

**MINUTES OF THE CITY OF HOLLADAY  
PLANNING COMMISSION MEETING**

**Tuesday, February 6, 2024  
5:30 p.m.  
City Council Chambers  
4580 South 2300 East  
Holladay, Utah**

**ATTENDANCE:**

**Planning Commission Members:**

Dennis Roach, Chair  
Jill Fonte  
Paul Cunningham  
Karianne Prince  
Brian Berndt

**City Staff:**

Carrie Marsh, City Planner  
Jonathan Teerlink, Community & Econ  
Develop Dir  
Ann Frances Garcia, Economic Develop. &  
Housing Mgr

**WORK SESSION**

Chair Dennis Roach called the Work Session to order at approximately 5:30 p.m.

The agenda items were reviewed and discussed. Community and Economic Development Director, Jonathan Teerlink, explained that Ann Frances Garcia is the new Economic Development and Housing Manager. She has been hired to review and administer the Moderate-Income Housing Plan requirements from the State. He explained that the State requires a Moderate-Income Housing element in the General Plan. Additionally, the State has mandated that cities select a certain number of strategies in order to address affordable housing needs. The Planning Commission previously recommended several strategies, which were adopted by the City Council.

Ms. Garcia has researched several strategies and discovered some other options that the Planning Commission and City Council can consider. Those options will assist with the affordable housing goals in the City but will not be as difficult to implement. During the Regular Meeting, Ms. Garcia will present the Staff Report and there will be a public hearing held on what is proposed. The City Council received a preview of the options, but a recommendation will be made by the Planning Commission. The Council is interested in hearing from the Planning Commission on this matter.

Council Member Brian Berndt noted that Ms. Garcia reviewed some information during the last Planning Commission Meeting. As he looked through the Meeting Materials Packet, it seemed the State has a blanket expectation for cities. He wondered whether the State has considered communities that do not have light rail or other options to offset transportation needs. Mr. Teerlink explained that the State is holding those with light rail to a higher standard. Holladay is being held to a lesser standard than communities with fixed rail and other types of transportation.

Commissioner Jill Fonte stated that her understanding is that this is a State mandate to increase moderate-income housing in the City. This was confirmed. She was curious about what other cities, like Park City, did to achieve their housing goals. Mr. Teerlink explained that other cities have to select from the same menu that all of the other municipalities have to. He has not studied what the other cities have selected. City Planner, Carrie Marsh, noted that she has worked on a couple of projects that looked at housing in Park City. Developers there are required to put a certain percentage into a Moderate-Income Housing Fund. Park City as a municipality has a lot more city-funded moderate-income housing as a result. Various programs are offered to city employees and government employees, so it is possible to live and work within

Park City. Commissioner Fonte asked if that is an option available in Holladay. Ms. Marsh stated it could be available to the City, but the question is whether the City wants to fund and manage a housing program.

Mr. Teerlink clarified that a housing program was not something that was currently proposed as an option. However, it is possible to request that the City Council study that possibility. Previously, there has not been an interest from the Council in administering a housing program. It was noted that six menu items were previously selected and three are proposed to be added. Chair Roach explained that timing is critical for this item. If the Planning Commission cannot make a favorable recommendation, it is still necessary for the item to move ahead to the City Council.

Commissioner Paul Cunningham believed the City is currently in compliance with the menu items selected, but once a year, it is necessary to review the options. He wondered why the City wanted to take on three additional menu items this year. He expressed concerns that it will be harder to find menu items to focus on next year and the year after. Ms. Garcia referenced the Staff Report and explained that all of the items will not be reported on in one year. The minimum number of strategies a city can report on is three, but five are needed to be eligible for funding. Commissioner Cunningham believed there are already five that are reported on. Ms. Garcia clarified that there are no actionable items that can continue to be reported on, since some of the items have been completed. There need to be actionable items on the plan to show that work is still being done.

Commissioner Cunningham pointed out that the City was already one of the first to meet the requirements. He wondered why there was a rush to meet even more requirements. He reiterated his concern about what will be done to meet the requirements in future years if too much is selected now. Chair Roach suggested that this discussion continue during the Regular Meeting.

The second item on the Regular Meeting agenda relates to a Special Exception. Ms. Marsh explained that for slopes that are greater than 30%, the Planning Commission is authorized to approve a vehicular path across that slope. What the Planning Commission is looking at with this particular application is where the driveway access is located. The Commission can approve or deny vehicular access across the slope. Chair Roach asked if the lengthy paragraph included in the Staff Report should be read in the motion. Ms. Marsh asked that the language be referenced.

