

**SANTA CLARA CITY COUNCIL SPECIAL MEETING
WEDNESDAY, DECEMBER 16, 2020
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Special Meeting on Wednesday, December 16, 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 YouTube link: <https://www.youtube.com/channel/UCxLBLm30-XLqM1AEmhpcMA>.** Council Chambers will be available to residents, but we will have limited availability and follow Covid-19 guidelines.

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

Others Present: Jack Taylor, Public Works Director; Corey Bundy, Building & Zoning Official; Brad Hays, Parks & Trails Director; Randy Hancey, Fire Chief; Matt Ence, City Attorney; Bob Nicholson, City Planner; Kristelle Hill, Staff; Rich Rogers, Public Safety; Steve Hall, SEI; Brian Harenberg; Megan Webber; Allen Hall; Rachel Miller; Shaun Sullivan

1. **Call to Order:** Mayor Pro Tem Waite called the meeting to order at 5:00 p.m. He introduced the Council and excused Mayor Rosenberg who is out of town.
2. **Opening Ceremony:**
 - Pledge of Allegiance: Wendell Gubler
 - Opening Comments: Wendell Gubler
3. **Communications and Appearances: None.**
4. **Conflict and Disclosures: None.**
5. **Working Agenda:**
 - A. **Consent Agenda:**

1. Approval of Claims and Minutes
 - Dec. 9, 2020 Regular City Council Meeting Minutes
 - Claims through Dec.16, 2020

2. Calendar of Events
 - Dec. 25, 2020 Christmas Day
 - Dec. 24 & 25, 2020 Offices Closed
 - Jan. 6, 2020 City Council Work Meeting
 - Jan. 13, 2021 Regular City Council Meeting
 - Jan. 27, 2021 Regular City Council Meeting

3. Consider approval of a Final Plat for Heritage Point Townhomes Phase 1, located on the south side of Santa Clara Drive, west of Country Lane extending to Lava Flow Drive. Jared Bates, representing. Presented by Bob Nicholson, City Planner/Corey Bundy, Planning & Zoning Official.

4. Consider approval of a Final Plat for Arcadia Vacation Resort Phase 3, located on the west side of Rachel Drive and north side of North Town Road. Ben Willits, representing. Presented by Bob Nicholson, City Planner/Corey Bundy, Planning & Zoning Official.
 - Denny Drake said he would like to discuss Items 3 and 4 individually.

Motion to Approve Items 1 and 2 of the Consent Agenda.

Motion by Denny Drake, seconded by Leina Mathis.

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

Voting Nay: None.

Motion Carried.

- Mayor Pro Tem Waite said the Council would now discuss Item 3 of the Consent Agenda.
 - Bob Nicholson, City Planner, said this is to consider approval of a final plat for Heritage Point Townhomes Phase 1, generally located on the south side of Santa Clara Drive and west of Country Lane extending to Lava Flow Drive. Austin Anderson is the applicant. It is in a PD Commercial zone. Phase 1 is 2.67 acres. The project engineer is Jared Bates. This property was formerly State Trust Lands and Austin Anderson purchased the property. Phase 1 is for 28 townhomes in the west portion of the project, which has frontage on Lava Flow Drive. The entire residential area between Country Lane and Lava Flow was 5.5 acres with 55 units. They are two-story townhomes. They have been approved for short-term rental use. They have attached two-car garages. The perimeter wall along Lava Flow Drive and Santa Clara Drive was approved as a combination of 3 ft of masonry block with wrought iron railing in the upper 3 ft of the wall. The privacy wall along the south property line was approved as a 6 ft tall masonry wall. All units have a 20 ft deep driveway and a two-car garage. The Phase 1 plat contains a portion of the project amenities. Austin Anderson, at the Planning Commission meeting, indicated that the amenities will be built in Phase 1. All the roads are public roads. There is no change in the proposed building elevations. Those were approved by the Planning
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Commission and Council at previous meetings and this conforms to the preliminary plat. Planning Commission recommends approval of this plat as presented.

- Denny Drake asked if Bob had the design for the amenities.
- Corey Bundy, Building & Zoning Official, said Staff has received the amenities plan.
- Denny Drake said that when Council had approved the preliminary plat the developer hadn't decided what amenities they were going to put in there. What is it that they are putting in?
- Bob Nicholson said he believes there is going to be a clubhouse and pickle ball courts.
- Allen Hall, Rosenberg Associates, said there is a clubhouse and pool in Phase 1. There will be other amenities in Phase 2.
- Denny Drake asked what is going to go on the SITLA piece between the wall and the first phase.
- Allen Hall said that is a commercial piece.
- Denny Drake asked if there is going to be nothing developed along there until they get some commercial applications for it.
- Allen Hall said that would be his guess. It will remain lava until then.

Motion to Approve Item 3 of the Consent Agenda, approval of a Final Plat for Heritage Point Townhomes Phase 1, located on the south side of Santa Clara Drive, west of Country Lane extending to Lava Flow Drive. Jared Bates, representing.

