

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, FEBRUARY 24, 2021
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, February 24, 2021 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 steam on the YouTube link:** <https://www.youtube.com/channel/UCxLBLm30-XLqM1AEmhpcMA>. Council Chambers will be available to residents, but we will have limited availability and follow Covid-19 guidelines.

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

Others Present: Jack Taylor, Public Works Director; Brad Hayes, Parks & Trails Director; Matt Ence, City Attorney; Bob Nicholson, City Planner; Kristelle Hill, Staff; Megan Webber; Adlai Elison; Zach Renstrom, General Manager Water Conservancy District

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:00 p.m. He welcomed everyone and introduced the City Council.
2. **Opening Ceremony:**
 - Pledge of Allegiance: Jarett Waite
 - Opening Comments: Jarett Waite
3. **Communications and Appearances: None.**
4. **Conflicts and Disclosures: None.**
5. **Working Agenda:**
 - A. **Public Hearing(s):** None.
 - B. **Consent Agenda:**
 1. Approval of Claims and Minutes:
 - Feb. 10, 2021 Santa Clara City Regular City Council Meeting Minutes
 - Feb. 10, 2021 Executive Session Minutes
 - Claims through Feb. 24, 2021

2. Calendar of Events

- Feb. 25, 2021 Budget Retreat, 10:30 a.m.
- Mar. 3, 2021 City Council Work Meeting
- Mar. 10, 2021 Regular City Council Meeting
- Mar. 24, 2021 Regular City Council Meeting

3. Set a Public Hearing to receive Public input on amending the Santa Clara City Subdivision Fee for City Inspections and Annexations for March 10, 2021 at 5:00 p.m.

Motion to Approve the Consent Agenda.

Motion by Denny Drake, seconded by Jarett Waite.

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

Voting Nay: None.

Motion Carried.

C. General Business:

1. Zach Renstrom introduction and Water District update. Presented by Mayor Rosenberg.

- Mayor Rosenberg welcomed Zach Renstrom and thanked him for coming to the meeting. He asked him to come to Council and bring Council to speed on the activities that are going on right now at the Water Conservancy District.
- Zach Renstrom introduced himself to Council. He is the General Manager of the Water Conservancy District and he is a citizen of Santa Clara. He showed a video to the Council about not wasting water. He talked about the history of Washington County's water. He spoke of the early pioneers and the canals they dug. It was amazing what they did. He said that in the 1960's some private citizens petitioned the court to develop the water district. The court actually created the Water District. He said that in the 1970's growth really started taking off in this area and cities started to fight over water rights. There was a lot of talk about the Dixie Project. The Dixie Project had a lot of parts to it but a big part of it was building reservoirs to handle water for the future. It was going to be a large Federal project but that fell apart and died. Cities were struggling to get the water they needed in the early 1980's. That is when the Water District came to be what it is today. The District Board hired Ron Thompson and he was told to get water development done. He accepted the challenge and got it done. He got Quail Creek Diversion Dam and Reservoir built as well as Quail Creek Water Treatment Plant and Sand Hollow Reservoir. In the early 2000's the Regional Water Supply Agreement was signed by the County's largest cities. It said that they would start pooling their resources and moving water around. We needed that flexibility and we needed the communities to work together. He said that because of the Regional Water Supply Agreement, which is the contract between the district and its municipal customers, the Water District directly connects with 90% of the population. The agreement lays out how this is going to be funded, how it is operated, how we are going to do the construction and how it is funded. Every month they meet and talk about the water projects and see what they can do to help. They meet quarterly with the Mayors. He spoke about the massive population growth here. We have a large secondary population that comes and utilizes our services here. He talked about water projects being generational. What we are doing today is

