

NOTICE AND AGENDA
SANTA CLARA CITY COUNCIL MEETING
Wednesday, April 27, 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 April 27, 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: Denny Drake
- Opening Comments: Denny Drake

3. **Conflicts and Disclosures:**

4. **Working Agenda:**

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

B. Consent Agenda:

1. **Approval of Claims and Minutes**
 - April 13, 2022 Regular City Council Mtg. Minutes
 - April 13, 2022 Executive Session Minutes
 - Claims through April 27, 2022
2. **Calendar of Events**
 - May 4, 2022 City Council Work Meeting
 - May 11, 2022 Regular City Council Meeting
 - May 25, 2022 Regular City Council Meeting
3. Set Public Hearing to receive public input regarding the FY 2022-2023 Tentative Budget for May 25, 2022 at 5pm.

C. General Business:

1. Justice Court Discussion. James Peters, AOC - Justice Court Administrator. Presented by Scott Bannon, Assistant City Manager.
2. Discussion regarding stats and strategies for the future. Presented by Bob Flowers, Police Chief.
3. Consider approval of the UIA (Utopia) hut location easements. Presented by Matt Ence, City Attorney.
4. Discussion regarding Title 17, Chapter 17.16 Land Use Authority. Presented by Jim McNulty, City Planner.

6. **Reports:**

a. Mayor / Council Reports

7. **Executive Session**

8. **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 21st day of April 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 2021 meeting schedule was also provided to the Spectrum on January 12, 2022

Chris Shelley – City Recorder

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, APRIL 13, 2022
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, April 13, 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>.

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; Andrew Parker, Fire Chief; Jim McNulty, City Planner; Kristelle Hill, Admin. Assistant; Cody Mitchell, Building Official; Robert Smith; Theresa Fife

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: Christa Hinton
 - Opening Comments: Christa Hinton
3. **Conflicts and Disclosures:**
 - Mayor Rosenberg disclosed that his firm is doing some of the surveying work for Nick Frei (Item C2).
4. **Working Agenda:**
 - A. **Public Hearing(s):** None.
 - B. **Consent Agenda:**
 1. **Approval of Claims and Minutes**
 - Mar. 23, 2022 Regular City Council Meeting Minutes
 - Claims through April 13, 2022

2. Calendar of Events

- April 27, 2022 Regular City Council Meeting
- April 20, 2022 League of Cities and Towns Meetings begin
- May 4, 2022 City Council Work Meeting
- May 11, 2022 Regular City Council Meeting

Motion to Approve the Consent Agenda.

Motion by Christa Hinton, seconded by Ben Shakespeare.

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

Voting Nay: None.

Motion Carried.

C. General Business:

1. Consider a \$500.00 donation to Snow Canyon Grad Night. Representative, Theresa Fife. Presented by Brock Jacobsen, City Manager.
 - Brock Jacobsen said that over the past number of years the PTA for Snow Canyon High School has come to ask the City for a donation for Grad Night for that event for the Seniors on Graduation night. In the past the city has given them a \$500 donation and Theresa Fife has asked if we would be willing to do that again to help support the graduating Seniors for Grad Night.
 - Theresa Fife, 2267 Bryson Circle, said the theme for Grad Night is a Hawaiian Luau. She asked if they could possibly even increase that donation. She said in the past they have always used the High School for Grad Night and are no longer being allowed to use the High School for school administrative reasons, so they are going to have to rent a different facility. She asked for \$1,000.
 - Brock Jacobsen said that \$500 is in the budget. We did budget for that. We do budget for additional donations that come forward. He is not sure what is left in the budget. He said if there is room in the budget, we can approve that pending if there is room for the additional \$500.
 - Theresa Fife said they are going to hold Grad Night at The RinQ at Green Valley.
 - Brock Jacobsen went to check on the budget and said there is room for this to account for the additional \$500.

Motion to Approve a \$1,000.00 donation to Snow Canyon Grad Night as presented.

Representative, Theresa Fife.

Motion by Christa Hinton, seconded by Leina Mathis.

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

Voting Nay: None.

Motion Carried.

2. Consider a rezone from Planned Development Commercial, PDC Zone to Commercial C Zone on 1.00 acres of property located at 2300 Santa Clara Drive. Nick Frei, applicant. Presented by Jim McNulty, City Planner.
 - Jim McNulty said that the applicant, Nick Frei, is requesting to rezone his property at

2300 Santa Clara Drive. The subject property is 1.0 acres in size. The property is currently zoned Planned Development Commercial (PDC), and the applicant proposes to rezone it to Commercial (C) zone to allow for a new building for his bakery and manufacturing use. He showed the conceptual site plan to the City Council. He said currently the uses are being conducted in the back of the convenience store. The applicant would have parking and he would paint the parking spaces onsite. He said they have also talked about having a dumpster enclosure and that is not currently onsite and also some landscape improvements. He said that Nick Frei went through a rezoning process in 1986. The property was zoned R-1-10 at that time. Later on, the City created the PDC zone and removed the neighborhood commercial zone from the zoning code and the City zoning map. He said the applicant prefers the development site under the C zone because it is closer to the original neighborhood commercial zone placed on the property back in 1986. There are some other properties in the vicinity that are also Commercial. The zoning he is looking for would allow the bakery and manufacturing use as a permitted use according to the Commercial zone. Right now, the PDC zone doesn't allow for the use. The applicant is also proposing an office space at the end of the building next to Santa Clara Drive. He said that City Staff did discuss this option at length with City legal counsel and it was decided that rezoning was the best path forward for the project in this set of circumstances. He said as far as the neighborhood response we sent notices to all properties within 300 ft of any point of this property and we posted the property to meet State code requirements with the signage. We didn't receive any public comment nor did the Planning Commission receive or take any public comment on March 24, 2022 during the public hearing. He said that the Santa Clara City General Plan indicates a Main Street Commercial land use for the property. Both the PDC zone and the Commercial zone would comply with the intent of the General Plan. The description and character objectives for this plan use which states that Main Street strives for continuous building frontage with the ground floor being mostly store front windows. This makes it pedestrian friendly as well as accessible by automobile with both on street and rear parking with predominantly commercial uses on the ground level such as stores, restaurants and office space. He said the proposed application doesn't include a mixed-use development however it does include a commercial use on the ground level as indicated in the General Plan and the proposed building will also include office space which is encouraged by the General Plan. He said this building would be stucco, gray block with some metal awnings. We met all the State Code requirements. We noticed it and put signs on the property we put it on websites and posted it in public locations. The Planning Commission forwarded a recommendation of approval to the City Council. Planning Staff recommends that the City Council approve the rezone from the PDC zone to the Commercial zone for this property located at 2300 Santa Clara Drive subject to the following conditions: that the applicant be required to submit a site plan application as per City code Chapter 17.66 Commercial Zone and that applicant be required to go to the Planning Commission and City Council for site plan review and approval and subject to the following findings: that the rezoning is compliant with the Santa Clara City General Plan Section 3-4-2 Mixed Plan Uses Main Street Commercial and that other properties in the immediate vicinity east and southwest of the site are zoned commercial. If this rezoning is approved the applicant will come back to the Planning Commission and the City Council as per the zoning ordinance and go through that process. The Planning Staff recommendation reads: "The Planning Commission held a public hearing on March 24,

2022, and forwarded a recommendation of approval to the City Council. At this time, Planning Staff recommends that the Santa Clara City Council approve the Nick Frei Rezone from the Planned Development Commercial, PDC Zone to the Commercial, C Zone for the property located at 2300 Santa Clara Drive subject to the following conditions: That the applicant be required to submit a Site Plan application as per city code, Chapter 17.66, Commercial Zone. That the applicant be required to go to the Planning Commission and City Council for Site Plan review and approval. With the following findings: That the Rezoning is compliant with the Santa Clara City General Plan, Section 3.4.2 Mixed-Use Land Uses (Main Street Commercial, MSC). That other properties in the immediate vicinity (east and southwest) of the site are zoned Commercial.”

