

**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 Hendrickson 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.

Jim McNulty

Jim McNulty
Planning Manager

Approved: _____ April 27, 2023