really for the children. Projects take 20 and sometimes 30 years to come online. He said they always look far, far into the future. He said they use all the Master Plans of the cities and estimate the density of that and how much water they need to supply the communities. He told the Council about their planning considerations. They include population trends and projections, current and forecasted water use, water conservation accomplishments and goals, developed supplies, reliable supplies available for development, capital projects and climate variability. He stated that as a District his main goal is to be able to wholesale water to the cities. The municipalities' role is to go out and do the retail and put in the meters and read the meters and do the billing. He talked about their role of conservation, which is to require municipalities to have a conservation plan, landscaping ordinances and time of day watering restrictions. The municipalities' conservation role is to implement and enforce their conservation plan and accompanying ordinances and restrictions. He talked about the Districts role concerning growth is to provide water to municipalities based on growth scenarios adopted by elected officials. The municipalities determine growth scenarios. He said the County was the first to meet Governor Herbert's statewide conservation goal by decreasing our water use by more than 30% from 2000 to 2015. He said they have some aggressive goals to move forward in conservation. It could be done through education and rebates and encouraging citizens to practice conservation. He talked about their Conservation, Rebate and Education plan and said that every 5 years they update that, and they are in the process of updating it right now. They ask the cities about the best way to spend their funds and what projects the cities would like them to do. He showed a graph explaining the comprehensive water supply plan. They have some aggressive plans to start reusing our water. He explained how they will do that. They also have a couple of reservoir projects that will be coming online. He talked about the existing District facilities and the cost of the projects for the upcoming years. He explained about the Ash Creek Project (the Toquerville reservoir). He also explained how the Sand Hollow Regional Pipeline is getting close to its capacity. St. George and Washington City came to the Water District and said they are having problems with water down in the southern part of their community so the Water District built a line out in Warner Valley and are building a water treatment plant out by Hurricane City. That is freeing up capacity for the line in Santa Clara City and now they can bring more water in that line for Ivins and Santa Clara. The Toquerville reservoir will free up a lot of capacity in the system also. They also have 12 new wells. They are expanding the Water Treatment Plant from 60 million gallons per day to 80 million gallons per day. They would like to add ozone to that because it would lower operating costs and it does a really good job with odor and taste and would add another process to clean our water. He said they are working very actively on the Lake Powell Pipeline. He said that is really the key to our water future in Washington County. He said they are in the process of answering questions and clarifying things to help the public understand the process of the pipeline. He said the Colorado River is the most reliable water supply in the Western United States. He stated that Utah is not using its full allocation of their water rights from that river. Other basin states are using theirs. Some of the states have used over their allocations for many, many years. With the pipeline Utah still wouldn't be using their full allocation. He also talked about climate considerations. He said that over the last 20 years our region has been hotter and dryer. He said he has to plan for worst-case scenario. He has to plan for a dry climate and rapid growth. We are coming to a point where if we don't get that Lake Powell Pipeline online, we are going to have to have a serious discussion as a community. By 2025 the cities are going to have to

determine what they want to do. It is up to the cities. If the pipeline comes on board, we will secure our water rights in the County for another 40 or 50 years. He said he is doing everything he can for the Lake Powell Pipeline. He has multiple staff working on that and they have some of the best consultants working on this too. He talked about the current water conditions. He said they have SNOTEL sites that measure the snow in the mountains and how much water is in the soil. We are barely about 50% right now. He said what is making them nervous is the soil sensors have never recorded this low of levels. When the snow starts to melt the soil sucks up the water and they don't know what the runoff will be because of how low the levels are this year. He said fortunately our reservoirs are in really good condition. He said another thing they are worried about is the last two summers have been some of the driest and hottest summers we have had for the monsoon season. We see that at our water system. He suggested that we pray for rain. He invited Council to come to the Water District and that Council is welcome to call him anytime.

- Denny Drake said the communities have so much resource. He asked if Zach knew when we are getting close to maxing out our resources in each community so that we can understand where we need to be when it comes to developing for the future depending on the resources we have.

- Zach Renstrom said that pretty much every community has maxed out their own personal water supply. He said that for Santa Clara the Water District is supplying 15% of the water and as homes grow here so does that number. Santa Clara is actually in one of the best positions. In the summer months the City doesn't have the capacity, so the district supplies it.

- Denny Drake asked that with what the district has in storage at what point is the district's resources also gone. Is that in 2025?

- Zach Renstrom said right now they are going through a study and looking at that and what can be done to push that date out. He said they are also working with the State of Utah and the Division of Drinking Water. It is a tough moving target. It really depends on growth and how the cities respond with conservation. He will be talking more with the cities and what can be done.

- Mayor Rosenberg asked if there will be any restrictions or cutbacks this year with what is happening.

- Zach Renstrom said the farmers will definitely see some restrictions. For drinking water, we will be okay this year. If we don't get any more snowfall, we might be looking at restrictions. If we have a couple of Spring rainfalls, we will probably be okay. He said he will come to the Mayors when we get to the time of critical concern and then take some measures.

- Mayor Rosenberg said that since they are in the process of updating the water conservation plan, he would like to know how soon it would be available.

- Zach Renstrom said he asked the engineers to have their Master Plan ready by this summer. They are also going to be updating their impact fee plan this year. We as a community need to be ready for the consequences coming. He said that once he gets the draft in June, he will reach out to the City Staff because it is essential they see this.

- Ben Shakespeare asked about the impact fee. Is it still targeted to hit \$16,000? What are they targeting? It is moving up \$1,000 a year. Where will it stop?

- Zach Renstrom said right now for the District to supply water for a new residential connection it costs about \$18,000. The Board decided to move it up \$1,000 a year because they didn't want to increase it to \$18,000 all at once. They are going to be

relooking at that specifically with this new infrastructure project coming online. He said every five years they look at that. Right now, the plan is there will be another \$1,000 added each year until it gets up to \$16,000. With this new impact fee analysis, they are doing they will be revisiting this. He said he will reach out to the Southern Utah Home Builders Association and ask them to be very involved in that process, so they know and understand what the Water District is doing.

