

**SANTA CLARA CITY PLANNING COMMISSION
MEETING MINUTES
2603 Santa Clara Drive
Thursday, May 25, 2023**

Present: Logan Blake, Vice-Chair
James Call
Shelly Harris
Curtis Whitehead

Staff: Jim McNulty, Planning and Economic Development Manager
Selena Nez, Deputy City Recorder
Matt Ence, City Attorney

Excused: Mark Weston
Ryan Anderson
Mark Hendrickson

1. Call to Order

In the absence of Chair Mark Hendrickson, Logan Blake, Vice-Chair 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 was no communications or appearances.

4. Working Agenda

A. Public Hearing

- i. Consider a Proposed PDR Zone Amendment and Preliminary Subdivision Plat for the Proposed South Village @ Black Desert Subdivision (Parcel #SC-6-2-9-150, described as 43.77 acres). The Subject Property is Part of the Black Desert Planned Community which includes a 19-Hole Golf Course. The Preliminary Plat includes 40 Single-Family Lots Ranging in Size from 0.50 acres to 1.67 acres. Patrick Manning, Applicant.**

Planning and Economic Development Manager, Jim McNulty, presented the Staff Report and stated that the subdivision includes a total of 40 lots on 43.77 acres. This equates to a density of 0.91 units per acre and is similar to the Entrada Subdivision to the east in St. George. The single-family lots range in size from .50 acres to 1.67 acres.

The original Project Plan was presented. The area in question is Area 5, which is surrounded by the golf course, which has moved slightly. The applicant and his Engineer, Jared Bates, will speak to that. The golf course is near completion. The plat was presented along with the public roadway designs. Mr. McNulty presented the following:

1. **Public Streets & 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 this subdivision include a 66-foot cross-section for Red Mountain Drive and Road “E” along with a 50-foot cross-section for Road “C” (main access road), as well as all interior public streets within the subdivision. Additionally, all cul-de-sacs within the subdivision are required to have a 50-foot radius (100’ diameter).
2. **Building Setbacks/Height:** The building setbacks are required to meet the requirements of Chapter 17.68, Planned Development Residential, PDR Zone. The building height for all homes in the subdivision is limited to 35 feet. However, the applicant will be putting a building height restriction on the plat and in the Codes, Covenants, and Restrictions (“CC&Rs) limiting height to 28 feet.
3. **Flag Lot/Double Fronted Lots:** A flag lot (Lot 7) has been included on the Preliminary Subdivision Plat. A flag lot requires approval by the Planning Commission. The staff portion of the lot must front on a public street and be a minimum of 25-feet wide, with a maximum length of 200 feet. If the Planning Commission determines that this is an efficient use of the land, the applicant will be required to comply with city code requirements for flag lots. The preliminary plat also includes three (3) double-fronted lots (Lots 21, 22, and 23). These lots will be required to have a 25-foot rear yard setback rather than the typical 10-foot setback. This option (Chapter 17.20.110.B) has been selected by the developer rather than putting in a six-foot wall in a natural lava area.
4. **Preservation of Lava/Minimal Disturbance:** Each home is intended to be situated on a lot to maximize views and limit disturbance allowing for the preservation of lava areas. A Site Plan will be required for each home prior to building permit issuance. The CC&Rs will be enforced by the Homeowners Association (“HOA”) allowing for the subdivision to be maintained as per Black Desert requirements.
5. **Golf Course:** A portion of the golf course is included with the preliminary subdivision plat. As previously stated, the applicant is intending to open soon. A “Golf Course Fly Zone” note has been added to the plat as requested by staff. Associated language for lot owners will be included in the CC&Rs for the project.
6. **Multi-Purpose Trail:** A 10-foot multi-purpose trail has been included north of Tuacahn Wash and adjacent to Red Mountain Drive (east side), and Road “E” (north side) which both include a 66-foot cross-section. The 2018 Trails Master Plan includes this required trail connection.
7. **Open Space Areas:** The preliminary plat includes two (2) open space areas to be maintained by the HOA. Area #1 is across the street from Lots 30 thru 36 and is 1.16

acres in size. Area #2 is in-between Lots 37 and 38 and is 1.04 acres in size. These two areas will be HOA-maintained and included in the CC&Rs for the project.

8. **Proposed Area #6 Revisions:** The applicant is proposing revisions to the original Area #6 of the Project Plan (attached). This area includes a conservation easement area that is approximately 18.85 acres in size. The applicant is proposing to revise Area #6 of the Project Plan to include approximately 13.3 acres within a conservation easement (a reduction of approximately 5 acres). Proposed Lots 37, 38, 39, and 40 along with Open Space Area #2 and the public road that lines up with Entrada (St. George, private street) are within the northwest corner of Area #6. A decision on this item which includes an amendment to the Development Agreement will be decided on by the City Council prior to, or concurrently with Final Plat approval. A Black Desert site visit with the City Council, staff, and applicants was conducted on April 19, 2023. The Council is aware of the proposed Area #6 revisions.
9. **Building & Fire Code/Emergency Access:** A second point of ingress/egress via a public street system has not been provided into the proposed subdivision. As a result, the applicant is required to fire-sprinkle all residential structures within the project. The IRC requires an NFPA 13D sprinkler system. Emergency access will be available from the southwest edge of the project adjacent to Entrada, which is a private development with gates.
10. **Entry Features/Landscaping:** All landscaping (Individual lots & open space areas) will be required to comply with City Ordinance #2022-05 (Water Efficiency and Conservation).
11. **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.
12. **Secondary Water Availability:** The applicant is required to connect/install secondary water for all outdoor water use.
13. **Project CC&Rs:** A copy of the project CC&Rs is required by Chapter 17.68, Planned Development. The applicant will need to provide a copy of the CC&Rs to the city for review and approval at the time of Final Plat submittal.
14. **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 that the Planning Commission consider recommending the PDR Zone Amendment, and Preliminary Plat Approval for the South Village @ Black Desert Subdivision to the City Council subject to the conditions outlined in the Staff report.

