

SOUTH JORDAN CITY  
CITY COUNCIL MEETING

October 15, 2024

**Present:** Mayor Dawn R. Ramsey, Council Member Patrick Harris, Council Member Tamara Zander, Council Member Don Shelton, Council Member Kathie Johnson, Council Member Jason McGuire, City Manager Dustin Lewis, City Attorney Ryan Loose, Director of Strategy & Budget Don Tingey, Director of City Commerce Brian Preece, Director of Public Works Raymond Garrison, CFO Sunil Naidu, Director of Planning Steven Schaefermeyer, City Engineer Brad Klavano, Director of Administrative Services Melinda Seager, Police Chief Jeff Carr, Fire Chief Chris Dawson, Director of Recreation Janell Payne, Communications Manager Rachael Van Cleave, Chief Technology Officer Matthew Davis, IS Senior System Administrator Phill Brown, GIS Coordinator Matt Jarman, City Recorder Anna Crookston, Meeting Transcriptionist Diana Baun

**Absent:**

**Others:** Jay Sant, Jason Bashaw, Dayle Sant, Ivan Klodovich, Marliyn Bashaw, Cheryl Diener, Laurel Bevans, John Warnick, Debbie Breinholt, Jay Shetlon, Mike Rasmussen, Gabriella Helm, Robin Pierce, Ashley Arrell, Collette Craig

6:33 P.M.  
REGULAR MEETING

**A. Welcome, Roll Call, and Introduction - *By Mayor, Dawn Ramsey***

Mayor Ramsey welcomed everyone and introduced the meeting.

**B. Invocation – *By Council Member, Jason McGuire***

Council Member McGuire offered the invocation.

**C. Pledge of Allegiance – *By CFO, Sunil Naidu***

CFO Naidu led the audience in the Pledge of Allegiance.

**D. Minute Approval**

**D.1.** October 1, 2024 City Council Study Meeting

**D.2.** October 1, 2024 City Council Meeting

**Council Member Harris motioned to approve the October 1, 2024 City Council Study Meeting and October 1, 2024 City Council Meeting minutes as published. Council Member Johnson seconded the motion; vote was 5-0, unanimous in favor.**

### **E. Mayor and Council Reports**

Council Member Don Shelton

- Spent time traveling with family over the past few weeks.
- Attended the Hometown Heroes Night at Chick-fil-A last week.

Council Member Tamara Zander

- Herriman High School Government Class has required students to interview elected officials, created multiple opportunities for her to speak with those local students about what she does and being hopeful in supporting good elected officials, along with letting their voices be heard.
- Hosted meet & greet event for a candidate in her office lobby.
- Has enjoyed playing lots of Pickleball on the city courts these past few weeks before the weather gets colder.

Council Member Patrick Harris

- Met with a developer to finalize some details, along with city staff.
- Discussed email sent to City Manager Dustin Lewis from Jordan Basin with reimbursement details, asked Manager Lewis to review it and let him know if there are any modifications that need to be made.
- Had opportunities to meet with Herriman High School students as well.
- In the past week or two he has received many phone calls and emails, resulting in many interactions with the public in his district.

Council Member Kathie Johnson – Nothing

Council Member Jason McGuire

- Many residents have reached out.
- Very long Art's Council meeting last week, partly due to annual training, and partly due to working on the budget.

Mayor Dawn Ramsey

- Filmed many videos for the city to help share information, these included videos on the new Pickleball courts at East Riverfront Parkway, two more videos at restaurants for the "Dine with Dawn" series, a 20 year birthday for Daybreak segment from the city's perspective, the Larry H. and Gail Miller Family Foundation donation of \$25 million to build the new Salt Lake County owned performing arts center going into Daybreak.
- Participating in the Vision 2034 Committee, which includes planning for the Olympics.

