



**EPHRAIM CITY COUNCIL  
WORK MEETING AGENDA  
Council Chambers – Ephraim City Hall  
5 South Main, Ephraim, Utah  
Wednesday, April 28, 2021  
5:00 PM**

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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 with Zoom.

To participate in the public comment period or any scheduled public hearings, please email [leighann.warnock@ephraimcity.org](mailto:leighann.warnock@ephraimcity.org) before 3:00 PM on the day of the meeting.

Join Zoom Meeting 5:30 P.M.

<https://us02web.zoom.us/j/87510309710?pwd=RpENWppZVRpVlYwcEdya2FIOTFLUT09>

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**5:00 PM: COUNCIL TOUR OF THE CITY**

**5:30 PM: WORK MEETING**

**CALL TO ORDER**

**ROLL CALL**

**I. DISCUSSION AGENDA**

**A. 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 27<sup>th</sup> day of April, 2021. A copy was also provided to the local media and posted on the Utah State website.

LEIGH ANN WARNOCK  
EPHRAIM CITY RECORDER





**EPHRAIM CITY COUNCIL  
REGULAR MEETING AGENDA**  
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## **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.

## **ROLL CALL**

### **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.



| <b>I. PUBLIC HEARINGS AND RELATED ITEMS</b>                                                                                                                                                                      | <b>PAGE</b> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| <b>A. Public Hearing for the purpose of receiving public comment regarding the imposition of a Wastewater Impact Fee and providing for the calculation and collection of such fee.</b>                           |             |
| 1. Adoption of ECO 21-02 adopting an impact fee facilities plan, impact fee analysis and an impact fee enactment that imposes a Wastewater Impact Fee.                                                           | <b>16</b>   |
| <b>B. Public Hearing for the purpose of receiving public comment regarding the imposition of a Culinary Water Impact Fee and providing for the calculation and collection of such fee.</b>                       |             |
| 1. Adoption of ECO 21-03 adopting an impact fee facilities plan, impact fee analysis and an impact fee enactment that imposes a Culinary Water Impact Fee.                                                       | <b>22</b>   |
| <b>C. Public Hearing for the purpose of receiving public comment regarding the imposition of a Road Impact Fee and providing for the calculation and collection of such fee.</b>                                 |             |
| 1. Adoption of ECO 21-04 adopting an impact fee facilities plan, impact fee analysis and an impact fee enactment that imposes a Roads Impact Fee.                                                                | <b>28</b>   |
| <b>D. Public Hearing for the purpose of receiving public comment regarding the imposition of a Parks and Recreational Impact Fee and providing for the calculation and collection of such fee.</b>               |             |
| 1. Adoption of ECO 21-05 adopting an impact fee facilities plan, impact fee analysis and an impact fee enactment that imposes a Parks and Recreational Impact Fee.                                               | <b>34</b>   |
| <b>II. MOTION AGENDA</b>                                                                                                                                                                                         |             |
| <b>A. Ratification of the previously approved April 19, 2021 Warrant Register</b>                                                                                                                                |             |
| <b>B. Approval of the Minutes of the following City Council Meetings:</b>                                                                                                                                        |             |
| 1. April 4, 2021 Work Meeting and Regular Council Meeting.                                                                                                                                                       | <b>5</b>    |
| <b>C. Granary Arts</b><br>Presentation and approval of Granary Arts Flag.                                                                                                                                        |             |
| <b>D. Conditional Use Permit: Wesley Thompson</b><br>Review of a 6-unit multifamily development on property located at approximately 400 East 200 South in the R4 zone.                                          | <b>40</b>   |
| <b>E. The Estates at Ephraim Crossing Phase II Subdivision: Camino Verde Group</b><br>Review of The Estates at Ephraim Crossing Phase II Subdivision, consisting of 14 lots at approximately 250 West 400 South. |             |



## **F. Donation Request: Manti Trail Builder's Association**

### **III. Appointments and Council Reports**

Discussion and possible action on the following items:

#### **A. Appointments**

#### **B. Council Reports**

1. City Council may report on meetings/events attended and issues discussed in meetings/events attended by a Councilmember in their official capacity as the City's representative.
2. City Council questions regarding the update must be limited solely for clarification purposes. If further discussion is warranted, the issue will be added to a future agenda for a detailed briefing.
3. City Council report of upcoming meetings.
4. City Council request for agenda items to be placed on future Council Meeting agendas.

### **IV. Department Reports**

Department Heads and Administration have an opportunity to report.

### **V. City Manager Report**

This is the City Manager's opportunity to give notice to the City Council of current events impacting the City. Comments are intended to be informational only and no discussion, deliberation or decision will occur on this item.

### **VI. Closed Session**

The Council may vote to discuss certain matters in Closed Session pursuant to Utah Code annotated 52-4-5 and will determine if any action should be taken from items discussed during the Closed Session at that time.

## **ADJOURNMENT**

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.

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LEIGH ANN WARNOCK,  
EPHRAIM CITY RECORDER



**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
 CITY COUNCIL CHAMBERS, EPHRAIM CITY HALL  
 5 SOUTH MAIN, EPHRAIM, UTAH  
**WEDNESDAY, APRIL 7, 2021**  
**6:00 PM**

**CALL TO ORDER**

The Ephraim City Council convened in a Regular City Council Meeting on Wednesday, April 7, 2021, in the City Council Room. Mayor Scott called the meeting to order at 6:08 p.m.

**OPENING CEREMONY**

Rajan Zed, President, Universal Society of Hinduism offered an invocation. Councilmember Alder led the audience in the Pledge of Allegiance.

**ROLL CALL**

**MEMBERS PRESENT**

John Scott, Mayor  
 Margie Anderson, Mayor Pro Tem  
 Tyler Alder  
 Alma Lund  
 Lloyd Stevens  
 Richard Wheeler

**STAFF PRESENT**

Shaun Kjar, City Manager  
 Brian Page, City Attorney  
 Leigh Ann Warnock, City Recorder  
 Bryan Kimball, Community Dev.  
 Devan Fowles, Planner  
 Steve Widmer, Financial Director  
 Jeff Jensen, Public Works Director  
 Cory Daniels, Power Director  
 Aaron Broomhead, Public Safety  
 Michael Patton, Rec Director

**PUBLIC COMMENT**

Jonathon Bodrero thanked the Council for their generous monetary support of the Easter Egg Hunt held last weekend at the ballfields. The majority of the public followed COVID restrictions. He gave a shout-out to the Scout Troop and the Ephraim Youth City Council for helping at the event. Councilmember Anderson read aloud a thank you card from the Lions Club.

## **PRESENTATIONS**

### **RECOGNITION OF SERVICE: JEREMY HALLOWS**

Mayor Scott recognized Jeremy Hallows for his many, many years of service as part of the Manti/Ephraim Airport Board. He commented Jeremy was the one who established the annual Fly-in at the airport. He has been the board chair for several years. Jeremy expressed his appreciation of the opportunity to serve the community and encouraged continued Council support for the airport which is an economic boon for the community.

## **APPROVAL OF WARRANT REGISTER**

The Council reviewed the Warrant Register of April 5, 2021.

***Councilmember Alder moved to approve the April 5, 2021 Warrant Register as presented. The motion was seconded by Councilmember Stevens. The vote was unanimous. The motion carried.***

## **APPROVAL OF MINUTES**

The Council reviewed the minutes of the January 23, 2021 Annual Council Planning Meeting and the March 17, 2021 Work Meeting and Regular City Council Meetings.

***Councilmember Anderson moved to approve the January 23, 2021 Annual Council Planning Meeting and the March 17, 2021 Council Work Meeting and Regular City Council Meeting Minutes as presented. The motion was seconded by Councilmember Wheeler. The vote was unanimous. The motion carried.***

## **LAND USE MAP AMENDMENTS/GENERAL PLAN AMENDMENT: LINDSEY FIELD**

Lindsey Field has petitioned to amend the Ephraim City Land Use Map by rezoning property located at 44 West Center Street from Single-Family Residential Zone (R1A) to Central Business District Commercial Zone (C1).

She has also petitioned to amend the Land Use Map to rezone property located at 64 West Center Street from single-family Residential (R1A) to High Density Residential (R4), and to amend the Ephraim City General Plan for this property from Medium Density Residential (MDR) to High Density Residential (HDR).

City Planner Devan Fowles explained the discussion would include all three petitions but would require separate motions. The Land Use amendments refer to the current zoning. He clarified that approving the first two over 64 W. Center and then denying the last one over 44 W. Center would create an island, which is frowned upon by the State. Manti Telephone, whose property is located adjacent to the Field property, has agreed to rezone to Commercial so an island is not created. The existing commercial zone would be extended over the 44 W. Center property allowing for commercial use and up to High-Density Residential. The property owners of 64 W. Center are applying to have the General plan amended from Medium-Density Residential (MDR) to High-Density Residential (HDR) and the zone changed from Single-Family Residential (R1A) to High-Density Residential (R4) over their property and they are applying to change the zoning over the 44 W. Center property from Single-Family Residential

(R1A) to Commercial (C1). In order to have the 64 West Center property changed to R4, the General Plan must be amended to High-Density Residential zone. Currently the Medium-Density Residential General Plan zone allows for use up to an R3, but residents would like the opportunity to maximize their density if they so choose. R1A is Residential Single-Family Historic Zone. After conducting research regarding Historical Zones, it was found that approximately 25 years ago, an Historical zone was created in Ephraim with the intent to protect buildings of an historic nature. No ordinances were passed at that time to make the intent enforceable. The language used at the time is nebulous or restrictive, now forcing the City to deal with the repercussions. The initial designation included the part of Main Street housing the Bishop's Storehouse, Co-op, and Granary. It is speculated the Historic Zone was meant to continue around that intersection to include the strip from 50 W to 100 W, but no one knows for sure. Not many historic buildings have been preserved in the area. It is difficult to make a determination based on historical reasons. The Planning Commission determined that as the applicant was hoping for a Commercial Zone, they asked them to come back with a proposal for R4. They complied, and the Board then recommended approval by the Council.

Lindsey Field was present to provide a bit of history of what they went through with the Planning Commission and to give the Council a clearer understanding of what they would like to do with the property. They reside at 64 W Center Street, across the street from Hermansen's. They typically don't mind the extra traffic, but often semi-trucks will park in front of their home to unload. Their home is also next door to the telephone company, and their backyard is the Senior Center. She produced pictures showing semi-trucks blocking their home and said they had lived with this for the past 20 years.

