



NOTICE OF PUBLIC MEETING PLANNING COMMISSION

Planning Commission
September 14, 2023 @ 5:30 PM

2603 Santa Clara Drive
Santa Clara, Utah 84765

Phone: (435) 673-6712
Email: contact@sccity.org

Public Notice is hereby given that the Planning Commission of the City of Santa Clara, Washington County, Utah, will hold a Planning Commission Meeting in the City Council Chambers, 2603 Santa Clara Drive, Santa Clara, Utah, on Thursday, September 14, 2023, commencing at 5:30 PM. The meeting will be broadcasted via YouTube linked on our website at <https://sccity.org/meetings>.

The agenda for the meeting is as follows:

- 1. Call to Order**
- 2. Opening Ceremony**
 - A. Pledge of Allegiance: Shelly Harris
 - B. Opening Comments (Invocation): Mark Hendrickson
- 3. Communications and Appearances**
- 4. Planning Commission Training**
 - A. Mark Hendrickson
- 5. Discussion Items**
 - A. Subdivision Ordinance Updates
 - B. Regulations for Accessory Structures
- 6. Approval of Minutes**
 - A. Request Approval of Regular Meeting minutes: August 10, 2023
- 7. Adjournment**

Note: In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the City at least 24 hours in advance of the meeting at (435) 673-6712.

Posted this 7th day of September 2023.

Jim McNulty, Planning Manager



TO: Santa Clara City Planning Commission
FROM: Jim McNulty, Planning Manager
DATE: September 14, 2023
RE: Subdivisions Ordinance Updates

City staff would like to have a discussion with the Planning Commission regarding updates to the Subdivision Ordinance required by SB-174. The Commission will recall that changes to state law were approved and adopted during the 2023 legislative session. The required changes include the following items:

1. All cities with a population exceeding 5,000 located in a county of the 1st, 2nd, or 3rd class must revise their subdivision ordinances to comply with this process by February 1, 2024. As of the 2020 Census, Washington County is a county of the 2nd class (population of approximately 180,000+).
2. SB-174 requires local governments to designate a Land Use Authority (LUA) to review subdivision applications. These authorities may not be members of a town/city council.
3. SB-174 establishes a two-step process for approving subdivisions. This includes **a preliminary subdivision review with the Planning Commission, and a final subdivision review with the Technical Review Committee, TRC** which includes representatives from all reviewing city departments, private utilities, and relevant contract professionals.
4. Municipalities may perform up to four review cycles (Final Plat) on a given application. A review cycle is not considered complete until the applicant has adequately addressed all of the redlines identified by the municipality. Each review cycle at this stage must be completed in 20 days.
5. SB-174 creates two (2) distinct appeal processes after the four review cycles have been exhausted and 20 days have passed.

A draft working copy of Title 16, Subdivisions has been attached for your review.



TO: Santa Clara City Planning Commission
FROM: Jim McNulty, Planning Manager
DATE: September 14, 2023
RE: Regulations for Accessory Structures

City staff would like to have a second discussion with the Planning Commission on regulations for accessory structures. The Commission will recall that this item was discussed during the June 8, 2023, meeting. We would like to discuss the following items:

1. Height Regulations (RA, R-1-6, R-1-10, and R-1-10/Mixed Lot Size Zones).
2. Double Frontage Lots.
3. Smaller Accessory Buildings.
4. Accessory Buildings and Accessory Uses; General Requirements.
5. Modifying Regulations.

A draft working copy of multiple sections of city code has been attached for your review.

17.60.040: HEIGHT REGULATIONS: (RA Zone)

No main building shall be erected to a height greater than ~~thirty-five~~thirty-five feet (35') and no accessory building shall be erected to a height greater than twenty~~-five~~ feet (~~25~~').

