

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, JUNE 24, 2020
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, June 24, 2020 at 5:00 p.m. in the City Council Chambers of the Town Hall at 2603 Santa Clara Drive, Santa Clara, Utah. Notice of the time, place and agenda of the meeting was provided to the Spectrum and to each member of the governing body by emailing a copy of the Notice and Agenda to the Spectrum and also, along with any packet information, to the mayor and each council member, at least two days before the meeting. **The Meeting will be available to view Live Stream on the Santa Clara City website [atsccity.org](https://www.scccity.org) or go directly to the YouTube link: <https://youtu.be/8QLgdRGw-sg>.**

Present: Mayor Rick Rosenberg
Council Members: Jarett Waite, Ben Shakespeare, Wendell Gubler, Leina Mathis and Denny Drake
City Manager: Brock Jacobsen
City Recorder: Chris Shelley

Others Present: Corey Bundy, Building Official; Randy Hancey, Fire Chief; Matt Ence, City Attorney; Bob Nicholson, City Planner; Justin Caplin; Anthony Jeffers; Kimball Rogers; Drake Howell, Cole West Development; LeGrand Hafen; LuJuanna Hafen

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:01 p.m.

2. **Opening Ceremony:**

- Pledge of Allegiance: Leina Mathis
- Opening Comments: Leina Mathis

3. **Communications and Appearances:**

A. General Citizen Communications:

1. Several requests were received that will be heard by the Council with Items 5C6 and 5C7 on the agenda.

4. **Conflicts and Disclosures:**

- Mayor Rosenberg disclosed that he has done some work on the FEMA project (Item 5C4) and the quick claim deeds on Item 5C5 were prepared by the company that he works for. He also stated that his company has been approached by the applicants on Items 5C6 and 5C7 concerning surveys. He also stated that his company is under contract with Cole West for site elevations (Item 5C8).

5. **Working Agenda:**

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

1. Public Hearing to receive public comment on an amendment to the Santa Clara City Operating and Capital Budget for FY 2019-2020.

- Brock Jacobsen, City Manager, said this is to amend the FY 2019-2020 Capital Operating Budget. The Budget Amendment for the General Fund is proposed at \$3.365 million, which is mainly to account for expenditures with the new bridge, Sycamore Crossing. We received a bond at the end of FY19. We received the debt proceeds then but we expensed them in this current fiscal year. This is \$2.8 million of that of the amendment. The other expenditures that we are accounting for in the budget are the BMX track, which was not originally in the budget, the Lava Flow trail and the lights at Little League. Both Little League and the BMX track we received funding from the County Rap Tax funds, \$158,000 toward the Little League lights and \$150,000 toward the BMX track. These were not in the budget originally so we are amending the budget to account for them. On the expenditure side we have EMS at \$50,000, which is part of our payment on the ambulance service charges. We share the revenue 50-50% with Ivins City. There was a small amount in advertising and Swiss Days and EDC memberships. He said the local option sales tax was not in the budget originally as well as State and Federal grants that we received and ambulance charges, which have exceeded our budget. Also, miscellaneous, which is funds that we received from the COG which was a reimbursement from land that we originally purchased around the Sycamore Crossing Bridge to help facilitate that and the bridge proceeds. We accounted for the revenue the year before. This amendment is being done to make sure we comply with State code that our budget to revenues and expenditures balance and we don't exceed expenditures in the fund. He said that in the Impact Fees we did \$900,000 in the Street Fund, which accounts for their portion of the bridge. We put that amount in the trust fund and it sat there and we drew on that as we did the expenditures. The Parks in facilitating the Swiss Memorial Pioneer Park and part of the Lava Flow Trail accounts for their amount. We also had the engineering and improvement with the bridge. He talked about the Enterprise Funds. He talked about the depreciations for renewal and replacement for each fund.

5:12 p.m. Public Hearing Opened.

- (Comment sent to the City and read by Brock Jacobsen, City Manager) Haleema Bharoocha, 2733 Crosby Court, Santa Clara, California, said she is the advocacy manager at Alliance for Girls, the Nation's largest regional alliance for girl serving organizations. We are based in the bay area with over 100 member organizations from all over the bay area. Collectively our members serve 300,000 girls and gender non-conforming youth. She said she is here on behalf of the girls they serve. They are here to uplift the urgent need to fund safety in our communities not by investing in police but by investing in gender and culturally responsive community driven support systems. Their team has been working with girls those mostly impacted by violence over the last few years to understand their definition of safety. COVID-19 has had a devastating impact on our girls. In their survey of over 250, 10% do not have access to food or groceries, 7% do not have a safe place to live, 18% do not have access to financial resources, 8% do not have access to technology with internet, 12% do not have access to private communication

with a caring adult and over 17% need accommodations for their learning style. Girls are experiencing social isolation and lack of basic needs and some are facing unsafe living situations. Research shows that social isolation and resource deprivation are two key indicators of risk for violence and child abuse. Their most recent report, “Radical Visions for Safety” show that the way girls characterize safety moves away from traditional assumptions and encompasses notions of physical, emotional and spiritual comfort, non-judgment, acceptance and belonging. The most profound barriers hampering girls and their champions from achieving safety and healthy relationships include systemic barriers like racism and stigma, operational barriers such as staff capacity, community barriers such as lack of support from school administrators and personal barriers such as trauma and lack of parental support. It is clear that how girls define safety and the current solutions do match up. She stated that they demand that funding be allocated to meet the needs of girls so that they can have access to safety and their basic needs met. She urges that the City remove funding for police and Sheriff’s departments and invest that money into gender responsive and culturally relevant services for our most vulnerable youth and access to our most basic resources such as period products at easily accessible spaces such as school pickups. She said they are happy to present to the Council and share additional data from their research. She thanked the Council for their time and consideration.

- Mayor Rosenberg asked Brock Jacobsen to repeat her address.
- Brock Jacobsen said she lives at 2733 Crosby Court, Santa Clara, California.

5:16 p.m. Public Hearing Closed.

C. General Business:

1. Consider amending the Santa Clara City Operating and Capital Budget for FY 2019-2020 and Ordinance 2020-07. Presented by Brock Jacobsen, City Manager.

Motion to Approve the amendment to the Santa Clara City Operating and Capital Budget for FY 2019-2020 and Ordinance 2020-07.

Motion by Denny Drake, seconded by Wendell Gubler.

Voting Aye: Leina Mathis, Jarett Waite, Denny Drake and Wendell Gubler.

Voting Nay: None.

Motion Carried.

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

2. Public Hearing to receive public comment and discuss a water rate increase.

- Brock Jacobsen said that the Washington County Water Conservancy District has informed the City that they are increasing their wholesale water rate to purchase water from them from \$1.24 per 1,000 gallons to \$1.34 per 1,000 gallons. This is a 10 cent each year increase that they have been doing since 2017. We did the increase in 2017 but have not done increases the previous two years so therefore we are bringing this back this year for a 10 cent increase to our tiers. Our tiers are based on usage and we propose to add 10 cents to each tier. The lowest tier would go from \$.50 to \$.60. The second tier would go from \$1.03 to \$1.13 and so forth. (See attached.) This will help us account for

the purchase of water that we are purchasing from the Water District. As we continue to grow we continue to have to buy more water from the District. Our two wells are performing well but as we saw two years ago when the wells went down we had to buy an extreme amount of water from the District and so we need to have that money available to purchase that water so we propose that we increase that 10 cents across each tier.

- Leina Mathis asked if Brock had any idea what the average number of gallons are used per residential ERU.