In preparation for the proposed zone change, neighbors were contacted and only one neighbor to the west was not supportive of the zone change. They are surrounded by commercial, but because of opposition of the neighbor, they compromised by petitioning for R4 rather than Commercial. The Planning Commission had explained to them that steps in zoning from high-density Residential to commercial was preferable to a jump from low-density Residential to Commercial.

Denny Parry commented he is the neighbor who lives west of the Fields' and were against the R4. He said R3 would have been a better solution for them, but they understand Lindsey's concerns and will not argue. Their house is historic but not registered. The telephone company building is also historic. Mr. Parry felt the Planning Commission should change the Historical Zone if there will be buildings that are not historic.

***Councilmember Wheeler moved to approve an amendment to the Land Use Map by rezoning property located at 44 W Center Street from Single-Family Residential (R1A) to Central Business District Commercial Zone (C1). The motion was seconded by Councilmember Lund. The vote was unanimous. The motion carried.***

***Councilmember Anderson moved to approve an amendment to the General Plan on property located at 64 West Center Street from Medium Density Residential (MDR) to High Density Residential (HDR). The motion was seconded by Councilmember Wheeler. The vote was unanimous. The motion carried.***

***Councilmember Stevens moved to approve an amendment to the Land Use Map to rezone property located at 64 W Center Street from Single-Family Residential (R1A) to High Density Residential (RA). The motion was seconded by Councilmember Wheeler. The vote was unanimous. The motion carried.***

#### **CONDITIONAL USE PERMIT: ADVANCED PROPERTIES**

Devan Fowles stated that Shawn Layton had gone through a zone change a couple of weeks ago to have the Commercial Zone extend over their property for higher density. They are now applying for 5 four-plexes, for a total of 20 multi-family units. All buildings would be required to go through the check list items for a Conditional Use Permit. The property is inside City limits.

Shawn Layton, a local builder from Manti, addressed the Council and said he had been building housing in Ephraim for 10 years. He would very much like to provide quality, affordable housing in the city. His plan includes three-bedroom townhomes with garages. Mayor Scott commented townhomes are becoming more and more the starter homes young couples would buy to break into the housing market and that the city needs more of this kind of housing. Mr. Layton said that in the future, he may want to build additional units and is willing to sign an annexation agreement if he extends onto adjacent property that is not in City limits. He would like to break ground this summer, if possible.

Bryan Kimball pointed out things discussed by the Planning Commission as the petition went through the review process. With a CUP, the City can look at the surrounding neighborhood and the Board have recommended a step-down approach. The property is zoned Commercial along the highway, with potential Ag or Industrial Ag on the east side. Given those considerations, it was felt the use of HD or MD was a good way to step down from a high use to other uses. They have been encouraged to build with more of a medium density look for that property rather than single-family homes. Future roadways will be required as these phases come in. Approval was made with the expectation that annexation would be required for future phases.

Devan added the Planning Commission voted unanimously to recommend approval to the Council with the condition the applicant complies with Ephraim City Code and Staff recommendations.

***Councilmember Alder moved to approve a CUP for Advanced Properties to build a 20-unit multi-family development on property located at approximately 155 E 700 N with the condition he comply with City Code and Staff Recommendations. The motion was seconded by Councilmember Wheeler. The vote was unanimous. The motion carried.***

#### **AGREEMENT: SUNRISE ENGINEERING**

A work release and contract with Sunrise Engineering to help update the Transportation Master Plan and other Traffic Related planning documents. They already had a model built and felt it was the most reasonable way to go. 6.7% grant, everything else from UDOT. Update master plan, access management plan. Want to make sure UDOT is on board and approve accessed

proposed with the new development. Make sure we have corridor preservation. Hoping to get the designation of the road to allow for future grants for master planned roads. In the amount not to exceed \$65,000, of which the City would pay 6.7%. This would come out of the FY 2020-2021 budget.

***Councilmember Wheeler moved to approve an agreement with Sunrise Engineering for updating the Transportation Master Plan and other traffic related planning documents. The motion was seconded by Councilmember Alder. The vote was unanimous. The motion carried.***

#### **CONTRACT: REC CONCESSIONS**

The Concessions would run for youth programs, Sanpete shootout, and Snow College softball and baseball games. The Rec Board has selected Sapphire Catering from Moroni. They have a good menu at a price that is a win/win for both the City and the Company. The City would receive 5% of sales. They would also run a booth at the Scandinavian Festival.

***Councilmember Anderson moved to approve a concessions contract for the Snow College Sports Complex to Sapphire Catering. The motion was seconded by Councilmember Alder. The vote was unanimous. The motion carried.***

#### **GRANT APPLICATION: LAND AND WATER CONSERVATION FUND**

The Recreation Director is applying for a grant from the Land and Water Conservation Fund to help pay for the planned skate park. It is a 50% grant and Rec Director Michael Patton plans to use CDBG money for the match. A copy of City Council minutes is required as part of the application, acknowledging the City approved and wished to move forward. The skate park will be located at the Canyon View Park, east of the Fire Station.

***Councilmember Alder moved to approve the Land and Water Conservation Fund Application for the Recreation Department. The motion was seconded by Councilmember Stevens. The vote was unanimous. The motion carried.***

#### **GRANT: LAST-DOLLAR GRANT**

The Recreation Department has received a Last-Dollar Grant in the amount of \$50,000 for the all-abilities park. The City would be responsible for a \$71,000 match by June 30, 2021. Michael and the Rec Board will be busy with fundraising efforts. The City cannot put any more money toward the project than what has already been contributed. When applying for grant, the City is committed to \$78,000 of in-kind City funds. That would be replaced with money in the budget for the next Fiscal Year. The Youth City Council and local Scouts would help with the in-kind work by helping City crews install the equipment. A fundraiser is also planned at the Scandinavian Festival.

***Councilmember Wheeler moved to approve the Last-Dollar Grant for the all-abilities Park. The motion was seconded by Councilmember Anderson. The vote was unanimous. The motion carried.***

## **AIRPORT CONTRACT AMENDMENTS**

Shaun explained as per these contracts, Jviation would be working as the Engineer on two projects at the Manti/Ephraim Airport.

1. **Runway 3 Taxiway Turnaround Project** – project will commence at the south end of the runway enabling planes to use the turnaround and the full length of the runway. The project is funded by FAA with participation of UDOT. A pre-bid meeting was conducted for this contract.
2. **UDOT Fiscal Year 2021 Pavement Maintenance** – project will provide crack sealing of the runway and seal coating on the ramp apron to ensure they are both kept in good order. The company Straight Stripe will be completing the project as they had lowest bid. This project will be the first of the two projects completed. Both should be happening soon. With FAA funds, we will be fully funded and not have to contribute to these projects.

Staff recommended moving forward with Amendments One and Two for these projects.

***Councilmember Wheeler moved to approve airport contract amendments for Jviation for the Runway 3 Taxiway project and the Pavement Maintenance project. The motion was seconded by Councilmember Anderson. The vote was unanimous. The motion carried.***

## **RESOLUTION ECR 21-03: ARBOR DAY**

ECR 21-03, a resolution proclaiming a special day be set aside for the planting of trees. A yearly proclamation is required to maintain a Tree City status. The recommendation is that the City plant six or eight trees per year.

***Councilmember Wheeler moved to approve ECR 21-03, a resolution proclaiming a special day be set aside for the planting of trees. The motion was seconded by Councilmember Lund. The vote was unanimous. The motion carried.***

## **CANCELATION OF REGULAR COUNCIL MEETING**

***Councilmember Wheeler moved to cancel the regular City Council meeting for April 21, 2021. The motion was seconded by Councilmember Lund. The vote was unanimous. The motion carried.***

The next Regular Council Meeting will be held on April 28, 2021.

## **APPOINTMENTS AND COUNCIL REPORTS**

Bryan Kimball announced that with the recent request for variance, an appeal authority would need to be appointed that can adjudicate for the City. In the past, the City had a Board of Adjustments for appeals and adjustment. The Board was dissolved when Utah law no longer required one, and when the City needed an appeal authority, they called upon the County Planner, or an attorney provided by the Utah League of Cities and Towns. It is important that the person or persons used, must have background in land use law. The options currently available include the County Zoning Administration, the County attorney, other counsel, or the Utah League of Cities and Towns. Such cases would be handled on a case-by-case basis, and

the City could be any one of the qualified people on the list. Concern was expressed that the current Planner for the County has only five month's experience. A cost would be associated with appeal service and it was recommended it become a past due cost for future applicants; in this case, it is difficult to give a past due cost as they have already submitted their application and paid the fees.

Mayor Scott commented he would be comfortable with the ULCT as they know the law and are qualified.

***Councilmember Wheeler moved to appoint the Utah League of Cities and Towns as Appeal Authority for the City and give Mayor Scott signature authority. The motion was seconded by Councilmember Alder. The vote was unanimous. The motion carried.***

### **Tyler Alder**

**Cemetery** – Want a flagpole set up at the Pioneer Cemetery. There is no power out there and a solar light has been mentioned. They will be using a pole that is currently at the Senior Citizen's Center. They are busy planning the Memorial Service at the Park Cemetery. Flags will be put up. The Board would also like a space force flag.

**Recreation Board** – Soccer is going on. Softball and baseball signups are done, and we have more than last year. Adult volleyball will be done this month.

### **Margie Anderson**

**Youth City Council** – Kept very busy in spite of COVID. Service to the Senior Citizen Center, day retreat at Arnoldson's cabin and learned leadership skills. Will utilize some of the new council to help with Scandinavian Festival events. They help plant trees and will serve food at a fun run. They are a great group. Mayor commented the two advisors, Corrine Olsen and Juli Arnoldson, are incredible and have invested a lot.

**Housing Authority** - since no more funding or lots available, that board will reconvene in February of 2022.

**Miss Ephraim Workshop** – The pageant will be the 3<sup>rd</sup> Saturday of May.

### **Richard Wheeler**

**Airport Board** – talked about the grants and monies involved and Javiation has helped quite a bit.

### **Lloyd Stevens**

**Scandinavian Festival** – Things are moving forward very well. Invitations have gone out to the Governor, who has accepted, to be in the parade. Invitations have also been sent to the Utah Highway Patrol for their motorcycle squad. Have not heard on that yet. The Board is a well-oiled machine.

### **Alma Lund**

**Fire Board** – Hot time in the old town tonight! There have been many calls in the past two weeks. Shaun said we have been sending crews out all hours. On Monday, there were different fires. Firefighters took care of two in one call-out. There have been nine runs since April 1<sup>st</sup>. Six of those were due to one entity.

