

COUNCIL WORK MINUTES
JULY 28, 2021

The City Council held a meeting on Wednesday, July 28, 2021, at 5:30 p.m. in the City Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Maile Wilson Edwards; Councilmembers: Ron Adams; Terri Hartley; Craig Isom; W. Tyler Melling; Scott Phillips.

STAFF PRESENT: City Manager Paul Bittmenn; City Recorder Renon Savage; Finance Director Jason Norris; City Engineer Jonathan Stathis; Police Chief Darin Adams; Fire Chief Mike Phillips; Public Works Director Ryan Marshall; City Planner Don Boudreau.

OTHERS PRESENT: David & Stephanie Nakken, Laura Henderson, Father Lee Monthomery, Peggy Green, Nathan Anderson, Tom Jett, Melodie Jett, Teri Kenney, Phil Schmidt, Ronald Riddle, Wendy Green, Dave Clarke, Delice Tom, Roger Thomas, Shana Hughes, Chris Uchman, Bobby Rowser, Rita Walker, Robert Pete, Laurel Yellowhorse, Travis Larsen, Nick Ripandellij, Jason Valentine, Jared Hatch, Carter Wilkey, Nick Willis, Tim Watson.

CALL TO ORDER: Reverend Lee Montgomery of St. Jude Episcopal Church gave the invocation; the pledge was led by Councilmember Hartley.

AGENDA ORDER APPROVAL: Councilmember Isom moved to approve the agenda order moving item #3 to action; second by Councilmember Phillips; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF

COMMENTS: ■Isom – I am grateful we live in a city like this with so many good people with an attitude of volunteerism. I am just grateful to our citizens. Hartley – I echo that, thanks to Mayor, staff, employees, citizens, everybody really came together. ■Hartley – I was onsite with Fire today with Chief Phillips. I want to commend them, they had a house fire, they got to with a small truck and put the fire out very quickly. Great job. It was fun seeing them in action and seeing what they do, thank you very much. ■Mayor – Monday night I declared a State of Emergency, I was in contact with the Governor's office, with the State Emergency Management Public Safety Department. We received enough water, and Jonathan will go into more detail, but in the area hit the hardest, we had Bowen Collins do an initial assessment of the storm. The area that was hit the hardest the maximum depth recorded was equivalent to a 600-year storm, other areas were a 200 to 500 year. Rain fall was 2.66 inches, and it was in a very short period of time. Jonathan – the heat map showed the total rainfall. The northern area is in Enoch. 200 North to the west, Cross Hollow Road and Cedar Meadows, Mountain Shadows area. It was in Sunset Canyon, Cross Hollow Hills, Leigh Hill area. The maximum storm intensity in the middle showed it to be a 600-year return period. Mayor – the 100-year storm is 1.45 inches in an hour, we were obviously more at 2.66 inches. Monday night it was crews all on deck, we were doing assessments in air and ground. Police Fire, Public Works were trying to get roads accessible, and traffic flowing. Cody Drive is still closed. The Fire Department went around, we had other

jurisdictions text and drove pumps up to us so we could help get houses/residents pumped out, cleaned drain ways. Red Cross Shelter was set up. As far as supplies they are at max capacity and have plenty of items for residents in need. The first night there were over 20 individuals that used their service. Over 200 students have been displaced. Numerous businesses and other residents range from minimal damage to basements being taken completely down and student housing completely uninhabitable. Cedar Public Works and County Road Departments, we were able through the State of Emergency, and we have great relationships with the surrounding communities got sandbags in, but they are not filled, we need volunteers. As fast as they are filled, they are taken away. The County yard was overtaken by people looking for sandbags. This community is infamous for helping one another out, that continues to be somewhere that people can volunteer. Our crews have been working around the clock, clearing roads, working with utilities, checking storm drain etc. none of our infrastructure failed, it was overwhelmed based on the amount and time frame of how quickly the water came and how hard and centralized it was, but no failures. We have found, as with anything, areas that can be improved upon. We have been out, even before the meeting, surveying pipes, storm drains and where crews have been and where they need to go. It is all hands-on deck. There is a link on the city webpage, cedarcity.org, where people can report damage, one with the State of Emergency ties into the FEMA aspect, we have to get to a threshold as far as damage for FEMA. We can check infrastructure, future improvements that need to be made. If individuals go on and fill out that form, it is basic. Overall, our community has rallied, there have been hundreds of volunteers and community members help out. Our community has done what our community does best in coming together in time of need. I want to thank the surrounding jurisdictions for their support, they jumped in bringing resources. Washington County has helped with damage assessment. You have to document everything, SUU provided aircraft and a photographer. It has been a coordinated effort with the City, County, University and a team working together. I don't want people to think the storm is over and they are alone, the effort will continue. If you look at the forecast, rain is projected Thursday, Friday, Saturday, and Sunday. The monsoon, last week it was the north area of town, this week the west area of town, it has been a very interesting way the rain has been hitting. Our crews have been working checking storm drains throughout the community. We don't know what area will be hit or if it will be a nice gentle rain. We are making sure the City infrastructure is prepared. One interesting aspect, photo of new Tagg n Go, the water was creating its own path between an apartment complex and the car wash. Part of Cody Drive, the north side washed out, utilities are exposed. This will remain closed, we will need to do work on the roadway, it buckled in some places. Depending on how the rains go this weekend, Streets and Jeff have worked so we can start to repair next week if the soil is dry. By Ladybug Nursery, the water went over the bridge and moved the concrete barrier, this is after the water started to subside and we were doing aerial assessments. Next picture is water coming off I-15, this impacted our storm drains, this shows water coming off the freeway, not making it into the storm drains because there was so much. Center Street bridge at I-15, with the water coming off the freeway into the area. Giant bolder that we think came from the overpass through the freeway or through one of the pipes, it was moving boulders. The photos shown are attached as Exhibit "A". ■Jonathan – it was amazing to see the amount of water, I have never seen anything like this before the drainage systems were overwhelmed. Phillips – do we know if the storm drains are cleaned from boulders. Mayor – the Iron County Landfill will waive fees for the next week. We have

put dumpsters at the Cross Hollow Arena for people to use. People have had to pull carpet, etc. the Red Cross has supplies, over 500 buckets of cleaning supplies arrived today. They are at 61 North 900 West in the LDS Church building. Pillows, sheets, diapers, food, water, cleaning supplies, everything is fully stocked. If you need something, please go there. Phillips – do we know the pipes are clear of major debris. Jeff Hunter – yes, we have hit them all. We have cleaned streets and checked storm drains. Generally, all of the storm drain was clean from the storm other than the Cross Hollow area and we vacuumed out all the catch basins and jetted the pipes. We are in the Church parking lot. Phillips – the large channel along the north side of the freeway towards 200 North, has it been dredged out? Jeff – we have about half of that done, we will finish that tomorrow. Phillips – you have done a great job; the streets are amazingly clean for the type of storm we had. Melling – the subterranean basin in Cross Hollow, it is a new thing, were we able to get that cleaned out? Jeff – yes, it is polished. I have crawled in every cell, there was grass stuck, pine needles, it was completely overwhelmed. It recharged really fast. I went in a few hours after it subsided, and the water recharged out. It worked as it was designed. Phillips – how were the people and the families affected? Mike Phillips, Fire Department – our night started with a power pole getting struck by lightning and haystack fire and then we were out pumping peoples basements. We have gone back and checked. Phillips – when was power restored to the south part of town? Melling – about 5:30 p.m. Phillips – you are the first and last responders. Mayor – if there is any silver lining, it happened in the daytime not in the middle of the night when people were sleeping. We didn't have casualties or serious injuries that we know of. As quick as it came, we are glad people were not sleeping. Phillips – I have heard from people connected with the Red Cross; they are worried that so many working to clean up their places that they are not responding. If anyone needs help, they have resources, if they can't, send someone to get the supplies. Mayor – I spent a lot of time there and it is stacked high. They were overwhelmed with how fast donations were coming in. it is organized and sorted and easy to find what resources would help an individual's particular circumstances

PUBLIC COMMENTS: ■ Cedar Band of Paiutes – housing development & burial sites. Delice Tom – thank you for welcoming us, I want to acknowledge the council. We had a meeting on July 14th, one of our Elders approached us and was concerned about burial sites in Cedar City. Robert Pete – member of the Cedar Bank of Paiutes and representative of the culture committee. An Elder came to us about a concern on the hill, I was raised and told it was called Leigh Hill, there is development of homes in the area and her concern was that there were probably some burial sites around the old dump area and possibly around the rodeo area. We don't have hard evidence, or anything written down. She has a letter written by an Elder a long time ago talking about the areas. If there are remains or artifacts found they need to be taken care of by the people, which is us. We have a protocol and procedure on doing these things. We are not trying to stop development, a long time ago there was a law to stop, we only have them stop for a short time so we can take care of the remains. We need to have an archaeological survey in this area. maybe the University can help us, a drone fly over the area with the technologies they have today to take pictures of the hills. We really need to find the areas if we can. We only have two elders left and she will explain more. We encourage development in Cedar City, we need homes. We are just concerned, because of COVID-19 I haven't had anything on my plate until the last meeting. Our first step is to