- Brock Jacobsen said he doesn't know. He can find that number out.

- Wendell Gubler said he agrees that we need to pass on the cost from the Conservancy District because we haven't done it for a couple of years. He said he would encourage the City to do this every three or four years. This water is supplemental to what we already have and he doesn't want to have a situation where we need to continue to increase. He would also like to question why the WCWCD have to increase it every year.

- Mayor Rosenberg said we can ask that specific question to them. They have shared a lot of documents with us on some of the ongoing projects they have.

- Wendell Gubler said it just seems like they put it in whether they need it or not. They ought to be able to justify why they increased it.

- Mayor Rosenberg said they did hold a public hearing and the public had the opportunity to go comment at that.

- Brock Jacobsen said he thinks we will continue to look at this and if a rate increase comes next year based on what we are having to purchase and how well our wells are running we will decide whether we can hold off. It will be dictated based on our usage and growth and we also need to continue to put some funds away for renewal and replacement so if we do need to replace things we don't have to bond and that would save the citizens money and the City from paying for bond costs and the interest.

- Mayor Rosenberg said that every year when the increase has come through that, Jack Taylor, Public Works Director, looks at the fund balance, looks to see if we still have the money available and makes the determination as to what to bring to Council. He sees that continuing in the future. We probably won't have to do the increase every year unless we get in a position to where the wells are not providing for the demand and we have to buy a lot more water from the District.

- Brock Jacobsen said we are the only municipality in Washington County that gives water. We give the first 5,000 gallons in the base rate.

- Denny Drake asked if we have representation on the Board.

- Mayor Rosenberg said the representation on the Board is five elected officials. None of our elected officials are on there. Mayor Hart from Ivins is and Mayor Pike and Mayor Brammal and Mayor Nielson. Santa Clara doesn't have representation on the Board. It is appointed by the County Commission.

- Council Shakespeare arrived to the meeting.

5:25 p.m. Public Hearing Opened.

- (Comment sent to the City and read by Brock Jacobsen) Justin Caplin, 1454 Boyd's Pond Circle, stated that 10 cents per gallon doesn't sound like much and he favors projects that help preserve our scarce water sources but any rate increase needs to be scrutinized even if it has been a couple years since it was last raised. If the cost

associated with water has increased he agrees the rate should increase to cover the cost. If the cost has not increased he requests that the rate not increase.

5:28 p.m. Public Hearing Closed.

C. General Business:

2. Consider approval of the proposed Water Rate Increase of \$.10 per 1,000 gallons and approve Resolution 2020-10R.

- Jarett Waite said that in response to the comment that we received, we did go over this in a Work Meeting and we did scrutinize it pretty closely in terms of how much water we use from the District and if we should do the increase or not. He said he personally didn't want to do the increase but after we looked at it closely we decided it was a good decision to make.

Motion to Approve a Water Rate Increase of \$.10 per 1,000 gallons and approve Resolution 2020-10R.

Motion by Jarett Waite, seconded by Leina Mathis.

Voting Aye: Jarett Waite, Leina Mathis, Ben Shakespeare, Wendell Gubler and Denny Drake.

Voting Nay: None.

Motion Carried.

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

3. Public Hearing to receive public comment and discuss a sewer rate increase.

- Brock Jacobsen said that the sewer rate increase of \$1.88 is a rate increase that is coming from St. George City. They are raising the sewer rate for the regional sewer fee from \$9.62 to \$11.50, which will take effect on July 1. This has no bearing on usage. Anything we do with St. George is a straight cost that St. George is passing on to each connection and so if we did not do the rate increase of \$1.88 the City would still have to pay that cost to St. George City based on each ERU connection within the City. The \$1.88 increase takes our sewer rate from \$21.52 to \$23.40.

- Leina Mathis asked if this rate increase gets passed to each municipality.

- Mayor Rosenberg said it gets passed to everybody that is through the regional treatment. St. George is providing the regional treatment.

5:32 p.m. Public Hearing Opened.

- (Comment sent to the City and read by Brock Jacobsen) Justin Caplin, 1454 Boyd's Pond Circle, stated that while it seems to make sense that as St. George raises it's rates for us that we should increase by that same amount rather than automatically raise it, he would ask the City to consider whether it needs the \$11.90 which is our rate minus St. George charge in addition to the cost paid to St. George and therefore if it is actually necessary to increase the sewer rates.

- Mayor Rosenberg said the other costs that are in the sewer rates are to cover the operation and maintenance of the system.

- Brock Jacobsen said that is correct. It accounts for operation, maintenance, utility billing, personnel all associated with it and equipment.
- Mayor Rosenberg asked when the last time the sewer rate changed.
- Brock Jacobsen said he doesn't know if it has ever been changed in the 11 years he has been with the City, but he can find out when the last one was.
- Mayor Rosenberg said that the only increase he knows of have been the increases that cover the treatment process that St. George does for us under contract.

5:34 p.m. Public Hearing Closed.

C. General Business:

3. Consider approval of the proposed Sewer Rate Increase of \$1.88 per ERU and approve Resolution 2020-11R.

Motion to Approve a Sewer Rate Increase of \$1.88 per ERU and approve Resolution 2020-11R.

Motion by Denny Drake, seconded by Jarett Waite.

Voting Aye: Denny Drake, Jarett Waite, Ben Shakespeare, Wendell Gubler and Leina Mathis.

Voting Nay: None.

Motion Carried.

B. Consent Agenda:

1. Approval of Claims and Minutes:
 - June 10, 2020 Regular City Council Meeting Minutes
 - Claims through May 27, 2020
2. Calendar of Events
 - July 1, 2020 City Council Work Meeting
 - July 3, 2020 City Offices Closed (4th of July)
 - July 8, 2020 Regular City Council Meeting
 - July 22, 2020 Regular City Council Meeting

Motion to Approve the Consent Agenda.

Motion by Ben Shakespeare, seconded by Leina Mathis.

Voting Aye: Leina Mathis, Jarett Waite, Denny Drake, Wendell Gubler and Ben Shakespeare.

Voting Nay: None.

Motion Carried.

C. General Business:

4. Consider a Zone Change on 5 lots from Residential to Open Space, they are located along the Hillside rim and south of Crestview Circle and Desert Dawn. The parcels were purchased by Santa Clara City as part of the FEMA Landslide Mitigation Project. Applicant, Santa Clara City and approve Ordinance 2020-08. Presented by Bob Nicholson, City Planner/Corey Bundy, Building & Zoning Official.

- Mayor Rosenberg said that these are the parcels that were purchased by Santa Clara City as part of the FEMA Landslide Mitigation Project. The City owns the parcels now and is the applicant. This is one of the requirements of the FEMA grant that funded the relocation of those homes and the demolition, the landslide stabilization was that they be zoned open space. The next item on the agenda is going to address this same thing. The Public Hearing was held at Planning Commission and he doesn't think there was any opposition to that.
- Corey Bundy, Building Official, said there was no opposition to it.
- Ben Shakespeare asked about open space. He said potentially it could be developed but that is why there is a deed restriction behind it.
- Mayor Rosenberg said that these properties were zoned residential because they were subdivided so they were within a subdivision. The City zoned them but they are taking that residential lot entitlement away from them with the zone change and changing back to open space and then we will put a deed restriction restricting what we can do on the open space.

Motion to Approve a Zone Change on 5 lots from Residential to Open Space and approve Ordinance 2020-08. They are located along the Hillside rim and south of Crestview Circle and Desert Dawn. The parcels were purchased by Santa Clara City as part of the FEMA Landslide Mitigation Project. Applicant, Santa Clara City.

