

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, MARCH 8, 2017
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, March 8, 2017 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.

Present: Mayor Rick Rosenberg
Council Members: Herb Basso, Jerry Amundsen, Ken Sizemore, Jarett Waite, Mary Jo (Tode) Hafen
City Manager: Edward Dickie
City Recorder: Chris Shelley

Others Present: Brock Jacobsen, Assistant City Manager; Jack Taylor, Public Works Director; Corey Bundy, Building Official; Brad Hayes, Parks Director; Bob Nicholson, City Planner; Dan Nelson, Fire Chief; Devin Snow, Assistant City Attorney; Scott Bannon; Dennis Frei; Allen Hall; Jake Erickson; Eric Drake; Kent Walker; Alec Miller; Jerry Duelin; Luke F. Miller; Jade Muellenderf; Ashley Conover; Tara Landis; Scott Day; Matthew Harris; Shawny Harris; Sally DeMille; Brooke Ence; Drew Ence; Wendy Basso; Kent Frei; David Frei; Karen Lessman-Hughes; Donna L. Stafford; Rich McArthur; Tresa Frei; MaryLynn Reber; Commissioner Dean Cox; Commissioner Zachary Renstrom; Brock Belnap, County Attorney; Cindy Frei; Clayton Leavitt; Kelle Stephens; Ann Evans; Jim Ence; Alan Ayala; Victor Frei; Gwendolyn K. Frei; Merrilee Hafen; JR Hafen; Venda Kemple; Connie E. Bulloch; Don Graf; Pat Graf; Cameron Roghan; Celeste Maloy; Le Grande Hafen; Mark Ence; Mel Taylor; Kayde Roberts; Stephanie Erickson; Lainee Frei; Keith Gubler; Pam Graf; Vicki Lasswell; Luke Miller; Alec Miller

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:02 p.m. and welcomed everyone particularly the County Commissioners Cox and Renstrom.

2. **Opening Ceremony:**

- Pledge of Allegiance: Jerry Amundsen
- Opening Comments: Jerry Amundsen

3. **Communications and Appearances:**

A. General Citizen Communications:

- Those who have come to speak are all speaking about Item 4B4 and will be allowed to speak at that time. This is not a public hearing so each person that wants to speak will need

to fill out the form to request to be heard by the Council.

4. Working Agenda:

A. Public Hearing(s): None

B. General Business:

1. Introduction of new Code Enforcement Officer Scott Bannon, Presented by Corey Bundy.

- Corey Bundy, Building Official, introduced Scott Bannon who is Santa Clara City's new Code Enforcement Officer. Scott is retired from the Salt Lake Police Department. He served there for 27 years. He has been here for 4 years.

- Scott Bannon said he is retired from the Salt Lake County Sheriff's Office. He worked for a couple of years for the Santa Clara/Ivins Police Department and just retired. He said he is happy for this position and he said it will be fun and exciting and challenging.

- Mayor Rosenberg welcomed Scott and asked if the Council had any questions.

2. HCP Presentation by Washington County HCP Director & County Commissioner.

- Zachary Renstrom, County Commission, said they are there with their attorney and biologist to answer questions related to the legal issues of the HCP and the tortoises and also the biological issues concerning the HCP and the tortoises.

- Brock Belnap, County Attorney, talked about the background of the Endangered Species Act because that is why there is the HCP. He said that the Endangered Species Act says that any time that the Fish and Wildlife Service designates an animal as threatened or endangered, that species is protected from any kind of harm. The harm in the law is called "take" and "take" is very broad. It could mean anything that could harm the animal including disturbing its critical habitat. He said that in the late 1980's the County first had rumblings that the desert tortoise was going to be listed as a threatened or endangered species under the Endangered Species Act. When it becomes listed that requires the Fish and Wildlife Service to designate its critical habitat. Critical Habitat is basically any place that a tortoise lives. He showed a slide of the areas tortoises could live in Washington County. It includes any place under 4,000 feet in elevation. He said that when the designation first happened people were very concerned that all the developable land that was in our municipalities could be subject to critical habitat and locked up by the Endangered Species Act. He said that back then all the municipalities, the County, the County Commissioners, various landowners got together and decided to work together to address this possibility. He said that a committee was formed to apply for a permit that would allow development to continue to occur. The legal term for that is an "incidental take permit". He said the committee applied for this "incidental take". The plan that would allow us to get the "take permit" was called the Habitat Conservation Plan. The Habitat Conservation Plan created the Red Cliffs Desert Reserve. The permit was applied for in 1995. The Fish and Wildlife Service granted the permit and it was good for 20 years. It expired December 2015 but is still in place because the County filed application to renew the permit and the Federal Government accepted that application

and by doing that the terms of the permit stay in place while the application process is still pending. He said that when the County undertook to do this 20 years ago, it was at the request of the municipalities that we act jointly. He said that now that they are in the process of renewing it, they want to know if this is what Santa Clara wants them to be doing. Is this in the interest of Santa Clara citizens and community? He showed a slide of the land that was set aside as part of the Habitat Conservation Plan to be the Red Cliffs Desert Reserve. He said that the Reserve is what the County in its entirety offered up to the Federal Government if they allowed land elsewhere to be developed. The Red Cliffs Desert Reserve borders our municipalities from Ivins all the way over to LaVerkin and even in Springdale. It's 65,000 acres. As part of the plan the County agreed to manage it and the municipalities agreed to pass an Impact Fee that would fund it. That is how the partnership has been set up. The HCP allowed us to address jointly and commonly the effects of the Endangered Species Act. It allowed development to occur in Washington County outside the Red Cliffs Desert Reserve and created the reserve, which has turned out to be a popular and successful recreation area and it preserves the vistas and adds value to the land outside the reserve and has provided habitat for the tortoises where they can develop and thrive and live. He said that the Impact Fee is \$250 an acre plus 2% of the construction costs and that equals about \$660 on a \$300,000 home on a quarter acre. He said that Santa Clara will have to continue to collect that Impact Fee if Santa Clara and its residents want to take advantage of the Incidental Take Permit. He said they are negotiating the renewal and asking if that impact fee is too much for what remains to be done. He showed a slide of areas where the tortoise has been found. Most of the areas are found in the reserve because biologists are looking for tortoises in the reserves. He said that we don't know what they would find if they started looking in lower areas. He also showed a slide that showed the area around Santa Clara where the tortoises have been located. He asked how Santa Clara would like them to proceed.