An Accessory Dwelling Unit, ADU may not exceed a height of twenty feet (20'). 0') ~~without a conditional use permit approved by the planning commission.~~ (Ord. 2009-01 § 1)

17.63.040: HEIGHT REGULATIONS: (R-1-6 Zone)

No building shall be erected to a height greater than thirty feet (30'), and no accessory building shall be erected to a height greater than ~~fifteen~~twenty feet (~~15~~20') unless additional rear yard and/or side yard setbacks are provided. For each one foot (1') of additional building setback, one foot (1') of height is allowed up to a maximum height of twenty feet (20'). Accessory buildings which comply with the setbacks required of the primary residence are allowed at twenty feet (20'). An Accessory Dwelling Unit, ADU may not exceed a height of twenty feet (20'). ~~(Ord. 2022-21, 9-28-2022)~~

17.64.040: HEIGHT REGULATIONS: (R-1-10 Zone)

No main building, shall be erected to a height greater than ~~thirty five~~thirty-five feet (35'), and no accessory building shall be erected to a height greater than twenty feet (20') unless additional rear yard and/or side yard setbacks are provided. For each one foot (1') of additional building setback, one foot (1') of height is allowed up to a maximum height of twenty-five feet (25'). Accessory buildings which comply with the setbacks required of the primary residence are allowed at twenty-five feet (25'). An Accessory Dwelling Unit, ADU may not exceed a height of twenty feet (20'). ~~without a conditional use permit approved by the land use authority. (Ord. 2008-11 § 1; Ord. 2004-35 § 1; Ord. 97-06 § 15-4)~~

17.65.040: HEIGHT REGULATIONS: (R-1-10/Mixed Lot Size)

No main dwelling shall be erected to a height greater than ~~thirty five~~thirty-five feet (35'), and no detached accessory building shall be erected to a height greater than twenty feet (20') unless additional rear yard and/or side yard setbacks are provided. For each one foot (1') of additional building setback, one foot (1') of height is allowed up to a maximum height of twenty-five feet (25'). Accessory buildings which comply with the setbacks required of the primary residence are allowed at twenty-five feet (25'). An Accessory Dwelling Unit, ADU may not exceed a height of twenty feet (20'). ~~without approval of the planning commission. (Ord. 2012-11)~~

17.20.110: DOUBLE FRONTAGE LOTS:

Double frontage lots are lots which have the rear property line adjacent to a public street. Such lots shall meet the following requirements:

A. A ~~six feet~~six-foot (6') masonry wall shall be constructed along all rear lot lines unless otherwise approved by the planning commission. ~~Accessory buildings no higher than fifteen feet (15') in height may be ten feet (10') from the rear property line, and storage sheds no higher than six feet (6') in height may be placed adjacent to the wall.~~

B. Where the Planning Commission has granted an exception to paragraph A ~~a six foot (6') masonry wall is not required along the rear property line~~, the minimum rear setback for all structures shall be twenty ~~five feet (205')~~ from the rear property line. ~~(Ord. 2004-23 § 1; Ord. 97-06 § 4-11)~~

17.20.120: ~~SMALLER AREA OF~~ ACCESSORY BUILDINGS:

~~No accessory building nor group of accessory buildings in any residential district shall cover more than twenty five percent (25%) of the lot area. No building permit is required for accessory buildings of less than two hundred square feet (200 sq. ft.) ten by twelve feet (10 x 12') in size without utilities as per the international building code provided that such building will have no plumbing or electrical elements. Building height is limited to ten feet (10') with a minimum side yard and/or rear yard of three feet (3') if existing easements have been cleared by the Building Official or designee. (Ord. 2004-23 § 1; Ord. 97-06 § 4-12)~~

