



CITY COUNCIL MEETING AGENDA  
MARCH 5, 2019  
6:30 PM

Notice is hereby given that the South Jordan City Council will hold a City Council meeting **Tuesday, March 5, 2019**, in the City Council Chambers at 1600 W. Towne Center Drive, South Jordan, Utah. In compliance with the American Disabilities Act, any individual who may need special accommodations including auxiliary communicative aides and services during this meeting shall notify the City Manager at 801-254-3742 at least 24 hours prior to the meeting. The order of Agenda Items may be changed if deemed appropriate by the Mayor or City Council. An Executive Session may be held at the end of the meeting, if needed. Timings listed are approximate and may be accelerated or delayed.

**REGULAR MEETING**

6:30 p.m. **A. Welcome and Roll Call** – *Mayor Dawn Ramsey*

6:35 p.m. **B. Invocation** – *By IT Director, Jon Day*

6:40 p.m. **C. Pledge of Allegiance**

6:45 p.m. **D. Minute Approval**

D.1. February 13, 2019 Budget Meeting

D.2. February 19, 2019 Council Study Meeting

D.2. February 19, 2019 City Council Meeting

6:50 p.m. **E. Public Comment:** This is the time and place for any person who wishes to comment on items not scheduled on the Agenda for Public Hearing. Any person or group wishing to comment on any item not otherwise scheduled for Public Hearing on the Agenda may address the City Council at this point by stepping to the microphone and giving his or her name for the record. Comments should be limited to not more than three (3) minutes, unless additional time is authorized by the Governing Body. Groups wishing to comment will be asked to appoint a spokesperson. Items brought forward to the attention of the City Council will be turned over to staff to provide a response outside of the City Council meeting. Time taken on non-agenda items, interrupts the process of the noticed Agenda. In rare cases where it is determined appropriate to address items raised from Public Comments, these items will be noted and may be brought back at the conclusion of the printed agenda.

7:00 p.m. **F. Mayor and Council Reports**

7:30 p.m. **G. Action Item:** Resolution R2019-18, appointing Laurel Harris to the Arts Council.  
*(By Administrative Services Director, Spencer Kyle)*

7:35 p.m. **H. Public Hearing:** Ordinance 2019-01, amending references to departments and lot size requirements, and deleting contradictory building requirements in Title 17 of the South Jordan Municipal Code.  
*(By Planning Director, Steven Schaefermeyer)*

7:45 p.m. **I. Staff Reports and Calendaring Items**

**ADJOURNMENT**

I, Anna M. West, the duly appointed and qualified City Recorder of South Jordan City, Utah, certify that the foregoing City Council Agenda was emailed to at least one newspaper of general circulation within the geographic jurisdiction of the public body. The agenda was also posted at the principal office of the public body and also posted on the Utah State Public Notice Website <http://www.utah.gov/pmn/index.html> and on South Jordan City's website at [www.sjc.utah.gov](http://www.sjc.utah.gov).

Published and posted February 28, 2019 *Anna M. West*—Anna M. West, CMC, City Recorder

MINUTE APPROVAL - D.1. 2/13/19 CC BUDGET MTG

SOUTH JORDAN CITY  
CITY COUNCIL BUDGET MEETING

February 13, 2019

**Present:** Mayor Dawn Ramsey, Council Member Patrick Harris, Council Member Brad Marlor, Council Member Jason McGuire, Council Member Don Shelton (electronically), Council Member Tamara Zander, CM Gary Whatcott, ACM Dustin Lewis, Associate Parks and Recreation Director Colby Hill, Administrative Services Director Spencer Kyle, Strategic Services Director Don Tingey, Finance Director Sunil Naidu, Engineering Director Brad Klavano, IT Director Jon Day, City Council Secretary MaryAnn Dean

5:00 PM

Wasatch Room – Public Safety Building

Mayor Ramsey welcomed everyone. It was noted that Council Member Zander was not present at this time. Council Member Shelton is joining electronically.

A. Invocation

CM Whatcott offered the invocation.

B. Meal

The City Council had a brief meal.

C. 2019-2020 Budget Discussion Continued

CM Whatcott said there are a number of capital projects to consider. He asked that the City Council consider the projects that they can do now and weed out the projects that they ultimately won't do. He said in some cases, the projects might not be realistic. He said they need to prioritize the projects and narrow it down to 4-5 projects.

Strategic Services Director Tingey reviewed a prepared presentation (Attachment A).

They discussed the Miners Mile Park. CM Whatcott said UDOT gave the city that property. The agreement is that UDOT can take the property to widen the road or take the property back if the city is not going to build a park. This will not be funded right away. He asked if the City Council would like to hold onto the property, or give it back to UDOT. In that case, it will likely be developed into housing, such as townhomes. It was noted that the property is a little under 3 acres. It is a narrow, long piece of property. Currently, the city mows it 3-5 times a year.

Associate Parks and Recreation Director Hill said it would not be a traditional park. They were thinking a mural wall that could be updated by the Bingham High students yearly, and a bike pump track, and possibly a bouldering wall. They were thinking it would be appropriate as an

area to attract high school kids. CM Whatcott said because of its vicinity to the road, it is not a place for young kids.

Council Member Harris recommended that the staff reach out to Bingham High School and see if the city wants to donate the property to them.

Council Member McGuire said it could create problems for vandalism with rival schools. He is also concerned if the city donates the property to just one high school, since they have residents that feed into two high schools, and potentially 3 high schools in the future.

Council Member Marlor asked for an update on recreational issues with Salt Lake County and the Jordan School District. Mayor Ramsey said things are looking positive. Council Member Marlor asked if that includes changes to the recreation center, Marv Jensen, and the Welby Park? Mayor Ramsey said yes, they are now fine tuning details.

Council Member Zander arrived at this time.

Council Member McGuire said he would prefer a green linear park over townhomes.

Council Member Marlor said they could see if there are matching funds or something to develop the Miner Mile park one piece at a time.

They discussed landscaping for the I-15 off ramp. In the past, they have used beautification grants. Staff will continue to look for those grants.

Council Member Harris said they could at least inquire of Bingham to see if they have a use for the Miner Mile Park. Council Member Marlor said they could do projects each year as a class gift. It was noted that Miner Mile Park could be impact fee eligible.

The City Council moved McKee Ridge Park playground off the list. It will be paid with impact fees in a coming year. The same action was taken for Stone Haven Park improvement.

The City Council discussed the Samuel Holt Farmstead interior restoration project. CM Whatcott said it is expensive. They don't want to lose it; it is one of the only pioneer homes left in the city. Mr. Tingey said Zions Public Finance studied potential uses for the structure. Their recommendation was to find a use through an RFP, solicit a partnership and do a long term lease, and let that tenant do improvements to the interior. In that case, the home would not be open to the public.

CM Whatcott said in the early plans for the property, it was planned to be a small pioneer park. He said a lot of people utilize the park. It was noted that it has limited parking. Staff had approached the LDS church several years ago about making it a family history center. They were turned down at that time. They can inquire again.

Mayor Ramsey said she would love to see the building preserved rather than used by a private business. Mr. Tingey said staff will continue to look at options for the house. Administrative Services Director Kyle said they also need to consider ongoing maintenance for these capital projects.

CM Whatcott said on the east coast, historic sites are often funded by foundations. He asked Council Member Harris to discuss the issue with the historical committee.

Mr. Tingey said the Newbold's have the first right of refusal on the property.

Mr. Tingey said he feels the trail lighting project and the regional trail development go together. Council Member Marlor and Council Member Zander indicated that they would rather have more trails than adding lights to existing. Mr. Tingey said there are places that lighting on the trails would be helpful. Putting it along the whole Bingham Creek trail, or the Jordan River trail would be costly. Mayor Ramsey indicated that they should also look into a grant from WFRC. Mr. Tingey said they can apply for grants, but the areas need to be project ready. Mr. Kyle said it is easier to get grants if there is an education component or if the trail is by water.

Mr. Tingey said staff's recommendation is a trail master plan. Mr. Kyle said some of the trails will be impact fee eligible. They could also use the new transportation revenue as their match for the trails.

CM Whatcott said Council Member Shelton has expressed an interest in the trail system lighting because kids use that as a walkway to school. He is not in favor of doing the interior renovations to the farmhouse, unless they can find an external funding source.

Mayor Ramsey said there is a lot of support from residents for trails, the river, and active transportation.

The City Council discussed the indoor arts center. Mr. Tingey said that is a fall back if the County does not do their arts center. CM Whatcott said he recommends removing that from the city list. There has been past discussions about remodeling the community center for an arts use in the future.

CM Whatcott said staff was turned down by Salt Lake County officials when they asked for a senior center in South Jordan. They were told that there was one in Riverton and West Jordan and they should send their people there. Mayor Ramsey said they should not approach the County Council and new County Mayor until their current project is done. She feels the current project and agreement will move forward quickly.

Mr. Tingey reviewed lower priority projects. With the McCay property gone, the only other significant land available in the gap area is the Wheadon property, and the current owners won't be developing it.

They discussed the long term plan for Bingham Creek trail. That will be kept on the long term list so they don't lose site of the vision of that trail. CM Whatcott said the trail is accessible to trax and has the potential for a regional draw.

The City Council discussed some property they own next to Redwood Road. It is worth \$1.7 million. They could sell that to fund the ice rink/outdoor performing arts stage. Or they can hold onto the property for future city use.

They noted a past plan to put the ice rink at Mulligans temporarily. It was determined to wait and invest in a permanent location.

Mr. Kyle said they need to prioritize where the ice rink is on the list compared to the senior center and the arts center.

Council Member Harris said he does not want to spend money to design the ice rink until it is on the top of the priority list.

Mayor Ramsey said the hope is that they get Salt Lake County to participate in the Southwest Regional Performing Arts Center.

Council Member Zander expressed concern about the outdoor performance stage. She said if they don't have the money to do it big enough, she would prefer they bring in a temporary stage for events. She said Daybreak has an outdoor stage that is overrun with weeds and not used. She would rather use their collateral for the Southwest Regional Arts Center.

It was noted that Taylorsville was disappointed in the County arts center because it was not big enough and they had no input. It was noted that the County's art center in South Jordan is at least 8 years out. In the South Jordan situation, the developer might want programming rights.

Mayor Ramsey said she favors the ice rink and outdoor performing arts stage project. A lot of people have asked her for an ice rink and ask why they got rid of the old one.

CM Whatcott said he agrees that an outdoor theatre would be worthless if it is too small. It would be more of a venue for concerts, not plays. He envisions something like the Scera Shell facility in Orem. Council Member Harris said that would be expensive. Where would the money come from? He said Scera Shell gets some revenue because they charge for concerts. Council Member Harris said he loves the idea, but wonders how they would pay for it.

Council Member Marlor said he also likes the idea, but it is not at the top of his priorities.

