Present: Jason Lindsey, Acting Chair
Mark Hendrickson
Leina Mathis
Mark Weston
Marv Wilson

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

Excused: Curtis Jensen, Chair
James Call
Michael Day

1. Call to Order.

In the absence of Planning Commission Chair, Curtis Jensen, Jason Lindsey assumed the Chair and called the meeting to order at 5:36 p.m.

New Planning Commission Member, Mark Hendrickson, introduced himself and stated that he has lived in Santa Clara for 26 years. His wife was a native of Santa Clara and her father owned the Santa Clara Mercantile until 1985. Commissioner Hendrickson is involved in several businesses, primarily Hendrickson Butler Design Group who does commercial projects throughout the Intermountain West. They have offices in Boise, Idaho Falls, Salt Lake City, St. George, Las Vegas, and Reno. He loves Santa Clara and was grateful to have the opportunity to serve.

2. Opening Ceremony.

Marv Wilson 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 Receive Comments on the Proposed Amendment to the City Zoning Ordinance, Section 17.74 Historic District/Mixed-Use Zone Building Height.

City Planner, Bob Nicholson, reviewed the proposed amendment and described the two sections to be modified. The first change was to the Historic District Mixed-Use Zone. The ordinance was last modified in 2017. It was reported that the current height limit on accessory buildings is 20 feet. The Heritage Commission felt it was too open-ended to change to a maximum of 28-feet and two stories. Alternatively, they recommended the language be changed to specify that accessory buildings shall not exceed 25 feet unless a taller building is approved by the City Council after considering the recommendation of the Heritage Commission and Planning Commission and based on the compatibility of the architectural design with other buildings in the Historic District.

Paragraph J was also proposed to be modified. Mr. Nicholson explained that the only limitation on the size of an accessory building is set forth in the supplementary chapter, which specifies that accessory buildings shall not exceed 25% of the lot area. Some lots are large, narrow, and deep which could be problematic. Alternative language was recommended to put a soft cap on the size of accessory buildings. The proposed language specifies that the maximum ground floor area of any accessory building shall not exceed 1,000 square feet, unless a larger building is approved by the City Council after considering the recommendations of the Heritage Commission and the Planning Commission. Mr. Nicholson indicated that the Heritage Commission voted unanimously to recommend approval.

Chair Lindsey inquired about the height of the accessory building being constructed on the Old Graff property. Community Development Director, Corey Bundy, estimated the height to the base of the parapet to be 20 feet. His recollection was that the Heritage Commission allowed the applicants to include a parapet to hide the mechanical equipment. A portion includes a historic-looking sign that will be a replica of the downtown merc garage. The applicants were allowed to go higher on the sign portion, which exceeds 20 feet.

Mr. Nicholson remarked that the Historic Commission came up with a good solution. It was noted that presently the height in the R-1-10 is 20 feet.

Chair Lindsey opened the public hearing. There were no public comments. The public hearing was closed.

B. General Business.

1. Recommendation to City Council for a Proposed Amendment to the City Zoning Ordinance, Section 17.74 Historic District/Mixed-Use Zone Building Height.

Commissioner Wilson moved to recommend approval to the City Council of an adjustment to Section 17.74 of the Historic District/Mixed-Use Zone dimensional requirements as proposed by the Heritage Commission. Commissioner Mathis seconded the motion. The motion passed with the unanimous consent of the Commission.
2. **Consider Request for a Conditional Use Permit to Place a Temporary Trailer on Lot During the Construction of a Single-Family Home at 1295 Santa Clara Parkway in an R-1-10 Zone. Tyler and Natasha Stull, Applicants.**

Mr. Nicholson described the request and referred to Section 17.24.100 of the zoning ordinance, which specifies that the Planning Commission may approve a non-conforming building. Approval can be granted for up to one year after which up to three (3) six-month extensions may be granted.

City Attorney, Devin Snow, asked the applicant to provide more information on the temporary structure to be placed on the property. The applicant, Tyler Stull, stated that it is a 28-foot tow behind RV trailer with a single pop out. It can be relocated as needed. A clean out was to be placed on the lot to allow them to connect to the sewer. He clarified that it would be the same sewer connection that will be used for the home.

Mr. Snow had a concern in that the ordinance states that a building that is non-conforming as to type and location may be approved. His question was whether the RV trailer is a building. Leina Mathis referred to item K in the R-1-10 ordinance, which specifies that in any zone in which a residential dwelling or dwelling units are permitted, portable or mobile recreational units such as campers, travel trailers, fifth-wheel trailers, tent trailers, tents, or any other types of recreational, mobile, or portable housing units (recreational housing unit) are not permitted for housing. There is an exception if they are on site for eight days and not in violation of any other land ordinance. It also specifies that no recreational housing unit shall be permitted on any property that does not contain a dwelling or dwelling unit located on the property. Commissioner Mathis’ interpretation was that it is a temporary unit that would not be allowed because it is not a building.

In response to a question raised by Marv Wilson, Mr. Stull stated that they plan to sleep in the structure. They are homeowner/builders and are selling their home and need a place to live while the new home is under construction.

Mark Hendrickson asked at what point the new home turns into a building. Marv Wilson indicated that it becomes a true building when the Certificate of Occupancy is issued. It was acknowledged as a gray area. Leina Mathis wanted to ensure compliance with the ordinance.

Mark Weston read from the ordinance where an exception is granted during construction of a permanent home. In that case, a single-wide mobile home or RV may be allowed. It was noted that the ordinances are in conflict. Leina Mathis clarified that Section 17.24.100 specifies that a building that is non-conforming as to type or location may be approved by the Planning Commission for use as a temporary residence. Such temporary approval shall not be made for a period exceeding one year. There is no mention of the type of building.

