAP STAMPED CIVIL SCIENCE SURVEYORS, UNLESS OTHERWISE SPECIFIED ON THE PLAT.
- SPECIFIES FRONT LOT PROPERTY CORNER OFFSET RIVET, OR NAIL & WASHER SET AT 5.25' ALONG PROJECTION OF LOT LINE.
- HORIZONTAL GEOMETRY POINT. NOTHING SET.

- BOUNDARY LINE
- LOT LINE
- EXISTING RIGHT OF WAY LINE
- EXISTING LOT LINE
- EASEMENT LINE (SEE NOTES)
- CENTERLINE
- SECTION LINE
- BUILDING PAD TIE LINE
- PRIVATE OWNERSHIP AREA (73,950 SQ FT)
- LIMITED COMMON AREA (20,856 SQ FT)
- COMMON AREA (146,591 SQ FT EXCLUDING PRIVATE STREETS)

0 20 40 80

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

PECAN VALLEY RESORT PHASE 1 AMENDED

LOCATED IN
NE 1/4 OF SECTION 15, TOWNSHIP 42 SOUTH, RANGE 14 WEST,
SALT LAKE BASE AND MERIDIAN
WASHINGTON COUNTY - HURRICANE, UTAH

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

PECAN VALLEY RESORT PHASE 1 AMENDED
LOCATED IN
NE 1/4 OF SECTION 15, TOWNSHIP 42 SOUTH, RANGE 14 WEST, SALT LAKE BASE & MERIDIAN

PROJ. #:	FF21188
DRAWN BY:	PJW
DATE:	6-28-2023
CHECKED BY:	TWS
SCALE OF SHEET HOR SCALE:	1" = 40'
SHEET	2
OF	2

HURRICANE CITY
UTAH

STAFF COMMENTS

Consideration and possible approval on an **amended final plat for Dixie Springs Phase E Lots 92 & 93 located at 3640 W and Dixie Springs Drive**. Brett Kee Applicant. Brandee Walker-Civil Science Agent.

Discussion:
The applicant has applied to amend the final plat for Dixie Springs Plat E to combine Lots 92 and 93 into one lot. Combining lots within a recorded subdivision requires an amended final plat.
The Planning Commission unanimously recommended approval.

Findings:

Recommendation:

Attachments:
1. application-AFP23-13
2. AFP23-13 Dixie Springs E Lots 92 _ 93
3. Final_Plat_Map

Hurricane City Application

Permit #: AFP23-13
Issue Date: 06/08/2023

Application Accepted Date: 06/06/2023
Type of Improvement: Subdivision (Final Plat Amendment)
Description: Partial amendment to merge Lots 92 & 93

Tenant / Project Name: Dixie Springs Subdivision Amendment Plat "E" Lots 92 & 93
Bldg. Address: 3640 West Dixie Springs Dr
City: Hurricane State: UT Zip: 84737
Subdivision: Dixie Springs Subdivision Plat "E" Phase:
Block: Lot #: 92 & 93 Parcel #: H-DSP-E-92
Property Owner: B&V Investments LLC
Permit Contact: Brandee Walker P:(435) 668-4023
Email: bwalker@civilscience.com

CONTACT INFORMATION

Engineer of Record: Travis Sanders
Email: tsanders@civilscience.com P: (435) 986-0100

General Contractor: Dixie Springs Subdivision Amendment Plat "E" Lots 92 & 93 / Brett Kee
License #: P: (801) 330-0240
City: State: Zip:
Email: keebrett@gmail.com

Electrical Contractor:
License #: P:
City: State: Zip:

Plumbing Contractor:
License #: P:
City: State: Zip:
Email:

Mechanical Contractor:
License #: P:
City: State: Zip:
Email:

APPLICATION DETAILS

of Units: 0 | custom text:

Valuation	$	0.00

PERMIT FEES

Planning Fee	$	150.00
Sub Total:	**$**	**150.00**
Permit Total:	**$**	**150.00**
Amount Paid:	**$**	**150.00**
Remaining Due:	**$**	**0.00**

APPROVALS		DATE	INFO
Plan Review Finalized:	Yes	06/08/23	Brienna Spencer

Setbacks	Front:	Rear:	Left:	Right:
Min.				
Actual:				

APPLICATION NUMBER: PENDAFP23-13

This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I here-by certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be compiled with whether specified herein or not the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury. Maintenance Deposit is refundable after final inspection if: 1) site is kept clean 2) building is NOT occupied prior to final inspection and issuance of Certificate of Occupancy.

Applicant Name: Brandee Walker

Signature of Applicant/Authorized Agent or Owner: Date:

Application Approved By: Brienna Spencer Date: 06/08/2023

Application Issued By: Date: 06/08/2023

Receipt #: 8.169501-06/08/23

PLANNING & ZONING
HURRICANE CITY
UTAH

STAFF COMMENTS

Agenda Date:	**06/22/2023**
Application Number:	AFP23-13
Type of Application:	Amended Final Plat
Action Type:	Administrative
Applicant:	Brett Kee
Agent:	Brandee Walker-Civil Science
Request:	Approval of an Amended Final Plat
Location:	3640 W and Dixie Springs Dr
Zoning:	R1-10
General Plan Map:	Single Family

Planning Commission Update: The Planning Commission unanimously recommended approval.

Discussion: The applicant has applied to amend the final plat for Dixie Springs Plat E to combine Lots 92 and 93 into one lot. Combining lots within a recorded subdivision requires an amended final plat.

JUC Comments

1. **Public Works:** Need to abandon the extra set of services to the lot.
2. **Power:** Dixie Power area. No comments received.
3. **Water:** Disconnect water service at main line
4. **Streets:** Okay with combining lots
5. **Sewer:**. One sewer lateral will need to be cut, capped, and abandoned
6. **Engineering:** PUE only needed on street sides. Update survey details. Amendment note doesn't make sense. Applicants or their engineer should submit an updated plat to Engineering before printing the mylar.
7. **Fire:** Okay
8. **WCWCD:** Washington County Water Conservancy District hereby acknowledges that based on the information provided, the zone change adequately mitigates interference with district facilities and property interests. The District reserves the right to rescind this acknowledgement if additional information becomes available. The district has not determined whether water will be available for this development and does not hereby make any guarantee of water availability. In addition, the development must conform with applicable district requirements, including but not limited to payment of fees.

Staff Comments

1. The plat does meet amended final plat standards contained in Utah Code 10-9a-608. Subdivision Amendments, updated in 2023. The following are the key items:
    a. Depicts only the portion of the subdivision that is proposed to be amended.
    b. Includes a plat name distinguishing the amended plat from the original plat
    c. Describe the differences between from the original plat.
    d. Includes references to the original plat.
2. The Final Plat needs a full review by the City Engineering Department for surveying details.
3. Additional utility services will need to be shut off to the property.

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

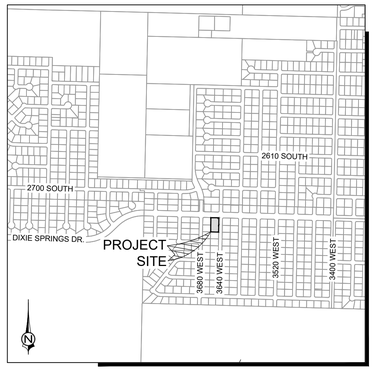
LEGEND

- ⊕ SPECIFIES FOUND SURVEY CONTROL MONUMENT AS SHOWN AND NOTED (CLASS 1, RING & LID).
- △ SPECIFIES FRONT LOT PROPERTY CORNER OFFSET RIVET, OR NAIL & WASHER SET AT 5.25' ALONG PROJECTION OF LOT LINE. (OR OTHERWISE NOTED)
- • HORIZONTAL GEOMETRY POINT. NOTHING SET.

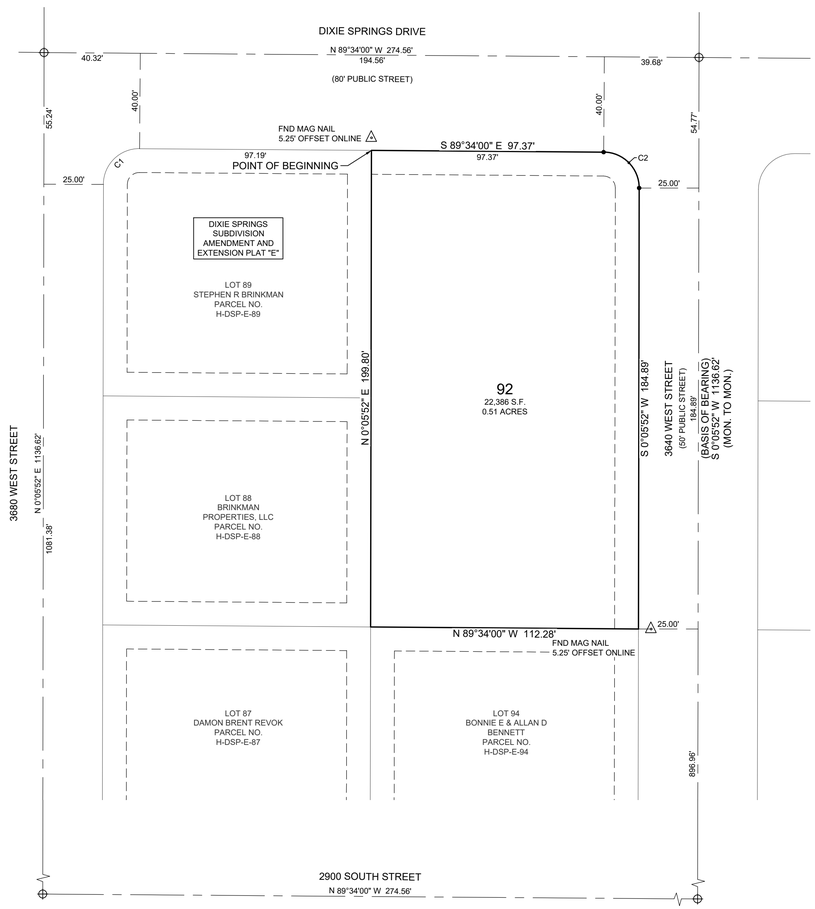
- BOUNDARY LINE
- LOT LINE
- EXISTING RIGHT OF WAY LINE
- EXISTING LOT LINE
- EASEMENT LINE (SEE NOTES)
- CENTERLINE
- SECTION LINE

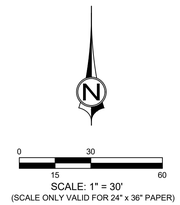
GENERAL NOTES

1. A 10.00 FOOT UTILITY EASEMENT IS LOCATED ON ALL FRONT, SIDE AND REAR LOT LINES EXCEPT AS INDICATED ALONG EXTERIOR BOUNDARY LOT LINES WHERE THE EASEMENT SHALL BE 15.00 FEET.



VICINITY MAP
SCALE: 1" = 1000'





SCALE: 1" = 30'
(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 A LOT AND EASEMENTS TO BE HEREINAFTER KNOWN AS:

DIXIE SPRINGS SUBDIVISION AMENDMENT AND EXTENSION PLAT "E", PARTIAL AMENDMENT "F"

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

DATE

TRAVIS W. SANDERS, PLS

DRAFT COPY FOR REVIEW ONLY

PROFESSIONAL LAND SURVEYOR
No.9481170
TRAVIS W. SANDERS
STATE OF UTAH

BOUNDARY DESCRIPTION

WARRANTY DEED, DOCUMENT NO. 20180051277

LOT 92 AND 93, DIXIE SPRINGS SUBDIVISION AMENDMENT AND EXTENSION PLAT "E", ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE IN THE OFFICE OF THE RECORDER OF WASHINGTON COUNTY, STATE OF UTAH.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 89 OF DIXIE SPRINGS SUBDIVISION AMENDMENT AND EXTENSION PLAT "E", RECORDED AND ON FILE IN THE OFFICE OF THE RECORDER, WASHINGTON COUNTY, STATE OF UTAH, POINT ALSO BEING ON THE SOUTH RIGHT OF WAY LINE OF DIXIE SPRINGS DRIVE, AND RUNNING THENCE S 89°34'00" E 97.37 FEET ALONG SAID RIGHT OF WAY LINE, TO THE POINT OF CURVATURE OF A 15.00 FOOT RADIUS CURVE TO THE RIGHT, POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY LINE OF 3640 WEST STREET; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES: (1) ALONG THE ARC OF SAID CURVE 23.47 FEET THROUGH A CENTRAL ANGLE OF 89°39'52", (2) THENCE S 0°05'52" W 184.89 FEET, TO THE NORTHEAST CORNER OF LOT 94 OF SAID SUBDIVISION; THENCE N 89°34'00" W 112.28 FEET ALONG THE NORTH LINE OF SAID LOT 94, TO THE SOUTHEAST CORNER OF LOT 88 OF SAID SUBDIVISION; THENCE N 0°05'52" E 199.80 FEET ALONG THE EAST LINE OF SAID LOT 88 AND 89, TO THE POINT OF BEGINNING.

CONTAINS 22,386 SQ FT OR 0.51 ACRE 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 A LOT AND EASEMENTS TO HEREAFTER BE KNOWN AS:

DIXIE SPRINGS SUBDIVISION AMENDMENT AND EXTENSION PLAT "E", PARTIAL AMENDMENT "F"

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 EASEMENTS. THE LOT AND EASEMENTS ARE AS NOTED OR SHOWN. THE OWNER DOES 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, DOCUMENT NO. 20220048624, RECORDED IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER ON THIS 1ST DAY OF NOVEMBER, 2022, SAID DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS IS HEREBY INCORPORATED AND MADE A PART OF THIS PLAT.

B & V INVESTMENTS, LLC
(A UTAH LIMITED LIABILITY COMPANY)

MANAGING MEMBER: BRETT C KEE

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, _____WHO BEING BY ME DULY SWORN, DID SAY THAT HE IS THE MANAGING MEMBER OF _____, 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 _____, 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 — 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(7)

AMENDMENT NOTE

THE PURPOSE OF PARTIAL AMENDMENT LOTS 92 & 93, DIXIE SPRINGS SUBDIVISION AMENDMENT AND EXTENSION, PLAT "E", ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER'S OFFICE AS ENTRY NO. 601291 IS TO COMBINE SAID LOTS 92 & 93 INTO THE NEW LOT 92. THE 10.00 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT HAS BEEN MODIFIED TO MEET HURRICANE CITY STANDARDS. NO OTHER CHANGES WERE MADE OR INTENDED.

DIXIE SPRINGS SUBDIVISION AMENDMENT AND EXTENSION PLAT "E" PARTIAL AMENDMENT "F" (LOTS 92 & 93)

LOCATED IN
SE 1/4 OF SECTION 13, TOWNSHIP 42 SOUTH, RANGE 14 WEST,
SALT LAKE BASE AND MERIDIAN
HURRICANE - WASHINGTON COUNTY, UTAH

APPROVAL ASH CREEK SPECIAL SERVICE DISTRICT	ENGINEER'S APPROVAL	APPROVAL AS TO FORM	APPROVAL AND ACCEPTANCE BY HURRICANE CITY, UTAH	TREASURER APPROVAL	RECORDED No.
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____.	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____	APPROVED AS TO FORM, THIS THE ____ DAY OF _____, A.D. 20____	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___.	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.	
SUPERINTENDENT, SSD	ENGINEER, HURRICANE CITY	CITY ATTORNEY, HURRICANE CITY	ATTEST: CITY RECORDER HURRICANE UTAH / NANETTE BILLINGS MAYOR HURRICANE, UTAH	WASHINGTON COUNTY TREASURER	WASHINGTON COUNTY RECORDER

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

DIXIE SPRINGS SUBDIVISION AMENDMENT AND EXTENSION PLAT "E", PARTIAL AMENDMENT "F"
LOCATED IN
SE 1/4 OF SECTION 13, TOWNSHIP 42 SOUTH, RANGE 14 WEST, SALT LAKE BASE & MERIDIAN

PROJ. #: IF 23168
DRAWN BY: PJW
DATE: 6-6-2023
CHECKED BY: TWS
SCALE OF SHEET HOR SCALE: 1" = 30'

SHEET 1 OF 1

HURRICANE CITY
UTAH

STAFF COMMENTS

Public Hearing to take comments on the following:

Discussion:

Findings:

Recommendation:

Attachments:
None

HURRICANE CITY
UTAH

STAFF COMMENTS

Petition to Disconnect parcels H-3403-C-2, H-3403-B-2, and adjacent roads 1200 W and 4500 South

Discussion:

Findings:

Recommendation:

Attachments:
None

HURRICANE CITY
UTAH

STAFF COMMENTS

~~Ag protection overlay on parcels H-3-2-3-440 and H-3-2-3-345~~ **This public hearing has been moved to the August 3, 2023 agenda**

Discussion:

Findings:

Recommendation:

Attachments:
None

HURRICANE CITY
UTAH

STAFF COMMENTS

Consideration and possible approval of a **disconnection request for parcels H-3403-C-2, H-3403-B-2, and adjacent roads**-Sky Ranch Ph 6 L.C. applicant, Doug Durbano agent

Discussion:

SUMMARY:

A property owner has petitioned the Council to disconnect (de-annex) approximately 20 acres from the City. The property owner and agent have filed a complete application as required by Utah Code, so the City is required to hold a public hearing on the matter. The property is currently located within City limits on the south end of the existing peninsula of the unincorporated Sky Ranch area. The request is that the property be removed from City limits and placed back in the unincorporated County, making the peninsula of unincorporated County area extend further to the south. Utah Code section 10-2-502.7, which is included in the packet, sets out the factors that the legislature has deemed relevant to a disconnection petition. Staff recommends denial of the petition to disconnect for the reasons listed in the Staff Comments.

STAFF COMMENTS:

Legal / Engineering Department: The Utah Code places the burden of proof on the applicant to show that the proposed disconnection will not "leave ... one or more ... peninsulas of unincorporated territory." UCA 10-2-502.7(3)(iii). A peninsula of unincorporated territory currently exists in this area, and the proposed disconnection will exacerbate the issue. The applicant has not shown that the property qualifies for disconnection under State Code.

Washington County: On March 15, 2022, the Washington County Commission passed Resolution No. R-2022-2931, a *Resolution Formally Recommending Annexation of a County Peninsula Into Adjacent Hurricane City Pursuant to Utah Code Ann. § 10-2-418(8)(c)*. The proposed disconnection would be directly contrary to the County Commission's Resolution by expanding the peninsula that the County recommends be annexed into the City. The County Commission found, among other things, that: (1) the area can be served more efficiently by the City than by the County; (2) the County is unable to provide the types of services in this location that are better provided by the City; (3) the County providing services to this area would result in in the wasteful overlap of governmental functions, including safety and police functions, roadway access and maintenance, and other governmental functions like community development services; (4) the City's annexation of the area would result in a more equitable distribution of community resources and obligations between the City and the County, and it will correct the wasteful overlap of community services. For the same reasons that the County Commission recommends the annexation of the County peninsula, the expansion of the unincorporated peninsula by the proposed disconnection is similarly ill-advised.

Power Department: Power for the unincorporated area of Sky Ranch is provided by Hurricane

City to Pacificorp/Rocky Mountain Power, which then sells the power to those residents. Hurricane City is the only power provider in the area capable of providing power in a cost-effective manner, and there are ongoing discussions about Hurricane City taking over the service area for Pacificorp. Because of the limitations on the circuit that delivers power to the area, the Power Department would not be in favor of allowing Pacificorp to expand its service area to include the subject property. As the Council is aware, the Power Department is actively working to increase capacity to this area.
Ash Creek Special Service District: The District's service area includes the subject property whether it is within City boundaries or not. The District takes no exception to the disconnection of the Sky Ranch Phase 6 project.
Streets Department: The Streets Department already receives calls from landowners within the unincorporated Sky Ranch area regarding road and drainage issues. Disconnecting this property would have a similar result. The proposed disconnection would also cause issues with roads and drainage in the future because of the differences in standards between the City and the County. As far as ongoing maintenance, the disconnection of the property would not have a significant impact on the department.
Water Department / Washington County Water Conservancy District: Although the District currently services the unincorporated Sky Ranch area, it purchases a significant amount of water from Hurricane City to serve the area. It does not make sense for the District to purchase water from Hurricane City to then serve more unincorporated area. The District was not planning on serving the subject property and will need to further evaluate the existing infrastructure. The District is concerned that the current infrastructure is insufficient to serve the subject property, especially with regards to storage capacity. The Water Department and the District have had discussions about the City taking over the water system in the area. Hurricane City already has a 12 inch water main near the property. If the City were to annex the unincorporated area of Sky Ranch in the future, it makes sense that the water system for the property be constructed to City standards and connected to the City's water system, which would not occur if the petition to disconnect were granted.
Engineering:The proposed disconnection will not resolve which entity should serve the subject property with utilities and public access. Existing lots along 4500 S are served by the County; however, the existing lots are accessed via County roads within Hurricane City boundaries.

Findings:

Recommendation:
Staff recommends denial of the petition to disconnect. If the Council concurs with the staff recommendation, the City Attorney recommends that the denial be made by adopting the draft Record of Decision included in the meeting packet, as may be amended by the Council prior to adoption.

Attachments:
1. 230628 Request for Disconnection Sky Ranch Ph 6
2. 230717 Record of Decision Denying Petition for Disconnection from City (updated)
3. Utah Code 10-2-502.5
4. RESOL-2022-2931.re annex of County Peninsula into Hurricane

Prepared by: DURBANO LAW FIRM, P.C.
DOUGLAS DURBANO
476 W. Heritage Park Blvd., #200
Layton, Utah 84041
801-776-4111
office@durbanolawfirm.com

REQUEST FOR DISCONNECTION FROM THE CITY OF HURRICANE

Re: Sky Ranch Area

This REQUEST FOR DISCONNECTION (the "Request") is made, executed, and delivered as of the 15th day of June, 2023 pursuant to Utah Code Ann. § 10-2-501 et seq. by Sky Ranch Phase 6, L.C. (the "Petitioner").

1. Territory Proposed for Disconnection

The territory proposed for disconnection (the "Property") is bordered on three sides by the Sky Ranch development that is not part of the city and is located entirely in the County of Washington and is generally located on the Southwestern side of the existing Grassy Meadow Sky Ranch development ("Sky Ranch") and is currently annexed to the City of Hurricane (the "City"). The Property is outlined, in red, on the map and pictorial attached hereto as Exhibit A, and includes the adjacent roads and any small hold-back strips/easements as well as the primary twenty (20) acre territory for disconnection, including parcel numbers H-3403-C-2 and H-4303-B-2.

2. Owners of Real Property within Territory Proposed for Disconnection

The names and addresses of the owners, or representatives of the owners, of the Property are as follows:

Name	Address	Real Property Owned
Sallee Orr, on behalf of Douglas Jacobsen (deceased)	4693 Madison Ave. Ogden, Utah 84403-3007	H-3403-C-2 (appx 19.62 acres) Currently under contract for sale to Sky Ranch Phase 6, L.C.
Sky Ranch Phase 6, L.C., c/o Doug Durbano	476 West Heritage Park Blvd. Ste. 105, Layton, Utah 84041	H-3403-C-2 (appx. 19.62 acres) Currently under contract for purchase from Sally Orr on behalf of Douglas Jacobsen.
Possible Hold-Back Strip: Owned by MIKGARRIS INVESTMENTS, L.C.	4060 S 1100 W PO BOX 629 Hurricane, Utah 84737	H-3403-B-2 (appx. 0.20 acres)

	Registered Agent Address: 965 E 700 S STE 305 St. George, Utah 84790	
City of Hurricane, UT	147 N. 870 W. Hurricane, Utah 84737	Adjacent Roads 1200 W and 4500 S.

3. Reasons for the Proposed Disconnection of the Property

The Property is land, which is contiguous with the Sky Ranch Development, and was originally planned as an extension of phase 6 of the Sky Ranch Development. The Property, however, was not developed with the Sky Ranch Development. The platted and developed phases of the Sky Ranch Development were not and are not annexed to the City of Hurricane. Instead, the Sky Ranch Development has all utility services through the various providers on the county level, not City.

While there are currently no residents on the Property, the Petitioner desires to develop the Property as part of Sky Ranch. In order to do so, utility service must be arranged. Through ongoing and detailed discussions with the employees of Hurricane City, as well as formal hearings with the City Planning Commission and City Counsel, it has been confirmed that the City of Hurricane cannot provide utility service to the Property and will not be able to for the foreseeable future. In contrast, the remainder of the Sky Ranch Development is successfully served with utilities as part of Washington County.

The barriers to providing utility service to the Property as currently annexed to the City of Hurricane are as follows:

- Electric services: not available from the City of Hurricane
- Sewer services: not available from the City of Hurricane
- Natural gas services: not available from the City of Hurricane
- Culinary water: services not available from the City of Hurricane

4. Persons Authorized To Act on Behalf of Petitioner

The following persons are authorized to act on behalf of the Petitioner in any proceedings which may occur as a result of this Request and pursuant to Utah Code Ann. § 10-2-501 et seq.: Douglas M. Durbano, Theresa Babauta, and Richard A. Bednar of Durbano Law Firm, P.C., 476 West Heritage Park Blvd., Suite 105, Layton, Utah 84041, 801-776-4111.

Sallee Orr, on behalf of Douglas Jacobsen, authorizes Petitioner, Sky Ranch Phase 6, L.C., and any of Petitioner's authorized persons to act on her behalf in any proeedings which may occur as a result of this request and pursuant to Utah Code Ann. § 10-2-501 et seq.

5. Signatures of Owners of the Property

As required by Utah Code Ann. § 10-2-501(2)(b)(i), Sally Orr, on behalf of Douglas Jacobsen, who is the owner of more than fifty percent (50%) of the property and is the current owner of the 19.62-acre parcel of property, which is proposed for disconnection, signs and approves this Request by authorized signature.

Sallee Orr, on behalf of Douglas Jacobsen

By: Sallee Orr
Sallee Orr

ACKNOWLEDGMENT AND AFFIDAVIT

Being first duly sworn, I state that:

(1) This affidavit is made in connection with the Request for Disconnection filed by the Petitioner Sky Ranch Phase 6, L.C.;

(2) I am a Manager of Sky Ranch Phase 6, L.C. and have authority to act on behalf of Sky Ranch Phase 6, L.C. in all matters;

(3) Sky Ranch Phase 6, L.C. acknowledges that the City of Hurricane may request that costs incurred by the City of Hurricane in connection with the Request for Disconnection be reimbursed by Sky Ranch Phase 6, L.C. consistent with Utah law; and

Sky Ranch Phase 6, L.C. is able and willing at the request of the City of Hurricane to reimburse those costs for which it may bear responsibility pursuant to Utah law, with the expectation that the City of Hurricane will alert Sky Ranch Phase 6, L.C. in advance of incurring costs for which it may require reimbursement from Sky Ranch Phase 6, L.C.

Date: 6/16/23

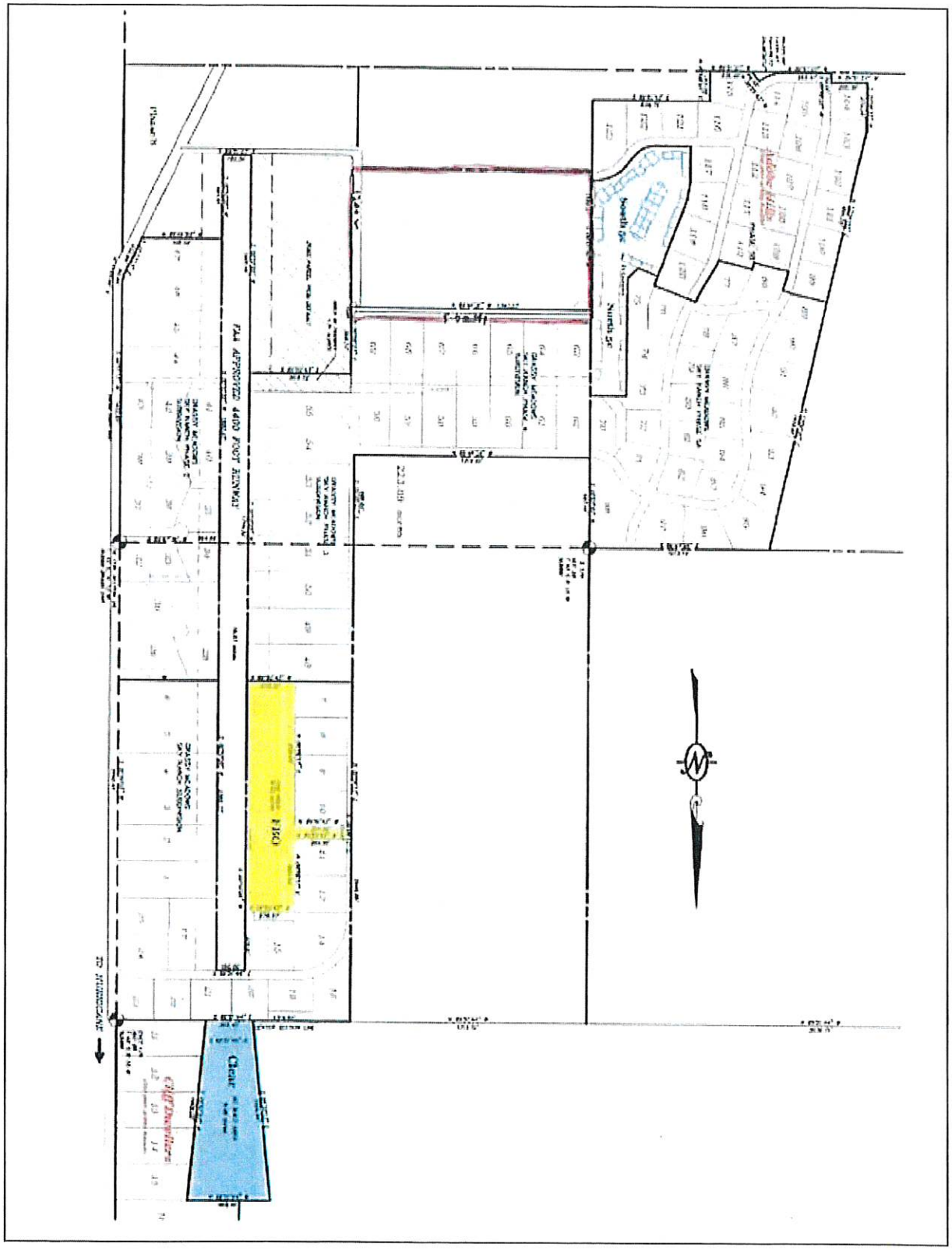
Typed or Printed Name Douglas M. Durbano
Manager, Sky Ranch Phase 6, L.C.

I certify that Douglas M. Durbano, who is known to me or who presented satisfactory identification., has, while in my presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

Date: 6/16/23

Typed or Printed Name DINO PASQUA

EXHIBIT A



H. Thomas Stevenson, No. 6803
STEVENSON & SMITH, P.C.
3986 Washington Boulevard
Ogden, Utah 84403
Telephone: (801) 399-9910

Attorney for Applicant

FILED DISTRICT COURT
Third Judicial District

JAN 27 2004

SALT LAKE COUNTY
By _____ Deputy Clerk

IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE COUNTY
STATE OF UTAH

THE MATTER OF THE ESTATE

Of

JOSEPH DOUGLAS JACOBSEN,

Deceased.

LETTERS OF ADMINISTRATION

Probate No. 043900123

1. Sallee Orr was duly appointed and qualified as Personal Representative of the estate of the above-named decedent on the 27th day of January 2004, by the Court, with all authority pertaining thereto.

2. Administration of the estate is unsupervised.

3. These letters are issued to evidence the appointment, qualification, and authority of the said Personal Representative.

WITNESS, my signature and the Seal of this Court, this 27th day of January, 2004.

Clerk or Registrar of the Court
Deputy

STATE OF UTAH
THIRD DISTRICT COURT
SALT LAKE CITY

I CERTIFY THAT THIS IS A TRUE COPY OF AN ORIGINAL DOCUMENT ON FILE IN THE THIRD DISTRICT COURT, SALT LAKE COUNTY, STATE OF UTAH.
DATE: March 2, 2004

DEPUTY COURT CLERK

SALT LAKE COUNTY · SALT LAKE CITY · STATE OF UTAH · DISTRICT COURT

STEVENSON & SMITH
A Professional Corporation
Attorneys At Law
3986 Washington Blvd.
Ogden, Utah 84403
Telephone (801) 394-4573
or (801) 399-9910

RECORD OF DECISION DENYING PETITION FOR DISCONNECTION REGARDING PARCELS H-3404-C-2, H-3403-B-2, AND ADJACENT ROADS

On July 20, 2023, the Hurricane City Council held a public hearing in compliance with Utah Code section 10-2-502.5 regarding a petition to disconnect from the City parcels H-3404-C-2, H-3403-B-2, and adjacent roadways submitted by attorney Douglas M. Durbano on behalf of Sallee Orr, the court appointed Personal Representative of Joseph Douglas Jacobson, the deceased owner of the subject property. Having considered the materials submitted by Mr. Durbano, the comments and recommendations from City staff and other utility providers, comments from the public hearing, and Utah Code considerations relevant to disconnection from a City, the Hurricane City Council hereby DENIES the petition to disconnect the above-described properties from Hurricane City.

In support of the denial of the petition, the Council makes the following findings based on the materials and information made available to the Council:

1. The proposed disconnection will "leave ... one or more ... peninsulas of unincorporated territory," which is contrary to the requirements of Utah Code Annotated section 10-2-502.7(3)(iii) and will exacerbate the problems inherent to such peninsulas.
2. On March 15, 2022, the Washington County Commission passed Resolution No. R-2022-2931, a *Resolution Formally Recommending Annexation of a County Peninsula Into Adjacent Hurricane City Pursuant to Utah Code Ann. § 10-2-418(8)(c)*, which Resolution is incorporated herein by reference. The proposed disconnection would be directly contrary to the County Commission's Resolution by expanding the peninsula that the County recommends be annexed into the City. The County Commission found, among other things, that: (1) the area can be served more efficiently by the City than by the County; (2) the County is unable to provide the types of services in this location that are better provided by the City; (3) the County providing services to this area would result in in the wasteful overlap of governmental functions, including safety and police functions, roadway access and maintenance, and other governmental functions like community development services; (4) the City's annexation of the area would result in a more equitable distribution of community resources and obligations between the City and the County, and it will correct the wasteful overlap of community services. For the same reasons that the County Commission recommends the annexation of the County peninsula, the expansion of the unincorporated peninsula by the proposed disconnection is similarly ill-advised.
3. Washington County, through the Washington County Water Conservancy District (the "Water District"), is incapable of providing culinary water service to the subject property in a cost-effective manner and without materially increasing the County's cost of providing water service because: (1) the Water District already purchases a significant amount of water from Hurricane City to serve the area; (2) the Water District is not planning on serving the subject property and is concerned that the current infrastructure is insufficient to serve the property proposed for disconnection, especially with regards to storage capacity; (3) Hurricane City has existing and planned infrastructure in the area to serve the property, including a

12-inch water main; and (4) there are discussions of Hurricane City taking over water service from the Water District for the area

4. Hurricane City already provides power to this area by agreement with Rocky Mountain Power Company, a subsidiary of Pacificorp, so the disconnection of the subject property will have no impact on the availability of power service. The City sells power to Pacificorp at a metering point on the north end of the unincorporated peninsula, and Pacificorp then distributes the power to properties within the unincorporated area. The City has not agreed to allow Pacificorp to expand its service area to include the subject property, and the City is currently in discussions with Pacificorp to take over service for the entire unincorporated area. Hurricane City is the only power provider in the area capable of providing power in a cost-effective manner, whether the power is provided directly by the City or by wholesaling to Pacificorp for distribution.
5. The proposed disconnection will negatively affect the City by exacerbating the current maintenance and drainage problems created by the different standards of the City and County within the same development.
6. Based on the above findings, the proposed disconnection is not viable.

APPROVED AND ADOPTED this 20th day of July 2023.

Hurricane City

_____
Nanette Billings, Mayor

Attest:

_____
Cindy Beteag, City Recorder

The foregoing Record of Decision was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 20th day of July 2023. Whereupon a motion to adopt and approve said Record of Decision 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

Effective 5/10/2016

10-2-502.7 Court action.

(1) After the filing of a petition under Section 10-2-502.5 and a response to the petition, the court shall, upon request of a party or upon its own motion, conduct a court hearing.

(2) At the hearing, the court shall hear evidence regarding the viability of the disconnection proposal.

(3) The burden of proof is on the petitioner to prove, by a preponderance of the evidence:

(a) the viability of the disconnection;

(b) that justice and equity require that the territory be disconnected from the municipality;

(c) that the proposed disconnection will not:

(i) leave the municipality with an area within its boundaries for which the cost, requirements, or other burdens of providing municipal services would materially increase over previous years;

(ii) make it economically or practically unfeasible for the municipality to continue to function as a municipality; or

(iii) leave or create one or more islands or peninsulas of unincorporated territory; and

(d) that the county in which the area proposed for disconnection is located is capable, in a cost-effective manner and without materially increasing the county's costs of providing municipal services, of providing to the area the services that the municipality will no longer provide to the area due to the disconnection.

(4) In determining whether the petitioner has met the petitioner's burden of proof with respect to Subsections (3)(c)(i) and (ii), the court shall consider all relevant factors, including the effect of the proposed disconnection on:

(a) the municipality or community as a whole;

(b) adjoining property owners;

(c) existing or projected streets or public ways;

(d) water mains and water services;

(e) sewer mains and sewer services;

(f) law enforcement;

(g) zoning; and

(h) other municipal services.

(5) The court's order either ordering or rejecting disconnection shall be in writing with findings and reasons.

Amended by Chapter 406, 2016 General Session

RESOLUTION NO. R-2022-2931

A RESOLUTION FORMALLY RECOMMENDING ANNEXATION OF A COUNTY PENINSULA INTO ADJACENT HURRICANE CITY PURSUANT TO UTAH CODE ANN. § 10-2-418(8)(c)

WHEREAS, the Washington County (the County) has reviewed the possible annexation of a county peninsula into Hurricane City (the City), because the area is surrounded on three sides by the City, and the City has expressed an intent to seek annexation of the area;

WHEREAS, the City has provided roadway access to this area outside the peninsula for many years, and in addition the County has provided roadway access inside the peninsula;

WHEREAS, the area in question is approximately 470 acres, as is further represented on the map attached hereto as Exhibit A which is incorporated herein;

WHEREAS, the area also encompasses the following county subdivisions: Adobe Hills, Cliffdweller Ranch, Copper Cliffs, Grassy Meadows Sky Ranch, and Hurricane Cliff Estates;

WHEREAS, the subdivisions have an approximate population of 218 based on 2020 official census figures;

WHEREAS, the County makes the following findings regarding the proposed annexation of the entire peninsula into the City:

1. The area to be annexed can be served more efficiently by the City than by the County, because the City anticipates that its municipal services will reach the annexation area due to future development.
2. Without annexation of the peninsula, future development of the annexation area would be limited, because the County is unable to provide the types of services in this location that are better provided by a municipal entity.
3. Without annexation of the peninsula, the types of services provided by the County would result in the wasteful overlap of governmental functions, including safety and police functions, roadway access and maintenance, and other governmental functions like community development services.
4. Annexation of the peninsula into the City will result in a more equitable distribution of community resources and obligations between the City and the County, and it will correct the wasteful overlap of community services.
5. The historic development in the peninsula area is suburban in nature, and not proximate to the City center. For this reason, the peninsula developed as a separate community, remote from any City core. It was not a natural area for the City to annex until future urban and suburban development came closer to this location.
6. The natural terrain and geographic features in the area also support City annexation. Particularly, a bluff to the east of the county peninsula is a natural boundary for the City, and the peninsula is inside the topographic area which should logically be

included in the City. These natural features limit future development of the City area beyond the eastern bluff.

WHEREAS, annexation of the entire peninsula and all of its existing land and existing subdivisions is in the best interest of the County, and is for the present and future benefit of its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF WASHINGTON COUNTY, UTAH, that it formally recommends annexation of the entire peninsula described above into Hurricane City pursuant to Utah Code Ann. § 10-2-418(8)(c), based on the findings included herein, and further finds that the County will assist in facilitating the annexation as needed.

VOTED UPON AND PASSED BY THE WASHINGTON COUNTY COMMISSION AT A REGULAR MEETING HELD ON THE 15th DAY OF MARCH, 2022.

WASHINGTON COUNTY COMMISSION

VICTOR IVERSON, Chairman
Washington County Commission

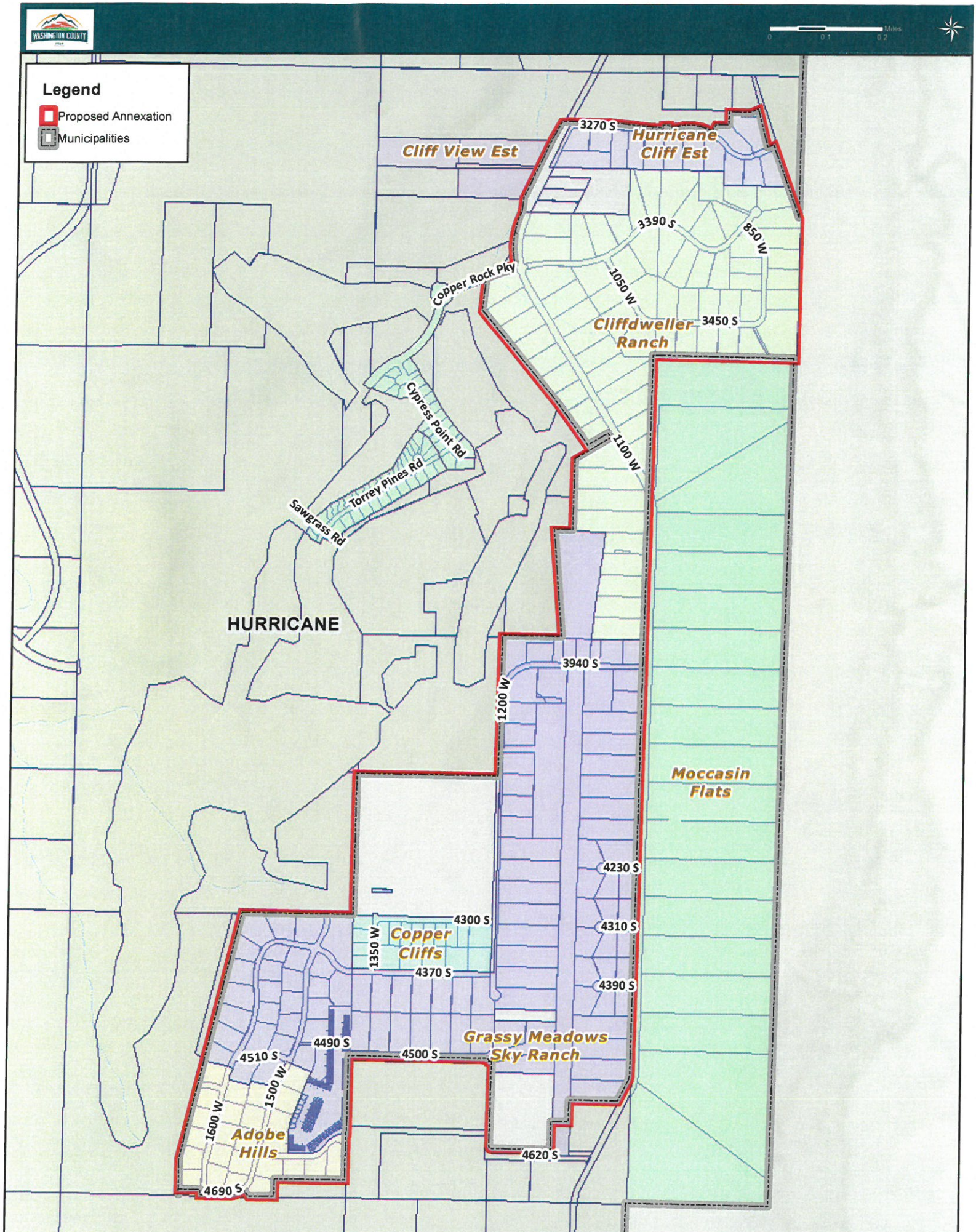
ATTEST:

Susan Lewis, Clerk/Auditor

Commissioner Iverson voted Aye
Commissioner Snow voted Aye
Commissioner Almquist voted Aye

Approved as to Form:

Deputy Washington County Attorney


Legend
Proposed Annexation
Municipalities
Miles
0
0.1
0.2
Cliff View Est
Hurricane Cliff Est
3270 S
3390 S
850 W
1050 W
Copper Rock Pky
Cliffdweller Ranch
3450 S
Cypress Point Rd
Torrey Pines Rd
Sawgrass Rd
1100 W
HURRICANE
3940 S
1200 W
Moccasin Flats
4230 S
4300 S
4310 S
1350 W
Copper Cliffs
4370 S
4390 S
4490 S
4510 S
4500 S
Grassy Meadows Sky Ranch
1500 W
1600 W
Adobe Hills
4620 S
4690 S

HURRICANE CITY
UTAH

STAFF COMMENTS

Consideration and possible approval of Resolution 2023-32 adopting a **policy governing commercial electric vehicle charging stations**. -Scott Hughes

Discussion:
Hurricane City currently has two applications submitted for the installation of Class 3 commercial electric vehicle chargers. Class 3 means that it will draw a higher amperage from the grid and charge the car faster than a class 2 or class 1. In the electrical world, amperage is what creates the heat in the conductors and equipment. So, class 3 chargers need to be regulated and even engineered to coordinate with the power flows on our city circuits. These 2 agenda items consisting of an EV Charging Station Policy and an EV Charging Station Rate are for the purpose of protecting our infrastructure and mitigating any monetary loss that could come from selling power to the EV charging business. Included in the packet are the recommendations from the DER Subcommittee, Power Dept. Staff, and the Power Board for the rate. The Power Board will hold an interim meeting Wed. July 19th to review and provide a recommendation of the policy.

Findings:

Recommendation:

Attachments:
1. Commercial Electric Vehicle Charger Policy R3
2. Resolution 2023-32 Adopting a policy governing commercial electric vehicle charging stations

Commercial Electric Vehicle Charger Policy

This Commercial Electric Vehicle Policy ("Policy") applies to all Class 3 Commercial Electric Vehicle Charging Stations ("Stations") within Hurricane City ("City") operated by customers ("Customers") of Hurricane City Power ("HCP") in which the Station is located anywhere in HCP service area.

The City reserves all rights to refuse or deny any application that does not comply with all of the terms or conditions of this policy or deemed to be detrimental to the City's power grid.

Application Procedures:
Applicants requesting approval of a Station must obtain an application from HCP and complete all requirements, including the Commercial Electric Vehicle Charging Station Checklist.

Connection Review:
The City will review an application to install a Station after the Customer has met the following criteria:

1. Customer has submitted a complete application and paid applicable fees.
2. Customer has contacted and listed a prequalified engineer.
3. Customer has completed a circuit study with all loads listed, that has been stamped by a prequalified engineer.

The Customer will be responsible for an application review fee for each review.

System Limits:
The City will only allow a Customer to install Stations on HCP's system if there is enough capacity on the circuit to accommodate the loads. The required study completed by the prequalified engineer will determine whether sufficient capacity is available.

The circuit study will be completed by an engineer contracted by HCP, the cost of which shall be paid by Customer prior to the study being authorized by the City and prior to any approval or acceptance of the Customer's Station.

If sufficient capacity is unavailable on the circuit, the Customer may be permitted, at its sole cost, to upgrade the infrastructure from the given service point to the point where capacity is available. The upgrade may also include substation equipment. No impact fee waivers or credits are available for upgrades made to the circuit to accommodate the proposed System.

Stations considered to be detrimental to the City's power grid, as determined by HCP, shall not be permitted.

Installation, Compliance, and Meter Reading:
Stations and their infrastructure shall be installed in accordance with all HCP and City codes, rules, regulations, and specification standards. HCP and the City's Building Department shall inspect the Station prior to any power sales to ensure compliance.

Meters must be accessible to HCP and the City Meter Reader and shall not be hindered by animals, landscape, fences, or other obstacles or potential obstacles. HCP may, at its discretion, regularly inspect the Station and shall be given unlimited access by the Customer to all Customer-owned battery storage, charging, and metering equipment.

The Station shall not infringe on any easement or sight distance requirements and shall not violate any City Ordinance. Customers are responsible to ensure that the Station is in compliance with any subdivision CC&R's or similar deed restrictions or covenants.

Station Operation and Responsibility:
Stations shall be installed, operated, and maintained by the Customer at the Customer's sole expense.

Neither the City nor HCP shall be liable for, and Customer shall indemnify and defend the City and HCP, for all damages, claims, liabilities, losses, injuries, or deaths resulting from or relating to (1) the City permitting or continuing to allow an attachment of a Station to the City's power grid; (2) the Customer's Station; (3) the Customer's generation or storage of power; and (4) the acts or omissions of the Customer in the Station.

Customer and City Requirements
(a) Once a Station has been approved, the City will require a Customer to comply with the following:
    1. Any manufacturer-recommended testing or maintenance.
    2. Any post-installation testing necessary to ensure compliance with IEEE 1547 or to ensure safety.
    3. Documentation is required for any testing completed and needs to be submitted to the City.
(b) The City shall have the right to inspect a Customer's Station after approval is granted, at reasonable hours and with reasonable prior notice to the Customer. If the City discovers that the Station is not in compliance with the requirements of this subchapter, and the noncompliance adversely affects the safety or reliability of the electric distribution system, the City may require the Customer to disconnect the Station until compliance is achieved.
(c) Any changes, upgrades, or additions to the approved Station must be resubmitted for review and new approvals.
(d) An emergency plan must be submitted to the City and to HCP for all potential emergencies including but not limited to: batteries experiencing thermal runaway, fire, chemical spill, damage resulting in release of gases, electrical shock hazards, or other potential hazards.
(e) The City shall have the right to disconnect the Station if it causes system disturbances or complications. The Customer will have the option to correct the problem, at which time the station will be re-inspected before beginning operation again.
(f) In the case of any kind of emergency, electrical or otherwise, or potential for emergency of any kind, HCP may, at its sole discretion, disconnect the Station for as long as the conditions that justified the disconnection exist.

Station Requirements
(a) Customers are required to install their own transformer and meter for power supply. Any variance from this requirement will be at the sole discretion of HCP.
(b) Stations shall have clear contact information and a phone number for problems or emergencies posted on each pedestal.
(c) The Customer shall be required to install a manual disconnect located within five feet of the meter and an emergency shutdown button on each pedestal.
(d) Any batteries installed in Station shall be located at a minimum of 20' from any HCP equipment, including the manual disconnect.

Standards
The following standards apply to all Systems:

(a) IEEE 1547, Standard for Interconnecting Distributed Resources with Electric Power Systems, as amended and supplemented, which is incorporated by reference herein. IEE Standard 1547 can be obtained through the IEEE website at www.ieee.org ; and
(b) ANSI/UL 2202 Electric Vehicle Charging System Equipment (AC to DC), as amended and supplemented, which is incorporated by reference herein. UL Standards can be obtained through the Underwriters Laboratories website at www.ul.com.

Rates
Commercial EV Charging Rate is as follows:

BASERATE	DEMAND	KWH USAGE
$320.00	$13.00	$.18

Export rates, base rates, and fees are subject to change upon approval of Hurricane City Council at any given time.

Signature verifying acceptance of above terms required before start of project:

Customer _____ Date_____

Resolution 2023-32

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF HURRICANE, UTAH ADOPTING A POLICY GOVERNING COMMERCIAL ELECTRIC VEHICLE CHARGING STATIONS

WHEREAS, the City Council desires to establish and adopt a policy for commercial electric vehicle charging stations; and

WHEREAS, the City Council desires to ratify the policy by this Resolution;

BE IT HEREBY RESOLVED by the City Council of Hurricane, Utah that the Policy Governing Commercial Electric Vehicle Charging Stations attached hereto and adopted by this City Council on July 20, 2023 is hereby ratified and is deemed effective as of January 20, 2023.

PASSED AND APPROVED THIS _____ day of _____, 2023.

_____
Nanette Billings, Mayor

ATTEST:

_____
Cindy Beteag, Recorder

The foregoing Resolution was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 20th day of July, 2023. Whereupon a motion to adopt and approve said Resolution was made by _____ and seconded by _____. A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
Joseph Prete	___	___	___	___
Dave Sanders	___	___	___	___
David Hirschi	___	___	___	___
Kevin Thomas	___	___	___	___
Doug Heideman	___	___	___	___

_____
Recorder

Resolution No. 2023-33

A RESOLUTION OF THE CITY COUNCIL OF HURRICANE, UTAH, ADOPTING FEES RELATED TO COMMERCIAL ELECTRIC VEHICLE CHARGING STATIONS.

WHEREAS the Hurricane City Council is authorized by Section 10-3-717 of the Utah Code and Section 1-5-6 G.1. of the Hurricane City Code to establish fees for municipal services; and

WHEREAS the City Council desires to adopt the addition of the follow fees; and

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

BE IT HEREBY RESOLVED by the City Council that the following fee schedule for commercial electric vehicle charging stations is hereby approved and adopted for implementation:

BASE RATE	DEMAND	KWH USAGE
$320.00	$13.00	$.18

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

DATED this 20th day of July 2023.

