

SOUTH JORDAN CITY
COMBINED CITY COUNCIL &
PLANNING COMMISSION STUDY MEETING

September 17, 2024

Present: Mayor Dawn R. Ramsey, Council Member Patrick Harris, Council Member Kathie Johnson, Council Member Don Shelton, Council Member Tamara Zander, Council Member Jason McGuire, City Manager Dustin Lewis, Assistant City Manager Jason Rasmussen, City Attorney Ryan Loose, Assistant City Attorney Greg Simonsen, Director of Strategy & Budget Don Tingey, Director of City Commerce Brian Preece, Director of Public Works Raymond Garrison, Associate Director of Public Works Colby Hill, CFO Sunil Naidu, City Engineer Brad Klavano, Director of Administrative Services Melinda Seager, Director of Planning Steven Schaefermeyer, Police Chief Jeff Carr, Deputy Fire Chief Ryan Lessner, Director of Recreation Janell Payne, Communications Manager Rachael Van Cleave, IS Technician Michael Erickson, IS Senior System Administrator Phill Brown, GIS Coordinator Matt Jarman, City Recorder Anna Crookston, Meeting Transcriptionist Diana Baun, Planning Commission Chair Michele Hollist, Planning Commissioner Nathan Gedge, Planning Commissioner Laurel Bevans, Planning Commissioner Sam Bishop

Absent: Planning Commissioner Ray Wimmer

Others: Greg, HBO, Samsung SM-G973U, NS, Renee, C Brien, Google Pixel 7,

4:37 P.M.
STUDY MEETING

A. Welcome, Roll Call, and Introduction: *By Mayor, Dawn R. Ramsey*

Mayor Ramsey welcomed everyone present and introduced the meeting.

B. Invocation: *By City Commerce Director, Brian Preece*

Director Preece offered the invocation.

C. Mayor and Council Coordination

D. Discussion/Review of Regular Council Meeting

E. Annual Training

E.1. Open and Public Meetings Act, Land Use, Ethics, Fraud Reporting, and Utah Political Activities of Public Entities Act Training. *(By City Attorney, Ryan Loose)*

Assistant City Attorney Greg Simonsen reviewed his prepared presentation on Land Use, specifically exactions (Attachment A).

City Attorney Ryan Loose shared and reviewed three videos from the State Auditor Website on the Open and Public Meetings Act, Ethics, Political Activities of Public Entities Act, and Fraud Reporting.

City Manager Dustin Lewis gave a brief overview of city's current nepotism policy and recent changes made.

F. Discussion Item

F.1. Short Term Rentals. *(By Assistant City Manager, Jason Rasmussen & City Attorney, Ryan Loose)*

City Attorney Ryan Loose reviewed his prepared presentation on Short-Term Rentals (Attachment B). He asked the council if they believe someone should be required to live on the property, or how close should they live to the property.

Council Member McGuire preferred the owner live there, but acknowledged that wasn't realistic and said there should at least be a contact within an hour's distance of the property.

Council Member Zander responded she would prefer having someone able to be on the property with 72 hours or less, possibly 24 hours.

Chief Carr added that the biggest complaint received is that they can't get a hold of whoever is responsible for the property when dealing with a large party or other big issue.

Council Member Johnson noted that if a manager or the owner lives on the property, they are going to control what's going on much more effectively.

Council Member Harris noted that in comparison, an apartment complex has a manager that takes care of things immediately, in a condo there is usually an association with elected members living on-site to take care of situations. Even in hotels, there are hotel staff to take care of things immediately. This is the only scenario that doesn't have that requirement.

Council Member Johnson added these are also in a residential area, and when living in a residential area you expect a certain quality of life that bringing a business affects.

Mayor Ramsey noted that she knows many people living in our city who own short-term rentals in other areas that are more than an hour away, many times a few hours away. We don't know

where the owners of our current short-term rentals reside, we are not a resort community, we do not charge a resort tax; we do however have some short-term rentals and we need to figure out what standards we want going forward.

