

**NOTICE AND AGENDA  
SANTA CLARA CITY COUNCIL MEETING  
Wednesday, June 21, 2023  
Time: 5:00 p.m.  
AGENDA**

Public Notice is hereby given that the Santa Clara City Council will hold a Regular Meeting in the City Council Chambers, located at 2603 Santa Clara Drive, Santa Clara, Utah on Wednesday June 21, 2023, 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: Christa Hinton
- Opening Comments: Shadman Bashir, Islam Faith, St. George Interfaith Council.

**3. General Citizen Public Comment:**

**4. Conflicts and Disclosures**

**5. Working Agenda:**

**A. Public Hearing(s) 5:00 pm.**

1. Public Hearing to receive public input regarding the FY 2023-2024 Budget.

**Consent Agenda**

1. Approval of Claims and Minutes:

- May 17, 2023 City Council Work Meeting Minutes
- May 24, 2023 Regular City Council Meeting Minutes
- Claims through June 21, 2023

2. Calendar of Events:

- June 28, 2023 Regular City Council Meeting
- July 4, 2023 Independence Day (Offices Closed)
- July 12, 2023 Regular City Council Meeting
- July 19, 2023 City Council Work Meeting
- July 24, 2023 Pioneer Day (Offices Closed)
- July 26, 2023 Regular City Council Meeting

**B. General Business:**

1. Consider approval of the FY 2023-2024 Budget and Ordinance 2023-12. Presented by Debbie Bannon, Finance Director.
2. Discussion regarding the proposed amendment to Black Desert Development Agreement. Presented by Matt Ence, City Attorney.
3. Discussion and action to consider a proposed PDR Zone Amendment and Preliminary Plat for the proposed South Village at Black Desert Subdivision. The subject property is part of the

Black Desert planned community which includes a 19-holes golf course. Patrick Manning, applicant. Presented by Jim McNulty, City Planner.

4. Discussion and action to consider a Rezoning of property at 400 East/Patricia Drive and Pioneer Parkway. The applicant, Clayton Leavitt, is proposing to Rezone the property from the R-1-10 Single-Family Residential Zone to the Planned Developed Residential, PDR Zone. Presented by Jim McNulty, City Planner.
5. Discussion and action to consider a proposed Code Amendment to the Santa Clara Zoning Ordinance, Section 17.18, Amendments to Land Use Ordinance, Zoning Map, and General Plan. This includes general clean-up, updating of the zoning ordinance and approve Ordinance 2023-13. Santa Clara City, Applicant, Presented by Jim McNulty, City Planner.
6. Discussion and action to consider City Office lighting system Work-Bid award. Presented by Cody Mitchell. Building Official. .
7. Discussion and Action approving an Amateur Radio Week Proclamation.

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

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Santa Clara City limits on this 14<sup>th</sup> day of June 2023 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.seccity.org>. The 2023 meeting schedule was also provided to the Spectrum on January 3, 2023.

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Chris Shelley – City Recorder

**SANTA CLARA CITY COUNCIL  
WORK MEETING MINUTES  
WEDNESDAY, MAY 17, 2023**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, May 17, 2023, 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 YouTube linked on our website at <https://sccity.org/meetings>.

**Present:** Mayor Rick Rosenberg

**Council Members:** Denny Drake  
Christa Hinton  
Leina Mathis  
Ben Shakespeare  
Jarrett Waite

**City Manager:** Brock Jacobsen

**Others Present:** Jim McNulty, City Planner  
Cody Mitchell, City Engineer  
Selena Nez, Deputy City Recorder  
Gary Hall, Power Director  
Ryan VonCannon, Parks and Trails Director  
Andrew Parker, Fire Chief  
Debbie Bannon, Financial Director (via Zoom)

**1. Call to Order.**

Mayor Rick Rosenberg called the meeting to order at 5:02 p.m.

**2. General Citizen Public Comment.**

There were no citizen comments.

**3. Working Agenda.**

**A. General Business.**

**i. Presentation by Colette Cox from the Governor's Office of Economic Opportunity.**

Colette Cox from the Governor's Office of Economic Opportunity reported that one of Governor Cox's campaign promises was to do more work in rural areas, specifically with respect to economic

development. Her position was the result of that promise. About one year ago there was one Outreach Manager for the entire State to cover rural areas. They now have four and are hiring a fifth. Ms. Cox works directly with the Five County Association of Governments and the counties. Her service area is the Five County Region in addition to San Juan and Grand Counties. She covers seven counties and resides in Washington County. Prior to her work with the Governor's Office, she ran the Business Resource Center at Dixie Tech and is familiar with small businesses. She has also worked with many startup companies in Washington County. Ms. Cox grew up in Fredonia, Arizona, and has worked within the region throughout her 25-year career. She brings with her a wealth of experience, knowledge, and contacts.

Ms. Cox reported that she has partnered with the Governor's Office of Economic Opportunity to increase business opportunities and shape the economy in Santa Clara. She reported on the following:

- Utah has been rated #1 in many categories. On May 1, 2023, *U.S. News* ranked Utah the best state to live in. It is the best area to start a small business and has been named the Best Economy for several years.
- Washington County has one of the lowest unemployment rates in Utah, which is one of the many issues that business owners face. They are aware of this and work with community partners to help businesses mitigate some of the resulting issues. Ms. Cox pointed out that low unemployment is a sign of a good economy.
- Utah is the Crossroads of the West. Ms. Cox spent a significant amount of time over the past several weeks with the Utah Inland Port Authority staff members on the Iron Springs Project that was approved in Iron County in Cedar City. It will have a positive economic impact on Washington County as well.
- Utah has the highest population growth, which presents unique challenges that her office can help with.
- Utah has world-class amenities and the State as a whole is looking to attract amenities that are a good fit. They are continually looking for ways to shape the future of Utah so that it continues to be a great place to live.
- Many continue to flock to Utah because they are fiscally responsible, have a balanced budget, work together in the Legislature, and have a low barrier to entry for businesses.
- The Governor's Office of Economic Opportunity serves as the steward of the world's best economy and quality of life and is trying to future-proof Utah's economy and work at the speed of business.
- Members of the leadership team were identified including:
  - Executive Director, Ryan Starks;
  - Managing Director of Strategic Initiatives, Kori Ann Edwards;
  - Managing Director of Tourism and Film, Vicki Varela; and
  - Director of Targeted Industries, Lance Soffe.
- The Governor's Office of Economic Opportunity serves as the government-to-industry interface and helps provide resources and grant money. They are taking the tax money that is generated in Southern Utah and reinvesting it in business and economic development in this part of the State.
- Some of their partners include EDC Utah, the World Trade Center Utah, Utah Inland Port Authority, local Chambers of Commerce, and others. They constantly monitor different industries and foundational economic building blocks at the community level, at the County level, regionally, and statewide.

- Ms. Cox’s goal is to be the contact in Washington County to report to the State. She can give information in real time to Mr. Starks who reports to the Governor.
  - There is a Rural Communities Opportunity Grant with applications to be taken in July. It involves a \$600,000 competitive grant that the City can apply for to help with economic development.
  - A Rural Communities Opportunity Loan is a revolving loan fund portions of which were earmarked for communities and small businesses to borrow against. 30% of the money earmarked for businesses is for rural, minority, and women-owned businesses.
- Economic Development Tax Increment Financing (“EDTIF”) and Rural Economic Development Tax Increment Financing (“REDTIF”) can be of benefit to businesses.
- Business Support Grants included:
  - Rural Employment Development Incentive ("REDI") allows businesses to get up to \$6,000 for each new position that they create as long as it is above average wages or around \$40,000 per year.
  - The Economic Assistance Grant supports and enhances Utah the ability of Utah companies to provide goods and services to the state in the areas of industry, education, community development, and infrastructure.
  - The Strategic Initiative Grant for Air and Water for which \$8 million was available.
  - Manufacturing Modernization funds in the amount of \$10 million.
- Over \$120 million flows through their office with 60% going to rural areas. Santa Clara is considered rural.
- The Utah Broadband Center helps communities provide connectivity. Areas were being identified in Southern Utah that are underserved.
- The Utah Film Commission generates money that will benefit the area. 20 counties in the State are certified film-ready counties.
- The Utah Office of Tourism helps diversify the community. In 2021, over \$10 billion was generated resulting in \$1.8 billion in tax revenue.
- The Utah Small Business Credit Initiative was described with Michelda George serving as the Program Manager.
- Joshua Wiggins lives in the area and helps businesses get contracts with governments, which helps enhance the success of businesses in Santa Clara.
- The Immigration Assistance Center helps Visa workers who are relied on in several sectors of the economy including hospitality, agriculture, and manufacturing. Natalie El-Deiry serves as Director of Immigration and New American Integration.

Ms. Cox provided her contact information and invited any Council Members with questions to reach out to her.

## **ii. Discussion Regarding Park Impact Fees.**

Parks and Trails Director, Ryan VonCannon, acknowledged that there have been numerous changes in the City and the Parks Department. Several projects are planned and underway. In looking at the Park Impact Fees, some questions arose. The intent was to get an idea of what the priorities are. The recommended improvements were identified.

Mr. VonCannon referenced Neighborhood Parks 1, 2, and 3 and questioned the need for them. He noted that there are several projects in the area that are providing their own amenities, which they will build, fund, and maintain. Mayor Rosenberg stated that Neighborhood Park 1 is the Tuacahn Wash Parkway. It is a floodplain and susceptible to flood damage so it was not something for which a lot of money should be spent. It would be valuable, however, to provide a trail to Hamblin Parkway. He could envision Neighborhood Park 1 changing from a neighborhood park to a linear parkway and extending down to the confluence of the two washes near Neighborhood Park 2. Neighborhood Park 3 is inside the Black Desert Project. They are constructing their own amenity complex, so it may not be needed.

Mayor Rosenberg asked about the Cemetery Park. Mr. VonCannon reported that he has been working with Sunrise Engineering and preparing a rough draft. The plan includes an additional four acres. If they went further west, the most he would expect to have would be one acre of usable space.

The trail in Black Desert was discussed. It will run behind Desert Village. Mayor Rosenberg's understanding was that the property owners have set the property aside for the trail. Mr. VonCannon reported that the primary cost will be ongoing maintenance, which creates a financial burden going forward. Mayor Rosenberg recalled a previous discussion about eliminating some smaller parks.

Council Member Shakespeare was of the opinion that there are other areas and open spaces that can be expanded upon.

Council Member Drake asked what is available currently in Park Impact Fees. City Manager, Brock Jacobsen, offered to look into that. Council Member Drake stated that there are things they could wait for and use the impact fees that are available now to complete existing projects.

Mr. VonCannon appeared before the Tourism Advisory Board the previous month and requested an additional \$240,000. About one week later he was informed that the Board recommended the additional funding, which was approved and expected to be received soon. Council Member Drake believed the impact fees could be used to make improvements. He still wished it was possible for the impact fees to cover operations and maintenance costs. It was noted that the Black Rock Park playground needs to be replaced shortly. It has aged and it is difficult to receive replacement parts. That was something that could be improved. Council Member Waite believed it was appropriate to drop Neighborhood Parks 1, 2, and 3. He wanted to see the Skate Park added. Mr. VonCannon confirmed that it was possible to add that and pointed out that Skate Parks 1 and 2 were referenced on Page 13 of the "Parks and Trails Impact Fee Facilities Plan and Impact Fee Analysis" document. There was discussion regarding Tobler Park. Mr. VonCannon clarified that it is the orchard. Graf Park was also referenced in the document.

Council Member Shakespeare made note of the earlier presentation from Ms. Cox. The one project he thought might qualify for the grant was Tobler Park. When thinking about tourism, that park might be appropriate. However, he pointed out that even if a grant is received, the City will need to maintain it in the future. The Trails Master Plan was reviewed. Mr. VonCannon identified a trail coming off of Santa Clara Drive. All of the bold red lines shown were paved 10-foot wide, multi-purpose trails. He explained that normally the sidewalk is considered a trail when it joins two trails. He recommended some removals from the Trails Master Plan. On the furthest southeast corner, there is a paved trail going down the Tuacahn Wash. Mayor Rosenberg stated that there were discussions

with St. George recently about that trail. It already exists on the north side of Santa Clara Drive and they were looking at a plan to connect it to the Santa Clara River Trail down in Mathis Park. That meant there would be trail connectivity all the way through Santa Clara down to the river trails in St. George. That trail was a few years away but still important to keep on the Trails Master Plan.

Mayor Rosenberg referenced the corridor from Vineyards 11 that goes to the river. Having a pedestrian bridge that can access the unimproved trails on the Bureau of Land Management's ("BLM") side might be something to consider long-term. Being able to connect to trails coming from St. George and trails that were west of the City was important as it would provide additional connectivity. Mr. VonCannon asked about the area south of the river. He pointed to a location west of Claude Drive. Mayor Rosenberg believed it would be difficult to pave that trail. Mr. VonCannon did not feel it made sense to put a paved trail in between two unimproved trails, especially where there is BLM property on both ends making it difficult to obtain that right-of-way. He suggested that most of the trails on the south remain as unimproved trails rather than paved trails. Mayor Rosenberg explained that if there was a desire to have a paved trail in Santa Clara south of the river, it made sense to follow the Western Corridor alignment. Mr. VonCannon noted that the yellow line on the map represented the Western Corridor alignment. Mayor Rosenberg clarified that GIS has the new alignment. The one currently being shown to the Council had the old alignment.

There was additional discussion regarding trails. Council Member Shakespeare felt that anything that provides connectivity should be a priority. However, some of the trails mentioned could not be addressed at the current time. Council Member Hinton liked the idea of there being connectivity to Mathis Park. Mayor Rosenberg reported that the right-of-way was being explored from Olive Grove to Mathis. He believed that was achievable but would take time. Mayor Rosenberg asked if the bulk of the money was dedicated to the paved trails. Mr. VonCannon confirmed this. Council Member Shakespeare wondered if there was a 15-year lifespan on the asphalt. Mr. VonCannon explained that it needs to be resurfaced every five years or so.

Mayor Rosenberg reported that there is a trail easement along the river north of the hills already. It connects to the corridor and the River Reserve Trail. He felt it should continue to be listed in the document. As for the trail out of the hills that follow the power line, it might be possible to replace that with the Western Corridor Trail. The others could probably be unimproved trails. As the roadways go out to the Western Corridor, there could be sidewalk as part of the improvements. Mr. VonCannon referenced the trail that comes off of Tamarack. It would be a very expensive, but short, piece of trail due to the areas it crossed. Council Member Drake noted that it would also be objectionable for those that live along that side.

Mayor Rosenberg stated that there are unimproved trails in the Arboretum. He wondered if there was a desire to improve that. Mr. VonCannon explained that it was not part of the plan. Mayor Rosenberg could see it being added to the plan as an unimproved trail for the current time. He reiterated the importance of connectivity throughout the trail system. Mr. VonCannon referenced Red Mountain Drive. Going north, Black Desert would put that in as part of the improvements. As for the road going to the northeast off of Red Mountain, that was questionable. He was not sure exactly what was planned out there. Mayor Rosenberg believed Black Desert would come in with its own trail plan as part of the project. Based on the discussions that have taken place, there was a desire to have a trail system, but it would function within the development. Mayor Rosenberg suggested leaving the trails on the document until the plan was approved.

Council Member Mathis shared a request with Staff. She referenced the new addition of the Assisted Living Center. When walking or bicycling along the parkway, there was nothing that would connect to the trail system from that section. It was important for there to be some connection there. Mayor Rosenberg reviewed a map of the area with the Council. He thought there was a connection that would tie the trail to the assisted living center street system. This was confirmed. Council Members discussed the unimproved trail network and possible connections. Mr. VonCannon asked for Council Member priorities moving forward. Council Member Shakespeare referenced the BMX area, which is heavily used. The Skate Park replacement and orchard were also noted. Mayor Rosenberg felt it was important to focus on the items that had already been invested in and committed to by the City. Those types of projects should be the priorities. After that, there could be some of the trails listed where the City had the right-of-way. He noted that the cemetery expansion is important but the right place would need to be found.

There was discussion regarding a Splash Pad. It was noted that a lot of comments were received about that. Council Member Mathis believed a replacement was needed. She felt that a Splash Pad should be a fairly high priority on the list. It was noted that for a recycling system with a Splash Pad, it would cost roughly \$200 per square foot. If the Splash Pad was 54 feet, it would be just under \$500,000. That was just for the Splash Pad and would not include the building needed to house all of the equipment. The \$500,000 price would include the Splash Pad itself, the concrete, the labor, fixtures, and so on. It was an expensive amenity. As for Tobler, it was necessary to have a plan in place. Mayor Rosenberg stressed the importance of adding plants and trees to the area.

Council Member Drake expressed concerns about a Splash Pad. Due to the water issues, some residents might not appreciate a Splash Pad. He felt it should be put on the back burner until there is additional information about water. Council Member Mathis pointed out that with a new Splash Pad, the water would be recycled. There would not be water waste as a result. As for discussions about a new Splash Pad location, it had been suggested that it be near the playground. The grass that was there could be removed, which meant less watering would be needed. Council Member Mathis believed the Splash Pad should be a higher priority than the Skate Park. The Splash Pad use would serve a lot of children and families in the community. It was noted that there was a location where the Splash Pad could be located. A location for the Skate Park had not been determined. There were some possibilities, but nothing was finalized. It was suggested that the Skate Park should be located in the area where the current Splash Pad is. Additional discussions were had about Skate Park locations that might be appropriate for the use.

Council Member Waite pointed out that the Impact Fee Analysis referenced Gubler Park Phase 4. Splash Pad replacement was listed there as \$140,000. It was clarified that the number was not finalized. That was an estimate, but based on more recent information received, that estimate was not accurate. The total amount would depend on a number of factors, including whether or not a restroom would be added. Council Members discussed the locations of the current restrooms. Based on the number available in the area, there was no support for the addition of another. Mayor Rosenberg suggested removing the restrooms at the current splash pad location and expanding the skate park area. Council Members were supportive of that suggestion and the location. As for the BMX, it was noted that funding from the Recreation, Arts, and Parks (“RAP”) tax would be used. The current impact fees would not be needed for that. It was determined that the BMX site, splash pad, and Tobler be priorities. The Council had a desire to move those items forward. Some of the

cost estimates outlined in the document were reviewed, such as \$792,000 for the Arboretum. Mayor Rosenberg explained that a lot of the numbers shown were based on the 2018 plan. Additional information would be brought back to the City Council at a future meeting.

**iii. Tentative Budget Review. Debbie Bannon/Brock Jacobsen.**

Financial Director, Debbie Bannon reported that she would review the Tentative Budget with the City Council. She noted that there had been a few changes made since the document was submitted to Deputy City Recorder, Selena Nez. As a result, the information included in the Meeting Materials Packet was slightly different from what was being presented. However, there were no significant changes. Overall, the increase from the last budget year to the next budget year was 2%. License and Permits had increased due to the home rentals needing a Business License. The Fire/EMS Reimbursement had increased slightly because of the budget. Ivins paid 56% and Santa Clara paid 44%. On the Ivins City Court Reimbursement, it was lower because of the way it had been budgeted last year. The ambulance line under revenue was reviewed. Ms. Bannon explained that Santa Clara paid 50% to Ivins for the revenue on the ambulance. Instead of it being on an expense line in fire, it would be netted against the revenue that was received in total.

Miscellaneous revenue was estimated to be higher due to the interest rates on miscellaneous income. Ms. Bannon reviewed the transfers in and out. The difference shown was what was needed to make the budget balance last year. This year, only \$140,000 was needed. Discussions were had about the revenue for the General Fund. Mr. Jacobsen explained that the hope was that none of the \$140,000 would be used and it would be possible to put money back into the Fund Balance. Mr. Jacobsen explained that there was a cap of 35% for Unrestricted Fund Balance. The percentage was currently lower because money had been transferred to the Capital Projects Fund. There was approximately \$1,294,000 in the Capital Projects Fund because the restricted RAP tax money had been moved from the General Fund down to the Capital Projects Fund. In previous years, excess Fund Balance had been moved into the Capital Projects Fund.

Ms. Bannon reviewed the Justice Court section of the Tentative Budget. The new Judge was there and that made the payroll higher. IT Services were a notable part of the Administration section. She referenced the Solid Waste Disposal Contract. It was anticipated that the contract amount would be higher and that was reflected in the line item. The Administration section also included Legal Services, Accounting and Auditing Services, and Professional Services. There were two new servers and some laptops scheduled for purchase. Vehicles were being leased instead of purchased. There were two vehicles for office staff to use that were shown. The Administration budget was \$1,368,012. The Police section of the General Fund was shown. There were fuel costs and Police Service costs and the total amount in that portion of the budget was \$1,499,923.

The Fire Department information was shared. Ms. Bannon reported that the Fire Department was up to six full-time employees, which was the reason for the increase in salaries. She noted that Council Member Drake had previously asked questions about the Wildland Repair. There was a different layout of the budget that was included in the Meeting Materials Packet that made the information a little clearer. The total budget for Fire was approximately \$2.86 million. She explained that with the fire services, Ivins paid 56% and Santa Clara paid 44% of the total amount.

The Building/Planning section of the Tentative Budget was reviewed. \$90,000 was listed under improvements. Mayor Rosenberg asked whether the building repairs were listed there. City Engineer, Cody Mitchell explained that those would be addressed in the current year's budget. Discussions were had about covered parking. It was noted that there would be 17 stalls. The covered parking had been in the budget for approximately six years, but the work had not been done. It was often put on hold for other more pressing projects. Ms. Bannon reviewed the Public Works section of the document. \$25,000 was listed under Engineering Services, which she explained was for the Vineyard Drive design. Public transportation was also listed. There was a backhoe purchase for \$8,500 listed as well. Everything else was fairly standard.

Ms. Bannon reviewed the Parks section of the budget. She noted that there was nothing out of the ordinary, but there was a \$104,000 listed under capital equipment. As for Swiss Days, there was a bit of an increase in revenue and expenses. Fireworks had been discussed previously, but nothing had been budgeted for that. Under Economic Development, the salaries had increased slightly due to a change in allocation. The puzzle was also included, which meant the amount was increased overall. There was nothing budgeted for the revenue from the puzzle, so that might need to be added in. Council Members discussed the price of the puzzle, which was \$25 per puzzle. Ms. Bannon explained that she would look into that number and make sure it was included. The total General Fund Expenditures were listed as \$9,169,982, which was an increase of 2% from last year. As far as the American Recuse Plan Act ("ARPA") funds, there was approximately \$400,000 left to spend. There was a spreadsheet with different projects that the funds could be used on.

The Impact Fees were reviewed. Ms. Bannon noted that there were an estimated 55 Building Permits. It was difficult to know what the exact amount would be, but a conservative estimate had been included in the Tentative Budget. That was the revenue side, but on the expense side, there was a traffic signal for Red Mountain and Pioneer Parkway listed. The bond payment on the bridge was also included. The Capital Projects Fund was shown. Ms. Bannon noted that the RAP tax-restricted funds had been moved there and the amount was approximately \$1.3 million. The hope was that another \$240,000 from the County would be added towards that for the BMX park. It was estimated that the BMX park would cost approximately \$1 million. Ms. Bannon explained that Vineyard Drive was the other Capital Project that was planned and listed in the document.

In the Water Fund, it was estimated that the Impact Fees would need to be used. That would help to balance the work as there were a lot of projects to do in the fiscal year. Ms. Bannon reviewed some of the expenditures. Mr. Jacobsen reported that it would cost \$510,000 for the Crestview irrigation line. It was impact fee eligible. It was noted that at one time, the School District stated that they would participate in some manner. Mr. Jacobsen did not have a number and was not sure whether there had been additional discussion with the School District about that issue. He offered to have additional conversations with Public Works Director, Dustin Mouritsen, about that when he returned. It was important to understand what the participation level of the School District would be for that project. The total Water Fund amount listed in the document was \$3,026,723.

Ms. Bannon reviewed the Sewer Fund revenue and expenditures. On the revenue side, the sewer fees had increased slightly due to the increased price. There were also some improvements and a backhoe purchase listed. Mr. Jacobsen explained that the backhoe purchase was seen in multiple funds, which was because the cost would be shared throughout different funds. The Electric Fund was discussed. She noted that the Power Sales – Residential amount was based on a forecasting number. The current

actual was \$3,376,523. She was not sure whether the budgeted amount would be met, but she reiterated that forecasting had been used to determine the number. Ms. Bannon reported that there was a notable Power Cost Adjustment (“PCA”) listed. The total Electric Fund was listed as \$8,538,547. She noted that this was one of the largest portions of the budget. It was anticipated that generator fuel would continue to rise. She pointed out the bonds.

The Storm Water Fund Revenue was reviewed. Ms. Bannon noted that some expenses were Impact Fee eligible, so the Impact Fee Reserve Account would be used for the Master Plan Engineering and the Vineyard Drive project. Ms. Bannon believed the City was in a good position for the year. Mr. Jacobsen noted that Council Members could ask questions about the current year's financials or the Tentative Budget. Council Member Mathis asked that the updated documents be distributed. It was confirmed that this would be done. Mr. Jacobsen explained that the budget would continue to be refined until the final budget was adopted in June. He pointed out that the property tax number would change. Normally, the County sent the final sheet during the first week of June. That change would be made once those numbers were finalized. Ms. Bannon offered to email the updated documents to City Council Members following the meeting.

#### **iv. Discussion Regarding Building Height Definition.**

Mr. Mitchell shared information related to the “Height of Building” definition as per Santa Clara City Ordinance 17.08.010 as well as additional ordinances that pertained to the maximum height of a primary structure. After a review of the current ordinance, three scenarios would be presented and the Council would discuss proposed alternate language to better define the term “Building Height.” The current ordinance language was shared with the City Council Members:

- 17.08.010: Terms Defined: Height of Building: “The vertical distance from the grade to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or to the height of the highest peak of a pitched or hipped roof. The grade shall be the elevation of the sidewalk at the center point of the sidewalk in front of the dwelling, or if no sidewalk exists, by the crown of the road.”
- 17.20.140: Minimum Height of Main Dwelling: “No dwelling shall be erected to a height of less than one story above grade.”
- 17.74.040: Dimensional Requirements: “Primary Building Height: Primary building height shall be the average height of adjacent units on the same block unless a greater height is approved by the Planning Commission, upon recommendation from the Heritage Commission, as being necessary for proper compatibility of various elements of the overall development plan, and to ensure that any infill and replacement dwellings are compatible with the dimensions of the adjacent dwellings. Accessory buildings shall not exceed two (2) stories in height, up to twenty-five feet (25 feet) in height unless a taller building is approved by the City Council after considering the recommendations from the Heritage Commission and Planning Commission and based on the compatibility of the architectural design with the other buildings in the Historic District.”

The proposed language was shared with the City Council Members, which was as follows:

- **Building Height:** The vertical distance measured from the average natural grade of a building pad or approved finished grade of a building lot (whichever is applicable), to the highest point of the building or structure, including architectural features, chimneys, and rooftop mounted equipment. Exception: Where there is a difference in finish grade on a lot or parcel, the building height shall be measured from the “average grade” height as measured between the “upper grade” and the “lower grade” with the following restrictions:
  - The maximum variation allowed between "upper grade" and "lower grade" is 10 feet.
  - The highest point on a building or structure, as defined in the section, shall not exceed the maximum allowed height as measured from the “average grade.”

Mr. Mitchell shared different scenarios with the Council. The first was a diagram that showed the difference in grade. There was a walkout basement shown. To do the measurement, the average grade from the upper grade and lower grade was taken. The diagram showed 35 feet as the average. It lowered the overall height to 30 from grade, but from the walk-out basement, there were 40 feet. The next diagram showed the approved grade. Mr. Mitchell explained that when a developer came in and made pad-ready lots, those elevations were approved. This would be measured from the pad to the top, not to exceed 35 feet. Regardless of what the native grade was prior, the newly established grade, which was approved through the subdivision process, would be the established grade. Council Member Drake wondered whether the finished grade was applicable to the road. He did not want to see homes below the road level as all of the water would funnel toward the home. The approved grade would have to be above the road.

Mr. Mitchell believed that moving forward through the subdivision process, the City would ask for finished pad elevations on each lot. Mayor Rosenberg noted that there would likely need to be an exception listed to address hillsides. Mr. Mitchell pointed out that it would be an approved pad, so the building height could be 35 feet on top of that approved pad. Mayor Rosenberg explained that there would not be an approved pad until it came in for a Building Permit. The approved pad elevation was done as part of the second hillside review. Mayor Rosenberg reiterated that the building height language needed to consider hillsides as well. He asked that a scenario be considered to ensure that the proposed language was also suitable in those instances.

The third diagram showed the average natural grade. Mr. Mitchell explained that it related to a larger parcel that was entitled to one home. It had to do with the average rolling grade, which was the zero point of the measurement up to a maximum height of 35 feet. He explained that the intention was to restrict the lot to the average native grade. In these instances, the City would ask for an average grade, which would be established on the Site Plan and verified. Mr. Mitchell noted that these kinds of development situations were rare, but several scenarios had been considered.

There was discussion regarding the proposed language and potential changes that needed to be made. For instance, consideration of hillside development and the establishment of the pad. Mayor Rosenberg asked Mr. Mitchell to run the language through additional scenarios, including more challenging examples, to make sure that the proposed language made sense. It was suggested that there be language to establish the approved pad grade. That needed to be clearly defined. Mr. Mitchell noted that revisions could be made to the proposed language to address the issues raised by the Council. He thanked those present for their input on the Building Height definition.

**v. Discussion Regarding Solar Net Metering Policy.**

Power Director, Gary Hall explained that he wanted to discuss some solar policy options with the City Council that would make it more affordable for residents to install solar on their homes. The PCA was high and a lot of residents had asked why there was a cap on solar panel installation. Residents wanted the cap to be raised so it was possible to reduce how much power was purchased from the City. Additionally, residents had asked whether the City would consider reducing or eliminating the solar reliability charge (“SRC”) to make it more affordable to install solar. Mr. Hall noted that he also wanted to discuss eliminating the solar agreement and adding the fee schedule and solar limitations into the Building Permit.

Mr. Hall presented the “Santa Clara Solar Net Metering Agreement” slideshow to the Council. He discussed the SRC and presented a chart with data based on kilowatts. The current SRC was \$4.05 per kilowatt. Some cities have an SRC while others did not. Example numbers were shown to illustrate what would happen if the current SRC was lowered. His suggestion was to lower the SRC to \$2.05 per kilowatt. That would reduce the revenue by approximately half. If the rates changed, the Annual Solar Reliability Charge would result in \$7,683.78 of revenue. He noted that if residents were allowed to have more solar, the numbers would be impacted that way as well.

It was suggested that the Council also discuss raising the cap for solar. Mr. Hall presented a Solar Fee Comparison chart. There was a comparison between Santa Clara, St. George, Washington, Hurricane, Rocky Mountain Power, and Dixie Power. There were two potential options shown for Santa Clara: Option 1 (Decrease SRC) and Option 2 (Eliminate SRC). Mr. Hall reported that St. George charged by how much was actually produced and not by what was installed. Washington and Hurricane did not charge SRC. As for the excess, Santa Clara purchased that for six cents per kilowatt hour (“kWh”). St. George, Washington, and Hurricane purchased that for four cents per kWh. The Council could consider reducing that amount. He noted that some cities in the north had opted not to purchase any back, so that was an option as well.

Mr. Hall stated that a lot of the residents he had spoken to about solar felt that 8 kWh was not enough to completely address the needs of the home. However, he acknowledged that this would depend on the size of the home and the use levels. Most residents wanted the cap to be increased to either 10 kWh or 12 kWh. That would reduce what needed to be purchased from the City and would also impact what the City needed to purchase from the Utah Associated Municipal Power Systems (“UAMPS”) in the summer. There was some give and take that needed to be considered.

There was discussion regarding the changes in rates. Mr. Hall clarified that the \$20 base rate would still be paid. It was clarified that the Council was currently looking at whether the SRC should be reduced or eliminated and whether the cap should be raised. Some residents believed that the SRC and the cap made it difficult to break even and was a disincentive. As for the base rate, it was suggested that the costs be rolled into that and the SRC be eliminated. Some Council Members felt it was important to better understand the base rate number and what that was covering. Mr. Hall reported that a rate study was done with the PCA. It was suggested that the base rate be \$19.50. It was currently at \$20. The base rate was determined by what was needed to cover the costs. Additional conversations were had about the base rate and whether it was appropriate.

Mayor Rosenberg referenced the comparison data from the other cities. He explained that everyone was achieving something similar in a different way. For instance, in the Washington and Hurricane examples, the excess kWh credit was lower than in Santa Clara and the base rate was higher. Mayor Rosenberg read the following language, "The renewable resource installed by the customer shall not be greater than 120% of historic maximum." Mr. Hall explained that instead of placing a cap on a specific kWh, the amount was determined by whatever the normal usage was. In that instance, the solar amount could not be more than 120% of the normal home usage.

Mayor Rosenberg was interested in sampling 10 solar homes in the community in order to look at the cost comparisons in the different categories. It was noted that something like that had been done for a few scenarios. If a switch was made to no SRC and \$0.4 for the excess kWh, like in Washington, the example scenarios would come out slightly ahead since the SRC made it difficult to make back the investment. There had been a discussion with a salesperson at HedgeHog Electric about whether changing the SRC would cause a run on solar in Santa Clara. That salesperson did not believe that was likely to happen as there were not a lot of solar installations in areas of the County where there was not an SRC in place. However, it was expected that solar installations would increase dramatically in southern Utah once transfer switches became standard.

The residents believed that by making it easier to have solar, more residents would be interested in adding solar to their homes. That would reduce what the City was purchasing from UAMPS. It was noted that some studies found solar to be 27% efficient, which meant that 73% of the time, another power source was needed. Council Member Waite clarified that data and informed other Council Members that this had to do with the efficiency of the panels themselves. Solar panels worked most of the time to full capacity but were only 27% efficient. Some houses sent quite a bit of power back to the grid. He reported that in a year, 243,000 kWh were sent back to the grid. A lot of power was generated from the solar customers in Santa Clara each year.

Discussions were had about personal storage batteries. It was noted that those were very expensive. It was another \$30,000 for a good battery system. One concern that had been expressed had to do with everyone on a cul-de-sac having solar power, that back feeding too much power, and transformers failing. Mr. Hall had never heard that concern mentioned before. The idea of solar was to offset the power costs. At the same time, it was possible to benefit the City.

Council Member Shakespeare wanted to know whether it made sense to raise the base rate. As long as that rate covered the operation, the SRC could be eliminated completely. Everyone would pay what it cost to maintain the Power Department. It was pointed out that it might be better to have a gradual increase. There were some concerns that residents would feel a base rate increase was being done to accommodate the solar customers at the expense of everyone else.

There were additional discussions about whether it was appropriate to raise the cap. Ultimately, the 8 kWh cap had been determined by the average installation in Santa Clara. Discussions were had about the 120% of the historic maximum. Mayor Rosenberg did not know how that would be done on a new build, because there would not be historical data to use. It was noted that a determination could be made based on the square footage, but different factors could impact the use levels. For example, the number of people in the home and the age of the home. Mayor Rosenberg thought it made sense to set a cap, but could not necessarily support the idea of the historic maximum, because

there was not a historic maximum on a new home. He thought 10 to 12 kWh made sense for the solar power cap instead of the current 8 kWh.

Council Member Waite was asked whether 10 kWh would cover his utility bill. He was not sure and explained that he would need to look into it. However, he did not believe so. Council Members wondered why the cap was necessary. Council Member Waite explained that it had to do with concerns about overloading the transformer in a neighborhood. It was noted that all of the comparison cities had some sort of cap, so there must be some rationale for that. Council Member Waite explained that it was important to have some kind of limit so someone would not build what was essentially their own power plant. Mayor Rosenberg thought the 120% of the historic maximum could make sense, but he reiterated his concerns about the amount allowed on new structures. Staff offered to reach out to Washington to ask for additional details about that scenario.

Council Member Waite had heard comments that Santa Clara was unfriendly to solar. It was not necessarily that the City was unfriendly, but he acknowledged that there was a protective policy in place. If the SRC was cut in half, as proposed in Option 1, that would be a good way to start making a shift. It would show that the City was listening to residents. Within that option, there was also a suggestion to raise the cap somewhat. The Council discussed reserves and the impact there. Mr. Hall explained that it would drop by approximately \$7,000. However, enough power might have been produced that the City would save more when purchasing power on the open market. The Council wondered when the next rate study would take place, which was approximately two years away. It was recommended that the numbers be examined further as a lot had changed since the last rate study. There was a lot that needed to be considered.

Mayor Rosenberg thought this discussion was an important first step as a lot of residents had asked that there be a change. Further discussions were had about the potential cap amount. Council Member Waite thought that the 120% made sense, but there were some concerns about measuring that for new construction. Mayor Rosenberg asked that Staff look into that further. If there was a rate change, that would need to be brought back for a public hearing and additional consideration.

The PCA was set at the time of the rate study. Council Member Mathis wondered whether it would be possible for UFS to annually calculate the PCA number rather than doing an entirely new rate study. Mr. Hall explained that the PCA did not kick in until after the six and a half cents. Anything over that was when the PCA would tabulate. He did not know whether that was the average price for power from the UAMPS bills at that time. Council Members felt it was important to look at that number every year. Mr. Hall believed there would be a cost associated with that. He offered to reach out to UFS to find out what that kind of calculation would cost on an annual basis. Someone who had solar paid less PCA, because the PCA was what was consumed by the City. If half of what the home used was produced via solar, there was no PCA for that half. There was support for making changes to the current solar policies, but it was determined that additional discussions were needed. It was important to establish some sort of balance. Information was shared about the PCA in other areas. Mr. Hall explained that PCA had increased because of the UAMPS bills. In Washington, the kWh rate had increased and the calculation from the PCA was raised. In Santa Clara, some residents had difficulty budgeting when there was PCA uncertainty.

The Council discussed the wholesale rate for power and the PCA. There was a question about whether the PCA should only be when the City was in the market to buy power. That was a very different

way to look at the PCA. Mr. Jacobsen explained that the market and the generation amounts were two variables. He felt the PCA should be calculated off of that and not off of the projects in UAMPS. Discussions were had about Nebo and fluctuations in natural gas.

Mr. Hall explained that the reason the item was included on the agenda was that public meetings would need to be set up to talk about the PCA. A lot of residents were interested in asking questions and sharing comments. At that time, residents were likely to ask about solar power and what the City would do to make it easier to have solar in the community. Council Member Waite stated that the SRC would have a huge impact on solar in the City. If the Council informed residents during the PCA discussions that there was a desire to reduce the SRC and increase the cap, he believed there would be a lot of satisfied residents.

Additional discussions were had about solar and the cap that was currently in place. Mr. Jacobsen explained that he originally intended to bring the discussion back to the Council in June. However, the town hall meetings had been mentioned by Mr. Hall. He wondered whether those discussions with residents should take place before there were further discussions about the changes. Mayor Rosenberg believed it was important to have PCA-related answers ahead of the town hall meetings.

Council Member Shakespeare referenced what was being done in Washington. Finding a way to remove the SRC would be the best way to move forward, but that would likely involve raising the base rate. He pointed out that Washington had a higher base rate. Council Member Shakespeare believed the base rate needed to be closer to \$30, but that should happen over a few years. It was noted that raising the base rate meant the other rates should hold or be lowered. Mayor Rosenberg pointed out that a rate study would be needed if the base rate was changed in any way. Council Member Shakespeare liked the suggestion from Council Member Mathis about reviewing the number on an annual basis. Council Member Mathis asked what the average kilowatt use was per resident. Mr. Hall reported that it was approximately 2,500 kilowatts per month.

Mr. Hall shared information about the solar agreements. The intention was to inform the customer that was putting solar into their home what the stipulations were. However, that could be included in the Building Permit instead. Council Members were supportive of there not being a separate agreement that needed to be signed. Mayor Rosenberg thanked Staff for the information shared.

#### **4. Staff Reports.**

Mr. Hall presented updates to the Council. He explained that he was required to inform the Council when there were purchases on the PX. There had been a lot of work done to look at the PX. He noted that a lot had not been purchased, but small amounts were saved, which added up. The savings from the generation were also important to consider. From May 1 to May 16, approximately \$1,900 had been saved by making those small purchases on the PX and from the generation. That would increase throughout the summer months. The intention was to run the generators more during the off-season to see whether that excess could be sold.

Mr. Hall shared information about the town hall meetings. He was not sure that all Council Members needed to be present. It was noted that if three or more Council Members participated, it would have to be noticed as a public meeting. There needed to be discussions about how to invite residents to the town hall meetings. For instance, the community could be broken up into different sections. Mr. Hall

was not sure how many people would come to the town halls, but there might be more than the banquet room could hold. Council Member Mathis liked the idea of dividing it so there were smaller numbers. People would be more likely to ask questions and participate if there were smaller groups. It was suggested that the meetings be held on four different nights with smaller groups of residents. It could be limited to two Council Members at each meeting, but Staff would be there as well. The groups could be broken up by neighborhoods and there could be a question-and-answer town hall format.

The Council discussed power-related concerns within the community. Mr. Hall explained that the PCA was high currently because of the December power bill. That was a perfect storm of events and was not something that had been seen before. With the high power rates, Nebo shutting down, and the generators not all up and running, there were a lot of factors that contributed to that amount. Everyone that had Nebo was in the same boat. Once the December power bill was removed from the six-month average, that would lower the PCA, which would help a lot. Mayor Rosenberg asked what the message of the town hall would be. He felt it was important to have a clear message established ahead of time in order for the town halls to be successful.

Council Member Waite acknowledged that the December number was high, but the PCA started out at around one and a half cents. In September, it went to four and a half cents. It had jumped even before the events in December. That was another concern that residents had because the number had been creeping up previously as well. He reported that the number was 7.3 last month. He had hoped there would have been a bigger drop in the last month, but it was still quite high. It was important to have clear and consistent messaging for residents about this. For example, letting residents know that the generators were now working, the market had cooled down, and a lot of different avenues were being explored. Sharing that information would be useful.

It was noted that some level of patience was needed. The PCA number would improve, but there needed to be some patience in the meantime. The City was trying to resolve the issue and make good decisions by reviewing all of the important data. It might take some time to make necessary changes, but there was a desire to improve the current situation. Council Members were sensitive to the fact that there was uncertainty about the power bills during the summer months. Council Member Mathis felt it would be better to communicate with residents ahead of time. She understood the comments shared by the Mayor, as it would be better to have a plan in place before meeting with residents, but it was important to meet with residents and hear their concerns. Mayor Rosenberg believed the residents would want there to be concrete answers. Council Member Mathis suggested documenting everything that the City was doing, such as looking into redoing the rate study, reviewing on an annual basis, and having discussions about solar.

Council Member Shakespeare believed that the information should be shared in the newsletter. Council Member Waite noted that social media would be a good way to share information as well. Council Member Shakespeare suggested that the Power Department write something that could be shared with residents. It could outline what the issues were and what was being done. Once that information had been shared, it would be appropriate to have the town hall meetings. Mayor Rosenberg felt it was important to establish a better line of communication. There was support for social media posts, some of which could be short videos and infographics. Whatever was posted on social media could also be added to the website so all of the information was available. There was support for this kind of approach instead as it would ensure there was a uniform message. Mr. Hall noted that there was a QR code for the Power Department and that could be shared as well.

Mr. Hall noted that the Hunt Electric work had started a week earlier than anticipated. As for UAMPS, the steel solar was purchased, the panels were obtained, and it would be online in December 2023. The Carbon Free Power Project (“CFPP”) was still moving forward. The combined operating license application was in and that should be approved soon.

Mr. VonCannon reported that the fountain on the east side of the building had been improved. Before and after images were shared with Council Members. A company, Celestial Creative, came in and fixed the concrete. It would be down for a few weeks as the materials set and cured. The company would then come back to seal the fountain. Once that was done, it would be operational. Mayor Rosenberg asked whether the bronze would be cleaned. Mr. VonCannon clarified that a different company handled that. It would be done in September prior to Swiss Days. Council Member Mathis shared a notice for repair. At the east side of the arboretum entrance, off of Lava Cove, water had impacted the sidewalk. That needed to be fixed before the sidewalk collapsed. Mr. VonCannon stated that someone would take care of that necessary repair. Council Member Waite asked whether it would be possible to schedule an orchard meeting. It was important to start planning and moving some of those discussions forward. Mr. VonCannon confirmed this.

Fire Chief, Andrew Parker, shared updates with the Council. He noted that there had been a string of brush fires. A lot of them were in St. George but there was one a few weeks ago in Ivins. It led to some property damage and impacted a fence and gate. It would be an active fire season. Mayor Rosenberg asked when the detention basin was last burned. Chief Parker believed it was two years ago. It was suggested that it be looked into to determine whether it needed to be done again. Chief Parker offered to follow up on that. He referenced the brush fire truck that was purchased 18 months ago. He hoped that would arrive in the City sometime in August.

Chief Parker reported that a grant was received for health and wellness. A bill came out at the beginning of the year that required some action to be taken to address mental health for first responders. There had been work with a third-party vendor that assisted with policies and the intention was to use the \$5,000 grant to obtain an app that cost \$4,999. Chief Parker stated that the Horizon movie shoot was done last Friday. It was an interesting experience to be involved in. He also reported that there was a recruitment process in place and a third-party vendor was being used for that, which was called Public Safety Answers. Logan and Hurricane used that. Applications were received by the third-party vendor and there was an exam. The scores were received, which eliminated a lot of the interviewing process. The final candidates would be determined and then the interviews would take place. It would be used to establish a two-year list.

Mr. Mitchell reported that the Building Department was doing well. For the year to date, there were 116 single-family and townhome permits. There were 17 single-family and 99 townhomes. In April, there were 19 total permits, which included three single-family and four townhomes. The 12 remaining were miscellaneous, such as pools, awnings, and solar. In May, there were 12 permits so far, which included two single-family and four townhomes. Mr. Mitchell recognized Ms. Nez for her work. She completed her CEUs in order to apply for the CMC and MMC. As for building maintenance, Mr. Mitchell explained that things continually occurred. A geo pump would be installed the next morning. There was still work being done on the lights. Council Member Mathis wondered whether the City maintained the raised planters on Pioneer. This was denied. The planters out front were maintained by the businesses and not the City.

City Planner, Jim McNulty explained that Planning and Zoning is busy. A Heritage Commission Meeting was scheduled for the following day, where a proposed office building on the corner of Gates Lane and Santa Clara Drive would be discussed. On May 25, 2023, there would be a Planning Commission Meeting. He reviewed some of the items on the meeting agenda.

Mr. Jacobsen reported that a Swiss Days Meeting had been held that week. That work was getting started and there had been discussions about making some possible adjustments. Next week, there would be a public hearing on the Tentative Budget. During the first meeting in June, the City Council would consider the final budget. The last meeting in June would be focused on amending the current year's budget. He thanked Ms. Nez for her hard work and dedication.

**5. Adjournment.**

The City Council Meeting adjourned at 8:41 p.m.

\_\_\_\_\_  
Chris Shelley  
City Recorder

Approved: \_\_\_\_\_

**SANTA CLARA CITY COUNCIL  
WORK MEETING MINUTES  
WEDNESDAY, MAY 24, 2023**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, May 24, 2023, 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 YouTube linked on our website at <https://sccity.org/meetings>.

**Present:** Mayor Rick Rosenberg

**Council Members:** Denny Drake  
Christa Hinton  
Leina Mathis  
Ben Shakespeare  
Jarrett Waite

**City Manager:** Brock Jacobsen

**Others Present:** Jim McNulty, City Planner  
Dustin Mouritsen, Public Works Director  
Andrew Parker, Fire Chief  
Matt Ence, City Attorney  
Bob Flowers, Police Chief  
Selena Nez, Deputy City Recorder

**1. Call to Order.**

Mayor Rick Rosenberg called the meeting to order at 5:04 p.m. The presence of New Justice Court Judge, Jake Graff and his family was recognized. He commended recently retired Judge Armstrong for his service to the City since 2000. The Judge was presented with a key to the City. Judge Armstrong commented that the secret behind justice courts is the clerks. He commended Judge Graff and the current clerk who are both exceptional. He stated that he has enjoyed his time serving the City of Santa Clara.

**2. Opening Ceremony.**

**A. Pledge of Allegiance: Denny Drake.**

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

### 3. General Citizen Public Comment.

There were no citizen comments.

### 4. Conflicts and Disclosures.

Mayor Rosenberg had a conflict with agenda item number five as the firm he is employed by is the Engineer of Record for the Vineyards Phase 11. He also had a conflict with agenda item number six as the firm he is employed by is the Engineer of Record for the Solace Subdivision.

### 5. Working Agenda.

#### A. **General Business.**

- i. **Public Hearing to Receive Public Input Regarding a Water Rate Increase from the Washington County Water Conservancy District (“WCWCD”) to Purchase Wholesale Water, the City Finds it Necessary to Amend the City Water Rates to Reflect the Increase of 10 Cents per 1,000 Gallons from the WCWCD.**

Mayor Rosenberg opened the public hearing. There were no public comments. The public hearing was closed.

- ii. **Public Hearing to Receive Public Input Regarding the City of Saint George Regional Wastewater Rate Increase by \$1.50 Per Month Per Equivalent Residential Unit (“ERU”) Effective July 1, 2023, to Cover the Cost of Replacement and Upsize Project.**

Mayor Rosenberg reported that the proposed increase is a pass-through increase from the City of Saint George to the residents.

Mayor Rosenberg opened the public hearing. There were no public comments. The public hearing was closed.

- iii. **Public Hearing to Receive Public Input Regarding the FY 2023-2024 Tentative Budget.**

The Mayor stated that numerous changes were made to the budget, which has been discussed at the last several meetings.

City Manager, Brock Jacobsen, reported that the Fund Balance that was used to balance the budget is down to \$444,000. Work was ongoing. Adoption of the final budget would be presented to the City Council on June 10, 2023. No significant changes were proposed from the previous discussion.

Mayor Rosenberg opened the public hearing. There were no public comments. The public hearing was closed.

**B. Consent Agenda.**

**i. Approval of Claims and Minutes.**

- **May 10, 2023, Regular City Council Meeting.**
- **May 17, 2023, City Council Work Meeting.**
- **Claims through May 24, 2023.**

The Mayor reported that the minutes of May 17, 2023, were not ready for approval and would be tabled to the next meeting.

**ii. Calendar of Events.**

- **June 14, 2023, Regular City Council Meeting.**
- **June 21, 2023, City Council Work Meeting.**
- **June 28, 2023, Regular City Council Meeting.**

**Council Member Waite moved to APPROVE the Consent Agenda, as presented. Council Member Drake seconded the motion. Vote on motion: Council Member Waite-Aye, Council Member Drake-Aye, Council Member Hinton-Aye, Council Member Mathis-Aye, Council Member Shakespeare-Aye. The motion passed unanimously.**

**C. General Business.**

**i. Discussion and Action to Approve the Proposed Water Rate Increase from the WCWCD to Purchase Wholesale Water, the City Finds it Necessary to Amend the City Water Rates to Reflect the Increase of .10 cents per 1,000 Gallons from the WCWCD and Resolution 2023-08R. Presented by Dustin Mouritsen, Public Works Director.**

Council Member Waite asked about the additional use for Operations and Maintenance funds and what they would be used for. Public Works Director, Dustin Mouritsen, stated that in looking at the current budget year, \$9,000 was budgeted for fuel; however, to date, they have spent \$12,000. For water meters \$30,000 was budgeted and they are nearly at \$52,000 due to rising costs of brass, copper, and miscellaneous fittings. For water line repairs, \$25,000 was budgeted and they have spent nearly \$23,000. In terms of overtime, they have exceeded what was budgeted by \$9,000. Labor costs had also increased significantly.

**Council Member Hinton moved to APPROVE the proposed water rate increase from the Washington County Water Conservancy District (“WCWCD”) to purchase wholesale water reflecting an increase of \$.10 per 1,000 gallons and Resolution 2023-08R. Council Member Waite seconded the motion. Vote on motion: Council Member Waite-Aye, Council Member**

**Drake-Aye, Council Member Hinton-Aye, Council Member Mathis-Aye, Council Member Shakespeare-Aye. The motion passed unanimously.**

- ii. Discussion and Action to Approve the City of Saint George Regional Wastewater Rate Increase by \$1.50 per month per ERU effective July 1, 2023, to Cover the Cost of Replacement and Upsize Project and Resolution 2023-10R. Presented by Dustin Mouritsen, Public Works Director.**

**Council Member Drake moved to ADOPT Resolution Number 2023-10R, a Resolution amending the Wastewater Service Rate Fee to \$26.05 for residential and \$32.65 for commercial. Council Member Shakespeare seconded the motion. Vote on motion: Council Member Waite-Aye, Council Member Drake-Aye, Council Member Hinton-Aye, Council Member Mathis-Aye, Council Member Shakespeare-Aye. The motion passed unanimously.**

- iii. Consider Approval of the FY 2023-2024 Tentative Budget and Ordinance 2023-11. Presented by Debbie Bannon, Finance Director.**

Mr. Jacobsen presented the Tentative Budget and reported that as stated, the current budget for Fiscal Year 2023-2024 has increased by 2% from just over \$9 million to \$9.1 million. They are using \$444,000 of Fund Balance to balance the budget for the General Fund. The expenditures that were the cause of the increase included the following:

- The Dowdle Puzzles with the revenue coming back to the City as puzzles are sold;
- Engineering for Vineyard Drive;
- The purchase of a backhoe for the Streets and Parks Departments;
- The purchase of a field groomer;
- The purchase of a Mower;
- For impact fees, the budget is \$467,000 with funds available for Tobler Park. They also budgeted for a traffic signal and engineering for a splash pad and pickleball court. Capital projects include Vineyard Drive Phase 2 and the BMX Parking lot.
- In the Enterprise Fund, the Water Funds are just over \$3 million. There are larger projects including secondary water projects for Solace and Black Desert. There is also the Crest View Irrigation Line and the Pressure Reducing Valve (“PRV”) upsize. If not for the projects that are impact fee eligible, the budget would be less than the current year’s budget.
- The Sewer Budget is just over \$1 million. Upsizing was also envisioned for the Silverado and Solace developments.
- The Electric Fund is at \$8.5 million and includes a \$1.25 million increase in power purchase costs as well as an increase in bonds for the new generators.
- Stormwater costs increased to \$770,000 from \$703,000 with no significant increases. Payroll and benefits represented the largest increase.

**Council Member Mathis moved to APPROVE the FY 2023-2024 Tentative Budget and Ordinance 2023-11, as presented. Council Member Hinton seconded the motion. Vote on**

**motion: Council Member Waite-Aye, Council Member Drake-Aye, Council Member Hinton-Aye, Council Member Mathis-Aye, Council Member Shakespeare-Aye. The motion passed unanimously.**

**iv. Discussion Regarding a Separate Impact Fee for Townhomes and Single-Family Homes. Presented by Dustin Mouritsen, Public Works Director.**

Mr. Mouritsen reported that staff would like to add water share purchases as one of the projects because it is impact fee eligible due to new growth. Sunrise Engineering has looked at the available acreage out for development and how many shares of water will need to be purchased. The total came to \$363,000. With that, the project costs increased along with the water rate and impact fee. The water rate was estimated at \$.02 per 1,000 gallons or \$.92.

Mr. Mouritsen was also asked to look at a separate impact fee for townhouses. It was estimated that future townhome development will comprise 30% of new growth. If this were the case, the City could charge a maximum impact fee of \$1,823 per townhome and \$3,585 per traditional ERU or single-family home. The original impact fee was \$2,900 for any structure or townhouse versus single-family. The number was based on the maximum allowable usage. Changes could be made if there is a trend or other increase.

Council Member Shakespeare commented that the difference seemed significant. Mr. Mouritsen stated that it makes sense since townhomes tend to use half as much water as single-family homes and benefit the City.

Council Member Waite attended a recent Utah League of Cities and Towns (“ULCT”) Meeting where it was reported that townhomes and apartments use less water per unit but overall use more water than single-family homes because of the density. He questioned whether the desire is to encourage more townhomes with a lower impact fee, which may result in the City having to go out and look for more water. The indoor use for townhomes is based on a density of 18 units per acre. It was noted that all of the numbers will change based on density.

City Attorney, Matt Ence stated that another factor with the amount of impact fees collected is that more impact fees are being collected in terms of the number of fees that are paid. Council Member Shakespeare commented that growth will come and the intent is to develop for it. Density issues were discussed. It was noted that downtown densities are closer to 60 units per day while suburbs in the Wasatch Front are a maximum of 20 to 25 units per acre for apartments. Mayor Rosenberg suggested that water use in new developments be analyzed and compared in the next few years based on density and compared to a single-family neighborhood. It was noted that many developments are not connected to secondary water and are not subject to the Landscaping Ordinance.

Mr. Mouritsen offered to make a comparison to current projects and bring the matter back for further discussion. He was also asked to make an impact fee reduction for lots that have a secondary water connection. Staff looked at the total number of projects on the project list, 22% of which are irrigation projects. The remaining 78% are culinary projects. If the impact fee is

calculated at 22%, it would give a lot with a secondary water connection an impact of \$2,689 versus a single-family lot without a secondary connection of \$3,456.

Mr. Ence stated that it is important to look at it differently from the WCWCD since they are giving an impact fee discount in return for something that is essentially a Conservation Easement on a lot. The City needs to be able to identify what the credit that is offered is associated with. Once implemented, they can identify the portion of the impact fee that is associated with the dedication of those shares to the City and give them that credit back. They may need to look at it as to whether there is a secondary connection and if the developer brought water with the project. Those are items that an impact fee credit could be given for. He liked that from a legal perspective because it is more defensible. He considered it to be a positive for developers and residents alike.

Council Member Shakespeare agreed and stated that it would seem to encourage developers to pursue a cost savings. Mr. Ence stated that by providing the secondary connection and water, a discount would be given on the district fees and a credit against the secondary impact fees. He considered it to be a win-win for all.

Mr. Mouritsen stated that they also ran a second scenario and granted a 50% discount like WCWCD does. Mayor Rosenberg commented that the Will-Serve Letter process requires impact fees to be paid at the time of plat approval. That would apply to water impact fees as well. Currently, some developers go the cheapest route possible and pass as much of the cost as possible onto the Building Permit stage. It was suggested that all impact fees be paid at the time the Will-Serve letter is granted since they have to ensure that the water is available.

The issue of ERUs was discussed. Mayor Rosenberg noted that the same rate is paid on very large homes as on a 1,000-square-foot home. Water consumption and infrastructure requirements are greater but they are not paying more. He wanted to ensure that they are being equitable. Currently, they are penalizing the owners of more affordable homes. One option was to base it on square footage or the number of bedrooms and bathrooms. Possible options were discussed and ways to address inequities. The Mayor suggested that they look at what other communities are doing.

**v. Discussion and Action for Abandonment of Unused Sewer Easements in Vineyards – Phase 11 Subdivision South of Vineyard Drive and North of Marion Court. Presented by Matt Ence, City Attorney.**

Mr. Ence reported that similar action was taken in the Solace Subdivision. It was discovered after the fact that there was still one Public Utility Easement (“PUE”) in Solace that was not abandoned previously. The Solace easement that is no longer needed because the subdivision has been recorded is a PUE. There are two sewer easements as well in the Vineyards Phase 11 Subdivision. These are sewer easements that have never been used and will no longer be needed once the subdivision is recorded. Similar to what has been done previously, staff asked that the Council approve the abandonment of the easements. The Mayor clarified that the easements will be replaced by the easements on the final plats.

**Council Member Shakespeare moved to ABANDON the Unused Sewer Easements for the Vineyard Phase 11 Subdivision south of Vineyard Drive and North of Marion Court, as**

presented. Council Member Hinton seconded the motion. Vote on motion: Council Member Waite-Aye, Council Member Drake-Aye, Council Member Hinton-Aye, Council Member Mathis-Aye, Council Member Shakespeare-Aye. The motion passed unanimously.

- vi. **Discussion and Action for Abandonment of an Unused Public Utility Easement in the Solace Subdivision. Presented by Matt Ence, City Attorney.**

Council Member Waite moved to ABANDON the Unused Public Utility Easement in the Solace Subdivision, as presented. Council Member Mathis seconded the motion. Vote on motion: Council Member Waite-Aye, Council Member Drake-Aye, Council Member Hinton-Aye, Council Member Mathis-Aye, Council Member Shakespeare-Aye. The motion passed unanimously.

## 6. Reports.

### A. **Mayor/Council Reports.**

Council Member Shakespeare reported on the following:

- He asked for an update on the engineering for the retaining of Little League Drive. Mr. Mouritsen responded that he met Wayne Rogers on the site and he plans to donate the design, which should be completed any day. Construction will commence once the season has concluded. Council Member Shakespeare asked if there will be drainage on top of the wall behind it. Mr. Mouritsen stated that there will be a gravel pack fabric that drains.
- He has conflicts and will not be present for the June 14 and 28 meetings but will be present for the Work Meeting on June 21. Council Member Waite also had a conflict on June 28. It was determined that a quorum will be present to vote on the budget.

Council Member Mathis reported on the following:

- The first Legislative Policy Committee (“LPC”) Meeting was held. Representative Walter informed her that 500 bill files have already been opened. She informed him that the Council would like to discuss the Transient Room Tax (“TRT”). Representative Walter was to get back to her to schedule a time to meet.
- The Heritage Commission met the previous week and addressed a commercial property on Santa Clara Drive. A member of the Commission contacted her and would like to discuss what the Council wants commercial buildings in the Historic District to look like. She stated that the Design Guidelines were put into place to address residential structures and not what may happen if a residential structure has to be torn down and a commercial building constructed in its place. She suggested that it be considered part of the General Plan Study to get feedback from residents on the types of commercial buildings they may want to see downtown to preserve the historic feel.

- She asked about the census and if the City's numbers were considered in greater detail. Mr. McNulty had not addressed the census but stated that he would follow up.
- There was previous discussion about pursuing a Conservation Easement for the ground along the parkway. She asked what would need to be done to pursue that. Mr. Ence stated that work was done on a draft but it had not yet been presented to the Council as it was a low priority. Council Member Mathis asked that it be addressed since people are nervous about construction activity taking place in the area. Council Member Drake stated that Matt Brower from Heber City offered his assistance.

Council Member Hinton reported on the following:

- She sent the updated sketch for the Dowdle Puzzle to the Council Members. It was requested that the revisions be submitted by the end of the week so they can start painting.

Council Member Drake reported on the following:

- The Solid Waste District Meeting was canceled and he had nothing further to report.

Council Member Waite reported on the following:

- UTOPIA has completed the first phase of the fiber installation in Santa Clara City including all of the Heights and Bella Sol. He noted that some plans were available that were less than anticipated with some plans starting as low as \$60 per month.

Council Member Shakespeare reported on the following:

- The Solid Waste District Meeting was canceled.
- He met with the Power Department the previous week to address the City's Social Media Plan to stay in front of the Power Cost Adjustment ("PCA") coming up this summer. Verbiage was drafted to go with a graphic to be posted. They also set a goal of posting one video per month describing something in the Power Department that is positive. They also discussed the possibility of replying to comments since they expect a lot of negative feedback. They would redirect to a source to help them understand it better or have Staff provide an answer without being argumentative or creating discord.

Mayor Rosenberg reported on the following:

- The Water Board met and discussed the Administrative Committee that will be
- Solid Waste District Meeting was canceled and he had nothing further to report.

They indicated that a meeting would be scheduled with the City Attorney to review the New Draft Agreement. He would follow up as that had not yet happened.