Motion by Leina Mathis, seconded by Ben Shakespeare.

Voting Aye: Leina Mathis, Denny Drake, Wendell Gubler, Ben Shakespeare and Jarett Waite.

Voting Nay: None.

Motion Carried.

5. Consider approval of Quit-Claim Deeds and deed restrictions for parcels purchased as part of the FEMA Landslide Mitigation Project. Presented by Brock Jacobsen, City Manager.

- Mayor Rosenberg said this item is because the City has to deed these to itself.
- Matt Ence, City Attorney, said that the reason we are doing it this way is because the property has already been deeded to Santa Clara so we need to deed it to ourselves and declare FEMA the right to deed restriction.
- Mayor Rosenberg said that the deed restriction is prepared by FEMA. This is required under the emergency relief assistance that we got the pre-disaster mitigation grant that the City obtained. The uses of that open space now have been limited. We can't build any new structures unless they are associated with a trail or addressing public safety such as a sign or gate or fence. This is in perpetuity so no one can build a house and future Council can't sell that lot for someone to build on. We can use it for nature reserve, slopes, buffer zones, trail. He said he hopes this is the last step of the mitigation project other than the continual monitoring of the landslide. He said we have seen a little new slide activity on both the west end and the east end of the work that was done. It hasn't impacted any structures yet. This is in an area that the City hasn't done anything and wasn't touched by the grant. Some of the underlying issues are still present. We have met with a couple of property owners out there. He said the City continues to monitor it. We have 13 landslide monuments up there that we monitor every quarter that monitor for movement. We may install some additional monuments as a result of this recent activity. They are

all on private property. We will monitor the movement just to be safe.

Motion to Approve of Quit-Claim Deeds and deed restrictions for parcels purchased as part of the FEMA Landslide Mitigation Project.

Motion by Jarett Waite, seconded by Denny Drake.

Voting Aye: Leina Mathis, Jarett Waite, Denny Drake, Wendell Gubler and Ben Shakespeare.

Voting Nay: None.

Motion Carried.

6. Consider amendment to the City General Plan Land Use Map by changing the land use designation from Very Low Density Residential (VLDR) TO Mixed-Use Residential on 5.97 acres, and from Mixed Use Residential to Main Street Commercial on 1.89 acres. The proposed Main Street commercial parcel is located on the southeast corner of Gates Lane and Santa Clara Drive and the proposed Mixed-Use Residential is located east of the proposed Commercial parcel, south of Santa Clara Drive, and west of Quail Street. The purpose for the request is to allow for an Assistant Living Facility and related facilities, and approve Ordinance 2020-09. Applicant Kyle Hafen, Clara Land LLC. Presented by Bob Nicholson, City Planner/Corey Bundy, Building & Zoning Official.

- Bob Nicholson said the City has received the application to amend the City General Plan. The purpose for the General Plan amendment is to accommodate a zoning request that is another item on the agenda to accommodate the assisted living project and in the case of the Main Street Commercial a future commercial zone change request is anticipated from the property owners. 90% of the property is currently zoned Residential Agriculture which is .5 acre lots. There is a little piece of R-1-10 at the corner of Gates Lane and Santa Clara Drive. The primary street frontage for the subject parcels will be along Gates Lane and proposed Bonelli Drive, which parallels the Santa Clara River. The 1.89 acres proposed for Main Street Commercial on the corner of Gates Lane and Santa Clara Drive is for future development. The applicants intend to pursue commercial zoning some time in the future when a specific project is ready for consideration. The 5.97 acres proposed for Mixed Use Residential is to allow for an Assisted Living Facility with a total of approximately 110 units of Independent Living units with 1 and 2-bedrooms, Assisted Senior Living, and memory care units. The 110 total units would contain approximately 130 total beds. Primary access to the Assisted Living complex would be via Gates Lane and Bonelli Drive. Independent living residents will typically drive their own personal cars, while residents in the Assisted Living units and Memory Care units would not drive. Parking for the Assisted Living and Memory Care units will be for staff and guests. The applicant's Parking & Traffic calculations is attached and also covered in the zone change staff report. He talked about the traffic impacts: When a request does come in we would have to do a traffic study and we would look at the traffic issues at that time. 1.89-acre future Commercial parcel on SE corner of Gates Lane and SC Drive. No specific project is proposed at this time for this corner parcel, but access would come from Santa Clara Drive and/or Gates Lane. For the 5.97 acre Assisted Living Facility: The Memory Care units (20 beds) and Assisted Living units (50 units) will only generate traffic from staff and guests as the residents do not drive. Approximately 30 staff are estimated for the Memory Care and Assisted Living units (including the common dining area). Residents in the Independent Living units will drive but typically generate a lower daily trip count than standard residential units. The

estimated trip generation rates for all components of the project based on the Institute of Traffic Engineers Trip Generation Manual (ITE Manual) are as follows (Average rate weekday); Senior Adult Housing 3.7 trips per day, Congregate Care 2.0 trips per day, Assisted Living 2.6 trips per bed. Based on the above ITE trip rates the proposed project will generate the following estimated daily trips; 40 Independent Senior Living units X 3.7 trips/day = 148 trips per day, 50 Assisted Living Beds X 2.6 trips per bed =130 trips per day, 20 Memory Care units X 2.0 trips per day = 40 trips per day for a total 318 trips per day for entire project. The applicant and their traffic engineer estimate approximately 288 trips per day based on the total number of units, beds and ITE trip generation numbers and actual experience elsewhere. So based on the two estimates the project would generate about 300 trips per day when staff, guests and all other related traffic are included. That would be about the same generation as if we had single-family homes. It is felt that Santa Clara Drive can accommodate the additional traffic but future traffic signals will be needed at major intersections such as Gates Lane. Most of the traffic generated from the proposed project will use Gates Lane and Bonelli Drive for access. However it is recommended by staff that Quail Street be extended to Santa Clara Drive and Bonelli Drive extended to Chapel Street to provide better access and circulation for this and future housing development in the area. He stated that the Planning Commission recommends approval of the requested revisions to the City General Plan Land Use map. The Planning Commission had a public hearing on this request and also on the accompanying zone change request on June 11. They did receive some comments. Some of the comments were concerns about traffic. When we get to the zone change request we will talk about architecture and some specifics that would relate to the actual zoning since they are asking for a PDR zone, which requires a site plan and elevation drawings.

- Denny Drake asked why it is requested to be Main Street Commercial instead of PD Commercial as all the other commercial is in Santa Clara.
- Bob Nicholson said the General Plan has a couple of commercial designations. Along Santa Clara Drive it is called Main Street Commercial. That is a General Plan term. The PD Commercial will actually be the zoning request and that is what they are requesting for the project, it is a planned development residential zoning. The PDR would be the zoning term but at this point we are just talking the General Plan and the General Plan has what is termed a Main Street Commercial under the General Plan designations.
- Brock Jacobsen questioned the statement about Quail Street needing to be extended to Santa Clara Drive. Quail Street already connects to Santa Clara Drive. Should it state that Quail Street should connect to Bonelli Drive?
- Bob Nicholson said yes that is the intent.
- Mayor Rosenberg said he thinks the intent is that Quail Street would extend all the way from Santa Clara Drive down to Bonelli Drive.
- Wendell Gubler asked if they would have to get permission from the owner of the piece of property.
- Mayor Rosenberg said yes. When you get to the zoning then they will look at their access and if a second or third access is needed as part of their project approval, they would have to secure the right of way up Quail Street.
- Wendell Gubler said that road doesn't seem very wide and it would be hard to get traffic down that road without moving the houses.
- Brock Jacobsen said it is the same width as Vernon and Chapel Streets.
- Mayor Rosenberg said they are not fully improved. He asked Corey Bundy if he had the right of way for Quail.

