

**SANTA CLARA CITY COUNCIL MEETING  
WEDNESDAY, MAY 26, 2021  
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, May 26, 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: Dustin Mouritsen, Public Works Director; Corey Bundy, Building Official; Brad Hayes, Parks & Trails Director; Randy Hancey, Fire Chief; Matt Ence, City Attorney; Kristelle Hill, Admin. Assistant; Bob Flowers, Police Chief; Paul Styka; Karen H. Styka; Jim Petersen; Ben Willits

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:01 p.m. He welcomed the visitors and guests and introduced the City Council.
2. **Opening Ceremony:**
  - Pledge of Allegiance: Wendell Gubler
  - Opening Comments: Wendell Gubler
3. **Communications and Appearances: None.**
4. **Conflicts and Disclosures:**
  - Mayor Rosenberg stated that the company he works for is doing the BMX/Canyon View parking lot design (Item 5C2). He also stated that his wife is one of the Cub Leaders for Cub Scout Pack 407 (Item 5C1).
5. **Working Agenda:**
  - A. **Public Hearing(s): None.**
  - B. **Consent Agenda:**
    1. **Approval of Claims and Minutes:**

- May 12, 2021 Regular City Council Meeting Minutes
- May 12, 2021 City Council Executive Session Minutes
- Claims through May 26, 2021

## 2. Calendar of Events

- May 31, 2021 Memorial Day (Offices Closed)
  - June 2, 2021 City Council Work Meeting
  - June 9, 2021 Regular City Council Meeting
  - June 23, 2021 Regular City Council Meeting
- Mayor Rosenberg said the FY 2021-22 Budget will be discussed at the June 9 meeting.
- Brock Jacobsen, City Manager said there will also be a Budget amendment for this FY at the June 23 meeting.

### **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. Consider request for a donation to Cub Scout Pack 407 for \$500. Presented by Brock Jacobsen, City Manager.

- Brock Jacobsen said that Cub Scout Pack 407 was formed to continue opportunities for youth to participate in Scouting after the Church of Jesus Christ of Latter-day Saints ended support of the Boy Scouts of America Organization in 2019. Approximate 25 young men from Ivins and Santa Clara are currently registered and participating in Pack 407's Cub Scout program and weekly activities. He said they came to the City last year asking for funds to help them operate for supplies and materials and we donated last year so they are coming back this year requesting funds to help support the Pack to operate for the boys in our community and to continue to have an experience with the Boy Scouts.
- Mayor Rosenberg said that these were the boys that attended the last City Council Meeting and did the flag ceremony as a troop. He said the Boy Scout troop gets a donation from Ivins City. They meet in Ivins and the Cub Scout troop meets here at Town Hall.

### **Motion to Approve a donation to Cub Scout Pack 407 for \$500.**

**Motion by Ben Shakespeare, seconded by Leina Mathis.**

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

**Voting Nay: None.**

**Motion Carried.**

2. Consider approval of the parking lot design and cost estimate for the BMX/Canyon View Parking Lot. Presented by Brad Hays, Parks & Trails Director.

- Brad Hays said that we are really excited to bring these three projects before Council today. What we want to do is improve the parking lots and increase the capacity for the BMX track parking lot. (He showed maps of the parking lots.) He said that this parking lot actually has 150 spaces on it. The original plan when we applied for the Tourism money was 52,000 sq ft and after we visited the site it actually increased to 77,000 sq ft and takes in the old skate park and part of that is rerouting the trail around the outside. We will have to take the original trail in so that it is about twice as big as we originally intended it to be. The engineer's estimate to do that project is \$508,000. Through Washington County Tourism dollars, we got \$160,000 and we have \$190,000 that we have saved in Rap Tax money to do this project. We are still a little bit short to complete the project. If we did the asphalt in-house and Parks did the landscape and a few other things the cost of that parking lot would be \$434,000. He stated that we budgeted \$350,000 for this so with the money we budgeted if we did this in-house, we would be \$84,000 short on that parking lot. He said the second parking lot is the Canyon View parking lot. It has 77 parking spaces. We actually increased the size of the parking to include some of the area over by the fire pit. The engineer's estimate on this was \$246,000 but with the city crews doing the asphalt and the Parks crews doing the landscaping and some other things we were able to bring that price down to \$218,000. When we went to the County we applied for more money. We applied for \$320,000 in tourism dollars but got \$160,000. We originally applied to do the Little League parking lot, the Canyon View parking lot and the BMX parking lot so based on the money we got we agreed with the Tourism Board that we could do this in phases so depending on what Council decides tonight we could do both upper parking lots and then do another phase for Little League parking lot next year. He said the deadline is August 1 and he can reapply for more tourism dollars to complete the lower parking lot or if we decide just to do the BMX parking lot tonight, he can go back and hopefully get money for the other part of it. He told Council that we would like to move forward and do both upper parking lots, but we would need additional funds. He said he talked to Brock (Jacobsen), and he has some ideas that might be able to do that.

- Brock Jacobsen said that for this current fiscal year we have talked about creating a capital projects fund and what we are proposing is to transfer into that anywhere from \$300,000 to \$400,000. We have the funds there that could possibly cover this shortfall. It drains everything that we put into it. It would be gone. It is there to be used. There is also the side of it that we are trying to get some money built up in that capital projects fund because there are some big projects that are coming as well. There are funds there but that would be the decision of Council. He said that number for the parking lot could change. Brad could go back and ask for more money and the prices could go down, but they could go up.

- Ben Shakespeare asked Dustin Mouritsen if the crews have the time to do these projects.

- Dustin Mouritsen, Public Works Director, said yes and they are capable.

- Ben Shakespeare said he thinks this project is imperative and is extremely important for what is up there. He asked Brad if we can go back and ask for additional funds on the upper parking lot or are we capped out on what we are getting for those two.