Motion by Ben Shakespeare, seconded by Leina Mathis.

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

Voting Nay: None.

Motion Carried.

- Mayor Pro Tem Waite said that Council would now discuss Item 4 of the Consent Agenda.
- Corey Bundy said this final plat is for the 19-unit Phase 3 Arcadia Vacation Resort. The project is located in a Planned Development Residential zone. The applicant is Robert Smith and the project engineers are Horrocks Engineers. Ben Willis is the representative. The acreage is 4.27 acres for residential area plus 1 acre for RV, boats and parking in Ph. 3. This 19-unit townhome style project development is Ph. 3 of the Arcadia resort project, which is approved for vacation rentals. The plat generally follows the approved preliminary plat, except that the previous version had 24 units proposed in this area and also some RV/boat parking in the upper end of the site. Now the RV / boat parking is mostly contained in a triangular shaped 1.0-acre parcel on the north side of Hamblin Parkway and just west of Rachel Drive. The developer has agreed to put in 28 ft of asphalt down to the opening with RV parking in Ph. 3. They will continue the block wall all the way around the project. The buildings are similar to the original phase. All units are two-story. Planning Commission recommends approval of the Phase 3 plat on the condition of 2 lanes in Hamblin Parkway be improved with curb, gutter sidewalk and pavement as agreed to by the applicant height with attached garages. All streets in the subdivision are public streets. There is also an amenities area within Ph. 3 with specific amenities for this area, which haven't been determined. This phase is consistent with the approved preliminary plat, the concept plan. Staff recommends approval with the condition that the portion of Hamblin Parkway be improved to avoid mud on adjacent

public streets. Planning Commission recommends approval of the Ph. 3 plat on the condition that two lanes on Hamblin Parkway be improved with curb, gutter, sidewalk and pavement as agreed to by the applicant.

- Denny Drake asked if this is the one that they also changed the setback, so it is a 5 ft setback.

- Corey Bundy said no he thinks this is consistent with the setback in the lower section. That other one they wanted to change the setbacks because they were doing condominiums. These are just single townhomes or two townhomes that are short-term rentals in nature.

- Ben Shakespeare asked if the boat/RV parking is under a conditional use or is that going to be a permanent facility there. As Hamblin Parkway develops are, we going to have a boat/RV parking right on the corner of that.

- Corey Bundy said we are. He said they discussed that as Staff and as Hamblin Parkway is fully improved, they will have to put in a deceleration lane to get in and out. They will have to put asphalt from Rachel over to Hamblin Parkway and they are going to put a block wall around and stripe it for a parking area.

- Ben Shakespeare asked if the block wall was part of the design. Will that go in now as part of the phase.

- Corey Bundy said they will make that a parking area with stripes and a block wall.

- Leina Mathis said she thinks it is unrealistic to think that the renters are going to drive up across a five-lane road, park and then walk all the way back around a community that has a privacy wall all the way around it.

- Corey Bundy said what they discussed with the developer is they would have golf carts shuttle or vans to shuttle people back and forth when they want to park and get back to the main resort. They are also going to put in sidewalk so they can walk.

- Leina Mathis said it is unsafe to go across a five-lane road when the road is fully implemented, and we will end up with boats and RV's parking on those interior streets because they are not going to go that far back.

- Ben Willits (via Zoom), developer, said that once Hamblin Parkway goes in most people if they have their choice to park their boat or RV in a much bigger area and only have to walk across the street will do that. The owners have multiple vehicles and golf carts available to the residents and renters of these units to shuttle them back and forth to those areas if they need to. He said there is also an entrance between Units 69 and 70 that will also have a pathway that will come from Rachel Drive that they can access the project, or they can come back down to the main entrance.

- Ben Shakespeare asked if they were planning on fencing that in now. He asked if the parking is specific for boat and RV parking and not overflow parking. Are we going to get a lot of traffic back and forth?

- Ben Willits said the RV parking will be fenced in with a control gated access. He said they are designating this parking as just boat and RV parking. The main drive has parking on one side of the street as well as parking in the driveways and they have also added designated parking stalls. They will monitor the parking pretty closely.

- Jack Taylor, Public Works Director, said he wanted to make sure that sidewalk, curb and gutter were going to be run all the way in front of the RV parking area. The asphalt only needs to be run down to the opening.

- Ben Willits said that is correct. The final drawings have to show them that way.
- Jack Taylor asked if they changed the power design.
- Ben Willits said yes.

Motion to Approve Item 4 of the Consent Agenda, approval of a Final Plat for Arcadia Vacation Resort Phase 3, located on the west side of Rachel Drive and north side of North Town Road. Ben Willits, representing.

Motion by Denny Drake, seconded by Jarett Waite.

- Ben Shakespeare said that it doesn't show on the plan that there is walls and a gate on that. Can we include that in the motion?
- Denny Drake said that Staff has that established and he would include that in the motion. We have more than just the walls, we are talking about the curb, gutter and sidewalk and asphalt.