- Corey Bundy said he doesn't but he had a building permit request come in for a secondary structure and part of that was they needed to put in some asphalt. The sidewalk was quite a ways back from the existing roadway. He said it may appear narrow but it is going to get wider as those homes approve to development. He does not know the exact width of the street.
- Wendell Gubler said there are homes all along that street. How are you going to make it wider?
- Mayor Rosenberg said that there is already a right of way there. The improved section doesn't take up the entire right of way. The road that exists now is not the full width of the right of way. The right of way is wider to facilitate development down in there, if the engineering came back and determined that Quail Street had to be improved it may require widening and additional right of way.
- Wendell Gubler asked if widening would take part of the yards of the existing houses.
- Mayor Rosenberg said the City owned right of way that is platted is wider than the existing asphalt that is there today. If the developer needed additional right of way to facilitate its development, he would have to obtain that right of way from the adjacent property owners to make that happen. On the General Plan they want to make sure that Quail Street extends all the way to Bonelli and that Bonelli extends all the way from Chapel Street to Gates Lane so the Master Plan has all those streets connected. They haven't specified width. If the developer had property he would have to dedicate for Quail he would have to do so. If his design documents require that he dedicate property for Bonelli he would have to do so. If he would have to obtain property from other property owners to facilitate his development he would have to do so. The General Plan doesn't go into that detail of mandating that step but making sure the roads are connected puts that step in place so if you go to the next step that will happen.
- Denny Drake said that the General Plan with those streets was based on residential not commercial. You are not talking the same density now that we were talking with the General Plan that was put into place. Those streets are not meant to carry 400 cars a day. The plan was low residential use and the General Plan reflected that so if we change the use the General Plan is not effectively being used the way it was intended.
- Leina Mathis said she agrees with part of what Denny is saying, but the ITE trip use in a residential neighborhood is 7 to 8 trips per day. It is even higher than what the anticipated use is.
- Bob Nicholson said it is 10 trips per day for a single-family dwelling.
- Leina Mathis said so in reality traffic is minimalized. We are just comparing trip use based on use.
- Mayor Rosenberg said the capacity of the streets is in our design standards and once the trips per day is defined then the City Staff would look at that total trips per day for that area and determine width of the road. That happens once it is decided what it is going to be. A 50 ft street will handle significantly more than 300 trips a day.
- Denny Drake said he has one real problem and that is spot zoning. We have a General Plan in place and we use the General Plan to help us work together so the residents feel comfortable with what they have and spot zoning creates a real problem.
- Bob Nicholson said that spot zoning would be a good term if it were not in compliance with the General Plan. There is no such thing as spot zoning if it is consistent with the General Plan. We have two steps here tonight. We are not talking zoning at this point; we are talking General Plan and the request to amend the General Plan. Zoning is the next agenda item, which would implement that. We are talking General Plan and the use

for that property. The zoning is a more detailed and that would implement the General Plan goals.

- Denny Drake said he thought that was what the General Plan is based on is with the planning you are putting the zoning in place that would exist within the General Plan.

- Matt Ence said that the two questions that Council has in front of them tonight are questions that if they were ever challenged would be given two different levels of deference. An amendment to the General Plan is a purely Legislative decision which means that the City Council can decide to change the General Plan or keep the General Plan the way it is and unless there is some kind of arbitrary and capricious reasoning a Court would say Council is a Legislative body and can decide what they want their General Plan to look like. Once Council decides what to do with the General Plan, whether to amend it or not, then there is a little less flexibility because at that point there is a use assigned there and the General Plan is used as a guideline to determine if a zone change is granted or not. If Council felt there was a good reason to make this change to the General Plan it would not be considered illegal spot zoning. This is fully within the Council's discretion. He said if Council is not comfortable with this general use or that it doesn't fit the character of the area that is within Council's rights to make that decision. He said he doesn't want Council to feel any limitations on how this is considered especially this first question of how you change the General Plan because it really is a purely Legislative decision.

- Denny Drake said that going to that reasoning if you didn't want it commercial why would you change the General Plan.

- Matt Ence said that once you make the change to commercial then obviously with the follow up zone change you now have a General Plan that says you will accept commercial and you have less flexibility at that point because now you have to consider it under the commercial standards.

- Ben Shakespeare said have we not allowed commercial in the downtown district. His question is about access to the road. He asked Brock to show the plat with the roads.

- Bob Nicholson said there are two parts to this request. One is a two-acre parcel on the corner of Gates Lane and Santa Clara Drive. That doesn't have any pending proposed use at this point. They would like to designate it on the General Plan so when they come back at some future time with a zoning request it would be consistent with the General Plan. The assisted living is everything to the south and east along Bonelli Drive.

- Denny Drake said that one of the reasons he ran for this position (on the Council) is he thought that we needed to get our planning together with our citizens and find out how they would like the City of Santa Clara to develop. He said to him we are letting developers and others drive the zoning within the City of Santa Clara. If we could get together in some public meetings the transparency with the zoning and the planning within the City of Santa Clara would ease a lot of the tension and the problems that he sees. He feels that this is one of those situations where we need to look at it in a general sense with the community as what they would like to see done there. He said he always thought that would be an ideal residential area but that is his opinion. He would like to wait and have some public hearings on the master planning and the use for the City of Santa Clara and then work through the property ownership and how they want to make definitive changes to the zoning.

- Wendell Gubler agrees with Denny in the fact that he never envisioned any type of a commercial in that area. Our streets are already crowded. He said when he goes down into the valley he has a hard time getting across the street or into traffic. He said that

putting more traffic on that two-lane road would cause problems not just now but in the future. There are going to be the planned rentals over there and in the next two or three years we will see a lot of that happening. If we get something big like this in this area he thinks we will be causing major problems with the City. He doesn't think this fits our General Plan.

- Denny Drake said he is not so sure the residents wouldn't say to create a commercial zone. He thinks to throw it out and throw more traffic at each street just because it is a desire of the developers doesn't make sense to him.

- Bob Nicholson said that one comment on that issue is that the developers were planning to contact the neighbors and have a neighborhood meeting. The neighborhood meeting and public hearings were throttled by the virus.

- Anthony Jeffers, Applicant, said that in regards to traffic and efforts they have made the timing was such that they put this plan together and have been in the community and have met on site numerous times and have had discussions with the City Staff regarding thoughts and inputs about this project and whether it would fit in the community and he said they have been extremely sensitive to the community as a whole. As far as the timing to be able to get out and meet with the community has been extremely challenging because of the COVID-19 timing. They are just trying to get the project moving forward as it relates to financing and funding the project with capital markets and cost of money to be able to move forward and actually develop and implement the project becomes their next challenge.

- Brock Jacobsen said that years ago a traffic study was done and it said that regardless of what we do the traffic is coming down Santa Clara Drive. That traffic is going to come regardless. The traffic is going to increase based on what is happening to the west of Santa Clara Drive being such a main road connection to St. George. He said he doesn't see traffic slowing down regardless of what we choose to do the traffic will continue to increase.

