

SOUTH JORDAN CITY
CITY COUNCIL STUDY MEETING

January 21, 2025

Present: Mayor Pro Tempore Kathie Johnson, Council Member Patrick Harris, Council Member Don Shelton, Council Member Jason McGuire, City Manager Dustin Lewis, Assistant City Manager Jason Rasmussen, City Attorney Ryan Loose, Director of Planning Steven Schaefermeyer, Director of City Commerce Brian Preece, Director of Public Works Raymond Garrison, CFO Sunil Naidu, City Engineer Brad Klavano, Director of Administrative Services Melinda Seager, Police Chief Jeff Carr, Battalion Chief Michael Richards, Director of Recreation Janell Payne, Director of Strategy & Budget, Don Tingey, Communications Manager Rachael Van Cleave, CTO Matthew Davis, Systems Administrator Ken Roberts, GIS Coordinator Matt Jarman, Long-Range Planner Joe Moss, City Recorder Anna Crookston, Information Center Agent II, Jackson Gedge

Absent: Mayor Dawn R. Ramsey, Council Member Tamara Zander

Others:

4:40 P.M.
STUDY MEETING

Council Member Shelton motioned to appoint Council Member Johnson as Mayor Pro Tempore in Mayor Ramsey's absence. Council Member McGuire seconded the motion; vote was 4-0, unanimous in favor. Council Member Zander was absent from the vote.

A. Welcome, Roll Call, and Introduction: *By Mayor Pro Tempore, Kathie Johnson*

Mayor Pro Tempore Johnson welcomed everyone present and introduced the meeting. She noted that Mayor Dawn Ramsey and Council Member Zander was unable to attend tonight's meeting.

B. Invocation: *By Council Member, Don Shelton*

Council Member Shelton offered the invocation.

C. Mayor and Council Coordination

Council Member McGuire mentioned the Utah League of Cities and Towns (ULCT) Local Officials Day tomorrow, January 22, 2025 and the Chinese New Year Celebration will be January 23, 2025 at Mountain Creek Middle School.

D. Discussion/Review of Regular Council Meeting

Presentation Item:

- South Jordan Water Conservation Program Update.

Action Item:

- **Resolution R2025-04**, Authorizing the Mayor of the City of South Jordan to sign a Franchise Agreement with Cablevision Lightpath, LLC.

E. Discussion Items

E.1. Historic Preservation. *(By Director of Strategy & Budget, Don Tingey)*

Director Tingey explained the Certified Local Government (CLG) Grant Program, a state-managed initiative funded by the National Historic Preservation Fund. The program provides grants to communities for historic preservation projects. The city had previously received approximately \$50,000 for restoration work on Aunt Mame's. Last year, a grant application for the Salt Lake County TRCC grant was prepared, with plans to match it with a CLG grant. However, during discussions with the state, it was discovered that the city needed to recertify its local government status. The recertification process revealed that the city code was not compliant with federal guidelines, specifically lacking the inclusion of the word "district" in relation to district sites and facilities. The state requested that the city amend its code to include this term in order to align with the requirements for certification. He shared that the state has been working systematically with communities that need to recertify their historic preservation status, citing Spanish Fork as an example, which completed its recertification last year. He noted that the CLG grants have a maximum amount of \$10,000 per year and require a 50/50 matching contribution. These grants are significant for smaller projects. The grant cycle occurs annually, with urban cities typically being eligible one year and rural cities the following year, depending on available funding and project types. For the Aunt Mame's project, the city was able to secure funding over a multi-year period—three to five years—due to the availability of funds and the limited number of projects being requested at the time. Each year, the city had to reapply for the grant, with different aspects of the Aunt Mame's project being funded separately. For example, the roof and windows were funded as distinct projects, with the \$10,000 applied to the overall restoration work.

Council Member Harris asked how much has been spent on Aunt Mame's so far.

Director Tingey responded the seismic retrofitting and exterior restoration of the home amounted to approximately \$1.5 million, while the park restoration cost around \$2 million. Regarding the CLG process, he explained that when the CLG was initially incorporated into the city code, it was placed under Title 17, which requires that changes go through the Planning Commission. Over time, the city has made adjustments to commission and board structures, including placing the Historic Preservation Committee's responsibilities under Title 2, which includes the relevant bylaws and requirements for these committees. He suggested moving the CLG language from Title 17 to Title 2, aligning it with other historic preservation responsibilities. This change would simplify the process and ensure consistency in the city's historic preservation efforts, particularly with state and federal guidelines regarding inventory and other preservation tasks. If the council agrees with this proposal, the next steps would include initiating an ordinance change to add the word "district" and to shift the CLG language to Title 2. This process would involve a review by the Planning Commission before the ordinance and resolution are presented to the city council.

