

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, JANUARY 12, 2022
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, January 12, 2022 at 5:00 p.m. in the City Council Chambers of the Town Hall at 2603 Santa Clara Drive, Santa Clara, Utah. Notice of the time, place and agenda of the meeting was provided to the Spectrum and to each member of the governing body by emailing a copy of the Notice and Agenda to the Spectrum and also, along with any packet information, to the mayor and each council member, at least two days before the meeting. **The Meeting will be available to view live on the YouTube link:** https://www.youtube.com/channel/UCxLBLm30_XLqM1AEmhpcMA. Council Chambers will be available to residents, but we will have limited availability and follow Covid-19 guidelines.

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

Others Present: Scott Bannon, Assistant City Manager; Dustin Mouritsen, Public Works Director; Gary Hall, Power Director; Cara Taschuk, Interim Fire Chief; Matt Ence, City Attorney; Jim McNulty, City Planner; Cody Mitchell, Building Official; Bob Flowers, Police Chief; Cimarron Chacon; Rick Lloyd; Mike Johnson (via phone), UFS.

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:01 p.m. He welcomed everyone to the meeting. He excused Councilwoman Leina Mathis who is out of town. He stated that Councilman Jarett Waite had not yet arrived for the meeting and is hopeful that he will arrive shortly.

2. **Opening Ceremony:**

- Pledge of Allegiance: Christa Hinton
- Opening Comments: Christa Hinton

3. **Conflicts and Disclosures:**

- Mayor Rosenberg disclosed that on Item 4C8 Regal Homes at Black Desert has contracted with his firm to provide engineering services to them as they move forward on that.

4. **Working Agenda:**

A. Public Hearing(s):

1. Public Hearing to discuss and receive public comment regarding approval of a Single Event Beer Permit for the True Grit Epic Race. Applicant Ryan Miller.

- Brock Jacobsen, City Manager, said that the Epic True Grit Mountain Bike Race on

March 11-13 will start and finish at the Santa Clara City Office grounds. Ryan Miller whos' business is Salt Fire Brewing Company from Salt Lake City is applying for a Single Event Beer permit as a vendor for the race participants. Beer sales will not be located on City property but will be located on the west side of the Steve Hafen property. Steve has provided written permission to allow the vendor to use his property. The sales and consumption of beer will be in a fenced and secure area on the private property and no beer will be permitted outside the controlled fenced area. He said that participants can invite one guest into the secured area with them. He spoke with Captain Rogers (Police Department) and there has been no issues with this Beer Garden before. It helps keep the beer controlled. Ryan has been granted the Single Event Beer Permit during True Grit races for the past several years without incident.

- 5:06 p.m. Public Hearing Opened
No public comment.
- 5:06 p.m. Public Hearing Closed.

C. General Business:

1. Consider approval of a Single Event Beer Permit for the True Grit Epic Race-Ryan Miller, Applicant. Presented by Brad Hays, Parks & Trails Director.

- Mayor Rosenberg said the Brad Hays went home sick but Brock Jacobsen just gave the presentation for this item.

Motion to Approve a Single Event Beer Permit for the True Grit Epic Race-Ryan Miller, Applicant as presented.

Motion by Ben Shakespeare, seconded by Denny Drake.

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

Voting Nay: None.

Motion Carried.

A. Public Hearing(s):

2. Public Hearing to discuss and receive public comment regarding approval of a Firearm Restriction in Santa Clara City Limits.

- Mayor Rosenberg reminded Council that they have discussed this in several meetings. This was implemented because of the public safety concerns out there. He said we want to consider possibly closing or enforcing an existing City Ordinance out in the South Hills.

- Brock Jacobsen said we have had this discussion a number of times based on the recreation that is taking place in the South Hills and the recreation of hiking and biking along with the recreational shooting that is taking place and those two recreations have conflicted and it is a safety issue that we have discussed, and the chief has discussed with us. It has become a concern and so what we have discussed is changing and initiating the ordinance of no shooting within the city limits. We will post this and have the police do some education as they go out there and enforce and try and provide a safer area out there.

- 5:09 p.m. Public Hearing Opened.
No public comment.
- 5:10 p.m. Public Hearing Closed.

C. General Business:

2. Consider approving Ordinance 2022-01, A Firearm Restriction for Santa Clara City. Presented by Brad Hays, Parks & Trails Director.