Commissioner Berndt wondered whether the slope currently being discussed is manmade. This was confirmed. He wanted to understand what the original slope was. If the slope has been modified, he asked whether it should be exempt from receiving a Special Exception. Ms. Marsh explained that there is nothing in the code to specify what is and is not exempt. Commissioner Berndt asked how large the cut will be if the driveway goes in. Mr. Teerlink did not believe there would be much. Commissioner Karianne Prince visited the property earlier in the day and did not see that any slopes would be crossed. She discussed the grading on the site and her experience.

Commissioner Cunningham asked why 30% slopes were considered by the Planning Commission. If it is less than 30%, then it can be approved by City Staff, but if it is more than 30%, the Planning Commission needs to look at the application. Mr. Teerlink explained that this is how the language was written. He was not certain whether the numbers were arbitrary or there was a reason for them. Ms. Marsh reported that the City Engineer requires an inspection. She asked that in the conditions, the Planning Commission mention that the City Engineer requires the inspection.

The third item on the Regular Meeting agenda is a request for Quasi-Public Church Uses to be permitted in the C-2 Zone. Ms. Marsh shared some history about church uses within Holladay. Many of the church uses already existed when Holladay was incorporated. When zoning was determined, a Public (“P”) Zone was created specifically for public areas and quasi-public uses. However, it creates a challenge when there

are churches that want to move into Holladay. One option is to request a rezone to the P Zone. The other alternative is to add quasi-public uses within some of the existing zones. She noted that a specific church wants to have quasi-public use be a permitted use within the C-2 Zone, which is one of the commercial zones in the City.

Commissioner Cunningham asked whether allowing a quasi-public use in the C-2 Zone will allow for additional uses outside of a church use. Mr. Teerlink shared the definition of quasi-public use, which is described as a use that is operated by a private, non-profit, educational, religious, recreational, charitable, or philanthropic institution, that primarily serves the general public. Discussions were had about how this definition could impact other areas of the City. Commissioner Prince wanted to know why the applicant did not pursue a rezone to the P Zone instead. Mr. Teerlink explained that the Text Amendment is easier for the Commission to consider.

The last item on the Regular Meeting agenda is a Text Amendment for Chapter 13.14.031. Ms. Marsh reported that the amendments relate to accessory dwelling units (“ADU”). The items discussed previously have been added, specifically limitations on height for an external accessory dwelling unit (“E-ADU”) and lot size information. Possible considerations were addressed in the Staff Report. Corner lots are something the Commission might want to discuss, as those are situated with two access points. Chair Roach stated that at the last meeting, he wrote notes about lot size restriction, height restriction to single-story, off-street parking requirements, and allowances for non-conforming buildings. Most of those were touched on in the Staff Report.

Chair Roach closed the Work Meeting at 6:00 p.m.

**CONVENE REGULAR MEETING – Public Welcome and Opening Statement by Commission Chair.**

Chair Roach called the Regular Meeting to order at approximately 6:07 p.m. Commissioner Cunningham read the Commission Statement for the benefit of those present.

**PUBLIC HEARING**

**1. General Plan Amendment – Moderate-Income Housing Plan (A STATE REQUIRED AMENDMENT). Review and Recommendation to City Council on Proposed Updates, Consolidations, and/or Clarifying Amendments to Title 13, of the Holladay City Code, Land Use and Development Regulations as they Relate to Statute Obligations set forth by State of Utah Legislation, Modifying Provisions related to . Item Reviewed as a Legislative Action, According to Procedures set forth in Holladay Ordinance §13.07. File #00-00-00.**

Ms. Garcia presented the Staff Report and explained that the item is a General Plan Amendment related to the Moderate-Income Housing Plan. In March 2022, the Utah State Legislature passed House Bill (“H.B.”) 462, requiring that municipalities take additional steps to ensure that local planning efforts focus on removing barriers preventing the construction or preservation of needed housing at moderate income levels. The bill provides a menu of 24 strategies that municipalities can choose from. In addition to adopting the strategies, the City is required to develop actions and measurable tasks to implement the actions for each strategy. Additionally, an annual report must be provided to outline the steps the City is taking to make affordable housing more attainable.

Moderate income is defined as household incomes that are less than 80% of the County area median income (“AMI”) level. Ms. Garcia reported that the Salt Lake County AMI is \$106,099. One person in a family can only make \$59,400 to be considered moderate income. If there are two in the family, the amount is \$67,850. If there are three in the family, the amount is \$76,350. If there are four individuals in the family, the amount is \$84,800. For the purposes of the plan, affordable housing refers to housing that moderate-income people can afford without paying more than 30% of their income toward rent or a mortgage. An

example scenario was shared of a family that had an annual income of \$84,800. She explained that anything more than \$25,440 per year, or \$2,120 per month, on rent or mortgage would put that family in an unaffordable situation.