come to City Council and let the Council and Mayor know what we need to do to take care of the situation. Mayor – have you been in contact with any of the property owners in the area? Robert – that is what I told the Elder, this is private property, and we can't get in. If we have to do surveys someone will have to pay for it, I don't know if it is city, county or federal land. If it is private property, we were told the owner of the property would have to take care of removing the remains out of their own pocket. Phillips – in addition to the Leigh Hill area, are there other sites or locations that the Band knows about, if there are, we need to know sooner rather than later. Robert – we were here, and we had camps everywhere, that is something I wouldn't know. We always had one certain area where we did our burials, but I don't know. Phillips – there is a state agency that might assist with this. Robert – if you have contact information get it to Delice. Laura Yellowhorse and Rita Walker – she is an Elder that has a lot of documents received from her father. Growing up I have always been told not to build in the Wal-Mart Leigh Hill area because they were burial sites. I built in the County on flat ground where I know it is not a site. Every year there seems to be more development on hills and by hills. She has books, they have never said bodies were found which is shocking because we were told those are where the burial sites have been. Around Wal-Mart is getting development and by SUU farms into the hills. A statement was read, it is attached as Exhibit B. That is a statement she received a long time ago. She recently had a feeling when she drives around and sees development. She wants to make sure they are buried properly if the remains are found. Dalice – when she came to the Band meeting, she felt the spirit coming to her and warning her to tell people that they are not getting a proper burial. Spirits are coming to her for a proper burial. Phillips – in this location there is some certainty of burial sites, and if located during the excavation you are asking to be notified so proper burial can take place. Laura - it is what we grew up with this knowledge, she wants to say something because there is so much development. Rita Walker – I was a Pete before I married. It goes back to the 1800's my grandfather was Coal Creek John. I have been doing family history for my grandkids. I didn't start until after 2000, my grandkids said when you went to School in Cedar what did you do. I realized I needed to write something down, so it is remembered. I am still working on it. This is what I found in one of the histories. My dad was the leader back in the 20's and he would tell me a lot about things. They used to say when we went on Old Highway 91, there was a water tank on the hill, they would say there is a burial site around that area. Our ancestors, my great, great, great grandfather and mother and uncles. 1851 Coal Creek John passed away after the Mormon settlers came. They moved us where we are. A lot of the old people are gone now. The old people remember it. I want them to be found so we can bury them the right way. Hartley – are you asking the city to help or pursuing with SUU. Laura – she just brought this to the last meeting. We want awareness because of the development going on. If there is a team effort, or have the builders do something, have a plan if they come upon things. We are thinking of working with SUU, this is our first step. Phillips – I have contact information for State Offices, and you should work with SUU. We do need to have locations; we can't save the entire Cedar Valley. Adams – in reference to the Water Tank, that is State Trust Lands property, we can give you contact information so you can make them aware. A few of us remember where the old dump was, this could be in the hills north of there. Delice – is this the south part? Adams – south of Wal-Mart. Phillips – they are developing in the valley, not on the hill yet. Mayor – there is another aspect. Paul – there is through State Historic Preservation Office regulations in place if builders encounter remains, they are to report, and the State Historic Preservation can

deal with it properly. Delice – no one has brought it to our attention, we need to know if it happens. The State has come to the tribe for other areas in Utah, but no one has come to our band. If they find burial sites, we want them to be taken care of. Adams – don't you have property south of the old dump across the freeway? Delice – yes. That is too far south. Mayor – we can remind developers, there are different representatives that work with developer here. we can remind them of your concerns and the need to report. ■Dave Nakken – I am an apartment owner, I used to be a businessman in Cedar City. I want to address you on concerns. We have about 80-100 students displaced. I own Westview and University West apartments, southwest side of the freeway, one of the hardest hit areas. We were pretty devastated; 22 apartments totally will have to be gutted to the ceilings. We have 30 days to get this fixed for the students to come in, we are in a situation not enviable. I am appreciative of everyone that came and volunteered, SUU Football Team, Jared Tippetts found places for people to live. Phil Schmidt came with his equipment, on and on, a wonderful display of response by individuals in the community and by all of you, I know it is a high priority. I got my eyes opened. Every year with the University apartments, because of the inability for water to flow there is always some level of flooding. In 2007 it was a problem, and we have the same system we had years ago with 50 homes on Leigh Hill. I am grateful that Jonathan and Paul and everyone is looking for opportunities to improve that, it has to be improved, we can't put lives at risk. It was scary to see young married couples try and swim out of their apartments. Parents coming from Arizona and other places. We have to get that resolved; we can't put the students at risk again. ■Phil Schmidt – I agree with the council, it is a great community. A few things to go over. The heat map, most of the flood was on the west side of the freeway, the piping system that runs past the apartments, the pipe used to be a ditch, we put in box culverts and 4-foot pipes. For about 200 feet there is a 2x6 box culvert 18 sq feet. The culvert is a 4.5-foot culvert has a dip in it at the north end, not running straight. Once you get to the other side it is a 4-foot culvert, 16 square feet. If water comes off Leigh Hill, there is a 2 foot, or 18-inch culvert also runs to the culvert to a 4-foot culvert. Down the parking lot the pipe stays at 4' and then goes to an open ditch and to a 4' concrete pipe and to the city structure by the car wash. The north side is smaller than the south side. The pipe goes all the way up, across the freeway, to 800 and 600 south. The pressure and elevation from 800 to here moved 10 x 10-inch concrete slabs off the manhole, it was an incredible amount of pressure. Everything past Dave's place is going underneath Center to undersized pipe and backing it up. That is not where the heavy rain was. Where it used to be open is now piped solid all the way to the 600-south overpass. UDOT has a 4' culvert that goes across the freeway and comes out at the culvert on 600 South, I don't know if it is City or UDOT culvert, but it doesn't drain well. Sage and Bentley there was no place for the water to go that is coming off those areas. We trapped the water. There is a 2' or 18" culvert at the end of the apartments. Where we cross the road cut and put a 4' apron in so the water has some place to get off the road. The area is 30 feet wide and 2' deep. You have blocked it, there is no place for it to go. The water comes from Main Street and 800 piped all the way over. South of 600 and west of 300 West goes to that drainage, you need to do something. the pipe under 600 South is not working, it drains slowly, it is undersized for what you are doing. If it does come out it floods the apartments, no ditch past SUU, it was taken out to go to the 4' culvert. We need to look at that. When you get down to Center Street bridge, the water was 10-12 feet where it flooded SUU and over the freeway. I don't know whose culvert, but it doesn't work, the east side of the freeway by Gentry Trailer Park is the ditch, if the water

makes it through it goes through the trailer park. The culvert under Center needs to be evaluated. Everything on the north side of Center is too small for what you are giving it. It needs to be upsized, so it doesn't continue to flood, it doesn't take a 100-year storm anymore. 600 to 300, everything on the Leigh Hill side from the gas station, Ninja and Bentley drains to the freeway, it will flood Dave every time. Ridge Road cross gutters go to this drain also, the movie theatre, Bentley, etc. all goes there. The north side needs to be fixed. The other thing I would like to see you do is cut an opening a 4' apron so if the water comes in can go somewhere. Jeff does a great job. At Silver Silo, hopefully we are learning as we go, follow it and it will teach you a lot. The grate needs to be cut and removed tomorrow morning; it only plugs up. If Fiddlers Canyon Dam fails it will be because of the grates. UDOT has box culverts on the freeway, not one has a grate, the squash pipe by the trailer park has no grate. The grates will be blocked, and the water will go where it wants. You can't clean a grate when it is flooding. I would hope you cut the grates off and get them out of Fiddlers and that one, they will not help. UDOT does not have one grate. I would be happy to help, I have studied water all my life, but we need to do things, or we will be in trouble. I hope you allow high flow grates on the catch basins. We have 4-, 6- and 8-foot grates and the water go over it because they are covered. ■Tom Jett – I am sure the city offices have been inundated. We have 3 two-bedroom apartments vacant right now, we will give them free rent for the next month to month and half until their previous homes are ready. ■Peggy Green, Iron County Care and Share – our pantry is safe, but families have washed out of the canyon, we are in emergency capacity number, we are very concerned. The only relief is we can do rapid COVID testing so we don't have to hold spots for quarantine. We don't have hotels right now. Please be patient while we house people displaced from the flood. Please have patience and understanding at this time.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED JULY 7 & 14, 2021; (2) APPROVE BILLS DATED JULY 26, 2021; (3) APPROVE VICINITY PLAN FOR LIBERTY COVE PUD. PLATT & PLATT/DONALD BOUDREAU; (4) APPROVE VICINITY PLAN FOR ROSE VILLAGE PUD. GO CIVIL/DONALD BOUDREAU; (5) APPROVE AN AGREEMENT WITH UDOT FOR THE SR-130/NICHOLS CANYON ROAD TRAFFIC SIGNAL PROJECT. JONATHAN STATHIS; (6) APPROVE THE FOLLOWING COMMITTEE APPOINTMENTS: AIRPORT BOARD - REAPPOINT BURT POULSEN & VAUGHN MONTGOMERY; BOARD OF ADJUSTMENTS - DORIAN PAGE; CATS - PEGGY GREEN & REAPPOINT BRODY JOHNSON; CROSS HOLLOW EVENT CENTER - JEAN LOPOUR AND REAPPOINT RUSTY AIKEN & REE ZAPHIROPOLOUS; DOWNTOWN PARKING AUTHORITY – REAPPOINT EVAN VICKERS & DAN DOTSON; HOUSING AUTHORITY – JOHN WESTWOOD; LIBRARY BOARD – HEATHER MUNFORD; PARKS & REC ADVISORY BOARD TOM HIGBEE AND REAPPOINT CHRISTY HUGH & CHRISTY FLORENCE; PLANNING COMMISSION – TOM JETT; RAP TAX ARTS – REAPPOINT LINDA BENSON, RANDY ALLEN, & NEAL SMITH; RAP TAX PARKS – REAPPOINT MAURI BLEAZARD, MARK JOHNSON, CHAD WESTWOOD & VICKI CHRISTIAN; TRAILS COMMISSION – MAURI BLEAZARD & RICHARD DOTSON; Councilmember Phillips moved to approve the consent agenda items 1 -2 and 4 through 6 as written above; second by Councilmember Hartley; vote unanimous.

