



NOTICE AND AGENDA

NOTICE IS HEREBY GIVEN TO THE HILDALE CITY COUNCIL AND THE PUBLIC, THAT THE HILDALE CITY COUNCIL WILL HOLD A SPECIAL COUNCIL MEETING AND WORK MEETING ON WEDNESDAY THE 28TH DAY OF OCTOBER 2020 AT HILDALE CITY HALL, 320 EAST, NEWEL AVENUE, WHICH MEETING SHALL BEGIN AT 6:30 P.M. MDT.

THE AGENDA SHALL BE AS FOLLOWS:

1. WELCOME, INTRODUCTION AND PRELIMINARY MATTERS
2. PLEDGE OF ALLEGIANCE
3. CONFLICT OF INTEREST DISCLOSURES
4. PUBLIC COMMENT
5. CONSIDERATION AND POSSIBLE ACTION ON TEXT AMMENDMENT TO THE HIDALE CITY LAND USE ORDINANCE RELATING TO DEFINING WINERIES, BREWERIES AND DISTILLERIES, AND PERMITTING THE SAME IN SPECIFIC ZONING DISTRICTS (HCC §§ 152-3-4, 152-12-3, 152-15-3, 152-16-3, & 152-26-5)
6. WORK SESSION
 - A. MUNICIPAL OPERATIONS
 - i. POLICIES
 - ii. INTERGOVERNMENTAL AGREEMENTS
 - B. GENERAL PLAN
 - i. PRESENTATION AND STEERING COMMITTEE SELECTION
 - C. UEP RELATIONSHIP
 - D. SOUTH ZION ESTATES DEVELOPMENT
 - E. WATER SOURCE DEVELOPMENT
7. CONSIDERATION AND POSSIBLE ACTION ON EXECUTIVE SESSION TO DISCUSS IMPENDING OR REASONABLY IMPENDING LITIGATION
8. ADJOURNMENT

Agenda items and any variables thereto are set for consideration, discussion, approval or other action. Council Members may be attending by telephone. Agenda is 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 Planning and Zoning Special Meeting October 27th, 2020

Application Type: Final Site Plan

Applicant Name: Gary Tooke

Project Address: 1025? Field Ave

Current Zoning: General Commercial

Proposed Zoning: N/A

Proceeding: Administrative

Approval Authority: Planning Commission

Appeal Authority: Hildale City Council

Summary of Application

The applicant is requesting a final site plan review for a planned development on Field Avenue and Maple Street

Background

The applicant plans to construct a wine tasting room on the north side of his property.

General Planning and Zoning

The General Plan has the lot designated for industrial

Standards for Approval/Denial

1. **Site Development:** The entire site shall be developed at one time unless a phased development plan is approved.
2. **Compliance With Standards:** A site plan shall conform to applicable standards set forth in this chapter and other applicable provisions of this Code. Conditions may be imposed as necessary to achieve compliance with applicable Code requirements.
3. **Agreement; Letter Of Credit:** In order to assure that the development will be constructed to completion in an acceptable manner, the City may require the applicant to enter into an agreement and provide a satisfactory letter of credit or escrow deposit. The agreement and letter of credit or escrow deposit shall assure timely construction and installation of improvements required by a site plan approval.

Staff Analysis

1. **Site Development: The entire site shall be developed at one time unless a phased development plan is approved.**
The applicant intends to develop the site all at once.
2. **Compliance With Standards: A site plan shall conform to applicable standards set forth in this chapter and other applicable provisions of this Code. Conditions may be imposed as necessary to achieve compliance with applicable Code requirements.**
The plan includes one item of note in the designated use by the applicant being "Agricultural Sales and Service" which is defined as:



AGRICULTURAL SALES AND SERVICE: An establishment primarily engaged in the sale or rental of farm tools and implements, feed and grain, tack, animal care products, anhydrous ammonia, farm supplies and the like, and including accessory food sales and machinery repair services. This definition shall also include greenhouses which are used for wholesale and/or retail purposes.

However, our analysis is that it would more appropriately be an Agricultural Industry:

AGRICULTURAL INDUSTRY: An industry or business involving agricultural products in packaging, treatment, sales, intensive feeding, or storage and the initial processing of agricultural products that is reasonably required to take place in close proximity to the site where they are produced. Typical uses include packinghouses, commercial feed yards, fur farms, commercial milk production, food packaging or processing plants, and commercial poultry or egg production. Slaughterhouses and intensive animal feeding operations are specifically excluded from this definition.

3. Agreement; Letter Of Credit:

The City has yet to require a final site applicant to have a Letter of Credit. This requirement does not have been determined to be inconsistent with the growth mindset of our community and will place onerous requirements on residents and builders.

Staff Recommendation

The staff recognizes the failure of the zoning code to incorporate wineries as it does not fit the use and that the applicant has been very accommodating with the city and its processes. Therefore the city would recommend the planning commission agree to a conditional approval subject to a zone change or text amendment.



Proposal on HCC Zoning Amendment for MANUFACTURING, ALCOHOLIC BEVERAGE

Summary of Proposal

Staff is proposing that the Planning and Zoning Commission and Hildale City Council conder amending sections of the Hildale City Code to include specific definitions for the Manufacture of Alcoholic Beverages.

Background

Gary Tooke has an application for final site plan approval for his winery near the industrial park. Staff recognized that there is not a specific definition defining winery or tasting room in our code. The closest definition that staff could find in our code was not permissible in Commercial Zones. Because it may be more advantageous to clearly define their business and permit it in multiple zones, staff went to work researching and generating a path forward. Mr. Tooke's patience and willingness to invest in our community proved to be a great asset in moving this process forward.

Proposal

The staff is recommending the following items:

1. Inclusion into HCC Section 152-3-4; Definition the following item:
"MANUFACTURING, ALCOHOLIC BEVERAGE: a liquor manufacturing establishment operated by a person in compliance with a current license issued by the State of Utah pursuant to Part 3, Part 4, or Part 5 of Title 32B, Chapter 11 of the Utah Code, as amended."
2. Considering to refine the above definition of MANUFACTURING, ALCOHOLIC BEVERAGE with two addendums:
 - a. "MANUFACTURING, ALCOHOLIC BEVERAGE (30,000 square feet and under)"
 - b. "MANUFACTURING, ALCOHOLIC BEVERAGE (over 30,000 square feet)"
3. Consideration to include MANUFACTURING, ALCOHOLIC BEVERAGE with or without the above definitions into, but not limited to the following zones:
 - a. "General Commercial" (Mr. Tooke's winery is currently in this zone)
 - b. "Highway Commercial"
 - c. "Planned Commercial"
 - d. "Business Manufacturing Park"
 - e. "Light Industrial"
 - f. "Heavy Industrial"
 - g. "Recreation and Resort"
 - h. "Agricultural"

Standards for Approval

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.

Staff Analysis

- 1. Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;**

In the General Plan there are two objectives that are directly compatible with the creation of an MANUFACTURING, ALCOHOLIC BEVERAGE definition which are:

2. Grow entrepreneurial activity in general, with a focus on activity that builds off of local economic advantages and harnesses local demographics such as agricultural spin-off industries i.e. cottage industries.
3. Significantly increase the quantity and quality of business and industrial sites.

Additionally, the proposed zones allow for the various applications in which MANUFACTURING, ALCOHOLIC BEVERAGE could be value added without disruption to harmonious living.

Furthermore, with the consideration of the size definition this will allow for the community to weigh in on the size and limit its placement.

- 2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;**

In the zones proposed to the council, when considering the size limit, it will be likely that operations will be harmonious with surrounding structures. (Please see addendum A for zone definitions).

Staff believes that the commercial and retail nature of Mr. Tooke's winery as with other beverage manufacturers easily supports the use for Commercial, Business and Industrial Zones. The staff is proposing that Agricultural zone be included as some wineries, distilleries or breweries include vineyards or farms where they produce and manufacture on the same site. The other zone we are proposing is the Recreation and Resort zone, which may be compatible due to some resorts offering directly manufactured beverages to guests as part of their experience.

- 3. The extent to which the proposed amendment may adversely affect adjacent property;**

As with all text amendments, the legislative process is designed to vet whether the proposed use of MANUFACTURING, ALCOHOLIC BEVERAGE would be consistent with the zones its added to. In Mr. Tooke's case as with many craft breweries and distilleries, operations are small to medium sized and are designed to serve as destination locations or to serve local residents, but we still felt it would be inappropriate for neighborhood commercial due to noise, sound, and traffic hazards which might result

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.

The zones proposed when located within the city's boundaries appears to have all of the support facilities necessary. In places on our periphery, where some services may be unavailable or the



quality is lower, the Council may need to evaluate any proposed zoning changes to specific zones to see if there would be legitimate concerns in the future.

Staff Recommendation

Definition

Staff recommends that the Planning and Zoning Administration Recommend and Hildale City Council adopt one of the following definitions into HCC Section 152-3-4:

<1> “MANUFACTURING, ALCOHOLIC BEVERAGE: a liquor manufacturing establishment operated by a person in compliance with a current license issued by the State of Utah pursuant to Part 3, Part 4, or Part 5 of Title 32B, Chapter 11 of the Utah Code, as amended”

Proposed Permitted Use in Zone

Staff strongly recommends that the Planning and Zoning Administration Recommend and Hildale City Council add “MANUFACTURING, ALCOHOLIC BEVERAGE **30,000 square feet and under**” to the following zones:

- a. “General Commercial” (Mr. Tooke’s winery is currently in this zone)
- b. “Highway Commercial”
- c. “Planned Commercial”
- d. “Business Manufacturing Park”
- e. “Light Industrial”
- f. “Recreation and Resort”
- g. “Agricultural”

Staff recommends that the Planning and Zoning Administration Recommend and Hildale City Council add “HEAVY MANUFACTURING, ALCOHOLIC BEVERAGE **30,000 square feet and over**” to the following zones:

- a. “Heavy Industrial”

CHAPTER 11 ZONES ESTABLISHED

[Sec 152-11-1 Establishment Of Zones](#)

[Sec 152-11-2 Zone Purposes](#)

[Sec 152-11-3 Official Zoning Map](#)

[Sec 152-11-4 Rules For Locating Zone Boundaries](#)

[Sec 152-11-5 Clarification Of Zoning](#)

[Sec 152-11-6 Newly Annexed Territories](#)

Sec 152-11-1 Establishment Of Zones

In order to accomplish the purposes of the Hildale general plan and this chapter, the following zones, along with their accompanying abbreviations, are hereby established as follows:

(a) Agricultural zones:

Agricultural 40 A-40

Agricultural 20 A-20

Agricultural 10 A-10

Agricultural 5 A-5

(b) Residential agriculture zones:

Residential-agricultural 1 RA-1

Residential-agricultural .5 RA-.5

(c) Residential zones:

Single-family residential 15 R1-15

Single-family residential 10 R1-10

Single-family residential 8 R1-8

Single-family residential 6 R1-6

Multiple-family residential 1 RM-1

Multiple-family residential 2 RM-2

Multiple-family residential 3 RM-3

Mobile home/RV park MH/RV

(d) Commercial zones:

Neighborhood commercial NC

General commercial GC

Highway commercial HC

Planned commercial PC

Pedestrian-oriented commercial POC

Mixed-Used MU

(e) Business and industrial zones:

Business/manufacturing park BMP

Professional office PO

Light industrial M-1

Heavy industrial M-2

(f) Open space and public facility zones:

Open space OS
Public facilities PF

(g) Special purpose and overlay zones:

Agriculture protection overlay APO
Historic district overlay HDO
Planned development overlay PDO
Sensitive lands overlay SLO
Runway protection RPZ
Recreation resort RR
Extraction industries overlay

Sec 152-11-2 Zone Purposes

In addition to the general purposes of this chapter as set forth in section 152-1-3 of this chapter, the various zones each serve more specific purposes as set forth below:

(a) Agricultural Zones:

Agricultural zones preserve and protect agricultural lands and related activities, permit activities normally and necessarily related to agricultural production, and prohibit land uses that may undermine continued agricultural activity.