They discussed a future senior citizens center. CM Whatcott said part one is to move the seniors out of the current center. Part two would be to remodel the existing building as a black box theatre. It won't accommodate a play currently. Council Member Zander said she does not feel the community center is good for a theatre. She said the Kensington Theater has everything they

want. She feels the community center should stay as a senior center. They could inquire about a joint venture with the Kensington Theatre.

Council Member Zander said she does not like the look of the outdoor theatre in Herriman. She would not want that built in the city park. She is okay with something like the Scera Shell, but feels they can't afford it.

It was noted that there are schools with good indoor stages. Council Member Zander said she is not sure why they would build a stage, when others have it. It would be expensive to remodel the community center to accommodate what they want. CM Whatcott said they are not sure of the cost to remodel the existing building. The current space does not serve a good purpose. The other problem is that building has limited space for seniors, and it is not set up for senior use. They cannot accommodate much more growth for the senior citizens.

Council Member Marlor said the senior population will continue to grow over the next 10 years. That is why he promoted a larger facility. He is disappointed in the County's position. He said he would prefer not to sell the 3 acres next to Redwood Road.

They determined to leave the senior center on the list, and put the performing arts facility on the long term plan.

Council Member McGuire said he thinks the ice rink needs to have a dual purpose.

They determined to put the Southwest Regional Performing Arts Center on the long term list. The urban campground was taken off the list.

They discussed the Oquirrh East Park improvements. There is a tree farm and retention basin on it currently. The neighbors are okay with a passive park. There is a revisionary agreement on the property. If it gets reverted, it will be developed into homes. It was stated that the neighbors are okay with the current native plants on the property. They do not want an active park. It was determined to put the property on the long range plan.

It was noted that city wide park upgrades are in this year's budget, and every year going forward.

Council Member Marlor asked about the status of the pickle ball courts? Mr. Hill said they should be done this spring. There will be 4-6 courts in the city park. Mr. Kyle said they also need to redo the pavilion.

Council Member Zander said Country Crossing Park was upgraded 2 years ago and that upgrade appeared unnecessary when she saw the playground at the park. Mr. Hill said the broken parts of the equipment had been removed. After a certain number of years, they are unable to replace the parts. City Attorney Loose noted that it creates risk management issues. This also ensures they meet new safety regulations.

Mr. Hill said they have already had a request to redo Ivory Park. It is not eligible until 2024. It will likely not be done until 2026 or later. They don't redo the park equipment until it is needed.

Staff indicated that they would send the final list to the City Council.

#### ADJOURNMENT

**Council Member Zander made a motion to adjourn. Council Member Marlor seconded the motion. The vote was unanimous in favor.**

The February 13, 2019 City Council meeting adjourned at 7:00 p.m.

UNAPPROVED



MINUTE APPROVAL - D.2. 2/19/2019 STUDY MTG

SOUTH JORDAN CITY  
CITY COUNCIL SPECIAL STUDY MEETING

February 19, 2019

**Present:** Mayor Dawn Ramsey, Council Member Patrick Harris, Council Member Brad Marlor, Council Member Jason McGuire, Council Member Don Shelton, Council Member Tamara Zander, CM Gary Whatcott, ACM Dustin Lewis, City Attorney Ryan Loose, Attorney Todd Sheeran, City Commerce Director Brian Preece, Finance Director Sunil Naidu, Police Officer Matt Pennington, Communications Manager Rachel Van Cleave, Administrative Services Director Spencer Kyle, Planner Greg Schindler, Engineering Director Brad Klavano, Strategic Services Director Don Tingey, Fire Chief Chris Dawson, Public Works Director Jason Rasmussen

**Others:** Rulon Dutson

4:30 PM  
SPECIAL STUDY MEETING

Mayor Ramsey welcomed everyone present. All members of the City Council were present.

**A. Invocation:** *By Council Member Brad Marlor*

Council Member Marlor offered the invocation.

**B. Presentation Item:** Future Transit in South Jordan Including Buses and Trains. *(By Laura Hanson, UTA)*

Carlton Christensen, UTA Board, referred to a handout regarding UTA service in South Jordan (Attachment A).

Laura Hanson, UTA, reviewed a prepared presentation (Attachment B). She noted a micro transit pilot that will begin in South Jordan in August 2019. It will work similar to UBER or LYFT. They anticipate that the rider would ride for the same fare as a typical transit fee. This model is working well in different communities throughout the US. Denver, Colorado has a good project. It has been running for 20 years, they find that it breaks even financially. UTA feels this is a good chance for them to provide better service to South Jordan for the same price. It was noted that the UTA micro transit vehicles will be wheelchair accessible.

Ms. Hanson explained the metric that is used to determine service choices and goals in various areas. They use that metric to figure where transit will be most successful.

Council Member Marlor asked about the number of buses and transit services serving South Jordan versus the east side. He said there seems to be a lot more on the east side. He would like that considered. Ms. Hanson said they go through an evaluation process every 2 years.

CM Whatcott noted problems with the parking lot at the train station in Daybreak. He gets a lot of calls on that. Are they looking to upgrade that as well?

Mr. Christensen indicated that they prefer for the train station parking lots to be tied to a TOD (transit oriented development). He said the surface lots are a holding area. He is aware that the parking for the South Station in Daybreak is challenging.

Ms. Hanson reviewed their project timeline. They will start their public outreach in March 2019-June 2019. She discussed a few factors that go into how bus routes travel. It was noted that the more people, or the more jobs, that are near transit, the more successful it will be.

Council Member McGuire asked when was the last time the routes were redone in this area? Ms. Hanson said 2007. It was noted that South Jordan has trax and front runner, but no way to connect them.

CM Whatcott said one problem is that historically, they have not had the ridership. He said this is not an issue just about ridership, but also opportunity. Residents have not had the opportunity to incorporate transit into their travel habits. He recommended they put the lines in place and grow the ridership. UTA has historically been hesitant to invest in South Jordan because ridership was problematic. If they never have it, they can never learn to rely on it. He understands that there are fiscal realities to this decision, but feels they have missed out on the investment in South Jordan.

Ms. Hanson concurred that ridership was a large part of the metrix used. There are places in the community that transit is likely to be successful. If they want to compete with private vehicles, it needs to be flexible. They have a portfolio of tools to draw from to make that flexibility possible.

Mr. Christensen noted that some of the routes have remained because they are historical in nature. Council Member Marlor said he feels that is the case for some of the routes on the east side. City Attorney Loose said some of the historical routes have been moved.

The City Council reviewed the UTA routes valley wide.

Mayor Ramsey said South Jordan has grown quickly. It used to be a bedroom community. People were not aware of the fast growing changes, so now they are playing catch up.

Ms. Hanson said UTA has also not had new revenue for about 15 years. They did not have the ability to follow those growth patterns. They now have some new revenue and they have the opportunity to refocus on the bus system.

Mr. Christensen noted the UVX and BRT lines. He said those are faster than light rail in many ways. There are alternatives between the bus service and light rail that they need to look at.

Mayor Ramsey asked how many stops are there on the afore mentioned lines? She was told it is a 10 mile route, with approximately 10 stops. It was noted that because of the high costs, they need high ridership to justify the light rail lines.

Ms. Hanson said she would look at getting a comparison of the service on the east side versus South Jordan. Council Member Marlor requested both the routes, and the number of busses on each route. Ms. Hanson said they are looking at doing a dashboard so they can see the ridership or route levels. That will be forth coming soon. Ms. Hanson said they can also provide South Jordan City with their GIS data.

Council Member Zander asked that UTA follow up with information if there is potential in the near future to connect major corridors such as 11400 South, 10600 South, and 9800 South to see if this problem can be alleviated.

Ms. Hanson said August is when the majority of the service changes are made. She said they would like to address the whole region before those changes are made. Until now, they have not had additional resources to work with to fill in some of those gaps.

Mr. Christensen said because of their requirements for public hearings etc., it will most likely be August 2020 before changes are made. Mr. Hanson concurred and said that will allow them time to go through the entire process. Ms. Hanson reiterated that South Jordan will be getting the micro transit pilot project this year. If it is successful, that could replace some of the flex routes.

**Council Member Marlor made a motion to amend the study session agenda to include a review of the City Council items for tonight's meeting, before they discuss item C. Council Member Zander seconded the motion. The vote was unanimous in favor.**

#### CITY COUNCIL AGENDA/PACKET REVIEW

CM Whatcott reviewed the background information on the consent items and the Parameters Resolution.

Council Member Shelton asked what interest rate they are hoping to get on the bond? CFO Naidu said they are still 90 days out before that can be determined. They are hoping for a 15 year bond, at about a 2.7 interest rate. That could change in the next 3 months while this is being processed. If they don't refinance the \$4 million, they will have to pay a 5.5 percent interest rate. This action will save them approximately \$100,000.

CM Whatcott reviewed item I on tonight's agenda. Engineering Director Klavano said UDOT wants the plans done by June 1<sup>st</sup>. CM Whatcott said this action should save them money during construction. It was noted that other communities are asking UDOT to have Bangerter go under their roads. UDOT is using South Jordan as their standard for that betterment.

CM Whatcott reviewed item J on the agenda.

City Attorney Loose reviewed the background information for item K. There is a new trend for office space. Tenants are wanting to use the front 10-30 percent as office, and then have the balance as inside and outside storage. Staff is trying to determine the appropriate ratio. They are also looking into creating a zone that allows for flex office space. Planner Schindler said they can look at this use as part of the general plan process, and determine where the flex space is appropriate.

City Attorney Loose said staff is proposing putting a “pause” on this type of use to give staff time to make sure it is done right. This will give staff up to 6 months to do the work needed on this item. Planner Schindler said they hope to have it resolved in 3-4 months.

City Attorney Loose said the initial discussions have been to allow up to 30 percent of the building for storage.

Mayor Ramsey said if people want this type of use, they need to address it in the code so staff does not have to make that judgement call on each application.

Council Member Marlor said he would like to have a review of the agenda like this at every work session. CM Whatcott said staff will try to build it in. City Attorney Loose said staff is available and prefers to have questions asked ahead of time. It saves time in the City Council meetings and helps them get the decision right.

The City Council discussed some recent information sent to the residents over social media regarding a water quality concern in Sandy City and how that relates to the water system in South Jordan. Those clarifications were well received by the residents.

Public Works Director Rasmussen discussed the water treatment process. It is being sampled as it is treated. He said the situation in Sandy City could have been prevented with the right equipment. There are ways to ensure that never happens. He guessed that the Jordan Valley Water Conservancy District (JWCD) system would be shut down if it malfunctions. He has inquired of JWCD, and will give that information to the City Council when it is received. He noted that South Jordan’s water goes through Bluffdale and Riverton first. The main water treatment facility in Bluffdale is state of the art.

**C. Discussion Item:** Open Meetings and Harassment Training. (*City Attorney, Ryan Loose*)

The City Council determined to move this training to another study session.

**ADJOURNMENT**

**Council Member Shelton made a motion to adjourn. Council Member Zander seconded the motion. The vote was unanimous in favor.**

The February 19, 2019 City Council study session adjourned at 6:21 pm.