APPROVE VICINITY PLAN FOR LIBERTY COVE PUD. PLATT & PLATT/

DONALD BOUDREAU: Phillips – I asked to move it to action. I have concerns about our ability to approve another project without having the assurance that our sewer, water and storm drain can handle the additional hard surface with it. I am not against the project. Jonathan – the sewer we ran the model, there is a bottle neck on 200 North at I-15 that will need to be addressed. Melling – is that for any new projects east of main and north of 200 south? Jonathan – south of 200 North. Melling – I would think it is a large area. Jonathan – I don't know how much area is served. Phillips – is this something that can be addressed in 30 days or 6 months, this affects this project. Jonathan – the sewer is flatter so it doesn't carry the flow, I don't know the answer yet, but there would need to be some mitigation to handle the additional flow. Mayor – we pulled Jonathan off all their normal duties the past few days to evaluate infrastructure. The normal information they would be well versed in is due to the emergency. Phillips – for us to make a decision we need to table or have assurance in this. We can't do it blindly. Melling – is it something to address before final plat. Jonathan – this is what we look at in construction drawings, a more thorough review, this is vicinity. Paul – vicinity plat, preliminary plat (construction drawings), final plat. Preliminary plat is when all of this is addressed. Phillips – when we get to final plat it is done and we are just approving. I want to make sure these issues are addressed. Hartley – we also talked about changes that might need to be made with the storm drain, retention on site and the City to redesign where our water will go. Jonathan – I had a conversation with Jesse Carter, he would be willing to detain water for his project in a detention pond, open space area, I had that conversation Monday morning, and he was amenable to do the detention pond. Dave – this is not my project, I will do my best to answer questions. Jonathan – I ran rough numbers, there is room for him to detain his water 1-2 feet. But detaining the water on Interstate Drive has not been addressed. We wanted to upsize, and we don't think it will be sufficient; we need to look at that also. Melling – do we have some wiggle room if they are amenable to increase the depth? Jonathan – I don't know the size of the open space so I don't know if it would work or not, but if so, we could look at cost sharing. I did not talk to Jesse about this. We can have the conversation with the developer. Dave – I have not had he conversation. Phillips – we need to address these items in a motion or table this. Isom – the normal process will address those issues. Phillips – the City has issues also with the storm drain. Mayor – the long-term storm drain is a bigger city conversation. Hartley – but we can't put more water into it before the City addresses it. Melling – part of the reason we do this is to flag the issues. The issues will need to be taken care of before final plat.

Councilmember Melling moved to approve the vicinity plan for Liberty Cove PUD; second by Adams; vote unanimous.

AN ORDINANCE AMENDING THE CITY'S ROAD MASTER PLAN AT BENSON WAY AND WESTVIEW DRIVE. WATSON ENG./JONATHAN STATHIS:

Tim Watson, Watson Engineering – any additional questions? Isom – I am not sure where the master planned road would go. Phillips – I struggle to eliminate north/south corridors, but I understand. I would hope we would learn when we see lines on a map, we should talk about them before we proceed to far. Hartley – I have the same concern. Also a few years back we relocated the east/west corridor that cut through to Cross Hollow Drive and moved it

northward, and we are moving to the same area. I understand the terrain. Melling – with density in the area and the prior neighborhood comments that they don't want roads and improved streets. When we go through transportation master plan, we need to look at terrain. This makes sense because I can't make sense of the original proposal.

Councilmember Phillips moved to approve the ordinance vacating the master planned road at Benson Way and Westview Drive; second by Councilmember Isom; roll call vote as follows:

Ron Adams	-	AYE
Terri Hartley	-	AYE
Craig Isom	-	AYE
Tyler Melling	-	AYE
Scott Phillips	-	AYE

AN ORDINANCE AMENDING THE CITY'S ROAD MASTER PLAN IN THE TIPPLE ROAD AREA. PLATT & PLATT/TYLER ROMERIL:

Dave Clarke, Platt & Platt – I looked at the road general plan, the existing one, if you zoom out, the area is the south end of town and it goes into the hills, it is rough. The city can't grow much in that area. You have master planned roads, but no where do you have 3 that close together. Without hesitation the consultants said you don't need that road. It is different with a 66' county road. City road at 66' has 51 feet of pavement and we propose to make it a 75-foot road. Melling – I agree on a lot of points, but the future policy discussions I worry about. There have been issues with other areas having better policies. We need some secondary through roads, not solely on the master planned roads. If developed to our specs it will not be so much traffic. Phillips – if we were to approve this ordinance, do we include the fact that they make it a 75' road? Paul – yes if you want it contingent upon that.

Hartley – the Hamilton Fort Water Line from a spring in Shurtz Canyon, if the master planned road is vacated where do you propose the water line. Dave – we found the water line on our east property line, the meter is against the hill, Mr. Watson has found it going through his client's property and we will address it. Hartley – is that a historical sheep trail for the ranchers? Dave – it is gated off and fenced. Paul – we could talk with the livestock association. Hartley – there is a master planned trail, are you incorporating that? Yes. Hartley – are you talking 265-275 homes? Yes.

Councilmember Melling moved to approve the ordinance amending the City's road master plan in the Tipple Road area vacating the road north/south along the section line and augmenting Tipple Road to a 75-foot from 66 foot road with the additional 9' portion on the east side; second by Councilmember Hartley;

Jonathan – are you still proposing the south road to 66'? Dave – the consultant said the east west road is 75' and going straight through and over the steep road and tying in somewhere else. There is quite a hill that would make it very difficult to maintain the alignment. The consultant didn't think 75 foot was necessary, there is a 66' road I think called Shurtz Canyon, but there are a few of them, we propose to realign and make a nice intersection to

city standards. It is less intrusive to adjoining owners and County residents. We would do it as part of our project. That is the diagonal portion.

Melling – I will add to the motion to take the south master plan road to reach Tipple Road amend that to a 66' road and follow the path outlined; Hartley second that.

Roll call vote as follows:

Ron Adams	-	AYE
Terri Hartley	-	AYE
Craig Isom	-	AYE
Tyler Melling	-	AYE
Scott Phillips	-	AYE

Mayor – A side note, the Police Department will be at the Public Works yard from 7:30 a.m. tomorrow to fill sandbags. We know there are additional storms coming, it is an opportunity to spend quality time with officers.

AN ORDINANCE AMENDING THE GENERAL LAND USE PLAN FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL AND CENTRAL COMMERCIAL FOR PROPERTY LOCATED AT 2901 S. TIPPLE ROAD. PLAT & PLAT/TYLER ROMERIL: Dave Clarke, Platt & Platt. Phillips – my only concern to this change is that there is a guarantee on the density. We have seen on other changes that doesn't

always happen and changes are made. I want to have assurances to the land. Melling – similar to the property to the west. I tried to get a hold of Mr. Romeril to discuss that, we are willing to enter the same type of agreement. Hartley – he is ok to limit the density to 4 per acre? Dave – yes, that is the product they sell. Hartley –I would like the development agreement part of the motion.

Councilmember Isom moved to approve the ordinance amending the City's General Land Use Plan from low to medium density residential & central commercial for property located at 2901 S. Tipple Road with the provisions that the development agreement density of 3.5 per acre and single family; Melling – that is 279 units. Paul – we will start the process, we will write it at 3.5, if his clients want it different, we can do that moving forward.

Motion was second by Councilmember Adams; roll call vote as follows:

Ron Adams	-	AYE
Terri Hartley	-	AYE
Craig Isom	-	AYE
Tyler Melling	-	AYE
Scott Phillips	-	AYE

AN ORDINANCE AMENDING THE ZONE FROM ANNEX TRANSITION (AT) TO CENTRAL COMMERCIAL (CC) AND DWELLING SINGLE UNIT (R-2-1) FOR PROPERTY LOCATED AT 2901 S. TIPPLE ROAD. PLAT & PLAT/TYLER

ROMERIL: Councilmember Isom moved to approve the ordinance amending the from AT to CC and R-2-1 for property located at 2901 S. Tipple Road with the development agreement as discussed with the previous agenda item; second by Councilmember Phillips; roll call vote as follows:

Ron Adams	-	AYE
Terri Hartley	-	AYE
Craig Isom	-	AYE
Tyler Melling	-	AYE
Scott Phillips	-	AYE

AN ORDINANCE AMENDING THE GENERAL LAND USE PLAN FROM CENTRAL COMMERCIAL AND OPEN SPACE TO HIGH DENSITY RESIDENTIAL FOR PROPERTY LOCATED AT 1500 N. MAIN ST. PLAT & PLAT/TYLER ROMERIL: Dave Clarke, Platt & Platt. Phillips – this will not include the frontage property? Dave – correct. I provided a legal description to leave the area on Main Street.

Councilmember Phillips moved to approve the ordinance amending the City’s General Land Use Plan from central commercial and open space to high density residential for property located at 1500 N Main Street; second by Councilmember Hartley; roll call vote as follows:

Ron Adams	-	AYE
Terri Hartley	-	AYE
Craig Isom	-	AYE
Tyler Melling	-	AYE
Scott Phillips	-	AYE

AN ORDINANCE AMENDING THE ZONE FROM CENTRAL COMMERCIAL (CC) TO DWELLING MULTIPLE UNIT (R-3-M) FOR PROPERTY LOCATED AT 1500 N. MAIN ST. PLAT & PLAT/TYLER ROMERIL: Dave Clarke, Platt & Platt.

Councilmember Isom moved to approve the ordinance amending the zone from CC to R-3-M for property located at 1500 N Main Street; second by Councilmember Hartley; roll call vote as follows:

Ron Adams	-	AYE
Terri Hartley	-	AYE
Craig Isom	-	AYE
Tyler Melling	-	AYE
Scott Phillips	-	AYE

AN ORDINANCE AMENDING THE ZONE FROM CENTRAL COMMERCIAL (CC) TO RESIDENTIAL MULTIPLE DWELLING (R-3-M) FOR PROPERTY LOCATED AT 298 E. FIDDLERS CANYON ROAD. PLAT & PLAT/TYLER

ROMERIL: Councilmember Phillips moved to approve the ordinance amending the zone from CC to R-3-M for property located at 298 E. Fiddlers Canyon Road; second by Councilmember Hartley; roll call vote as follows:

Ron Adams	-	AYE
Terri Hartley	-	AYE
Craig Isom	-	AYE
Tyler Melling	-	AYE
Scott Phillips	-	AYE

CONSIDER PARTICIPATION IN A WATER SYSTEM INTERCONNECTION PROJECT WITH THE CENTRAL IRON COUNTY WATER CONSERVANCY DISTRICT AND IRON COUNTY:

Paul – this was the presentation last week to leverage City and County funds to apply for matching State grants to get more money for a project to eventually tie in water systems in a location where import water would be delivered. We have not budgeted this money; it is to say we are in. The likely source of funding would use matching funds out of the \$4.2 million we applied for earlier this month. Phillips – do we think we will get more funds. Paul - the County will kick in \$619,000, we will kick in \$619,000 and ask the State to match the \$1.2 million to give us a total of \$2.4 million. Mayor – we have heard the State likes the jurisdictions working together for funding. Phillips – this is a major connector from Pine Valley or other water. Paul – different components for the City and the Water Conservancy District (WCD) and the interconnect so if one has a problem, the other will help. The interconnect would be for Wha Wha Valley water. Both entities are in need of storage facilities, Cedar City would use it to pump water out of existing wells and reduce the pressure to pump back to town. The WCD can use the storage capacity when the Wah Wah Valley water is imported. Melling – what do we do with the money we save on pumping water? Paul – we won't quit with water capacity. The Iron Horse Development include booster pumps, we can control pressure, but you add electrical capacity. Moving water from WWTP for secondary irrigation or partnering with a farmer is going to cost in pumping also.

