



CITY COUNCIL MEETING AGENDA
DECEMBER 3, 2019
6:30 PM

Notice is hereby given that the South Jordan City Council will hold a City Council meeting **Tuesday, December 3, 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 City Commerce Director, Brian Preece*

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

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

D.1. November 19, 2019 Board of Canvass of Votes

D.2. November 19, 2019 Council Study Meeting

D.3. November 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.

7:10 p.m. **F. Mayor and Council Reports**

7:30 p.m. **G. Presentation Item:** Jordan School District Board of Education – Update on New District Schools Planned. *(By Tracy Miller, JSD-BOE VP)*

8:00 p.m. **H. Public Hearing:** Resolution R2019-63, approving the issuance by the Public Finance Authority of Bonds on behalf of Roseman University of Health Sciences. No Vote Required. *(By CFO, Sunil Naidu)*

- 8:15 p.m. **I. Public Hearing:** Ed Fraughton Property Rezone – 10353 South Temple Drive
- Rezone Ordinance 2019-09-Z, (PLZBA201900607) rezoning the subject property from A-5 and R-M to the A-1 Zone. (By *Planning Director, Steven Schaefermeyer*) **RCV**
- 8:30 a.m. **J. Public Hearing:** Jordan Woods Property Development Agreement, Land Use Amendment, and Property Rezone – 9502 South Redwood Road.
(By *Planning Director, Steven Schaefermeyer*)
- Resolution R2019-61, authorizing the Mayor to sign the Development Agreement. **RCV**
 - Resolution R2019-53, amending the Land Use designation from Corridor (COR) to Medium Density Residential. **RCV**
 - Rezone Ordinance 2019-08-Z, rezoning the property at 9520 South Redwood Road from the A-1 Zone to the R-M-6 Zone. **RCV**
- 8:50 p.m. **K. Public Hearing:** Ordinance 2019-18, vacating a portion of right-of-way along the south side of South Jordan Parkway between Oquirrh Lake Road and Lake Avenue. (By *Planning Director, Steven Schaefermeyer*) **RCV**
- 8:55 p.m. **L. Staff Reports and Calendaring Items**
- 9:05 p.m. **M. Executive Closed Meetings:**
- M.1.** Closed Meeting to discuss the purchase, exchange, or lease of real property; and
- M.2.** Closed Meeting to discuss pending or reasonably imminent litigation.

ADJOURNMENT

CERTIFICATE OF POSTING

STATE OF UTAH)
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COUNTY OF SALT LAKE)

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.
Published and posted November 27, 2019.


Anna M. West, City Recorder

MINUTE APPROVAL - D.1. 11/19/19 CANVASS OF VOTES

SOUTH JORDAN CITY
CITY COUNCIL SPECIAL MEETING
Board of Canvass of General Election Votes
November 19, 2019
4:00 PM

Present: Mayor Dawn Ramsey, Council Member Brad Marlor, Council Member Tamara Zander, Council Member Jason McGuire, City Recorder Anna West

Absent: Council Member Patrick Harris, Council Member Don Shelton,

CITY COUNCIL CHAMBERS

4:00 P.M. General Election – Board of Canvass Meeting

Mayor Ramsey welcomed everyone. She noted that Council Members Harris and Shelton were not currently present.

Mayor Ramsey read the Resolution R2019-55 and turned time over to City Recorder Anna West.

City Recorder West reviewed the election results as provided in Exhibit A of the resolution. She briefly discussed the Stats Sheet provided by Salt Lake County (Attachment A) and the South Jordan Precincts listing (Attachment B).

Mayor Ramsey asked for a motion to approve Resolution R2019-55 accepting and adopting the Canvass of Votes.

Council Member Zander made a motion to approve Resolution R2019-55 and the Canvass Report adopting the 2019 General Election Canvass of Vote Returns. Council Member Marlor seconded the motion. Roll Call Vote was 3-0 in favor. Council Members Patrick Harris and Council Member Don Shelton were absent from the vote.

Council Member McGuire motioned to adjourn the November 19, 2019 Board of Canvass of Votes meeting. Vote was unanimous in favor.

ADJOURNMENT

The Board of Canvass meeting adjourned at 4:15 p.m.

Meeting Minutes were prepared by City Recorder Anna West.

MINUTE APPROVAL - D.2. 11/19/2019 COUNCIL STUDY MEETING

SOUTH JORDAN CITY
CITY COUNCIL STUDY MEETING

November 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, City Council Secretary MaryAnn Dean

REGULAR MEETING

A. Invocation: *By Mayor Dawn Ramsey*

Mayor Ramsey offered the invocation.

B. Mayor and Council Coordination

Mayor Ramsey congratulated Council Members Harris, Zander, and Marlor on their recent re-election to the City Council.

