



## NOTICE OF PUBLIC MEETING PLANNING COMMISSION

Planning Commission  
April 27, 2023 @ 5:30 PM

2603 Santa Clara Drive  
Santa Clara, Utah 84765

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

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**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, April 27, 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. Working Agenda**

A. Public Hearing

- 1. None

**5. General Business**

A. Recommendation to City Council

- 1. Recommendation to the City Council to consider Final Plat approval for the Vineyard Phase #11 Subdivision. The property is located north of the Santa Clara River and south of Vineyard Drive. Kent Frei, applicant.
- 2. Recommendation to the City Council to consider Preliminary Plat approval for the Sycamores Phase #2 Subdivision. The property is located southeast of Gates Lane and north of Clary Hills Drive. Joe Platt, applicant.

B. Planning Commission Approval

- 1. Club Pilates Wall Signs located at 3542 Pioneer Parkway, Suite #104. Bradley Salay with Rainbow Signs, applicant.

2. Conditional Use Permit, Height Exception. The property is located at 1408 Quail Street. Kelly Gates, applicant.

## **6. Discussion Items**

- A. None

## **7. Approval of Minutes**

- A. Request Approval of Regular Meeting minutes: April 13, 2023

## **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.

Posted this 20th day of April 2023.

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Jim McNulty, Planning Manager



City of Santa Clara  
2603 Santa Clara Drive  
(435) 656-4690, Ext. 225  
[jmcnulty@sccity.org](mailto:jmcnulty@sccity.org)

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Staff Report

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## Final Subdivision Plat Summary and Recommendation

**Public Body:** Santa Clara City Planning Commission

**Meeting Date:** April 27, 2023

**Current Zone:** Residential Agriculture (Single-Family), RA

**General Plan Designation:** Very Low Density Residential, LDR

**Property Address:** North of Santa Clara River & South of Vineyard Drive

**Request:** Final Plat Approval

**Applicant Name:** Kent Frei

**Staff Planner:** Jim McNulty

**Staff Recommendation:** Approval with conditions

**Meeting Type:** Public Meeting

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### PROJECT DESCRIPTION

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The applicant, ***Kent Frei, is requesting Final Plat Approval*** for the Vineyards Phase #11 Subdivision. This includes 20-lots on 14.79 acres of property. This equates to a density of 1.35 units/acre. The proposed single-family lots range in size from 0.50 (21,837 sq. ft.) acres to 0.72 (31,290 sq. ft.) acres. A ½ acre minimum lot size is required in the Residential Agriculture, RA Zone.

***All lots*** within the proposed subdivision will be required to meet the area, width, and yard regulations as per Section 17.60.050 of city ordinance, except for Lot 5 which was approved as a flag lot by the Planning Commission and City Council (July 2021) at preliminary plat review and approval.

***Ingress/Egress*** to the site will be provided from Vineyard Drive, and the extension of a Claude Drive to Phase #10 of the Vineyards Subdivision. The applicant will be required to form an HOA allowing for maintenance of a 10' park strip and 6' wall along Vineyard Drive. The HOA will also be required to maintain a portion of Parcel "A" from Vineyard Drive and south until it ties in with Lot 10.

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### SITE & VICINITY DESCRIPTION

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The subject property is located north of the Santa Clara River and south of Vineyard Drive. Other properties in the vicinity are developed.

## **ITEMS TO ADDRESS WITH FINAL PLAT**

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City staff has identified the following items that need to be addressed with Final Plat Approval:

1. **Public Street & Dedication:** All required public street improvements must meet city standards and be installed or bonded for prior to final plat recordation. The public streets required for this subdivision include a 50' cross-section as per the final plat. Additionally, Jewel Court includes a cul-de-sac with a 50' radius.
2. **Building Setbacks/Height:** The building setbacks are required to meet the requirements of Chapter 17.60.050, Residential Agriculture, RA Zone. The building height for all homes in the subdivision is limited to 35'.
3. **Common Areas/Landscaping:** The applicant is required to install a 6' solid block wall adjacent to Vineyard Drive (Double Fronting Lots as discussed July 2021), with a 10' park strip. Both the wall and park strip will be HOA maintained. All landscaping will be required to comply with City Ordinance #2022-05 (Water Efficiency & Conservation).
4. **Culinary Water Availability:** The applicant is required to obtain a will-serve letter or other verified documentation from the Washington County Water Conservancy District, WCWCD prior to final plat recordation.
5. **Secondary Water Availability:** The applicant is required to connect/install secondary water for outdoor water use.
6. **Unbuildable Area/Parcel "A":** The Final Plat includes an "Unbuildable Area" along the rear portion of Lots 1 thru 5. This includes a hillside slope and irrigation easement. Parcel "A" is being deeded to the city for a utility easement and access road to the Santa Clara River; however, the HOA will maintain the northwest portion of Parcel "A" (area between Vineyard Drive and Lot 10).
7. **LOMR-F/Hazard Mitigation:** The required LOMR-F has been filed with FEMA. This item is required to be approved by FEMA prior to final plat recordation. Also, the applicant was required to provide rip rap and other erosion hazard mitigation as well as storm drainage information as per City Engineering requirements.
8. **Dust Control:** The applicant will be required to submit a dust control plan prior to final plat recordation. Precautionary measures are needed to protect the general health, safety, and welfare of residents living in the vicinity.

## **NEIGHBORHOOD RESPONSE**

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Public notices are not required for a subdivision. The Planning Commission agenda has been posted in multiple locations as per State Code. No comments have been received by city staff as of the writing of this report.

## REVIEWING DEPARTMENTS

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**DEPARTMENT:** *Building*

Recommendations: A geotechnical report will be required for each residential building prior to building permit issuance.

Required Revisions: None at this time.

**DEPARTMENT:** *Parks & Recreation*

Recommendations: N/A

Required Revisions: N/A

**DEPARTMENT:** *Police & Fire*

Recommendations: N/A.

Required Revisions: N/A.

**DEPARTMENT:** *Power*

Recommendations: Public Utility Easements (PUE's) are required for each final plat.

Required Revisions: None at this time.

**DEPARTMENT:** *Public Works*

Recommendations: Public Utility Easements (PUE's) are required to be shown on the final plat. All public streets must be included on the final plat. A final mylar with signature blocks is required for the final plat.

Required Revisions: None at this time.

## STATE CODE CONSIDERATIONS

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Utah Code, Section 52-4-202 includes requirements for subdivisions. A city must hold a public meeting to consider a subdivision plat. The meeting agenda, date, time, and place of the meeting must be placed on the city website and in public locations (e.g., City Hall, Post Office, local library) at least 24 hours before the meeting. The city is also required to post on the State Public Notice Website. Planning Staff has determined that all State Code requirements have been met with this application.

## CITY STAFF RECOMMENDATION

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City staff recommends that the Planning Commission consider recommending Final Plat Approval for the Vineyards Phase #11 Subdivision to the City Council, subject to the following conditions:

1. That the applicant be required to comply with the recommendations from all city reviewing departments.
2. That the applicant be required to install public street improvements which meet city standards.
3. That the building setbacks for this subdivision meet the requirements of Chapter 17.60.050, Residential Agriculture, RA Zone. That Lot 5 be approved as a flag lot.
4. That the building height for all homes in this subdivision be limited to 35'.
5. That a 6' solid block wall adjacent to Vineyard Drive and 10' park strip be required. That both the wall and park strip be HOA maintained.
6. That all landscaping (including HOA maintained areas) be required to comply with City Ordinance #2022-05 (Water Efficiency & Conservation).

**Request:** Vineyards #11 Subdivision

7. That the applicant provides a will-serve letter or other verified documentation from the WCWCD prior to final plat recordation.
8. That a secondary water system is required for outdoor water use.
9. That the "Unbuildable Area" along the rear portion of Lots 1 thru 5 (hillside slope and irrigation easement) be clearly shown on the final plat.
10. That Parcel "A" be deeded to the city for a utility easement and access road to the Santa Clara River. However, the HOA will be required to maintain the northwest portion of Parcel "A" (area between Vineyard Drive and Lot 10).
11. That the required LOMR be approved by FEMA prior to final plat recordation. Also, that the applicant provides required rip rap, erosion hazard mitigation, as well as storm drain information as per City Engineering prior to final plat recordation.
12. That the applicant provides a dust control plan prior to final plat recordation.

OWNER'S DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER OF ALL THE ABOVE DESCRIBED TRACT OF LAND HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND PUBLIC STREETS TO BE HEREAFTER KNOWN AS:

VINEYARDS PHASE XI

FOR GOOD AND VALUABLE CONSIDERATION RECEIVED, DOES HEREBY DEDICATE AND CONVEY TO THE CITY OF SANTA CLARA FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS PUBLIC STREETS AND EASEMENTS. ALL LOTS, STREETS AND EASEMENTS ARE NOTED OR SHOWN. THE OWNERS DO HEREBY WARRANT TO THE CITY OF SANTA CLARA AND ITS SUCCESSORS AND ASSIGNS, TITLE TO ALL PROPERTY DEDICATED AND CONVEYED TO PUBLIC USE HEREIN AGAINST THE CLAIMS OF ALL PERSONS. LOTS SHOWN ON THIS PLAT ARE SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, OF VINEYARDS PHASE XI, RECORDED SIMULTANEOUSLY WITH THIS PLAT. SAID DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTION IS HEREBY INCORPORATED AND MADE PART OF THIS PLAT.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS DAY OF , 2023.

VINEYARDS OF SANTA CLARA, LLC, A UTAH LIMITED LIABILITY COMPANY

KENT FREI - MANAGER

ACKNOWLEDGMENT:

STATE OF UTAH )  
COUNTY OF WASHINGTON ) S.S.

ON THE DAY OF , 2023, PERSONALLY APPEARED BEFORE ME KENT FREI, WHO BEING BY ME DULY SWORN DID SAY THAT HE IS THE MANAGER OF VINEYARDS OF SANTA CLARA, LLC, AND THAT HE EXECUTED THE FOREGOING OWNERS DEDICATION ON BEHALF OF SAID LLC BY AUTHORITY OF A RESOLUTION OF ITS BOARD OF DIRECTORS AND HE DID ACKNOWLEDGE TO ME THAT THE LLC EXECUTED THE SAME FOR THE PURPOSES STATED THEREIN.

FULL NAME SIGNATURE: \_\_\_\_\_

FULL NAME PRINT: \_\_\_\_\_

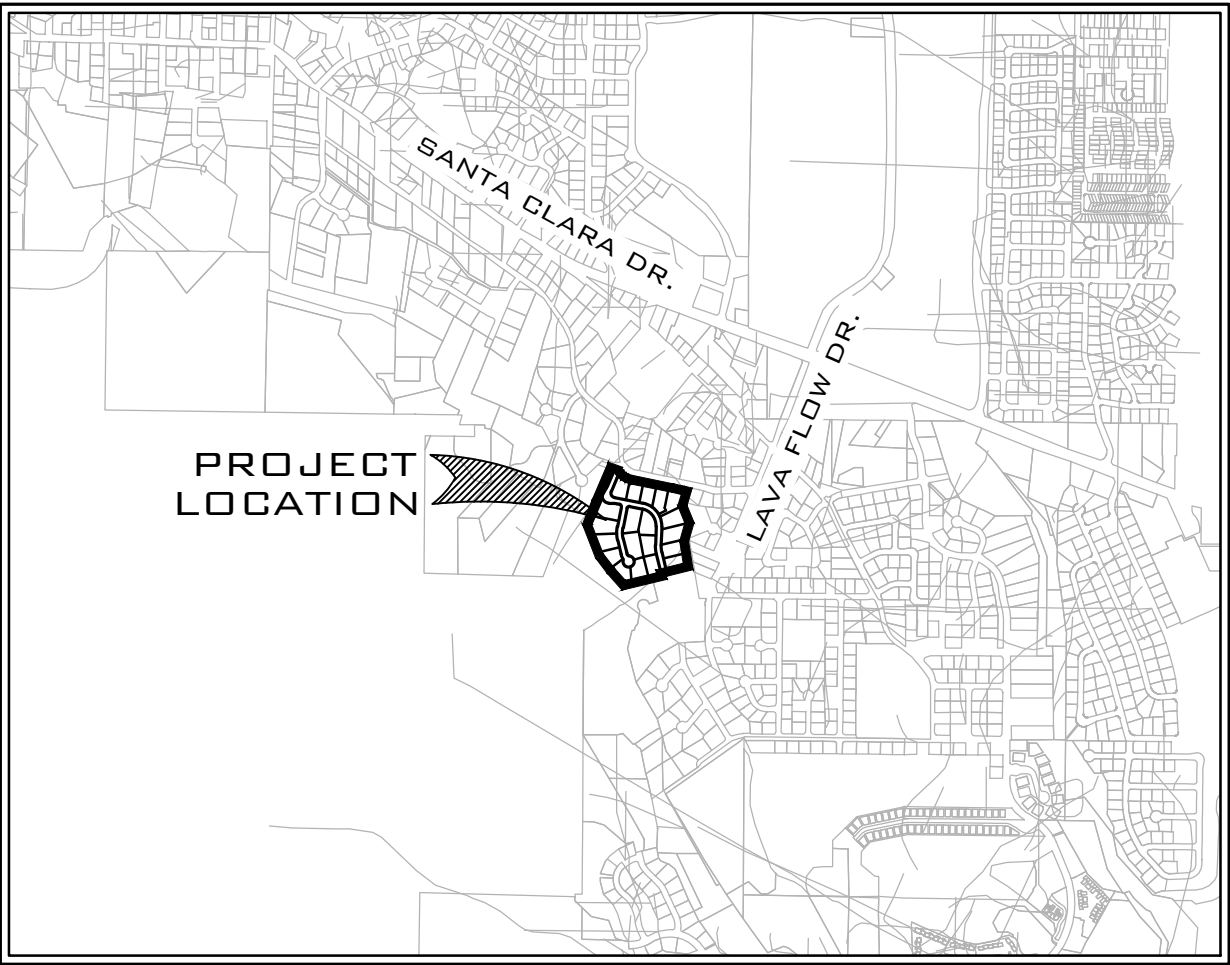
COMMISSION NO.: \_\_\_\_\_

EXPIRATION DATE: \_\_\_\_\_

A NOTARY COMMISSIONED IN THE STATE OF \_\_\_\_\_

NOTES:

- ALL LOTS IN THIS SUBDIVISION ARE SUBJECT TO A 14.00 FOOT WIDE PUBLIC UTILITY, SIDEWALK AND DRAINAGE EASEMENT ALONG THE STREET, UNLESS OTHERWISE NOTED ON PLAN.
- ALL LOTS IN THIS SUBDIVISION ARE SUBJECT TO A 25.00 FOOT FRONT YARD SETBACK, AN 8.00 AND 12.00 FOOT SIDE YARD SETBACK, AND A 10.00 FOOT REAR YARD SETBACK. GARAGE SETBACKS MUST BE A MINIMUM OF 20 FEET FROM THE BACK OF SIDEWALK.
- NOT WITHSTANDING THE POSTING OF BOND FOR INSTALLATION OF OFF-SITE IMPROVEMENTS, NO BUILDING PERMIT WILL BE ISSUED FOR ANY LOT IN THIS SUBDIVISION UNTIL ALL UTILITIES ARE FULLY INSTALLED IN THE ENTIRE SUBDIVISION.
- UNSTABLE SOIL CONDITIONS MIGHT EXIST ON LOTS IN THIS SUBDIVISION. PURCHASERS OF LOTS HEREIN HAVE THE SOLE RESPONSIBILITY FOR OBTAINING APPROPRIATE ENGINEERING SERVICES AND ADVICE RELATIVE TO THE USABILITY OF THE LOTS. THE CITY OF SANTA CLARA DISCLAIMS ALL RESPONSIBILITY FOR SUCH SOIL CONDITIONS, WATER CONTROL (SURFACE AND/OR SUBSURFACE), AND DRAINAGE CONTROL.
- ALL STREET LANDSCAPING SHALL CONFORM TO SANTA CLARA CITY'S LANDSCAPE ORDINANCE.



VICINITY MAP  
SCALE: NONE

SANTA CLARA RIVER HAZARD:

THIS SUBDIVISION IS LOCATED ADJACENT TO THE SANTA CLARA RIVER WITHIN DOCUMENTED FLOOD AND EROSION HAZARD AREAS AND THEREFORE IS SUBJECT TO INCREASED RISKS OF DAMAGE TO PROPERTY DURING PERIODS OF FLOODING. BY PURCHASING PROPERTY WITHIN THIS SUBDIVISION, THE PURCHASER ASSUMES ANY AND ALL RISK OF DAMAGE AND PERSONAL INJURY AS A RESULT OF THE INCREASED FLOOD AND EROSION RISK AND CONSENTS TO HOLD HARMLESS THE CITY OF SANTA CLARA, ITS OFFICERS, BOARDS, SUCCESSORS, ASSIGNS, EMPLOYEES, AND AGENTS FROM AND ALL CLAIMS OF DAMAGES OF WHATEVER NATURE, AND BY ANY PERSON, RELATED TO THE USE OF THEIR PROPERTY NOW AND IN THE FUTURE, BY REASON OF FLOODING, OR ANY DAMAGE, DIRECTLY OR INDIRECTLY, CAUSED BY WATER, EROSION, OR DEPOSITION, SUDDEN OR GRADUAL, WHETHER SURFACE, FLOOD OR RAINFALL.

SANTA CLARA RIVER FLOOD HAZARD

PORTIONS OF LOTS 17, 18 & 19 ARE LOCATED WITHIN THE DESIGNATED SPECIAL FLOOD HAZARD AREA ZONE AE (100 YEAR FLOODPLAIN) AS DESIGNATED BY THE FEMA FLOOD INSURANCE RATE MAP, PANEL 10075, EFFECTIVE APRIL 2, 2009. AS PER SANTA CLARA CITY ORDINANCE, MINIMUM FINISHED FLOOR ELEVATIONS ARE BASED ON THE NAVD 88 VERTICAL DATUM. BASE FLOOD ELEVATIONS (BFE'S) HAVE BEEN DETERMINED AND MINIMUM BUILDING FLOOR ELEVATIONS APPLY AS NOTED BELOW.

SANTA CLARA RIVER EROSION HAZARD

LOTS 14-20 AND PORTIONS OF LOTS 1,2 & 10-13 ARE LOCATED WITHIN THE EROSION HAZARD ZONE OF THE SANTA CLARA RIVER DESIGNATED BY THE SANTA CLARA RIVER STABILITY STUDY PREPARED BY JE FULLER HYDROLOGY AND GEOMORPHOLOGY, INC. IN SEPTEMBER 2005. THESE LOTS ARE SUBJECT TO INCREASED RISKS OF RIVERINE EROSION DAMAGE DURING PERIODS OF FLOODING IN THE SANTA CLARA RIVER.

REFER TO CHAPTER 15.36 OF TITLE 15 OF THE SANTA CLARA, UTAH CITY CODE FOR ADDITIONAL EXPLANATION. COPIES OF THE DOCUMENTS REFERENCED ARE ON FILE AT THE SANTA CLARA CITY OFFICE.

BUILDING PERMIT REQUIREMENTS

A FEMA ELEVATION CERTIFICATE SHALL BE SUBMITTED WITH THE BUILDING PERMIT TO THE CITY PRIOR TO FINALIZING THE FOOTING INSPECTION FOR HOMES ON LOTS 10, 17-20. MINIMUM FINISH FLOOR ELEVATIONS (F.F.E.) ARE SHOWN ON THE PLAT FOR EACH LOT BASED ON FEMA ESTABLISHED BASE FLOOD ELEVATIONS. THE LOWEST FLOOR ELEVATION OF THE RESIDENCE SHALL BE AT OR ABOVE THE MINIMUM F.F.E. SHOWN. THIS REQUIREMENT APPLIES TO ALL PORTIONS OF THE RESIDENCE INCLUDING BASEMENT AND GARAGES.

OTHER PERMIT REQUIREMENTS

NO ENCRoACHMENT, PLACEMENT OF FILL, CLEARING, REMOVAL OF VEGETATION OR DISTURBANCE OF ANY KIND IS ALLOWED IN THE DESIGNATED SPECIAL FLOOD HAZARD AREAS WITHOUT THE REQUIRED PERMITS FROM APPLICABLE CITY, STATE AND FEDERAL AGENCIES. CONTACT THE CITY FLOODPLAIN ADMINISTRATOR FOR ADDITIONAL INFORMATION.

OTHER FLOOD NOTES

- APPROVAL OF BUILDING PERMITS FOR THE DEVELOPMENT ARE CONDITIONED UPON ACKNOWLEDGEMENT BY PROPERTY OWNERS OF THE POTENTIAL RISKS OF FLOOD AND EROSION DAMAGE AT THIS LOCATION.

- MINIMUM FINISH FLOOR ELEVATIONS ARE REQUIRED FOR THE LOTS LISTED BELOW:

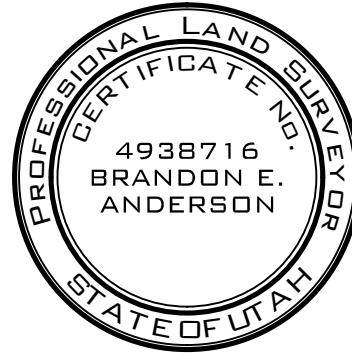
LOT	MIN FFE
10	2706.20'
17	2706.20'
18	2705.80'
19	2704.50'
20	2703.40'

SURVEYOR'S CERTIFICATE:

I, BRANDON E. ANDERSON, PROFESSIONAL LAND SURVEYOR NUMBER 4938716, HOLD A LICENSE IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT AND HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED HEREON IN ACCORDANCE WITH SECTION 17-23-17 AND HEREBY CERTIFY ALL MEASUREMENTS AND DESCRIPTIONS ARE CORRECT. MONUMENTS WILL BE SET AS REPRESENTED ON THIS PLAT I FURTHER CERTIFY THAT BY AUTHORITY OF THE HEREON OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND HAVE SUBDIVIDED THE SAME TRACT INTO PUBLIC STREETS, LOTS AND PUBLIC EASEMENTS TO BE HEREAFTER KNOWN AS:

VINEYARDS PHASE XI

THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND POINTS ESTABLISHED ON THE GROUND IN ACCORDANCE WITH THE HEREON LEGAL DESCRIPTION.



DATE: \_\_\_\_\_

BRANDON E. ANDERSON

CERTIFICATE NO. 4938716

LEGAL DESCRIPTION:

BEGINNING AT THE NORTHEAST CORNER OF LOT 5, THE VINEYARDS PHASE X, SAID POINT BEING SOUTH 89°20'23" EAST 924.42 FEET ALONG THE SECTION LINE AND NORTH 1,410.51 FEET FROM THE WEST QUARTER CORNER OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 16 WEST, SALT LAKE BASE & MERIDIAN, AND RUNNING;

THENCE SOUTHWESTERLY THE FOLLOWING (3) COURSES ALONG THE NORTHERLY LINE OF SAID THE VINEYARDS PHASE X;  
THENCE SOUTH 76°21'36" WEST 243.60 FEET;  
THENCE SOUTH 13°38'24" EAST 25.92 FEET;  
THENCE SOUTH 76°21'36" WEST 342.45 FEET;  
THENCE NORTH 41°48'10" WEST 170.36 FEET;  
THENCE NORTH 37°41'54" WEST 159.18 FEET;  
THENCE NORTH 21°11'28" WEST 300.39 FEET TO THE EASTERLY LINE OF RIVER FRONT ESTATES AMENDED & EXTENDED;

THENCE NORTHEASTERLY THE FOLLOWING (3) COURSES ALONG SAID EASTERLY LINE OF RIVER FRONT ESTATES AMENDED & EXTENDED;  
THENCE NORTH 19°01'52" EAST 13.45 FEET;  
THENCE NORTH 21°42'22" EAST 195.20 FEET;  
THENCE NORTH 23°24'22" EAST 328.00 FEET TO THE SOUTHERLY LINE OF JOHNSON ONE LOT SUBDIVISION;  
THENCE SOUTH 70°13'08" EAST 65.28 FEET ALONG SAID SOUTHERLY LINE OF JOHNSON ONE LOT SUBDIVISION TO THE SOUTHERLY LINE OF VINEYARD DRIVE (DEDICATED AS SHADY LANE ENTRY NO. 176705);  
THENCE EASTERLY THE FOLLOWING (4) COURSES ALONG SAID SOUTHERLY LINE OF VINEYARD DRIVE;  
THENCE SOUTHEAST 146.81 FEET ALONG AN ARC OF A 175.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 59°35'20" EAST, LONG CHORD BEARS SOUTH 54°26'39" EAST 142.54 FEET WITH A CENTRAL ANGLE OF 48°03'59");  
THENCE SOUTH 78°28'39" EAST 370.42 FEET;  
THENCE EAST 96.80 FEET ALONG AN ARC OF A 2,550.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 11°31'51" WEST, LONG CHORD BEARS SOUTH 77°22'54" EAST 96.79 FEET WITH A CENTRAL ANGLE OF 02°10'30");  
THENCE SOUTH 76°17'39" EAST 28.86 FEET;  
THENCE SOUTH 16°11'46" WEST 130.21 FEET;  
THENCE SOUTH 21°51'06" EAST 162.04 FEET TO THE WESTERLY LINE OF SHADY LANE ESTATES;  
THENCE SOUTH 16°12'21" WEST 168.98 FEET ALONG SAID WESTERLY LINE TO THE SOUTHWEST CORNER OF SAID SHADY LANE ESTATES;  
THENCE SOUTH 09°22'39" EAST 223.03 FEET TO THE POINT OF BEGINNING.

CONTAINING 644,323 SQUARE FEET OR 14.79 ACRES.

GEOTECHNICAL INVESTIGATION:

A GEOTECHNICAL INVESTIGATION WAS PERFORMED BY AGEC APPLIED GEOTECH. THE INVESTIGATION RESULTS AND SPECIFIC RECOMMENDATIONS FOR THE CONSTRUCTION OF FOUNDATIONS, FLOOR SLABS AND EXTERIOR FLATWORK, ARE COMPILED IN A REPORT DATED JUNE 09, 2022. THIS REPORT IS AVAILABLE FROM THE DEVELOPER AND A COPY IS ON FILE WITH SANTA CLARA CITY, OWNERS, BUILDERS AND CONTRACTORS SHOULD BECOME FAMILIAR WITH THIS REPORT AND COMPLY WITH ITS RECOMMENDATIONS.

THE VINEYARDS

- P H A S E X I -

LOCATED IN THE N.W. 1/4 OF SECTION 22,  
TOWNSHIP 42 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN,  
SANTA CLARA CITY, WASHINGTON COUNTY, UTAH.

SHEET 1 OF 2



**ROSENBERG**  
ASSOCIATES  
CIVIL ENGINEERS • LAND SURVEYORS  
352 East Riverside Drive, Suite A-2, St. George, Utah 84790 Ph (435) 673-8586 Fx (435) 673-8397, www.RACIVIL.COM

SURVEY-PH-XI.DWG FILE NUMBER:	03/28/23 DATE:	C.G.A. DRAWN:
2012-21-017 JOB NUMBER:	1" = 60' SCALE:	B.E.A. CHECKED:

ENGINEER'S APPROVAL:

THE HEREON SUBDIVISION HAS BEEN REVIEWED AND IS APPROVED IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE, THIS DAY OF , 20\_\_.

ENGINEER  
SANTA CLARA CITY, UTAH

APPROVAL OF THE  
PLANNING COMMISSION:

ON THIS THE DAY OF , A.D. 20\_\_ THE PLANNING COMMISSION OF SANTA CLARA CITY, HAVING REVIEWED THE ABOVE SUBDIVISION FINAL PLAT AND HAVING FOUND THAT IT COMPLIES WITH THE REQUIREMENTS OF SANTA CLARA CITY'S PLANNING ORDINANCES, AND BY AUTHORIZATION OF SAID COMMISSION HEREBY APPROVE SAID SUBDIVISION FOR ACCEPTANCE BY SANTA CLARA CITY, UTAH.

CHAIRMAN OF THE PLANNING COMMISSION  
SANTA CLARA CITY, UTAH

CITY SURVEYORS  
CERTIFICATE:

I THE SANTA CLARA CITY SURVEYOR, DO HEREBY VERIFY THAT THIS OFFICE HAS EXAMINED THIS SUBDIVISION PLAT AND HAVE DETERMINED THAT IT IS CORRECT AND IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.

CITY SURVEYOR  
SANTA CLARA CITY, UTAH

APPROVAL AND ACCEPTANCE  
BY THE CITY OF SANTA CLARA, UTAH:

WE THE MAYOR AND CITY COUNCIL OF SANTA CLARA CITY, UTAH HAVE REVIEWED THE ABOVE SUBDIVISION FINAL PLAT AND BY AUTHORIZATION OF SAID CITY COUNCIL RECORDED IN THE MINUTES OF ITS MEETING OF THE DAY OF , A.D. 20\_\_ HEREBY ACCEPT THE SAID SUBDIVISION WITH ALL COMMITMENTS AND ALL OBLIGATIONS PERTAINING THERETO.

CITY RECORDER  
SANTA CLARA CITY, UTAH  
MAYOR  
SANTA CLARA CITY, UTAH

APPROVAL  
AS TO FORM:

APPROVED AS TO FORM, THIS DAY OF , A.D. 20\_\_.