Out of the 11,846 units in Holladay, approximately 25% of families spent more than the recommended 30% of income on housing. Ms. Garcia explained that this is a sign of rent burden and high mortgage costs. 4,138 households are making less than the moderate income. That means approximately 35% of Holladay residents are moderate income or below.

City Staff has identified three additional strategies to the six already identified in the Third Revision from February 2023. Out of the previous six strategies, three have been completed, so it is not possible to report on those anymore. In the Staff Report, the red text shows action items and tasks that are recommended to be added to those strategies, so it is possible to continue reporting. There were ongoing discussions with the Department of Workforce Services about the various action items. After receiving guidance from them, an additional three strategies are proposed to be added. The three strategies will show meaningful progress. Ms. Garcia clarified that something new does not necessarily need to be added each year, but some progress must be reported.

There is a desire to retain eligibility for funding. As a result, the City wants to report on at least five strategies. Ms. Garcia reiterated that there are only three left that have not been completed, so additional strategies and action items need to be added. Chair Roach referenced the infographic included in the Staff Report. Discussions were had about the completed strategies. It was noted that Strategy E is completed unless the action items or tasks proposed are added to that particular strategy. Commissioner Fonte believed that by adding tasks, it can continue to be reported on.

Chair Roach discussed the infographic and pointed out that there are nine strategies listed. Five are needed. He wondered why the City would want to take on additional tasks. Ms. Garcia explained that the City was doing some of these things already, so it makes sense to receive credit for that work. It will be easier to report on things that are already being done or are planned for.

Ms. Garcia reported that three additional strategies have been identified to add to the existing six. There are a total of nine items from the required list that are supported by current and future goals of the City and can reasonably be studied and implemented. As for the ongoing tasks, she explained that the focus is on educational campaigns and providing resources for residents.

Commissioner Cunningham does not have an objection to what is proposed but wondered why so many items are being taken on this early in the process. He thought it might make sense to space out some of the work and the items. Commissioner Fonte noted that the communication program and educational campaign could involve reaching out to residents with homes on half-acre lots and larger. There can be outreach to them about the opportunity to build E-ADUs. Rather than changing zoning to increase density, looking into E-ADUs might impact the character of Holladay less. Reaching out to homeowners who have the opportunity to build E-ADUs might be an effective way for the City to increase moderate-income housing in the community.

Commissioner Prince liked the idea of having many different strategies with different action items that can be focused on. She stressed the importance of increasing moderate-income housing in Holladay. Ms. Garcia clarified that not everything needs to be reported on at one time, but it is useful to have several ideas and strategies that can be focused on now and in the future. Commissioner Berndt noted that the Economic Development and Housing Manager is able to move a lot forward. It may appear that the City is being overly aggressive, but he likes that there is a comprehensive and strategic plan. It lays out items the City can anticipate working on.

Chair Roach opened the public hearing. There were no comments. The public hearing was closed.

Chair Roach thanked the Commissioners for the discussion so far. He noted that the Text Amendment E-ADU section is not something that is approved with this plan, but it is a strategy within the proposal. However, he understood the suggestions expressed by Commissioner Fonte.

*Commissioner Prince moved to forward a recommendation to the City Council to APPROVE an amendment to the General Plan, Moderate-Income Housing Plan, Chapter 5, based on the following findings:*

- 1. Compliance with the Utah State Legislature passed H.B. 462 by establishing baselines of current housing stock. Based upon this data, the Land Use Authority shall adopt strategies within their general plan focused on moving the needle toward increasing numbers based upon population growth and development within the City of Holladay.*
- 2. Compliance with the City's Long Range Housing Goals in the General Plan Chapter 5 Moderate-Income Housing Plan that was revised and passed in February 2023.*
- 3. Compliance with the State's reporting requirement stating that a municipality shall develop actionable and measurable implementation plans for each chosen strategy, adopt them in their General Plan, and provide a yearly report to the state via the Department of Workforces Services on steps the City has accomplished making affordable housing more attainable and making meaningful progress towards that goal.*

*Commissioner Berndt seconded the motion. Vote on Motion: Commissioner Fonte-Aye; Commissioner Cunningham-Aye; Commissioner Prince-Aye; Commissioner Berndt-Aye; Chair Roach-Aye. The motion passed with the unanimous consent of the Commission.*