**17.20.150: ACCESSORY BUILDINGS ~~AND ACCESSORY USES, CONSTRUCTION AND~~
MAXIMUM HEIGHT; GENERAL REQUIREMENTS:**

1. Accessory buildings shall not be constructed upon a lot until a building permit has been issued for the primary~~ncipal~~ building. No building which is accessory to a primary residence~~dwelli~~ng shall be erected to a height greater than ~~one story, or~~ twenty feet (20') unless the requirements of all applicable city code sections (Title 17, Zoning) are met which may allow for additional building height. (Ord. 97-06 § 4-15)
2. Accessory buildings (e.g., tool sheds, storage sheds, playhouses, and similar structures) exempt from permits may not exceed ten feet (10') in height and be located within three feet (3') of a side and/or rear property line if existing easements have been cleared by city officials.
3. No stormwater runoff from any accessory building shall be allowed to run onto adjacent property.
4. Accessory buildings, except for agricultural use accessory buildings not including barns and stables, shall be constructed of similar materials and colors, and shall be architecturally designed to blend with the primary building.
5. No mobile home, travel trailer, boat or similar recreational vehicle shall be used as an accessory building.
6. No shipping container, cargo container, shipping crate, box, trailer or similar movable piece of equipment or object shall be used as an accessory building.
7. No utility connections or meters, separate from the primary dwelling, shall be allowed for accessory buildings. Notwithstanding this restriction a separate sewer connection may be allowed to facilitate gravity flow subject to Building Official or designee approval.
8. No accessory building shall be rented, leased, or sold separately from the rental, lease, or sale of the primary building.
9. No accessory building shall be used as a permanent dwelling unit.
10. When compliant with required setbacks, no detached garage shall be higher than twenty-five feet (25'), measured from finished grade to the highest point of its roof, or higher than the highest point of the roof of the primary dwelling, whichever is less.
11. Accessory buildings, located on corner lots, shall meet the required corner side yard setback, applicable to the zoning district in which the accessory building is located.
12. The cumulative total square footage (all building floors included) of all detached garages, and all other accessory buildings, including Accessory Dwelling Units, ADUs, and agricultural use accessory buildings, shall not be greater than twenty-five percent (25%) of the overall lot area.

17.64.060: MODIFYING REGULATIONS:

A. Side yard setbacks on a "street side" shall be the same as for a front yard setback.

B. Private garages and accessory buildings located to the rear, and at least ten feet (10') away from the main dwelling may be built five feet (5') from the property line provided that: 1) projection beyond exterior wall shall not exceed twelve inches (12") into the area where openings are prohibited, 2) stormwater runoff from the building shall not run onto adjacent property, 3) all corner lots shall maintain required setbacks on street sides, and 4) construction shall comply with current international residential code (IRC) exterior wall and opening protection. No building, or swimming pool, shall be in any easement without city approval. Exception: Accessory buildings of less than 200 square feet (200 sq. ft.) may be built three feet (3') from property line if existing easements have been cleared by the Building Official or designee. Building height is limited to ten feet (10').

1. After first obtaining a building permit from the Santa Clara City building official, a carport or awning may be constructed in the required twelve-foot (12') side yard setback or ten foot (10') rear yard area subject to the following conditions:

a. All three (3) sides of the carport/awning away from the dwelling shall be kept completely open. No storage areas shall be permitted as any part of the carport/awnings.

b. The height of the carport/awning shall not exceed the height of the top plate of the walls of the first floor of the dwelling, or a maximum of ten feet (10') above the normal grade of the side yard setback.

c. A two-foot (2') setback shall be maintained from the side property line.

d. The roof shall be sloped away from the dwelling, and a rain gutter shall be installed along the roof edge on the side yard of the two-foot (2') setback to keep all roof runoff on the property of the owner of the carport/awning.

2. All construction materials shall be completely noncombustible and shall meet all applicable requirements of the international residential code.

a. Color of the construction material shall be of earth tones or harmonize with the colors of the dwelling unit.

b. The carport/awning shall always be well maintained and shall be repainted from time to time as necessary.

3. The side of the carport/awning nearest the front street shall be set back a minimum of ten feet (10') behind the front face of the dwelling unit.

C. The front yard width in a cul-de-sac may be approved by the land use authority with less than the required width.

17.64.060: MODIFYING REGULATIONS:

B. Private garages and accessory buildings located to the rear, and at least ten feet (10') away from the main dwelling may be built five feet (5') from the rear property line and two feet (2') from the side property line provided that:

- 1) projection beyond exterior wall shall not exceed twelve inches (12") into the area where openings are prohibited,
- 2) stormwater runoff from the building shall not run onto adjacent property,
- 3) all corner lots shall maintain required setbacks on street sides, and
- 4) construction shall comply with current international residential code (IRC) exterior wall and opening protection. No building, or swimming pool, shall be in any easement without city approval.

