CITY OF SOUTH JORDAN
PLANNING COMISSION MEETING
COUNCIL CHAMBERS

September 13, 2016

Present: Commissioner Mark Woolley, Commissioner Sean D. Morrissey, Commissioner Julie Holbrook, Commissioner T. Earl Jolley, Commissioner John Ellis, City Planner Greg Schindler, Assistant City Engineer Shane Greenwood, City Attorney Ryan Loose, Deputy Recorder Cindy Valdez

Absent: Commissioner Brady Quinn

Others: See Attachment A

Note: **No electronic recording for this meeting.**

6:30 P.M.
REGULAR MEETING

I. GENERAL BUSINESS

A. Welcome and Roll Call

Chairman Mark Woolley welcomed everyone and noted all Commissioners are present, except Commissioner Quinn he is excused from tonight's meeting.

B. Motion to Approve Agenda for September 27, 2016.

Commissioner Jolley made a motion to approve the September 27, 2016 Planning Commission agenda. Commissioner Holbrook seconded the motion. Vote was unanimous in favor; Commissioner Quinn was absent from vote.

C. Approval of the Minutes from the Meeting held on September 13, 2016

Commissioner Holbrook motioned to approve the September 13, 2016 Planning Commission meeting amended minutes. Commissioner Ellis seconded the motion. Vote was unanimous in favor; Commissioner Quinn was absent from vote.

II. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. Staff Business

None

B. Comments from Planning Commission Members

None

III. CITIZEN COMMENT

Chairman Mark Woolley opened for Citizen Comments. No speakers. He closed the Citizen Comment.

IV. SUMMARY ACTION

None

V. ACTION

None

VI. PUBLIC HEARINGS AND POTENTIAL **ADMINISTRATIVE ACTION ITEMS

**Administrative Action = Less Discretion, Substantial Evidence (Objective Standard)

A.1 Issue: VORTEX HOBBY RETAIL BUILDING SITE PLAN

Address: 10580 South Redwood Road
File No: SP-2016.27
Applicant: Kyle Christensen

Planner Greg Schindler reviewed background information on this item.

Chairman Woolley opened the Public Hearing to comments. There were none. He closed the Public Hearing.

Commissioner Jolley said this was presented at the Architectural Review Committee a couple of weeks ago and they were very impressed with the project, and it was given approval.

Commissioner Holbrook said I think it is nice to see some commercial.

A.2 Potential Action Item – (See VI.A.1)

Commissioner Holbrook motioned to approve File no. SP-2016.27 for the construction of a retail building located at 10580 S Redwood Road as presented to the Planning Commission provided that:

- **A shared parking and access agreement is recorded prior to issuing a building permit for the proposed structure.**
- **All remaining corrections to the submitted plans are rectified by the Applicant prior to the City Engineer's final approval.**

Commissioner Jolley seconded the motion. Roll Call Vote was 5-0 unanimous in favor; Commissioner Quinn was absent from the vote.

VII. PUBLIC HEARINGS AND POTENTIAL *LEGISLATIVE ACTION ITEMS

*Legislative Action = More Discretion, Reasonably Debatable (Subjective Standard)

B.1 Issue: STRANG FUTURE LAND USE AMENDMENT AND REZONE

Address: 3130 West 10755 South
File No: LUA-2016.09 & REZ-2016.17
Applicant: Bob Strang

City Planner Greg Schindler reviewed background information on this item.

Chairman Woolley opened the Public Hearing to comments.

Norman Steel, 3129 W. 10755 S. South Jordan, Utah 84095 – said I have lived in the Majestic Heights subdivision for many years and I have (2) lots in there. All of the lots in this subdivision are the same size and have one home per lot. I would like to see it stay that way. Regarding the road on 3200 West, you are wanting to push the road all the way through for Fire Trucks and emergency vehicles to get down there, but they have been getting emergency vehicles down there for that last 40 years, and I am sure they can get them down there now. I would hope that you would stop this development from going through tonight.