- 2. "Cross Slope on a 30-50% Slope" – Special Exception – 6002 Tolcate Woods Lane (R-1-43). Review and Consideration of a Request by Applicants Nick and Amber Phillips as Owners, for a Special Exception for a Driveway Crossing a Slope Greater than 30%. Item reviewed as an Administrative Application as per Provisions stated in Holladay Ordinance §13.76.300. File #24-7-01.**

Ms. Marsh presented the Staff Report and explained that the item relates to a Special Exception request for 6002 Tolcate Woods Lane. The property is located in the R-1-43 Zone. She explained that this is a cross-slope exception for vehicular access to a new residence. The access is proposed to be across a slope that is greater than 30%. It is the responsibility of the Planning Commission to decide whether the vehicular access across the slope should be approved or denied. The Staff Report includes a report from the City Engineer, who has reviewed the site and outlined conditions.

Historically, the area is a gravel pit, and the slopes were created from gravel pit operations. The Commission can approve a slope that is manmade or natural. In this case, it is a manmade slope that is before the Commission, and it is within the purview of the Commission to approve or deny.

The applicant, Nick Phillips, discussed the slope. He explained that it was not there before. The slope was created when the area was dug out. The dirt was pushed to create the slope and then the topography was done. The topography showed it as a slope, but there have been some site visits to confirm that there is not a slope where the driveway is proposed to be located. Chair Roach noted the City Engineer made a site visit and proposed some Conditions of Approval for the item.

Chair Roach opened the public hearing. There were no comments. The public hearing was closed.

Commissioner Fonte asked if there was a need for a retaining wall on the site. Ms. Marsh explained that this is something the City Engineer will review. Commissioner Prince explained that she went out to visit the site in person. As she drove in, she drove to the area where the driveway will be located, and she did not notice anything that was concerning based on her experience there.

Commissioner Cunningham noted that this requires the approval of the Community and Economic Development Director. The language in the Staff Report states that Staff recommends approval. He wondered whether that meant the Community and Economic Development Director and the City Engineer both recommended approval of the application. Mr. Teerlink explained that approval from the Director relates to a response from the Technical Review Committee (“TRC”).

***Commissioner Prince moved to APPROVE the application by Nick and Amber Phillips at 6002 Tolcate Woods Lane for the Cross Slope for Vehicular Access, based on the following findings:***

- 1. The area has been identified as a slope hazard.***
- 2. No alternate location for access is feasible or available***
- 3. No segment of the access that will cross slopes between 30% to 50% exceeds one hundred feet in length.***
- 4. The cumulative length of individual segments or increments that will cross slopes between 30% to 50% does not exceed 10% of the total length of the private vehicular access route.***

***This approval is also conditional upon the following:***

- 1. All recommendations within the Geotechnical Report be addressed by the applicant/property owner, specifically regarding inspections by CMT and the removal of undocumented fill beneath the building footprint.***
- 2. Applicant/project shall comply with standards listed in Holladay City Code sections 13.76.300 and 13.76.700 including review and inspection by the City Engineer and that inspections by CMT will occur before the footings are poured.***

***Commissioner Fonte seconded the motion. Vote on Motion: Commissioner Fonte-Aye; Commissioner Cunningham-Aye; Commissioner Prince-Aye; Commissioner Berndt-Aye; Chair Roach-Aye. The motion passed with the unanimous consent of the Commission.***

- 3. Text Amendment – Chapter 13.100.010 TABLE OF ALLOWED USES Quasi-Public (Church) Uses Permitted in C-2 Zone. Review and Recommendation to City Council on Proposed Amendments to Title 13 of the Holladay City Code, Land Use, and Development Regulations as they Relate to adding Quasi Public (church) Uses as Permitted Use in the C-2 Zone. Item Reviewed as a Legislative Action According to Procedures set forth in Holladay Ordinance §13.07. File #24-4-01.**

Ms. Marsh presented the Staff Report and explained that the item is a Text Amendment request related to quasi-public (church) uses. During the Work Session, the definition of quasi-public was reviewed. She explained that it goes beyond church use and includes non-profit, recreational non-profit, and some other uses. Approving a quasi-public use will include all of those uses, as defined in City Code. This specific request is to permit a quasi-public use within the C-2 Zone. The applicant is looking at a property in the C-2 Zone because there is a desire to bring their church there. The existing church uses in Holladay were included in the P Zone at the time of incorporation. The options in this case are to rezone to the P Zone or amend the use table.

