

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, JUNE 28, 2017
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, June 28, 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 and Jarett Waite
City Manager: Edward Dickie
City Recorder: Chris Shelley

Others Present: Brock Jacobsen, Assistant City Manager; Brad Hayes, Parks & Trails Director; Matt Ence, City Attorney; Bob Nicholson, City Planner; John Grant, Heritage Commission; Chris Barela; Alan Ayala; Jim Ence

1. **Call to Order**: Mayor Rosenberg called the meeting to order at 5:02 p.m.

2. **Opening Ceremony**:

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

- Councilwoman Mary Jo (Tode) Hafen was excused from the meeting.

3. **Communications and Appearances**: None.

4. **Working Agenda**:

A. Public Hearing(s):

1. The purpose of the Public Hearing is to receive public input on the abandonment of a Lot line and Vacate Associated Easement and Create a New Lot Line and Associated Easement. See Exhibit A for description. (Applicant: Merrill Properties).
 - Bob Nicholson, City Planner, showed the Council the plat. He said that this is on Paradise Village at Zion. There is a 20-foot utility easement along the back of lots 107 and 108 and along the future Hamblin Parkway. The request is to vacate a portion of that 20-foot public utility and drainage easement. He said it looks like it infringes on Merrill Properties rear yard a little bit.

- Mayor Rosenberg said that when the Jehovah Witness property was developed the 20-foot easement was dedicated to the City to facilitate installation of some power lines and some other things. Merrill Properties, the developer of the subdivision wanted to be able to have some flexibility in the rear yards of lots 107 and 108 so they went out and surveyed in the location of the power line that was there and then met with Jack Taylor, Public Works Director, to determine if there was a portion of that easement that they could abandon back to the property owner and this piece is what Jack agreed with that could be given back. They are just asking for part of that easement back, a part the City doesn't need.
 - Matt Ence, City Attorney, said that Item 1 refers to abandoning a lot line but that is not really what is being done. We are just vacating a portion of that easement.
 - Bob Nicholson said they just picked up the City's standard application, but in this case it's just vacating an easement.
 - Mayor Rosenberg said they are not changing any of the lot lines. It is the same application that is used for both abandoning and vacating.
 - Ken Sizemore asked if there are already improvements in the remaining right of way and about drainage.
 - Mayor Rosenberg said there is already a power line in the remaining piece. He said the drainage easement isn't being abandoned only the public utility. There is a block wall that will be on the property line between Hamblin Parkway and the subdivision. The block wall prevents any drainage from running back into that easement anyway.
- 5:09 p.m. Public Hearing Opened. (no comment)
 - 5:10 p.m. Public Hearing Closed.

B. General Business:

1. Consider approval of an abandonment of a Lot line and Vacate Associated Easement and Create a New Lot Line and Associated Easement. See Exhibit A for description. (Applicant: Merrill Properties). Presented by Bob Nicholson, City Planner.

Motion to Approve Vacating a portion of an existing Easement. (See Exhibit A) for Applicant Merrill Properties.

Motion by Herb Basso, seconded by Jerry Amundsen.

- Matt Ence said he wants to make sure it is clear on the record that the motion is to approve the vacation of a portion of the easement not to change any lot lines on the plat.

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

Voting Nay: None.

Motion Carried.

A. Public Hearing(s):

2. The purpose of the Public Hearing is to receive public input on the Approval for the Amendment of the FY2016-17 Amended Budget.

- Brock Jacobsen, Assistant City Manager, said the Amendment this year is for \$477,500. On the expenditure side we are amending the Court Budget \$40,000 mainly due to the increase in the workload. The Police Department SCI was adjusted \$45,000. Building and Planning was amended \$102,000 mainly due to an increase in legal and other professional services and capital equipment with the Code Enforcement Officer purchasing a truck and computer.

- Ken Sizemore asked about the legal services. Was there a specific reason why it had to go up?

- Brock Jacobsen said it's for increased time needed by Matt Ence. There isn't one specific case. Verizon has been one, Jenkins Oil has been one. Matt's been busy this year. We have utilized him a lot more in transactions that we have needed.

- Matt Ence said that he and Ed Dickie, City Manager, have been talking about other ways to recapture some of those costs. He said that is something they try to stay conscious of.

- Jarett Waite asked if there wasn't going to be anything reclassified in upgrading the Council room.

- Brock Jacobsen said that was already budgeted. There is no need to adjust for that. He said the next thing being amended is the Public Works, \$33,000, to account for being a little over in their crack sealing and slurry/chip sealing. Parks is being amended by \$200,000, which is tied directly to the donation and purchase of the Stucki land for the park on Chapel Street. Sports Field Maintenance has an adjustment of \$52,000 due to personnel. We added a full-time person in this department. Swiss Days didn't really need an adjustment but he did one to make sure there were enough funds to cover costs. The total of the Amendment is \$477,500, which took our budget for the fiscal year to \$4,785,062.00. There was no adjustment to the Impact Fees this year. He said that the way the revenue comes about is that he looks at the expenditures and where we are going to amend and then we adjust the revenue based on where the expenditure amendment needs to be. The Building Permit Fees were \$200,000; the Zoning and Subdivision Fees were \$35,000; the HCP Admin. Fees were \$10,000; the Fines and Forfeitures was \$10,000; the Donations were \$222,500, which was from the donation from the Bruce Stucki. None of these revenues were Impact Fees.