- Mayor Rosenberg said that Matt Ence, City Attorney, put the ordinance together. (“The Ordinance will ban recreational shooting in the city limits to ensure public safety. Recreational shooting frequently occurs in the South Hills area owned by the Bureau of Land Management. The South Hills has been historically a permitted shooting area but in light of the nearby developments being constructed and the large increase in other types of recreation such as mountain biking, OHV riding, trailing running, and other types of recreation the South Hills have become unsafe. City Staff and Public Safety support and endorse the recreational shooting ban. THE BAN DOES NOT ELIMINATE USE OF FIREARMS FOR PUBLIC SAFETY AND OTHER EXEMPTIONS as listed in the proposed Ordinance 2022-01.”)
- Matt Ence said he did make one change since the City Council discussed this last. Under the penalty provision it previously read that it was a Class B Misdemeanor to violate this chapter. He said he changed that to Class C because that is the penalty under similar ordinance that Ivins City has, and it makes sense to bring those closer to parity.
- Mayor Rosenberg asked what the difference is.
- Matt Ence said a Class B Misdemeanor provides for a possible six months in jail and a fine up to \$1,000. A Class C Misdemeanor is a possible ninety days in jail and up to \$750 in fines.
- Ben Shakespeare said he thinks this is needed. He said he is a shooter, but it is getting busy out there. We need to encourage the shooting range. This is in the best interest of everybody.
- Mayor Rosenberg said it will take some education.
- Brock Jacobsen said we are getting signs that we will post along the road to make sure that everyone understands that there is no shooting now.
- Ben Shakespeare asked Chief Flowers how they plan to enforce and educate as we come out of the gate. It is going to continue. He said he hopes it is educating first.
- Chief Bob Flowers, Police Chief, said they will put together some information and then go out there and approach this as an educational thing before they start writing citations. We need a few months of that. He said they want to make sure it is well posted and clear and so a soft approach in the beginning is the way to go. It will be that way for a while. He said it is a great ordinance and they will go at it the right way.
- Jarett Waite said it can get really scary out there and he wishes there was a better solution, but this is the safest solution.

Motion to Approve Ordinance 2022-01, A Firearm Restriction for Santa Clara City within the City limits.

Motion by Denny Drake, seconded by Jarett Waite.

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

Voting Nay: None.
Motion Carried.

B. Consent Agenda:

1. Approval of Claims and Minutes

- Dec. 8, 2021 Regular City Council Meeting Minutes
- Dec. 8, 2021 Executive Session Minutes
- Jan. 5, 2022 City Council Special Meeting Minutes
- Jan. 5, 2022 City Council Work Meeting Minutes
- Claims through Jan. 12, 2022

2. Calendar of Events

- Jan. 17, 2022 Martin Luther King Day-Offices Closed
- Jan. 26, 2022 Regular City Council Meeting
- Feb. 2, 2022 City Council Work Meeting
- Feb. 9, 2022 Regular City Council Meeting

3. Consider approval of the 2022 Council & City Manager Assignments.

- Brock Jacobsen went over the assignments. He said the main changes were Council members assignments over certain departments. Jarett Waite's new assignments will be over the Power Department and Utopia Fiber liaison. Kristelle Hill will now be over the social media for the city. Denny Drake's new assignments will be over the Public Services (Streets, Water, Sewer and Storm Water). Christa Hinton will be over the Parks and Sports Field Department. Leina Mathis will work with the Planning Commission and the Planning Department. Ben Shakespeare will be over the Building Department and Fire Department. Mayor Rosenberg will be over the Administration. He said he will be over the Police Department.

Motion to Approve the Consent Agenda.

Motion by Denny Drake, seconded by Christa Hinton.

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

Voting Nay: None.

Motion Carried.

C. General Business:

3. Consider a proposed code amendment to the Santa Clara City Zoning Ordinance, Chapter 17.28, Requirements for Walls and Fences, and approve Ordinance 2022-02. Presented by Jim McNulty, City Planner.

- Jim McNulty reminded Council that we have been working on this for a couple of months now with himself and Cody Mitchell. He said last time they came to Council they showed Council some images they had taken out in the field of some of the walls. He said they have also had some discussion with the Planning Commission on Nov. 9, 2021. He said after that they had a Public Hearing at Planning Commission on Dec. 9, 2021. He said they updated some of the language of the ordinance and that was to create

an ordinance that would be user friendly for property owners, developers, fence companies as well as City Staff in making interpretations that are clear and consistent. He said that Section 17.28.030 “General Standards” is a new section that he and Cody Mitchell put into place. He said they have some clear language in place for when property owners are sharing a fence that may be a little bit higher than normal. He read from this section: “When installed on a shared property line, a fence, wall, or retaining wall located on an interior property line separating two residential lots with differing elevations, the maximum height of the fence, wall, or retaining wall shall not exceed six feet (6’) above grade on either side unless:

1. The property owners adjoining the fence, wall, or retaining wall agree in writing to a greater height; and
2. A retaining wall is placed against the cut area to retain the natural grade, in which case the fence, wall, and retaining wall combined shall not exceed nine feet (9’) in height when measured from the lower lot side.” He also talked about Section 17.28.060, “Retaining Walls and Difference in Grade”. He said they added an Item D which says, “Walls installed during the project development process will be required to comply with the Santa Clara City Construction Design Standards, Section 4.3.2.5, Retaining Walls Required.” That is referring them to our Construction Design Standards on the Public Works page on our website. He said they also added Section 17.28.140, “Utility Meters” which says, “Access to utility meters shall be readily accessible. Enclosing a utility meter with a wall or fence is in violation of City Code, Section 13.08.270, Access to Premises.” He said they worked with Gary Hall, Power Director, on that provision. He talked about Section 17.28.150, “Wall and Fence Material”. He said when we last met, we discussed this. This section says, “Building materials that are not specifically manufactured, listed, or commonly used to construct walls or fences are prohibited.” He said the next section says, “The Planning Commission shall review all requests for any type of fence not specifically identified in this chapter, and may approve said fence if, in the opinion of the Commission, the fence does not impair the intent and purpose of this title. (Ord. 2012-18)” so if someone brought something in that we were not aware of we could take a look at it and decide if we think it is a good fencing material. He said they cleaned up the “Barbed Wire” section. It now says, “Barbed wire, or similar fencing material shall be prohibited in all zones except agricultural. However, barbed wire, or similar fencing material is allowed for security purposes for public utilities and/or facility uses and shall conform to the following restrictions: Barbed wire or similar material shall be pulled tight and not rolled or coiled. Straight strands of barbed wire, or similar material on top of fences or walls shall not exceed a total height of seven feet (7’).” He said they would recommend that the City Council consider approving the Ordinance Amendment to Chapter 17.28 “Requirements for Walls and Fences”. Planning Commission did hold a public hearing as required by State Code Section 10-9a-205 and they did forward a positive recommendation to the City Council.

- Denny Drake asked about the 9 ft height condition. With the 6 ft from the level of the lot variance if someone is retaining up 6 ft and could go 6 ft above that but in this case they couldn’t? They could only go 3 ft.

- Jim McNulty said they can go 6 ft, but they would have to go to the Planning Commission. We allow 9 ft. There is an allowance. It is under “Permit Required Items, A”. He read from that section, “Any fence that is reviewed and approved by the Planning Commission, prior to the beginning of construction.”

- Mayor Rosenberg said that language had been stricken out in Section 17.28.060.

- Jim McNulty said we can put that back in if it isn't clear.
- Denny Drake said he thinks it need to be.
- Mayor Rosenberg said that height language needs to be left in there. It has been used quite a bit.
- Jim McNulty said they can add that language back in there.
- Jarett Waite talked about Section 17.28.030 "General Standards", D. He stated that is the same language so just don't have the Planning Commission as an out for it. He said maybe that was the intention. He said he felt like it was a little confusing.
- Jim McNulty said that would be a good place to put it. He said we could add, "unless approved by the Planning Commission". He will work with Matt Ence on those changes to the adopting ordinance.
- Cody Mitchell, Building Official said that Section 17.28.030 D said this provision was put in to entitle residents to build a 9 ft fence if the fence was constructed solely on the resident's property.
- Mayor Rosenberg said that same section the next paragraph up has the same "shall not exceed 9 ft" so you could put it right there because that is talking about the retaining wall and the combination retaining wall and fence.
- Ben Shakespeare suggested just adding a C3.
- Jim McNulty said if Council makes a motion, they could add that, and he will get that done with Matt Ence.
- Ben Shakespeare asked if we wanted to get into specifically spelling out the materials.
- Jim McNulty said they would show us a specification or detail on the list and that is what they would have to show us.
- Cody Mitchell said the language was put in to avoid the pallet fences, tire fences, etc.
- Denny Drake said this ordinance was well thought through and something we need to have. It will help builders and homeowners know what they can and cannot do.
- Jarett Waite asked to go back to Item D. It says that the shared property line can't be more than 6 ft unless those two things happen ("the property owners adjoining the fence, wall, or retaining wall agree in writing to a greater height; and a retaining wall is placed against the cut area to retain the natural grade, in which case the fence, wall, and retaining wall combined shall not exceed nine feet (9') in height when measured from the lower lot side") so why do we even have Item D?
- Cody Mitchell said Item D is so if someone chooses to have a higher wall solely on their property, footing included, then they can go up to 9 ft.

Motion to Approve a proposed code amendment to the Santa Clara City Zoning Ordinance, Chapter 17.28, Requirements for Walls and Fences, and approve Ordinance 2022-02 as presented and with the changes that the City Council discussed regarding Planning Commission approval for non-conforming.

Motion by Jarett Waite, seconded by Denny Drake.

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

Voting Nay: None.

Motion Carried.