James Bowles, 3009 W. 10755 S. South Jordan, Utah 84095 – said I have a petition with many signatures from homeowners that are objecting to the zoning changes in Majestic Height's subdivision, as well as a copy of the protective covenants for this same subdivision. Through the years we have had concerns about them wanting to open the road through on 3200 West, so we have attended many town meetings in the past and we were told that the road on 3200 West would never be opened due to the grade, so for staff to say this is not a safety issue is ridiculous. This is going to be a problem. We moved to this subdivision because of the dead end road and now we are being bombarded with traffic. The covenants say: "No lots can be removed from the Majestic Heights Subdivision" and you are trying to take out (2) of the lots and make those into (3). I also have a concern for the safety of our children and grandchildren that play in that area. Mr. Turnbow is taking his horses and moving to Duchesne so this will not affect him, but this is going to have a big impact on us. All we are asking is that the City be as fair with us as you have been with Mr. Turnbow. We just don't think it is concrete that you have to have (2) accesses.

Chris Merrill, 10766 S. Lees Dream Drive South Jordan, Utah 84095 – said this is a situation just like the situation they had in West Jordan on 8200 S and 1300 W where they extended the road to connect to Redwood Road. This is going to become a 40 mile an hour raceway. The main reason we moved from West Jordan and bought this property is because you can't change the property, but you can change the dwelling. We moved here for the safety of our children, but many people will use this road as a connection and it will become a safety issue. Please be mindful that this a 25 mph road on a very steep grade and some child is going to be walking to school, or someone is going to be walking on this road and is going to get killed if you have this road connect. I would not have a problem if it was only (9) additional people using this road, but this is going to become a traffic nightmare.

Steve Barnes, 10755 S 2886 W South Jordan, Utah 84095 - said when I moved to this subdivision I over paid for my home because it was on a dead end. If you open this road up the traffic is going to be an issue. I don't want to have to move because of the traffic, I moved here and paid more money for my home because there was a dead end road and now you are proposing to change the road at our expense.

Calvin Wayman, 3029 W 10755 S South Jordan, Utah 84095 – said I am fairly new to the neighborhood I moved in here 2 years ago. I also bought in this neighborhood because of the dead end. I drive this road every single day and traffic is a big safety issue.

Jim, 2909 W 10755 S South Jordan, Utah 84095 – said I am opposed to this road going through, and I also echo all of the comments that have been previously addressed by my neighbors. I have a teenage son and I tell him daily to watch the speed limit on this road and slow down. I am not against the dividing of the property, but I am against them opening the road.

Roland S Adair, 2792 W 10755 S. South Jordan, Utah 84095- said I have lived here about 40 years because it is like being in the country and it is on a dead end road. I am not opposed to the subdividing of the property, but I am against the road being put through. If you open the road there is going to be a speed problem, so I hope you are considering putting in speed bumps or something to slow the traffic down. My children are all grow, but I am concerned for the safety of my grandchildren.

Courland Marshall, 2940 W. 10755 S. South Jordan, Utah 84095 – said I have owned my property for 46 years. I have had a stroke, so when I am in my yard and I see the cars coming down the road at high speeds, I put my hand up for them to slow down, but it doesn't help. I have children, grandchildren, and great grandchildren, so when we have a party at my place it is already a parking and traffic hazard. I am retired and I cannot afford to move so I hope you will consider us in your decision, and I hope that it will not just be about the dollar. I can see the value of putting the lots in, but putting that road through is going to have a big effect on us.

Janet Clark, 3109 W 10955 S South Jordan, Utah 84095 – said I grew up on this street when I was young and I moved away for a time, but when my parents passed away I moved back into the home that I grew up in. My dad taught me to drive on this street and he told me how important it was to slow down because of the steep grade, it can be very dangerous. If you let this street go through there are going to be problems. I hope that you will listen to what the neighbors have said and do not let the road become a through street.