- Brad Hays said that if we do the Canyon View parking lot the cost of that parking lot isn't enough for our portion and the match so we could come back for that one later if we did the BMX parking lot first.

- Leina Mathis asked if the tourism dollars are tied to all three projects when we presented it.
- Brad Hays said that when they wrote the agreement, the agreement was a little bit vague. It just said, “completing the parking lot area” and when we met with them, we told them we were going to phase it because we didn’t get all the money we wanted and then we would be back in the next year to try and finish it and get more dollars. He said the way he understands it is we could do one or both of the upper parking lots and still get the tourism dollars.
- Ben Shakespeare asked if there were storm drains in the Canyon View area now. Are we going to be able to get that drainage there?
- Brad Hays showed the drainage on the map to Council.
- Ben Shakespeare said he would love to try and find a way to do all this. He said that with the BMX and pickle ball and everything there. He asked about looking for a new skate park location.
- Brad Hays said we have a couple of ideas. One is in the old arboretum; another is in the volleyball area, and we also have some area on Little League Drive and Canyon View that we can look at.
- Mayor Rosenberg said one idea we had was putting it on the far-left side where the parking lot is by the arboretum. That might be a good, isolated location for the skate park. We looked at the north side of the parking lot over against the wash, but we want to keep that for the wash clean out to keep it open to maintain the sediment in the wash. He said another proposal is up by the fire pits. There are some options we can talk about for the skate park.
- Leina Mathis asked if we could get tourism dollars to help with that as well.
- Brad Hays said he doesn’t know but we would have to show that people come here from out of town to use that skate park.
- Jarett Waite said he really likes the skate park at Unity Park that Ivins put in. It is really well used but not very big. We could do something like that for little money.
- Denny Drake asked if there was any impact fee that could be used for this. It is an existing park but is there anything we can do to use impact fees to improve that.
- Brock Jacobsen said there is nothing currently in our capital facilities plan to do these parking lots.
- Mayor Rosenberg asked if the Rap money that Brad mentioned includes this years.
- Brock Jacobsen said it is up to what we have currently collected.
- Mayor Rosenberg said we are going to receive some Rap money going through the fiscal year. We will receive some additional Rap funds.
- Brock Jacobsen said he feels that the best fiscally responsible thing to do would be to go with the BMX site and do that portion and go back and ask for some additional funding to do Canyon View and then potentially go back again for Little League. We could go and do it in the three phases and be getting funds for each phase.
- Brad Hays said right now we are getting about \$12,000 a month in Rap Tax and 80% of that is for Parks so that additional revenue would cover that \$84,000 that we would be short, and we wouldn’t have to go into the capital facilities plan to do that.
- Jarett Waite said he thinks the Canyon View site would help a lot of our citizens. The BMX parking lot would help the events and baseball games.
- Mayor Rosenberg said one thing we might be able to do is phase the Canyon View parking lot. We could put the parking stalls down by the pavilion and the restrooms and gravel the rest. There could even be a phase on the BMX side where a section could be

- left out and put the rest in and then do that in a subsequent year. There are some things like that could happen. He said we need to know the percentage amount of work, the dollar amount of work that would be done by City forces. Is it more than \$200,000?
- Brad Hays said if you take the figure from the estimate and the figure from the in-house that is how much would be contributed.
  - Mayor Rosenberg said we could pull the asphalt mix out of that that you would be purchasing. There are some State regulations relative to maximum dollar amount on a project that can be performed by City forces on public works projects that is a little over \$200,000. We want to make sure we stay in compliance with that.
  - Brad Hays said if we did the BMX track, we would be below that. He said he thinks the asphalt is \$75,000 and the landscape is a small amount.
  - Mayor Rosenberg said we could subtract the mix cost off of that too. It would just be the labor that the city crews are putting in that can't exceed \$200,000.
  - Leina Mathis asked Brad if that is what he itemized on the document he sent the Council.
  - Brad Hays said it is 611 tons of asphalt for that BMX parking lot. Dustin gave him the amount of \$60 a ton. It is 21 tons for the trail portion.
  - Denny Drake asked if that included the moving of the skate park. He suggested leaving the skate park alone and improving the rest of it and then use what was going for the skate park in the Canyon View side.
  - Brad Hays said there is 7,500 cu yd of fill that needs to go in there and that parking lot would be built up about 4 ft in the corner. It would be hard to do this with the grade change.
  - Mayor Rosenberg said we would lose the skate park even if we phased it. What he suggests in the phasing is to build the fill, the walls and hold back some of the paving on some of the upper surface and just have a gravel surface. It could still be used for parking like it is now except for 2/3 of it would be paved. Once we have the final numbers on the pavement bid and the curb, gutter, and wall bids we could pull out a section at that point and then try and pick it up next year.
  - Ben Shakespeare said that we could just focus on one and get it done.
  - Mayor Rosenberg said it is important to do the BMX parking for the County grant. That is where they invested their money in that parking lot.
  - Brad Hays said he thinks we could even do that and some little parts of Canyon View like the trail coming in.
  - Jarett Waite said we had talked to the engineers about a path from the upper down to the lower and he doesn't see that on the plans anywhere.
  - Brad Hays said it was in the plan and it was discussed at TRC, and it was decided to have a gravel path rather than a paved path because of the nature of that slope and the slide so it would be hard to maintain any asphalt surface.
  - Jarett Waite said he got the sense in the meeting with the County that they may be reworking how a city can apply for these funds. He is not sure if the money will be there next time. A lot of money has been pledged to the new County building so it could be a couple of years until those funds are really available for smaller cities like us.
  - Brad Hays said they have also redone the application and one of the things is only cities can apply and you have to have hard match. There is no labor or anything like that anymore. You have to have a cash match. The more cash you have the better chance you have.
  - Leina Mathis said we would have that cash if we did the transfer to the capital projects

fund.