- Mayor Rosenberg asked if Zach thinks it is going to go up.

- Zach Renstrom said he would know that only if he knew inflation was going up.

- Denny Drake asked about the treatment plant being built up by Gunlock. Where is that supplying water to?

- Zach Renstrom said that is a St. George City treatment plant. They have ground water treatment up there, but it is high in arsenic. He said it is actually a good way to save costs. It will be supplying water to St. George City but with the regional supply agreement they can actually tap into that and pump water to Ivins City.

- Denny Drake said that what difference does it make what the Lake Powell Pipeline costs because if we run out of water, we will have to pay whatever it takes to have water. He said that he thinks it is interesting that cost is relative in what we are doing and when we are doing it.

- Wendell Gubler asked if Zach expects changes in what he would like to have happen with the Lake Powell Pipeline and their other projects because of the recent changes in the Federal Government.

- Zach Renstrom said they are already feeling the effects of that. He said the Toquerville reservoir was supposed to be published in a register. The Biden Administration came in a stopped it. He said they are hoping this project will be reviewed. He said he thinks this will also affect the pipeline. They are trying to anticipate that. He said they are feeling the effect on all of their projects. He told Council if they have questions, they can feel free to reach out to him.

- Mayor Rosenberg thanked Zach and said he appreciates that he took the time to come and get Council up to speed. He asked Zach to keep them in the loop.

2. Consider approval of the Santa Clara City Municipal Wastewater Planning Program (MWPP) Annual Report. Presented by Jack Taylor, Public Works Director.

- Jack Taylor said that each year we have to fill out this municipal wastewater planning program annual report. He said Dustin does it. He stated that he reviewed it, and everything looks correct and everything in there has been answered with a "yes". We have done a great job in planning and preparing our sewer system. We just need to have this approved by resolution and then send it to the State.

- Mayor Rosenberg asked if there was a resolution.

- Brock Jacobsen, City Manager, said there is not but we can bring the resolution back to Council for adoption.

- Jarett Waite said the 2020 impact fee was left blank. Is that intentional?

- Brock Jacobsen said it is \$358.17.

- Mayor Rosenberg said that on Part 5 there is a dollar amount slated for 2031-2035, a half million-dollar project to increase capacity. What is the project?

- Jack Taylor said those are up in the Wash. The pipeline coming from Ivins. That is upsizing or putting in a parallel line. That will probably have to happen in the next 3 or 4 years. That is in our capital facilities plan. That is where those numbers came from.

- Brock Jacobsen said we can approve the plan without the resolution and bring it back.

Motion to Approve the Santa Clara City Municipal Wastewater Planning Program (MWPP) Annual Report pending the resolution will come later and including the Impact Fee of \$358.17.

Motion by Ben Shakespeare, seconded by Leina Mathis.

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

Voting Nay: None.

Motion Carried.

3. Consider adopting a Proposed Amendment to the Santa Clara City Code, Title 17 Zoning, Section 17.68.40 Planned Development Standards & Requirements, to add a new section to establish density equivalents for Assisted Living facilities and approve Ordinance 2021-04. Presented by Bob Nicholson, City Planner.

- Mayor Rosenberg said we asked Bob Nicholson to go back and look at this and try and clarify some of the existing language in there. We have a couple of assisted living centers that are approaching the City and we wanted to clarify in the ordinance how to do the density equivalents so that wasn't a question anymore.

- Bob Nicholson said that this is a continuation of the discussion from the Work Meeting on Feb. 3. In the Santa Clara City zoning code, the PD residential and the PD commercial were the two zones that would allow for an assisted living project. We have two pending before the City. The one, which is called The Retreat at Santa Clara, is planned for in the Valley. They are coming back to the Planning Commission next month and the other one is called The Point at Sun Brook and is zoned Planned Development Residential. They are both working their way through the process. They have been to TRC a couple of times. The question that has come up is about density. He said they have tried to come up with a solution on how we treat the density in an assisted living project. He thanked Matt Ence, City Attorney, for drafting this ordinance. The State Code allows cities to adopt a temporary land use regulation. That is what is before Council tonight, to adopt this on a temporary basis. It can't exceed 6 months. He thinks it will be much shorter than that by the time the Planning Commission and Council could adopt the final version. The State Code says that cities by ordinance can adopt by declaring or finding this compelling public interest. He said that this would be an amendment to the PD zone chapter, which is Chapter 68 in the Zoning Code. Under Section 40, Paragraph H, it says: "DENSITY EQUIVALANCY FOR ASSISTED LIVING & SENIOR INDEPENDENT LIVING UNITS. 1. For Senior Independent Living or Assisted Living units wherein each unit has its own cooking facilities (i.e., stove, refrigerator, sink in kitchen area) such units will be considered as equal to a standard residential dwelling unit. 2. For Senior independent living units or Assisted Living units without their own cooking facilities (i.e., meals are served at a central dining facility or delivered to the rooms) the equivalency ratio is 2 Assisted Living units or 2 Independent Living units = 1 standard residential unit. A microwave, small refrigerator and sink will not be considered as 'their own cooking facilities' for purpose of item #2 above, provided the units obtain meals from a central dining facility." He said Council discussed this at the Work Meeting and he thinks the Council members felt more comfortable after doing the research. He thinks this makes sense. In many cities the issue typically doesn't come up because their density in their PD zones is 22 units per acre. Santa Clara is 8 at base and