- The District will assist the City financially with new water development. They wished to discuss it further at the next Technical Advisory Committee (“TAC”) Meeting. Mr. Mouritsen corrected a claim that there is a well in the lava field in Black Desert and stated that that is not true. He stated that many false claims have been made by the developer on social media. It was stated that they have water per an agreement with Saint George City but no well.
- The Trails Master Plan Projects that are on the funding list were addressed. There are several trails in the northern part of the Heights Phases 1 and 2.
- An update meeting was held on the Graveyard Wash Reservoir. There are still issues with the Bureau of Land Management (“BLM”) and the Environmental Study. The BLM does not want the area to grow and is trying to block all of the reservoir site rights-of-way but is proceeding with the design. There will be access on the top of the dam from the highway side. They are trying to acquire the Western Hafen property along the highway without pursuing eminent domain. Negotiations were ongoing.
- A Santa Clara Irrigation Meeting was scheduled for tonight at 7:00 p.m. There were concerns with the agenda on issues they would be addressing including changes proposed to be made to the Bylaws to change the first right of refusal language that is in the existing agreement.
- A Growth Survey was put out by the State addressing what residents would like to see in terms of future growth relative to housing, water development, transportation, and open space. He thought the questions were well presented. The survey could be accessed at [guidingourgrowth.utah.gov](http://guidingourgrowth.utah.gov) and takes about 15 minutes to complete.

7. **Executive Session.**

There was no Executive Session.

8. **Adjournment.**

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

The City Council Meeting adjourned at 6:18 p.m.

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Selena Nez  
Deputy City Recorder

Approved: \_\_\_\_\_

**City of Santa Clara  
Check Register  
All Bank Accounts - 06/01/2023 to 06/01/2023**

Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account	Activity Code
AFLAC	ACH	778750	06/01/2023	06/01/2023	890.01	Billing	102253-000 - AFLAC PAYABLE	
					<b>\$890.01</b>			
BUCKS ACE SANTA CLARA	70427	2193	04/27/2023	06/01/2023	9.58	PLUMBING SUPPLIES & FIXTURES	104510-250 - OPERATING SUPPLIES	
BUCKS ACE SANTA CLARA	70427	2222	05/04/2023	06/01/2023	7.98	COMPOSTED STEER	104510-480 - PLANTS & FERTILIZER	
BUCKS ACE SANTA CLARA	70427	2237	05/09/2023	06/01/2023	266.99	LADDER VELOCITY 17	525210-250 - OPERATING SUPPLIES	
BUCKS ACE SANTA CLARA	70427	2243	05/10/2023	06/01/2023	18.66	SPRAY PAINT	535310-250 - OPERATING SUPPLIES	
BUCKS ACE SANTA CLARA	70427	2268	05/15/2023	06/01/2023	40.02	EARPLUGS & WOOD STAIN	104510-253 - VEH/EQUIP REPAIR	
BUCKS ACE SANTA CLARA	70427	2297	05/22/2023	06/01/2023	30.19	RIVETS & COMPOSTED STEER	104510-480 - PLANTS & FERTILIZER	
BUCKS ACE SANTA CLARA	70427	2299	05/22/2023	06/01/2023	26.61	COMPOSTED STEER	104510-480 - PLANTS & FERTILIZER	
					<b>\$400.03</b>			
					<b>\$400.03</b>			
CHILD SUPPORT SERVICES	70428	053123-873789	05/30/2023	06/01/2023	206.77	CASEY-C000873789 PAY PERIOD 05/31/23	102595-000 - GARNISMENTS PAYABL	
					<b>\$206.77</b>			
CITY OF ST GEORGE - S	70429	MAY2023-SEWE	05/31/2023	06/01/2023	37,823.50	2990 SEWER CONNECTIONS @12.65 MAY 2023	525210-945 - SEWER TREATMENT -	
					<b>\$37,823.50</b>			
CITY OF ST. GEORGE - MISC	70430	11962	05/17/2023	06/01/2023	3,087.07	Inv. #11962 - FY23 QTR 4 POLICE DISPATCH FEE	104230-985 - COUNTY DISPATCH	
CITY OF ST. GEORGE - MISC	70430	11967	05/17/2023	06/01/2023	8,345.75	Inv # 11967 FY23 QTR 4 SCHOOL RESOURCE OF	104220-980 - SRO - ST. GEORGE	
					<b>\$11,432.82</b>			
					<b>\$11,432.82</b>			
DR. ROBERT R. FOSTER, D.O. P.C.	70431	JUNE 2023 MED	05/30/2023	06/01/2023	1,200.00	MEDICAL SERVICES DIRECTOR	104230-370 - PROFESSIONAL SERVI	
					<b>\$1,200.00</b>			
EMI HEALTH	EFT	COMM49162023	06/01/2023	06/01/2023	225.25	EMI HEALTH TELEMED	102250-000 - HEALTH INSURANCE P	
					<b>\$225.25</b>			
ERIC GENTRY	70432	MAY2023CITY P	05/30/2023	06/01/2023	1,500.00	PROFESSIONAL SERVICES	104120-330 - LEGAL SERVICES	
					<b>\$1,500.00</b>			
GLOBE LIFE LIBERTY NATIONAL	EFT	060123-LIFE INS	06/01/2023	06/01/2023	671.73	LIFE INSURANCE	102252-000 - ULGT LIFE PAYABLE	
					<b>\$671.73</b>			
HEALTHEQUITY	ACH	PR053123-10533	06/01/2023	06/01/2023	65.00	Family HSA	102255-000 - HSA-HEALTH EQUITY P	
HEALTHEQUITY	ACH	PR053123-10533	06/01/2023	06/01/2023	145.00	Single HSA	102255-000 - HSA-HEALTH EQUITY P	
					<b>\$210.00</b>			
					<b>\$210.00</b>			
MORGAN PAVEMENT	70433	J019034	05/20/2023	06/01/2023	280,664.63	SANTA CLARA SLURRY PROJECT 2023	104410-412 - CHIP SEALING M&S	
					<b>\$280,664.63</b>			
PELORUS METHODS, INC.	EFT	230703	06/01/2023	06/01/2023	3,100.00	INV#210201-SOFTWARE & SUPPORT 2/1/21-4/30/	104130-310 - IT SERVICES	
					<b>\$3,100.00</b>			
RIPPY, SCOTT	70434	053023-DEPOSIT	05/30/2023	06/01/2023	25.00	GUBLER PARK DEPOSIT REFUND FOR 5/28/23	103465-000 - AH GUBLER RESERVAT	
					<b>\$25.00</b>			
SUNRISE ENGINEERING, INC.	70435	0133997	05/09/2023	06/01/2023	98.00	PARKS,TRAILS,& CEMETERY	104510-320 - ENGINEERING SERVIC	
SUNRISE ENGINEERING, INC.	70435	0134051	05/10/2023	06/01/2023	1,587.00	IMPACT FEE FACILITIES PLAN AMENDMENT	104510-320 - ENGINEERING SERVIC	
					<b>\$1,685.00</b>			
					<b>\$1,685.00</b>			

**City of Santa Clara  
Check Register  
All Bank Accounts - 06/01/2023 to 06/01/2023**

<u>Payee Name</u>	<u>Reference Number</u>	<u>Invoice Number</u>	<u>Invoice Ledger Date</u>	<u>Payment Date</u>	<u>Amount</u>	<u>Description</u>	<u>Ledger Account</u>	<u>Activity Code</u>
UTAH VALLEY UNIVERSITY/BUS.O	70436	A28350	04/07/2023	06/01/2023	540.00	WINTER FIRE SCHOOL 2023 REGISTRATION	104230-360 - TRAINING	
					<u>\$540.00</u>			
WASHINGTON COUNTY SOLID WA	70437	1948033	05/09/2023	06/01/2023	159.60	COM CLEAN DIRT	545410-250 - OPERATING SUPPLIES	
WASHINGTON COUNTY SOLID WA	70437	1948154	05/09/2023	06/01/2023	128.98	COM CLEAN DIRT	545410-250 - OPERATING SUPPLIES	
WASHINGTON COUNTY SOLID WA	70437	1948236	05/09/2023	06/01/2023	142.06	COM CLEAN DIRT	545410-250 - OPERATING SUPPLIES	
					<u>\$430.64</u>			
					<u>\$430.64</u>			
WHITAKER CONSTRUCTION CO.	70438	34710	05/30/2023	06/01/2023	12,075.00	VINEYARD DR. RECONSTRUCTION	424200-730 - ARPA CAPITAL IMPROV	105
WHITAKER CONSTRUCTION CO.	70438	34710	05/30/2023	06/01/2023	67,481.22	VINEYARD DR. RECONSTRUCTION	545410-730 - IMPROVEMENTS	
					<u>\$79,556.22</u>			
					<u>\$79,556.22</u>			
XEROX FINANCIAL SERVICES	EFT	4249583	06/01/2023	06/01/2023	173.20	Xerox Lease Payment-contract 020-0126710-002	104130-825 - LEASE PAYMENTS	
					<u>\$173.20</u>			
					<u>\$420,734.80</u>			

**City of Santa Clara  
Check Register  
All Bank Accounts - 06/05/2023 to 06/05/2023**

<u>Payee Name</u>	<u>Reference Number</u>	<u>Invoice Number</u>	<u>Invoice Ledger Date</u>	<u>Payment Date</u>	<u>Amount</u>	<u>Description</u>	<u>Ledger Account</u>	<u>Activity Code</u>
Internal Revenue Service	ACH	PR053123-1592	06/01/2023	06/05/2023	4,950.20	Medicare Tax	102221-000 - FICA PAYABLE	
Internal Revenue Service	ACH	PR053123-1592	06/01/2023	06/05/2023	13,501.27	Federal Income Tax	102222-000 - FEDERAL WITHHOLDIN	
Internal Revenue Service	ACH	PR053123-1592	06/01/2023	06/05/2023	21,166.66	Social Security Tax	102221-000 - FICA PAYABLE	
					<b>\$39,618.13</b>			
UTAH RETIREMENT SYSTEMS	ACH	PR053123-444	06/01/2023	06/05/2023	165.24	457 Loan Payment	102230-000 - RETIREMENT PAYABLE	
UTAH RETIREMENT SYSTEMS	ACH	PR053123-444	06/01/2023	06/05/2023	341.53	401-K Loan Payment	102230-000 - RETIREMENT PAYABLE	
UTAH RETIREMENT SYSTEMS	ACH	PR053123-444	06/01/2023	06/05/2023	1,150.00	Roth IRA	102230-000 - RETIREMENT PAYABLE	
UTAH RETIREMENT SYSTEMS	ACH	PR053123-444	06/01/2023	06/05/2023	1,479.24	401-K State	102230-000 - RETIREMENT PAYABLE	
UTAH RETIREMENT SYSTEMS	ACH	PR053123-444	06/01/2023	06/05/2023	1,480.48	457 Plan	102230-000 - RETIREMENT PAYABLE	
UTAH RETIREMENT SYSTEMS	ACH	PR053123-444	06/01/2023	06/05/2023	4,261.91	401-K	102230-000 - RETIREMENT PAYABLE	
UTAH RETIREMENT SYSTEMS	ACH	PR053123-444	06/01/2023	06/05/2023	23,549.67	State Retirement	102230-000 - RETIREMENT PAYABLE	
					<b>\$32,428.07</b>			
UTAH STATE TAX COMMISSION	ACH	PR050323-447	05/04/2023	06/05/2023	7,233.99	State Income Tax	102223-000 - STATE WITHHOLDING P	
UTAH STATE TAX COMMISSION	ACH	PR051723-447	05/18/2023	06/05/2023	7,495.53	State Income Tax	102223-000 - STATE WITHHOLDING P	
					<b>\$14,729.52</b>			
					<b>\$14,729.52</b>			
UTAH STATE TREASURER / FINES	70439	MAY2023 COUR	06/05/2023	06/05/2023	17,100.03	COURT SURCHARGES	104120-905 - STATE FINE COLLECTI	
					<b>\$17,100.03</b>			
					<b>\$103,875.75</b>			

**City of Santa Clara  
Check Register  
All Bank Accounts - 06/08/2023 to 06/08/2023**

<u>Payee Name</u>	<u>Reference Number</u>	<u>Invoice Number</u>	<u>Invoice Ledger Date</u>	<u>Payment Date</u>	<u>Amount</u>	<u>Description</u>	<u>Ledger Account</u>	<u>Activity Code</u>
BLUE LARK CONSTRUCTION	70440	164	06/01/2023	06/08/2023	1,102.00	AC REPAIR FOR ANIMAL SHELTER - DOG RUN	104220-250 - OPERATING SUPPLIES	
					<b>\$1,102.00</b>			
BRIAN GEER DEVELOPMENT INC.	70441	SAC210914202	06/07/2023	06/08/2023	500.00	BLDG MAIN DEP REF PERMIT 21202	102570-000 - BLDG SITE MAINTENAN	
					<b>\$500.00</b>			
CANNON TECHNOLOGIES INC.	70442	949344178	04/22/2023	06/08/2023	20,384.00	SINGLE PHASE RESIDENTIAL METERS	535310-252 - SUPPLIES & METERS	103
CANNON TECHNOLOGIES INC.	70442	967155663-2	08/30/2021	06/08/2023	-7,048.72	WATER NODE INSTALLATION CREDIT	513725-000 - MISCELLANEOUS	
					<b>\$13,335.28</b>			
					<b>\$13,335.28</b>			
CELESTIAL CREATIVE LLC	70443	0000003	05/30/2023	06/08/2023	3,300.00	PAINTING,STAINING,SEALING ROCK IN FOUNTAI	104510-740 - CAPITAL EQUIPMENT	
					<b>\$3,300.00</b>			
CITY OF ST GEORGE - UTILITIES	70444	06072023-SC SN	05/31/2023	06/08/2023	2,003.48	SANTA CLARA SNW CYN	515110-275 - SNOW CANYON OP CO	
CITY OF ST GEORGE - UTILITIES	70444	06072023-SC WE	05/31/2023	06/08/2023	7,925.26	SNOW CANYON WELL #6	515110-271 - WELLS UTILITY COSTS	
CITY OF ST GEORGE - UTILITIES	70444	06072023-SC WE	05/31/2023	06/08/2023	5,390.44	SNOW CANYON WELL #7	515110-271 - WELLS UTILITY COSTS	
CITY OF ST GEORGE - UTILITIES	70444	06072023-WTR T	05/31/2023	06/08/2023	26,243.48	WTR TANK AT MOUTH	515110-275 - SNOW CANYON OP CO	
					<b>\$41,562.66</b>			
					<b>\$41,562.66</b>			
COLE WEST DEVELOPMENT	70445	SAC220429093	06/07/2023	06/08/2023	500.00	BLDG MAIN DEP REF PERMIT 22-093	102570-000 - BLDG SITE MAINTENAN	
COLE WEST DEVELOPMENT	70445	SAC220429094	06/07/2023	06/08/2023	500.00	BLDG MAIN DEP REF PERMIT 22-094	102570-000 - BLDG SITE MAINTENAN	
COLE WEST DEVELOPMENT	70445	SAC220429095	06/07/2023	06/08/2023	500.00	BLDG MAIN DEP REF PERMIT 22-095	102570-000 - BLDG SITE MAINTENAN	
COLE WEST DEVELOPMENT	70445	SAC220429096	06/07/2023	06/08/2023	500.00	BLDG MAIN DEP REF PERMIT 22-096	102570-000 - BLDG SITE MAINTENAN	
COLE WEST DEVELOPMENT	70445	SAC220429097	06/07/2023	06/08/2023	500.00	BLDG MAIN DEP REF PERMIT 22-097	102570-000 - BLDG SITE MAINTENAN	
					<b>\$2,500.00</b>			
					<b>\$2,500.00</b>			
COSBY, EVELYN	70446	06062023-AMBU	05/31/2023	06/08/2023	1,060.00	AMBULANCE REFUND	103426-000 - AMBULANCE SERVICE	
					<b>\$1,060.00</b>			
FIREROCK HOMES	70447	SAC211027225	06/07/2023	06/08/2023	500.00	BLDG MAIN DEP REF PERMIT 21225	102570-000 - BLDG SITE MAINTENAN	
					<b>\$500.00</b>			
FREEDOM MAILING SERVICES, IN	70448	45411	05/31/2023	06/08/2023	2,030.10	BILL PROCESSING	104130-370 - PROFESSIONAL SERVI	
					<b>\$2,030.10</b>			
HUNT ELECTRIC, INC.	70449	73615	06/05/2023	06/08/2023	62,900.00	JUNE 2023 PROGRESS DRAW	535310-466 - POWER LINES/POLES/	
					<b>\$62,900.00</b>			
JASTER, SOPHIE	70450	06052023-SCHO	06/02/2023	06/08/2023	500.00	MISS SANTA CLARA SCHOLARSHIP	104610-023 - MISS SANTA CLARA PA	
					<b>\$500.00</b>			
JOY MILES	70451	06-06-2023JM	06/06/2023	06/08/2023	79.62	COURT INTERPRETER 06/06/2023	104120-330 - LEGAL SERVICES	
					<b>\$79.62</b>			
MATTHEW BENDER & CO INC	70452	36988839	05/16/2023	06/08/2023	229.45	UT COURT RULES ANNO 2023 EDITION	104120-210 - SUBSCRIPTIONS & ME	
					<b>\$229.45</b>			
MOUNT OLYMPUS WATERS (1385	70453	10221385 052723	05/27/2023	06/08/2023	34.98	COOLER RENT & 5 GAL WATERS - MAY 2023	104130-260 - BUILDING MAINTENAN	
MOUNT OLYMPUS WATERS (1385	70453	10221385 052723	05/27/2023	06/08/2023	59.46	COOLER RENT & 5 GAL WATERS - MAY 2023	104410-260 - BUILDING MAINTENAN	
MOUNT OLYMPUS WATERS (1385	70453	10221385 052723	05/27/2023	06/08/2023	114.90	COOLER RENT & 5 GAL WATERS - MAY 2023	104240-260 - BUILDING MAINTENAN	
MOUNT OLYMPUS WATERS (1385	70453	10221385 052723	05/27/2023	06/08/2023	202.65	COOLER RENT & 5 GAL WATERS - MAY 2023	104230-260 - BUILDING MAINTENAN	

**City of Santa Clara  
Check Register  
All Bank Accounts - 06/08/2023 to 06/08/2023**

<u>Payee Name</u>	<u>Reference Number</u>	<u>Invoice Number</u>	<u>Invoice Ledger Date</u>	<u>Payment Date</u>	<u>Amount</u>	<u>Description</u>	<u>Ledger Account</u>	<u>Activity Code</u>
MOUNT OLYMPUS WATERS (1385	70453	10221385 052723	05/27/2023	06/08/2023	256.31	COOLER RENT & 5 GAL WATERS - MAY 2023	104510-260 - BUILDING MAINTENAN	
					\$668.30			
					<b>\$668.30</b>			
NEW SANTA CLARA FIELD CANAL	70454	1451	05/13/2023	06/08/2023	6,990.00	ANNUAL ASSESSMENT - LOWER SYSTEM SHAR	515110-751 - SECONDARY WATER S	
					<b>\$6,990.00</b>			
PINETOP ENGINEERING, LLC	70455	4774	05/31/2023	06/08/2023	1,203.40	SIGNAL SUPPORT AT LAVA FLOW DR	104410-263 - STREET LIGHT REPAIR	
					<b>\$1,203.40</b>			
STOLL, AMANDA	70456	06072023-BAIL R	06/07/2023	06/08/2023	34.00	BAIL REFUND FOR CASE#235200061	102560-000 - BAIL & RESTITUTION	
					<b>\$34.00</b>			
UPPER CASE PRINTING INK.	70457	508	05/24/2023	06/08/2023	224.00	BACK OF BILL PRINTING	104130-370 - PROFESSIONAL SERVI	
					<b>\$224.00</b>			
WASH. COUNTY WATER CONSER	70458	53160	06/01/2023	06/08/2023	4,509.02	REG.PIPELINE BOND PAYMENT MAY 2023	515110-822 - DEBT PAYMENT TO WA	
					<b>\$4,509.02</b>			
WHEELER MACHINERY COMPANY	EFT	MS0000038214-3	06/08/2023	06/08/2023	52,293.67	Remaining Balance Due	532134-000 - WHEELER RETAINAGE	
					<b>\$52,293.67</b>			
					<b>\$195,521.50</b>			

**From:** [Chris Shelley](#)  
**To:** [Debbie Bannon](#)  
**Subject:** FW: City Council Action Application Form submitted on Santa Clara City by [990]  
**Date:** Wednesday, June 14, 2023 12:15:00 PM  
**Attachments:** 230614172940 city-council-action-application formidable entries wmvic.csv  
[frm-city-council-action-application-2023-06-14-wmvic.pdf](#)

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**From:** Santa Clara City <no-reply@email.sccity.org>  
**Sent:** Wednesday, June 14, 2023 11:30 AM  
**To:** Kate Casselman <kcasselman@sccity.org>; Chris Shelley <cshelley@sccity.org>; Brock Jacobsen <bjacobsen@sccity.org>; Selena Nez <snez@sccity.org>  
**Subject:** City Council Action Application Form submitted on Santa Clara City by [990]

<b>Meeting Type</b>	CITY COUNCIL
<b>Date Submitted</b>	June 14, 2023
<b>Requested Meeting Date</b>	June 21, 2023
<b>Applicant</b>	Debbie Bannon
<b>Subject</b>	Budget Adoption of Fiscal Year 2023-2024
<b>Background Description</b>	A pulic hearing is set to allow the public's input on the Budget Adoption for Fiscal Year 2023-2024
<b>Proposed Recommendation (drop-down select)</b>	Approval
<b>Cost</b>	0
<b>File Upload</b>	<a href="https://s3.us-west-004.backblazeb2.com/sccity/formidable/21/Budget-Print_Adopt-2023-2024.pdf">https://s3.us-west-004.backblazeb2.com/sccity/formidable/21/Budget-Print_Adopt-2023-2024.pdf</a>
<b>Approved by Legal Department (drop-down select)</b>	N/A
<b>Approved in Budget? (drop-down select)</b>	N/A
<b>Approved by City Finance Department? (drop-down select)</b>	Yes
<b>Amount</b>	0
<b>Requested By</b>	Debbie Bannon

[e2pdf-download id="3"]  
[e2pdf-attachment id="3"]

**General Fund (Fund 10)**

**Summary of Revenues and Expenditures**

	Acutal 6/30/2022	Budget 6/30/2023	Budget 6/30/2024	Variance	% Change
<b>Beginning Fund Balance (Unreserved)</b>					
<b>Revenues</b>					
Taxes	4,188,977	4,103,779	4,392,006	288,227	7%
Licenses & Permits	363,136	212,250	425,550	213,300	100%
Intergovernmental Revenue	1,873,620	2,235,808	2,076,332	(159,476)	-7%
Charges for Services	1,493,798	1,292,930	1,248,500	(44,430)	-3%
Fines & Forfeitures	295,220	225,000	330,000	105,000	47%
Miscellaneous Revenue	205,620	105,600	546,600	441,000	418%
Swiss Days & Pageant	48,031	31,250	44,000	12,750	41%
Other Revenue	245,550	825,575	261,872	(563,703)	-68%
<b>Total Revenues</b>	<b>8,713,952</b>	<b>9,032,192</b>	<b>9,324,860</b>	<b>292,668</b>	<b>3%</b>
<b>Expenditures</b>					
Justice Court	328,586	318,150	398,475	80,325	25%
Administrative	1,520,860	1,245,220	1,508,942	263,722	21%
Police	1,209,000	1,336,201	1,500,923	164,722	12%
Fire	2,174,617	2,368,212	2,872,297	504,085	21%
Buildings & Planning	574,764	710,845	707,314	(3,531)	0%
Public Works	1,387,409	1,059,765	900,494	(159,271)	-15%
Parks	1,191,293	1,832,786	1,149,327	(683,459)	-37%
Swiss Days	76,942	72,004	81,648	9,644	13%
Economic Development	60,469	89,009	205,439	116,430	131%
Fund Balance (+/-)	-	-	-	-	
<b>Total Expenditures</b>	<b>8,523,942</b>	<b>9,032,192</b>	<b>9,324,860</b>	<b>292,668</b>	<b>3%</b>
<b>Net Resources or (Unreserved FB used)</b>	<b>190,010</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Ending Undesignated Fund Balance</b>	<b>2,702,068</b>	<b>2,702,068</b>	<b>2,702,068</b>		
<b>Ending Restricted Fund Balance</b>	<b>1,419,080</b>	<b>924,499</b>	<b>924,499</b>		
<b>Total Fund Balance</b>	<b>4,121,148</b>	<b>5,045,647</b>	<b>5,970,145</b>		
		56%	64%	<b>Fund Balance</b>	
		30%	29%	<b>Unrestricted</b>	

**GENERAL FUND - REVENUE**

GL Account Name	Actual 6/30/2021	Actual 6/30/2022	Actual 6/30/2023	Budget 6/30/2023	Budget 6/30/2024
<b>GENERAL FUND</b>					
<b>Taxes</b>					
10.3110-000 CURRENT YEAR PROPERTY TAXES	984,295	1,070,728	1,077,120	1,084,779	1,148,806
10.3120-000 PRIOR YEAR PROPERTY TAXES	29,851	41,574	36,152	25,000	40,000
10.3121-000 FEE IN LIEU -PROPERTY TAXES	91,517	80,472	52,195	75,000	53,400
10.3130-000 SALES AND USE TAXES	1,524,970	1,713,497	1,491,714	1,750,000	1,810,000
10.3135-000 1/4 % HIGHWAY SALES & USE TAX	219,658	283,045	244,611	250,000	302,000
10.3136-000 LOCAL OPTION SALES TAX	130,042	148,868	129,439	140,000	158,000
10.3140-000 FRANCHISE TAXES - ELECTRIC	346,190	356,896	397,897	330,000	400,000
10.3150-000 FRANCHISE TAXES - CABLE	22,288	22,935	22,339	25,000	22,000
10.3165-000 FRANCHISE TAXES - GAS	98,692	104,315	151,962	101,000	100,000
10.3170-000 MUNICIPAL TELECOM LICENSE TAX	33,518	30,621	22,690	28,000	28,000
10.3174-000 RECREATION, ARTS & PARKS (RAP)	148,156	167,936	151,545	150,000	160,000
10.3175-000 TRANSIENT ROOM TAX	118,946	168,091	135,496	145,000	169,800
<b>Total Taxes</b>	<b>3,748,124</b>	<b>4,188,977</b>	<b>3,913,160</b>	<b>4,103,779</b>	<b>4,392,006</b>
<b>Licenses &amp; Permits</b>					
10.3210-000 BUSINESS LICENSES	7,415	8,055	21,540	7,000	18,000
10.3221-000 BUILDING PERMIT FEES	429,431	348,785	595,242	200,000	400,000
10.3222-000 BUILD PERMIT STATE SURCHARGE	3,518	2,804	5,426	2,500	4,000
10.3225-000 ANIMAL LICENSES	2,997	2,942	2,603	2,500	3,000
10.3226-000 SPECIAL EVENT PERMITS	250	550	750	250	550
<b>Total Licenses &amp; Permits</b>	<b>443,611</b>	<b>363,136</b>	<b>625,562</b>	<b>212,250</b>	<b>425,550</b>
<b>Intergovernmental Revenue</b>					
10.3310-000 STATE/FEDERAL	14,585	12,885	23,000	0	0
10.3315-000 WASHINGTON COUNTY GRANTS	50,000	260,000	0	330,000	0
10.3356-000 CLASS "C" ROAD FUND	399,950	408,865	257,582	395,000	400,000
10.3358-000 STATE LIQUOR FUND	5,889	6,935	8,970	7,000	7,300
10.3360-000 RISK MANAGEMENT GRANT/ULGT	2,390	2,390	2,462	2,500	2,400
10.3362-000 IVINS CITY - COURT REIMBURSE	40,424	32,608	39,410	178,164	58,146
10.3363-000 IVINS CITY - FIRE/EMS REIMBURS	612,649	1,149,937	811,851	1,323,144	1,608,486
<b>Total Intergovernmental Revenue</b>	<b>1,125,887</b>	<b>1,873,620</b>	<b>1,143,276</b>	<b>2,235,808</b>	<b>2,076,332</b>
<b>Charges for Services</b>					
10.3412-000 ZONING & SUBDIVISION FEES	31,825	119,038	20,867	10,000	34,000
10.3413-000 CONSTRUCTION/MISC PERMITS	9,426	10,234	19,528	5,000	18,000
10.3422-000 WILDLAND FIRE	179,614	141,121	0	175,000	0
10.3424-000 PLAN REVIEW	13,660	25,119	34,706	15,000	33,000
10.3426-000 AMBULANCE SERVICE CHARGES	335,193	384,480	149,249	330,000	162,500
10.3428-000 UTILITY ADMINISTRATION FEE	24,450	22,950	23,170	20,000	29,000
10.3440-000 STREET MAINTENANCE	120,927	127,210	134,271	136,920	159,000
10.3443-000 REFUSE COLLECTION CHARGES	396,897	423,291	423,187	452,010	515,000
10.3444-000 REFUSE COLLECTION PENALTIES	4,389	3,730	4,913	3,000	6,000
10.3445-000 RECYCLING CHARGE	(3,238)	4,166	16,751	4,000	10,000
10.3460-000 AH GUBLER CONCES FOOD/NONFOOD	21,015	16,112	5,989	17,000	16,000
10.3462-000 AH GUBLER PARK TOURNAMENT REV	70,923	46,790	79,000	35,000	84,000
10.3463-000 GUBLER PARK LEAGUE REVENUE	0	40	1,020	0	0
10.3474-000 B ROCK & CANYONVIEW PK RESERVA	4,525	3,590	2,440	2,000	4,000
10.3475-000 HERITAGE SQUARE USE FEES	1,055	1,915	815	1,000	1,000
10.3477-000 PICKLEBALL COURT RESERVATION	1,433	0	240	0	0
10.3481-000 SALE OF CEMETERY BURIAL PLOTS	55,102	74,600	28,800	30,000	60,000
10.3482-000 PERPETUAL CARE	42,810	43,289	24,750	23,000	43,000
10.3483-000 INTERMENT FEE	11,000	10,100	14,850	9,000	16,000
10.3491-000 HCP ADMINISTRATIVE FEE	40,067	36,024	56,595	25,000	58,000
<b>Total Charges for Services</b>	<b>1,361,072</b>	<b>1,493,798</b>	<b>1,041,142</b>	<b>1,292,930</b>	<b>1,248,500</b>

**GENERAL FUND - REVENUE**

GL Account Name	Actual 6/30/2021	Actual 6/30/2022	Actual 6/30/2023	Budget 6/30/2023	Budget 6/30/2024
<b>Fines &amp; Forfeitures</b>					
10.3510-000 SMALL CLAIMS FILING FEE	0	0	0	0	0
10.3511-000 FINES AND PENALTIES	227,155	295,220	283,369	225,000	330,000
10.3520-000 RESTITUTION	0	0	0	0	0
<b>Total Fines &amp; Forfeitures</b>	<b>227,155</b>	<b>295,220</b>	<b>283,369</b>	<b>225,000</b>	<b>330,000</b>
<b>Miscellaneous Revenue</b>					
10.3600-000 MISCELLANEOUS REVENUE	63,467	50,301	35,027	25,000	30,000
10.3601-000 SC PUZZLES REVENUE	0	0	0	0	150,000
10.3610-000 INTEREST EARNINGS	40,943	52,612	283,462	30,000	300,000
10.3639-000 RENT - ROSENLOF HOME	17,312	19,248	17,759	20,400	22,000
10.3619-000 VINEYARD DRIVE IMPROVEMENTS	0	0	26,516	0	15,000
10.3640-000 GAIN/LOSS SALE OF ASSETS	2,750	41,600	120,250	0	0
10.3641-000 LEASE PROCEEDS- CELL TOWER(S)	1,150	1,323	0	3,600	1,000
10.3642-000 CONTRIBUTIONS	0	0	0	0	0
10.3644-000 RENT	22,800	21,600	19,800	21,600	21,600
10.3647-000 BANQUET HALL RENTAL	2,600	6,340	6,550	5,000	7,000
10.3651-000 DONATIONS - GENERAL	0	12,156	2,125	0	0
10.3651-001 DONATIONS - FIRE	398	40	0	0	0
10.3651-002 DONATIONS - SC BEAUTIFICATION	0	400	0	0	0
<b>Total Miscellaneous Revenue</b>	<b>2,389,549</b>	<b>205,620</b>	<b>511,489</b>	<b>105,600</b>	<b>546,600</b>
<b>Swiss Days Function</b>					
10.3780-001 SWISS DAYS 5K RUN/WALK	8	10,688	10,352	8,000	10,500
10.3780-002 SWISS DAYS BREAKFAST	0	2,601	2,848	2,500	2,700
10.3780-003 SWISS DAYS VENDOR BOOTH	20	12,485	6,481	9,000	9,500
10.3780-004 SWISS DAYS KID'S BOOTH	0	797	783	750	800
10.3780-005 SWISS DAYS BANNERS	0	300	0	0	200
10.3780-007 SWISS DAY SUNDRY REVENUES	0	305	200	0	300
10.3780-012 SWISS DAYS DINNER	0	320	2,771	1,000	1,500
10.3780-013 SPONSOR & AD	15,410	20,535	16,365	10,000	18,500
10.3785-000 SWISS DAYS RESERVES	0	0	0	0	0
<b>Total Swiss Days</b>	<b>15,438</b>	<b>48,031</b>	<b>39,800</b>	<b>31,250</b>	<b>44,000</b>
<b>Transfers</b>					
10.3850-000 PUBLIC SERVICES SHOP-STORM WAT	26,509	25,694	22,079	22,079	29,858
10.3855-000 PUBLIC SERVICES SHOP- ELECT FD	67,146	62,256	77,136	77,136	95,397
10.3860-000 PUBLIC SERVICES SHOP-WATER FND	106,521	101,631	75,882	75,882	92,320
10.3865-000 PUBLIC SERVICES SHOP-SEWER FND	58,414	55,969	36,737	36,737	44,296
10.3881-000 TRANSFER FROM OTHER FUNDS	130,000	0	0	0	0
10.3890-000 BEG GF BALANCE TO BE APPROPRTAT	0	0	0	613,741	0
<b>Total Other Revenue</b>	<b>388,590</b>	<b>245,550</b>	<b>211,834</b>	<b>825,575</b>	<b>261,872</b>
<b>Total</b>	<b>9,699,425</b>	<b>8,713,951</b>	<b>7,769,631</b>	<b>9,032,192</b>	<b>9,324,860</b>

**GENERAL FUND - COURT**

<b>GL Account Name</b>	<b>Actual 6/30/2021</b>	<b>Actual 6/30/2022</b>	<b>Actual 6/30/2023</b>	<b>Budget 6/30/2023</b>	<b>Budget 6/30/2024</b>
<b>Justice Court</b>					
10.4120-110 SALARIES & WAGES	112,744	114,616	112,717	117,131	138,645
10.4120-125 OVERTIME	732	362	3,570	0	3,592
10.4120-131 FICA	8,447	8,467	8,578	8,961	10,849
10.4120-132 RETIREMENT	14,002	15,025	15,922	15,370	25,442
10.4120-133 INSURANCE	35,541	39,030	37,277	41,918	60,467
10.4120-210 SUBSCRIPTIONS & MEMBERSHIPS	706	1,689	1,066	750	1,000
10.4120-230 TRAVEL	0	89	0	500	500
10.4120-240 OFFICE SUPPLIES	2,099	1,278	3,122	3,500	3,000
10.4120-281 DATA CARD	480	520	400	520	480
10.4120-330 LEGAL SERVICES	30,066	21,807	37,381	27,500	38,000
10.4120-360 TRAINING	0	0	974	1,500	500
10.4120-370 PROFESSIONAL SERVICES	500	0	0	500	0
10.4120-740 CAPITAL EQUIPMENT	0	3,558	0	0	0
10.4120-905 STATE FINE COLLECTIONS	87,925	122,145	98,388	100,000	116,000
<b>Total Justice Court</b>	<b>293,243</b>	<b>328,586</b>	<b>319,395</b>	<b>318,150</b>	<b>398,475</b>

**GENERAL FUND - ADMINISTRATION**

GL Account Name	Actual 6/30/2021	Actual 6/30/2022	Actual 6/30/2023	Budget 6/30/2023	Budget 6/30/2024
<b>Administration</b>					
10.4130-110 SALARIES & WAGES	121,033	148,445	147,929	153,830	160,953
10.4130-125 OVERTIME	799	1,068	3,173	0	3,493
10.4130-131 FICA	8,973	11,101	11,284	11,768	12,516
10.4130-132 RETIREMENT	19,554	24,235	26,271	24,123	27,078
10.4130-133 INSURANCE	20,975	34,619	31,996	22,924	35,426
10.4130-210 SUBSCRIPTIONS & MEMBERSHIPS	11,003	7,942	11,120	8,600	12,000
10.4130-220 PUBLIC NOTICES	691	160	0	1,000	430
10.4130-230 TRAVEL	124	11,247	11,154	10,500	10,000
10.4130-235 ELECTIONS	0	10,344	0	0	10,500
10.4130-240 OFFICE SUPPLIES	14,688	11,582	11,662	15,000	15,000
10.4130-245 POSTAGE	3,923	3,126	4,045	6,000	5,000
10.4130-246 UNIFORMS	202	0	1,383	2,500	1,500
10.4130-250 OPERATING SUPPLIES	629	1,929	2,408	0	2,000
10.4130-251 FUEL	0	0	0	0	1,000
10.4130-253 VEH/EQUIP REPAIR	0	0	349	0	0
10.4130-260 BUILDING MAINTENANCE	695	358	1,207	0	0
10.4130-270 UTILITIES	0	1,364	0	0	0
10.4130-280 TELEPHONE	15,156	14,861	10,189	15,500	12,600
10.4130-281 CELL PHONES	3,819	3,200	4,904	3,800	5,000
10.4130-282 RENTALS	280	79	157	0	680
10.4130-310 IT SERVICES	133,942	152,350	158,144	125,255	160,335
10.4130-311 SOLID WASTE DISPOSAL CONTRACT	393,111	390,659	354,995	408,090	464,000
10.4130-320 ENGINEERING SERVICES	(125)	0	0	0	0
10.4130-325 CREDIT/DEBIT CARD FEES	4,283	2,204	3,505	3,500	4,000
10.4130-330 LEGAL SERVICES	60,330	62,531	67,124	35,000	79,000
10.4130-340 ACCOUNTING & AUDITING SERVICES	2,350	10,150	4,536	7,000	7,000
10.4130-350 MEDICAL & DRUG TESTING	0	0	30	0	0
10.4130-360 TRAINING	3,720	9,325	7,435	10,500	9,000
10.4130-370 PROFESSIONAL SERVICES	78,064	40,125	50,410	38,320	48,106
10.4130-371 CODE CODIFICATION	2,498	172	0	1,500	1,500
10.4130-510 INSURANCE AND SURETY BONDS	10,098	16,187	17,797	16,000	19,000
10.4130-520 BAD DEBT	435	15	70	1,000	220
10.4130-542 CEC ANNUAL ASSESSMENT	8,083	8,100	8,505	8,300	8,600
10.4130-543 VOLUNTEER RECOGNITION DINNER	0	0	0	2,500	0
10.4130-720 LAND/BUILDINGS	0	0	0	0	0
10.4130-730 IMPROVEMENTS	0	3,775	0	0	0
10.4130-740 CAPITAL EQUIPMENT	21,462	13,813	11,303	26,500	20,000
10.4130-810 PRINCIPAL ON BONDS	2,378,000	128,000	0	186,000	125,893
10.4130-820 INTEREST ON BONDS	58,976	77,978	0	70,010	71,470
10.4130-825 LEASE PAYMENTS	1,737	79	11,675	5,200	31,000
10.4130-830 FISCAL AGENT FEES	29,000	2,000	2,000	5,000	0
10.4130-976 TRANSFER TO FUND BALANCE	0	0	0	0	124,643
10.4130-997 TRANSFER TO CAPITAL PROJECTS	500,000	300,000	0	0	0
10.4130-999 CONTINGENCY	11,469	17,738	17,613	20,000	20,000
<b>Total Administration</b>	<b>3,919,975</b>	<b>1,520,860</b>	<b>994,374</b>	<b>1,245,220</b>	<b>1,508,942</b>

**GENERAL FUND - POLICE**

<b>GL Account Name</b>	<b>Actual 6/30/2021</b>	<b>Actual 6/30/2022</b>	<b>Actual 6/30/2023</b>	<b>Budget 6/30/2023</b>	<b>Budget 6/30/2024</b>
<b>Police</b>					
10.4220-251 FUEL	16,322	22,488	2,210	15,000	14,000
10.4220-450 POLICE - SCI	1,160,018	1,149,186	1,029,001	1,280,201	1,444,303
10.4220-980 SRO - ST. GEORGE	39,972	37,326	33,383	41,000	42,620
<b>Total Police</b>	<b>1,216,451</b>	<b>1,209,000</b>	<b>1,064,594</b>	<b>1,336,201</b>	<b>1,500,923</b>

**FIRE DEPARTMENT 2023-2024 WITH NEW GL ACCOUNTS**

<b>FUND</b>	<b>EXP</b>	<b>PROGRAM</b>	<b>Estimated 2023-24</b>
4230	110	SALARIES	1,512,209.00
4230	115	FLSA	38,435.00
4230	125	OVERTIME	113,155.00
4230	131	FICA	124,503.00
4230	132	RETIREMENT	203,543.00
4230	133	INSURANCE	352,322.00
4230	135	UNIFORMS	17,500.00
4230	200	ADMINISTRATION	22,179.00
4230	250	VEHICLE OPERATIONS	88,300.00
4230	300	COMMUNITY RELATIONS	3,570.00
4230	350	HEALTH & WELLNESS	11,500.00
4230	400	EMERGENCY MEDICAL SERVICES	120,100.00
4230	500	FIRE SUPPRESSION	29,300.00
4230	550	FIRE TRAINING	16,400.00
4230	575	VOLUNTEER PROGRAMS	2,500.00
4230	600	RESPONSE PLANNING	45,950.00
4230	650	RISK REDUCTION	8,300.00
4230	675	SPECIAL OPERATIONS	32,800.00
4230	700	CAPITAL OUTLAY	78,251.00
4230	775	STATION OPERATIONS	42,120.00
4230	825	LEASE PAYMENTS	9,360.00
			<b>2,872,297.00 Total</b>
			<b>2,361,667.00 Personnel</b>
			<b>432,379.00 Operations</b>
			<b>2,794,046.00 2023 Budget Total</b>
			<b>78,251.00 2023 Capital Projects</b>
			<b>- Variance</b>

**GENERAL FUND - FIRE**

GL Account Name	Actual 6/30/2021	Actual 6/30/2022	Actual 6/30/2023	Budget 6/30/2023	Budget 6/30/2024
<b>Fire</b>					
10.4230-110 SALARIES & WAGES	617,472	796,205	1,300,479	1,291,632	1,512,209
10.4230-115 FLSA	0	0	22,022	0	38,435
10.4230-125 OVERTIME	44,756	8,577	107,711	0	113,155
10.4230-131 FICA	57,746	67,750	107,235	99,209	124,503
10.4230-132 RETIREMENT	69,614	88,819	155,552	142,942	203,543
10.4230-133 INSURANCE	143,001	175,801	312,103	328,079	352,322
10.4230-210 SUBSCRIPTIONS & MEMBERSHIPS	4,221	4,094	9,193	12,100	22,179
10.4230-230 TRAVEL	282	0	608	0	0
10.4230-240 OFFICE SUPPLIES	4,407	5,736	5,626	6,500	0
10.4230-246 UNIFORMS	8,191	27,444	33,293	12,000	17,500
10.4230-250 OPERATING SUPPLIES	44,607	69,429	65,057	42,000	120,100
10.4230-251 FUEL	14,093	20,972	32,532	17,000	0
10.4230-252 WILDLAND FIRE FUEL	2,827	5,350	0	0	0
10.4230-253 VEH/EQUIP REPAIR	31,039	25,107	33,328	25,000	32,800
10.4230-254 WILDLAND VEH/EQUIP REPAIR	26,350	4,280	0	0	88,300
10.4230-255 FIRE PREVENTION	623	10,708	0	0	8,300
10.4230-260 BUILDING MAINTENANCE	19,464	21,542	21,342	15,000	42,120
10.4230-270 UTILITIES	6,855	11,457	12,857	8,500	0
10.4230-280 TELEPHONE	0	1,045	0	1,000	0
10.4230-281 CELL PHONES	7,615	7,265	6,265	9,000	0
10.4230-330 LEGAL SERVICES	90	165	968	750	0
10.4230-350 MEDICAL & DRUG TESTING	880	639	371	1,250	15,070
10.4230-360 TRAINING	6,616	12,267	14,351	15,000	16,400
10.4230-370 PROFESSIONAL SERVICES	215,647	69,078	57,105	53,250	0
10.4230-450 EMS REV SHARE W/IVINS	0	192,239	0	157,500	0
10.4230-453 WILDLAND FIRE EXP'S	8,926	7,293	0	0	0
10.4230-454 SAFETY EQUIPMENT	9,742	9,735	36,530	26,000	29,300
10.4230-457 EMS SUPPLIES & TRAINING	0	0	0	0	0
10.4230-675 VOLUNTEER PROGRAMS	4,083	955	0	1,500	2,500
10.4230-720 LAND/BUILDINGS	0	0	0	0	0
10.4230-730 IMPROVEMENTS	(20)	10,992	1,728	5,000	0
10.4230-740 CAPITAL EQUIPMENT	0	386,863	51,380	55,000	78,251
10.4230-820 INTEREST ON BONDS	0	0	0	0	0
10.4230-825 LEASE PAYMENTS	74,319	33,968	3,107	34,000	9,360
10.4230-985 COUNTY DISPATCH	8,855	7,704	12,348	9,000	45,950
<b>Total Fire</b>	<b>1,432,301</b>	<b>2,174,617</b>	<b>2,403,092</b>	<b>2,368,212</b>	<b>2,872,297</b>

**GENERAL FUND - BUILDING / PLANNING**

<b>GL Account Name</b>	<b>Actual 6/30/2021</b>	<b>Actual 6/30/2022</b>	<b>Actual 6/30/2023</b>	<b>Budget 6/30/2023</b>	<b>Budget 6/30/2024</b>
<b>Buildings &amp; Planning</b>					
10.4240-110 SALARIES & WAGES	179,499	250,766	246,275	248,222	276,050
10.4240-125 OVERTIME	2,167	4,948	7,409	4,870	7,848
10.4240-131 FICA	13,345	19,151	18,969	19,362	21,722
10.4240-132 RETIREMENT	30,050	46,474	45,221	43,937	48,915
10.4240-133 INSURANCE	35,755	48,878	50,527	59,579	53,504
10.4240-210 SUBSCRIPTIONS & MEMBERSHIPS	1,838	1,855	1,015	2,500	2,000
10.4240-220 PUBLIC NOTICES	551	0	295	2,000	1,000
10.4240-230 TRAVEL	0	3,629	1,771	3,600	3,600
10.4240-240 OFFICE SUPPLIES	7,540	4,707	1,624	6,875	4,875
10.4240-245 POSTAGE	77	0	0	250	250
10.4240-246 UNIFORMS	499	183	340	2,000	2,000
10.4240-248 BUILDING MAINTENANCE SUPPLIES	0	0	0	0	110,000
10.4240-250 OPERATING SUPPLIES	4,223	1,753	1,900	5,000	0
10.4240-251 FUEL	2,318	2,684	3,569	4,500	4,500
10.4240-253 VEH/EQUIP REPAIR	1,126	3,030	228	6,400	4,400
10.4240-260 BUILDING MAINTENANCE	46,510	44,168	17,206	35,000	0
10.4240-270 BUILDING UTILITIES	24,031	33,931	32,394	39,200	39,200
10.4240-281 CELL PHONES	4,208	4,702	2,667	5,200	5,200
10.4240-320 ENGINEERING	1,500	2,322	1,835	24,000	24,000
10.4240-330 LEGAL SERVICES	45,658	54,850	47,638	58,000	40,000
10.4240-350 MEDICAL & DRUG TESTING	0	79	119	0	250
10.4240-360 TRAINING	4,266	4,147	2,468	10,500	10,500
10.4240-370 PROFESSIONAL SERVICES	49,557	39,715	21,300	10,000	10,000
10.4240-380 CORRECTION OF CODE VIOLATIONS	0	0	0	0	0
10.4240-720 LAND/BUILDINGS	0	0	0	0	0
10.4240-730 IMPROVEMENTS	(11,700)	0	11,111	71,200	25,000
10.4240-740 CAPITAL EQUIPMENT	0	0	0	46,150	10,000
10.4240-940 INTERGOVT CHARGES (ST SURCHG)	3,436	2,790	4,366	2,500	2,500
<b>Total Buildings &amp; Planning</b>	<b>446,454</b>	<b>574,764</b>	<b>520,248</b>	<b>710,845</b>	<b>707,314</b>

**GENERAL FUND - PUBLIC WORKS**

<b>GL Account Name</b>	<b>Actual 6/30/2021</b>	<b>Actual 6/30/2022</b>	<b>Actual 6/30/2023</b>	<b>Budget 6/30/2023</b>	<b>Budget 6/30/2024</b>
<b>Public Works</b>					
10.4410-110 SALARIES & WAGES	108,407	120,003	141,175	156,083	158,223
10.4410-125 OVERTIME	482	573	5,077	1,836	5,695
10.4410-131 FICA	8,080	9,093	11,013	12,081	12,267
10.4410-132 RETIREMENT	20,106	21,947	25,698	28,881	27,821
10.4410-133 INSURANCE	24,799	29,521	34,371	43,184	36,488
10.4410-210 SUBSCRIPTIONS & MEMBERSHIPS	32	91	1,235	100	1,300
10.4410-220 PUBLIC NOTICES	202	0	0	500	500
10.4410-230 TRAVEL	0	0	0	1,000	1,000
10.4410-240 OFFICE SUPPLIES	1,300	236	554	500	500
10.4410-246 UNIFORMS	1,120	1,403	3,176	2,500	3,000
10.4410-250 OPERATING SUPPLIES	1,081	2,491	5,015	3,000	5,000
10.4410-251 FUEL	8,489	13,160	14,116	10,000	15,000
10.4410-253 VEH/EQUIP REPAIR	14,137	20,588	15,239	30,000	25,000
10.4410-260 BUILDING MAINTENANCE	12,275	16,169	16,209	15,000	15,000
10.4410-263 STREET LIGHT REPAIRS	0	0	34,037	25,000	0
10.4410-270 UTILITIES	4,365	6,672	6,050	6,500	6,500
10.4410-310 IT SERVICES	32	663	449	1,000	1,000
10.4410-311 MPO ANNUAL ASSESSMENT	5,000	5,000	5,500	5,500	5,500
10.4410-320 ENGINEERING SERVICES	8,391	17,236	19,114	25,000	25,000
10.4410-325 PUBLIC TRANSPORTATION	0	0	0	25,000	25,000
10.4410-330 LEGAL SERVICES	0	563	0	1,000	1,000
10.4410-350 MEDICAL & DRUG TESTING	606	921	594	1,000	1,000
10.4410-360 TRAINING	290	95	60	1,000	3,000
10.4410-370 PROFESSIONAL SERVICES	0	2,232	5,413	8,000	8,000
10.4410-410 CRACK SEALING M&S	53,921	35,866	49,619	50,000	50,000
10.4410-411 SIGNS & BARRICADES	3,325	3,825	12,016	9,000	9,000
10.4410-412 CHIP SEALING M&S	262,571	548,982	479,353	400,000	400,000
10.4410-413 SIDEWALK/CURB/GUTTER M&S	7,845	10,814	4,481	10,000	20,000
10.4410-414 ROAD MATERIAL & SUPPLIES	25,564	50,634	29,210	30,000	30,000
10.4410-510 INSURANCE & SURETY BONDS	0	21	136	100	200
10.4410-720 LAND/BUILDINGS	350	0	0	0	0
10.4410-730 IMPROVEMENTS	18,988	62,228	43,883	0	0
10.4410-740 CAPITAL EQUIPMENT	0	185,711	117,612	92,000	8,500
10.4410-810 PRINCIPAL ON BONDS	50,000	185,000	50,000	50,000	0
10.4410-820 INTEREST ON BONDS	0	33,896	0	0	0
10.4410-825 LEASE PAYMENTS	0	1,777	84	15,000	0
<b>Total Public Works</b>	<b>641,757</b>	<b>1,387,409</b>	<b>1,130,490</b>	<b>1,059,765</b>	<b>900,494</b>

**GENERAL FUND - PARKS**

GL Account Name	Actual 6/30/2021	Actual 6/30/2022	Actual 6/30/2023	Budget 6/30/2023	Budget 6/30/2024
<b>Parks</b>					
10.4510-110 SALARIES & WAGES	387,020	427,472	392,883	456,928	464,122
10.4510-125 OVERTIME	7,463	14,789	21,612	9,585	24,734
10.4510-131 FICA	29,719	33,450	31,366	35,688	36,463
10.4510-132 RETIREMENT	64,155	76,735	69,403	82,376	77,889
10.4510-133 INSURANCE	89,708	96,659	102,522	126,523	114,619
10.4510-210 SUBSCRIPTIONS & MEMBERSHIPS	630	1,100	1,647	800	1,650
10.4510-220 PUBLIC NOTICES	68	0	102	0	0
10.4510-230 TRAVEL	326	555	1,308	1,100	1,000
10.4510-240 OFFICE SUPPLIES	3,044	4,035	3,412	3,800	3,800
10.4510-246 UNIFORMS	2,743	5,495	4,614	6,650	5,750
10.4510-250 OPERATING SUPPLIES	18,107	20,166	16,710	15,100	15,000
10.4510-251 FUEL	12,864	20,667	22,620	9,000	19,000
10.4510-253 VEHICLE/QUIP REPAIR	13,252	20,947	9,248	13,000	13,000
10.4510-256 TOURNAMENT EXPENSES	10,662	18,057	11,915	10,500	15,000
10.4510-260 BUILDING MAINTENANCE	34,301	55,032	41,158	37,000	45,000
10.4510-270 UTILITIES	53,290	99,744	76,868	60,000	75,000
10.4510-281 CELL PHONES	4,060	4,413	3,583	4,000	4,200
10.4510-320 ENGINEERING SERVICES	226	2,673	11,180	30,000	25,000
10.4510-330 LEGAL SERVICES	210	113	0	500	0
10.4510-350 MEDICAL & DRUG TESTING	216	280	120	300	200
10.4510-360 TRAINING	8	1,172	3,107	2,600	3,600
10.4510-370 PROFESSIONAL SERVICES	726	2,091	1,322	0	5,000
10.4510-372 SAND HOLLOW ACQ CENT AGREEMENT	23,573	24,794	23,561	32,000	32,000
10.4510-381 SANTA CLARA ARBORETUM	0	609	194	1,000	1,000
10.4510-480 PLANTS & FERTILIZERS	12,816	11,540	7,545	16,800	16,800
10.4510-481 IRRIGATION	11,103	22,584	7,493	11,000	11,000
10.4510-483 CEMETERY O&M	1,728	699	1,070	2,000	2,000
10.4510-484 TRAILS O&M	355	0	826	7,000	7,000
10.4510-485 HERITAGE SQUARE O&M	1,685	216	587	4,000	4,000
10.4510-488 TREE MAINTENANCE	2,540	9,145	3,766	15,000	12,500
10.4510-510 INSURANCE AND SURETY BONDS	0	44	189	0	0
10.4510-720 LAND/BUILDINGS	25,000	0	0	0	0
10.4510-730 IMPROVEMENTS	122,563	92,824	15,458	691,566	0
10.4510-740 CAPITAL EQUIPMENT	44,692	113,517	124,264	136,970	104,000
10.4510-825 LEASE PAYMENTS	9,289	9,675	18,808	10,000	9,000
10.4510-920 TRANSFER TO CAPITAL PROJECT	0	0	494,581	0	0
<b>Total Parks</b>	<b>988,140</b>	<b>1,191,293</b>	<b>1,525,044</b>	<b>1,832,786</b>	<b>1,149,327</b>

**GENERAL FUND - SWISS DAYS**

<b>GL Account Name</b>	<b>Actual 6/30/2021</b>	<b>Actual 6/30/2022</b>	<b>Actual 6/30/2023</b>	<b>Budget 6/30/2023</b>	<b>Budget 6/30/2024</b>
<b>Swiss Days</b>					
10.4610-110 SALARIES & WAGES	0	5,885	8,309	9,001	10,000
10.4610-131 FICA	0	460	645	703	773
10.4610-001 5K RUN/WALK	0	7,511	5,385	7,500	7,500
10.4610-002 BREAKFAST	0	3,734	4,319	3,000	4,500
10.4610-003 VENDOR'S BOOTHS	0	0	1,450	0	0
10.4610-004 KID'S BOOTHS	0	1,284	1,451	1,200	1,500
10.4610-005 BANNERS-SPONSORS	3,090	5,169	6,418	2,000	1,400
10.4610-006 TRANSPORTATION	0	2,057	3,246	2,000	3,450
10.4610-007 SUPPLIES & POSTAGE	0	16	1,038	250	1,000
10.4610-008 ADVERTISING/MARKETING	905	2,924	4,476	3,000	4,500
10.4610-009 LITTLE SWISS MISS & MR PAGEANT	0	92	108	150	125
10.4610-010 DINNER	215	4,341	4,591	4,000	4,600
10.4610-011 MISCELLANEOUS	0	3,420	295	0	0
10.4610-012 HANDS ON	0	86	31	200	50
10.4610-013 ENTERTAINMENT	3,500	11,923	8,099	12,000	12,000
10.4610-015 PARADE	0	3,009	7,314	3,000	4,500
10.4610-016 RENTALS	0	17,938	18,018	18,000	18,250
10.4610-017 TRANSFER TO SWISS DAY RESERVE	0	0	0	0	0
10.4610-018 DONATION EXPENSE	0	0	0	0	0
10.4610-019 FIREWORKS EXPENSE	20,000	0	0	0	0
10.4610-020 PROFESSIONAL SERVICES	0	0	0	0	0
10.4610-021 STORAGE UNIT	0	0	0	0	0
10.4610-022 GOLF TOURNAMENT	70	2,621	3,861	2,500	3,500
10.4610-023 MISS SANTA CLARA PAGEANT	2,340	4,471	8,938	3,500	4,000
<b>Swiss Days Total</b>	<b>30,120</b>	<b>76,942</b>	<b>87,991</b>	<b>72,004</b>	<b>81,648</b>

**GENERAL FUND - ECONOMIC DEVELOPMENT**

<b>GL Account Name</b>	<b>Actual 6/30/2021</b>	<b>Actual 6/30/2022</b>	<b>Actual 6/30/2023</b>	<b>Budget 6/30/2023</b>	<b>Budget 6/30/2024</b>
<b>Economic Development</b>					
10.4652-110 SALARIES & WAGES	0	13,866	21,542	20,800	30,906
10.4652-125 OVERTIME	0	0	1,645	450	1,756
10.4652-131 FICA	0	1,044	1,748	1,626	2,415
10.4652-132 RETIREMENT	0	2,430	4,167	3,738	5,554
10.4652-133 INSURANCE	0	2,847	4,769	5,395	6,308
10.4652-210 BOOKS, SUBSCRIPT & MEMBERSHIPS	5,000	32	0	7,500	5,000
10.4652-230 TRAVEL	0	0	0	0	0
10.4652-240 OFFICE SUPPLIES	0	135	0	250	0
10.4652-360 TRAINING	260	992	750	1,000	1,000
10.4652-370 OTHER PROF SERV	0	564	1,250	750	0
10.4652-416 RAP TAX	16,811	30,096	14,500	30,000	30,000
10.4652-417 DONATIONS	1,200	1,200	2,500	5,000	5,000
10.4652-501 YOUTH CITY COUNCIL	0	0	0	5,000	5,000
10.4652-601 GENERAL PROMOTION/ADVERTISING	1,465	7,262	49,375	7,500	112,500
10.4652-602 BANNERS/FLAGS	416	0	0	0	0
<b>Total Economic Development</b>	<b>25,153</b>	<b>60,469</b>	<b>102,245</b>	<b>89,009</b>	<b>205,439</b>
<b>TOTAL GENERAL FUND EXP</b>	<b>8,993,595</b>	<b>8,523,941</b>	<b>8,147,475</b>	<b>9,032,192</b>	<b>9,324,860</b>

**GENERAL FUND - SPECIAL REVENUE FUND**

<b>GL Account Name</b>	<b>Actual 6/30/2021</b>	<b>Acutal 6/30/2022</b>	<b>Actual 6/30/2023</b>	<b>Budget 6/30/2023</b>	<b>Budget 6/30/2024</b>
<b>SPECIAL REVENUE FUND</b>					
42.3341-000 CARES ACT REVENUE	(688,425)	0	0	0	
42.4100-110 CARES ACT PAYROLL EXPENSES	103,427	0	0	0	
42.4100-250 CARES ACT EXPENSES	584,998	0	0	0	
42.3342-000 ARPA REVENUE	0	(54,900)	(941,257)	498,079	
42.4200-740 ARPA CAPITAL EQUIPMENT	0	54,900	185,534	498,079	
<b>TOTAL SPECIAL REVENUE FUND</b>	<b>0</b>	<b>0</b>	<b>(747,054)</b>	<b>996,158</b>	<b>0</b>

**GENERAL FUND - IMPACT FEES FUND**

<b>GL Account Name</b>	<b>Actual 6/30/2021</b>	<b>Acutal 6/30/2022</b>	<b>Actual 6/30/2023</b>	<b>Budget 6/30/2023</b>	<b>Budget 6/30/2024</b>
<b>IMPACT FEES REVENUE FUND</b>					
48.3912-000 STREETS IMPACT FEES	636,237	423,345	491,466	377,600	207,680
48.3922-000 STREETS IMPACT - INTEREST	1,685	4,339	39,096	2,000	15,000
48.3914-000 PARKS & TRAILS IMPACT FEES	480,043	317,568	400,447	290,600	159,830
48.3924-000 PARKS & TRAILS IMPACT-INTEREST	1,851	2,500	15,740	2,000	7,500
48.3915-000 PUBLIC SAFETY IMPACT FEES	193,752	137,365	232,627	123,000	67,650
48.3925-000 PUBLIC SAFETY IMPACT-INTEREST	2,355	2,783	21,594	1,500	10,000
<b>TOTAL IMPACT FEES REVENUE FUND</b>	<b>1,315,924</b>	<b>887,899</b>	<b>1,200,971</b>	<b>796,700</b>	<b>467,660</b>
<b>GENERAL IMPACT FEES CIP FUND</b>					
48.4100-730 IMPROV OTHER THAN BUILDINGS	0	1,513	0	50,000	100,000
48.4100-810 PRINCIPAL ON BONDS	0	88,109	134,000	130,000	136,000
48.4100-820 INTEREST ON BONDS	52,500	27	34,151	33,689	33,371
48.4100-940 TRANSFER TO STREETS PTIF	0	0	0	165,911	0
48.4200-320 ENGINEERING SERVICES	0	545	0	100,000	45,000
48.4200-730 IMPROV OTHER THAN BUILDINGS	290,593	124,880	0	100,000	53,182
48.4200-810 PRINCIPAL ON BONDS	0	30,000	0	25,000	25,107
48.4200-940 TRANSFER TO PTIF ACCT	0	0	0	67,600	0
48.4300-720 LAND/BUILDINGS	102,270	17,001	0	0	0
48.4300-730 IMPROV OTHER THAN BUILDINGS	1,038	0	0	0	0
48.4300-810 PRINCIPAL ON BONDS	0	20,000	0	0	75,000
48.4300-940 TRANS TO PUBLIC SAFE IMP PTIF	0	0	0	124,500	0
<b>TOTAL GENERAL IMPACT FEES CIP FUND</b>	<b>450,041</b>	<b>184,075</b>	<b>168,151</b>	<b>796,700</b>	<b>467,660</b>

