

NOTICE AND AGENDA
SANTA CLARA CITY COUNCIL MEETING
Wednesday, March 9, 2022
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 March 9, 2022, commencing at 5:00 PM. The meeting will be broadcast via You Tube linked on our website at <https://sccity.org/meetings>.

1. Call to Order

2. Opening Ceremony:

- Pledge of Allegiance: Ben Shakespeare
- Opening Comments: Ben Shakespeare

3. Conflicts and Disclosures

4. Working Agenda:

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

B. Consent Agenda:

1. Approval of Claims and Minutes

- Feb. 23, 2022 Regular City Council Meeting Minutes
- Mar. 2, 2022 City Council Work Meeting Minutes
- Claims through Mar. 9, 2022

2. Calendar of Events

- Mar. 23, 2022 Regular City Council Meeting
- April 13, 2022 Regular City Council Meeting
- April 27, 2022 Regular City Council Meeting

3. Cancel the April 6, 2022 City Council Work Meeting

C. General Business:

1. Consider approval of a proposed Code Amendment to the Santa Clara City Zoning Ordinance by amending Chapter 17.12, Planning Commission and approve Ordinance 2022-06. Santa Clara City, Applicant. Presented by Jim McNulty, City Planner.
2. Appoint Logan Blake to the Planning Commission. Presented by Mayor Rosenberg.
3. "Inn at Santa Clara – appeal of conditions of Land Use approvals and related requirements - appellant Richard Kohler. Presented by Matt Ence, City Attorney.

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. E-mail calendar invitations will be sent out in advance of the meeting. Instructions for each meeting will include the meeting link, 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. Submissions from this form will be sent directly to the city. 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 7th day of March, 2022 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 2022 meeting schedule was also provided to the Spectrum on January 6, 2022.

Chris Shelley – City Recorder

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, FEBRUARY 23, 2022
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, February 23, 2022, 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 to 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 You Tube linked on our website at <https://sccity.org/meetings>. Council Chambers will be available to residents, but we will have limited availability and follow Covid-19 guidelines.

Present: Mayor Rick Rosenberg
Council Members: Jarett Waite, Ben Shakespeare, Christa Hinton, Leina Mathis, and Denny Drake
City Manager: Brock Jacobsen
City Recorder: Chris Shelley

Others Present: Scott Bannon, Assistant City Manager; Dustin Mouritsen, Public Works Director; Brad Hayes, Parks & Trails Director; Gary Hall, Power Director; Tyrel Hansen, Assistant Fire Chief; Matt Ence, City Attorney; Jim McNulty, City Planner; Kristelle Hill, Admin. Assistant; Cody Mitchell, Building Official; Bob Flowers, Police Chief; Drake Howell; Tom Zehnbach; Dawn Austin

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:00 p.m. He introduced himself and the City Council and welcomed everyone.

2. **Opening Ceremony:**

- Pledge of Allegiance: Jarett Waite
- Opening Comments: Jarett Waite

3. **Conflicts and Disclosures:**

- Mayor Rosenberg disclosed that the firm he works for prepared the final plat for Desert Village (Item C3).

4. **Working Agenda:**

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

1. Public Hearing to receive public input and discuss amending the Santa Clara City Park and Facility Fees.

- 5:02 p.m. Public Hearing Opened.
No public comment.
- 5:02 p.m. Public Hearing Closed.

B. Consent Agenda:

1. Approval of Claims and Minutes
 - Jan. 26, 2022 Executive Session Minutes
 - Feb. 9, 2022 Regular City Council Meeting Minutes
 - Feb. 9, 2022 Executive Session Minutes
 - Claims through Feb. 23, 2022
2. Calendar of Events
 - Mar. 2, 2022, City Council Work Meeting
 - Mar. 9, 2022, Regular City Council Meeting
 - Mar. 23, 2022, Regular City Council Meeting

Motion to Approve the Consent Agenda.

Motion by Ben Shakespeare, seconded by Jarett Waite.

Voting Aye: Leina Mathis, Jarett Waite, Denny Drake, Christa Hinton, and Ben Shakespeare.

Voting Nay: None.

Motion Carried.

C. General Business:

1. Consider approval of Resolution 2022-02R amending the Santa Clara City Park and Facility Fees. Presented by Brad Hays, Parks Director.
 - Mayor Rosenberg said that this was discussed previously, and we just held the public hearing for this a few minutes ago.

Motion to Approve Resolution 2022-02R amending the Santa Clara City Park and Facility Fees as presented.

Motion by Denny Drake, seconded by Christa Hinton.

Voting Aye: Leina Mathis, Jarett Waite, Denny Drake, Christa Hinton, and Ben Shakespeare.

Voting Nay: None.

Motion Carried.

2. Consider approval of Ordinance 2022-05 to add Chapter 17.92 Water Efficient Landscaping and Conservation Standards to the Santa Clara City Zoning Ordinance. Presented by Jim McNulty, City Planner.

- Jim McNulty said as we all know we have been working on this for several months. The mayor discussed this earlier today at his State of the City address. We have worked with the Conservancy District as well as other cities in Washington County. On Dec. 9, 2021, and Jan. 13, 2022, the City Staff discussed this item with the Planning

Commission, and we had representatives of the Southern Utah Home Builders Association (SUHBA) there on Jan. 13. On Feb. 10, 2022, the Planning Commission held a public hearing on this item. A few residents shared their opinion on this ordinance; however, Staff and the Planning Commission were able to answer those questions. We also had two discussions with the City Council on Feb. 2, 2022, and Feb. 9, 2022, where we also had representatives from SUHBA to join in the discussion and answer questions. The Planning Commission heard this item on February 10, 2022, and forwarded positive recommendation to the Council. Planning Staff recommends that the City Council approve the code amendment creating Chapter 17.92, Water Efficient Landscaping & Conservation Standards. He said that he and Matt Ence, City Attorney, and Staff have been putting together an adopting ordinance. That is prepared and ready for Council approval. He said he got a couple of comments from Councilwoman Mathis, and he sat down with Matt Ence today and made some slight changes. One of the changes is Page 8, Item B4. The second sentence should read “the city” instead of “a city” and we will also strike out the sentences, “New addition to this section. Promoting secondary water use which is good.” on the next lines. Then on Page 11, 17.92.050, First Paragraph, where it says, “except where landscaping will solely be irrigated with a private non-municipal source of water” it will say “except where landscaping will solely be irrigated with a private non-municipal source of water”. He said that the other additions have been put in place by himself and Matt Ence to address previous comments from the Council on Feb. 2 and Feb. 9 and comments afterwards. He said he feels that this document is ready to go.

- Ben Shakespeare asked if any other cities have adopted their ordinance yet.
- Jim McNulty said that Washington City had it on their agenda for their Work Meeting a few weeks ago. St. George City did a temporary zoning ordinance a few weeks ago. He said that our Planning Commission’s recommendation was positive however they suggest that we review the ordinance in 3 to 6 months to see if any changes would be needed based on this session and any other changes that could happen in the next few months. We had a hard deadline and we needed to adopt something by the first of March to meet our pending ordinance that is currently in place.
- Jarett Waite asked if the new development on Vineyard will have secondary water. If they are larger than .5 acre lots, they would have to use secondary.
- Mayor Rosenberg said they do have secondary water shares.

Motion to Approve Ordinance 2022-05 to add Chapter 17.92 Water Efficient Landscaping and Conservation Standards to the Santa Clara City Zoning Ordinance with the Planning Commissions suggestion of the condition that a review of the ordinance takes place within six months.

Motion by Denny Drake, seconded by Leina Mathis.

Voting Aye: Jarett Waite, Leina Mathis, Ben Shakespeare, Christa Hinton, and Denny Drake.

Voting Nay: None.

Motion Carried.

3. Consider approval of a Final Plat for Desert Village Ph. 3, located north of Harmons & east of the City Fire Station along Rachel Dr. Applicant, Drake Howell. Presented by Jim McNulty, City Planner.