- Attended a Jordan Education Foundation Executive Committee Meeting, they are looking for new location to host the Outstanding Educator Awards ceremony. She suggested possibly using the event/community space at the new ballpark, and after speaking with contacts at the Miller Company they were able to book it with them as the first event at the stadium besides games.
- Attended a board meeting for the Utah League of Cities and Towns leading up to legislative session; encouraged everyone to stay in touch.
- Many meetings with the Jordan Valley Water Conservancy District meetings. Shared the city received the grant funding they applied for to help pay for our water conservation specialist.
- Attended Point of the Mountain State Land Authority meeting where a new executive director was appointed.
- Mayors of local cities got together for a Hispanic Media Awards night.
- Attended Hometown Heroes Night at Chick-fil-A.
- Attended many different meetings with city staff.
- Attended a few Wasatch Front Regional Council meetings.
- Regional growth and budget committee meeting, strategic meeting coming up
- Attended the Utah Youth Village Annual Gala, who provides services to help youth and families that might otherwise go into foster care to gain skills and strengthen futures and outcomes. Amanda Covington received their Helping Hand Award
- Tim Schriver, a Fellow at the University of Utah for three years, gathered a group of local mayors to meet together and talk about the Dignity Index.
- Today attended the Unified Soccer State Championship with many others in the state.
- Attended the Envision Utah Executive Committee Retreat.
- Has been visiting with some candidates, there are some great people willing to run and she's thankful for their willingness.

#### **F. Public Comment**

Mayor Ramsey opened the public comment portion of the meeting.

**Dr. Jay Shetlon (Resident)** - thank you for keeping a calm, respectful meeting running. I am here, returning, bringing to you a request (Attachment A) again for the city to take over South Jordan Creek Drive, and for the HOA there to move the gate to the bottom of the hill. It has created a lot of conflict in our neighborhood and we are trying to resolve this peacefully. As you pointed out with videos, I did make a short scan thing to a video to explain this briefly for those that like the technology. I signatures here of 16 of the 17 homes that live on the hill that are affected by this, that wish to be annexed from the HOA and have the city take back that portion of the street if it meets the requirements that we've talked about with how many houses and distances from the road, along with the calculations from the state and for helping the city out with that. My information is on there if anybody wants to reach out afterwards. I also serve on a board on the third Tuesday night, so I apologize for not staying the entire meeting.

**Debbie Breinholt (Resident)** – I am here to talk to you about the AirBnBs, and about the fact that I love how you are making South Jordan wonderful. We moved here in October of 1988, I was a soccer coach when we moved here and a lot of my soccer boys have gone on to coach themselves, and now their kids are starting to coach. In the meantime, we have had a wonderful neighborhood, all of our kids have played there, all of our grandkids have played together, until a gentleman bought a house on our street and turned it into an AirBnB. We are not zoned hospitality, we are a very welcoming neighborhood, but the people he has brought into the neighborhood have watched the children, walked around the neighborhood and stared in garages. My daughter and I used to walk in the evenings because we would put the kids to bed and walk in the evenings, we can no longer walk in the evenings because of the people he has brought into the neighborhood. We have seen drug deals going down. Unfortunately the police department has gotten to know us really well, and out of all the years I've lived here I've never had to get to know any of them. I didn't need to know them all by name. My daughter and I have been walking in the evenings as mentioned, if I walk down my circle and back up three times it is a mile. I have bad knees, I'm old, it keeps me in the neighborhood and right there. We have been yelled at, followed, seen drug deals, had people come up and park in front of our home that we have no idea who it is, had to put up a big Ring camera so it has cost us money to deal with these guys. At least they aren't parking in front of my house anymore, but they are down the street. This particular house does not take care of its yard, it has artificial turf down there, which has big patches that have been spray painted with big patches missing; it is not bringing value to South Jordan. I love South Jordan, I have lived here a long time, my ancestors are from South Jordan, the McMullins down the street. I love South Jordan, I want it to be great, we need to keep our neighborhoods safe and right now the AirBnBs are bringing in people, many of them, that are criminals to our city that don't care about the rest of the neighborhood, what we've got going, who we know or what we would like our neighborhood to be like. I know the AirBnBs are up against hotels, which are zoned hospitality, we want our neighborhood back, we want to be able to walk down our street and feel safe, our kids able to play outside without fear of new strangers every day coming in and watching our kids. Lately, because we have been fighting back, there have been retaliations going on. Your police officers have been called for the retaliation, so please, as you are studying the AirBnBs, if we can it is better to keep them out of the neighborhoods and let the single-family homes be single family homes so we can enjoy South Jordan.

Mayor Ramsey closed the public comment period.

### **G. Public Hearing Item**

**G.1. Ordinance 2024-22**, Vacating a Municipal Waterline Easement located on Lots C-108 through C-113 of the Daybreak Urban Center Plat 1 Subdivision Daybreak and vacating a Fire Access Easement of Lots C-109, C-110, C-111, and C-113. (By *Director of Planning, Steven Schaefermeyer*)

Director Schaefermeyer reviewed background information from the Staff Report and his prepared presentation (Attachment B).