4. Consider approval of the 2022 Budget Calendar. Presented by Brock Jacobsen, City Manager.

- Brock Jacobsen said we discussed this last week at the Work Meeting. The only thing

we needed to add in this for the Budget Calendar is the date. For the FY2022_2023 we will hold the Budget Retreat on Feb. 16, 2022. This also sets forth for Staff when we will meet and when items are due within the Budget and also when we will meet with Council for Work Meetings, when tentative budgets will be presented, and public hearings stated and adoption of the final budget.

Motion to Approve the 2022 Budget Calendar.

Motion by Ben Shakespeare, seconded by Christa Hinton.

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

Voting Nay: None.

Motion Carried.

5. Appoint the Santa Clara City Mayor Pro-Tem.

- Mayor Rosenberg said that with a new election cycle the Council has an opportunity to nominate and vote on a Mayor Pro-Tem. Jarett Waite has served in that position over the last term and has indicated willingness to continue.

Motion to nominate Jarett Waite as Mayor Pro-Tem.

Motion by Denny Drake, seconded by Ben Shakespeare.

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

Voting Nay: None.

Motion Carried.

6. Power Cost Adjustment (PCA) discussion. Presented by Gary Hall, Power Director.

- Gary Hall said they have made some changes to the PCA. Council said they wanted to see more of a simplified version so that residents could understand this. He showed an example of an actual bill of an average home. This was broken down to show each month with actual numbers from 2020. Overall, the average every month would have been a negative \$1.95. Market prices were very weird last year. In 2021 it really jumped, and the average is \$12.39 a month for the PCA adjustment. We will have extra generation this year so that will help a lot. It is hard to say what the market is going to be. It is predicted to be really high in July and maybe August too. We hope the generators will cut that down significantly. He said if we implement this in January the average home will see the adjustment as \$22.81 on their bill. That PCA is based off the previous six months with the exception of December. We wouldn't have the amount from December in time for the January bill so it goes from June to November and those would be used for the average. The February bill would be the average from July to December.

- Denny Drake asked if we will ever recoup the \$695,000 that we lost.

- Gary Hall said it depends on how we want to set it up. We would go back that six months and recoup some of that.

- Denny Drake said in the future we want the PCA to be where it's at, so we are not dropping our fund balance down to where we're getting nailed in an emergency and having to do something to come up with power. That affects bonding and everything else. He said he would like to know that we are not going into the red and depleting our reserves to maintain the power rates.

- Gary Hall said that is what this PCA will do. It will make sure we recoup all of our power bills from UAMPS. This will ensure that we cover those costs.
- Brock Jacobsen said the thing that really determines how Council approves and sets forth this going forward if we go into effect and look back six months, we are going to recoup some but if we implement it and only go forward now then we won't see anything until we have six months of data. It depends on how Council chooses to go forward.
- Gary Hall said that Mark Beauchamp suggested not implementing it until March. We would get some of it back, but it wouldn't be such a huge impact on the residents.
- Denny Drake asked at what point does the depletion of our reserves affect our bonding of capacities and our ability to maintain our rating.
- Mayor Rosenberg talked about the coverage ratio. There is a slide called "projection without rate change". It has the debt coverage ratio on it. (See slide 8.) The debt coverage ratio has to stay above 1.45.
- Denny Drake said it is a serious situation for the city and it literally changes our abilities to do a lot of things and we don't have any control over the power grid and what we are buying power at. We don't have any choice but to look at these options and come up with the very best one remembering that we cannot drop below that coverage ratio.
- Brock Jacobsen said, talking about the fund balance, when we lose those reserves then it creates problems with emergency or in buying equipment or replacing equipment and it creates having to go bond and if our rates aren't there then we get the higher interest rate and it additional cost which is a cost to the residents.
- Gary Hall talked about the cost of equipment and how expensive it is. If we had a catastrophic failure, we would need some cash reserves to replace equipment.
- Ben Shakespeare asked about a balance build up. Does the PCA automatically adjust.
- Gary Hall said yes it will just adjust. It will be set up through the Polaris.
- Mayor Rosenberg said the PCA is in place to protect the reserves and the bond ratio but if a spike hits even just for a month that is going to fall into the PCA and we are going to be buying power at those extreme rates and that is going to become one of those monthly points on that six-month curve. We don't want to put people out of business because it is so high.
- Brock Jacobsen suggested there being a cap.
- Mayor Rosenberg said he would almost rather come back to the Council in the case. He asked if putting a cap in would discourage a creditor or bond rater. He would rather make some adjustments on the fly and implement a cap. We may be a case where we can't because the intent is to protect that coverage ratio. Council could meet and possibly spread it out over a few years.
- Gary Hall said the language for something like that would have to be in the resolution. He asked if we should have UFS come up with some of that wording.
- Denny Drake said we just make ourselves aware and the citizens aware of that situation. We may not need to put anything into place that would automatically do that because we can do it as a Council at the time, we need it.
- Mayor Rosenberg said he would rather do that. Then we don't have to do the bonding scrutiny. Council will see it and hear about it and make some adjustments to it and will need to understand what the limitations are and what adjustments can be made at that point in time.
- Jarett Waite talked about residential PCA charges (Pg. 19). He said this explains how it gets created. He said that 6.6 cents is our base. Any time it costs us more than that to buy power that becomes a PCA. He asked how much it costs for our own generation?