Commissioner Prince asked for additional information about the C-2 Zone. Ms. Marsh explained that the C-2 Zone is for higher-intensity commercial uses. For reference, the strip mall area with the theater is in the C-2 Zone. Typically, the zone is seen where there are higher-intensity areas. The C-1 Zone is a lower-intensity commercial use and those are often closer to residential areas. There are a few other zones that allow office uses or retail/commercial uses, like the PO Zone. Ms. Marsh reported that the request currently before the Planning Commission is to add quasi-public use to the C-2 Zone. However, the discussion can expand outside of the requested zone.

Chair Roach asked about the steps for a rezone in a situation like this. He wanted to understand what makes the rezone request more difficult than the Text Amendment proposal. Ms. Marsh reported that the timeframe can be more difficult. Adding an allowed use is a cleaner approach in general and would apply to future applications rather than just this particular application.

Commissioner Berndt realized that this request was made due to a site-specific interest, but thought it made sense for the Commission to consider how this amendment would impact the C-2 Zones throughout the City. He wondered if there have been any conversations about broadening the zones where quasi-public use should be permitted. Ms. Marsh shared information about the discussion she had with a church located in the RM Zone. They are looking for a smaller space. Some congregations are smaller in size and do not need such a large space. She explained that some of the existing P Zone spaces might not be suitable to the needs. As long as the parking standards are met, then other zones, such as C-1 and C-2, may be appropriate for their use.

The applicant's representative, David P. Billings, introduced himself to the Commission. He was willing to answer any questions that the Commission had. Commissioner Cunningham does not have an objection with the church being in that location but noted that this Text Amendment would impact other uses that would be allowed in the C-2 Zone. As a result, he felt there needed to be a lot more discussion before the matter was voted on. He wondered if there was any urgency with the application. Mr. Billings explained that there was urgency because there is a transaction underway. The previous building is being closed and the desire is to purchase this location. Purchasing this location is contingent upon the Text Amendment approval, otherwise there is no desire to purchase the property. There is a hard cap on the amount of time allotted for a decision. According to City Staff, the application before the Commission is the most efficient approach.

Mr. Billings reported that in other municipalities in the valley, churches are allowed in almost every zone. As for the point made by Commissioner Cunningham about unintended consequences, none of the other municipalities have noticed an upsurge in those other quasi-public uses. If that is a concern in the future, it can be addressed at that time. Mr. Billings pointed out that the property in question faces a busy street, but on the other side of the lot is a neighborhood. The use there would be consistent with the historic practice of the City to nestle churches in neighborhoods.

Ms. Marsh shared the definition of quasi-public with the Commission. It is a use that is operated by a private, non-profit, educational, religious, recreational, charitable, or philanthropic institution, which primarily serves the general public. The amendment would create spaces for non-profits to exist in the C-2 Zone. Mr. Teerlink discussed the decision to pursue a Text Amendment rather than a rezone. From the perspective of Staff, this decision is a long-range planning effort. A rezone to the P Zone would not comply with the General Plan, because of the nature of the location. Therefore, adding the use as a permitted use makes more sense in the area than a rezone.

Chair Roach opened the public hearing.

*Martin Cocker* gave his address as 7631 Lark Meadow Cove in Midvale. He expressed support for the application and explained that there is a small church at 5200 South and Holladay Drive. That small church has been there since 2017 and he found out earlier that day that it is located in the RM Zone. He likes the idea of expanding these kinds of uses to more zones, as it would be difficult for their current church location to move. He supports additional discussions about this matter. Chair Roach asked if Mr. Cocker was expressing support for the current Text Amendment and if he wanted to see the amendment expanded into other zones. Mr. Cocker confirmed this.

There were no further comments. The public hearing was closed.

Chair Roach thought that the proposed use of the property by the Korean Presbyterian Church of Utah was appropriate. He was not sure whether other zones should be considered at this time, but he was supportive of the Text Amendment for the C-2 Zone, as proposed. Commissioner Cunningham did not want to discuss anything beyond the C-2 Zone at the current meeting. Though the other zones are worthy of a future discussion, churches and non-profit organizations are different, and it is necessary to consider whether those uses should be permitted in all zones. Commissioner Berndt thought City Staff might want to consider broadening where the uses are allowed. He suggested that it could be a Conditional Use so there could be Site Plan review.