MINUTE APPROVAL - D.3. 2/19/2019 CC MEETING

SOUTH JORDAN CITY  
CITY COUNCIL MEETING

February 19, 2019

**Present:** Mayor Dawn Ramsey, Council Member Patrick Harris, Council Member Brad Marlor, Council Member Jason McGuire, Council Member Don Shelton, Council Member Tamara Zander, CM Gary Whatcott, Fire Chief Chris Dawson, Administrative Services Director Spencer Kyle, Public Works Director Jason Rasmussen, Strategic Services Director Don Tingey, Engineering Director Brad Klavano, City Attorney Ryan Loose, ACM Dustin Lewis, City Commerce Director Brian Preece, CFO Sunil Naidu, IT Director Jon Day, Police Officer Matt Pennington, City Council Secretary MaryAnn Dean

**Others:** Attachment A

**REGULAR MEETING**

**A. Welcome and Roll Call – *Mayor Dawn Ramsey***

Mayor Ramsey welcomed everyone present. All members of the City Council were present.

**B. Invocation – *By Council Member Jason McGuire***

Logan Crookston, Scout Troop 1971, offered the invocation.

**C. Pledge of Allegiance**

Austin Kerry, Scout Troop 1557, led the audience in the Pledge of Allegiance.

Mayor Ramsey recognized the scouts present at the meeting. Scout Troops 1971, 1557, 1298, 1542, 1715, 1975, and 1544 introduced themselves.

**D. Minute Approval:**

- D.1. January 9, 2019 CC Budget Meeting
- D.2. February 5, 2019 CC Budget Meeting
- D.3. February 5, 2019 City Council Meeting

Council Member Shelton made a correction to the February 5, 2019 CC budget meeting minutes.

**Council Member Shelton made a motion to approve the January 9, 2019 CC budget meeting minutes, as printed, the February 5, 2019 CC budget meeting minutes, as amended, and the February 5, 2019 City Council meeting minutes, as printed. Council Member McGuire seconded the motion. The vote was unanimous in favor.**

**Council Member Marlor made a motion to amend the agenda to add a closed meeting at the end of the meeting to discuss the character, professional competence, or physical or mental health of an individual. Council Member Zander seconded the motion. The vote was unanimous in favor.**

**E. Public Comment:**

**Alexis Spaulding**, 11224 S. Jonagold., thanked the City Council for the opportunity to serve on the Senior Advisory Committee. She said because of the city code, she had to resign from the Arts Council, but she would like to serve on both. She asked that the law be reconsidered, allowing for people to serve on more than one committee.

**Dave Ashton**, 9819 S. Congressional Way, said he is a swim coach. He said he has heard that the city is going to buy Marv Jensen and expand the pool. He said he feels this area is wealthy, but without a large recreation center compared to Herriman City. He said he would support a bigger recreation center. He said the current pool is nice, but does not accommodate competitions. He said Bingham uses Marv Jensen for their swim team and they could support a larger recreation center.

Mayor Ramsey said they are aware of the situation and are working on it.

**Rob Kerry**, 10969 Surry Meadow Dr., said he has kids in football. He suggested they expand parking at both Marv Jensen and the recreation center, given their population growth. He also recommended they expand more recreational grass fields.

Mayor Ramsey said they are also aware of that concern.

**F. Mayor and Council Reports**

Council Member Marlor said he attended the Architectural Review Committee meeting. They reviewed several items, including a large 4 story office building. He said he will be presenting to a large group of scouts tomorrow.

Council Member Harris thanked staff for what they do to keep the residents safe including the public safety departments, and safe drinking water. He said they were not impacted by what happened in Sandy City. He asked if there were proper controls in place to notify residents should a similar situation arise? CM Whatcott said they have more than one notification system. Sandy has a different dispatch center than South Jordan. South Jordan has a back up plan beyond their notification system, if needed.

Council Member Shelton said he attended the legislative policy committee meeting. The legislature is considering bringing the state's tier 2 plan more in line with the tier 1 plan. That could be costly to the municipalities. He asked if that was at the heart of the recruiting difficulties that the cities are having right now? He also asked for an update on SB 34.



Mayor Ramsey said the hearing for SB34 was moved to tomorrow at 2 pm.

Council Member Shelton said when he called into the last budget meeting, the connection was muffled. It was difficult to hear and participate.

Council Member Shelton said regarding trail lighting, he recommended they approach it the same way as street lights by doing a little each year rather than biting off a big project all at once. He recommended they prioritize the trails based on risk or need, including if the trail is part of the safe walking route for the schools.

Council Member Shelton said he, Council Member McGuire, and Strategic Services Director Tingey met with Salt Lake County and talked about Welby Park. Mr. Tingey gave an update on Welby Park. The construction for the entire park is estimated at \$36 million, including all three phases. Right now, they have \$15 million budgeted from zap funding, and the contribution from the city. They are putting the plan for the first phase together. A public meeting is scheduled for March 20<sup>th</sup> at Golden Fields Elementary. Mayor Ramsey said March 20<sup>th</sup> is the South Jordan Chamber Visioning dinner. She asked if they can try to move it to another night.

Council Member McGuire indicated that he will be meeting with the Arts Council this week. He also gave an update on the general plan process.

Council Member Zander noted the City Council budget meetings that they have had, 3 so far. She said she had a meeting planned on February 6<sup>th</sup> regarding innovation and education hosted by the Sutherland Institute. That will be rescheduled because of weather conditions on February 6<sup>th</sup>.

Mayor Ramsey reported that she has been spending a lot of time in meetings at the capital during the Legislative session. She is meeting weekly with the coalition of Mayors in the southwest part of Salt Lake County. Not all legislators attend those meetings every time. She reported on a Utah clean air partnership meeting. She noted that there are many likeminded people, concerned about air quality, and they are working on ways to improve it. She reported on the sewer board meeting. She toured a safe house for at risk youth. She said she met with the Salt Lake County Council members regarding some land use issues. She met with the new South Jordan Chamber of Commerce Chair. She also noted the City Council budget meetings that are being held. She attended the Jordan education meetings. She attended a Herriman High marching band fundraiser last week; that was a great event. She reported that she attended the Women State Legislative Council meeting, commemorating the 149<sup>th</sup> anniversary of the first vote cast in the United States, and the 99<sup>th</sup> anniversary of the ratification of the 19<sup>th</sup> amendment, which allowed women the right to vote. She noted that the first vote cast by a woman took place in Utah.

#### **G. Consent Items:**

- G.1. Resolution R2019-03, authorizing the Mayor to enter into an Interlocal Agreement with Salt Lake County to receive the services of the Salt Lake County

Election Division during the 2019 Primary and General Municipal Elections as an entirely Absentee Ballot (Vote-By-Mail) Election. *(By City Recorder, Anna West)*

- G.2. Resolution R2019-09, Multi-Jurisdictional Mutual Aid Agreement for Sheriff and Police Services. *(By Police Chief Carr)*
- G.3. Resolution R2019-10, revision of City-Wide Policy 110-01 regarding Use of Social Media *(By Communications Manager, Rachel Van Cleave)*
- G.4. Resolution R2019-13, appointing Associate Director of Public Works, Raymond Garrison, as an alternate Representative on the Trans-Jordan Board of Directors. *(By Public Works Director, Jason Rasmussen)*

**Council Member Marlor made a motion to approve the Consent Items G.1., G.2., G.3., and G.4. Council Member McGuire seconded the motion. The vote was unanimous in favor**

**H. Action Item:** Resolution R2019-08, a Resolution of the City Council of the City of South Jordan, Utah (The “Issuer”), Authorizing the Issuance and Sale of not more than \$19,000,000 Aggregate Principal Amount of Sales Tax Revenue and Refunding Bonds, Series 2019; Fixing the Maximum Aggregate Principal Amount of the Bonds, the Maximum Number of Years over which the Bonds may mature, the Maximum Interest Rate which the Bonds may Bear, and the Maximum Discount from Par at which the Bonds may be Sold; Delegating to Certain Officers of the Issuer the Authority to Approve the Final Terms and Provisions of the Bonds within the Parameters Set Forth Herein; Providing for the Publication of a Notice of Public Hearing and Bonds to be Issued; Providing for the Running of a Contest Period and Setting of A Public Hearing Date; Authorizing and Approving the Execution of an Indenture, A Preliminary Official Statement, an Official Statement, a Bond Purchase Agreement, and other Documents Required in Connection therewith; Authorizing the Taking of All Other Actions Necessary to the Consummation of the Transactions Contemplated by this Resolution; and Related Matters. *(By CFO, Sunil Naidu)*

CFO Naidu reviewed the background information on this item. This is to finance the new fire station, and refinance an existing bond to get a better interest rate.

Mayor Ramsey said they anticipate that the refinance of the existing bond will save the city a significant amount of money. CFO Naidu said they won't close for 3-4 months, so they can't predict exactly what the rates will be. They are guessing the savings will be upwards of \$100,000.

Council Member Harris clarified that the approval of the fire station was already voted on. This only addresses the funding mechanism.

**Council Member McGuire made a motion to approve Resolution R2019-08. Council Member Zander seconded the motion. Roll call vote. The vote was unanimous in favor.**

- I. Action Item:** Resolution R2019-11, appropriation of \$143,650 for design of Water Line Relocations with the UDOT for the 10400 South/Bangerter Highway Interchange Project from the Water Enterprise Fund Balance and authorize exception to the South Jordan City Purchasing Policy for Professional Services and to authorize the City Engineer to enter into a Contract with Hansen Allen & Luce for the Design and Construction Services for the Water Line Relocations. *(By City Engineer, Brad Klavano).*

City Engineer Klavano reviewed the background information on this item. He said to put Bangerter under 10400 South, a number of utilities have to be relocated. UDOT requested the city do the design work for this. He said that is a benefit to the city. It does put some tight timelines on them. The consultant that was chosen already has knowledge of the city systems. They have done a number of projects in the city. This will allow the design to be done ahead of time, and will get them the best product at the best price.

**Council Member Shelton made a motion to approve Resolution R2019-11. Council Member McGuire seconded the motion.**

Council Member Shelton noted that the purchasing policy normally requires a competitive bid process for the design work. They were unable to do that with the time constraints that the city was given. Mr. Klavano said if they had used another design firm, the city would have been charged more for the shortened time frame and even more if it was someone not familiar with the water system in the city. Council Member Shelton said he feels it justifies the exception to the purchasing policy.

**Roll call vote. The vote was unanimous in favor.**

- J. Action Item:** Resolution R2019-12, approving execution of an Interlocal Cooperation Agreement with Salt Lake County for the transfer of County Transportation Funds for certain transportation projects within South Jordan City. *(By City Engineer, Brad Klavano)*

City Engineer Klavano reviewed the background information on this item. They received \$4 million from the County to go towards this project. They will pass that onto the betterment costs for the project.

**Council Member Zander made a motion to approve Resolution R2019-12. Council Member Marlor seconded the motion. The vote was unanimous in favor.**

- K. Action Item:** Resolution R2019-17, providing notice of a Pending Land Use Ordinance to amend the allowable storage area for a building that is located in the Professional Office Zone. *(By Planning Director, Steven Schaefermeyer)*

City Attorney Loose reviewed the background information on this item.

