

Cedar City

10 North Main Street • Cedar City, UT 84720
435-586-2950 • FAX 435-586-4362
www.cedarcity.org

CITY COUNCIL WORK MEETING **NOVEMBER 2, 2022** **5:30 P.M.**

Mayor

Garth O. Green

Council Members

Terri W. Hartley
Craig E. Isom
W. Tyler Melling
R. Scott Phillips
Ronald Riddle

City Manager

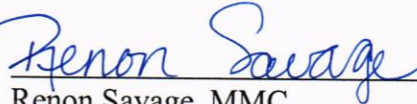
Paul Bittmenn

The City Council meeting will be held in the Council Chambers at the City Office, 10 North Main Street. The agenda will consist of the following items:

- I. Call to Order
- II. Agenda Order Approval
- III. Administration Agenda
 - Mayor and Council Business
 - Staff Comments
- IV. Public Agenda
 - Public Comments
 - Update from UDOT regarding the traffic study at the intersection of Main Street & Fiddlers Canyon Road. Jared Beard
- V. Business Agenda
Public
 1. Consider waiving a portion of the water rights acquisition fee for lots in Equestrian Pointe Subdivision. Garrett White/Jonathan Stathis
 2. Consider a partial refund of rental fees for the Cedar City Chamber of Commerce's use of the Cross Hollow Arena. Carter Wilkey
 3. Consider entering into an agreement with Best Friends concerning the Community Cat Program. Arlyn Bradshaw/Darin Adams/Tyler Romeril
 4. Public hearing to consider an ordinance amending Chapter 26 Article V regarding the parking requirements for developments with 100 or more units. HR Brown/Tyler Romeril
 5. Public hearing to consider an ordinance amending Chapter 26 Article III regarding street requirements in the R-E Residential Estates zone. Jonathan Stathis/Tyler Romeril
 6. Consider recommendations for Economic Development Rural Communities Opportunity Grant Application. Danny Stewart
 7. Consider bids for the Airport Road/Kitty Hawk Drive Traffic Signal. Shane Johnson
 8. Consider bids for the North Tank Re-coating project. Shane Johnson
 9. Consider an ordinance amending Chapter 39 regarding application questions for RAP Tax applicants. Tyler Romeril

10. Consider terminating a lease with the Clark Brothers concerning the City's effluent water from the Wastewater Treatment Plant. Mayor Green

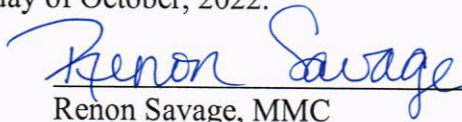
Dated this 31st day of October, 2022.



Renon Savage, MMC
Cedar City Recorder

CERTIFICATE OF DELIVERY:

The undersigned duly appointed and acting recorder for the municipality of Cedar City, Utah, hereby certifies that a copy of the foregoing Notice of Agenda was delivered to the Daily News, and each member of the governing body this 31st day of October, 2022.



Renon Savage, MMC
Cedar City Recorder

Cedar City Corporation does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

If you are planning to attend this public meeting and, due to a disability, need assistance in accessing, understanding or participating in the meeting, please notify the City not later than the day before the meeting and we will try to provide whatever assistance may be required.

**CEDAR CITY
CITY COUNCIL AGENDA ITEM /
STAFF INFORMATION SHEET**

To: Mayor and City Council

From: Jonathan Stathis

Council Meeting Date: November 2, 2022

Subject: **Consider waiving a portion of the water rights acquisition fee for lots in Equestrian Pointe Subdivision.**

Discussion: Recently, amendments have been made to the water acquisition ordinance which require "dry" lots in existing subdivisions to pay the water acquisition fee at the time of building permit. Lots in Equestrian Pointe have access to a private secondary irrigation system which provides water for landscaping.

Due to the private secondary irrigation system in Equestrian Pointe, there will likely be less impact on the City's water system. Based on this, there has been a request to grant a refund for a portion of the water acquisition fee that was paid for a building lot in Equestrian Pointe.

Currently, for dry lots in existing single-family subdivisions there are 2 options for the water acquisition fee as follows:

- No conservation (0.91 ac-ft/lot, more than 3,000 ft² of turf):
 $\$26,834/\text{ac-ft} \times 0.91 \text{ ac-ft/lot} = \$24,418.94$
- Conservation (0.60 ac-ft/lot, less than 3,000 ft² of turf):
 $\$26,834/\text{ac-ft} \times 0.60 \text{ ac-ft/lot} = \$16,100.40$

Assuming no outdoor irrigation use, the required duty would be 0.295 ac-ft per lot. This is based on 8,000 gallons of average monthly indoor water use on an annual basis. The following calculation shows the proposed fee for indoor use only in Equestrian Pointe:

- Indoor Use only (0.295 ac-ft/lot, no outdoor irrigation):
 $\$26,834/\text{ac-ft} \times 0.295 \text{ ac-ft/lot} = \mathbf{\$7,916.03}$

There are currently 16 lots remaining in Equestrian Pointe that could be eligible for a reduced water acquisition fee based on this calculation.

On October 3, 2022, a building permit was issued for a lot located at 1310 North 3575 West. In order to obtain the building permit, the full water acquisition fee was paid in the amount of \$24,418.94. The owner and contractor have contacted the City and requested that a refund be issued.

The following calculation shows the refund that is proposed by City Staff based on a reduced duty for indoor use only:

Refund amount = \$24,418.94 - \$7,916.03 = **\$16,502.91**

There are two items in regard to this request that are requested to be considered by the City Council:

1. Please consider whether to grant a refund for a portion of the water acquisition fee that was paid for the building lot located at 1310 North 3575 West. The proposed refund would be in the amount of \$16,502.91.
2. Please consider whether to add an item in the City's Fee Schedule for a water acquisition fee that is solely for dry lots located in Equestrian Pointe. The lots would need to have access to the private secondary irrigation system. The proposed fee for a single-family residential lot in Equestrian Pointe would be \$7,916.03.

CEDAR CITY COUNCIL
AGENDA ITEM 3

DECISION PAPER

TO: Mayor and City Council

FROM: Darin Adams

DATE: 26 October 2022

SUBJECT: Community Cat Program MOU

PROBLEM: For the past year, the Shelter has experienced a dramatic increase in cats being brought to the shelter. Many of the cats brought in or dropped off have been feral. This means that the cats are unadoptable, and the only disposition is for a rescue to take the cats or for the cats to be euthanized. Many of the local rescues, including Best Friends can only take so many cats and the rate of intake has exceeded the rate of animals leaving the shelter to rescue organizations. This has caused an increase in euthanization, thereby causing our Shelter to be outside the parameters to be considered a no-kill shelter.

RECOMMENDATION: Accept an MOU that has been drafted to partner with Best Friends Animal Sanctuary to provide training, resources, and support.



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Community Cat Project Agreement

This Community Cat Project Agreement (the "Agreement") is entered into this ____ day of _____ 2022 by and between Best Friends Animal Society ("Best Friends"), a Utah nonprofit corporation and Cedar City, a Utah municipal corporation ("Cedar City"). Best Friends and Cedar City will be referred to collectively in this Agreement as the "Parties."

RECITALS

The following recitals are relied upon by the Parties entering into this Agreement:

WHEREAS, Best Friends owns and manages an animal sanctuary in Kanab, Utah, and from this headquarters location is also engaged in a wide range of no-kill programs and partnerships aimed at bringing about a day when there are "No More Homeless Pets."® These activities include, among other things: (a) national public awareness campaigns, (b) extensive animal rescue operations, including public-private partnerships like our operation of the Mission Hills Adoption and Spay and Neuter facility as well as the operation of the NKLA Pet Adoption Center, and (c) the promotion and sponsorship of local and regional projects oriented around the goal of bringing about a day of No More Homeless Pets, including adoptions, high volume spay and neuter clinics, trap-neuter-vaccinate-return (TNVR), and other non-lethal projects intended to reduce the killing of dogs and cats and increase the number of animal live outcomes. Best Friend's work is made possible by the personal and financial support of a grassroots network of members and community partners across the nation.

WHEREAS, Cedar City is a Utah municipality with a population over 37,000 and is the county seat of Iron County. Through its municipal employees, the city operates animal control-related functions and provides sheltering services for companion animals in the city.

WHEREAS, Cedar City approved an ordinance establishing a community cat project (CCP) on October 26, 2022;

WHEREAS, Best Friends and Cedar City desire to cooperate in the CCP, which is widely recognized as a critical program for shelters dedicated to achieving no kill status in their communities;



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WHEREAS, the purpose of this Agreement is to define in writing the terms and conditions of Best Friends' and Cedar City's participation in CCP; and to define the obligations, expectations, and responsibilities of Cedar City regarding the grant funds.

1. Obligations of Cedar City to Best Friends

To achieve the high levels of success mapped out in our goals while using our resources most efficiently, Cedar City agrees that it will do the following:

- not impound community cats simply for being at-large;
- provide the CCP staff with locations where there are complaints or large colonies;
- release at trapping site any cat who is already ear-tipped (which indicates the cat has already been spayed/neutered, provided with vaccinations and flea preventative);
- assist CCP staff in returning spayed/neutered and vaccinated program cats to their original locations whenever possible;
- assist with transport of surgery cats to/from the veterinary provider whenever possible;
- educate the public about the benefits of RTF and targeted TNVR;
- assist CCP staff in mitigating complaints in instances where members of the public are particularly hostile about the cats being returned;
- work with Best Friends to revise current animal ordinances that may interfere with the implementation and long-term sustainability of the CCP;
- provide CCP with contact information of residents calling dispatch requesting cat pick up in the field, as long as the contact information is not considered protected, private or controlled pursuant to Utah's Government Records Access Management Act; and
- provide CCP geo-codable addresses if an animal control officer takes possession of a cat.

Agree to meet with Best Friends representatives at regular intervals (suggested six month intervals) in order to discuss the effectiveness of the program, discuss and provide solutions to any concerns of Cedar City regarding the Program, and to assess data collected during the program. Cedar City and Best Friends agree to schedule and conduct these meetings in good faith and share public information collected by all Parties to allow the maximum effectiveness of the Program.



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2. Obligations of Best Friends to Cedar City

To achieve the mutual goals of the Parties during the term of the Program, while using our resources most efficiently, Best Friends commits to the following terms as previously discussed between the Parties:

- 100% funding for the duration of the pilot program, which includes:
 - All spay and neuter surgeries and other medically needed procedures
 - All required vaccinations for returned cats, including rabies and FVRCP
 - Purchase of equipment such as traps and dens;
- Staffing to implement and execute program;
- Training for shelter staff and animal control officers on all components of an RTF program, including resident conflict resolution, mediation services and use of humane deterrents;
- Mentorship and training for shelter's volunteer program, including the creation of a shelter-based foster program; and
- Provide spay and neuter and trapping assistance to Cedar City residents.

3. Term

The Parties acknowledge and agree that the Agreement and programs included herein shall continue for a period of three (3) years from the date of commencement of the program. Parties agree to conduct review meetings annually in order to review the effectiveness, improvements to be made and potential obstacles to the program in order to create the greatest potential for success and long-term sustainability of the program.

4. Default and Termination

Termination by Cedar City. Cedar City may terminate this Agreement upon written notice to Best Friends in the event of the following events of default and where Best Friends fails to cure said default within 14 calendar days after receipt of notice thereof:

- (i) By its actions or statements, Best Friends materially harms Cedar City in its reasonable judgment; or
- (ii) Best Friends files for bankruptcy, or sells, assigns, or transfers the majority of its assets to another entity, or ceases to operate as an animal supply and services company.

Termination by Best Friends. Best Friends may terminate this Agreement upon written notice to Cedar City in the event of the following events of default and where Cedar City fails to cure said default within 14 calendar days after receipt of notice thereof:



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- (i) Cedar City fails to carry out their obligations as set out within this Agreement, including, as within the reasonable judgment of Best Friends, failing to carry out the Program in the spirit in which it is entered and with the goal of saving as many animal lives as possible; or
- (ii) By its actions or statements, Cedar City materially harms the reputation of Best Friends, as determined by Best Friends in its reasonable judgment.

