



# Hildale City Planning Commission

Thursday, January 20, 2022 at 6:00 PM

320 East Newel Avenue, Hildale City, Utah 84784

## Agenda

Notice is hereby given to the members of the Hildale City Planning Commission and to the public, that the Planning Commission will hold a public hearing as part of the regular meeting on **January 20, 2022** at 6:00 p.m. (MDT), at 320 East Newel Avenue, Hildale City, Utah 84784.

Commission members may be participating electronically by video or telephone conference. The meeting will be broadcast to the public on Facebook Live under Hildale's City page. Members of the public may also watch the City of Hildale through the scheduled Zoom meeting.

<https://www.facebook.com/hildalecity/live/>

Join Zoom Meeting

<https://zoom.us/j/95770171318?pwd=aUVSU0hRSFFHcGQvcUIPT3ZYK0p5UT09>

Meeting ID: 957 7017 1318

Passcode: 993804

One tap mobile

+16699006833,,95770171318#,,,,\*993804# US (San Jose)

+12532158782,,95770171318#,,,,\*993804# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose) +1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston) +1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC) +1 312 626 6799 US (Chicago)

Comments during the public comment or public hearing portions of the meeting may be emailed to [manager@hildalecity.com](mailto:manager@hildalecity.com) or privately messaged to Hildale City's Facebook page. All comments sent before the meeting may be read during the meeting and messages or emails sent during the meeting may be read at the Mayor's discretion.

**Roll Call of Commission Attendees:** City Recorder Cawley

**Welcome, Introduction and Preliminary Matters:** Presiding Officer

**Pledge of Allegiance:** By Invitation of Presiding Officer

**Conflict of Interest Disclosures:** Commissioners

**Approval of Minutes of Previous Meetings:** Commissioners

1. Thursday August 19, 2021 Meeting Minutes

**Public Comments:** (3 minutes each - Discretion of Presiding Officer)

**Reports:** None

**Public Hearing:**

2. The Commission will receive public comment concerning a request to re-zone Parcel HD-SHCR-1-1, commonly addressed as 780 N. Oak Street. Hildale, Utah from the current Residential Agriculture (RA-1) Zone to Multi-Family Residential 1 (RM-1).

**Unfinished Commission Business:** None

**New Commission Business:**

3. Consideration, discussion, and possible recommendation to Hildale City Council concerning a request to Rezone Parcel HD-SHCR-1-1, commonly addressed as 780 N. Oak Street. Hildale, Utah from the current Residential Agriculture (RA-1) Zone to Multi-Family Residential 1 (RM-1).
4. Discussion and possible selection of Board Chair and other officers.

**Commissioners Comments:** (5 minutes total)

Commissioners comments of issues not previously discussed in the meeting.

**Executive Session:** As needed

**Adjournment:** Presiding Officer

Agenda items and any variables thereto are set for consideration, discussion, approval or other action. The Hildale City Planning Commission may, by motion, recess into executive session which is not open to the public, to receive legal advice from the City attorney(s) on any agenda item, or regarding sensitive personnel issues, or concerning negotiations for the purchase, sale or lease of real property. Hildale City Planning Commission Members may be attending by telephone. Agenda may be subject to change up to 24 hours prior to the meeting. Individuals needing special accommodations should notify the City Recorder at 435-874-2323 at least three days prior to the meeting.



# Hildale City Planning Commission

Thursday, August 19, 2021 at 6:00 PM  
320 East Newel Avenue, Hildale City, Utah 84784

## Minutes

### Call to Order:

Chairman Holm

### Roll Call:

City Recorder Cawley gave roll call.

### PRESENT

Chair Brigham Holm  
Commissioner Rex Jessop  
Commissioner Charles Hammon  
Commissioner Derick Holm  
Commissioner Jennifer Kesselring  
Commissioner Tracy Barlow

### ABSENT

Commissioner Nathan Fischer

### Pledge of Allegiance:

Chairman Holm led the pledge of allegiance.

### Public Comment:

No Public Comments

### Commissioner Comment:

No Comments

### Approval of Minutes:

1. July 22, 2021 Meeting Minutes

Commissioners discussed meeting minutes.

**Motion made by Commissioner Hammon, to approve Meeting Minutes for July 22, 2021. Seconded by Commissioner Jessop.**

Voting Yea: Chair Holm, Commissioner Jessop, Commissioner Hammon, Commissioner Holm, Commissioner Kesselring, Commissioner Barlow

**ACTION ITEMS**

2. **Public hearing, discussion, and possible recommendation on adoption of a zoning map amendment to re-zone Lot HD-SHCR-8-9-B, 345 East Utah Avenue, from Residential Agricultural .5 (RA-.5) to Multi-Family Residential 1 (RM-1).**

City Attorney Christian Kesselring explained the new agenda format and that a role call vote is not needed by state statute to open a public hearing. Hearings can be opened and closed by the chair. He presented the rezone application for 345 East Utah Avenue.

Chairman Brigham Holm opened the public hearing.

Jeremy & Adriana Frehner gave a public comment about their intention to build a duplex and they would not be doing a lot split. They expressed an interest in putting in curb and gutter when the project happens.

Commissioner Hammon explained that a site plan is required for multifamily homes.

**Motion made by Commissioner Kesselring, recommend that the City Council approve zoning map amendment requested for Lot HD-SHCR-8-9-B, commonly addressed as 345 East Utah Avenue, based on the findings set forth in the staff report. Seconded by Commissioner Hammon.**

Voting Yea: Chair Holm, Commissioner Jessop, Commissioner Hammon, Commissioner Holm, Commissioner Kesselring, Commissioner Barlow

Public Hearing was closed, and Chairman Brigham Holm continued to the next item.