Amended Motion to Approve Item 4 of the Consent Agenda, approval of a Final Plat for Arcadia Vacation Resort Phase 3, located on the west side of Rachel Drive and north side of North Town Road, with the agreement they will build a wall around the perimeter with a gate and also add curb, gutter, sidewalk and asphalt. Ben Willits, representing.

Motion by Denny Drake, seconded by Jarett Waite.

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

Voting Nay: None.

Motion Carried.

B. General Business:

1. Consider approval of two Zone change request as follows: 1) An amendment to the Planned Development Residential Zone on 8.16 acres for townhomes, and 2) a Zone change from PD- R to Single Family R-1-10/RA Mixed lot size Zone on 43.2 acres, generally located along North Town Road and east of Bella Sol Subdivision. The requested PD-R Zone amendment (8.16 acres is located generally east of Rachel Drive and south of the proposed Single-Family R-1-10/RA zone noted above and approve Ordinance 2020-15. Shaun Sullivan, applicant. Presented by Bob Nicholson, City Planner.

- Bob Nicholson said the entire 51 acres of property right now is zoned PD Residential. It is under one ownership. They wanted to divide these 51 acres into two different zoning districts. The first zoning district is an amendment to the Planned Development Residential zone on the 8.16 acres for townhomes and the second zone change, which is on 43 acres, is a zone change from PD Residential to Single Family R-1-10/RA for a mixed lot size zone. The property is generally located along North Town Road and east of Bella Sol Subdivision. The requested PDR zone amendment area on the 8.16 acres is

located generally east of Rachel Drive and south of the proposed Single-Family R-1-10/RA zone area. The applicant is Shaun Sullivan. The engineer is Allen Hall with Rosenberg Associates. At the Planning Commission Public Hearing there were 14

comments and they all dealt with the PDR to R-1-10, which is almost contradictory to what we generally hear. There were no comments regarding the 8-acre parcel. The PDR zone for the property was approved in 2007 when Shan Gubler was the applicant for a project called Knoll's Pasture. That was amended about 18 months ago with a project that came in called Solace, which is proposed by Cole West Development, Drake Howell was the representative. We had a public hearing on that request, and it was approved. Cole West decided not to proceed with this project. Tonight, we are considering a revised project plan, which will be the site plan and building elevation drawings. There are 8 two-story buildings and each of those buildings has 7 units. There will be 56 townhomes total. The overall density of the project is 7.2 units per acre. They are not asking for a density bonus and they are also not requesting short-term rentals on any of the property, not the townhomes or the single-family zone. The Tuacahn Wash runs through the property and provides open space and also a trail network along the Wash. The landscaped and common open space area amounts to 37.8% of the project area. The project amenities: The project proposes landscaped common area open spaces, playground, pickle ball courts, and sand volleyball. An HOA will be formed to maintain the recreational amenities, common areas and all landscaping. The Building Exterior Design Features: Each 2-story unit includes 3 bedrooms, 2.5 baths with 1,684 sq. ft of total living area and an attached 2-car garage. Exterior features include tile roof, stucco finish, window shutters, and pop out features. The stucco colors are white and gray and colored tile roofs. Traffic Access: The Amended PD-R townhome area is proposed to be served by a 60' wide public East- West road heading east off of Rachel Drive and which will connect to Red Mountain Drive. A 6' tall solid masonry wall will be constructed along Rachel Drive, and along the perimeter of the project. The street plan shows that street trees are proposed along Rachel Drive and the E-W 60' public street, within a 10' wide landscape strip on the street side of the privacy wall. For the R-1-10/RA zoned area, the main access will come via North Town Road, all interior streets will be public streets meeting the city's public street design standards. Based on the ITE Trip Generation Manual, 56 townhomes are estimated to generate 328 total trips per day based on a trip rate of 5.86 trips per unit per day. (Note that going and returning are counted as two trips). Both Red Mountain Drive and Rachel Drive are intended to be the primary collector streets for this project and should be capable of accommodating the projected traffic. Staff has requested a Traffic Impact Study (TIS) be provided by the applicant to determine the need for turning lanes on Rachel Drive and also a traffic signal at the intersection of the 60' E-W street and Rachel Drive. Open Space and the Tuacahn Wash: The Tuachan Wash tributaries were consolidated in recent years into the main wash channel which runs somewhat to the east of the former braided wash. Jared Bates, P.E. with Rosenberg Associates has provided both a letter and map explaining the consolidation of the Wash over the past decade. The applicant proposes to preserve and enhance the Tuacahn Wash 100-year floodplain by constructing a trail on the west side of the wash. FEMA's 100-year flood plain boundary is an objective standard for preserving river and wash areas, and the applicant plans to keep the 100-year flood plain area as permanent open space. No development is proposed within the 100-year floodplain or floodway of the Tuacahn Wash. He said that just to the south of this portion is the Desert Village project, which came before the City recently. He said that

comparing this request with the Cole West request of about 18 months ago this has less units, lower density and a much-expanded single-family area and there are no short-term rentals being requested with this application.