CITY ATTORNEY  
SANTA CLARA CITY, UTAH

TREASURER APPROVAL

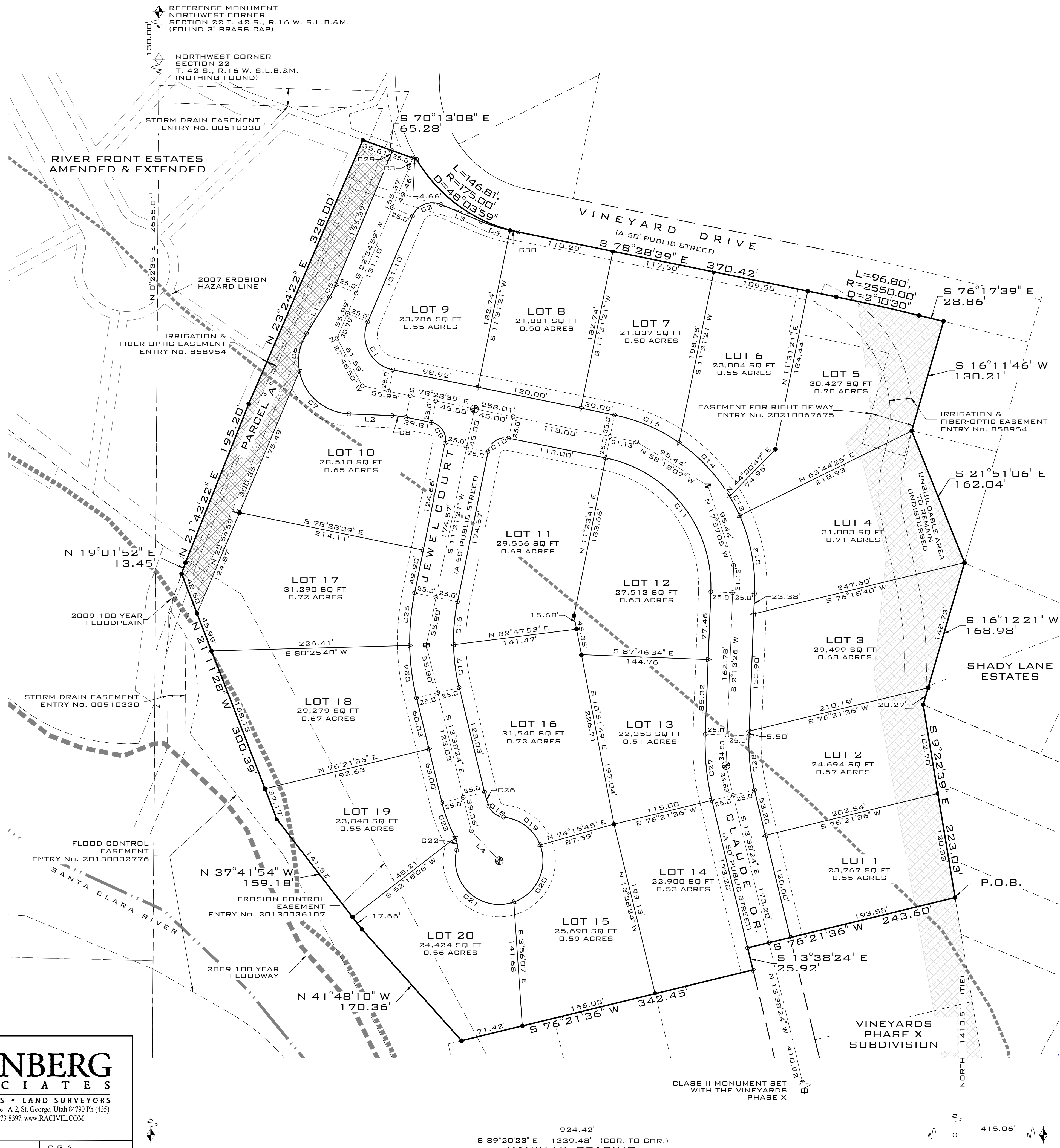
I, WASHINGTON COUNTY TREASURER, CERTIFY ON THIS DAY OF , A.D. 20\_\_ THAT ALL TAXES, SPECIAL ASSESSMENTS, AND FEES DUE AND OWING ON THIS SUBDIVISION FINAL PLAT HAVE BEEN PAID IN FULL.

WASHINGTON COUNTY TREASURER

RECORDED No.

RECORDER  
WASHINGTON COUNTY, UTAH



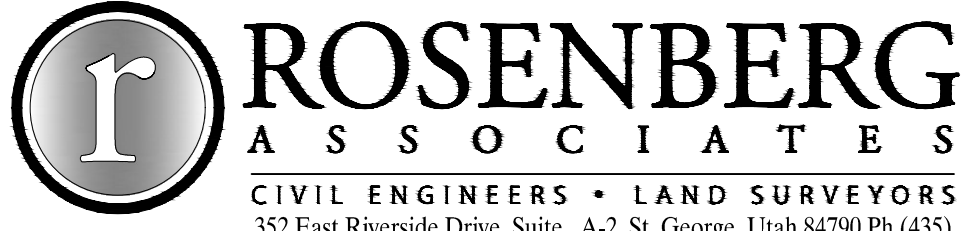
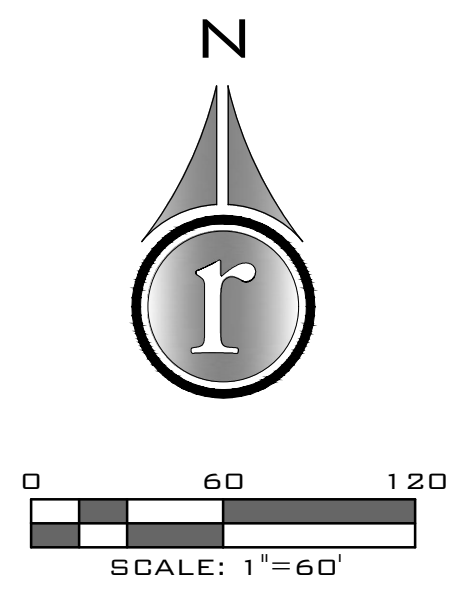


- LEGEND:**
- SET CORNER - 5/8" X 20" REBAR & PLASTIC CAP - ROSENBERG ASSOCIATES
  - NOTHING SET OR FOUND
  - ◆ FOUND SECTION MONUMENTATION AS SHOWN AND DESCRIBED
  - ⊕ TO BE SET STANDARD SANTA CLARA CITY SURVEY MONUMENT - CLASS I
  - ⊕ TO BE SET STANDARD CITY SURVEY MONUMENT - CLASS II
  - ▲ FRONT PROPERTY CORNERS ARE OFFSET 7.0' WITHIN THE LOT, ON LINE, IN THE SIDEWALK, WITH A BRASS PLUG
  - ⊕ FOUND STANDARD CITY SURVEY MONUMENT - CLASS II
  - ⊕ TO BE SET STANDARD CITY SURVEY MONUMENT - CLASS II
  - ▨ PARCEL "A" TO BE DEDICATED TO SANTA CLARA CITY
  - ▨ UNBUILDABLE AREA TO REMAIN UNDISTURBED

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	70.79'	40.00'	101°23'37"
C2	39.27'	25.00'	90°00'00"
C3	11.77'	150.00'	4°29'43"
C4	34.39'	175.00'	11°15'36"
C5	16.24'	100.00'	9°18'11"
C6	44.88'	60.00'	42°51'38"
C7	80.78'	60.00'	77°08'22"
C8	16.24'	100.00'	9°18'11"
C9	31.42'	20.00'	90°00'00"
C10	31.42'	20.00'	90°00'00"
C11	211.28'	150.00'	80°42'04"
C12	91.14'	200.00'	26°06'32"
C13	25.02'	200.00'	7°10'06"
C14	84.97'	200.00'	24°20'36"
C15	80.57'	200.00'	23°04'51"
C16	49.41'	225.00'	12°34'53"
C17	49.41'	225.00'	12°34'53"
C18	22.06'	20.00'	63°11'58"
C19	55.25'	50.00'	63°18'26"
C20	80.12'	50.00'	91°48'37"

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C21	107.61'	50.00'	123°18'32"
C22	14.57'	20.00'	41°44'08"
C23	43.09'	175.00'	14°06'27"
C24	60.39'	275.00'	12°34'53"
C25	60.39'	275.00'	12°34'53"
C26	16.58'	125.00'	7°35'57"
C27	76.14'	275.00'	15°51'49"
C28	62.30'	225.00'	15°51'49"
C29	10.40'	125.00'	4°46'03"
C30	146.81'	175.00'	48°03'59"

LINE TABLE		
LINE	LENGTH	DIRECTION
L1	48.84'	S 32°13'10" W
L2	48.84'	N 87°46'50" W
L3	49.60'	N 67°05'01" W
L4	46.64'	N 43°02'41" W



CIVIL ENGINEERS • LAND SURVEYORS  
352 East Riverside Drive, Suite A-2, St. George, Utah 84790 Ph (435) 673-8586 Fx (435) 673-8397, www.RACIVIL.COM

SURVEY-PH-XI.DWG FILE NUMBER:	03/28/23 DATE:	C.G.A. DRAWN:
2012-21-017 JOB NUMBER:	1" = 60' SCALE:	B.E.A. CHECKED:

WEST 1/4 CORNER SECTION 22  
T. 42 S., R. 16 W. S.L.B.&M.  
(FOUND 1968 G.L.G. BRASS CAP)

924.42'  
S 89°20'23" E 1339.48' (COR. TO COR.)  
BASIS OF BEARING

CENTER WEST 1/16 CORNER SECTION 22  
T. 42 S., R. 16 W. S.L.B.&M.  
(FOUND 2002 B.E.T. CAP L.S.#4804865)

**THE VINEYARDS**  
- P H A S E X I -  
LOCATED IN THE N.W. 1/4 OF SECTION 22,  
TOWNSHIP 42 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN,  
SANTA CLARA CITY, WASHINGTON COUNTY, UTAH.  
SHEET 2 OF 2





# Residential Subdivision Final Plat Application Amended

Santa Clara City  
2603 Santa Clara Dr  
Santa Clara, UT 84765  
(435) 656-4690 FAX: (435) 879-5298

**Subdivision Name:** The Vineyards Phase XI

## Applicant(s)/Property Owner(s) Information

Name: Vineyards of Santa Clara, LLC

Address: 590 East St. George Blvd.

City: St. George State: Ut Zip: 84770

Phone Number: 435-680-3090

Name: Kent Frei

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: 435-680-3090

*(If additional property owners please add addendum)*

## Property Description

Section(s): 22 Township(s): 42 South Range: 16 West

Current Zoning Designation: RA

Parcel Size (acres): 14.79 Acres

Number of Lots: 20

Major Cross Street(s): Vineyard Drive & Claude Drive

## Approvals Required By:

- ☐ Technical Review Committee (Staff) - meets every Thursday at 8:30 a.m.
- ☐ Planning Commission - meets every second Thursday of each month at 5:30 p.m.
- ☐ City Council - meets the second and fourth Wednesdays of each month at 5:00 p.m.

**Attached checklists serve as a guide for adhering to Santa Clara City's subdivision process/requirements. City Staff will use the checklists for completeness reviews and insuring code compliance for subdivisions. For comprehensive information on the subdivision requirements/process, refer to appropriate City Codes and Statutes.**

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Office Use Only:

Date plan submitted: \_\_\_\_\_

Date plan accepted: \_\_\_\_\_

# Subdivision/Development Approval Checklist

## FINAL PLAT CHECKLIST

			<b>I. Final Plat Requirements</b>
Y	N	N/A	A. TRC with developer
Y	N	N/A	A. Submittal of: 1) Engineering Drawings (3 copies); 2) Final Plat (8 11"x17" & 1 8.5"x11"); 3) One (1) Mylar; and 4) Engineer Cost Estimates
Y	N	N/A	B. Completeness Review (Chapter 16.24)
			<b>1. Description and delineation (16.24.20)</b>
Y	N	N/A	a. Name of subdivision approved by the Planning Commission
Y	N	N/A	b. Identification system for all lots: name of streets, easements, and lot sizes
Y	N	N/A	c. Traverse of the perimeter of the subdivision
Y	N	N/A	d. Monumentation and survey control
			1. Official Monuments
			2. Street Monuments
			3. Street centerline data and street widths...
			4. Property Corners set prior to recording of final plat.
Y	N	N/A	e. Dedication to the public of all streets, easements, etc.
Y	N	N/A	f. North arrow, scale, point of beginning, legal description and basis of bearing.
Y	N	N/A	g. Subdivision boundary closures shall be .01 or less on exterior boundaries and .02 on interior lots
			<b>2. Standard Forms (16.24.030)</b>
Y	N	N/A	a. Surveyor's "Certificate of Survey"
Y	N	N/A	b. Owner's "Certificate of Dedication"- signed by all owners
Y	N	N/A	c. Notary Public's Acknowledgement of all signatures
Y	N	N/A	d. Notarized Consent of all Leinholders
Y	N	N/A	e. Planning Commission's "Certificate of Approval"
Y	N	N/A	f. City Engineer's "Certificate of Approval"
Y	N	N/A	g. City Surveyor's "Certificate of Approval"
Y	N	N/A	h. City Attorney's "Certificate of Approval"
Y	N	N/A	i. City Council's "Certificate of Approval"
Y	N	N/A	j. A one-and-one half by five-inch space in the lower right-hand corner of the plat for the county recorder.
Y	N	N/A	k. Quit Claim Deed from Irrigation Company – Heights Only
Y	N	N/A	l. General Notes – The following general notes must appear on the plat:
			1. Notes Pertaining to the Issuance of building permit until all utilities are installed
			2. Notes Pertaining to Unstable Soil Conditions
			3. Basis of Bearings for Plat
			4. Property is Subject to Findings, Summary and Conclusions of a Geotechnical Report
			5. R-of-W Landscaping Requirements & Subsequent Maintenance Requirements

			<b>3. Additional Information Submitted with Final Plat (16.24.040)</b>
Y	N	N/A	a. Deed restrictions in final form signed by all owners of any interest: if applicable
Y	N	N/A	b. Engineer's itemized estimate of the cost of all required improvements to be developed in the subdivision and a separate cost estimate for any upsizing of piping
Y	N	N/A	c. Current title report
Y	N	N/A	d. Final utility plans: Water, sewer, power and natural gas
Y	N	N/A	e. Final drainage plans
			1. Complete drainage system for entire subdivision
			2. Comprehensive of drainage system to include area of subdivision but surrounding areas.
			3. Final Plans and profiles for all streets to be constructed: reviewed and approved by engineer
			4. Erosion control plan where applicable
Y	N	N/A	f. Soils report covering each lot in the subdivision as per geotechnical requirements prepared by a soil testing laboratory acceptable to the City
Y	N	N/A	g. Irrigation Company: existing ditch/easement issues on property
Y	N	N/A	<b>D. Conformance to Applicable Rules and Regulations</b>
			<b>1. Subdivision plan complies with all applicable laws, plans, and regulations:</b>
Y	N	N/A	a. Zoning Ordinance
Y	N	N/A	b. General Plan
Y	N	N/A	c. UDOT; Health Department, etc.
Y	N	N/A	d. Standards adopted by the City including all boards, commissions, etc.
Y	N	N/A	E. Self-imposed Restrictions Incorporated – Restrictions:
Y	N	N/A	F. Special Conditions Incorporated (ex. Historical district) – E.G.:
Y	N	N/A	G. Planning Commission Review and Recommendation- Date(s) of review: Date of Recommendation
Y	N	N/A	H. Inclusion of Planning Commission Changes
Y	N	N/A	I. Final Plat and Engineer drawings are to comply with all sections of the City's Design Standards found in Chapter 16.28 (Red lines comply)
Y	N	N/A	J. Engineering Plans Approved by City Engineer and City Staff
			Public Services Date signed: _____
			Public Safety Date signed: _____
			City Engineer Date signed: _____
Y	N	N/A	K. City Council Review and Adoption of Final Plat-Date of Review(s): _____
Y	N	N/A	Date of Adoption: _____
Y	N	N/A	L. Inclusion of City Council Changes

**COVENANTS, CONDITIONS & RESTRICTIONS  
FOR Vineyards Phase XI**

Vineyards of Santa Clara LLC, hereinafter referred to as the "Developer" is the owner of the following described property, hereinafter referred to as the "Property", located in Washington County, State of Utah, to-wit:

SEE LEGAL DESCRIPTION ATTACHED HERETO AND INCORPORATED HEREIN BY  
REFERENCE.

Developer hereby includes all of the Property in the plat recorded herewith of The Vineyards Phase XI, and divides the Property into Homesites as shown on said plats and dedicates the streets shown on said plat to the public. The easements indicated on said plat are hereby perpetually reserved for public utilities and for any other uses as designated thereon or set forth herein, and no structures other than for such utility or other indicated purposes are to be erected within the lines of said easements.

Developer shall have the unilateral right to expand the property subject to these Covenants, Conditions & Restrictions. Such expansion may be accomplished by recording a Supplemental Declaration or annexation amendment in the Office of the Recorder, describing the real property to be annexed and submitting it to the covenants, conditions and restrictions contained herein. Such supplemental declaration or annexation amendment shall not require the consent of property owners. The expansion may be accomplished in stages by successive supplements or in one supplemental expansion.

Developer further declares that all of the Property described herein is held and shall be held, conveyed, hypothecated or encumbered, leased, rented, used, occupied and improved subject to the following limitations, restrictions, covenants and conditions, all of which are declared and agreed to be in furtherance of a plan for the subdivision, Improvement and sale of the Property, and are established and agreed upon for the purposes of enhancing and protecting the value, desirability and attractiveness of the Property and every Homesite, part or portion thereof. The acceptance of any deed to or conveyance of any Homesite, part or portion of the Property by the grantees therein named or by their legal representatives, heirs, executors, administrators, successors or assigns, shall constitute their covenant and agreement with the Developer and with each other to accept, hold, improve, use and convey the Property described and conveyed in or by such deed or conveyance subject to said restrictions, covenants and conditions. These restrictions, covenants and conditions shall run with the land.

**Article 1 - Use Restrictions**

1. **Land use and building type:** All Homesites shall be used only for single family residential purposes. No professional, business or commercial use shall be made of the same, or any portion thereof; provided, however, that the Homesite restrictions contained in this section shall not be construed in such a manner as to prohibit an owner or resident from (a) maintaining a personal professional library therein; (b) keeping personal business or professional records of accounts therein; (c) handling personal, business or professional telephone calls or correspondence therefrom; or (d) home occupations as permitted by the City of Santa Clara Home Occupation Ordinance.

2. **Homesite Size:** Homesite sizes as described on the recorded plats of subdivision are considered minimum Homesite sizes and no person shall further subdivide any Homesite other than as shown on the recorded plat of said subdivision. The Homesite purchaser is encouraged to obtain a soils test and recommendation on foundation from a Utah registered engineer prior to construction.
3. **Care and Maintenance of Homesite:** The owner of each Homesite shall keep the same free of rubbish, litter and noxious weeds. All structures, landscaping and improvements shall be maintained in good condition and repair at all times. Where applicable, the owner of each Homesite shall be responsible to landscape and maintain the area in the public right of way adjacent to the Homesite between the curb and sidewalk. Each Homesite shall be subject to an easement for access to make repairs upon adjoining Homesites and structures, provided however, that:
  - a. Any damage caused by such entry shall be repaired at the expense of the owner whose property was the subject of the repair work which caused the same;
  - b. Any such entry shall be made only at reasonable times and with as little inconvenience as possible to the owner of the entered Homesite; and
  - c. In no event shall said easement be deemed to permit entry into the interior portion of any dwelling.
4. **Care and Maintenance of the Common Area:** Vineyards Phase XI Homeowners Association (the "Association") shall be responsible for care and maintenance of the common area and improvements thereon, including the southside of Vineyard Dr. The entry way on Claud Dr. to the subdivision and the landscaped area on the west side of Claud Dr, south of the entryway shall be maintained by the Association while the landscaped area between the curb and the sidewalk that fronts Homesites 1-20 shall be maintained by the individual Homesite Owner. In the event that any Homesite Owner fails to maintain the area adjacent to their Homesite, the Association shall be responsible to maintain it. Any damage caused to the common areas and improvements by any Homesite Owner and/or their agents, guests or invitees must be repaired as soon as possible after such damage is discovered, and the expense of such repair shall be borne by the Homesite Owner.
5. **Use of Common Area:** Every Homesite Owner shall be a member of Vineyards Phase XI Homeowner's Association and shall have a right and easement of enjoyment in and to any common areas, and shall have a permanent and perpetual right and easement of enjoyment in and to the property subject to this Declaration, which shall be appurtenant to and shall pass with the title to every Homesite within Vineyards Phase XI, subject to all of the following:
  - a. All provisions of this Declaration, any plat of all or any part or parts of Vineyards Phase XI, the Articles of Incorporation and the By-Laws of the Association;
  - b. The right of the Association to promulgate rules and regulations concerning Vineyards Phase XI.
6. **Easements:** Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation, maintenance or replacement of utilities, or which may change the direction or flow of drainage channels in the easements, or which may obstruct or retard the flow of water



through drainage channels in the easements. The easement area of each Homesite and all improvements in it shall be maintained continuously by the Owner of the Homesite, except for those improvements for which a public authority or utility company is responsible. The title holder of each Homesite shall, from time to time, grant rights over, across, on, under and upon these easements for such additional uses and services as may be provided from time to time by a public authority or private utility company.

7. **No Hazardous Activities:** No activities shall be conducted on the Property and no improvements shall be constructed on the Property that are or might be unsafe or hazardous to any person or property. Without limiting the generality of the foregoing, no firearms shall be discharged upon the Property and no open fires shall be lighted or permitted on the Property except in a contained barbecue or fire pit unit while attended and in use for cooking purposes or within a safe and well-designed interior fireplace.
8. **Motorbikes:** All motorcycles, trail bikes, three-wheel powered devices, automobiles, and two or four-wheel drive recreational type vehicles are to be operated only by individuals with driver's licenses and only on established streets and parking areas and are specifically prohibited from all other portions of the Common Areas, and surrounding properties, and shall otherwise comply with any applicable ordinances, laws, rules, or regulations.
9. **Weed Control:** Each Homesite owner shall, to the extent reasonably feasible, control the growth and proliferation of noxious weeds and other flammable materials on his Homesite so as to minimize fire and other hazards to surrounding Homesites, residences, the Common Areas, and surrounding properties, and shall otherwise comply with any applicable ordinances, laws, rules or regulations pertaining to the removal and/or control of noxious weeds. Noxious weeds shall mean and refer to those plants that are injurious to crops, livestock, land or the public health.
10. **Nuisances:** No noxious or offensive activity shall be carried on upon any Homesite, part or portion of the Property, nor shall anything be done thereon which may be or may become an annoyance to the neighborhood. No clothes drying or storage of any articles that are visible from any public street shall be permitted. **No resident's use of a Homesite shall endanger the health or disturb the reasonable enjoyment of any other owner or resident.**
11. **Safe Condition:** Without limiting any other provision of these covenants, each owner shall maintain and keep such owner's Homesite at all times in a safe, sound and sanitary condition and repair and shall correct any condition or refrain from any activity which might interfere with the reasonable enjoyment of other owners of their respective Homesites.
12. **Oil and Mining Operation:** No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any Homesite, part or portion of the Property, nor shall any oil well, gas well, tank, tunnel, mineral excavation or shaft be permitted upon or in any such Homesite or portion of the Property.
13. **Animals, Livestock, Poultry, Agriculture:** No animals, livestock or poultry of any kind shall be raised, bred or kept on any Homesite, part or portion of the Property, except that dogs, cats or other domesticated household pets, two (2) or less in number may be kept in a residence

constructed on a Homesite, provided they are not kept, bred or maintained for any commercial purpose. Such animals as are permitted shall be strictly controlled and kept pursuant to all applicable laws and ordinances, and shall be on a leash or inside a fence when outside the Owner's residence.

14. **Garbage and Refuse Disposal:** No Homesite, part or portion of the Property shall be used or maintained as dumping ground for rubbish, rubble, trash, garbage or other waste. Such trash, rubbish, rubble, garbage or other waste produced within the Property, shall be kept only in sanitary containers. No rubbish, trash, papers, junk or debris shall be burned upon the Property except that trash may be burned in accordance with applicable laws and ordinances inside homes that are properly equipped with inside incinerator units.
15. **Water Supply:** No individual culinary water supply system shall be used or permitted to be used on any Homesite, part or portion of the Property.
16. **Sewage Disposal:** No individual sewage disposal system shall be permitted on any Homesite, part or portion of the Property
17. **Clothes Drying:** No portion of any Homesite shall be used as a drying or hanging area for laundry of any kind, it being the intention hereof that all such facilities be provided within the dwelling to be constructed on each Homesite.
18. **RV's, Boats and Other Vehicles:** No boats, trailers, buses, motor homes, campers, recreational vehicles, motorcycles, trail bikes, three-wheel powered devices, automobiles, and two or four-wheel drive recreational type vehicles, shall be parked or stored upon any Homesite except within an enclosed garage or on a cement pad behind the required front Homesite set-back area. No such vehicles shall be parked overnight on any street located within the subdivision for more than 48 hours. Motor vehicles that are inoperable shall not be permitted to accumulate upon any street or Homesite or road areas adjacent thereto. In the event an inoperable motor vehicle remains upon any Homesite or road area for a period exceeding thirty (30) days, the Developer or any other Homesite Owner may remove the inoperable motor vehicle after a ten (10) day written notice. The cost of such removal shall attach as a valid lien against the Homesite Owner in favor of the persons, entities, or parties causing such removal. For the purpose of this section, "inoperable motor vehicle" shall mean any motor vehicle that is unable to operate in a normal manner upon the streets under its own power, or is unlicensed or unregistered for not less than six (6) weeks. Trailers, motor homes, and trucks over 9,000 pounds gross volume weight are not allowed to be stored upon any vacant Homesite or street or road areas adjacent to the Property.

## **Article 2 - Design Control**

1. **Governmental Permit Required:** No living unit, accessory or addition to a living unit, other structure or building shall be constructed or maintained, and no grading or removal of natural vegetation or change in natural or approved drainage patterns shall occur, on a Homesite until any required permit or required approval thereof is obtained from the City of Santa Clara or Washington County, as appropriate (or any successor municipality), following submission to the appropriate governmental entity of such information as it may reasonably require.

2. **Construction Restrictions:** In order to promote a harmonious community development and protect the character of the neighborhood, the following guidelines shall be applied to the Property:
- a. **Permitted Structures:** The only building or structure permitted to be erected, placed or permitted to be located on any Homesite within the subdivision shall be (i) a detached single family dwelling not to exceed three stories in height which must include an attached enclosed three car minimum private garage; The exposed face of the garage door shall not exceed 14 feet in height. All construction shall be of new materials; except that used brick may be used so long as it conforms to applicable building ordinances of the City of Santa Clara. All structures shall be constructed in accordance with the zoning and building ordinances of the City of Santa Clara, in effect from time to time.
  - b. **Minimum Area:** The minimum total square footage of living area on the living area above the street elevation and located within the area of a foundation for any residential dwelling constructed on any Homesite within the subdivision, exclusive of porches, balconies, patios and garages, shall be not less than 2800 square feet, with a minimum of 2800 square feet on the first level above street elevation for all Homesites with the following exceptions:
    - i. Those residences constructed with a second story with a minimum of 1,200 square feet of living space on the second story, shall be allowed to have a total finished square footage of living area on the first level of 2,400 square feet. Living area shall be defined as living area containing light fixtures, permanent floor coverings and painted or paper or vinyl walls and ceilings. Basement square footage may not be calculated in determining total square footage of living area.
  - c. **Building Location:** No building shall be located on any Homesite nearer than twenty five (25) feet to the front Homesite line; nor nearer than ten (10) feet to the rear Homesite line; nor nearer than eight (8) feet on one side Homesite line and twelve (12) feet on the other side Homesite line. All of the foregoing measurements shall be made from the applicable Homesite line to the foundation, porch or other extension of such building, whichever is nearer to such Homesite line. For the purpose of this covenant, eaves and steps shall not be considered as part of a building for the purpose of determining such distance, provided, however, that this shall not be construed to permit any portion of a building, including eaves or steps to encroach upon another Homesite. Any Homesite line fronting a public street shall be considered a front Homesite line.
  - d. **Dwelling Style:** In anticipation of a variety of residential styles being proposed for Vineyards Phase XI, the following standards are established to promote a continuity of building style throughout the development:
    - i. **Style:** The individuality of a residence and its site shall be expressed without adversely affecting the overall community composition.
    - ii. Architectural styles which are similar to the native styles of the European world are recommended.
  - e. **Exterior Construction Material:** Exterior construction materials will be limited to stone, stone veneer, brick or brick veneer and stucco. Other materials shall be in

colors and of materials indigenous to the area. Illuminative or reflective colors are prohibited. At least one-third ( $\frac{1}{3}$ ) of the surface area of the front walls of the house and garage shall be faced with brick or stone. Fiberglass, glass, asphalt siding shingles, vinyl, aluminum and metal products are specifically prohibited. Accent elements of tiles, clay, glass, fiberglass are prohibited. No log homes will be allowed. No prefabricated homes will be allowed. All homes need to be of new construction on site.

- f. Roof Materials: Roof materials will be limited to tile or slate, and shall be in colors which blend with the balance of the exterior of the structure. Roof pitch shall be at least 4/12.
- g. Dome Structures: Dome structures of any type are not allowed.
- h. Temporary or Other Structures: No structure of a temporary nature, and no trailer, bus, basement, outhouse, tent, shack, garage, or other outbuilding shall be used at any time as a residence, either temporarily or permanently. No such structure shall be erected or placed on said property at any time. No old or second-hand structures shall be moved onto any of said Homesites. It is the Developer's intention that all dwellings and other buildings to be erected within the subdivision be new construction, of good quality, workmanship, and materials.
- i. Accessory Buildings: No storage or utility buildings are allowed. All such structures intended for such uses must be built so as to be part of the house. As an exception to this clause, a detached garage will be approved provided that it is in compliance with guidelines promulgated by the City of Santa Clara.
- j. Pet Runs: Pet runs should be designed and constructed in a way consistent with the architecture of the house and should be no larger than 150 square feet, nor higher than six feet, nor shall it be located in the front yard or on the side yard against an adjacent Homesite. The fencing and materials shall be limited to the materials designated herein,
- k. Pools, Spas, Etc: Pools, spas, fountains, and gamecourts shall be located to reasonably minimize Impacting adjacent properties with light or sound. Pool heaters and pumps may not be visible from neighboring property and must be sound insulated from neighboring houses. Nothing herein shall be construed as permitting the construction of skateboard areas and/or ramps, which structures shall be prohibited. All exterior lighting shall be designed to minimize the effect of such lighting on other Homesites. Lights for tennis courts or other game courts shall be turned off no later than 10:00 PM.
- l. Driveways: There shall be area on the driveway (excluding sidewalk areas) to park no less than two vehicles per Homesite. Each driveway on a Homesite shall be constructed out of cement or brick. Cinders, sand, gravel, or dirt shall not be permitted for driveway material in the front and side yard areas of any Homesite. The driveway in the front and side yard areas of each Homesite shall be in a color which

blends with the exterior of the structure located on such Homesite.

- m. Sight Obstructions: No structure, fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two (2) and six (6) feet above the roadways shall be placed or permitted to remain on any corner Homesite within the triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the street property lines extended. The same sight line limitations shall apply on any Homesite within ten (10) feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at such height to prevent obstruction of such sight lines. No fence, wall, hedge, shrub or other structure shall be placed along any front property line. No fence, wall, hedge, shrub or foliage shall be planted, kept or maintained in such a manner as to create a serious potential hazard or an aesthetically unpleasant appearance to the other residents of the area.
- n. Walls and Other Barriers: Walls, fences, and barriers shall be constructed of materials manufactured for such purposes and erected in a proper and safe manner. Permitted materials shall be concrete, concrete block, cinder block, or brick stone of a Sandstone type color. Typical example of block wall style, color, and design will be the wall on Vineyard Dr. Said materials only to be used in compliance with conditions herein contained. No wood, vinyl, or chain link fencing shall be allowed and poured concrete or concrete sections are allowed only as such materials are constructed with a finished surface. Walls and fences shall not exceed three (3) feet in height in the front yard, with the exception of the wall or fence along the side lot line in the front yard which shall not exceed six (6) feet in height. All walls, fences and barriers shall be kept and maintained in a visually pleasing manner and a state of good repair. The owner's failure to do so may result in actions by the owner or owners of lots in said subdivision or the developer.
- o. Address Monuments: Each homesite shall contain a monument or placard displaying the street address, which shall be illuminated at night.
- p. Lights: Light used to illuminate garages, patios, parking areas or for any other purposes, shall be so arranged as to reflect light away from adjacent residences and away from the vision of passing motorists.
- q. Antennas: Antennas for radio, television, or any other device for the reception or transmission of radio, microwaves or other similar signals are restricted to the attic or interior of the residence. It is mandatory that all homes be pre-wired for cable reception. Satellite dish antennas shall be allowed provided that they are located in such areas not visible from the street.. In no event shall satellite dish antennas be visible from neighboring property.
- r. Chimneys: Chimneys of approved exterior materials may not exceed the height permitted by appropriate governmental agencies. Exposed metal flues must be



painted a color which blends with the color of the roof. All stacks and chimneys from fireplaces in which combustibles other than natural gas are burned shall be fitted with spark arresters.

