

**SANTA CLARA CITY PLANNING COMMISSION
MEETING MINUTES
2603 Santa Clara Drive
Thursday, December 14, 2023**

Present: Logan Blake, Chair
Ryan Anderson
Shelly Harris
Koni Hunter
Kristen Walton
Mark Weston
Curtis Whitehead

Staff: Jim McNulty, Planning and Economic Development Manager
Cody Mitchell, Building Official
Selena Nez, Deputy City Recorder
Matt Ence, City Attorney

1. Call to Order.

Chair Logan Blake called the meeting to order at 5:30 p.m. Koni Hunter (new PC member) was introduced to the Planning Commission. She was appointed by the Mayor and City Council on December 13, 2023.

2. Opening Ceremony.

A. Pledge of Allegiance: Shelly Harris.

B. Opening Comments (Invocation): Kristen Walton.

3. Working Agenda.

A. Public Hearing.

i. None.

4. General Business.

A. Public Meeting.

i. Under the State Annexation Statute, UCA 10-2-401.5, which was Amended by the Utah Legislature in 2021, Santa Clara City Intends to Adopt an Annexation Policy Plan. The Annexation Policy Plan is Intended to Comply with the Provisions of UCA 10-2-401.5(4) and Incorporate All Criteria Required and Suggested by Section 10-2-401.5(3). This Opportunity will Allow for Affected Entities to Examine the Proposed Annexation Policy Plan and Provide Input on It.

Planning and Economic Development Manager, Jim McNulty presented the Staff Report and stated that the City of Santa Clara does not currently have an Annexation Policy Plan, which is a guide to the orderly and well-planned annexation and development of lands contiguous to the City's boundaries. It can be modified from time to time based on the best interests of the community. Entities that will be affected by the Annexation Policy Plan include St. George City, Washington County, Washington County Special Service District #1, the Bureau of Land Management, the Washington County Water Conservancy District; the Washington County School District; Ivins City; and the Southwest Mosquito Abatement District. Staff recommended that the Planning Commission hold a public meeting and allow for the impacted entities to provide input on the Annexation Policy Plan. City staff will then determine when it will come back to the Planning Commission for a public hearing.

Mr. McNulty explained that an Annexation Policy Plan consists of the following elements:

1. General Annexation Criteria;
2. A Map of the Proposed Expansion Area;
3. Procedure for Submission of an Annexation Request; and
4. Extension of needed Municipal Services in Developed and Developing Unincorporated Areas and Payment.

Mr. McNulty reported that to qualify for annexation, a parcel of property must meet the annexation standards as established by Utah Code as well as standards established by Santa Clara City. Mr. McNulty then reviewed the map (Appendix A), which showed an expansion of the proposed Graveyard Wash. He noted that it is currently mostly Bureau of Land Management ("BLM") property, but some is unincorporated County property. The map shows the Santa Clara incorporated areas, some areas within Ivins City, Hamblin Parkway, BLM property, Washington County properties, and the future Graveyard Wash. There are also potential annexation areas that include the BLM land; three parcels in Ivins City, the unincorporated County, and Hamblin Parkway future road improvements.

Mr. McNulty reported that the General Annexation Criteria are as follows:

1. As part of its ongoing effort to plan and prepare for quality growth, Santa Clara City has identified certain territory outside of and contiguous to its present boundaries (see Appendix A, the Annexation Map) which could, at some future time, reasonably be considered for annexation into the City. The areas proposed for possible future annexation include areas that in some instances are bordered by other municipalities.
2. Areas to be annexed must be contiguous to Santa Clara City.
3. The property must be within the area projected for expansion under the Santa Clara City annexation declaration area (see Appendix A).

4. The property cannot be included within the boundaries of another incorporated municipality except as provided by law.
5. If practicable and feasible, the boundaries of an area proposed for annexation shall be drawn:
 - a. Along the boundaries of existing districts for sewer, water, and power, and along the boundaries of school districts, and along the boundaries of other taxing entities.
 - b. To eliminate islands and peninsulas of territory that are not receiving municipal services.
 - c. To facilitate the consolidation of overlapping functions of local government.
 - d. To promote the efficient delivery of services.
 - e. To encourage the equitable distribution of community resources and obligations.
6. Santa Clara City has a rural agricultural history with a mix of land uses provided in the City. The City is growing in population and the demand for both residential and commercial uses of land is high. The City encourages commercial uses that will benefit its growing population. Areas to be annexed should be compatible with the needs of Santa Clara City.
7. Santa Clara City is concerned about the interests of all affected entities and has considered written comments from affected entities in finalizing this plan. The City is in support of property within the expansion area being developed so utility and transportation systems can be incorporated into a comprehensive plan. Wherever practical, new City boundaries should conform to the boundaries of existing districts for sewer, water, and power, and along the boundaries of school districts, and the boundaries of other taxing entities.
8. Santa Clara City shall not favor the annexation of areas for which it does not have the capability or the intention of providing municipal services, except for utility services that are not provided by the City but are provided by other entities in the areas to be annexed.
9. It is not Santa Clara City's intent to annex property for the sole purpose of acquiring revenues.
10. This Annexation Policy Plan does not exclude from the expansion area any area containing urban development within one-half (1/2) mile of the City's boundaries.