- Dean Cox, County Commissioner, thanked Brock Belnap. He said that the cities are funding the HCP. He said that this was a very collaborative process. He said they are in the process of negotiating an extension of the HCP right now and working for another 20-year renewal. He said that some things have changed. When the land was set aside the government gave the County a "take" of a particular number of animals. That means if one is found outside of the reserve, it can be picked up and moved back to the reserve and that counts as one against our take and we have used about 70% of our take. The Federal Government has also allowed us to develop critical habitat and we've used about half of that critical habitat. He said he feels that it is still to everyone's benefit to renew but they wanted to report back to the municipalities. He stated that the average cost of managing the HCP is about \$1 million a year. That money is raised by the impact fees. The population of the County has grown a lot since 1996. Because of the he feel that a responsible budget can be put together for what it will cost us the next 20 years and that's approximately about \$20 million. But because of our expanded growth, he wants to make sure that we're not trying to raise more money off of the backs of our taxpayers then it will take to manage the HCP. He thanked Santa Clara for all they have done and wants to hear of any concerns so that they can be responsive and reactive to them and to make certain that what they are doing is what Santa Clara still wants them to do.

- Tode Hafen asked what will happen when we get to 100% of the take.

- Cameron, HCP Biologist, said we won't really know until we get there. He said that most of the tortoises that have counted as our take have occurred in the early years, about

80%. He said they went to those areas to remove the animals first. He doesn't think we will hit that limit. He said that if we do get there we will probably have to renegotiate with Fish and Wildlife Services and there would probably be some wiggle room to work something out.

- Jarett Waite asked if revenue has kept up.

- Commissioner Cox said that it has kept up and there is actually a fund balance of approximately \$6 million. That means we really only need to raise about \$14 million and that is why he is confident that we can lower those fees.

- Mayor Rosenberg asked when he will have an idea of when that can happen. Both the time frame to get the extension in place and also an impact fee study to set up a new fee.

- Commissioner Cox said they are negotiating with HCP advisory committee now. There is a meeting tomorrow. He said they are looking at each of the line items they are spending money on. He talked about how the Red Cliffs Desert Reserve is now a part of the National Conservation Area and if we wanted we could have the BLM law enforcement officers ticketing people if they step off the trail and things like that. He said that the County feels that a kinder, gentler approach might be more conducive to responsible use of the HCP and educating people. So, at that point, the County would like the Sheriff's office to continue the law enforcement on the reserve. He said that one of the biggest losses from tortoise is when there were fires in 2005 and 2006 which destroyed some habitat so habitat restoration needed to take place. It was pricey.

- Mayor Rosenberg asked if the BLM tortoise habitat was on the west side of South Hills.

- Commissioner Cox said that SITLA has quite a bit of land that has a sizeable tortoise population. He said it is possible that some of that land could be protected and there's other land that Santa Clara might be interested in seeing some development.

- Mayor Rosenberg asked if Santa Clara were able to move forward with some disposal of some of that BLM ground would it be covered by the HCP.

- Commissioner Cox said it would be covered by the HCP.

- Ken Sizemore asked about the Commissioner's visits with other municipalities and what were their responses.

- Commissioner Cox said that they have had a chance to meet with some of the municipalities and still will be visiting with some and they have had really good response. He said that so far 100% of the communities think that they would like to see this continue. He said the consensus is if we can negotiate lower impact fees the communities are in favor of that.

- Ken Sizemore asked if the County would like a motion from the City Council.

- Commissioner Cox said they would love a motion or a resolution and some support. This will give them some leverage as they negotiate with the Fish and Wildlife Service so that it's not just the three County Commissioners. They can show them that the communities are behind them.

- Mayor Rosenberg asked if Commissioner Cox had some sample language for a resolution.

- Commissioner Cox said they can get that.

- Mayor Rosenberg asked if he can get that to Ed Dickie, City Manager and Ed can get that on an agenda.

- Commissioner Cox said that if the impact fees change that would have to be done by an ordinance in the City.

- Tode Hafen asked if that is still Federal land.

- Commissioner Cox said that it mostly is. There are still some private holdings in there too. He said they are working very hard to acquire the privately held land. The land is owned by a variety of entities including Utah State Parks, The State of Utah, the DNR, the BLM and SITLA.
- Tode Hafen said that the reason she asks is if there is a fire, why wouldn't the replacement of plants be done by the landowner rather than the HCP.
- Commissioner Cox said that the HCP is a plan that has specific duties and responsibilities for all of the partners that signed into it. He said the County has the responsibility of managing the HCP.
- Jarett Waite asked if there is a point when the fees will change and not be an impact fee.
- Commissioner Cox said that when the plan was being negotiated, part of the long-term strategy was to create a National Conservation Area. After the "take" lands have been developed and the tortoise take has been used and our area has been built out, we may have no further need for the County to manage it and at that point it could be managed by the NCA under the direction of the BLM. We are not there yet and are hoping for another 20 years. Future Commissioners, Mayor and Councilors will make that evaluation 20 years from now.
- Ken Sizemore said that it is pretty evident based on the presentation and the history we've had with this concern in Washington County that renegotiating the HCP is vital to the continued development and growth in Washington County.

Motion to Direct Staff to Work with the County Commissioners to develop a Resolution that would be presented in a future City Council Meeting for Council's Authorization.

Motion by Ken Sizemore, seconded by Jarett Waite.

Voting Aye: Jarett Waite, Jerry Amundsen, Tode Hafen, Ken Sizemore and Herb Basso.

Voting Nay: None

Motion Carried.

5. DXATC request & update. Presented by Kelle Stephens.

- Kelle Stephens, Representative for DXATC, said that Dixie ATC is about skill development for adult and high school students to meet work force demand. She introduced a couple of the students: Ben Lorsben, who was the student of the year last year.
- Ben Lorsben said that his experience with DXATC started when he was in the 11th grade and he learned IT and Web design. He did projects and applied for student of the year and ended up working with them in their marketing department as a marketing assistant helping to make commercials. Through the DXATC he was able to show what he was capable of. He has been given so many opportunities because of DXATC. He now works writing curriculum and works for the University as a graphic designer. He said he has grown so much through the DXATC and he said because of them he is where he is. He said he is the Regional Sterling Scholar for computer tech, he's going to Dixie State with a full ride, he is working wonderful jobs and he owes it to DXATC.
- Kelle Stephens also introduced by way of power point video Lindsay Smith an adult student. Lindsay is a handicapped student and she is the student of the year this year. She competed at the State Level and tied for 1st Place so she is a State Student of the Year for the applied technology system. A video was played with Lindsay on it.

