

**SANTA CLARA CITY PLANNING COMMISSION  
MEETING MINUTES  
2603 Santa Clara Drive  
Thursday, April 27, 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

**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: Mark Hendrickson.**

**B. Opening Comments (Invocation): Mark Hendrickson.**

**3. Communications and Appearances.**

There were no communications or appearances.

**4. Working Agenda.**

**A. Public Hearing.**

**i. None.**

**5. General Business.**

**A. Recommendation to City Council.**

**i. 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.**

Planning and Economic Development Manager, Jim McNulty presented the Staff Report and stated

that the applicant, Kent Frei, is requesting Final Plat Approval for the Vineyards Phase #11 Subdivision. The 20 proposed single-family lots range in size from one-half an acre to nearly three-quarters of an acre, with a density of 1.35 units per acre. A one-half acre minimum lot size is required in the Residential Agriculture (“RA”) Zone. Mr. McNulty reported that all lots within the proposed subdivision will be required to meet the area, width, and yard regulations 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 in July 2021 at the time of Preliminary Plat review and approval. Mr. McNulty explained that ingress and egress to the site will be provided from Vineyard Drive and the extension of Claude Drive to Phase #10 of the Vineyards Subdivision. The applicant will be required to form a Homeowners Association (“HOA”) allowing for maintenance of a 10-foot park strip and six-foot wall along Vineyard Drive as well as maintenance of a portion of Parcel “A” from Vineyard Drive and south to the point that it ties into Lot 10.

Mr. McNulty noted that 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 the subdivision include a 50-foot cross-section per the final plat. In addition, Jewel Court includes a cul-de-sac with a 50-foot 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 feet.
3. Common Areas/Landscaping: The applicant is required to install a six-foot solid block wall adjacent to Vineyard Drive (Double Fronting Lots as discussed July 2021), with a 10-foot park strip. Both the wall and park strip will be maintained by the HOA. 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 Letter of Map Revision Based on Fill (“LOMR-F”) has been filed with the Federal Emergency Management Agency (“FEMA”). 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.

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.

Staff recommended the Planning Commission consider recommending Final Plat Approval for the Vineyards Phase #11 Subdivision to the City Council, subject to the conditions set forth above.

Chair Hendrickson asked if the active ditch on the easement that has been deeded to the City will remain in place. Principal Engineer, Jared Bates stated that it will be piped. Senior Designer, Allen Hall, did not think the ditch is active since the ditches above it are not. Building Official, Cody Mitchell's understanding was that it is no longer active.

Commissioner Weston asked if the LOMR-F is fixing the 2007 Erosion Hazard Line. Mr. Bates confirmed that the rock riprap erosion protection design had to be added. The LOMR-F has been submitted to FEMA and they are awaiting final red lines and approvals.

Commissioner Blake asked for clarification regarding the unbuildable area on the east and if it was designed so that people would know where it is. Mr. Hall responded that it is a lava-based hillside. Chair Hendrickson added that there is also a road on top of it. Mr. Bates confirmed that it is the access road for St. George City's irrigation. Commissioner Blake thought some dimensions would be helpful, in addition to it being defined on the plat, for property owners to know how far back they can go.

Commissioner Whitehead remarked that the City Council minutes stated that the City Council wanted it to be better defined as unbuildable space. Mr. McNulty stated that could be done through Condition 13, or added to the condition that addresses the LOMR-F. Commissioners Bates and Hall agreed to add it.

There was discussion regarding Note 2 which states that the garage setback shall be a minimum of 20 feet from the back of the sidewalk. Commissioner Blake asked if that applies to this zone. Mr. Hall clarified that it does apply because Claude Drive has a six-foot landscape strip and the sidewalk is built within the sidewalk easement in the front, the 14-foot wide public utility sidewalk, and the drainage easement. This street section was approved with a landscape strip between the curb and the sidewalk, which pushes the sidewalk outside of the right-of-way of the sidewalk easement. It was approved prior to the new standards being adopted. There was discussion about clarifying the standard to measure either from the back of the sidewalk or from the property line.

Mr. McNulty explained that the City construction design standards were recently amended, as well as the subdivision ordinance to limit the cross sections; however, this appears to predate the amended standards. Staff would revise Note #2 before it goes to the City Council.

