

**CITY OF SOUTH JORDAN
ELECTRONIC
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
August 13, 2024**

Present: Chair Michele Hollist, Commissioner Laurel Bevans, Commissioner Steven Catmull, Commissioner Nathan Gedge, Commissioner Ray Wimmer, City Attorney Ryan Loose, Assistant City Attorney Greg Simonsen, City Planner Greg Schindler, Deputy City Recorder Cindy Valdez, Supervising Senior Engineer Shane Greenwood, Planner Damir Drozdek, Planner Miguel Aguilera, IS Senior System Administrator Phill Brown, IS Systems Administrator Ken Roberts, GIS Coordinator Matt Jarman, Communications Manager Rachael VanCleave, Meeting Transcriptionist Diana Baun

Others: Tim Taylor, McKenna Christensen, Bennion Gardner, Ross Zimmerman, James Jones, Bennion Gardner, Aundrea, Cody Cleverly, Roger Ranney, Brian Bradford, Bekkah Shutt, Jen, Alicia, Josh W., iPhone, Proximity, Harb, Bella Johnson, Taylor Tucker, Larken, Emi Dalton, Boston Richins, Conner Wilkinson, Stefanie Cooke, Jeanne Jackman, Brent Jackman, Matt Dixon, Kevin Rubow, Russ & Mary Thronton, Emy Thornton, Cally Miller, Rena Vanzo, Mike Cook, Suzy Llewelyn, Elizabeth Baier, Beverly Miller, Sandi Kirkendoll, Michael Koch, John Warnick, Reed Baron, Mary Nielson, Elton Giles, Angie Lavery

Absent: Commissioner Sam Bishop

**6:35 P.M.
REGULAR MEETING**

A. WELCOME AND ROLL CALL – Chair Michele Hollist

Chair Michele Hollist welcomed everyone to the Electronic Planning Commission Meeting. She excused Commissioners Bishop and Wimmer, who were unable to attend tonight.

B. MOTION TO APPROVE AGENDA

Commissioner Gedge motioned to approve tonight's agenda as published. Chair Hollist seconded the motion; vote was 4-0, unanimous in favor. Commissioner Bishop and Wimmer were absent from the vote.

C. APPROVAL OF THE MINUTES

C.1. July 9, 2024 - Planning Commission Meeting Minutes

Commissioner Bevans motioned to approve the July 9, 2024 Planning Commission Meeting Minutes as published. Chair Hollist seconded the motion; vote was 4-0, unanimous in favor. Commissioner Bishop and Wimmer were absent from the vote.

D. STAFF BUSINESS

City Planner Greg Schindler discussed the next Planning Commission meeting, noting there are currently two items planned.

E. COMMENTS FROM PLANNING COMMISSION MEMBERS

Commissioner Nathan Gedge noted he will be absent from the first meeting in September.

F. SUMMARY ACTION – *None*

G. ACTION - *None*

H. ADMINISTRATIVE PUBLIC HEARINGS

H.1. DAYBREAK VILLAGE 12B PLAT 1 PRELIMINARY SUBDIVISION

Address: Generally 7050 West 11350 South

File No.: PLPP202400077

Applicant: Daybreak Communities

City Planner Greg Schindler reviewed background information from the Staff Report.

John Warnick (Applicant) – They are looking at getting these lots developed and hopefully sold to builders by second quarter next year. The next item on the agenda is for the church next door.

Commissioner Steven Catmull asked about any time limits after getting the preliminary subdivision approved.

Planner Schindler responded yes, they have one year after that approval to get the final plat approval, which also has a time limit of one year to be recorded otherwise the whole application expires and they have to start again.

Chair Michele Hollist opened the Public Hearing for comments; there were no comments and the hearing was closed.

Commissioner Gedge motioned to approve File No. PLPP202400077, Preliminary Subdivision, subject to the following: all South Jordan City requirements are met prior to recording the plat. Chair Hollist seconded the motion.

Roll Call Vote

Yes – Commissioner Gedge
Yes – Chair Hollist
Yes – Commissioner Catmull
Yes – Commissioner Bevans
Absent – Commissioner Bishop
Absent – Commissioner Wimmer

Motion passes 4-0, unanimous in favor; Commissioner Bishop and Wimmer were absent from the vote.

H.2. DAYBREAK VILLAGE 12B PLAT 2 PRELIMINARY SUBDIVISION

Address: Generally located between the proposed Village 12B Plat 1 subdivision and the South Valley Water Reclamation Facility property. (11330 S. 7120 W.)

File No.: PLPP202400120

Applicant: Perigree Consulting on behalf of Miller Family Real Estate

City Planner Greg Schindler reviewed background information from the Staff Report.

John Warnick (Applicant) – this will be a church site for the LDS Church, who they are under contract with currently. This will probably be built in the next few years.

Staff had no concerns regarding construction timing for this area.

Chair Michele Hollist opened the Public Hearing for comments; there were no comments and the hearing was closed.

Commissioners discussed online comments, whether or not they would be allowed based on City Council's rules for online comments.

City Attorney Ryan Loose noted that City Council no longer allows general public comments via Zoom, but they do allow virtual public comments during specific items with specific guidelines for discussion, including a three minute time limit. It was confirmed by staff that the notices sent out for the items on tonight's agenda did note there would be no virtual comments allowed during the public hearings. The commission decided to discuss this more after the Daybreak items were completed.

Commissioner Gedge motioned to approve File No. PLPP202400120, Preliminary Subdivision, subject to the following: all South Jordan City requirements are met prior to recording the final plat. Chair Hollist seconded the motion.

Roll Call Vote

Yes – Commissioner Gedge

Yes – Chair Hollist

Yes – Commissioner Catmull

Yes – Commissioner Bevans

Absent – Commissioner Bishop

Absent – Commissioner Wimmer

Motion passes 4-0, unanimous in favor; Commissioner Bishop and Wimmer were absent from the vote.

**H.3. DAYBREAK VILLAGE 12A PLAT 4 AMENDED SUBDIVISION
AMENDMENT**

Address: Lots 365 through 382 and lots 391 through 394

File No.: PLPLA202400048

Applicant: Perigree Consulting

City Planner Greg Schindler reviewed background information from the Staff Report.

John Warnick (Applicant) – Destination Homes will be the owners of these lots once amended and sold.

Chair Michele Hollist opened the Public Hearing for comments; there were no comments and the hearing was closed.

Commissioner Catmull motioned to approve File No. PLPLA202400048, Amended Subdivision Amendment. Chair Hollist seconded the motion.

Roll Call Vote

Yes – Commissioner Catmull

Yes – Chair Hollist

Yes – Commissioner Gedge

Yes – Commissioner Bevans

Absent – Commissioner Bishop

Absent – Commissioner Wimmer

Motion passes 4-0, unanimous in favor; Commissioner Bishop and Wimmer were absent from the vote.

**H.4. DAYBREAK VILLAGE 9 PLAT 4 AMENDED SUBDIVISION
AMENDMENT**

Address: Lots 330 through 338, lots 345 through 350 and lots through 402 through 414

File No.: PLPLA202400112

Applicant: Perigree Consulting

City Planner Greg Schindler reviewed background information from the Staff Report.

Chair Michele Hollist invited the applicant up to speak, he had nothing to add to the Staff Report. She then opened the Public Hearing for comments; there were no comments and the hearing was closed.

Commissioner Catmull motioned to approve File No. PLPLA202400112, Preliminary Subdivision. Chair Hollist seconded the motion.

Roll Call Vote

Yes – Commissioner Catmull

Yes – Chair Hollist

Yes – Commissioner Gedge

Yes – Commissioner Bevans

Absent – Commissioner Bishop

Absent – Commissioner Wimmer

Motion passes 4-0, unanimous in favor; Commissioner Bishop and Wimmer were absent from the vote.

Chair Hollist asked to continue the discussion regarding virtual comments being allowed, noting there were emails received beforehand for the public record and she feels there were plenty of opportunities to participate in tonight's discussion prior to the meeting.

Commissioner Nathan Gedge noted that the public in attendance should have priority for comments, and since it was noticed that there would be no virtual public comments he feels it should not be allowed tonight. He also recommended that for future noticing they remove the line about no virtual comments to stay in line with City Council's rules.

Commissioner Laurel Bevans added that if they are going to remove that from the noticing and allow virtual comments, it should be allowed uniformly across all meetings.

