

**CITY OF SOUTH JORDAN
ELECTRONIC
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
August 10, 2021**

Present: Commissioner Michele Hollist, Commissioner Nathan Gedge, Commissioner Trevor Darby, Assistant City Attorney Greg Simonsen, Assistant City Engineer Jeremy Nielsen, City Planner Greg Schindler, Long Range Planning Intern Meadow Wedekind, IT Director Jon Day, GIS Coordinator Matt Jarman, Deputy City Recorder Cindy Valdez, Transcriptionist Diana Baun

Absent: Commissioner Steve Catmull, Commissioner Sean Morrissey

Others: Linda, David Coblenz, Dave Freiss, Ryan Benson

6:31 P.M.

REGULAR MEETING

I. Welcome and Roll Call – *Commissioner Nathan Gedge*

Commissioner Gedge welcomed everyone to the Electronic Planning Commission Meeting.

II. Motion to Approve Agenda

Chair Hollist motioned to approve the Amended August 10, 2021 Planning Commission Agenda as published on the city website. Commissioner Gedge seconded the motion, vote was 3-0 unanimous in favor. Commissioners Catmull and Morrissey were absent from the vote.

III. Approval of the Minutes

Chair Hollist motioned to approve the July 27, 2021 Planning Commission Meeting Minutes as published. Commissioner Gedge seconded the motion, vote was 3-0 unanimous in favor. Commissioners Catmull and Morrissey were absent from the vote.

IV. STAFF BUSINESS - *None*

V. COMMENTS FROM PLANNING COMMISSION MEMBERS - *None*

VI. SUMMARY ACTION – *None*

VII. ACTION – *None*

VIII. ADMINISTRATIVE PUBLIC HEARINGS –

A. BISON RUN SUBDIVISION PHASE 1, PRELIMINARY SUBDIVISION PLAT

Location: 10431 S. 3200 W.
File No: PLPP202100095
Applicant: Dave Freiss

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

Chair Hollist asked to clarify if the original agreement with city council still stands where it will be capped at 17 units in all phases, also why this is proceeding in phases instead of all at one time.

Planner Schindler said he believes it is because the property owners still occupy the house on the corner and they are not ready to develop, the applicant should have that information.

Commissioner Gedge asked if there were any concerns with the private driveways off 3200 West.

Assistant City Engineer Jeremy Nielsen said no, Engineering has reviewed it and has no concerns.

Dave Freiss (Applicant) – He is glad to be back in South Jordan developing property. They are trying to adhere to the development agreement that the city created with the owners just over a year ago. He believes they have mostly done that. They have talked with Engineering and Planning about a few things, and Planner Schindler has taken care of them.

Commissioner Gedge opened the hearing to public comment.

Ryan Benson (Resident) – He is on the street this development is going into and they are very excited for it, looking forward to it being completed. The residents on Alexander Park Lane still have young kids and this construction will involve big machinery. He asked if there is any way possible to keep the equipment coming in on 3200 West rather than on 10600 South during this portion of the development. When houses go in he understands trusses and cement trucks will need to come through, but he would like to ask to keep the majority of traffic from the development on 3200 West rather than through Alexander Park Lane.

Commissioner Gedge closed the public comment portion of the hearing.

Commissioner Gedge asked staff if there were any time restraints or other measures the city can take to direct traffic onto a different street over another.

Engineer Nielsen said staff spoke about this earlier after the resident called the city with the question, he believes lots one through five will have to be accessed through Alexander Park Lane. They will want them to access those lots directly off of South Jordan Parkway, not wind

their way through the neighborhood, as it's the most direct route off the truck route and that's the requirement in the code. On the bright side, per the development agreement, once those homes are constructed and the utilities are cut in, the developer will be doing an overlay on Alexander Park Lane so it will look like a new road.

Commissioner Gedge assumes if they need to close the street for any type of improvements or delivery of items there will be proper noticing and flag men for the residents, as well as continued ways for the public to communicate with the city if there are nuisances such as extreme gravel or dust.

Engineer Nielsen said they can get in touch with the Engineering Department if there are any issues, but per the code they need to provide notice before they close the road.

Chair Hollist motioned to approve File No. PLPP202100095, Bison Run Subdivision Phase 1, Preliminary Subdivision Plat. Commissioner Gedge seconded the motion. Roll Call vote was 3-0, unanimous in favor. Commissioners Catmull and Morrissey were absent from the vote.

IX. LEGISLATIVE PUBLIC HEARINGS –

B. TEXT AMENDMENT – AMENDING SECTION 17.130.030 OF THE SOUTH JORDAN CITY MUNICIPAL CODE REGULATING THE ACCESSORY DWELLING UNIT FLOATING ZONE

Ordinance No: 2021-16
Applicant: South Jordan City

Long Range Planning Intern Meadow Wedekind reviewed background information from the Staff Report.

Commissioner Nathan Gedge asked what the enforceability is, do renters have to file something with the city declaring the Accessory Dwelling Unit (ADU) as a rental.

Intern Wedekind said they know there's an ADU based on the affidavit, but they could also be alerted by a posting on a website for the rental or neighbors voicing concerns.