3. **Discussion and possible approval of conditional use permit for oversized accessory building at 765 N Willow Street, Hildale, Utah.**

City Attorney Christian Kesselring gave a brief explanation of the city code in reference to conditional use permits. He presented the applicants proposed conditional use is for a temporary canvas tent for the storage purposes that is 2,550 square feet.

No Public Comment

Commissioners discussed the color and height of the structure fitting in with the residential surrounding areas. Chairman Brigham Holm entertained a motion.

**Motion made by Commissioner Barlow, to approve conditional use permit allowing a 2,550 square foot tent for storage purposes as presented for lot HD-SHCR-1-3 based on the findings set forth in the staff report and for the following additional reasons. Seconded by Commissioner Holm.**

Voting Yea: Chair Holm, Commissioner Jessop, Commissioner Hammon, Commissioner Holm, Commissioner Kesselring, Commissioner Barlow

4. **Public hearing, discussion, and possible recommendation on adoption of Hildale City General Plan.**

Ryan Robinson with Rural Community Consultants presented the draft of the General Plan. There were more comments added from previous City Manager, John Barlow, which referenced community context, vision and housing goals, and limited use of conditional permits.

City Attorney Christian Kesselring gave an example of how mitigation can have impacts to the community and the surrounding areas.

There was discussion from the commission that referenced a few changes. Ryan recommended that they send it forward to the City Council with the proposed changes.

**Chairman Brigham Holm opened the public hearing for the General Plan.**

No Public comments

**Motion made by Commissioner Hammon, to recommend the City Council adopt the Hildale City General Plan with revisions of tonight. Seconded by Commissioner Kesselring.**

Voting Yea: Chair Holm, Commissioner Jessop, Commissioner Hammon, Commissioner Holm, Commissioner Kesselring, Commissioner Barlow

Public Hearing was closed, and Chairman Brigham Holm continued to the next item.

**5. Consideration, discussion, and possible approval of a site plan for Parcel HD-HDIP-21, commonly addressed as 1385 W Field Avenue, Hildale, Utah for the establishment of a storage facility.**

Commissioner Rex Jessop disclosed conflict of interest for this item.

City Attorney Christian Kesselring presented and gave a recap of the application site plan for 1385 W Field Avenue that was presented from last meeting. There was concern from the commission that there needed to be an adjustment for the site plan to account for the Garkane right away to the south side of the lot. A revised plan was presented to include the structure being moved up 15 feet to clear the easement from the power poles, and with these changes the plan meets the standards of the code.

Rex Jessop addressed the public and explained the purpose of the building is for storage and an incubator business for startup companies.

**Motion made by Commissioner Hammon, to approve site plan for Parcel HD-HDIP-21, commonly addressed as 1385 W Field Avenue, Hildale, Utah for the establishment of a storage facility. Seconded by Commissioner Barlow.**

Voting Yea: Chair Holm, Commissioner Hammon, Commissioner Holm, Commissioner Kesselring, Commissioner Barlow

Voting Abstaining: Commissioner Jessop

**6. Public hearing, discussion, and possible recommendation on adoption of a text amendment to Section 152-7-4 of the Hildale Land Use Ordinance to update the notice requirements for general plan and ordinance adoptions and amendments.**

City Attorney Christian Kesselring previewed with the Planning Commission the amendments in consideration for the Land Use Ordinance referencing Sec 152-7-4. He explained striking out the requirement to publish in the newspaper and adding the requirement to add on the Utah Public website. Also, to include the word Public Hearing instead of Public Meeting.

**Chairman opened the public hearing.**

No public comment

**Motion made by Commissioner Hammon, to recommend the City Council adoption of a text amendment to Section 152-7-4 of the Hildale Land Use Ordinance to update the notice requirements for general plan and ordinance adoptions and amendments. Seconded by Commissioner Jessop.**

Voting Yea: Chair Holm, Commissioner Jessop, Commissioner Hammon, Commissioner Holm, Commissioner Kesselring, Commissioner Barlow

Public Hearing was closed, and Chairman Brigham Holm continued to the next item.

**7. Public hearing, discussion, and possible recommendation on adoption of a text amendment to Section 156-08 of the Hildale Development Standards Ordinance to re-adopt the APWA design standards.**

City Attorney Christian Kesselring explained the need to clarify our development standards given by the American Public Works Association. These standard specifications for infrastructure projects apply to all construction under our development standards.

Chairman Holm opened the public hearing  
No public comment

**Motion made by Commissioner Hammon, to recommend the City Council adoption of a text amendment to Section 156-08 of the Hildale Development Standards Ordinance to re-adopt the APWA design standards. Seconded by Commissioner Kesselring.**

Voting Yea: Chair Holm, Commissioner Jessop, Commissioner Hammon, Commissioner Holm, Commissioner Kesselring, Commissioner Barlow

Public Hearing was closed, and Chairman Brigham Holm continued to the next item.

**8. Public hearing, discussion, and possible recommendation on adoption of a text amendment to Chapter 52 of the Hildale Land Use Ordinance and related sections regarding standards applicable to Camping Hosting Facilities.**

City Attorney Christian Kesselring presented the need for change regarding the Hildale Land Use Ordinance related to sections regarding standards applicable to Camping Hosting Facilities. This change includes sight plan approval, and new development standards to become legally compliant. The goal is not to put anyone out of business, but to give them a clear channel in which to guide them to become legal and legitimate.

Eric explained that potential owners and operators have recently expressed interest to know the standards for Camping Hosting Facilities. There was an extensive discussion with the planning commission concerning health and safety compliance.