_____
Nanette Billings, Mayor

Attest:

_____
Cindy Beteag, Hurricane City Recorder

The foregoing Resolution was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 20th day of July 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

HURRICANE CITY
UTAH

STAFF COMMENTS

Consideration and possible approval of **awarding a contract for the 600 North Trail**-Arthur LeBaron

Discussion:
Attached are the results of the bid advertisement for constructing phase 1 of the 600 North Trail from Gould Wash to 200 West.

We received bids from two contractors:

Interstate Rock Products at $593,722.00
Royal T Enterprises at $484,179.10

Both contractors are qualified to do the work. However, Royal T's bid is lower and they submitted extensive trail work history in their Statement of Qualifications.

Findings:

Recommendation:
It is recommended that the City award the contract to the low bidder, Royal T Enterprises in the amount of $484,179.10.

Attachments:
1. Bid Tabulation - Hurricane 600 North Trail Project - Phase 1
2. Bid Documents - Royal T. Enterprises
3. Bid Documents - Interstate Rock Products

City of Hurricane
600 North Trail Project - Phase 1
Bid Tabulation - June 29, 2023

BID SCHEDULE - 600 NORTH TRAIL PROJECT - PHASE 1

				Royal T. Enterprises		Interstate Rock Products	
Item	**Description**	**Quantity**	**Units**	**Unit Price**	**Total**	**Unit Price**	**Total**
1	Moblization	1	L.S.	$30,000.00	$30,000.00	$52,000.00	$52,000.00
2	Clearing & Grubbing	114,910	S.F.	$0.01	$1,149.10	$0.10	$11,491.00
3	Grading & Excavation - Cut	2,450	C.Y.	$10.00	$24,500.00	$30.50	$74,725.00
4	Grading & Excavation - Fill	580	C.Y.	$10.00	$5,800.00	$12.00	$6,960.00
5	2.5" Asphalt (10' wide) & 4" Roadbase (10' wide + 2' shoulders)	82,080	S.F.	$3.00	$246,240.00	$3.10	$254,448.00
6	3.5" Asphalt & 7" Type II Roadbase	18,660	S.F.	$4.00	$74,640.00	$3.80	$70,908.00
7	HB30-7 Curb & Gutter	2,330	L.F.	$20.00	$46,600.00	$21.50	$50,095.00
8	6' Waterway	1,250	S.F.	$15.00	$18,750.00	$12.50	$15,625.00
9	Furnish & Install D50=6" Riprap	100	S.F.	$25.00	$2,500.00	$8.30	$830.00
10	Furnish & Install 36" Storm Drain Pipe	88	L.F.	$125.00	$11,000.00	$230.00	$20,240.00
11	Furnish & Install 48" Area Drain	2	Each	$8,000.00	$16,000.00	$12,500.00	$25,000.00
12	Furnish & Install 18"x24" Sign	4	Each	$500.00	$2,000.00	$550.00	$2,200.00
13	Install ADA Ramp	2	Each	$2,500.00	$5,000.00	$4,600.00	$9,200.00
			Total Bid Schedule		**$484,179.10**		**$593,722.00**

BID

Proposal of Royal T Enterprises hereinafter called "BIDDER"), organized and existing under the laws of the State of Utah doing business as a Corporation *. To the City of Hurricane (hereinafter called "OWNER").

In compliance with your Advertisement for Bids, BIDDER hereby proposes to perform all WORK for the construction of the 600 North Trail Project – Phase 1 in strict accordance with the CONTRACT DOCUMENTS, within the time set forth therein, and at the prices stated below.

By submission of this BID, each BIDDER certifies, and in the case of a joint BID each party thereto certifies as to his own organization, that this BID has been arrived at independently, without consultation, communication, or agreement as to any matter relating to this BID with any other BIDDER or with any competitor.

BIDDER hereby agrees to commence WORK within 10 calendar days of the NOTICE TO PROCEED and to fully complete the PROJECT within **120** consecutive calendar days thereafter. BIDDER further agrees to pay as liquidated damages, the sum of **$1,000.00** for each consecutive calendar day thereafter for either bid schedule as provided in Section 3 of the General Conditions.

BIDDER acknowledges receipt of the following ADDENDUM:

#1

*Insert "a corporation", "a partnership", or "an individual" as applicable.

BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, as Principal, and Atlantic Specialty Insurance Company as Surety, are hereby held and firmly bound unto City of Hurricane as OWNER in the penal sum of 5% of the bid for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, successors and assigns.

Signed, this 27th day of June, 2023. The Condition of the above obligation is such that whereas the Principal has submitted to City of Hurricane a certain BID, attached hereto and hereby made a part hereof to enter into a contract in writing, for the NOW, THEREFORE,

(a) If said BID shall be rejected, or

(b) If said BID shall be accepted and the Principal shall execute and deliver a contract in the Form of Contract attached hereto (properly completed in accordance with said BID) and shall furnish a BOND for his faithful performance of said contract, and for the payment of all persons performing labor or furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said BID,

THEN this obligation shall be void, otherwise the same shall remain in force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its BOND shall be in no way impaired or affected by any extension of the time within which the OWNER may accept such BID; and said Surety does hereby waive notice of any such

extension.

IN WITNESS WHEREOF, the Principal and the Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

Royal T Enterprises, Inc.

(L.S.)

Principal

Atlantic Specialty Insurance Company

Surety

By:

Mitchell Lane Bringhurst, Attorney-in-Fact

IMPORTANT - Surety companies executing BONDS must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the state where the project is located.

Power of Attorney

KNOW ALL MEN BY THESE PRESENTS, that ATLANTIC SPECIALTY INSURANCE COMPANY, a New York corporation with its principal office in Plymouth, Minnesota, does hereby constitute and appoint: **Mitchell Lane Bringhurst, Dana Kaye Benson, Adam Christensen, Shauna Johnson, Alyssa Pollock, Alicia Vest, Jennifer Glammeyer**, each individually if there be more than one named, its true and lawful Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf as surety, any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof; provided that no bond or undertaking executed under this authority shall exceed in amount the sum of: **unlimited** and the execution of such bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof in pursuance of these presents, shall be as binding upon said Company as if they had been fully signed by an authorized officer of the Company and sealed with the Company seal. This Power of Attorney is made and executed by authority of the following resolutions adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the President, any Senior Vice President or Vice-President (each an "Authorized Officer") may execute for and in behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and affix the seal of the Company thereto; and that the Authorized Officer may appoint and authorize an Attorney-in-Fact to execute on behalf of the Company any and all such instruments and to affix the Company seal thereto; and that the Authorized Officer may at any time remove any such Attorney-in-Fact and revoke all power and authority given to any such Attorney-in-Fact.

Resolved: That the Attorney-in-Fact may be given full power and authority to execute for and in the name and on behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and any such instrument executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed and sealed by an Authorized Officer and, further, the Attorney-in-Fact is hereby authorized to verify any affidavit required to be attached to bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof.

This power of attorney is signed and sealed by facsimile under the authority of the following Resolution adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the signature of an Authorized Officer, the signature of the Secretary or the Assistant Secretary, and the Company seal may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing an Attorney-in-Fact for purposes only of executing and sealing any bond, undertaking, recognizance or other written obligation in the nature thereof, and any such signature and seal where so used, being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

IN WITNESS WHEREOF, ATLANTIC SPECIALTY INSURANCE COMPANY has caused these presents to be signed by an Authorized Officer and the seal of the Company to be affixed this first day of January, 2023.

ATLANTIC SPECIALTY INSURANCE COMPANY CORPORATE SEAL 1986 NEW YORK

By _____
Sarah A. Kolar, Vice President and General Counsel

STATE OF MINNESOTA
HENNEPIN COUNTY

On this first day of January, 2023, before me personally came Sarah A. Kolar, Vice President and General Counsel of ATLANTIC SPECIALTY INSURANCE COMPANY, to me personally known to be the individual and officer described in and who executed the preceding instrument, and she acknowledged the execution of the same, and being by me duly sworn, that she is the said officer of the Company aforesaid, and that the seal affixed to the preceding instrument is the seal of said Company and that the said seal and the signature as such officer was duly affixed and subscribed to the said instrument by the authority and at the direction of the Company.

ALISON DWAN NASH-TROUT
NOTARY PUBLIC - MINNESOTA
My Commission Expires
January 31, 2025

_____
Notary Public

I, the undersigned, Secretary of ATLANTIC SPECIALTY INSURANCE COMPANY, a New York Corporation, do hereby certify that the foregoing power of attorney is in full force and has not been revoked, and the resolutions set forth above are now in force.

Signed and sealed. Dated 27th day of June, 2023

ATLANTIC SPECIALTY INSURANCE COMPANY CORPORATE SEAL 1986 NEW YORK

This Power of Attorney expires
January 31, 2025

_____
Kara L.B. Barrow, Secretary

Please direct bond verifications to surety@intactinsurance.com

CITY OF HURRICANE

600 NORTH TRAIL PROJECT – PHASE 1

Bidder agrees to perform all the work described in the CONTRACT DOCUMENTS for the following unit or lump sum prices.

NOTE - Payment to the Contractor: The Contractor is hereby advised that partial payments will be made monthly and that the final payment will be made within 30 days following the completion of all work specified.

NOTE: All bids shall be checked for mathematical errors by the Engineer. If errors have been made in the extension of the figures, it will be assumed that the unit prices are correct and the total amounts will be revised to reflect the corrections.

BID SCHEDULE
(Addendum #1)

Item #	Item Description	Quantity	Units	Unit Cost	Total
1	Mobilization	1	L.S.	$30,000.00	$30,000.00
2	Clearing & Grubbing	114,910	S.F.	$.01	$1,149.10
3	Grading & Excavation – Cut	2,450	C.Y.	$10.00	$24,500.00
4	Grading & Excavation – Fill	580	C.Y.	$10.00	$5,800.00
5	2.5" Asphalt (10'wide) & 4" Roadbase (10' wide + 2' shoulders)	82,080	S.F.	$3.00	$246,240.00
6	3.5" Asphalt & 7" Type II Roadbase	18,660	S.F.	$4.00	$74,640.00
7	HB30-7 Curb & Gutter	2,330	L.F.	$20.00	$46,600.00
8	6' Waterway	1,250	S.F.	$15.00	$18,750.00
9	Furnish & Install D_{50}=6" Riprap	100	S.F.	$25.00	$2,500.00
10	Furnish & Install 36" Storm Drain Pipe	88	L.F.	$125.00	$11,000.00
11	Furnish & Install 48" Area Drain	2	Each	$8,000.00	$16,000.00
12	Furnish & Install 18"x24" Sign	4	Each	$500.00	$2,000.00
13	Install ADA Ramp	2	Each	$2,500.00	$5,000.00
				Total Bid Schedule	$484,179.10

ATTEST:

(Seal - If Bid is by Corporation)

E100
Contractor Trade License Category

5754319-5501
Utah License Number(s)

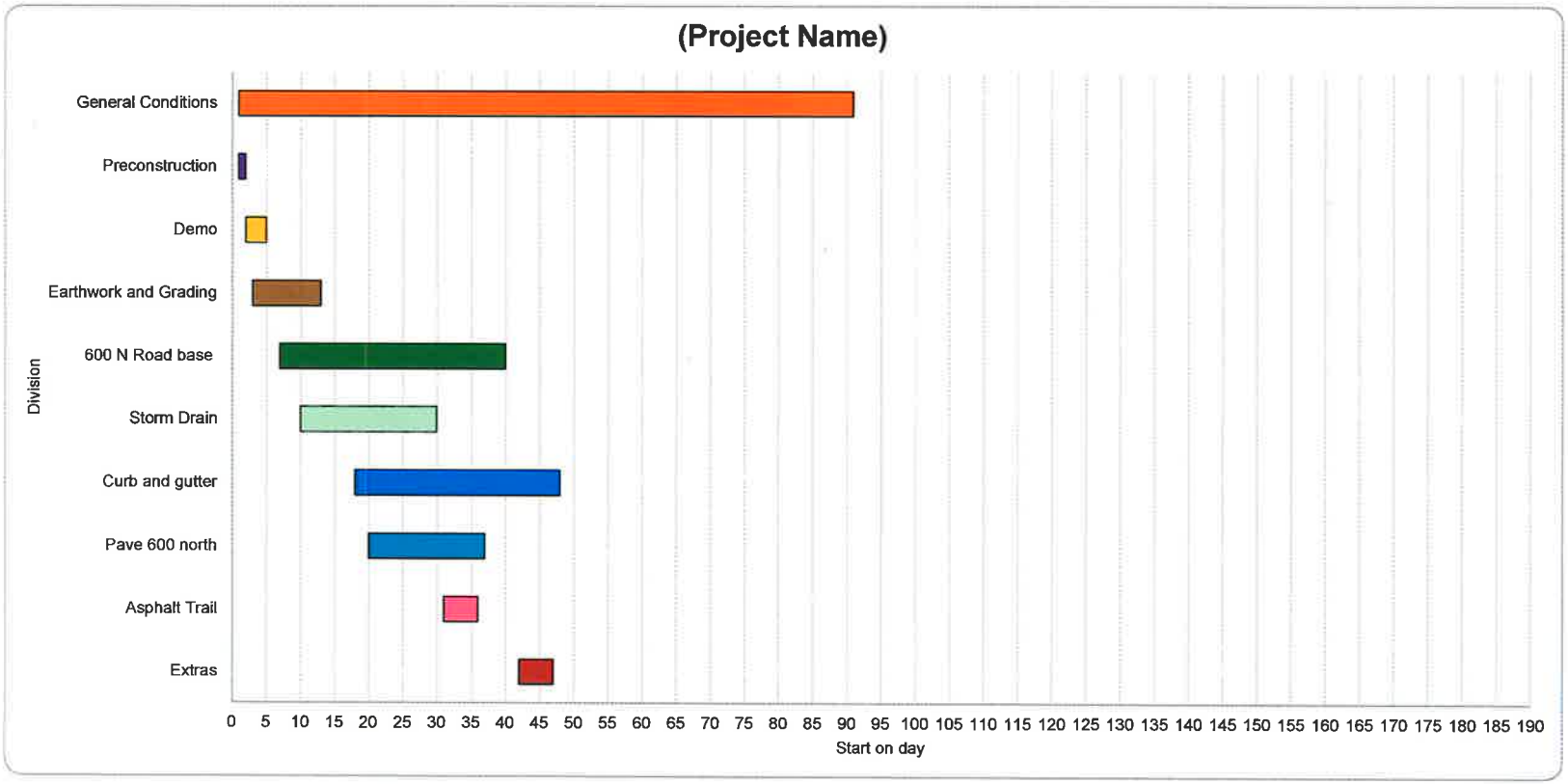
RESPECTFULLY SUBMITTED:

Rapi T Enterprises, LLC
335 E. St. George Blvd. Ste 101
St. George, Utah 84770
Address

Signature

Tad Griffiths
Name

President
Title



Updated: 06-29-2023

Division	Start date	End date
Mobization	Jul 17	Sep 29
Preconstruction	Jul 17	Jul 17
Demo	Jul 18	Jul 20
Earthwork and Grading	Aug 20	Aug 31
Road base 600 north	Aug 24	Aug 27
Storm Drain	Aug 24	Aug 30
Curb and gutter	Aug 28	Aug 31
Pave 600 north	Sep 1	Sep 5
Asphalt Trail	Sep 11	Sep 18
Extras	Apr 4	Apr 11

Division	Start on day	Duration
General Conditioı	1	90
Preconstruction	1	1
Demo	2	3
Earthwork and Gı	3	10
600 N Road base	7	33
Storm Drain	10	20
Curb and gutter	18	30
Pave 600 north	20	17
Asphalt Trail	31	5
Extras	42	5

Link for calcuating buisiness date: https://www.calculatorsoup.com/calculators/time/date-day.php

335 E. St. George Blvd Ste 101
St. George, Utah 84770
Phone: 435-627-8414
Email: royaltenterprises@live.com

600 NORTH TRAIL PROJECT -PHASE 1

STATEMENT OF QUALIFICATIONS:

1. **EXPERIENCE**
   We have lots of experience building trails- we have built city trails for the City of St. George, Washington City, Springdale & the State of Utah.
   We have been in the construction industry since 2004
   Providing projects in commercial, residential & municipalities.
   Hurricane, Toquerville, Ivins, Washington, St. George, Santa Clara, Springdale, Tropic, Cedar City, SITLA state trust lands, Washington County Water Conservancy district etc.
   We provide all phases of civil engineering Construction.
   We also Have a Trucking company which helps facilitate products to the jobsite in a timely manner

   See Company Bio

2. **PERSONEL & EQUIPMENT, INCLUDING SUBCONTRACTORS**
   Royal T Owner Tad Griffiths – 37 years of construction experience.
   Superintendent – TJ Griffiths
   Foremen. Mark Steed- Mike Phillips- Ben Mifflin
   Head project Operators- Taylor Kelly, Gavin Johnson, Henry Brawer & JT Gunn
   Operators, laborers & Truck drivers. 40 + employees

   Equipment- Numerous GPS equipment with machine control including dozers, graders, track hoes. GPS Drone flights & mapping.
   skid steer, Loaders, Work trucks with tools, Numerous sized Excavators, mini x , GPS Equipment, Drone, Motor graders, Compaction equipment Sweepers etc.

   We have all equipment necessary along with options of equipment rentals needed to complete your job on time & efficient.

   Subcontractors: we work closely with our subcontractors & have for many years.
   Concrete: Triple B Concrete, Dixie concrete,
   Asphalt& road base: Sunroc, Western rock

   Supplier: Scholzen products

3. PAST PERFORMANCE

We have completed hundreds of projects from City Parks, Trails, sewer, water, storm drain, underground utilities, Roads, Bridges, Subdivisions, RV parks, detention ponds, water diversion, Commercial & Residential projects,
We are proud of the final projects that we have completed.
We make it a priority to have communication & a great working relationship with Owners, inspectors, subcontractors & suppliers on all projects to have them run smoothly as possible and with a great project outcome.

See attached similar Trail projects:

4. REFERENCES

See attached reference letters.

335 E. St. George Blvd Suite 101
St. George, Utah 84770
435 627-8414
royaltenterprises@live.com

Royal T Enterprises is an E100 Excavation Contractor, licensed in the state of Utah. We provide all phases of civil engineering contracting from clearing and grubbing, site work and grading, to concrete and asphalt. Royal T Enterprises has extensive experience in underground utility installation, such as sewer, water and storm drain.

Royal T Enterprises takes pride in incorporating new GPS 3D modeling technology. We use modern intelligent excavators and dozers that produce high accuracy and efficiency alongside our experienced crew.

Our reputation speaks for itself and we would be happy to supply you with many reputable references from public works departments, commercial projects, private businesses, and homeowners.

We would like the opportunity to provide you with estimates for any of your future projects.

Thank you for your consideration, we look forward to working with you.

If you have any further questions or concerns, please feel free to contact us at the address located above or directly contact Tad Griffiths at 435 680-6140.

Tad Griffiths
President

335 E Saint George Blvd Ste 101
Saint George, Utah 84770
435 627-8414
royaltenterprises@live.com

Construction Contracts:

Banded Hills Trail

Owner: City of St. George
175 e 200 N
St. George, UT 84770
435-627-8400

Scope of Work: Trail project including site grading, pedestrian underpass, asphalt trail, concrete flatwork, landscaping, irrigation, and other related work items.

Project Engineer: Mainline Engineering
260 W St. George Blvd STE 105
St. George, UT 84770

Project Completion Date: April 2022

Contract Amount: $296,252.78

Litigation: No

Royal T Enterprises INCORPORATED

720 South River Road Suite E102
St. George, Utah 84790
435 627-8414
royaltenterprises@live.com

Construction Contracts:

Virgin River South Trail Repairs – Bloomington Park to Las Colinas Park

Owner: City of St. George
175 E 200 N
St. George, UT 84770
(435) 627-8400

Scope of Work: Sediment removal, demolition and removal of soil cement trail, installation of storm drain lines, catch basin, rock rip rap, gabion basket erosion protection, replacement of concrete trail, Asphalt trail with geotextile and tack coat & striping.

Project Engineer: Rosenberg Associates
352 E. Riverside Dr # A2
St. George, UT 84770
(435) 673-8586
Jared Bates

Project Completion Date: May 2020

Contract Amount: $252,086.20

Litigation: No

Royal T Enterprises INCORPORATED

720 South River Road Suite E102
St. George, Utah 84790
435 627-8414
royaltenterprises@live.com

Construction Contracts:

Virgin River South Trail Rustic Trailhead to Springs Park & Springs Erosion Protection Repair Project

Owner: City of St. George
175 E 200 N
St. George, UT 84770
(435) 627-8400

Scope of Work: clearing and Grubbing, temporary diversion channel and stream crossing, grading, sediment removal, Installation of rock rip rap, concrete bridge structure, drainage pipe, road base, asphalt trail & striping.

Project Engineer: Rosenberg Associates
352 E. Riverside Dr # A2
St. George, UT 84770
(435) 673-8586

Project Completion Date: June 2020

Contract Amount: $649,984.30

Litigation: No

Royal T Enterprises INCORPORATED

720 South River Road Suite E102
St. George, Utah 84790
435 627-8414
royaltenterprises@live.com

Construction Contracts:

Pioneer Park - EWP

Owner: City of St. George - Jay Sandberg
175 East 200 North
St. George, UT 84770

Scope of Work: Build retention dam for flood control run off, install miscellaneous pipe, concrete structure, landscaping & rip rap.

Project Engineer: Jones & Demille Engineering – Chad Sonderegger
435 E. Tabernacle Suite 302
St. George, UT 84770
(435) 986-3622

Project Completion Date: July 2017

Contract Amount: $578,123.28

Litigation: No

Royal T Enterprises
INCORPORATED

2244 East 40 North
St. George, Utah 84790
435 627-8414 / Fax 435 627-8414
royaltenterprises@live.com

Construction Contracts:

Zion Canyon Trail Extension

Town of Springdale
118 Lion Blvd.
Springdale, Utah 84767
Tom Dancey - city engineer
435 772-3434

Zion Canyon Trail Extension
Springdale, Utah 84767

Scope of Work: construction of approximately 900 feet of paved trail, block retaining wall, curb and gutter, pedestrian access ramps, and drainage facilities.

Contract amount: $125 thousand

Contract completed: October 2009

Engineer: Jacobs
20 North Main Suite 107
St. George, Utah 84770
435 627-1888

City Engineer: Tom Dancey
435 772-3434

Litigation: NO

Royal T Enterprises INCORPORATED

2244 East 40 North
St. George, Utah 84790
435 627-8414 / Fax 435 627-8414
royaltenterprises@live.com

Construction Contracts:

Washington Trail 100 East

Washington City
111 North 100 East
Washington, Utah 84780
435 656-6300

Project Engineer: Parks and Recreation Barry Blake

Scope of Work: Excavation and Grading of Approximately 3,500 feet of paved trail with a Pedestrian bridge.

General Contractor: Progressive Contracting, Inc.
P.O. Box 1930
St. George, Utah 84790
John Wilson

Contract Amount w/PCI: 101,182.82 / 116,313.92

Royal T Enterprises Contract Amt: 110,498.23

Contract Completed: 50 days August 2010

City Engineer: Parks and Recreation Barry Blake

Litigation: NO

Construction Contracts (SUB)

Main Street Trail Bridge

St. George City
175 East 200 North
St. George, Utah 84770
435 674-4223

Main Street Trail Bridge
South Main Street
St. George, Utah

Scope of Work: 204 foot free standing bridge across Santa Clara River. Install concrete retaining wall, 11,250 square feet asphalt, and sub grade.

Contract amt: $147 thousand

Date Completed: March 2007

Contract Completed: March 2007

Engineer: Rosenberg Associates
352 East Riverside Drive A-2
St, George, Utah 84790
435 673-8397

Project Engineer: Same

Litigation: No

Royal T Enterprises INCORPORATED

2244 East 40 North
St. George, Utah 84790
435 627-8414 / Fax 435 627-8414
royaltenterprises@live.com

Construction Contracts:

SRS 2009(13) Springdale & Santa Clara Infrastructure Project

Owner: UDOT

Scope of work: Excavation & Grading of concrete and asphalt sidewalks in Springdale & Santa Clara Utah, with precast concrete retaining wall and faux rock facing.

Project Engineer: Jacobs Engineering – John Mcginnis
801 355-1112
155 N. 400 W.
Salt Lake City, Utah 84103

Project completion date: January 2011

Contract amount: $ 275,000.00

Litigation: No

TRIPLE "B" CONCRETE, INC.
PO Box 910490
St. George, Utah 84791
(435)628-0635
tbconcrete@live.com

June 29, 2023

RE: Royal T Enterprises, Inc

To Whom it May Concern,

My name is Nancy Shirts, and I am the president of Triple B Concrete, Inc, a Utah Corporation. We have worked closely with Tad and Royal T Enterprises for more than 18 years. We have completed numerous projects together from small driveways to large federal projects and everything in between. Their quality and timelyness is first rate.
I would highly recommend Royal T Enterprises for any upcoming work.

Please call me with any questions. 435-628-0635

Regards,

Nancy Shirts
President,
Triple B Concrete, Inc.

June 27, 2023

Re: Letter of Recommendation

To Whom It May Concern,

It is our pleasure to submit this letter of recommendation concerning our experience working with Royal-T.

Royal-T has awarded subcontracts to Sunroc to complete the asphalt paving on many subdivisions and other private and public projects. It's been our experience that Royal-T has been very conscientious about making sure that they have all of the resources to complete a project on time – whether that be their own resources or drawing help from their subcontractors and suppliers. Royal-T has been very communicative, efficient, and makes every effort to see that the customer's needs are made top priority.

We appreciate having had the opportunity to work with Royal-T and we would not hesitate to work with them on another project in the future.

Sincerely,

John Henderson

Sunroc Corporation

STAKER PARSON
MATERIALS & CONSTRUCTION
A CRH COMPANY

BURDICK
MATERIALS
A CRH COMPANY

HALES
SAND & GRAVEL
A CRH COMPANY

IDAHO MATERIALS
& CONSTRUCTION
A CRH COMPANY

JACK B. PARSON
READY MIX CONCRETE
A CRH COMPANY

NIELSON
CONSTRUCTION & MATERIALS
A CRH COMPANY

REYNOLDS EXCAVATION
DEMOLITION & UTILITIES
A CRH COMPANY

STAKER PARSON
LANDSCAPE CENTERS
A CRH COMPANY

WESTERN ROCK
PRODUCTS
A CRH COMPANY

June, 2 2023

Staker & Parson Companies
DBA: Western Rock Products
4617 S Pioneer Road Suite 300
St. George UT 84790

Dear: To Whom it may Concern

In Reference to Royal T Enterprises,

We have always had a good working relationship with Royal T Ent. Over the course of the last 10+ years we have worked on a wide variety of work together, from Private to Public work, we have always been grateful for their professionalism and desire to deliver the highest quality work.

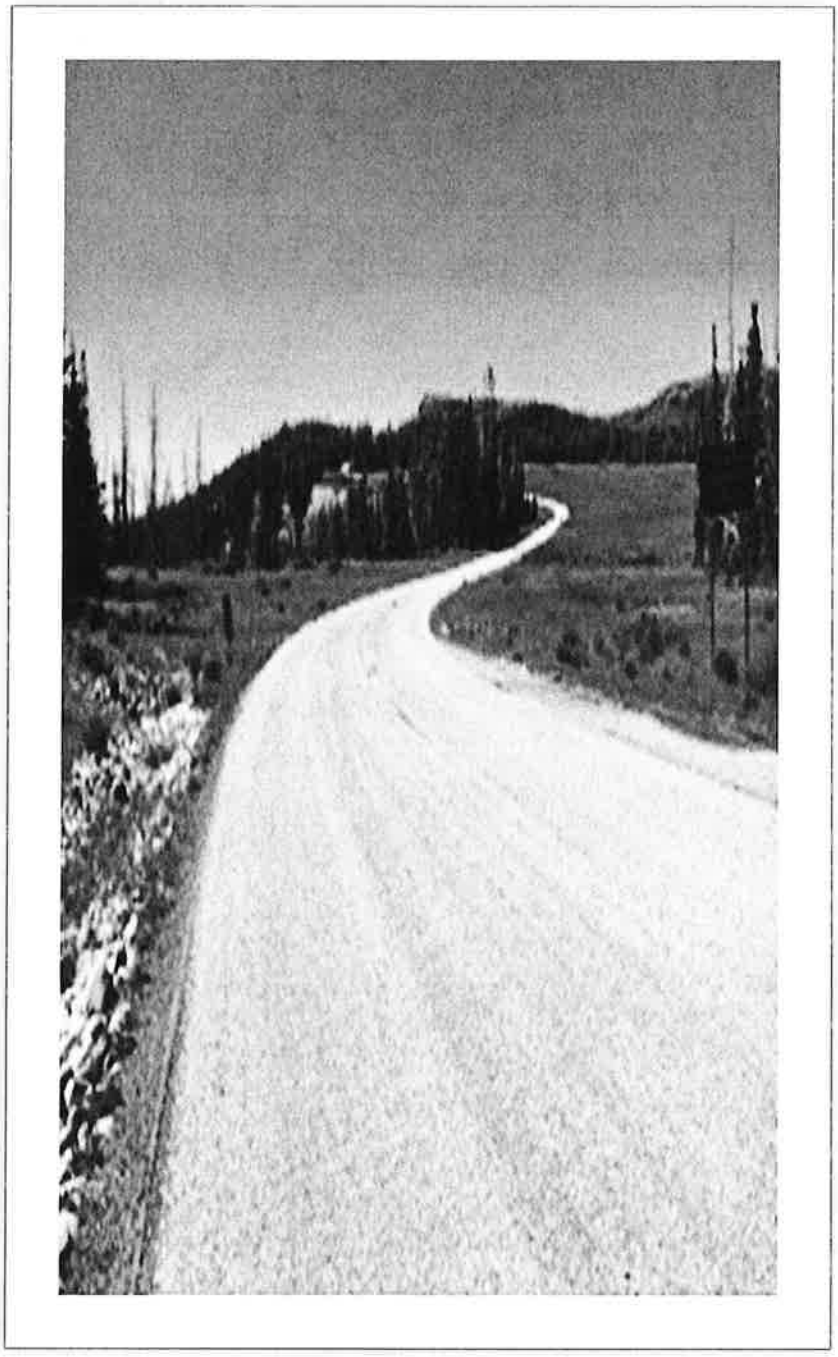
Tad and his group have always been good at working through any potential issues that may arise to find the best solution for all available and have been consistent on paying any billings in a timely manner.

It is our opinion that given the chance to work with Royal T Ent. You will be pleased with the expertise that they offer.

Sincerely,

Robert Whitney
Estimator/PM

PH 801-731-1111
FAX 801-731-8800
www.stakerparson.com
2350 S. 1900 W. Ogden, UT 84401



Western Rock Products

HURRICANE CITY

Statement of Qualifications

| Statement of Qualifications | June 27, 2023

Project Experience

PROJECT	OWNER	PROJECT TEAM	COMPLETION DATE	CONTACT
Hurricane City 2021 Chip Seal Project	Hurricane City	Alan Buoy Western Rock Superintendent; Jeremy Leonard Western Rock Materials; Lamb Excavating Installation	June 2021	Arthur LeBaron City Engineer (435) 635-2811 X113
3000 E Widening (1580 S to Mall Drive)	St. George city	Alan Buoy Western Rock Superintendent; Jeremy Leonard Western Rock Materials	January 2022	Phil Giles – Mainline Engineering – 435-669-4810
3650 South Extension Sugar Plum to Majestic Hills	Washington City	Alan Buoy Western Rock Superintendent; Jeremy Leonard Western Rock Materials	September 2021	Steve Hall City Engineer (435) 656-6317
Hurricane City 2020 Chip Seal Project	Hurricane City	Alan Buoy Western Rock Superintendent; Jeremy Leonard Western Rock Materials; Lamb Excavating Installation	June 2020	Arthur LeBaron City Engineer (435) 635-2811 X113
US 89 Paria River to old Paria	Utah Department of Transportation	Kevin Williams Superintendent; Jeremy Leonard Western rock Materials; Lamb Excavating installation	May 2019	Tracy Munson UDOT (435) 590-0252
Paragonah Chip seal	Paragonah City	Mark Carter superintendent, Jeremy Leonard Western Rock Materials; Lamb Excavating installation	September 2019	Earl Olsen 435-477-0142

Project Team and Product:

For over 60 years, Staker Parson Companies has worked to be "The Preferred Source" of quality sand, rock, and landscape products, ready-mixed concrete, asphalt, paving, and construction serving a wide variety of Cities and Government agencies. We have assembled an experienced team to deliver another successful project for Hurricane City. All of our key members have over 20 years of construction and management experience. This team of highly experienced staff will ensure that this project is delivered on time within scope and on budget.

We are always on the cutting edge of technology and have invested over $250k in 3D technology on The Point Design-Build project alone. Our crews have been using 3D technology for construction, including 3D machine guidance since 2003.

Western Rock products will be supplying the ½" Chips out of the Sorenson pit located by the Washington County Landfill. The rock in the Sorenson pit have historically been very hard and have passed the testing required for chips. The LMCRS 2H oil will be supplied out of our Staker Parson plant in Ogden. We have used this oil on several chip seal projects and have met all specifications. Lamb Excavating will be placing the chips and spraying the oil. Darwin Lamb has over 30 years of experience in chip sealing everything from parking lots to major interstates. They have the knowledge and equipment necessary to complete the project in a timely manner and efficiently.

We have the ability to garner resources whether it is equipment or talent from multiple companies within our organization throughout Utah. This gives us the ability to ensure that any needed resource is available at almost any time. Staker Parson Companies utilizes the latest in., hot mix asphalt plants, and ready-mix batch plants located in Washington County. This provides added value to Hurricane City through cost reduction by eliminating plant mobilization. In addition the sales tax is eliminated by being self-supplied through an owned source and reduces the total cost to Hurricane City. Our use of a proven resource at Sorenson Pit will ensure quality aggregates for the Hurricane City Chip Seal project.

Approach to Safety

Our top priority is always safety. As the top priority on any project, we work to ensure that all employees, subcontractors, third parties and the public have all the necessary tools and safeguards in place to achieve ZERO incidents. We will always provide any mechanical or physical safeguards to the maximum extent possible.

We will develop and implement a project specific safety plan. All parties involved will be trained on the plan and held to the highest standards. We will hold weekly safety meetings where all parties will have the opportunities to share any hazards that are identified and a plan will be put in place to remove or mitigate the hazard. Through daily toolbox meetings we will review the safety plan, identify associated risks with each specific task and then remove or control all hazards. With the partnering of Utah Barricade Company, we will create an MOT plan that will promote the safety of the traveling public while protecting the work zone. Controls that could be used are construction signage, rumble strip warning devices to provide adequate warning of construction zone.

Stakeholder Involvement

We are dedicated to provide the highest quality finished product. Our group is committed to working with Hurricane City and the traveling public during and construction. We will use our expertise and past experience to ensure that a project is built that is on time and meets specifications.

State Bank
OF SOUTHERN UTAH

June 29, 2023

RE: Royal T Enterprises, Inc.

To City of Hurricane;

The purpose of this letter is to inform you that we have been made aware of the intent of the above-mentioned businesses to provide services for certain projects in your city.

I can assure you that we do strongly value our relationship with Royal T Enterprises, Inc., and related entities and that all our prior dealings with them have been favorable. They have never had any past due payments or delinquent accounts with us.

I enjoy working with them and providing financing for them because they are very well-organized and have excellent book-keeping and financial reporting. I appreciate their candor and their honesty. I believe they provide a very high quality of work and I find many repeat customers in their financials which is a credit to the work that they do. I have had the pleasure of working with them for over ten years now and hope to able to continue doing so for years to come as their business grows.

Based on the Bank's previous experiences and my knowledge of the customer's available resources, I am confident that any work awarded could be completely in a quality and timely manner.

If any further questions in this regard you may contact me at (435) 652-7082 or email at ssampson@sbsu.com.

Thanks for your consideration in this regard,

M Shaun Sampson

Senior Vice President and Lending Manager

State Bank of Southern Utah

Leavitt Group
162 N. 400 E. Bldg C Suite 102. St. George, UT 84770

Hurricane City
147 N 870 W
Hurricane, UT 84737

To whom it may concern

It is my great honor to give my unwavering recommendation for Royal T Enterprises to you. I sincerely hope that you give them your most serious consideration for your project, because their talents deserve nothing less.

I met Tad and Alice Griffiths when I started doing insurance for their business, Royal T Enterprises, nearly a decade ago. I now feel lucky to call them my friends. I have been able to work with them on various parts of their business and can tell you about the numerous successes that they have had and the projects they have completed. They have several key things that differentiate them and make the value that they will provide for your project worth every nickel.

One thing that I regularly see in my profession is that poor construction work can be covered up with a good paint job so to speak. Royal T has put systems in place to document each step of the construction so that it can be reviewed by customers. You will know and be able to verify when they complete your project, beneath their great finish is a solid foundation. All their equipment uses the latest technology so you will know things are done precisely. They can provide logs and pictures of every step along the way so you can be assured that you have received the best value and a great product.

Project safety is another place where they go above and beyond what is required. They will use whatever means necessary to protect those working on the job as well as the public around the project. One example that I would use is a job that they were doing next to a road. They could have used cones to direct traffic, but instead they hauled in concrete barriers to protect their workers from traffic on the road. This also served to show drivers more clearly where they needed to go and to reduce driving speeds with the altered traffic pattern. When there is a better way to accomplish the work, that is what they will always choose.

I would be positively thrilled to tell you more about why you would be making a mistake to not hire Royal T Enterprises to complete your project. I am anticipating your phone call.

Regards,

Calob Johnston
Account Executive
C: 435-590-6241
calob-johnston@leavitt.com

BID

Proposal of Interstate Rock hereinafter called "BIDDER"), organized and existing under the laws of the State of Utah doing business as a corporation *. To the City of Hurricane (hereinafter called "OWNER").

In compliance with your Advertisement for Bids, BIDDER hereby proposes to perform all WORK for the construction of the 600 North Trail Project – Phase 1 in strict accordance with the CONTRACT DOCUMENTS, within the time set forth therein, and at the prices stated below.

By submission of this BID, each BIDDER certifies, and in the case of a joint BID each party thereto certifies as to his own organization, that this BID has been arrived at independently, without consultation, communication, or agreement as to any matter relating to this BID with any other BIDDER or with any competitor.

BIDDER hereby agrees to commence WORK within 10 calendar days of the NOTICE TO PROCEED and to fully complete the PROJECT within **120** consecutive calendar days thereafter. BIDDER further agrees to pay as liquidated damages, the sum of **$1,000.00** for each consecutive calendar day thereafter for either bid schedule as provided in Section 3 of the General Conditions.

BIDDER acknowledges receipt of the following ADDENDUM:

#1 6-23-2023 BDV

*Insert "a corporation", "a partnership", or "an individual" as applicable.

CITY OF HURRICANE

600 NORTH TRAIL PROJECT – PHASE 1

Bidder agrees to perform all the work described in the CONTRACT DOCUMENTS for the following unit or lump sum prices.

NOTE - Payment to the Contractor: The Contractor is hereby advised that partial payments will be made monthly and that the final payment will be made within 30 days following the completion of all work specified.

NOTE: All bids shall be checked for mathematical errors by the Engineer. If errors have been made in the extension of the figures, it will be assumed that the unit prices are correct and the total amounts will be revised to reflect the corrections.

BID SCHEDULE
(Addendum #1)

Item #	Item Description	Quantity	Units	Unit Cost	Total
1	Mobilization	1	L.S.	52,000.00	52,000.00
2	Clearing & Grubbing	114,910	S.F.	.10	11,491.00
3	Grading & Excavation – Cut	2,450	C.Y.	30.50	74,725.00
4	Grading & Excavation – Fill	580	C.Y.	12.00	6,960.00
5	2.5" Asphalt (10'wide) & 4" Roadbase (10' wide + 2' shoulders)	82,080	S.F.	3.10	254,448.00
6	3.5" Asphalt & 7" Type II Roadbase	18,660	S.F.	3.80	70,908.00
7	HB30-7 Curb & Gutter	2,330	L.F.	21.50	50,095.00
8	6' Waterway	1,250	S.F.	12.50	15,625.00
9	Furnish & Install D_{50}=6" Riprap	100	S.F.	8.30	830.00
10	Furnish & Install 36" Storm Drain Pipe	88	L.F.	230.00	20,240.00
11	Furnish & Install 48" Area Drain	2	Each	12,500.00	25,000.00
12	Furnish & Install 18"x24" Sign	4	Each	550.00	2,200.00
13	Install ADA Ramp	2	Each	4,600.00	9,200.00
				Total Bid Schedule	593,722.00

ATTEST:

(Seal - If Bid is by Corporation)

E-100 B-100
Contractor Trade License Category

227139-5501
Utah License Number(s)

RESPECTFULLY SUBMITTED:

Interstate Rock
42 S 850 W
Hurricane UT 84737
Address

Signature

Colt Stratton
Name

Engineering Dept. Manager
Title

3-3

BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, as Principal, and Travelers Casualty & Surety Company of America as Surety, are hereby held and firmly bound unto City of Hurricane as OWNER in the penal sum of Five percent of Amount Bid (5%) for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, successors and assigns.

Signed, this 29th day of June, 2023. The Condition of the above obligation is such that whereas the Principal has submitted to City of Hurricane a certain BID, attached hereto and hereby made a part hereof to enter into a contract in writing, for the NOW, THEREFORE,

(a) If said BID shall be rejected, or

(b) If said BID shall be accepted and the Principal shall execute and deliver a contract in the Form of Contract attached hereto (properly completed in accordance with said BID) and shall furnish a BOND for his faithful performance of said contract, and for the payment of all persons performing labor or furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said BID,

THEN this obligation shall be void, otherwise the same shall remain in force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its BOND shall be in no way impaired or affected by any extension of the time within which the OWNER may accept such BID; and said Surety does hereby waive notice of any such

extension.

IN WITNESS WHEREOF, the Principal and the Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

Interstate Rock Products Inc (L.S.)

Principal

INTERSTATE ROCK PRODUCTS, INC CORPORATE SEAL 1981 UTAH

Surety - Travelers Casualty & Surety Company of America

By: Toni Truman

Attorney in Fact

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA HARTFORD CONN.

IMPORTANT - Surety companies executing BONDS must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the state where the project is located.

TRAVELERS

Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **Toni Truman** of **CEDAR CITY**, **Utah**, their true and lawful Attorney(s)-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this **21st** day of **April**, **2021**.

State of Connecticut

City of Hartford ss.

By: _____
Robert L. Raney, Senior Vice President

On this the **21st** day of **April**, **2021**, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of each of the Companies, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of said Companies by himself as a duly authorized officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires the **30th** day of **June**, **2026**

_____
Anna P. Nowik, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of each of the Companies, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of each of the Companies, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this **29th** day of **June**, **2023**.

_____
Kevin E. Hughes, Assistant Secretary

To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.
Please refer to the above-named Attorney(s)-in-Fact and the details of the bond to which this Power of Attorney is attached.

INTERSTATE
ROCK PRODUCTS

42 S 850 W - Hurricane, UT 84737
(435) 635-2628 - www.interstaterock.com

HURRICANE 600 NORTH TRAIL PROJECT SCHEDULE

The bid documents state a 120 day project time. Using this as our baseline for completion time we would be able to start Mid September 2023 and would finish Mid January 2024. This time frame would meet some obstacles due to weather conditions and temperatures. We would coordinate with Hurricane City to identify the best windows of opportunity to pave to ensure that we deliver a quality paving product. This may cause a delay of completion if we have cold winter. We also may be able to coordinate paving in sections so that the entire project is not left unpaved until the end. We think we would actually be able to complete the project before the 120 calendar days and anticipate that our paving window would be in early/mid december when weather conditions are generally more favorable for asphalt paving.

HURRICANE CITY – 600 NORTH ASPHALT TRAIL PROJECT PHASE I

STATEMENT OF QUALIFICATIONS

A. Brief History

INTERSTATE ROCK PRODUCTS, INC. (IRP) is a full-service family-owned local contracting firm competing for projects throughout the southwest region. Originally established in 1955 as Stratton Brothers Construction, IRP incorporated in 1981 with the transition to its second generation of management. We have grown and diversified to include the operation of multiple sand and gravel pits, concrete ready mix and asphalt. Our construction division is the main focus of our corporation. Equally successful in highway, structures, utilities, and general building construction, IRP has been a regional leader in the construction industry for over 40 years. We have completed projects for the National Park Service as far West as Crater Lake, Oregon and as far South as Death Valley, California. We have completed projects for the Federal Highway Administration throughout the Central Federal Lands Region, as well as numerous projects for UDOT and local government agencies, including: WCWCD, Washington City, St. George City, Hurricane and many others.

SR-212; Telegraph St in Washington County

B. Areas of Expertise

IRP has a wide range of experience to offer a project. This experience ranges from structural concrete to earthwork to underground utilities. We have the most expertise and experience in underground utilities. We have completed entire culinary water, irrigation, sewer, storm drain systems and numerous upgrades to existing systems. IRP has completed multiple reconstruction projects and has the experience to deal with all of the many issues that are common in reconstruction projects.

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www.interstaterockproducts.com F 435.635.2177

C. Contractor Licenses

Licenses held by Interstate Rock include:

- UT #227139-5501 Class E100 & B100
- NV #0031145 Class A
- AZ #278561 Class A
- AZ ROC245408 Class KB-01
- Hurricane City #1207
- Washington City #12-170
- St. George City #00163500

BONDING STATUS

Interstate Rock Products, Inc. has the following bonding information:

Bonding Company:	Travelers Indemnity Company
Length of Time with Bonding Company:	40 Years
Bonding Capacity:	60 million Aggregate/30 million Single
Filed on Bond:	No

City Creek Pipeline Project; circa 2021

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1) Project Name: Washington City Main Street Flood Mitigation Improvements
Location: Main Street, Washington City, UT
Owner Contact Information:
Washington City - 111 North 100 East, Washington City, UT 84780
Mike Shaw, Washington City Public Works Director
Phone: (435)-656-6317 - Email: mshaw@washingtoncity.org
Engineer:
Sunrise Engineering, Taylor Torgersen
Phone: (435)-652-8450 – Email: ttorgersen@sunrise.eng.com
Project Description:
Complete Road reconstruction project including: asphalt, curb and gutter, sidewalk, striping and signage,
medians, curb ramps, storm drain pipe, storm drain inlets, storm drain manholes, sanitary sewer pipe, sanitary sewer manholes, gravity irrigation pipe and fittings, pressurized irrigation pipe and fittings, culinary water pipe and fittings, street lights, and street landscaping.

Final Price: $3,756,798.17
Project Start: January 2020 **Final Contract Time:** August 2020
Project Manager: Burt Vincelette **Project Superintendent:** Rick Lathim
Additional Information: The city was extremely pleased with the finished product. So much so that Interstate Rock received a bonus for the completed work. 3 days after completion the area was hit with heavy rains & flooding. The project proved its worth. It mitigated flood waters and protected homes despite heavy damage to surrounding areas outside the project area.

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2) Project Name: Winderland Lane & Manzanita Drive Road Improvements Project
Location: Winderland Lane, Manzanita Drive, Balanced Rock Road, Springdale, UT
Owner Contact Information:
Town of Springdale - 118 Lyon Boulevard, Springdale, UT 84767
Robby Totten, Springdale Public Works Superintendent
Phone: (435)-772-3434 - Email: rtotten@infowest.com
Engineer:
Sunrise Engineering, Steve Hall
Phone: (435)-652-8450 – Email: shall@sunrise-eng.com
Completion Date: April 2020
Project Cost: $573,000
Project Description:
Complete Road reconstruction on Winderland Lane and Manzanita Drive, including 42,000 SF of excavation, 87,000 SF of Road base, and 43,000 SF of Asphalt. Winderland also had 3600 SF of sidewalk, 955 LF of curb & gutter installed, as well as storm drain improvements.

Project Manager: Travis Brunstad **Project Superintendent:** Justin Gorman

3) Project Name: Chapel Street Bridge
Location: Santa Clara, UT
Owner Contact Information:
Santa Clara City, Rick Rosenberg
Phone: (435) 673-6712 - Email: rickr@racivil.com
Engineer:
Bowen Collins & Associates, Todd Olsen
Phone: (435) 656-3299
Project Description:
Construction of a new steel girder bridge across the Santa Clara River along Chapel Street in Santa Clara City, Utah. Interstate Rock Products were responsible for all

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earthwork & excavation, removals, traffic control, survey & staking, tree removal, finish grading, concrete sidewalk installation, (approx. 7,000 SF), ADA ramp installation, concrete curb & gutter installation, (approx. 1300 LF), installation for all road base for sidewalk, curb & gutter, ADA ramps, and asphalt (over 7,000 SY). Rip rap placement, trail installation, irrigation lines, water lines, storm drain manholes, basins & pipe installation, fire hydrant installation, sign placement, sewer lines & manholes, sewer lateral, and construction of bridge. (Footings, walls, saddle walls, wing walls, deck, columns, parapets, and approach slabs.)

Project Cost: $ 3,435,633

Completion Time: May 2020

Project Manager: Travis Brunstad **Project Superintendent:** Brady Holt

4) Project Name: Lizzie Lane Sewer Project

Location: Lizzie Lane, St. George, UT

Owner/Engineer Contact Information: City of St. George – 175 East 200 North, St. George, UT 84770

Kade Bringhurst, Water Department Director

Phone: (435)-627-4854 - Email: kade.bringhurst@sgcity.org

Project Description:

Project included: Replacement of existing sewer trunk main, 490 LF of 8", 1721 LF of 27", and 5,003 LF of 36" sewer mains. Bypass pumping at four locations with flows up to 6.7 MGD. We also added 30 new polymer sewer manholes from 60" to 90" diameter, sewer laterals, roadway improvements, golf course crossing, and river trestle and bridge structures.

Final Price: $4,779,284

Project Start: August 2017

Final Contract Time: July 2018

Project Manager: Colt Stratton

Project Superintendent: Rowdy Gorman

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5) Project Name: Bloomington Drive Road Resurfacing Project
Location: Bloomington Drive, St. George, UT
Owner Contact Information:
City of St. George – 175 E 200 N St. George, UT 84770
Jay Sandberg, City Engineer
Phone: (435)-627-4000 - Email:
j.sandberg@sgcity.com
Engineer:
Sunrise Engineering, Rick Snyder
Phone: (435)-652-8450 – Email:
rsnyder@sunrise-eng.com
Completion Date:
July 2018
Project Cost: $3,974,334.74

Project Description:
The project included a total reconstruction of the existing water system, 17,948 LF of 8" & 12" pipe, and road structure, 26,000 CY of excavation & 35,769 tons of asphalt. This project also included minor improvements to the storm drain and sanitary sewer systems.
Project Manager: Colt Stratton **Project Superintendent:** Rick Lathim

6) Project Name: Hurricane 400 South-300 West to 100 East Roadway Reconstruction Project
Location: 400 South, 300 West, 100 East, Hurricane, UT
Owner/Engineer Contact Information:
City of Hurricane – 147 N 870 W, Hurricane, UT 84737
Arthur LeBaron, Hurricane City Engineer
Phone: (435)-635-2811 - Email:
arthur@cityofhurricane.com
Completion Date:
May 2017
Project Cost: $1,549,310.10

Project Description:
We reconstructed the entire sewer system including 2,667 LF of 8" pipe and 15 manholes. We did upgrades to the water, irrigation, and storm drain systems. The roadway was upgraded with curb, gutter, and sidewalks. Roadway resurfacing included 2,694 tons of asphalt & 6,000 CY of base.
Project Manager: Trace Allen **Project Superintendent:** Donald Stratton

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References

Contact	Company	Phone #	Email
Randy Johnson	WCWCD	435.673.3617	randy@wcwcd.org
Brent Gardner	Alpha Engineering	435.628.6500	brentgardner@alphaengineering.com
Mike Shaw	Washington City	435.656.6317	mshaw@washingtoncity.org
Marc Brown	Brown Consulting Engineers	435.628.4700	marc@browncivil.com
Jay Sandberg	St. George City	435.627.4800	jay.sandberg@sgcity.org
Dustyn Shaffer	Sunrise Engineering	435.652.8450	dshaffer@sunrise-eng.com
Arthur LeBaron	Hurricane City	435.635.2811	arthur@cityofhurricane.com
Elisabeth Whitlock	High Road Engineering	435.767.8481	ewhitlock@highroadengineering.com

*II – **SR-9; 300 West to 800 North***

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PROJECT TEAM

Introduction

IRP has a workforce of the following: 120 to 150 employees, 4 licensed civil engineers, 7 project managers, 5 estimators, 2 field surveyors, 3 project engineers, 19 superintendents/foremen and 8 administrative staff. Personnel are assigned to each project depending on skill and expertise in the project work items.

Interstate Rock Products, Inc. has never been assessed liquidated damages for going over the project completion date. Many projects are completed under budget due to innovations which improve the end product and reduce time of completion. Supervisors are able to foresee areas that may cause problems to the constructability and suggest ways to improve the completed project, saving time and money for the owners. A project schedule is created for all projects and is reviewed on a continual bases to evaluate how the project is progressing. Project task sequencing requires breaking the project into multiple subtasks and identification of critical path items. Each task is prioritized, so that a schedule may be developed to insure timely completion. Schedules often include line items for key materials to assess longer lead times so that they can be on site. Task sequencing allows the construction of multiple phases simultaneously. Should a project fall behind schedule, additional manpower and equipment is pulled from all parts of the company as needed to get the project back on schedule. IRP is committed to completing all projects within the project schedule.

