

**SANTA CLARA CITY PLANNING COMMISSION
MEETING MINUTES
2603 Santa Clara Drive
Thursday, September 14, 2023**

Present: Mark Hendrickson, Chair
Logan Blake
Shelly Harris (via Zoom)
Kristen Walton
Mark Weston
Curtis Whitehead

Staff: Jim McNulty, Planning and Economic Development Manager
Cody Mitchell, City Engineer
Selena Nez, Deputy City Recorder

Excused: Ryan Anderson

1. Call to Order.

Chair Mark Hendrickson called the meeting to order at 5:31 p.m.

2. Opening Ceremony.

A. Pledge of Allegiance: Mark Hendrickson

B. Opening Comments (Invocation): Mark Hendrickson.

3. Communications and Appearances.

There were no communications or appearances.

4. Planning Commission Training.

A. Mark Hendrickson.

Chair Hendrickson reported that there would be Planning Commission training before several Planning Commission Meetings going forward. He would conduct the first training and asked Commissioner Walton to conduct the training at a future Planning Commission Meeting. Chair Hendrickson reported that Commissioner Whitehead found some interesting information that would be distributed to the rest of the Commissioners after the meeting.

Chair Hendrickson discussed the book, “Ground Rules: Your Handbook to Utah Land Use Regulation” by Craig Call and specifically Legislative and Administrative actions. There is a lot of public clamor in the community currently and he believed some of it had to do with the fact that many people do not understand the roles of the Planning Commission and the City Council. There

is a difference between a Legislative and Administrative action and the community needs to recognize that.

A Legislative action is a decision made by a public vote of the City or Town Council that results in the following:

- A new ordinance;
- An amendment to an existing ordinance;
- Adoption of the General Plan;
- An amendment to the General Plan;
- An amendment to the Zoning Map; or
- The creation of an official policy, rule, or code of general community-wide application.

Only a body of elected government officials can make Legislative Land Use decisions and only after receiving a recommendation on the proposed action from the Planning Commission. Chair Hendrickson stressed the need for the Council to receive a recommendation from the Planning Commission.

Chair Hendrickson shared information about Administrative actions and explained that it is when the Commission, Planning Commission, Board of Adjustments, Appeals Authority, or Staff administer and enforce a Legislatively adopted plan, ordinance, rule, or standard. However, their decisions are not Legislative acts, but Administrative or quasi-judicial acts, and are not entitled to the same deference as Legislative acts. Non-legislative decisions must be supported by substantial evidence. Chair Hendrickson explained that there is a desire to hear opinions from residents but unless substantial evidence is provided, there are limitations. All actions and decisions made by Staff, local executives, Boards of Adjustments, Appeal Boards, and Hearing Officers are considered Administrative or quasi-judicial acts. Chair Hendrickson reiterated that there needs to be substantial evidence presented and not simply opinion. He looked forward to the additional Planning Commission training to be done prior to each meeting.

Planning and Economic Development Manager, Jim McNulty, noted that the Planning Commission training would be done at the first Planning Commission Meeting of each month. Commissioner Walton would handle the training during the first Planning Commission Meeting in October. Chair Hendrickson stated that the intention was to further educate Commissioners as well as members of the community.

Commissioner Whitehead wondered if it was possible to educate residents about sharing comments. He noted that the elected officials want to hear resident opinions but that is not done during a public hearing at the City Council level. Public hearings are held at the Planning Commission level. Mr. McNulty noted that the City Attorney tried to explain the comment-sharing process to residents a number of times. He reported that an announcement on the City website would be added in the next several weeks. There would be internal discussions with legal counsel about what to include. The announcement could explain the difference between a public hearing, a public meeting, a work meeting, a discussion item, and so on. Commissioner Whitehead suggested that a YouTube video be recorded to address those details. Whenever a public hearing

is scheduled the link could be shared to add further clarity. Mr. McNulty had not seen that done by a City before but agreed there was a desire to educate.