- s. Solar Panels: Solar panels are to be integrated into the roof design. Panels and frames must be copper or compatible with roof colors and all equipment must be screened so as not to be visible from the street or neighboring property.
- t. Skylights: Skylights are to be designed as an integral part of the roof. Skylights shall not be reflective. Skylight framing shall be colored to match adjacent roofing materials.
- u. Matching Colors: . Sheet metal, flashing, vents, and pipes must be colored to match the material to which they are attached or from which they project.
- v. Screening of Equipment: Air conditioning, heating equipment, and soft water tanks must be screened from view so as not to be visible from neighboring property or from the streets of the development, and shall be insulated for sound attenuation. Air conditioning units are not permitted on roofs or through windows unless they are not visible from neighboring property.
- w. Utility Meter: Utility meters shall be placed in as inconspicuous location as possible. Locations of meters are to be shown on the plans, and meters must be screened from view from neighboring property. Exposed piping should be painted to match exterior colors of the dwelling structure. The area immediately around the meters should be cleared to allow for access. Electric meters, switches, or circuit breaker boxes are not to be located in the same enclosure with the gas meter and regulator. Enclosures for gas meters and regulators are to be vented in compliance with the Uniform Building Code.
- x. Mailboxes: Cluster Mailboxes shall be provided by the developer and maintained by the United States Postal Service, unless the Developer and/or United States Post Office subsequently determines otherwise.
- y. Signs: Except for one "For Rent" or "For Sale" sign of not more than four (4) square feet, no advertising signs, billboards, objects of unsightly appearance or nuisances shall be erected, placed, or permitted to remain on any Homesite or any portion of the Property. The foregoing shall not apply to the commercial activities, signs and billboards, if any, of the Developer or its agents during the construction and sales period or by the Association in furtherance of its powers and purposes set forth hereinafter and in its Articles of Incorporation, Bylaws and Rules and Regulations, as the same may be amended from time to time.
- z. Landscaping: Prior to occupancy, the owner of a Homesite must have substantially completed the front landscaping of such Homesite. Within one (1) year from the completion of the construction of the residence upon a lot, the owner shall complete

the landscaping in the backyard of the lot. Landscaping shall include, but shall not be limited to, the preparation for the planting of lawn, grass or other appropriate ground cover, appropriate shrubbery, and planting of at least one (1) tree in the front yard. The planting of trees and shrubs and grass are encouraged and recommended. All landscaping and yard shall be kept and maintained by the Homesite Owner in an orderly and sightly manner, free of weeds and garbage. Homesite owners are responsible to install and maintain the landscaping between the sidewalk and the street. Such landscaping will be determined by the Vineyards Phase XI Homeowners Association.

Notwithstanding this section, all diseased trees must be removed by the Homesite Owner within one hundred-twenty (120) days after the diseased condition is discovered. All trees planted by a Homesite Owner pursuant to the requirements of this paragraph shall be of a minimum size of two and one-half inches (2 1/2") caliper measured at a point one foot (1') above ground level.

- aa. Slope and Drainage Control: No structure, planting or other material shall be placed or permitted to remain or other activities undertaken which may damage or interfere with established slope ratios, create erosion or sliding problems, or which may change the direction of flow of drainage channels. The slope control areas of each Homesite and all improvements in them shall be maintained continuously by the owner of the Homesite, except for those improvements for which a public authority or utility company is responsible.

**3. Construction and Contractor Provisions:** In order to promote a harmonious community development and protect the character of the neighborhood, the following guidelines are applicable to the Property:

- a. Construction Hours: No construction shall take place on Sundays or between the hours of 7:00 PM to 6:00 AM.
- b. Completion of Construction: The construction of any structure on any portion of the Property shall be continuously and diligently pursued from and after the commencement of such construction, and in any event, shall be substantially completed within twelve (12) months after such commencement.
- c. Building Materials Storage: No Homesite, part or portion of the Property shall be used or maintained as a storage for building materials except during a construction phase. Once a dwelling is occupied or made available for sale, all building materials shall be removed or stored inside such dwelling, out of public sight.
- d. Landscaping: Prior to occupancy, the owner of a Homesite must have substantially completed the front landscaping of such Homesite. Within twelve (12) months after the completion of construction of any home upon a Homesite, the owner of such Homesite must have substantially completed the rear landscaping of such Homesite.
- e. Excavations: Except for excavations for an approved foundation or basement, no excavations or removal of dirt are permitted on any Homesite below the present grade of such Homesite.
- f. Soils Test: The Homesite Owner is encouraged to obtain a soils test and recommendation on foundation from a Utah registered engineer prior to construction.
- g. Damages: Any damage inflicted on existing improvements such as curbs, gutters, streets, concrete sidewalks and such, by the Homesite Owner and/or their agents of any particular Homesite in the subdivision must be repaired as soon as possible after such damage is

discovered, and the expense of such repair shall be borne by the Homesite Owner.

### **Article 3 - Membership and Voting Rights**

Each Owner of a Homesite within the Property shall be a member of Vineyards Phase XI Homeowner's Association. The Association shall have one class of voting membership. All members are entitled to one vote for each Homesite owned. When more than one person holds an interest in any Homesite, the group of such persons shall be a member. The vote for such Homesite shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any Homesite. In the absence of consent among such persons, the Homesite's vote shall be suspended if more than one person seeks to exercise it.

### **Article 4 - Finances and Operations**

#### **1. CREATION OF LIEN AND PERSONAL OBLIGATION OF ASSESSMENT:**

The Developer and each subsequent Owner of any Homesite by acceptance of a deed therefor, whether or not it shall be so expressed in any such deed or other conveyance, covenants and agrees to pay to the Vineyards Phase XI Homeowner's Association (hereinafter, the "Association"), assessments or charges and interest, costs of collection and a reasonable attorney's fee, as hereinafter provided. All such amounts shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment or amount is charged. Such assessments and other amounts shall be the personal obligation of the person who was the Owner of such Homesite at the time when the assessment fell due. Successors-in-title shall not be personally liable for assessments delinquent at the time they took title unless that obligation is expressly assumed by them; however, upon transfer of title, such assessments shall be a continuing lien upon the property against which each such assessment or amount is charged.

#### **2. Purpose of Assessments:**

The assessments levied by the Association shall be used by the Association for the improvement, maintenance, repair and preservation of all Common Areas, including, but not limited to, the landscaping along the roadways and entryways of the Property. The assessments must provide for but are not limited to, the payment of taxes on Association property and insurance maintained by the Association; the payment of the cost of repairing, replacing and maintaining the Common Areas, including but not limited to, the landscaping along the roadways and entryways of the Property; the payment of administrative expenses of the Association; insurance deductible amounts; the establishment of a reserve account for repair, maintenance and replacement of the Common Areas, including but not limited to, the landscaping in the roadway and entryway areas which must be replaced on a periodic basis; and other amounts required that the Directors shall determine to be necessary to meet the primary purposes of the Association.

#### **3. Maximum Annual Assessment:**

Until January 1 following recording of these Covenants, the maximum annual assessment shall be \$200 per Homesite.

#### **4. Special Assessments for Capital Improvements:**

In addition to the annual assessments, the Association may levy in any assessment year a special assessment, applicable to that year only. Special assessments may only be levied to defray, in whole or in part, the cost of any

construction, reconstruction, repair or replacement of the Common Area, including but not limited to, the roadway or entryway areas. Special assessments must have the assent of sixty-seven percent (67%) of the votes of the members authorized to vote as defined in Article 3, in person or by proxy, at a meeting duly called for this purpose.

5. **Additional Assessments:** In addition to the annual assessments and special assessments for capital improvements authorized herein, the Association shall levy such assessments as may be necessary from time to time for the purpose of repairing and restoring the damage or disruption resulting to private streets or other common or limited common areas from the activities of Santa Clara in maintaining, repairing or replacing utility lines and facilities thereon, it being acknowledged that the ownership of certain utility lines, underground or otherwise is in the City up to and including the meters for individual units. All utilities shall be installed and maintained to City specifications.
6. **Uniform Rate of Assessment:** Assessments must be fixed at a uniform rate for all Homesites; provided, however, that assessments shall not accrue against the Developer so long as the Developer has membership, unless the Developer has obtained a building permit with the City of Santa Clara to construct a dwelling on such homesite. A Homesite Owner who owns more than one contiguous Homesite upon which a single dwelling is constructed, may petition the Association to have his Homesites assessed as one Homesite.
7. **Date of Commencement of Annual Assessments; Due Dates:** The assessments provided for herein shall commence to accrue on the first day of the month following conveyance to a Homesite Owner. The first assessment shall be adjusted according to the number of months remaining in the calendar year. In the absence of a determination by the Directors as to the amount of said assessment, the assessment shall be an amount equal to 90% of the maximum assessment provided above. At least thirty (30) days prior to the commencement of each new assessment period, the Directors shall send or cause to be sent a written notice of the annual assessment to each owner subject thereto. This notice shall not be a prerequisite to the validity of the assessment. The assessment due dates shall be established by the Directors. The Directors may provide for the payment of assessments in equal installments throughout the assessment year. The Directors shall prepare a roster of the properties and the assessments applicable thereto at the same time that it shall fix the amount of the assessment, which roster shall be kept by the Treasurer of the Association, who shall record payments of assessments and shall allow inspection of the roster by any member at reasonable times. The Association shall, upon demand, and for a reasonable charge, furnish a certificate signed by an officer of the Association setting forth whether the assessment on a specified Homesite has been paid. Such certificates, when properly issued, shall be conclusive evidence of the payment of any assessment or fractional part thereof which is therein shown to have been paid.
8. **Effect of Non-Payment of Assessment - Remedies of the Association:** Any assessment or installment thereof not paid within thirty (30) days after the due date therefore shall be delinquent and shall bear interest from the due date at the rate of twelve percent (12%) per annum (or such lesser rate as the Directors shall determine appropriate) until paid. In addition, the Directors may assess a late fee for each delinquent installment, which shall not exceed ten percent (10%) of the installment. The Directors may, in the name of the Association, (a) bring an action at law against the Owner personally obligated to pay any such delinquent assessment without waiving the lien of assessment, or (b) may foreclose the lien against the property in accordance with the laws of the State of Utah applicable to the exercise of powers of sale in

deeds of trust or to the foreclosure of mortgages, or in any other manner permitted by law, and/or (c) may restrict, limit, or totally terminate any or all services performed by the Association in behalf of the delinquent member. There shall be added to the amount of any delinquent assessment the costs and expenses of any action, sale or foreclosure, and a reasonable attorney's fee, together with an account for the reasonable rental for the Homesite from the time of commencement of the foreclosure. The Association shall be entitled to appointment of a receiver to collect the rental income or the reasonable rental without regard to the value of the other security. A power of sale is hereby conferred upon the Association, which it may exercise. Under the power of sale the Homesite of an Owner may be sold in the manner provided by Utah law pertaining to deeds of trust as if said Association were beneficiary under a deed of trust. The Association may designate any person or entity qualified by law to serve as Trustee for purposes of power of sale foreclosure. No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Area.

9. **Subordination of The Lien to Mortgages:** The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage held by an institutional lender. Sale or transfer of any Homesite shall not affect the assessment lien. However, the sale or transfer of any Homesite pursuant to foreclosure of a first mortgage or any proceeding in lieu thereof, shall extinguish the assessment lien as to payments which became due prior to such sale or transfer. No sale or transfer, however, shall relieve a Homesite or Owner from personal liability for assessments coming due after he or she takes title or from the lien of such later assessments.
10. **Insurance and Casualty Losses:** The Association shall have the authority to and shall obtain blanket all-risk insurance, if reasonably available, for all insurable improvements in the Common Area. If blanket all-risk coverage is not reasonably available, then at a minimum an insurance policy providing fire and extended coverage shall be obtained. This insurance shall be in an amount sufficient to cover one hundred percent (100%) of the replacement cost of any repair or reconstruction in the event of damage or destruction from any insured hazard. The Association may also obtain a public liability policy covering the Common Area, the Association and its Members for all damage or injury caused by the negligence of the Association or any of its Members or agents. Premiums for all such insurance shall be common expenses of the Association and shall be included in the Assessment. All such insurance policies shall be governed by the provisions hereinafter set forth:
  - a. All policies shall be written with a company licensed to do business in Utah with a Best's rating of A or better and which is assigned a financial size category of XI or higher;
  - b. All policies on the Common Area shall be for the benefit of the Association, its Members and their mortgagees;
  - c. Exclusive authority to adjust losses under policies obtained by the Association on the Properties shall be vested in the Association's Board of Directors; provided, however, no Mortgagee having an interest in such losses may be prohibited from participating in the settlement negotiations, if any, related thereto;
  - d. In no event shall the insurance coverage obtained and maintained by the Association's Board of Directors hereunder be brought into with insurance purchased by individual Owners, occupants, or their mortgagees;
  - e. The Association shall be required to make every reasonable effort to secure insurance policies that provide for (i) a waiver of subrogation by the insurer as to any claims



against the Board of Directors, its manager, the Owners, and their respective tenants, servants, agents and guests; (ii) a waiver of the insurer of its rights to repair and reconstruct, instead of paying cash; (iii) a statement that no policy may be canceled, invalidated, suspended, or subject to non-renewal on account of any one or more individual Owners; (iv) a statement that any "other insurance" clause in any policy exclude individual Owners' policies from consideration; and (v) that the Association will be given at least thirty (30) days prior written notice of any cancellation, substantial modification, or non-renewal.

**11. Other Insurance:** The Board shall obtain, as a common expense, worker's compensation insurance, if and to the extent required by law, directors' and officers' liability coverage, if reasonably available, and a fidelity bond or bonds on directors, officers, employees, and other Persons handling or responsible for the Association's funds, if reasonably available.

**12. Individual Insurance:** By virtue of taking title to a Homesite subject to the terms of this Declaration, each Owner covenants and agrees with all other Owners and with the Association that each Owner shall carry blanket all-risk casualty insurance on the Owner's Homesite and structures constructed thereon.

**13. Books, Records, and Audit:** The Association shall maintain current copies of the Protective Covenants, Articles, Bylaws, Rules and other similar documents, as well as its own books, records and financial statements which shall all be available for inspection by Homesite Owners and insurers as well as by holders, insurers, and guarantors of first mortgages during normal business hours upon reasonable notice. Charges shall be made for copying, researching or extracting from such documents. A Homesite Owner or holder, insurer or guarantor of a first mortgage may obtain an audit of Association records at its own expense so long as the results of the audit are provided to the Association.

## **Article 5 - Duration, Enforcement , Amendment**

**1. Duration of Restrictions:** The covenants and restrictions contained herein shall run with and bind the land for a period of fifty (50) years from the date this document is recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years each, subject to amendment as herein set forth. During the Development Phase (defined below), the covenants and restrictions contained herein may be modified, amended or repealed in whole or in part at any time and from time to time by the Developer or his successor or assigns by recorded instrument. The Development Phase shall be the time from the date of the recording of the Plat of Subdivision until such time as Developer transfers legal title to more than ninety percent (90%) of the total number of Homesites in the Vineyards Phase XI to bona fide purchasers.

2. **Amendment:** Upon completion of the Development Phase, the covenants and restrictions contained herein may be amended by a recorded instrument signed by no less than the owner of seventy five percent (75%) of the number of Homesites, provided that all signatures must be notarized and obtained within a 180 day period. Any amendment after the completion of the Development Phase shall require a thirty (30) day written notice of any such proposed amendment be sent to every owner of any Homesite, part or portion of the Property.
3. **Additional Property:** Additional property may be subjected to these covenants, conditions, and restrictions by the Developer. The Developer shall indicate its intent to have such property bound by these covenants, conditions and restrictions on the plat of such property, or by recording an additional set of covenants, and, thereafter, such additional property shall be considered as part of the Property in all respects. This right of the Developer shall be assignable to one or more assignees.
4. **Notices:** Any notice required under the provisions of this document to be sent to any Homesite Owner shall be deemed to have been properly sent when mailed, postage prepaid, to the last known address of such owner.
5. **Construction and Severability:** All of the restrictions, covenants and conditions contained in this document shall be construed together. Invalidation of any one of said restrictions, covenants or conditions, or any part thereof, shall in no wise affect the enforceability or applicability of any of the remaining restrictions, covenants or conditions or parts thereof.
6. **Violation Constitutes Nuisance:** Every act or omission whereby any restriction, covenant or condition in this document set forth is violated in whole or in part, is declared to be and shall constitute a nuisance, and may be abated by appropriate legal action by the Developer or any owner or owners from time to time of any Homesite or portion of the property. Remedies hereunder shall be deemed cumulative and not exclusive.
7. **Duty to Repair Structure:** In the event a structure on a Homesite is damaged, through an act of God or other casualty, the Homesite Owner shall promptly cause the structure to be repaired or rebuilt substantially in accordance with the original architectural plans and specifications. The Owner shall pay any cost of repair or reconstruction that is not covered by insurance proceeds. It shall be the duty of the Association to enforce such repair and rebuilding of the structures to comply with this responsibility.

- 8. Enforcement:** Each and all of the restrictions, covenants and conditions contained in this document is and are for the benefit of the Developer, and of the Owner or Owners from time to time of any Homesite, part or portion of the Property. Each such restrictive covenant and condition shall insure to the benefit of and pass with each and every Homesite, part or portion of the Property and shall apply to and be binding upon each and every successor in interest. Said restrictions, covenants and conditions are and shall be deemed covenants or equitable servitude, and the actual or threatened breach thereof, or the continuance of any such breach, or compliance therewith, may be enforced, enjoined, abated, or remedied by appropriate proceedings at law or in equity by the Developer or the Owner or Owners from time to time of any Homesite, part or portion of the Property; provided, however, that no such breach shall affect or impair the lien of any bona fide mortgage or trust deed which shall have been given in good faith and for value, except that any subsequent owner of said Homesite, part or portion of the Property shall be bound and obligated by the said restrictions, covenants and conditions, whether such ownership is obtained by foreclosure, at a trustee's sale, or otherwise. All attorney's fees and costs incurred in any such action, and all expenses incurred in connection with such completion, shall constitute a lien on such Owner's Homesite, and shall also be a personal obligation of said Homesite Owner, enforceable at law, until such payment therefore is made.
- 9. Right to Enforce:** The provisions contained in these covenants shall bind and inure to the benefit of and be enforceable by the Developer, by the Owner or Owners from time to time of any Homesite, part or portion of said Property, their and each of their legal representatives, heirs, successors and assigns. Failure by the Developer or any such Owner, or their respective legal representatives, heirs, successors, or assigns, to enforce any of said restrictions, covenants or conditions shall in no event be deemed a waiver of the right to do so thereafter.
- 10. Assignment of Powers:** Any and all rights and powers of the Developer herein contained may be delegated, transferred or assigned. Wherever the term "Developer" is used herein, it includes Developer and its successors and assigns.

IN WITNESS WHEREOF, the undersigned have hereunto executed this document this \_\_\_\_ day of \_\_\_\_\_ 2022.

Developer:  
Vineyards of Santa Clara LLC

By: \_\_\_\_\_  
Kent G. Frei, Managing Member

State of Utah

County of Washington

On this \_\_\_\_ day of \_\_\_\_\_ 2022, before me personally appeared Kent G. Frei, whose identity is personally known to or proved to me on the basis of satisfactory evidence, and who, being by me duly sworn (or affirmed), did say that he is the managing member of The Vineyards of Santa Clara, a Utah LLC, and that the foregoing document was signed by him on behalf of that corporation by authority of its bylaws or of a resolution of its board of directors, and he acknowledged before me that the corporation executed the document and the document was the act of the corporation for its stated purpose.

\_\_\_\_\_  
Notary Public

Address \_\_\_\_\_

My commission expires: \_\_\_\_\_

**SANTA CLARA CITY COUNCIL MEETING  
WEDNESDAY, JULY 28, 2021  
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, July 28, 2021, at 5:00 p.m. in the City Council Chambers of the Town Hall at 2603 Santa Clara Drive, Santa Clara, Utah. Notice of the time, place and agenda of the meeting was provided to the Spectrum and to each member of the governing body by emailing a copy of the Notice and Agenda to the Spectrum and also, along with any packet information, to the mayor and each council member, at least two days before the meeting. **The Meeting will be available to view live on the YouTube link:** [https://www.youtube.com/channel/UCxLBLm30\\_XLqM1AEmhpcMA](https://www.youtube.com/channel/UCxLBLm30_XLqM1AEmhpcMA). Council Chambers will be available to residents, but we will have limited availability and follow Covid-19 guidelines.

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

Others Present: Dustin Mouritsen, Public Works Director; Gary Hall, Power Director; Randy Hancey, Fire Chief; Matt Ence, City Attorney; Bob Nicholson, City Planner; Kristelle Hill, Admin. Assistant; Scott Bannon, Assistant City Manager; Kent Frei; Allen Hall, Rosenberg Associates

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:05 p.m. He introduced himself and the City Council and excused Councilman Shakespeare and Councilman Gubler who were both out of town.
2. **Opening Ceremony:**
  - Pledge of Allegiance: Jarett Waite
  - Opening Comments: Jarett Waite
3. **Communications and Appearances:** None.
4. **Conflicts and Disclosures:**
  - Mayor Rosenberg stated that the engineering firm that he is employed with is doing the engineering on the preliminary plat for the Vineyards Phase 11 Subdivision (Item 5C1).
5. **Working Agenda:**
  - A. **Public Hearing(s):** None.
  - B. **Consent Agenda:**
    1. **Approval of Claims and Minutes**
      - July 14, 2021, Regular City Council Meeting Minutes



- Claims through July 28, 2021

2. Calendar of Events

- Aug. 4, 2021 City Council Work Meeting
- Aug. 11, 2021 Regular City Council Meeting
- Aug. 15-18, 2021 Annual UAMPS Meeting
- Aug. 25, 2021 Regular City Council Meeting

3. Set Public Hearing regarding a Power Rate Increase for Aug. 11, 2021 at 5:00 p.m.

- Brock Jacobsen, City Manager, stated that Item 3 needs to be tabled tonight.
- Mayor Rosenberg asked when this would be rescheduled for. Would it be in September or later in August?
- Brock Jacobsen said that September 8 is the first Regular City Council Meeting in September.
- Mayor Rosenberg asked Council that as part of their motion they could set the public hearing for September 8 instead of August 21.

**Motion to Approve the Consent Agenda with the change of the public hearing for the power rate increase to be September 8, 2021, at 5:00 p.m. (Item 5B3).**

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

**Voting Aye: Leina Mathis, Jarett Waite and Denny Drake.**

**Voting Nay: None.**

**Motion Carried.**

**C. General Business:**

1. Consider approval of a Preliminary Plat for the Vineyards Phase 11 Subdivision, generally located north of Santa Clara River and east of Vineyard Drive. Applicant Kent Frei. Presented by Bob Nicholson, City Planner.
  - Bob Nicholson said this is a preliminary plat for the Vineyards Subdivision Phase 11 so Council will see it again as it comes through on a final plat. The applicant is Kent Frei, and the engineer is Allen Hall. The subdivision is located in an RA Zone, which requires ½ acre lots. These lots are all ½ - ¾ acres in size. The lots will be located along new public streets with the extension of Claude Drive and a new cul-de-sac street. All of the proposed lots are outside the 100-year flood way. A 6 ft tall privacy wall is proposed along Vineyard Drive and there is no access from Vineyard Drive to the proposed lots. There is also planned a 10 ft planter strip along the street side of the wall. Lot 5 is a proposed flag lot with a 25 ft wide stem as per requirement. The density of the subdivision is 1.3 homes per acre. That is 20 lots on 15 acres. The proposed subdivision meets the standards of the RA Zone, and the main issues deal with access to the Santa Clara River for emergency purposes, extension of utility lines, trail easements and storm drainage plans. The applicant has agreed to the following: 1. Dedicate an access easement to the river to the city, 2. Provide riprap and other erosion hazard mitigations as required by city 3. Provide storm drainage as per city engineer's requirements 4. Meet all other utility and street installation standards as required by city. The Staff reviewed it and feels the preliminary plat is ready for approval based on the above commitments and

preliminary plat layout. The Planning Commission unanimously recommends approval of the preliminary plat for the Vineyards Phase 11 as presented, including approval of a flag lot (lot #5).

- Jarett Waite asked Bob to review lots 18 & 19 and how that flood plain line will affect those lots in the future.
- Allen Hall, Rosenberg Associates, said between the lots there will be some added riprap and that portion will be removed from the flood plain.
- Mayor Rosenberg said there will probably be a Lomar F process after the field has been in place so depending on the timeline the flood plain can be removed before the plat records.
- Leina Mathis had a question about the 10 ft landscape strip. Is there an HOA being created to maintain the landscape strip?
- Kent Frei, Applicant, 385 Michael Circle, said there is. He said on Vineyard in correlation with the SID some of the walls and road will be done after the subdivision depending on how the city moves along. He said they are excited about the landscaping and the trees and even though there will be a wall it will add a green environment that will really be pleasing to Vineyard Drive. He said since they have to do an association to maintain that they decided to do a streetscape so they are going to make sure there is a lot of trees and lawn in the front yards that will be taken care of by an association and there will be irrigation water that is going to be there for everybody to keep these places very green.
- Denny Drake asked if he would be putting in a secondary system to these lots.
- Kent Frei said absolutely.
- Mayor Rosenberg asked if he still wanted to pursue the city system in there.
- Kent Frei said with the way the water conservative fees are he thinks so. He thinks the development is going to be appealing with the streetscape.
- Mayor Rosenberg asked Kent if he is proposing any changes to the irrigation line in the back lots of 1-5.
- Kent Frei said no.
- Mayor Rosenberg asked if lot 5 would have a bigger easement in the back.
- Kent Frei said the easement will stay right where it is at. It is an enormous lot. The only thing on lot 5 that is pertinent is they are going to move the power and square it up with the road so there is a little more buildable area there to put a house. It will be a very nice lot.

**Motion to Approve a Preliminary Plat for the Vineyards Phase 11 Subdivision, generally located north of Santa Clara River and east of Vineyard Drive subject to the conditions that the Planning Commission and Staff put on it. Applicant Kent Frei.**

**Motion by Leina Mathis, seconded by Denny Drake.**

**Voting Aye: Leina Mathis, Jarett Waite and Denny Drake.**

**Voting Nay: None.**

**Motion Carried.**

2. Consider approval of the Water Way Program and approve Resolution 2021-11R.  
Presented by Kristelle Hill, Administrative Assistant.

- Kristelle Hill said this was brought to the City Council Work Meeting last time and there were a few questions and changes to the map. She stated that the City of Saint

George has created and requested assistance in a new program called “Southern Utah Adopt A Waterway”. The program is targeting our local waterways with combined effort including citizens, volunteer groups and municipalities. The goal is to enhance our local river system by smaller organized/sponsored cleanup efforts. Santa Clara City has joined this program to enhance and beautify the Santa Clara River/Tuacahn Wash areas within our city limits. The Washington County Flood Control is funding the majority of this, but the Lava Wash areas are not covered in the Flood Control Authority funds. She said for three sections that make up the Lava Ridge Wash, the cost for signage for all three sections is roughly \$270 (\$90 per sign installed). The only other item that really needs to be accounted for is trash bags, which is all we're providing to volunteers. We are securing them for about \$67 for a box of 50. These are the industrial ones our streets department uses. Any other cost come down to our departments labor cost and internal functions. She said the Sand Hollow Wash is in St. George's area so they will be adopting that section within their City.

- Mayor Rosenberg said the majority of that wash is in Santa Clara but he is okay with it being taken by St. George City as long as that area is within the program so it will be taken care of.

- Kristelle Hill said all the documentation will be within the packet and that is what the groups will fill out as the agreement with the cities and the rules. There will be one person from each group that we will meet with and go over everything with. She said that she and Scott will mark each location of the sections so the groups will know where to clean up and they will also make sure the property owners have been informed.

- Mayor Rosenberg said they do need to meet with all the property owners and tell them what we are doing because they need to access through the private property to even get to the river.

- Denny Drake asked if the Solid Waste District is aware of this. How are they going to collect it?

- Mayor Rosenberg said that on the date it was scheduled City crews would pick it up and take it to a site such as a dumpster.

- Kristelle Hill said it she will coordinate it with the Public Works or Street Crew to clean up.

- Mayor Rosenberg said he doesn't think they are expecting the city to take it to the landfill and pay the fees. He asked Kristelle to coordinate with the Flood Control Authority on where the trash is taken to.

- Kristelle Hill said she will find that out.

- Jarett Waite asked that on the program check list where it takes you to the St. George City website will there be any confusion on anyone trying to use the forms on that website verses what we are providing here.

- Kristelle Hill said she thinks what she will do is either have a link on our city site or create a page on our site and have this same map on our site.

- Mayor Rosenberg said he would put it on our site and keep them separate. It would be easier for Kristelle if she is the administrator.

- Kristelle Hill asked if the map on our site should just show the areas in our city.

- Mayor Rosenberg said yes. He said it is the map in the packet.

- Kristelle Hill said she will make that link for our site.

- Leina Mathis asked if we do that will Kristelle be updating St. George if people go into their site.

- Kristelle Hill said yes. She said they are all linked so it will all update.

- Mayor Rosenberg told Kristelle that when she talks to the new St. George coordinator, when they talk about the Sand Hollow Wash all of the maintenance access to the Sand Hollow Wash comes from the Santa Clara side so the St. George people will be contacting residents in Santa Clara to get the access to the wash. He asked Kristelle to make sure they are aware of that. There is no publicly owned corridor.
- Kristelle Hill said we could change it to Santa Clara if that would be easier.
- Mayor Rosenberg said it might be easier just because when the Flood Control Authority did the wash realignment and all that work a few years ago we developed a relationship with those property owners, and it might be easier for us to do that. He said if St. George wants to administer it, he is fine with it, but they just have to work with Santa Clara residents to get in there.
- Kristelle Hill said that maybe just that one section.
- Mayor Rosenberg said it is Villa Bonita up to the end of the concrete channel that is all in Santa Clara. He said it would be easier if we administered that one because that is our residents.
- Kristelle Hill said she will talk to them about that.
- Leina Mathis asked if the motion should include the cost of the signage and trash bags.
- Mayor Rosenberg said the Lava Flow Wash is definitely needed and the Flood Control Authority just can't help funding it because it is not one of the regional washes so it would come out of the City, but it is not a lot of money and that is one of the most visible washes that we have. The trail runs all the way along it. He asked to please include that in the motion. That is City owned property.