Commissioner Gedge asked to clarify that there is no active enforcement, just if there was a complaint there is language that would support action at that point.

City Planner Greg Schindler said there is no license given for renting out the ADU. Property owners with four or more properties in South Jordan are required to file as a business, but just having an ADU doesn't require that.

Chair Michele Hollist asked if our code can still require that the homeowner reside in the home.

Intern Wedekind said yes.

Chair Hollist is concerned that with the size differences we will get duplexes created that the owner doesn't live in.

Planner Schindler said they are hoping that doesn't happen as they still have to get an ADU permit from the city. Even though the owner can split the property or even make the ADU portion larger than their own, the owner still has to live there.

Chair Hollist asked for staff to define what a "family unit" is; she has concerns over the numbers that might reside in a dwelling with that restriction lifted

Planner Schindler said it would stay the same as before, anyone who is related through blood, adoption, foster children, etc. They can have multiple generations or extended family, there is no limit to the number, they just have to be related.

Commissioner Trevor Darby said to him it looks like the ADUs can't be rented for short term, but if a home has an ADU as part of it, it could preclude the home from ever renting short term. For example, if someone has an ADU and they are going on a vacation and want to rent their home for a week; it seems like that is not allowed because the home has an ADU.

Intern Wedekind said she believes it's specifically the ADU that can't be rented, a single family home could still be rented. It would be hard to go in the home and enforce, but per the code it is only the ADU that can't be rented short term.

Planner Schindler said long term rental obviously couldn't happen because the owner has to live on the property for the ADU. If they start getting complaints that someone is renting a home out on a weekly basis that means they aren't living there, and that would be a violation that could be investigated.

Commissioner Gedge opened the hearing to public comment. There were no comments, public comment was closed.

Chair Hollist understands we want to bring our code into compliance with the state, her only issue is that she feels this is an overreach on the state's part. She has talked to people in other communities as well as members of staff, and she has the same concerns as they do; they don't necessarily know what's going on in each individual community. She can see this being a disaster in the neighborhood in Salt Lake she lived in before moving here. Reducing the parking requirement will only make the on-street parking even more difficult there. She understands their situation with trying to free up additional housing with the shortage we have, but she liked their approach with a House Bill two years ago giving cities a menu of options to choose from to try and combat these issues versus deciding what the decisions were and what would fit in every city. She will vote in favor of this tonight because it brings us into compliance with state code, but she wanted to raise that objection for the record.

Commissioner Gedge asked if there has been any early discussion amongst the state legislature to reconsider this amongst noise from other communities that had similar concerns.

Assistant Attorney Greg Simonsen said he is not aware of anything to reconsider it, in fact he thinks we are going to see more of the same; a short term rental that will tie municipal hands. It was defeated in the last legislature but he thinks the sponsors, who are the same ones that sponsored HB 82, are busy doing some drafting to address concerns. Regarding the earlier question about enforcement, that's his biggest concern; what happens if we find out that the people living in the non-ADU section aren't really the owners. Half of HB 82 or more talks about what's required for enforcement; it's long, it's complicated, it involves lots of notices and due process of law after process of law. He and others have reviewed it, Intern Wedekind did a really fine job drafting this and making it comply with the state code without getting lost in a morass. He's hoping that enforcement is a rare thing, and if they do have to enforce it he is hoping it's not very often and they'll find a procedure to do what's necessary under the circumstances; it is not going to be easy.

Planner Schindler said when it comes to enforcement regarding the owner living in the property, that has always been part of the code and he doesn't believe they've had to enforce that yet; that doesn't mean it won't happen, as it is even easier to get an ADU. When it comes to the on-street parking, Daybreak had the same concerns since they already have crowded streets. They have an advantage, in that they have very few lots that are over 6,000 square feet, and that was a big relief for them regarding possibly more cars on the street from ADUs.

Commissioner Darby recommended approval of Ordinance No. 2021-16, Amending Section 17-130-030 of the City Municipal Code Regulating the Accessory Dwelling Unit Floating Zone. Commissioner Gedge seconded the motion. Roll Call Vote was 3-0, unanimous in favor. Commissioners Catmull and Morrissey were absent from the vote.

X. OTHER BUSINESS

City Planner Greg Schindler said the next agenda will be pretty light. He brought up training however Assistant City Attorney Greg Simonsen will not be attending the next meeting in person.

Chair Michele Hollist asked Planner Schindler to let her know when they have another light agenda so they can get that training scheduled with Attorney Simonsen.

ADJOURNMENT

Chair Hollist motioned to adjourn the August 10, 2021 Planning Commission meeting. Commissioner Gedge seconded the motion, vote was unanimous in favor. Commissioners Catmull and Morrissey were absent from the vote.

The August 10, 2021 Planning Commission Meeting adjourned at 7:01 p.m.

Meeting minutes were prepared by Deputy Recorder Cindy Valdez

This is a true and correct copy of the August 10, 2021 Planning Commission minutes, which were approved on August 24, 2021.

**Cindy Valdez
South Jordan Deputy Recorder.**