- up to 12. There is a big difference. He said this would have to go through a public hearing process at Planning Commission and then come back to Council as a final draft. That would probably more likely take two months rather than six.
- Denny Drake asked if during this six-month period anyone applying wouldn't be able to apply.
 - Bob Nicholson said that if they comply with the pending regulations then there isn't a reason to hold them up.
 - Denny Drake asked that if they can come in with an application and be accepted why are we studying it rather than making the adoption.
 - Bob Nicholson said that it is partially because of the timeline. To adopt this proposed amendment that is before Council tonight normally it would go to a public hearing before the Planning Commission. He said they thought it would be good to get this adopted a little sooner since we have two projects knocking on the door.
 - Mayor Rosenberg said that if they were to apply today, they would be processed under the existing ordinance.
 - Denny Drake asked if we were suspending the existing ordinance until we get the new ordinance adopted.
 - Matt Ence, City Attorney, said that what we are doing is temporarily adopting the proposed ordinance until we can get the procedure done to make it permanent. If a new application comes in, if Council adopts what is proposed tonight, they would comply under this density equivalency that Bob has explained. When this is finalized, Council can finalize it as it is currently written or once it goes through the process with the Planning Commission and back to Council it may look totally different. This is a stopgap so these current applications that are coming in can be addressed.
 - Denny Drake said he thought that under this kind of condition that there is a moratorium during that adoption period.
 - Matt Ence said that is one way to do it. One option Council has is to adopt a temporary moratorium. The way the State Code reads is that you can adopt a temporary moratorium and just put a halt on all development or you can temporarily adopt the ordinance that you believe you will have once it goes through the process of the Planning Commission and the City Council and that will be in effect. You just can't have it in affect longer than six months.
 - Denny Drake asked why we don't just leave it the way it is for new applications under the old ordinance until we adopt the new ordinance. So basically, we would have a moratorium on the new ordinance, and they apply under what is already in place.
 - Matt Ence said that is an option and it is up to the Council.
 - Mayor Rosenberg said the existing ordinance doesn't have any definition.
 - Matt Ence said that is the issue. The existing ordinance doesn't provide any equivalency for an assisted living. The only thing we have in our ordinance is assisted living as a conditional use in the PDR zone. There is nothing there about how you calculate the density. The idea is we are going to implement this equivalency temporarily so that applications that are coming in now can get processed and go through and be considered and that gives Council time and the Planning Commission time to consider if this is something you want to do permanently or if you want to do something different.
 - Denny Drake said if we already approve it, and then determine it is not something we want, they get to go ahead anyway?
 - Matt Ence said that if Council approves them under that temporary regulation, yes.
 - Denny Drake said that doesn't make sense to him. He said he thinks that during the

period of the six months there would be a moratorium where they could apply under the old ordinance.

- Matt Ence said Council can make this a moratorium but that is not what is currently proposed and is in front of Council.

- Wendell Gubler said we have gone through this a couple of times now and he is getting the impression that the same people are going to come and sneak in under this new proposal. How will that change for them. Will it make it possible for them to come in with the density that they currently have?

- Matt Ence said if Council will recall when they previously came in one of the big questions was how you calculate the density. We didn't really know how to address that. When they come back that same question is going to be there. This proposed temporary regulation addresses that.

- Wendell Gubler asked if under this new regulation would they meet that regulation with what they have shown us.

- Bob Nicholson said it depends on how many units have their own cooking facilities. He said the applicant has some. He doesn't know the number. He sent this draft to them a week ago.

- Denny Drake said he sees an issue. If someone wants to create a density, they will put more beds and less kitchens and they can have the same density they had before. The adjustment ought to be looking at the ordinance and determine if that is what we want to do. He said he thinks everyone agrees that we do want to have assisted living in Santa Clara. But why don't we study it and put a moratorium out on it for six months and then allow applications once we determine what to do. Other than that, they can apply under the old ordinance.

