

**CITY OF SOUTH JORDAN
ELECTRONIC
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
February 11, 2025**

Present: Commissioner Michele Hollist, Chair Nathan Gedge, Commissioner Sam Bishop, Commissioner Steven Catmull, City Attorney Ryan Loose, City Planner Greg Schindler, Deputy City Recorder Cindy Valdez, Deputy City Engineer Jeremy Nielson, Planner Joe Moss, Planner Damir Drozdek, IT Director Matt Davis, GIS Coordinator Matt Jarman

Absent: Commissioner Laurel Bevans

Others:

**6:32 P.M.
REGULAR MEETING**

A. WELCOME AND ROLL CALL – *Chair Nathan Gedge,*

Chair Nathan Gedge welcomed everyone to the Planning Commission Meeting and noted that all Planning Commissioner's were present

B. MOTION TO APPROVE AGENDA

Commissioner Hollist motioned to approve tonight's agenda as published. Chair Gedge seconded the motion; Commissioner Bevans was absent. Vote was 4-0, unanimous in favor.

C. APPROVAL OF THE MINUTES

C.1. January 28, 2025 - Planning Commission Meeting Minutes

Commissioner Hollist motioned to approve the January 28, 2025 Planning Commission Meeting Minutes. Chair Gedge seconded the motion; Commissioner Bevans was absent. Vote was 4-0, unanimous in favor.

D. STAFF BUSINESS

Planner Moss said one of the things we've been asked to do is kind of loop you in on upcoming projects. One of the things that staff is working on currently is some potential revisions to the RM zone as kind of a follow up to some of the changes that have been recently made to the PD zone. So just be aware that that's one of the things that will probably be on your agenda in the near future.

E. COMMENTS FROM PLANNING COMMISSION MEMBER

Chair Gedge said do we want to put a time limit on the Agenda items, especially with the legislative items?

Commissioner Hollist said I would be okay tentatively always capping it at 8:30 p.m.

Chair Gedge asked the other Commissioner's if they were ok with that time and they all said they agreed.

Commissioner Catmull said Planner Moss asked for some input, so I definitely like how it's connecting the code and the general plan with the application. I would be curious also to see what the applicants think of it, not just what our input is, but what applicants think to the extent you can get public perception would be helpful for you too.

Commissioner Hollist said I like the standardization, just because we will know where things belong when we're looking for something specific. And thank you as well for including the motion ready we need that also.

Commissioner Gedge said I appreciate the timeline of when the application was received, and on one of the items with the emails that have been received up to the point it was sent to us, so some of that additional information was helpful as well.

F. SUMMARY ACTION – None

G. ACTION – None

H. ADMINISTRATIVE PUBLIC HEARINGS

H.1. DAYBREAK VILLAGE 9 PLAT 4 2ND AMENDED SUBDIVISION AMENDMENT

Address: 11328 S through 11342 S Offshore Way - Lots 357 through 360

File No: PLPLA202400230

Applicant: Perigee Consulting

City Planner Greg Schindler reviewed background information from the staff report..

Brandon Aimes (Destiation Homes and LHM Real Estate) said the way that the lots were originally designed there was a curve in one corner that would have clipped one of our typical units, and so we had to make a minor adjustment to the lots to fit a typical home there.

Chair Gedge opened the Public Hearing to comment. There were none. He Closed the Public Hearing.

Commissioner Hollist said only comment I have is that we've seen a number of these. This isn't something that's all that rare out there, and I don't see any issues with it. We've asked any of the

really technical questions as to why we need to see this and why this happens, but I've got no problem approving this based on history with this development.

Commissioner Hollist motioned to approve File No. PLPLA202400230 Daybreak Village 9 Plat 42nd Amended Subdivision. Chair Gedge seconded the motion. Roll Call Vote was 4-0 unanimous in favor. Commissioner Bevans was absent from the vote.

Roll Call Vote

Yes – Chair Gedge

Yes – Commission Hollist

Yes – Commissioner Bishop

Yes – Commissioner Catmull

Absent – Commissioner Bevans

**H.2. ACCESSORY DWELLING UNIT - EXCEPTION FOR SIZE; AND
CONDITIONAL USE PERMIT - EXCEPTION TO WALL HEIGHT AND
BUILDING FOOTPRINT**

Address: 11011 S Lucas Ln

File No: PLADU202400254 and PLCUP202400253

Applicant: Cory Layton

Planner Damir Drozdek reviewed background information from the staff report.

Commissioner Catmull said I may have missed it in the packet, but as far as architectural compatibility with this building it does have an ADU on it, it needs to be compatible with the main building. Did staff find that it was compatible? I couldn't tell by the drawings, and I may have missed the material that are being used on the outside.

Planner Drozdek said it's kind of vague, the term compatible. What is compatible? But it's a residential building and it's used for residential purposes, but you have an ADU on the top, so in a way it's compatible. It doesn't exactly match the look of dwelling, but for the most part it's compatible.

Commissioner Catmull said in the past we've had applications where we maybe look at a singular feature, like color, or material, and it feels like two or three components would need to match a type of material, like a masonry versus metal, versus wood, those sorts of things.

Planner Drozdek said it would be easy if it was in the city code, but it's pretty vague when it says to be compatible.

Commissioner Catmull said that's an area we just need to tighten up and be more specific. Is access to this garage going on the north side?

Planner Drozdek said I think it is on the south side.

Commissioner Catmull said the reason I'm asking that is because the front yard looks like half of the front yard is gravel, is there something else for the other side of the building. Then you've got this garage thing and there's a patch of grass in the front. Did staff look at the landscape coverage with the 50% coverage rule?

Damir Drozdek said no, not in this particular case.

Commissioner Hollist said is the exception to the 16 foot wall limit because it's within 20 feet of the property line?