- Jarett Waite asked about the General Donations. Is that what the City sold the Stock for, that \$222,500? Or are there other donations in there?

- Brock Jacobsen said that when we liquidated the Stock it was right around \$222,000. When Bruce Stucki donated it to us it was a little bit less but when we were able to liquidate it, it increased a little bit.

- Jarett Waite asked if this amendment changes how we earmark the extra to go toward the design of the park.

- Brock Jacobsen said no.

- Jarett Waite said he would feel more comfortable if the extra \$22,000 from the liquidation all went to the park. He said he imagines that was the intent of the Stucki's. He said it is our money but he would feel better if it all went toward the park.

- Brock Jacobsen said that this amendment doesn't say that this \$222,000 is going just to this. The revenue and the expenditures have to balance.

- Mayor Rosenberg said that for the park in next year's budget, we have additional money tied to that park for that design.

- Brad Hays, Parks & Trails Director, said that there is \$10,000 in next year's budget, in

the General Fund, for that design of the park.

5:23 p.m. Public Hearing Opened. (No comment)

5:23 p.m. Public Hearing Closed.

B. General Business:

2. Consider Approval to Amend the FY2016-17 Capital Budget and approve Ordinance 2017-16. Presented by Brock Jacobsen, Assistant City Manager.

Motion to Approve to Amend the FY2016-17 Capital Budget and Approve Ordinance 2017-16.

Motion by Jarett Waite, seconded by Ken Sizemore.

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

Voting Nay: None

Motion Carried.

6. Consider proposed changes to the Historic District Boundaries as shown on both the City General Plan Map, and Santa Clara City Zoning Map and approve Ordinance 2017-13. Presented by Bob Nicholson, City Planner.

- Bob Nicholson said that the Heritage Commission is proposing that some areas be removed from the Historic District due to their recent age of development or to the properties distance from Santa Clara Drive, which is the core of the Historic District. Also, some properties not presently in the District are being proposed to be added due to their proximity to Santa Clara Drive. The purpose of the Historic District and the Heritage Commission is to protect and promote the Historic District. The role of the Heritage Commission is set forth in Chapter 17.76 of the Zoning Code. New construction or exterior changes to “significant historic buildings” are reviewed by the Heritage Commission and their recommendations are forwarded to the Planning Commission or City Staff prior to issuance of building permits. The property owners affected by the proposed change were notified by mail of the Planning Commission Public Hearing on June 20, 2017. There were no public comments at the Public Hearing. He said they did get one letter from a property owner. He simply concurred that his property was proposed to be removed from the District. He showed the proposed map to the City Council and explained the properties being brought in and the properties that were being deleted.

Motion to Approve the proposed changes to the Historic District Boundaries as shown on both the City General Plan Map and Santa Clara City Zoning Map and approve Ordinance 2017-13.

Motion by Herb Basso, seconded by Jarett Waite.

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

Voting Nay: None

Motion Carried.

7. Consider approval of proposed Historic District Design Guidelines, which would apply to the Historic District. Presented by Bob Nicholson, City Planner.

- Bob Nicholson said that one of the duties of the Heritage Commission is to review proposed new construction and exterior changes to what is termed significant historic buildings. In order to carry out this assigned task, the Heritage Commission is proposing design guidelines to help applicants, City Officials and Boards, such as the Planning Commission and the Heritage Commission understand what design elements are important in Historic District buildings. The proposed design guidelines are presently referenced in two sections of the Zoning code, Sections 17.76.070.B and 17.76.090. It states in these two sections that the Heritage Commission shall review development proposals to determine whether proposed construction substantially complies with historic district design standards, and to report to the Planning Commission prior to the issuance of a building permit. The Design Standards are intended to be an educational resource for all those involved in development or re-modeling within the Historic District. Rather than strict regulations, the guidelines recommend design elements and building materials that are compatible with the current collection of structures in the Historic District which range from pioneer era buildings such as the Jacob Hamlin home, Granary, etc. to homes built in the 1920's thru 1950's. The Planning Commission had a Public Hearing on June 20. They recommend approval of the Design Guidelines with addition of text regarding protections for existing trees along Santa Clara Drive. Brad Hays will help with the wording regarding tree protection and maintenance in the section on "Landscape Standards". This document is a good educational resource. He said most of the credit for this goes to the Heritage Commission and architect, Dick Kohler, who is the President of the County Historic Society. He put a lot of time and effort into this. He thanked Dick Kohler. He talked about the design guidelines.