- Jarett Waite clarified with Leina that she suggests we could hold off on Canyon View and Little League because we can shell out the cash for it.
- Leina Mathis said that would be her preference. She said we should fund the BMX parking lot and use the Rap Tax and the tourism money we already have and complete that entire parking lot and hold off on Canyon View. She said she thinks Little League is down the road a while. She said to hold off on Canyon View and transfer the funds into the capital projects fund and have the cash available and then present to the County.
- Jarett Waite said he thinks that makes a lot of sense. He asked if it was possible to put a really good road base down at the entrance of Canyon View Park. He said that is the biggest struggle in getting into that park.
- Brad Hays said we can improve that now if we are not going to pave it. We can bring in road base and make it really nice.
- Jarett Waite said that would make him feel a lot better about holding off on that project.
- Leina Mathis said that maybe having paved parking adjacent to the field will give some people the option of parking there.
- Mayor Rosenberg said it will also spread it out so that we are not closing all the parking areas at once while the construction is happening. He talked about the St. George power pole that is in the parking lot. It will eventually go away but not yet. That is the overhead line that goes all the way across the Heights and goes out to Gunlock and the wells and they are rerouting that and putting in a new line so that will be able to come down eventually, but it can't come down for a couple of years.
- Denny Drake said that even if we do the BMX parking lot, we are short \$84,000.
- Brad Hays said that is correct. If the Rap Tax continues at the current rate throughout the fiscal year, we would have that money.
- Denny Drake said it sounds like we need to move forward with the BMX park because of the County funding and then work with Brock in establishing the other money so we can actually finish the project. He asked if tonight is just about having a discussion on this or are we approving something.
- Brock Jacobsen said Council would be approving the design they want and then it would go out to bid. Council is just choosing which parking lot you want to do and approve the design. From the bid we will have the part that the city wants to do in house.
- Ben Shakespeare asked if the designs are ready to go and send out to bid?
- Mayor Rosenberg said they are probably 90% ready. The grades just need to be finished up.

**Motion to Approve the parking lot design and cost estimate for the BMX Parking Lot and take it to the next step to get a bid.**

**Motion by Ben Shakespeare, seconded by Denny Drake.**

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

**Voting Nay: None.**

**Motion Carried.**

3. Consider approval of an amended Final Plat for The Hills of Santa Clara Ph. 3 located south of the Santa Clara River and west of the Hills Project Ph. 1, in the western portion of the City. Presented by Corey Bundy, Building Official.

- Corey Bundy said that this proposed plat amendment for The Hills of Santa Clara Ph. 3

final plat is to allow the merger of the combination of two lots into one lot on three separate parcels located within the Ph. 3 plat. These lot mergers are requested by the property owners, and the net effect is that the number of lots in the phase 3 plat will be reduced by 3 lots. The phase 3 plat will thus have 23 lots instead of 26 lots at present. Because the applicant wasn't able to obtain written consents from all property owners, including the mortgage companies, a public hearing was held by the Planning Commission on May 13, 2021, to consider and approve the requested plat amendment. The single-family subdivision is located in a R-1-10/RA Mixed Lot Size zone located south of the Santa Clara River and west of The Hills Phase 1, in the western portion of the city. The subdivision is located on the hillside, which begins just south of the Santa Clara River. All of the proposed lots in this phase are larger than 10,000 sq ft. It is staff's understanding that no easements will be vacated. The applicant is Shook's Run, LLC. The Project Engineer is Adam Allen, PE and the Geotechnical Engineer is Geotechnical Testing Services Inc. The Planning Commission recommends approval of the Amended Final Plat for Ph. 3 as requested by the applicant. He said there was a public hearing and we had one resident that lives in Ph. 1 with a concern, which was that there is a lack of progress in Ph. 3. There is a new contractor and hopefully that will progress at a better pace. It is quite a large hill to try and develop and there is a lot of rock.

- Denny Drake asked if there are any problems with utility movements for those property lines to combine them.

- Corey Bundy said there are no easements on the sides.

- Mayor Rosenberg said all those issues were worked out at TRC as far as the utility relocates. Wayne Rogers looked at it for the City as far as hillside compliance and felt like it was still in compliance with the hillside approval.

- Leina Mathis said we didn't notice two of the adjoining property owners because they weren't on the list provided to us because the developer sold the parcels after providing us the list. She said looking at it from the owner's perspective if I were the person who bought that lot when I bought the lot the recorded plat is this and it hasn't been approved for an amendment yet and one of those goes to a 5-acre parcel, I could end up with this massive, huge home that I didn't know about because I wasn't noticed. It is not because the city didn't do their job but because the developer sold it in between time.

- Mayor Rosenberg asked if the developer disclosed it when he sold.

- Leina Mathis said she has no idea.

- Denny Drake asked if he got approval of all the subdivision owners for this amendment.

- Mayor Rosenberg said that is why they had the public hearing.

- Corey Bundy said they were all noticed inside the subdivision and only one person was at the public hearing.

- Leina Mathis said the sale happened after and the owners that it was sold to, weren't noticed.

- Corey Bundy said the developer was the owner of the lot that Leina is referring to and in the meantime, he sold it.

- Matt Ence, City Attorney, said if you have a public hearing under the Code section that covers these amendments it doesn't say that each of the owners is required to have direct notice, but it does say you have to comply with any notice requirements of the applicable ordinances. He said he needs to pull up our ordinances and see if we have anything special as far as notice requirements. That would be the kicker.

- Leina Mathis said she is okay with this, but she wants to make sure we are looking after these particular two homeowners.

