

**CITY OF SOUTH JORDAN  
ELECTRONIC  
PLANNING COMMISSION MEETING  
COUNCIL CHAMBERS  
August 23, 2022**

Present: Chair Michele Hollist, Commissioner Nathan Gedge, Commissioner Steven Catmull, Commissioner Trevor Darby, Commissioner Laurel Bevans, Commissioner Aaron Starks, Assistant City Attorney Greg Simonsen, City Planner Greg Schindler, Deputy City Recorder Cindy Valdez, Planner David Mann, Planner Damir Drozdek, Deputy City Engineer Jeremy Nielson, GIS Coordinator Matt Jarman, IT Director Jon Day, Meeting Transcriptionist Diana Baun

Others: Williams 11606, Chris' Phone,

6:30 P.M.  
**REGULAR MEETING**

**A. WELCOME AND ROLL CALL** – *Chair Michele Hollist*

Commission Chair Michele Hollist welcomed everyone to the Electronic Planning Commission Meeting.

**B. MOTION TO APPROVE AGENDA**

Commissioner Gedge motioned to approve tonight's agenda as printed and published. Chair Hollist seconded the motion; vote was unanimous in favor.

**C. APPROVAL OF THE MINUTES**

**C.1.** August 9, 2022 Planning Commission Meeting Minutes

Commissioner Darby motioned to approve the August 9, 2022 Planning Commission Meeting Minutes as published. Chair Hollist seconded the motion; vote was unanimous in favor.

**D. STAFF BUSINESS**

City Planner Greg Schindler

Planner David Mann

Commissioner Nathan Gedge commented on the traffic light timing.

Deputy City Engineer Jeremy Nielsen

Planner Schindler discussed the proposed project and that they have presented to the council.

**E. COMMENTS FROM PLANNING COMMISSION MEMBPNERS – *None***

Chair Michele Hollist mentioned September 27 for a training.

She and Commissioner Bevans will be gone on September 13, as will Aaron Starks. The other three members are planning on being here (Catmull, Darby and Gedge).

Commissioner Catmull – on ARC, meeting scheduled for tomorrow at 8:30 a.m. and will be unable to attend, asked if someone else could attend in his place.

Chair Hollist will fill in for him tomorrow,

**F. SUMMARY ACTION – *None***

**G. ACTION – *None***

**H. ADMINISTRATIVE PUBLIC HEARINGS**

**H.1. NIELSEN GUESTHOUSE CONDITIONAL USE PERMIT AND ACCESSORY DWELLING UNIT**

Address: 1948 W. Ingot Way

File No.: PLCUP202200159

Applicant: Lynn Nielsen

Planner Damir Drozdek reviewed background information from the Staff Report.

Chair Michele Hollist asked if subdividing this plot had been discussed.

Planner Drozdek said per the code they could, but they need to check with their CC&Rs.

Hollist – any permissions with the existing structure

Drozdek- we know about it because they wanted to make things bigger and the city discovered that they had no record of it.

Gedge – can city catch other ADUs that are operating without permits, or is it only based on neighbor complaints.

Drozdek – mostly neighbor complaints

Catmull – setbacks, didn't see them but it looks clear

Drozdek – minimum is 10 feet.

Hollist mentioned some public comment emails that were received and reviewed before this meeting (Attachments A, B and C).

Jonathan Nielsen (Applicant's Son) – speaking for his father, who is the owner and who is hard of hearing. lives in ADU and process has been enlightening. Per property tax records the county has recognized the building and taxed it as a living unit, so he's not sure what's going on.

Chair Hollist opened the public comment

**Peter Nielsen (Resident)** lives a few doors down, not related. The barn was there when they moved in, and with time it has aged and started to show that. Now they are upgrading it and from his perspective this is a good thing to make it look better. John has been living there for a while and they would like him to stay, improving this will not have a negative effect on the neighborhood if they stay.

**David Jenkins (Resident)** with Ensign Engineering, also a former neighbor and knows a lot about this situation having lived in the neighborhood. He is helping them as a professional to make sure the plans are being done correctly. He has assured others that there will be inspections and they will make sure they meet code. He is also familiar with the fire code and he will work with the fire department to make sure they meet the requirements for the fire department.