The applicant, Patrick Manning reported that originally when they entered into the Development Agreement, Area 5 included approximately 340 multi-family units. Because it was very clear that the most important area to many was Area 6, the desire was to provide a Conservation Easement.

They also decided to go low profile, low height, and low density in Area 5 to help further protect the viewsheds and lava flow. They have tried to be very careful with that section of land.

Chair Blake opened the public hearing.

Travis Dowdell gave his address as 2399 Keva Trail in Entrada and stated that his property borders the subject property. He commented that Black Desert has done a wonderful job of creating space and privacy around the resort. The issue was that the original plan included a fairway running by his property in the corner. It ultimately moved and there is now a road proposed with 10 homes. There is a beautiful ravine of native lava with an elevated ridge to provide privacy between Entrada in the southwest corner and the Black Desert Resort. The native lava will be removed as well as the privacy setback space, which seemed senseless since there are 600 acres. The rest of the property bordering Entrada has been set back with privacy. He saw no purpose in placing eight to 10 homes bordering their property lines.

Devin Ferguson gave his address as 3790 Nicholas Drive and asked about dust mitigation and the potential penalty if it is not controlled. He stated that last year a lot of dust was created from the Black Desert development. Mr. McNulty reported that Public Works Director, Dustin Mouritsen should be contacted about that. In response to another question raised by Mr. Ferguson, Mr. McNulty stated that a site visit was taken by the City Council that was properly noticed. It is common for elected officials to visit a site before making a decision. City Attorney, Matt Ence, stated that the City Council has not made a decision on the matter. The first time they will be asked to make a formal decision since they originally approved the golf course use will be when this recommendation goes to the City Council.

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

- ii. **Consider a Proposed Rezoning of Property at 400 East/Patricia Drive and Pioneer Parkway (Parcels #SC-SB-90-A-2, and #SC-SB-90-A-4-B, described as 18.09 acres). The Applicant, Clayton Leavitt, is Proposing to Rezone the Property from the R-1-10 Single-Family Residential Zone to the Planned Development Residential, PDR Zone to Allow for a Proposed Residential Project that will include Single-Family Homes, Multi-Family Townhomes, and Amenities.**

Mr. McNulty presented the Staff Report and stated that the last public hearing on the matter was held on March 23, 2023. Staff reviewed each item in detail at that time. The updates were described. The applicant, Clayton Leavitt was also present. Following the previous public hearing, the Planning Commission recommended approval to the City Council with a 3-to-3 vote. No other substitute motion was made or voted on and no recommendation was provided. The City Council heard the matter on April 12, 2023, at which time the City Council tabled the matter to allow the applicant to work with City staff, incorporate some of the City Council comments, and propose a new layout with lower density. The vote was 3-to-2. The new project plan includes 133 units on 18.09 acres. This equates to a density of 7.35 units per acre with 82 single-family lots and 51 multi-family townhomes. The previous plan included 144 units with 69 single-family lots and 75 multi-family townhomes. The density was 7.96 units per acre. The reduction in density was approximately 8%.

Mr. McNulty reported that the new plan includes 62% single-family and 38% multi-family. There are 30 two-story rear-loaded townhomes, 21 front-loaded one-story townhomes, and 82 single-family detached units. The previous plan that was reviewed by the Planning Commission on March 23, 2023, included 48% single-family and 52% multi-family. Lots 1 through 14 have frontage on Patricia Drive and are larger single-family lots. Lots 1 through 7 are approximately 8,000-square-foot lots and Lots 8 through 14 are approximately 6,000 square feet in size. There are 40 larger pad lots proposed and 28 narrow pad lots for two-story homes.

The single-family lots allow for the option of a one-story rambler or a two-story home with different elevations and materials. The two-story townhome configurations were presented with a rear-loaded driveway. A front view was shown with an outdoor patio in front and rear-loaded garages. One-story townhome units were proposed along 400 East and within the interior of the project. The narrow pad lot homes were proposed at approximately 25 feet wide. They will be 1,700 to 1,800 square feet in size with two-car garages. Five options were proposed for the narrow lot homes. The various materials were described. The material boards provided stucco, hardie board, and stone options. For the single-family homes, there were three different brick and stone options with color palettes. The townhome units included brick and stone options.

The landscaping and open space plans were presented. Mr. McNulty reported that a pool is proposed with restrooms and pickleball courts. The central open space areas were identified with picnic areas and ball fields. The Phasing Plan was presented. The seven project phases and amenities were described. The 2018 Trails Master Plan requires an eight-foot trail to tie into Tuscan to the north. Ordinance #2022-05 would also need to be adhered to and secondary water will be required for all outdoor water use. The 50-foot public cross section will be required with curb, gutter, asphalt, and a five-foot sidewalk on each side. The project will be walkable with access to the open space and amenity areas. Two 26-foot asphalt private driveways will be provided adjacent to Lots 38 and 39 and 59 and 60 for access.

Substantial parking was provided within the project. The Project Plan includes 203 parking spaces for 51 multi-family townhome units, which equates to four spaces per unit, which is double the Code requirement of two spaces with one covered and one uncovered. Parking for single-family homes is also required for the pad lots. Each is designed with a two-car garage and a two-car driveway. The only units that do not have the capacity for four cars are the single-car garage and single-level townhomes, which have parking for three vehicles.

A Geotechnical Report was provided and expansive clay was encountered in multiple site locations; however, the site is suitable for residential slab-on-grade construction provided that the report recommendations are implemented during construction. A Traffic Impact Study was also conducted by Hales Engineering. Two project accesses were assumed, which resulted in an acceptable level of service at intersections. A third access was also considered on Patricia Drive. That was eliminated with the redesign and the like uses across the street. A six-foot block privacy wall is required for units that back Pioneer Parkway and 400 East.