Chairman Woolley closed the Public Hearing.

Robert Strang, (applicant) 7279 New Sycamore Drive West Jordan – said I really don't have anything to add but I am here to answer any questions you may have for me.

Commissioner Morrissey said what did you propose in your application pertaining to the road?

Mr. Strang said we asked for a cul-de-sac entering off of 3200 West.

Commissioner Jolley said if this is not changed tonight, will you still go ahead and develop?

Mr. Strang said we will have to re-look at it and see if it will be feasible for us to do that.

Commissioner Holbrook said what about the CC&R's and the Protected Covenants?

City Planner Schindler said the City does not regulate the CC&R's that would be a civil matter so they would need to take care of it themselves.

Commissioner Holbrook said why do they not have streets, and sidewalks?

City Planner Schindler said this was built 40 years ago and it wasn't required back then.

Commissioner Holbrook said I feel like this is going to have a huge impact on this subdivision. It is going to be a hardship financially to the residents that have to put in street, and sidewalks in, I just don't think it is right.

Chairman Woolley said the connection issue I understand, but the cul-de-sac does not need to connect to make thorough fare. I also think the City needs to step up and do the improvements, because that will be a huge impact on the residents and I am not comfortable with that.

Commissioner Holbrook I just feel like this doesn't fit it in the neighborhood, and I am in favor of denying this.

Commissioner Jolley said I agree, I think we need to deny this.

B.2 Potential Action Item – (See VI.B.1)

Commissioner Holbrook motioned to recommend denial to City Council for the following reasons:

1. **Street Issues**
2. **Impact to the surrounding neighborhood**
3. **Concern with the 2 lots and the street connecting and going through, as to whether there will, or will not be a cul-de-sac issue.**
4. **There needs to be further discussion with Mr. Stang and neighborhood owners on taking the 2 lots out of the subdivision.**

Commissioner Ellis seconded the motion. Roll Call Vote was 5-0 denied; Commissioner Quinn was absent from the vote.

VIII. OTHER BUSINESS

C. PLANNING COMMISSION DISCUSSION REGARDING PARK OPEN SPACE & PLANNED DEVELOPMENT FLOATING ZONE

Chairman Woolley said Commissioner Holbrook has taken the time to research and outline the items we will be discussing tonight.

PARK OPEN SPACE & PLANNED DEVELOPMENT FLOATING ZONE

17.23.130: REQUIREMENTS UNIQUE TO THE PARK OPEN SPACE (OS-P) SUBDISTRICT:

A. Purpose of The OS-P Sub district: The purpose of this sub district is to encourage the acquisition and development of park open space acreage within the city. The focus of the zone is to help implement the open space and recreational goals and policies of the city's general plan, as well as the city's open space master plan, in regards to developable open space. (Ord. 2013-02, 2-19-2013)

17.23.140: PERMITTED USES IN THE OS-P SUBDISTRICT:

The following uses may be conducted in the OS-P sub district:

Accessory uses to approved permitted and conditional uses, such as, but not limited to, restrooms, parking lots, properly screened utility and loading areas, the preparing and serving of food and beverages, the sale of equipment and supplies in connection with approved recreational activities, and other buildings and activities which are incidental and subordinate to the principal permitted use on the premises.

Botanical gardens

Community gardens

Conservation areas, including, but not limited to, watershed areas, wildlife refuges, wetlands, woodlands, and riparian areas

nature or zoological exhibits and facilities

Open air theaters, amphitheaters, and meeting places. These uses should be for a City Services zone or a conditional use.

Trails, trailheads, and walkways (Ord. 2013-02, 2-19-2013)

17.23.150: CONDITIONAL USES IN THE OS-P SUBDISTRICT:

Cemetery

Parks and recreational areas, including, but not limited to, playgrounds, athletic fields, golf courses, country clubs, tennis courts, pavilions, dog parks, urban fisheries, and swimming pools. This sounds more like park uses than conditional uses.