Kaibab Sidewalk-Paving & Park Improvements; 2021

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Equipment

Our base equipment fleet consists of excavators, loaders, compactors, scrapers, dozers and trucks. Specialized equipment is either rented or purchased as demanded. A brief summary of the types of each is list below:

Track hoes	Loaders	Compactors	Earth Moving	Miscellaneous
CAT 312	CAT 950	Sheep Foot	631 Scrapers	Pumps
CAT 315	CAT 966	Smooth Drum	623 Paddle Wheel	Generators
CAT 320	CAT 980	Asphalt Rollers	D8N Dozer	Light Plants
CAT 345	CAT 988		D9N Dozer	Vac Truck
CAT 375				Forms & Shoring

Our trucking fleet that includes side dumps, belly dumps, dump trucks, transports and cement mixers, all to provide support and material transport. The trucking division along with an extensive materials division, provides seamless supply of aggregates, asphalt and Redi-mix concrete.

Projected Key Personnel	
Project Managers	Colt Stratton
	Burt Vincelette
Project Superintendent	Craig Stratton
Foremen	Rick Lathim - Earthwork
	Rowdy Gorman - Utilities
	Brady Holt – Concrete
	Justin Gorman - Paving
	Colby Stratton – Safety Inspector
Additional foremen or support staff may be added as necessary to secure successful completion.	

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RESUME

Colt D. Stratton - PE, Engineering Department Head, Project Engineer

Colt has grown up around the construction industry as he followed his father around the family business. Prior to and while attending college, he worked for the company on and off since 2001, in many different roles ranging from laborer to operator. He has worked as a Project Engineer since 2010. In this role he is a skilled estimator with the ability to recognize the project sequencing and develop a representative cost model. He is actively involved in the design of our land development projects.

Education

Southern Utah University, Graduated 2010, Bachelor of Science, Integrated Engineering

Work Experience

Interstate Rock Products, Engineering Department Head 2018 – Present

Duties include managing other project managers, estimators, surveyors, and project management. Has responsibilities for all project contracts, design projects and estimates.

Interstate Rock Products, Project Manager, 2010 – 2018

Duties include management of material purchasing, subcontractor, scheduling and submittals on project.

Interstate Rock Products, General Labor, 2001 – 2010

Duties included labor and heavy equipment operator.

Reference Projects

Each of these projects represents Colt's involvement as a Project Manager or Project Engineer.

Project: Warner Valley Tank; Washington Water Conservancy District Project Valuation: $6.2 Million

Construction of 3 MG pre-stressed concrete water tank, connective piping & vault for tank, earthwork, and grading

Project: Bloomington Dr. Road Resurfacing; St. George City Project Valuation: $3.9 Million

The project included a total reconstruction of the existing water system, 17,948 LF of 8" & 12" pipe, and road structure, 26,000 CY of excavation & 35,769 tons of asphalt. This project also included minor improvements to the storm drain and sanitary sewer systems.

Project: Washington Fields Trail & Drainage Project; St. George City Project Valuation: $2.4 Million

Managed installation of three (3) new double barrel 12' x 7' cast-in-place box culverts alongside Mall Dr. to provide wash crossings for the new developments in the area.

Project: Harmon Property Elementary School Site; WCSD Project Valuation: $982,083

This project consisted of clearing and preparing over 572,000 SF of area for an elementary school site. Included earthwork, grading, and pad construction. Utilities included water, hydrants, irrigation, storm drain, waterways, sidewalk curb & gutter, as well as paving.

Project: Lizzie Lane Sewer Replacement Project; St. George City Project Valuation: $4.5 Million

Managed the installation of 27" & 36" diameter sewer pipe along with a water crossing with a grouted riprap structure and the installation of a trestle bridge.

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RESUME

Rick Lathim, Project Superintendent

Rick has been with Interstate Rock Products, Inc. since 1994. He has worked on a variety of projects that has given him the ability to foresee problems and be able to fix them before they happen. He has been involved with the planning, scheduling and coordination of projects that Interstate Rock Products has performed. His ability to perform these duties gives Interstate Rock Products the ability to schedule projects in an efficient way to make these projects go smoothly and quickly. He has specialized in concrete structures and has been able to see problems that could arise and take action to avoid those problems.

Work Experience

Interstate Rock Products, Inc., 1994-Present

Project superintendent for utility and roadway projects. Overseeing construction operations for projects up to $15 million. Crew and resource scheduling.

JH Frost Contracting, 1992-1994

Pavement surfacing operation. Paving and chip seal operations.

Meadow Valley Contractors, 1991-1992

Equipment operator working on freeway and overpass structures in the Phoenix metropolitan area. Skills included concrete work, abutment construction, and equipment operations.

Reference Projects

Each of these projects represents Rick's involvement as a Project Superintendent.

Project: Bloomington Dr. Road Resurfacing; St. George City Project Valuation: $3.9 Million

The project included a total reconstruction of the existing water system, 17,948 LF of 8" & 12" pipe, and road structure, 26,000 CY of excavation & 35,769 tons of asphalt. This project also included minor improvements to the storm drain and sanitary sewer systems.

Project: Aspen Estates Rough Grading: Elementary School Site; St. George City Project Valuation: $663,856

This project included earthwork, grading, and pad construction. Utilities included water, hydrants, irrigation, storm drain, waterways, sidewalk curb & gutter, as well as paving.

Project: Harmon Property Elementary School Site; WCSD Project Valuation: $982,083

This project consisted of clearing and preparing over 572,000 SF of area for an elementary school site. Included earthwork, grading, and pad construction. Utilities included water, hydrants, irrigation, storm drain, waterways, sidewalk curb & gutter, as well as paving.

Project: Washington City Main Street; Washington City Project Valuation: $3.8 Million

The project consisted of constructing over 250,000 SF of asphalt, nearly 8,000 LF of curb and gutter, 23,520 SF of sidewalk, striping and signage, medians, curb ramps, storm drain pipe, storm drain inlets, storm drain manholes, sanitary sewer pipe, sanitary sewer manholes, gravity irrigation pipe and fittings, pressurized irrigation pipe and fittings, culinary water pipe and fittings, street lights, and street landscaping.

Project: SR-212; Telegraph St. In Washington County; UDOT Project Valuation: $6.1 Million

The was a reconstruction of Telegraph Road through Washington City including roadway excavation, storm drain, irrigation, & sewer. The project also had curbs, ADA ramps, and 3,941 SY of concrete sidewalk. There was a new bridge structure, 4 new retaining walls, and 2 traffic signals.

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RESUME

Brady Holt, Concrete Superintendent

Brady has nearly 20 years in general engineering construction projects. For the past several years he has specialized in the erection of structures. Among his project management accolades are water storage tanks in excess of 1 million gallons, bridge structures, box culverts, and building foundations.

Work Experience

Interstate Rock Products, Inc. 2001 – Present

Started as a labor and worked up to project superintendent.
Ten years as foreman or superintendent for structure projects.

Reference Projects

Each of these projects represents Brady's involvement as Foreman or Project Superintendent.

Project: Washington Water Conservancy District; South Field and Dixie Springs Tanks
Construction of two 2-million-gallon tanks.

Project: Washington Water Conservancy District; Virgin River Gorge Fish Barrier
Extension of existing diversion structure on the virgin river. Project included construction of new wing walls, aprons, and micro piles.

Project: Washington Water Conservancy District; Quail Lake Redundant Valve and Hydro Meter Vaults
Construction of vaults for both valves and hydro meter on an existing 60" diameter pipeline.

Project: City of Hildale; Canyon Street Drainage Improvements
Concrete arch bridge structure and drainage channel.

Project: City of Hildale; Willow Street Drainage Improvements
Concrete Box Culvert

Project: Bureau of Land Management; Redcliffs Bridge Reconstruction
Construction of two bridge structures with in the Red Canyon Campground

Project: UDOT; I-15 Truck Climbing Lane
Extension of two bridge structures and a box culvert on I-15 between Toquerville and Browse.

Project: Federal Highways; Beaver to Junction
This project was a total reconstruction that involved MSE walls, soil nail walls, rockery walls and rock anchors. The construction width was so confined that Craig had to coordinate construction activities so that multiple items could be constructed simultaneously. The understanding of retaining wall systems and their construction that Craig gained on this project will help with the soil nail wall on the Cedar South Interchange Project.

Project: UDOT, SR-212, Telegraph Street
This was a main street reconstruction project along SR-212 through the downtown corridor of Washington City. Craig worked on this project to assist with the construction of the concrete bridge structure and was able to complete it in approx. one month.

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RESUME

Colby Stratton, Company Safety Office / Project Superintendent

Colby grew up around the construction industry as he followed his father around the family business. He has worked as the company safety officer since 2018. In this role he is has his OSHA 500 and coordinates the safety program for Interstate Rock. He also works as a project superintendent, in which he coordinates subcontractors, material suppliers, and Interstate Rock's crews.

Work Experience

Interstate Rock Products, Inc. 2004 – 2009
Operator/Laborer
Duties include operating equipment as needed on projects and doing any labor required.

Interstate Rock Products, Inc. 2009 – 2015
Foreman
Duties include management of a crew. This included the supervision of the crew to complete the tasks given by the project superintendent.

Interstate Rock Products, Inc. 2015 – 2018
Project Superintendent
Duties include management of a multiple crews on a project and coordination of material, subcontractors, submittals, change orders, billing and the project schedule.

Interstate Rock Products, Inc. 2018 – Present
Company Safety Officer / Project Superintendent
Duties still include project superintendent responsibilities for assigned project(s). Also oversees the company safety plan and coordinates companywide safety training, including training to superintendents and foreman and weekly toolbox training topics.

Reference Projects

Project: Bitter Springs-Fredonia Highway; Arizona D.O.T. Project Valuation: $5.1 Million
Oversaw widening of US 89A by extending both sides of two (2) existing box culverts. The project included the upgrading of a bridge structure on AZ SR-389. The structure included the demolition and construction of the Parapet Walls to provide additional width over the existing bridge.

Project: Dixie Springs Subdivision Phase 2; Hurricane City Project Valuation: $11.2 Million
Managed the construction of 857 lot subdivision. Construction included new wastewater, water, & stormwater systems, power, and other utilities, earthwork, and roadway constructions. The wastewater system went through well protection areas and construction of extra protections in those areas was required.

Interstate Rock Products Inc | 42 South 850 West | Hurricane, UT 84737
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RESUME

Craig B. Stratton, Secretary / Treasurer

Craig has more than 40 years of experience as a general engineering contractor. His ability to identify and mitigate potential conflicts has helped Interstate Rock Products complete projects in an efficiently -- insuring success and profitability. Craig is especially talented in the coordination and allocation of resources for multiple, consecutive projects. He is adept at managing large complex process driven projects such as water and sewer treatment plants, pump stations, storage and distribution systems. US Filter/Memcor Filtration Process Certified.

Work Experience

Interstate Rock Products, Inc. 1981 – Present

Corporate Secretary / Treasurer

Project Superintendent

Duties include all facets of project management with special emphasis on personnel and equipment resources; participation in correlation meetings with project owners for coordination and scheduling; negotiation and execution of contracts and modifications.

Reference Projects

Project: Willow Beach; Visitor Facilities and Flood Protection; National Park Service Project Valuation: $22 Million

Managed construction of a new water treatment facility, masonry structure, process piping, filtration equipment, raw water storage tank, clear water storage tank, evaporation basin, yard piping. Well site included drilling and establishment of new wells, pump station, and flood protection walls. Raw water distribution system including telemetry. River front development including restrooms, ramadas picnic area, slope protection, site furnishings, boat dump station, water front concessions building including store, food preparation area, and offices. Relocation of marina and fuel storage facilities. Flash flood protection included concrete diversion channel, gabion bank stabilization, storm drain system, and early warning detection system. Campground and maintenance facilities including restroom and shower facilities, sanitary sewer force main, sewer lift station, and low water crossings.

Project: Lake Mead National Recreation Area, Overton Bay, Echo Bay, and Calville Bay Water Treatment Plants
National Park Service Project Valuation: $9 Million

Oversaw construction of new treatment plants at three marina sites. Each site included masonry treatment plant structure, process piping, filtration equipment, raw water storage tank, clear water storage tank, SCADA and telemetry process control systems.

Project: Lake Mead National Recreation Area, Katherine Landing Water Treatment Plant
National Park Service Project Valuation: $4 Million

Constructed a new treatment plant including a masonry treatment plant structure, process piping, filtration equipment, raw water storage tank, clear water storage tank, SCADA and telemetry process control systems.

Project: Dixie Springs Subdivision
Owner: Washington County, UT Project Valuation: $12 Million

Improved district project consisting of new construction for an 850-lot subdivision. Project consisted of 170,000 cubic yards of excavation, 64,000 feet of culinary water pipe, 45,000 feet of sewer pipe, 150,000 feet of concrete curb, gutter, and sidewalk 60,000 tons of road base, and 40,000 tons of asphalt.

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JOB #	PROJECT NAME	CATEGORY	OWNER	CONTACT	CONTACT PHONE	AMOUNT	COMPLETION DATE	FINAL CONTRACT	ENGINEER	CONTACT NAME	CONTACT PHONE
2023-10	Sandstone Aviation Ph 2										
2023-09	Balance Rock Road & Hummingbird Lane, Springdale										
2023-08	3050 East Sidewalk Improvement	Asphalt patching, Concrete	St. George City	Phil Giles	435-669-4810						
2023-07	Lion Blvd	Asphalt patching, Concrete	US Dept. of Transportation	Grant Neuharth	701-516-2417					Cody Allen Burch	
2023-06	Cordero Ashphalt	Asphalt									
2023-05	Little Valley Park Artificial Turf Fields		St. George City	Paul Stead		$ 3,365,956			Civil Science	Cody C. Howick / Mark Gobal	
2023-04	SR 9 Lane Widening (Del Taco)										
2023-03	Enhanced Homes Bash Parkway & Gateway Blvd.	asphalt paving				$ 802,598					
2023-02	700 W Roadway 100 N to 400 N	utilities, road, asphalt, concrete, landscaping	Hurricane City	Arthur Lebaron		$ 2,604,591			Civil Science	Payton	
2023-01	Sandstone Aviation - St. George Airport	earthwork	Joey Campbell - Sandstone Avi	Joey Campbell	435-632-2211	$ 957,300			Pratt Engineering	Gerold Pratt	435-229-0516
2022-20	840 South Extension Road	utilities, road, asphalt, concrete, landscaping	RR Penga			$ 517,897					
2022-19	Del Taco Sitework	earthwork, site concrete, asphalt, landscaping	IRP			N/A					
2022-18	3 Falls Substation Concrete Foundations & Building	building, site concrete	Hurricane City	Jared Ross		$ 1,253,060			ICPE Consulting Engineers	Mike Velarde	
2022-17	Sky Mountain Ph 3 Front 9 Concrete & Asphalt	asphalt, concrete	M&T Construction	Brad Mills		$ 187,929					
2022-16	Sheep Bridge Nature Preserve	grading, fence	Virgin Town / The Nature Conse	Elaine York	801-856-5835	$ 144,659					
2022-15	Coral Junction Entrance Road	asphalt, concrete	ACAD	Thomas Stubbs	435-673-8060	$ 421,646					
2022-14	Zion Park KOA	utilities, road, asphalt, concrete, landscaping	Ferber Resorts	Stewart Ferber	435-772-3237	$ 592,837					
2022-13	Virgin River South Trail - Bloomington Pk to I-15	asphalt, concrete	City of St. George			$ 545,943	10/31/2022	$531,972.25			
2022-12	LaFave to Montclair Sidewalk	utilities, road, asphalt, concrete, landscaping	Town of Springdale			$ 722,712					
2022-11	Blacks Canyon Restoration Project	earthwork, bridge, rip rap	Town of Springdale			$ 984,047			Rosenberg Associates/Natun	Michael D. Kearly	435-673-8586/928-7
2022-10	Southern Shores Asphalt & Concrete	asphalt; concrete	Desert Shores LLC			$ 1,976,961			RB&G Engineering	Brandon G. Horrocks	801-374-5771
2022-09	La Verkin Roads & Utilities Improvements		La Verkin City	Derek Imlay		$ 1,875,618			Sunrise Engineering	Vernal Edward Maloy	435-652-8450
2022-08	La Verkin Water Improvements		La Verkin City			$ 861,646			Sunrise Engineering	Vernal Edward Maloy	435-652-8450
2022-06	Joey Campbell Fuel Farm	grading; utilities	Sandstone Aviation	Joey Campbell	435-632-2211	$ 162,345	6/13/2022	$134,266.75	Pratt Engineering		435-635-2329
2022-07	Kaibab Water Meter Replacement	water meters	Kaibab Band of Palute Indians	Iris Johnson	928-643-8372	$ 122,196	7/25/2022	$120,561.50	High Road Engineering	Elisabeth Whitlock	435-767-8481
2022-05	Foothill Lane Improvement 2021	road improvements	Springdale City			$ 295,487			Sunrise Engineering	Vernal Edward Maloy	435-652-8450
2022-04	3000 E Widening/Drainage (2000 S to 1580 S)	road improvements	City of St. George			$ 6,374,088			Sunrise Engineering	Dustyn W. Shaffer	435-652-8450
2022-03	Anderson Junction Lift Station Relocation	lift station	WCWCD	Trinity Stout	435-673-3617	$ 361,700			Alpha Engineering	Glen E. Carnahan	435-628-6500
2022-02	Southern Shores Dam & Reservoir		Desert Shores LLC			$ 10,246,335			RB&G Engineering	Brandon G. Horrocks	801-374-5771
2022-01	Confluence Park Bridge Project	pedestrian bridge	Washington County	Victor Iverson		$ 493,164	7/5/2022	$496,560.78	Rosenberg Associates	Jared W. Bates	435-673-8586
2021-33	North Slope 3 & 4 at Copper Rock	subdivision	ACAD	David Hammon	435-673-8045				Alliance Consulting	Deloss M. Hammon	435-673-8060
2021-32	Well 4 to Hurricane Valley Pipeline Replacement	Underground Utilities	WCWCD	Whit Bundy	435-673-3617	$ 306,565	5/16/2022	$313,061.54	Rosenberg Associates	Robert A. Reid	435-673-8586
2021-31	Dratter Estates	subdivision; asphalt	Pete Dratter/IRP			N/A	N/A		IRP	Colt D. Stratton	435-628-2628
2021-30	Hurricane City Power Substation Grading	grading	Hurricane City			$ 332,629	7/18/2022	$329,019.30	ProValue Engineering	Karl B. Rasmussen	435-668-8307
2021-29	Pebble Beach at Copper Rock		ACAD	Tom Stubbs	435-673-8060	$ 202,321	7/27/2022	$198,609.69	Alliance Consulting		435-673-8060
2021-28	Zion Auto Camp (sub-contractor)		AC Zion LLC						Tilton Pacific Construction	Brandon Linkhart	916-630-7200
2021-27	Reach 11 Sewer Replacement	sewer line replacement	Ash Creek Special Services Dis	Mike Chandler	435-635-2348	$ 1,356,070	12/20/2022	$1,328,661.42	Bowen Collins	Todd A. Olsen	801-495-2224
2021-26	Homespun Booster Pump Project		WCWCD	Whit Bundy	435-673-3617	$ 97,734	10/19/2022	$94,885.98	Alpha Engineering	Jared Todd Madsen	435-628-6500
2021-25	The Retreat at Indigo Ridge	subdivision	Huntley, LLC	Keith Moran	928-576-4732	N/A	N/A		Sapp Design & Engineering		307-202-3151
2021-24	Snow Canyon Parkway & 2000 N Traffic Signal	Traffic signal	City of St. George	Mike Smith	435-627-4053	$ 432,605	8/1/2022	$420,359.71	Horrocks Engineers	Tyrone C. Atkin	435-986-7888
2021-23	Coronado Ridge Ph 4	subdivision	City of St. George		635-627-4050	$ 432,605			Pratt Engineering	Gerold Pratt	435-635-2329
2021-22	Virgin Road Improvement - 50 S 625 W	Underground Utilities; Paving	Town of Virgin			$ 332,683	5/31/2022	$335,837.16	Galloway	Thomas N. Brown	385-248-0460
2021-21	Golf Maintenance Storage Building at Copper Rock	Commercial Building	ACAD	David Hammon	435-673-8045	$ 83,054	10/21/2022	$81,336.54			
2021-20	Hurricane Industrial Sitework, Lot 4	Subdivision	Andrus Construction	Jeff Andrus	435-467-2984	$ 789,399			Alpha Engineering	Todd Brent Gardner	435-628-6553
2021-19	Sand Hollow Wells 11,13 & 15 Pump House	Underground Utilities; Concrete Structures	WCWCD	Trinity Stout		$ 821,887			Alpha Engineering	Todd Brent Gardner	435-628-6553
2021-18	Sand Hollow State Park - Culinary Pipeline Replace	Underground Utilities	WCWCD	Whit Bundy	435-673-3617	$ 736,570	3/24/2022	$758,884.62	Alpha Engineering	Todd Brent Gardner	435-628-6553
2021-17	Springdale SR9 Sidewalk	Concrete Structures	Town of Springdale	Robert George	435-680-1385	$ 249,619	6/6/2022	$278,972.00	Alpha Engineering	Todd Brent Gardner	435-628-6553
2021-16	Peregrine Point West, Phase 1	Subdivision	Perry Homes, LLC	Greg Sant	435-251-9818	$ 1,223,947			Rosenberg Associates	Robert A. Reig/Rob Re	435-673-8586
2021-15	Kolob Terrace Retaining Wall	Concrete Structures; Paving	Washington County Roads	Todd Edwards	435-773-3589	$ 192,958	10/25/2021	$333,995.49	Pro Value Engineering	Karl Bradley Rasmusse	435-668-8307
2021-14	Mountain Vista Moenave Project	blank				$ 157,734	VOID				
2021-13	Brandon Adams RV Storage Facility	Underground Utilities; Concrete Structures	Brandon Adams	Brandon Adams	435-559-3400	$ 445,467	12/16/2021	$720,949.35	Pro Value Engineering	Karl B. Rasmussen	435-668-8307
2021-12	The Villa's at Lava Knolls	Subdivision	IRP	Kyson Spendlove					IRP	Kyson Spendlove	
2021-11	North Leeds Pipeline Replacement	Underground Utilities	WCWCD	Whit Bundy	435-673-3617	$ 128,983	8/27/2021	$129,159.00	Civil Science	Cody C. Howick / Payt	435-986-0100
2021-10	Overholt Truss Lot	Underground Utilities	Delta Building Center	Mike Lahoe	970-209-8458	N/A	N/A		IRP	Colt Stratton	
2021-09	Zion Vista, Phase 2	Subdivision				$ 1,258,412	5/1/2022	$1,419,476.25	Psomas	Leslie F. Morton	801-270-5777
2021-08	Moenave Trail Improvements	Paving	Town of Springdale	Robert George	435-680-1385	$ 222,909	5/21/2021	$222,908.50	Sunrise Engineering	Steven B. Hall	435-652-8450
2021-07	Torrey Pines, Phase 2	Paving	ACAD	David Hammon	435-673-8045	$ 111,724	10/18/2021	$108,233.75	Alliance Consulting	Mike Bradshaw	435-673-8060
2021-06	Copper Rock Mtn Building	Commercial Building	ACAD			$ 51,128	9/7/2021	$264,950.05	Alliance Consulting		435-673-8060
2021-05	Brown Brothers CTE HIGH - Sub	asphalt				$ 134,398	5/26/2022	$155,232.91			
2021-04	Bud Mahas CTE HIGH - Sub	asphalt	WCSD	Bryan Dyer	435-652-4730	$ 500,140			Bud Mahas Construction	Walker Melling	435-628-6169
2021-03	Zion Views RV	Underground Utilities; Concrete Structures	Kevin Kennedy	Kevin Kennedy	208-573-6710	$ 1,640,455	1/13/2022	$1,802,266.61	Pro Value Engineering	Karl B. Rasmussen	435-668-8307
2021-02	Painted Sands Ph 2	Underground Utilities; Concrete Structures	Painted Sands LLC	Clark Colledge	801-884-6949	$ 1,246,515	5/6/2022	$1,254,441.00	Alpha Engineering	Todd Brent Gardner	435-628-6553
2021-01	Rio De Sion (Jason Campbell Subdivision)	Subdivision	Riverwood Hollow LLC	Dave Whitehead	435-986-0002		6/28/2021	$1,092,328.18	Bush & Gudgell		435-673-2337
2020-19	Cottonwood Hollow, Phase 4	Subdivision	IRP			N/A	N/A		IRP	Kyson Spendlove	
2020-18	City Creek Pump Station & Pipeline	Underground Utilities; Concrete Structures	City of St. George		435-627-4000	$ 4,065,830	10/1/2021	$4,121,473.38	Bowens Collins & Associates		435-656-2190
2020-17	North Slope at Copper Rock Ph 1	Concrete; Asphalt	ACAD			$ 854,170	4/1/2021	$854,170.10	Alliance Consulting		
2020-16	Cottonwood Hollow, Phase 3	Subdivision	IRP			N/A	N/A				
2020-15	Gould Wash Road Chip Seal Project	Chip Seal	Hurricane City	Arthur E. LeBaron		$ 129,164	11/1/2020	$129,163.60			
2020-14	Kayenta Booster Pump Station	Const. Concrete Booster; Pump Station	WCWCD		435-673-3617	$ 221,781	2/21/2021	$221,780.68	Alpha Engineering	Todd Brent Gardner	435-628-6553

JOB #	PROJECT NAME	CATEGORY	OWNER	CONTACT	CONTACT PHONE	AMOUNT	COMPLETION DATE	FINAL CONTRACT	ENGINEER	CONTACT NAME	CONTACT PHONE
2020-13	3700 West Street, Spot Improvements	Underground Utilities; Paving	Hurricane City			$ 287,290	3/1/2021	$287,289.93	ProValue Engineering	Karl Rasmussen	435-668-8307
2020-12	Crimson Vista Subdivision - Sub	Paving	Feller Enterprises	Allen Feller	435-680-1225	$ 65,803	11/1/2020	$194,974.71	?		
2020-11	Kaibab Park Concrete Replacement	Specialty Project	Kaibab Band of Palute Indians	Vincent Toya		$ 357,605	7/1/2021	$1,003,472.28	High Road Engineering	Elisabeth Whitlock	435-767-8481
2020-10	Snake Hollow Bike Park, Phase 2 & 3	Specialty Project	City of St. George	Mark Goble	435-627-4050	$ 1,003,472	5/1/2021	$1,491,882.76	City of St. George	Mark Goble	435-627-4050
2020-09	Reach 9 Concrete Pipe Replacement	Underground Utilities	ACSSD	Michael Chandler	435-635-2348	$ 1,155,658	11/1/2020	$1,155,658.00	Sunrise Engineering	Steven B. Hall	435-652-8450
2020-08	Lava Knolls, Phase 1	Subdivision	IRP/WCSD			N/A			IRP	Colt D. Stratton	435-635-2628
2020-07	Copper Rock Ph 2	asphalt	Copper Rock Development			$ 235,000	8/18/2021	$233,962.96	Alliance Consulting	Mike Bradshaw	435-673-8060
2020-06	Washington Dam Gate Repair	Diversion Dam	WCWCD		435-673-3617	$ 172,912	5/10/2021	$172,912.36			
2020-05	Gordon Zitting Asphalt	blank	void??			VOID		VOID			
2020-04	Dixie Springs Park Pickleball Court	new pickleball court	Hurricane City	Kyle Lounsbury	435-635-2811 ext.11	$ 94,456	8/1/2020	$94,455.54	Civil Science	Cody C. Howick	435-986-0100
2020-03	Warner Valley Tank	Underground Utilities; Concrete Structures	WCWCD	Randy Johnson, Project Manager		$ 6,095,165	2/1/2022	$6,117,826.43	Bowen Collins & Associates	Todd Owens	801-495-2224
2020-02	1400 West Snow Canyon Pkwy Traffic Signal	new signal	St. George City	Brett Whitelaw, Purch	435-627-4112	$ 202,592	7/2/2020	$202,592.08	Mainline Engineering LLC	Phil B. Giles	435-669-4810
2020-01	1st Southern Baptist Church	asphalt; retaining wall; Redi Rock Wall	First Southern Baptist Church	Mark Huckins	435-673-4511	$ 277,775	9/1/2020	$277,775.47	IRP	Trace L. Allen	
3926	Main Street Flood Mitigation Improvements, Washington, UT	Underground utilities; asphalt	Washington City	Michael D. Shaw ?		$ 3,771,642	9/1/2021	$3,771,642.20	Sunrise Engineering	Richard B. Snyder, Jr.	435-652-8450
3925	Winderland Lane & Manzanita Dr. Roadway Improv., Springdale	Underground utilities; asphalt	Springdale City			$ 569,485	7/1/2020	$569,485.09	Sunrise Engineering	Steven B. Hall	435-652-8450
3924	Quail Creek Water Treatment Plant Fuel Storage and Filling Station	fuel storage; filling station	WCWCD			$ 428,314	8/1/2020	$428,314.31	Horrocks Engineers	Austin Rees Chappell	435-986-7888
3923	Ivins Toe Drain Extension	blank	WCWCD		435-673-3617	$ 89,189	3/1/2020	$89,188.50			
3922	Twin Lakes Transformer Replacement	grading; concrete	St. George City			$ 95,275	2/1/2020	$95,275.00	Intermountain Consumer Professional Engineers, Inc		801-255-1111
3921	Bench Lake Sewer Project	underground utilities;	ACSSD			$ 4,248,825	5/1/2020	$5,208,405.21	Alpha Engineering	Glen E. Carnahan	435-628-6500
3920	2019 Storm Water Improvements, Ivins	storm drains	Ivins City	Thomas Jorgensen ?	435-634-0689	$ 1,620,420	6/1/2020	$1,344,679.95	Bowen Collins & Associates	Cody Moultrie	801-495-2224
3919	Cohonina Circle Erosion Mitigation Project	gabion baskets	Entrada Property Owners Association			$ 118,323	4/1/2020	$118,322.73	Alpha Engineering		
3918	Dixie Area Detention Remodel (Prison)	blank	Zwick Sub			$ 36,899	7/1/2020	$36,898.50	Sub Zwick - JRCA Architects	James R. Child	
3917	Stratton Well Loop	pipeline	Hurricane City			$ 179,378	2/1/2020	$179,378.25	Alpha Engineering	Glen E. Carnahan	435-628-6500
3916	Westfield Estates Subdivision	Subdivision	I.R.P.			N/A		N/A			
3915	Twin Lakes Phase III Improvements	Subdivision	RGM Holdings, LLC	Brent E. Gardner		$ 756,068	2/1/2020	$756,068.27	Alpha Engineering	Jacob Russell Heward	435-628-6500
3914	Old Highway 91 Cottonwood Creek Crossing	box culvert	Hurricane City		635-635-2811	$ 207,600	9/1/2019	$207,599.50	Civil Science Infrastructure In	Cody C. Howick	435-986-0100
3913	Sienna Hills - Trailhead	parking lot	SITLA	Aaron Langston	435-652-2950	$ 1,226,832	3/1/2020	$1,226,831.95	Alliance Consulting	Craig Coats	435-673-8060
3912	Southern Parkway Carrier Casing	pipe	WCWCD	Ronald W. Thompson		$ 50,755	7/1/2020	$50,754.88			
3911	Cliff View Ph 1 Copper Rock	blank	ACAD	David Hammon	435-673-8045	$ 801,818	8/1/2019	$801,818.17	Alliance Consulting		435-673-8060
3910	600 West Gap Fill Project, Ivins	road construction	Ivins City			$ 292,801	7/1/2019	$292,801.30	Sunrise Engineering	Tyler B. Young	435-652-8450
3909	ACSSD Sewer Trunk Line Repair	replace trunk line	ACSSD	Mike Chandler	435-635-2348	$ 157,537	6/1/2019	$157,537.25	Alpha Engineering	Glen E. Carnahan	435-628-6500
3908	Substation Maintenance Shop	building	St. George City			$ 323,493	10/7/2019	$323,493.06			
3907	Bear Claw Poppy Trailhead	parking lot; trailhead	St. George City			$ 193,311	6/1/2019	$193,311.26	Project Engineering Consulta	Phil B. Giles	435-669-4810
3906	Thunder Junction Parking Expansion	parking lot expansion	St. George City			$ 252,241	7/1/2019	$252,240.87			
3905	Main St. Safe Routes To Schools	concrete	LaVerkin City			$ 89,047	5/1/2019	$89,047.20	Sunrise Engineering	Tyler B. Young	435-652-8450
3904	Chapel Street Bridge	bridge	Santa Clara City	Jack Taylor		$ 3,435,636	3/1/2019	$3,435,633.55	Bowen Collins & Associates	Todd A. Olsen	801-495-2224
3903	Aspen Estates Elementary Site Excavation & Rough Grading	site work	WCSD			$ 663,857	7/1/2019	$663,856.93	Alpha Engineering	Glen E. Carnahan	435-628-6500
3902	Main Street Waterline	underground utilities	Cedar City	Kit Wareham		$ 787,235	8/1/2019	$727,985.94	Cedar City	Kit Wareham, P.E., City Engineer	
3901	1450 S 3000 E Signal	Install new traffic signal	St. George City			$ 78,915	6/1/2019	$78,914.77	Project Engineering Consulta	Phil B. Giles	435-669-4810
3818	Little Valley Pump Station Reconstruction	install booster pump station	St. George City	Kade Bringhurst		$ 2,620,510	6/1/2019	$2,620,510.63	Alpha Engineering	Glen E. Carnahan	435-628-6500
3817	Ivins Reservoir Toe Drain	toe drain on existing dam	WCWCD			$ 264,168	4/18/2019	$264,168.18	RB&G Engineering	Bradford B. Price	801-374-5771
3816	Flood Street Substation Expansion Ph 2	concrete	St. George City			$ 233,117	4/1/2019	$233,117.11	St. George Energy Services	Weston L. Nelson	435-627-4800
3815	Leeds Main Street Improvements	roadway; curb & gutter	Town of Leeds	Wayne Peterson	435-879-2447	$ 173,420	1/1/2019	$173,420.44	Ensign Engineering	Josh Nowell	435-865-1453
3814	SGWRF - Alder Construction (Sub.)	curb & gutter, sidewalk, site grading	Alder Construction	Val Martin	801-266-8856	$ 405,956	7/1/2020	$405,955.56	Bowen Collins & Associates		
3813	Sky Ranch Pipeline Repair Project	Underground Utilities	WCWCD		435-673-3617	$ 92,431	9/1/2019	$92,431.48	Alpha Engineering	Todd Brent Gardner	435-628-6500
3812	Sand Hollow Transmission Pipeline 7, 11, 12, 13, 15	Underground Utilities	WCWCD		435-673-3617	$ 168,951	9/1/2019	$168,951.21	Alpha Engineering	Todd Brent Gardner	435-628-6500
3811	Sand Hollow Bicycle Skills Park	Specialty Project	St. George City			$ 1,504,777	2/1/2019	$1,570,896.00	Civil Science Infrastructure, Ir	Cody C. Howick	435-986-0100
3810	The Ledges Roundabout Modification	blank	St. George City			$ 191,559	8/1/2019	$191,559.40	Jviation, Inc.	Clinton R. Merrell	435-673-4677
3809	Ream Property Grading	no information				N/A		N/A			
3808	KJAR Storage	blank	Scott Kjar	Scott Kjar	801-979-9963	$ 231,968	3/1/2019	$231,967.79	Brown Consulting Engineers,	Marc L. Brown	435-628-4700
3807	Painted Sands	Underground Utilities; asphalt; storm drain; sitewor	HIS Holdings, LLC			$ 332,175	2/28/2019	$369,317.12	Reeve & Associates, Inc.		801-621-3100
3806	Hurricane 300 North - 200 West to State Street Reconstruction	Underground Utilities; asphalt	City of Hurricane	Arthur LeBaron		$ 1,913,080	2/1/2019	$1,913,080.73	Civil Science Infrastructure, Ir	Cody C. Howick	435-986-0100
3805	Parkside 7	Subdivision	no info			N/A		N/A			
3804	Cottonwood Hollow Ph 3	Subdivision	PM Dev Corp			N/A		N/A			
3803	Cottonwood Hollow Ph 2	Subdivision	PM Dev Corp			N/A		N/A			
3802	Cottonwood Hollow WCSD Lots	Subdivision	PM Dev Corp			N/A		N/A			
3801	Cottonwood Hollow RD C	Subdivision	PM Dev Corp			N/A		N/A			
3715	Virgin River Gorge Fish Barrier Wall	structure modification	WCWCD		435-673-3617	$ 473,942	6/1/2019		RB&G Engineering, Inc.	Brad Price, P.E.	801-374-5771
3714	Foremaster Ridge Pump Station	pump station	Something Of Worth & St. George City			$ 265,560	5/1/2019		Alpha Engineering	Todd Brent Gardner	435-628-6500
3713	South Rim at Foremaster Ridge Ph II	subdivision	Something Of Worth			$ 626,967	6/1/2019		Alpha Engineering	Todd Brent Gardner	435-628-6500
3712	Parkside 5										
3711	Quail Lake Redundant Valve and Quail Lake Hydro Vault Project		WCWCD			$ 162,463	11/1/2017				
3710	Lizzie Lane Sewer Project	sewer pipe and trestle structure	St. George City	Kade Bringhurst		$ 4,779,285	8/1/2019		Alpha Engineering	Glen E. Carnahan	435-628-6500

JOB #	PROJECT NAME	CATEGORY	OWNER	CONTACT	CONTACT PHONE	AMOUNT	COMPLETION DATE	FINAL CONTRACT	ENGINEER	CONTACT NAME	CONTACT PHONE
3709	Dixie Springs Tank	concrete water tank & pipeline	City of Hurricane			$ 3,972,300	5/1/2019		Alpha Engineering	Glen E. Carnahan	435-628-6500
3708	Bloomington Dr Road Resurfacing	paving	City of St. George	Jay Sandberg, Kade Bringhurst		$ 3,974,335	7/1/2018		Sunrise Engineering	Rick Snyder, P.E.	435-652-8450
3707	La Verkin 300 West Improvements	roadway; water & sewer	City of La Verkin			$ 425,040	11/1/2017		Sunrise Engineering	Tyler B. Young	435-652-8450
3706	Dixie Power Majestic View Substation Pad	site grading	Dixie Power		435-673-3297	$ 565,539	7/1/2017		Alliance Consulting	Deloss S. Hammon	435-673-8060
3705	Cottonwood Hollow Rd D & 5 Lots		IRP								
3704	Cottonwood Hollow Rd C		IRP								
3703	Cottonwood Hollow Subdivision Ph 1		PM Dev Corp								
3702	SR9 Sewer Crossing & SR9 Sewer Extension Project	sewer line installation & highway crossing	ACSSD			$ 284,639	8/1/2017		Alpha Engineering	Jared Todd Madsen	435-628-6500
3701	Hurricane Valley Water System Improvements	culinary water system	WCWCD		435-673-3617	$ 234,923	5/1/2017		Alpha Engineering	Jared Todd Madsen	435-628-6500
3628	South Fields Tank & Pipeline Project	concrete water tank & pipeline	St. George City			$ 2,931,970	3/1/2019		Alpha Engineering	Glen E. Carnahan	435-628-6500
3625	The Bridge at River Walk	bridge	Highmark Commercial Construction			$ 365,080			Rosenberg Associates	Robert A. Reid	435-673-8586
3624	Treas Ranch - Pipe & Field Work	irrigation	Sanctuary Ranch			$ 188,501	5/1/2017		Bowen, Collins & Associates	Todd Olsen	435-656-3299
3623	(NONE) Crimson High School Site Excavation and Rough Grading Proje	grading	Washington County School District						Alpha Engineering	Glen E. Carnahan	435-628-6500
3622	South Rim at Foremaster	subdivision	Something Of Worth, Inc.	Howard Foremaster		$ 493,464	6/1/2017		Alpha Engineering	Todd Brent Gardner	435-628-6500
3621	Oak Valley Camp Improvements	culinary water system	Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-d			$ 27,100	12/1/2019		Bowen, Collins & Associates	Cody Moultrie	801-495-2224
3620	Pinion Hills Wastewater Treatment System	wastewater treatment system	WCWCD		435-673-3617	$ 194,843	4/1/2017		Bowen, Collins & Associates	Kenneth L. Spiers	435-656-3299
3619	Sand Hollow Wells 4, 5, 6, & 10 Pump Station Project	pump station	WCWCD			$ 489,915			Alpha Engineering	Keith B. Hegerhorst	435-628-6500
3618	WCSW Dumpster Sites 2016	dumpster site construction	WCSWD#1			$ 368,566	3/1/2017		ProValue Engineering	Karl Rasmussen	435-668-8307
3617	400 South - 300 W to 100 E	roadway reconstruction	City of Hurricane	Arthur LeBaron	435-635-2811	$ 1,549,310	5/1/2017		Civil Science Engineering	Taylor A. Ricks	435-986-0100
3616	670 S 80 W Waterline	waterline replacement	City of Hurricane		435-635-2811	$ 82,928	3/1/2017		Alpha Engineering	Glen E. Carnahan	435-628-6500
3615	Shivwits Safety Trail	trail improvements	Paiute Indian Tribe of Utah			$ 427,412	1/1/2017		High Road Engineering	Elisabeth Whitlock	435-676-8481
3614	Kolob Spring Creek Camp	water system improvements	Corporation of the Presiding Bishop of the Church of Je		801-763-4520	$ 176,696	12/1/2016		Bowen Collins & Associates	Tena S. Campbell	
3613	Little Thunder Camo Water System	water system improvements	Corporation of the Presiding Bishop of the Church of Je		801-763-4520	$ 348,569	12/1/2016		Bowen Collins & Associates		
3612	Canyon Street Drainage Improvements	concrete arch bridge structure	City of Hildale			$ 404,281	8/1/2016		Sunrise Engineering	Russell B. Funk	435-652-8450
3611	Willow Street Drainage Improvements	concrete box culvert	City of Hildale			$ 723,990	8/1/2016		Sunrise Engineering	Russell B. Funk	435-652-8450
3610	Desert Rose Park	sidewalk; asphalt	Ivins City		435-634-0689	$ 34,668	6/1/2016		Ivins City		
3609	Red Hills Realignment & Drainage	roadway reconstruction & realignment	City of St. George	Jay Sandberg	635-627-4000	$ 1,068,467	9/1/2016		Alpha Engineering	Brent E. Gardner	435-628-6500
3608	Ivins Recreation Supply Line	water supply line	WCWCD		635-673-3617	$ 30,689	6/1/2016		Alpha Engineering		
3607	Dixie Drive & 1600 South Traffic Signal	traffic signal	City of St. George		435-627-4000	$ 112,228	9/1/2016		Civil Science Engineering	Taylor A. Ricks	435-986-0100
3606	Toquerville Street Project 2016	roadway reconstruction	City of Toquerville			$ 276,737	10/1/2017		ProValue Engineering	Karl Rasmussen	435-668-8307
3605	River Road/Fort Pierce Bridge	bridge	City of St. George		435-627-4000	$ 3,005,742	5/1/2017		Jviation	D. Scott Ellis	435-673-4677
3604	Gateway Project	bridge, roadway & structures	Big Plains Water SSD/Apple Valley Town			$ 1,672,539	2/1/2017		Ensign Engineering & Land S	Curtis L. Nielson	435-865-7318

HURRICANE CITY
UTAH

STAFF COMMENTS

Consideration and possible approval on **cost adjustments for the 2800 West project**-Arthur LeBaron

Discussion:
After a conversation with Mayor Billings, we decided it best to have a discussion with the City Council to get approval for a possible cost adjustment for dealing with the slope stability issues on the north end of the 2800 West project. Staff has met with the property owner that is affected by the issue, along with the Contractor. We have a proposed cost of $70,000 to remove loose material and lay the slopes back, but the property owner is unwilling to grant the City permission to do this. Their position is that the City should construct a retaining wall so that their proposed building pads are unaffected by the additional earthwork that is required to stabilize the slopes. Mike Vercimak and Arthur LeBaron met with them and talked it through this week. Mr. LeBaron told them that he didn't feel like he had the authority to authorize any more cost than what he thinks is the simple solution to the problem. They agreed to come to the City with a preliminary design and cost for the retaining that they are proposing. Mayor Billings suggested that when we get this information we should have the discussion with the City Council.

Findings:

Recommendation:

Attachments:
None

HURRICANE CITY
UTAH

STAFF COMMENTS

Discussion and decision on **300 West improvements for the Lone Pine subdivision** - Brad Neilson and Brad Winder

Discussion:

SUMMARY:

This agenda item was added after the cutoff date at the request of Kevin Thomas, David Hirschi, and David Sanders. The applicants are requesting to be exempted from the typical improvements required for subdivisions. The Lone Pine subdivision is located between 300 West and 400 West at approximately 820 South. The applicants do not want to be required to construct any improvements along their portion 300 West. Normally, the developer of a subdivision would be required to install curb, gutter, sidewalk, and asphalt along 1/2 of 300 West. However, in this particular circumstance, Ash Creek SSD has an easement along 300 West and is expected to install a sewer main along the corridor. For this reason, staff recognizes that any asphalt installed would be disrupted. Therefore, staff has told the applicants the City will not require asphalt to be installed as part of the subdivision, but that curb, gutter, and sidewalk would be required along 300 West, plus a gravel turnaround on 300 West for emergency vehicles. This remains the staff recommendation.

TIMELINE AND PREVIOUS APPROVALS AND CONDITIONS:

1. On May 19, 2022, the 5.02 acre property was awarded a zone change from Residential Agriculture 1-acre ("RA-1") to R1-15 – Single Family 15,000 square foot lots. It is clear from the discussion on May 19, 2022, between the City Council and Ronald Campbell ("Mr. Campbell") that the dedication of the roadways at 400 West and 300 West was assumed to be required for development. The dedication requirement was a stated reason that the R1-15 zoning was being requested instead of a Residential Agriculture 0.5-acre ("RA-0.5") zone because the Campbells would not be able to achieve the desired nine lots with RA 0.5 zoning after the roadways were dedicated to the City. *See* May 19, 2022, City Council Meeting Minutes.
2. On October 20, 2022, the City Council conditionally approved the preliminary plat for the Lone Pine Subdivision. *See* Approved Preliminary Plat. The approval was conditional because it was subject to compliance with comments from City Staff and the Joint Utility Commission ("JUC"). Comments from the Staff and the JUC included the following: (1) 300 West is a planned roadway already existing or dedicated in several areas in the region; (2) staff has already met with the applicant regarding how improvements to 300 West will be done, and staff recommends that 300 West improvements not be installed before Ash Creek Sewer District installs its planned sewer line, but that applicant should be required to bond for the improvements; (3) the existing irrigation ditch through the property and along 300 West will need to be

addressed; (4) irrigation tail water flowing through the property will need to be addressed; and (5) the applicant will need to coordinate with the Hurricane Canal Company regarding the placement of improvements for the canal along the east side of the property along 300 West. *See* October 20, 2022, City Council Meeting Minutes and Staff Comments.

3. Staff believe that requiring improvements along 300 West is consistent with the preliminary plat approval by the City Council.
4. In a letter dated March 9, 2023, the City received a letter from Matthew Ence, an attorney representing Mr. Campbell. Mr. Ence argued that the City's requirement that Mr. Campbell dedicate and improve his portion of 300 West constituted an illegal exaction. *See* Matthew J. Ence Letter.
5. In a letter dated May 12, 2023, Dayton Hall, Hurricane City Attorney, refuted the claims by Mr. Ence and provided the legal basis for requiring developers to dedicate land and install improvements proportionate to their impact on the community. *See* Dayton Hall Letter.
6. The City Attorney and City staff held a conference call with the Utah Property Rights Ombudsman to discuss the issue. City staff remain comfortable with the City's requirement that developers dedicate and improve half of roadways adjoining subdivisions.
7. After further discussions, City staff agree that the developer should not be required to install asphalt on half of 300 West, but that the normal improvements of curb, gutter, and sidewalk should be required, together with a temporary gravel turnaround to allow firetrucks to turn around at the end of 820 South.

ATTACHMENTS:

1. May 19, 2022, City Council Meeting Minutes;
2. Approved Preliminary Plat ;
3. October 20, 2022, City Council Meeting Minutes
4. Staff Comments
5. Matthew J. Ence Letter
6. Dayton Hall Letter

Findings:

Recommendation:

Attachments:

1. 2022-05-19-CCM
2. Lone Pines Preliminary Plat
3. 2022-10-20-CCM
4. 2022-PP-25 Lone Pine Staff Report
5. 230309 Letter from Matt Ence re Ron Campbell Claims
6. 230512 Response Ltr to Matt Ence

Minutes of the Hurricane City Council meeting held on May 19, 2022, in the Council Chambers at 147 North 870 West, Hurricane, Utah, at 4 p.m.

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

Staff Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Lynn Excell, Power Superintendent Scott Hughes, Planning Director Stephen Nelson, Recreation Director Tiffani Wright, Water Superintendent Ken Richins, City Engineer Arthur LeBaron, City Recorder Cindy Beteag, and City Accountant Paige Chapman.

AGENDA

4:00 p.m. Work Meeting to discuss Franchise Agreements for fiber

Kaden DeMille explained that Infowest's request for a franchise agreement was continued to allow staff time to research franchise agreements, fiber connectivity, and how that applies to services within the City. Mr. DeMille reviewed a presentation summarizing the information gathered by staff. There is limited fiber connectivity in Hurricane City. Currently CenturyLink and TDS are the only fiber providers within the City. TDS fiber is only along the SR-9 corridor. TDS representative stated that TDS fiber is going into every new subdivision. As the network expands, services to the older subdivisions are reviewed. The fiber in new subdivisions connects directly to the home. In many older areas, the fiber goes to a node that covers a specific house count and is supplied through coaxial cable. Mr. DeMille explained that fast and reliable internet has become a critical service. It is a way to attract potential business, and fiber connectivity is a home selling point.

Staff has identified three possible scenarios. The first option is to allow private businesses to provide fiber throughout the community. This route is less of a financial burden, however, without regulations, there are concerns about unsightly infrastructure. Each company wants conduits and fiber utility infrastructures such as vaults and pedestals, which creates complications with underground infrastructure. The City would need to decide the number of franchise agreements it will allow, how many pedestals are on the property, how many conduits under the road, and how that will affect road and other repairs.

The second option is a city-wide initiative to provide fiber to every household. This will be a large project, including financial bonding. This project will burden the citizens with that bond payment through a monthly utility fee. This is not recommended because it forces citizens to pay for a utility they do not want. In this scenario, a subscription model makes more sense for the citizens, but if the subscription level does not meet the bond payment, it could burden the City. The benefit of this option is that it will be an open-access network, creating more market competition. The cons are the cost of the project. Will the City own the infrastructure or a

private network provider? A new utility department must be created if the City owns and operates the system. Technology is continually evolving, and is it possible for the City to keep up with evolving tech.

The third option is a public/private partnership. The potential benefit in this scenario is shared cost and limiting excessive infrastructure. This option is still a financial risk to the City, and this is not a fast solution and would require a lengthy legal review process.

Councilman Prete stated that he was not in favor of the PIDs because it separates the new Hurricane from the old Hurricane in terms of services. Fiber presents a similar problem, new developments will benefit, but current residents do not have the same access.

Dayton Hall reported that if the City decides to move forward with the franchise agreement, the franchisee agreement ordinance needs to be updated. Mr. DeMille noted that City has to decide how many franchise agreements it will allow. The agreement has to be consistent for all providers and should clearly state how long the provider has to install fiber to every home in Hurricane City. Kelly with Infowest commented that their agreement says they would install fiber in older areas of town.

Mayor Billings asked if the City Council denied the franchise agreement with Infowest until the City knew what direction to go, what other concerns needed to be addressed. Scott Hughes reported that there are concerns regarding pole attachments.

Mr. DeMille asked for direction from the City Council. The City Council members are not in favor of starting a new utility. Councilman Thomas is in favor of limiting the number of franchise agreements. Councilman Prete's priorities are ensuring that services are provided in the older areas, making sure there is adequate competition to keep costs low, and minimize costs to the City. Arthur LeBaron suggested installing conduits in the road when a development is built and leasing the conduit to fiber providers.

The City Council asked Mr. Hall to review the franchise agreement ordinance and return it to Council's next meeting.

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

Stephen Nelson held the first meeting with the steering committee for the Moderate Income Housing plan today. The public open house is on June 8th at the Community Center. The plan should be ready for the Council to review in August. State code requires that the plan is adopted before October 1st. The applicant for New Business #8 will not be able to make it tonight and asked for it to be tabled. This application was denied in February because it did not comply with the General Plan. The new application is for a different zone.

Arthur LeBaron invited the City Council to watch the bell being placed on the tower tomorrow at 11:30 a.m.

Fred Resch III has received letters from attorneys regarding the letter sent to non-compliant short-term rentals. Fines are not accruing daily because the City needs to hire an appeal authority.

Chief Excell reported that the final elementary school DARE graduations are tomorrow. Two hundred students graduated this year. Hurricane City Police Department is the only agency in Washington County teaching DARE. The Crime Scene Investigator/Evidence technician starts the following Monday. The Crime Scene Investigator/Evidence intern is starting on June 1st. The evidence room audit will take them about eight weeks. This must be completed when a new technician is brought in to ensure accuracy. The Field Training Officer program has six officers, which is going well. He expressed gratitude to the City Council for having an attorney on staff. He is collaborating with him to update the Animal Control ordinances. Iron Man was a success, however, three businesses complained about losing revenue due to the traffic.

Tiffani Wright reported that SpongeBob closed and met its revenue goal of 20k. Brent Moser donated kayaks and canoes to the Recreation Center for outdoor programs. The Peach Days vendor list is full, and other vendor applications are on a waitlist.