**John Warnick (Miller Real Estate Representative)** – He shared they are about  $\frac{3}{4}$  of the way done putting the grass down today, things are moving quickly and coming along.

Mayor Ramsey opened the public hearing for comments; there were no comments and the hearing was closed.

**Council Member Harris motioned to approve Ordinance 2024-22, Vacating Easements as stated above. Council Member McGuire seconded the motion.**

**Roll Call Vote**

**Yes – Council Member Harris**

**Yes – Council Member McGuire**

**Yes – Council Member Johnson**

**Yes – Council Member Shelton**

**Yes – Council Member Zander**

**Motion passes 5-0, unanimous in favor.**

**H. Wheadon Acres Land Use Public Hearing Items**

**H.1.** Presentation on Resolution R2024-42, and Zoning Ordinance 2024-08-Z, all related to the Wheadon Acres Land Use development. Applicant, Gordon Milar Construction, LLC. *(By Director of Planning, Steven Schaefermeyer).*

Director Schaefermeyer reviewed background information from the Staff Report and his prepared presentation (Attachment C).

**Laurel Bevans (Applicant Representative)** – This is Dan Milar's personal property, and he intends to reside on the property with his family. On the two back lots, Mr. Milar intends to build one home, currently there is no intention to build a second home on the other property, he just wants to have the extra land. His mother and father in law reside in one of the front homes, and there is no intention to demolish either of those; he just intends to reside here with his family and maybe one of his many children in the far future building a guest house on the second property or something similar. There is no intention to develop commercially or any other kind of residential homes other than for personal use.

**H.2.** Resolution R2024-42 Public Hearing.

Mayor Ramsey opened the Public Hearing for comments.

**Cheryl Diener (Resident)** – I am even more concerned now than I was before I came because every one of these lots that can be converted to these type of lots that are on my street. Several of us wrote letters about the concerns that we have and according to state law, we learned at the last meeting that you can now have two families on a lot. If they convert this to four lots, then there could be eight families living on those lots, and it would make a lot more people and a lot more traffic on our road. Every one of these properties on our street are available to do the same thing to, and in my letter (Attachment D) I wrote maybe we should all be able to build an extra home

on our properties. I don't want to, and I know most of my neighbors don't either. The other issue that I was worried about was the fencing because when we were at the last meeting, Mr. Milar said that they just wanted to have the urban life, and that's why they didn't want to put up concrete fencing, because they weren't planning to have animals. We live in a neighborhood, we hear things, and originally they were going to move in there so their kids could have horses, now they are not. They were going to tear down the house that's the furthest south, and now they are not. He told me that he was building a house for somebody else, now they are not. We hear all these different things and I don't know what reality is. He did say that he wanted his family the last time, but then I really don't know what the truth is, so that's another concern. I don't know if you want to make them put up fencing if you do approve this, but I know that our neighborhood, we are really concerned that the whole atmosphere of our neighborhood will change if so many people move in. When they allowed the people on Alexander Place to have the two level buildings or houses behind me, we have people that come out on their decks and fly drones over our properties, and they make complaints about things when they have no idea what is really going on. I am just concerned about those types of things that might happen, if you have so many people in our neighborhood and so many of our people really don't want change. I know South Jordan likes change, but we like our properties.

**Marliyn Bashaw (Resident)** - The website is not a good place to publish your situations because a lot of us don't get that, we're not on the internet, and most of the neighbors did not know. Then, it should be in the journal or something where it's printed out and everybody gets it because we were stunned. Anyway, the first time the owners were informed of the subdivision of two acres was when we received a letter from the city informing us about that, and the meeting that was not many days later. We were all taken back by the news, nobody wanted this subdividing on 3010 W, having been planned as acre lots years back, that is what we count on staying in place. Homeowners after seeing the news are seriously stressed and insecure about their homes and property because now we all have to defend our rural lifestyle and our properties with no subdividing hopefully. I wonder if we can count on citizens of South Jordan, having paid taxes over the years and helping to support salaries of employees for the city, and we feel like we have done that and taken a lot of responsibility in those things being good citizens. Some associated with the city have said we don't need much property, we don't need that much property, it's not up to them. There is some distrust with the city. The city has not been consistent about property on 3010 W. Earlier a person wanted to subdivide and they were told they would need more property, no one would sell to him, why doesn't Mr. Milar need more property. Again, planning as acre lots they should stand as planned. It is said that people need housing, not on 3010 W; there is plenty of opportunity on our southeast, southwest, other cities, other counties, etc. Mr. Milar has called some homeowners on 3010 W wanting to buy their property, no one wants to sell and this has been upsetting to the people. We will want to be left alone and continue the lifestyle of our acre lots and no subdividing. A disabled couple are very disturbed about the situation because they will be right up against the property on the south side, and it's been very upsetting to that couple; they do not want subdividing, curb and gutter, or the breakthrough gate taken down. We do not need curb and gutter that will affect the rural setting and front each property, no need for the city to think what would be best for us on 3010 W. This is a unique street in South Jordan, as citizens we should have the right to live the peaceful lives we have created and enjoyed for years in Wheadon Acres; no subdividing, no curb and gutter, and leave the breakdown gate. This is the consensus of the homeowners on 3010 W, and I am

