



**EPHRAIM CITY COUNCIL
WORK MEETING AGENDA
Council Chambers – Ephraim City Hall
5 South Main, Ephraim, Utah
Wednesday, November 20, 2024
5:30 PM**

CALL TO ORDER

ROLL CALL

- I. Warrant Register Review**
- II. Agenda Review**

ADJOURNMENT

In Accordance with the Americans with Disabilities Act (ADA) this facility is wheelchair accessible and handicap parking is available. Request for accommodations and interpretive services must be made three (3) working days prior to the meeting. Please contact the city office at 283-4631 for information or assistance.

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder / Authorized Agent, does hereby certify that the above notice and agenda was posted this 19th day of November 2024. A copy was also provided to the local media and posted on the Utah State website.

CANDICE MAUDSLEY
EPHRAIM CITY RECORDER



**EPHRAIM CITY COUNCIL
CDBG GRANT PUBLIC HEARING**
Council Chambers – Ephraim City Hall
5 South Main, Ephraim, Utah
Wednesday, November 20, 2024
6:00 PM

Today's meeting will be held in person in the Council Chambers and is open to the public. Members of the press and public are also invited to view this meeting live on Zoom.

Watch on Zoom at 6:00 P.M.

<https://us02web.zoom.us/j/89472700064?pwd=WAsxa7qNFtTPFkWxw67mjak74q50rh.1>

6:00 PM

PUBLIC HEARING

Ephraim City is eligible to apply to the Utah Department of Workforce Services for funding under the Community Development Block Grant (CDBG) Small Cities Program, a federally funded program administered by the State of Utah, Housing and Community Development Division (HCD). **Ephraim City** can apply for CDBG funding provided **Ephraim City** meets the applicable program requirements.

The purpose of the public hearing is to provide citizens with pertinent information about the Community Development Block Grant program and to allow for discussion of possible applications. This public hearing will cover eligible activities, program requirements, and expected funding allocations in the region.

ADJOURNMENT

In Accordance with the Americans with Disabilities Act (ADA) this facility is wheelchair accessible and handicap parking is available. Request for accommodations and interpretive services must be made three (3) working days prior to the meeting. Please contact the city office at 283-4631 for information or assistance.

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda were posted this 18th day of November 2024. A copy was also provided to the local media and posted on the Utah State, and city websites.

Candice Maudsley,
EPHRAIM CITY RECORDER



**EPHRAIM CITY COUNCIL
REGULAR MEETING AGENDA**
Council Chambers – Ephraim City Hall
5 South Main, Ephraim, Utah
Wednesday, November 20, 2024
6:15 PM

Today's meeting will be held in person in the Council Chambers and is open to the public. Members of the press and public are also invited to view this meeting live on Zoom.

To participate in the public comment period or any scheduled public hearings, please email candicem@ephraimcity.org before 3:00 PM on the day of the meeting.

Live Stream on Zoom at 6:00 P.M.

<https://us02web.zoom.us/j/89472700064?pwd=WAsxa7qNFtTPFkVxw67mjak74q50rh.1>

6:15 PM BUSINESS MEETING

CALL TO ORDER

OPENING CEREMONY

The Ephraim City Council invites any community organization, church, or individual resident to present a thought, reading, or invocation in the opening ceremony portion of the public meeting. Those wishing to participate in an Opening Ceremony should contact the City Recorder by the Friday morning preceding the meeting. City Council meetings are held the first and third Wednesdays of each month.

PUBLIC COMMENT

Members of the public may address the City Council on matters not listed on the agenda. Those interested should fill out a public comments form to be given to the Mayor prior to the meeting. Each individual will have five minutes to address the Council and may submit documents outlining their issue. The Council cannot take legal action on public comment at this time. At the conclusion of each public comment, the Council may respond to criticism made by those who have addressed them, may ask staff to review a matter or may ask that a matter be placed on a future agenda. All City Council meetings are recorded.

I. Presentations

- A. Swearing in of Katie Witt as the new City Manager

II. Consent Items

- A. Approval of the November 18, 2024, Warrant Register
- B. Approval of November 6, 2024, City Council Meeting **Pages 6-14**
Minutes

III. Action Agenda

- A. Ephraim City Resolution 24-17 **Pages 15-16**
 - 1. ECR 24-17 PCA Power Cost Adjustment
- B. Ephraim City Resolution 24-18 **Pages 17-18**
 - 1. ECR 24-18 Public Entity Resolution
- C. Ephraim City Resolution 24-19 **Pages 19-22**
 - 1. ECR 24-19 Bishop Storehouse MOU (Memorandum of Understanding)
- D. Ephraim City Ordinance 24-05 **Pages 23-38**
 - 1. ECO 24-05 An ordinance amending the fencing requirements for commercial, industrial, and residential zones
- E. General Plan Amendment **Pages 39-40**
 - 1. Amendment to the General Plan for Parcel S-788.
- F. Parcel S-788 Rezone **Pages 41-50**

Rezone to amend the zoning map for parcel S-788. Currently both Industrial and Residential Agriculture (RA) zones. The applicant is seeking for the entire property to be zoned Industrial to facilitate the construction of the Ephraim City Public Works Building.

IV. Council Reports

V. City Manager Report

CLOSED SESSION

From time to time, matters are discussed by the City Council that do not appear on the posted agenda. Items that require/request action taken by the City Council will appear in the posted agenda. Submitted Action Items for the Council agenda must be received by the City Recorder's office by the Friday prior to the Council meeting and should be accompanied by any and all supporting written documentation. Without such documentation, the recorder reserves the right to postpone the hearing of any item until such documentation has been submitted.

ADJOURNMENT

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Candice Maudsley,
EPHRAIM CITY RECORDER

MEETING MINUTES
CITY COUNCIL
CITY COUNCIL CHAMBERS, EPHRAIM CITY HALL
5 SOUTH MAIN, EPHRAIM, UTAH
NOVEMBER 6, 2024
5:10 PM

ROLL CALL

MEMBERS PRESENT

John Scott, Mayor

Margie Anderson

Anthony Beal

Chad Parry

Dennis Nordfelt

STAFF PRESENT

Tracey Cowdell, City

Attorney

Candice Maudsley,

City Recorder

Bryan Kimball,

Community Development

Megan Spurling, Planner

Jon Knudsen, Finance Dir.

Jeff Jensen, Public Works

Cory Daniels, Power Dir.

Colby Zeeman, Police

Jeff Hermansen, Fire Chief

MEMBERS EXCUSED

Lloyd Stevens,

Mayor Pro Tem

CALL TO ORDER

1.) AIRPORT TRANSITION

- The City of Manti will assume management responsibilities for the airport, while Ephraim City will oversee maintenance, including lighting. Animal abatement will be a collaborative effort between both cities.
- Tom Herbert presented a proposal to establish an airport authority and appoint an airport manager.

2.) AIRPORT AUTHORITY

- The airport board recommends establishing an airport authority to manage the airport's daily functions, driven by the facility's growth. The airport brings in about 1.1 million in funding to the county. This year as of the end of October there were 3,600 visits to the airport. Those visitors spend about 600,000 per year in our communities.
- The proposed airport authority, a separate political entity, will oversee operations without taxing powers, relying on city contributions, fuel sales, and hangar rentals for funding. This would initially be a paid, part-time position.
- If the cities determine the authority is no longer beneficial, they may dissolve it, reverting ownership to the cities.
- Each city's mayor will appoint a representative to the board, along with county representatives, to safeguard municipal interests. An annual report will be provided to each city.

- Equal financial contributions will be required from each city, with multiple funding strategies proposed to cover additional costs.

3.) AIRPORT MANAGER

- The airport manager role, modeled on similar airports, is intended as a part-time position with a salary based on estimated city manager hours.
- A contract would be put in place with the airport manager and each city.
- An airport manager and an airport authority are both options; either can function independently.
- Ephraim City's attorney recommended creating an inter-local agreement between the cities for airport management.
- The mayor proposed a 5-year rotation of responsibilities between the cities.
- A Standard Operating Procedure (SOP) is necessary; Tom Herbert will prepare a draft.

EXECUTIVE BOARD

- The board will consist of both city mayors and both city managers. Both cities agree that this would be a good interim solution. It will be an agenda item for Ephraim city council at the next city council meeting.
- Mayor Scott provided an update on a recent meeting between both mayors and Burgess Owens.
- Mayor Scott also presented options for county contributions.

4.) MOU BETWEEN CITIES

- Ephraim City Attorney Tracey Cowdell recommended an Inter-local Agreement instead of a Memorandum of Understanding. A draft of the agreement will be prepared in the coming months for approval by both cities.

ADJOURNMENT

There being no further business to come before the Council for consideration, Councilmember Anderson moved the Regular Council Meeting adjourn at 4:51 p.m. The motion was seconded by Councilmember Nordfelt. The vote was unanimous. The motion carried.

The next regular City Council meeting is scheduled to be held on Wednesday, November 20, 2024, starting at 6:00 p.m. in the Ephraim City Council room.

MINUTES APPROVED:

John Scott, Mayor

Date

ATTEST:

Candice Maudsley, City Recorder

Date

Draft

MEETING MINUTES
CITY COUNCIL
CITY COUNCIL CHAMBERS, EPHRAIM CITY HALL
5 SOUTH MAIN, EPHRAIM, UTAH
NOVEMBER 6, 2024
5:11 PM

ROLL CALL

MEMBERS PRESENT

John Scott, Mayor

Margie Anderson

Anthony Beal

Chad Parry

Dennis Nordfelt

STAFF PRESENT

Tracey Cowdell, City
Attorney

Candice Maudsley,
City Recorder

Bryan Kimball,
Community Development

Megan Spurling, Planner

Jon Knudsen, Finance Dir.