Planner Drozdek said the wall height is just a blanket statement. It doesn't matter if it's 5, 10, or 20, feet away from property line, it just cannot average over 16 feet in height.

Commissioner Hollist said is it just the windows that are allowed above?

Planner Drozdek said you're not allowed to go over 16 feet in height per city code, unless you get a conditional use permit.

Commissioner Hollist said can you remind me what the offset is from the property line?

Planner Drozdek said it is 21 feet from the north and 15 from the east.

Commissioner Bishop said under that first paragraph of the city code it lists out three limits on guest house maximum sizes. The first one being that the guest house needs to remain subordinate and incidental to the primary dwelling. And the second is that the guest house shall have no more than three bedrooms. The third one seems to be the one that we have some leeway with. That's the way I read that section, so it seems that the first one stays in place, if that makes sense.

City Attorney Loose said so as I read it, it shall remain subordinate into doubt. It shall have no more than three bedrooms, so that's a shall. The floor space of the guest house shall comprise no more than 35% so, that's a shall. So those are all shalls. The living area of the primary dwelling is 35% or be greater than 1500 square feet, so all three are shalls, they're all equal so either they meet or they don't meet.

Chair Gedge said I guess my only question for staff would be, there is that existing shop, and an additional building with the primary, so just to confirm, does it impact the overall footprint of the property?

Planner Drozdek said it is still under the maximum permissible lot coverage.

Cory Layton (Applicant) – said the only thing that you guys brought up is the access, and it's actually on the south side of my property and goes along the back of where my existing shop is. The outside of the building is going to be board and batten. I've got cement on the plans, but there's metal board and batten on there too. Originally, it was metal, but the price of that came in a little high, but I found another place. It's probably cheaper, but it's going to be the same colors,

or close to the same color and my house. It is bigger than the 1500 feet just because of how it sits on the footprint of what's below.

Commissioner Hollist said are you going to be moving a structure?

Cory Layton said if I get rid of that little shed that's there, or I might just move it into the far northeast corner and use it for storage. I am a contractor so storage is valuable, but even with that, I'm still under the footprint allowed. The shed is just a little eight by twenty two storage shed.

Commissioner Hollist said it does feel like the ADU is very accessible from the garage and vice versa. Is there a designated parking spot, or is it just meant to be a fully open configuration?

Cory Layton said underneath the ADU, there's a garage they can pull in. I don't know if you can see the plans there, but the very west door will be a two car garage, and then the other three tall doors are for my trailers and shop area.

Commissioner Hollist said staff will you remind me? Do we have any rules about ADUs needing to be cordoned off from the rest of a structure so that you can't count it towards the square footage to some degree, to prevent this entire thing from becoming an ADU.

Planner Drozdek said it's walled off, isn't it?

Cory Layton said there's a stairway that goes out of there, but that's all that goes up to the upstairs. The downstairs is going to be my space, except for the garage for them to park their cars in.

Commissioner Hollist said it does appear like there's a water heater, a furnace, and a staircase that have a door that goes into the main shop near the boat garage.

Cory Layton said that's a small door that's underneath the landing, probably about this high. That's just for access to get to, it's not a full size door.

Commissioner Hollist said there is also a door marked future that goes from the garage space, I think that's designated for the ADU into the the main garage.

Cory Layton said it is just so I could walk from one side to the other, without going around and back in.

Chair Gedge said "thank you" for providing your your letter that was in our staff report. And the other exception that we're making tonight is the 22 foot wall over the 16 feet. So just to confirm for the record and for the people who might be in attendance, that's so that you can access some of your personal property that you'll be storing and be able to access that, is that correct?

Cory Layton said the the east side is going to be my fifth wheel and to be able to work on the roof, my fifth wheel is 13 feet tall. And then the only two windows that actually look to the north are up in the bedroom, those first two windows are on the west side and on the northwest side. The other windows, well, you're looking at the basement floor right there. But there's two windows in the master bedroom, all the other windows are up high in the closet. There's only the two windows that look north out of the bedroom.

Commissioner Hollist so to confirm that is 20 feet off the property line?

Cory Layton said it is 21 feet off the property line.

Chair Gedge said in our staff report, there were several emails that were received in favor of this project. I don't believe any were against this. I just want to note that that we're in our new format of staff report.

Chair Gedge opened the Public Hearing to comments.

Dan Samson, South Jordan said I am directly east and neighbor to Corey Layton. I guess I'm just wondering about the 20 foot high wall and if that's absolutely necessary, or if we can have something that says it's for sure in there. You talked about the residential look, and color, and maybe some things that will be enforced, and maybe potential of him having some trees or something there to screen it a little bit, because that is just the backside that we're looking at. So the 20 foot or the 16 foot rule, is that there for a reason? I didn't know if that's a protection or just a look kind of thing. There are trees on half of the side facing me in my yard, but he doesn't have any trees in his yard and on the second half where most of this is, I don't have any tall trees there, so it's not screened.

Chair Gedge closed the Public Hearing.

Chair Gedge said I have a couple of questions, and one of them was regarding the shed that he may move. Because this is an agricultural zone, which we don't typically see a lot of here, and I just know from my residential that I had to apply for a shed moving permit years ago. Would that type of application and regulation be required if he were to move the shed? I just want to make sure that he's aware that there he might have to come to the city to get permission to move that is that correct for the agricultural zone?

Planner Drozdek said I don't know what the shed size is, but if it's over 200 square feet he will have to get a building permit. If it's under 200 square feet, then he would just need to get a minor accessory building permit with the planning and zoning.

Chair Gedge said he mentioned that there'll be trucks and trailers stored there for his business. And again, I am not familiar with agricultural zones. Does business use allow for that, is that permitted? Especially where there's residents neighboring this property. We've had situations in the past with residential neighborhoods and storage of RV vehicles that were for business use

you guys have probably been aware of that in the last year, so I just want to make sure this type of business is allowed in an agricultural zone?