He clarified that while there is no intent to create a district, the National Park Service requires the inclusion of the word "district" in the city code in order for the city to be eligible for funding.

Council Member Shelton inquired about the original placement of the historic preservation language with the Planning Commission and its practical purpose. Director Tingey explained that in larger cities like Salt Lake City, the Planning Commission became more involved in restoration projects, seeking greater control over whether a project was a district or single-site restoration. The city followed their lead, which is why the language was placed in Title 17.

Council Member Shelton noted that the city was very different in 1987 and asked whether moving the language from Title 17 to Title 2 would result in any significant changes. Director Tingey confirmed that the language would remain the same, only relocated.

Council Member Shelton asked whether a historical preservation project, such as the roof restoration at Aunt Mame's, would require approval from the Planning Commission under the current structure. Director Tingey clarified that, based on their understanding, such projects would not need to go before the Planning Commission for a vote.

Director Schaefermeyer said he speculates that part of the reason historic preservation was originally placed in Title 17 was because many cities treat historic preservation similarly to zoning and land use ordinances. In larger cities, such as Salt Lake City's Harvard Yale district, homeowners may face additional requirements when renovating their homes based on how the property is classified. However, in South Jordan, where there are fewer historic sites, there is less need for a land-use component. After reviewing the ordinance, he noted that there are no land-use requirements in the city's historic preservation code. For example, the idea of requiring oversight from the Planning Commission for changes like a roof restoration is not included in the current ordinance. He clarified that there is no trigger to take historic preservation matters before the Planning Commission. At the staff level, there is no requirement for review by the Planning Commission, as the process was set up to be managed by the Historic Preservation Committee. He explained that there is no compelling reason for it to be a Planning Commission function, especially when compared to other boards and commissions in the city. He acknowledged that as the city works through the details of the ordinance, there may be a few elements that remain in Title 17, but these would be clearly addressed if they arise. He emphasized that the focus is on the functioning and designation of historic sites through the committee process, which the Planning Commission has not traditionally been involved in.

Council Member Shelton asked how the process of designating a historic site would function under the current ordinance and how it would change if the ordinance were modified.

Director Tingey explained that the Historic Preservation Committee, operating under rules established by the National Park Service and the CLG grant program, would create and maintain an inventory of potential historic sites. He noted that the previous committee had already developed a robust inventory and emphasized that the 50-year timeline for historic designation means new sites, such as those from 1974 and 1975, are now becoming eligible. The committee

will maintain a current list of such sites in the community and would be involved if a project arises concerning any of these designated sites.

Council Member Shelton inquired whether the committee would have the authority to designate a site as historic directly. Director Tingey clarified that the designation would not be finalized by the committee alone. Instead, the committee would make a recommendation to the council, and the council would vote on it. The process does not involve the planning commission.

Director Schaefermeyer provided an example of a change in Title 17 involving home occupations. He explained that home occupations were found to have more of a business licensing aspect than a zoning aspect. As a result, most regulations concerning home occupations were moved from Titles 17 and 16 to Title 5, which deals with business licensing. While some use regulations remain in Title 17, as they would for any business, the primary regulation of home occupations now falls under Title 5. Schaefermeyer noted that the regulations themselves did not change significantly, but moving them to Title 5 prevents the creation of land use rights tied to the property, which are typically associated with Title 17.

Council Member Shelton inquired if designating a property as a historic site is effectively a land use decision.

Director Schaefermeyer clarified that designating a site as historic is not necessarily a land use decision. The National Register and the state register operate independently. Currently, the city does not impose land use regulations specific to historic structures unless a formal scheme is developed. While the city's general plan includes a "historic land use designation," it has not resulted in the creation of a district or additional land use regulations for historic structures.

Mayor Pro Tempore Johnson noted the distinction between designating an individual property, such as a single building, and broader historic districts found in larger towns. She mentioned that some cities, like Park City, have entire neighborhoods subject to specific historic preservation codes. For example, homeowners in these areas may be required to maintain original architectural features, such as windows.