- John Grant, Heritage Commission, said that a lot of credit goes to Bob Nicholson. He said his input and advice have been invaluable. He thanked Bob. He said they have done what they could to try and make this as comprehensive as possible without it being overreaching. He said they sought the advice of the Economic Development Council and tried to incorporate their advice into the document. He said that in the open house at the Planning Commission last week they got good comments from people and the sentiment seemed to be that people wanted the Historic District to be larger. No one complained about the changes they have made and everyone seemed happy about the recommendations made in the guidelines. The Historic Commission doesn't have the authority to tell anyone that they can't do what they want to do but they can provide advice and send their recommendations on to the Planning Commission who then make those decisions.

- Mayor Rosenberg said he knows that a lot of work went into this and he thanked John Grant and his committee for the work put into this.

- Jarett Waite said he owns a business in the Historic District of St. George and a lot of things are binding and it has been frustrating at times. He asked about this becoming too binding.

- John Grant said that in the future if these guidelines go unopposed and continue to be effective in the process there might be some opportunity to give them more weight but that might not be necessary because at this point we provide the landowner with the information on what we are looking for and it's up to them to decide whether they want to abide by these guidelines or not and then based on the application that's presented to us we make a decision whether we feel it is appropriate for the Historic District.

- Herb Basso prepared a statement concerning this issue. He said he appreciates the work they did. He said the intentions are good. He said it is still a work in progress. His main concern is that private property owners may be shackled with guidelines that may become mandates in the future. He said that these should just be guidelines and people can make good decisions based on that. We live in a society where people don't have to be made to do something. He said he has a few suggestions that would clear up some conflicts with existing ordinances and some suggestions to improve that latitude he is looking for. He asked to go through the guidelines. On page 5, #4 Historical Places, it talks about prior to any remodeling or new construction, the applicant shall apply for a building permit from a City Official. He asked if it could say instead of "any remodeling" is it appropriate to say "those that are required by ordinance" so there's not an extra layer of undo hardship on a property owner.
- John Grant said he doesn't think that anyone on the Heritage Commission would be opposed to clarifying that.
- Herb Basso said that would allow the existing ordinance and the Staff's authority to continue to monitor and regulate the neighborhood in the Historic District the same as in other neighborhoods. He stated he would like it to read: "prior to any remodeling or new construction *required by ordinance*" so adding the wording "required by ordinance". Again on page 5, Chapter 34, the section governing historic buildings, are there some outlandish things that we need to worry about? He talked about on page 19i building materials for new building and remodels. It talks about a concrete curb bordering a parking area. What materials do we want for the Historic District? He wanted to add the phrase, "to accommodate drainage issues and be compatible for Historic period." The type of hard surface for the parking lots could be modified to accommodate drainage and compatible to the historic period. There are some nice gravel parking lots or stone. Would that wording fit? It gives the future Planning Commission a little more direction so it could be modified to accommodate drainage and be compatible to the historic period.
- Mayor Rosenberg asked if that was the only times that he would want to allow the modification is for drainage.
- Herb Basso said no but he doesn't know how to suggest it.
- Mayor Rosenberg said to leave it vague like it is the more flexible it is.
- Ken Sizemore said that scattered throughout the document there are a few places where it says "shall". He said as he has read through it in those cases the word "shall" can be deleted. These are guidelines not mandates. He read a few examples. The word "shall" mandates things and he thinks the word "shall" should be taken out and it still portrays the guideline that is trying to be accomplished but doesn't mandate.
- Jarett Waite said that this seems very timely. Changes will be happening in the Historic District and it will be nice to have some guidelines to help builders and contractors know what will fit and he said he appreciates all that has been done.
- Herb Basso said that guidelines motivate him more than mandates do. He said we are creating an opportunity in a certain physical area to have property owners and the City working together to make something better and nice and not feeling like we are restricting people. People want to feel like they are being supported.
- John Grant said that the advantage of having these guidelines in place is that it prevents people from investing a lot of time and effort into a design that might not be appropriate for the Heritage District.

Motion to Approve the proposed Historic District Design Guidelines, which would apply to the Historic District with the additions of protections for trees as discussed by the Planning Commission, replacing the word “shall” throughout the document, the wording added “require by ordinance” on #4 Historical Places and other changes and additions discussed by Council tonight.

Motion by Jarett Waite, seconded by Jerry Amundsen.

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

Abstaining: Herb Basso

Voting Nay: None

Motion Carried.

8. Consider proposed amendments to Chapter 17.74 of the Zoning Code, Historic District/Mixed-Use Zone and approve Ordinance 2017-14. Presented by Bob Nicholson, City Planner.

- Bob Nicholson said that these are changes proposed to the Zoning Code. He said in the current Historic District there are only a handful of properties that are zoned this way. 90% of the properties are zoned R-1-10. He said they see more applicants moving toward this in the future because of some of the things that allow mixed use of commercial development. The changes to Chapter 17.74 deal mainly with a list of permitted and conditional uses and lot size and width requirements. In terms of permitted residential uses the term multi-family dwellings is removed and changed to two-family dwellings to limit the type of dwellings in the Historic District/Mixed Use Zone to either single family or two family dwellings. Two family dwellings is either a duplex or twin home would be limited to certain situations set forth. The two family dwellings would only be allowed subject to the following standards: a. when attached to a commercial building or part of a commercial mixed-use development, b. when constructed to the rear of an existing single-family dwelling, c. when constructed on a vacant parcel which does not have frontage on Santa Clara Drive. A lot of opinions on the Heritage Commission for this was to decrease the density and remove the option for tri-plexes and four-plexes and larger buildings. This is kind of the compromise to just keeping it single-family homes.