### **Mayor Scott**

**Camino Verde Group**– Met with Mike Ballard, who brought an investor to the meeting. They have sold three houses already and expect 2 of those homes to be finished June 15<sup>th</sup>. They will be here on the 28<sup>th</sup> for approval of the remaining lots, He has seen a lot of interest from potential investors.

## **DEPARTMENT REPORTS**

### **Cory Daniels, Power Director**

**UAMPS**– Cory updated the Council on UAMPS proceedings.

**Emergency Generators** have been ordered. They are at least 12 weeks out.

**Ace Hardware** is coming up. Crews are busy.

**New Employee** – We hired an apprentice lineman, Chance Christiansen from Ephraim. He has roots here and plans to stay long-term. Starts April 12<sup>th</sup>. Mayor asked him to bring him to the next CM to be introduced.

**HYDRO** – We are taking the hydro off-line for 10 days. May see a bit of difference in the power bill.

### **Jeff Jensen, Public Works Director**

**Cleanup** – crews working hard on cleanup. Some people are putting things out for pickup. The big dumpsters are up. Lot of compliments and people appreciate the service.

**Certification** – Preston Bown passed his next certification. He can now work on the sewer side as well.

### **Aaron Broomhead, Public Safety Director**

**Busy** – police are busy with the warm weather. We will see an increase in people being out increasing calls.

**Scandinavian Days** will put huge pressure on Public Safety. Will be recruiting some of the firefighters to work in shifts during the festival. With the parade extended, it will require more intersections to be shut down. Working to get staffing worked out for that. Will have to dip into other resources for that. Can use county officers, off-duty officers or those on our part time list and firefighters.

**Fire Department** – Very busy since April 1<sup>st</sup>.

**Michael Patton, Rec Director**

**Feasibility Study** – We have put out a request for qualifications for feasibility study for the new recreation area. Should have a recommendation at the next meeting.

**CITY MANAGER REPORT**

**Antonio Jimenez** – Antonio's Affordable housing wasn't discussed in Work Meeting. He bought the trailer park at 200 W and would like to remove the trailers and build homes in a similar footprint. They will be 2-bedroom homes in a 50' long position. There are a couple things to remember: 1) as the owner, they will continue to own the homes and not allow building on. Meters will be installed at each location. Owner of the area will be taking care of the landscaping to give a uniform look to all the homes. In the center, there would be 5 three-bedroom homes with extra parking built in. Individualized storage may be added.

Bryan said as Staff, it is exciting to see the proposed improvements. Lot of negative history with this park in the past. Want to make sure Council is informed and agree to the direction headed in allowing this in the park. If you replace a trailer with another trailer, we have allowed that. He is building these homes and want to ensure as he is transitioning the park over, if he needs direction or thoughts on how to proceed, we will be there. Normally new construction would go through approval process of CUP or PUD which allows more flexibility. This is not brand-new development and asked the Council if he should go through the PUD process or acknowledge he is replacing existing trailers with homes in the same footprint.

Council all felt it would be beneficial to move forward. He is doing it in phases, so he doesn't displace residents as he builds. Some of the pads don't meet setback. He is grandfathered in and not required to meet current setbacks. We think spacing, access and utilities will all be fine. These are now permanent buildings and could be equivalent to a tiny home development. Need to talk with him about fire code and safety, but acknowledge he is grandfathered in with the same footprint. Staff preference that sidewalk be installed. Shaun wants to make sure we consider all of it here.

The other thing considered as long as it's built in a similar footprint, but 3 larger buildings, that could be part of a formal approval because it is in a different footprint. Proceed on the south side on first phase and come back for approval on the larger homes. Council gave direction to move forward on what he has stated. Follow-up questions included, do you want a sidewalk or is it grandfathered in without? Brian Page wanted them to be aware of precedent set for someone else wanting to be grandfathered in with the original footprint. Mayor said it would be a case-by-case basis, but this needs to be done. He has applied for the first three units. Permits would be granted, and we will see movement very quickly.

**WATER** - An Anonymous letter was sent to the Mayor and Council regarding the water situation. Shaun read the letter. They questioned why the City is approving public housing when we have no water? Since 2018, a lot of improvements have been made on the water system including a new well that is up and running this year. We have enough water for indoor use. It is outdoor use in late summer that causes the need to close it down. We are where we should be for state requirements and feel we are a step ahead right now and plan to stay ahead. We added over a million gallons per day in 2018. In two years, we will have doubled the

previous capacity of water supply. We have purchased a large quantity of water shares in the last two years. The Mayor encouraged residents with concerns to please come to City Council so we are able to address their specific concerns. Staff is also available at the city offices all week and could answer questions and concerns. He requested residents sign their letters, as they are difficult to address anonymously.

**New Employee** – We currently have a part-time minutes clerk position. We are seeing a need for that position to take on additional responsibilities for the Community Development Department. For starters, we would like her to take over business licenses and cemetery board duties to free up some of Devan and Randi's time. Steve asks that she go full-time now as some of those duties are behind. We have taken steps to move Devan into what was our copy room. His space could be used by this new full-time person. Council was good with going full time immediately. It's easier to justify a full time position with benefits since she will be benefitting three departments.

#### CLOSED SESSION

*Councilmember Anderson moved to go into a closed session pursuant to the provisions of the Utah State Code, Section(s) 52-4-205 (d) purchase, exchange, or lease of real property, and (e) sale of real property. The motion was seconded by Councilmember Wheeler. A roll call vote was called. Voting yes: Councilmembers Scott, Stevens, Wheeler, Anderson, and Alder. The vote was unanimous. The motion carried.*

*The Closed Meeting began at 9:05 p.m.*

*At 9:57 p.m. Councilmember Alder moved the Council adjourn the closed session and reopen the public meeting. The motion was seconded by Councilmember Stevens. The vote was unanimous. The motion carried.*

#### ADJOURNMENT

*There being no further business to come before the Council for consideration, Councilmember Alder moved the Regular Council Meeting adjourn at 9:57 p.m. The motion was seconded by Councilmember Anderson. The vote was unanimous. The motion carried.*

The next regular City Council meeting is scheduled to be held on Wednesday, April 28, 2021, starting at 6:00 p.m. in the Ephraim City Council room.

#### MINUTES APPROVED:

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John Scott, Mayor

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Date

**ATTEST:**

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Leigh Ann Warnock, City Recorder

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Date

**EPHRAIM, UTAH**  
**ORDINANCE NO. 21-02**

**AN ORDINANCE ADOPTING AN IMPACT FEE FACILITIES PLAN, IMPACT FEE ANALYSIS, AND AN IMPACT FEE ENACTMENT THAT IMPOSES A WASTE WATER COLLECTION/TREATMENT IMPACT FEE; PROVIDING FOR THE CALCULATION AND COLLECTION OF SUCH FEE; AND PROVIDING FOR APPEAL, ACCOUNTING, SEVERABILITY OF THE SAME, AND OTHER RELATED MATTERS**

**WHEREAS**, the Ephraim City Council (the “Council”) met in regular meeting on April 28, 2021, to consider, among other things, adopting an Impact Fee Enactment that imposes a Waste Water Collection/Treatment Impact Fee; providing for the calculation of the same; and other related matters; and

**WHEREAS**, Ephraim City (the “City”) is authorized to enact impact fees for certain public facilities in accordance with the Utah Impact Fees Act (the “Act”) as set forth in Utah Code Ann. § 11-36a-101 et seq. (the “Impact Fee Act”); and

**WHEREAS**, Sunrise Engineering, Inc., has prepared an Impact Fee Analysis (“IFA”) and Impact Fee Facilities Plan (“IFFP”) for Wastewater Collection/Treatment Impact Fees that analyzes proposed public facilities and associated impact fees as provided in the Act; and

**WHEREAS**, the IFFP (i) considers all revenue sources for financing public facility system improvements necessary to accommodate future growth, (ii) analyzes statutory criteria for determining whether a proportionate share of the cost of new Public Facilities is reasonably related to new development activity as set forth in the Act, and (iii) sets forth the methodology used to calculate the impact fees proposed for the Public Facilities; and

**WHEREAS**, the Impact Fee Analysis Consultant, Sunrise Engineering, Inc., certified its work under Utah Code Ann. § 11-36a-306(2); and

**WHEREAS**, following the appropriate public notices as required by the Act and after providing copies of the IFFP, IFA, and the Enactment to the public, the Ephraim City Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council’s consideration; and

**WHEREAS**, after considering the facts and comments presented to the Ephraim City Council, the Council finds (i) growth and development within the City is creating continuing demand for Storm Drain facilities to serve such development, (ii) impact fees are necessary to fairly distribute the costs of public facilities to serve new development, (iii) impact fees established by this ordinance constitute a proper proportionate share of the cost of public facilities which are reasonably related to new development activity as set forth in the Act and the IFFP; (iv) the impact fee established by this ordinance was developed by conservative analysis and justified by the IFFP; and (v) adoption of this ordinance reasonably furthers the health, safety and general welfare of current and future residents of Ephraim City; and

**WHEREAS**, as provided in the Act, it is proposed that the current impact fee for Waste Water Collection/Treatment be modified and that impact fees be enacted, all as set forth below.

**NOW, THEREFORE, BE IT ORDAINED** by the Ephraim City Council as follows:

Section 1. Findings. The Council finds and determines as follows:

1.1. All required notices have been given and made and public hearings conducted as required by the Impact Fees Act with respect to the Waste Water Collection/Treatment Impact Fee Facilities Plan, the Impact Fee Analysis, and this Impact Fee Enactment (“Ordinance”); and

1.2. Growth and development activities in Ephraim City will create additional demands on its infrastructure. The facility improvement requirements which are analyzed in the Impact Fee Facilities Plan and the Impact Fee Analysis are the direct result of the additional facility needs caused by future development activities. The persons responsible for growth and development activities should pay a proportionate share of the costs of the facilities needed to serve the growth and development activity; and

1.3. Impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future, in comparison with the benefits already received and yet to be received; and

1.4. In enacting and approving the Impact Fee Analysis and this Ordinance, the Council has taken into consideration, and in certain situations will consider on a case-by-case basis in the future, the future capital facilities and needs of Ephraim City, the capital financial needs of Ephraim City which are the result of Ephraim City’s future facilities’ needs, the distribution of the burden of costs to different properties within Ephraim City based on the demand for public facilities of Ephraim City by such properties, the financial contribution of those properties and other properties similarly situated in Ephraim at the time of computation of the required fee and prior to the enactment of this Ordinance, all revenue sources available to Ephraim City, and the impact on future facilities that will be required by growth and new development activities in Ephraim City; and

1.5. The provisions of this Ordinance shall be liberally construed in order to carry out the purpose and intent of the Council in establishing the impact fee program.