- Denny Drake asked if this comes all the way out to Rachel Drive.

- Bob Nicholson said yes it does. It will border Black Desert Resort.

- Brock Jacobsen, City Manager, said that it borders Regal Homes on the east and south of this is Desert Village.

- Ben Shakespeare asked if the trail is going in as part of the development.

- Brad Hays, Parks & Trails Director, said the City will do those. This is in accordance with our Master Trail Plan. It is in the budget next year to do the trail from the new road that goes in off of Rachel down to the current trail on Lava Flow where the bridge crosses.

- Denny Drake asked if they are using that as part of their open space plan and is there participation from the developer in that.

- Ben Shakespeare said they are as part of their park's fees in their building permits.

- Brad Hays said that Jacks crew can put that trail in for a lot less money, so it saves us impact fees in the long run.

- Mayor Pro Tem Waite asked if the pavement on the inside of the development would be maintained by the HOA.

- Shaun Sullivan, applicant, said yes. They will have private roads and they will maintain the asphalt.

- Leina Mathis asked if Council is reviewing this under the old PD ordinance or the new PD ordinance.

- Matt Ence, City Attorney said it would be the new PD ordinance. He said he thinks this came in under the new.

- Bob Nicholson said he thinks so. The new one was approved the end of October.

- Leina Mathis said that under the old ordinance private streets are not allowed.

- Bob Nicholson said these would not be considered private streets. It is an access to the parking area. It is like a parking lot. It is not a street.

- Leina Mathis said that knowing the issues we are having with private streets what is going to prevent this from happening again where someone comes in and says they are going to make a private drive and it is not really a private street.

- Matt Ence asked if Leina is referencing the changes that are proposed and, on the agenda, tonight concerning gated communities. Our PD ordinance doesn't prohibit private streets. It only prohibits gated communities.

- Leina Mathis said the new ordinance doesn't prohibit it but it says that we strongly encourage public roadways and will only approve private roadways under limited circumstances.

- Matt Ence said that on a zone change the Council can prevent someone from calling a road a private street. Ultimately it is up to the City Council to decide whether this meets those limited circumstances.

- Shaun Sullivan said they would prefer to have the streets be public. It would be great for them.

- Jack Taylor said then the streets would have to be built to the City's standards.

- Allen Hall said they try to make it more of a parking area than a street. It has curb and gutter.

- Denny Drake asked if they can put it in the CC&R's exactly what the description of that property is.
- Allen Hall said yes it will be.
- Jack Taylor said that years down the road the cost of maintaining the roads increases so the HOA's have to increase their HOA fee and then they start complaining because they are paying taxes just like the rest of the residents are.
- Ben Shakespeare asked the developer if he feels like he is being pushed to show these as private streets.
- Shaun Sullivan said he has done a couple of these projects that are attached units and they have always been forced to make them private streets. If the City does prefer public roads, they can look at a profile that would conform in their project.
- Ben Shakespeare said he doesn't have an issue with the private roads. He doesn't think it would be a problem to do a profile that allows it to meet the City standards. He asked if the City is okay with an HOA maintaining it.
- Allen Hall said there is public street section that has been approved in other townhomes that is 35 ft and has 5 ft sidewalk on one side. This would meet that. If that is what Council wants, they could make it fit a 35 ft public street. They would prefer not to. It would have added development costs with it.
- Mayor Pro Tem Waite said he looks at this like it is a driveway into a parking lot.
- Shaun Sullivan said they tried to design it so there was plenty of parking. The one downside to multi-family units is parking. They put two car driveways that will fit two vehicles on every unit and they over parked it as far as guest parking goes. So, there is a two-car garage plus two stalls in the driveway.
- Ben Shakespeare said as far as the plan and layout it all looks great. He asked if there is going to be a left turn lane coming from Ivins.
- Jack Taylor said that will come from the traffic study. They will have to present us the traffic study.
- Mayor Pro Tem Waite asked about the little offshoot to the north of this project.
- Shaun Sullivan said they wanted a nice entrance and they wanted to do some nice landscape and a sign. It is just an entrance to the project and will be maintained by the HOA. He said these units will be individually sold and can be used for long-term rentals, but they are not asking for short-term rentals.
- Jack Taylor said he really likes the plan as far as the road design.
- Leina Mathis said she really loves what they have done with North Town Road and the R-1-10 side of things.
- Denny Drake said he likes the densities.
- Bob Nicholson said so far, we have just talked about the amended PDR. The second part of this is the rezone to single-family residential mixed lot sizes, which is in Chapter 17.65 of the City Code. This request has 128 single-family lots with mixed lot sizes ranging in size from 7,680 sq. ft to 18,405 sq. ft. Per code the lots can range from 7,000 sq. ft on the low side up to anything over 10,000 sq. ft. The overall density on the project is 3 lots per acre. That excludes the 1.6 area of floodway, which is excluded in

calculating density. All the interior streets will be public streets and will connect Rachel Drive to Red Mountain Drive by a North Town Road and also by the future Hamblin Parkway. He said that based on requests from residents in the adjoining Bella Sol

subdivision the applicant, Mr. Sullivan, has agreed that homes on the 21 lots in Phase 1 which adjoins Bella Sol will not exceed one-story in height or 20 ft maximum.