- Jarett Waite asked if these were “and” statements or “or” statements.

- Bob Nicholson said they are “or” statements. Any one of the three options.

- Jarett Waite said he read it as an “and”.

- Matt Ence said that Council may be looking at two different things. He said that when he put this in ordinance form he actually put “or” in there so the actual version of the ordinance shows “or”. He said he made a few minor changes throughout as he put this in the form of an ordinance. He said he didn’t change to substance of this just some punctuation issues and a few things. The most recent version is the version in ordinance form but it doesn’t change anything that Bob said tonight.

- Mayor Rosenberg asked Bob what a mixed-use development is.

- Bob Nicholson said that it is something that has residential and commercial component. It would allow it. The number of duplexes or twin homes allowed would be based on lot sizes of 8,000 square feet or larger.

- Mayor Rosenberg asked how this would apply to Kohler’s project.

- Bob Nicholson said his is in a different zone. It is in a PD commercial zone.
- Mayor Rosenberg said he wouldn't be able to do what he is doing over there in the Historic District as a mixed-use.
- Bob Nicholson said that what he is doing is actually a hotel so under permitted uses, the new language says the permitted commercial uses are those that are listed in the commercial zone excluding about 4 or 5 uses. Hotels are permitted use. The uses not permitted are automobile parts sales, department stores, exotic animals, pawn shops and tires sales and service.
- Mayor Rosenberg asked if a Gateway concept with commercial downstairs and townhome or condominiums on top would be permitted.
- Bob Nicholson said that would not be permitted. He said there is a really anti-density feeling out there.
- Mayor Rosenberg suggested just limiting the density and let the site and the design control that instead of just mandating a duplex.
- John Grant said that this is a hot button issue. He said that on the Commission there are some hard and fast single-family home only advocates on the Commission so it was a bit of a compromise to try and get it to this point. He said he doesn't think anyone is opposed to any building being developed that would enhance downtown. The density issue is one that has a lot of people scared that the entire downtown is going to become multi-family buildings. He said considering the Gateway concept is it not possible to have multiple commercial building each with a duplex on top.
- Mayor Rosenberg said that when you do that, the building coverage is going to expand and the open space is going to decrease.
- Herb Basso said that if it is changed to "multi-family" which he would prefer, he thinks it would align more to the City General Plan than calling it a twin home. The multi-family allows the builder to be more creative architecturally. He doesn't want to restrict it to twin homes if something else would look better, be better for downtown, and create more open space. The density will not increase.
- John Grant said that the intent of the Heritage Commission is that whatever gets developed in the Historic District that it adds to the beauty of the City. If the intent is to limit the density to 8, then the configuration of that construction is not as critical as the density issue.
- Herb Basso said that the multi-family, keeping in mind the density, would be appropriate to what we are trying to accomplish.
- Mayor Rosenberg asked if the mixed-use zone qualify for accessory dwellings.
- Matt Ence said he doesn't see any provision for an accessory dwelling. He said he thinks it is in the modifying regulations for the individual zones. It is not in the Historic District though.
- Herb Basso said that allowing the multi-family allows someone to take care of their property better, make better use of it, and turn it into something that looks better downtown. Architecturally why are we limiting people to twin homes? The multi still accomplished what the Heritage Commission wants. The density stays the same but it allows for creativity and function. We are dictating limitation when we don't need to because the limitation is already in place.
- Mayor Rosenberg said he likes the lot sizes. He said there is a lot of flexibility to put a good product on a smaller lot. It will be more of a cottage type of community.
- John Grant said given the demographics of the Commission, none of whom actually live

in the Historic District, the antagonistic nature of this issue each time an application comes before this Commission or before this Council that suggests something beyond a twin home, you are going to have a large turnout.

