

**SANTA CLARA CITY PLANNING COMMISSION  
MEETING MINUTES  
2603 Santa Clara Drive  
Thursday, June 8, 2023**

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

**Staff:** Jim McNulty, Planning and Economic Development Manager  
Cody Mitchell, Building Official  
Selena Nez, Deputy City Recorder

**Excused:** Mark Weston  
Ryan Anderson  
Mark Hendrickson

**1. Call to Order**

In the absence of Chair Mark Hendrickson, Logan Blake, Vice-Chair, called the Santa Clara City Planning Commission Meeting to order at 5:33 p.m.

**2. Opening Ceremony**

**A. Pledge of Allegiance: James Call.**

**B. Opening Comments (Invocation): James Call.**

**3. Communications and Appearances**

There were no communications or appearances.

**4. Working Agenda**

**A. Public Hearing**

**i. None.**

5. **General Business**

A. **Planning Commission Approval.**

i. **Roxberry Juice Co. Wall Signs, Located at 3542 Rachel Drive, Suite #101. Ethan Moon with The Sign Guys, Applicant.**

Planning and Economic Development Manager, Jim McNulty, presented the Staff Report and reported that the applicant was Ethan Moon with The Sign Guys. The request was for Wall Sign Approval for Roxberry Juice Company located at 3542 Rachel Drive, Suite #101. This was the last tenant that will be going into Retail Building Pad A at the Harmon's Shopping Center. Three wall signs were proposed for the business. Mr. McNulty shared drawings of the signs for reference.

Section 17.44.090(C) of the City Code specifies that wall signs may not exceed 10% of the total square footage of the wall where the sign is placed. The applicant provided calculations indicating that 10% would allow for a sign of up to 79 square feet on both the east and west building elevations. The east building elevation wall sign was proposed to be 54 square feet. It will have internally illuminated white and purple letters mounted to the building. The west building elevation wall sign was proposed to be 60 square feet. It will have internally illuminated white letters mounted to the building. The north building elevation wall sign was proposed to be 54 square feet. It will have internally illuminated white and purple letters mounted to the building. Mr. McNulty reported that the proposed signs meet the standards for wall signs per Code Chapter 17.44.

City Staff recommended that the Planning Commission approve the proposed Wall Signs for Roxberry Juice Company subject to the Conditions of Approval set forth in the Staff Report. The applicant was present via Zoom and available to answer questions. Commissioner Harris wondered why the back sign was different than the other two. Mr. Moon was not sure why the branding had been changed but it had been done at other Roxberry locations.

**Commissioner Call moved to APPROVE the proposed Wall Signs for Roxberry Juice Co. located at 3542 Rachel Drive, Suite #101, subject to the following conditions:**

1. **That the east building elevation wall sign (facing Harmon's parking lot) be allowed at 54 square feet with internally illuminated white and purple letters.**
2. **That the west building elevation wall sign (facing Rachel Drive) be allowed at 60 square feet with internally illuminated white letters.**
3. **That the north building elevation wall sign (facing Harmon's building and driveway) be allowed at 54 square feet with internally illuminated white and purple letters.**

4. **That the Building Permit be applied for and obtained prior to placement of the wall signs on the building.**

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

- ii. **Steve’s Automotive Wall Signs, Located at 2291 Santa Clara Drive. Bradley Salay with Rainbow Signs, Applicant.**

Mr. McNulty presented the Staff Report and stated that the applicant is Bradley Salay from Rainbow Signs. The request was for Wall Sign Approval for Steve’s Automotive located at 2291 Santa Clara Drive. The business will be in the Town Square Shopping Center. Previously, the space was used for Doug’s Master Auto Care. He reported that two wall signs were proposed.

Section 17.44.090(C) of the City Code indicates that a wall sign may not exceed 10% of the total square footage of the wall on which the sign is placed. The applicant provided calculations indicating that 10% would allow for 264 square feet of wall signage along the front elevation (north side) of the building. The first sign proposed was 152 square feet and stated, "Tires & Auto Repair." The sign included non-illuminated 1.5-inch white-formed plastic letters. The second sign was 59 square feet in size and was printed with the words "Steve's Automotive." The sign also included 1.5-inch white-formed plastic letters. The proposed signs were determined to meet the standards for wall signs per Chapter 17.44 of the City Code. City Staff recommended that the Planning Commission approve the proposed Wall Signs for Steve’s Automotive, subject to the Conditions of Approval set forth in the Staff Report.