- Leina Mathis said that she doesn't think that in our Commercial zone that it has to come back to Council.

- Jim McNulty said he will double-check that. He later checked on Condition #2 and said that it would be reworded as, “That the applicant be required to go to the Planning Commission for Site Plan review and approval.” The Commercial zone requires Planning Commission approval only prior to building permit issuance.

- Ben Shakespeare expressed some concern about another building that ended up with a metal exterior and asked what would protect us from that happening here.

- Jim McNulty stated that we are going to be clear and upfront with the Planning Commission when we go forward, and he is not proposing that. He has said it will be stucco, block and metal awnings. We are protected by the ordinance because it does require Planning Commission approval. We will be specific in the conditions. He said Nick Frei is looking to improve the site.

Motion to Approve a rezone from Planned Development Commercial, PDC Zone to Commercial C Zone on 1.00 acres of property located at 2300 Santa Clara Drive as presented including the two conditions and the two findings including the rewording on Condition #2. Nick Frei, applicant.

Motion by Denny Drake, seconded by Jarett Waite.

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 the Point at Snow Canyon Senior Living Community, generally located on the north side of Pioneer Parkway and just west of the Entrada Development. Clint Tolman, applicant. Presented by Jim McNulty, City Planner.

- Jim McNulty said that the applicant, Clint Tolman (Goldstream Holdings, LLC), is requesting Final Plat approval for The Point @ Snow Canyon Senior Living Community. The subdivision plat includes a total of 46 lots. This includes 44 single-family lots, with one lot for townhome independent living (Lot 44) which includes 15 units and the remaining property (Lot 46) being proposed for an assisted living facility which includes 104 units. A total of 163 units are proposed on the 23.64-acre site. This equates to a density of 6.9 dwelling units per acre. He said there is some excitement and interest associated with this project. He said that when this went through a project plan amendment and when this was reviewed and it went through the preliminary plat, we took a look at building materials, amenities and site landscaping and that did go through

the Planning Commission and the City Council process. This went to Planning Commission on March 24, 2022, and we had a discussion on public streets that the streets in this project be identified as public streets so all the streets in the project are public and that will be stated on the final plat. He said the materials for the buildings include stucco, natural stone, a roofing membrane system, and decorative metal. The assisted living facility has similar materials. The project has been designed to be compliant with the PDR zone as far as the height standards. They have done a good job with the project plan for landscape and open space. The proposed amenities include a pool house, an outdoor pool and hot tub, outdoor firepits, pickle ball courts, bocce ball court, putting greens, seating and lounging areas, an indoor golf simulator and an indoor bar and business lounge that can be reserved. The open space areas will be more of a natural look with some trails and some seating areas. The amenities will be available for all residents and guests. The landscaping plan will be required to meet Ordinance 22.05 Water Efficient Landscaping and Conservation Standards. The zone does require a minimum of 30% open space. The plan includes approximately 40% open space. There will be a 6 ft stucco wall adjacent to Pioneer Parkway that will be required to be put in. Adjacent to Pioneer Parkway there will be a 10 ft planter strip and a 5 ft sidewalk that the applicant is required to install. He talked about Section 17.92 of our Code. With that we will need a will serve letter or something else from the Water Conservancy District. He talked about dust control for this project. He said the Building Department has reviewed this and a Geotech is going to be required. He said they will provide a trail gate in the western wall that is a minimum of 6 ft wide to get to the trail in the area. He said that the Fire Department is concerned with making sure we have access for emergency vehicles within 150 ft of the assisted living facility. He said as far as noticing and having public meetings, we have met all of the statute requirements. The Planning Commission held a public meeting on March 24, 2022 and forwarded a recommendation of approval to the City Council. Planning Staff recommends that the City Council approve the final subdivision plat for The Point @ Snow Canyon and Senior Living Community subject to the Planning Commission's 12 conditions listed in the report. He said that there was a sentence added to condition #2, "All public streets be labeled as public streets on the recorded plat.". The Planning Staff recommendation reads: "The Planning Commission held a public meeting on March 24, 2022, and forwarded a recommendation of approval to the City Council. At this time, Planning Staff recommends that the City Council approve the Final Subdivision Plat for The Point @ Snow Canyon Senior Living Community to the City Council subject to the following conditions:

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 all public streets be labeled as public streets on the recorded subdivision plat. That the public street improvements be bonded for or installed prior to final plat recordation.
3. That the required project amenities (as listed in the staff report) be installed or bonded for prior to obtaining Certificates of Occupancy for the single-family homes, townhomes, or the assisted living facility.
4. That all project amenities be available for residents and guest of the senior living community.
5. That a 6' stucco wall is required along Pioneer Parkway and other perimeter project

- areas. That the wall be installed or bonded for prior to obtaining Certificates of Occupancy for individual single-family homes, townhomes, or the assisted living facility.
6. That a 5' sidewalk with a 10' landscape strip be installed along Pioneer Parkway. That this improvement be installed or bonded for prior to obtaining Certificates of Occupancy for individual single-family homes, townhomes, or the assisted living facility.
7. That a 6' trail and emergency access gate be installed by the applicant and noted on the final plat prior to recordation.
8. That a two-car garage with a 20' long driveway be provided for each single-family home and townhome unit (236 parking spaces). That a total of 86 off-street parking spaces be provided for the assisted living facility.
9. That the single-family homes, townhomes, and assisted living facility be built according to approved plans. That the building materials and coloration be consistent with the plans approved for the overall project. That the building height does not exceed 35' as per the PDR Zone.
10. That the applicant provides a will-serve letter or other verified documentation from the WCWCD prior to plat recordation. That the applicant complies with City Ordinance #22-05 (Water Efficient Landscaping & Conservation Standards). That the project open space meets or exceeds the 30% PDR Zone requirement.
11. That a dust control plan be required and submitted to city staff for review and approval prior to final plat recordation.
12. That the applicant be required to record a subdivision plat for The Point @ Snow Canyon Senior Living Community. That the applicant provides a copy of the recorded document to city staff.”
- Jarett Waite asked if the stucco walls will match the other stucco walls in the area or will it be something unique.
 - Jim Peterson, Developer, said they are going to match the wall directly to the east.