- Mayor Rosenberg said to move on to the next discussion. He said he realizes there is some disagreement on this issue.
- John Grant said that he had to leave.
- Bob Nicholson said the commercial uses references the commercial chapter. He said they deleted a lot of the conditional uses because they are already in the commercial chapter as permitted. He said they didn't take out the short-term rentals.
- Herb Basso asked about the general mercantile store. Can that be put in.
- Bob Nicholson said that a person can do a convenience store a smaller store. He talked about the building heights. They should be the average height of adjacent units on the same block unless a greater height is approved by the Planning Commission on recommendation from the Heritage Commission.
- Ken Sizemore asked why the height was changed from 25' to 20' on accessory buildings.
- Bob Nicholson said it just brings it down a little bit. Just the accessory building is limited. The minimum lot size has changed to 6,000 square feet for single-family dwellings and 8,000 square feet for a twin home. For projects without individual lots the maximum density shall not exceed 8 dwelling units per acre.
- Mayor Rosenberg said that if you are inside the zone you can get 8 dwelling units per acre without a PD. That's a big change.
- Bob Nicholson said that the other change is it is not multi-family it's two family dwellings.
- Herb Basso talked about the parking requirements.
- Matt Ence said that it is the same condition as we have in the other residential zones for short-term rentals.
- Bob Nicholson said that there is a provision in the back on parking that says they may reduce the number. He said another change is in new developments the minimum floor area shall be a minimum of 1,000 square feet. It doesn't have to be on the main floor just 1,000 square foot total.
- Herb Basso suggested reducing that to 700 square feet. A very nice apartment can be done in 700 square feet.
- Mayor Rosenberg had a question on the common water meters. He said in Section H it says this allows a common water meter. He said he thought we were going away from common water meters.
- Bob Nicholson said that that is language that exists now and they just didn't change it. Should it be deleted?
- Mayor Rosenberg said that the impact fee schedules, the way the Water District things are set up, it's expensive and mandates an HOA. That probably needs to be changed. He told Bob to look at that last sentence with Jack and make sure they are still allowing common water meters.
- Herb Basso said to not allow new structures with a common meter but allow people to add square footage as long as fits the present common meter.
- Jarett Waite said that in a new development he would want to see individual water meters on each unit. Remodeling or renovating he doesn't see a problem with a shared meter.

- Mayor Rosenberg said to let the meters be built by the City's design standard. He asked Bob to eliminate the last sentence talking about the common meters.
- Bob Nicholson talked about paragraph I, minimum lot frontage being 70 feet unless it is approved as a flag lot or otherwise approved by the Planning Commission. There is flexibility. He said that under Section 70, Walls, Fences and Hedges they deleted the reference to hedges. The City doesn't regulate hedges.
- Herb Basso talked about the purpose of hedges. He said they are for privacy and security. We shouldn't tell people that they can't put up one. Do we really want open lawns with no separations?
- Bob Nicholson said that the Heritage Commission didn't really look at this section.
- Ken Sizemore said that he doesn't think the language is any different in all of the zones. All of the zones have that section as a modifying regulation.
- Matt Ence said that is not the case. That section is specific to the Historic District.
- Herb Basso said hedges keep people from walking across a person's lawn. We don't want that.
- Mayor Rosenberg asked Bob to have the Heritage Commission review this section, Paragraph B, Walls, Fences and Hedges and take it back to Planning Commission and then bring it back.
- Bob Nicholson said that the other change is in Section 90 C, Parking Areas, which says all driveways and parking areas unless determined to be temporary in nature shall be surrounded by a concrete curb approved by the Planning Commission. They can approve something besides concrete. It was added "or other suitable material approved by the Planning Commission". He said that the only other change that came up was in the very last page, Paragraph C, Architectural Standards, Section 130, Site Plan Review, no residential dwelling shall have less than 1,000 square feet of living area. Herb has suggested that be reduced to 700 square feet. The last change was changing the Historic Committee to the Heritage Commission.
- Herb Basso asked what a streetscape plan is.
- Brad Hays said that it shows all the right of ways and the planter boxes and everything.
- Mayor Rosenberg said it is talking about the transition from the private property to the streetscape.
- Herb Basso said maybe that should be taken out. Does that still fit?
- Brad Hays said what it is referring to is property owners finishing their front properties. Some in the Historic District haven't been completed yet.
- Herb Basso said that we need to have clarification of that term, streetscape.
- Mayor Rosenberg said to just add "to the right of way on Santa Clara Drive" to that and it will cover that. He also said that Council needs to decide if it is going to be twin homes or if they want to get multi-family and then we'll send "Walls, and Hedges" back to Planning Commission.
- Jarett Waite said he understand where they are coming from on the two-family dwellings. They are looking for more of a cottage look more of a small town look. He is in agreement with it. He thinks changing the square footage to 700 feet is okay.
- Ken Sizemore said that we are looking at the mark up and the ordinance and the mark up doesn't match the ordinance so he doesn't know what Council is approving tonight, the mark up or the ordinance.
- Matt Ence said that Bob's markup has the entire ordinance in it but there are a lot of sections that had no proposed changes so he left them out of the draft ordinance.