Council Member Zander asked for an estimate of current short term rentals in the city.

Attorney Loose doesn't have those exact numbers, but he can run an Air DNA Report after tonight to get that information.

Council Member Zander asked how many current short term rentals in the city are estimated to have a business license currently.

Attorney Loose responded that none currently have them because they weren't available. However, if the council decided to begin requiring them they would start proactively reaching out to owners when they are discovered.

Council Member Harris noted that the city has no legal duty to allow or offer short-term rentals, and Attorney Loose confirmed that.

Attorney Loose noted that there is an expectation out there, and if they were totally banned people would start pushing their legislators to make changes and make an example of the cities or areas banning them. If they want to consider a full prohibition, he recommended they seriously consider the concept of people's right to use their property. He suggested finding a solution that gives the council control to keep the character and residential feel of neighborhoods while balancing the fact that they can't stop people from renting their house out permanently when they go from a starter home to their next home.

Council Member Harris noted that with the nature of short-term rentals, the owners don't know the people renting the property, they aren't doing background checks on anyone, and problems happen similar to police having to show up at a hotel. Things will pop up and he thinks in our city we have good, respectable people living here. When we have people coming into the city who chose not to behave that way, of course police will respond but we should also expect responsive owners who will take action. He suggested expecting the level of action to be more like a hotel, where they would take swift action and have the ability to get there quickly and address the situation. These short-term rentals are competing with short-term rentals and he feels that expectation would help maintain who we are as a city.

Attorney Loose noted that the root of the problem is access to the owners/managers of these properties when there is an ongoing issue since the occupants are constantly changing.

ADJOURNMENT

Council Member McGuire motioned to adjourn the September 17, 2024 City Council Study Meeting. Council Member Zander seconded the motion; vote was 5-0 unanimous in favor.

The September 17, 2024 City Council Study meeting adjourned at 6:32 p.m.

This is a true and correct copy of the September 17, 2024 Combined City Council and Planning Commission Study Meeting Minutes, which were approved on October 1, 2024.

Anna Crookston

South Jordan City Recorder

The Law of Exactions

Avoiding Unconstitutional Taking of Property When Imposing
Conditions on Development



What is an Exaction?

- A Development Exaction is a government-mandated contribution of property imposed as a condition of approving a developer's project.



United States and Utah Constitutions

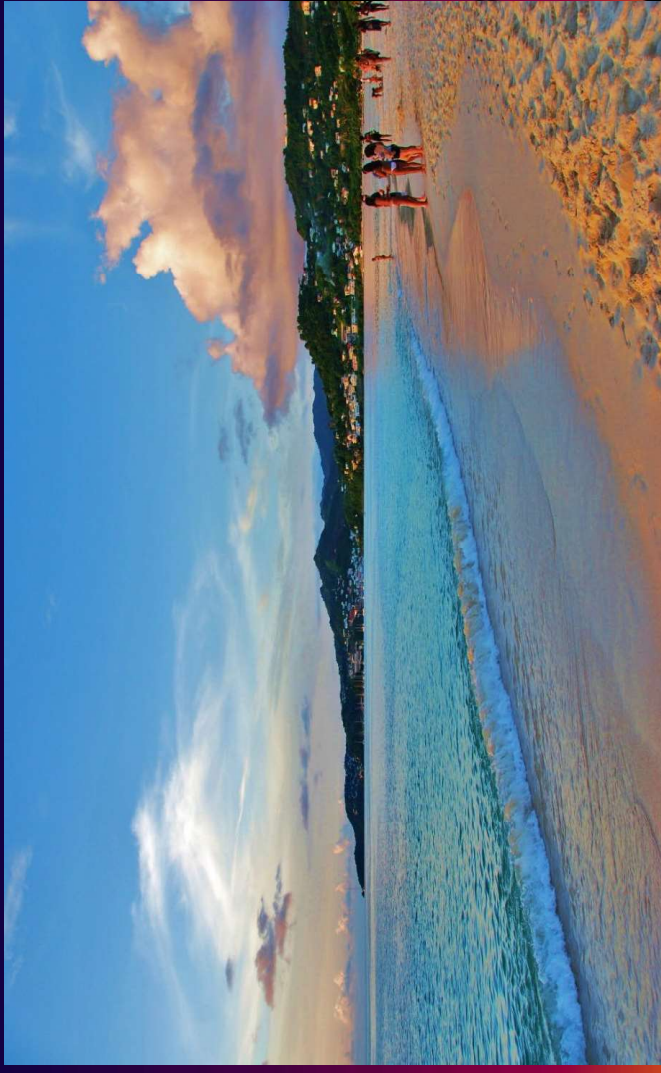
Fifth Amendment of the United States Constitution: “nor shall private property be taken for public use, without just compensation.”