Commissioner Steven Catmull noted that if there are people online wishing to comment tonight on the popular agenda items tonight, they are welcome to come to City Hall in person and make those comments since those items are scheduled for the end of the meeting and there is still time.

Chair Hollist noted that the rules on public comments will stand as noticed and no virtual comments will be allowed during tonight's public hearings.

Commissioner Wimmer joined the meeting.

H.5. JORDAN VALLEY WATER CONSERVANCY DISTRICT WATER STORAGE RESERVOIRS SITE PLAN APPLICATION

Address: 7271 W 11800 S

File No.: PLSPR202400040
Applicant: Kevin Rubow

Planner Miguel Aguilera reviewed background information from the Staff Report.

Kevin Rubow (Applicant) – these new water storage reservoirs will provide water to South Jordan and the growing communities of the southwest valley.

Chair Michele Hollist asked about the water source.

Mr. Rubow responded most is from the upper reservoirs like Deer Creek and Jordanelle, surface water, which is treated in their plant in Bluffdale, which is conveyed through different transmission pipelines to the site.

Chair Hollist asked if Jordan Valley Water needed additional water shares to use this water.

Mr. Rubow responded that no, they do not.

Commissioner Steven Catmull asked if this is connected to the pipe work happening on 11800 South currently.

Mr. Rubow responded they have an existing 48 inch pipeline that was installed about five years ago, and that piping is already going into the site and will be extended to the new tanks.

Commissioner Laurel Bevans asked for more details about a comment in the Staff Report, noting the north 16.5 feet of property is deeded to Salt Lake City.

Mr. Rubow responded that was a typo, since it has been annexed that is now part of South Jordan's right-of-way.

Commissioner Bevans noted that the report also indicates there is a pump facility and the overall completion of the facility will be within two years; however, on the site map it shows that is a future facility. She asked if that was going to be completed within those two years as well.

Mr. Rubow responded that is a future pumping facility that might be ten years down the road. This current project will just be the site improvements with the two 5 million gallon storage tanks.

Commissioner Bevans referenced the soil management plan and the note that the abandoned trenches onsite contain contaminated soil. She asked what kind of testing will be conducted to ensure none of that gets into the water supply.

Mr. Rubow responded there are historic ditches from the Kennecott Lands on the site with some soil contamination, similar to what's in a lot of Daybreak properties. At the start of the project

they will look to mitigate that with soil sampling in those areas, along with following the plan that has been approved by the DEQ; AKA, the Soil Management Plan.

Chair Hollist opened the Public Hearing for comments; there were none and the hearing was closed.

Commissioner Bevans asked about the list of deferred submittals with this in the civil plans, on page 46 of the meeting packet labeled “Structural General Notes 2,” and whether staff is okay with not having reviewed those yet.

Planner Aguilera noted that he included the set of civil drawings approved by Engineering and Planning.

City Planner Greg Schindler found what Commissioner Bevans was referring to and shared it is about 10 pages into the civil drawings.

Planner Aguilera was able to find the section referenced and noted the applicant might be able to provide more clarity, as it is just part of their notes and sections following some of the design drawings.

Mr. Rubow responded he believes it is part of the structural plans and with building code, and he believes those submittals will be reviewed with the building application.

Commissioner Bevans thanked Mr. Rubow for his explanation, that’s the response she was looking for to satisfy her concerns.

Commissioner Bevans motioned to approve File No. PLSPR202400040, Site Plan Application. Chair Hollist seconded the motion.

Roll Call Vote

Yes – Commissioner Bevans

Yes – Chair Hollist

Yes – Commissioner Gedge

Yes – Commissioner Catmull

Yes – Commissioner Wimmer

Absent – Commissioner Bishop

Motion passes 5-0, unanimous in favor; Commissioner Bishop was absent from the vote.

H.6. AMENDED PLAT OF POWELL ESTATES SUBDIVISION AMENDMENT

Address: 1915 West 9640 South

File No.: PLPLA202400078

Applicant: Tamara Tanner

Planner Damir Drozdek reviewed background information from the Staff Report.

Chair Michele Hollist asked for any reason behind the unusual final shape of the property.

Planner Drozdek responded it was done in order to meet the minimum size requirements.

Chair Hollist asked if this is approved, how many more additional lots are allowed in the subdivision before going below the allowed density; are there other lots eligible.

Planner Drozdek responded that he did check into that, but he doesn't have the numbers available right now.

Tamara Tanner (Applicant) – she lives just a half mile from this property. Her sister and husband purchased this property, and they are dividing so her parents can build a house on the back. She lives in the neighborhood and has talked to all the neighbors here. The only problem any of them had was the same question already posed regarding the odd shape and the fence requirements. Those concerned neighbors are here tonight and can ask those questions if they wish.

Chair Hollist opened the Public Hearing for comments.

Cally Miller (Resident) – I reside on the property directly north of the property in question. The evidence I have is physical, however I do not have it in my hand at this time. What it is, is that my mother, who is also here, has a physical plot map of the original subdivision which shows there were originally four quarter acre lots zoned there. The people who bought those, or moved into the subdivision, could have the option to buy and combine or leave them alone. You can see the person residing on the west of 1950 W took and combined those, the occupant on the east side of 1950 W chose to keep only the quarter acre, that way the resident at 1950 W who has passed away bought the extra quarter acre and combined. My problem with this whole situation is the oddity of the subdivision layout and the requirements of the fence that is going to be put up, a stone wall. My mother had that done on the back side of her property, she resides at 1895 W and there was no real notice put out that would be put up, and for what reason it was put up. Yes, we have talked to the Tanners and understand that it is because of the zoning difference, I understand there are codes and rules, but there is also in my opinion an exception to every rule. With this situation, I would rather see that the plot maps are kept at quarters and halved, rather than just because the minimum is a third acre. I would rather see if kept uniform, like a cookie cutter, rather than some sort of jigsaw puzzle and trying to jam everything in.

Reed Baron (West Valley Resident) – I am the person who will be living in the new house. We have to have a third of an acre because that's the rules, that's why the lines are the way they are. We would really prefer a quarter acre and a half acre, rather than the third of an acre and 0.41 acres, but we did this to meet all the rules.

Chair Hollist closed public comment. She asked staff for details on the fencing requirement, is it only required along the more dense area.

Planner Drozdek responded it is along the eastern boundary of the project. The zone is not different, but it is not a half acre anymore so it doesn't meet the farm animal requirements. On the east side it is still a half acre and allows for farm animals.

Chair Hollist asked for information about the public comment regarding the sizing of the division, as it looked like the home on the current lot is less than a quarter acre.

Planner Drozdek responded that is correct, but it was done without city permits or permission. It was done sometime in the past, taken to the county and recorded. The map shows the existing property lines, and at some point in the past the city approved the current layout as a property line adjustment with no public hearing.

Commissioner Ray Wimmer asked about any options for exceptions to the current zone's requirements.

Commissioner Nathan Gedge responded that would not be something done through the Planning Commission, it would have to go through a rezone and neither staff nor City Council would recommend a spot rezone.

City Planner Greg Schindler added that the reason they would not want them applying for a rezone is that the rest of the subdivision would not be changing, and the city does not allow more than one zone in a subdivision. They would no longer be included in the original subdivision and they would have to stand alone here. In addition, the Future Land Use Plan calls for this as being stable neighborhood, which means the zoning would not change and they would have to amend the General Plan as well; this would change it to residential opportunity which allows for more subdivision and development.

Commissioner Laurel Bevans asked if they are creating a nonconforming lot in doing this.

Planner Drozdek responded this is already nonconforming.

Planner Schindler added the part up in the corner is already nonconforming and will stay that way. The other two lots are conforming because they meet the minimum lot size.

Commissioner Gedge asked staff if there are any potential options to change that

Planner Drozdek responded they would have to appeal Title 16 to do that.

Ms. Tanner asked for details on applying for that change.

City Attorney Ryan Loose responded he would have to check the code and see what the process would be, but confirmed it would not be done through a Variance. They can research that and the applicant can speak with Planner Drozdek to go over those details at a later time.

Commissioner Gedge motioned to approve File No. PLPLA202400078, Subdivision Amendment, based on the Staff Report and discussion this evening; subject to the following: all South Jordan City requirements are met. Chair Hollist seconded the motion.