**Motion to Approve the Water Way Program and approve Resolution 2021-11R including cost for the signage at approximately \$90 per sign and the cost for providing trash bags.**

**Motion by Leina Mathis, seconded by Jarett Waite.**

**Voting Aye: Jarett Waite, Leina Mathis and Denny Drake.**

**Voting Nay: None.**

**Motion Carried.**

3. Consider approval of the Snow Jensen Rate Increase. Presented by Brock Jacobsen, City Manager.

- Brock Jacobsen said Snow Jensen & Reece (Matt Ence) became the city attorneys in 2014. At that time the rate charged per hour for general municipal matters was \$150 and \$175 for litigation. They have proposed a rate increase to \$225 for general matters and \$250 for litigation. He said that he and the Mayor have met with Matt Ence and we need to relook at the rates at the current market. He said Matt Ence brought this proposal to him and the Mayor. We have enjoyed the relationship staff has built with Snow Jensen & Reece and the work they put in to take care of the city and its residents. He stated that Staff supports the rate increase as well as himself and the Mayor. He said he, Mayor and Staff recommend that Council approve that hourly rate increase for our City Attorney.
- Denny Drake asked if it has been since 2016 since they had a rate increase.
- Brock Jacobsen said it has been since 2014. He said that he feels the proposed rate is still a great deal. He said that Matt Ence is from Santa Clara, and he loves Santa Clara, and he has been a great fit.
- Matt Ence, City Attorney, said he does love working with the City and if it was feasible to keep the rates at what they were at he would be happy to keep them at what they were

but the reality is for him and his partners it has become a question of what work are they passing by in order to keep doing the City's work at the rates that they are doing that. He said his regular hourly billing rate is \$300 an hour and looking at his partners at the firm and recognizing that about 20% of his work on average was being billed at 50% of what his regular rate is ultimately isn't sustainable from a business perspective. He said if the City Council decided that these increased rates were too high or if they wanted to open this up and look elsewhere for City attorney services, he would be disappointed but completely understanding of that. The reality is for them continuing to provide the city services at those rates just wasn't sustainable anymore. He said he anticipates they will be able the service the city at these new rates for the next 5, 6, or 7 years. He told the Council he appreciated their consideration of this.

**Motion to Approve the Snow Jensen & Reece Rate Increase to \$225.00 per hour for General Municipal Matters and \$250.00 per hour for Civil Litigation.**

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

**Voting Aye: Denny Drake, Jarett Waite and Leina Mathis.**

**Voting Nay: None.**

**Motion Carried.**

- Mayor Rosenberg thanked Matt and told him he appreciated him.
- Matt Ence said he appreciated that acknowledgement of their services. He said that one of the things that Brock Jacobsen requested that he do is have a regular time every week where he is here at the City Offices. So, every week on Wednesday afternoons from about 2 p.m. to 5 p.m. he will be available at the City Offices, and he will be there if Brock or any of the City Council wants to meet with him. That will be a regular thing.

**4. Consider Jack Taylor's Consultant Agreement. Presented by Brock Jacobsen, City Manager.**

- Brock Jacobsen said that when Jack Taylor retired from the city in April, at that time we retained him as our UAMPS representative and as a consultant to the power department. Matt Ence has drafted this agreement and Jack has approved. The city will pay Jack \$700 a month from June to December. He said that UAMPS pays Jack up to \$400 a day for two days for his travel and work at UAMPS. At the end of the contract Gary will become our UAMPS representative and we will review if Jack is still needed as a consultant.
- Denny Drake ask for it to be clarified what the set period of time is.
- Brock Jacobsen said this would be until December 31, 2021.

**Motion to Approve Jack Taylor's Consultant Agreement for \$700 a month until December 31, 2021.**

**Motion by Jarett Waite, seconded by Leina Mathis.**

**Voting Aye: Leina Mathis, Denny Drake and Jarett Waite.**

**Voting Nay: None.**

**Motion Carried.**

- Jarett Waite asked if Jack would be attending the UAMPS Conference with us.
- Mayor Rosenberg said he would.
- Brock Jacobsen said he will actually be there a few days early.

## 6. Reports:

### A. Mayor / Council Reports

#### Leina Mathis:

- She had no meetings so has nothing to report.

#### Jarett Waite:

- He attended the Chamber event last night at the Dixie Center for meeting the municipal candidates. The Chamber did a really good job providing a forum for candidates to meet their constituents. There was only one candidate from Santa Clara, Krista. She had a great booth, and he was very impressed with her.
- He had a question from the Duties and Powers book from pg. 61 it says that there is supposed to be a bond taken out for every Council member when they are elected. He asked if there is a bond for him.
- Chris Shelley, City Recorder, said the city has bonds that cover the Mayor and Council.
- Jarett Waite said some residents have spoken to him about their concerns with the Delta Variant uptick and if Santa Clara City would require masks or vaccines at any point. They made it very clear that they would not support the Council requiring masks or vaccines. He explained that the city tries to follow what Dr. Blodgett says and the medical professionals. He said he told them that Council would want to look at all the sides of the issue.
- Mayor Rosenberg said the CDC is recommending masks again. The Mayor's call with the Health Department is next week. Everything we have received so far has indicated that schools are going to open with business as usual with no masks and no testing for sports but with the CDC recommendations today and the increase in cases we will have to see what everyone is thinking. The hospital has a lot of cases. He said when the Health Department gives us recommendations, we will probably follow them just like we did before.
- Jarett Waite said these Santa Clara residents that talked to him have concerns about the long-term effects of the vaccination. They encouraged him to study out alternate voices on vaccines.

#### Denny Drake:

- Nothing to report.

#### Mayor Rosenberg:

- He said the DTEC Meeting was last week. Ivins City had applied for a federal grant, but they determined that the Old 91 project wasn't eligible for funding under the guidelines, so they are not going to get it. They gave an interesting update on the airport. The airport is going through a Master Plan update right now, which is about halfway done. They are looking at the next 20-year planning period. They don't see any environmental issues. They do have concerns with adjacent land use encroaching into the airport landing zones. Especially the residential developments in Washington and St. George encroaching into that and they want to make sure they protect the airport from future problems. They are expecting a lot of growth in the air cargo and fire services support. They have identified some significant needs of the terminal. They have more meeter's and greeter's then they have passengers, and they don't have facilities for those



meeters and greeters. They are looking at expanding the hold room, which is the gate area. They are looking at having concessions on both sides of the security area. They have some problems with outbound baggage, some deficiency in that which is causing some delays. They say they need additional parking, another 1,000 spaces. They are going to have an open house this fall and review it with public.

- He said that Washington County has hired a two-man crew that they use to clean major roadways such as I-15. We can request them to help us if we need assistance. The Solid Waste Board is going to coordinate the volunteer efforts, so they are looking to do some sponsor highway programs and get some businesses involved in some of the cleanup. The National Day of Service is on September 11 and will hopefully hit a lot of these things.

- Denny Drake asked why they determined that Hwy 91 wasn't eligible.

- Mayor Rosenberg said the RAISE Grant is a federal transportation grant and they had to meet certain qualifications to be eligible and Hwy 91 didn't meet the qualifications.

- He and Councilman Drake and Kristelle are meeting with the other cities and the Water District tomorrow and going more in depth concerning the landscaping requirements and a common ordinance.

- There is a meeting with all the Santa Clara water users with the Water District on August 9 that will provide some explanation to what everyone is doing on the Santa Clara side. He will send Council an invite on it.

#### Brock Jacobsen:

- He said there were interviews this morning for the City Planner. He said they interviewed two people and feel that there is one of them that would be a great fit so he will reach out to him and make him an offer of employment and see what their response is. He said he will report back to Council on this.

- Mayor Rosenberg said the gentleman that we are going to make the offer to has 15 years plus of experience working with small and large cities and metropolitan planning districts and UTA. He has great experience and presents himself very well and he would represent the city very well. He could probably hit the ground running.

- Brock Jacobsen asked Kristelle if she has information on the quarterly trash pick-up in the newsletter. He said we need to move that date to Sept. 18.

- Kristelle Hill said she doesn't have it in there, but she will put that in there.

#### Gary Hall:

- They made an offer of employment to someone to fill the position in the power department yesterday. He accepted so we are waiting on drug test results and then he will give his previous employer a two-week's notice. He is from Salt Lake. He worked for Hunt Electric. As of right now all the positions are filled.

### **7. Executive Session:**

- Hold a strategy session to discuss pending or reasonably imminent litigation.

**Motion to Enter Executive Session to discuss pending or reasonably imminent litigation.**

**Motion by Denny Drake, seconded by Leina Mathis.**

**Voting Aye: Leina Mathis, Denny Drake and Jarett Waite.**

**Voting Nay: None.**

**Motion Carried.**

- Entered Executive Session at 5:57 p.m.
- Reconvened at 6:41 p.m.

**8. Adjournment:**

Motion to adjourn by Jarett Waite.

Seconded by Denny Drake with all members present voting aye.

Meeting Adjourned at 6:42 p.m.

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

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





City of Santa Clara  
2603 Santa Clara Drive  
(435) 656-4690, Ext. 225  
[jmcnulty@sccity.org](mailto:jmcnulty@sccity.org)

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Staff Report

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## Preliminary Subdivision Plat Summary and Recommendation

**Public Body:** Santa Clara City Planning Commission

**Meeting Date:** April 27, 2023

**Current Zone:** R-1-10 Single-Family

**General Plan Designation:** Low Density Residential, LDR

**Property Address:** Southeast of Gates Lane & North of Clary Hills Drive

**Request:** Preliminary Plat Approval

**Applicant Name:** Joe Platt

**Staff Planner:** Jim McNulty

**Staff Recommendation:** Approval with conditions

**Meeting Type:** Public Meeting

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### PROJECT DESCRIPTION

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The applicant, **Joe Platt**, is requesting **Preliminary Plat Approval** for the Sycamore's Phase #2 Subdivision. This includes 4-lots on 3.29 acres of property. This equates to a density of 0.82 units/acre. The proposed single-family lots range in size from 0.41 (18,025 sq. ft.) acres to 1.51 (66,136 sq. ft.) acres. A 10,000 square foot minimum lot size is required in the R-1-10 Single-Family Zone. Each of the proposed lots exceed the minimum lot size.

**All lots** within the proposed subdivision will be required to meet the area, width, and yard regulations as per Section 17.64.050 of city ordinance. Additionally, building height for all homes in this zoning district is limited to 35'.

**Ingress/Egress** to the site will be provided via Gates Lane by either Sycamore Drive or Clary Hills Drive. Phase #1 of the Sycamore's is accessed from these roads as well. Future phases will be required to extend these public roads as development continues in the area.

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### SITE & VICINITY DESCRIPTION

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The subject property is located southeast of Gates Lane, and north of Clary Hills Drive. Other properties in the vicinity are undeveloped and zoned R-1-10.

## ITEMS TO ADDRESS WITH PRELIMINARY PLAT

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City staff has identified the following items that need to be addressed with Final Plat Approval:

1. **Public Street & Dedication:** All required public street improvements must meet city standards and be installed or bonded for prior to final plat recordation.
2. **Building Setbacks/Height:** The building setbacks are required to meet the requirements of Chapter 17.64.050, R-1-10 Single-Family Zone. The building height for all homes in the subdivision is limited to 35'.
3. **Culinary Water Availability:** The applicant is required to obtain a will-serve letter or other verified documentation from the Washington County Water Conservancy District, WCWCD prior to final plat recordation.
4. **Secondary Water Availability:** The applicant is required to connect/install secondary water for outdoor water use.
5. **LOMR-F/Hazard Mitigation:** A LOMR-F is required for the subdivision with Lots 38, 39, and 40 backing up to the Santa Clara River. This item is required to be approved by FEMA prior to final plat recordation. Also, the applicant is required to provide rip rap and other erosion hazard mitigation as well as storm drainage information as per City Engineering requirements.
6. **Hillside Review:** Lot 37 (previously Lot 28) was part of a Hillside Review done on August 20 and 25, 2015. This lot hasn't been platted because the developer wasn't ready to extend the public road at that time. This lot was reviewed by the Hillside Review Board; however, the minutes indicate that this lot would need to be reviewed prior to building permit issuance (See attached items from August 2015).
7. **Dust Control:** The applicant will be required to submit a dust control plan at final plat submittal prior to recordation. Precautionary measures are needed to protect the general health, safety, and welfare of residents living in the vicinity.

## NEIGHBORHOOD RESPONSE

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Public notices are not required for a subdivision. The Planning Commission agenda has been posted in multiple locations as per State Code. No comments have been received by city staff as of the writing of this report.

## REVIEWING DEPARTMENTS

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### **DEPARTMENT:** *Building*

Recommendations: A geotechnical report will be required for each residential building prior to building permit issuance.

Required Revisions: None at this time.

### **DEPARTMENT:** *Parks & Recreation*

Recommendations: N/A

Required Revisions: N/A

**Request:** Sycamore's Phase #2 Subdivision

**DEPARTMENT:** *Police & Fire*

Recommendations: N/A.

Required Revisions: N/A.

**DEPARTMENT:** *Power*

Recommendations: Public Utility Easements (PUE's) are required for each final plat.

Required Revisions: None at this time.

**DEPARTMENT:** *Public Works*

Recommendations: Public Utility Easements (PUE's) are required to be shown on the final plat. All public streets must be included on the final plat. A final mylar with signature blocks is required for the final plat.

Required Revisions: None at this time.

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## STATE CODE CONSIDERATIONS

Utah Code, Section 52-4-202 includes requirements for subdivisions. A city must hold a public meeting to consider a subdivision plat. The meeting agenda, date, time, and place of the meeting must be placed on the city website and in public locations (e.g., City Hall, Post Office, local library) at least 24 hours before the meeting. The city is also required to post on the State Public Notice Website. Planning Staff has determined that all State Code requirements have been met with this application.

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## CITY STAFF RECOMMENDATION

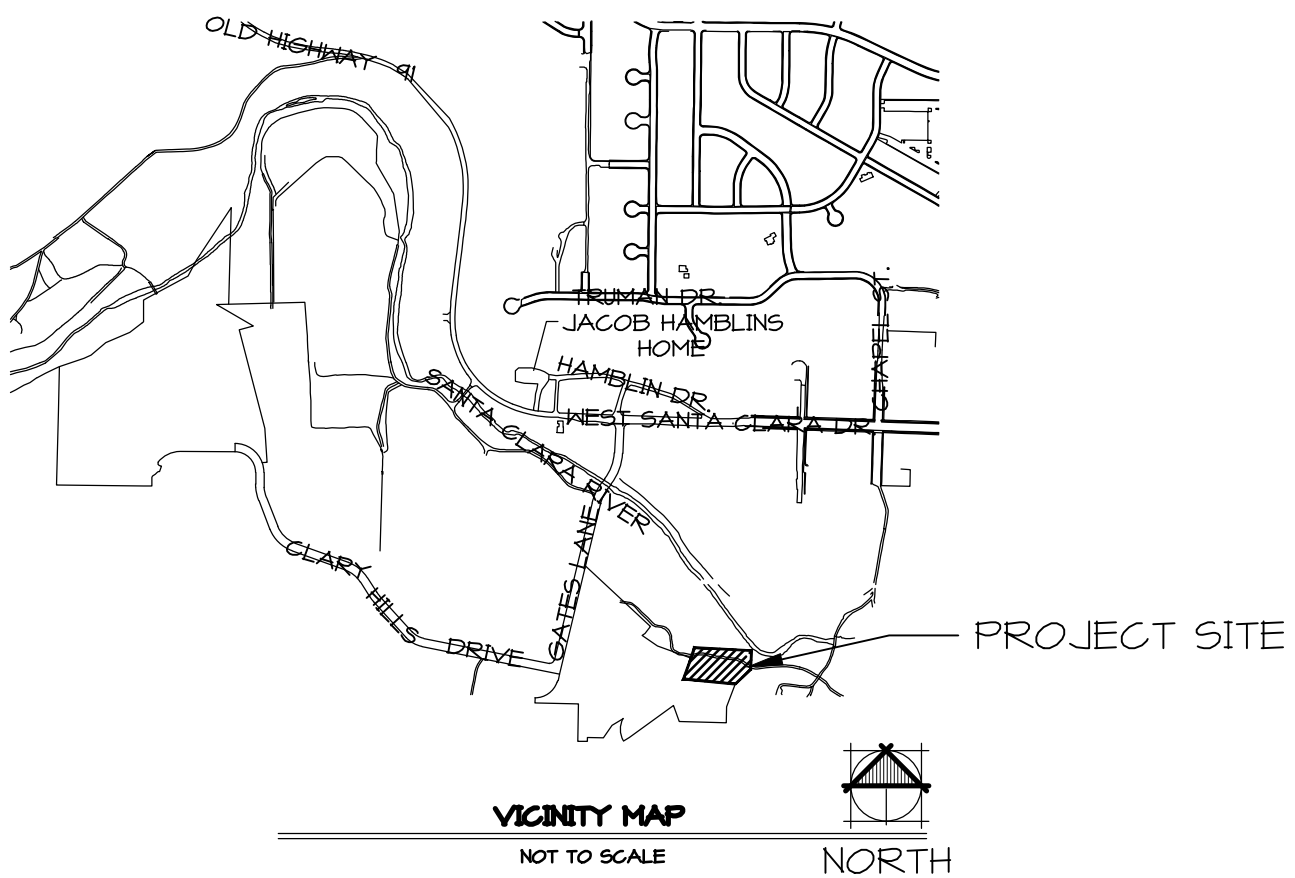
City staff recommends that the Planning Commission consider recommending Preliminary Plat Approval for the Sycamore's Phase #2 Subdivision to the City Council, subject to the following conditions:

1. That the applicant be required to comply with the recommendations from all city reviewing departments.
2. That the applicant be required to install public street improvements which meet city standards.
3. That the building setbacks for this subdivision meet the requirements of Chapter 17.64.050, R-1-10 Single-Family Zone.
4. That the building height for all homes in this subdivision be limited to 35'.
5. That the applicant provides a will-serve letter or other verified documentation from the WCWCD prior to final plat recordation.
6. That a secondary water system is required for outdoor water use.
7. That the required LOMR be approved by FEMA prior to final plat recordation. Also, that the applicant provides required rip rap, erosion hazard mitigation, as well as storm drain information as per City Engineering at final plat submittal prior to recordation.
8. That Lot 37 be required to go to Hillside Review Committee either before or at the time of building permit submittal (Hillside Committee Minutes August 20 and 25, 2015).
9. That the applicant provides a dust control plan at final plat submittal prior to recordation.



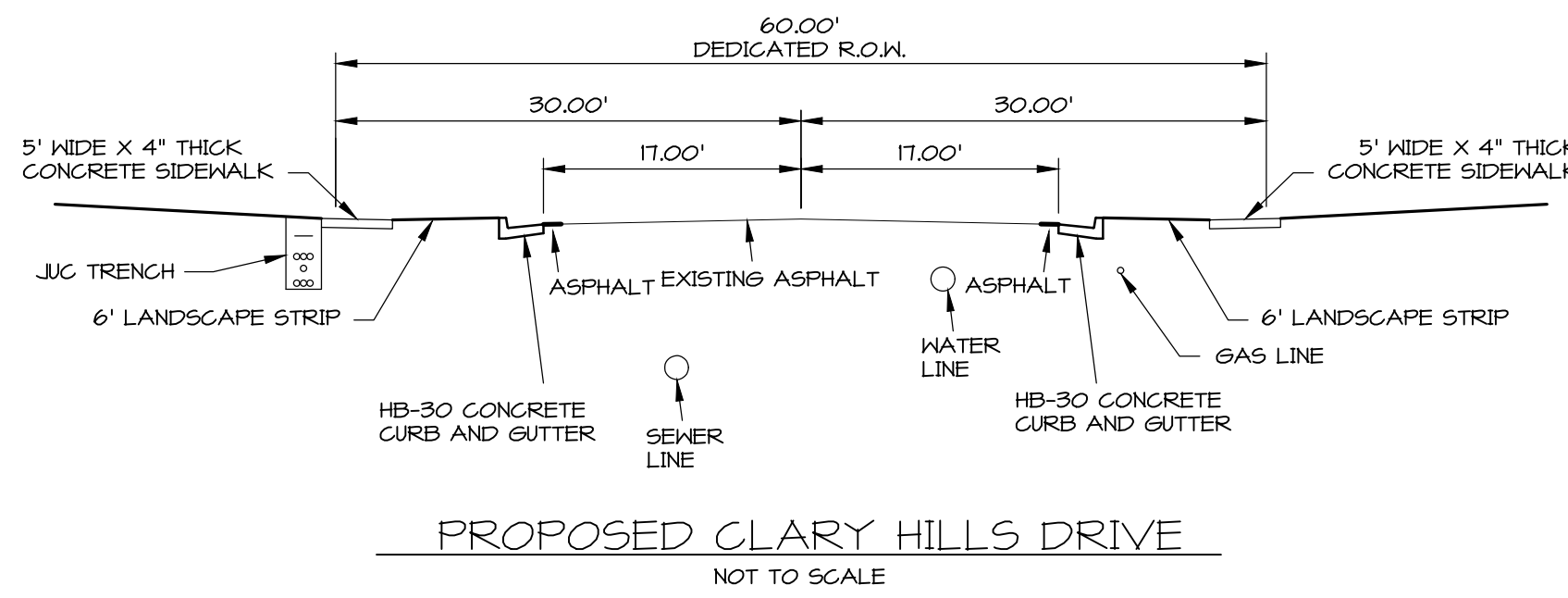
THE SYCAMORES @ SANTA CLARA  
PHASE 2

A RESIDENTIAL SUBDIVISION  
SUBJECT PROPERTY LIES WITHIN SECTIONS 16 & 17, TOWNSHIP 42 SOUTH, RANGE 16 WEST OF THE 5LB & M.  
IN SANTA CLARA CITY, WASHINGTON COUNTY, UTAH.



SITE INFORMATION

CURRENT ZONE: SINGLE FAMILY RESIDENTIAL	
TOTAL AREA:	3.21 ACRES
TOTAL DWELLING LOTS PROVIDED: 4	
DWELLING LOTS PER ACRE: 0.82	
MINIMUM BUILDING SETBACKS	
FRONT YARD SETBACK ON CLARY HILLS DR.: 25'	
SIDE SETBACK: 10'	
REAR SETBACK: 10'	
CLARY HILLS DRIVE WIDTHS: 60' ROW (PUBLIC STREETS)	



PROJECT ENGINEER

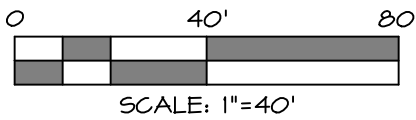
THE ENGINEER FOR THIS PROJECT IS:  
ROSENBERG ASSOCIATES  
CONTACT: JARED BATES  
352 EAST RIVERSIDE DRIVE, SUITE A2  
ST. GEORGE, UTAH 84790  
(435) 673-8586

GEOTECHNICAL ENGINEER

THE GEOTECHNICAL ENGINEER FOR THIS PROJECT IS:  
APPLIED GEOTECHNICAL ENGINEERING CONSULTANTS, INC.  
CONTACT: WAYNE ROGERS, P.E.  
1420 SOUTH 270 EAST  
ST. GEORGE, UTAH 84790  
(435) 673-6850

OWNER/DEVELOPER CONTACT

THE DEVELOPER FOR THIS PROJECT IS:  
SPLIT ROCK HOLDINGS  
CONTACT: JOE PLATT  
2641 SANTA CLARA DRIVE  
SANTA CLARA, UTAH 84165  
(435) 668-3677

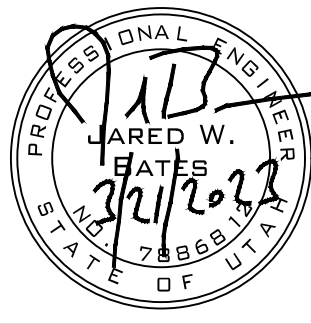


DATE:	03/14/2023
JOB NO.:	8219-22-020
DESIGNED BY:	TKH
CHECKED BY:	JWB
DWG:	PRE PLAT.DWG
DATE:	
REVISIONS:	

**ROSENBERG**  
ASSOCIATES  
CIVIL ENGINEERS • LAND SURVEYORS

352 East Riverside Drive, Suite A-2  
St. George, Utah 84790  
Ph (435) 673-8586, Fx (435) 673-8397  
www.racivil.com

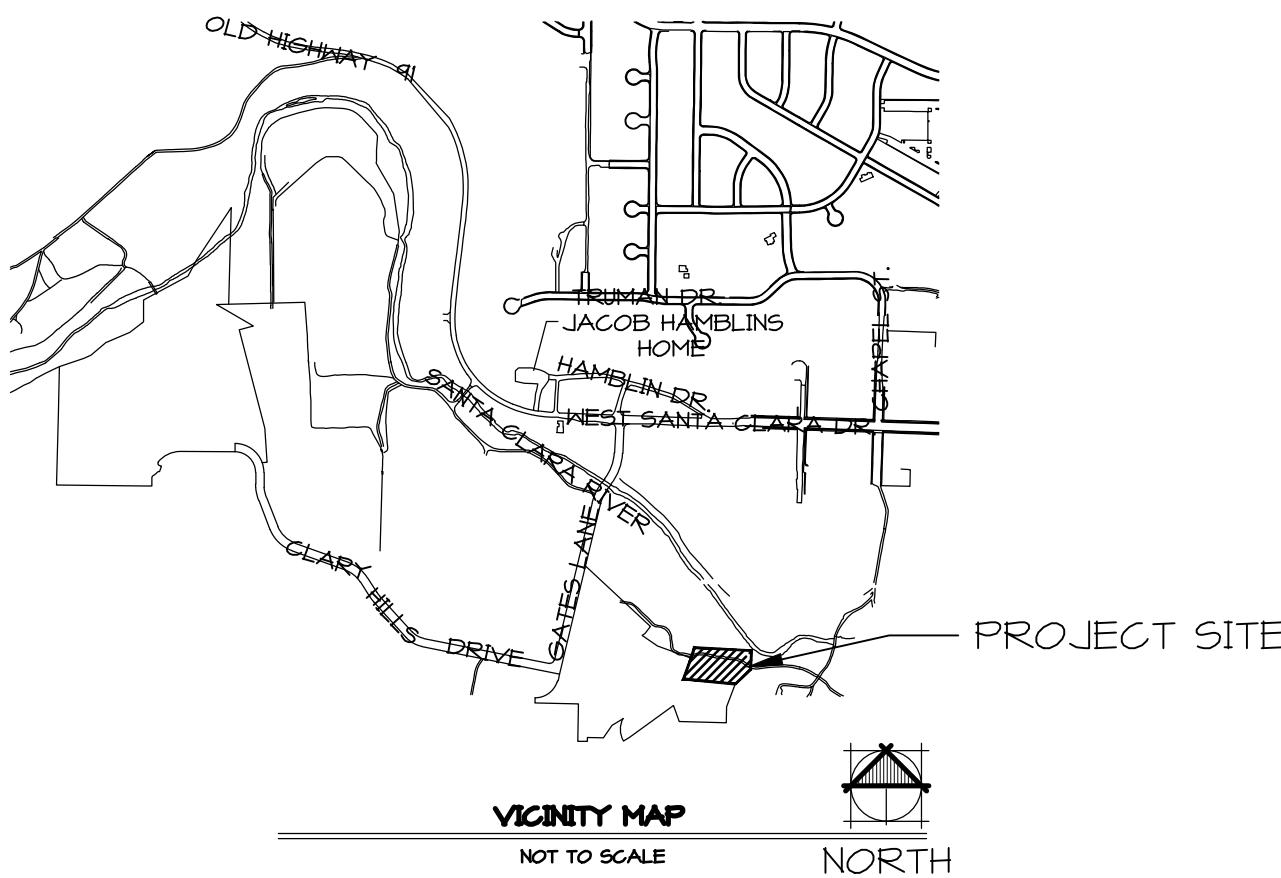
PRELIMINARY PLAT  
FOR  
THE SYCAMORES @ SANTA CLARA PHASE 2  
SANTA CLARA  
UTAH





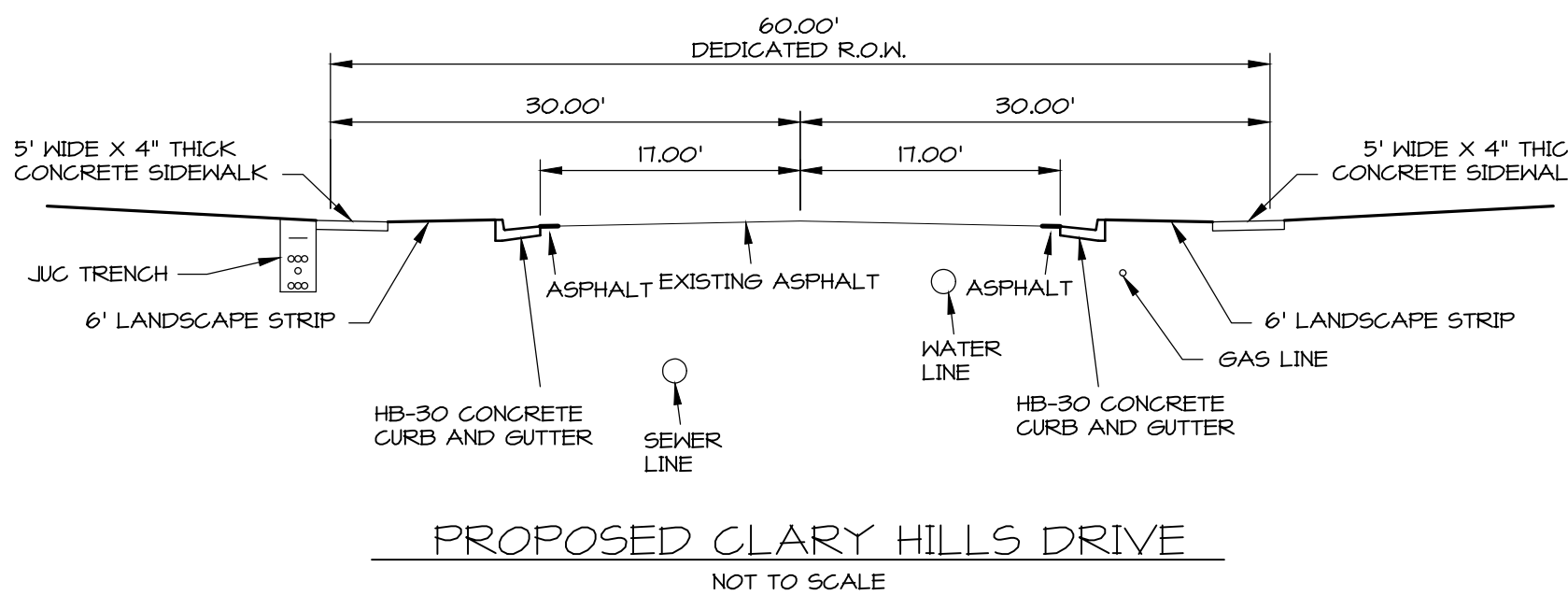
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IN SANTA CLARA CITY, WASHINGTON COUNTY, UTAH.