Commissioner Whitehead noticed that in the minutes from the City Council Meeting a couple of years ago, there was discussion of secondary water. He asked if this project will be required to have City water. It was confirmed that it will and is included in the conditions.

**Commissioner Weston moved to recommend APPROVAL of the Final Plat to the City Council for the Vineyards Phase 11 Subdivision located north of the Santa Clara River off of Vineyard Drive subject to the following and upon verification of the dimensioning of the unbuildable area, and the buildable area specifying the measurements dimension of the unbuildable area. Condition 9 should also be dimensioned.**

- 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 feet.**
- 5. That a six-foot solid block wall adjacent to Vineyard Drive and a 10-foot 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).**
- 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.**

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

ii. **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.**

Mr. McNulty reported that the applicant, Joe Platt, is requesting Preliminary Plat Approval of the Sycamore’s Phase #2 Subdivision. This includes four lots on 3.29 acres of property, for a density of 0.82 units per acre. The proposed single-family lots range in size from 0.41 to 1.51 acres. Each of the proposed lots exceeds the minimum 10,000-square-foot lot size required in the R-1-10 Single-Family Zone. Building heights are limited to 35 feet. Mr. McNulty explained that the ingress and egress to the site will be via Gates Lane by either Sycamore Drive or Clary Hills Drive. Phase #1 of the Sycamores is accessed from these roads as well. Future phases will be required to extend the public roads as development continues in the area. 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.

Mr. McNulty reported that staff 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 feet.
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 or 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. The matter 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 has not been platted because the developer was not 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 will need to be reviewed prior to the issuance of a Building Permit. Lot 37 (which was previously called Lot 28) will be required to go back to Hillside Review between preliminary and final. The hope was that it will be done at the time of final plat. No Building Permit can be issued or processed without the Hillside Review.

7. Dust Control: The applicant will be required to submit a Dust Control Plan at the time of Final Plat submittal prior to recordation. Precautionary measures are needed to protect the general health, safety, and welfare of residents living in the vicinity.

Staff recommended the Planning Commission consider recommending approval, subject to the conditions identified.

Commissioner Whitehead asked if the 35-foot height for Lot 37 will be measured from the slab or the sidewalk. Mr. Mitchell stated that as it is written it is unclear how to measure it. He thinks it should be measured from the approved finished pad elevation. Mr. Bates explained that the water surface elevations are not being changed. The lots will be filled. They will make sure that the proposed pads within the buildable areas are above the height of the floodplain. Lots 38 and 39 will have a third level that will be very close to the elevation of the natural grade to provide access for the rip rap. The elevation of Lot 40 will be near street level and the level below will have the access road for the rip rap.

Commissioner Blake asked what will stop homeowners from building something like a pickleball court on that lower level in the middle of the access easement. Mr. Bates stated that as part of the study, all-weather access will have to be provided so some road base will be there. Mr. Mitchell stated that he may approve a pickleball court as long as it does not affect the flood plain or raise the elevation. A structure, however, would be prohibited. The hope was that a property owner would apply for a permit and gain some education on what they can and cannot do on the lower level.

**Commissioner Call moved that the Planning Commission recommend APPROVAL to the City Council of the Preliminary Plat for the Sycamores Phase Two Subdivision on the southeast part of Gates Lane and north of Clary Hills Drive. Approval was 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 feet.**
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. **Lot 37 shall 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 the time of Final Plat Submittal prior to recordation.**

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

**B. Planning Commission Approval.**

- i. **Club Pilates Wall Signs located at 3542 Pioneer Parkway, Suite #104. Bradley Salay with Rainbow Signs, Applicant.**

Mr. McNulty presented the Staff Report and stated that the applicant, Bradley Salay, is requesting approval of a wall sign for a total of two wall signs. According to City Code, wall signs may not exceed 10% of the total square footage of the wall on which the wall sign is placed. Mr. Salay has provided calculations indicating that 10% would allow for a sign of up to 59 square feet on both the east and west building elevations. Mr. McNulty stated that the west building elevation wall sign facing Rachel Drive is proposed at 29 square feet and includes internally illuminated white letters mounted to the building. The east building elevation wall sign will face Harmon's parking lot and is also proposed at 29 square feet. It includes internally illuminated white letters that are mounted to the building. Mr. McNulty added that the proposed signs meet the standards for wall signs as per Chapter 17.44 of City code.