- (Video) Lindsay Smith said that she was born with a physical disability. She said she always had an interest in drawing house plans to help people modify their homes to better their lives. She said that a disability doesn't define someone and you shouldn't use it as an excuse. Take one day at a time. Everyone has struggles. It doesn't make you special.
- Kelle Stephens said that Lindsay is wonderful. She has been in DXATC's drafting and design program. The students go through the program and then have to do a senior project. Lindsay produced nearly 200 blue prints. She designed a whole city block complex for people with multiple disabilities, single-family homes, assisted living centers, apartments. Then she decided that people with disabilities really needed to have a place to socialize, a place to dine, a place to have recreation and a place to have medical visits and therapy and places to work as well. She just kept designing. She also designed a sliding tray that she could put in a kitchen to make it so she wouldn't have to use her teeth for everything. Lindsay has a really bright future with an architect firm doing ADA compliance plans and also the ability to invent and see her creations come through and become widely available for people with disabilities. Kelle Stephens said that these are the kinds of students they have at DXATC, amazing talented people. She talked about the DXATC permanent campus that is being built up on the old airport hill. She said they have talking about having the surrounding communities help get this done. She said that the Legislature gave them \$31.9 million 2 years ago. She said that made them \$13 million short. She said that with a combination of bonding, private donations and cutting the scope a little bit, they could get everything they need. She said they have cut the scope by about 17,000 square feet. They have a professional building that is 100,000 square feet, an industrial building that is about 62,000 square feet and she said they have what they need. She said they have also taken the budget from \$44.9 million down to about \$42.9 million. She said they have raised about \$2 million and have other commitments that are pretty close. She said they are about \$1 million short to completing it when Washington County said they would raise the bond from \$8 million to \$9 million and that give them the ability to complete the facility. The bond payments are about \$650,000 a year. She said that a couple of years ago they asked cities to participate and now is the time to think about what can be done. She challenged all the cities in the County combined to come up with about \$150,000 a year. Some of the cities want to contribute one large contribution. Most of the cities want to make an annual contribution with an interlocal agreement with intent language that says they intend to continue. She said she doesn't know what kind of dollar amount Santa Clara can look at but she said she would ask that in the City's budget process they would look carefully and decide what level they can support the DXATC. She wants every city in the County to be represented on the donor wall. She wants to be able to say that this was a Countywide effort and that there is Countywide support.
- Mayor Rosenberg asked if the Home Builders Association is helping out at all.
- Kelle Stephens said that they are.
- Jarett Waite asked how many students there are.
- Kelle Stephens said they have the highest headcount in the State for an applied technology college. She said they do a lot of training through the American Heart Association.
- Ken Sizemore asked what programs will go away because of the reduction of the square footage.
- Kelle Stephens said none. She said that they are actually adding programs because right

now they are crammed into space so they will be able to add. They will be adding culinary arts. She went over the programs they have and will have at DXATC. She invited Council to come and walk through the construction site. Substantial completion is scheduled for October and they are hoping to stick to that schedule. She thanked the Council.

3. Discussion and/or consideration to waive Impact Fees & Reduce Building Fees for Swiss Village, Lots 10-14. Presented by Clayton Leavitt.

- Clayton Leavitt said that this is a follow up to a Work Meeting where it was discussed what could be done to reduce building fees so that they were more in line. A 1,200 square foot home has the same amount of building fees as a 2,500 square foot home. He said that in talking with the Council, he learned that impact fees are set and until Santa Clara designates more affordable housing it probably isn't going to happen until that is going on in Santa Clara. He said that he would like the Council to take a look specifically at the water fees that are in Swiss Village townhomes. He said there is a water fee connection charge. It's a townhome community. He showed pictures of the water meter. It is in the City right of way outside of the project. This 2-inch meter was put in in about 1985. He is requesting a waiver of credit for the impact fee for the connection. He has discussed it with the City Staff and the County Water Conservancy District and recognize that this was put in prior to 2006 when they established their agreements throughout the County.

- Mayor Rosenberg asked if this meter has the capacity to service the other 40 units.

- Jack Taylor, Public Works Director, stated that he believes so. He said that if they do have problems it would be their responsibility to upsize their line and meter. He said that he talked with Ron Thompson who said he would honor Clayton Leavitt's request.

- Mayor Rosenberg said that as a follow up, Ron reported to the Mayors a couple of weeks ago that in the new impact fee study that the Water District is doing right now that the one that will be published in August will have four tiers of impact fees and there will be some for smaller properties included in that. It's a move in the right direction for affordable housing. It should be developed in the next six months.

Motion to Approve the waiver of Water Impact Fees & Reduce Building Fees for Swiss Village, Lots 10-14.

Motion by Herb Basso, seconded by Tode Hafen.

Voting Aye: Herb Basso, Ken Sizemore, Jerry Amundsen, Jarett Waite and Tode Hafen.

Voting Nay: None

Motion Carried.

- Mayor Rosenberg asked the Boy Scouts to introduce themselves. From Troop 545: Luke Miller, Star Scout; Jerry Doflin, Tenderfoot; Alec Miller, Tenderfoot. From Troop 406: Gerald Ence. All Scouts are working on the Citizenship in the Community Merit Badge. Mayor introduced Brad Hays, Parks Director, and told the Scouts that he is the Santa Clara City Eagle Coordinator and he can help with Eagle Scout projects.

4. Consider a request to amend the City General Plan Land Use Map by changing the land use designation from Historic District/Low Density Residential to Historic District/Medium Density Residential on 0.89 acres and zone change request from R1-10

to RPD, located at 1428 Victors Street. Jim Ence Applicant. Presented by Bob Nicholson, City Planner.

- Mayor Rosenberg declared a conflict of interest because his work has been involved with this.