Jeff Jensen, Public Works

Cory Daniels, Power Dir.

Colby Zeeman, Police

Jeff Hermansen, Fire Chief

Jordan Howe, Rec Dir.

MEMBERS EXCUSED

Lloyd Stevens,

Mayor Pro Tem

DEPARTMENT REPORTS

Bryan Kimball, Community Development Director

- Community Development is currently drafting updates to the subdivision code to ensure compliance with state regulations.
- Several projects are nearing completion, and there is potential interest in a parcel at the north end of town.
- The 750 South intersection project is progressing, with efforts to combine phases 1 and 2. Construction is anticipated to begin next spring. The project, which has been earmarked, is advancing on the west leg.

Cory Daniels, Power Director

- Several employees are currently attending Hotline School.
- A report was made regarding power outages caused by birds electrocuting themselves on a power pole. Repairs will require a scheduled power outage. Additionally, 17 other poles need bird guards installed, with reimbursement available for the associated costs.
- The transformer for the hotel is expected to arrive in January.
- The power line on 200 South is being rebuilt for the new medical clinic, a commercial customer.
- UAMPS will present tonight on the approval process. Cory provided an overview of the upcoming presentation.
- City Attorney Tracy Cowdell has reviewed the contract for the project and is in favor of proceeding.

Jeff Jensen, Public Works Director

- Work continues with Jones and DeMille on the pipeline replacement near the hydro and ropes course, with construction expected to begin by the end of next summer..
- The well project is nearing completion.
- Tree trimming at the cemetery will be handled by Tree Trim out of Manti, scheduled to begin after Veteran's Day flags are taken down.
- All public restrooms at the parks and cemetery are now closed for the winter.
- The initial service line inventory has been submitted
- A second round of frost testing will be conducted. Results indicate we are below the MCL rate and should remain in compliance. These results will be published.

Colby Zeeman, Police Chief

- The state requires mental health services for officers. A report was given on the service currently being utilized by the department.
- Snow removal operations will run from November 15 to March 15, with PSAs to be issued.
- Officers responded to an underage party, resulting in 25 citations.

Jeff Hermansen, Fire Chief

- Fire safety training was conducted at the elementary schools.
- The department responded to three fire calls last Saturday.
- A total of 195 fire inspections have been completed this year.
- There have been 75 fire calls so far this year.

Jon Knudsen, Finance Director

- UAMPS costs are slightly higher than last year, but not by a significant amount.
- Property insurance appears on this month's warrant register, along with unclaimed property sent to the state. This typically includes refunds for uncashed utility checks.
- The budget for the public works building is capped at \$6.5 million.

Michael Thompson, Library Director

- A report was given on the Maker Space program being implemented at the Ephraim City Library, with support from Snow College. The program is currently grant-funded, allowing patrons to use it for free.
- The library is developing a background check policy to ensure compliance with state regulations. All volunteers working with children will be required to undergo a background check.
- The library will also be assisting with the Sub for Santa program.

WARRANT REGISTER INQUIRIES

- The cost of the banners covers both fall and winter designs.

6:00 PM

CALL TO ORDER

The Ephraim City Council convened in a Regular City Council Meeting on Wednesday, November 6, 2024, in the City Council Room. Mayor Scott called the meeting to order at 6:05 p.m.

OPENING CEREMONY

At the invitation of the Mayor, Councilmember Beal offered an invocation. Jeff Jensen led the audience in the Pledge of Allegiance.

PUBLIC COMMENT

Cameron Nielson expressed concerns about the landlord utility agreement, specifically regarding the wording and the online application. He proposed several changes. He also raised questions about the need for fire inspections and the criteria that trigger them.

PRESENTATIONS

INTRODUCTION OF THE NEW CITY MANAGER

On November 2, 2024, the City Council and hiring board conducted interviews and appointed Katie Witt as the new City Manager. Katie introduced herself to the council.

AWARDING OF THE MILL ROAD/CANYON ROAD TRAIL PROJECT BID

The Council reviewed a bid presented by Recreation Director Jordan Howe, which included a \$9,000 bid from Dave Coiner. The first phase of the project will focus on repairing the main trail, while still allowing ATV access.

Councilmember Anderson moved to award the Mill Road/Canyon Road Trail Project Bid to Dave Coiner. The motion was seconded by Councilmember Beal. The vote was unanimous. The motion carried.

CONSIDERATION OF A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$6,500,000 OF THE CITY'S SALES TAX REVENUE BONDS AND PROVIDING FOR RELATED MATTERS. ECR 24-13 SALES TAX REVENUE BOND FOR THE NEW PUBLIC WORKS YARD.

The Council reviewed information presented by Japeth McGee from Zions Bank regarding the authorization of bonds. This authorization allows the ability to negotiate bonds within the parameters set by the Council. Japeth outlined the requirements, including a notice of public hearing and the issuance of bonds. A public hearing will be held on December 4th, following a 30-day contest period.

Councilmember Nordfelt moved to approve ECR 24-13 and call for a public hearing to receive input from the public with respect to the issuance of its sales tax revenue bonds to finance all or a portion of the cost of acquiring, constructing and improving capital improvement projects, including a new public works building and related facilities, and

acquiring, constructing, improving and remodeling various other capital improvement program projects and the potential economic impact that the Project will have on the private sector, pursuant to the Local Government Bonding Act. The motion was seconded by Councilmember Beal. The vote was unanimous. The motion carried.

VEHICLE LEASE FINANCING. ECR 24-14 CONSIDERATION OF A LEASE PURCHASE AGREEMENT BETWEEN ZIONS BANCORPORATION AND EPHRAIM CITY

The Council reviewed the authorization of a lease agreement for the city fleet vehicles. The first payment will be made next fiscal year.

Councilmember Anderson moved to approve ECR 24-14 the lease purchase agreement between Zions Bancorporation and Ephraim City. The motion was seconded by Councilmember Parry. The vote was unanimous. The motion carried.

A RESOLUTION AUTHORIZING AND APPROVING THE MILLARD COUNTY POWER PROJECT POWER SALES CONTRACT WITH UTAH ASSOCIATED MUNICIPAL POWER SYSTEMS; AND RELATED MATTERS. ECR 24-15 MILLARD COUNTY POWER PROJECT POWER SALES CONTRACT

The Council reviewed the presentation presented by Power Director Cory Daniels. The presentation will be available on the public notice site and in the City Recorder's office.

Councilmember Beal moved to approve ECR 24-15 the Millard County Power Project Power Sales Contract with Utah Associated Municipal Power Systems. The motion was seconded by Councilmember Nordfelt. The vote was unanimous. The motion carried.

A RESOLUTION AUTHORIZING AND APPROVING THE POWER COUNTY POWER PROJECT POWER SALES CONTRACT WITH UTAH ASSOCIATED MUNICIPAL POWER SYSTEMS; AND RELATED MATTERS. ECR 24-16 POWER COUNTY POWER PROJECT POWER SALES CONTRACT

See above.

Councilmember Beal moved to approve ECR 24-16 the Power County Power Project Power Sales Contract with Utah Associated Municipal Power Systems. The motion was seconded by Councilmember Nordfelt. The vote was unanimous. The motion carried.

APPROVAL OF WARRANT REGISTER

The Council reviewed the Warrant Register of November 4, 2024.

Councilmember Beal moved to approve the November 4, 2024 Warrant Register as presented. The motion was seconded by Councilmember Parry. The vote was unanimous. The motion carried.

APPROVAL OF MINUTES

The Council reviewed the minutes of the October 16, 2024 City Council Meeting.

Councilmember Anderson moved to approve the October 16, 2024 City Council Meeting Minutes as presented. The motion was seconded by Councilmember Beal. The vote was unanimous. The motion carried.

APPOINTMENTS AND COUNCIL REPORTS

Margie Anderson

- Attended the ribbon cutting at the Co-op. It was a nice event. They are doing a good job at trying to do what the city asked in maintaining the building.

Anthony Beal

- Youth City Council- They are preparing for the holidays. They helped put up the Veteran's Day flags.

Chad Parry

- Cemetery Board- put up the flags at the cemetery. They will be taken down next Tuesday at noon if anyone is available to help.

Mayor Scott

- Discussions are underway to secure funding for the airport, with assistance from the Ferguson Group.
- Seasonal flags have been installed on Main Street.
- The mayor attended the ribbon cutting for the Co-op.
- The meeting with Congressman Owens was productive, with potential federal funding identified for airport expansion and maintenance.

CITY MANAGER REPORT

- Candice will be meeting with Kent Barton about the transfer of airport management. They will also be making a list for Congressmen Owens on the potential users of the airport.
- Viewpoint documentary meeting will be tomorrow.

ADJOURNMENT

There being no further business to come before the Council for consideration, Councilmember Parry moved the Regular Council Meeting adjourn at 7:45 p.m. The motion was seconded by Councilmember Beal. The vote was unanimous. The motion carried.

The next regular City Council meeting is scheduled to be held on Wednesday, November 20, 2024, starting at 6:00 p.m. in the Ephraim City Council room.

MINUTES APPROVED:

John Scott, Mayor

Date

ATTEST:

Candice Maudsley, City Recorder

Date

Draft

RESOLUTION ECR 24-17

A RESOLUTION ADOPTING A POWER COST ADJUSTMENT (OR PCA) TO ALL EPHRAIM CITY POWER RATES

WHEREAS, Ephraim City maintains an electric power system; and

WHEREAS, Ephraim City allows the City Council to establish electric power rates;

WHEREAS, in order to protect the health, safety, and welfare of all residents of Ephraim City and customers it serves, it is important that Ephraim City Power is being responsible financially and accepting the appropriate monies to maintain its services.