SITE INFORMATION

CURRENT ZONE: SINGLE FAMILY RESIDENTIAL	
TOTAL AREA:	3.24 ACRES
TOTAL DWELLING LOTS PROVIDED: 4	
DWELLING LOTS PER ACRE: 0.82	
MINIMUM BUILDING SETBACKS	
FRONT YARD SETBACK ON CLARY HILLS DR.: 25'	
SIDE SETBACK: 10'	
REAR SETBACK: 10'	
CLARY HILLS DRIVE WIDTHS: 60' ROW (PUBLIC STREETS)	



PROJECT ENGINEER

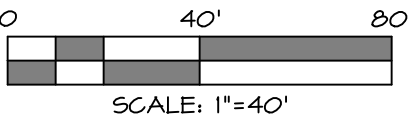
THE ENGINEER FOR THIS PROJECT IS:  
ROSENBERG ASSOCIATES  
CONTACT: JARED BATES  
352 EAST RIVERSIDE DRIVE, SUITE A2  
ST. GEORGE, UTAH 84790  
(435) 673-8586

GEOTECHNICAL ENGINEER

THE GEOTECHNICAL ENGINEER FOR THIS PROJECT IS:  
APPLIED GEOTECHNICAL ENGINEERING CONSULTANTS, INC.  
CONTACT: WAYNE ROGERS, P.E.  
1420 SOUTH 270 EAST  
ST. GEORGE, UTAH 84790  
(435) 673-6850

OWNER/DEVELOPER CONTACT

THE DEVELOPER FOR THIS PROJECT IS:  
SPLIT ROCK HOLDINGS  
CONTACT: JOE PLATT  
2641 SANTA CLARA DRIVE  
SANTA CLARA, UTAH 84165  
(435) 668-3677

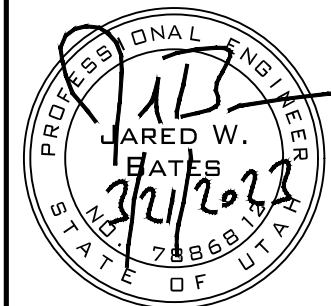


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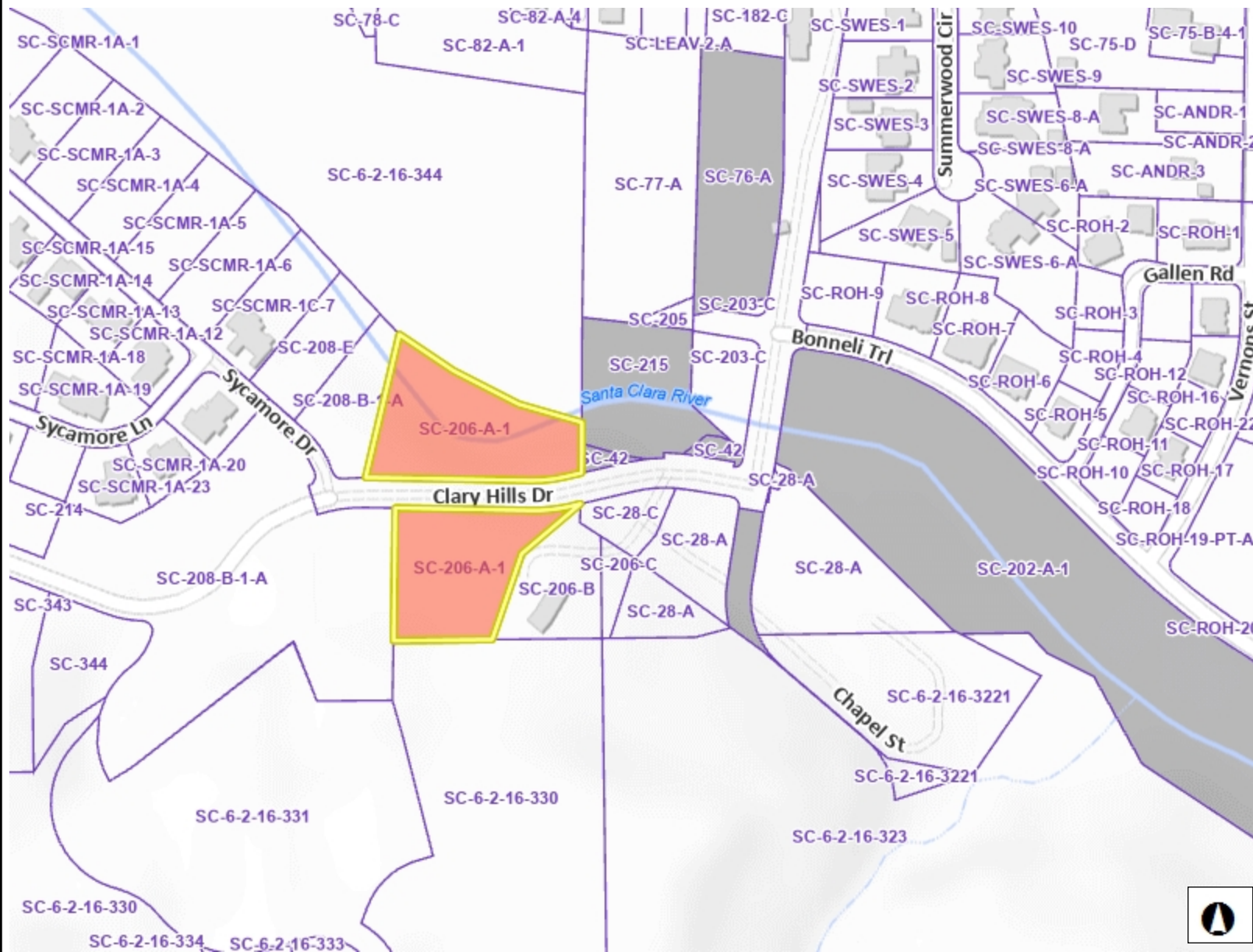
PRELIMINARY PLAT  
FOR  
THE SYCAMORES @ SANTA CLARA PHASE 2  
SANTA CLARA  
UTAH







# Subject Property



## Legend

- Parcels
- Ownership
  - U.S. Forest Service
  - U.S. Forest Service Wilderness
  - Bureau of Land Management
  - Bureau of Land Management Wilde
  - National Park Service
  - Shivwits Reservation
  - Utah Division of Wildlife Resources
  - Utah Division of Transportation
  - State Park
  - State of Utah
  - Washington County
  - Municipally Owned
  - School District
  - Privately Owned
  - Water
  - Water Conservancy District
  - State Assessed Oil and Gas
  - Mining Claim

## Notes

Sycamore's Phase 2

752.3 0 376.17 752.3 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

**DISCLAIMER:** The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible for any claims, losses or damages resulting from the use of this map.

**SANTA CLARA CITY HILLSIDE REVIEW BOARD**  
**Thursday, August 20, 2015**  
**MINUTES**

SANTA CLARA CITY HILLSIDE REVIEW BOARD met for a meeting on Thursday, August 20, 2015 at 12:00 PM in the Santa Clara Town Hall located at 2603 Santa Clara Drive, Santa Clara, Utah.

Present: Wayne Rogers (Chair), Todd Edwards, Dave Black, Mark Owens, Arnold Decaster

Corey Bundy: Building Official  
 Jack Taylor: Public Services Director  
 Bob Nichol森: City Planning Consultant  
 Todd Olsen: City Engineer

Absent: Chris Volksen, Greg Ence

Present for Applicants: Allen Hall, Jared Bates, Lyndi Roe, Kyle Hafen, Russ Owens, Tyler Turner

1. **Call to Order**: Wayne Rogers (Chairman) called the meeting to order at 12:13 PM

2. **Working Agenda**

A. **General Business**

**Item A1. Request recommendation to Planning Commission for Hillside Review Board of The Sycamores at Santa Clara.**

*\*\* Note: This item was addressed in two segments: one for group discussion and second meeting on site of project, with a vote at the end\*\**

8/18/2015-

**Wayne Rogers:** The first item of business is the request recommendation for Planning Commission for Hillside Review Board of The Sycamores at Santa Clara subdivision. It was previously called River Bend and since been sold to a new developer. It now includes property within the Hillside Overlay Zone. The updated map for the new development has a drainage study and corresponding maps. I will recuse myself from voting as I am involved with this project.

**Allen Hall:** Most of the subdivision has fill and up the hillside we are doing our best to fit inside there.

**Todd Edwards:** The east side is being taken off the hillside and being put into the clay area more? Is it going to the ridgeline?

**Allen Hall:** The wash is on the other side to act as a barrier. The wash goes up and along the backside.

**Todd Olsen:** The road is going down the center?

**Allen Hall:** The main road does not necessarily go down the center and there is a retention basin that will be created, which makes the wash almost go away. The area outside the subdivision is where the wash will remain and creates a detention basin with a staged outlet.

**Jared Bates:** The water will sit there but not be a holding area and the piping will be big enough.

**Todd Olsen:** Can the manual be re-submitted?

**Allen Hall:** Yes.

**Todd Edwards:** What is the reasoning for the staging of an outlet? Why doesn't it run straight through?

**Allen Hall:** Not knowing for sure what will happen on top of the area for a future development and that could be a potential problem if we did anything further.

**Jared Bates:** That will be in the final study and will include an analysis.

**Bob Nichol森:** Are you planning to pipe the drainage through the subdivision to the river?

**Allen Hall:** Yes.

**Todd Edwards:** A couple of flatter spots; can it be steeper?

**Allen Hall:** Yes we can steepen the road area. We want to try to keep the basin from being too deep.

**Todd Olsen:** How about the two east lots from the south side area?

**Allen Hall:** It will be natural lot and go back into the natural washes.

**Todd Edwards:** Will there be ripraps to open channels for the area between lots 26, 27, 28?

**Allen Hall:** Those lots will not be platted at this time, but it is the last piece of the hillside, so we wanted to include it.

**Todd Edwards:** Will it be graded?

**Allen Hall:** Not sure if want to grade it at all, but perhaps just to have the permission to do so. The envision for the project is to have multi-story homes in that area, with the houses designed to fit the hillside. Sewer can't get to those lots and that is why it will not be platted at this time until that can happen.

**Dave Black:** What about the lots against the hill?

**Allen Hall:** We had originally planned on it but in talking with Kent Byland, the thinking as the lots would be the same way as they are graded right now. They are graded now with walkout basements.

**Todd Edwards:** Does lot 26 have an upper pad?

**Allen Hall:** It does and is kind of narrow.

**Jared Bates:** There is fill in that area.

**Todd Edwards:** Ok. There is a question for the geotech; in the recommendation for 15 feet for over excavation under the pads and on the road there shows 5 feet of removal, then it shows cross sections, it shows 15 feet of removal.



**Wayne Rogers:** That is just where the clay is for the cross sections. Rather than cut out or step areas for the road, we just showed everything.

**Todd Edwards:** Why isn't it all removed from the clay?

**Wayne Rogers:** Mainly only being in one or two locations. There is not super clay mudstone in that area. It will not affect the road as much as a house will. It is also in in one stretch of the road.

**Bob NicholSEN:** Will the developer put a rip wrap along the south bank of the river?

**Allen Hall:** For the future, Phase 2 that will include a riprap.

**Todd Edwards:** What about lots 1 through 7? Will that be temporary with the rip wrap?

**Allen Hall:** Those lots will be permanent with the rip wrap.

**Todd Olsen:** A question on the maintenance; do the homeowners maintain the ditch? Is it on a 2 to 1 slope?

**Allen Hall:** There will be a HOA and that will be a requirement for them to do and yes for the slope.

**Jared Bates:** Would the City want to maintain this?

**Jack Taylor:** It is too steep and the City will not maintain, only the HOA will be the responsible party to maintain the ditch.

**Wayne Rogers:** The proposed cut is 2 to 1 and for the time being, the slopes are fine with solid rock surrounding. Other areas will be flat.

**Mark Owens:** A question from the report: is there 2 to 3 feet but at least 5 feet below?

**Wayne Rogers:** Yes.

**Todd Edwards:** Are the rock walls engineered?

**Wayne Rogers:** That will be done at a later time.

**Allen Hall:** There will be a future access road on top and the biggest cut slope is hidden on the hill. There is not going to be another way onto that hill. The grading will be done then. The cross section is 50 foot wide with 12 foot lanes and 5-6 foot trails. It is intended for cars, pedestrians, traffic and the drainage.

**Dave Black:** When looking at both plans, we need to make sure that the cuts are minimized and in compliance with the ordinance. An option would be for the Hillside Review Board, to approve and include the road and the lower portion and request as lots come in, to have individual grading permit with each pad. We can approve the road and so forth, but anything not being graded now, we look at those individually. That will help to minimize the scarring of the hill.

**Wayne Rogers:** Lots 22 through 25 will be graded, but lots 26-28 will not be graded at this time.

**Todd Edwards:** Will that be natural and not disturb the steep parts?

**Allen Hall:** The intent is to have the pads off the steep slope and preserve the ordinance.

**Todd Edwards:** Will there be restrictions to not disturb the remaining areas?

**Allen Hall:** Yes.

**Bob NicholSEN:** There will need to be a note on the plat. Are lots 1 through 7 in Phase 1?

**Allen Hall:** Yes.

**Bob NicholSEN:** Will the amour be in at the river bank later?

**Allen Hall:** Yes.

**Jared Bates:** However, towards the back of the lots, there are not any that are on the river bank.

**Todd Edwards:** There will not be any other development past the back?

**Jared Bates:** No.

**Allen Hall:** The armoring will tie into the bridge.

**Wayne Rogers:** Any other comments?

**Dave Black:** Since it is not being graded now, the final grading would need to come back to the Hillside Review Board, however I would like to see minimizing of the cutting going up the hill.

**Dave Black:** Is everything fitting within the ordinance?

**Wayne Rogers:** Yes, and with the chase slope going up as it is, a 2 to 1 slope will be sufficient.

**Allen Hall:** Once the sandstone is hit, it will need to be steepened up and that will occur.

**Mark Owens:** I would like to have a site visit to see the project in person. This will allow for better perspective on decisions.

**Allen Hall:** That would be a good idea. I can stake it out to show the boundaries.

**Dave Black:** Does the backside need to be a 2 to 1 slope?

**Jared Bates:** Yes.

**Arnold Decaster:** Is there a gravel pit lining?

**Allen Hall:** Yes.

**Wayne Rogers:** Options can include retaining, gunite or channeling big rocks. We can make recommendations today; or table this issue, and then conduct the site visit. After the site visit, we can vote on this issue. The site visit will be on Tuesday, August 25, 2015 at 8 A.M. We will look at the areas in question and the details of the cross sections as well as perspective on where stakes are at will allow for better answers for this issue. If there is not any further discussion and we are in agreeance to conduct a site visit for this item, we will table this issue until the upcoming site visit and moss to the next item.

8/25/2015 Site Visit-

*\*\*\*Members met on site for the Sycamores at Santa Clara project on August 25, 2015 at 8:00 a.m.*

**Allen Hall:** The biggest cut is under 20 feet. I have placed stakes on the hill that show the property line and is close to the catch point. There is a ditch by the property line.

**Dave Black:** Who maintains the ditch?

**Allen Hall:** The HOA.

**Jared Bates:** The rock line area should be an alternative if needed.

**Todd Edwards:** Where is the largest cut?

**Allen Hall:** It is 20 feet everywhere.

**Todd Olsen:** Where is the chance from the property line to cut?

**Allen Hall:** Around the corner towards the east end.

**Wayne Rogers:** Is there only a few feet of cuts that will be at the top of the hill?

**Allen Hall:** Yes.

**Todd Edwards:** Does the road follow up the wash?

**Allen Hall:** Yes. The retention basin at the far east side is where that will be.

**Bob NicholSEN:** Will there be a pipe under the sidewalk?

**Jared Bates:** Yes.

**Wayne Rogers:** Any other questions or comments or are we ready for a motion?

**Todd Edwards:** I will make the motion to approve to Planning Commission for Hillside Review Board of The Sycamores at Santa Clara with a note that lots 26, 27, and 28 not be graded at this time and come back to Hillside Review Board separately at building permitting process and to provide an updated drainage study.

**Dave Black:** I will 2<sup>nd</sup> the motion.

**\*\*\*\* Motion to request the recommendation for Planning Commission for Hillside Review Board  
Request recommendation to Planning Commission for Hillside Review Board of The Sycamores at Santa Clara.**

**Motion made by: Todd Edwards, Seconded by: Dave Black**

**Voting Aye: All**

**Voting Nay: None**

**Motion Carried.**

**Adjourned August 25, 2105 at 8:30 a.m.**

**A. General Business**

**Item A2. Request recommendation to Planning Commission for Hillside Review Board of Highway 91 design, located on Highway 91, Swiss Village to 200 East (Ivins).**

**Tyler Turner:** This affects the tallest slope to be cut is by the City shed. Copies of the reports should have been received and that should answer any specific questions.

**Todd Edwards:** What about the drainage study and will there be an under drain at the trail?

**Tyler Turner:** For the entire length, there is an existing drainage area, and yes about the trail. They are fairly gradual cuts with the exception of the one 60 foot cut.

**Wayne Rogers:** There is a portion that is by the Jacob Hamblin home; will that go away?

**Jack Taylor:** The City will go back in and cut it in, so there continues to be a trail that ties into Rachel Drive and Pioneer Parkway.

**Todd Edwards:** If it were to stay away from the rock wall area would be my recommendation.

**Wayne Rogers:** The cut slope is about 60 feet high? Could there be any other options to retain portions of that?

**Russ Owens:** It goes further, but is shallow in areas.

**Bob Nichol森:** What about re-landscaping and vegetation?

**Tyler Turner:** That is for the disturbed slope areas and will be for 2 to 1 slopes.

**Todd Edwards:** Wouldn't that be a problem for approval with the 60 foot height purposed cut?

**Wayne Rogers:** That is my question as well. I am not sure this will comply with ordinance. It is City property right?

**Jack Taylor:** Yes and nothing or develops above it, just natural landscaping.

**Wayne Rogers:** Will it leave the existing cut? It is a huge and cut and with possible erosion and more than a 3 foot cut.

**Todd Edwards:** What about the curb, gutter, the 10 foot trail and then what about a ditch? Can the ditch be rock lined?

**Jack Taylor:** It will not be any more maintenance than what is currently being done.

**Wayne Rogers:** Are there any other comments or concerns?

**Bob Nicholzen:** There is a section within the City ordinances that will allow for this to be done. It reads as follows:

Chapter 17.080, Section G:

G. Corrective Work: Nothing in this section shall prohibit the city from authorizing grading deemed necessary to correct previously disturbed natural areas or existing hazardous conditions that are on site but not a part of the proposed development area that are brought to the city's attention, in which case the applicant will investigate possible alternatives with subsequent review by city staff, city engineer, hillside review board, planning commission and/or city council. (Ord. 2008-14)

**Wayne Rogers:** Ready for a motion?

**Dave Black:** With this ordinance allowance, I would like to make a motion to recommend approval to the Planning Commission for Hillside Review Board of Highway 91 design, located on Highway 91, Swiss Village to 200 East (Ivins) with a note that the 60 foot cut is outside the limits of the ordinance, but is able to be allowed because of Chapter 17.080.040, Section G that allows such a deep cut in order to correct a hazardous condition.

**Todd Edwards:** I will 2<sup>nd</sup> the motion.

**\*\*\*\* Motion to request the recommendation for Planning Commission for Hillside Review Board  
Request recommendation to Planning Commission Highway 91 design, located on Highway 91,  
Swiss Village to 200 East (Ivins).**

**Motion made by: Dave Black, Seconded by: Todd Edwards**

**Voting Aye: All**

**Voting Nay: None**

**Motion Carried.**

### **3. Discussion Items**

None

### **4. Approval of Minutes**

Minutes approved from May 4, 2015

### **5. Adjournment**

Adjourned August 18, 2015 meeting at 1:30 p.m.

Respectfully submitted;

August 18, 2015

\_\_\_\_Melodie B. Hayes\_\_\_\_\_  
Melodie B. Hayes, Recording Secretary

\_\_\_\_March 29, 2017\_\_\_\_\_  
Date Approved



**City of Santa Clara**  
2603 Santa Clara Drive  
(435) 656-4690, Ext. 225  
[jmcnulty@sccity.org](mailto:jmcnulty@sccity.org)

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Staff Report

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## Wall Signs Approval Summary and Recommendation

**Public Body:** Santa Clara City Planning Commission

**Meeting Date:** April 27, 2023

**Current Zone:** Planned Development Commercial, PDC

**General Plan Designation:** Main Street Commercial

**Property Location:** 3542 Pioneer Parkway, Suite #104 (Harmon's Shopping Center)

**Request:** Approval of Wall Signs for Club Pilates

**Applicant Name:** Bradley Salay (Rainbow Signs)

**Staff Planner:** Jim McNulty

**Staff Recommendation:** Approve with conditions

**Meeting Type:** Public Meeting

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### PROJECT DESCRIPTION

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The applicant, Bradley Salay, is requesting Wall Sign Approval for Club Pilates located at 3542 Rachel Drive, Suite #104. The Santa Clara City Sign Ordinance, Chapter 17.44, states that wall signs are allowed in the Planned Development Commercial, PDC Zone subject to Planning Commission approval. This business will be in the commercial building on Pad A of the Harmon's Shopping Center. Club Pilates will be joined by Great Clips (wall signs approved), Beans & Brews (wall signs approved), and Roxberry Juice Company.

A total of two (2) wall signs are proposed for this business. Section 17.44.090(C) of city code indicates that wall signs may not exceed 10% of the total square footage of the wall on which the wall sign is placed. The applicant has provided calculations which indicate that 10% would allow for a sign of up to 59 square feet on both the east and west building elevations. The west building elevation wall sign (facing Rachel Drive) is proposed at 29 square feet. This wall sign includes internally illuminated white letters mounted to the building. The east building elevation wall sign (facing Harmon's parking lot) is also proposed at 29 square feet. Additionally, this wall sign includes internally illuminated white letters mounted to the building. The proposed signs meet the standards for wall signs as per Chapter 17.44 of city code.

---

### ISSUES OF CONCERN/PROPOSED MITIGATION

---

No items of concern have been identified for this application.

## **PLANNING STAFF RECOMMENDATION**

---

Planning Staff recommends that the Planning Commission approve the proposed Wall Signs for Club Pilates located at 3542 Rachel Drive, Suite #104 subject to the following conditions:

1. That the west building elevation wall sign (facing Rachel Drive) be allowed at 29 square feet with internally illuminated white letters.
2. That the east building elevation wall sign (facing Harmon's parking lot) be allowed at 29 square feet with internally illuminated white letters.
3. That a building permit be applied for and obtained prior to placement of the wall signs on the building.



REAR ELEVATION

Building Sqft  
598 Sqft

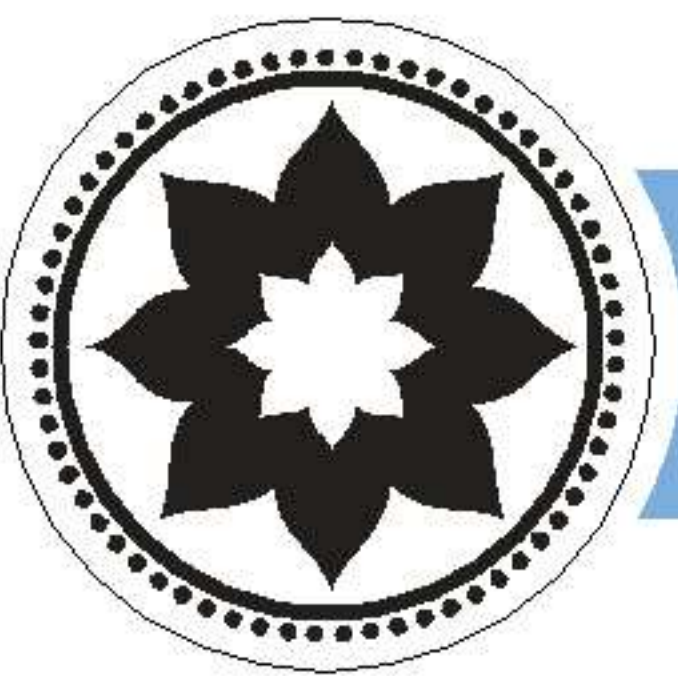
10% Of Bldg.  
59.8 sqft

Sign Sqft  
28.85 Sqft

23 ft

26 ft

CLUB PILATES



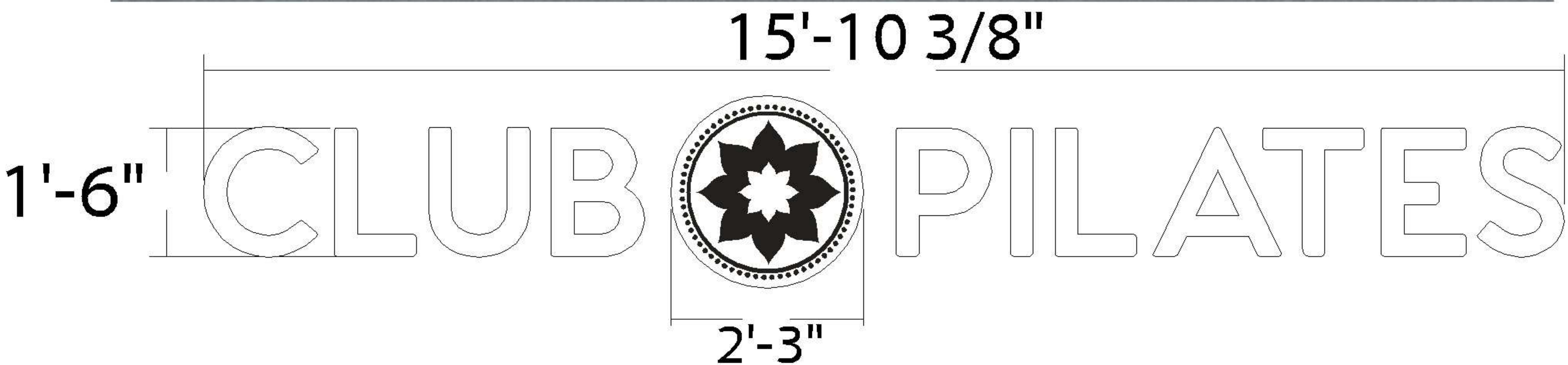
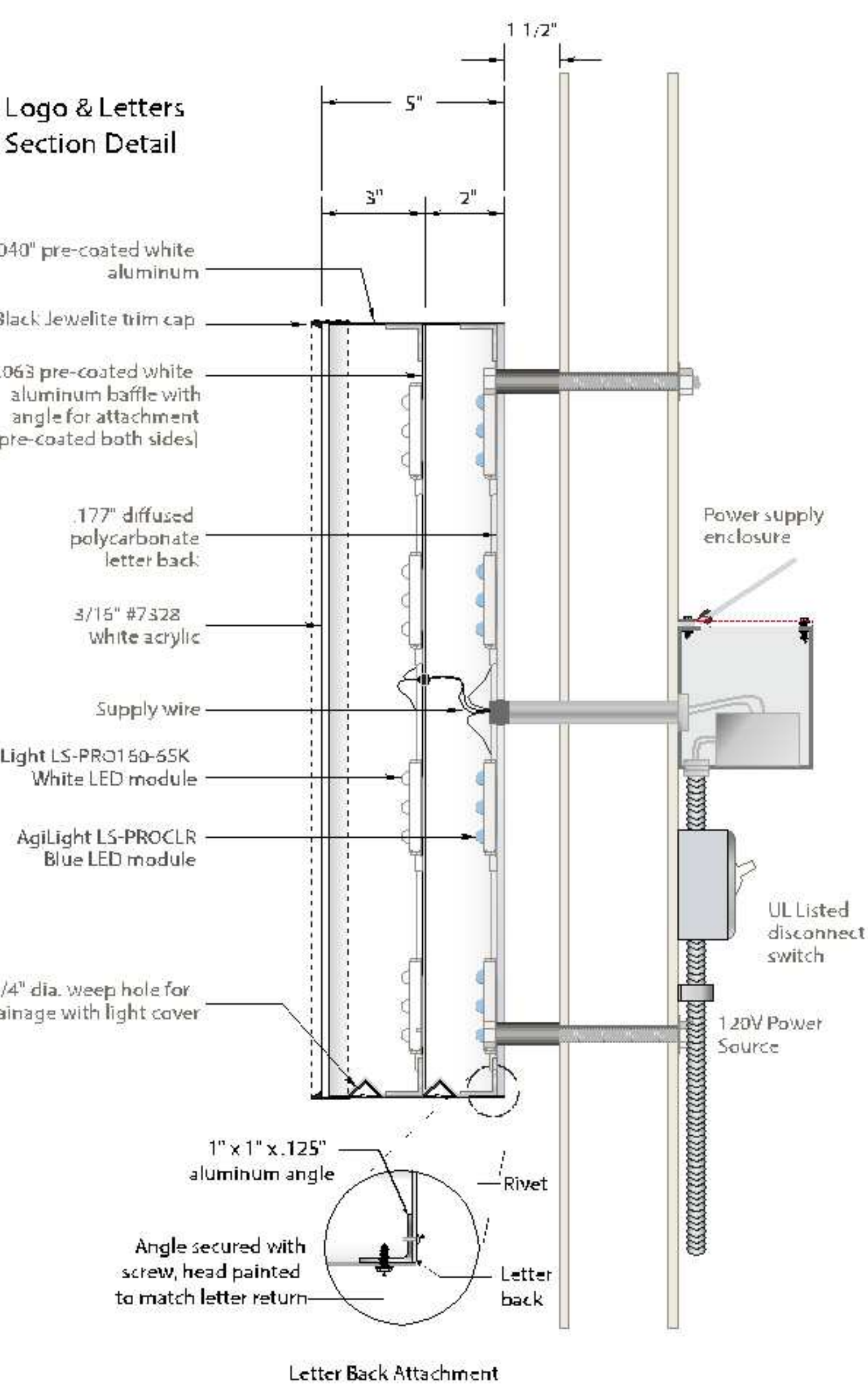
3M #7725-12  
Black Opaque Vinyl  
applied 1st surface



Night View

Color Specifications

- Letter Face: 3/16" #7328 white acrylic
- Logo Face: 3/16" #7328 white acrylic  
3M #7725-12 Black Opaque Vinyl  
(1st surface)
- Returns: .040" pre-coated white aluminum coil
- Trim Cap: 1" Jewelite Black
- Backs: .177" diffused polycarbonate letter back
- Illumination: AgiLight LS-PRO160-65K  
White LED module
- AgiLight LS-PROCLR  
Blue LED module
- All internal surfaces to  
be high reflective white.