Planner Schindler said if he's operating the business as a home occupation then of course it is, but I'm not sure about what other vehicles that he has there and if they're part of his business. I didn't hear if he said what they were or not, but there's some indication that he's allowed to. With a home occupation he's allowed to have visitors come and park there, but he's not allowed to have any employees come to the site with a home occupation. But again, if he is in violation of any of the home occupation it would be a business licensing that would address that.

Commissioner Hollist said Mr. Samsom brought up a concern that I had as well, and I'm going to ask it a little more directly, because I did find in the code the where it talks about accessory buildings within 20 feet of the property line have to meet certain requirements, unless they get approval by the planning commission. It does say that the average wall height shall not exceed 16 feet above grade. But again, it does seem to be tying it to that 20 feet. And so this is a situation where, if I'm understanding the code right, potentially this is something that we could ask the applicant to potentially move his property or his building five feet further from that property line, and then I don't even know that it needs to be requested by us. If I'm reading this right, it links directly to this code in our packet. So I think that this is an exception, simply because it's 15 feet from the property line instead of 21 like the North offset.

Planner Drozdek said if he was to push it back 20 feet, then he wouldn't need to come to you for an exception, but it's a conditional use permit, so you would have to find some kind of detriment to mitigate the detriment, and then I guess, go from there.

Commissioner Hollist said I will say what I've said before, I think we often have ordinances because they're trying to accomplish just that. The things that have a detriment implied by Mr. Sampson's comment is this puts it closer to the property line, a tall building that is close to his property line, and is something that he has to look at, which is why I think we have offsets and height rules, etc. So from my perspective, it would be mitigating an impact that our code is trying to capture, which is why they have things like this come before a planning commission so that we can review on a case by case by case basis. But in this particular case, I tend to agree that something tall, close to a property line, is a negative impact, especially when you've got a property that's large and has some ability to allow more flexibility in a case like this.

Commissioner Catmull said sometimes when we have a situation like this we will look for compatible structures of similar size, and very often those are large lots where we see this in wide spans. This seems to be two one acre lots surrounded by a bunch of third acre lots. So does someone know if the impact or detriment to the zone is in question or the surrounding neighborhood? I can't remember which that is, so if someone knows, because the zone is only for those two homes.

Planner Drozdek said it goes both ways from what I remember. If you have farm animals you're going to put that wall in to protect both the owner that owns the animals, as well as somebody

that could be hurt by animals. So it goes both ways, anytime you impose something on somebody it's going to go two ways. It's going to impact both property owners somehow.

Commissioner Catmull said I am also a little nervous about the 20 feet, because that feels like it is something that may be more common. How many people have fifth wheels who want to build something that is tall enough to stand on it to repair the RV? It seems like there's a reason that we say 16 feet, and if the council wants to increase that, I am a little concerned about that. I don't think you can just be impacted by someone building something high or close to you that's not necessarily an impact that I'm aware of, or that we've been able to mitigate in the past. However, the part that does concern me is its compatibility in the surrounding neighborhood with a 1/3 acre building size and the location there. That's one aspect, and the other aspect is actually more density that makes it feel like it is a more the surrounding neighborhood. So there's a little bit of give and take in that approach. But those are some of my thoughts. I would also like to know if we did any kind of analysis of surrounding neighborhoods?

Planner Drozdek said most of these properties are 1/3 of an acre, and if you look at aerial map they have no ability to accommodate a building of that size. So another question is, is it being unfairly treated if you say you can't have a building of this size because your neighbors don't have it, but they don't have room to put it, even if they wanted to put a building of that size.

Chair Gedge said I guess I agree that there's a detriment. However, I think we have been counseled by our legal staff in the past that we need to find the least obtrusive mitigant and how to mitigate it. And, you know that some of the public comment was if landscaping was an option, or what's the color source of that as well. I don't think we've had any agricultural exceptions in the past. We have residential city wide in other zones that are smaller density, where we have made some of these exceptions as well in the past. I think, at this point I will invite the applicant up to see what he would be potentially be open to regarding the 20 foot wall.

Commissioner Hollist said so we're being asked for three exceptions. The nature of the property being as large as it is makes me probably willing to consider the size exceptions, with respect for the accessory dwelling unit, as well as the actual building footprint, I'm inclined to potentially do that. I don't think it's that unreasonable, especially with the size of the property. Again, to his benefit to ask for a bigger offset I do think that that's probably pretty reasonable if he's amenable to it. And an easy solution to take that actually out of our hands and not make it an exception anymore, if I'm understanding the code right, as long as it is 21 feet, right?

Planner Drozdek said yes that is correct.

Chair Gedge said at this point I would like to invite the applicant to come back for a dialog with us based on some of our comments, and see if you would be amenable to any of the things that we've been bringing up regarding the setback of the property.

Corey Layton said so if I do move it five more feet to the west, it blocks off access into that garage because of where it sits it already passes my shop by three or four feet where my existing shop is right now, and pushing it back the 21 foot. I had added it at 20 foot originally, but they

wanted me to move it another foot, so that makes it like only 22 feet and it is 23 feet from my shop right now. As far as the height, the Harris's place is at 25 foot peak, and it's 10 feet off of the back wall. If I was building a different building, I could put it right smack dab in his 15 foot opening right there. but right now it only comes to the corral fence. I am, like a foot and a half on this side of it, so I'm blocking like seven or eight feet of his property line. He does have a little garden there, but the sun's not going to block that garden in the midday, it's going to be four o'clock in the afternoon before he gets shade.

Commissioner Catmull said you mentioned 40 foot trees.