Section 2. Definitions.

2.1. Except as provided below, words and phrases that are defined in the Impact Fees Act shall have the same meaning in this Ordinance; and

2.2. “Service Area” shall mean the boundaries of Ephraim City; and

2.3. “Utah State Impact Fees Act” shall mean Title 11, Chapter 36a, Utah Code

Annotated or its successor state statute if that title and chapter is renumbered, recodified, or amended.

### **Section 3. Adoption.**

3.1 The Council hereby approves and adopts the Waste Water Collection/Treatment Impact Fee Facilities Plan and Impact Fee Analysis attached and the analyses reflected therein. The Impact Fee Facilities Plan and the Impact Fee Analysis are incorporated herein by reference and adopted as though fully set forth herein.

3.2 The Waste Water Collection/Treatment Impact Fees enacted by this Ordinance shall be enacted and collected as set forth.

### **Section 4. Impact Fee Calculations.**

4.1. *Impact Fees.* Waste Water Collection/Treatment Impact Fees are hereby imposed on the basis of the Impact Fee Analysis and shall be paid as a condition of issuing a building permit from the City or other developmental approval. The impact fees imposed by this Ordinance shall be added to the Ephraim Master Fees Schedule and shall be as follows:

| <b>Fee per Single Family Unit/Equivalent Residential Connection</b> |            |
|---------------------------------------------------------------------|------------|
| Waste Water Collection/Treatment Impact Fee                         | \$1,490.00 |

4.2. *Developer Credits/Developer Reimbursements.* A developer, including a school district or charter school, may be allowed a credit against or proportionate reimbursement of impact fees if the developer dedicates land for a system improvement, builds and dedicates some or all of a system improvement, or dedicates a public facility that Ephraim City and the developer agree will reduce the need for a system improvement. A credit against impact fees shall be granted for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities are system improvements to the respective utilities, or are dedicated to the public and offset the need for an identified future improvement; and

4.3. *Adjustment of Fees.* The Council may adjust (but not above the maximum allowable fee) the standard impact fees at the time the fee is charged in order to respond to an unusual circumstance in specific cases and to ensure that the fees are imposed fairly. The Council may adjust the amount of the fees to be imposed if the fee payer submits studies and data clearly showing that the payment of an adjusted impact fee is more consistent with the true impact being placed on the system; and

4.4. *Impact Fee Accounting.* Ephraim City shall establish a separate interest-bearing ledger account for the cash impact fees collected pursuant to this Ordinance. Interest earned on such account shall be allocated to that account.

- (a) *Reporting.* At the end of each fiscal year, Ephraim City shall prepare a report generally showing the source and amount of all monies

collected, earned and received by the fund or account and of each expenditure from the fund or account. The report shall also identify impact fee funds by the year in which they were received, the project from which the funds were collected, the capital projects from which the funds were budgeted, and the projected schedule for expenditure and be provided to the State Auditor on the appropriate form found on the State Auditor's Website; and

- (b) Impact Fee Expenditures. Funds collected pursuant to the impact fees shall be deposited in such account and only be used by the City to construct and upgrade the respective facilities to adequately service development activity or used as otherwise approved by law; and
- (c) Time of Expenditures. Cash impact fees collected pursuant to this Ordinance are to be expended, dedicated or encumbered for a permissible use within six (6) years of receipt by Ephraim. Ephraim may hold previously dedicated or unencumbered fees for longer than six (6) years if it identifies in writing, before the expiration of the six-year period, (i) an extraordinary and compelling reason why the fees should be held longer than six (6) years; and (ii) an absolute date by which the fees will be expended.
- (d) Extension of Time. The City may hold unencumbered impact fees collected pursuant to this Enactment for longer than six (6) years if the Council identifies in writing (i) an extraordinary and compelling reason why the fees should be held longer than six (6) years; and (ii) an absolute date by which the fees will be expended.

4.5. Refunds. The City shall refund any impact fee collected pursuant to this Enactment as set forth in Utah Code Ann § 11-36a-303, as amended or when:

- (a) the fee payer has not proceeded with the development activity and has filed a written request with the Council for a refund; and
- (b) the fees have not been spent or encumbered within six years of the payment date; and
- (c) no impact has resulted.

4.6. Additional Fees and Costs. The Impact Fees authorized hereby are separate from and in addition to user fees and other charges lawfully imposed by the City, such as engineering and inspection fees, building permit fees, review fees, and other fees and costs that are not included as part of the Impact Fee.

4.7. Fees Effective at Time of Payment. Unless the City is otherwise bound by

a contractual requirement, the Impact Fee shall be determined in accordance with this Enactment.

**Section 5. Appeal.**

5.1. Any person required to pay an impact fee who believes the fee does not meet the requirements of the law may file a written request for information with the City; and

5.2. Within two weeks of the receipt of the request for information the City shall provide the person or entity with a copy of the reports and with any other relevant information relating to the impact fee; and

5.3. Any person or entity required to pay an impact fee imposed under this article, who believes the fee does not meet the requirements of law may request and be granted a full administrative appeal of that grievance. An appeal shall be made to the City within thirty (30) calendar days of the date of the action complained of, or the date when the complaining person reasonably should have become aware of the action; and

5.4 The notice of the administrative appeal to the Council shall be filed and shall contain the following information:

- (a) The person's name, mailing address, and daytime telephone number; and
- (b) A copy of the written request for information and a brief summary of the grounds for appeal; and
- (c) The relief sought.

**Section 6. Effective Date.** This Ordinance, and the Impact Fees enacted hereunder, shall take effect \_\_\_\_\_, \_\_\_\_\_ 2021.

*[signatures on following page]*

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2021.

**EPHRAIM**

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**John Scott**, Mayor

**ATTEST:**

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**Leigh Ann Warnock**, City Recorder

**EPHRAIM, UTAH**  
**ORDINANCE NO. 21-03**

**AN ORDINANCE ADOPTING AN IMPACT FEE FACILITIES PLAN, IMPACT FEE ANALYSIS, AND AN IMPACT FEE ENACTMENT THAT IMPOSES A CULINARY WATER CONNECTION/SOURCE IMPACT FEE; PROVIDING FOR THE CALCULATION AND COLLECTION OF SUCH FEE; AND PROVIDING FOR APPEAL, ACCOUNTING, SEVERABILITY OF THE SAME, AND OTHER RELATED MATTERS**

**WHEREAS**, the Ephraim City Council (the “Council”) met in regular meeting on April 28, 2021, to consider, among other things, adopting an Impact Fee Enactment that imposes a Culinary Water Connection/Source Impact Fee; providing for the calculation of the same; and other related matters; and

**WHEREAS**, Ephraim City (the “City”) is authorized to enact impact fees for certain public facilities in accordance with the Utah Impact Fees Act (the “Act”) as set forth in Utah Code Ann. § 11-36a-101 et seq. (the “Impact Fee Act”); and

**WHEREAS**, Sunrise Engineering, Inc., has prepared an Impact Fee Analysis (“IFA”) and Impact Fee Facilities Plan (“IFFP”) for Culinary Water Connection/Source Impact Fees that analyzes proposed public facilities and associated impact fees as provided in the Act; and

**WHEREAS**, the IFFP (i) considers all revenue sources for financing public facility system improvements necessary to accommodate future growth, (ii) analyzes statutory criteria for determining whether a proportionate share of the cost of new Public Facilities is reasonably related to new development activity as set forth in the Act, and (iii) sets forth the methodology used to calculate the impact fees proposed for the Public Facilities; and

**WHEREAS**, the Impact Fee Analysis Consultant, Sunrise Engineering, Inc., certified its work under Utah Code Ann. § 11-36a-306(2); and

**WHEREAS**, following the appropriate public notices as required by the Act and after providing copies of the IFFP, IFA, and the Enactment to the public, the Ephraim City Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council’s consideration; and

**WHEREAS**, after considering the facts and comments presented to the Ephraim City Council, the Council finds (i) growth and development within the City is creating continuing demand for Storm Drain facilities to serve such development, (ii) impact fees are necessary to fairly distribute the costs of public facilities to serve new development, (iii) impact fees established by this ordinance constitute a proper proportionate share of the cost of public facilities which are reasonably related to new development activity as set forth in the Act and the IFFP; (iv) the impact fee established by this ordinance was developed by conservative analysis and justified by the IFFP; and (v) adoption of this ordinance reasonably furthers the health, safety and general welfare of current and future residents of Ephraim City; and

**WHEREAS**, as provided in the Act, it is proposed that the current impact fee for Culinary Water Connection/Source be modified and that impact fees be enacted, all as set forth below.

**NOW, THEREFORE, BE IT ORDAINED** by the Ephraim City Council as follows:

**Section 1. Findings.** The Council finds and determines as follows:

1.1. All required notices have been given and made and public hearings conducted as required by the Impact Fees Act with respect to the Culinary Water Connection/Source Impact Fee Facilities Plan, the Impact Fee Analysis, and this Impact Fee Enactment (“Ordinance”); and

1.2. Growth and development activities in Ephraim City will create additional demands on its infrastructure. The facility improvement requirements which are analyzed in the Impact Fee Facilities Plan and the Impact Fee Analysis are the direct result of the additional facility needs caused by future development activities. The persons responsible for growth and development activities should pay a proportionate share of the costs of the facilities needed to serve the growth and development activity; and

1.3. Impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future, in comparison with the benefits already received and yet to be received; and

1.4. In enacting and approving the Impact Fee Analysis and this Ordinance, the Council has taken into consideration, and in certain situations will consider on a case-by-case basis in the future, the future capital facilities and needs of Ephraim City, the capital financial needs of Ephraim City which are the result of Ephraim City’s future facilities’ needs, the distribution of the burden of costs to different properties within Ephraim City based on the demand for public facilities of Ephraim City by such properties, the financial contribution of those properties and other properties similarly situated in Ephraim at the time of computation of the required fee and prior to the enactment of this Ordinance, all revenue sources available to Ephraim City, and the impact on future facilities that will be required by growth and new development activities in Ephraim City; and

1.5. The provisions of this Ordinance shall be liberally construed in order to carry out the purpose and intent of the Council in establishing the impact fee program.

**Section 2. Definitions.**

2.1. Except as provided below, words and phrases that are defined in the Impact Fees Act shall have the same meaning in this Ordinance; and

2.2. “Service Area” shall mean the boundaries of Ephraim City; and

2.3. “Utah State Impact Fees Act” shall mean Title 11, Chapter 36a, Utah Code Annotated or its successor state statute if that title and chapter is renumbered, recodified, or amended.