Motion to Approve of a Final Plat for the Point at Snow Canyon Senior Living Community, generally located on the north side of Pioneer Parkway and just west of the Entrada Development as presented including the 12 conditions from the Planning Commission. Clint Tolman, applicant. Motion by Jarett Waite, seconded by Christa Hinton.

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

Voting Nay: None.

Motion Carried.

4. Consider approval of a Preliminary Plat for Quail Crossing and Coyote Landing at Desert's Edge, generally located east of 400 East and north of North Town Road. Robert Smith, applicant. Presented by Jim McNulty, City Planner
- Jim McNulty said that the applicant, Robert Smith (Taylor Built Homes), is requesting preliminary plat approval for Coyote Landing and Quail Crossing at Deserts Edge. Coyote Landing includes a total of 120 multi-family townhome units. Quail Crossing includes a total of 120 affordable apartment units. The subject property is 20.01 acres in size. The overall proposed project density is 11.99 dwelling units per acre. Robert Smith came to the Council during a Work Meeting to discuss an increase to the plan of one additional unit. That item was taken to the Planning Commission on March 24, 2022,

and approved by them before we discussed the preliminary plat. They did allow for the density increase of one additional unit to 240 units. He said that the affordable apartment units will have rents ranging from 30-80% of AMI with the great majority at 50% AMI. The applicant has captured Utah Housing assistance and will be utilizing that program. They are looking to do six different phases. Phase 1 includes 24 townhome units, centrally located amenities, boat and RV parking and public roadway improvements including two required public accesses to 400 East. There will also be some improvements to North Town Road and a detention area in the northeast portion. Phase 2 will include 60 apartments within 2 buildings, some project amenities, the required parking, and primary access to and from the project from North Town Road. Phase 3 includes 44 townhomes, centrally located open space, the detention basin, private alleys, and some public road improvements. Phase 4 includes 32 townhome units, a private alley and required parking spaces. Phase 5 includes 20 townhome units, two private alleys and required parking spaces. Phase 6 includes 60 apartments within 2 buildings, a detention basin, required parking and an extension of a private driveway system within the project. They will come back in 6 phases for final plats. The public street improvements are required to meet City standards and be installed or bonded before plat recordation. Each phase will include public improvements and each plat will be recorded and as they are recorded that roadway will be dedicated to the City. The building setbacks are unique. Coyote Landing includes both front loaded and rear loaded townhome style units. He said we are working to address this issue and have the setbacks work. He said that what we are proposing is that the front-loaded townhomes that front on a public street, which is most of them, have a 20 ft setback and the rear setback would be 10 ft with 12 ft between buildings. It is a little bit different for Phase 3. Some of the buildings front onto the green space and back onto the public streets so we are requiring a deeper driveway there (20 ft). In Phase 4 there is a walk-up style off of a rear loaded alley. There are some different types, and we are trying to address them all. He said that we also looked at the setback of the main clubhouse building, and it complies with the code. There is a 20 ft setback there that meets code. The amenities are going to include a clubhouse, a splash pad or water toy feature with waterslide, a spa, pickle ball courts and tennis courts, playground equipment and a community garden. Right now, the applicant is still researching what the amenity package will be and we are asking that that be determined before the final subdivision plat approval so when we come back to Council with a phase, we will be able to talk about what the amenities are with specifics. We do have some landscape plans. The final plans will be required to comply with our new ordinance for water efficient landscaping and conservation. Right now, the code requires a minimum open space of 30%. The applicant has indicated that the open space is approximately 41% for this project. There are two types of fencing. There will be a 6 ft privacy wall on Hamblin Parkway and will match other walls in the vicinity. There is also some open style iron fencing adjacent to the apartment buildings that front on North Town Road as well as 400 East within Phases 2 & 6. He said we believe there is ample parking on this site. There is a total of 702 parking spaces, including 152 spaces for the front-loaded townhomes, 270 spaces for the rear-loaded townhomes, 35 spaces for the clubhouse area and 245 spaces for the apartments with 120 being covered as required by code. The City Code requires a minimum of 616 spaces. The additional spaces are intended for short-term rental use as previously approved for the project. The townhome units are approved for short-term rentals and that was approved previously. The boat and

RV parking has been provided as per the short-term rental requirements. He talked about emergency vehicle access. We have a public road system providing access off of 400 East to the townhome project. We have a private driveway system providing access off of North Town Road to the apartment project. We worked with the applicant and decided it would be best that the apartment project be accessed via a private street system. There is an emergency vehicle access there between the apartment projects. We are requiring dust control for this project. We are also asking the applicant to consider secondary water to the project. He said we have gone through this plan as a City Staff and have met all State Code statutes for noticing requirements. The Planning Commission held a public meeting on March 24, 2022 and forwarded a recommendation of approval to the City Council. There were no public comments. Planning Staff recommends that the City Council approve the preliminary plat for the Desert Edge subdivision subject to the conditions outlined in the Staff report. There are a total of 12 conditions. The Planning Staff recommendation reads: "The Planning Commission held a public meeting on March 24, 2022, and forwarded a recommendation of approval to the City Council. At this time, Planning Staff recommends that the City Council approve the Preliminary Plat for the Deserts Edge Subdivision, subject to the following conditions:

1. That the applicant be required to comply with the recommendations from all City reviewing departments for each project phase.
2. That the applicant be required to install public street improvements which meet city standards. That each project phase includes public street improvements, private alleys, and private driveways as applicable.
3. That the building materials for Coyote Landing (townhomes) include brick, fiber cement lap siding, stucco, trellis covered balconies, with flat tile roofing. That the building materials for Quail Crossing (apartments) include brick, fiber cement lap siding, stucco, metal railings and balconies, with a standing seam metal roof. That the building height does not exceed 35' as per the PDR Zone.
4. That the building setbacks for Coyote Landing (front-loaded and rear-loaded townhomes) be allowed as recommended by city staff (as listed in the staff report). That the setbacks for Quail Crossing (apartment buildings) be allowed as recommended by city staff.
5. That the required project amenities include a centrally located clubhouse, splash pad or water toy feature with water slide, a spa, pickle ball courts, and tennis courts. That a playground and community garden also be required. That the Phase 1 final plat include the centrally located amenities. That the Phase 1 final plat include the Boat & RV parking area. That the Phase 2 final plat include the playground and community garden area.
6. That the Phasing Plan be followed by the applicant. That a Phasing Plan be included with each final plat submittal. If the applicant proposes to amend the Phasing Plan, it will go back to the Planning commission for review and consideration.
7. That the final landscape and irrigation plans for each project phase comply with Ordinance #22-05 (Water Efficient Landscaping & Conservation). That the project open space meets or exceeds the 30% PR Zone requirement.
8. That a 6' privacy wall utilizing CMU block be required along Hamblin Parkway. That an open style iron fence with evenly spaced pillars be required along North Town Road, 400 East, and within the projects' interior parallel to "Road C". Project fencing is required for Phases 1, 2, and 6.
9. That a total of 702 parking spaces be provided for the overall project. This includes

two-car garages for townhome units, additional parking for the short-term rentals, covered and uncovered parking for the apartments, parking for the clubhouse, and boat & RV parking as required.