- Ken Sizemore said he had a procedural question. This is a change to the zoning regulations. Doesn't it have to go to Planning Commission?
- Bob Nicholson said that it has been. There was a Public Hearing last week.
- Ken Sizemore said that the ordinance says that it has been recommended by the Heritage Commission and City Staff. It doesn't say anything about the Planning Commission.
- Matt Ence said he will fix that. He said that what is before the City Council is a review of the entire ordinance so even though they didn't recommend changes to portions of it, Council is free to make modifications to what they recommended. He has been tracking it as it has gone along.
- Jarett Waite said he wanted to add about the twin homes that he would be okay if there was some caveat there "unless otherwise deemed appropriate by the Planning Commission and Heritage Commission".
- Jerry Amundsen said that is only applying to the properties that face Santa Clara Drive. He said he has had issues with this from the beginning. He doesn't agree that we limit someone's ability to develop something that they are able as long as it fits the standard. He said he can see they don't want to have a large building that detracts from what is existing out there. He said he is not holding to something that we have to have a maximum of two. If we allowed some flexibility where if they could get the approval of both the Planning and Heritage Commissions we could allow something like that. If the architectural elements were such that it could fit in there.
- Ken Sizemore said that with all of this discussion and all of these changes, he is not ready to make a motion to approve this ordinance.
- Matt Ence said that if it would help he could go through the changes that the Council has agreed on.
- Ken Sizemore said concerning the duplex as opposed to the multi-family he tends to agree that we are limiting good design potential.
- Matt Ence said that the changes from the Council are: 1. 17.74.040, to reduce the minimum floor area from 1,000 to 700 square feet. 2. In the same paragraph we deleted the sentence at the end of the paragraph that said there could be a common water meter.
- Jarett Waite said to take "Utility Meters" out of the title for section H.
- Matt Ence said that the next change was in 17.74.090 "Parking Areas" in paragraph C where we added the change where it is now concrete curb or other appropriate material. In 17.74.130 under Architectural Standards we modified the paragraph that talks about the streetscape plan to add "Santa Clara Drive right of way".
- Bob Nicholson said that on C4, there was a reference to the current code, 1000 square feet, and it needs to be dropped to 700.
- Mayor Rosenberg said that they will also be directed to go back and review "Walls and Hedges".
- Matt Ence said that it is currently written with the two-family dwelling so does the Council have any other direction on that.
- Mayor Rosenberg asked if any of the Council wanted to make the motion and include either two-family or multi-family in the motion.
- Jarett Waite asked if Council can discuss options for caveats in that where there would be a way to get more units in a building if it went through a process.
- Mayor Rosenberg said the requirements would have to be defined where they could ask for more or they have to have the right to ask for more.

Motion to Approve the proposed amendments to Chapter 17.74 of the Zoning Code, Historic District/Mixed-Use Zone and approve Ordinance 2017-14 with the changes discussed by the Council with the one change of multi-family dwelling terminology replacing the Heritage Commission's twin home recommendation with the require density.

Motion by Herb Basso, seconded by Ken Sizemore.

- Mayor Rosenberg said that the motion would allow single-family residential dwellings and multi-family dwellings. You will not limit them to a duplex.
- Matt Ence said what he would propose is to leave that part struck out on the single-family residential line but on the next line where it says "two-family dwelling, such as..." that will become "multi-family." The next three lines will be deleted because they will be irrelevant. A, B, and C will go away. He said he is on 17.74.030 and where it says two-family dwellings.
- Jarett Waite asked why A, B and C would go away.
- Matt Ence said he is trying to interpret the motion. He said those things could stay in if that is what the Council wants to see.
- Herb Basso said he saw those as attached to the twin homes.
- Mayor Rosenberg said per Herb's motion, you can do multi-family without those conditions applying. It doesn't have to have a commercial application to it, it doesn't have to be on a vacate property and it doesn't have to front Santa Clara Drive. It can be anywhere in the Historic District.
- Matt Ence said you don't have to have commercial in the zone but if it says mixed-use that applies there is a commercial component. Mixed-use is one of the permitted uses but they can come in with just a pure residential or pure commercial. Those are also permitted uses.
- Jerry Amundsen asked that if there were a property that were big enough that somebody proposed 8 residential units in a building, what ability does the Planning and Heritage Commission have to disapprove something like that.
- Herb Basso said there are things in place like the average height, the set back.
- Mayor Rosenberg said that for that motion to stand it we would have to modify the dimensional requirements on the minimum lot size too because it just addressed the single-family units and the duplex. We are going to have to come up with additional square footage per unit.
- Jarett Waite said it is a little too wide open for him in his opinion.
- Jerry Amundsen asked if Council needed to get through this motion and let it pass or die before we offer another option.
- Mayor Rosenberg said there can be a substitute motion.
- Jerry Amundsen said that rather than just leaving it wide open, can we say up to three units or up to four units maximum. If the architectural and historical features are there. He can see the concept of keeping a smaller building but it's okay if they can get three units in it.
- Jarett Waite said that if we are going to allow more, we have requirements of how they get more. If we lay that on the Heritage and the Planning Commissions, that creates controversy.
- Bob Nicholson said that is a good point. You could keep the Historic District Mixed-Use at the two and if somebody feels strongly that they want a four-plex or something

else they have the option of bringing forth a PD Residential Zone request.

- Mayor Rosenberg said that this would say what they could do right now without a zone change. They would have to go through a Public Hearing.
- Jarett Waite said the Planning Commission was okay with the two-family dwelling. We would be going against the Heritage Commission and the Planning Commission.
- Mayor Rosenberg said that is how it went through. He said his recommendation is to allow those creative projects to come through as the PD and stay a little closer to what's been approved through the Public Hearing process on the duplex scenario.
- Jerry Amundsen said he would agree with that.

Voting Aye: Herb Basso.

Voting Nay: Ken Sizemore, Jarett Waite and Jerry Amundsen.

Motion Fails.

- Mayor Rosenberg asked if anyone wanted to make another motion.