5) No accessory building shall have a width greater than on half ($W/2$) the width (W) of the rear property line as measured from the property line. (See Fig. B)

6) No Accessory building shall have a depth greater than on half ($D/2$) the depth of the side property line. (See Fig. B)

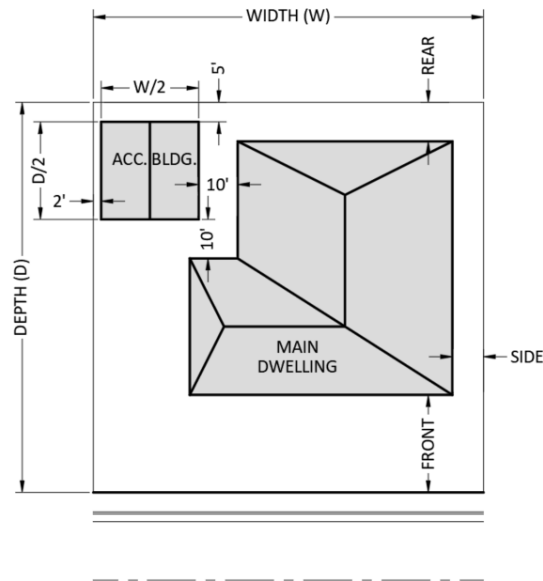


Figure B.

7) No more than one such accessory building shall be constructed on any given lot.

**SANTA CLARA CITY PLANNING COMMISSION
MEETING MINUTES
2603 Santa Clara Drive
Thursday, August 10, 2023**

Present: Mark Hendrickson, Chair
Logan Blake
Shelly Harris
Kristen Walton
Mark Weston

Staff: Jim McNulty, Planning and Economic Development Manager
Cody Mitchell, Building Official
Matt Ence, City Attorney
Selena Nez, Deputy City Recorder

Excused: Curtis Whitehead
Ryan Anderson

1. Call to Order.

Chair Mark Hendrickson called the Planning Commission Meeting to order at 5:30 p.m.

2. Opening Ceremony.

A. Pledge of Allegiance: Logan Blake.

B. Opening Comments (Invocation): Logan Blake.

3. Communications and Appearances.

There were no communications or appearances.

4. Working Agenda.

A. Public Meeting.

- i. Consider a Proposed Partial Plat Amendment for the View Pointe Subdivision (Lots 4 and 5) Located at 1854 and 1860 Red Mountain Drive. The applicant, Robin Linden Intends to Build a Home on Lot 4.**

Planning and Economic Development Manager, Jim McNulty, presented the Staff Report and reported that the application was for a Partial Plat Amendment for Lots 4 and 5 of the View Pointe Subdivision. The property is located at 1854 and 1860 Red Mountain Drive. He shared the proposed configurations for Lots 4 and 5, which were part of the original View Pointe Subdivision. He added that there were a total of 13 lots in the original plat. Mr. McNulty reported that Lot 4 is more circular with frontage on Red Mountain Drive. The applicant wanted to create more of a rectangular shape

that would allow a home to be placed further back from Red Mountain Drive. Lots 4 and 5 need to meet the requirements of Section 17.65.050.

Mr. McNulty reported that the existing home on Lot 5 will be approximately 16 feet from the property line shown. As for the setbacks, there was more than enough room on Lot 4 to build a new home on the property. This was a Partial Plat Amendment, so notices were sent to property owners within the View Pointe Subdivision. No responses had been received. Mr. McNulty noted that the Reviewing Departments looked at the application. The Building Department required a Geotechnical Report for Lot 4 at the time of Building Permit submittal and the Power Department required Public Utility Easements (“PUE”). The Public Works Department stated that a PUE that is not needed on the side or rear yard areas should be abandoned; however, a front yard PUE is required. A final mylar with signature blocks was also required.

Mr. McNulty reported that Utah Code, Section 10-9a-608 includes requirements for subdivision amendments. To amend a subdivision, the City needs to hold at least one public meeting, which was taking place at this meeting. A notice needed to be sent out to property owners within the plat. He reported that a sign was placed on the property to ensure that residents are aware that a public meeting was scheduled. It was determined that all State Code requirements were met with the application. Staff recommended that the Planning Commission consider recommending approval of the Partial Plat Amendment for Lots 4 and 5 of the View Pointe Subdivision subject to the conditions enumerated in the Staff Report.

Chair Hendrickson reported that he walked the property earlier in the day. He believed everything was in place and the application was complete. This amendment would ensure that there is a buildable lot without encroachment issues. The Commissioners discussed the existing driveway. The applicant, Robin Linden, introduced himself and reported that he purchased the lot to build a home on the property. Mr. Linden shared additional details about the driveway approach and potential placement of the home. It was clarified that the neighboring driveway was not on the new lot. The driveway fell short of the new property line.