***Commissioner Berndt moved to forward a recommendation to the City Council to APPROVE an application by the Korean Presbyterian Church of Utah, represented by David Billings, to amend Title 13, Chapter 100.010, of the City of Holladay Land Use Code to allow quasi-public uses as a permitted use within the C-2 Zone, based upon the following findings:***

- 1. That quasi-public uses within the C-2 Zone accomplish the goals and purpose of the General Plan.***
- 2. Contributes to and enhances the overall community amenities and assets within the City of Holladay.***

***Commissioner Prince seconded the motion. Vote on Motion: Commissioner Fonte-Aye; Commissioner Cunningham-Aye; Commissioner Prince-Aye; Commissioner Berndt-Aye; Chair Roach-Aye. The motion passed with the unanimous consent of the Commission.***

Commissioner Prince noted that there were discussions about whether churches should be allowed in other zones in Holladay. She asked if members of City Staff have any guidance on that. Her understanding is that the Planning Commission acts when something is brought to them, but the Planning Commission does not specifically initiate those kinds of policy matters. Mr. Teerlink explained that the recommendation made can include a request that the City Council look into this matter further. From there, the City Council can direct City Staff to look into the information. It can then be brought back to the Planning Commission for discussion and consideration.

The Planning Commission believed the City Council should request further investigation into recreational non-profit organizations and look into allowing church use in multiple zones.

- 4. Text Amendment – Chapter 13.14.031 – Accessory Dwelling Units Review and Make a Recommendation to City Council on Proposed Amendments to Title 13 of the Holladay City Code, Land Use, and Development Regulations as they Relate to Accessory Dwelling Units. Item Reviewed as a Legislative Action According to Procedures set forth in Holladay Ordinance §13.07. File #23-4-08.**



Ms. Marsh presented the Staff Report and explained that it relates to a possible Text Amendment to Title 13, Chapter 14.31, Accessory Dwelling Unit Standards. She explained that there were discussions during the last Planning Commission Meeting. The public hearing remained open at that time and feedback was received from the Commission. The suggestions were to:

- Limit ADUs to lots 10,000 square feet or larger;
- Tie parking standards to the number of bedrooms being added;
- Limit the height of an E-ADU to a single level;
- Not allowing a second level to be added onto an existing accessory building.

An additional item to consider is allowing E-ADUs on corner lots. Due to their unique lot configuration on two streets, it may be appropriate to allow for an E-ADU there, even if there is a smaller lot size. There were also discussions about a harder setback line for smaller lots. Ms. Marsh explained that the Planning Commission could change several components or none. The Commission was tasked with forwarding a recommendation to the City Council for consideration.

Ms. Marsh noted that Commissioner comments were made on a document that was emailed out. She stated that it is possible to review those comments. That can be done individually or during the Commissioner discussion. During the last Planning Commission Meeting, it was requested that City Staff determine how many parcels are half an acre or larger. There were approximately 1,400. Ms. Marsh clarified that there was some variability in that due to non-buildable areas.

Discussions were had about the lot minimum size. Chair Roach was hesitant to advocate for ADUs on larger properties in the greater Walker Woods area, as that could detrimentally impact the natural beauty. Mr. Teerlink thought that was a good point and noted that there have been discussions on energy costs. Trees eliminate the urban heat island effect, so it is important to focus on education. For instance, planting new trees around structures to reduce energy costs.

Commissioner Berndt asked about the difference between an ADU and a guesthouse. Mr. Teerlink clarified that guesthouses were the first attempt Holladay had for ADUs. However, those were limited to half-acre lots or larger. Commissioner Berndt asked whether this amendment will impact guesthouses. Ms. Marsh explained that the code that allows for guesthouses states that there is a specified footprint size for a property that is half-acre or larger. If there is a property that is an acre or larger, then a larger footprint is allowed. All accessory buildings, including guesthouses, can apply for a Conditional Use Permit if there is a desire to increase the footprint. When it comes to E-ADUs, the Commission could request that the footprint size in the Accessory Building Table be adhered to. It may be that E-ADUs are not eligible for a Conditional Use Permit.

Chair Roach suggested that the bullet points be discussed by the Commission to streamline the discussions. However, before that occurred, he noted that the public hearing is still open.

Chair Roach opened the public hearing.

*Brad Millis* gave his address as 3090 East 4430 South. He expressed support for the Text Amendment proposed, as it will create more flexibility for ADUs in the community. It will also provide additional opportunities for moderate-income housing. He explained that there is a unique situation with his property, as his family is in the R-1-8 Zone but has a half-acre lot. The lot is significantly bigger than what it is zoned for, and it is a large enough lot that it can be subdivided.

