

NOTICE OF AGENDA
SANTA CLARA CITY PLANNING COMMISSION
SPECIAL MEETING
Thursday, November 9, 2021
2603 Santa Clara Drive
Time: 5:30 PM

NOTICE is hereby given that the Santa Clara City will hold a Planning Commission meeting on the 9th day of November 2021, in the Santa Clara Town Hall located at 2603 Santa Clara Drive, Santa Clara, Utah, which meeting will begin at 5:30 PM. **The meeting will be available live stream on the Santa Clara City or directly to the YouTube link https://www.youtube.com/channel/UC_xLbLm30-XLqM1AEmhpcMA**

The agenda for the meeting is as follows:

- 1. Call to Order:**
- 2. Opening Ceremony:**
 - Pledge of Allegiance: Curtis Whitehead
 - Opening Comments: (Invocation): Curtis Whitehead
- 3. Communications and Appearances:**
 - A. General Citizen Communication**
- 4. Working Agenda:**
 - A. Public Hearing**
 - 1. No Items
- 5. General Business**
 - A. No Items**
- 6. Discussion Items**
 - A. Chapter 17.28: Requirements for Walls & Fences**
- 7. Approval of Minutes**
 - A. Request Approval of October 14, 2021, Regular Meeting minutes.**
- 8. 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 by calling (435) 673-6712.

Electronic **Meetings Policies**

Pursuant to the Executive Order issued by Governor Gary Herbert on March 18, 2020, regarding Electronic Public Meetings, please be advised that meetings will be held electronically. An anchor location will be located at the Santa Clara City Hall Council Chambers located at 2603 Santa Clara Drive, Santa Clara Utah. No more than 20 people will be

permitted to enter the building. Full Agendas, meeting packets, and archive minutes/recordings can be found on the City calendar at: <https://sccity.org/events/> or <https://sccity.org/agendas-minutes/>.

Live Stream Viewing & Public Hearings: Meeting Live Streams and Recordings can be found on the Official Santa Clara City YouTube Channel. The link can be found on our website main page: <https://sccity.org/> or https://www.youtube.com/channel/UC_xLBLm30-XLqMIAEmhpcMA. Persons who would like to comment on Public Hearings may do so by filling out the Public Comment form through our website at <https://sccity.org/public-hearings/>. The city will be taking Public Comment beginning the day the agenda is published and until the Public Hearing is closed. Comments submitted prior to the close of the public comment period will be read into the record.

Zoom Meeting Participants: Participants on the Zoom call are limited to City Staff, Council Members, and applicants on the agenda. E-mail calendar invitations will be sent out in advance of the meeting. Instructions for each meeting will include the meeting link, ID, and password to join. When joining the meeting your screen name must show your Full Name. Each applicant will be accepted into the meeting when their item is up for discussion. Submissions from this form will be sent directly to the city. Please contact Chris Shelley at (435) 673-6712 Ext. 203 with any questions regarding public meetings.

Posted this 2nd day of November 2021.

Jim McNulty – Planning Manager

**SANTA CLARA CITY PLANNING COMMISSION
MEETING MINUTES
2603 Santa Clara Drive
Thursday, October 14, 2021**

Present: Mark Weston, Chair
James Call (via Zoom)
Shelly Harris
Mark Hendrickson
Curtis Whitehead

Staff: Bob Nicholson, City Planner
Jim McNulty, Planning and Economic Development Manager
Selena Nez, Permit Technician
Kristelle Hill, Executive Assistant
Cody Mitchell, Building Official

Excused: Marv Wilson
Ryan Anderson

1. Call to Order.

Chair Mark Weston called the meeting to order at 5:30 p.m.

2. Opening Ceremony.

Commissioner Hendrickson offered the invocation and led the Pledge of Allegiance.

3. Communications and Appearances.

A. General Citizen Communication.

There were no citizen comments.