Roll Call Vote

Yes – Commissioner Gedge

Yes – Chair Hollist

Yes – Commissioner Catmull

Yes – Commissioner Wimmer

Yes – Commissioner Bevans

Absent – Commissioner Bishop

Motion passes 5-0, unanimous in favor; Commissioner Bishop was absent from the vote.

H.7. ZIPLINE TEMPORARY USE – CONDITIONAL USE PERMIT

Address: 10473 South Bacchus Highway

File No.: PLCUP202400117

Applicant: Stefanie Cooke, Zipline

Planner Damir Drozdek reviewed background information from the Staff Report.

Chair Michele Hollist expressed her approval of the type of permit this business was issued where they have to come back every three years to revisit the conditional use permit and ensure original concerns have been taken care of.

Commissioner Laurel Bevans noted that their FAA exemption expires September of 2025, but the CUP extends for three years. She asked staff if the CUP would be rescinded if they are unable to get another extension on their FAA exemption.

Planner Drozdek responded that could be added as a condition of approval, but he didn't believe the CUP would be automatically revoked unless it was in the motion.

City Planner Greg Schindler noted that he believes if the FAA exemption expires and is not renewed, they would be in violation with the FAA which is much more of a problem than anything with the city.

City Attorney Ryan Loose noted that hypothetically, it could expire and a month later they could get it back and still be able to operate without coming back to get a whole new permit. They still

have other requirements they have to meet separate from that, but this allows three years on that land.

Commissioner Bevans asked if they are required to submit those types of permits after expiration as part of their business licensure in the city.

Attorney Loose was unsure, but regardless, the FAA is certainly aware and will be watching.

Planner Schindler noted that several departments review business permits, and when Planning reviews those applications they check to make sure they are allowed in the zone and they have all the correct permits.

Chair Hollist asked if the information was still correct, that they average about 30 flights a day and they are all healthcare related at this time.

Conner Wilkinson (Applicant) – he is the Operations Lead in Utah. He responded to Chair Hollist's comment, saying that they are a variety of use cases including healthcare, GNC, etc.

Chair Hollist asked for more details about expanding services into food preparation. Is that targeted towards existing customers, homebound individuals, or a new type of GrubHub type platform.

Mr. Wilkinson responded that it is a combination of all those things, available to existing customers as well as those who were previously unable to use Zipline's system and did not have prescription or GNC deliveries; they are now able to sign up for supply deliveries and experience instant delivery in the future here in South Jordan, Herriman, Draper and the surrounding cities.

Stefanie Cooke (Applicant) – added that they do really see themselves as a delivery company, focusing on logistics and deliveries.

Chair Hollist asked if there would be a cap on how many deliveries they could accommodate a day.

Mr. Wilkinson responded the system is capable of doing several hundred deliveries a day. However, they are very thoughtful on how they expand and one thing they are proud of is not having any complaints from residents in the delivery areas. Anecdotally, as they do site tours and STEM engagement with various high schools and groups throughout the valley, they actually had some who lives adjacent to the facility comment that he knew about Zipline but had never heard or seen them; he was so surprised at how close their facility was to their home and commented on the excellence of their technology.

Chair Hollist asked if their range is still limited to 15 miles and three pounds.

Mr. Wilkinson responded yes, the technology is capable of doing more but those are the current FAA limitation.

Commissioner Gedge asked to confirm if the volume potential of 300 flights a day would require expanding their FAA allowances because of the location.

Mr. Wilkinson responded they are compliant with all FAA requirements, as well as the environmental assessment that was completed looking at volume of flights and their impact on citizens and the environment in the area; they would be compliant, even if they increased delivery volumes.

Commissioner Gedge noted that their location does have drone flight restrictions during emergencies, and asked if they had plans in place to cease flying if that kind of emergency were to happen.

Mr. Wilkinson responded that yes, they have a very robust system to identify issues like that and to cease flight operations.

Commissioner Gedge asked to confirm that in the last several years they still have plans in place to ensure safety with the packaging of potential biohazards like blood or specific prescriptions.

Mr. Wilkinson responded they are compliant with all those requirements, as well as Intermountain's internal requirements which are often more strict.

Commissioner Steven Catmull asked what the transition from temporary to permanent would look like.

Ms. Cooke responded that at this time they are still evaluating their next steps after this CUP extension is hopefully granted. They have a new technology coming out called "Platform 2" and they are committed to being in Utah. They have positive feedback from the residents and they are committed to staying here, they just aren't sure what that will look like. Depending on where the technology is at in three years that could look like being in a different location, expanding on the current location; they can't say what that will look like yet, but the city will be the first to know. Their goal is to get to a permanent location and solution.

Commissioner Catmull asked if there have been any downed planes in the last three years.

Mr. Wilkinson responded that Zipline as a whole has done over 1.1 million residential deliveries without any safety incidents, and if there are any events they are generally heard about on the news as well as FAA requirements to report those, which would make them publicly available. Including here in Utah, they have not had any major safety incidents.

Chair Hollist asked what is defined as a major safety incident.

Mr. Wilkinson responded there is a variety of safety events defined by the FAA on the air carrier level. They are regulated similar to a Delta Airlines, so events can vary in severity from major

which usually causes some sort of property damage or injury to persons, to lesser things labeled as essentially negligible to minor.

Ms. Cooke responded those smaller incidents would be things like a Zip taking off and realizing the address was programmed incorrectly, causing it come back, which would be considered a minor incident for them.

Mr. Wilkinson responded there are onboard checks the system completes while in-flight and on the ground. If the system decides it is not safe to continue, it will come back to the nest and recover safely, which would be considered a minor event while they troubleshoot and find out what happened. They follow all FAA requirements for maintenance, inspections and reports.

Commissioner Ray Wimmer asked during the transition to food delivery the report mentioned there will be no food preparation on site; it would be prepared off site, stored in a trailer and distributed. He asked what types of food would be delivered and the customer base for it.

Mr. Wilkinson responded Zipline as a whole is a logistics company, they just handle getting the item to the end customer; those details would be better explained by their partners.

Chair Hollist asked for the cost of using their services.

Mr. Wilkinson responded they are planning a maximum delivery fee of about \$6.00, which makes them competitive and generally at a lower cost than DoorDash, GrubHub or UberEats.

Chair Hollist referenced a letter submitted by Ms. Cooke that was included in the packet, noting they anticipated increasing their deliveries to 60 per day and asked if that was an accurate prediction for the next three years with this site.

Mr. Wilkinson responded that is the goal, and if that changes they are happy to work with the city on that.

Chair Hollist opened the Public Hearing for comments; there were no comments and the hearing was closed. She then asked staff about any restrictions on operating hours.

Mr. Wilkinson responded they currently operate from 11:00 am to 7:00 pm, Tuesday through Saturday. They have full FAA approvals to operate 24 hours a day if they chose to do so. Operation during the night and during certain weather conditions are set by the FAA.

Chair Hollist asked about the number of employees on the site.

Mr. Wilkinson responded they currently have approximately five employees, with the future food partner having about two.

Commissioner Gedge asked to ensure in the motion that it states they are required to be up to date on all lincensure and regulations.

Commissioner Gedge motioned to approve File No. PLCUP202400117, Conditional Use Permit, based on the Staff Report and testimony provided by the applicant. This approval is subject to all city, county, state, federal and other regulatory agency requirements being satisfied. Chair Hollist seconded the motion.

Roll Call Vote

Yes – Commissioner Gedge

Yes – Chair Hollist

Yes – Commissioner Catmull

Yes – Commissioner Wimmer

Yes – Commissioner Bevans

Absent – Commissioner Bishop

Motion passes 5-0, unanimous in favor; Commissioner Bishop was absent from the vote.

H.8. DIXON ADU CHATTEL CIRCLE ACCESSORY SWELLING UNIT (ADU)

Address: 10111 S. Chattel Circle

File No.: PLADU202400137

Applicant: Matt Dixon

Planner Damir Drozdek reviewed background information from the Staff Report.

Staff and commissioners discussed the plans for the ADU space, based on what has been submitted by the applicant.

Chair Hollist asked if code still requires ADU living space to be physically separated from other areas of the structure.

Planner Drozdek responded that is no longer required by city code.

City Attorney Ryan Loose noted that ADU state requirements only apply to internal ADUs, not detached ones like this with other living areas.

Planner Drozdek noted there are a few areas of access, but these plans in terms of those accesses are not changed from what was originally approved before the roof truss issues.

City Planner Greg Schindler added that the cabana is not connected to the ADU, if it was that space would be included in the ADU calculations.