**GENERAL FUND - CAPITAL PROJECTS FUND**

<b>GL Account Name</b>	<b>Actual 6/30/2021</b>	<b>Actual 6/30/2022</b>	<b>Actual 6/30/2023</b>	<b>Budget 6/30/2023</b>	<b>Budget 6/30/2024</b>
<b>CAPITAL PROJECTS FUND</b>					
49.3315-000 WASHINGTON COUNTY GRANTS	0	0	0	0	(240,000)
49.3810-000 TRANSFERS FROM GF	(500,000)	(300,000)	(494,581)	0	(1,060,000)
49.3848-000 TRANSFERS FROM IMPACT FEES	0	0	0	0	0
49.3990-000 FUND BALANCE APPROPRIATION	0	0	0	0	0
	<b>(500,000)</b>	<b>(300,000)</b>	<b>(494,581)</b>	<b>0</b>	<b>(1,300,000)</b>
<b>CAPITAL PROJECTS FUND</b>					
49.4410-730 STREETS IMPROVEMENTS	0	0	0	0	300,000
49.4410-740 STREETS EQUIPMENT	0	0	0	0	0
49.4510-730 PARKS IMPROVEMENTS	0	0	0	0	1,000,000
49.4890-000 BUDGETED INCREASE IN FUND BALANCE	0	0	0	0	0
<b>TOTAL CAPITAL PROJECTS FUND</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,300,000</b>

**GENERAL FUND - WATER FUND REVENUE**

<b>GL Account Name</b>	<b>Actual 6/30/2021</b>	<b>Actual 6/30/2022</b>	<b>Actual 6/30/2023</b>	<b>Budget 6/30/2023</b>	<b>Budget 6/30/2024</b>
<b>WATER FUND REVENUE</b>					
51.3711-000 METERED WATER SALES	2,042,153	1,939,493	1,663,083	2,052,186	2,133,000
51.3712-000 SNOW CANYON WELL NO. 6	0	0	0	15,000	0
51.3713-000 HYDRANT METER USE	14,720	25,369	17,902	7,000	20,000
51.3714-000 REGIONAL WATER SURCHARGE	1,399	(382)	9,047	2,500	2,500
51.3721-000 INTEREST EARNINGS	3,507	2,499	599	4,000	3,500
51.3722-000 PENALTIES	17,721	14,284	17,055	16,000	17,000
51.3723-000 CONNECTION FEES	44,637	35,973	42,859	32,700	17,985
51.3724-000 GAIN/LOSS DISPOSAL OF ASSETS	0	0	0	0	0
51.3725-000 MISCELLANEOUS	45,504	66,594	23,741	0	34,623
51.3727-000 SECONDARY WATER CONNECTION FEE	10,301	21,597	7,023	15,000	10,000
51.3729-000 WATER IMPACT FEES	312,624	231,624	348,089	197,300	108,515
51.3731-000 WATER IMPACT INTEREST	7,567	1,657	15,822	7,500	7,500
51.3750-000 CAPITAL CONTRIBUTIONS-SUBDIVID	0	360,319	0	0	0
51.3780-000 WATER IMPACT FEE RESERVE	0	0	0	0	696,766
51.3781-000 FUND BALANCE TO BE APPROPRIATE	0	0	0	285,341	0
<b>TOTAL WATER FUND REVENUE</b>	<b>2,500,135</b>	<b>2,699,027</b>	<b>2,145,220</b>	<b>2,634,527</b>	<b>3,051,389</b>

**GENERAL FUND - WATER FUND EXPENDITURES**

<b>GL Account Name</b>	<b>Actual 6/30/2021</b>	<b>Actual 6/30/2022</b>	<b>Actual 6/30/2023</b>	<b>Budget 6/30/2023</b>	<b>Budget 6/30/2024</b>
<b>WATER FUND</b>					
51.5110-110 SALARIES & WAGES	392,871	425,747	427,896	458,379	481,519
51.5110-125 OVERTIME	1,771	3,677	12,630	3,615	13,974
51.5110-131 FICA	29,715	32,177	33,164	35,342	37,488
51.5110-132 RETIREMENT	29,450	(2,578)	77,898	81,089	85,593
51.5110-133 INSURANCE	89,689	103,382	99,220	110,981	108,780
51.5110-210 SUBSCRIPTIONS & MEMBERSHIPS	1,356	750	3,382	2,700	2,700
51.5110-220 PUBLIC NOTICES	80	0	0	200	200
51.5110-230 TRAVEL	0	0	0	1,000	1,000
51.5110-240 OFFICE SUPPLIES	973	220	187	750	750
51.5110-246 UNIFORMS	1,623	1,626	1,912	2,500	3,000
51.5110-250 OPERATING SUPPLIES	1,570	1,960	1,719	4,000	5,000
51.5110-251 FUEL	8,488	13,158	14,092	9,000	17,500
51.5110-253 VEH/EQUIP REPAIR	3,780	810	799	7,000	7,000
51.5110-260 BUILDING MAINTENANCE	2,853	0	0	1,000	1,000
51.5110-270 UTILITIES	2,494	5,117	6,375	6,400	6,000
51.5110-271 WELLS UTILITY COSTS	123,981	140,889	139,333	190,000	150,000
51.5110-275 SNOW CANYON OP COST - ST GEORG	155,039	387,354	290,425	350,000	325,000
51.5110-276 O & M - WELLS 6 & 7	193,515	(151,582)	43,473	60,000	60,000
51.5110-277 WASHINGTON CO CONS DIST WATER	0	(4,670)	0	0	0
51.5110-280 TELEPHONE	0	0	0	0	0
51.5110-281 CELL PHONES	4,966	4,646	3,768	5,000	5,000
51.5110-310 IT SERVICES	0	3,848	8,710	500	500
51.5110-320 ENGINEERING SERVICES	3,511	7,738	68,007	70,000	60,000
51.5110-325 CREDIT/DEBIT CARD FEES	15,882	17,440	17,257	14,000	14,000
51.5110-330 LEGAL SERVICES	480	9,180	2,273	3,000	3,000
51.5110-340 ACCOUNTING & AUDITING SERVICES	17,550	6,775	11,250	10,000	10,000
51.5110-350 MEDICAL & DRUG TESTING	0	0	0	200	200
51.5110-360 TRAINING	2,260	3,035	5,971	4,000	5,000
51.5110-370 PROFESSIONAL SERVICES	0	0	22,500	4,000	24,000
51.5110-411 SIGNS & BARRICADES	451	121	0	1,000	1,000
51.5110-414 ROAD MATERIAL & SUPPLIES	2,983	2,283	2,392	4,000	4,000
51.5110-460 WATERLINES AND ASSOCIATED PART	54,522	18,184	22,883	25,000	35,000
51.5110-461 WATER METERS	0	17,429	51,864	30,000	50,000
51.5110-469 SCADA MATERIALS & SUPPLIES	0	2,100	1,265	10,000	10,000
51.5110-505 WATER RIGHTS PURCHASES	0	0	0	0	0
51.5110-510 INSURANCE AND SURETY BONDS	21,355	23,088	25,000	25,000	25,000
51.5110-520 BAD DEBT	3,850	140	378	1,000	1,000
51.5110-590 DEPRECIATION	491,939	502,867	0	0	0
51.5110-591 AMORTIZATION	0	0	0	0	0
51.5110-720 LAND & BUILDINGS	0	0	0	0	0
51.5110-730 IMPROVEMENTS	0	6,082	234,073	525,000	853,000
51.5110-740 CAPITAL EQUIPMENT	371	885	89,669	51,000	8,500
51.5110-750 LAND EASEMENTS & RIGHT OF WAYS	1,088	1,088	1,230	2,000	2,000
51.5110-751 SECONDARY WATER SHARES	3,805	13,837	8,370	12,500	112,500
51.5110-810 PRINCIPAL ON BONDS	0	0	0	302,000	282,000
51.5110-820 INTEREST ON BONDS	82,649	80,163	0	66,179	60,865
51.5110-822 DEBT PAYMENT TO WATER DISTRICT	54,306	54,143	54,113	55,000	55,000
51.5110-825 LEASE PAYMENTS	8,884	1,777	735	15,000	0
51.5110-830 FISCAL AGENT FEES	6,750	8,500	7,900	6,000	6,000
51.5110-840 BOND AMORTIZATION EXPENSE	0	0	0	0	0
51.5110-910 TRANSFER TO GENERAL FUND	100,000	98,000	0	0	25,000
51.5110-918 TRANSFER TO PUBLIC SERV SHOPS	106,521	101,631	75,882	69,192	92,320
51.5110-950 WCWCD SURCHARGE	0	0	0	0	0
51.5110-955 TRANSFER TO WATER IMPACT FUND	0	0	0	0	0
51.5110-976 TRANSFER TO FUND BALANCE	0	0	0	0	0
<b>TOTAL WATER FUND</b>	<b>2,023,372</b>	<b>1,943,016</b>	<b>1,867,996</b>	<b>2,634,527</b>	<b>3,051,389</b>

**GENERAL FUND - SEWER FUND REVENUE**

<b>GL Account Name</b>	<b>Actual 6/30/2021</b>	<b>Actual 6/30/2022</b>	<b>Actual 6/30/2023</b>	<b>Budget 6/30/2023</b>	<b>Budget 6/30/2024</b>
<b>SEWER FUND REVENUE</b>					
52.3720-000 SEWER FEES	808,709	836,580	835,357	856,440	1,068,936
52.3722-000 PENALTIES	10,535	9,353	11,792	6,000	10,000
52.3725-000 MISCELLANEOUS	60,361	58,566	46,780	60,000	59,000
52.3729-000 SEWER IMPACT FEES	56,058	39,662	86,761	67,900	37,000
52.3731-000 SEWER IMPACT INTEREST	823	1,013	7,773	1,500	5,000
52.3781-000 APPROPRIATED FUND BALANCE	0	0	0	0	0
<b>TOTAL SEWER FUND REVENUE</b>	<b>936,485</b>	<b>945,175</b>	<b>988,463</b>	<b>991,840</b>	<b>1,179,936</b>

**GENERAL FUND - SEWER FUND EXPENDITURES**

<b>GL Account Name</b>	<b>Actual 6/30/2021</b>	<b>Actual 6/30/2022</b>	<b>Actual 6/30/2023</b>	<b>Budget 6/30/2023</b>	<b>Budget 6/30/2024</b>
<b>SEWER FUND</b>					
52.5210-110 SALARIES & WAGES	107,371	123,672	131,268	105,784	151,790
52.5210-125 OVERTIME	515	719	4,397	884	4,919
52.5210-131 FICA	8,075	9,394	10,181	8,160	11,804
52.5210-132 RETIREMENT	6,079	(787)	23,564	18,129	26,653
52.5210-133 INSURANCE	24,499	31,255	30,917	24,112	34,419
52.5210-240 OFFICE SUPPLIES	0	0	93	500	500
52.5210-246 UNIFORMS	439	1,983	190	2,500	3,000
52.5210-250 OPERATING SUPPLIES	1,183	1,104	1,118	2,500	2,500
52.5210-251 FUEL	3,005	1,565	4,162	2,500	3,500
52.5210-253 VEH/EQUIP REPAIR	10,384	7,591	17,854	20,000	20,000
52.5210-260 BUILDING MAINTENANCE	0	0	0	2,700	2,700
52.5210-270 UTILITIES	0	0	0	1,000	1,000
52.5210-320 ENGINEERING SERVICES	10,460	3,726	1,610	25,000	20,000
52.5210-325 CREDIT/DEBIT CARD FEES	5,672	6,743	5,474	5,000	5,000
52.5210-330 LEGAL SERVICES	0	113	0	500	500
52.5210-340 ACCOUNTING & AUDITING SERVICES	0	2,900	5,930	6,000	7,000
52.5210-350 MEDICAL & DRUG TESTING	0	0	0	0	0
52.5210-360 TRAINING	50	50	3,190	1,800	5,000
52.5210-370 PROFESSIONAL SERVICES	0	41,989	29,960	30,000	30,000
52.5210-464 SEWER MATERIALS & SUPPLIES	502	2,512	2,512	5,000	5,000
52.5210-510 INSURANCE AND SURETY BONDS	12,813	13,105	15,000	15,000	15,000
52.5210-520 BAD DEBT	609	12	83	100	200
52.5210-590 DEPRECIATION EXPENSE	113,227	112,474	0	0	0
52.5210-720 LAND/BUILDINGS	0	0	0	0	0
52.5210-730 IMPROVEMENTS	0	6,903	0	42,000	42,000
52.5210-740 CAPITAL EQUIPMENT	0	0	2,610	0	8,500
52.5210-810 PRINCIPAL ON BONDS	0	0	0	0	72,721
52.5210-820 INTEREST ON BONDS	(1,868)	0	0	0	0
52.5210-825 LEASE PAYMENTS	8,417	7,898	4,403	88,335	2,614
52.5210-910 TRANSFERS TO GENERAL FUND	0	0	0	0	0
52.5210-918 TRANSFER TO PUBLIC SERV SHOPS	58,414	55,969	36,737	40,766	44,296
52.5210-945 SEWER TREATMENT - ST. GEORGE	379,282	390,011	407,558	420,900	580,631
52.5210-976 TRANSFER TO FUND BALANCE	0	0	0	122,670	78,689
<b>TOTAL SEWER FUND</b>	<b>749,127</b>	<b>820,901</b>	<b>739,571</b>	<b>991,840</b>	<b>1,179,936</b>

**GENERAL FUND - ELECTRIC FUND REVENUE**

<b>GL Account Name</b>	<b>Actual 6/30/2021</b>	<b>Actual 6/30/2022</b>	<b>Actual 6/30/2023</b>	<b>Budget 6/30/2023</b>	<b>Budget 6/30/2024</b>
<b>ELECTRIC FUND REVENUE</b>					
53.3709-000 TURN ON FEES	1,000	350	550	1,500	600
53.3711-000 POWER SALES - RESIDENTIAL	3,874,771	4,075,351	3,627,448	3,959,022	4,000,000
53.3712-000 POWER SALES - COMMERCIAL	702,234	842,581	898,876	828,570	860,000
53.3713-000 POWER COST ADJUSTMENT	0	265,774	1,979,552	700,000	1,599,000
53.3714-000 SERVICE CHARGE	709,313	704,533	628,142	751,440	820,680
53.3715-000 POLE USE FEES	4,284	4,236	4,586	4,284	5,000
53.3716-000 FEE - SERVICES & MATERIALS	663,286	902,466	698,133	0	0
53.3721-000 INTEREST EARNINGS	2,296	14,445	17,975	2,500	16,000
53.3722-000 PENALTIES	49,162	41,784	55,027	32,000	62,000
53.3723-000 CONNECTION FEES	66,909	59,587	78,378	55,218	30,370
53.3724-000 GAIN/LOSS DISPOSAL OF ASSETS	1,800	20,000	0	0	0
53.3725-000 MISCELLANEOUS	4,215	22,642	39,364	5,000	13,000
53.3727-000 UAMPS TRAVEL REIMBURSEMENT	0	0	16,479	2,500	5,000
53.3728-000 UAMPS VEYO PLANT CONTRACT	132,478	96,045	63,306	95,000	112,000
53.3729-000 ELECTRICAL IMPACT FEES	648,016	446,670	788,860	438,100	244,970
53.3731-000 ELECTRIC IMPACT INTEREST	10,007	10,762	65,118	12,000	44,000
53.3780-000 IMPACT FEE RESERVE	0	0	0	0	453,000
53.3781-000 APPROPRIATED FUND BALANCE	0	0	0	0	452,739
<b>TOTAL ELECTRIC FUND REVENUE</b>	<b>6,869,771</b>	<b>7,507,227</b>	<b>8,961,793</b>	<b>6,887,134</b>	<b>8,718,359</b>

**GENERAL FUND - ELECTRIC FUND EXPENDITURES**

GL Account Name	Actual 6/30/2021	Actual 6/30/2022	Actual 6/30/2023	Budget 6/30/2023	Budget 6/30/2024
<b>ELECTRIC FUND</b>					
53.5310-110 SALARIES & WAGES	591,914	642,602	641,455	715,461	781,145
53.5310-125 OVERTIME	3,530	7,141	33,321	3,726	36,669
53.5310-131 FICA	43,516	48,106	50,415	55,018	61,131
53.5310-132 RETIREMENT	54,133	(8,896)	122,560	127,951	141,994
53.5310-133 INSURANCE	109,523	134,270	141,431	168,944	172,365
53.5310-210 SUBSCRIPTIONS & MEMBERSHIPS	603	690	5,179	500	1,000
53.5310-220 PUBLIC NOTICES	0	0	171	300	300
53.5310-230 TRAVEL	1,076	17,871	8,129	16,000	16,000
53.5310-240 OFFICE SUPPLIES	5,785	2,412	2,290	5,000	3,800
53.5310-246 UNIFORMS	1,979	4,162	3,572	5,000	5,000
53.5310-249 SAFETY EQUIPMENT	5,444	5,587	5,565	4,000	5,000
53.5310-250 OPERATING SUPPLIES	6,158	10,346	11,748	10,000	12,000
53.5310-251 FUEL	7,992	9,601	11,328	7,500	12,000
53.5310-252 SUPPLIES & METERS	1,710	9,185	19,847	50,000	50,000
53.5310-253 VEH/EQUIP REPAIR	13,296	33,912	13,470	20,000	20,000
53.5310-254 NEW SUBDIVISION EXPENSES	0	0	423,014	0	0
53.5310-260 BUILDING MAINTENANCE	1,441	2,293	3,599	4,000	4,000
53.5310-270 UTILITIES - Generator Plant	12,412	16,107	52,886	20,000	40,000
53.5310-271 UTILITIES - STREETScape	5,008	6,575	6,865	5,500	5,500
53.5310-280 TELEPHONE	0	0	0	0	0
53.5310-281 CELL PHONES	8,348	9,516	6,671	9,000	9,000
53.5310-310 IT SERVICES	11,253	0	1,095	4,000	2,000
53.5310-320 ENGINEERING SERVICES	9,648	65,261	13,747	25,000	25,000
53.5310-325 CREDIT/DEBIT CARD FEES	15,882	18,883	16,230	14,000	15,000
53.5310-330 LEGAL SERVICES	1,560	1,950	4,658	3,000	5,000
53.5310-340 ACCOUNTING & AUDITING SERVICES	9,100	6,775	9,250	8,000	8,500
53.5310-350 MEDICAL & DRUG TESTING	275	468	527	300	600
53.5310-360 TRAINING	0	3,379	11,765	7,000	10,000
53.5310-370 PROFESSIONAL SERVICES	9,127	26,765	10,127	5,000	14,000
53.5310-466 POWER LINES/POLES/ASSOC PARTS	29,348	32,353	213,775	80,000	80,000
53.5310-469 SCADA MATERIALS & SUPPLIES	1,200	2,100	1,577	10,000	3,000
53.5310-510 INSURANCE AND SURETY BONDS	29,897	30,733	35,101	35,000	35,000
53.5310-520 BAD DEBT	4,740	123	535	0	0
53.5310-590 DEPRECIATION	571,147	584,607	0	0	0
53.5310-591 AMORTIZATION	0	0	0	0	0
53.5310-610 GENERATOR FUEL	95,247	50,333	333,094	125,000	375,000
53.5310-630 O & M GENERATORS	48,993	175,564	146,778	40,000	60,000
53.5310-720 LAND & BUILDINGS	0	0	0	0	0
53.5310-730 IMPROVEMENTS	12,103	6,080	101,493	90,675	263,000
53.5310-740 CAPITAL EQUIPMENT	0	3,208	162,060	222,500	195,000
53.5310-750 LAND EASEMENTS & RIGHT OF WAYS	1,317	1,481	1,230	1,500	1,500
53.5310-753 NEW DEV INFRASTRUCTURE UPSIZE	0	0	0	0	0
53.5310-790 OTHER	0	0	0	0	0
53.5310-810 PRINCIPAL ON BONDS	0	0	0	412,000	418,000
53.5310-820 INTEREST ON BONDS	58,677	54,492	45,413	87,890	81,958
53.5310-825 LEASE PAYMENTS	0	1,777	819	2,000	0
53.5310-830 FISCAL AGENT FEES	34,750	33,250	3,250	3,500	3,500
53.5310-918 TRANSFER TO PUBLIC SERV SHOPS	67,146	62,256	77,136	62,717	95,397
53.5310-920 TRANSFER TO CAPITAL PROJECT	0	0	0	0	0
53.5310-930 FRANCHISE FEE TO GENERAL FUND	346,190	356,896	397,897	400,000	400,000
53.5310-950 POWER PURCHASE - UAMPS	2,264,111	2,910,501	3,581,770	2,500,000	3,750,000
53.5310-951 POWER OWNERSHIP COSTS -UAMPS	1,322,120	1,406,625	1,143,352	1,300,000	1,350,000
53.5310-952 LINE ITEM EXPENSES - UAMPS	80,783	(11,692)	23,617	150,000	150,000
53.5310-976 TRANSFER TO FUND BALANCE	0	0	0	70,152	0
<b>TOTAL ELECTRIC FUND</b>	<b>5,898,483</b>	<b>6,775,646</b>	<b>7,899,808</b>	<b>6,887,134</b>	<b>8,718,359</b>

**GENERAL FUND - STORM WATER FUND REVENUES**

<b>GL Account Name</b>	<b>Actual 6/30/2021</b>	<b>Actual 6/30/2022</b>	<b>Actual 6/30/2023</b>	<b>Budget 6/30/2023</b>	<b>Budget 6/30/2024</b>
<b>STORM WATER FUND REVENUE</b>					
54.3714-000 SURCHARGE FEE	512,018	538,905	515,789	513,078	568,000
54.3720-000 STORM WATER FEES	30,774	23,550	28,900	17,500	11,000
54.3721-000 INTEREST EARNINGS	715	480	115	1,500	400
54.3722-000 PENALTIES	2,634	2,237	2,949	2,600	3,000
54.3723-000 CONNECTION FEES	0	0	0	0	0
54.3724-000 GAIN/LOSS DISPOSAL FIXED ASSET	0	0	0	0	0
54.3725-000 MISCELLANEOUS	565	0	0	0	0
54.3729-000 STORM WATER IMPACT FEES	83,005	57,412	95,976	51,781	37,000
54.3731-000 STORM WATER IMPACT INTEREST	1,547	1,245	8,364	1,500	5,000
54.3750-000 CAPITAL CONTRIBUTIONS - SUB	0	360,319	0	0	0
54.3780-000 IMPACT FEE RESERVE	0	0	0	0	146,669
54.3781-000 APPROPRIATED FUND BALANCE	0	0	0	115,751	0
<b>TOTAL STORM FUND REVENUE</b>	<b>631,258</b>	<b>984,148</b>	<b>652,093</b>	<b>703,710</b>	<b>771,069</b>

**GENERAL FUND - STORM WATER FUND EXPENDITURES**

GL Account Name	Actual 6/30/2021	Actual 6/30/2022	Actual 6/30/2023	Budget 6/30/2023	Budget 6/30/2024
<b>STORM WATER FUND</b>					
54.5410-110 SALARIES & WAGES	137,668	136,863	134,100	127,545	152,988
54.5410-125 OVERTIME	389	583	4,520	1,142	5,032
54.5410-131 FICA	10,548	10,206	10,405	9,845	11,888
54.5410-132 RETIREMENT	8,776	(1,665)	24,036	20,823	27,037
54.5410-133 INSURANCE	25,487	33,956	34,148	30,691	38,728
54.5410-210 SUBSCRIPTIONS & MEMBERSHIPS	1,350	1,250	2,145	1,400	1,500
54.5410-220 PUBLIC NOTICES	0	0	0	0	0
54.5410-230 TRAVEL	0	0	0	1,500	1,000
54.5410-240 OFFICE SUPPLIES	765	0	425	500	750
54.5410-246 UNIFORMS	771	899	270	2,500	3,000
54.5410-250 OPERATING SUPPLIES	1,767	315	1,904	4,000	4,000
54.5410-251 FUEL	5,063	7,388	7,375	7,000	10,000
54.5410-252 STORM DRAIN SUPPLIES	0	0	0	0	0
54.5410-253 VEH/EQUIP REPAIR	9,741	4,893	6,562	8,000	8,000
54.5410-260 BUILDING MAINTENANCE	0	0	0	0	0
54.5410-280 TELEPHONE	0	0	0	0	0
54.5410-281 CELL PHONE	1,017	745	400	0	500
54.5410-320 ENGINEERING SERVICES	4,026	1,460	13,981	45,000	45,000
54.5410-325 CREDIT/DEBIT CARD FEES	3,403	4,046	3,684	3,000	3,000
54.5410-330 LEGAL SERVICES	1,795	0	0	1,000	1,000
54.5410-340 ACCOUNTING & AUDITING SERVICES	0	2,900	5,300	5,000	5,000
54.5410-350 MEDICAL & DRUG TESTING	0	0	0	200	200
54.5410-360 TRAINING	80	200	390	1,500	3,000
54.5410-370 PROFESSIONAL SERVICES	24,559	0	0	0	0
54.5410-415 STORM DRAIN CLEANING	2,524	2,280	5,149	7,500	7,500
54.5410-510 INSURANCE AND SURETY BONDS	8,542	8,183	12,500	12,500	12,500
54.5410-520 BAD DEBT	402	11	56	100	200
54.5410-590 DEPRECIATION	171,031	179,535	0	0	0
54.5410-730 IMPROVEMENTS	13,995	21,656	115,137	200,000	200,000
54.5410-740 CAPITAL EQUIPMENT	0	0	0	0	0
54.5410-770 FLOOD CONTROL DIST. SURCHARGE	51,762	53,850	46,973	54,900	61,551
54.5410-790 OTHER	8,769	0	0	0	0
54.5410-810 PRINCIPAL ON BONDS	0	0	0	122,000	100,000
54.5410-820 INTEREST ON BONDS	16,441	15,498	0	16,245	12,837
54.5410-825 LEASE PAYMENTS	0	1,777	0	0	0
54.5410-830 FISCAL AGENT FEES	0	0	600	0	0
54.5410-831 BOND ISSUE COSTS	0	0	0	0	0
54.5410-910 TRANSFERS TO GENERAL FUND	30,000	30,000	0	0	25,000
54.5410-918 TRANSFER TO PUBLIC SERV SHOPS	26,509	25,694	22,079	19,819	29,858
54.5410-976 TRANSFER TO FUND BALANCE	0	0	0	0	0
<b>TOTAL STORM WATER FUND</b>	<b>567,181</b>	<b>542,523</b>	<b>452,140</b>	<b>703,710</b>	<b>771,069</b>

**Mayor**  
Rick Rosenberg

**City Manager**  
Brock Jacobsen



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

# CITY COUNCIL

**Meeting Date:** June 21, 2023

**Agenda Item:** 2

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**Applicant:** Santa Clara  
City

**Requested by:** Matt Ence

**Subject:** Proposed amendment to the Black Desert Development Agreement (Discussion Item)

**Description:**

City legal counsel, Matt Ence, would like to discuss potential changes to the Black Desert Development Agreement. This is a discussion item only with no action to be taken. Documents have been attached to the Council packet for review. This item will be discussed before the South Village @ Black Desert item on the agenda.

**Recommendation:**

**Attachments:** Yes

**Cost:** N/A

**Legal Approval:** Yes

**Finance Approval:** N/A

**Budget Approval:** N/A

## TEMPORARY MAINTENANCE FACILITY AGREEMENT

This TEMPORARY MAINTENANCE FACILITY AGREEMENT (“Agreement”) is entered into as of \_\_\_\_\_ (“Effective Date”) by and between Enlaw, LLC, a Delaware limited liability company and BD Resort Center LLC, a Utah limited liability company (“Developer”) and the City of Santa Clara, a municipal corporation and political subdivision of the State of Utah (“City” and together with Developer as the “Parties”).

### RECITALS

WHEREAS, Developer owns or controls approximately 570 acres (297.56 within the City) of land spanning from Pioneer Parkway to the northern and eastern limits of the City’s boundary and continuing north and northeast into Ivins City (“Ivins”) across the pristine lava flows and north of the Ivins “Horses” roundabout. The portion within the City lies at the City’s most northern and eastern boundaries; and

WHEREAS, Developer’s real property within the City is described in the Development Agreement’s Exhibit “A” (hereafter the “Development Property”); and

WHEREAS, the City and Developer previously entered into that Black Desert Development Agreement (“Development Agreement”), recorded with the Washington County Recorder on September 29, 2021, as Doc # 20210063764; and

Whereas, in furtherance of the development set forth in the Development Agreement, Developer desires to place a temporary maintenance facility (“Maintenance Facility”) on the Development Property.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the Parties mutually agree as follows:

### TERMS

#### 1. Recitals.

The Recitals above are hereby incorporated into this Agreement.

#### 2. Definitions.

Capitalized terms shall have the meanings as defined herein. Any capitalized term not defined herein shall have the meaning ascribed to it in the Development Agreement.

#### 3. Maintenance Facility.

- a. Length of Time: the Maintenance Facility will be installed on the Property for no longer than 12 months, with up to three (3) extensions of up to six (6) months each.

- b. Location: the Maintenance Facility will be installed at the location designated in the site plan attached hereto as Exhibit "A".
- c. Purpose: the Maintenance Facility will be used for maintenance offices, with a shed that will store maintenance equipment.
- d. Structures: the Maintenance Facility will consist of up to 2 trailers and 1 metal shed structure.
- e. Fencing: the Maintenance Facility will be screened by a chain-link metal fence, with screening/privacy fabric wrap.
- f. Power and Water: power and water shall be connected at the meter nearest to the Maintenance Facility.
- g. Sewer: the sewer for the Maintenance Facility will be connected to the nearest accessible sewer utility.
- h. Dust: for dust control off the road, Developer will place #2 crushed stone (aggregate) from Pioneer Parkway to the entrance of the Maintenance Facility.

**4. Compliance with City Design and Construction Standards.**

Developer acknowledges and agrees that unless expressly stated otherwise, nothing in this Agreement shall be deemed to relieve it from the obligation to comply with all applicable laws and requirements of the City necessary for development of the Planned Community, including the payment of fees and compliance with the City's design and construction standards for public improvements which are approved at the time of construction, except as may be specifically set forth otherwise herein. Further, the temporary buildings allowed under this agreement have been approved by the planning commission under Santa Clara City Code section 17.24.100 and will comply with all requirements thereof.

**5. Compliance with Planned Community Design Standards.**

Developer acknowledges and agrees that unless expressly stated otherwise, nothing in this Agreement shall be deemed to relieve it from the obligation to comply with all applicable architectural, landscape, and other design guidelines for development and construction of lots and parcels in the Planning Areas. The

**6. Improvement Costs.**

Developer acknowledges and agrees that unless expressly stated otherwise, Developer will bear the costs to install and maintain the Maintenance Facility under this Agreement.

**7. Assignment.**

Neither this Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without assigning also the responsibilities

arising hereunder. This restriction on assignment is not intended to prohibit or impede the sale by Developer.

**8. No Joint Venture; Partnership or Third-Party Rights.**

This Agreement does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto nor any rights or benefits to third parties, except as expressly provided herein.

**9. Integration.**

This Agreement contains the entire agreement between the parties with respect to the subject matter hereof and integrates all prior conversations, discussions or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed and approved by the parties hereto.

**10. Notices.**

Any notices, requests, or demands required or desired to be given hereunder shall be in writing and should be delivered personally to the party for who intended, or, if mailed by certified mail, return receipt requested, postage prepaid to the parties as communications under this Agreement shall be deemed to have been given and received and shall be effective three (3) days after deposit in the U.S. Mail to the recipient's address as set forth herein:

City:

Santa Clara City  
Attn: City Manager  
2603 Santa Clara Drive  
Santa Clara, UT 84765

With a copy to:

Santa Clara City Attorney  
Attn: Matthew J. Ence  
Snow Jensen & Reece, PC  
912 West 1600 South, Ste. B200  
St. George, UT 84765

Developer:

Enlaw, LLC & BD Resort Center LLC  
Attn: Patrick Manning  
1500 Black Desert Drive  
Ivins, UT 84738

With a copy to:

Jenkins Bagley, PLLC  
Attn: Bruce C. Jenkins  
285 W. Tabernacle, Ste. 301  
St. George, UT 8477

Any party may change its address by giving written notice to the other party in accordance with the provisions of this section.

**11. Law and Usage.**

Any dispute regarding this agreement shall be heard and settled under the laws of the State of Utah. Whenever the context requires, the singular shall include the plural, the plural shall include the singular, the whole shall include any part thereof, any gender shall include all genders, and the term "person" shall include an individual, partnership (general or limited), corporation, trust, or other entity or association, or any combination thereof. This Agreement shall bind and inure to the benefit of the parties hereto and their respective successors and assigns. The provision of this Agreement shall be constructed as both covenants and conditions in the same manner as though the words importing such covenants and conditions were used in each separate provision hereof.

**12. Court Costs.**

In the event of any litigation between the parties arising out of or related to this Agreement, the prevailing party shall be entitled to an award of reasonable court costs, including reasonable attorney fees.

**13. Expenses.**

The Developer and the City shall each pay their own costs and expenses incurred in preparation and execution of and performance under this Agreement, except as otherwise expressly provided herein.

**14. Waiver.**

Acceptance by either party of any performance less than required hereby shall not be deemed to be a waiver of the rights of such party to enforce all of the terms and conditions hereof. No waiver of any such right hereunder shall be binding unless reduced to writing and signed by the party to be charged therewith.

**15. Effective Date.**

This Agreement shall be effective as of the date first set forth above.

*(signatures on the following page)*

Remainder of page left blank

In Witness Whereof, the parties hereunder have executed this Agreement on the date first written above.

DEVELOPER

CITY OF SANTA CLARA

ENLAW, LLC, *a Delaware limited liability company*

By: RS18 Entrada Manager LLC, *a Utah limited liability company*, its Manager



By: Paul Bringham  
Title: Manager of RS18 Entrada Manager LLC

\_\_\_\_\_  
Rick Rosenberg, Mayor  
Attest:

BD RESORT CENTER LLC, *a Delaware limited liability company*

By: BD Resort Center Manager LLC, *a Utah limited liability company*, its Manager



By: James B. Boren  
Title: Manager of BD Resort Center Manager LLC

\_\_\_\_\_  
Chris Shelley, City Recorder

STATE OF UTAH )  
 : ss.  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_ day of \_\_\_\_\_, 2022, Paul Bringhurst personally appeared before me, and being duly sworn acknowledged to me that he holds the company title/s as set forth above, that RS18 Entrada Manager LLC is the Manager of Enlaw, LLC, and that he has freely and voluntarily executed the above agreement in their duly authorized capacity and on behalf of said companies.

\_\_\_\_\_  
NOTARY PUBLIC

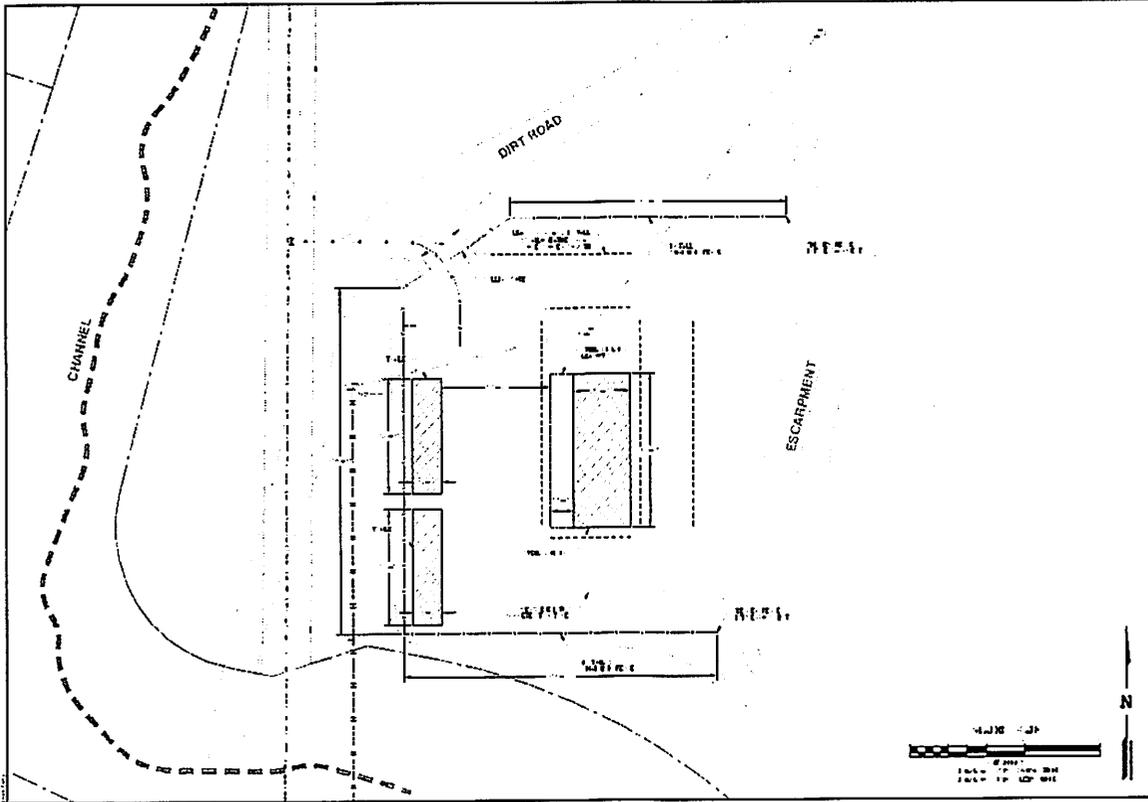
STATE OF UTAH )  
 : ss.  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_ day of \_\_\_\_\_, 2022, James B. Boren personally appeared before me, and being duly sworn acknowledged to me that he holds the company title/s as set forth above, that BD Resort Center Manager LLC is the Manager of BD Resort Center LLC, and that he has freely and voluntarily executed the above agreement in their duly authorized capacity and on behalf of said companies.

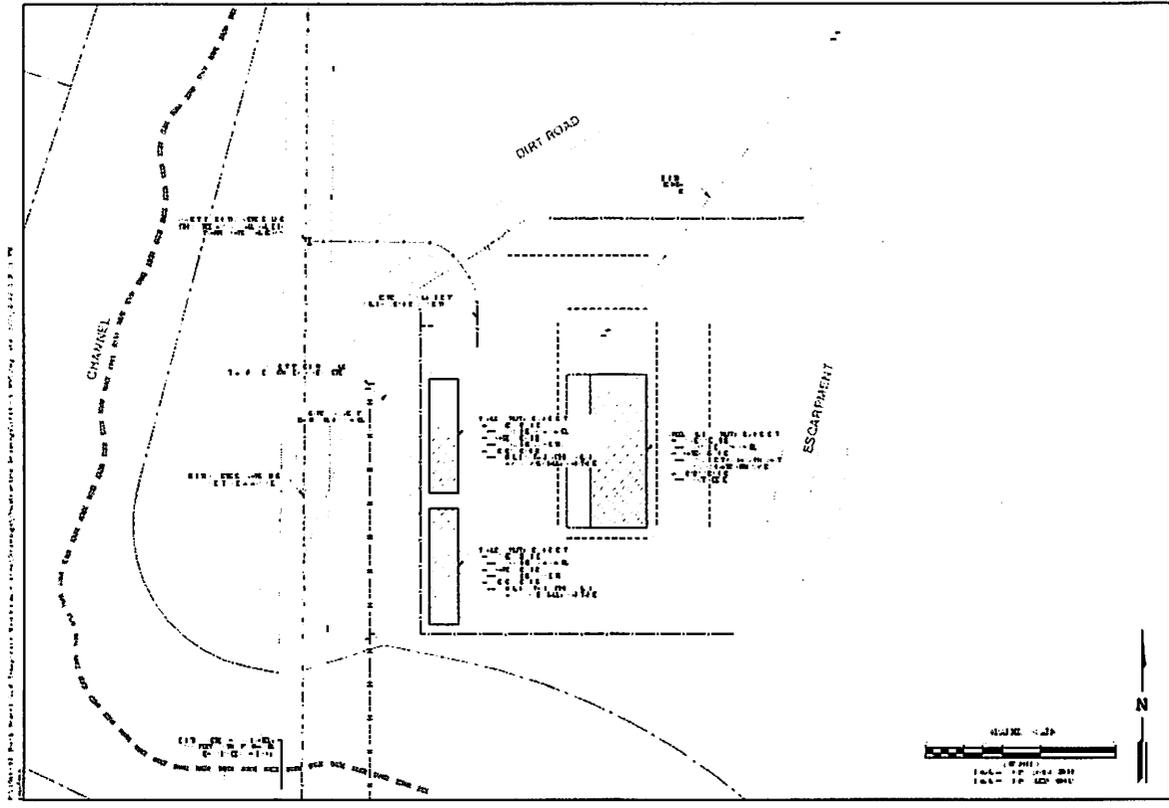
\_\_\_\_\_  
NOTARY PUBLIC

**EXHIBIT "A"**  
**Site Plan**





DATE	NO.	REVISIONS
PREPARED BY <b>ALPHA ENGINEERING</b>		
<b>SITE LAYOUT</b> TEMPORARY GOVT. MAINTENANCE FACILITIES BLACK HILLS BTR DIST.		
DATE	NO.	REVISIONS
2		



<p><b>UTILITY PLAN</b></p> <p>TEMPORARY GULF MAINTENANCE FACILITIES</p> <p>BLACK PESTER RESORT</p>	
<p>DATE: 10/15/2010</p> <p>SCALE: AS SHOWN</p> <p>PROJECT NO: 10-001</p> <p>3</p>	<p><b>ALPHA ENGINEERING</b></p> <p>PRELIMINARY</p>

**When recorded, return to:**

Santa Clara City  
c/o Matthew J. Ence  
SNOW JENSEN & REECE, PC  
912 West 1600 South, Suite B200  
St. George, UT 84765

**Parcel Nos.: SC-6-2-4-3221, SC-6-2-9-42012**

**BLACK DESERT DEVELOPMENT AGREEMENT  
(Santa Clara City)**

THIS DEVELOPMENT AGREEMENT (herein "Agreement") is entered into this 23<sup>rd</sup> day of September, 2021, by and between Enlaw, LLC, a Delaware limited liability company, and BD Resort Center LLC (jointly herein "Developer") for the land located in what is generally known as "Black Desert" (herein the "Planned Community"), and the City of Santa Clara, a municipal corporation and political subdivision of the State of Utah (herein "City").

**RECITALS**

WHEREAS, Developer owns or controls approximately 570 acres (297.56 within the City) of land spanning from Pioneer Parkway to the northern and eastern limits of the City's boundary and continuing north and northeast into Ivins City ("Ivins") across the pristine lava flows and north of the Ivins "Horses" roundabout. The portion within the City lies at the City's most northern and eastern boundaries.

WHEREAS, Developer's real property within the City is described in Exhibit "A" (hereafter the "Development Property"); and

WHEREAS, Developer has contemplated development of the Development Property for purposes consistent with the uses and purposes designated in the City's General Plan<sup>1</sup> and planned residential zoning ordinances, including a destination resort type development, commercial uses and golf course; and

WHEREAS, the Developer's intent for development of the Development Property is more fully described to include the construction of a new Tom Weiskopf designed 19-hole golf course, a luxury hotel component, world-class spa, pedestrian-friendly retail, multiple restaurants, and numerous outdoor recreational opportunities for residents while causing such development to be developed in a manner that considers the impact of viewsheds for existing homes outside the Development Property; and

WHEREAS, City and Developer desire public streets, trails, protection of certain viewsheds, public access, and natural habitat within phases of the development within the Planned Community; and

WHEREAS, notwithstanding the preceding Recital, the City acknowledges that in Planning Areas 7 and 8 identified on the Plan it is anticipated that medium density residential dwellings will be constructed subject to the conditions set forth herein; and

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<sup>1</sup> (General Plan, p.1)

WHEREAS, Developer is ready to commence construction and development and is concurrently herewith seeking a conditional use permit for the golf course; and

WHEREAS, the Development Property is currently zoned Planned Development Residential, entitling Developer to build 1937 units pursuant to the approvals received on July 10, 2019; and

WHEREAS, Developer plans to develop the land to provide a range of housing products, golf course, and condominium hotel offerings consistent with a destination resort theme that will be sold at various price points (General Plan p. 15); and

WHEREAS, this project will provide recreational opportunities and other amenities consistent with a destination resort (General Plan, p. 17); and

WHEREAS, the type of recreational opportunities in mixed use development of the type planned for this project in the Black Desert area is specifically identified and provided for in the General Plan (General Plan, pp. 44 and 45); and

WHEREAS, Developer has voluntarily represented to the City Council that it will enter into this binding development agreement; and

WHEREAS, Developer will provide for a portion of the Development Property to be designated as public streets, trails, and Open Space within subdivision phases and make certain improvements on the Development Property in a manner that is in harmony with the objectives of the City's General Plan, standards, ordinances and long-range development objectives and which addresses the more specific planning issues set forth in this agreement and is willing to abide by the terms of this Agreement; and

WHEREAS, Developer's project not only includes the Development Property but also includes lands on the North of the Development Property, located in Ivins and St. George, respectively; and

WHEREAS, the City, acting pursuant to its authority under Utah Code Annotated §§ 10-9a-101, et seq. and its ordinances, resolutions, and regulations and in furtherance of its land use policies, has made certain determinations with respect to the proposed Planned Community, and, in the exercise of its legislative discretion, has elected to approve this Agreement; and

WHEREAS, the Developer understands that the Developer will have the responsibility to fund infrastructure needs caused by the development, subject to over-sizing of infrastructure in which the City will participate.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

**1. Recitals.**

The Recitals above are hereby incorporated into this Agreement.

## **2. Definitions.**

### **A. Association.**

**“Association” means and refers to one or more associations of the private owners of lots and parcels in the Planned Community which will have, after the period of Developer administrative control, certain responsibilities including but not limited to: preserving and maintaining common areas, facilities and amenities which are retained and developed for the common use and benefit of all the owners, including commonly owned streetscapes; the developing and enforcing of architectural and landscaping design guidelines for development of individual lots and parcels in the Planned Community; developing and enforcing rules and regulations for the continuing operation of the various subdivisions within the Planned Community; and collecting regular and special assessments and fines and penalties from the owners in the Planned Community, to finance said responsibilities. The Association(s) shall be created by the Developer as a non-profit corporation organized under the laws of the State of Utah. It is anticipated that other “sub-associations” may also be created with respect to the distinct Planning Areas and/or Secondary Phases of the Planned Community. The Association and sub-associations shall be responsible for repairing, restoring, or replacing landscaping or other common nonpublic improvements upon property in the Planned Community owned or controlled by the Association or sub-associations (including private streets and driveways if the same are approved in any Planning Area). In addition to annual, usual and special assessments for maintenance of common nonpublic improvements in the Planned Community, the Association and sub-associations shall levy such assessments as may be necessary from time to time to repair, restore or replace landscaping, or other common nonpublic improvements, when necessitated by the installation, maintenance, repair, or replacement of public water, sewer, power, and drainage infrastructure.**

### **B. Declaration.**

**“Declaration” means and refers to one or more declarations of covenants, conditions and restrictions for the subdivisions within the Planned Community which shall be recorded in the Washington County Recorder’s Office against the subdivisions within the Planned Community and shall run with the land in the Planned Community. A Declaration shall set forth the rights and obligations of the Developer, the Association, and the individual owners in the Planned Community with respect to one another, shall establish a lien for the collection of assessments, and serve other purposes common to declarations in similar projects.**

### **C. Developer.**

**“Developer” means and refers to the initial owner, or agent for the owner, of the Planned Community. Developer is currently Enlaw, LLC, and BD Resort Center LLC but this definition extends to successors and assigns of the same, provided such successors and assigns acquire all of the rights to the development of the Planned Community which are currently held by Enlaw, LLC, and BD Resort Center LLC, or for a particular parcel of the Development Property to be developed by such successor**

or assign, which successor or assign may be chosen by Developer in its sole discretion and pursuant to Section 15, below. Developer also includes any affiliate of Developer in which Developer, or the principals of Developer, hold fifty-one percent or more of the ownership and voting interest of the affiliate company, provided such affiliate is identified in an instrument recorded upon the relevant portion(s) of the Development Property in the office of the Washington County Recorder.

**D. Development Property.**

“Development Property” means and refers to the parcels of real property located in Santa Clara, Washington County, State of Utah, which are subject to this Agreement and which are more particularly described with the legal descriptions set forth in Exhibit “A” hereto. The Development Property does not include the property depicted in the Plan which is located in Ivins City or St. George City, though the Parties understand that property covered by the Plan is intended to operate as a seamless project.

**E. Open Space.**

“Open Space” means Improveable and Unimproveable Open Space as set forth in Paragraph 9M.iii below as well as those areas of Open Space within subdivision phases.

**F. Minor Subdivision.**

“Minor Subdivision” means and refers to subdivisions which are divided without using the formal platting process as outlined in Utah Code Ann. § 10-9a-605 “Exemptions from Plat Requirement” and this Agreement.

**G. Off-site Improvements.**

“Off-site Improvements” means and refers to all sewer, storm and culinary water, natural gas, underground utility systems, streets, curbs and gutters, sidewalks, traffic signals, or other improvements which are required to be developed by Developer outside the boundaries of the Development Property, as a condition of approval and permitting of the Planned Community or distinct sub-parts thereof, as set forth in this Agreement.

**H. On-site Improvements.**

“On-site Improvements” means and refers to all sewer, storm and culinary water, natural gas, underground utility systems, streets, streetscapes, curbs and gutters, sidewalks, trails, or other improvements which are required to be developed within the boundaries of the Development Property, but which may be outside the boundaries of a Planning Area for which development approvals are currently being sought, as a condition of approval and permitting of such Planning Area, as set forth in this Agreement.

I. Parks Department.

“Parks Department” means and refers to the City department which is responsible for the development, operation and maintenance of parks or trails within the City.

J. Plan.

“Plan” means and refers to the approved Concept Plan for the Development Property approved by the City contemporaneously with the execution of this Agreement. The Plan consists of \_\_\_\_\_ ( ) pages and is attached hereto as Exhibit “B.” The City acknowledges that the Plan also satisfies the requirements of SC City Code § 17.68.110 (B) as a Project Plan for that portion of the Development Property to be operated as a golf course. The current Planned Development Residential (PDR) designation on the property was originally approved based on the Knoll Pasture master plan, which is no longer being pursued. As a result, prior to approval of development applications for any other Planning Area of the Development Property outside of the golf course, detailed supplements satisfying the Project Plan requirements of SC City Code § 17.68.110 (B) for such Planning Area shall be submitted to the City for review and approval. Because detailed Project Plans are considered under the City’s ordinances to be an integral part of any planned development, each such Project Plan review shall be considered by the City as a zone amendment for the Planning Area(s) for which approval is sought, regardless of whether Developer is seeking a change to the current PDR zone designation. However, in the event that any such Project Plan anticipates commercial uses which are not incidental to proposed residential uses, or which otherwise are not considered by the City to qualify as a “mixed use” under the PDR zone, such Project Plan review shall also require and be considered as an amendment of the zoning designation to Planned Development Commercial (PDC). The Plan does not contemplate any permanent agricultural or industrial uses, and no such uses are approved herein.

K. Planned Community.

“Planned Community” means and refers to the various Phases of the Project known as “Black Desert Resort at Entrada” anticipated to be developed upon the Development Property pursuant to the terms of this Agreement and the Plan incorporated herein. The Developer, in its sole discretion, may change the name of the Planned Community, provided that all subdivision plats within the Planned Community comply with the naming requirements of paragraph 8.E. herein below.

L. Planning Area.

“Planning Area” means and refers to the various phased development areas depicted in the Plan attached hereto as Exhibit “B.” It is anticipated that there will be several phases of development, and possibly Secondary Phases within a phase depicted in Exhibit “B.” With the exception of the Planning Area(s) comprising the anticipated golf course, for which Developer has already obtained Project Plan approval, prior to commencement of development of any Planning Area(s), Developer shall be required to submit a Project Plan for such Planning Area(s) which shall procedurally be

considered by the City as a zoning amendment even if no change from the current Planned Development Residential (PDR) zoning designation is sought. The Planning Areas include only those phases and Secondary Phases as depicted in the Plan. Each of the Planning Areas shall be developed only after proper zone change/amendment approval (if required), and subdivision approvals by the City for a given Planning Area, or for distinct Secondary Phase(s) of the same. No Planning Area shall be sold in smaller parcels by Developer unless (1) the Plan contemplates the creation of such smaller parcel or is amended, with City approval, to contemplate such smaller parcel and the necessary record of survey and "minor subdivision" has been approved by the City; or (2) the Planning Area or Secondary Phase has been platted such that the smaller parcel being sold is part of a final plat approved by the City and recorded as required by law.

**M. Secondary Developer.**

"Secondary Developer" means a person or entity, other than a Developer, that has been assigned rights by Developer to develop one or more, but not all, Planning Areas or a Secondary Phase within a Planning Area.

**N. Secondary On-site Improvements.**

"Secondary On-site Improvements" means and refers to all sewer, storm and culinary water, natural gas, underground utility systems, streets, curbs and gutters, sidewalks, traffic signals, trails, or other improvements which are required to be developed within the boundaries of each Planning Area, as a condition of approval and permitting of that Planning Area or sub-parts thereof, as set forth in this Agreement.

**O. Secondary Phase.**

"Secondary Phase" means and refers to a portion of any given Planning Area developed in multiple phases, each such phase consisting of one or more plats subject to review and approval as preliminary plats and final plats under applicable law.

**P. Traffic Impact Study.**

"Traffic Impact Study" means and refers to a traffic impact study completed on behalf of Developer and submitted in connection with a particular Planning Area.

**3. Affected Property.**

**A. Boundary Description.**

The legal description of the Development Property is as follows:

*See Exhibit "A" attached hereto and incorporated with this reference.*

No additional property may be added to this description for the purposes of this Agreement except by written amendment to this Agreement executed and approved by Developer and the City. The City acknowledges that the Development Property is currently zoned Planned Development Residential (PDR). Developer acknowledges

that, save for the golf course as addressed in the following paragraph, Project Plans for the Development Property outside of the golf course have not yet been approved by the City. Because detailed Project Plans are considered under the City's ordinances to be an integral part of any planned development, such Project Plan(s), as submitted by Developer, shall be reviewed as a zoning amendment even if no change from the PDR designation is sought.

**B. Golf Course.**

The golf course is located in Ivins and the City. The location for the golf course maintenance building as set forth in Exhibit "B" is hereby approved, subject to Developer obtaining a building permit. The golf course is permitted to have all uses and structures ancillary or accessory to the use and operation of a resort style golf course. The City acknowledges that Developer has obtained approval of a Project Plan and conditional use for the golf course upon the Planning Area(s) designated for the golf course as depicted in the Plan.

**C. Interlocal Government Cooperation.**

City will cooperate with Ivins and St. George as reasonably necessary to ensure that the use and maintenance of public improvements and utilities will not be materially affected by the overall development of the Developer extending into and through portions of Ivins, St. George and the City.

**4. Vested Rights and Reserved Legislative Powers.**

With the recording for public record of this Agreement, Developer's right to develop the Planned Community as described herein is hereby vested, subject to the provisions hereof requiring additional development approvals and allowing for modification of specific requirements as development of the Planned Community progresses toward completion. Nothing in this Agreement shall limit the future exercise of the police power by the City in enacting zoning, subdivision, development, transportation, environmental, Open Space and related land use plans, policies, ordinances and regulations after the date of this agreement provided that the adoption and exercise of such power is directed at a critical health, welfare and safety concern and shall not restrict Developer's vested rights to develop the Planned Community as provided herein. In order to preserve the rights vested to Developer herein, Developer must reasonably pursue the development of the Planned Community, including the creation of the individual Planning Areas as contemplated herein and the completion of improvements to infrastructure which development shall from time to time require. This Agreement is not intended to and does not bind the City Council in the independent exercise of its legislative discretion with respect to such zoning regulations, except to the extent specifically covenanted as set forth herein, the provisions of this Agreement by recording intended to run with the land to the benefit and burden of Developer and its successors and assigns.

**5. Compliance with City Design and Construction Standards.**

Developer acknowledges and agrees that unless expressly stated otherwise, nothing in this

Agreement shall be deemed to relieve it from the obligation to comply with all applicable laws and requirements of the City necessary for development of the Planned Community, including the payment of fees and compliance with the City's design and construction standards for public improvements which are approved at the time of construction, except as may be specifically set forth otherwise herein.

**6. Compliance with Planned Community Design Standards.**

Developer anticipates the creation of architectural and landscape design guidelines for development and construction of lots and parcels in the Planning Areas, and said standards may be more restrictive than those set forth by the City. Developer will develop the pending subdivision in compliance with all project design standards.

**7. Time for Construction and Completion of the Planned Community.**

Except as otherwise provided in this Agreement, Developer shall have the discretion as to the time of commencement, construction, phasing and completion of any and all development of the Planned Community. Developer's discretion shall be confined within the time limitations set forth in City Code such as final plat expiration, and any Planned Development (PD) zone expiration dates.

**8. General Obligations.**

The Parties shall do the following:

**A. Road Dedications; Record of Survey and Street and Utility Plan.**

*i. Road Dedications and Records of Survey.*

In no event shall the Development Property or any portion thereof be conveyed to any Secondary Developer for development without the Development Property being appropriately subdivided and master planned roadways being first dedicated to the City. Therefore, City and Developer shall cooperate in development and approval of Road Dedications and Records of Survey intended for the division of the Development Property into the distinct Planning Areas, and the parcels to be dedicated or otherwise conveyed at no cost to the City as public trails, Open Space and/or other public facilities. City and Developer shall also cooperate in the development of street and utility plans to service the Planned Community. Developer shall coordinate with City through Developer's engineer. One or more Road Dedications sufficient to identify the public roadways within the Planned Community but outside of individual Planning Areas shall be submitted for approval to the City, and if approved by the City shall be recorded for public record. The several Records of Survey required to divide the Development Property into the Planning Areas and parcels to be dedicated or otherwise conveyed to the City shall be submitted to the City for approval, consistent with state and local law governing the approval of "minor subdivisions" of less than ten (10) parcels, and as the same are approved, the Record of Survey map and deeds consistent with the same shall be filed for public record in the office of the Washington County

Recorder's map depository. The submission, consideration and approval of the one or more Road Dedications may occur in parallel with the submission, consideration and approval of the Records of Survey, provided that an approved Road Dedication establishing the planned roads to service the Planning Areas in a given Record of Survey shall in all cases be recorded prior to the recordation of such Record of Survey. After recording, each Record of Survey map may be amended with the filing of an appropriate amendment thereto and deeds reflecting the same. The approval of the City shall be required to amend the Record of Survey if a) the amendment results in a change of more than 25% gross acreage, or b) if parcels to be dedicated or otherwise conveyed to the City, including but not limited to trails, and undisturbed Open Space parcels, are affected by the amendment.

*ii. Street and Utility Plan.*

The street and utility plans prepared for each Road Dedication and each Project Plan shall together serve as a Street and Utility Plan for the Development Property and shall contain construction standards at a level sufficient to ensure consistent quality throughout the development phases of the Development Property. All streets and utility infrastructure connecting at the boundaries between Ivins and the City will be designed and constructed to ensure continuity between municipal services, including delivery and maintenance of any utilities, and connectivity of streets between the two municipalities. Developer represents and the City acknowledges that irrigation for a portion or all of the Development Property will be provided through an agreement with the City of St. George. The City cannot guaranty that it will be able to supply the water needed for all of the development contemplated by this Agreement, and it shall be Developer's responsibility to ensure that it has all of the water needed for each phase prior to commencing the development of such phase.

*iii. Level of Detail in Street and Utility Plans.*

The Street and Utility Plans must satisfy the design approval requirements as set forth by the City at the time the plans are submitted to the City for approval.

*iv. Developer Responsibility for Dedications and Improvements Not Yet Accepted.*

Developer acknowledges that dedication of any public roadway or utility right-of-way or the like shall not relieve Developer or any Secondary Developer, if applicable, for responsibility for the same, including completion of all improvements required to be constructed upon such roadway or right-of-way to service the Planned Community. City reserves the right to review, inspect, and accept all such improvements. Pursuant to City Ordinance, Developer, a Secondary Developer, or the Association where applicable shall warranty all public improvements for one year after the City has approved and accepted the construction of the improvements. After acceptance of a public improvement by the City, the City shall assume responsibility for repair, maintenance and upkeep of the same pursuant to accepted City standards.

**B. Sale of Individual Planning Areas.**

City and Developer agree that, following approval and official filing for a Record of Survey map and associated deeds creating a particular Planning Area or Areas within the Planned Community, and dedication of all master planned public roadways contained therein, Developer may proceed with sale of the individual Planning Area(s) so created thereby, to a third party who has been assigned Developer's rights under this agreement for that particular parcel.

**C. Plan; Existing and Required City Approvals.**

City agrees that Developer will be permitted to carry out the development of the Planned Community in accordance with the total densities allowed by now existing City ordinance for the Development Property, subject to and together with the densities set forth in the Plan and Section 13.B.i (Residential Density of the Planned Community). Pursuant to the terms of this Agreement and subject to Developer's public infrastructure obligations set forth in this Agreement, and subject also to re-zoning and/or subdivision plat approvals which may be required before the development of any particular Planning Area, development of the Planned Community may proceed in conformance with the Plan. City and Developer agree that the Plan sets forth a degree of flexibility, but Developer may not increase the densities and types of use beyond the maximum set forth in the Plan without City approval. The prior statement notwithstanding to the contrary, the City approves the density transfers provided for in 13.B.i. Subject to the approved uses already identified by Developer and its successors or assigns hereby recognize the City's requirement for each residential and commercial subdivision proposed within the Planned Community to subsequently obtain zoning approvals from the City, if applicable, prior to obtaining residential or commercial plat approvals, which plat approvals shall further be required before the issuance of any building permits in a given subdivision.

**D. Notice of Zoning Actions.**

City acknowledges that Developer has made and will make substantial investments in reliance on the Plan, subject to future zoning and subdivision approvals. Thus, subject to the requirements and the subsequent approvals set forth herein, Developer shall have vested rights to develop the Development Property under this Agreement and the Plan notwithstanding any subsequent amendments to City's zoning regulation or General Plan.

**E. Requirements for Subdivision Names in the Planned Community.**

In order to simplify the identification of subdivisions located within the Planned Community, each subdivision for which a preliminary plat and final plat is filed for approval by the City shall be named as follows: the name of the subdivision shall be followed by the name of the Planned Community, and if the name of the subdivision is not unique from the name of another subdivision in the Planned Community, the name shall also be followed with numbering or lettering designating the subdivision as a unique phase of development. The preliminary and final plats submitted to the City for

approval shall clearly indicate the subdivision name in such format.

**F. Improvement Costs.**

Developer will bear the cost of all development and improvement necessitated by development of the Planned Community, and City will bear the cost of any City-requested upsizing or additional capacities or additional improvements, consistent with City policy, including improvements specifically related to public buildings to be constructed, unless otherwise specifically agreed to be borne by Developer.

**G. Easement and Right of Way Dedication.**

The Record of Survey filed at the Washington County Recorder's office with respect to the entire Planned Community shall designate the street and utility plan easements and/or dedicated public rights of way as are reasonably necessary for service of each individual Planning Area and which shall be located to minimize impact on the servient property. Easements and public rights of way shall be granted, dedicated, or otherwise conveyed at no cost to the City as a part of the Record of Survey to benefit each Planning Area in an overall comprehensive plan for the Planned Community. City and Developer shall grant cross easements as may be shown on the Record of Survey. The Developer shall reserve such easements as are reasonably necessary for drainage of the Planned Community's runoff and irrigation. Such easements shall be located as to minimize impact on the servient property. Developer shall bear the cost of installing drainage and detention facilities within the boundaries of the Planned Community.

**H. City Facilities and Landscape Improvements.**

City may permit and cooperate in Developer's efforts to ameliorate the landscaping and design impact of City's water, drainage, and other public utility systems. In addition, City may permit and cooperate in Developer's efforts to enhance and improve landscaping features on any City owned property within the Planned Community. Developer and/or the Association will be responsible for the maintenance of the landscaping features which it installs on rights-of-way and easements which are dedicated or otherwise conveyed to the City.