Attorney Loose explained that Salt Lake City refers to these areas as Historic Preservation Zones. In these zones, there are zoning regulations with underlying density and land use rules. Additionally, there are historic preservation requirements layered on top, which mandate maintaining specific historic elements, such as windows. This creates a two-tiered system of zoning regulation.

Mayor Pro Tempore Johnson remarked that in cases where homeowners in historic districts do not wish to comply with preservation regulations or face challenges, they typically must go through an appeals process. She noted that this is likely when a planning commission becomes involved. She added that when dealing with a single property and where the city is providing funding or assistance, there is generally more say and control over the process. She also acknowledged that this has traditionally been the approach in such situations.

Director Schaefermeyer explained that the city has not actively encouraged property owners to pursue historic preservation designations. He mentioned the "purple church" on 1300 West as an example, noting that the property was recently appraised, and there was some confusion regarding whether it had ever been designated as historic and how that related to land use. This confusion raised concerns about potential complications. He clarified that the church's owners, had never sought historic designation for the property. While there may have been council members who expressed interest, the city has generally left such decisions to property owners. He added that other property owners in the city have obtained historic designation, but this has been done through the National Register rather than through a city-managed process or overlay.

Director Tingey recommended moving the historic preservation responsibilities to Title 2 and placing them under the duties of the Historic Preservation Committee, removing them from the land use section. He emphasized that, for the most part, the process would remain unchanged. The language from the state's guidelines has been used word-for-word in drafting the ordinance, with the only substantive change being the inclusion of the term district. He noted that there would be amended bylaws for the Historic Preservation Committee, which would reference the new chapter in Title 2, ensuring everything aligns.

Council members agreed to have it moved to Title 2.

Director Tingey discussed the recent grant application for the interior restoration of Aunt Mame's, which was unfortunately denied due to the broad nature of the proposed use for the facility. The TRCC required a more specific proposal, particularly a focus on public use, which the application lacked. The Newbold family have rekindled interest in restoring the interior and have started working on establishing a 501(c)(3) to pursue grants. The city's involvement has mainly been with the exterior restoration, with the understanding that interior funding would come through grants or family contributions. He asked for guidance from the council on how to define the facility's future use, suggesting a resolution or direction to help secure funding and grants for the project. He noted over the years, discussions during strategic planning sessions have reaffirmed that the property should not transition to private use, such as becoming a private business like an insurance agency. Instead, the focus has consistently been on preserving its public function and accessibility, which should guide any future restoration and funding efforts. The questions raised by the TRCC committee regarding Aunt Mame's, particularly whether it would function as a city-owned wedding venue, a leased venue, or something else entirely, highlight the importance of clearly defining its intended use. This lack of clarity seems to have influenced the grant application's outcome. Historically, Zions Bank conducted a study exploring potential uses for historic homes like Aunt Mame's across the country. That research suggested a broad range of possibilities, emphasizing flexibility and innovation. In alignment with these findings, the city included Aunt Mame's in its arts master plan, envisioning it as a potential arts-focused facility. One model discussed involved city ownership with operational management by a nonprofit organization, making it a resident arts space or similar community-oriented venue. This approach would align with the city's desire to maintain public accessibility while leveraging partnerships to support programming and operations sustainably.

Council Member McGuire said with the Newbold family wanting to start a 501(c)(3) to help with the restoration, do they have something in mind that they're wanting to see the city restore it to, or are they just really trying to make sure it gets fully preserved.

Don Tingey explained that while no specific use for Aunt Mame's had been identified, discussions had remained broad. Suggestions included private-use concepts that could generate revenue to support both restoration efforts and ongoing maintenance. The importance of maintaining public accessibility was also emphasized. The idea of a bed and breakfast was raised but dismissed due to potential complications, particularly given recent community discussions surrounding short-term rentals. Questions were raised about the property's layout and accessibility. Director Tingey clarified that the facility has two levels, a main floor and an upper level. Half of the upstairs was historically used as living space, while the north side consists of an unfinished attic. Accessibility challenges were acknowledged, leading to the installation of a staircase on the north side to ensure ADA compliance. Further discussion included the broader implications of ADA requirements for the property's future use.

Council Member Harris commented that the Newbold family had hoped the city would complete the restoration, and some individuals believed the city was obligated to do so. He added that, ideally, the city council at the time of the property transfer should have required the family to fully preserve the property before the city assumed responsibility for its maintenance. He described this as a missed opportunity, emphasizing that the city had already invested \$1.5 million in the exterior, while the interior remained unfinished and required significant work. He shared concerns about the building's suitability for public use, citing challenges related to the layout, stair access, and potential fire code limitations. He suggested that the structure's design likely precluded larger gatherings, such as weddings, inside the house, as occupancy would need to remain minimal.