Staff and commissioners discussed the measurement for the height and roof, noting that it was an average calculation.

Matt Dixon (Applicant) – bought property 3 years ago, it has been a nightmare as a rambler with two level walkouts the way the lot slopes from west to east. His wife cut a perfectly good living room floor out of the main one to create a big open area facing the east. The main house was on a different permit, they hired a builder they knew. They had some changes taking place and it just has been a nightmare. It was a permit that originally had the main house and the ADU, they separate those. The main house remodel was going so slow, and was under a different permit and builder's name, that he had to tell them to stop on the ADU because he had to move into the main house in December of 2023; they bought the house in 2021. They finally got an approval for the main house, and that's where they live. He has a daughter, her husband and three children who have lived with him for the last six years, who will be living in the three bedroom ADU; he would like to get his house back. He undertook this project because he liked his builder, he just told him he could never recommend him to anyone. They separated amiably and he immersed himself in the code, figuring out that the building he inherited was put together for winter. It had foundation, was framed with a roof, window and doors, and was covered. When he went to get the permit he found out it was expired and they said it was because there hasn't been any work done on it, and he pointed out that he had a building on his lot. He has been through a litany of things to get it completed and they never updated their plans because they delivered the original roof for the garage, which was supposed to be bonus room trusses. When they delivered them he said those weren't the right trusses, but they never updated the permit with the new trusses with the bonus room and the needed third bedroom. It was basically going to take 210 square feet away from the east to get to under 1500 square feet, giving him no window and not allowing him to put grandkids in that room as a bedroom. He asked for an exception, but he doesn't believe legally that can be done. Staff has been great working with him. They are just trying to get the project finished and they believe it will pass everything that still needs to be inspected. He has lived in South Jordan for 14 years and he sold his last place because the street was too loud and fast with his grandkids, moving to a rental in Sandy when they bought this place three years ago, and is just trying to get his family settled here. He has lots of stoves and refrigerators for cooking in his home, explaining they are a blended family and his wife believes everyone will inevitably end up at their house when an emergency happens and wants to be prepared. There are no other ADUs, he has written letters explaining he is not trying to rent anything else out; his kids don't even pay rent and he's just trying to finish this project before snow comes.

Chair Michele Hollist opened the Public Hearing for comments; there were no comments and the hearing was closed. She added that due to the large size of the main dwelling she would consider allowing the ADU over 1500 square feet since it still looks like a substructure in terms of size, which matches the code requirements.

Chair Hollist asked about the second curb cut, specifically if staff approved it because there was already an existing street access and this was a request to move it.

City Planner Greg Schindler responded that yes, city staff probably would have approved that since there were already several properties with similar cuts there. The two properties to the

south have accesses to 3200 W. These are older properties and probably had the accesses for years and are being used most likely to access other buildings on their properties which would be hard to access due to the slope.

Commissioner Nathan Gedge agreed that normally they wouldn't approve something this large, but because of the surrounding property size and access, along with the already approved CUP for the building that only slightly exceeds the limits due to a change in materials, this doesn't seem like an extreme exception.

Commissioner Ray Wimmer agreed, since it's a change in materials that allowed for that head clearance, it makes sense to go ahead and add the additional bedroom since they didn't try to order the wrong trusses that allowed for that.

Commissioner Gedge motioned to approve File No. PLADU202400137, Accessory Dwelling Unit, based on the Staff Report, discussion and testimony provided this evening. Chair Hollist seconded the motion.

Roll Call Vote

Yes – Commissioner Gedge

Yes – Chair Hollist

Yes – Commissioner Catmull

Yes – Commissioner Wimmer

Yes – Commissioner Bevans

Absent – Commissioner Bishop

Motion passes 5-0, unanimous in favor; Commissioner Bishop was absent from the vote.

Mr. Dixon noted that when they bought the property they asked about the 3200 W access, which was apparently grandfathered in. Lot 1 doesn't have the 3200 W access because it's on an intersection, but Lots 2, 3, 4 and 5 all have access from 3200 W to their properties.

H.9. MISTY GUESTHOUSE CONDITIONAL USE PERMIT AND ACCESSORY DWELLING UNIT

Address: 2737 West Misty Oaks Dr.

File No.: PLCUP202400124, PLADU202400126

Applicant: Mary Nielson

Planner Damir Drozdek reviewed background information from the Staff Report.

Chair Michele Hollist asked if other options for lighting were reviewed with the applicant, and if this went through the Architectural Review Committee.

Planner Drozdek responded that the building appears to be pre-fab, so he doesn't think there are options to change those things. He also noted that this did not go through the Architectural Review Committee.

Chair Hollist asked if the materials match the main dwelling as specified by the city code.

Planner Drozdek believes it does match per city code.

Commissioner Nathan Gedge said this appears to be a pre-fab tiny home, and based on social media they are on a trailer with wheels which makes them mobile. He asked if staff could confirm if that was the case with this building and the next item on the agenda. Is that something that could be restricted in the motion, that it be a permanent structure on the property.

Commissioners discussed the idea of this setting a precedent if this is a tiny home, and how this decision will affect future applications.

Commissioner Laurel Bevans asked if there are any similar buildings in the surrounding areas.

Planner Drozdek responded no, not in the immediate area, but they are pretty common throughout the city in different neighborhoods.

Commissioners discussed the points that no one else around this property has done anything like this, the architecture doesn't match the main dwelling or any other home in the neighborhood.

Mary Nielson (Applicant) – this not a pre-fab home, they designed the plans. She will get to the other house, but they are trying to make it work for both properties because it would be simpler to build two at the same time. Regarding the aesthetics, they are not planning to put brick on this building, and that didn't make it into the plan; it will have stucco in the same color as the house currently on the property. The windows in the bathroom on the tall side are meant to just bring in light; they are tall and you won't be able to see out of them, they are also rectangular in shape. The window at the back is just for light, but they could put it on this side because it's just a loft up there. She is happy to frost the windows or make them high on the other side, the goal is not to have anyone looking in our out, it's just to get light at the top. Regarding the height, they just wanted to put a bathroom in the loft that was right on top of the other bathroom, they thought that would be easier; that is the reason for the higher roof, to pitch it for enough clearance. They had to have it go that high because of the building code for the pitch. One side of the loft is just four feet, then they went high enough to match the building code for the pitch. It's not a pre-fab so that can be adjusted as well. They just wanted a window in the bathroom so it doesn't get stuffy. Regarding the square footage, the original plan brought the floor up to make it easy to connect the stairs. The floor in the front of the loft where the ceiling is about four feet tall comes up and that's included in the square footage; it's in the loft and bumps it up the extra square footage, but it's on that side of the loft where no one is walking around. This is their first time doing something like this and being before the planning commission, and they are wanting to be in compliance and make everything work. They weren't just trying to bring in an existing building and stick it on the property, they want to make it coherent with the house and if they

could have the loft with the bathroom it would make it a little more useful space for them which is why they added it to the plans for the commission to review.

Chair Hollist asked if the building will have a foundation.

Mrs. Nielson responded yes, a footing foundation with no trailer or wheels. All the building supplies are to code as well.

Chair Hollist asked who will be residing here.

Mrs. Nielson responded there are three people on the title, her, her husband Russ and her stepdaughter Emaline; her stepdaughter currently resides there, moving in back in February, and she will be continuing to live there.

Chair Hollist asked why they are building the guesthouse.

Mrs. Nielson responded they just wanted to have more options of what they can do with the house, increase the property value. In addition, they will be living at the other property and building a guesthouse there as well, and it would just be easier to built both of them at the same time since they have the same plans.

Commissioner Gedge asked to confirm with Mrs. Nielson that she understands the person on the title must reside in the primary residence in perpetuity.

Mrs. Nielson responded that will be the case.

Commissioner Ray Wimmer asked Mrs. Nielson if she was aware that if the owner on the title moves out of the primary residence, the ADU can no longer be rented in any capacity.

Mrs. Nielson responded that she understands.

Chair Hollist asked staff to confirm that if a detached ADU like this is being rented out, an internal ADU cannot be rented out as well at the same time.

Planner Drozdek responded that was correct.

Chair Hollist noted there were several email received prior to this meeting in regards to this item, they are included in the minutes as Attachments A, B and C from the McCanns, Johnsons and Rhodes families (in that order). She then opened the Public Hearing for comments.