- Jim McNulty said the applicant is Drake Howell and he has requested a final plat approval for Ph. 3 of the project. This plat includes a total of 68 units with an 11 multi-family townhome building. The subject property for Ph. 3 is 6.35 acres in size. This is the final phase of the project. Ph. 1 & 2 have been recorded and a lot of the improvements have been put in place including vertical construction for Ph. 1, which was 64 units. For Ph. 2 they have been working on some permits and we will be pulling those for Ph. 2 soon. That includes 53 units. A lot of the roads are put in place already. They have pulled permits for their amenities which includes a pool and his/her changing rooms for Ph. 1. The Ph. 3 area includes some other amenities. That includes a park, a picnic area with trees, a barbecue area and pickle ball courts as well as a trail system. He said he has been working with Drake Howell on getting the best amenities for this phase of the project and the overall project. He said they are still working on what amenities they are going to provide there. Previously during preliminary the Council and Planning Commission already addressed building materials, the overall site plan, the roofing, the stucco colors, two-car garages as well as drought tolerant landscaping and landscaping with limited lawn areas to promote water efficiency and conservation. He said that in the report we have identified items that need to be addressed with the final plat. The streets are public, and they need to be put in. All required public street improvements need to meet city standards and be installed or bonded for prior to Phase 3 Subdivision Plat Recordation. Subdivision Plat recordation will allow for the public streets to be dedicated to the city. He said that all required project amenities located in Phase 3 need to be installed or bonded for prior to obtaining Certificates of Occupancy for individual dwelling units. We are saying that all required landscaping for Phase 3 needs to be installed or bonded for prior to obtaining a Certificate of Occupancy for individual dwelling units. He stated that we want to make sure there is some project fencing on the south boundary of the site. There is a fencing plan. They are proposing to put a metal fence that is 3.5 ft to 4 ft high on the south end because there is a definite change in grade between the grade of the project itself and the grade below where the trail is. There is also a retaining wall. They are putting this fencing in to avoid a liability issue or potential risk. They have privacy and courtyard fencing between the units. We are requiring that the fencing needs to be installed for safety purposes prior to obtaining any certificate of occupancy for individual units of those homes that back on to that area. He stated that the city has been working with the Washington County Water Conservancy District (WCWCD) on a new ordinance promoting water efficiency and conservation. The applicant is required to comply with City Ordinance #22-05 that was just adopted by the City Council tonight. He also said a geotechnical report will be required for Phase 3 at the time of building permit submittal. Public utility easements are required on that final subdivision plat. A final mylar with signature blocks is required. He said that the Planning Commission did hear this item on Feb. 10, 2022 and forwarded a positive recommendation to the Council. The Planning Staff recommends that the City Council approve the final plat for the Desert Village Ph. 3 subdivision subject to the conditions as outlined in the Staff report. The conditions are: 1. That the applicant be required to comply with the recommendations from all city reviewing departments. 2. That the applicant be required to install public street improvements which meet city standards. That the public street improvements be installed or bonded for prior to Phase 3 plat recordation. 3. That the required project amenities in Phase 3 (park/picnic area, BBQ pit area, and pickleball courts) be installed or bonded for prior to obtaining

Certificates of Occupancy for individual dwelling units. 4. That the required project landscaping for Phase 3 be installed or bonded for prior to obtaining Certificates of Occupancy for individual dwelling units. 5. That the required fencing for Phase 3 adjacent to the southern boundary of the project (city trail and Lava Flow Wash) be installed for safety purposes prior to obtaining Certificates of Occupancy for individual dwelling units. 6. That the applicant provides a will-serve letter from the WCWCD prior to plat recordation. That the applicant complies with City Ordinance #22-05, Water Efficiency & Conservation Standards. 7. That the applicant be required to record a subdivision plat for Desert Village Phase 3. That the applicant provides a copy of the recorded document to city staff. The applicant needs to be subject to these conditions prior to moving people in.

- Mayor Rosenberg asked about condition #6 that states that the applicant needs to provide a “will-serve letter”. Do they have such a thing yet?

- Jim McNulty said that Conservancy District is familiar and aware of this project so for this project that is not going to be an issue. For a new project that could be an issue. We have adopted our ordinance and have been told that the Conservancy District would have such a device. We have adopted an ordinance and they need to back up and do their part as well.

- Leina Mathis asked what would happen on a project if they can’t get that letter and we are requiring it. What is the option for the developer?

- Matt Ence said it is hard for us to impose a requirement like that if the Water District isn’t going to do will-serve letters. We just need to understand what the Conservancy District is planning to do and what their requirements are going to be and at what stage they are going to require that before we can really do anything. Any condition that we set requiring a will-serve letter is going to be subject to that being put into place with the Water District. If they don’t put it in place, we can’t really require it.

- Leina Mathis asked if we need to make that part of the motion.

- Matt Ence said yes, that would be smart.

- Jim McNulty said that is probably something we need to revisit in six months after the Legislative session and then maybe make some changes to our new ordinance.

- Matt Ence said we could and maybe it won’t take that long. We can come back at any point as soon as we have something from the Water District and know what their plan is.

- Denny Drake asked if these are platted townhomes and if they are individually platted. Is there CC&R’s with this project?

- Drake Howell said yes.

- Denny Drake said he understands the plan is to rent them but if they were to be sold individually are there some controls in place to take care that.

- Drake Howell said there is.

- Jarett Waite asked about the fence. He wanted to know if the picture the Council was shown was the preferred fence. He said he worries about the longevity of that fencing.

- Drake Howell said this preliminary was approved more than 2 years ago and at the time project fencing was a very explicit part of the discussion of the approval and at the time Staff recommended that there be no project fencing but for the fence on the very northern part of the boundary and everything else was going to remain open and unobstructed with the fence. Because of the grade difference between where the pads are and the new City trail, this fence is there for a safety perspective as opposed to a project perimeter or privacy fence. He said they just want to keep people from falling off. He told Jarett he is

open to another idea, but the intent is to have a fence there that will be sturdy. This is a steel fence that is powder coated with rails that keep children from crawling through. He said they don't have a concern with the longevity of it. This particular fence (in the picture) has been there for 20 years and is in really good shape. The HOA that is in place can handle the maintenance of this fence.

- Matt Ence said there is an old, historic sewer easement that goes through this area which the city already agreed to release any claim to. On the title records it is in the name of Ivins City and that has been submitted to Ivins and Drake is just waiting for a signature on that.

- Drake Howell said that is right. He said they reached out to Ivins City Manager, and he forwarded it on to the city engineer and he replied that they are waiting for the mayor's signature and then they will record it.

- Matt Ence said that is important to get taken care of with this phase.

- Drake Howell said they have done all the work; the line has been abandoned and new sewer lines are installed in the public streets, but the legal aspect needs to be tied up.

- Matt Ence said yes, it is just clearing that off of the title. He said with that he would ask the Council if Council were going to approve this final plat that we do it subject to having that signature so it can be recorded in advance of the plat. He also asked Drake about a partial release of trust deed on that exchange.

- Drake Howell said he reached out to their legal counsel knowing that would come up in tonight's meeting and he said they would support that as a condition of approval. They have a lender on the project, and they are trying to figure out the right person in their organization to sign it. They are close.

- Matt Ence said that just looking at the plat he can't tell without getting into the details of legal descriptions whether the southern boundary on the plat reflects the exchange boundary verses the old boundary. Has that been addressed on the plat?

- Drake Howell said he doesn't know that for sure. He will confirm that.

- Matt Ence said he thinks Rosenberg Associates did the work on both, so we can find that out. We just need to have someone compare those and confirm that. We need to make sure it reflects the post exchange boundary, so we aren't platting property that isn't owned by you. He said that on those two items, the abandonment of the sewer easement and on the partial reconveyance for the land exchange if Council can include those as conditions, then we can hold the plat until we have those things resolved and then we can release it for recording.

- Leina Mathis asked about the wording for the will-serve letter.

- Mayor Rosenberg suggested, "will comply with the requirements of the Water District prior to recordation". Right now, he can just follow the existing process until the Water District establishes the will-serve requirement. If they decide they are not going to do the will-serve then we will have to come back and amend the ordinance.

- Drake Howell asked with that if the ordinance needed to be amended, would that hold up that timing of the permit issuance.

- Mayor Rosenberg said if the motion is conditioned so they meet the requirements of the Water District then they wouldn't be subject to the will-serve letter for this plat. If they change the requirements, then Drake would be subject to the new requirements for the building permits. He said he doesn't know how the Water District is going to deal with the platted lots that haven't paid the impact fees yet. He said he would think they would be vested but we need them to state that. We have to make them guarantee water.

Motion to Approve a Final Plat for Desert Village Ph. 3, located north of Harmons & east of the City Fire Station along Rachel Dr subject to 3 conditions: 1. The abandonment of the Ivins sewer easement signed by the mayor. 2. A partial reconveyance on the land exchange. And 3. That the applicant complies with the current requirements as presented at Washington County Water Conservancy District in lieu of a will-serve letter if it is not available. Applicant, Drake Howell. Motion by Leina Mathis, seconded by Ben Shakespeare.

- Matt Ence said he wanted to clarify that on the first condition in the motion that it is the Ivins Mayor that we are waiting for and not our mayor.
- Jim McNulty asked if these would be conditions #8, 9 and 10 because we are adding 3 conditions to the previous conditions in the Staff report.
- Mayor Rosenberg said, yes, there are some other conditions in the Staff report that we want to include in the motion.
- Brock Jacobsen, City Manager, said #6 of those conditions has to deal with the will-serve letter so it would be an amendment to #6 and then conditions #8 and 9.

Amended Motion to Approve a Final Plat for Desert Village Ph. 3, located north of Harmons & east of the City Fire Station along Rachel Dr subject to the six conditions recommended by Planning Commission and Staff and the following conditions: The abandonment of the Ivins sewer easement signed by Ivins City Mayor, a partial reconveyance on the land exchange, and that the applicant comply with the current requirements as presented at Washington County Water Conservancy District in lieu of a will-serve letter if it is not available (amending condition #6). Applicant, Drake Howell. Voting Aye: Denny Drake, Jarett Waite, Ben Shakespeare, Christa Hinton, and Leina Mathis. Voting Nay: None. Motion Carried.