- Ben Shakespeare said that eventually we will have to have a light at Gates Lane. It will warrant a light. He said he is split on this. He said that he doesn't think this is a bad neighbor. He thinks they would be a good neighbor but if this gets zoned this way and for some reason financing doesn't come through are we stuck with something zoned commercial down in there. There is a parcel next to it that is undeveloped. He is not concerned about access in and out. They will have three roads in and out of there. It is a big swath of property right in downtown with frontage on the river but we do have commercial downtown.

- Bob Nicholson said that this General Plan designation for most of the 6 acres of the assisted living is mixed use residential. The commercial would only apply to the corner piece, which is actually not part of the assisted living project.

- Ben Shakespeare asked if it is mixed use residential and the assisted living doesn't go there what other options for mixed use are in there.

- Bob Nicholson said it would accommodate planned development residential, usually a mixed use residential but if the General Plan were changed at this point and the assisted living did not go forward there is nothing that prevents to going back and changing it to a very low density or low density residential. Once you change a designation especially on the General Plan City Council has the authority to amend that at any time subject to a public hearing.

- Corey Bundy said that the mixed-use residential density is 7-12 dwelling units an acre and the description is that it is mostly residential in the form of townhomes, multiple unit

buildings but also might include small lot single-family homes. It may also include small retail stores, coffee shops and offices at intersections with collector streets. Second story residences or offices are encouraged. Accessory dwellings or mother-in-laws over the garage are also encouraged. The character objectives are designed to blend with the adjacent residential neighborhood with tree lined streets, interconnected street grids and with sidewalks and shared parking encouraged. That is the mixed-use residential definition.

- Leina Mathis said that last part of that is that the location is north of Heights, Santa Clara north and part of the South Hills.

- Mayor Rosenberg said that the existing General Plan already shows the corner, the proposed commercial, as mixed use residential. They are asking to extend it over to Quail Street.

- Ben Shakespeare asked where the designation ends right now on that.

- Bob Nicholson showed the area to the Council on a map.

- Mayor Rosenberg said that that corner of Santa Clara Drive and Gates Lane could already have some commercial with the existing General Plan. The assisted living center is predominantly located on a very low density residential and they are asking that to be changed to the mixed use residential to what it is adjacent to on the west. The request is extending that mixed use residential from its existing location east toward Quail Street south of the existing residential development.

- Jarett Waite asked if Bob or Corey could go over what was discussed in Planning Commission. He said he heard a couple of complaints about the public hearing that it didn't run exactly like the citizens wanted and maybe we didn't get all the feedback that they wanted to give us. What information was told from the citizens during that process?

- Bob Nicholson said there was five or six comments. Most of the people that commented on the General Plan also commented on the zone change. One of the common frustrations that was mentioned is the digital meeting format. People wanted to hold off until we can meet in person and that was a common thread. He said it is hard to put things on hold for an extended period of time. The comments were addressed. A number of them talked about traffic. Santa Clara Drive is going to get busier for a long period of time because Ivins City is still continuing to develop. Santa Clara's task is to manage the traffic which will translate to traffic signals and trying to improve some alternative routes.

- Corey Bundy said there was some concern about Ballard Hafen's property and the fill that was put in there over the past few years. If any development went forward on that property there would have to be a soil report. They would have to go through the soil drainage process of the subdivision ordinance. He said there was also concerns about putting an assisted living facility down next to the river. They would have to go through the FEMA process and armor the bank and lift the assisted living 2 ft. He said the Planning Commission minutes are in the Council report with the public comments.

- Mayor Rosenberg said there has been a submitted request to address the Council so he is going to allow that now. He asked that the comments remain brief.

- LeGrand Hafen said there could be 20 people at the anchor meeting. He came to town hall a half hour early and was locked out. He put forth the effort. He said he will be the most impacted property owner if this development goes through. He is north of it and east of it. He said that the Kelly Gates family just restored the oldest pioneer home in the valley and they are quite concerned about that street opening up. About 250 ft away is the property where an assisted living center is planned. He said he doesn't feel like this is

a place for these six or seven buildings and parking lots. Currently there are nine residential subdivisions along the Santa Clara Creek. Seven are on the north side and two are on the south side. He doesn't feel like this project fits the pattern that has been established. He commented on traffic. Santa Clara Drive is already over crowded at certain times of the day. He was trying to turn left the other day and counted 45 cars before he could make the turn. 26 cars were going west and 19 were going east. It is only going to get worse and he said he has a paper that suggests that this project would show 355 trips a day and that might even be conservative. He agrees with what was said about there is nothing we are going to do about it with all the development in Ivins but try to regulate it. He said that traffic lights don't always solve everything especially when you only have one lane. He said he would like the Council to know that he believes the plan of Kyle's (the assisted living center) takes part of his property. There is a little bit of a survey problem there, like 20 ft. If Council decides to approve this development he would ask that Council impose a condition that the applicant satisfies and resolves boundary issues with his property and his brother's property before a permit is issued to start this development.

- Wendell Gubler said that it was mentioned that the applicant tried to talk to the neighbors and the people in the area to get their input. He asked LeGrand if that happened in the neighborhood.

- LeGrand Hafen said there wasn't a word. No phone calls. Nothing.

- Wendell Gubler said he feels that we make it a real mistake when we change things without getting the opinion of the people in the community. There is a real need to have this input and we are pushing things to fast when we don't consider what the people want to have happen in the community.

- LeGrand Hafen said he was talking to a citizen and he said that before he could do a garage addition he had to go around to the neighborhood and get permission from the neighbors there that it would be okay to do it. On a big project like this isn't there anything that requires that.

- Mayor Rosenberg said the public hearing takes care of that. The public hearing provides that opportunity for comment.

- Wendell Gubler said the problem in this case is it was on Zoom and the older people have a hard time with that. A lot of the neighbors down there are older. They really need to have the opportunity to talk.

- Ben Shakespeare said it would be great to have something like this in the downtown. Something where community-wide we have a place where residents can go. He said his concern is if this was just on the property that was already zoned but taking a large chunk of low density residential that was intended to be low density residential and incorporating all of that chewing up a couple of acres that is supposed to be low density. He does think it is the perfect type of commercial for that area but it does chew into area where it is low density. He also is concerned about how the public hearing was held.

- Mayor Rosenberg said he also has concern about whether the public hearing was held in strict conformance. There was probably not enough ability for the public to access that. What he would like to do is request to table this item and give the opportunity for either the Planning Commission to rehear the public hearing or for the City Council to hold a public hearing ourselves and give the opportunity for the public to come to the City Council. We would re-advertise that meeting and encourage the applicant to follow through with the discussion and the suggestions that were given to have the neighborhood meeting. The opportunity is there and we can definitely make the City facilities available

for the larger crowd to spread out for people to come and attend and learn about that. He hopes that applicants are listening to this and if they want to have a public meeting at Town Hall we can help facilitate this and help with the arrangements but we can plan a public hearing and get the word out so everyone can come and have the opportunity for comment. He would strongly encourage the applicant to have a neighborhood meeting before hand to consider some of the things that were discussed tonight and some of the things that were brought up to the Planning Commission and then Council can weigh in after hearing those comments.

- Matt Ence said that a public hearing at either body, Planning Commission or City Council, would be fine.

- Mayor Rosenberg said the Planning Commission has heard it and they would probably come to this meeting anyway so he is not opposed to having that at a City Council level. He said Council will make that motion to decide.

- Ben Shakespeare said that on the development side applicants spent a lot of time even to get to this point but he would like to hear that public hearing and get a better feel for the property.

- Jarett Waite said he felt that the public hearing should take place at City Council.