- Shaun Sullivan said there is an elevation change. The average is 7 or 8 ft lower so if there is a 20 ft high limit it shouldn't impact the views of Bella Sol.

- Mayor Pro Tem Waite said those are small lots that are backed up to Bella Sol. That would also dictate a somewhat smaller home so that will help with the views for those residents that felt like that was supposed to be open space although it was never actually zoned that way.

- Bob Nicholson said that on the site plan in the northeast corner is open space. It is a lava rock outcrop that will be preserved. He stated that the Planning Commission recommended approval of both zone change requests.

- Mayor Pro Tem Waite said this is a rare chance where density steps back. He said that at Planning Commission Mr. Sullivan did mention that he wanted to create a good neighborhood and he said he is grateful that this is coming before Council in this way. He asked if there were any conditions set by the Planning Commission.

- Bob Nicholson said just on the single-family portion the fact that Mr. Sullivan agreed on Phase 1, 21 lots, that all the homes would be single-story homes.

- Leina Mathis asked if Council is taking this as one motion or as two separate motions.

- Mayor Pro Tem Waite said it should be two separate motions. That is how the Planning Commission handled it.

Motion to Approve an amendment to the Planned Development Residential Zone on 8.16 acres for townhomes, with the parking requirements required by the City and the traffic study determining whether there is a turn lane needed or not. The requested PD-R Zone amendment (8.16 acres is located generally east of Rachel Drive and south of the proposed Single-Family R-1-10/RA zone noted above and approve Ordinance 2020-15. Shaun Sullivan, applicant.

Motion by Denny Drake, seconded by Ben Shakespeare.

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

Voting Nay: None.

Motion Carried.

Motion to Approve a Zone change from PD- R to Single Family R-1-10/RA Mixed lot size Zone on 43.2 acres, generally located along North Town Road and east of Bella Sol Subdivision with the condition that Phase 1, with 21 lots be built with only single-story homes, and approve Ordinance 2020-15. Shaun Sullivan, applicant.

Motion by Denny Drake, seconded by Ben Shakespeare.

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

Voting Nay: None.

Motion Carried.

2. Consider amendment to the Santa Clara City Zoning Ordinance, Chapter 17.68.40: G, to allow for gated communities under certain conditions and approve Ordinance 2020-19. Presented by Bob Nicholson, City Planner/Corey Bundy, Planning & Zoning Official.
- Corey Bundy said this is concerning the Santa Clara City Zoning Ordinance, Chapter 17.68.40: G, Planned Development District, Gated Communities. He talked about the background: City staff including city attorney are recommending an amendment to

Chapter 17.68.40: G, which presently prohibits gated communities within a Planned Development District. The proposed draft code amendment provides that the PC may recommend approval of, and the City Council may approve a Project Plan for a PD zone project which includes a gate or gates intended to limit public access to the project, provided the project meets various conditions and requirements. One of the requirements is that the property within the gated area shall remain in one ownership and not be subdivided or condominiumized. The other requirements are listed in section 2.a thru g. Note also that the PC and City Council is not obligated to approve gated communities regardless of whether the proposed conditions are met. The PC and City Council maintain discretion on where and when a project meeting the minimum conditions are allowed to install privacy gates at project entrances. Planning Commission recommends approval of the proposed code amendment, noting that the amendment is quite restrictive in terms of allowing gated communities and very few are likely to meet the criteria for allowing gated communities. Only one public comment was received at the PC public hearing and that was from Mr. Dade Rose who supports the amendment and also is the applicant of the Regal Homes development.

- Denny Drake asked if there is an acreage restriction.

- Corey Bundy said he doesn't see an acreage restriction on there. It would be up to Council and Planning Commission.

- Matt Ence reminded Council that this was a discussion they had at a recent Work Meeting and the condition there listed in the proposed ordinance grew out of that discussion. One of the major requirements is all the properties have to remain in single ownership. It can't be subdivided. We have also included all the other conditions that we talked about in that meeting. It is fairly restrictive. It is not something that is going to be utilized by a traditional single-family home subdivision or even a townhome subdivision or condominiums. Really at this point what Regal Homes is proposing is what would fit this. It is possible that we could get other proposals like that and if they can meet all the conditions as were previously discussed it would be up to Council to decide whether to allow that to go forward. It is a fairly narrow exception to the ordinance.

- Ben Shakespeare asked if we open ourselves up to where people can get a gated community as long as they don't sell the property. Do we end up with a bunch of rental neighborhoods? That is his concern.

- Denny Drake said the discussion we had at the Work Meeting we discussed that we weren't opposed to a gated community. He said he doesn't have a problem with a gated community selling individual properties, but he has a little bit of a problem with one ownership gated communities. It could become a localized problem within that acreage. He would want to see a restriction on a single ownership changed.