Councilmember Hartley moved to approve a participation in a water system interconnection project with the Water Conservancy District and Iron County; second by Councilmember Isom; vote unanimous.

A RESOLUTION AMENDING THE CITY'S GENERAL LAND USE PLAN AND AN ORDINANCE CREATING THE RESIDENTIAL NEIGHBORHOOD ZONE (RNZ).

COUNCILMAN TYLER MELLING: Tyler Melling – See exhibit “C”. We removed all sections in low density general. The streets would meet city standards. Garage is ½ total width of the home. Our ordinance would require the garage 5' further back. Hartley – is the garage opening or the garage? Melling – garage opening.

Phillips – you can see the work of Tyler making revisions. I am getting a lot more comfortable. Anytime you try and do something it is a matter of compromise. It is not perfect but moving to make things possible for people. I have one concern, I had a conversation with a developer, he said he felt the 4,000 to 5,000 square foot lots will be picked up. The higher

density he was concerned about the 3,000, he said they are too small. I would like to hear thoughts about that. Melling – that has been part of the discussion, even today Don and I had a conversation about things in the code now that need to be cleaned up. This is to provide an alternative; they don't have to buy the lots if they don't want. If the area is general planned for apartments, etc., I wanted to make sure it was at a level that is feasible to do single family. The concern if high density residential what would the quality be like. It opens the door for someone to be creative. If you reduced the lots by 30% you won't be out of bounds in a high-density area. Phillips – he was afraid if you have it no one would use it. Melling – if you have an idea, you can use it. If the worst thing is no one uses it, then they don't use it. I know there is a completely different esthetic. There was a neighborhood in St. George that got smaller and had to have car ports in the front, they were closer to 2,500 square foot, 900 square foot homes, PUD, private streets. I was nervous about moving from 2,500 to 3,000. Mayor – how stuck are you on the City controlling the HOA, CC&R regulations, I have had several people ask why the City is involved when the people want the least amount of government intrusion. Melling – pick your governance, you have to have this size of a house, lot, etc. it is a tradeoff. Without some of the other things for quality control, I am worried about the work product without it. I am amenable to remove it. In talking to residents in that other neighborhood, one of their concerns is they don't have rental restrictions, when they had problems with rentals it is maintenance or noise complaints. We tell them they must have covenants for the common area. If we remove them, I don't think we will get the product we are wanting.

Tom Jett – this has come a long way in the past 3 months. I agree we should remove the 30%, that causes a lot of contention, who gets to rent. In R-1 or R-3 zone I can have an accessory building within 1 foot of property line, what is the logic behind 15 feet? Melling – this was to match the R-1 regulation. Within your own property line, you are within the 1 foot, but if you have a shed it can't be within 16 of a dwelling not on your property. Tom – what is the reason? The sheds are more likely to catch fire. You have a heat lamp. Tom – based on that we should have that on all accessory buildings.

Don Boudreau – typically in R-1 the minimum setback is 8', it can be 10 and 10 or 8 and 12. You can go closer to the 1 foot, but the idea is if the neighbor is at 8' and you push the accessory building you are still maintaining the setback of 8' on both sides. Melling – that would be a 12 foot on this, I would be amenable to 12'. Tom Jett – if you have a dwelling in the front and the back yard, you can have your shed 12' off property? Don – in this case if each property has a 6' set back it is 12 feet between each dwelling, the shed still has to be 6' from the property line. Tom – 12 feet between two units? Yes. Melling – on the rental covenants, it is not unprecedented to do that, it has been removed on townhomes, and the number one thing we wanted less of we have, apartments and townhomes. The occupancy helps keep the prices lower, not investor's buying it up. If we want to maintain a quality, it will be critical to this. That is a chief concern of residents, the limit also limits the buyer pool.

Isom – when I read through the final version I had two comments, one has been made, the required covenant I don't like the idea of us imposing it. Melling – what about the common area covenant, that is out of the PUD ordinance. Isom – I think the market should dictate

this. I think they will need an HOA to attract the right buyer. I don't feel comfortable imposing those. The other is the restrictions on open space, I think is too much. Mayor – does this still have a tree per lot requirement? Melling - No. it was the PUD requirements with a few adjustments. Hartley – I had a problem with #2 and #7 in the open space. Melling – if you have an acre, we want 1/3 of that shaded. My intention is that we go back through our ordinance and clean it up and we can strike this and have it rely on that. We can't complain if we aren't happy with the product.

Chris Uchman – many times developers say if the city doesn't require it of me, I don't have to do it and they will ignore the open space and the HOA's. I don't like HOA's, but in this situation for a family environment, the city getting involved it is important to take into consideration if they don't do rentals at 30% a management company or resort company could buy it all up and rent it. The Covenants are important in this situation, and it is an important ordinance to facilitate needs in this community. Open space and rental limitations are small compared to how much has been done. Melling has come very far to find equal ground. I implore you; it is a great starting point and make changes as we go. Melling – the items with the open space and covenants, as I see it, we can pass it and if it is to erroneous, we can change it and relax it later. I would love it if people came in and said they are sick of my HOA. Let's give it a shot and if unattractive then we can change it later. I would rather deal with that approach than something we wish we had.

Councilmember Phillips moved to approve the Resolution amending the City's general land use plan and an Ordinance creating the residential neighborhood zone (RNZ) given the draft and recommendations including the changes tonight and changing accessory building language to 12 feet not 16 feet. And change the minimum lot size to 4,500 in R-2 and 3,500 square feet in R-3; second by Councilmember Hartley; roll call vote as follows:

Ron Adams	-	NAY
Terri Hartley	-	AYE
Craig Isom	-	NAY
Tyler Melling	-	AYE
Scott Phillips	-	AYE

**AN ORDINANCE AMENDING CHAPTER 32 OF THE CITY'S ORDINANCES
RELATED TO GRADING PERMITS. JONATHAN STATHIS/TYLER ROMERIL:**

Jonathan – no changes from last week. This is to allow development to begin prior to final plat approval if a grading permit is obtained. Hartley – no infrastructure? Correct.

Councilmember Hartley moved to approve the Ordinance amending Chapter 32 relating to grading permits; second by Councilmember Isom; roll call vote as follows:

Ron Adams	-	AYE
Terri Hartley	-	AYE
Craig Isom	-	AYE
Tyler Melling	-	AYE
Scott Phillips	-	AYE

AN ORDINANCE AMENDING CHAPTER 38 OF THE CITY'S ORDINANCES RELATED TO RETENTION AND DETENTION BASINS. JONATHAN

STATHIS/TYLER ROMERIL: Jonathan – this is to allow retention; the ordinance allows detention with controlled release. Letter j) in the ordinance is changed to read as follows: “The emergency overflow shall be designed to pass the full 100-year event and convey the overflow to a City designated storm drain system or street right-of-way without impacting other private property.” If it overflows it would be routed to a storm drain system or city right of way.

Councilmember Hartley moved to approve the Ordinance amending Chapter 38 relating to retention and detention basins with the inclusion of the language Jonathan added; second by Councilmember Isom; roll call vote as follows:

Ron Adams	-	AYE
Terri Hartley	-	AYE
Craig Isom	-	AYE
Tyler Melling	-	AYE
Scott Phillips	-	AYE

CONSIDER AN ORDINANCE AMENDING CHAPTER 23 OF THE CITY'S ORDINANCES RELATED TO SINGLE EVENT PERMITS. TYLER ROMERIL:

Councilmember Phillips moved to approve the Ordinance amending Chapter 23 relating to single event permits; second by Councilmember Hartley; roll call vote as follows:

Ron Adams	-	AYE
Terri Hartley	-	AYE
Craig Isom	-	AYE
Tyler Melling	-	AYE
Scott Phillips	-	AYE

AN ORDINANCE AMENDING CHAPTERS 11, 23, 27, AND 27A OF THE CITY'S ORDINANCES RELATED TO THE PROPER CLASSIFICATION OF CRIMINAL CHARGE FOR A PUBLIC OFFENSE. TYLER ROMERIL:

Councilmember Isom moved to approve the Ordinance amending Chapters 11, 23, 27 and 27A related to proper classification of criminal charge for a public offense; second by Councilmember Adams; roll call vote as follows:

Ron Adams	-	AYE
Terri Hartley	-	AYE
Craig Isom	-	AYE
Tyler Melling	-	AYE
Scott Phillips	-	AYE

MODIFICATION TO THE ORDINANCE FOR TRAFFIC & TRAVEL ON STREETS, SECTION 35-2 TO REDUCE THE SPEED LIMIT FROM 50 TO 45 MPH

ON BULLDOG ROAD BETWEEN KITTY HAWK DRIVE AND 3000 NORTH.

JONATHAN STATHIS: Councilmember Phillips moved to approve the Ordinance amending Chapter 35 Section 2 to reduce the speed limit from 50 to 45 on Bulldog Road between Kitty Hawk and 3000 North; second by Councilmember Hartley; roll call vote as follows:

Ron Adams	-	AYE
Terri Hartley	-	AYE
Craig Isom	-	AYE
Tyler Melling	-	AYE
Scott Phillips	-	AYE

A RESOLUTION FOR THE CEDAR CITY ENGINEERING STANDARDS UPDATE

2021. JONATHAN STATHIS: Isom – I am concerned about the pipe. Can we get evidence? Melling – I thought Jonathan answered most of my questions regarding the failure rate of PVC with the lower pressure and bedding to reduce some of that. It looks like most concerns and contributing factors to failure have been addressed. If mitigating factors are more expensive than the alternative, they still have the alternative. Hartley – I appreciate the information and all neighboring cities are using that. Other information has been sent from other parties regarding failure rate of aging infrastructure 30-40 years earlier than ductile iron. I would like more discussion. Melling – was the shelf life 10-20 years shorter, is that because it is shorter. Jonathan – one showed 15 years shorter life and one had a range up to 50-year shorter life. Melling – I wonder if every other jurisdiction is using it. I am not opposed to more information. We have been looking at this for years. Hartley – one compelling argument is Prescott, AZ, in 1980-85 they started to allow PVC and this year they switched back to ductile iron only because of the failure rate, mostly because of the terrain, but their terrain is like ours. After using 30-40 years they switched back. I am conflicted with the information. Adams – the whole issue is what will it incur down the road. It is a great deal for everyone right now, it is less for them to install it, but they walk away, and the City holds the cost to replace it. Do we have a track record that it will be there for many years?