Ken Richins reported that they lost another employee. There are two open positions. Summer water breaks have already started. He voiced appreciation to his crew for taking care of them.

Scott Hughes stated the Power Department is staying busy. They are in the process of hiring. UAMPS appointed a new CEO. Mayor Billings stated that the City Council would like to attend the next Nuscale project trip.

Paige Chapman is working on the budget and will be sending out the bubble list soon.

Kaden DeMille noted that the City Council and Staff need to schedule a meeting for the budget.

Dave Houston commented that the airport is doing well. They are getting the weeds cleaned up. A volunteer group painted numbers on the hangers.

Dayton Hall reported the City received a notice of intent to annex forty acres nearby Sky Ranch. Mayor Billings reported that Sky Ranch is also ready to file for annexation.

6:00 p.m. - Call to Order –

Prayer: David Hirschi

Thought: Mayor Billings

Pledge: Mayor Billings

Presentation of naming "The Dan Zaleski Trailhead."

Mayor Billings thanked Mr. Zaleski for his commitment to the families and students in the community. She shared her memories of working with him as a student-teacher. Mr. Zaleski is retiring after forty years as an elementary school teacher. Mr. Zaleski took thousands of children hiking over his years of service, and his passion for hiking helped children appreciate the beauty in their backyard. Councilman Hirschi read the adopted resolution by the Hurricane City Council naming the “Hurricane Cinder Knoll Trailhead” as “The Dan Zaleski Trailhead.”

Minutes of the Regular City Council Meeting for 12/16/2021, 4/7/2022, and 4/21/2022

Dave Sanders motioned to approve the Regular City Council Meetings minutes for 12/16/2021, 4/7/2022, and 4/21/2022. Seconded by Doug Heideman. Motion carried unanimously with Dave Sanders, David Hirschi, Doug Heideman, and Kevin Thomas voting aye. Joseph Prete abstained when he was acting chair.

Declaration of any conflict of interest

Kevin Thomas declared a conflict of interest because Zach Forsyth is his client.

Public Forum – Comments From Public

Raymond Palmer said he does not support his monthly water bill's $4 drainage fee. He asked how the City justifies this fee when it hardly rains? According to Census, there are 6,142 households in Hurricane City. What is the City using that money for each month? He asked for information on wastewater reuse and how the city addresses water conservation.

Arthur LeBaron explained that the existing storm drains have to be maintained. The fee is also used to expand the drainage system. Ash Creek Sewer District manages the wastewater and is working on a reuse system. Mayor Billings discussed the City's development of water resources.

OLD BUSINESS

1. Discussion and **presentation for noise abatement policy** at the airport - Scott Freeman

Scott Freeman presented an updated proposed noise abatement program. Steve Lemmon and Scott Freeman attend Utah’s first Aeronautic conference. Protecting small airports and the surrounding residents was discussed during the conference. Mr. Freeman reported that the

best way to do this is zoning an agriculture buffer around the airport and the second-best way to provide a buffer is light industrial. There is already residential zoning surrounding the airport, but the City still needs to find a solution. An ordinance is not workable because of a law passed in 1990.

There is already a drafted noise abatement policy, but he proposes more noise regulations. Southern Utah University (SUU) is abiding by the MOU. SUU has voiced concern about noise complaints that do not pertain to their aircraft. They also report inconsistent communication. If one person is communicating with them, then it will stay consistent. Mr. Freeman stated that Hurricane Airport is planning to utilize an aircraft monitoring system. This software monitors and tracks altitude, speed, and flight patterns. The system takes data from the aircraft transponders and produces graphical reports. Establishing a documented accountable system for noise complaints and formalizing the noise complaint process is also important. The noise complaints will be correlated to the aircraft tracking system. A volunteer noise coordinator is necessary to oversee this program. Pilot awareness and training are key. Noise abatement training will be provided to all aircraft owners at the airport. This would be a team effort with the private sector and the City to improve the airport.

Mayor Billings reported that the Airport Board must review and approve the policy before the City Council can approve the policy. An ordinance must be adopted to approve the aircraft monitoring system, noise complaint system, and the volunteer position. Council Thomas favors this abatement and thinks it will alleviate many issues. Councilman Heideman stated that this is already in use by other Cities. Mr. Prete asked if the software could monitor noise. Mr. Lemmon explained that each aircraft has associated decibels, and the program monitors the parameter of each aircraft.

Dave Houston, the Airport Manager, clarified that the FAA has worked to secure discretionary funding to pay for the entire lighting project this year. Other airports can utilize this funding if the City is not planning to do so. The City must decide soon because the funding must be committed before the FAA fiscal year ends in September.

Jason Campbell stated that the people have spoken, and this should not be revisited. This has been a blood bath for months. Mr. Campbell expressed gratitude to Mr. Freeman for considering the citizen's feedback. It is important to have a monitoring system to protect citizens and pilots. However, there are citizens concerned that this is a tool to push forward flying at night.

2. Consideration and possible approval of a **proposal to seek sponsorship aid in using the school district buses for a private event** - Dehn Craig

Dehn Craig is not present.

Joseph Prete motioned to table the proposal to seek sponsorship aid in using the school district buses for a private event. Seconded by Dave Sanders. Motion carried unanimously with Joseph Prete, Dave Sanders, David Hirschi, Doug Heideman, and Kevin Thomas voting aye.

3. Ordinance 2022-10: Consideration and possible approval of a proposed **Land Code Use Amendment to Title 10, Chapter 3, Chapter 7, Chapter 41, and Chapter 51 - all regarding ADU's, accessory dwelling units. Hurricane City Planning Applicant**

The City Council previously continued this to allow the City Attorney time to review the proposal. Stephen Nelson reviewed the proposed changes. The changes provide conditions and provisions for allowing more than one ADU subject to property size. Another change allows the property owner to live in the main or accessory building. The ADU definition was updated. Councilman Prete suggested clarifying the acreage size to less than .8 acres for one dwelling unit and greater than .8 acres for the additional ADU. Mr. Nelson stated that agriculture must be added to the Accessory Dwelling Unit Standard Section D for consistency.

Jeremy Hargis appreciates the added agriculture zone. He asked if Council was willing to consider a proposal to allow three ADUs on parcels larger than two acres. Mr. Nelson reported this was considered, but the Planning Commission was concerned about creating high density.

Kevin Thomas motioned to approve the proposed Land Code Use Amendment to Title 10, Chapter 3, Chapter 7, Chapter 41, and Chapter 51 - all regarding ADU's, accessory dwelling units. With the proposed amendments. Seconded by Joseph Prete. Motion carried unanimously with Joseph Prete, Dave Sanders, David Hirschi, Doug Heideman, and Kevin Thomas voting aye.

4. Ordinance 2022-21: Consideration and possible approval of a **proposed Land Code Use Amendment to Title 10, a section of Chapter 7 – regarding conditional use permits and Chapter 15 regarding Highway Commercial building standards.** Ishraj Singh Applicant. Steve Beesley Agent.

Steve Beesley present. Mr. Beesly reported that the applicant proposed a four-story Hampton Inn and Suites hotel. They expected the height to be allowed because there are other tall hotels in Hurricane City, however, the application was denied because the height was 1.5 times greater than the average height of adjacent buildings. Stephen Nelson explained that the state law changed, requiring strict standards for conditional use permits. The City updated the conditional use permits standards judging building height at 1.5 times greater than the average height of the adjacent buildings. This proposed amendment allows a fifty-five-foot-tall building with additional setback requirements for every foot over thirty-five feet. Mr. Nelson reported that if this amendment is approved, it will apply to any commercial zone.

Councilman Prete explained that this change applies to everything in this zone. The City Council discussed applying the new standard specifically to highway commercial zoning and reviewed

the zoning map to verify what areas are affected. Mr. Nelson stated that within Utah law if an applicant meets the conditions for a conditional use permit, the City is obligated to grant the permit. He thinks this is a better standard than the current code. Councilman Hirschi is not prepared to approve this amendment. He feels the hotel fits this property, but he has not had time to review how this affects other properties.

David Hirschi motioned to deny the proposed Land Code Use Amendment to Title 10, a section of Chapter 7 – regarding conditional use permits and Chapter 15 regarding Highway Commercial building standards. Seconded by Joseph Prete. Motion carried with Joseph Prete, David Hirschi, Doug Heideman, voting aye. Dave Sanders and Kevin Thomas voted nay.

5. Consideration and possible approval of **Ordinance 2022-23 updating Code Section 7-1-8 regulating Off-Highway Vehicles and adding Code Section 7-1-9 authorizing and regulating Golf Carts on City roads**

Dayton Hall explained that State code states a municipality may allow golf carts on the city streets, but if they do they are required to regulate the parameter of that use. Such as, who can operate, when they can operate, and where they can operate the golf cart. Councilman Prete asked if this gives the City the authority to regulate the age of golf cart operators. Mr. Hall believes the City has that authority. Chief Excel stated he does not think someone without a driver's license should operate any vehicle on city streets. If a driver's license is suspended or revoked because of points, or a DUI, they should not be allowed to operate a golf cart on the city streets. Mr. Excel stated that the proposed code was updated to clarify that golf carts are not allowed on roads with a speed limit greater than twenty-five miles per hour. Mayor Billings reviewed the age limits and roadway speed limits in the proposed code. The City Council agrees that the minimum age limit should be sixteen.

Richard Foote purchased a golf cart to get to work because the DMV told him he could operate it without registration and insurance. He only goes two blocks to work or school, and if this is passed how it is written, he will not be able to drive his golf cart.

Raymond Palmer asked about the purpose of restricting a golf cart to roads with a speed limit of twenty-five miles or less.

Julie Hirschi agrees there should be an age limit. Driving safety is a priority; she thinks golf carts should have turn signals.
Adam Jasperson had a golf cart registered and licensed. The golf cart had to have a windshield, lights horn, seat belts, and turn signal.

Dale Green stated that the ATV ordinance allows someone under sixteen to operate an ATV if they complete the training.

Mayor Billings would like the OHV club to review the ordinance.

Doug Heideman motioned to continue the Ordinance 2022-23 updating Code Section 7-1-8 regulating Off-Highway Vehicles and adding Code Section 7-1-9 authorizing and regulating Golf Carts on City roads. Seconded by David Hirschi. Motion carried unanimously with Joseph Prete, Dave Sanders, David Hirschi, Doug Heideman, and Kevin Thomas voting aye.

Councilman Prete thinks 7-1-8 looks good, but he is opposed to the golf cart ordinance. Adopting this ordinance would allow anyone over sixteen to drive golf carts around the City, and he feels the City Council could review this on a case-by-case basis.

6. Discussion of **Ordinance 2022-29 amending Title 2, Chapter 1, Airport Authority** - Nanette Billings

Dayton Hall explained that the proposed amendment eliminates the aviation background prerequisite. The proposed prerequisite is residency in Hurricane City or having a contract stating entitlement to serve as a board member. This proposal defines seven board members with a quorum of four.

Jason Campbell encouraged the City Council to adopt this ordinance. Those impacted by the airport should be included on the advisory board. In the past, the board has taken legislative decisions and authorized expenditures outside of the board mandate, and he does not think Mike Vercimack should be representing the City.

Mr. Hall stated that non-voting board members are the appointed City Council representative and the Airport Manager. Mike Vercimack was appointed to the board by the City Council, effectively placing him as a voting member.

Councilman Prete thinks bringing a community voice to the airport board is important. He suggested one non-pilot voting member. Mayor Billing noted that it is important to have board members who can work together as a functioning group.

NEW BUSINESS

1. Consideration and possible approval of **Ordinance 2022-30 amending the design standards pertaining to secondary water system requirements** - Ken Richins

Ken Richins reported that an ordinance was approved last year requiring dry irrigation systems in new subdivisions. This update will require wet irrigation systems in new subdivisions, which is a vital component of water conservation.

Doug Heideman motioned to approve amending the design standards pertaining to secondary water system requirements. Seconded by Kevin Thomas. Motion carried with Dave Sanders, David Hirschi, Doug Heideman, and Kevin Thomas voting aye. Joseph Prete abstained.

2. Consideration and possible approval of a **Resolution 2022-25 increasing the amount of public safety employee retirement contributions** - Kendra Rich

Kaden DeMille reported that the Utah Retirement System regularly reevaluates its figures and occasionally adjusts the rates. This year the rate was adjusted for tier two employees. In the past, the Council has approved the City to pay the required employee contribution. Mr. DeMille recommended continuing to cover the employee contribution. This is a rate increase of 2.59%. This adjustment is roughly $166 per employee each year. Mr. DeMille suggested a resolution to allow Administration to match the URS rates without City Council approval up to a maximum of five percent.

Dave Sanders motioned to approve Resolution 2022-25, increasing the amount of public safety employee retirement contributions. Seconded by David Hirschi. Motion carried unanimously with Dave Sanders, Joseph Prete, David Hirschi, Doug Heideman, and Kevin Thomas voting aye.

3. Consideration and possible approval of **an Off-Premise local consent for Venture Fuel** - Patrick Dockstader

Patrick Dockstader is participating online. This is a request for a local consent off-premise beer license. Councilman Prete read the letters of recommendation, and they were exceptionally good.

Joseph Prete motioned to approve the off-premise local consent for Venture Fuel. Seconded by Dave Sanders. Motion carried unanimously with Dave Sanders, David Hirschi, Doug Heideman, and Kevin Thomas voting aye.

4. Consideration and possible approval of **local consent for a liquor license that covers multiple events** @ Sand Hollow Resort - Adam Jasperson

Adam Jasperson is present. Councilman Prete stated that the form in the packet is listed as a single event beer permit but they are requesting multiple events. Mr. Jasperson explained that the State of Utah law changed, allowing one permit to cover multiple events. The restaurant has a liquor license, but this license will allow them to serve liquor at concerts, weddings, and other events outside. Councilman Prete is uncomfortable approving the consent for multiple events and would prefer the option to withdraw the license in case of violations.

Joseph Prete motioned to approve local consent for a liquor license that covers multiple events at Sand Hollow Resort with the condition that the approval can be withdrawn due to incidents

or complaints. If the approval is withdrawn, the applicant must submit a new application. Seconded by Dave Sanders. Motion carried unanimously with Dave Sanders, David Hirschi, Doug Heideman, Joseph Prete, and Kevin Thomas voting aye.

5. Ordinance 2022-26: Consideration and possible approval on a **Zone Change Amendment request located at 163 N Main from RM-1, multifamily 6 units per acre, to RM-3**, multifamily 15 units per acre, to add additional units to property. Zachary Forsyth Applicant.

Zack Forsyth purchased this property in 2018. At that time, he approached the City to add more units but was denied because of the lot size. The ordinance has changed in the Hurricane Downtown area to allow RM-3 zoning on this size of the lot. The Planning Commission is concerned about parking. If more units are approved, he will add additional parking. He has evaluated it, and there is room to accommodate parking and egress. He feels like this fits the area and provides affordable housing. Councilman Thomas noted that he has drawn up a plot map showing twenty-eight feet in between the buildings.

Chris Woodbury spoke on behalf of Dan Zaleski and himself. This is not harmonious with the desire of homeowners in the area. People buy property knowing what it is zoned for and then apply for a change. Neighbors do not want this to change. They purchased their homes to have nice quiet neighbors. He wasn't allowed to build a shop in his backyard because it would obstruct the view of houses around him, and now there is a two-story house behind him.

Councilman Thomas will abstain from this item and the next, but he provided a drawing showing that the parking is available. Stephen Nelson reported that the code was changed to allow RM-2 and RM-3 zoning in the downtown area under an acre. Housing units in downtown areas positively affect affordable housing and commercial development. Staff gave a positive recommendation. Density near amenities, work, and schools match the master plan.

Councilman Hirschi stated that the Council had received several emails from surrounding property owners expressing the challenges they are experiencing with the current units. The parking is already tight, and a current tenant has a fifth wheel that he parks at the entrance. Mr. Forsyth explained that the tenant was not allowed to park the fifth wheel there. The only problem he has had is people dumping cars, and he has those cars towed away.

Albert Langston lives across from this proposal. This will increase the number of people on this property, and the residents do not want this changed.

Councilman Hirschi is not in favor of this. However, he appreciates the applicant's commitment to providing affordable housing. Councilman Heideman feels this is a good concept, but this is not the appropriate time. Councilman Sander's concern is the parking. He understands that Mr. Forsyth will work to enforce proper parking. Councilman Thomas stated that the applicant

could exceed the minimum parking requirements. Councilman Prete thinks high-density housing next to commercial is a good fit. He likes the proximity to amenities. He is concerned about this adversely affecting residents in the area.

David Hirschi motioned to deny the item because it is not harmonious with the surrounding character, and it will have an adverse effect on the adjacent properties. Seconded by Doug Heideman. Motion failed with Dave Sanders, Nanette Billings, and Joseph Prete voting nay. Kevin Thomas abstained.

Mayor Billings stated that this follows the master plan. She does not want to adversely affect property owners, but it is important to adhere to the master plan. Councilman Hirschi's main consideration is the desire of citizens in the area. Chris Woodbury commented that the master plan is important, but it is not always right. It is important to consider the desire of the residents in the neighborhood. Mr. Forsyth stated that this is not about greed. It is about supporting the community.

Brent Stratton stated he thinks highly of Mr. Forsyth and believes he has good intentions, but this isn't the proper location because the property is too small. He is concerned for his parents, that live next to this property. If there is a fire without adequate parking, how will an emergency service vehicle access the property? Mr. Nelson explained that if the parking and fire access issues are not addressed, the applicant will not be able to move forward with the project.

Joseph Prete motioned to approve the Zone Change Amendment request located at 163 N Main from RM-1, multifamily 6 units per acre, to RM-3. It received a positive recommendation from Planning Commission and Staff and meets the four zone change criteria. It is consistent with the goals and objectives of the General Plan, harmonious with the overall character, and has adequate facilities. There are concerns about adverse effects on adjacent properties, but the City Council does not know if they will exist. Seconded by Dave Sanders. Motion carried with Dave Sanders, Joseph Prete, and Nanette Billings voting aye. David Hirschi and Doug Heideman voting nay. Kevin Thomas abstained.

6. Ordinance 2022-27: Consideration and possible approval on a **Zone Change Amendment request located at 115 N 100 E and 55 E 100 N** from RM-1, multifamily 6 units per acre, and GC, general commercial, to RM-3, multifamily 15 units per acre, to allow for affordable housing along the SR-9 corridor. Zachary Forsyth Applicant.

Councilman Prete asked why the applicant is applying for RM-3. Mr. Forsyth explained that the general commercial piece of the property is valuable in terms of short-term rental. His goal is to develop the entire property as affordable multifamily housing. He does not want to change the general commercial zone on this property section unless RM-3 is approved for the whole property. They plan to do basement and floor-level apartments to stay consistent with the

surrounding area. Mayor Billings would rather have affordable housing than short-term rentals. Councilman Prete stated it is refreshing to see affordable housing projects. Mr. Forsyth is open to offering affordable housing to police officers to alleviate the concerns about crime, and he can only do that with RM-3.

Chris Woodbury explained that the Maverik County Store increased the traffic, trash, and noise in this neighborhood. Planning Commission questioned whether this was in harmony but made a positive recommendation. He purchased his property based on the zoning.

Councilman Hirschi asked why the City Council approves zone changes. If they are following the master plan, zone changes aren't necessary. The City is required by State law to adopt a General Plan, which is a recommendation and policy for how the City is developed. The zoning map represents the laws of entitlements on properties, and the City should use the General Plan when reviewing proposed zone changes. Dayton Hall explained that the General Plan is one of the four criteria for determining a possible zone change.

Renee Thompson does not understand why small starter homes can't be built for young families instead of more apartment buildings. The zone change notice was not posted on the property, and many residents in the area did not receive letters.

Councilman Hirschi stated when the council members campaigned claiming they would listen to the citizens, but he has not seen much change. The Council needs to slow down and see how things develop. Councilman Prete is uncomfortable because RM-3 is too dense. Mr. Forsyth is open to RM-2 as long as it does not change the general commercial zoning section of the property.

David Hirschi motioned to deny the Zone Change Amendment request located at 115 N 100 E and 55 E 100 N from RM-1, multifamily 6 units per acre, and GC, general commercial, to RM-3. It is incompatible with surrounding properties and will negatively affect the adjacent property. Seconded by Doug Heideman. Motion Carried with David Hirschi, Dave Sanders, Joseph Prete, and Doug Heideman voting aye. Kevin Thomas abstained.

7. Ordinance 2022-24: Consideration and possible approval on a **Zone Change Amendment request located at 825 S 400 W from RA-1**, residential agriculture, to R1-15, residential one unit per 15,000 square feet, for a residential development. Parcel number H-3-2-3-1225. Ferel Campbell Applicant. Jilyn Nelson Agent

Ronald Campbell's father purchased this property fifteen years ago with the intent of his children moving to the property in the future. City staff had good comments, and Mr. Campbell was not prepared for the Planning Commission's negative recommendation. The applicant felt that some of the Commissioners had a conflict of interest. The Planning Commission approved another application based on the master plan. The Commissioners then chose to go against the

master plan and deny this application. The applicant is proposing nine lots. After the road dedication, the property will be a little under five acres. Councilman Hirschi stated that there is no guarantee that the property will always remain with the family.

Cheryl Reeve lives near this property. They also have acreage they offered to their children to build on. There were open fields across the street for many years, but they will soon be developed to quarter acres. She does understand the rights of property owners to develop their property. Sometimes it becomes unfeasible to take care of a large property, and it is their right to develop it. Nine units on this property size is reasonable, and the irrigation concerns can be addressed.

Jarolyn Stout lives on this road and started by saying the Campbell family is a great family. The citizens contributed their thoughts to the master plan, but the community did not make the plan. The master plan is a suggestion and not the law. Her family bought their property thirty years ago and always adhered to the zoning. It is not fair to other property owners that live there to change the use. There are working historic farms in this area, and infrastructure, irrigation, and drainage are a problem. Other people's property rights should not trump her property rights. She asked the Council to stick to the zoning and listen to the people that voted the Council members in. People are tired of the City catering to developers.

Dale Ballard owns the property across the street. He is concerned because changing this to R1-15 is extreme compared to the current zoning. His father was negatively affected when development started around him. Fields have gophers that dig holes, and the water follows the holes. Most farmers can't afford lawsuits if homes in the area get flooded by their irrigation.

Kelby Iverson appreciates the City Council not exceeding the master plan and using the guidelines. There are many situations in which the master plan is premature. There is a potential that this zone change could become quarter-acre lots in the future. There are historical farms surrounding this property. He would like the Campbells to come back with a proposal for a one-acre subdivision with agricultural land.
Kathy (Campbell's daughter) explained five children want to live on this property. Her dad is in bad health, and her brother is moving home to care for her dad. They want to purchase the land to help with medical costs. They understand irrigation and farming and are just trying to help their parents.

Mayor Billings explained that the master planned road will be developed as development comes in. Property rights go both ways. Councilman Hirschi clarified that the applicant is applying for R1-15 because of land dedication for the road. Stephen Nelson stated the General Plan lists this area as single-family. What they are requesting is the least amount of density. Councilman Thomas stated that the applicant is following the rules by applying for the zone change. People that live here want their children to live here. The best scenario is to subdivide property for their children. It meets the intention of the General Plan. The applicant could do

larger lots if they didn't have to give up property for the road. Councilman Sanders commented that there are good people in this community and that it is sad that some people do not want to be good neighbors. This is for the family to stay together. Councilman Hirschi feels the same as Councilman Sanders. The City Council wants to support the neighbors, but this request is reasonable. Mayor Billings asked if half acres with a PDO would work. Mr. Nelson stated that a PDO would allow flexibility in the lot sizes. However, he is unsure if the applicant will still have nine full lots. It could be potentially be achieved with a density bonus.

Councilman Prete is passionate about agricultural preservation and being family-friendly. The Campbells already have the right to develop four lots in the space. He would like to define the number of lots, which he thinks can be addressed in the development agreement.

Joseph Prete motioned to approve the Zone Change Amendment request located at 825 S 400 W from RA-1, residential agriculture, to R1-15 subject to a development agreement limiting the property to nine lots. Seconded by Dave Sanders. Motion carried with Joseph Prete, Dave Sanders, David Hirschi, and Kevin Thomas voting aye. Doug Heideman voting nay.

8. Ordinance 2022-25: Consideration and possible approval on a **Zone Change Amendment request located at 1200 west and 4600 south from RA-1**, residential agriculture one unit per acre, to RA-0.5, residential agriculture one unit per half acre. Parcel number H-3403-K. Joshua Coen Applicant. Clark Spilker and Pope Engineering Agent.

Joseph Prete motioned to table the Zone Change Amendment request located at 1200 west and 4600 south from RA-1, residential agriculture one unit per acre, to RA-0.5, residential agriculture one unit per half acre. Parcel number H-3403-K. Per the applicant's request. Seconded by Dave Sanders. Motion carried unanimously with Joseph Prete, Dave Sanders, David Hirschi, Doug Heideman, and Kevin Thomas voting aye.

9. Ordinance 2022-28: Consideration and possible approval on a **Zone Change and Development Agreement Amendment PDO update located on the old Colina Tinta project to remove the approved golf course and add more public open space**. Parcel number H-3-2-4-214. WPP Hurricane Land LLC Applicant. Austin Overman Agent

Austin Overman is present. This master planned development is fifteen years old. They included staff in the first meetings when they purchased this property to discuss plans for the amenities. Staff commented that the City would prefer the applicant remove the golf course for water conservation reasons. They will keep the same density and are not seeking a zone change. This is just to remove the golf course. Stephen Nelson discussed the originally approved development. They are providing one hundred acres of open space by eliminating the golf course. The number of homes will not change, but there are more single-family, and fewer multifamily Staff has also asked for additional trails. The initial development agreement entitled

the applicant to have 247 short-term rentals. The new agreement allows the short-term rentals as long as they are developed to the recreational resort standard. Mr. Nelson commented that they would have to provide amenities for the short-term rentals. He discussed the changes to the commercial area within the development. The development agreement states that the commercial will be for neighborhood commercial uses. The applicant would like to have assisted living facilities that are permitted in residential areas in the current code.

Dayton Hall commented that the applicants have proposed revising the development agreement regarding the retirement facility density. The developer is entitled to reimbursement for public facility improvements through the proper process. He is okay with the proposed language. Mr. Nelson reported that there is one water tank on-site, but there has been discussions about adding another. There are also sensitive lands that will have to be approved by the City Engineer. Mr. Hall is concerned because the original development agreement states the City is obligated to exercise the power of eminent domain at the applicant's request. The applicant agreed to remove it.

Dave Sanders motioned to approve the Zone Change and Development Agreement Amendment PDO update located on the old Colina Tinta project to remove the approved golf course and add more public open space. Subject to approval by the City Attorney. Seconded by Joseph Prete. Motion carried unanimously with Joseph Prete, Dave Sanders, David Hirschi, Doug Heideman, and Kevin Thomas voting aye.

10. Consideration and possible approval on an **amended final plat on Angell Heights Phase 4, located at 2153 S Angell Heights Dr**. Robert and Jody Hardesty Applicant. Ryan Scholes - Alpha Engineering Agent.

Stephen Nelson stated that staff recommends approval.

Kevin Thomas motioned to approve the amended final plat on Angell Heights Phase 4, located at 2153 S Angell Heights Dr. Seconded by Doug Heideman. Motion carried unanimously with Joseph Prete, Dave Sanders, David Hirschi, Doug Heideman, and Kevin Thomas voting aye.

11. Discussion regarding **200 South and its current and near future impacts on 1515 West** - Brady Tapp

Brady Tapp stated he built a home in Hurricane because of what the area has to offer. They were aware of what the master plan was but thought it would take many years to develop fully. Zion RV Park was required to include access on 200 South to connect to 1515 West. It was explained that the road was necessary for emergency access. That has not been its function. The road is being used as direct access, and the road is not wide enough for two vehicles. The traffic from the RV park is impacting the neighborhood. Those staying in the RV park are not respecting the noise ordinance. They are intruding on the privacy and safety of the surrounding

homes. The owners of Zions RV have been good to work with, and they are trying to manage the vehicle and pedestrian traffic, however, Ace Hardware may purchase the property next to the RV Park. If that happens, the increased traffic will cause traffic to flow through 1515 West.

Mayor Billings explained that when a road is dedicated, it is a public road that anyone can use. The road is not wide enough because it is not fully developed.

Mr. Tapp stated that roads are necessary to connect this development. He understands that there is access from State Street to the potential Ace Hardware, but most patrons will choose the easiest way to the business, which forces traffic into the residential neighborhood.

Councilman Hirschi stated Tom Kuhlman recommended an emergency crash gate at 1515 West to stop the access. Mayor Billings stated that the emergency crash gates can only be on private property. Dayton Hall explained that the half road was dedicated to the City and cannot be closed unless there is a public hearing and process.

Dale Grange reported that thirteen citizens had waited six hours to speak during this discussion. This is a clear indicator of the vested interest. He feels that when the RV Park was reviewed, the uses were not compatible. He asked for a physical barrier between them. There has been significant vehicle traffic, foot traffic, and trash. People are coming onto his property picking pecans. He asked Council to do something to maintain their quality of life. He appreciates the master plan, but there are times when it might have to be looked at again. Having Ace Hardware in this area will increase traffic, and cars will use the back access. Mayor Billings reported that State Law requires a barrier or road between developments, and the road satisfies the barrier requirements.

Mr. Tapp stated that a barrier is meant to prevent a mixture of uses. A road doesn't serve as a barrier. Councilman Hirschi stated that a crash gate will stop vehicle and pedestrian traffic. Councilman Heideman recommended a block wall along the property because a crash gate will not stop pedestrian traffic. Mayor Billings stated that the City nor the RV park has the funds to pay for a block wall. The RV Park paid to put the road in because it was required. Councilman Thomas feels that the City created a problem when the RV park was approved.

Arthur LeBaron does not have a solution. When 200 South is developed, it will create more traffic through the development. He agrees that the road is not wide enough for two cars to pass. There is also a water line below the half road. The crash gate or block wall could be a solution, but who finances that. Councilman Thomas suggested splitting the cost between the City, citizens, and RV Park owners. Councilman Hirschi proposed researching the cost of a crash gate or block wall.

Casey Lofthouse asked if Zion RV Park is considered a subdivision. Mr. Nelson reported that they did not subdivide their property. Mr. Lofthouse read the definition of subdivision. City

code would require a block wall if this was a subdivision. 200 South was not aligned properly. The alignment was divided between two property lines. Now it is half-built, and if it is developed entirely, a property owner will be faced with an exaction from their property. It should have been moved thirty feet to the north so that homeowners would not have to lose their homes. A master plan should be in harmony with the existing properties. He reported that the road was moved to accommodate business owners, and he questions why it wasn't moved to accommodate residential property. This will force commercial traffic into a subdivision that has been a dead-end road for many years. He sent an email to all of the City Council members. He asked them to read it and find a solution to what he feels has been an oversight of the City.

Mr. LeBaron agreed that eminent domain is a legal tool for the government. Master-planned roads are built as development progresses. However, there are times when the City has to put in a master planned road in areas that developers are not developing. The City tries to split property lines with roadways, which is the case with 200 South. CouncilmanThomas thinks there have been some unanticipated consequences.

Mr. Tapp stated that 1515 W will have to be widened, depending on traffic and development, and there are one-hundred-year-old historic trees there. One resident has a pool that is in the proposed roadway. There are short-term solutions that can work, but long term, there are major impacts and problems with widening 1515 West.

Closed Meeting held pursuant to Utah Code section 52-4-205, upon request.
A closed meeting was not held.

Adjournment: 12:47 a.m.

LONE PINE SUBDIVISION
PRELIMINARY PLAT
PARCEL H-3-2-3-1225
HURRICANE, UTAH
AUGUST 2022

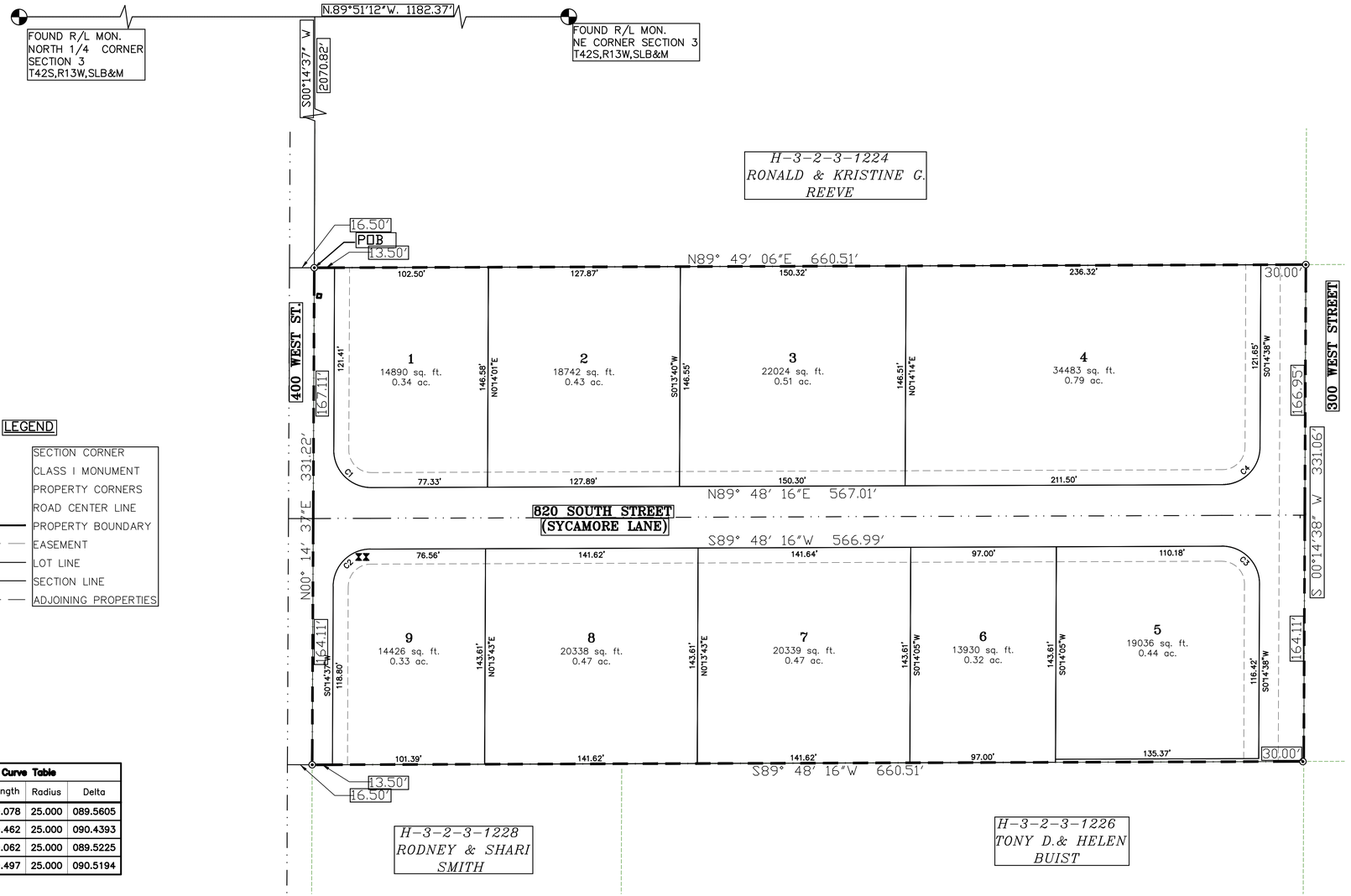
BOUNDARY DESCRIPTION

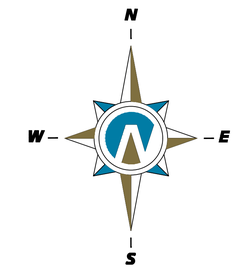
A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 42 SOUTH, RANGE 13 WEST, S.L.B.&M., HURRICANE, UTAH MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF LOT (20), BLOCK EIGHT (8), HURRICANE FIELD SURVEY, AS RECORDED IN THE OF THE OFFICIAL PLAT THEREOF, ON FILE IN THE OFFICE OF THE RECORDER OF WASHINGTON COUNTY, STATE OF UTAH.

MORE PARTICULARLY DESCRIBED AS BEING N89°51'12"W 1182.37 FEET AND S00°14'37"W 2070.82 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 3 TO THE POINT OF BEGINNING;
THENCE N 89°49'06"E 660.51 FEET; THENCE S00°14'38"W 331.06 FEET; THENCE S89°48'16"W 660.51 FEET; THENCE N00°14'37"E 331.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.02 ACRES





(24"x36")
SCALE 1" = 40'
(11"x17")
SCALE 1" = 80'

LEGEND

- SECTION CORNER
- CLASS I MONUMENT
- PROPERTY CORNERS
- ROAD CENTER LINE
- PROPERTY BOUNDARY
- EASEMENT
- LOT LINE
- SECTION LINE
- ADJOINING PROPERTIES

Curve Table

Curve #	Length	Radius	Delta
C4	39.078	25.000	089.5605
C1	39.462	25.000	090.4393
C2	39.062	25.000	089.5225
C3	39.497	25.000	090.5194

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DEVELOPER
FEREL L. & BEVERLY
CAMPBELL
332 W. 400 S.
HURRICANE, UTAH 84737

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NO.	REVISIONS	BY	DATE
5			
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DESIGNED BY:		DATE:	
DRAWN BY:		DATE:	
CHECKED BY:		DATE:	
APPROVED:		DATE:	
COGO FILE:		DATE:	
REV. COGO FILE:		DATE:	

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Northern ENGINEERING INC
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LONE PINE SUBDIVISION

PRELIMINARY PLAT

HURRICANE, UTAH

JOB NO. 3-21-042

SHEET NO. 2-1

Minutes of the Hurricane City Council meeting held on October 20, 2022, 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, David Hirschi, Doug Heideman, and Kevin Thomas. Dave Sanders excused.

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

AGENDA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6:00 p.m. - **Call to Order** –

Mayor Nanette Billings welcomed everyone to the meeting.

Prayer, Thought, and Pledge given by Doug Heideman

Declaration of any conflicts of interest

Councilman Prete declared a conflict of interest with the Elim Valley agenda items.

Consent Agenda

Amended minutes for August 18, 2022

Amended minutes for special meetings February 2, 2022, April 5, 2022, April 13, 2022, and June 14, 2022, adding Doug Heideman as present.

Minutes of the regular City Council meeting for September 15, 2022

Doug Heideman motioned to approve all minutes. Seconded by Joseph Prete. Motion carried unanimously.

Mayor Billings recognized Dayton Hall for his commendable work in his first six months. He is an excellent asset to the City and Staff. She expressed her gratitude to Cindy Beteag and recognized her for her commitment to the community and the City.

Public Forum – Comments From Public

OLD BUSINESS

1. Discussion regarding a **Franchise Agreement between Hurricane City and Infowest**

Mayor Billings acknowledged receipt of Kelly's email. In the email, he asked if the ordinance included an option to renew after fifteen years. Dayton Hall explained this is a discussion item. Mr. Hall revised the proposed agreement to ensure it complies with the recently adopted franchise ordinance. The remaining issue is identifying a timeline for when services will be provided.

Kelly reviewed the map showing the trunk lines. The green lines show the proposed pole line, and the yellow lines represent the underground conduit. They hope to have the system fully built out within five years. Mr. Hall asked the City Council to determine how in-depth the franchise agreement should be and if five years is a reasonable time frame for the completion of services. He reported that fifteen years is the maximum term in the ordinance. He is

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NEW BUSINESS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Public Hearing to take comments on the following:

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

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

No comments

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

No comments

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

No comments

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Adjournment

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

PLANNING & ZONING
HURRICANE CITY
UTAH

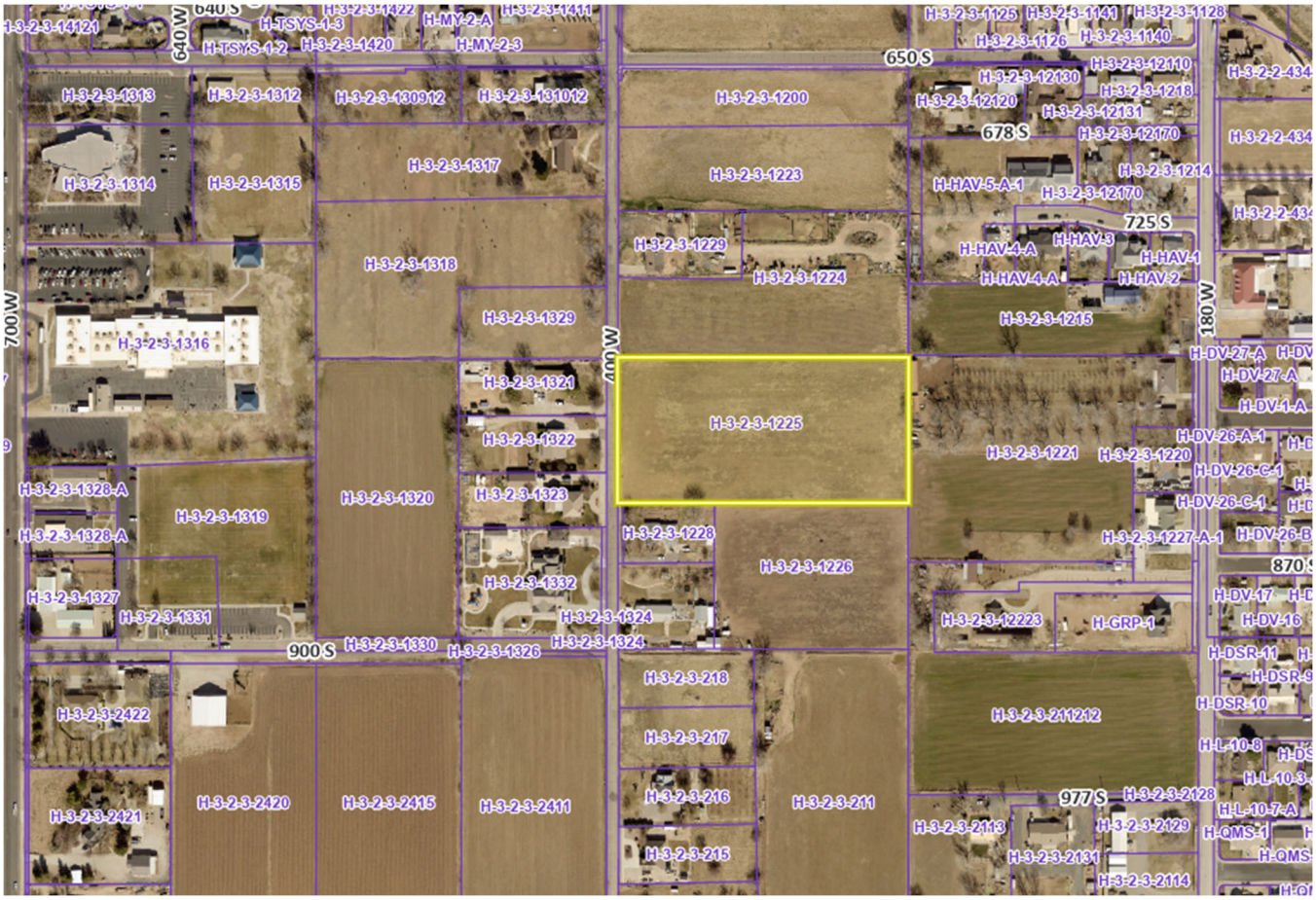
STAFF COMMENTS

Agenda Date:	**10/20/2022**
Application Number:	2022-PP-25
Type of Application:	Preliminary Plat Application
Action Type:	Administrative
Applicant:	Brant Tuttle, Northern Engineering
Agent:	
Request:	Approval of a Preliminary Plat
Location:	400 W 820 S
Zoning:	R1-15
General Plan Map:	Single Family

Planning Commission Recommendation
The Planning Commission gave a recommendation of approval subject to staff and JUC comments, including:

- That the applicant coordinate with power to extend services to the site, including moving the power line to the proper location
- That the applicant coordinates with the canal company for the future placement and improvements for the canal along the east side of the property and coordination with run-off water.

Discussion: The applicant is proposing a nine lot single family subdivision located along 400 W. The zone change for this property was approved earlier this year. A development agreement for the zone change which has been signed which limits this subdivision to nine total lots.



JUC Comments

Public Works: No comments.

Water: Three way valve cluster on 820 South and 400 West. Need to include required secondary irrigation system mirroring culinary water system with tie-in using state approved backflow prevention.

Cable: Need internet fiber note attached to construction plans.

Power: 1 phase power only at this time which is not sufficient, 3 phase power will have to be brought in from 650 South. Easements will need to be obtained in correct locations, Hurricane City Power may be willing to do this as a joint venture.

Sewer: Sewer to storm drain conflict will need to be addressed (if any). Sewer in 300 West alignment planned, please contact the district to coordinate.

Engineering: Hurricane City GIS indicates the existing water line is west of the existing storm drain and storm drain line is 30" existing. Storm drain boxes are preferred over cross gutters. Existing power line and an existing canal water line not called out. A 36" storm drain pipe is shown on Hurricane City's storm drain master plan along 300 W. How will tailwater from the properties to the south be conveyed through the subdivision? Remove "Strawberry Ave" for the final plat, could lead to confusion with addressing. 400 W's existing pavement's condition may require replacement up to 400 W centerline. Rear and side public utility easements can be removed. Proposed 820 S can be a 41' residential minimum cross-section

Streets: Okay with preliminary plat.

Fire: Hydrants spaced 500'. Okay with a temporary hammerhead.

Staff Comments: Preliminary Plat

1. All proposed lots meet the requirements of the R1-15 zone.
    a. Minimum lot sizes in R1-15 is 12,000 sq ft as long as the average lot size is over 15,000 sq ft
        i. Average lot size is 19,556 sq ft
2. 300 West is a master planned roadway that is already existing or dedicated in several areas in this region. Staff has already met with the applicant regarding how improvements to 300 West will be done. Staff recommends that improvements to 300 West not be installed before Ash Creek Sewer District puts in its planned sewer line, but applicant should be required to bond for the improvements.
    a. There is an existing ditch along Future 300 West that will also need to be mitigated.
3. The subdivision will presumably be developed in one phase.
4. A will serve letter from the sanitary and culinary water provider has been provided
5. A note indicating whether the plat is located in a desert tortoise take area has been provided.
6. There are some power alignment issues, especially once other street improvements are installed. The applicant will need to work with the power department to ensure the alignment will work for current and future needs, including obtaining easements.

Recommendation: Staff recommends the City Council review this application based on standards with Hurricane City Code. Staff recommends approval of the preliminary plat subject to staff and JUC comments with the following conditions:

- That the applicant coordinate with power to extend services to the site, including moving the power line to the proper location
- That the applicant coordinates with the canal company for the future placement and improvements for the canal along the east side of the property.

SNOW JENSEN & REECE
A PROFESSIONAL LAW CORPORATION

V. LOWRY SNOW
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LEWIS P. REECE
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OFFICES IN ST. GEORGE, CEDAR CITY AND KANAB

March 9, 2023

Via email dayton@cityofhurricane.com

Dayton Hall, City Attorney
Hurricane City
147 N. 870 W.
Hurricane, UT 84737

Re: Exactions Related to Subdivision Plat
Proposed Lone Pine Subdivision, 400 W. 820 S.

Dear Dayton:

We are writing on behalf of Ron Campbell, owner of Parcel No. H-3-2-3-1225 which is proposed to be subdivided as Lone Pine Subdivision, a nine-lot residential subdivision (the "Subdivision") located at approximately 820 S. on 400 West Street in Hurricane (the "City"). I have enclosed with this letter a copy of the proposed plat, as well as several other documents relevant to the issues discussed in this letter below.

As proposed, the Subdivision is designed to have primary access off of 400 West, which is an existing city street. The proposed plat also includes a partial dedication of the future 300 West, as required by the City. It is our understanding that the planning commission recommended approval of the preliminary plat for the Subdivision back in October of last year. However, our client has also previously approached the City about compensating him for the dedication of 300 West and was rebuffed. City staff have also made clear that the improvement of 300 West is a condition of Subdivision plat approval and recording.

Based on our review of the information provided by my client, 300 West does not currently exist in this area between 650 South and 1080 South, and that if dedicated as currently proposed, the section of 300 West included in the Subdivision will not immediately connect to any other developments save for the Subdivision itself. It also appears that any properties which will abut

upon this partial dedication already have adequate access to public streets, including 180 West Street. Arguably, these surrounding properties may not be developed for several years, if at all, and may never require any additional right of way access—creating the possibility that the dedication of 300 West in the Subdivision may not serve any useful purpose.

It is within this context that our client has raised concerns about the City's position on the dedication and roadway improvements. As noted above, the City has declined to compensate our client for the dedication of half the planned width of 300 West, and is also requiring our client to improve the dedicated portion of the roadway to City road standards. Effectively, the dedication and improvement are being imposed by the City as conditions of the Subdivision approval. We are concerned that, in the context described above, these conditions amount to illegal exactions that cannot legally be imposed upon our client as conditions of the Subdivision approval.

As you are aware, the legal standard for determining what is an appropriate exaction is the "rough proportionality" test. This test allows a municipality to impose an exaction if (a) there is an essential link between a legitimate governmental interest and the exaction; and (b) the exaction is roughly proportionate, in nature and extent, to the impact of the proposed development. This standard is stated in *B.A.M. Development, L.L.C. v. Salt Lake County*, 2012 UT 26, ¶ 17.

We concede that generally speaking, the City has a legitimate governmental interest in the dedication and improvement of new roads, given that the City's interests in promoting the health, safety, and welfare of its citizens generally include ensuring access to new development and the management of traffic impacts. However, in this specific case, the new Subdivision has no need of the 300 West dedication, and in fact no property will benefit from its establishment until some undefined future time when the roadway is extended to connect to other existing roads. There is also no benefit to traffic flows or reduction of impact on existing roadways by the dedication and improvement of this single section of 300 West. Therefore, we believe that the City's legitimate governmental interest in its dedication and improvement is suspect under this test.

We note that in a recent Advisory Opinion 253 issued by the Utah Property Rights Ombudsman, the Ombudsman noted that Utah Code § 10-9a-508(1) states that a "municipality may impose an exaction or exactions *on development proposed in a land use application*..." p. 6 (emphasis in original). He observed that the plain language of the statute means that:

> [T]he City may only consider development proposed in the current land use application. If the law were to allow otherwise, a City may presumably impose disproportionate burdens on developers simply by identifying potential—possibly speculative—development that may occur and that may someday benefit from the imposed requirement, and tie the impact of that future, potential development, to a presently proposed development proposal. This would undoubtably impose an unlawfully disproportionate burden on the proposed development.

Id.

Based on the foregoing, the Ombudsman concluded that "the city may not impose requirements or exactions that consider the anticipated impacts of future development proposals that may or may not materialize in the near term," *id.* In the current situation, the City appears to be requiring a dedication and road improvements that go beyond the impacts of the current development application, and are requiring this portion of 300 West to facilitate future development and road connections that may or may not materialize.

Furthermore, in Advisory Opinion 249, the Ombudsman specifically considered a requirement to dedicate certain roadways based upon a Brigham City ordinance requiring half-width road dedication and improvement for all roadways fronting new development. The Ombudsman noted that "this baseline half-width exaction often fails to account for individual circumstances, and therefore may need to be adjusted in any given case in light of evidence that a specific development's impact does not represent a typical impact," p. 13. Furthermore, "where the development's impact may represent a smaller share of traffic generated or used by the road…there must certainly be some effort on the government's part to quantify findings to parcel out the impact of the proposed development from the rest of the impact of the greater community," *id.* The Ombudsman concluded that where Brigham City had not made any attempt to determine the pending application's "individual impact, apart from general community impacts or the City's own planning needs," *id.* at 14, the city had failed to show the exactions were roughly proportionate and they were therefore illegal.

Because the dedication and improvement of a portion of 300 West is similarly unnecessary to meet the needs of the development application at hand, we believe that conditioning the approval of the Subdivision on them is similarly an illegal exaction.

Our client proposes that the plat approval process can and should move forward with the following understanding:

1. That Hurricane City will compensate Mr. Campbell for the fair market value, to be determined by appraisal, of the portion of 300 West the City is requiring be dedicated with the recording of the Subdivision.

2. That Mr. Campbell will not be required to make any roadway improvements to 300 West as a condition of approval and recording of the Subdivision final plat. We can, if the City desires, explore the completion of such improvements by Mr. Campbell at the City's expense.

To be clear, our client is not seeking any compensation for the partial dedication and improvement of 400 West or the dedication and improvement of 820 South, as we agree that such exactions are appropriate.

We invite the City's response to this letter and the above proposal within ten (10) days of the date hereof. In the event that our client's concerns cannot be resolved in a timely manner, we anticipate that Mr. Campbell will be requesting an advisory opinion from the Ombudsman on these questions, and pursuing legal action if necessary thereafter.

Respectfully,

SNOW JENSEN & REECE, PC

Matthew J. Ence
Victoria Carlton

Enclosures

Mayor
Nanette Billings

City Manager
Kaden C. DeMille

HURRICANE CITY
UTAH

City Council
Joseph Prete
David Sanders
David Hirschi
Kevin Thomas
Doug Heideman

May 12, 2023

Snow Jensen & Reece, PC
Matthew J. Ence
912 West 1600 South, Ste B-200
St. George, Utah 84770
sjlaw@snowjensen.com

RE: Exactions Related to Subdivision Plat
Proposed Lone Pine Subdivision, 400 West 820 South
Ronald Campbell

Dear Mr. Ence:

This letter is in response to your letter dated March 9, 2023, and related to the above-referenced matter. Hurricane City (the "City") has reviewed your client's proposed subdivision plat, the proposed exactions related to the subdivision, and the available opinions and authority pertaining to the exactions and has determined that the proposed exactions are both appropriate and permitted by Utah law.