Council Member McGuire inquired about the scope of the restoration for Aunt Mame's property. He asked whether the intention was to fully recreate the home as it was when originally built or if the focus would be on preserving specific architectural elements, such as molding around windows and doors, without fully furnishing the interior. He questioned whether there was a need to reinstall features like a kitchen or if those areas could remain unfinished.

Director Tingey explained that determining the level of restoration will be part of the scope of work planned with the architects, who will be tasked with providing estimates for both historically accurate restoration and more basic renovations for office or public space use. He agreed with Council Member Harris's earlier comments, noting that in Utah, historic preservation funding typically comes through historic tax credits, benefiting builders and developers. He provided an example from Brigham City, where a family restored a historic home, donated it to the city, and the city now rents the property to fund its ongoing maintenance. The family covered the initial restoration costs, while rental income sustains the property's upkeep.

Council Member Shelton asked what happens if we sold it?

Director Tingey noted that the Conservation Easement includes specific terms, including a reversionary clause that returns the property to the family under certain conditions. However, the family does not have the option to sell the property. He added that aside from the Newbold family, there has not been significant public interest in restoring the interior of the property. While it is one of the most photographed and visited sites in the city, there has been little demand for accessing or using the interior of the facility. Noting the park is occasionally reserved for events. The Newbold family has held weddings at the site, and the city has also hosted events there.

Council Member Harris questioned whether sufficient grant funding would be available over time to complete the interior restoration. He inquired about the potential timeline if the city continued to pursue grants for the project.

Director Tingey stated that the restoration could not be completed solely with CLG funding. He emphasized the need to secure support from larger foundations, such as the Eccles or Larry H. Miller foundations. He mentioned discussions with Russ Newbold, a historic restoration professional based in New York, who specializes in projects in Massachusetts and Connecticut. Russ Newbold had previously provided detailed work for the city's restoration of Aunt Mame's at a discounted cost and contributed design work for homes in the related subdivision. He explained that the plan was to complete the architectural planning, divide the home into manageable phases, and then approach potential donors like the Eccles and Larry H. Miller foundations for additional funding.

Council Member Shelton questioned how the city could proceed with planning for the restoration without having a clear purpose or intended use for the facility in mind. He said that determining a clear purpose for the facility is necessary before proceeding with any restoration planning. Suggesting the Historical Committee could consider potential uses, or the council might need to explore other options, including possibly transferring ownership of the property.

Council Member Harris suggested the possibility of returning the property to the Newbold family, allowing them to finish the restoration on their own and potentially live in the home, considering it could serve as a residential space.

Council Member Shelton expressed that, outside of a compelling public purpose, he would lean that direction.

Director Tingey mentioned that the city had previously explored various potential uses for the property, such as offices for Parks and Recreation, and the Gale Center. However, none of these options proved to be sustainable, leading to the current situation.

A discussion was held regarding the possibility of giving the property back to the Newbold family for private use. However, adjustments to the conservation easement would be required since it currently mandates public accessibility. The council explored the idea of potentially carving out a portion of the lot for public use while allowing the family to finish the interior

restoration. It was noted that the private use would require compensation or consideration, though specific solutions were not yet determined.

Council Member Harris suggested that if the property were used as a private residence, and it be possible for the family to live there while still utilizing the surrounding grounds. This would prevent the home from remaining empty. He said that, as long as the public retained access to the exterior of the property, local residents would likely be satisfied with the arrangement. He inquired about the estimated overall cost to complete the project.

The discussion centered around the cost of fully restoring the property. Estimates suggested that completing the interior could cost an additional \$1.5 million, bringing the total to about \$3 million, which could potentially be used to build a new structure with modern amenities. There were concerns about the feasibility of the family completing the restoration without financial resources, as the city had initially partnered with them for that purpose. Some suggested offering the property back to the family, allowing them to use it as a private residence, but to where the public can still have access to some of the amenities. Concerns about the conservation easement and potential future issues were raised. There was a proposal to explore possible uses, such as an arts studio, which could provide a more sustainable option without fully restoring the property.

Council members agreed that the council should continue exploring options and consult with the arts community to determine demand and feasibility, with no immediate rush to make a decision. The general direction was to gather more information before proceeding.