- Matt Ence said that one advantage of having one owner is we know who we have to deal with. If there are any issues that comes from someone who is residing there, we know exactly who the responsible party is, and we can communicate with them and if there are issues, we can work those out. We also discussed the utilities. One of the

conditions are that the utilities have to be billed to that single owner. Some of the conditions are designed around the idea that there would be a single owner and to create a condition so that it simplifies the City's management or relationship with this

community. If Council wants to eliminate that condition, we could do that. He said he thinks it would open it up to be much more broadly applicable than it is with the single ownership requirement.

- Denny Drake said he likes the idea that Council has been given the leeway to deny depending on what we want to do. But it is very hard to do when they have met the conditions of the ordinance to deny and what ground to use.

- Matt Ence said to keep in mind that this question is only going to come to Council in the context of approval of a project plan as part of a PD Residential project, which is a legislative decision. City Council doesn't have to give much justification because it is in the nature of a zone change. He said it is pretty clear that this is completely within the Council's discretion if they don't like a particular project.

- Wendell Gubler said as he remembers from the Work Meeting there were also some concerns from the Fire and Police for a gated community. Do we still have any problems there?

- Randy Hancey, Fire Chief, said the Fire Department doesn't really have any issues with it because they require a Knox box key system, which would allow them to have a key to enter that community. Access-wise it is not a problem.

- Matt Ence said that is one of the conditions that has been listed. As part of their approval they have to work with Public Safety to make sure that access is satisfactory to them.

- Leina Mathis said even though they would be private streets, she assumes there would be a minimum standard in order for EMS vehicles.

- Chief Hancey said yes that is part of the fire code.

- Leina Mathis said in the ordinance as it is presented to Council it notes that the code is 17.68.100 and that is the old code so if this is falling under the new code it is 17.68.40.

- Matt Ence said he can make that correction. It is still paragraph G.

- Mayor Pro Tem Waite asked if there was any discussion at the Planning Commission that Council should be aware of. What was the vote for this?

- Bob Nicholson said the Planning Commission discussion was opening up something that hasn't been allowed in Santa Clara. They were concerned about opening this up and making it too likely that we would get a bunch of others. He said it is drafted so narrowly that very, very few would meet the criteria. The Planning Commission felt comfortable with that. They liked the idea of not having a lot of gated communities. There were no public comments other than Mr. Rose who supported it.

- Mayor Pro Tem Waite asked about having a few lots that want to gate off their little area.

- Ben Shakespeare said he is not opposed to gated communities. He thinks there is a sense of security for people coming here. He agrees there ought to be a size limitation on something like that. He doesn't think we should allow someone to gate off their cul-de-sac with a few lots. His concern to this is it is very specific. It is encouraging this type of development where it is owned by one developer and it becomes all rental. If we get a nice gated community in Santa Clara, is it going to be all rentals? Is that something we want?

He said he would like to table it and discuss it as a group at a Work Meeting.

- Denny Drake said that one of the other issues to him is the density within a gated community. Creating a large apartment complex within a gated community is creating a

problem. He said Council ought to look at the idea of the densities within these gated communities so that we are not creating a zone of individual rentals that could eventually cause problems for the police and fire. He said to him the density levels need to be more restrictive too.

Motion to Table an amendment to the Santa Clara City Zoning Ordinance, Chapter 17.68.40: G, to allow for gated communities under certain conditions and Table Ordinance 2020-19.

Motion by Denny Drake, seconded by Ben Shakespeare.

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

Voting Nay: None.

Motion Carried.

- Mayor Pro Tem Waite said he would invite Mr. Rose to the meeting where this will be further discussed.
- Dade Rose (via Zoom) said he would welcome that.

3. Consider amending the Final Plat for Arcadia Vacation Resort Phase 2, located on the west side of Rachel Drive and north side of North Town Road. Ben Willits, Representing. Presented by Bob Nicholson, City Planner/Corey Bundy, Planning & Zoning Official.

- Bob Nicholson said that this is an amended final plat for Arcadia Vacation Resort. Robert Smith is the applicant and Ben Willits is the representative. This property is just south of the Phase 3 property. He stated that the purpose for Amending the Phase 2 Plat are as follows; 1. Move RV / Boat Parking to the 1-acre parcel on the north side of Hamblin Parkway 2. Renumber units 74 /75 to 73 /74 and 3. Increase the building footprint of unit #80. The plat generally follows the approved preliminary plat, except that the relocated RV/boat parking area is now used for dwelling units. Now the RV / boat parking is consolidated in a 1-acre triangular shaped parcel on the north side of Hamblin Parkway and just west of Rachel Drive. There are 28 twin homes, 5 single detached units and 2 maintenance buildings in phase 2, with all units being two-story in height with attached garages. A large amenity area is also located in the phase 2 area. All streets in the subdivision are public streets. There will be a privacy wall around the perimeter of the project and Phase 2 backs to the future Hamblin Parkway, which will be a 5-lane arterial street eventually connecting to Snow Canyon Parkway. Planning Commission recommends approval of the amended Phase 2 final plat since this phase is consistent with the PD concept plan.