On May 19, 2022, the subject property consisting of 5.02 acres was awarded a zone change from Residential Agriculture 1-acre ("RA-1) to R1-15 – Single Family 15,000 square foot lots. It is clear from the discussion on May 19, 2022, between the City Council and Ronald Campbell ("Mr. Campbell") that the dedication of the roadways at 400 West and 300 West was assumed to be required for development. The dedication requirement was a stated reason that the R1-15 zoning was being requested instead of a Residential Agriculture 0.5-acre ("RA-0.5") zone because the Campbells would not be able to achieve the desired nine lots with RA 0.5 zoning after the roadways were dedicated to the City. *See* attached May 19, 2022, City Council Meeting Minutes.

On October 20, 2022, the City Council conditionally approved the preliminary plat for the Lone Pine Subdivision. The approval was conditional because it was subject to compliance with comments from City Staff and the Joint Utility Commission ("JUC"). Comments from the Staff and the JUC included the following: (1) 300 West is a planned roadway already existing or dedicated in several areas in the region; (2) staff has already met with the applicant regarding how improvements to 300 West will be done, and staff recommends that 300 West improvements not be installed before Ash Creek Sewer District installs its planned sewer line, but that applicant should be required to bond for the improvements; (3) the existing irrigation ditch through the property and along 300 West will need to be addressed; (4) irrigation tail water flowing through the property will need to be addressed; and (5) the applicant will need to coordinate with the Hurricane Canal Company regarding the placement of improvements for the canal along the east side of the property along 300 West. *See* attached October 20, 2022, City Council Meeting Minutes and Staff Comments.

Consistent with Mr. Campbell's and the City Council's discussion at zone change approval, and consistent

with the conditional approval of the preliminary plat, City staff have maintained that the developer of the subdivision is required to: (1) dedicate and improve a portion 400 West that abuts the subdivision on the west; (2) dedicate and improve a portion of 300 West (30 feet) that abuts the subdivision on the east; and (3) dedicate and improve the portion of 820 South that runs through the middle of the proposed subdivision.

Through your letter, Mr. Campbell is taking a position that requiring Mr. Campbell to dedicate and improve half of 300 West amounts to an illegal exaction. This letter responds to and disputes that position.

"A municipality may impose an exaction or exactions on development proposed in a land use application … if: (a) an essential link exists between a legitimate governmental interest and each exaction; and (b) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development." UCA § 10-9a-508(1). These two different prongs of the exaction analysis are discussed in turn below.

Essential Link

The City has a legitimate governmental interest in the dedication and improvement of 300 West, which is a street that has been designated as a critical route for access, utilities, and drainage.

The City's legitimate government interest in this case is safe and efficient traffic flow for vehicles and pedestrians. Constructing new roadways is a vital component in accomplishing this objective. *See Carrier v. Lindquist*, 2001 UT 105, ¶ 18, 37 P.3d 1112, 1117 ("In order for a government to be effective, it needs the power to establish or relocate public throughways . . . for the convenience and safety of the general public.") *See also* Utah Code § 10-8-8. Moreover, state law authorizes local governments to establish official maps that plan the location of transportation corridors. *See* Utah Code § 72-5-403(2); *see also* Utah Code § 10-9a-401 (allowing a city to plan for transportation needs in its general plan).

The development of 300 West is not a potential or speculative development that may occur or may someday benefit from the imposed requirement. Rather, the City and other utility providers are actively acquiring the rights to complete development of 300 West that would connect to existing roadways. The City has already required dedication of portions of approximately 7 parcels of land on the 300 West alignment in the area of Mr. Campbell's subdivision that will connect the subdivision to other roadways, namely 650 South and 1300 South. Furthermore, the Ash Creek Special Service District has already acquired a 30' Sewer Line Easement over the portion of 300 West that Mr. Campbell is being required to dedicate as part of the subdivision. *See* Sewer Line Easement, recorded with the Washington County Recorder on April 13, 2021, as Document No. 20210026437. Government has a legitimate interest in locating sewer lines, drainage systems, and canal systems within dedicated public streets so as to preserve access for repairs and maintenance of the utilities.

Accordingly, the essential link portion of the rough proportionality test is satisfied.

Rough Proportionality in Nature and Extent

The 'nature' aspect of the rough proportionality analysis focuses on the relationship between the anticipated impact and proposed exaction. *See B.A.M. Development, LLC v. Salt Lake County (BAM II)*, 2008 UT 74 ¶ 9. The Utah Supreme Court explained that "the impact is the problem, or the burden that the community will bear because of the development. The exaction should address the problem. If it does, then the nature component has been satisfied." *See id.* ¶ 10.

In the case of Mr. Campbell's proposed subdivision, there are several resulting problems and burdens that must be addressed—which will be addressed through the dedication and improvement of the east 30' of the property. First, the eastern portion of the property is subject to a historical and prescriptive drainage easement for drainage and flood irrigation tail water. The development of a subdivision on the property will interfere with that historical drainage and prescriptive use, as noted in the attached City Staff and JUC reports associated with the property. City standards require that storm drain systems in new developments account for upstream drainage and flows. Section 3.4 of the Hurricane City Standards for Design & Construction states that "all of the drainage basin upstream of the proposed development should be analyzed for the conditions of new and/or planned development." The dedication and improvement of a portion of 300 West is necessary for Mr. Campbell to comply with the City's development standards and for the City to account for and to convey this historical drainage through the property and convey it to downstream drainage facilities.

Second, the eastern portion of the proposed subdivision is subject to an existing canal company easement. The proposed development will interfere with that existing easement, unless it is accounted for and preserved. The dedication of a portion of 300 West is necessary for the City and the Hurricane Canal Company to preserve and maintain access to the existing canal facilities.

Third, the additional density in this area of the City will create a traffic burden that will need to be alleviated. Currently, the sole means of accessing the proposed development is from 400 West, which is essentially a farm road with no curbs, with no gutters, and with a width much narrower than approved City cross sections. The proposed nine lot subdivision will result in approximately 90 additional trips per day, which is a relatively high number of trips given the rural area of the City and the inferior nature of the existing 400 West. The construction of 300 West, the acquisition of which is currently underway, will serve the inhabitants of the nine lots and will help alleviate the current problematic access to the proposed subdivision.

For these reasons, the 'nature' aspect of the rough proportionality test is satisfied because the dedication and improvement of half of 300 West will address and help resolve several problems that the proposed subdivision will create.

The 'extent' aspect of the rough proportionality analysis measures the impact against the proposed exaction in terms of cost. *See id.* ¶ 11. The Utah Supreme Court explained that 'roughly proportional' means 'roughly equivalent'. *See id.* ¶ 8. Thus, in order to be valid, the cost of an exaction must be roughly equivalent to the cost that the City would incur to mitigate impacts attributable to development. The Utah Supreme Court has been clear that "[n]o precise mathematical calculation is required." *Dolan v. City of Tigard*, 512 U.S. 374, 392.

Hurricane City is only requiring the dedication and the improvements necessary to offset the City's cost to address the impacts of the proposed subdivision. 300 West is a roadway needed to connect the proposed subdivision to 650 South, an existing improved roadway. Mr. Campbell is being required to dedicate half of the width of the roadway, as have other property owners along the same corridor. Similarly, Mr. Campbell is being required to improve the portion of the roadway abutting his property. As each developing property owner dedicates and improves half of the roadway, each developer will pay their proportionate share of the road.

Looking more closely at the value of the portion of 300 West to be dedicated to the City, it is important to note that the entire area is already encumbered by a 30' Sewer Line Easement. Hurricane City Code

section 10-37-8 provides that "[n]o dwelling, main building, or permanent accessory building shall be located within a recorded easement area." A standard view by land appraisers is that one utility easement would reduce the fair market value of land by 50%. But in this case, the land is also encumbered by a canal easement and is subject to historical drainage flows, which further devalues the property. Finally, it should be understood that if Mr. Campbell were not required to dedicate half of 300 West, then he would be required to dedicate a cul-de-sac to the City for access pursuant to the fire code, which would occupy a large portion of property that the City is requiring for dedication. Furthermore, Mr. Campbell would still be required to extend 820 South to the east property line to comply with the City ordinance requiring connectivity to adjoining properties. In other words, if 300 West is not dedicated, then the fire code and the City's ordinances requiring the extension of new platted roads to adjoining properties would require a similar dedication. *See* Hurricane City Ord. section 10-39-11(A) (requiring the continuation of streets to adjoining areas).

The area of 300 West to be dedicated to the City equals approximately .23 acres. Other properties in this area of the City have recently appraised for approximately $90,000 per acre. Therefore, if the .23 acres was unencumbered and not otherwise subject to cul-de-sac requirements, the full value would be approximately $20,700. However, because the property is currently encumbered by multiple easements, and because the dedication of a cul-de-sac to meet fire code would be required in lieu of dedication of 300 West, the value of the property is reduced by an estimated 80%, which results in a value of $4,140.

Obviously, if the City were to purchase the property to provide access to Mr. Campbell's subdivision, the cost to the City would be the same estimated amount of $4,140. Similarly, whether the improvements within 300 West serving Mr. Campbell's subdivision are installed by the City or by Mr. Campbell, the cost will be the same.

However, for argument's sake, the scenario in which 300 West is not completed could be considered. In this scenario, the current roadway of 400 West would need to be substantially improved in large part due to the increased traffic resulting from Mr. Campbell's subdivision. Additionally, even if 300 West was not completed, Mr. Campbell would still be required to install appropriate improvements to address the historical drainage across the east portion of his property. Finally, even if 300 West were not constructed, Mr. Campbell would be required to dedicate 820 West to the adjoining property to the east. Therefore, even in the untenable scenario in which 300 West is not constructed, it is the City's determination that the proportion of the cost to the City to improve 400 West from a farm road to City standards necessitated by 90 additional daily trips generated from Mr. Campbell's subdivision would be in excess of the value of the land to be dedicated and the associated improvements.

For all of the above reasons, the City's position on this matter is in conformity with the requirements of Utah Code Section 10-9a-508.

Sincerely,

/s/ Dayton Hall
Dayton Hall
Hurricane City Attorney

HURRICANE CITY
UTAH

STAFF COMMENTS

Ordinance ZC23-15: Consideration and possible approval of a **Zone Change Amendment request located at 1300 W 3000 S from RA-1, residential agriculture one unit per acre, to PF, public facility.** This change will affect a portion of parcel number H-3394-B-1. John Bramall Applicant. JJ Allred/Lance Hutchings Agent

Discussion:
The applicant is seeking a zone change for 22.96 acres from RA-1 to Public Facility on property directly south of 3000 S. The applicant has indicated that they would like to build an athletic training facility however that indication will not be binding and the applicant would be able to do any commercial use approved under the Public Facility code. The applicant initially applied for a commercial zone but at the direction of the Planning Commission applied for a more restrictive Public Facility zone.
The Planning Commission unanimously recommended approval of this zone change subject to utility availability and staff and JUC comments. The Planning Commission believed that this proposal would most likely lessen the overall impact on the utility needs in the area.

Findings:

Recommendation:

Attachments:
1. Copy of Application
2. Copy of Affidavit
3. Copy of Labels
4. Copy of Legal Description
5. Copy of Mailing Map
6. Hurricane Build Dept_20230627_160136
7. ZC23-15 Hurricane Elite Athletic Training COUNCIL
8. CHAPTER_17___OPEN_SPACE_AND_PUBLIC_FACILITY_ZONES
9. Ordinance ZC23-15 Hurricane Elite Athletic Training

PLANNING & ZONING
HURRICANE CITY
UTAH
147 N 870 W Hurricane UT
PHONE: 435.635.2811 FAX: 435.635.2184

ZONE CHANGE APPLICATION

Hurricane Elite Athletic Training

For office use only: $500.00 Fee
File No. _____
Receipt No. _____

Name: John Bramall LLC Telephone: _____

Address: 1375 W. 3150 So. Land 1300 W. 3000 So. ~~Fax No:~~ Cell 435-632-4754

Email: johnbramall@gmail.com Agent Email: lancehutchings@yahoo.com

Agent (If Applicable): JJ Allred / Lance Hutchings Telephone: 435-619-9580

Address/Location of Subject Property: 1300 W. 3000 South - South Side

Tax ID of Subject Property: _____ Existing Zone District: A-1 Zoned MU or R1-10,000

Proposed Zoning District and reason for the request (Describe, use extra sheet if necessary) Commercial Athletic Training Center

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. kml
✓ c. All abutting properties showing present zoning classifications. kml
✓ d. An accurate legal description of the property to be rezoned. kml
✓ 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 Tim

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: _____

H.E.A.T. Owners

John Bramall

1375 W 3150 S

Hurricane UT 84737

JJ Allred

962 S 990 W

Hurricane UT 84737

Lance Hutchings

730 S 775 W

Hurricane UT 84737

AFFIDAVIT
PROPERTY OWNER

STATE OF UTAH)
:ss
COUNTY OF Washington

I (we), John Bramall LLC, 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.

John Bramall
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 31st day of May 2023

Stacy Britt
(Notary Public)

Residing in: St George, UT

My Commission Expires: May 14, 2025

Notary Public - State of Utah
STACY BRITT
Comm. #717623
My Commission Expires
May 14, 2025

Agent Authorization

I (we), John Bramall, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Lance, JS 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.

John Bramall
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 31st day of May 2023

Stacy Britt
(Notary Public)

Residing in: St George, UT

My Commission Expires: May 14, 2025

Notary Public - State of Utah
STACY BRITT
Comm. #717623
My Commission Expires
May 14, 2025

DIAMOND EDGE CONSTRUCTION LLC
H-3396-C
301 S MAIN
BLANDING, UT 84511

STRATTON TODD C TR
H-3395-B-P-SA
3125 S 1100 W
HURRICANE, UT 84737-2528

HARDYS GREEN ACRES LLC
H-3368-A
2149 E 170 S CIR
SAINT GEORGE, UT 84790

HURRICANE CITY
H-3397
147 N 870 W
HURRICANE, UT 84737-1671

FLANDERS MATT
H-3396-A
26941 AUSTIN RD
HOWARD, OH 43028

HURRICANE CITY, ET AL
H-3396
147 N 870 W
HURRICANE, UT 84737-1671

HURRICANE CITY, ET AL
H-3395
147 N 870 W
HURRICANE, UT 84737-1671

BRAMALL CONSTANCE POLVE TR
H-3394-F
1375 W 3150 S
HURRICANE, UT 84737

Kelby Iverson
H-3-2-15-330
1502 S 325 W
HURRICANE, UT 84737

Clayton Barton
H-3-2-22-440
184 S 1150 W
HURRICANE, UT 84737

RCP INV LLC
H-3396-B
14711 S MAPLE PARK CT
DRAPER, UT 84020

COPPER ROCK PROPERTIES LC
H-3394-C
PO BOX 160
HURRICANE, UT 84737-0160

JOHN BRAMALL LLC
H-3394-B-1
1375 W 3150 S
HURRICANE, UT 84737

DIAMOND EDGE CONSTRUCTION LLC
H-3396-D
301 S MAIN
BLANDING, UT 84511

BIRD MICHAEL W & MARY I
H-3354-C
1182 W 3000 S
HURRICANE, UT 84737

HURRICANE CITY
H-3-2-6-320
147 N 870 W
HURRICANE, UT 84737-1671

HURRICANE CITY
H-3-2-16-230
147 N 870 W
HURRICANE, UT 84737-1671

JOHN BRAMALL LLC
H-3394-B-1
1375 W 3150 S
HURRICANE, UT 84737

BLUE MOUNTAINS PROPERTY ENTERPRISES LI
H-3394-J-1
256 N 200 W
BLANDING, UT 84511-3618

DIAMOND EDGE CONSTRUCTION LLC
H-3394-B-1-B
256 N 200 W
BLANDING, UT 84511

OMAN PROPERTIES LLC
H-3394-B-1-A
14340 S 3600 W
BLUFFDALE, UT 84065

BIRD MICHAEL WILLIAM & MARY IRENE TRS
H-3354-A
1182 W 3000 S
HURRICANE, UT 84737-2567

D&R INVESTMENT PROPERTIES LLC
H-3358-D
2920 S 925 W
OGDEN, UT 84401

GGTT I L C
H-3394-A-8
4750 COPPER SAGE ST
LAS VEGAS, NV 89115

H-3394-B-1 Lot Legal Description

LESS: BEG CTR 1/4 COR SEC 21 T42S R13W; TH N0*15'52 W ALG C/S/L 590 FT; TH N89*49'35 E 738.30 FT; TH S0*15'52 E 590 FT TO PT ON E/W C/S/L SEC 21; TH S89*49'35 W 738.30 FT TO POB.

ALSO: BEG AT E1/4 COR SEC 21, T42S R13W; TH S89*49'35" W ALG C/S/L DIST OF 637.19 FT TO PT IN CTR LN OF EXST RDWY, (FOL 6 COURSES ALG SD CTR LN); TH N23*53'26" E DIST OF 473.52 FT; TH N26*23'31" E DIST OF 121.20 FT; TH N31*40'06" E DIST OF 40.60 FT; TH N36*15'44" E DIST OF 412.81 FT; TH N34*36'38" E DIST OF 99.03 FT TO PT OF CURV OF 442.00 FT RAD CUR LT, RAD PT BEARS N57*11'00" W; TH NLY ALG ARC OF SD CUR DIST OF 162.70 FT, THRU CTL ANG OF 21*05'27" TO PT ON E LN OF SD SEC 21; TH S00*25'38" E DIST OF 1138.26 FT TO POB.

LESS: (H-3394-H) BEG AT E1/4 COR SEC 21, T42S R13W; RN TH N89*51'57" W 601.56 FT ALG C/S/L TO PT ON PROP E R/W OF 66.00 FT WD PUBLIC STREET; TH DEPART SD SEC/L RN NELY ALG SD PROP R/W FOL 4 COURSES, (1) N24*33'46" E 530.62 FT TO PT OF CURV OF 467.00 FT RAD CUR RT; TH (2) 97.51 FT ALG ARC OF SD CUR THRU A CTL ANG OF 11*57'50"; TH (3) N36*31'36" E 398.37 FT TO PT OF CURV OF A 635.21 FT RAD CUR LT; TH (4) 200.62 FT ALG ARC OF SD CUR THRU CTL ANG OF 18*05'46" TO PT ON E SEC/L OF SD SEC 21; TH DEPART SD PROP R/W S00*07'09" E 1065.22 FT TO POB.

ALSO: COM AT E1/4 COR SEC 21 T42S R13W; TH S89*49'35" W ALG C/S/L DIST OF 637.19 FT TO POB; SD PT BEING IN CTR LN OF EXST RDWY; TH S89*49'35" W ALG SD C/S/L DIST OF 467.80 FT; TH N00*20'44" W DIST OF 754.14 FT; TH N89*49'35" E DIST OF 870.83 FT, TO PT IN CTR LN OF SD EXST RDWY, (FOL 4 COURSES ALG SD CTR LN); TH S36*15'44" W DIST OF 222.33 FT; TH S31*40'06" W DIST OF 40.60 FT; TH S26*23'31" W DIST OF 121.20 FT; TH S23*53'26" W DIST OF 473.52 FT TO POB.

LESS: (H-3394-J) BEG AT PT N89*51'57" W & 674.05 FT ALG C/S/L FM E1/4 COR SEC 21 T42S R13W; RN TH N89*51'57" W ALG SD C/S/L 648.38 FT; TH DEPART SD SEC/L N21*45'36" W 633.52 FT; TH S89*51'57" E 1159.73 FT TO PT ON W PROP R/W OF 66.00 FT WD PUBLIC STREET SD PT BEING ON CURV OF 533.00 FT RAD CUR CTR BEARS S55*53'32" E; TH SWLY ALG SD PROP R/W FOL 2 COURSES, (1) SWLY 88.79 FT ALG ARC OF SD CUR THRU CTL ANG OF 09*32'42"; TH S24*33'46" W 560.60 FT TO POB.

LESS: BEGINNING AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 42 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 00*25'43" EAST ALONG THE SECTION LINE A DISTANCE OF 40.00 FEET;THENCE SOUTH 89*52'35" WEST A DISTANCE OF 2637.90 FEET, TO A POINT ON THE CENTER SECTION LINE OF SAID SECTION 21; THENCE NORTH 00*15'52" WEST ALONG SAID LINE, A DISTANCE OF 40.00 FEET TO THE SOUTH 1/4 CORNER OF SAID SECTION 21;

THENCE NORTH 89*52'35" EAST, ALONG THE SECTION LINE A DISTANCE OF 2637.99 FEET, TO THE POB.

LESS PARCEL 1 FROM DOC 20210009087: (H-3395) BEGINNING AT A POINT WHICH IS SOUTH 00°43'07" WEST 40.00 FEET ALONG THE EAST SECTION LINE FROM THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 42 SOUTH, RANGE 13 WEST OF THE SALT BASE AND MERIDIAN, THENCE ALONG SAID EAST SECTION LINE SOUTH 00°43'07" WEST 1271.78 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1245.00 FEET; THENCE SOUTHWESTERLY 198.49 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 09°08'04", THE RADIAL DIRECTION BEARS NORTH 73°49'47" WEST, TO THE POINT OF TANGENCY; THENCE SOUTH 25°18'17" WEST 633.35 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 468.32 FEET; THENCE SOUTHWESTERLY 95.94 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 11°44'15", THE RADIAL DIRECTION BEARS SOUTH 52°50'26" EAST, TO A POINT OF NON-TANGENCY; THENCE SOUTH 25°23'20" WEST 530.34 FEET; THENCE NORTH 89°01'52" WEST 72.48 FEET; THENCE NORTH 25°23'22" EAST 560.31 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 533.00 FEET; THENCE NORTHEASTERLY 89.06 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 09°34'26", THE RADIAL DIRECTION BEARS SOUTH 64°36'38" EAST, TO A POINT OF NON-TANGENCY; THENCE NORTH 89°01'52" WEST 23.70 FEET; THENCE NORTH 25°18'17" EAST 649.63 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 1155.00 FEET; THENCE NORTHEASTERLY 495.62 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 24°35'10" TO THE POINT OF TANGENCY; THENCE NORTH 00°43'07" EAST 940.31 FEET; THENCE SOUTH 88°59'28" EAST 45.00 FEET TO POB.

LESS PARCEL 2 FROM DOC 20210009087: (H-3396) BEGINNING AT A POINT WHICH IS SOUTH 00°43'07" WEST 1311.78 FEET ALONG THE EAST SECTION LINE FROM THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 42 SOUTH, RANGE 13 WEST OF THE SALT BASE AND MERIDIAN, THENCE ALONG SAID EAST SECTION LINE SOUTH 00°43'07" WEST 55.95 FEET; THENCE SOUTH 19°15'24" WEST 197.52 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 569.21 FEET; THENCE SOUTHWESTERLY 144.30 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°31'31" TO A POINT OF NON-TANGENCY; THENCE SOUTH 36°51'03" WEST 126.16 FEET; THENCE NORTH 25°18'17" EAST 317.14 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 1245.00 FEET; THENCE NORTHEASTERLY 198.49 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 09°08'04" TO POB.

LESS PARCEL 3 FROM DOC 20210009088: (H-3397) BEGINNING AT A POINT WHICH IS SOUTH 00°43'07" WEST 1367.73 FEET ALONG THE EAST SECTION LINE FROM THE

NORTHEAST CORNER OF SECTION 21, TOWNSHIP 42 SOUTH, RANGE 13 WEST OF THE SALT BASE AND MERIDIAN, THENCE ALONG SAID EAST SECTION LINE SOUTH 00°43'07" WEST 207.59 FEET TO A NORTHERLY CORNER OF THE BLUE MOUNTAINS PROPERTY ENTERPRISES, LLC PROPERTY WITH PARCEL ID H-3394-H SAID POINT ALSO BEING A POINT ON THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 635.21 FEET; THENCE ALONG THE NORTHWESTERLY BOUNDARY OF SAID BLUE MOUNTAINS PROPERTY ENTERPRISES, LLC PROPERTY THROUGH THE FOLLOWING TWO (2) COURSES: SOUTHWESTERLY 201.33 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 18°09'35", THE RADIAL DIRECTION BEARS NORTH 70°48'24" WEST, TO A POINT OF NON-TANGENCY; THENCE SOUTH 37°21'08" WEST 399.94 FEET; THENCE NORTH 25°18'17" EAST 316.21 FEET; THENCE NORTH 37°21'10" EAST 90.70 FEET TO A POINT ON THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 569.21 FEET; THENCE NORTHEASTERLY 179.78 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 18°05'47", THE RADIAL DIRECTION BEARS NORTH 52°38'49" WEST, TO THE POINT OF TANGENCY; THENCE NORTH 19°15'24" EAST 197.52 FEET TO THE POB.

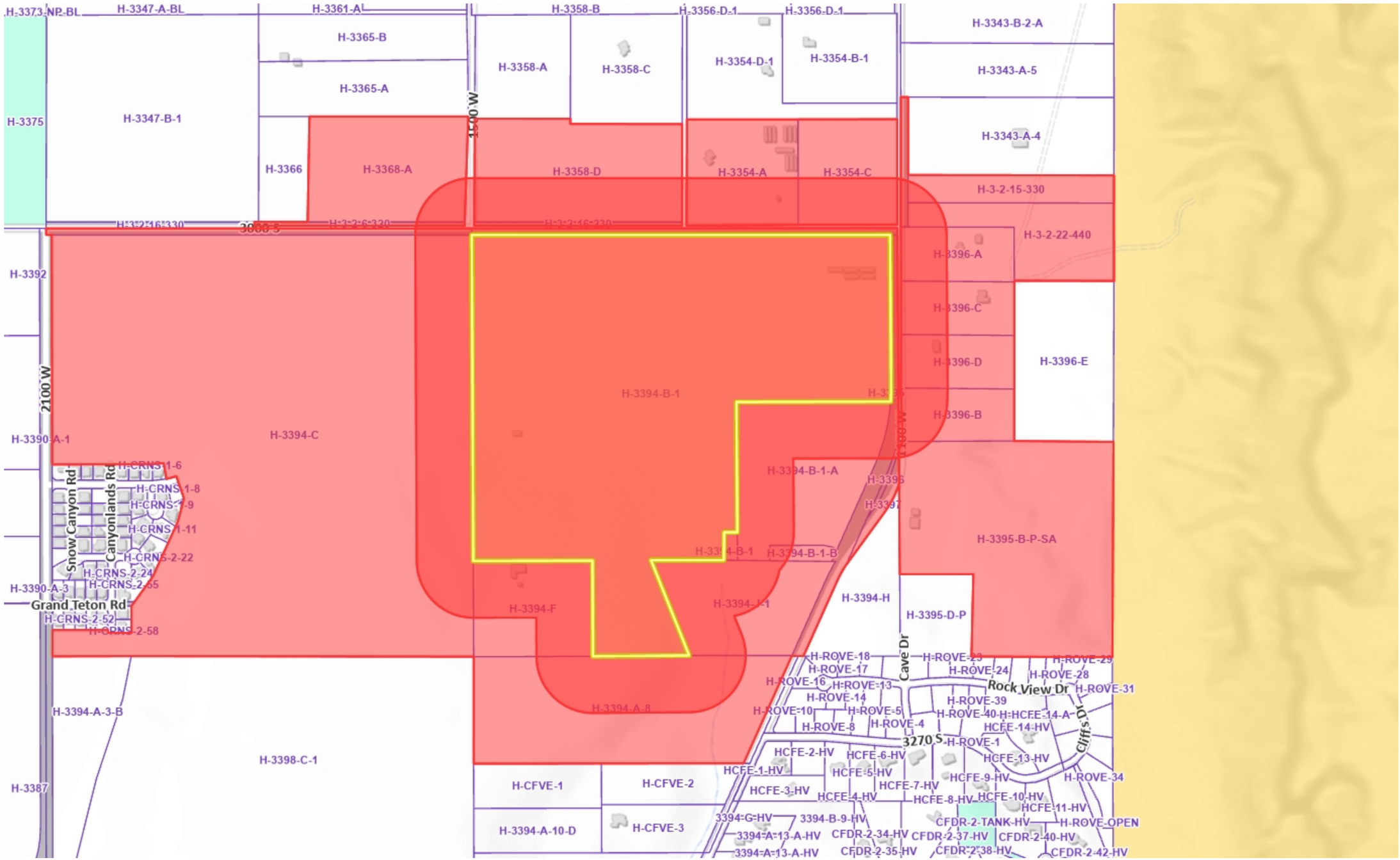
LESS FROM DOC 20210020069:
BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY OF THE PROPOSED 1100 WEST STREET, (AND AS CONVEYED TO THE CITY OF HURRICANE BY WARRANTY DEEDS ENTRY NO'S 20210009087 AND 20210009088), SAID POINT LIES SOUTH 00°07'41" EAST ALONG THE SECTION LINE 1068.14 FEET AND DUE WEST 48.35 FEET, FROM THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 42 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE ALONG SAID LINE THE FOLLOWING TWO (2) COURSES: 1) SOUTHERLY ALONG A 1155.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, (LONG CHORD BEARS SOUTH 14°20'56" WEST A DISTANCE OF 405.48 FEET), CENTER POINT LIES NORTH 85°45'39" WEST THROUGH A CENTRAL ANGLE OF20°13'09", A DISTANCE OF 407.59 FEET; AND 2) SOUTH 24°27'30" WEST 566.93 FEET; THENCE NORTH 65°38'28" WEST 32.32 FEET; THENCE WESTERLY ALONG A 125.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, (LONG CHORD BEARS NORTH 77°36'11" WEST A DISTANCE OF 53.15 FEET), CENTER POINT LIES SOUTH 24°24'20" WEST THROUGH A CENTRAL ANGLE OF24°33'02", A DISTANCE OF 53.56 FEET; THENCE NORTH 89°52'34" WEST 335.50 FEET; THENCE SOUTH 00°07'41" EAST 100.00 FEET; THENCE NORTH 89°52'34" WEST ALONG SAID LINE 201.00 FEET; THENCE NORTH 00°07'41" WEST 985.05 FEET; THENCE SOUTH 89°52'34" EAST 955.05 FEET TO THE POINT OF BEGINNING.

LESS FROM DOC 20210030179:
PARCEL 4: ADJUSTED PARCEL H-3394-B-1(LABELED AS SUCH FOR REFERENCE ONLY) COMMENCING AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 42 SOUTH, RANGE 13 WEST, SALT LAKE BASE & MERIDIAN; THENCE S00°07'41"E ALONG THE EAST SECTION LINE 1977.02 FEET; THENCE WEST 385.60 FEET TO THE POINT OF BEGINNING; THENCE S24°27'44"W, ALONG THE WEST RIGHT-OF-WAY

LINE OF 1100 WEST, 82.79 FEET; THENCE N89°52'34"W 382.35 FEET; THENCE N00°07'41"W 100.00 FEET; THENCE S89°52'34"E 335.50 FEET; THENCE EASTERLY ALONG THE ARC OF A 125.00 FOOT RADIUS CURVE TO THE RIGHT 53.56 FEET THROUGH THE CENTRAL ANGLE OF 24°33'02" (CHORD BEARS: S77°36'11"E 53.15 FEET); THENCE S65°38'28"E 32.32 FEET TO THE POINT OF BEGINNING.

THE AREA TO BE REZONED WOULD BE APPROXIMATELY A 1000 FEET BY 1000 FEET (22.96 ACRES) SQUARE SECTION STARTING FROM THE NORTH BOUNDARY LINE OF PARCEL H-3394-B-1, 1000 FEET WEST FROM THE NORTHEAST CORNER OF THE PARCEL AND EXTENDING SOUTH INTO THE CENTER OF THE PARCEL.

Mailing Map



Legend

Parcels

Ownership

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

Notes

1,504.7 0 752.33 1,504.7 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

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

Hunt Map
Layers

HURRICANE CITY

3000 South

(Private)

150' x 100'
HITTING CENTER
15,000

Total
43,000 ft²

180' x 160'
INDOOR TURF & GYM
28,000 ft²

PICKLEBALL

23.5 ACRES

FOOTBALL

FOOTBALL

SOFTBALL

SOFTBALL

BASEBALL

BASEBALL

DIAMOND
EDGE
CONSTRUCTION
LLC

43,560 ft²/acre

PLANNING & ZONING
HURRICANE CITY
UTAH

STAFF COMMENTS

Agenda Date:	**07/20/2023**
Application Number:	ZC23-15
Type of Application:	Zone Change
Action Type:	Legislative
Applicant:	John Bramall
Agent:	JJ Allred / Lance Hutchings
Request:	A Zone Change Request from RA-1 to PF
Location:	1300 W 3000 S
Zoning:	RA-1
General Plan Map:	Planned Community

Planning Commission Recommendation:
The Planning Commission unanimously recommended approval of this zone change subject to utility availability. The Planning Commission believed that this proposal would most likely lessen the overall impact on the utility needs in the area.

Update 07/13/2023: At the Planning Commission's previous meeting the Planning Commission continued this item to discuss instead requesting a Public Facility zoning and present the proposed site plan to the JUC. The Public Facility zoning would still allow for the athletic training complex that they are proposing but would be a stricter zoning that would restrict the possible uses should this athletic training facility not be constructed as proposed. The following report has been updated to match the new request.

Discussion:
The applicant is seeking a zone change for 22.96 acres from RA-1 to PF on property directly south of 3000 S. The applicant has indicated that they would like to build an athletic training facility however that indication will not be binding and the applicant would be able to do any commercial use approved under the Public Facility code.

	Zoning	Adjacent Land Use
North	A-5, RA-1	Agricultural property and scattered single family homes

East	RA-1, RA-0.5	Farm fields and undeveloped property
South	RA-1	Farm fields and undeveloped property
West	RA-1, R1-10 PDO	Farm fields, approved Copper Rock PDO

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

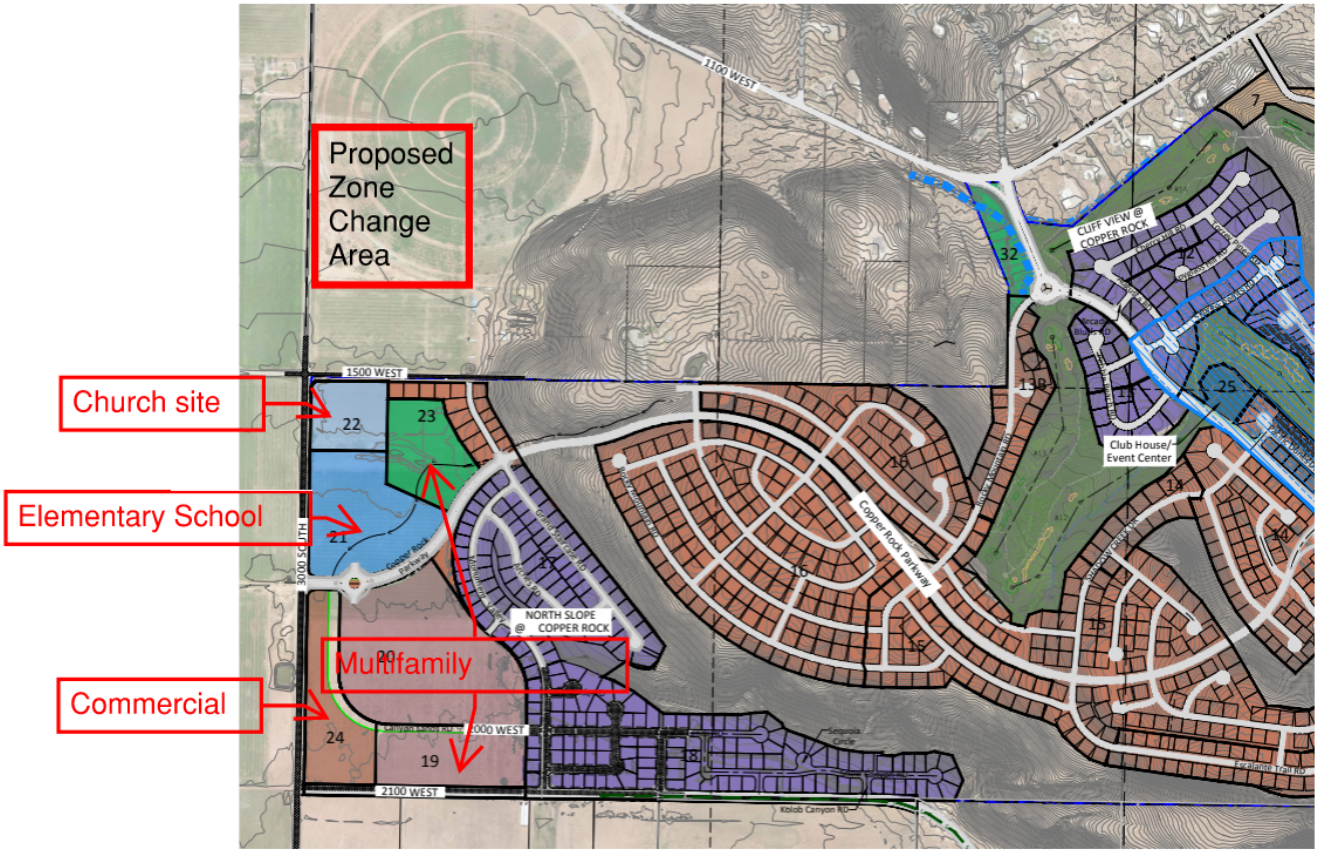
Response: The General Plan Map shows this area as Planned Community:

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

The Public Facility zoning allows for a range of uses that would be counted as “supporting uses” in the description above. This zoning complies with the General Plan

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

Response: Most of the surrounding property is zoned and used for agriculture. A Public Facility use could be very harmonious with what is planned nearby as part of the Copper Rock master plan.



Copper Rock Master Plan (Approved May 2021)

3. Will the proposed amendment affect the adjacent property?

Response: Any new development on the property will likely have some impact on the surrounding properties. 3000 S is not currently at full build out. A 20+ acre athletic training center would most likely have a large traffic impact on the area.

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

Response: No. There are currently inadequate utilities in this area for all the proposed developments in this part of town. The City has plans in motion to bring sufficient capacity for power and water for the region but that will require significant investment in right-of-way acquisitions and large pieces of infrastructure. The City Council has denied several zone changes in this area for inadequate public facilities.
Any new approved development in this area would increase the needed utilities in the area since this is currently a farm field. However it is possible that an open space development like this could be less impactful on utilities than a residential development.

JUC Comments

1. **Public Works:** Right of way and improvements for 3000 S.
2. **Power:** Capacity to the area is currently unavailable and will not move forward with construction plans until the owner/developer talks to the power department about possible solutions to this problem. Hurricane City Power will need to know load calculations.
3. **Water:** Okay
4. **Streets:** Okay with zone change. One current access off 3000 S.
5. **Sewer:** No exceptions to zone change
6. **Engineering:** The applicant should consider access management local road network design when determining the boundary of the proposed zone change. The proposed zone change fronts a minor arterial and it appears Rock Hollow has proposed some local residential streets on the zone change's south side. Engineering would encourage consulting a traffic engineer. Storm drain master plan must be coordinated with the zone change's parent parcel. Will only be able to do about three entrances off 3000 S. Throat length should be at least 150' with 300' desirable.
7. **Fire:** Okay
8. **Gas:** No comments
9. **Cable:** No comments
10. **Water Conservancy:**Washington County Water Conservancy District hereby acknowledges that based on the information provided, the zone change 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.

Other Considerations:

1. The stated purpose of the Public Facility zone is: *"The purpose of the PF zone is to provide areas for facilities owned by public and quasi-public entities and which utilize relatively large areas of land. This zone is intended to provide immediate recognition of such areas on the official zoning map. Typical uses in this zone are cemeteries, hospitals, open air theaters, public parks, public schools, and public utility facilities."* (HCC 10-11-2(F))
2. The applicant has stated that they would like to do an "athletic training center" if this zone change is approved the property owner and/or any future property owner could use the property for any use permitted under the PF zone. This includes but is not limited to:
    i. *Auditorium or stadium*
    ii. *Church*
    iii. *School/College/University*
    iv. *Park*
    v. *Post Office*
    vi. *Police Station*

vii. *Reception Center*
viii. *Child care center*
ix. *Recreation and entertainment, outdoor*

b. The full use table is attached to the report

Findings:
Staff makes the following findings:

1. The proposed amendment is not compatible with the General Plan Map but may be compatible with some of it's goals and recommendations.
2. The proposed amendment is not generally in harmony with existing development but that may change as this area builds out.
3. The proposed amendment could potentially have a major impact on surrounding properties.
4. Services are not currently available. This zone change may lessen or increase the impact on services in the area.

Recommendation: Staff recommends the City review this application and the zone change based on standards and considers residents' comments at the public hearing. While staff is generally supportive of the proposed plan as presented, staff would encourage the Planning Commission to consider the possible impact of this zone change on the utility and service capacity in this area of town.

CHAPTER 17 OPEN SPACE AND PUBLIC FACILITY ZONES

Sec. 10-17-1. Purpose.

See section 10-11-2 of this title.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-17-2. Scope.

The provisions of this chapter shall apply to any real property located in an open space or public facility zone as shown on the official zoning map. No building, structure or real property shall be used and no building or structure shall be hereafter erected, structurally or substantially altered, or enlarged except as set forth in this chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, this Code, or other laws.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-17-3. Uses allowed.

A. *Permitted and conditional uses.* Permitted and conditional uses allowed within open space or public facility zones shall be as set forth in table 10-17-1 of this section. Permitted and conditional uses are indicated by a "P" or "C," respectively, in the appropriate column. Uses not permitted are indicated by "N." Any use not shown on table 10-17-1 of this section shall be prohibited unless the Zoning Administrator determines the use is substantially the same as a permitted or conditional use as provided in subsection 10-7-18E4 of this title.

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

Use	Zones	
	OS	PF
Agricultural uses:		
Agricultural business	P	N
Animal specialties	P	N
Animals and fowl for recreation and family food production	P	N
Stable, private	P	N
Public and civic uses:		
Airport	N	P
Auditorium or stadium	N	P
Cemetery	N	P
Church or place of worship	N	N
Club or service organization	N	N
College or university	N	P
Cultural service	N	P

Golf course	N	P
Hospital	N	P
Park	P	P
Post Office	N	P
Protective service	N	P
Reception center	N	P
School, elementary, middle, or high	N	P
School, vocational	N	P
Utility, major[2]	P	P
Utility, minor[2]	P	P
Utility substation[2]	P	P
Commercial uses:		
Animal hospital	N	N
Child care center[1]	N	P
Club, private	N	N
Licensed family child care[1]	N	N
Parking lot, public	N	P
Recreation and entertainment, outdoor	N	P
Research service	N	N
Residential certificate child care[1]	N	N
Temporary trailer	N	P
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title	
Industrial uses:		
Mineral extraction	N	N

Notes

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

B. *Accessory uses.* Permitted and conditional uses set forth in table 10-17-1 of this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.

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

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

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

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

Recreational areas and facilities.

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

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

(Ord. 2018-01, 2-15-2018)

Sec. 10-17-4. Reserved.

Editor's note(s)—Repealed by Ord. 2018-01, adopted February 15, 2018.

Sec. 10-17-5. Regulations of general applicability.

The use and development of real property in open space and public facility zones shall conform to regulations of general applicability as set forth in the following chapters of this title:

A. Design and compatibility standards: see chapter 33 of this title.

B. Landscaping and screening: see chapter 32 of this title.

C. Motor vehicle access: see chapter 35 of this title.

D. Off street parking: see chapter 34 of this title.

E. Signs: see chapter 36 of this title.

F. Supplementary development standards: see chapter 37 of this title.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-17-6. Regulations for specific uses.

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in division 6 of this title, such regulation shall apply in addition to the requirements of this chapter and shall prevail over any conflicting provision of this chapter.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-17-7. Special regulations.

A. *Increased height.* A greater building height may be allowed in open space or public facility zones pursuant to a conditional use permit.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

ORDINANCE NO ZC23-15

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE APPROVING THE REZONE FOR PARCEL H-3394-B-1FROM RA-1 TO PUBLIC FACILITY

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

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

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

WHEREAS, the proposed amendment may have adequate services and facilities to the project; and

WHEREAS, the Planning Commission gave a positive recommendation to change to zoning from RA-1 with an Agriculture Protection Zone to Public Facilities; and

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

1. The proposed zone change for H-3394-B-1from RA-1 to Public Facility is approved.

PASSED AND APPROVED on this 20th day of July 2023.

Hurricane City

_____
Mayor

Attest:

_____
Cindy Beteag, City Recorder

HURRICANE CITY
UTAH

STAFF COMMENTS

Ordinance ZC23-18: Consideration and possible approval of a **Zone Change Amendment request located at 1147 W 400 S from RA-1, residential agricultural one unit per acre, to RA-0.5, residential agricultural one unit per half acre.** Parcel number H-3-2-3-4443. Ellen and Matthew Bentley Applicant. Buy Sell Build STG Construction Agent.

Discussion:
The applicant is seeking a zone change from RA-1 to RA-0.5 in order to facilitate a future lot split on the property for another home. This property is located along the future 1150 W alignment and that will need to be accounted for when the lot is split.

The Planning Commission unanimously recommended approval. There was much discussion with the applicant about what would be required for a subdivision however it is important to note that what a subdivision of this property would entail is the subject of a different application, what is being addressed here is whether the applicant should be allowed to possibly subdivide their lot.

Findings:

Recommendation:

Attachments:
1. Application
2. MailingList (47)
3. receipt
4. Tax Record Report
5. Legal Description
6. Owner Affidavit
7. mailing map
8. ZC23-18 Bentley Council
9. Zoning
10. general plan map
11. Ordinance ZC23-18 Bentley

PLANNING & ZONING
HURRICANE CITY
UTAH
147 N 870 W Hurricane UT
PHONE: 435.635.2811 FAX: 435.635.2184

ZONE CHANGE APPLICATION

For office use only: $500.00 Fee
File No. _____
Receipt No. _____

Name: Ellen & Matthew Bentley Telephone: 805-365-5020
Address: 1147 W 400S Hurricane UT 84737 Fax No. —
Email: baldbentley@gmail.com Agent Email: info@buysellbuildstg.com
Agent (If Applicable): Buy Sell Build STG Construction Telephone: 702-574-5346
Address/Location of Subject Property: 1147 W 400 S Hurricane UT 84737
Tax ID of Subject Property: H-3-2-3-4443 Existing Zone District: Single Res/RA-1.0
Proposed Zoning District and reason for the request (Describe, use extra sheet if necessary) We would like to rezone our property to RA-0.5

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

X a. The name and address of every person or company the applicant represents.
X b. An accurate 11 x 17-inch property map showing the existing and proposed zoning classifications.
X c. All abutting properties showing present zoning classifications.
X d. An accurate legal description of the property to be rezoned.
X e. Stamped envelopes with the names and addresses of all property owners within 350 feet of the boundaries of the property proposed for rezoning.
X f. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property

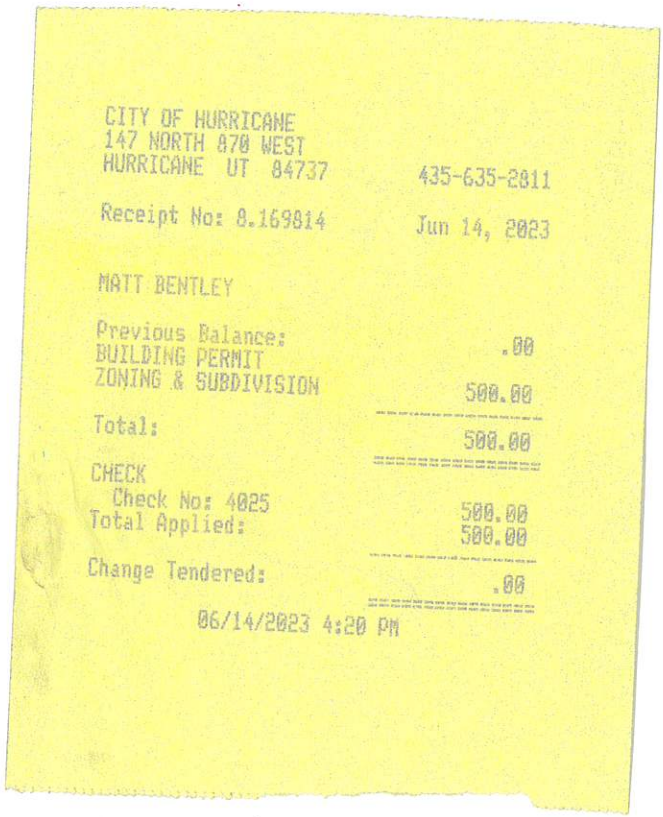
Note: It is important that all applicable information noted above along with the fee is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Planning Commission meetings are held on the second and fourth Thursday of each month at 6:00 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: _____

TAX_ID	NAME	ADDRES	CITY	STATE	ZIP
H-3-2-3-4443	BENTLEY MATTHEW A & ELLEN M TRS	1147 W 400 S	HURRICANE	UT	84737
H-3-1-34-3328	BUNDY SARAH ELIZABETH	339 S 1150 W	HURRICANE	UT	84737
H-3-2-4-1109	CARTER SANDRA KAY	1177 W 400 S	HURRICANE	UT	84737-2408
H-3-2-3-4444	CASS BRUCE & BONNIE TRS	1137 W 400 S	HURRICANE	UT	84737
H-3-2-3-4433	CLYDE JAMES R & PEGGY C TRS	1144 W 650 S	HURRICANE	UT	84737-2438
H-3-2-4-11081-B	CURTIS CARL BLAINE & LAURA COLLINGS TRS	1157 W 400 S	HURRICANE	UT	84737
H-3-1-34-3321	DICKEY TRAVIS	1042 W 400 S	HURRICANE	UT	84737
H-3-1-34-3314	GARDINER G CRAIG & GLENIS	1110 W 400 S # 142-9	HURRICANE	UT	84737-2406
H-3-1-33-2211	GRAY RICHARD D & CONNIE C	855 W 400 S	HURRICANE	UT	84737-3203
H-3-2-3-4442	HANSON DAVID D	1095 W 400 S	HURRICANE	UT	84737
H-3-1-33-2220	HUMPHRIES JIMMIE & MARGARET PAMELA	392 S 1150 W	HURRICANE	UT	84737
H-3-1-33-22171	HURRICANE CITY	147 N 870 W	HURRICANE	UT	84737
H-3-2-4-116	JACKSON KADEN MACK, PASTOR BAILEY JO	1231 W 400 S	HURRICANE	UT	84737
H-COLE-1	JENSEN MICHAEL S, JENSEN JENNIFER	PO BOX 10	HURRICANE	UT	84737-0010
H-3-1-33-2205	JOHNSON KIMBERLY KAY TR	364 S 1150 W	HURRICANE	UT	84737
H-3-2-4-11121	LOVELL JOSEPH & CELESTE	1245 W 400 S	HURRICANE	UT	84737
H-3-2-4-11081	MILES MORGAN FAMILY LLC	1193 W 400 S	HURRICANE	UT	84737
H-3-2-4-1111	PETTUS TOD ALFRED & PAULA RAE	1167 W 400 S	HURRICANE	UT	84737
H-FRS-1	REEVE CHERYL S	384 S 1040 W	HURRICANE	UT	84737
H-3-1-34-3322	SHUMWAY JEFFREY C & JENNIFER	1044 W 400 S	HURRICANE	UT	84737
H-3-1-34-3306	STEWART BRYAN W & KERI L	493 N 530 W	HURRICANE	UT	84737-1377
H-3-2-3-4435	SWYERS JEFFREY & LORI TRS	1124 W 650 S	HURRICANE	UT	84737
H-3-2-3-4430101	SWYERS TREVOR WADE & SELENA TRS	1122 W 650 S	HURRICANE	UT	84737
H-3-2-3-4445	TAYLOR ROGER G & DEBRA J TRS	1065 W 400 S	HURRICANE	UT	84737
H-3-2-4-11201	WILEY BROOKS TR, WILEY HEATHER RAE TR	1154 W 650 S	HURRICANE	UT	84737
H-COLE-2	WINDER COLTON & TAMARA	331 S 1230 W	HURRICANE	UT	84737



CITY OF HURRICANE
147 NORTH 870 WEST
HURRICANE UT 84737 435-635-2811

Receipt No: 8.169814 Jun 14, 2023

MATT BENTLEY

Previous Balance:	.00
BUILDING PERMIT	
ZONING & SUBDIVISION	500.00
Total:	500.00
CHECK	
Check No: 4025	500.00
Total Applied:	500.00
Change Tendered:	.00

06/14/2023 4:20 PM

Tax Record Report for Parcel H-3-2-3-4443 at 1145 W 400 S, HURRICANE, UT 84737

Legal Description/Location

Account Number	0166176	Parcel Number	H-3-2-3-4443
Tax Area	0005	County	Washington
Neighborhood	331	Subdivision	HURRICANE TOWNSITE
District Number	03	Account Type	Residential
Legal1	Subdivision: HURRICANE FIELD SUR BLK 10 (H) Lot: 5 BEG W 72.5 RDS FM NE COR BLK 10 HFS TH S 40 RDS; TH W 7.5 RDS; TH N 4	Legal2	0 RDS TO N LN BLK 10; TH E 7.5 RDS TO POB. 2 DIFF TRUSTS
Value Type	Improvement	Assessment Class	ResBuildingPrimary, ResLandNonPrimary, ResLandPrimary
Econ Area ID	31	LEA ID	33112-05

Owner Information

Owner	BENTLEY MATTHEW A & ELLEN M TRS	Owner Address	1147 W 400 S Hurricane, UT 84737

Property Description

OCC Code	100	OCC Descr	Single Family Residential
BLTAS ID	1	BLTAS Descr	Ranch 1 Story
Property Type	Residential	Year Built	1995
Adj Year Built	1995	Year Remodeled	0
Age	25	Acres	1.87
Sqft	2,424	Buildings	1
Stories	1		

Tax Data

Market Value	511,000	Assessed Value	306,520
Total Taxes	3,501.62		

Land Value

Attribute	Adjustment	Attribute Adj	.28
Attribute Descr	Base Adjustment		

Improvement Value

Appraisal Date	2020-01-07	Document Number	20200069917
Perc Comp	1	Perc Rem	0
Abst Code	01A	ABST Descr	RES REAL ESTATE-IMPROVED PRIMARY
HVAC ID	6	HVAC Descr	Central Air to Air
Exterior	Frame Masonry Veneer	Interior	Drywall
Rooms	9	Bedrooms	4
Bathrooms	2.50	Roof Type	Gable
Roof Cover	Concrete Tile	Floor Cover	Allowance
Perim	0	Units (I)	1
Units (VD)	1		

Improvement - Sqft

Sqft (VD)	43560.0	Garage Sqft	1,401

Porch Sqft	829	Sprinkler Sqft	0

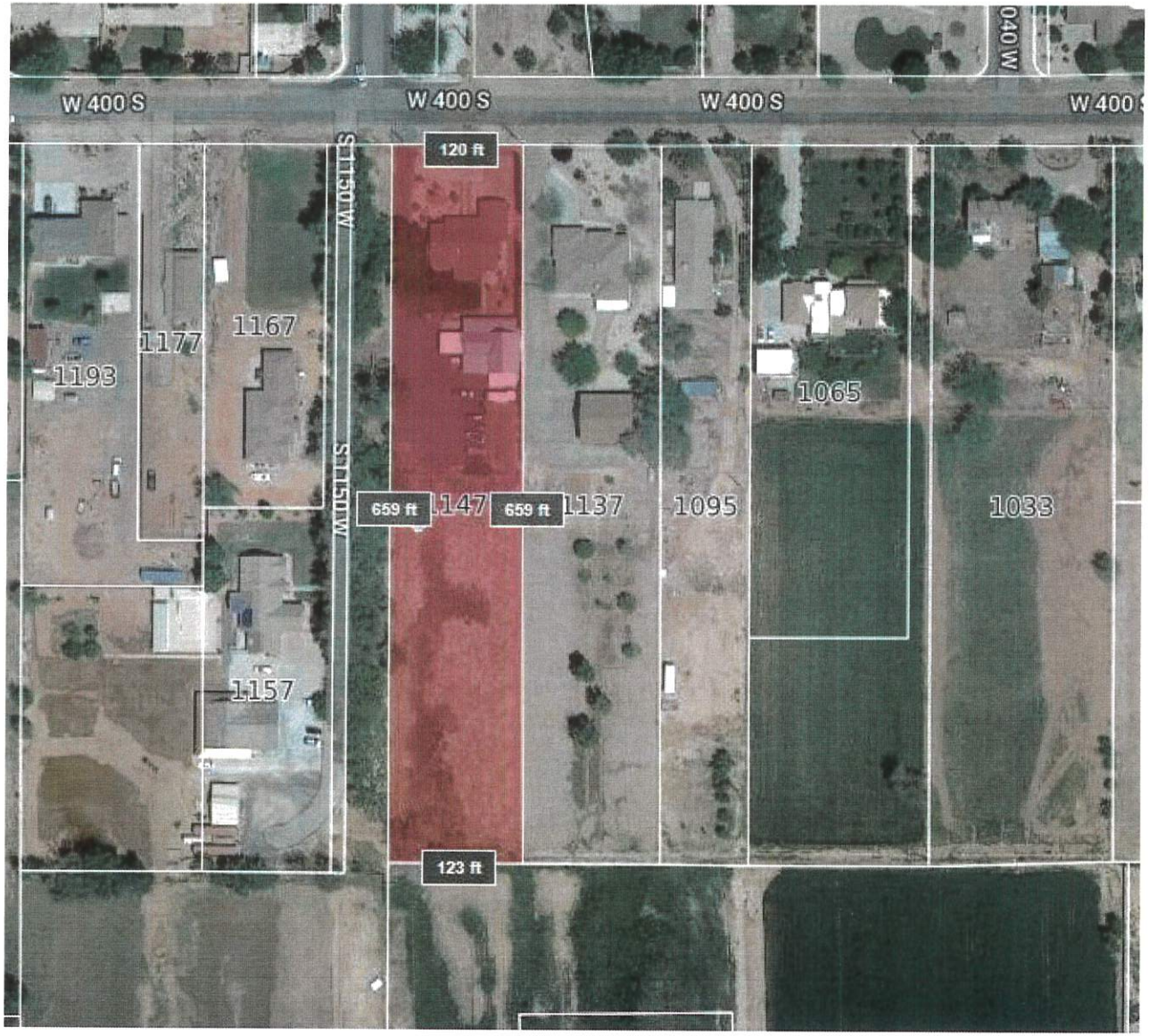
Improvement - Mobile Home

MH Length	0.0	MH Width	0.0

Tax records last updated Iron County: November 21, 2022 Washington County: January 13, 2023
Information is deemed to be reliable, but is not guaranteed. See copyright notice.