Chairman Holm opened the public hearing  
No public comment

Derick Holm excused himself from the meeting at 8:57pm

**Motion made by Commissioner Hammon, to recommend the City Council adoption of a text amendment to Chapter 52 of the Hildale Land Use Ordinance and related sections regarding standards applicable to Camping Hosting Facilities with changes made today. Seconded by Commissioner Jessop.**

Voting Yea: Chair Holm, Commissioner Jessop, Commissioner Hammon, Commissioner Kesselring, Commissioner Barlow

Public Hearing was closed, and Chairman Brigham Holm continued to the next item.

**9. Public hearing, discussion, and possible recommendation on adoption of a text amendment to Sections 152-3-4 and 152-39-3 of the Hildale Land Use Ordinance to update definitions of words and phrases consistent with recent legislation.**

City Attorney Christian Kesselring presented the suggested text amendment changes to Section 152-3-4 and 152-39-3 of Hildale City Land Use Ordinance. Updates to include, adjacent property owners are required to notify their neighbors of rezoning. These changes in the code include defining fencing and height requirements, also terms defining camping and living facility. Some discriminative wording towards women has been removed from the code.

Chairman Holm opened the public hearing  
No public comment

**Motion made by Commissioner Hammon, to recommend the City Council adoption of a text amendment to Sections 152-3-4 and 152-39-3 of the Hildale Land Use Ordinance to update definitions of words and phrases consistent with recent legislation. Seconded by Commissioner Barlow.**

Voting Yea: Chair Holm, Commissioner Jessop, Commissioner Hammon, Commissioner Kesselring, Commissioner Barlow

Public Hearing was closed, and Chairman Brigham Holm continued to the next item.

**10. Discussion and possible action on selection of Board Chair and other officers. (Meeting Chair)**

Chairman Holm is going on 2 years as meeting chair, and this is to be annual appointment.

City Attorney Christian Kesselring explained that it is term of one year and the new Chairperson is to appoint an alternant Chairperson with the advice of the Planning Commission.

Item was tabled for next meeting, to allow all members to be present.

**NEW COMMISSION BUSINESS**

**11. Discussion and possible direction to staff on minimum number of lots for small subdivisions and subdivision enforcement practices.**

Item was tabled

**Adjournment: Chairman Holm**

Adjourned at 9:28 pm

Minutes were approved at Planning Commission Meeting on\_\_\_\_\_.

\_\_\_\_\_  
Athena, City Recorder



## Hildale City Notice of Public Hearing - Planning Commission

Thursday, January 20, 2022 at 6:00 PM  
320 East Newel Avenue, Hildale City, Utah 84784

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### Notice of Public Hearing

Notice is hereby given to the members of the Hildale City Planning Commission and to the public, that the Planning Commission will hold a public hearing as part of the regular meeting on **January 20, 2022** at 6:00 p.m. (MDT), at 320 East Newel Avenue, Hildale City, Utah 84784.

The Commission will receive public comment concerning a request to re-zone Parcel HD-SHCR-1-1, commonly addressed as 780 N. Oak Street, Hildale, Utah from the current Residential Agriculture (RA-1) Zone to Multi-Family Residential 1 (RM-1).





January 6, 2022

Property Owner Neighbor

RE: Notice of Public Hearing - Re-Zone Request

Parcel Numbers: HD-SHCR-1-1

Address: 780 N. Oak Street Hildale, Utah

Dear Property Owner:

You are invited to a public hearing to give any input you may have, as a neighboring property owner, regarding a request to re-zone the above-listed parcel from RA-1 (Residential Agricultural 1 Acre) to Multi-Family Residential 1 (RM-1). The regulations, prohibitions, and permitted uses that the property will be subject to, if the zoning map amendment is adopted, can be found in the Hildale City Land Use Ordinance, available in the City Recorder's office or at:

[https://hildale.municipalcodeonline.com/book?type=ordinances#name=TITLE\\_XV\\_LAND\\_DEVELOPMENT](https://hildale.municipalcodeonline.com/book?type=ordinances#name=TITLE_XV_LAND_DEVELOPMENT)

The hearing will be held January 20, 2022, at 6:00 PM. MDT, at Hildale City Hall, which is located at 320 East Newel Avenue, Hildale, Utah.

Any objections, questions or comments can be directed by mail to the City of Hildale, Attn: Planning and Zoning Administrator, P.O. Box 840490, Hildale, Utah 84784, or in person at the Hildale City Hall. The Planning and Zoning Administrator can be reached by phone at (435) 874-2323, or by email at [manager@hildalecity.com](mailto:manager@hildalecity.com).

Written objections to the proposed zoning map amendment may be submitted, not later than 10 days after day of the first public hearing. Each written objection filed with the municipality will be provided to the Hildale Zoning Commission.

Sincerely,

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Eric Duthie  
Hildale City Manager



435-874-2323  
435-874-2603  
www.hildalecity.com

### ZONE CHANGE APPLICATION

Fee: \$100

For Office Use Only:  
File No. \_\_\_\_\_  
Receipt No. \_\_\_\_\_

Name: Sunny Peaks LLC/ Allen Zitting Telephone: 435-705-0955

Address: PO Box 3414 Colorado City, AZ 86021 Fax No. \_\_\_\_\_

Agent (If Applicable): N/A Telephone: \_\_\_\_\_

Email: azitting7@gmail.com

Address/Location of Subject Property: 780 N Oak Street Hildale, UT 84784

Tax ID of Subject Property: HD-SHCR-1-1 Existing Zone District: RA-1

Proposed Zoning District and reason for the request (Describe, use extra sheet if necessary)  
RM-1

To subdivide inot 4-plex lots.