Mr. Millis referenced the owner-occupied requirement for an ADU. Ms. Marsh pointed out that there is a proposal to add a more specific definition of owner-occupied. Currently, it is possible for the owner to live

in either the primary residence or the accessory unit. Mr. Millis believed the purpose of owner-occupancy for an ADU is, so the owner is on-site to manage the ADU and make sure it is well maintained. However, if he were to subdivide his property, there would be two separate parcels. If an ADU was built on each of those properties, it would technically only be possible to owner-occupy one of the parcels. That would limit them from renting out the ADU on the second parcel. He suggested clarifying owner-occupancy and language to state that if the owner of the parcel lived within 200 feet, it would be possible to rent out the second ADU.

Discussions were had about a rezone to the R-2-8 Zone versus a Text Amendment to the code. Chair Roach noted that there will likely be discussions at a Commission level about at what point an E-ADU makes more sense than a rezone request. He appreciated the comments shared.

Ms. Marsh reported that a comment was submitted prior to the meeting from Mr. Estrada. That comment was included in the record. She explained that the resident had an interest in potentially adding an ADU to their property due to accessibility issues. Building an ADU that is specially situated to those needs is something that he is looking into as an option. The comment was in favor of ADUs. Ms. Marsh pointed out that the size of the resident's property was 0.43 acres.

The Commission discussed whether or not it was appropriate to close the public hearing. Mr. Teerlink explained that if the Commission is considering contemplating new ideas, then it is appropriate to leave the public hearing open. If the Commission simply wants to refine what is currently before them, then it is appropriate to close the public hearing. Commissioner Fonte pointed out that two Commissioners were not present at the current meeting. She wondered whether it would be preferable to leave the hearing open. Chair Roach pointed out that it is possible to reopen the public hearing in the future if there was a desire to make additional changes. It was determined that the hearing will remain open until the next Planning Commission Meeting.

There were no further comments. The public hearing remained open.

Chair Roach reiterated his request that the different bullet points be discussed one at a time. He suggested that the Commission start by discussing parking requirements. Ms. Marsh referenced Line 26. The red text in the document stated: "If an accessory dwelling unit is being added outside of the existing footprint of the home, on-site parking must meet the minimums required in Section 13.80.040, determined by the number of bedrooms in the accessory dwelling units." Chair Roach asked whether Commissioners felt comfortable with the parking being determined by bedrooms rather than footprint or zone. Commissioner Cunningham thought it was troubling to allow people to park in front of the garage because that will impact the flow of the traffic from the main house. He wanted to see a designated space so there was effort made to accommodate the ADU users.

Ms. Marsh clarified that currently, there are no designated spots, but one parking spot needs to be provided for an ADU, whether it is external or internal. It could be in front of the garage. Chair Roach pointed out that not everyone parks in their garage. Commissioner Cunningham asked that the Commission consider a designated space that is not part of the current driveway. Chair Roach noted that the conflict would essentially be between the property owner and the ADU user.

Commissioner Prince stated that there have been previous Planning Commission discussions about bringing illegal ADUs into compliance. If a parking space has to be provided in the driveway, it is possible that many illegal units will not be brought into compliance. She wondered whether parking requirements will result in continued illegal ADUs. Chair Roach explained that if one of his neighbors put in an ADU, he does not want to see the ADU occupant park in front of his driveway or house all the time, because there is

no parking requirement for the ADU. Parking requirements are important to have, even if there are some residents who will not comply with them.

Commissioner Berndt asked whether City Staff has looked at how other cities address these issues. Ms. Marsh reported that she has seen a variety of approaches. For instance, in some places, tandem parking is not permitted. For the most part, neighbors are aware of what vehicles are parking on the street consistently, so when calls are made to the City, there are avenues for enforcement. Commissioner Fonte asked what enforcement looks like. Ms. Marsh explained that it can be a fine or the possible revocation of an ADU License if there is no compliance with regulations.

Chair Roach asked if there are any other concerns about parking or if the Commission was supportive of the language that has been drafted. It was noted that there was support for what was proposed. Following the parking discussions, the Commission considered the owner-occupied definition. Ms. Marsh reported that the current ADU Code references the property owner living on site. The intention is to add clarification about what the property owner actually is.

- Owner occupancy is required, with “owner occupant” defined as the following:
  - An individual who is listed on a recorded deed as an owner of the property;
  - Any person who is related by blood, marriage, or adoption to an individual who is listed on the recorded deed as an owner of the property; or
  - An individual who is a trustor of a family trust who possesses legal ownership of the property.