telling you it has been distressing and we have lived there for years, and we don't need more people on the property. Mr. Milar has said various different things, we don't know what to trust. He is going to take the house down, then they are going to leave it up as Cheryl said. He says it is for his family, who is to say they are going to move at some time and then it's not for their family, who is to say people are going to want animals, which is fine with us because we have done that on our acre properties. It is an unfortunate situation in this city to ruin that area.

**Dayle Zant (Resident)** – We are directly across from Marilyn who just spoke, and a little bit to the north of these properties. I was hoping to be able to find online, or I talked to the county today, some sort of bylaws that might have been written at the time Wheadon Acres was designed, which was 1970; we moved in in 1986. When we signed our contract to buy the property, I specifically remember being told that properties could not be subdivided, and of course all that has been changed, I understand that. But, we weren't aware of it and we would really like not to have this happening, I think that is the consensus in the neighborhood. I did get a map of the original, which I appreciate Mr. Schaefermeyer talking to us, and I think we all understand better how and when these possible changes were made. I do have a map of the original Wheadon Acres if anybody would like to see that (Attachment E). Unfortunately, there isn't anything saying what we contracted when we bought the properties, just basically we would like to keep our rural area. Many of us do have horse property, the acre and half- acre properties in Wheadon Acres can have farm animals and although that wouldn't be changing our property as I understand, it is something we are fighting against because we would like to keep it the same because yes, we are older and we appreciate what we have, we moved there because of what we have.

**Ivan Klodovich (Resident)** – I have been there for 58 years, matter of fact I was the first one to ever build ever a house there, and I know progress is progress, but this dividing all these properties up into four pieces I don't care for. I think it should be canceled, I think it's a terrible thing to do to people, especially old people like me. I just think that things are changing a lot, but the way they are doing this right now, what's next, who's next. We don't know what's going on and we'd like to leave it the way it is for today.

**Dayle Sant (Resident)** – I guess the other thing that kind of bothers me is that in order for the Milars, who we love and adore as a family, they bought this second property, they bought this second property specifically so they could divide it, and that kind of bothers me too.

**Jason Bashaw (Resident)** – My mother spoke earlier. I have lived on that property, not recently, but since 1978 and loved it because of the rural community. I have a few concerns, one of them is that if it starts getting subdivided, what does that do to the property tax for the current owners that are retired, on fixed incomes; the way I am seeing it, it just drives it up, I may be wrong. The other thing, I have heard it has been talked about before, is the irrigation laws. We have had a lot of troubles in the past where Jones Meadows that is west of 3200 W and south of Costco, several years ago I was involved in trying to find out where our irrigation water was because people down on 10755 S and all the way down there have access off that canal, back where Bangerter is now, and the developer in Jones Meadows disrupted our ditch. We went up there and found four foundations full of water and we had to call the developer up and they brought an excavator in and actually dug ditches between foundations and then reestablished the water back into the

ditch. The laws for the irrigation water have been on the books for the state since 1950, I used to have a copy of it but I don't have it anymore, but I could look it up as well as you could. It's pretty basic that with development stuff gets disturbed, and we understand that, but by the laws from the state you are not supposed to touch the ditch unless it's a breach. You have a problem from somewhere around April 1 to October 31, and with development that happens all the time. In their development they need to abide by the laws, the pipe size that they put in, everything else, and not disrupt the water to people because that is a big deal for us because of the size of property that we are on. It is the tax base, the number of people on the street, privacy fencing like has been mentioned before, and there are other concerns that probably aren't as big a deal but the fact that most everybody is retired on that street and on a fixed income, they don't need any more extended costs added to them at all. I will agree to this, one day, maybe not too far down the road, that whole place is going to get developed. I don't agree with the flag lots, we haven't had notice and my mom's property is part of an LLC and a family trust, and it's in my name, and I don't get those notices. Half those people on the street haven't had notices like they should have got, we find out from other neighbors, and so there is a miscommunication right there.

