

NOTICE AND AGENDA
SANTA CLARA CITY COUNCIL MEETING
Wednesday, June 26, 2024
Time: 5:00 p.m.

AGENDA

Public Notice is hereby given that the Santa Clara City Council will hold a Regular Meeting in the City Council Chambers, located at 2603 Santa Clara Drive, Santa Clara, Utah on Wednesday June 26, 2024 commencing at 5:00 PM. The meeting will be broadcast via You Tube linked on our website at <https://santaclarautah.gov>

1. Call to Order:

2. Opening Ceremony:

- Pledge of Allegiance: Janene Burton
- Opening Comments: Shadman Bashir, Islam Faith, St. George Interfaith Council.

3. Conflicts and Disclosures:

4. Working Agenda:

A. Public Hearing(s) 5:00 p.m.

1. Public Hearing to receive public input to consider approval of the FY2024 Budget Amendment.

B. Consent Agenda:

1. Approval of Claims and Minutes:

- June 12, 2024 City Council Regular Meeting
- Claims through June 26, 2024

11. Calendar of Events

- July 04, 2024 City offices Closed
- July 10, 2024, Regular City Council Meeting
- July 17, 2024 City Council Work Meeting
- July 24, 2024 Regular City Council Meeting Cancelled

C. General Business:

1. Discussion and action to consider approval of the FY 2024 Budget Amendment and Approve Ordinance 2024-11. Presented by Brock Jacobsen, City Manager.
2. Discussion and action to consider a General Plan Amendment and approve Ordinance 2024-13, Neil Walter, Applicant. Presented by Jim McNulty, City Planner.
3. Discussion and action to consider amending Ordinance 2009-15, Allowing Restricted Use of Off-Highway Vehicles in the City of Santa Clara, by adding Golf Cart & ATV Restrictions and Approve Ordinance 2024-12. Presented by Brock Jacobsen, City Manager.

4. Discussion and action to consider amending the Snow Canyon Little League Agreement.
Presented by Ryan VonCannon, Parks and Trails Director.

5. **Reports:**

- a. Mayor / Council Reports


6. **Executive Session**

7. **Adjournment**

Note: In compliance with the Americans with Disabilities Act, individuals needing special accommodation during this meeting should notify the city no later than 24 hours in advance of the meeting by calling 435-673-6712. In accordance with State Statute and Council Policy, one or more Council Members may be connected via speakerphone or may by two-thirds vote to go into a closed meeting.

Zoom Meeting Participants: Participants on the Zoom call are limited to City Staff, Council Members, and applicants on the agenda. Email calendar invitations will be sent out in advance of the meeting. Instructions for each meeting will include the meeting ID, and password to join. When joining the meeting your screen name must show your full name. Each applicant will be accepted into the meeting when their item is up for discussion. Please contact Chris Shelley at (435)673-6712 Ext. 203 with any questions regarding public meetings. .

The undersigned, duly appointed City Recorder does hereby certify that the above notice and agenda was posted within the Santa Clara City limits on this 20th day of June, 2024 at Santa Clara City Hall, on the City Hall Notice Board, at the Santa Clara Post Office, on the Utah State Public Notice Website, and on the City Website at <http://www.sccity.org>. The 2024 meeting schedule was also provided to the Spectrum on January 1, 2024.


Chris Shelley – City Recorder

**SANTA CLARA SPECIAL CITY COUNCIL MEETING
WEDNESDAY, JUNE 12, 2024
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Special Meeting on Wednesday, June 12, 2024, at 5:00 p.m. in the City Council Chambers of the Town Hall at 2603 Santa Clara Drive, Santa Clara, Utah. Notice of the time, place, and agenda of the meeting was provided to *The Spectrum* and each member of the governing body by emailing a copy of the Notice and Agenda to *The Spectrum* and also, along with any packet information, to the mayor and each council member, at least two days before the meeting. The meeting will be broadcast via YouTube linked on our website at <https://santaclarautah.gov>.

Mayor: Rick Rosenberg

Council Members: Janene Burton
Christa Hinton
Dave Pond (via Zoom)
Ben Shakespeare
Jarett Waite

City Manager: Brock Jacobsen

City Recorder: Chris Shelley

Others Present: Jim McNulty, Planning and Economic Development Manager
Matt Ence, City Attorney
Kristelle Hendrickson, Executive Assistant
Debbie Bannon, Finance Director
Dustin Mouritsen, Public Works Director
Andrew Parker, Fire Chief

1. Call to Order.

Mayor Rick Rosenberg called the meeting to order at 5:00 p.m. and welcomed those present.

2. Opening Ceremony.

A. Pledge of Allegiance: Council Member Ben Shakespeare.

B. Opening Comments: Deanna Martin, The Church of Jesus Christ of Latter-day Saints, St. George Interfaith Council.

3. Conflicts and Disclosures.

Mayor Rosenberg disclosed a potential conflict with item C3. He reported that the firm he is employed with part-time did the engineering design for Vineyard Drive but is not involved in the construction.

4. Working Agenda.

A. Public Hearing

i. Public Hearing to Receive Public Input Regarding a Water Rate Increase from the Washington County Water Conservancy District (“WCWCD”).

Public Works Director, Dustin Mouritsen, presented the Staff Report. Effective July 1, the Washington County Water Conservancy District will be raising the cost to purchase wholesale water by 13 cents per 1,000 gallons. Staff recommended rolling the increase into Santa Clara's current water rate in order to generate extra revenue for renewal and replacement. Mr. Mouritsen presented the following two increase options.

Option 1:

- Tier 1 through Tier 6: An increase of 13 cents per 1,000 gallons.
- Results in revenue of approximately \$79,000 to be used for renewal and replacement of aging infrastructure.

Option 4:

- Tier 1 through Tier 3: An increase of 13 cents per 1,000 gallons.
- Tier 4 through Tier 6: An increase of 23 cents per 1,000 gallons.
- Results in revenue of approximately \$110,000 to be used for renewal and replacement of aging infrastructure.

In response to a question from Mayor Rosenberg, Mr. Mouritsen confirmed that the additional revenue generated between the tiers will come from the higher-tiered users. It will promote conservation and encourage less water usage. In response to a question from Council Member Waite, Mr. Mouritsen indicated that the average home in Santa Clara uses approximately 15,000 gallons of water per month and will not be affected by the higher rate for Tier 4 through Tier 6.

Council Member Shakespeare mentioned that seven options were presented to the City Council during the last Work Session. The Council felt that the two options presented at this meeting were the best choices.

Council Member Burton asked if there was an option for no increase. Mr. Mouritsen clarified that all tiers will incur the 13 cents per 1,000 gallons increase. The second option includes an additional 10 cents per 1,000-gallon increase for high-usage tiers. The across-the-board increase will cover the WCWCD increase on wholesale water purchases and also generate extra revenue to begin replacing the City's aged infrastructure. As was discussed in the last Council Work Session, the

total project cost to replace aged infrastructure is approximately \$6 million, which will be broken down into smaller yearly projects at \$300,000 to \$500,000 per year.

Council Member Burton asked if a person with more land, for instance, a five-acre lot with fruit trees and a lawn, would pay more due to the increase. Mr. Mouritsen indicated that many of the larger lots have secondary irrigation that would not be affected by the increase. The largest lot size that would generally use culinary water for outdoor irrigation is .25 acres. The average household is in Tier 2. Very few users are in the higher tiers of 30,000 to 36,000 gallons per month. Council Member Shakespeare stated that the bulk of that is outside irrigation. Inside usage has gone down due to the many water-saving devices now available. Mr. Mouritsen gave the example of a multifamily townhome with no outdoor irrigation; their usage would be between 2,000 and 5,000 gallons per month. Indoor usage is not very significant.

Council Member Shakespeare asked if Mr. Mouritsen was requesting a recommendation prior to the public hearing. Mayor Rosenberg suggested hearing public comments prior to the Council discussion.

Mayor Rosenberg opened the Public Hearing. There were no public comments. Mayor Roseberg closed the Public Hearing.

ii. Public Hearing to Receive Public Input Considering Approval of the FY2024-2025 Final Budget.

City Manager, Brock Jacobsen, presented the Final Budget. The Tentative Budget was adopted in May. For FY 2024-2025, the General Fund Budget is at \$10,192,715. That represents a decrease of approximately \$192,000 from the FY 2023-2024 Budget. Mr. Jacobsen presented an overview of some planned projects and equipment purchases for the upcoming Fiscal Year.

General Fund:

- IT upgrades for servers and computers;
- Fire Department: 13 mobile radios, 5 sets of turnouts and headsets, as well as a generator for the station;
- Community Risk Assessment (in partnership with Ivins City);
- Dump trailer;
- Pitching mounds;
- WeatherTRAK upgrades to the irrigation system (half will be paid through a grant from the WCWCD);
- Improvements at the animal shelter;
- New positions for deputy treasurer, subdivision inspector, part-time street sweeper, and Fire Department administrative assistant
- Storage facility at the City Yard (Impact Fee funded); and
- Traffic signal at Pioneer Parkway and Red Mountain Road (Impact Fee funded);
- Capital Projects:
 - Vineyard Drive Phase 3, which will begin in July and be completed mid-September;
 - A wall and benches at Cinnamon Circle;

- Cemetery fencing and storage building;
- Heritage Square shed; and
- Trees for Tobler Park.

- Water Fund (Impact Fee eligible):
 - Secondary irrigation line along Malaga Avenue;
 - Redeveloping Well 7;
 - Updating the water line in the Solace development;
 - Relocating the water line from Snow Canyon that runs through Ivins City;
 - Asphalt roller; and
 - GIS rover.

- Sewer Fund:
 - Solace development sewer line must also be upsized; and
 - The second payment to Washington City was for the purchase of a sewer camera.

- Power and Electric Department:
 - Percentage of the City Yard storage facility;
 - Boring on Canyon View Drive to place power lines in conduit;
 - New metering at the Grimshaw substation;
 - Vineyard Drive Phase 3 conduit;
 - Purchase of a 65-foot digger derrick truck; and
 - Purchase of spare transformers.

- Stormwater Fund
 - Storm drain for Vineyard Drive Phase 3; and
 - Victor Street improvements.

Mr. Jacobsen stated that Council Member Burton sent an email the previous afternoon requesting a wage comparison for directors and department heads between Santa Clara and other municipalities in Washington County and within the state. Government Affairs Director, Lance Haynie, researched the matter and found that Santa Clara is competitive with its neighboring cities in Washington County, but is below market average statewide. Council Member Burton asked if Santa Clara is one of the highest in Washington County. Mr. Jacobsen clarified that it is definitely not the highest. It is below some cities for some positions and above them for others. He indicated that it is hard to do an apples-to-apples comparison. For instance, Public Works Director, Dustin Mouritsen, handles four departments, whereas Saint George City has individual directors to run each of those four departments. City Recorder, Chris Shelley, is also in charge of Human Resources, whereas many cities have a separate Human Resources director. It was clarified that all City employees' wages and benefits are reported to the state yearly and that data is available to residents via the Utah transparency website.

Mayor Rosenberg opened the public hearing.

Gary Zabrisky gave his address as 2941 Dutchman Drive stated that the Five County Association of Governments held its final public Budget hearing that afternoon. It is a complicated process.

He complimented Mr. Jacobsen for reviewing the Budget and outlining the large projects. He thanked Staff and the City Council for taking the time to work on the Budget and get it completed.

There were no further public comments. Mayor Rosenberg closed the public hearing.