10. That the Emergency Vehicle Access is required between the apartments and townhomes. That additional design and details be provided at final plat for Phase 2 of the project.

11. That the applicant provides a will-serve letter or other verified documentation from the WCWCD prior to final plat recordation of each project phase. That the applicant considers running secondary water into the project.

12. That a dust control plan be required and submitted to city staff for review and approval before a grading permit is issued or site work.”

- Denny Drake asked if the approval from the State low-cost housing has been applied for.

- Mayor Rosenberg said he got that approval.

- Jim McNulty said that was required. We will need verification of the approval.

- Brock Jacobsen asked about the access to the apartments from North Town Road. We had adjusted that to be a private access going in.

- Jim McNulty said that is something we can ask the engineer to make sure we verify. The intent is that is a private driveway system. He said we believe the project architecture is really good.

- Ben Shakespeare asked about the emergency vehicle access.

- Jim McNulty said we are identifying it and requiring it. For the final plat we will get down to the specifics. We will have to see what that requirement is. We want a gate that is user friendly there.

- Chief Parker said this will be reviewed in the TRC meetings to make sure we have the most efficient for us and also meets the intent.

- Ben Shakespeare asked what the number was that was approved for the short-term rentals.

- Jim McNulty said it is up to 120 units for the townhomes. All the townhome units can have short-term rental but not for the apartments.

- Leina Mathis said she looked up the approval with the Utah Housing Corporation and it looks like half of the units are going to approve under affordability from 25 -50%. She asked if Robert Smith is intending to do those in the Phase 2 buildings or is he intending to hold them off to Phase 6.

- Robert Smith said they are in Phase 2. He said that Phase 6 will do a similar application.

- Leina Mathis said that Robert Smith should really be commended. The average for his project is 43% and that will put rent for those units somewhere between \$695 and \$960. She said that is awesome.

- Brock Jacobsen said that he is only approved for the Utah Housing on Phase 2, and he will have to go back and get approved again for Phase 6. He said that that condition should be in there that if he does not get approval for Phase 6, that he is not approved to build those apartments without those tax credits, and we would have to come back and amend for something different.

- Ben Shakespeare asked about the timing of the construction. What is the estimate based on everything?

- Robert Smith said that Phase 1 and 2 would be started about the same time.

- Jarett Waite said he really likes the separation that is created between the two projects. It really meets what we were hoping for. He said he has positive feedback from the community about this project.
- Leina Mathis suggested designating the private streets as private drives and not private streets. We don't allow private streets.

Motion to Approve a Preliminary Plat for Quail Crossing and Coyote Landing at Desert's Edge, generally located east of 400 East and north of North Town Road as presented including the 12 Conditions from the Planning Commission. Robert Smith, applicant.

Motion by Leina Mathis, seconded by Christa Hinton.

- Jim McNulty asked if we want to add a condition about them needing to get the tax credits and come back. If not, they are going to have to amend the plan.
- Leina Mathis said she is agreeable to adding that.

Amended Motion to Approve a Preliminary Plat for Quail Crossing and Coyote Landing at Desert's Edge, generally located east of 400 East and north of North Town Road as presented including the 12 Conditions from the Planning Commission and a condition that states that they need to get the tax credits for Phase 6 and come back. Robert Smith, applicant.

Motion by Leina Mathis, seconded by Christa Hinton.

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

Voting Nay: None.

Motion Carried.

- Jim McNulty later stated that Condition #13 has been added to the conditions. This condition states: "That the Utah Affordable Housing be approved and in place for Phase 6 (apartments) prior to Final Subdivision Plat approval."

5. Consider Approving the Spring Maintenance bid for chip seal/slurry seal project. Presented by Dustin Mouritsen, Public Works Director.

- Dustin Mouritsen said we advertised the spring maintenance program for a chip seal with fog coat and a slurry seal. We got three competitive bids for the slurry seal: American Pavement Preservation for 17.4 cents per sq ft. Western Rock was the only bid for chip seal. That bid was 50 cents per sq ft, which was double the engineer's estimate. He said he just received another bid, but it was more than Western Rock's bid. He gave the Council three options. Option 1: Slurry Seal done through American Pavement for \$108,795 and rebid chip seal. Option 2: Remove Gates Lane, Country Lane, Clary Hills and the lower portion of Canyon View and portions of Santa Clara Drive and slurry seal the downtown portion of Santa Clara Drive and slurry from Swiss Village to the Ivins border for \$108,000 with a total of \$401,000. Option 3: We chip and fog everything and go on with the slurry for a total of \$645,000. Brock said there are some funds that have been carried over from other years as we did no street maintenance in 2020. We have spent \$36,000 in crack seal. The City crew has been out for several months. If we wait more than 9 or 10 months, those would have to be redone. All of the roads that are up for chip seal are high traffic roads. He said that Country Lane is really in need of it. We have never chip sealed the downtown portion of Santa Clara Drive. He asked Council what direction they would like to go.

- Leina Mathis asked if the \$645,000 option including the bid of 50 cents per sq ft.
- Dustin Mouritsen said that is correct and that is including the \$108,000 for slurry seal. He showed a map of everything that would be done with that option and the other options as well.
- Denny Drake said in his opinion, if we have it in the budget, we ought to do the whole thing. It is not going to get cheaper. It is going to get more expensive and is going to cut into our budget in the future if we delay doing it now.
- Brock Jacobsen said there is \$300,000 in the budget but in 2020 we didn't do any street maintenance so there are funds that have carried over so there is enough funds in there to cover that additional \$345,000. We will have to make a budget amendment with that in June.
- Mayor Rosenberg said he agrees with Denny. The longer you put off maintenance, the more expensive it is to do it and the roadway is just going to deteriorate. It would be wise to spend the additional money.
- Dustin Mouritsen said that downtown, where the planters are located, we would just chip seal the travel lanes up to the planters because it is costly to try and get that chip seal machine between the planters. They would fog in between the planters and the whole road.

Motion to Approve the Spring Maintenance bid for chip seal/slurry seal project Option 3 as presented.

Motion by Denny Drake, seconded by Ben Shakespeare.

- Brock Jacobsen asked that the motion include who the bid is being awarded to.

Amended Motion to Approve the Spring Maintenance bid for chip seal/slurry seal project Option 3 as presented. The bid for slurry seal is awarded to American Pavement Preservation and the bid for chip seal is awarded to Western Rock.

Motion by Denny Drake, seconded by Ben Shakespeare.

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

Voting Nay: None.

Motion Carried.

5. Reports:

A. Mayor / Council Reports

Ben Shakespeare:

- He said the Power Tour was fantastic and he thanked Gary Hall.

Leina Mathis:

- The City booth is partially up at the County Fair. She will finish it next week. The Fair starts next weekend. Friday is the carnival rodeo and Saturday is the Special Needs rodeo. The parade and kick-off party is in Washington this year on Tuesday evening at 6 p.m. The parade is at the Washington Community Center. The official opening is Wednesday, and the fair will run through Saturday. They will be having the rodeo, demolition derby, boxing, sheep shearing, carnival rides and more. The city booths are in

the Grafton Building.