**Jay Sant (Resident)** – I live on this street and my neighbors are here. We are here because we care, Mr. Milar is not here.

Mayor Ramsey closed the Public Hearing.

### **H.3. Zoning Ordinance 2024-08-Z Public Hearing.**

Mayor Ramsey opened the Public Hearing for comments; there were no comments and hearing was closed.

**H.4. Resolution R2024-42**, Authorizing the Mayor of the City of South Jordan to enter into a Development Agreement with Mulberry Cottage LLC and WHDTMR LLC pertaining to property located at 10537 S 3010 W and 10555 S 3010 W. (*By Director of Planning, Steven Schaefermeyer*)

Council Member Shelton asked if it was legal for the council to require in the development agreement that there could be no ADUs built on these properties.

Attorney Loose responded he believes they could, as up until a few years ago the legislature didn't weigh into this area. When they did, they said the city has to allow it on 80% of the primarily residential zones in the city. If the council wanted to say in the Flag Lot Floating Zone, in regards to this development, they are not allowing ADUs, that would fit within that 20% where the city doesn't allow it within a primarily residential zone.

Council Member McGuire asked if that would apply to both internal and external ADUs.

Attorney Loose responded that would only be for internal ADUs, external ADUs are not governed by the state at all, only by the city's own ordinances. That could certainly be put in the development agreement, and he is very comfortable that as part of the 20% in the floating zone for flag lots they could just say no and put it in the agreement. Again, with the external ADUs not being governed by the state, the council can choose to regulate those however they'd like.



Director Schaefermeyer added that any lot within the R-1.8 zone that can meet the requirements of a detached ADU qualifies for that, so potentially all four could qualify but that is not based on looking at the exact situations of each lot, especially the two front lots that are smaller and front the road.

Council Member Harris noted that while placing a restriction in this development agreement only applies to this piece of land, it does set a precedent for the future for lots with similar size land; that was a concern for him.

Council Member Johnson asked if they could include in the agreement that if the properties were sold to an outside party, the normal fencing would be required between the uses.

Attorney Loose noted that enforcing that and making a future owner add the fencing would be much more difficult, rather than just requiring it now. If they are required to remove animal rights in the back two lots, that would solve any issues of fencing requirements in the future. One option could be to remove animal rights for all the lots until such time that the proper fencing is built, which is pretty much what is included in the development agreement.

Director Schaefermeyer added that if any owner in the future desired animal rights, they would have to amend the subdivision plat to restore those animal rights, as long as the zoning hasn't changed on the properties.

Council Member Johnson noted that a concern raised by neighbors was a new requirement of curb and gutter in front of their homes.

Director Klavano responded that is a requirement under the code, however the code gives permission for him to pay their "in lieu" costs for the city to hold until a time when curb and gutter goes in on a larger scale.

Mayor Ramsey asked staff to address the concerns raised over noticing, along with the comments about property taxes going up.

Director Schaefermeyer shared that noticing with the rezone is a 300 foot buffer, created from the GIS map, and from county records labels are printed off to send off notices. Sometimes the property owner of record doesn't live on the property, or it's part of an LLC, and the address on record doesn't go to the person living on the property. The city can provide the list of addresses notices were sent to if someone would like to see.

Attorney Loose noted that on some issues a sign is also posted on the property with the public hearing information. When the subdivision issue was heard in the past, the requirements for posting were followed; newspapers and the like do not and did not exist at that time in the same way, but everything was posted according to noticing and public hearing requirements. Zone changes also are not noticed to specific properties, since that is a change to code across the city.

Staff noted they were sympathetic, noting that sometimes noticing just doesn't reach as far as neighbors would like, or they miss something, but everything is done according to state requirements.

Director Schaefermeyer also noted that this is why it is called the rezone process, it goes to the Planning Commission, and then the City Council, giving the public multiple options to weigh-in and share their concerns.

CFO Naidu responded, in regards to the property tax concerns, individual property taxes can only raise when the individual property's value goes up; a home being built in the neighborhood does not have that direct relationship to a nearby home. Owners also have the option to disagree with their property's assessed value and appeal that through another process.