Mr. Nicholson included information in the staff report about non-conforming buildings in an R-1 zone. He considered it to be a mobile home or RV. This type of situation is rare and only occurs
when there is an owner-builder. Leina Mathis further questioned whether it is a conditional use. Mr. Nicholson commented that technically it is not listed as a conditional use. Mr. Snow stated that what is proposed is typically prohibited in the zone unless the applicant falls within the exception set forth in Section 17.24.100.

Marv Wilson commented that the applicants meet the spirit of the exception but not the letter. Mr. Snow stated that because it is not a conditional use, the Commission could grant approval under the temporary use. He explained that building is a defined term in the ordinances and is defined as any structure having a roof that is supported by columns or walls. A structure is defined as anything that is constructed or erected, which requires a location on the ground.

Mark Hendrickson moved to approve a temporary trailer on the lot during the construction of the single-family home as shown in Section 17.24.100 and allow the use. Mark Weston seconded the motion. The motion passed with the unanimous consent of the Commission.

3. **Consider a Request for a Conditional Use Permit to Construct a Single-Family Home on an Under-Sized Lot (Lot 6) in the Santa Clara Heights Subdivision in an R-1-10 Zone, Scott McNeal, Applicant.**

Mr. Nicholson presented the staff report and stated that the lot is located in an approved and recorded subdivision. Section 17.20.020 specifies that an undersized lot may be built on subject to Planning Commission approval of a Conditional Use Permit. When the ordinance is revised, he suggested there be a differentiation between lots that are part of recorded subdivisions. In this case, the lot is 8,600 square feet. The draft shows that the setbacks would all be met although the Code contains a provision to allow undersized legally established lots to have reduced side yard setbacks. In this case, however, that would not apply. Staff recommended approval.

Commissioner Weston moved to grant approval of a Conditional Use Permit to allow the construction of a single-family home on Lot 6 in the Santa Clara Heights Subdivision. Commissioner Hendrickson seconded the motion. The motion passed with the unanimous consent of the Commission.

4. **Recommendation to City Council of Preliminary Plat for a Four-Lot Arrowhead Estates in an R-1-10 Zone on 1.02 Acres, Located at 2453 West Arrowhead Trail, Curtis Anderson, Applicant.**

Mr. Nicholson presented the staff report and stated that there are two flag lots that specifically need to be approved by the Planning Commission as part of the request. There is a 25-foot driveway that meets the requirements and is in an R-1-10 zone with all lots exceeding the 10,000 square-foot minimum. The two lots to the rear share the 25-foot driveway, which is 145 feet in length. The subdivision will be required to have curb, gutter, and sidewalk installed along Arrowhead Trail. The main issue with the request was how to handle the stormwater. The applicants had met on several occasions with the City Engineer who reviewed the Stormwater Plan and suggested modifications. Each lot has a small retention pond to handle the stormwater. The four lots were all found to meet the standards of an R-1-10 zone. Because the two rear lots are flag lots, Planning Commission approval is required.
The applicant, Curtis Anderson, reported that the stem is not part of the square footage of the lots, which are self-standing at 10,000 square feet. There is a hammerhead at the bottom for emergency vehicle access. On the main road, they will make sure that the water that runs down the road does not contribute to the two flag lots. He noted that they will be installing the curb, gutter, and asphalt.

In response to a question raised by Marv Wilson, Mr. Anderson stated that private driveway will be concrete. There will be a drain at the bottom where the stormwater will be piped into a retention pond. It was noted that the vicinity map shows the project site in the wrong location and is shown on Vineyard rather than Arrowhead.

Marv Wilson asked about the drainage and stated that the percolation rate is 1.3 inches per hour with all of the retention ponds being empty in less than 24 hours. Mr. Anderson stated that testing was done by a geotechnical engineer who confirmed the finding.

Marv Wilson commented on the difference in the upper and lower ponds. Mr. Anderson stated that as they build the homes, much of the upper lots will drain back to the street because the home will be above the street. They are constructing walkout basements so half of the lot will drain onto the street.

**Commissioner Mathis moved to recommend approval to the City Council of the preliminary plat for four lots at Arrowhead Estates in the R-1-10 zone at 2543 West Arrowhead Trail and specifically approving Lots 3 and 4 as flag lots. Commissioner Wilson seconded the motion. The motion passed with the unanimous consent of the Commission.**

5. **Discussion Items.**

A. **Discuss Staff Being the Land Use Authority for Temporary Trailers on Lots While Homeowners Build their Homes.**

Mr. Nicholson stated that the proposal was to allow staff to approve temporary structures rather than requiring review by the Planning Commission. It was noted that there are very few of these types of requests.

Leina Mathis thought a better option would be to have the Ordinance Review Committee make the modification. Mr. Snow suggested that the language be reviewed and adjusted. Use of the word “building” was problematic.

Mark Hendrickson suggested the requests come back to the Planning Commission rather than having staff approve them as they may be controversial. It was his opinion that it is not staff’s position to make those decisions. They should instead be reviewed by a fair and equitable body.

Mr. Snow clarified that legally the Planning Commission can delegate these types of tasks to staff, however, as deemed appropriate. Leina Mathis raised the question of risk. Mr. Snow stated that another factor is efficiency.
6. **Approval of Minutes.**

   A. **Request Approval of January 10, 2019 Regular Meeting Minutes.**

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

7. **Adjournment.**

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

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Corey Bundy
Community Development Director

Approved:  ____March 21,2019____