**Council Member Shelton made a motion to approve Resolution R2019-17. Council Member McGuire seconded the motion.**

Mayor Ramsey said it is important for the code to be clear on what is allowed and what is not allowed. Staff will be bringing forward a recommendation to the City Council.

It was noted that this Resolution will be in effect for 6 months. Staff indicated in the study session that they hope to have it ready for a recommendation to the City Council in 3-4 months.

**The vote was unanimous in favor.**

#### **L. Staff Reports and Calendaring Items**

CM Whatcott noted the budget meeting February 27, 2019 at 5 pm. He said they are making great progress on the fire station design. The plan is fairly well solidified. They cut 5000 sq. ft. off of the original design. That will be coming forward on March 18<sup>th</sup>. He explained that the plan is for a civic building, with 2 fire stations in one, a police substation, and a small city office component. It will be phased over several years. They are planning for the future growth of Daybreak as well.

City Attorney Loose thanked the City Council for their help during the legislative session. CM Whatcott asked the City Council to be aware of SB 54. They did not fund the 911 phone portion last session. They are looking for city support on that bill. If it is not funded through the state, they will likely fund it through the cities.

The City Council discussed the bill regarding Tier 2 retirement for public safety. It will likely not be funded by the state in perpetuity. City Attorney Loose said South Jordan is already funded at that level, but their funds would go to the state pension rather than the 401K, which they are currently doing. CM Whatcott said South Jordan has been able to use that equalization as a recruitment tool. He said recruitment and retention is an overall larger issue.

Mayor Ramsey said her name has been submitted to serve on the state water quality board. She does not know yet if she will be appointed.

City Attorney Loose said he has had inquiries about the ongoing issue with the proposed power line upgrade in the area of 11400 South 1300 West. He said the city had a request to ask the Public Service Commission (PSC) to hold the project. His understanding from Thad LaVar (at PSC) is that Mr. LaVar thought the city could hold the issue at the Planning Commission level while they worked with the residents on their concerns. He said Rocky Mountain Power has now pulled the rip cord provision, giving the city 45 days for a decision to be made. He said it would take a court order to delay the vote past that 45 days. They have already delayed the issue for a long time trying to get information from Rocky Mountain Power. He said the city can write a letter to the PSC asking them to hold the issue, but he is not sure they have that authority. He said the city does not have the legal authority to go beyond that 45 days.

Council Member Zander said if the City Council agrees to write the letter, it does not change the process with the Planning Commission. She said it could be a step for them to take to advocate for their residents.

City Attorney Loose said if they request for the PSC to exercise their authority, he does not believe there are any damages against the city in that case. They can't interfere with the Planning Commission process.

Council Member Harris asked if they can ask if the PSC has the authority to hold the issue, without the extra step of the formal letter? City Attorney Loose said they did inquire but did not receive a clear answer. He does not believe the PSC has the authority to hold the issue. The PSC has been working with the residents.

Council Member Zander said she does not feel it would hurt the city to send the letter. And it could help the residents and backs them up in helping them resolve their concerns. She said the residents have been thorough and respectful. She is in favor of writing the letter to advocate for the residents.

Council Member Harris said if there is uncertainty if the PSC has that authority or not, he is okay sending the letter. All of the City Council expressed support in sending a letter to the PSC asking them to hold the issue.

Mayor Ramsey recognized members of the Youth Council that were present.

**Council Member Zander made a motion to recess and then go into a closed meeting to discuss the character, professional competence, or physical or mental health of an individual. Council Member Shelton seconded the motion. The vote was unanimous in favor.**

During the recess, it was determined that the closed meeting was no longer necessary.

**Council Member Zander made a motion to amend the agenda to remove the closed session. Council Member Harris seconded the motion. The vote was unanimous in favor.**

ADJOURNMENT

**Council Member Shelton made a motion to adjourn. Council Member Zander seconded the motion. The vote was unanimous in favor.**

The February 19, 2019 City Council meeting adjourned at 8:08 p.m.

ACTION ITEM - G: R2019-18, APPOINTING LAUREL  
HARRIS TO THE ARTS COUNCIL

**RESOLUTION R2019-18**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH,  
APPOINTING MEMBERS TO THE ARTS COUNCIL.**

**WHEREAS**, South Jordan City Code Chapter 2.76 allows the City Council to create committees; and

**WHEREAS**, the City Council created the Arts Council to promote the arts in this community and bring arts experiences to City residents; and

**WHEREAS**, the Arts Council bylaws permit between 6 and 12 members requiring appointment by resolution of the City Council; and

**WHEREAS**, the City Council standardized the creation and appointment of all City Council-created boards and committees, and hereby appoints Arts Council members to conform with the terms of the Policy & Procedures Guide; and

**WHEREAS**, the South Jordan City Council finds it in the best interest of the welfare of the residents of the City to confirm appointment of these members to the Arts Council.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, UTAH:**

**SECTION 1. Appointment.** The Arts Council members and their terms are as follows:

<i>Member name</i>	<i>District</i>	<i>Term expiration date</i>
Janis McClellan	Mayor	January 2022
Cassandra Eccles	Mayor	January 2022
Vacant	1	
Vacant	1	
Jennifer Fisher	2	January 2020
Vacant	2	
Kelly Holtman	3	January 2020
Laurel Harris	3	January 2020
Amanda Robinson	4	January 2020
Vacant	4	
Heather Smith	5	January 2022

**SECTION 2. Effective Date.** This Resolution shall become effective immediately upon passage.

**APPROVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019 BY THE FOLLOWING VOTE:**

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	_____	_____	_____	_____
Bradley Marlor	_____	_____	_____	_____
Donald Shelton	_____	_____	_____	_____
Tamara Zander	_____	_____	_____	_____
Jason McGuire	_____	_____	_____	_____

Mayor: \_\_\_\_\_  
Dawn R. Ramsey

Attest: \_\_\_\_\_  
City Recorder

Approved as to form:

\_\_\_\_\_  
Office of the City Attorney



**Citizen Advisory Committee  
Appointment Information Form**



Committee Appointment Preference

1<sup>st</sup> \_\_\_\_\_

2<sup>nd</sup> \_\_\_\_\_

3<sup>rd</sup> \_\_\_\_\_

Application Date: 2/4/19

Name: LAUREL HARRIS

Street Address: 4184 White Birch Rd.

Mailing Address: \_\_\_\_\_

Home Phone: 801-440-5459 Work Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Fax: \_\_\_\_\_ Email: Laurelsown2@gmail.com

Education Years Completed: Bachelor of Science

College(s): Utah State Degree: \_\_\_\_\_

Colorado State Degree: Nutrition/Dietetics

Employer: R Homemaker

Position: \_\_\_\_\_ Years: \_\_\_\_\_

Work Experience: See attached resume

Community See attached Resume

Why do you desire to serve on this Committee? I have always served in the community in some way so I am looking forward to this opportunity

Interests and Activities: Photography, Reading, hiking, travel

How many hours do you anticipate being able to spend on this appointment each month? 10+

Are you a South Jordan Resident?  Yes  No If yes, how many years? \_\_\_\_\_

Are you a registered Sale Lake County voter?  Yes  No

Do you own property in South Jordan?  Yes  No If yes, how many years? \_\_\_\_\_

Are you currently serving on another Public Board?  Yes  No If yes, what board? \_\_\_\_\_

How long have you lived in the Salt Lake Valley of Utah? 13 years

Your Age Group:  16-17  18-25  26-34  35-49  50-65  over 65

List references who can speak to your abilities and qualifications for service on this committee:

1. Name: Lee Ann Whitaker Phone: 801-259-5208  
Organization: Daughters of Utah Pioneers  
Address: South Jordan

2. Name: Steve Winward Phone: 801-550-6163  
Organization: Healthy West Jordan Committee  
Address: West Jordan

3. Name: Sheryl Searl Phone: 532-6479  
Organization: DUP  
Address: S.L.C. UT

Thank you for your interest in serving on a Citizen Advisory Committee with South Jordan City.

- A completed appointment information form is required for consideration for appointment. A financial disclosure may also be required.
- Applications filed with the City Recorder are placed on a resource list and will remain active for a period of one year. At the end of one year, names are removed from the City's resource list unless an applicant specifically requests that their name remain on the list for one additional year.
- All appointments to the Citizen Advisory Committees are made in an open session of the City Council.

Signature: [Handwritten Signature]

Date: 2/4/19

**Please return this completed form to:**  
Office of the City Recorder  
South Jordan City Hall  
1600 West Towne Center Drive  
South Jordan City, Utah 84095  
Phone: 801-254-3742 Fax: 801-254-3393  
www.sjc.utah.gov

# Laurel D. Francom-Harris

January 9, 2019



4184 White Birch Road, South Jordan, Utah 84009  
801-440-5459  
Laurelsown2@gmail.com

## OBJECTIVE

As a professional, I hope to strengthen the community, by providing cultural infrastructure that can withstand the stress of time. I am enthusiastic, ambitious, self-motivated, and goal oriented, open minded, and truly interested in people. I have seen the great impact that healthy lifestyles have on the quality of life and hope to be able to share this with others.

## EDUCATION

**Colorado State University** (Dec., 1992 GPA 3.7)

Bachelor of Science, Human Nutrition and Dietetics  
Minor - Restaurant and Food Service Management

National Student Exchange Program 1990, Rhode Island College, RI (1992)  
Utah State University student 1990-91

## EXPERIENCE

Utah Department of Health, community outreach 2009-2010

Chair; Healthy West Jordan Committee 2008

Founder: "Weight Biggest Losers" of West Jordan 2007-2008

Office Manager at Majestic Log Homes 1996

Internship: Restaurant and Food Service Management, Colorado 1992

Assistant Manager/Nutritional specialist: Nutri-System 1991 Utah

## VOLUNTEER/LEADERSHIP POSITIONS

- ✓ Docent at Daughters of Utah Pioneers Museum (current)
- ✓ Historian at Temple View Camp DUP
- ✓ Active Member Daughters of Utah Pioneers (current)
- ✓ Family History Consultant (current)

- ✓ *President Community Council at Bingham High School*
- ✓ *President Elect PTA*
- ✓ *President Relief Society, Highland Stake*
- ✓ *National Student Exchange Activities Committee, RI*
- ✓ *Volunteer usher for Providence Performing Arts Center, RI*
- ✓ *Homecoming Committee, Utah State University*
- ✓ *Nutrition club member at USU and CSU*
- ✓ *Country Dance Committee Chair*
- ✓ *Substitute Dance Instructor*

### **HOBBIES / INTERESTS**

*photography*

*family history*

*biking*

*hiking*

*water skiing*

*travel*

*reading*

### **REFERENCES**

*Provided upon request*

PUBLIC HEARING - H: ORDINANCE 2019-01, AMENDING  
REFERENCES TO DEPARTMENTS AND LOT SIZE  
REQUIREMENTS, AND DELETING CONTRADICTORY BUILDING  
REQUIREMENTS IN TITLE 17

**Issue:** **ZONE TEXT AMENDMENT - AMENDING REFERENCES TO DEPARTMENTS AND LOT SIZE REQUIREMENTS, AND DELETING CONTRADICTORY BUILDING REQUIREMENTS IN TITLE 17 OF THE SOUTH JORDAN CITY MUNICIPAL CODE**

**File No:** PLZTA201900029  
**Applicant:** City of South Jordan

**Submitted By:** Steven Schaefermeyer, Director of Planning

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**Staff Recommendation (motion ready):** I move that the City Council approve Ordinance 2019-01 as presented by City staff, with option 1.b. for lot flexibility as recommended by the Planning Commission.