NOW THEREFORE, be it resolved Ephraim City, City Council is adopting a PCA (Power Cost Adjustment) to all rate schedules for Ephraim City Power Department and shall be increased or decreased as a separate charge or credit to reflect the variations in power supply cost.

The PCA shall be applied to all kWh units sold under all rate schedules, shall be calculated as a rolling months average, shall be the sum of purchased power supply costs[1] based on actual data from the most recent available twelve-month period preceding the start of the billing month to which the adjustment is to be applied, less an average retail power supply base cost[3], which has been incorporated into all retail base rate schedules. Purchased power data and billing units are generally available to months prior to the month of calculated PCA due to timing of power supply invoices and retail billing cycles. As a result, the twelve-month period of available data is based on information typically from two months prior to the month of the calculated PCA. The PCA shall be calculated, adjusted, and implemented monthly bases on the twelve-month rolling calculation. Components of the adjustment are hereby adopted for all utility bills issued on and after __
_____, 2024, and are calculated as follows:

PCA CALCULATION

$$PCA = (((\text{rolling months power supply costs } \$ / \text{rolling months kWh units purchased})[1] / 1 - \text{loss adjustment})[2] - \text{Base PCA } \$)[3]$$

PCA =

(((rolling months P/S Cost \$	- Base PCA \$)
rolling months p/s units / 1-loss adjustment)	

DEFINITION OF TERMS

[1] power supply costs: The power supply cost increment per kWh shall include all costs incurred in the procurement of adequate power supply, transmission of power supply, and adjustments required to reconcile previous over/under PCA Collections.

[2] Loss Adjustment: Adjustment for losses incurred through distribution system to retail sales units.

[3] Base PCA: \$ / retail kWh.

This resolution shall become effective November 20, 2024.

EPHRAIM CITY

John Scott, Mayor

ATTEST

Candice Maudsley, Recorder

COUNCIL VOTE

Dennis Nordfelt	Aye	___	Nay	___
Margie Anderson	Aye	___	Nay	___
Chad Parry	Aye	___	Nay	___
Lloyd Stevens	Aye	___	Nay	___
Anthony Beal	Aye	___	Nay	___

EPHRAIM CITY RESOLUTION

ECR 24-18

Public Entity Resolution

A PUBLIC ENTITY RESOLUTION OF EPHRAIM CITY, UTAH, AUTHORIZING SPECIFIC INDIVIDUALS TO TRANSACT FINANCIAL TRANSACTIONS WITH THE UTAH STATE TREASURERS OFFICE PTIF ACCOUNTS AND OTHER BANKING INSTITUTIONS.

WHEREAS, Ephraim City has established multiple PTIF accounts with the Utah State Treasurers Office; and

WHEREAS, Ephraim City desires to continue transacting financial business with the current and future PTIF accounts and banks; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF EPHRAIM CITY, UTAH THAT:

1. Certification of Authorized Individuals

I, John Scott, hereby certify that the following are authorized to add or delete users to access and/or transact with PTIF accounts; to add, delete, or make changes to bank accounts tied to PTIF accounts; to open or close PTIF accounts; and to execute any necessary forms in connection with such changes on behalf of Ephraim City Corporation.

Name	Title	Email	Signature
John Scott	Mayor	jscott@ephraim.gov	_____
Katie Witt	City Manager	kwitt@ephraim.gov	_____
Verena Critser	Treasurer	vcritser@ephraim.gov	_____
Lloyd Stevens	Mayor Pro Tem	lstevens@ephraim.gov	_____

The authority of the named individuals to act on behalf of Ephraim City Corporation shall remain in full force and effect until written revocation from Ephraim City Corporation is delivered to the Office of the State Treasurer.

2. Signature of Authorization

I, the undersigned Mayor of the above-named entity, do hereby certify that the forgoing is a true copy of a resolution adopted by the governing body for banking and investments of said entity on the 3rd day of January 2024, at which a quorum was present and voted; that said resolution is now in full force and effect; and that the signatures as shown above are genuine.

APPROVED, PASSED, and ADOPTED this 20th day of November 2024.

EPHRAIM CITY

John Scott, Mayor

ATTEST:

Candice Maudsley, Recorder

COUNCIL VOTE:

Margie Anderson	Aye	___	Nay	___
Anthony Beal	Aye	___	Nay	___
Dennis Nordfelt	Aye	___	Nay	___
Chad Parry	Aye	___	Nay	___
Lloyd Stevens	Aye	___	Nay	___

STATE OF UTAH

§

COUNTY OF SANPETE

Subscribed and sworn to me on this 20th day of November, 2024, by John Scott as Mayor of Ephraim City, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature _____

(seal)

**EPHRAIM CITY RESOLUTION
ECR 24-19**

**A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN
EPHRAIM CITY AND THE EPHRAIM LIONS CLUB**

WHEREAS, Ephraim City recognizes the historical significance of the Bishop’s Storehouse, located on Parcel Number S 305, as a key historical site requiring preservation and protection;

WHEREAS, the Ephraim Lions Club, chartered on September 22, 1924, has served as a community-oriented, philanthropic organization and is committed to volunteering efforts that benefit the community, including the preservation of local historical landmarks;

WHEREAS, Ephraim City and the Ephraim Lions Club desire to enter into a cooperative agreement to facilitate the preservation and improvement of the property while maintaining its ownership by Ephraim City, as outlined in the Memorandum of Understanding attached hereto as Exhibit A;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EPHRAIM,
UTAH:**

1. The Memorandum of Understanding (MOU) between Ephraim City and the Ephraim Lions Club, attached as Exhibit A, is hereby approved.
2. The Mayor and other appropriate city officials are authorized to execute the MOU and take all necessary actions to implement its terms.
3. This resolution shall take effect immediately upon passage.

APPROVED and ADOPTED this 20th day of November 2024.

EPHRAIM CITY

John Scott, Mayor

ATTEST:

Candice Maudsley, Recorder

COUNCIL VOTE:

Margie Anderson	Aye	___	Nay	___
Anthony Beal	Aye	___	Nay	___
Dennis Nordfelt	Aye	___	Nay	___
Chad Parry	Aye	___	Nay	___
Lloyd Stevens	Aye	___	Nay	___

MEMORANDUM OF UNDERSTANDING

Between

Ephraim City

And

Ephraim Lions Club

THIS MEMORANDUM OF UNDERSTANDING (hereinafter the “MOU”) is hereby made and entered into by and between **EPHRAIM CITY**, a political subdivision of the State of Utah, (the “Ephraim City”) and **EPHRAIM LIONS CLUB**, an internationally associated, Utah not-for-profit corporation (the “Lions Club”).

This MOU is for the use of the building and land in Parcel number S 305 (0.54 acre portion of) and the north bay of the old fire station located approximately 50 South 100 West (“Property”). The buildings and property are owned by Ephraim City and will remain as such.

PURPOSE: This MOU is intended to provide a framework for cooperation between the Lions Club and Ephraim City concerning use of the Property.

The Ephraim Lions Club was chartered on September 22, 1924 and has served continuously as an all-volunteer, private 501 not-for-profit corporation established, in part, as a community oriented, philanthropic organization, benefiting the community.

Ephraim City has an abundance of historical site throughout the city and the Property has a building called the Bishops’ Storehouse built in 1906 and in need of volunteers to preserve and protect this historical site.

The Parties stipulate and agree to the following:

1. The Parties shall work together to identify, support, plan, and implement select improvements within the properties. The City may, at its discretion, participate in funding these improvements². The Lions Club is encouraged to; and may at its own discretion, plan, propose and construct improvements at the Property, provided such improvement planning has included Ephraim City and has been voted on and approved by the Ephraim City Council.
3. Any Lions Club initiated improvements at the property will be paid for by Lions Club funds either through grants or fund-raising efforts.
4. The Parties agree that all such improvements shall become property of Ephraim City.

TERMS OF AGREEMENT

Duration. The term of this Agreement shall be for a period of twenty (20) years. Additional extensions beyond the twenty (20) year term may be arranged with the mutual consent of the parties in writing.

Insurance. The Lions Club shall, at all times during the term of this Memorandum of Understanding (MOU), maintain a general liability insurance policy in amounts that are reasonable and customary for similar organizations. The policy shall include Ephraim City as an additional insured party. The Lions

Club agrees to provide proof of such insurance coverage to Ephraim City on an annual basis or upon request. Failure to maintain the required insurance or to provide proof of coverage shall result in the termination of this MOU.

Termination. Either party may terminate this MOU for any reason, without cause, by providing written notice to the other Party at least 90 days prior to the intended termination date. In such cases, the MOU shall terminate on the specified date, and the parties shall fulfill any outstanding obligations up to that point.

Prohibition on Subletting. The Lions Club shall not have the right to sublease, assign, or transfer any interest in the Property, in whole or in part, to any third party without the prior written consent of the City. Any attempt to sublease or transfer interest in the property without such consent shall be considered null and void. This prohibition applies to all forms of subleasing and assignment, ensuring that the use of the property remains solely with the Lions Club as outlined in this agreement.

Non-Ownership Acknowledgment Clause. As a condition of using the property, the Lions Club expressly agrees that, regardless of any financial investment made in or improvements added to the property, it shall not acquire or vest any claim or interest in the Property under any legal or equitable theory. This waiver of claims shall be binding upon the Lions Club and its successors, ensuring that no rights to ownership or any other property interest shall arise from the Club's use of or investment in the property. The Lions Club acknowledges that its use of the property is solely as a licensee and does not confer any rights of ownership, title, or interest in the property.