Legal Description

Tax Record Report for Parcel H-3-2-3-4443 at 1145 W 400 S, HURRICANE, UT 84737



AFFIDAVIT
PROPERTY OWNER

STATE OF UTAH)
:ss
COUNTY OF)

I (we), Matthew A. Bentley, TTE Ellen M. Bentley, TTE, 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.

Matt Bentley, TTE
(Property Owner)

Ellen M Bentley, TTE
(Property Owner)

Subscribed and sworn to me this 13th day of June 2023

(Notary Public)

KATHLEEN KERNS
Notary Public - State of Utah
Comm. No. 714965
My Commission Expires on
Dec 3, 2024

Residing in: 1060 W. State St. Hurricane UT

My Commission Expires: 12/3/24

Agent Authorization

I (we), Matthew A. Bentley, TTE Ellen M. Bentley, TTE, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) BuySellBuild STG 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.

Matt Bentley, TTE
(Property Owner)

Ellen M Bentley, TTE
(Property Owner)

Subscribed and sworn to me this 13th day of June 2023

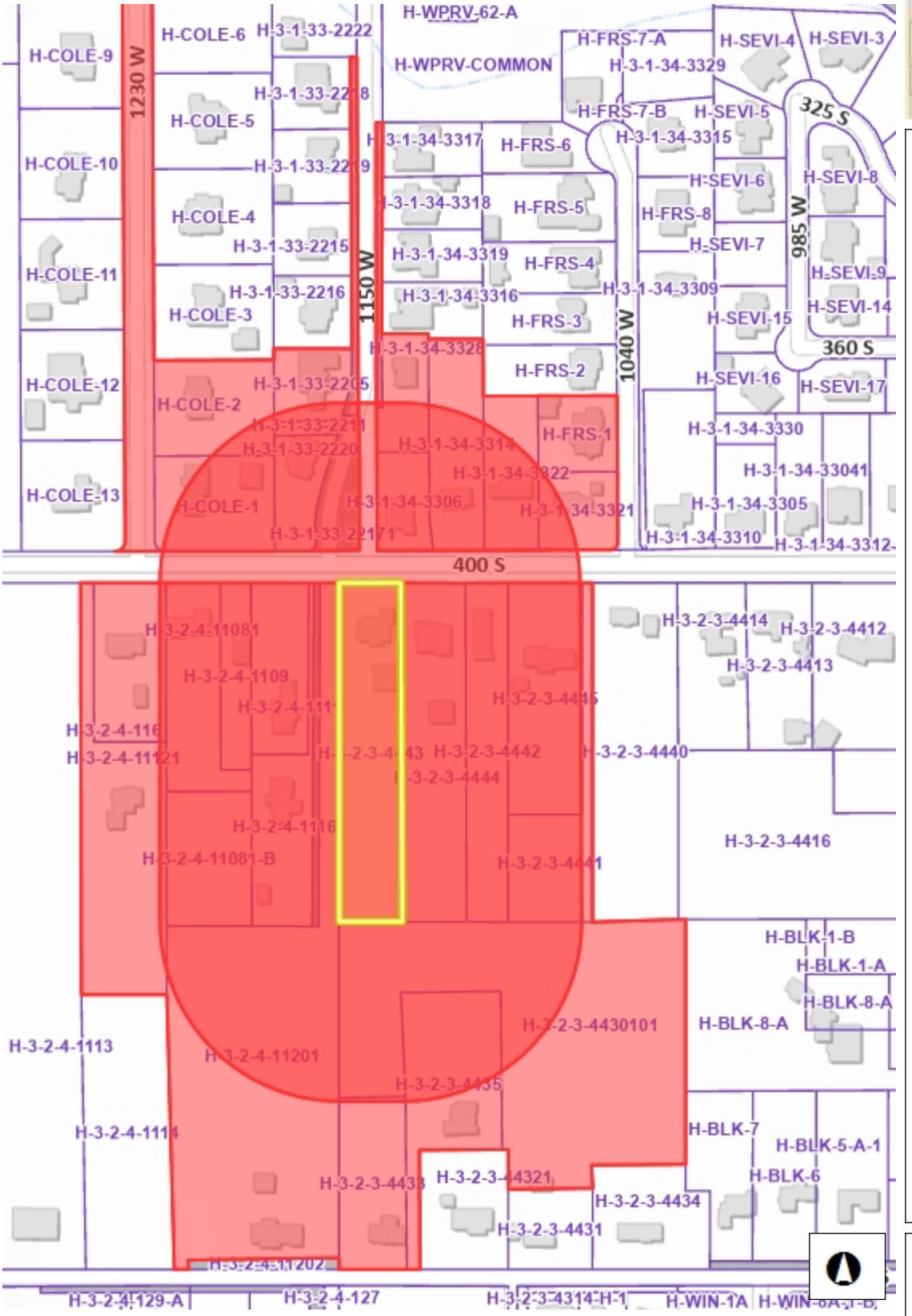
(Notary Public)

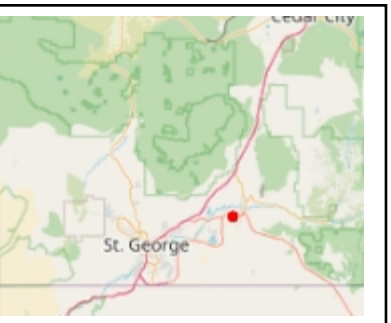
KATHLEEN KERNS
Notary Public - State of Utah
Comm. No. 714965
My Commission Expires on
Dec 3, 2024

Residing in: 1060 W. State St. Hurricane UT

My Commission Expires: 12/3/24

Mailing Map





Legend

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

Notes

752.3 0 376.17 752.3 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

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

PLANNING & ZONING
HURRICANE CITY
UTAH

STAFF COMMENTS

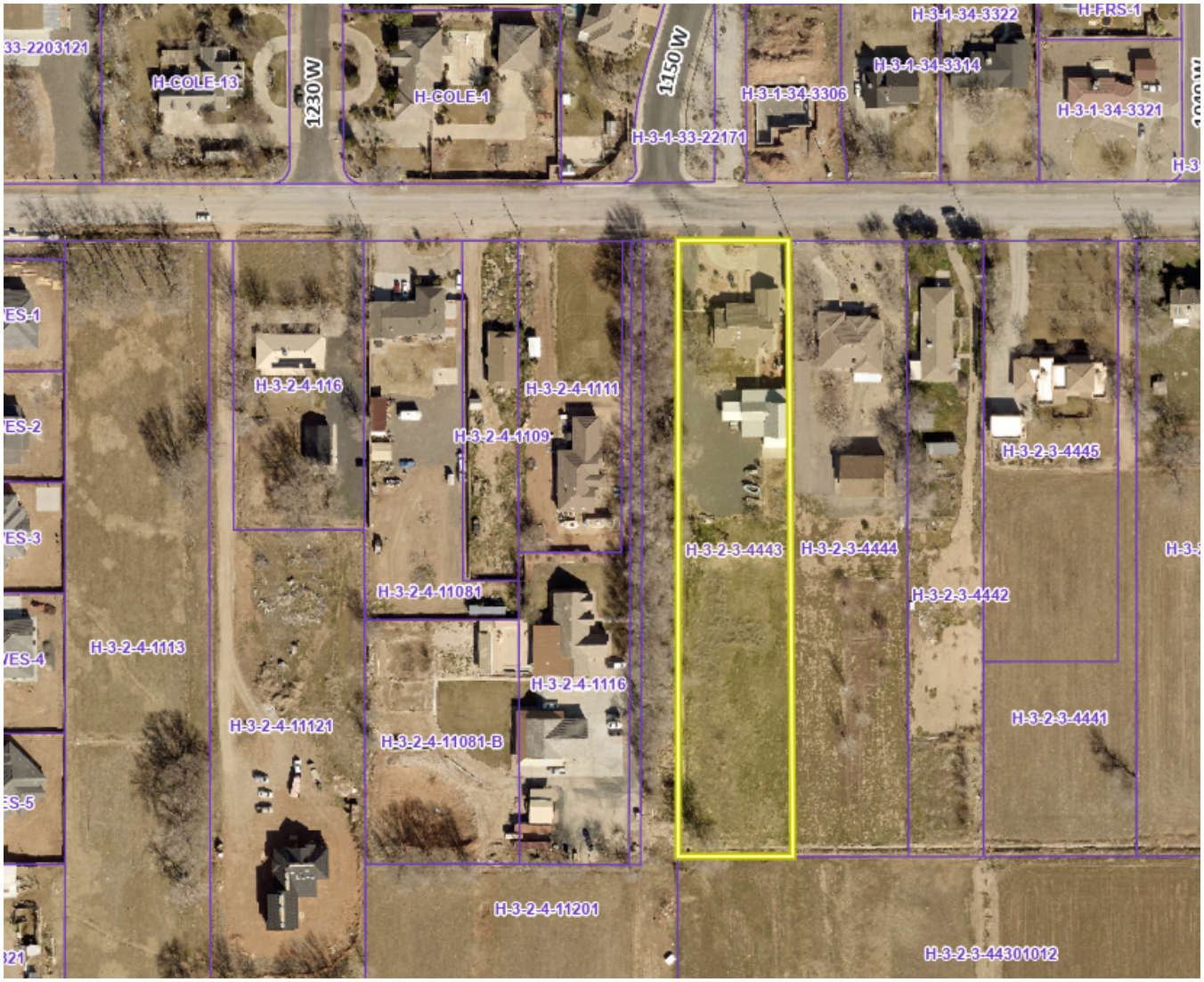
Agenda Date:	**07/20/2023**
Application Number:	ZC23-18
Type of Application:	Zone Change Application
Action Type:	Legislative
Applicant:	Ellen and Matthew Bentley
Agent:	Buy Sell Build STG Construction
Request:	A Zone Change from RA-1 to RA-0.5
Location:	1147 W 400 S
Zoning:	RA-1
General Plan Map:	Single Family

Planning Commission Recommendation
The Planning Commission unanimously recommended approval. There was much discussion with the applicant about what would be required for a subdivision however it is important to note that what a subdivision of this property would entail is the subject of a different application, what is being addressed here is whether the applicant should be allowed to possibly subdivide their lot.

Discussion:
The applicant is seeking a zone change from RA-1 to RA-0.5 in order to facilitate a future lot split on the property for another home. This property is located along the future 1150 W alignment and that will need to be accounted for when the lot is split.

	Zoning	Adjacent Land Use
North	PF, RA-0.5	Single Family Homes
East	RA-1	Single Family Homes
South	RA-1	Single Family Homes

West	RA-1	Single Family Homes



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

10-7-7: ZONING MAP AND TEXT AMENDMENTS:

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

1. Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;

2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;

3. The extent to which the proposed amendment may adversely affect adjacent property; and

4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

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

Response: The General Plan Map shows this area as a Single Family. The 2021 General Plan defines Single Family as follows:

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 Planning Commission has discussed amending the General Plan map designation in this area of town to a Rural Residential designation. An RA-0.5 zoning would be in line with either designation.

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

Response: Most of the surrounding properties are either RA-1 or RA-0.5 and consist of large lots and limited agricultural uses. There are areas of R1-15 in the surrounding area. A zone change to allow an additional single-family home would not have a major impact. Property to the north of this zone change is currently zoned RA-0.5 there is a small cluster of homes to the east that are zoned RA-0.1 but are all less than one acre.

3. Will the proposed amendment affect the adjacent property?

Response: The proposed zoning will allow the addition of one new residential unit to the property. Staff does not believe that the added residents will affect adjacent properties. The development of 1150 W from 400 S to 650 S will help alleviate traffic throughout the region

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

Response: Facilities and services are adequate for this development. JUC had no major concerns about availability.

JUC Comments:

1. **Public Works:** Need to protect road right-of-way
2. **Power:** Hurricane City Power would like to see the plan to accommodate the power line that be along the right of way of 1150 W. Power is not committed to either side of the roadway at this location. Power line easements are big and setbacks from line must be 25'.
3. **Sewer:** No exception to zone change, new lateral will need to be installed

4. **Streets:** No issues, will this be a flag lot?
5. **Public Works:** Will need to see site plan to ensure access is done correctly
6. **Water:** No comments until we know what its use will be and how it relates to future roads and rights of way.
7. **Engineering:** The applicant should be aware that the subdivision plat will need to account for the master planned buildout of 1150/1100 W
8. **Fire:** Possible fire turnaround if not a through street
9. **Cable/Phone/Gas/WCWCD:** Good

Staff Comments:

1. There is a 67'' master planned roadway (Future 1150 W) that needs to be dedicated on the property

Transportation Master Plan (the white line is closer to planned alignment at this time)

2. The City has been working on an overall alignment for this roadway from 600 N to 3000 S and beyond for the past year or so. The exact layout of the alignment in this area is not finalized. The

applicant would most likely need to dedicate some property for the new roadway but due to property alignments and a neighboring flag lot they most likely would not need to dedicate a full 33.5'.

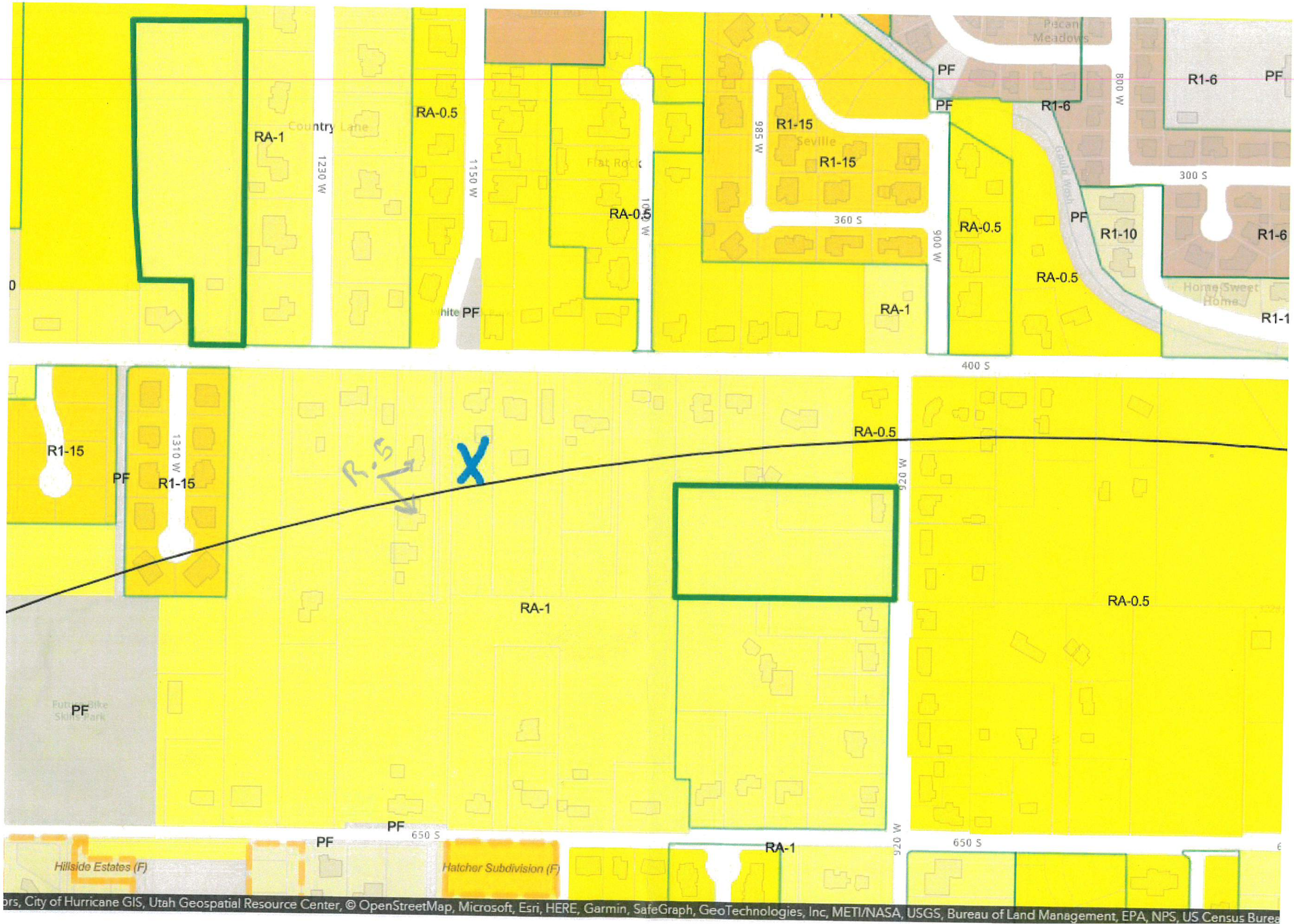
3. It is important to note that this is only a zone change application, and no subdivision plat has been submitted to the City. These issues will be resolved during the subdivision process.

Findings:
Staff makes the following findings:

1. The application meets the standards within the General Plan and General Plan Map.
2. Most of the surrounding development is large lot single family homes
3. The proposed amendment will impact the area, but the limited number of units would mitigate the impact.
4. Services are adequate to serve the area and proposed project.

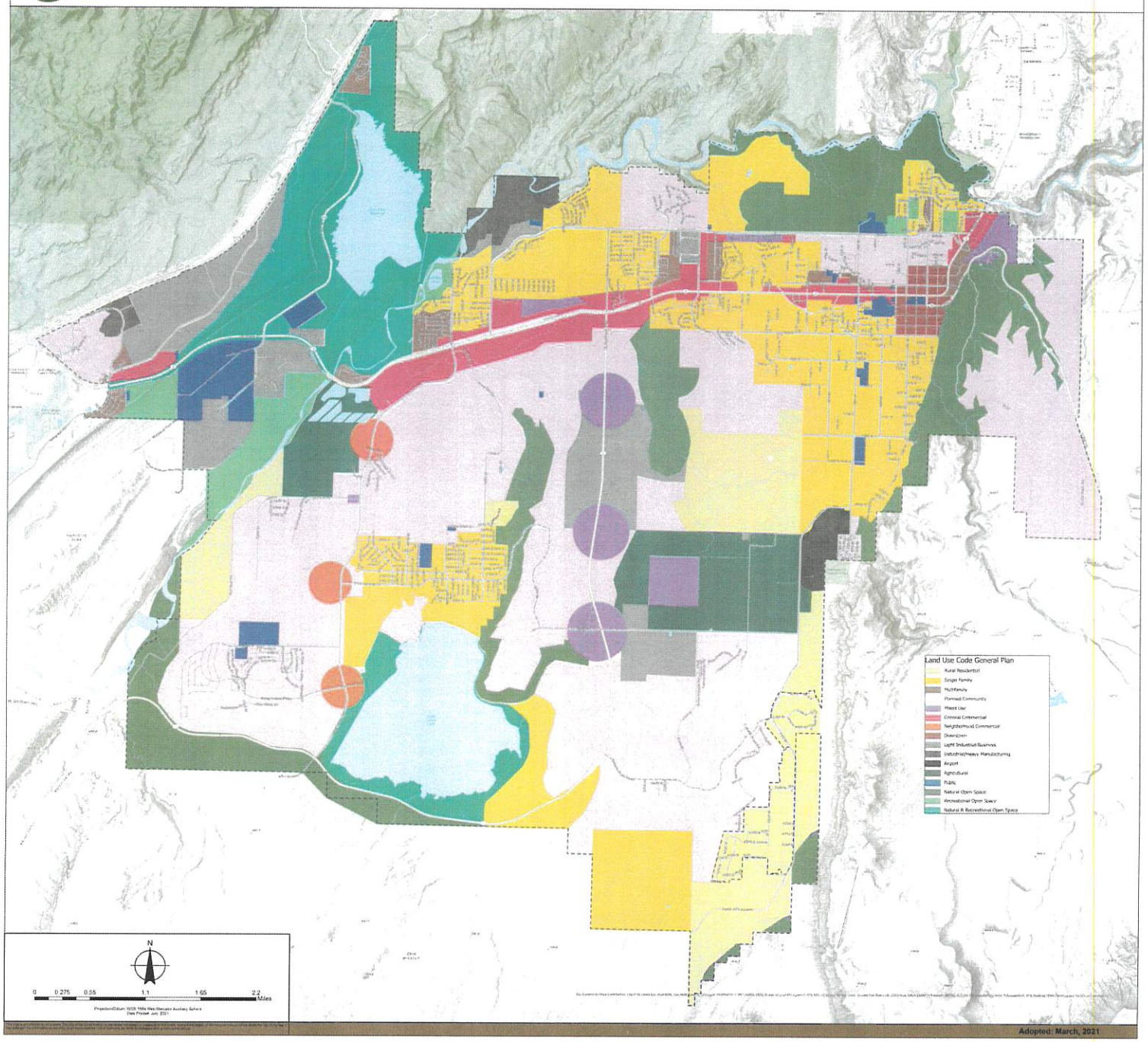
Recommendation: Staff recommends the Planning Commission review this application and the zone change based on standards and consider residents' comments. Staff recommends approval of the proposed zone change.

The blue X below marks 1147 W 400 S the Bentley's residence. We would like to like rezone this property like others have done in the area. So the current property owners can build another home more fitting to their need. We are aware of the city bringing down 1150 W and will plan accordingly. Our request does correlate with Hurricane's general plan map as well.



City of Hurricane GIS Department

Future Land Use General Plan



ORDINANCE NO ZC23-18

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE APPROVING THE REZONE FROM RA-1 TO RA-0.5 FOR PARCEL H-3-2-3-4443.

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, the Planning Commission gave a positive recommendation on the proposed ordinance.

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

1. The following zone change be approved: Zone Change Amendment request located at approximately 1147 W 400 S from RA-1 to RA-0.5 be approved.

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 ____ 2023. Whereupon a motion to

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

	Yea	Nay	Abstain	Absent
Joseph Prete	___	___	___	___
David Sanders	___	___	___	___
David Hirschi	___	___	___	___
Kevin Thomas	___	___	___	___
Doug Heideman	___	___	___	___

_____
Cindy Beteag, Recorder

EXHIBIT A

ZONING MAP

HURRICANE CITY
UTAH

STAFF COMMENTS

Ordinance ZC23-19: Consideration and possible approval of a **Zone Change Amendment request located at approximately 1000 W 3100 S from RA-0.5, residential agriculture one unit per half acre, to M-1, light industrial**. Parcel number H-3396-E. Scott Stratton Applicant. Karl Rasmussen Agent.

Discussion:
The applicant has proposed a zone change for 4.37 acres of the previously approved Horseman's Edge development along 1100 W and south of 3000 S. This property had previously been approved for a PDO development consisting of mostly half-acre to quarter-acre lots, open space access to the Hurricane Cliffs, and 15 short-term rental units catering to the equestrian community. In March of this year the applicant requested and received a zone change on approximately 60% of the property to M-1, light industrial. This zone change is for another piece of the property. The applicant will be leaving a ~5 acre piece as RA-0.5 as this piece currently has a single family home on it.
The Planning Commission recommended approval subject to staff and JUC comments.

Findings:

Recommendation:

Attachments:
1. 7272application-ZC23-19
2. ZC23-19 Stratton
3. 649a15b14997eProposed_Zoning_Map
4. Ordinance ZC23-19 1100 W M-1 Zone Change 2

Hurricane City Application

Permit #: ZC23-19
Issue Date: 06/26/2023

Application Accepted Date: 06/23/2023
Type of Improvement: Zone Change Application
Description:
Tenant / Project Name: SCOTT STRATTON
Bldg. Address: 1000 West 3100 South
City: Hurricane State: UT Zip: 84737
Subdivision: Phase:
Block: Lot #: Parcel #: H-3396-E
Zone: RA-0.5 PDO
Property Owner: Diamond Edge Construction LLC
Permit Contact: Karl Rasmussen P:(435) 680-0816
Email: karl@pv-eng.com

CONTACT INFORMATION

General Contractor: SCOTT STRATTON / Scott Stratton
License #: P: (435) 467-4966
City: State: Zip:
Email: scottstratton4966@gmail.com

Electrical Contractor:
License #: P:
City: State: Zip:

Plumbing Contractor:
License #: P:
City: State: Zip:
Email:

Mechanical Contractor:
License #: P:
City: State: Zip:
Email:

APPLICATION DETAILS

of Units: 0 | custom text:

Valuation	$ 0.00

PERMIT FEES

Planning Fee	$ 500.00
Sub Total:	**$ 500.00**
Permit Total:	**$ 500.00**
Amount Paid:	**$ 500.00**
Remaining Due:	**$ 0.00**

APPROVALS		DATE	INFO
Plan Review Finalized:	Yes	06/26/23	Brienna Spencer

Setbacks	Front:	Rear:	Left:	Right:
Min.				
Actual:				

Notes: BS

APPLICATION NUMBER: PENDZC23-19

This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I here-by certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be compiled with whether specified herein or not the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury. Maintenance Deposit is refundable after final inspection if: 1) site is kept clean 2) building is NOT occupied prior to final inspection and issuance of Certificate of Occupancy.

Applicant Name: Scott Stratton

Signature of Applicant/Authorized Agent or Owner: Date:

Application Approved By: Brienna Spencer Date: 06/26/2023

Application Issued By: Date: 06/26/2023

Receipt #: 8.169978-06/26/23

PLANNING & ZONING
HURRICANE CITY
UTAH

STAFF COMMENTS

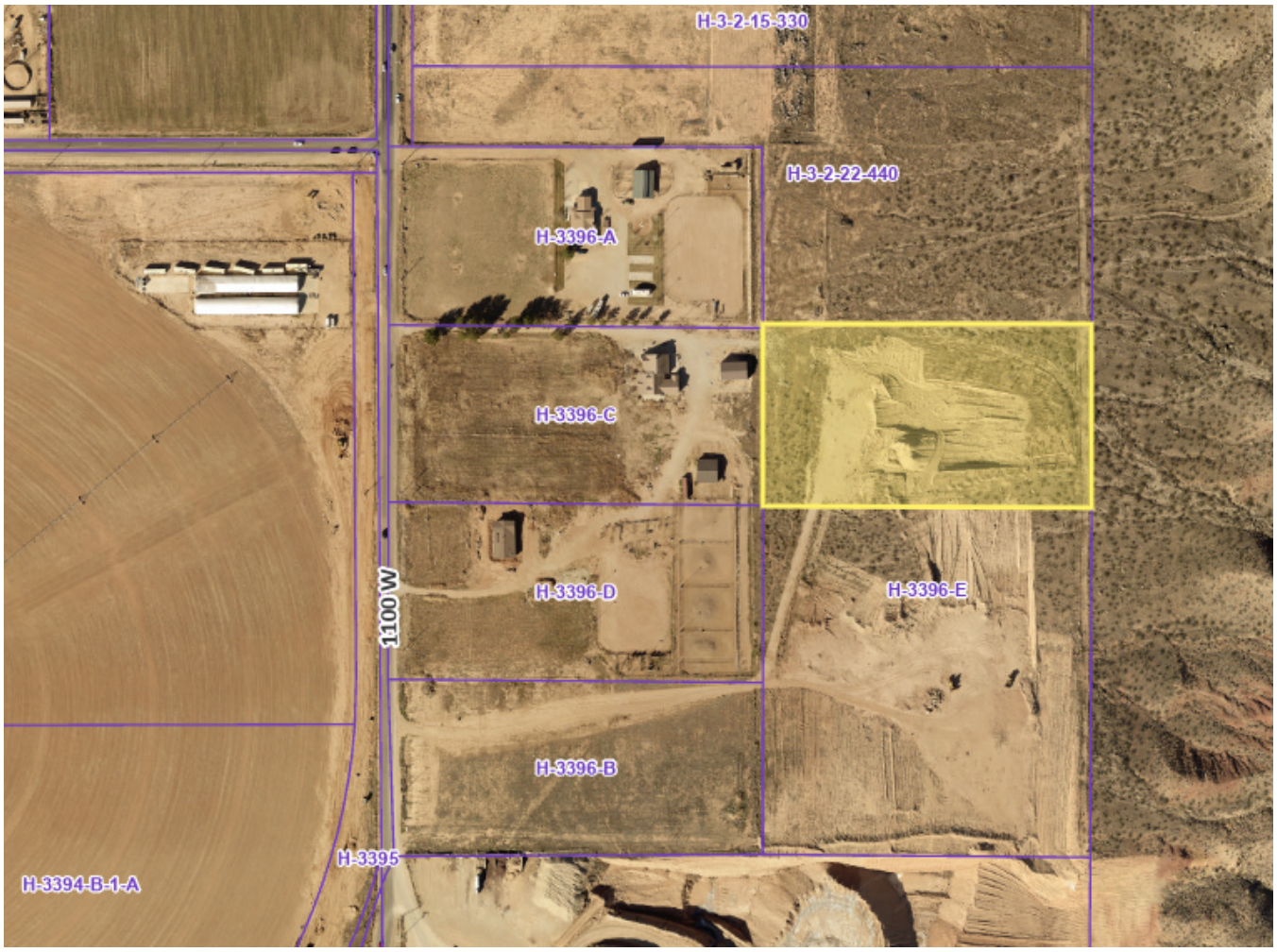
Agenda Date:	**07/20/2023**
Application Number:	ZC23-19
Type of Application:	Zone Change
Action Type:	Legislative
Applicant:	Diamond Edge Construction LLC
Agent:	ProValue Engineering-Karl Rasmussen
Request:	A zone change from RA-0.5 to M-1
Location:	1000 W 3100 S
Zoning:	RA-0.5
General Plan Map:	Rural Residential

Planning Commission Recommendation:
The Planning Commission recommended approval subject to staff and JUC comments

Discussion:
The applicant has proposed a zone change for 4.37 acres of the previously approved Horseman's Edge development along 1100 W and south of 3000 S. This property had previously been approved for a PDO development consisting of mostly half-acre to quarter-acre lots, open space access to the Hurricane Cliffs, and 15 short-term rental units catering to the equestrian community. In March of this year the applicant requested and received a zone change on approximately 60% of the property to M-1, light industrial. This zone change is for another piece of the property. The applicant will be leaving a ~5 acre piece as RA-0.5 as this piece currently has a single family home on it.

	Zoning	Adjacent Land Use
North	RA-0.5	Undeveloped Property

East	Unincorporated	Cliffs and Natural Open Space
South	RA-1with extraction overlay, M-1	Gravel Pit and an industrial Lot
West	RA-0.5, R1-10	Farm Land, Future Subdivisions



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 Map shows this area as Rural Residential:

RURAL RESIDENTIAL These areas should serve as a transition from agricultural to traditional neighborhoods or commercial uses. Appropriate residential densities for this land use include from one unit per 40 acres to RA-.5 and RA-1 (p. 84)

The proposed zoning does not comply with the General Plan for the area. While staff and the Planning Commission have discussed new areas for future industrial use, this area has not been considered for that change. In the past the City has been fairly adamant about this area of town remaining agricultural.

One of the items to consider with this zone change is the gravel pit and industrial use in the area. The General Plan states the following:

Housing Goals...
1.10. Housing developments should not be placed in close proximity to heavy industrial land uses where possible. (p.42)

1100 W Gravel Pit Operation and Southern Border of this Zone Change Application

Having light industrial use as a buffer may be prudent in this case as has been done with the parcel to the southwest. This gravel pit will be in operation for many years to come and may be considered a nuisance to nearby residences.

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

Response: The zone change would be harmonious with the proposed and existing development to the south. The remaining surrounding property is largely agricultural and proposed for residential uses.

3. Will the proposed amendment affect the adjacent property?

Response: M-1 zoning allows for a variety of possible uses from storage units, as proposed on the parcel to the southwest, to light manufacturing. What effect this zone change has on the adjacent properties can depend heavily on what industrial uses are proposed on the property. It's important to note that if the zone change is approved, any light industrial use permitted under the M-1 zone could go on the property.

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

Response: There have been and are currently concerns about utility service in this area. Power capacity is limited and there are long term concerns with water pressure. The Power Department has come up with a plan that will allow the Power Department to sign off on construction drawings for a number of already approved developments south of 3000 S. Horseman's Edge is one of the projects that are in line to receive some of this additional power capacity which resolves the power concerns for this project. See JUC comments below.

JUC Comments

1. **Public Works:** No comments
2. **Power:** No problem with zone change. Must provide new plans and load calculations to Hurricane City Power to redesign the project.
3. **Sewer:** No comments
4. **Streets:** Okay with zone change
5. **Water:** Okay
6. **Engineering:** The proposed zone change is landlocked from the nearest public street. Need a new preliminary plat for the new concept.
7. **Fire:** Access issues in the area.
8. **Gas:** Nothing in the area
9. **Cable:** No comments
10. **WCWCD:** Washington County Water Conservancy District hereby acknowledges that based on the information provided, the zone change 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.

Items to Consider

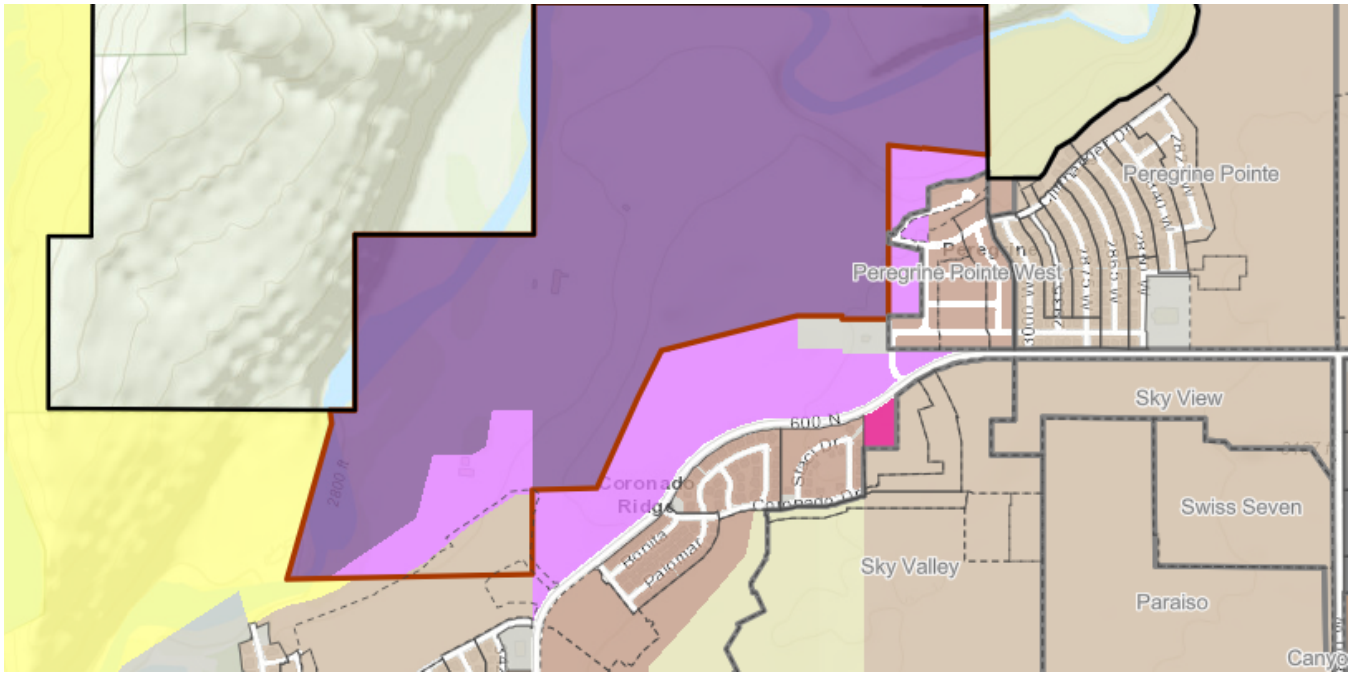
The following are key items to consider:

- If this zone change is approved any use permitted in the M-1 zone would be permitted on this property. This includes but is not limited to:
    - *Residential Uses*

        - *Rehabilitation/treatment facility*
        - *Residential facility for troubled youth*
        - *Transitional housing facility*
    - *Commercial Uses*
        - *Vocational school*
        - *Agricultural sales and service*
        - *Business equipment rental*
        - *Convenience store and gas station*
        - *Commercial kennel*
        - *Liquor store*
        - *Vehicle repair/rentals/sales*
        - *Storage units*
    - *Industrial Uses*
        - *Manufacturing*
        - *Warehousing*
- The applicant has indicated to staff they would most likely build storage units

- Approval of this zone change would leave an approximately five acre parcel with an existing house on it. This piece could still be subdivided under the RA-0.5 standards

- Using an M-1 zoning as a buffer zone from extraction zones has some precedence within the City. Off 600 N there are several M-1 zoned properties intended to serve as buffers between residential properties in the area and Interstate Rock's extraction area; this was specifically brought up during the approvals of Peregrine Pointe West and Interstate Rock's extraction overlay.



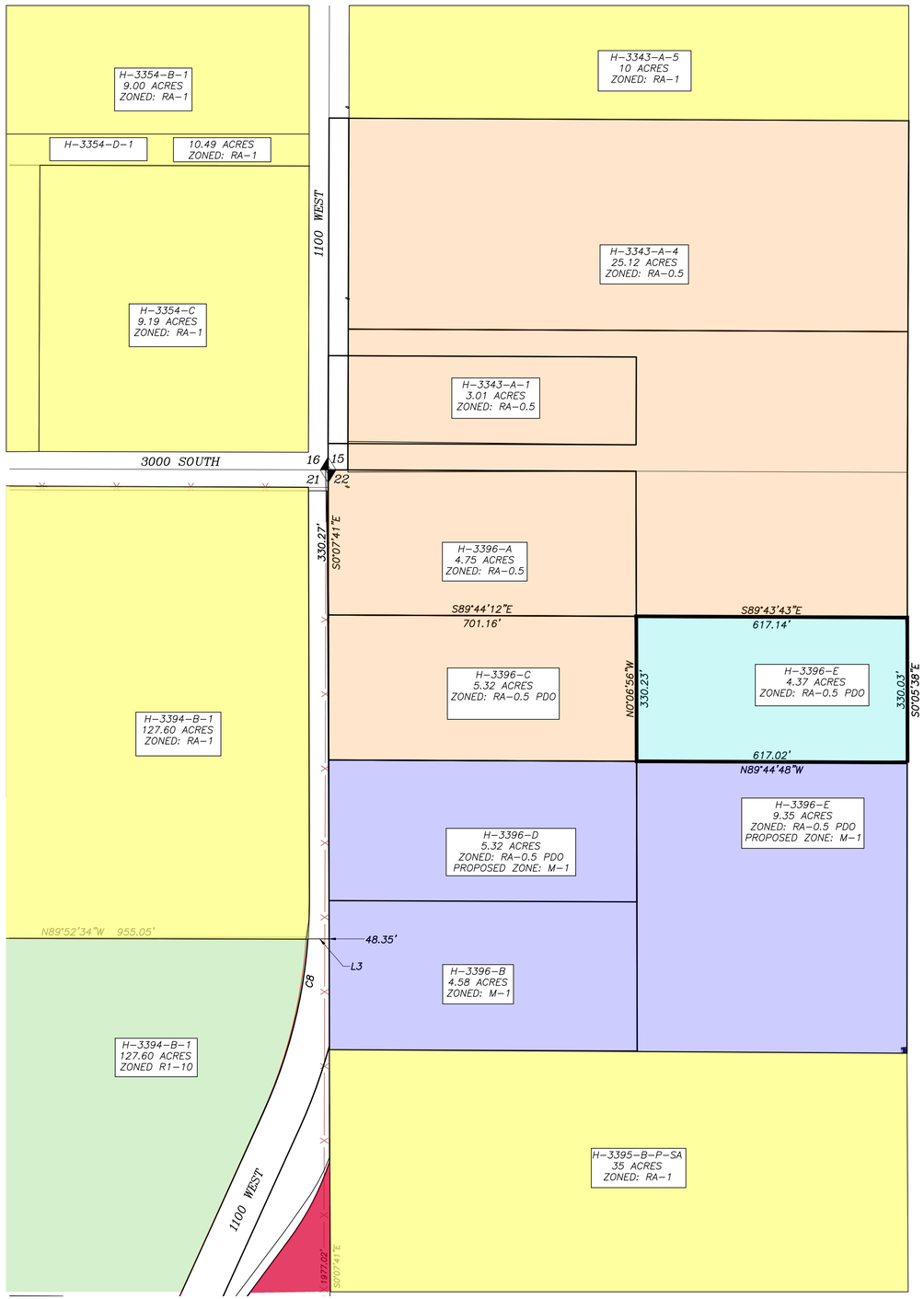
Findings:
Staff makes the following findings:

1. The proposed zone change is not compatible with the General Plan Map but may meet some of it's goals.
2. The proposed zone change is not generally in harmony with the overall residential and rural character of the properties to the north and west, but is more harmonious with the extraction pit to the south.
3. The proposed zone change will have an impact on the area, but that depends on how this area develops.
4. The services are not adequate for the development in this region, however this change may lessen the power and water needs regionally.

Recommendation: Staff recommends the Planning Commission review this application and the zone change based on standards and considers residents' comments. Staff has finds the request generally acceptable

PROPOSED ZONE CHANGE MAP FOR:
SCOTT STRATTON

LOCATED IN SECTION 22, T42S, R13W, S.L.B.&M.
HURRICANE, WASHINGTON COUNTY, UTAH



BUREAU OF LAND MANAGEMENT

OWNERS:

DIAMOND EDGE CONSTRUCTION LLC
301 S MAIN
BLANDING, UT-84511

AGENT:

SCOTT STRATTON:
(435) 467-4966
SCOTTSTRATTON4966@GMAIL.COM

LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- SECTION LINE
- SECTION CORNER AS DESCRIBED

N
W E
S
150 0 150
SCALE IN FEET

LEGAL DESCRIPTIONS FOR PROPOSED ZONE CHANGE TO M-1: LIGHT INDUSTRIAL

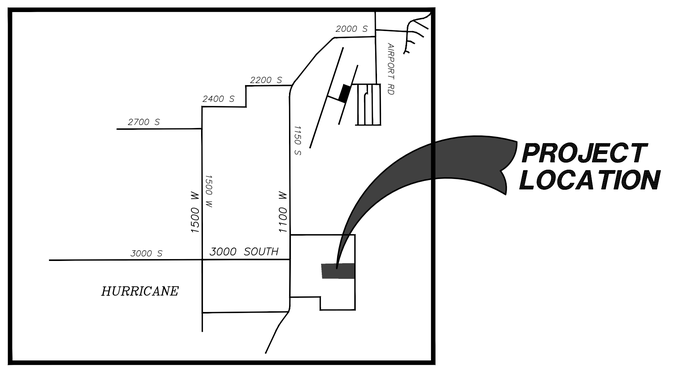
PARCEL H-3396-E (NORTH 4.37 ACRES PROPOSED ZONE CHANGE TO M-1: LIGHT INDUSTRIAL)

COMMENCING AT THE NORTHWEST CORNER OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 13 WEST, OF THE SALT LAKE BASE AND MERIDIAN; THENCE S00°07'41"E, ALONG THE SECTION LINE 330.27 FEET; THENCE S89°44'12"E 701.16 FEET TO THE POINT OF BEGINNING.
THENCE S89°43'43"E 617.14 FEET TO THE SIXTEENTH LINE; THENCE S00°05'38"E, ALONG SAID LINE 330.03 FEET; THENCE N89°44'48"W 617.02 FEET; THENCE N00°06'56"W 330.23 FEET TO THE POINT OF BEGINNING.

AREA CONTAINS 203,712 SQUARE FEET OR 4.677 ACRES

ZONE LEGEND:

PROPOSED ZONE CHANGE TO M-1 LIGHT INDUSTRIAL.
RA-1: RESIDENTIAL AGRICULTURE - 1 UNIT PER ACRE
R1-10: RESIDENTIAL - 1 UNIT PER 10,000 SQ.FT.
M-1: LIGHT INDUSTRIAL
RM-2: MULTI FAMILY- 10 UNITS PER ACRE
RA-0.5 RESIDENTIAL AGRICULTURAL- 2 UNITS PER ACRE



VICINITY MAP
N.T.S

COPYRIGHT © 2013 PROVALUE ENGINEERING INC.

NO	DESCRIPTION	DATE	BY

REVISIONS

PROVALUE ENGINEERING, INC.
Engineers - Land Surveyors - Land Planners
20 South 850 West, Suite 1
Hurricane City, Utah 84737
Phone: (435) 668-8567

PROPOSED ZONE CHANGE MAP FOR:
SCOTT STRATTON
LOCATED IN SECTION 22, T42S, R13W, S.L.B.&M.
HURRICANE, WASHINGTON COUNTY, UTAH

DATE: 6/23/2023
SCALE: 1"=150'

JOB NO.
335-019

SHEET NO:
1 OF 1

335-019

ORDINANCE NO ZC23-19

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE APPROVING THE REZONE FOR THE NORTHERN PORTION OF H-3396-E FROM RA-0.5 TO M-1 LIGHT INDUSTRIAL

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, the proposal will provide additional buffering between heavy industrial use and future residential lots.

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

1. That the northern portion of H-3396-E be rezoned from RA-0.5 to M-1 Light Industrial

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 20th day of July 2023. Whereupon a motion to adopt and approve said Resolution was made by _____ and seconded by _____. A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
Joseph Prete	___	___	___	___
David Sanders	___	___	___	___
David Hirschi	___	___	___	___
Kevin Thomas	___	___	___	___
Doug Heideman	___	___	___	___

_____
Cindy Beteag, Recorder

EXHIBIT A

ZONING MAP

HURRICANE CITY
UTAH

STAFF COMMENTS

Resolution 2023-34:Consideration and possible approval of A **General Plan Amendment to amend the 2022 Moderate-Income Housing Plan**

Discussion:
Staff is proposing this minor change to the Moderate Income Housing Plan approved last year in order to have our plan be fully compliant with state regulations. We can continue with our plan "as-is" however staff believes it is ideal that all seven of our goals are counted by the state.
The Planning Commission recommended approval of amending the Moderate Income Housing plan with regards to the sections about annually assessing and continually monitoring our accessory dwelling unit (ADU) code but deny the amendment with regards to lowering the property required to have a second accessory dwelling unit. The Planning Commission believes that allowing for three units on a half acre lot would be allowing for dense multifamily development in otherwise rural areas. The vote was 3-2 with the one dissenting vote being due to supporting lowering the property requirement for two ADUs and the other due opposing the plan in general. Staff will have a presentation for the Council on this item at the meeting to go over this in detail.

Findings:

Recommendation:

Attachments:
1. Moderate Income Housing Summary CC 7.20.2023
2. Copy of Re Planning Commission June 22, 2023
3. Hurricane Moderate Income Housing Report Notice of Compliance
4. Moderate Income Housing Plan Draft 7.14.2023
5. Resolution 2022-XX Moderate Income Housing Plan Amendments

PLANNING & ZONING
HURRICANE CITY
UTAH

STAFF COMMENTS

Agenda Date:	**07/20/2023**
Application Number:	
Type of Application:	City Master Plan
Action Type:	Legislative
Applicant:	Hurricane City Planning
Agent:	
Request:	Review and make a recommendation on an updated Moderate Income Housing Plan

Planning Commission Recommendation:
The Planning Commission recommended approval of amending the Moderate Income Housing plan with regards to the sections about annually assessing and continually monitoring our accessory dwelling unit (ADU) code but deny the amendment with regards to lowering the property required to have a second accessory dwelling unit. The Planning Commission believes that allowing for three units on a half acre lot would be allowing for dense multifamily development in otherwise rural areas. The vote was 3-2 with the one dissenting vote being due to supporting lowering the property requirement for two ADUs and the other due opposing the plan in general.

The proposed change to the Moderate Income Housing Plan would only be a recommendation that we evaluate the possibility of lowering the property requirement for a second ADU and would not require the City actually do that. Staff believes the changes as the Planning Commission recommended would be sufficient for compliance with state law.

The Planning Commission had a lively discussion on Moderate Income Housing and state requirements broadly. It is important to note that while the state does require the City to make progress every year on our plan it does not say these are the only things we can do to promote affordable housing in Hurricane. The City can do any number of other tactics, and staff would argue that we do currently, to promote moderate income housing in Hurricane as long as we still take actions on the policies and goals within this plan.