- Leina Mathis said she agrees to have it at City Council as well. Planning Commission has heard it plus it gives the applicant the opportunity to hold the meeting and still be timely in getting back here again.

- Mayor Rosenberg said he also wants to give the applicant the opportunity to address Council in person with their exhibits and the other things they have prepared for it so it is readily accessible and easily viewed as well. That is an important part of that process.

- Denny Drake said we may find out that the community wants to have an assisted living. But the community needs to look at it. He said his problem is if he is living in a particular house and somebody changes the zoning next to him he has a feeling of betrayal because it was already General Planned low density. We don't change at our whim or a developer's whim. We do it in conjunction with the public. He said he considers this spot zoning and he feels spot zoning is detrimental to the community. He would like to see this planned and vocalized and let everybody be a participant in it.

- Wendell Gubler said he doesn't see the need to change the General Plan. Even when we have a developer come in and want to do something nice. Maybe that would change if the project wasn't so big. He is in favor of the current General Plan.

- Brock Jacobsen said there was a comment submitted by a resident.

-(Comment sent to the City and read by Brock Jacobsen) Wayne Johnson, 3105 Santa Clara Drive, stated he lives at the corner of Quail Street and Santa Clara Drive and he is very concerned about the zone changes the Planning Commission approved on June 10, 2020 for the proposed nursing home and commercial parcel off of Gates Lane and Quail Street. He said he believes that the Planning Commission did not do their fiduciary duty as outlined in Section 17.18.090 "Standard of Review by Land Use Authority and City Council". Please look up the referred section, read it aloud and then let the citizens of Santa Clara know how this use of the property fits any of the criteria set therein. He said he would like an answer on how this use benefits the town, the citizens. It does not. It only benefits the developer. He said he does not see it benefitting himself or anyone else. He asked how it fits into the General Plan and surrounding properties. He asked why we need a commercial zone in this area. He said they are not going to use it now so let them come back for the zone when they plan to use it. He asked how a project this big would affect our water supply. Does all of that green space use an inordinate amount of water.

Isn't water an extremely important and critical resource in Santa Clara? He said he did not see any discussion about this. He also said that if you look through the City code you will find many references stating that reducing traffic is an important thing to consider. He would like to know where they got this information and how did they assume that additional auto trips of 250-300 will not affect the traffic on Santa Clara Drive, Gates Lane and Post Office road. It is now difficult from any side street to get on Santa Clara Drive. He wanted to know where that information came from. He stated that the Planning Commission obviously did not care. He thought the name "Planning Commission" would do just that, plan. He proposes that the City put a temporary hold on this and then plan. He said Council needs to address these issues before they let any more of these developments in. He asked that Council give the citizens of Santa Clara this information so the citizens can help direct the City in the right direction. He suggested calling or emailing constituents to see how they feel about this. He said you may be surprised. He said he doesn't want the old property rights argument. There are over 7,500 property right owners out there that have a lot of rights. He asked a 240-bed nursing home in the middle of Santa Clara? He said he will be here for the meeting.

- Mayor Rosenberg said he really thinks that tabling this may be the best to provide the applicant the opportunity to meet with property owners and then bring it back to us formal. He said Council would table Item C7 right after this because you can't consider the zoning until the General Plan is revised.

Motion to Table an amendment to the City General Plan Land Use Map by changing the land use designation from Very Low Density Residential (VLDR) TO Mixed-Use Residential on 5.97 acres, and from Mixed Use Residential to Main Street Commercial on 1.89 acres. The proposed Main Street commercial parcel is located on the southeast corner of Gates Lane and Santa Clara Drive and the proposed Mixed-Use Residential is located east of the proposed Commercial parcel, south of Santa Clara Drive, and west of Quail Street. The purpose for the request is to allow for an Assistant Living Facility and related facilities, and Table Ordinance 2020-09 and motion that we hold a public hearing at City Council to get the public's input as well as the developer's presentation and encourage the developer to hold a public forum with the local residents. Motion by Ben Shakespeare, seconded by Wendell Gubler.

- Leina Mathis asked if a date for the public hearing should be included in the motion.
- Mayor Rosenberg said that it should be left open because the developer needs to schedule the public meeting and then we can advertise the public hearing.
- Brock Jacobsen stated to the developer that the City needs 10 days prior to be able to notice the public hearing to meet the requirements for that. He said that July 8 is the first regular City Council Meeting in July. We would have the 10 days if the developer is really quick.
- Anthony Jeffers asked if the current public space accommodating for current COVID restrictions that will allow the public to physically come to the City Hall building so we can present this in a public setting.
- Mayor Rosenberg said we have the Council chambers and we have a larger banquet hall next door to the Council chambers and we can live stream into the banquet hall so based on past meeting attendance he thinks we have the facility to carry it on here.
- Matt Ence said the question is how many people will they expect and whether we end up back in an Orange Phase.
- Denny Drake asked if it was just for this item or is it to review the General Plan.

- Matt Ence said this is for the developer to meet privately with the homeowners. The City wouldn't have anything to do with that meeting.
- Mayor Rosenberg asked if he had a vested application based on the existing General Plan in place. Correct?
- Matt Ence said that for any portion that needs the existing General Plan, yes. But that is only a portion of the project.

Voting Aye: Denny Drake, Jarett Waite, Ben Shakespeare, Wendell Gubler and Leina Mathis.

Voting Nay: None.

Motion Carried.

- Matt Ence said that with respect to the property line issue he said he wants to make sure there is no misunderstanding about where the City is on that. Those issues are issues that almost anybody that owns property in Santa Clara Valley has dealt with in one way or another. Those issues typically are going to be issues that have to be resolved between property owners. If a developer has a plan that is not affected by that boundary issue then from the City's perspective that is something that would have to be resolved between the property owners. He stated that we would strongly encourage people to be good neighbors and work those things out between them but as far as making that a condition of approval unless it affected their plan some how then we would have to leave it up to the property owners to work out. The City is not the party to decide those issues. The issues could be decided by a Court if necessary and we hope that wouldn't be necessary.

7. Consider a request for a Zone Change from Residential Agricultural (RA) to Planned Development Residential (PD-R) with a Conditional Use Permit to allow for an Assistant Living Facility and related facilities on approximately 5.97 acres north of Bonneli Trail, east of Gates Lane, south of Santa Clara Drive and west of Quail Street and approve Ordinance 2020-10. Kyle Hafen, Clara Land LLC, Applicant. Presented by Bob Nicholson, City Planner/Corey Bundy, Building & Zoning Official.

- Mayor Rosenberg said this item can't be addressed because the General Plan motion wasn't approved (Item 6).

Motion to Table a Zone Change from Residential Agricultural (RA) to Planned Development Residential (PD-R) with a Conditional Use Permit to allow for an Assistant Living Facility and related facilities on approximately 5.97 acres north of Bonneli Trail, east of Gates Lane, south of Santa Clara Drive and west of Quail Street and Table Ordinance 2020-10. Kyle Hafen, Clara Land LLC, Applicant.

Motion by Wendell Gubler, seconded by Jarett Waite.

Voting Aye: Denny Drake, Wendell Gubler, Ben Shakespeare, Jarett Waite and Leina Mathis.

Voting Nay: None.

Motion Carried.

8. Consider an amended site plan and elevation drawings for a proposed townhome residential development located east of Rachel Dr. (east of Lava Ridge Intermediate School) and north of Harmon's Store on 17.18 acres formally called "Split Rock Townhomes" by DR Horton. Also consider the request for a Density Bonus approval to allow an overall density of 10.7 units per acre (185 dwelling units on 17.18 acres).