### **Section 3. Adoption.**

3.1 The Council hereby approves and adopts the Culinary Water Connection/Source Impact Fee Facilities Plan and Impact Fee Analysis attached and the analyses reflected therein. The Impact Fee Facilities Plan and the Impact Fee Analysis are incorporated herein by reference and adopted as though fully set forth herein.

3.2 The Culinary Water Connection/Source Impact Fees enacted by this Ordinance shall be enacted and collected as set forth.

### **Section 4. Impact Fee Calculations.**

4.1. *Impact Fees.* Culinary Water Connection/Source Impact Fees are hereby imposed on the basis of the Impact Fee Analysis and shall be paid as a condition of issuing a building permit from the City or other developmental approval. The impact fees imposed by this Ordinance shall be added to the Ephraim Master Fees Schedule and shall be as follows:

| <b>Fee per Single Family Unit/Equivalent Residential Connection</b> |            |
|---------------------------------------------------------------------|------------|
| Culinary Water Connection/Source Impact Fee                         | \$6,056.79 |

4.2. *Developer Credits/Developer Reimbursements.* A developer, including a school district or charter school, may be allowed a credit against or proportionate reimbursement of impact fees if the developer dedicates land for a system improvement, builds and dedicates some or all of a system improvement, or dedicates a public facility that Ephraim City and the developer agree will reduce the need for a system improvement. A credit against impact fees shall be granted for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities are system improvements to the respective utilities, or are dedicated to the public and offset the need for an identified future improvement; and

4.3. *Adjustment of Fees.* The Council may adjust (but not above the maximum allowable fee) the standard impact fees at the time the fee is charged in order to respond to an unusual circumstance in specific cases and to ensure that the fees are imposed fairly. The Council may adjust the amount of the fees to be imposed if the fee payer submits studies and data clearly showing that the payment of an adjusted impact fee is more consistent with the true impact being placed on the system; and

4.4. *Impact Fee Accounting.* Ephraim City shall establish a separate interest-bearing ledger account for the cash impact fees collected pursuant to this Ordinance. Interest earned on such account shall be allocated to that account.

- (a) Reporting. At the end of each fiscal year, Ephraim City shall prepare a report generally showing the source and amount of all monies collected, earned and received by the fund or account and of each expenditure from the fund or account. The report shall also identify impact fee funds by the year in which they were received, the project from which the funds were collected, the capital projects from which the funds were budgeted, and the projected schedule for expenditure and be provided to the State Auditor on the appropriate form found on the State Auditor's Website; and
- (b) Impact Fee Expenditures. Funds collected pursuant to the impact fees shall be deposited in such account and only be used by the City to construct and upgrade the respective facilities to adequately service development activity or used as otherwise approved by law; and
- (c) Time of Expenditures. Cash impact fees collected pursuant to this Ordinance are to be expended, dedicated or encumbered for a permissible use within six (6) years of receipt by Ephraim. Ephraim may hold previously dedicated or unencumbered fees for longer than six (6) years if it identifies in writing, before the expiration of the six-year period, (i) an extraordinary and compelling reason why the fees should be held longer than six (6) years; and (ii) an absolute date by which the fees will be expended.
- (d) Extension of Time. The City may hold unencumbered impact fees collected pursuant to this Enactment for longer than six (6) years if the Council identifies in writing (i) an extraordinary and compelling reason why the fees should be held longer than six (6) years; and (ii) an absolute date by which the fees will be expended.

4.5. Refunds. The City shall refund any impact fee collected pursuant to this Enactment as set forth in Utah Code Ann § 11-36a-303, as amended or when:

- (a) the fee payer has not proceeded with the development activity and has filed a written request with the Council for a refund; and
- (b) the fees have not been spent or encumbered within six years of the payment date; and
- (c) no impact has resulted.

4.6. Additional Fees and Costs. The Impact Fees authorized hereby are separate from and in addition to user fees and other charges lawfully imposed by the City, such as engineering and inspection fees, building permit fees, review fees, and other fees and costs that are not included as part of the Impact Fee.

4.7 Fees Effective at Time of Payment. Unless the City is otherwise bound by a contractual requirement, the Impact Fee shall be determined in accordance with this Enactment.

#### Section 5. Appeal.

5.1. Any person required to pay an impact fee who believes the fee does not meet the requirements of the law may file a written request for information with the City; and

5.2. Within two weeks of the receipt of the request for information the City shall provide the person or entity with a copy of the reports and with any other relevant information relating to the impact fee; and

5.3. Any person or entity required to pay an impact fee imposed under this article, who believes the fee does not meet the requirements of law may request and be granted a full administrative appeal of that grievance. An appeal shall be made to the City within thirty (30) calendar days of the date of the action complained of, or the date when the complaining person reasonably should have become aware of the action; and

5.4. The notice of the administrative appeal to the Council shall be filed and shall contain the following information:

- (a) The person's name, mailing address, and daytime telephone number; and
- (b) A copy of the written request for information and a brief summary of the grounds for appeal; and
- (c) The relief sought.

Section 6. Effective Date. This Ordinance, and the Impact Fees enacted hereunder, shall take effect \_\_\_\_\_, \_\_\_\_\_ 2021.

*[signatures on following page]*

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2021.

**EPHRAIM**

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**John Scott, Mayor**

**ATTEST:**

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**Leigh Ann Warnock, City Recorder**

**EPHRAIM, UTAH**  
**ORDINANCE NO. 21-04**

**AN ORDINANCE ADOPTING AN IMPACT FEE FACILITIES PLAN, IMPACT FEE ANALYSIS, AND AN IMPACT FEE ENACTMENT THAT IMPOSES A ROAD IMPACT FEE; PROVIDING FOR THE CALCULATION AND COLLECTION OF SUCH FEE; AND PROVIDING FOR APPEAL, ACCOUNTING, SEVERABILITY OF THE SAME, AND OTHER RELATED MATTERS**

**WHEREAS**, the Ephraim City Council (the “Council”) met in regular meeting on April 28, 2021, to consider, among other things, adopting an Impact Fee Enactment that imposes a Road Impact Fee; providing for the calculation of the same; and other related matters; and

**WHEREAS**, Ephraim City (the “City”) is authorized to enact impact fees for certain public facilities in accordance with the Utah Impact Fees Act (the “Act”) as set forth in Utah Code Ann. § 11-36a-101 et seq. (the “Impact Fee Act”); and

**WHEREAS**, Sunrise Engineering, Inc., has prepared an Impact Fee Analysis (“IFA”) and Impact Fee Facilities Plan (“IFFP”) for Road Impact Fees that analyzes proposed public facilities and associated impact fees as provided in the Act; and

**WHEREAS**, the IFFP (i) considers all revenue sources for financing public facility system improvements necessary to accommodate future growth, (ii) analyzes statutory criteria for determining whether a proportionate share of the cost of new Public Facilities is reasonably related to new development activity as set forth in the Act, and (iii) sets forth the methodology used to calculate the impact fees proposed for the Public Facilities; and

**WHEREAS**, the Impact Fee Analysis Consultant, Sunrise Engineering, Inc., certified its work under Utah Code Ann. § 11-36a-306(2); and

**WHEREAS**, following the appropriate public notices as required by the Act and after providing copies of the IFFP, IFA, and the Enactment to the public, the Ephraim City Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council’s consideration; and

**WHEREAS**, after considering the facts and comments presented to the Ephraim City Council, the Council finds (i) growth and development within the City is creating continuing demand for Storm Drain facilities to serve such development, (ii) impact fees are necessary to fairly distribute the costs of public facilities to serve new development, (iii) impact fees established by this ordinance constitute a proper proportionate share of the cost of public facilities which are reasonably related to new development activity as set forth in the Act and the IFFP; (iv) the impact fee established by this ordinance was developed by conservative analysis and justified by the IFFP; and (v) adoption of this ordinance reasonably furthers the health, safety and general welfare of current and future residents of Ephraim City; and

**WHEREAS**, as provided in the Act, it is proposed that the current impact fee for Road be modified and that impact fees be enacted, all as set forth below.

**NOW, THEREFORE, BE IT ORDAINED** by the Ephraim City Council as follows:

Section 1. Findings. The Council finds and determines as follows:

1.1. All required notices have been given and made and public hearings conducted as required by the Impact Fees Act with respect to the Road Impact Fee Facilities Plan, the Impact Fee Analysis, and this Impact Fee Enactment (“Ordinance”); and

1.2. Growth and development activities in Ephraim City will create additional demands on its infrastructure. The facility improvement requirements which are analyzed in the Impact Fee Facilities Plan and the Impact Fee Analysis are the direct result of the additional facility needs caused by future development activities. The persons responsible for growth and development activities should pay a proportionate share of the costs of the facilities needed to serve the growth and development activity; and

1.3. Impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future, in comparison with the benefits already received and yet to be received; and

1.4. In enacting and approving the Impact Fee Analysis and this Ordinance, the Council has taken into consideration, and in certain situations will consider on a case-by-case basis in the future, the future capital facilities and needs of Ephraim City, the capital financial needs of Ephraim City which are the result of Ephraim City’s future facilities’ needs, the distribution of the burden of costs to different properties within Ephraim City based on the demand for public facilities of Ephraim City by such properties, the financial contribution of those properties and other properties similarly situated in Ephraim at the time of computation of the required fee and prior to the enactment of this Ordinance, all revenue sources available to Ephraim City, and the impact on future facilities that will be required by growth and new development activities in Ephraim City; and

1.5. The provisions of this Ordinance shall be liberally construed in order to carry out the purpose and intent of the Council in establishing the impact fee program.

Section 2. Definitions.

2.1. Except as provided below, words and phrases that are defined in the Impact Fees Act shall have the same meaning in this Ordinance; and

2.2. “Service Area” shall mean the boundaries of Ephraim City; and

2.3. “Utah State Impact Fees Act” shall mean Title 11, Chapter 36a, Utah Code Annotated or its successor state statute if that title and chapter is renumbered, recodified, or amended.

### Section 3. Adoption.

3.1 The Council hereby approves and adopts the Road Impact Fee Facilities Plan and Impact Fee Analysis attached and the analyses reflected therein. The Impact Fee Facilities Plan and the Impact Fee Analysis are incorporated herein by reference and adopted as though fully set forth herein.

