1. **Call to Order.**

Chair Leina Mathis called the meeting to order at 5:32 p.m.

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 Consider a Request for a Variance for Additional Wall Height within the Front Setback Area at 2656 Crestview Drive. Thomas Robinson, Applicant.**

   City Planner, Bob Nicholson presented the staff report and stated that the applicant is in the process of constructing a masonry wall on both the west and east property lines. The City ordinance specifies that the maximum height on the front 15 feet of the front setback shall be three feet after which it is increased to six feet. The wall on both property lines exceeds three feet. Six-foot walls are not allowed along the front property line because of safety and aesthetics. The wall on the east side is surrounded by trees and shrubs, which block the view to the same extent as a wall. The front yard is elevated and one of the criterion of a variance is that there is something unique about the property that does not generally apply to others. Staff feels that the wall on the west poses a safety issue. It is
also a precedent issue. Staff recommended that the wall on the west side be brought into compliance. The east side does not present the safety issue that the wall on the west does. Mr. Nicholson confirmed that notice was sent to all property owners within 500 feet.

Chair Mathis opened the public hearing.

The applicant, Thomas Robinson gave his address as 2646 Crestview Drive and stated that he has lived in his home for 43 years. The topography of the site was discussed as well as improvements made. Safety and traffic issues were described. Mr. Robinson stated that his neighbor across the street has a four-foot wall similar to the one he is proposing. He noted that the bottom section of the wall will be four feet tall.

James Call asked Mr. Robinson why he is proposing such a tall wall on his property. Mr. Robinson clarified that it is only five-feet tall at the highest point. He reported that he worked as a professional landscaper for many years and would never do anything that would be hazardous to children. He asked that he be given an exception to placing the wall 15 feet back.

Mr. Bundy clarified that the wall across the street has a similar situation and does not have a driveway on either side. Slope and safety issues were discussed.

Gerald Burgie gave his address as 2604 Scenic Drive and commented that a precedent already exists. Approximately 10 years ago, his neighbors removed the fences on the site and obtained a variance for a fence five feet back from the sidewalk and a six-foot fence to the rear property line. Mr. Burgie stated that he has never had a problem getting in or out and the situation has not created problems.

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

**B. General Business.**

1. **The Planning Commission will Consider a Request for a Variance for Additional Wall Height within the Front Setback Area at 2646 Crestview Drive. Thomas Robinson, Applicant.**

Mr. Bundy explained how the matter came to the attention of City staff. Mr. Robinson asked why he was not informed that the wall was not allowed before it was nearly complete. Mark Weston stated that he is a General Contractor by profession and is expected to know what is allowed before work begins. If Mr. Robinson, as a homeowner, is not aware of the rules, the contractor he hires should be.

Mr. Bundy also pointed out that the application includes a list of the ordinance requirements. Staff also makes applicants aware of the requirements before issuing a permit.

Chair Mathis reported that the Commission can approve a variance if the requirements have been met. The five items set forth in the Code were identified. With regard to hardship, in determining unreasonable hardship the appeal authority may not find an unreasonable hardship unless:

a. It is located on or associated with the property.
b. Comes in circumstances peculiar to the property and not from conditions that are general to the neighborhood.

c. The hardship is self-imposed or economic.

Height issues were discussed; however, James Call did not see an unreasonable hardship or special circumstance. Because they do not know who will own the property in the future, he thought it would set a bad precedent to grant approval. He saw no compelling reason to grant a variance.

Mark Weston agreed. He had no objection to what was proposed on the east side of the property. Otherwise, he suggested they adhere to the requirements, as written.

Michael Day commented on a previous variance involving a self-imposed circumstance that did not meet the criterion and had to be denied. In this case, he felt that the Commission’s hands were tied and they must apply the ordinances and statute. The factors give very little opportunity to exercise judgment and it would be difficult if not impossible, to argue that the factors are met on the west side in particular. On the east side, he thought there were some naturally occurring circumstances but he agreed with Commissioner Call that it is difficult to fit the request into the exceptions that are allowed for.

Marv Wilson commented that he would be more lenient if it were not for the fact that the fencing contractor should have known that it was an issue. He did not want to risk being in a situation where the City is questioned in the future.

In response to a question raised by Jason Lindsey, Mr. Robinson stated that the first tier goes back 13 feet from the sidewalk. He wanted to avoid digging into the second section.

Mark Weston felt the need for less leniency because he spends his life knowing that if he doesn’t do something right, he will have to fix it.

Chair Mathis recalled a previous situation where an awning that was out of conformance had to be taken down.

**Commissioner Weston moved to approve the variance for wall height within the front setback on the east side of Mr. Robinson’s property and deny the variance request on the west side.**

Mark Weston explained his reasoning and stated that the two driveways are where the potential danger and impact will occur.