**I. Utility Improvements, Extensions and Upsizing.**

Certain improvements and utility extensions or upsizing which shall be designated in the Street & Utility Plan shall be installed on a joint and cooperative basis by City and Developer or Secondary Developer to avoid conflicts in construction and to achieve economies of scale. The Developer's Engineer and City representative(s) shall meet together in the development phase of such Record of Survey and associated Street and Utility Plan work, and ensure that the improvements and development contemplated therein are coordinated and that to the extent possible such improvements are developed in cooperation, and that the allocation of costs for such improvements is on a fair and reasonable basis, consistent with existing law, the other provisions of this Agreement, and other agreements for sharing costs of power, water, and other improvements between and among City, Developer, and third parties (if any). In the event that

upsizing of utility improvements is required, City shall participate in the cost of such upsizing consistent with City policy regarding upsizing. City may, at the time that Developer is installing and/or constructing public improvements, elect the form of compensation to the Developer for upsizing, including but not limited to paying cash, granting impact fee credit, or through a reimbursement agreement.

**J. Impact Fee Credits.**

Where Developer designs and constructs master planned City trails and other public facilities, either because of a requirement of this Agreement or by separate agreement with the City, such design and construction shall be completed as may be required to develop the Planned Community and as contemplated by the City's various capital facilities plans which would normally be financed through Impact Fees. Where not otherwise compensated by the City, Developer may upon application receive reimbursement of or credit for park Impact Fees and other fees as may be normally assessed by the City for said public facilities when said facilities are designed and constructed by Developer. City and Developer agree that specific details with respect to the mechanisms and timing of reimbursement or credit of impact fees, as well as timing for completion of public trail improvements, may be set forth in a separate agreement between the parties as stated in section 5 above.

**K. City Parks.**

Developer and City agree that Developer will dedicate or otherwise convey to the City public trails in satisfaction of any requirement to provide City or Neighborhood Parks. Developer shall be responsible for the initial construction of any trail system.

**L. Open Space Credit.**

The parties agree that the Developer may apply for and receive any density credit provided by City ordinance based upon Improvable Open Space (defined below) in the Planned Community or within a given Planning Area or Phase, including but not limited to the Developer's designation of Improveable Open Space areas on the Plan, Exhibit "B," dedicated or donated community, trails, and Improveable Open Space parcels; areas preserved to protect sensitive habitat, plants or animals; common nonpublic trails; lakes and streams; cliff line setbacks; transmission lines where such are located on property which is already designated as Improveable Open Space; and any additional setbacks or frontage on roadways or along natural features which are voluntary and exceed City requirements or as otherwise recognized by City ordinance, whether dedicated or donated to the City or retained in common nonpublic or private ownership.

**M. Open Spaces.**

The parties acknowledge that at the outset, the approved Plan for the Planned Community reflects areas of open space. In keeping with the intent of the Project, the open space has been aggregated in the Plan, in large part, outside of the Planning Areas in order to provide a cohesive, usable open space and to preserve the natural lava flows, canyons, trails, and arroyos to the extent reasonably possible to benefit the entire

Planned Community and the public at large. The Open Space anticipated to be preserved in the Planned Community shall be preserved in one of two forms on the Plan as follows:

i. *Unimproved Open Space.*

All of the Open Space in the Planned Community that is the subject of a Conservation Easement or that may later become the subject of a Conservation Easement "Unimproved Open Space". But for the Conservation Easement the Unimproved Open Space would be developable pursuant to local zoning. However, none of the Unimproved Open Space that is subject to a conservation easement now or in the future may be used to satisfy the open space requirements for the Project or for any density bonus that may be available under the General Plan.

ii. *Improvable Open Space.*

All of the Open Space in the Planned Community which is not subject to the Conservation Easement or that may later be donated and/or improved as parks or passive common areas owned and controlled by Developer or Association or City where applicable, shall be referred to as "Improvable Open Space" and together with the Unimproved Open Space referred to herein as "Open Space". Developer may, at its discretion, convert a portion of Improvable Open Space into Unimproved Open Space.

1. All Improvable Open Space shall be designated on the Plan. That portion of the Improvable Open Space which is required for a Neighborhood Park, if any, shall be designated as a separate parcel to be created in metes and bounds and to be improved and donated to the City with a Record of Survey consistent with Section 10 below.
2. Because of the possibility that the actual location and boundaries of the Improvable Open Space may change as development progresses in the Project, the Improvable Open Space shall not be designated as a separate parcel to be created in metes and bounds when the Development Property is first divided with Record(s) of Survey, but instead each area of Improvable Open Space shall be indicated in the Record(s) of Survey as overlapping one or more of the Planning Areas so created. The Improvable Open Space is anticipated to be retained in part by the Association as common area open space. The intent of this provision is so that Developer will have the maximum amount of flexibility to determine the final location and boundaries of the Improvable Open Space and Planning Areas, while still allowing the City to have ample review over the final location and boundaries of the Improvable Open Space to ensure general compatibility with the Plan and compliance with the City's minimum Open Space requirements.

**iii. Use of Improvable Open Space to satisfy subdivision requirements.**

In order that any and all open space requirements can be met in any part of the Planned Community for which zoning approval is sought, and so that neighborhood park requirements will also be met, the City agrees that when developing an individual Planning Area or a portion thereof, the Developer may draw from or receive credit for a portion of the Improvable Open Space set aside in the Plan for any part of the Planned Community in order to meet a part or all of any open space requirements attendant thereto. In this manner, the Improvable Open Space bank may be drawn on or referred to by a Developer or Secondary Assignment to meet any open space requirements in an individual Planning Area as approved in writing by Developer. Developer agrees that no particular acreage of Improvable Open Space may be utilized to satisfy the open space requirements of more than one subdivision plat, and that Developer shall certify the same with the filing of each subdivision plat which requires open space for approval. Furthermore, Developer anticipates that when combined with the open space in a given developable area of the Plan the Improveable Open Space is in excess of that required to meet the City's requirements for the Planned Community as a whole, and Developer reserves the right to adjust the boundaries of the Improvable Open Space as set forth in paragraph 8.N.ii. above, provided the overall density for the Planned Community as set forth in the Plan is not exceeded and the percentage of open space shown on the Plan is not reduced below 15% of the Development Property. Developer recognizes that the terms of this subsection do not relieve it from its obligation to comply with state and local subdivision and platting requirements as outlined in this Agreement. Developer when filing a subdivision plat for approval shall be required to report on the status of the "Open Space Bank" as set forth in paragraph 12.A.v.

The parties acknowledge that at the outset, the approved Plan for the Planned Community reflects areas of Open Space. In keeping with the intent of the Planned Community, the Open Space has been aggregated in the Plan into Improvable Open Space, in large part, outside of the Planning Areas in order to provide a cohesive Open Space plan.

**N. Walking/Biking Trails.**

Developer will dedicate to the City all walking and biking trails designated on the City's trail master plan. Such dedication may be by easement or such other means as the Parties mutually agree. All such trails shall be dedicated and constructed not later than the dedication of all other required public rights of way in the given or adjacent parts of the Development Property, and constructed not later than all other required public improvements. Developer shall dedicate all public biking trails to a width of fifteen feet (15') unless otherwise approved by the City, and shall design and construct all trails in substantial conformance with City standards and approved plans. A map of the City's trail master plan is attached hereto as Exhibit "C". The City acknowledges that the actual trails may not be constructed in the precise location shown on the map as changes based upon topography and design layout will affect the as built location.

**O. Open Space Maintenance.**

The Developer and the City recognize that there are open space requirements under the City ordinances and that such open spaces may require maintenance. Any maintenance agreement would be negotiated and executed between the City and Developer or, if applicable, Association, if such an instance arises.

**P. Road Circulation and Traffic Impacts.**

Except as may be set forth more specifically in this Agreement, Developer agrees generally that (a) all public roadways which are interior to the Development Property shall be dedicated and improved no later than the development of adjacent real property, or real property to be serviced by such roadways, and (b) all public roadways which run adjacent to the Development Property shall be dedicated and improved to half width no later than Developer's adjacent real property, or real property to be serviced by such roadways. Roadways adjacent to unimproved open space shall be dedicated and improved in a time and manner ensuring continuity of access throughout the Development Property. Off-site access roads identified in this Agreement and a Traffic Impact Study must be dedicated and constructed to provide ingress and egress to and from the Development Property. The requirements for off-site traffic improvements shall be as set forth in a separately commissioned third party traffic study paid for by Developer, which study shall consider the following and the timing of the same:

- i. A new collector road to connect Red Mountain Drive to Hamlin Parkway. This road is anticipated to be located upon the real property of a third-party. Developer shall take all commercially reasonable efforts to secure the third-party agreements that may be necessary to accomplish the required dedication and construction of related improvements on third-party property.
- ii. A new major collector road to connect Rachel Drive to Red Mountain Drive (along the northern boundary of Areas 7 and 8). The City currently owns a portion of this right-of-way; however, the remaining width required for a half-width roadway must be dedicated by Developer and all required improvements constructed to half width, in the time and manner required by this Agreement and applicable ordinances.
- iii. A new 3-way or 4-way traffic signal (as appropriate) at the intersection of the new major collector road described in ii. above and Red Mountain Drive. Whether the traffic signal is 3-way or 4-way shall ultimately be determined by whether Developer intends to continue the new major collector road into the Development Property east of Red Mountain Drive.
- iv. A new 4-way traffic signal at the intersection of Red Mountain Drive and Pioneer Parkway.
- v. That portion of Pioneer Parkway shown on the Plan as being directly adjoining unimproved open space shall not be required to include sidewalks or landscaping.
- vi. The access road to the golf course maintenance building shall be located as shown on Exhibit "B" and it shall not be required to be dedicated or constructed to full

width where future adjacent development is planned, as such dedication and improvement will be required as a condition of adjacent development. Until such time, minimum dedication and improvements shall consist of not less than twenty-eight feet (28') of all-weather surface plus appropriately engineered storm drain improvements. However, the access road and any other roadways providing access to the golf course shall otherwise be dedicated and constructed to full width consistent with City standards prior to the opening of the golf course facility to the public.

- vii. There shall be a turnaround at any location between St. George and the City where the public roads of the City meet the private roads of the Entrada development, which may be placed at location mutually agreed upon between the City and Developer.
- viii. The Red Mountain Drive extension north of Pioneer Parkway shall not be required to be dedicated or improved until the roadway is required for primary or secondary access to any portion of the Project to be developed, and except as required to be dedicated and constructed to service the golf course maintenance building as described in paragraph vi. above. Developer recognizes that this requirement could be triggered by the need to provide secondary access to portions of the Project outside the City. However, the full width crossing over the Tuacahn Wash shall be completed prior to the opening of the golf course facility to the public. Developer and the City agree to work together in good faith on an agreement to establish the parties' respective shares of cost for such crossing, and Developer shall be responsible for construction of the same.
- ix. Prior to the triggers for road dedication and improvement set forth in this Section 8.P. and in applicable City ordinances, construction traffic servicing the Project may utilize Red Mountain Drive and other unimproved roadways prior to any bridge construction or road improvement. Construction traffic servicing Developer's properties in Ivins shall not be routed through the City.

**Q. Offsite Traffic Improvement Cost Sharing.**

In addition to the road improvements set forth in Section 8.P., above which are required to be constructed by Developer, Developer and City agree that for offsite traffic improvements which will not be directly constructed by Developer there shall be an "Off-site Traffic Cost Pro-ration" (or "OTC Pro-ration") based on the total cost of off-site traffic impact mitigation improvements, excepting access roads, to include the traffic signal participation costs more specifically described herein, right turn lane improvements, additional lane improvements and other mitigation costs as required by a Traffic Impact Study. Prior to issuance of any building permit within the Planned Community, Developer or its successor or assign seeking subdivision plat approval shall pay the OTC Pro-ration on a per unit basis determined by taking the agreed upon total cost of the off-site traffic mitigation improvements divided by the lesser of 1) the total number of dwelling units (or equivalent commercial density) within the Planned Community as shown on the Plan or 2) the projected actual number of dwelling units as may be determined by Developer. Unless otherwise required by this Agreement, Developer shall have no further obligation to the City to participate in, pay, contribute or otherwise construct or provide any off-site traffic mitigation improvements unless

an update to such Traffic Impact Study is required to address changes in the Plan within the Planned Community boundaries. Developer's obligation for off-site access road improvements shall be limited to travel lanes as required to mitigate the off-site traffic impacts identified in a Traffic Impact Study. Travel lane improvements are exclusive of median islands, curb, gutter, sidewalks, street lighting, and any right-of-way acquisition, except for those features reasonably required by the impacts created by the Planned Community.

**R. Street Lights and Signage.**

Developer may elect to use decorative street lights and street signage within the Planned Community, including flags and banners, as long as such are approved by the City and are in compliance with all applicable City ordinances regarding lighting and signs, within dedicated public rights-of-way, provided all traffic control devices and signs are in conformance with the requirements of the Manual on Uniform Traffic Control Devices and City standards. If alternate poles or other components are approved by the City other than those previously approved by the City for other properties or projects, then Developer agrees to enter a separate agreement governing maintenance, stockpiling of replacements, and other issues relative to the City's ongoing management of street light components. Ultimately, the Developer desires to develop road and lighting plans that will reduce light pollution and the Developer may elect monument style lighting over large down lights.

**S. Cooperation in Obtaining Available Funding.**

Developer intends to explore all available sources of financing for the development of the Planned Community and completion of the improvements required, including private and public sources, wherever available. City agrees to use its best efforts, consistent with the City's best interests, to assist the Developer, and sponsoring Developer's requests when appropriate, in obtaining and using any state, regional or federal funds, including but not limited to grants, reinvestment funds, or other monies that may be available or become available for the acquisition, construction, maintenance or preservation of the lands and facilities within the Planned Community. Furthermore, without being bound to the creation or implementation of the same, the parties agree to discuss the possibility of utilizing one or more Special Assessment Areas (SAAs), Community Reinvestment Areas (CRAs), Public Infrastructure Districts (PIDs), or other similar public financing to finance public improvements within the Planned Community, to the extent authorized by applicable state law.

**T. Regulatory Matters.**

City and Developer shall cooperate in all regulatory matters, which affect both parties. Other requirements of law and processes typical to the development process are not waived by this Agreement, but all such processes shall proceed consistent with this Agreement.

**U. Height Allowance.**

Developer may seek a height variance before the City Planning Staff for any structures that would exceed the current height restrictions in the City Ordinances .

**V. Areas 7 and 8.**

Areas 7 and 8 on the Plan are designated for medium density residential. Under PDR zoning, the approximately 16.65 acres of Areas 7 and 8 can be developed to a density of eight (8) dwelling units per acre, for a total of approximately 133 units. Pursuant to SC City Code section 17.68.105, Developer may seek approval of a density bonus of up to fifty percent (50%), or up to twelve (12) units per acre, for a maximum of approximately two hundred (200) dwelling units. Approval of such a bonus shall be subject to the conditions set forth in the ordinance. At completion of development of Areas 7 and 8, any approved but unused density may be transferred by Developer to another Planning Area.

**9. Satisfaction of Developer's Neighborhood Park Obligations.**

The Plan approved by the City satisfies any and all of the City requirements for Neighborhood Park or public parks.

**10. Approved Uses.**

The list of uses approved by the City within the Development Property, and for which no further zone change or conditional use permit is required, are set forth in Exhibit "B".

**11. Parties' Obligations.**

The parties shall do the following:

**A. Developer:**

The Developer shall meet the following requirements in the times and manner set forth herein below.

**i. *Commitment of Developer.***

The obligations of Developer described by this Agreement and the Plan are intended by the Parties to be comprehensive of all obligations required of Developer by the City. However, Developer acknowledges that additional Off-Site Improvements may be required based on final engineering of public infrastructure serving the Planned Community; in that event, Developer agrees to participate in the construction of such additional Off-site Improvements in percentages agreed to by the parties but generally representing the Planned Community's share of the impacts requiring said improvements to be made.

ii. *Construction of Off-site Improvements.*

a. Off-site Road and Traffic Improvements.

(1) Developer Contributions.

Developer shall be responsible to pay the percentages of the engineer's estimated costs for all off-site traffic and road improvements as set forth in a Traffic Impact Study incorporated herein, as supplemented, updated or amended. Developer agrees that its contributions to the improvements contemplated in a Traffic Impact Study shall be made in advance of any new impacts projected to be caused by development of the Planned Community, and as the same are anticipated to require such improvements. City shall, in its sole discretion, require Developer to pay the required percentage to the City not later than the events or deadlines set forth in a Traffic Impact Study, as amended consistent with the terms of this Agreement. If City builds any off-site improvement before impacts from the Planned Community occur, Developer shall pay its required percentage by the method set forth in section 8.P. above.

b. Sewer Improvements.

Developer agrees to install such sewer lines and systems as are necessary to serve the Development Area.

c. Power.

Developer agrees to install such power lines and systems as are necessary to serve the Development Area.

d. Water.

Developer agrees to install such water lines and systems as are necessary to serve the Development Area.

iii. *Construction of On-site Improvements.*

The On-site Improvements required to service a Planning Area, and the Secondary On-site Improvements required to service a portion of a Planning Area represented by a final plat for which approval is sought, as such improvements are set forth in the Plan or required by City ordinance, shall be completed, or security for the completion of the same shall be posted by Developer or Secondary Developer, as a condition of approval for the subdivision final plat for which approval is sought.

iv. *Deadlines and Requirements Dependent on Approved Studies for Particular Infrastructure.*

The deadlines, requirements, and cost share percentages set forth for each of the required infrastructure improvements described in the foregoing sections are

dependent on the approved studies for the infrastructure described. Where appropriate, the current approved study is referenced above. Updates to any approved study which are not required as a result of Developer-desired changes to the Plan, but simply to update with respect to the actual progress of development of the Planned Community, shall be automatically applied to update the requirements of this Agreement with respect to the infrastructure to which the study relates. Should any approved study need to be amended, supplemented, or replaced because of Developer-desired changes to the Plan, then upon the approval of said amendment, supplement, or replacement by the City, the provisions of the foregoing paragraphs describing the Developer's responsibilities shall be deemed modified to incorporate and be consistent with the approved study as amended, supplemented, or replaced.

v. *Monitoring and Reporting Density and Open Space as Development Progresses.*

With the filing of each subdivision plat in the Planned Community for approval with the City, Developer shall submit with the same a report on density which: (a) identifies the number of units and the density of units per acre proposed for the subdivision for which the plat is filed, (b) identifies the total number of units already platted and approved for development in the Planned Community, and (c) identifies the maximum number of units that may be platted in the remainder of the Planned Community if the current subdivision plat is approved as submitted. Developer shall also submit with the same a report on Open Space which: (a ) identifies by map or description the Improveable Open Space (and total acreage of the same) in the "Open Space bank" proposed to be utilized to meet Open Space requirements for the subdivision for which the plat is filed; (e) identifies by map or description the Planned open space (and total acreage of the same) in the "open space bank" already utilized to meet open space requirements for plats previously approved; and (f) identifies any remaining Planned Open Space (and total acreage of the same) in the "open space bank" which may be used to satisfy Open Space requirements in future subdivision plats in the Planned Development. The intent of this requirement is to allow the efficient review by the City of the overall density and Open Space usage of the Planned Community as development of the same progresses, and further to assist the parties to ensure that later-platted parcels have sufficient density available to ensure marketability and viability of each Planning Area, and the development of the Planned Community throughout, consistent with the Plan as approved, and as may be modified by this Agreement.

B. City

The City agrees to the following:

i. *Residential Density of the Planned Community.*

The City acknowledges that the Plan, as the same may be amended and adjusted pursuant to this Agreement, is in substantial conformance to the City's General Plan. The Parties agree that Developer was originally entitled to a density of 1,937 units in the Planning Areas, which may be allocated in various Planning Areas by

Developer (hereafter the “Maximum Total Density”). The Maximum Total Density shall be considered an entitlement number and shall not be subject to reduction under any future zoning ordinance or General Plan amendments. If qualified and approved by the City for bonus density, the overall conceptual maximum residential unit count for any specific Planning Area or portion of a Planning Area so approved may be approved for up to twelve (12) dwelling units per acre, including all open space which is made a part of such Planning Area. Density bonus requests shall be reviewed and considered for approval by the City pursuant to SC City Code § 17.68.105 on a case-by-case basis, as Project Plans for each Planning Area are submitted to the City for approval. Developer may develop the equivalent of the Maximum Total Density upon the Development Property, including any bonus density approved in any specific Planning Area(s). Final densities in each individual Planning Area or portion thereof shall be as depicted on an approved plat map, and Developer shall have the right, without City approval or Plan amendment, to shift open space not previously allocated for approval of a project plan from one Planning Area to another, thus modifying the relative densities in the affected Planning Areas so as not to exceed the maximum density per Planning Area; provided that (a) the Maximum Total Density (including approved bonus density in any particular Planning Area) is not exceeded for the entire Development Property, and (b) that no open space previously allocated to reduce the overall density in an approved project plan or Planning Area is later allocated to reduce the overall density for any other proposed project plan (i.e., no double-counting of open space to reduce overall density). Any bonus density approved pursuant to SC City Code § 17.68.105 is site-specific and may not be transferred away from the development site utilized to justify the bonus. The development of the Planned Community to less than the full maximum residential unit density permitted shall not release Developer from any obligations to the City as set forth herein, unless the reduction in total units results in a corresponding reduction in public facilities and/or improvements supported by the appropriate engineering/planning studies as approved by the City.

ii. *Commercial Space.*

The foregoing provisions and limitations on residential unit density shall not apply to limit the amount of commercial space which may be developed in any Planning Area designated in the Plan. However, when seeking approval of any plat or other application for commercial development a Planning Area in the Development Property zoned PDR, Developer shall propose to the City a formula or other such method by which the commercial development being proposed can be converted to an equivalent number of residential dwelling units. Developer and City acknowledge that not all commercial uses should be converted in the same ratio or proportion, and that the primary objective of any such conversion is to ensure that all system and project improvements are sufficient in scope and capacity to service both the residential units vested herein and any commercial development proposed by Developer. Developer and City may agree to a formula or other such method to be used for all commercial development in the Development Property, or may elect to consider the appropriate method for each example of commercial

development as it is proposed. Upon approval by the City of the commercial development sought, the parties agree that said commercial development shall reduce the number of residential dwelling units available in the Maximum Total Density, as calculated by the formula or other such method proposed by Developer and approved by the City. Conversely, when seeking approval of any plat or other application for commercial development within any Planning Area zoned PDC, the formulas for parking, design and development required by the PDC zone shall apply.

iii. *Utility Easements for Off-site Sewer Extension.*

If a sewer easement becomes necessary to complete the extension of gravity flow sewer lines, the City shall acquire such easements. However, City shall also use its best efforts to obtain said right-of-way by other means if necessary.

**12. Agreement to Run with the Land.**

This Agreement shall be recorded in the Office of the Washington County Recorder, shall be deemed to run with the Property, shall encumber the same, and shall be binding on and inure to the benefit of all successors and assigns of Developer in the ownership or development of any portion of the Property.

**13. Assignment.**

Neither this Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without assigning also the responsibilities arising hereunder. This restriction on assignment is not intended to prohibit or impede the sale by Developer.

**14. No Joint Venture, Partnership or Third-Party Rights.**

This Agreement does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto nor any rights or benefits to third parties; except as expressly provided herein.

**15. Integration.**

This Agreement contains the entire agreement between the parties with respect to the subject matter hereof and integrates all prior conversations, discussions or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed and approved by the parties hereto.

**16. Notices.**

Any notices, requests, or demands required or desired to be given hereunder shall be in writing and should be delivered personally to the party for who intended, or, if mailed by certified mail, return receipt requested, postage prepaid to the parties as communications under this Agreement shall be deemed to have been given and received and shall be effective three (3) days after deposit in the U.S. Mail to the recipient's address as set forth

herein:

City:

Santa Clara City  
Attn: City Manager  
2603 Santa Clara Drive  
Santa Clara, UT 84765

Developer:

Enlaw, LLC & BD Resort Center LLC  
Attn: Patrick Manning  
1500 Black Desert Drive  
Ivins , UT 84738

With a copy to:

Santa Clara City Attorney  
Attn: Matthew J. Ence  
Snow Jensen & Reece, PC  
912 West 1600 South, Ste. B200  
St. George, UT 84765

With a copy to:

Jenkins Bagley, PLLC  
Attn: Bruce C. Jenkins  
285 W. Tabernacle, Ste. 301  
St. George, UT 84770

Any party may change its address by giving written notice to the other party in accordance with the provision of this section.

**17. Law and Usage.**

Any dispute regarding this agreement shall be heard and settled under the laws of the State of Utah. Whenever the context requires, the singular shall include the plural, the plural shall include the singular, the whole shall include any part thereof, any gender shall include both genders, and the term "person" shall include an individual, partnership (general or limited), corporation, trust, or other entity or association, or any combination thereof. This Agreement shall bind and inure to the benefit of the parties hereto and their respective successors and assigns. The provisions of this Agreement shall be constructed as both covenants and conditions in the same manner as though the words importing such covenants and conditions were used in each separate provision hereof.

**18. Court Costs.**

In the event of any litigation between the parties arising out of or related to this Agreement, the prevailing party shall be entitled to an award of reasonable court costs, including reasonable attorney fees.

**19. Expenses.**

The Developer and the City shall each pay their own costs and expenses incurred in preparation and execution of and performance under this Agreement, except as otherwise expressly provided herein.

**20. Waiver.**

Acceptance by either party of any performance less than required hereby shall not be deemed to be a waiver of the rights of such party to enforce all of the terms and conditions hereof. No waiver of any such right hereunder shall be binding unless reduced to writing

and signed by the party to be charged therewith.

**21. Effective Date.**

This Agreement shall be effective as of the date filed for public record in the office of the Recorder for Washington County, Utah.

*(signatures on the following page)*

**Remainder of page left blank**





BEGINNING AT A POINT BEING NORTH 88°22'39" WEST 1,721.13 FEET ALONG THE SECTION LINE FROM THE SOUTHEAST CORNER OF SECTION 4, TOWNSHIP 42 SOUTH, RANGE 16 WEST OF THE SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 00°33'31" WEST 2024.11 FEET; THENCE SOUTH 88°40'49" EAST 341.27 FEET; THENCE SOUTH 00°38'30" WEST 674.03 FEET; THENCE SOUTH 00°46'06" WEST 336.57 FEET; THENCE SOUTH 88°52'31" EAST 339.61 FEET; THENCE SOUTH 00°53'01" WEST 499.73 FEET; THENCE SOUTH 62°06'51" EAST 149.92 FEET; THENCE SOUTH 04°35'29" EAST 321.76 FEET; THENCE NORTH 56°26'40" WEST 264.25 FEET; THENCE NORTH 00°55'15" EAST 9.46 FEET; THENCE NORTH 56°33'02" WEST 175.70 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 29°05'36", HAVING A RADIUS OF 482.91 FEET (RADIUS POINT BEARS SOUTH 33°26'58" WEST), AND WHOSE CHORD BEARS NORTH 71°05'50" WEST 242.58 FEET; THENCE ALONG THE ARC OF SAID CURVE 245.21 FEET; THENCE NORTH 85°38'38" WEST 615.60 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 06°26'58", HAVING A RADIUS OF 402.91 FEET (RADIUS POINT BEARS NORTH 04°21'22" EAST), AND WHOSE CHORD BEARS NORTH 82°25'09" WEST 45.33 FEET; THENCE ALONG THE ARC OF SAID CURVE 45.35 FEET; THENCE NORTH 79°11'40" WEST 380.66 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 31°42'03", HAVING A RADIUS OF 402.91 FEET (RADIUS POINT BEARS NORTH 10°48'20" EAST), AND WHOSE CHORD BEARS NORTH 63°20'38" WEST 220.09 FEET; THENCE ALONG THE ARC OF SAID CURVE 222.92 FEET; THENCE NORTH 00°18'39" EAST 732.88 FEET; THENCE NORTH 88°47'24" WEST 619.46 FEET; THENCE NORTH 65°03'55" EAST 43.40 FEET; THENCE SOUTH 61°24'21" EAST 28.69 FEET; THENCE NORTH 64°08'47" EAST 203.31 FEET; THENCE NORTH 25°51'13" WEST 173.00 FEET; THENCE SOUTH 64°08'47" WEST 202.88 FEET; THENCE NORTH 44°02'46" WEST 134.41 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 64°06'04", HAVING A RADIUS OF 50.00 FEET (RADIUS POINT BEARS NORTH 45°57'14" EAST), AND WHOSE CHORD BEARS NORTH 11°59'44" WEST 53.07 FEET; THENCE ALONG THE ARC OF SAID CURVE 55.94 FEET; THENCE NORTH 20°03'18" EAST 33.01 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 43°43'59", HAVING A RADIUS OF 50.00 FEET (RADIUS POINT BEARS NORTH 69°56'42" WEST), AND WHOSE CHORD BEARS NORTH 01°48'42" WEST 37.24 FEET; THENCE ALONG THE ARC OF SAID CURVE 38.16 FEET TO THE BEGINNING OF A COMPOUND CURVE, SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 36°18'43", HAVING A RADIUS OF 250.00 FEET (RADIUS POINT BEARS SOUTH 66°19'19" WEST), AND WHOSE CHORD BEARS NORTH 41°50'03" WEST 155.80 FEET; THENCE ALONG THE ARC OF SAID CURVE 158.44 FEET; THENCE NORTH 59°59'24" WEST 184.84 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 18°38'38", HAVING A RADIUS OF 250.00 FEET (RADIUS POINT BEARS NORTH 30°00'36" EAST), AND WHOSE CHORD BEARS NORTH 50°40'05" WEST 80.99 FEET; THENCE ALONG THE ARC OF SAID CURVE 81.35 FEET; THENCE NORTH 41°20'46" WEST 83.03 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 37°25'11", HAVING A RADIUS OF 350.00 FEET

**LEGAL DESCRIPTION**  
**EXHIBIT "A"**

(RADIUS POINT BEARS SOUTH 48°39'14" WEST), AND WHOSE CHORD BEARS NORTH 60°03'22" WEST 224.54 FEET; THENCE ALONG THE ARC OF SAID CURVE 228.58 FEET; THENCE NORTH 78°45'57" WEST 36.58 FEET; THENCE SOUTH 72°31'05" WEST 52.03 FEET; THENCE NORTH 78°45'57" WEST 22.13 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 93°50'05", HAVING A RADIUS OF 75.00 FEET (RADIUS POINT BEARS NORTH 11°14'03" EAST), AND WHOSE CHORD BEARS NORTH 31°50'55" WEST 109.56 FEET; THENCE ALONG THE ARC OF SAID CURVE 122.83 FEET; THENCE NORTH 15°04'08" EAST 318.54 FEET; THENCE NORTH 00°28'02" EAST 53.61 FEET; THENCE NORTH 18°17'02" WEST 98.23 FEET; THENCE NORTH 68°12'53" WEST 237.23 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 37°55'26", HAVING A RADIUS OF 750.00 FEET (RADIUS POINT BEARS NORTH 21°47'07" EAST), AND WHOSE CHORD BEARS NORTH 49°15'10" WEST 487.41 FEET; THENCE ALONG THE ARC OF SAID CURVE 496.42 FEET; THENCE NORTH 30°17'27" WEST 302.77 FEET; THENCE SOUTH 89°11'13" EAST 136.64 FEET; THENCE NORTH 00°32'52" EAST 672.22 FEET; THENCE SOUTH 89°19'28" EAST 667.63 FEET; THENCE NORTH 00°34'52" EAST 1334.33 FEET; THENCE SOUTH 88°56'23" EAST 1329.94 FEET; THENCE SOUTH 88°27'56" EAST 2087.65 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 14°28'05", HAVING A RADIUS OF 2045.30 FEET (RADIUS POINT BEARS SOUTH 62°43'54" WEST), AND WHOSE CHORD BEARS SOUTH 20°02'03" EAST 515.09 FEET; THENCE ALONG THE ARC OF SAID CURVE 516.46 FEET; THENCE SOUTH 36°04'49" EAST 91.49 FEET; THENCE NORTH 55°30'38" EAST 81.08 FEET; THENCE SOUTH 07°15'15" WEST 177.97 FEET; THENCE SOUTH 03°00'48" EAST 122.07 FEET; THENCE NORTH 89°03'14" WEST 535.95 FEET; THENCE SOUTH 01°20'41" WEST 437.82 FEET; THENCE SOUTH 28°12'40" EAST 94.60 FEET; THENCE NORTH 88°22'39" WEST 843.68 FEET TO THE POINT OF BEGINNING.

CONTAINING 296.753 ACRES

**EXHIBIT "B"**  
**THE PLAN**

**EXHIBIT "C"**  
**SANTA CLARA CITY'S TRAIL MASTER PLAN**

## FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

This FIRST AMENDMENT TO DEVELOPMENT AGREEMENT (“Amendment”) is made and entered into effective \_\_\_\_\_, 2023 by and between the City of Santa Clara, a municipal corporation and subdivision of the State of Utah (“City”), and ENLAW LLC, a Utah limited liability company and its assigns (“Developer” and collectively with City referred to as the “Parties” or each individually as a “Party”) for the land located in what is generally known as Black Desert Resort (“Planned Community”).

### RECITALS

- A. Developer and City entered that certain Development Agreement dated September 23, 2021 (the “Development Agreement”).
- B. The Parties now desire to amend and/or restate certain provisions of the Development Agreement.
- C. Thus, by this Amendment the Parties agree to amend and/or replace the Development Agreement as set forth below.

### AMENDMENT

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth and for other good and valuable consideration, the parties agree to amend the Development Agreement as follows:

1. **Concept Plan, Project Plan, Replacement of Exhibit B of the Development Agreement.** For the sake of clarity throughout the Development Agreement, wherever the term “Concept Plan” is used it is intended to mean “Project Plan” as that term is used in the applicable City code for planned developments and set forth in SC City Code § 17.68. The Parties hereby agree that Exhibit B of the Development Agreement is hereby amended, restated and replaced a new Exhibit B as set forth in Exhibit 1 hereto.
2. **Replacement of Paragraph 8.A.i.** The City and Developer agree that Paragraph 8.A.i. of the Development Agreement is hereby struck in its entirety and replaced with the following:

- i. *Subdivision of Planning Areas.*

Developer shall have the discretion to determine when each Planning Area will be developed. When Developer elects to move forward with the development of Planning Area, Developer shall cause the same to be subdivided in accordance with the General Plan and applicable City Code. In no event shall the Development Property or any Planning Area therein or portion thereof be conveyed to any Secondary Developer for development without the Development Property being appropriately subdivided and planned including with respect roadways and the appropriated dedications of

the same to the City pursuant to the General Plan and applicable City Code. City and Developer shall cooperate in development and approval of the division of the Development Property into the distinct Planning Areas, and in that process determine the parcels to be dedicated or otherwise conveyed at no cost to the City as public trails, Open Space and/or other public facilities. City and Developer shall also cooperate in the development of street and utility plans to service the Planned Community. Developer shall coordinate with City through Developer's engineer.

- (a) *Temporary Maintenance Facility Agreement.* On [DATE] the City and Developer entered into a Temporary Maintenance Facility Agreement, a copy of which is attached hereto as Exhibit 2 ("TMF Agreement"). Notwithstanding the provisions of the immediately preceding paragraph Developer shall be responsible to meet all of the requirements set forth in the TMF Agreement including with respect to the infrastructure attendant thereto. The TMF Agreement shall only apply to the Temporary Maintenance Facility and nothing in the TMF Agreement shall relieve Developer's responsibilities under the Development Agreement with respect to the remainder of the Development Property.

3. **Replacement of Paragraph 8.N.** The City and Developer agree that Paragraph 8.N. of the Development Agreement is hereby struck in its entirety and replaced with the following:

N. Walking/Biking Trails.

Developer will construct and dedicate to the City all trails designated on the City's trail master plan ("Required Trails"). Such dedication may be by easement or such other means as the Parties mutually agree. All such trails shall be dedicated and constructed not later than the dedication of all other required public rights of way in the given or adjacent parts of the Development Property, and constructed not later than all other required public improvements. Developer shall design and construct all trails in accordance with the trail master plan and applicable City standards set forth in the City Code and General Plan generally and approved plans for such trail specifically. A map of the City's trail master plan is attached hereto as Exhibit "C". The City acknowledges that the actual trails may not be constructed in the precise location shown on the map as changes based upon topography and design layout will affect the as built location. This paragraph shall only apply to the Required Trails, and Developer shall be entitled to build any other trails it chooses and may construct such trails in the form and manner of its choosing.

Developer when filing a subdivision plat for approval shall be required to report with the following information regarding Required Trails: (a) how Required Trails that run within the proposed subdivision will be provided; (b) what if any changes have been made in terms of how such Required Trails will connect to other Required within the Development Property; and (c) how such Required

Trails will connect to the trails within the City's trail master plan that run from the Development Property.

4. **Replacement of Paragraph 8.P.** The City and Developer agree that Paragraph 8.P. of the Development Agreement is hereby struck in its entirety and replaced with the following:

P. Road Circulation and Traffic Impacts.

Except as may be set forth more specifically in this Agreement, Developer agrees generally that (a) all public roadways which are interior to the Development Property shall be dedicated and improved no later than the development of adjacent real property, or real property to be serviced by such roadways, and (b) all public roadways which run adjacent to the Development Property shall be dedicated and improved to half width no later than Developer's adjacent real property, or real property to be serviced by such roadways. Roadways adjacent to unimproved open space shall be dedicated and improved in a time and manner ensuring continuity of access throughout the Development Property. Off-site access roads identified in this Agreement and a Traffic Impact Study must be dedicated and constructed to provide ingress and egress to and from the Development Property. The requirements for off-site traffic improvements shall be as set forth in a separately commissioned third party traffic study paid for by Developer, which study shall consider the following and the timing of the same:

- i. A new collector road to connect Red Mountain Drive to Hamlin Parkway. This road is anticipated to be located upon the real property of a third-party. Developer shall take all commercially reasonable efforts to secure the third-party agreements that may be necessary to accomplish the required dedication and construction of related improvements on third-party property.
- ii. A new major collector road to connect Rachel Drive to Red Mountain Drive (along the northern boundary of Areas 7 and 8). The City currently owns a portion of this right-of-way; however, the remaining width required for a half-width roadway must be dedicated by Developer and all required improvements constructed to half width, in the time and manner required by this Agreement and applicable ordinances.
- iii. A new 3-way or 4-way traffic signal (as appropriate) at the intersection of the new major collector road described in ii. above and Red Mountain Drive. Whether the traffic signal is 3-way or 4-way shall ultimately be determined by whether Developer intends to continue the new major collector road into the Development Property east of Red Mountain Drive.
- iv. A new 4-way traffic signal at the intersection of Red Mountain Drive and Pioneer Parkway.
- v. That portion of Pioneer Parkway shown on the Plan as being directly adjoining unimproved open space shall not be required to include sidewalks or landscaping.
- vi. There shall be a turnaround at any location between St. George and the City where the public roads of the City meet the private roads of the Entrada development,

which may be placed at location mutually agreed upon between the City and Developer.

- vii. The Red Mountain Drive extension north of Pioneer Parkway shall not be required to be dedicated or improved until the roadway is required for primary or secondary access to any portion of the Project to be developed. Developer recognizes that this requirement could be triggered by the need to provide secondary access to portions of the Project outside the City. However, the full width crossing over the Tuacahn Wash shall be completed or adequate guarantee of performance given pursuant to City ordinance prior to the recording of any final plat requiring the same for access. Developer and the City agree to work together in good faith on an agreement to establish the parties' respective shares of cost for such crossing, and Developer shall be responsible for construction of the same.
- viii. Prior to the triggers for road dedication and improvement set forth in this Section 8.P. and in applicable City ordinances, construction traffic servicing the Project may utilize Red Mountain Drive and other unimproved roadways prior to any bridge construction or road improvement. Construction traffic servicing Developer's properties in Ivins shall not be routed through the City.
- ix. Any additional information for the above listed items mutually agreed to by the City and Developer.
- x. The third party traffic study described by this section shall be required to be provided to the City by Developer as a condition precedent to the approval of the first condominium plat or subdivision involving the development of the 101<sup>st</sup> Unit by Developer.

5. **Capitalized Terms.** Capitalized terms not specifically defined herein shall have the meaning set forth in the Development Agreement.

6. **Limit on Amendment:** This Amendment is limited to the terms expressly provided herein and except as set forth in this Amendment the Development Agreement is and shall remain unaffected and shall continue in full force and effect in accordance with its terms.

IN WITNESS WHEREOF, the parties hereunder have executed this Agreement on the date first written above.

**DEVELOPER**

**CITY OF SANTA CLARA**

**ENLAW, LLC**, *a Delaware limited liability company*

By its manager RS18 Entrada Manager LLC, *a Utah limited liability company*

\_\_\_\_\_  
Rick Rosenberg, Mayor

Attest:

\_\_\_\_\_  
By: Justin Belliveau, Manager of RS18 Entrada Manager LLC

\_\_\_\_\_  
Chris Shelley, City Recorder

**BD Resort Center LLC**, *a Delaware limited liability company*

By: BD Resort Center Manager LLC, *a Utah limited liability company, its Manager*

By: Reef Private Equity LLC (f.k.a. Stillwater Equity Partners LLC), *a Utah limited liability company, its Manager*

By: \_\_\_\_\_  
Name: Justin Belliveau  
Title: Manager of Reef Private Equity

STATE OF UTAH, )

: ss.

County of Washington. )

On the \_\_\_\_\_ day of June, 2023, personally appeared before me Justin Belliveau, who being by me duly sworn did say that he is the Manager of RS18 Entrada Manager LLC, which is the Manager of Enlaw, LLC; and further that he is the Director of Stillwater Equity Partners, which is the Manager of BD Resort Center Manager LLC, which is the Manager of BD Resort Center LLC; and that he/she executed the foregoing Black Desert Development Agreement in behalf of said companies, being authorized and empowered to do so, and that the companies executed the same freely and voluntarily for the uses and purposes stated therein.

\_\_\_\_\_  
Notary Public

**EXHIBIT 1**  
*(NEW EXHIBIT B TO DEVELOPMENT AGREEMENT)*

DRAFT

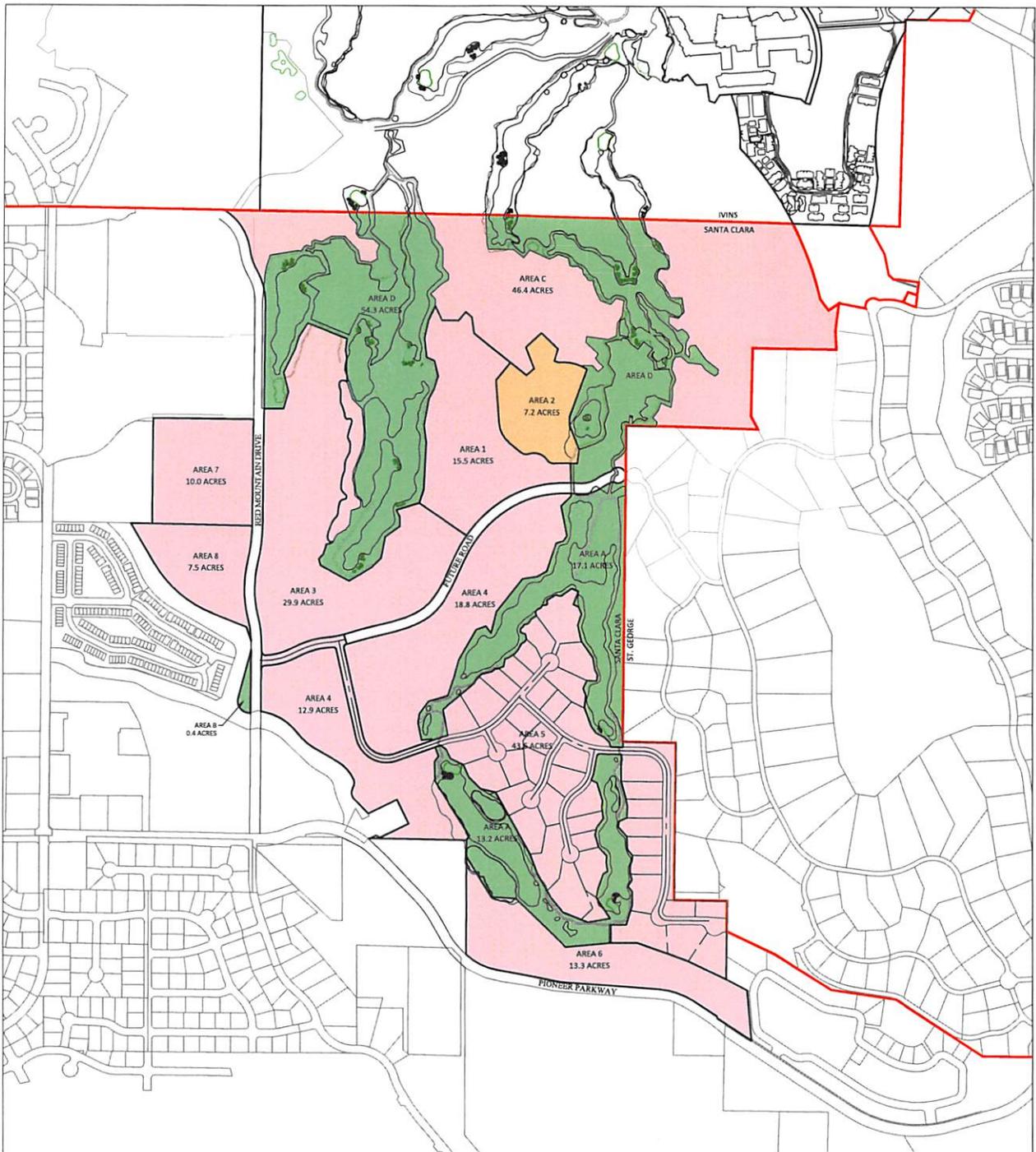
Exhibit B  
*(Project Plan)*

DRAFT

**EXHIBIT 2**

*(Temporary Maintenance Facility Agreement)*

DRAFT



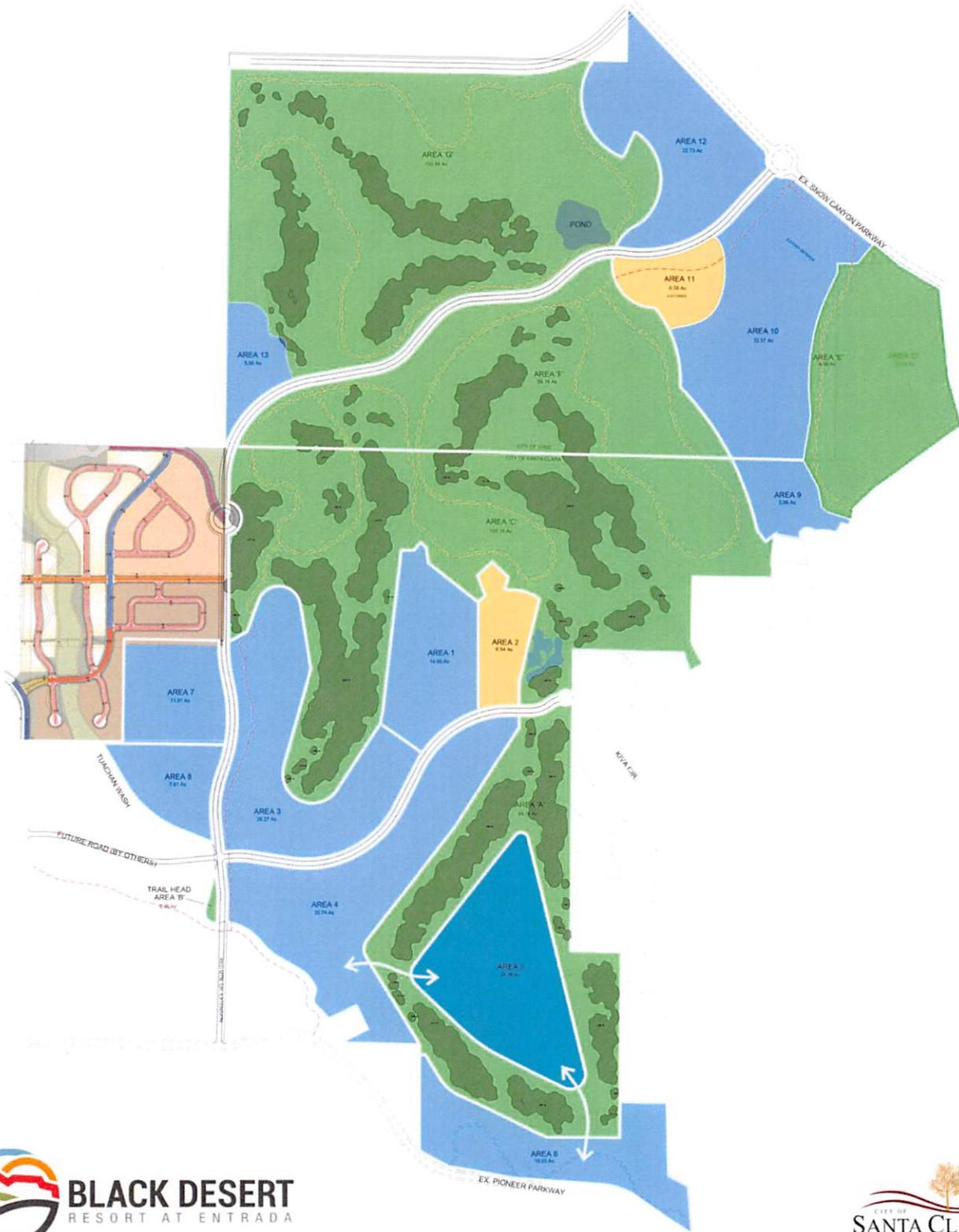
- PDR/CONSERVATION EASEMENT
- GOLF COURSE/TRAIL
- MIXED-USE RESIDENTIAL
- POC COMMERCIAL



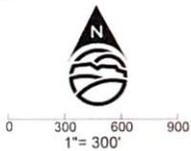
AREA	ACREAGE	CURRENT ZONE	PROPOSED ZONE	LAND USE
A	30.3	PDR	OS	GOLF COURSE/TRAILS
B	0.4	PDR	OS	GOLF COURSE/TRAILS
C	46.4	PDR	PDR	GOLF COURSE/TRAIL AND MIXED USE RESIDENTIAL WITH NOT TO EXCEED 45 SINGLE FAMILY LOTS
D	54.3	PDR	OS	GOLF COURSE/TRAILS
SUBTOTAL	131.4			
1	15.5	PDR	PDR	MIXED-USE RESIDENTIAL
2	7.2	PDR	POC	MIXED-USE RESIDENTIAL/HOTEL
3	29.9	PDR	PDR	MIXED-USE RESIDENTIAL
4	31.8	PDR	PDR	MIXED-USE RESIDENTIAL
5	43.6	PDR	PDR	SINGLE FAMILY RESIDENTIAL
6	13.3	PDR	PDR/CONSERVATION EASEMENT	SINGLE FAMILY RESIDENTIAL/CONSERVATION EASEMENT
7	10.0	PDR	PDR	MIXED-USE RESIDENTIAL
8	7.5	PDR	PDR	MIXED-USE RESIDENTIAL
SUBTOTAL	158.8			
TOTAL	290.2			

  
**BLACK DESERT**  
 RESORT

  
 CITY OF  
**SANTA CLARA**  
 FOUNDED 1854



- OS OPEN SPACE / PUBLIC TRAIL
- OS OPEN SPACE / PRESERVATION
- OS OPEN SPACE / PRIVATE GOLF
- PDR PLANNED DEVELOPMENT RESIDENTIAL
- PDC PLANNED DEVELOPMENT COMMERCIAL



GOLF AREAS	
Area	Acreage
A	18.88
C	37.08
<b>Total</b>	<b>55.96</b>
% of Open Space	31%
% of Project	19%

Area	Open Space (Ac)	Total Acreage	% Open Space	Current Zone	Desired Zone	Anticipated Use
A	44.12	44.12	100%	PDR	OS	Open Space/Golf/Trails
B	0.45	0.45	100%	PDR	OS	Open Space
C	105.16	105.16	100%	PDR	OS	Open Space/Golf/Trails
<b>Subtotal</b>	<b>149.73</b>	<b>149.73</b>	<b>100%</b>			
1	2.99	14.96	20%	PDR	PDR	Mixed-Use Residential
2	1.81	6.54	20%	PDR	PDR	Mixed-Use Residential
3	5.25	26.27	20%	PDR	PDR	Mixed-Use Residential
4	6.15	30.74	20%	PDR	PDR	Mixed-Use Residential
5	4.88	24.38	20%	PDR	PDR	Mixed-Use Residential
6	3.77	18.85	20%	PDR	PDR	Mixed-Use Residential
7	2.88	11.91	20%	PDR	PDR	Mixed-Use Residential
8	1.52	7.61	20%	PDR	PDR	Mixed-Use Residential
<b>Subtotal</b>	<b>28.25</b>	<b>141.26</b>	<b>20%</b>			
Other	1.11	7.30	15%	PDR	N/A	Roadway
<b>Total</b>	<b>179.09</b>	<b>298.29</b>	<b>60%</b>			

DATE	10/22
BY	ASD
PROJECT	BLACK DESERT DEVELOPMENT
DATE	10/22
BY	ASD
PROJECT	BLACK DESERT DEVELOPMENT
DATE	10/22
BY	ASD
PROJECT	BLACK DESERT DEVELOPMENT
DATE	10/22
BY	ASD
PROJECT	BLACK DESERT DEVELOPMENT

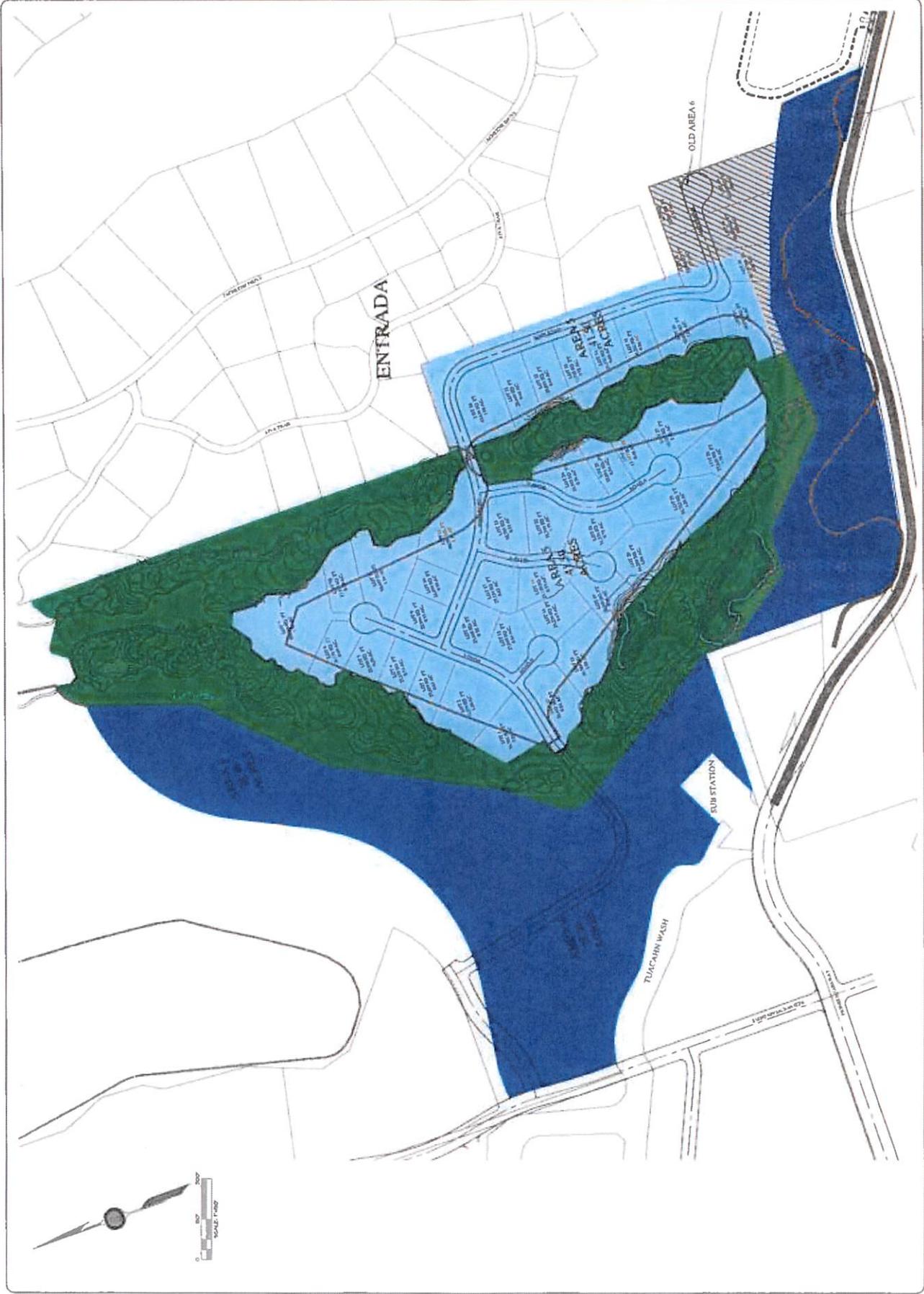
**ROSENBERG ASSOCIATES**  
 CIVIL ENGINEERS - LAND SURVEYORS



Professional Seal No. 12345  
 State of Arizona  
 License No. 12345

**EXHIBIT 'A'**  
 FOR  
**BLACK DESERT DEVELOPMENT**  
 SANTA CLARA  
 (TRAIL)

1  
 OF 1 SHEETS



**Mayor**  
Rick Rosenberg

**City Manager**  
Brock Jacobsen



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

# CITY COUNCIL

**Meeting Date:** June 21, 2023

**Agenda Item:**3

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**Applicant:** Santa Clara  
City

**Requested by:** Jim McNulty

**Subject:** PDR Zone Amendment & Preliminary Subdivision Plat

**Description:**

The applicant, Patrick Manning, is requesting a PDR Zone Amendment, and Preliminary Subdivision Plat review for the proposed South Village @ Black Desert Subdivision. The preliminary plat includes 40 single-family lots on 43.77 acres of property. This equates to a density of 0.91 units/acre. The proposed single-family lots range in size from 0.50 acres to 1.67 acres. A staff report with attachments has been included in the Council packet.

**Recommendation:**

**Attachments:** Yes

**Cost:** N/A

**Legal Approval:** Yes

**Finance Approval:** N/A

**Budget Approval:** N/A



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

Staff Report

## PDR Zone Amendment & Preliminary Subdivision Plat Summary and Recommendation

**Public Body:** Santa Clara City Council

**Meeting Date:** June 21, 2023

**Current Zone:** Planned Development Residential, PDR Zone

**General Plan Designation:** Medium Density Residential, MDR

**Property Size:** 43.77 acres

**Property Location:** Northeast of the future Red Mountain Drive Extension, east of Entrada

**Request:** PDR Zone Amendment & Preliminary Subdivision Plat

**Applicant Name:** Patrick Manning

**Staff Planner:** Jim McNulty

**Meeting Type:** Public Meeting

### PROJECT DESCRIPTION

**The applicant, Patrick Manning,** is requesting a PDR Zone Amendment, and Preliminary Subdivision Plat review for the proposed South Village @ Black Desert Subdivision (Parcel #SC-6-2-9-150). The preliminary plat includes 40 single-family lots on 43.77 acres of property. This equates to a density of 0.91 units/acre. The proposed **single-family lots range in size from 0.50 (21,659 sq. ft.) acres to 1.67 (72,640 sq. ft.) acres.**

The **subject property is in Area #5** of the Black Desert Community. The overall Black Desert Planned Community includes approximately 570 acres (298 acres with approved Development Agreement in the city). **Area "A" is adjacent to Area #5** and includes a portion of the golf course built around the proposed project. However, **a portion of the golf course was built in Area #5, in return some lots are being shown in Area "A"** (see *Preliminary Plat and Project Plan*). The golf course is nearing completion, and the applicant intends to fully open soon (19-holes in Ivins City and Santa Clara).

**Chapter 17.68, Planned Development Zones,** requires a review of the Preliminary Subdivision Plat along with the PD Zone Amendment application for a planned development. To be considered for concurrent review, the application must include all preliminary plat requirements as per Chapter 16.16. A preliminary or final plat may not be approved in any PDR Zone unless the plat is consistent with the approved project plan. City staff will further discuss the proposed project and requirements in the report.

## SITE & VICINITY DESCRIPTION

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The subject property is located northeast of the future Red Mountain Drive Extension, east of Entrada. Access to Red Mountain Drive will be gained from Pioneer Parkway (east and west).

## PRELIMINARY SUBDIVISION PLAT REVIEW ITEMS

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City staff has determined that the Preliminary Plat is consistent with the Project Plan for Black Desert, except for the proposed revisions to Area #6 (see Item #8 below) and the adjustments to the golf course location (Area #5). City staff has identified the following items that need to be addressed at this time:

1. **Public Streets & Dedication:** All **required public street improvements** must meet city standards and be installed or bonded for prior to final plat recordation. The public streets required for this subdivision include a **66' cross-section** for Red Mountain Drive and Road "E" along with a **50' cross-section** for Road "C" (main access road), as well as all interior public streets within the subdivision. Additionally, all cul-de-sacs within the subdivision are required to have a 50' radius (100' diameter). **The Planning Commission's motion to approve the preliminary plat included a recommendation for the City to consider allowing a 45' public right-of-way rather than a 50' public right-of-way starting just east of the golf cart tunnel to reduce disturbance in lava areas (See 5/25/23 PC Minutes).**
2. **Building Setbacks/Height:** The building setbacks are required to meet the requirements of Chapter 17.68, Planned Development Residential, PDR Zone. The building height for all homes in the subdivision is limited to 35'. However, the applicant will be putting a **building height restriction on the plat and in the CC&Rs limiting height to 28'.**
3. **Flag Lot/Double Fronted Lots: A flag lot (Lot 7) has been included** on the Preliminary Subdivision Plat. A flag lot requires approval by the Planning Commission. The staff portion of the lot must front on a public street and be a minimum of 25' wide, with a maximum length of 200'. If the Planning Commission determines that this is an **efficient use of the land**, the applicant will be required to comply with city code requirement for flag lots. The preliminary plat also **includes three (3) double-fronted lots (Lots 21, 22, and 23). These lots will be required to have a 25' rear yard setback** rather than the typical 10' setback. This option (Chapter 17.20.110.B) has been selected by the developer rather than putting in a 6' wall in a natural lava area.
4. **Preservation of Lava/Minimal Disturbance:** Each home is intended to be situated on a lot to maximize views and **limit disturbance allowing for preservation of lava areas.** A Site Plan will be required for each home prior to building permit issuance. The CC&Rs will be enforced by the HOA allowing for the subdivision to be maintained as per Black Desert requirements.
5. **Golf Course:** A portion of the golf course is included with the preliminary subdivision plat. As previously stated, the applicant is intending to open soon. **A "Golf Course Fly Zone" note** has been added to the plat as requested by staff. Associated language for lot owners will be included in the CC&Rs for the project.
6. **Multi-Purpose Trail:** A **10' multi-purpose trail** has been included north of Tuacahn Wash and adjacent to Red Mountain Drive (east side), and Road "E" (north side) which both include a 66' cross-section. The 2018 Trails Master Plan includes this required trail connection.