3.2 The Road Impact Fees enacted by this Ordinance shall be enacted and collected as set forth.

### Section 4. Impact Fee Calculations.

4.1. Impact Fees. Road Impact Fees are hereby imposed on the basis of the Impact Fee Analysis and shall be paid as a condition of issuing a building permit from the City or other developmental approval. The impact fees imposed by this Ordinance shall be added to the Ephraim Master Fees Schedule and shall be as follows:

| <b>Fee per Single Family Unit/Equivalent Residential Connection</b> |            |
|---------------------------------------------------------------------|------------|
| Road Impact Fee                                                     | \$2,393.00 |

4.2. Developer Credits/Developer Reimbursements. A developer, including a school district or charter school, may be allowed a credit against or proportionate reimbursement of impact fees if the developer dedicates land for a system improvement, builds and dedicates some or all of a system improvement, or dedicates a public facility that Ephraim City and the developer agree will reduce the need for a system improvement. A credit against impact fees shall be granted for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities are system improvements to the respective utilities, or are dedicated to the public and offset the need for an identified future improvement; and

4.3. Adjustment of Fees. The Council may adjust (but not above the maximum allowable fee) the standard impact fees at the time the fee is charged in order to respond to an unusual circumstance in specific cases and to ensure that the fees are imposed fairly. The Council may adjust the amount of the fees to be imposed if the fee payer submits studies and data clearly showing that the payment of an adjusted impact fee is more consistent with the true impact being placed on the system; and

4.4. Impact Fee Accounting. Ephraim City shall establish a separate interest-bearing ledger account for the cash impact fees collected pursuant to this Ordinance. Interest earned on such account shall be allocated to that account.

- (a) Reporting. At the end of each fiscal year, Ephraim City shall prepare a report generally showing the source and amount of all monies collected, earned and received by the fund or account and of each expenditure from the fund or account. The report shall also identify

impact fee funds by the year in which they were received, the project from which the funds were collected, the capital projects from which the funds were budgeted, and the projected schedule for expenditure and be provided to the State Auditor on the appropriate form found on the State Auditor's Website; and

- (b) Impact Fee Expenditures. Funds collected pursuant to the impact fees shall be deposited in such account and only be used by the City to construct and upgrade the respective facilities to adequately service development activity or used as otherwise approved by law; and
- (c) Time of Expenditures. Cash impact fees collected pursuant to this Ordinance are to be expended, dedicated or encumbered for a permissible use within six (6) years of receipt by Ephraim. Ephraim may hold previously dedicated or unencumbered fees for longer than six (6) years if it identifies in writing, before the expiration of the six-year period, (i) an extraordinary and compelling reason why the fees should be held longer than six (6) years; and (ii) an absolute date by which the fees will be expended.
- (d) Extension of Time. The City may hold unencumbered impact fees collected pursuant to this Enactment for longer than six (6) years if the Council identifies in writing (i) an extraordinary and compelling reason why the fees should be held longer than six (6) years; and (ii) an absolute date by which the fees will be expended.

4.5. Refunds. The City shall refund any impact fee collected pursuant to this Enactment as set forth in Utah Code Ann § 11-36a-303, as amended or when:

- (a) the fee payer has not proceeded with the development activity and has filed a written request with the Council for a refund; and
- (b) the fees have not been spent or encumbered within six years of the payment date; and
- (c) no impact has resulted.

4.6. Additional Fees and Costs. The Impact Fees authorized hereby are separate from and in addition to user fees and other charges lawfully imposed by the City, such as engineering and inspection fees, building permit fees, review fees, and other fees and costs that are not included as part of the Impact Fee.

4.7. Fees Effective at Time of Payment. Unless the City is otherwise bound by a contractual requirement, the Impact Fee shall be determined in accordance with this Enactment.

**Section 5. Appeal.**

5.1. Any person required to pay an impact fee who believes the fee does not meet the requirements of the law may file a written request for information with the City; and

5.2. Within two weeks of the receipt of the request for information the City shall provide the person or entity with a copy of the reports and with any other relevant information relating to the impact fee; and

5.3. Any person or entity required to pay an impact fee imposed under this article, who believes the fee does not meet the requirements of law may request and be granted a full administrative appeal of that grievance. An appeal shall be made to the City within thirty (30) calendar days of the date of the action complained of, or the date when the complaining person reasonably should have become aware of the action; and

5.4. The notice of the administrative appeal to the Council shall be filed and shall contain the following information:

- (a) The person's name, mailing address, and daytime telephone number; and
- (b) A copy of the written request for information and a brief summary of the grounds for appeal; and
- (c) The relief sought.

**Section 6. Effective Date.** This Ordinance, and the Impact Fees enacted hereunder, shall take effect \_\_\_\_\_, \_\_\_\_\_ 2021.

*[signatures on following page]*

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2021.

**EPHRAIM**

---

**John Scott, Mayor**

**ATTEST:**

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**Leigh Ann Warnock, City Recorder**

**EPHRAIM, UTAH**  
**ORDINANCE NO. 21-05**

**AN ORDINANCE ADOPTING AN IMPACT FEE FACILITIES PLAN, IMPACT FEE ANALYSIS, AND AN IMPACT FEE ENACTMENT THAT IMPOSES A PARKS AND RECREATIONAL FACILITIES IMPACT FEE; PROVIDING FOR THE CALCULATION AND COLLECTION OF SUCH FEE; AND PROVIDING FOR APPEAL, ACCOUNTING, SEVERABILITY OF THE SAME, AND OTHER RELATED MATTERS**

**WHEREAS**, the Ephraim City Council (the “Council”) met in regular meeting on April 28, 2021, to consider, among other things, adopting an Impact Fee Enactment that imposes a Parks and Recreational Facilities Impact Fee; providing for the calculation of the same; and other related matters; and

**WHEREAS**, Ephraim City (the “City”) is authorized to enact impact fees for certain public facilities in accordance with the Utah Impact Fees Act (the “Act”) as set forth in Utah Code Ann. § 11-36a-101 et seq. (the “Impact Fee Act”); and

**WHEREAS**, Sunrise Engineering, Inc., has prepared an Impact Fee Analysis (“IFA”) and Impact Fee Facilities Plan (“IFFP”) for Parks and Recreational Facilities Impact Fees that analyzes proposed public facilities and associated impact fees as provided in the Act; and

**WHEREAS**, the IFFP (i) considers all revenue sources for financing public facility system improvements necessary to accommodate future growth, (ii) analyzes statutory criteria for determining whether a proportionate share of the cost of new Public Facilities is reasonably related to new development activity as set forth in the Act, and (iii) sets forth the methodology used to calculate the impact fees proposed for the Public Facilities; and

**WHEREAS**, the Impact Fee Analysis Consultant, Sunrise Engineering, Inc., certified its work under Utah Code Ann. § 11-36a-306(2); and

**WHEREAS**, following the appropriate public notices as required by the Act and after providing copies of the IFFP, IFA, and the Enactment to the public, the Ephraim City Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council’s consideration; and

**WHEREAS**, after considering the facts and comments presented to the Ephraim City Council, the Council finds (i) growth and development within the City is creating continuing demand for Storm Drain facilities to serve such development, (ii) impact fees are necessary to fairly distribute the costs of public facilities to serve new development, (iii) impact fees established by this ordinance constitute a proper proportionate share of the cost of public facilities which are reasonably related to new development activity as set forth in the Act and the IFFP; (iv) the impact fee established by this ordinance was developed by conservative analysis and justified by the IFFP; and (v) adoption of this ordinance reasonably furthers the health, safety and general welfare of current and future residents of Ephraim City; and

**WHEREAS**, as provided in the Act, it is proposed that the current impact fee for Parks and Recreational Facilities be modified and that impact fees be enacted, all as set forth below.

**NOW, THEREFORE, BE IT ORDAINED** by the Ephraim City Council as follows:

Section 1. Findings. The Council finds and determines as follows:

1.1. All required notices have been given and made and public hearings conducted as required by the Impact Fees Act with respect to the Parks and Recreational Facilities Impact Fee Facilities Plan, the Impact Fee Analysis, and this Impact Fee Enactment (“Ordinance”); and

1.2. Growth and development activities in Ephraim City will create additional demands on its infrastructure. The facility improvement requirements which are analyzed in the Impact Fee Facilities Plan and the Impact Fee Analysis are the direct result of the additional facility needs caused by future development activities. The persons responsible for growth and development activities should pay a proportionate share of the costs of the facilities needed to serve the growth and development activity; and

1.3. Impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future, in comparison with the benefits already received and yet to be received; and

1.4. In enacting and approving the Impact Fee Analysis and this Ordinance, the Council has taken into consideration, and in certain situations will consider on a case-by-case basis in the future, the future capital facilities and needs of Ephraim City, the capital financial needs of Ephraim City which are the result of Ephraim City’s future facilities’ needs, the distribution of the burden of costs to different properties within Ephraim City based on the demand for public facilities of Ephraim City by such properties, the financial contribution of those properties and other properties similarly situated in Ephraim at the time of computation of the required fee and prior to the enactment of this Ordinance, all revenue sources available to Ephraim City, and the impact on future facilities that will be required by growth and new development activities in Ephraim City; and

1.5. The provisions of this Ordinance shall be liberally construed in order to carry out the purpose and intent of the Council in establishing the impact fee program.

Section 2. Definitions.

2.1. Except as provided below, words and phrases that are defined in the Impact Fees Act shall have the same meaning in this Ordinance; and

2.2. “Service Area” shall mean the boundaries of Ephraim City; and

2.3. “Utah State Impact Fees Act” shall mean Title 11, Chapter 36a, Utah Code

Annotated or its successor state statute if that title and chapter is renumbered, recodified, or amended.

### **Section 3. Adoption.**

3.1 The Council hereby approves and adopts the Parks and Recreational Facilities Impact Fee Facilities Plan and Impact Fee Analysis attached and the analyses reflected therein. The Impact Fee Facilities Plan and the Impact Fee Analysis are incorporated herein by reference and adopted as though fully set forth herein.

3.2 The Parks and Recreational Facilities Impact Fees enacted by this Ordinance shall be enacted and collected as set forth.