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**BACKGROUND:**

This text amendment is the second of two planned text amendments that are City staff's attempt to clean up references in City Code Titles 16 and 17 to departments in charge of the City's planning and engineering functions. Reorganization of City departments is inevitable as the City grows and as its needs change. The latest reorganization in October 2017 created the Planning Department. This change, among other advantages, allows the City Engineer to focus on pressing matters in the City's busy Engineering, Building and Code Enforcement Divisions.

This text amendment also responds to a request to bring forward discussion of adding options for lot flexibility in single-family zones under very specific circumstances. The issue of infill development was also briefly discussed during the December 2018 joint City Council and Planning Commission, though no specific proposals or tools were considered.

**FINDINGS AND SUMMARY OF PROPOSED CHANGES:**

A. **City Departments:** The proposal defines terms for "City Engineer," "Planning Department" and "Planning Director" (see Exhibit A of Ordinance 2019-01). These new definitions are at the beginning of Title 17, and this ordinance replaces existing terms with these new terms throughout the title. These changes remove references to the Community Development Department, which no longer exists. They also make it easier for the City to reorganize departments without having to amend references to specific departments throughout the code every time there is a reorganization.

B. **Lot Size Flexibility:** Rather than propose one solution, staff outlined several solutions (options 1a, 1b, 2 and 3) and asked the Planning Commission to discuss those options. The options presented to the Planning Commission are included in this report and the attached Ordinance 2019-01 includes the Planning Commission recommendation on this issue. Although there are advantages and disadvantages to each solution, staff tried to make it clear to the

Planning Commission that it is comfortable recommending that the City Council adopt any of the solutions.

The Planning Commission voted four to one to recommend to the City Council that it adopt Ordinance 2019-01 and include in that ordinance option 1.b. Option 1.b. in this report is slightly different than what was presented to the Planning Commission. In addition to some clarifying language, the Planning Commission also wanted to limit this option to subdivisions and developments that are five acres or less. Staff included that limitation in this report and in the proposed Ordinance 2019-01. The minutes from two Planning Commission meetings where this text amendment was discussed, and an email to the Planning Commission are attached.

1. **Legislative Options:**

a. Amend the Planned Development (“PD”) Floating Zone by deleting the prohibition on single family residential zones (City Code § 17.130.050.020.C.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).~~

b. Amend the PD Floating Zone by deleting the prohibition on single family residential zones (option 1a) **and** add a limitation that restricts what City Code requirements may be modified by the PD district in single family residential zones:

**A PD district may only be approved in single-family residential zones (R-1.8, R-2.5, R-3, R-4, R-5) for subdivisions and projects that are less than five (5) acres and only to modify minimum lot area, lot width and frontage, or yard area requirements of the underlying residential zone. Except those requirements specifically listed in this subsection, no other requirements of Titles 16 and 17 shall be modified by a PD district in a single-family zone, including but not limited to maximum gross lot density and public right-of-way requirements and standards.**

One of the advantages of adopting a legislative solution through the PD Floating Zone is that the City Council ultimately makes a decision of what requirements, if any, it permits to be modified by development agreement to accommodate infill development. This decision would be made after a series of public meetings where, like a standard rezone, the public can express its concerns and the City Council has the greatest degree of flexibility to respond to those concerns, including denying the proposal if necessary.

The PD Floating Zone also requires a detailed development agreement, which creates predictability for the City and the development’s neighbors that they generally do not get with a standard rezone.

A couple disadvantages of a legislative solution is that it takes more time for the applicant to get through the approval process without having vested a subdivision application and, in this case,

removes some level of predictability from residential zones even though overall gross lot densities would remain the same.<sup>1</sup>

2. **No Action:** Taking no action to add flexibility to residential lot requirements will maintain the status quo, which means that owners of smaller properties may not be able to get the maximum gross density they expected and that is hypothetically allowed in the zone. Generally, smaller properties are unable to fit the maximum number of lots that may be allowed in a residential zones once standard city streets and other infrastructure is removed from the land remaining to create lots. Taking no action would give City staff a clearer directive to tell to land owners and developers that the City is comfortable with the reality that infill projects are unlikely to reach the maximum gross density allowed in residential zones.

3. **Administrative Option:** Add a section to the residential zone chapter that allows modified lot area, lot width and frontage, and yard area (setback) requirements for subdivisions that are ten acres or less:

**The minimum lot area, lot width and frontage, and yard area requirements in subsections B, D and F of this section may be modified as shown in the below tables for no more than fifty percent (50%) of the lots in the subdivision. A table shall be included on the subdivision plat that lists the minimum requirements for any lots with modified lot area, lot width and frontage, or yard area requirements. This subsection does not modify any other requirement of this chapter or other applicable requirement of Titles 16 and 17, including but not limited to maximum gross lot density and public right-of-way requirements.**

<b><u>Zone</u></b>	<b><u>Minimum Lot Area (Square Feet)</u></b>
<b><u>R-1.8</u></b>	<b><u>12,000</u></b> (14,520) <sup>2</sup>
<b><u>R-2.5</u></b>	<b><u>10,000</u></b> (12,000)
<b><u>R-3</u></b>	<b><u>8,000</u></b> (10,000)
<b><u>R-4</u></b>	<b><u>6,000</u></b> (8,000)

<sup>1</sup> However, zoning regulations are not static because City Council can always change the regulations and a current City Council cannot restrict a future City Council’s legislative authority to change the regulations. Additionally, because text changes to the City Code may affect all property in the City, residents are not sent a notification of the potential change like the notice they receive for nearby zone change requests and PD Floating Zone requests.

<sup>2</sup> Current minimum lot area, lot width and frontage, and yard area requirements are show in (grey) for reference only and would not be included in the final ordinance.



<u>Minimum Yard Area (setback)</u>						
<u>Zone</u>	<u>Front Yard (Interior And Corner Lots)</u>	<u>Garage Opening (Front Or Street Side)</u>	<u>Front Yard (Cul-De-Sac Lots)</u>	<u>Side Yard (Standard)</u>	<u>Side Yard (Corner Lot Street Side)</u>	<u>Rear Yard (Interior Lot)</u>
<u>R-1.8</u>	<u>25'</u> (30')	<u>25'</u> (30')	<u>20'</u> (25')	<u>8'</u> (10')	<u>25'</u> (30')	<u>20'</u> (25')
<u>R-2.5</u>	<u>20'</u> (25')	<u>25'</u> (30')	<u>20'</u>	<u>8'</u> (10')	<u>20'</u> (25')	<u>20'</u> (25')
<u>R-3</u>	<u>20'</u> (25')	<u>25'</u> (30')	<u>20'</u>	<u>8'</u> (10')	<u>20'</u> (25')	<u>20'</u> (25')

<u>Zone</u>	<u>Minimum Lot Width</u>	<u>Minimum Lot Frontage (Standard)</u>
<u>R-1.8</u>	<u>85'</u> (90')	<u>85'</u> (90')
<u>R-2.5</u>	<u>85'</u> (90')	<u>85'</u> (90')
<u>R-3</u>	<u>80'</u> (85')	<u>80'</u> (85')
<u>R-4</u>	<u>75'</u> (80')	<u>75'</u> (80')

Not all the residential zones are included in this option because (1) the challenges City staff has observed with infill developments are generally in the larger-lot residential zones (i.e. R-1.8, R-2.5 and R-3), and (2) lowering the minimum requirements for the smaller-lot residential zones would create more problems than it would solve.

This option also does not include tradeoffs for flexibility that could be included in this option like increased architectural standards. City staff could draft some additional design requirements if the City Council requests.

C. **Building Separation Requirement:** Both the agricultural and residential zones include the requirement that “[a]ll buildings shall be separated by a minimum distance of five feet (5’).” See City Code §§ 17.30.030.d, 17.40.030.d. This requirement mirrored an old requirement of the building code that was amended and now conflicts with Title 17. Rather than update this requirement in Title 17, staff recommends deleting the requirement. The best practice is to avoid conflict altogether by not mirroring other laws in the City Code, including the building code, because those laws may be updated frequently and independently of City Code. Therefore, City staff recommends deleting this requirement and relying on the building code to regulate the separation of buildings.

**CONCLUSIONS:**

- The proposed text amendment eliminates ambiguity and contradictions that are caused every time the City necessarily reorganizes its operations. It also eliminates other contradictions with other requirements and law.
- Even if the City Council chooses not to adopt Ordinance 2019-01, discussing lot flexibility with the Planning Commission and City Council will provide a stronger directive for City staff, land owners and applicants.
- The proposed text amendment complies with the Requirements of the Municipal Land Use, Development, and Management Act (Utah Code § 10-9a-101, *et seq.*)

**RECOMMENDATION:**

Based on the Findings and Conclusions listed above, Staff recommends that the Planning Commission take comments at the public hearing and continue discussion of the proposed text amendment to a future City Council meeting OR approve Ordinance 2019-01.

**ALTERNATIVES:**

- Approve Ordinance 2019-01 with changes.
- Ordinance 2019-01 fails for lack of motion.