**Request:** PDR Zone Amendment & Preliminary Subdivision Plat

7. **Open Space Areas:** The preliminary plat **includes two (2) open space areas** to be maintained by the HOA. Area #1 is across the street from Lots 30 thru 36 and 1.16 acres in size. Area #2 is in-between Lots 37 and 38 and 1.04 acres in size. These two areas will be HOA maintained and included in the CC&Rs for the project.
8. **Proposed Area #6 Revisions:** The applicant is **proposing revisions to the original Area #6** of the Project Plan (attached). This area includes a conservation easement area that is **approximately 18.85 acres** in size. The applicant is proposing to revise Area #6 of the Project Plan to include **approximately 13.3 acres** within a conservation easement (**reduction of approximately 5 acres**). Proposed Lots 37, 38, 39, and 40 along with Open Space Area #2, and the public road that lines up with Entrada (St. George, private street) are within the northwest corner of Area #6. A decision on this item which includes an amendment to the Development Agreement will be decided on by the City Council prior to, or concurrently with Final Plat approval. **A Black Desert site visit with the City Council, staff, and applicants was conducted on April 19, 2023. The Council is aware of the proposed Area #6 revisions.**
9. **Building & Fire Code/Emergency Access:** **A second point of ingress/egress via a public street system has not been provided** into the proposed subdivision. As a result, the applicant is required to fire sprinkle all residential structures within the project. **The IRC requires an NFPA 13D sprinkler system. Emergency access** will be available from the southwest edge of the project adjacent to Entrada, which is a private development with gates.
10. **Entry Features/Landscaping:** All landscaping (Individual lots & open space areas) will be required to comply with City **Ordinance #2022-05 (Water Efficiency & Conservation)**.
11. **Culinary Water Availability:** The applicant is required to obtain a will-serve letter or other verified documentation from the Washington County Water Conservancy District, WCWCD prior to final plat recordation.
12. **Secondary Water Availability:** The applicant is required to connect/install secondary water for all outdoor water use.
13. **Project CC&Rs:** A **copy of the project CC&Rs** is required by Chapter 17.68, Planned Development. The applicant will need to provide a copy of the CC&Rs to the city for review and approval at Final Plat submittal.
14. **Dust Control:** The applicant will be required to **submit a dust control plan** prior to final plat recordation. Precautionary measures are needed to protect the general health, safety, and welfare of residents living in the vicinity.

## **NEIGHBORHOOD RESPONSE**

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Notices were sent to the property owners within 300' of the subject property prior to the May 25, 2023, public hearing. The subject property was also posted as per State Code. This City Council meeting on June 21, 2023, is a public meeting as the public hearing was already held by the Planning Commission. No responses have been received by city staff as of the writing of this report.

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## GENERAL PLAN CONSIDERATION

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The Santa Clara City General Plan indicates a **Medium Density Residential, MDR** Land Use for the subject property. The proposed subdivision complies with the MDR Land Use and intent of the General Plan. The description and character objectives for the MDR Land Use states the following:

“A suburban type of density allowing primarily single-family detached homes as well as townhomes and multi-unit buildings. Multi-unit structures should be designed to resemble large single-family homes primarily on corner lots. Accessory Dwelling units, ADUs are encouraged. MDR neighborhoods have tree-lined local streets and interconnected pedestrian circulation systems”.

**The proposed application meets the intent of the General Plan.** The MDR Land Use includes a density range of 3 to 12 units/acre. Some future phases of the Black Desert Planned Community will include multi-family residential as per the Development Agreement for the project.

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## STATE CODE CONSIDERATIONS

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Utah Code, Section 10-9a-205 includes requirements for a zoning map amendment. To amend the PDR Zone, the city must hold at least one public hearing. Additionally, a public hearing to consider a PDR Zone Amendment requires 10 days’ notice rather than 24 hours’ notice. A notice must be sent to all property owners within 300’ of the subject property, with a notice in a visible location, with a sign of sufficient size and durability. The city is also required to post on the State Public Notice website. Planning staff has determined that all State Code requirements have been met with this application.

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## CITY STAFF RECOMMENDATION

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The Planning Commission held a public hearing on May 25, 2023. A motion was made to recommend approval to the City Council and passed on a vote of 4 to 0. City staff recommends that the City Council consider the PDR Zone Amendment, and Preliminary Plat for the South Village @ Black Desert Subdivision 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. This includes Red Mountain Drive and Road “E” (66’ cross-section), along with Road “C”, as well as all interior public streets within the subdivision. **That a 50’ public right-of-way be required from Road “E” and along Road “C” until east of the golf cart tunnel at which time it may transition to a 45’ public right-of-way that serves the subdivision.** Additionally, all cul-de-sacs within the subdivision are required to have a 50’ radius (100’ diameter).
3. That the building setbacks for this subdivision meet the requirements of Chapter 17.68, Planned Development Residential, PDR Zone. That the building height for all homes in this subdivision be limited to 28’ as proposed by the developer.
4. That Lot 7 be approved as a flag lot. That Lots 21, 22, and 23 be required to have a 25’ rear yard setback because they’re double-fronted lots.
5. That each home in the subdivision be designed to maximize views and limit disturbance allowing for the preservation of lava areas.
6. That the “Golf Course Fly Zone” note be required on the plat with associated language being required in the CC&Rs.

**Request:** PDR Zone Amendment & Preliminary Subdivision Plat

7. That a 10' multi-purpose trail be required north of Tuacahn Wash and adjacent to Red Mountain Drive (east side), and Road "E" (north side).
8. That the two (2) open space areas be maintained by the HOA. This includes Area #1 (1.16 acres), and Area #2 (1.04 acres).
9. **That a decision by the City Council which includes an amendment to the Development Agreement regarding Area #6 be decided on prior to, or concurrently with Final Plat approval.**
10. That the applicant is required to fire sprinkle all residential structures within the project with an IRC NFPA 13D sprinkler system. That emergency access be available from the southwest edge of the project adjacent to Entrada. That the applicant provides a key or Opticom override system control to the Fire Department.
11. That all landscaping (Individual lots and HOA maintained open space areas) be required to comply with City Ordinance #2022-05 (Water Efficiency & Conservation).
12. That the applicant provides a will-serve letter or other verified documentation from the WCWCD prior to final plat recordation.
13. That a secondary water system is required for all outdoor water use.
14. That a copy of the CC&Rs for the project be submitted to the city for review and approval at Final Plat submittal.
15. That the applicant provides a dust control plan prior to final plat recordation.

# SOUTH VILLAGE AT BLACK DESERT

LOCATED IN SECTION 9, TOWNSHIP 42 SOUTH, RANGE 16 WEST OF THE  
SALT LAKE BASE AND MERIDIAN  
CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH.

## EARTHWORK VOLUMES:

98,293 (F) CU. YD. FILL  
34,226 (C) CU. YD. CUT  
64,067 (F) CU. YD. NET

THE EARTHWORK CUT AND FILL VOLUMES SHOWN ON THIS PLAN ARE BASED ON THE VOLUME DIFFERENCES BETWEEN TWO DIGITAL TERRAIN MODELS (DTMs), OR SURFACES: THE EXISTING GROUND SURFACE AND THE PROPOSED FINISHED GROUND SURFACE. THIS COMPARISON IS PRESENTED FOR REFERENCE ONLY AS THE FIRST STEP IN THE PROCESS OF PERFORMING THOROUGH EARTHWORK CALCULATIONS AND DOES NOT REFLECT OR REPRESENT A FINAL ESTIMATE OF ACTUAL EARTH TO BE MOVED. UPON REVIEW OF THE GEO-TECHNICAL REPORT, THE CONTRACTOR RESPONSIBLE FOR EXCAVATION SHALL ACCOUNT FOR OVER-EXCAVATION, SCARIFYING, AND ADJUSTMENT FOR ALL IMPROVEMENTS NOT ACCOUNTED FOR IN THE FINISHED GROUND SURFACE, INCLUDING LANDSCAPING, BULKING AND/OR SHRINKAGE OF MATERIAL, IMPORT OF BEDDING MATERIAL AND OTHER MATERIALS, EXCAVATION AND COMPACTION OF UTILITY TRENCHES, AND OTHER FACTORS TO MAKE A FINAL DETERMINATION OF THE TOTAL EARTHWORK REQUIRED FOR THE PROJECT. IN SOME CASES, ADDITIONAL CONSULTATIONS WITH THE GEO-TECHNICAL ENGINEER AND CIVIL ENGINEER MAY BE REQUIRED.

## NOTES

- ALL STORMWATER MUST DISCHARGE INTO SETTLING BASINS OR VEGETATED SWALES PRIOR TO OUTFALLING INTO THE GOLF COURSE.
- DETENTION/RETENTION PROVIDED ON INDIVIDUAL LOTS.
- LOTS 21-23 FRONT ROAD B
- LOTS 11-23 REQUIRE PRIVATE SEWER LIFT STATIONS AND PRESSURIZED SEWER LATERALS. THE PRIVATE SEWER LIFT STATION AND PRESSURIZED SEWER LATERALS ARE THE SOLE RESPONSIBILITY OF THE PROPERTY OWNERS.
- 28' BUILDING HEIGHT RESTRICTION ON ALL LOTS.
- LOT 1 IS DESIGNED AS A FLAG LOT AND REQUIRES SEPARATE APPROVAL BEYOND PRELIMINARY PLAT.
- A 10' WIDE ASPHALT TRAIL IS TO BE CONSTRUCTED NORTH OF THE TUCAHN WASH CROSSING ALONG THE EAST SIDE OF RED MOUNTAIN ROAD UP TO THE INTERSECTION WITH ROAD E. A 10' WIDE ASPHALT TRAIL WILL BE CONSTRUCTED ALONG THE NORTH SIDE OF ROAD E FROM THE INTERSECTION WITH RED MOUNTAIN ROAD TO THE INTERSECTION WITH ROAD C.

## LEGEND

	EXISTING CONT-MJR
	EXISTING CONT-MNR
	PROPOSED CONT-MJR
	PROPOSED CONT-MNR
	PROPOSED TBC STATION AND ELEVATION

## PROJECT OWNER/ DEVELOPER

ENLAW LLC  
160 W. CANYON CREST RD.  
ALPINE, UT 84004

CONTACT: SEAN SKRANGHY  
(801) 803-2394

## SITE DEVELOPMENT DATA

PARCEL NUMBER: SC-6-2-9-150  
ACRES: 43.71  
NUMBER OF LOTS: 40  
DENSITY: 0.91 UNITS PER ACRE  
50' PUBLIC STREETS  
ZONING: PD-R  
GENERAL PLAN: MDR  
SETBACKS: 25' FRONT  
10' SIDES  
10' REAR

## PROJECT ENGINEER

ROSENBERG ASSOCIATES  
352 EAST RIVERSIDE DRIVE, SUITE A2  
ST. GEORGE, UT 84740

CONTACT: JARED BATES, PE  
(435) 673-8586

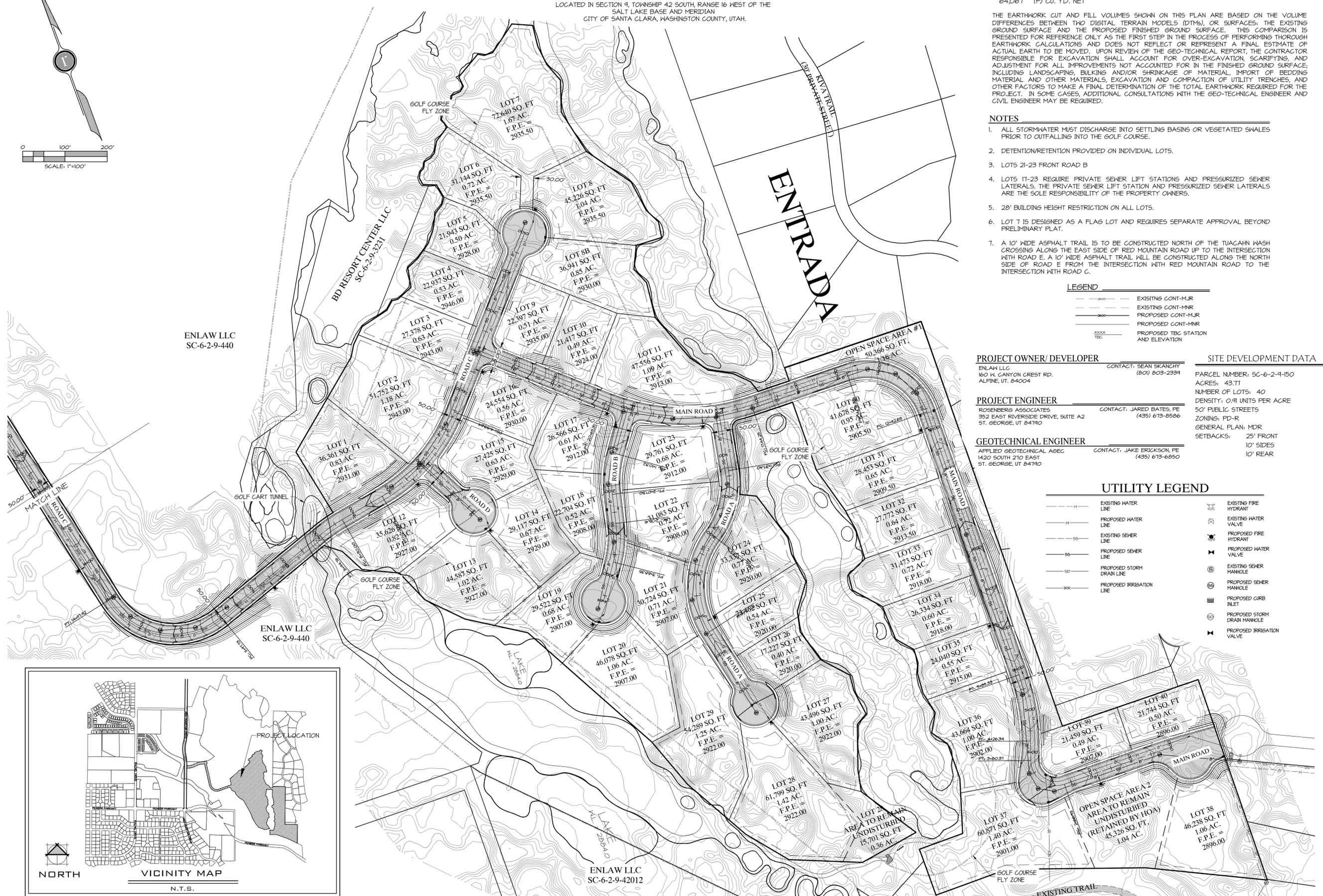
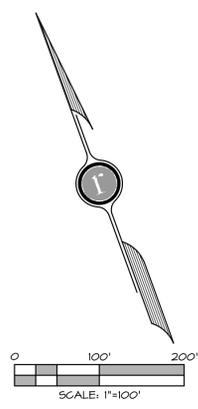
## GEOTECHNICAL ENGINEER

APPLIED GEOTECHNICAL ASPEC  
1420 SOUTH 210 EAST  
ST. GEORGE, UT 84740

CONTACT: JAKE ERICKSON, PE  
(435) 673-6850

## UTILITY LEGEND

	EXISTING WATER LINE		EXISTING FIRE HYDRANT
	PROPOSED WATER LINE		EXISTING WATER VALVE
	EXISTING SEWER LINE		PROPOSED FIRE HYDRANT
	PROPOSED SEWER LINE		PROPOSED WATER VALVE
	PROPOSED STORM DRAIN LINE		EXISTING SEWER MANHOLE
	PROPOSED IRRIGATION LINE		PROPOSED SEWER MANHOLE
			PROPOSED CURB INLET
			PROPOSED STORM DRAIN MANHOLE
			PROPOSED IRRIGATION VALVE



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www.rscivil.com

PRELIMINARY PLAT  
FOR  
SOUTH VILLAGE @ BLACK DESERT  
SANTA CLARA  
UTAH

PROF. SEAL  
JARED W. BATES  
5/15/2023  
STATE OF UTAH

SHEET  
**1**  
1 OF 7 SHEETS





# SOUTH VILLAGE AT BLACK DESERT

LOCATED IN SECTION 9, TOWNSHIP 42 SOUTH, RANGE 16 WEST OF THE SALT LAKE BASE AND MERIDIAN CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH.

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	EXISTING CONT-MJR
	EXISTING CONT-MNR
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10' SIDES  
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## PROJECT ENGINEER

ROSENBERG ASSOCIATES  
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CONTACT: JARED BATES, PE  
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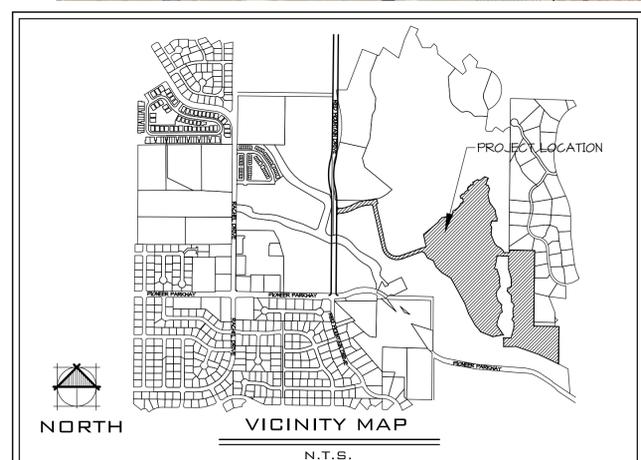
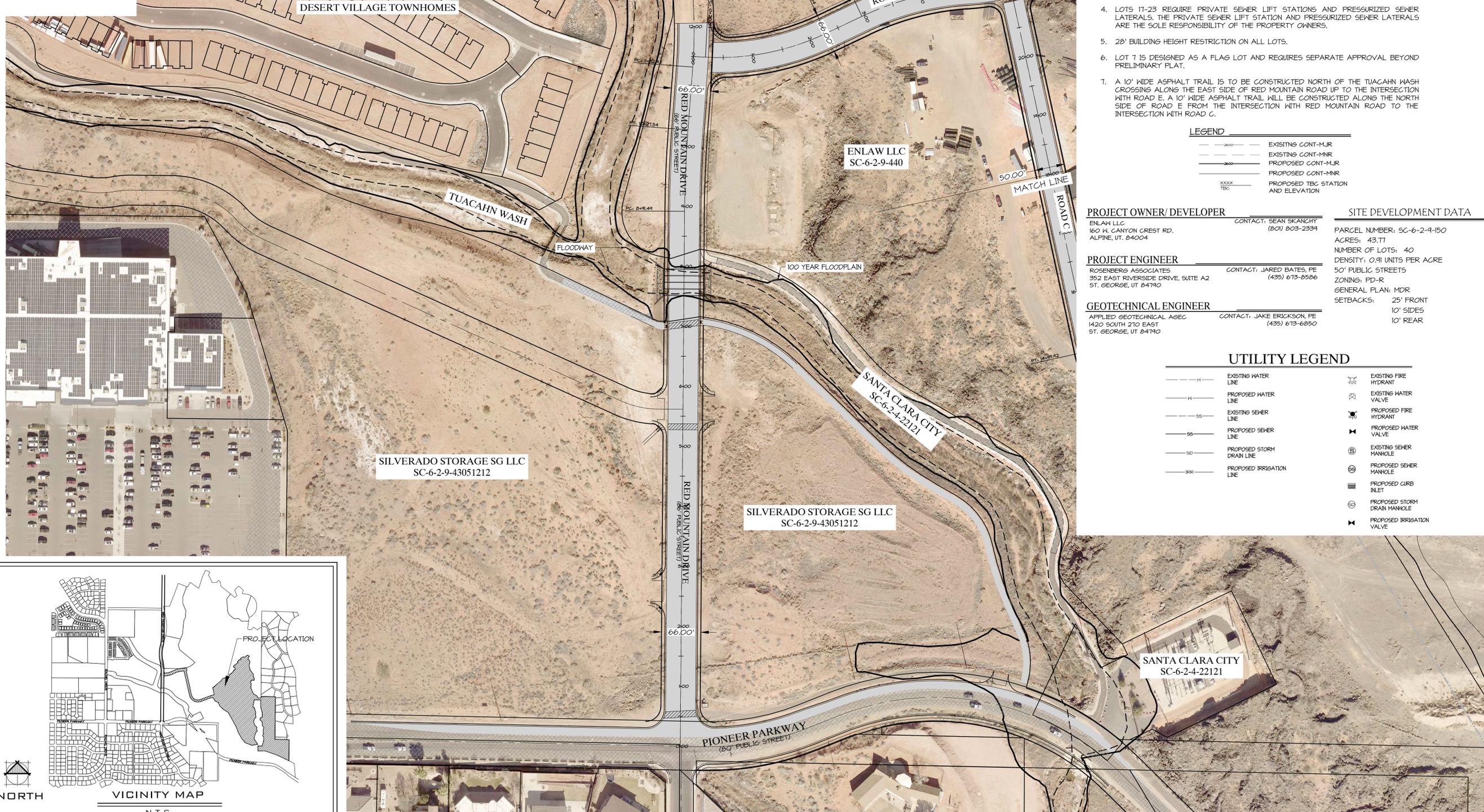
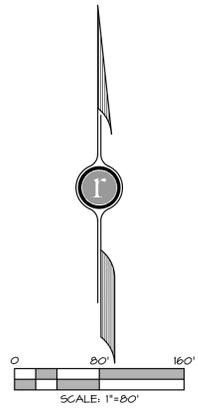
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			PROPOSED CURB INLET
			PROPOSED STORM DRAIN MANHOLE
			PROPOSED IRRIGATION VALVE



DATE:	5/15/23
JOB NO.:	4828-21-05B
DESIGNED BY:	DMH
CHECKED BY:	JWB
DWG.:	PRE PLAT
DATE:	
REVISIONS:	

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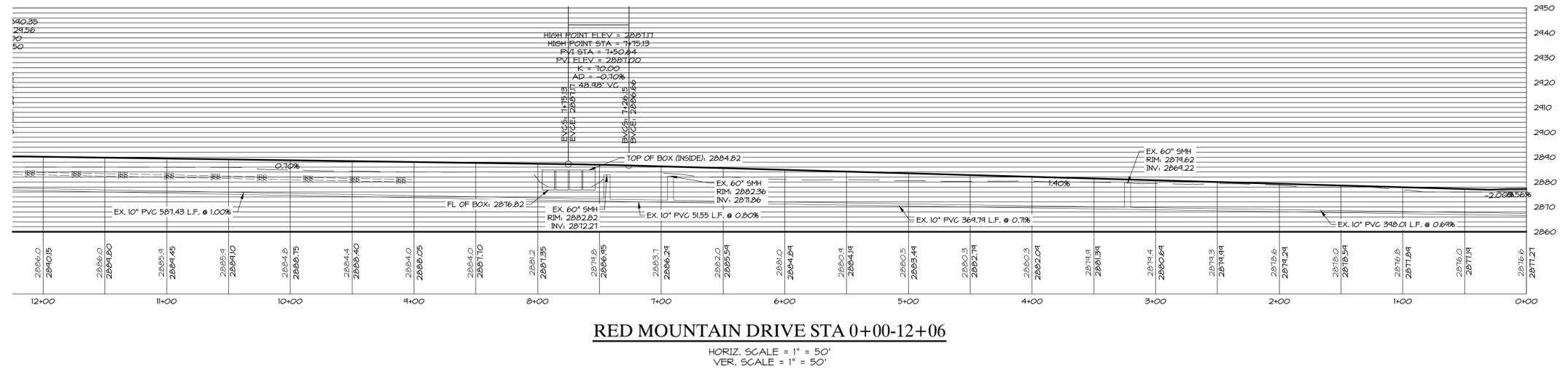
PRELIMINARY PLAT  
FOR  
SOUTH VILLAGE @ BLACK DESERT  
SANTA CLARA  
UTAH



REVISIONS	DATE

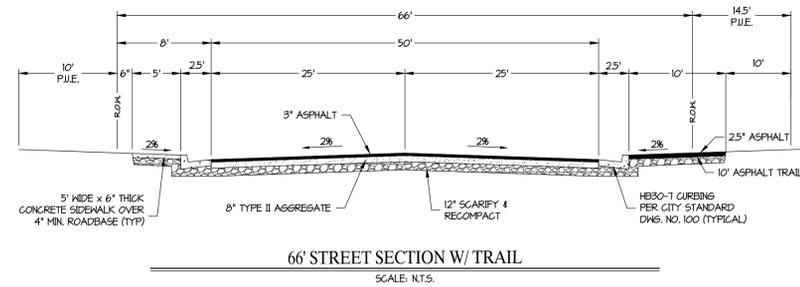
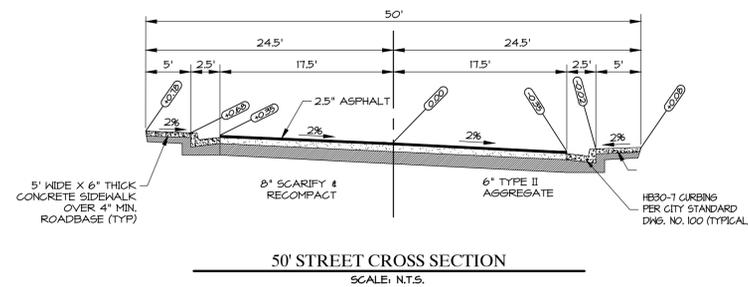
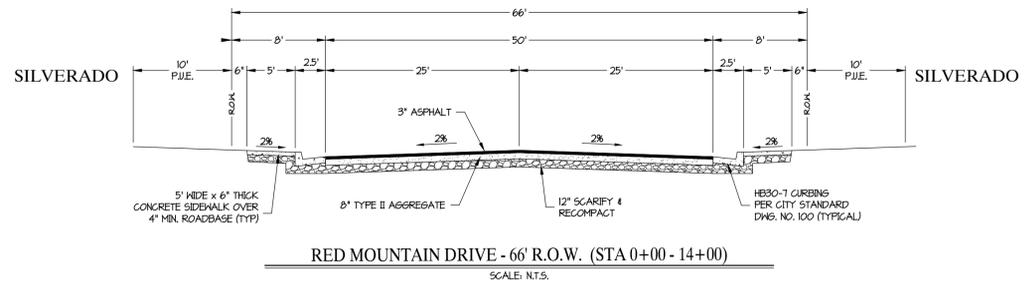
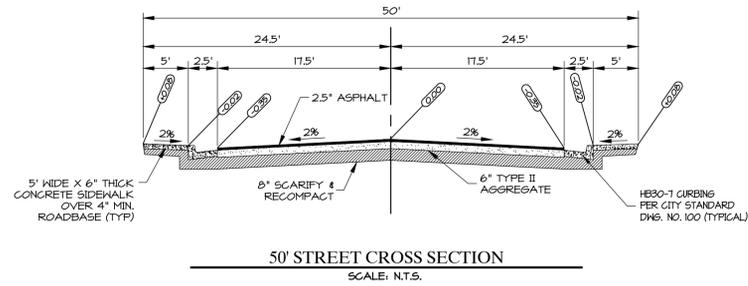


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RED MOUNTAIN DRIVE PROFILE  
 FOR  
 SOUTH VILLAGE @ BLACK DESERT  
 ST. GEORGE  
 UTAH

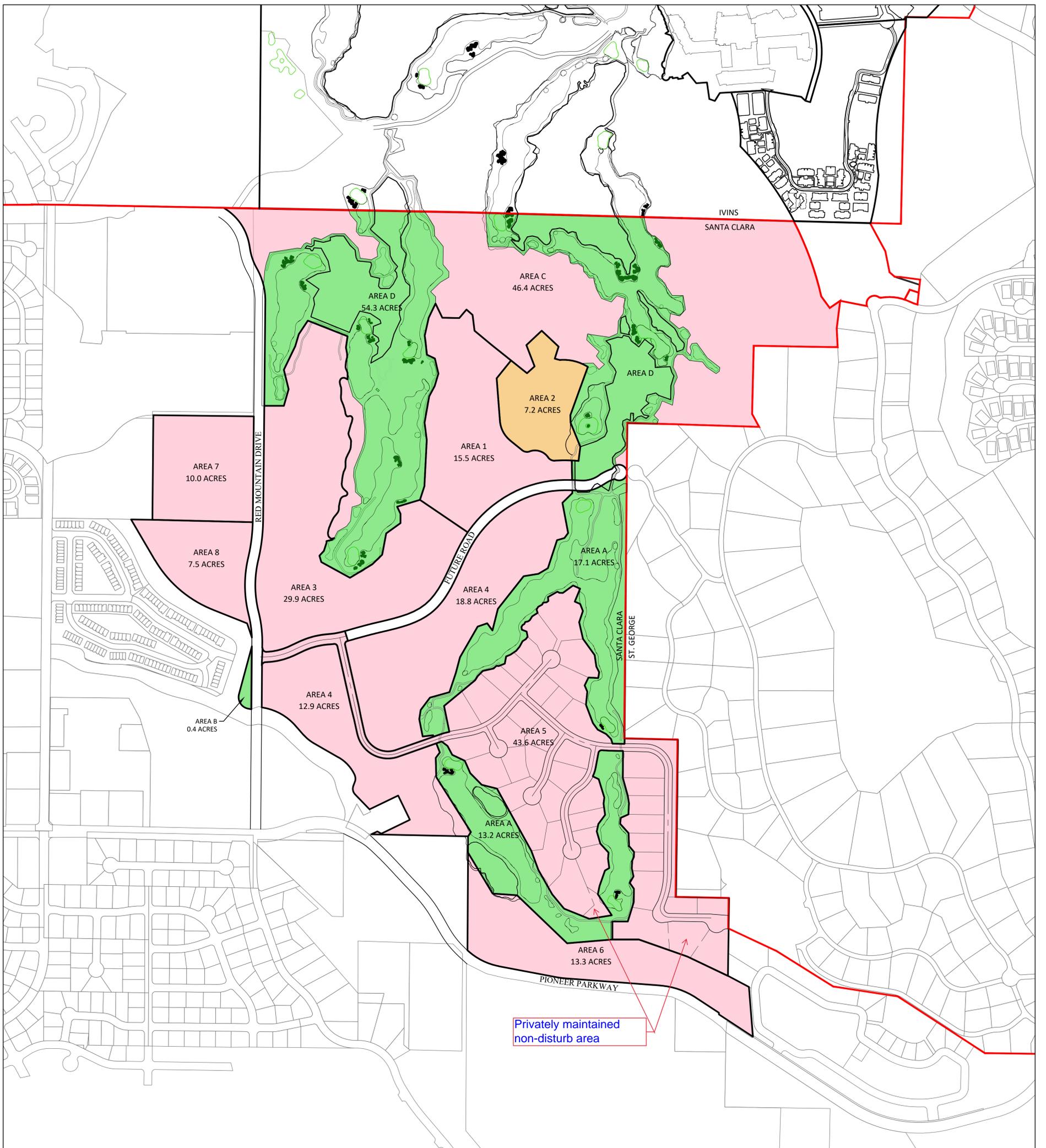




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ASSOCIATES  
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PRELIMINARY PLAT - STREET SECTIONS  
FOR  
SOUTH VILLAGE @ BLACK DESERT  
SANTA CLARA  
UTAH



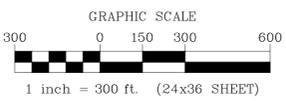
Privately maintained non-disturb area

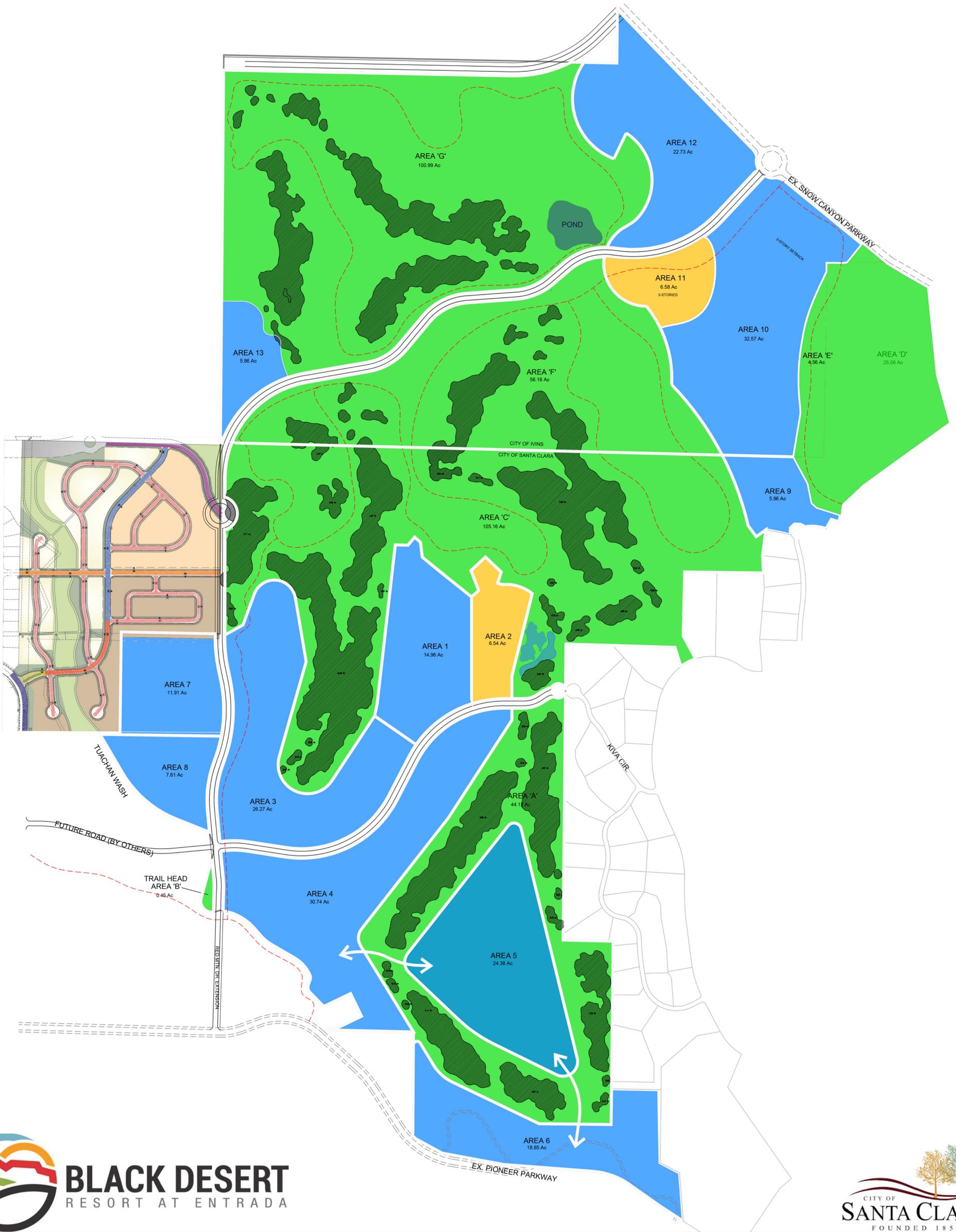


**BLACK DESERT**  
RESORT

AREA	ACREAGE	CURRENT ZONE	PROPOSED ZONE	LAND USE
A	30.3	PDR	OS	GOLF COURSE/TRAILS
B	0.4	PDR	OS	GOLF COURSE/TRAILS
C	46.4	PDR	PDR	GOLF COURSE/TRAIL AND MIXED USE RESIDENTIAL WITH NOT TO EXCEED 45 SINGLE FAMILY LOTS
D	54.3	PDR	OS	GOLF COURSE/TRAILS
SUBTOTAL	131.4			
1	15.5	PDR	PDR	MIXED-USE RESIDENTIAL
2	7.2	PDR	PDC	MIXED-USE RESIDENTIAL/HOTEL
3	29.9	PDR	PDR	MIXED-USE RESIDENTIAL
4	31.8	PDR	PDR	MIXED-USE RESIDENTIAL
5	43.6	PDR	PDR	SINGLE FAMILY RESIDENTIAL
6	13.3	PDR	PDR/CONSERVATION EASEMENT	SINGLE FAMILY RESIDENTIAL/CONSERVATION EASEMENT
7	10.0	PDR	PDR	MIXED-USE RESIDENTIAL
8	7.5	PDR	PDR	MIXED-USE RESIDENTIAL
SUBTOTAL	158.8			
TOTAL	290.2			

- PDR/CONSERVATION EASEMENT
- GOLF COURSE/TRAIL
- MIXED-USE RESIDENTIAL
- PDC COMMERCIAL

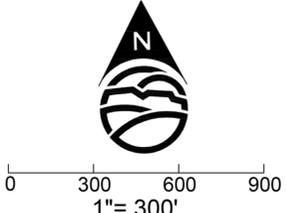


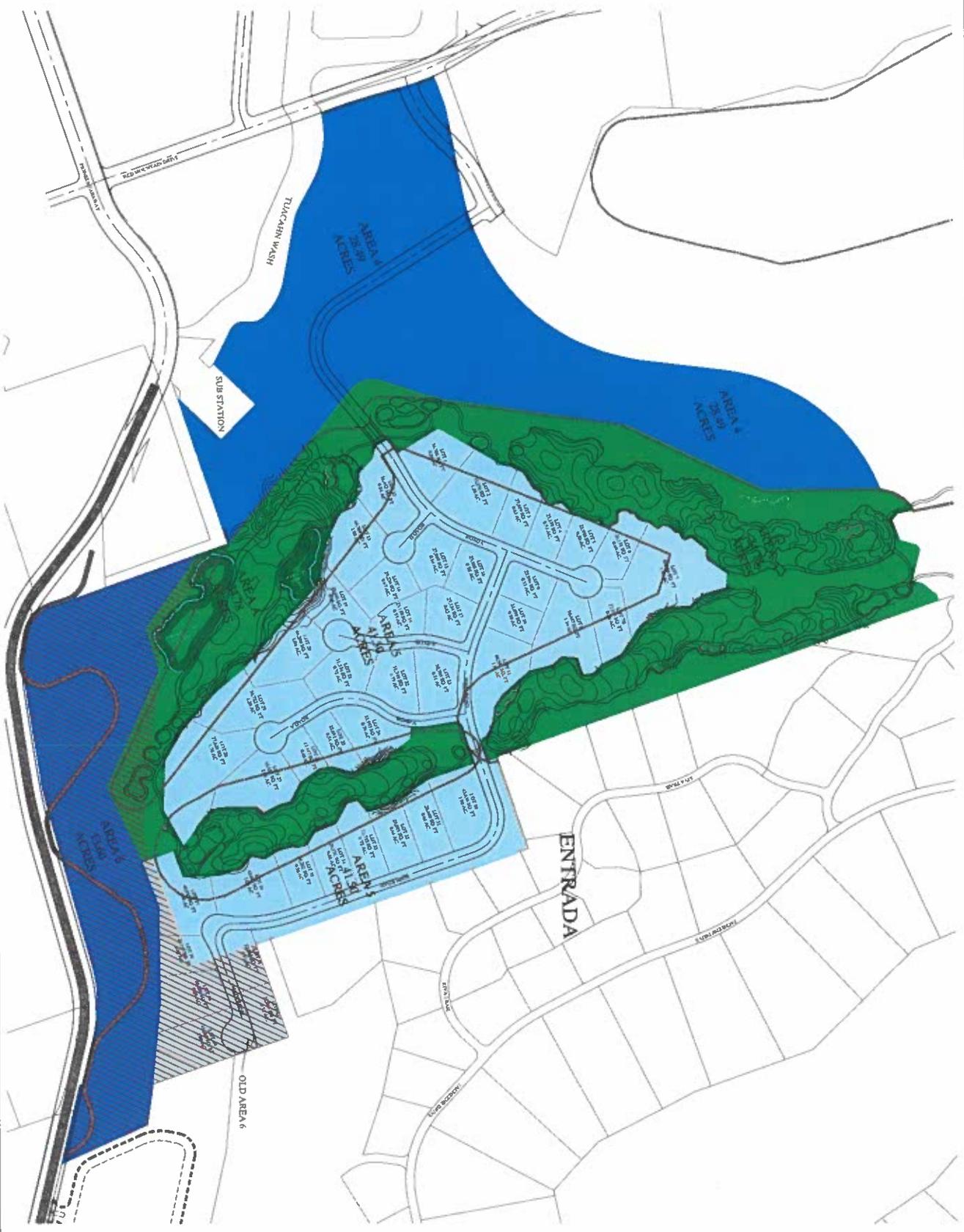


- OS OPEN SPACE / PUBLIC TRAIL
- OS OPEN SPACE / PRESERVATION
- OS OPEN SPACE / PRIVATE GOLF
- PDR PLANNED DEVELOPMENT RESIDENTIAL
- PDC PLANNED DEVELOPMENT COMMERCIAL

GOLF AREAS	
Area	Acreage
A	18.88
C	37.08
<b>Total</b>	<b>55.96</b>
% of Open Space	31%
% of Project	19%

Area	Open Space (Ac)	Total Acreage	% Open Space	Current Zone	Desired Zone	Anticipated Use
A	44.12	44.12	100%	PDR	OS	Open Space/Golf/Trails
B	0.45	0.45	100%	PDR	OS	Open Space
C	105.16	105.16	100%	PDR	OS	Open Space/Golf/Trails
<b>Subtotal</b>	<b>149.73</b>	<b>149.73</b>	<b>100%</b>			
1	2.99	14.96	20%	PDR	PDR	Mixed-Use Residential
2	1.31	6.54	20%	PDR	PDC	Mixed-Use Residential Hotel
3	5.25	26.27	20%	PDR	PDR	Mixed-Use Residential
4	6.15	30.74	20%	PDR	PDR	Mixed-Use Residential
5	4.88	24.38	20%	PDR	PDR	Mixed-Use Residential
6	3.77	18.85	20%	PDR	PDR	Mixed-Use Residential
7	2.38	11.91	20%	PDR	PDR	Mixed-Use Residential
8	1.52	7.61	20%	PDR	PDR	Mixed-Use Residential
<b>Subtotal</b>	<b>28.25</b>	<b>141.26</b>	<b>20%</b>			
Other	1.11	7.30	15%	PDR	N/A	Roadway
<b>Total</b>	<b>179.09</b>	<b>298.29</b>	<b>60%</b>			





1 OF 1 SHEETS  
SHEET  
1

**EXHIBIT "A"**  
FOR  
**BLACK DESERT DEVELOPMENT**  
SANTA CLARA  
UTAH

222 East Broadway, Suite 200, Salt Lake City, UT 84111  
Phone: (801) 466-1111  
www.rosenberg.com

**ROSENBERG ASSOCIATES**  
CIVIL ENGINEERS - LAND SURVEYORS

DATE	BY	REVISION

**Mayor**  
Rick Rosenberg

**City Manager**  
Brock Jacobsen



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

# CITY COUNCIL

**Meeting Date:** June 21, 2023

**Agenda Item:** 4

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**Applicant:** Santa Clara City

**Requested by:** Jim McNulty

**Subject:** Property Rezoning & Project Plan

**Description:**

The applicant, Clayton Leavitt (Oak Creek), is requesting to Rezone the property at 400 East/Patricia Drive and Pioneer Parkway (Parcels #SC-SB-90-A-2, and #SC-SB-90-A-4-B, described as 18.09 acres). The property is currently zoned R-1-10 Single-Family Residential, and the applicant proposes to rezone it to the Planned Development Residential, PDR Zone to allow for a proposed residential project that would include single-family homes, multi-family townhomes, open space, and amenities. A staff report with attachments has been included in the Council packet.

**Recommendation:**

**Attachments:** Yes

**Cost:** N/A

**Legal Approval:** Yes

**Finance Approval:** N/A

**Budget Approval:** N/A

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2603 Santa Clara Drive, Santa Clara, Utah 84765

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



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

Staff Report

## Property Rezoning & Project Plan Summary and Recommendation

**Public Body:** Santa Clara City Council

**Meeting Date:** June 21, 2023

**Current Zone:** R-1-10, Single-Family Residential

**Proposed Zone:** Planned Development Residential, PDR

**General Plan Designation:** Medium Density Residential, MDR

**Property Address:** 400 East/Patricia Drive and Pioneer Parkway (Parcels #SC-SB-90-A-2, and #SC-SB-90-A-4-B)

**Property Size:** 18.09 Acres

**Request:** Property Rezoning & Project Plan

**Applicant Name:** Clayton Leavitt

**Staff Planner:** Jim McNulty

**Meeting Type:** Public Meeting

### PROJECT DESCRIPTION

**The applicant, Clayton Leavitt (Oak Creek),** is requesting to **Rezone** the property at 400 East/Patricia Drive and Pioneer Parkway (Parcels #SC-SB-90-A-2, and #SC-SB-90-A-4-B). The subject property is 18.09 acres in size. The property is currently zoned R-1-10 Single-Family Residential, and the applicant proposes to rezone it to the Planned Development Residential, PDR Zone to allow for a proposed residential project that would include single-family homes, multi-family townhomes, open space, and amenities.

**A public hearing for this project was held by the Planning Commission on March 23, 2023.** A motion was made to recommend approval to the City Council; however, the vote on the motion ended in a 3 to 3 tie. No other substitute motion was made or voted on. Therefore, no recommendation was provided by the Planning Commission on the item (*see attached minutes*). **A public meeting for this project was held by the City Council on April 12, 2023.** A motion was made by the City Council to table the item to allow the applicant to work with city staff, incorporate some of the City Council comments, and propose a new layout with slightly lower densities. This motion passed with a 3 to 2 vote (*see attached minutes*).

The **updated Project Plan/Rezone Application includes 133-units on 18.09 acres of property. This equates to a density of 7.35 units/acre.** A total of 82 single-family lots/pad lots are proposed along with 51 multi-family townhome units. **Previously, 144-units were proposed on the property.** This included 69 single-family lots/pad lots along with 75 multi-family townhome units **which equated to 7.96 units/acre.**

**A 45' public right-of-way is required for the interior of the project, which complies with City Construction Design Standards.** This road cross-section includes 30' of asphalt, 2.5' of curb and gutter on either side, with a 5' sidewalk on each side of the road. This will allow residents to access a public sidewalk from all proposed dwelling units in the project.

## PROJECT PLAN REVIEW ITEMS

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City staff has worked with the applicant on several items associated with the Project Plan. The following includes information on each item as required by Chapter 17.68, Planned Development Zone:

1. **Residential Unit Count:** The Project Plan includes a total of one hundred thirty-three (133) units on 18.09 acres of property. This equates to a density of 7.35 units/acre. A total of 82 single-family lots/pad lots are proposed along with 51 multi-family townhome units. Previously, 144-units were proposed on the property. This included 69 single-family lots/pad lots along with 75 multi-family townhome units. **The PDR Zone allows for a base density of 8 units/acre. The applicant is not requesting a density bonus for the project.**
2. **Project Phasing Plan:** A Phasing Plan has been included for the overall project. **A total of seven (7) phases** have been proposed including Phases 1A, 1B, 2, 3, 4, 5, and 6. The Phasing Plan will be required as part of the Planned Development, PD Subdivision review process.
3. **Building Design/Materials/Height/Setbacks:** Chapter 17.68 requires a review of building design, building materials, building height, and building setbacks. The Project Plan includes both single-family homes and multi-family townhomes as follows:
  - **Single-Family Home Lots/Pad Lots.** Both one-story and two-story traditional home designs are proposed for these single-family lots. Home sizes will range from 1,500 to 3000 sq. ft. Four to five different models with varying elevations and materials including multiple brick and stone options along with stucco, and tile roof options. Rambler homes will be approximately 20' in height, with two-story homes being 27' in height. **Lots 1 – 14 (traditional lots)** will have a 20' front yard setback, with 8' side yards, and a rear yard of 10'. **Lots (pad lots) 31 – 46, and 48 - 69** will have a front yard setback of 15' to living space, with 20' to the garage. The side yard setback will be 16' between each building, with a rear setback of 10'.
  - **Single-Family Pad Lot/Narrow Homes.** The smaller/narrow pad lot single-family homes will include a two-story design. Home sizes will range from 1700 to 1850 sq. ft. Four different models with varying elevations and materials including multiple brick and stone options along with hardiboard, stucco, and tile roof options. The two-story homes will be approximately 25' to 27' in height. **Lots 15 – 30, 47, 70, 72 - 73, 75, and 76 - 82** will have a front yard setback of 15' to living space, with 20' to the garage. The side yard setback will be 16' between each building, with a rear setback of 10'.
  - **One-Story Townhomes.** These **units include two-bedrooms and two bathrooms** homes with a one-car garage and two-car driveway. The **proposed units would be approximately 985 to 1100 sq. ft.** in size. Two different color palettes with a variety of building materials including brick and stone, hardiboard, stucco, and tile roof options are proposed. The one-story townhomes will be approximately 22' in height. **Units 94 - 99 and 100 - 114** will have a front yard setback of 15' to living space, with 20' to the garage. The side yard setback between buildings will be 12' with a rear setback of 10'.

**Request:** Property Rezoning & Project Plan

- **Two-Story Townhomes.** These units include **3 and 4 bedrooms, 2.5 baths** with a two-car garage and two-car driveway. The **proposed units will be 1400 to 1600 sq. ft. in size.** Two different color palettes with a variety of building materials including brick and stone, hardiboard, stucco, and tile roof options are proposed. The two-story townhomes will be approximately 27' in height. **Units 83 – 93** will have a rear/front yard driveway depth of 20', with a side yard setback of 12' and 15' between buildings. The front yard will include a courtyard patio that fronts onto a green court area. **Units 115 – 133** will have a rear yard/front yard driveway depth of 20' along Tuscan Drive, with a side yard setback of 15' between buildings. **The front yard for these units is approximately 20' to face of building; however, an 8' courtyard patio will be allowed in the setback area allowing for 12' from back of sidewalk to courtyard.**
4. **Open Space: Chapter 17.68 requires at least 30% of a project area to be in common open space.** The Project Plan includes approximately **34.83% (6.30 acres)** of open space being proposed for the overall project. The applicant will be required to work with city staff during PD Subdivision review for each project phase to verify these calculations.
  5. **Project Amenities:** Chapter 17.68 requires project amenities including recreational facilities such as tennis courts, playground equipment, swimming pool, clubhouse, and other common amenities such as outdoor cooking/eating areas, gazebo, or gardens. The Project Plan, **Phase 1B includes restrooms, a pool, hot tub, and an outdoor seating (covered and uncovered) area for the community.** Additional open space areas with gazebos and BBQs have been shown in Phases 4, 6, and 7. **Phase 2 includes three (3) pickleball courts.** A series of walking paths providing a connection for residents to these amenity areas has also been included in multiple project phases. The applicant will be required to work with city staff during the PD Subdivision review for each project phase to verify all project amenities as per the Phasing Plan.
  6. **Public Trail Access: An 8' asphalt public trail along 400 East** has been shown on the Project Plan. This trail is required as per the **2018 Trails Master Plan.** This required trail will tie in with the existing section of trail along the 400 East frontage of the Tuscan project, which provides a connection to other trails in the area. This will be reviewed during the PD Subdivision review process.
  7. **Landscaping & Water Efficiency:** Chapter 17.68 requires project landscaping and puts standards in place for the PD Zone. Section 17.68.050 discusses landscape design and water conservation principles. The final landscape and irrigation plans will be required to comply with **City Ordinance #2022-05 (Water Efficient Landscaping & Conservation Standards).** **A secondary water connection will be required for outdoor water use.** The applicant has provided a preliminary landscape plan; however, a more thorough review with additional details (landscaping & irrigation) will be required during the PD Subdivision review process.
  8. **Public Road Cross-Section:** The Project Plan includes **a required 45' public road cross-section** within the interior of the project. **This includes 30' of asphalt, 2.5' of curb and gutter on either side, with a 5' sidewalk on each side of the road allowing for good pedestrian access and movement.** Additionally, improvements such as but not limited to curb & gutter, park strip, sidewalk, and trails will be required along Patricia Drive (50' public street), Pioneer Parkway (70' public street), and 400 East (66' public street). The applicant will be required to work with city staff and comply with all department recommendations during the PD Subdivision review process.
  9. **Private Driveway Cross-Sections:** The Project plan includes **two (2) private driveways at 26'.** Each private driveway would provide access to two (2) single-family pad lots (**Lots 38-39, and 59-60**). The

**Request:** Property Rezoning & Project Plan

applicant will be required to work with city staff and comply with all department recommendations during PD Subdivision review process.

10. **Parking:** The Project Plan includes **203 parking spaces for the 51 multi-family townhome units**. This equates to 4.0 parking spaces per unit. An additional 20 surface parking spaces have been provided adjacent to the project amenities in the center of the property. **Chapter 17.32 requires two (2) parking spaces per unit, one covered and one uncovered. Each of the single-family lots/pad lots have been designed to include a two-car garage with a two-car driveway.** It appears that sufficient parking has been provided for the project. The project parking will be reviewed during the PD Subdivision review process.
11. **Project Utilities: Utilities (e.g., water, sewer, power, gas, etc.) are required for the project.** A secondary water connection will be required for outdoor water use. The applicant will be required to work with city staff and comply with all department recommendations during Preliminary Subdivision Plat and Final Subdivision Plat review for each project phase.
12. **Soils Report: A Geotech Report (Subsurface Investigation) done by Applied Geo-Tech** was submitted for the property. It appears that expansive clay was encountered in multiple site locations (north & south); however, **the site is suitable to support residential slab on grade construction** provided that the report recommendations are implemented during construction. The applicant will be required to work with city staff during the PD Subdivision review for each project phase to determine compliance.
13. **Traffic Study: A Traffic Impact Study, TIS done by Hales Engineering** was submitted for the property. **Two project accesses were assumed, which resulted in an acceptable LOS at intersections; however, a third access was also considered on Patricia Drive.** The third access would improve the internal circulation of the project. Since the report was submitted, the project has been redesigned to include a row of single-family lots along Patricia Drive without access to the interior of the site. This was done to tie in with the existing single-family neighborhood in the immediate vicinity. Access to the site will be gained off Pioneer Parkway and 400 East.
14. **Project Narrative:** The applicant has submitted a project narrative for your review and consideration **(copy attached)**. City staff asked the applicant to update this item to match the Project Plan. It's likely that Planning Commission members will have questions for the applicant during the meeting.
15. **Block Privacy Wall: A 6' solid block privacy wall will be required along Pioneer Parkway and 400 East.** This item will be further reviewed during the PD Subdivision review process.
16. **Owner Occupancy:** On April 12, 2023, the Council asked the applicant about a minimum number of owner-occupied multi-family townhome units. The applicant agreed that **a minimum of 50% of the multi-family townhome units would be owner-occupied.** This requirement would need to be put in the future CC&Rs for the proposed project.

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## REZONING CONSIDERATION

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**Chapter 17.18.090 of the city code provides standards of review for the city.** In consideration of any zoning map amendment (rezoning), the land use authority shall consider the following matters and the city council shall give reasonable consideration to the following:

- a. Is the proposed use suitable in view of the zoning and development of adjacent and nearby property.  
**Yes.**

**Request:** Property Rezoning & Project Plan

- b. Will the proposed use adversely affect the existing use or suitability of adjacent or nearby property.  
**No.**
- c. ***Are there substantial reasons why the property cannot or should not be used as currently zoned.***  
**No.**
- d. Will the proposed use cause an excessive or burdensome use of public facilities or services, including, but not limited to streets, schools, water or sewer utilities, and police or fire protection.  
**No.**
- e. Is the proposed use compatible with the purpose and intent of the General Plan.  
**Yes.**
- f. Will the use be consistent with the purpose and intent of the proposed zoning district.  
**Yes.**
- g. Is the proposed use supported by new or changing conditions not anticipated by the General Plan.  
**No.**
- h. Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to the unrestricted use of property. **Yes.**

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## GENERAL PLAN CONSIDERATION

The Santa Clara City General Plan indicates a **Medium Density Residential, MDR Land Use Designation** for the subject property. The proposed Planned Development Residential, PDR Zone complies with the intent of the General Plan. The description and character objectives for MDR states the following:

“Townhomes, multi-unit buildings, and small lot single family structures on small lots. Accessory dwelling units, ADUs are encouraged. MDR neighborhoods have a tree-lined local street grid and interconnected pedestrian circulation systems, with density ranges from 3 to 12 dwelling units per acre”.

The proposed Project Plan/Rezone application includes small lot single-family homes, townhomes, open space, and amenities for residents. **This proposed use of property is encouraged by the General Plan.**

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## NEIGHBORHOOD RESPONSE

Notices were sent to the property owners within 300’ of the subject property. The subject property was also posted as per the State Code. A total of **17 individuals spoke during public comment** (*see attached PC Minutes from 5/25/23*). This City Council meeting on June 21, 2023, is a public meeting as the public hearing was already held by the Planning Commission.

**A resident petition was submitted at the March 23, 2023, public hearing**, with another petition being submitted after the public hearing (*see attached*).

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## STATE CODE CONSIDERATIONS

Utah Code, Section 10-9a-205 includes requirements for a Rezoning of property (zoning map amendment). To rezone a property, a city must hold at least one public hearing. Additionally, a public hearing to consider a rezoning of property requires 10 days’ notice rather than 24 hours’ notice. A notice must also be sent to all property owners within 300’ of the subject property, with a notice in a visible location, with a sign of sufficient size and durability. The city is also required to post on the State Public Notice website. Planning Staff has determined that all State Code requirements have been met with this application.

## CITY STAFF RECOMMENDATION

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**The Planning Commission held a second public hearing on May 25, 2023.** A motion was made to recommend approval to the City Council and passed on a vote of 3 to 1. City staff recommends that the City Council review the submitted Rezoning Application and Project Plan to determine if the application is complete. **If the application is determined to be complete, City staff would recommend that the City Council consider the application subject to the following conditions:**

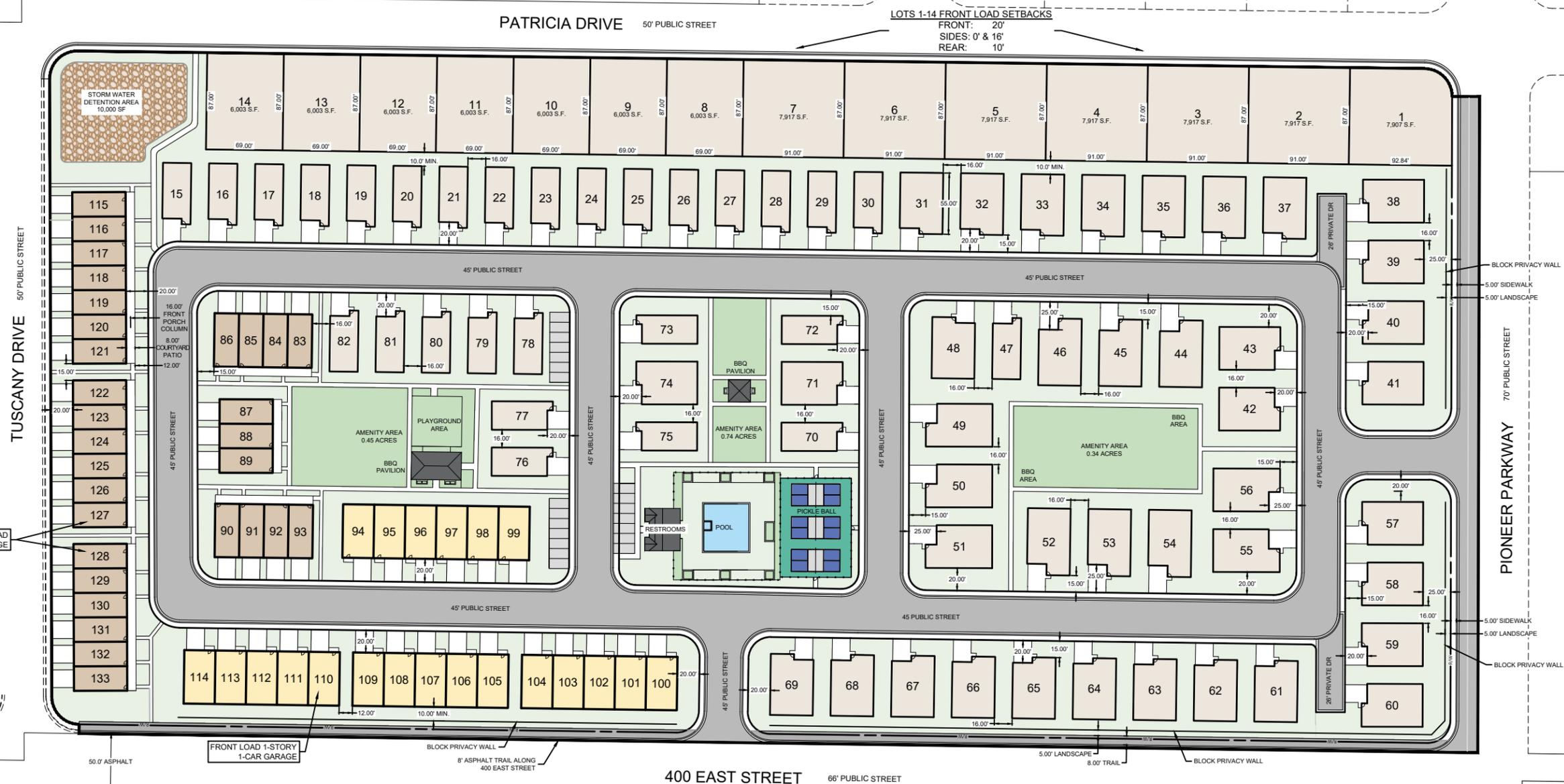
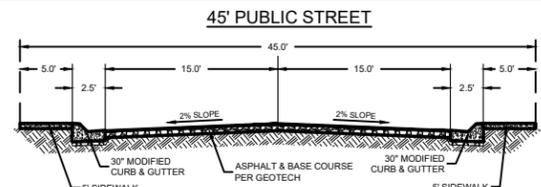
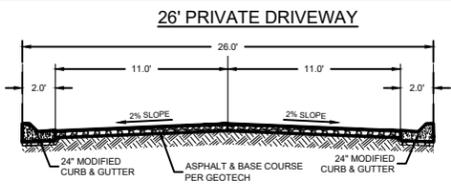
1. That the applicant be required to go through the PD Subdivision Review process for each project phase (overall preliminary & final plats).
2. That a total of one hundred thirty-three (133) units on 18.09 acres be allowed as per the Project Plan. This equates to a density of 7.35 units/acre.
3. That a Project Phasing Plan be required for the overall project. That this plan be reviewed for compliance with each project phase.
4. That the building design/materials/height/setbacks comply with the Project Plan as presented by the applicant. That substantial changes to these items require an amendment to the Project Plan.
5. That at least 30% of the project area be in common open space. The Project Plan includes approximately 34.83% (6.30 acres) of open space.
6. That the project amenities be provided and put in place as per the Project Plan and Phasing Plan.
7. That the required public trail (2018 Trails Master Plan) be put in place as per the Project Plan.
8. That the applicant be required to comply with City Ordinance #2022-05, Water Efficient Landscaping & Conservation Standards. Also, secondary water connections are required for outdoor water use.
9. That a 45' public road cross-section as per the Project Plan be required for the interior of the project. That a 26' private driveway be allowed to access Lots 38 – 39, and 59 – 60 only. That future improvements to Patricia Drive, Pioneer Parkway, and 400 East be determined during the PD Subdivision review process.
10. That 203 parking spaces for the 51 multi-family units be provided along with 20 surface parking spaces adjacent to the amenity areas as per the Project Plan.
11. That the Geotech Report for the project be implemented during construction.
12. That the Traffic Impact Study, TIS for the project be implemented except for a third access to Patricia Drive.
13. That a 6' solid block privacy wall be required along Pioneer Parkway and 400 East.
14. That a minimum of 50% of the multi-family townhome units be owner-occupied.
15. That the proposed **property Rezoning** complies with Chapter 17.18.090 items, **(except item c below)**:
  - a. The proposed use is suitable in view of the zoning and development of adjacent and nearby property;
  - b. The proposed use will not adversely affect the existing use or suitability of adjacent or nearby property;
  - c. **There are not substantial reasons why the property cannot or should not be used as currently zoned;**
    - i. **The applicant intends to do a PD Subdivision with both single-family and multi-family townhomes as per the MDR land use designation of the General Plan.**
  - d. The proposed use will not cause an excessive or burdensome use of public facilities or services, including, but not limited to streets, schools, water or sewer utilities, and police or fire protection;
  - e. The proposed use is compatible with the purpose and intent of the General Plan;
  - f. The proposed use is consistent with the purpose and intent of the proposed zoning district.
  - g. The proposed use is not supported by new or changing conditions anticipated by the General Plan;

**Request:** Property Rezoning & Project Plan

- h. The proposed use does reflect a reasonable balance between the promotion of public health, safety, morality, or general welfare and the right to the unrestricted use of property.

**With the following findings:**

1. That the Rezoning is compliant with the Santa Clara City General Plan, Section 3.4.1, Residential Land Uses (Medium Density Residential, MDR).
2. That the MDR Land Use Designation allows for townhomes, multi-unit buildings, and small single-family structures on small lots.
3. That other properties in the immediate vicinity (north and south) of the site are zoned Planned Development Residential, PDR.