Corey Layton said he's got 40 foot trees, and the other neighbor to the to the East or to the north of him, has full height trees that have grown up and they're just huge. The only place that doesn't have trees is from his fence to my pasture fence is the only section that doesn't have trees. He's got trees that fill up that whole back area, except for that little corner, and then the other neighbor with the pole has trees that cover that whole thing, and they're the smallest. One is 25 foot, and the other ones are 10 or 15 feet bigger. I don't know why that one's not growing like the others. They're all the same tree, but it blocks off their whole backyard.

Commissioner Catmull said there's definitely the accessory buildings and the main dwelling units obviously have different setback, there's a 30 set foot set back for some, I don't know what agricultural is, but we need to look at that. So that's just kind of different that way.

Cory Layton said if you look to the north, and just east of that, there are 12,000 square foot houses there. The one lady's on a two and a half acres with probably 3,000 square foot home, so it's not totally out of the realm of other areas its like right across the street from me, he's got two and a half acres there. He was talking about putting a shop back there, I don't know if they'll ever do it because he's a little bit older.

Commissioner Hollist said if it doesn't work to move it with a larger offset, are you open to potentially making it a little bit smaller of the building so that you don't have the impact between your shop and your garage access?

Corey Layton said it does hinder my plans, because right now I can park two trailers side by side inside. If I take that five foot away, I can't really it would be tight fitting them in there.

Commissioner Hollist said the compatibility issue is a big one for me, and I'm looking at this thinking that doesn't look like a dwelling or a home or fit in. I wouldn't love looking at that side of this structure, especially up close to my property.

Commissioner Catmull said if I take them all together, like a lot of the conversation to me, it's all about. Architectural compatibility in the nearby surrounding things. It's not just the ADU compatibility with the main building. It's the size, the architectural relief on the 40 foot. I think those are all differences from what we generally allow. I think there are fairly minimal ways to mitigate something like that.

Commissioner Hollist said for me, compatibility as well. And we're being asked for some pretty significant exceptions to our code, which our code is written to regulate things so that we have compatibility. And so we're being asked for the footprint of the actual structure, compared to the main dwelling a 50% overage. So 4400 square feet versus 2900 square feet. On the ADU, we're being asked for a 20% increase over what we allow which is the 1500 square foot minimum. And then on the wall height we're being asked for almost a 40% increase over what's allowed. I think all of those things combine to be a structure that is not harmonious, compatible, that it's pushing on all of the ordinances that we have in place to try to define what creates compatibility. Again, because of the unique property and the fact that it has so much size, I do think it's a case that it's appropriate to come to us to ask for some of these things, but again, that wall is almost just a solid wall. I don't think that would have gone through Architectural Review Committee. I don't think it's that big of an ask, to ask for either moving it so that it's outside of that 20 foot offset, and then it's not even an exception in that particular case, and then you're only asking for the two exceptions, or to potentially ask for landscaping on his side. Granted, the neighbors have some it's not full, though, and I also don't know that it's their responsibility to maintain it. So I think, we can require either to increase the offset or to provide landscaping relief. I don't think it's that big of an ask.

Chair Gedge said I agree with the 24 wall height. We've asked the applicant whether he would like to lower the height. We haven't asked the applicant about the landscaping piece yet. If he we be agreeable to that, to me, that seems to be almost the least invasive to mitigate. And so should invite the applicant to see if he be agreeable to the landscaping.

Corey Layton said so going along that east side on the south side of my shop, I'm a drywall contractor so when I have sheetrock left over from jobs, it's all sitting right there so you can see that from the street. I was trying to eliminate that and get it on that backside where no one can see it, because my fence is six foot tall. And then stash my dump trailer right there on the side, so trees right there would prohibit that. If I have to move it five feet, I'll move it five feet. If I was building a different building, I could go 25 foot right there, 10 feet away just like the Harris's did, and would be blocking that whole thing. But I didn't want to do that.

Chair Gedge said so we're seeing three different considerations this evening. I think the one that we're hung up on is the wall height. And so which of those would you be agreeable to for us to mitigate with the concern?

Corey Layton said if I have to move at five feet, I have to move at five feet.

Chair Gedge asked would that be your preference?

Corey Layton said that would be my preference. I could plant some trees right there, or something that doesn't invade into my property and grows up 40 feet tall, like all the other trees. Let clarify, I'm under the understanding if I move it five feet, trees aren't an issue. Okay, I'll move it five feet, and then I'll fill that gap with trees. The other neighbor's trees already grow over my fence by 10 to 15 feet. They're fruit trees too and they drop all kinds of fruit all over my grounds, but that solves it, right?

Chair Gedge said we would make a motion just to change it to increase it by five feet. We would not include the vegetation, but you can do that on your own to be a good neighbor, but we would only do our motion by the five feet.

Corey Layton said the the code calls for 20 feet from the fence for upper windows on the living space, but planner Drozdek said to put it at 21 feet so you don't encroach or whatever. So, I pushed it 21 feet so I'm already pushing five feet. Can I just stay at the 20 feet? And that would eliminate that, except it's really crossing over my shop, and I can't get into that garage as easy right now pushing it. I don't want to put trees all the way down my east side when there's 40 foot trees there already, that's just a lot.

Chair Gedge said it would be okay with the current 21 feet on the north expanding from 15 to 20 feet on the east, and then that would be the only condition that we would put on the on this application.

Cory Layton said I am good with that.

Commissioner Hollist motioned to approve File No. PLADU202400254 and PLCUP202400253 Accessory Dwelling Unit-Exemption to Wall Height and Building Footprint with the understanding that the applicant has agreed to increase the offset of this proposed building to 20 feet offset of the East property from the 15 that was presented this evening.. Chair Gedge seconded the motion; Roll Call Vote was 4-0 unanimous in favor. Commissioner Bevans was absent from the vote

Commissioner Hollist said I want to again reiterate that we are making an exception to both our ADU and our Accessory Building size requirements due to the large piece of property that is in place and that that was an important factor in the decision to give this exception.