Council Member Harris made a motion to amend the agenda to switch items D and E. Council Member Zander seconded the motion. The vote was unanimous in favor.

Council Member Marlor said there may be residents here to make comments regarding recycling. He said he would like to understand what the residents would like to see happen with recycling, given all of the circumstances. He is interested in all options and alternatives.

CM Whatcott recommended they hear the concerns and then learn all of the options. They can bring back approval of the recycling options at another meeting. They can also schedule public feedback on a future agenda, if needed. They could also amend tonight's agenda to receive feedback, if needed.

Mayor Ramsey said she will give a report on her trip to Washington DC in the next meeting. She said the recognition of South Jordan is growing. She thanked the City Council and staff for their work.

C. Discussion/Review of Regular Council Meeting

The City Council reviewed the consent items from the regular meeting agenda. CM Whatcott was asked to give a synopsis of each item before the consent items are approved.

The City Council reviewed the background information on item H. Planning Director Schaefermeyer said they are matching zoning. The neighbors are in favor of the change.

CM Whatcott reviewed item I., the impact fee hearing. Staff is recommending approval. He said Kennecott would like a more phased approach.

CM Whatcott reviewed item J. Council Member Shelton asked why the Planning Commission didn't like the choices selected by staff. Mr. Schaefermeyer said they were concerned that the tone was about density. He said the state law has a tone about density. The Planning Commission also wants it known that the city does not like being told how to do their land use. City Attorney Loose said the city is already doing what is needed to be in compliance with the moderate income housing plan. There was a brief discussion about the cost for Zions to prepare this plan, and concern expressed about taxpayer funds being spent for unfunded state mandates.

E. Discussion Item: Larry H. Miller Theatre and Surrounding Property. (*City Commerce Director, Brian Preece*)

Scott Verhaaren, Boyer Company, said they are trying to be proactive with what will happen with retail in the future of The District. He said shopping centers are changing. He said they received permission to develop the 4.7 acres west of the movie theatre, south of Gordmans. They have been unsuccessful in finding additional retail. To date, they have not been successful developing it as office either. They are currently looking at doing some residential development in the area. He feels The District is uniquely suited to adapt to these changes.

Brad Holmes, Larry H. Miller, said they are concerned about streaming services and the effect on movie theatres. The District is often the most well attended theatre in the country. The lease expires in 2021 and they wonder about renewing. The new theatre model is to have 10 screens, with 500-700 seats. If they converted the entire theatre at The District to luxury seating, it would take the number of seats from 5500 to 2700. He said they support housing on the parcel west of the theatre.

Mr. Verhaaren said they have more parking at The District than needed. They are trying to relieve some of the burden on Larry H. Miller.

Mayor Ramsey said she would like to see the Megaplex be able to renew their lease. It is an anchor in the city. Council Member Marlor said adding more rooftops would help the situation.

The group looked at an aerial photograph of The District.

Council Member McGuire said developing this area might help the other businesses because they would have to move parking north and it will draw people to those businesses.

Council Member Zander said before they consider residential in the proposed location, she would like to see more effort to get restaurants.

Mr. Verhaaren said in the last three years, they haven't been able to get any tenants to do pad sites within The District. He said developing a restaurant is their preference. It has not been

successful up to this point. He said the site next to Bangerter Highway is challenging because there is no direct access.

Council Member McGuire said he feels that The District is missing a destination feature. Even with the housing component, they would need to make the area more walkable.

Mr. Verhaaren said the sooner they can get a decision from the city if they are open to a residential component, the better. He said JC Penney and Gordmans are not doing well nationally.

Council Member Zander asked if JC Penney and Gordmans close, will the proposal be to continue the housing further north? Mr. Verhaaren said that would be a challenge because of issues with parking, utilities, etc. He said they may need to modify the building.

Council Member Harris said he would rather look at a long term revitalization plan rather than piece meal The District.

Council Member Marlor asked how do they cut up a large retail box and do it successfully? Mr. Verhaaren said it would be difficult to retrofit.

Council Member Shelton said he would like to see a concept plan and get a clear idea on how the traffic would be handled. He said he would like to see the whole picture of the area. They discussed the density for the existing residential, south of the Megaplex theatre.

Mr. Verhaaren said they could update their plan for The District that was done in 2010. That could be done quickly, without a lot of detail.

D. Discussion Item: Detention/Retention area conversions to park space – Concepts & Costs. (By CM Gary Whatcott / City Engineer, Brad Klavano / Public Works Director, Jason Rasmussen)

Ray Garrison, Associate Director of Public Works, reviewed the city owned storm drain basins. He showed the locations of each basin on a map, as well as information on each basin (Attachment A). He also showed pictures of each basin (Attachment B).