Best Friends may immediately terminate this Agreement without penalty or any further obligation upon written notice to Cedar City in the event that Best Friends determines that it lacks the financial ability to continue to support the Program.

5. Proprietary Information

Cedar City, its successors, and assigns, will not supply or disclose any Proprietary Information, as defined below, to anyone not employed by Best Friends. Cedar City will immediately notify Best Friends if it believes anyone has compromised the security of the Proprietary Information.

For purposes of this Agreement, the term "Proprietary Information" includes Best Friends' members or membership list, donor list, newsletter mailing list, Network Charities members list, and any other list of Best Friends donors and supporters.

6. Other

The terms of this Agreement shall bind the respective successors and assigns of each party. The Parties agree that, should any clause or provision of this Agreement be held to be invalid by any court of competent jurisdiction, the invalidity of such clause or provision shall not otherwise affect the remaining provisions of this Agreement. This is the entire agreement between the Parties and supersedes any other verbal or written statements, representations, or promises. This agreement may be signed in counterparts. Any modifications to this Agreement must be in writing and signed by Best Friends and Cedar City.

7. Choice of Law/Venue

This Agreement shall be governed by and interpreted in accordance with the laws of the State of Utah, without regard to conflicts of laws. Any lawsuit arising out of or related to this agreement will be filed exclusively in a court of competent jurisdiction in the State of Utah. Alternatively, the Parties may jointly agree to resolve such dispute using voluntary non-binding mediation or binding arbitration, to be held in Kanab, Utah or such other location as may be mutually agreed to by the Parties. In the event the Parties elect to submit the dispute for binding arbitration,



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the matter shall be decided by a single arbitrator jointly selected by the Parties. Although the arbitration shall be conducted according to the rules of the American Arbitration Association (AAA) the Parties shall not be required to initiate arbitration by filing with AAA.

This Agreement may be executed in counterparts. By affixing their signatures below, the individuals signing on behalf of the Parties warrant they are authorized to enter into this Agreement and intend to be bound by same.

Cedar City

Best Friends Animal Society

Name: _____

Name: _____

Signature: _____

Signature: _____

Date: _____

Date: _____



The animal is hereby adopted by a single or married couple, jointly or individually, and the adopter agrees to be bound by the rules and regulations of the Best Friends Animal Society. The animal is hereby adopted as a companion animal and not for any other purpose. The adopter agrees to provide the animal with proper care, including food, shelter, and veterinary care. The adopter agrees to return the animal to the Best Friends Animal Society if it is no longer able to be cared for by the adopter.

The adopter agrees to keep the animal indoors at all times and to not allow the animal to be used for any commercial purpose. The adopter agrees to not allow the animal to be used for any illegal activity. The adopter agrees to not allow the animal to be used for any other purpose that is not in the best interest of the animal. The adopter agrees to not allow the animal to be used for any other purpose that is not in the best interest of the animal.

Best Friends Animal Society

Name: _____
Address: _____
City: _____
State: _____
Zip: _____

CEDAR CITY COUNCIL
AGENDA ITEMS - 4
DECISION PAPER

TO: Mayor and City Council

FROM: City Attorney

DATE: October 26, 2022

SUBJECT: Chapter 26 Article V – Parking Requirements for Developments with 100+ units.

DISCUSSION:

On September 7, 2022, the City Council considered amending the City's parking requirements on four-unit dwellings or more based on a parking study completed by Horrocks Engineering (see the attached study). The recommendations from this study were passed by the City Council on September 14, 2022. This study further suggested that the larger the number of units the lower the parking ratio needed to be. HR Brown, a developer, is bring this ordinance amendment through asking the City to amend its parking ordinance by setting a 1 parking stall per bedroom calculation on all developments that have 100 units or more.

Staff have no objections to the proposed changes. The Planning Commission reviewed the proposed ordinance and gave the revision a positive recommendation (see the attached minutes).

Please consider approving the ordinance revision for Chapter 26 Article V.

1. PUBLIC HEARING

Ordinance Text Amendment – Chapter 26, Section V-2.D
regarding Required Parking for Residential Uses
Ranch
(Recommendation)

HR Brown/
Old Sorrel

HR Brown: We're asking for an ordinance text change based on the parking study. Horrocks study showed a decrease as the units went up; parking occupancies went down from 61% to 50% for up to 112 units. Ours will be 264 units, maybe less. Per the study, it showed .7 per bedroom and 1.4 per unit. That's not enough parking for what we want to do. 3 weeks ago, City Council voted at 1.3 for studio 1-bedroom and 1 stall for 2 bedrooms and beyond. We're asking to have that be one per bedroom. Our first recommendation on the study is 1 per bedroom and 1.5 per unit for non-student housing. This is out on Cross Hollow Road. There's a balance between the tenants' experience with parking, open space and amenities. Our sweet spot is around 1.85 to 1.9 parking stalls per unit. This isn't the exact elevations. This is one of our other projects up north. Lot of open space, green space, amenities will be a weight room, common area, pool, playgrounds, pickleball courts. Rather than having an asphalt jungle we'd create something for our tenants to have a good experience. Our request is to change from 1.3 for studio and 1-bedroom to 1 and projects that are 100 units or larger. Talked with Jonathan and talked about the 1.3 is necessary for smaller projects, but ours isn't that project. We wanted to make a distinguishing number of units to be one per bedroom. We're asking to increase from what the study shows at 42%. **Craig:** We've had the opportunity to see the study again. We had prior discussions a month or two ago, the attitudes are to reduce the asphalt jungle, but we want adequate parking. When I looked at the study it's easy to stratify it based on number of units. You can see less parking with more units. That's a simple analysis. **HR:** As a developer, rent in Cedar City are lower than SL, but our hard costs are the same, some areas even more. Pencil these things down to make sense and put a nice project in Cedar to make it profitable for everyone. We don't want less parking just to beautify the city, but less to have more units and a profitable, long-standing project. **Carter:** For studio and 1-bedroom this would work, but if it's 2 or more, or all across the board 1 per bedroom? **HR:** The vote was for anything 4 or more 1.3 for a studio and 1 and 1 for 2-bedrooms and beyond. We just want to change the 1.3 for projects that are bigger than 100 units to 1. **Carter:** All we're changing are studios and one-bedroom. **HR:** Yes. I think it would be good to put 100 units or more on there. **Carter:** I agree. **Craig:** It's an arbitrary number, not a magic number. **Carter:** The study had one of 112 bedrooms. **HR:** And occupancy went down from 61% to 50%. **Don:** The previous draft of the study reflected this exact same language, and that number was 100. **Carter:** The only time this would be an issue is if you had 100-unit complex of studios and one-bedroom you'd be under parked. That's the only negative scenario. **HR:** You'll never have that. Good developers are looking for the experience of the tenants, not how many units they can put in one area. The groups we're with have over 30,000 high quality units in the western United States. **Jill:** I missed the original meeting. Can you recap what your project is? **HR:** This is 11-acres on Cross Hollow Road, Old Sorrel Ranch/Armbrust

property. We have 264 units planned. In the other meetings, we had it rezoned to R-3, but didn't go through in a lot of detail. We'll be at Sketch this Thursday. **Jill**: Will they be various sizes? **HR**: Approx. 40% are 1-bedroom, 40 % are 2-bedroom, and 20% will be 3-bedroom. That may change. **Craig**: Is this south of the red cow? **HR**: It's just north of the RV park, and we butt up against Diamond Z. **Carter**: How many apartment complexes do we have that are more than 100 units? **Don**: I don't have an answer to that. Not a whole lot. When you look at things like this in the ordinance, the change isn't just you; this is for others as well. **HR**: I understand. The 1.3 was for projects that were 4 units or more. We wanted to have a demarcation line. **Don**: I'm comfortable with it. We have the data to back it up. It's written that the parking cannot be in tandem and not enclosed. That's a big factor in getting spaces utilized. **Jonathan**: Don had written up language for the ordinance change. It does correspond with what the study showed.

Councilmember Isom opened the public hearing.

Laura Henderson: It's good to see lots of green space and amenities. **Teri**: I'm also excited about this. I'd like to see more of this kind of development that makes sense and provides good amenities and living space. This will help us to get more developments like this.

Councilmember Isom closed the public hearing.

Jennie motions for a positive recommendation for the Ordinance Text Amendment for Required Parking for Residential Uses; Ray seconds; all in favor for unanimous vote.



MEMORANDUM

To: Jonathan Stathis, P.E., City Engineer
Don Boudreau, Planner
Cedar City

From: Aron Baker, P.E.
Horrocks Engineers

Date: August 11, 2022

Subject: Cedar City Multi-Family Residential Parking Lot Utilization Study

PURPOSE

Cedar City has been approached by a member of the development community to evaluate the parking rates for the multifamily zones and student housing zones in Cedar City to see if the number of parking spaces required in each zone is appropriate. Some have concerns that too much parking is required for multi-family as it has been observed that there are excessive parking spaces remaining, even when the units are fully occupied. Horrocks Engineers has been asked to examine 15 existing multi-family complexes and gather parking lot occupancy data and compare it to the city's parking rate to see if this rate should be lowered. It would be ideal to optimize this rate so the number of parking spaces required would accommodate the residents of the multi-family complex without having too many vacant parking spaces left unused.

CEDAR CITY PARKING STANDARDS

Parking requirements in Cedar City for the R3-M zone multi-family residential spaces is 1.3 parking spaces per bedroom. The city has asked Horrocks to evaluate this rate as well as evaluate the size of the complex to see if larger complexes require more or less parking per bedroom than smaller apartment buildings.

Existing Parking Rates

- **Multifamily Housing Parking Rate:** 1.3 spaces per bedroom
This is the rate that the city is primarily targeting to evaluate.
- **Student Housing District (SHD) Parking Rate**
Cedar City has a few participating apartment complexes within the SHD zone. One complex was assigned to be counted within this zone and is reported in this study, but since there is only one sample to examine, there isn't enough relevant data to draw any conclusions of the performance of parking rates in the SHD zone.

Developer Proposed R3-M Zone Parking Rate

A multi-family residential developer, Troy Belliston, applied for an ordinance change that he feels will create more efficient and effective parking ratios within the R3-M zone, which are:

- 1.3 Stalls per Studio Apartment
- 1.3 Stalls per One-Bedroom Apartment
- 2 Stalls per Two-Bedroom Apartment
- 2.25 Stalls per Three-Bedroom Apartment

- 2.5 Stalls per Four-Bedroom Apartment
- Or
- 2 Stalls Per Apartment Unit Regardless of Room Count

STUDY METHODOLOGY

To determine the parking utilization of each of the study locations shown below, the total number of parking spaces and the number of occupied spaces in each lot were counted between 9 PM and 11 PM on two separate occasions. The first counts were conducted on Wednesday, April 6, 2022, and the second occurrence was counted on Wednesday, April 13, 2022. These two times were selected to capture a typical weekday evening where normal at-home patterns would be present. Two counts were taken to ensure that abnormalities in the data would be discovered if the results varied significantly. Parking lot counts included in the study are listed in Table 1. The collected data is shown in the Appendix.

Aerial images of each of the study locations are shown in the Appendix. Some of study locations contain new buildings that the aerial photos do not show.

SURVEY RESULTS

The results of the counted parking locations are shown in this section in three categories; overall average occupancy, average occupancy by size of parking lot, and average occupancy by housing type. Table 1 shows the overall summary for each of the counted locations. The number of handicap spaces is included in the total number of parking spaces as well as in the number of occupied spaces. The average occupancy for all of the counted parking locations was 55 percent.