Commissioner Blake believed that a lot of residents understand that evidence needs to be provided in their public comments. That was the reason traffic and parking issues are often referenced. There was discussion about the review process. Commissioner Walton noted that City Staff reviews the applications in advance to ensure that the requirements are met. It was clarified that the Planning Commission needs to verify that all requirements are met. It is also the responsibility of the Planning Commission to make a recommendation to the City Council.

Chair Hendrickson stressed the difference between Legislative and Administrative processes. The Planning Commission is responsible for holding public hearings and gathering information. The Commission is both an information-gathering body and a recommending body. Mr. McNulty pointed out that the Planning Commission forwarded recommendations for denial in the last year. In some of those instances, the City Council upheld the Planning Commission's recommendation to deny. The City Council has the discretion to make the final decision. Chair Hendrickson reminded those present that there was one situation where the Planning Commission recommended approval and the City Council ultimately denied the application.

5. Discussion Items.

A. Subdivision Ordinance Updates.

Mr. McNulty reported that Senate Bill (“S.B.”) 174 was passed during the last Legislative Session. It required certain changes to be made to the Subdivision Ordinance. He noted that the Subdivision Ordinance updates were discussed at a recent City Council Meeting. Mr. McNulty read the following for the benefit of those present at the Planning Commission Meeting:

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 the process by February 1, 2024.
 - As of the 2020 Census, Washington County was a county of the 2nd class (with a population of approximately 180,000+).
2. SB 174 requires local governments to designate a Land Use Authority (“LUA”) to review subdivision applications. Those 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”). The TRC 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 application

adequately addresses all of the redlines identified by the municipality. Each review cycle at that 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.

Mr. McNulty shared some of the proposed updates to the Subdivision Ordinance and reminded Commissioners that an update to Title 16 was done in February 2023. As a result, the only changes proposed were those that were necessary as a result of SB 174. City Attorney, Matt Ence, was not present but attended the City Council Meeting the previous night. Mr. McNulty had been working with Mr. Ence on the language for the last few months. Any reference to the City Council needed to be removed. It now references the Planning Commission or the Technical Review Committee (“TRC”). He reviewed the definitions section and noted that some definitions had been added to create more clarification and consistency throughout.

There was discussion about the proposed definition language. It was suggested that the Planning Manager definition also reference an authorized representative. Mr. McNulty confirmed that the definition could be expanded. He reviewed the Subdivision Plat Amendment and TRC definitions. The TRC or City Staff are now charged with approving Final Plats as a result of the changes mandated by the State. Questions were raised about the change in process. Mr. McNulty explained that the Planning Commissioner Chair or Vice-Chair would still sign a Final Plat but the Preliminary Plat approval comes to the Planning Commission through the two-step process. Final Plats will be reviewed by the TRC to determine completeness prior to being recorded. The Planning Commission Chair and the Mayor are still required to sign the Final Plat.

Mr. McNulty reported that some cities have been following the new process for a long time. Cities are required to handle applications in this way due to SB 174. Individual cities might have slightly different interpretations, which was important to consider. He recognized what changes St. George and Washington City are making. A question was raised about the TRC and who will sign off there. Mr. McNulty explained that he would likely assume that responsibility. He will sign the Final Plat as will the Planning Commission Chair or Vice-Chair and then the Mayor on behalf of the City Council and the City. The City Engineer will also sign the plat as well as a City Surveyor.

The process for the approval of a subdivision plat was reviewed. Mr. McNulty reported that there were some changes proposed. The State has approached many communities with regard to Concept Plans. In Santa Clara, Concept Plans go to the TRC for review but some cities have Concept Plan approval at the Planning Commission level. As for the Preliminary Plat, the language states that “A Preliminary Plat shall not be submitted to the Planning Commission for consideration until after the zone change has been favorably acted upon by the City Council.” There was a desire for there to be two steps. The rezone would be a Legislative matter and then the Preliminary Plat would come back to the Planning Commission for a recommendation.

Mr. McNulty reviewed 16.12.040 – Step Three, Preliminary Plat. He referenced Item E – Planning Commission review. The language was from SB 174 and states, “A Preliminary Plat application must be reviewed by the Planning Commission within 15 business days from the date of receiving a complete application.” He noted that it needs to be a complete application for review. Typically,

if an application is complete and approved at the TRC level, it is brought to the Planning Commission within two weeks. Since the 15 business days means there are three weeks, he did not believe the 15 business days would be an issue in Santa Clara.