4. Working Agenda:

A. Public Meetings.

- 1. Consider a Proposed Amended Final Plat for Lots 210 and 211 of The Hills at Santa Clara Subdivision, Phase 2B. Located off of Colbey Loop Near the West End of the City Boundary. Scott and Holly Warren, Applicants.**

City Planner, Jim McNulty presented the staff report and stated that the applicants, Scott and Holly Warren, are proposing to amend the final plat for Lots 210 and 211 of The Hills at Santa Clara Subdivision, Phase 2B. Lot 210 is currently 13,186 square feet in size and will be reduced to

10,893 square feet (0.25 acre). Lot 211 is currently 16,027 square feet in size and will be increased to 18,321 square feet (0.42 acre). Mr. McNulty explained that the proposed plat amendment will allow the applicants to place their home on lot 211. This is in a Mixed Lot Size Zone, and both amended lots will meet the area, width, and yard regulations as per Section 17.65.050 of the ordinance. Once the final amended plat is recorded, Lot 210 will be sold, which will allow for another future home in the neighborhood. Mr. McNulty noted that notices were sent to the property owners within the Hills at Santa Clara Subdivision, Phase 2B, and no responses had been received.

Because it is a plat amendment, the Public Works Director indicated that any impacted public utility easement will need to be relocated. Staff recommended that the Commission recommend approval of the amended final plat, subject to the following three conditions:

1. The applicants should be required to comply with the recommendations from all City reviewing departments.
2. The applicants should be required to record the amended subdivision plat prior to Building Permit issuance.
3. The applicants must submit a Geotechnical Report.

Commissioner Whitehead inquired about the existing easement on the lot line. Mr. McNulty explained that the easement on the lot line could potentially shift. The Public Utilities Director is asking for the alignment to be changed as needed so that the applicants are not building over it. Mr. McNulty explained that the easement will be checked to make sure it is in the right place before the final plat is recorded.

The applicants, Holly and Scott Warren participated in the meeting via Zoom.

Mr. Weston opened the public hearing. There were no public comments.

2. **Consider a Proposed Amended Final Plat for Lots 19 and 21 of the Rhone Subdivision. Located off Bonneli Trail, and North of the Santa Clara River. Joshua Hurst, Applicant.**

Mr. McNulty presented the staff report and stated that the Shakespeare Development Group, representing applicant Joshua Hurst, is requesting to amend the final plat for Lots 19 and 21 of the Rhone Subdivision. Lot 19 is currently 39,598 square feet in size and will be increased to 61,374 square feet (1.40 acres). Lot 21 is currently 40,557 square feet in size and will be reduced to 18,781 square feet (0.43 acre). This proposed plat amendment will allow the owner, Joshua Hurst, to build his proposed home on Lot 19. Mr. Hurst currently owns both lots and Lot 21 will be sold after the amended final plat is recorded. Staff suggested that the Commission recommend approval of the amended final plat, subject to the conditions set forth in the staff report.

Commissioner Harris reported that notice was sent to the residents of the Rhone Subdivision and asked if notice was also sent to residents of the adjacent subdivision. Mr. McNulty explained that

the Code requires property owners within the phase or plat be notified. In this case, there were 24 lots, so each of the lot owners received a notice.

Chair Weston opened the public hearing.

Michael Vairin gave his address as 1181 Gallen Road and identified himself as the owner of Lot 5 of the Rhone subdivision. He is also a member of the subdivision's Architectural Review Committee. Mr. Vairin had no objection to the plat amendment. His only concern was with the access of Lot 19 changing direction, which will result in Lots 16, 17, and 18 facing a wall. He suggested that the walls be built further back and that some landscaping be put in.

There were no further public comments. The public hearing was closed.

B. Public Hearing.

1. Consider a Proposed Code Amendment to Include Section 17.20.280, Internal Accessory Dwelling Units ("IADU") to be Permitted in Residential Zones. City of Santa Clara, Applicant.

Mr. McNulty reported that in the past year, House Bill 82 passed, which deals with Internal Accessory Dwelling Units ("IADU"). The effective date was May 5, 2021; however, communities were given through October 1, 2021, to put adopt an ordinance. He noted that there is a pending ordinance statute in place currently. Mr. McNulty explained that an ordinance should be put in place in Santa Clara because if no action is taken, it could result in property owners having more freedom with IADUs than is necessary. He added that IADUs can be a tool to help increase the availability of affordable housing.