(b) Residential Agriculture Zones:

Residential agriculture zones allow a mix of agricultural and residential uses on large lots. Limited agriculture activities, the keeping of limited numbers of animals, and the enjoyment of a "gentleman farmer" type neighborhood are the purpose of these zones.

- (1) The purpose of the RA-1 and RA-5 zones is to foster very low and low density development with little impact on its surroundings and municipal services; to preserve the character of the city's semi-rural areas; and to promote and preserve conditions favorable to large-lot family life, including the keeping of limited numbers of farm animals and fowl. The predominant use in these zones is intended to be large lot neighborhoods with detached single-family dwellings, protected from encroachment by commercial and industrial uses. Other major uses in these zones are small farms, hobby farms and agricultural developments. Ancillary uses include churches, schools, and parks to serve neighborhood areas.

(c) Residential Zones:

Residential zones allow a wide range of residential land uses at various densities. These zones protect the stability of neighborhoods and encourage, collectively, diverse types of desirable new residential development and protect existing residential uses.

- (1) The purpose of the R1-15, R1-10, R1-8 and R1-6 zones is to permit development of detached single-family homes on individual lots at medium to high densities. Ancillary uses include churches, schools, and parks to serve neighborhood areas.
- (2) The purpose of the RM-1, RM-2, and RM-3 zones is to permit well designed apartments, townhomes, twin homes, and condominiums at medium to high density that are appropriately buffered from and compatible with surrounding land uses. Ancillary uses include churches, schools, and parks to serve neighborhood areas.
- (3) The purpose of the MH/RV zone is to provide locations where neighborhoods consisting of manufactured/mobile homes and recreational vehicle parks and subdivisions may be created, maintained, and preserved. Ancillary uses include churches, schools, and parks to serve neighborhood areas.

(d) Commercial Zones:

Commercial zones provide areas where a combination of business, commercial, entertainment, office, and related activities may be established, maintained and protected. Commercial zones are intended to provide a suitable environment for those commercial and service uses vital to the economic base of the city.

- (1) The purpose of the NC zone is to provide areas where convenience buying outlets, having small trade areas, may be established to serve surrounding residential neighborhoods. This zone is intended to promote a combination of retail and service facilities that meet day to day needs of nearby residents and which are compatible in character and scale with adjacent development.
- (2) The purpose of the GC zone is to accommodate a wide range of commercial uses developed without an overall plan or design scheme. Use of the GC zone for new commercial development should be avoided unless integrated shopping center development in another zone is not practical or desirable because of difficult size, shape, topography, or similar problems related to land otherwise deemed appropriate for commercial use. Typical uses in this zone may include offices, retail stores, personal services, heavy commercial, and institutional uses.
- (3) The purpose of the HC zone is to provide commercial areas with visibility and access from SR-59 and major arterial roads for the convenience of commuters and the traveling public. Typical uses include lodging facilities, personal services, travel plazas, restaurants and fast food facilities, and commuter parking.
- (4) The purpose of the PC zone is to provide areas where a combination of destination oriented business, retail commercial, entertainment, and related uses may be established, maintained and protected to serve both residents and nonresidents of the city. Typical uses in this zone include large scale, master planned commercial centers with outlying commercial pads, big box stores, offices, and various types of high density residential uses.
- (5) The purpose of the POC zone is to provide walkable commercial areas which are generally oriented toward local residents rather than out of town patrons. Uses typical of this zone include planned retail and office development and limited medium to high density residential uses that can be harmoniously mixed with commercial development.

(e) Business And Industrial Zones:

Business and industrial zones provide areas for conducting business, manufacturing and industrial activities.

- (1) The purpose of the BMP zone is to provide aesthetically attractive planned developments having a mix of office, research and development, light manufacturing, and limited retail uses. Typical uses in this zone include offices, clean indoor manufacturing facilities, service retail, restaurants, athletic clubs, personal service shops, medical offices, office/warehouse buildings, and research facilities.
- (2) The purpose of the PO zone is to provide locations primarily along arterial or major collector streets which will accommodate offices or laboratories for professional persons and other related uses. The zone is intended to provide availability of professional services conveniently to all neighborhoods in the city. Typical uses in this zone include offices for doctors, dentists, accountants, and other similar professions, medical and dental laboratories, and pharmacies.
- (3) The purpose of the M-1 zone is to provide areas for uses involving processing and assembly of manufactured goods, warehousing, and material storage. Uses which generate excessive noise, vibration, odor, dust, and fumes are excluded from this zone.

- (4) The purpose of the M-2 zone is to provide areas where uses involving industrial processes and natural resource extraction may be permitted without negatively impacting other areas of the city, especially when undertaken on a large scale.

(f) Open Space And Public Facility Zones:

Open space and public facility zones allow public or quasi-public uses.

- (1) The purpose of the OS zone is to recognize on the official zoning map areas which are open and generally undevelopable due to government ownership, their sensitive environmental nature and/or the unavailability of adequate public facilities, such as conservation areas and national park land.
- (2) 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.

(g) Special Purpose And Overlay Zones:

Special purpose zones are intended to accomplish objectives unique to the particular zone. Overlay zones implement supplemental regulations that apply geographically, regardless of the underlying base zone. Whenever the regulations of a base zone and an overlay zone conflict, overlay zone regulations apply.

- (1) The purpose of the APO zone is to protect and preserve existing agricultural areas from encroachment of development and to allow ongoing agricultural operations to continue without unreasonable regulations, except for those needed to protect public health and safety.
- (2) The purpose of the HDO zone is to implement regulations designed to promote the preservation of structures and sites having historical, cultural, or architectural significance, and to foster economic development consistent with historic preservation plans adopted by the city.
- (3) The purpose of the PDO zone is to permit a compatible, master planned mix of various uses in combination with open space components on land that has unique or unusual characteristics that warrant customized development requirements. Although development size may vary from location to location, each development is intended to consist of well designed, architecturally integrated structures which are appropriately landscaped and buffered from surrounding land uses.
- (4) The SLO zone provides regulations to protect sensitive land areas such as hillsides, floodplains, and river parkway areas.
- (5) The RPZ zone provides regulations to promote and protect the Hildale City airport.
- (6) The recreation resort zone is established to designate certain areas within the city of Hildale where it is desirable and beneficial to the area economy to allow for a mix of limited commercial, public, and residential uses. Specifically, to authorize recreation and resort developments in which residential dwelling units may be occupied by the owners thereof on a full or part time basis, to authorize the rental of residential units on an overnight or short term basis by owners who reside elsewhere; and to authorize limited commercial and public uses that are incidental to and compatible with resort developments.
- (7) The general purpose of the extraction industries overlay zone is to provide for the operation of extraction industries in Hildale City, while regulating the operation of such industrial uses particularly on properties in close proximity to residential districts and to

provide regulatory standards and procedures to ensure the reclamation of the extraction industry sites upon completion of the extraction processes.

Sec 152-11-3 Official Zoning Map

(a) Zones:

The location and boundaries of the zones described in this chapter, including subsequent amendments, shall be shown on an official zoning map, entitled the Hildale City official zoning map, as provided in this section.

- (1) The zones established by this chapter are intended to further the goals and policies of the Hildale general plan. Accordingly, not every zone established by this chapter need be included on the official zoning map unless and until the Hildale City council, in the exercise of its legislative discretion, determines that placing a particular property in a particular zone will further the goals and policies of the general plan.
- (2) Each lot within the city shall be subject to the requirements of the zone, or zones, in which the lot is located as shown on the official zoning map.
- (3) The official zoning map, including all boundaries, notations, and other data shown thereon, is hereby adopted by this reference.

(b) Amendments:

Amendments to the boundaries of a specific zone shown on the official zoning map shall be accomplished in accordance with the provisions set forth in section 152-7-7 of this chapter.

(c) Map Updates:

The zoning administrator shall update the official zoning map as soon as possible after amendments are adopted by the city council. Upon entering any such amendment on the map, the zoning administrator shall note on the map the date of the revision.

(d) Filing Of Ordinance And Map:

The ordinance codified herein and official zoning map shall be filed in the custody of the city recorder/clerk and may be examined by the public subject to any reasonable regulations established by the city council.

HISTORY

Amended by Ord. [2019-001](#) on 3/6/2019

Amended by Ord. [2019-004](#) on 5/1/2019

Amended by Ord. [2019-005](#) on 6/5/2019

Amended by Ord. [2019-006](#) on 6/5/2019

Amended by Ord. [2019-010](#) on 8/7/2019

Amended by Ord. [2019-011](#) on 8/7/2019

Amended by Ord. [2019-012](#) on 9/4/2019

Amended by Ord. [2019-013](#) on 10/2/2019

Amended by Ord. [2019-014](#) on 10/2/2019

Amended by Ord. [2019-015](#) on 10/2/2019

Adopted by Ord. [2020-001](#) on 9/22/2020

Adopted by Ord. [2020-008](#) on 9/22/2020

Adopted by Ord. [2020-007](#) on 9/22/2020

Adopted by Ord. [2020-004](#) on 9/22/2020

Adopted by Ord. [2020-003](#) on 9/22/2020

Sec 152-11-4 Rules For Locating Zone Boundaries

(a) Applicability:

Where uncertainty exists as to the boundary of any zone shown on the official zoning map, the provisions of this section shall apply to determine the location of such Boundary.

(b) Centerlines And Property Lines:

When a zone boundary is indicated as being approximately upon the centerline of a street, alley or block, or along a property line, then, unless otherwise definitely indicated on the official zoning map, the centerline of such street, alley or block or such property line, shall be construed to be the boundary of such zone.

(c) Waterways, Park And Public Land:

When a zone boundary is indicated as being approximately at the line of any river, irrigation canal or other waterway, public park or other public land, or any section line, then the center of the stream, canal or waterway, or the railroad right of way, or the boundary line of the public land or section line shall be deemed to be the boundary of the zone.

(d) Lot, Block, And Tract Lines:

Zone boundaries indicated as approximately following platted lot lines, or block or parcel tract boundaries shall be interpreted as following such lines.

(e) Street Vacations:

When a public road, street, or alley is officially vacated, such property shall have the same zoning as the adjacent property. In the event vacated property is adjacent to two (2) zones, each zone shall extend to the centerline of the vacated right of way.

(f) Uncertainties:

When a physical or cultural feature existing on the ground is at variance with one shown on the official zoning map, or in case any other uncertainty exists with respect to a zone boundary, the zoning administrator shall determine the boundary location, subject to appeal in accordance with the provisions of section 152-7-19 of this chapter.

(g) Zoning Administrator To Make Determination:

The zoning administrator shall have the authority to make all zone boundary clarifications and determinations subject to the rules above and appeal in accordance with the provisions of section 152-7-19 of this chapter .

Sec 152-11-5 Clarification Of Zoning

(a) Ambiguous Zone:

Any property which is not clearly zoned on the city's official zoning map shall be deemed to be in the most restrictive adjacent zone.

(b) Ambiguous Use:

(1) If ambiguity arises concerning the classification of a particular use within the meaning and intent of this chapter, the zoning administrator shall determine the proper use or development standard. The zoning administrator may refer the matter to the planning commission for a final determination, if the zoning administrator deems the use unusual enough to require special consideration. The planning commission's determination shall be final and is subject to appeal in accordance with the provisions of section 152-7-19 of this chapter.

(2) If a particular use does not appear in the permitted and conditional uses table for a given zone, the use shall be deemed not permitted in that zone.

Sec 152-11-6 Newly Annexed Territories

Territory which is annexed shall be deemed to be zoned A-20 immediately upon annexation or as otherwise expressly provided in an annexation agreement. This zoning shall be considered a holding zone and no zone change will be considered until a plan for development is presented.

CHAPTER 12 AGRICULTURAL ZONES

[Sec 152-12-1 Purpose](#)

[Sec 152-12-2 Scope](#)

[Sec 152-12-4 Development Standards](#)

[Sec 152-12-5 Regulations Of General Applicability](#)

[Sec 152-12-6 Regulations For Specific Uses](#)

[Sec 152-12-7 Special Regulations](#)

Sec 152-12-1 Purpose

See section 152-11-2 of this chapter.