- Bob Nicholson, City Planner, stated that this has two parts to it. The first part is to consider a request amending the General Plan as thought of as the City Master Plan. That request is to change the General Plan map land use designation on this 0.89 acres from Historic District/Low Density Residential which has a density range from 2 to 4 units per acre to Historic District/Medium Density Residential which has a density somewhere between 5 to 12 units per acre. The second part of that, if the Council is inclined to make that first change, is a zoning change on the same property to change the zone from Historic District R1-10, which is a single-family zone on a 10,000 square foot lot to planned development residential to allow the project of 8 townhome units on 0.89 acres. There are 3 twin homes and 2 single detached units on the property. The General Plan consists of two things, the map and written report. On pages 36 and 37 of the document there is a narrative about the downtown historic core. This property is considered part of the historic downtown core, which is defined as the bluff north of Santa Clara Drive all the way to the river and from the east gateway out to the Jacob Hamblin on the west. The density indication is the map and the map is labeled low density residential. The policy statements talk about clustering development, moving units closer together to preserve open space. It talks about policy 4.3, which says "all new mixed use or commercial development in the historic downtown core should expand out from existing commercial and mixed use areas to reduce potential strip development and encourage walking from one store to the next". He said that on the map there are 4 downtown commercial nodes. The subject property is adjacent to the Frei Market warehouse. From that standpoint it fits in the narrative of the text of the goal the General Plan is talking about. The Planning Commission held a public hearing on February 21 and there were quite a few people in attendance. Most spoke in opposition to the request both for the General Plan Amendment and the zone change. There was some discussion about traffic but most people recognize that Santa Clara Drive is going to get busier regardless of these units. The main issue these residents spoke about was their opposition to increased density. On the General Plan Amendment, the Planning Commission voted 4-2 to recommend denial of the requested change on the General Plan. The zone change wasn't acted on because without the General Plan change the zone change wasn't an issue. The request went before the Heritage Commission because it is within the Historic District and the Heritage Commission recommended approval of the design of the units. The design does show architectural character. Victor Street would end in a cul-de-sac and it would be the developers/applicant's responsibility to terminate that street in a regular cul-de-sac. There is a community garden shown. Each unit has a two-car garage and a 20-foot deep driveway to accommodate cars in the driveway and garage. They are two-story units. The two-story units have a total living area from 1,844 square feet to 1,864 square feet plus the two-car garage. 40% of the site plan is in open space.

- Jim Ence, Applicant, he said they are all friends in attendance but have different opinions and he hopes the process takes care of itself. He said he believes that encouraging and allowing change doesn't affect his heritage. He thought about when the

school house was torn down and the church was built, when the post office was moved to it's current location, when corrals were removed and homes were built, when houses were being built on Vineyard and taking out the farming ground, a pressurized system was built. Some were opposed to this but will openly admit it was great thing that was done and was a great improvement. He talked about the current City Offices and the Cityscape. These things haven't affected one bit of our heritage in Santa Clara. Santa Clara is looked upon as a pioneer town because of the feelings we have here. He doesn't believe that looking forward and making some change is going to do away with the heritage or flavor of Santa Clara. Change doesn't mean we lose our heritage. He said that the project he is proposing is in the historical area. He said they went to great lengths to get the desired architecture that would match new but would match some of the existing architecture. This project may allow people to come back to Santa Clara and buy a second home here. This project is medium density. There are various areas in the City Plan that talks about diversity of density. It says certainly Santa Clara will remain a majority of single-family homes but it also recommends that a diversity of density be built and take place even in the historical area. Across the street from this project there are two duplexes. These are not apartments they are townhomes. This will be a planned unit development and there will be homeowner's fees so the yards will be kept up. There will be more stringent rules in this planned unit development than exist in private homes because of the housing development. He admits that he is doing this in part for economic reasons but he said that's why we all do this that is why we have businesses. He said on page 48 of the General Plan, "private investment in historic areas by both residential and business owners attracts additional businesses that can further attract additional small business, specialty retails and restaurants". The Master Plan is a blue print that allows the process for changes to take place. He said in the executive summary it says, "there is a small amount of agricultural land left in the City. Most residents would like to see the agricultural land preserved. However there are methods that can be used to help owners of the land to realize the development potential of their land and still provide for the preservation of a portion of the agricultural land in the valley". He said they have a flavor of that. They will have a community garden in that area to keep that flavor. He went on to read, "the suburban residential character has a quality of life that should be maintained at the same time other types of residential development should be included in Santa Clara so that appropriate housing is available for all life stages and a variety of economic circumstances". He said that the Master Plan doesn't say that Santa Clara only has to have single-family homes. Santa Clara is the jewel of Southern Utah. That jewel has not changed and as smart economic changes are made that jewel still won't change because of the heritage we have. He said that Santa Clara is a City that has been developed with high standards and high expectations for development. It is entirely possible for the City to diversify development patterns and still maintain the quality of development. Cities with high development standards have remained desirable places to live. He thinks a project like this lifts the standards. It's how the City is developed. He talked about the design of this project. He read from page 9, "the future mix of housing should continue to be primarily single-family but with a greater percentage of attached or multi-family homes". He said the biggest concerns facing Santa Clara are loss of small town character, lack of affordable housing and the loss of agriculture and open spaces. This will be some of that affordable housing. He read on page 15, "most of Santa Clara's residential development is in the form of single-family housing, however this lack of

diversity provides few options for people in different life stages or with limited incomes such as young families, those starting a career or an empty-nest couple. For many of these circumstances, Santa Clara isn't an option and we lose the potential of that contribution to the variety and vitality of the City". He said we need to be willing to make change to allow for some diversity. He read on page 20, "mixed use land uses will provide pedestrian environments that encourage walking. Increase the mix of housing types in the City specifically along Santa Clara Drive and contribute to economic sustainability by increasing the retail tax base." He said that on page 22 it says, "increasing the variety of housing types is a key principle of the General Plan. The City will consider granting higher density in the range relative to demonstrating significant public benefits to be achieved by the project." He said the Master Plan addresses many of these things. He said to continue to strengthen the town core density incentives, mixed use and in fill as a vibrant and commercial and residential center. This project does this. He talked about the incentives on his project. He talked about fill in developments and how it applies to this project. It's an infill to vacant land on a side street. He said that private investment in historic areas by residential and business owners attracts additional businesses that can further attract additional small businesses, specialty retail and restaurants. He said that new buildings should keep the overall character of the core area by incorporating some of the character of historic buildings. He said they have done that on this project. He talked about the Vision Dixie plan that was created years ago and how housing diversity should be encouraged for people with different lifestyles and or limited income. He said that not everyone can afford single-family homes and providing more affordable housing for future employees of Santa Clara business will help to attract the desired businesses and will reduce traffic commuting in and out of the City. He read on page 57, "the City will encourage and explore a greater variety of housing types to accommodate the needs and income of a broad range of residents". He said he believes that this project is in keeping with the General Plan, the heritage of Santa Clara and he believes it could be a positive thing. He said that many people in attendance and many people who have signed for this agreement who are in support of this project. He said he hopes that this can be viewed as a positive change to Santa Clara. He asked Council to consider the signatures that he has gotten. He thanked the City Council.