B. Consent Agenda.

i. Approval of Claims and Minutes:

- **May 21, 2024, Special City Council Regular Meeting**
- **Claims through June 12, 2024**

ii. Calendar of Events:

- **June 17, 2024, Juneteenth Holiday (Offices Closed)**
- **June 19, 2024, City Council Work Meeting**
- **June 26, 2024, Regular City Council Meeting.**

Council Member Hinton asked if future Work Meetings would be in the conference room. Mayor Rosenberg stated his preference for the meetings to move to the conference room. Mr. Jacobsen indicated that some equipment needed for streaming the meetings will not be purchased until the new Budget year in July, but the meetings can be moved at the Council's preference. Council Member Hinton and Council Member Burton indicated their preference for the move. In response to a question from Council Member Shakespeare, Mr. Jacobsen stated that public comments are included in the next meeting, but they can be moved to a different meeting. It was decided that the June 19, 2024, City Council Work Meeting will be held in the conference room.

Council Member Waite moved to APPROVE the Consent Agenda, as presented. Council Member Burton seconded the motion. Vote on motion: Council Member Waite-Yes, Council Member Pond-Yes, Council Member Hinton-Yes, Council Member Burton-Yes, Council Member Shakespeare-Yes. The motion passed unanimously.

C. General Business.

i. Discussion and Action to Consider Approval of a Water Rate Increase from the WCWCD to Purchase Wholesale Water and Approve Resolution 2024-08R. Presented by Dustin Mouritsen, Public Works Director.

Council Member Shakespeare stated that both are good options, but his preference is for Option 4. Approximately 94% of the City will incur the lower rate increase, and the larger increase to the higher tiers will provide additional revenue to cover replacement costs.

Council Member Waite stated that his house is on .33 acres. He has front and back lawns, fruit trees, a garden, and a greenhouse. He has been checking his water usage on the MyMeter app, and there is a large spike in usage on the days he waters his yard. He recently removed the front lawn

and a portion of the rear lawn, which resulted in a decreased usage of 1,000 gallons on watering days. Removing the front lawn made a significant difference. His May usage will be approximately 25,000 gallons. Although he is in favor of either option, his preference is also for Option 4. It will only affect users with large lots or residents who are not being very careful with their usage.

Council Member Hinton agreed that both options are fair, but she also prefers Option 4 because it will help fund projects more quickly.

Council Member Waite asked about the list of pipes that need to be replaced, which Mr. Mouritsen presented at the previous Council Work Meeting. He asked if pipe replacement could be synchronized with road projects. Mr. Mouritsen indicated that road resurfacing has already been completed in the areas where pipes most need to be replaced, but it can be organized that way for some areas in the future. He does not believe many roads will need to be completely replaced because they have been well-maintained. A previous project was so expensive because the roads were improperly maintained and had to be fully replaced. Council Member Waite stated that he explains the City's plans for the roads when citizens ask, and being able to also explain the water rate increase in this way will be helpful.

Mayor Rosenberg added that any time there is a road that deteriorates or needs to be replaced, one of the first things they consider is the condition of the water line. For example, for the Vineyard project, they pulled money from the Water Fund to upgrade and replace that line concurrent with the road project. That process will happen automatically if they identify any problem roads.

Council Member Burton asked Mr. Mouritsen if each tier would bring in more revenue than they do currently. Mr. Mouritsen confirmed that the lower tiers won't bring in much additional revenue, but all six tiers combined will bring in \$79,000 in Option 1. Of all the options presented in the Work Session, the largest increase was \$1.50 per month. He believes small, incremental increases are more sensible than waiting until a larger increase is necessary in the future.

Council Member Pond also stated his support for either option but believes Option 4 is the most practical to be able to shorten the time between projects.

Council Member Shakespeare moved to APPROVE the Water Rate Increase from the Washington County Water Conservancy District to Purchase Wholesale Water and APPROVE Resolution 2024-08R, Option 4 effective July 1, 2024, as presented. Council Member Hinton seconded the motion. Vote on motion: Council Member Shakespeare-Yes, Council Member Burton-Yes, Council Member Hinton-Yes, Council Member Pond-Yes, Council Member Waite-Yes. The motion passed unanimously.

ii. Discussion and Action to Consider Approval of the Traffic Signal Light Bid at Red Mountain Drive and Pioneer Parkway. Presented by Dustin Mouritsen, Public Works Director.

Mr. Mouritsen requested approval of the sole bid on the project, by Tri-State Electric, for \$193,531. The City will provide materials through the state's contract with the Utah Department of

Transportation at a cost of \$89,103.46, for a total project cost of \$282,634.46. The project start date is in July, and it will be completed by October for the PGA event. All project costs are Impact Fee eligible and in the Capital Facilities Plan. Mr. Mouritsen indicated that he was surprised to only receive one bid. He reached out to five additional contractors who were unable to submit bids due to their current workload. The other local company also declined to bid. The price is very competitive, coming in at approximately \$100,000 under the engineer's estimate. Tri-State Electric completed the underground lines on Vineyard Drive and has worked in the City for years, so Mr. Mouritsen is confident in their work. Mayor Rosenberg agreed that it was a good price for the project.

Council Member Burton moved to APPROVE the \$193,531 Bid by Tri-State Electric to Install a Traffic Signal at Pioneer Parkway and Red Mountain Drive, as presented. Council Member Hinton seconded the motion. Vote on motion: Council Member Waite-Yes, Council Member Pond-Yes, Council Member Hinton-Yes, Council Member Burton-Yes, Council Member Shakespeare-Yes. The motion passed unanimously.

iii. Discussion and Action to Consider Approval of the Bid for Vineyard Drive Phase 3. Presented by Dustin Mouritsen, Public Works Director.

Mr. Mouritsen presented the requested approval of the M & T Enterprises bid of \$591,997.46. The project start date is July 1, and the contracted completion date is mid-September to ensure completion by Swiss Days. There will be an \$87,000 reimbursement for the sidewalk payments. Seven bids were received for the project, including some above the engineer's estimate of \$813,241.75. Whitaker Construction, who completed a previous City project, came in at \$854,000. M & T Enterprises submitted the lowest bid.

Council Member Waite inquired as to the status of the Jenkins Oil property as the plans do not indicate a sidewalk in that area. Mr. Mouritsen responded that City Attorney, Matt Ence, has been working to reach an agreement with Jenkins Oil for several months. They have an appointment the upcoming Friday to meet a surveyor and a representative of Jenkins Oil and hope to resolve the matter and purchase the property. The City has offered to remove the tanks and the building. However, they need to move forward with this project. The curb, gutter, sidewalk, and road extension on that property can be completed once the property is purchased. Council Member Waite asked if the City would need to file for eminent domain. Mr. Ence stated that that would be the next step if the property owner is unwilling to negotiate the purchase. Mayor Rosenberg added that if the City can obtain the property and get the right of entry, that sidewalk, curb, and gutter will be included in the project. If not, those items will be installed as soon as possible.

In response to a question from Council Member Shakespeare, Mr. Mouritsen confirmed that the water line is installed, and there is no need for a gas line relocation. TDS Telecom and Century Link will not cause delays for this project. He is confident that it will go quickly and smoothly.

Council Member Hinton moved to APPROVE the \$591,997.46 Bid by M & T Enterprises for Vineyard Drive Phase 3, as presented. Council Member Waite seconded the motion. Vote on motion: Council Member Shakespeare-Yes, Council Member Burton-Yes, Council

Member Hinton-Yes, Council Member Pond-Yes, Council Member Waite-Yes. The motion passed unanimously.

iv. Discussion and Action to Consider Approval of the FY2024-2025 Final Budget and Approve Ordinance 2024-10. Presented by Brock Jacobsen, City Manager, and Debbie Bannon, Finance Director.

Council Member Burton commented that the miscellaneous category is broken down well in the Final Budget book and complimented Mr. Jacobson on the Budget presentation. She asked about City Council expenditures, specifically the \$3,000 for the Youth Council. Mr. Jacobson clarified that it covers their travel, shirts, meals, and supplies.

Council Member Shakespeare stated that the Budget discussions began at the February Budget Retreat. He complimented Mr. Jacobsen and Staff on their hard work on the Budget, and on decreasing spending for the year. He added that the City is in a good position financially.

Mr. Jacobsen thanked Executive Assistant, Kristelle Hendrickson, for putting the Budget book together, and Finance Director, Debbie Bannon, for her efforts in creating the Budget.

Council Member Waite expressed his appreciation that the City Council and City Manager had been broken out into their own department-level budgets. He finds it helpful to see things like the Council's travel budget separated out.

Council Member Hinton moved to APPROVE the FY2024-2025 Final Budget and Ordinance 2024-10, as presented. Council Member Shakespeare seconded the motion. Vote on motion: Council Member Waite-Yes, Council Member Pond-Yes, Council Member Hinton-Yes, Council Member Burton-Yes, Council Member Shakespeare -Yes. The motion passed unanimously.

v. Discussion and Action to Consider Approval of a Proposed General Plan Amendment for Property Located at Approximately 2875 Pioneer Parkway (Parcel #SC-SB-103-F-1, Described as 12.22 Acres). The Applicant, Mark Weston, is Proposing a General Plan Amendment from Open Space ("OS") to Low-Density Residential ("LDR") on 6.74 Acres to Allow for Single-Family Homes on 10,000 Square Foot or Larger Lots. The Subject Property is Currently Zoned R-1-10 Single-Family Residential. The Remaining 5.48 acres will Stay in the Open Space Land Use Designation, and approve Ordinance 2024-09. Presented by Jim McNulty, Economic Development and Planning Manager.

Economic Development and Planning Manager, Jim McNulty, presented the Staff Report. The subject property was annexed into Santa Clara in the early 1980s. R-1-10 zoning was placed on the property as a holding zone at that time, which is consistent with what was done with other properties annexed into the City in past decades.

The concept plan includes eight 10,000-square-foot or larger lots on the south end of the subdivision and two larger lots to the north. The proposed General Plan Amendment from OS to LDR allows for a range of two to four dwelling units per acre. The concept plan includes ten single-family lots, which equates to a density of 1.49 units per acre, and considers the sensitive nature of the property. The R-1-10 zone allows for three to three-and-a-half units per acre. The owner is proposing approximately half that density due to the sensitive land constraints associated with the property.

The Planning Commission held a public hearing on May 9, 2024. Notices were sent to property owners within 300 feet of the subject property, and the property was posted as required by State Code. City Staff received emails and phone calls regarding this item prior to the Planning Commission public hearing, and 16 residents spoke during the public hearing process.

Mr. McNulty provided an overview of considerations within the current General Plan. The Open Space Land Use is described as follows: "Includes permanent, natural open space, as well as limited passive recreations such as golf courses and trails. The Open Space designation is applied to most sensitive lands."

Section 9.3 of the General Plan includes the preservation of sensitive lands and habitats and states the following: "Natural features, such as the floodplains and dry washes, are important to the drainage and protection of health and property. These features are both opportunities and constraints. They can easily be compromised by typical development practices but, if avoided and protected, they can reduce the cost of infrastructure and contribute to Santa Clara's distinctive character and appeal."

Policy 9.5, in support of Section 9.3, states that new development will avoid or mitigate impacts on sensitive lands.

Section 9.3.4 of the General Plan includes language regarding dry washes and states: "Dry washes run through the City in a northwest-to-southeast direction. Although dry most of the time, these drainage ways are important for conveying the large amounts of water that result from the sudden, intense storm characteristic of our local desert conditions. They also provide valuable wildlife habitat and are often attractive for hiking."