- Matt Ence said the applicant may be covered given that they have had a public hearing and on top of that the only thing that changed was the joining of adjacent lots owned by the applicant. He said he will double check our ordinance while Council continues the discussion.
- Denny Drake asked if this portion of it was discussed in Planning Commission.
- Leina Mathis said the sale happened before the public hearing.
- Corey Bundy said we weren't aware that they sold the property.
- Denny Drake said the public notice was actually applied to that new owner because they would have been able to see the public notice.
- Corey Bundy said it was noticed on property, the public hearing was.
- Matt Ence said he is not seeing anything specific that we require beyond what the State code requires as far as notice so given the fact that there was a public hearing and on top of that given the fact that this is only eliminating boundaries between lots owned by the same person that essentially covers them on that notice issue. If it was a problem at this stage, we probably wouldn't want to approve it. We would have to have them give us updated information and re-notice it, but he doesn't think it is an issue in these circumstances.

**Motion to Approve an amended Final Plat for The Hills of Santa Clara Ph. 3 located south of the Santa Clara River and west of the Hills Project Ph. 1, in the western portion of the city.**

**Motion by Leina Mathis, seconded by Ben Shakespeare.**

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

**Voting Nay: None.**

**Motion Carried.**

4. Consider approval of a project plan for the Pointe at Entrada Assisted Living Community on 23.6 acres generally located on the north side of Pioneer Parkway and just west of the Entrada development. Presented by Corey Bundy, Building Official.

- Corey Bundy said this is to consider the approval of this project plan. The Project Plan proposes 158 total units on the 23.6-acre site. The various unit types are arranged as follows; 100 units in the main 2-story Assisted Living Center comprised of 54 Independent Living units, and 46 Assisted Living Units (including 14 memory care units). Also, there are 43 detached single-family active adult homes, and 15 additional Independent Living units in five 3-plex cottages. The Assisted Living Center also has various amenities for residents along with a central dining facility for meals. The other 43 detached single-family homes and the 15 cottage units will be 1-story dwellings (14' max) with full kitchen facilities and are typical homes designated for seniors age 55 and older. The 43 detached single-family homes all have a 2-car garage and a 20' long driveway. The Assisted Living Center proposes 73 parking spaces, and the five 3-plex cottages propose an additional 40 spaces. The city parking code (17.32.050) lists "Nursing Homes" as the closest applicable use and that requirement is 4 spaces plus 1 space for each 3 beds. Independent Living is not listed in the parking chapter but a standard of 1.3 spaces per Independent Living unit seems reasonable. The Planning Commission determined that a parking standard of 1.3 spaces per unit is a reasonable standard per section 17.32.100 which authorizes the Planning Commission to determine the number of parking spaces required for uses not specifically identified in the Parking section. The project proposes two access points off Pioneer Parkway to serve the project.

The two access points are approximately 1,100' apart. The interior streets are all proposed as public streets. On Feb. 24, 2021, the City Council adopted a Temporary Land Use Regulation that deals with density equivalents for Assisted Living projects. Basically, the temporary zoning regulation states that living units with their own kitchen facilities, and not dependent on a central dining facility, will be considered equal to a typical or standard dwelling unit for density calculation purposes. For Assisted Living units, which do not have their own kitchen facilities but are dependent on a central dining facility or by meal delivery to the rooms, those Assisted Living units will be considered on a density basis of 2 Assisted Living units being equal to 1 typical or standard dwelling unit. Staff is not certain on the number of units with and without kitchen facilities, but the question of "equivalent residential units" is a moot point on this project because even if all the units were assumed to have their own kitchen facilities (which is not the case) the overall density would be only 6.7 units per acre. (158 units divided by 23.6 acres). The allowed density in the PD-R zone (without a Density Bonus) is 8 units/acre, so the project is within the allowed density, even without considering the ERU factor which would lower the overall density below the 6.7 units/acre. The proposed architectural style will reflect the existing architectural vernacular of the surrounding area, as stated by the applicant's project narrative. The applicant has provided renderings for all the unit types proposed in the project. Staff feels the proposed building designs are excellent and provide a strong sense of quality to the entire project. The applicant states that approximately one-half of the overall site is in open space with the other half consisting of building footprints and access ways. The zoning code requires a minimum of 30% of the project area to be in open space, so this requirement is amply met. All of the project-generated traffic will use Pioneer Parkway to access the project. Assisted Living and Memory Car units typically generate a low rate of traffic compared to standard residential units, because the tenants typically don't drive, and only staff and guests drive to the facility. Based on the ITE Trip Generation manual (7th edition), the Assisted Living units are expected to generate about 2.6 trips/bed/day, and the Memory Care units are expected to generate about 2 trips/bed/day. For the proposed 32 Assisted Living units and the 14 Memory Care units this amounts to an estimated trip generation of 111 trips/day, which estimates the total trips for staff and visitors since the unit (room) tenants typically don't drive. Independent Living units are estimated to generate approximately 3.7 trips/day, which could amount to 255 trips/day for the proposed 69 Senior Independent Living units. The 43 Active Senior homes are expected to generate about 7-8 trips/day. Because the three types of assisted living units are all part of one project and utilize the same common facilities & staff, there will be less traffic impact than if the three-unit types were separate independent projects with separate staffing. The applicant has provided a Traffic Impact Study prepared by Hales Engineering, a firm which specializes in transportation issues. Their study addresses traffic impacts along Pioneer Parkway both with and without the proposed project. Their findings are that in 2026 with the proposed project, Pioneer Parkway and the intersection with Red Mountain Drive will have acceptable Levels of Service (LOS). Their estimate is that in 2026 with the project, Pioneer Parkway at both access points will operate at a LOS of 'A' and that the intersection with Red Mountain Drive will operate at LOS B. The Traffic Impact Study is available at the city office for study and can be utilized to answer traffic related questions at the Planning Commission meeting. The Planning Commission recommends and Mr. Ryan Hales, PE and author of the Traffic Impact Study agrees that decel lanes are needed at both entrances to the project on Pioneer Parkway. The city requirement for