- Mayor Rosenberg stated that a number of citizens have asked to speak. He said they will give everyone an opportunity to come to the podium and speak. He said there are a few rules: please show respect to the Council and the applicant, if things get out of hand he will shut it down, there will be decorum, there will be order and we'll treat each other with respect. This is not a public hearing; this is by invitation.

- Mel Taylor, 1401 Victor Street, said he will be living directly across the street from this project. He talked about how he makes a living with his bees and they have to be finding new habitat because of houses or developments. He said he has had to keep moving them. He said that the bees are disappearing. He talked about the dirt blowing because of development and that the dirt doesn't get wet down and dust and dirt blows everywhere. He said that he likes Jim Ence and he doesn't have a problem with a man trying to make as much as he can off of his own land.

- Victor Frei, Victor Street, said he is the longest living lifetime resident in this valley. He said you don't live a lifetime of 92 years here and put your heart into building this

community and not have some deep roots. He said he has probably held every position, including Mayor. He remembers when they had a battle with people wanting to put trailer courts in this valley and asked what would have happened if that had gone through. He said he asks people what brought them to Santa Clara to live and they will say it was the influence this valley had on them. He said that when you have the kind of activity that this valley has, the trees, the gardens, it does something to you. It feels like there is life here. He said that if we keep giving up the land in this valley to developers where are we going to grow the food that is needed? It is something to think about. He said that Jim Ence came to his house to talk about this and Jim knows how strongly he feels, that he's not doing us a favor. He said that as soon as those buildings are built, Jim walks away from it and we have a problem. He owns the property that is north of that development. He asked the Council to think about if that was their property and you have this big development going up and the density it brings in and the problems. How many of the Council would vote to have it by their home?

- Gwendolyn Frei, 1496 Victor Street, thanked the Council for being proactive in keeping the historic area maintained and making it what it is. It has been zoned for that. She said that those who have property in the historic district have a responsibility to keep their homes and property kept up. She said they have people drive up Victor Street and look from side to side and some stop and walk up the street and it's mostly because of the garden. There is a uniqueness about this historic district and maybe the high density is going to take that away. She said she believes in rules and regulations so that one person's freedom doesn't infringe on someone else's freedom. She read the definition of "zoning": the primary purpose of zoning is to segregate uses that are thought to be incompatible in practice. Zoning is also used to prevent new development from interfering with existing uses and to preserve the character of a community. She said she would love to see the Ence's build on that ground. She said she agrees that places go stagnant if something doesn't change. But she said we should build within the parameters that were set for that historic district in the zoning so that we don't take from it. She said we will lose so much if this zoning is changed for this one. It will be hard to turn it down time after time if this goes through. She said that what happens tonight might be the decision of whether we stay a historic district or become a high-density rental district.

- Alan Ayala, 2898 Santa Clara Drive, stated that he is Jim Ence's son-in-law. He said he is part of the team that worked on the project and he is also a Santa Clara resident. He said You've heard some comments in opposition tonight, but I ask that you Don't forget about two voices: 1) those 15 or 16 people who within the affected area signed in approval. 2) The citizens from 2009 that helped form the general plan as stated on page 14. Some concerns have been about rentals--these are homes for sale. With that said allow me to read a portion from a study conducted at Harvard's joint center for housing. Citations available upon request. James Call stated that at the planning commission meeting that at a recent Envision Utah seminar it was taught that higher density does not necessarily mean a low-income base. I spoke to Dennis Marker who presented this information. He is the Santaquin City Assistant Manager. He noted that the Utah housing coalition also support the statement that high density does not necessarily mean a low-income base. Utah department of commerce: Public clamor is 'emotional or baseless opinion on a matter.' Public comment is 'factual information presented by the

public.’ I ask that you place some value on their opinions, but please weigh the guidance given in the general plan as a cooperative source from which you make your decision.
Alan Thanked Council.

He asked the Council to not forget about two voices. First, the 15-16 people who are within that 300-foot radius of affected homes and received notice. Those 15-16 people signed in approval of this project. He said that most are not here at the meeting. He said it would be really hard to stand up in front of your neighbors and say you are for the project and it would be awkward. The other voice not to forget about are the people from 2009, the citizens of Santa Clara who helped form the General Plan. He said they strongly supported an increase in mixed uses. He quoted, “The term mixed use refers to buildings that include more than one use, typically residential retail and/or office or multiple uses on a parcel of land. Mixed use development, once common in many communities, is now being rediscovered as a means of increasing vitality in commercial areas by bringing homes within walking distance of stores and businesses allowing residents to frequent local businesses without having to drive.” He asked the Council not to forget about those people who participated in this study in 2009. He said that these homes in this project are not for rent, they are for sale. He said that some of the people’s concerns have had some legitimate foundations. He said one of the concerns is that people who buy these homes will turn around and rent them and that is possible. He said it is not easy to control what people do but it is easy to adjust our perception of those people. He read from a study from the Joint Center From Housing Studies out of Harvard University, “Many citizens have misperceptions or stereotypical expectations about the kinds of people who live in rental housing. They also have negative misperceptions about the type of behavior that rental residents are likely to engage in. Many Americans consider wealth to be an indication of responsible hard work, self-discipline and moral worth. The flip side of that perspective is the belief that people who earn less money or reside in less lavish homes must be lazy or irresponsible. Citizens often expect rental residents to be bad neighbors, likely to engage in antisocial behavior, such as crime, graffiti, loud parties, non-maintenance of property and so on. Neighbors are much more likely to support a multi-family rental housing project when they understand that rental residents are people very similar to themselves.” He said if we treat people in a neighborly manner, they will respond in a neighborly manner. He read from the minutes of the Planning Commission and it was talked about how a high density does not necessarily mean a low-income base. He told the audience that public comment is “factual information presented by the public”. He asked the Council to weigh the guidance given in the General Plan as a cooperative source from which they can derive their answer as to whether or not this project fits within the General Plan.