Tom Jett – is this change only for City roads, or does it apply for private subdivisions?
Jonathan – PUD can use anything that meets plumbing code. Tom – short term gain could be serious long-term pain. Have discussions from other states and calculate water pressure comparisons. I have seen PVC break and it does run length ways and it can be a mess. If representing the taxpayer be safe. Melling – does temperature change affect it; the rocky soil is it mitigated if lining it with sand. As long as we have information, I am ok with it.
Jonathan – the statement I made last week I said PVC is half the cost, I called today, it is \$15 a foot, ductile iron is \$20 a foot. The other supplier said \$16 to \$24, the cost is close, part because of the resin shortage. They think PVC costs will come down, but currently it is closer. Melling – the price gap changes with the size of pipe? Yes. Chris Uchman – 36 inches is the depth, would 35” protect PVC with -25% temperature. Jonathan – frost is driven down as traffic goes over it, 36 inches is the standard depth. One other issue. we do get ground movement with freeze/thaw, ductile iron will hold up better. The sand bedding, one thing it will necessitate is more inspection time to make sure the sand bedding goes in

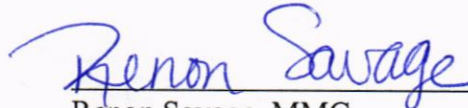
and it is done properly. We recently had a contractor push down on ductile iron and broke it during construction, can you imagine what that would do with PVC. The time of inspection would agree. Can we do it, yes, but I want to make that point. Melling – if the cost difference I am not opposed to. We may need to stew on this longer.

Councilmember Adams moved to approve the Resolution amending the Cedar City Engineering Standards with the exception of leaving PVC out; Melling – could we table park strips also? I don't think we should say they are not allowed in Cedar City. I would like to take more time to discuss what it will look like. If there is a way to say if you do have park strips and public works is accelerated you are consenting to be part of a SID so every tax payer doesn't cover the cost. We need more discussion. I don't want to keep the ban on park strips but would like to take more time.

Adams amended his motion to also table park strips. Jonathan – I also changed the road width in the RE Zone. second by Councilmember Isom; roll call vote as follows:

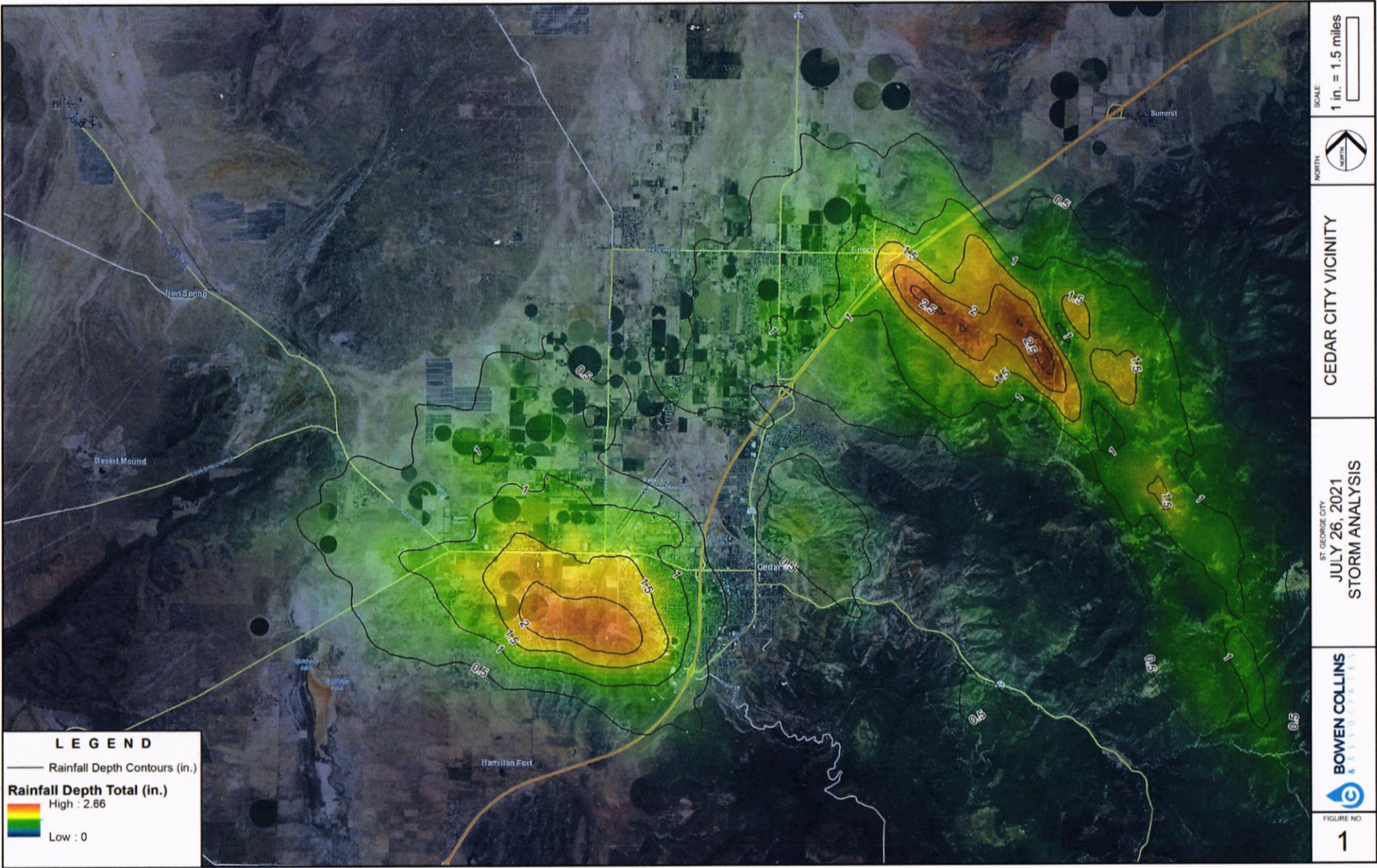
Ron Adams	-	AYE
Terri Hartley	-	AYE
Craig Isom	-	AYE
Tyler Melling	-	AYE
Scott Phillips	-	AYE

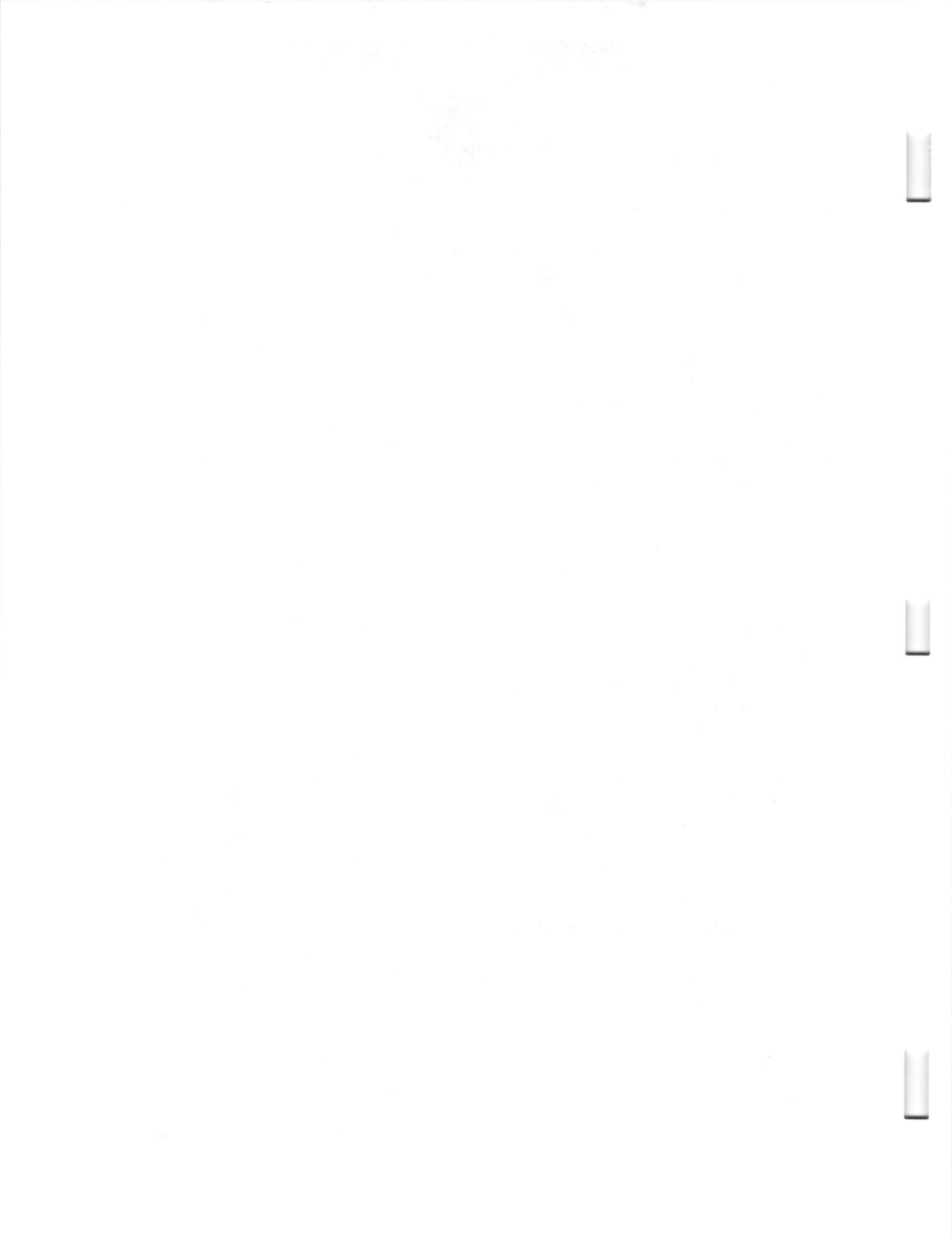
ADJOURN: Councilmember Isom moved to adjourn at 8:26 p.m.; second by Councilmember Phillips; vote unanimous.