Assisted Living and Memory Care units falls under the general category of “Nursing Homes” which is 4 spaces plus 1 space for each 3 beds. Based on a total of 46 beds for the combined Assisted Living & Memory units the minimum parking requirement would be 19 parking spaces, which is intended for staff and visitors as the Assisted Living & Memory Care residents don’t drive. Parking for Independent Senior Living units the city zoning code does not list a specific parking requirement but typically that would range at about 1.3 spaces per unit, which would amount to 90 total parking spaces for the 69 Senior Independent living units. Total parking requirement for Assisted Living and Independent Living components of the project would be approximately 109 spaces. The applicant states that 113 parking spaces are proposed. The 43 Active Adult detached homes will all have 2-car garages with a 20’ long driveway. Staff feels this project is very attractive and well planned and would be a valuable asset to the community to meet the needs of the aging population. A neighborhood meeting held on February 25, 2021, at the Santa Clara City Hall was well attended and according to the applicants received strong support from those attending the meeting. There were 20 in attendance and 30 online at this meeting. The Planning Commission held a public hearing on 5/13/2021 with no public in attendance. The Planning Commission recommends approval of the Project Plan with two conditions; 1) The Independent Living units have at least 1.3 parking spaces per unit, and 2) The project construct decel lanes at each entrance to the project (on Pioneer Parkway), and that such decel lanes be shown on future drawings including the Preliminary Plat and Final Plat. He said they submitted an update with the decel on it and turning lanes and also parks and trails.

- Mayor Rosenberg asked Dustin Mouritsen if they got the waterline connection figured out.

- Dustin Mouritsen said yes. We had a meeting with Clint and Scott Taylor, and everyone is on board. There will be a connection to St. George City and Entrada. We are going to do a stub just below that for our future. They will be looped.

- Jim Petersen, Applicant, said they are pretty excited about this project. They did some pretty in-depth market studies, and they came back really positive that this is definitely needed in the community. They call this project a continuum of care. People could actually purchase the active adult homes. The main facility would be mostly independent care with some assisted or memory care. The cottages are for independent people. The active adult homes will be able to partake of the activities in the facility. This is a higher end model and facility as far as activities, quality meals, a spa, a gym, a general store, and many activities throughout the day. There will be a swimming pool, pickle ball courts and other things. The people in the homes will also be able to partake of the meal program at the facility and then the nurse call to any type of emergency. It is aging in place. He talked about where they put the facility compared to all the adjacent neighbors. There is a buffer of homes between it. The active adult homes will be the buffer.

- Mayor Rosenberg asked if there was a privacy wall along the Pioneer Parkway frontage.

- Jim Petersen said there will be.

- Mayor Rosenberg asked if there will be landscape strips on there as well.

- Jim Petersen said yes there is quite a bit of work that is recommended and drawn by the Civil Engineer and Traffic Study so there will be acceleration and deceleration lanes at both entrances and also, they will be adding to the width of the road quite a bit because there will be turn lanes in the middle of the road to turn into the facility.

- Mayor Rosenberg said there is a 10 ft minimum landscape strip outside of the privacy wall into the roadway as well. That will be maintained by the HOA. He asked if there

will be a privacy wall on the east side or the west side against the lava.

- Jim Petersen said that definitely on the east side of the project they will be doing a privacy wall, but they haven't come up with anything between the subdivision to the north and theirs.

- Mayor Rosenberg talked about a retaining wall. There is quite an elevation grade difference there.

- Jim Petersen said there is not going to be any retaining on their site. It is all on Entrada's side.

- Leina Mathis had a question about the lava rock. She said they have carved out this one section to retain most of the lava rock in the circle. When they do all the platting for the individual homes will they retain as much of the lava rock in the landscape design as well?

- Jim Petersen said absolutely. They are going to keep as much lava rock as possible. That is a great feature for the site.

- Jarett Waite said he watched the Planning Commission presentation and was impressed with it. He asked if the services such as the general store will be taxable and actually be revenue for the city.

- Jim Petersen said it is.

- Jarett Waite said this won't impact the view of the homes up above because it is lower even though it is a two-story facility. He said he likes that they will have a video conferencing room.

- Jim Petersen said they are building more for the future. Technology is a big part of it. One of the things they have is all of the facility will have special tablets and, on those tablets, will be everything that is going on in the facility including weather, local news, what is going on at the facility and communication and video conferencing. And it is very easy to use. They are also building a Zoom family room with big screen TV's and a mike system and speakers. It makes the virtual experience as real as possible. They will use this a lot for tele-health too.

**Motion to Approve the project plan for the Pointe at Entrada Assisted Living Community on 23.6 acres generally located on the north side of Pioneer Parkway and just west of the Entrada development as presented with the recommendations given by the Planning Commission of the parking, deceleration lanes and turning lanes on Pioneer Parkway.**

**Motion by Jarett Waite, seconded by Denny Drake.**

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

**Voting Nay: None.**

**Motion Carried.**

5. Discussion regarding a proposed project on the corner of 400 East and North Town Road. The project developer is proposing a plan that mixes vacation rentals (Quail Crossing) and long-term residents (Coyote Landing). Applicant, Robert Smith. Presented by Corey Bundy, Building Official.

- Mayor Rosenberg said that this came to TRC last week and the question came up about the request for vacation rentals within the project and mixing vacation rentals with regular townhomes, which has some concerns from himself and some of the TRC. He said we invited Mr. Smith to come and have this discussion. This isn't here for approval tonight and their complete package isn't ready. The applicant's representative, Ben

Willits is here tonight.