Policy 9.8, in support of Section 9.3.4, states that dry washes are to be protected in a natural state for floodways, wildlife habitats, and passive recreation such as hiking trails.

Section 9.3.5 of the General Plan includes language regarding expansive clay soils and states the following: "While there are a variety of soil conditions in Santa Clara, there is a layer of expansive clay that extends through much of the City. It is particularly prominent in the Heights and South Hills areas. When these clays are subject to water through rainfall and irrigation, they expand dramatically. The resulting force can lift foundations and roadbeds. Evidence of expansive soils can be seen near the edge of the bluff on the south side of Santa Clara Heights, near the steep slopes below the bluff."

Policy 9.9, in support of Section 9.3.5, indicates that the City requires careful engineering, design, and mitigation in areas of expansive clay soils. In these areas, clustered and attached dwelling units will also be encouraged to reduce the per-dwelling-unit cost of mitigation.

Sensitive Land Objectives are provided in the General Plan as follows:

1. Preserve natural and cultural settings to preserve the unique identity and to attract visitors.
2. Preserve and enhance our Pioneer and Native American Heritage.
3. Maintain open space in lava, hillside, and floodplain areas.
4. Preserve the Santa Clara River for the enjoyment of current and future generations.
5. Protect investments by avoiding development on expansive soils.
6. Protect future homeowners by avoiding or adequately mitigating development on expansive soils.

Staff and legal counsel discussed the proposed application to allow for an LDR designation on a portion of the subject property and identified the following areas of concern:

1. Section 9.3 of the General Plan indicates that natural features, such as floodplains and dry washes, are important to the drainage and protection of health and property. Both can be compromised by typical development practices. The applicant will be required to comply with City staff, geotechnical reports, environmental permitting, and engineering requirements to subdivide and develop the property.
2. Section 9.3.4 of the General Plan indicates that dry washes run through the City in a northwest-to-southeast direction and that these drainage ways are important for conveying large amounts of water that result from sudden, intense storms characteristic of our local desert conditions. The applicant will be required to comply with City staff, geotechnical reports, environmental permitting, and engineering requirements to subdivide and develop the property.
3. Section 9.3.5 of the General Plan discusses expansive clay soils and indicates that there is a layer of expansive clay that extends through much of the City. This is prominent in the Heights and South Hills subareas. The applicant will be required to comply with City staff, geotechnical reports, environmental permitting, and engineering requirements to subdivide and develop the property.

A public hearing was held by the Planning Commission on May 9, 2024. Approximately 16 residents made comments during the public hearing. After taking public comment, the Planning Commission forwarded a recommendation of approval with a 3-2 vote. City staff recommended that the City Council review the submitted General Plan Amendment to determine if the

application is complete. If determined to be complete, City staff recommended that the Council consider the General Plan Amendment application subject to the findings and conditions outlined in the Staff Report.

Mr. McNulty pointed out the sensitive areas shown on the site plan, including the Tuacahn Wash and lava areas adjacent to Pioneer Parkway. The applicant intends to deed those areas to the City to be preserved as Open Space. The applicant submitted additional information and reports, including a Traffic Impact Study that indicates the need for deceleration lanes and a left turn lane from Pioneer Parkway. They also provided a geotechnical report from the Fall of 2022 which states, "The site is suitable to support the proposed residential construction provided recommendations to address geotechnical concerns at the site are implemented. A more detailed geotechnical investigation should be completed prior to design and construction when a site and grading plan has been developed."

The purpose of the amendment is to match the General Plan with the Zoning Map. Per the Zoning Map, the property is zoned R-1-10 for single-family residential homes. The General Plan Land Use Map states that it is Open Space. The property owner wishes to leave part of the property as Open Space, where development should not occur, and rezone other parts of the property, where development may be allowed to occur, to LDR.

Mayor Rosenberg stated that this is a tough property to develop and the developer has many steps to take prior to obtaining all necessary approvals. The R-1-10 zoning is already in place and has been in place for over 40 years. He sees the General Plan Amendment as a housekeeping process because the owner could proceed directly to a preliminary plat application and submit the required engineering documentation to move forward regardless of the Council's decision. City Council has the option to deny the request, at which point the owner can decide to move forward with the plat application, or approve the request and make the owner subject to the conditions outlined by staff. It was Mayor Rosenberg's opinion that the better avenue may be to allow the City to place conditions on the record prior to the preliminary plat application. City Attorney, Matt Ence, confirmed that the owner has the right to move forward to the next step with an R-1-10 development.

An application for a General Plan Amendment was previously submitted for the property to the south. That property is also zoned R-1-10, but the application was for higher density, which would have required both a General Plan Amendment and a zoning change. That General Plan Amendment was denied. For this property, the purpose of the amendment is to bring the General Plan into alignment with the existing zoning.

In response to a question from Council Member Burton, Mr. Ence confirmed that it is possible to rescind previously approved zoning. The City Council can amend zoning regulations at any time. However, property owners have vested rights. If the City decided to change the zoning on this property from R-1-10 to OS, from a zone that has a certain economic value to a zone with very limited economic value, it is referred to as a "regulatory taking." The City would need to compensate the owner for the value of the property because it would no longer have the same expected economic benefit. Council Member Burton asked if the Bureau of Land Management could purchase the property. Mr. Ence stated that either they or the City could seek to buy or

condemn the property, but it would require the purchase of the property at market rate. In response to a question from Mr. McNulty, Mr. Ence stated that if it was a regulatory taking, it could incur litigation expenses because the property owner would likely resort to legal action.

Council Member Burton expressed concern that the City could also face litigation if the amendment is approved. Mr. Ence responded that it must be evaluated on a case-by-case basis. Many parcels in the City that were once designated Open Space now have homes on them. That occurs through the regular development process. It was not his intention to suggest that this property is unique in the legal sense other than the fact that it has been in the R-1-10 zone for 40 years. He gave the example of rezoning an R-1-10 lot in another area of the City in order to create a city park. In either case, the property owner has vested zoning.

Mayor Rosenberg stated that the site has flood risks, erosion hazard risks, and sensitive soil risks, but Ordinances are in place to mitigate those risks. There are similar risk areas along both the river and the Tuacahn Wash as it continues to the north. If the property is developed, the developer will be required to mitigate each of those risks. They will have to comply with the City's Flood Plain Ordinance, which will require that a bridge be designed and constructed to ensure that it doesn't raise the base flood elevation in the wash. Potential erosion risks will have to be mitigated. Per the City Ordinance, they will be required to install erosion protection or other types of mitigation. The geotechnical report evaluated the soils at the site and identified blue clay. Blue clay underlies all of the Heights, and each of the existing subdivisions was required to mitigate that risk. This property also has potential wetlands areas. The owner will be required to obtain regulatory permits from the U.S. Army Corps of Engineers, as well as a Utah State Stream Alteration Permit. Multiple levels of engineering analysis and mitigation design will be required before a Land Disturbance Permit is issued for any work on the site. Those requirements must be met regardless of the Council's decision on the amendment. The only way to completely halt development would be for the City to purchase the property, or for others to purchase it and donate it to the City. The property owner has a vested right.

City staff made the applicant aware that this is not an easy project to develop. He will be required to go through each of those steps—roadway improvements, wash crossing improvements, and erosion hazard improvements—as part of the development if he chooses to move forward with it. Those issues are all dealt with within the Ordinance. The City has experienced flood damage and loss of homes, and they are serious about taking care of it. Mayor Rosenberg indicated Santa Clara has a lot of experience dealing with these issues.

Council Member Shakespeare stated that this is an issue all over the City. He addressed a question brought up at the Public Planning Commission hearing regarding the floodway. The Washington County Flood Control Authority has set aside funds to acquire lands through the floodways. All the material recently removed from the pond near the Little League Field was paid for by the Flood Control Authority. Washington City, Saint George, Santa Clara, and Washington County all contribute to maintaining those areas. The Flood Control Authority is actively acquiring rights-of-way and land, and the applicant has offered a portion of the property to the City for this purpose. The City currently owns approximately 127 acres south of Pioneer Parkway from the Arboretum to the subject property that will remain undeveloped. Prior to Council Member Drake's departure, he talked about conservation easements. Council Member Shakespeare believes the City should

move forward with those to protect the land. The additional five acres offered by the property owner would add to the conservation easement. He reiterated that most of the property south of Pioneer Parkway is already owned by Santa Clara City.

Regarding traffic, the City Council recognizes that it is a high-traffic area. Deceleration lanes and turn lanes would be required. Council Member Shakespeare shared his belief that the additional lanes could help the traffic congestion. The vested zone is already in place on this property. The Master Plan likely had an Open Space overlay on most developed parcels at some time in the past. He does not believe this is a good place for a subdivision, but he understands property rights and vested zoning.

Council Member Hinton stated that she does not necessarily want to see a development in this area, but she also recognizes that the property will not remain open space indefinitely. If the amendment is approved, the City will acquire over five acres of land that could be put into the community easement and never developed in the future. She sees a win for the residents in obtaining that dedicated open space, even though she would prefer that the entire property remain open space.

Council Member Pond indicated that the public response to this application has been overwhelming. He expressed concern regarding potential litigation. In 2014, a hillside gave way in North Salt Lake and they lost several homes. The engineering firm, city, and builder all faced litigation. In 2023, the mountain gave way, and four homes were lost in Draper. He understands that those soils are different from the wash, but he is concerned about future litigation even if the property owner goes through the required approval process and commissions the appropriate geotechnical studies. If a flood destroys the homes, it could open the City to potential litigation. He understood that the owner could proceed with the development of the subdivision due to the current zoning and that matter before the Council was the Land Use designation change from Open Space to Low-Density Residential. However, knowing what happened in North Salt Lake and Draper, he could not in good conscience approve of the amendment because of the potential for loss of homes and litigation risks.

Council Member Waite referred to Lots 10 and 11 in the northeast corner of the parcel, which are adjacent to the lava in Area 6 that the City has worked very hard to protect. The City worked extensively with Black Desert to ensure that they preserved as much lava as possible, and they denied construction on some lots because it is a view corridor. Proposed Lots 10 and 11 in this development are in an area where residents expect the lava to remain indefinitely. The R-1-10 zoning must be worked through, but he feels the General Plan should mirror residents' expectations of the City. When the General Plan was created, the parcel was designated Open Space. It is his opinion that the General Plan update should keep the Open Space designation intact for that area. He shares his fellow Council Members' concerns that it is a hard place to build, especially with the wash flowing through the property. He recognizes that the zoning will not change based on the Council's decision, but he believes it is important to send a signal to this developer and any future developers of that property. He does not believe the designation should change from Open Space to Low-Density Residential.

Council Member Shakespeare stated that the City would always have liability. His home is in a 21-lot subdivision, and 14 of those lots were lost in the 2005 flood. Four homes were destroyed by a slide in Draper. Most of the Heights is clay, and many of the homes there have groundwater pumps. He believes all the Council Members' points are valid, but the owner has property rights. He would also love to see the property preserved, but the vesting has been there for a long time. He doesn't know if it is possible to limit the footprint on Lots 10 and 11 at some point in the process. Developing the property will require a lot of mitigation, engineering, and environmental studies.

Mr. McNulty stated that Staff has made it clear to the applicant that access to proposed Lots 10 and 11 on the concept plan would need to come through Black Desert. The multipurpose trail and amenities would not be disturbed. The owner has met with the Black Desert group, and they are considering allowing that access. He added that the property owner was not available to attend the public hearing.