Notices. All notices, demands, requests, and other writings required or permitted to be given hereunder shall be deemed duly given if personally delivered or if mailed by registered or certified mail, postage prepaid, addressed to the following

Ephraim Lions Club
ATTN: Beverly Thomas, Secretary
90 West 100 South
Ephraim, UT 84627

Ephraim City
ATTN: City Manager
5 South Main Street
Ephraim, UT 84627

Ephraim Lions Club

Craig Rasmussen

Ephraim City

John Scott,

President

Date

Mayor

Date

City Manager

Date

State of Utah

County of Sanpete

On this day of _____, in the year 202_, before me, _____ Notary

Public, personally appeared _____, proved on the basis of satisfactory evidence to be the person(s) whose names(s) (is/are) subscribed to this instrument and acknowledged (he/she/they) executed the same.

Witness my hand and official seal.

Notary Signature

State of Utah

COUNCIL MEMBERS

Margie Anderson
Dennis Nordfelt
Lloyd Stevens
Chad Parry
Anthony Beal

MANAGER-INTERIM

Candice Maudsley

COMMUNITY DEVELOPMENT

DIRECTOR/ENGINEER

Bryan Kimball

RECORDER

Candice Maudsley

EPHRAIM CITY CORPORATION

JOHN SCOTT, MAYOR

5 South Main, Ephraim, Utah 84627



CITY PLANNER

Megan Spurling

TREASURER

Verena Critser

FINANCE DIRECTOR

Jon Knudsen

PUBLIC SAFETY DIRECTOR

Colby Zeeman

POWER DIRECTOR

Cory Daniels

PUBLIC WORKS DIRECTOR

Jeff Jensen

MEMORANDUM

To: Ephraim City Council

From: Megan Spurling, City Planner

Re: Fencing Requirements for Commercial, Industrial and Residential Zones

This memorandum serves to inform the City Council of the agenda item for our upcoming meeting scheduled for November 20, 2024. The primary focus will be to discuss and further define the fencing requirements in the commercial, industrial, and residential zones, including the materials permitted for use.

Fencing plays a critical role in enhancing security, aesthetic appeal, and property delineation across various zoning classifications. Recent inquiries and community feedback have highlighted the need for clear and consistent fencing regulations that align with our development goals and community standards.

We will discuss current standards and the new proposal in the meeting. We encourage all members to come prepared to discuss these topics in detail and to share any additional insights or considerations. The goal is to reach a consensus on the proposed amendments.

Please be advised that the Ephraim City Planning Commission has proposed a revision to the fencing requirements outlined in ECC 10.16.070 for the Industrial Zone. Specifically, the Commission recommends the removal of item "a" from the code, as well as an update to section "b" to prohibit the use of chain link fences with slats when adjacent to residential properties in the Industrial Zone.

Staff requests that this matter be reviewed and discussed at the Ephraim City Council meeting.

ECC 10.12.040

**EPHRAIM CITY
ORDINANCE ECO 24-05**

**AN ORDINANCE AMENDING THE FENCING REQUIREMENTS FOR
COMMERCIAL, INDUSTRIAL, AND RESIDENTIAL ZONES**

WHEREAS, fencing requirements in commercial, industrial, and residential zones play a vital role in enhancing security, aesthetic appeal, and property delineation, contributing to the overall development goals and community standards of Ephraim City

WHEREAS, recent community feedback and inquiries have emphasized the need for clear and consistent regulations regarding fencing materials and designs to better align with the needs of various zoning classifications and adjacent properties;

NOW THEREFORE, be it ordained by the Council of the Ephraim City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “10.12.040 Fences, Walls And Hedges” of the Ephraim City Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.12.040 Fences, Walls And Hedges

- A. **Height Restrictions:** Fences, walls, and hedges may not exceed seven feet in height. The City Council may waive this height requirement at its sole discretion.
- B. **Sight-Obscuring Limitations:** Notwithstanding any other provisions herein, no sight-obscuring fence, wall or hedge exceeding three feet in height shall be erected or allowed closer to any street line than the required building setback line or within the clearview zone for the intersection if on a corner lot (see paragraph C). In these restricted areas, substantially open fences such as chain link or wrought iron may be four feet high unless approved otherwise by the Planning Commission.
- C. **Corner Lots:** Houses on corner lots may have open or solid fencing along the rear, interior side, and exterior side property lines of the house up to seven feet tall, which do not encroach closer to the street than the primary front setback line or within the driveway and intersection clearview zones as described herein. Those properties which adjoin a driveway of the adjacent property must preserve a ten foot sight triangle to allow visibility to pedestrians on the sidewalk for those backing out of the adjoining driveway. (see figure 10-3-4-C-1 below).



Figure 10.12.040-C-1: Fence Height Restrictions & Sight Triangles

- D. **Single Shrub Planting:** For purpose of this section, single shrub planting shall not constitute a hedge if the closest distance between the foliage of any two plants is and remains at least five feet.
- E. **Property Line Separation Height Requirement:** Where a fence, wall, or hedge is located along a property line separating two lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall, or hedge may be erected or allowed to the maximum height permitted on either side of the property line.
- F. **Building Permit Required:** Fences over 7 feet tall must be approved by the City Council and require a building permit.
- G. **Fence Lines Adjacent to Sidewalk(s):** Where sidewalk improvements have been made, fence lines may be adjacent to the sidewalk(s) in accordance with the provisions of this Ordinance.
- H. **Multi Family Dwelling Unit Requirements:** All new multi-family dwelling units must install a sight obscuring fence at least 6 feet tall around the interior side and rear sides of the property at the time of obtaining a building permit or expansion.
(2006,2008) Note: This section does not supersede height requirements in the front setback listed in paragraph C.
 - 1. Fences shall be installed at a minimum height of 6 feet around the sides and rear side of the property, prior to occupancy being granted on a zoning permit.
 - 2. The minimum acceptable fence type shall be chain link with privacy slats that effectively obscure visibility.
 - a. Privacy screens consisting of fabric or plastic or tarps shall not be permitted as acceptable forms of sight-obscuring fencing.
 - b. Fences shall meet the intent of providing adequate privacy to neighboring properties.

3. Property owners shall maintain the integrity and appearance of the fence, ensuring it remains in good condition and complies with zoning requirements.

I. **Exception:** the following fences are exempt from these requirements so long as they do not constitute a safety hazard for vehicular and/or pedestrian traffic:

1. Fences needed for safety purposes, such as utility areas, water ways, swimming pools, etc.
2. Rear facing lots in subdivisions.
3. Fences used for Government purposes
4. Fences used for basketball, tennis or other sports related play areas (2006, 2008)

SECTION 2: **AMENDMENT** “10.16.060 Commercial Zones” of the Ephraim City Municipal Code is hereby *amended* as follows:

AMENDMENT

10.16.060 Commercial Zones

A. **Central Business District Commercial Zone (C1):** The objective in establishing the C-1 central business district commercial zone is to identify a principal shopping and financial center within the city.

1. **Character:** It is characterized by the commingling of commercial uses and dwellings. However, primacy is given to commercial uses within the zone. Existing structures will be allowed to continue with their designed intent such as apartments, homes, student housing, etc.
2. **Uses:** see ECC 10.20.030 Table B for list of permitted and conditional uses.
3. **Storage:** All materials and merchandise, except vehicles in running order, shall be stored in an enclosed building or within an enclosure surrounded by a solid sight obscuring fence or wall of not less than six feet in height, of a neutral color and no material or merchandise shall be stored to a height of more than the height of the enclosing fence or wall.
4. **Trash And Combustible Materials:** No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in any commercial zone. No junk, debris, abandoned or dismantled automobile or automobile parts or similar material shall be stored or allowed to remain on any lot in any commercial zone.
5. **Solid Waste Storage Facilities:** All solid waste storage facilities shall be located at the rear of the main building or else behind a sight obscuring fence or wall which will prevent the facility from being seen from a public street.
6. **Adjoining Residential Zone; Fencing Requirements:** Where a commercial development adjoins any residential lot or parcel of ground in any residential zone, there shall be provided along the adjoining property line a decorative,

sight obscuring fence, or any combination of fencing and landscaping which, in the opinion of the Planning Director, adequately protects the adjoining residential property and is properly maintained.

- a. The minimum acceptable fence type shall be chain link with privacy slats that effectively obscure visibility.
- b. Privacy screens consisting of fabric or plastic or tarps shall not be permitted as acceptable forms of sight-obscuring fencing
- c. Property owners shall maintain the integrity and appearance of the fence, ensuring it remains in good condition and complies with zoning ordinances.

7. Landscaping:

- a. In all commercial zones, at least 5% of the lot area shall be maintained as landscaped area. Where feasible, a landscaped area adjacent to the public street shall be provided and planted with trees.
 - b. In addition to the 5% landscaping required on the private lot area, all road rights of way not utilized for pavement, curb or sidewalk shall be planted and maintained as landscaped area.
8. Residences in the C-1 zone shall conform to all requirements under the R-4 designation including rules for the keeping of animals.
9. Canopies, awnings, and related outdoor eating facilities within the front setback and within the right of way are allowed as long as pedestrian walkways, safety, and visibility are preserved, and upon permission being granted by the City.
10. Driveways for commercial uses may be at least twenty feet wide, unless approved otherwise by the city engineer.

B. Commercial Overlay Zone (C1A): The objective in establishing the C1A overlay zone is to establish areas around Snow College in which certain campus-specific or college-related businesses may locate.