Table 1-Parking Survey Summary

Map Number	Address	Number of Parking Spaces	Number of Handicap Spaces	Number of Occupied Spaces 4/6/22	Percent Occupied 4/6/22	Number of Occupied Spaces 4/13/22	Percent Occupied 4/13/22	Average Percent Occupied	Notes
1	2620 North 175 West	174	11	118	68%	109	59%	64%	
2	1264 West 1225 North	258	8	112	43%	122	47%	45%	
3	1021 South 350 West	162	8	67	41%	93	57%	49%	
4	170 N 400 West	15	2	14	93%	12	80%	87%	On-street parking also available
5	920 South 75 East	390	2	122	31%	183	47%	39%	New townhomes, may not be fully occupied
6	NE Corner 1425 Northfield Road	338	0	187	55%	192	57%	56%	
7	165 South 1400 West	99	4	89	90%	92	93%	91%	
8	1130 Cedar Knolls Drive	124	5	74	60%	65	52%	56%	
9	1044 Hovi Hills Drive	211	12	102	48%	88	42%	45%	
10	SW Corner of 200 North and 300 West	98	2	72	73%	74	76%	74%	On-street parking also available
11	120 North 300 West	59	1	27	46%	30	51%	48%	
12	354 North 300 West	58	2	32	55%	35	60%	58%	On street parking also available
13	121 East Canyon Commercial Avenue	119	12	25	21%	29	24%	23%	
14	1389 Northfield Road	28	1	9	32%	14	50%	41%	On-street parking also available
15	815 West 1175 North	145	4	91	63%	97	67%	65%	On-street parking also available
Average Occupancy								56%	

Table 2, Table 3, and Table 4 show the average occupancy for small complexes (less than 20 units), mid-size lots (21 to 79 units), and large lots (greater than 80 units), respectively. When the multifamily complexes are categorized by size, differences between the average occupancy can be identified. Smaller complexes are more fully utilized with

an average occupancy of 61 percent. Mid-size complexes have an average of 57 percent occupancy, and large complexes have lower rates of average occupancy, an average of 50 percent.

Table 2-Average Parking Occupancy for Small Complexes (< 20 units)

Map Number	Name	Number of Units	Number of Parking Spaces	Average Percent Occupied
4	170 N 400 West	5	15	87%
8	1130 Cedar Knolls Drive	12	124	56%
10	SW Corner of 200 North and 300 West	20	98	74%
11	120 North 300 West	6	59	48%
14	1389 Northfield Road	8	28	41%
Average Occupancy				61%

Table 3-Average Parking Occupancy for Mid-Size Parking Lots (21-79 units)

Map Number	Name	Number of Units	Number of Parking Spaces	Average Percent Occupied
3	1021 South 350 West	72	162	49%
7	165 South 1400 West	22	99	91%
12	354 North 300 West	22	58	58%
13	121 East Canyon Commercial Avenue	48	119	23%
15	315 West 1175 North	67	145	65%
Average Occupancy				57%

Table 4-Average Parking Occupancy for Large Complexes (> 80 Spaces)

Map Number	Name	Number of Units	Number of Parking Spaces	Average Percent Occupied
1	2620 North 175 West	80	174	64%
2	1264 West 1225 North	80	258	45%
5	920 South 75 East	88	390	39%
6	NE Corner 1425 Northfield Road	112	338	56%
9	1044 Hovi Hills Drive	80	211	45%
Average Occupancy				50%

Table 5 shows the average occupancies for student housing and Table 6 shows the occupancy of any other housing that is not specifically student housing. Based on the sample of locations used for this study, student housing has an average parking occupancy of 68 percent. At other apartment buildings, the average occupancy was observed to be 47 percent. From this data, student housing tends to be more densely populated than other housing, as many students share rooms. These results also suggest that student housing is more likely to have multiple drivers and vehicles per apartment than in other family housing.

Table 5-Average Parking Occupancy for Student Housing Apartments

Map Number	Name	Zone	General Comments/ Assumptions	Average Percent Occupied
3	1021 South 350 West	R3-M	Married Student Housing	49%
4	170 North 400 West	SHD	Student Housing	87%
7	165 South 1400 West	R3-M	Student Housing	91%
8	1130 Cedar Knolls Drive	R3-M	Student Housing	56%
10	SW Corner of 200 North and 300 West	R3-M	Student Housing	74%
11	120 North 300 West	R3-M	Student Housing	48%
Average Occupancy				68%

Table 6-Average Parking Occupancy for Other Apartments

Map Number	Name	Zone	General Comments/ Assumptions	Average Percent Occupied
1	2620 North 175 West	CC		64%
2	1264 West 1225 North	R3-M	Mix of students and families	45%
5	920 South 75 East	R3-3		39%
6	NE Corner 1425 Northfield Road	R3-M	Typical family assumption- PUD Townhomes- Open Parking	56%
9	1044 Hovi Hills Drive	R3-M	Subsidized Units	45%
12	354 North 300 West	R3-M	Mix per management company	58%
13	121 East Canyon Commercial Avenue	R3-M	Subsidized Units	23%
14	1389 Northfield Road	R3-M		41%
15	315 West 1175 North	R3-M	More Families per Management Company	65%
Average Occupancy				48%

Table 7 and

Table 9 summarize the parking ratios for each location using the average parking lot occupancy and the number of bedrooms. Table 7 and

Table 9 summarize the parking ratios for each location using the average parking lot occupancy and the number of units. For the student apartments, the average occupied parking ratio, 1.2 spaces per bedroom, is similar to the existing requirement for parking, 1.3 spaces per bedroom. The maximum occurrence noted is 1.4 spaces per bedroom. The average number of spaces per unit for student housing is 3.7. For the other apartments not designated as student apartments, the occupied parking ratio, 0.7 spaces per bedroom, or 1.4 spaces per unit, is approximately half of the existing requirement of 1.3 spaces per bedroom.

Table 7-Average Parking Ratios (Spaces/Bedroom) for Student Housing Apartments

Map Number	Name	Zone	General Comments/ Assumptions	Number of Parking Spaces	Average Percent Occupied	Unit Mix/Bedrooms	Number of Bedrooms	Occupied Parking Ratio (spaces/bedroom)
3	1021 South 350 West	R3-M	Married Student Housing	162	49%	54 (2-bedroom units) 18 (1-bedroom)	126	0.6
4	170 North 400 West	SHD	Student Housing	15	87%	4 (4-bedrooms units) plus an existing Residence (3-bedrooms)	19	0.7
7	165 South 1400 West	R3-M	Student Housing	99	91%	21-(6 bedroom apartments) includes one managers apartment at 2-bedrooms. All single occupant per bedroom.	128	0.7
8	1130 Cedar Knolls Drive	R3-M	Student Housing	124	56%	12 Units (4 bedrooms each)	48	1.4
10	SW Corner of 200 North and 300 West	R3-M	Student Housing	98	74%	20 units (7 private bedrooms)	140	0.5
11	120 North 300 West	R3-M	Student Housing	59	48%	6 Units (4-bedrooms) Each bedroom has two students.	24	1.2
Average Occupancy:				68%		Average Parking Ratios:		
						1.2		

Table 8-Average Parking Ratios (Spaces/Unit) for Student Housing Apartments

Map Number	Name	Zone	General Comments/ Assumptions	Number of Parking Spaces	Average Percent Occupied	Unit Mix/Bedrooms	Number of Units	Occupied Parking Ratio (spaces/unit)
3	1021 South 350 West	R3-M	Married Student Housing	162	49%	54 (2-bedroom units) 18 (1-bedroom units)	72	1.1
4	170 North 400 West	SHD	Student Housing	15	87%	4 (4-bedrooms units) plus an existing Residence (3-bedrooms)	5	2.6
7	155 South 1400 West	R3-M	Student Housing	99	91%	21-(6 bedroom apartments) includes one managers apartment at 2-bedrooms. All single occupant per bedroom.	22	4.1
8	1130 Cedar Knolls Drive	R3-M	Student Housing	124	56%	12 Units (4 bedrooms each)	12	5.8
10	SW Corner of 200 North and 300 West	R3-M	Student Housing	98	74%	20 units (7 private bedrooms)	20	3.7
11	120 North 300 West	R3-M	Student Housing	59	48%	6 Units (4-bedrooms) Each bedroom has two students.	6	4.8
Average Occupancy:					68%	Average Parking Ratios:		3.7

Table 9-Average Parking Ratios (Spaces/Bedroom) for Other Apartments

Map Number	Name	Zone	General Comments/ Assumptions	Number of Parking Spaces	Average Percent Occupied	Unit Mix/Bedrooms	Number of Bedrooms	Occupied Parking Ratio (spaces/bedroom)	
1	2620 North 175 West	CC		174	64%	40 (2-bedroom) units and 40 (1-bedroom) units	120	0.9	
2	1264 West 1225 North	R3-M	Mix of students and families	258	45%	40 (3-bedroom) 40(2-bedroom)	200	0.6	
5	920 South 75 East	R3-B		390	39%	89- (3-bedroom townhomes) 1 Unit Lost to subsidence.	264	0.6	
6	NE Corner 1425 Northfield Road	R3-M	Typical family assumption- PUD Townhomes- Open Parking	338	56%	PUD 112 (3-bedroom units)	336	0.6	
9	1044 Hovi Hills Drive	R3-M	Subsidized Units	211	45%	30 (1-bedroom) 24(2-bedroom) 18(3-bedroom) 8(4-bedroom)	164	0.6	
12	354 North 300 West	R3-M	Mix per management company	58	58%	22 (2-bedroom units)	44	0.8	
13	121 East Canyon Commercial Avenue	R3-M	Subsidized Units	119	23%	6 (1-bedroom) 18 (2-bedroom) 16(3bedroom) 8(4-bedroom)	122	0.2	
14	1389 Northfield Road	R3-M		28	41%	4 (2-Bedroom) and 4 (3 Bedroom) Units	20	0.6	
15	315 West 1175 North	R3-M	More Families per Management Company	145	65%	67 (2-bedroom units)	134	0.7	
Average Occupancy:				48%		Average Parking Ratios:			0.7

Table 10-Average Parking Ratios (Spaces/Unit) for Other Apartments

Map Number	Name	Zone	General Comments/ Assumptions	Number of Parking Spaces	Average Percent Occupied	Unit Mix/Bedrooms	Number of Units	Occupied Parking Ratio (spaces/unit)
1	2620 North 175 West	CC		174	64%	40 (2-bedroom) units and 40 (1-bedroom) units	80	1.4
2	1264 West 1225 North	R3-M	Mix of students and families	258	45%	40 (3-bedroom) 40(2-bedroom)	80	1.5
5	920 South 75 East	R3-B		390	39%	89- (3-bedroom townhomes) 1 Unit Lost to subsidence.	88	1.7
6	NE Corner 1425 Northfield Road	R3-M	Typical family assumption- PUD Townhomes- Open Parking	338	56%	PUD 112 (3-bedroom units)	112	1.7
9	1044 Hovi Hills Drive	R3-M	Subsidized Units	211	45%	30 (1-bedroom) 24(2-bedroom) 18(3-bedroom) 8(4-bedroom)	80	1.2
12	354 North 300 West	R3-M	Mix per management company	58	58%	22 (2-bedroom units)	22	1.5
13	121 East Canyon Commercial Avenue	R3-M	Subsidized Units	119	23%	6 (1-bedroom) 18 (2-bedroom) 16(3bedroom) 8(4-bedroom)	48	0.6
14	1389 Northfield Road	R3-M		28	41%	4 (2-Bedroom) and 4 (3 Bedroom) Units	8	1.4
15	315 West 1175 North	R3-M	More Families per Management Company	145	65%	67 (2-bedroom units)	67	1.4
Average Occupancy:				48%		Average Parking Ratios: 1.4		

RESULT COMPARISON TO OTHER CITIES

Table 11 shows the parking requirements for multifamily housing in other cities in Southern Utah. The standards shown in the table do not include visitor parking or accessible parking. All of the surrounding cities compared here have parking ordinances based on spaces per unit, with the exception of Enoch City and the student housing requirements in St. George.