**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 property map showing the existing and proposed zoning classifications;
- c. All abutting properties showing present zoning classifications;
- d. An accurate legal description of the property to be rezoned;
- e. Stamped envelopes with the names and addresses of all property owners within 250 feet of the boundaries of the property proposed for rezoning.
- f. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property

**Note:** It is important that all applicable information noted above along with the fee is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Planning Commission meetings are held on the third Monday of each month at 6:30 p.m. The deadline date to submit the application is 10 business days prior to the scheduled meeting. 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: [www.hildalecity.com](http://www.hildalecity.com)

☎ 435-874-2323

☎ 435-874-2603



Date application deemed to be complete: \_\_\_\_\_ Completion determination made by [www.hildalecity.com](http://www.hildalecity.com)

☎ 435-874-2323

☎ 435-874-2603

**SUNNY PEAKS, LLC**  
DBA PIONEER COURT  
PO BOX 3414  
COLORADO CITY, AZ 86021

220

97-182/1243

1-3-2022

Date



Pay to the Order of Hildale City

\$ 100.00

One hundred dollars & no/100

Dollars



**Altabank**  
1-800-815-2285 | www.althabank.com

For Zone Change Application

Elizabeth Cawley

MP



## **ZONE CHANGE APPLICATION (General Information)**

### **PURPOSE**

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

### **WHEN REQUIRED**

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

### **REQUIRED CONSIDERATIONS TO APPROVE A ZONE CHANGE**

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

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

### **PROCESS**

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

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

**AFFIDAVIT**  
**PROPERTY OWNER**

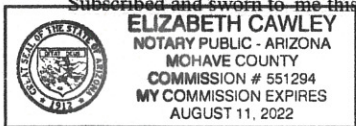
STATE OF ~~UTAH~~ Arizona

COUNTY OF Mohave

I (we), Sunny Peaks, LLC by Allen K Zitting, 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 Hildale City Planning staff have indicated they are available to assist me in making this application.

Allen K Zitting  
(Property Owner)

(Property Owner)



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

Elizabeth Cawley  
(Notary Public)

Residing in: Mohave, AZ

My Commission Expires: Aug 11, 2022

Agent Authorization

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

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

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

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

(Notary Public)

Residing in: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

# SUBMITTAL REQUIREMENT:A

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**A) THE NAME AND ADDRESS OF EVERY  
PERSON OR COMPANY THE APPLICANT  
REPRESENTS**

The owner and applicant is Sunny Peaks LLC, and the mailing address is: P.O Box 3414, Colorado City, AZ 86021.

Allen K Zitting is the sole owner and the managing member for Sunny Peaks LLC. His mailing address is: P.O. Box 3414, Colorado City, AZ 86021

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# SUBMITTAL REQUIREMENT: B & C

B) AN ACCURATE PROPERTY MAP  
SHOWING THE EXISTING AND PROPOSED  
ZONING CLASSIFICATIONS.

C) ALL ABUTTING PROPERTIES SHOWING  
PRESENT ZONING CLASSIFICATIONS.





# SUBMITTAL REQUIREMENT:D

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## **D) AN ACCURATE LEGAL DESCRIPTION OF THE PROPERTY TO BE REZONED.**

The Property is one parcel of approximately 0.80 acres of land located at 780 N Oak St., Hildale, Utah 84784 and is legally described as:

Lot 1, Short Creek Subdivision NO. 1, according to the official plat thereof on file and of record in the Washington County Recorder's Office.

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# SUBMITTAL REQUIREMENT:E

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E) STAMPED ENVELOPES WITH THE NAMES AND ADDRESSES OF ALL PROPERTY OWNERS WITHIN 250 FEET OF THE BOUNDARIES OF THE PROPERTY PROPOSED FOR ZONING.

**MORGAN BRIAN TR**  
HD-SHCR-1-8  
491 N BLUFF ST STE 203  
SAINT GEORGE, UT 84770-7384

**UNITED EFFORT PLAN**  
HD-SHCR-1-4  
PO BOX 959  
HILDALE, UT 84784

**KNUDSON NATHAN, ET AL**  
HD-SHCR-2-15  
PO BOX 840946  
HILDALE, UT 84784-0946

**STEED LEE**  
HD-SHCR-3-20  
PO BOX 843185 845 N OAK ST  
HILDALE, UT 84784-3185

**BISTLINE LOUIS A & DAWNA**  
HD-SHCR-1-2  
PO BOX 404  
HILDALE, UT 84784-0404

**BLACK HEBER**  
HD-SHCR-1-3  
PO BOX 842396  
HILDALE, UT 84784-2396

**UNITED EFFORT PLAN**  
HD-SHCR-2-16  
PO BOX 959  
HILDALE, UT 84784

**DRAPER SHIRLEE**  
HD-SHCR-2-17  
453 BELMONT DR  
SAINT GEORGE, UT 84790

**UNITED EFFORT PLAN**  
HD-SHCR-1-7  
PO BOX 959  
HILDALE, UT 84784

**STEED LEE**  
HD-SHCR-3-21  
PO BOX 843185 845 N OAK ST  
HILDALE, UT 84784-3185

**SUNNY PEAKS LLC**  
HD-SHCR-1-1  
PO BOX 3414  
COLORADO CITY, AZ 86021

# SUBMITTAL REQUIREMENT:F

## F) WARRANTY DEED OF PRELIMINARY TITLE REPORT OR OTHER DOCUMENT SHOWING EVIDENCE THAT THE APPLICANT HAS CONTROL OF THE PROPERTY.