Staff recommended that the Planning Commission approve the proposed Wall Signs for Club Pilates located at 3542 Rachel Drive, Suite #104, allowing both signs at 29 square feet as long as a Building Permit is obtained prior to the placement of the wall signs.

**Commissioner Whitehead moved to APPROVE the Club Pilates wall signs located at 3542 Pioneer Parkway 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.**

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

ii. **Conditional Use Permit, Height Exception. The Property is Located at 1408 Quail Street. Kelly Gates, Applicant.**

Mr. McNulty presented the Staff Report and stated that the applicant, Kelly Gates, is requesting Conditional Use Permit approval to do an addition with a height exception for the existing detached garage, which includes a second-story Accessory Dwelling Unit (“ADU”) on his property. Mr. McNulty explained that the request was reviewed by the Heritage Commission on October 11, 2016, and 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.

Mr. McNulty reported that 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 a height exception of approximately 4’ 6” to accommodate the second-story ADU. The second story of the building addition is intended to be used for storage space.

Mr. McNulty stated that unfortunately, the permit was approved with an incorrect rear yard setback. The existing building was approved with a five-foot rear yard setback to the living space (ADU); however, a minimum 10-foot rear yard is required. Currently, the applicant is asking for the building addition to be allowed with a five-foot rear yard setback to match the existing building footprint, which is allowed for non-living space.

The Heritage Commission reviewed the matter on March 23, 2023, and recommended approval to the Planning Commission with the following considerations:

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

Mr. McNulty noted that Chapter 17.40.055 specifies 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 to mitigate the reasonably anticipated detrimental effects, if imposed as a condition of approval:



A. 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.

B. 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 feet 6 inches 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.

Mr. McNulty indicated that staff recommends that the Planning Commission review the submitted Conditional Use application. If the application is determined to be complete staff recommends that the Planning Commission consider approving the 4' 6" height exception subject to the conditions and findings enumerated in the Staff Report.

Commissioner Blake asked if there were any updates on Mandi Gubler's project. Mr. McNulty reported that Ms. Gubler is a member of the Heritage Commission and still wants to do the multi-use building she purchased and rezoned to Historic District Mixed Use. However, because of the current economy and interest rates, the project has been delayed. Mr. McNulty added that Mr. Hafen, an adjacent property owner, also serves on the Heritage Commission. Mr. Hafen and Ms. Gubler both supported approval for this particular item. Mr. McNulty noted that Mr. Hafen is leaving the Heritage Commission and will be replaced by Mandi Gubler as a regular voting member. Ms. Gubler currently serves as an alternate member. Commissioner Blake brought up Ms. Gubler's project because he remembered that she wants to build at a similar height. Mr. McNulty confirmed that Ms. Gubler wants to build at a height of 25 feet.

Kelly Gates shared with the Commission the history of the property, which is the Lemuel Leavitt home on Quail Street. Lemuel Leavitt was Mr. Gates' great-grandfather. Mr. Gates' grandmother, Faye Leavitt Gates, was born in the home. Mr. Gates has owned the home for 25 years and it is a labor of love for him to make this 140-year-old home functional to live in once again. The 200-square-foot addition to the front of the home is nearly complete and Mr. Gates and his wife have received compliments on how it looks from their neighbors. They want to extend over the main garage that was built for everyday parking. The bottom part of that second garage will be for his car and motorcycle collection. The other portion will serve two purposes. One is food, gun, and ammunition storage, and the other is for sports gear. His goal is to retire in the home in the next few years. He pointed out that Ms. Gubler and Mr. Hafen, the two adjoining neighbors, voted in favor of the project in the capacities of the Heritage Commission.

Commissioner Blake stated that one positive is that no windows are facing east to look toward the neighbors. Chair Hendrickson commented that the five-foot rear yard setback concerns him since it should be 10 feet. He also wondered how it could be ensured that it continues to be used for storage instead of being rented out on Airbnb. Mr. Gates stated that it has been finished for three years and has never been rented out. He promised the Commission that that was not the purpose of it.