Presented by Bob Nicholson, City Planner/Corey Bundy, Building & Zoning Official.

- Bob Nicholson said that this request is on the exact same property as the DR Horton project that came through about 6 months ago. The project was called Split Rock Townhomes. It is just across the street to the east of Lava Ridge Intermediate School. The DR Horton folks decided not to pursue that and the property went up for sale and Cole West now has some claim to it. They are bringing through the amended site plan and elevation drawings. The site plan is almost identical to the DR Horton one with the same number of units and very similar configurations. They had 185 townhomes and they received the density bonus to do that. Their density is 10.7 units an acre and Cole West is proposing the very same density and the same number of units. He said this would include 185 townhomes that are all two-story units with attached two car garages. The density is 10.7 units per acre. The PDR zone allows a base density of 8 units per acre but the Planning Commission and Council can approve a density up to 12 based on compliance with meeting the density bonus standards. They are 2.7 over the base. Their unit design is part of the density bonus request. The amenities proposed by Cole West are very similar to what the DR Horton project had. The project has two recreation areas one being a pool with bathrooms on the north side and a separate one with two pickle ball courts and a small playground area. All the streets in the project are public streets. We will have to have deceleration lanes on Rachel Drive just like the proposed for the DR Horton project. We did have a traffic study done by the previous applicant and the recommendations are still relevant to this project. He said that those recommendations should still be followed and the City is already making plans to make some of those changes on Rachel Drive. They have taken out a few of the median planter boxes. He said the site plan is very similar. The unit appearance is somewhat different. They have tile roofs, stucco and plywood board. In the Planning Commission on June 11 the Planning Commission took quite a bit of time just going over and having a dialogue with the developers regarding the exterior materials and the appearance. The Planning Commission did recommend approval of the density bonus the same that was granted for the DR Horton project. The project is located between two major washes, the Tuacahn Wash and the Lava Flow Wash and both of these have had pending changes under FEMA. They have done the Lomar's and those have now been approved. The density bonus requires approval from the Planning Commission and City Council and that is based on the density bonus criteria of amenities and site design. The idea is that the density bonus would reward this enhanced design. Density bonus is a motivation incentive for developers to step up and do a little extra. At Planning Commission the applicants were there to explain the exterior materials and the look.

- Drake Howell, Cole West Development, said they are going to call this development Desert Village. He said the site plan is essentially the same site plan the DR Horton presented and was approved in August of 2019. He said the biggest difference in their application and DR Horton's is DR Horton is a national home builder and Cole West Homes is a local home builder and they are two different building companies and have very unique products and architecture. They did not want to pilfer DR Horton's elevation or floor plans so for the last few months their own in-house architecture team have been working on this. He showed a rendering to the Council. They have stone on the façade of the buildings with fiber cement board and two-tone stucco with concrete roof tiles. All of the colors are neutral. It is a great streetscape for Santa Clara City. He showed the architectural elevations to the Council. The rooflines vary on the prominent ridgelines.

There are structural brackets that support the roof and provide great architectural character. There will be some of the units directly fronting Rachel Drive and some at an angle in that southwest quadrant of the subdivision. They will have their front doors facing Rachel. The two-car garage will be accessed from an alley so they are rear loaded. They will have units that will be front loaded meaning the two-car garages will be accessed from the street. All of the units will have patios and between each of the units there will be a wall or a fence to provide the privacy between each of the units. There are 12 of the units that are a master on main floor plan and only single story. He said their intent was to reflect what DR Horton had as far as landscape design and the amenity package. The main amenity is in the upper area with a pool and restrooms and some turf area. They will have the natural walkways that connect concrete sidewalks that are on the road with other areas. On the south there is a pickle ball complex and some turf area and then landscaping throughout with trees and shrubs and ground cover. He said they do have the Lomar approved, which was approved in August of 2019 so that FEMA review is complete. He said they feel like this architecture will be a great fit for the community.

- Jarett Waite asked Drake Howell to address the exterior walls of the project: what they will look like and where they are located.
- Drake Howell said they don't have any walls planned along Rachel or along any of the washes. The only wall planned as per code will be a block privacy wall along the north boundary with the Manalowa property and privacy walls separating the units.
- Corey Bundy asked Drake Howell if there was a little wall or retaining down by the trail.
- Drake Howell said yes there is a distinct separation between the trail the City is currently installing and the elevation of their units and along the Tuacahn Wash they will have a stacked rock retaining wall.
- Leina Mathis asked Corey Bundy if we are taking out the medians that were installed on Rachel Drive.
- Drake Howell said they are. He said the City Council required DR Horton to remove all those traffic islands back in 2019 so they intend to do that with the first phase.
- Mayor Rosenberg said the road section is designed to mimic the section to the north so there will be the ability to have the turning lanes and the through lanes as you go through the school section there which we hope will resolve some of the issues that they have with school drop off. He told Drake that we appreciate that very much.
- Corey Bundy asked Drake if he wanted to address the phasing of their project.
- Drake Howell said they have three phases that they are proposing. The first phase will include both access points off of Rachel Drive with the first 10-plexes on the north together with Tuacahn Street the main road through the project. They will have that street improved over to the curb. The second phase will be all of the plexes that are fronting Tuacahn Road. The third phase will be the bottom street and all the plexes on that street. He said they have to realign the sewer easement to go into their right of way. That will also be done in the first phase.
- Corey Bundy said that will need to come to Council to be abandoned that sewer easement.
- Drake Howell asked if they need to make a separate application for that sewer line abandonment.
- Mayor Rosenberg said they probably do it the same time they do their final plat. Then they can abandon and dedicate the new at the same time.

- Jarett Waite asked Drake to address their intended price point.
- Drake Howell said the best response is it will not be high end and will certainly be attainable and a great addition to the community.
- Mayor Rosenberg asked if Planning Commission recommended approval.
- Bob Nicholson said they did.

Motion to Approve an amended site plan and elevation drawings for a proposed townhome residential development located east of Rachel Dr. (east of Lava Ridge Intermediate School) and north of Harmon’s Store on 17.18 acres formally called “Split Rock Townhomes” by DR Horton. Also consider the request for a Density Bonus approval to allow an overall density of 10.7 units per acre (185 dwelling units on 17.18 acres).

Motion by Leina Mathis, seconded by Ben Shakespeare.

- Jarett Waite asked if we want to put the density bonus in the motion as well since we are approving this based on what we saw.

Motion to Approve an amended site plan and elevation drawings for a proposed townhome residential development located east of Rachel Dr. (east of Lava Ridge Intermediate School) and north of Harmon’s Store on 17.18 acres formally called “Split Rock Townhomes” by DR Horton. Also approve the request for a Density Bonus to allow an overall density of 10.7 units per acre (185 dwelling units on 17.18 acres).

Motion by Leina Mathis, seconded by Ben Shakespeare.

Voting Aye: Leina Mathis, Denny Drake, Ben Shakespeare, Wendell Gubler and Jarett Waite.

Voting Nay: None.

Motion Carried.

9. Consider proposed amendment to Title 17, Chapter 17.68 “Planned Development Zones”, and approve Ordinance 2020-11. Presented by Bob Nicholson, City Planner/Corey Bundy, Building & Zoning Official.