Recording Requested by:  
First American Title Insurance Company  
50 East 100 South, Suite 100  
St. George, UT 84770  
(435)673-5491

Mail Tax Notices to and  
AFTER RECORDING RETURN TO:  
Sunny Peaks, LLC  
P.O. Box 3414  
Centennial Park, AZ 86021

SPACE ABOVE THIS LINE (2 1/2" X 5") FOR RECORDER'S USE

### SPECIAL WARRANTY DEED

Escrow No: **363-6169879 (JB)**  
A.P.N.: **HD-SHCR-1-1**

**Jeff J. Barlow, Executive Director of the United Effort Plan Trust**, Grantor, of **Hildale**, **Washington** County, State of **UT**, hereby CONVEYS AND WARRANTS only as against all claiming by, through or under it to

**Sunny Peaks, LLC, an Arizona limited liability company**, Grantee, of **Centennial Park**, **Mohave** County, State of **AZ**, for the sum of Ten Dollars and other good and valuable considerations the following described tract(s) of land in **Washington** County, State of **Utah**:

**LOT 1, SHORT CREEK SUBDIVISION NO. 1, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE WASHINGTON COUNTY RECORDER'S OFFICE.**

Subject to easements, restrictions and rights of way appearing of record and general property taxes for the year 2021 and thereafter.

SUBJECT TO: The matters set forth on Exhibit "A" attached hereto and made a part hereof.

Witness, the hand(s) of said Grantor(s), this **December 2, 2021**.

Jeff J. Barlow, Executive Director of the United Effort Plan Trust

  
Jeff J. Barlow, Executive Director

A.P.N.: **HD-SHCR-1-1**

Special Warranty Deed - continued

File No.: **363-6169879 (JB)**

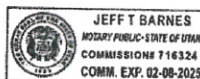
STATE OF UTAH  
County of WASHINGTON )  
 ) ss.

On DECEMBER 2 2021, before me, the undersigned Notary Public, personally appeared **Jeff J. Barlow, Executive Director of the United Effort Plan Trust**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires: 02-08-2025

Notary Public




# Account 0912335

<u>Location</u>	<u>Owner</u>	<u>Value</u>	
<b>Account Number</b> 0912335	<b>Name</b> SUNNY PEAKS LLC	<b>Market (2021)</b>	\$293,100
<b>Parcel Number</b> HD-SHCR-1-1	PO BOX 3414	<b>Taxable</b>	\$161,205
<b>Tax District</b> 02 - Hildale Town	COLORADO CITY, AZ 86021	<b>Tax Area:</b> 02	<b>Tax Rate:</b> 0.009859
<b>Acres</b> 0.80		<b>Type</b>	<b>Actual</b> <b>Assessed</b> <b>Acres</b>
<b>Situs</b> 780 N OAK ST , HILDALE		Primary	\$293,100 \$161,205 0.800
<b>Legal</b> Subdivision: SHORT CREEK 1 (HD)		Improved	
Lot: 1			
<b>Parent Accounts</b> 0392269			
<b>Parent Parcels</b> HD-0-3-33-241			
<b>Child Accounts</b>			
<b>Child Parcels</b>			
<b>Sibling Accounts</b>			
<b>Sibling Parcels</b>			

### Transfers

<u>Entry Number</u>	<u>Recording Date</u>	
<a href="#">00952300</a>	<a href="#">06/20/2005 01:58:00 PM</a>	<a href="#">B: 1756 P: 2167</a>
<a href="#">00953497</a>	<a href="#">06/24/2005 02:22:00 PM</a>	<a href="#">B: 1758 P: 2339</a>
<a href="#">20130028275</a>	<a href="#">07/25/2013 11:37:41 AM</a>	
<a href="#">20210076585</a>	<a href="#">12/02/2021 04:50:08 PM</a>	

### "Tax"

<u>Tax Year</u>	<u>Taxes</u>	<u>Images</u>
2021	\$1,589.32	• <a href="#">GIS</a>
2020	\$1,665.63 	

From: Harrison Johnson  
 To: Hildale City Planning & Zoning Commission; Hildale City Mayor  
 Date: January 18, 2022  
 Subject: Zone Change request

**Applicant Name:** Sunny Peaks LLC/ Allen Zitting  
**Agent:** N/A  
**Application Type:** Zone Change request  
**Project Address:** 780 N Oak Street  
**Current Zoning:** RA-1  
**Requested Zoning:** RM-1  
**Date:** January 5<sup>th</sup>, 2022  
**Prepared by:** Harison Johnson

**Summary of Application**

The Applicant is requesting approval of a Zone Change.

Request 1:

Amend the zoning map to re-zone Parcel HD-SHCR-1-1, commonly addressed as 780 N Oak Street, Hildale, Utah from the current Residential Agriculture Zone (RA-1) to Residential Mulit-Family 1. Should the zone change be approved, the applicant intends to submit an application for a lot split of the same parcel.

**Background**

The applicant submitted the application on January 5<sup>th</sup>, 2022, to the Hildale City offices and paid the fee of \$100.

The applicant submitted al required documents identified in the application.

The applicant provided addressed, stamped envelopes for all property owners within the required boundary of the subject property.

City staff prepared a Rezone Letter for Neighboring Properties and mailed the letters within the required notice time.

The Public Hearing for this zone change request was noticed, as required.

**General Plan and Zoning**

The property is bounded on the North by Utah Ave; On the East by a water canal and a small side street; On the South by 760 N Oak Street; and on the West by Oak Street. The Property immediately across the water channel is zoned RA-1.