- Bob Nicholson said the old ordinance says that 1 room equals 1 dwelling unit. He is sure that would not work for them.

- Denny Drake said that is why we are reviewing the ordinance to set some standards but he doesn't see that we have it suspended and during the six-month period while we are studying it we are allowing applications to come in even though we haven't established what we are going to do.

- Ben Shakespeare said we have already gone down this road. We had a full discussion on this and they have come back clearly with what we directed them last time because we don't have clear direction and under the ordinance we have it wouldn't make sense for anybody so to turn around and tell somebody to wait six months while we figure it out doesn't make sense. This is exactly what we directed in the last meeting. He said this is still well below St. George and other cities when you talk about densities. He stated that to say it needs to be 1 to 1 won't work. He said the direction we gave at our last Work Meeting was to go from 4 to 1 to 2 to 1 which is exactly what is there so to say we need six months he doesn't think that is a good move. He said he doesn't think this is a bad ordinance and it is what we want per the discussion that we have had.

- Denny Drake said they are suggesting that we don't do this for six months but we suspend our ordinances and review applications for the next six months depending on what we want to do rather than putting the ordinance in place and letting them apply through the ordinance. He doesn't understand why we would do that.

- Ben Shakespeare said because they would have no direction on design or anything else.

- Denny Drake said why don't we forget about suspending it and just adopt it if that is what we are going to do.

- Ben Shakespeare said there is a process. There would have to be a public hearing.

- Denny Drake said that takes four weeks. It doesn't take six months to do that.
- Mayor Rosenberg said the six months is the maximum length allowed under the law. It can happen with any kind of a timeframe. By approving this tonight, we put something in effect today so an application that comes in tomorrow and pays his fees they would have to live within the standards. Right now, we don't have a standard, so it is up for debate. This would put something there to address the ERU issue and the density issue. If they met that they could proceed with the normal process.
- Denny Drake asked if Planning Commission will look at this if a new application comes in before it comes to the Council.
- Matt Ence said yes if Council adopts it as a temporary regulation this would be in effect for up to six months. The only reason that we are doing it this way or that are proposing to do it this way is we are attempting to carry out what seemed to be the instruction of the Council quickly so that we didn't have to wait for the Planning Commission to do its work. If Council would rather wait for that, there is no issue with that other than we are going to have applications come in that won't have this established. It will still be an open question as to how those units are counted. It is totally up to the Council. It is entirely within the Council's jurisdiction.
- Leina Mathis asked what the requirements are that we have to meet legally in order to put in a temporary land use ordinance.
- Matt Ence said it is simply to adopt an ordinance. There is no required public hearing and the balancing of that is the fact that Council can do it without a lot of public input, but Council can only do it for six months.
- Leina Mathis asked if there doesn't have to be an underlying public safety issue or anything like that that we have to identify.
- Matt Ence said if Council will take a look at what is in the proposed ordinance there is a standard in the code that says there has to be a compelling countervailing public interest. He said he thinks it is justified. What is written in the ordinance tries to capture that, that this is an important public use, that it is something that is a potential benefit to the health, safety and welfare of the citizens of Santa Clara to have this kind of a use and these findings are all laid out. This is totally up to Council. If Council wants it to say something else or less than that that is fine too but those findings are an important part of the ordinance.
- Denny Drake said that if you read the ordinance that is exactly what we determined in our Work Meeting was if there was a kitchen and eating facilities it was 1 to 1 and if it is beds it is 2 to 1. He said that Section 2B basically says that. That is what we would be looking at and dealing with in any new project.
- Ben Shakespeare said that is the whole point. Even on the fast track we are looking at 90 days. This gives clear direction to Staff and those with the projects. He said he can respect that developers want some clear direction. Design time is taking the longest. The way it is drafted gives clear direction, allows us to take the process to finalize the approval and gives the applicant and Staff the ability to know what needs to happen.
- Denny Drake said he thinks the ordinance is exactly what we are looking for. He doesn't understand why we need to suspend anything for six months and just have the City Council review it.
- Mayor Rosenberg said the important issue for him is that we put something into effect that they have to measure against and that they can measure against. Right now, it is nebulous. They need a way to define the ERU so they can do their studies appropriately. If a complete application is submitted within the six months, we have to process it under

the ordinance. It doesn't have to retrofit to the new ordinance if they have already submitted their application. That is the advantage of doing the temporary. It puts the ERU question in place for right now. It can change in the future but there is something to measure it against today.

- Jarett Waite said the Ft. Meyers, Florida zoning code is based off of beds. He asked why we chose cooking facilities. He said he sees a spot where a developer can come in and they put five bedrooms behind one door and that is considered one unit and they get a ton of density out of it. Should we look more at beds verses cooking facilities?