Public, quasi-public facilities this seems like an appropriate place for the open air and amphitheaters.

The Planning Commission would like the paragraph highlighted under the 17.23.150: Conditional Uses in the OS-P Sub-district stating: "Parks and recreational areas, including , but not limited to , playgrounds, athletic fields, golf courses, country clubs, tennis courts, pavilions, dog parks, urban fisheries, and swimming pools" moved to the Public Facilities Zone.

Telecommunications, meeting the requirements of chapter 17.112 of this title (Ord. 2013-02, 2-19-2013)

17.23.160: REQUIREMENTS UNIQUE TO THE NATURAL OPEN SPACE (OS-N) SUBDISTRICT:

A. Purpose of The OS-N Sub district: The purpose of this sub district is to encourage the acquisition and protection of natural open space acreage within the city. Activities that may have a detrimental effect upon natural open space are discouraged. The focus of the zone is to help implement the open space goals and policies of the city's general plan, as well as the city's open space master plan in regards to the protection of natural open space. (Ord. 2013-02, 2-19-2013)

17.23.170: PERMITTED USES IN THE OS-N SUBDISTRICT:

The following uses may be conducted in the OS-N sub district:

Accessory uses to approve permitted and conditional uses, such as, but not limited to, restrooms, parking lots and other buildings and activities which are incidental and subordinate to the principal permitted use on the premises.

Botanical gardens

Community gardens

Conservation areas, including, but not limited to, watershed areas, wildlife refuges, wetlands, woodlands, and riparian areas

Nature or zoological exhibits and facilities

Open air theaters, amphitheaters, and meeting places this seems out of place for an open space natural zone.

Trails, trailheads, and walkways (Ord. 2013-02, 2-19-2013)

17.23.180: CONDITIONAL USES IN THE OS-N SUBDISTRICT:

Parks for the preservation of natural open space and trails.

Public, quasi-public facilities (Ord. 2013-02, 2-19-2013)

NOTE: I think that some or many of the currently zoned city properties could have a City Services zone rather than a Park zone, for example, the fire stations and the recreation center; this would allow the city to upgrade or change their own resident services more easily.

As for Mulligans, the city council at one point suggested having its own zone because of the unique features of this parcel. Enterprise zone for example or even Mulligans zone.

7.130.050: PLANNED DEVELOPMENT FLOATING ZONE:

17.130.050.010: PURPOSE:

The purpose of the planned development floating zone (PD) is to allow for flexibility in the application of zoning regulations and development provisions of this title to advance a public interest through prescriptive requirements of a development plan and development agreement approved by the city council. The PD may be applied to specific geographical areas ("districts") in circumstances that address a unique situation, confer a substantial benefit to the city, or incorporate design elements or a mixture of uses that represent a significant improvement in quality over what could otherwise be accomplished by standard zoning and development provisions. Such circumstances may include, but are not limited to: improvements in open space and amenities, environmental and resource preservation, tree and vegetation protection, slope accommodations, improved infrastructure efficiency, exceptional and innovative site or building design, increased public benefits, and complementary integrated land uses. The city council shall consider the purpose of the base zone and the impacts on and from surrounding properties when approving a PD district. (Ord. 2016-05, 5-3-2016)

NOTE: I prefer to see this PD Floating zone exempted from all of the park zones. In my opinion, a planned development should not apply to a park.
It also appears that this zone is decided only by the city council and mostly by passes the Planning Commission. Let's have a discussion as to why. Are there any other items for discussion?

17.130.050.020: ESTABLISHMENT:

A. Procedure:

1. Concept: A concept plan, that includes a preliminary site layout, basic sketches of proposed buildings, and a general understanding of proposed uses, shall be submitted for city council review. Applicants are encouraged to work with staff prior to application to achieve an understanding of the surrounding area, the purpose of the base zone, and the goals and policies of the city's general plan. The council shall provide advisory comments and recommendation regarding the concept plan to assist in the preparation of

the development plan according to subsection B of this section. No action will be taken by the council, and comments and recommendations will not obligate, compel, or constrain future action by the council.