Jarett Waite:

- He attended a UIA meeting on Monday. Bonds sold for the installation of fiber in Santa Clara. They put them out to sell and nobody bid. They went to previous buyers of bonds from the UIA, and they bid. He said we need to be commended for acting when we did because there won't be a deal like this offered anymore.
- He attended a meeting with the School District Board yesterday. They reviewed all the projects that are coming to Santa Clara. They feel there is still sufficient space in the schools here. They said that Snow Canyon Middle School is next on the list for a rebuild.
- He thanked Dustin for his presentation on the slurry seal. It was a great presentation.

Denny Drake:

- He attended a Solid Waste District meeting yesterday. They are enforcing fines on anyone who takes an uncovered load to the landfill. He said they reviewed some plans concerning special assessments for a new landfill.

Christa Hinton:

- Nothing to report.

Mayor Rosenberg:

- He said the Council had the opportunity to tour the Caterpillar Manufacturing Facilities in Peoria, Morton and La Fayette, Illinois. The generators are going to be shipped by next week.
- The MPO meeting and Mayor's Association were postponed until next month.
- We have a meeting with the Irrigation Company immediately following this meeting.

Chief Bob Flowers:

- The City of Ivins has decided not to redesign the police offices over there. They have moved up our move-in date to the middle of May. We are leaving all of the furniture here that is tied to this building because it is designed for that workspace. They are getting some furniture from the fire department. They are in the process of refurbishing the evidence room and the armory. There will be some police presence here.
- They set up vehicle stops at some crosswalks and in 4 ½ hours they stopped 49 vehicles and wrote 46 citations. He said there is some confusion about crosswalks. There is a lot of education that needs to be done.
- Code enforcement is going well. We are seeing a lot of compliance and not a lot of complaints.
- Jared Studley has been promoted to Lieutenant.
- He would like to get on a City Council agenda to report on stats and discuss strategies for the future and make sure the department is doing what Council would like them to do. He will also bring in the new officer and introduce him to the Council.
- Mayor Rosenberg asked the Chief if they have enough safety equipment.
- Chief Flowers said they do but in the future, they are going to have to address cameras. The technology is hard to keep up with and it is so expensive. Right now we are equipped pretty well.
- Mayor Rosenberg said he was approached by an individual who asked about the

departments equipment and is willing to help so if the department needs anything let him know.

Chief Andrew Parker:

- He talked about how they will probably be getting a ladder truck next year. They are also planning on outfitting the station with a new technology platform with audible dispatching at the station and TV screens that show the call where they are going, and the rigs will have screens as well.

Scott Bannon:

- Brock Jacobsen, one of the firemen and himself met with one of the families from the fire at Gubler Park and came up with an agreement with a certain cost and some community service from the kids within our City. These kids are 12 yrs. old so we didn't want to charge them with a felony.

Brock Jacobsen:

- He said they are working with Utopia on having them come and check on the hub locations.
- We will be having a budget discussion at the next work meeting and setting a public hearing for May.
- He will be at a conference next week.
- He asked the Council to let him know if they want to attend the League of Cities and Towns next week.

6. Executive Session:

- Executive Session to discuss pending or reasonably imminent litigation and the character, professional competence of an individual pending or reasonably imminent litigation and the character, professional competence of an individual.

Motion to Move into Executive Session to discuss pending or reasonably imminent litigation and the character, professional competence of an individual.

Motion by Denny Drake, seconded by Jarett Waite.

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

Voting Nay: None.

Motion Carried.

- Entered Executive Session at 6:21 p.m.
- Reconvened at 6:37 p.m.

7. Adjournment:

Motion to adjourn by Ben Shakespeare.

Seconded by Jarett Waite with all members present voting aye.

Meeting Adjourned at 6:37 p.m.

Chris Shelley – City Recorder

Date Approved: _____

DRAFT

**City of Santa Clara
Check Register
Checking 1889 - 04/20/2022 to 04/20/2022**

Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account
BOWMAN, JORDAN & MEGAN	69757	Refund: 2001548	04/18/2022	04/20/2022	118.98	Refund: 2001548 - BOWMAN, JORDAN & ME	531311-000 - ACCOUNTS RECEIV
					\$118.98		
CHILD SUPPORT SERVICES	69758	42022-873789	04/19/2022	04/20/2022	206.77	CASEY-C000873789 PAY PERIOD 04/20/202	102595-000 - GARNISMENTS PAY
					\$206.77		
CIVIL SCIENCE INFRASTRUCTU	69759	10724	04/12/2022	04/20/2022	2,128.00	INV#10724-TOBLER PARK CONCEPT DESI	484200-730 - IMPROV OTHER THA
					\$2,128.00		
COMPUTECH CONSULTING	69760	22268-BALANC	04/14/2022	04/20/2022	42.13	DELL LATITUDE 9000 9520 LAPTOP-FIRE D	104230-740 - CAPITAL EQUIPMEN
					\$42.13		
NEW SANTA CLARA FIELD CANA	69761	1287	04/09/2022	04/20/2022	2,325.00	Inv# 1287-2022 Annual Assessment	515110-751 - SECONDARY WATER
NEW SANTA CLARA FIELD CANA	69761	1288	04/09/2022	04/20/2022	2,300.00	Inv#1288-maintenance assessment-shares tra	515110-751 - SECONDARY WATER
NEW SANTA CLARA FIELD CANA	69761	1314	04/09/2022	04/20/2022	5,232.25	INV#1314 5232.25 water/1000 gallons	515110-751 - SECONDARY WATER
					\$9,857.25		
					\$9,857.25		
SNOW CANYON HIGH SCHOOL	69762	42022-GRAD NI	04/20/2022	04/20/2022	1,000.00	SCHS 2022 GRAD NIGHT DONATION	104652-417 - DONATIONS
					\$1,000.00		
SUNRISE ENGINEERING, INC.	69763	122199	12/09/2021	04/20/2022	172.50	Inv#122199 SC West Plat A record of survey	104240-370 - PROFESSIONAL SE
SUNRISE ENGINEERING, INC.	69763	122201	12/09/2021	04/20/2022	235.00	Inv#122201-Solace grading plan, construction	104240-370 - PROFESSIONAL SE
SUNRISE ENGINEERING, INC.	69763	122202	12/09/2021	04/20/2022	472.00	Inv#122202-Rhone Subdivision amended & fin	104240-370 - PROFESSIONAL SE
SUNRISE ENGINEERING, INC.	69763	122873	01/11/2022	04/20/2022	150.00	Inv#122873-Arrowhead TR Estates	104240-370 - PROFESSIONAL SE
SUNRISE ENGINEERING, INC.	69763	122874	01/19/2022	04/20/2022	431.25	Inv#122874-Pointr at Entrada	104240-370 - PROFESSIONAL SE
SUNRISE ENGINEERING, INC.	69763	123548	02/09/2022	04/20/2022	230.00	Inv#123548 View Point Subdiv	104240-370 - PROFESSIONAL SE
SUNRISE ENGINEERING, INC.	69763	123549	02/09/2022	04/20/2022	115.00	Inv#123549-Pointe at Entrada	104240-370 - PROFESSIONAL SE
SUNRISE ENGINEERING, INC.	69763	124759	04/19/2022	04/20/2022	1,182.75	INV#124759-WASTEWATER IFFP 2021-ADD.	525210-320 - ENGINEERING SERV
SUNRISE ENGINEERING, INC.	69763	124760	04/19/2022	04/20/2022	1,966.00	INV#124760-CULINARY & IRRIGATION MAS	515110-320 - ENGINEERING SERV
SUNRISE ENGINEERING, INC.	69763	125035	04/19/2022	04/20/2022	188.50	INV#125035-MAR 22 WASTEWATER, & WAT	525210-320 - ENGINEERING SERV
SUNRISE ENGINEERING, INC.	69763	125044	04/19/2022	04/20/2022	205.00	INV\$125044-GIOVINGO AMENDED PLAT	104240-370 - PROFESSIONAL SE
SUNRISE ENGINEERING, INC.	69763	125045	04/19/2022	04/20/2022	567.00	INV#125045-WATER RIGHT EXTENSION	515110-320 - ENGINEERING SERV
					\$5,915.00		
					\$5,915.00		
UTAH LOCAL GOVERNMENTS T	ACH042022	1598172	04/20/2022	04/20/2022	1,309.10	ADD AND LIFE INSURANCE PREMIUMS	102252-000 - ULGT LIFE PAYABLE
UTAH LOCAL GOVERNMENTS T	ACH042022	1598173	04/20/2022	04/20/2022	3,905.52	WORKERS COMP MONTHLY FEE	102225-000 - WORKERS' COMPEN
					\$5,214.62		
					\$5,214.62		
VIRGIL STEEL	69764	41922-VS	04/19/2022	04/20/2022	3,718.00	MATERIAL & LABOR - 19 L & 12 S COWS - 2	104610-005 - BANNERS-SPONSO
					\$3,718.00		
WESTERN UNITED ELECTRIC S	69765	6057279	04/13/2022	04/20/2022	58,080.00	Inv#6057279-Point at Snow Canyon 3" Condui	535310-254 - NEW SUBDIVISION E
WESTERN UNITED ELECTRIC S	69765	6057526	04/15/2022	04/20/2022	114.12	Inv#6057526-Terminating supplies-Point@Sno	535310-254 - NEW SUBDIVISION E
WESTERN UNITED ELECTRIC S	69765	6057527	04/15/2022	04/20/2022	9,578.12	Inv#6057527-street light supplies Point @Sno	535310-254 - NEW SUBDIVISION E