E.2. Flag Lot Overlay Zone. (By Director of Planning, Steven Schaefermeyer)

Director Schaefermeyer introduced Long Range Planner Joe Moss, who was present to provide an update and lead the discussion on flag lots. Director Schaefermeyer provided context, noting the evolution of the city's flag lot ordinance. Initially, flag lots were not permitted but were later allowed on lots that were twice the average size of the surrounding subdivision. Subsequently, a flag lot floating zone was created, requiring applicants to request a rezone with a development agreement if they did not meet the large lot requirement. This approach was intended to give the council flexibility to evaluate individual circumstances. However, challenges arose during the first formal application of the ordinance, prompting a need for review. He explained that a pending ordinance had been passed to temporarily pause new applications or their vesting in the process, allowing time to reassess and address concerns. He noted that one application was pending, with several potential applicants awaiting the outcome of the ordinance review. A related application was scheduled for further discussion at the next council meeting.

Planner Moss shared that when reviewing flag lot regulations, staff took a broader approach by examining not only South Jordan but also several surrounding communities. They found that South Jordan is unique in having both an administrative and a legislative process for approving flag lots. In contrast, most other communities only allow flag lots if they meet established standards without a separate approval process. He explained that while the administrative option is relatively standard in flag lot approvals, the legislative option involves additional requirements, such as a development agreement and enhanced noticing. For the legislative

process, notifications are sent not only to those within a 300-foot radius but to everyone in the subdivision as well. Additionally, a preliminary subdivision application can be submitted concurrently but cannot be approved until both the zoning and development agreements have passed. This ensures that all necessary approvals are in place before finalizing the project. Planner Moss reviewed prepared presentation (Attachment A).

Director Schaefermeyer explained that typically, a zoning approval is required before submitting a subdivision application. However, the PD floating zone ordinance allows for a process where a subdivision application can be submitted at the applicant's own risk, prior to zoning approval. In a recent case, the Planning Commission hesitated to approve a subdivision subject to the city council's approval of both the zoning and development agreement. They felt uncomfortable moving forward without knowing if the zoning would be granted, leading to the Planning Commission tabling the decision. This approach has proven to be challenging, at least in the case of that particular application.

Planner Moss outlined the different tools available for regulating flag lots, categorized into three areas: eligibility criteria, design standards, and administrative features. For the administrative process, applicants must meet the three criteria. The lot must be at least twice the average size of other lots in the subdivision, the applicant must meet all requirements of the underlying zone, including density, which is calculated based on the original platted subdivision. Not all lots may qualify due to density restrictions, and there must be no other feasible way for the property to connect to a future street. In contrast, the legislative process does not have these requirements but mandates a minimum of 125 feet of street frontage. The city council determines unique circumstances for legislative flag lot applications.

Director Schaefermeyer clarified that the legislative process would include the second administrative requirement, where applicants must meet the density requirements. However, it would not include the first requirement.

Planner Moss explained that different communities regulate flag lots in various ways. Some communities only allow flag lots when private right-of-way is not an option, and some have different standards for private right-of-way compared to public right-of-way, suggesting that a private right-of-way might not need to be as wide. Another approach involves limiting the number of flag lots allowed within a subdivision, such as restricting flag lots to two per subdivision or only allowing them in subdivisions with fewer than 20 lots. Additionally, some communities have caps on the number of lots that can be created from the original parcel, such as allowing only two lots to be subdivided into four. There are also regulations to ensure that flag lots do not inhibit the development of neighboring parcels, such as restrictions on access or whether they can be located on arterial or collector streets versus cul-de-sacs. Zoning restrictions can also play a role, with some communities allowing flag lots only in specific zones, such as agricultural zoning.

Council Member Shelton asked if the regulations discussed were drawn from a list of neighboring cities. Planner Moss confirmed that they were.

Mayor Pro Tempore Johnson inquired if any cities were found that do not allow flag lots. Planner Moss responded he did not, not in the Salt Lake area.

Council Member Harris asked if any cities had deed restrictions to prevent flag lots from being turned into rentals. Planner Moss responded that they hadn't found any cities with such restrictions, noting that most regulations focus on single-family dwellings, and issues like accessory dwelling units or rental restrictions haven't been included in other codes they've reviewed.

Council Member Harris suggested that this could be a topic for future discussion, given concerns about increased rental units impacting the neighborhood. He emphasized the need for more housing but expressed concerns about subdividing lots and creating additional rentals.