Article 1 Section 22 of the Utah Constitution: “Private Property shall not be taken or damaged for public use without just compensation.”



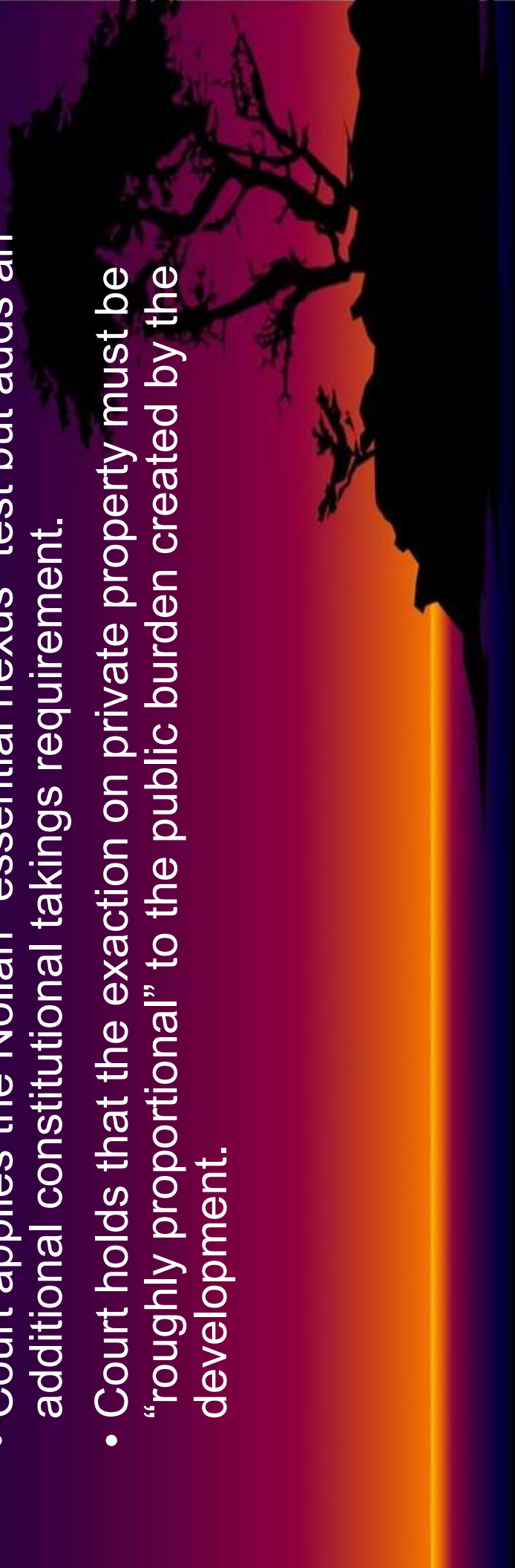
Nollan v. California Coastal Commission

- The Nollan family applied for a permit to demolish their beachside bungalow and replace it with a larger home.
- California Coastal Commission instructs Nollan that in order to obtain a building permit they are required to deed an easement for public access to their beach.
- Court holds that the Takings Clause requires a direct relationship (an “essential nexus”) between the imposed condition and the development’s predicted impact on the community.
- Because there is no direct relationship between the predicted impact of Nollan’s new home and a public easement to their property the court holds that the requirement is an unconstitutional taking.