Table 11-City Parking Ordinance Comparison

City	Land Use	Parking Requirement
St. George	Student Housing	1 space per occupant, can be reduced to .75 per occupant if certain requirements are met*
	Multifamily Housing	2 spaces per unit
Washington	Multifamily Housing (1 bedroom)	1.1 spaces per unit
	Multifamily Housing (2+ bedrooms)	2 spaces per unit
Enoch	Multifamily Housing	1.5 spaces per bedroom

Hurricane	Multifamily Housing (1 bedroom)	1.5 spaces per unit
	Multifamily Housing (2+ bedrooms)	2 spaces per unit
Parowan	Single-family and Two-family Housing	2 spaces per unit
	Multifamily Housing	As determined by Planning Commission

*see St. George Municipal Code Section 10-19-4

Compared to these sample cities, Cedar City generally has higher parking requirements than most of the polled cities. Applying these rates to this same list of 15 apartment complexes is shown in Table 12. The cells shaded in green and red are calculated minimum required parking spaces according to each respective city. The green shaded cells are values that are less than Cedar City requirements, and the red shaded values are greater than Cedar City requirements. A conclusion that can be drawn from Table 12 is that the City of Enoch has higher parking requirements in almost all cases, requiring 1.5 spaces per bedroom.

Comparing Cedar City's parking ratios to other cities is useful as a test to evaluate where the city fits in with surrounding standards. However, some cities with lower parking standards expect vehicles to park on the street. Further inquiries with these cities would be advisable to examine their overall ordinance performance. For example, in more urbanized settings such as Provo, parking rates are 0.5 spaces per bedroom with a minimum of 2 spaces per unit. This standard encourages all spaces on the property to be used and relies on overflow parking in the street to make this low ratio work.

Map Number	Name	Unit Mix/Bedrooms	Units	Bedrooms	Existing Parking Spaces in Cedar City	Required Parking Spaces under Current Cedar City Ordinance	Required Spaces in St. George	Required Spaces in Washington	Required Spaces in Enoch	Required Spaces in Hurricane	Required Spaces in Parowan
1	2620 North 175 West	40 (2-bedroom) units and 40 (1-bedroom) units	80	120	174	156	160	124	180	140	160
2	1264 West 1225 North	40 (3-bedroom) 40 (2-bedroom)	80	200	258	260	160	160	300	160	160
3	1021 South 350 West	54 (2-bedroom units) 18 (1-bedroom units)	72	126	162	164	126	128	189	135	144
4	170 N 400 West	4 (4-bedroom units) plus an existing Residence (3-bedroom)	5	19	15	25	unknown # of occupants	10	29	10	10
5	920 South 75 East	89 (3-bedroom townhomes) 1 Unit Lost to subsidence.	88	264	390	343	176	176	396	176	176
6	NE Corner 1425 Northfield Road	PUD 112 (3-bedroom units) Includes one managers apartment at 2-bedrooms. All single occupant per bedroom.	112	336	338	437	224	224	504	224	224
7	165 South 1400 West	21 (6-bedroom apartments)	22	128	99	166	128	224	192	44	44
8	1130 Cedar Knolls Drive	12 Units (4 bedrooms each)	12	48	124	62	unknown # of occupants	24	72	24	24
9	1044 Hovi Hills Drive	30 (1-bedroom) 24 (2-bedroom) 18 (3-bedroom) 8 (4-bedroom)	80	164	211	213	160	133	246	145	160
10	SW Corner of 200 North and 300 West	20 units (7 private bedrooms)	20	140	98	182	140	40	210	40	40
11	120 North 300 West	6 Units (4-bedroom) Each bedroom has two students.	6	24	59	31	48	12	36	12	12
12	354 North 300 West	22 (2-bedroom units)	22	44	58	57	44	44	66	44	44
13	121 East Canyon Commercial Avenue	6 (1-bedroom) 18 (2-bedroom) 16 (3-bedroom) 8 (4-bedroom)	48	122	119	159	96	91	183	93	96
14	1389 Northfield Road	4 (2-bedroom) and 4 (3-bedroom) Units	8	20	28	26	16	16	30	16	16
15	315 West 1175 North	67 (2-bedroom units)	67	134	145	174	134	134	201	134	134

Less than Cedar City

More than Cedar City

Table 12-City Parking Calculation Comparison

CONCLUSIONS AND RECOMMENDATIONS

There are some interesting conclusions that have been learned from this study:

- On average, student housing developments have a parking occupancy rate of 68%. The average occupied parking ratio is 1.2 spaces per bedroom. The average parking ratio for space per unit is 3.7. Student housing is often configured so students share bedrooms, thus, it is more likely that multiple drivers and vehicles exist per bedroom and per unit than in other family housing.
- Multifamily housing complexes that are not exclusively student housing have a lower average parking occupancy of 48%. The average parking ratio is .7 spaces per bedroom or 1.4 spaces per unit.
- No parking lots that were studied were observed to be at- or over-capacity. There are some apartments, such as Cedar View Apartments (#12), Northfield Apartments (#14), and Northfield Village (#15), that have on-street parking that helps with overflow conditions if and when over-capacity occurs.
- Smaller multifamily complexes, including student housing, are more fully utilized with an average occupancy of 61 percent. Mid-size and large multifamily complexes have lower rates of average occupancy, 57 and 50 percent, respectively.
- Cedar City has higher parking rates than most cities in Southern Utah that were polled for this study, except Enoch, who requires 1.5 spaces per bedroom.

Overall, it appears that the number of parking spaces that are required by current parking standards in Cedar City can be reduced to a level that will still provide a high level of service to tenants in the multifamily zones. This would reduce the space needed for parking while still meeting the parking needs of the city. If the city considers reducing the parking rate for the multifamily zones, considerations to the following are recommended:

- Non-student apartment complexes could have their rate reduced from 1.3 spaces per bedroom to 1.0 spaces per bedroom or 1.5 spaces per unit to optimize parking while still providing adequate overflow. A tiered approach may also be considered, as recommended by Mr. Belliston, with a minimum number of spaces for one-bedroom apartments (1.3 spaces for one bedroom), and increasing with the number of bedrooms (1 space per bedroom).
- The city may want to consider a different rate for student apartment complexes as they experience a higher parking lot occupancy rate. Table 7 calculates an optimized rate of 1.2 spaces per bedroom and would be adequate as a new rate. The SHD zone already requires .75 spaces per occupant (or 1.5 spaces per bedroom if students are sharing), which is more conservative than the 1.2 spaces per bedroom.