Mayor Pro Tempore Johnson questioned the need for flag lots, suggesting that with the option for accessory lots, they essentially serve the same purpose. She noted that with accessory units, there is more control by the homeowner, and once the property is sold off, that control diminishes. She added that the two types of lots might be redundant.

Director Schaefermeyer explained the difference between a detached accessory dwelling unit (ADU) and a flag lot lies in factors such as driveway width and fire access. When it's a separate lot, these requirements come into play. However, with a detached ADU, those requirements are not as stringent because the primary property owner is still in control of the property.

Planner Moss continued reviewing prepared presentation Attachment A, providing an overview of potential design standards for flag lots, noting several factors that communities often regulate. He mentioned fire safety requirements, such as the need for a hammerhead turnaround if the access road exceeds a certain length. Additionally, there are often regulations on the minimum width and maximum length of the access strip to ensure it remains accessible. Driveway paving materials and grade are also considered, with a focus on ensuring safety and accessibility. Address markers must be posted at the street for public safety to easily locate the flag lot. Another consideration is the separation distance between driveways and neighboring homes to avoid any conflicts. He highlighted the minimum lot size for flag lots could be based on the base zoning rather than the average subdivision size, as the latter requires substantial research. Some communities, such as Millcreek, use a percentage of the underlying zone district, excluding the access strip from the calculation, to determine the lot size. In terms of setbacks, additional regulations might apply to accessory buildings, and some communities limit the number of stories or reduce the maximum lot coverage for flag lots. Some cities also prohibit guest houses on flag lots, though this is relatively uncommon, as internal ADUs are more difficult to regulate due to state legislation. He noted that some communities require fencing or screening along the driveway, and in some cases, even fire hydrant installation may be required. He concluded by stressing the importance of evaluating which standards would be appropriate for flag lots in the community and which might not make sense in the local context.

Director Schaefermeyer emphasized that while many options have been presented, the goal is to identify what is most important to the Council. These options can then be used to develop a draft

ordinance for review. He specifically noted the guest house issue, which was raised during the previous application and feels unresolved. He invited further discussion, particularly regarding concerns about deed restricting rentals on flag lots, as mentioned by Council Member Harris. Director Schaefermeyer stressed that understanding the Council's concerns would allow them to tailor the ordinance to address those issues, as each option is designed to address specific community concerns related to the impact of flag lots.

Council Member Harris expressed support for deed-restricting flag lots to for-sale housing, as there is a need for more housing options. He acknowledged that this approach could help address the housing shortage. However, he voiced concerns about flag lots being used primarily for rental income, fearing that this could negatively impact the neighborhood. He stated that while he understands the need for additional housing, he would be hesitant to support flag lots if they were left open-ended and used for rentals, as this could lead to significant changes in the neighborhood.

Council Member Shelton expressed support for the guest house prohibition, noting that it makes sense to prevent adding guest houses in flag lots. He pointed out that creating additional density by subdividing a lot and then allowing a guest house on top of that would significantly increase the density in an already established subdivision, which could further complicate the situation.

Council Member McGuire suggested that a minimum width requirement for the frontage of the access strip should be established, and that the code should include clear guidelines on the minimum width for access strips, especially to ensure that fire trucks can safely navigate the area. He suggested adopting standard driveway paving requirements similar to what would be required for regular driveways and agreed on the importance of having address markers visible from the street. Additionally, he proposed establishing a minimum separation distance between newly created driveways and neighboring homes to maintain privacy and prevent potential disruptions, such as having a driveway too close to a bedroom. He noted the need to address height and number of stories for buildings on flag lots, as these concerns often arise when new structures are built in the backyard, such as large sheds or other tall buildings. He agreed with the previous points raised about guest houses.

Director Schaefermeyer noted that from the last discussion it seemed that Council Member Zander was more comfortable with the idea of two properties sharing a driveway rather than each new flag lot adding its own separate driveway. The ordinance currently requires adjacent lots, when large enough, to share a driveway for flag lots.

Mayor Pro Tempore Johnson raised a concern about the potential issue of two properties not being developed simultaneously. Noting that if the second property came in later, it might not have the space to share a driveway, especially if the garage of the second property is on the opposite side of the home.

Council Member McGuire shared his experience of living in a house with a shared driveway, mentioning that while it can be a good idea in theory, it can be challenging to manage. He noted

that he likes the idea of shared driveways when it's practical, especially if someone is developing two lots at the same time.