Elton Giles (Resident) – When I got this it said more of just a public comment thing, but nobody else in the surrounding area has any type of dwelling like this on their property; I know one of you asked that question. Yes there are a lot of sheds and pool houses, things like that, but there is nothing to this effect. Why do we need to change the easement. If it's supposed to be 20 feet then why do we need to change that to accommodate this and put essentially another

dwelling on the property. If they are going to do that, what about the parking situation and all that. If they have a bigger second dwelling, are they allowed to park in the street still or do they have to stay in the driveway.

Russ Thornton (Applicant's husband) – We are citizens here in South Jordan. Our only goal is compliance, and to build and improve the property; to beautify it and make it conform to standards. There is no plans for parking on the street, we have a whole separate pad of parking next to the garage while will accommodate up to seven cars; you can see it on the pictures. The structure is built there, it is well designed and again it is our goal to be great neighbors as our daughter lives there. If there is anything the council sees that is super important that is not typically approved in the past we are open to modify that. It is our goal to be great citizens, be in compliance, and that's why we showed up tonight.

Angie Lavery (Resident) – is this on just this property, or is on their next one.

The commission responded this is currently just for this property.

Chair Hollist closed public comment. She asked if off street parking for ADUs was still a requirement.

Planner Drozdek responded that is still required, and the plans for that can be seen on the site plan. The lot coverage requirement for this property is 40%, and this property is 0.34 acres which comes out to 14,800 square feet; forty percent of that is 5920 square feet. According to the county records the main floor of the house is 1073 square feet with an attached garage at 790 square feet, making the main floor just under 2000 square feet. The proposed ADU floor area is just under 900 square feet, which makes both buildings combined just under 3000 square feet.

Chair Hollist asked if there was a floorplan included in the packet.

Planner Drozdek pulled that up from the meeting packet available online and reviewed the details of it with the commissioners.

Commissioner Bevans brought up the noticing requirements under “Architectural Standards” (Section 17.40) and asked if everyone in the subdivision was noticed on this, or just those within 300 feet.

Planner Drozdek responded that he did not notice the entire subdivision, just those within 300 feet. For subdivision amendments they do notice everyone in the subdivision, but not for ADUs or conditional use permits. He then reviewed the notices he sent out to see if they were sent to everyone in the subdivision and those outside of the subdivision but within 300 feet, as noted in the code Commissioner Bevans pointed out.

Commissioner Bevans motioned to take a short break, Commissioner Gedge seconded the motion; vote was 5-0, unanimous in favor.

Planner Drozdek shared that while noticing for this item, he only noticed those within a 300 foot radius, not the entire subdivision.

Planner Greg Schindler announced that since the noticing requirements were not met for this item, it will need to be renoticed and moved to another meeting. The next item is not in a subdivision, so the noticing for that was sufficient and can proceed.

Commissioner Gedge motioned to table Item H.9. until the next meeting on August 27 to allow for additional noticing. Chair Hollist seconded the motion. Vote was 5-0, unanimous in favor.

Chair Hollist noted there will be another public hearing at that time to allow those who were not noticed the chance to comment and address the commission.

H.10. 60'S GUESTHOUSE CONDITIONAL USE PERMIT AND ACCESSORY DWELLING UNIT

Address: 2660 W. 10950 S.

File No.: PLCUP202400127, PLADU202400125

Applicant: Mary Nielson

Planner Damir Drozdek reviewed background information from the Staff Report.

Commissioners and staff discussed the fact that this property is not in a subdivision on record with the city or the county, and it is described by Meets and Bounds rather than lot numbers, which further proves that point. Since this is not in a subdivision, the noticing to those within 300 feet meets the code requirements and they are okay to proceed.

Planner Drozdek continued with his review of the Staff Report.

Commissioner and staff discussed the requirements to show proof of residency and intent to live on the property, noting that the applicants have shown the required proof and expressed their intent to live on the property. Comments were sent to staff indicating that contractors on the property told neighbors this was intended to be a rental and that the owners were not intending to reside on the property, which raised additional concerns for the public.

Planner Drozdek shared the process if it was discovered that an owner was no longer living on the property as agreed upon, and how code compliance would be enforced.

City Attorney Ryan Loose noted that there was no way to guess how a judge might react to the code enforcement, but if they were discovered to have violated the agreement for the CUP, they would lose the rights to rent out the space included in that permit. He also noted that since this situation is a bit different than someone deciding to build a guesthouse on their property they currently live in, and the applicants have had to add additional people to the titles to allow for these buildings while owning multiple properties in the city, the commission could add

additional requirements to the motion to help ensure compliance in the future such as inspections or other measures.

Mary Nielson (Applicant) – the house was built back in 1965, and she thinks the woman who built it lived there the whole time and just passed away. The reason she is not physically living in the house at this moment, has changed her driver's license, is because there was so much needed to get the home up to code. She has a current permit with the city and has had to replace the sewer line, electrical issues, etc., to bring everything up to code. This is on a half acre, not a third acre, and the house was pretty small at 2400 square feet, including the basement, which they have now brought up to code. The basement had no egress, but it does now, and they are trying to comply and make it a bigger space. This left their options as building a guesthouse or making the house bigger. She has the intention to move in, has changed her driver's license as stated. Regarding the size, it was built in 1965 and is a tiny little house, so they could go bigger or add the guesthouse on the back to make it more usable for our space. They decided the guesthouse was a simpler building option. Every house around them, except for the house directly to the west, is much bigger than this house; they are all two story houses and they are big and tall. As a percentage of the existing house it is about 48%, but even as a percentage of the houses that are currently on that street with the whole lot size it is not that big of a footprint. Also, there are massive trees around and the reason they are at 10 feet and 10 feet is that they are trying to preserve the trees, to continue with the privacy. There is a big tree between her house and the house to the east, and they don't want to take those trees down, along with the trees to the back and west; those trees have been there the whole time but have never been cleaned up, so they are bringing in arborists to clean them up and beautify. In terms of making it look like a cohesive house, that's where the brock comes in from the other application. It is a little red brick looking house, and the whole design is to be mid-century modern so it would go with the 60s feel with the brick on the main floor and the upstairs with a stucco. They are repainting the trim on the main house so it will be a dark green, and it will match the stucco on the house, as well as the doors being black; it will look the same, and that is the intention. Part of the reason going for the 10 foot by 10 foot is that it sits back enough that it isn't going to be intrusive when looking from the street; there is a massive pine street right in front of it from the street, probably 15-20 feet around and probably 30-40 feet high and can be seen in the aerial view. The intention is to make it cohesive, keep it in line with what is going on around it. They wanted the loft for a little extra living space and the bathroom like the previous property. As she understands the code, the problem is having the windows on the 10 foot side, so they could easily flip it, since it's isn't a pre-fab, and have the tall windows on the other side. There are trees, so it would be a little darker, but then they would be 20 feet off and they are totally fine doing that. If they can't have the loft, that's fine too, they just looked at building costs and trying to do things efficiently while improving the property value and making it more usable for their space. She reiterated that this house is dwarfed by those around it. The current house does not have stucco, but it does have a white trim above the garage and that's what they're painting so it will all match.

Chair Michele Hollist asked for their plans with this building.

Mrs. Nielson responded it's just a little house, and they have a big family. It's to have space for people to come and stay, have extra space since the main house is only 2400 square feet. She does not plan to rent it at this time.

Chair Hollist asked about her name being on three different properties in the city.

Mrs. Nielson responded that they currently live in South Jordan, so the third property is the one they are currently living in.

Chair Hollist asked for her plans with the third home, the one they are currently living in.

Mrs. Nielson responded that they will either rent or sell it.

Commissioner Laurel Bevans asked if there are any other rental properties within the city that her family owns, other than the three in their collective names just discussed.

Mrs. Nielson responded yes, there is one other rental property, making four total properties.

Chair Hollist noted that emails submitted before the meeting were reviewed and included in tonight's records (Attachments C & D) from the Laverys and Baiers. She then opened the Public Hearing for comments.