**Analysis**

The zone change request complies with required standards for approval, as identified in Hildale Planning and Zoning ordinance, section 152-13-3 Uses allowed; and Sec 152-13-4 Development Standards In Residential Zones, as follows:

**Sec 152-13-3 Uses Allowed**

1. Permitted And Conditional Uses:

Permitted and conditional uses allowed within residential zones shall be as set forth in table 152-13-1 of this section. Permitted and conditional uses are indicated by a "P" or "C", respectively, in the appropriate column. Uses not permitted are indicated by "N". Any use not shown on table 152-13-1 of this section shall be prohibited unless the zoning administrator determines the use is substantially the same as a permitted or conditional use as provided in subsection 152-7-18E4 of this chapter.

TABLE 152-13-1 PERMITTED AND CONDITIONAL USES ALLOWED IN RESIDENTIAL ZONES

PERMITTED AND CONDITIONAL USES ALLOWED IN RESIDENTIAL ZONES							
	Zones						
	R1-15	R1-10	R1-8	RM-1	RM-2	RM-3	MH/RV
Agricultural uses:							
Accessory building	P	P	P	P	P	P	P
Agricultural business	N	N	N	N	N	N	N
Agricultural industry	N	N	N	N	N	N	N
Agriculture	N	N	N	N	N	N	N

Agriculture residential	P	P	P	P	P	P	P
Animal specialties	P	P	N	N	N	N	N
Animals and fowl for recreation and family food production	P <sup>3</sup> /C	P <sup>3</sup> /C	P <sup>3</sup>	N	N	N	N
Stable, private	N	N	N	N	N	N	N
Residential uses:							
Assisted living facility	C	C	C	N	N	N	N
Boarding house	N	N	N	N	N	N	N
Building, accessory	P	P	P	P	P	P	P
Dwelling, earth sheltered	P	P	P	P	P	P	N
Dwelling, multiple-family	N	N	N	P	P	P	N
Dwelling, single-family	P	P	P	P	P	P	P
Dwelling, single-family with accessory dwelling unit	P	P	P	N	N	N	N
Dwelling, temporary	P	P	P	P	P	P	P
Dwelling, two-family	N	N	N	P	P	P	N
Guesthouse or casita with direct access to main dwelling unit	P	P	P	N	N	N	N
Guesthouse or casita without direct access to main dwelling unit	C	C	C	N	N	N	N
Manufactured home	P	P	P	N	N	N	P
Manufactured/mobile home park	N	N	N	N	N	N	P
Manufactured/mobile home subdivision	N	N	N	N	N	N	P
Protective housing facility	N	N	N	N	N	N	N
Rehabilitation/treatment facility	N	N	N	N	N	N	N
Residential facility for elderly persons <sup>1</sup>	P	P	P	P	P	P	P
Residential facility for persons with a disability <sup>1</sup>	P	P	P	P	P	P	P
Residential facility for troubled youth	N	N	N	N	N	N	N
Short term rental <sup>4</sup>	P	P	P	N	N	N	N
Transitional housing facility	N	N	N	N	N	N	N
Public and civic uses:							
Airport	N	N	N	N	N	N	N
Auditorium or stadium	N	N	N	N	N	N	N
Bus terminal	N	N	N	N	N	N	N
Cemetery	P	P	P	P	P	P	P
Church or place of worship	P	P	P	P	P	P	P
Club or service organization	N	N	N	N	N	N	N
College or university	N	N	N	N	N	N	N
Convalescent care facility	N	N	N	N	N	N	N
Correctional facility	N	N	N	N	N	N	N
Cultural service	N	N	N	N	N	N	N
Golf course	P	P	P	P	P	P	P

Government service	N	N	N	N	N	N	N
Hospital	N	N	N	N	N	N	N
Operations center	N	N	N	N	N	N	N
Park	P	P	P	P	P	P	P
Post office	N	N	N	N	N	N	N
Protective service	P	P	P	P	P	P	P
Reception center	N	N	N	N	N	N	N
School, elementary, middle, high or private	P	P	P	P	P	P	P
School, vocational	N	N	N	N	N	N	N
Stable, public	N	N	N	N	N	N	N
Utility, major	N	N	N	N	N	N	N
Utility, minor	P	P	P	P	P	P	P
Commercial uses:							
Agricultural sales and service	N	N	N	N	N	N	N
Animal hospital	N	N	N	N	N	N	N
Bail bond service	N	N	N	N	N	N	N
Bank or financial institution	N	N	N	N	N	N	N
Bed and breakfast, home (Less than or Equal to 2; Owner Occupied)	C	C	C	N	N	N	C
Bed and breakfast inn (Between 3 and 10)	C	C	C	N	N	N	C
Business equipment rental, services, and supplies	N	N	N	N	N	N	N
Camping Hosting Facility	N	N	N	N	N	N	N
Car wash	N	N	N	N	N	N	N
Club, private	N	N	N	N	N	N	N
Construction sales and service	N	N	N	N	N	N	N
Convenience store	N	N	N	N	N	N	N
Family child daycare facility <sup>2</sup>	P	P	P	P	P	P	P
Licensed family child care <sup>2</sup>	C	C	C	C	C	C	C
Residential certificate child care <sup>2</sup>	P	P	P	P	P	P	P
Child care center	N	N	N	N	N	N	N
Funeral home	N	N	N	N	N	N	N
Garden center	N	N	N	N	N	N	N
Gas and fuel, storage and sales	N	N	N	N	N	N	N
Gasoline service station	N	N	N	N	N	N	N
Hostel	N	N	N	N	N	N	N