Will we be above that 6.6 cents or will we be below that?

- Denny Drake said it depends on the natural gas prices. It could run up to the 12 or 13 cents.
- Gary Hall said the generation will basically keep us out of the market.
- Mayor Rosenberg said the generation lets us run during peak when the charges go way up.
- Gary Hall said the generation is probably more than our base depending on where we get our power from.
- Jarett Waite said there is the projected fee of \$22 for January 2022 which is 4 times higher than January 2021. Do we expect it to be pretty high for a while? He said he wants full disclosure for the Council. This summer was really high so that is reflected in these January numbers and will carry through.
- Gary Hall said that is highly possible with the prediction that UAMPS has with the spike in July and August of next year. It very well could be some high months. With our extra generation we won't be buying as much out of the market so that will help a lot.
- Mayor Rosenberg said that the market price might even be higher, and they are expecting it to be.
- Denny Drake said if people follow the market, they will understand that at no point in time unless we can come up with a generation factor that creates power at a lesser rate than what we have already seen go away it is going to continue to increase.
- Gary Hall said that power is going to continue to climb especially with the demand and with everyone wanted to go all electric and green electric we are going to see increases from here on out.
- Jarett Waite asked how the base number is determined. Is that from the rate study we did?
- Gary Hall said that is off of 2019. They had to start somewhere with a base and then go off of that base is how the PCA is calculated.
- Jarett Waite asked if that number would be evaluated every time we do a rate study. Will that base number maybe change when we do a rate study in 2024?
- Gary Hall said it could.
- Jarett Waite said if we are raising our rates to cover cost of living adjustments or whatever and we know that the power from the nuclear plant is going to be a little bit more once you include transmission he hopes something can be worked on where if the bill is going to go up more than 50% Gary will pull the Council in for a discussion about this so we can have a discussion about spreading it over a longer period of time.
- Mayor Rosenberg said we just need to watch that market price when those spikes start to hit and get everyone in the loop. Every city is going to be in that same predicament at that point.
- Jarett Waite said our base number is based off of 2019 but we know we are paying a lot more for power since then in general because that was back when there was a lot more resource available. He questioned whether that base number was realistic to base the PCA off of.
- Ben Shakespeare asked if there is a reason we can't adjust that, so it sets it a little higher.
- Denny Drake said as long as we are maintaining our reserve above the level that we need to for the bonding we don't really care about the base rate.
- Mike Johnson, UFS, said the base question, that is the amount that is included in your rates as they are set now. Keeping at that rate is important. If we changed that base, we

would have to change the rates as well.

- Jarett Waite asked that we are raising the rates so why aren't we changing the base by that same amount.

- Mike Johnson said we aren't really raising the rate but hopefully temporarily changing it and it will come down. He said eventually we will true up the PCA. To true it up we will need to raise the actual rates.

- Mike Johnson stated that the bill is probably going to be higher in the winter and lower in the summer because of the way you are collecting. He talked about the fuel prices for the generation.

- Jarett Waite clarified that if we run our generators, it is not going to add to the PCA ever unless there are crazy gas prices.

- Mike Johnson said that is correct. All the fuel prices are built into the base rate.

7. Set Public Hearing to receive public input regarding the Power Cost Adjustment (PCA) for Jan. 26, 2022, at 5:00 p.m.

Motion to Set a Public Hearing to receive public input regarding the Power Cost Adjustment (PCA) for Jan. 26, 2022, at 5:00 p.m.

Motion by Denny Drake, seconded by Ben Shakespeare.

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

Voting Nay: None.

Motion Carried.

8. Consider amending a PDR Zone for Regal Homes at Black Desert and approve Ordinance 2022-03. Dade Rose, Applicant. Presented by Jim McNulty, City Planner.

- Jim McNulty said that Rick Lloyd is here on behalf of Regal Development. This item is before the Council for Council's consideration for a PDR Zone amendment and conditional use for a limited number of short-term rentals. We had a Planning Commission work meeting on Dec. 1 and spent quite a bit of time with the applicant going through the plan and discussing items we still had questions on. Since that time the applicant has met with the City's Technical Review Committee (TRC) on two separate occasions, Dec. 2, 2021, and Dec. 30, 2021, to address Staff comments that have been brought up at that time. He showed Council the updated site plan. He said he wants to discuss some of the issues that were brought up and the proposed mitigation. The site plan is similar to what we saw last time with the exception of a few minor details that have been updated. There are 32 one-bedroom carriage-style units that are above the garage. There are 48 other one-bedroom units and 192 two-bedroom units for a total of 199 units on the plan. They also clarified the boat/RV parking for short-term rentals. There will be 4 RV/Boat extended parking spaces in the southeast corner of the Project. In return, they are asking for 4 short-term rentals to be considered by the City Council tonight. The previous recommendation by the Planning Commission in November 2020 was up to 40 short-term rentals. It was clear that the City Ordinance didn't allow for that. If you don't do the project completely under short-term rentals the allowance has to be approved by the City Council. That approval comes by the City Council rather than the Planning Commission. The Planning Commission can make a recommendation. He said he has 12 points he would like to discuss with the Council. First are the short-term rentals which we already talked about. They are asking for conditional use for a limited