2. Rezone: A PD district shall only be established upon approval by the city council as a rezone according to the provisions of chapter 17.22, "Zoning Amendments", of this title and as may be required elsewhere in this title, except that the requirement for a conceptual plan in subsection 17.22.030D of this title shall be replaced with a development plan according to subsection B of this section. The development plan shall be approved by development agreement in conjunction with the rezoning approval.

3. Concurrent Site Plan or Preliminary Subdivision (Optional): At the applicant's option and with the approval of the development services director, the applicant may submit a site plan application and/or preliminary subdivision application to be processed concurrently with a PD rezone. In the case of concurrent applications, planning commission approval of a concurrent site plan and/or preliminary subdivision shall be contingent on the city council's approval of the PD rezone.

B. Development Plan Requirements:

1. A written statement shall be provided that explains the intent of the proposal, explains how the PD provisions will be met, and identifies the requested revisions to standard zoning and development provisions.

2. A map and other textual or graphic materials as necessary to define the geographical boundaries of the area to which the requested PD district would apply.

3. A development plan shall also include:

a. Site plan/conceptual subdivision plan;

b. Circulation and access plan;

c. Building elevations, materials, and colors;

d. Landscape and open space plan;

e. Signage plan;

f. Lighting plan; and

g. Allowed uses.

C. Prohibited:

1. Sexually oriented businesses shall not be allowed in a PD district where otherwise prohibited by this code.

2. A PD district shall not be approved in the P-C zone or single-family residential zones (R-1.8, R-2.5, R-3, R-4, R-5).

D. Effect of Approval:

1. All of the provisions of this code, including those of the base zone, shall be in full force and effect, unless such provisions are expressly waived or modified by the approved development plan and/or development agreement.

2. An approved PD district shall be shown on the zoning map by a "-PD" designation after the designation of the base zone district.

3. No permits for development within an approved PD district shall be issued by the city unless the development complies with the approved development plan.

4. The development services director may authorize minor deviations from an approved development plan to resolve conflicting provisions or when necessary for technical or engineering considerations. Such minor deviations shall not affect the vested rights of the PD district and shall not impose increased impacts on surrounding properties.

E. Vested Rights:

1. A property right that has been vested through approval of a PD district shall remain vested for a period of three (3) years or upon substantial commencement of the project. A property right may be vested, or an extension of a vested property right may be granted, for a period greater than three (3) years only if approved by the city council through an approved PD district.

2. Substantial commencement shall be the installation of infrastructure, a building having started construction, or as determined by the development services director based on significant progress otherwise demonstrated by the applicant. A project that has not substantially commenced may, at the discretion of the property owner, develop according to the base zone. A project that has substantially commenced shall not deviate, in whole or in part, from the approved PD district, unless amended per section 17.130.050.030 of this chapter. (Ord. 2016-05, 5-3-2016)

17.130.050.030: AMENDMENTS:

Any application to amend an approved PD district shall be processed as a zone text amendment, except that an application to extend the district boundaries shall be processed as a rezone. Any amendment to an approved PD district requires that the corresponding development agreement also be amended. (Ord. 2016-05, 5-3-2016)

The Planning Commission discussed all of the above items and these are the changes they would like the City Council to consider:

17.23.140: PERMITTED USES IN THE OS-P SUBDISTRICT:

Temporary accessory uses to approved permitted and conditional uses, such as, but not limited to, restrooms, parking lots, properly screened utility and loading areas, the preparing and serving of food and beverages, the sale of equipment and supplies in connection with approved recreational activities, and other buildings and activities which are incidental and subordinate to the principal permitted use on the premises,

Take out "open air theaters, amphitheaters, and meeting places," and place these uses in a proposed new Public Facilities Zone.