Owner occupancy issues were discussed. At the April 12, 2023 meeting, the City Council asked the applicant about a minimum number of owner-occupied multi-family townhomes. At that time it was agreed that a minimum of 50% of the townhome units would be owner-occupied. This requirement would need to be added to the future CC&Rs for the project if approved. The rezoning considerations were reviewed in detail on March 23, 2023. It was determined that the applicant meets that criteria except for Item C. The applicant submitted an application asking for a rezone of the property to allow for medium-density residential per the General Plan. The General Plan has identified the property as Medium-Density Residential. The proposed Project Plan and Rezoning Application includes small lot single-family homes, townhomes, open space, and amenities for residents. The proposed use of the property is encouraged by the General Plan. The layout and design of the project comply with the General Plan and the Medium-Density Land Use Designation.

Mr. McNulty reported that notices were sent to property owners within 300 feet of the property. The matter was also noticed per State Code. Previously, emails were received and forwarded to the Planning Commission prior to the March 23, 2023 meeting. A resident petition was also submitted at the March 23, 2023, public hearing. The addresses on the petition were verified by City Recorder, Chris Shelley, and found to be accurate. Large banners were also posted to draw attention to the site. A QR Code banner was also posted next to the site one week before the meeting.

Staff recommended that the Planning Commission review the submitted rezoning application and Project Plan to determine if the application is complete. If the application is determined to be complete, staff recommended that the Planning Commission forward a recommendation to the City Council for review and consideration of the application subject to the conditions set forth in the Staff Report.

Reference was made to condition number 14. Mr. Ence clarified that the 50% owner occupancy requirement for the townhome units will have to be enforced by the Homeowners Association (“HOA”).

Mr. Leavitt addressed the new plan and reported that they eliminated 24 townhome units. The area of concern with the City Council and the Planning Commission was density. In response, they removed the townhomes near the pool area and replaced them with single-family homes. They also removed five of the two-story townhomes in the center section to the north and created more open space there. They eliminated 24 townhomes and added 13 single-family homes to the project. They took into consideration the comments made by staff and the City Council and included them in the current plan. Mr. Leavitt explained that the reason the Planned Development Residential (“PDR”) zoning is so important is that this is a transitional property with multi-family to the north, single-family to the south, and single-family residential to the east. To buffer all three areas, they need to have a PDR community. They felt it was important to buffer the residences on the Heights West with single-family homes.

Mr. Leavitt explained that being able to do the PDR zoning on this transitional property will allow densities to progress from nine to 10 units per acre to a lower density of three to five to the east. For that reason, each area was buffered. Their ultimate goal is to be able to sell homes to Santa Clara

residents. Currently, 8,000-square-foot lots with a single-family home are selling for \$800,000 to \$900,000, which is not affordable to most. That is another reason it does not make sense to maintain the property as R-1-10. The plan also allows for various housing types ranging in size from 1,000 to 3,500 square feet.

Concerns have been expressed by the residents; however, the project is lower scale medium-density at 7.35 units per acre. They are trying to accommodate the neighbors on all sides. Parking has been addressed and they changed the Parking Plan as well. A Traffic Study was conducted that supports their plan. Another concern was the transient nature of the project and that there will be no sense of community. Mr. Leavitt stated that they want to create a sense of community by having 82 homes where the residents will be invested in the community. At least 50% of the townhomes will be owner-occupied as well. Concerns were also raised about property values. Mr. Leavitt stated that homes that are built along Patricia Drive will have much higher sales prices than what is across the street. They feel that this project will increase the property values of the residents to the east and result in a quality townhome product.

Mr. Leavitt stated that if they are asked to keep the property R-1-10, they will be forced to eliminate Santa Clara residents who will not be able to live there. Affordability issues were discussed. This project will cater to Santa Clara residents in the \$350,000 to \$650,000 range. They plan to hire a professional property management company to oversee and enforce the CC&Rs. It is important to them to have a project that the residents can be proud of.

Chair Blake opened the public hearing.

Ann Hughes gave her address as 2233 Sharon Drive. She did not support rezoning and stated that the residents on all sides have expressed opposition to rezoning but the City never listens to them. She wanted the project to be changed to have only single-family homes. The neighbors have signed petitions and while the project is very nice, it should be developed on property that is zoned for this type of housing. She suggested that the residents be allowed to vote as she and all of her neighbors want the area to be developed as single-family homes.

Doug Wells gave his address as 3842 Nicholas Drive in Santa Clara Heights and was also opposed to rezoning the property. He commented that the previous Planning Commission and City Council established the area as residential to create the atmosphere that Santa Clara is known for. He saw no reason to change the zoning. On three sides of the property are nice developments. He did not support placing townhomes in the middle of that. He also did not suggest that the zoning be changed on the basis of Mr. Leavitt's purchase of the property since he bought with the current R-1-10 zoning and it should remain unchanged. With regard to affordability, Mr. Wells stated that the homes will not be affordable. He suggested they instead develop a community where those who are now in townhomes can move up. He asked that the Commission not support the proposed rezone.

Devin Ferguson gave his address as 3790 Nicholas Drive and stated that the General Plan does not require the zoning of the property to ever be changed. He asked that it not be changed for the benefit of the new purchaser. Mr. Leavitt mentioned that the valuation of the property for sale in the

neighborhood to the east is partially the result of interest rates increasing. That will impact this project as well. The sales price of a one-quarter acre lot is dictated by the market. To make the homes affordable he could do that on his own and lower the lot price. Mr. Ferguson stated that he has lived in Santa Clara since 2010 and has seen a lot of changes during that time. He was concerned that the new townhomes will detract from the view from his property. He is also fully invested in the community and the proposed project is not designed for families. He commented that townhomes are steppingstones to another home.

Michael Lee gave his address as 2312 Jacob Drive and stated that the area on the northwest side of the City is being converted to higher or medium-density housing. He stated that Mr. Leavitt was correct in that his project is being grouped in with other projects that are being developed in the area. Residents have watched as every piece of vacant property has been turned into vacation rentals, townhomes, or apartments. He did not fault Mr. Leavitt for wanting to make a profit but the current zoning was in effect when he purchased the property. When Mr. Leavitt appeared before the City Council last month his proposal was tabled. Council Member Shakespeare specifically stated that the project was too dense and that the number of units should be substantially reduced before bringing it back to the Council. The new proposal has reduced the total number of units from 144 to 133, which is only an 8% reduction. The issue was fitting 133 units into a small space. In the previous meeting, comments were made about providing more affordable housing in Santa Clara. The problem is that the City does not dictate the housing market. The cheapest units at the Desert Village Townhomes are renting for \$2,199 per month for a 1,500-square-foot unit. Prices will vary based on the housing market. Other similar projects in the area have done nothing to make housing more affordable. Mr. Lee stated that when his family purchased property on Jacob Drive, they did so because of what Santa Clara was and not what it would become. He grew up in Santa Clara and these types of projects are rapidly turning this corner of the City into a place that runs counter to what they are trying to protect. He urged the Commission to not change the zoning.