Council Member Hinton asked Mr. Ence if the offer to dedicate a portion of the property to the City would be rescinded if the General Plan Amendment was not approved. Mr. Ence clarified that it would be rescinded in its current form. It was offered in conjunction with the General Plan Amendment. If the amendment is denied and the owner brings forth a preliminary plat application, the City will use its best efforts to preserve as much space as possible and mitigate all the hazards that have been discussed. He added that the City's interest in obtaining the property goes beyond preserving the open space. It would also allow the City to ensure that flood mitigation improvements are maintained. The concept plan presented to the City Council is what the developer indicated he is willing to do in conjunction with the General Plan Amendment.

Referring to the concept plan, Mr. Jacobsen added that the green area near Pioneer Parkway is what would be dedicated to the City. The other green area would not be dedicated to the City. He has had discussions with the owners, and they mentioned that they have intentions to develop that area at a later date. Mr. McNulty added that they are aware it would require a separate application.

Mark Wittwer of 2000 Red Mountain Drive stated his home adjoins the parcel. He and Shawn Gubler purchased the property Mr. Jacobsen referenced in partnership with Mark Weston with the intention of retaining ownership of that part of the property. They do not intend to develop it in the near future, but they do not want to commit to the property being open space indefinitely. He indicated that it was not supposed to be included on the map, and the parcel should not be included in the open space calculations.

Mr. McNulty added that Mr. Weston called him on the day of the May 9, 2024, public hearing to inform him of the issue. Mr. Wittwer, Mr. Gubler, and Mr. Weston were all involved in the purchase, but their plans for the properties have diverged. He clarified that the property density has not changed. It is 6.74 acres and would include 3.4 acres of open space, which is 35% of the entire site. Almost 3.5 acres of open space would be dedicated to the City. The improvements on the north side of Pioneer Parkway, including the multipurpose trail, would remain as they are now. Mr. Wittwer clarified that the partners are not at odds. Their intention has always been to separate that parcel from the planned development, but it was not completed prior to the General Plan

Amendment application. He and Mr. Gubler will not be partnering with Mr. Weston on the development.

In response to a question from Council Member Hinton, Mr. McNulty stated that the property has not yet been subdivided. It is currently 12.22 acres. The property owned by Mr. Wittwer and Mr. Gubler is approximately 2 acres. They are proposing to legally separate that property from the remaining approximately 10.2 acres, which would result in 3.48 acres of remaining open space and 6.74 potentially developable acres. Mayor Rosenberg indicated that any discussion on that topic would occur when the preliminary plat application is submitted and the subdivision process begins.

Council Member Hinton asked if the General Plan Amendment would include the full parcel as shown, including the partners' property. Mr. McNulty clarified that the original application was for the entire parcel. It was explained that that piece would retain the Open Space designation. The partners would be required to submit a General Plan Amendment application if they sought to develop the property in the future. The Land Use designation for that portion of the property would not change based on the current application.

Mayor Rosenberg asked the Council Members for a motion. Council Member Shakespeare stated that although he was not prepared to make a motion, he did want to make clear that the burden of a decision was placed on the Council. If the owner requested a density bonus or other change, it would be an easy answer, but zoning is currently in place and land rights are associated with that zoning. The City wants to preserve these areas. From a legislative viewpoint, it is not about right and wrong. It is about policy. The City Council needed to look at both right and wrong and property rights. He expressed his appreciation for the residents' comments at the public hearing.

Mr. Ence emphasized that regardless of the City Council's decision, there is a vested right to develop the property. This process ensured that a public hearing was held and the public had the opportunity to comment. If the property owner had submitted a preliminary plat application as was his right, the public would not have had the opportunity to comment because it would not have come to a public hearing or before the City Council. Regardless of the outcome, he hoped citizens realize that the City did not try to conceal anything. The applicant may have preferred a different approach, but the City encouraged this more open approach. He shared his appreciation for City staff, the Planning Commission, and the City Council, who recognized the value of proceeding in this manner.

Council Member Shakespeare asked if the City Council needed to identify the remaining open space in their motion. Mr. Ence stated that they needed to vote on the application in front of them. The southwest portion of the property that will remain in the Open Space designation was not relevant to the discussion. The Council could either approve or deny the application and then what happens next is up to the property owners. The City guided the property owner toward a General Plan Amendment application because they wanted this open process to happen. Mr. McNulty added that the City's goal has been transparency.

Council Member Burton mentioned the possibility of tabling this item. Mayor Rosenberg responded that tabling the application would just bring them back to the same point on a different

day. If there was an unresolved issue that could be resolved, tabling it would be practical. That is not the case in this instance. He added that the City Council essentially tabled the matter in the 1980s. When the City annexes property now, it is not given any type of development entitlement. It comes in as Open Space and the property owner must go through the full entitlement process. If the property was zoned Open Space, the City would be in a very different position. It is zoned R-1-10, and the zoning takes precedence.

In response to a question from Council Member Shakespeare, Mr. Ence clarified that the amount of property being deeded to the City does not need to be part of the motion. It is clearly conditioned in the application. Mayor Rosenberg added that the acreage should not be specified. The subdivision would require a conditional map revision from the Federal Emergency Management Agency that could change the floodplain boundaries. The structures will have an impact on how the Tuacahn Wash performs during the 100-year flood, and that could affect the amount of open space. When the erosion hazard analysis is completed and setbacks are determined for rock walls or other mitigation, maintenance zones could get wider and affect the open space as well. The studies necessary to meet the preliminary plat requirements are fairly extreme for this property and will have an impact on how the final preliminary plat lays out. There are also potential wetlands that are remnants from the lava flow wash, so the environmental permits required for development could necessitate the removal of two lots from the plat.

Council Member Waite moved to DENY the Proposed General Plan Amendment for the Property Located at Approximately 2875 Pioneer Parkway. Council Member Pond seconded the motion. Vote on motion: Council Member Waite-Yes, Council Member Pond-Yes, Council Member Hinton-No, Council Member Burton-Yes, Council Member Shakespeare -No. The request was denied by a vote of 3 to 2.

5. Reports.

A. Mayor/Council Reports.

Council Member Shakespeare reported on the following:

- He attended the Princess Pageant and reported that this was Monica Bracken's last year. She has done a great job. Mayor Rosenberg asked that he bring the new Princesses and Ms. Bracken before the Council so he could properly recognize them.

Council Member Burton reported on the following:

- She attended the Princess Pageant. They did a great job, and the new Royalty is wonderful. The Queen is Emma Hunter. Her mother, Connie Hunter, is a former Miss Santa Clara. The first attendant is Taija Batt. The second attendant is Lolly Ashton. Miss Spirit is Klara Frei. The judges were all past Queens, and two of them are considering sharing the departing Ms. Bracken's duties next year. Council Member Hinton also attended, and Council Member Shakespeare was the emcee. They had a great time.

Council Member Hinton reported on the following:

- She was invited to attend a tour of the DOVE Center's transitional housing, Kristy Suites. It is in the Saint George Historic District. People who are eligible to live in the suites can do so for 12 to 18 months to help them transition from the shelter. It is a beautiful facility. There was a lot of community involvement in renovating the property, including a \$1 million donation from one donor that covered the cost of the property.
- She attended the Bureau of Land Management Open House for the Northern Corridor. There were a lot of people there to answer questions. She indicated that the public comment period is still open and encouraged her fellow Council Members to submit comments.
- She attended the Southern Utah Home Builders Association round table meeting, along with two members of the Ivins City Council. They had a great discussion. They talked a lot about the Land Use Task Force. They are jointly planning a summit in September to present a suite of ideas to address the housing shortage.
- She attended the Santa Clara Princess Pageant.
- The Martha Hughes Cannon statue will be installed in Washington, D.C. on July 24, 2024.

Council Member Pond reported on the following:

- He also attended the Bureau of Land Management's ("BLM") Open House and encouraged everyone to provide public comments.
- He attended the Washington County Solid Waste Board Meeting. They are progressing on the new weigh station and administrative building and expect to complete them by November.

Council Member Waite reported on the following:

- He attended the County Commissioner's Town Hall at the Santa Clara Library. A City Council Member from Ivins City also attended. There were a lot of questions about election integrity, which he learned happens in each town hall. It was interesting to hear citizens' concerns. There were also questions about county staff wages and the state of the Northern Corridor.
- He attended the ribbon cutting for the BMX track. They redid two major sections and added a new, more durable coating to the track. They also added additional drainage and painted the sides to match the Little League fields. The new building is open, which includes a snack bar and restrooms. An Instagram video with a panoramic comparison of the track before and after the improvements was picked up by several major BMX outlets. The track will now be able to host larger races. In response to a question from Mayor Rosenberg, he indicated that he would ask the owners to update the City Council on the improvements. That will also allow them to meet the new co-owner.

- He attended the Utah League of Cities and Towns meetings in Cedar. He believes the time with Director Cameron Diehl was well spent.
- He offered kudos to staff for Chief Flowers' retirement party. It was very well done and was an excellent sendoff.
- He submitted his comments on the Northern Corridor. The cutoff for public comments is June 24. He noted that the button to make a public comment takes 10 to 20 seconds to appear after you load the webpage.
- He visited New Orleans the previous week, where they rented bikes. The roads were very bumpy, filled with cracks and potholes. It made him appreciate Santa Clara's roads and the great job the Public Works Department does in maintaining them.

Fire Chief, Andrew Parker, reported on the following:

- He thanked the City Council, Mayor Rosenberg, and Mr. Jacobsen for their support during his tenure. His wife's family is in California, and they are moving there to support her family. He is proud to have worked under Mayor Rosenberg's leadership and for the City of Santa Clara and believes the Fire Department is in a good position moving forward.

Mayor Rosenberg thanked Chief Parker for his service and wished him the best.

Council Member Shakespeare will be out of town and is excused from the following week's Work Meeting.

6. Executive Session.

There was no Executive Session.

7. Adjournment.

Council Member Hinton moved to ADJOURN. Council Member Waite seconded the motion. The motion passed with the unanimous consent of the Council.

The City Council Meeting adjourned at 7:01 p.m.

