SANTA CLARA CITY PLANNING COMMISSION
MEETING MINUTES
2603 Santa Clara Drive
Thursday, November 14, 2019

Present: Leina Mathis, Chair
         James Call
         Michael Day
         Mark Hendrickson
         Mark Weston
         Curtis Whitehead

Staff:  Corey Bundy, Community Development Director
         Bob Nicholson, City Planner
         Devin Snow, City Attorney
         Selena Nez, Planning Commission Secretary

Excused: Jason Lindsey

1. Call to Order.
   Chair Leina Mathis called the meeting to order at 5:30 p.m.

2. Opening Ceremony.
   Michael Day led the Pledge of Allegiance and offered the invocation.

3. Communications and Appearances.
   A. General Citizen Communication.
      There were no citizen comments.

4. Working Agenda:
   A. Public Hearings.
      1. Public Hearing to Consider Adding Certain Strategies Per State Law to the City General Plan to Facilitate the Development of Moderate-Income Housing.

City Planner, Bob Nicholson presented the staff report and reported that this year the Legislature passed an amendment to the affordable housing reporting requirements. They provided 23 strategies with cities being required to adopt and implement at least three in the next year. A report is due to the State in December 2020. Failure to comply will jeopardize State Transportation Funding. Mr. Nicholson reported that previously cities were required to submit an affordable housing update every two years; however, beginning next year, this needs to be submitted annually describing efforts made to address affordable housing, which will become an addition to the City’s
General Plan. While the City cannot guarantee affordable housing, Mr. Nicholson stated that actions can be taken that encourage and support it through the following four strategies:

1. Rezone for densities necessary to assure production of moderate income housing. In Santa Clara City, a single-family detached home on individual lot would not normally be considered an affordable housing unit due to the high cost of building lots. Rather, attached housing units such as townhomes, apartments, and condominiums would be the best option for affordable housing units. Townhome units that sell for around $250,000 are presently the most affordable housing option. In 2018 and 2019, the City continued to rezone areas for medium-density housing with densities of up to 12 units per acre. In 2018 and 2019, Santa Clara City took action to promote the development of moderate-income housing by approving revisions to the City’s General Plan to allocate more land area to medium-density housing and rezoned property from the R-1-10 Single-Family Residential to PD-Residential, which allows for smaller lots and also for attached housing such as townhomes and condominiums. The significant General Plan amendments and zone changes in 2018 and 2019 are as follows:
   a. **South Hills.** Included a General Plan amendment for 1,680 acres of public and private land, which included 270 acres in 12 development pods for medium-density residential housing, could result in approximately 1,500 new dwelling units, most likely attached, if developed at an average density of 5.5 dwelling units per acre.
   b. **Black Desert.** The General Plan Amendment involved designating 298 acres for a large planned development project with golf course, natural open space, medium density and mixed-use residential housing.
   c. **DR Horton.** The City approved amended Planned Development Residential Zones for the DR Horton project with 185 proposed townhome units as well as the Solace project to the north that includes 250 detached and attached housing units on 52 acres. These projects will not likely create much new affordable housing, but the amendments to both the General Plan and Zoning map provide evidence of the City’s efforts to increase density in the City, which will be an important factor in reducing housing costs in Santa Clara.

2. Allow for and reduce regulations for Accessory Dwelling Units in residential zones. Santa Clara City has allowed second dwelling units also known as Accessory Dwelling Units (“ADU”) in R-1 zones for a number of years; however, the present regulations do not allow for a detached single level accessory dwelling unit. The City has reviewed the ADU Code provisions and determined that allowing more options or flexibility in the location of an ADU will likely encourage more construction of ADUs in the City’s R-1 zones. The present regulation proposed to be modified is as follows; Sections 17.60.060;G.1-3, and 17.64.060.H.2.a-c both allow a second dwelling unit on a single family lot (RA and R-1-10 zones) but only under one of three conditions: over a garage; inside the home through an internal conversion of the home; or by an addition to the house, with an internal connection between dwelling units. A detached ADU at ground level (i.e., not over the garage) is presently not permitted, but as a means of promoting more affordable housing. The City has proposed the addition of a fourth option that would allow detached ADUs at ground level subject to meeting the minimum rear and side residential setbacks mandated in the
International Residential Code that governs residential construction in the State of Utah. This option is expected to promote the construction of more ADUs in the R-1 zones within Santa Clara City.