Sec 152-12-2 Scope

The provisions of this chapter shall apply to any real property located in an agricultural 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 chapter, this code, or other laws. 152-12-3: USES ALLOWED:

(a) Permitted And Conditional Uses:

Permitted and conditional uses allowed within agricultural zones shall be as set forth in table 152-12-1 of this section. Permitted and conditional uses are indicated by a "P" or "C", respectively, in the appropriate column. Uses not permitted are indicated by "N". Any use not shown on table 152-12-1 of this section shall be prohibited unless the zoning administrator determines the use is substantially the same as a permitted or conditional use as provided in subsection 152-7-18E4 of this chapter.

TABLE 152-12-1 PERMITTED AND CONDITIONAL USES ALLOWED IN AGRICULTURAL ZONES

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

Building, accessory	P	P	P	P
Dwelling, earth sheltered	P	P	P	P
Dwelling, single-family	P	P	P	P
Dwelling, single-family with accessory dwelling unit	P	P	P	P
Dwelling, temporary	P	P	P	P
Guesthouse	P	P	P	P
Manufactured home	P	P	P	P
Residential facility for elderly persons ¹	P	P	P	P
Residential facility for persons with a disability ¹	P	P	P	P
Residential facility for troubled youth	N	N	N	N
Short term rental	N	N	N	N
Public and civic uses:				
Auditorium or stadium	N	N	N	N
Cemetery	P	P	P	P
Church or place of worship	P	P	P	P
Club or service organization	P	P	P	P
Convalescent care facility	N	N	N	N
Cultural service	P	P	P	P
Golf course	N	N	N	N
Hospital	N	N	N	N
Park	P	P	P	P
Protective service	P	P	P	P
Reception center	C	C	C	C
Stable, public	P	P	P	P
Utility, minor	P	P	P	P
Utility substation	P	P	P	P
Commercial uses:				
Agricultural sales and service	P	P	C	C
Animal hospital	P	P	P	P
Bed and breakfast, INN	C	C	C	C
Bed and breakfast, home	C	C	C	C
Camping Hosting Facility	C	C	C	C
Family child daycare facility ²	P	P	P	P
Licensed family child care ²	C	C	C	C

Residential certificate child care ²	P	P	P	P
Garden center	P	P	P	P
Kennel, residential	P	P	P	P
Media service	N	N	N	N
Off-Road Recreational Vehicle Rental	C	C	C	C
Personal care service, home based ²	P	P	P	P
Personal instruction service, home based ²	P	P	P	P
Produce stand	P	P	P	P
Recreation and entertainment, outdoor	C	C	C	C
Vehicle repair, limited	N	N	N	N
Veterinary service	P	P	P	P
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title			

(b) Accessory Uses:

Permitted and conditional uses set forth in table 152-12-1 of this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.

- (1) Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this 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 agricultural zones shall include, but are not limited to, the following:
 Garage sales, subject to applicable standards of chapter 48, "Temporary Uses", of this chapter. Garages, carports, 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 applicable provision of this code.
 Home based businesses, subject to applicable standards of chapter 42, "Home Based Businesses", of this chapter. Household pets. Keeping of machinery, livestock, and farming equipment as needed for agricultural use. Nurseries and greenhouses. Playhouses, patios, porches, gazebos, and incidental storage buildings. Produce stands. Swimming pools and hot tubs for use by residents and their guests.
 Temporary real estate offices, subject to applicable standards of chapter 48, "Temporary Uses", of this chapter.

Sec 152-12-4 Development Standards

Development standards within agricultural zones shall be as set forth in table 152-12-2 of this section.

TABLE 152-12-2 DEVELOPMENT STANDARDS IN AGRICULTURAL ZONES

Agricultural Development Standards	
	Zones

Development Standard	A-40	A-20	A-10	A-10
Lot standards:				
Minimum lot area	40 acres	20 acres	10 acres	5 acres
Minimum lot width	400 feet	400 feet	300 feet	300 feet
Building standards:				
Maximum height, main building ¹	35 feet	35 feet	35 feet	35 feet
Maximum height, accessory building	35 feet	35 feet	35 feet	35 feet
Setback standards - front yard:				
Any building ²	30 feet	30 feet	30 feet	30 feet
Setback standards - rear yard:				
Main building	30 feet	30 feet	30 feet	30 feet
Accessory building	No requirement	No requirement	No requirement	No requirement
Setback standards - interior side yard:				
Main building	15 feet	15 feet	15 feet	15 feet
Accessory building of 100 square feet or less	No requirement	No requirement	No requirement	No requirement
Accessory building greater than 100 square feet	20 feet	20 feet	20 feet	20 feet
Setback standards - street side yard:				
Main building	20 feet	20 feet	20 feet	20 feet
Main building on corner lot with yard that abuts the side yard of another lot	20 feet	20 feet	20 feet	20 feet
Accessory building	Not permitted	Not permitted	Not permitted	Not permitted

Sec 152-12-5 Regulations Of General Applicability

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

- (a) Design and compatibility standards: See chapter 33 of this chapter.
- (b) Landscaping and screening: See chapter 32 of this chapter.
- (c) Motor vehicle access: See chapter 35 of this chapter.
- (d) Natural resource inventory: See chapter 31 of this chapter.
- (e) Off street parking: See chapter 34 of this chapter.
- (f) Signs: See chapter 36 of this chapter.
- (g) Supplementary development standards: See chapter 37 of this chapter.

Sec 152-12-6 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 152-12-7 Special Regulations

(a) Increased Height:

Notwithstanding the height limitations shown on table 152-12-2 in section 152-12-4 of this chapter a greater building height may be allowed in all agricultural zones pursuant to a conditional use permit.

CHAPTER 15 COMMERCIAL ZONES

[Sec 152-15-1 Purpose](#)

[Sec 152-15-2 Scope](#)

[Sec 152-15-3 Uses Allowed In Commercial Zones](#)

[Sec 152-15-4 Development Standards In Commercial Zones](#)

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[Sec 152-15-7 Special Regulations](#)

Sec 152-15-1 Purpose

See section 152-11-2 of this chapter.

Sec 152-15-2 Scope

The provisions of this chapter shall apply to any real property located in a commercial 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 chapter, this Code, or other laws.

Sec 152-15-3 Uses Allowed In Commercial Zones

(a) Permitted And Conditional Uses:

Permitted and conditional uses allowed within commercial zones shall be as set forth in table 152-15-1 of this section. Permitted and conditional uses are indicated by a "P" or "C", respectively, in the appropriate column. Uses not permitted are indicated by "N". Any use not shown on table 152-15-1 of this section shall be prohibited unless the Zoning Administrator determines the use is substantially the same as a permitted or conditional use as provided in subsection 152-7-18E4 of this chapter.

TABLE 152-15-1

PERMITTED AND CONDITIONAL USES ALLOWED IN COMMERCIAL ZONES						
		Zones				
		NC	GC	HC	PC	POC
Residential uses:						
	Building, accessory	P	N	N	P	P
	Dwelling, multiple-family ⁴	C	N	N	P	P
	Dwelling, single-family ⁴	C	N	N	P	N
	Dwelling, temporary	C	N	N	N	N
	Dwelling, two-family ⁴	C	N	N	P	P
	Manufactured home	N	N	N	N	N
	Manufactured/mobile home park	N	N	N	N	N
	Protective housing facility	N	N	N	N	N

Rehabilitation/treatment facility	N	P	P	P	P
Residential facility for elderly persons ¹	P	N	N	P	P
Residential facility for persons with a disability ¹	P	N	N	P	P
Residential facility for troubled youth	N	N	N	N	N
Transitional housing facility	N	N	N	N	N
Public and civic uses:					
Auditorium or stadium	N	P	P	P	N
Bus terminal	N	P	P	P	N
Cemetery	P	P	P	P	P
Church or place of worship	P	P	P	P	P
Club or service organization	P	P	P	P	P
Convalescent care facility	N	P	P	P	N
Cultural service	P	P	P	P	P
Golf course	P	P	P	P	P
Government service	N	P	P	P	N
Hospital	N	P	P	P	N
Operations center	N	P	P	P	P
Park	P	P	P	P	P
Post office	P	P	P	P	P
Protective service	P	P	P	P	P
Reception center	C	P	P	P	P
Utility, major ³	N	N	N	C	C
Utility, minor ³	P	P	P	P	P
Utility substation ³	P	P	P	P	P
Commercial uses:					
Agricultural sales and service	N	P	P	P	N
Animal hospital	P	P	P	P	N
Bail bond service	N	P	P	P	N
Bank or financial institution	P	P	P	P	P
Bed and breakfast, home	C	N	N	N	N
Bed and breakfast inn	C	P	P	P	N
Business equipment rental, services, and supplies	P	P	P	P	P
Car wash	P	P	P	P	P

Club, private	N	P	P	P	N
Construction sales and service	N	P	P	N	N
Convenience store	P	P	P	P	P
Family child daycare facility ²	P	N	N	N	N
Licensed family child care ²	P	N	N	N	N
Residential certificate child care ²	P	N	N	N	N
Child care center	P	P	P	P	P
Funeral home	N	P	P	P	N
Garden center	P	P	P	P	P
Gas and fuel, storage and sales	N	N	N	N	N
Gasoline service station	P	P	P	P	N
Hostel	N	P	P	P	N
Hotel	N	P	P	P	N
Kennel, commercial	C	P	C	C	C
Kennel, residential	P	N	N	N	N
Laundry or dry cleaning, limited	P	P	P	P	P
Liquor store	N	P	P	P	N
Media service	P	P	P	P	P
Medical or dental laboratory	N	P	P	P	N
Medical service	P	P	P	P	P
Motel	N	P	P	P	N
Office, general	P	P	P	P	P
Parking garage, public	N	P	P	P	P
Parking lot, public	N	P	P	P	P
Pawnshop	N	N	P	P	N
Personal care service	P	P	P	P	P
Personal instruction service	P	P	P	P	P
Printing and copying, limited	P	P	P	P	P
Printing, general	N	P	P	P	P
Produce stand	P	P	P	N	P
Recreation and entertainment, indoor	P	P	P	P	P
Recreation and entertainment, outdoor	N	P	P	P	N
Recreational vehicle park	N	N	P	P	N
Repair service	P	P	P	P	P

Research service	N	P	P	P	N
Restaurant, fast food	P	P	P	P	P
Restaurant, general	P	P	P	P	P
Retail, general	P	P	P	P	P
Secondhand store	P	P	P	P	P
Shopping center	P	P	P	P	P
Takeoff and landing of aircraft	N	N	N	N	N
Tattoo establishment	P	P	P	N	N
Tavern	P	P	P	P	P
Temporary trailer	P	P	P	P	P
Transportation service	N	P	P	P	N
Vehicle and equipment rental or sale	N	P	P	P	N
Vehicle and equipment repair, general	N	P	P	N	N
Vehicle repair, limited	N	P	P	P	P
Veterinary service	P	P	P	N	N
Warehouse, self-service storage	P	P	N	N	N
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title				
Industrial uses:					
Laundry services	N	N	N	P	N
Wholesale and warehousing, general	N	N	N	P	N
Wholesale and warehousing, limited	N	N	N	N	N

Notes:

- (1) See chapter 46 of this chapter.
- (2) See chapter 42 of this chapter.
- (3) See chapter 45 of this chapter.
- (4) In the area designated as Downtown District on the General Plan map, existing single family residential uses may continue as permitted residential uses. Use and development standards for an R-1-8 Zone shall apply. Existing approved multi-family and two family uses may continue as permitted residential uses. Use and development standards for an RM-2 Zone would apply. No new residential uses are permitted.

(b) Accessory Uses:

Permitted and conditional uses set forth in table 152-15-1 of this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.