17.23.150: CONDITIONAL USES IN THE OS-P SUBDISTRICT:

The Planning Commission would like the paragraph highlighted under the 17.23.150: Conditional Uses in the OS-P Sub-district stating: "Parks and recreational areas, including, but not limited to, playgrounds, athletic fields, golf courses, country clubs, tennis courts, pavilions, dog parks, urban fisheries, and swimming pools" moved to the permitted uses.

The Planning Commission recommended that "Public, quasi-public facilities" be moved to a proposed new Public Facilities Zone.

17.23.170: PERMITTED USES IN THE OS-N SUBDISTRICT:

The Planning Commission recommended that "Open air theaters, amphitheaters, and meeting places" be moved to a proposed new Public Facilities Zone.

7.130.050: PLANNED DEVELOPMENT FLOATING ZONE:

17.130.050.010: PURPOSE:

The Planning Commission recommended deleting "improvements in open space and amenities" from this section of the code.

Lastly the Planning Commission recommends that the Parks Open Space Zone be exempt for the Planned Development Floating Zone.

ADJOURNMENT

Commissioner Holbrook motioned to adjourn. Commissioner Jolley seconded the motion. Motion was unanimous. The September 13, 2016 Planning Commission meeting adjourned at 8:20 p.m.

These meeting minutes were prepared by Deputy Recorder Cindy Valdez

This is a true and correct copy of the September 13, 2016 Planning Commission minutes, which were approved on September 17, 2016.

Anna M. West

South Jordan City Recorder

Attachment A.

SOUTH JORDAN
UTAH

SEPTEMBER 13, 2016

PLANNING COMMISSION MEETING SIGN IN SHEET

PRINT NAME	ADDRESS
Janet Clark	3109w 10755s.
Layne Barnes	10755 S 2886W
Julianna Snell	3068w 10755s.
Kyle Christensen	5421 Alpine Dr. Murray Ut 84107
Norman Steel	3129 w 10755 So
Mariel Steel	3129 W. 10755 So-
James Bowles	3009w 10755 S.
Roland S. Udall	2792 W 10755 S.
Chris Merrill	10766 S. Lees Dream Dr.
Russell Davis	10777 S Thomas View Circle
Annette Davis	10777 S Thomas View Circle
Kenyon Strang	3108 w 10755 So
Ye Zhang	10552 S. Crest Haven
[illegible]	2909 W 10755 S.

SOUTH JORDAN
UTAH

SEPTEMBER 13, 2016

PLANNING COMMISSION MEETING SIGN IN SHEET

PRINT NAME	ADDRESS
John W & Carol Platt	3089 W 10755 S.
Clint Karren	10643 Winter Haven Ct.

Item B1 Attachment B.

PETITION

The undersigned homeowners hereby submit this Petition to the City of South Jordan, Utah, for the purpose of the Objection of any Zoning changes , or Subdivision changes to the said existing Subdivision knows as Majestic Heights Subdivision, Revised, according to the Official plat thereof on file and of record in the Salt Lake County Recorder's Office.

Objection No. 1.

The desire of the undersigned, is that the Zoning and Subdivisions remain the same, and all Owners are required to ad bid to , ad heir to all of the Currant Restrictive Convents in existence, which a copy is attached.

Objection No. 2.

The under signed owners Object to any extension or opening of the Street know as 10755 South, beyond the existing cult sack on the West end of 10755 South, due to the additional amount of additional traffic that would threaten the safety of the surrounding home owners .