Art Panson gave his address as 3866 Nicholas Drive and stated that they have failed to talk about 50% ownership. What happens with the other 50% is what should be discussed. They are in it just for the money and attempts to provide affordable housing go away. He carefully researched what is happening in his neighborhood and found that this area is predominantly single-family housing. He stated that the Washington County School District has no plans to develop its property in the near future so he bought his home. He now feels betrayed. He reiterated that the developer purchased this property knowing that it was zoned single family. As a result, Mr. Leavitt should live with what he bought.

Fred Fagergren gave his address as 2324 Bryson Circle and has lived there since 2002. Generally, he does not agree with everything Warren Wright writes in *The Spectrum* but his recent article about growth was applicable to this discussion. Mr. Wright was quoted as saying that the most critical issue in limiting the influx of people who are drawn to the local lifestyle is overburdening the land. Mr. Fagergren's perception was that overburdening the land means to developers that they should get the most money possible for every acre. Mr. Fagergren believed that the purpose should be to get the best and wisest use for each acre. He objected to the proposed rezoning. Mr. Leavitt mentioned in previous meetings the need for a transition from the townhouses to the north. Most people know that

the best transition point is a road, which naturally occurs in every community. Mr. Fagergren's opinion was that the highest and best use of the property would be for it to remain as currently zoned. He suggested that Nicholas Drive be continued across the property to 400 East to provide additional access. The properties between Pioneer Parkway and Tuscany Drive should also remain as single-family homes.

David Pond gave his address as 2322 Joshua Circle. At the April 12, 2023, City Council Meeting, the feedback from a few members of the City Council was that they wanted to see significant changes including a reduction in the number of units as well as owner-occupancy before they would approve the application. Mr. Pond pointed out that regardless of the increase in single-family units and the reduction in multi-family units, an overall reduction from 144 to 133 units does not represent a significant reduction. One of the Council Members commented that a significant reduction would be to 92 to 98 units, which would be appropriate for this property. Other Council Members stated that they would like to see a design similar to Village on the Heights. Mr. Leavitt stated multiple times in various meetings that the residents of the Heights do not want any development. That is a myth. They are not opposed to the development of single-family homes. This is the last significant parcel on the northwest side of Santa Clara. This area has been inundated with three townhome and apartment complexes. There are also three short-term vacation rentals in the area. The greater need is for single-family homes in this area of the City and not more multi-family units. Mr. Pond addressed the owner occupancy of the units and stated that there is nothing the City can do to enforce that. Multi-family units bring investors. Affordable housing is a relative term. What is affordable for some is out of reach to others. Rents for the townhome and apartment communities are \$2,000 or more. Single-family homes are more likely to be owner-occupied and bring people who are vested in the community.

Joshua Jackson gave his address as 3892 Nicholas Drive. He commented on parking trailers, trucks, and boats. Outside of any higher-density project, the nearby streets become a parking lot for those items. The project still adds 140% growth to the current density and will take away much of the available on-street parking. With regard to the 50% owner occupancy requirement, whatever is approved must be enforceable. Mr. Jackson referred to the General Plan, which addresses the granting of higher densities. A density of five units per acre can be achieved in medium-density residential land use by mixing single-family homes, duplexes, and townhomes.

Ann Evans gave her address as 3772 Nicholas Drive. In the area from North Town Road to Tuscany Drive, there are 233 units of housing in three projects. The developer has stated that they conducted a traffic study. She questioned how that could have been when two projects were not developed yet, and they do not know what the full impact will be. The result will be 500 more people and cars. She understands that Mr. Leavitt is trying to make a profit but if he cannot make a profit from single-family dwellings he should sell the property back to the City for a cemetery. She referenced a quote by Chair Blake when running for City Council in 2019 that Santa Clara needs to be protected to maintain its small-town feel, its walkability, and cyclability. Ms. Evans urged the Commission to deny the request.

Patricia Bouman gave her address as 2304 Patricia Drive and questioned the need for townhomes to transition to the townhomes they already have. She suggested that the property be developed as single-family homes. She appreciates that the plan does not include a road onto Patricia Drive and stated that the traffic is already fast and heavy.

Paul Styka gave his address as 3895 Sweetwater Drive and had a problem with having less than two-thirds or 75% absentee owners. He and his wife moved to Santa Clara from another state where witnessed firsthand what happens when investors rent their property indiscriminately. He considered that to be a huge mistake. He also echoed the previous comments that since the property was zoned a certain way it should not now be changed. He urged the Commission to deny the request.

Garrett Mair gave his address as 2273 Julie Drive and asked what will happen if the property is rezoned and Mr. Leavitt sells it. It was reported that a new owner would have to follow the project plan that is approved for the property.

James Thayn gave his address as 389 East 1100 South in Ivins and stated that the road has become very busy and busier than it was designed originally. To add more density was of concern.

Jim Reynolds gave his address as 348 East Desert Rose Way in Ivins to the west of the development. He has served on a planning commission and recognizes the issues they are dealing with. He was also a professional civil engineer for over 35 years. He stated that it is not appropriate to make a zone change in a vacuum. The plan shows single-family dwellings to protect the residents of Santa Clara but nothing along 400 East to protect the single-family units in the City of Ivins. They have also only heard anecdotal evidence of the need for additional multi-dwelling units in the area. There are a number of developments that surround this one where high-density housing is going in. Mr. Reynolds commented that the intersection of Pioneer Parkway and US Hwy 91 is already extremely difficult. With the expansion of Old Hwy 91, more traffic will occur there. Unfortunately, new construction does nothing to relieve any of the congestion or dangers associated with that intersection. All of the traffic from the proposed development will impact that intersection and make it worse. This is not transitional development but is spot zoning. Single-family dwellings border the subject property on three sides of the property and it is inappropriate to allow spot zoning in this case. Mr. Reynolds urged the Commission to deny the request.