**Commissioner Whitehead moved to APPROVE the proposed Wall Signs for Steve’s Automotive, located at 2291 Santa Clara Drive, subject to the following conditions:**

1. **That the first wall sign, “Tires & Auto Repair,” be allowed at 152 square feet with non-illuminated 1.5-inch white formed plastic letters.**
2. **That the second wall sign, “Steve’s Automotive,” be allowed at 59 square feet with non-illuminated 1.5-inch white formed plastic letters.**
3. **That the Building Permit be applied for and obtained prior to placement of the wall signs on the building.**

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

## 6. Discussion Items

### A. Building Height Definition.

Mr. McNulty reported that there were two Discussions Items on the Planning Commission Agenda. The first related to the Building Height definition. Building Official, Cody Mitchell, had been working on the language recently. The discussion would review the definition of 17.08.010 as well as additional ordinances that pertain to the maximum height of primary structures. He would review the current ordinances, review different scenarios, and discuss proposed alternate language to the term Building Height. Mr. Mitchell read the current language as follows:

- 17.08.010: TERMS DEFINED:
  - Height Of Building: The vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or the height of the highest peak of a pitched or hipped roof. The grade shall be the elevation of the sidewalk at the center point of the sidewalk in front of the dwelling, or if no sidewalk exists by the crown of the road.
- 17.20.140: MINIMUM HEIGHT OF MAIN DWELLING:
  - No dwelling shall be erected to a height of less than one story above grade.
- 17.74.040: DIMENSIONAL REQUIREMENTS:
  - Primary Building Height: Primary building height shall be the average height of adjacent units on the same block unless a greater height is approved by the Planning Commission, upon recommendation from the Heritage Commission, as being necessary for proper compatibility of various elements of the overall development plan, and to ensure that any infill and replacement dwellings are compatible with the dimensions of the adjacent dwellings. Accessory buildings shall not exceed two (2) stories in height, up to twenty-five feet (25') in height unless a taller building is approved by the City Council after considering the recommendations from the Heritage Commission and Planning Commission and based on the compatibility of the architectural design with the other buildings in the Historic District.

Mr. Mitchell explained that some of the language is outdated and vague. As a result, some new language was proposed. The proposed language was presented to the City Council during a Work Meeting on May 17, 2023. The Council was receptive to the language with some additions. Mr. Mitchell reported that the proposed language was as follows:

- BUILDING HEIGHT: The vertical distance measured from the average natural grade of a building pad or approved finished grade of a building lot (whichever is applicable), to the highest point of the building or structure, including architectural features, chimneys, and rooftop mounted equipment.
  - Exception: Where there is a difference in finish grade on a lot or parcel, the building height shall be measured from the “average grade” height as measured between the “upper grade” and the “lower grade” with the following restrictions:
    - The maximum variation allowed between “upper grade” and “lower grade” is ten feet (10’).

- The highest point on a building or structure, as defined in the section, shall not exceed the maximum allowed height as measured from the “average grade.”

Mr. Mitchell reported that there were three sample scenarios included in the materials. The first was the Difference in Grade, which addressed a walk-out basement lot. The upper and lower grades were taken to find the average grade. The upper and lower grades may not exceed 10 feet in the differential. From the average grade, it is possible to go up 35 feet to the highest point of the structure. He reiterated that the exception would pertain to a walk-out basement scenario. The second scenario was an Approved Grade. That example showed an established subdivision where the elevations were engineered and established through the subdivision process. The third scenario was Average Natural Grade. If someone were to take a legal lot of record without making any subdivision improvements, a pad elevation would need to be established. That would take the average native grade to prepare a building pad. From that pad, a height of 35 feet would be measured.

Commissioner Whitehead asked about the average grade scenario. He wondered what would happen if someone built their home down lower. Mr. Mitchell explained that the average grade would typically be a positive grade. That scenario was intended to address the valley lots where there is a rolling grade. The ordinance is essentially saying that the average grade of the lot needs to be taken into account. There was discussion regarding the homes in Black Desert. It was noted that there are mounds of lava. It would be possible to build down underneath those mounds of lava, whereas the average grade of the lot may be three or four feet higher than where the pad was. Mr. Mitchell explained that the language does not pertain to Black Desert because it is a subdivision and the grades would be set for the flow of the street, as per the engineer. The average grade and native grade language would address single parcels that did not go through the subdivision process.