16.12.050 – Step Four, Final Plat referenced the Planning Commission instead of the City Council. Mr. McNulty read the newly added language, which stated, “A review must be completed within 20 business days from the date of receiving a complete application. The City may perform up to four reviews on a given application. A review cycle is not considered complete until the applicant has adequately addressed all redlines identified by the City. The City may only add new redlines after the first review cycle in response to changes made or if a correction is necessary to protect the public health or safety, or to enforce State or Federal law.” He shared information about the process of sharing and addressing redlines. There would be a similar process throughout the State.

In different areas in the State, there have been a lot of issues related to the process and timelines. That was the reason for the proposed language related to the appeal process, which stated:

- Appeal Process: The following appeal processes may be applied for after the four review cycles have been exhausted and 20 business days have passed:
 1. For disputes relating to public improvements or engineering standards, the City shall assemble a three-person panel of experts to include:
 - a. One licensed engineer designated by the City.
 - b. One licensed engineer designated by the applicant.
 - c. One licensed engineer agreed and was designated by the two designated engineers.
 - Members appointed to the panel may not have an interest in the application in question. The applicant must pay 50% of the total cost of the panel and the City’s published appeal fee. The remaining 50% must be paid by the City. The panel’s decision is final unless the City or applicant petitions for District Court review within 30 days after a written decision is issued.
 2. For all other disputes, the City shall refer the question(s) to the designated appeal authority at the applicant’s request. The applicant must pay the required appeal fee.

Mr. McNulty reported that the appeal fee is \$500, which is fairly typical. Some cities have a \$1,000 appeal fee. He hoped that there would not need to be any appeals but there were examples in different cities where it has taken too long for an application to be reviewed. That was the reason the language needed to be put in place. There was discussion about the panel of experts. Mr. McNulty clarified that the language pertains to disputes related to public improvements or engineering standards. He added that the Design Standards will need to be modified once the new Subdivision Ordinance is adopted. This will ensure that there is consistency.

The approval procedure was discussed. There was language to state that the Planning Commission is the Land Use Authority for Subdivision Plats. Some existing language had been removed. Mr. McNulty reviewed the Final Plat requirements, which were as follows:

- The Final Plat (mylar) shall be signed by the Planning Commission Chair or Vice-Chair;
- The Final Plat (mylar) shall be signed by the City Engineer and the City Surveyor;
- The Final Plat (mylar) shall be signed by the City Attorney, after having reviewed a title report prepared or updated by a title company and dated within the past ninety days. It shall be the applicant's responsibility to obtain releases or consents to plat from the holders of all liens or encumbrances which would otherwise prevent the subdivision of the property and the sale of good and marketable title to third party buyers of property in the subdivision; and
- The Final Plat (mylar) shall be signed by the Mayor.

Mr. McNulty believed there needed to be an addition to that language so it referenced someone signing on behalf of the TRC. Commissioner Blake was not sure whether that needed to be codified, but he wondered who would be responsible from the TRC. Mr. McNulty offered to speak to Mr. Ence about that for additional clarification. Mr. McNulty reported that a new section had been added, 16.22 – Subdivision Plat Amendments. The language was as follows:

- 16.22.010: Vacating, Altering, or Amending a Subdivision Plat:
 - All applications for vacating, altering, or amending a subdivision plat shall comply with the requirements of Utah Code Title 10, Chapter 9A, as amended.
- 16.22.020: Lot Adjustments and/or Mergers:
 - All applications seeking to adjust and/or merge lots, parcels, sites, units, plots, or other divisions of land shall comply with the requirements for the adjustment of lot lines as set forth in Utah Code Title 10, Chapter 9A, as amended.
- 16.22.030: Vacating a Street, Right-of-Way, or Easement:
 - All applications for vacating a street, right-of-way, or easements shall comply with the requirements of Utah Code Title 10, Chapter 9A, as amended.