- (1) Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this 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 commercial zones shall include, but not be limited to, the following: Accessory dwelling units attached to a commercial permitted use structure or on the same lot and under same ownership as a permitted use structure. Accessory dwelling units for security and maintenance personnel. Cafeterias, dining halls and similar food service facilities when located within the main use and operated primarily for the convenience of employees, residents, clients, or visitors to the main use. Garages and off street parking areas, subject to applicable standards of chapter 34, "Off Street Parking And Loading", of this chapter. Recreational areas and facilities for the use of employees. Recycling collection stations. Refreshment stands and food and beverage sales located in uses involving public assembly. Temporary uses, subject to applicable standards of chapter 48, "Temporary Uses", of this chapter.

Sec 152-15-4 Development Standards In Commercial Zones

Development standards within commercial zones shall be as set forth in table 152-15-2 of this section.

TABLE 152-15-2

DEVELOPMENT STANDARDS IN COMMERCIAL ZONES					
Development	Zones				
Standard	NC	GC	HC	PC	POC
Lot standards:					
Minimum lot area	No requirement	No requirement	No requirement	5 acres	5 acres
Minimum lot width	No requirement	No requirement	No requirement	No requirement	No requirement
Building standards:					
Maximum height, main building ¹	35 feet	35 feet	35 feet	55 feet	55 feet
Maximum height, accessory building	20 feet	20 feet	20 feet	20 feet	20 feet
Setback standards - front yard:					
All buildings ²	20 feet	20 feet	20 feet	20 feet	20 feet
Setback standards - rear yard:					
Main building	New building on a lot abutting an existing agricultural or residential use: 10 feet				
Accessory building	Otherwise: No requirement				
Setback standards - interior side yard:					
Main building	New building on a lot abutting an existing agricultural or residential use: 10 feet				

Accessory building	Otherwise: No requirement				
Setback standards - street side yard:					
Main building	20 feet	20 feet	20 feet	20 feet	20 feet
Accessory building	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted

Notes:

- 1.Except as otherwise permitted by subsection 152-15-7A of this chapter.
- 2.Except as modified by the provisions of subsection 152-37-12F, "Setback Measurement", of this chapter.

Sec 152-15-5 Regulations Of General Applicability

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

- (a) Design and compatibility standards: See chapter 33 of this chapter.
- (b) Landscaping and screening: See chapter 32 of this chapter.
- (c) Motor vehicle access: See chapter 35 of this chapter.
- (d) Natural resource inventory: See chapter 31 of this chapter.
- (e) Off street parking: See chapter 34 of this chapter.
- (f) Signs: See chapter 36 of this chapter.
- (g) Supplementary development standards: See chapter 37 of this chapter.

Sec 152-15-6 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 152-15-7 Special Regulations

- (a) Increased Height:
Notwithstanding the height limitations shown in section 152-15-4, table 152-15-2 of this chapter a greater building height may be allowed in a commercial zone for a commercial use pursuant to a conditional use permit.
- (b) Use Within An Enclosed Building:
Each use specified in section 152-15-3, table 152-15-1 of this chapter shall be conducted completely within a completely enclosed building, except for the parking of motor vehicles and services to persons therein.
- (c) Dust, Odor, Smoke, Noise, And Vibration:
Each use specified in section 152-15-3, table 152-15-1 of this chapter shall be free from objectionable dust, odor, smoke, noise, and vibration.
- (d) Highway Commercial Zone Location:

For property abutting SR-59, the Highway Commercial Zone shall begin at the highway right-of-way line and shall extend a distance of five hundred feet (500') from the State highway right-of-way line, except as otherwise depicted by the zoning map.

(e) Vendor Carts:

Vendor carts are subject to the following definitions, rules and limitations:

(1) Definitions:

- a. LONG TERM VENDOR CART: A vendor cart that is not removed from its site and is properly stored when not in use.

NEXT QUALIFIED APPLICANT: An applicant for a vendor cart business license who has submitted a complete application for a specific location and paid the applicable application fee based on the date application fee was paid and determination of a complete application made, whichever shall be last.

SEASONAL VENDOR CART: A vendor cart meeting all the requirements of this section which is permitted for a specific season, either summer or winter. Summer seasonal permits allow operation from April 1 to September 30 and winter seasonal permits allow operation from October 1 to March 31. The holder of a seasonal vendor cart permit may renew up to thirty (30) days prior to the first date of the season if the location where the permit is sought is not occupied by another seasonal vendor cart and the seasonal vendor cart business license has been renewed.

SHORT TERM VENDOR CART: A vendor cart that is removed from its site and properly stored out of public view each day.

SPECIAL EVENT CART: A wagon, cart, booth, or similar temporary structure designed and used for the sale of goods and services at a special event for which the City has issued a special event permit pursuant to title 11, chapter 112 of this Code.

VENDOR CART: A temporary structure in the form of a wagon, cart trailer, truck, or other mobile structure designed and intended for the sale of goods and services. The term "vendor cart" includes a long term vendor cart, or a short term vendor cart.

(2) Rules And Limitations:

- a. Vendor Cart Locations:

Long term vendor carts and short term vendor carts are permitted only in those land use zones where commercial uses are an allowed or conditional land use. Special event vendor carts are permitted anywhere within the City if authorized by a special event permit issued by the City or at a special event sponsored by the City.

- b. Vendor Cart General Design Standards: Long term vendor carts and short term vendor carts are subject to the following general design standards:

1. All long term vendor carts and short term vendor carts must be constructed of a professional quality for use as a vending cart.
2. All long term vendor carts and short term vendor carts must be in good working condition, with no broken or rusty parts. All exterior materials must be kept clean and in neat appearance. Metal and/or wood may be used as

exterior finishes. Metal surfaces shall be suitable for long term use in an exterior location. Metal vendor cart exteriors must have finished edges, concealed seams, and overlapping joints. Wood details and finishes must be suitable for long wear in an exterior location and finished in a craftsmanlike manner.

3. Siding and other compatible materials used on a vendor cart must wrap all sides of the vendor cart.
4. Long term vendor carts must be windproof, waterproof and locked when not in operation.
5. Vendor cart must be on wheels.

c. Additional Requirements For All Vendor Carts:

1. Vendor carts must be located on private property except food vendors granted space by permit at city owned recreation sites if such permit is established.
2. Vendor cart owners shall improve the immediate area around their business through the installation of pavers, landscaping, awnings, and/or short term decks to help the vendor carts to look less temporary, and to blend into the surrounding character.
3. When a vendor cart is independently connected to the city's culinary or irrigation water systems, power system or the sewer system, all applicable fees must be paid.
4. Generators are prohibited for vendor carts, except for use as an emergency source of power when the permanent source of power to the vendor cart is temporarily unavailable.
5. Property owner and/or vendor shall maintain the premises and the cart in a clean, safe, and orderly condition at all times.
6. Operators of vendor carts must obtain and maintain in full force and effect throughout the permit a valid city of Hildale business license.
7. Customer seating for a vendor cart is limited to a maximum of either four (4) seats or one picnic table not to exceed eight feet (8') in length or diameter. Additionally, vendor carts may have one condiment table.
8. The operator of a vendor cart shall comply with all applicable health regulations.
9. All storage boxes, cartons, and coolers used in connection with the operation of a vendor cart shall be hidden from public view.
10. Short term vendor carts must be removed from the site and properly stored out of public view each day.
11. Umbrellas or shade structures may be used on a vendor cart. Tents on or at vendor carts are prohibited.
12. All signage must be attached to a vendor cart. Freestanding signage on or for a short term vendor cart is prohibited except for one two foot by three foot (2' x 3') A-frame sign that may be displayed when the vendor cart is in operation. Said sign may not be located on a public sidewalk.
13. A vendor cart site must not create a public safety hazard. Accordingly, no

aboveground pipes are permitted. Extension cords may be used only if the cord is located outside an area where the public has access.

14. Vendor carts must comply with regulations for grease traps and waste disposal must be at an approved facility.

d. Special Event Carts:

Special event carts may be approved only in connection with and pursuant to the procedures for the review and approval of an event permit issued by the city pursuant to title 11, chapter 112 of this code or at a special event sponsored by the city or at an event held at Maxwell Park. Special event carts are subject to the applicable terms and conditions of the event permit. The provisions of this chapter do not apply to special event vendor carts.

e. Limitation On Number Of Vendor Cart Permits:

1. The total number of vendor carts permits that may be issued by the city under this chapter are seven (7) for all areas of the city, limited to four (4) year round permits and three (3) seasonal permits for each season. Two (2) additional full time permits may be issued in the gateway industrial area.
2. The limitations of subsection E2e(1) of this section do not require the closure or removal of any vendor cart operating within the city as of the effective date of this section, pursuant to a valid business license.
3. If the holder of a vendor cart business license is not operating the vendor cart at the licensed location such that the vendor cart is not open for business for at least fifty percent (50%) of the normal operating hours for a continuous period of ninety (90) days, the license shall be revoked and the next qualified applicant for a vendor cart business license shall be issued a permit. Use of the cart at special events does not constitute operation of a vendor cart.
4. If the total number of vendor carts permitted by the city ever drops below the cap number established in subsection E2e(1) of this section, the zoning administrator shall authorize a new vendor cart permit submitted by the next qualified applicant to be processed. A qualified applicant must have: a) submitted a completed application; and b) paid the required application fee. If the next qualified applicant is not issued a business license within thirty (30) days of notice they are eligible for a vendor cart permit, the applicant will be moved to the bottom of the list and the next qualified applicant notified.

(f) Right To Continue:

On the effective date of this section, all vendor carts for which a valid business license exists may continue to be operated under the terms and conditions of their existing approved site plan and business license until the first to occur of:

- (1) the business license is revoked by city in accordance with its procedures;
- (2) the business license is voluntarily surrendered or expires;
- (3) the lease on the property is not renewed by the landowner; or
- (4) the vendor cart is otherwise required to be closed or removed for any lawful reason. Upon the occurrence of any event described in the preceding section, the owner or operator of

the vendor cart that was previously permitted must obtain a new approval and in connection therewith must be brought into compliance with the requirements of this section.

(g) Conditions Of Approval:

The zoning administrator may impose reasonable conditions when approving a vendor cart permit under this section. Such conditions may include, if appropriate, the requirement that the permittee provide a monetary guarantee to the city, in a form acceptable to the city attorney, ensuring the complete removal of the vendor cart, site cleanup, and site revegetation, when the vendor cart license expires without being renewed, or is revoked.

CHAPTER 16 BUSINESS AND INDUSTRIAL ZONES

[Sec 152-16-1 Purpose](#)

[Sec 152-16-2 Scope](#)

[Sec 152-16-3 Uses Allowed In Commercial Zones](#)

[Sec 152-16-4 Development Standards In Commercial Zones](#)

[Sec 152-16-5 Regulations Of General Applicability](#)

[Sec 152-16-6 Regulations For Specific Uses](#)

[Sec 152-16-7 Special Regulations](#)

Sec 152-16-1 Purpose

See section 152-11-2 of this chapter.

Sec 152-16-2 Scope

The provisions of this chapter shall apply to any real property located in a business or industrial 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 chapter, this code, or other laws.