There was discussion regarding the Black Desert development. Mr. Mitchell explained that based on discussions with them, there was a desire to capitalize on the views with minimal disturbance of the native terrain. Some were recessed but there was not a desire to build to maximum heights there. A question was raised about the development at Vineyard and Claude Drive. There was a desire to understand whether the upper grade would be Vineyard and the lower grade Claude Drive. Mr. Mitchell clarified that the subdivision pads were already established in that instance. The Commissioners wanted to understand why the finished floor was not used. Mr. Mitchell explained that he would like to go off of the finished floor information, however, that becomes challenging with a basement. If there was a desire to avoid soils, it might be out of the ground slightly. The finished floor changes depending on the type of construction used for the home. As a result, the language and scenarios were based on pad elevation rather than the finished floor.

The City Council asked that additional language be added to the definition. The intention was to address hillside scenarios. Mr. Mitchell read the following language to the Commission:

- In the event a building pad is substantially higher than the street grade (greater than 3’ measured from top back of curb) the approved building pad elevation shall be established by the natural topography and approved by the Hillside Review Board prior to Building

Permit issuance. In no case shall a building pad be artificially elevated to accomplish a favorable viewshed.

Mr. Mitchell believed the additional language would address the concerns expressed by the City Council during the Work Meeting discussion. Commissioner Whitehead asked how the natural grade would be measured on a steep hill. The natural grade could be five feet on the front and 10 feet on the back. Mr. Mitchell clarified that the proposed language would ensure that the Hillside Review Board approves the elevation prior to Building Permit issuance. The applicant would need to present elevations on all sides. It would be up to the Hillside Review Board to make a recommendation. Mr. McNulty referenced the Sycamores development that was discussed recently. Three lots would need to have a Hillside Review Board discussion. Some areas were more native and others had been disturbed over the years.

Vice-Chair Blake asked about the sentence, “In no case shall a building pad be artificially elevated to accomplish a favorable viewshed.” He pointed out that elevating a pad more than three feet might not necessarily be to have a favorable viewshed. For instance, it might be done to accomplish better grading that was less damaging to the hillside on the back of the home. He wondered whether the building pad could be artificially elevated if the intention was not to obtain a favorable viewshed. Mr. Mitchell explained that there would need to be a discussion at the Hillside Review Board level. Commissioner Call believed there should be case-by-case determinations. Mr. Mitchell noted that it is difficult to write an ordinance that will cover every possible scenario. The most typical was the pre-engineered pad-ready subdivisions followed by the walkout basements. In the future, the hillside development scenarios might become more common, but right now, it was not.

Vice-Chair Blake wanted to make sure there was flexibility for multiple scenarios. He assumed that there were provisions to allow people to build higher than 35 feet. For instance, conditional uses. Mr. Mitchell denied this. 35 feet was fairly standard for residential. Mr. McNulty noted that other places only allowed for 30 feet. Vice-Chair Blake thought that it made sense in certain circumstances to allow for additional height. If a development is sensitive to the hillside and the grading is not excessive, it might be appropriate to have some level of flexibility. Mr. McNulty pointed out that what Vice-Chair Blake was proposing would require a rewrite of the Hillside Ordinance. He believed there was some flexibility within that ordinance, as there were a number of engineers on the Hillside Review Board. In most cases, the proposed language would be adequate but he acknowledged that there might be scenarios where it was necessary to look outside the box. He noted that it was difficult to write language that would address every possible scenario but he did not want conditional uses for additional height. Mr. McNulty explained that a conditional use is a permitted use with conditions. If something meets the ordinance it would need to be granted. He offered to review the Hillside Ordinance language but was not familiar with a conditional use provision in that ordinance.

Commissioner Whitehead asked how an Accessory Dwelling Unit (“ADU”) would be impacted by the language. For instance, if there was an attached unit in the back. Mr. Mitchell clarified that if it is attached to the existing home, it would be an Internal Accessory Dwelling Unit (“IADU”) and it would need to meet the same requirements outlined in the proposed language. If it was a Detached Accessory Dwelling Unit (“ADU”) it would be limited to a maximum height of 20 feet.

Commissioner Harris referenced the following language: “The maximum variation allowed between “upper grade” and “lower grade” is ten feet.” She believed that was not what was allowed but how it was being measured. Mr. Mitchell confirmed this. Commissioner Harris wondered if the proposed language should be clarified. She believed someone would read that and think the language stated that there could only be a 10-foot walkout basement. Mr. Mitchell interpreted the proposed language differently. Discussions were had about the language and what was appropriate. Commissioner Harris believed most of the proposed language was clear but she reiterated her concern about the maximum variation language. Others on the Commission felt the phrasing was clear. Additional conversations were had about grade differences and the proposed language.

Mr. McNulty explained that the item would come back to the Planning Commission for a public hearing as it was a code amendment. That could be done in two weeks. The Planning Commission recommendation would be forwarded to the City Council who would consider the matter further.