### **Section 4. Impact Fee Calculations.**

4.1. *Impact Fees.* Parks and Recreational Facilities Impact Fees are hereby imposed on the basis of the Impact Fee Analysis and shall be paid as a condition of issuing a building permit from the City or other developmental approval. The impact fees imposed by this Ordinance shall be added to the Ephraim Master Fees Schedule and shall be as follows:

| <b>Fee per Single Family Unit/Equivalent Residential Connection</b> |            |
|---------------------------------------------------------------------|------------|
| Parks and Recreational Facilities Impact Fee                        | \$4,500.00 |

4.2. *Developer Credits/Developer Reimbursements.* A developer, including a school district or charter school, may be allowed a credit against or proportionate reimbursement of impact fees if the developer dedicates land for a system improvement, builds and dedicates some or all of a system improvement, or dedicates a public facility that Ephraim City and the developer agree will reduce the need for a system improvement. A credit against impact fees shall be granted for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities are system improvements to the respective utilities, or are dedicated to the public and offset the need for an identified future improvement; and

4.3. *Adjustment of Fees.* The Council may adjust (but not above the maximum allowable fee) the standard impact fees at the time the fee is charged in order to respond to an unusual circumstance in specific cases and to ensure that the fees are imposed fairly. The Council may adjust the amount of the fees to be imposed if the fee payer submits studies and data clearly showing that the payment of an adjusted impact fee is more consistent with the true impact being placed on the system; and

4.4. *Impact Fee Accounting.* Ephraim City shall establish a separate interest-bearing ledger account for the cash impact fees collected pursuant to this Ordinance. Interest earned on such account shall be allocated to that account.

- (a) *Reporting.* At the end of each fiscal year, Ephraim City shall prepare a report generally showing the source and amount of all monies

collected, earned and received by the fund or account and of each expenditure from the fund or account. The report shall also identify impact fee funds by the year in which they were received, the project from which the funds were collected, the capital projects from which the funds were budgeted, and the projected schedule for expenditure and be provided to the State Auditor on the appropriate form found on the State Auditor's Website; and

- (b) Impact Fee Expenditures. Funds collected pursuant to the impact fees shall be deposited in such account and only be used by the City to construct and upgrade the respective facilities to adequately service development activity or used as otherwise approved by law; and
- (c) Time of Expenditures. Cash impact fees collected pursuant to this Ordinance are to be expended, dedicated or encumbered for a permissible use within six (6) years of receipt by Ephraim. Ephraim may hold previously dedicated or unencumbered fees for longer than six (6) years if it identifies in writing, before the expiration of the six-year period, (i) an extraordinary and compelling reason why the fees should be held longer than six (6) years; and (ii) an absolute date by which the fees will be expended.
- (d) Extension of Time. The City may hold unencumbered impact fees collected pursuant to this Enactment for longer than six (6) years if the Council identifies in writing (i) an extraordinary and compelling reason why the fees should be held longer than six (6) years; and (ii) an absolute date by which the fees will be expended.

4.5. Refunds. The City shall refund any impact fee collected pursuant to this Enactment as set forth in Utah Code Ann § 11-36a-303, as amended or when:

- (a) the fee payer has not proceeded with the development activity and has filed a written request with the Council for a refund; and
- (b) the fees have not been spent or encumbered within six years of the payment date; and
- (c) no impact has resulted.

4.6. Additional Fees and Costs. The Impact Fees authorized hereby are separate from and in addition to user fees and other charges lawfully imposed by the City, such as engineering and inspection fees, building permit fees, review fees, and other fees and costs that are not included as part of the Impact Fee.

4.7. Fees Effective at Time of Payment. Unless the City is otherwise bound by

a contractual requirement, the Impact Fee shall be determined in accordance with this Enactment.

**Section 5. Appeal.**

5.1. Any person required to pay an impact fee who believes the fee does not meet the requirements of the law may file a written request for information with the City; and

5.2. Within two weeks of the receipt of the request for information the City shall provide the person or entity with a copy of the reports and with any other relevant information relating to the impact fee; and

5.3. Any person or entity required to pay an impact fee imposed under this article, who believes the fee does not meet the requirements of law may request and be granted a full administrative appeal of that grievance. An appeal shall be made to the City within thirty (30) calendar days of the date of the action complained of, or the date when the complaining person reasonably should have become aware of the action; and

5.4. The notice of the administrative appeal to the Council shall be filed and shall contain the following information:

- (a) The person's name, mailing address, and daytime telephone number; and
- (b) A copy of the written request for information and a brief summary of the grounds for appeal; and
- (c) The relief sought.

**Section 6. Effective Date.** This Ordinance, and the Impact Fees enacted hereunder, shall take effect \_\_\_\_\_, \_\_\_\_\_ 2021.

*[signatures on following page]*

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2021.

**EPHRAIM**

---

**John Scott**, Mayor

**ATTEST:**

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**Leigh Ann Warnock**, City Recorder

# Wesley Thompson - Proposed 6 Units

3 Duplexes

40

R4

Creekside Apartments

Proposed 6 Units

R3

S-300-E

S-400-E

Google Earth

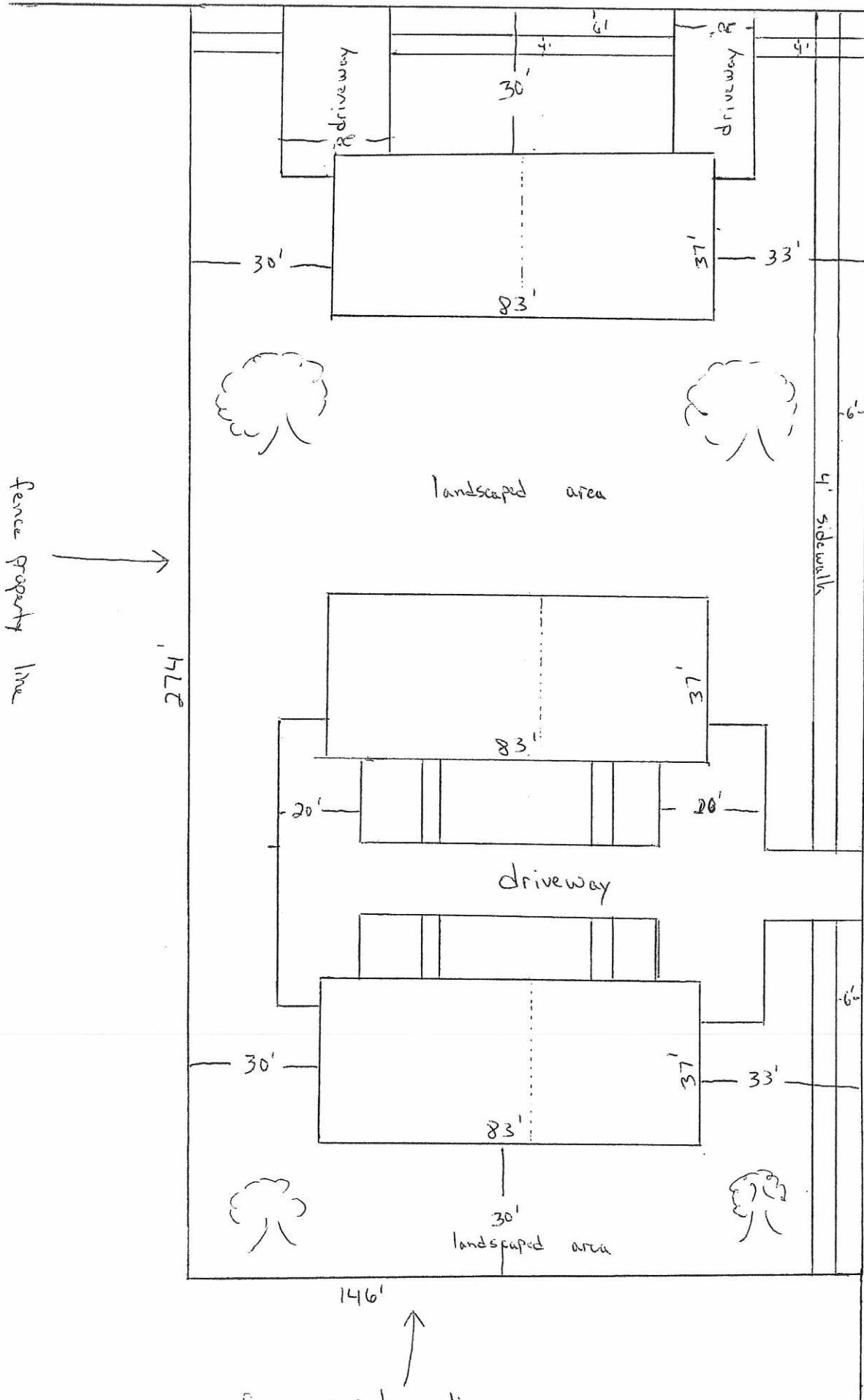
© 2021 Google



300 ft

400 East

41



March 25, 2021

Description of proposed conditional use of property located at 200 South and 400 East in Ephraim. The property is currently a vacant lot owned by WTST Properties, LLC.

It is planned that three separate twin homes will be built on the property under consideration. The twin homes are intended to be used as rental properties. Each twin home will have two four bedroom units, for a total of six units on the property. Each unit is intended to be rented as a residence for single families. Each unit will have a single car garage, with a driveway wide enough to park two vehicles, providing three off street parking stalls per unit. Proper landscaping, fencing, and sidewalks are planned for the property. It is not anticipated that the proposed buildings will cause a significant increase in either vehicle or pedestrian traffic to the neighborhood. No business will be conducted on site that will draw visitors, other than the families who rent and use the property as their residence.

# The Estates at Ephraim Crossing Phase 2

Location

43

S 400 W

S 200 W

W 400 S

Google Earth

© 2021 Google

500 ft

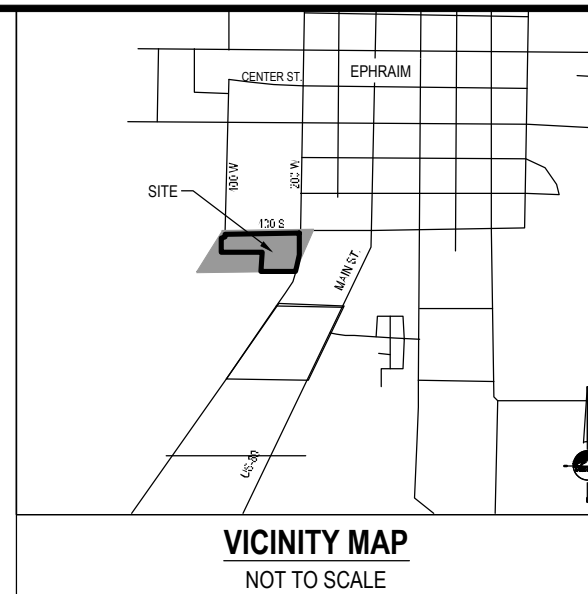


# THE ESTATES AT EPHRAIM CROSSING PHASE 2 SUBDIVISION

LOCATED IN THE NORTHWEST QUARTER OF SECTION 9,  
TOWNSHIP 17 SOUTH, RANGE 3 EAST, SALT LAKE BASE & MERIDIAN  
EPHRAIM CITY, SANPETE COUNTY, UTAH

## LEGEND

- EXISTING STREET MONUMENT  
PROPOSED STREET MONUMENT  
SECTION CORNER  
SET 5/8" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSIGN ENG. & LAND SURV."  
BOUNDARY LINE  
SECTION LINE  
CENTER LINE  
EASEMENT LINE



## SURVEYOR'S CERTIFICATE

I, **DUSTY BISHOP**, do hereby certify that I am a Licensed Land Surveyor, and that I hold Certificate No. **4938720**, as prescribed under laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as **THE ESTATES AT EPHRAIM CROSSING PHASE 2**, and that the same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet frontage width and area requirements of the applicable zoning ordinances.