Sec 152-16-3 Uses Allowed In Commercial Zones

(a) Permitted And Conditional Uses:

Permitted and conditional uses allowed within business and industrial zones shall be as set forth in table 152-16-1 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 152-16-1 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 152-16-1

PERMITTED AND CONDITIONAL USES ALLOWED IN BUSINESS AND INDUSTRIAL ZONES					
		Zones			
		BMP	PO	M-1	M-2
Agricultural uses:					
	Accessory building	P	P	P	P
	Agricultural business	N	N	N	N
	Agricultural industry	N	N	P	N
	Agriculture	N	N	N	N
	Agriculture residential	N	N	N	N
	Animal specialties	N	N	P	N
	Animals and fowl for recreation and family food production	N	N	N	N
	Stable, private	N	N	N	N

Residential uses:					
	Accessory building	P	P	P	P
	Assisted living facility	N	N	N	N
	Boarding house	N	N	N	N
	Dwelling, earth sheltered	N	N	N	N
	Dwelling, multiple-family	N	N	N	N
	Dwelling, single-family	N	N	N	N
	Dwelling, single-family with accessory apartment	N	N	N	N
	Dwelling, two-family	N	N	N	N
	Guesthouse	N	N	N	N
	Manufactured and mobile home park	N	N	N	N
	Manufactured and mobile home subdivision	N	N	N	N
	Manufactured home	N	N	N	N
	Protective housing facility	N	N	N	N
	Rehabilitation/treatment facility	P	P	P	P
	Residential facility for elderly persons ¹	P	P	N	N
	Residential facility for persons with a disability ¹	P	N	N	N
	Residential facility for troubled youth	N	N	P	N
	Transitional housing facility	N	N	P	N
Public and civic uses:					
	Airport	N	N	N	N
	Auditorium or stadium	N	N	N	N
	Bus terminal	P	N	N	N
	Cemetery	N	N	N	N
	Church or place of worship	P	P	N	N
	Club or service organization	P	P	N	N
	College or university	P	P	N	N
	Convalescent care facility	P	N	N	N
	Correctional facility	N	N	N	N
	Cultural service	P	P	N	N
	Golf course	N	N	N	N
	Government service	P	P	N	N
	Hospital	P	P	N	N
	Operations center	P	N	P	P
	Park	P	P	P	P

	Post office	P	P	P	P
	Protective service	P	P	P	P
	Reception center	P	P	N	N
	School, elementary, middle, or high	N	N	N	N
	School, vocational	P	P	P	P
	Stable, public	N	N	N	N
	Utility, major ³	N	N	P	P
	Utility, minor ³	P	P	P	P
Commercial uses:					
	Agricultural sales and service	P	N	P	P
	Animal hospital	P	P	N	N
	Bail bond service	P	P	P	P
	Bank or financial institution	P	P	N	N
	Bed and breakfast, home	N	N	N	N
	Bed and breakfast inn	N	N	N	N
	Business equipment rental, services, and supplies	P	N	P	N
	Club, private	P	N	N	N
	Construction sales and service	P	N	P	P
	Convenience store	P	N	P	P
	Family child daycare facility ²	N	N	N	N
	Licensed family child care ²	N	N	N	N
	Residential certificate child care ²	N	N	N	N
	Child care center	P	N	P	N
	Funeral home	P	N	N	N
	Garden center	P	N	N	N
	Gas and fuel, storage and sales	N	N	P	P
	Gasoline service station	P	N	P	P
	Hostel	P	N	N	N
	Hotel	P	N	N	N
	Kennel, commercial	P	P	P	P
	Kennel, residential	N	N	N	N
	Laundry or dry cleaning, limited	P	N	N	N
	Liquor store	P	P	P	P
	Media service	P	P	P	P
	Medical or dental laboratory	P	P	P	P
	Medical service	P	P	N	N
	Motel	P	N	N	N

	Office, general	P	P	N	N
	Parking garage, public	P	P	P	P
	Parking lot, public	P	P	P	P
	Pawnshop	P	N	N	N
	Personal care service	P	P	N	N
	Personal instruction service	P	P	N	N
	Printing and copying, limited	P	P	P	N
	Printing, general	P	N	P	P
	Produce stand	N	N	N	N
	Recreation and entertainment, indoor	P	N	N	N
	Recreation and entertainment, outdoor	P	N	N	N
	Recreational vehicle park	N	N	N	N
	Repair service	P	N	P	N
	Research service	P	P	P	P
	Restaurant, fast food	P	N	N	N
	Restaurant, general	P	P	N	N
	Retail, general	P	N	N	N
	Secondhand store	P	N	N	N
	Shopping center	P	N	N	N
	Tattoo establishment	P	N	N	N
	Tavern	P	P	P	P
	Temporary trailer	P	P	P	P
	Transportation service	P	N	P	P
	Vehicle and equipment rental or sale	P	N	N	N
	Vehicle and equipment repair, general	P	N	P	P
	Vehicle repair, limited	P	N	P	P
	Vehicle wash	P	N	P	P
	Veterinary service	P	N	N	N
	Warehouse, self-service storage	P	N	P	P
	Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title			
Industrial uses:					
	Automobile wrecking yard	N	N	C	C
	Freight terminal	N	N	P	P
	Heavy industry	N	N	N	P
	Junk or salvage yard	N	N	N	N
	Laundry services	P	N	P	P
	Manufacturing, general	P	N	P	P
	Manufacturing, limited	P	N	P	P

	Mineral extraction	N	N	N	P
	Wholesale and warehousing, general	P	N	P	P
	Wholesale and warehousing, limited	P	N	P	P

Notes:

- (1) See chapter 46 of this chapter.
- (2) See chapter 42 of this chapter.
- (3) See chapter 45 of this chapter.

(b) Accessory Uses:

Permitted and conditional uses set forth in table 152-16-1 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 business and industrial 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. Dwelling units for security and maintenance personnel. Garages and off street parking areas, subject to applicable standards of chapter 34, "Off Street Parking And Loading", of this chapter. Recreational areas and facilities for the use of employees. Recycling collection stations. Temporary uses, subject to applicable standards of chapter 48, "Temporary Uses", of this chapter.

Sec 152-16-4 Development Standards In Commercial Zones

Development standards within business and industrial zones shall be as set forth in table 152-16-2 of this section.

TABLE 152-16-2

DEVELOPMENT STANDARDS IN BUSINESS AND INDUSTRIAL ZONES				
Development	Zones			
Standard	BMP	PO	M-1	M-2
Lot standards:				
Minimum lot area	2 acres	2 acres	No requirement	No requirement
Minimum lot width	No requirement	No requirement	No requirement	No requirement
Building standards:				
Maximum height, main building ¹	35 feet	35 feet	60 feet	60 feet
Maximum height, accessory building	20 feet	20 feet	No requirement	No requirement

Setback standards front yard: -				
All buildings ²	20 feet	20 feet	Building on lot abutting nonindustrial zone: Same setback as abutting zone	
			Otherwise: No requirement	
Setback standards rear yard: -				
Main building	New building on a lot abutting an existing agricultural or residential use: 10 feet			
Accessory building	Otherwise: No requirement			
Setback standards interior side yard: -				
Main building	New building on a lot abutting an existing agricultural or residential use: 10 feet			
Accessory building	Otherwise: No requirement			
Setback standards street side yard: -				
Main building	New building on a lot abutting an existing agricultural or residential use: 10 feet			
	Otherwise: No requirement			
Accessory building	Not permitted	Not permitted	Not permitted	Not permitted

Notes:

- 1.Except as otherwise permitted by subsection 152-16-7A of this chapter.
- 2.Except as modified by the provisions of subsection 152-37-12F, "Setback Measurement", of this chapter.

Sec 152-16-5 Regulations Of General Applicability

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

- (a) Design and compatibility standards: See chapter 33 of this chapter.
- (b) Landscaping and screening: See chapter 32 of this chapter.
- (c) Motor vehicle access: See chapter 35 of this chapter.
- (d) Natural resource inventory: See chapter 31 of this chapter.
- (e) Off street parking: See chapter 34 of this chapter.
- (f) Signs: See chapter 36 of this chapter.
- (g) Supplementary development standards: See chapter 37 of this chapter.

Sec 152-16-6 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 152-16-7 Special Regulations

(a) Increased Height:

Notwithstanding the height limitations shown in section 152-16-4, table 152-16-2 of this chapter a greater building height may be allowed in a business or industrial zone pursuant to a conditional use permit. Provided, however, that within one hundred feet (100') of the boundary of an adjoining agricultural, residential, or commercial zone, no building shall exceed the greater of:

- (1) The height limit established by such zone; or
- (2) The height limit permitted by a conditional use permit for a building on an abutting lot within such zone.

(b) Processing Within An Enclosed Building:

All processing and/or assembly of goods shall be conducted completely within a completely enclosed building, unless otherwise specified in section 152-16-3, table 152-16-1 of this chapter.

(c) Outdoor Storage:

Outdoor storage of materials, or finished or semifinished goods shall be located at least one hundred feet (100') from any residential zone boundary.

CHAPTER 26 RECREATION RESORT ZONE

[Sec 152-26-1 Purpose And Objectives](#)

[Sec 152-26-2 Scope](#)

[Sec 152-26-3 Minimum Acreage](#)

[Sec 152-26-4 Site Location](#)

[Sec 152-26-5 Uses Allowed](#)

[Sec 152-26-6 Development Standards For Recreational Resort](#)

[Sec 152-26-7 Regulations Of General Applicability](#)

Sec 152-26-1 Purpose And Objectives

(a) Purpose:

The recreation resort zone is established to designate certain areas within the city of Hildale where it is desirable and beneficial to the area economy to allow for a mix of limited commercial, public, and residential uses. Specifically, to authorize recreation and resort developments in which residential dwelling units may be occupied by the owners thereof on a full or part time basis, to authorize the rental of residential units on an overnight or short term (30 days or less) basis by owners who reside elsewhere; and to authorize limited commercial and public uses that are incidental to and compatible with resort developments.

(b) Objective:

The objective of the recreation resort zone is to allow full service resort developments with short and long term residential use combined with those commercial and public facilities necessary to create a desirable resort atmosphere.

Sec 152-26-2 Scope

The requirements of this chapter shall apply to any recreation resort zone within the city. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, this code, or other laws except to the extent such provisions are provided by this chapter.

Sec 152-26-3 Minimum Acreage

The recreation resort zone shall be applied only to projects consisting of at least five (5) acres.

Sec 152-26-4 Site Location

The recreation resort zone shall only be allowed on collector or higher street classification. However a lower street classification may be considered if the applicant can demonstrate that the development would have no negative affect to adjoining properties.

Sec 152-26-5 Uses Allowed

All uses must be shown on a preliminary site plan presented with the application to change an area on the zoning map to recreation resort.

(a) Permitted Uses:

Permitted uses allowed within the recreation resort zone are as follows:

(1) Single and multiple dwelling unit residential, including condominium and townhouse complexes. Unit and/or complex owners may reside in the dwelling units or offer them for rent or lease either long term or short term.

(2) Any commercial use related to the support or servicing of those uses referred to in

subsection A1 of this section and the facilities related thereto including, but not limited to:

- Childcare facilities.
- Indoor and outdoor recreation facilities.
- On site property management.
- Personal care services.
- Professional office space related to property management.
- Restaurant and outdoor dining.
- Retail stores.
- Sales and rental offices.

(3) Motel, hotel, bed and breakfast inn, or boarding house.

(b) Prohibited Uses:

Any use not listed 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.

(c) Accessory Uses:

Permitted and conditional uses set forth above 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:
 - 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.
 - Household pets.
 - Nurseries and greenhouses, when used for resort landscape or food production.
 - Playgrounds, patios, porches, gazebos, and incidental storage buildings in accordance with the approved site plan for the zone.
 - Short term storage and parking areas and facilities for recreational vehicles, boats, and trailers which are incidental and otherwise related to other approved uses.
 - Swimming pools and hot tubs; tennis and other sport courts; clubhouses; and other common recreation or sport facilities for use by residents and their guests.

Sec 152-26-6 Development Standards For Recreational Resort

- (a) Recreation resort zones shall be established on the city zoning map and may be amended from time to time by ordinance. The recreation resort zone is intended only for resort development directly providing the following minimum facilities and services:
 - (1) a swimming pool and clubhouse and
 - (2) an on site rental or property manager. Those resort developments in which full time/permanent residential use is authorized or contemplated shall be subject to covenants, conditions, and restrictions and governed by a property owners' association or other similar governing body.
- (b) Development standards within the recreational resort shall be set forth in table 152-26-1 of this section.