4. Consider amending the Santa Clara City Public Meetings Schedule. Presented by Chris Shelley, City Recorder.

- Mayor Rosenberg said the Planning Commission has changed their meeting schedule. They will meet twice a month now, on the second and fourth Tuesday at 5:30 p.m. so we need to update the previously approved meeting schedule.

Motion to Approve amending the Santa Clara City Public Meetings Schedule as presented.

Motion by Jarett Waite, seconded by Denny Drake.

Voting Aye: Leina Mathis, Denny Drake, Christa Hinton, Ben Shakespeare, and Jarett Waite.

Voting Nay: None.

Motion Carried.

5. Reports:

A. Mayor / Council Reports

Ben Shakespeare:

- He commended the Mayor on his State of the City presentation.

Leina Mathis:

- There was a meeting for the SHAC this week. The city represented 7.6% of all of the usage of the pool. We are the lowest of the three cities. This is the highest percentage we have had. They will be replacing all of their sand filtration units with a regenerative refiltration unit which reduces the microns in the water and should save 1.2 million gallons of water. That entire facility including landscaping is on culinary water.
- Mayor Rosenberg said he has noticed they are pulling out some of their outdoor landscaping.
- Leina Mathis said they are. They are going to xeriscaping to try and reduce the water use at the pool. They are considering a rate increase. The St. George Council members that sit on that committee think it is past due. It would be more significant for the non-resident rates but there will probably be a small increase for resident rates as well. She also gave a Legislative update. HB 399 got passed in the House and has been sent to the Senate. She said it is a good bill. She that HB 416, a property right ombudsmen legislation where all land use decisions and ordinances by a city will be reviewed annually. It also allows individuals to be able to request for an advisory opinion to see if a city complies. This is a really bad bill. Council will probably get an alert about this bill from the League of Cities and Towns. She said the Council probably wants to let our representatives know that we oppose this bill.

Jarett Waite:

- He thanked Kristelle Hill for the footage that was presented in the mayor's presentation.
- He reached out to Roger Timmerman about a phasing plan and about Vineyard. He reached out to his engineers and said to hold off on Vineyard.

Denny Drake:

- Nothing to report.

Christa Hinton:

- She complimented the Mayor on his State of the City presentation.

Mayor Rosenberg:

- The MPO met and got some training done and talked about some projects. He asked if we need to do some ethics training with the Council.
- Brock Jacobsen said yes. He asked Chris Shelley if they have to do this every year.
- Chris Shelley, City Recorder, said they have to do this training yearly.
- Mayor Rosenberg said that Council can do this training online.
- Leina Mathis said she did it already and it only took 15 minutes.
- Mayor Rosenberg thanked the Staff for supporting him in his presentation today and complimented Kristelle Hill on the job she did.

Chief Bob Flowers:

- The police had a pursuit through town last week. The suspect raced through town at 70-80 mph. The suspect had grabbed a small child and was holding the child with a gun to his head and speeding down the road. The suspect actually fired at Jaren and Rich (our Police Officers). Chief Flowers said he called our officers off when they got to the

Shivwits because there is no reason for us to go beyond there because there were 15 or 20 other officers involved in it. There was a standoff when they got into Arizona and so it is a Mojave case. They have been here interviewing our officers. It is an active investigation. It was a horrible situation for our officers. The snipers were given the okay to do what they needed to do because the suspect was literally holding the baby and waving the gun. We had a drone down there. The SWAT officer fired the shot and luckily the baby was unharmed. He said he believed the suspect was going to kill that child and it was just a matter of moments. He said he is extremely proud of our officers. It is hard to back off of a pursuit when you are on it, but they stopped it when they were told. He then went ahead and made the decision to send Nick down there to the standoff. He said our officers did well. He said our two officers that are in training are doing well also and he will bring them in to meet the Council.

- Mayor Rosenberg said to please let the officers know that we appreciate them.

6. **Executive Session:** None.

7. **Adjournment:**

Motion to adjourn by Ben Shakespeare.

Seconded by Christa Hinton with all members present voting aye.

Meeting Adjourned at 5:44 p.m.

Chris Shelley – City Recorder

Date Approved: _____

**SANTA CLARA CITY COUNCIL WORK MEETING
WEDNESDAY, MARCH 2, 2022
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Work Meeting on Wednesday, March 2, 2022 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 to 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 You Tube linked on our website at <https://sccity.org/meetings>. Council Chambers will be available to residents, but we will have limited availability and follow Covid-19 guidelines.

Present: Mayor Rick Rosenberg
Council Members: Jarett Waite, Christa Hinton, Ben Shakespeare, Denny Drake and Leina Mathis
City Manager: Brock Jacobsen
Deputy Recorder: Selena Nez

Others Present: Scott Bannon, Assist. City Manager; Dustin Mouritsen, Public Works Director; Brad Hays, Parks & Trails Director; Gary Hall, Power Director; Kristelle Hill, Admin. Assistant; Jim McNulty, City Planner; Cody Mitchell, Building Official; Andrew Parker, Fire Chief; Matt Ence, City Attorney; Kristy Pike; Sterling Holyoake; Celeste Holyoake; Robert Smith; Nick D. Lang; Ben Willits

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:02 p.m. He introduced the City Council and welcomed everyone that was at the meeting.

2. **Working Agenda:**

A. General Business:

1. Discussion regarding camping in the South Hills.

- Scott Bannon, Assistant City Manager, said there is a lot of camping going on out in the South Hills and a lot of garbage getting dumped out there. He said the Police Department spoke to him about this and they went out there to see what was going on. He asked the Council for some direction to create an ordinance to restrict camping within the City limits. The City limits have been expanded with the shooting and we could exclude camping in that area also. He stated that information was brought to the City by the Public Safety Department Police on an ordinance for camping within the South Hills Area. Due to the large number of camping trailers currently in this area, the concern is this area is turning into transient camping because of no restrictions. He said that there are a lot of areas that the BLM has restricted for camping because of the same problems we are having with dumping and littering. Quite a few cities in

Washington County have restricted camping within their cities.

- Mayor Rosenberg asked if the BLM is enforcing their restrictions.
- Christa Hinton asked if we have any restrictions on camping at all right now.
- Scott Bannon said no.
- Denny Drake said we do need to put some limitations and we also need to have them carrying out their own waste. This is becoming a big issue everywhere and we have to do something as far as limitations. We need to permit them and charge for the permit so that any cost put into the City is paid by the patrons that are doing it. This is a necessary thing that we need to put in place.
- Mayor Rosenberg asked if we want to permit them or say, “no camping within City limits at all”.
- Scott Bannon said there is a lot of trash being left out there. They could go out and enforce that if there is someone camping because it isn’t allowed.
- Mayor Rosenberg said as far as enforcement goes it would be a lot easier to enforce than restrict it.
- Scott Bannon said we could have some signs made and make it a lot easier.
- Brock Jacobsen, City Manager, said the only time we have allowed camping within the City was when there was a special event. We could create an ordinance that restricts camping within City limits except for receiving a special event permit.
- Mayor Rosenberg said he thinks he would like to direct Scott to put together an ordinance and work with Matt Ence (City Attorney) and bring something back to Council.
- Leina Mathis said we may have some mountain bikers that come down and park their campers out there and use that as their facility. She said she doesn’t want to restrict all of it.
- Scott Bannon asked what amount of cost would be appropriate and if Council wants to set a limit of 7 days or more or less. There could be a permit on their vehicles so at least the police officer going out there would know that they have a permit. If they don’t have a permit the police officer could educate them or cite them.
- Denny Drake said that if we are going to allow it, they are going to have to have a permit and have them assigned to an area so if they leave their garbage behind, we can follow up with them.
- Mayor Rosenberg said there could be some type of a fee.
- Leina Mathis said we could put this online and make it easily accessible so it is not taking a lot of Staff time.
- Scott Bannon said he will put something together and bring it back.