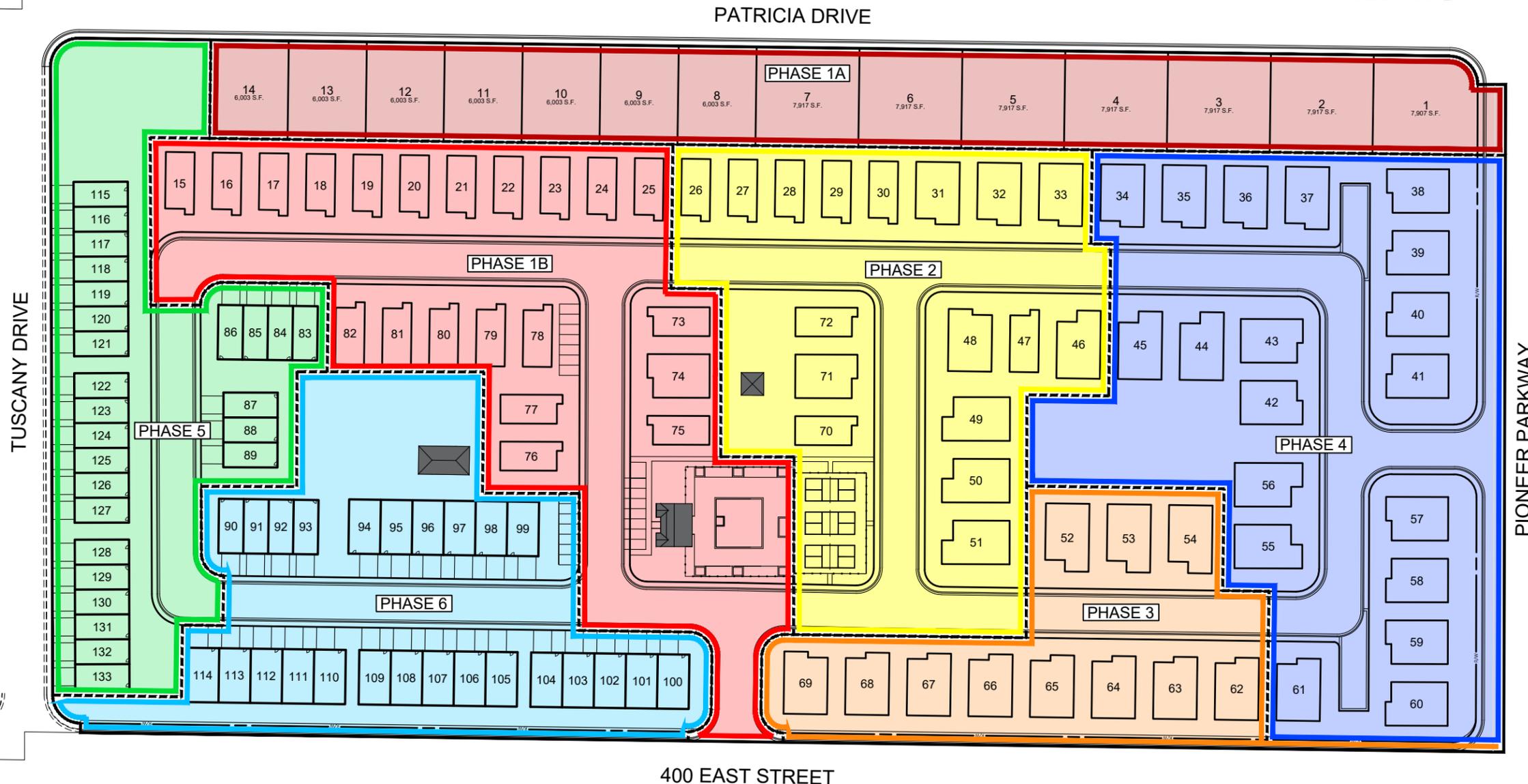
- UNIT MIX**
- 30 REAR LOAD TOWN HOMES (22%)
  - 21 FRONT LOAD 1-STORY TOWN HOMES (16%)
  - 82 SINGLE FAMILY DETACHED (62%)
  - Total = 133 UNITS

- PARKING**
- REAR LOAD TOWN HOMES = 2-CAR GARAGE
  - 30 x 2 GARAGES = 60 SPACES + 60 DRIVEWAYS = 120 SPACES
  - FRONT LOAD TOWN HOMES = 1-CAR GARAGE
  - 21 x 1 GARAGES = 21 SPACES + 42 DRIVEWAYS = 63 SPACES
  - SURFACE PARKING = 20 STALLS
  - TOTAL PARKING = 203 STALLS
  - PARKING RATIO = 4.0 STALLS PER T.H. UNIT

- SITE SUMMARY**
- TOTAL UNITS: 133
  - SITE AREA: 18.09 ACRES
  - DENSITY: 7.35 D.U./ACRE
  - RECREATIONAL AMENITIES: 1.53 ACRES 8.46%
  - LANDSCAPED OPEN SPACE: 4.77 ACRES 26.37%
  - TOTAL OPEN SPACE = 6.30 ACRES 34.83%



**PIONEER POINTE**  
PDR - PROJECT PLAN



- PHASING**
- PHASE 1A
  - PHASE 1B
  - PHASE 2
  - PHASE 3
  - PHASE 4
  - PHASE 5
  - PHASE 6

**AREA & DENSITY**

PHASE	UNITS	ACRES	DU/ACRE
1A	14	2.27	6.17
1B	21	3.19	6.58
2	17	2.91	5.84
3	11	1.57	7.01
4	19	3.72	5.11
5	28	2.02	12.87
6	25	2.41	10.37
<b>TOTAL</b>	<b>133</b>	<b>18.09</b>	<b>7.35</b>



**PIONEER POINTE  
PHASING PLAN**

## Pioneer Pointe

Pioneer Pointe consists of 18 acres located north of Pioneer Parkway and south of Tuscany Dr. adjacent to the city of Ivins. Just west of Gubler Park in Santa Clara, UT. We propose building 133 homes with a density of 7.35 dwelling units per gross acre. Our community will have recreation amenities and landscaped open space of 6.30 acres (34.83% of the property). Over 13.66 acres (three-quarters) of our project is devoted to single-family homes. It is our goal to create a beautiful neighborhood that the residents of Santa Clara can enjoy.

We know there continues to be a need for residents in Santa Clara to have attainable housing. With the scarcity of land, building materials and now increased mortgage rates, it has become even more complex and difficult for Southern Utah families to afford the American dream of home ownership. With the costs of quarter acre lots upwards of \$200,000+plus, we need to find alternative options to build on smaller building lots/footprints. We also need to be water wise in optimizing the best ways to conserve our water use inside and outdoors.

We have met with the city staff and council members on several occasions to get input and direction on how best to develop our land. We feel our project plan is complementary with the existing neighborhoods. City council members have suggested that it is important to have proper transitional zoning compatible with the multi-family to the north and single-family homes to the south. We have planned our project to reflect gradual transitions between our neighbors.

### PDR Zoning Request - Our Project Plan

1. Meets the General Plan for Medium Density Residential (MDR).
2. Will have energy efficient, smart technology homes to save energy, power and natural gas.
3. Meets and exceeds the PDR zone standards and requirements of Santa Clara city.
4. Incorporates Internal Accessory Dwelling Units ("IADU") units to help families buy a single-family home and create equity.
5. Will use artificial or drought tolerant turf, smart water controllers, thermostats, appliances, plumbing fixtures and other water conservation measures to be below the Washington County Water Conservancy District .59 acre-foot per connection. Thus, avoiding any excess water surcharges to the residents and conserving water.

### Product Mix

Townhomes:

**1-story**, 2-bedroom 2 bath, 985-1,100 square feet, 1 car garage, 2 car driveway - 21 homes  
2-story, 3 and 4 bedrooms, 2.5 bath 1,400-1600 square feet, 2 car garage, courtyards, balconies and rear patios. All 1st floor living space will be 20' from public sidewalk - 30 homes

Single family homes:

1 and 2 stories, 1500-3000 square feet, 2-3 car garages, 4-5 different models with 2 elevations each, Internal Accessory Dwelling Unit ("IADU") options, rear private areas as per landscape plans. Six different brick and stone options. The smaller pad lot homes will be 1700-1850 square feet - 82 homes

## **Concept Plan Review**

This Planned Development Residential project has several advantages. The project plan promotes creativity and flexibility in the design layout, product types and common amenity areas. We plan to provide fun recreational areas within the community amenities such as a pool, spa, pavilions, bbq's, pickle ball, playground and two parks. The amenities provided will be part of a Home Owners Association ("HOA"). The HOA will provide exterior building maintenance, landscape and pool maintenance as well as maintenance for all common areas. Outdoor watering will be managed with common area (rather than individual unit) meters - reducing the costs of having individual irrigation meters to each home. The irrigation controllers will be smart to adjust to the weather and current water needs.

In the townhome area we will have two different color pallets and elevations to give variety to the neighborhood. There will be 1 and 2 story plans mixed in the community with a residential single family exterior look. This includes multiple colors, pop outs, courtyards, patios and balconies etc. Please see the attached color pallets and elevations. To meet the city's request of having driveways along Tuscany Drive, we have reversed the townhomes to face south. The one-story townhomes and single family homes along 400 East, Pioneer Parkway and Patricia Drive will have rear backyards and a block wall.

The single-family homes will consist of 4-5 different models. The exterior elevations will consist of traditional/transitional cottage/farmhouse with multiple colors and clean lines. We will be using earth tone colors mixed with warm white and gray/black accents. We want to use a variety of materials and colors to create a custom home feel with each residence being unique. We have attached our color pallets and elevations. We will be offering both two and three (tandem) car garages. We are proposing a front yard setback at 15' to the living area with the garages being at 20'. Additionally, some of the garages will be setback 25' from the sidewalk. We are increasing the side yard building setbacks to 16' from 10'.

We want to create a maintenance free, smart living environment for our future residents. We respectfully request your support of our building a planned residential neighborhood.

## Possible items for Concern-

1. Noise or loud music – Speakers will not be built in outdoor patios, Our CC&R's will not allow for loud music to be played on the patios, clubhouse or the townhouses.
2. Cars and parking – With over 4.0 stalls per townhome unit, abundant parking is being provided. This is well over the current city minimum requirements. Each unit will have 3+ spaces to park along with additional guest parking throughout. We will have driveways along Tuscany Drive to prevent parking along this street.
3. Trash- Each townhome will have its own trash. Also, each townhome will provide an adequate location for trash cans so they are off the streets and out of the way.
4. Security cameras will also ensure that the pool hours are enforced. There will be weekly patrolling and enforcing of street parking looking for those violating parking requirements or any other rules of the HOA.
5. Traffic flow - traffic within the project is designed to mitigate away from the smaller residential streets of Tuscany and Patricia. A double lane access from Pioneer Parkway could help flow traffic directly away from 400 East and Patricia onto the main 80' arterial street. A traffic study has been completed supporting the density and traffic flows generated by the proposed Pioneer Pointe neighborhood.

**SANTA CLARA CITY PLANNING COMMISSION  
MEETING MINUTES  
2603 Santa Clara Drive  
Thursday, March 23, 2023**

**Present:** Mark Hendrickson, Chair  
Ryan Anderson  
Logan Blake  
James Call  
Shelly Harris  
Curtis Whitehead (via Zoom)

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

**Excused:** Mark Weston

**1. Call to Order.**

Chair Mark Hendrickson called the meeting to order at 5:30 p.m.

**2. Opening Ceremony.**

**A. Pledge of Allegiance: Ryan Anderson.**

**B. Opening Comments (Invocation): Mark Hendrickson.**

**3. Communications and Appearances.**

There were no communications or appearances.

**4. Working Agenda.**

**A. Public Hearings.**

- i. Consider a Proposed Rezoning of Property at Approximately 2276 Arrowhead Trail (Parcels #SC-6-2-22-4148, #SC-9-A-12, and #SC-9-A-18, Described as 1.48 acres). Split Rock Construction is Proposing to Rezone the Property from the R-1-10 Single-Family Residential Zone, and the Planned Development Commercial, PDC Zone, to the R-1-6 Single-Family Residential Zone. The Proposed Rezoning is Part of the Process to Allow for a Proposed Single-Family Residential Subdivision.**

Planning and Economic Development Manager, Jim McNulty presented the Staff Report and stated that the applicant is Split Rock Construction. The application is a proposal to rezone a 1.48-acre parcel located at 2276 Arrowhead Trail. The applicant submitted a Concept Plan that included seven

single-family lots with lots ranging from approximately 6,000 to 12,000 square feet in size. The Concept Plan was provided to let the Planning Commission know what was intended to be developed. Mr. McNulty explained that the proposal was to rezone the property R-1-6.

Previously, the item was reviewed by the Planning Commission and the City Council for a General Plan Amendment. A public hearing was held, and a recommendation was made by the Planning Commission on February 23, 2023. The item went to the City Council on March 8, 2023, for consideration. The Council agreed with the amendment, which placed a Medium-Density Residential (“MDR”) land use on the property, in support of the proposed R-1-6 Zone. Mr. McNulty reported that notices were sent to property owners within 300 feet. The property had also been posted. However, no responses were received by staff.

The General Plan Map referenced MDR and single-family structures and townhomes on small lots with a density of three to 12 dwelling units per acre. The proposed rezone application would allow for single-family homes on lots of 6,000 square feet or greater. The use was encouraged by the General Plan. The rezoning consideration per Chapter 17.18.090, contained items for consideration that were listed as A through H. Mr. McNulty reviewed the following:

- A. Is the proposed use suitable in view of the zoning and development of adjacent and nearby property? (Yes.)
- B. Will the proposed use adversely affect the existing use or suitability of adjacent or nearby property? (No.)
- C. Are there substantial reasons why the property cannot or should not be used as currently zoned? (Yes.)
- D. Will the proposed use cause an excessive or burdensome use of public facilities or services, including, but not limited to streets, schools, water or sewer utilities, and police or fire protection? (No.)
- E. Is the proposed use compatible with the purpose and intent of the General Plan? (Yes.)
- F. Will the use be consistent with the purpose and intent of the proposed zoning district? (Yes.)
- G. Is the proposed use supported by new or changing conditions not anticipated by the General Plan? (No.)
- H. Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to the unrestricted use of property? (Yes.)

The rezone application was reviewed by Staff and the City’s legal counsel who believe the proposed rezone is in harmony with the existing single-family neighborhood. Previously, it was recommended that the applicant consider developing the site as a small lot single-family subdivision due to the recently adopted R-1-6 Zone. The applicant was following that recommendation. The State Statute was met per Utah Code Section 10-9a-205.

City Staff recommended that the Planning Commission review the submitted Rezoning Application and determine whether the application was complete. If the application was determined to be complete, Staff recommended that the Planning Commission forward a recommendation to the City Council for their review and consideration of the application, subject to the Conditions of Approval and Findings of Fact outlined in the Staff Report.

Chair Hendrickson opened the public hearing. There were no public comments. The public hearing was closed.

- ii. **Consider a Proposed Rezoning of Property at 400 East/Patricia Drive and Pioneer Parkway (Parcels #SC-SB-90-A-2, and #SC-SB-90-A-4-B, Described as 18.09 acres). The Applicant, Clayton Leavitt, is Proposing to Rezone the Property from the R-1-10 Single-Family Residential Zone to the Planned Development Residential, PDR Zone to Allow for a Proposed Residential Project that would Include Single-Family Homes, Multi-Family Townhomes, and Amenities.**

Mr. McNulty presented the Staff Report and identified the applicant as Clayton Leavitt. He noted that a number of residents were present to hear more about the item. The applicant was requesting a rezone for the 18.09-acre property located at 400 East/Patricia Drive and Pioneer Parkway. The property is currently zoned R-1-10 Single-Family Residential and the applicant was proposing to rezone it to the Planned Development Residential (“PDR”) Zone, to allow for a proposed residential project that would include single-family homes, multi-family townhomes, and amenities.

The applicant has been working with City Staff on the project design for several months. Mr. McNulty reported that the item was discussed several times during weekly Technical Review Committee Meetings and on May 4 and June 1, 2022, during City Council Work Meetings. He noted that a number of residents attended those Work Meetings. Mr. McNulty shared renderings and reviewed the Project Plan Review Items with the Commission:

1. Residential Unit Count: The Project Plan includes a total of one hundred forty-four (144) units on 18.09 acres of property. This equates to a density of 7.96 units/acre. A total of 69 single-family lots/pad lots are proposed along with 75 multi-family townhomes units. The PDR Zone allows for a base density of 8 units/acre. The applicant is not requesting a density bonus for the project. The PDR Zone allows for a potential density bonus that reaches up to 12 units per acre, but the Project Plan proposes 7.96 units per acre.
2. Project Phasing Plan: A Phasing Plan has been included for the overall project. A total of 8 phases have been proposed including, Phases 1A, 1B, 2, 3, 4, 5, 6, and 7. The Phasing Plan will be required as part of the Planned Development, PD Subdivision review process.

Phase 1A proposed single-family lots that would front Patricia Drive. Lots 1 through 7 were approximately 8,000 square feet in size with Lots 8 through 14 being 6,000 square-foot lots. Phase 1B was on the interior and included smaller pad lots with single-family detached housing. The pool and restroom facilities would also be included in that phase. Phase 2 would include single-family

homes and pickleball courts. Phase 3 would include more of the single-family pad lot homes as well as Phase 4 to the south. Phase 5 would transition to the north and include multi-family townhomes. Phase 6 included multi-family townhomes as did Phase 7 of the proposed project. Some of the townhomes for Phase 7 were proposed to back onto 400 East.

3. Building Design/Materials/Height/Setbacks: Chapter 17.68 requires the review of building design, building materials, building height, and building setbacks. The Project Plan includes both single-family homes and multi-family townhomes as follows:
  - Single-Family Home Lots/Pad Lots. Both one-story and two-story traditional home designs were proposed for the single-family lots. Home sizes will range from 1,500 to 3,000 square feet. Four to five different models with varying elevations and materials, including multiple brick and stone options, along with stucco, and tile roof options. Rambler homes will be approximately 20 feet in height, with two-story homes being 27 feet in height. Lots 1 – 14 (traditional lots) will have a 20-foot front yard setback, with 8-foot side yards, and a rear yard of 10 feet. Lots (pad lots) 31 - 44 and 46 – 69 will have a front yard setback of 15 feet to living space, with 20 feet to the garage. The side yard setback will be 16 feet between each building, with a rear setback of 10 feet.
  - Single-Family Pad Lot/Narrow Homes. The smaller/narrow pad lot single-family homes will include a two-story design. Homes sizes will range from 1,700 to 1,850 square feet. Four different models with varying elevations and materials, including multiple brick and stone options along with Hardie Board, stucco, and tile roof options. The two-story homes will be approximately 25 to 27 feet in height. Lots 15 – 30, and 45, will have a front yard setback of 15 feet to living space, with 20 feet to the garage. The side yard setback will be 16 feet between each building, with a rear setback of 10 feet.
  - One-Story Townhomes. These units include two bedrooms and two bathrooms homes with a one-car garage and two-car driveway. The proposed units would be approximately 985 to 1,100 square feet in size. A two-car driveway will be included in front of each unit. Two different color palettes with a variety of building materials including brick and stone, Hardie Board, stucco, and tile roof options are proposed. The one-story townhomes will be approximately 22 feet in height. Units 70, 74, 75, 79, and 80 – 94 will have a front yard setback of 15 feet to living space, with 20 feet to the garage. The side yard setback between buildings will be 12 feet with a rear setback of 10 feet.
  - Two-Story Townhomes. These units include 3 and 4 bedrooms, and 2.5 baths with a two-car garage and two-car driveway. The proposed units will be 1,400 to 1,600 square feet in size. Two different color palettes with a variety of building materials including brick and stone, Hardie Board, stucco, and tile roof options are proposed. The two-story townhomes will be approximately 27 feet in height. Units 95 – 126 will have a rear/front yard driveway depth of 20 feet, with a side yard setback of 15 feet between buildings. The front yard will include a courtyard patio that fronts a green court area. Units 127 – 144 will have a rear yard/front yard driveway depth of 20 feet along Tuscany Drive, with a side yard setback of 15 feet between buildings. The front yard for these units is approximately 20 feet to the face of the building; however, an

8-foot courtyard patio will be allowed in the setback area allowing for 12 feet from the back of the sidewalk to the courtyard.

In the Project Plan, the one-story townhomes were the three buildings that backed onto 400 East. Some of the buildings incorporated two-story walk-ups with rambler units on the ends. The townhomes that fronted onto Tuscany Drive were two-story walk-up townhomes. The ramblers or two-story homes could be on any of the 14 lots shown, as well as the larger pad lots. The narrow pad lots would have the Single-Family Pad Lot/Narrow Homes design. The setbacks would have a front yard of 20 feet and side yards of eight feet, with a rear yard setback of 10 feet.

With the pad-style lots, similar to the area across the street and the south, the request was for 16 feet of separation between buildings. Mr. McNulty explained that this would make the development feel less compact and allow for a driveway and potentially some parking. As a result of that request, those units were shown to be 16 feet apart. In terms of the front setback to the living space, the request was for 15 feet to the living space but 20 feet to the garage with a depth of 20 feet for the driveway. There would be 16 feet between buildings and a 10-foot rear yard. Mr. McNulty clarified that this would apply to the detached product. As for the multi-family product, the one-story townhomes could also have 15 feet of living space but 20 feet to the garage. There would be 12 feet of separation between the buildings, which was slightly greater than the Building Code required, as the Building Code required 10 feet of separation. The two-story townhomes could also have setback variations. A request was made that there be a rear-load garage facing Tuscany Drive because there were parking issues in the area.

4. **Open Space:** Chapter 17.68 requires at least 30% of a project area to be in common open space. The Project Plan includes approximately 33.83% (6.12 acres) of open space being proposed for the overall project. The applicant will be required to work with City Staff during the PD Subdivision review for each project phase to verify these calculations.
5. **Project Amenities:** Chapter 17.68 requires project amenities including recreational facilities such as tennis courts, playground equipment, swimming pool, clubhouse, and other common amenities such as outdoor cooking/eating areas, gazebo, or gardens. The Project Plan, Phase 1B includes restrooms, a pool, a hot tub, and an outdoor seating (covered and uncovered) area for the community. Additional open space areas with gazebos and barbecues have been shown in Phase 4, Phase 6, and Phase 7. Phase 2 includes three (3) pickleball courts. A series of walking paths providing a connection for residents to these amenity areas has also been included in multiple project phases. The applicant will be required to work with City Staff during the PD Subdivision review for each project phase to verify the project amenities as per the Phasing Plan.
6. **Public Trail Access:** An eight-foot asphalt public trail along 400 East has been shown on the Project Plan. This trail is required as per the 2018 Trails Master Plan. This required trail will tie in with the existing section of trail along the 400 East frontage of the Tuscany project, which provides a connection to other trails in the area. This will be reviewed during the PD Subdivision review process.
7. **Landscaping and Water Efficiency:** Chapter 17.68 requires project landscaping and puts standards in place for the PD Zone. Section 17.68.050 discusses landscape design

and water conservation principles. The final landscape and irrigation plans will be required to comply with City Ordinance #2022-05 (Water Efficient Landscaping and Conservation Standards). A secondary water connection will be required for outdoor water use. The applicant has provided a preliminary landscape plan; however, a more thorough review with additional details (landscaping and irrigation) will be required during the PD Subdivision review process.

8. **Public Road Cross-Section:** The Project Plan includes a required 45-foot public road cross-section within the interior of the project. This includes 30 feet of asphalt, 2.5 feet of curb, and gutter on either side, with a five-foot sidewalk on each side of the road allowing for good pedestrian access and movement. Additionally, improvements such as but not limited to curb and gutter, park strip, sidewalk, and trails will be required along Patricia Drive (50-foot public street), Pioneer Parkway (70-foot public street), and 400 East (66-foot public street). The applicant will be required to work with city staff and comply with all department recommendations during the PD Subdivision review process.
9. **Private Driveway Cross-Sections:** The Project plan includes two (2) private driveways at 26 feet. Each private driveway would provide access to two (2) single-family pad lots (Units 38-39, and 59-60). The applicant will be required to work with City Staff and comply with all department recommendations during the PD Subdivision review process.
10. **Parking:** The Project Plan includes a total of 281 parking spaces for the 75 multi-family townhome units. This equates to 3.75 parking spaces per unit. An additional 20 parking spaces have been provided adjacent to the project amenities in the center of the property. Chapter 17.32 requires two (2) parking spaces per unit, one covered and one uncovered. Each of the single-family lots/pad lots have been designed to include a two-car garage with a two-car driveway. It appears that sufficient parking has been provided for the project. The project parking will be reviewed during the PD Subdivision review process.
11. **Project Utilities:** Utilities (e.g., water, sewer, power, gas, etc.) are required for the project. A secondary water connection will be required for outdoor water use. The applicant will be required to work with city staff and comply with all department recommendations during Preliminary Subdivision Plat and Final Subdivision Plat review for each phase.
12. **Soils Report:** A Geotech Report (Subsurface Investigation) was done by Applied Geo-Tech and was submitted for the property. It appears that expansive clay was encountered in multiple site locations (north and south); however, the site is suitable to support residential slab-on-grade construction provided that the report recommendations are implemented during construction. The applicant will be required to work with city staff during the PD Subdivision review for each project phase to determine compliance.
13. **Traffic Study:** A Traffic Impact Study (“TIS”) was done by Hales Engineering and submitted for the property. Two project accesses were assumed, which resulted in an

acceptable level of service (“LOS”) at intersections; however, a third access was also considered on Patricia Drive. The third access would improve the internal circulation of the project. Since the report was submitted, the project has been redesigned to include a row of single-family lots along Patricia Drive without access to the interior of the site. This was done to tie in with the existing single-family neighborhood in the immediate vicinity. Access will be gained off Pioneer Parkway and 400 East.

14. Project Narrative: The applicant has submitted a project narrative for your review and consideration. City Staff asked the applicant to update this item to match the Project Plan. It’s likely that Commission will have questions for the applicant during the meeting.
15. Block Privacy Wall: A six-foot solid block privacy wall will be required along Pioneer Parkway and 400 East. This item will be further reviewed during the PD Subdivision process.

Mr. McNulty reported that notices were sent to all property owners within 300 feet. Additionally, the property was posted with signs. Since then, several phone calls and emails had been received from members of the public. Those comments were shared with the Planning Commission. As for the General Plan, the designation for the property was MDR. He shared a map from the General Plan and pointed out the subject property, which had an MDR Land Use Designation. The proposed Project Plan/Rezone application included small lot single-family homes, townhomes, open space, and amenities for residents. The proposed uses were encouraged by the General Plan.

The rezoning consideration, as per Chapter 17.18.090, had several items for consideration, which were listed as A through H. Mr. McNulty reviewed the following items on the list:

- A. Is the proposed use suitable in view of the zoning and development of adjacent and nearby property? (Yes.)
- B. Will the proposed use adversely affect the existing use or suitability of adjacent or nearby property? (No.)
- C. Are there substantial reasons why the property cannot or should not be used as currently zoned? (No.)
- D. Will the proposed use cause an excessive or burdensome use of public facilities or services, including, but not limited to streets, schools, water or sewer utilities, and police or fire protection? (No.)
- E. Is the proposed use compatible with the purpose and intent of the General Plan? (Yes.)
- F. Will the use be consistent with the purpose and intent of the proposed zoning district? (Yes.)
- G. Is the proposed use supported by new or changing conditions not anticipated by the General Plan? (No.)

- H. Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to the unrestricted use of property? (Yes.)

Mr. McNulty referenced Utah Code Section 10-9a-205. All of the requirements as far as noticing had been met. The applicant worked with City Staff to provide a Project Plan design that included both single-family homes and multi-family homes. That work had been taking place for several months. 52% of the proposed units were multi-family townhomes with 48% being single-family lots or pad lots. The density being requested was 7.96 units per acre and the base density in the PD Zone allowed for 8 units per acre, with provisions for a density bonus. That density bonus could be pursued for a total of 12 units per acre. The applicant had worked with City Staff and wanted to comply with the base ordinance rather than ask for additional density.

City Staff recommended that the Planning Commission review the submitted Rezoning Application and Project Plan to determine whether the application was complete. If the application was determined to be complete, City Staff recommended that the Planning Commission forward a recommendation to the City Council for their review and consideration of the application, subject to the Conditions of Approval and Findings of Fact outlined in the Staff Report.

Chair Hendrickson opened the public hearing.

*Chase Jensen* gave his address as 3920 London Lane. He expressed his support for the Project Plan and appreciated that the developer was willing to create buffers between the existing neighborhoods. He also thought the design was well thought out. Mr. Jensen noted that it is difficult for a lot of people to purchase homes. This type of development would be ideal for families that are starting out. Many people want to live in Santa Clara and this development would make it possible for people of different ages to live in the city. His one concern had to do with the traffic on Pioneer Parkway. Currently, there is no middle turn lane. That was something that should be considered as the process continues to move forward.

*Dyle Bond* gave his address as 2255 Jacob Drive. He had a petition signed by approximately 80 residents. That petition was presented to the Commission. The request was that the zoning not be changed. Some of the signatures were from Santa Clara residents and some were from Ivins. Mr. Bond explained that previously, Mr. Leavitt stated that he had spoken to some people in Ivins. Based on the people he had spoken to in Ivins, there was no support for a zone change. Mr. Bond pointed out that Tuscany Drive was already full of vehicles from the existing residences. He expressed concerns about parking and the storage of equipment and other types of vehicles.

*Ann Pritt* gave her address as 3918 Madison Avenue. She liked a lot about the plan that had been presented but was concerned about traffic and the road out to Pioneer Parkway. There are already challenges with Patricia Drive and Pioneer Parkway. With 144 units planned for the development, that equates to approximately 288 more vehicles. There is already a lot of traffic in the area, and she was worried about adding more. A traffic light would likely need to be installed between Patricia Drive and Pioneer Parkway as well as between Pioneer Parkway and the old highway. Ms. Pritt explained that she bought her home on Madison Avenue approximately five years ago. Over the last few years, sirens were audible more often. That meant there were a lot more issues in the area than before. With all of the additional vehicles, there was a higher likelihood that there would be traffic-related accidents. Proper planning was needed.

*Ann Evans* gave her address as 3772 Nicholas Drive and distributed a handout to the Commission. She noted that the City was looking at one plot of land but there are already 11 developments in that area. The handout she distributed listed the names of the different developments. There are a lot of units nearby already and the addition of another 144 would increase that further. The only development that is single-family homes is Bella Sol. She stressed the importance of looking at the development in a broader context. Ms. Evans also expressed concern about the water and utilities in the area. She asked that the Commission consider all of the implications.

*Patricia Bauman* gave her address as 2340 Patricia Drive. She appreciated all of the work that had been done on the Project Plan since the initial presentation that was made to the City Council. Ideally, she wanted to see the subject property be zoned R-1-6 and for the townhomes to be removed. That was more in line with what was nearby and would create more of a buffer. That being said if the development was approved as presented, she hoped there would be some assurance that once the zone was changed, the smaller lots would not become townhome lots.

*Doug Carroll* reported that he lives in Village on the Heights. He found the current process to be unnecessary. The applicant can develop single-family homes. Mr. Carroll believed that the proposed development would diminish the quality of life in Santa Clara. As for water, Ivins is already looking at water and there seemed to be a shortage. He asked the Planning Commission to examine the proposed development and determine whether it adds to the community.

*David Pond* gave his address as 2322 Joshua Circle. He echoed some of the comments previously expressed but had concerns about affordability. Mr. Pond was also concerned about parking in the area and that there will be a bottleneck with two primary access points. In addition, if the zoning is allowed to change, he wondered what would prevent Mr. Leavitt from changing the density from what was presented to the Commission. He was not opposed to development but wanted to see the area remain in the R-1-10 Zone. There needed to be some consistency with single-family homes in the neighborhood.

Mr. McNulty clarified some of the comments shared. He noted that there had been comments about preventing single-family lots from becoming multi-family. There will be a public hearing at the Planning Commission level and then the application will move forward to the City Council for a public meeting. The City Council is the legislative body that will grant approval or denial of the rezoning. A Project Plan is required for a PDR Zone. This particular Project Plan was part of an entitlement. If the property is rezoned, the Project Plan will run with it, if approved, and then an ordinance will be adopted by the City. It will state that the development will not exceed 144 units consisting of 69 single-family, 75 townhomes, and a maximum density of 7.96 units per acre. All of that will run with the entitlement and any ordinance adoption.

*Adam Ellis* gave his address as 2288 Julie Drive. He read a letter from someone who was unable to attend tonight's meeting in person. The letter was from Michael Cain, who resides at 2286 Joshua Circle. He noted that Joshua Circle is the only existing neighborhood in Santa Clara north of Pioneer Parkway that is zoned R-1-10. Mr. Cain shared information about his background and explained that the majority of residents living in the higher-density Blackhawk are typically in transition with plans to reside somewhere else in a few months or years. On the other hand, those in single-family homes normally intend to stay for many years. Those residing in single-family neighborhoods consider it to be their home and want to invest in and contribute to the community.

Mr. Cain felt that communities like Santa Clara need to have higher-density and lower-cost housing available but the issue was when the proportion of higher-density housing is out of balance with single-family residences. The zoning map lacked balance in the placement of higher density. He believed that rezoning this particular property will create an even greater imbalance in that part of the City. Mr. Ellis, speaking for himself, noted that if the area off of Patricia and Tuscan Drives becomes a school at some point, the traffic will become worse.

*David Healey* was present to represent his father who owns a home in the community. Some of his main concerns had already been mentioned relating to traffic and infrastructure. He wondered if there was a plan in the future to have traffic lights installed or if the roads will be widened. He also inquired about the price point of the homes.

Mr. McNulty clarified some questions regarding Pioneer Parkway. It is an arterial roadway and includes an 80-foot cross-section. There is currently one lane of travel in each direction but at some point, there could be two travel lanes in each direction with a center turn lane, which does not exist currently. An arterial roadway is designed to handle 10,000 to 20,000 vehicle trips per day if not more. Presently, there were just over 10,000 average daily trips based on studies that had been completed and submitted to the City. There is a lot of room for growth still. Commissioner Blake reported that Pioneer Parkway was not striped for as many lanes as it can accommodate. There is also another five-lane arterial road being planned by the MPO that could be built in the near future. He noted that there are lights planned there as well.

*Art Pansine* gave his address as 3866 Nicholas Drive. He moved to Santa Clara last summer but had been concerned about density in the neighborhood. As a result, he checked the zoning in the area before purchasing his home. If the proposed development is approved, the neighborhood would change dramatically. It will add to parking problems, traffic problems, and crime. The area would never again be described as serene and home values will decrease. Mr. Pansine wanted to know what the purpose of the General Plan is and if it could change so dramatically in such a short period of time. He pointed out that the area is already densely populated and wondered why that particular portion of the City had the most density.

*Brenda Vincent* gave her address as 3580 Windmill Drive. She wondered if the City would stipulate that the owner of the property with an Internal Accessory Dwelling Unit (“IADU”) would be required to use it as their primary residence. That way, there would not be a renter renting out the IADU. She wanted to see long-term investment in the community. City Staff explained that a primary unit needs to be owner-occupied but that is not necessarily relevant to this project. Ms. Vincent pointed out that some of the units will have an IADU, so she felt that her comment was relevant. It was clarified that whether there is an IADU would be up to a future owner and not something that was specifically proposed by the applicant. Mr. McNulty explained that the narrative stated that there would be an option for IADUs as mandated by the State.

Ms. Vincent asked about the secondary source for irrigation. It was clarified that the City has a secondary water system. One of the requirements, if the project was approved, was that improvements would need to be put in to allow for secondary water or irrigation water. Ms. Vincent thought the development was strong overall but still had some concerns.

*Joshua Jackson* gave his address as 3892 Nicholas Drive. He understood that in these types of situations, the zoning says one thing and the residents said another but the Commission needs to follow the zone. In this instance, the zoning is on the side of the residents. Mr. Jackson was grateful for the work done by City Staff and the developer on the project. However, the additional units would add to the issues that already exist in the area. The Planning Commission had the opportunity to support the existing zone and listen to the concerns of the residents.

*Meredith Pond* gave her address as 2322 Joshua Circle. Her concern had to do with the daily lives of the residents. The neighborhood is being turned into an island surrounded by denser housing. This is not good for property values or long-time residents. All of the density makes it less desirable to live in Santa Clara. The overwhelming majority of people at the Planning Commission Meeting were asking for the existing zoning to remain.

*Russell Goode* gave his address as 3988 Madison Avenue. He expressed concerns about the proposed multi-family homes and asked the Commission to consider the residents.

*Alison Snyder* gave her address as 2326 Jacob Drive. Her concerns aligned with many of the others in the community. She felt that the proposed development will diminish the quality of life for existing Santa Clara residents. One of her main concerns pertained to the lack of parking in the development. There was nothing in the plan related to overflow parking or parking for trailers, boats, or RVs. The subdivisions, Tuscany and Blackhawk, were forced to park along Tuscany Drive as it is not possible to park a full truck in the driveway at Blackhawk without overlapping onto the sidewalk. This was due to the density. The proposal was almost double the number of units in Blackhawk. She felt that the number of units needs to be reduced and did not believe high-density should be concentrated in only one portion of the City. It should be spread out. Ms. Snyder also pointed out that high density does not necessarily equal affordability as rents were high.

*Shannon Smith* gave her address as 3842 Tuscany Drive Unit #9. Her plan was to remain in Santa Clara and raise her family in the community. She had not heard any comments related to children. Ms. Smith is a teacher and advocate for children. After living on Jacob Drive and then in Blackhawk, she was concerned about safety. There were trucks, SUVs, boats, and trailers that drive on Tuscany Drive or come in for the baseball tournaments. It was important to think about how the community should be and how to make the area safer for all. If there is a school built in the area in the future, there will be a lot of dangerous conditions based on the current layout.

*Doug Wells* gave his address as 3842 Nicholas Drive. He loves Santa Clara and stated that it is a desirable place to live in. It becomes less desirable the more high-density that is built. There was not much available in a single-family format at the current time. Mr. Wells asked that the Planning Commission deny the rezone and provide opportunities for families to live in single-family homes.

Mr. McNulty referenced Bella Sol, which had already been mentioned, but noted that Solace will have 128 single-family lots, 21 of which were currently under construction with improvements. There will be 128 new single-family homes in the area adjacent to Bella Sol. He asked residents to consider that when discussing the number of single-family homes in the community.

*Paul Boyer* gave his address as 2294 Julie Drive. His home was purchased in 2002 and he thought it would be his last home. That being said, he was now considering leaving Santa Clara. It seemed that

the intention was to have more density and he was not certain that the comments from residents will change the decision of the Planning Commission. He was not supportive of the application.

*Harold Welling* gave his address as 1836 Red Mountain Drive. He stated that each project that comes in seems to build off of the last one. For instance, zoning changes were permitted because zoning changes had been permitted for previous projects. He did not want to see that pattern continue in the future.

*Mr. Goode* shared additional comments with those present. He encouraged the residents in the audience that live in the Village on the Heights to speak out as well.

*Caron Jenson* gave her address as 3823 Madison Avenue. She moved to Santa Clara in 2010 and loved living in the City. She did not object to single-family housing but felt that the high-density housing was ruining the landscape. There were not the same kind of views as before. Ms. Jenson also noted that residents have been asked to watch how much water they used but despite this, more and more development was occurring. Those residences would utilize water.

*Ms. Snyder* shared an additional comment. She noted that Blackhawk, according to someone who lives there, is supposed to be 50% owner-occupied, but it is not. There are approximately 10 units out of 88 that are owner-occupied and everything else was rented. Ms. Snyder explained that there was little enforcement to ensure that the promises made were actually followed. It was noted that it was the responsibility of the Homeowners Association (“HOA”) to enforce the Covenants, Conditions, and Restrictions (“CC&Rs”) in that particular development.

*Christine Jackson* gave her address as 3892 Nicholas Drive. With Blackhawk, she had seen that the people living there move in and out all the time. As a result, not a lot was provided to the community because there was a lack of consistency. When there is a single family home neighborhood, there was a greater feeling of community, which is important for the City. Her other concern had to do with the area behind Nicholas Drive. Everything there is either vacation homes or high-density housing. She noted that with more people there is more crime. In addition, she was concerned about the water and electricity available to the community.

*Ann Hughes* gave her address as 2223 Sheron Drive. All of her friends and neighbors were opposed to the rezone. Everyone she knew liked the way it was currently zoned.

The applicant, Mr. Leavitt, stated that he is a resident of Santa Clara and has been for more than 25 years. He is invested in the community and cares about what is developed. When the property was purchased, the General Plan was looked at very closely. It is an area that the City designated in 2014 for MDR. Mr. Leavitt noted that he has nephews and nieces who want to live in Santa Clara but it is not possible for them to find a place to live. The proposed development could address a need that currently existed within the community.

A lot of time had been spent reviewing various plans and speaking with City Staff and residents. Though a lot of the comments during the public hearing requested that there be single-family homes, over one-third of the project has expansive clays. There needs to be some creativity to address that so the PDR requirements were examined and there would be some open common areas. He noted that the General Plan encouraged building on smaller lots if there were soil issues.

Mr. Leavitt discussed the developments that were around the site. There was planned development to the south and the north. A number of residents to the east also shared comments. He wanted to take all of the comments into account and stressed the importance of transitions in density. There is high density to the north of the property, so the intention was to be compatible with what already exists. One of the reasons there are smaller single-family pad lots proposed was because that particular area was next to the attached townhomes. That would create a transition. Mr. Leavitt believed that the plan presented was excellent as it considered the surrounding areas.

The intention was to follow the General Plan, which Mr. Leavitt believed the proposal did. He informed residents that the project would be high quality. The plans showed that everything was above and beyond in terms of the level of detail on the townhomes. There were balconies, front yard courtyards, and a focus on water conservation. The water fees increased on January 1, 2023, and he did not want to burden the residents with those additional expenses. As a result, a water-focused plan had been presented. There needed to be a water-efficient product.

Mr. Leavitt believed that the product would increase values in the surrounding areas. It would be a high-quality development. He noted that there had been comments related to IADUs. They were encouraged in the General Plan and it was important for people to have the opportunity to rent a portion of their home or take care of an older family member. As for the price point, he was not certain that those could be shared at the current time because the market continues to change. He felt confident that the design and the detail would be superior to a lot of what existed currently.

Mr. Leavitt pointed out that there had been comments about a sense of community. The intention was to build homes for families. It would be a beautiful community for all who live there. He reported that the CC&Rs will control the on-street parking. Typically, on-street parking would be permitted for 48 hours in the neighborhood. There is a lot of parking available and the lots were widened so it was possible to place an extra driveway on the single-family lots.

Commissioner Anderson wanted to know what the HOA dues would be. Mr. Leavitt reported that it was too early to state for certain but there was a desire for them to be under \$100. Commissioner Anderson asked how the owner-occupied ratio would be enforced. Mr. Leavitt was not certain. It was noted that the City does not currently have any ordinances that require units to be owner-occupied. As a result, it is not possible to impose that. State Law allowed CC&Rs to restrict units to a certain percentage of owner-occupied, but that was done through the HOA. City Attorney, Matt Ence, reported that the HOA or property owner have the right to enforce CC&Rs in their own subdivision. It was not something that the city is able to enforce.

Commissioner Blake understood that Mr. Leavitt spoke to residents previously. He wondered if that was the main reason there was no access to Patricia Drive. This was confirmed. Commissioner Blake noted that the circulation would be better if there was access there. He wanted to know if there were plans for pedestrian access. Mr. Leavitt reported that off of Tuscany, there are a few areas where it was possible to enter and exit the project. There had been a lot of discussions with residents and those residents made it clear that access off of Patricia Drive was not supported. He pointed out that the townhomes along Tuscany Drive are now reversed and had the driveways there. That meant it was not possible for people to park on the street.

Commissioner Blake referenced a comment during the public hearing related to safety for children. He noted that the internal streets are fairly standard. Those streets also provide places for children

without having to walk down a much larger street like Pioneer Parkway. If there ever was a school built to the east, it would be good to have a way for children to stay interior without needing to leave the development. In the previous plan, there were a few access points coming off of Patricia Drive. That could be done next to Lot 14. Mr. McNulty pointed out the pedestrian access next to 127, between 132, 133, 138, and 139. It would be possible to add another pedestrian access point somewhere on the site off of Patricia Drive if that was desired.

Renderings and elevations were shared with the Planning Commission for additional reference. Mr. McNulty reported that the zone allowed for heights that were up to 35 feet for two-story homes. The elevations presented ranged from 19.9 feet to approximately 28 feet. Even the narrower homes included in the Project Plan were proposed to be 28 feet.

Council Member Call noted that after the Planning Commission made a recommendation, the application would move forward to the City Council for approval. It was the City Council that would make the legislative decision. Mr. Ence explained that the Planning Commission is a recommending body that is utilized by the City to receive feedback. The recording and meeting minutes would be available to the City Council. The City Council, as the elected legislative body of the City, by law has a significant amount of deference to make a decision on the matter.

Mr. Ence referenced comments made about the zoning versus the General Plan. He clarified that the application was to change the zone but underlying the zoning, there is the General Plan that was adopted by the City. When the General Plan was adopted, there was an extensive process where feedback was received from residents. Multiple meetings were held as well as surveys and discussions. Ultimately, the General Plan was adopted, which included the map that had been shown. He reported that the area in question had been designated MDR. The current R-1-10 Zone complied with MDR, but the proposed zone amendment would also comply with the General Plan.

There were no further comments. Chair Hendrickson closed the public hearing.

## 5. General Business.

### A. Recommendation to City Council.

- i. Recommendation to the City Council to Consider a Proposed Rezoning of Property at Approximately 2276 Arrowhead Trail (Parcels #SC-6-2-22-4148, #SC-9-A-12, and #SC-9-A-18, Described as 1.48 acres). Split Rock Construction is Proposing to Rezone the Property from the R-1-10 Single-Family Residential Zone, and the Planned Development Commercial, PDC Zone to the R-1-6 Single-Family Residential Zone. The Proposed Rezoning is Part of the Process to Allow for a Proposed Single-Family Residential Subdivision.

Commissioner Harris moved to recommend that the City Council APPROVE the proposed rezoning of property at approximately 2276 Arrowhead Trail (Parcels #SC-6-2-22-4148, #SC-9-A-12, and #SC-9-A-18, described as 1.48 acres), subject to the following:

#### Conditions:

1. That the proposed property Rezoning complies with Chapter 17.18.090 items below:
  - a. The proposed use is suitable in view of the zoning and development of adjacent and nearby property;
  - b. The proposed use will not adversely affect the existing use or suitability of adjacent or nearby property;
  - c. There are substantial reasons why the property cannot or should not be used as currently zoned;
  - d. The proposed use will not cause an excessive or burdensome use of public facilities or services, including, but not limited to streets, schools, water or sewer utilities, and police or fire protection;
  - e. The proposed use is compatible with the purpose and intent of the General Plan;
  - f. The proposed use is consistent with the purpose and intent of the proposed zoning district;
  - g. The proposed use is not supported by new or changing conditions anticipated by the General Plan; and
  - h. The proposed use does reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to the unrestricted use of property.
2. That the applicant be required to go through the Subdivision Review process (Preliminary and Final Plat).

**Findings:**

1. That the Rezoning is compliant with the Santa Clara City General Plan, Section 3.4.1, Residential Land Uses (Medium Density Residential, MDR).
2. That the R-1-6 Single-Family Zone allows for homes on lots of 6,000 square feet or larger.
3. The properties to the north are zoned PDC, properties to the south and west are zoned R-1-10, with the R-1-6 Zone being an appropriate transition in between these land uses.

**Commissioner Blake seconded the motion. The motion passed with the unanimous consent of the Commission.**

ii. **Recommendation to the City Council to Consider a Proposed Rezoning of Property at 400 East/Patricia Drive and Pioneer Parkway (Parcels #SC-SB-90-A-2, and #SC-SB-90-A-4-B, Described as 18.09 acres). The Applicant, Clayton Leavitt, is Proposing to Rezone the Property from the R-1-10 Single-Family Residential Zone to the Planned Development Residential, PDR Zone to Allow for a Proposed Residential Project that Would Include Single-Family Homes, Multi-Family Townhomes, and Amenities.**

Chair Hendrickson asked that the Commission discuss the application. Commissioner Call liked the project and the plan presented. It was important to have these types of projects and transition areas. There was some discussion about affordability during the public hearing. He acknowledged that there seemed to be a struggle between density and affordability. Commissioner Call had some concerns about water and the impact of the additional residences. At the current time, he was not prepared to support the rezone, because he felt that when a piece of property was purchased, it was purchased knowing what the existing zone was.

Commissioner Blake believed that a lot of issues had been mitigated. For instance, transitioning into single-family homes and to the townhomes to the north. He shared information about the General Plan. Something that was beneficial about more density in the area was that it supported the commercial offerings. Commissioner Blake thought the plan was well thought out but wished there was more circulation. He understood why there was no access on Patricia Drive as it seemed to be an attempt to meet halfway with the neighbors. This was a good project and it was something that was needed in Santa Clara. He supported the rezone.

Commissioner Harris appreciated all the comments shared by residents and the applicant. She agreed with Commissioner Blake and felt that the project demonstrated transition. Commissioner Harris noted that the application was complete and had all of the necessary studies.

Chair Hendrickson had a similar opinion to Commissioner Blake. It was a difficult decision to make and he appreciated all of the comments shared by residents. He spent a lot of time walking around the area and understood the parking issues that existed. Certain concessions had been made in the Project Plan to accommodate the residents, so he was in favor of the application.

Commissioner Whitehead noted that a lot of time had gone into the presentation and he appreciated the hard work. Mr. Leavitt had also taken into account the feelings of those in surrounding areas. Affordable housing was something that was needed in Utah and in Santa Clara and the development could possibly be an answer to that need. However, he struggled to know that there was so much opposition from the neighbors. It was difficult to support the rezone for that reason, even though he liked the idea of the plan and what it would bring to the community.

Commissioner Anderson agreed with many of the comments shared by his fellow Commissioners. He personally liked the project and what it had become after feedback was considered. That being

said, it was important for him to factor in the comments from the public. He noted that the project might be something that residents would like in the future, but change is often difficult.

**Commissioner Blake moved to recommend that the City Council APPROVE the proposed rezoning of property at approximately 400 East/Patricia Drive and Pioneer Parkway (Parcels #SC-SB-90-A-2 and #SC-SB-90-A-4-B, described as 18.09 acres), subject to the following:**

**Conditions:**

- 1. That the applicant shall be required to go through the PD Subdivision Review process for each project phase (overall Preliminary and Final Plats).**
- 2. That a total of one hundred forty-four (144) units on 18.09 acres be allowed as per the Project Plan. This equates to a density of 7.96 units/acre.**
- 3. That a Project Phasing Plan be required for the overall project. That this plan be reviewed for compliance with each project phase.**
- 4. That the building design/materials/height/setbacks comply with the Project Plan as presented by the applicant. That substantial changes to these items require an amendment to the Project Plan.**
- 5. That at least 30% of the project area be in common open space. The Project Plan includes approximately 33.83% (6.12 acres) of open space.**
- 6. That the project amenities be provided and put in place as per the Project Plan and Phasing Plan.**
- 7. That the public trail be put in place as per the Project Plan.**
- 8. That the applicant be required to comply with City Ordinance #2022-05, Water Efficient Landscaping and Conservation Standards. Also, secondary water connections shall be required for outdoor water use.**
- 9. That a 45-foot public road cross-section as per the Project Plan be required for the interior of the project. That a 26-foot private driveway be allowed to access Units 38 – 39, and 59 – 60 only. That future improvements to Patricia Drive, Pioneer Parkway, and 400 East be determined during the PD Subdivision review process.**
- 10. That 281 parking spaces for the 75 multi-family units be provided along with 20 parking spaces adjacent to the amenity areas as per the Project Plan.**
- 11. That the Geotech Report for the project be implemented during construction.**
- 12. That the Traffic Impact Study (“TIS”) for the project be implemented with the exception of a third access to Patricia Drive.**

13. That a six-foot solid block privacy wall be required along Pioneer Parkway and 400 East.
14. That the proposed property Rezoning complies with Chapter 17.18.090 items, (except item c below):
  - a. The proposed use is suitable in view of the zoning and development of adjacent and nearby property;
  - b. The proposed use will not adversely affect the existing use or suitability of adjacent or nearby property;
  - c. There are no substantial reasons why the property cannot or should not be used as currently zoned;
    - i. The applicant intends to do a PD Subdivision with both single-family and multi-family townhomes as per the MDR land use designation of the General Plan.
  - d. The proposed use will not cause an excessive or burdensome use of public facilities or services, including, but not limited to streets, schools, water or sewer utilities, and police or fire protection;
  - e. The proposed use is compatible with the purpose and intent of the General Plan;
  - f. The proposed use is consistent with the purpose and intent of the proposed zoning district.
  - g. The proposed use is not supported by new or changing conditions anticipated by the General Plan;
  - h. The proposed use does reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to the unrestricted use of the property.

**Findings:**

1. That the Rezoning is complaint with the Santa Clara City General Plan, Section 3.4.1, Residential Land Uses (Medium Density Residential, MDR).
2. That the MDR Land Use Designation allows for townhomes, multi-unit buildings, and small single-family structures on small lots.
3. Other properties in the immediate vicinity (north and south) of the site are zoned Planned Development Residential, PDR.

**Commissioner Harris seconded the motion. Vote on motion: Commissioner Anderson-Nay; Commissioner Call-Nay; Commissioner Whitehead-Nay; Commissioner Harris-Aye; Commissioner Blake-Aye; Chair Hendrickson-Aye. The motion failed 3-to-3.**

Mr. Ence reported that since the motion failed, the Planning Commission could continue the discussion and revote. There was discussion regarding what would happen next. For instance, whether the item would move forward to the City Council despite the Planning Commission vote. Mr. Ence confirmed this. If the vote remained, it would move forward to the City Council with no recommendation. The Council would likely prefer to have a recommendation, but if it was not possible to make a recommendation one way or the other, the City Council would consider that.

Commissioner Whitehead wondered what would happen if the item was tabled. He wanted to know if that would impact the result of the vote. It was noted that if the item was tabled, there would need to be a list of specific items to address. For instance, additional information needed to be considered. Mr. Ence explained that if a motion was made to table the application and the reasons were well articulated, that was appropriate. That being said, he did not recommend tabling the item simply because the Commission was not able to reach a decision for approval or denial. For the betterment of the applicant, it would be best to move the item forward.

Commissioner Call noted that Commissioner Weston was not present at the meeting. That vote could break the tie. Mr. Ence did not feel that was an appropriate reason to delay the revote on the item. He suggested moving the item forward as there was currently a quorum of the Planning Commission. The quorum was capable of making a decision. If the Planning Commission did not make another motion, the current motion would move forward. It was determined that a revote would not take place and the item would not be tabled.

**6. Discussion Items.**

**A. None.**

**7. Approval of Minutes.**

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

**Commissioner Blake moved to APPROVE the Meeting Minutes from the March 9, 2023, Santa Clara Planning Commission Meeting. Commissioner Whitehead seconded the motion. The motion passed with the unanimous consent of the Commission.**

**8. Adjournment**

The Planning Commission Meeting adjourned at 7:56 p.m.

*Jim McNulty*

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Jim McNulty

Planning Manager

Approved: April 13, 2023

### **3. General Citizen Public Comment.**

*Devin Ferguson* gave his address as 3790 Nicholas Drive and asked that there be future discussion related to the Gubler Park lighting schedule. He noted that the lights went on at 6:00 a.m. and did not turn off until 11:00 p.m. He stated that it is a waste of City money to keep the lights on when the area is not being used. It is also a nuisance for the neighbors. Mr. Ferguson suggested that maintenance lighting be established so that it will not be as impactful on the neighbors.

*Michael Lee* gave his address as 2312 Jacob Drive and reported that he works as the Risk Manager for the Washington County School District. At a recent Administrative Meeting, there was discussion regarding an inquiry made by the City of Santa Clara. The City wanted to discuss the property adjacent to Gubler Park for a possible purchase. The district was not inclined to sell the property for two reasons. First, there is no other land on that side of the City and the second was due to the level of growth taking place. Mr. Lee informed the Council that part of his pertains to working with Safe Routes to School. As Santa Clara City did its long-term planning, he asked that the public-school land and the traffic generated be considered.

*Justin Caplin* gave his address as 1454 Boys Pond Circle and shared comments related to the Justice Court. There was an item on the agenda that would extend an offer to Jake Graff. Mr. Caplin looked at the applicants and found that all were qualified. He has worked with Mr. Graff on several cases and although they did not always see eye-to-eye, he felt he was a good choice.

*Adam Ellis* gave his address as 2288 Julie Drive. He noted that the term “City Staff” was used in the notes and documents related to proposed developments and zone changes. He wondered who that term described. In some of the meetings he attended, the documents mentioned that a developer who worked with City Staff or City Staff shared a recommendation. He asked for additional information about who is included and their role in decision-making. Additionally, he wanted to know if there were opportunities for community input on projects and proposals before there are discussions at a City Staff level. Mayor Rosenberg reported that City Staff includes the Technical Review Committee (“TRC”), which is where new applications for Building Permits or land development projects start. The Committee meets every Thursday morning, and those meetings include the City Manager, department heads, and so on. He monitors the meetings when possible. The TRC takes the applicant through various processes. All applications are reviewed to ensure that they are complete before moving forward.

Mr. Ellis noted that City Staff spoke to developers and applicants before an item was discussed at a public hearing. He wanted to know if it was possible to share community input beforehand. City Attorney, Matt Ence, explained that TRC Meetings and internal discussions are not required to be public meetings under State Law. The City generally follows a process that is defined by the Municipal Land Use Development and Management Act (“LUDMA”) and City Ordinances. When someone files a land use application on a piece of property that they own, has a contract to purchase, or have rights to, under State Law there is a vested rights doctrine. It means that once someone applies for a certain land use approval, the City has a legal obligation to take them through the process established by law and consider the application under all of the currently applicable

Ordinances and State Laws. That is the primary responsibility of City Staff and is done before public bodies such as the Planning Commission and City Council who can consider the application.

Under those laws, there is no public feedback component until the public meetings take place. The public does have opportunities to request information from the City through a Government Records Access and Management Act (“GRAMA”) request. If there is a particular application or piece of property that is of interest, it is possible to file a GRAMA request related to that. There is a page on the City’s website where residents can make that request. Mr. Ence reiterated that there are ways to obtain information about pending applications but that needs to be done through the appropriate channels. Mr. Ellis believed there should be more transparency beforehand so it would be easier for residents to respond to various applications.

*Tom Pritt* gave his address as 3918 Madison Avenue and shared comments related to zoning changes specifically related to Item 5 under the General Business portion of the City Council Meeting agenda. He had concerns about the area and asked that the rezone be denied.

*Dahl Bond* asked the City Council and Mayor to consider senior citizens when making changes in the City. It is important to consider noise, pollution, traffic, and costs. Mr. Bond also asked the City to consider residents who are handicapped and cannot walk along busy streets quickly or need wheelchairs. He felt it was important to consider everyone when making decisions.

There were no further citizen comments. The comment period was closed.

#### **4. Conflicts and Disclosures.**

Mayor Rosenberg disclosed that he had a conflict with Items 3 and 4 listed under the General Business portion of the City Council Meeting agenda. He explained that his wife is a Den Leader with Cub Scout Pack 407 and the firm he is employed by is connected to the rezone application for Item 4. There were no additional conflicts or disclosures shared by the Council.

#### **5. Working Agenda.**

##### **A. Public Hearing.**

##### **i. Consent Agenda.**

##### **a. Approval of Claims and Minutes:**

- **March 22, 2023, Regular City Council Meeting Minutes.**
- **Claims Through April 12, 2023.**

**Council Member Hinton moved to APPROVE the Consent Agenda, as presented. Council Member Drake seconded the motion. Vote on motion: Council Member Shakespeare-Aye; Council Member Mathis-Aye; Council Member Hinton-Aye; Council Member Drake-Aye; Council Member Waite-Aye. The motion passed unanimously.**

**Council Member Shakespeare seconded the motion. Vote on motion: Council Member Shakespeare-Aye; Council Member Mathis-Aye; Council Member Hinton-Aye; Council Member Drake-Aye; Council Member Waite-Aye. The motion passed unanimously.**

- v. Discussion and Action to Consider a Proposed Rezoning of Property at 400 East/Patricia Drive and Pioneer Parkway (Parcels SC-SB-90-A-2 and SC-SB-90-A-4-B, Described as 18.09 acres). The Applicant, Clayton Leavitt is Proposing to Rezone the Property from R-1-10 Single-Family Residential to the PDR Zone to Allow for a Proposed Residential Project that would include Single-Family Homes, Multi-Family Townhomes, and Amenities. Presented by Jim McNulty, City Planner.**

Mr. McNulty reported that the applicant, Clayton Leavitt, with Oak Creek, requested to rezone property at 400 East/Patricia Drive and Pioneer Parkway (Parcels #SC-SB-90-A-2, and #SC-SB-90-A-4-B). The subject property is 18.09 acres in size. The applicant has been working with City Staff on the project for several months. The item was discussed at multiple TRC meetings. Additionally, there were some discussions during Work Meetings with the City Council last year. One of those Work Meetings took place on May 4, 2022, and another on June 1, 2022.

Mr. McNulty reported that a Project Plan is required for a petition to rezone the property to a PD Zone. In this case, the request was to rezone from the R-1-10 Single-Family Residential Zone to the PDR Zone. The PDR Zone requires that a lot of information be submitted to the City during the application process. He reported that the project needs to meet the criteria of the PDR Zone. Mr. McNulty shared the Project Plan Review Items list with those present, which included:

1. **Residential Unit Count:** The Project Plan includes a total of one hundred forty-four (144) units on 18.09 acres of property. This equates to a density of 7.96 units/acre. A total of 69 single-family lots/pad lots are proposed along with 75 multi-family townhomes units. The PDR Zone allows for a base density of 8 units/acre. The applicant is not requesting a density bonus for the project. The PDR Zone allows for a potential density bonus of up to 12 units per acre if certain measures are met, but the plan proposes 7.96 units per acre.
2. **Project Phasing Plan:** A Phasing Plan has been included for the overall project. A total of eight phases have been proposed including Phases 1A, 1B, 2, 3, 4, 5, 6, and 7. The Phasing Plan will be required as part of the Planned Development and PD Subdivision review process.

Phase 1A will front Patricia Drive and have 14 single-family lots. Lots 1 through 7 are approximately 8,000 square feet, with Lots 8 through 14 being 6,000 square foot lots. Phase 1B is on the interior and includes smaller pad lots with single-family detached. The pool and restroom facility will also be included in that phase. Phase 2 will include single-family pad lots and three pickleball courts. Phase 3 will include more of the single-family pad lot homes as well as Phase 4 to the south. Phase 5 will transition to the north and include multi-family townhome units with a

public street system. Phase 6 includes multi-family dwelling units and Phase 7 has multi-family townhomes. Some of those were proposed to back onto 400 East.