The Commissioners asked about 16.22.020, where it referenced “sites, units, plots.” There was a question about whether those terms were defined. Mr. McNulty clarified that the language was taken from St. George. Concerns were expressed that the State Code only talked about lots and parcels. Mr. McNulty noted that the language could be altered to state, “.... seeking to adjust and/or merge lots, parcels, or other divisions of land.” Mr. McNulty reviewed 16.24 – Design Standards. It stated that “Streets shall have the following minimum right-of-way widths,” which included the following details: Arterial Street (80-foot minimum), Collector Street (66 feet), and

Local Street (47 feet). It also stated that “In planned development areas, subdivisions, and designated streets project areas, the minimum street width is 45 feet as per City Construction Standards.” As for the paved roadway width, it stated that an Arterial Street would be 55 feet, a Collector Street would be 49 feet, a Local Street would be 32 feet, and a Modified Local Street would have a 30-foot minimum of paved roadway for a planned development area, infill subdivision, or designated streets project area. Mr. McNulty reported that cul-de-sacs shall not be longer than 800 feet in length, rather than the existing 600 feet, without a request for an exception from the applicant and approval by the Commission upon recommendation from the TRC.

Mr. McNulty read language related to blocks. It stated that “Block shall not be longer than 1,000 feet and shall be at least two building lots in-depth unless otherwise approved by the Planning Commission upon recommendation from the TRC.” As for street widths, the language stated that “All street widths shall conform to the width requirements unless otherwise recommended by the TRC for approval by the Planning Commission.” Mr. McNulty did not envision that happening, but there was language there just in case that was a scenario that occurred. He reiterated that the TRC and Planning Commission were referred to throughout rather than the City Council.

Commissioner Blake asked about the 1,000-foot block length. He believed that seemed long for pedestrian traffic as most were approximately 800 feet in length. Mr. McNulty noted that the cul-de-sac length had been changed to 800 feet from 600 feet. He had seen some communities with a block length of 1,200 feet, so he did not believe that 1,000 feet was too long. He asked for additional feedback from the Commission. Some Commissioners expressed support for the length.

Mr. McNulty shared information about the guarantee amount. At one point, it was 110% to 120%. Based on the new laws from last year, it could only be 100%, which was the reason it was changed as part of the previous updates in February 2023. He read from 16.28.030 – Guarantee Amount:

- The guarantee amount shall be one hundred percent (100%) of the cost of improvements as set forth in the project engineer's estimate. The estimate shall be required to include (a) ten percent administrative costs, (b) ten percent contingency, and (c) engineering and quality assurance testing costs. If the City Council authorizes an extension of time beyond one year to complete the improvements, the extended guarantee shall be equal to one hundred percent (100%) of the cost of the remaining improvements.

16.28.040 – Release of Guarantee/Posting of Maintenance Warranty language stated:

- After acceptance of all improvements by the City, the City may release up to 80% of the guarantee amount. The City shall continue to hold the security covering the remaining 10% guarantee to ensure that all improvements shall be free from defective material and workmanship and in compliance with all city standards for a period of one (1) or two (2) years as may be determined by the City Engineer or Public Works Director. This period is marked from the date of final approval of all improvements until the performance guarantee is replaced by a maintenance guarantee in the same ten percent (10%) amount.

Mr. McNulty noted that the number there needed to be changed to 90% rather than the 80% shown. Mr. Ence would make sure that was done. There were no additional updates proposed for the

Subdivision Ordinance. Mr. McNulty made note of the comments shared by the Commission. There was discussion regarding administrative costs. Mr. McNulty reported that a lot of time and effort is associated with bond releases and the process to grant a release. There are also inspections that need to be done. He explained that three or four people are involved in the process before a release could be granted. The amount covers administrative time and costs.

City Engineer, Cody Mitchell, discussed amended plats and wondered how a condominium plat would be referred to. He believed it would be referred to as a unit or site rather than a parcel or lot. Mr. McNulty agreed that a unit would likely describe a condominium plat. Additional discussions were had about the proposed language and what would be best. Mr. McNulty stated that he would reach out to Mr. Ence and do some additional research about appropriate language.