number of short-term rentals, a total of 4. They are proposing 2 one-bedroom units and 2 two-bedroom units. They do have the parking to do that. They are showing 404 parking spaces on the site. 200 of those parking spaces are covered either by a garage structure or the covered parking/carports plus 4 RV spaces. The next item is parking. Our ordinance requires 2 parking spaces per dwelling unit with 1 being covered. He said there was some discussion at the Work Meeting on Dec. 1 about the location of the parking spaces in relation to some of the units. He asked the applicant if they were willing to assign parking spaces to units. The applicant stated that that is being considered but at this time a decision hasn't been made. The next item is public road cross-sections. Regal Homes will be required to do public roadway improvements and dedications as part of the project. These public roads include Affirmation Drive and Red Mountain Drive which are required to gain access to the property. The Affirmation Drive cross-section being proposed is 60 ft below the cross-section for Red Mountain Drive is the drive right of way. That is 2 public lanes of travel with a park strip and sidewalk or landscape strip on one side and the other side would be for the next developer to put in as they develop the property to the east.

- Mayor Rosenberg said that part of that is on the Solace subdivision and has already been approved and they start this week.

- Jim McNulty said on the previous plan it had showed a wider right of way (80 ft) so the standard Red Mountain shows 66 ft so that is what is being proposed so there will be two lanes of travel and curb and gutter and a landscape strip or a sidewalk and then another landscape strip with a wall.

- Mayor Rosenberg said it actually gives room for three lanes of traffic if we need it. He said if we need an additional lane the landscape strip can be reduced at the intersections to facilitate a right turn lane.

- Jim McNulty said the next item is the private driver alley cross-sections. We talked about this at the last meeting. The detail has been provided and this is going to be the standard that they have to design to and build to. Regal Homes will be required to work with City Staff and comply with all department recommendations during subdivision plat review and site plan review getting down to the interior street system within the project making sure that we have the right cross-section for the private alleys which will be owned and maintained by Regal Homes. The next item is open space. We discussed this at the Dec. 1 meeting. The code requires at least 30% of the project area to be open space. They have provided some calculations. The plan includes a total of 36% open space being proposed. That includes the amenity areas. It is compliant of City Ordinance. We will review that again during site plan review at a later date. The next item is public trail access. To the south along the edge there is a 10 ft public recreation trail which includes resident access. It also appears the trail will be connecting with Red Mountain Drive and that will allow for future residents to gain access to both Pioneer Parkway or to Affirmation Drive or the other project access points. We believe that has been addressed properly. Next, he talked about project amenities. The central amenity includes tennis courts, playground equipment, a swimming pool, a clubhouse, pickle ball, other common area amenities, outdoor eating, gazebo and gardens, a larger size pool that would be for the project, a hot tub, an outdoor barbecue area and other things of that nature and an exercise facility in a rec center. The primary access that comes in off of Red Mountain Drive you will see that amenity. There are 3 green spaces through the interior of the project. The next item is building design and materials. We spoke about this at length on Dec. 1. Dade Rose was very clear that the exteriors include the hardy