Renon Savage, MMC
City Recorder

EXHIBIT "A"
CITY COUNCIL – JULY 28, 2021



















Indian Graves



ON the West hills of Cedar there is round-circles about 8-feet.

Build with rocks across where the old city dump was and house to.

anyway lots of Indian graves. And bath house about 8-feet wide and - 30-feet.

Before the white people came they would bury them there. they would put rocks on top of them. And sing for them women would sat round in circles Chief Pateetmeet, helped build it.

RESIDENTIAL NEIGHBORHOOD ZONE

CEDAR CITY'S PATH TO BALANCE NICE THINGS WITH MARKET PRESSURES

CHANGES SINCE LAST WEEK

- Removed sections permitting this zone in low-density residential areas
- Side setbacks adjusted to 6 feet from 5 feet
- Removed provisions allowing the addition of a 2nd floor at reduced setbacks
- Guest home language removed from uses
- Minimum lot sizes adjusted to 4k square feet in medium density general plan areas, and 3k in high density

ADDITIONAL CHANGES FROM PACKET VERSION

- Rear setback minimum from 10 ft to 15 ft
- Half of common areas required to be completed upon completion of 30% of development instead of 60%
- Accessory building language corrected to 16 feet from a dwelling on an adjacent lot instead of 6 feet.