Council Member Johnson shared that one of the key items used in coming up with a taxable value is the age of the home, the quality and style of the home. Properties are assessed and judged against similar properties, a new subdivision would be judged against other newer properties.

Council Member Shelton asked Ms. Bevans if the applicant would be amenable to modifying the development agreement, barring them from adding any internal or external ADUs in the future.

Ms. Bevans noted she would have to discuss that with the applicant, who was unable to make it due to some recent health issues. She asked if that would be just on the flag lots, or on all four lots.

Council Member Shelton responded that they would like to see the requirement on all four lots.

Ms. Bevans responded she didn't believe the applicant would agree to that since they have multiple children that they would like to have the option of housing on the properties in the future. If they are not allowed to have an ADU for their children, that might be a deal breaker.

Council Member Zander asked some clarifying questions regarding who lives in the current houses.

Ms. Bevans showed which home the mother-in-law currently lives in. There will be no animals at this time, as the applicant felt it was more important to not have the heavy fencing between family properties and keep the rural feel, than have the animal rights. There is a retention pond on one of the properties, and his intention for now is to just leave that space open.

Council Member Zander asked if this is approved as presented, the applicant has the right to build a home where the retention pond currently is.

Ms. Bevans responded yes, he does have that right in the future. There are no restrictions on ownership of those homes in the future either.

Council Member Zander asked if he would be open to assuring that property would be owner occupied.

Ms. Bevans responded she believes he would be amenable to that.

Council Member Zander asked about the shared driveway and access to the properties. If this was approved, she asked to clarify that Mr. Milar would own all of the properties, two current

homes, the plot where he wants to build, and the city can't control whether he builds a future rental on the north side since the other lot on the north side is a current rental.

Ms. Bevans responded that was correct, and noted that she believes he would be amenable to no external ADUs, but not to a ban on internal ADUs.

Council Member Zander noted there are 18 lots on 3010 W, and noted that Director Schaefermeyer said eight of those could be converted.

Director Schaefermeyer responded that is only based on density requirements of the zone. In looking at other lots on 3010 W it's likely that many of those could do a flag lot based on their frontage. The issue is the property has to have enough room for a drive, the frontage, and both lots would have to meet minimum lot size requirements.

Council Member Zander noted everybody is aware there is a housing issue here in the state, and the proposed properties here are not going to be affordable housing. The problem is that you get someone who comes in and tries to be creative with getting another lot or two on property they own, and within a few years others on the street start asking for the same thing for additional income. She hears the residents present in their disagreement with this proposal, but in the next few years some of them might be in favor of this. She wrestling with the idea of property rights, our need for housing, and the sentiments of other residents when their turn comes and they want to do something similar.

Director Schaefermeyer noted that is a challenge they deal with, individual circumstances.

Council Member Harris noted that when this was noticed, there was nothing said about restricting ADUs. He understands that is being discussed now with resident concerns and attempting to come to a compromise, but he thinks that compromise affects what could potentially happen on these large lots in the future. The larger lots are the lots that ADUs in the future make the most sense on, and the legislature will be requiring ADUs down the road. He doesn't want to ban this now just so they can come to a compromise since this impacts not just these two lots, but potentially sets a precedent. If others realized ADUs were on the table, there might be more people here voicing their concerns.

Council Member Johnson noted that she is looking at restricting these ADUs with the fact that there is only a small lane and potentially adding multiple families there. She thinks that is a big change to this neighborhood and adding a large burden on the area. She remembers about 20 years ago, a community off 11400 S like this neighborhood that was all rural. She was new on the planning commission and they did a change where the older homes were removed and a new development came in, which is now Luca Lane, and there are very few homes left in that neighborhood with horses. She can remember a few years later as a planning commission talking about it and they realized they had no vision of how that would impact that neighborhood. These people are right, this is going to be a big impact on their neighborhood.

Council Member McGuire shared that since joining the city council he has had issues with flag lots, he voted against the ordinance for the overlay in the past. His issue with them is how they change the neighborhoods, and the residents who bought in, bought into a certain type of

lifestyle with the expectation that their neighborhood would stay that way. For the most part he favors leaving subdivisions as they were originally platted, what people originally bought into to raise their families and live a lifestyle. Allowing people to come in and add flag lots changes the neighborhood. He understands there is a need for additional housing, but there is also a need for preserving what helped to make this city a great place to live, which has been a variety of housing types. He leans towards leaving things as is and not doing the flag lot overlay.