Roll Call Vote
Yes – Chair Gedge
Yes – Commission Hollist
Yes – Commissioner Bishop
Yes – Commissioner Catmull
Absent – Commissioner Bevans

I. I. LEGISLATIVE PUBLIC HEARINGS

I.1. FLAG LOT TEXT AMENDMENT

File No: PLZTA202400242

Applicant: South Jordan City

Planner Joe Moss reviewed background information on this item from the staff report and noted that on the staff report I accidentally put that the ADU ordinance was amending 17 130 130, but it was amending 17 130 030.

Commissioner Bishop said I like this a lot, but I'm a little surprised by the approach. I guess it seems as if we're treating the rear flag lot almost like an ADU and its got to be smaller, it's got to be set back further and it's got to be owner occupied. I believe it always seemed to me like the challenge with flag lots is basically managing the Flag Pole in the constriction there. It totally makes sense to me that we would not allow an ADU use on the flag lot. But the rest, I guess I'm a little surprised.

Planner Joe Moss said I can talk to kind of where some of that comes from. So in our process, we did a lot of research about what surrounding cities require. You know, some different options. Not all of them have height limitations, but some do. So we took this to the city council and just said this is a kind of menu of some of the things that other municipalities have done. What makes sense to you in regards to flag lots, one of the things that was noted in that discussion was that a limitation on building height would help the council feel a little bit more comfortable with having a flag lot to avoid potential overlooking issues for a new lot next door where there hadn't been one previously. So that was where that came from.

Commissioner Hollist said it says specifically that the flag lot has to be 125% of the minimum allowed lot size in the zone. Is there any requirement on the parent size besides the frontage?

Planner Moss said no. It's just the overall original 125 foot frontage size. They would still need to just meet all the setbacks required of the governing zoning district.

Commissioner Hollist said and then neither lot takes in the access strip in their calculation, correct?

Planner Moss said neither lot would take that in for the minimum size calculation. It would be a plotted part of the flag lot.

Commissioner Hollist said then I'm not sure if this is accessory guest house requirement, but you mentioned 15 foot offsets on that flag lot. If it happened to squeeze in a second story or a bonus room, or whatever, would there be a requirement to be at least 20 foot offset for a second story window.

Planner Moss said it's going to be a primary residential structure, there wouldn't be that prohibition.

Commissioner Hollist said back to what you were just telling Mr. Bishop that surprises me a little. Because that is a piece that we're so careful about in guest houses, making sure we don't have those windows close to property lines, and this would allow it to be closer than what we would allow. They would not allow a guest house on this but you're allowing a house to have a second story window closer than we would allow a guest house on the same property.

Planner Moss said I think it was intended to be a bit of a compromise between the guest house regulations and what we allow for primary structures, since, again, this is a completely separate platted lot, it would still need to have that primary structure.

Commissioner Catmull asked what is the setback again?

Planner Moss said it is a minimum of 15 feet, so you would still be held to the rear and front side setbacks of whatever the zoning district is, but in no case could they be closer than 15 feet. So if your zoning district, for instance, allowed an eight foot side setback, you would still need to be 15 feet.

Commissioner Hollist said and we normally have a 35 foot restriction in residential areas, and a 35 foot height limit. They're restricting this to 25 feet, and maybe that's partly why their mom is concerned about the windows, because you're not going to have a big full second story, this is going to be like a bonus room situation.

Chair Gedge said Commissioner Bevins is online, and I am willing to recognize her, because we have in our draft rules allowing participants. Because we didn't introduce her at the beginning of the meeting I will have her speak at the Public Comment time. I just want to make sure we're consistent.

Commissioner Catmull said Mr. Moss, how many are in the current flag lot situation, status quo. How many would qualify in this new configuration?

Planner Moss said I don't have the exact numbers of how many parcels would or wouldn't qualify. I think the reason that the flag lot overlay zone was created originally is that there were a lot of people who did not have the ability to meet that twice the average size of the lots in the subdivision. However, it still seemed logical that in their situation, it might be something that the city would entertain, so that's why it was it was created in the first place. The issue becomes, how do you evenly enforce the existing flag lot overlay zone, it does not have a lot of decision criteria or guiding factors for for council members or the commission to make a decision or recommendation on these items. I would say looking at our process in comparison with the industry norms, we were looking to sort of unify that as an administrative process and just make it so people can either meet the standard or they don't. But in order to do so, to make sure that we could accommodate more people, we had to introduce more standards to kind of counteract the flexibility on the lot size.

Commissioner Catmull said so my understanding was that there were a lot of people doing flag lots, maybe in very dense areas, like along a street. And so the reaction to the zone was to was to put a quota around the number of flag lots relative to all possibilities. This opens up the question, did the city analyze that at all? Or is it going off of a GIS perspective, about how many would qualify? Are we going mostly off peer definitions.

Planner Moss said Well, the thing that will probably limit it in South Jordan, and that is not changing from our current ordinance, is how we measure density. So South Jordan has pretty low density standards. Comparatively, most cities don't measure residential developments off of density in their limiting factor. Usually it's going to be your minimum lot sizes. And so here we have a definition of density that does define it as the number of lots contained within an original subdivision. So if you have a subdivision where, you know, everybody has giant lots, and everybody's able to qualify under that and not hit that density cap, then you are fine.

Commissioner Catmull said there is definitely a lot to like in some of the trade offs. I'm not sure I love the 15 foot setback. I will think about that some more. While I think about that, I'll ask you another question, and that's the in the text itself, and under the lots and parcels were under the requirements, there's four requirements listed, and the fourth one where it says the intended use of the flag lot is for owner occupied single family residential uses. How is that requirement met? I think that that needs to be more clear. Is there a document, like an affidavit that says the owner must sign an affidavit saying that it's going to be for?