- Brock Jacobsen said that building #80 and #79 are the maintenance buildings. They removed them from being actual units to maintenance units and that is why they are increasing the footprint on #80 for laundry facilities.

- Leina Mathis said that in the City Council packet it had the consent of the owners that were in the subdivision, but she noticed that there are five that are not included. Do they have their consent?

- Ben Willits said they are not yet sold and are still under control of the project themselves.

- Leina Mathis said the ones she is looking at were actually sold between 2019 and 2020.

She said their consent was not in the packet, so she wants to make sure we have their consent because if we don't, she said she thinks it requires a public hearing.

- Ben Willits said they will have to check with Staff. They have been sending them in waves.

- Bob Nicholson said that if all the property owners haven't signed consents it would require a public hearing so if it turns out that they haven't we would be back doing this again.

- Leina Mathis asked if the Council's motion would be contingent upon making sure those are signed.

Motion to Approve amending the Final Plat for Arcadia Vacation Resort Phase 2, located on the west side of Rachel Drive and north side of North Town Road contingent upon Staff having received all signed owner's consent. Ben Willits, Representing.

Motion by Ben Shakespeare, seconded by Denny Drake.

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

Voting Nay: None.

Motion Carried.

4. Consider an amended Final Plat for Villa Bonita Phase 1, located east of Country Lane. Sean Escobar, applicant. Presented by Bob Nicholson, City Planner/Corey Bundy, Planning & Zoning Official.

- Corey Bundy said this zone is PD Residential. The General Plan designation is low density residential. It is 6.3 acres with 12 building pads for the entire subdivision. The applicant is Sean Escobar and Jared Bates with Rosenberg Associates is the project engineer. This project fronts on Country Lane and backs Sand Hollow Wash with Sun Brooke Golf Course to the south. The amended final plat proposes to amend a small area of "Limited Common Area" and allow for lot 1 to reposition the building pad to better accommodate a driveway to the home. The existing property owners within the phase 1 plat have all provided written consents for the proposed amendment. The amendment is minor in nature and only affects a small portion of Limited Common Area and minor adjustment to the layout of lot 1. Planning Commission and Staff recommend approval of the Amended Final plat. He said this is the last buildable lot in there. All they are really doing is accommodating Lot 1 and rotating it, so it has better access.

Motion to Approve an amended Final Plat for Villa Bonita Phase 1, located east of Country Lane. Sean Escobar, applicant.

Motion by Leina Mathis, seconded by Ben Shakespeare.

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

Voting Nay: None.

Motion Carried.

5. Consider approval of the Santa Clara City Water Conservation Plan 2020 and Resolution 2020-20R adopting the plan. Presented by Jack Taylor, Public Works Director.

- Jack Taylor said that every five years the City is required by the State to put together a water conservation plan. That time has arrived again and so we have asked Sunrise to put this together for us. They have done our last three or four plans. He has asked Steve Hall to give a brief explanation of what they have done. He said he thinks what they have put in there as far as what we can do for water conservation is good for Santa Clara City.

- Steve Hall, Sunrise Engineering, said the water conservation plan is updated every five years as required by the State. It generally stays fairly similar to how it was except they update all the numbers based on the latest Master Plan that was done a couple of years ago. He stated that the State had them add was the 2019 water loss, the amount of source water that is coming from the City's wells and from the system and minus it from the water that is being billed or used. He said that number is about 13.6%, which is fairly average. That is non-billed water, which can be from hydrant flushing or hydrant usage, meter inaccuracies, illegal connections or real water loss such as breaks or leaks. Looking at the City's per connection water usage based on the last Master Plan it was at 572 gallons per day per residential connection. That is slightly above the State average as far as per connection goes but as far as per capita it is actually less than the State average. That 572 gallons per day was actually a decrease of 10.2% over the previous five years so it is going in the correct direction as far as water conservation. He talked about the water conservation goals. The goal of Santa Clara City is to: 1. Reduce the City's water use rate by 7% within 5 years. A 7% reduction in consumption of culinary water per connection would yield an average usage of 532 gpd per residential unit or 167 gallons per day per capita. As a matter of comparison, the 5-year average of the City's water rate use dropped a total of 10.2% over the previous 5 years. 2. Maintain a quality water distribution system with up-to-date technologies, operation, and maintenance practices. 3. Educate the public about the importance of water conservation practices and 4. Continue converting schools and parks from culinary water to secondary water where feasible. He said some items listed as water conservation measures are: 1. Eliminate watering on City property during hottest times of the day. 2. Water City property on a minimal water schedule. 3. Eliminate watering of City property in cases of severe shortages. 4. Educate residents on the water supply situation. 5. Request that residents voluntarily conserve water. 6. Restrict outside watering from 10:00 a.m. to 8:00 p.m. 7. Require mandatory water conservation and 8. Enforce outside watering restrictions. Other conservation measures utilized by the City include a tiered rate structure meant to increase the cost of water as more water is used, thus promoting water conservation. This process has brought an awareness of water related issues among existing citizens. The City has promoted Xeriscaping throughout the City and especially in new developments. This has likely played a key role in the reduction of usage per connection in the past. Santa Clara City will work to promote water conservation practices such as: public awareness and education and water audits. One option is a Citywide audit program. Other options for conservation practices are City ordinances, water system improvements such as replacing aging water lines and meter replacements.