Chris Shelley
City Recorder

Approved: _____

**City of Santa Clara
Check Register
All Bank Accounts - 06/11/2024 to 06/11/2024**

<u>Payee Name</u>	<u>Reference Number</u>	<u>Invoice Number</u>	<u>Invoice Ledger Date</u>	<u>Payment Date</u>	<u>Amount</u>	<u>Description</u>	<u>Ledger Account</u>	<u>Activity Code</u>
ALPHA ENGINEERING	71285	38126	05/23/2024	06/11/2024	3,345.00	SANTA CLARA CAYMAS LANE BOUNDARY SURV	104240-320 - ENGINEERING	
					\$3,345.00			
CAMPBELL, NATALIE	71286	SANTA CLARA A	06/06/2024	06/11/2024	1,500.00	MISS SANTA CLARA SPIRIT & PRINCESS SCHOL	104610-223 - MISS SANTA CLARA PA	
					\$1,500.00			
CHILD SUPPORT SERVICES	71287	61224-873789	06/11/2024	06/11/2024	206.77	CASEY-C000873789 PAY PERIOD END 6-12-24	102595-000 - GARNISMENTS PAYABL	
					\$206.77			
CITY OF ST GEORGE - UTILITIES	71288	53124 - WTR TA	05/31/2024	06/11/2024	25,996.57	WATER TANK MAY 2024	515110-275 - SNOW CANYON OP CO	
CITY OF ST GEORGE - UTILITIES	71288	53124-SC WELL	05/31/2024	06/11/2024	10,110.75	SC WELL 6	515110-271 - WELLS UTILITY COSTS	
CITY OF ST GEORGE - UTILITIES	71288	53124-SC WELL	05/31/2024	06/11/2024	6,833.26	SNOW CANYON WELL #7	515110-271 - WELLS UTILITY COSTS	
					\$42,940.58			
					\$42,940.58			
FELLER ENTERPRISES	71289	24-VICSTR	06/11/2024	06/11/2024	55,958.00	VICTOR STREET SANTA CLARA	484100-320 - ENGINEERING SERVIC	
					\$55,958.00			
HARTSHORN, MICHELLE	71290	060624-ROYALT	06/06/2024	06/11/2024	200.00	2024 ROYALTY HEADSHOTS-PHOTOSHOOT	104610-223 - MISS SANTA CLARA PA	
					\$200.00			
MONICA BRACKEN	71291	060624-FLOWER	06/06/2024	06/11/2024	75.96	FLOWERS FOR MISS SANTA CLARA 2024	104610-223 - MISS SANTA CLARA PA	
MONICA BRACKEN	71291	060624-JUDGES	06/06/2024	06/11/2024	220.00	JUDGES GIFTS FOR 2024 PAGEANT	104610-223 - MISS SANTA CLARA PA	
MONICA BRACKEN	71291	060624-MISS SC	06/06/2024	06/11/2024	31.89	AWARD MISS SC PAGEANT 2024	104610-223 - MISS SANTA CLARA PA	
MONICA BRACKEN	71291	060624-PAGEAN	06/06/2024	06/11/2024	189.14	DINNER FOR PAGEANT JUDGES, CONTESTANT	104610-223 - MISS SANTA CLARA PA	
MONICA BRACKEN	71291	060624-PHOTO	06/06/2024	06/11/2024	12.17	MISS SC 2024 PHOTO COPIES	104610-223 - MISS SANTA CLARA PA	
					\$529.16			
					\$529.16			
SPORT COURT OF SOUTHERN UT	71292	1658	06/10/2024	06/11/2024	728.00	PICKLE BALL NETS	104510-250 - OPERATING SUPPLIES	
					\$728.00			
THE LAVATORY UTAH	71293	1421-BALANCE 2	06/06/2024	06/11/2024	1,250.00	RR TRAILER RENTAL BALANCE SWISS DAYS 20	104610-216 - RENTALS	
					\$1,250.00			
VALLEY UNDERGROUND, INC.	71294	CRESTVIEW IRR	06/06/2024	06/11/2024	103,643.33	CRESTVIEW IRRIGATION LINE PYMT 2	515110-730 - IMPROVEMENTS	2
					\$103,643.33			
					\$210,300.84			

**City of Santa Clara
Check Register
All Bank Accounts - 06/19/2024 to 06/19/2024**

Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account	Activity Code
AVENUE CONSULTANTS	71295	10581	06/11/2024	06/19/2024	753.75	23-269- RED MTN/PIONEER RD TRAFFIC SIGNAL	484100-320 - ENGINEERING SERVIC	5
					\$753.75			
BETTS, BRIAN LEE	71296	BRIAN BETTS -	06/19/2024	06/19/2024	125.00	BAIL REFUND CASE #245200150	102560-000 - BAIL & RESTITUTION	
					\$125.00			
BUROW, CHRIS	71297	6-11-24 - CHRIS	06/11/2024	06/19/2024	79.62	COURT INTERPRETER - 6-11-24	104120-330 - LEGAL SERVICES	
					\$79.62			
CITY OF ST. GEORGE - MISC	71298	14004	05/01/2024	06/19/2024	11,863.50	FY24 4TH QTR SCHOOL RESOURCE OFFICERS	104220-980 - SRO - ST. GEORGE	
CITY OF ST. GEORGE - MISC	71298	14011	05/01/2024	06/19/2024	3,860.67	FY24 4TH QTR POLICE DISPATCH FEES	104230-600 - RESPONSE PLANNING	
					\$15,724.17			
					\$15,724.17			
GCS BILLINGS	71299	3698	04/30/2024	06/19/2024	641.43	APRIL 2024 BILLING SVCS	104230-400 - EMERGENCY MEDICAL	
GCS BILLINGS	71299	3727	05/31/2024	06/19/2024	2,612.70	MAY 2024 BILLING SERVICES	104230-400 - EMERGENCY MEDICAL	
					\$3,254.13			
					\$3,254.13			
PUBLIC EMPLOYEES LTD PROGR	ACH	2024-04 LTD	04/30/2024	06/19/2024	1,105.03	MONTHLY LTD PAYMENT	102235-000 - DISABILITY PAYABLE	
PUBLIC EMPLOYEES LTD PROGR	ACH	2024-05 LTD	05/31/2024	06/19/2024	1,668.74	MONTHLY LTD PAYMENT	102235-000 - DISABILITY PAYABLE	
					\$2,773.77			
					\$2,773.77			
SMITH, ROBERT & KARIN	71300	Refund: 1080232	02/22/2024	06/19/2024	26.29	Refund: 1080232 - SMITH, ROBERT & KARIN	531311-000 - ACCOUNTS RECEIVABL	
					\$26.29			
UPPER CASE PRINTING INK.	71301	1874	06/10/2024	06/19/2024	222.25	BACK OF BILL PRINTING	104130-370 - PROFESSIONAL SERVI	
					\$222.25			
WASHINGTON COUNTY SOLID WA	71302	163868	05/31/2024	06/19/2024	13,877.50	3041 UNITS-GARBAGE @ 13.15 & 2275 BLUCAN	103445-000 - RECYCLING CHARGE	
WASHINGTON COUNTY SOLID WA	71302	163868	05/31/2024	06/19/2024	39,989.15	3041 UNITS-GARBAGE @ 13.15 & 2275 BLUCAN	104430-311 - SOLID WASTE DISPOS	
					\$53,866.65			
					\$53,866.65			
ZIONS FIRST NATIONAL BANK -TR	EFT	2024-06	06/19/2024	06/19/2024	7,639.20	7704903	531238-000 - 2021 Electric Rev 2021B	
ZIONS FIRST NATIONAL BANK -TR	EFT	2024-06	06/19/2024	06/19/2024	8,002.09	7705005	511241-000 - 2012E - 7705005	
ZIONS FIRST NATIONAL BANK -TR	EFT	2024-06	06/19/2024	06/19/2024	9,750.00	7705005A	511241-000 - 2012E - 7705005	
ZIONS FIRST NATIONAL BANK -TR	EFT	2024-06	06/19/2024	06/19/2024	20,547.07	7705004	511235-000 - 2012 Refunding - 770500	
ZIONS FIRST NATIONAL BANK -TR	EFT	2024-06	06/19/2024	06/19/2024	20,986.40	5857757	101225-000 - MBA 2019 LEASE REV	
ZIONS FIRST NATIONAL BANK -TR	EFT	2024-06	06/19/2024	06/19/2024	34,274.42	7669825	531237-000 - 2021 Bond Fund - 76698	
					\$101,199.18			
					\$101,199.18			
					\$178,024.81			

Mayor
Rick Rosenberg

City Manager
Brock Jacobsen



City Council
Janene Burton
Christa Hinton
Dave Pond
Ben Shakespeare
Jarett Waite

Meeting Date: 6-26-24

Agenda Item: 1

Applicant: Santa Clara City

Requested by: Brock Jacobsen

Subject: FY 2024 Budget Amendment

Description:

FY 2024 Budget Amendment

Recommendation:

Approval

Cost: N/A

Legal Approval: N/A

Finance Approval: N/A

Budget Approval: N/A

**SANTA CLARA CITY
ORDINANCE NO. 2024-11**

**AN ORDINANCE AMENDING THE CITY OF SANTA CLARA OPERATING
AND CAPITAL BUDGET FOR FISCAL YEAR 2024; AND ESTABLISHING AN
EFFECTIVE DATE.**

WHEREAS, the Utah Uniform Fiscal Procedures Act provides for the governing body an opportunity, at any time during the budget period, to review the individual budgets of the funds, for the purpose of determining if the total of any of them shall be increased (UCA 10-6-127); and

WHEREAS, the City Manager submitted to the City Council, during a regular meeting held on June 26, 2024, the Fiscal Year 2024 Budget amendment: and

WHEREAS, the city properly advertised, as prescribed by state law (UCA 10-6-113), and held a Public Hearing on Wednesday, June 26, 2024, to receive input from the general public on the FY 2024 Operating and Capital Budget amendment: and

WHEREAS, the City Council of the City of Santa Clara, adopted the proposed amendment to the budget for Fiscal Year 2024 on June 26, 2024, during a regular meeting of the City Council: and

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Santa Clara, Utah as follows:

SECTION 1. Classification:

This is a non-code ordinance.

SECTION 2. General Provisions:

The City of Santa Clara Operating and Capital Budgets for the fiscal year 2024 are hereby amended as set forth in the attached "Exhibit A", which is hereby incorporated into and made a part of this ordinance by reference.

SECTION 3. Effective Date:

This Ordinance shall become effective immediately upon adoption, recording and posting in the manner prescribed by law.

Adopted and approved by a duly constituted quorum of the City Council of the City of Santa Clara City, Utah this 26th day of June 2024.

IN WITNESS THERE TO:

ATTEST:

Rick Rosenberg, Mayor

Chris Shelley, City Recorder

Exhibit "A"

Mayor
Rick Rosenberg

City Manager
Brock Jacobsen



City Council
Denny Drake
Leina Mathis
Ben Shakespeare
Jarett Waite
Christa Hinton

CITY COUNCIL

Meeting Date: June 26, 2024

Agenda Item: 2

Applicant: Neil Walter

Requested by: Jim McNulty

Subject: General Plan Amendment

Description: Neil Walter is requesting a General Plan Amendment for property located at the southeast corner of Santa Clara Drive and Gates Lane (Parcel #SC-6-2-16-435, described as 2.97 acres). The applicant is proposing a General Plan Amendment to amend the Transportation Master Plan for the subject property.

Recommendation: N/A

Attachments: Yes

Cost: N/A

Legal Approval: N/A

Finance Approval: N/A

Budget Approval: N/A

2603 Santa Clara Drive, Santa Clara, Utah 84765

Phone (435) 673-6712 Fax (435) 628-7338



City of Santa Clara
2603 Santa Clara Drive
(435) 656-4690, Ext. 225
jmcnulty@sccity.org

Staff Report

General Plan Amendment Summary and Recommendation

Public Body: Santa Clara City Council

Meeting Date: June 26, 2024

Current Zone: RA and R-1-10 Single-Family Residential

General Plan Designation: Mixed Use Residential, MUR and Neighborhood Center, NC

Property Location: Southeast corner of Santa Clara Drive and Gates Lane (Parcel #SC-6-2-16-435)

Property Size: 2.97 Acres

Request: General Plan Amendment to amend the Transportation Master Plan

Applicant Name: Neil Walter

Staff Planner: Jim McNulty

Meeting Type: Public Meeting

PROJECT DESCRIPTION

The applicant, **Neil Walter**, is requesting a **General Plan Amendment** for property located at the southeast corner of Santa Clara Drive and Gates Lane (Parcel #SC-6-2-16-435, described as 2.97 acres). The applicant is proposing a General Plan Amendment to amend the Transportation Master Plan for the subject property.

Mr. Walter is proposing to disconnect the required public road for the proposed Clara Crossing Subdivision from Bonneli Trail (existing public street to the east) as indicated on the Transportation Master Plan Map (attached). The applicant has informed the City that this public road will not connect to Bonneli Trail, Quail Street, or Chapel Street in the future.