## BOUNDARY DESCRIPTION

A parcel of land, situate in the Northwest Quarter of Section 9, Township 17 South, Range 3 East, Salt Lake Base and Meridian, containing a portion of parcels S-782 and S-783, along with a portion of the abandoned railroad right-of-way running between them, more particularly described as follows:

Beginning at the southwest corner of 'The Estates at Ephraim Crossing Phase 1 Subdivision', which is located South 1°11'36" East 2333.46 feet along the measured Section line and East 599.91 feet from the found monument, dated 1999, at the Northwest Corner of said Section 9, and running:

thence North 89°36'04" East 796.36 feet along the southerly boundary of said subdivision;  
thence South 0°23'56" East 82.00 feet leaving said boundary;  
thence South 6°58'58" East 56.37 feet;  
thence South 0°23'56" East 90.00 feet;  
thence South 89°36'04" West 121.46 feet;  
thence South 87°13'47" West 56.05 feet;  
thence South 89°59'06" West 102.00 feet;  
thence North 88°57'35" West 493.07 feet;  
thence North 20°45'53" East 85.69 feet;  
thence Northwesterly 101.88 feet along the arc of a 71.00-foot radius non-tangent curve to the right (center bears North 7°23'21" East, and the long chord bears North 41°30'17" West 93.36 feet, through a central angle of 82°12'44");  
thence North 0°23'56" West 67.00 feet, to the Point of Beginning.

Parcel contains: 175,318 square feet, or 4.02 acres.

ALSO:

Beginning at the southeast corner of Lot 106 of 'The Estates at Ephraim Crossing Phase 1 Subdivision', which is located South 1°11'36" East 2333.46 feet along the measured Section line; thence East 599.91 feet to the southwest corner of said subdivision; thence North 89°36'04" East 908.36 feet along the southerly boundary of said subdivision from the found monument, dated 1999, at the Northwest Corner of said Section 9, and running:

thence North 0°23'56" West 82.00 feet along the east line of said Lot 106 to the northeast corner of said Lot 106 and a point in the south line of 400 South Street;  
thence North 89°36'04" East 112.00 feet along said south line to the northwest corner of Lot 107 of said subdivision;  
thence South 0°23'56" East 82.00 feet along the west line of said Lot 107 to the southwest corner of said lot 107;  
thence South 89°36'04" West 112.00 feet to the Point of Beginning.

Parcel contains: 9,184 square feet, or 0.21 acre.

DATE

DUSTY BISHOP  
P.L.S. 4938720

## UTILITY DEDICATION

By execution of this plat, the Owner(s) shown below does hereby grant and convey to Ephraim City and other public utility companies, a permanent easement and right of way in and to those areas reflected on the map and defined as "PRIVATE STREET", "LIMITED COMMON" and "COMMON AREA" for construction and maintenance of approved public water, storm drain and public utilities and appurtenances together with right of access thereto.

## RESERVATION OF COMMON AREAS

By execution of this plat, the Owner(s) shown below does hereby reserve all areas shown on this plat "COMMON AREA" for the common enjoyment of all owners and such owners guests and invitees to the project.

## OWNER'S DEDICATION

Known all men by these presents that I / we, the undersigned owner (s) of the above described tract of land, having caused same to be subdivided, hereafter known as the

## THE ESTATES AT EPHRAIM CROSSING PHASE 2

do hereby dedicate for perpetual use of the public all parcels of land, including streets and utility easements as shown on this plat as intended for public use under the authority and auspices of Ephraim City and other applicable state and federal laws and regulations.

In witness whereof I / we have hereunto set our hand (s) this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_.

By: Joseph Gallagher, Chief Construction Officer  
CVG Ephraim South, LLC

## INDIVIDUAL ACKNOWLEDGMENT

STATE OF UTAH )  
County of SANPETE )S.S.

On the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_,

By: Joseph Gallagher, Chief Construction Officer  
CVG Ephraim South, LLC

personally appeared before me, the undersigned Notary public, in and for said County of \_\_\_\_\_ in said State of Utah, who after being duly sworn, acknowledged to me that He/She/They signed the Owner's Dedication, \_\_\_\_\_ in number, freely and voluntarily for the purposes therein mentioned.

MY COMMISSION EXPIRES: \_\_\_\_\_

By: \_\_\_\_\_

RESIDING IN \_\_\_\_\_ COUNTY.

NOTARY PUBLIC

## ACCEPTANCE BY LEGISLATIVE BODY

THE CITY COUNCIL OF THE CITY OF EPHRAIM, COUNTY OF SANPETE, APPROVES THIS SUBDIVISION SUBJECT TO THE CONDITIONS AND RESTRICTIONS HEREON, AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC AND APPROVES THE VACATION OF THE EASEMENT SHOWN AS BEING VACATED HEREON.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_.

## THE ESTATES AT EPHRAIM CROSSING PHASE 2

LOCATED IN THE NORTHWEST QUARTER OF SECTION 9,  
TOWNSHIP 17 SOUTH, RANGE 3 EAST, SALT LAKE BASE & MERIDIAN  
EPHRAIM CITY, SANPETE COUNTY, UTAH

SURVEYOR SEAL

NOTARY PUBLIC SEAL

CITY-COUNTY ENGINEER SEAL

CLERK-RECORDER SEAL

NORTHWEST CORNER  
OF SECTION 9  
T17S, R3E, SLB&M  
(FOUND 3" BRASS CAP  
DATED 1999)

WEST QUARTER  
CORNER OF SECTION 9  
T17S, R3E, SLB&M  
(CALCULATED  
POSITION)

SOUTHWEST CORNER  
OF SECTION 9  
T17S, R3E, SLB&M  
(FOUND 3" BRASS CAP  
DATED 1999)

### NOTE:

- 1) PARCEL A IS THE LOCATION FOR THE STORM WATER STORAGE DETENTION BASIN. ONCE CONSTRUCTED, THE CITY WILL OWN AND MAINTAIN THE BASIN.
- 2) PARCEL B WILL CONTAIN LOTS PLATTED IN PHASE 2 OF THE DEVELOPMENT.
- 3) SHALLOW SEWER DEPTHS! CONTRACTOR SHALL VERIFY SEWER LATERAL DEPTH AND SET FOUNDATION ELEVATION TO PROVIDE ADEQUATE FALL INTO SEWER LATERAL BUILDINGS WITH A BASEMENT MAY NOT HAVE SEWER SERVICE AVAILABLE FOR BASEMENT.

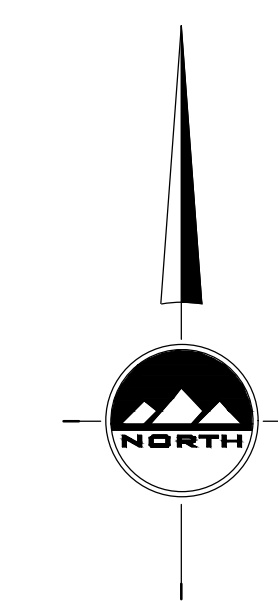
ROSEDDITH B. NIELSON  
PARCEL # S-780

GARY AND JANETTE ANDERSON  
PARCEL # S-6195 & S-6197

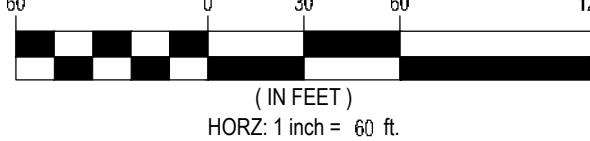
## 450 SOUTH (PUBLIC 56' ROW)

## 400 SOUTH (PUBLIC 66' ROW)

## 200 WEST (PUBLIC 66' ROW)



## HORIZONTAL GRAPHIC SCALE



## CURVE TABLE

| CURVE | RADIUS | LENGTH | DELTA     | BEARING     | CHORD  |
|-------|--------|--------|-----------|-------------|--------|
| C1    | 43.00' | 67.54' | 90°00'00" | S45°23'56"E | 60.81' |
| C2    | 15.00' | 23.56' | 90°00'00" | N45°23'56"W | 21.21' |
| C3    | 15.00' | 23.56' | 89°59'53" | S44°36'04"W | 21.21' |
| C4    | 15.09' | 23.53' | 89°20'31" | N45°23'56"W | 21.21' |
| C5    | 15.00' | 23.56' | 90°00'00" | N44°36'04"E | 21.21' |
| C6    | 15.00' | 23.56' | 90°00'00" | S45°23'56"E | 21.21' |
| C7    | 71.00' | 9.65'  | 7°47'16"  | S86°30'17"E | 9.64'  |

## PLANNING COMMISSION APPROVAL

PRESENTED TO THE PLANNING AND ZONING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D.  
20\_\_\_\_  
AT WHICH TIME THIS SUBDIVISION WAS APPROVED  
AND ACCEPTED.

CHAIRMAN



**CAMINO VERDE GROUP**  
2831 ST ROSE PARKWAY, STE 257  
HENDERSON, NV 89052

CONTACT:  
MIKE BALLARD  
Phone: 702-467-0789



**RICHFIELD**  
225 North 100 East  
Richfield, UT, 84701

Phone: 435.886.2983  
Fax: 801.255.4449  
WWW.ENSIGNENG.COM

**LAYTON**  
Phone: 801.547.1100

**TOOELE**  
Phone: 435.843.3980

**CEDAR CITY**  
Phone: 435.885.1453

**SALT LAKE CITY**  
Phone: 801.255.9529

## SHEET 1 OF 1

PROJECT NUMBER: 9780

MANAGER: KLC

DRAWN BY: KFW

CHECKED BY: BR

DATE: 4/8/21

# The Estates at Ephraim Crossing Phase 2

Proposed 14 Lots