**ATTACHMENTS:**

1. Ordinance 2019-01
2. Planning Commission Minutes
3. Email to the Planning Commission

**ORDINANCE NO. 2019-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING REFERENCES TO DEPARTMENTS AND LOT SIZE REQUIREMENTS, AND DELETING CONTRADICTORY BUILDING REQUIREMENTS IN TITLE 17 OF THE SOUTH JORDAN CITY MUNICIPAL CODE.**

**WHEREAS**, Utah Code § 10-9a-102 grants the City Council of the City of South Jordan (the “City Council”) authority to enact ordinances that it considers necessary or appropriate for the use and development of land in the City of South Jordan (the “City”), including the City’s aesthetics; and

**WHEREAS**, the City Council has adopted Title 17 (Planning and Zoning Code) of the South Jordan City Municipal Code (“City Code”), which regulates zoning and use of land in the City; and

**WHEREAS**, from time to time the City’s departments are reorganized with the most recent change being the creation of the Planning Department, which previously performed its function as the Planning Division of the Development Services Department; and

**WHEREAS**, the Development Services Department and the Planning Department recommended that the City Council amend Title 17 to reflect the reorganization and to allow future reorganizations to occur without creating ambiguity in Title 17 or the need for future text amendments; and

**WHEREAS**, on May 15, 2018 the City Council passed Ordinance 2018-07 that, among other things, amended Title 16 of the City Code to reflect the reorganization; and

**WHEREAS**, Planning Commission recommended that the City Council also amend Title 17 to provide some flexibility for residential lot sizes without increasing the allowed density in the underlying residential zone or changing other development and public improvements requirements, including right-of-way widths; and

**WHEREAS**, City staff recommended that the City Council delete a building separation requirement in the agricultural and residential zones that contradicts the requirements of the building code adopted by the City; and

**WHEREAS**, the South Jordan Planning Commission held a public hearing, and reviewed and made a recommendation to the City Council regarding the text amendment; and

**WHEREAS**, the City Council held a public hearing and reviewed the text amendment; and

**WHEREAS**, the City Council finds that this Ordinance will enhance the public health, safety and welfare, and will promote the goals of the General Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH:**

**SECTION 1. Adoption.** The City Council hereby adopts the amendments to Title 17 of the City Code as shown in Exhibit A, Exhibit B and as listed below:

- A. Any instances of the words “community development” in the following chapters and sections of Title 17 are changed to “planning”:
- 17.04.050: INTERPRETATION AND CLARIFICATION
  - 17.08.010: DEFINITIONS
  - 17.12: GENERAL PLAN
  - 17.16.010: PLANNING COMMISSION
  - 17.20.030: LOCATIONS OF ZONE BOUNDARIES
  - 17.22: ZONING AMENDMENTS
  - 17.54: REDWOOD ROAD MIXED USE (MU) ZONES
  - 17.70.090: PARKING AND ACCESS
  - 17.72: PLANNED COMMUNITY (P-C) ZONE
  - 17.74: MIXED USE (MU) ZONE
  - 17.108: WIND ENERGY CONVERSION SYSTEMS
  - 17.130: OVERLAY AND FLOATING ZONES
- B. Any instances of the words “or his or her designee” and “or his or her designees” in the following subsections of Title 17 are deleted:
- 17.04.050: INTERPRETATION AND CLARIFICATION
  - 17.04.240: PUBLIC UTILITIES
  - 17.16.020.030: VARIANCES
- C. Any instances of the words “development services” in the following sections or subsections of Title 17 are changed to “planning”:
- 17.16.020: APPEAL AUTHORITY
  - 17.18: USES
  - 17.30.020: DEVELOPMENT AND DESIGN STANDARDS
  - 17.40.020: DEVELOPMENT AND DESIGN STANDARDS
  - 17.60.020: DEVELOPMENT AND DESIGN STANDARDS
  - 17.62.020: DEVELOPMENT AND DESIGN STANDARDS
  - 17.84: CONDITIONAL USES
  - 17.90.020: DEVELOPMENT AND DESIGN STANDARDS
  - 17.130: OVERLAY AND FLOATING ZONES
- D. Any instances of the words “development services department” in the following subsections of Title 17 are changed to “city engineer”:
- 17.30.030: OTHER REQUIREMENTS
  - 17.40.030: OTHER REQUIREMENTS
  - 17.62.020.I: Grading and Drainage
  - 17.90.020.I: Grading and Drainage

- E. Delete any instances of the word “transportation” in the following subsections of Title 17:
  - 17.74.060.D: Signage
  - 17.74.060.J: Parking Areas
  
- F. Delete Section 17.16.030 (COMMUNITY DEVELOPMENT DIRECTOR) and renumber Section 17.16.040 (LAND USE ORDINANCE ENFORCEMENT) from 17.16.040 to 17.16.030.
  
- G. Delete Sections 17.30.020.d (Separation) and 17.40.020.d (Separation).

**SECTION 2. Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

**SECTION 3. Effective Date.** This Ordinance shall become effective immediately upon publication and posting as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019 BY THE FOLLOWING VOTE:**

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	_____	_____	_____	_____
Bradley Marlor	_____	_____	_____	_____
Donald Shelton	_____	_____	_____	_____
Tamara Zander	_____	_____	_____	_____
Jason McGuire	_____	_____	_____	_____

Mayor: \_\_\_\_\_  
Dawn R. Ramsey

Attest: \_\_\_\_\_  
City Recorder

Approved as to form:

  
\_\_\_\_\_  
Office of the City Attorney

## **EXHIBIT A**

The following definitions are added to Section 17.08.010 (DEFINITIONS):

**CITY ENGINEER:** The City Engineer of the City of South Jordan, or the person(s) engaged by the City and authorized to perform the duties assigned to the City Engineer, regardless of official job title, and shall include any deputies, assistants, representatives and designees.

**PLANNING DEPARTMENT:** The department, division or group, regardless of name, charged with the responsibility of directing all activities associated with the planning, implementation and review of all land use controls and zoning in the City.

**PLANNING DIRECTOR:** That person charged with the responsibility of directing all activities and responsibilities of the Planning Department, regardless of official job title, and shall include any deputies, assistants, representatives and designees, including but not limited to the City Planner.

## EXHIBIT B

### **17.130.050: 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.

#### **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).~~

**3. A PD district may only be approved in single-family residential zones (R-1.8, R-2.5, R-3, R-4, R-5) for subdivisions and projects that are less than five (5) acres and only to modify minimum lot area, lot width and frontage, or yard area requirements of the underlying residential zone. Except those requirements specifically listed in this subsection, no other requirements of Titles 16 and 17 shall be modified by a PD district in a single-family zone, including but not limited to maximum gross lot density and public right-of-way requirements and standards.**

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.

#### **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.

This meets all requirements and staff is recommending approval as proposed. He said this went to the ARC and they recommended approval also.

Commissioner Jolley asked what was their motivation regarding landscaping and maintenance of the property. City Planner Schindler said we pushed them to do it. In return they got some concessions for putting the landscaping in and maintaining it.

Deputy Engineer Jeremy Nielson said they have an agreement for Impact Fee Credit as concession for maintaining the property.

**Logan Johnson (Applicant)**, said we were involved with the PDQ construction and the reason this has taken so long was we were ready to move forward a number of months ago and then the City came to us and said you need to incorporate this into your project. We went to PDQ and said you need to add this and they said they did not want to pay for any more land. We tried to acquire the piece and put parking on it but by adding an additional building we couldn't fit it. After a long process we ended up agreeing with the condition of Impact Credit to install and maintain the landscaping there. It will probably be constructed early spring.

Chairman Woolley opened the Public Hearing. No speakers. He closed the Public Hearing.

#### **D.2 Potential Action Item – (See VII.C.1)**

**Commissioner Haynes made a motion to approve File No. PLSPR201700832 for the construction of a restaurant with a drive through located at 3788 West 11400 South, as presented to the Planning Commission. Commissioner Holbrook seconded the motion. Roll Call Vote was 5-0 in favor. Commissioner Ellis was absent from the vote.**

### **VII. PUBLIC HEARINGS AND POTENTIAL \*\*LEGISLATIVE ACTION ITEMS** **\*\*Legislative Action = More Discretion, Reasonably Debatable (Subjective Standard)**

#### **E.1 Issue: TEXT AMENDMENT** **AMENDING TITLE 17 OF THE CITY CODE TO CHANGE** **REFERENCE TO CITY DEPARTMENTS AND DISCUSS OPTIONS** **FOR ADDING FLEXIBILITY FOR LOT SIZES** **File No: PLZTA201900029** **Applicant: City of South Jordan**

City Planner Greg Schindler reviewed the background information on this item from the packet staff report. He said I am assuming that you have read through this information. Basically there are three things we are looking for. There is an A, B, and C. A & C are the easy ones. Section A is getting rid of all references to the Community Development Department, Community Development Director and changing them to Planning Department and Planning Director. Section C is a requirement that has been in our code for many years, about the separation of buildings on a residential site. First it was 6 feet then we changed it to 5 feet. Now the building code does not require a minimum separation on site. It was for safety reasons. That is now left to the property owner. Every time the building code changes, we have to change our code. We want that whole section removed from our code. Part B has different options that we are proposing to give some flexibility to our code if you see fit for infill development. There are different proposals to consider. You have the option to recommend approval of any combination of the three options separately.

Chairman Woolley opened the Public Hearing. No speakers. H closed the Public Hearing.

Chairman Woolley said I went through this very extensively and the first Item A. makes sense and Item C. makes sense to do that also. When you get to the language and options in B.”, this is one of the components of the general plan revision as we are looking at tools to put into place that will help the City develop appropriately and not have some of the issues we have had. The question is, how to deal with properties that deal with infill. This will start taking place heavily over the next number of years east of Bangerter. He said I find it interesting that if an area is already zoned or the General Plan calls for a specific zone, then the density of that zone does not change by this language. It simply allows for some lot size adjustment and some setback adjustments, which we have already seen and has been problematic. I like the fact that we would have a tool here that we can do something that will allow for the flexibility. I am not sure if we should recommend that we do this legislatively or administratively. If it is legislatively, it allows for us as a body to review and to recommend or to deny to City Council. Staff obviously prefers administratively, because then it is clear cut when they are working with an applicant it gives very little flexibility should they need it. The Planning Commission is stuck with the same issue that staff is that we can't modify from the written code. I like the idea of the Planning Commission having the approval and I think it is one of those items that in most cases works well. When we are looking at specific properties with specific issues and surrounding properties, I like the legislative option so we can look at it and staff can look at it and we can make recommendations or deny based on information we have. Let's have a discussion to hear how you feel.

City Planner Schindler said just to be clear, none of this would change the density of a property. If it is zoned R-2.5, it would remain R-2.5.

Commissioner Haynes said Chairman Woolley mention that there is no current tool that allows for this to ease the burden we have had recently. Does this allow a simplification to make your job or the Planners job easier? City Planner Schindler said not necessarily easier; we still have to review it. It gives more flexibility to the actual property owners and the developers.

Commissioner Morrissey said my concern is not knowing the outcome. If we leave this option open to administrative, we find ourselves in positions that are unfavorable to the city because if the applicant meets all of the requirements, what are our options; we end up having to approve something that we really don't want to and we won't have any recourse. My preference would be having the legislative option so we have an opportunity to have an option to provide feedback, changes, and modifications.

City Planner Schindler said Commissioner Morrissey if probably correct on that. With the administrative option you can only modify three things; the square footage of the lot, the frontage, and the lot width. Nothing else can be modified.

Commissioner Morrissey said we are coming to a point where there are certain pieces of land and land shapes that are looking to be developed that have restraints and this would provide some wiggle room. In your opinion are we at that point to make this change, facilitate, and develop those lands.

City Planner Schindler said that is a good question. There are several properties. I am not sure that the 10 acres is the right number for this. Maybe it should be smaller than 10 acres.

The Commissioners asked why this is being brought forward to them right now. They want to know what “infill” means to the Planning Department. City Planner Schindler said infill is undeveloped lots surrounded by other developments. The Commissioners thought that 5 acres would be a better number than 10 acres.