**City of Santa Clara
Check Register
Checking 1889 - 04/20/2022 to 04/20/2022**

<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>
WESTERN UNITED ELECTRIC S	69765	6057528	04/15/2022	04/20/2022	4,453.66	Inv#6057528-Pole top transformers	535310-466 - POWER LINES/POLE
WESTERN UNITED ELECTRIC S	69765	CM6053097	02/10/2022	04/20/2022	-2,351.48	Credit Memo 6053097-labor credit-gen cable	535310-466 - POWER LINES/POLE
					<u>\$69,874.42</u>		
					<u>\$69,874.42</u>		
					<u>\$98,075.17</u>		

Mayor
Rick Rosenberg

City Manager
Brock Jacobsen



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

CITY COUNCIL

Meeting Date: April 27, 2022

Agenda Item: 1

Applicant: Scott Bannon

Requested by: Scott Bannon

Subject: The replacement procedures of Judge Armstrong pertaining to Utah Court Systems.

Description:

James Peters, with the Utah Courts System, would like to speak on the process/procedures of replacing Judge Armstrong when his term ends this year.

Recommendation: Approval

Attachments:

Cost: N/A

Legal Approval: Yes

Finance Approval: Yes

Budget Approval: Yes

Mayor
Rick Rosenberg

City Manager
Brock Jacobsen



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

CITY COUNCIL

Meeting Date: April 27, 2022

Agenda Item: 2

Applicant: Chief Robert Flowers

Requested by: Scott Bannon

Subject: Crime Statics for Santa

Description: Clara City.

Santa Clara/Ivins Police Department would like to present updated crime statics for our community.

Recommendation: Approval

Attachments:

Cost: N/A

Legal Approval: Yes

Finance Approval: Yes

Budget Approval: Yes

Mayor

Rick Rosenberg

City Manager

Brock Jacobsen



City Council

Denny Drake

Leina Mathis

Ben Shakespeare

Jarett Waite

Christa Hinton

CITY COUNCIL

Meeting Date: April 27, 2022

Agenda Item: 3

Applicant: Utopia/Santa Clara City

Requested by: Matt Ence

Subject: Easement Agreements & Interlocal Cooperation Agreement with Utopia

Description:

City Council approval is needed for two Easement Agreements with Utopia. One agreement is for the fire station location, and the other is for the Gubler Park location. City Council approval is also needed for an Interlocal Cooperation Agreement with Utopia. Matt Ence, legal counsel, will be prepared to discuss this item with the Council.

Recommendation: Approval

Attachments:

Cost: N/A

Legal Approval: Yes

Finance Approval: N/A

Budget Approval: N/A

Mayor
Rick Rosenberg

City Manager
Brock Jacobsen



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

CITY COUNCIL

Meeting Date: April 27, 2022

Agenda Item: 4

Applicant: City of Santa Clara

Requested by: Jim McNulty

Subject: Discussion Item: Chapter 17.16, Land Use

Authority

Description:

City staff and legal counsel have been working on needed revisions to Chapter 17.16, Land Use Authority. This includes an update of the chapter allowing for language that's clear and concise. A working draft copy has been attached for review. City staff recently discussed this item with the Planning Commission on March 10, 2022.

Recommendation: Discussion

Cost: N/A

Legal Approval: N/A

Finance Approval: N/A

Budget Approval: N/A

Attachments:

https://sccity.org/wp-content/uploads/formidable/41/Chapter-17.16-Land-Use-Authority-Update_Working-Draft_April-2022.docx

CHAPTER 17.16
LAND USE AUTHORITY ¹

SECTION:

17.16.010: Purpose

17.16.020: Land Use Authority; Delegation Of Duties

17.16.030: Public Hearings

17.16.040: Variances

17.16.050: Appealing A Land Use Authority's Decision

~~17.16.060~~-17.16.060: Procedure For Requesting A Variance Or Appeal

17.16.070: Administrative Hearing Officer

17.16.080: Unauthorized Communications Prohibited With Appeal Authority

Notes

- ¹ 1. See also chapter 17.12 of this title.