Council Member Zander asked if drainage can be taken care of for Basin #1, can they sell that lot? CM Whatcott said they need to make sure that selling that lot is allowed, based on neighborhood approval. City Commerce Director Preece said they need to make sure the lot can be used. At times, developers come back and sue the city because they were not allowed to use the property as a lot.

There was discussion about turning the lots into a park. It was noted that it would increase yearly maintenance costs. They would also not be able to use storm drain fees for maintenance of the lot. CM Whatcott said they will sell the property as lots, where they can.

Regarding storm drain basin #5, one idea is to develop that property as a mountain bike course.

Regarding storm drain basin #6, Administrative Services Director Kyle said given the size and location, it is not a good option as a park. They could possibly sell it as a lot.

CM Whatcott said they can start bringing these storm drain basins forward in the budget discussions, and they will work on them one at a time. They will look at the ones that can be sold or given back to the developers.

E. Discussion Item: Larry H. Miller Theatre and Surrounding Property. (*City Commerce Director, Brian Preece*)

This item was done earlier in the meeting – prior to item D.

ADJOURNMENT

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

The November 19, 2019 City Council study meeting adjourned at 6:25 p.m.

MINUTE APPROVAL - D.3. 11/19/19 CC MEETING MINUTES

SOUTH JORDAN CITY
CITY COUNCIL MEETING

November 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, Police Chief Jeff Carr, Administrative Services Director Spencer Kyle, City Commerce Director Brian Preece, Finance Director Sunil Naidu, Strategic Services Director Don Tingey, ACM Dustin Lewis, City Attorney Ryan Loose, Fire Chief Chris Dawson, Planning Director Steven Schaefermeyer, Engineering Director Brad Klavano, Public Works Director Jason Rasmussen, IT Director Jon Day, City Council Secretary MaryAnn Dean

Others: Attachment A

REGULAR MEETING

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

Mayor Ramsey welcomed everyone present.

B. Invocation – *By Administrative Services Director, Spencer Kyle*

Administrative Services Director Kyle offered the invocation.

C. Pledge of Allegiance

Dylan Hymas, Youth Council and Scout Troop 1813, led the audience in the Pledge of Allegiance.

Mayor Ramsey recognized members of the Youth Council present.

D. Minute Approval

D.1. October 15, 2019 Council Study Meeting

D.2. October 15, 2019 City Council Meeting

Council Member Shelton made a correction to the October 15, 2019 City Council meeting minutes.

Council Member Shelton made a motion to approve the October 15, 2019 Council study meeting minutes, as printed, and the October 15, 2019 City Council meeting minutes, as amended. Council Member Zander seconded the motion. The vote was unanimous in favor.

E. Public Comment

Craig Kermer, 1201 Jordan River Drive, praised the city for the sprinkler water evaluation and Jordan Allen (city employee). He also thanked the Engineering Department and Jeremy Neilson for keeping peace in the neighborhood with a recent project. He said with the reduction in what they can recycle now, and with it not being equitable to get a second can because they still have to pay the recycling fee, he would like for the city to give them the choice to have a second can or a recycling can. He said they should also start planning now for secondary water so they are not 4-6 weeks late getting water like they were this year. The secondary water should start in April.

Shari Harris, 10311 Venenzia View Way, expressed gratitude for the work that they do. She indicated that she works in healthcare. She said the failure to protect the individual components of the system is becoming an obstacle to resilience and joy. She said as they govern this body, look at the individual components in a way of giving that will promote growth, improvement little by little with their current resources because as they exercise life, liberty, and the pursuit of happiness, it is blessed every time and in every place.

Vivian Ford, 10850 S. Beckstead, representing the South Jordan Community Center (Senior Advisory Committee). She expressed appreciation for all the City Council does for the community. She invited the Mayor and City Council to their Thanksgiving banquet. She thanked Council Member Shelton for his faithful attendance at their meetings and how well he keeps them informed of their hard work.

Bob Paxton, 1073 W. 10250 S., said he went to a town hall meeting sponsored by Senator Fillmore and Representative Kim Coleman and they said the valley, especially the southwest portion, is under pressure for trying to house the estimated 600,000 people on the acreage remaining. He said as they look at and review the new general plan, they should try to fight for what is best for the city. They have plenty of density with Daybreak. If they exceed too much in the density issue, they'll have issues with things such as air pollution and water quality, etc.

Luane Jensen, 11186 S. 2700 W. thanked the City Council for their help with the Veteran's breakfast. She appreciates the help with finances to do that. It was a nice event.