2. FY 2023 Project List Prioritization discussion.

- Brock Jacobsen said that at the Budget Retreat we talked about projects. He stated that many parks projects were discussed and new ones requested from the Council such as more pickle ball courts at Gubler Park. He compiled the list and asked council to give direction on what projects Council would like to see prioritized. We have limited funds so prioritizing the projects will help us as we budget for FY 2023 and future years. (See the attached sheet that shows the list of projects, estimated cost, and what fund will pay for the project.) The first two projects, BMX parking and Canyon Park parking, the City is committed to as we have received grants from the County to

complete these projects. These will be paid for through these grants and Rap Tax and by the General Fund. The engineering is done, and we should be going out to bid within the next month. He said the additional pickle ball courts are estimated to cost \$500,000 and would be paid for with impact fees and the General Fund. He said a new playground could cost anywhere from \$75,000 to \$200,000. He said the Tobler Park Orchard is estimated to cost \$400,000. He said the splash pad is not on recirculated water so it is not appropriate to run it so we need to reconstruct the splash pad and that could cost \$400,000. The design and engineering for the adventure park is estimated to cost \$50,000 which is impact fee eligible. That project is a \$1 million plus project. A lot of that is going to be paid by the City. Is this a project we want to put on hold for now? He said the Little League improvements (wall, fencing, parking and a building for maintenance and storage) is estimated to cost \$350,000. The Black Rock Park playground equipment needs replacement and that is estimated to cost \$75,000. We also need to relocate the skate park and that would be impact fee eligible but the estimate for that is \$300,000. The Lava Flow trail addition to continue all the way up to Affirmation Drive is estimated at \$50,000 and is impact fee eligible. Another thing we have to be thinking about is the cemetery expansion. The sheet also shows the amount of funds we currently have, project to have at the end of FY 2022, and what is budgeted for FY 2023. At the end of the sheet the chart shows the total cost by fund for each project on the list. (See attached.) He reminded Council that 20% of the Rap tax each year goes to the arts, so Parks only gets 80% of the Rap Tax. He said that the Rap Tax available as of 2/24/2022 is \$305,000 and we are estimated to receive another \$68,000 by FY end, for a total of \$373,000. We are budgeting to receive \$148,000 in FY 2023. Impact Fees available as of 1/31/2022 is \$487,000 and we are estimated to collect \$98,000 by FY end, for a total of \$585,000. We are budgeting to receive \$290,600 in FY 2023. He asked Council what the priority is. What should be moved to the top of the list?

- Leina Mathis said to put the pickle ball courts at the bottom of the list. We already have pickle ball courts and if the Chicken and Pickle Ball project gets built it provides an opportunity for additional pickle ball use. She said we need to look at opportunities that provide a variety of activities for our residents and not just something we already have. She said that since she is the one who suggested it in the first place, she is okay with moving it to the bottom of the list.

- Mayor Rosenberg said the playground at Gubler Park kind of went along with the pickle ball courts. Should they be a higher or lower priority?

- Leina Mathis said she still likes it but there are other areas that give us more bang for our buck, so she is okay moving it down alongside pickle ball courts.

- Ben Shakespeare said we need to look for a new location for the skate park and a splash pad that needs a bunch of money put into it and that would be a good location for a skate park.

- Brock Jacobsen said the splash pad is a popular feature but ours isn't set up for water conservation. It would be a good thing, long-term, to do another splash pad and we could move it down closer to the playground. We talked about the skate park being located down by the arboretum.

- Ben Shakespeare said the adventure park is the most costly. He asked if there is a possibility to incorporate a public/private partnership with some type of RV park out there. There is a lot of camping going on out there. That may help pull that project

together. We could section off a small piece for private ownership where people could stay up there.

- Mayor Rosenberg said we couldn't do that with the RP&P with the grant we would be getting.

- Ben Shakespeare said then he wouldn't spend any money on that project knowing the list we have. He said he doesn't see us being able to ever afford or maintain that project.

- Denny Drake said not until we get residential expanse to where it is beneficial to that area. He said he thinks we should move the adventure park down to the bottom of the list.

- Leina Mathis asked if there would be an option to take some of the features of the adventure park. We have some residents who are excited about some of those features that are going in. Let's look at those features and maybe put some of the individual features on our list. A lot of residents were excited about the disk golf. That isn't a huge cost to put that in. Could we move that up the list?

- Mayor Rosenberg said that might work to do some components of the park. The tricky part about the adventure park is that it is so far out there, and we don't have any facilities. The road is the existing road. We could do some exploring with the BLM to see what options we could do. We have to be started within 10 years and have the plan in place within 5 years.

- Brad Hays, Parks & Trails Director, said we are on year 3 right now. When we did the RP&P, we submitted the plan at that time. We can go in and amend the plan and do components of it.

- Mayor Rosenberg said that might be an option. We are committed to the BMX parking lot and the Canyon View parking lot. We also need to move the skate park up because we are taking away the existing skate park that was built by the citizens. We owe it to get the skate park back. The Little League is working on some grants and the Little League improvements might work out well for grants from the Tourism Office because it is all tied to the BMX so maybe we could look at some additional funding for that project. We took the splash pad out of Swiss Memorial Park because of the cost. He would love to get a splash pad back, but the skate park should be ahead of it. The cemetery expansion is going to become critical, but we probably have a couple of years to worry about that. He asked if the playground at Black Rock Park needs to be replaced because of safety.

- Brad Hays said it was built in 2003 so it is coming up on 20 years old and we can't get replacement parts for anything for it. We really need to consider replacing it. That probably needs to move up a little bit. He explained about the Lava Flow trail expansion. It is cut in, but we haven't paved it. It is on the west side of the wash. We were going to do that in house.

- Mayor Rosenberg said we need to budget some money for Tobler Park. The Church of Jesus Christ of Latter-day Saints has given us that property and we have a citizen committee working on it. He said that is one of his higher priority parks.

- Christa Hinton said we talked about maybe getting some feedback from citizens. Do we want to do some kind of a survey to see what citizens are most interested in?

- Mayor Rosenberg said he would like to get some input from the citizens concerning the orchard. He said he loves the concept and that they are trying to minimize the outdoor irrigation and make it easier to maintain and convert it from a production

orchard to a demonstration orchard and garden.

- Jarett Waite said he has sat in with that committee and he thinks that \$50,000 would be a really good start for that park. They could tear out what they need to and buy all new trees and that would cover a lot of design.

- Mayor Rosenberg said he thinks that number could be trimmed down a little bit from the original estimate. Some numbers can't be trimmed down, like the splash pad.

- Christa Hinton asked if we want citizen feedback on what is more important such as the splash pad, the orchard.

- Mayor Rosenberg said we have talked with DSU about doing some surveys for us and that would be a great one to have.

- Denny Drake said we have talked about acquiring 10 acres out by Lava Ridge Intermediate to enhance Gubler Park and maybe move Little League up there. Do we want to put in all the improvements at Little League Park right now if we are going to acquire that 10 acres and move everything up into that one central complex?

- Jarett Waite said his top three projects are the splash pad, the skate park and Tobler Park. It would be interesting to see how residents feel if we had to pick between the splash pad and the skate park.

- Mayor Rosenberg said we could expand the skate park and have that type of facility close to the BMX and the ballpark. It would be well used.

- Denny Drake said he would like to move the Little League improvements up the list. We have children and children's children that have used those Little League fields for years with a promise that they are going to be improved and we have not done anything that the Little League hasn't paid for. There is a lot more people that would use that with the tournaments if we have that in place so it should be moved up on the priority list. The Tobler Park is a critical input with what we have taken on from The Church of Jesus Christ. The skate park was done by an Eagle Scout project. The Black Rock Park playground replacement is something that is needed now. That should be moved up on the priority list as well as the Tobler Park orchard.

- Leina Mathis said we need to separate them out depending on the funding source and then prioritize them.

- Ben Shakespeare asked if we want to put the skate park next to another park so we can tie it in to pickle ball and baseball.

- Brock Jacobsen said the spot at Gubler Park would be over by the pickle ball courts. He said we could take some grass out and put it at Canyon View Park.

- Leina Mathis suggested putting it at Gubler Park behind the fire station.

- Brock Jacobsen said that he and Brad talked about putting the splash pad in that area as well.

- Ben Shakespeare said he thinks it would be better at Canyon View or up at Gubler instead of by the arboretum where the facilities and parking are already at those parks.

- Mayor Rosenberg said that when they were looking at areas for the skate park before the residents that live by Canyon View said, "no way". They wanted the skate park to be away from the homes. He asked the Council to state their top five choices for the list and then he is going to ask Staff to go back, break it up by funding and we'll look at it going forward and maybe put a survey together and get some feedback from the residents.

- Brock Jacobsen said the top two on the list are already committed so he asked for the Council's top three after those two.

- Ben Shakespeare said he thinks the trail is small and we can knock it out and it is a fairly inexpensive completion. He said the skate park needs to be at the top of the list and Little League improvements and the skate park might fall into that as well and then at some point we need to do Tobler Park.
- Brock Jacobsen said we will take the trail off the list and just plan on putting that in.
- Leina Mathis said her three priorities are the orchard, the skate park and the cemetery expansion. That is a timing issue and we are going to run out of space. She said she wouldn't want to tell a resident that they can't be buried in the city they have lived in.
- Christa Hinton said she thinks that Tobler Park and the skate park should be a priority. She also feels we need to knock out the smaller priced items like Black Rock playground and the trail.
- Jarett Waite said he would be interested to know if we should build a whole new splash pad or just refurbish the current one.
- Brock Jacobsen said he thinks it would be better to relocate and put in a new one.
- Jarett Waite suggested putting the skate park where the current splash pad is and use the concrete that is already there.
- Brock Jacobsen said we will probably bring this back in April at the Work Meeting.