TABLE 152-26-1

Lot standards:		
	Average lot area	n/a
	Minimum lot area or acreage	
	Minimum lot width and/or project frontage	300 feet project 30 feet unit
	Maximum density per acre	15 units or lots
Building standards:		
	Maximum height, main building ¹	35 feet
	Maximum height, accessory building ¹	20 feet
	Building coverage	50 percent per site plan
	Distance between buildings	20 feet
Setback standards - front:		
	Any building - pedestrian entrance	15 feet from back of sidewalk
	Garage or parking building ³	25 feet from back of sidewalk
Setbacks - rear:		
	Main building	10 feet
	Accessory building, including private garage ²	10 feet
Setback standards - interior side yard:		
	Main building	10 feet
	Accessory building, including private garage ²	10 feet
Setback standards - street side yard:		
	Main building	20 feet
	Accessory building	Not permitted
	Parking	See note 3

Notes:

- (1) Except a greater height may be approved subject to a conditional use permit.
 - (2) If located at least 10 feet from main building, 2 feet.
 - (3) If alternate parking, such as underground parking facilities or parking structure is provided, garage setbacks may be altered by the planning commission.
- (c) An application for a zone map change to recreation resort zone shall be accompanied by a completed preliminary site plan application as set forth in section 152-7-10 of this chapter. An approved final site plan shall be required before construction or site work in a recreation resort zone.

Sec 152-26-7 Regulations Of General Applicability.

The use and development of real property in the recreation resort zone shall conform at a minimum to regulations of general applicability as set forth in the following chapters of this chapter:

- (a) Design and compatibility standards:
See chapter 33 of this chapter.
- (b) Landscaping and screening:
See chapter 32 of this chapter.
- (c) Motor vehicle access:
See chapter 35 of this chapter.
- (d) Natural resource inventory:
See chapter 31 of this chapter.
- (e) Off street parking:
See chapter 34 of this chapter.
- (f) Signs:
See chapter 36 of this chapter.
- (g) Supplementary development standards:
See chapter 37 of this chapter.



📞 435-874-2323

📠 435-874-2603

🌐 www.hildalecity.com

Work Session Staff Report on Priority Items October 28th, 2020

Orientation:

This memorandum is to inform the City Council about the progress and status of priority items.

Municipal Operations

In this interim period, staff is preparing a master list of services, applications and functions which will allow us to formalize procedures and timelines to help better inform the public.

- Utility Applications
- Invoices
- Business Licenses
- Availability of Service Quotes
- P&Z –
 - conditional use permits
 - general plan amendment application
 - preliminary/final plat
 - extraction overlay
 - lot splits
 - land use
 - zone change
 - final site plan
- Fiber Requests
- Grama Requests
- Complaints
- Special Event permit
- Building/ Right-of-way permits
- Citations

General Plan

Directed by the Mayor and City Council, a steering committee will need to be formed. Planning and Zoning Commission has forwarded their two volunteers and will be Charles Hammon and Derick Holm. Staff recommends that the mayor and up to two other city council members join. Additionally, Colorado City has volunteered to provide a representative if the Council thought that'd be helpful.

UEP

(Copied from work session)

The City Council approved the use of Parks equipment and personnel to remove olive trees from the UEP garden in the center of town. In the absence of a more comprehensive plan, the City Council wanted to show the UEP Board that they share the goal of bettering the community.



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The City Staff, lead by the Utility Department, is in the middle of a discussion regarding a potential multi-million dollar donation to the City. Any trust building efforts done by the City right now, may appear to be steps taken to get a specific outcome in those discussions. However, if the City waits until after that discussion is complete, it will be clear that it is about building partnerships.

South Zion Estates

Meditation is scheduled on November 2nd, 2020 in St. George. The Council has made it clear that it supports responsible development and wishes for an amicable solution.

Staff Recommendation:

1. Continue to keep SZE a priority to ensure that adequate staff time is dedicated to encourage the development to happen in a legal and sustainable way.
2. Develop policies and processes that will offer more predictability to other potential developers and the SZE Development.

Canyon Mountain Water Project

The UEP is currently developing a proposal for the cities to consider as to the donation of water rights to support source development.

Next steps:

- Solidify conceptual agreement with UEP
- Provide information support to the UEP

INTERGOVERNMENTAL COOPERATIVE AGREEMENT FOR UTILITIES SYSTEMS MANAGEMENT, OPERATION, AND MAINTENANCE

THIS AGREEMENT is entered into between COLORADO CITY, ARIZONA (hereafter referred to as “Colorado City”), and HILDALE, UTAH, (hereafter referred to as “Hildale”), both of which are referred to individually as a “City” and collectively as “the Cities.”

WITNESSETH

WHEREAS, pursuant to the provisions of Title 9, Chapter 5, Articles 2 and 3, Arizona Revised Statutes, as amended, and other applicable provisions of Arizona law (collectively, the "Arizona Act") Colorado City is authorized to engage in any business or enterprise which may be engaged in by persons by virtue of a franchise from Colorado City, including facilities for utility services; and

WHEREAS, pursuant to the provisions of Title 10, Chapter 8 and Title 11, Chapter 14, Utah Code Annotated 1953, as amended, and other applicable provisions of Utah law (collectively, the "Utah Act"), Hildale is authorized to acquire, construct, maintain and operate facilities within or without its corporate limits for utilities, and to issue its bonds to finance the costs thereof; and

WHEREAS, pursuant to the provisions of Title 11, Chapter 7, Article 3, Arizona Revised Statutes, as amended (The "Arizona Joint Exercise of Powers Act"), Colorado City is authorized to enter into contracts and agreements for joint and cooperative action, services and the joint exercise of powers with, among others, any political subdivision of a state; and

WHEREAS, pursuant to the provisions of Title 11, Chapter 13, Utah Code Annotated 1953, as amended (the "Utah Interlocal Co-operation Act"), Hildale is authorized to enter into contracts and agreements for joint and cooperative action, services and the joint exercise of powers with, among others, any political subdivision of a state; and

WHEREAS, the Cities desire to construct, purchase, acquire own, manage, operate, maintain, finance and bill for utilities to provide water, sewer, gas and fiber optic networking services to the inhabitants of the Cities; and

WHEREAS, the water system, sewer system, gas system, and fiber optic system constitute separate systems in Hildale and in Colorado City for the purposes of acquisition, ownership and financing thereof, although such systems are operated and managed as a single system that serves both Cities; and

WHEREAS, the sewer system for both Cities is owned by Hildale, but for the purposes of system management and billing, Colorado City will adopt regulations governing the sewer system in Colorado City; and

WHEREAS, the water systems, sewer systems, gas systems and fiber optic systems in both Cities shall hereafter collectively be referred to as the “Utility System”;

WHEREAS, it is necessary for the good government of Colorado City and Hildale to jointly administer and operate the Utility System, to arrange storage, treatment and distribution resources and for the management of resources, and for the billing of retail utility service, with the advice of a joint advisory board with respect to certain legislative policies that shall guide utility operations; and

WHEREAS, it will promote the interest of efficient management of the Utility System that one City should hold primary responsibility for managing, operating and maintaining the Utility System, subject to cooperation with and oversight by the management and governing body of the other City.

Now, THEREFORE, for and in consideration of the mutual covenants and agreements herein contained, it is agreed by and between the parties hereto as follows:

AGREEMENT

Section 1. FINDINGS AND DETERMINATIONS.

The parties to this Agreement hereby find, determine and declare that the joint, coordinated and cooperative management, operation and maintenance of the Utility System pursuant to the terms and provisions of this Agreement:

1. Is necessary for the regular and businesslike operation of the Utility System consistent with prudent utility practices;
2. Will enable each of the Cities to make the most efficient use of its powers with respect to the management, operation and maintenance of its portion of the Utility System to

meet the existing and future needs of the residents of and businesses in that City's community; and

3. Will provide the benefits of economies of scale and reliable utility service to foster further economic development in the Cities, and will promote the general welfare of each community.

Section 2. TERM.

- A. This Agreement shall become effective upon approval by the Cities and continuing for an initial term for a period of thirty (30) years. This Agreement shall supersede previous utility service management, operation and maintenance agreements between Hildale City and Colorado City. Upon expiration of the initial term, this Agreement can be modified, extended, or terminated by written agreement of the parties.
- B. Either party may terminate this agreement with or without cause, only after providing a one-year written notice of intent to terminate to the other party. Upon mutual written concurrence by both parties, this Agreement may be terminated at any time.

Section 3. UTILITY BOARD ESTABLISHED.

- A. A joint advisory board is hereby established ("Utility Board" or "Board") which shall advise the Cities on legislative and strategic matters as set forth in this Agreement. .
- B. In furtherance of the foregoing, each of the Cities hereby agrees that, to the extent permitted by law, that City's governing body ("Governing Body") will take no action with respect to the Utility System without the consideration of the recommendation of the Utility Board with respect to the matters set forth in Subsection 3(C) below.
- C. The Utility Board shall have the following powers, duties and responsibilities on behalf of the Cities, consistent with the Joint Utility Strategy Resolution established pursuant to Section 5 below:
 1. Review of such annual operating budgets and long-term capital budgets as shall be proposed by Management Staff for the operation, maintenance, renewal and replacement of the Utility System and the recommendation of such budgets to each of the Cities as provided herein;
 2. Review and recommendation to the Cities of such changes to the Joint Utility Strategy Resolution as shall be proposed by Management Staff to ensure consistency among the long-term strategic interests of each City and their

- respective inhabitants, the financial stability of the Utility System, prudent operation of the Utility System, and applicable laws and regulations;
3. Review and recommendation to the Cities of such amendments to schedules of utility rates and charges as shall be proposed by Management Staff to ensure the financial stability of the Utility System in compliance with the respective obligations of the Cities;
 4. Review and recommendation to the Cities of such amendments to utility service regulations as shall be proposed by Management Staff to ensure the prudent operation of the Utility System;
 5. Review and recommendation to the Cities of such internal policies and procedures as shall be proposed by Management Staff to govern the operation of the Utility System, including without limitation accounting, customer service, billing and collections, procurements, employee safety, and facilities security;
 6. Review and recommendation to the Cities for approval of such Large Procurements as shall be proposed by Management Staff; and
 7. Review and input to the Cities on the planning, study, and development of such short- and long-term capital projects as shall be proposed by Management Staff as necessary or desirable for the continued growth and development of the Utility System and the Cities.

Section 4. UTILITY BOARD MEMBERS.

- A. The Board shall consist of nine (9) individuals ("Members"), four (4) Members to be appointed by the Mayor of Hildale with the approval of the Hildale City Council, four (4) Members to be appointed by the Mayor of Colorado City with the approval of the Colorado City Town Council; and one Member to be appointed by the joint designation of both cities.
- B. On the Effective Date of this Agreement, each member of the previously existing board shall be deemed reappointed as a Member of the Utility Board for the remainder of his or her previously appointed term (the "Initial Members").
- C. Each Member of the Board shall be entitled to one vote.
- D. Other than the Initial Members of the Board, the Members of the Board shall serve for terms of three (3) years. All subsequent appointments to the Board shall be for three-year terms commencing on January 1 and ending on December 31. Members may temporarily continue to serve at the end of their term until an appointment to fill the position is made pursuant to Subsection 4(A).

- E. Vacancies of appointed Members occurring otherwise than through expiration of term shall be filled for the remainder of the unexpired term by appointment of the Mayor of the City which the exiting Member represented, with the approval of that City's municipal governing body.
- F. Notwithstanding the length of terms described above, Members shall serve at the pleasure of the respective City's governing body and may be removed at any time with or without cause. The unexcused failure of a Member to attend any Board meeting in a period of six (6) consecutive months shall automatically cause the office of that Member to be vacant.
- G. The Board Members may serve with compensation as determined by the Cities. The Members of the Board shall be entitled to reimbursement for actual expenses authorized in writing and incurred in the performance of duties, upon presentation of proper receipts and vouchers.
- H. The Board shall elect from among its Members a Chairperson and a Vice-Chairperson. The terms of the Chairperson and Vice-Chairperson shall be for one calendar year.
- I. The Board may adopt such rules and by-laws as it may deem necessary for the proper conduct of its business. The Board shall keep a public record of its proceedings per Section 20 of this Agreement.
- J. The regular meetings of the Utility Board shall occur each year on or as near as practicable to March 15th, June 15th, September 15th, and December 15th. Special meetings of the Utility Board may be called by the Chairperson only when necessary to timely fulfill the duties and responsibilities of the Utility Board. The meetings of the Board shall be open to the public and shall be conducted in compliance with the open meeting laws of the State in which the meeting is conducted. The Utility Board may prescribe rules of conduct and procedure for its meetings.
- K. Meetings of the Utility Board may be held through electronic communication to the extent allowed by law. A Board Member participating in a meeting through such means shall be considered present for purposes of a quorum and voting.
- L. A quorum shall consist of five (5) Members. A vote of a majority of Members in attendance shall be required to take any action in a meeting duly convened with a quorum.