1. All permitted uses under the C1A Zone are limited to a maximum of 1,500 square feet for customer service and a maximum of 1,500 square feet for storage and office space relating to the business.
2. **Uses:** see ECC 10.20.030 Table B for list of permitted and conditional uses.
3. No outside storage of material or merchandise is permitted in the C1A zone.
4. **Trash And Combustible Materials:** No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in any commercial zone. No junk, debris, abandoned or dismantled automobile or automobile parts or similar material shall be stored or allowed to remain on any lot in any commercial zone.
5. **Solid Waste Storage Facilities:** All solid waste storage facilities shall be located at the rear of the main building or else behind a sight obscuring fence or wall which will prevent the facility from being seen from a public street.
6. **Fencing Requirements:** Commercial uses in the C1A zone shall provide a decorative, sight obscuring fence, or any combination of fencing and landscaping which, in the opinion of the Planning Director, adequately protects the adjoining residential property and is properly maintained.

a. The minimum acceptable fence type shall be chain link with privacy slats that effectively obscure visibility.

b. Privacy screens consisting of fabric or plastic or tarps shall not be permitted as acceptable forms of sight-obscuring fencing.

c. Property owners shall maintain the integrity and appearance of the fence ensuring it remains in good condition and complies with zoning requirements.

7. Landscaping:

a. In all commercial zones, at least 5% of the lot area shall be maintained as landscaped area. Where feasible, a landscaped area adjacent to the public street shall be provided and planted with trees.

b. In addition to the 5% landscaping required on the private lot area, all road rights of way not utilized for pavement, curb or sidewalk shall be planted and maintained as landscaped area.

8. Canopies, awnings, and related outdoor eating facilities within the front setback and within the right of way are allowed as long as pedestrian walkways, safety, and visibility are preserved, and upon permission being granted by the City.

9. Driveways within the C1A zone may be treated as residential uses.

C. General Commercial Zone (C2): The objective in establishing the C2 zone is to provide areas wherein the general commercial activity of the city may take place.

1. **Character:** It is characterized by the commingling of commercial uses and dwellings. However, primacy is given to commercial uses within the zone. Existing structures will be allowed to continue with their designed intent such as apartments, homes, student housing, etc.

2. **Uses:** see ECC 10.20.030 Table B for list of permitted and conditional uses.

3. **Storage:** All materials and merchandise, except vehicles in running order, shall be stored in an enclosed building or within an enclosure surrounded by a solid sight obscuring fence or wall of not less than six feet in height, of a neutral color and no material or merchandise shall be stored to a height of more than the height of the enclosing fence or wall.

4. **Trash And Combustible Materials:** No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in any commercial zone. No junk, debris, abandoned or dismantled automobile or automobile parts or similar material shall be stored or allowed to remain on any lot in any commercial zone.

5. **Solid Waste Storage Facilities:** All solid waste storage facilities shall be located at the rear of the main building or else behind a sight obscuring fence or wall which will prevent the facility from being seen from a public street.

6. **Adjoining Residential lots; Fencing Requirements:** Where a commercial development adjoins any residential lot or parcel of ground in any residential zone, there shall be provided along the adjoining property line a decorative, sight obscuring fence, or any combination of fencing and landscaping which, in the opinion of the Planning Director, adequately protects the adjoining

residential property and is properly maintained.

- a. The minimum acceptable fence types shall be chain link with privacy slats that effectively obscure visibility.
- b. Privacy screens consisting of fabric or plastic or tarps shall not be permitted as acceptable forms of sight obscuring fencing.
- c. Property owners shall maintain the integrity and appearance of the fence, ensuring it remains in good condition and complies with zoning requirements.

7. Landscaping:

- a. In all commercial zones, at least 5% of the lot area shall be maintained as landscaped area. Where feasible, a landscaped area adjacent to the public street shall be provided and planted with trees.
 - b. In addition to the 5% landscaping required on the private lot area, all road rights of way not utilized for pavement, curb or sidewalk shall be planted and maintained as landscaped area.
8. Residences in the C2 zone shall conform to all requirements under the R-4 designation including rules for the keeping of animals.
9. In the case of mixed use containing both multiple residential units and commercial elements in a given development, the following standards shall apply:
- a. **Parking:** the total combined parking shall be calculated in accordance with ECC 10.20.050 Table D: Parking Requirements. The total combined parking may then be reduced by up to 25% if it can be shown that the parking demand for the commercial portion of the development will be significantly reduced after normal business hours.
 - b. **Landscaping:** the amount of required landscaping shall be based on a weighted average of commercial to residential ratios which shall vary between 5% (for a completely commercial development) to 20% (for a completely residential development) of the total land area of the development. This prorated percentage of landscaping shall be calculated by multiplying 5% (0.05) by the total commercial floor space and 20% (0.2) by the total residential floor space, then summing the two figures and dividing by the total floor space. This prorated percentage of landscaping shall then be multiplied by the total lot size to give the needed landscaping for the lot.
10. Canopies, awnings, and related outdoor eating facilities within the front setback in all commercial zones and within the right of way as long as pedestrian walkways are allowed as long as safety, and visibility are preserved, and permission granted by the City.
11. Driveways for commercial uses in the C2 Zone may be at least twenty feet wide, unless approved otherwise by the city engineer.

SECTION 3: AMENDMENT “10.16.070 Industrial Zone” of the Ephraim City Municipal Code is hereby *amended* as follows:

AMENDMENT

10.16.070 Industrial Zone

- A. **Industrial Zone (I-1):** The objective in establishing the I-1 Industrial Zone is to provide areas in appropriate locations where light manufacturing, industrial processes and warehousing not producing objectionable effects may be established, maintained and protected. Associated office and support commercial uses are allowed. The regulations of this district are designed to protect environmental quality of the district and adjacent areas. To provide areas for the promotion of new industry for the city and to accommodate basic industries which tend to increase the employment and economic base and which may market their products primarily outside of the local economy.
1. **Uses:** see ECC 10.20.030 Table B for list of permitted and conditional uses.
 2. **Excluded Uses:** animal by-products plants; blast furnaces, garbage, offal and animal reduction, incineration or processing refuse dumps, hog farm, compounding or processing of chlorine gas, acid, cement, lime, gypsum, plaster of paris, creosote, fertilizer from animal by products, propylene, rubber reduction; processing or treatment of fish; smelters and ore reduction; and similar uses which give rise to excessive or offensive odor, noise, fumes, dust, radiation or danger of explosion.
 - a. **Livestock Use:** In the Industrial zone, livestock use shall be limited to the following:
 - (1) Two large animals which include horses, cattle, goats, sheep or other animals judged by the Planning Commission to be compatible with this category of livestock for the first two-thirds acre and one additional large animal for each one-third acre thereafter. No large animals are allowed on lots less than two-thirds acre.
 - (2) No more than thirty poultry or rabbits or other small animals on any lot (30 total small animals).
 - (3) No pigs may be kept in the Industrial Zone.
 - (4) Any combination of dogs and cats, up to four (4) total such animals are allowed.
 - (5) No enclosure, pen or structure for raising of poultry, rabbits or livestock shall be located within ten feet of any dwelling or property line. (2008)
 3. **Adjoining Residential Zone; Fencing Requirements:** Where any industrial zone adjoins any residential lot in a residential zone, there shall be provided and maintained along such property line a six foot or ornamental masonry or other decorative solid fence or wall of a neutral color, and/or landscaping

which, in the opinion of the City, will adequately protect the adjoining residential property.

- a. The minimum acceptable fence type shall be chain link with privacy slats that effectively obscure visibility.
- b. Privacy screens consisting of fabric, or plastic, or tarps shall not be permitted as acceptable forms of sight obscuring fencing.
- c. Property owners shall maintain the integrity and appearance of the fence, ensuring it remains in good condition and complies with zoning requirements.

4. **Outside Parking Area; Lighting:** All outside parking area shall be lighted during the evening business hours. All lights shall be directed away from adjacent residential areas.

SECTION 4: **AMENDMENT** “10.16.040 Residential Zones” of the Ephraim City Municipal Code is hereby *amended* as follows:

AMENDMENT

10.16.040 Residential Zones

- A. **Single-family Residential Zone (R1):** Provides appropriate locations where low density residential neighborhoods may be established, maintained and protected. The regulations permit the establishment of public and semi public uses such as churches, schools, libraries, parks, and playgrounds which serve the requirements of families. The regulations are intended to prohibit those uses that would be harmful to single family neighborhoods.
- 1. **Uses:** see ECC 10.20.030 Table B for list of permitted and conditional uses.
 - a. Special regulations concerning accessory apartments: A conditional use permit for an attached accessory apartment (see definition) in the R1 zone may only be approved subject to the following minimum conditions;
 - (1) The apartment may be occupied by one family of related persons or not more than two unrelated persons.
 - (2) A minimum of two off-street parking spaces each shall be provided for the apartment and the primary residence.
 - (3) The use of the accessory apartment is conditional upon the primary residence being owner-occupied; the apartment may not be rented or occupied if the property owner is not living in the home as a primary residence.
 - (4) So long as above items are met, accessory apartments may be allowed as attached to the main house on lots at least 8.000 square feet in size.