- Corey Bundy said they have submitted a complete package and will be on the Planning Commission agenda for a zone change. The location of the project is north of North Town Road across the street from Ocotillo and east of 400 E. in Ivins. It borders the Santa Clara line to the north and to the west. The proposal site area is 20 acres and the total dwelling units is 199 and the density is 9.9 units per acre. The total open space is 8.863, which is 44.12%. The condo area is 6.5 acres and the total dwelling units is 80 in the condo area. The total townhomes on 13.56 acres are 119 and density is 8.77 units per acre. The clubhouse parking would have 39 stalls and the total residential parking is 560 units which is 2.8 stalls per unit overall. They do have RV and boat parking which is 22 stalls. The current zoning is R-1-10, and they are proposing PDR zoning. They are proposing to do Ph. 1 townhomes along the corridor. They have a central clubhouse with tennis and pickle ball courts. For the townhomes they have a big grass area with a pavilion and sand play area. The townhomes along 400 E. face 400 E. and there was a concern about the road profile. There would be parking along 400 E. and also on North Town Road where the condos face North Town Road. The main discussion brought to Council today is the mixture of the amenities being part of this condo project and then the townhomes. Would the townhomes be able to use this central facility that is slated for short-term rentals with these 80 condos?

- Robert Smith, Applicant, (via Zoom) said the Council's feedback and thoughts are important to them. He said he has been developing property for the last 13 years. He has been in property management for the last 10 years. He has sold almost 200 lots and homes in Santa Clara. Santa Clara has been his primary focus and will continue to be for some time. They are hoping to build two separate communities made up of townhomes and condos. The townhomes are two-story buildings with 3 and 4 bedrooms ranging from 1,700 sq ft to 2,100 sq ft and are a combination of both front-loaded and rear-loaded homes and are intended to be sold to individual buyers. The condos are 3-story and just over 35 ft and would be much smaller, which are 1-, 2- and 3-bedroom units ranging from 850 sq ft to 1,400 sq ft and they hope to have these as nightly rentals. He said they have been successfully managing nightly rentals in Santa Clara for the past 3 years. They take a hands-on approach of the management of their property with onsite staff there 7 days a week. They intend to have the same thing at this new development as well. They have nighttime security that patrols the neighborhood and checks the pool area and clubhouse. He knows they need to exceed the requirements for parking. The maintenance and laundry sites that are onsite for Arcadia would service this community as well. Maintenance will always be on hand. The front of the buildings will look and feel like the front of a home. There will be a driveway fronting on to North Town Road or 400 E. It will be more aesthetically pleasing to look at because you won't be looking at the back of buildings or homes. That is why they went with the design like this. They have a team of over 60 employees that work each day to make sure these properties and grounds are kept up and they will continue to do that.

- Mayor Rosenberg said that in TRC they talked about the street improvements on North Town Road and 400 E. and about possibly incorporating some pop outs. He said that just based on experience anytime you front a townhome unit on a public street the people will park in front of the unit. Right now, there is no parking on 400 E. We discussed doing some pop outs or street treatments similar to Santa Clara Drive to identify and delineate the parking areas. He asked if Robert Smith has done anything with that yet.

- Corey Bundy said he went and measure that. It is 24 ft from the drain over to the

property.

- Ben Willits said they haven't done anything further other than noting there is room to do that with the setback of what the building is to where the new proposed curb would be so there is room to do a parallel parking situation. From that standpoint it will work it is just a matter of now what they want that cross section to look like. He said it sound like from the city standpoint they are going a little different direction of what Santa Clara Blvd. would look like.

- Mayor Rosenberg said his biggest concern was that every time we put a townhome with the frontage on that street the people in that townhome park on the street. They don't necessarily use the private garage or the internal parking they park along the public street if it is allowed.

- Ben Willits said he thinks we would see both. The garage for a lot of people turns into a storage unit but they still have a driveway.

- Mayor Rosenberg said he wants to make sure we have adequate capacity in the street, that the lane, the cross section is there, and we have turning movements. That design element is an important part of their submittal for the Planning Commission that they be able to see that both on North Town Road and on Pioneer.

- Ben Willits said they can work on the details with the Public Works. He said it is a lot nicer to have the front to the road instead of just turning the back to it and putting a fence up. He said that where this isn't a very heavily traveled road, the traffic study showed it is a pretty minorly used road and once you get the parkway it will be hugely traveled and Rachel and 400 E. will become very much minor collectors at that point so from that standpoint it makes sense to put the backdoors to there but from the community standpoint it is a much better feel to have the front door facing the street then turning it around and putting a wall up. He said as they get further down the road with this and get more detail, they will show how the parallel parking will be able to accommodate what that need may be.

- Mayor Rosenberg said the second thing that concerns him is the combination of the two uses of the nightly rental use and the for-sale use sharing the same streets. It is not isolated like all of the other vacation rentals including Arcadia. They don't share the same streets except for the major thoroughfares where this one you are sharing the same streets as far as internal circulation and access to amenities and access to parking. Everything is being shared. He asked Council if they have any concerns relative to that. That was his concern when he first saw this. He said he likes how our nightly rental system works. It has been extremely successful with public safety as far as impacts to the community and one of the things that makes it work is the all or nothing component where everything within the project is a vacation rental and you are not mixing a non-vacation rental with a vacation rental. These townhomes are going to be sold so you will have property owners in the regular townhomes and nightly rental users in the vacation rentals and they share a lot of things in there.

- Leina Mathis said she had the same concerns. In our ordinance the word is "self-contained", so it is a self-contained development. And a concern is how they would regulate those townhomes not turning into nightly rentals when other parts of the existing development are nightly rentals. She had a question on some fire safety issues too.

- Mayor Rosenberg told Council this is the time to ask all their questions. They have applied, but they have not gone to Planning Commission yet. They are looking for Council's input at this point.