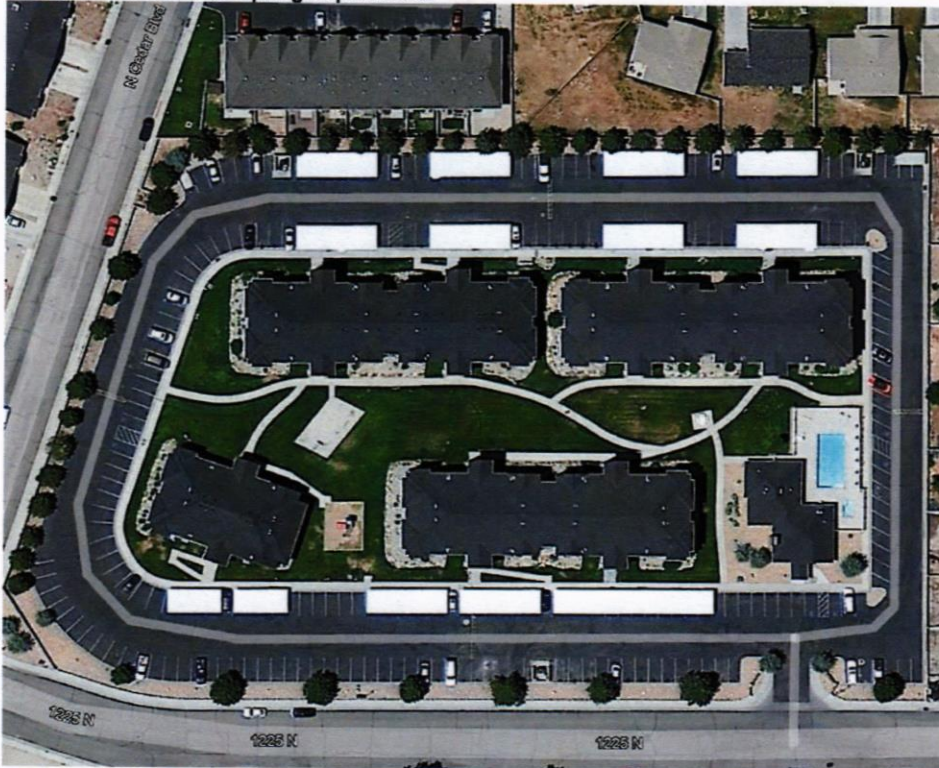
APPENDIX

Aerial Images



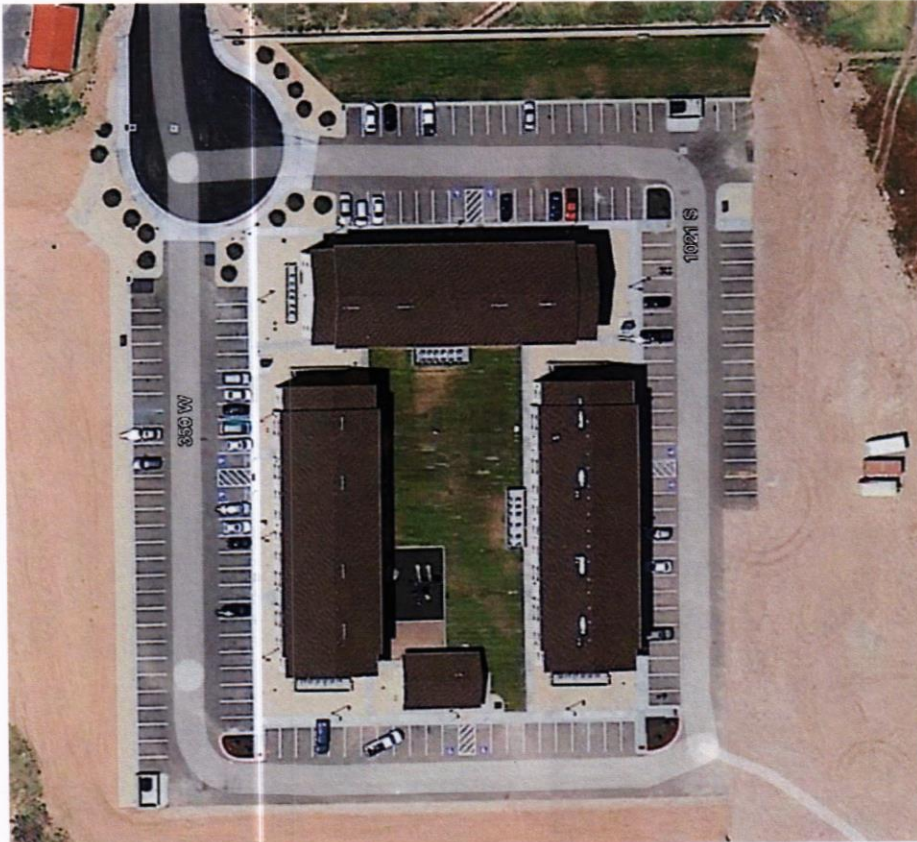
1

2620 N 175 W Cascade Springs Apartments



2

1264 W 1225 N Canyon View Apartments



1021 South 350 West Driscoll Lane Apartments

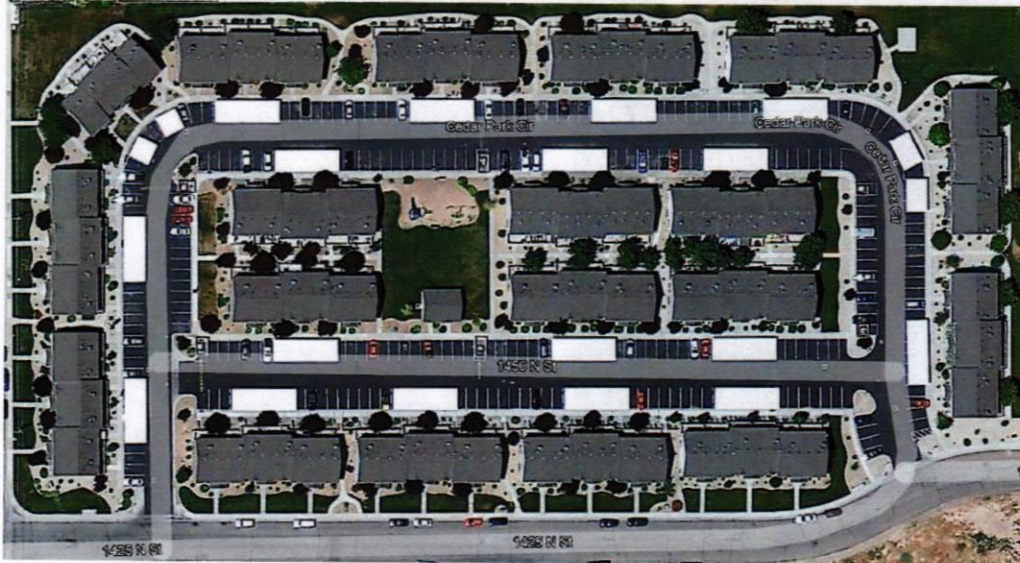


170 North 400 West Name Unknown



5

920 South 75 East Trailside PUD

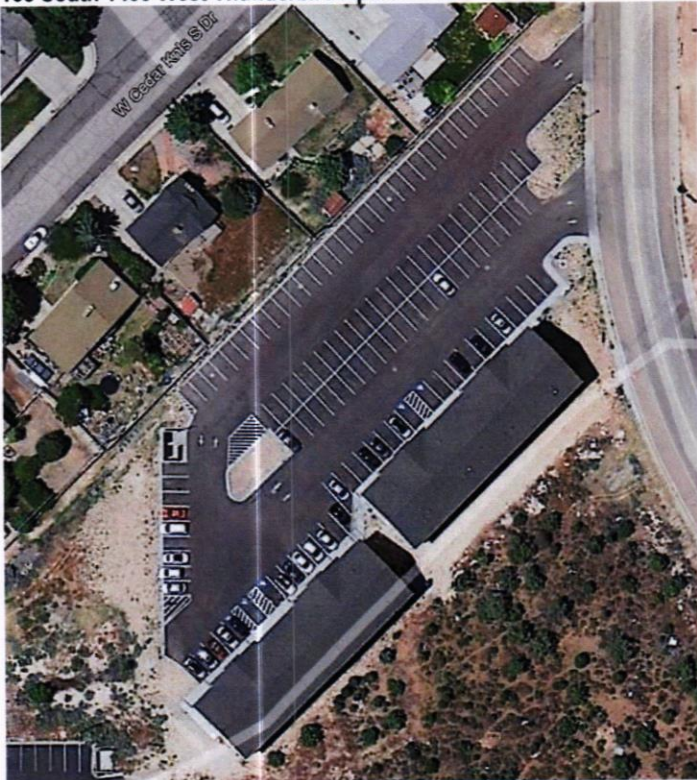


6

NE corner of 1425 Northfield Road Cedar Park Townhomes



165 South 1400 West Thunderbird Apartments



1130 Cedar Knolls Drive Cedar City Apartments SUU Housing

7

8



1044 Hovi Hills Drive Libertad Apartments



SW corner of 200 North and 300 West Gateway North Apartments

9

10



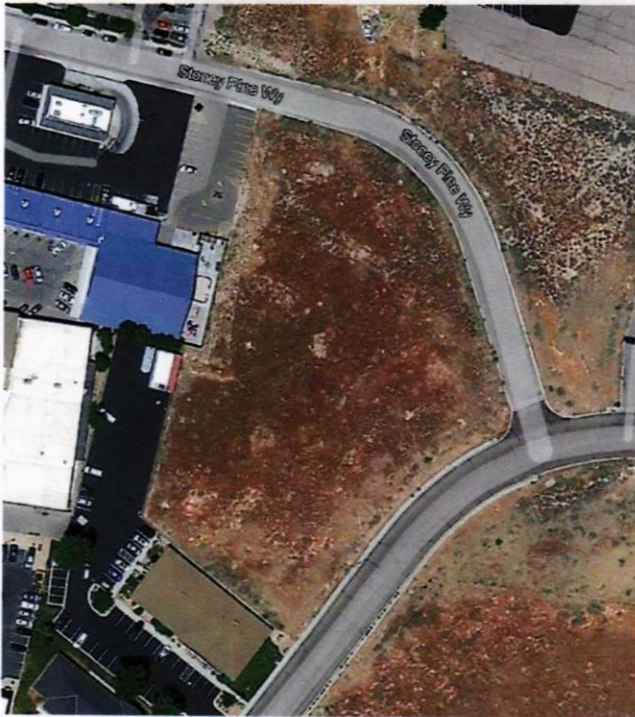
11

120 North 300 West Gateway East Apartments



12

354 North 300 West Cedar View Apartments



13

121 East Canyon Commercial Avenue Sandstone Apartments (not built in this aerial)



14

1389 Northfield Road Northfield Apartments

15



315 West 1175 North Northfield Village

CEDAR CITY ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 26 ARTICLE V, OF THE
ORDINANCES OF CEDAR CITY, UTAH, RELATED TO REQUIRED PARKING
FOR DEVELOPMENTS WITH 100 UNITS OR MORE**

WHEREAS, Cedar City has adopted Chapter 26 of the ordinance of Cedar City, Utah, and said provisions contain the City's planning and zoning requirements; and

WHEREAS, Cedar City has the legal authority to adopt ordinances for the benefit of the City and its citizens; and

WHEREAS, the Cedar City Council desires to update and amend Chapter 26, Article V, of the Cedar City Ordinances entitled "Required Parking"; and

WHEREAS, the purpose of these amendments is to ensure sound land management and orderly development of the city for developments with 100 units or more; and

WHEREAS, parking facilities that are designed and located appropriately create and provide sound and aesthetically pleasing residential neighborhoods and commercial uses; and

WHEREAS, as required by City ordinance the Cedar City Planning Commission considered the proposed amendments and gave a positive recommendation to the proposals; and

WHEREAS, the City Council finds that it is in the best interests of the health, safety, convenience, order, appearance, prosperity, and general welfare of the landowners and citizens of Cedar City to amend the ordinance regulating the proper calculation of required parking spaces in the City.

NOW THEREFORE BE IT ORDAINED by the City Council of Cedar City, State of Utah that Chapter 26, Article V of the ordinances of Cedar City, Utah, is hereby amended to include the below underlined red text and exclude all crossed out text:

SECTION 26-V-2. Required Parking; Residential Uses

(A) **One unit dwelling per lot**: Two (2) parking spaces for each dwelling unit. Tandem parking shall be allowed.

(B) **Two unit dwelling per lot**: Two (2) parking spaces for each unit that contains one or two bedrooms. Units that contain three bedrooms and above: one and one third (1.30) parking stalls for each bedroom. Tandem parking shall be allowed.

(C) **Three unit dwellings**: Two (2) parking spaces for each unit that contains one or two bedrooms. Units that contain three bedrooms and above: one and one third (1.30) parking stalls for each bedroom.

(D) Four unit dwellings, or more: One and one third (1.30) parking stalls per bedroom with the following exceptions:

1. Developments that do not configure in a tandem parking arrangement and are located in a parking lot that is unenclosed shall provide one (1) parking space per bedroom for all units containing 2 bedrooms or more. This provision shall not prohibit the installation of carports which provide a minimum of 9-feet between any upright supports.
 - a. Developments which consist of 100 units or more shall provide one (1) parking space per bedroom subject to the provisions of (D).1 above.

NOW BE IT FURTHER ORDAINED by the City Council of Cedar City, State of Utah that City staff is authorized to make such non-substantive changes to the format and table of contents of Chapter 26 Article V as are reasonably necessary to facilitate this amendment.

This ordinance, Cedar City Ordinance No. _____, shall become effective immediately upon passage and publication as required by State Law.

Council Vote:

Hartley -
Isom -
Phillips -
Melling -
Riddle -

Dated this _____ day of November, 2022

GARTH O. GREEN
MAYOR

[SEAL]

ATTEST:

RENON SAVAGE
RECORDER

CEDAR CITY COUNCIL
AGENDA ITEMS - 5
DECISION PAPER

TO: Mayor and City Council

FROM: City Attorney

DATE: October 26, 2022

SUBJECT: Chapter 26 Article III – Engineering standards for streets in the RE zone

DISCUSSION:

Several weeks ago, the City Council approved engineering standards for streets in the RE zone which created an exception from requiring master planned arterial and collector streets from being fully improved with curb, gutter, and sidewalk. This ordinance amendment simply lists those engineering standards in the City's ordinance.

Staff have no objections to the proposed changes. The Planning Commission reviewed the proposed ordinance and gave the revision a positive recommendation (see the attached minutes).

Please consider approving the ordinance revision for Chapter 26 Article III.

I. CITY ITEMS

1. PUBLIC HEARING

Ordinance Text Amendment – Chapter 26, Section III-9-(I)-4

Jonathan

Stathis

regarding Streets within the RE Zone

(Recommendation)

Councilmember Isom: This is to cover the engineering standard changes that were approved. **Jonathan**: Just some clean-up work. The City Council approved some changes, but the language was not corresponding in the ordinance. This is to make sure it's clear that curb/gutter/sidewalk is required on MP roads and RE estates unless it's allowed in specific engineering standards. There are certain cases where the borrow ditches can be used rather than c/g/s in the RE zones on MP roads. We wanted to make sure it's clear that the ordinance corresponds with the engineering standard.

Councilmember Isom opened the public hearing; no comments were made; the public hearing was closed.

Ray motions for a positive recommendation for the Ordinance Text Amendment for Streets within the RE Zone; Jennie seconds; all in favor for unanimous vote.

CEDAR CITY ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 26 ARTICLE III OF THE ORDINANCE OF
CEDAR CITY, UTAH, RELATED TO STREETS WITHIN THE
R-E RESIDENTIAL ESTATE ZONE.**

WHEREAS, Cedar City has adopted Chapter 26 of the ordinance of Cedar City, Utah, and said provisions regarding the City's Planning and Zoning; and

WHEREAS, Cedar City has the legal authority to adopt ordinances for the benefit of the City and its citizens; and

WHEREAS, the Cedar City Council desires to update and amend Chapter 26, Article III, of the Cedar City Ordinances entitled "Zones"; and

WHEREAS, the purpose of the ordinance revision is to identify the engineering standards that allow exceptions in the R-E Residential Estate Zone from requiring master planned arterial and collectors streets from being fully improved with curb, gutter, and sidewalk; and

WHEREAS, as required by City ordinance, the Cedar City Planning Commission considered the proposed amendments and gave a positive recommendation to the proposals; and

WHEREAS, the City Council finds that it is in the best interests of the health, safety, convenience, order, appearance, prosperity, and general welfare of the landowners and citizens of Cedar City to amend the ordinance to clarify the engineering standards that allow exceptions in the R-E Residential Estate Zone from requiring master planned arterial and collectors streets from being fully improved with curb, gutter, and sidewalk.

NOW THEREFORE BE IT ORDAINED by the City Council of Cedar City, State of Utah that Chapter 26 Article III of the ordinance of Cedar City, Utah, is hereby amended to include the below underlined red text and exclude all crossed out text:

SECTION 26-III-9. R-E Residential Estate Zone.