5. General Business.

A. Recommendation to City Council.

- i. Recommendation to the City Council for a Partial Plat Amendment for the View Pointe Subdivision (Lots 4 and 5) Located at 1854 and 1860 Red Mountain Drive. The applicant, Robin Linden Intends to Build a Home on Lot 4.**

Commissioner Blake moved to recommend APPROVAL of the Partial Plat Amendment for Lots 4 and 5 of the View Pointe Subdivision to the City Council, subject to the following:

Conditions of Approval:

- 1. That the applicant be required to comply with the recommendations from all City reviewing departments.**

2. **That the applicant be required to record the Partial Plat Amendment and provide City Staff with an electronic copy.**
3. **That the applicant be required to submit a Geotechnical Report prior to Building Permit issuance.**
4. **That a primary residence be built on the lot prior to any accessory structure is permitted on the property.**

Commissioner Harris seconded the motion. The motion passed with the unanimous consent of the Commission.

Mr. McNulty reported that Staff would be in touch with the applicant to let him know when the item would be added to the City Council Meeting agenda. He believed it would be two weeks.

6. Discussion Items.

A. Planning Commission Training.

Chair Hendrikson thought it was important for the Planning Commission to continue to be trained. Recently, there had been some opportunities to do that. While he looked forward to the Planning Commission training on tonight's agenda, he also believed it was necessary to devote time at the beginning of each Planning Commission Meeting to training. Various members of the Commission could present that training so as to not burden City Staff. Chair Hendrickson thought the beginning of each Planning Commission Meeting was best for the short training items because it would allow the public to hear that information as well.

Mr. McNulty believed it was important that there be a dialogue between Staff and the Planning Commission about recent meetings. Whether there is a public hearing scheduled or not, some members of the public had decided to share comments during the public comment period in an attempt to make a comment about a particular application. On July 12, 2023, a City Council Meeting was held. At that time, residents went back and forth during the public comment period to ask why there was not a public hearing held at the City Council level as well. Mr. McNulty clarified that the statute does not require it. Public hearings are to be held by the Land Use Authority, which is the Planning Commission. The Planning Commission conducts public hearings for rezones, General Plan amendments, and Code amendments. After the public hearing, a public meeting is then held at the City Council level. The Council could decide that more controversial items require a second public hearing, however, that was not necessary and would require additional noticing. It was noted that it would take more time to accommodate an additional public hearing.

In the case of the recent Clayton Leavitt application, some members of the public misrepresented comments from Commissioner Whitehead. Mr. McNulty explained that Commissioner Whitehead changed his mind after attending some ULCT land use training. He decided that the public clamor did not outweigh the fact that the application was complete and in compliance with the City General Plan. Commissioner Whitehead was comfortable recommending that it moves forward to the City Council for their consideration. The City Council makes the final decision on legislative items. It seemed that some members of the public did not understand the process. Every developer has a right

to submit an application for development. In the end, an application may be approved, denied, or continued, but there was a right for that application to be submitted and reviewed.

Mr. McNulty reported that there had been some accusations from members of the public that City staff works to benefit the developers and does not represent the residents. In addition, there had been inaccurate accusations that City staff was being paid by the developers. Chair Hendrickson pointed out that similar comments were made about specific Planning Commissioners as well. It was becoming a serious issue. Mr. McNulty explained that there is a book (Utah Land Use Institute) that outlines the rights that all involved have, which includes neighbors and third parties. He felt it would be worthwhile for the Planning Commission to discuss some of the issues that have taken place recently, especially because there are future public hearings that will likely have a lot of resident input. Chair Hendrickson expressed concerns that many members of the public do not understand the process. There are specific processes and requirements in place that need to be followed.

Mr. McNulty informed the Commission that the Heritage Commission met last week. There was discussion related to the current Historic District Design Guidelines that better addressed single-family homes, and conversions from single-family homes to small retail businesses. The current Design Guidelines do not necessarily address commercial properties and development. Over the next several months, there will be an effort to create Design Guidelines that better address commercial properties. He reported that a Joint Work Meeting is scheduled for early October that will include the Heritage Commission, Planning Commission, City Council, and members of the public. Based on that discussion, it's likely that a committee of some sort will be formed. Ultimately, he was not sure if there will be Design Guidelines or Design Standards put in place. Chair Hendrickson preferred guidelines to standards but understood that it would depend on what is best for the area.