Mayor Pro Tempore Johnson said she is not in favor of flag lots and shared a handout (Attachment B). She shared her past experience on the Planning Commission with a subdivision called Lucas Dell. Initially, the area consisted of large lots, but over a period of two to three years, a developer purchased the lots and redeveloped the area. She explained that the development led to higher tax revenue, new streets, and a fresh development, which she believes ultimately avoided many potential issues. She clarified that a developer acquired several lots, some of which had existing houses. The developer packaged and redeveloped the area, transforming it into a larger subdivision. Within a few years, the area experienced significant growth. She acknowledged the importance of offering a variety of housing options, and noted that while people with larger lots may want properties with more space, flag lots typically don't sell as well. She added that flag lots tend to be discounted compared to properties with regular street frontage, and that selling larger properties outright often provides homeowners with a greater financial return.

Council Member McGuire added that one of the concerns with flag lots is the sense of isolation they can create. People may feel disconnected from the community because their property is hidden, lacking street frontage, and not integrated into the neighborhood.

Mayor Pro Tempore Johnson emphasized that while there is pressure to create more housing, it is important to consider the variety of housing options needed. Pointing out that some homeowners can utilize ADUs or rent out parts of their homes, providing alternatives to subdividing their properties. She acknowledged the concerns of those with limited financial resources, but argued that ADUs and other options can offer solutions without resorting to flag lots.

Council Member McGuire asked Mayor Pro Tempore Johnson if she would prefer to completely eliminate flag lots altogether. Mayor Pro Tempore Johnson said yes.

Council Member Harris asked for an assessment of how the legislature might affect flag lots in the future, wondering if cities would be expected to adopt flag lots as part of housing solutions moving forward.

Attorney Loose shared that there isn't any major legislative push for flag lots at the moment. However, there has been significant discussion regarding ADUs and their potential for creating more rental housing. While rental market growth has slowed, there is an ongoing focus on ADUs, particularly in areas where they are allowed, as they are seen as a way to increase housing density and provide financial benefits for homeowners. He noted that flag lots are not being pushed as a primary solution and that administrative processes for flag lots have been more tailored to specific situations, leaving it up to the council to decide whether to rezone properties for flag lot development.

Mayor Pro Tempore Johnson asked if the city still allows property owners, particularly those on corners, to divide their property if they wish to do so.

Director Schaefermeyer explained that corner properties do not qualify for flag lots. He referenced an example where a developer bought older homes, particularly those on corner lots, and subdivided them into two properties. This allowed the properties to remain part of the neighborhood's fabric, maintaining the density requirements. Though not common, there have been a few cases where developers bought multiple homes, creating private drives or other streets for access from a corner. This method still adheres to zoning requirements for subdivisions.

Council Member Shelton expressed concern that if the city becomes the only one in Salt Lake County that doesn't allow flag lots, it might create problems, potentially leaving the city as an outlier.

Director Schaefermeyer asked the council whether they preferred to have the regulations brought forward in a legislative setting, assuming they find acceptable regulations, or if they would prefer to make the rules administrative. The goal would be to create clear rules without complications such as development agreements and multiple hearings.

Council Member Harris shared that city council meetings often become very emotional, especially for long-term residents on larger lots who fear the change that comes with flag lots, particularly with the possibility of turning properties into rentals. He expressed a preference for handling flag lot regulations administratively, without the need for emotional debates during meetings. However, he recommended some guidelines for flag lots, including the restriction of these lots to deed-restricted, for-sale properties only. He also suggested prohibiting ADUs on flag lots to avoid turning them into rental properties. He emphasized his desire for clear, administrative rules that provide consistency and clarity for residents and developers, rather than making decisions in emotionally charged meetings.

Mayor Pro Tempore asked if they are allowed to restrict ADUs.

Attorney Loose said for external ADUs yes. He clarified that for internal ADUs, the primary zoning would typically be residential, and these ADUs would still need to meet certain requirements, such as owner occupancy and at least one off-site parking space. While future legislative changes are possible, he noted that the current legislature seems comfortable with maintaining owner-occupancy rules for internal ADUs. Additionally, even if both internal and external ADUs were allowed, the total number of units would still likely be fewer than with flag lots, which could allow for multiple ADUs and result in a higher total (three versus four units).

Council Member Harris suggested that it should be one or the other: a flag lot or an external ADU, allowing individuals to choose which option they prefer, but not both. This approach would streamline the decision-making process and ensure clarity for property owners regarding their development options.