- Bob Nicholson said they didn’t intend this to be on the agenda tonight because as they went through this with the Planning Commission it was pointed out that this is a major rewrite. It is basically a total rewrite of the ordinance. We are trying to streamline it and make it more organized and more easily understood. But there was a couple of things that were pointed out. Devin Snow who did a lot of work of this did a great job in redrafting this chapter. A couple of additions that were explained: one was regarding the need by the developer to dedicate the amenities to the HOA and secondly the need to tie the planned development zone more to the General Plan and make that connection better understood. In some cases, the developer will come forward and will have phase one all done but the balance of the project they won’t have done for whatever reason. With this rewrite we’re going to indicate that there will be more emphasis on the General Plan. If they don’t have the site plans and the elevation drawings and what the PD zone requires then they will have to wait. They can get the General Plan amended to reflect that but the actual zoning would not change until they are ready to have all those elements, the site plan, the elevation drawings, submitted to the City for Planning Commission and City Council to review.

- Matt Ence said there are a lot of little things that Devon has done as he has gone through to improve the organization of the PD chapter in making the requirements more

clear. This was put on the agenda tonight but he thinks Bob and Devon recommended and he agrees that we need a little more time to finish that up and give to Council a chance to look at it.

- Mayor Rosenberg said he is thinking about the General Plan amendment to facilitate the first step in a PD, what would the General Plan look like.

- Matt Ence said his thinking on this is informed a lot from the work they did over in St. George. He said the large project there came with a master plan for the entire project, they had it defined into smaller areas that their plan was to zone each of those individually as they were prepared to develop them and St. George took that master plan and approved it as an amendment to the General Plan so the Master Plan for the project became a General Plan for the City. That is not a major part of this but one of the things as we have gone through this of how to improve the flow of how things go through the approval process and have a little more utilization of the General Plan. This will be a huge improvement to our PD's.

- Mayor Rosenberg said it will make all the PD's run together in a pod development. Then as the pod is developed that pod will come in for the actual PD zone. He said this sounds really good. Will this go back to Planning Commission or will it come to Council.

- Matt Ence said at this point the changes we are making are still within the Planning Commission approval so it doesn't need to go back to Planning Commission before it comes back to Council. He said he thinks it will be at the next City Council meeting.

- Brock Jacobsen asked if Matt wanted it on the Work Meeting agenda for discussion or straight for approval on July 8 at the City Council Meeting.

- Matt Ence said that is up to the Council. If Council wants to take some time and go through it maybe the Work Meeting is a good place to do that.

- Brock Jacobsen discussed what was already on the agenda for the Work Meeting.

- Mayor Rosenberg said let's plan on this item for review for the Work Meeting.

Motion to Table an amendment to Title 17, Chapter 17.68 "Planned Development Zones", and Table Ordinance 2020-11.

Motion by Jarett Waite, seconded by Leina Mathis.

Voting Aye: Ben Shakespeare, Wendell Gubler, Leina Mathis, Jarett Waite and Denny Drake.

Voting Nay: None.

Motion Carried.

6. Reports:

A. Mayor / Council Reports

Ben Shakespeare:

- He said a resident that is building a home had a very pleasant experience with our power department. He wanted to commend Erick Campbell. He was so helpful.

Leina Mathis:

- Heritage Commission met. There were two items on the agenda. One was a conditional use permit request for a salvage yard at the old bodega. Heritage Commission and the Planning Commission recommended denial of that. The second item was the assisted living project that we discussed tonight because it is in the Historic District and they did

recommend approval of the development.

- Brock Jacobsen updated Council on the salvage yard and he is going to try for another location behind Lightfoots.
- Leina Mathis said it would not be a traditional salvage yard. He would be doing very minimal pick up and he would only have 2 or 3 in his yard at a time.
- Corey Bundy said he wanted to use Barefoot Gymnastics' space as his new location. He talked to the developers representative and they said they are not going to be allowed to go back there. It is adjacent to residential and it is back behind the storage unit areas but he was told it is not a good fit. He will have to find some other place.
- Leina Mathis said she walked the new trail and where it comes to Red Mountain Drive once it comes through the parkway it is offset. Is there a reason for that?
- Mayor Rosenberg said long term the bridge crossing of Tuacahn Wash provides the crossing for the trail to go across. On the interim since it is still used for the access to the Village pit we are going to put in another section of the cattle guard on the upstream side of the existing one that is filled in and have a separate defined pedestrian crossing that goes down through the wash that will connect the two trails that you see. It should be done in the next couple of weeks.
- Leina Mathis said it is a fabulous trail but there is a lot of construction debris down in there.

Jarett Waite:

- They met yesterday with Marcus Farnsworth, the head of CEC, and he was very pleased with the set up that Marcus did for the City Council Zoom meetings. He expressed his appreciation to the CEC and Marcus for his expertise.
- The BMX track is not opened yet but getting pretty close. They will be ready in a couple of weeks. They have had some clinics with renowned BMX racers and they turned out super well and were well attended. He has personally spent 12 hours building bleachers and are not yet done. He said that Ben Shakespeare has donated some rock.
- Mayor Rosenberg asked if they have an opening date or dedication date or anything planned yet.
- Jarett Waite said not yet. It depends on what color phase the State is in. They are still pushing forward. They got a really good donation from the Wade Family Foundation. It was enough to complete the project: \$15,000.
- Jarett Waite commended the Staff on the layout of Council Chambers. They did a really good job with the social distancing. He thanked them for their consideration in that.

Denny Drake:

- He said that Brock Jacobsen got a couple of names for him concerning the shooting sports park of people that were involved with the County as they were planning. He also talked to Ron Whitehead and he has those same names plus a couple of more. He will be meeting with Ron prior to the Work Meeting and going over the shooting sports park plans.
- He gave a letter to the Council from the Washington County Water Conservancy District asking during this public comment period with the Federal regulations to submit a letter in support of the Lake Powell Pipeline. He said this is not mandatory. He gave Council a letter that has already been written that they can just sign, or they can write one on their own. It is in a critical stage. Public comment has been pushed back. They are

looking at October for that. He asked Council to review the letter and then do what they think they need to do.

Wendell Gubler:

- They had a Solid Waste District Meeting. Some people attended in person and some were on Zoom. They did a tentative approval of Republic being retained as the residential waste collection and recycle. There will be some hearings in September and October to find out who wants to do recycling. If they have a certain number that wants to do recycling, they will have a contract with them but if they don't, we won't have a contract. It will be up to the citizens of Washington County whether they want to recycle. They will let us know in that setting what the price is going to be. It will be quite a bit higher than it has been. The recycling is taken to Las Vegas and done there. Republic will be in charge of putting the information out about the public hearings.
- Mayor Rosenberg asked if we would hold our own public hearing.
- Wendell Gubler said it will be a situation where people will have the opportunity to vote for or against recycling.
- Brock Jacobsen said he has heard it will be the same situation as it was before where citizens will have the opportunity to opt out and we can choose how we will do that just as we did previously.
- Wendell Gubler said that they talked about Republic being a lot cheaper than any other place in Utah.

Mayor Rosenberg:

- The County is considering the options for the bus service from St. George to Zion and they are going through the numbers right now looking at costs. That is primarily what the MPO is up to.

- Bob Nicholson said that Staff has hammered home for months the importance of having a neighborhood meeting on the assisted living. Hopefully they will make up for missing that step with the neighbors in the coming weeks and have that neighborhood meeting and get the neighbors involved.

7. **Executive Session:** None.

8. **Adjournment:**

Motion to adjourn by Denny Drake.

Seconded by Wendell Gubler with all members present voting aye.

Meeting Adjourned at 7:48 p.m.

Chris Shelley – City Recorder

Date Approved: _____