3. Deserts Edge Project discussion.

- Jim McNulty, City Planner, said that with the Deserts Edge project we have had some recent discussions with the applicant, Robert Smith, and Ben Willits. The applicant has submitted a preliminary plat application and is going through the review process with Staff to determine completion. On September 8, 2021, the City Council approved Ordinance #2021-13 allowing for up to 239 units on 20.7 acres of property which equates to a density of 11.94 dwelling units per acre. The Project Plan/Concept Plan which was attached to the property rezoning included 119 townhome units to be known as Coyote Landing at Deserts Edge, with 120 affordable apartment units to be known as Quail Crossing at Deserts Edge. The Project Plan/Concept Plan is a higher-level plan (approx. 20,000-foot level) that doesn't drill down into project details that are required at the preliminary subdivision plat stage. Upon review of the preliminary subdivision plat Staff determined that the property boundary description included a total of 20.011 acres, less 0.92 acres which has been sold and deeded to Washington County for the future Hamblin Parkway. This change results in 19.087 acres of property. It's our understanding that a property settlement was reached on September 29, 2021. On or around this time, Robert Smith received compensation for the 0.92 acres. City staff and legal counsel have reviewed the PDR Ordinance (Chapter 17.68) and determined that the maximum density allowed is 12 dwelling units per acre. This is clearly stated in Section 17.68.050(B) which the City Council followed when Ordinance #2021-13 was adopted. The remaining 19.087 acres allows for a maximum of 229 units at 12 dwelling units per acre. Staff has determined that the applicant can proceed with a 229-unit project. The applicant, Robert Smith, would like to proceed with the original 239-unit project which equates to a density of 12.52 dwelling units per acre. This exceeds the maximum density allowed in the PDR Zone. He said the applicant has agreed to come tonight to speak with the City Council about this item. Last night an updated plan was submitted. That plan includes an additional 1.05 acres (which was the piece for the boat and RV parking) so with the 19.087 added to the 1.05 acres that

would be 20.14 acres. He said that boat and RV parking is required for short-term rentals. He said that Staff is comfortable about working with the applicant and they feel it is a good project. He said that once this was found it became a concern and that is why we are here to talk about it this evening.

- Robert Smith, Developer, said there has been a lot of discussion back and forth. He said he assumed once the approvals were given in September, they were okay to sell that parcel and that is what he did. He was able to acquire more land, the 1.05 acres which brought the total back up to just over 20 acres. That additional 1.05 acres will continue to be used as boat and RV parking for Arcadia. There is an easement in place for those residents to use that.

- Denny Drake asked if that 1.05 acres was used in the platting for the Arcadia project.

- Robert Smith said it was part of phase 3. He said that Arcadia was well under the maximum units.

- Mayor Rosenberg said it was included in the final plat. Arcadia Ph. 3 has that area included in the plat boundary. He asked if it was common area and is under the HOA ownership.

- Robert Smith said it was but it has been sold now. He said they haven't amended the plat yet.

- Mayor Rosenberg clarified that they are proposing to amend the Arcadia plat and pull that out of it.

- Robert Smith said they will do that if that is what is needed. He said they are working on it so they don't have to lose 12 units because of a calculated error and timing. He said he understands that the City is bound by laws and ordinances and he is not trying to get around anything. He stated that he is not taking away from what is required at Arcadia with the uses being provided. He said he did this so they could qualify for the 20 acres with 12 units an acre.

- Ben Shakespeare said they could do a plat amendment, but it seems like it could be done with something just recorded on the plat.

- Matt Ence, City Attorney, said that parcel is still part of Ph. 3. He said the concern is that it is an amenity for Arcadia Ph. 3 and this amenity was required to be included with that project. He asked if we should allow an amenity that was required in a previous subdivision to be used to get density in a new subdivision. He said this is the way he sees it. He said that he and Jim McNulty have discussed this a lot and have reviewed what Robert Smith has submitted and the arguments that he has made. He stated he is not sure how to get around it. We have spent a lot of time on this, and we want to try and make this work for Robert Smith. He said he is really struggling with a way to do this legally within our ordinances and make it work with the acreage that he has. He stated that typically when someone records a subdivision plat and there are public roads that need to be dedicated, those roads are dedicated and they are generally responsible to provide the public improvements on those pieces as well. There are two things that distinguish this piece of Hamblin Parkway from that normal scenario. One is that it's been sold, and Robert has been compensated for that which does not normally happen. Second because that's been sold, and other entities have taken responsibility for improving that piece the developer no longer has an obligation to improve it either. Where the original zone change included that part of the roadway to get the density that was sought, can it still be used even though it's been sold, compensation paid for it and the developer released from any obligation to improve it?

He said he is open to solutions.

- Mayor Rosenberg asked if there is any kind of precedents with other projects where the roads are included within the PD zone when it's determining the allowable density but then are purchased by the COG using a right of way preservation fund.

- Matt Ence said if he could come up with some precedents for that it would be helpful. He said the developer is in a pinch in terms of getting all the units that he wants to get out of the project but it's not a pinch that the City has created. We approved the density with that property included and then the developer decided to sell a portion of it and then be compensated for it.

- Robert Smith said he would never have sold it if he hadn't been asked repeatedly by the City to sell it. He said he thought he was working with the City to do this.

- Matt Ence said he is not suggesting that there was any greed or trying to profit off of this. This is just the scenario that we are left with. Robert is just asking us to now move into the next stage of the development process which is approving plats and those plats have a higher density than our ordinances allow.

- Robert Smith said he wanted to read from the Santa Clara City Affordable Housing Plan, Section 3, "Allow for higher densities in mixed use zones, commercial centers or employment centers. The City's present zoning regulations allows mixed use projects, both the planned development residential and planned development commercial zones. The maximum residential density in a mixed-use project is presently 12 dwelling units per acre under the City's density bonus program. To encourage more affordable housing options in a mixed-use project in a planned development commercial zone the City proposes to provide more flexibility in project density by allowing the Planning Commission and City Council to determine the dwelling units rather than have a prescribed hard limit. The mixed-use project will require to comply with parking, landscape and other requirements for a residential project, but the maximum project density will be flexible and determined as part of the site plan approval process." He said the affordable housing component of the development is something he feels very important about and he said he knows the City wants this as well. There is no current affordable housing anywhere in the City. He said they have received affordable housing tax credits for this project and would like to start this project soon.

- Matt Ence said that excerpt that Robert read applies to mixed-use in Planned Commercial development.

- Jim McNulty said that was an error because it specifically says, "mixed-use is permitted in a planned development commercial and not permitted in a PDR". The previous housing affordability plan makes reference to what Robert has said but we have updated it for 2021 to be compliant with the Land Use Ordinance which says, "permitted in a planned commercial but not permitted in a PDR" because we don't have mixed-use. That was an error in the 2020 Affordable Housing Plan because the Land Use Ordinance always said, "not allowed".

- Matt Ence said even if you take it on its face, it still limits that language to mixed-use. Even if it clearly stated that it allowed to go above the 12 units per acre, it's a plan, a policy. It is not an ordinance and so it is not going to trump what is written in our ordinances. Every option that we have looked at to try and say "yes" we have run into issues.

- Ben Shakespeare asked that if the applicant had not sold the property and included that in and dedicated it to the City in the end, we wouldn't have these issues would we.

- Matt Ence said that is correct.
- Mayor Rosenberg said he received \$250,000 and it was COG money; money we received from the Corridor Preservation Fund. He suggested that Robert give the money back to the COG and dedicate the road.
- Denny Drake said there might be another option. Rather than just dedicating the easement if he would bond for the improvements to that easement and take care of the improvements on the road.
- Jim McNulty said that is what we were alluding to.
- Mayor Rosenberg said this is Hamblin Parkway, a regional arterial. Improvements for this road are going to come via the COG or the MPO and they are not mandated for this project. This is a corridor that has been preserved so that in the future when the western and northwest corridor are required the right of way is in place. The COG has purchased all of the Hamblin Parkway right of way through Santa Clara with the exception of the piece through Kent Frei's townhomes. He suggested that the money is given back to the COG and then Robert dedicates that right of way to the City and that corridor is still preserved through the City as the intent was. He has put in the improvements on the Arcadia Ph. 3 and that roadway doesn't provide access to any of these units within this project and it is not necessitated by any kind of a traffic study, so it is not a mandated exaction.
- Matt Ence said he thinks he would be okay with that because then we would have a final plat that has the sufficient acreage on it to support the density.
- Mayor Rosenberg said this plan has never changed. It is just making the math work so the density meets the ordinance.
- Robert Smith said they added one unit.
- Jim McNulty said that is an issue too because the applicant is asking for 240 units and the ordinance that we adopted says 239 units. There are also some tweaks to the plan internally which would require a PD amendment because we are making some changes to the plan to make it function and work better.
- Mayor Rosenberg said he is trying to find a process that complies with the ordinance. He said to return the purchase price to the COG and then agree to dedicate the right of way to the City and go back through the amended PD zone to pick up the additional units and make the changes interior and then they can proceed.
- Jim McNulty said it has to go to Planning Commission and then Council to amend it.
- Mayor Rosenberg said that if we follow that path it would follow the existing ordinance.
- Matt Ence said he is okay with that approach as long as we recognize that is not something the City can do on its own. He said that the road is now titled in the name of the City and the County.
- Mayor Rosenberg said the money would have to be returned to the County. The City would be okay approaching them because we approached them to get the money. He said that he has seen COG funds returned to the COG when they weren't used. All of the funds would be returned back to the COG, and they would release the property back to Robert and then he would dedicate that property to the City on his final plat.
- Robert Smith said it is definitely something he can do.
- Jarett Waite said he looked at the ordinance and it talked about projects with vertical mixed-use and it says that the density shall be approved by the Planning Commission and City Council.