- Bob Nicholson said the Ft. Meyers code also uses cooking facilities and most of them use cooking facilities as a key mark between whether it is considered a standard unit. He said we probably need a little time to fine tune this. He said that 1 bed per room is standard and sometimes there will be 2 but more typical is 1 room and 1 bed.

- Ben Shakespeare said it also comes down to assisted living or memory care verses independent living. When there is not cooking, they are usually confined to the facility. That is what it is based on. The kitchen is based off of the care.

- Denny Drake said he doesn't know why we don't just process the ordinance and forget about the temporary. It doesn't make any sense to have a temporary and suspend our ordinance and do anything other than move forward with what we are talking about.

- Bob Nicholson said The Retreat development wants to be on the March Planning Commission agenda.

- Denny Drake asked how long they get. Can they come back every single month after they have been denied? He said he thought there had to be a significant change.

- Matt Ence said whether they have established a significant change or not is determined by the Planning Commission so they can come back to the Planning Commission as much as they want and ask them if they agree there has been a significant enough change to be reconsidered. The Planning Commission voted and determined that they changed their application enough that they can be reconsidered. It is now going back to the Planning Commission to be reconsidered and then it will come to the Council.

- Denny Drake said if we are going to adopt the ordinance we can have the Planning Commission have the public hearing and we can adopt the ordinance as quickly as they can go to the Planning Commission and move it forward to come to the City Council.

- Mayor Rosenberg said if the application is vested it doesn't need Planning Commission approval. All it needs to do is be a complete application to qualify under the existing ordinance.

- Matt Ence said that project isn't even technically going to be subject to this because their application is already in and on the agenda and going to be considered under our existing ordinance so regardless of what Council does tonight that project is going to be considered under our existing ordinance.

- Denny Drake said it looks to him like the time process to adopt the ordinance is almost the same as the time process that an application comes in.

- Matt Ence said that is right but if you don't have the regulation in place when the application comes in then the regulation wouldn't apply to them. This doesn't do anything to our ordinance. Our ordinance remains in effect. The only thing this does is adds a definition of how you count the units. Whoever comes in with a new application still has to comply with everything in our ordinance. That is literally the only thing this does.

- Wendell Gubler said that when these people come in a third time, if we approve this tonight will they be able to use this as a guideline for them in the future.

- Matt Ence said it could be used as a guideline to give them a sense of what the City wants but we couldn't require them to comply with this because their application is already in and already complete.
- Mayor Rosenberg asked if their application is complete and their fees are paid, and they have received the additional elevations.
- Bob Nicholson said he doesn't know for certain on that. He thinks their fees were paid today.
- Brock Jacobsen said they came in today to pay the fees because they needed to pay them in order to get on the Planning Commission agenda.
- Ben Shakespeare asked why that is even an issue. He said everyone is okay with the ordinance but keep bringing up which way this project will fall under. If we are okay with the ordinance the process will take place. Is Council not okay with the ordinance or are they not okay with a specific project? He said to forget the project and answer if we are okay with the ordinance.
- Denny Drake said he is okay with the ordinance. His problem is suspending the process to come straight to the City Council. He thinks we are abandoning public hearings.
- Bob Nicholson said that is not happening. They are going to a public hearing. They are starting over from ground zero. They are starting anew. A public hearing will be held, probably on March 11 and then they will come on to the Council. This is basically a brand-new project. They went through the process. Council denied it. They are starting over from scratch.
- Matt Ence said Denny was talking about the ordinance and not the project but it is the same answer. In order to make this permanent it still has to have a public hearing at the Planning Commission and then it will come back to the City Council. The only reason this is before Council tonight is to put it in place temporarily while that process goes forward. If Council is not comfortable with that that is totally fine and up to Council.
- Jarett Waite said his struggle is he is looking at our actual current ordinance and in that project plan element section it says that the developer has to indicate the number of residential units and/or square footage of floor area of nonresidential uses by type and so we have to provide a little more guidance on that. If it is not a regular house or an apartment how does a developer know what number to put in there? That is what the core of this is. By putting this in it is going to help the developer know what we are thinking is reasonable and what our residents would want in that area.
- Denny Drake said this applies only in the PD Residential zone not in a regular residential zone.
- Mayor Rosenberg said that is the only place that these facilities can be located in a PD Residential zone.
- Wendell Gubler said we have a community in the Valley that has gone through this two times now with the public hearings and apparently, we are going to go through it again. He is wondering what the people think.
- Matt Ence asked if he was talking about that particular project.
- Wendell Gubler said that particular project. He assumes that is what is going to go before Planning Commission this next time.
- Matt Ence said that is his understanding. They have paid their fees, so they are vested under our current ordinance.
- Wendell Gubler asked what our community thinks when they have been denied twice and they come back again. He doesn't understand.
- Matt Ence said they came back to the Planning Commission and they convinced the

Planning Commission that their application had changed enough that a reconsideration was warranted. That was a decision of the Planning Commission.