City Attorney, Matt Ence, shared information about vested rights. He explained that when someone makes an application for land use approval, the applicant is subject to the rules and regulations that were in place when the application was completed. At that point, the applicant is deemed entitled to a decision. That was the legal principle that needed to be considered. If a complete application is submitted, the applicant is entitled to go through the process and be subject to the rules and regulations in place at the time of submission. If the City wants to make changes to zoning ordinances or guidelines, it would be possible to implement a moratorium for six months.

Some Commissioners were concerned that the public did not understand what rules the Planning Commission and City Council need to follow. More education was needed to ensure that residents understand what needs to be done. There was discussion about the collective outcry from residents. The City Council has the discretion to consider that outcry as they are elected officials. That being said, City Staff has an obligation to review applications pursuant to the rules that are in place. The Planning Commission has a similar obligation. Mr. Ence referenced a chart that talked about the four different groups involved in land use decisions including neighbors and third parties, elected and appointed citizen planners, applicants and property owners, and professional planners. There was a give-and-take between those groups.

Mr. McNulty commented that there had been a lot of lashing out from frustrated residents recently. It was something that is happening outside of Santa Clara as well on a national level. Mr. Ence explained that there is a process by which the public can take certain decisions out of the hands of the City Council, which is the referendum process. However, that has a specific set of criteria that need to be followed. There was discussion regarding the referendum process.

Chair Hendrickson wondered how to handle the personal attacks that had taken place recently. Additionally, there was a fair amount of disinformation being shared. Mr. Ence noted that members of the public have made serious accusations. Accusing someone of what is essentially a crime amounts to defamation. When such accusations are made from the podium, it is important to shut them down quickly. If any Commissioners are receiving those kinds of communications outside of meetings, it's possible to respond or reach out to the City Attorney to determine whether a response is appropriate. Mr. Ence stressed the importance of educating residents and stated that it should always be the first objective. At the same time, steps that can be taken to diffuse explosive interactions should be done. If someone makes accusations or contacts a Commissioner in an inappropriate manner, he encouraged Commissioners to inform him. Mr. Ence stated that he could be a resource on behalf of the City. Mr. McNulty suggested that during meetings, the Chair or a member of Staff cut off any accusatory comments. It's also possible to have an officer attend contentious meetings.

There was discussion about a statement that could be read before each public hearing. Mr. Ence reported that there is a written policy for public hearings. Something like that could be read aloud to clearly state the rules and expectations. The Commission discussed sharing conflicts of interest. Mr. Ence explained that there was an obligation to disclose. If a Commissioner believed there might be a conflict of interest, disclosure was necessary. There were a few ways to do that including filing a form with the City or by making a clear declaration at the beginning of a Planning Commission Meeting. Once something that been disclosed, the legal obligation was satisfied. If there was a situation where a Commissioner was uncomfortable voting on an item due to a conflict of interest or the perception of a conflict of interest, it was possible to abstain.

Commissioner Harris felt it was important to listen to residents and make sure everyone felt heard. Anything read before a public hearing would need to set the tone appropriately. She did not want there to be a negative or derogatory tone. Mr. McNulty agreed that it was important to hear from residents but there needed to be a level of mutual respect. There was no room for personal attacks. Chair Hendrickson suggested not reading the statement ahead of the public hearing, but something could be read if the tone of early comments was not appropriate. Mr. McNulty pointed out that it is normally clear which items would draw a crowd and would receive a lot of feedback. In those instances, it might be appropriate to read a statement beforehand. Mr. Ence reminded the Planning Commission that the Chair could set the tone as well. It was okay for residents to be emotional or even to be upset but it was necessary that their comments also be respectful and constructive.

Commissioner Blake noted that some residents seemed to believe that making accusations or inappropriate comments would result in their preferred outcome. However, it was important to remember that there were certain processes and requirements in place that needed to be considered. Chair Hendrickson stressed the importance of balance. Residents need to be heard but the appropriate processes still needed to be followed. Everyone had an opinion and everyone had a right to that opinion. That being said, it was not possible to satisfy all opinions all the time. Mr. McNulty pointed out that those in opposition to an application or development were more likely to come out to express their opposition than the people who were in support of that application. That meant there was not always a balance when it came to the types of comments shared.