- Leina Mathis said with three-story units they would have to have fire sprinklers in them,

and she asked if there is something that requires the city to put something in place to accommodate a three-story building.

- Ben Shakespeare said the three-story is still under 35 ft which is our residential standard.

- Chief Hancey, Fire Chief, said that is a concern with a three-story building for an aerial ladder truck access. We would want to make sure that we have access on three sides of that building and adequate space to turn around and of course that building will have fire sprinklers which will help.

- Mayor Rosenberg asked Chief Hancey if he has any concerns with their layout relative to what he just said.

- Chief Hancey said they have looked at it in TRC a couple of times. The location of the three-story buildings we just would want to measure and make sure we have access to three sides of those buildings, which he believes we do.

- Denny Drake asked as far as the parking on Old Town Road and we only have 24 ft of asphalt and if there is parking on the other side of the street it seems like we have a narrow neck of roadway to work with.

- Chief Flowers, Police Chief, we do, and it is not just the narrow road but the size of the vehicle and the things they are pulling. We have had a few parking issues in some of our areas like this. There seems to never be enough parking for people to bring more than one vehicle down. It can be a problem for multiple visitors at the same place. He said the city needs to consider the parking.

- Denny Drake asked the Council at what point is our saturation with vacation rentals and with townhomes. Is it something we are looking to continue or is it something that as the County has done that, we look at a moratorium for right now? Is it a time that we have an awful lot of high density and is it time to relook at residential verses high density?

- Mayor Rosenberg said this area is General planned and has always been General planned for higher density. As far as the townhome use the townhome use complies with the intent of our General Plan. The question regarding saturation of the short-term rental everyone has their own opinion on that. It still seems to be relatively high demand. We have a lot of them out here with all the projects that have been approved.

- Wendell Gubler said his concern is like Leina's. If we have the vacation rentals already there a lot of these townhomes are going to turn into vacation rentals.

- Mayor Rosenberg said that one thing that has been really nice about the projects we already have you know when you enter that project that the whole thing is vacation rentals. When you come into this project you don't know one from the other. He said he thinks there is going to be some potential for conflict down the road.

- Jarett Waite said he went to the League of Cities and Towns caucus for resort towns. The sentiment is all the concerns for the vacation properties, and we don't have any of these concerns and he thinks it is because of how we set that up. He feels the same as the Mayor that this needs to be sectioned off. They need to be a separate entity so that we don't have that confusion or the complaints from neighbors. He said he was concerned about the three-stories as well, but he likes where it is positioned on the plan.

- Mayor Rosenberg said you have single-family homes in Ivins right across the street on the west side of 400 E. They don't front 400 E. but they are still single-family homes over there.

- Ben Shakespeare said he agrees that there is an issue on the nightly rental aspect. It needs to be broken up, so they are separate, or it is either one or the other. He said there is also a need for some single-family lots. He said he doesn't think the nightly rental

neighborhoods have been an issue. This project could set the table for all of that because they would be mixing those two uses.

- Mayor Rosenberg asked Robert Smith about the tunnel they would have for access to the amenities on the east side.
- Robert Smith said it would be nice to have some connectivity.
- Mayor Rosenberg asked if someone owned a townhome in the project would they have access to the pool. The pool at Arcadia.
- Robert Smith said they could if they are a club member.
- Mayor Rosenberg asked if they have planned a separate amenity for the townhome area if they don't buy into the Arcadia amenity. Are all the amenities on the west side of Hamblin Parkway available for that or just the grassed area and the playground on the north area?
- Robert Smith said the pool and the pickle ball are designated to be for the nightly rental. He said the size of the amenities would be able to accommodate the townhomes and the nightly rentals. He would like the short-term rentals and townhomes to both be able to use the amenities. He said that not all the condos will be nightly rentals.
- Mayor Rosenberg asked if the HOA fees for the townhomes help maintain the pool over there for the condos and vice versa and will the amount be the same.
- Robert Smith said yes, the fees will help to maintain them, and he is hoping the fees will be the same. He said they might need to look at that some more.
- Ben Shakespeare asked if there was a way in the project plan to divide those up a little better. He said there is a need for affordable housing.
- Robert Smith said the affordable housing is a critical part for them. He said if he reduced the amenities all of that could be done. He is trying to balance density and meet that goal of affordable housing.
- Mayor Rosenberg said that is part of the issue that he has is we are trying to combine a resort with an attainable housing project. He asked what their price points are going to be on the townhome units.
- Robert Smith said he hopes to keep them in the \$300,000's.
- Mayor Rosenberg said so they are not attainable housing.
- Ben Shakespeare said the townhomes Countywide are over that amount.
- Mayor Rosenberg said it is more of a resort so if it is going to be a resort, they need to treat it like a resort or go the other way.
- Ben Shakespeare said that even if this was all townhomes in today's market with costs where they are there isn't anything under \$300,000. If \$200,000 is our benchmark for attainable housing, we don't have that in Southern Utah unless they're subsidies.
- Denny Drake asked a question about the association. Will they have two separate associations, one for the vacation rentals and the other one for the townhomes?
- Robert Smith said there would be one association.
- Denny Drake asked if the amenities would be divided differently so would there be a different charge for those within the resort area and those within the townhome area.
- Robert Smith said there would be one shared amenity and not create two smaller and not as good amenities.
- Mayor Rosenberg said he doesn't know how we mix them.
- Jarett Waite said our ordinances don't even allow that.
- Ben Shakespeare said he doesn't have an issue if it is all nightly rental or townhomes or even if it is broken up in a way that you can separate it. There needs to be some separation, or it needs to be one or the other.