During the City Council Meeting the night before, direction was given to City Staff to move forward with the Subdivision Ordinance updates. There was a desire for the item to come back to the Planning Commission for a public hearing in two weeks. Mr. McNulty offered to reach out to Mr. Ence to look into some of the concerns expressed by the Commissioners and work on the draft. The Council wanted to adopt the updated language as soon as possible. He wondered if the Commissioners felt comfortable moving forward with the Subdivision Ordinance updates. The Planning Commission expressed their support for the process and timeline that had been outlined.

B. Regulations for Accessory Structures.

Mr. McNulty reported that there had been a discussion about accessory structures at the June 8, 2023, Planning Commission Meeting. There had also been a discussion with the City Council on June 14, 2023. The matter was discussed at the latest City Council Meeting as well. There was a desire to have a second discussion about accessory structures with the Planning Commission. He explained that City Staff wanted 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.

Mr. McNulty read from 17.60.040 - Height Regulations (RA ZONE) and explained that this is a one-half-acre zone. The primary building could be 35 feet. As for accessory buildings, the proposed language was, "...no accessory building shall be erected to a height greater than 25 feet." He explained that the ordinance currently references 20 feet. It was proposed that in the larger lot zones, the accessory structure increased to 25 feet instead. At the previous night's City Council Meeting, there was discussion about Chapter 17.22, which is the Accessory Dwelling Unit ("ADU") Ordinance. By State Code, the City must adopt both an ADU Ordinance and an Internal Accessory Dwelling Unit ("IADU") Ordinance. The ADU Ordinance limits the height to 20 feet

for an accessory structure behind a home. There was some dialogue about that and the Council felt that the ADU should be allowed to be 25 feet in the RA Zone. He clarified that one is a living dwelling unit while the other is an accessory building, such as a garage.

Mr. Mitchell reiterated that an accessory structure differs from an ADU. An accessory structure can achieve a reduced setback whereas an ADU cannot. He reported that an ADU needs to comply with the setbacks of the zone. One of the reasons for this related to privacy on neighboring lots. It was also important to consider the neighborhood feel. This was especially important to think about when the proposed ADU is close to the size of the primary dwelling. Chair Hendrickson wondered if there should be language to state that an ADU cannot exceed the height of the primary dwelling. Commissioner Blake expressed concerns that language like that would be exclusionary to residents who do not have two-story homes. Mr. McNulty noted that the elected officials had concerns about the heights of ADUs. Commissioner Blake reiterated that it felt exclusionary to those with one-story homes who want to provide another unit on their property. He did not believe that aesthetics was a good enough justification.

17.63.040 - Height Regulations (R-1-6 Zone) was discussed. Mr. McNulty reported that the height in the zone is limited to 30 feet and an ADU could be 20 feet. It was suggested that they go back to 15 feet. For each one foot of additional building setback, one foot of extra height would be allowed, up to a maximum height of 20 feet. The City Council felt good about having a standard 20 feet in the R-1-6 Zone and leaving the language the way it was for an accessory structure. Mr. Mitchell noted that the R-1-6 Zone allows for smaller lots, which makes the 1:1 much harder to achieve. Commissioner Blake wondered why accessory buildings need to be lower than the primary structure and why there needs to be a certain amount of separation. Mr. McNulty reminded him that it is a secondary use to the primary residence that already exists on the lot. The City Council believed that more work needs to be done on the language. There would likely be another discussion with both the Planning Commission and City Council about that in the future.

There was discussion about an accessory structure within the setbacks. Some Commissioners wanted to understand why it could not be the same height as the primary dwelling. Commissioner Blake noted that height is defined as the highest portion of the home. He felt that it was important to have additional discussions about accessory and primary building heights moving forward.

17.64.040 - Height Regulations (R-1-10 Zone) was reviewed. Mr. McNulty reported that there had been discussions about having the height be 20 feet, but there is a 1:1 allowance which allows for a maximum height of 25 feet. Accessory buildings that comply with the setbacks required of the primary residence are allowed at 25 feet and an ADU may not exceed a height of 20 feet. He wondered how the Planning Commission felt about what was currently proposed. It was noted that there was a reference to ADUs and changes would need to be made to 17.22. Mr. McNulty shared information about 17.65.040 - Height Regulations (R-1-10/Mixed Lot Size). It proposed the 1:1 allowance with a maximum height of 25 feet. There was also a reference to ADUs. If changes were made to ADUs, the related ordinance would need an amendment.