Dated; September 9th, 2016

Terry Somville	2929 W 10755 SO
Randy Kent	2969 W. 10755 SO
[illegible]	2949 W 10755 SO
[illegible]	2909 W 10755 S.
Joseph R. Lewis	3008 W. 10755 South
Richard C. Lewis	3008 W 10755 South
[illegible] Calvin Weymouth	3029 W 10755 S
Chad Berry	3048 W 10755 S.
Steve L. Barnes	3049 W 10755 SO.
Joyce K Barnes	3049 W 10755 S.
Juliana Snell	3068 W. 10755 So.
[illegible]	3068 W. 10755 S.
Natalie [illegible]	3088 W. 10755 S.
[illegible] JILL K. THOMPSON	2968 W 10755 S.
Eileen Luker	2928 W. 10755 S.
Melvin Luker	2928 W 10755 S
Roland Adair	2792 W. 10755 S.
Susan Adair	2792 W 10755 SO.

Steven G. Lucas	2828 W. 10755 So
Diane Marshall	2940 W. 10755 So
[illegible]	2940 W. 10755 So.
Brian Bowles	2898 W 10755 S
James L. Bowles	10755 S 3009 W
Sheila Bowles	3009 W 10755 So.
Marial Steel	3129 W. 10755 So.
Norman L. Steel	3129 W. 10755 So.
Taylor Maxwell	3026 W. 10755 S.
Kell Maxwell	3026 W. 10755 S
Janet Clark	3109 W 10755 S.
Layne Barnes	10755 S. 2886

Item 13: Attachment C

2284085 BOOK 2746 PAGE 117 APR 15 1969

Recorded at Request of James A. Lowry
at 4:25 P.M. Fee Paid $ 5.00 HAZEL TAGGART CHASE Recorder, Salt Lake County, Utah
By Ida Fredericksen Dep. Data
14,000 South 3600 West St.
Riverton, Utah 84065

PROTECTIVE COVENANT

We, the undersigned T. DEAN THOMAS and SHIRLEY O. THOMAS, fee owners of the real property now duly platted as MAJESTIC HEIGHTS SUBDIVISION, and all the property pertaining thereto, as said plat is now recorded in Book GG Page 47 as Entry No.2283128 of the official records in and for Salt Lake County, State of Utah, hereby make the following declarations as to limitations, restrictions and uses to which the lots constituting said addition may be put, hereby specifying that said declarations shall constitute covenants to run with all of the land as provided by law, and shall be binding on all parties and all persons claiming under them, and for the benefit of and limitations upon all future owners in said addition, this declaration of restrictions being designed for the purpose of keeping said addition desirable, uniform and suitable in architectural design and use as herein specified:

I

LAND AND BUILDING TYPE USE. No lot shall be used except for residential purposes, No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single family dwelling not to exceed two stories in height and a private garage for not more than 4 cars, except that a duplex, triplex, fourplex, or sixplex may be constructed if the plans and specifications are granted prior approval by the Architectural Control Committee designated in paragraph XII of this agreement.

II

DWELLING COSTS, QUALITY AND SIZE. All dwellings constructed on any lot shall cost not less than $15,000.00 based upon cost levels prevailing on the date these covenants are recorded, it being the intention and purpose of the covenant to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum cost stated herein for the minimum permitted dwelling size. The ground floor area of the main structure exclusive of one story, open porches and garages, shall not be less than 1025 square feet for a one story dwelling, nor less than 900 square feet for a dwelling of more than one story.

III

BUILDING LOCATION. No building shall be located on any lot nearer than 30 feet to the front lot line, or nearer than 20 feet to any side street line. No building shall be located nearer than 8 feet to an interior lot line, except that a 2 feet side yard shall be required for a detached garage located 45 feet or more from the front lot line. No dwelling shall be located on any interior lot nearer than 25 feet to the rear lot line. For the purposes of this covenant, coves, steps and open porches shall not be considered as part of a building, provided, however, that this shall not be construed to permit any portion of a building of a lot to encroach upon another lot.

IV

OUTBUILDINGS AND ANIMALS. Outbuilding to be permitted for private use to shelter domestic animals for private use, but not commercial, approved by Committee. No pigs, mink or goats shall be kept on any lot.

V

EASEMENT. Easement for installation and all maintenance of utilities and drainage facilities and ditches, as shown on the recorded plat are to be reserved.