## **B. Regulations for Accessory Structures.**

Mr. McNulty reported that the next Discussion Item was related to regulations for accessory structures. He explained that this was discussed at a City staff level recently. Last month, there was an interesting application that asked for additional height for an accessory structure. That application also contained an ADU. There was no desire to expand the ADU, but the intention was to expand the storage and garage space. The ordinance allowed them to do so as the requirements of the conditional were met. Mr. McNulty now wanted to have a discussion with the Planning Commission about accessory structure heights.

In the RA Zone, R-1-10 Zone, and R-1-10/RA Mixed Lot Size Zone, the same language was used for height. It states that “no building shall be erected to a height greater than 35 feet and no accessory building shall be erected to a height greater than 20 feet without a Conditional Use Permit approved by the Planning Commission.” Mr. McNulty was not aware of any Conditional Use Permits that had been denied for garages or detached structures. Most of the time, it is possible to meet the conditional use requirements in the ordinance itself. He noted that an RA Zone is a one-half acre or larger zone. It might be appropriate to allow accessory structures to be 25 feet in zones with larger lots. On the other hand, the R-1-6 Zone has smaller lots so there was a cap and the conditional use language was not included. The building height in the R-1-6 Zone was limited to 30 feet for the primary structure and 20 feet for a detached garage or accessory structure.

Mr. McNulty had looked at the R-1-10 Zone and the Mixed Lot Size Zone and the height requirements there. He was fine with allowing an accessory structure height to be 20 feet as the ordinance currently reads. That being said, there could be a maximum of 25 feet if additional setbacks are provided. He clarified that the discussion had to do with accessory structures and garages, not ADUs. Mr. McNulty suggested that each additional two feet of setback could allow for one additional foot of structure height to a maximum height of 25 feet. Instead of five feet from a rear or side property line, it would need to be at 15 feet in order to achieve the maximum of 25 feet. That would provide relief to the adjacent neighbors because the height would not be right on the property line.

The application that was discussed the previous month is slightly different because there are nearby residents who are supportive of the height since it backs onto duplexes and vacant fields. Mr. McNulty shared information about other areas such as Sandy City where there has been a lot of discussion about accessory buildings and placement on lots. His idea was to have something more structured in Santa Clara. If there was a desire to allow for heights in excess of 20 feet, additional setbacks need to be provided so there is relief to the adjacent neighbor. He reiterated that the maximum amount allowed in that scenario would be 25 feet. It would provide up to five additional feet. That would not be a conditional use and would be handled administratively by Staff. If necessary, the applicant could have the Technical Review Committee ("TRC") review the application.

Mr. McNulty next discussed accessory structure size and lot coverage. The current ordinance language states that "no accessory building nor a group of accessory buildings in a residential district shall cover more than 25% of the lot area." He explained that 25% of the lot area could be significant. As a result, he was thinking that the percentage allowed could be measured from the rear plane of the home to the rear property line. Mr. McNulty had concerns about an accessory structure that is taller than the primary residence. It might be worth adding language to prevent that from happening.

Commissioner Whitehead pointed out that a barn might be taller than a primary residence. Mr. McNulty noted that the accessory structure height compared to the primary residence height might not be a concern in the RA Zone. However, in the R-1-10 Zone, he believed it would be an issue. Mr. McNulty asked how the Commission felt about the idea of measuring from the rear plane of the home to the rear property line. Even with an irregular lot shape, there is normally a lot of property there. There need to be some limitations in place. There was support for the language. Additionally, there was support for the previously mentioned setback language that would provide relief to the neighboring property as it was important to consider other residents.

Mr. Mitchell reported that the ordinance requires 10 feet of separation between the primary dwelling and the accessory structure. If 10 feet of separation cannot be provided, the setback requirements need to be met. With an accessory structure, the height is currently limited to 20 feet. He wanted to see that increased as he did not know that the 20-foot restriction was necessary. However, allowing someone to build one to 35 feet did not make sense either. Commissioner Call wondered why he felt that way. Mr. Mitchell explained that 20 feet is currently allowed for an accessory structure, and he did not feel that a 35-foot accessory structure is necessary. Mr. McNulty clarified that 35 feet was the allowance for a primary dwelling unit. There is a primary use and the accessory structure or ADU is an accessory use. As a result, there are limitations on accessory uses and heights. Commissioner Call believed there was a desire for the secondary use to remain smaller than the primary use. This was confirmed.