Mr. McNulty explained that an IADU is a separate dwelling unit located within the footprint of an owner-occupied single-family detached dwelling on a residentially zoned property. The IADU must contain complete cooking and bathroom facilities that are separate from the facilities located in the primary dwelling. An IADU may not change the appearance of the primary dwelling as a single-family dwelling, and it must be served by the same power and culinary water utility meter as the primary dwelling. An IADU must be rented for a period of 30 consecutive days or more and is not a short-term rental. The owner of the property must occupy the primary dwelling on the property, and only one IADU per property is permitted. Mr. McNulty reported that they will be working on a permit process.

Mr. McNulty added that a couple of issues came up in a discussion with the City Council during their work meeting on October 6, 2021. Currently, the lot size required to have an IADU is 6,000 square feet; however, some of the homes in the PDR zone have lots that are smaller than that. They would otherwise meet all other IADU requirements. Mr. McNulty reported that he and City Attorney, Matt Ence, updated the draft to allow for an IADU in a PDR zone on a lot that is smaller than 6,000 square feet as long as all of the other requirements are met. Mr. McNulty reported that one additional parking space is required for an IADU. The City Council gave clear direction that a Business License will be required for an IADU. It was noted that Business Licenses are currently required for short-term rentals.

Mr. McNulty reported that currently for Accessory Dwelling Units (“ADU”) there is a minimum and a maximum size allowed; but for IADUs, there are no size restrictions. If a resident wants to rent out 1,500 square feet of their home as an IADU, as long as all of the requirements are met, it would be allowed. Mr. McNulty recommended that the Planning Commission consider the draft, provide suggestions and comments, and forward a recommendation to the City Council. He noted that the City Council is looking to adopt an ordinance on October 27.

Chair Weston opened the public hearing.

Michael Vairin gave his address as 1181 Gallen Road and stated that he supports allowing IADUs in Santa Clara. He was pleased that the additional parking spot for the IADU is not required to be covered to add flexibility. He was surprised that a Business License will be required since it could be family members living in the IADU. He suggested making it clear that a Business License will not be required in that case. Mr. McNulty explained that a Business License is not required for a “mother-in-law apartment.” It would only be required if those living in the IADU were paying rent to the property owner.

There were no further public comments. Chair Weston closed the public hearing.

Commissioner Harris asked about situations where the primary dwelling unit was less square footage than the IADU. Mr. McNulty explained that no requirement would prohibit that. It would be up to the owner to determine what is considered the primary dwelling and not by square footage. He added that a separate entrance on the side or the rear is suggested but is not required. The IADU would also have its own address by adding “A” to the end of the house number. City Planner, Bob Nicholson, clarified that by Code a detached ADU is limited in size to 450 and 850 square feet unless otherwise approved by the Land Use Authority. The same limitations still apply to detached ADUs.

Commissioner Hendrickson expressed support for IADUs and believed they are needed for affordable housing and senior family members.

Commissioner Call expressed support and agreed that it should be clarified that a Business License will not be required for family members. He added that IADUs can also help make the primary residence more affordable for the property owner.

Mr. McNulty agreed and stated that he and Mr. Ence could add wording to Item F to make it clear that a Business License is not required for a mother-in-law apartment.

5. General Business.

A. Recommendation to City Council to Consider Amended Final Plat for Lots 210 and 211 of The Hills at Santa Clara Subdivision, Phase 2B. Scott and Holly Warren, Applicants.

Commissioner Harris moved to recommend to the City Council approve the amended final

plat for Lots 210 and 211 of the Hills at Santa Clara Subdivision, Phase 2B, as presented. Commissioner Henderson seconded the motion. The motion passed with the unanimous consent of the Commission.

B. Recommendation to the City Council to Consider an Amended Final Plat for Lots 19 and 21 of the Rhone Subdivision. Joshua Hurst, Applicant.

Commissioner Whitehead moved to recommend that the City Council consider the Amended Final Plat approval for Lots 19 and 21 of the Rhone Subdivision subject to the following:

Conditions:

- 1. The applicant must comply with the recommendations from all City reviewing departments, including that the utilities will have to be abandoned and relocated, and any public utility easement will need to remain as-is.**
- 2. The applicant is required to record the amended subdivision plat prior to Building Permit issuance.**
- 3. The applicant must submit a Geotechnical Report.**

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

C. Recommendation to the City Council to Consider Preliminary/Final Plat Approval for the Heights West, Plat A (Lots 6 and 7) Subdivision. Trevor Carlson, Applicant.