Ann Pritt gave her address as 3918 Madison Avenue and stated that she has watched with interest the development of the townhomes to the north of Harmons. She has watched rents increase over time and people will rent for what the market will bear. It is a myth that townhomes provide affordable housing.

Stan Spray gave his address as 1107 South 375 East in Ivins and stated that 400 East cannot handle the traffic that is proposed to come online from this development and others. Motorists travel at high rates of speed in that area. He lives on a hill and has a beautiful view that he is concerned will be eliminated. He suggested that the project remain as single-family.

Chris Reynolds gave her address as 348 East Desert Rose Way in Ivins. She stated that property values will change. Their family experienced something similar 30 years ago in Layton where 35 homes were built behind theirs. Their property value declined 30% in one day. The same will happen here. She urged the Commission to not rezone the property.

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

iii. **Consider a Proposed Code Amendment to the Santa Clara Zoning Ordinance, Section 17.18, Amendments to Land Use Ordinance, Zoning Map, and General Plan. This includes General Clean-Up and Updating of the Ordinance. Santa Clara City, Applicant.**

Mr. McNulty presented the Staff Report and stated that the matter was discussed during a Work Meeting on April 13, 2023. There have also been discussions with the City Council on the matter. What is proposed is a text amendment to the Development Code to add Section 17.18100 for General Plan Amendments. The majority of the amendment is to clean up the language. The proposed wording is as follows:

- a. The General Plan may be amended from time to time by the City Council. General Plan Amendments will be considered on a quarterly basis by the City. All proposed amendments shall be submitted first to the Planning Commission for consideration at a public hearing. The City Council shall consider the recommendation at a public hearing and make a final determination to adopt, modify, or deny the proposed amendment.
- b. For a General Plan Amendment which includes a rezoning of property in a required project plan to a Planned Development (“PD”) Zone, the General Plan Amendment may include a condition that the rezoning application on which the General Plan Amendment is based must be approved within a certain timeline or the property reverts to the General Plan prior to approval of the amendment.

Mr. McNulty stated that the city has seen a significant increase in General Plan Amendment and rezoning applications. It is not uncommon to review them quarterly. All state statute requirements have been met for a Code amendment. Staff recommended that the Planning Commission hold a public hearing and consider forwarding a recommendation of approval for the Code Amendment to the City Council.

Mr. Ence explained that the policy is that when an application is received for a General Plan and Zone change, they are now scheduling them so that the General Plan approval goes through first. Because they are two separate decisions, it seems to be helpful for applicants and the City to do them separately. In the past, they have gone through at the same time.

Chair Blake opened the public hearing.

Devin Ferguson gave his address as 3790 Nicholas Drive and asked about the timeline that there has to be a response by. He suggested that the time period be shortened to not conflict with snowbirds and others who may not be able to be present. Mr. McNulty commented that tonight's meeting as well as the meeting in March, were both well attended. Mr. Ferguson was aware of some who could have made impactful statements were unable to attend tonight. Mr. McNulty stated that emails were also received and forwarded to the Commission for consideration. Mr. Ferguson accused Mr. McNulty of selling the previous project to the Planning Commission rather than supporting the residents. Messrs. McNulty and Ence took issue with that comment and Mr. Ence stated that Mr. McNulty presents projects in a fair manner. Mr. Ferguson stated that it always benefits the developer. Chair Blake stated that if a General Plan Amendment is approved and nothing is done for a certain time period, the zoning would revert back. State Code sets the requirements for noticing and other issues.

Mr. McNulty stated that if a property rezone request is denied, an applicant has to wait 12 months to reapply. He thought it would be feasible to specify 12 months in this case as well. He stated that a preliminary plat approval like the one that was presented for Black Desert tonight, is good for two years. In this case, he felt that one year was adequate.

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

5. General Business

A. Recommendation to City Council

- i. Recommendation to the City Council to Consider a Proposed PDR Zone Amendment and Preliminary Subdivision Plat for the Proposed South Village @ Black Desert Subdivision (Parcel #SC-6-2-9-150, described as 43.77 acres). The Subject Property is part of the Black Desert Planned Community which Includes a 19-Hole Golf Course. The Preliminary Plat includes 40 Single-Family Lots Ranging in Size from 0.50 acres to 1.67 acres. Patrick Manning, Applicant.

Mr. Manning reported that Santa Clara City also needed a water line looped to where it connects to Entrada. They were using the road to also deliver the water line. In terms of the golf course being moved, Tom Weiskopf designed the course and felt they needed to move it. It will be up higher and they want to set it down in the natural ravine that is in now.

Commissioner Whitehead stated as it goes through the process of the Planning Commission and the City Council and the plat is approved, it comes back later and makes it difficult for the Commission if a plat is developed that is different from what was originally approved. Mr. Ence explained that the original approval that was given for the golf course's use was very general. There have been no plats approved or submitted to the City prior to this one. This is the first one for this part of the Black Desert Project and the first opportunity for the City to comment on and consider the proposed layout

of the lots since there has not been a previous submission that included the detail of where the lots were to be located. Procedural issues were discussed. Mr. Ence explained that the golf course use was approved along with the original Development Agreement, which did not include the approval of any plats or indicate where lots could be subdivided. For that reason, they were going through this process now. The intent was for there to be flexibility where the bubbles are shown.

Mr. Ence reported that they always had the knowledge and understanding that the plats would come along at the appropriate time and the City would have the opportunity to weigh in as part of the regular process of plat review and approval. He explained that there has been a lot of discussion at staff level about the location of lots and what portions of the lava ought to be preserved. There were also questions regarding the view shed and specific features in the lava. There have been extensive discussions at the staff level with the developer, and what is before the Commission is what the developer decided to submit as a result of those discussions. While it is not necessarily endorsed by staff, they have considered staff feedback.