3. **Building Design/Materials/Height/Setbacks:** Chapter 17.68 requires a review of building design, building materials, building height, and building setbacks. The Project Plan includes both single-family homes and multi-family townhomes as follows:
  - **Single-Family Home Lots/Pad Lots.** Both one-story and two-story traditional home designs are proposed for these single-family lots. Home sizes will range from 1,500 to 3,000 square feet. Four to five different models with varying elevations and materials, including multiple brick and stone options, along with stucco, and tile roof options. Rambler homes will be approximately 20' in height, with two-story homes being 27' in height. Lots 1 – 14 (traditional lots) will have a 20' front yard setback, with 8' side yards, and a rear yard of 10'. Lots (pad lots) 31 - 44 and 46 – 69 will have a front yard setback of 15' to living space, with 20' to the garage. The side yard setback will be 16' between each building, with a rear setback of 10'.
  - **Single-Family Pad Lot/Narrow Homes.** The smaller/narrow pad lot single-family homes will include a two-story design. Homes sizes will range from 1,700 to 1,850 square feet. Four different models with varying elevations and materials, including multiple brick and stone options along with Hardie board, stucco, and tile roof options. The two-story homes will be approximately 25' to 27' in height. Lots 15 – 30, and 45, will have a front yard setback of 15' to living space, with 20' to the garage. The side yard setback will be 16' between each building, with a rear setback of 10'.
  - **One-Story Townhomes.** These units include two bedrooms and two bathrooms homes with a one-car garage and two-car driveway. The proposed units would be approximately 985 to 1,100 square feet in size. A two-car driveway will be included in front of each unit. Two different color palettes with a variety of building materials including brick and stone, Hardie board, stucco, and tile roof options are proposed. The one-story townhomes will be approximately 22' in height. Units 70, 74, 75, 79, and 80 – 94 will have a front yard setback of 15' to living space, with 20' to the garage. The side yard setback between buildings will be 12' with a rear setback of 10'.
  - **Two-Story Townhomes.** These units include 3 and 4 bedrooms and 2.5 baths with a two-car garage and two-car driveway. The proposed units will be 1,400 to 1,600 square feet in size. Two different color palettes with a variety of building materials including brick and stone, Hardie board, stucco, and tile roof options are proposed. The two-story townhomes will be approximately 27' in height. Units 95 – 126 will have a rear/front yard driveway depth of 20', with a side yard setback of 15' between buildings. The front yard will include a courtyard patio that fronts a green court area. Units 127 – 144 will have a rear

yard/front yard driveway depth of 20' along Tuscany Drive, with a side yard setback of 15' between buildings. The front yard for these units is approximately 20' to the face of the building; however, an 8' courtyard patio will be allowed in the setback area allowing for 12' from the back of the sidewalk to the courtyard.

Mr. McNulty reviewed the proposed elevations and various sample images with the Council. He noted that there are several different unit types proposed. In the Project Plan, the one-story townhomes are the buildings that back onto 400 East. He shared an example of the two-story townhomes, which include a front and rear elevation with a rear garage. On the ends, there are rambler-style units shown. He explained that different unit types were shown on the Project Plan. For instance, the area in yellow indicated the one-story townhomes. Buildings 75-79 and 70-74 were two-story townhomes with rambler units on the edges. He noted that the green color indicates other areas where two-story townhome styles are proposed. The Landscape Plan was shared with those present and information about open space and amenities were reviewed.

4. **Open Space:** Chapter 17.68 requires at least 30% of a project area to be in common open space. The Project Plan includes approximately 33.83% (6.12 acres) of open space being proposed for the overall project. The applicant will be required to work with City Staff during the PD Subdivision review for each project phase to verify these calculations.
5. **Project Amenities:** Chapter 17.68 requires project amenities including recreational facilities such as tennis courts, playground equipment, swimming pool, clubhouse, and other common amenities such as outdoor cooking/eating areas, gazebo, or gardens. The Project Plan, Phase 1B includes restrooms, a pool, a hot tub, and an outdoor seating (covered and uncovered) area for the community. Additional open space areas with gazebos and barbecues have been shown in Phase 4, Phase 6, and Phase 7. Phase 2 includes three (3) pickleball courts. A series of walking paths providing a connection for residents to these amenity areas has also been included in multiple project phases. The applicant will be required to work with City Staff during the PD Subdivision review for each project phase to verify the project amenities as per the Phasing Plan.
6. **Public Trail Access:** An 8' asphalt public trail along 400 East has been shown on the Project Plan. This trail is required as per the 2018 Trails Master Plan. This required trail will tie in with the existing section of trail along the 400 East frontage of the Tuscany project, which provides a connection to other trails in the area. This will be reviewed during the PD Subdivision review process.
7. **Landscaping and Water Efficiency:** Chapter 17.68 requires project landscaping and puts standards in place for the PD Zone. Section 17.68.050 discusses landscape design and water conservation principles. The final landscape and irrigation plans will be required to comply with City Ordinance #2022-05 (Water Efficient Landscaping and Conservation Standards). A secondary water connection will be required for outdoor water use. The applicant has provided a preliminary landscape

plan; however, a more thorough review with additional details (landscaping and irrigation) will be required during the PD Subdivision review process.

8. **Public Road Cross-Section:** The Project Plan includes a required 45' public road cross-section within the interior of the project. This includes 30' of asphalt, 2.5' of curb, and gutter on either side, with a 5' sidewalk on each side of the road allowing for good pedestrian access and movement. Additionally, improvements such as but not limited to curb and gutter, park strip, sidewalk, and trails will be required along Patricia Drive (50' public street), Pioneer Parkway (70' public street), and 400 East (66' public street). The applicant will be required to work with city staff and comply with all department recommendations during the PD Subdivision review process.
9. **Private Driveway Cross-Sections:** The Project plan includes two (2) private driveways at 26'. Each private driveway would provide access to two (2) single-family pad lots (Units 38-39, and 59-60). The applicant will be required to work with City Staff and comply with all department recommendations during the PD Subdivision review process.
10. **Parking:** The Project Plan includes a total of 281 parking spaces for the 75 multi-family townhome units. This equates to 3.75 parking spaces per unit. An additional 20 parking spaces have been provided adjacent to the project amenities in the center of the property. Chapter 17.32 requires two (2) parking spaces per unit, one covered and one uncovered. Each of the single-family lots/pad lots have been designed to include a two-car garage with a two-car driveway. It appears that sufficient parking has been provided for the project. The project parking will be reviewed during the PD Subdivision review process.
11. **Project Utilities:** Utilities (e.g., water, sewer, power, gas, etc.) are required for the project. A secondary water connection will be required for outdoor water use. The applicant will be required to work with city staff and comply with all department recommendations during Preliminary Subdivision Plat and Final Subdivision Plat review for each phase.
12. **Soils Report:** A Geotech Report (Subsurface Investigation) was done by Applied Geo-Tech and was submitted for the property. It appears that expansive clay was encountered in multiple site locations (north and south); however, the site is suitable to support residential slab-on-grade construction provided that the report recommendations are implemented during construction. The applicant will be required to work with City Staff during the PD Subdivision review for each project phase to determine compliance.
13. **Traffic Study:** A Traffic Impact Study ("TIS") was done by Hales Engineering and submitted for the property. Two project accesses were assumed, which resulted in an acceptable level of service ("LOS") at intersections; however, a third access was also considered on Patricia Drive. The third access would improve the internal circulation of the project. Since the report was submitted, the project has been

redesigned to include a row of single-family lots along Patricia Drive without access to the interior of the site. This was done to tie in with the existing single-family neighborhood in the immediate vicinity. Access will be gained off Pioneer Parkway and 400 East.

14. Project Narrative: The applicant has submitted a project narrative for your review and consideration. City Staff asked the applicant to update this item to match the Project Plan. The Commission will have questions for the applicant during the meeting.
15. Block Privacy Wall: A 6' solid block privacy wall will be required along Pioneer Parkway and 400 East. This item will be further reviewed during the PD Subdivision process.

Mr. McNulty reported that notices were sent to all property owners within 300 feet. Additionally, the property was posted with signs. Several phone calls and emails were received from members of the public. Those comments were forwarded to the Planning Commission prior to the Planning Commission public hearing. That hearing was well attended, and a copy of the Draft Planning Commission Meeting Minutes was included in the packet for Council review and consideration. 26 individuals spoke during the public hearing. As part of the packet, a petition submitted by residents was also included. The City Recorder verified the individuals and the addresses listed on that petition.

As for the General Plan, the designation in the subject property area is MDR. He shared a map from the General Plan and identified the subject property, which has an MDR Land Use Designation. The description and character objectives for MDR were, "townhomes, multi-unit buildings, and small lot single-family structures on small lots. Accessory dwelling units ("ADUs") are encouraged. MDR neighborhoods have a tree-lined local street grid and interconnected pedestrian circulation systems, with density ranges from three to 12 dwellings per acre." The proposed Project Plan/Rezone application included small lot single-family homes, townhomes, and amenities for residents. The proposed use of the property was encouraged by the General Plan.

For a rezone, per Chapter 17.18.090, there were several items for consideration, which were listed as A through H. City Staff review indicated that the criteria was met, with the exception of Item C. Mr. McNulty reported that Item C asked whether there were substantial reasons why the property could not or should not be used as currently zoned. He noted that the property was zoned R-1-10 and the applicant had decided to petition the City for a rezone to PDR rather than developing within the R-1-10 Zone. He noted that the applicant had a right to this request.

Mr. McNulty referenced Utah Code Section 10-9a-205. All of the requirements as far as noticing had been met. It was determined that all State Code requirements had also been met with the application. He reported that the Planning Commission held a public hearing on March 23, 2023. A motion was made to recommend approval to the City Council, but the vote on the motion ended in a 3-to-3 tie. No other substitute motion was made or voted on. As a result, no recommendation was provided by the Planning Commission on the application. City Staff recommended that the City Council review the submitted rezoning application and Project Plan to determine whether the

application was complete. If the application was determined to be complete, City Staff recommended that the City Council consider the application, subject to the Conditions of Approval and Findings of Fact outlined in the Staff Report. There were 14 conditions and three findings.

It was confirmed that there is a block wall on Pioneer Parkway and 400 East. On Patricia Drive, Council Member Shakespeare believed there would be traditional standard lots with sidewalks. Mr. McNulty shared the Project Plan. The lots shown on Patricia Drive are front-loaded, so there would not be a wall. The multi-family townhomes on Tuscany have driveways that front onto Tuscany. The front of the home and the outdoor patio face the interior. Council Member Shakespeare asked about the proximity to the school. He wanted to make sure there was pedestrian access around the entire property. Mr. McNulty confirmed that there was and reported that there would be curb, gutter, and sidewalks. He reported that there are three access points in between the townhome buildings themselves onto Tuscany but there is no direct access to Patricia Drive because there is a row of 14 single-family homes. He noted that access could tie into the walkway adjacent to 127, work around 15, and tie into Patricia Drive along that property line. Public streets with sidewalks on both sides were needed to create walkability.

Council Member Hinton asked about the setbacks on the interior for the driveways. Mr. McNulty explained that the typical pad lot and the narrow pad lot all have a front setback to the living area of 15 feet, with a driveway depth of 20 feet. The garage will be 20 feet and the living space will be 15 feet. This allows for a 20-foot driveway from the back of the sidewalk.

Mr. Ence explained that when there is a zone change application, it was considered an amendment to the Zoning Ordinances. Any kind of amendment to an Ordinance is a Legislative decision. That was a decision where the Legislative body of the City has broad discretion to make a decision about an application. During the decision-making process, the Council could take into consideration a broad spectrum of factors and considerations. This is especially true in this situation, where the existing zoning complied with the General Plan and the zoning being sought by the applicant also complied. It was a question of what the City Council believed was best for the City and how the various considerations would be weighed.

The applicant, Clayton Leavitt, gave his address as 2499 River Circle. He explained that the earliest concept for the property was to provide more affordable housing options to the neighborhood. After speaking with City Staff and members of the City Council, it was stressed that there need to be single-family homes in the Project Plan as well. Additionally, there need to be transitions in the density. He noted that City and resident feedback were considered, and some compromises were made. Like many residents, he had concerns about the multi-family to the north and building single-family next to it. He did not necessarily like to build single-family homes right next to multi-family homes and understood that it was important to have transitions in density. That was one of the main reasons that a comprehensively planned development community was needed. It would address the planned development project to the north, the planned development project to the south, and the single-family development to the east. Even though the single-family that exists to the west is in Ivins, it needs to be considered as well with the application.

Mr. Leavitt explained that the Project Plan has a lot of diversity, which is important for the community and the neighborhood. A buffer was created to the east and the south. There had been

discussions with some residents in Ivins and there were early concerns about the height. Those residents did not want their views to be jeopardized and wanted to see single-family. He believed a good compromise was to do single-level homes in that area. There had been a lot of discussions with residents and the intention was to be sensitive to their concerns about the existing neighborhoods. At one point, some of the townhomes were designed to face 400 East but the decision was made to match what is across the street and place a wall across 400 East and along Pioneer Parkway. The townhomes were designed with courtyards so there would be a strong sense of community. The intention was to have nice amenities within the development.

Mr. Leavitt noted that in the northeast there is a detention area. He hoped the area would become smaller to allow for more open space and an additional park. It is approximately one-quarter acre that was not counted in the total open space calculation. There is a lot of open space planned within the development, which is important for the area. In addition, there are smaller pad lots to address the soils report. Mr. Leavitt shared information about the proposed amenities for the site. There would be events held to bring the neighborhood together.

Council Member Waite asked about Lots 15 through 69. He believed the land underneath the house is owned and wanted to understand how that works with a backyard. For instance, if there are walls between the units. Mr. Leavitt wanted to see the backyards stay open. There would be some type of private area that would come off of the building itself so there was private space, but the intention was not to enclose the backyard. The Landscape Plan was further reviewed. Mr. Leavitt reported that the proposal was for those units to have a patio, some green space, and some open space. There were a variety of sizes as far as the rear yards were concerned. Mr. McNulty clarified that the pad lots themselves have 16 feet of separation between the pad lots and the side yards. That would allow there to be enough space between the units.

Council Member Hinton wondered if it was possible to have a garage pad if the land was not owned. This was confirmed. It was noted that it would be part of the Homeowners Association ("HOA"). Council Member Mathis explained that her home is similar. If she wanted to do anything on her side or rear yard, she must go to the HOA for approval. That is generally covered in the Covenants, Conditions, and Restrictions ("CC&Rs"). Mr. Leavitt explained that the owners will own their pad and there are also common areas.

Council Member Hinton asked about the parking requirements. Mr. McNulty reported that an individual single-family unit, whether it is a multi-family townhome or a single-family home, is required to have two parking spaces (one covered and one uncovered). The parking requirements would be met and only one additional parking space was needed for an ADU. Mr. McNulty explained that Internal Accessory Dwelling Units ("IADUs") are mandated by the State. Council Member Hinton wondered if short-term rentals will be permitted. This was denied. Mr. McNulty added that in the case of an IADU, it must be owner-occupied.

Mr. Leavitt explained that there was a desire to have some flexibility so residents could enjoy the community. The intention was to create a maintenance-free lifestyle so that all common areas will be maintained and presented in a professional manner. The amenities were further reviewed. He wanted the amenities to be both tasteful and functional. It is important to have usable common areas rather than unused open spaces. The General Plan was reviewed, and he shared information

about past developments in Santa Clara. There were several meetings held in 2013 and it was decided that the medium density would be located outside of the City. At that time, there were concerns about a lack of affordable housing in the community. He felt that the current design made sense of the existing developments and also addressed a housing need.

Mr. Leavitt noted that in the State of Utah, there continues to be a shortage of homes. Additionally, there is pressure with increased building costs and increased land costs. He reported that there are currently 27 homes listed for sale in Santa Clara but only two of those listings are under \$500,000. More than 15 of the listings are greater than \$795,000. There is a real need to have affordable options and a wider variety of housing types available in the City. Mr. Leavitt was aware that a petition against the rezone had been created. However, he pointed out that the majority of the signatures were dated last year. There seemed to be a lot of opposition before the design layout and plans had even been presented. He understood change was difficult. Mr. Leavitt asked the Council to allow the development to be a planned development community.

The color palettes for the single-family homes and townhomes were reviewed. Mr. Leavitt noted that the nearby homes will not decrease in value as a result of the development. The intention was to create something that is high-end, functional, and aesthetically pleasing. He reported that the townhome buildings will not all be the exact same color. There will be some variety in both the colors and the stone to create enough variation. As for the single-family homes, six different varieties of colors and stone can be done.

Council Member Hinton reported that she received a lot of communication from residents about the application. One of the recurring themes related to rentals. She wanted to know if the CC&Rs will be used to restrict a number of townhome residences to be owner-occupied. Mr. Ence clarified that the City does not have a mechanism to regulate or monitor that, but the City Council could require a Condition of Approval that stated there needs to be a restriction on rental units in the CC&Rs. That would then be up to the HOA and property owners to enforce. Mr. Leavitt was supportive of the suggestion. He noted that there could be language specifying that if someone purchases a property and later decides to rent it, the owner will need to go through a developer-appointed property manager to control the situation. The intention was to have a professional management company oversee the entire project. Mr. Leavitt was willing to put something in the CC&Rs for the townhomes to state that 50% needed to be owner-occupied.

Council Member Drake asked why the applicant did not want to utilize the R-1-10 Zone. Mr. Leavitt explained that the main reason had to do with buffering to the north and south. Those areas were rezoned from R-1-10 to PDR. In order to buffer appropriately, the development also needs to have a PDR Zone. As the General Plan suggested, there could be a density buffer between the proposed development and the existing developments. Council Member Drake expressed concerns about density. Mr. Leavitt appreciated the concerns but asked that the General Plan be considered. The area was planned to be medium density and he did not want to build single-family homes right next to Tuscany. The General Plan encouraged diversity in housing, which the proposed development included. Additionally, he reiterated that it was important to bring more affordable homes to the area. A lot of people were unable to afford single-family homes on large lots. Times have changed and it is necessary to provide a variety of housing stock in order to meet the existing needs. Mr. Leavitt shared information about water conservation.

Council Member Shakespeare noted that the application was discussed previously. A lot of comments from residents have also been considered. There were some positive attributes to keep in mind, such as the lack of driveways on 400 East and the potential for affordable housing. He understood that there was a need for affordable housing in the community. Council Member Shakespeare was in favor of a PDR Zone for transition but noted that MDR guidelines were vague and allowed between three to 12 units per acre. That was a broad spectrum. There had been a lot of discussions about the development and some compromises had been made, but he was still concerned about the density. He believed this was a good property for a transition zone but reiterated his concerns about the density proposed. The plan could be done in a similar way with a slightly lower density. While this was a property that could be in a PDR, he still had concerns.

Council Member Mathis noted that she lives near the subject property. She attended the Planning Commission Meeting and heard all of the comments shared by residents at that time. Though she understood the comments shared by Council Member Shakespeare about density, she believed there needed to be a transition somewhere. Council Member Mathis reminded Council Members that the current R-1-10 Zone was a holding zone. She noted that there had been a lot of outreach from residents about the development and she had met with some of those residents in her neighborhood. Their main concerns related to parking off of Patricia Drive and the issues in Tuscany. Something she liked about the plan was that the units on Tuscany mirrored what was across the street. Since the driveways faced Tuscany, that meant the parking along there would not continue to be an issue in the future. It limited people being able to park on that street.

Council Member Hinton noted that there is not a lot of attainable housing in Santa Clara. Not having housing in a more affordable price range is impacting the overall quality of life. She appreciated that there are a number of different housing types in the proposal as it means that many residents can enter the housing market. That being said, she understood that density and parking are of concern. She felt that the traffic had been addressed with the two entrances and believed the driveways out onto Patricia and Tuscany would solve a lot of the existing issues.

Council Member Drake believed that single-family residential homes are essential to maintain the lifestyle in Santa Clara. He also believed that affordability will be determined by the market and pointed out that what was affordable to one person may not be affordable to another. He noted that Mr. Leavitt has done a good job of listening to resident concerns, but the density levels were considerably higher than what he believed was appropriate for the neighborhood.

Council Member Waite agreed with a lot of the comments shared by his fellow Council Members. He had spoken to several residents and read all of the submitted email comments. Though a lot of residents appreciated the desire to offer different housing types, the City did not necessarily have the best track record with that. As a result, single-family homes were desired. Council Member White preferred to see a mirror of the project to the south. He could see changing the density to the R-1-6 Zone rather than PDR. He believed that transition areas were important but did not necessarily believe that half the units needed to be townhomes to create that transition.

Council Member Shakespeare asked about the different motion options. He noted that this was a rezone application and wondered if it was possible to table the item and spend more time reviewing

the material. Mr. Ence explained that the Council could take additional time to consider the application if that was necessary. However, he suggested that the extra information needed be clearly identified so the applicant could provide those details. Other than tabling the item, the City Council could vote to approve or deny the rezone application. The application could be approved with certain conditions as well. Council Member Shakespeare wondered what would happen if the application was denied. He wanted to know if the applicant would have the opportunity to return with a new Project Plan with lower densities. Mr. Ence clarified that if the Council wanted to reconsider it again within a year, it needed to come back with significant changes.

Council Member Hinton wondered what would happen if the PDR Zone was approved. For instance, if the rezone would remain with the property if the applicant chose to sell the property in the future. Mr. Ence explained that the PDR Zone approval incorporated the Project Plan. If the applicant decided to sell the property before it was developed, the new owner would take on the property with that zoning, which would include the approved Project Plan. In order to make a change, the new owner would need to come in and amend either the zoning or Project Plan.

**Council Member Waite moved to DENY the Proposed Rezoning of Property at 400 East/Patricia Drive and Pioneer Parkway. Council Member Drake seconded the motion.**

There was discussion about the motion. Council Member Shakespeare wondered what would happen if the applicant came back with slightly lower densities. He wanted to better understand the process if the current application was denied. The Council believed lower densities would be considered a significant change and a significant change could come back to the Council in less than a year. Mayor Rosenberg noted that if the densities were reduced, that would be a substantial change in his mind. Mr. McNulty agreed with that assessment. Mr. Ence clarified that he could not express a legal opinion on whether or not that would be a significant enough change but based on the Ordinance, that determination would be made by the Planning Commission.

Council Member Shakespeare stressed the need for different housing in Santa Clara. It did not make sense for the applicant to wait another year to bring the item back for consideration. The application still needed some work, but he would hate to see a denial that would prevent needed housing from being added to the City. He felt it might be better to table the item instead. Mayor Rosenberg noted that a motion had been made to deny the rezone application. If that motion was defeated, an alternate or substitute motion could be made by another Council Member. He reminded the Council that a motion had been made and asked that the vote be conducted.

**Council Member Waite moved to DENY the proposed rezoning of property at 400 East/Patricia Drive and Pioneer Parkway. Council Member Drake seconded the motion. Vote on motion: Council Member Shakespeare-Nay; Council Member Mathis-Nay; Council Member Hinton-Nay; Council Member Drake-Aye; Council Member Waite-Aye. The motion failed 3-to-2.**

Mayor Rosenberg asked for an alternate motion from the City Council.

**Council Member Shakespeare moved to TABLE the proposed rezoning of property at 400 East/Patricia Drive and Pioneer Parkway, to allow the applicant to work with City Staff,**

**incorporate some of the City Council comments, and propose a new layout with slightly lower densities. Council Member Hinton seconded the motion.**

Mr. Ence shared comments about the second motion. The changes being discussed were significant enough that the application would need to return to the Planning Commission for consideration. He reminded the Council that there is no recommendation from the Planning Commission on the current application. Council Member Shakespeare thought the process made sense and noted that it would allow the Planning Commission and residents to look at the application again and share additional comments. Council Member Drake believed that in this instance, tabling the item means that the application would return to the Council in a different form. There was further discussion about the motion. It was determined that tabling the item would allow the applicant to make changes and respond to the City Council comments that had been shared. The item may or may not need to return to the Planning Commission.

**Vote on motion: Council Member Shakespeare-Aye; Council Member Mathis-Aye; Council Member Hinton-Aye; Council Member Drake-Nay; Council Member Waite-Nay. The motion passed 3-to-2.**

- vi. **Discussion and Action to Consider Approval of the Spring Slurry Seal Project to Morgan Pavement for a Total Project Price of \$304,407.00. Presented by Dustin Mouritsen, Public Works Director.**

Public Works Director, Dustin Mouritsen, reported that the above item pertains to the spring slurry seal projects. There was a list of streets included in the packet as well as a map and a list of the three competitive bids received. Morgan Pavement was the lowest bidder at \$.79 per square foot. 1,700,600 square feet of slurry seal was needed, which totaled \$304,407. The street locations and map were reviewed by the City Council Members.

**Council Member Shakespeare moved to AWARD the Spring Slurry Seal Project to Morgan Pavement for a total project price of \$304,407. Council Member Drake seconded the motion. Vote on motion: Council Member Shakespeare-Aye; Council Member Mathis-Aye; Council Member Hinton-Aye; Council Member Drake-Aye; Council Member Waite-Aye. The motion passed unanimously.**

## **6. Reports.**

### **A. Mayor/Council Reports.**

Council Member Shakespeare reported that Flood Control approved emergency relief at Southgate to remove sediment where buildup flooded the golf course. He informed those present that he attended a voting meeting earlier that day, which was helpful. Ryan Sullivan was in favor of the sorting machine, where there could be precincts.

Council Member Shakespeare was looking forward to the Parade scheduled for the following week.



**SANTA CLARA CITY PLANNING COMMISSION  
MEETING MINUTES  
2603 Santa Clara Drive  
Thursday, May 25, 2023**

**Present:** Logan Blake, Vice-Chair  
James Call  
Shelly Harris  
Curtis Whitehead

**Staff:** Jim McNulty, Planning and Economic Development Manager  
Selena Nez, Deputy City Recorder  
Matt Ence, City Attorney

**Excused:** Mark Weston  
Ryan Anderson  
Mark Hendrickson

**1. Call to Order**

In the absence of Chair Mark Hendrickson, Logan Blake, Vice-Chair called the meeting to order at 5:30 p.m.

**2. Opening Ceremony**

**A. Pledge of Allegiance: Logan Blake.**

**B. Opening Comments (Invocation): Logan Blake.**

**3. Communications and Appearances**

There was no communication or appearances.

**4. Working Agenda**

**A. Public Hearing**

- i. Consider a Proposed PDR Zone Amendment and Preliminary Subdivision Plat for the Proposed South Village @ Black Desert Subdivision (Parcel #SC-6-2-9-150, described as 43.77 acres). The Subject Property is Part of the Black Desert Planned Community which includes a 19-Hole Golf Course. The Preliminary Plat includes 40 Single-Family Lots Ranging in Size from 0.50 acres to 1.67 acres. Patrick Manning, Applicant.**

Planning and Economic Development Manager, Jim McNulty, presented the Staff Report and stated that the subdivision includes a total of 40 lots on 43.77 acres. This equates to a density of 0.91 units per acre and is similar to the Entrada Subdivision to the east in St. George. The single-family lots range in size from .50 acres to 1.67 acres.

The original Project Plan was presented. The area in question is Area 5, which is surrounded by the golf course, which has moved slightly. The applicant and his Engineer, Jared Bates, will speak to that. The golf course is near completion. The plat was presented along with the public roadway designs. Mr. McNulty presented the following:

1. **Public Streets & Dedication:** All required public street improvements must meet City standards and be installed or bonded for prior to final plat recordation. The public streets required for this subdivision include a 66-foot cross-section for Red Mountain Drive and Road “E” along with a 50-foot cross-section for Road “C” (main access road), as well as all interior public streets within the subdivision. Additionally, all cul-de-sacs within the subdivision are required to have a 50-foot radius (100’ diameter).
2. **Building Setbacks/Height:** The building setbacks are required to meet the requirements of Chapter 17.68, Planned Development Residential, PDR Zone. The building height for all homes in the subdivision is limited to 35 feet. However, the applicant will be putting a building height restriction on the plat and in the Codes, Covenants, and Restrictions (“CC&Rs) limiting height to 28 feet.
3. **Flag Lot/Double Fronted Lots:** A flag lot (Lot 7) has been included on the Preliminary Subdivision Plat. A flag lot requires approval by the Planning Commission. The staff portion of the lot must front on a public street and be a minimum of 25-feet wide, with a maximum length of 200 feet. If the Planning Commission determines that this is an efficient use of the land, the applicant will be required to comply with city code requirements for flag lots. The preliminary plat also includes three (3) double-fronted lots (Lots 21, 22, and 23). These lots will be required to have a 25-foot rear yard setback rather than the typical 10-foot setback. This option (Chapter 17.20.110.B) has been selected by the developer rather than putting in a six-foot wall in a natural lava area.
4. **Preservation of Lava/Minimal Disturbance:** Each home is intended to be situated on a lot to maximize views and limit disturbance allowing for the preservation of lava areas. A Site Plan will be required for each home prior to building permit issuance. The CC&Rs will be enforced by the Homeowners Association (“HOA”) allowing for the subdivision to be maintained as per Black Desert requirements.
5. **Golf Course:** A portion of the golf course is included with the preliminary subdivision plat. As previously stated, the applicant is intending to open soon. A “Golf Course Fly Zone” note has been added to the plat as requested by staff. Associated language for lot owners will be included in the CC&Rs for the project.
6. **Multi-Purpose Trail:** A 10-foot multi-purpose trail has been included north of Tuacahn Wash and adjacent to Red Mountain Drive (east side), and Road “E” (north side) which both include a 66-foot cross-section. The 2018 Trails Master Plan includes this required trail connection.
7. **Open Space Areas:** The preliminary plat includes two (2) open space areas to be maintained by the HOA. Area #1 is across the street from Lots 30 thru 36 and is 1.16

acres in size. Area #2 is in-between Lots 37 and 38 and is 1.04 acres in size. These two areas will be HOA-maintained and included in the CC&Rs for the project.

8. **Proposed Area #6 Revisions:** The applicant is proposing revisions to the original Area #6 of the Project Plan (attached). This area includes a conservation easement area that is approximately 18.85 acres in size. The applicant is proposing to revise Area #6 of the Project Plan to include approximately 13.3 acres within a conservation easement (a reduction of approximately 5 acres). Proposed Lots 37, 38, 39, and 40 along with Open Space Area #2 and the public road that lines up with Entrada (St. George, private street) are within the northwest corner of Area #6. A decision on this item which includes an amendment to the Development Agreement will be decided on by the City Council prior to, or concurrently with Final Plat approval. A Black Desert site visit with the City Council, staff, and applicants was conducted on April 19, 2023. The Council is aware of the proposed Area #6 revisions.
9. **Building & Fire Code/Emergency Access:** A second point of ingress/egress via a public street system has not been provided into the proposed subdivision. As a result, the applicant is required to fire-sprinkle all residential structures within the project. The IRC requires an NFPA 13D sprinkler system. Emergency access will be available from the southwest edge of the project adjacent to Entrada, which is a private development with gates.
10. **Entry Features/Landscaping:** All landscaping (Individual lots & open space areas) will be required to comply with City Ordinance #2022-05 (Water Efficiency and Conservation).
11. **Culinary Water Availability:** The applicant is required to obtain a will-serve letter or other verified documentation from the Washington County Water Conservancy District (“WCWCD”) prior to final plat recordation.
12. **Secondary Water Availability:** The applicant is required to connect/install secondary water for all outdoor water use.
13. **Project CC&Rs:** A copy of the project CC&Rs is required by Chapter 17.68, Planned Development. The applicant will need to provide a copy of the CC&Rs to the city for review and approval at the time of Final Plat submittal.
14. **Dust Control:** The applicant will be required to submit a Dust Control Plan prior to final plat recordation. Precautionary measures are needed to protect the general health, safety, and welfare of residents living in the vicinity.

Staff recommended that the Planning Commission consider recommending the PDR Zone Amendment, and Preliminary Plat Approval for the South Village @ Black Desert Subdivision to the City Council subject to the conditions outlined in the Staff report.

The applicant, Patrick Manning reported that originally when they entered into the Development Agreement, Area 5 included approximately 340 multi-family units. Because it was very clear that the most important area to many was Area 6, the desire was to provide a Conservation Easement.

They also decided to go low profile, low height, and low density in Area 5 to help further protect the viewsheds and lava flow. They have tried to be very careful with that section of land.

Chair Blake opened the public hearing.

*Travis Dowdell* gave his address as 2399 Keva Trail in Entrada and stated that his property borders the subject property. He commented that Black Desert has done a wonderful job of creating space and privacy around the resort. The issue was that the original plan included a fairway running by his property in the corner. It ultimately moved and there is now a road proposed with 10 homes. There is a beautiful ravine of native lava with an elevated ridge to provide privacy between Entrada in the southwest corner and the Black Desert Resort. The native lava will be removed as well as the privacy setback space, which seemed senseless since there are 600 acres. The rest of the property bordering Entrada has been set back with privacy. He saw no purpose in placing eight to 10 homes bordering their property lines.

*Devin Ferguson* gave his address as 3790 Nicholas Drive and asked about dust mitigation and the potential penalty if it is not controlled. He stated that last year a lot of dust was created from the Black Desert development. Mr. McNulty reported that Public Works Director, Dustin Mouritsen should be contacted about that. In response to another question raised by Mr. Ferguson, Mr. McNulty stated that a site visit was taken by the City Council that was properly noticed. It is common for elected officials to visit a site before making a decision. City Attorney, Matt Ence, stated that the City Council has not made a decision on the matter. The first time they will be asked to make a formal decision since they originally approved the golf course use will be when this recommendation goes to the City Council.

There were no further public comments. The public hearing was closed.

- ii. **Consider a Proposed Rezoning of Property at 400 East/Patricia Drive and Pioneer Parkway (Parcels #SC-SB-90-A-2, and #SC-SB-90-A-4-B, described as 18.09 acres). The Applicant, Clayton Leavitt, is Proposing to Rezone the Property from the R-1-10 Single-Family Residential Zone to the Planned Development Residential, PDR Zone to Allow for a Proposed Residential Project that will include Single-Family Homes, Multi-Family Townhomes, and Amenities.**

Mr. McNulty presented the Staff Report and stated that the last public hearing on the matter was held on March 23, 2023. Staff reviewed each item in detail at that time. The updates were described. The applicant, Clayton Leavitt was also present. Following the previous public hearing, the Planning Commission recommended approval to the City Council with a 3-to-3 vote. No other substitute motion was made or voted on and no recommendation was provided. The City Council heard the matter on April 12, 2023, at which time the City Council tabled the matter to allow the applicant to work with City staff, incorporate some of the City Council comments, and propose a new layout with lower density. The vote was 3-to-2. The new project plan includes 133 units on 18.09 acres. This equates to a density of 7.35 units per acre with 82 single-family lots and 51 multi-family townhomes. The previous plan included 144 units with 69 single-family lots and 75 multi-family townhomes. The density was 7.96 units per acre. The reduction in density was approximately 8%.

Mr. McNulty reported that the new plan includes 62% single-family and 38% multi-family. There are 30 two-story rear-loaded townhomes, 21 front-loaded one-story townhomes, and 82 single-family detached units. The previous plan that was reviewed by the Planning Commission on March 23, 2023, included 48% single-family and 52% multi-family. Lots 1 through 14 have frontage on Patricia Drive and are larger single-family lots. Lots 1 through 7 are approximately 8,000-square-foot lots and Lots 8 through 14 are approximately 6,000 square feet in size. There are 40 larger pad lots proposed and 28 narrow pad lots for two-story homes.

The single-family lots allow for the option of a one-story rambler or a two-story home with different elevations and materials. The two-story townhome configurations were presented with a rear-loaded driveway. A front view was shown with an outdoor patio in front and rear-loaded garages. One-story townhome units were proposed along 400 East and within the interior of the project. The narrow pad lot homes were proposed at approximately 25 feet wide. They will be 1,700 to 1,800 square feet in size with two-car garages. Five options were proposed for the narrow lot homes. The various materials were described. The material boards provided stucco, hardie board, and stone options. For the single-family homes, there were three different brick and stone options with color palettes. The townhome units included brick and stone options.

The landscaping and open space plans were presented. Mr. McNulty reported that a pool is proposed with restrooms and pickleball courts. The central open space areas were identified with picnic areas and ball fields. The Phasing Plan was presented. The seven project phases and amenities were described. The 2018 Trails Master Plan requires an eight-foot trail to tie into Tuscany to the north. Ordinance #2022-05 would also need to be adhered to and secondary water will be required for all outdoor water use. The 50-foot public cross section will be required with curb, gutter, asphalt, and a five-foot sidewalk on each side. The project will be walkable with access to the open space and amenity areas. Two 26-foot asphalt private driveways will be provided adjacent to Lots 38 and 39 and 59 and 60 for access.

Substantial parking was provided within the project. The Project Plan includes 203 parking spaces for 51 multi-family townhome units, which equates to four spaces per unit, which is double the Code requirement of two spaces with one covered and one uncovered. Parking for single-family homes is also required for the pad lots. Each is designed with a two-car garage and a two-car driveway. The only units that do not have the capacity for four cars are the single-car garage and single-level townhomes, which have parking for three vehicles.

A Geotechnical Report was provided and expansive clay was encountered in multiple site locations; however, the site is suitable for residential slab-on-grade construction provided that the report recommendations are implemented during construction. A Traffic Impact Study was also conducted by Hales Engineering. Two project accesses were assumed, which resulted in an acceptable level of service at intersections. A third access was also considered on Patricia Drive. That was eliminated with the redesign and the like uses across the street. A six-foot block privacy wall is required for units that back Pioneer Parkway and 400 East.

Owner occupancy issues were discussed. At the April 12, 2023, meeting, the City Council asked the applicant about a minimum number of owner-occupied multi-family townhomes. At that time, it was agreed that a minimum of 50% of the townhome units would be owner-occupied. This requirement would need to be added to the future CC&Rs for the project if approved. The rezoning considerations were reviewed in detail on March 23, 2023. It was determined that the applicant meets that criteria except for Item C. The applicant submitted an application asking for a rezone of the property to allow for medium-density residential per the General Plan. The General Plan has identified the property as Medium-Density Residential. The proposed Project Plan and Rezoning Application includes small lot single-family homes, townhomes, open space, and amenities for residents. The proposed use of the property is encouraged by the General Plan. The layout and design of the project comply with the General Plan and the Medium-Density Land Use Designation.

Mr. McNulty reported that notices were sent to property owners within 300 feet of the property. The matter was also noticed per State Code. Previously, emails were received and forwarded to the Planning Commission prior to the March 23, 2023, meeting. A resident petition was also submitted at the March 23, 2023, public hearing. The addresses on the petition were verified by City Recorder, Chris Shelley, and found to be accurate. Large banners were also posted to draw attention to the site. A QR Code banner was also posted next to the site one week before the meeting.

Staff recommended that the Planning Commission review the submitted rezoning application and Project Plan to determine if the application is complete. If the application is determined to be complete, staff recommended that the Planning Commission forward a recommendation to the City Council for review and consideration of the application subject to the conditions set forth in the Staff Report.

Reference was made to condition number 14. Mr. Ence clarified that the 50% owner occupancy requirement for the townhome units will have to be enforced by the Homeowners Association (“HOA”).

Mr. Leavitt addressed the new plan and reported that they eliminated 24 townhome units. The area of concern with the City Council and the Planning Commission was density. In response, they removed the townhomes near the pool area and replaced them with single-family homes. They also removed five of the two-story townhomes in the center section to the north and created more open space there. They eliminated 24 townhomes and added 13 single-family homes to the project. They took into consideration the comments made by staff and the City Council and included them in the current plan. Mr. Leavitt explained that the reason the Planned Development Residential (“PDR”) zoning is so important is that this is a transitional property with multi-family to the north, single-family to the south, and single-family residential to the east. To buffer all three areas, they need to have a PDR community. They felt it was important to buffer the residences on the Heights West with single-family homes.

Mr. Leavitt explained that being able to do the PDR zoning on this transitional property will allow densities to progress from nine to 10 units per acre to a lower density of three to five to the east. For that reason, each area was buffered. Their ultimate goal is to be able to sell homes to Santa Clara

residents. Currently, 8,000-square-foot lots with a single-family home are selling for \$800,000 to \$900,000, which is not affordable to most. That is another reason it does not make sense to maintain the property as R-1-10. The plan also allows for various housing types ranging in size from 1,000 to 3,500 square feet.

Concerns have been expressed by the residents; however, the project is lower scale medium-density at 7.35 units per acre. They are trying to accommodate the neighbors on all sides. Parking has been addressed and they changed the Parking Plan as well. A Traffic Study was conducted that supports their plan. Another concern was the transient nature of the project and that there will be no sense of community. Mr. Leavitt stated that they want to create a sense of community by having 82 homes where the residents will be invested in the community. At least 50% of the townhomes will be owner-occupied as well. Concerns were also raised about property values. Mr. Leavitt stated that homes that are built along Patricia Drive will have much higher sales prices than what is across the street. They feel that this project will increase the property values of the residents to the east and result in a quality townhome product.

Mr. Leavitt stated that if they are asked to keep the property R-1-10, they will be forced to eliminate Santa Clara residents who will not be able to live there. Affordability issues were discussed. This project will cater to Santa Clara residents in the \$350,000 to \$650,000 range. They plan to hire a professional property management company to oversee and enforce the CC&Rs. It is important to them to have a project that the residents can be proud of.

Chair Blake opened the public hearing.

*Ann Hughes* gave her address as 2233 Sharon Drive. She did not support rezoning and stated that the residents on all sides have expressed opposition to rezoning but the City never listens to them. She wanted the project to be changed to have only single-family homes. The neighbors have signed petitions and while the project is very nice, it should be developed on property that is zoned for this type of housing. She suggested that the residents be allowed to vote as she and all of her neighbors want the area to be developed as single-family homes.

*Doug Wells* gave his address as 3842 Nicholas Drive in Santa Clara Heights and was also opposed to rezoning the property. He commented that the previous Planning Commission and City Council established the area as residential to create the atmosphere that Santa Clara is known for. He saw no reason to change the zoning. On three sides of the property are nice developments. He did not support placing townhomes in the middle of that. He also did not suggest that the zoning be changed on the basis of Mr. Leavitt's purchase of the property since he bought with the current R-1-10 zoning and it should remain unchanged. With regard to affordability, Mr. Wells stated that the homes will not be affordable. He suggested they instead develop a community where those who are now in townhomes can move up. He asked that the Commission not support the proposed rezone.

*Devin Ferguson* gave his address as 3790 Nicholas Drive and stated that the General Plan does not require the zoning of the property to ever be changed. He asked that it not be changed for the benefit of the new purchaser. Mr. Leavitt mentioned that the valuation of the property for sale in the

neighborhood to the east is partially the result of interest rates increasing. That will impact this project as well. The sales price of a one-quarter acre lot is dictated by the market. To make the homes affordable he could do that on his own and lower the lot price. Mr. Ferguson stated that he has lived in Santa Clara since 2010 and has seen a lot of changes during that time. He was concerned that the new townhomes will detract from the view from his property. He is also fully invested in the community and the proposed project is not designed for families. He commented that townhomes are steppingstones to another home.

*Michael Lee* gave his address as 2312 Jacob Drive and stated that the area on the northwest side of the City is being converted to higher or medium-density housing. He stated that Mr. Leavitt was correct in that his project is being grouped in with other projects that are being developed in the area. Residents have watched as every piece of vacant property has been turned into vacation rentals, townhomes, or apartments. He did not fault Mr. Leavitt for wanting to make a profit but the current zoning was in effect when he purchased the property. When Mr. Leavitt appeared before the City Council last month his proposal was tabled. Council Member Shakespeare specifically stated that the project was too dense and that the number of units should be substantially reduced before bringing it back to the Council. The new proposal has reduced the total number of units from 144 to 133, which is only an 8% reduction. The issue was fitting 133 units into a small space. In the previous meeting, comments were made about providing more affordable housing in Santa Clara. The problem is that the City does not dictate the housing market. The cheapest units at the Desert Village Townhomes are renting for \$2,199 per month for a 1,500-square-foot unit. Prices will vary based on the housing market. Other similar projects in the area have done nothing to make housing more affordable. Mr. Lee stated that when his family purchased property on Jacob Drive, they did so because of what Santa Clara was and not what it would become. He grew up in Santa Clara and these types of projects are rapidly turning this corner of the City into a place that runs counter to what they are trying to protect. He urged the Commission to not change the zoning.

*Art Panson* gave his address as 3866 Nicholas Drive and stated that they have failed to talk about 50% ownership. What happens with the other 50% is what should be discussed. They are in it just for the money and attempts to provide affordable housing go away. He carefully researched what is happening in his neighborhood and found that this area is predominantly single-family housing. He stated that the Washington County School District has no plans to develop its property in the near future so he bought his home. He now feels betrayed. He reiterated that the developer purchased this property knowing that it was zoned single family. As a result, Mr. Leavitt should live with what he bought.

*Fred Fagergren* gave his address as 2324 Bryson Circle and has lived there since 2002. Generally, he does not agree with everything Warren Wright writes in *The Spectrum* but his recent article about growth was applicable to this discussion. Mr. Wright was quoted as saying that the most critical issue in limiting the influx of people who are drawn to the local lifestyle is overburdening the land. Mr. Fagergren's perception was that overburdening the land means to developers that they should get the most money possible for every acre. Mr. Fagergren believed that the purpose should be to get the best and wisest use for each acre. He objected to the proposed rezoning. Mr. Leavitt mentioned in previous meetings the need for a transition from the townhouses to the north. Most people know that

the best transition point is a road, which naturally occurs in every community. Mr. Fagergren's opinion was that the highest and best use of the property would be for it to remain as currently zoned. He suggested that Nicholas Drive be continued across the property to 400 East to provide additional access. The properties between Pioneer Parkway and Tuscany Drive should also remain as single-family homes.

*David Pond* gave his address as 2322 Joshua Circle. At the April 12, 2023, City Council Meeting, the feedback from a few members of the City Council was that they wanted to see significant changes including a reduction in the number of units as well as owner-occupancy before they would approve the application. Mr. Pond pointed out that regardless of the increase in single-family units and the reduction in multi-family units, an overall reduction from 144 to 133 units does not represent a significant reduction. One of the Council Members commented that a significant reduction would be to 92 to 98 units, which would be appropriate for this property. Other Council Members stated that they would like to see a design similar to Village on the Heights. Mr. Leavitt stated multiple times in various meetings that the residents of the Heights do not want any development. That is a myth. They are not opposed to the development of single-family homes. This is the last significant parcel on the northwest side of Santa Clara. This area has been inundated with three townhome and apartment complexes. There are also three short-term vacation rentals in the area. The greater need is for single-family homes in this area of the City and not more multi-family units. Mr. Pond addressed the owner occupancy of the units and stated that there is nothing the City can do to enforce that. Multi-family units bring investors. Affordable housing is a relative term. What is affordable for some is out of reach to others. Rents for the townhome and apartment communities are \$2,000 or more. Single-family homes are more likely to be owner-occupied and bring people who are vested in the community.

*Joshua Jackson* gave his address as 3892 Nicholas Drive. He commented on parking trailers, trucks, and boats. Outside of any higher-density project, the nearby streets become a parking lot for those items. The project still adds 140% growth to the current density and will take away much of the available on-street parking. With regard to the 50% owner occupancy requirement, whatever is approved must be enforceable. Mr. Jackson referred to the General Plan, which addresses the granting of higher densities. A density of five units per acre can be achieved in medium-density residential land use by mixing single-family homes, duplexes, and townhomes.

*Ann Evans* gave her address as 3772 Nicholas Drive. In the area from North Town Road to Tuscany Drive, there are 233 units of housing in three projects. The developer has stated that they conducted a traffic study. She questioned how that could have been when two projects were not developed yet, and they do not know what the full impact will be. The result will be 500 more people and cars. She understands that Mr. Leavitt is trying to make a profit but if he cannot make a profit from single-family dwellings he should sell the property back to the City for a cemetery. She referenced a quote by Chair Blake when running for City Council in 2019 that Santa Clara needs to be protected to maintain its small-town feel, its walkability, and cyclability. Ms. Evans urged the Commission to deny the request.

*Patricia Bouman* gave her address as 2304 Patricia Drive and questioned the need for townhomes to transition to the townhomes they already have. She suggested that the property be developed as single-family homes. She appreciates that the plan does not include a road onto Patricia Drive and stated that the traffic is already fast and heavy.

*Paul Styka* gave his address as 3895 Sweetwater Drive and had a problem with having less than two-thirds or 75% absentee owners. He and his wife moved to Santa Clara from another state where witnessed firsthand what happens when investors rent their property indiscriminately. He considered that to be a huge mistake. He also echoed the previous comments that since the property was zoned a certain way it should not now be changed. He urged the Commission to deny the request.

*Garrett Mair* gave his address as 2273 Julie Drive and asked what will happen if the property is rezoned and Mr. Leavitt sells it. It was reported that a new owner would have to follow the project plan that is approved for the property.

*James Thayn* gave his address as 389 East 1100 South in Ivins and stated that the road has become very busy and busier than it was designed originally. To add more density was of concern.

*Jim Reynolds* gave his address as 348 East Desert Rose Way in Ivins to the west of the development. He has served on a planning commission and recognizes the issues they are dealing with. He was also a professional civil engineer for over 35 years. He stated that it is not appropriate to make a zone change in a vacuum. The plan shows single-family dwellings to protect the residents of Santa Clara but nothing along 400 East to protect the single-family units in the City of Ivins. They have also only heard anecdotal evidence of the need for additional multi-dwelling units in the area. There are a number of developments that surround this one where high-density housing is going in. Mr. Reynolds commented that the intersection of Pioneer Parkway and US Hwy 91 is already extremely difficult. With the expansion of Old Hwy 91, more traffic will occur there. Unfortunately, new construction does nothing to relieve any of the congestion or dangers associated with that intersection. All of the traffic from the proposed development will impact that intersection and make it worse. This is not transitional development but is spot zoning. Single-family dwellings border the subject property on three sides of the property and it is inappropriate to allow spot zoning in this case. Mr. Reynolds urged the Commission to deny the request.

*Ann Pritt* gave her address as 3918 Madison Avenue and stated that she has watched with interest the development of the townhomes to the north of Harmons. She has watched rents increase over time and people will rent for what the market will bear. It is a myth that townhomes provide affordable housing.

*Stan Spray* gave his address as 1107 South 375 East in Ivins and stated that 400 East cannot handle the traffic that is proposed to come online from this development and others. Motorists travel at high rates of speed in that area. He lives on a hill and has a beautiful view that he is concerned will be eliminated. He suggested that the project remain as single-family.

*Chris Reynolds* gave her address as 348 East Desert Rose Way in Ivins. She stated that property values will change. Their family experienced something similar 30 years ago in Layton where 35 homes were built behind theirs. Their property value declined 30% in one day. The same will happen here. She urged the Commission to not rezone the property.

There were no further public comments. The public hearing was closed.

iii. **Consider a Proposed Code Amendment to the Santa Clara Zoning Ordinance, Section 17.18, Amendments to Land Use Ordinance, Zoning Map, and General Plan. This includes General Clean-Up and Updating of the Ordinance. Santa Clara City, Applicant.**

Mr. McNulty presented the Staff Report and stated that the matter was discussed during a Work Meeting on April 13, 2023. There have also been discussions with the City Council on the matter. What is proposed is a text amendment to the Development Code to add Section 17.18100 for General Plan Amendments. The majority of the amendment is to clean up the language. The proposed wording is as follows:

- a. The General Plan may be amended from time to time by the City Council. General Plan Amendments will be considered on a quarterly basis by the City. All proposed amendments shall be submitted first to the Planning Commission for consideration at a public hearing. The City Council shall consider the recommendation at a public hearing and make a final determination to adopt, modify, or deny the proposed amendment.
- b. For a General Plan Amendment which includes a rezoning of property in a required project plan to a Planned Development (“PD”) Zone, the General Plan Amendment may include a condition that the rezoning application on which the General Plan Amendment is based must be approved within a certain timeline or the property reverts to the General Plan prior to approval of the amendment.

Mr. McNulty stated that the city has seen a significant increase in General Plan Amendment and rezoning applications. It is not uncommon to review them quarterly. All state statute requirements have been met for a Code amendment. Staff recommended that the Planning Commission hold a public hearing and consider forwarding a recommendation of approval for the Code Amendment to the City Council.

Mr. Ence explained that the policy is that when an application is received for a General Plan and Zone change, they are now scheduling them so that the General Plan approval goes through first. Because they are two separate decisions, it seems to be helpful for applicants and the City to do them separately. In the past, they have gone through at the same time.

Chair Blake opened the public hearing.

*Devin Ferguson* gave his address as 3790 Nicholas Drive and asked about the timeline that there has to be a response by. He suggested that the time period be shortened to not conflict with snowbirds and others who may not be able to be present. Mr. McNulty commented that tonight's meeting as well as the meeting in March, were both well attended. Mr. Ferguson was aware of some who could have made impactful statements were unable to attend tonight. Mr. McNulty stated that emails were also received and forwarded to the Commission for consideration. Mr. Ferguson accused Mr. McNulty of selling the previous project to the Planning Commission rather than supporting the residents. Messrs. McNulty and Ence took issue with that comment and Mr. Ence stated that Mr. McNulty presents projects in a fair manner. Mr. Ferguson stated that it always benefits the developer. Chair Blake stated that if a General Plan Amendment is approved and nothing is done for a certain time period, the zoning would revert back. State Code sets the requirements for noticing and other issues.

Mr. McNulty stated that if a property rezone request is denied, an applicant has to wait 12 months to reapply. He thought it would be feasible to specify 12 months in this case as well. He stated that a preliminary plat approval like the one that was presented for Black Desert tonight, is good for two years. In this case, he felt that one year was adequate.

There were no further public comments. The public hearing was closed.

## 5. **General Business**

### A. **Recommendation to City Council**

- i. **Recommendation to the City Council to Consider a Proposed PDR Zone Amendment and Preliminary Subdivision Plat for the Proposed South Village @ Black Desert Subdivision (Parcel #SC-6-2-9-150, described as 43.77 acres). The Subject Property is part of the Black Desert Planned Community which Includes a 19-Hole Golf Course. The Preliminary Plat includes 40 Single-Family Lots Ranging in Size from 0.50 acres to 1.67 acres. Patrick Manning, Applicant.**

Mr. Manning reported that Santa Clara City also needed a water line looped to where it connects to Entrada. They were using the road to also deliver the water line. In terms of the golf course being moved, Tom Weiskopf designed the course and felt they needed to move it. It will be up higher and they want to set it down in the natural ravine that is in now.

Commissioner Whitehead stated as it goes through the process of the Planning Commission and the City Council and the plat is approved, it comes back later and makes it difficult for the Commission if a plat is developed that is different from what was originally approved. Mr. Ence explained that the original approval that was given for the golf course's use was very general. There have been no plats approved or submitted to the City prior to this one. This is the first one for this part of the Black Desert Project and the first opportunity for the City to comment on and consider the proposed layout

of the lots since there has not been a previous submission that included the detail of where the lots were to be located. Procedural issues were discussed. Mr. Ence explained that the golf course use was approved along with the original Development Agreement, which did not include the approval of any plats or indicate where lots could be subdivided. For that reason, they were going through this process now. The intent was for there to be flexibility where the bubbles are shown.

Mr. Ence reported that they always had the knowledge and understanding that the plats would come along at the appropriate time and the City would have the opportunity to weigh in as part of the regular process of plat review and approval. He explained that there has been a lot of discussion at staff level about the location of lots and what portions of the lava ought to be preserved. There were also questions regarding the view shed and specific features in the lava. There have been extensive discussions at the staff level with the developer, and what is before the Commission is what the developer decided to submit as a result of those discussions. While it is not necessarily endorsed by staff, they have considered staff feedback.

Commissioner Whitehead recalled when the matter was first presented as part of Area 6. They walked the area and discussed preserving the lava along the walking trail. He commented that Lots 37 and 38 are close to the trail. Council Member Mathis was on the Planning Commission at the time, and it is an issue she has been concerned about. That was one of the reasons the Work Meeting was held with the City Council. The intent was to refresh their memories on what is proposed. They were continuing that process. It will be a long process because there will be multiple phases within Black Desert.

The Commission was asked to look at the approval of the subdivision in the configuration proposed by the developer, which would change the boundary of Area 6. The developer has articulated reasons why they think that is appropriate. Mr. Ence commented that staff was generally comfortable that what is proposed is consistent with the spirit of what the developer and the City have been working through. That does not take away from the Commission's responsibility to make a recommendation to the City Council and question the developer about the decisions that have been made to this point. He commented that the City has been open to an adjustment of the Area 6 boundary because they recognize the need for the second access road, which exits on the southeast boundary of the project and will be part of the plat. That is important for access and utility connections. Staff expressed support for whatever is approved with the assurance that there is a second access at that point, which will impact Area 6. Other options have been discussed as well such as providing a second access to Pioneer Parkway that will have an even bigger impact on Area 6. This will require changes to the trail and have a greater impact on view sheds. Mr. Ence explained that the developer and staff are addressing numerous considerations, which can be considered as a recommendation is made to the City Council.

Commissioner Call was concerned about Lots 37 and 38 and their proximity to the existing trail. Chair Blake commented that he rode the trail a few weeks ago and near the arboretum, it is in the backyards of several homes. He was not concerned about that with the space provided with the proposed homes, however. With regard to the second access, he felt that the location proposed was the only option.

Mr. Bates reported that during the site visit with the City Council, they looked at the space thoroughly. The two lots were removed originally because there was a lava source that they did not want to encroach onto. Lot 38 was significantly lower than the area to the west. Lot 37 is tucked in behind the trail as well. The area adjacent to the trail that had an impact on the view was the current open space. One option was to take a portion of Lot 28 and make it undevelopable. Ultimately, the decision was made to remove two lots.

The golf course fly zone identified in Lot 37 was identified as an area that could potentially have errant golf balls. It is a noticing requirement so that potential purchasers of the property are aware that that is a hazard. The gap between the road and Entrada running north-south was estimated at 20 feet. No retaining walls were proposed there to minimize the grading adjacent to those lots, which are set lower. The intent was to optimize the design.

Chair Blake asked if 50-foot roads are needed or if they could be reduced to 45 feet. Commissioner Blake was in favor of a 45' public road to reduce the disturbance of lava areas in the project. Mr. McNulty stated that the Public Works Director has been very specific about the 50-foot road based on the newly adopted Construction Design Standards. Staff spent months amending the Construction Design Standards and there were reasons behind the 50-foot road versus 45 feet. The matter may warrant further discussion.

Commissioner Whitehead asked how property values will be impacted if the southernmost property line on Lots 37 and 38 is reduced by 50 feet to get it further from the walking trail. Mr. Manning stated that the setback there is already 20 feet. They could ensure that there is a minimum 30-foot setback off of the property line to provide distance between the trail and the property. The lot sits eight feet below the trail. He struggled with developing one-acre lots that are low-profile while there are homes along the majority of the trail. He wants to be sensitive but would not want to push the property line.

Mr. Ence stated that it is worthwhile to understand that the way the lots are to be developed is similar to the Entrada or Kayenta style where the disturbance on the lot itself will be kept to a minimum. The developer and their covenants will control how that disturbance takes place. The lots will largely remain undisturbed, which changes the perspective. There will not be a wall on the perimeter and the property lines will effectively be invisible. What will largely be seen is lava almost up to a low elevation home and very little disturbance otherwise. He noted that that is the intent of the style of development. Mr. McNulty referenced item number four in the Staff Report regarding preservation of lava and minimal disturbance. He stated that the developer is involved in the location and disturbance of each individual lot and citing the potential future homes.

Chair Blake commented that that needs to occur in terms of providing emergency access to the remainder of the units. It seemed that the developer had identified areas with the most interest. He agreed that there are already several homes along the trail and he felt that the golf course added to the interest. He was not opposed to reducing Area 6. He liked the idea of reducing the road sizes as the Code is flexible.

Commissioner Whitehead wanted to avoid overriding the Code. Mr. McNulty clarified that the Code allows for small streets in Planned Development Residential (“PDR”). There is a 50-foot standard cross section and 45 feet for a PDR, which typically has smaller lots. In this case, the lots are very large in size. There is also a 55-foot cross-section if the desire is to do park strips and sidewalks. A PUD allows a public road at 45 feet, however, in this case, that has not been recommended by the Public Works Director.

**Commissioner Whitehead moved to recommend APPROVAL of the PDR Zone Amendment and Preliminary Plat Approval for the South Village @ Black Desert Subdivision 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. This includes Red Mountain Drive and Road “E” (66’ cross-section), along with Road “C”, as well as all interior public streets within the subdivision (50’ cross-section). Additionally, all cul-de-sacs within the subdivision are required to have a 50’ radius (100’ diameter).**
- 3. That the building setbacks for this subdivision meet the requirements of Chapter 17.68, Planned Development Residential, PDR Zone. That the building height for all homes in this subdivision be limited to 28’ as proposed by the developer.**
- 4. That Lot 7 be approved as a flag lot. That Lots 21, 22, and 23 be required to have a 25’ rear yard setback because they are double-fronted lots.**
- 5. That each home in the subdivision be designed to maximize views and limit disturbance allowing for the preservation of lava areas.**
- 6. That the “Golf Course Fly Zone” note be required on the plat with associated language being required in the CC&Rs.**
- 7. That a 10’ multi-purpose trail be required north of Tuacahn Wash and adjacent to Red Mountain Drive (east side), and Road “E” (north side).**
- 8. That the two (2) open space areas be maintained by the HOA. This includes Area #1 (1.16 acres), and Area #2 (1.04 acres).**
- 9. That a decision by the City Council which includes an amendment to the Development Agreement regarding Area #6 be decided on prior to, or concurrently with Final Plat approval.**

10. That the applicant is required to fire sprinkle all residential structures within the project with an IRC NFPA 13D sprinkler system. That emergency access be available from the southeast edge of the project adjacent to Entrada. That the applicant provides a key or Opticom override system control to the Fire Department.
11. That all landscaping (Individual lots and HOA-maintained open space areas) be required to comply with City Ordinance #2022-05 (Water Efficiency & Conservation).
12. That the applicant provides a will-serve letter or other verified documentation from the WCWCD prior to final plat recordation.
13. That a secondary water system is required for all outdoor water use.
14. That a copy of the CC&Rs for the project be submitted to the city for review and approval at Final Plat submittal.
15. That the applicant provides a dust control plan prior to final plat recordation.
16. There shall be discussion with the Public Works Director regarding reducing the width of the street from 50 feet to 45 feet.

Commissioner Harris seconded the motion. The motion passed with the unanimous consent of the Commission.

- ii. **Recommendation to the City Council to Consider a Proposed Rezoning of Property at 400 East/Patricia Drive and Pioneer Parkway (Parcels #SC-SB-90-A-2, and #SC-SB-90-A-4-B, described as 18.09 acres). The Applicant, Clayton Leavitt, is Proposing to Rezone the Property from the R-1-10 Single-Family Residential Zone to the Planned Development Residential, PDR Zone to Allow for a Proposed Residential Project that will include Single-Family Homes, Multi-Family Townhomes, and Amenities.**

Mr. Leavitt commented that the R-1-10 zone is a holding zone in Santa Clara. The General Plan states that there is a need to buffer single-family homes in the form of townhomes along Tuscany Drive. The importance of density transitions between neighborhoods is also stressed in the General Plan. This plan accomplishes that. When they purchased the property they knew there was higher density to the north and single-family to the east. They accommodated all of the residents in their plan. With regard to boat and RV parking, they will not be allowed in the community. If so, they would need to be screened behind a fence. He did not expect them to be an issue with regard to parking.

Mr. Leavitt stated that they have to be realistic with regard to what is affordable. Currently, the federal government has raised interest rates but when they come down again it will still be difficult

to afford a \$650,000+ home in Santa Clara. For that reason, three-quarters of the land within the project is devoted to single-family.

Chair Blake asked about the detached single-family homes. Mr. Leavitt stated that they will typically be two stories with 1,750 to 1,850 square feet. The price point will be affordable. There will be five or six different elevations for single-family homes. The traffic study that was conducted has taken the width of 400 East into account. It was classified as a collector by the City. A privacy wall will be provided. Mr. Leavitt stated that he spoke to residents in Ivins who preferred one-story homes in that area. The intent was to protect the view corridor.

Boat and RV parking issues were observed in Tuscany. There was concern about residents of Mr. Leavitt's project migrating elsewhere. He drove through Village on the Heights and Heights West and observed trailers and cars parked on the public street. They want to encourage no parking on public streets, and it will be enforced in the CC&Rs.

Commissioner Call stated that as mentioned at the last meeting, he generally opposes zone changes where the neighbors are opposed. There are good reasons for that. He stated that there was an empty lot across from his home that was zoned R-1-10 that was vacant for about 10 years. He often wondered what would happen if it were converted to a convenience store. He did not consider that to be appropriate. He recognized that owner-occupancy will be limited to 50% in the townhome units but not on any of the other unit types, which could be 100% rentals. He also addressed the affordability issue and recognized that there has been a lot of growth in the City since he has lived here and he had not seen prices get more affordable. He did not consider the median cost of the units at \$400,000 to be affordable. His opinion was that what is proposed is too dense. He did not consider the 8% reduction proposed by the developer to be significant. He saw no compelling reason to change the zoning.