Council Member Shelton appreciated the comments made tonight. When he thinks about housing, the issue is supply; it doesn't matter whether it's affordable or not, it still creates affordability by adding supply. He is also agrees that, while it's Mr. Milar here tonight, it could be any one of the homeowners in attendance in the future. He would lean towards supporting the proposal, but it's also fair to say they are rezoning to create four lots out of two, but can then add ADUs on as well, that creates eight potential homes instead of four. Four feels like a lot, but eight is impossible, so he can't support this unless the ADUs are restricted. He understands that affects others down the road, but it would be a similar situation to this.

Council Member McGuire asked if the council was inclined to add the restriction on ADUs, if this would need to be tabled until the applicant is here and can make that agreement.

Council Member Zander asked the residents in attendance, since they are talking about ADUs tonight, if anyone knew how many of the neighbors have a family member or someone else renting a portion of their home on 3010 W.

One of the audience members responded they know of one home that rents out rooms, but that's it.

**Council Member Shelton proposed tabling Resolution R2024-42, Authorizing the Mayor of the City of South Jordan to enter into a Development Agreement as noted above, until the applicant is available to be present and discuss potential restrictions to ADUs. Council Member Johnson seconded the motion.**

**Roll Call Vote**

**Yes – Council Member Shelton**

**Yes – Council Member Johnson**

**No – Council Member Harris**

**Yes – Council Member Zander**

**Yes – Council Member McGuire**

**Motion passes 4-1, with Council Member Harris being a “no” vote.**

**H.5. Zoning Ordinance 2024-08-Z, Rezoning property located at 10537 S 3010 W & 10555 S 3010 W from the R-1.8 (Single Family Residential) Zone to the R-1.8 with the Flag Lot (FL) Overlay Zone. Gordon Milar Construction, LLC (Applicant).  
(By Director of Planning, Steven Schaefermeyer)**

Attorney Loose was asked to explain how this item is affected by the previous motion. He explained that the vote on the zoning ordinance should be similar to the vote on the development

agreement. If the zone is passed the applicant is not held to an agreement, and if the zone is declined there is a tabled item. Also, when something is tabled it is usually done to a “time certain,” but based on this motion it appears that staff is authorized to negotiate what was discussed regarding ADUs. If he disagrees, the previous issue can be put back on a future agenda for discussion with the council and no development agreement signed, with no changes. If he does agree, staff can then bring back the revised development agreement with his signature. With the applicant sick, there does not need to be a “time certain” note in the motion since it could be a few weeks until he is ready to return. He also noted that while they city can try to get as much information out as possible beforehand, if the motion does not have a time certain noted, the public hearing requirements for these items have been met and there is no legal anticipation of another public hearing unless the chair or council ask to hear from the public at a future time. Unless the council is giving staff direction to do noticing, he would advise the public watch the upcoming agendas for the remainder of the year.

**Council Member Shelton motioned to table Ordinance 2024-08-Z, Rezoning property as listed above from the R-1.8 (Single Family Residential) Zone to the R-1.8 with the Flag Lot (FL) Overlay Zone, until the applicant is able to discuss potential ADUs. Council Member Johnson seconded the motion.**

Council Member Zander clarified that her “yes” vote for Item H.4. was not because of the ADUs being a concern for her, but because she was in favor of tabling this, thus enabling Mr. Milar to come back to the council and discuss the ADUs at a future date.

Council Member Harris asked if the noticing for this when brought back would go further than the standard 300 feet since noticing was discussed. Since they are now adding ADUs as part of the discussion, and that was not included in the original noticing, he feels that could set a precedence for some of the other large lots in the city.

Attorney Loose asked if the council wanted staff to re-notice the residents when this comes back. He noted that this decision would not be setting precedence throughout the city, only in the agreement for this development. If staff sees the council require this in this setting, they may reference it in discussions with the next applicant to bring in something similar, and could lead to a broad policy discussion about the flag lot overlay zone that would go through planning commission and the council as a zone text amendment change. However, for any particular application under the current ordinance, if this happens staff would advise future applicants about what the council might ask and how they might react, so they go to the council prepared.

Council Member Harris explained if the council votes one way for one situation, and then something else similar comes down the road, they will be looking at previous decisions. This is why he feels they need to as transparent and clear as possible, noticing as many people as possible with similar lots and situations. He is okay voting to table this, as long as they are hearing from more than just the applicant since this is now regarding ADUs.