Dolan v. Tigard

- Dolan's application to expand her hardware store will only be granted if she dedicates land to the City for a bike path.
- Court applies the Nollan "essential nexus" test but adds an additional constitutional takings requirement.
- Court holds that the exaction on private property must be "roughly proportional" to the public burden created by the development.



Utah Law After Nollan and Dolan.

- Bam Development v. Salt Lake County is a series of Utah Supreme Court cases adopting and elaborating on the “essential nexus” requirement of Nollan and the “rough proportionality” requirement of Dolan. Rough proportion does not mean exact equivalence.
- Utah Code 10-9a-508 (1) states: “A municipality may impose an exaction or exactions on development proposed in a land use application...if:
 - (a) an essential link exists between a legitimate governmental interest and each exaction; and
 - (b) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

Basic Analysis

- Does the proposed condition or requirement advance some legitimate government function? Is it the kind of issue that local planners should even be involved with?
- Does the proposed condition or requirement solve some problem created by the development or mitigate some negative aspect of the proposed land use?
- Is there a roughly proportionate balance between the problem and the cure? Is the condition or requirement “overkill” or does it fairly balance the duty imposed on the applicant and the burdens the proposed development places on the community?
- Is there a less intrusive way to solve the problem?



What do you see?



OR

“transient
commercial
use of
residential
property for
remuneration”

Some Benefits

Property Owner Benefits:

1. Income Generation
2. More choice and control over property use
3. Gives option to use unused spaces (spare rooms, or entire home while on vacation)
4. Requires only short-term commitment to gain a benefit
5. Fosters global connection between hosts and visitors

Guest Benefits:

1. Allows greater variety in accommodation options
2. Can be more affordable than hotels
3. Offers home-like experience and immersion in a neighborhood

Community Benefits:

1. Guests spend money at local businesses
2. The STR industry supports local jobs in property management, cleaning services, maintenance, and hospitality.
3. Increased accommodation options during peak periods of visitors (holidays, big events, etc.)
4. Sustainable tourism, uses existing buildings rather than requiring new construction

Some Drawbacks

Noise and Disturbances

1. Frequent guest turnover
2. Overuse by sports teams or other groups
3. Increased foot and vehicle traffic
4. Loud music/parties or noise late at night

Loss of Affordable Housing

6. Lucrative STR businesses may decrease housing stock and raise housing prices and rents

The Strain on Emergency Services

7. Frequent visitors can emergency services, especially if the area isn't equipped to handle a higher volume of temporary residents