(A) Objectives and Characteristics: The objective in establishing the R-E Residential Estate Zone is to encourage the creation and maintenance of a residential environment within an area which is characterized by large lots with minimal lot densities (maximum 2 lots per acre) on which single family dwellings are situated, surrounded by settings in which the pre-development natural character of the landscape is retained. Native plant species, wildlife habitats, low water consumptive landscapes, minimum vehicular traffic, private lanes connected to public streets, featured or gated entries, building products produced from natural materials, and quiet residential conditions are also characteristic of this zone. While much of this zone is currently devoted to open land uses, it is intended that the land shall be developed into residential uses as the needs arise having characteristics as herein above set forth. The minimum area for a R-E Zone shall be ten (10) acres. Representative of the uses within the R-E Zone are one family dwellings,

caretaker's cottages (not to exceed one per lot), parks and playgrounds. Boarding and lodging houses, two family dwellings, triplexes, apartment houses and other multiple dwellings representative of higher density residential areas are strictly prohibited in this zone. Commercial and industrial uses are strictly prohibited unless otherwise designated or as listed below. In order to accomplish the objectives and purpose of this ordinance, and to promote the characteristics of this zone the following precise regulations shall apply to the R-E (Residential Estate) Zone:

Amended by ordinance number 0125-12-1 and 0919-12

(B) Permitted Uses: The following uses shall be permitted in the R-E Residential Zone:

- (1) One-family dwellings and accessory buildings and structures; including guest houses (not to exceed 1200 square feet) and subject to the setback requirements of one-family dwellings, private garage and/or barn;
- (2) Keeping of animals and fowl, as an accessory use to a single-family dwelling, limited to the following:
 - a. Two large animals per lot and one additional large animal for each 10,000 square feet over 1 acre. Large animals may include horses, cattle, goats, sheep or other animals judged by the Planning Commission to be compatible with this zone; and
 - b. Not more than 20 poultry or rabbits shall be kept on any lot;
- (3) Planned Unit Developments approved per this ordinance;
- (4) Residential facility for persons with a disability, not to exceed four (4) residents (see Article XVI);
- (5) Public and private parks, playgrounds, green ways, trails, and open space;
- (6) Public and private golf courses;
- (7) Public and private recreation centers;
- (8) Solar Power Generation, Central.
- (9) Internal Accessory Dwelling Units which have a separate address;
- (10) External Accessory Dwelling Units with a separate address which are no greater than 1200 square feet, encompass no more than 2 bedrooms, and do not exceed one story (16 feet). Units must be located behind the primary dwelling, meet the setbacks of the primary dwelling (not an accessory building) and match the primary dwelling in color and roof design. Parking to the rear of the primary dwelling shall be served by a driveway that is a minimum of 12-feet wide. Parking shall be located behind the front setback. All detached units shall meet

the provisions of the currently adopted Building and Fire Codes. Existing guest houses may be converted to an External Accessory Unit subject to the criteria above.

Amended by ordinance number 0827-08-2, 0919-12, and 0713-22-8

(C) Conditional Uses: See Section 26-XI-5.

Amended by ordinance number 0827-08-2

(D) Area Requirements: Same as R-1 Residential Zone.

Amended by ordinance number 0125-12-1

(E) Width Requirements: Same as R-1 Residential Zone.

Amended by ordinance number 0125-12-1

(F) Building Setback Requirements:

(1) Side Setback: Same as R-1 Residential Zone.

(2) Front Setbacks: Same as R-1 Residential Zone.

(3) Rear Setbacks: Same as R-1 Residential Zone.

(4) Solar Power Generation, Central: structures and panels shall be setback 20' minimum from residential neighboring properties.

Amended by ordinance number 0125-12-1 and 0919-12

(G) Building Height Requirements: Same as R-1 Residential Zone.

Amended by ordinance number 0125-12-1

(H) Building Size Requirements: Same as R-1 Residential Zone.

Amended by ordinance number 0125-12-1

(I) Special Provisions:

(1) All Special Provisions in R-1 Residential Zone.

(2) Variations from development standards of other residential zones may be permitted by the City Council as part of the approval of this zone. Variations shall not include changes in the permitted uses allowed except to the extent set forth herein.

(3) The minimum area required for a R-E Residential Estate Zone is ten (10) acres.

(4) All streets within a Residential Estate zone shall meet with City Engineering Standards. Streets adjacent to a Residential Estate zone and master planned arterial and collectors shall be fully improved with curb, gutter and sidewalk in accordance with City Engineer Standards except as allowed in Details R4B, R4E, and R4F in the City Engineering Standards.

(5) The Residential Estate zone is designed to be in areas where the generally uniform slope is 5% or less and therefore, would not require curb, gutter and sidewalks along public streets. Areas with slopes greater than 5% will be permitted with fully improved streets (curb, gutter and sidewalk) or as a P.U.D. Roadside borrow ditches may be permitted in areas exceeding a 5% slope by the City Engineer if calculations showing riprap channel stabilization can be achieved and adequate drainage capacity are provided within the Right of Way, to the satisfaction of the City Engineer within the RE Zone. Road slopes exceeding 5% for borrow ditches will require an erosion control plan with construction drawings to the satisfaction of the City Engineer. Public streets shall have a minimum of one hard-surfaced sidewalk or footpath per street.

(6) Areas used for animals shall be maintained so as to conform with health, sanitation, water and drainage requirements.

(7) Solar Power Generation, Central. Shall have a minimum of one hundred (100) contiguous acres.

Amended by Cedar City Ordinance No. 0919-12 and 0525-22-4.

(J) Supplementary Regulations: See Article IV, Supplementary Regulations to All Zones.

NOW BE IT FURTHER ORDAINED by the City Council of Cedar City, State of Utah that City staff is authorized to make such non-substantive changes to the format and table of contents of Chapter 26 Article III as are reasonably necessary to facilitate this amendment.

This ordinance, Cedar City Ordinance No. _____, shall become effective immediately upon passage and publication as required by State Law.

Council Vote:

Hartley -

Isom -

Phillips -

Melling -

Riddle -

Dated this _____ day of November, 2022

GARTH O. GREEN
MAYOR

[SEAL]

ATTEST:

RENON SAVAGE
RECORDER

#4

City Council Members,

Here's an explanation for my agenda item: ***Consider recommendations for Economic Development Rural Communities Opportunity Grant Application.*** — Danny Stewart

Rural Community Opportunity Grant

The legislature approved a program called the Rural Community Opportunity Grant, which is administered by the Governor's Office of Economic Opportunity through the Center for Rural Development. For the past couple of years, these grants were available for economic development ONLY through the state's 25 rural counties. Now, eligible rural communities are encouraged to apply for the Rural Communities Opportunity Grant (RCOG). Recommendations must be approved by a community's economic opportunity board; communities that do not have an economic opportunity board may utilize their planning commission as the economic opportunity board. (Iron County has an economic opportunity board, cedar city does not. The planning commission can act as the economic opportunity board, which can give recommendation to the community legislative body.

Eligible rural communities include:

Counties of the third, fourth, fifth, and sixth class (We are a county of the third class)

Cities, towns, and metro townships located within those counties (We are a city of the third class located in a county of the third class)

Municipalities with a population of 10,000 or less in counties of the second class

The RCOG empowers rural communities to take responsibility for economic development planning, projects, and activities, and to manage their unique opportunities. The grant addresses the economic development needs of rural communities, which include:

Business recruitment, development, and expansion

Workforce training and development

Infrastructure and capital facilities improvements for business development

Competitive Application

The RCOG is competitive and requires a funding match based on the community's population (we need to have a 40% match because of our population). Applications are scored based on their quality, proposed budget, economic development projects and activities descriptions, and the purposes, goals, and measurable outcomes related to improving the community's overall economy. Applicants are required to justify the economic development need for the grant and the amount of funding requested.

Rural Communities Opportunity Grant Application Dates:

Opens: Oct. 17, 2022

Closes: Nov. 18, 2022

Following is more detailed PDF in case you are interested. Please let me know if you have any questions.

RURAL OPPORTUNITY PROGRAM

Introduction

State of Utah Code 63N-4-802 establishes the Rural Opportunity Program. The Utah Governor's Office of Economic Opportunity (Go Utah), through the Center for Rural Development (CRD), administers the Rural Opportunity Program. The Rural Opportunity Advisory Committee, as created in Section 63N-4-804, oversees the funding opportunities. The Rural Communities Opportunity Grant is one of the offerings of the program.

Rural Communities Opportunity Grant

For this grant, a "rural community" means a rural county or municipality as defined in Section 63N-4-801. Rural communities eligible for the Rural Communities Opportunity Grant (RCOG) include counties of the third, fourth, fifth, and sixth class; cities, towns, and metro townships located in counties of the third, fourth, fifth, and sixth class; and municipalities with a population of 10,000 or less in counties of the second class (*see Attachment A*).

Grant funding is competitive and requires matching funds from the rural community. Grant funds from the RCOG may exceed the \$200,000 distributed to counties under the Rural County Grant (RCG), up to an overall amount not to exceed \$800,000 per state fiscal year. A municipality, city, town, or metro township may receive up to \$600,000.

GRANT PURPOSE

The RCOG empowers rural communities to take responsibility for economic development planning, projects, and activities, and to manage their unique opportunities. The grant addresses the economic development needs of rural communities, which needs may include:

- Business recruitment, development, and expansion
- Workforce training and development
- Infrastructure and capital facilities improvements for business development

QUALIFYING REQUIREMENTS

1. A rural county must form and have a functioning County Economic Opportunity Advisory Board (CEO Board). A rural municipality must have a functioning planning and zoning commission or a duly organized municipal economic opportunity advisory board or commission that will act under the same advisory requirements as a CEO Board* (*see Attachment B*).
2. A formal application must be submitted by the community legislative body through the Governor's Office of Economic Opportunity (GO Utah).
3. The application must include a description of anticipated economic development projects and activities approved by the legislative body, based upon recommendations of the CEO Board, or for a municipality, the planning and zoning commission or a duly organized municipal economic opportunity advisory board or commission to include:
 - a. Scope of work
 - b. Project and activities budget
 - c. Timeline
 - d. Deliverables and outcomes

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4. The applying community must demonstrate a funding match, which may be provided by any combination of:

- A community reinvestment agency
- Redevelopment agency
- Community development and renewal agency
- Private-sector entity
- Nonprofit entity
- Federal matching grant
- County or municipality general fund match

And that total:

- 10% match for a county of the sixth class
- 20% match for a county of the fifth class
- 30% match for a county of the fourth class
- 40% match for a county of the third class

Or, for a municipality in any rural county classification — including within the second class — that total:

- 10% match for a town
- 20% match for a municipality of the fifth class
- 30% match for a municipality of the fourth class
- 40% match for a municipality of the third class

5. The applying community must verify compliance with the reporting requirements of the Rural Opportunity Advisory Committee and verification of reporting requirements for all previous years the community has received a grant.

APPLICATION

A community may apply for the RCOG during a designated time period in a fiscal year. If the applicant is a county, it is encouraged to design new economic development projects and activities, and budget grant funding based on the economic development needs of the county, including the needs of cities and towns within its boundaries; or, if the applicant is a rural municipality, it will be encouraged to design new economic development projects and activities, and budget grant funding based on its economic development needs. The basic elements of an RCOG application can be found in *Attachment E*.

An online portal application will be open to qualified rural communities. The RCOG is competitive and applications are scored based on the quality of the application, the proposed budget, the economic development projects and activities descriptions, and the purposes, goals, and measurable outcomes related to improving the overall community economy. Applicants are required to justify the economic development need for the grant and the dollar amount requested.

The application review time frame will take into account verification of a county's compliance with the reporting requirements of the Rural County Grant (RCG), which is due on or before Sept. 1 of each year. Rural county applicants who do not comply with the Rural County Grant reporting requirements are not eligible to apply for the RCOG. A rural municipality will be eligible to apply for the RCOG only upon agreement to annual reporting requirements and the fulfillment of annual

RURAL OPPORTUNITY PROGRAM

reporting through the term years of a contracted grant agreement.