Planner Moss said it would be noted on the plat as to what the use of the property is and that it would be owner occupied. You know, that's a sort of alternative to a deed restriction, which is a little harder for us to administer. So, your advice from Greg Simonson was that that was a sufficient mechanism for us to be able to enforce that requirement.

Commissioner Hollist said can you confirm it's just the flag lot that has that restriction, the parent lot would still be eligible to be a rental.

Planner Moss said the parent lot would still just be a regular lot, since it has those frontage requirements, it wouldn't be subject to those restrictions.

Chair Gedge said you mentioned the term guest house, any reason why it's not external or detached unit, or is a guest house consistent throughout the rest of the code? I just want to make sure that it may be clear enough for people to know the terminology guest house.

Planner Moss said Guest House is our South Jordan's term for external dwelling unit, and that is defined within the accessory dwelling unit chapter of the code. So we were just trying to be consistent with what's in there currently.

Chair Gedge said is there a need to talk about the new administrative process for this. I guess, the current process where it comes to us there could be noticing requirements, and of course, the opportunity for the general public to give testimony or to submit testimony. Are there any mechanisms for neighbors who do not want a flag lot to go in to follow that process? Are we taking away some of the citizen involvement, or rights, that they might have as neighbors by changing?

Planner Moss said so looking at state law, it's not required to come to the Commission for approval, because it would be in an industry administrative process, it would either meet the criteria or it wouldn't. If it did, we would be required as a city to approve it per state statutes, and so it didn't seem that there was a cost benefit ratio to having a public hearing if there wasn't going to be the opportunity at the point a for a plat approval. If it meets the standards, it would have to be approved anyway, so the thought was, if public input is not going to be able to change how that works per state law, then there was not necessarily a reason to have that hearing,

Chair Gedge opened the public hearing to comments.

Commissioner Gedge said would like to make a motion that we amend our our rules and that we allow it for online comments. So the motion is to allow online commenting during public comment.

Chair Hollist said I would like to make it specific to a commissioner that would like to weigh in on an item that took the time out of her vacation, even though she would not need to be a voting member to join us. So I'd like to make a motion to recognize commission members that are on line.

Chair Gedge said I will pull my motion and second Commissioner Hollist's motion.

Commissioner Bevans said. I just want to be really quick. I just want the clarification. My question was the parent law versus the flag lot on owner occupancy. But other than that, I fully support this. I think it's well written out. I think it's well thought out, and I appreciate staff's time and attention to this, and I think it will be a really good move for our citizens. So thank you. Thanks for motioning to let me talk.

Chair Gedge closed the Public Hearing.

Commissioner Gedge said anytime we take away the public comment and city staffs going to approve an item like this, and neighbors weren't aware of it, or don't like what's going in it could end up at city council. This is a recommendation to the council and I don't want to give us more work of having to approve it, but I would like to see some sort of mechanism of noticing some if there's some sort of process where members can go to a staff meeting, or whatever that might be, something that impacts a neighboring property. That's just a concern I have. If it's not already in the code on the guest house definition for people moving in from another places they might not understand. That means they might think it's like a pool house, tree house, or a guest house, so if we can define it to be more of an external dwelling unit for clarity.

Commissioner Catmull said I I do think there's a lot to like here. I do have a recommendation that the city council be more specific on that requirement, instead of just saying intended use. What action is required, like its recorded on the plat, then we should write it like that if that is what's required. The other recommendation I would make or comment on, I really think that we ought to be consistent with the auxiliary buildings, and if we're going to say 20 feet, if we're talking about privacy, then we should think about privacy the same way. So if it's 20 feet, within 20 feet or whatever, then it has to be the same requirements so it makes those consistent. I think they're trying to address the same thing, and let's not make it confusing. I think that those are my main concerns.

Commissioner Hollist said I agree with a lot of what's been said. I like standardizing these processes. I like it when it's administrative. So this is something I like a lot. I do agree with Commissioner Catmull that two neighboring properties, this is going to feel like a guest house to some degree, and so it would make sense to have all the same requirements with respect to second story windows and offsets. Commissioner Gedge, I agree that it would probably work in the city's favor to have some sort of noticing, even though, as an administrative action, there would be no recourse. We're always talking about daybreak and wishing that they would educate

residents up front. And so this, potentially is an action that would be a good recommendation. I like it. I like whoever wrote the code and whoever put together the staff report. I really liked the change, its clearly put together. So thank you. That's all I have.

Commissioner Bishop said Commissioner Hollist basically said everything I was planning on, saying, I'm fine without the notice requirement. I feel like you've got a process. You can follow it, and that's just how it is. That's fine with me. I would like to underline the fact that I would prefer consistency in terms of the setbacks and privacy concerns and that kind of stuff.

Planner Moss said before you make a motion I would like to answer Commissioner Bevin's question about the parent lot being subject to the owner occupancy requirement. That would not be the case. It would only be the flag lot, since they are the ones without the frontage the front lot. Parent lot would just be a regular lot that way. Then the other question I have is, if we look at unifying the, you know, Guest House adu requirements with the requirements here, would that mean that you would be amenable to increasing the, you know, if we go to a 20 foot setback, which is what is typically required of an ADU. That would mean that we would also be reverting back to a 35 foot building height, given that that's what's allowed in the residential zone, I think all

Commissioner Hollist motioned to send a positive recommendation to City Council to approve File No. PLZTA202400242 Flag Lot Text Amendment with recommendations to consider, including some sort of noticing to residents of a subdivision where An application for a flag lot has been made. Also, to consider how the owner occupancy of the flag lot will be attached to the property, to make that clear for future owners. And then finally, that in the case of a flag lot structure having a second story window that the same setback requirement for 20 feet offset from the adjacent properties be imposed. Commissioner Gedge seconded the motion. Roll Call Vote was 4 to 0 unanimous in favor. Commissioner Bevens was absent from the vote.