Hotel	N	N	N	N	N	N	N
Kennel, commercial	N	N	N	N	N	N	N
<b>Kennel, residential</b>	P	P	P	<b>P</b>	P	P	P
Laundry or dry cleaning, limited	N	N	N	N	N	N	N
Liquor store	N	N	N	N	N	N	N
Media service	N	N	N	N	N	N	N
Medical or dental laboratory	N	N	N	N	N	N	N
Medical service	N	N	N	N	N	N	N
Motel	N	N	N	N	N	N	N
Office, general	N	N	N	N	N	N	N
Off Road Recreational Vehicle Rental	C	C	C	N	N	N	N
Parking garage, public	N	N	N	N	N	N	N
Parking lot, public	N	N	N	N	N	N	N
Pawnshop	N	N	N	N	N	N	N
<b>Personal care service, home based<sup>2</sup></b>	P	P	P	<b>P</b>	P	P	P
<b>Personal instruction service, home based<sup>2</sup></b>	P	P	P	<b>P</b>	P	P	P
Printing and copying, limited	N	N	N	N	N	N	N
Printing, general	N	N	N	N	N	N	N
Produce stand	N	N	N	N	N	N	N
Recreation and entertainment, indoor	N	N	N	N	N	N	N
Recreation and entertainment, outdoor	N	N	N	N	N	N	N
Recreational vehicle park	N	N	N	N	N	N	P
Repair service	N	N	N	N	N	N	N
Research service	N	N	N	N	N	N	N
Residential hosting facility	P	P	P	N	N	N	N
Restaurant, fast food	N	N	N	N	N	N	N
Restaurant, general	N	N	N	N	N	N	N
Retail, general	N	N	N	N	N	N	N
Secondhand store	N	N	N	N	N	N	N
Shopping center	N	N	N	N	N	N	N



Tattoo establishment	N	N	N	N	N	N	N
Tavern	N	N	N	N	N	N	N
Temporary trailer	P	P	P	P	P	P	P
Transportation service	N	N	N	N	N	N	N
Vehicle and equipment rental or sale	N	N	N	N	N	N	N
Vehicle and equipment repair, general	N	N	N	N	N	N	N
Vehicle repair, limited	N	N	N	N	N	N	N
Veterinary service	N	N	N	N	N	N	N
Warehouse, self-service storage	N	N	N	N	N	N	N
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title						
Industrial uses:							
Automobile wrecking yard	N	N	N	N	N	N	N
Freight terminal	N	N	N	N	N	N	N
Heavy industry	N	N	N	N	N	N	N
Junk or salvage yard	N	N	N	N	N	N	N
Laundry services	N	N	N	N	N	N	N
Manufacturing, general	N	N	N	N	N	N	N
Manufacturing, limited	N	N	N	N	N	N	N
Mineral extraction	N	N	N	N	N	N	N
Wholesale and warehousing, general	N	N	N	N	N	N	N
Wholesale and warehousing, limited	N	N	N	N	N	N	N

2. Notes:

1. See chapter 46 of this chapter.
2. See chapter 42 of this chapter.
3. See section 152-37-15 of this chapter for permitted animals and fowl.
4. See licensing and operations requirements in title 11 of this code.

3. Accessory Uses:

Permitted and conditional uses set forth in table 152-13-1 of this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.

1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this chapter.
2. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.
3. Accessory uses in residential zones shall include, but not be limited to, the following: Garage sales, subject to applicable standards of chapter 48, "Temporary Uses", of this chapter. Garages and off street parking areas, subject to applicable standards of chapter 34, "Off Street Parking And Loading", of this chapter. Hobby activities when conducted by an occupant of the premises solely for personal enjoyment, amusement, or recreation and which does not conflict with any other city ordinance. Home based businesses, subject to applicable standards of chapter 42, "Home Based Businesses", of this chapter. Household pets. Nurseries and greenhouses, when used for family food production. Playhouses, patios, porches, gazebos, and incidental storage buildings. Swimming pools and hot tubs for use by residents and their guests.

4.

**Sec 152-13-4 Development Standards In Residential Zones**

Development standards within residential zones shall be as set forth in table 152-13-2 of this section.

TABLE 152-13-2

DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES							
	Zones						
Development Standard	R1-25	R1-15	R1-10	R1-8	RM-1	RM-2	RM-3

Lot standards:							
Average lot area <sup>2</sup>	15,000 sq. ft.	15,000 sq. ft.	10,000 sq. ft.	8,000 sq. ft.	n/a	n/a	n/a
Minimum lot area or acreage	12,000 sq. ft.	12,000 sq. ft.	8,000 sq. ft.	6,400 sq. ft.	10,000 sq. ft.	1 acre	1 acre
Minimum lot width and/or project frontage	89 ft.	90 ft.	80 ft.	70 ft.	80 ft. project	100 ft. project	200 ft. project
					30 ft. unit	30 ft. unit	30 ft. unit
/	n/a	n/a	n/a	n/a	6 units/lots	10 units/lots	15 units/lots
Building standards:							
Maximum height, main building <sup>3</sup>	34 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
Maximum height, accessory building <sup>4</sup>	19 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Maximum size, accessory building	1,200 sq. ft.	1,200 sq. ft.	1,200 sq. ft.	500 sq. ft.	1,000 sq. ft.	1,000 sq. ft.	500 sq. ft.
Building coverage: See subsection 10-37-12I of this title	50% of lot	50% of lot	50% of lot	50% of lot	50% of lot	50% of lot	50% of lot
Distance between buildings	No requirement	No requirement	No requirement	No requirement	20 ft.	20 ft.	20 ft.
Setback standards - front yard:							
Any building <sup>5</sup>	24 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Setback standards - rear yard:							
Main building	19 ft.	20 ft.	20 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Accessory building, including private garage <sup>6</sup>	19 ft.	20 ft.	20 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Setback standards - interior side yard:							
Main building	9 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Accessory building, including private garage	See note 6	See note 6	See note 6	See note 6	See note 6	See note 6	See note 6
Setback standards - street side yard:							
Main building <sup>7</sup>	19 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Accessory building	See note 6	See note 6	See note 6	See note 6	See note 6	See note 6	See note 6

Notes:

1. Duplex only permitted on first 10,000 square feet. Any additional units must meet density per acre standards.
2. "Average size" means the total acreage devoted to lots divided by the number of lots. Net density definition shall apply.
3. Except as otherwise permitted by subsection 152-13-7C of this chapter.
4. Except as otherwise permitted by subsection 152-13-7B of this chapter.
5. Except as modified by the provisions of subsection 152-37-12F, "Setback Measurement", of this chapter.
6. If located at least 10 feet from main building, 2 feet from the dripline of the roof. Otherwise, same as for main building.
7. When this side setback is required, rear setback may be reduced to 10 feet.