Attorney Loose confirmed that, under the current regulations, it would be possible to draft the ordinance in such a way that property owners could choose between a flag lot or an external

ADU, but not both. However, he noted that this approach could be subject to future changes in legislation.

Council Member Shelton reflected that, over time, as the population grows and land becomes more limited, there will be increasing pressure for more density. He emphasized that this is an inevitable trend and suggested that the key challenge is determining what is acceptable to the community at present, given the current circumstances.

Mayor Pro Tempore Johnson stated that, if the city is going to move in the direction of increased density, flag lots may not be acceptable to residents.

Council Member Harris mentioned that, in many cases, flag lots seem to be used by property owners who want to create a separate home for a family member, rather than building an ADU. He noted that while it's not always the case, there seems to be a trend where larger lots allow for this type of development. He expressed concern about restricting this too tightly, as he believes people with larger properties might want to provide a separate space for a family member, and there should be flexibility in such situations.

Director Schaefermeyer explained that the other pending application involves a similar situation, where the applicant wishes to build a home behind their parents' house. He noted that, while things may change in the future, this type of scenario is one that many people will likely encounter. He acknowledged that when dealing with individual, emotional situations, it can be challenging for the council to make decisions. He emphasized that one advantage of having clear and consistent rules is that they apply evenly to all cases, eliminating ambiguity. This approach also relieves the council from the pressure of making decisions they may not be comfortable with in specific situations.

Council Member Harris asked if the council was comfortable with the idea of offering a choice between having either an ADU or a flag lot, but not both. He proposed that if someone chooses to go the flag lot route, the property must be owner-occupied. If they are looking to have rental options, they would need to pursue the ADU option instead.

Council Member Shelton expressed discomfort with the idea of being the only city to completely reject flag lots. While agreeing that redeveloping larger pieces of land is a better approach, he suggested that the process could be made administrative if the regulations were refined enough. He proposed that staff come back with suggested restrictions, and if they were implemented, the Planning Commission would handle the decisions, taking on the responsibility for any public reaction.

Director Schaefermeyer explained that the approval process for flag lots might not necessarily need to go through the Planning Commission; it could be handled at the staff level. He expressed appreciation for the discussion and for Planner Moss's work in bringing forward some options. He suggested that if the council wanted to move forward with an administrative process, it could still be tied to the floating zone. The key would be ensuring upfront expectations are met before coming to the council.

Council Member Shelton pointed out that from a legislative perspective, the process seems overly burdensome for small developments, given the amount of work required from staff, the council, and the planning commission. He expressed concern about the extensive work involved, such as development agreements, for small-scale projects. If the legislative process is to be kept, he suggested revisiting the fees associated with it to ensure they align with the scale of the development.

Council Member Harris emphasized the need for clear parameters that consider both property owners' desires to utilize larger lots and the impact on their neighbors. He advocated for avoiding further involvement of the planning commission or council in these decisions.

Mayor Pro Tempore Johnson pointed out that by moving towards an administrative process, it could deny neighbors the opportunity to voice their concerns, which may be valid and important. Noting that this could potentially lead to frustration and anger among the residents who feel their input is being overlooked.

Director Schaefermeyer explained that any lot that's two times the size still requires subdivision approval, which currently goes through the planning commission. If flag lot subdivisions were handled by staff, it would be an exception to this standard process. While neighbors can voice concerns, the planning commission is required to approve the application if it meets the rules. Though public comment can sometimes influence developers to make compromises, it can also lead to frustration when the planning commission must approve the application despite objections. He noted that the city has chosen to maintain public comment and notice for subdivisions, though it is not legally required.

Attorney Loose clarified that state law allows municipalities to forgo public comment and notice for certain subdivisions. However, the city has opted to maintain these processes, a decision made by the council, though it is not a legal requirement.

Council Member Harris expressed concern about the subjectivity involved in allowing emotional pleas to influence decisions. He prefers a more standardized approach where there are clear, consistent expectations for flag lots, similar to traditional homes, rather than leaving room for arbitrary decisions based on public opinion at meetings. He suggested evaluating flag lots based on specific parameters, providing residents with clear expectations, and avoiding emotional debates in the process.

ADJOURNMENT

Council Member Shelton motioned to adjourn the January 21, 2025 City Council Study Meeting. Council Member Harris seconded the motion; vote was 4-0 unanimous in favor. Council Member Zander was absent from vote.

The January 21, 2025 City Council Study meeting adjourned at 6:31 p.m.