Mr. McNulty reported that the procedure for submission of an annexation request is per State Code and the requirements of the City Recorder to accept a petition and go through the process. He reviewed the following eight key points under the Extension of Needed Municipal Services in Developed and Developing Unincorporated Areas and Payment:

1. In areas where municipal services are not presently extended, services will be extended on an as-needed basis at the developer's expense. All extensions of municipal services shall comply with all City ordinances and policy criteria.
2. An Annexation Agreement may be prepared between the City and future developers outlining specific requirements relating to culinary water, secondary water, wastewater, stormwater drainage, transportation, electricity, and other specific improvements prior to the annexation approval.
3. An approved Annexation Petition will allow developers of the annexed property to connect to City Facilities, provided that all infrastructure proposed to be connected meets City standards and specifications and complies with all applicable development and land use ordinances.
4. The way the infrastructure additions are developed will have a bearing on how they are financed. The increased valuation of property and the subsequent increase in property and sales tax revenues will help increase contributions to the City's General Fund. This increase will help defray the added cost of providing services to the annexed area.
5. In general, the costs and expenses of capital improvements, such as utilities, streets, curbs, gutters, sidewalks, storm drain systems, and other improvements deemed necessary in the annexed area, shall be borne by the developer as development within the area occurs.
6. When the annexation is approved, the newly annexed area shall receive the following services:
 - a. Fire Protection;
 - b. Police Protection;
 - c. Building & Safety;
 - d. Planning & Zoning;
 - e. Utilities provided by the City at the time of annexation;
 - f. Maintenance of dedicated City (public) streets; and

- g. Other services provided by the City at the time of annexation.
- 7. It is not anticipated that annexation will cause any adverse consequences to the residents currently living within the City or living within the annexed area, except that there may be a slight reduction in general services available to current residents because of expansions of services into the newly annexed territory.
- 8. It is anticipated that the residents in the newly annexed territory will experience an increase in their property taxes due to the difference in certified tax rates between the City and Washington County. It is further anticipated that as the City receives property tax revenue from the newly annexed territory, the level of service for the entire community will increase.

City Attorney, Matt Ence reported that the proposed Annexation Policy Plan was prompted by a discussion with the staff and the Mayor about the potential impacts of the new reservoir, which led to discussions about the future extension of Hamblin Drive. The City of Santa Clara does not currently have an Annexation Policy Plan in place, which is a prerequisite before any annexations can be considered. Mr. Ence emphasized that the map (Appendix A) is a first draft prepared by staff, with no consultations with property owners or neighboring cities. The purpose of tonight's meeting is to gather input from the Planning Commission and the affected entities. Mr. Ence explained that the proposed policy has a similar function as the General Plan for zoning. It can be thought of as a General Plan for future annexations. Nothing is eligible for annexation unless it's in a plan.

Commissioner Whitehead asked which entity would be responsible for the police and Emergency Management Services ("EMS") services at the reservoir. Mr. Ence responded that since it will be owned by St. George City but is within the Santa Clara and Ivins coverage area, it will be the cities' shared responsibility. He added that if the reservoir is annexed, it will be within Santa Clara City boundaries. Mr. Ence reminded the Commission that what is being discussed tonight is a policy plan, not an annexation of any specific place.

Commissioner Whitehead was surprised that once the annexation petition is completed, it does not come back to the Planning Commission. Messrs. McNulty and Ence shared that per State Code, there is no Planning Commission component to the annexation process. Mr. McNulty explained that the City Council decides whether to accept the annexation petition. Once a property is annexed, any land use decision on developing the property will come before the Planning Commission.

Commissioner Whitehead asked if, as part of the annexation petition, there must be an intent listed for the property being discussed. Mr. McNulty explained that typically the City or property owner will be the entities wanting to annex a particular property into the City. Mr. Ence stated that once a property is annexed into the City, it automatically comes in under the Open Space Zone. Some of the property, such as the property around the future reservoir, will likely remain open space if it is annexed. If someone wants to develop a property that was annexed, they will need to go through the regular process of getting a zone change, project plan, and entitlements.