**Sec 152-13-5 Regulations Of General Applicability**

The use and development of real property in residential zones shall conform to regulations of general applicability as set forth in the following chapters of this chapter:

1. Design and compatibility standards:  
See chapter 33 of this title.
2. Landscaping and screening:  
See chapter 32 of this title.
3. Motor vehicle access:  
See chapter 35 of this title.

4. Natural resource inventory:  
See chapter 31 of this title.
5. Off street parking:  
See chapter 34 of this title.
6. Signs:  
See chapter 36 of this title.
7. Supplementary development standards:  
See chapter 37 of this title.

#### Sec 152-13-6 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 Article VI of this chapter, such regulation shall apply in addition to the requirements of this chapter and shall prevail over any conflicting provision of this chapter.

#### Sec 152-13-7 Special Regulations

1. Animals:  
Within R1, RM, and MH/RV zones, where permitted by the zone, the keeping of animals shall normally be simultaneous with occupied residential use.
2. Larger Accessory Buildings:  
Notwithstanding the maximum building size limitation shown on table 152-13-2 in section 152-13-4 of this chapter, the maximum size of an accessory building may be increased pursuant to a conditional use permit.
3. Increased Height:  
Notwithstanding the height limitations shown on table 152-13-2 in section 152-13-4 of this chapter a greater building height may be allowed in residential zones pursuant to a conditional use permit.
4. Visual Barriers:  
Fencing or other method of providing privacy and a visual barrier to adjacent property shall be constructed around the perimeter of a multiple-family development.
  1. The height of such barrier shall be at least six feet (6').
  2. The barrier material and location shall be identified on an approved site plan.
5. Open Space:  
In multiple-family residential zones, common open space should equal or exceed the ground floor area of all buildings on site. Projects greater than one story should provide common open space equivalent to the ground floor area plus fifty percent (50%) of all additional floor area.

#### Recommendation

Staff recommends approval of the zone change request as it is consistent with Hildale City' General Plan.

#### Sample Motions – ZONING CHANGE

1. I move to approve the zoning map amendment requested for Parcel HD-SHCR-1-1, commonly addressed as 780 N Oak Street, Hildale, Utah from the current Residential Agriculture Zone (RA-1) to Residential Multi-Family (RM-1).

#### Attachments

- a. Zone Change Application
  - a. Warranty Deed
  - b. Affidavit
  - c. Check
  - d. Zoning Map
- b. Washington County Property Report for parcel HD-SHCR-1-1
- c. Draft copy Rezone Letter for Neighboring Properties
- d. Public Hearing Notice
- e. Photos of Building Concept provided by Allen Zitting

**Harrison Johnson**

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**From:** Allen Zitting <azitting7@gmail.com>  
**Sent:** Monday, January 17, 2022 10:21 AM  
**To:** Harrison Johnson  
**Subject:** Style Concept

Harrison,

I am looking forward to the Planning Commission meeting this Thursday.

These are pictures of a product that is the style we want to use on the 4 plex on the Oak St and Utah Ave property. Can I show them to the planning commission to just give them an idea of what we have in mind?













Allen K Zitting  
435-705-0955

**From:** Eric Duthie, Hildale City Manager  
**To:** Hildale Planning Commission  
**Date:** July 21, 2021  
**Subject:** Chair selection procedure

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In a recent Commission meeting, Chair Holm indicated it was time to open the selection of a Board Chair according to the City Code. As such, staff has provided the following reference from the City Code and recommends the Commission exercise the option of opening the position of Commission Chairperson for nominations:

Sec 152-6-4 Planning Commission, Section (c) Organization and Procedure states:  
“The planning commission shall be organized and exercise its powers and duties as follows:  
(1) Members of the planning commission shall select one of its members as chairperson to oversee the proceedings and activities of the planning commission, and shall adopt rules for the transaction of business and the conduct of its proceedings.  
a. The chairperson shall serve for a term of one year.  
b. The chairperson, with the advice and consent of the planning commission, shall appoint one of the planning commission members as alternate chairperson to act in the absence of the chairperson. The chairperson and alternate chairperson may be re-elected for successive terms.”

Should the Commission opt to exercise this option, the following procedure is recommended:

1. A motion is made from a member to open nominations for the position of Board Chairperson.
2. If the motion is NOT seconded, the motion dies, and the Chair remains in position until another motion is successful at another meeting.
3. If a second is received, then the Chair opens the floor for nominations.
4. Each nomination should receive a second and be accepted by the person nominated.
5. When no further nominations are forthcoming, the Chair shall close the nomination from the floor.
6. The Chair will then call for a vote on each nomination put forward. This can be a voice vote, or by roll call.
7. A majority of votes cast is not required for election.
8. If the votes are tied, the voting shall continue until a Chairperson is elected.
9. The nominee receiving the most votes will be elected as Chairperson and will preside at future meetings.