17.16.010: PURPOSE:

The purpose of this chapter is to establish by ordinance the Land Use Authority for decisions applying the land use ordinances, establish the Appeal Authority to hear and decide requests for variances from the terms of the land use ordinance, and to establish the Appeal Authority to hear and decide appeals from the decisions applying the land use ordinance. (Ord. 2006-02)

17.16.020: LAND USE AUTHORITY; DELEGATION OF DUTIES:

A. The planning staff shall be the Land Use Authority to hear and act on the following land use applications:

1. Conditional use permits for simple home occupations, and ~~second~~-accessory dwelling units in the RA, R-1-10 and R-1-10/RA Zones.
2. Fences meeting all requirements of the land use ordinance.
3. Signs meeting all requirements of the land use ordinance.
4. Child nurseries with six (6) or less children.
5. Review and approval of minor variances:
 - a. Building setbacks and distances from lot lines or other buildings of one (1) foot or less.
 - b. Building heights.
 - c. Fence adjustments.
 - d. Other similar requests.
6. Lot line adjustments between two (2) property owners or one owner on two (2) lots where no hearings are required.
7. Those uses specifically delegated to the planning staff by the City Council.

B. The Planning Commission shall be the Land Use Authority to hear and act on the ~~following~~ land use applications set forth in section 17.12.090 and as delegated to the Planning Commission by the City Council.

- ~~— 1. Items listed for planning staff approval when the planning staff feels that a public meeting should be held to ensure that citizens have the opportunity to comment on the application.~~
- ~~— 2. General plan approvals or amendments.~~
- ~~— 3. Land use ordinance amendments (also known as the zoning ordinance).~~
- ~~— 4. Amendments to the zoning map.~~
- ~~— 5. Subdivision ordinance amendments.~~
- ~~— 6. Subdivision reviews for new subdivisions, phases of subdivisions, preliminary and final plat approval, and amendments to existing subdivisions.~~
- ~~— 7. Zone change requests.~~
- ~~— 8. Conditional use permits, except for those conditional uses specifically delegated to City staff to hear and act on.~~
- ~~— 9. Variances of any kind except those listed for the planning staff review.~~
- ~~— 10. Determinations regarding the existence, expansion or modification of nonconforming uses.~~
- ~~— 11. Interpret zoning maps and pass upon disputed questions of lot lines, district boundary lines and similar questions as they arise in the administration of the zoning ordinance.~~
- ~~— 12. Items delegated to the Planning Commission by the Santa Clara City Council. (Ord. 2018-04: Ord. 2006-02)~~

17.16.030: PUBLIC HEARINGS:

A. Planning Staff: The planning staff shall make its decisions at regular staff meetings. No public hearing or public meeting will be held outside of regular staff meetings.

B. Planning Commission: All public hearings related to land use decisions shall be held by the Planning Commission. Notice for the public hearing must meet the requirements of Utah Code Annotated, 10-9a-205. Additional public meetings may be held as necessary to properly review and make decisions regarding a land use application or decisions. (Ord. 2006-02)

17.16.040: VARIANCES:

Any person or entity desiring a waiver or modification of the requirements of the land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the planning staff or the Planning Commission, as designated in section 17.16.020 of this chapter, for a variance from the terms of the ordinance. The designated Land Use Authority may grant a variance if the requirements of Utah Code Annotated 10-9a-702 have been met. (Ord. 2006-02)

17.16.050: APPEALING A LAND USE AUTHORITY'S DECISION:

Any person adversely affected by the Land Use Authority's decision in administering or interpreting a land use ordinance may appeal that decision. The appropriate appeal authority, according to the type of appeal, is set forth in this chapter and delineates this authority between legislative and administrative proceedings.

A. Legislative Appeal Authority: Appeals from land use decisions that are identified as legislative matters and subject to legislative proceedings are defined herein and shall only be appealed to the District Court pursuant to Utah Code section 10-9a-801. The following types of applications are legislative matters, subject to legislative proceedings:

1. General Plan amendment applications;
2. A land use ordinance amendment application, including zoning ordinances and subdivision ordinances amendment applications;
3. Zoning map amendment applications (rezones), including site-specific rezones;
4. An official map amendment application;
5. Temporary land use regulations;
6. Combined land use map and zoning map amendments; and
7. All other code sections and uses as specifically delegated by the City Council

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B. Administrative Appeal Authority: Pursuant to Utah Code Annotated section 10-9a-701, the City has appointed an Administrative Hearing Officer as the City's Appeal Authority to hear appeals from:

1. A request for a variance from any land use decision;
2. Conditional Use Permits;
3. A building permit or application;
4. Determinations regarding nonconforming uses and noncomplying structures;
5. Determinations of violations of the storm water ordinances and any civil fines or costs imposed;
6. Appeals from a fee charged in accordance with Utah Code section 10-9a-510;
7. All other applications for any necessary approval, permit, or license required by the provisions of this title, and all other land use ordinances, not identified to be a legislative proceeding, as identified by this chapter; and
8. All other code sections and uses as specifically delegated by the City Council.

~~to the City Council by alleging that there is an error in any order, requirement, decision, or determination made by the Land Use Authority in the administration or interpretation of the land use ordinance. In addition, the City Council shall hear and decide appeals from administrative decisions in applying the zoning or subdivision ordinance, including appeals from: a) building permit denials based upon a failure to comply with a zoning or subdivision ordinance; and/or b) administrative decisions related to subdivision plat requirements. (Ord. 2006-02)~~

17.16.060: APPEALS FROM LAND USE DECISIONS:

A land use decision may be appealed only in accordance with this section 17.16.060.

A. Procedure, Time Limit: A notice of appeal of a request for variance or other land use decision must be commenced within ten (10) calendar days of the adverse order, requirement, decision or determination by filing a written notice of appeal with the Santa Clara Planning Manager building official at the Santa Clara City Building Department Office. The notice must

indicate the decision appealed from, the grounds upon which the appeal is based, and identify the parties making the appeal. Any notice of appeal must include a list containing the names and addresses of adjoining property owners. Adjoining property owners include all owners of property within a five-hundred-foot (500') radius of the property affected by the appeal or request for variance as shown on the tax rolls of Washington County. The Santa Clara Planning Managerbuilding official shall notify the appropriate Appeal Authority of the notice of appeal within seven (7) working days.

B. Fee: The filing of an appeal shall be accompanied by a fee established by the City Council, which amount shall be used to defray the cost of administering the appeal, including, but not limited to, costs of mailing and publishing notice.

C. Hearing To Be Scheduled; Notice: When a notice of appeal is filed, the Appeal Authority of the adverse order, requirement, decision or determination shall schedule a meeting for a hearing within fifteen (15) working days, unless such time is extended for good cause or stipulation of the parties. Notice of the time, place, and subject matter of the meeting shall be given to the person making the appeal, the Land Use Authority or official who issued the adverse order, requirement, decision or determination, and all parties in interest, including adjoining property owners within a five-hundred-foot (500') radius of the property affected by the request for variance or appeal. The Appeal Authority may require such written briefs or memorandum of the parties, as the Appeal Authority deems advisable. At the hearing, the appellant shall appear in person or by agent or attorney.

D. Stay Of Proceedings: The filing of a notice of appeal stays all proceedings in furtherance of the action appealed from, unless the City official, from whom the appeal is taken, after receiving notice of appeal, certifies in writing with specificity to the Appeal Authority the reasons why a stay would cause imminent peril to life or property. In such cases, the Appeal Authority may lift the stay, upon notice to the parties, with the opportunity to respond.