Future access to the property will be provided via Santa Clara Drive to Gates Lane to the future required public road for the Clara Crossing Subdivision. A copy of the Clara Crossing preliminary subdivision plat has been attached. The preliminary subdivision plat was approved by the Planning Commission on March 14, 2024.

NEIGHBORHOOD RESPONSE

Notices were sent to the property owners within 300' of the subject property. The subject property was also posted as per State Code. City staff received emails and phone calls regarding this item prior to the May 9, 2024, public hearing. Several residents attended the public hearing with the Planning Commission on May 9, 2024. The emails received that were forwarded to the Planning Commission have been included.

GENERAL PLAN CONSIDERATION

The **Santa Clara City General Plan** includes Section 8 entitled “Infrastructure for a Livable, Sustainable Community”.

Section 8.1, Balanced Transportation System states the following:

“An efficient transportation system is one that provides multiple interconnected travel options, including automobiles, bicycles, pedestrians, and transit. It builds community-friendly streets, including arterials and collectors, which provide safe and convenient walking and bicycling routes”.

Section 8.1.1, Santa Clara Street Classification states the following:

“In general, the street system in Santa Clara is a modified, interconnected grid. In some locations, steep terrain prevents connectivity but there are a limited number of dead-end local streets (cul-de-sacs)”.

The Santa Clara Street system is made up of four street types based on function and capacity. The four street types include:

- Arterial
- Major Collector
- Collector
- Local

The proposed **public street for the Clara Crossing Subdivision is classified as a “Local Street”**. Quail Street, Chapel Street, and Old Farm Road are examples of a local street in the vicinity. These streets provide access to neighborhoods and low traffic demand land uses (single-family homes). A typical right-of-way is 50’ to 60’ in width including sidewalks for pedestrian movement. Streets should be designed as bike routes where bikes and other vehicles share the road.

Policy 8.3 in support of Section 8 states the following:

“In general, terrain permitting, future development shall provide an interconnected grid of streets that also connect to adjacent development. Long dead-end streets and restricted-entry neighborhoods should not be permitted. All streets shall include safe, usable sidewalks, and are encouraged to include bike paths or lanes where appropriate”.

Policy 8.4 in support of Section 8 states the following:

“Extend or preserve connections from Chapel Street, Quail Street, Old Farm Road and Gates Lane into the South Hills”.

IDENTIFIED ITEMS OF CONCERN

City staff and legal counsel have discussed the proposed application which includes a dead-end street design without future connections to Bonelli Trail, Quail Street, or Chapel Street. As a result, we’ve identified the following concerns:

Request: General Plan Amendment

1. **Section 8.1 of the General Plan** indicates that an efficient transportation system provides multiple interconnected travel options, including automobiles, bicycles, pedestrians, and transit, and builds community-friendly streets which provide safe and convenient walking and bicycling routes.
2. **Section 8.1.1 of the General Plan** indicates that the street system in Santa Clara is a modified, interconnected grid. In some locations, steep terrain prevents connectivity but there are a limited number of dead-end local streets (cul-de-sacs).
3. **Policy 8.3 of the General Plan** states that long dead-end streets and restricted-entry neighborhoods should not be permitted. All streets shall include safe, usable sidewalks, and are encouraged to include bike paths or lanes where appropriate.
4. **Policy 8.4 of the General Plan** states that connections from Chapel Street, Old Farm Road and Gates Lane into the South Hills need to be extended or preserved.

STATE CODE CONSIDERATIONS

Utah Code, Section 10-9a-404 includes requirements for a general plan amendment. To consider a general plan amendment and rezoning, a city must hold at least one public hearing. Additionally, a public hearing to consider the item requires 10 days' notice rather than 24 hours' notice. A notice must also be sent to all property owners within 300' of the subject property, with a notice in a visible location, with a sign of sufficient size and durability. The city is also required to post on the State Public Notice website. City Staff has determined that all State Code requirements have been met with this application.

CITY STAFF RECOMMENDATION



On May 9, 2024, the Planning Commission held a public hearing on this application. Several residents made comments at the public hearing. After taking public comment, the Planning Commission forwarded a recommendation of **Denial** with a 3 to 2 vote. City staff recommends that the City Council review the submitted General Plan Amendment to determine if the application is complete. If the application is determined to be complete, City staff would recommend that City Council consider the General Plan Amendment application subject to the following findings:

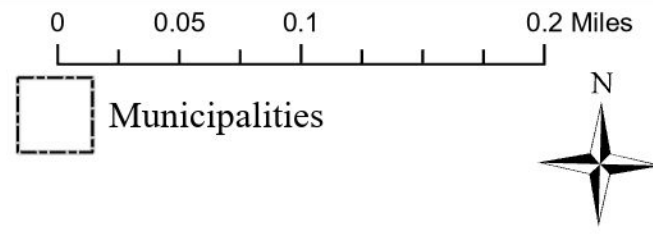
1. That the proposed General Plan Amendment does not comply with Section 8.1, Balanced Transportation System of the General Plan.
2. That the proposed General Plan Amendment does not comply with Section 8.1.1, Santa Clara Street Classification of the General Plan.
3. That the proposed General Plan Amendment does not comply with Policy 8.3 of the General Plan.
4. That the proposed General Plan Amendment does not comply with Policy 8.4 of the General Plan.



2603 Santa Clara Drive, Santa Clara, UT 84765
 Phone: (435) 673-6712 | Fax: (435) 628-7338
www.santaclarautah.maps.arcgis.com

LEGEND

-  Street Centerlines
-  Parcels



Streets South of Santa Clara Drive

Spatial Reference:	NAD 1983 State Plane Utah South FIPS 4303 (US Feet)
Scale:	1 inch equals 0.08 miles
Date:	April 30, 2024

Jim McNulty

From: Matt Ence <mence@snowjensen.com>
Sent: Thursday, May 9, 2024 8:13 PM
To: Neil Walter
Cc: Jim McNulty; Brock Jacobsen; Mayor
Subject: FW: Road Name for Clara Crossing Subdivision

Neil,

Because the subject of our communications came up in this evening's meeting, I wanted to re-send this thread to you so it is at the top of your inbox.

The planning commission obviously decided not to forward a recommendation of approval to the city council, but you still have the right to see if the city council would approve the amendment to the road master plan over the commission's negative recommendation if you want. Let Jim know your intent so it can be scheduled accordingly.

Matthew J. Ence | Attorney - Shareholder

SNOW JENSEN & REECE
A PROFESSIONAL LAW CORPORATION

Tonaquint Business Park | 912 West 1600 South, Suite B-200 | St. George, UT 84770
(435) 628-3688 | Fax (435) 628-3275 | mence@snowjensen.com | www.snowjensen.com
[Click here to send me files.](#)

From: Matt Ence <mence@snowjensen.com>
Date: Wednesday, April 3, 2024 at 6:24 PM
To: Neil Walter <nwalter@naiexcel.com>
Cc: Brock Jacobsen <bjacobsen@sccity.org>, Mayor <mayor@sccity.org>, Jim McNulty <jmcnulty@sccity.org>
Subject: Re: Road Name for Clara Crossing Subdivision

Neil,

Road names aren't generally determined by the transportation master plan, which is why if you're just looking for a name change only I don't think a general plan amendment is required under option 1. But if you are looking to eliminate the future road connection between Gates Lane and Quail Street, then the only way to accomplish that is using option 2.

Feel free to coordinate with Jim on the application process, I expect it will be treated like other general plan amendments. In the event that the city council does approve your request it will require the City's engineer (I believe Sunrise Engineering) to prepare an updated official map, so include that in your expected costs as well.

Keep in mind that City staff are likely to communicate to the planning commission and city council a desire to maintain the road connection in the plan for future traffic circulation, utility connection, a secondary east/west route on the north of the river, etc. etc., and it will generally be your burden to convince the commission and council that eliminating it is in the best interest of the city despite those considerations. Thanks!

Matthew J. Ence | Attorney - Shareholder

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(435) 628-3688 | Fax (435) 628-3275 | mence@snowjensen.com | www.snowjensen.com
[Click here to send me files.](#)

From: Neil Walter <nwalter@naiexcel.com>
Date: Monday, April 1, 2024 at 9:31 PM
To: Matt Ence <mence@snowjensen.com>
Cc: Brock Jacobsen <bjacobsen@sccity.org>, Mayor <mayor@sccity.org>, Jim McNulty <jmcnulty@sccity.org>
Subject: RE: Road Name for Clara Crossing Subdivision

Matt,

Thank you for clarifying the two options. I believe option 2 is the most appropriate option. Both options 1 and 2 technically amend the transportation master plan. If the required process for amending the transportation general plan requires a public hearing and a recommendation from the planning commission, then we should do that instead of skipping the step as outlined in option 1.

Let me know what I need to do to submit a request to propose amending the transportation general plan.

Sincerely,

R. Neil Walter, CFA
NAI Excel

o. 435 628 1609
243 E St. George Blvd STE 200
St. George, UT 84770
www.naiexcel.com
UT:5483438-PB00 | NV:BS.1001167 | ID:DB39053

From: Matt Ence <mence@snowjensen.com>
Sent: Monday, April 1, 2024 4:50 PM
To: Neil Walter <nwalter@naiexcel.com>
Cc: Brock Jacobsen <bjacobsen@sccity.org>; Mayor <mayor@sccity.org>; Jim McNulty <jmcnulty@sccity.org>
Subject: Re: Road Name for Clara Crossing Subdivision

Neil,

Jim forwarded me your email below. I've discussed this issue a little bit with city staff and I think there are two potential procedures that may come into play depending on what you want to accomplish and how.

1. Plat amendment to change existing road name – As currently depicted in the city's transportation master plan, the road is a future extension of Bonneli Trail. Because Bonneli Trail was previously partially platted with the Rhone subdivision, an option for a name change would require an application for partial amendment of the Rhone Subdivision plat and a prior partial amendment (copies of both plats attached). This would require you to follow the process laid out in [state code](#) and [city ordinance](#), including

having an owner in the subdivision file the petition, and submitting a proposed amended plat for review and potential recording if approved by the city council.

2. **Amendment to transportation master plan to disconnect from Bonneli Trail** – Alternatively, in order to disconnect the new road from the existing Bonneli Trail and thus free it to be named differently, you would need to propose an amendment to the transportation master plan map. As it's part of the city's general plan, approval would require the planning commission to hold a public hearing and then make a recommendation to city council, after which city council would decide whether to adopt the amendment. (See [link](#).)

Hope this helps.

Matthew J. Ence | Attorney - Shareholder

SNOW JENSEN & REECE

A PROFESSIONAL LAW CORPORATION

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(435) 628-3688 | Fax (435) 628-3275 | mence@snowjensen.com | www.snowjensen.com
[Click here to send me files.](#)

From: Neil Walter <nwalter@naiexcel.com>
Sent: Friday, March 29, 2024 11:48 AM
To: Jim McNulty <jmcnulty@sccity.org>
Subject: Road Name for Clara Crossing Subdivision

Jim,

What is the process for requesting the city council consider changing the name of the road for the Clara Crossing subdivision?

Sincerely,

R. Neil Walter, CFA
NAI Excel

o. 435 628 1609
243 E St. George Blvd STE 200
St. George, UT 84770
www.naiexcel.com
UT:5483438-PB00 | NV:BS.1001167 | ID:DB39053

IMPORTANT NOTICE: The contents of this email and any attachments are confidential and intended solely for the named recipient(s).