Roll Call Vote

Yes – Chair Gedge

Yes – Commission Hollist

Yes – Commissioner Bishop

Yes – Commissioner Catmull

Absent – Commissioner Bevens

I.2. MODERATE INCOME HOUSING PLAN UPDATE

File No: Resolution R2025-02

Applicant: South Jordan City

Planner Joe Moss said I do want to introduce another person who will be presenting alongside me, and that is Ryan Smith with Zions Public Finance. He has been helping us with our housing study. So he'll present some of those initial findings, and then I will cover the implementation components of the plan in your packet.

Commissioner Catmull said can you talk a little bit as to why Salt Lake County, and why not something like other peers, like peer cities South Jordan to Draper or to Sandy, or to something even external, like Frisco, Texas, which is suburb of Dallas, with those similar characteristics.

Ray Smith said we often do compare with peer cities. And usually that's north, south, east and west. I'm trying to think, if there's a specific reason why we did Salt Lake County comparisons for this one. I can say we did compare with peer cities. I don't know that it all made it into the report. Generally, that decision is around, how do we most effectively communicate that trend. If the trend is similar between South Jordan and Salt Lake County, as South Jordan and West Jordan, then, just for ease of presentation, that would be why. We just did Mill Creeks, kind of similar plan, North Salt Lake and Holiday. I mean, we have a pretty good picture of what's going on in other cities, we keep apprised of that. I do appreciate the feedback, and maybe that's something, it will take that into account.

Commissioner Catmull said can you talk about the team at science, and what titles and professions are used to do this and generate this analysis?

Ray Smith said I did my my undergrad in Business Administration and Economics, and then I went and did a master of City Metro Policy and Planning at the University of Utah, so kind of got the economics and then some of the planning stuff. I kind of stayed on the financial side of that, but it's given me good background, understanding on transportation, housing, infrastructure, markets, and I don't know everything of course, but it has been a good background elsewhere on the team. So Zions Public Finance is the subsidiary of Science Bancorp, so obviously, Zions Bancorp has all kinds of divisions, capital markets, mortgage, banks all over the place. That doesn't necessarily help us for a housing study, but within science public finance, we have a consulting group, and then we have our relationship managers that are actually going out and helping municipalities or local governments, that brings something to market for a bond on the consulting side, and we do all kinds of things from rate studies.

Commissioner Catmull said I don't feel like that level of rigor was applied. It might have been, but it's the the presentation that I have and this is the reason I care about this is because I think this is part of a kickoff for our general plan process. This leads into our general plan, which sets that background for a 10 year document. I also like to have confidence in that analysis, and that's why I was asking that, and I partially mentioned it for the City Council who might be listening.

Ray Smith said I am hoping this sets up the the moderate income housing plan, and the general plan. I don't know that it does that, certainly not as comprehensive as we might do for a general plan. We have a great new addition to our team, Eric Davis. He does all kinds of sophisticated models for a housing report, but we do try to keep it simple enough that it can be explained. So hopefully that explains that. I do appreciate what you're saying, in terms of how we get to these conclusions. What we are using is the standard and this is done for every city. So this is what Kempsey Gardner Policy Institute does. We have a variation on a theme, but we're looking at households, incomes, housing units, housing prices, rental prices. We're using authoritative data sources and and that's that. So we're not deviating too much at all from what Department of Workforce Services, Community Development Department is going to expect, or the or the state level would expect. We try to stick really close to that.

Chair Gedge said on the previous slide on the front runner, SAP, is that related to what we saw at our last meeting that you brought before us?

Planner Moss said that was actually related to the modifications of the plan development zone, so that was actually in option (J) of some of those implementation actions. However, that is feeding into the direction we have in our station areas, and kind of what we're focusing on there in the development of that plan.

Chair Gedge said are there any concerns with any of these funding that we're going after, with any of the federal changes that are happening regarding agencies and funding? Is there any concern?

Planner Moss said that's definitely something that is part of it, looking at where those funding sources come from. If the funds are no longer available at the home consortium, because if they were federally linked, maybe there's other programs from state or other resources that could possibly help us with that. And so part of that option, is looking at those Interlocal agreements that are already in place, and so we're just trying to see where we could maximize the sort of infrastructure that's currently in place. You know, again, we would have to be adaptable to whatever. You know, the funding resources actually end up being, but the intention here would be to make sure that we're really looking at all of our options here and maximizing those.

Chair Gedge said in working with Daybreak on the earlier plans, and the master development agreement that we're also fond of in this day and age. Is that a barrier? How overcome that barrier where both parties have to agree to change?

Planner Moss said so changing the master development agreement is a big deal. It doesn't happen with just one particular item. And so we have not yet amended the master development agreement specifically for ADUs, because we're working on additional things with Daybreak to amend that development agreement, so to come forward as sort of a package of amendments. So it wouldn't happen overnight. It would be a component of future changes in a larger update to that agreement.

Chair Gedge said because we have the master building agreement with Daybreak, Daybreak 2.0 or whatever we're calling that will be on the horizon. And so hopefully, however that's being drafted and will be implement adopted it will be in line with these recommendations here tonight.

City Attorney Ryan Loose said two things on the master development agreement. It may address a to use, and it may not. I think it's early to speak as to what an agreement that is not negotiated or public or vetted would or would not do further. The current agreement is pretty clear on what it allows for me to use, it's just that not all residents like it because they want it internal. It doesn't allow internal. It allows external above garage videos. So there is clarity. I know it said that there wasn't, but I think there is clarity. We've done it since 2004 or 2005. It's just some people want additional things, the agreement speaks for itself. The annex, recently annexed property of Rio Tinto, that 2000 acres in the MOU, there is no development agreement on it. Yet within the MOU, it states that their city will recognize 80 years. It's not specific as anything more

than that. I didn't just pull it up, but it does state that it recognized. I did not expect that they may or may not harmonize with this presentation, because, again, we're dealing with parties that get to also negotiate in their best interests. I think speculating in this sense as to future agreements is perilous at best.