Mark Hendrickson asked if the change is allowed in neighboring cities. Mr. Nicholson confirmed that it is. For example, St. George City recently changed their Code to adopt a provision for ADUs. James Call reported that he recently read a book entitled Affordable Housing Architecture, which identifies ADUs as the most effective way of providing affordable housing because the land is already owned rather than being an additional expense. Mr. Nicholson agreed that having more ADUs is a good solution for affordable housing. He explained that an amendment to the zoning ordinance would be needed to accommodate that.

3. **Allow for higher densities in mixed-use zones, commercial centers, or employment centers.** The City’s present zoning allows mixed-use projects in both the PD Residential or PD Commercial zones. In the PD Residential the density is set at up to 12 units per acre. In PD Commercial it is unclear. In order to encourage more affordable housing options in mixed-use projects in PD Commercial zone, it was proposed that there be more flexibility in terms of the project density. They would, however, have to comply with open space, height, and parking requirements. Mr. Nicholson stated that the language in the ordinance could stipulate that density bonus standards shall apply in the PD commercial zone but that the ultimate density is somewhat flexible.

4. **Implement zoning incentives for low to moderate income units in new developments.** The City will explore zoning incentives such as a density bonus provision whereby additional project density can be granted where some units are designated as “affordable housing units” to increase the supply of moderate-income housing units. In 2020, the City will research what levels of incentives are needed to adequately entice developers to increase the project density and include “affordable units” in the new development. Mr. Nicholson stated that zoning incentives could include things like reducing fees or increasing density. He noted that the most practical incentive, given the density bonus, may be increasing density. A question was raised about whether there are any prescribed ratios that could be used as a basis for the density bonus. Mr. Nicholson explained that there are people at the State level who could help in that regard. He explained that if there is agreement, this would go to the City Council to be acted on by December and compliance for the first part of the State requirement would be achieved.

Chair Mathis opened the public hearing.

**Justin Caplin** gave his address as 1454 Boys Pond Circle and expressed support for amending the Code to allow for casitas. He was concerned that having no cap on density for planned unit developments and with government incentives. Additionally, he liked the idea of the City reducing regulations and costs associated with building new homes. He explained that his parents have had difficulty building a home in Santa Clara and subcontractors have indicated that they charge much more to build in Santa Clara because it is so complicated. Mr. Caplin was present because a block wall at the home he recently purchased is required to come to the Planning Commission for approval because of the height, even though there is no objection to it by the neighbors and it is not
on the street. He remarked that this requirement does not seem necessary and probably increases the cost to the builder and ultimately to the end buyer.

Jared Bates reported that he does not live in Santa Clara but was present as an engineer. With respect to the bonus density, affordability, and creating an incentive for developers to build a product that is affordable, often bonus density offsets the affordability. Typically in St. George, the highest density that can be achieved is 18 units per acre. He suggested offering incentives such as reducing building setbacks, widths of the required asphalt, or a reduction of the lot size. He explained that offering a setback of five feet between houses instead of eight or nine feet is a valuable incentive that would allow developers to get one more unit or lot out of their development. He also expressed support for amending the Code to allow casitas.

There were no further public comments. Ms. Mathis closed the public hearing.

B. General Business.

1. Recommend to City Council Adding Certain Strategies Per State Law to the City General Plan to Facilitate the Development of Moderate-Income Housing.

James Call supported Mr. Bates’ previous comment about how the highest density that can be achieved is 18 units per acre. He agreed that it was reasonable. Mr. Nicholson stated that the idea of not having a hard density limit may seem unnerving, but considering the height limit is set at 35 feet, the open space requirement is set at 30%, and the requirements for setbacks and parking, there are already limits. He suggested trying to implement these ideas into changes in zoning in the coming year, and stated that the idea of a hard density cap can always be revisited if need be.

Commissioner Call noted that, regarding parking requirements, many people who need affordable housing often have only one car, which several people share. He asked how it is insured that affordable housing units stay affordable. Mr. Nicholson explained that there are ways for the City to lock in the affordable housing units for a certain period of time (between 20 and 50 years), especially if federal funds for low-income housing are used. He added that the term “affordable” would have to be defined.