RA

Shadow Cove Subdivision

Proposed Subdivision Borders R-1 and R3-M
< 40 Acres Allowed

Mountain Shadows Subdivision

General Plan Medium Density
3500 Square Foot Lots

MFD

300 Feet from R-1 Zone - 7000 Sq. Ft. Lots Required

CENTER STREET

R-3-M

R-1

1100 WEST STREET

1050 WEST STREET

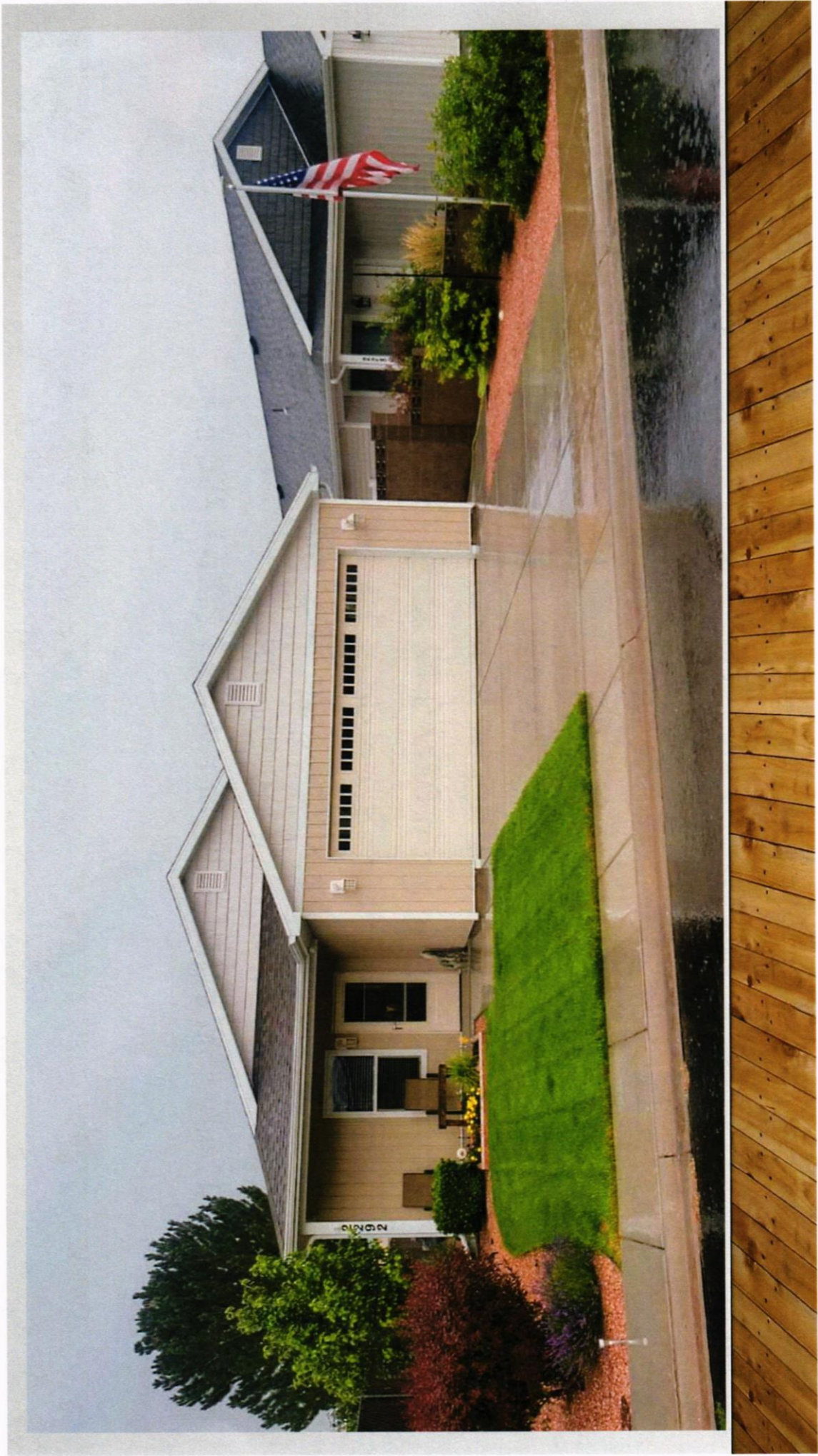
1000 WEST STREET

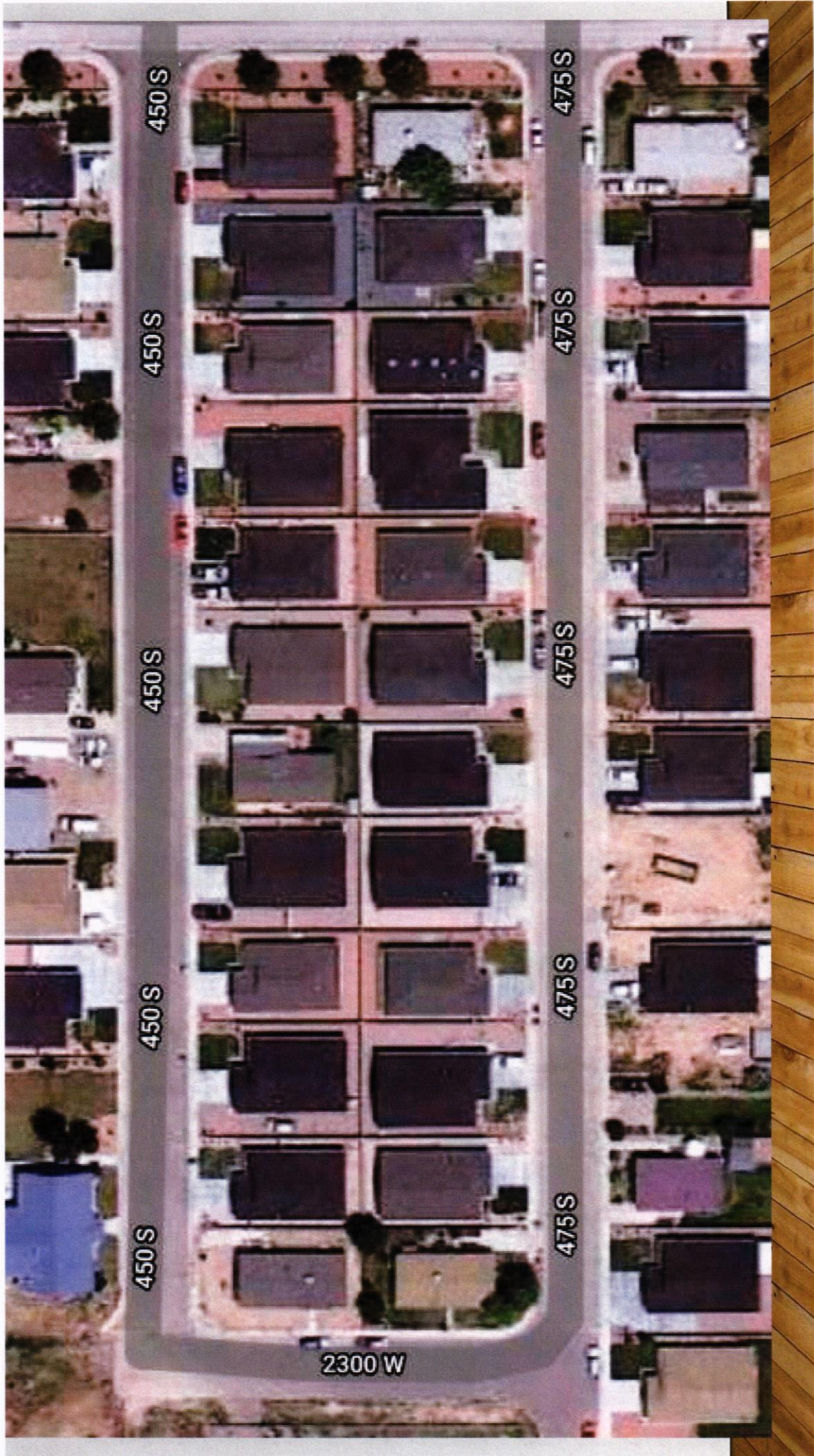
175 SOUTH STREET

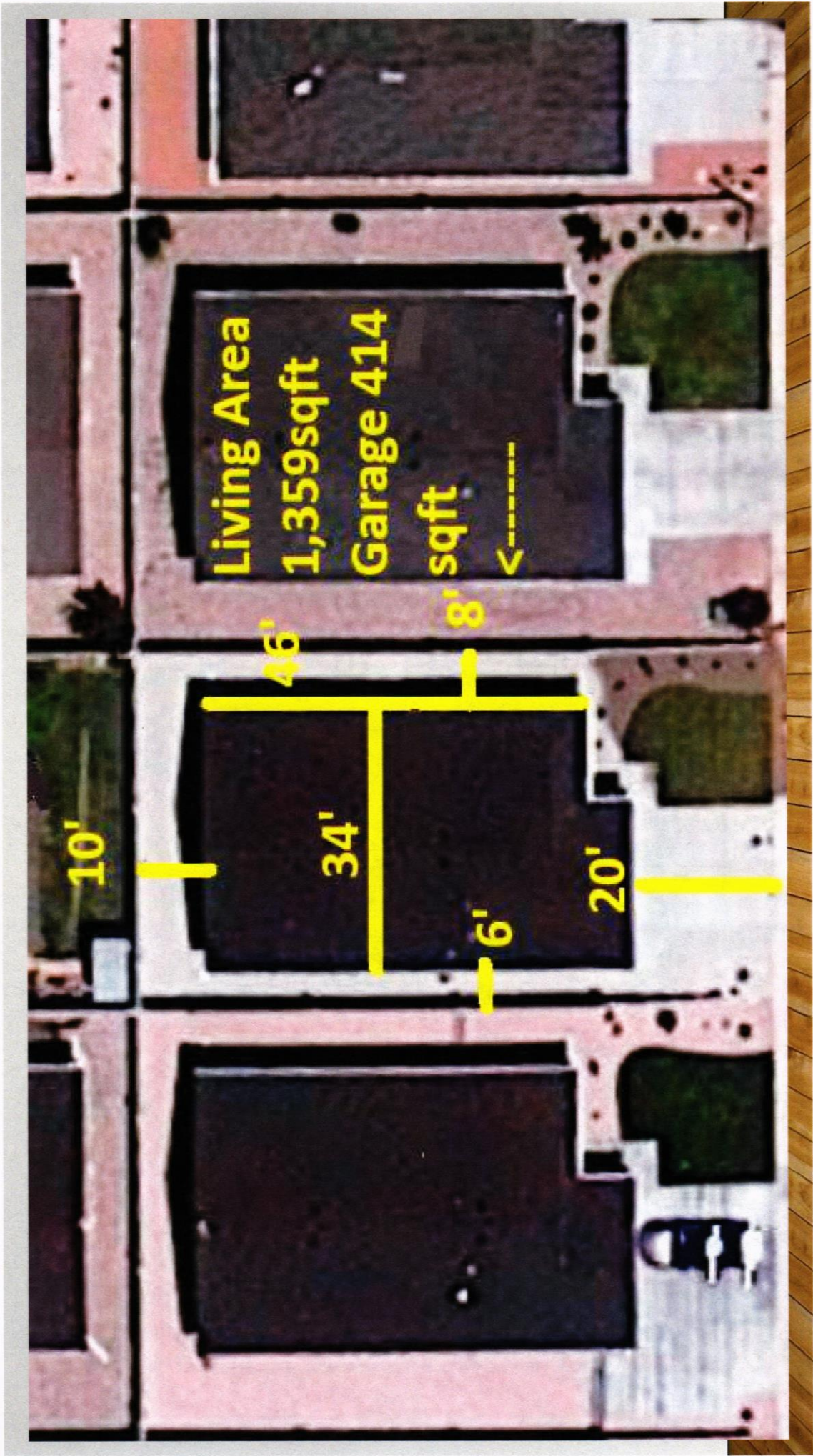


WHAT COULD THIS LOOK LIKE?

- Eagle Rock Subdivision in Parowan could be representative of the medium-density application of the RN Zone.
 - Lot sizes ranging from 0.09-0.12 acres (3,920-5,227sqft)
 - Setbacks generally at 8' on sides, 10' in rear, 20' in front, despite minimum requirement of 5' side and rear and 15' in front
 - Living space generally between 1,300-1,750 sqft







Living Area

1,359sqft

Garage 414

sqft



10'

34'

46'

6'

8'

20'

OTHER COMPARISONS

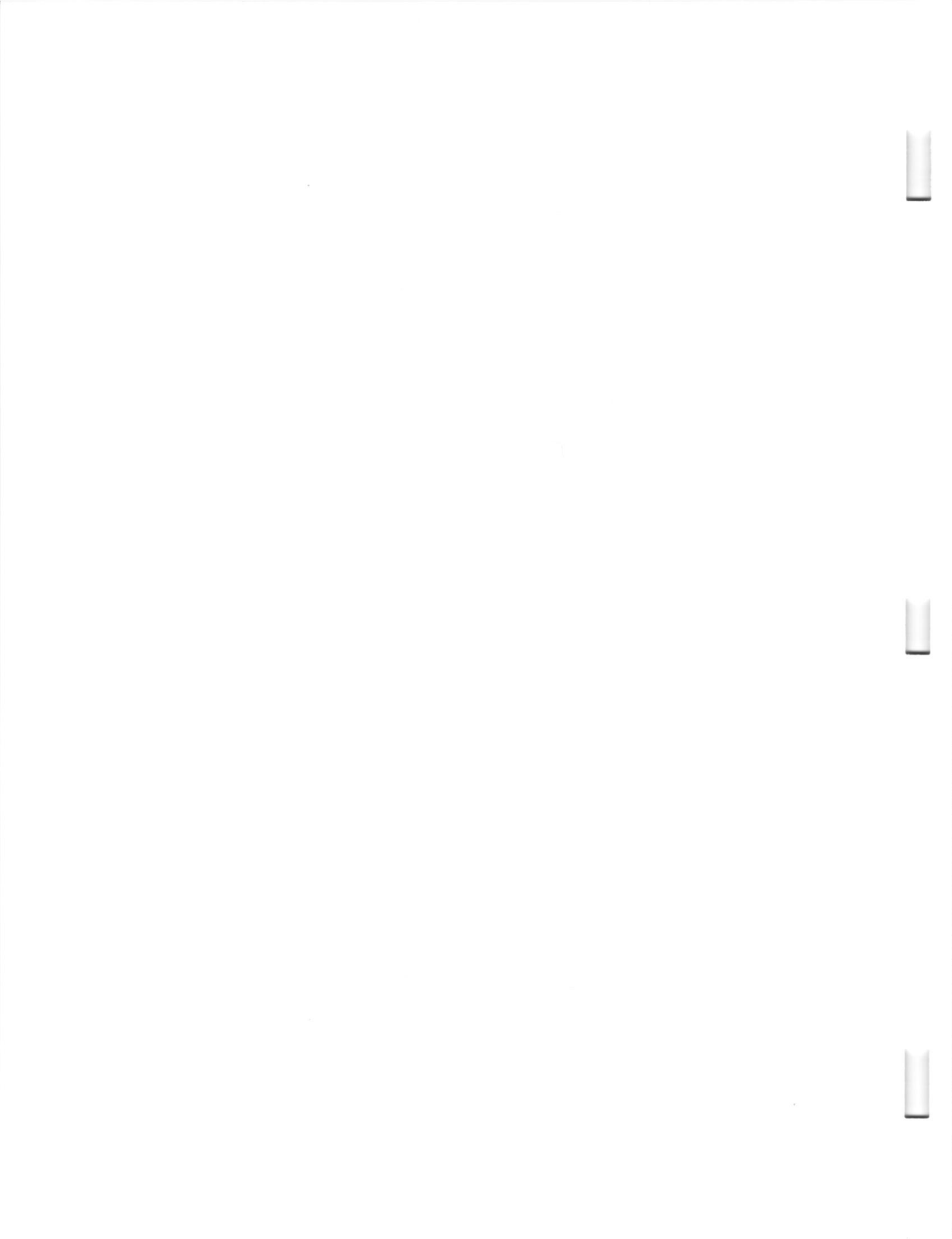
EAGLE ROCK

- Common pool house and RV/trailer storage area
- Private street
- 2019 average water use was 49,868 gallons/unit, equal to 4,156 gallons/unit/month
- No limitations on rentals

CEDAR CITY

- Required common areas
- Public streets
- 2019 city median single-family residential user used 4,000 gallons in January and 22,000 gallons in August
- 30% rental limit in covenants





Changes from last week:

1. Removed sections permitting this zone in low-density residential areas
2. Side setbacks adjusted to 6 feet from 5 feet
3. Removed provisions allowing the addition of a 2nd floor at reduced setbacks
4. Guest home language removed from uses
5. Minimum lot sizes adjusted to 4k square feet in medium density general plan areas, and 3k in high density

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Changes from packet draft:

1. Rear setback minimum from 10 ft to 15 ft
2. Half of common areas required to be completed upon completion of 30% of development instead of 60%
3. Accessory building language corrected to 16 feet from a dwelling on an adjacent lot instead of 6 feet.

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General Plan Amendment:

SECTION VII-2-B Residential Land Use Classifications – notwithstanding the maximum densities for each residential land use classification, owner-occupied detached single-family housing is an asset to our community. Therefore, regardless of traditional density standards, a Residential Neighborhood Zone which is characterized by residential subdivisions of detached single-family housing and which zone uses owner-occupancy covenants and transitional standards when bordering lower-density residential subdivisions shall be considered in agreement with this general plan for land designated as Medium Density Residential and High Density Residential.

New Zone Creation:

SECTION 26-III-23. RN Residential Neighborhood Zone.

Objectives and Characteristics of Zone: The objective in establishing the RN Residential Neighborhood Zone is to encourage the creation and maintenance of new subdivisions within the City which allow for smaller, more narrow building lots for owner-occupants. The standards of this zone are suitable for medium-density and high-density residential areas, through the use of varied standards for new subdivisions which border low-density residential subdivisions. The RN Residential Neighborhood Zone is characterized by single-family, detached dwellings which are distanced from other dwellings based upon their proximity to existing subdivisions of low-density zones and upon building height. Representative uses of this zone are one-family dwellings, parks, playgrounds, schools, churches, and other community facilities designed in harmony with the characteristics of the zone. An essential element of this zone is its use of mandatory covenants which place limits on non-owner-occupied uses to prioritize sustainability, affordability, and permanency. In order to accomplish the objectives and purposes of this ordinance, and to promote the characteristics of this zone, the following precise regulations shall apply in the RN Residential Neighborhood Zone.