Applications will be reviewed and scored by the Go Utah Center for Rural Development and the Rural Opportunity Advisory Committee (for information regarding the Advisory Committee, see *Attachment D*). Limited funds and the number of quality applications may factor into the overall number of grants awarded and the dollar amounts allocated. Due to these limitations, an applicant may:

1. Receive a full award of the grant funds requested
2. Be asked to accept a lower funding amount than is requested, and adjust its proposed plan accordingly, or
3. Not be awarded a grant. (The application alone does not guarantee funding.)

Prioritization

The Advisory Committee may prioritize applications that demonstrate any combination of the following:

1. The community has or is actively pursuing the creation of an effective strategic economic development plan
2. Consistency with local economic development priorities
3. Economic need
4. Utilization of local financial resources in combination with a grant
5. Evidence that the grant will help create jobs
6. Evidence that there will be a positive return on investment

HOW TO SUBMIT AN APPLICATION

An RCOG application may be accessed by visiting business.utah.gov/rural. Open the Initiatives tab and select the Center for Rural Development. In the Rural Communities Opportunity Grant tab open the link titled FY 2022 Rural Communities Opportunity Grant Application. All instructions to successfully apply for the grant will be found in the Rural Communities Opportunity Grant tab and will be included within the application.

CONTRACTS AND TERMS

When the application is approved, the State of Utah and the applying rural community will enter into a contract for the RCOG. The contract terms are set for two years from the time of approval. For example, if approval is given on Nov. 1, 2022, the term of the grant will be from Nov. 1, 2022 to Nov. 1, 2024. All projects and activities under the grant must be completed within the 24-month period of the contract. No community may have more than one RCOG contract open at a time. A community must complete the projects and activities of an initial grant, and meet all reporting requirements before applying for another grant.

Because the RCOG is subject to competitive review against other rural community applications and because applications will require significant planning and budgeting, amending an awarded contract to altogether different projects or activities is highly discouraged. An attempt to amend a contract and change a project or activity design once a contract has been made will require an appeal to and review by the staff of the Go Utah Center for Rural Development and the Rural Opportunity Advisory Committee. Final approval of a contract amendment will ultimately be given at the discretion of the

RURAL OPPORTUNITY PROGRAM

Go Utah Executive Director. In the event of hardship or other unforeseen economic circumstances, an extension to a contract beyond the 24-month period of this grant may be requested by appeal to the Rural Opportunity Advisory Committee, with final approval given by the Go Utah executive director.

GRANT FUND DISTRIBUTION

Grant funds under the RCOG will be distributed to each qualified rural community after the application approval. Funds will be distributed on a 90/10 basis, meaning 90% of grant funds will be delivered upon application approval, and a contract between the community and the State of Utah has been entered into. The remaining 10% of funds will be delivered upon satisfactory evidence of completion of economic development projects and activities as proposed by the applicant and recorded in the grant contract.

An online portal will be available to request the final reimbursement of the remaining 10% of grant funds. The Go Utah compliance team will identify key benchmarks from a contract to determine evidence of completion of economic development projects and activities. The key elements to determine benchmarks will come from the applicant's submitted scope of work, budget, timeline, deliverables, and outcomes as recorded in the grant contract, and annual reporting. Proof of grant fund and matching fund expenditure will be required.

REPORTING REQUIREMENTS

Each CEO board within a county, a planning and zoning commission, or a duly organized municipal economic opportunity advisory board or commission in the case of a municipality shall assist and advise the community legislative body on preparing reporting requirements for grant money received under the program, and as required by the Rural Opportunity Advisory Committee (*see Attachment C*).

RURAL OPPORTUNITY PROGRAM

Attachment A

Qualified Rural Communities

Rural Counties in the State of Utah of the third, fourth, fifth, or sixth class that have created and have an active County Economic Opportunity Advisory Board (CEO Board); or, a city, town, or metro township located within the boundaries of a rural county; or, a municipality with a population of 10,000 or less in a county of the second class with an active planning and zoning commission or a duly organized municipal economic opportunity advisory board or commission are eligible to apply for the Rural Communities Opportunity Grant (RCOG). Rural Counties, by classification (State Code 17-50-501), are:

Counties of the Third Class (Population of 40,000 or more, but less than 175,000):

- Box Elder County
- Cache County
- Iron County
- Summit County
- Tooele County

Counties of the Fourth Class (Population of 11,000 or more, but less than 40,000):

- Carbon County
- Duchesne County
- Juab County
- Millard County
- Morgan County
- San Juan County
- Sanpete County
- Sevier County
- Uintah County
- Wasatch County

Counties of the Fifth Class (Population of 4,000 or more, but less than 11,000):

- Beaver County
- Emery County
- Garfield County
- Grand County
- Kane County

Counties of the Sixth Class (Population less than 4,000):

- Daggett County
- Piute County
- Rich County
- Wayne County

Qualified rural municipalities (incorporated municipalities within a county of the third, fourth, fifth, or sixth class) by classification (State code 10-2-301), are:

- A municipality with a population of 30,000 or more but less than 65,000 is a city of the third class
- A municipality with a population of 10,000 or more but less than 30,000 is a city of the fourth class

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- A municipality with a population of 1,000 or more but less than 10,000 is a city of the fifth class
- A municipality with a population under 1,000 is a town

Qualified incorporated municipalities in a county of the second class with populations of less than 10,000 are:

- A municipality with a population of 1,000 or more but less than 10,000 is a city of the fifth class
- A municipality with a population under 1,000 is a town

Cities/Town with populations less than 10,000 in Counties of the Second Class (2022)

Utah County:

- Benjamin
- Cedar Fort
- Elk Ridge
- Genola
- Goshen
- Salem
- Vineyard
- Woodland Hills

Davis County:

- Fruit Heights
- South Weber
- Sunset City
- West Bountiful

Weber County:

- Farr West
- Harrisville
- Hooper
- Huntsville
- Marriott-Slaterville
- Plain City
- Riverdale
- Uintah
- Washington Terrace

Washington County:

- Apple Valley
- Hilldale
- Ivins
- LaVerkin
- Leeds
- New Harmony
- Rockville
- Santa Clara
- Springdale
- Toquerville
- Virgin

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Attachment B

County Economic Opportunity Advisory Board (CEO Board)

"CEO board" means a County Economic Opportunity Advisory Board as described in Utah Code Section 63N-4-803.

**Note: For a municipality to qualify for a Rural Communities Opportunity Grant it must have a functioning planning and zoning commission, or a duly organized municipal economic opportunity advisory board or commission, that will act under the same advisory requirements as a CEO Board.*

Each rural county that seeks to obtain a Rural Communities Opportunity Grant shall create a CEO board composed of at least the following members appointed by the county legislative body:

- A county representative
- A representative of a municipality in the county
- A workforce development representative
- A private-sector representative
- a member of the public who lives in the county

The county legislative body may also appoint additional members with experience or expertise in economic development matters. In appointing members of the CEO board, the county legislative body may consider gender and socioeconomic diversity.

Each CEO board shall assist and advise the county legislative body on:

1. Applying for a Rural Communities Opportunity Grant
2. What projects should be funded by grant money provided to a rural county under the program
3. Preparing reporting requirements for grant money received by a rural county under the program

CEO Boards are subject to the Utah Open and Public Meetings Act (52-4-101-104, 201-210, 301-304), and are expected to abide by ethics in governance, and conflict of interest practices.

Appointment and Terms of CEO Board Members

1. Appointment and Terms:
 - a. The county legislative body shall appoint each new member or reappointed member to a four-year term. It is encouraged that an appointed member of the CEO Board is limited to serving two (2) consecutive terms.
 - b. The county legislative body shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of advisory committee members appointed by the county legislative body are staggered so that approximately half of the appointed advisory committee members are appointed every two years.
2. The CEO Board shall elect a chair of the advisory board. It is encouraged that a CEO Board Chair serves for no more than two (2) consecutive years.
3. The CEO Board shall elect annually a vice chair from the advisory board's members.
4. When a vacancy occurs in the membership for any reason, the county legislative body shall appoint the replacement for the unexpired term.

RURAL OPPORTUNITY PROGRAM

5. A majority of the CEO Board constitutes a quorum for the purpose of conducting advisory board business and the action of a majority of a quorum constitutes the action of the advisory committee.

RURAL OPPORTUNITY PROGRAM

Attachment C

Rural Communities Opportunity Grant Reporting Requirements

Required by the Rural Opportunity Advisory Committee

On or before Sept, 1 of each year, a community that has received a grant under this program in the previous 12 months shall provide a written report to the Advisory Committee that describes:

1. The amount of grant money the community has received
2. How grant money has been distributed by the community, including
 - a. Which companies or entities have utilized grant money
 - b. How much grant money each company or entity has received
 - c. How each company or entity has used the money
3. An evaluation of the effectiveness of awarded grants in improving economic development in the community, including
 - a. The number of jobs created
 - b. Infrastructure that has been created
 - c. Capital improvements in the community
 - d. How much matching money has been utilized by the community and what entities or sources have provided the matching money; and
 - e. Any other reporting, auditing, or post-performance requirements established by the Center for Rural Development in collaboration with the Advisory Committee.

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Attachment D

Responsibilities of the Rural Opportunity Advisory Committee

"Advisory Committee" means the Rural Opportunity Advisory Committee created in Section 63N-4-804.

Rural Communities Opportunity Grant (RCOG)

Grant Oversight

The grant program shall be overseen by the Rural Opportunity Advisory Committee and administered by the Center for Rural Development. In overseeing the grant program, the Advisory Committee shall advise and make recommendations to the office regarding the awarding of grants. The Advisory Committee shall recommend the awarding of grants to rural communities to address the economic development needs, which needs may include:

- Business recruitment, development, and expansion
- Workforce training and development
- Infrastructure, industrial building development, and capital facilities improvements for business development

Rules and Reporting Criteria

The Advisory Committee shall collaborate with the Center for Rural Development to make rules establishing the eligibility and reporting criteria for the rural communities to receive grant money, including:

- The form and process for a community to submit an application
- The method of scoring and prioritizing grant program applications from rural communities
- The reporting, auditing, and post-performance requirements for a rural community that receives grant money
- Any deadlines that shall be met by a rural community when applying for a grant

Application Review, Scoring, and Fund Distribution

In determining the award of grant money under RCOG: the Advisory Committee may not recommend the awarding of more than \$600,000 annually to a rural community. The Advisory Committee may prioritize applications that demonstrate any combination of the following:

1. The community has or is actively pursuing the creation of an effective strategic economic development plan
2. Consistency with local economic development priorities
3. Economic need
4. Utilization of local financial resources in combination with a grant
5. Evidence that the grant will help create jobs
6. Evidence that there will be a positive return on investment

Additionally, the Advisory Committee will verify that an applying community:

7. Has complied with the reporting requirements required by the Advisory Committee
8. The reporting requirements for all previous years that the community has received a grant

After reviewing the recommendations of the Advisory Committee, the executive director of Go Utah shall award grants to rural communities in accordance with the provisions of the state statute and governing rules.