Commissioner Day expressed support for the recommendations discussed and believed they are realistic. He agreed that the prevailing building requirements would create a cap on density.

Commissioner Day moved to recommend approval to the City Council for the addition of the strategies per State law that have been outlined here today to facilitate the development of moderate-income housing. Commissioner Hendrickson seconded the motion. The motion passed with the unanimous consent of the Commission.

2. Consider a Request for Wall Height in Backyard Setback Area at 1454 Boys Pond Circle, The Hills at Santa Clara Lot 133. Monte Chournos, Representing.

Community Development Director, Corey Bundy reported that Mr. Chournos owns the home at 1454 Boys Pond Circle in the Hills Santa Clara development. He is in the process of constructing a
masonry wall on the rear property line. There is a difference in grade between Mr. Chournos’ lot and the two adjoining lots to the rear. City Code Section 17.28032b states that for walls along an interior property line where there is a difference in grade between the two lots, the wall height shall not exceed six feet in height on either side of the wall unless the property owners adjoining the wall agree to the greater height and in no case shall the combination of fence or wall exceed nine feet unless first approved by the Planning Commission. Mr. Bundy reported that the two adjoining neighbors agreed in writing to the wall height being greater than six feet along their common property line. A portion of the wall along the rear property line of one of the adjoining property owners is proposed to have a maximum height of 9’ 6”. Mr. Bundy stated that on some of the lower areas the wall will be 10 to 12 feet tall.

The applicant, Monte Chournos reported that he lives in St. George. His primary concern was with the pool and the fact that he is not allowed to construct a wall taller than three feet around the pool. He explained that the wall height will be 11 feet on one house and 9.5 feet on the other, from the back patio forward. Mr. Chournos’ understanding was that the ordinance is in place to prevent lower elevation homeowners from having their view blocked; however, the neighbors have signed notarized letters agreeing to it.

Commissioner Weston asked why there is a six foot wall on the upper lot and if a pool was planned for that lot. Mr. Chournos indicated that the six-foot wall is a regular privacy wall and the height will be from 5’ 6” to 6’ depending on the blocks and the level of the grade. He stated that at this point the wall is built up three feet, and only a few more courses of block are needed to make it a regular privacy wall. Chair Mathis asked how high the existing wall is. Mr. Chournos reported that on the lower elevation, it is six feet tall now, so the final height would be over nine feet.

Commissioner Weston pointed out that part of the reason for the height restriction is because the taller the wall, the more unstable it is; therefore, the fact that it is two distinct walls means no one wall be too high, which makes it more stable. Mr. Bundy noted the current wording specifies that only the Planning Commission can approve a higher wall height. He suggested revisiting that to allow staff to address these requests and not require the requests to come the Planning Commission.

Commissioner Hendrickson moved to approve the wall height exception to be 11 feet for the space required on the drawing and 9’6” on the balance of the drawing going along 96 feet on the rear property line. Commissioner Day seconded the motion. The motion passed with unanimous consent of the Commission.


The applicant, John Aldrich was not present and asked that staff represent him. Mr. Bundy reported that Mr. Aldrich seeks to merge the two adjoining lots he owns into one lot to expand his rear yard area, which might include adding a pool or other amenities to that area. State Law UCA10-9A-6082 allows the Planning Commission to approve such requests without a public hearing where the applicant owns both lots and seeks to join the two contiguous lots into one. The main requirement is that the resulting one lot, which fronts on two separate public streets, is considered to have two front setbacks. Any wall placed along either frontage must meet the front yard setback requirements for fences and walls.
Section 17.28.020B states no fence or wall may exceed three feet of height within the front 15 feet of the front setback area. Mr. Bundy reported that Mr. Aldrich understands he will still have to maintain 20 feet from top back of curb in order to go six feet in height. In addition, he would have to maintain the area as a front yard. Mr. Bundy reported that there is an easement with the rock retaining wall and there is no reason to abandon the easement because Mr. Aldrich does not plan to do anything with it other than build steps down to his pool on the lower lot.