- Mayor Rosenberg said that this is not mixed-use.
- Jim McNulty said it would have to be rezoned.
- Brock Jacobsen said this would get him back to the original plan which is still only 239 units not 240 units.
- Jim McNulty said the original ordinance said 20.7 and that was not correct. It was 20.007 so that is up to 20 and that gives us 11.99 dwelling units per acre, so we are right in that range.
- Mayor Rosenberg asked where the additional unit is.
- Robert Smith said they moved the detention basin. They have added additional parking and amenities. There is still a detention basin.
- Ben Willits, Developer, said that once they drilled down into this for the plat, they realized that one of the rows of townhomes in that upper third area was too close, so they had to lose two units in order to shift that and make it work. The units come in even numbers so they had to add a four-plex in order to make it work and then move the detention to where the park area is, and it will be a turfed detention area. This was driven by setbacks.
- Jim McNulty said this helps with the parking. We had a concern with the parking numbers for the apartments and this gets them over the minimum by a few lots.
- Denny Drake said he believes we accommodate our ordinance, and we can do the best we can to accommodate the developer under our ordinance, but we don't need to compromise the ordinance to accommodate the change.
- Leina Mathis asked what the likelihood would be for the COG to come back and say they don't want to do that.
- Mayor Rosenberg said from what he has seen they will take the money back as long as we tell them that as part of this it is getting deeded to the City and we don't have to buy it in the future so the right of way is preserved. He said he doesn't think this would take long. We would have to get signatures from the County Commissioners. He asked that with this number of units and with the amount of open space in this project would they entertain extending the secondary system over to their property. It is built now up to the Red Mountain corridor. They have a lot of outdoor irrigation. If we could get a secondary extension to follow Hamblin Parkway that is an advantage to them. It takes the outdoor use of their project off of the culinary system, so we are not providing culinary water for that. It puts it on a secondary system that is going to use reuse water or Santa Clara irrigation water. They would get the benefit of saving some of their impact fees at Washington County when they do that. There is a capital cost but not an impact fee cost. They would pay the City a reduced rate for water usage because our secondary fees are less than culinary fees. It could be put in the Hamblin Parkway right of way.
- Robert Smith said this is something they can look at and make sure that it makes sense. He is not against it at all, and he thinks water conservation is very important. He asked that if he were to dedicate the Hamblin Parkway piece back to the City would he be asked to do any improvements.
- Mayor Rosenberg said he doesn't see how we would ask him to do improvements where the road is not needed today.
- Robert Smith said if that is the case, he is sure they can do the secondary water.
- Mayor Rosenberg said we don't know what that road section is going to be. We have the 100 ft right of way. They would have to build the wall. He said there would be

some benefit to the City having the secondary line up into there. It would also benefit the City for them to reduce their culinary water consumption. He told Robert that he wouldn't put the secondary water in the water features. Just in his outdoor irrigation.

- Ben Shakespeare said it is a 50% savings to go with irrigation.

- Robert Smith said that time is of the essence because of the tax credits. They are negotiating with different investors because of the tax credits, and they are concerned they may miss out on what they could receive, and they are concerned with the land swap.

- Mayor Rosenberg suggested they can take a concurrent path. He suggested they get their PDA in the process right now. The property swap can happen fairly quickly. The final plat can't be approved until that road dedication is part of it. They are months away from a final plat. He asked if the preliminary plat can be done at the same time as the zone change.

- Jim McNulty said he doesn't know. He needs to look at that with Staff and TRC. We are doing a zone amendment and need to take it to Planning Commission and then back to Council. We have to adopt a new ordinance.

- Leina Mathis said we have done that once before (when she was on the Planning Commission), and we made it subject to the approval of Council.

- Jim McNulty said he doesn't want to make errors by rushing things. He wants to be clear and consistent with everybody.

- Jarett Waite talked about "Project Plan Amendments" in the code. It says it just goes to the Planning Commission.

- Jim McNulty said that is something we reviewed as part of this. The cap is clear that it cannot exceed a maximum of 12 units per acre.

- Jarett Waite said that if they haven't increased density by more than 5% then it doesn't have to come back to Council. That can be cut out of the whole process according to the ordinance. We had this issue with some other projects and there is some subjectivity to it.

- Jim McNulty said that is his concern is the subjectivity rather than the clear and consistent determination because it is very clear in Section 17.68.050B that the maximum density in a PDR is 12 units per acre maximum.

- Mayor Rosenberg said he would be under 12 with the amendment.

- Jim McNulty said the adoptive ordinance says 239 units not 240 and he is requesting another unit.

- Matt Ence said we will look at this again. We were looking at this in the context of trying to get that additional density without having the 20 acres, but it might be worthwhile to take a second look at this. Jarett has a point that we may be able to just have a Planning Commission approval where he's got the acreage. He said he doesn't know what else would be in the plan amendment other than the residential density change from 239 to 240 and if that's all it is we would fall under this.

- Jim McNulty said that is why we need time at Staff and TRC to make sure we get it right so errors are not made because it is complicated.

- Robert Smith said there are no other changes that are being made other than the one unit. Parking has been added as well as a trash enclosure and we have closed off a road.

- Jim McNulty said there are. We have closed a road off.

- Matt Ence said he is not saying one way or the other, but we need to look at it again

in context of what has been discussed tonight. He said there is a possibility now that we've got the acreage issue resolved.

- Mayor Rosenberg went over what Robert Smith needs to do. He said there will be a point that he needs to return the funds to the COG and then sign the deeds and then sign the final plat rededicating it to the City.

- Nick Lang, Santa Clara resident, said they moved to Santa Clara because they wanted to raise a family here. He said he believes that the people in Santa Clara don't want high density. They want low density so that they can continue supporting the high schools and the elementary schools.

3. Staff Reports:

Fire Chief Andrew Parker

- He is the new Fire Chief. He is getting out and trying to get to know the Ivins City Council as well as the Santa Clara Council. He has been meeting with the Assistant Fire Chief, Ty, trying to get some organization planning for us. We are looking at an organization framework and remodeling some of our programs. He said that for one of the plan review inspections they went to the Ivins TRC and are doing some plan reviews for Black Desert. He said he looks forward to participating in our TRC as well. They are also working on trying to identify the budget parameters and being specific with the potential new hires and identifying what the cost is to outfit them. They are trying to organize the Staff structure with the personnel that we have. He said right now they have Medic 31 that responds with the rescue, which is a pickup truck. The other night there was a second call that came in, so Medic 32 had to be staffed, so there was a delay on that response. He said that the plan is that once we get that third person, we will have the engine up and running and have that medic staffed with hopefully part-time people. He said his intent is to have a 100-day plan that outlines what our goals and objectives are. There are some station projects, and we are working with Brad Hays on some remodeling and some landscape projects. That is taking place this weekend. There is some maintenance and some other things happening with the rigs that we need to identify.

Brad Hays

- We had a meeting with Little League last week. The boys are going to start on March 29 and the girls are going to start on March 22. We are going to keep the fields prepped and chalk it for them and they will keep the place clean. We will take care of the trash and the bathroom cleanup. We have the SU baseball tournament this weekend. There is also a Dirty Hurty relay out in the South Hills. They will run along Hwy 18 and then go down behind the shops. It won't affect the City much. It ends in Ivins. Next weekend we have the Epic Tru Grit Mountain Bike Race here at City Hall and we'll also have Rocky Mountain School of Baseball March Madness. It will be a busy weekend. The weekend after that we have the Kurt Girasole SU Baseball Tournament on March 26 & 27. This Saturday we have a DSU class coming out to help with the fire department landscaping. Yesterday we had an incident at the Gubler Park pickle ball courts. The restrooms were set on fire at 2 p.m. shortly after Lava Ridge Intermediate School was released. We have good footage from the cameras, and we are working with the police to find out who they are and move forward. The damage in one bathroom wasn't too bad, and we were able to clean it up. One of the restrooms had the grates melted on the ceiling. There was probably

about \$5,000 in damages in that bathroom. He said we have some pretty good video and should be able to identify them. He said he thinks they are the same kids who set the garbage cans on fire at the Gubler complex about 6 months ago. They look similar.