- Denny Drake asked about the voting on this at the Planning Commission.
- Brock Jacobsen said he believes it was 1 nay vote. The rest were in favor of re-seeing the application.
- Leina Mathis said she thinks having direction is a really good idea right now, at least temporarily. She is not sure she is sold on the numbers. She thinks they need to be a little different given our ordinance. She said she would be willing to make a motion to approve the temporary resolution.

Motion to Approve the Proposed Amendment to the Santa Clara City Code, Title 17 Zoning, Section 17.68.40 Planned Development Standards & Requirements, to add a new section to establish density equivalents for Assisted Living facilities and approve Ordinance 2021-04. Motion by Leina Mathis, seconded by Ben Shakespeare.

- Bob Nicholson asked if it needs to be said that this is on a temporary basis even though the ordinance clearly says that to not to exceed six months.

Amended Motion to Approve the Proposed Temporary Amendment to the Santa Clara City Code, Title 17 Zoning, Section 17.68.40 Planned Development Standards & Requirements, to add a new section to establish density equivalents for Assisted Living facilities and approve Ordinance 2021-04.

Motion by Leina Mathis, seconded by Ben Shakespeare.

Voting Aye: Jarett Waite, Ben Shakespeare and Leina Mathis.

Voting Nay: Denny Drake and Wendell Gubler.

Motion Carried.

6. Reports:

A. Mayor / Council Reports

Ben Shakespeare:

- He complimented the Staff on the job done on the new cameras.
- He said the traffic in the entire County is getting busy and is a concern. There are some visibility issues as you come around some of the planters onto Santa Clara Drive. He would like to have a discussion in a Work Meeting about visibility. We need to look at this sooner than later.
- He talked about Buck's Ace Hardware and talked about some of the early morning work that has had to take place there. He visited with the residents there and even gave them some gift cards. He apologized to them. There shouldn't be any more of that early morning work.

Leina Mathis:

- She visited with the manager of Dollar Tree recently. He is a nice young man. Dollar Tree has been open about a week and the manager said things are going really well. They have had a number of people who live in St. George who have committed to coming to this store because it is better than the other Dollar Trees. He said the only issue with the store is after school when the intermediate school gets out, they get blasted with students

buying treats. They are really busy, and they are glad that they are in Santa Clara. They are not doing a grand opening because of COVID but if that changes the manager will let Leina know.

- She said that for LPC there has been a lot going on. The Legislature finishes next week. She told Council that they have received updates, which were sent to their emails. Some of the biggest issues were the billboards Bills that are going through. Today Senate Bill 61 failed in the Senate. House Bill 82, which is the assisted dwelling unit ordinance that the State is looking to adopt, the House did approve the fourth substitute. It was in the Senate Rules Committee this morning. It requires the City to allow 75% of any residential zoning to have ADU's. The City can't deny it for size, percentage of house, number of rooms. The only thing we can deny it for is if it is for lots under 6,000 sq ft. We can require them to have a business license. It does have to be a 30-day plus lease. We cannot require them to alter the appearance of the house. They would have to have one additional parking spot. We cannot require them to have a separate meter and homeowner associations can no longer prohibit them. They are changing some of the enforcement too so that the homeowners will be able to use a short term rental site to advertise their rentals on and where the City has been prohibited from using those to enforce them for short term rentals we would be allowed to use them for enforcement under the ADU rule.

- Mayor Rosenberg said that since they eliminated the maximum size on the ADU that would impact our ordinance.

- Brock Jacobsen said the League of Cities has taken a neutral position on it and that is because without that neutral position Representative Ward would not negotiate much. The League has a committee that is working on negotiating and working with Representative Ward.

- Bob Nicholson said he looked at the fourth substitute and the Santa Clara code is going to take some minor tweaking but not much. They are pretty much in line with what the City is already doing.

- Leina Mathis said the only other bill she is following right now is House Bill 98, which is the building regulations for building codes and that is the plan review process and the 3-day inspection process. As it stands right now if we don't meet the 3-day inspection process then the City can opt to hire a building inspector and we can still receive the fee for that, or the developer can hire their own. The plan review is basically the same. They will put the engineer stamp on it if it is not completed within the 14 days. There are some exceptions to that. It sounds like it is probably going to pass.

- Brock Jacobsen said he doesn't think it will affect us much. We are meeting the 3-day inspections and the 14-day plan reviews. He thinks this bill will move on.

- Leina Mathis said she received a phone call from the recreation director of St. George City. There are some issues with Sand Hollow Aquatic Center. They are going to have a tri-city meeting.

- She asked if Council would be open to considering having a youth council.

- Mayor Rosenberg said we have tried in about 2008 but we couldn't get anyone to apply.