Chair Mathis asked for clarification regarding the pool Mr. Aldrich plans to put on the lower lot, the setbacks, and the fence required. Fencing the pool is a City requirement, and Mr. Bundy reported that Mr. Aldrich can put a fence out on his property line in the front as long as it is no taller than three feet. It can, however, go up to six feet once it is at least 15 feet from the property line. Mr. Bundy explained that Mr. Aldrich specifies in his letter than he will landscape and maintain the setback.

Commissioner Day moved to approve the request for a lot line merger at 1504 Boys Pond Circle, The Hills at Santa Clara Lots 129 and 117. The merged lot shall be subject to City’s setback requirements, utility easement requirements, etc. that are applicable within the subdivision within the zone. Commissioner Weston seconded the motion. The motion passed with the unanimous consent of the Commission.

4. Recommendation to City Council Final Plat for Giovengo Commercial Subdivision with Three Lots located on the SW Corner of Pioneer Parkway and Rachel Drive. Jayleen Giovengo, Applicant.

Mr. Bundy presented the staff report and reported that the zoning for the three-lot commercial subdivision is PD commercial. The entire parcel is 3.7 acres in size with each of the three lots being over one acre. He explained that all three lots have frontage on Pioneer Parkway. Lot 3 is a corner lot with that also has frontage and access on Rachel Drive. The Dollar Tree store has expressed interest in Lot 3. Because Pioneer Parkway is an arterial street, the driveway must be set back 175 feet from the intersection of Rachel Drive and Pioneer Parkway.

Mr. Bundy explained that development on all three lots should match the site design of the developed properties on the north side of the intersection in terms of building setbacks, sidewalk widths, planter boxes, and landscape front setbacks. The buildings should be near the front property line with parking in the rear and side yard areas. The applicant understands the objectives and supports the design intent. Staff recommended approval. Mr. Bundy reported that he let the applicant and Dollar Tree know that they should do a redesign because their first rendition included placing the parking lot toward the intersection, whereas the City would want to see it be similar to Café Rio and Mountain America Credit Union with a business that faces the street. Mr. Bundy added that the building could be dressed up with some stone.

Commissioner Hendrickson moved to recommend approval to City Council of the final plat for the Giovengo Commercial Subdivision with the three lots located on the SW Corner of Pioneer Parkway and Rachel Drive, as they are drawn on the southwest corner of Pioneer Parkway. Commissioner Weston seconded the motion. The motion passed with the unanimous consent of the Commission.
5. Recommendation to the City Council of Amended Final Plat for Ocotillo Springs Phase 3, located South of North Town Road and East of 400 East Street. Jared Bates, Representing.

Mr. Nicholson reported that Phase 3 is a recorded plat. The applicants are coming back with an amendment consisting of a reduction of eight units. The recorded plat includes 36 two-story townhome units in eight buildings in a 2.5-acre Phase 3 area. The plat will be reduced from 36 units in fourplexes, to 28 units in threeplexes, fourplexes, and one fiveplex. Mr. Bates explained that the plan was changed, based on sales and market, to have a large bedroom on each end unit, thus making the end units larger on both sides resulting in a reduction in the total number of units. The footprint of the buildings remained the same.

Commissioner Day moved to recommend approval to the City Council of the Amended Final Plat for Ocotillo Springs Phase 3, located south of North Town Road and east of 400 East Street. Commissioner Call seconded the motion. The motion passed with the unanimous consent of the Commission.

5. Discussion Items

A. Discussion on New Chair and Vice Chair.

Mr. Nicholson congratulated Chair Mathis on being elected to serve on the City Council. He asked if it would be appropriate to appoint a new Planning Commission Chair. Mr. Bundy reported that she will be sworn in in January. As a result, so she can continue to serve as Chair of the Planning Commission through December.

In addition, due to the 10-year term limit Commissioner Day’s term will be expiring in December. A celebration and presentation of his terms of service will be held in January. The agenda for the December meeting will include consideration of a new Chair and Vice Chair.

6. Approval of Minutes

A. Request Approval of October 10, 2019, Regular Meeting Minutes.

Commissioner Call moved to approve the minutes of October 10, 2019. Commissioner Weston seconded the motion. The motion passed with the unanimous consent of the Commission.

7. Adjournment.

Commissioner Hendrickson moved to adjourn. Commissioner Call seconded the motion. The motion passed with the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at approximately 6:45 p.m.
Corey Bundy
Community Development Director

Approved: December 12, 2019