Commissioner Holbrook said maybe this is not the time to be changing this with us working on the General Plan Revision. I think I heard you say that this is not a pressing issue at this time.

Commissioners continued discussing reasons for this coming forward at this time. They all seemed to be leaning toward approving parts A and C, and just tabling Part B. They want to have more thorough discussion on Part B. City Planner Schindler said this has not been scheduled to go to City Council yet. If you have concerns and want to take longer, it is not a problem; you don't have to make that decision tonight.

Chairman Woolley said I would entertain a motion for Item A and Item C and to table Item C.

#### **E.2 Potential Action Item – (See VII.B.1)**

**Commissioner Holbrook made a motion that the Planning Commission recommend to the City Council that it recommend approval of Item A and Item C; and to table Item B of Ordinance 2019-01, for the next Planning Commission Meeting on January 22<sup>nd</sup>. Commissioner Morrissey seconded the motion. Roll Call Vote was 5-0 in favor. Commissioner Ellis was absent from the vote.**

#### **VIII. OTHER BUSINESS**

Chairman Woolley said it is time to nominate appointments for a Chair, Vice-Chair and Architectural Review Committee.

- Mark Woolley was re-appointed as Chair – vote was 4-0 in favor
- Earl Jolley was appointed as Vice-Chair – vote was 4-0 in favor
- Michael Haynes was appointed to be on the ARC – vote was 4-0 in favor

#### **ADJOURNMENT**

**Commissioner Jolley motioned to adjourn the January 8, 2019 Planning Commission meeting. Commissioner Morrissey seconded the motion. Vote was unanimous in favor.**

The January 8, 2019 Planning Commission Meeting adjourned at 8:25 p.m.

**This is a true and correct copy of the January 8, 2019 Planning Commission minutes, which were approved on January 22, 2019.**

*Anna M. West*

**South Jordan City Recorder**

Recorder Anna West prepared the meeting minutes

Commissioner Jolley made a motion to approve File No. LPLA2018900049 to amend lot 102 of the amended subdivision and create two commercial lots, located at 11322 South Beckstead Lane as presented. Commissioner Ellis seconded the motion. Roll Call Vote was unanimous 5-0.

**VII. PUBLIC HEARINGS AND POTENTIAL \*\*LEGISLATIVE ACTION ITEMS**

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

None

**VIII. OTHER BUSINESS**

**C.1 Issue: TEXT AMENDMENT  
AMENDING TITLE 17 OF THE CITY CODE TO CHANGE  
REFERENCE TO CITY  
DEPARTMENTS AND DISCUSS OPTIONS FOR ADDING  
FLEXIBILITY FOR LOT SIZES**

**Note: This Item tabled from January 8, 2019 Planning Commission Meeting**

Chairman Woolley said at the previous meeting we approved and sent forward to the City Council our recommendation for approval of Item A and Item C. Our discussion tonight will be on Item B.

Planning Director Steven Schaefermeyer said I hope you were all able to read my email after the first discussion in January. After talking to Greg I felt like I needed to address timing and the relationship with the General Plan. This is a bit different. Usually staff comes with one recommendation. Tonight we have come with three options. This is an opportunity for you to tell us which of the three options you believe to be best. Currently this is noticed for the City Council meeting next week.

Commissioner Morrissey asked what some of the reasons the PUD was extinguished are.

Director Schaefermeyer said some of it was about predictability. One of the biggest problems was public streets. That was removed from PUD's before the PUD's were removed from the code. There was not a lot of discussion on specifically why PUD's were to be removed. There were some issues about how The Cliffs on Jordan Gateway was approved through performance development. That and PUD's were all caught up in the same issues of how much control do we actually have.

Commissioner Woolley said a few years ago there were also problems with projects that had gone belly-up during the economy downfall. As they were coming back into the system, developers wanted the city to take back the roads and amenities from PUD's and maintain them. The City had a task force to look into that issue and made recommendations to the Council. That is when they started asking why we are even doing PUD's.

Director Schaefermeyer said thank you for bringing that up. We do have a process now where failing HOA's can come to the City and say we would like the City to take over the roads. In order to do that, the HOA's have to bring everything up to City Standards.

Commissioner Morrissey said what is your recommendation?

Director Schaefermeyer said I think it is good to have some flexibility in the code or an option for flexibility. I understand your concerns about doing it administratively, it is hard to anticipate everything. These infill developments are very difficult. I think there is an expectation from land owners when they say I have R-3 zoning and they think they can get 3 lots on their property. Because of all of our requirements, they can't get their full three units per acre. It is a difficult process for our staff to work through those and I don't think that our fees cover the time and effort it takes to work through some of those with developers on these smaller pieces of property. From that standpoint, staff would support some level of flexibility. Ultimately, if the recommendation to Council is we don't want to mess with that that will at least give staff a clear directive when people come in and want to do something different or creative, in this case, absolutely not.

Commissioner Holbrook said then we would be accepting things that would be non-standard. Is it possible for them to have a development agreement if they want something specific.

Director Schaefermeyer said it depends on the option that you choose. The PD Floating Zone allows deviations from the underlying code. Through that process we have avoided some of the downfalls of the PUD zone like we have been requiring public size streets. Those are not things that are on the table when someone says I can't do what I want under your zone. The PD Floating Zone also front loads the discussion with the City Council so that staff understands up front, these are the types of things that the City Council supports so we don't waste time and the developer doesn't waste time trying to negotiate. Yes, you can always have a development agreement with a rezone. The City has taken a more conservative stance on development agreements where it takes the zone and constricts it. It limits what you can do in that zone. The PD Floating Zone was adopted about the same time that the flexibility was taken out of the code.

Commissioner Ellis said it sounds like the intent is to allow land owners to get the true density out of their land and meet the city's requirements for streets, easements and that kind of thing?

Director Schaefermeyer said it depends on how it is written. Option 1 and Option 3, allow that flexibility. Option 3 is the administrative option and that limits what that flexibility is. Option 1 which is the legislative action, would allow the Council to decide. The PD floating zone inherently allows the Council to modify anything.

Chairman Wooley said for instance on 1b, if that was the choice to remove it from an administrative action into a legislative action so that it does go before the Council and there is that discussion, if we recommended the requirement and the Council adopted that, stating there was a maximum acreage that this could be applied in, are you saying that the Council then could waive that?

Director Schaefermeyer said no. If you added in there that the PD floating can only be used in single family zones or subdivision that are a certain size.

Commissioner Morrissey asked what size lots would this affect the most.

Director Schaefermeyer said I think probably the R-3 zone and R-4. The problem with R-1.85 and R-2.5 is those lots are already so big that if you limited it to 5-acres, there is not much flexibility left. That is why I went with the 10 acres.

Commissioner Morrissey asked if hypothetically any developer could come in and request this PD to be applied to any land that fit the criteria as far as the density goes.

Director Schaefermeyer said yes. As long as they met all of the requirements for the PD Zone. Right now the PD Zone is limited to certain zones. If you have a C-C zone and you want to develop it as a C-C zone then you would submit a rezone request with a PD overlay. Our City Council is still in the driver's seat and decides on all of these. One of the issues people had with the PUD zone was that it's adopted and if you meet the requirements than you have entitlement. You do not have entitlement to a rezone. No one has entitlement to the PD Floating Zone. The City Council would have to adopt the rezone ordinance. Developers can request it but with the administrative option, once it is adopted as code then as long as they meet the code they are entitled to approval. The reason the PD Floating Zone is made a legislative option is so that the City Council can say no if they choose to.

Chairman Woolley said I just heard something that is not what you and I talked about nor what is in the writing regarding density.

Director Schaefermeyer said the density is the same under the zone regardless of whether you have the PD. I understood your question to be, if, based on the constraints of the property they are only limited to five lots, but under the zone they are asking for they could have up to 8 lots or whatever, the density will still apply. They are not getting any additional lots than they would be entitled to under the existing zone.

Commissioner Holbrook said are you saying they would have to apply for a rezone; like if they are an R-2.5 and they wanted a 3 or 4.

Director Schaefermeyer said it depends on which option. If you are talking about the PD Floating zone, then yes, they would have to apply for a rezone. If you go with the administrative option, which is #3, then no, it would not be a rezone it would be a straight up subdivision. All subdivisions are based on gross acreage.

Commissioners continued discussing potential scenarios of property sizes and how that would work with the PD overlay. They talked about projects in the past that kept asking for more and more density.

Commissioner Ellis said I do not want to create something that can be gamed by the developers. I understand the desire to make infill development feasible, but I don't want to create something that can be gamed.

Director Schaefermeyer said if anybody is being gamed it's the City Council. I just want to be clear. We have three options, and the purpose of this was to have a discussion. Under one scenario the City Council always holds the cards. In another scenario, once you meet the requirements of the zone you become entitled.

Chairman Woolley said we have a very diverse Commission and yet there is a great deal of respect for each other and we can debate the issues and have disagreements and still be respectful. On this very item, I am on one side and some of you are on the other side. I do recognize that whatever we do has got to work. We need to do what is best for the community as a whole. I still think that 10 acres is not infill. To me that is a big piece of property. I think the legislative option with a maximum acreage of 5 or something close to that, then begins to make sense. You are not changing the density unless someone goes before the Council and us with a rezone.

Commissioner Ellis said I think that option 3 is too prescriptive and 1a is way too broad. I think either 1b or 2 are the answer. I agree that we need a size restriction on 1b. I think 10 acres is a subdivision.

Commissioner Jolley said I agree that by restricting it to 5 acres makes more sense and gives the City a great tool to take care of some of those small parcels.

Commissioner Haynes asked if any of our surrounding cities have anything like this already in place.

Director Schaefermeyer said the PD Floating Zone is unique. We are more restrictive than other communities.

Commissioner Haynes asked what the long term effects of attached housing is on a community.

Director Schaefermeyer said the City did a study about the fiscal analysis of it and the property values of this type of housing is lower. I do know that South Jordan has one of the highest rents in terms of our multi-family housing.

Commissioner Haynes said I have a police officer friend and he said the more density there is the more crime goes up.

Director Schaefermeyer said one of the issues with multi-family housing is if the property is not managed properly that becomes an issue.

Commissioner Holbrook said I am still trying to get over more homes on smaller lots, which is exactly what the people of this city has said over and over that they do not want. Basically you are going to have a neighborhood with smaller lots than the surrounding area. I don't think that we have sufficiently defined infill. I wonder if this isn't a bit premature. It would be something to think about, but I think because we already have a tool where it could be decided on a case by case basis, personally I don't see this as beneficial at this time.

Commissioner Morrissey asked Commissioner Holbrook to explain what that tool is that we have.

Commissioner Holbrook said because you can ask the City, can I have this if I give that.

Chairman Woolley said we have restricted the density to a lower zone and still it didn't approve. The last two times I have seen it be used it has not worked in accomplishing getting the net density of an infill project.