Prior to sending any wire, be sure to confirm wiring instruction details in person or via telephone with a trusted individual. **NEVER** send a wire based solely on email correspondence. The recipients of this email are advised that sender is not qualified to provide appraisal services, legal, financial, or tax advice, and that this communication shall not act as such. To the extent this email references any real property negotiations, the text alone in this email is non-binding and subject to contract execution by the authorized parties.

Jim McNulty

From: Selena Nez
Sent: Thursday, May 9, 2024 4:47 PM
To: Jim McNulty
Subject: FW: Public Comment: 5/9/24 Transportation Master Plan - Gates Lane

Selena Nez

Executive Assistant
Deputy City Recorder
Santa Clara City
(435)656-4690, ext. 215
snez@sccity.org



From: Justin Caplin <justin.caplin@gmail.com>
Sent: Thursday, May 9, 2024 4:32 PM
To: Selena Nez <snez@sccity.org>; Santa Clara Contact <contact@sccity.org>
Subject: Public Comment: 5/9/24 Transportation Master Plan - Gates Lane

Hi Selena,

I'm not able to attend the Planning Commission meeting in person this evening but would like to offer public comment. I'm not sure the best way to submit written comment for the meeting this evening, so if possible to pass this along, I'd greatly appreciate it!
- Justin Caplin

To the Santa Clara Planning Commission,

Thank you for your time and your service. I write in support of the proposed General Plan Amendment to the Transportation Master Plan for the property off of Gates lane next to the river. I live in the Hills subdivision and drive past this property on a daily basis. With the section of land being only three lots with a little cul de sac at the end, there is no need to have two separate outlets from the area. The connection of Gates Lane to Bonelli Drive at Chapel Street is not necessary, especially with the plan for this section of property having only three lots.

The packet indicates Policy 8.4 being a concern. This policy states that connections from Chapel Street, Old Farm Road and Gates Lane into the South Hills need to be extended or preserved. As a resident in the South Hills, I can definitely state that connecting Bonelli/Chapel Street to Gates Lane would do nothing for the South Hills. That connection is exclusively on the north side of the river, with no potential

new bridges or crossing points between Chapel Street Bridge and Gates Ln Bridge, so it does not connect anything to the South Hills area.

Policies 8.1.1 and 8.3 are not really problems either. I live on a cul de sac with 11 homes, which is much larger than this proposed cul de sac, and there is no problem with it. We actually love it since there is no through traffic. This proposed street has only 4 properties-- the three new lots on the north side, and the property to the east. It is not a "long dead-end street" - it is a short cul de sac next to the river.

Last, I've heard some people suggest that the river trail should be required of the landowner. While I enjoy trails, I don't think this should be required. The trail turns south from Bonelli across the Chapel Street bridge, and continues on Clary Hills Drive. It isn't necessary for it to continue on the north side of the river. I certainly don't mind if it does, but I don't think the landowner should be required to dedicate the property to the continuation of the trail.

I ask the Planning Commission to recommend approval of the proposed General Plan Amendment to the Transportation Master Plan as requested by the applicant.

Thanks,

Justin Caplin
1454 Boys Pond Cir.
Santa Clara, UT
435-632-9642

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Jim McNulty

From: Jim McNulty
Sent: Wednesday, May 8, 2024 4:00 PM
To: blokesmail; CURTIS WHITEHEAD; mark; Shelly Harris; waltfam7; Konilee Hunter; kayderob@gmail.com
Cc: mence@snowjensen.com
Subject: FW: Thoughts re: Neil Walter's Request to Disconnect Required Public Road/Trail along Santa Clara River
Attachments: IMG_4151.PNG; IMG_4152.jpg; IMG_4153.jpg
Importance: High

All:

Please see the attached email regarding the Neil Walter General Plan Amendment application. I look forward to seeing each of you tomorrow night.

Jim McNulty

Planning & Economic Development Manager
Santa Clara City
(435) 656-4690, Ext. 225
jmcnulty@sccity.org

From: Hafen, Tyson E. <TEHafen@duanemorris.com>
Sent: Tuesday, May 7, 2024 8:03 PM
To: Jim McNulty <jmcnulty@sccity.org>
Subject: Thoughts re: Neil Walter's Request to Disconnect Required Public Road/Trail along Santa Clara River
Importance: High

Hello Jim:

My family is building a home at 1360 Sycamore Drive (directly across the river from Neil Walter's parcel of land). I write to request that Mr. Walter's proposal to disconnect the required public road as indicated on the City's Transportation Master Plan not be approved unless the city requires the long-planned pedestrian trail along the north side of the river still go in. Although, like all other residents I have spoken with about this, would prefer the currently planned public road go from Gates Ln. to Chapel St. as indicated in the plans in order to better connect the surrounding neighborhoods in the valley, I completely respect that Mr. Walter has private property rights and should be able to generally do as he pleases with his land.

That being said, I believe the long-planned pedestrian trail, at a minimum, should still be required to go in to ensure the valley is more walkable/pedestrian friendly, to avoid kids creating their own trails along the river bottom, and so the already existing (but relatively short) trail running parallel to the river/Bonnelli can connect to this planned pedestrian trail from Chapel to Gates Ln. as has been in the city's plans for many years. It's my understanding the city would build/maintain the planned trail extension, correct? Please pass these comments on to the Planning Commission in advance of their upcoming hearing on this matter. Thank you!

Best,

Tyson

Tyson E. Hafen

Attorney

Duane Morris LLP
100 North City Parkway, Suite 1560
Las Vegas, NV 89106-4617
P: +1 702 868 2655
F: +1 702 993 0722
C: +1 435 668 0653

tehafen@duanemorris.com
www.duanemorris.com



Check out our [Duane Morris Law Blogs](#)

For more information about Duane Morris, please visit <http://www.DuaneMorris.com>

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Santa Clara City
2603 Santa Clara Dr.
Santa Clara, UT 84738
(435) 656-4690



Fee: \$500.00 + acreage fees.

GENERAL PLAN AMENDMENT

Zone change requests which are not consistent with the General Plan of Santa Clara must submit this application to the Planning Division.

A TRC meeting (typically held each Thursday morning at 8:30 AM) is required prior to the application submittal; please call (435) 656-4690 Ext. 2 to make an appointment.

Date of TRC meeting: _____ Time: _____ Staff member assigned to process application: _____

APPLICATION SUBMITTAL CHECKLIST

The Planning Division will only accept complete applications with supporting documents as outlined below. Submitting an application doesn't guarantee that this application will be placed on the next Planning Commission agenda.

The following is required as part of the application form submittal:

1. **Submit one (1) original copy of a completed application** for staff and Technical Review Committee (TRC) review. An **additional 11 copies will need to be submitted**, which have incorporated staff recommended changes, for Planning Commission review.
2. **Exact legal description prepared** and stamped by a licensed surveyor and a survey map of the property ownership plat. If there are multiple property owners, all must submit one legal description. If there are multiple properties, all must be combined into one legal description, unless these properties are not contiguous, in which case a separate application and legal description must be submitted for each property. For requests for multiple General Plan amendments, a separate application and legal description must be submitted for each amendment required.
3. **Additional sheets, if necessary** with multiple owners' and/or applicants' information.
4. **Copy of deed restrictions**, if necessary.
5. **Fees of \$500, plus an acreage fee** as follows;
 - less than one acre: no charge.
 - 1 – 100 acres: \$50 per acre
 - 101 – 500 acres: \$25 per acre
 - >500 acres: \$10 per acre
6. **Some zoning classifications require additional items to be submitted** along with this application for a General Plan amendment. Please **refer to the table on the next sheet** for additional items potentially required by the amendment being requested.
7. **Development agreement**, unless not required by staff.

Updated 6/21/2018

ADDITIONAL ITEMS TO BE SUBMITTED

Classification	Additional Items
Open Space Zone (OS)	None
Residential Agriculture Zone (RA)	None
Single-Family Residential Zone (R-1)	None
Commercial Zone	Site Plan if seeking approval at the same time the zoning map amendment is considered. The Site Plan must comply with the requirements outlined in Chapter 17.66 of the Santa Clara Municipal Code.
Planned Development Districts (PD)	Project Plan --See Chapter 17.68 of the Santa Clara Municipal Code for specific requirements. PD Project Checklist --provided by staff. Phase Plan if seeking phase plan approval at same time as the Project Plan approval—See Chapter 17.68 of the Santa Clara Municipal Code as well as the City's subdivision requirements found in Title 16 of the Santa Clara Municipal Code for specific requirements.
Historic District/Mixed Use Zone	Site Plan —See Chapter 17.74 of the Santa Clara Municipal code for specific requirements.
Historic District Overlay Zone	None

APPROVAL CRITERIA AND PROCESS

With regards to General Plan Amendments, the Planning Commission is the Land Use Authority to hear and act on applications to amend the General Plan, as stated in Santa Clara City Ordinances (**17.16.020, B, 2**).

Criteria for Utah Municipal General Plans can be found in **Utah Code, Title 10, Chapter 9a, Part 4 (10-9a-4)**

The process for a General Plan Amendment is as follows:

1. General Plan Amendment approval will be subject to **deliberation and recommendations** by TRC and Planning Commission.
2. After this, a **public hearing** will take place following a decision by the Planning Commission.
3. **After a public hearing, the Planning Commission may modify** the proposed amendment again based on feedback and input.
4. Planning Commission will then **make a recommendation** to City Council.
5. **City Council may make further revisions** to the amendment that it considers appropriate or necessary.
6. City Council may then **adopt or reject** the amendment.
7. If the amendment is **rejected, City Council may provide suggestions** to the Planning Commission for its reconsideration.
8. If the amendment is **approved**, City Council will adopt (as part of the amendment) a **land use element, a transportation and traffic circulation element**, and, if applicable, an **adjustment to the city's plan to meet estimated needs for moderate income housing**.

This is an abridged version of the process required in Utah Code for General Plan and General Plan Amendment adoption (**10-9a-404**). See Utah Code online at <https://le.utah.gov/xcode/code.html>.

FOR YOUR INFORMATION

This application can be filled out online at: <https://sccity.org/building-planning-zoning/>. Links to the Santa Clara City Zoning Ordinances and other helpful information can also be found at this web link.

Updated 6/21/2018

GENERAL PLAN AMENDMENT APPLICATION

Date Submitted/Completed: 4/12/2024 Fees (Office Use): _____ Receipt Number (Office Use): _____

PROPERTY OWNER CONTACT INFORMATION*

Name(s): Neil & Michelle Walter, Granite Peaks Investments, LLC

Phone: 435-229-1205 Email Address: nwalter@naiexcel.com

Mailing Address: 243 E St George Blvd. City: St. George State: UT ZIP: 84770

*If applicable, please attach an additional sheet containing the information requested above for each additional property owner.

AUTHORIZED REPRESENTATIVE CONTACT INFORMATION (IF APPLICABLE)*

Name(s): _____

Phone: _____ Email Address: _____

Mailing Address: _____ City: _____ State: _____ ZIP: _____

*If applicable, please attach an additional sheet containing the information requested above for each additional representative.

PROPERTY INFORMATION*

Full Address: Corner of Gates Lane & Santa Clara Dr Parcel ID: SC-6-2-16-435

*additional information requested on next page

ADDITIONAL INFORMATION*

What is the present zoning on the property?: RA

What is the current General Plan designation of the property/area?: Low density residential

What is your proposed General Plan designation of the property/area?: No change

What is the purpose for amending the General Plan? (Please describe the proposal.): _____

The road master plan shows the proposed road for the Clara Crossing subdivision named Bonneli Trail. This road will not connect to the actual Bonneli Trail further to the East. The road will not go through to Chapel St. I would like to name the road in front of the lots "Clara Crossing."