- Pam Graf, 2518 Vineyard Drive, thanked the Council. She said that she attended and spoke at the Planning and Zoning Meeting. She said she is opposed to this zone change because it is in the Historic District and with this request she feels it would invite more request as this one to come through. She said that change does need to happen but the flavor hasn’t changed and shouldn’t change. She said the project is wonderful and the buildings are beautiful but if we allow this, other property owners are going to come and have the same request and there will be a lot of medium or high density housing here. We have a treasure in this valley and we need to keep that historical area in its place.

- Scott Day, 1360 Summer Wood Circle, and he owns a home at 2978 Santa Clara Drive which he rents. He said he signed the petition in favor of this project. He said that he grew up in Payson, Utah. He said Payson was a small farming community and over the years have seen a great deal of growth. He said that despite the growth, the feeling of a small town has not disappeared. He talked about the different types of homes there along Main Street including some medium-density homes. The feeling hasn't changed because of medium-density areas. He said that Santa Clara reminds him of Payson. He said growth will happen in Santa Clara. People want to have a part of what the citizens have. He doesn't feel that the growth will change the feel of Santa Clara if we do it carefully. Developments like this could enhance our community. He said that with careful planning and few medium density areas, they will be an asset to our City. It will make it possible for people who are starting, to have a place to live. It will make it possible for people to have a secondary home in Southern Utah. He said this is what he will see from his back window and he is okay with it. He said planned development is a good thing for Santa Clara.

- Ed Dickie, City Manager, asked Scott Day to get the Council a copy of what he read for the minutes. He said that if anyone reads something, they need to bring a copy for the minutes.

- Dennis Frei, 1448 North Santa Clara View, read from his petition: "We the undersigned do sign this petition to show our support in opposition of any changes made to the zone or General Plan of the Historic District in downtown Santa Clara that would allow medium and/or high-density housing in these areas. The reasons are to preserve the heritage and the culture that is stated in the General Plan book on page 36, section 4.2 which states, 'The downtown with it's historic buildings and settlement patterns has character that has truly made it unique in this region. This identity is an asset for attracting and keeping residents, businesses and visitors.' We the undersigned citizens do not believe that high-density housing fits the heritage, culture or settlement patterns and would change the value and community values for keeping the residents and therefore we ask you in this petition to consider this in your process." He said talked about the 24 garbage cans lined up along that street and that it's not a good sight. He said the Council keeps saying they want economical housing. He said not one question has been asked about the price of this housing. Does this really fit economical housing? He said in the General Plan we keep saying to develop businesses in the downtown area. He said that as business people, we are part of that process. He said they are tired of coming to these meetings to fight this density problem. He said that as a business owner he doesn't see the development to the downtown because of this density. The less ground, the less farming hurts his fruit stand business. In a business sense, he is against this.

- Kent Frei, 385 Michael Circle, talked about the opposition to the development by Snow Canyon High School. It usually is a fear of change. The neighbors of that development are happy about it now and have changed their attitude. He said that opinions are opinions and they don't change people and people can have a difference of opinion and still be friends. He said that he agrees with Jim Ence that things are changing. He feels the City Council did a good job in the Master Plan, planning and trying to encourage business and a mixed-density of residences. He said a lot of people haven't been involved in townhome projects. He said a lot of people are getting tired of vacant lots and dust and weeds and like this project. He said that everyone that wants to keep

gardening should have that right and they should keep doing it. Some empty lots are not maintained properly though. He said that this opening the door to rampant development. He said that there are several properties that are already zoned for mixed-use and no one has bought them and built on them. He said he personally feels that some townhomes in Santa Clara will bring some vibrance with some families and kids and yards being taken care of and this is what Santa Clara needs. The townhomes will not change the heritage of Santa Clara and the type of people of Santa Clara. People want to be part of it. He thinks there is a demand and a need for this. People are afraid of this and it is unfounded. He is for this type of development.

- Rich McArthur, 3685 Rim View Drive, said he also owns the property across the street from this project on the corner of Victor and Santa Clara Drive. He feels the project is very attractive and fits in. He said that people that will rent in downtown really want to be downtown. It fulfills a need and looks nice and he supports the project.

- Tresa Frei, 2920 Santa Clara Drive, said that she is on six HOA Boards. She showed pictures of Cliff Rose Townhomes. She said that a lot of cars are parked on the road or driveways and not in the garages because the garages are used for storage. She asked where the overflow is going to go in this project. There is one street going in a coming out. There would be a traffic jam. She said to keep the townhomes away from the main downtown area. She said that this is common sense not fear. There is a reason that the area is low density. Commercial, bringing the business. There's no fear of change. There should be correct change, correct planning. If this passes, more is going to come in. Townhomes usually rent for about \$1,300. Is that really making them available for young couples? She said to use common sense, not fear and asked the Council to please consider everything. The low-density commercial was put that way to protect the heritage. Let's keep it that way.

- Mark Ence, 2423 Concord Avenue, said that the presenter, Jim Ence is his father and he is there in support of him. He doesn't think this project will affect us either way. It is a good project and a lot of time has gone into it. He read from the General Plan on page 22, section 3.3 where it talks about residential density ranges and average density. "The City will consider granting higher density in the range relative to demonstrating significant public benefit that can be achieved by the project. For example in the medium-density residential land use the average of 5 units per acre could be achieved by mixing single family homes, duplexes and some townhomes." He said the majority of Santa Clara is single-family homes. But it talks about duplexes and townhomes. He also read from page 37 about the historic core and the downtown character and the policies in section 4.7 where it talks about encouraging infill development along the side streets and large back lots. He said that this is an infill development and it's along a side street and a large back lot. This is a good project. He said his dad wouldn't do anything to harm the community and he has done a lot to preserve the heritage of Santa Clara. It's not the structures that make Santa Clara a great place; it's the people that live here. He thanked the Council or their time.