Commissioner Haynes asked to get clarification on something. He said in our code under Overlay and Floating Zones 17.130.010, it says definition and purpose. I feel like that is already defined and what we are talking about here it states *"an overlay zone represents a geographical area or district where additional standards, conditions, and/or uses are superimposed upon the underlying zones within that area or district. A floating zone may allow for additional uses and modifications to use regulations and the zoning provisions of the existing base zone; a floating zone is not automatically applicable to the predetermined location as with an overlay zone, but may be applied to a specific location after specific standards and conditions are met and after legislative approval by the City Council. A floating zone may provide greater flexibility for land owners that own unique properties or who agree to build projects that include eye quality and unique elements not otherwise required by the underlying zone. The purpose of overlaying zones and floating zones is to provide a zoning tool for the accomplishment of community goals and policies in the pursuit of the public health, safety, and welfare in ways not available in typical zoning."* Doesn't that already cover what we are talking about?



Commissioner Ellis said yes, but it won't allow for single-family residential zones to be used in the PD floating zone.

Chairman Woolley said currently it is only for commercial. The intent is good and what we're trying to accomplish is good, but we can't use it in residential.

Commissioner Morrissey asked how many properties we have in South Jordan that would qualify if we did limit this to 5 acres or less.

Director Schaefermeyer said I have a map that I had GIS prepare. I did not show it in the beginning because it might be misleading because I have not gone through it thoroughly yet. I asked GIS to give me any vacant piece of property that is either master planned or zoned for residential that is 5 acres or less, or 10 acres or less. He showed the map to the commission with the understanding that it could be misleading. This map shows both 5 acre and 10 acre parcels which are highlighted in different colors.

Commissioner Holbrook said I just can't see people who want to buy the property, go to the property owners and say "hey, charge me more money because if I use this floating zone here I can get more lots on here and you could get more money;" I don't see that happening. I see that this benefits developers more than it benefits the people and because we have been so adamant as a city to adhere to standards, I am just not good with this.

Commissioner Ellis said I am surprised to see how few lots there are in that under 5 acre size. I think if we put the restriction of 5-acres on 1b then it works.

Chairman Woolley said I think based on our discussion I think it is a fair recommendation to the Council because they are going to debate this as well.

Director Schaefermeyer said, so we are clear about the PD floating zone, it's not like a traditional rezone where you get the zone and then you come back with your application and we don't know what you are going to develop. Our zoning code requires a concept plan, but unless we have a development agreement, that concept can change. If I am up here talking to the Council and they say they like this development, I try and emphasize you are giving them a zone not requiring that specific development. The PD Overlay however, requires the development agreement which requires everything from lot layout to landscaping.

Commissioner Morrissey asked Chairman Woolley if in his position as a quasi-developer and using this tool, would you tell us your experience in this.

Chairman Woolley said in my experience, you have several things going on. Number 1, the majority that I am aware of, these parcels are owned by individuals who either have been farming them or their parents farmed them. In many cases this land is their retirement or their 401K. Its value is based on what the zoning can be. Occasionally you will have that owner that wants to get as much as possible for it and that is by higher density than is currently planned or master planned. For the most part it is individuals who say I want to sell my property, I am no longer farming it and I'm getting older and want to move into a smaller place so they put it up for sale. The realtors contact the development community and try to find what will work. Without having a tool, there is uncertainty across the board. The homeowners don't know what they can legitimately sell their property for and in many cases they try to go for a higher density and ask for more money. That is what we are seeing with the current ability of just simply asking for higher zoning. You are talking about a much higher price and more homes. With a tool like this, it puts everyone on an even playing field. This is a win, win, in my opinion because it gives some clarity to the owners of property of what they can reasonably expect but it doesn't allow them to get a higher density.

Commissioner Morrissey asked if it gives more benefit to the current land owners or to the developer. Chairman Woolley said initially to the land owner. They but benefit but initially it starts with the sale. If we don't approve something like this, what we are going to continue to see in my opinion is people who want to sell their property or may need to sell their property that are going to apply for rezones and we are going to have a higher density issue continuing; where this puts that to bed. The owners benefit, the developers benefit, and the people who buy those homes will benefit.

Commissioner Ellis said I see the value in having this flexibility.

Commissioner Jolley said if we did recommend to the City Council that we go with 1b and we restrict it to properties 5-acres or less, can the City Council say we like option 1b but we are going to strike the limitation on the acreage. Director Schaefermeyer said yes.

Commissioner Holbrook said I think that you are underestimating how much this will be used because as was brought out by Commissioner Jolley, we have a lot of agricultural that will be turning residential so it is going to be used more than what we saw on the map.

Commissioner Jolley said those agricultural properties will be developed into larger normal sized subdivisions. We will then end up with some odd shaped pieces that this can apply to. I agree we should restrict the size.

#### **C.2 Potential Action Item – (See VIII.C.1)**

**Commissioner Ellis made a motion that the Planning Commission recommend to the City Council that it approve Ordinance 2019-01 as presented by City Staff, with option 1b and only applied to parcels of 5-acres or smaller, for lot flexibility. Commissioner Jolley seconded the motion. Roll Call Vote was 4-1. Commissioner Holbrook voted No.**

#### **ADJOURNMENT**

**Commissioner Holbrook motioned to adjourn the February 12, 2019 Planning Commission meeting. Commissioner Jolley seconded the motion. Vote was unanimous in favor.**

The February 12, 2019 Planning Commission Meeting adjourned at 8:10 p.m.

**This is a true and correct copy of the February 12, 2019 Planning Commission minutes, which were approved on February 26, 2019.**

*Anna M. West*

**South Jordan City Recorder**

Recorder Anna West prepared the meeting minutes

## Steven Schaefermeyer

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**From:** Julie Holbrook <jholbrook2006@hotmail.com>  
**Sent:** Wednesday, January 9, 2019 2:33 PM  
**To:** Steven Schaefermeyer  
**Cc:** Greg Schindler; Todd Sheeran; 'mark@buildtecsolutions.com'; Earl Jolley; Sean Morrissey (sdmorrisey79@gmail.com); John Ellis; Mike Haynes  
**Subject:** Re: Follow up on "lot size flexibility" discussion

Mr. Schaefermeyer,

Thank you for your prompt response to the Planning Commission's concerns! We appreciate your continued explanation regarding the flexible lot issue as we had many questions and concerns.

1. It is good to know that this is not a pressing issue and there is no need to rush or push this through. We have seen the aftermath of adopting a singular issue only to have unintended consequences haunt us for many years.
2. It seems logical to have this issue fold into the upcoming General Plan revision as there was such a push from the public to stop the rampant building insanity that had been occurring. With new council members they may not fully understand the outrage from the public and by having this text change become part of an overall general plan, it may make it more palatable to the public.
3. With the extensive experience of this commission I don't believe anyone thought that the Steering Committee should be the body to make a text change decision. What I believe was inferred was that the Steering Committee should have a discussion regarding lot size flexibility for infill, tools to handle the use, which densities or zones it should affect, affordable housing and any or all land use topics to be taken up by the General Plan revision. Discussing how it would fit in with all the rest of the plan would be a sound practice?

Thanks again and we are looking forward to seeing you at our next meeting!

Julie Holbrook

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**From:** Steven Schaefermeyer <SSchaefermeyer@sjc.utah.gov>  
**Sent:** Wednesday, January 9, 2019 9:42 AM  
**To:** Steven Schaefermeyer  
**Cc:** Greg Schindler; Todd Sheeran  
**Subject:** Follow up on "lot size flexibility" discussion

Planning Commission:

I apologize for the length of this email. I guess I always have a lot to say...

Thank you for your time last night discussing "lot size flexibility." Greg and I spoke this morning and I thought it would be helpful to add my perspective to his answers to your questions and to respond to your discussion. If there's other

information you need, or questions you have, I would be happy to address those either by submitting a memo or coming to your next meeting.

First, as I suggested in the recommendation section of my staff report, I have no problem with the Planning Commission continuing its discussion to a future meeting. Greg was unaware that I noticed this text amendment for the February 5 City Council meeting. I did that to save money (combining the Planning Commission and City Council newspaper notice is cheaper than publishing two separate notices). I can also re-notice for a later City Council if discussing this issue during the January 22 Planning Commission meeting will not be enough time. As always, you are welcome to contact your City Council member to understand their position on the issue in general (just keep in mind they likely haven't read my Planning Commission staff report).

The one language change the Commission suggested was to change the restriction from ten acres to five acres in option three, and to add that five acre restriction to option 1b. I think that is a good suggestion but I will wait to make any changes until I receive your overall recommendation.

What makes this issue so pressing at this time?

It is not a pressing issue. I did not intend to give the Commission the impression that it was pressing. Usually staff brings forward an ordinance in final form and asks for your input. In this case, I did not even include the lot flexibility in the ordinance and left the ordinance in draft form because I wanted to give you the opportunity to discuss it fully before making a recommendation to the City Council. I have a long list of issues that need to be addressed in the City Code. Although the majority are technical and are necessary to clean up or clarify code issues, I try to bring substantive ones before the Commission occasionally. January seemed like a good time to bring something more substantive before you.+

Why is this coming forward at this time?

As I alluded to in my staff report, at a recent City Council meeting there was a request that the Council discuss potentially providing some additional flexibility for smaller, infill development in the City Code. This is an attempt to follow up on that request. We also tried to bring it up during the last joint City Council and Planning Commission meeting as part of the general plan discussion of "planning tools." That discussion was at the very end of the meeting, however, and therefore there wasn't much said. Lastly, requests to subdivide land are not slowing and I would like a clearer directive from the City Council, even if that directive is we do not want to add any lot flexibility to the code for smaller subdivisions.

Could this wait until the general plan is finished?

Yes. I do not anticipate, however, that the adoption of the plan will change the nature of this issue. I suspect that the land use densities proposed for single family land use areas will not change much from the 2010 plan to this plan. Therefore, we will continue to deal with the challenges of small infill development in the next year before the plan is adopted. That said, staff can continue to explain to owners (and developers) of smaller properties that they will probably not be able to fit the one or two additional lots on their property in order to reach the maximum allowed density they thought they had under the applicable residential zone.

Could the General Plan Steering Committee take up this issue first?

No. By law the Planning Commission, not the Steering Committee, is the recommending body for text amendments. The Steering Committee was formed to coordinate and provide advice for how to best keep the general plan moving forward. The consultant uses the steering committee to report its efforts and get feedback on those efforts. The Committee also discusses how to best interpret and capture the broad themes, visions and goals that are slowly emerging during the general plan process from public participation and discussions with the Planning Commission and City Council. The Committee does not consider text changes to the City Code. It would be inappropriate for me to present a specific, technical change to the City Code without first asking the City Council to change the nature and duties of the Steering Committee. Unless the Council directs and the City Attorney says such a change is legally defensible, staff will not take text amendments to the Committee. Further, because the Commission is the land use authority that approves preliminary plats it, not the Committee, is best positioned to provide a recommendation on subdivision issues.

I hope this helps your discussion. Please reach out to me with additional questions or concerns. Thank you for your time and effort addressing difficult planning issues.

Thanks,

**Steven R. Schaefermeyer | Director of Planning | City of South Jordan**

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