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SALESPERSON: Malinda Sanders

PROJECT NAME: 3542 Pioneer Pkwy

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DESIGNER:

COMPANY NAME: Club Pilates

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APPROVAL:



FRONT ELEVATION

Building Sqft  
598 Sqft  
10% Of Bldg.  
59.8 sqft

Sign Sqft  
28.85 Sqft

23 ft



3M #7725-12  
Black Opaque Vinyl  
applied 1st surface

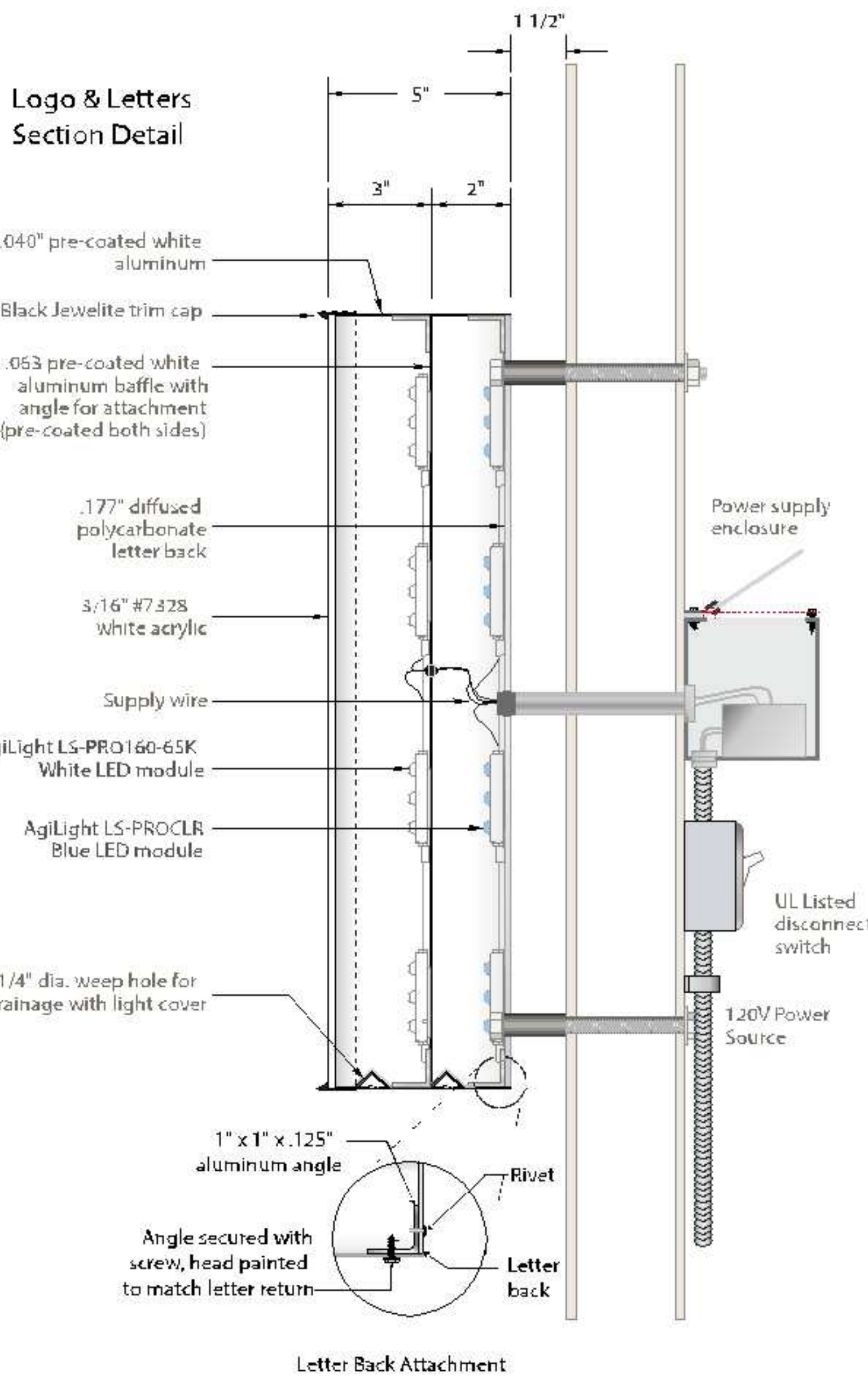
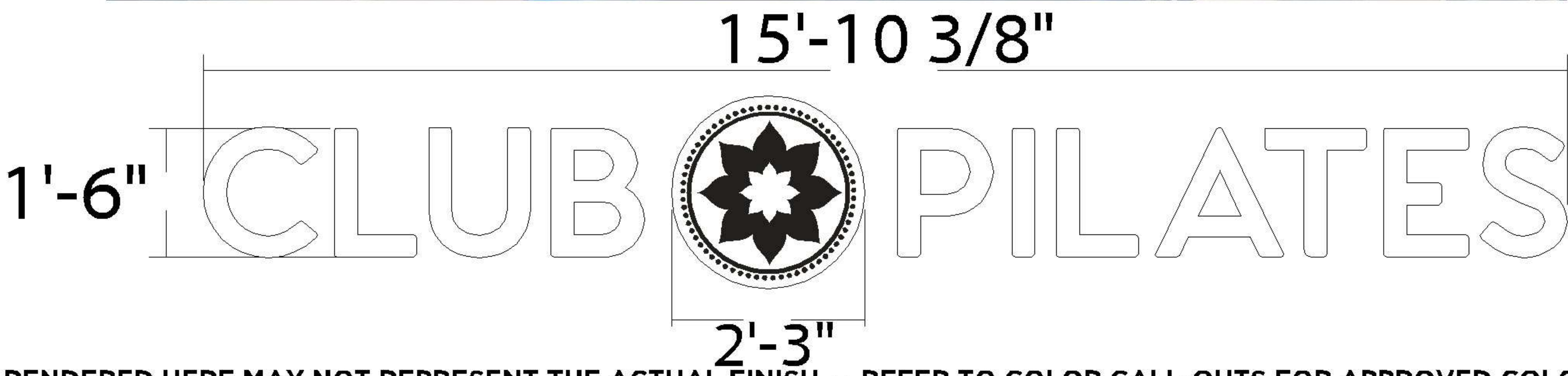
CEILING OPENED TO THIS POINT  
WITH 6' DROPPED CEILINGS



Night View

Color Specifications

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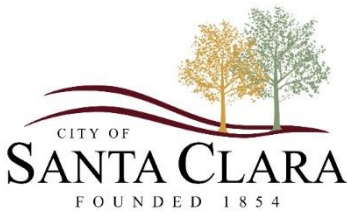
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COMPANY NAME: Club Pilates

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SANTA CLARA CITY  
2603 Santa Clara Dr.  
Santa Clara, UT 84765  
(435) 656-4690 Fax: (435) 879-5298

Permit #: \_\_\_\_\_

Fee: \_\_\_\_\_

## SIGN PERMIT APPLICATION

Fee: \$2 per sq. ft.

Address of Sign Location: 3542 Pioneer Parkway Ste 104  
Name of Business: Club Pilates Phone #: (858) 774-0945  
Sign Company: Rainbow Sign and Banner Phone #: (435) 628-5107  
Sign Co. Address: 181 East Riverside Dr. St. George, UT 84790 State License #: 290762-5551

Type of Sign:

☐ Monument (low profile) Sign  
☒ Wall Sign  
☐ Free-standing Sign  
☐ Temporary Sign (max. length - 30 days) Display dates: from \_\_\_\_\_ to \_\_\_\_\_

Total Square Footage of Sign: 57.7 sqft

Value of Sign: \$1300

***Two copies of the following are required to process permit application:***

### ALL SIGNS:

1. Accurately dimensioned, scaled drawings showing height, color, square footage, dimensions, sign composition, type of illumination, and how the sign will appear from the street.
2. Details of sign construction
3. Electrical schematics

### MONUMENT & FREE-STANDING SIGNS (in addition to All Signs requirements):

1. Plot plan showing relationship of sign to buildings, property lines, setback from public rights-of-way, intersections, easements and driveways.
2. Number of acres.
3. Length of lineal frontage of property.

### WALL SIGNS (in addition to All Signs requirements):

1. A profile drawing showing how the sign will appear from the street/parking area and on the building. Drawing must show all existing signs on wall faces and proposed sign(s).

### TEMPORARY SIGNS (in addition to All Signs requirements):

1. Plot plan showing relationship of sign(s) to buildings, property lines, setback from public rights-of-way, intersections, easements and driveways.

- ◆ **Sign(s) may NOT be installed until permit is issued**
- ◆ **Incomplete applications will not be accepted**
- ◆ **Planning & Zoning approval may be required before application can be processed.**

Print Applicant Name: Bradley Salay

Signature of Applicant: Bradley Salay Date: 04/03/23

Date Approved: \_\_\_\_\_ By: \_\_\_\_\_ Application Fee: \_\_\_\_\_

## **Ordinance - 17.44.050: TYPES OF SIGNS:**

### **Wall Signs:**

Wall signs may be placed upon any side of a building in a commercial zone in the eastern entrance to the city on Santa Clara Drive, east of the city office. Wall signs may be allowed in a planned development commercial zone subject to planning commission approval as part of the planned development zone approval.

1. Wall signs shall be so placed as to utilize existing architectural features of a building without obscuring them. Wall signs shall be oriented toward pedestrians or © on the building it is placed shall be no greater than **ten percent (10%)** of the total square footage of the wall on which it is placed.
2. Signage on a mansard roof will be considered to be a part of a wall sign, and calculated as part of the total square footage allowed.

### **Window Signs:**

1. Merchants may advertise special sales with temporary signs on the inside or outside of the windows provided that they do not cover the complete window in which they are placed.
2. Window signs are not intended to be displayed for long periods of time, but rather for a short sale period not to exceed thirty (30) days in duration.

### **Banners on Private Property:**

Banners shall be permitted on a temporary basis on private property in the commercial and commercial corridor areas subject to the following:

1. No more than one banner per street front may be displayed at any one time on any business property;
2. A permit shall be issued by the city staff for any banner request and no specific banner may be approved for an event such as a business opening for a period longer than thirty (30) days before the opening advertised and for thirty (30) days after. The location of the banner shall be approved by the city staff;
3. No banner may be approved to be placed on any building in excess of the percentage of the building for which wall signs may be approved. **Ten percent (10%)**

### **Temporary Signs:**

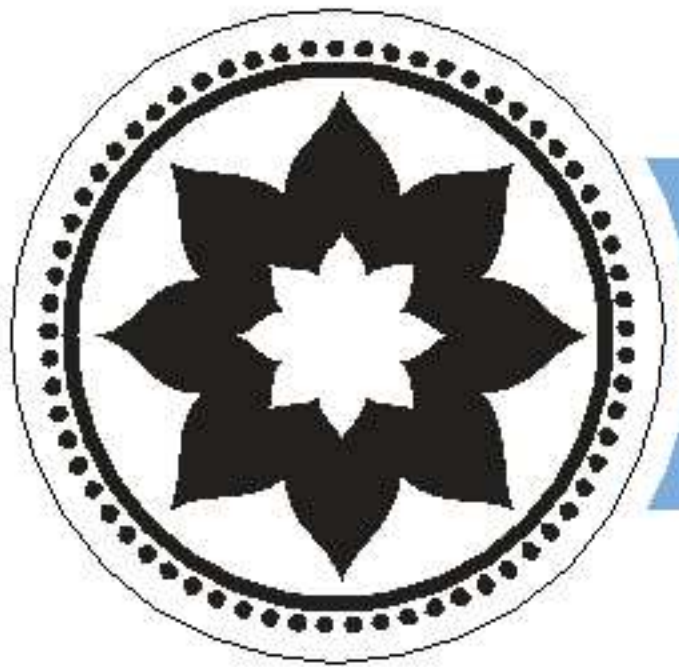
Temporary signage has a place in the community for specialized purposes, such as announcing properties for sale or lease, construction activities, temporary sales and campaign signs of a noncommercial nature. Temporary signs are installed on a property but are not a part of the permanent land use on the property and are not intended to be displayed for a long period of time. However, a temporary sign must be well maintained at all times or it may be subject to removal or cited as a violation of this chapter.

1. **Temporary signs shall not exceed six (6) square feet in area or four (4) feet in height.**
2. Temporary signs are permitted in any zone, provided that they are located a minimum of two feet (2') behind the property line. Only one temporary sign is permitted on any one parcel of property, except that for sixty (60) days proceeding a general, local government or special election, up to three (3) temporary signs may be placed on any one parcel of property, all of which must comply with the size, color, and placement standards of this title.
3. **A temporary sign advertising a subdivision or housing project may be used for a period of time not to exceed one year, unless extended by city staff.**
  - a. The temporary sign shall not exceed four feet by eight feet (4' x 8') in size, or a total of thirty two (32) square feet.
  - b. Such signs must be removed when the project is sold out or completed.
  - c. Only one temporary advertising sign may be erected per development project unless there are several access roads serving the project, in which case the planning commission may determine the total number of signs to be allowed.
4. **Real estate property for sale or lease signs shall be no more than four feet by eight feet (4' x 8') in size and shall not exceed thirty two (32) square feet in area.**
  - a. The top of the sign or supporting members shall not exceed eight feet (8') in height above the ground level.
  - b. All such signs shall be a minimum of two feet (2') inside the property line.
  - c. A sign permit for this type of sign shall not be required. Such signs shall be removed within thirty (30) days of sale or lease taking place.

TO VIEW FULL ORDINANCE GO TO [www.sccity.org](http://www.sccity.org) - MUNICIPAL CODES AND ORDINANCE TITLE 17:44 SIGNS



FRONT ELEVATION



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applied 1st surface

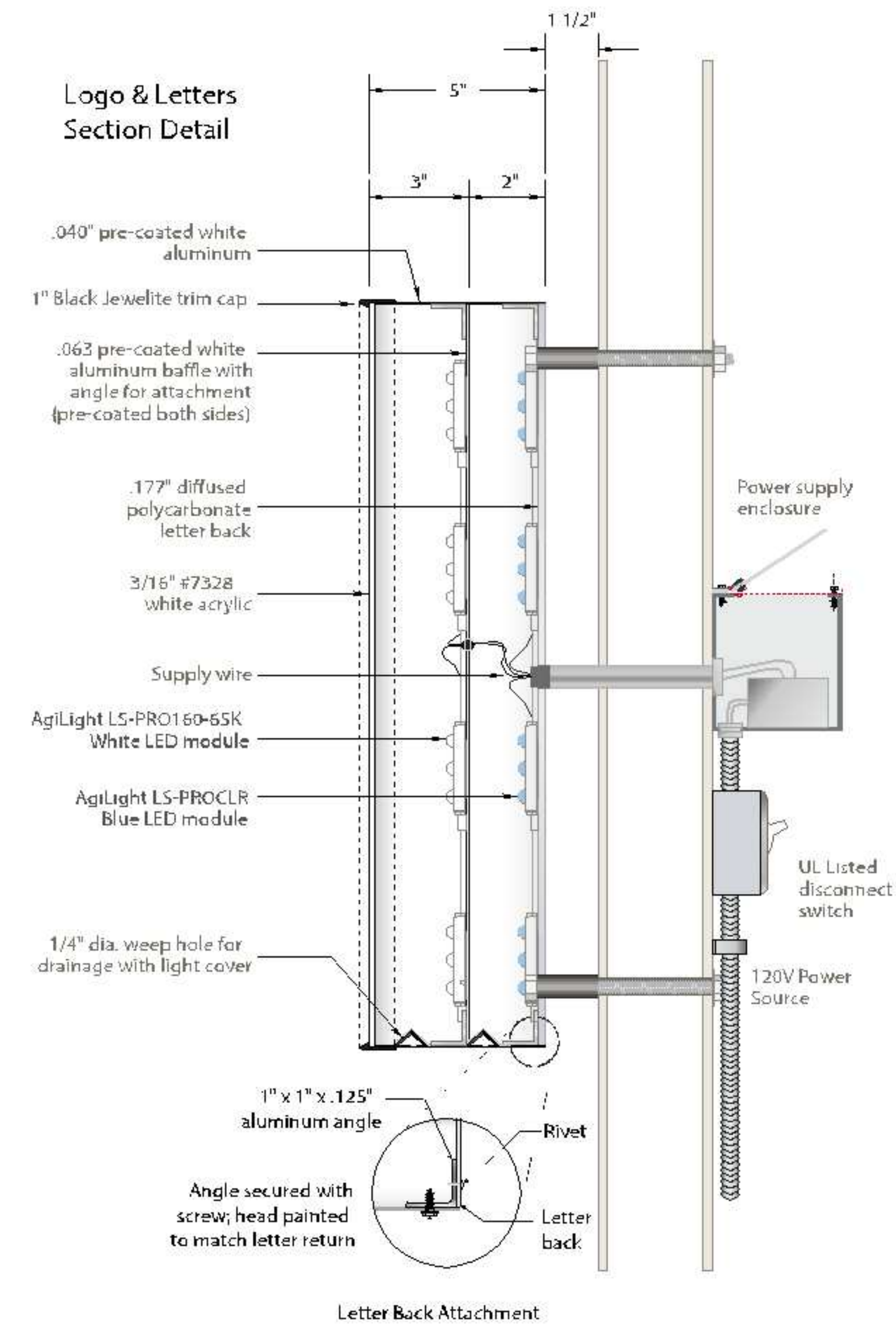
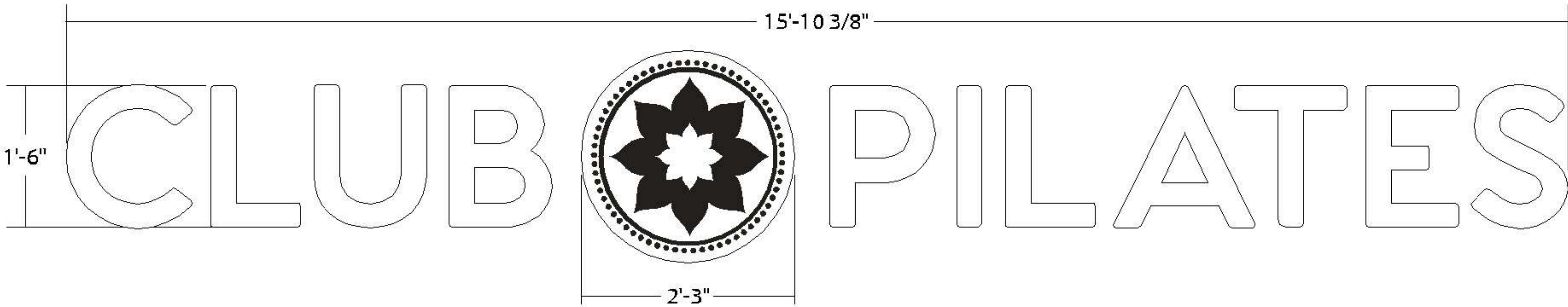
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Night View

Color Specifications

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White LED module
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SALESPERSON: Malinda Sanders

DESIGNER:

PROJECT NAME: 3542 Pioneer Pkwy

COMPANY NAME: Club Pilates

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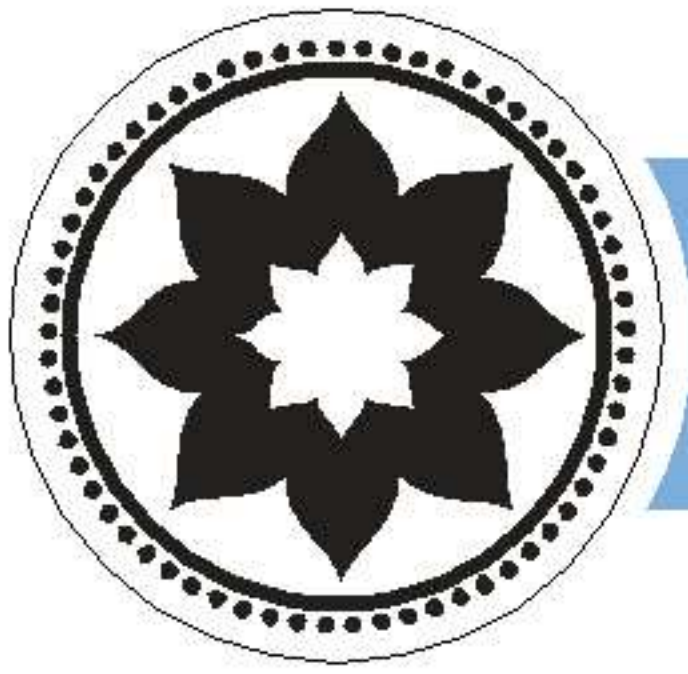
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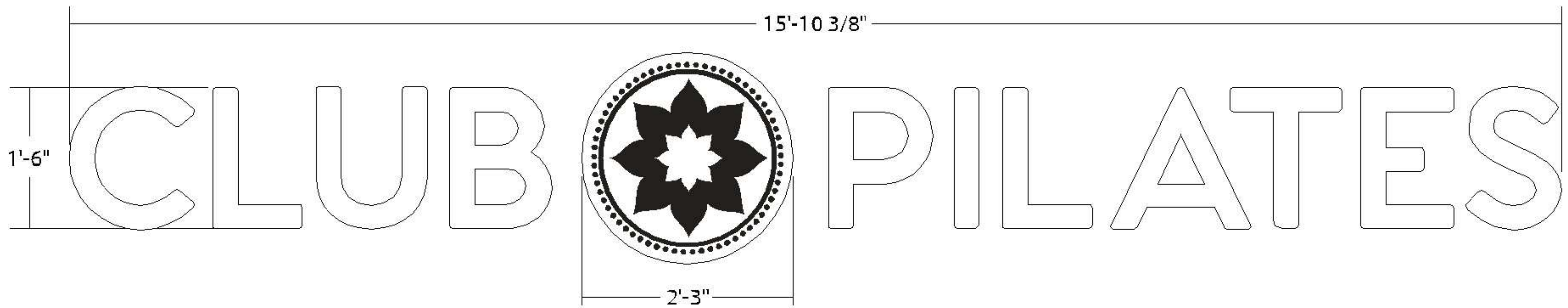
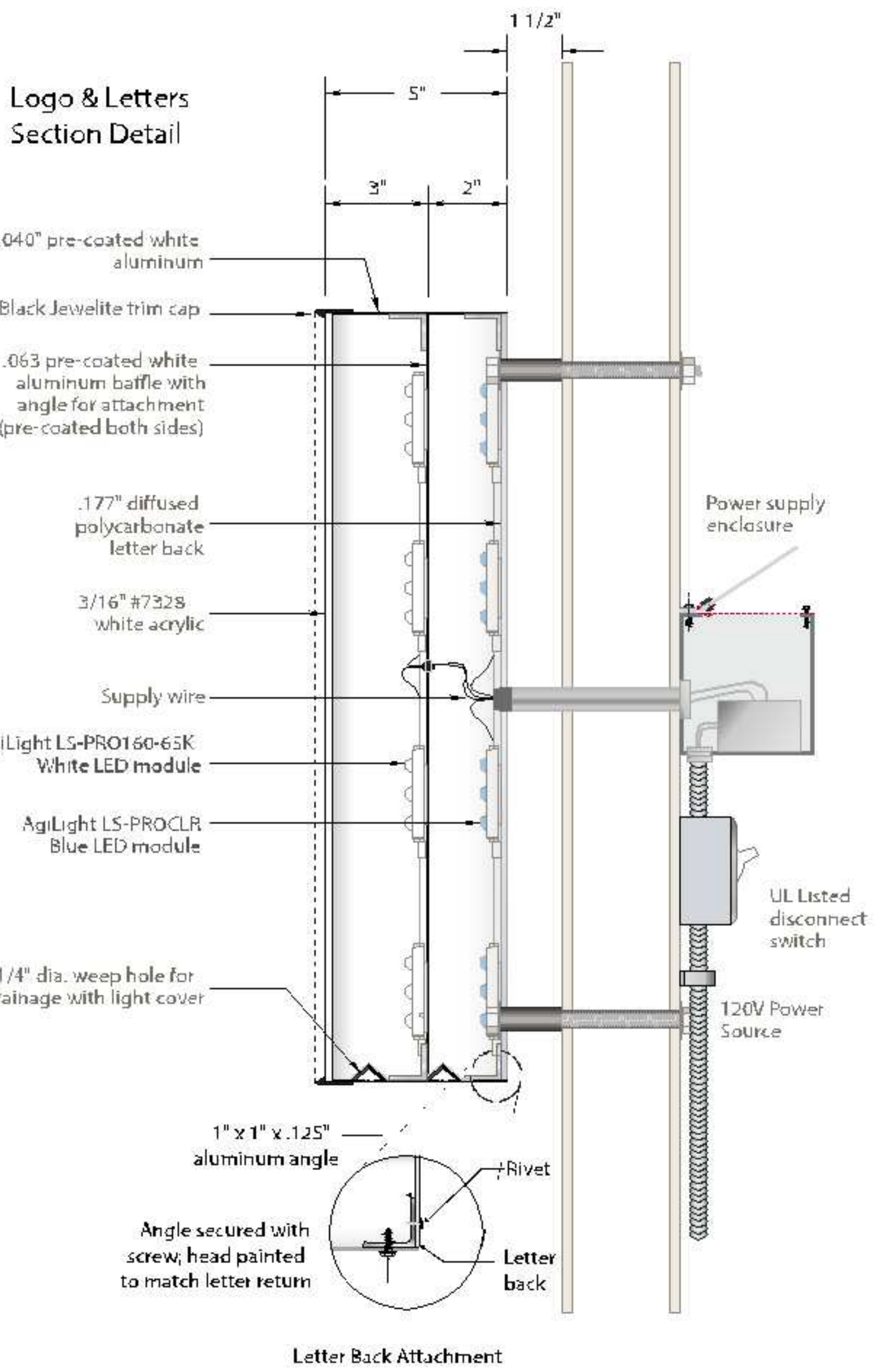
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SALESPERSON: Malinda Sanders

PROJECT NAME: 3542 Pioneer Pkwy

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COMPANY NAME: Club Pilates

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2603 Santa Clara Drive  
(435) 656-4690, Ext. 225  
[jmcnulty@sccity.org](mailto:jmcnulty@sccity.org)

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Staff Report

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## Conditional Use Permit Approval Summary and Recommendation

**Public Body:** Santa Clara City Planning Commission

**Meeting Date:** April 27, 2023

**Current Zone:** R-1-10 Historic District Overlay

**Property Location:** 1408 Quail Street

**Property Size:** 0.45 acres

**Request:** Conditional Use Permit Approval

**Applicant Name:** Kelly Gates

**Staff Planner:** Jim McNulty

**Meeting Type:** Public Meeting

---

### PROJECT DESCRIPTION

---

The applicant, **Kelly Gates**, is requesting **Conditional Use Permit Approval** to do an addition with a height exception to the existing detached garage on his property. The **existing detached garage includes a 2<sup>nd</sup> story ADU**. This was reviewed by the Heritage Commission on October 11, 2016. This included a recommendation to the Planning Commission to allow for a building height of 24'-6". Accessory structures and ADUs are limited to 20' feet in height.

**Section 17.64.040** of city code allows for **a height exception** to be granted as a conditional use by the Planning Commission. On February 21, 2017, the Planning Commission approved the conditional use allowing for height exception of approximately 4'-6" to accommodate the 2<sup>nd</sup> story ADU.

The **proposed building addition is approximately 24' – 6"** in height (see attached plans). This requires Planning Commission approval of a height exception. The second story of this building addition is intended to be used for storage space. Chapter 17.22 of city code includes requirements for ADUs. One (1) ADU is allowed per property. Mr. Gates has an existing ADU on the property.

The existing building was approved with **a 5' rear yard setback to living space (ADU); however, a minimum 10' rear yard is required**. Unfortunately, this permit was approved with an incorrect rear yard setback. At this time, the applicant is asking for the building addition to be allowed with a 5' rear yard setback to match the existing building footprint. (Allowed for non-living space).

## HERITAGE COMMISSION RECOMMENDATION

---

The Heritage Commission reviewed this item on March 23, 2023. **As per Section 17.76.060(E) of City Code**, one of the duties of the Heritage Commission is to act as the Design Review Committee for new construction, remodeling, or new signs within the Historic District. After discussing the item with the applicant and city staff, the Heritage Commission made a motion recommending **Approval** to the Planning Commission with the following considerations:

1. The Heritage Commission recommendation is in favor of the proposed building height of 24' -6" for the building addition.
2. The Heritage Commission determined that the proposed building elevations, materials, and colors are acceptable.
3. That the applicant come back to Heritage Commission if changes to the building elevations, materials, and colors are proposed.

## GENERAL STANDARDS FOR CONDITIONAL USES

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Chapter 17.40.055 indicates that **a conditional use shall be approved** if reasonable conditions are imposed to mitigate the reasonably anticipated detrimental effects of the proposed use. The following standards must be met in order to mitigate the reasonably anticipated detrimental effects, if imposed as a condition of approval:

- A. Noise:
  1. Excessive noise (unwanted or undesired sound) can cause serious impacts to health, property values, and economic productivity. Conditional uses shall not impose excessive noise on surrounding uses. **N/A**
- B. Dust:
  1. Comply with all air quality standards, State, Federal and local. **N/A**
  2. Use shall not create unusual or obnoxious dust beyond the property line. **N/A**
- C. Odors:
  1. Comply with all air quality standards, State, Federal and local. **N/A**
  2. Use shall not create unusual or obnoxious odors beyond the property line. **N/A**
- D. Aesthetics:
  1. **Blend harmoniously with the neighborhood so the use does not change the characteristics of the zone.** *The Heritage Commission reviewed the item as per Section 17.16.060(E) of City Code and recommended approval of the proposed building elevations, materials, and colors. The building addition has been designed to blend in with the existing building.*
- E. Safety:
  1. Take the necessary measures to avoid or mitigate any safety problems created by the use, including problems due to traffic, rockfall, erosion, flooding, fire, hazardous materials, or related problems. **N/A**
- F. Traffic:
  1. Traffic increases due to the conditional use shall not cause street or nearby intersection to fall more than one grade from the existing level of service grade or fall below a level of service "C". **N/A**

**Request:** Conditional Use Permit

**G. Height:**

1. **A building's height and scale shall fit into the overall context of the surrounding area.** *The Heritage Commission reviewed the proposed building height of 24' -6" and felt that it would fit into the area, as well as match up with the existing building that was approved in 2017.*
2. **Photo simulations may be required by City staff or Planning Commission showing all sides of the building(s) and showing how the building fits into the surrounding area, including its relationship to nearby ridges, hills, and buildings.** *A set of photos has been submitted by the applicant for Planning Commission review and consideration.*

**H. Hours of Operation:**

1. Nonresidential uses operating in proximity to or within a residential zone shall limit hours of operation so as not to disturb the peace and quiet of the adjacent residential area. **N/A**

**I. Utility Capacity:**

1. Utility capacity is sufficient to support the use at normal service levels. **N/A**

**J. Public Health:**

1. Use shall comply with all Sanitation and Solid Waste Disposal Codes. **N/A**
2. Use shall not create public health concerns. **N/A**

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## **CITY STAFF RECOMMENDATION**

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City staff recommends that the Planning Commission review the submitted Conditional Use application to determine if the application is complete. The Planning Commission may approve, modify, and approve, or deny the conditional use application. **If the application is determined to be complete, City staff would recommend that the Planning Commission consider approving the 4'-6" height exception subject to the following conditions:**

1. That the proposed building addition blends harmoniously with the neighborhood and does not change the characteristics of the zone.
2. That the proposed building addition height and scale fits into the overall context of the surrounding area.
3. That the photos submitted by the applicant provide detail and show how the building fits into the surrounding area.
4. That the Heritage Commission reviewed the item and recommended approval of a building height at 24'-6".
5. That the applicant be required to obtain a building permit for the building addition.