Commissioner Whitehead recalled when the matter was first presented as part of Area 6. They walked the area and discussed preserving the lava along the walking trail. He commented that Lots 37 and 38 are close to the trail. Council Member Mathis was on the Planning Commission at the time, and it is an issue she has been concerned about. That was one of the reasons the Work Meeting was held with the City Council. The intent was to refresh their memories on what is proposed. They were continuing that process. It will be a long process because there will be multiple phases within Black Desert.

The Commission was asked to look at the approval of the subdivision in the configuration proposed by the developer, which would change the boundary of Area 6. The developer has articulated reasons why they think that is appropriate. Mr. Ence commented that staff was generally comfortable that what is proposed is consistent with the spirit of what the developer and the City have been working through. That does not take away from the Commission's responsibility to make a recommendation to the City Council and question the developer about the decisions that have been made to this point. He commented that the City has been open to an adjustment of the Area 6 boundary because they recognize the need for the second access road, which exits on the southeast boundary of the project and will be part of the plat. That is important for access and utility connections. Staff expressed support for whatever is approved with the assurance that there is a second access at that point, which will impact Area 6. Other options have been discussed as well such as providing a second access to Pioneer Parkway that will have an even bigger impact on Area 6. This will require changes to the trail and have a greater impact on view sheds. Mr. Ence explained that the developer and staff are addressing numerous considerations, which can be considered as a recommendation is made to the City Council.

Commissioner Call was concerned about Lots 37 and 38 and their proximity to the existing trail. Chair Blake commented that he rode the trail a few weeks ago and near the arboretum, it is in the backyards of several homes. He was not concerned about that with the space provided with the proposed homes, however. With regard to the second access, he felt that the location proposed was the only option.

Mr. Bates reported that during the site visit with the City Council, they looked at the space thoroughly. The two lots were removed originally because there was a lava source that they did not want to encroach onto. Lot 38 was significantly lower than the area to the west. Lot 37 is tucked in behind the trail as well. The area adjacent to the trail that had an impact on the view was the current open space. One option was to take a portion of Lot 28 and make it undevelopable. Ultimately, the decision was made to remove two lots.

The golf course fly zone identified in Lot 37 was identified as an area that could potentially have errant golf balls. It is a noticing requirement so that potential purchasers of the property are aware that that is a hazard. The gap between the road and Entrada running north-south was estimated at 20 feet. No retaining walls were proposed there to minimize the grading adjacent to those lots, which are set lower. The intent was to optimize the design.

Chair Blake asked if 50-foot roads are needed or if they could be reduced to 45 feet. Commissioner Blake was in favor of a 45' public road to reduce the disturbance of lava areas in the project. Mr. McNulty stated that the Public Works Director has been very specific about the 50-foot road based on the newly adopted Construction Design Standards. Staff spent months amending the Construction Design Standards and there were reasons behind the 50-foot road versus 45 feet. The matter may warrant further discussion.

Commissioner Whitehead asked how property values will be impacted if the southernmost property line on Lots 37 and 38 is reduced by 50 feet to get it further from the walking trail. Mr. Manning stated that the setback there is already 20 feet. They could ensure that there is a minimum 30-foot setback off of the property line to provide distance between the trail and the property. The lot sits eight feet below the trail. He struggled with developing one-acre lots that are low-profile while there are homes along the majority of the trail. He wants to be sensitive but would not want to push the property line.

Mr. Ence stated that it is worthwhile to understand that the way the lots are to be developed is similar to the Entrada or Kayenta style where the disturbance on the lot itself will be kept to a minimum. The developer and their covenants will control how that disturbance takes place. The lots will largely remain undisturbed, which changes the perspective. There will not be a wall on the perimeter and the property lines will effectively be invisible. What will largely be seen is lava almost up to a low elevation home and very little disturbance otherwise. He noted that that is the intent of the style of development. Mr. McNulty referenced item number four in the Staff Report regarding preservation of lava and minimal disturbance. He stated that the developer is involved in the location and disturbance of each individual lot and citing the potential future homes.

Chair Blake commented that that needs to occur in terms of providing emergency access to the remainder of the units. It seemed that the developer had identified areas with the most interest. He agreed that there are already several homes along the trail and he felt that the golf course added to the interest. He was not opposed to reducing Area 6. He liked the idea of reducing the road sizes as the Code is flexible.

Commissioner Whitehead wanted to avoid overriding the Code. Mr. McNulty clarified that the Code allows for small streets in Planned Development Residential (“PDR”). There is a 50-foot standard cross section and 45 feet for a PDR, which typically has smaller lots. In this case, the lots are very large in size. There is also a 55-foot cross-section if the desire is to do park strips and sidewalks. A PUD allows a public road at 45 feet, however, in this case, that has not been recommended by the Public Works Director.

Commissioner Whitehead moved to recommend APPROVAL of the PDR Zone Amendment and Preliminary Plat Approval for the South Village @ Black Desert Subdivision to the City Council 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. This includes Red Mountain Drive and Road “E” (66’ cross-section), along with Road “C”, as well as all interior public streets within the subdivision (50’ cross-section). Additionally, all cul-de-sacs within the subdivision are required to have a 50’ radius (100’ diameter).**
- 3. That the building setbacks for this subdivision meet the requirements of Chapter 17.68, Planned Development Residential, PDR Zone. That the building height for all homes in this subdivision be limited to 28’ as proposed by the developer.**
- 4. That Lot 7 be approved as a flag lot. That Lots 21, 22, and 23 be required to have a 25’ rear yard setback because they are double-fronted lots.**
- 5. That each home in the subdivision be designed to maximize views and limit disturbance allowing for the preservation of lava areas.**
- 6. That the “Golf Course Fly Zone” note be required on the plat with associated language being required in the CC&Rs.**
- 7. That a 10’ multi-purpose trail be required north of Tuacahn Wash and adjacent to Red Mountain Drive (east side), and Road “E” (north side).**
- 8. That the two (2) open space areas be maintained by the HOA. This includes Area #1 (1.16 acres), and Area #2 (1.04 acres).**
- 9. That a decision by the City Council which includes an amendment to the Development Agreement regarding Area #6 be decided on prior to, or concurrently with Final Plat approval.**