Gary Hall

- He said that Shane Minor from Wheeler Machinery is online and is going to give us an update on the new generators.
- Shane Minor, Wheeler Machinery, said the radiators are installed as well as the catalytic oxidation catalyst. He said he thought it would be important to bring a little bit more horsepower here.
- Stephen Green, Wheeler Machinery, said that Caterpillar is experiencing significant difficulties with supply chain. The original order date was back in July and the original expected delivery date was supposed to be in December and that has changed two times now and the revised shipment date is expected for March 31 to be out of the factory. Caterpillar is taking some unprecedented measures and he has been working closely with the Vice President of electric power with Caterpillar and the owner of Wheeler Machinery has been in contact with the CEO of Caterpillar, Jim Hucklebee, and he assures us that the supply chain is number one priority and he is personally engaged in supply chain issues. They are investing millions of dollars in air freight to help reduce transportation times. They are trying to improve the supply chain. There is a lot of work going on. He said they are actively working this every single day. He said they are working with GE Powell on the switch gears. Raw goods is struggling in the supply chain as well. He said they are going to ship the power envelope to Santa Clara, and they will install and upfit the controls and logics on site to reduce the amount of lead time we have any delays that may occur there. He said they are working on this, and Santa Clara is on the top of Caterpillar's generator supply list.
- Leina Mathis said based on the delays in shipment and installation when will they be available for use.
- Shane Minor said they are really pushing hard for a mid-July timeframe. It is helpful that the radiators and the oxidation catalysts are already installed. The real question is how long it will take to get the switch gear up and going.
- Gary Hall said that Wheeler Machinery has been great to work with and their customer service is topnotch. He said that one of the generators is running. The radiator is being repaired on the other generator so we should have the two for June. We have been updating the traffic signals in town. They are replacing all the lights with LED's. They have had to rewire some of the heads. Our apprentice lineman, Thomas Hailstone will be taking his second-year step test tomorrow. Once he becomes a third-year apprentice he can start going on calls. St. George City is pulling in their underground cable through the downtown area so eventually they will abandon their overhead line that runs through Crestview. It will go through our town and up their pole by Pioneer Parkway. That is what they are doing in town. He reminded the Council about the Council's Power Department tour on March 29 at 10:30 a.m. We will meet here at City Hall.
- Jarett Waite said he would like to meet some of the Staff at the Power Department.

Dustin Mouritsen

- Well #7 is put back together with a set of new bowls inside. We are getting about 550 gallons per minute out of it. We are hoping for a successful run season. We got the curb

and gutter poured Friday on Arrowhead Trail. The crew is going to start with the pavement from the existing road to the new curb and gutter and then they will work on the sidewalk. We had four employees at the Rural Water Association this week testing for water distribution and sewer collection. Our ninth employee started in February, and it has made a huge difference. He had a preconstruction meeting with the contractor and owner for The Point at Snow Canyon. They got started this week and are moving along on that development. He said he is joining up with Ivins City to get the bid out for slurry and chip seal projects for the valley. The bid opening should be on March 23. He will bring that back. We have two cameras being installed on our two water tanks. Internet has been installed there.

- Jarett Waite asked about the part of Canyon View that needs to be asphalted.
- Dustin Mouritsen said he tried to get asphalt last week, but it was too cold, and no one was making so they are shooting for tomorrow.

Scott Bannon

- The Building Department has been busy. We are at 70 building permits for this FY. We have 11 new home permits in the process, 3 pools and O'Reilly's, and there are various permits in plan review, 12 pools. We have 366 active building permits and Cody and Fred have inspected about 410 building inspections for the month. There is a proposed amendment for the Giovango commercial subdivision. On March 10 Logan Blake will be introduced on the Planning Commission.

Cody Mitchell

- He and Fred attended a code training and new materials standards training and industry standards training. Next year we will offset those trainings. Quench It! is now open.

Jim McNulty

- The Giovango plat is the commercial subdivision plat on the corner by Dollar Tree. Quench It! wants to sell the other half of the pad to another person that will build building two. They are going to amend the plat to create a lot A and a lot B. That will be coming to Council. We are going to introduce Logan Blake to the Planning Commission on March 10. At the Council Meeting on March 9, he will be introduced to the Council, and we have a short bio that he sent in, and he will be appointed to the Planning Commission. Next week the code amendment will go to the Planning Commission (Section 17.12). He and Matt are working on Section 17.16 Land Use Authority to clean that up and clearly decide who the land use authority is for certain projects. We are going to also establish a land use hearing officer to hear appeals. That person usually has a legal background or a planning background.

Brock Jacobsen

- Saturday is Quench It's grand opening at noon. There will be a ribbon cutting. He invited the Council to attend. There is a free drink per each vehicle that day. We are adding cameras in parts of the City where there are issues. He and Kristelle Hill flew the drone last week and flew footage of Black Desert and Solace. He and Debbie sat in on a ratings presentation on the fiber bonds. We are working on getting the bonds closed.

- Leina Mathis asked if we can invite Snow Canyon High School basketball team to come to Council and recognize them for their accomplishment.

- Brock Jacobsen said he will arrange that.

4. Adjournment:

Meeting Adjourned at 7:19 p.m.

Selena Nez – Deputy City Recorder

Date Approved: _____

**City of Santa Clara
Check Register
Checking 1889 - 03/02/2022 to 03/02/2022**

Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account
ALPHA ENGINEERING	69664	34218	12/16/2021	03/02/2022	369.00	INV#34218-RHONE AMENDED PLAT REVIE	104240-370 - PROFESSIONAL SE
ALPHA ENGINEERING	69664	34302	01/13/2022	03/02/2022	184.50	INV#34302-MULTI SUVDIV REVIEWS & AME	104240-370 - PROFESSIONAL SE
ALPHA ENGINEERING	69664	34436	02/17/2022	03/02/2022	136.50	INV#34436-VIEW POINTE PARTIAL AMEND	104240-370 - PROFESSIONAL SE
					\$690.00		
					\$690.00		
CITY OF ST GEORGE - S	69665	FEB 22-SEWER	03/01/2022	03/02/2022	32,499.00	2826 SEWER CONNECTIONS @11.50 FEB 2	525210-945 - SEWER TREATMENT
					\$32,499.00		
CITY OF ST. GEORGE - MISC	69666	09264	02/14/2022	03/02/2022	24,793.98	INV#09264-SHAC DEFICIT BILLING FY21	104510-372 - SAND HOLLOW ACQ
					\$24,793.98		
COMPUTECH CONSULTING	69667	21664	02/15/2022	03/02/2022	467.50	INV#21664-FIRE DEPT IT SERVICE & SUPP	104230-370 - PROFESSIONAL SE
COMPUTECH CONSULTING	69667	21889	02/15/2022	03/02/2022	1,275.00	INV 21889 JAN 2022 VARIOUS STAFF IT SU	104130-310 - IT SERVICES
COMPUTECH CONSULTING	69667	21890	02/15/2022	03/02/2022	42.50	INV 21890-TRAINING LAPTOP DELIVERD T	104230-370 - PROFESSIONAL SE
COMPUTECH CONSULTING	69667	21905	02/16/2022	03/02/2022	3,558.39	INV#21905-LAPTOP FOR JUDGE	104120-240 - OFFICE SUPPLIES
					\$5,343.39		
					\$5,343.39		
DR. ROBERT R. FOSTER, D.O. P.	69668	MAR 2022-MED	03/01/2022	03/02/2022	600.00	MEDICAL SERVICES DIRECTOR-EMS & FIR	104230-370 - PROFESSIONAL SE
DR. ROBERT R. FOSTER, D.O. P.	69668	MAR 2022-MED	03/01/2022	03/02/2022	600.00	MEDICAL SERVICES DIRECTOR-EMS & FIR	104235-370 - PROFESSIONAL SE
					\$1,200.00		
					\$1,200.00		
ERIC GENTRY	69669	FEB 2022-PROS	03/01/2022	03/02/2022	1,500.00	PROFESSIONAL SERVICES	104120-330 - LEGAL SERVICES
					\$1,500.00		
GLOBE LIFE LIBERTY NATIONA	69670	30122-LIFE INS	03/01/2022	03/02/2022	572.05	LIFE INSURANCE	102252-000 - ULGT LIFE PAYABLE
					\$572.05		
LAURA SQUIRES	69671	79-FEB 22 CC M	02/24/2022	03/02/2022	500.00	Inv#79 CC MINUTES FEB 2022	104130-370 - PROFESSIONAL SE
					\$500.00		
LILLYWHITE STONE, INC	69672	863489	02/24/2022	03/02/2022	7,529.35	INV#863489-BRIDGE PARK TR HEAD STON	484200-730 - IMPROV OTHER THA
					\$7,529.35		
NVUTCONCRETE	69673	1	02/08/2022	03/02/2022	1,064.00	INV#1- CAP REPAIR, CONCRETE REMOVAL	104410-413 - SIDEWALK/CURB/GU
					\$1,064.00		
PACKER, NEIL	69674	Refund: 17407	02/24/2022	03/02/2022	95.45	Refund: 17407 - PACKER, NEIL	531311-000 - ACCOUNTS RECEIV
					\$95.45		
UTAH STATE TREASURER / FINE	69675	FEB 2022-COUR	03/01/2022	03/02/2022	7,335.58	COURT SURCHARGES	104120-905 - STATE FINE COLLEC
					\$7,335.58		
					\$83,122.80		

Mayor
Rick Rosenberg

City Manager
Brock Jacobsen



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

CITY COUNCIL

Meeting Date: March 9, 2022

Agenda Item: 1

Applicant: City of Santa Clara

Requested by: James McNulty

Subject: Chapter 17.12, Planning

Commission

Description:

City staff and legal counsel have provided needed revisions to Chapter 17.12, Planning Commission. A staff memo and draft ordinance have been attached for Council review and consideration.