How will the proposed project affect adjoining properties?: No existing addresses or neighboring parcels will be impacted.

Total acreage of the proposed General Plan change? Road name only.

Does the property contain any floodplains, wetlands, and/or any slopes at or above 20%?: N/A

If so, please describe: _____

Will any major planned roads be affected by this proposed change?: Yes

If so, please list: See above.

*Attach more sheets if necessary.

PROPERTY OWNER AFFIDAVIT

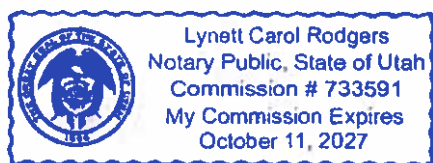
I (We), R. Neil Walter, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached documents, and other exhibits are in all respect true and correct to the best of my (our) knowledge.

R. Neil Walter
Property Owner

Property Owner

Subscribed and sworn to me this 12 day of April, 2024

Lynett Carol Rodgers
Notary



AUTHORIZED REPRESENTATIVE AFFIDAVIT

I (We), _____, the owner(s) of the property described in the attached application, do authorize as my (our) representative(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body regarding the attached application and the act in all respects as my (our) agent in matters pertaining to the attached application.

Property Owner

Property Owner

Dated this ___ day of _____, 20___, personally appeared before me, _____, the signer(s) of the Authorized Representative Affidavit who duly acknowledged to me that the executed the same.

Notary

Mayor
Rick Rosenberg

City Manager
Brock Jacobsen



City Council
Janene Burton
Christa Hinton
Dave Pond
Ben Shakespeare
Jarett Waite

Meeting Date: 6-26-24

Agenda Item: 3

Applicant: Santa Clara City

Requested by: Brock Jacobsen

Subject: Use of Golf Carts and ATVs on City Streets

Description:

**Consider approval of Ordinance regarding use of golf carts and ATV's
on city streets.**

Proposed Action: Approval

Cost: N/A

Legal Approval: N/A

Finance Approval: N/A

Budget Approval: N/A

ORDINANCE NO. 2009-15

**ORDINANCE AMENDING ORDINANCE NO. 2008-07
ALLOWING RESTRICTED USE OF OFF-HIGHWAY VEHICLES
IN THE CITY OF SANTA CLARA**

WHEREAS, the City Council has previously adopted Ordinance No. 2008-07; and

WHEREAS, it has been determined that this Ordinance should be amended to allow for restricted use of all-terrain vehicles as herein defined;

NOW, THEREFORE, it is hereby ordained by the Santa Clara City Council as follows: Section 9.04.020 is hereby renewed and shall be known as the "Off-Highway Vehicle Ordinance," and shall be stated as follows:

9.04.020: **OFF-HIGHWAY VEHICLES:** Off-Highway Vehicles, as hereinafter defined, and subject to the restrictions and requirements of this Ordinance, may be operated within the limits of the boundaries of the City of Santa Clara, as follows:

A. **Definitions:** For purposes of this section, the following terms shall have the following meanings:

ALL-TERRAIN TYPE I VEHICLE: Any motor vehicle fifty two inches (52") or less in width having an unladen dry weight of eight hundred (800) pounds or less, traveling on three (3) or more low pressure tires, having a seat designed to be straddled by the operator or designed for or capable of travel over unimproved roads.

ALL-TERRAIN TYPE II VEHICLE: Any other motor vehicle not defined herein as an "all-terrain type I vehicle" designed for or capable of travel over unimproved terrain. This term does not include golf carts, any vehicle designed to carry a disabled person, any vehicle not specifically designed for recreational use, or farm tractors as defined under section 41-1a-102 of the Utah Code.

MOTORCYCLE: Every motor vehicle having a saddle for the use of the operator and designed to travel on not more than two (2) tires.

OFF-HIGHWAY VEHICLE: All all-terrain type I and type II vehicles, but shall not include snowmobiles and motorcycles.

B. **Registration of Vehicle:** Unless exempted under section 41-22-9 of the Utah Code, a person may not operate or transport and an owner may not give another person permission to operate and transport, any Off-Highway Vehicle on any public land, trail, street, or highway within the City of Santa Clara unless the Off-Highway Vehicle has been registered in accordance with the requirements of Title 41, Chapter 22 of the Utah Code for the current year.

C. **Equipment Requirements:** All Off-Highway Vehicles, as defined herein, shall be equipped with:

1. Brakes adequate to control the movement of and to stop and hold the vehicle under normal operating conditions; and
2. Headlights and taillights when operated between sunset and sunrise; and
3. A noise control device.

D. **Protective Headgear:**

1. A person under the age of eighteen (18) may not operate or ride on an all-terrain type I vehicle or motorcycle on any public land, trail, street, or highway within the City of Santa Clara unless the person is wearing properly fitted and fastened, United States department of transportation safety rated protective headgear designed for motorized vehicle use.

2. The owner of an Off-Highway Vehicle or any other person may not give permission to a person who is under the age of eighteen (18) years to operate or ride on an Off-Highway Vehicle in violation of this subsection D.

E. **Restrictions On Privately Owned Lands:**

1. No person shall operate or accompany a person operating an Off-Highway Vehicle upon privately owned land of any other person, firm or corporation without permission from the owner or person in charge.

2. It shall be unlawful for any person operating or accompanying a person operating an Off-Highway Vehicle to refuse to immediately leave private land upon request of the owner or person in charge of such land.

3. Subsections E1 and E2 of this section shall not apply to prescriptive easements on privately owned land.

4. No person operating or accompanying a person operating an Off- Highway Vehicle shall obstruct any entrance or exit to private property without the owner's permission.

5. It shall be unlawful for any person to tear down, mutilate, or destroy any sign, signboards, or other notice which regulates trespassing for purposes of operating an Off-Highway Vehicle on privately owned land, or to tear down, deface, or destroy any fence of other enclosure or any gate or bars belonging to any such fence or enclosure.

F. **Prohibited Uses:** No person may operate an Off-Highway Vehicle in connection with acts of vandalism, harassment of wildlife or domestic animals, burglaries or other crimes, or damage to the environment which includes excessive pollution of

air, water, or land, abuse of the watershed, impairment of plant or animal life, or excessive mechanical noise.

G. **Supervision, Safety Certificate or Driver's License Required:** A Person may not operate and an owner may not give that person permission to operate an Off-Highway Vehicle on any public land, trail, street, or highway within the City of Santa Clara unless the person:

1. Has in his possession a valid motor vehicle operator's license, and the operator is at least 16 years of age.

H. **Designation of Routes:**

1. Within the City of Santa Clara, the following streets are designated as the only Off-Highway Vehicle routes within the City of Santa Clara for the specific purpose of allowing Off-Highway Vehicle operators to gain access to or from a private or public area open for Off-Highway Vehicle use:

The streets which may be used as an Off-Highway Vehicle route shall meet all of the following requirements:

- A. *Shall be used for purposes of Gaining access to the South Hills.*
- B. *Streets shall include: Streets with a speed limit of 25 mph or less.*

2. Except for Off-Highway implements of husbandry used in accordance with section 41-22-5.5 of Utah Code Annotated, a person may not operate an Off-Highway Vehicle on any street within the City of Santa Clara for any purpose other than to gain direct access to or from a private or public area open for Off-Highway Vehicles.

I. **Speed/Regulations:** Any person operating an Off-Highway Vehicle is subject to the provisions of Title 41, Chapter 6 of the Utah Code and shall not exceed the ATV Speed of 15 mph.

J. **Effective Date:** This Ordinance shall become effective upon proper posting as required by law.

DATED this 14 day of October, 2009.

Rick Rosenberg, Mayor

ATTEST:

Barbara Salmon, Recorder

Mayor
Rick Rosenberg

City Manager
Brock Jacobsen



City Council
Dave Pond
Christa Hinton
Janene Burton
Ben Shakespeare
Jarett Waite

Meeting Date: 6-26-24

Agenda Item: 4

Applicant: Santa Clara City

Requested by: Ryan VonCannon

Subject: Little League Agreement

Discussion:

Consider approval of Amended Little League agreement.

Recommendation:

Approval

Cost: N/A

Legal Approved: N/A

Finance Approval: N/A

Budget Approved: N/A

Snow Canyon Little League Memorandum of Understanding

This Memorandum of Understanding (MOU) is entered into this 26th day of June 2024, between the City of Santa Clara, a municipal corporation of the State of Utah, hereinafter “City” and Snow Canyon Little League (hereafter “League”). City and League understand, acknowledge, and agree that there are mutual benefits to be derived by each party to this memorandum.

City and League have worked cooperatively over the years to facilitate a Youth Little League Baseball and Softball Program (hereinafter “Program”). Both parties mutually agree that the Program benefits the area’s youth.

City and League desire to enumerate their working relationship in order to prevent potential conflicts resulting from different understanding and expectations. Therefore, the follow are agreed to by the parties of this Memorandum:

1. The City will permit the use of the following baseball fields for the undertaking of the Program from March 1 until the end of the League season:
 - a. Two (2) baseball fields known as Little League North and Little League South, located at 2357 Little League Dr. and 1400 Canyon View Dr. (the “Little League Fields”).
 - b. The baseball field known as Spence Gunn Field, located at 1400 Canyon View Dr. (“Spence Gunn Field”); and
 - c. Four (4) ballfields known as Archie H. Gubler Fields 1, 2, 3, and 4, located at 2375 Rachel Dr. (the “Gubler Fields”).
2. Before March 1 each year, the City will provide the League dates and times that the Little League Fields will not be available from March 1 to the end of the League season. The Little League Fields will be considered reserved for the League at all other times during the season.
3. The League will provide the City any specific dates and times it wants reserved for practice at Spence Gunn Field and Gubler Fields. Any dates and times that are not reserved on these fields by the League will be available for reservation by the general public for other events.
4. The City will provide field maintenance and clean restrooms for all games listed on the season schedule that the League will provide by March 20th.
5. The City will contract a Food Vendor that will have exclusive right to all food sales for scheduled games on all City fields
6. League will provide names for persons with access to lighting schedules.
7. League will ensure the League follows Little League international player safety requirements. Little League International requires all leagues and districts in the United States to conduct an annual background check, including a nationwide criminal search and a search of the National Sex Offender Registry.
8. League will provide game schedules for all League games by March 20.
9. League will ensure the dugouts are clean and common areas are free of litter, including sunflower seed shells, after each game. League will walk the fields at the conclusion of

each evening games and pick up trash in dugouts, common areas, bleachers, and areas where players/fans gather.

10. League will lock facilities, including bathrooms, when each event ends.
11. League will provide a service project(s) that add a significant value to City and City Fields annually to enhance the parks in return for field use. League will coordinate with City to agree upon and approve such projects each year.
12. League will maintain liability insurance at all times when using the aforementioned fields and provide evidence of such policy acceptable to the City with a minimum coverage of \$3,000,000 showing the City as additional insured before League commences each year.
13. League will work to operate a program that is safe and free from unreasonable hazards and indemnify and hold harmless the City, from any and all costs and /or uninsured losses occurring the Leagues use of City property.

The Parties agree that this Memorandum of Understanding shall be interpreted with the laws of the State of Utah. The parties executing this MOU hereby warrant and represent that they are duly authorized to do so in the capacity stated. The parties additionally agree that they shall act in good faith in all negotiations and dealings between them. Any party to this MOU may withdraw from participation by August 1 each year by giving at least sixty (60) days written notice of withdrawal.

City of Santa Clara

By: _____

Snow Canyon Little League

By: _____