Michael Day added that it would appropriate for them to approve or disapprove based on who lives in a particular location. As a result, they have to look at the ordinance even-handedly.

**Commissioner Day made a friendly amendment to add to the motion that the reasoning is that they find that the statutory elements for a variance do not exist with respect to the west property line but they do with the east property line. Commissioner Weston accepted the friendly amendment. Commissioner Day seconded the motion. The motion passed with the unanimous consent of the Commission.**
It was noted that the applicant has the right to appeal the decision with the City Council within 10 days.

5. **Discussion Items.**

   A. **Discussion on Update of the Moderate-Income Housing Element of the City General Plan Per New State Requirements.**

Mr. Nicholson reported that Senate Bill 34 was passed in the last Legislative Session, which includes moderate-income housing requirements. For the past 10 to 15 years, cities have been required to address affordable housing and there has been an affordable housing element in the General Plan. By December 1, 2019 the City’s General Plan must be updated to include new requirements. Cities are required to implement three recommended strategies, a list of which was provided to the Commission. After reviewing the list, Mr. Nicholson identified three strategies that might be appropriate to implement in Santa Clara City. The first was item (A) from the list, which was to rezone for densities necessary to assure production of moderate-income housing. Mr. Nicholson stated that that is already being done.

Chair Mathis commented on the difference between density and income. James Call’s understanding was that moderate-income is 80% of the median area income, which is about $60,000 per year and equates to a home value of $240,000. Mr. Nicholson explained that density allows for and accommodates the creation of affordable housing.

The second strategy was identified as item (E), which is to create, allow for, and reduce regulations related to, accessory dwelling units in residential zones. Mr. Nicholson stated that the R-1-10, R-1-10(a), and the RA zones allow for Accessory Dwelling Units (ADU). One of the requirements with ADUs is that the owner live in one of the properties.

Item (F) was also identified, which is to allow for higher density or moderate-income residential development in commercial and mixed-use zones, commercial centers, or employment centers. Mr. Nicholson stated that the City adopted density bonus provisions recently and they could potentially look at mechanisms to allow for affordable housing in these areas. He explained that currently, cities have only had to file a report with the State every other year. Under the new law, reporting is required annually with the first due in December 2020.

It was clarified that public hearings will be required as part of the General Plan amendment process even though it is a State requirement. The intent would be to identify three strategies to be implemented and describe how it will be accomplished.

It was suggested that any other changes to the General Plan be proposed at the same time. Potential additional changes include ensuring that the LOMR shows the correct locations on the map and that ADUs be clarified as being allowed in detached or attached structures.

James Call suggested they consider the City’s needs. In his opinion, affordable housing is a significant issue. Chair Mathis stated that the City is required to do CRA reporting and she did not recall seeing any cities in Santa Clara included in the report. Commissioner Call stated that the issue is that homes are not affordable. He also pointed out that many older residents can no longer afford
to live here. Mr. Nicholson recommended the Commission consider ways to make housing more affordable.

Michael Day suggested the possibility of the City partnering with private and governmental entities that provide moderate and low-income housing. Jason Lindsey commented that the issue is that the community has nothing that is affordable. He referred to item (D) involving the consideration of General Fund subsidies or other sources of revenue to waive construction-related fees that are generally imposed by the City. He suggested they pursue something that will have a tangible benefit on a potential homebuyer. Mr. Bundy pointed out that the waiving of fees must be justified. The pros and cons were discussed.

Michael Day suggested utilizing a Moderate-Income Housing Administrator. He stated that they will be more effective if they bring in individuals with expertise.

Mr. Bundy reported that he attended a recent Utah League of Cities and Towns conference where ADUs were discussed. Homes are made affordable when there is an opportunity to rent out an ADU. Single rooms in homes can also be rented out and is not restricted. James Call was aware of properties near the St. George Airport on the market for $239,000 that are selling quickly.

Chair Mathis stated that moderate-income housing loans are available but there is not a single address in Santa Clara that qualifies. Mr. Bundy reported that the City’s median income is too high to qualify for certain programs. Other affordable housing options were discussed.

Mr. Nicholson reported that at a recent workshop he attended, a State Senator acknowledged that affordable housing is a crisis in many places in Utah. Mr. Nicholson offered to conduct research to determine what programs are available. She stated that perhaps they can partner with another entity.

6. Approval of Minutes.

A. Request Approval of July 11, 2019 Regular Meeting Minutes.

Commissioner Lindsey moved to approve the minutes of July 11, 2019. Commissioner Weston seconded the motion. The motion passed with the unanimous consent of the Commission.

7. Adjournment.

The Planning Commission Meeting adjourned at approximately 6:46 p.m.

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Corey Bundy
Community Development Director

Approved: September 12, 2019