VI

NUISANCES. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

VII

TEMPORARY STRUCTURES. No trailer, basement, tent, shack, garage, or other outbuilding erected in, upon or about any of said residential lots hereinbefore described, or any part thereof, shall at any time be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence.

VIII

PREBUILT STRUCTURES. No structures shall be moved onto any residential lots hereinbefore described without a special written permit from the above mentioned Committee, which may be granted only if it can be shown that the dwelling when placed on the lot will comply with any and all building restrictions herein provided, and is approved by the Committee hereinafter named.

IX

WATER SUPPLY. All dwellings will be served by a public water system. All lots will be furnished with irrigation water, which water shall be under the exclusive control of each lot owner, and said lot owners shall be responsible for the control of said irrigation water as to damage to the subdivision or any other lot or dwelling contained in said subdivision.

X

SEWAGE DISPOSAL. Until such time as a sanitary system shall have been constructed to serve this subdivision, a sewage system constructed in accordance with the requirements of the State Board of Health shall be installed to serve each dwelling. The affluent from septic tanks shall not be permitted to discharge into a stream, storm sewer, open ditch or drain, unless it has been first passed through an absorption field approved by the health authority. No individual sewage disposal system shall be permitted on any lot unless such system is located, constructed and equipped in accordance with standards and requirements which are substantially equal to or exceed the minimum requirements for such systems as issued by the Federal Housing Administration in connection with the insurance of mortgages covering property in this State and in effect on the date such system is constructed. Approval of such system shall be obtained from the health authority having jurisdiction.

XI

ARCHITECTURAL CONTROL. No building shall be erected, placed or altered on any of said lots until the construction plans and specifications and a plan showing the location of the structure have been approved by the Architectural Control Committee as to quality of workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation. No fence or wall shall be erected, placed or altered on any lot unless similarly approved. Approval shall be as provided in these protective covenants. The Architectural Control Committee shall retain a copy of the plans and specifications of a proposed structure until said structure has been completed so as to ascertain that the structure is in compliance with the approved plans and specifications.

XII

ARCHITECTURAL CONTROL COMMITTEE MEMBERSHIP. The Architectural Control Committee is composed of T. Dean Thomas, Shirley O. Thomas and James F. Long, and a member designated by the Town Board of South Jordan. A majority of the Committee may designate a representative to act for it. In the event of death or resignation of any member of the Committee, the remaining members shall have full authority to designate a successor. Neither the members of the Committee, nor its designated representative, shall be entitled to any compensation for services performed to this covenant. At any time, the then record owners of a majority of the lots shall have the power through a duly recorded written instrument to change the membership of the Committee or to withdraw from the Committee or restore to it any of its powers and duties.

XIII

GENERAL PROVISIONS, TERMS. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them, for a period of ten (10) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part.

XIV

ENFORCEMENT. Enforcement shall be proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

XV

SEVERABILITY. Invalidation of any one of these covenants by judgment or court order in no way affects any of the other provisions which shall remain in full force and effect.

DATED this 15th day of April, 1969.

T. Dean Thomas
T. DEAN THOMAS

Shirley O. Thomas
SHIRLEY O. THOMAS

James F. Long
JAMES R. LONG

STATE OF UTAH)
: ss.
County of Salt Lake)

On the 15 day of April, 1969, personally appeared before me T. DEAN THOMAS and SHIRLEY O. THOMAS, the signers of the within instrument, who duly acknowledged to me that they executed the same.

Nolan J. Olsen
NOTARY PUBLIC

My commission expires:
August 8, 1970

Residing at:
Midvale, Utah

NOTARY PUBLIC

STATE OF UTAH)
: ss.
County of Salt Lake)

On the 15th day of April, 1969, personally appeared before me JAMES F. LONG, one of the signers of the within instrument, who duly acknowledged to me that he executed the same.

NOTARY PUBLIC

My commission expires: 8-8-70 Residing at: Midvale, Utah