Discussion:
Attached is an amended copy of the Moderate Income Housing Plan. Utah State Law requires that cities and counties with more than 5,000 residents pass and implement a Moderate Income Housing Plan to address the current and future needs for moderate income housing in the area. Under HB 462, passed in 2022, cities are required to pick from a number of strategies. Cities that pick above and beyond that number of strategies get priority funding from UDOT. Hurricane City picked seven strategies, above the three required and five needed for priority funding. State law requires that we show progress on the

minimum number of strategies every year to maintain funding status and avoid fines and other penalties from the state.

The current plan was initially passed in September of 2022 after a recommendation from our Steering Committee, the Planning Commission and approval by the City Council. In November of 2022 the Utah State Department of Workforce Services issued a "letter of compliance" (attached to this packet) that noted that the state found strategies 1 and 2, relating to accessory dwelling units, were insufficient due to the City not having any ongoing goals associated with the strategy. The reason our plan doesn't have any goals with regards to ADUs is because we already do everything the state recommends we do.

Staff has added language to the plan that the City will annually assess our ADU policy and keep track of how many ADUs are built within the City (as required by state law). By adding language that indicates that there will be an ongoing action from the City with regards to this strategy we believe it will qualify for state compliance.

Current Strategies:

These are the current strategies we have selected from the state code and the City's current progress on implementing them.

State Code Language	**Hurricane City's goals and current progress**	**Proposed Change**
E. Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones *R. Eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530*	City is currently doing these things. Provide other incentives for long term rentals in ADUs	● Annually assess the regulations and success with regards to ADU regulation and make changes as necessary. ● The City currently allows for lots that are .8 acres or larger to have two ADUs on the property and only one can be a short-term rental. The City should look at policies that allow for lowering the lot size standard for this policy.
(J) Implement zoning incentives for moderate income units in new developments	The Planning Commission has recommended approval of an inclusionary zoning ordinance	

	Evaluate land transfers or transfer of development rights	
(L) Reduce, waive, or eliminate impact fees related to moderate income housing	Analysis of our impact fees is ongoing Waiving impact fees for affordable units is in the inclusionary zoning ordinance	
(W)Create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones	The Downtown Master Plan makes several recommendations with relation to this goal. The City has approved several zone changes for missing middle and mixed use developments in the past year	
(P) Demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing	The City has begun the process of master planning for the 15 acres adjacent to City Hall which is planned to involve some workforce housing	
(K) Preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or establishing a housing loss mitigation fund	The City Council has passed a Good Landlord program which helps with this goal The City plans to evaluate grant programs to preserve moderate income housing over the next year	

Recommendation:
Staff recommends the Planning Commission read through and consider the plan again and listen to the public comments. If the Planning Commission has no major concerns staff would recommend sending this on to the City Council.

From: Nanette Billings
Sent: Friday, June 16, 2023 5:02 PM
To: Fred Resch
Subject: Re: Planning Commission June 22, 2023

Fred,

Would you please add the item for discussion to the planning commission agenda to lower the threshold from .8 acre to .5 or council man Thomas wanted it at .25 where a home could have a short term and a long term rental as well.

This is my thought for asking the planning commission to make a recommendation on this. And where it has been within the year we should not have to take months for this to come to the council. This can be an item as a discussion, and then a public hearing and a recommendation and the council and discuss the planning commissions recommendations and then vote. I am hoping to help with following by having the discussion:

1- Help with moderate and affordable housing. Most people that have one rental are now using it for short term. If they have a second they would long term rent it if it was legal.

2- By lowering the acreage it could cause more parking on lots. We don't need to address the parking on the property for short term because we have that in our ordinance. But long term and permanent residents can park on the street. It could cause more parking issues in neighborhoods.

3- By opening this up to smaller lot sizes we will have more units available. Supply and demand is real and will help with the cost of rentals and housing.

Thanks for your help in this process of getting this on the next planning commission meeting. I appreciate the council and their direction in the matter. Thanks again.

Nanette Billings

Hurricane City Mayor
435-680-2757

On Jun 16, 2023, at 12:08 PM, Fred Resch <fred@cityofhurricane.com> wrote:

Planning Commission *et al.,*
Please see the link for the Planning Commission packet below. Monday is a holiday so paper copies will be delivered Tuesday. We will be starting at 5:30 this week. At the last meeting some of you said you might not be able to make it, so please let me know if you can't make it in case we need to reschedule.

https://drive.google.com/drive/folders/1oaY2HB9_zL6EsttdeaEx4Qbu-O3wt4Zo?usp=drive_link

Fred Resch III
Assistant City Planner/Code Enforcement
Hurricane City
P: (435) 635-2811 x 110
E: fred@cityofhurricane.com
<image001.png>

State of Utah
SPENCER J. COX
Governor
DEIDRE HENDERSON
Lieutenant Governor

Department of Workforce Services
CASEY R. CAMERON
Executive Director
GREG PARAS
Deputy Director
NATE MCDONALD
Deputy Director
KEVIN BURT
Deputy Director

November 22, 2022

To: Mayor and City Council
Hurricane City

From: Department of Workforce Services
Housing and Community Development Division

Re: Moderate Income Housing Report – 2022 Notice of Compliance

Dear Hurricane City Mayor and City Council,

Thank you for submitting your City's Moderate Income Housing report for this year in fulfillment of requirements set forth in State Code section 10-9a-408(2)(b). The Housing and Community Development Division has reviewed the plan and report and finds that they comply with the requirements set forth in section 10-9a-403(2)(b).

Hurricane City has met the requirements of 10-9a-408(5)(a)(ii)(A) and is eligible for Priority Consideration in the 2024 fiscal year for Transportation Commission funding for transportation projects within the boundaries of the municipality and Governor's Office of Planning and Budget Covid-19 Local Assistance Matching Grant Program. The community included five compliant strategies and implementation plans—two more than the three required for communities without fixed transit guideways.

Strategies 1 and 2 in the submitted report were insufficient to meet the code requirements and the city did not receive credit for them during the review. These strategies list the timeline as current and do not provide a specific timeline in the implementation plan. Current or ongoing activities may be included in the Moderate Income Housing Element, but the City must describe the timeline and activities which will be forthcoming or regularly occurring to receive credit for these strategies. Questions the City could ask to identify these activities and timeline include: Does this include regular monitoring? Are there planned studies? Next steps? Do these occur annually, one time, or on another timeline? It is recommended that these strategies be corrected prior to future submissions of the Moderate Income Housing Report

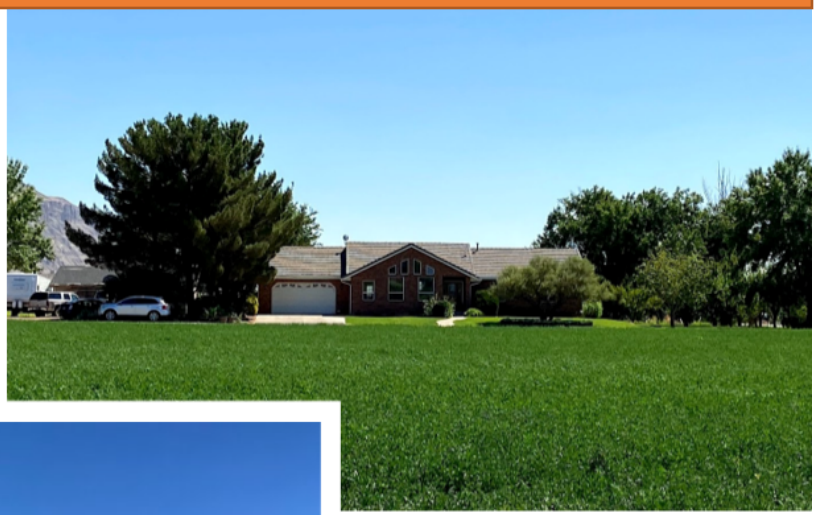
Section 10-9a-408(2)(c) requires each municipality's report starting in 2023 to describe action taken by the municipality towards implementation of the selected strategies, including how each land use decision or regulation supports the implementation of the moderate income housing strategies, barriers encountered, accessory dwelling unit information, the market's response to the strategies and implementation plans, and recommendations to the State regarding how the State can support the municipality in implementing strategies. As you prepare for next year's reporting, please keep those key points in mind and start collecting any necessary information now. The Division is working on a database of information to help you complete those reports and should have that available soon.

If you have any questions or concerns, please contact Alyssa Gamble at angamble@utah.gov or 385-249-4808. If you would like to schedule a time to meet with me, you may add a time to my calendar using this link: https://calendar.app.google/GWQagr3YuLmKxkaJ7.

Sincerely,

Alyssa Gamble
Program Manager – Moderate Income Housing Database
Housing and Community Development
Department of Workforce Services

Moderate Income Housing Plan



Acknowledge

Hurricane City wants to acknowledge the following for their help and contribution to the creation of this plan.

Mayor
Nanette Billings

City Council
Dave Sanders
Joseph Prete
David Hirschi
Kevin Thomas
Doug Heideman

Planning Commission
Paul Farthing
Shelley Goodfellow
Mark Sampson-Chair
Brad Winder
Rebecca Broneman
Michelle Cloud
Ralph Ballard
Kelby Iverson

Steering Committee

Kevin Thomas	City Council
Michelle Cloud	Planning Commission
Penny James-Garcia	Local Resident
Matt Loo	American Land Consulting
Rosie Sevier	Neighborhood Works/ Hurricane Chamber of Commerce
Brent Moser	Resident and Local Developer
Karl Rasmussen	Resident and Pro Value Engineering
Kayo Skandunas	Habitat for Humanity

Hurricane City Staff

Kaden DeMille	City Manager
Stephen Nelson, AICP	Planning Director
Fred Resch	Asst. Planner
Brienna Spencer	Planning Technician

PLANNING & ZONING
HURRICANE CITY
UTAH

DRAFT

Introduction and Vision

Hurricane City is a rural but growing community located in Washington County, Utah. The City is uniquely placed near Zion National Park, Red Rock Reserve, has two state park reservoirs within its boundary (Sand Hollow State Park and Quail Creek State Park), sand dunes to the south, and world famous mountain biking and hiking. The population at the time of writing this document is around 22,680, and the average growth rate has been around 7% each year for the last five years. About 60%-70% of the property within Hurricane is still available for development. Hurricane City anticipates that growth will continue over the next several decades.

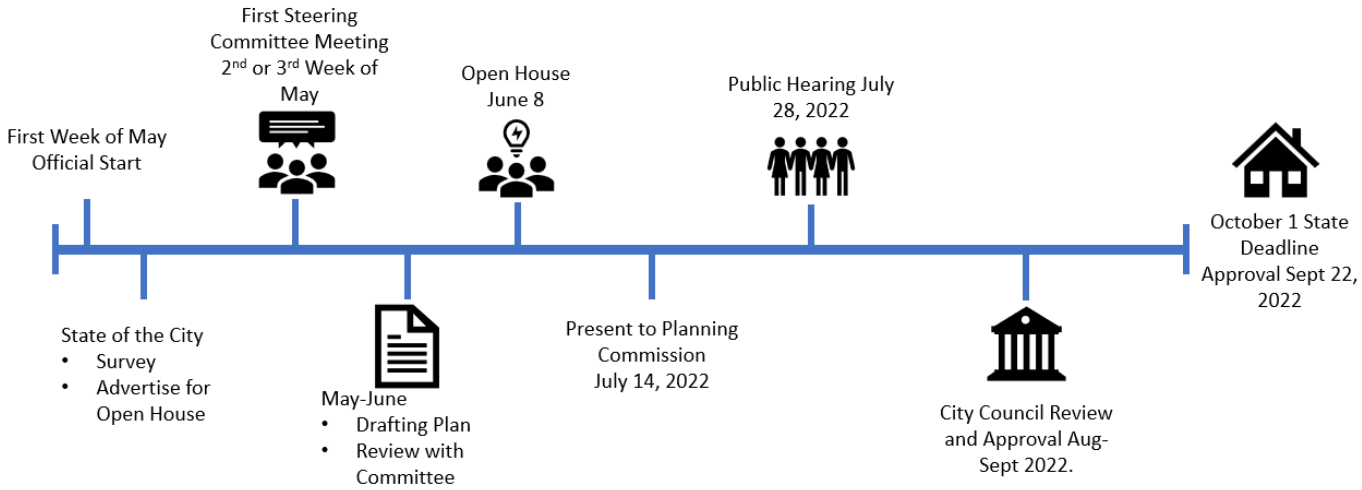
The high housing demand has created housing shortages within the City over the last several years, with a near-record low number of units available on the market at any given time. Home and rental prices have continued to rise over the past several years, pricing people out of the market. Hurricane City has taken steps in the last few years to increase housing options within the City by approving developments that contain a wider variety of housing types, allowing accessory dwelling units in all single-family zone, economic expansion within the City, and partnership with developers and non-profits to building more affordable units.

This plan's goal is to build upon existing strategies and create further policies to help guide the City to allow housing options for everyone to find adequate and affordable housing within the City.

Process of Creating the Plan

Hurricane City has endeavored to create an open process to create this plan while receiving input from the public. The City relied on citizens and stakeholders by creating a steering committee of business owners, developers, and residents; holding public surveys and an open house; the plan was reviewed and edited by the Planning Commission; and final approval by the City Council.

Timeline for Moderate Income Housing Plan



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Hurricane City's General Plan

In March of 2021, Hurricane City adopted a new General Plan. Chapter 4 within that plan focused on Housing and Transportation. The General Plan has the following housing vision:

> *OUR HOUSING VISION*
>
> *In 2030, Hurricane is a city that addresses their diverse housing needs with a wide range of housing options. A balance of stable single-family neighborhoods filled with full-time residents, retirement communities, affordable, well-designed multi-family developments, and residential agriculture provides options for families and individuals at all stages of life and allows residents to age-in-place.*
>
> *THIS MEANS:*
>
> *» Allowing a mix of housing options such as accessory dwelling units to meet housing affordability needs*
>
> *» Providing high-quality senior housing options and smaller lots with less maintenance to allow residents to age-in-place*
>
> *» Preserving and investing in already established neighborhoods*
>
> *» Creating design standards for high-density housing*
>
> » Managing short-term/vacation rentals to mitigate the potential impact on the surrounding neighborhoods
>
> (General Plan, 2021, p. 39)

The General Plan lists strategies and policies to help achieve this vision. These strategies and policies will be referenced but not listed within this document. This plan will not seek to rewrite these sections of the General Plan but build upon them into detailed plans to achieve the vision within it.

State Law Requirements

Utah State Legislature updated requirements for qualifying cities for moderate income housing plans in the spring of 2022 with House Bill 462 and requires each municipality to comply with the new standard by October 1, 2022. These new requirements make the 2019 Moderate Income Housing Plan obsolete and in a need of an update. The law requires Hurricane City to adopt three strategies from a menu of options within state law. This plan meets the new requirements within state law by adopting seven of the menu options and incorporating strategies and an implementation plan to achieve those strategies.

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Other Factors

While the City cannot control the housing market, it can take steps to help ensure housing options continue to be available for all residents of all income ranges and ages. These include locating appropriate land use designations for multi-family housing, manufactured home communities, and townhome developments. Ensuring these land use designations are located in areas convenient to shopping, transportation, and jobs will help families keep transportation costs lower. The City considered these factors as it updated the 2020 General Plan, which is reflected in this Plan.

Outline

This plan shall address the following items.

- Assessment of the current housing in Hurricane City
- Review of Public Input
- Current Policies
- Strategies and Policy
- Implementation
- Conclusion

Assessment

One of the first steps to creating a housing plan is to assess the current housing market within the City. This section will review home and rental prices, existing affordable housing stock, growth within Hurricane, short term rentals, and anticipated housing needs.

Home and Rental Prices

Hurricane City has seen a dramatic increase in housing costs over the last several years. Home prices have risen across the board for every type of housing option. The two following graphs show the rise in rental rates for two bedroom apartments in Washington County, and the home prices within Hurricane City. As the data shows, the average monthly rental rate in 2015 was $950, while today the average rental rate is around $1,700. The Home Prices in Hurricane graph represents the actual average and median home sale prices from January 2018-January 2022. The graph shows that home prices have risen 87% since 2018. These dramatic increases have outpaced the rise of income over the same period.

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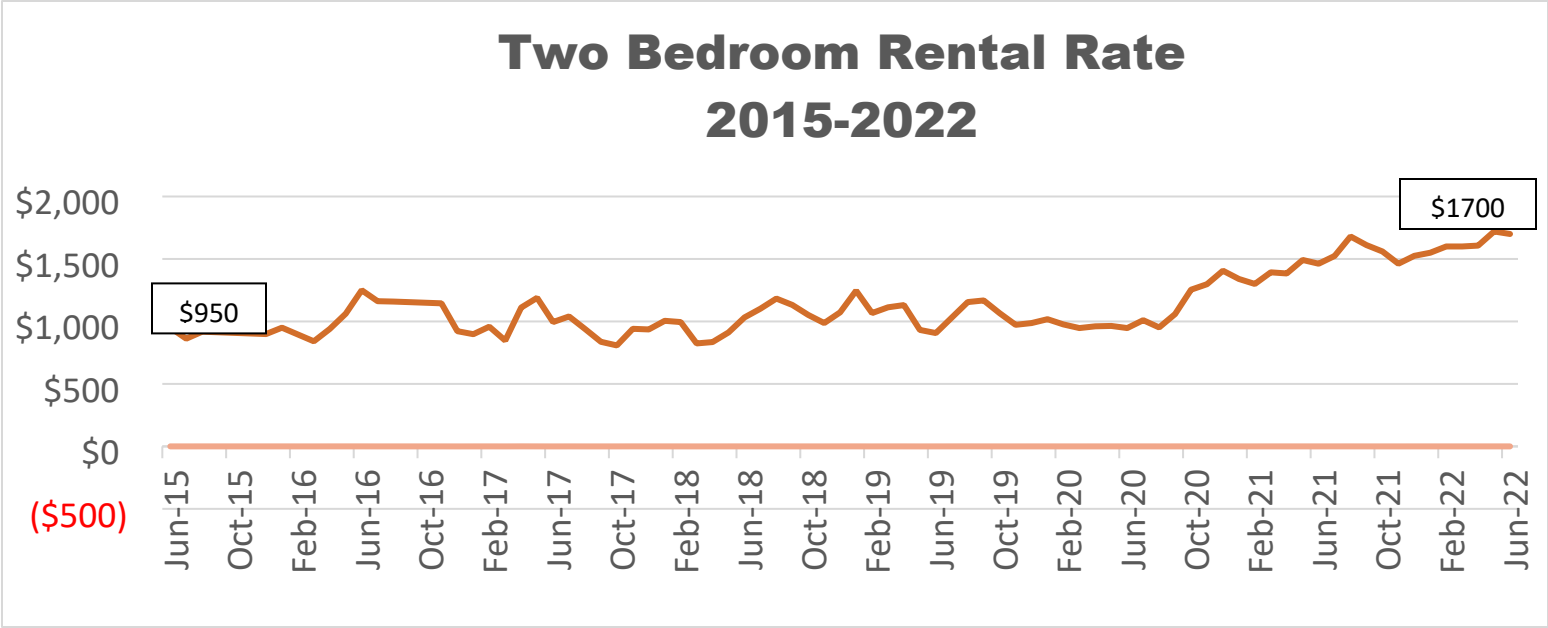
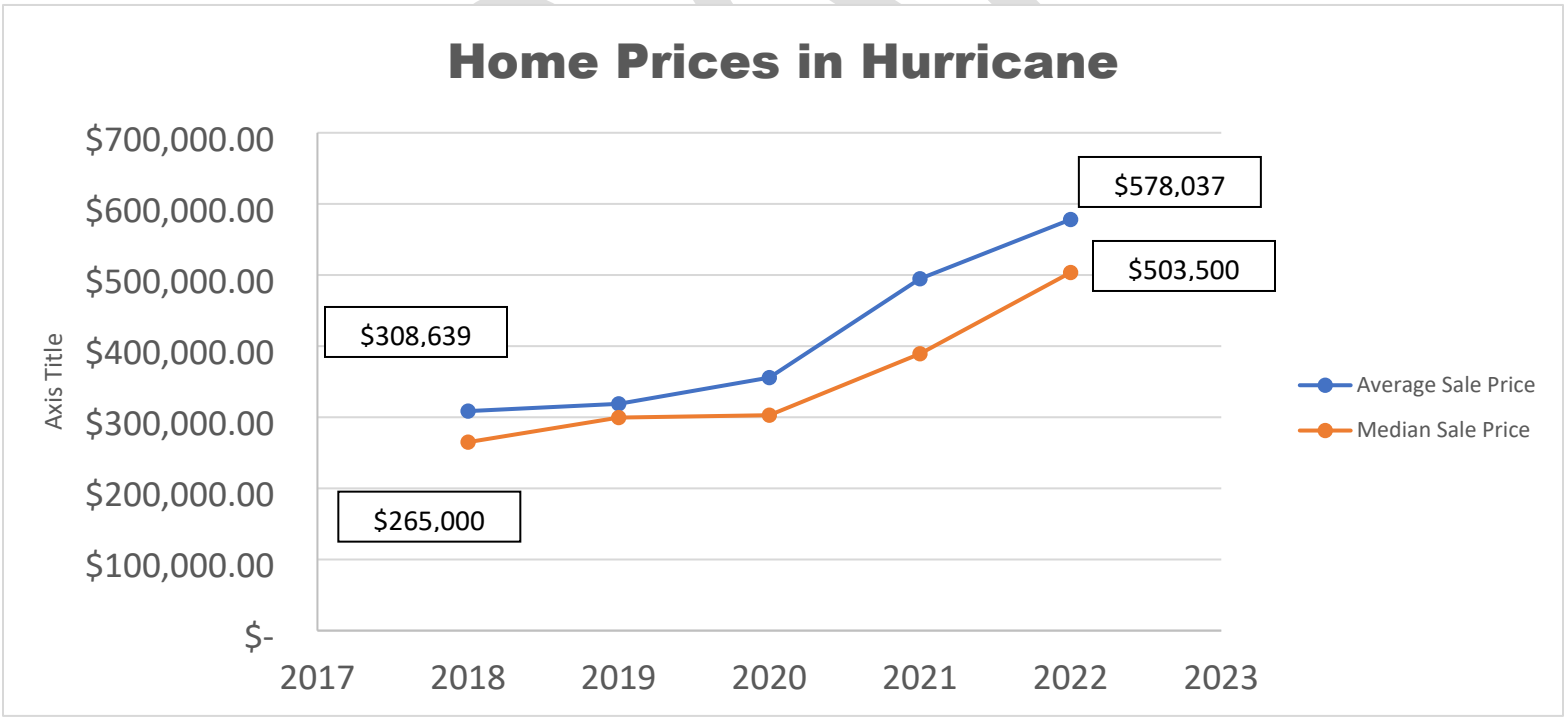


Source: https://www.zumper.com/rent-research/washington-ut



Existing Housing Stock and Developments

Hurricane City has been working on increasing the housing type within the City. The following table shows the estimated numbers for the different housing stock within the City. 2018 serves as the base year with census data, the remaining has been provided by building permits issued by the City.

Year	Homes	Percentage	Twin Homes	Percentage2	Apartments	Percentage3	Manufactured Home	Percentage4	Total
2022	5611	75%	908	12%	318	4%	634	8%	7471
2021	5541	76%	855	12%	303	4%	634	9%	7333
2020	5049	75%	723	11%	288	4%	634	9%	6694
2019	4637	76%	563	9%	288	5%	634	10%	6122
2018	4324	75%	519	9%	288	5%	634	11%	5765

Hurricane City has several existing affordable Projects within Hurricane. Some of these are through federal programs, and some include historic housing developments within the City.

Project Name	Location	Number of Units	Low-Income Units	Zoning
Hurricane Apts	165 N 200 W	24	24	RM-2
Knollwood Townhomes	6220 W 140 N	28	28	RM-2
Hurricane Hills I	2002 W 200 S	50	50	RM-2 PDO
Renee Ann	6325 W 25 N	23	23	RM-2
Hurricane Hills II	2002 W 200 S	28	28	RM-2 PDO
Crown at Stoney Point	580 N 230 W	8	8	R1-6
Stone Ridge Townhomes	380 and 384 S 6250 W	40	40	RM-3 PDO
Stone Ridge Townhomes II	368 & 380 S 6200 W	68	68	RM-3 PDO

(This table shows the number of units that have been approved and built as Low Income Housing Tax Credit (LIHTC) Developments)

The City has also approved a new FHA Condo Home Project containing 200 Units located on Old Hwy 91 and Foothills Canon Dr. The City has recently had several homes built by Self Help Homes. This nonprofit housing organization allows future owners within a development to help build their and their neighbor's

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homes to lower the price of the home's construction. In addition, housing stock in the historic downtown area has remained some of the most affordable units within the City.

The City has also taken steps over the last few years to increase the housing diversity within the City. Some of these steps have included approving apartment complexes, mixed use and master plan developments with multiple housing options, and expanding multi-family developments. This can most clearly be seen in the following table showing the building permits' type and number. The City has also continued to allow for both attached and detached ADUs, helping both property owners and potential renters.

Number of Building Permits Issued

Year	Homes	Twin Homes/Townhomes	Condo's	Commercial	Total
2022 (Jan- May)	70	53	15	11	149
2021	492	132	15	40	679
2020	412	160		35	607
2019	313	44		25	382
2018	313	37		15	365
2017	349	25	51	10	435
2016	364	2			366
2015	296	6	18	1	321

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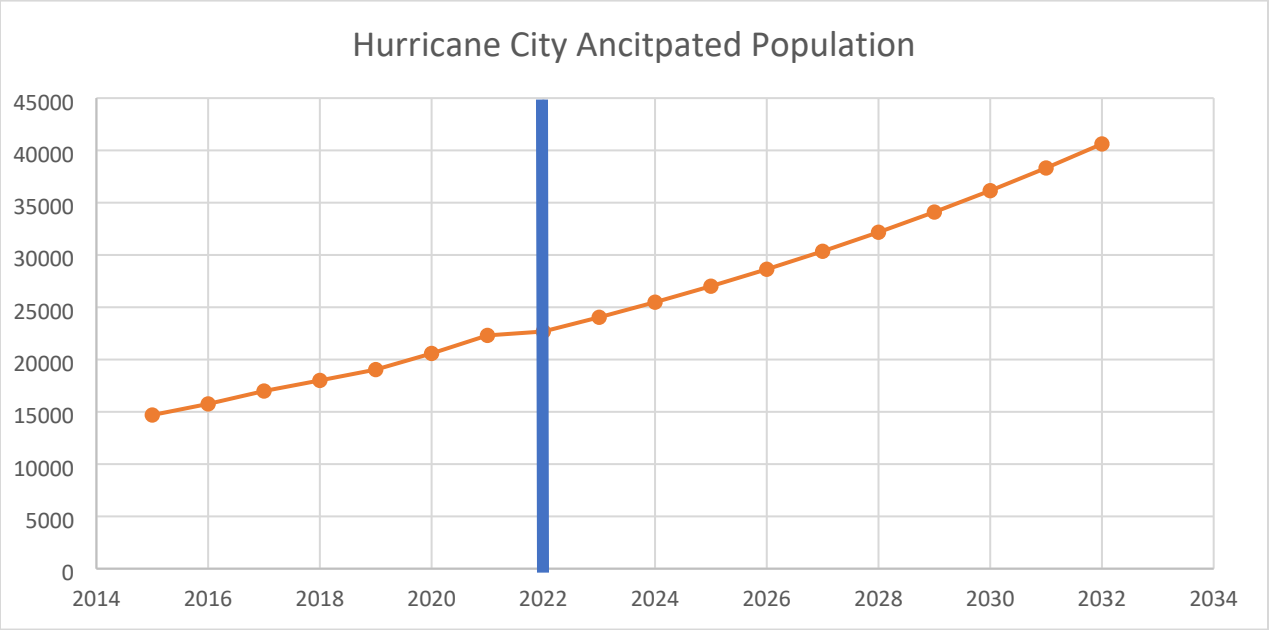
Growth within Hurricane City



(*This table represents a population estimate of Hurricane City based on the number of building permits issued each year with an average of 2.7 people for each household and closely correlates with census estimates)*

Hurricane City has experienced a high growth rate over the last few years, with a record number of building permits issued. The number of building permits in 2020 and 2021 has dramatically risen. The City has also seen a rise in different housing types with an increase in townhomes and the completion of the first large apartment complex in 2021 and a second large complex that began construction in 2021. The current housing demand has put pressure on the housing market and is one factor in the rise of housing costs.

Short Term Rentals

Number of Licenses June 2022	
Short Term Business Licenses Total	**400**
Breakdown	
Residential Hosting	108
Commercial	10
Resorts	214
Number in Single Family	66 (2 pending)
Applicants on Waiting List	*76*

Hurricane City allows for property to be rented out as vacation or short term rentals in three ways:

- As part of a resort development or in commercial areas
- In Single Family Neighborhoods: limit to three licenses for every 1000 residents
- Residential Hosting: A homeowner can rent out a section of their home or ADU for guests.

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The table shows the number of issued licenses for each type of allowed short term rental unit and the number of homes currently on the waiting list for single family licenses.

The City has approved 5,214 resort units, most of which have not been built. In 2021 and 2022, the City took proactive steps to limit the further expansion of resort units.

- The City updated its Recreation Resort Zoning to provide enhanced guidelines for future zone change requests and updated the standards of the ordinance to mitigate impacts from resort developments.
- The City updated its code enforcement policy from a criminal citation to an administrative citation to allow for better enforcement for short term rentals operating in violation of the Hurricane City code.

The table below shows the vacancy rate for housing units within Hurricane City. As the table shows, the number of for rent and for sale vacancies have remained the same or even have gone down, which is anticipated in a competitive market. However, seasonal, recreational, or occasional use numbers have continued to rise within the City.

	2010	2015	2020
Total Housing Units (occupied + vacant)	**5129**	**5711**	**7131**
Total Occupied	**4538**	**4766**	**6142**
Owner-occupied	3573	3193	4442
Renter-occupied	965	1573	1700
Total Vacant	**591**	**945**	**989**
For rent	50	49	46
For sale	84	36	24
Rented or sold, awaiting occupancy	0	164	0
For seasonal, recreational, or occasional use	308	502	705
Other vacant	149	194	214
Vacancy Rate	**11.52%**	**16.55%**	**13.87%**

Source: ACS 5-year Estimates - 2010, 2015, 2020

B25004: Vacancy Status

B25118: Tenure by Houshold Income in the Past 12 Months (in 2020 Inflation-Adjusted Dollars)

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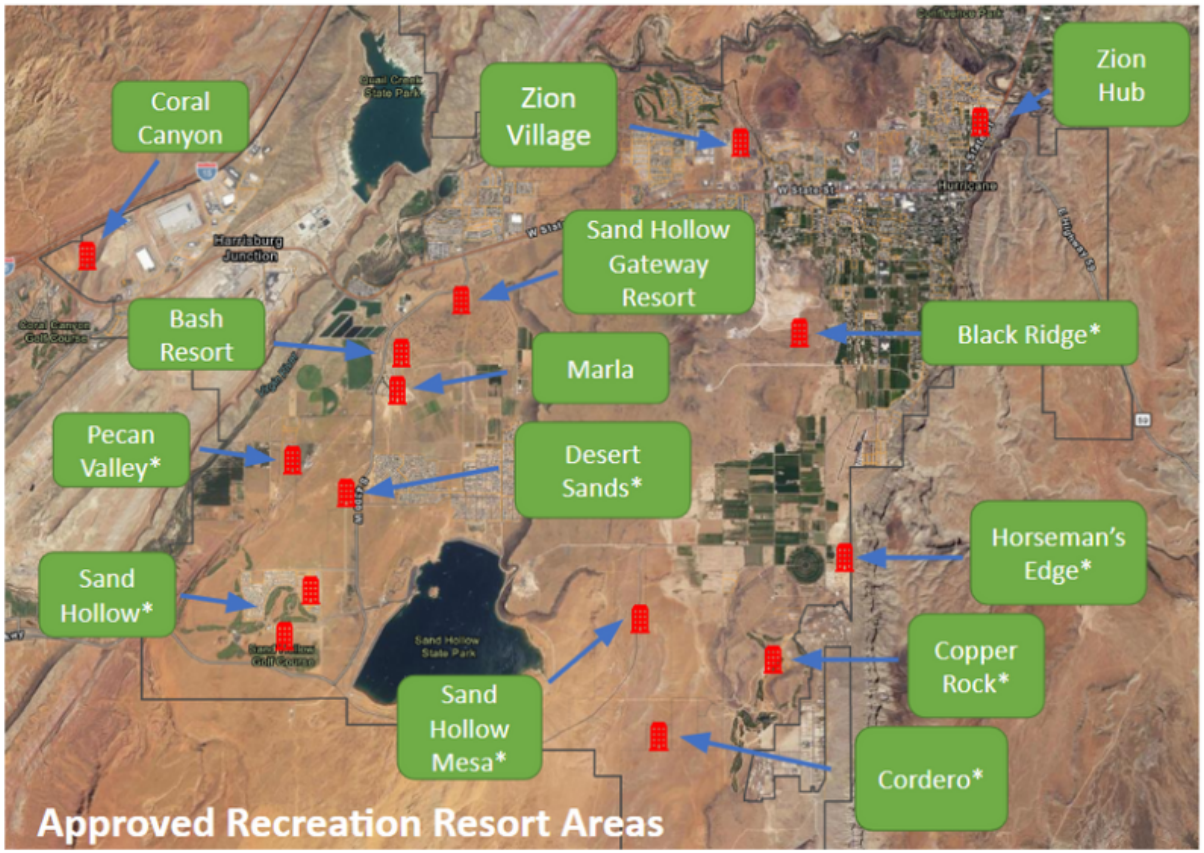
Recreation Resort Areas in Hurricane



*Indicates development is a mix of long term and short term housing

Recreation Resort Zones	
Development	**Approved Number of Units**
Bash Resort	353
Black Ridge	247
Copper Rock	774
Coral Canyon	140
Cordero	345
Desert Sand	354
Horseman's Edge	15
Marla	121
Pecan Valley	447
Sand Hollow	702
Sand Hollow Gateway Resort	885
Sand Hollow Mesa	707
Zion Hub	35
Zion Village	89
Total	**5214**

Anticipated Housing Needs

With the growth in Hurricane, rising prices, and the limited number of homes and rentals on the market, Hurricane is facing a housing crisis. Many individuals and families struggle with finding adequate and affordable housing. The data below shows estimated housing deficits for Hurricane's Median Income, and then the following sections show Cost Burden Household based off Washington County Area Median Income (AMI).

Housing is considered affordable when no more than 30% of a household's income is spent on housing and utilities. Affordable Housing is housing that those making 30%, 50%, and 80% of the area's median income can afford a housing unit without spending more than 30% of their income.

Two types of Affordable Housing

Market Provided (Naturally Occurring) Units: These units are available on the open market and are affordable.

Dedicated Affordable Units: These units have some deed or government restrictions to maintain affordability.

Washington County Area Median Income

2022	Median Family Income	Median Income Percentage	Person in Family	
			3	4
St George UT Area	$83,900.00	30%	$23,030	$27,750
		50%	$37,350	$41,450
		80%	$59,700	$66,300

(This Table was provided by HUD: https://www.huduser.gov/portal/datasets/il/il2022/2022summary.odn)

Affordability Housing Cost for Spending No More Than 30% of Monthly Income

	Affordable Monthly Payments for Household	
Median Income Percentage	3 Person	4 Person
30%	$ 575.8	$ 693.8
50%	$ 933.8	$ 1,036.3
80%	$ 1,492.5	$ 1,657.5

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Affordable Housing Gap

2020 Shortage	Renter Households	Affordable Rental Units	Available Rental Units	Affordable Units Gap	Available Units Gap
80% AMI	875	1465	805	590	-70
50% AMI	615	500	270	-115	-345
30% AMI	405	205	70	-200	-335

2021 General Plan

As the tables above show, there is currently housing deficits for all ranges of housing. The following table shows the anticipated need of additional units from 2020 if no new units are added.

Year	30% Additional Housing Units Needed	50% Additional Housing Units Needed	80% Additional Housing Units Needed
2020	70	345	335
2021	74	362	352
2022	77	380	369
2023	81	399	388
2024	85	419	407
2025	89	440	428
2026	94	462	449

The following information shows the number households that are Cost Burden within the City and are currently pay more than 30% of their monthly income on housing. This data illustrates that even though many household have found housing within the City, they are still burdened by the high cost of rents and mortgages.

Cost Burden Households

Income by Cost Burden (Owners and Renters)	Cost burden > 30%	Cost burden > 50%	Total
Household Income <= 30% HAMFI	350	295	535
Household Income >30% to <=50% HAMFI	165	90	520
Household Income >50% to <=80% HAMFI	575	75	1,230
Household Income >80% to <=100% HAMFI	154	4	595
Household Income >100% HAMFI	110	25	2,885
Total	1,354	499	5,765

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Income by Cost Burden (Renters only)	Cost burden > 30%	Cost burden > 50%	Total
Household Income <= 30% HAMFI	235	220	315
Household Income >30% to <=50% HAMFI	70	15	220
Household Income >50% to <=80% HAMFI	240	35	415
Household Income >80% to <=100% HAMFI	10	0	140
Household Income >100% HAMFI	0	0	620
Total	555	270	1,710

Income by Cost Burden (Owners only)	Cost burden > 30%	Cost burden > 50%	Total
Household Income <= 30% HAMFI	115	75	220
Household Income >30% to <=50% HAMFI	100	80	300
Household Income >50% to <=80% HAMFI	340	45	815
Household Income >80% to <=100% HAMFI	149	4	455
Household Income >100% HAMFI	110	25	2,265
Total	814	229	4,055

*Cost burden is the ratio of housing costs to household income. For renters- housing cost is gross rent (contract rent plus utilities)

*For owners- housing cost is "select monthly owner costs" which includes mortgage payment; utilities; association fees; insurance; and real estate taxes.

(These tables were provided for CHAS DATA from the 2014-2018 Period: https://www.huduser.gov/portal/datasets/cp.html#2006-2017)

From the data provided above, it is clear that we Hurricane residents are facing increased housing cost, which is requiring many to spend more than 30% of their income to afford a place to live. From public input, many residents reported making difficult housing choices to find places to live, including spending more then they can afford, living with family and friends, and postponing buying a home.

Public Input

The City sought public input in a couple of ways during the process of creating this plan. The main ways were

- A steering committee made up of residents, business owners, housing nonprofit organizations, developers, elected and appointed representatives, and city staff
- An online survey
- A public open house
- A table and survey distribution at the Mayor's State of the City

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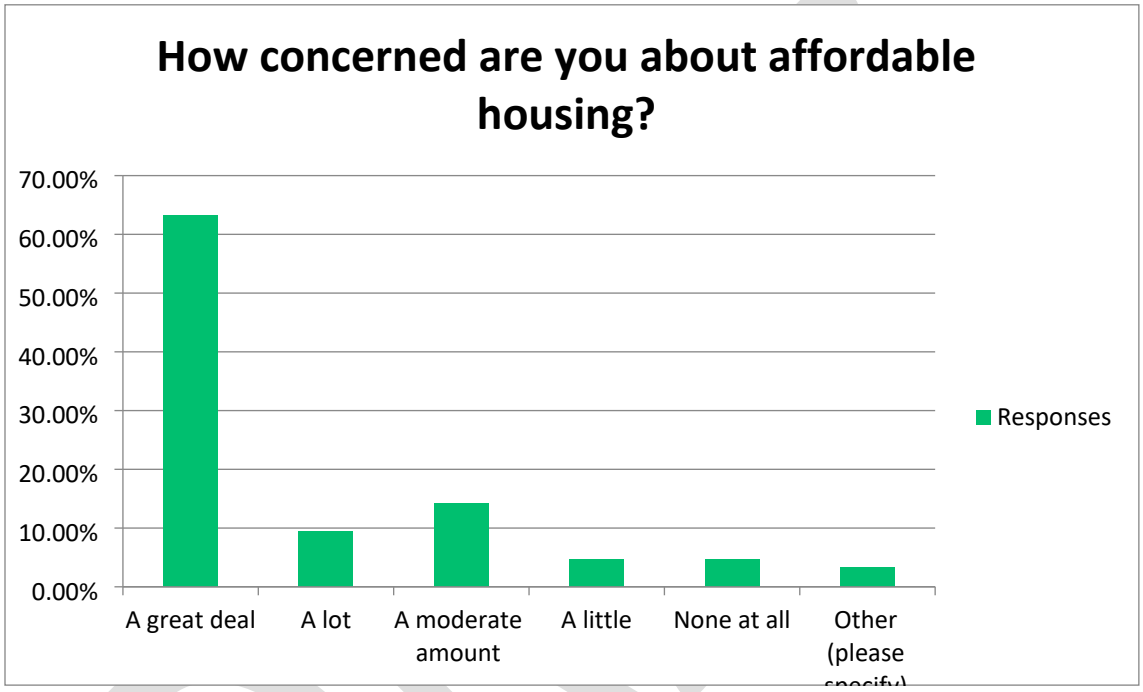
- A public hearing with the Planning Commission

The following are a summary of the feedback.

Online Survey

The City obtained 148 online survey responses (full results are in Appendix A). A vast majority of those who participated in the survey had some concern about housing costs within Hurricane City, with 63% indicating the highest level of concern listed within the survey.



The City obtained 148 online survey responses (full results are in Appendix A). A vast majority of those who participated in the survey had some concern about housing costs within Hurricane City, with 63% indicating the highest level of concern listed within the survey.

In addition, about 67% of respondents indicated that they felt that there was inadequate affordable or accessible housing in their area. The following are some of the responses to the question "*Do you feel that there is adequate affordable/handicapped accessible housing in your area?*"

> *No I have been searching for a place of my own but everything is out of my budget. I work for Zion but may need to move to st george to find any home for under $1600 a month*
>
> *A lot people including myself can't afford to pay the 2k a month rent as most are either newlyweds or college students who don't make enough*
>
> *Most of them are on a fixed income houses are to much to buy and housing wait list is too long not enough places for them to rent without a long wait list*

When presented with a list of policies that the City could implement, the following four options were the most popular:

- Work to preserve existing and new affordable housing
- Continue to allow accessory dwelling units (apartments on a single family lot, like a casita, basement apartment, mother-in-law suite, etc) to be allowed in single family zone.
- Work with nonprofit housing organizations for the construction of new affordable housing
- Provide incentives to developers to provide housing units ensured to remain affordable

The least popular options presented were:

- Lower parking requirements for higher density housing
- Rezone for higher density or affordable housing development in mixed use areas (areas with commercial and residential)

When asked, "What is your biggest concern about housing within Hurricane City?", there were some main themes from the public. One of the main concerns mentioned was short term rentals and seasonal occupied housing. Another concern was the need to provide commercial development near new housing projects. One of the comments that helps summarize these points:

> *There is a housing boom right now that is putting a huge demand on new houses but the people buying them are not living in them. They are closing and putting them for rent at outrageous prices. I fear the housing growth has been outpacing the growth of everything else. Soon this town will just be spots of housing developments with nothing but desert in between. Hurricane needs to prioritize building commercial areas to serve all the housing. At this rate even if affordable housing is created and managed, it will be in a good desert and be an unrealistic situation for someone in need. I expect better community planning to ensure that once homes are built they are filled with people that are going to stay, not rent out their homes to tourists*

Open House

The City held a public open house on June 8th, 2022. At the open house, members of the public had the opportunity to come and leave public feedback and discuss housing needs with City Councilmembers, Planning Commissioners, and City Staff. Habitat for Humanity also participated, set up a table, and provided information about their mission and housing needs in the area. The City created posters with information and allowed residents to write ideas down and place stickers on policies they would likely support (these results are in Appendix A). Some of the policies at the open house that were most supported were:

- Work with nonprofit housing organizations for the construction of new affordable units
- Continue to allow accessory dwelling units to be allowed in single family zones

While there was one less popular option:

- Construct and manage City/Nonprofit owned affordable housing projects

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Other options presented received similar support.

On open ended questions, there were many concerns about the affordability of housing within Hurricane. Many residents were concerned about the number of short term rentals within the City. Support was voiced for allowing a mixture of housing types in many neighborhoods.

Strategies and Policies

Housing affordability is a problem Hurricane City residents are currently facing, with no single clear solution to resolve either short-term or long-term housing issues. As such, Hurricane City will take a multifaceted approach by adopting several strategies with underlying policies to address housing considerations.

These policies were selected by the steering committee after reviewing options within state law and reviewing feedback from the public.

Policies

Accessory Dwelling Units (ADUs)

1. ***Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones;***

and

2. ***Eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530;***

Policies Recommendations

- The City currently allows ADUs within all single family zone. Both for attached and detached. These units may be used for short term or long term rentals.
- ~~In May of 2022, the City changed the code to allow for lots that are .8 acres or larger to have two ADUs on the property, requiring that at least one can only be used for long term rental.~~ The City currently allows for lots that are .8 acres or larger to have two ADUs on the property and only one can be a short-term rental. The City should look at policies that allow for lowering the lot size standard for this policy.
- The City in May of 2022 now allows the property owner to live in the ADU or Primary unit if the other unit is for long term rentals.
- The City currently does not charge impact fees for the construction of ADUs unless there is an upsize in the utility meter. This plan recommends that the City not adopt impact fees for any ADUs used for long-term rentals.
- ~~•~~ Provide other incentives for long term rentals in ADUs.

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- Annually assess the regulations and success with regards to ADU regulation and make changes as necessary.

Development Incentives

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

Policy Recommendations

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

4. Reduce, waive, or eliminate impact fees related to moderate-income housing;

Policy Recommendations

- Do a full review of impact fees for the City and associated districts that charge impact fees within the City.
- Do a financial analysis to study the effects of varying levels of impact fee waivers or reductions.
- Review a variety of options for reduction, waiving, or eliminating impact fees for affordable units.
- Review a policy for deferred impact fees with the possibility of waiving the impact fees after meeting specific terms specified in an agreement.
- As Impact fees are updated, include affordable housing elements with reduced impact fees for qualified, affordable housing units. This can happen as the City updates its impact fee schedule. The City is scheduled to review and update water, parks, and transportation impact fees by July 2023.
- Review and apply for state grants to help compensate for any revenue loss.

Mixed Use Development

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

Policy Recommendations

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

Land Trust Programs

6. **Demonstrate creation of, or participation in, a community land trust program for moderate income housing;**

Policy Recommendations

- Review City owned property that may be developed for affordable housing, including the recently purchased 15 acres adjacent to City Hall.
- Coordinate with Southwest Utah Land Trust for possible expansion into Hurricane.
- Look at using the Olene Walker Fund and other nonprofit/government resources to construct affordable housing.
- The Utah Housing Coalition.

Preservation of Existing and New Moderate-Income Housing

7. **Preserve existing and new moderate-income housing and subsidized units by utilizing a landlord incentive program, providing for deed-restricted units through a grant program, or establishing a housing loss mitigation fund; (From the public)**

Policy Recommendations

- Hurricane City should create a Good Landlord program within the City and provide incentives for landlords to participate.
- Look at providing incentives for low-income households for the maintenance of their property.
- Look into state and federal programs that may provide grant opportunities.
- Review historic housing areas and ensure their continued use is allowed within the underlying zone.
- Look at implementing grant programs to help maintain the facades of historic buildings and housing within Hurricane City.

Alternate Options

8. Any other program or strategy to address the housing needs of residents of the municipality who earn less than 80% of the area median income~~Alternate Options~~

(A-1) Limit Short Term Rentals except in Recreation Resort or Approved Planned Development Overlays

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- Look into local ownership limitations
- Limit expansion of short term rentals to the current total number of licenses with no increases
- Continue to evaluate resort standards to limit the growth of resorts within the City.

(A-2) Work with nonprofit housing organizations to construct new affordable units.

(January 21, 2022. Ribbon cutting for a home construct through Habitat for Humanity in Hurricane City)

- Provide incentives for developers to partner with non-profit housing organizations to provide lots for construction.
- Partner with nonprofits to help develop City owned property for affordable housing options.
- Waive or defer impact fees for homes built by nonprofits building guaranteed affordable units.
- Partner with non-profits for public awareness campaigns

(A-3) Reduce barriers for owner builder

- Review barriers that prevent owner builders from building
- Reduces requirements that do not conflict with building code or state code.

Implementation Schedule

Time Frame	Item	Steps
~~Current~~Ongoing	ADU Regulation	~~Look at~~Annually assess ways to encourage long term rentals in accessory dwelling units Keep attached and detached ADUs as permitted uses within single-family zones Track new ADU construction and work to create a list of all ADUs
Summer 2022-Spring of 2023 Adopt Zoning Code and Standards as Downtown Master Plan Recommends	Downtown Master Plan	Update Downtown Master Plan and recommend standards for housing, mixed use development, and create recommendation for design standards. Consider eliminating or reducing single family zoning in downtown area. Follow implantation plan form within the General Plan
Summer of 2023	Inclusionary Zoning Policy	Add density bonus for Planned Development Overlay for affordable units. This could include deed-restricted units or units that will be constructed by nonprofit housing organizations. Create incentives for developers to pay fees into a housing fund that could help support the creation or construction of affordable units. Evaluate density bonus incentive for affordable housing within the Planned Commercial Mix Use Zone. Look at allowing land transfers for density bonuses or use Transfer of Development Rights to create more affordable developments in exchange for keeping other property open. This policy should be reviewed and implemented by the Summer of 2023.
Spring of 2023	Good Landlord Program	Create a good landlord program offering discounts on business licenses for landlords that complete course.
Fall of 2023	ADU Regulations	Evaluate lowering the current standard of allowing two ADUs on properties above .8 acres down to .5 acres.

Fall of 2023	Grant Programs	Look for state and federal funding to allow for maintaining of affordable housing. Prioritize those who complete Good Landlord Program City should consider establishing their own program Edit its first time home buyers program
2024	Waiving Impact Fee	Do an analysis of revenue generated by impact fees and provide estimates of cost to the City by waiving impact fee for affordable units Create and adopt a policy where affordable units and units constructed by charities are provided an impact fee waiver or discount.
Summer 2024	Community Land Trust Program	Evaluate Hurricane City property and evaluate if any existing property can be used for housing options, including a portion of the 15 acres adjacent to City Hall Coordinate with existing housing programs and charities for partnership to form the trust.

Conclusion

Hurricane City is facing an affordable housing crisis, leading to many families paying more for housing than they would otherwise and excluding many from the current housing market. The City is committed to taking steps to increase housing options within the City and allowing more affordable options as part of new developments. The City is also committed to taking steps to maintain the existing affordable housing stock. The City believes that by implementing the strategies within the General Plan and this plan, it can work toward meeting the housing needs of all its residents.