- LeGrande Hafen, 1371 Quail Street, said that most of what he wanted to say has already been addresses. He thinks that the Planning Commission and their recommendation

ought to carry quite a bit of weight. He thinks the idea of opening this up to further developers won't keep Santa Clara the way it is. He feels that Jim Ence could build three nice residential homes there and maybe even come out more ahead.

- Mayor Rosenberg said that the Council has heard the presentation from the applicant, the recommendation of the Staff. They have seen the Planning Commission minutes and the recommendation from the Planning Commission. He asked if they had any discussion.

- Ken Sizemore asked about the Planning Commission minutes and he said it was confusing concerning the motion that was made. He said that there are duplicate names in both the yeas and the nays to recommend denial.

- Corey Bundy, said to clarify, James Call, Mike Day, Todd Jacobsen and Nina Mathis were in favor of denial and Marv Wilson and Jason Lindsay were in favor of approval. He said that the minutes had a typo.

- Ken Sizemore said he wanted to make sure it was clear as to who voted which way. He said that this is a tough issue and that from the comments that there are individuals on both sides of this issue and from what he hears it almost seems 50/50 for and against. He said they are elected to help resolve these tough issues and the tools that the Council has are the General Plan and the zoning ordinances that have been passed. He said that in his reading and analysis of the General Plan that the General Plan has a preponderance of policy guidance that would favor a proposal like this. He said that in his opinion there is more policy guidance from the General Plan that would support this kind of a development then would not support it. He has looked at the site personally. This site isn't a traditionally family neighborhood. There are 2 warehouses sitting close by, there are duplexes in the immediate vicinity and land uses that don't look like a traditional single-family neighborhood and that should have a lot to do with what we decide as a Council. He said that he worries about retention of agricultural property in our community and we as a Council talked about taking some aggressive action to preserve some of the agricultural land in our community. But this particular site he doesn't know that losing this 0.89 acres of garden space is going to make a substantial difference in the preservation of the feel that we heard about tonight. He also said that if you divide 0.89 acres by 10,000 square feet, which is the current zoning but with a R1-10 zone we are looking at 4 units. He said the one area he is not convinced is granting a density bonus in this case.

- Herb Basso said he went to the site also. He said he counted seven units on Victor Street. Four of them are duplexes and three of them are single-family homes. He said he has invested his heart in Santa Clara. He said he has reviewed the General Plan and he has reviewed their role as a Council and thought about what is their responsibility. He said he found 8 areas of the 15 in the General Plan that actually encourages or suggests cluster development and he believes that good change improves a community. He talked about the other lots that could become medium-density. He thinks this would be a good advantage to the community and could bring more people. When people come here they want to be part of something good. He asked if HOA's require extra parking.

- Corey Bundy said that the units that are there are provided with the required parking and they actually have four extra.

- Herb Basso said he likes the idea of it being an HOA with stringent requirements and it will be maintained well.

- Jarett Waite thanked those who came to the meeting and he said it gives the Council a

feel for what is best for Santa Clara. He said he has also visited the site and looked at the General Plan and has spoken to a lot of people and he really think it comes down to the spirit of the downtown and what we want it to be there in the future and if this project is a positive for Santa Clara or not. He said it is an odd area of downtown and this could fit right into that oddness and make it a little nicer there and revitalize the area. He also noted the signatures and there were 15 in favor and 10 or 11 against. He feels that the units would be sold to young families or people wanting a second home and either of these would be great neighbors. He thinks this would be a good thing for Santa Clara. He said his main concern is this becoming a snowball effect where we end up with a lot of this.

- Tode Hafen said she has spent a lot of time thinking about this and has been through the area. She has also been affiliated with the Heritage Commission over the last 2 or 3 years that has been trying to address what happens downtown. She complimented the Heritage Commission and they have taken this issue serious. It used to be that a single-family home on the main street was desirable. That time has passed. Mostly people probably wouldn't want a home on the main street. So then what? She talked about tweaking the historic overlay. A walk through has been scheduled for next week, going onsite to consider where those boundaries should be changed. She thinks it's time to take a serious look at it. She thinks the decision we make on this one is really important. She thinks it's a great project with a lot of historic value. It could be the place for it but she would consider tabling this issue until the Heritage Commission can take a hard look at how they would like to see that so that we can get the proper development downtown before we make decisions that we can't turn back from. She would like to slow down a teeny bit and consider where those pockets are downtown and where it's right to put projects. She thinks it's worth waiting and getting it right.

- Jerry Amundsen talked about the growth throughout Washington County. Improvement requires change and we shouldn't be fearful of change if it is done correctly. We don't want to saturate the downtown area with these types of developments only so we need to look at and identify locations where projects like this make sense. He said whatever happens tonight we need to look at that on other parcels before this does happen on them. He said that the density of one of the duplexes already built has basically the same density as what this project is asking for. He can't see the density being a detriment to the area.

Motion to Table the request to amend the City General Plan Land Use Map by changing the land use designation from Historic District/Low Density Residential to Historic District/Medium Density Residential on 0.89 acres and zone change request from R1-10 to RPD, located at 1428 Victors Street and give the Heritage Commission a chance to complete their exercise and consider their recommendation.

Motion by Tode Hafen.

Motion dies for lack of a second.

Motion to Approve the request to amend the City General Plan Land Use Map by changing the land use designation from Historic District/Low Density Residential to Historic District/Medium Density Residential on 0.89 acres and zone change request from R1-10 to RPD, located at 1428 Victors Street and give the Heritage Commission a chance to complete their exercise and consider their recommendation.

Motion by Jerry Amundsen, seconded by Herb Basso.

- Jim Ence asked if Tode's motion would make a difference with anyone at the meeting.
- Mayor Rosenberg said that motion died for lack of a second.
- Jarett Waite asked that if it does merit the density bonus and the community garden is built, will the architectural features meet that criteria?
- Mayor Rosenberg asked if Jerry's motion included the request for the density bonus.
- Jerry Amundsen said that it didn't because he didn't see it on the agenda and he asked Bob Nicholson for a quick explanation of that.
- Bob Nicholson said that the density in the PD Residential is up to 8 units and over 8 it requires a density bonus approval. This is 9 units per acre so without that bonus, this project would lose a unit. The density bonus rate is above 8 and up to 12 maximum. He is asking for nine. He talked about the building material, roof heights and building features. He said that the project has a lot of visual interest and the building material is acceptable. They fit into the downtown area. There is an excellent landscape design. The amenities include recreational facilities, tennis courts, playground equipment, swimming pool and clubhouse and a common garden unit. Each unit has private outdoor space. He said that with those criteria, in his opinion it meets it and they are only asking for 1 unit.
- Jerry Amundsen said that the information he was looking for was the density differences.