Mr. McNulty talked about 17.20.110 - Double Frontage Lots. As it is currently written, the language is fairly restrictive. There is a six-foot masonry fence required but it states that "Accessory buildings no higher than 15 feet in height may be 10 feet from the rear property line

and storage sheds no higher than six feet in height may be placed adjacent to the wall.” It was suggested that the language there be removed as it was fairly restrictive in nature. Commissioner Blake wondered where the lot line was relative to the wall. Mr. McNulty believed it was at the wall. Paragraph B, addresses what would happen when the Planning Commission grants an exception to Paragraph A. It was suggested that the minimum rear setback be 20 feet. He noted that some Title 16 language would need to be added to make sure that there was continuity.

17.20.120 - Smaller Accessory Buildings was discussed. Mr. McNulty did not believe this was adequately addressed in the current code. As a result, there had been work with Mr. Mitchell to clean up that language. The Building Code did not require a permit for structures less than 200 square feet but the current Code references 10x12. That language needs to be updated. What was proposed was, “No Building Permit is required for accessory buildings of less than 200 square feet 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 10 feet with a minimum side yard and/or rear yard of three feet if existing easements have been cleared by the Building Official or designee.” Commissioner Blake referenced the barn-style shed that is normally 12 feet. He wondered if there would be language to state that barn-style accessory buildings need to be further away. Mr. Mitchell explained that if it exceeds 10 feet, there would need to be compliance with the Accessory Structure Ordinance and the setback requirements there.

Mr. McNulty presented the 17.20.150 - Accessory Buildings and Accessory Uses; General Requirements language. He explained that it was essentially a rewrite and read what was proposed:

1. Accessory buildings shall not be constructed upon a lot until a Building Permit has been issued for the primary building. No building that is accessory to a primary residence shall be erected to a height greater than 20 feet unless the requirements of all applicable City Code sections (Title 17, Zoning) are met, which may allow for additional building height.
2. Accessory buildings (e.g., tool sheds, storage sheds, playhouses, and similar structures) exempt from permits might not exceed 10 feet in height and be located within three feet 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 the 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 25 feet, 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 and agricultural use accessory buildings, shall not be greater than 25% of the overall lot area.

Mr. McNulty discussed sample applications and stated that there was one where a resident wanted to double the size of the current detached garage and ADU because the Code allowed it. The home is 1,600 square feet in size and the detached garages are over 5,000 square feet. Scenarios like that inspired some of the proposed changes to the language. Additional examples were shared. There was a desire to address a number of different scenarios with the proposed language.

Commissioner Blake asked about Item 6 on the list. He wanted to know why cargo containers were not permitted. Mr. McNulty did not believe those were appropriate in single-family neighborhoods. There was a desire to establish a community standard that protected all parties. Chair Hendrickson stated that standards need to be set even if those standards might not be popular with all residents. He did not feel it was appropriate to turn the discussion into an economic issue. Mr. McNulty reported that those types of storage boxes were seen in areas along the Wasatch Front. Those work well in rural areas but as they move into urban neighborhoods, there are problems. Most cities do not want those types of containers. If someone has one on their property already, they will not be asked to remove them but the idea was to avoid allowing new ones. Mr. McNulty understood the equity arguments presented by Commissioner Blake but there was a desire to place some limitations. It was important to think about all of the residents.

17.64.060 - Modifying Regulations was discussed. Mr. McNulty reported that currently, in the Modifying Regulations, an accessory structure had to be five feet from a rear property line or a side property line. An exception had been drafted to add to the language, which stated:

- Exception: Accessory buildings of less than 200 square feet may be built three feet from the property line if existing easements have been cleared by the Building Official or designee. Building height is limited to 10 feet.