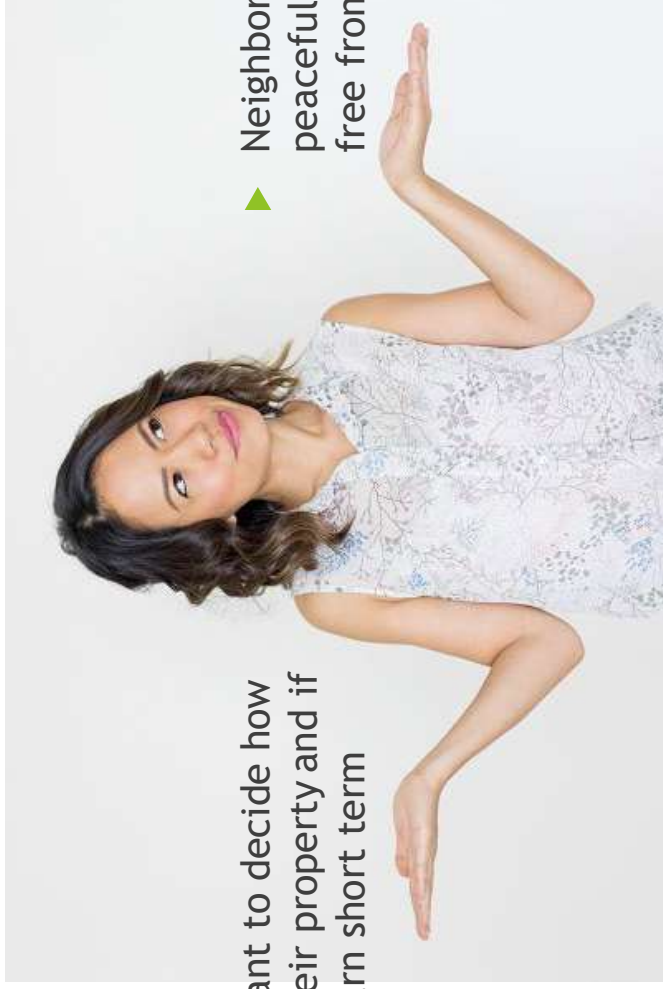
Loss of Community Character

8. Neighbors can't get to know each other.
9. The area feels more commercial

Safety and Security Concerns

10. Unknown guests staying nearby
11. Non-compliance with safety, occupancy, or fire regulations endangers guests and neighbors

Regulation is a balancing act



- ▶ Homeowners want to decide how they will use their property and if they want to earn short term rental income

- ▶ Neighbors want to be able to peacefully enjoy their property free from frequent disturbances

What Does South Jordan Allow Right Now?



[Online Payment Terms and Conditions](#)

[Privacy Notice](#)

[Community Events](#)

[Home](#) > [FAQs](#)

Does the city allow short-term rentals (Airbnb)?

Homeowners are allowed to operate short-term rentals out of condos, townhouses, single family houses, and guest houses (with an approved Accessory Dwelling Unit permit). Basement apartments are not allowed to be used as short-term rentals. Please contact the Planning Department with any additional questions.

The City's options range from...

Everything is allowed



Nothing is allowed

Regulations need to be tailored to mitigate negative community impacts and allow residents flexibility and choice on how to use their property



Some Regulation Options

	Most restrictive option	Medium Restrictive option	Least Restrictive option	Current City Regulations
Require a business license for STR?	Yes	Yes	No	no
Require inspection as part of licensing process?	Yes, the inspection verifies smoke detector, fire extinguisher, and sleeping rooms have a separate egress for escape in case of fire	Yes but only when necessary to approve an increase in the occupancy limit	no - owner can sign an affidavit verifying compliance with smoke detectors, etc.	no
Require annual fire safety inspection?	Yes	require inspection every two years	no requirement	no
Owner or Manager responsibilities?	Owner or Owners agent must be present and live on the property	no need to be present on property but must have contact info posted and be responsive within 1-3 hours, those who live outside SLCo must designate a manager who lives in SLCo	Must have a designated a contact person. Licensee may be revoked if contact person doesn't respond within 72 hours.	none

	Most restrictive option	Medium Restrictive option	Least Restrictive option	Current City Regulations
Limit on total number of nights the STR may be rented?	60 nights	150 nights	no limit, may be rented continually	none
Limit occupancy?	the lesser of: 2 per bedroom, 10 people, or one person per 200 square feet of dwelling unit, unless fire department inspects and approves more	8 people	no limit	none
Limit the number of STR per property?	only one STR area per property allowed	2 STR's areas allowed per property	no limit	none
Require parking spaces for renters?	must park all guest vehicles on property, larger rentals require more parking spaces	must provide one parking space on property, can also use street parking	no parking space required on property	no requirement
Dispersion Requirement? (zoning restriction, or neighborhood cap, or distance requirement)	Yes - each STR shall not be located closer than 1/2 mile to any other STR	Yes, 1/4 mile dispersion required	no	none
Limitation on total number of licenses that can be issued?	Yes	Yes but allow more total licenses	no	none