Commissioner Hollist said I have just a couple questions on this item. I just wanted to make sure I fully understand. It seemed like there were three things mentioned with the HOME funds, but one was to preserve through a home repair program. Does that comply with what the state's after, not just to create, but to preserve?

Planner Moss said yes, so preserving affordable housing is part of that. And so if there's residents who do not necessarily have the resources to repair their homes currently, the city has a program where they can apply for funds to fix something in their home that will make it so they are able to stay there, which is seen in the eyes of DWS, who's the authority that approves these plans from the state that that would encourage affordable housing, because if you don't have to relocate somebody, it's a lot more affordable than relocating them.

Commissioner Hollist said and it also mentioned rental assistance, again, that meets the plan?

Planner Moss said it would be income based and helping you get into housing, whether it's rental or owned.

Commissioner Hollist said as looking at density, I guess the the density along front runner, how do we ensure that density brings affordability? Because we have seen applications where we've allowed density but it's meant to be a high end product.

Planner Moss said the the front runners part that you're specifically talking about from the PD overlay zone, that one, will have to be considered on a case by case basis for whatever development comes in. So you'll have the ability to review that proposal and see if you think it's furthering these causes, which is what we're hoping for. The stationary plan as a whole will kind of hopefully address some of those strategies as to how we might be able to encourage more affordable housing in those areas, which obviously, there's some significant land constraints, particularly in the front runner stationary plan with existing development and other infrastructure. But, it would look at trying to maximize what we are able to do that way.

Chair Gedge opened the Public Hearing to comments. There were none. He closed the Public Hearing.

Chair Hollist said we have discussed this before. I got my questions answered, with regards to the new piece. I'm kind of excited to see what they come up with for that senior center.

Chair Gedge said I'm just leary of any federal changes. The state legislature is meeting right now, and the changes they might make may potentially change what we're trying to do, and then they undo things because of whatever motives they might have. I'll leave it at that.

City Attorney Loose said I think most of what I'm seeing at the legislature right now, we would be fine with. Planner Moss has done an amazing job with this, and so I think we will be fine. I

don't see anything that would conflict. Regarding the Senior Center, we hope to have something this year that is firm and something we can bring to the public.

Planner Moss said we did send a draft to this to DWS for their review prior to bringing it to you, and they indicated they were largely in favor of what we've done here. So we've made some tweaks to accommodate their feedback, but otherwise they seem to be on board as well.

Commissioner Catmull said the output seems good, the input to me feels very questionable, because I feel like we should absolutely be adjusting for inflation. I'm not sure on households, like household size, because that's based off of the household survey. I'm thinking of several people I know in South Jordan who have multiple households through official or unofficial ADUs that are two different groups. I just don't know about that. Anyway, I just don't know that it supports it, but I think we're lucky if it does, because it's a good plan. If that's all true, I just don't know if it's all true.

Chair Gedge said we have to submit something like this annually, correct?

Planner Moss said the implementation component is sort of the housing action plan, and that's the component that gets updated annually. We don't necessarily do a full housing study every year, so we, did send out an RFP for the housing study to update our older versions. And you know, science is kind of the gold standard in this market when it comes to that sort of analysis, and they've followed industry norms that we've observed and tried to keep it at the same comparisons. So for instance, like Sister Cities and things, having a county wide comparison is a little more useful at a state level, which is, again, some of the components that we're looking at here. But, you just said that there are reasons we went with some of these things that were behind the scenes. But without getting into the nitty gritty of it, I think we are very confident in the analysis that science provided for us.

City Attorney Loose said the state is reviewing this is looking for more of a county wide comparison than picking and choosing certain cities. When you look at AMI and all that they always do at county, that's going to be familiar to them. If we did it another way, there'd be a lot more explaining for us

Commissioner Catmull said if we're talking about dollars, and we're going over a time when we went to 8% inflation, we should not present something that's not inflation adjusted at all. I don't think we need to trade off transparency or anything like that. what I would also recommend is, I wouldn't lead with statistics. I would lead with what you're trying to do, and put supporting statistics. I did not know where to focus, because we're presenting all these stats and all that. But what are we leading to? What are we trying to? Maybe an executive summary, or something up front saying, Now, this supports that, and this is the fact. I'd say, like, executive summary and this is what we're doing. This is what we recommend. Here's our analysis.

Planner Moss said we have this scheduled to go to the city council on March 4, 2025, and then this report would need to be submitted and approved by DWS prior to their August 1, 2025 deadline.

Commissioner Hollist motioned to send a positive recommendation to City Council for approval File No. Resolution R2-25-02 Moderate Income Housing Plan Update. Chair Gedge seconded the motion. Roll Call Vote was 4-0 unanimous in favor. Commissioner Bevan was absent from the vote.

Roll Call Vote

Yes – Chair Gedge

Yes – Commission Hollist

Yes – Commissioner Bishop

Yes – Commissioner Catmull

Absent – Commissioner Bevans

J. OTHER BUSINESS

J.1. Planning Commission Discussion regarding Commission Rules for 2025.

Chair Gedge motioned to table that item J.1. to our next meeting on February 25,c2025. Commissioner Hollist seconded the motiuon. Vote was 4-0 unamous in favor. Commissioner Bevans was absent from the vote.

ADJOURNMENT

Commissioner Hollist motioned to adjourn the February 11, 2025 Planning Commission Meeting. Chair Gedge seconded the motion. Vote was 4to 0 unanimous in favor. Commissioern Bevans was absent from the vote.

The Planning Commission Meeting adjourned at 9:45 p.m.