Commissioner Blake shared a proposal for 17.64.060 – Modifying Regulations and suggested:

- B. Private garages and accessory buildings located to the rear, and at least 10 feet away from the main dwelling may be built via feet from the rear property line and two feet from the side property line provided that:
 - Projection beyond the exterior wall shall not exceed 12-inches into the area where openings are prohibited;
 - Stormwater runoff from the building shall not run onto adjacent property;
 - All corner lots shall maintain required setbacks on street sides; and
 - Construction shall comply with the current International Residential Code (“IRC”) exterior wall and opening protection. No building or swimming pool shall be in any easement without City approval.
 - No accessory building shall have a width greater than one-half ($W/2$) of the width (W) of the rear property line as measured from the property line. (See Figure B).
 - No accessory building shall have a depth greater than one-half ($D/2$) the depth of the side property line. (See Figure B).
 - No more than one such accessory building shall be constructed on any given lot.

Information was shared about fire-rated walls. Commissioner Blake explained that the reason for the two feet that he proposed was that it would allow residents to build garages behind the houses so those were not as intrusive on the road. It would also provide enough room to maneuver around the site. Mr. Mitchell was not sure why the suggestion had been made to change the setback to two feet on the side and five feet on the rear. He thought it made sense for both to be the same. The reason the ordinances were in place had to do with aesthetics and the feel of the community. He believed that was the reason that the five-foot setback language had been put in place. Some comments had been made about restricting property rights, but two feet would still be a restriction. Additional discussions were had about impacts to neighboring properties. The level of disturbance was relative to where the accessory building was placed and the actual use.

The Commissioners discussed Conditional Use Permits. Mr. McNulty explained that a larger garage does not necessarily make sense because Conditional Use Permits usually relate to health, safety, and welfare issues. For instance, if someone runs a shop out of their garage and there are concerns about noise and hours of operation. In an instance like that a Conditional Use Permit might make sense. It would not necessarily make sense to have something like that for a permanent

structure. As for ADUs, those were Administrative Conditional Uses. They were reviewed by the TRC and approved Administratively. He noted that I-ADUs were permitted by State Code.

Commissioner Harris noted that sometimes the Planning Commission speaks about honoring property owner rights and restrictions. There are times when it seems that the desires of the Commission are contradictory in nature. Chair Hendrickson wondered if she was supportive of the two feet that were proposed. Commissioner Harris preferred there be a five-foot side setback and a five-foot rear setback. She liked the idea of there being uniformity with the numbers for both the side and the rear. The Commission discussed example scenarios. Commissioner Blake believed the Code language should be somewhat flexible so the language would be able to address more than one situation.

Mr. McNulty pointed out that most new construction includes two to three-car garages. Some of the new construction even had four-car garages. Some of the older homes do not have that. In those instances, a driveway and garage were added in the back later. That development pattern was seen throughout the State. There was discussion about the latest City Council Meeting. Mr. Mitchell reported that a resident paid to relocate a power pole with the understanding that he would be able to build with a reduced setback. As for exceptions, he felt there was no real rule as long as there was an exception to that rule. Commissioner Whitehead pointed out that exceptions could put the Commission in a difficult position with a lot of public clamor.

6. Approval of Minutes.

A. Request Approval of the Regular Meeting Minutes – August 10, 2023.

Commissioner Weston moved to APPROVE the Minutes of the August 10, 2023, Santa Clara Planning Commission Regular Meeting. Commissioner Harris seconded the motion. The motion passed with the unanimous consent of the Commission.

7. Adjournment

Mr. McNulty reported that the Planning Commission would meet on September 28, 2023. There would be a public hearing for the Subdivision Ordinance at that time. Additionally, he noted that additional changes had been adopted by the Water Conservancy District. There was a request that cities readopt their ordinances with those changes by December 2023. Staff had been working on that and there would be a Planning Commission discussion on that matter at the next meeting. Mr. McNulty stated that there were a few applications in the queue and explained that those would be brought to the Planning Commission for discussion and consideration in October.

The Planning Commission Meeting adjourned at 7:31 p.m.

Jim McNulty

Jim McNulty

Planning Manager

Approved: _____ September 28, 2023