Commissioner Whitehead listened to the audio from the City Council Meeting and studied the issue in detail. He is usually opposed to zone changes unless there is neighborhood support. He read a report that changed his opinion and stated that it is not his responsibility to decide about what is best for the residents. That is the job of the City Council. The Planning Commission's duty is to make sure that the application is complete and complies with the General Plan and forward a recommendation to the City Council. He felt that an 8% density may not be substantial but the 16% increase in single-family lots is significant. There are also 14% fewer townhomes. Overall it is a 28% change to go from townhomes to single-family lots. There was discussion of zoning the property R-1-6, which still allows a density of up to seven units per acre. The General Plan addresses density transitions, which are intended to ensure that the new development is compatible with existing neighborhoods. Gradual transitions between different densities should occur. Commissioner Whitehead felt that Mr. Leavitt had paid attention to what staff and the City Council have recommended and has adhered to the goals of the General Plan.

Commissioner Harris was in favor of the project last time and continued to support it. The General Plan calls for medium-density and their request complies with that.

Chair Blake reported that the subject property was annexed into the City in 1982 and agreed with Commissioner Call that there needs to be a slow increase in intensity. He did not consider what is proposed to be dramatically different from what surrounds the property. The City Council at their last meeting was more worried about the attached units, which was why they wanted the 50% owner occupancy stipulation. He did not see much of a difference between what is being requested and what currently exists in the community. The roads in the area have all been sized based on the General Plan to handle increased traffic. Traffic studies plan for the future. He felt there was a need for this type of housing. He remarked that affordability is relative. Chair Blake stressed the importance of providing places for our children to live. He noted that growth in the state has exceeded the availability of housing. The proposed units will be less expensive than a home in the R-1-10 zone.

Chair Blake liked the project because it has single-family homes that will be buffered by substantial roads. There is also a transition to other communities and it meets a need. He also liked that the developer has added pedestrian connectivity and that there are narrow streets that are safer and provide for walkability with the sidewalks. There is also a trail that will provide walkability.

Mr. Ence stated that the decision is legislative and one for which the City Council has broad discretion because it has to do with the direction of development in the City. It pertains to the concerns and considerations of the residents and property owners. The role of the Planning Commission is to make a recommendation and record of what was said for the benefit of the City Council who will make the final decision. The Planning Commission's recommendation is not binding.

**Chair Whitehead moved that the Planning Commission recommend APPROVAL to the City Council to consider a proposed rezoning of property at 400 East/Patricia Drive and Pioneer Parkway (Parcels #SC-SB-90-A-2, and #SC-SB-90-A-4-B, described as 18.09 acres) to rezone the property from the R-1-10 Single-Family Residential Zone to the Planned Development Residential ("PDR") Zone to allow for a proposed residential project that will include Single-Family Homes, Multi-Family Townhomes, and Amenities subject to the following:**

**Conditions:**

- 1. That the applicant be required to go through the PD Subdivision Review process for each project phase (overall preliminary & final plats).**
- 2. That a total of one hundred thirty-three (133) units on 18.09 acres be allowed as per the Project Plan. This equates to a density of 7.35 units/acre.**
- 3. That a Project Phasing Plan be required for the overall project. That this plan be reviewed for compliance with each project phase.**
- 4. That the building design/materials/height/setbacks comply with the Project Plan as presented by the applicant. That substantial changes to these items require an amendment to the Project Plan.**

5. **That at least 30% of the project area be in common open space. The Project Plan includes approximately 34.83% (6.30 acres) of open space.**
6. **That the project amenities be provided and put in place as per the Project Plan and Phasing Plan.**
7. **That the required public trail (2018 Trails Master Plan) be put in place as per the Project Plan.**
8. **That the applicant be required to comply with City Ordinance #2022-05, Water Efficient Landscaping & Conservation Standards. Also, secondary water connections are required for outdoor water use**
9. **That a 45' public road cross-section be allowed for this PD project rather than a 50' cross-section. That a 26' private driveway be allowed to access Lots 38 – 39, and 59 – 60 only. That future improvements to Patricia Drive, Pioneer Parkway, and 400 East be determined during the PD Subdivision review process.**
10. **That 203 parking spaces for the 51 multi-family units be provided along with 20 surface parking spaces adjacent to the amenity areas as per the Project Plan.**
11. **That the Geotech Report for the project be implemented during construction.**
12. **That the Traffic Impact Study, TIS for the project be implemented except for a third access to Patricia Drive**
13. **That a 6' solid block privacy wall be required along Pioneer Parkway and 400 East.**
14. **That a minimum of 50% of the multi-family townhome units be owner-occupied.**
15. **That the proposed property Rezoning complies with Chapter 17.18.090 items, (except item c below):**
  - a. **The proposed use is suitable in view of the zoning and development of adjacent and nearby property;**
  - b. **The proposed use will not adversely affect the existing use or suitability of adjacent or nearby property;**
  - c. **There are no substantial reasons why the property cannot or should not be used as currently zoned;**

- i. **The applicant intends to do a PD Subdivision with both single-family and multi-family townhomes as per the MDR land use designation of the General Plan.**
- d. **The proposed use will not cause an excessive or burdensome use of public facilities or services, including, but not limited to streets, schools, water or sewer utilities, and police or fire protection;**
- e. **The proposed use is compatible with the purpose and intent of the General Plan;**
- f. **The proposed use is consistent with the purpose and intent of the proposed zoning district;**
- g. **The proposed use is not supported by new or changing conditions anticipated by the General Plan;**
- h. **The proposed use does reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to the unrestricted use of property.**

**Findings:**

- 1. **That the Rezoning is compliant with the Santa Clara City General Plan, Section 3.4.1, Residential Land Uses (Medium Density Residential, MDR).**
- 2. **That the MDR Land Use Designation allows for townhomes, multi-unit buildings, and small single-family structures on small lots.**
- 3. **That other properties in the immediate vicinity (north and south) of the site are zoned Planned Development Residential (“PDR”).**

**Commissioner Harris seconded the motion. Vote on motion: Commissioner Call-Nay, Chair Blake-Aye, Commissioner Harris-Aye, Commissioner Whitehead-Aye. The motion passed 3-to-1.**

Mr. Ence expressed gratitude to the public for the comments offered. He appreciated the feedback and input. It is welcome and becomes part of the record.

- iii. **Recommendations to the City Council to Consider a Proposed Code Amendment to the Santa Clara Zoning Ordinance, Section 17.18, Amendments to Land Use Ordinance, Zoning Map, and General Plan. This Includes General Clean-Up and Updating of the Ordinance. Santa Clara City, Applicant.**

Timing issues were discussed. It was noted that once word gets out applicants will be prepared to submit amendments quarterly. Mr. Ence stated that it also signals that a General Plan change is a significant issue. In the past it has been treated as part of the process of a zone change, however, it is not the same.

**Commissioner Call moved that the Planning Commission recommend APPROVAL to the City Council of the proposed Code Amendment to the Santa Clara Zoning Ordinance, Section 17.18, amendments to the Land Use Ordinance, Zoning Map, and General Plan and that the timeline be set as one year. The motion was seconded by Commissioner Harris. The motion passed with the unanimous consent of the Commission.**

The Commission discussed the potential for being awarded a grant to help cover the cost of revising the General Plan. Mr. McNulty stated that he would need to inquire with the City Manager. Mr. McNulty commented that they have spent a lot of time trying to work with Utah Tech through the City Alliance who would like to help the City revise the General Plan but they do not have the needed expertise. Usually, a consultant is hired to lead a General Plan update. Mr. McNulty proposed that it be a 50/50 effort where he would do half of the work in-house with the help and guidance of a professional consultant in the future.

Mr. Ence pointed out that once the City is built out, redevelopment will not be precluded.

**6. Discussion Items**

**A. None.**

**7. Approval of Minutes**

**A. Request Approval of the Regular Meeting Minutes – April 27, 2023.**

**Commissioner Whitehead moved to APPROVE the minutes of the April 27, 2023, Santa Clara Planning Commission Regular Meeting. Commissioner Call seconded the motion. The motion passed with the unanimous consent of the Commission.**

**8. Adjournment**

The Planning Commission Meeting adjourned at 8:16 p.m.

\_\_\_\_\_  
Jim McNulty  
Planning Manager

Approved: \_\_\_\_\_

**Mayor**  
Rick Rosenberg

**City Manager**  
Brock Jacobsen



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

# CITY COUNCIL

**Meeting Date:** June 21, 2023

**Agenda Item:** 5

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**Applicant:** Santa Clara  
City

**Requested by:** Jim McNulty

**Subject:** Chapter 17.18, General Plan Amendments

**Description:**

City staff and legal counsel have been working on an update to Chapter 17.18, General Plan Amendments. This includes the addition of new language for General Plan Amendments as well as general clean-up to this section of code. A staff memo with the draft amendment has been included in the Council packet.

**Recommendation:**

**Attachments:** Yes

**Cost:** N/A

**Legal Approval:** Yes

**Finance Approval:** N/A

**Budget Approval:** N/A



TO: Santa Clara City Council  
FROM: Jim McNulty, Planning Manager  
DATE: June 21, 2023  
RE: Chapter 17.18, General Plan Amendments

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City staff and legal counsel have been working on an update to Chapter 17.18, Amendments to the Land Use Ordinance, Zoning Map, and General Plan. A draft copy is attached for your review. The draft ordinance updates for Chapter 17.18, include the following:

- Section 17.18.100, General Plan Amendments
- General Clean-Up and Updating

***On May 25, 2023, the Planning Commission held a public hearing and forwarded a recommendation of approval to the City Council.*** Staff had an opportunity to discuss this item recently with the City Council during a Council work meeting. Additionally, this item was discussed with the Planning Commission on April 13, 2023. The City Council and Planning Commission were in favor of proceeding with this item.

**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. City Staff has determined that all State Code requirements have been met with this application.

**Recommendation:**

City Staff recommends that the City Council approve the proposed Code Amendment to Chapter 17.18, Amendments to the Land Use Ordinance, Zoning Map, and General Plan) to the City Council.

CHAPTER 17.18

AMENDMENTS TO LAND USE ORDINANCE, ~~AND~~ ZONING MAP AND GENERAL PLAN

SECTION:

17.18.010: Purpose ~~And~~ Intent

17.18.020: Applicability

17.18.030: Initiation ~~Of~~ Amendment

17.18.040: Application Submittal Requirements

17.18.050: Review ~~Of~~ Application

17.18.060: Amendment ~~To~~ Application

17.18.070: Withdrawal ~~Of~~ Application

17.18.080: Public Notice ~~And~~ Public Hearings

17.18.090: Standards ~~Of~~ Review ~~By~~ Land Use Authority ~~And~~ City Council

17.18.100: General Plan Amendments

17.18.010: PURPOSE AND INTENT:

The purpose of this chapter is to provide clear and consistent procedures and requirements for amendments to the land use ordinance and the zoning map. (Ord. 2007-18 § 1)

17.18.020: APPLICABILITY:

The provisions of this chapter apply to ~~any and all~~ amendments to the land use ordinance and zoning map of the city of Santa Clara, Utah, subsequent to the date of adoption hereof. (Ord. 2007-18 § 1)

17.18.030: INITIATION OF AMENDMENT:

Either a zoning map or text amendment may be proposed by motion of the city council or land use authority. In the case of a zoning map amendment an application may be filed by a person who owns or has a legal interest in ~~property, or property or~~ is a duly authorized agent of the owner. In all events, the application must exhibit the consent of those with a legal ownership interest in the property under consideration. In the case of a land use ordinance amendment, a landowner may file a petition for a motion of the city council to amend the ordinance text to be acted upon by the city council. The council shall either

adopt such motion, initiating the text amendment requested, or deny such petition, in which event the request shall not proceed to ~~hearing~~ hearing before the land use authority. (Ord. 2007-18 § 1)

#### 17.18.040: APPLICATION SUBMITTAL REQUIREMENTS:

Applications for amendments to the land use ordinance or zoning map must provide the following information:

##### A. Ordinance Amendments:

1. Amendments to the land use ordinance must provide a completed application for an ordinance amendment. The application requests that the application be able to satisfactorily answer the following questions:

a. How has/have the current land use ordinance section(s) that is/are the subject of this application become outdated or no longer in the best interest of Santa Clara City?

b. How does the proposed land use ordinance change better serve Santa Clara City in promoting and protecting the health, safety, morals, convenience, order, prosperity, or general welfare of the city and its citizens?

c. How does the proposed ordinance change fit with the goals, objectives, and policies of Santa Clara City's general plan?

2. In addition, the following information must be provided along with the completed application:

a. Letter Of Intent: A letter of intent giving the details of the proposed ordinance change which should include, at a minimum, the following information:

(1) The purpose of the proposed ordinance change.

(2) How the ordinance change may affect other ordinance sections.

b. Impact Of Land Use Ordinance Change Description: A narrative explaining the benefit to the city anticipated from the ordinance change, including expected impact on public services, as well as the amount of city land that is expected to be affected by the proposed change.

c. Filing Fee: Filing fee as established by city resolution.

d. Signature: The application must be signed by the applicant and duly notarized. It shall be submitted in accordance with a schedule as provided in the application packet.

##### B. Map Amendments:

1. Amendments to the zoning map must include a completed application to amend the zoning map, as adopted and amended from time to time by the city council. The application must be completed and accompanied by the required items.

2. The application must also include the additional requirements required by the designations of commercial, planned development districts, and the historic district/mixed use zone.

3. Adherence to the application submittal deadlines as established by resolution of the city council and found on the application to amend the zoning map.

4. Filing fee payable to Santa Clara City according to the fee schedule established by the city council.

5. The application must be signed by the applicant(s) and/or property owners and duly notarized. (Ord. 2007-18 § 1)

#### 17.18.050: REVIEW OF APPLICATION:

An application for a zoning map amendment, containing information specified in section 17.18.060 of this chapter shall be filed and reviewed pursuant to the following:

A. Preapplication Conference: Prior to filing an application, the applicant shall meet with the zoning administrator, or designee, and discuss his/her intentions ~~with regard to~~ regarding a given ~~application, and application and~~ asking questions regarding the procedure or substantive requirements of this chapter.

B. Review Of Application Completeness: No application shall be accepted and reviewed unless determined by the zoning administrator, or designee, to be complete. A complete application is one which meets such minimum submission requirements as established by resolution of the city council.

C. Acceptance Of Application: The zoning administrator shall either accept the application if it is complete, or forward to the applicant a notice of the incompleteness specifying those areas of additional information necessary for review.

D. Application Processing: Upon acceptance of the application, it shall be reviewed by the land use authority staff, and then comments provided to the applicant prior to consideration by the land use authority. The zoning administrator shall schedule a public hearing before the land use authority as outlined in section 17.18.080 of this chapter. (Ord. 2007-18 § 1)

#### 17.18.060: AMENDMENT TO APPLICATION:

An application may be amended by the submittal of additional information or proposed changes, provided however, that no amendments shall be made to the application after the land use authority has formulated its recommendation. If the additional information or the proposed changes to the application are submitted to conform with recommendations made by the city staff, then it shall not be deemed an amendment and the application shall ~~continue on~~ continue its original ~~time line~~ timeline. However, if the additional information

or proposed changes to the application are submitted at the applicant's discretion, then the zoning administrator shall review the information and render a finding as to whether the amendment requires the readvertising of the public notice, or additional review time by the city staff. If the zoning administrator determines readvertising or additional review time is needed the application shall be delayed until the next regularly scheduled land use authority meeting, and the applicant shall pay an additional zone change application fee. (Ord. 2007-18 § 1)

#### 17.18.070: WITHDRAWAL OF APPLICATION:

An application may be withdrawn upon written request by the applicant at any time. ~~In the event that~~ If an application is withdrawn after staff review, the application fee shall not be refunded. (Ord. 2007-18 § 1)

#### 17.18.080: PUBLIC NOTICE AND PUBLIC HEARINGS:

Public notice and hearings shall be conducted for all zoning decisions as defined in Utah Code Annotated, title 10, chapter 9A, known as the municipal land use, development, and management act (LUDMA).

A. Third Party Notice ~~For~~for Zoning Map Amendments: A third party notice in the form of a public notice on the property with a sign of sufficient size, durability, print quality, and location that is reasonably calculated to give notice to passersby will be required for zoning map amendments (rezonings). The sign will be placed by the city at least ten (10) days prior to the required public hearing.

B. Public Hearings: At the public hearing, the land use authority will hear comments from the staff, the applicant, and any citizen wishing to speak regarding the change.

Following the close of the public hearing, the land use authority may take action on the request by doing any of the following:

1. Recommend approval of the zone change request to the city council.
2. Recommend denial of the zone change request to the city council.
3. Table the request for further information, scheduling a field trip, or some other valid reason.

C. City Council Action: Following the land use authority action, the request will be forwarded to the city council for their legislative action. The city council may act upon the request, deny the request, or table the request for further information, or send the request back to the land use authority for further study or action.

D. Approval: Once approved by the city council, the zoning map will be amended to reflect the zone change.

E. Denial: If a zone change request is denied by the city council, it may not be reconsidered for a period of one year unless there is a significant change, as determined by the zoning administrator, to the prior request making it, in effect, a new application. A new filing fee must also be paid. (Ord. 2013-01: Ord. 2007-18 § 1)

#### 17.18.090: STANDARDS OF REVIEW BY LAND USE AUTHORITY AND CITY COUNCIL:

In consideration of any land use ordinance or zoning map amendment, the land use authority shall consider the following matters and the city council shall give reasonable consideration to the following matters:

- A. Is the proposed use suitable in view of the zoning and development of adjacent and nearby property.
- B. Will the proposed use adversely affect the existing use or suitability of adjacent or nearby property.
- C. Are there substantial reasons why the property cannot or should not be used as currently zoned.
- D. Will the proposed use cause an excessive or burdensome use of public facilities or services, including, but not limited to, streets, schools, water or sewer utilities, and police or fire protection.
- E. Is the proposed use compatible with the purpose and intent of the general plan.
- F. Will the use be consistent with the purpose and intent of the proposed zoning district.
- G. Is the proposed use supported by new or changing conditions not anticipated by the general plan.
- H. Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to the unrestricted use of property. (Ord. 2007-18 § 1)

#### 17.18.100: GENERAL PLAN AMENDMENTS:

The General Plan may be amended from time to time by the City Council. General Plan Amendments will be considered on a quarterly basis by the city.

- A. All proposed amendments shall be submitted first to the Planning Commission for consideration at a public hearing. The City Council shall consider the recommendation at a public meeting, and make a final determination to adopt, modify, or deny the proposed amendment.
- B. For a General Plan Amendment which includes a Rezoning of property and a required Project Plan to a Planned Development, PD Zone, the General Plan

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Amendment may include a condition that the Rezoning Application on which the General Plan Amendment is based must be approved within a one (1) year timeline, or the property reverts to the General Plan prior to approval of the Amendment.

## CHAPTER 17.18

### AMENDMENTS TO LAND USE ORDINANCE, ZONING MAP AND GENERAL PLAN

#### SECTION:

17.18.010: Purpose and Intent

17.18.020: Applicability

17.18.030: Initiation of Amendment

17.18.040: Application Submittal Requirements

17.18.050: Review of Application

17.18.060: Amendment to Application

17.18.070: Withdrawal of Application

17.18.080: Public Notice and Public Hearings

17.18.090: Standards of Review by Land Use Authority and City Council

17.18.100: General Plan Amendments

#### 17.18.010: PURPOSE AND INTENT:

The purpose of this chapter is to provide clear and consistent procedures and requirements for amendments to the land use ordinance and the zoning map. (Ord. 2007-18 § 1)

#### 17.18.020: APPLICABILITY:

The provisions of this chapter apply to all amendments to the land use ordinance and zoning map of the city of Santa Clara, Utah, subsequent to the date of adoption hereof. (Ord. 2007-18 § 1)

#### 17.18.030: INITIATION OF AMENDMENT:

Either a zoning map or text amendment may be proposed by motion of the city council or land use authority. In the case of a zoning map amendment an application may be filed by a person who owns or has a legal interest in property or is a duly authorized agent of the owner. In all events, the application must exhibit the consent of those with a legal ownership interest in the property under consideration. In the case of a land use ordinance amendment, a landowner may file a petition for a motion of the city council to amend the ordinance text to be acted upon by the city council. The council shall either adopt such

motion, initiating the text amendment requested, or deny such petition, in which event the request shall not proceed to a hearing before the land use authority. (Ord. 2007-18 § 1)

#### 17.18.040: APPLICATION SUBMITTAL REQUIREMENTS:

Applications for amendments to the land use ordinance or zoning map must provide the following information:

##### A. Ordinance Amendments:

1. Amendments to the land use ordinance must provide a completed application for an ordinance amendment. The application requests that the application be able to satisfactorily answer the following questions:

a. How has/have the current land use ordinance section(s) that is/are the subject of this application become outdated or no longer in the best interest of Santa Clara City?

b. How does the proposed land use ordinance change better serve Santa Clara City in promoting and protecting the health, safety, morals, convenience, order, prosperity, or general welfare of the city and its citizens?

c. How does the proposed ordinance change fit with the goals, objectives, and policies of Santa Clara City's general plan?

2. In addition, the following information must be provided along with the completed application:

a. Letter Of Intent: A letter of intent giving the details of the proposed ordinance change which should include, at a minimum, the following information:

(1) The purpose of the proposed ordinance change.

(2) How the ordinance change may affect other ordinance sections.

b. Impact Of Land Use Ordinance Change Description: A narrative explaining the benefit to the city anticipated from the ordinance change, including expected impact on public services, as well as the amount of city land that is expected to be affected by the proposed change.

c. Filing Fee: Filing fee as established by city resolution.

d. Signature: The application must be signed by the applicant and duly notarized. It shall be submitted in accordance with a schedule as provided in the application packet.

##### B. Map Amendments:

1. Amendments to the zoning map must include a completed application to amend the zoning map, as adopted and amended from time to time by the city council. The application must be completed and accompanied by the required items.

2. The application must also include the additional requirements required by the designations of commercial, planned development districts, and the historic district/mixed use zone.

3. Adherence to the application submittal deadlines as established by resolution of the city council and found on the application to amend the zoning map.

4. Filing fee payable to Santa Clara City according to the fee schedule established by the city council.

5. The application must be signed by the applicant(s) and/or property owners and duly notarized. (Ord. 2007-18 § 1)

#### 17.18.050: REVIEW OF APPLICATION:

An application for a zoning map amendment, containing information specified in section 17.18.060 of this chapter shall be filed and reviewed pursuant to the following:

A. Preapplication Conference: Prior to filing an application, the applicant shall meet with the zoning administrator, or designee, and discuss his/her intentions regarding a given application and asking questions regarding the procedure or substantive requirements of this chapter.

B. Review Of Application Completeness: No application shall be accepted and reviewed unless determined by the zoning administrator, or designee, to be complete. A complete application is one which meets such minimum submission requirements as established by resolution of the city council.

C. Acceptance Of Application: The zoning administrator shall either accept the application if it is complete, or forward to the applicant a notice of the incompleteness specifying those areas of additional information necessary for review.

D. Application Processing: Upon acceptance of the application, it shall be reviewed by the land use authority staff, and then comments provided to the applicant prior to consideration by the land use authority. The zoning administrator shall schedule a public hearing before the land use authority as outlined in section 17.18.080 of this chapter. (Ord. 2007-18 § 1)

#### 17.18.060: AMENDMENT TO APPLICATION:

An application may be amended by the submittal of additional information or proposed changes, provided however, that no amendments shall be made to the application after the land use authority has formulated its recommendation. If the additional information or the proposed changes to the application are submitted to conform with recommendations made by the city staff, then it shall not be deemed an amendment and the application shall continue its original timeline. However, if the additional information or proposed changes

to the application are submitted at the applicant's discretion, then the zoning administrator shall review the information and render a finding as to whether the amendment requires the readvertising of the public notice, or additional review time by the city staff. If the zoning administrator determines readvertising or additional review time is needed the application shall be delayed until the next regularly scheduled land use authority meeting, and the applicant shall pay an additional zone change application fee. (Ord. 2007-18 § 1)

#### 17.18.070: WITHDRAWAL OF APPLICATION:

An application may be withdrawn upon written request by the applicant at any time. If an application is withdrawn after staff review, the application fee shall not be refunded. (Ord. 2007-18 § 1)

#### 17.18.080: PUBLIC NOTICE AND PUBLIC HEARINGS:

Public notice and hearings shall be conducted for all zoning decisions as defined in Utah Code Annotated, title 10, chapter 9A, known as the municipal land use, development, and management act (LUDMA).

A. Third Party Notice for Zoning Map Amendments: A third party notice in the form of a public notice on the property with a sign of sufficient size, durability, print quality, and location that is reasonably calculated to give notice to passersby will be required for zoning map amendments (rezonings). The sign will be placed by the city at least ten (10) days prior to the required public hearing.

B. Public Hearings: At the public hearing, the land use authority will hear comments from the staff, the applicant, and any citizen wishing to speak regarding the change.

Following the close of the public hearing, the land use authority may take action on the request by doing any of the following:

1. Recommend approval of the zone change request to the city council.
2. Recommend denial of the zone change request to the city council.
3. Table the request for further information, scheduling a field trip, or some other valid reason.

C. City Council Action: Following the land use authority action, the request will be forwarded to the city council for their legislative action. The city council may act upon the request, deny the request, or table the request for further information, or send the request back to the land use authority for further study or action.

D. Approval: Once approved by the city council, the zoning map will be amended to reflect the zone change.

E. Denial: If a zone change request is denied by the city council, it may not be reconsidered for a period of one year unless there is a significant change, as determined by the zoning administrator, to the prior request making it, in effect, a new application. A new filing fee must also be paid. (Ord. 2013-01: Ord. 2007-18 § 1)

#### 17.18.090: STANDARDS OF REVIEW BY LAND USE AUTHORITY AND CITY COUNCIL:

In consideration of any land use ordinance or zoning map amendment, the land use authority shall consider the following matters and the city council shall give reasonable consideration to the following matters:

A. Is the proposed use suitable in view of the zoning and development of adjacent and nearby property.

B. Will the proposed use adversely affect the existing use or suitability of adjacent or nearby property.

C. Are there substantial reasons why the property cannot or should not be used as currently zoned.

D. Will the proposed use cause an excessive or burdensome use of public facilities or services, including, but not limited to, streets, schools, water or sewer utilities, and police or fire protection.

E. Is the proposed use compatible with the purpose and intent of the general plan.

F. Will the use be consistent with the purpose and intent of the proposed zoning district.

G. Is the proposed use supported by new or changing conditions not anticipated by the general plan.

H. Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to the unrestricted use of property. (Ord. 2007-18 § 1)

#### 17.18.100: GENERAL PLAN AMENDMENTS:

The General Plan may be amended from time to time by the City Council. General Plan Amendments will be considered on a quarterly basis by the city.

A. All proposed amendments shall be submitted first to the Planning Commission for consideration at a public hearing. The City Council shall consider the recommendation at a public meeting, and make a final determination to adopt, modify, or deny the proposed amendment.

B. For a General Plan Amendment which includes a Rezoning of property and a required Project Plan to a Planned Development, PD Zone, the General Plan

Amendment may include a condition that the Rezoning Application on which the General Plan Amendment is based must be approved within a one (1) year timeline, or the property reverts to the General Plan prior to approval of the Amendment.

**CITY OF SANTA CLARA, UTAH  
ORDINANCE NO. 2023-13**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF SANTA CLARA UTAH BY AMENDING TITLE 17, SECTION 17.18 “LAND USE” AND CREATING SECTION 17.44.115, “MENU BOARDS”; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, it is important to update the City’s code from time to time to remain relevant and reflective of the ever-changing operating environment of the city; and

**WHEREAS**, staff would like to update Title 17, Section 17.18, “Land Use” and create Section 17.18.100, “General Plan Amendments”; and

**WHEREAS**, this item was discussed in City Council on June 21, 2023 during a Regular City Council Meeting, and

**WHEREAS**, staff has reviewed and revised the Ordinance and has been reviewed by the City Attorney.

**WHEREAS**, the legislative body of the City of Santa Clara reviewed the recommendations of the Staff and City Attorney and acted on the proposed amendment to Title 17, Section 17.18 “ Land Use” and the creation of Section 17.18.100, “Land Use Amendments” on June 21, 2023; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Santa Clara, Utah, that Title 17, Section 17.18 “Land Use” and the creation of Section 17.18.100, “General Plan Amendments” be amended as follows.

**Section 1. Amendments to Section 17.18 Land Use and addition of section 17.18.100, General Plan Amendments. See Exhibit “A”**

**Section 2. Effective Date:**

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

**ADOPTED** and approved by a duly constituted quorum of the City Council of the City of Santa Clara, Utah this 21st day of June 2023.

## **Exhibit “A”**

### CHAPTER 17.18

#### AMENDMENTS TO LAND USE ORDINANCE, ZONING MAP AND GENERAL PLAN SECTION:

17.18.010: Purpose and Intent 17.18.020:

#### Applicability

17.18.030: Initiation of Amendment

17.18.040: Application Submittal Requirements

17.18.050: Review of Application

17.18.060: Amendment to Application 17.18.070:

Withdrawal of Application 17.18.080: Public

#### Notice and Public Hearings

17.18.090: Standards of Review by Land Use Authority and City Council 17.18.100:

#### General Plan Amendments

17.18.010: PURPOSE AND INTENT:

The purpose of this chapter is to provide clear and consistent procedures and requirements for amendments to the land use ordinance and the zoning map. (Ord. 2007-18 § 1)

17.18.020: APPLICABILITY:

The provisions of this chapter apply to all amendments to the land use ordinance and zoning map of the city of Santa Clara, Utah, subsequent to the date of adoption hereof. (Ord. 2007-18 § 1)

17.18.030: INITIATION OF AMENDMENT:

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- E. Is the proposed use compatible with the purpose and intent of the general plan.
- F. Will the use be consistent with the purpose and intent of the proposed zoning district
- G. Is the proposed use supported by new or changing conditions not anticipated by the general plan.
- H. Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to the unrestricted use of property. (Ord. 2007-18 § 1)

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Amendment may include a condition that the Rezoning Application on which the General Plan Amendment is based must be approved within a one (1) year timeline, or the property reverts to the General Plan prior to approval of the Amendment

**IN WITNESS, THERETO:**

\_\_\_\_\_  
RICK ROSENBERG, Mayor

**ATTEST:**

\_\_\_\_\_  
CHRIS SHELLEY, City Recorder

**Mayor**  
Rick Rosenberg

**City Manager**  
Brock Jacobsen



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

# CITY COUNCIL

**Meeting Date: June 21, 2023**

**Agenda Item: 6**

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**Applicant:** Santa Clara  
City

**Requested by:** Cody Mitchell

**Subject:** Lighting Control at City Hall

**Description:** This agenda item is to discuss the bids received to replace the lighting control system at city hall and to request approval of the expenditure.

**Recommendation:** Approval

**Cost:** \$73,460.00

**Legal Approval:** Yes

**Finance Approval:** N/A

**Budget Approval:** N/A

**Attachments:**

**PR Electric, Inc.**

Estimate

12012 S. 3600 W.  
Riverton, UT 84065-7607

Date	Estimate #
4/24/2023	1212

Name / Address
Santa Clara City 2603 Santa Clara Dr, Santa Clara, UT 84765 Lutron control installation

Project

Description	Qty	Cost	Total
Installation of Lutron lighting control system. Phase one will entail researching existing system (wire, relays, controls) to facilitate new installation. Phase two will entail actual installation. Phase three will be programming new system with Build26 (Lutron rep).  Contract Price install of vive Lutron system supplied by Build26	1	35,660.00	35,660.00
Customers today, clients for life.	<b>Total</b>		<b>\$35,660.00</b>

Customer Signature \_\_\_\_\_

Date Revised: 19-Apr-2023

(Quote to complying Authorized Stocking Distributor only)

Job Name: Santa Clara City Hall Vive Santa Clara City Hall Vive

Job Location: Santa Clara, UT

Quoted To: BUILD 26

Name: Jared Gummersall

Quoted By: Jared Gummersall

Quotation Based Upon:

Bill of Material:

Qty.    Model Number

**BILL OF MATERIAL**

- 20    **PJ2-2B-GWH-L01**  
2-button Pico wireless control, White, Light bulb icons
- 40    **PJ2-3BRL-GWH-L01**  
3-button with raise/lower Pico wireless control, White, Light bulb icons
- 50    **LRF2-OCR2B-P-WH**  
LUTRON OCCUPANCY SENSOR
- 4    **HJS-2-FM**  
Premium P51 Flush Mount w Power Supply
- 20    **RMJS-16R-DV-B**  
RELAY MODULE
- 30    **RMJS-8T-DV-B**  
POWPAK 0-10V 434
- 30    **RMJS-PNE-DV**  
Vive PowPak Phase select dimming module. Green Label. 120V/277V Phase dimming of up to 450W. Dims LED drivers/bulbs, Incandescent, ELV and MLV/fluorescent. Dimensions: H 4.53" x W 4.53" x D 1.80". Mounts in a standard 4 in x 4 in (101.6 mm x 101.6 mm) junction box.
- 1    **CW-1-WH**  
CLARO 1 Gang Faceplate White
- 7    **CW-2-WH**  
CLARO 2 Gang Faceplate White
- 4    **CW-5-WH**  
CLARO 5 Gang Faceplate White
- 60    **PICO-WBX-ADAPT**  
Pico wallplate bracket - for mounting Pico wireless control on wall surface or over a wallbox

- 1    **LSC-B2**  
2 year warranty providing 100% replacement parts & 100% Lutron labor coverage with a first-available response time.

- 1    **LSC-OS-SU-VIVE**  
Vive Startup by a Lutron Services Company representative, held onsite after Lutron equipment is installed. Equipment installation is verified and the system is programmed and tested during this time to comply with the approved sequence of operations.

**Product Lead Time: Please contact Lutron with your desired product delivery date. Typical lead times for Lutron system products are 8 weeks or less after receipt of approved submittal and release. To best enable Lutron to meet your delivery requirements, please submit your construction schedule with your hold for release purchase order.**

**For this Quote, the estimated Lead Time (in weeks) After Release is 8 Weeks.**



**Total Budget Cost :***Excludes any applicable Taxes (per Lutron's Terms and Conditions of Sale)***\$37,800.00****\*FOR ANY SHIPMENTS TO HAWAII:**Up to an additional **4.5%** for Hawaii General Excise Tax **WILL** be added to the Total Cost noted above.

Visit [www.lutron.com/incentives](http://www.lutron.com/incentives) for location specific information on rebates and incentives that promote energy efficient lighting systems. Financial assistance to purchase and install energy efficient products can come from local and state utilities, state energy efficiency programs, EPA tax incentives, and federal stimulus monies that focus on energy efficiency.

**Qualifiers:**

1. Distributor is responsible for ensuring that system provided meets project specifications.
2. Grafik Systems and Home Systems software is available in English only.
3. If included, Factory Startup pricing is based on full access to all affected rooms during normal business hours. Additional charges will apply if access during normal business hours is not provided.
4. For systems including shade control, startup scope does not include the installation of the shade and shade systems. Installation is the responsibility of the shade installer.
5. If any Lutron panel(s) or EcoSystem ballast(s)/module(s) are designated as emergency equipment, an upstream normal/emergency automatic transfer switch (by others) is required to feed normal/emergency Lutron panel(s) and EcoSystem ballast(s)/module(s). Upon loss of normal power and application of emergency power, all normal/emergency Lutron panel(s) and EcoSystem ballast(s)/module(s) default to full intensity and remain there until normal power is restored.
6. This bill of materials may contain products that are not Buy American Act (BAA-US Country of Origin) nor Trade Agreements Act (TAA) compliant. Please refer to the project's Federal Acquisition Rules (FARs) which can be found in the original project solicitation/statement of work, RFP, or Division 1 of the specification, to confirm if the project requires products that meet these compliance requirements. Please contact Lutron should your project require products manufactured in the United States or a TAA country.
7. Lutron can only guarantee compatibility with dimmable CFL and LED loads that appear on our published product compatibility lists found on [www.lutron.com](http://www.lutron.com). It is the responsibility of the installing contractor to verify compatibility of these loads with the quoted product.
8. Any deviation from this bill of material is subject to a new quotation.
9. All controls are provided with a white finish unless noted otherwise in the product description of the bill of material.
10. Lutron All-In-One Cable for any control links is not included in this quotation, unless otherwise noted.
11. The installer is responsible for ensuring that UL Listed LED drivers and/or remote mounted drivers are mounted in a position where they can be easily located and accessed if service or troubleshooting is necessary.
12. If Lutron startup is included in this quotation, the startup consists of a single phase of service, without interruptions by a single field service engineer. If phases of startup or multiple engineers are needed onsite at the same time, custom startup can be requested and must be purchased.

**LUTRON ELECTRONICS CO., INC. QUOTATION TERMS AND CONDITIONS**

All sales of Lutron products are pursuant to Lutron's Terms and Conditions of Sale (T&Cs), which are attached to this quotation and are also available in Lutron's price books, via DIMS at <http://dims.lutron.com>, at <http://www.lutron.com/general/Terms-ConditionsofSale/Pages/Terms-Conditions-of-Sale.aspx>, and upon request. No terms and conditions other than the T&Cs, including any terms and conditions in any document attached to or incorporated by reference into any order accepted by Lutron, shall be binding upon Lutron unless accepted in writing by Lutron.

**Quotation/Design:**

Quoted prices are firm three (3) months from date of quotation. After three (3) months and up to six (6) months, all quotations will be subject to a maximum of 10% escalation to cover increased costs of labor and materials. All quotations must be re-quoted after six (6) months.

This Quotation is based on Lutron's interpretation of provided documents and includes Lutron's standard design, finish and construction unless indicated otherwise.



Date Revised: 19-Apr-2023

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Compliance with project specific plans and/or specifications is not the responsibility of Lutron, and Lutron's acceptance of an order does not suggest or confirm such compliance. For all custom orders, the end-user or other authorized representative for a project must approve all drawings. Changes in drawings and/or Bill of Materials will require a new quotation.

Order:

A purchase order may be placed against this quotation by any Lutron Distributor. If you are not a Lutron Distributor, you can request a listing of Lutron Distributors in your area.

An order may be placed against this quotation on a Hold-for-Release basis. An order will not be considered firm unless accepted in writing by Lutron. Acceptance of an order does not imply conformance to plans and specifications. Prices are firm for 3 months from date of order acceptance. The price of all hold-for-release orders not released for immediate shipment within 3 months from the date of order acceptance will be increased up to 10% over the initial order price to cover increased cost of labor and material. All hold-for-release orders not released for immediate shipment within 6 months from the date of order acceptance may be cancelled by Lutron and subject to a 25% cancellation charge based on the price of the order.

Country of Origin:

Upon written request, Lutron will provide country of origin for the products quoted.

Terms:

Terms of sale shall be, at Lutron's option, one of the following: (a) your normal Lutron credit limit and terms as set by Lutron's credit department; or (b) credit limit and terms as approved by Lutron's credit department. Lutron reserves the right to require cash in advance or a confirmed, irrevocable letter of credit for each order. Further, Lutron may elect, at its discretion, not to quote or accept an order above your normal credit limit. If this quotation exceeds your credit limit, you should contact Lutron's credit department to discuss credit and terms in advance of placing an order.

Cancellations:

Orders for standard Lutron products may only be revised or canceled prior to the date of loading at the place of shipment, and only with Lutron's prior consent. Orders for nonstandard or custom Lutron products may only be revised or canceled prior to the commencement of production, and only with Lutron's prior consent. Any product which Lutron has the capability of producing but does not inventory is considered a nonstandard or custom product. All cancelled orders, whether for standard products or nonstandard or custom products, shall be subject to a cancellation charge of 25% of the order price. If not cancelled as provided herein, customer shall be liable for the full order price.

Returned Goods Policy:

New and unopened products may be returned in accordance with Lutron's Returned Goods Policy in effect on the date each order is accepted and as authorized by Lutron on a Return Good Authorization, with the exception of non-standard, custom products and metal wall plates which are not returnable. Customer will be charged a minimum restocking charge of 25% of the cost of the returned goods and shall be responsible for freight and duties to return the products to Lutron. Lutron's Returned Goods Policy is available in Lutron's Price List, via <http://dims.lutron.com>, at <http://www.lutron.com/general/Terms-ConditionsofSale/Pages/Terms-Conditions-of-Sale.aspx>, and upon request.



**LUTRON ELECTRONICS CO., INC. TERMS AND CONDITIONS OF SALE**

**1 Acceptance of Orders/Terms:** All orders are subject to acceptance by Lutron Electronics Co., Inc. ("SUPPLIER") at its Coopersburg, PA headquarters. SUPPLIER reserves the right to reject any order. Possession of a price list does not constitute an offer to sell. Acceptance of any order by SUPPLIER is expressly conditioned on Customer's assent to the terms and conditions set forth herein ("Terms") and the waiver by Customer of any terms and conditions contained in any order form, confirmation, or any other communication of Customer, whether previously or hereafter delivered to SUPPLIER, which either add to, differ from, modify, conflict with or are otherwise inconsistent with any term or condition herein. SUPPLIER hereby gives notice of its objection to any additional or different terms or conditions in any such order form, confirmation or communication. Customer's failure to object in writing to these Terms prior to the earlier of Customer's acceptance of the products ordered or fifteen (15) days after delivery thereof to Customer will constitute agreement by Customer to these Terms. SUPPLIER hereby gives notice of its objection to any additional or different terms or conditions in any such order form, confirmation or communication.

**2. Hold for Release Orders:** An order may be placed on a hold-for-release basis. Prices are firm for 3 months from date of order acceptance. The price of all hold-for-release orders not released by Customer for immediate shipment within 3 months from the date of order acceptance will be increased up to 10% increase over the initial order price to cover additional cost of labor and material. All hold-for-release orders not released for immediate shipment within 6 months from the date of order acceptance may be cancelled by SUPPLIER and subject to a 25% cancellation charge based on the price of the order.

**3. Product Changes:** SUPPLIER reserves the right to discontinue the manufacture or sale of any product ("Supplier Product") at any time or to alter, modify or redesign the Supplier Products.

**4. Use of Trademarks:** Customer shall use SUPPLIER's trademarks, logos or other identifiers in accordance with SUPPLIER's Corporate ID Guidelines and Style Guide found at .

**5. Price:** All prices are subject to change without notice. Should any governmental action or request prevent SUPPLIER from implementing any price or continuing any price already in effect, SUPPLIER may at its option cancel Customer's order or any part thereof.

**6. Taxes/Duties:** All prices exclude Taxes (as defined in Article 14) and are the sole responsibility of the Customer.

**7. Credit Approval:** Customer credit approval is required prior to any shipment. If SUPPLIER determines at any time that Customer's financial condition does not justify the extension of credit to Customer, then SUPPLIER may at its option require cash payments in advance or other satisfactory security prior to delivery.

**8. Cancellation/Change Orders:** Orders for standard Supplier Products may only be revised or canceled by Customer prior to the date of loading at the place of shipment, and only with SUPPLIER's prior consent. Orders for nonstandard or custom Supplier Products may only be revised or canceled by Customer prior to the commencement of production, and only with SUPPLIER's prior consent. Any product which SUPPLIER has the capability of producing but does not inventory is considered a nonstandard or custom product. All cancelled orders, whether for standard Supplier Products or nonstandard or custom Supplier Products, shall be subject to a cancellation charge of 25% of the order price. If not cancelled as provided herein, Customer shall be liable for the full order price.

**9. Onsite Service Cancellation:** Onsite Service days may be included as line items in the above quotation. Onsite Service days are defined as any visit required by Lutron to the job site. The purpose of these visits includes but is not limited to; starting up the system, documenting the performance of the system, troubleshooting the system, coordinating with other trades and training. Scheduled Onsite Service days may be cancelled by the Customer within 2 business days of the scheduled visit date. Onsite Service days cancelled the day prior or the same day as the scheduled date of the visit are subject to a cancellation fee as described in the table below.

**Service Cancellation fees**

		USD	CAD
Onsite Service	1 business day prior, or day of service	\$ 500	\$ 550

**10. Packaging/Shipping/Risk of Loss:** Unless otherwise agreed by SUPPLIER in writing (i) SUPPLIER shall select the method of shipment and carrier, and (ii) costs for shipping shall be billed to Customer in accordance with the carrier's then current price list. Costs for special packaging and/or handling requested by Customer shall be the responsibility of Customer. The risk of loss, damage or shortage of SUPPLIER Products shall pass to Customer upon delivery to the carrier regardless of notice to Customer. SUPPLIER assumes no responsibility for insuring shipments unless specifically agreed to in writing by SUPPLIER, in which case the cost of insurance shall be for Customer's account.

**11. Title:** Title to the Supplier Products shall only pass to the Customer upon the occurrence of any one of the following events: (i) the Customer having paid to the SUPPLIER all sums (including any default interest, if applicable) due from it to the SUPPLIER under the applicable invoice between the SUPPLIER and the Customer and SUPPLIER having received such payment as defined in the these Terms, or (ii) the SUPPLIER serving on the Customer notice in writing specifying that title to the Supplier Product has passed. Until title to the Supplier Product has passed to the Customer as set forth herein, the Customer shall possess the Supplier Product as a fiduciary and bailee of the Seller. If the SUPPLIER so requires, Customer shall store the Supplier Product separately from other goods and shall ensure that they are clearly identifiable as belonging to the SUPPLIER. The SUPPLIER may recover Supplier Product in respect of which title has not passed to the Customer at any time and the Customer irrevocably licences the SUPPLIER, its officers, employees and agents to enter upon any premises of the Customer, with or without vehicles, for the purpose either of recovering goods in respect of which title has not passed to Customer or confirming that the Supplier Product is being stored and/or identified as required by SUPPLIER.



Date Revised: 19-Apr-2023

**12. Delivery:** Quoted shipping and/or delivery dates are based on estimates at the time of order. SUPPLIER shall use reasonable commercial efforts to meet such shipping and/or delivery dates, but SUPPLIER shall not be liable for any direct or indirect costs or damages, including without limitation incidental or consequential damages, resulting from late deliveries. Except as expressly provided otherwise herein, Customer agrees to purchase and pay for all material ordered as specified on SUPPLIER'S invoice.

**13. Claims for Loss, Damage or Shortage:** Any claims for damage, loss or shortage should be filed by Customer with the respective transportation carrier in writing immediately upon receipt of the Supplier Products. In no event shall SUPPLIER be liable for damage or loss to a shipment caused by a carrier. If shortage exists with respect to any shipment and it is not concealed, Customer shall secure a notation of such shortage from the carrier on the freight bill or delivery receipt. If shortage is concealed, Customer must notify the carrier and SUPPLIER within 15 days. No claims for damage, loss or shortage will be allowed unless they are accompanied by an inspection report or signed delivery receipt noting such damage, loss or shortage signed by a representative of the carrier and forwarded to SUPPLIER within 30 days of the invoice date.

**14. Return of SUPPLIER PRODUCT:** Customer may return new and unopened Supplier Product in accordance with Supplier's Returned Goods Policy in effect on the date each order is accepted and as authorized by Supplier on a Return Good Authorization, with the exception of non-standard, custom Products and metal wall plates which are not returnable. Customer will be charged a minimum restocking charge of 25% of the cost of the returned goods and shall be responsible for freight and duties to return the Supplier Product. SUPPLIER'S Returned Goods Policy may be found in SUPPLIER'S Price List as well as at <http://dims.lutron.com>. SUPPLIER reserves the right to amend its Returned Goods Policy from time to time, as updated at <http://dims.lutron.com>.

**15. Payment:** All invoices, whether partial or in full, shall be due and payable in full by Customer pursuant to the terms set forth thereon. Invoices not timely paid are subject to an interest charge of 1.5% per month on any unpaid balance or the maximum rate allowed by law, which interest charges shall accrue beginning on the invoice due date. If Customer (i) becomes insolvent, files or has filed against it a petition in bankruptcy, makes any assignment for the benefit of creditors, or has a receiver or trustee appointed for it or its property, (ii) takes action to liquidate or otherwise cease doing business as a going concern, (iii) undergoes a change in ownership, (iv) fails to provide adequate assurance or security for credit extended, or (v) takes any other action that SUPPLIER determines in its sole discretion adversely impacts the conditions under which credit was extended, then all amounts outstanding from Customer hereunder shall at SUPPLIER'S option become immediately due and payable. ALL PAYMENTS, WHETHER UNDER THE STANDARD PAYMENT TERMS OR OTHERWISE, SHALL BE CONSIDERED RECEIVED BY SUPPLIER AS FOLLOWS: (A) FOR PAYMENTS BY CHECK, WHEN THE CHECK IS RECEIVED AT SUPPLIER'S DESIGNATED PAYMENT LOCATION, AND (B) FOR PAYMENTS BY ELECTRONIC FUNDS TRANSFER, THE BUSINESS DAY ON WHICH THE FUNDS ARE IMMEDIATELY AVAILABLE TO SUPPLIER. Customer shall pay all undisputed invoices regardless of any dispute that may exist as to other delivered or undelivered goods. With respect to any disputed invoice, Customer shall pay all amounts not in dispute. Customer expressly waives the right to assert any offset or counterclaim with respect to amounts due under any invoice issued by SUPPLIER hereunder.

Customer shall make and remit any payments due SUPPLIER free and clear of, and without deduction or withholding for, any present or future taxes, levies, imposts, duties, fees, assessments or other charges of whatever nature ("Taxes") now or hereafter imposed by any jurisdiction or by any political subdivision or taxing authority thereof or therein with respect to such payments and all interest, penalties or similar liabilities with respect thereto. If Customer or any other person is required by any law or regulation to make any deduction or withholding on account of any Taxes from any payment to the SUPPLIER due under this Agreement, Customer shall, together with such payment, pay such additional amount ("gross up") as to ensure that SUPPLIER receives full payment. Customer represents and warrants to SUPPLIER that the full amount of any such deductions or withholding shall be accurately and timely paid over to the relevant authorities and Customer shall promptly forward to SUPPLIER copies of official receipts or other evidence satisfactory to SUPPLIER regarding such payment. Customer shall also agree to fully indemnify and hold SUPPLIER harmless, and reimburse SUPPLIER upon its written request, for the amount of any Taxes so levied or imposed and paid by SUPPLIER.

Notwithstanding the generality of the forgoing, Customer shall be responsible for any provincial, state or local tax (excluding taxes based on SUPPLIER'S income or profits) that results from the transfer of title or sale or delivery of the Products purchased hereunder unless a valid and correct tax exemption certificate is furnished to SUPPLIER prior to delivery.

**16. SUPPLIER Obligations/Limitation of Liability:** SUPPLIER PRODUCT DELIVERED HEREUNDER AND ALLEGED TO BE DEFECTIVE OR OTHERWISE OPENED AND THEN RETURNED TO CUSTOMER BY AN END-USER MAY BE RETURNED BY CUSTOMER TO SUPPLIER FOR A PERIOD UP TO ONE (1) YEAR FROM THE DATE OF SALE BY CUSTOMER TO END-USER. UPON RETURN OF SUPPLIER PRODUCT BY CUSTOMER, SUPPLIER MAY ELECT, AT ITS SOLE OPTION, TO RETURN THE CONSIDERATION PAID BY CUSTOMER TO SUPPLIER FOR SUCH RETURNED PRODUCT OR TO DELIVER CONFORMING PRODUCTS TO CUSTOMER. THE PRODUCT-SPECIFIC WRITTEN WARRANTIES PROVIDED IN OR WITH THE SUPPLIER PRODUCT ARE INTENDED EXCLUSIVELY FOR THE BENEFIT OF THE END-USER AND NOT CUSTOMER. **THE FOREGOING IS THE ONLY OBLIGATION OF SUPPLIER TO CUSTOMER RELATING TO DEFECTIVE PRODUCTS AND IS IN LIEU OF ALL OTHER OBLIGATIONS OR WARRANTIES, EXPRESSED OR IMPLIED, ORAL OR WRITTEN, INCLUDING THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. IN NO EVENT SHALL SUPPLIER BE RESPONSIBLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT OR SPECIAL DAMAGES OF ANY KIND.**



Date Revised: 19-Apr-2023

**17. Remedies of Customer:** THE SOLE AND EXCLUSIVE REMEDY OF CUSTOMER AND THE SOLE AND EXCLUSIVE OBLIGATION OF SUPPLIER FOR ANY BREACH OF CONTRACT CLAIM THAT SUPPLIER PRODUCTS DELIVERED DO NOT OTHERWISE CONFORM TO THE ACCEPTED ORDER SHALL BE EITHER THE RETURN OF CONSIDERATION PAID BY CUSTOMER TO SUPPLIER RELATED TO THE BREACH, OR UPON SUPPLIER'S ELECTION, THE DELIVERY OF CONFORMING SUPPLIER PRODUCTS TO CUSTOMER. WITH RESPECT TO SUPPLIER'S NONCOMPLIANCE WITH ANY OTHER OBLIGATION OF SUPPLIER HEREUNDER, THE SOLE AND EXCLUSIVE REMEDY OF CUSTOMER AND THE SOLE AND EXCLUSIVE OBLIGATION OF SUPPLIER WILL BE AS SUPPLIER IN ITS DISCRETION WILL DETERMINE AS FOLLOWS: (1) SUPPLIER MAY ELECT TO CURE SUCH NONCOMPLIANCE WITHIN A REASONABLE PERIOD OF TIME, OR (2) IF SUPPLIER FAILS TO CURE SUCH NONCOMPLIANCE, CUSTOMER MAY RECOVER AN EQUITABLE AMOUNT NOT TO EXCEED SUCH CHARGES AS WERE PREVIOUSLY PAID TO SUPPLIER BY CUSTOMER RELATING TO THE BREACH. **CUSTOMER WAIVES ALL OTHER REMEDIES, STATUTORY OR OTHERWISE, INCLUDING, WITHOUT LIMITATION, THE REMEDIES OF SPECIFIC PERFORMANCE AND REPLEVIN. ANY ACTION BROUGHT BY CUSTOMER IN CONNECTION WITH SUPPLIER'S PERFORMANCE HEREUNDER MUST BE COMMENCED WITHIN SIX (6) MONTHS AFTER SUCH CAUSE OF ACTION ACCRUES OR IT WILL BE DEEMED WAIVED. SUPPLIER'S LIABILITY TO CUSTOMER, REGARDLESS OF WHETHER SUCH LIABILITY ARISES IN CONTRACT, TORT (INCLUDING, WITHOUT LIMITATION, NEGLIGENCE OR STRICT LIABILITY) OR OTHERWISE, SHALL IN NO EVENT EXCEED AMOUNTS PAID BY CUSTOMER TO SUPPLIER FOR THE SUPPLIER PRODUCTS INVOLVED, AND CUSTOMER RELEASES SUPPLIER FROM ALL CLAIMS AND LIABILITIES IN EXCESS OF THIS LIMITATION. IN NO EVENT SHALL SUPPLIER BE RESPONSIBLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT OR SPECIAL DAMAGES OF ANY KIND.**

**18. Excused Performance:** SUPPLIER shall be under no liability for any failure to perform any of its obligations under these Terms or any contract if and to the extent that the failure is caused by reason of any cause outside the control of the SUPPLIER. Delivery suspended or not made by reason of force majeure shall be canceled without liability, but the Terms shall otherwise remain unaffected. SUPPLIER may allocate its available supply of Supplier Products or materials among itself and its customers in its sole discretion and without liability to Customer.

**19. Compliance with Laws, Regulations & Orders:** Customer warrants that it will comply at all times with all laws (including customs, import and export laws), ordinances, rules, requirements and regulations applicable to the Products and when requested, shall furnish evidence to SUPPLIER of such compliance, including without limitation U.S. laws and regulations relating to exports, export controls, and foreign corrupt practices. SUPPLIER hereby certifies that the Supplier Products sold hereunder that were produced in the United States were produced in compliance with all applicable requirements of Sections 6, 7 and 12 of the Fair Labor Standards Act, as amended, and of regulations and orders of the United States Department of Labor issued under Section 14 thereof.

When SUPPLIER sells Products to Customers outside of the United States, Customer shall be responsible for obtaining any and all necessary import licenses, certificates of origin or other requested documents and for paying all applicable customs duties and levies, insurances, transportation costs as specified in the purchase order, Taxes and any other expenses in respect of the importation of the SUPPLIER Products into any country outside the United States. If required by SUPPLIER, all the corroborative documentation must be presented to SUPPLIER upon request.

**20. Entire Agreement.** The terms and conditions contained herein constitute the entire agreement between SUPPLIER and Customer and supersede any and all prior agreements, whether oral, written or implied. No modification of these terms and conditions shall be effective unless made in writing and executed by SUPPLIER.

**21. General:** This agreement shall not be assigned by Customer without the prior written consent of SUPPLIER, and any assignment made without such consent shall be null and void. This agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns. This agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Pennsylvania, without giving effect to its conflicts of law provisions. Customer hereby expressly consents to the exclusive jurisdiction of the Pennsylvania courts to settle any disputes arising from these terms or the sale of Supplier Product to Customer.



# Vive Registration Form

## Installer Information:

This information should be from the person and firm installing Vive on the project (i.e. electrical contractor)

1. Name of Firm:

2. Address of Firm:

3. Name for the Point of contact of the job:

4. Title/Role on the project:

5. Phone Number:

6. Email Address:

7. Target Startup Date:

## End User/Facility Manager Contact Information

This information should be for the person who will be using and managing the system once installation and setup are complete.

1. Name of End user/Facility Manager:

2. Phone Number:

3. Email Address:

## Additional information:

- Yes    No   Do all fixtures match the selected load controller's type (i.e. phase control, 0-10V, Ecosystem)?
  
- Yes    No   Are all load controllers (like PowPaks) within wireless range of transmitting devices (like Picos and sensors)?
  - a. 30' through construction
  - b. 60' line of sight
  
- Yes    No   The Vive wireless hub does not extend the range of individual RF devices and does not repeat messages. Did you confirm the design does not include any range extension assumptions?
  
- Yes    No   Does this design take into account the fact that each of the hubs will have a unique dashboard for reporting, control and adjustment?



**Vive Pre-Install Checklist**

**PROJECT:**

**DATE:**

**FOREMAN:**

Item #	Completed (Initials)	Sequence of Operations Check	Notes
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The following items will help to make sure the system setup matches the building team's expectations and reduce the instances of callbacks and adjustments. These checks are to ensure you have the right information on the sequence of operations (i.e.how the customer wants the space to function.)

1		Do you have the desired functionality of the space and drawings of the plan for installation?	
2		Names of the rooms/areas so that they can be properly labeled in the software?	
3		Plans for where the different hardware components are meant to be installed?	
4		Plan for lighting zones and controls?	
5		High and Low end trim requirements for each space?	
6		Desired timeclock events to set in the software?	
7		Desired light levels for spaces when they are occupied and unoccupied?	
8		Desired Occupancy sensor timeouts?	
9		Desired light levels for scene buttons for any 4 button Pico keypad?	
10		Desired daylighting functionality including daylighting rows and planned footcandle level, if available?	
11		Desired demand response/loadshed settings to be setup in the software?	
12		If no sequence of operations is provided by the customer, the following document provides a suggested default sequence of operations that could be used for	



Item #	Completed (Initials)	Setup Check	Notes
<p>The following items will help to make sure you have the right equipment and knowledge onsite to install and setup the Vive wireless system.</p>			
13		<p>Bring a wifi enabled smart device (i.e. smartphone, tablet or PC) that can run a web browser (i.e. Safari or Chrome) with a full charge. This is needed to connect to the Vive wireless hub to setup the system.</p>	
14		<p>Review the online "How to" videos on the Vive YouTube Channel to review system functionality. URL: <a href="http://www.lutron.com/vivevideos">www.lutron.com/vivevideos</a></p>	
15		<p>Review system and range rules included in the Vive wireless Hub spec submittal <a href="http://www.lutron.com/TechnicalDocumentLibrary/369902_EN G.pdf">http://www.lutron.com/TechnicalDocumentLibrary/369902_EN G.pdf</a></p>	
16		<p>Check the wattage of the fixtures being used in the rooms. This information will be entered into the software and used to calculate the energy savings. - If using individual fixture controls (model numbers starting with FCJS-) you do not need this information since the controller will measure it</p>	
17		<p>Make sure you know the desired location of the Vive wireless Hubs throughout the building. Take into account the need to network Hubs together, integrate into the building network, or with other equipment (like contact closure attachments to the Hub for demand response capability)</p>	
18		<p>Make sure only one person is using the Vive software for setup at any given time. Multiple people cannot be programming the system simultaneously.</p>	
19		<p>Pro-Tip: Mount wireless sensor brackets on the ceiling, but keep the sensors at floor level to make setup using the smartphone faster and eliminate extra ladder trips</p>	



Item #	Completed (Initials)	IT & Integration Check	Notes
<p>The following items will help to make sure you have the right information in regards to system integration and networking. This will ensure a smooth transision and handoff from the installation and setup team to the building management and operations team.</p>			
20		Is BACnet integration required for this job?	
<p style="text-align: center;">Cirlce One: YES NO</p>			
21		<p>If BACnet is desired, determine the contact who will be performing integration and provide the login credentials and BACnet PIC statement found at this URL:  <a href="http://www.lutron.com/TechnicalDocumentLibrary/369996.pdf">http://www.lutron.com/TechnicalDocumentLibrary/369996.pdf</a></p> <p>Contact Name:</p> <p>Phone:</p> <p>Email:</p>	
22		<p>Determine the facility/IT contact at the building who will be managing the system after installation.</p> <p>Contact Name:</p> <p>Phone:</p> <p>Email:</p>	
23		Provide the system login passwords to the faciltiy/IT contact	
24		Does the building want to be able to access the site remotely or connect the system to the building network?	
25		<p>Cirlce One: YES NO</p> <p>If Yes:</p>	
<p>- Ensure the Vive wireless Hubs are connected via ethernet to the building network</p>			
<p>- Provide the IT integration infromation, found in the Vive wireless hub spec submittal to the facility/IT manager:  <a href="http://www.lutron.com/TechnicalDocumentLibrary/369902_ENG.pdf">http://www.lutron.com/TechnicalDocumentLibrary/369902_ENG.pdf</a></p>			
<p>- Request the following 4 numbers for each Hub in the space: -</p> <p>Static IP Address: -</p> <p>Subnet mask: -</p> <p>Gateway Address: -</p> <p>DNS Server Address:</p>			



## PROCLAMATION AMATEUR RADIO WEEK

Whereas, Amateur Radio operators have been in the forefront for over 100 years of the miracle of the human voice broadcast over the airwaves; and

Whereas, Amateur Radio has continued to provide a bridge between peoples, societies and countries by creating friendships and the sharing of ideas; and

Whereas, Amateur Radio Operators have also provided countless hours of community services both in emergencies and to other local organizations throughout these decades; and

Whereas, these Amateur Radio services are provided wholly uncompensated; and

Whereas, the City of Santa Clara also recognizes the services that the Amateur Radio operator provides to Washington County; and

Whereas, these same individuals have further demonstrated their value in public assistance by providing radio communications at no cost to any city or county department for many events in Southern Utah, including over 25 years of communications to the St. George Marathon; and

Whereas, the ARRL is the leading organization for Amateur Radio in the USA; and the Dixie Amateur Radio Club is a supporting member of the ARRL, and

Whereas, the ARRL Amateur Radio Field Day exercise will take place on June 24-25, 2023 and is a 24 hour emergency preparedness exercise and demonstration of the Radio Amateurs' skills and readiness to provide self-supporting communications without further infrastructure being required; and

Whereas, the Dixie Amateur Radio Club has participated in the Field Day exercise continuously since 1985, and invite the public to join them at the Field Day site, this year located at the Dixie Sun Bowl Parking Lot, now

Therefore, I, Rick Rosenberg, Mayor of the City of Santa Clara, do hereby officially recognize and designate June 19-25, 2023 as Amateur Radio Week in the City of Santa Clara.

Signed: \_\_\_\_\_  
Mayor, City of Santa Clara