Motion to Approve the proposed amendments to Chapter 17.74 of the Zoning Code, Historic District/Mixed-Use Zone and approve Ordinance 2017-14 with the changes discussed by the Council and not changing the Heritage Commission's twin home recommendation as written. Motion by Jarett Waite, seconded by Jerry Amundsen.

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

Voting Nay: Herb Basso.

Motion Carried.

4. Consider Approval of Preliminary Plat for Santa Clara Valley Homes with 8 dwelling units on 0.89 acre, located at 1428 Victors Street. (Applicant Jim Ence). Presented by Bob Nicholson, City Planner.

- Bob Nicholson said there is a density of 9 units per acre. Heritage Commission has recommended approval of the design. That design was also approved by the Planning Commission and City Council as part of the PD Residential zone. Each dwelling unit has the two off-street parking spaces and a two-car garage. Planning Commission recommends approval. There are four extra guest parking spaces.

- Alan Ayala, 2898 Santa Clara Drive, spokesman for Jim Ence said that there are four extra parking spaces. He said there was a concern about the trashcans. He said they could line them up inside of the driveway. He said they will put in the HOA that the trashcans will go on the south side therefore reducing them and the visibility on the street.

Motion to Approve the Preliminary Plat for Santa Clara Valley Homes with 8 dwelling units on 0.89 acre, located at 1428 Victors Street. (Applicant Jim Ence).

Motion by Jerry Amundsen, seconded by Jarett Waite.

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

Voting Nay:

Motion Carried.

3. Consider amending and extending the Final Plat for Paradise Village at Zion Phase 6. (Applicant Merrill Properties). Presented by Bob Nicholson, City Planner.

- Bob Nicholson said that this a minor amendment to the Paradise Village at Zion plat. This is a trade between Black Hawk and Paradise Village. It is down in the corner by the City bike trail. It is easier for the Paradise Village people to take care of and maintain. He said that this is a gravel area.
- Brad Hays said that this is good and will make the area look nicer. It's not reachable by Black Hawk subdivision and the City has no interest in maintaining it so it is best for the City to do this.

Motion to Approve Amending and Extending the Final Plat for Paradise Village at Zion Phase 6. (Applicant Merrill Properties).

Motion by Ken Sizemore, seconded by Herb Basso.

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

Voting Nay: None

Motion Carried.

5. Consider Approval of a Zone Change Request from R-1-10 to Historic District/Mixed Use Zone on 1.0 acre, located at 2600 Santa Clara Drive and approve Ordinance 2017-12. (Applicant City Parks Dept.). Presented by Bob Nicholson, City Planner.

- Bob Nicholson said that this is for the property across from the City Offices. It is one acre allowed for the construction of the new restroom building. The property has a vacant single-family home on the lot and a large grass area in the front, which is the park area. Brad Hays submitted a drawing for the restrooms to the Heritage Commission and they recommended approval and the zone change went to the Planning Commission and they unanimously recommended approval of this zone change to the Historic District/Mixed Use Zone.
- Herb Basso asked if the City complied with all the requirements that we ask our citizens to do.
- Bob Nicholson said yes. It was discussed in the Public Hearing last week.

Motion to Approve a Zone Change Request from R-1-10 to Historic District/Mixed Use Zone on 1.0 acre, located at 2600 Santa Clara Drive and approve Ordinance 2017-12. (Applicant City Parks Dept.).

Motion by Herb Basso, seconded by Jarett Waite.

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

Voting Nay: None

Motion Carried.

9. Consider request to amend the Santa Clara Subdivision Ordinance to require ground retaining where adjoining lots have a difference in elevation of more than three (3') feet. Section 16.24.070 Layout of Lots and approve Ordinance 2017-15. Presented by Bo Nicholson, City Planner.

- Bob Nicholson said that Corey Bundy and Jack Taylor addressed this at Planning Commission. It dealt with some problems they have had with some adjoining lots where the retaining walls or system has not been put in as part of the subdivision and it has led

to some issues between property owners and neighbors as to who's responsibility it is. The Planning Commission felt that it made sense that if you are going to have retaining walls required that the sub-divider is the person who ought to put them in. The additional language which is in the subdivision code under Section 16.24.070 Layout of Lots, Difference of Lot Elevations says, "Where adjoining lots have a difference in elevation along the common property line of more than three feet (3') the lots shall have a ground retaining structure installed by the subdivision developer. The retaining structure can be a concrete retaining wall, a rock wall, or similar retaining structure such as a diamond block, all of which must be approved by a civil engineer. For lots 20,000 sq. ft. or larger, the Building Official of the City may approve an alternate slope retaining plan.

- Mayor Rosenberg said that a couple of issues he has with it is how does it apply on properties that have more than 3 feet of fall across the lot one direction or the other.

- Bob Nicholson said the idea on this is along the common property line and not in the middle.

- Mayor Rosenberg said it give some flexibility to what kind of wall the property owner wants to have. If the developer can grade it properly so it can drain, he can avoid the wall. There has got to be a lot more in the ordinance than what being presented to us right now. It would mandate any lot that has more than so many feet of fall across it to go out there and build a wall.