And subject to the following findings:

1. The use will not be detrimental to the health, safety, welfare, or aesthetics, or detrimental to property or improvements in the area.
2. The proposed use complies with the regulations of Chapter 17.40.055.
3. The proposed use is in harmony with the intent and purpose of the General Plan.





## APPLICATION FOR A CONDITIONAL USE PERMIT

AS PROVIDED BY THE CITY OF SANTA CLARA, UTAH, ZONING ORDINANCE

Hearing Date: 2<sup>nd</sup> Thursday at 5:30 p.m. Application **MUST BE SUBMITTED 7 DAYS PRIOR** to hearing date.

**Filing Fees:** \$200.00 (Additional Dwelling Unit Fee: \$100.00)

TO THE PLANNING COMMISSION  
SANTA CLARA, UTAH

DATE: 4/13/2023

The undersigned applicant is the owner of the following legally described property: (Give exact legal description to include Section, Township, Range, Lot Subdivision, Street Address, Business Name):

1400 COUNCIL STREET, SANTA CLARA UT. 84765  
TAX I.D.: SC-0097017 SUBDIVISION: SANTA CLARA TOWN? FIELD SUB BLK 16 (SC)  
PARCEL # SC-131-A LOT: 3 N 1/2 LOT 3 BLK 16 SEC 2 FS

Attach a plot plan, drawn to scale, of the property involved showing the following information:

1. Prepare site plans and elevations;
2. Show existing and proposed buildings, fences and general landscape layout;
3. Show parking, loading areas, and automobile circulation;
4. Show any existing and proposed signs, lighting;
5. Show vicinity map (major/minor streets, intersections, neighboring subdivisions and relative location within the city), drainage plan and topography of irregular land;
6. Include any other pertinent information.

Are there any deed restrictions affecting the use of the property involved? Give the expiration date of these restrictions:

NO, NONE

Would the proposed use be materially detrimental to the surrounding property?:

NO, THE ADJOINING PROPERTY OWNERS, HAFEN AND GUBLER ARE  
THE TWO ON THE HERITAGE COMMITTEE WHO MADE MOTION TO APPROVE.

The undersigned property owner requests a CONDITIONAL USE PERMIT as permitted in the Santa Clara City Zoning Ordinances to use the above-described property for the following purposes (attach additional sheets if necessary):

ADDITION OF GARAGE WITH STORAGE AREA TO EXISTING  
GARAGE/ADU.  
ADDITIONAL COMMENTS ATTACHED.

WHEN A CONDITIONAL USE PERMIT IS GRANTED SUBJECT TO CONDITIONS, SAID CONDITIONAL USE PERMIT DOES NOT BECOME EFFECTIVE UNTIL SUCH TIME AS THOSE CONDITIONS HAVE BEEN MET.

NOTE: A CONDITIONAL USE PERMIT DOES NOT ELIMINATE THE NECESSITY OF OBTAINING A BUILDING PERMIT. A PERMIT IS REQUIRED FOR CONSTRUCTION OF ALL BUILDINGS IN THE PROJECT.

A Conditional Use Permit shall be good for one (1) year after final approval, or as otherwise determined by the Santa Clara Planning Commission. If at the end of one (1) year construction has not been commenced, the Permit shall become null and void unless a request is made with the Planning Commission for an extension. Extensions may be granted for a period of time not to exceed six (6) months.

If use is discontinued for a period of six (6) months, or if property is sold or developed by someone other than applicant, the conditional use is null and void.

The filing fee for this CONDITIONAL USE PERMIT is \$200.00. The fee is payable to the City of Santa Clara, Utah and such fee shall not be refundable in whole or in part, even though the application may be withdrawn or denied.

  
\_\_\_\_\_  
Signature of Applicant

1408 QUAIL STREET  
SANTA CLARA, UT. 84765  
\_\_\_\_\_  
Address of Applicant

KELLY L. GATES  
\_\_\_\_\_  
Printed Name of Applicant

(208) 948-9175  
\_\_\_\_\_  
Phone number of Applicant

Applicant shall contact adjacent property owners within 300 feet of their property lines. Attach a sheet using the following outline:

We, the undersigned owners of property adjacent to the property legally described in the APPLICATION FOR CONDITIONAL USE PERMIT hereby notify that we have been contacted and informed of the property owner's Conditional Use Permit application and the date the Planning Commission will hear the issue. Ord Chapter: 17.40.010-17.40.100

\_\_\_\_\_  
Printed Name of Property Owner

\_\_\_\_\_  
Address of Property Owner

\_\_\_\_\_  
Signature of Property Owner

**To: Santa Clara City Planning Commission**

**RE: Application for Conditional Use Permit – Kelly Gates, 1408 Quail Street (Leavitt Home)**

In 2017, I applied to build on my property, at the rear of the property at 1408 Quail Street, a detached 3-car garage, with an ADU-one-bedroom apartment above the garage. When presenting our original design to the Heritage commission in order to get a permit to build, they asked why it was designed with a flat roof, and that they didn't like the look, to which I agreed and explained in order to do a second story and meet the 20' height requirement of the building code it required a flat roof. They were largely unaware that the building code had a 20' height limit for detached structures. It was at their insistence, and my willingness and frankly, gratefulness that we add a pitched roof to the structure which put it over the 20' height limit, but greatly improved the elevation and aesthetics and appeal. We modified the plans to incorporate a pitched roof, and honor the request of the Heritage Commission, and to do so, made the overall height 24'4". Because of this it also needed to be presented to the planning commission, to approve the additional height of 4'4" for a Conditional Use Permit. It was presented to the Planning Commission and was passed unanimously. The Garage/ADU was built and has been completed for a couple of years now. We have received many compliments from the neighbors and thanks for the finished look and how much it has improved the property and overall area.

We are now presenting our request to build an additional garage, with storage above (NON-ADU) and have drafted it to attach to the existing garage-ADU and have gone to great lengths to blend the architecture, finishes, and style to the same very high end style and materials of the existing garage/ADU structure. The two structures will be attached via a breezeway, which was designed to also blend the style and appearances and present a uniform structural appearance.

It has passed Heritage Commission with their recommendation, and should be noted the two adjoining property owners to my property and the two most affected, happen to be the two people on the Heritage Commission who made the motion to approve and pass the request. The new additional garage/storage structure meets all Heritage Commission purpose in design and materials. They also commented again in the meeting, they would much rather have a pitched roof that was slightly over the code height of 20', than an "ugly flat roof that doesn't match anything". To which I agreed again and feel it is the best and most appealing design.

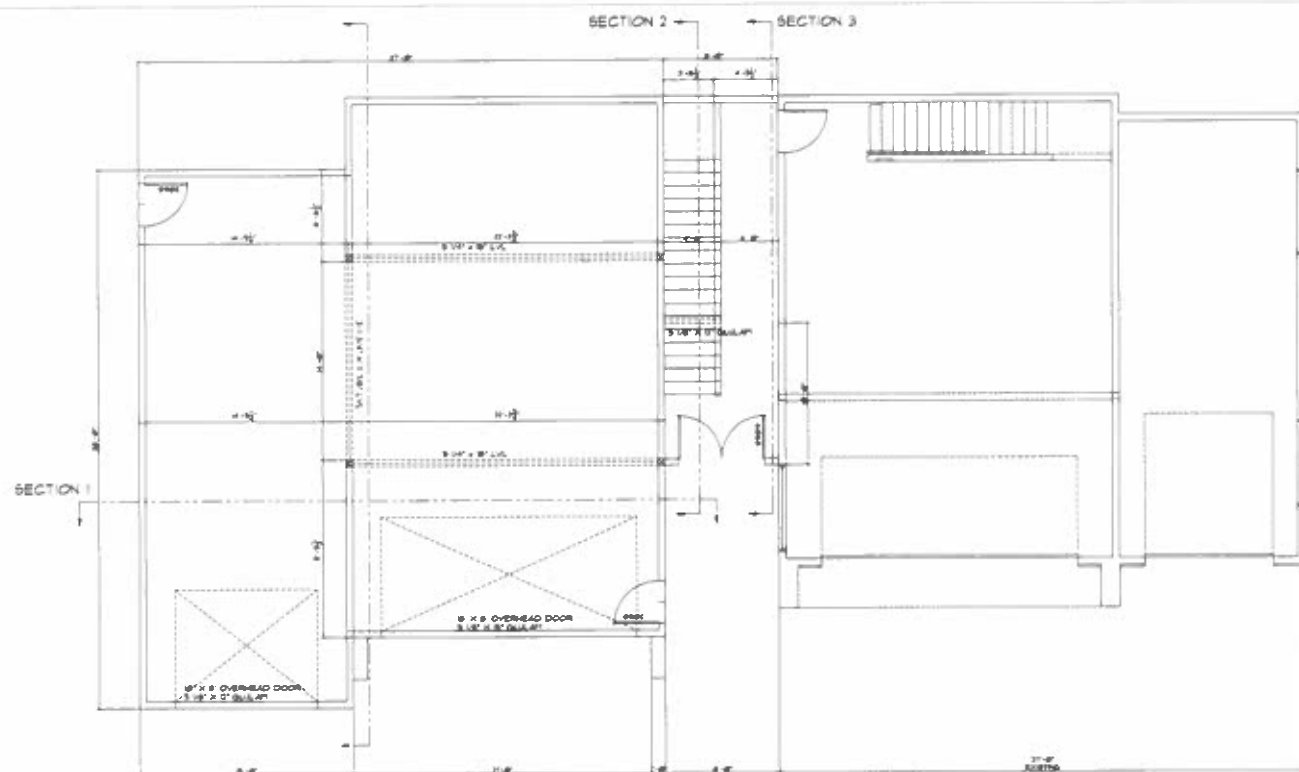
The new structure meets all code requirements, with the exception of height. We've even moved the rear-setbacks on a little more than 32% of the new portion forward 5', which is more than what code requires, in an attempt to appease the building department's recommendations and concerns, even though we are within our rights and meet code for garage/storage area. The height of the new addition is 24'4", to match the original structure, with a pitched roof, to also appease the Heritage Commission and is to match the architecture originally imposed and recommended by the City of Santa Clara Heritage Commission and approved by the Planning Commission.

We are excited to build a beautiful addition and to continue to improve the historic Leavitt home and to do so in a way that compliments the existing buildings on the property, and makes the home much more livable in today's modern needs, as well as add to the overall beauty of the historic downtown area and is a benefit and improvement to the area. We are requesting that the Planning Commission approve the Conditional Use Application for the variance on the height of 24'4" vs. 20' as code is written.

Thank you,

Kelly Gates

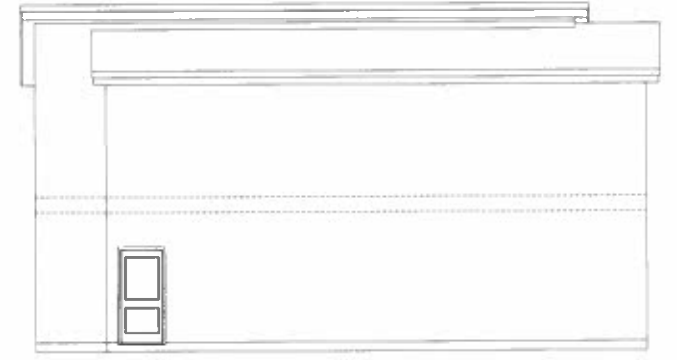
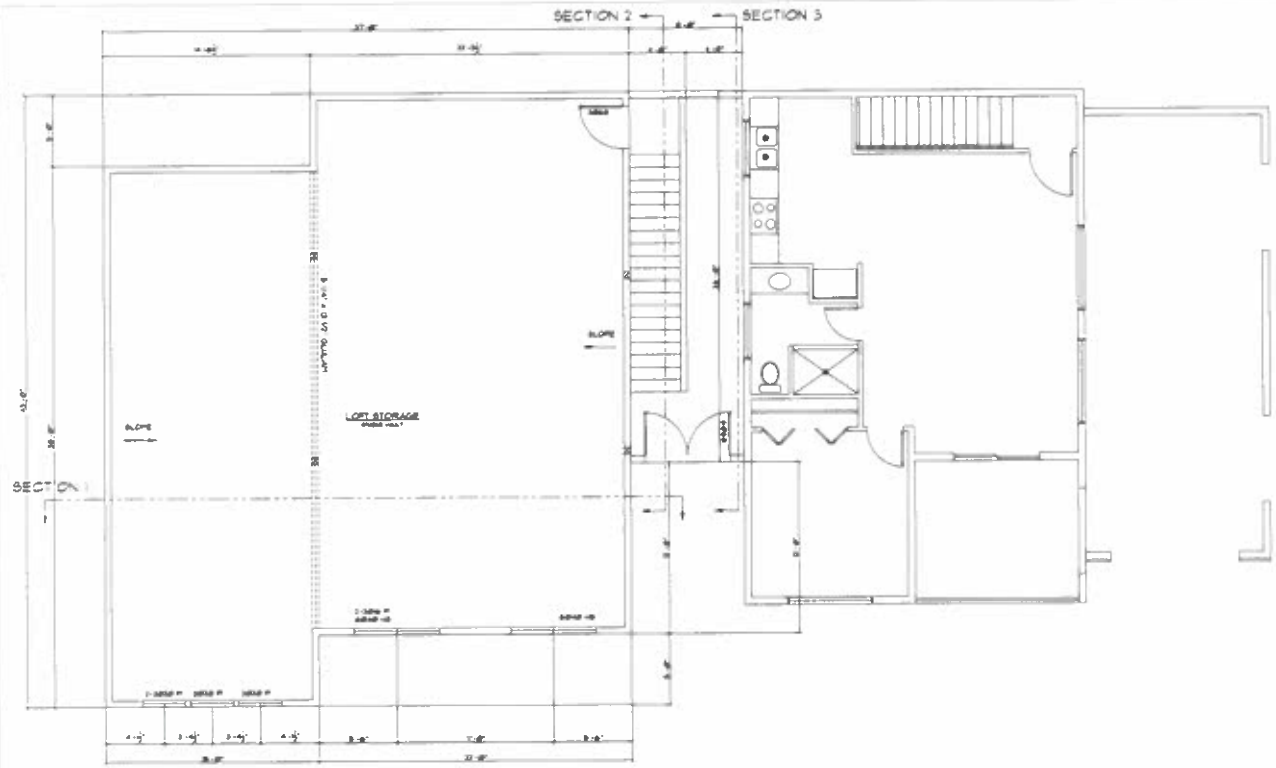
208 ৯৭৯  
1408 ৯৭৯  
1406 ৯৭৯



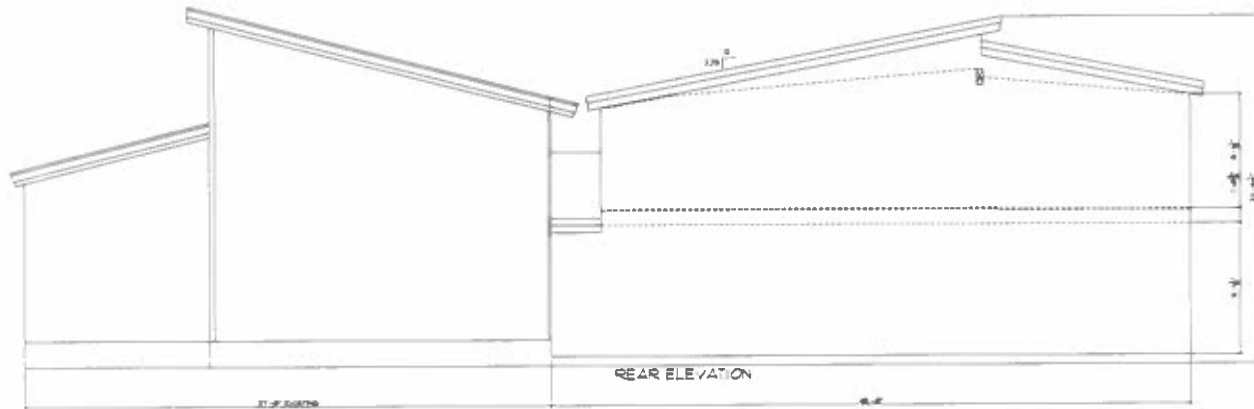
CONTRACTOR	
HOEQUER	REPLY DATE 6
ADDRESS: 1408 QUAIL ST	SCALE: 1/4" = 1'-0"
CITY: SANTA CLARA	DATE 3-7-73
STATE: UTAH	
SHEET TITLE: FLOOR PLAN	

**RYAN**  
STEEL DRAFTING  
CUSTOM DESIGN YOUR DREAM HOME

PH: 708.375.4420  
Email: [ryan@ryandrafting.com](mailto:ryan@ryandrafting.com)



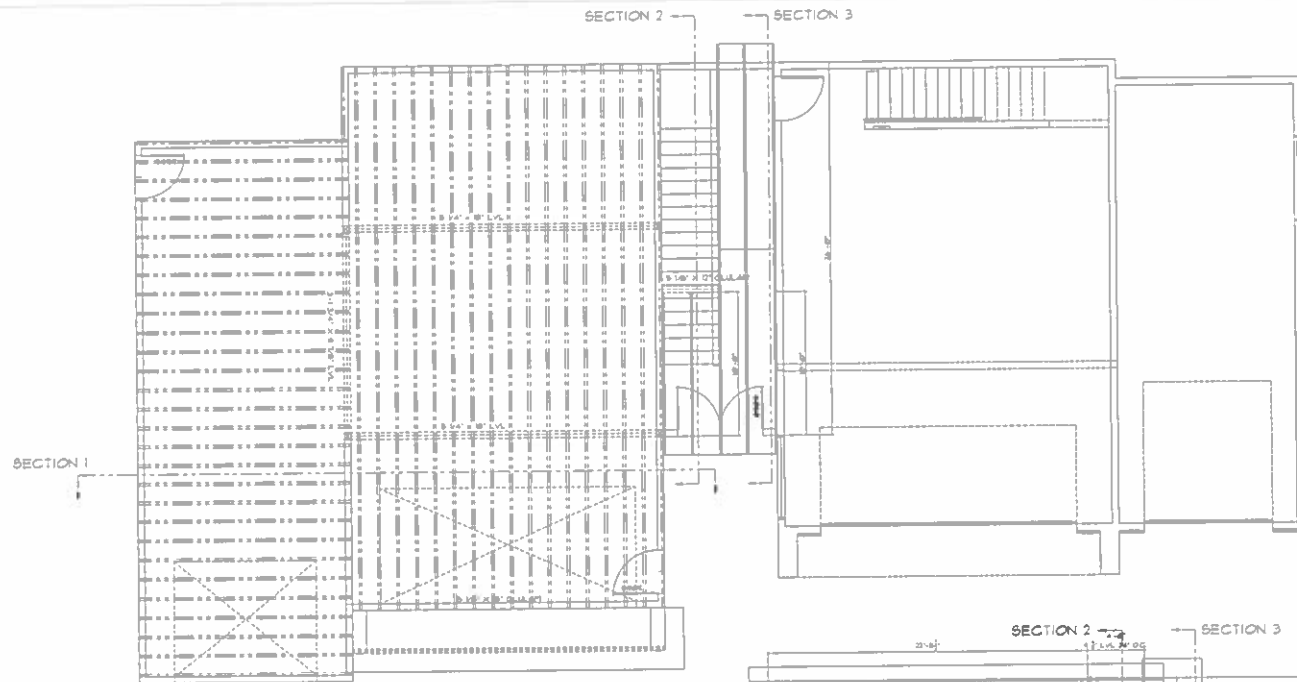
LEFT SIDE ELEVATION



REAR ELEVATION

CONTRACTOR	KELLY GATES
ADDRESS	1400 DUAL ST
CITY	SANTA CLARA, STATE OF CALIF
SHEET TITLE	FLOOR PLAN

**RYAN**  
 CUSTOM DESIGN YOUR DREAM HOME  
 1000 N. 1ST ST.  
 SAN JOSE, CA 95131  
 Tel: 408.261.8888  
 Fax: 408.261.8889



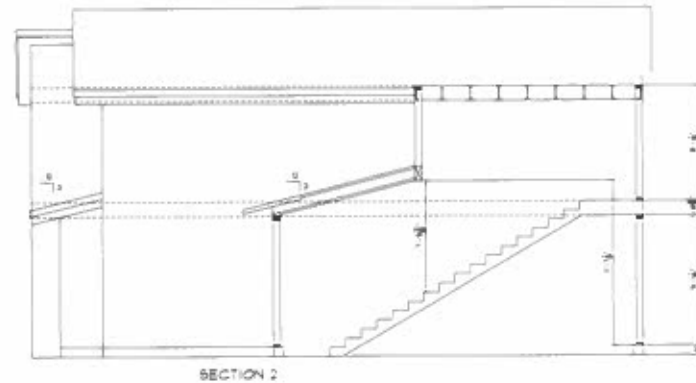
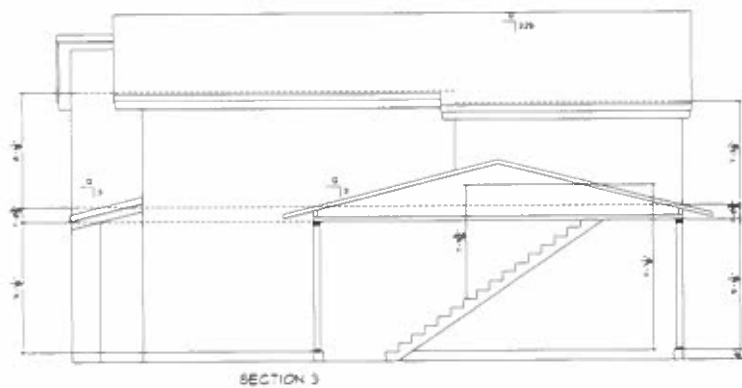
FLOOR JOIST LAYOUT

SECOND FLOOR ROOF PLAN

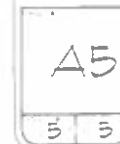
CONTRACTOR: KELLY GATES  
 ADDRESS: 1400 GULF ST  
 CITY: SANTA CLARA, CA  
 SCALE: 1/4" = 1'-0"  
 DATE: 7-7-23  
 STATE: CA  
 SHEET TITLE: FLOOR JOIST LAYOUT

**RYAN**  
 CUSTOM DESIGN YOUR DREAM HOME  
 1400 GULF ST  
 SANTA CLARA, CA 95050  
 408.291.1234

A4  
 1/4" = 1'-0"

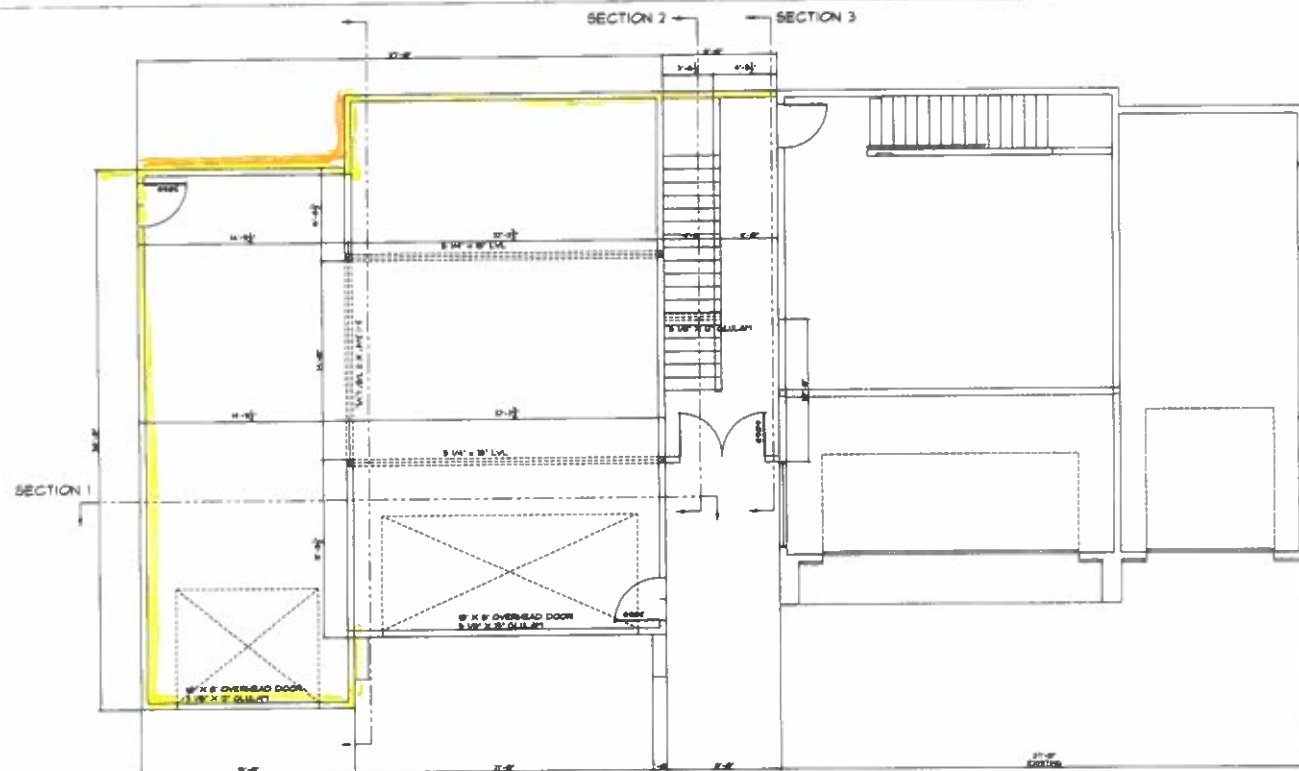


CONTRACTOR	KELLY GATES	SCALE	1/4" = 1'-0"
ADDRESS	1405 DUAL ST	DATE	1/1/13
CITY	SANTA CLARA	STATE	UTAH
SHEET TITLE: ELEVATIONS			



FIRST BREEZE WAY  
SECOND FLOOR STORAGE  
GARAGE

200 sqft  
1400 sqft  
1400 sqft

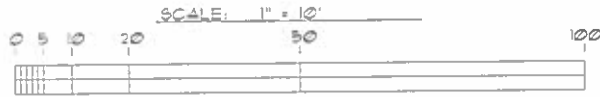


CONTRACTOR	RYAN
PROJECT NAME	RYAN
SCALE	1/4" = 1'-0"
DATE	DATE 2/2/23
ADDRESS	ADDRESS 1400 GAIL ST
CITY	CITY SAFFORD, AZ
STATE	STATE UTAH
SHEET TITLE	FLOOR PLAN

**RYAN**  
STEEL BEARING  
CUSTOM DESIGN YOUR DESIGN HERE  
PH: 760-337-8838  
WWW.RYANSTEELBEARING.COM

**A2**  
DATE 2/2/23





**PROPERTY INFO:**

ZONING:

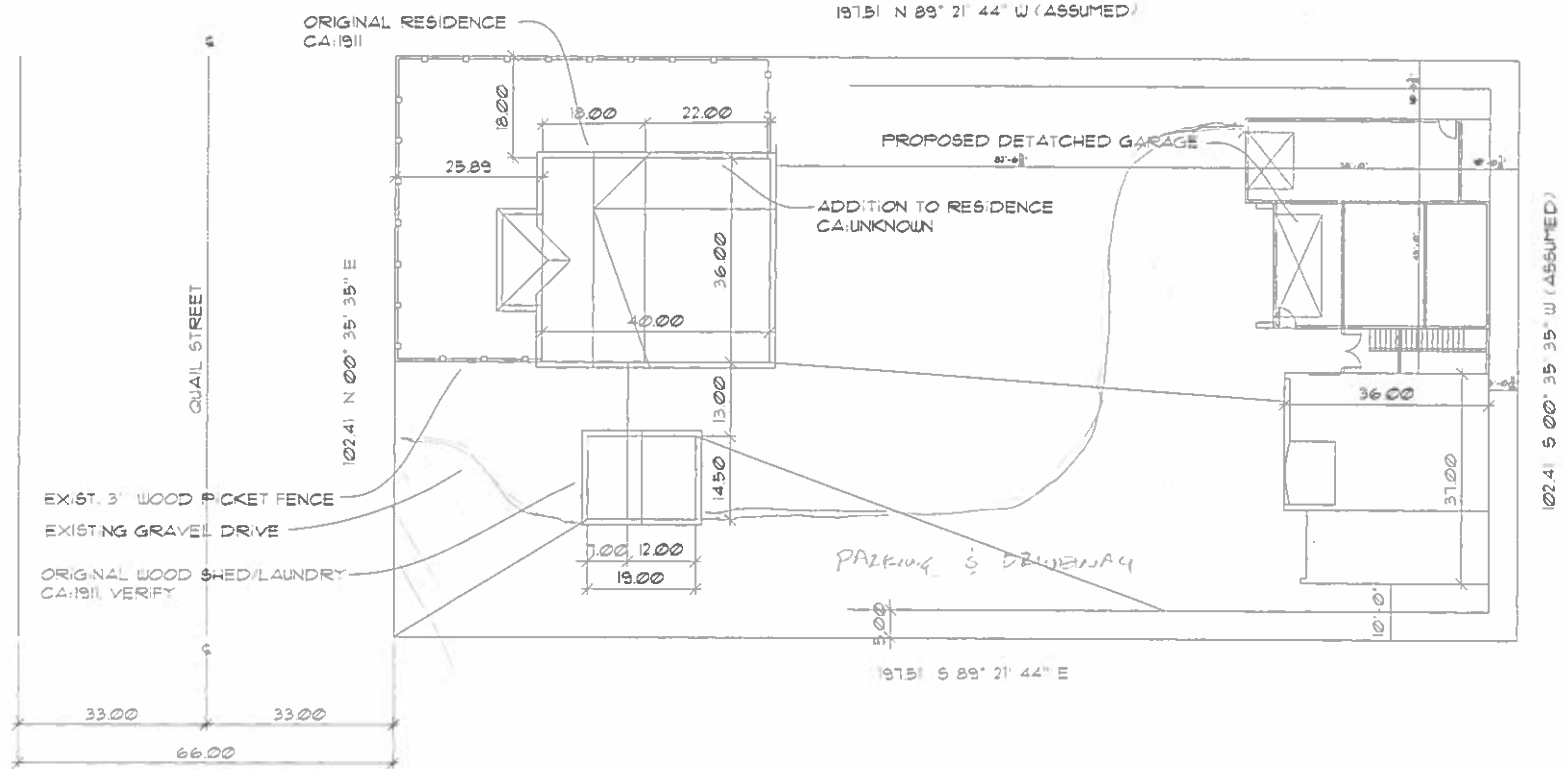
R-1-10 / HISTORIC DISTRICT OVERLAY ZONE

ACC. BLDG. SIDE SETBACK:  
ACC. BLDG. REAR SETBACK:  
ACC. BLDG. HEIGHT MAX:

5', PER R-1-10  
5', PER R-1-10  
20'-25', PER R-1-10 / HDOCT

NOTE: EXISTING BUILDING DIMENSIONS AND LOCATIONS IMPORTED AND SCALED FROM WASHINGTON COUNTY RECORDER/ASSESSORS OFFICE

PROPERTY DESCRIPTION FOR DISTANCE & BEARINGS DERIVED FROM WASHINGTON COUNTY RECORDERS OFFICE: LEAVITT SUBDIVISION PLAT MAP



PARCEL #SC-131-A  
N 1/2 LOT #4 SGT#F5  
1408 NORTH QUAIL STREET  
SANTA CLARA CITY, UTAH

NORTH



CONTRACTOR	KELLY DART
DATE	1/4/20
SCALE	1/4" = 1'-0"
ADDRESS	1408 NORTH QUAIL ST
CITY	SANTA CLARA, UTAH
STATE	UTAH
ZIP	84503
SHEET TITLE	SITE PLAN



#### 4B. General Business:

7. Review request of a Conditional Use Permit (CUP) to allow a height increase above 20 feet of a detached accessory building at 1408 Quail Street. Kelly Gates, Applicant.