Jeanne Jackman (Resident) – We moved in the subdivision in 1965, it is 1.8 and the lots are one-half acre or larger. Every lot has to be 90 feet wide, and they have to have one house facing the road. A few years ago, someone owned two acre lots and they wanted to subdivide. The City of South Jordan turned them down because they said our road is the longest road in South Jordan without a cul-de-sac, it is also only 50 feet wide. They turned down the applicant and said no, you have to stay with the subdivision rules. There are about 30 houses on our street and we are asking you to stay with the subdivision lots and rules. Also, I would like to tell you that in the back of this house that Mary Nielson owns there is an irrigation ditch. It is covered, the Nielsons do not have any water right as of now so they cannot use this ditch, and they have to make sure it's accessible because every house on the east side who owns shares on the northeast of that road get their water from that ditch; there is nothing they can do to hurt that ditch in any way. I know that people on our street would love you to keep only one house per lot, and this is not a half acre, it is a 0.42 acre and has one house on it; that's all it is allowed according to the South Jordan City code as of a few years ago.

Brent Jackman (Resident) – I guess I live in one of the homes that is a baby home because mine is not bigger than 2400 square feet. A couple of concerns I have, mostly in the last year and a half, there is a home that lies kitty corner to this home that has no one living in it that owns it. There are five or six different families that live there, that also run a business out of that home, and they block our street with different activities and there is no one that lives in that home that is an owner. I have been wondering about what my recourse would be is someone doesn't live there. Mrs. Nielson says they are going to live there, and that's kind of what we as a neighborhood would hope, but our fear is that as we watch the construction happening, and now with them wanting a guest home, it is just making more places for people to rent; that isn't what our neighborhood has been. Also, I work a little bit on construction, as their back is with a 10 foot easement there is no way they can dig footings without interrupting that irrigation ditch

unless they move further away. Those are some of my concerns, but I also don't know what ADU means. As was said, we have approximately 30 homes on our street and none of them have a guest home. They have some big barns, big garages, but there is nothing that is living space. Also, I understand that any of the homes that are in the new little subdivision that is directly north did not receive letters about this proposal; they are all within 300 feet.

Angie Lavery (Resident) – I live right on the corner, facing south; I have a tiny home. My concern is you are going to open up a can of worms because there have been other people that have asked to expand their properties and they were told no because it is a busy street. My fear is there is going to be more traffic and a little kid is going to get hit. I have seen it almost happen several times because that road is so narrow, people come flying around and this will be added traffic. I was told several times it is going to be a high end rental. I was told about the drawing they are asking for, it is going to be a rental several times by the people working on it that it is going to be a high end rental. I said that's not what we were told. We were told they were buying it for their daughter to move into. Oh no, they said it's going to be a high end rental and it's going to be really nice. The field of work that I'm in, I see it all the time; people say they are going to move in and next thing you know they are having renters in, there is nothing really you can do. You have property owners further down with bigger lots, they have been told no, you can't do this. You have acres back there that's going to allow them to do what they've been told they can't, and increase the traffic on our road. I can barely back out of driveway, my daughter's car has been hit in our driveway by the garage because somebody couldn't get out fast enough, floored their car and rammed into hers. Please take this into consideration. I know that Mrs. Hatch, her daughter also told me the house was being bought for the person's daughter. I just don't think, if it's such a small home, why put that money into it if you can go get something bigger and you've already got three other properties. My big concern is the traffic, no traffic study was done, and has anyone taken into consideration this is a dead end, and no traffic study has been done.

Joy Elizabeth Baier (Resident) – I live directly behind this proposed ADU, I share a fence line with them. I am here by chance, despite the fact that the proposed ADU is only 10 feet from my fence line. No one on my street, Escondido, was notified. I double checked with Damir and he told me we were on the mailing list, but we never received anything. It was only the kindness of neighbors that brought this to our attention. I wanted to reiterate some of my points that my husband and I submitted to the city planner (Attachment D). We found at least six items where the plans submitted violated South Jordan's code for ADUs and the details are in my written submission (Attachment D). Overall, my husband and I are in favor of ADUs and increasing affordable housing options. However, with the current plans submitted we are strongly opposed. The guesthouse is too high, too big, and the owners are asking for too many exceptions. They should be obligated to abide by city codes and not given special preference without compelling reason. Simply frosting the windows is not a good solution, because they don't need any city approval or enforcement to unfrost them, and the whole point is that the windows shouldn't be there according to the code. I ask that you consider the following three questions before deciding tonight: Is there true reasoning and justification for all these variances in the plan to the roof pitch line, the height, the windows and square footage. Why should the neighbors have to bear the biggest impact of these exceptions while the proposal serves the biggest benefit to the homeowner. As of right now we have already talked about that the property owners do not

occupy the primary dwelling unit. In my correspondence with the city planner I was told that the homeowner should occupy the main property, but currently they own other houses that we have already discussed that are not for sale and are seeking to build another ADU tonight at a different property. Why should we as neighbors shoulder the impact of these structures while they run a rental business and reap the rewards. We ask that these plans be rejected and new plans submitted that comply with city code.

Russ Thornton (Applicant) – I hear this concerns. Our goal is to understand code, and comply with code. To see what is being done, we are not done to increase traffic or problems, we are responsible homeowners. We have three adult children who are an active part of this process, you met one of them tonight who is an active, responsible homeowner in this process. The key thing here is that housing is unaffordable. This is reasonable ADU, we are going to match all the requirements. We are on this property every day, we are a part of the renovation in this; we are uplifting and beautifying in the process. There is a lot of negativity, I look forward to getting to know these neighbors. We have no intention in any way, shape or form to do anything detrimental. I would ask the commission, if there is code here that there is no precedent for that is just unacceptable then we are glad to modify or switch. Moving the house takes out additional trees. There are big, beautiful trees and we positioned it specifically for that. If the council decides we want you further off that lot line, or we want you to move it, we are going to reduce privacy in that process and take out additional trees. Again, our goal is compliance in the process. Our business is our business in terms of the properties that we own, we have been forthcoming in disclosing all of that, but we are invested in this community, we are invested to beautify it and follow and comply with code. Again, I express our commitment to follow code, be in compliance and hear any recommendations on how we get in compliance because it is our intention to expand this tiny house. If we don't have the ability to expand it, it doesn't make sense for us and four kids, three kids that are active with us now, to live in this tiny situation; we need more space in this specific environment as owner occupied residents. Please take that into consideration and advise us on where we need to be and that's where we want to be. I am also on the title as a homeowner for this property.

Robin Jackman (Resident) – I live two houses down from where they are going to put the house. Most of the homes in our neighborhood are not big. The house that got built next to us has windows that shine on us and we see the kids through the windows. They have their water so it empties on our property from their storm drains. Our house is smaller than what they are proposing to build on that property; it is a lot smaller. We just want to keep our neighborhood nice. We are tired of people moving in and then having everybody else in their family move in with them, that isn't why we're here. I thought all the homes were supposed to be single family dwelling units, and I guess I have been proven wrong. I just want you to know that my house is a lot smaller and it could fit inside the house they are going to build.

Sandi Kirkendoll (Resident) – I live directly across the street from the home in question. My husband and I really don't have a huge problem with the idea of it there, the only thing that we really are concerned about is that if it gets rented you don't know who lives there. I live next door to the house Brent was talking about with seven or eight families living there, we have no idea who lives there and there are a lot of small children around; that is a concern to not know if there is someone that should declare that they're living there and they haven't. We want to be

good neighbors and when Jackie's house sold, she was older and lived there her whole life with things going down hill, we were excited to have something nicer to look at and I think that's our main concern. We just don't want a lot of coming and going, and people can say anything but then do what they want, and it takes other people's efforts to make sure that is discovered; I don't want to be that person. Taking Mrs. Nielson at face value, I have no problem with that little back there, but at what point does it stop. The top of our street is a half mile long and I'm telling you cars are going 50 mph by the time they get to the top. The more people we get, if this starts and becomes a thing that people want to do, it really impacts us because of our dead end street. Our dead end street is the city's doing, it's not our doing; we have trouble getting snow plows because they say there is nowhere to turn around. I'm just saying that with that in consideration, it just seems like you are opening Pandora's box to a lot of other people that are going to say if they can do that, so can we.

Chair Hollist closed public comment. She explained what an ADU (accessory dwelling unit) is and that the state has been making changes regularly regarding them. South Jordan now has to allow this kind of a structure on this size of a lot, so an ADU is allowed in this zone. If this building being proposed didn't have the second story or the square footage putting it over 35% of the main dwelling on the property, city staff could have approved that outright with no need to be brought before this commission. She shares the concerns expressed by the public about renters on these types of properties, there is a reason we have that requirement that an owner must live in a property if they are going to rent part of it, and that's for the reasons the public was concerned tonight. She understands how hard this is to prove, and understands the concerns fully of the neighbors. She has a house nearby that she swears rotates up to five families every few weeks, functioning as temporary housing. She has talked to the city about it, but proving it is hard to do. She agrees irrigation should be noted in a motion if this is approved.