Mr. McNulty presented the staff report and stated that the request is for both a preliminary and final subdivision plat as no improvements are required. The addresses were identified as 2108 and 2112 Blair Circle. Mr. McNulty reported that the previous property owner requested a lot line adjustment to allow Lots 6 and 7 to be combined into one large 24,000 square foot lot. That property owner later sold the property to the applicant, Trevor Carlson, who would like to re-subdivide the lots into the two original lots, taking it back to the original platted approval. This would allow for two homes in the neighborhood rather than just one.

Mr. McNulty noted that one lot is 0.29-acre in size and over 12,000 square feet, while the other is 0.26 acres and over 11,000 square feet. The Public Works Department determined that no utilities had been abandoned so no relocation was required. Staff suggested that the Planning Commission recommend approval of the preliminary and final plat, subject to the standard conditions.

The applicant's brother, Micah Carlson, stated that their plans were to build spec homes on the two lots. He noted that the amended plat with the signature blocks should be ready the following day.

Commissioner Whitehead inquired about potential water issues as there is a great deal of groundwater in the area. Mr. Carlson reported that clay will be used. He added that the Geotechnical Report that was conducted when the lots were purchased recommended pier construction. He and Trevor Carlson had already spoken to a contractor about that.

Commissioner Whitehead moved to recommend the approval to the City Council of the final plat for Heights West Plat A and unadjoining Lots 6 and 7 of the subdivision. Approval was subject to the following:

Conditions:

- 1. City Reviewing Department requirements shall be met.**
- 2. The subdivision plat shall be recorded prior to Building Permit issuance.**
- 3. Geotechnical reports shall be submitted for the lots prior to building new homes.**

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

- D. Recommendation to City Council to Amend the Santa Clara City Zoning Ordinance to Include Section 17.20.280, Internal Accessory Dwelling Units (“IADU”) to be Permitted in Residential Zones. City of Santa Clara, Applicant.**

Commissioner Hendrickson moved to recommend that the Commission accept the proposal to Chapter 17.20 Supplemental Qualifying Regulations for Internal Accessory Dwelling Units as stated. Commissioner Harris seconded the motion. The motion passed with the unanimous consent of the Commission.

6. Discussion Items.

Mr. Nicholson reported that this will likely be his last Planning Commission Meeting as Mr. McNulty would be taking over full-time. Mr. Nicholson stated that it has been a pleasure to work with the Commission over the past seven years. He acknowledged the Commission’s commitment, expertise, and love for Santa Clara. He stated that one ongoing challenge will be to preserve the character of Santa Clara. Some homes will transition to offices or businesses but it will be important to keep front yards from being converted into parking lots. Another challenge will be to save what can be preserved of the Lava Fields. Mr. Nicholson added that the Planning Commission not allowing Area 6 to be developed when Black Desert came forward was a great decision. The Commission expressed gratitude and appreciation to Mr. Nicholson for his work.

Permit Technician, Selena Nez noted that the next scheduled Planning Commission Meeting will have to be rescheduled since the City Offices will be closed that day for Veterans Day. A Special Meeting was to take place on Tuesday, November 9 instead.

Ms. Nez introduced New Building Official, Cody Mitchell to the Commission.

Commissioner Whitehead asked who will help with legal verbiage now that City Attorney, Devin Snow has gone to work for the County. Mr. McNulty reported that City Attorney, Victoria Carlton will attend meetings as needed and provide legal guidance.

7. **Approval of Minutes.**

A. **Request Approval of the September 7, 2021, Special Meeting Minutes.**

Commissioner Hendrickson moved to approve the minutes of the September 7, 2021, Special Meeting, with the correction that Commissioner Harris’s last name is spelled “Harris” and not Harrison. Commissioner Whitehead seconded the motion. The motion passed with the unanimous consent of the Commission.

8. **Adjournment.**

The Planning Commission Meeting adjourned at 6:28 p.m.

Jim McNulty
Planning and Economic Development Manager

Approved: _____