Commissioner Blake asked the other Commissioners if Mr. Gates could go through the process to be granted a Business License by the City Council to rent it as an Airbnb since the property is in the historic overlay. Mr. McNulty clarified that the way the ordinance is currently written, one can either have an ADU or an Airbnb rental but not both. Mr. Mitchell stated that there is no way to guarantee that the use will not change at some point.

Mr. Gates stated that he has set up a living will and trust. It is written into his will that his children will jointly share the home, that it will not be sold, and if it is ever sold, it must stay in the Leavitt Family. He hopes that will keep the purpose of the home the same, long after he is gone. While a rare situation, Mr. Mitchell stated that future occupants of the home could still change the use.

Mr. Mitchell expressed concern about raising the height as it would set a precedent. He also expressed concern regarding the setback issue. He did not consider it to be the intent of the ordinance to occupy or utilize 80% of the reduced setback. He appreciated the commitment to an older home but the total square footage of the accessory use is nearly 5,300 square feet while the primary use home is only 1,600 square feet in size.

Mr. Gates explained that when he first applied for the three-car garage with the apartment above it, it was drafted at a height of 20 feet. The Heritage Commission did not like the way it looked and informed Mr. Gates that they would prefer to see a pitched roof even if it exceeds the height limit. For that reason, he redrafted it to 24 feet, which the Planning Commission approved unanimously several years ago. Commissioner Blake agreed that it looks better, even though it is over the height limit. He commented that it fits the area.

**Commissioner Blake moved to recommend APPROVAL of the Conditional Use Permit for the 4' 6" height exception for the accessory building addition for the Gates' home on Quail Street, subject to the following:**

**Conditions:**

- 1. That the proposed building addition height and scale fits into the overall context of the surrounding area.**
- 2. That the photos submitted by the applicant provide detail and show how the building fits into the surrounding area.**
- 3. That the Heritage Commission reviewed the item and recommended approval of a building height of 24 feet 6 inches.**
- 4. That the applicant be required to obtain a Building Permit for the building addition.**

**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.**

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

Commissioner Call commented that even though he voted for approval, he is concerned about setting a precedent for height exceptions. He was not sure that was the best direction for the City to go. Chair Hendrickson agreed and wanted to have tools in place so that the Commission's hands aren't tied in this type of situation when a project has been partially approved years prior. He wanted to make sure the staff is supported. Commissioner Weston commented that it is difficult to predict every situation but if this had been an application for a standalone building, he would have voted against it. He voted to approve it because the City approved it previously. Mr. McNulty stated that the Heritage Commission felt it was a tough situation even though they voted to approve it.

Mr. McNulty reported that State Code specifies that conditional uses must be approved if reasonable conditions are proposed, or can be imposed to mitigate the potential negatives involved. Conditions must relate to applicable standards and the ordinance adopted by the local City or county to regulate conditional uses. A conditional use may not be denied unless it is shown with documented findings of fact and conclusions of law that the reasonably anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions, to achieve compliance with applicable standards. He explained that State Code is all that projects can be reviewed against. If the desire is to deny a request, legal counsel would need to be involved.

Commissioner Blake stated that the natural progression of cities is to go higher. He questioned whether allowing an accessory structure to be 25 feet should be a discussion item for the next meeting. Commissioner Call felt that it should. Commissioner Whitehead thanked Messrs. McNulty and Mitchell for their excellent work.

6. **Discussion Items.**

- A. **None.**

7. **Approval of Minutes.**

- A. **Request Approval of the Regular Meeting Minutes – April 13, 2023.**

**Commissioner Whitehead moved to APPROVE the minutes of the April 13, 2023, Santa Clara Planning Commission Regular Meeting with a correction to Item 1 to list Mark Hendrickson as Chair under the Call to Order. Commissioner Weston seconded the motion. The motion passed with the unanimous consent of the Commission.**

8. **Adjournment**

The Planning Commission Meeting adjourned at 7:00 p.m.

*Jim McNulty*

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Jim McNulty  
Planning Manager

Approved:           May 25, 2023