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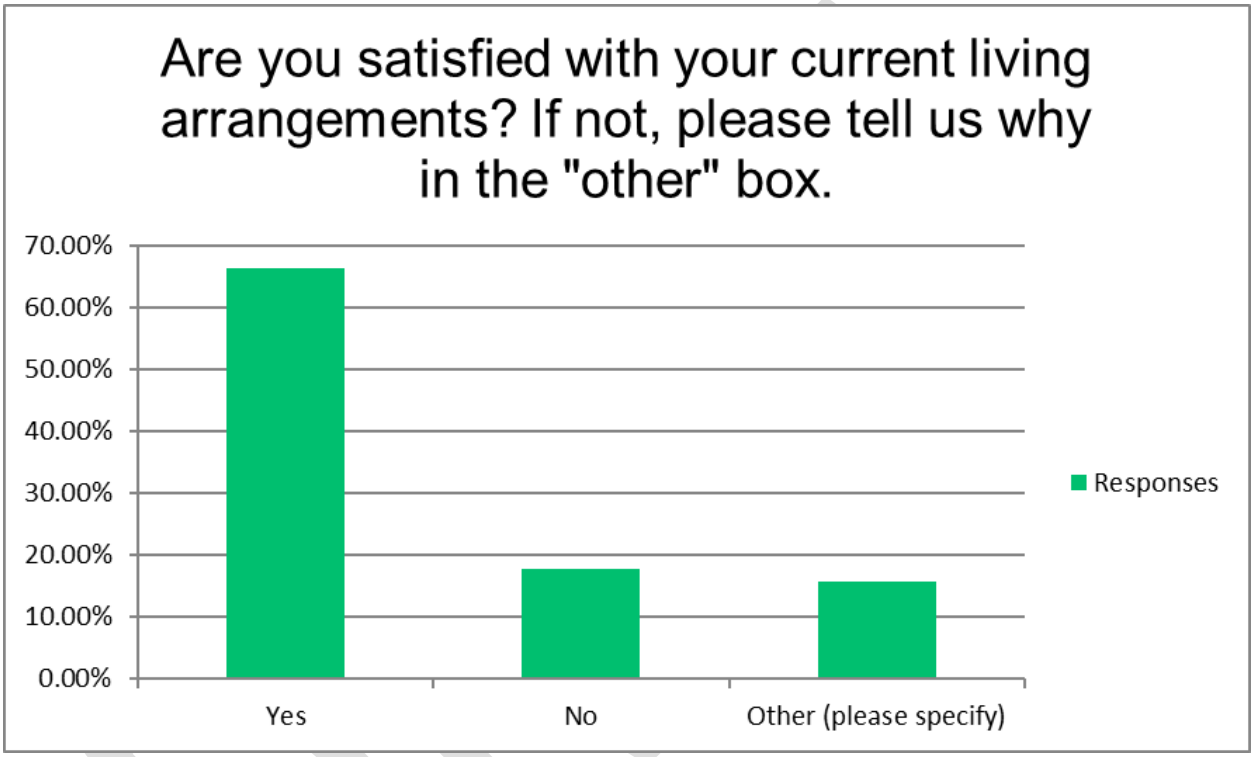
Appendix A

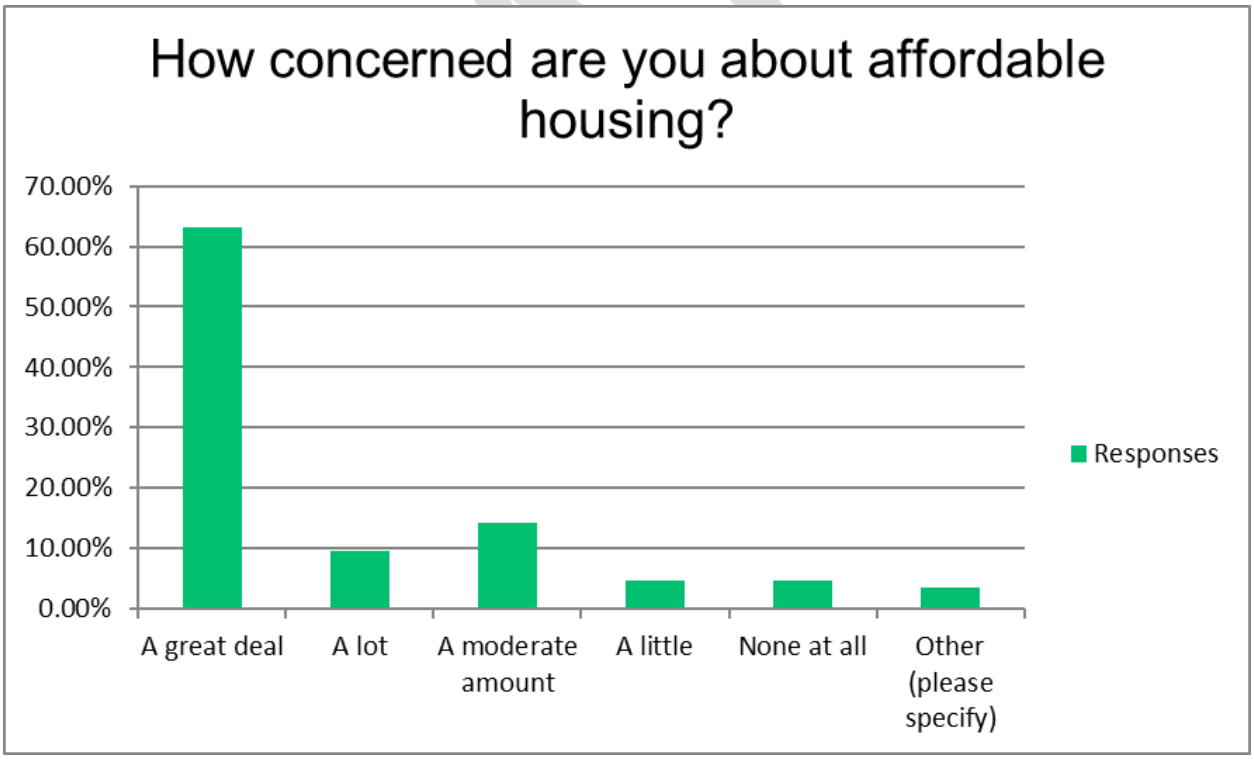
Public Input

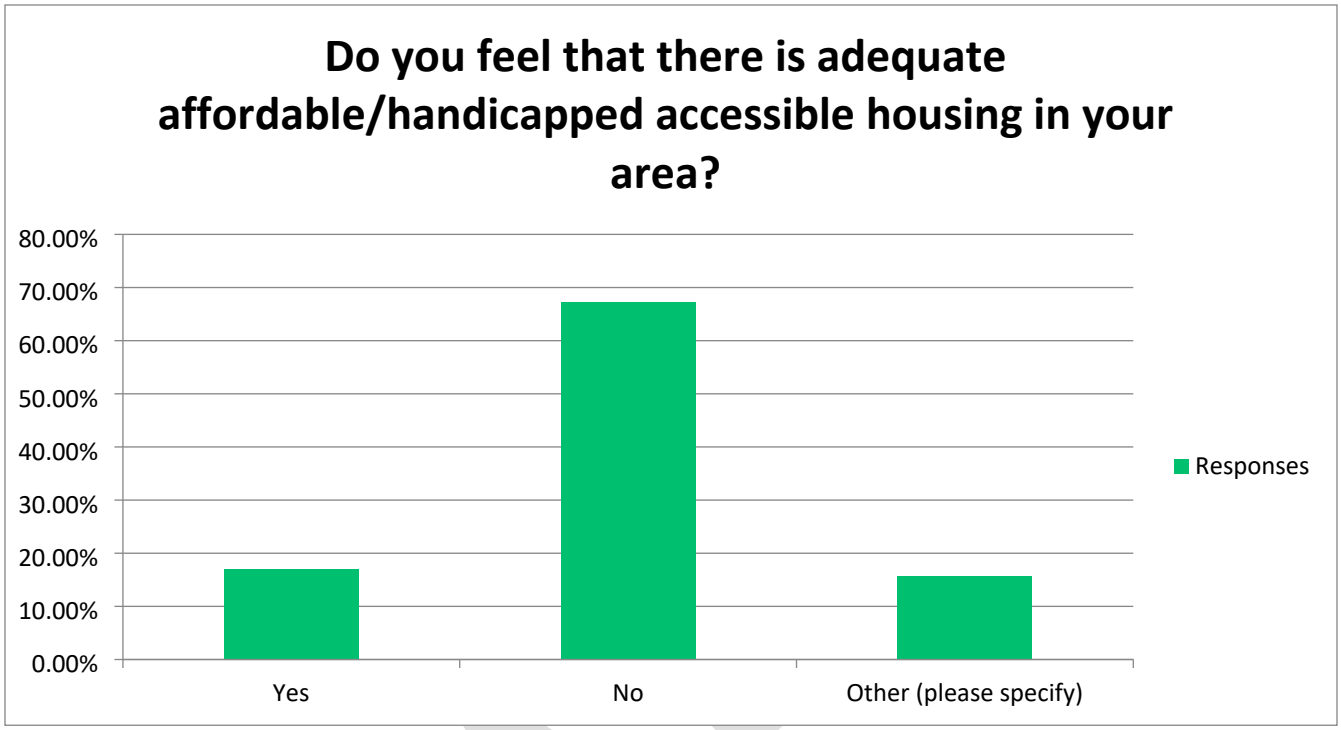
Online Survey Results



Are you satisfied with your current living arrangements? If not, please tell us why in the "other" box.
I would like to live in a house with a yard
Hurricane needs to keep up with the mass amount of people moving here OR stop allowing building of new homes. With all these new people here has the police dept hired more staff because you're going to need it. Cars are getting stolen and broken into around my area off 3700
Rent was raised this past year while nothing was changed in the house. It has all original appliances and carpets from over 20 years ago!
Rent too high
It was very expensive for an older home in an older neighborhood
It's too small but all I can afford
Lack of washer/dryer and sheltered parking.
I want to live in a house but nothing is reasonable
Not enough space.
I want a house with a yard and enough space inside for my children as well

I would love to live in a gated community that has a hoa to keep trashy neighbors out that don't want to take care of a yard
I would like to have more property and to live in a more rural place.
Other than the price for rent, yes I am satisfied.
I live with my mom to make ends meet
I have to rent out a room to afford to eat
dont like shared driveway
Renting until we can afford to buy a house
Poor it lack of, repairs.
Rent is high
I have to live with my parents to be able to afford a place to live.
My lot rent keeps going up so high I can barley make enough to feed my kids
Would rather have house with more parking
I live in my parents casita, it's small but it's affordable. I would love to get a townhouse or duplex, but not when they're $400k+.





Do you feel that there is adequate affordable/handicapped accessible housing in your area?
I dont know
No I have been searching for a place of my own but everything is out of my budget. I work for Zion but may need to move to st george to find any home for under $1600 a month
The wait lists to get into any housing are outrageous, if there even open.
Not sure
Most of them are on a fixed income houses are to much to buy and housing wait list is to long not enough places for them to rent without a long wait list
A lot people including myself can’t afford to pay the 2k a month rent as most are either newlyweds or college students who don’t make enough
So what if there isn't we are the city for them.
Not sure what is available
Nothing affordable for families
I would guess no, but I have no idea
Not familiar with this
Don't know
They fill up too quickly.

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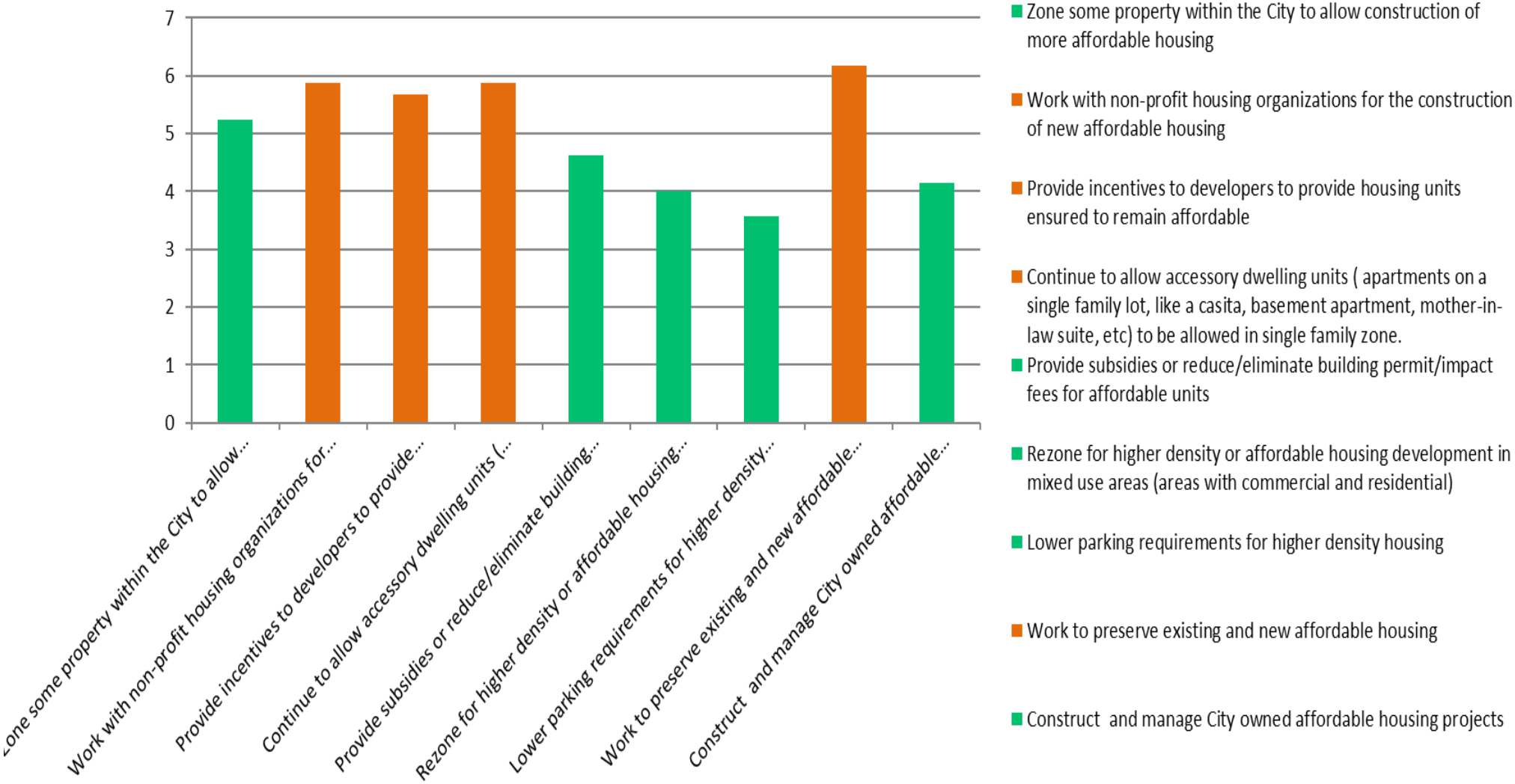
State law requires the City to adopt an Affordable Housing Plan. Within this plan, the City is required to create policies to address affordable housing issues within the City. Please rank the following policies for those you think the City should priorit



What is your biggest concern about housing within Hurricane City?
Open-Ended Response
Too expensive to buy and to rent
Would love to see opportunities for more affordable housing/rentals in the area so younger generations an service related jobs and employees can stay in the area.
The developing of the housing is so fast that the City Engineers do not have the appropriate amount of time or effort into the review of the plans.
Not enough affordable housing
That there will be no way any average family can afford a single family detached home or even a townhouse because of the people buying out houses for investment properties.
Cost is going to high
The allowed growth is outpacing infrastructure. The push for housing with very little commercial to support new homes and people in the area. The city needs to rethink strategy and create Hurricane into a boutique city. We do not need more homes or people. We need more jobs. We need more industry. We need to slow growth and allow home prices to skyrocket to keep Utah as Utah! Stop Californiacation of Hurricane!
Not enough rentals available and price too high for newly married couples
Public streets not improved by development and a lot of the roads need upgraded already.
Need smaller units that are affordable to young families, police, teachers, etc.
Mixing low income in with homes that people worked thier whole life to buy.
That housing prices and costs will outpace the wages of the working residents of Hurricane city. Those moving in from out of State will be the only ones able to afford the houses and that working resident will be forced to move to a less expensive area.
I am a single adult and I can't find an apartment to live in Hurricane that matches my budget. I am a teacher and want to live in the area.
There is a housing boom right now that is putting a huge demand on new houses but the people buying them are not living in them. They are closing and putting them for rent at outrageous prices. I fear the housing growth has been outpacing the growth of everything else. Soon this town will just be spots of housing developments with nothing but desert in between. Hurricane needs to prioritize building commercial areas to serve all the housing. At this rate even if affordable housing is created and managed, it will be in a good desert and be an unrealistic situation for someone in need. I expect better community planning to ensure that once homes are built they are filled with people that are going to stay, not rent out their homes to tourists or have to leave due to lack of proximity to other basic amenities or public transit.
It's not affordable for people my age due to unfair pay and landlords over charging. I am 21 and I make 30,000 a year and am engaged and we cannot afford anything here.
There is to much development happening. Farms are shutting down so subdivisions can be but on the land. Hurricane should focus on being little old hurricane.
Infrastructure, traffic, lack of grocery stores, shops, home depot, water, pollution etc
Devolopers don't care about the people of hurricane. One told me "we aren't building these homes for you guys" they are building them with California prices in mind to make a buck full on knowing we can't afford them here.
Losing the agricultural land. The price of houses being so high that middle class and young families cannot afford to buy. The city becoming a resort/unaffordable town like Springdale.

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There is no regulation to what private companies can charge, apartment building especially. Everyone is being priced out
Need balance of residential and commercial. A lot of housing is going in but everyone has to commute to shop. Bringing in a balance would bring money to the city through sales tax. Concerned if infrastructure is being evaluated well for like water and roads. So many areas build first and do impact analysis after. Remember what citizens want too. Find balance. More parks and Rec. Indoor pool would be a nice add or a Rec center to have more for people to do.
Too expensive, not enough housing, pet friendly
Not enough affordable places to rent or buy
City officials and their families are making huge profits from unsustainable housing development. Hurricane is not a small town anywhere and our local government used their greed in gaining tax revenue that created the problems we face.
To many short term rentals and not enough affordable housing for the middle income
Traffic increases
Too expensive
People can't afford housing in the city because wages don't allow it. Kids have to live with parents cause can't find affordable housing when they want to be on own. Alot of people only see how much they can make on a dwelling which pushes the locals out.
I am very concerned with anything that will “bring the neighborhood down” (e.g., increased crime, graffiti, littering, traffic, noise pollution, etc.) We must battle to keep Hurricane as desirable (or actually more desirable!) than it already is. Thank you!
The low income options are too expensive for residents who are on fixed income like Social Security and disability.
It’s too expensive for people afford especially those with pets and kids
Water is my biggest concern, next would be that we are allowing building at such a rapid pace that this town will lose it history and small town charm. The wrighting is all on the wall for our agricultural community, we will be just like Washington fields and Little Valley within the next 10-15 years. At the rate we are going this town won’t be recognizable as the charming small town I have spent my entire life in. So sad to see happening.
The high growth rate for high income housing
Not enough long term rentals. Young people have no affordable place to rent (not just young people) but if we want to keep our families in the area, the corporations have to stop vacation rent along every property that comes up for sale. It’s a sad sad thing for community.
The infrastructure is lacking. Quit building until we have the water and roads necessary to sustain growth.
Too expensive and lots are too small
Rent is ridiculous. Families are reduced to poverty because of costs.
Price
We will run out of water and end up a ghost town.
To expensive for children of current residents to stay
To many new homes and not enough water or roads
To much growth way to fast, everything is unaffordable. We're lucky to be able to pay rent now

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Their is new housing every where. Where are they getting their water. The problem is getting worse, less and less water.7000 new units and where is the water coming from
Less farming, no WATER High traffic affordability
The growth is too rapid
There isn't enough in general. And what there is, is way out of affordability for what is being paid by most local businesses.
There is too many houses, too much growth, and it's all too expensive. Slow growth is understandable, but so very much in last few years
It will never be possible for my children, who are just becoming adults, to move out
There is no way that we could ever buy a home on the income that we have. Income has not increased to match the housing increase costs. If we didn't rent from my parents we couldn't afford ANY housing in So UT
Prices to high and crowding
Too many corporations buying up all the housing and then renting it out at a huge rate
Single mom with a decent full time job can not afford to rent or own without having roommates
Air B and B's are taking all the available housing. No sooner that a home becomes available for sale sure enough someone snags it for a B and B. We have people living in RV's hoping to find housing because the city doesn't have a plan for B and B's. St. George has designated areas for this. No one wants their neighborhood to become a hotel zone but that is exactly what is happening. No one in city seems to have a clue (city planner -manager need replaced?) Just another reason Hurricane is considered ghetto. Please allow a planned area for B and B's so that we can once again enjoy family neighborhoods and people can purchase these homes for their families.
Affordability
Too much
Prices are too high for locals to purchase.
Too many short term/vacation rentals
That the impact fees are not high enough to cover the cost of needed infrastructure.
The city’s lack of concern for home owners. The city surrounds hard working home owners with pawn shops, dollar stores, rv camping sites, and the like with no border between them. An acceptable solid barrier is prison fencing with mesh that blows off within weeks. Hurricane will be north Las Vegas within 10 years.
Pricing Utah families out of the market. People moving in from California if they sold their home there can afford a home here.
Too many homes that are unaffordable
Water
Growth is happening too fast.
its too expensive for what is available and offered in the homes or apartments
No water
Finding a house for my family
Property Value is crazy High! out of control nothing good is going to happen from this I do not think there is an answer

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Prices ore out of control. It will crash
Growing too fast, ridiculous pricing, and limited resources that are not sustainable.
Too much random rezoning. Housing being built in the name of 'affordable housing' is too expensive for buyers.
Prices are outrageous
Nothing is adorable, yet the city is growing too fast.
Having enough affordable housing
The average educated worker in Hurricane will not be able to afford a decent home here. We will all get pushed out and then in turn have no work force. A starter home is not 500k.
Being a single mom, it is hard to find anything that is within a single income that I can even rent and keep my sons dog that helps with his night terrors
The working wages are to low and the housing costs are to high it's not sustainable something has to be done.
Costs not being affordable
Density
People finding affordable housing. Also I really am against all the Air B&Bs. Especially the illegal ones. Or turning the older part of Hurricane and the pioneer houses into them or making businesses out of them. It’s not fair to people who have purchased a home in that area to have to put up with the noice and traffic.
Rising prices
To much new homes that locals can not afford
Too many people no homes for my children
Cost of living is up. Wages are low!
To much growth too fast. If we want families to live here we need to increase lot size. Kids need yards to play in, and room for gardens. Not everyone is retired and want these postage stamp sized lots.
Too fast of growth for water and too much traffic.
To much construction too fast
No pets
Very little affordable housing for young families
WATER IS A BIG CONCERN TO ME
Price of buying a house
Investors owning homes that would normally be locally owned or rented.
How do we do affordable housing without overcrowding the area?
growing way to fast.
It's way too expensive for my children to move out of my home.
Building to fast
Traffic congestion! We moved here from Sy George due to the city's own small town proclamation. Please don't succumb to developers desires and making this nice "smalltown" just like St George .
It is not affordable for the average citizen let alone low income
Lack of affordable housing

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No vertical building. Height restrictions could be adjusted for some apartment buildings (like in downtown St. George). Singles or young couples or seniors would welcome affordable apartment living with amenities.
Affordability and allowing too much construction
Affordable housing is unaffordable and unavailable. I feel this has a lot to do with the current lack of needed revisions to vacation rental regulations. I feel all vacations should be required to be owner occupied, or be required to license, insure, and tax the same way a hotel/motel would.
The green space isn't being maintained.
Not enough affordable housing for families.
Lack if affordable housing
High growth and high costs. Not enough affordable housing for lower paying jobs through out the city. Public safety not funded for the growth that has already occurred.
Too expensive
The amount of people coming in is a bigger priority than the people already here.
Corporate developers buying up homes for rental properties
We do not have housing that people that we need in our community to make it run can afford. For example, we don't have housing for people who work as police officers, paramedics, firefighters, teachers, etc.
Too much growth the city and area is unprepared for. We can't expect St George to support our community's needs (stores and services) if we are expecting to double (triple?) in size. We also need to get on top of our infrastructure and traffic control. Update our utilities (the power company still has people going from house to house reading meters instead of having an automation system in place, that's insane with how big we are getting). We need to think ahead instead of reacting to all the building.
Cost and number of dwellings. There currently are not enough available dwellings for rent driving up the cost of what is available
Is there enough water?
Cost to buy or rent is to high for anybody to buy which is driving young locals to look elsewhere.
I am concerned there will never be anything affordable for the working class to live in. I am also concerned for individuals that work to have an expensive home in an expensive area, only to have their home values plummet because "affordable housing" brought crime and destruction to their neighborhoods.
We need more business infrastructure to handle the growth. More stores, restaurants, doctors, entertainment venues, a better pool, and schools
High impact fees and policies biased towards developers tend to price individuals out of the market for being able to acquire or build housing that they can afford.
Lack of affordable housing, an attitude of 'not in my backyard' by residents.
Too much, too fast. Anything done with haste is not well planned for or analyzed enough to predict impacts for long term.
Prices are too high. Too much growth for our infrastructure and resources like water.
Too High and pay doesn't justify for it
Everything is so expensive we can barley live. I live in the sand hallow trailer park. Lot rent has gone up almost 300.00. They have not done anything that we were told they were going to do. No park, big holes in the roads, most houses are fire hazards, us as renters pay property tax, so why are they

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allowed to raise the lot rent so high. I could understand if they actually cared about making it nice. Would be nice for them to be made to fallow threw.
Becoming a low-income, crime-ridden area. Reducing land and scenery to just build. We are the pathway to Zion National Park and should have an area that reflects that. Hurricane has huge city limits and current single family home areas should remained zoned for that and not re-zoned to increase population. There are no jobs to maintain that growth and what about water? How can we continue to build when there is a sever water shortage throughout the State?
Too expensive and not enough lo g term rentals, especially that allow pets
Too much high density going up and in areas it shouldn't be
There need to be penalties for Nightly rentals(where nightly rentals are not allowed). It's my opinion that Vacation homes are affecting single family home pricing. My family of four is currently living in a 2 bedroom house because anything bigger is absolutely astronomically priced. I'd love to be in something bigger since since my husband works at home then he could have an office space. But I have no hope of that happening anytime soon. Buying a 4 bedroom house now would break us financially and my husband has an excellent paying job.
Too long-term rental properties currently being used as vacation rentals.
It's too expensive
What affordable housing? There is none! We are a family for 3 make decent money can can't afford even an apartment! Thank goodness my parents have an apartment that we rent for cheap. But this is a complete joke!
New business incentives to increase the shopping core in our town; more large stores, more mid-range food options (not drive thrus).
Not enough affordable options. Too many vacation rentals.
not affordable for seniors/disabled that have only limited income
Availability and affordability
Too much traffic through town. New builds are not set back far enough to allow for parking that doesn't encroach onto the sidewalk and streets. Not enough parks in new neighborhoods to keep kids off the streets.
We need more freedom to do what we want with our homes…freedom works. Let it…stay out of the way and you will be surprised what can happen.
Unaffordable to work and live here, better wages and lower costs in other states and cities.
Affordable housing
We don't allow for higher density projects in town where people want to live to be close to the community center and other amenities.
600 North getting all the vacation rentals,affordable housing, etc it is a traffic mess! Terrible planning to put all on one street. Clear some of the old not desirable housing into affordable homes
Not enough affordable housing.

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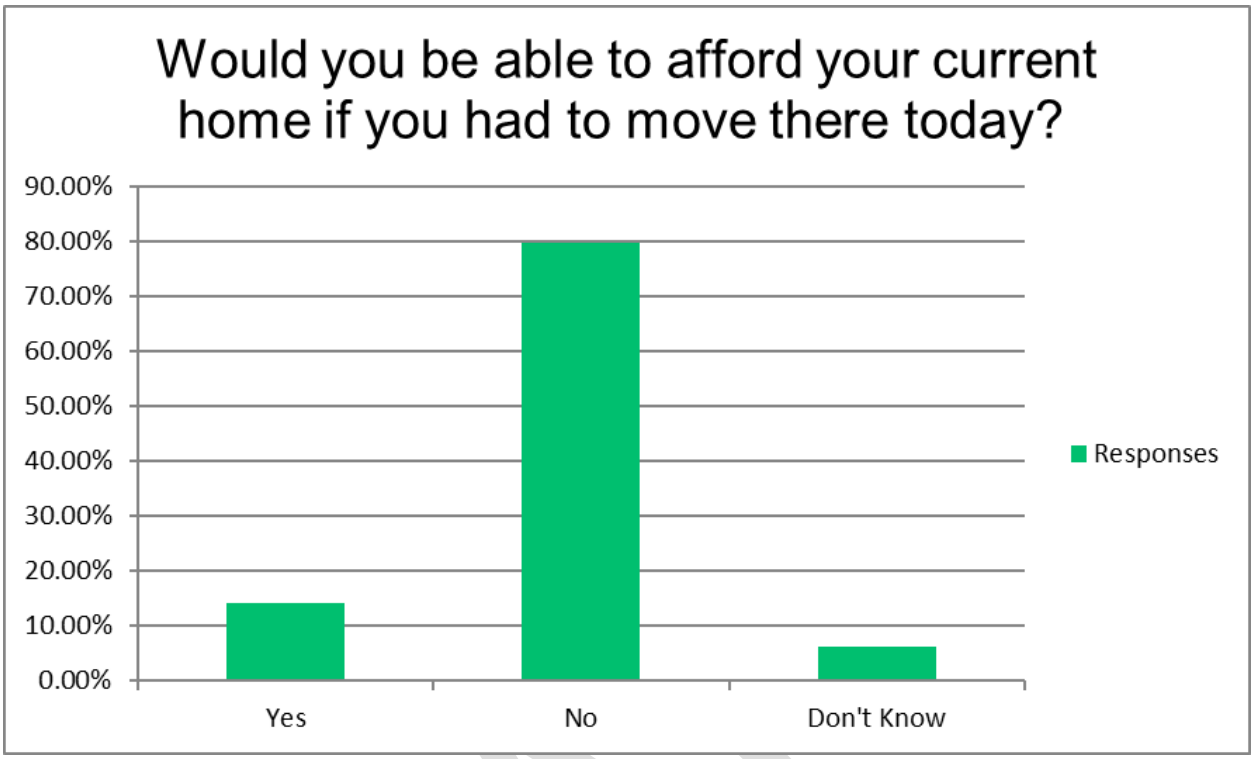
Would you be able to afford your current home if you had to move there today?
90.00%
80.00%
70.00%
60.00%
50.00%
40.00%
30.00%
20.00%
10.00%
0.00%
Yes
No
Don't Know
Responses

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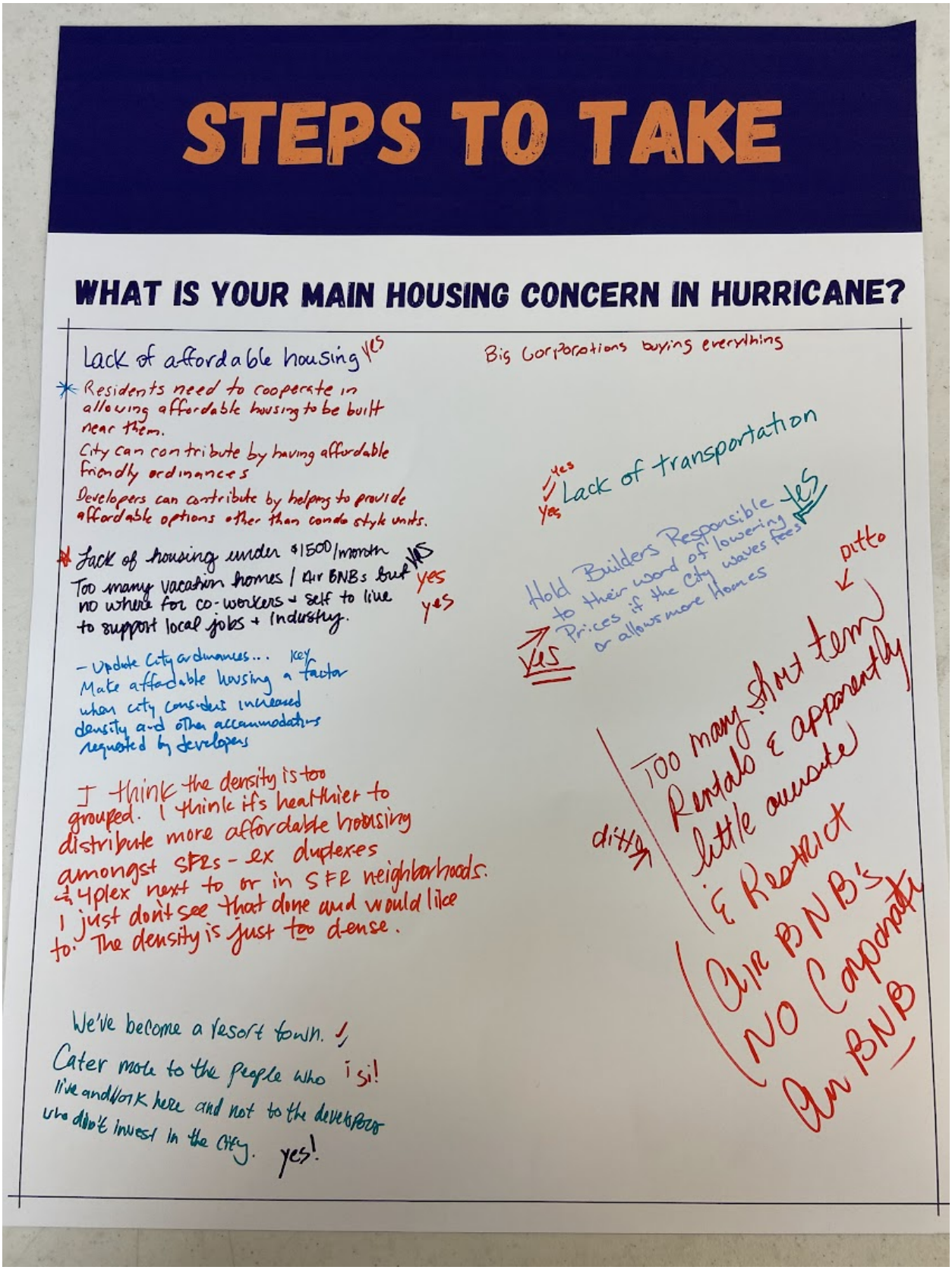
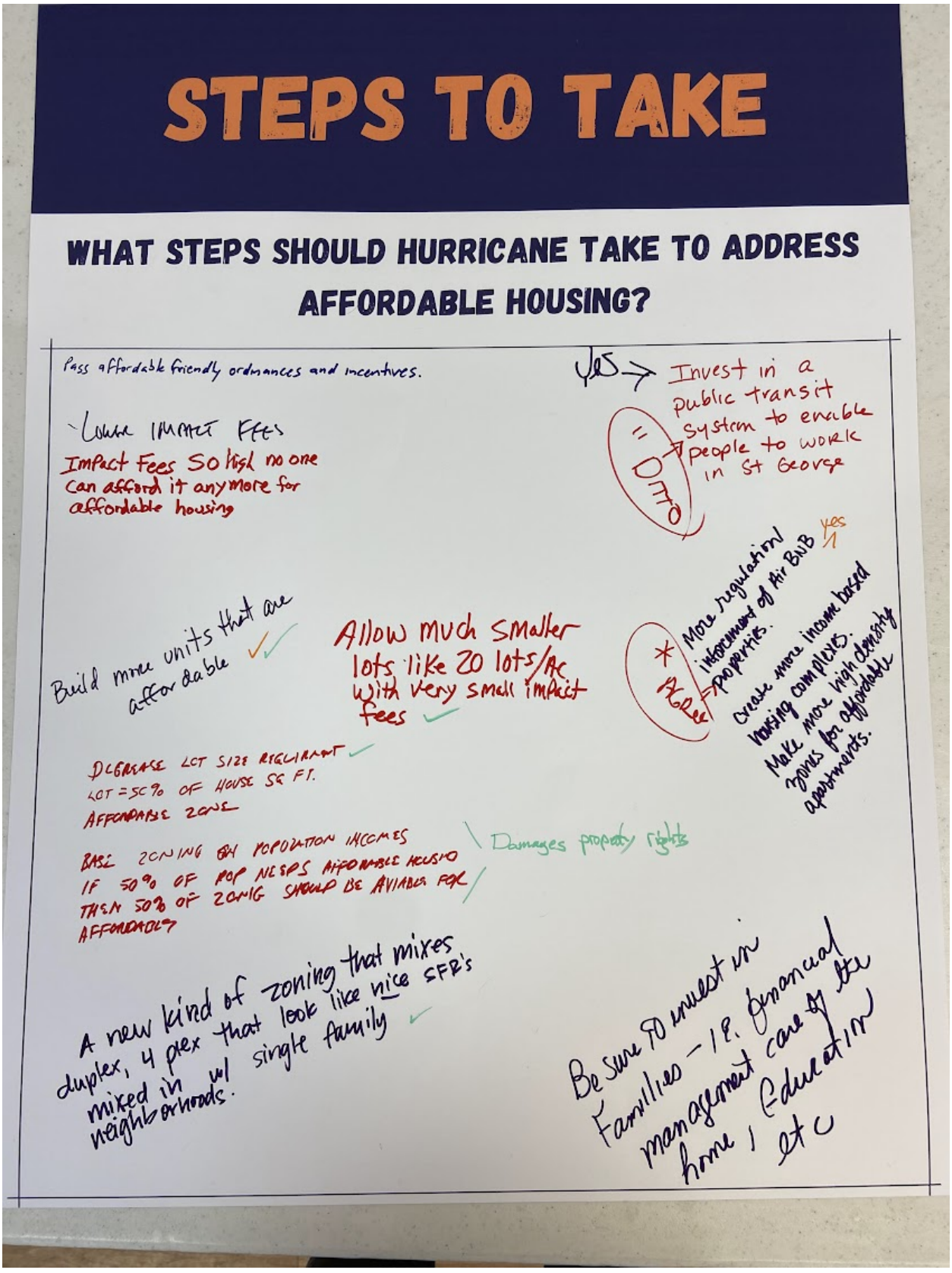
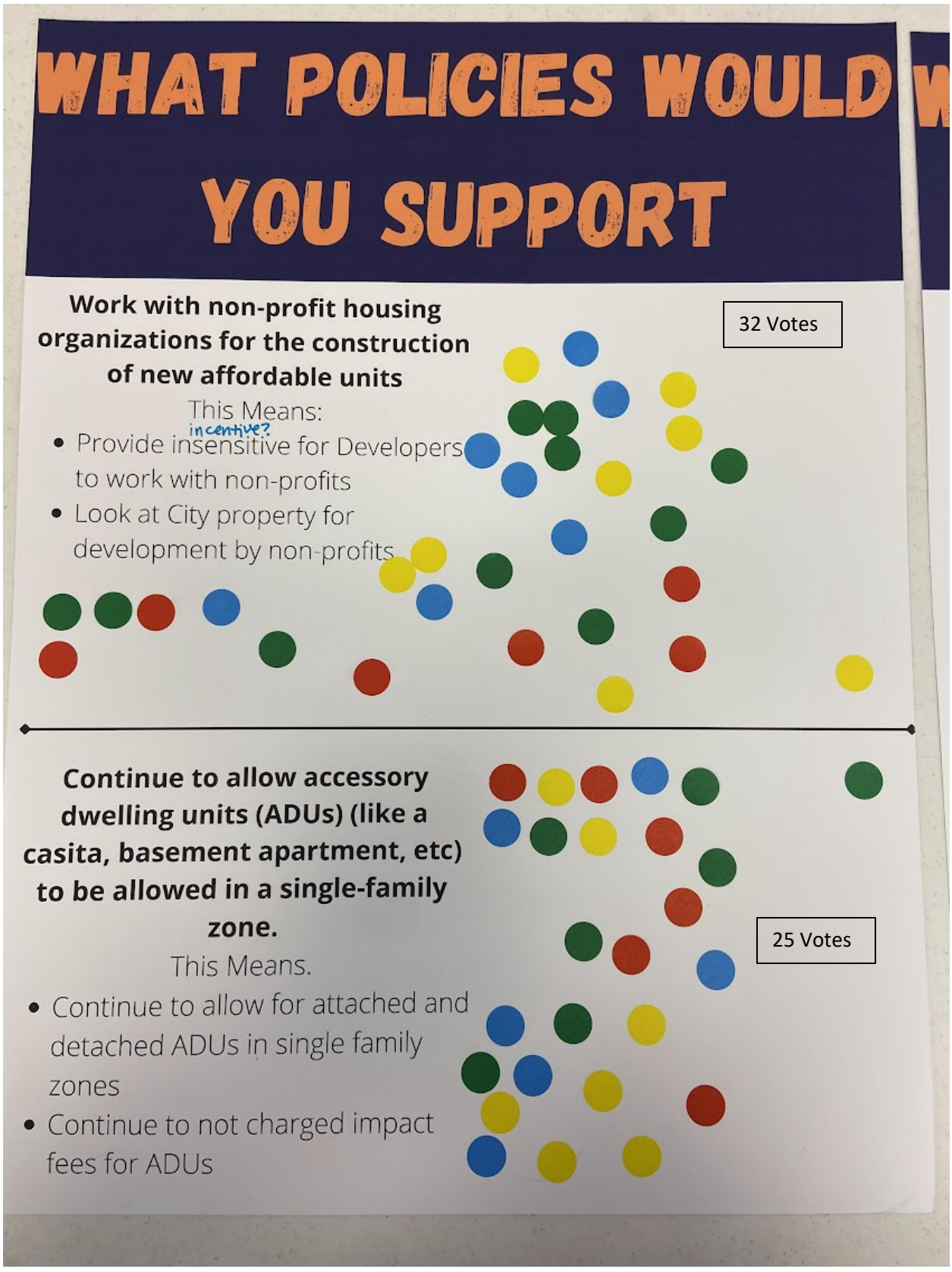
Public Open House Results

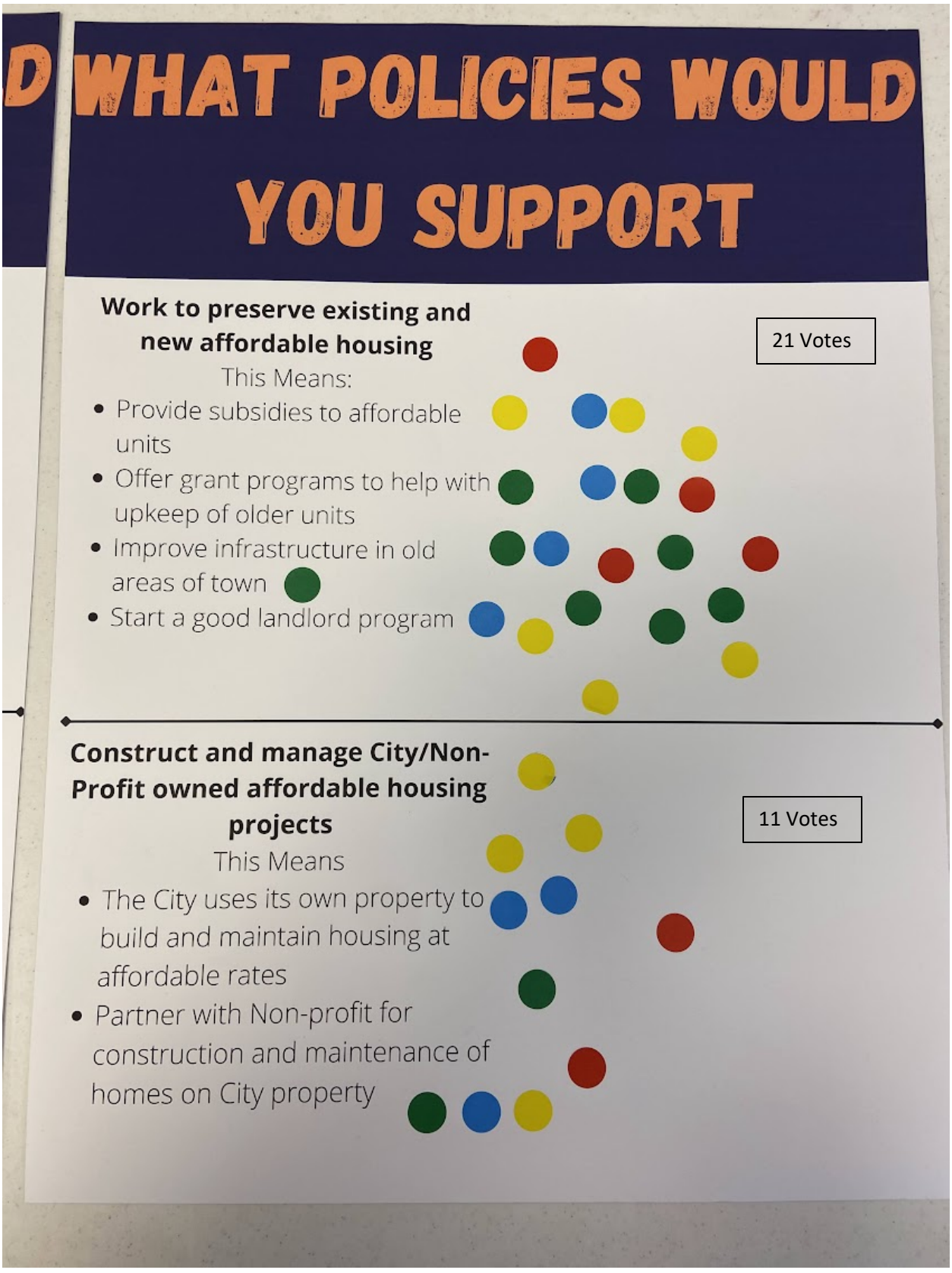


STEPS TO TAKE

WHAT STEPS SHOULD HURRICANE TAKE TO ADDRESS AFFORDABLE HOUSING?




WHAT POLICIES WOULD YOU SUPPORT
Work with non-profit housing organizations for the construction of new affordable units
32 Votes
This Means:
incentive?
• Provide insensitive for Developers to work with non-profits
• Look at City property for development by non-profits
Continue to allow accessory dwelling units (ADUs) (like a casita, basement apartment, etc) to be allowed in a single-family zone.
25 Votes
This Means.
• Continue to allow for attached and detached ADUs in single family zones
• Continue to not charged impact fees for ADUs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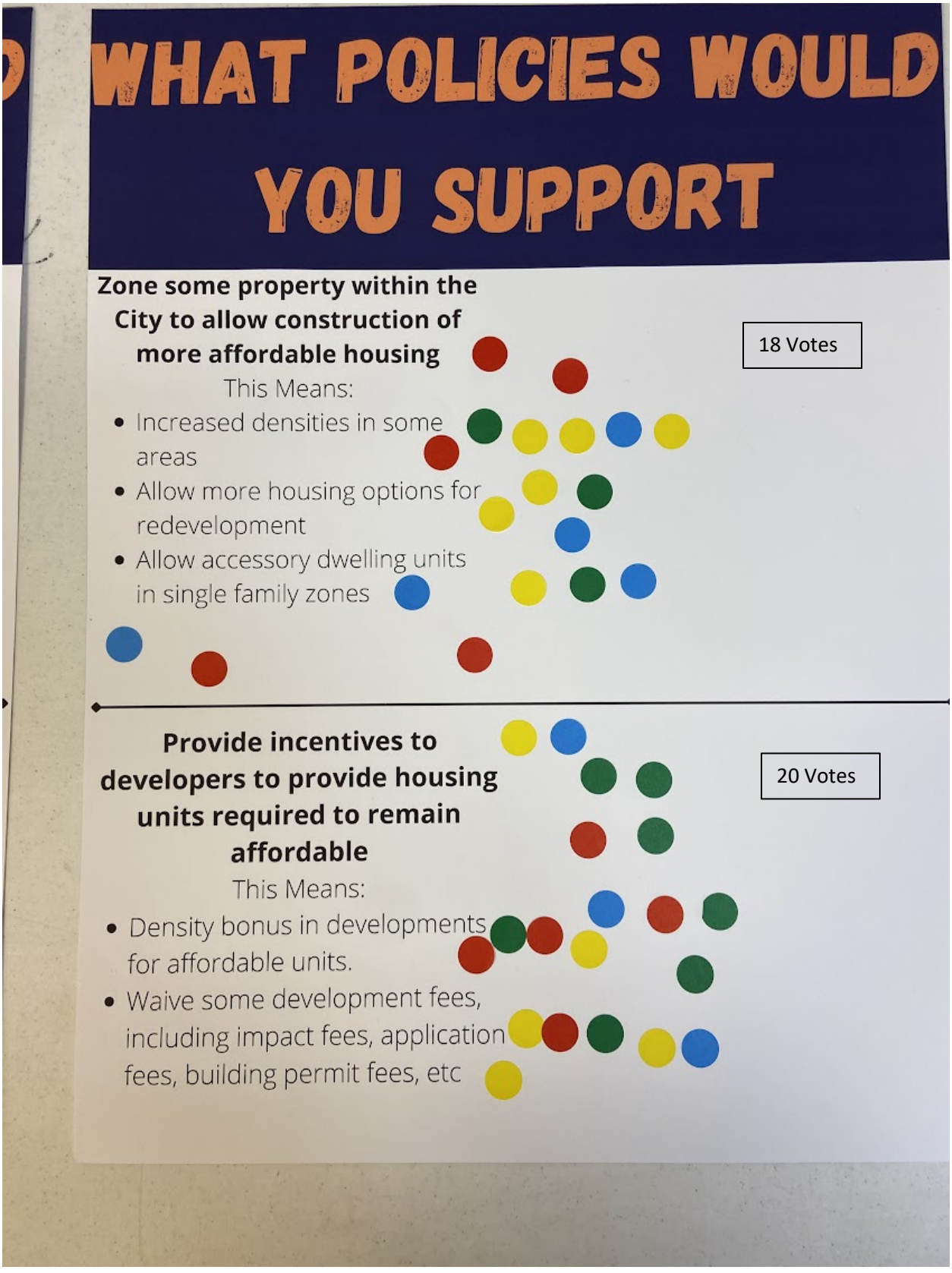
WHAT POLICIES WOULD YOU SUPPORT
Work to preserve existing and new affordable housing
This Means:
• Provide subsidies to affordable units
• Offer grant programs to help with upkeep of older units
• Improve infrastructure in old areas of town
• Start a good landlord program
21 Votes
Construct and manage City/Non-Profit owned affordable housing projects
This Means
• The City uses its own property to build and maintain housing at affordable rates
• Partner with Non-profit for construction and maintenance of homes on City property
11 Votes


WHAT POLICIES WOULD YOU SUPPORT
Zone some property within the City to allow construction of more affordable housing
18 Votes
This Means:
• Increased densities in some areas
• Allow more housing options for redevelopment
• Allow accessory dwelling units in single family zones
Provide incentives to developers to provide housing units required to remain affordable
20 Votes
This Means:
• Density bonus in developments for affordable units.
• Waive some development fees, including impact fees, application fees, building permit fees, etc

WHAT POLICIES WOULD YOU SUPPORT

Rezone for higher density or affordable housing development in mixed-use areas (areas with commercial and residential)

21 Votes

This Means:

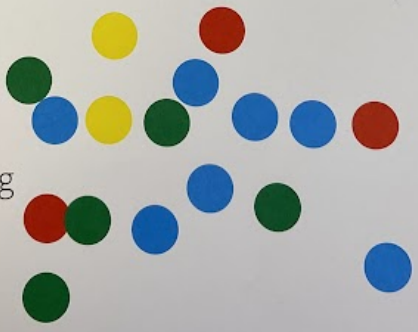
- Allow some new areas to develop commercial and housing on the same property
- Look at allowing mixed-use in downtown

Provide subsidies or reduce/eliminate building permit/impact fees for affordable units

16 Votes

This Means:

- Waive Impact Fees for units guaranteed to be affordable
- Providing discounts on building permits for affordable units



Appendix B

Compliance Report

Utah State Code requires that Hurricane City adopt this plan and bring it into compliance with the standards within State Law. The following table outlines this plan's compliance with State Law.

State Law	City Compliance
The general plan of a specified municipality, as defined in Section 10-9a-408, shall include a moderate income housing element that meets the requirements of Subsection 10-9a-403(2)(a)(iii).	The City has adopted this Moderate Income Housing Plan as an appendix to the General Plan
On or before October 1, 2022, a specified municipality, as defined in Section 10-9a-408, with a general plan that does not comply with Subsection (3)(a) shall amend the general plan to comply with Subsection (3)(a).	The City has adopted this Plan on the September 15, 2022.
a moderate income housing element that: **(A) provides a realistic opportunity to meet the need for additional moderate income housing within the next five years;** **(B) selects three or more moderate income housing strategies described in Subsection (2)(b)(iii) for implementation, including one additional moderate income housing strategy as provided in Subsection (2)(b)(iv) for a specified municipality that has a fixed guideway public transit station; and** **(C) includes an implementation plan as provided in Subsection (2)(c);**	(A) The City has workshopped and created goals and strategies within this plan that will help ensure that more affordable units will be built within the City. The City has also provided an analyses of future housing needs for the City over the next five years. (B) The City has selected seven of the menu options and three additional items to help address some of the unique needs of the area. (C) The City has included an implementation Plan with this document to reasonably accomplish the goals set out by the City.
(b) In drafting the moderate income housing element, the planning commission: **(i) shall consider the Legislature's determination that municipalities shall facilitate a reasonable opportunity for a variety of housing, including moderate income housing:** **(A) to meet the needs of people of various income levels living, working, or desiring to live or work in the community; and**	The Planning Commission, as it considered the best options, took into the consideration the needs of people from a variety of backgrounds. The Plan is designed to help integrate affordable units throughout the City to allow for full participation with community life.

(B) to allow people with various incomes to benefit from and fully participate in all aspects of neighborhood and community life;	
(i) In drafting the implementation plan portion of the moderate income housing element as described in Subsection (2)(a)(iii)(C), the planning commission shall establish a timeline for implementing each of the moderate income housing strategies selected by the municipality for implementation.	The City has included timelines and due dates for certain policies to be implemented. These timelines were based on setting priorities and realistic goals.
(A) identify specific measures and benchmarks for implementing each moderate income housing strategy selected by the municipality, whether one-time or ongoing; and **(B) provide flexibility for the municipality to make adjustments as needed.**	The implementation plan has goals and outcomes that it hopes to achieve. The City will have flexibility on how to implement some of Plan and will review current circumstances on how it address each Plan.

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RESOLUTION NO: 2023-XX

A RESOLUTION BY THE HURRICANE CITY COUNCIL
ADOPTING AN UPDATE TO THE MODERATE INCOME HOUSING PLAN AND AN ADDITION TO THE GENERAL PLAN

WHEREAS Hurricane City desires to protect the health, safety, and welfare of its citizens; and

WHEREAS the state gives Cities authority to control land uses within their borders; and

WHEREAS Hurricane City has a desire to allow for housing options for all of its residents; and

WHEREAS Hurricane City has an obligation to help plan for and provide tools for the development of moderate income housing; and

WHEREAS Hurricane City desires to stay in complete compliance with the provisions of Utah State Code 10-9a-408.

BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF HURRICANE, UTAH that the attached moderate income housing plan be adopted by as part of Hurricane City's General Plan.

PASSED AND APPROVED this _____ day of_____, 2023

_____
Nanette Billings, Mayor

ATTEST:

_____
Cindy Beteag, City Recorder

The foregoing Resolution was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 20th day of July 2023. Whereupon a motion to adopt and approve said Resolution was made by _____ and seconded by _____. A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
Joseph Prete	___	___	___	___
Dave Sanders	___	___	___	___
David Hirschi	___	___	___	___
Kevin Thomas	___	___	___	___

Doug Heideman ___ ___ ___ ___

_____
Cindy Beteag

HURRICANE CITY
UTAH

STAFF COMMENTS

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

Discussion:

Findings:

Recommendation:

Attachments:
None