Permitted Uses: The following uses shall be permitted in the RN Residential Neighborhood Zone:

- 1) One-family dwellings and the following accessory buildings and structures; private garage and/or carport for the storage of automobiles owned by persons residing on the premises, greenhouse for private use only, private swimming pools, pergolas, arbors;
- 2) Bulletin boards not exceeding eight (8) square feet in area pertaining to the lease or sale of property; also name plates in connection with dwellings not exceeding one and one half (1 1/2) square feet in area and constructed and maintained in harmony with the residential character of the zone.
- 3) Fences, walls, and hedges. (See 26-IV-4);
- 4) Public schools, public libraries, public recreation buildings and similar public buildings and grounds, churches, but not including temporary revival tents or buildings. Public utility buildings and structures, providing that no storage yard shall be maintained on the premises;
- 5) A temporary building or yard storage of construction materials and equipment incidental and necessary to construction of a house development, utilities, or other community facilities, provided such temporary building or yard is located on the same tract of land on which the houses, utilities or other community facilities are constructed. A permit therefor shall be issued only to the contractor or builder and shall be valid for not more than two (2) years, at the expiration of which time the said building or yard shall be removed from the premises and said use discontinued;
- 6) A temporary office building used as an office in connection with the sale of property within a subdivision under construction provided that the temporary office is located on the same part of land as the subdivision. A permit therefor shall be valid for no more than two (2) years, at the expiration of which time said use shall be discontinued;
- 7) Customary household pets, including, but not limited to dogs, cats, and canaries, but not including the breeding of dogs and cats for sale;
- 8) Home occupations when approved by the Board of Adjustment;
- 9) Residential facility for persons with a disability, not to exceed four (4) residents (see Article XVI);
- 10) Public and private parks, playgrounds, green ways, trails, and open space;
- 11) Public and private golf courses; and
- 12) Public and private recreation centers.
- 13) Raising and keeping chickens for non-commercial purposes and subject to Article IV - Supplementary Regulations
- 14) Planned Unit Developments (PUD's) approved per this ordinance so long as Cedar City has determined that city-standard residential subdivision infrastructure is unsuitable for the subdivision due to soils conditions. For such uses, all provisions relating to setbacks and lot sizes are as required in this Zone and not as permitted in the PUD ordinance.

Conditional Uses: There are no conditional uses for this zone.

Lot Area Requirements: Except as permitted in the Special Provisions of this zone, lots within this zone may be subdivided as follows:

- 1) Lot Area Medium Density: In areas of this zone which are designated as Medium Density Residential in the City General Land Use Plan, an area of not less than four thousand

(4,000) square feet shall be provided and maintained for each dwelling and uses accessory thereto. For any area of a subdivision within this zone within 300 feet of an existing subdivision boundary which is zoned under the RE Residential Estate Zone, R-1 Residential Zone, or R-2 Residential Zone (Dwelling, Single Unit) an area of not less than 7,000 square feet shall be maintained.

- 2) **Lot Area High Density:** In areas of this zone which are designated as High Density Residential in the City General Land Use Plan, an area of not less than three thousand (3,000) square feet shall be provided and maintained for each dwelling and uses accessory thereto. For any area of a subdivision within this zone within 300 feet of an existing subdivision boundary which is zoned under the RE Residential Estate Zone, R-1 Residential Zone, or R-2 Residential Zone (Dwelling, Single Unit) an area of not less than 7,000 square feet shall be maintained.

Lot Width Requirements: This zone shall not require any minimum lot width. However, garage and carport openings shall not comprise more than one-half of the width of any dwelling. Landscaping, parking, setbacks, and covenants required in this zone and under this ordinance may impact lot width and still apply.

Building Setback Requirements:

- 1) **Setbacks at subdivision boundaries:** Notwithstanding all other side, front, and rear minimum setbacks, those parts of new subdivisions in this zone which are located within 300 feet of an existing residential subdivision which is zoned under the RE Residential Estate Zone, R-1 Residential Zone, or R-2 Residential Zone (Dwelling, Single Unit) shall use the side, front, and rear minimum setbacks of the R-2 Residential Zone (Dwelling, Single Unit),
- 2) **Side Setback:** A minimum side yard of any building shall be six (6) feet for structures not exceeding one floor above grade. For structures exceeding one floor above grade, the minimum side yard for any building shall be eight (8) feet and the total width of the two required side yards shall be not less than twenty (20) feet. The minimum side yard for a private garage shall be eight (8) feet, except that private garages and other accessory buildings, located at least six (6) feet in the rear of the main building may have a minimum side yard of one (1) foot, provided that no private garage or other accessory building shall be located closer than sixteen (16) feet to a dwelling on an adjacent lot. On corner lots, the side yard which faces on a street, shall be not less than twenty (20) feet for main buildings and not less than twenty (20) feet for accessory buildings. A carport may be built within one (1) foot of the property line, except on the street side of corner lots. However, all walls must comply with side yard regulations for buildings. Mechanical equipment including air compressors, control boxes, and similar equipment shall not be located in the required side setback.
- 3) **Front Setback:** The minimum depth of the front yard for any main building shall be ten (10) feet from the required Public Utility Easement. The minimum depth of the front yard for projections, porches, or other permitted structures shall be five (5) feet from the required Public Utility Easement. The minimum depth of the front yard for required

driveway access to a garage, carport, or parking pad shall be twenty-five (25) feet. Other private garages and all accessory buildings other than private garages shall be located at least six (6) feet in the rear of the main building. No structure, fence, or barrier, shall be constructed in a front yard where said structure, fence or barrier would be perpendicular to the street which the front yard faces, so as to divide the front yard into two different yards. If private alleys in the rear of the lot are governed by covenants, provide access to a carport, garage, or parking pad as required for each lot, and are otherwise compliant with this ordinance and with fire and building code, then no front yard driveway is required.

- 4) **Rear Setback:** The minimum rear yard for any main building shall be ~~fifteen~~ (15) feet for structures not exceeding one floor above grade, and twenty (20) feet for structures exceeding one floor above grade; however, minimum rear yard for main buildings on corner lots may be reduced to eight (8) feet. For accessory buildings the minimum rear yard shall be one (1) foot, provided that on corner lots, accessory buildings shall be set back from the rear lot line a distance of at least eight (8) feet.

Building Height Requirements: The maximum height of any building shall be two (2) stories, not to exceed twenty (20) feet.

Building Size Requirements: There is no minimum dwelling size requirement in this zone subject to the building code.

Special Provisions:

- 1) **Definition of Existing Subdivision:** For purposes of this Zone, “existing subdivision” and “existing residential subdivision” is any subdivision which has obtained final plat approval before the submission of the applicant’s vicinity plan under the requirements of this zone. For adjacent subdivisions which obtained final plat approval after the submission of the applicant’s vicinity plan under the requirements of this zone, the applicant’s plan, plat approval, and any subsequent building and use permits in conformity of the applicant’s final plat shall be evaluated as if the new adjacent subdivision does not exist. However, any subsequent revisions of the final plat established as part of this zone shall be evaluated based on the existence of the new adjacent subdivision.
- 2) **Required Covenants:** All subdivisions in this zone must have Covenants, Conditions, and Restrictions which must include the provisions specified below, which specified provisions may not be subject to change except by a change in this ordinance. Provisions not required or specified in this section may be amended as permitted by the Covenants, Conditions, and Restrictions and by applicable law. Such required provisions shall include:
 - a) A statement limiting non-owner-occupied rental uses, whether short-term rentals or long-term rentals, to thirty-percent (30%) or fewer units in the subdivision. In addition to any exceptions required by state law, this statement may allow rental

exceptions on an individual basis for up to two (2) years to account for sickness, military leave, and other factors, which exemptions must be counted toward the rental limit; and

- b) A statement of maintenance responsibilities and estimated maintenance budget for all private common areas.

3) Open Space: All subdivisions in this zone must comply with the following requirements regarding Open Space:

- a) Open Space Defined: Common Useable Open Space shall be defined as planned common outdoor improved landscaped areas suitable for relaxation and recreation. Open space areas shall include one improved amenity per required 2 acres of open space, to include but not be limited to patios, gazebos, picnic pavilions, pools, and other amenities suitable for appropriate public or private gatherings. Open space does not include roads, driveways, parking areas or linear sidewalk adjacent to vehicular access roads.
 - (1) Common open space shall be provided at a minimum of 250 square feet per residential unit with a maximum requirement of 3% of the total subdivision acreage. No requirement in this section shall preclude open space in excess of the minimum requirements. Open space shall be exclusive of any required setback areas.
 - (2) Thirty-percent (30%) of all open space area shall be within 30 feet of a shade tree, defined as a tree which would be expected in our climate with modest irrigation to exceed at maturity a height of 30 feet and a canopy width of 20 feet.
 - (3) At least one open space area shall be accessible within 1,000 feet by foot by public right of way from all residential lots smaller than 10,000 square feet in size which are located within the subdivision.
 - (4) Open space areas shall be fully developed prior to the last phase of a development, with at least one-half of required areas completed upon completion of ~~60~~30% of the subdivision.
 - (5) The minimum amount of open space shall be provided in the master plan of the development.
 - (6) No dimension of a common open space area used to satisfy the minimum square footage requirement shall be less than 50 feet wide unless:
 - (a) The dimension is part of a landscaped pathway or trail, so long as no more than 20% of required open space area falls under this exception; or
 - (b) the subdivision is less than 5 acres in size.
 - (7) Open space shall be separated from streets, service and parking areas by landscaping, low level walls, or other decorative treatments.
 - (8) Detention areas may be counted as common open space when designed for open space purposes.
 - (9) A developer may approach Cedar City to determine if common open space, once developed, should be owned and maintained by the city, dependent upon the

amenities provided, number of residences served, access, parking, and other factors subject to the discretion of the City Council.

- 4) Non-Severability: If Subsection 26-III-23I(2)(a) of this ordinance pertaining to owner-occupancy covenants is ever found to be unconstitutional, unlawful, or otherwise void or unenforceable for any reason, then, unless modified by the City Council, then this zone shall become unavailable to new subdivisions that have not received final plat approval. Any subdivision platted under the standards of the RN Residential Neighborhood Zone may continue to use the provisions of the zone for future development.