2. **Density Regulations:** A minimum lot size of 8,000 square feet shall be required for a single family dwelling.
 3. **Minimum Floor Area:** The ground floor area of any one family dwelling shall not be less than 750 square feet exclusive of open porches, garages and carports.
 - a. The Land Use Authority may grant exceptions for studio and accessory apartments smaller than 750 Square feet. Primary dwelling residences smaller than 750 Square feet are allowed by Conditional Use Permit, with special considerations taking into account the character of the surrounding neighborhood.
 4. **Animals:** Any combination of dogs and cats, up to four (4) total such animals are allowed, and no more than twenty poultry or rabbits on any lot (20 total small animals) may be kept; provided, that:
 - a. the animals must be set back no less than ten feet from all property lines;
 - b. the animals are kept in rear yard areas; and
 - c. the animals are kept within a solid fenced area or building to establish visual and auditory screening.
 - d. No pigs may be kept in the R1 Zone.
 5. **Minimum Green Space or Landscaping:** a minimum of 20 percent of lot area shall be maintained in open green space or landscaped area.
- B. Single-family Residential Zone (R1A):** Provides appropriate locations where low density residential neighborhoods may be established, maintained and protected. The regulations permit the establishment, with proper controls, of public and semi public uses such as churches, schools, libraries, parks, and playgrounds which serve the requirements of families. The regulations are intended to prohibit those uses that would be harmful to a single family neighborhood and the historic nature of the area.
1. **Uses:** see ECC 10.20.030 Table B for list of permitted and conditional uses.
 - a. **Special Regulations Concerning Accessory Apartments:** A conditional use permit for an accessory apartment in the R1A zone may only be approved subject to the following minimum conditions;
 - (1) The apartment may be occupied by one family of related persons or not more than two unrelated persons.
 - (2) A minimum of two off-street parking spaces each shall be provided for the apartment and the primary residence.
 - (3) The use of the accessory apartment is conditional upon the primary residence being owner-occupied; the apartment may not be rented or occupied if the property owner is not living in the home as a primary residence.
 - (4) So long as above items are met, accessory apartments may be allowed as attached to the main house on lots at least 8,000 square feet in size.
 2. **Density Regulations:** A minimum lot size of 8,000 square feet shall be required for a single family dwelling.
 3. **Minimum Floor Area:** The ground floor area of any one family dwelling

shall not be less than 750 square feet exclusive of open porches, garages and carports.

- a. The Land Use Authority may grant exceptions for studio and accessory apartments smaller than 750 Square feet. Primary dwelling residences smaller than 750 Square feet are allowed by Conditional Use Permit, with special considerations taking into account the character of the surrounding neighborhood.

4. **Animals:** Any combination of dogs and cats, up to four (4) total such animals, and no more than twenty poultry or rabbits (on any lot (20 total small animals) may be kept; provided, that:

- a. the animals must be set back no less than ten feet from all property lines;
- b. the animals are kept in rear yard areas; and
- c. the animals are kept within a solid fenced area or building to establish visual and auditory screening.
- d. No pigs may be kept in the R1A Zone.

5. **Minimum Green Space or Landscaping:** a minimum of 20 percent of lot area shall be maintained in open green space or landscaped area.

C. **Two-family Residential Zone (R2):** Provides appropriate locations where medium density residential neighborhoods on lots of not less than 8,000 square feet may be established, maintained and protected. The regulations also permit the establishment of, with proper controls, the public and semi public uses such as churches, schools, libraries, parks and playgrounds, etc., which serve the requirements of families. The regulations are intended to prohibit those uses that would be harmful to a medium density residential neighborhood.

1. **Uses:** see ECC 10.20.030 Table B for list of permitted and conditional uses.

2. **Special Regulations Concerning Accessory Apartments:** A conditional use permit for an attached accessory apartment (see definition) in the R2 zone may only be approved subject to the following minimum conditions;

- a. The apartment may be occupied by one family of related persons or not more than two unrelated persons.
- b. A minimum of two off-street parking spaces each shall be provided for the apartment and the primary residence.
- c. The use of the accessory apartment is conditional upon the primary residence being owner-occupied; the apartment may not be rented or occupied if the property owner is not living in the home as a primary residence.
- d. So long as above items are met, accessory apartments may be allowed as attached to the main house on lots at least 8,000 square feet in size.

3. **Density Regulations:** A minimum lot size of 8,000 square feet shall be required for a single family dwelling or the first unit of a multiple family dwelling. Additional units may be added according to the following schedule:

Units	Lot size required (in square feet)

First unit	8,000
Second unit	2,000 additional
Additional units	none allowed

4. **Minimum Floor Area:** The ground floor area of any one-family dwelling shall not be less than 750 square feet and 650 square feet for each additional dwelling unit.
 - a. The Land Use Authority may grant exceptions for studio and accessory apartments smaller than 750 Square feet. Primary dwelling residences smaller than 750 Square feet are allowed by Conditional Use Permit, with special considerations taking into account the character of the surrounding neighborhood.
 5. **Animals:** Any combination of dogs and cats, up to four (4) total such animals and no more than twenty poultry or rabbits on any lot (20 total small animals) may be kept; provided, that:
 - a. the animals must be set back no less than ten feet from all property lines;
 - b. the animals are kept in rear yard areas; and
 - c. the animals are kept within a solid fenced area or building to establish visual and auditory screening.
 - d. No pigs may be kept in the R2 Zone.
 6. **Minimum Green Space Or Landscaping:** A minimum of 20% of the lot area shall be maintained in open green space or landscaped area.
 7. **Adjoining a Residential Zone Fencing Requirements:** where a multi-family or multi-unit development adjoins any lot or parcel of ground in any residential zone, there shall be provided along the adjoining property line a decorative, sight-obscuring fence or any combination of fencing and landscaping which, in the opinion of the Planning Director, adequately protects the adjoining residential property and is properly maintained. (2006) Where no existing trees are present along the boundary of the development, the Planning Commission may require that approved trees and/or other appropriate sight obscuring measures be incorporated into the necessary landscaping. See also fencing requirements, ECC 10.12.040.
 - a. The minimum acceptable fence type shall be chain link with privacy slats that effectively obscure visibility.
 - b. Privacy screens consisting of fabric, or plastic, or tarps shall not be permitted as acceptable forms of sight obscuring fencing.
 - c. Property owners shall maintain the integrity and appearance of the fence, ensuring it remains in good condition and complies with zoning requirements.
- D. **Medium Density Residential Zone (R3):** Provides appropriate locations where medium to high density residential neighborhoods on lots of not less than 6,000 square feet may be established, maintained and protected. The regulations also permit the

establishment of, with proper controls, the public and semi public uses such as churches, schools, libraries, parks and playgrounds, etc., which serve the requirements of families. The regulations are intended to prohibit those uses that would be harmful to a medium to high density residential neighborhood.

1. **Uses:** see ECC 10.20.030 Table B for list of permitted and conditional uses.
2. **Special Regulations Concerning Accessory Apartments:** A conditional use permit for an attached accessory apartment (see definition) in the R3 zone may only be approved subject to the following minimum conditions;
 - a. The apartment may be occupied by one family of related persons or not more than two unrelated persons.
 - b. A minimum of two off-street parking spaces each shall be provided for the apartment and the primary residence.
 - c. The use of the accessory apartment is conditional upon the primary residence being owner-occupied; the apartment may not be rented or occupied if the property owner is not living in the home as a primary residence.
 - d. So long as above items are met, accessory apartments may be allowed as attached to the main house on lots at least 6,000 square feet in size.
3. **Density Regulations:** A minimum lot size of 6,000 square feet shall be required for a single family dwelling or the first unit of a multiple family dwelling. Additional units may be added according to the following schedule:

Units	Lot size required (in square feet)
First unit	6,000
Second unit	2,000 additional
Third unit	2,000 additional
Fourth unit	2,000 additional
Additional units	none allowed

4. **Minimum Floor Area:** The ground floor area of any one family dwelling shall not be less than 750 square feet and 650 square feet for each additional dwelling unit.
 - a. The Land Use Authority may grant exceptions for studio and accessory apartments smaller than 750 Square feet. Primary dwelling residences smaller than 750 Square feet are allowed by Conditional Use Permit, with special considerations taking into account the character of the surrounding neighborhood.
5. **Animals:** Any combination of dogs and cats, up to four (4) total such animals are allowed, and no more than twenty poultry or rabbits on any lot (20 total small animals) may be kept; provided, that:
 - a. the animals must be set back no less than ten feet from all property lines;

- b. the animals are kept in rear yard areas; and
 - c. the animals are kept within a solid fenced area or building to establish visual and auditory screening.
 - d. No pigs may be kept in the R3 Zone.
- 6. **Minimum Green Space Or Landscaping:** A minimum of 20% of the lot area shall be maintained in open green space or landscaped area.
- 7. **Adjoining a Residential Zone Fencing Requirements:** where a multi-family or multi-unit development adjoins any lot or parcel of ground in any residential zone, there shall be provided along the adjoining property line a decorative, sight-obscuring fence, or any combination of fencing and landscaping which, in the opinion of the Planning Director, adequately protects the adjoining residential property and is properly maintained. (2006) Where no existing trees are present along the boundary of the development, the Planning Commission may require that approved trees and/or other appropriate sight obscuring measures be incorporated into the necessary landscaping. See also fencing requirements, ECC 10.12.040.
 - a. The minimum acceptable fence type shall be chain link with privacy slats that effectively obscure visibility.
 - b. Privacy screens consisting of fabric, or plastic, or tarps shall not be permitted as acceptable forms of sight obscuring fencing.
 - c. Property owners shall maintain the integrity and appearance of the fence, ensuring it remains in good condition and complies with zoning requirements.
- E. **High Density Residential Zone (R4):** Provides appropriate locations where medium to high density residential neighborhoods on lots of not less than 6,000 square feet may be established, maintained and protected. The regulations also permit the establishment of, with proper controls, the public and semi public uses such as churches, schools, libraries, parks and playgrounds, etc., which serve the requirements of families. The regulations are intended to prohibit those uses that would be harmful to a medium to high density residential neighborhood.
 - 1. **Uses:** see ECC 10.20.030 Table B for list of permitted and conditional uses.
 - 2. **Special Regulations Concerning Accessory Apartments:** A conditional use permit for an attached accessory apartment (see definition) in the R4 zone may only be approved subject to the following minimum conditions;
 - a. The apartment may be occupied by one family of related persons or not more than four unrelated persons.
 - b. A minimum of two off-street parking spaces each shall be provided for the apartment and the primary residence.
 - c. The use of the accessory apartment is conditional upon the primary residence being owner-occupied; the apartment may not be rented or occupied if the property owner is not living in the home as a primary residence.
 - d. So long as above items are met, accessory apartments may be allowed as attached to the main house on lots at least 6.000 square feet in size.