Chair Roach noted that Commissioner Angela Gong submitted an email ahead of the meeting. In it, she stated that she was concerned about how far delineated the bloodline could be. Ms. Marsh believed that blood relation was more immediate. Commissioner Cunningham shared a chart that showed parents and children as the first level. The second level includes grandchildren, brothers and sisters, and grandparents. He wanted some clarity about what level of blood relation is appropriate. He supports what is proposed as long as there is a reference to the level of relation. It did not necessarily make sense to allow for the third, fourth, or fifth levels of relation.

Commissioner Cunningham believed having multiple ADUs makes something a commercial project and is not in the spirit of the ADU language. He felt that an ADU is a single unit related to a single owner in a single residence. Commissioner Berndt wondered whether there should be level one for the owner-occupied requirement. It seemed that level made sense, as it includes immediate family members. Commissioner Prince was comfortable with the first level.

Commissioners discussed various scenarios and the differences between level one and level two. Commissioner Fonte asked about enforcement. Ms. Marsh explained that typically, Property Ownership Affidavits are required, which are notarized. There is some level of verification and documentation. In a code enforcement scenario, the Code Enforcement Officer would ask about the relation to whoever signed the affidavit. Proof of the relation would need to be provided. Chair Roach asked that the first-level language be added to the proposed owner-occupied definition.

The Commission next discussed height restrictions for ADUs. Ms. Marsh referred to Line 50 of the document in the Meeting Materials Packet. The previous language was: “Comply with Maximum Height as per Section 13.14.110.” She explained that it was a 20-foot height for accessory buildings. Additional language was read, which stated: “Height shall be limited to 12 feet when located within setbacks for accessory buildings. Height may increase to match the height for a primary structure when it is located within the setbacks required for a primary structure.”

Ms. Marsh reported that one single level is 16 feet when accounting for a pitched roof. It is possible for the Commission to change the language to refer to a 10-foot wall height and a 16-foot overall height. That would account for a pitched roof. If the Commission does not want to allow for that variability, it may be difficult to build a 12-foot ADU unless the ADU has a flat roof.

Chair Roach wanted to make sure there was clarity about the single-level requirement. Ms. Marsh stated that the language could be amended to state that it can only be a single level, as opposed to there being a specific height restriction listed. Commissioner Cunningham thought it made sense to list a specific number so there is clarity about what the expectation is. He suggested that the language mention "...a single-level, not to exceed 12-feet," instead of what is drafted.

Ms. Marsh suggested that the language state accessory buildings must be limited to a single level with no greater roof height than 16 feet. She pointed out that building height is typically limited by a graduated height envelope. There are controls on height that push the buildings further. Mr. Teerlink discussed massing and setbacks. Chair Roach felt it was important to minimize impacts to neighboring properties. Mr. Teerlink stated that graduated height and footprint size are factors.

Commissioner Berndt believed setbacks need to be discussed in addition to height. He did not think those matters were separate but were connected, as one impacted the other. As a result, it was suggested that the discussion be broadened to include setbacks as well. Commissioner Berndt did not want ADUs to redefine what a neighborhood looks like and feels like. ADUs should be a compliment to the area. He worried about the existing accessory buildings being converted. Chair Roach wondered whether the language should be written to separate out new structures and legal non-conforming structures. Ms. Marsh shared additional information about graduated heights.

Mr. Teerlink explained that residents are often told that if there is a desire to add additional height to their accessory building, it can be pulled into the building footprint of the primary residence. Ms. Marsh referenced the example in the Staff Report, which is the approach taken by Salt Lake City. Something similar could be done in Holladay, but with a setback that is further away.

Chair Roach reviewed the items that still need to be discussed by the Commission. This includes lot size restrictions, non-conforming buildings, and setbacks. Ms. Marsh noted that the Planning Commission can also discuss the possibility of ADUs on corner lots at the next meeting.

***Commissioner Prince moved to CONTINUE the Text Amendment for Chapter 13.14.031 – Accessory Dwelling Units to the next Planning Commission Meeting. The motion was not seconded. Vote on Motion: Commissioner Fonte-Aye; Commissioner Cunningham-Aye; Commissioner Prince-Aye; Commissioner Berndt-Aye; Chair Roach-Aye. The motion passed with the unanimous consent of the Commission.***

#### **ADJOURN**

***Chair Roach moved to ADJOURN. The motion was not seconded. The motion passed with the unanimous consent of the Commission.***

The Planning Commission Meeting adjourned at approximately 8:11 p.m.

*I hereby certify that the foregoing represents a true, accurate, and complete record of the City of Holladay Planning Commission Meeting held Tuesday, February 6, 2024.*

Teri Forbes

Teri Forbes, Minutes Secretary  
T Forbes Group

**Minutes Approved: April 16, 2024**