Mr. Ence discussed the difference between a legislative and administrative decision. He explained that this was relevant to the Planning Commission because every decision that the Commission made was administrative in nature. There were no legislative decisions that were left to the Planning

Commission. That was important because it was improper for administrative decisions to be based solely on public clamor. He explained that public clamor had to do with public emotion, preferences, and comments. There was Utah case law that clearly stated that administrative decisions should not be based solely on public clamor. Obviously, there were some members of the public upset by that but the role of the Commission needed to be considered. On the other hand, the City Council is a legislative body and can take public clamor into account. The Planning Commission heard all of the comments during the public hearing process and a record was made. That information was then available for the City Council to review and consider.

Mr. Ence noted that there had been comments made by members of the public about the desire to have a public hearing at the City Council level. He acknowledged that it was interesting to have the public hearing required at the Planning Commission level rather than the City Council level. However, that was the procedure that the State Statute laid out for those types of decisions. Mr. Ence noted that there were some items where the Planning Commission would make a recommendation to the City Council. There were other instances where the Planning Commission made the decision. An example of the latter was a Conditional Use Permit or a Site Plan Review.

If there was ever a legal challenge to a decision that was made, there were different standards to challenge a legislative decision versus an administrative decision. Mr. Ence explained that as the legislative body, the City Council was given a broad amount of discretion in their decisions. A decision made by the City Council would not generally be overturned by a court unless it was illegal or arbitrary and capricious. On the other hand, there was an appeals process for administrative decisions. The standard that the administrative decision would be reviewed under was different than the standard for a legislative decision. For example, if the Planning Commission decided to approve a Conditional Use Permit application and someone appealed that, there would need to be proof that the decision made was not supported by substantial evidence. When the Planning Commission made recommendations to the City Council that was not something that could be appealed, because the Planning Commission was not responsible for the final decision.

Mr. Ence informed those present that the purpose of the Planning Commission was not to reflect the opinions of the public. There were certain processes that needed to be considered. In terms of zone changes, the Planning Commission needed to review the application and make a recommendation based on the evidence and standards, and the City Council considered that recommendation along with the information and public comments received. Mr. McNulty explained that legislative matters were a team effort. The Planning Commission needed to determine whether the application was complete, whether all the materials had been submitted, and whether the application was in compliance with city code. A recommendation would be made to the City Council, but ultimately, it was the Council that made the final decision about legislative matters. Mr. Ence explained that any decisions that the Planning Commission had final authority over, such as Conditional Use Permits, variances, or Site Plan reviews, did not require a public hearing.

Mr. McNulty discussed an upcoming change. The Planning Commission is the Land Use Authority but would be the Approval Authority for subdivisions starting in 2024. There would not be a recommendation from the Planning Commission to the City Council for Preliminary Subdivision Plat approval. It would be done at a Commission level. The Final Plat Approval would be administered by City staff. That change would occur early next year. Mr. Ence acknowledged that it would be an adjustment, but it was not inconsistent with the law, as those were already considered to be administrative decisions. Some cities already handled those items in that manner.

There was support for Planning Commission training to take place at the start of each Planning Commission Meeting. That training only needed to be five to 10 minutes but would make it possible for members of the public to learn more as well as the Commissioners. There was also a lot of information available for residents to review on the City website in between meetings. There was discussion about the processes currently in place and the role of the Commission. It was noted that nearby residents had property rights and those needed to be considered. Mr. Ence confirmed that those were taken into account. That became relevant only in fairly narrow circumstances. For instance, if there was a Conditional Use Permit application, sometimes the proposed use would impact surrounding properties. It was appropriate to consider those impacts. Information received from the public about what those impacts might be would be relevant. On the other hand, someone simply not liking an application was not as relevant in that instance.

Chair Hendrickson thanked Mr. McNulty and Mr. Ence for the information shared.

7. **Approval of Minutes.**

A. **Request Approval of the Regular Meeting Minutes – July 13, 2023.**

Commissioner Weston moved to APPROVE the Meeting Minutes of the July 13, 2023, Santa Clara Planning Commission Regular Meeting. Commissioner Walton seconded the motion. The motion passed with the unanimous consent of the Commission.

8. **Adjournment**

Commissioner Blake moved to ADJOURN. Commissioner Harris seconded the motion. The motion passed with the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at 6:37 p.m.

Jim McNulty
Planning Manager

Approved: _____