Director Schaefermeyer noted that, generally speaking, if the city is not required to do noticing, he tries to get very specific direction on what is being asked. He is hearing to double check the regular 300 foot noticing list in case ownership has changed, post on the property.

Mayor Ramsey stated she believes that is sufficient, as she doesn't want staff put in a difficult position with limited time. She also asked the neighbors who did receive the notices to share anything they receive in the future with their neighbors.

Council Member Harris noted that if it's posted on the land he is okay with that level of noticing.

Director Schaefermeyer also noted the agendas and notices are physically posted outside of City Hall for everyone to see. He also added that this was presented to the planning commission where the vote was 4-1, recommending approval. He believes the commission was looking for a bit more direction as to any limits on this, some things they should be looking for in the future, since this was the first time they had seen it as well. He did share that if he hears something on one project that could apply to a future one, he tries to remember those for future development agreements.

Mayor Ramsey clarified that, while not legally required, the city will be sending out notices when this is brought back and encouraged those who do get those notices to share them with their other neighbors to ensure everyone has a chance to be involved and hear what's going on.

#### **Roll Call Vote**

**Yes – Council Member Shelton**

**Yes – Council Member Johnson**

**Yes – Council Member Harris**

**Yes – Council Member Zander**

**Yes – Council Member McGuire**

**Motion passes 5-0, unanimous in favor.**

#### **I. Staff Reports and Calendaring Items**

Attorney Loose has shared LPC dates on everyone's calendars and will add additional dates when he receives them.

Director Seager introduced the city's new Chief Technology Officer, Matthew Davis, and invited him to introduce himself to the council.

CTO Davis gave a brief introduction, noting that he recently returned to South Jordan after completing 33 years of service in the Air Force as a communications officer. When he retired, his most recent position was the Mayor of Shaw Air Force Base in Sumter, NC. He is happy and excited to be living and working in South Jordan now.

Director Seager also shared that for the third year in a row, the city is a finalist for the Golden Spike Award.

Manager Van Cleave gave a brief explanation of the Golden Spike Award, noting that the city submitted into five categories this year with three of them being related to the Pure SoJo Project; one being was Media Relations, the other the video with the governor and mayor, and the third

the campaign as a whole over the five year life of the project. The other two categories were one related to photography and illustration related to the SoJo Race Series, and the last being crisis communications related to Barbieland in Daybreak. All five entries are finalist entries, and they will find out on November 12 at the Golden Spike Awards which ones won awards.

Director Klavano address Dr. Shetlon's comments, noting that in the past the council adopted a policy and procedures regarding taking over private streets. That has been communicated to Dr. Shetlon multiple times, he has been given copies of the policy and procedures, but he has chosen to not follow those directions. At the time of the policy development, the council was adamant that the HOA had to apply, with a fee attached to that and submitted to the City Engineer. The HOA there doesn't want the city to take over the road, but Dr. Shetlon does and he knows what he is supposed to do but has chosen to try and address this outside of the city's established protocol.

Mayor Ramsey noted that his petition only had 16-17 people and asked if there are more than that in the HOA.

Director Klavano shared that there are more people in the area, but some of the people facing the road with the gate might want to have it moved because they no longer want to be a part of the HOA, since they are outside of the main development.

Attorney Loose shared that going down the hill includes the gate, which is many times open, but past it is private. The other issue is that some of the properties along the road, through agreements with the city and the then property owner/developer, paid their share up front, which means there are a few houses outside of the HOA, which the HOA would like to have added. There are also some homes that are in the HOA, like Dr. Shetlon's, who would prefer to be out of the HOA. It is a difficult situation since it's not clear cut, adding that some along the road pay fees that include the whole HOA and all the roads at the bottom which includes storm drains and possibly street lighting, and they never go down there so are arguing their section shouldn't be included. If the HOA applies and goes through the correct process, as many other private roads have done, it can be worked out.

Director Klavano added that a prior member of the planning commission, Julie Holbrook, was the HOA president of this area in the past, and they applied in the past to have the city take over that section but staff recommended no. The HOA had the option to appeal to the city council but never did, so it stopped there.

**Council Member McGuire motioned to adjourn the October 15, 2024 City Council Meeting. Council Member Johnson seconded the motion; vote was 5-0, unanimous in favor.**

## **ADJOURNMENT**

The October 15, 2024 City Council Meeting adjourned at 9:00 p.m.