board, the stucco, tile roofing and some outdoor patio areas and recessed windows and access areas to the units themselves. The cottage units or units above the garage, there are two units in each of these buildings with one on either side and they are one-bedroom and one-bath units with five parking spaces below. These parking spaces are included in the count. People will probably pay more per month to have a garage parking space. There are carports as well. These units will be available for residents that live in the area. He said we believe that the site designs and the building elevations and the amenity package and the walkability created on the interior of the project that they do comply with the requirement in 17.68.050 for the PDR density bonus that they are requesting. They are asking for 4 additional units per acre to allow a maximum of 12 units per acre. What they are proposing at the 199 units is 11.95 dwelling unit per acre, so it is just under that. It appears they have met those requirements. The next item is landscaping and water efficiency. The PDR Zone requires that the project have high landscaping requirements and standards be put in place. Because we have adopted City Ordinance 2021-16 and others prior to that require all new development to be compliant with the adoption of the water efficient landscaping and conservation standards that are in the works and will be adopted in the next couple of months that the project be compliant with that. We would hope that the developer would step up to that and be willing to do that. We want that to be a requirement of this project. He talked about project utilities. There has been a lot of discussion about this and how we are going to put transformers into place and where water, sewer and gas lines would go. He said we feel that that issue has been addressed appropriately and we will make sure they do it correctly when they go through the site plan review. They included a project narrative that goes through all the project updates. A lot of it is an update on what we discussed on Dec. 1 and what they have done since we met with them and the things they have done to meet our standard or requirements. As far as State Code goes, Utah Code Section 1098205 includes requirements for land use ordinance and zoning amendments to amend a land use ordinance or zone a City must hold at least one public hearing before the Planning Commission. That public hearing was held by the Planning Commission on Nov. 12, 2021, and at that time they forwarded a positive recommendation to the City Council so the Council may now hold a public meeting, not a hearing at this point, to act on the recommendation of the Planning Commission. Staff has determined that the State requirements have been met by the application. The Planning Staff recommends that the Santa Clara City Council approve the proposed PDR zone amendment and conditional use for a limited number of short-term rentals for the Regal Homes at Black Desert project subject to the conditions outlined in the Staff report. Staff has identified seven conditions.

- Denny Drake asked about the private streets. Do we have an agreement with the developer that if a water line breaks in the road we can immediately go in and take care of that in a private street and who is responsible for cleaning that street as far as the asphalt and so forth? We have some private streets with public utilities in them and maintenance of those public utilities fall on us, but the streets fall on them.

- Jim McNulty said there would be an agreement which would allow us to repair the utilities.

- Dustin Mouritsen, Public Works Director, said he has never had this come up. We have some utilities down in the parking lot of where the auto repair shop is and the bank and Villa Bonita, but he doesn't know what the agreement is in place if we have to repair the road, so this is something we need to look into and address.

- Mayor Rosenberg said the ability to access and repair would definitely be there for the public utilities.
- Dustin Mouritsen said as far as maintaining that street that would be something that Regal Homes would be responsible for.
- Brock Jacobsen said he thinks that the city would go in and repair things if there was a break and then we would send them the bill for the asphalt.
- Matt Ence said the easiest way to address it is that there would be something on the plat that indicates how that access will take place and what the city is entitled to use for utility purposes. This question interplays with something worth bringing up which is how are the utilities being metered?
- Mayor Rosenberg said what we are talking about is individual meters for the gas and power and a common meter for the water. There would be additional impact fees that come into play as part of that. We looked at the site to make sure we could fit everything in there and it's tight, but it is relatively uniform. All the pads are about the same size as well as the setbacks so once you come up with the concept it is easy to cookie cutter through the project the lines just need to be in the right place. There are no weaving utilities in this project.
- Jim McNulty said what he has seen is a developer can put together a road maintenance fund and the owners pay into that road maintenance fund so if things need to be repaired that fund picks up the repairs after the utility repair is made. A mechanism like that could be used. They are going to have a property manager with Regal as the owner.
- Matt Ence said it is not that much different then public utilities on a residential lot.
- Mayor Rosenberg said he likes Dustin's idea that the City would put the road back in service because the roads are required for emergency vehicle access and things like that so that road would get back into service and we can just put together an agreement with the property owner to be able to compensate the City for that cost and come up with some hourly rates or square footage costs. People that live in these units are paying gas tax and contributing to our road funds. They are doing everything that other residents are paying.
- Denny Drake said we just need to have it spelled out.
- Jarett Waite asked how that property will be lit. Will it be regular streetlights or something unique?
- Jim McNulty said it is a private street and that is something we need to look at during the site plan review.
- Mayor Rosenberg said that typically on these exterior lights on the building itself provides the lighting for the sidewalk and parking areas and there may be some supplemental street lighting down in the RV parking where there's buildings that are not real close and the buildings are not providing adequate light. There will be a lighting plan as part of the site plan review package.
- Jarett Waite said his other question is vacation rentals and not being separated. He thinks we are opening a bit of a pandora's box. This is different than what we have done and if we approve this one, other people will come and ask for it here on out.
- Matt Ence said we do have the right to require exactly what we have required in the past. The ordinance makes this an exception that has to be approved by the City Council.
- Ben Shakespeare said he sees both sides. He stated that he likes the parking. He understands having the 4 short-term rentals for the purpose of the development. He thinks it is a reasonable request.
- Denny Drake asked if we are allowed by ordinance to put that component in there.
- Matt Ence said yes, the ordinance it is basically all or nothing unless the City Council