Planner Drozdek noted that there is no subdivision plat, so the easement/water rights wouldn't show on the property. If there is an easement, it would be recorded as a separate document, but being this old he doesn't know if there is a document. It is a private irrigation ditch, so if there is any conflict it would have to be resolved between private parties.

Commissioner Laurel Bevans explained that the ditchmaster would need to provide any documents showing ownership or an easement regarding the private irrigation ditch to the city, at which time the city could review and decide the best course of action in regards to the location.

Commissioner Steven Catmull noted that the state does have a system called Validate that can be used to directly access the database and he suggested the city procuring access to that if it doesn't already since it is a means of authentication of residency.

Chair Hollist noted the traffic concerns, and acknowledged there was not a traffic study done as that is not standard for a residential street like this.

Supervising Senior Engineer Shane Greenwood added that this is only an expansion of the home, and an average home would have about 10 trips a day. If this is just an extension it is probably less than another 10 trips.

Chair Hollist asked staff about subdivision requests in the past for this area that were discussed.

Planner Schindler responded he doesn't know of any that were officially denied after an application, they may have talked with staff but he is unaware of anyone actually submitting an application. There has been a subdivision down the street that was approved, in fact it's the only subdivision in the neighborhood.

Chair Hollist asked about the comments regarding no notice received.

Planner Drozdek responded that he can provide the documentation and show the mailing list, but he would assume that is a post office issue if they didn't receive the notice. Anyone who wishes to see the mailing list can submit a GRAMA request.

Chair Hollist noted that the applicants stated multiple times that their goal is compliance and she went over the exceptions being requested to include size, height, windows and setbacks.

The commission discussed recent approvals for similar exceptions, noting that those building were not being inhabited, but were given approvals for the same exceptions noted here and were of similar size. They also noted that those applications did not come with public comment and concerns.

Commissioner Catmull asked if the four homes owned by the applicant are done in relation to a business.

Mrs. Nielson responded that it's like her husband said, they have kids who are young adults who are trying to get house. This is a way they've been trying to do that; how do you get them in a house they can finance has been the goal. In terms of monetizing their properties, they are only renting one property to someone that is not a child. The other unit on Misty is being looked at to try and figure out how to make it affordable for their daughter who will be living there. They know this needs to be owner occupied, and rentals are not their primary business at all. Those four properties are the only ones they have owned in the city. The way the housing market is, it has been nuts. They are looking for ways to help their kids too, this has all happened recently and that's why they are here trying to learn about the rules and codes in the city for this type of thing.

Commissioner Gedge asked about the potential ditch, if the evidence is turned over to the city and the applicant, is she willing to work to allow it's survival and use.

Mrs. Nielson responded yes, and stated part of the building permit is to get easement clearance or release and she has contact the water people from the city and multiple other people trying to get that easement request. She has irrigated with her grandma in the past and understands how important that is.

Commissioner Catmull asked the applicant about her statement regarding adding on to the house versus building the ADU.

Mrs. Nielson responded that it was cheaper to build the ADU, especially with the home already needing repairs. The reason they aren't living in the main home currently is because they just had to replace the sewer line. There is just a lot of old stuff and the unknowns with remodeling can be overwhelming, versus just building a new building.

Chair Hollist asked the commission what issues need mitigating so Mrs. Nielson can go back and work on those before coming back in two weeks if they opt to table this item as well, which the applicant was completely amenable to.

Commissioner Gedge noted they were willing remove and move windows to remove the need for the exception, and would solve the window issues. He is favor of tabling this evening to allow the applicant to work on the floorplans.

Commissioner Catmull didn't have as many concerns in this particular situation because of the neighborhood and what has been approved recently in terms of structures. He also noted that he is okay with the four exceptions because had they chosen to purchase the property and tear down the existing home they could have easily built a larger home with a basement. Regarding the window there are definitely more options, and he could be amenable to those if they are higher up and not so close to the current spaces.

Commissioner Wimmer agrees with the other commissioners on their recommendations around other ways to bring in light, change the slope and deal with the water rights in particular. He shares some of the concerns in terms of renters in a case like this, but he does share the view that ADUs can be a solution to solving an affordable housing crisis. However, that is only possible if they were to subdivide the property and sell the ADU to let someone else live there, or rent out that ADU. If you're not letting someone live in that ADU on a permanent basis, it does nothing to solve the housing crisis, it simply becomes a profit making renting potential or an unused building. That is a concern, but it certainly can be overcome and he's not saying it's necessarily valid in this particular situation. This would increase the owner's property value, but increasing the value at one property to the detriment of another property isn't in line with community values either. If no one is living in that ADU, it does nothing to help solve the housing issues, and doesn't help the surrounding community, so he doesn't see the need for all these exceptions if the building will do nothing to help the community.

Commissioner Bevans struggles when they are presented with these kinds of exceptions, but she also sees the value in those exceptions. Regarding windows, she doesn't see modifying or taking out the windows changing the complaints heard from the neighbors. That would take away a condition, but she doesn't think it has any affect on the overall building. If they are going to issue an exception, they might as well let them have windows upstairs, especially where they've talked about them being linear and nonmoveable; if that's not part of the code, switch the back ones out for something higher that might have no visibility into neighboring properties. She does share the concern about having multiple renters on one property without homeowners, and she appreciated Attorney Loose's guidance on possibly requiring additional inspections or providing rental agreement for other properties on a regular basis to ensure visibility on all properties and making

sure they are all being utilized correctly. They've already set a precedence on this street that they allow this type of building, whether used as an ADU or just an accessory building. There is defining line there, but they exist and whether used as an ADU or not, there is a separate ADU permitting process that the commission has nothing to do with and has no say in. She feels that needs to be removed from the discussion because they are approving the building to be used as an ADU, but they have no effect on the ADU process. She is okay tabling or voting tonight. They have given advice in the past to speak with the neighbors and have cordial conversations, and that makes the biggest difference. There have been several in the past few years that have been contentious like this, and once able to speak and resolve some of those issues many of the tension and miscommunications happening are able to be resolved. She highly encouraged that conversation to happen if this is tabled and brought back, see what can be accomplished between neighbors to avoid having to mitigate those conflicts as a commission whose powers are very limited.

Commissioner Catmull asked if there is a way to amend affidavits, so that rather than having to prove something every year, if a complaint comes in it explains how the applicant would prove ownership or whatever else is required.

Attorney Loose responded that in the ADUs the city will go out right away after a complaint and verify the conditions of the CUP are being complied with. If not, they will have to get into compliance quickly or they will lose their CUP by having it brought back to the commission for revocation for noncompliance. He discussed rental situations versus large numbers of people living in a home, giving the example of a family of 13 kids.

Commissioner Catmull suggested reevaluating the term "stable neighborhood" the next time the general plan is reviewed since things are changing and many neighborhoods no longer feel that way to most residents with rentals and other things. The city may want to change how they communicate the idea of stable neighborhood in the future.

Commissioner Gedge motioned to approve the following:

- **File No. PLCUP202400127, Conditional Use Permit, based on the Staff Report, public testimony and discussion tonight with the modification that the window are in compliance with the ordinances.**
- **PLADU202400125, Accessory Dwelling Unit, subject to all South Jordan City requirements are met prior to recording the plat. With the additional condition that the annual verification of homeowner occupancy is increased to biannually for the first three years.**

Mr. Thornton – loves the proposal, strike the windows, he get comfortable with whatever window situation they want whether that's skylights, and problem solved.

Commissioner Catmull seconded the motion.

Roll Call Vote

Yes – Commissioner Gedge
Yes – Commissioner Catmull
No – Chair Hollist
No – Commissioner Wimmer
No – Commissioner Bevans
Absent – Commissioner Bishop

Motion fails 3-2, with Commissioners Hollist, Wimmer and Bevans being no votes; Commissioner Bishop was absent from the vote.

Chair Hollist gave her reasoning for a no vote. There were impacts identified concerning excessive wall height and floor space, based on the primary structure; the number of exceptions was too high for her. The primary dwelling should look like a single family dwelling and this is approaching too close to the size of the home.