- Matt Ence said in the Conditional Use for nightly rentals it does say that generally speaking the conditional use needs to apply to the whole project, but it does allow that the City Council can approve it otherwise, but it has to be designated and reviewed by the Planning Commission showing which units are which and then it has to be a specific approval by the City Council approving that split.
- Robert Smith said that hopefully they can provide separation that would be acceptable for Council. He asked if there was a separation, a division such as a wall or a wrought iron fence would that suffice?
- Jarett Waite said for him, yes. They are two separate projects for sure.
- Ben Willits said they are coming under the PD and PDs are mixed use. For the mixed use you are obviously able to have different uses in that zone. There are creative ways they can go about separating the nightly rentals from the townhomes just by the way they can reconfigure some things on the site. It is still the same project.
- Mayor Rosenberg said it is the conditional use thing. We only granted those conditional use on a select few group of properties that are isolated.
- Ben Willits talked about the site plan and having a fence between the two properties and they could still use the same amenity. It would be nicer to have one big amenity then have two lesser amenities. He said there are creative ways they could easily make that work just by reconfiguring mainly that core area how it would lay out. He asked Council if that would be an acceptable way to separate those two without having to say they are pulling one out here with its own amenity and the other out with its own amenity.
- Mayor Rosenberg said it would be more acceptable to him if that were the case.
- Ben Willits said that in essence it just comes down to the vehicular circulation. The parking will be part of a private roadway, but the main roadways would be public but once you get to those parking areas around the condo's those are private anyway.
- Matt Ence said to some extent we are talking about artificial restrictions because the ordinance does allow the Council to make something like this happen if it wants to. There is no obligation to, but the Council can if they feel satisfied about these issues. The other way to look at it is arguably they could bring this project to the Council, get a conditional use permit for nightly rentals for the whole thing and then record covenants that restrict those nightly rentals to only a portion of the project. To some extent there is more than one way for them to go about this.
- Ben Willits said they have done other projects where they have had a 60/40% split where they had 60% owner occupied and 40% rental.
- Mayor Rosenberg said that is a long-term rental not a short-term rental and it is the short-term rental that is the concern. He said his hesitation to vary away from the way the short-term rental projects have been in Santa Clara is that it has been successful the way we have done it. He has heard problems from other communities where there have been problems where they are mixed.
- Robert Smith said they would definitely have in their CC&R's restrictions on the townhomes, and they would enforce it. It has worked very well for them.
- Ben Shakespeare said if the traffic felt as though they were separate communities. He said he likes the shared amenities. He thinks the CC&R's would have to be clear that it is a shared amenity for both communities.
- Denny Drake said he thinks it would be a simple thing to split it out and separate it. His concern is the 400 E. parking. Parking on 400 E. would become very prohibitive because 400 E. is kind of a feeder road and is used between Ivins and St. George and shared ownership in that street.

- Mayor Rosenberg said that street section definitely needs to be included in their documents for review. We will have questions that will come about from Ivins residents about what is happening out on that roadway and we will need to address those.
- Jarett Waite told Matt that the Code section he was referring to was 17.20.260 where it talks about “self-contained: a project where no public streets provide access to individual units that are not part of the project”. He said to him it needs to be self-contained. We could be creative on how that works out.
- Mayor Rosenberg said if they could have pedestrian access one to the other. That is not a big deal.

## 6. Reports:

### A. Mayor / Council Reports

#### Ben Shakespeare:

- Snow Canyon High School Graduation was great. It was out on the field, and it was very well attended.
- Mayor Rosenberg also recognized the high school baseball team and the girl’s track team and asked if we can arrange to have them come to Council. We need to bring them in and recognize them.

#### Leina Mathis:

- She had LPC meeting on Monday. They gave an overview of what they expect to happen during the summer and some of the proposals that will be coming up the next session. They have asked us to invite our Legislators and Representatives to come to a Work Meeting where we can sit down and give them some of the concerns or issues that we feel we as a city have and lay that all out during the summer so that they are prepared before they go into session to have bills prepared. She is happy to make those invitations. She asked about a date for doing that.
- She participated in the Dixie State focus meetings. They were interesting.

#### Jarett Waite:

- He asked about the plans for restriping Rachel Drive. A resident is concerned about people parking in that little section between Buck’s Ace Hardware and Sagebrush. Is the restriping still the plan?
- Dustin Mouritsen said we are widening Pioneer Parkway right now so we will be doing some striping on that in a week, and he can have the truck come over and do that at the same time. He said he will take a look at it.
- Jarett Waite said he wants to really encourage the Council to come to our next Work Meeting with the Utopia presentation. He said the director, Roger, will be here with a pretty fleshed out plan. This is next Wednesday. This is a big deal.
- He said that he and Leina and Dustin went on a tour of the Public Works Department, and we asked a lot of questions. He said he has learned a lot. He highly recommends the Council to go on that tour.

#### Denny Drake:

- He complimented Staff. A number of citizens have told him how good Dustin and Gary have been doing.

Wendell Gubler:  
- Nothing to report.

Mayor Rosenberg:  
- The COVID numbers are staying down. We are getting really good reports from the hospital. They haven't gotten anyone that has been hospitalized for a couple of weeks that has been vaccinated. They still have people in the hospital and in the ICU and every one of them has been unvaccinated.

Brock Jacobsen:  
- Next week there will be a discussion about fireworks at the Work Meeting.  
- HB 128 was passed. It affects the fund balance. Municipalities can have up to 35%.  
- He asked Council to let him know if they are going to attend UAMPS. Rooms are coming out Friday, so he needs to know who is going. (Jarett, Leina, Denny and Mayor are a yes. Ben and Wendell are a no.)

7. **Executive Session: None.**

8. **Adjournment:**

Motion to adjourn by Jarett Waite.  
Seconded by Wendell Gubler with all members present voting aye.  
Meeting Adjourned at 7:11 p.m.

\_\_\_\_\_  
Chris Shelley – City Recorder

Date Approved: \_\_\_\_\_