- approves otherwise. The Council has the power to make an exception to that.
- Mayor Rosenberg said the Planning Commission approved 40 short-term rentals but they are only asking for 4.
 - Brock Jacobsen said that on site plan review they could designate which 4 are going to be designated as short-term rentals.
 - Jim McNulty said they have provided 4 RV/Boat parking spaces for those rentals.
 - Rick Lloyd stated they are not in the short-term rental business, and they think of these 4 short-term rentals as an amenity to their development.
 - Jarett Waite said we have already crossed this barrier with the Robert Smith development, and he can see this being fine. He sees where the developer is coming from that the short-term rentals are an amenity.
 - Jim McNulty said the Planning Commission recommended approval for both the zoning amendment and for the 4 short-term rentals.
 - Jarett Waite said we are getting quite a bit of attainable housing with this and there is a little component of vacation rentals.
 - Gary Hall asked if the city would put in and maintain the streetlights on this project.
 - Denny Drake said he would think that we would maintain them but not put them in.
 - Jim McNulty said the lighting could be looked at through a lighting plan and handled differently.
 - Mayor Rosenberg said the lighting would probably be not City except at the entries. All of the lights along Red Mountain Drive and Affirmation Drive are going to be public lights maintained by the city and maybe the two entrances. Everything on the interior, the lighting on the buildings and around the amenities, will be maintained by the entity.

Motion to Approve amending a PDR Zone for Regal Homes at Black Desert and approve Ordinance 2022-03 including the eight Staff Conditions and approve a conditional use for four short-term rental units. Dade Rose, Applicant.

Motion by Ben Shakespeare, seconded by Denny Drake.

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

Voting Nay: None.

Motion Carried.

- Ben Shakespeare asked to be excused. He left the meeting at 6:53 p.m.

5. Reports:

A. Mayor / Council Reports

Ben Shakespeare:

- Nothing to report.

Jarett Waite:

- He went to a Garden Meeting last night and the recommendation was to start cutting down trees now and to start prepping the land so it can be planted next year. They asked for Council's approval to start cutting some trees down. They will probably leave 3 ft stumps and pull out the stumps this summer. There are 400 trees, and they want to take them all out. The grass in between the trees is a major issue for maintenance so they want a clean slate. He suggested putting this on an agenda and we could have a

discussion on this.

- Mayor Rosenberg said he wants it on an agenda. Let's bring this back in an advertised meeting.
- Jarett Waite said that the experts of gardening and orchards in Santa Clara were at the Garden Meeting. We also had representatives from the Elks and the Rotary there and they are very interested in helping with the project. They specifically want to do some box gardening and have a Veteran element to it. He said it would be an excellent way to show other ways to garden. He said the direction was for Brad Hays to put together a site plan. The idea is to have an 8 ft wide asphalt path meandering through the perimeter of the property. The plan is to garden this year. The majority of the property has Bermuda grass on it, and they want to possibly get rid of it. They would like to create more of a functional orchard verses a commercial orchard.
- Mayor Rosenberg said for the committee to get back with us. If they really want to take out all the trees they need to come to Council with a phased plan.

Denny Drake:

- Nothing to report.

Christa Hinton:

- Nothing to report.

Mayor Rosenberg:

- The Western Corridor got approve for \$1.5 million. It is on the Dixie MPO Regional Transportation Plan. They also gave us some money for the EA to start. The City will contract the EA.
- Dustin Mouritsen said the money is not available for 5 years.
- Mayor Rosenberg said we need to go talk to them some more. The COG met and they gave Ivins City some money to purchase right of way along Hwy 91 to extend their street and trail project. The mayors are meeting next week to discuss water.
- Dustin Mouritsen said Zack Rhenstrom gave a presentation on a reuse project that is getting designed with a pipeline from Bloomington to Dry Wash and Graveyard Wash. It is a \$300 million project. He has to do this design to go after funding.

Gary Hall:

- We looked at the fiber hut locations with one being at the old fire station location and we picked out a spot that will be out of the way. There is also one by Gubler Park just north of the fire station.
- Jarett Waite said the huts are 10 ft by 12 ft buildings. They look like a cell tower building.
- Brock Jacobsen said they will be brick styled. He said at Gubler Park we asked them to do a block wall around it to match the block wall that is there with the fire station.
- Gary Hall said they just got a new hire and he started Monday. He is from Idaho. One of the employees has COVID. Kristelle Hill is home sick.
- Brock Jacobsen said that Brad Hays went home today not feeling well.

Dustin Mouritsen:

- We wrapped up the South Hills waterline project today. The contractors did an amazing job. The building is beautiful, and the equipment is top of the line.

6. Executive Session:

- Executive Session to talk about potential litigation.

Motion to Enter Executive Session to discuss potential litigation.

Motion by Denny Drake.

Seconded by Christa Hinton with all members present voting aye.

- Entered Executive Session at 7:06 p.m.
- Reconvened at 7:25 p.m.

7. Adjournment:

Motion to adjourn by Jarett Waite.

Seconded by Denny Drake with all members present voting aye.

Meeting Adjourned at 7:25 p.m.

Chris Shelley – City Recorder

Date Approved: _____