3. **Density Regulations:** A minimum lot size of six thousand (6,000) square feet shall be required for a single-family dwelling or the first unit of a multiple-family dwelling. Additional units may be added according to the following schedule:

Units	Lot Size Required (In Square Feet)
First unit	6,000
1-8 additional units	2,000 per unit
9+ additional units	1,500 per unit

4. **Minimum Floor Area:** The ground floor area of any one family dwelling shall not be less than 750 square feet and 650 square feet for each additional dwelling unit.
- The Land Use Authority may grant exceptions for studio and accessory apartments smaller than 750 Square feet. Primary dwelling residences smaller than 750 Square feet are allowed by Conditional Use Permit, with special considerations taking into account the character of the surrounding neighborhood.
5. **Animals:** Any combination of dogs and cats, up to four (4) total such animals and no more than twenty poultry or rabbits on any lot (20 total small animals) may be kept; provided, that:
- the animals must be set back no less than ten feet from all property lines;
 - the animals are kept in rear yard areas; and
 - the animals are kept within a solid fenced area or building to establish visual and auditory screening.
 - No pigs may be kept in the R4 Zone.
6. **Minimum Green Space Or Landscaping:** A minimum of 20% of the lot area shall be maintained in open green space or landscaped area.
7. **Adjoining a Residential Zone Fencing Requirements:** Where a multi-family or multi-unit development adjoins any lot or parcel of ground in any residential zone, there shall be provided along the adjoining property line a decorative, sight-obscuring fence or any combination of fencing and landscaping which, in the opinion of the Planning Director, adequately protects the adjoining residential property and is properly maintained. (2006) Where no existing trees are present along the boundary of the development, the Planning Commission may require that approved trees and/or other appropriate sight obscuring measures be incorporated into the necessary landscaping. See also fencing requirements, ECC 10.12.040.
- The minimum acceptable fence type shall be chain link with privacy slats that effectively obscure visibility.
 - Privacy screens consisting of fabric, or plastic, or tarps, shall not be permitted as acceptable forms of sight obscuring fencing.

- c. Property owners shall maintain the integrity and appearance of the fence, ensuring it remains in good condition and complies with zoning requirements.

PASSED AND ADOPTED BY THE EPHRAIM CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Nordfelt	_____	_____	_____	_____
Councilmember Parry	_____	_____	_____	_____
Councilmember Beal	_____	_____	_____	_____
Councilmember Anderson	_____	_____	_____	_____
Councilmember Stevens	_____	_____	_____	_____

Presiding Officer

Attest

John Scott, Mayor, Ephraim City

Candice Maudsley, Recorder,
Ephraim City

COUNCIL MEMBERS

Margie Anderson
Dennis Nordfelt
Lloyd Stevens
Chad Parry
Anthony Beal

MANAGER-

Katie Witt

COMMUNITY DEVELOPMENT

DIRECTOR/ENGINEER

Bryan Kimball

RECORDER

Candice Maudsley

EPHRAIM CITY CORPORATION

JOHN SCOTT, MAYOR

5 South Main, Ephraim, Utah 84627



CITY PLANNER

Megan Spurling

TREASURER

Verena Critser

FINANCE DIRECTOR

Jon Knudsen

PUBLIC SAFETY DIRECTOR

Colby Zeeman

POWER DIRECTOR

Cory Daniels

PUBLIC WORKS DIRECTOR

Jeff Jensen

MEMORANDUM

To: Ephraim City Council

From: Megan Spurling, City Planner

Re: General Plan Amendment for the rezone of the parcel designated for the new Public Works Building.

Purpose

This memorandum is submitted to the City Council to request approval for a General Plan Amendment to accommodate the construction of a new Public Works building. The proposed amendment will modify the land use designations for a parcel that is currently divided into two zones: Industrial and Residential Agriculture (RA).

Background

The parcel in question, located at 260 S 400 W, is currently designated as a combination of Industrial and Residential Agriculture (RA) zones. The future land use map of the General Plan designates the RA portion of the parcel for Medium Density Residential (R3) use. This future land use map does not align with the current and future intended use of the parcel, as the area is being considered for the construction of a new Public Works building. To facilitate this project, the zoning must be adjusted to allow for the industrial use across the entire parcel.

Proposed Amendment

Staff recommends amending the General Plan to rezone the RA portion of the parcel to an Industrial designation, consistent with the existing zoning of the other half of the parcel. This

change will allow for the full development of the parcel as a suitable location for the proposed Public Works building.

Reason for Amendment

The construction of a new Public Works building is a critical component of the city's infrastructure improvements and long-term planning. The Industrial zoning designation will provide the necessary flexibility for the development of this building, which will serve as a central hub for Public Works operations, including storage, maintenance, and equipment management.

In addition, the proposed General Plan Amendment will:

Ensure that the parcel is properly zoned to accommodate the intended use.

Align the future land use map with the city's current infrastructure needs.

Provide for a more efficient and effective development process for the Public Works building.

Conclusion

Staff recommends that the City Council approve the proposed General Plan Amendment to rezone the Residential Agriculture (RA) portion of the subject parcel to Industrial. This change is necessary to facilitate the development of the new Public Works building and ensure that the city's infrastructure needs are met.



STAFF REPORT

To: Ephraim City Council
From: Megan Spurling, City Planner
Date of Meeting: November 20, 2024
Type of Item: Ephraim Public Works Yard Rezone
Process: Legislative Review

RECOMMENDATION: Staff and the Ephraim City Planning Commission has reviewed the application for compliance with all standards in the Ephraim City Municipal Code and found that it meets the minimum required for approval. Accordingly, staff and the Planning Commission recommends that the Ephraim City Council review the proposed Amendment to the Ephraim City Zoning Map and recommend approval or denial of the amendment.

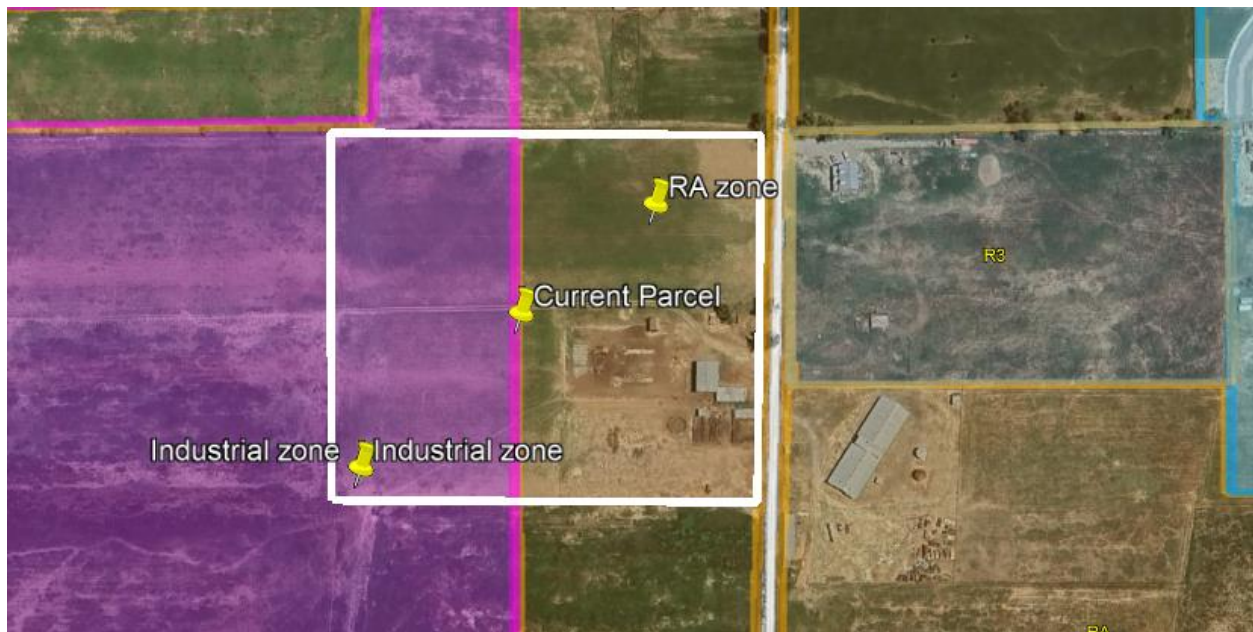
Project Description

Project Name: Ephraim Public Works Yard Rezone
Applicant(s): Ephraim City
Property Owner(s): Ephraim City
Location: Approximately 260 S 400 W
Zone District: Residential Agriculture (RA) and Industrial (I)
Parcel Number: S-778
Type of Process: Legislative
Final Land Use Authority: City Council

Proposal

The applicant seeks to amend the Ephraim City Zoning Map for Assessor's Parcel S-788, which encompasses 6.50 acres. Currently, this parcel is designated within both the Residential Agriculture (RA) and Industrial (I) zoning districts. The applicant proposes to rezone the entire property to Industrial (I) zoning to facilitate the construction of a new Ephraim City Public Works yard.