**Corey Bundy:** The staff report is as follows:

**Conditional Use Permit request for detached garage above the 20' height limit in an R-1-10 zone at 1408 Quail Street in the Historic District.**

**Zone:** Residential R-1-10, in the Historic District

**Acres:** .44 acres

**Applicant:** Kelly Gates, property owner

**Project location:** To the rear of the existing home at 1408 Quail Street

**Request:** Approval of a Conditional Use Permit to allow a detached garage to exceed the 20' height limit for accessory buildings in an R-1-10 zone. The applicant proposes to construct the detached garage to a height of 24 feet 4 inches. Because the property is located within the Downtown Historic District the Heritage Commission reviews the request prior to it coming before the PC or City Council. When Mr. Gates first approached the Heritage Commission the proposed garage had a flat roof under 20' in height in order to meet the requirement without the need for a Conditional Use Permit.

However, the Heritage Commission requested that the garage have a pitched roof to match the existing home. Mr. Gates stated that was also his desire, but his designer designed a garage that met the height limitation in the R-1-10 zone without the need for a CUP. Mr. Gates told the Heritage Commission he would have the garage re-drawn with a pitched roof. The Heritage Commission approved his garage plan with a pitched roof, and also with an exterior building material of cedar lap and/or stone, also to match the home. The garage will have a living quarter above the garage primarily for family use, especially at present as Mr. Gates now lives in Idaho and visits Santa Clara regularly.

Staff recommends approval of the CUP for the additional height for the detached garage.

**Curtis Jensen:** When the City adopted standards awhile back for Conditional Use Permits. Is this project in compliance with those standards?

**Corey Bundy:** Yes. Those Conditional Use Permit standards include noise, aesthetics, and for forth. The requirements have been met. This use will not create a violation of the requirements.

**Curtis Jensen:** Any comments from Planning Commission?

**Marv Wilson:** Was the Heritage Commission OK with pitched roof?

**Corey Bundy:** Yes, it was actually their recommendation to have a pitched roof and not a flat roof for the garage.

**Leina Mathis:** Any concerns from neighbors?

**Corey Bundy:** No. To note, the height difference is 4 feet and 4 inches.

**Michael Day:** This does seem it meets the requirements and in compliance. However, it would have been nice to see a drawing of the home in which to compare it to the proposed garage.

Planning Commission

February 21, 2017

Approved



**Curtis Jensen:** If we are satisfied, please move forward to a motion.

**Motion to approve a Conditional Use Permit request for detached garage above the 20' height limit in an R-1-10 zone at 1408 Quail Street in the Historic District that is consistent with the Heritage Commission recommendation**

**Made by: Jason Lindsey, Seconded by: Leina Mathis**

**Aye: All in Favor**

**Nay: None**

**Motion carried.**

#### **4. Working Agenda**

##### **A. Public Hearings:**

- 1. Public Hearing to receive input for a General Plan Amendment to change from Low Density Residential (LDR) to Medium Density Residential (MDR) of a .89 acre parcel located at 1428 Victors Street. Jim Ence, Applicant, Allen Hall of Rosenberg & Associates, Representing.**

**Bob NicholSEN:** With regards to this matter, there are two Public Hearings that need to be addressed separately. The General Plan Amendment is dealt with agenda items 4A.1 & 4B.4. The Zone Change request is dealt with agenda items 4A.2 and 4B.5.

The staff report for this matter is as follows:

The City has received an application from Mr. Jim Ence to amend the City General Plan by changing the land use designation from Low Density Residential (2-4 du/ac) to Medium Density Residential (5-12 du/ac). The accompanying rezone request proposes 8 units on .89 acres for a density of 9 du/ac. The 8 units consist of 3 twin homes and 2 single detached units, all 2-stories in height.

The General Plan book has text (pp 36 & 37) that describes the goals and objectives for the Historic District and the concept of clustering new development is encouraged (Policy 4.6, and Action 4.3), and also the concept of new commercial or mixed use development expanding out from existing commercial and mixed use areas (Policy 4.3).

On the Land Use Map there are four "Downtown Commercial Nodes" shown within the Historic District, and one of those nodes is near the Frei Market. Expansion of commercial and mixed uses is therefore endorsed in the General Plan near the Frei Market. The subject parcel backs against the existing Frei warehouse. The site plan for this project will lock in the zone change request. Victors Street will terminate as a standard cul-de-sac.

The purpose of the City General Plan is to be a rough blueprint for future development; to conceptually layout the city where various land uses can be located which make sense for traffic flow and compatibility with other land uses.

Details related to the proposed residential project are part of the accompanying rezone request since zoning is typically the stage where proposed project details are considered. The General Plan is a conceptual layout of proposed land uses as determined through a planning process ultimately approved by the City Council. Staff feels the proposed General Plan amendment is in harmony with the goals and objectives expressed in the General Plan narrative regarding the Historic District.

Planning Commission

February 21, 2017

Approved

**SANTA CLARA CITY  
Heritage Commission Meeting  
Tuesday October 11, 2016  
2603 Santa Clara Drive  
Time 4:30 P.M.**

**Present:**

Commission Members: Don Graf, Roy Hafen, Vicki Lasswell, Wendy Basso

Council Member: Tode Hafen

Clerk:

Others Present: Bob Nicholson, City Planner; Richard Kohler, Kelly Gates

Motion to approve the minutes for July 12, 2016 & July 21, 2016.

**Motion by Don Graf: Seconded by Wendy Basso with all members present voting aye.**

**Business:**

Wendy stated that although minutes of the meetings were approved, she was disappointed and frustrated that the proposal/drawing presented by Kent Frei to the Heritage Commission on July 21, 2016, which we recommended be passed on to the Planning Commission, were NOT the same drawings which came before the Planning Commission on Sept 13, 2016.

To ensure that this does not happen again, it was decided that a signed and dated exhibit would be sent to the Planning Commission from the Heritage Commission on any future proposals.

The Heritage Commission desires to re-review this proposal of Mr. Frei's, as there are issues with misrepresentation of his designs.


**A- Consider proposal for a detached garage with a second story living space above, in the back corner of the property at 1408 Quail Street. Presented by Ben Dymond.**

Mr. Kelly Gates stated that he has owned this parcel of property for the last 15 years.

The new proposed construction will not affect the current historical house. The living quarters proposed above the garage will not ever be a rental. Mr. Gates resides in Idaho, but spends some time in Santa Clara, so he desires to keep a car and boat secure in the garage space, with he and his family occasionally occupying the quarters. He will be creating a driveway along the south property line to access the structure from the street. The commission reviewed the drawings, and stated concern for (1) the flat roof, as it is not "historical". Mr. Gates actually preferred a pitched roof, but went with his architects' desire to stay within the city code 20-foot height limit on accessory buildings). The commission was also concerned about (2) the modern exterior material of metal and wood. Mr. Gates actually preferred cedar siding or stone, but his architect understood that the material must be non-flammable. Both Richard Kohler and Bob







Nicholson stated that there is no restriction in the city code as to flammability, and that a variance could be obtained to allow a pitched roof that would exceed the 20' limit. Mr. Gates stated he would be willing to work with staff to change the roofline and siding materials, and add the driveway to his drawing.

**Motion to approve the proposed garage, with the addition of the driveway along the south property line drawn in the proposal, with the variance conditional use for a pitched roof, and a change in the exterior to cedar lap and stone.**

**Motion by Roy Hafen: Seconded by Vicki Lasswell with all members present voting aye.**

**B- Review the Historic District Design Guidelines, Presented by Bob Nicholson.**

Bob discussed a need to improve the drawings included in the city's historical guidelines in order to show accessory buildings such as granaries, sheds, garages, and barns. Richard Kohler will work on supplying those drawings for the guidelines. It was proposed that an open house for Santa Clara residents be held in the near future, when the guidelines are completed, to get citizen input and serve as a public relation tool. It will not be a public hearing, just an informative meeting.

**C- Review the boundaries of the Historic District Overlay Zone. Presented by Bob Nicholson.**

The commission reviewed the current Historic District Overlay Zone Map. Lines were redrawn to exclude new subdivisions and homes that are not considered historic at this time. The Santa Clara Town Hall was included in the zone (it had been excluded), as was the proposed development by Richard Kohler to the east of Town Hall.

**Motion by Roy Hafen to accept the new outlines of the Historic District and forward them on to staff and Council for approval and updating: with all members present voting aye.**

Next meeting Tuesday, November 8 at 4:30 p.m.

Adjournment 5:50 p.m.

Approved: \_\_\_\_\_  
Sherry Laier



## APPLICATION FOR A CONDITIONAL USE PERMIT

AS PROVIDED BY THE CITY OF SANTA CLARA, UTAH, ZONING ORDINANCE

Hearing Date: 2<sup>nd</sup> Tuesday at 6:00 p.m. Application **MUST BE SUBMITTED 7 DAYS PRIOR** to hearing date. Filing Fee: \$200.00 Additional Dwelling Unit Filing Fee \$100.00

TO THE PLANNING COMMISSION  
SANTA CLARA, UTAH

DATE: \_\_\_\_\_

The undersigned applicant is the owner of the following legally described property: (Give exact legal description to include Section, Township, Range, Lot Subdivision, Street Address, Business Name):

1408 Quail Street SC-131-A  
Santa Clara Town & Field Sur Blk 16 (SC) lot 3N 1/2 lot  
3 Blk 16 SCT & FS (see attached)

Attach a plot plan, drawn to scale, of the property involved showing the following information:

1. Prepare site plans and elevations;
2. Show existing and proposed buildings, fences and general landscape layout;
3. Show parking, loading areas, and automobile circulation;
4. Show any existing and proposed signs, lighting;
5. Show vicinity map (major/minor streets, intersections, neighboring subdivisions and relative location within the city), drainage plan and topography of irregular land;
6. Include any other pertinent information.

Are there any deed restrictions affecting the use of the property involved? Give the expiration date of these restrictions:

\_\_\_\_\_

Would the proposed use be materially detrimental to the surrounding property?:

\_\_\_\_\_

The undersigned property owner requests a **CONDITIONAL USE PERMIT** as permitted in the Santa Clara City Zoning Ordinances to use the above-described property for the following purposes (attach additional sheets if necessary):

allowance of a detached garage to be built  
with pitched roof as per Heritage Commission  
Requirement, but pitched roof will put the garage  
over height Requirement (17.64.040 of Santa Clara City  
ordinances) - see attached

(X)



3713 ft elevation

ANJANELLI

43°

Quail St

SHERWOOD  
ROBERT  
DALLAS &  
KANDICE  
TRS

PETERSON  
DALE L &  
AFTON  
J TRS

Santa Clara Dr

JOHNSON  
WAYNE F &  
PATRICIA  
C

GUBLER  
COURTNEY  
& MANDI

AUSTIN  
ASTA W  
& LEROY  
W TRS

Chapel St

GATES  
KELLY L

HAFEN  
RAMONA  
C & ARLO  
J TRS

(Private)

LEAVITT  
GREGORY  
F &  
MAKAYLA

HAFEN  
RAMONA  
C TR

























**SANTA CLARA CITY PLANNING COMMISSION  
MEETING MINUTES  
2603 Santa Clara Drive  
Thursday, April 13, 2023**

**Present:** Mark Hendrickson, Chair  
Logan Blake  
James Call  
Mark Weston  
Curtis Whitehead

**Staff:** Jim McNulty, Planning and Economic Development Manager  
Cody Mitchell, Building Official  
Selena Nez, Deputy City Recorder  
Dustin Mouritsen, Public Works Director

**Excused:** Shelly Harris  
Ryan Anderson

**1. Call to Order.**

Chair Mark Weston called the 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. None.**

**5. General Business.**

**A. Recommendation to City Council.**

- i. Recommendation to the City Council to Consider Preliminary and Final Plat Approval for Silverado Commercial Subdivision. The Property is located at the Intersection of Pioneer Parkway and the Future Extension of Red Mountain Drive. Julian Stemmer, Applicant.**

Planning and Economic Development Manager, Jim McNulty, presented the staff report and



displayed the preliminary and final plats for the four-lot commercial subdivision. Julian Stemmer represents Silverado, LLC, who is seeking to subdivide an existing metes and bounds property consisting of 20.74 acres. The proposed subdivision will include four lots. Lot 1 is 6.44 acres in size, Lot 2 is 5.22 acres, Lot 3 is 2.61 acres, and Lot 4 is 5.45 acres. Lots 3 and 4 both have frontage on Pioneer Parkway. Lots 1 and 2 have frontage on Red Mountain Drive. Each of the proposed lots appeared to be of sufficient size for the proposed commercial and residential uses. Ingress will be available to the lots from Pioneer Parkway, Red Mountain Drive, and Rachel Drive. Lot 1 will have a connection to Rachel Drive to the west.

A medical office building is looking to locate on Lot 4. This had changed since it was last seen by the Planning Commission. The property was proposed to be sold to Intermountain Healthcare (“IHC”). Previously, it was to be a pickleball facility and a sports-themed bar and grill. Staff was informed by the applicant that that is no longer an option. The remaining Lots 1, 2, and 3 will be developed as previously discussed with the Planning Commission and City Council. A mancave/residential project is proposed for Lot 1 with a multi-family apartment project proposed for Lot 2. The applicant intends to develop commercial retail pads on Lot 3 and the frontage along Pioneer Parkway and Red Mountain Drive. The applicant is aware that they will be required to submit an updated project plan, rezoning, and a General Plan Amendment. Tonight the Commission was only considering a legal subdivision of the property into four lots.

Mr. McNulty reported that public notices are not required for a subdivision, however, the Planning Commission agenda has been posted in multiple locations as per State Code. No comments had been received by staff. The City reviewing departments provided recommendations. Once the site is ready to be developed, Geotechnical Reports will be required. The Power Department would like all of the Public Utility Easements (“PUE”) to be shown prior to recordation. Staff recommended that the Planning Commission forward a positive recommendation to the City Council for Preliminary and Final Plat Approval subject to the conditions set forth in the Staff Report.

Julian Stemmer, Jared Bates, and Allan Hall were present representing Silverado, LLC. Mr. Stemmer was pleased with the plan that was approved but they had trouble proceeding to the next step with the City Council. They were unable to get the support needed primarily due to the pickleball facility. After additional meetings with the neighborhood and City Council, they decided to see if there was interest in the parcel. They felt that having an IHC Instacare will benefit the community. With regard to timing, Mr. Stemmer indicated that the purchase is expected to take place within 60 days of completion of the subdivision.

Commissioner Blake asked if they were building the road or bonding for the Red Mountain Drive extension. Mr. Stemmer responded that they plan to construct the road now that IHC has acquired Lot 4. Mr. McNulty stated that there has been discussion that Black Desert is involved as well. Mr. Bates explained that they are in the process of working on the Development Agreement and preparing to submit the Preliminary Plat for the Black Desert Agreement. That will include the eastern portion of Red Mountain Road, which they anticipate will be three-fourths of the asphalt and the bridge to that point. They were showing the road as part of their project.

Commissioner Hendrickson inquired about the Tuacahn Wash and if it can accommodate two or three lanes and a turning lane. Mr. McNulty doubted that it will be widened since it is shown on the Roads Master Plan as having a 66-foot right-of-way. Public Works Director, Dustin Mouritsen, reported that they are looking to the future and having a center turn lane. That was not expected to happen

until past the bridge. Commissioner Call brought up the traffic light at Red Mountain. Mr. Mouritsen stated that it would be split between developers.

**Commissioner Blake moved that the Planning Commission forward a POSITIVE recommendation to the City Council consider the Preliminary and Final Plat approval for the Silverado Commercial Subdivision located at the intersection of Pioneer Parkway and the future extension of Red Mountain Drive subject to the following:**

**Conditions:**

- 1. The applicant shall be required to comply with the recommendations from all City reviewing departments.**
- 2. The applicant shall be required to include all Public Utility Easements (PUEs) on the final plat.**
- 3. The applicant shall be required to record the subdivision plat and provide an electronic copy to City staff.**
- 4. The applicant shall be required to obtain a will-serve letter or other verified documentation from the Washington County Water Conservancy District, (“WCWCD”) prior to obtaining a Building Permit.**
- 5. The applicant shall be required to submit an updated Project Plan, Rezoning, and General Plan Amendment application.**
- 6. The applicant shall be required to submit a geotechnical report for each building prior to permit issuance.**

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

- ii. Recommendation to the City Council to Consider Final Plat Approval for Santa Clara Valley Homes. The property is located at approximately 1402 Victors Street. Jim Ence, Applicant.**

Mr. McNulty presented the Staff Report and stated that the project has been in the works for some time. The applicant, Jim Ence, is requesting Final Plat Approval. The proposed project includes eight townhome units consisting of three twin homes and two single-family units on 0.89 acres. This equates to a density of nine units per acre. The townhomes will be located on-site with the common area open space, project landscaping, a private driveway, and nine guest parking spaces. The subject property was rezoned from R-1-10 Single-Family Residential to Planned Development Residential (“PDR”) on March 22, 2017. Additionally, the General Plan Map was updated from Historic Low-Density Residential (“LDR”) to Historic Medium Density Residential (“MDR”) in support of the project. A copy of City Ordinance #2017-03 was attached.

The Planning Commission reviewed the Preliminary Plat on June 20, 2017, and recommended approval to the City Council. The City Council approved the Preliminary Plat on June 28, 2017. On August 22, 2018, the City Council approved a 3½ year time extension for the Preliminary Plat as the applicant left the country to serve a mission for the Church of Jesus Christ of Latter-day Saints. Upon coming home in late 2021, a second extension of time was requested and granted by the City Council on January 26, 2022, allowing for an additional 18 months.

Mr. McNulty reported that ingress and egress to the site will be provided from Victor Street and an extension of a private driveway into the interior of the site. A portion of Victor Street will be vacated to allow for a new finished public right-of-way width of 45 feet. The City Council will be required to hold a public hearing on a portion of Victor Street as a portion of it is set to be vacated. A public hearing will be held and a decision made by the City Council per State Code on April 26. A portion of Victor Street will go from a 66-foot to a 45-foot right-of-way. There will be a park strip on each side. The cul-de-sac will meet the City's standard with a radius of 50 feet.

Mr. McNulty reported that the public street and dedication will be required. A 26-foot private driveway will also be provided as well as nine guest parking spaces. The building setbacks are required to meet the requirements of Chapter 17.68, Planned Development Residential ("PDR") Zone with minimum 10-foot side and rear yards. The project was reviewed by the Heritage Commission in January 2017 and recommended that the Planning Commission and City Council approve the building elevations and materials. They include a gray lap siding or Hardie board, stucco, red brick, and white trim as well as an upstairs balcony with white railing and columns and a gabled roof to provide architectural interest.

The applicant is proposing approximately 40% of the total lot area as common landscape/open space. They will also be required to comply with City Ordinance. Culinary water availability is key. With regard to landscaping, the sod and lawn areas are limited with numerous trees with a drip system and a xeriscape type design. The Landscape Plan appeared to comply with the ordinance and be well done. The applicants will be required to get approval for water from the Washington County Water Conservancy District ("WCWCD") prior to final plat recordation. Because secondary water is available, the applicant will be required to connect and install the secondary water line for outdoor water use.

Mr. McNulty referenced the existing storm drain easement adjacent to Unit 7, which is scheduled to be vacated. The applicant will be required to submit a Dust Control Plan prior to Final Plat recordation if precautionary measures are needed to protect the general health, safety, and welfare of residents living in the vicinity. Public notices are not required for subdivision plats and the Planning Commission agenda has been posted in multiple locations per State Code. All reviewing departments have reviewed the application. Each residential building or unit will be required to submit a Geotechnical Report. Police and fire emergency vehicle access is required and has been reviewed and approved by the Fire Marshall. It was noted that a fire hydrant is being installed at the end of the private driveway. Public Utility Easements ("PUE") are required on the final plat by both the Power and Public Works Departments. A final mylar with signature blocks for the plat will be required. All State Code requirements were met for the subdivision of the property. Staff recommended that the Planning Commission forward a positive recommendation to the City Council for Final Plat Approval for Santa Clara Valley Homes subject to the conditions enumerated in the Staff Report.

Chair Hendrickson commented that when he walked the property there is a fire hydrant at the end that is to be incorporated into the circle at the rear of the subdivision. He asked about the ditch on the north side of the property. It was reported to be on property owned by Rick and Dorothy Orton.

Commissioner Blake asked about the availability of irrigation. As there is irrigation in the area, which should be easy to accomplish.

Commissioner Weston asked Mr. Ence if he had any issues with the conditions. Mr. Ence had no objections.

**Commissioner Whitehead moved to recommend that the Planning Commission forward a POSITIVE recommendation to the City Council for Final Plat Approval for Santa Clara Valley Homes, subject to the following conditions:**

- 1. The applicant shall be required to comply with the recommendations from all City reviewing departments for each project phase.**
- 2. The applicant shall be required to install public street improvements which meet city standards. Also, a 26-foot private driveway with nine (9) guest parking spaces shall be installed in the interior of the project.**
- 3. The building setbacks for this subdivision shall meet the requirements of Chapter 17.68, Planned Development Residential (“PDR”) Zone.**
- 4. A two-car driveway with a minimum depth of 20’ and a two-car garage shall be provided for each home/unit.**
- 5. The building height for all homes/units in this subdivision be limited to 35 feet.**
- 6. The building design, colors, and materials shall be as presented to the Heritage Commission, reviewed by the Planning Commission, and approved by the City Council. Any changes will be required to go back to the Heritage Commission for review along with the Planning Commission and City Council for approval.**
- 7. 40% of the lot area shall be utilized as common landscape/open space.**
- 8. The applicant shall provide a Will-Serve Letter or other verified documentation from the WCWCD prior to final plat recordation.**
- 9. A secondary water system shall be required for outdoor use. The applicant shall be required to comply with City Ordinance #2022-05.**
- 10. The City Council shall approve the abandonment of the existing storm drain easement adjacent to Unit 7 (along the south property line).**
- 11. The City Council approve the partial street vacation for Victor Street.**
- 12. The applicant shall provide a Dust Control Plan prior to final plat recordation.**



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

**B. Recommendation to City Council.**

**i. Rylu's Covered Outdoor Dining. Property located at 2862 Santa Clara Drive. Tyler Gardner, Applicant.**

Mr. McNulty presented the staff report and stated that Rylu's Bistro is the reuse of an existing home that was converted to a commercial use. The Heritage Commission reviewed the request and recommended approval to the Planning Commission who is the approving body for this particular application. Chapter 17.74 refers to Chapter 17.66 and he and staff have determined that the proposed application will create a nice outdoor space for patrons and promote more walkability in the downtown area. That provision allows the setback of the covered outdoor dining structure and staff recommended approval.

The applicant, Tyler Gardner, stated that they are trying to create better use of the area during the summer months.

Commissioner Weston moved to approve the application for covered outdoor dining at Rylu's Bistro located at 2862 Santa Clara Drive with the following conditions:

1. The covered outdoor dining area shall be approved at 7'6" from the back of curb along Santa Clara Drive as presented. That the height of the two (2) proposed structures does not exceed 10'6" as presented.
2. The covered outdoor dining area shall not be attached to the building, with three feet of separation as presented.
3. The proposed covered awning building material (aluminum lattice design) and color (white) are acceptable.
4. The applicant shall come back to Heritage Commission and Planning Commission if changes to the building material and color are proposed.
5. The applicant shall obtain a Building Permit prior to construction activity occurring on the site.

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

**6. Discussion Items.**

**A. Drought Contingency Plan – Dustin Mouritsen, Public Works Director.**

Mr. Mouritsen reported that Mayor Rosenberg asked him to inform the Commission of the proposed

Drought Contingency Plan that will be adopted by cities as part of the Regional Water Supply Agreement Amendment. The plan was reviewed and discussed. To prepare for emergency drought conditions, the Washington County Water Conservancy District developed a Drought Contingency Plan with funding from the United States Department of the Interior Bureau of Reclamation. The plan was developed in partnership with the Regional Water Supply Agreement to provide a collaborative system for prioritizing drinking water under circumstances of diminishing water supply. The plan was developed using a working framework approved by the Bureau of Reclamation. As a requirement of the Funding Agreement, the framework includes an overview of the steps involved as well as the schedule for development and feedback on key elements such as mitigation areas. The District and members of its water service area have invested heavily in conservation measures such as a rebate and incentive program to reduce water demand successfully reducing per capita usage by more than 30% from the year 2000.

The District developed a drought monitoring tool to identify drought, quantify drought conditions, and assess the severity. The five drought stages range from zero, which is normal condition to four, which is extreme drought. Action Plans are tailored toward three response groups consisting of residential, community, and water provider. The Vulnerability Assessment will identify areas of vulnerability in existing facilities, system capabilities, and water practices of the District and its customers. The Task Force will meet monthly to review the technical information and make recommendations to the Washington County Water Conservancy District ("WCWCD") Board who will decide whether to announce a drought-stage change. The District will coordinate with its municipal partners to provide information to the public. The District will evaluate and update the Plan every five years.

Mr. Mouritsen described each of the drought stages as follows:

- Stage 0 – Occurs when the water supply necessary to meet current demands is also adequate to maintain or increase storage supplies.
- Stage 1 – The City is currently in Stage 1. It describes meteorological conditions when water demands tap into storage supplies faster than they can be replenished.
- Stage 2 – Concern. Is used when the water supply has already been diminished, reservoir levels are low, and the conditions have failed to replenish the supply.
- Stage 3 – Alarm. Will be used when the available water supply has deteriorated significantly and is approaching critical levels. At this stage, water will begin to be rationed and redistributed to maintain life-sustaining uses.
- Stage 4 – Crisis. This is the most extreme stage of this Drought Contingency Plan. It will come into effect when storage supplies have been depleted and the region will be required to limit use to only what becomes available in each season. All non-essential water use will be terminated at this point.

A chart was displayed showing the five stages and what is required of residents, the local municipality, and the District as follows:

- Stage 1 – Caution. Residents are asked to reduce irrigation frequency and/or duration.
- Stage 2 – Residents are asked to follow mandatory irrigation schedules and irrigate only trees and shrubs as recommended.

- Stage 3 – Grass irrigation is prohibited. The irrigation of trees and shrubs is allowed via drip irrigation or hand watering.
- Stage 4 – Catastrophic. No outdoor water use is allowed.

The City will be required to implement the following:

- Stage 1 – Reduce irrigation of public facilities by 20%.
- Stage 2 – Reduce irrigation of public facilities by 40%, restrict construction water use, and raise tiered water rates.
- Stage 3 – Prohibit irrigation of non-functional grass, implement enforcement measures for failure to comply with conservation measures, and institute a Temporary Building Moratorium.
- Stage 4 – Eliminate all outdoor irrigation and aggressive enforcement including water shutoffs.

The District will be required to implement the following:

- Stage 1 – Focus on water management to maintain reservoir and aquifer levels and increase water use education.
- Stage 2 – Begin voluntary transfers of irrigation water to potable use.
- Stage 3 – Reduce water deliveries by population not limited by delivery contract.
- Stage 4 – Limit contract water deliveries.

A question was raised regarding how the information is delivered to citizens. Mr. Mouritsen stated that it will be on the radio, television, and social media. There was discussion of tiered water rates, which will be aggressive to limit water use. Mention was made of pools not being addressed since they have a high evaporation rate. Commercial car washes may also be affected.

Mr. Mouritsen stated that well water use will also be policed. He noted that the City only used 11% of WCWCD water. The City has water rights they are not using, which is why they are looking to get another well. An effort was being made to reduce the amount of grass planted with rebates available at \$3 per square foot. With regard to water storage, Mr. Mouritsen stated that the City has adequate water storage since they use tanks and not reservoirs.

Commissioner Blake had heard that the intent was to implement more meters for secondary use. Mr. Mouritsen stated that there is a grant available to meter secondary water lines. Secondary water users are now required to meter their systems as part of the Water Efficient Landscape Ordinance. Those who do not comply violate the Regional Water Supply Agreement could be at risk of having their water taken away. Enforcement issues were discussed.

## **B. General Plan Amendments.**

Mr. McNulty reported that there have been numerous requests for General Plan Amendments recently. He asked City Attorney, Matt Ence if it is common to consider that many General Plan Amendments. Many have been in support of zone changes. He spoke to other communities about how they process General Plan Amendments. He found that some only process them once per year. He also worked for an entity that did so twice a year and another that processed them quarterly. They

spoke to the City of St. George who processes General Plan Amendments quarterly. The Mayor and City Council have recommended that they be limited to quarterly.

Commissioner Blake questioned how much weight is given to a General Plan if it is only done bi-annually. Mr. McNulty stated that he has heard from the Mayor and City's elected officials that they will process the General Plan before they process a rezone. They will be split rather than done concurrently.

Commissioner Weston recalled a special meeting that was held with the Planning Commission and City Council where the City Council directed them to stop trying to enforce the General Plan because it is an unenforceable document. Mr. McNulty reported that the current General Plan was adopted in 2014 with map amendments in 2017. Often, when a General Plan is prepared, a consultant leads the effort. Mr. McNulty stated that he is not able to do it on his own due to his other daily tasks. He would want to be involved with the consultant but funds would need to be allocated to have the work done. It generally needs to be redone every five to 10 years. For a growing community, it should be done every five years. He felt that now was the time to redo the City's document.

Chair Hendrickson asked if they need to take the General Plan as it is and focus on key elements. Mr. McNulty stated that there could be a focus in a certain area for example. Language could be added to Chapters 17 and 18 to state that the General Plan will be considered quarterly by the City. He would take the Commission's comments back to the Mayor and City Attorney. He has been tasked with separating the processes. They will do a General Plan Amendment to get a feel for whether a use could be allowed. They can then move to the Project Plan process. The Commission is also meeting twice per month in an effort to get things done. Chair Hendrickson encouraged the Commission to focus on following the rules.

**7. Approval of Minutes.**

**A. Request Approval of the Regular Meeting Minutes – March 23, 2023.**

The minutes were reviewed and modified. Commissioner Blake lights to traffic lights.

**Commissioner Blake moved to approve the minutes of the March 23, 2023, Santa Clara Planning Commission Regular Meeting, as modified. Commissioner Call seconded the motion. The motion passed with the unanimous consent of the Commission.**

**8. Adjournment**

The Planning Commission Meeting adjourned at 6:35 p.m.

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Jim McNulty  
Planning Manager

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