- Brock Jacobsen said there was a youth council in 2009. We tried in 2010 and 2011. We went to the High Schools and there wasn't interest.

- Mayor Rosenberg said it is a great idea and it has some merit it just didn't seem like anyone was interested.

- Wendell Gubler questioned if it was a good time to start a council up with COVID going on. Maybe we should wait until next year.

- Mayor Rosenberg said that if we had it, it would be for next school year.
- Leina Mathis said she has talked with other city council members in other cities up north and looked at some of their documents and how they handle it and if we could get students who were interested in doing it she would like to pursue it and she is happy to make a visit to Snow Canyon High School and Tuacahn High School if Council thinks they are interested in doing it. This gives the youth some experience and a lot of service opportunities and something they can put on a resume.
- Mayor Rosenberg said he thinks that by the time school starts next year COVID restrictions are going to be relaxed and the risk will be lower. He told Leina to move forward with this.

Jarett Waite:

- He attended a Mosquito Abatement meeting. They went over last year's budget and the new budget, and they were able to put away over \$91,000 in the capital facilities budget.
- He complimented the Mayor on his State of the City address last week to the Chamber. The Mayor was very well prepared. He appreciated that.
- He talked about the Glockenspiel. He is concerned that when there is a lot of wind the wind meter still allows the doors to open. That is something we ought to look at. We probably should check the wiring on that.

Denny Drake:

- He said that he, the Mayor and Jarett met with the BLM. They discussed the area where the proposed shooting range would be. He said we asked for boundaries for the ACEC's maps.
- Mayor Rosenberg said that came in an email to Kristelle.
- Kristelle Hill said she can send Denny a link to them.
- Denny Drake said the BLM is not opposed to the shooting range but they think the process with the new Administration may take a lot longer. We are in the process of working with them to get an RP&P for a shooting sports park.

Wendell Gubler:

- He also complimented the Mayor on the job he did on the State of the City.
- He had a meeting with the Washington County Solid Waste District. They voted on two new people to serve on the Executive Committee. They elected Michelle Randall and Craig Coates to be on that committee. He said that because of COVID we have had a lot of problems with having the prison inmates clean up the trash along the roadways. They will not be doing it anymore. UDOT said they are not going to help anymore so it is up to the County to spearhead that project. The District and the County are working together on a project to take care of that. They have decided to hire two people to serve but they are also inviting people to volunteer. That will be going through the County on their website.
- A lot of the Blu Cans have come back so WCSWD has decided to create new routes to pick up the recycling. Santa Clara will not be affected.
- Brock Jacobsen said that about 60% of our residents are continuing with recycling. We were probably 85% before the opt out period.
- Wendell Gubler said it didn't affect the minimum price. There were 8,300 cans returned. The District will hold on to the Blu cans and they will be used in the future for new homes.

Mayor Rosenberg:

- He said the number of COVID cases have dropped. The hospital has reported some of the lowest numbers of hospitalized since August. Things are trending in a positive direction. The Health Department is still getting bombarded with vaccine requests. Job Service has people that will help people set up their vaccine appointments. They anticipate getting a lot more vaccines available through the end of March. They are hopeful that by July everyone that wants one will get a vaccine. The Governor has changed the requirements on when the mask restrictions can be lifted. We need to come down a little bit lower on our cases and then hold that for 9 weeks. Then the mask restrictions will be able to be lifted. They think that maybe later this year. We still aren't there yet, and we are still in the high spread area. The schools will still be wearing masks through the end of the school year.

- Brock Jacobsen asked if they have talked about having vaccination sites in other locations such as the City Hall banquet room.

- Mayor Rosenberg said we can request that. They are still limited on the doses they are getting. They are going to start getting them to Walgreens and Harmon's so some of the private pharmacies are starting to be able to get them. Next month we should see a bunch more vaccines. They have upped their production.

- He said he appreciated Zach Renstrom coming to the meeting tonight. Our water conservation plan is going to have to take a front seat fairly quickly and he would like to see us make some efforts to reduce our demand even more. We don't have a lot of development left so if we can conserve, we can make our water go farther. We need to do our part.

- He said that Jack Taylor announced he is going to retire and take a position with his son up north and Jack and his wife will be moving at the end of the school year. He announced it to the employees on Monday. Jack has done a great job for the City and he is going to be sorely missed. He is planning on leaving April 1.

- Brock Jacobsen said that Jack has been with the City for 27 years.

- Mayor Rosenberg said there are some efforts going on the Staff level to be able to work into people being able to take over the responsibilities that Jack had. His won't be easy shoes to fill. We do have some highly qualified people on Staff that he is hoping will be able to fill those roles.

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 7:03 p.m.

Chris Shelley – City Recorder

Date Approved: _____