Recommendation: Approval

Cost: N/A

Legal Approval: Yes

Finance Approval: N/A

Budget Approval: N/A

Attachments:

https://sccity.org/wp-content/uploads/formidable/41/CC_Chapter-17.12_Memo_March_2022.docx, https://sccity.org/wp-content/uploads/formidable/41/CHAPTER-17.12_PC-Update_JFeb_2022-021722-mje-002_JM.docx



TO: Santa Clara City Council
FROM: Jim McNulty, Planning Manager
DATE: March 9, 2022
RE: Chapter 17.12, Planning Commission

City staff and legal counsel have been working on needed revisions to Chapter 17.12, Planning Commission. This includes an update of the chapter allowing for language that's clear and concise. A draft copy is attached for your review and consideration.

On January 13, 2022, city staff had a discussion with the Planning Commission on this item. The proposed ordinance update includes revised language for most of the sections included in Chapter 17.12. On February 2, 2022, city staff had a discussion with the City Council. In general, the Council was in support of the code revisions. The proposed code amendment includes revisions to the following sections:

- Section 17.12.030: Removal and Vacancy
- Section 17.12.040: Compensation
- Section 17.12.050: Officers
- Section 17.12.070: Quorum and Vote
- Section 17.12.090: Powers and Duties

State Code Requirements:

Utah State Code, Section 10-9a-205 includes requirements for land use ordinance amendments. To amend an ordinance, a city Planning Commission must hold at least one public hearing. Additionally, a public hearing to consider an ordinance amendment requires a 10-day notice which requires the date, time, and place of the public hearing. Planning staff has determined that all State Code requirements have been met with this application.

Recommendation:

The Planning Commission heard this item on February 24, 2022, and forwarded a positive recommendation to the City Council. Planning staff recommends that the City Council approve the code amendment for Chapter 17.12, Planning Commission.

CHAPTER 17.12
PLANNING COMMISSION

SECTION:

17.12.010: Creation of Planning Commission; Terms; Numbers

17.12.020: Terms of Office

17.12.030: Removal and Vacancy

17.12.040: Compensation

17.12.050: Officers

17.12.060: Rules and Procedures

17.12.070: Quorum and Vote

17.12.080: Employees; Expenditures

17.12.090: Powers and Duties

17.12.100: Entrance Upon Land

17.12.010: CREATION OF PLANNING COMMISSION; TERMS; NUMBERS:

The Santa Clara Planning Commission shall consist of seven (7) members each to be appointed by the mayor with the advice and consent of the City Council. It is not the intent of this chapter that all the members come from the same field of expertise but shall reflect a variety of backgrounds. The members shall reside in Santa Clara City.

17.12.020: TERMS OF OFFICE:

The terms of office for the Planning Commission shall be for five (5) years and members shall not serve more than two (2) consecutive five (5) year terms. The terms of the members shall be staggered so that no more than two (2) terms shall expire at the same time.

17.12.030: REMOVAL AND VACANCY:

Any member of the Planning Commission may be removed from office by the mayor for any reason with the advice and consent of City Council. The City Council shall also have the right to remove any member of the Planning Commission for a failure to attend seventy-five percent (75%) of the Planning Commission's scheduled meetings during any twelve (12) month period. Vacancies of appointed members for purposes other than the expiration of a regular term shall be filled for the remainder of the unexpired term by appointment of the mayor with the consent of the City Council.

17.12.040: COMPENSATION:

The members of the Planning Commission shall serve with compensation in an amount set by the City Council for meetings attended. Additionally, the City Council will allow for reimbursement of the members for actual expenses incurred, upon presentation of proper receipts and vouchers.

17.12.050: OFFICERS:

The Planning Commission shall elect a chair and vice-chair from among its members yearly. The election of the chair and vice-chair will occur during the first regularly scheduled Planning Commission meeting each year.

17.12.060: RULES AND PROCEDURES:

The Planning Commission may adopt such rules and procedures as it may deem necessary for the proper conduct of its business. A record shall be kept of its proceedings, such record shall be open to inspection by the public during regular office hours.

17.12.070: QUORUM AND VOTE:

A quorum shall consist of four (4) members of the Planning Commission, including the chair or vice-chair. If the chair or vice-chair is not present, a temporary chair shall serve. No evidence shall be presented unless a quorum is present. The concurring vote of a majority of those present shall be required to carry and pass any motion. All members of the Planning Commission shall vote on all matters before the Planning Commission.

17.12.080: EMPLOYEES; EXPENDITURES:

The Planning Commission may, upon approval of the City Council, employ staff, including consultants, and a secretary, and shall pay such expenses, as may be reasonable and necessary for the carrying out the duties defined in this title, that such expenditures may not exceed the amount appropriated for the operation of the Commission by the City Council.

17.12.090: POWERS AND DUTIES:

A. The Planning Commission shall act as the land use authority on the following land use applications and issues, except where an approval of the Santa Clara City Council is required by ordinance or state law:

- i. Conditional Use Permits and such conditions as may be imposed on their approval under applicable law, except those specifically delegated to planning staff for approval.
- ii. Variances of any kind, except those specifically delegated to planning staff approval.
- iii. Interpretation of zoning maps and consideration of disputed questions of lot lines, district boundary lines, and similar questions as they arise in the administration of the land use ordinances, unless the same requires an action that requires final approval of the City Council.
- iv. Issues or applications otherwise delegated to the planning staff, when the planning staff determines that a public hearing should be held to ensure that citizens can comment on the application.
- v. Issues delegated to the Planning Commission by the City Council which do not otherwise require final approval of the City Council.

B. The Planning Commission shall act as a reviewing and recommending body to the Santa Clara City Council on the following land use applications and issues:

- i. General Plan adoption or General Plan Amendments.

- ii. Adoption of land use regulations or amendments thereto (except for temporary land use regulations).
- iii. Zoning Map Amendments, i.e., amending the zoning designation of a parcel or parcels under applicable land use regulations, including adopting a project plan for a parcel or parcels previously designated for planned development.
- iv. Subdivision Ordinance Amendments.
- v. Subdivision reviews for new subdivisions, phases of subdivisions, preliminary and final plat approval, and amendments to existing subdivisions.
- vi. Determination regarding the existence, expansion, or modification of nonconforming uses.
- vii. Any other land use applications or issues which the Santa Clara City Council delegates to the Planning Commission for review, preparation, recommendation, or to receive public input at a public hearing, before a final decision is made by the City Council.

C. The Planning Commission is further empowered to hold all public hearings which may be required for any land use application under applicable local or state law, where such hearing is not required to be held by the City Council.

D. Except with respect to the land use applications and issues listed in subsection A of this section, the Planning Commission is a recommending body to the City Council. Final approval of all land use applications and issues except as listed in subsection A or otherwise delegated by ordinance to the planning staff is a City Council responsibility, and City Council approval is required before any such action becomes of record.

17.12.100: ENTRANCE UPON LAND:

The Planning Commission or its authorized agents may enter upon any land at reasonable times to make examinations and surveys which are reasonably required to fulfil its duties hereunder.

Mayor

Rick Rosenberg

City Manager

Brock Jacobsen



City Council

Denny Drake

Leina Mathis

Ben Shakespeare

Jarett Waite

Christa Hinton

CITY COUNCIL

Meeting Date: March 9, 2022

Agenda Item: 2

Applicant: City of Santa Clara

Requested by: Mayor Rosenberg

Subject: Planning Commission

Appointment

Description:

Appointment of Logan Blake to the Santa Clara Planning Commission. Logan's Bio has been attached.

Recommendation: Approval

Cost: N/A

Legal Approval: N/A

Finance Approval: N/A

Budget Approval: N/A

Attachments:

<https://sccity.org/wp-content/uploads/formidable/41/Logan-Blake-Planning-Commision-Bio-1.docx>

Logan Blake was born and raised right here in Santa Clara. After moving to Cedar City to attend SUU and marrying his wife Sydney, he returned to Santa Clara almost 12 years ago. They are now raising 3 very proud little Santa Clarans in the home Logan grew up in. Logan is a civil engineer and loves spending his free time working on his house, camping, and starting new hobbies. Logan is always dreaming about ways that cities could better serve the people who live in and love them. He feels blessed to live here and is grateful for this opportunity to serve the community he loves on the planning commission.