10. That the applicant is required to fire sprinkle all residential structures within the project with an IRC NFPA 13D sprinkler system. That emergency access be available from the southeast edge of the project adjacent to Entrada. That the applicant provides a key or Opticom override system control to the Fire Department.
11. That all landscaping (Individual lots and HOA-maintained open space areas) be required to comply with City Ordinance #2022-05 (Water Efficiency & Conservation).
12. That the applicant provides a will-serve letter or other verified documentation from the WCWCD prior to final plat recordation.
13. That a secondary water system is required for all outdoor water use.
14. That a copy of the CC&Rs for the project be submitted to the city for review and approval at Final Plat submittal.
15. That the applicant provides a dust control plan prior to final plat recordation.
16. There shall be discussion with the Public Works Director regarding reducing the width of the street from 50 feet to 45 feet.

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

- ii. **Recommendation to the City Council to Consider a Proposed Rezoning of Property at 400 East/Patricia Drive and Pioneer Parkway (Parcels #SC-SB-90-A-2, and #SC-SB-90-A-4-B, described as 18.09 acres). The Applicant, Clayton Leavitt, is Proposing to Rezone the Property from the R-1-10 Single-Family Residential Zone to the Planned Development Residential, PDR Zone to Allow for a Proposed Residential Project that will include Single-Family Homes, Multi-Family Townhomes, and Amenities.**

Mr. Leavitt commented that the R-1-10 zone is a holding zone in Santa Clara. The General Plan states that there is a need to buffer single-family homes in the form of townhomes along Tuscany Drive. The importance of density transitions between neighborhoods is also stressed in the General Plan. This plan accomplishes that. When they purchased the property they knew there was higher density to the north and single-family to the east. They accommodated all of the residents in their plan. With regard to boat and RV parking, they will not be allowed in the community. If so, they would need to be screened behind a fence. He did not expect them to be an issue with regard to parking.

Mr. Leavitt stated that they have to be realistic with regard to what is affordable. Currently, the federal government has raised interest rates but when they come down again it will still be difficult

to afford a \$650,000+ home in Santa Clara. For that reason, three-quarters of the land within the project is devoted to single-family.

Chair Blake asked about the detached single-family homes. Mr. Leavitt stated that they will typically be two stories with 1,750 to 1,850 square feet. The price point will be affordable. There will be five or six different elevations for single-family homes. The traffic study that was conducted has taken the width of 400 East into account. It was classified as a collector by the City. A privacy wall will be provided. Mr. Leavitt stated that he spoke to residents in Ivins who preferred one-story homes in that area. The intent was to protect the view corridor.

Boat and RV parking issues were observed in Tuscany. There was concern about residents of Mr. Leavitt's project migrating elsewhere. He drove through Village on the Heights and Heights West and observed trailers and cars parked on the public street. They want to encourage no parking on public streets, and it will be enforced in the CC&Rs.

Commissioner Call stated that as mentioned at the last meeting, he generally opposes zone changes where the neighbors are opposed. There are good reasons for that. He stated that there was an empty lot across from his home that was zoned R-1-10 that was vacant for about 10 years. He often wondered what would happen if it were converted to a convenience store. He did not consider that to be appropriate. He recognized that owner-occupancy will be limited to 50% in the townhome units but not on any of the other unit types, which could be 100% rentals. He also addressed the affordability issue and recognized that there has been a lot of growth in the City since he has lived here and he had not seen prices get more affordable. He did not consider the median cost of the units at \$400,000 to be affordable. His opinion was that what is proposed is too dense. He did not consider the 8% reduction proposed by the developer to be significant. He saw no compelling reason to change the zoning.

Commissioner Whitehead listened to the audio from the City Council Meeting and studied the issue in detail. He is usually opposed to zone changes unless there is neighborhood support. He read a report that changed his opinion and stated that it is not his responsibility to decide about what is best for the residents. That is the job of the City Council. The Planning Commission's duty is to make sure that the application is complete and complies with the General Plan and forward a recommendation to the City Council. He felt that an 8% density may not be substantial but the 16% increase in single-family lots is significant. There are also 14% fewer townhomes. Overall it is a 28% change to go from townhomes to single-family lots. There was discussion of zoning the property R-1-6, which still allows a density of up to seven units per acre. The General Plan addresses density transitions, which are intended to ensure that the new development is compatible with existing neighborhoods. Gradual transitions between different densities should occur. Commissioner Whitehead felt that Mr. Leavitt had paid attention to what staff and the City Council have recommended and has adhered to the goals of the General Plan.

Commissioner Harris was in favor of the project last time and continued to support it. The General Plan calls for medium-density and their request complies with that.

Chair Blake reported that the subject property was annexed into the City in 1982 and agreed with Commissioner Call that there needs to be a slow increase in intensity. He did not consider what is proposed to be dramatically different from what surrounds the property. The City Council at their last meeting was more worried about the attached units, which was why they wanted the 50% owner occupancy stipulation. He did not see much of a difference between what is being requested and what currently exists in the community. The roads in the area have all been sized based on the General Plan to handle increased traffic. Traffic studies plan for the future. He felt there was a need for this type of housing. He remarked that affordability is relative. Chair Blake stressed the importance of providing places for our children to live. He noted that growth in the state has exceeded the availability of housing. The proposed units will be less expensive than a home in the R-1-10 zone.

Chair Blake liked the project because it has single-family homes that will be buffered by substantial roads. There is also a transition to other communities and it meets a need. He also liked that the developer has added pedestrian connectivity and that there are narrow streets that are safer and provide for walkability with the sidewalks. There is also a trail that will provide walkability.

Mr. Ence stated that the decision is legislative and one for which the City Council has broad discretion because it has to do with the direction of development in the City. It pertains to the concerns and considerations of the residents and property owners. The role of the Planning Commission is to make a recommendation and record of what was said for the benefit of the City Council who will make the final decision. The Planning Commission's recommendation is not binding.