Chair Blake asked for clarification as to whether other cities would have to remove the property from their city first for Santa Clara to annex it. Mr. Ence explained that if a property owner seeks to annex property into Santa Clara from Ivins, the process would involve both Ivins and Santa Clara. The property owner would petition the City to state that they want to develop in Santa Clara and de-annex out of Ivins. If a decision cannot be agreed upon, it would go before the Boundary Commission, which is set up at the County level to address conflicts between municipalities over their boundaries. The Boundary Commission would make the ultimate decision on where the property would remain or be developed.

Ivins City Manager, Dale Coulam, reported that Ivins City's Mayor is currently out of town and asked him to attend tonight's meeting in his place and provide input. Mr. Coulam reported that the City of Ivins objects to the two parcels at the intersection of Pioneer Parkway and Old Highway 91 being annexed by Santa Clara. He explained that the state insisted on retaining ownership of Old Highway 91 and will not allow the highway to be annexed by Ivins City, however, Ivins was given authority to govern how it develops and what it will look like. Mr. Coulam stated that on the Pioneer Side of Old Highway 91, there is a storage facility and the Ivins City entrance sign at the tip, which means Santa Clara would be crossing Ivins City property to annex the other parcel. Doing so would create a peninsula, even though the language in the policy says to attempt to avoid peninsulas. In addition, the two parcels on either side of Pioneer Parkway are zoned commercial and are being considered as future revenue sources for Ivins City. He also expressed a desire to avoid the overlap of services. Mr. Coulam stated that he intends to file a written response. Mr. Coulam also informed the Commission that the updated address for Ivins City Hall is 85 North Main.

Mr. Ence reported that Santa Clara will accept a written response under the Mayor's signature and that it need not be a formal resolution. Mr. McNulty asked Mr. Coulam if he could share Ivins' Annexation Plan and Map. Mr. Coulam agreed to ask their City Engineer for a copy of the map and include it with their written response. Mr. Ence asked if Ivins would be willing to consider removing the northwestern parcel from Ivins' plan so that there would not be a conflict. Mr. Coulam stated that there was a potential for discussion about that. He stated that it depends on how steep the area is in terms of what can be developed. He added that Santa Clara has chosen to put a lot of short-term rental housing along 400 East on the Ivins side so there is some concern as to what might go on Highway 91. If there is room to build something like that, Ivins may decide to keep the area in its Annexation Plan. Mr. McNulty commented that the appetite for short-term rentals has significantly decreased although that is not an absolute guarantee that it will not happen. Mr. Coulam stated there is concern that Santa Clara could potentially build moderate-income housing there in the form of apartments. Chair Blake stated that it would be difficult for Ivins to develop that area since it is so steep. Mr. Coulam agreed that if it is very steep, Ivins may not be interested in developing it and might be open to discussion.

Commissioner Walton understood why Ivins would want to keep that peninsula. Mr. Ence stated that the language against creating an island, or a peninsula used to be quite strong but has softened some. He commented that it is unlikely that Santa Clara will push to annex a property that Ivins wants to keep. Mr. McNulty pointed out that the parcels are a gateway into Santa Clara as well. The concern

is that when another city puts retail and commercial development on Santa Clara's boundaries, Santa Clara residents spend their money there instead of in Santa Clara.

Chair Blake asked about the specific benefits Santa Clara will gain by annexing the property around the reservoir. Mr. Ence's understanding was that it would be a seasonal reservoir that would be drawn down during the summer months mainly for irrigation water. Mr. McNulty reported that the Mayor wants some recreational opportunities on the reservoir such as kayaking, swimming, and paddleboarding. Development potential is limited on BLM property but there could be some areas that allow for future housing, especially since the Governor's Office is starting to push for more single-family, small-lot starter homes for affordable housing rather than apartments and townhomes. It was possible that some BLM property would allow for that opportunity, although it was unknown how much is developable. He added that the City has no control over any of the BLM property and most of it likely will never be available for development. There are, however, two parcels on the south end that are not BLM property. One is owned by the Rosenbrook Family and the other is owned by the Santa Clara Canal Company, which may have some development opportunities.

A question was raised about the road known as the Western Corridor. Mr. Ence stated that it eventually will go to the airport and is part of the loop that is planned for the area.

5. **Discussion Items.**

A. **None.**

6. **Approval of Minutes.**

A. **Request Approval of the Regular Meeting Minutes – November 9, 2023.**

Commissioner Walton moved to APPROVE the minutes of the November 9, 2023, Santa Clara Planning Commission Regular Meeting. Commissioner Whitehead seconded the motion. The motion passed with the unanimous consent of the Commission.

7. **Adjournment**

The Planning Commission Meeting adjourned at 6:32 p.m.

Jim McNulty

Jim McNulty
Planning Manager

Approved: _____ January 11, 2024