- Bob Nicholson said that instead of making this mandatory the way it's written say "the Building Official may require the subdivision developer to put the walls in". It becomes a judgment call on the part of the Building Official whether that should happen. That may be one way to solve it.

- Ed Dickie said that this is all for new subdivisions.

- Mayor Rosenberg said that what the City is trying to do is put it on new developments. He said the design standards could be modified to accommodate the walls when walls or changing grade is proposed.

- Ed Dickie said that what they are trying to correct is that these lots being sold are buildable lots so the developers is building it and selling it to someone and the person buying it is thinking they are getting a buildable lot and right now they can't on some of them.

- Mayor Rosenberg said the walk out basements are going to be an issue. There will have to be an exemption for that.

- Brock Jacobsen said that the issues are on the side lots not on the rear.

- Mayor Rosenberg said there could be issues on the rear. He said to get it on the subdivision plans upfront. Put it in the right place and put it with the development guidelines. He said he recommends to table this and have the Staff rewrite it. He said he thinks it could get in with the development plans without impacting the ordinance.

Motion to Table the request to amend the Santa Clara Subdivision Ordinance to require ground retaining where adjoining lots have a difference in elevation of more than three (3') feet. Section 16.24.070 Layout of Lots and approve Ordinance 2017-15 and send it back to Staff.

Motion by Ken Sizemore, seconded by Herb Basso.

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

Voting Nay: None

Motion Carried.

10. Request to set July 26, 2017 as a date for the Appeal Hearing of Planning Commission's approval of Conditional Use Permit for Verizon Cell Tower. Presented by Matt Ence, City Attorney.

- Matt Ence said that when the City Council approved this before it was originally for June 28. Because of some scheduling issues it didn't happen so we need to reapprove it so we can bring it back on July 26, 2017.

Motion to Approve the request to set July 26, 2017 as a date for the Appeal Hearing of Planning Commission's approval of Conditional Use Permit for Verizon Cell Tower.

Motion by Herb Basso, seconded by Ken Sizemore.

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

Voting Nay: None

Motion Carried.

5. Reports:

A. Mayor / Council Reports

Jerry Amundsen:

- Nothing to report.

Jarett Waite:

- Yesterday he attended a workshop on Solar Valuation and Rate Design. He said they talked about an alternative way to design rates for solar customers. We would need different meters. He thinks it is the future of rate design.

- He attended a CEC meeting. It was a closed meeting so he can't discuss much but they are still working on the future of the station.

Herb Basso:

- The EDC cancelled this month.

Ken Sizemore:

- Dixie Transportation Executive Committee (DTEC) met last week and the biggest item of discussion was the recreation impact money that is part of the bonding the Legislature did and they are meeting this week to allocate those funds. They think they are going to get a big chunk of money to get St. George to Zion Transit System up and running between St. George and Springdale. He talked about some road improvements also. He said he brought up the Mayor's request to move up the priority of Plantation and they took that request under advisement.

- Jerry Amundsen said the road over Smithsonian connects and crosses Virgin at the Rockville Bridge. They are looking for funding assistance to get the rating of the bridge up. They couldn't even get an emergency vehicle across that bridge right now.

- Ken Sizemore said that the DOT owns a gravel pit just before Rockville. With all this pressure on that corridor, it looks like DOT is going to allow some things to happen on

that property and they are in negotiation with BLM and the cities and that may turn into a 15 acre multi-use for camping and other things.

Mayor Rosenberg:

- Mayor's Association was cancelled.
- Mayor has a meeting tomorrow to talk about the Hafen property across the street.

- Bob Nicholson said that Corey Bundy asked about the moratorium on the Historic District.
- Mayor Rosenberg said that he thinks with the approval tonight, that can be lifted.
- Matt Ence said Council needs to take action. It can be put on the next agenda.

6. Approval of Claims and Minutes:

- June 14, 2017 City Council Meeting Minutes
- Claims through June 28, 2017

Motion to Approve the Regular City Council Meeting Minutes from June 14, 2017 and Claims through June 28, 2017.

Motion by Jerry Amundsen, seconded by Herb Basso.

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

Voting nay: None

Motion Carried.

7. Calendar of Events

- July 4, 2017 City Offices Closed
- July 5, 2017 City Council Work Meeting
- July 12, 2017 City Council Regular Meeting
- July 24, 2017 City Offices Closed
- July 26, 2017 City Council Regular Meeting

- Ed Dickie said that Dresden Empey was going to come to City Council Meeting on July 12 to be presented with the key of the City. He asked Mayor Rosenberg if he wanted to put that off until July 26 since he won't be there on July 12.

- Mayor Rosenberg said that he will be there on the 26th.

- Ed Dickie said he would try to arrange for him to come then.

8. Executive Session: None.

9. Adjournment:

Motion to adjourn by Ken Sizemore.

Seconded by Herb Basso with all members present voting aye.

Meeting Adjourned at 8:02 p.m.

Chris Shelley – City Recorder

Date Approved: _____