E. Burden Of Proof: At all times, the appellant has the burden of proving that the Land Use Authority's decision was in error.

F. Standard Of Review: The Appeal Authority shall review the matter de novo, without deference to the land use authority's determination of factual matters. The Appeal Authority shall determine the correctness of a decision of the Land Use Authority in its interpretation and application of a land use ordinance. Only those decisions in which a Land Use Authority has applied a land use ordinance to a particular application, person, or parcel may be appealed to the Appeal Authority.

G. Final Decision: The Appeal Authority will issue a decision in writing within fifteen (15) working days of the hearing, which constitutes a final decision under Utah Code Annotated 10-9a-801(1) and a final action under Utah Code Annotated subsection 10-9a-801(4).

H. Judicial Review Of Appeal Authority's Decision: No land use decision may be appealed directly to the district court. Before petitioning for district court review, a person must exhaust all remedies by appealing to the Appeal Authority in accordance with this section and receive a final decision issued by the appeal authority. The City, the applicant, and any person adversely affected by a final decision of the Appeal Authority may petition the District Court for review of the decision as permitted by law. Such a petition is barred unless filed within thirty (30) days after the Appeal Authority's decision is final.

I. Action Of Variance Withdrawal, No Refund: Unless otherwise specified by the Appeal Authority, any order or decision of the Appeal Authority authorizing a variance shall

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expire if the applicant fails to obtain a building permit within one year from the date of the decision. Any applicant may voluntarily withdraw the appeal or variance request at any time prior to a decision of the Appeal Authority. No person shall be entitled to a refund of costs for any reason whatsoever. (Ord. 2006-02)

17.16.070: ADMINISTRATIVE HEARING OFFICER:

A. Appointment: The appeal of an administrative decision shall be conducted by an Administrative Hearing Officer, who must be appointed by the Mayor with the advice and consent of the City Council. The administrative hearing officer shall be an independent contractor. The Administrative Hearing Officer will be selected without respect to political affiliation, race, age, gender, or religion.

B. Qualifications: The Administrative Hearing Officer must be a current or former professional in law, land use, or public administration and shall have the knowledge, training, and experience necessary to conduct administrative hearings regarding variances and appeals, as determined by the Mayor and City Council. The Administrative Hearing Officer cannot be a member of the City Council, a member of the Planning Commission, City staff, or any other elected or appointed City official.

C. Conflict of Interest: An administrative hearing officer must not participate in any appeal where the administrative hearing officer has a conflict of interest.

D. Compensation: The Administrative Hearing Officer is an appointed official. Terms for compensation and reimbursement will be set by written contract with the Administrative Hearing Officer. To be valid, the written contract required by this section must be approved and adopted by the City Council.

PROCEDURE FOR REQUESTING A VARIANCE OR APPEAL:

17.16.080—A. Procedure, Time Limit: A request for a variance, or a notice of appeal must be commenced within ten (10) calendar days of the adverse order, requirement, decision or determination by filing a written notice of a request for a variance, or notice of appeal with the Santa Clara building official at the Santa Clara City Building Department Office. The notice must indicate the decision appealed from, and identify the parties making the appeal. Any notice of appeal or request for variance must include a list containing the names and addresses of adjoining property owners. Adjoining property owners include all owners of property within a five hundred foot (500') radius of the property affected by the appeal or request for variance as shown on the tax rolls of Washington County. The Santa Clara building official shall notify the appropriate Appeal Authority of the request for a variance or a notice of appeal within seven (7) working days.

: UNAUTHORIZED COMMUNICATIONS PROHIBITED WITH APPEAL AUTHORITY:

It is a class C misdemeanor for any individual, including the party bringing an appeal or requesting a variance, to discuss substantive matters pertaining to a pending appeal or variance with the Administrative Hearing Officer in an effort to influence his or her decision on the matter, other than as part of an appeal hearing that is set for the purpose of considering the

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appeal or variance. It is also a class C misdemeanor for the Administrative Hearing Officer to discuss with an appellant or any other individual any substantive matters pertaining to a pending appeal or variance, other than as part of an appeal hearing that is set for the purpose of considering the appeal or variance. It is not a violation of this section to speak with the Appeal Authority about general or procedural matters not related to the substance of the appeal, which include but are not limited to the date, time, or place of the hearing.

~~—B. Fee: A request for a variance, or a notice of appeal shall be accompanied by a fee established by the Santa Clara City Council, which amount shall be used to defray the cost of administering the request for a variance, or appeal, including, but not limited to, costs of mailing and publishing notice.~~

~~—C. Hearing To Be Scheduled; Notice: When a request for a variance or a notice of appeal is filed, the Appeal Authority of the adverse order, requirement, decision or determination shall schedule a meeting for a hearing within fifteen (15) working days, unless such time is extended for good cause or stipulation of the parties. Notice of the time, place and subject matter of the meeting shall be given to the person making the appeal, the Land Use Authority or official who issued the adverse order, requirement, decision or determination, and all parties in interest, including adjoining property owners within a five hundred foot (500') radius of the property affected by the request for variance or appeal. The Appeal Authority may require such written briefs or memorandum of the parties, as the Appeal Authority deems advisable. At the hearing, the appellant shall appear in person or by agent or attorney.~~

~~—D. Stay Of Proceedings: An appeal stays all proceedings in furtherance of the action appealed from, unless the official from whom the appeal is taken, after receiving notice of appeal, certifies in writing with specificity to the Appeal Authority the reasons why a stay would cause imminent peril to life or property. In such cases, the Appeal Authority may lift the stay, upon notice to the parties, with an opportunity to respond.~~

~~—E. Burden Of Proof: The appellant has the burden of proving that the Land Use Authority erred.~~

~~—F. Standard Of Review: The Appeal Authority shall review the matter de novo. The Appeal Authority shall determine the correctness of a decision of the Land Use Authority in its interpretation and application of a land use ordinance. Only those decisions in which a Land Use Authority has applied a land use ordinance to a particular application, person, or parcel may be appealed to the Land Use Authority.~~

~~—G. Final Decision: The Appeal Authority will issue a decision in writing within fifteen (15) working days of the hearing, which constitutes a final decision under Utah Code Annotated 10-9a-801(1) and a final action under Utah Code Annotated subsection 10-9a-801(4).~~

~~—H. Judicial Review Of Appeal Authority's Decision: Any person adversely affected by a final decision of the Appeal Authority may petition the District Court for review of the decision as permitted by law. Such a petition is barred unless filed within thirty (30) days after the Appeal Authority's decision is final. The Appeal Authority may order its decision stayed pending District Court review if the Appeal Authority finds it to be in the best interest of the City.~~

~~—I. Action Of Variance Withdrawal, No Refund: Unless otherwise specified by the Appeal Authority, any order or decision of the Appeal Authority authorizing a variance shall expire if the applicant fails to obtain a building permit within one year from the date of the decision. Any applicant may voluntarily withdraw the appeal or variance request at any time prior to a decision~~

of the Appeal Authority. No person shall be entitled to a refund of costs for any reason
whatsoever. (Ord. 2006-02)