Commissioner Bevans motioned to table File No. File No. PLCUP202400127, Conditional Use Permit, and File No. PLADU202400125, Accessory Dwelling Unit, allowing the applicant to have conversations and make changes with the opportunity to come back without having to go through the process again and staff can bring it back to a future meeting.

Commissioner Wimmer shared his concern that the number of exceptions sets a precedent for the rest of the city in the future.

Commissioner Bevans also encouraged the applicant to have the previously mentioned conversations with their neighbors about the structure.

Commissioner Gedge seconded the motion.

Roll Call Vote

Yes – Commissioner Bevans
Yes – Commissioner Gedge
No – Commissioner Catmull
Yes – Chair Hollist
Yes – Commissioner Wimmer
Absent – Commissioner Bishop

Motion passes 4-1, with Commissioner Catmull having the no vote; Commissioner Bishop was absent from the vote.

Commissioner Catmull voted no, noting that this will impact the applicant's ability to build in fair weather.

I. LEGISLATIVE PUBLIC HEARINGS

**I.1. TEXT AMENDMENT OF CITY CODE 10.24.010 AND 17.18.030.010
(MODIFYING COMMERCIAL VEHICLE STANDARDS)**

Ordinance No.: 2021-19

Applicant: Rena Vanzo

Planner Damir Drozdek reviewed background information from the Staff Report.

Commissioner Steven Catmull asked to discuss the difference between this vehicle and other commercial vehicles, like large work trucks that haul heavy items, being parked at someone's home.

Planner Drozdek responded that most work trucks are not over 8000 pounds.

Commissioner Catmull noted that he has a neighbor who brings home their school bus between shifts and sits for a few hours during the day, how is that different.

City Planner Greg Schindler responded that it is not being stored there in the yard. It's also easy to identify what is a commercial vehicle, including the trucks even without the trailers. Code Enforcement is not necessarily driving around looking for those things, but if they are turned in the city will send someone out to investigate.

Commissioners and staff discussed other vehicles, like a Tesla Cybertruck, which is over 8000 pounds; however, noting it is allowed since it is not labeled as commercial.

Commissioner Ray Wimmer asked if they would then be allowed to park the vehicle on the street.

Planner Schindler noted there are other violations on the city code with that, including time limits. Staff is suggesting they find another location for storage.

Rena Vanzo (Applicant) reviewed her prepared presentation (Attachment E). She applied for a South Jordan Business License, however it was canceled because this is more for storage rather than using the property as a home occupation. There have been patients coming to her home in the past.

Chair Hollist asked what percentage of services are mammograms versus the other listed services.

Ms. Vanzo responded 97% is mammograms and she makes three to four trips a week, with the majority of services being offered at community health clinics, health departments, and corporate events. Generally they travel within 50 miles, but they have been down to Richfield and Delta a few times with a State Grant.

Commissioner Catmull noted there must be some sort of special storage facility that could do so securely and with power, but he agrees it wouldn't be as convenient as being at your home. How much investigation has been done into that.

Ms. Vanzo responded she did a lot of that investigation before they got the bus, many of the places were cost prohibitive. Once she learned about the processes and need for her to be in the bus she stopped looking into that because she is the driver as well, and having it at home was the option that made sense. Many places locally are just big fields and that's not appropriate for a unit like this. They will serve patient number 500 this weekend, about 80 people a month. At her home, she only serves about 5%-10% of that and she noted that six of her seven neighbors in her circle have been extremely supportive and would have been here tonight if asked.

Commissioner Catmull noted there have been no complaints received. He asked if it would be a big deal if a restriction was made, banning services at her home.

Ms. Vanzo responded she would stop having clients at her home if that was a stipulation of being allowed to park it at her home.

Chair Hollist opened the Public Hearing for comments.

Mike Cook (Resident and Business Partner) – I really appreciate this process and am grateful to be a part of the community and have this conversation. I won't repeat a lot of what Rena shared, but I will just add a couple of interesting points. That is first of all that this is a passion business for us, we are not exploiting a tech bubble or trying to get rich with it. Both Rena and myself have cancer in our family, Rena's grandmother specifically who she mentioned, and in my case it was my mother who will likely pass away in the next two to three months due to cancer. This is a passion business and it is very personal to us. Interestingly, the business that we have appeals to folks who would prefer not to go into a hospital network. We do think subjectively that about 50% of our patients would not receive this important healthcare procedure if it weren't for the type of service and the way we're providing it in a "spa like" environment. We feel we are reaching out a subset, a demographic of women and really benefitting the community very substantially. Notably, 15% of the procedures that we do, do result in a call back for further screening. Of those 15% that have call backs, 9% of those are positive cancer results. We do feel like we're saving lives and having a positive impact both in Utah and South Jordan. In regards to why park here at the house, we are not big pharma so we don't have the resources of a hospital network. We are a small business, we have five team members, most of whom are part time. I will say that there is a very fine line in this business between convenience and necessity because of the business we are involved in. As Rena mentioned, it is very highly regulated, the business itself from the moment the patient arrives to how much light has to be in the room when the radiologist reads the image, etc. When we get results back from the radiologist the amount of time that we have to contact the patient and document that we've tried to contact them is all very highly regulated. Having the unit in such close proximity, we do feel like it is less of a convenience and more of a necessity, so I hope this body will take into consideration the impact we are trying to have on the community. I would potentially suggest, if it helps as an amendment to the city code, to create an even narrower focus perhaps to provide an

exception to vehicles providing mammograms. Ultimately, once we find out what concessions we can make, what pathway we can find for going forward and continuing this conversation.

Chair Hollist closed public comments. This is a wonderful cause, but she hates the idea of choosing who gets exceptions over others.

Commissioner Catmull came into this meeting against the approach, as it could be very broad and open other issues. However, the more he thinks about it, especially after going through all the ADUs previously, it gets down to the only thing making this an issue is the paint job on the vehicle. He could see a conditional use being added to the code for that which says if the vehicle is otherwise allowed in the zone and not participating in direct commercial activity at the residence, that could be a conditional use. He is also wrestling with the fact that there aren't any complaints from the neighbors, and that's a perfect reason for a conditional use.

Commissioner Wimmer struggles with this because there are so many other vehicles on the road that exceed the weight limitations, plenty of private vehicles causing the same issues they are concerned with here.

Commissioner Gedge is completely in favor of this kind of service as someone who works in healthcare. He would like to see a conditional use permit, or even temporary conditional use permit. He understands trying to narrow the terms of a medical use vehicle to avoid someone from Merit parking their semi on their property. He discussed mobile dental clinics, mobile labs, etc.

Commissioner Catmull also noted there should be some weight given to the fact that it would otherwise be allowed in this neighborhood if it wasn't painted commercially, and there have again been no complaints.

Attorney Loose recommended the commission give their recommendation tonight based on what has been presented and is in the application. If City Council see these discussions and agrees that a Conditional Use may be a better option, they can ask if the applicant is willing to amend their application for that and go from there. He recommended making a motion to either recommend approval or not recommend approval based on the application, but adding that they discussed it possibly being appropriate under a conditional use permit, in certain zones, etc.

Chair Hollist would vote against this as it is, but would be willing to make a recommendation regarding changing it to a conditional use permit that would be reviewed on a case by case basis.

Commissioner Gedge motioned to forward a recommendation of denial to the City Council regarding a Text Amendment of City Code, Modifying Commercial Vehicle Standards, based on the Staff report and discussion this evening. However, directing staff to include in the Staff Report to City Council the Planning Commission's recommendation that Item number 4 under 17.18.030.010, General Use Regulations, that they consider the implementation of a conditional use permit for the R-1.8 and R-2.5 zones for commercial vehicles in residential zones over 8000 pounds to be used solely for mobile patient

healthcare purposes, or other similar terminology for either radiology, medical, laboratory and/or dental services. Chair Hollist seconded the motion.

Roll Call Vote

**Yes – Commissioner Gedge
Yes – Chair Hollist
Yes – Commissioner Catmull
Yes – Commissioner Wimmer
Yes – Commissioner Bevans
Absent – Commissioner Bishop**

Motion passes 5-0, unanimous in favor; Commissioner Bishop was absent from the vote.

J. OTHER BUSINESS - *None*

ADJOURNMENT

Chair Hollist motioned to adjourn the August 13, 2024 Planning Commission Meeting. Commissioner Gedge seconded the motion. Vote was 5-0, unanimous in favor; Commissioner Bishop was absent from the vote.

The August 13, 2024 Planning Commission Meeting adjourned at 11:46 p.m.