RURAL OPPORTUNITY PROGRAM

Attachment E

Basic Elements of the Rural Communities Opportunity Grant Application

Organizational Information

1. Date submitted
2. Name of applying community
3. Full mailing address and telephone number of applying community
4. Tax ID Name of Fiscal Agent
5. Key organizational contacts
6. Email addresses and telephone numbers of responsible contacts
7. Minutes from the legislative body council meeting detailing the official establishment of a CEO Board
8. List of CEO Board members, including names, titles (chair, vice chair, etc.), organizations each member represents, and contact information
9. Amount of grant funding request for up to \$600,000

Supporting Documentation

1. Letter of support from the County Economic Opportunity Advisory Board (CEO), planning and zoning commission, or a duly organized municipal economic opportunity advisory board or commission if the applicant is a municipality
2. The entity's W9 form, or the applicant's State of Utah vendor number if the applicant is currently a state vendor
3. The applying community must provide verification of compliance with the reporting requirements of the Rural Opportunity Advisory Committee, and
4. Verification of reporting requirements for all previous years the community has received a grant

Scope of Work

To be written into the appropriate field in the application:

1. A detailed description of what the proposed Rural Communities Opportunity Grant projects and activities are, such as:
 - a. What type of work will be completed
 - b. A description of how projects and activities will be completed
 - c. A description of the economic development goals and benchmarks of the projects and activities

Budget

To be written into the appropriate field in the application, and spreadsheet to be provided:

1. Explain the funding requirements of the project
2. Include calculated project bids
3. Provide estimated cost to administer the grant
4. Submit a proposed budget in spreadsheet format

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Timeline

To be written into the appropriate field in the application, and spreadsheet to be provided:

1. Explain the timeline for completion of projects and activities including important dates, goals, benchmarks, etc.
2. Submit a proposed timeline in spreadsheet format

Deliverables and Outcomes

To be written into the appropriate field in the application:

1. What will the completed economic development projects and activities look like? For example,
 - a. What populations or industry sectors will the project affect?
 - b. Will business opportunities be enhanced by this project?
 - c. How many projected new jobs will be realized as a result of this project?
2. Show metrics of project success (e.g., how it will be measured, tracked, and recorded against goals and benchmarks), and how the project will affect:
 - a. Business recruitment, development, and expansion
 - b. Workforce training and development
 - c. Infrastructure and capital facilities improvements for business development

**CEDAR CITY
CITY COUNCIL AGENDA ITEM 7
STAFF INFORMATION SHEET**

To: Mayor and City Council

From: Jonathan Stathis

Council Meeting Date: November 2, 2022

Subject: **Consider bids for the Airport Road/Kitty Hawk Drive Traffic Signal.**

Discussion: This project involves installing traffic signal lights at the intersection of Airport Road and Kitty Hawk Drive. This project also includes installing pedestrian crossings signals, LED lighting, lane striping, and pedestrian ramps.

Local contractors and suppliers were notified of this project via email, advertisement in the Spectrum newspaper, and on the City's website. The bid documents were requested by 8 contractors and 4 plan rooms. Cedar City received three (3) bids for the project. The following table shows a summary of the bids that were received.

**Bid Summary
Airport Rd/Kitty Hawk Dr. Traffic Signal**

Name of Contractor	Bid Amount
Cache Valley Electric	\$197,231.32
KV Electric	\$232,144.40
RC Hunt Electric	\$261,977.35

If this bid is awarded it would be on the condition that the Contractor provide the required executed bonding, insurance documents, immigration status verification, and that the Mayor be authorized to sign the agreement with the Contractor.

The Airport/Kitty Hawk Traffic Signal project came in under budget. The City is responsible for procuring the steel and signal equipment through UDOT and SSCO.

The following table provides a summary of the proposed budget for this project:

**Airport Road & Kitty Hawk Drive Traffic Signal Project
Project Funding
(Account #10-79-732)**

	<u>Funding</u>	<u>Expenses</u>	<u>Balance</u>
<u>Funding –</u>			
Capital Improvement Fund – Acct. #10-79-732	\$350,000		
 <u>Expenses –</u>			
Construction Contract		(\$197,231)	
Signal Equipment Materials Estimate		(\$96,100)	
Engineering		(\$25,900)	
Materials Testing (0.5% of construction)		(\$986)	
 Totals –	 \$350,000	 (\$320,217)	 \$29,783

**CEDAR CITY
CITY COUNCIL AGENDA ITEM 8
STAFF INFORMATION SHEET**

To: Mayor and City Council

From: Jonathan Stathis

Council Meeting Date: November 2, 2022

Subject: **Consider bids for the North Tank Re-coating project.**

Discussion: This project involves re-coating the interior of the North Tank. The North Tank is the tank that is located above the Golf Course that is painted in Canyon View High School colors. Over the years, the coating has come off and a new coating needs to be applied in order to protect the steel structure of the tank and preserve the life of the tank.

The bids for this project have not been received yet. The bids will be presented at the Action meeting.

CEDAR CITY COUNCIL

AGENDA ITEM – 9

TO: Mayor and City Council
FROM: Tyler Romeril
DATE: October 27, 2022
SUBJECT: RAP tax Questionnaire

DISCUSSION:

Cedar City ordinance Chapter 39-I-7 outlines the RAP Tax application questions and format. The Arts Board of RAP Tax would like to ask a few additional questions to help them determine where these funds should go.

The additional questions are:

- The number of paid employees the Applicant has,
- The number of volunteers the Applicant uses,
- The number of fiscal year performances/events/activities the Applicant operates,
- The number of attendees and participants that attend these performances/events/activities, and
- The percentage of the Applicant's income that the requested RAP Tax amount represents.

Please consider amending the RAP tax ordinance to allow additional questions to be asked in the application so the Arts Board can make more informed decisions of where these funds should be allocated to.

CEDAR CITY ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 39 OF THE ORDINANCE OF CEDAR CITY, UTAH, RELATED TO RECREATION ARTS AND PARKS (RAP) TAX REGULATIONS.

WHEREAS, Cedar City has adopted Chapter 39 of the ordinance of Cedar City, Utah, and said provisions contain specific RAP tax regulations; and

WHEREAS, the Cedar City Council considered the proposed RAP tax amendments and found that the amendments are reasonably necessary, and in harmony with the objectives and purposes of Cedar City's RAP tax regulations; and

WHEREAS, the City Council after holding a public meeting to consider the proposed RAP tax amendments finds the proposed amendments further the City's RAP tax regulations of establishing and maintaining sound, stable, and desirable recreation, parks and art development within the City; and

WHEREAS, the City Council finds that it is in the best interests of the health, safety, and general welfare of the citizens of Cedar City to allow additional questions to be asked in the RAP Tax application to help determine where these RAP Tax funds are to be allocated.

NOW THEREFORE BE IT ORDAINED by the City Council of Cedar City, State of Utah that Chapter 39, of the ordinance of Cedar City, Utah, is hereby amended to include the below underlined red text and exclude all crossed out text:

CHAPTER 39

CEDAR CITY FUNDING REQUEST ORDINANCE

ARTICLE I

**RECREATION, ARTS, AND PARKS
LOCAL OPTION SALES TAX**

Sections:

- 39-I-1 Purpose
- 39-I-2 Statutory Authority
- 39-I-3 Definitions
- 39-I-4 Advisory Board
- 39-I-5 Use of Funds, and Certain Application Restrictions
- 39-I-6 Allocations
- 39-I-7 Application Information and Format
- 39-I-8 Agreements and disbursement of RAP tax funds
- 39-I-9 Unallocated funds

SECTION 39-I-7 Application Information and Format

All applications for RAP tax funds shall contain the following information:

Applicant's Information:

1. Applicant's name;
2. Applicant's mailing address;
3. Applicant's physical address;
4. Applicant's phone number;
5. Applicant's email address;
- ~~6. Applicant's fax number;~~
7. Number of paid employees;
8. Number of volunteers;
9. For an Arts applicant, the number of fiscal year performances/events/activities;
10. For an Arts applicant, the number of attendees and participants that attended performances/events/activities identified in question 9;
- ~~7~~ 11. Proof of applicant's non-profit status;
- ~~8~~ 12. An attachment showing the applicant's detailed financial statement for the last year, including:
 - A. Sources of income;
 - B. Amounts of income;
 - C. Types of expenses; and
 - D. Amounts of expenses;
- ~~9~~ 13. Proposed qualifying expenses to be paid with the RAP tax money;
- ~~10~~ 14. The amount of RAP tax revenue the applicant is requesting;

15. Percentage of the Applicant's income that the requested RAP tax represents _____ %;

~~14~~ 16. A detailed statement describing what the RAP tax money will be used to pay for, including, if applicable, bids for proposed improvements;

~~12~~ 17. If the applicant has received RAP tax money within the past three (3) years, an accounting showing how the prior RAP tax appropriations have been spent, and

~~13~~ 18. Any other information that is reasonably related to determining where the RAP tax money should be spent and is requested by the board.

The following is a sample of the application to be used for funding requests. It is illustrative only and may from time to time be altered by the Mayor, City Council, or City Staff as long as it requires the information stated above:

RAP TAX FUNDING APPLICATION NOTICE TO APPLICANT:

The information provided on this application constitutes a request to receive funding from the RAP tax revenues. Please complete the application in its entirety. If more space is necessary, please attach additional information to the form and reference the attachment in the appropriate section. Applications received after the due date shall be rejected.

All information on this application must be, to the best of your knowledge, true and accurate. Making a false statement on this form is a criminal act in violation of Title 76, Chapter 8, Section 504, Utah Code Annotated, 1953 as amended. In addition to criminal punishment, any application containing false or misleading information will be rejected.

Choose which RAP tax fund the applicant is applying for:

Arts

Arts Preservation and Replacement

Parks and Recreation

Parks and Recreation Preservation and Replacement

1. Applicant's name: _____
2. Applicant's mailing address: _____
3. Applicant's physical address: _____

4. Applicant's phone number: _____
5. Applicant's fax number: _____
6. Applicant's email address: _____
7. Proof of applicant's non-profit status: _____

8. Attach a detailed financial statement showing the following information for the applicant's prior fiscal year:

- A. Sources of income;
- B. Amounts of income;
- C. Types of expenses; and
- D. Amounts of expenses;

9. Proposed qualifying expenses to be paid with RAP tax money:

10. Amount of RAP tax money the applicant is requesting: _____

11. Detailed statement describing what the RAP tax money will be used for, including, if applicable, bids for proposed improvements:

12. If the applicant has received RAP tax money within the past three (3) years, provide an accounting showing how the prior RAP tax appropriations have been spent, or if applicable, the amount of RAP tax money granted to the applicant that is saved for a future project:

13. Any other information the applicant would like to provide:

A notice stating the application due date.

Adopted 7/06.

Amended by Cedar City Ordinance No. 0513-09

Amended by Cedar City Ordinance No. 1209-09-1

Amended by Cedar City Ordinance No. 0425-12

Amended by Cedar City Ordinance No. 0513-15

Amended by Cedar City Ordinance No. 0413-16

Amended by Cedar City Ordinance No. 0708-20

Amended by Cedar City Ordinance No. _____.

NOW BE IT FURTHER ORDAINED by the City Council of Cedar City, State of Utah that City staff is authorized to make such non substantive changes to the format and table of contents of Chapter 39 as are reasonably necessary to facilitate this amendment.

This ordinance, Cedar City Ordinance No. _____, shall become effective immediately upon passage and publication as required by State Law.

Council Vote:

Hartley -

Isom -

Phillips -

Melling -

Riddle -

Dated this _____ day of November, 2022

GARTH O. GREEN,
MAYOR

[SEAL]
ATTEST:

RENON SAVAGE
RECORDER

CEDAR CITY COUNCIL

AGENDA ITEM – 10

TO: Mayor and City Council
FROM: Tyler Romeril
DATE: October 31, 2022
SUBJECT: Clark Brothers Effluent Water Lease

DISCUSSION:

The City has a lease with Clark Brothers (dated Dec. 18, 1995) that concerns the use of effluent water from the City's Wastewater Treatment Plant. The lease contains language in Article 2-5 that if the lease is not renewed, it automatically reverts to a year-to-year lease. As a result of neither the City nor Clark Brothers renewing this lease, the lease is currently considered year to year.

Article 13-1 outlines the process to terminate the lease. This section states the City needs to provide written notice to Clark Brothers 30 days prior to the annual payment date of its intent to terminate. The annual payment date per the lease is December 31st. As long as the City provides written notice 30-days prior to December 31st we can legally terminate this lease any year the City wishes to.

Please consider whether it is in the City's best interest to terminate this lease.