- Jack Taylor said we sent a copy to the State and they reviewed this and came back with a couple of changes and we made those changes so he doesn't think they will have any problems with this version of it. We just need to approve this in a resolution, and we can send it back to the State for approval.

Motion to Approve the Santa Clara City Water Conservation Plan 2020 and Resolution 2020-20R adopting the plan.

Motion by Ben Shakespeare, seconded by Wendell Gubler.

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

Voting Nay: None.

Motion Carried.

6. Consider Amendment to the Municipal Billing and Collection Agreement and Amend Ordinance 2020-18. Presented Brock Jacobsen, City Manager.

- Brock Jacobsen said we received notice from Faye Reber with the Solid Waste District saying there was an error in the amount charged in the ordinance that was sent out. The agreement was at a rate of \$4.45 and it really needs to be \$4.55 so we need to approve it with that small change in the agreement.

- Matt Ence said that is the only substantive change that is being proposed.

Motion to Approve the Amendment to the Municipal Billing and Collection Agreement and Amend Ordinance 2020-18.

Motion by Denny Drake, seconded by Wendell Gubler.

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

Voting Nay: None.

Motion Carried.

- Matt Ence said that because those rates are part of our ordinance that we recently adopted we do need to go back and make a change to the ordinance so this will come back to Council next time. It will just be that one number that has to change.

6. Reports:

Brock Jacobsen:

- He said over the last couple of meetings we have talked about our bonds and specifically on the refunding of the electric bonds. He said we will bring back some more numbers in January. He said in speaking with Mark Anderson with Zion Bank he proposed an idea, which is a good idea. His proposal was that in January we adopt a bond parameters resolution to get the process going. If we do new money it is a 30-60-day contesting period, which would push that out. This doesn't tie us to anything it just sets the parameters to the bond refunding and new money like a cap of the most we can refund and the timeframe and the rate. It sets those things out and starts the process going and the clock on that contest period. If interest rates change, we lose the interest rate savings. This is a no cost. Zion Bank and Bond Council will get the process going and the paperwork but if we end up not doing anything it is no cost. Is Council okay to get that going and start that process? He said

he will bring information to the Work Meeting and Council can have a discussion but adopting a Parameters Resolution would be at the Jan. 13 City Council Meeting.

Brad Hays:

- On Saturday at 10:00 at the Santa Clara Cemetery we are going to have the “Wreaths Across America” and there will be a short ceremony to honor the Veterans of Santa Clara and Washington County. After that the families will first lay the wreaths and then the public will be invited to place the wreaths. We have over 160 wreaths to place. All the places will be marked so it is easy to locate where all the Veterans are.
- He asked for some feedback from Council on tournaments. Hurricane and Washington are running tournaments and we have requests from Southern Utah Baseball, which is a local group that sponsors youth baseball, and they would like to schedule tournaments in January. He said other people are interested in coming. He wants to know what Council’s wishes are. Do we go ahead and schedule those? Currently we are closed until the end of the year.
- Leina Mathis said we were closed because of the Governor’s order and he has lifted that part of the order, right?
- Ben Shakespeare said there is no order. The kids are playing. He would be in favor of letting them play. They still have to provide the same information they were providing before.
- Brad Hays said they all have to present a COVID plan and we have to approve it. We also check to make sure they are enforcing it.
- Ben Shakespeare said we probably ought to discuss this moving forward because the Governor’s restrictions were two weeks. We need to figure out a plan moving forward.
- Council’s consensus was to go ahead with tournaments.
- Wendell Gubler is okay with the youth tournaments but is a little concerned about adult tournaments because of the COVID numbers.

Jack Taylor:

- Bowen Collins presented a plaque of the bridge. It shows the bridge and tells about it. We can hang that up wherever Council would like it.

Chief Randy Hancey:

- They have an old 1992 ambulance. It has been out of service for quite a while. It needs quite a bit of maintenance. He said they decided to donate it to the Northwest Fire District. They can use it for firefighter rehab. It will help them out. He wanted to make sure Council was okay with that.
- They are getting a new ambulance in 6-9 months.

Mayor Pro Tem Waite:

- He commended Staff for how this is setup on our computers with different items separated on different files.

Brock Jacobsen: Replied, Kristelle did it.

7. Adjournment:

Motion to adjourn by Leina Mathis.

Seconded by Ben Shakespeare with all members present voting aye.

Meeting Adjourned at 6:45 p.m.

Chris Shelley – City Recorder

Date Approved: _____