Current Zoning Map



Proposed Amendment



Analysis and Findings

The City Council may recommend approval, approval with conditions, or denial of the proposed map amendment to the City Council.

Section 10.04.060 of the Ephraim City Code provides the standards which should be met to amend the zoning map.

Standard 1: The City Council shall hold a Public Hearing that has been properly noticed.
COMPLIES

Analysis: This item has been properly noticed as a public hearing and notice of the hearing was mailed to all adjacent property owners.

Standard 2: If changing property from one zone to another, when considering any amendments to the Land Use Ordinance, the City Council shall ensure compliance with the Land Use Classification Map found in the General Plan. **COMPLIES WITH AMENMENT TO THE GENERAL PLAN.**

Analysis: The future land use map shows this land as “Future Medium Density Residential”. The proposal to amend the Zoning Map to include this area within the Industrial (I) zoning district is consistent with the goals and objectives of the Ephraim General Plan.

For informational purposes, Staff has added a use chart analysis as Exhibit A to this report. While allowed and permitted uses are not a specific standard to be used in determining whether an amendment to the Zoning Map is appropriate in a location, Staff is including the information so that the Planning Commission and members of the public may fully understand the potential use changes that amending the Zoning Map would entail.

Recommendation

Staff and the Ephraim City Planning Commission recommends that the Council consider the issues outlined in this report regarding the proposed Zoning Map Amendment and vote to recommend approval or denial of the proposed amendment based upon the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. Ephraim City is listed as the fee title owner of record for Parcel S-778.
2. The Parcel S-778 is located at approximately 260 S 400 W
3. Parcel S-778 is currently zoned Residential Agriculture (RA) and Industrial (I)
4. The applicant proposes an Amendment to the Ephraim City Zoning Map to change the zoning of Parcel S-778 to Medium Density Industrial (I) to make the parcel one zone.
5. The Ephraim City Planning and Zoning Commission will held a public hearing regarding the proposed amendment on November 13 ,2024.
6. The Ephraim City Future Land Use Map labels Parcel S-778 as “Future Medium Density Residential”. As such a General Plan Amendment has also been requested.
7. The parcel S-778 is approximately 6.50 acres.
8. The applicant is proposing to build the new Ephraim City Public Works Yard.

Conclusions of Law

1. Based upon the findings of fact listed above, the proposed Amendment to the Ephraim City Zoning Map complies with the standards as described in the Ephraim City Municipal Code.

Attachments:

Exhibit A – Use Chart Comparison for RA and Industrial Zoning Districts.

Exhibit A

The following selection from the Ephraim City Land Use Matrix shows the current zone and the proposed zone for the subject property. The table only displays instances where the zoning differs for specific uses. Should the Amendment to the Ephraim City Zoning Map be approved by the Ephraim City Council, the uses listed below in the Industrial column would be available as uses on the subject property. Uses shown in the RA column would no longer be available as uses on the subject property.

For the complete Land Use Matrix including all uses for all zoning districts please visit <https://ephraim.municipalcodeonline.com/book?type=ordinances#name=10.20.030> Table B: Land Use Matrix

Table B: Land Use Matrix

P= Permitted, C= Permitted by Conditional Use, Blank=Not Allowed

Use	Agricultural	Industrial
Automatic car wash		P
Automobile or recreation vehicle sales, service, lease, rental and repair, new or used		P
Automobile service station		P
Awning sales/repair		P
Bakery, retail sales		P
Barber shop		P
Bath and massage (not part of medical or health spa)		P
Beauty shop		P
Beauty shop for pets, dog grooming		P
Bed and Breakfast (2006)	C	
Blacksmith shop		P
Body and fender shop; tire recapping; motor vehicle, bicycle, and recreation vehicle assembling, painting, upholstering and rebuilding		P
Boiler works		P
Bookbinding		P

Bookstore		P
Bottling works		P
Breweries		C
Building material sales yard, outside, with sale of rock, sand, gravel and the like as an incidental part of the main business, but excluding concrete mixing		P
Building material sales in an enclosed building		P
Café, cafeteria, catering establishment, restaurant (not a drive-thru)		C
Candy, confectionery, nut shop		P
Carbonated and purified water sales		P
Carpet and/or rug cleaning		P
Cell Phone Towers – see Radio, TV and Cell Towers	C	P
Cemetery	P	
Central mixing plant, related to construction industry for cement, mortar, plaster, or paving materials		C
Child day care or nursery	C	
China and/or silver shop		P
Church	C	
Clothes cleaning, dyeing, pressing, dry cleaners		P
Clothing store		P
Coal/fuel sales office		P
Commercial Storage Units		P
Construction of buildings to be sold and moved off the premise		P
Convenience store with gasoline sales		P
Copy store, blueprinting, Photostatting, duplicating		P
Dairy	C	P
Dance Clubs/Hall (2006)		C
Dance Studio (2006)		P
Delicatessen		P
Department store		P
Dramatics school	C	P

Drapery-curtain store		P
Dressmaking		P
Drive-ins; refreshment stand, eating place		P
Drugstore		P
Dry goods store		P
Dude ranch, family vacation ranch	C	
Dwelling, Accessory Apartment (see definition)	C	
Dwelling, single-family	P	
Egg candling, sales, or processing	C	P
Electrical, appliances and fixtures, electronic instruments sales, repair and/or service		P
Employment agency or employment office		P
Fix-it shop, repair shop, for household items		P
Flooring, carpet repair and sales		P
Florist shop	C	P
Food processing or packaging		P
Forest industry, such as a saw mill, wood products plant, etc.		P
Foundry		P
Frozen food lockers		P
Fruit/fruit juice store		P
Furniture sales, and/or repair		P
Garage Repair Shops (see definition)		P
Gift shop; hobby or crafts shop		P
Golf Course	P	
Greenhouse, nursery; plant materials; soil & lawn service	C	P
Grocery; meat sales		P
Group Homes, to include youth care facilities, rehabilitation and treatment centers. (as per state and federal laws)	P	
Gunsmith		P
Hardware store, not including the sale of lumber		P
Hatchery	C	P

Health Club/Spa/Gym		P
Heating, ventilating, air conditioning; equipment (HVAC), sales/repair		P
Honey extraction	C	P
Hospital supplies		P
Hospital; medical or dental clinic		C
Hotel, motel, inn		C
Household cleaning/repair, house equipment displays		P
Ice cream shop		C
Ice manufacture, storage, and sales		P
Ice cream making, and/or candy making		P
Incinerator, excluding hazardous materials		C
Indoor auto parts sales		P
Insulation sales, manufacturing, installation and service		P
Interior decorating store		P
Jewelry store		P
Kennel	C	P
Knitting mill		P
Laboratories		P
Laundry, automatic self-help		P
Laundry agency		P
Leather goods		P
Linen shop		P
Liquor and beer sales; places for drinking liquor or beer		C
Lithographing, including engraving, photo engraving		P
Luggage sales		P
Machine shop/Manufacturing		P
Manufactured home sales and storage		P
Manufacturing (Heavy)		C
Manufacturing (Light)		P
Medical/dental clinic, and related laboratories		P

Milk distributing station; sale of dairy products, excluding processing/bottling	C	P
Mobile lunch service		P
Monument sales, retail		P
Mortuary		C
Motion picture studio		P
Motorboat sales		P
Music store		P
Office, business or professional		P
Office, Low Impact Business or Professional (see definition)		P
Office, supply; office machines sales, repair		P
Oil burner shop		C
Optometrist; oculist		
Ornamental iron manufacturing and sales		P
Package agency		P
Painter/paint store		P
Pest extermination and control office		P
Pet shop		P
Photographer or photography shop, sales and service		P
Planeing mill		P
Plumbing shop		P
Popcorn and/or nut shop		P
Printing, including engraving, photo engraving		P
Private educational institution having a curriculum similar to that ordinarily given in public schools	C	P
Public owned parks and recreational facilities	P	C
Radio and television station		P
Radio, Television, and Cell phone towers (2006)	C	P
Radio and television sales and repair		P
Reception center and/or wedding chapel		P

Recreation vehicles, rentals, leases, sales and service, outdoor and indoor		P
Residences for persons with a disability (see Utah Code § 10-9a-5120)	P	
Restaurant supply		P
Retail buildings: less than 20,000 square feet in total floor space		P
Retail Buildings: floor space greater than or equal to 20,000 square feet		C
Roofing sales		P
Sandblasting		P
Saw mill		P
Second-hand shop, antiques, conducted within a building or enclosure		P
Seed/feed store	C	P
Sewing machine shop		P
Sexually oriented businesses		C
Shoe shop; shoeshine; shoe repair		P
Sign shop, sign painting shop		P
Solar Farms: (Utility Scale Power Generation)		C
State store		C
Stationary and greeting card sales		P
Storage, placement, keeping, locating, parking, maintaining, and keeping of agricultural equipment		P
Storage, placement, keeping, locating, parking, maintaining, keeping of commercial, construction, military surplus, or specialized equipment		P
Tailor shop		P
Taxidermist	C	P

Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work	C	P
Tire shop, sales and repair		P
Tire, recycling into fuels and useable products		C
Tire retreading, or vulcanizing		C
Tobacco shop		C
Towel and linen supply service		P
Travel bureau		P
Treatment of materials from sand and grease interceptors, resulting in inert materials		C
Truck wash		P
Truck and heavy equipment service station and repair facility		P
Upholstering, including mattress manufacture rebuilding or renovating		P
Upholstery shop		P
Veterinary	C	P
Wallpaper store		P
Weaving		P
Welding shop		P
Wholesale business		P
Windmills (self standing towers) (not including windmills integrated into typical building equipment and/or accessories)		P