Mr. McNulty also wanted to discuss accessory structure location. This had been discussed in the past. Section 17.60.060 of City Code states that "private garages and accessory buildings located to the rear and at least 10 feet away from the main dwelling may be built five feet (5') from the property line." Right now, the Code specifically requires a five-foot setback for an accessory structure from the rear property line or side property line. He noted that this is for an accessory

structure or detached garage and the language did not apply to an ADU. An ADU requires a 10-foot setback. Some of the feedback he had received so far indicated that some were supportive of the five-foot setback while others thought that three feet would be more appropriate. He wondered how the Commission felt about the current five-foot setback. Vice-Chair Blake was in favor of reducing the side yard setback to 3' because it could be difficult to achieve on a smaller lot. It would be nice to let people build closer to the sideyard property line. He felt it was appropriate to leave the rear yard property line at five feet but believed that a smaller side yard property line setback made sense.

Commissioner Whitehead shared a scenario with a neighbor. He believed it made sense to have an option for a three-foot setback. Mr. McNulty explained that the Code would need to be changed to allow for the three feet. If the side yard was allowed to be three feet and the rear yard was five feet, it would likely need to be fire rated. Commissioner Whitehead liked the idea of providing flexibility. Vice-Chair Blake noted that with all of the restrictions, the disturbance to the neighbors will be limited because it would only be on one side of the lot. Mr. McNulty believed there was a way to reach an agreement about the restrictions and the language. Mr. Mitchell discussed the Building Code. If the setback is less than five feet, there would need to be fire protection in place. The reduced setback could impact neighboring properties as well. There were a lot of questions that needed to be answered. He commented that it is difficult to write an ordinance that addresses all possible scenarios.

There was additional discussion regarding the setbacks and fire protection that will be needed if the five-foot setback was reduced. There were concerns about the fact that a reduction could impact a neighboring property. It was noted that not all Commissioners were in favor of a setback reduction. Mr. McNulty explained that the matter needed to be discussed with the City Council as well and brought back to the Planning Commission. There was support for the structure height proposal and the additional setbacks to obtain more height. There was also support for measuring from the rear plane of the home to the rear property line. Commissioner Whitehead was reluctant to say no to the reduced setback but he felt there would need to be a way for the neighboring property to sign off on the reduction. He thought some flexibility would be beneficial.

Commissioner Harris asked about the Fence Ordinance. She believed there was some kind of agreement between property owners. Mr. McNulty explained that Chapter 17.28 contains a provision related to the additional height of a fence when there is a difference in grade. Commissioner Harris believed that something similar could be considered with the setback situation. There could be an agreement of sorts with the neighboring property. Mr. McNulty liked the suggestion and offered to look into it. He explained that the discussion with the City Council next week would be similar to the one that took place with the Planning Commission. He would share some of the Planning Commission's ideas and comments during that time as well.

Mr. Mitchell felt that the side and rear setbacks should be the same to simplify enforcement. For instance, either three-foot setbacks on the rear and three-foot setbacks on the side or five-foot setbacks on the rear and five-foot setbacks on the side. He believed there should be some consistency for clarity. Mr. McNulty shared scenarios in different cities. Mr. Mitchell noted that the more setbacks were reduced for accessory uses, the more issues it could cause for neighboring

properties. The buildings obstructed views and could feel intrusive. There was a lot to consider with respect to accessory structures.

**7. Approval of Minutes**

**A. Request Approval of the Regular Meeting Minutes – May 25, 2023.**

Vice-Chair Blake asked that information be added to the Meeting Minutes related to Black Desert. He mentioned reducing the road width from 50 feet to 45 feet to limit the disturbance to the lava rocks. Mr. McNulty reported that a meeting took place with Black Desert earlier in the day and the issue was discussed. He believed there was support for 45 feet going to the public cross-section. That included 30 feet of asphalt, 2.5 feet of curb and gutter, and a five-foot sidewalk on each side. As for Road C, the section of road that was west of the bridge would be 50 feet because there would be multi-family on either side. On the other side of the bridge, it would transition to 45 feet. Everything that provided service east of the bridge and into the subdivision would be 45 feet. He noted that the developer would prohibit street parking in the subdivision itself, similar to other developments.

**Commissioner Harris moved to APPROVE the Santa Clara Planning Commission Regular Meeting Minutes from May 25, 2023, as amended. Commissioner Call seconded the motion. The motion passed with the unanimous consent of the Commission.**

**8. Adjournment**

The Planning Commission Meeting adjourned at 6:57 p.m.

*Jim McNulty*

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Jim McNulty  
Planning Manager

Approved: \_\_\_\_\_ June 22, 2023 \_\_\_\_\_