Amended Motion to Approve the request to amend the City General Plan Land Use Map by changing the land use designation from Historic District/Low Density Residential to Historic District/Medium Density Residential on 0.89 acres including approval of 1 unit of density bonus based on the design and a zone change request from R1-10 to RPD, located at 1428 Victors Street and give the Heritage Commission a chance to complete their exercise and consider their recommendation.

Motion by Jerry Amundsen, seconded by Herb Basso.

Voting Aye: Ken Sizemore, Jerry Amundsen, Herb Basso and Jarett Waite.

Voting Nay: Tode Hafen.

Motion Carried.

6. Consider Appeal of the purchase offer price for the Gilbraying Inc. property affected by the landslide mitigation project.

- Mayor Rosenberg said that this item needs to be tabled until the next City Council Meeting on March 22.

Motion to Table the Appeal of the purchase offer price for the Gilbraying Inc. property affected by the landslide mitigation project.

Motion by Herb Basso, seconded by Ken Sizemore.

Voting Aye: Herb Basso, Jarett Waite, Ken Sizemore, Jerry Amundsen, and Tode Hafen.

Voting Nay: None

Motion Carried.

- Mayor Rosenberg asked Devin Snow, Assistant City Attorney, to follow up with Matt

Ence, City Attorney, to make sure Matt knows that the Gilbraying Inc. item was tabled until the next City Council Meeting. Matt may have to modify the purchase agreement because of that table. He thanked Devin for coming to the meeting.

5. Reports:

A. Mayor / Council Reports

Jerry Amundsen:

- There was a Flood Control Authority Meeting yesterday. There was nothing that impacted Santa Clara.

Tode Hafen:

- The Santa Clara Princess Pageant was last Saturday and we have a new Princess. The pageant was well attended and the new director was there. We need to arrange to invite all of the royalty to Council.

- Santa Clara City is the County Fair highlighted City. We will be asked to select a Grand Marshall for the County Fair parade. We need to think about that.

- Mayor Rosenberg said he has a packet from the County Fair Director and he will share all that information with the Council. He asked Tode to take the assignment to take the packet and go through it and report back to Council.

- Tode Hafen asked how the Council wants to select a Grand Marshall. It should be someone who has made a significant impact in the community.

Jarett Waite:

- Nothing to report.

Mayor Rosenberg:

- The Mayor's Association met last night. He's not happy about the past Legislative Session. They want to control the local government's ability to rule. He is excited for Lowry Snow to come and give his report. He said that Mike Noelle got a bill passed that gave SITLA whatever they want. He said that Santa Clara has 10 acres of SITLA property at the entrance of the City and the City has no say about that acreage. He said the Mayors were pretty livid about some of the things that happened in the Session.

- He said that were pretty much out of the wood for flooding. All the low elevation snow is gone. It was a good water year. However the concerning the Virgin River, there is still 26 inches of water at Kolob and 22 inches at Webster Flats so the Virgin still has a good potential for some significant runoff.

Herb Basso:

- Rex Oliver from the EDC called and said there is an opportunity for a small multi-million dollar grant for opportunities for economic development and the EDC wants to push for a tech education center in Santa Clara and was thinking about the SITLA land but we'll have to see where that goes. He said that they have an advisor that is going to help them fill out the grant. Rex told Herb that he is waiting for direction from Council and Herb asked Council if they remember giving him direction.

- Mayor Rosenberg said that Council gave Rex a list of several pages of things to follow up on. He asked Ed Dickie to pull that list up and the Council can go through it at the Budget Retreat.

Ken Sizemore:

- The Veteran's Memorial: three large stones are ordered, the flagpoles are ordered. We are committed to a Memorial Day ribbon cutting. We need approximately \$23,000 more in donations. The City is doing a lot of in kind work on this.
- Mayor Rosenberg said we still need to come up with \$23,000 in donations and the City is going to front that money so this is ready for Memorial Day.
- He had a conversation with Nick Lang. He thinks we need to tear out all the trees on Santa Clara Drive and the streetscape because of all of the growth and we're constraining the traffic flow.

- Jerry Amundsen asked if the County has selected an engineer to design the shooting range.
- Mayor Rosenberg said that they have the RFP out and they were due back last Thursday. He hasn't heard anything but he will find out tomorrow.
- Ken Sizemore thanked the Mayor and Jarett for going to Rotary Club on Monday. They wanted to know about Santa Clara so Ken used the Community Education Channel interview with the Mayor and then the Mayor answered questions.
- Mayor Rosenberg said that the Transportation Commission meets on March 18.

6. **Executive Session:** None.

7. **Approval of Claims and Minutes:**

- Feb. 22, 2017 City Council Regular Meeting
- Feb. 22, 2017 Executive Session
- Mar. 1, 2017 City Council Work Meeting
- Claims through Mar. 8, 2017

Motion to Approve the Regular City Council Meeting Minutes from Feb. 22, 2017, Executive Session from February 22, 2017, City Council Work Meeting Minutes from Mar. 1, 2017 and claims through Mar. 8, 2017.

Motion by Ken Sizemore, seconded by Herb Basso.

Voting Aye: Herb Basso, Ken Sizemore, Jerry Amundsen, Jarett Waite and Tode Hafen.

Voting nay: None

Motion Carried.

8. **Calendar of Events**

- Mar. 9, 2017 Emergency Planning 10:00 a.m.
- Mar. 9, 2017 Budget Retreat 12-5 p.m.
- Mar. 22, 2017 City Council Regular Meeting
- Apr. 5, 2017 City Council Work Meeting

9. **Adjournment:**

Motion to adjourn by Tode Hafen.

Seconded by Herb Basso with all members present voting aye.

Meeting Adjourned at 8:20 p.m.

Chris Shelley – City Recorder

Date Approved: _____