Chair Whitehead moved that the Planning Commission recommend APPROVAL to the City Council to consider a proposed rezoning of property at 400 East/Patricia Drive and Pioneer Parkway (Parcels #SC-SB-90-A-2, and #SC-SB-90-A-4-B, described as 18.09 acres) to rezone the property from the R-1-10 Single-Family Residential Zone to the Planned Development Residential ("PDR") Zone to allow for a proposed residential project that will include Single-Family Homes, Multi-Family Townhomes, and Amenities subject to the following:

Conditions:

- 1. That the applicant be required to go through the PD Subdivision Review process for each project phase (overall preliminary & final plats).**
- 2. That a total of one hundred thirty-three (133) units on 18.09 acres be allowed as per the Project Plan. This equates to a density of 7.35 units/acre.**
- 3. That a Project Phasing Plan be required for the overall project. That this plan be reviewed for compliance with each project phase.**
- 4. That the building design/materials/height/setbacks comply with the Project Plan as presented by the applicant. That substantial changes to these items require an amendment to the Project Plan.**

5. That at least 30% of the project area be in common open space. The Project Plan includes approximately 34.83% (6.30 acres) of open space.
6. That the project amenities be provided and put in place as per the Project Plan and Phasing Plan.
7. That the required public trail (2018 Trails Master Plan) be put in place as per the Project Plan.
8. That the applicant be required to comply with City Ordinance #2022-05, Water Efficient Landscaping & Conservation Standards. Also, secondary water connections are required for outdoor water use
9. That a 45' public road cross-section be allowed for this PD project rather than a 50' cross-section. That a 26' private driveway be allowed to access Lots 38 – 39, and 59 – 60 only. That future improvements to Patricia Drive, Pioneer Parkway, and 400 East be determined during the PD Subdivision review process.
10. That 203 parking spaces for the 51 multi-family units be provided along with 20 surface parking spaces adjacent to the amenity areas as per the Project Plan.
11. That the Geotech Report for the project be implemented during construction.
12. That the Traffic Impact Study, TIS for the project be implemented except for a third access to Patricia Drive
13. That a 6' solid block privacy wall be required along Pioneer Parkway and 400 East.
14. That a minimum of 50% of the multi-family townhome units be owner-occupied.
15. That the proposed property Rezoning complies with Chapter 17.18.090 items, (except item c below):
 - a. The proposed use is suitable in view of the zoning and development of adjacent and nearby property;
 - b. The proposed use will not adversely affect the existing use or suitability of adjacent or nearby property;
 - c. There are no substantial reasons why the property cannot or should not be used as currently zoned;

- i. **The applicant intends to do a PD Subdivision with both single-family and multi-family townhomes as per the MDR land use designation of the General Plan.**
- d. **The proposed use will not cause an excessive or burdensome use of public facilities or services, including, but not limited to streets, schools, water or sewer utilities, and police or fire protection;**
- e. **The proposed use is compatible with the purpose and intent of the General Plan;**
- f. **The proposed use is consistent with the purpose and intent of the proposed zoning district;**
- g. **The proposed use is not supported by new or changing conditions anticipated by the General Plan;**
- h. **The proposed use does reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to the unrestricted use of property.**

Findings:

- 1. **That the Rezoning is compliant with the Santa Clara City General Plan, Section 3.4.1, Residential Land Uses (Medium Density Residential, MDR).**
- 2. **That the MDR Land Use Designation allows for townhomes, multi-unit buildings, and small single-family structures on small lots.**
- 3. **That other properties in the immediate vicinity (north and south) of the site are zoned Planned Development Residential (“PDR”).**

Commissioner Harris seconded the motion. Vote on motion: Commissioner Call-Nay, Chair Blake-Aye, Commissioner Harris-Aye, Commissioner Whitehead-Aye. The motion passed 3-to-1.

Mr. Ence expressed gratitude to the public for the comments offered. He appreciated the feedback and input. It is welcome and becomes part of the record.

- iii. **Recommendations to the City Council to Consider a Proposed Code Amendment to the Santa Clara Zoning Ordinance, Section 17.18, Amendments to Land Use Ordinance, Zoning Map, and General Plan. This Includes General Clean-Up and Updating of the Ordinance. Santa Clara City, Applicant.**

Timing issues were discussed. It was noted that once word gets out applicants will be prepared to submit amendments quarterly. Mr. Ence stated that it also signals that a General Plan change is a significant issue. In the past it has been treated as part of the process of a zone change, however, it is not the same.

Commissioner Call moved that the Planning Commission recommend APPROVAL to the City Council of the proposed Code Amendment to the Santa Clara Zoning Ordinance, Section 17.18, amendments to the Land Use Ordinance, Zoning Map, and General Plan and that the timeline be set as one year. The motion was seconded by Commissioner Harris. The motion passed with the unanimous consent of the Commission.

The Commission discussed the potential for being awarded a grant to help cover the cost of revising the General Plan. Mr. McNulty stated that he would need to inquire with the City Manager. Mr. McNulty commented that they have spent a lot of time trying to work with Utah Tech through the City Alliance who would like to help the City revise the General Plan but they do not have the needed expertise. Usually, a consultant is hired to lead a General Plan update. Mr. McNulty proposed that it be a 50/50 effort where he would do half of the work in-house with the help and guidance of a professional consultant in the future.

Mr. Ence pointed out that once the City is built out, redevelopment will not be precluded.

6. Discussion Items

A. None.

7. Approval of Minutes

A. Request Approval of the Regular Meeting Minutes – April 27, 2023.

Commissioner Whitehead moved to APPROVE the minutes of the April 27, 2023, Santa Clara Planning Commission Regular Meeting. Commissioner Call seconded the motion. The motion passed with the unanimous consent of the Commission.

8. Adjournment

The Planning Commission Meeting adjourned at 8:16 p.m.

Jim McNulty

Jim McNulty
Planning Manager

Approved: _____ June 8, 2023