Section 5. STRATEGIC PLANNING.

- A. Within 60 days after the Effective Date of this Agreement with respect to Fiscal Year 2020-2021, and by March 1st of each year thereafter, the Governing Body of each City shall adopt and transmit to the Members of the Utility Board a resolution setting forth that City’s strategic plan for its portion of the Utility System in the upcoming fiscal year (the “Utility Strategy Resolutions”). The Utility Strategy Resolutions shall outline the respective Cities’ desired strategic direction and priorities for the management, operation and maintenance of the Utility System, and shall establish a Utility Strategy Committee to resolve any conflicts or incompatibilities between the Cities’ respective Utility Strategy Resolutions, which shall be comprised of two members of each City’s Governing Body, and each City’s Mayor and Manager.

- B. At the next regular meeting of the Utility Board following receipt of the Utility Strategy Resolutions, the Utility Board shall review and discuss the Cities’ strategic plans to determine if any material conflict or incompatibility exists between them. If no conflict or incompatibility is found, the Utility Board shall prepare and recommend to the Governing Board of each City for adoption a single strategy resolution to govern the Utility System in the upcoming fiscal year, which shall fairly incorporate each City’s strategic plan (the “Joint Utility Strategy Resolution”). To the extent that any conflict or incompatibility is found, however, the Utility Board shall communicate that fact to the Utility Strategy Committee, describing the conflict or incompatibility and possible alternatives for resolving it. At the next regular meeting of the Utility Board following receipt of the Utility Strategy Committee’s proposal for how any such conflict or incompatibilities should be resolved, the Utility Board shall prepare and recommend a Joint Utility Strategy Resolution to the Governing Board of each City for adoption.

- C. If the Cities fail to adopt the recommendations of the Utility Board, the Joint Utility Strategy Resolution from the preceding fiscal year shall remain in effect.

Section 6. UTILITY SYSTEM MANAGEMENT.

- A. Hildale, through the Utilities Director under the supervision and direction of the Hildale City Manager (the “Management Staff”), shall be responsible for the regular, efficient and businesslike management, operation and maintenance of the Utility System consistent with prudent utility practice, adopted budgets, the Joint Utility Strategy Resolution established pursuant to Section 5 above, and applicable laws and regulations. To the fullest extent permitted by law, Colorado City hereby delegates to Hildale such of

Colorado City's powers as shall be necessary to discharge and perform its duties and responsibilities as set forth herein.

- B. Procurements shall be conducted by Hildale in compliance with Hildale's procurement code. No procurement that is subject to Section 7 below shall be completed without the approval of each City's respective Governing Body.
- C. Hildale shall retain a Utility System department director (the "Utilities Director") and such personnel as may be necessary for the operation and maintenance of the Utility System ("Utility Employees") (collectively, "Utility Personnel"). All Utility Personnel shall be employees of Hildale and subject to its human resources and personnel policies. All Utility Personnel shall have the qualifications required by law.
- D. The Hildale City Manager shall report to the Colorado City Town Manager, in person or by other instantaneous method of communication followed by written notice, immediately following occurrence of any of the following:
 - i. Significant accidents resulting in loss of life, bodily injury, property damage, or environmental damage, or which may be reasonably expected to otherwise result in a claim against Colorado City's insurance policies.
 - ii. Actual or suspected fraud, theft or intentional damage of Utility System property or property owned by Colorado City.
 - iii. Actual or suspected illegal discrimination or harassment of a person by any other person in connection with the Utility System.
 - iv. Significant violations of applicable laws, regulations, ordinances, policies, or procedures.
- E. The Hildale City Manager shall report to the Colorado City Town Manager in writing promptly following occurrence of any of the following:
 - i. Proposals from Developers/Subdividers that may impact the Utility System.
 - ii. Changes in the position, rate of pay, or employment status of any Utility Personnel.

- iii. Major life events affecting Utility Personnel, including without limitation upcoming birthdays, birth of a child, marriage, or graduation from an educational course of study.
- iv. Actual or threatened litigation concerning the Utility System, or to which Colorado City is or may be made a party.
- v. Changes to the status or coverage of Hildale's insurance with regard to the Utility System.

Section 7. REAL ESTATE AND CONTRACTS.

- A. Upon the recommendation of the Management Staff, and determining that it is consistent with the Joint Utility Strategy Resolution established pursuant to Section 5 above and with prudent and fiscally responsible operation of the Utility System, the Utility Board shall recommend to the Cities' respective governing bodies approval of any contract to:
 - 1. Construct distribution or collection systems, pipelines, transmission lines, and other capital facilities;
 - 2. Sell Utility System products to any purchaser other than to an end-user in the ordinary course of utility business;
 - 3. Purchase franchises;
 - 4. Procure equipment and materials costing more than \$50,000 in a single procurement or, in the case of a lease of personal property, in a single fiscal year; or
 - 5. Purchase or lease real property.
- B. Such contracts shall be subject to authorization and ratification by each of the Cities and shall be executed by the appropriate officials of each of the Cities.

Section 8. SYSTEM RATES AND REGULATIONS.

- A. The Management Staff shall have responsibility for development of proposed rate schedules for the Utility System when necessary, and to propose them to the Utility Board for review and recommendation of the same to the Cities for approval.
- B. Rates for utilities provided by the Utility System to the consumers shall be sufficient to cover all costs, including without limitation the costs of acquisition, operation and maintenance of the Utility System, liabilities, insurance, payment of all contractual obligations, establishment and funding of necessary reserves, sufficient cash availability for operations, and capital requirements for system upgrades, improvements, extensions and enlargements, to the extent directed by either Governing Body, payment of any general obligation indebtedness of either City relating to the Utility System, with due consideration being accorded to the terms, covenants and conditions contained in any contract of the Cities relating to the Utility System.
- C. When the Management Staff recommends to the Utility Board that an adjustment to the rate schedules is necessary, they shall prepare and submit to the Board a report describing the existing rates, the proposed adjustment, and the basis for their recommendation. The Management Staff may retain the services of such consulting engineers and financial advisors as may be necessary to assist in preparing their report. The Board shall review the report and, if it determines that an adjustment would be consistent with the Joint Utility Strategy Resolution and fiscally responsible, recommend the proposed adjustment for adoption by the Cities' respective governing bodies.
- D. The Board may elect to hold a public hearing before recommending any rate adjustment to the Cities. Notice of such hearing shall be given to afford an opportunity for interested citizens to appear and provide input on matters relative to the rates to be established. Each Governing Body may elect to hold public hearings in lieu of or in addition to public hearings before the Utility Board.
- E. If the Utility Board or either Governing Body finds that additional study and analysis is necessary before adopting a rate adjustment, it shall request a supplemental report from the Management Staff, specifically identifying in its request the additional study and analysis needed.
- F. At the conclusion of any Board action recommending a rate adjustment, the Board shall transmit its written recommendation for approval and adoption of the adjusted rate schedules to the Cities' governing bodies, including an explanation of the basis upon

which the proposed rate adjustment is predicated, which may be accomplished by reference to the Management Staff's report.

Section 9. UTILITY SERVICE REGULATIONS.

- A.** The Management Staff shall have responsibility for development of proposed utility service regulations as shall:
1. Be consistent with the Joint Utility Strategy Resolution adopted pursuant to Section 5 above;
 2. Provide quality, consistent service according to capacity of the Utility System;
 3. Minimize the risk of personal injury or property damage or harm to customers, employees or third parties in operations of the Utility System and in the customers' installation and use;
 4. Enforce sound business policy;
 5. Ensure the prompt collection of all billings owed for services provided by:
 - i. Providing a clear, understandable billing policy and the timely and accurate billings of charges for services, and
 - ii. Minimizing the amount of accounts receivable and minimizing exposure for losses due to uncollectible accounts.
 6. Minimize or avoid losses;
 7. Provide requirements for prospective new customers according to the capacity of the system, while maintaining the flexibility and ability to serve existing customers;
 8. Allocate the burden of capital expenditures to ensure that capital investment is recovered by:
 - i. Minimizing the cost of line extensions and capital expenditures to the Cities; and
 - ii. Placing the cost of line extensions, source development or treatment for commercial, industrial or prospective uses on the new customer or a developer or subdivider of property ("Developer/Subdivider"), where the cost of such extensions or improvements exceeds a nominal amount, so as to protect existing customers from paying costs for a Developer/Subdivider;
 - iii. Recommending to the Cities the adoption of impact fees for new customers to offset defined impacts to the system.
 9. Provide a method for the fair resolution and disputes between the Utility System and its respective customers; and
 10. Promote the orderly and efficient management, operation and maintenance of the Utility System.

- B. When the Management Staff recommends to the Utility Board that an amendment to the utility service regulations is necessary, they shall prepare and submit to the Board a report describing the existing regulations and the proposed amendment, and the basis for their recommendation. The Board shall review the report, and if it determines that an amendment would be consistent with the Joint Utility Strategy Resolution and in the best interest of the community, recommend the proposed amendment for adoption by the Cities' respective governing bodies. If the Utility Board or either Governing Body finds that additional study and analysis is necessary before adopting an amendment, it shall request a supplemental report from the Management Staff, specifically identifying in its request the additional study and analysis needed.

Section 10. OPERATION AND MAINTENANCE OF UTILITY SYSTEM.

- A. The cost of management, operation and maintenance of the Utility System will be borne on a proportionate basis, determined annually, based upon the relative proportionate amounts of retail usage by each City.
- B. The Management Staff shall ensure that the Utility System is maintained, operated and improved so as to provide safe, reliable and efficient service. Such maintenance, operation and improvement shall include, but shall not be limited to, the following :
 - 1. Extending lines and installing meters to provide service to new customers;
 - 2. Regularly inspect and test customers' meters;
 - 3. Regularly inspect all lines, meters, and other components of the Utility System;
 - 4. Repair or replace, as appropriate, malfunctioning or outdated meters;
 - 5. Repairing or replacing, as necessary, damaged, displaced or destroyed Utility System components;
 - 6. Provide planning, engineering and supervisory services in connection with such regular upgrades of Utility System components as shall be necessary in accordance with prudent utility practice;
 - 7. Provide all such other services as are normally required for the operation and maintenance of a utility system of similar size and complexity in accordance with prudent utility practice;
 - 8. Seek funding when possible for source or treatment development and maximizing government loan and grant opportunities on behalf of the Utility System;
 - 9. Adhere to water quality regulation testing so that only one State will conduct water quality tests of the Utility System.

- C. The Management Staff shall, in accordance with applicable law, accounting standards, and prudent utility practices, maintain records of:
 - 1. The maintenance of the Utility System;
 - 2. The financial transactions of the Utility System
 - 3. The inventory of Utility System assets;
 - 4. The operations of the Utility System, including events of significance that occur in connection with the Utility System.

- D. Maps of the Utility System shall also be maintained showing the location of the physical components of the system both within and without the respective City limits.

- E. The Management Staff shall plan improvements in accordance with the standards established by applicable governmental regulations applicable to the location of such improvements, and shall also plan and/or coordinate extensions and expansions of the Utility System in conjunction with the other utilities in the area, and specifically those operated by the Cities.

- F. Proposals from Developers/Subdividers that may impact the Utility System shall be negotiated primarily by the City affected by a proposed development, in close coordination with the Management Staff. In the event that a development is anticipated to increase demand on the Utility System by [15] ERU's or more, the terms negotiated with respect to the Utility System shall be presented in writing to the Utility Board. Prior to consideration of the proposal by the relevant City's Governing Body, the Board shall meet and decide whether to recommend for or against approval, giving due consideration to the Joint Utility Strategy Resolution, the best interest of existing customers, and the financial stability of the Utility System.

Section 11. UTILITY SYSTEM BILLINGS.