**Lynn Nielsen (Applicant)** builds LDS chapels all over the world so he traveled a lot, and many things got missed.

**Earl Britton (Resident)** a few lots away from this address, has known the family for years. The barn has been there for years, and they have been making improvements over time with a nice garden and they are a nice asset to the neighborhood. They support this and know it will be a little nicer neighborhood because of it.

**Maria Griffiths (Resident)** lives nearby, moved here 13 years ago and knows Jon and loves him and his wife – they are a great asset to the city. They adopt children and are smart and very well taken care of. They are a great family and she hopes this gets approved.

**Williams Family (Residents)** live a few homes away, they think this is a great thing. They have been in this neighborhood for 5 years now, best neighborhood they have lived in, ever, and they want to keep them and keep them happy. Nothing here will be out of line or hurt any other neighbors.

Gedge – Alma Jeppson email (Attachments B and C)

Hollist asked about other questions

Damir – only one ADU per city code

Hollist, could they have a kitchen in their basement

Damir, only if they do not have a separate entrance to the basement.

Hollist

Catmull – does ADY count towards density

Drozdek – it does not.

Hollist – parking requirement? New state laws remove parking requirement?

Drozdek doesn't believe so, it's still in our code

Schindler – state still allows us to require one parking space and a minimum lot size for an ADU. DOESN'T talk much about external ADUs, mostly internal ADUs that state code is concerned with.

Aaron Starks commends the family for being open with the city, and he thinks the intent is felt. It is hard to keep family close and they recognize the attempt to keep the son there.

**Commissioner Gedge motioned to approve File No. PLCUP 202200159, to allow an additional detached guest house.....and that File No.... to allow for occupancy with requirements.**

Commissioner Catmull said this does seem like a win-win situation. PC is here to look for detrimental conditions and based on the emails and community support and bringing this into compliance, he is in full support of it.

Darby, seconded what was just said

Bevans – in same email (Attachment B & C) noted that ADUs were against their CC&Rs and she wanted to make sure that was a private matter.

Schindler confirmed that

Hollist – one concern, struggles with situations like this because of outcomes. Can they discuss anything with the council about changing things to try and keep this problem from happening.

Attorney Simonsen – city should encourage bringing structures into compliance with the code, and he also wants it to be clear that it is a very serious problem to have structures without permits. Examples, if it burns down today, a claim is made on the insurance, and a paragraph in the policy will say that the insurance does not apply if this has not been approved by the local authorities. Lots of liability issues and potential problems, and the best thing he heard today were that they have made a call to Mr. Montalvo, and that this will all be brought into compliance, and that needs to be done right now. This has got to get done right away. Again, he is glad that everyone is happy, but it is extremely important to comply with these rules and keep trying to correct these situations.

Catmull – asked if they need to put a different time frame on this

Hollist – does’nt think this even allows occupancy until the various elements are met.

Simonsen doesn’t remember the time, but they will be told when they pull the permit and they will have six months from that time. They are in a Neverland space right now, whether they will vacate the property and he does’nt know that that affects what the decision or motion should be, but he does think it should be accomplished as quickly as possible.

Schindler – they may have already applied for a building permit, that’s how this came to our attention.

Drozdek believes that when they applied for the permit the barn was showing 5-6 rooms, which was too much, so they had to modify their plans to make it acceptable.

Hollist – they can only have three bedrooms, the occupancy stands, and they are approving the height and other differences.

Drozdek, could be done by code compliance if violated.

Catmull – ADU Code online said there is consent to an annual inspections. Doesn’t mean there will be, but there can be.

Hollist stated concerns.

Gedge - open to motion being amended for time frames or occupancy details.

Simonsen – motion says all city permits (following language), so he doesn’t think that needs to be adjusted when he already said that.

Hollist believes it’s clear what’s expected.

Catmull – even if passed, and noncompliance with occupancy, wants a mechanism to deal with that, but that’s not their purview to try and alter and enforce

Schindler – after six months, of no action the building official can terminate the permit.

**Commissioner Darby Seconded the motion, roll call vote 6=0**

**I. LEGISLATIVE PUBLIC HEARINGS - None**

**J. OTHER BUSINESS**

**ADJOURNMENT**

**Chair Hollist motioned to adjourn the August 23, 2022 Planning Commission meeting. Commissioner Bevans seconded the motion; vote was unanimous in favor.**

The August 23, 2022 Planning Commission Meeting adjourned at 7:23 p.m.

Meeting minutes were prepared by Deputy Recorder Cindy Valdez

UNAPPROVED