- A. Utility Personnel shall read all customer Utility meters not less frequently than monthly and shall prepare and render monthly bills to each customer of the Utility System. Such billings shall be prepared in such a manner as to clearly indicate whether the party billed is a customer in the City of Hildale or a customer in the Town of Colorado City.

- B. Such billings may provide that the customer shall remit payment to Hildale City as a servicer. Immediately upon receipt of any payments, Utility Personnel shall cause the amount received to be deposited in the respective Utility System operation fund, to the credit of the respective City of the customer.

Section 12. UTILITY SYSTEM OPERATING FUNDS.

- A. There is hereby established under the fiduciary management primarily by Hildale, and secondarily by Colorado City, five special funds, separate and distinct from all other funds and accounts of the Cities (but still maintained as the property of the Cities), to be known as the "Joint Operation Fund", the "Gas System Operation Fund", the "Water System Operation Fund", the "Sewer System Operation Fund", and the "Fiber System Operation Fund".
- B. The operation funds shall account for all revenues, receipts and income of the Utility System and all expenditures for costs of operation and maintenance, purchased gas, energy, water or transmission service, renewals, replacements, capital improvements, additions to the Utility Systems, Cities' Utility System employee salaries and benefits, insurance, and all other costs properly allocable to the operation of the Utility System.
- C. All revenues, receipts, and income from the operation of the Utility System shall be immediately deposited into the respective operation fund. All costs of operation shall be paid out of the respective operation fund when the same shall be due and payable. As convenient and appropriate, each respective operation fund may be obligated to deposit into the Joint Operation Fund sufficient funds to cover each operation fund's share of the general administrative expenses of the Utility System.
- D. Hildale shall maintain such books and records, and may establish such separate accounts and sub-accounts with the operation funds, as shall be necessary to separately account for the revenues, costs of operation and resulting net revenues that are attributable to each respective portion of the Utility System.
- E. The operating funds shall be maintained with a recognized bank or financial institution and shall be secured in accordance with the provisions of the laws of the State of Utah governing the deposit of public funds to the extent permitted regarding funds derived from Colorado City customers.

Section 13. ALLOCATION OF REVENUES AND EXPENSES.

- A. All revenues, receipts and income derived from the operation of the sewer system portion of the Utility System shall be allocated to Hildale City as the owner of the system to the extent permitted by Arizona law for any portion of the sewer system located in Arizona.

- B. All revenues, receipts and income derived from the operation of the Gas and Water Systems shall be allocated between the Cities as follows:
1. All revenues received from each of the Cities' customer billings shall be credited to that customer's City;
 2. Investment income shall be allocated between the Cities based upon the proportion that each City's balance in the Operation Fund bears to the total balance on deposit therein; and
 3. All other revenues, receipts and income shall be allocated between the Cities based upon initial Utility System cost, total energy sales, number of customers, or such other method as shall be fair and reasonable to each of the Cities. All revenues, receipts and income shall be so allocated when received.
 4. All costs and expenses incurred by the Management Staff in the performance of their duties and responsibilities hereunder shall be allocated on the basis of the proportion of annual terms sold to each City's Utility customers. The allocation of costs and expenses shall be made annually.
 5. Colorado City and Hildale each agree to pay, but solely out of the revenues derived from the operation of the Colorado City portion of the Utility System and the Hildale portion of the Utility System, respectively, and as an operation and maintenance expense of and a first charge on the revenues of such Utility System, all amounts charged to it in respect to the costs and expenses incurred hereunder.

Section 14. BUDGETS.

- A. An annual budget shall be prepared for each utility system operating fund for each applicable fiscal year, in accordance with this Section and with the Uniform Fiscal Procedures Act for Utah Cities, to provide a complete financial plan for operations, setting forth the following in tabular form:
1. Actual revenues and expenditures in the last completed fiscal year;
 2. Budget estimates for the current fiscal year;
 3. Actual revenues and expenditures for a period of six to nine months, as appropriate, of the current fiscal year;

4. Estimated total revenue and expenditures for the current fiscal year;
 5. Estimates of revenues and expenditures for the budget year;
 6. An estimate of all capital projects which the Board and Management Staff believe should be undertaken within the next five succeeding years and the proposed method of payment for such projects;
 7. The latest available balance of capital accounts maintained by the Management Staff;
 8. A summary and review of rates, fees and charges for services rendered by the Utility System, with a summary of billings and actual receipts in each rate, fee or charge category for:
 - i. the current fiscal year, and
 - ii. the previous completed fiscal year;
 9. A summary of accounts receivable as of:
 - i. the end of the last month of operation for which such data is available including losses and uncollectible accounts for the current fiscal year to date; and
 - ii. the end of the last completed fiscal year including losses and uncollectible accounts for the year.
 10. A budget message, which shall explain the budget, containing an outline of the proposed financial policies of the utility department for the budget year, and shall describe in connection therewith the important features of the budgetary plan. It shall set forth a reason for material changes from the previous year and appropriation and revenue items.
- B. On or before March 15th of each year, the Management Staff shall prepare a proposed budget for the next fiscal year and present it to the Utility Board. The Board shall review the tentative budget and, if it determines that the proposed budget would be consistent with the Joint Utility Strategy Resolution and fiscally responsible, recommend the proposed budget for adoption by the Cities. If the Board determines that adjustments to the proposed budget are necessary, it shall submit its written opinion to each City's Governing Body, explaining the recommended adjustments and the basis therefor.
- C. On or before April 30th of the current budget period, the Colorado City Town Council shall adopt a resolution indicating whether it approves the proposed budget or approves it with adjustments. Said resolution shall explain any adjustments and the basis therefor.
- D. On or before the first regularly scheduled meeting of the Hildale City Council in May of the current budget period, Hildale's budget officer shall prepare a tentative budget, incorporating Colorado City's adjustments as appropriate, and shall transmit it to the

Hildale City Council together with the Colorado City resolution referenced in Subsection 14(C) and the Utility Board opinion referenced in Subsection 14(B), if any.

- E. The Hildale City Council shall review, consider, and tentatively adopt the tentative budget in a regular public hearing or special public hearing called for the purpose, and may amend or revise it in such manner as deemed advisable prior to adoption of a final budget.
- F. Upon final adoption, the budget shall be in effect for the applicable budget year, subject to later amendment.

Section 15. ANNUAL REPORT.

- A. The Management Staff, in addition to the reports and accounting it may otherwise be required by law to make, shall, as required by the Cities, not later than the last day of January in each year, furnish to the Utility Board and each City's Governing Body an annual report which shall include the following statements as of the end of the preceding fiscal year:
 - 1. A balance sheet showing the financial condition of the Utility System prepared according to generally accepted public utility accounting principles;
 - 2. A statement of operations; and
 - 3. Any additional supporting statements or schedules deemed necessary and desirable by the City's Governing Body to make a clear and informative presentation of the financial position of the Utility System.
- B. The reports shall be kept on file in the offices of the Hildale City Recorder and the Colorado City Town Clerk, and shall be open to public inspection. The funds and accounts of the Utility System shall be audited annually by a certified public accountant or by a firm of such accountants.

Section 16. LIABILITY AND INDEMNIFICATION.

- A. Hildale hereby assumes full responsibility for and shall indemnify and save harmless Colorado City from any liability or expense on account of claims, actions, charges, lawsuits, judgments and awards, including for personal injury or property damage

caused by negligent acts or omissions other than on the part of Colorado City, which arises from the activities of Utility Personnel in managing, operating, maintaining and improving the Utility System. Provided, however, that any liability which is incurred by either City through the management, operation, maintenance or improvement of the Utility System pursuant to this Agreement and not covered in whole or in part by insurance shall be paid solely from the revenues of the Cities received by the Utility System, and any payments made by the Utility System to satisfy such liability shall become part of the operation and maintenance costs hereunder.

- B. Each City shall assume full responsibility for and shall indemnify and save harmless the other from any liability and expense on account of claims, actions, charges, lawsuits, judgments and awards, including for personal injury or property damage caused by the presence or condition of the property and equipment of the indemnifying party, except to the extent caused by the negligence of the other party.
- C. The Cities each hereby find, determine and declare that the Utility Board, in carrying out and discharging its obligations and responsibilities under this Agreement, is performing and will perform governmental functions on behalf of the Cities. To that end, the Utility Board shall have the benefit of all privileges and immunities to which the Cities are entitled under the laws of the States of Utah and Arizona.
- D. No agreement or obligation contained in this Agreement shall be deemed to be the agreement or obligation of any elected or appointed official, officer, member, agent or employee of either of the Cities in his or her individual capacity and none of such officials, officers, members, agents or employees shall be personally liable or subject to any personal liability by reason of their performance of or involvement with any of the agreements and obligations contained in this Agreement.
- E. To the extent permitted by law, each City shall indemnify and hold the other harmless for any loss, cost, damage or claim, including counsel fees and other litigation expenses, if any, arising out of a liability or duty which is the responsibility of the indemnifying party under law or under this Agreement.
- F. The payment obligations of the Cities under this Agreement are several and not joint, and shall constitute an obligation of each City payable as an operating expense of its Utility System solely from the revenues and other available funds of such City's portion of the Utility System. In no event shall any of the Cities' payment obligations hereunder constitute a debt or indebtedness of either of the Cities within the meaning of any constitutional or statutory limitation or provision.

Section 17. INTERESTS OF THE PARTIES.

The Cities' respective ownership of the Utility Systems are and shall be maintained separate and distinct. The benefits and liabilities related to each system and operation thereof shall accrue to the respective owner of that portion of the Utility System.

Section 18. RELATIONSHIP TO AND COMPLIANCE WITH OTHER DOCUMENTS.

- A. It is recognized and agreed to by each of the Cities that in undertaking the acquisition and financing of the Utility System, each City must comply with all licenses, permits, approvals and regulations necessary for such acquisition and the operation of such Utility System.
- B. This Agreement is intended to reflect the mutual intent of the parties with respect to the subject matter hereof, and no rule of strict construction shall be applied against any party.
- C. The parties shall work in good faith to implement and resolve details not specified in this Agreement.
- D. Insofar as possible, Utah law shall govern Utility System business management as it is integrated in the Hildale City offices located in the State of Utah.

Section 19. SEVERABILITY AND CONFLICTS OF INTEREST

- A. The provisions of this Agreement are severable. Should any part, term, or provision of this Agreement be held by the courts to be illegal or in conflict with any law of the States of Utah or Arizona, or otherwise rendered unenforceable or ineffectual, the validity of the remaining portions or provisions shall not be affected thereby.
- B. This agreement may be canceled pursuant to A.R.S. § 38 - 511 in the event of a conflict of interest as described therein. Any cancellation shall be made pursuant to such law while giving as much notice as reasonably possible.
- C. No delay, omission or failure to exercise any right of either party under this agreement shall be construed to be a waiver of any such right or as impairing any such right.

Section 20. GOVERNING LAW.

This Agreement is made in the States of Utah and Arizona, under the Constitution and laws of such States and is to be construed pursuant to such laws. Insofar as possible, Utah law shall govern utility business management as it is integrated in the Hildale City offices located in Utah; however, to the extent any records or documents are maintained by Colorado City, such records and documents shall be addressed under Arizona law. Hildale and Colorado City shall cooperate with one another to assist one another in satisfaction and compliance with Utah and Arizona law, respectively.

IN WITNESS WHEREOF, the parties hereby agree to carry out the terms of this Agreement.

DATED this _____ day of _____, 2020.

HILDALE CITY

COLORADO CITY

Donia Jessop, Mayor
Hildale City

Joseph Allred, Mayor
Colorado City

Attest:

Attest:

City Recorder

Town Clerk

This Agreement as executed is hereby approved as being in proper form and is compatible with and is within the powers and authority granted under the laws of the State of Utah.

Christian Kesselring
Hildale Attorney

This Agreement as executed is hereby approved as being in proper form and is compatible with and is within the powers and authority granted under the laws of the State of Arizona.

Jeffery Dollins
Mangum, Wall, Stoops & Warden, PLLC
Colorado City Attorney