F. Mayor and Council Reports

Council Member McGuire said he met with the Arts Council; they are moving forward finding locations for murals. He attended LPC; they are watching tax reform being addressed by the Legislature to make sure the city and residents are protected. He attended a WFRC workshop discussing the needs of the southwest Salt Lake valley. He said the city hosted the pumpkin promenade. He toured EBay; they are great partners to have in South Jordan. He thanked Luane Jensen and the Historical Committee for the Veterans Day breakfast. He said he attended the Mountain Creek middle school dedication.

Council Member Zander said she attended the South Valley Mosquito Abatement District Board meeting. She noted that there was an aggressive mosquito in Moab. Other mosquito abatement districts were dispatched to go to the aid of Moab. She said she attended a meeting on the inland port. The largest export from Utah is boxes, and they discussed that it would be great if we could produce something in Utah to fill the boxes back up and ship them back out instead of just recycling them. She said she attended a Wasatch Front Regional Transportation meeting. She said one of the best things they could do is get Mountain View Corridor to access further. If they could get that improved as well as Bangerter, it will lessen the east/west need. She said she also attended the eBay tour and the pumpkin promenade.

Council Member Marlor said he attended a fundraiser for a gubernatorial candidate. On the 29th, he attended a tax reform event. He attended an event put on by the Salt Lake Tribune where the top places in the State were recognized. He said South Jordan City was nominated to be a great place to work. He thanked those in the city who voted, as he was recently re-elected. He appreciates the chance to serve the city.

Council Member Harris reported on the Historical Committee meeting. They are a wonderful group working to preserve the history of the city. They organized the Veterans Day breakfast, led by Luane Jensen. He said he attended a Veterans Day program at the American Preparatory Academy. He reported on the tour of EBay, and the pumpkin promenade. He said he has talked to a number of residents about recycling. He is interested in exploring and seeing where they go with the program; the changes have been forced on the city.

Council Member Shelton congratulated his colleagues who won the election. He said he is pleased that the body will remain as it has been. He attended LPC. He reported on the pumpkin promenade. He met with a group of cub scouts. He said he met with the Western Growth Coalition. They will be producing some papers for lobbying. They are split on finishing Bangerter and Mountain View Corridor and figuring out some east/west transportation alternatives. There was an idea of doing a freeway connection at 13400 South, from Bangerter to I-15. There are numerous projects on Bangerter Highway scheduled to be done, planned to be done financially, but for which no funding is identified. They need to lobby the legislature. He said he met with the Senior Advisory Committee. He noted the eBay tour.

Mayor Ramsey congratulated Council Members Zander, Harris, and Marlor on their recent re-election. She noted a "Daddy Come Home" event tomorrow night, honoring 4 soldiers who did not return home. There will be a soldier tribute at 7. She attended a reception with John Huntsman Jr., where he shared his experience in Russia. She said she attended a South Jordan Chamber teacher appreciation lunch. She attended the last part of the Wasatch Choice meeting. They hosted a joint press conference with Jordan School District on National Bus Safety. She attended a meet and greet with a gubernatorial candidate. She reported on a Wasatch Front Regional Council meeting. She noted the pumpkin promenade and said staff did a great job with the event. She attended a 5k race and encouraged women to participate in the political process. She attended a mission farewell for a former youth mayor. She reported on the sewer district meeting. She attended the Salt Lake Mayoral debate and congratulated Erin Mendenhall on winning the election. She attended a South Jordan middle school event. She filmed a video for the Mountain Creek Middle School groundbreaking. She reported on the Jordan Education

Foundation meeting. She said at the ULCT Board of Directors meeting, they talked extensively on the upcoming legislative session and tax reform.

Mayor Ramsey said she was invited to the White House to represent South Jordan City and the State on affordable housing. She said they had a comprehensive conversation. They looked at policies that are needed at every governmental level. She said South Jordan is being recognized at a national level. She said while she was there, she met with Congressman McAdams, Congressman Curtis, Senator Mitt Romney, and Utah's Senate Minority Leader Karen Mayne. She said she has been invited to join the intermountain healthcare Board of Trustees, but they are waiting for final approval of that. She was offered a seat to have CM Whatcott serve on the local advisory committee. She said there is great support for South Jordan City on a federal level.

G. Consent Items:

- G.1. Resolution R2019-60, First Amendment to Agreement Allocating Rights and Obligations Under Daybreak Master Development Agreement and authorizing Mayor to sign said agreement. *(By Strategic Services Director, Don Tingey)*
- G.2. Resolution R2019-62, Notice of Pending Ordinance to Amend Fencing Requirements Section 16.04.200.B *(By Engineering Director, Brad Klavano)*
- G.3. Resolution R2019-64, authorizing Mayor to sign Addendum #1 to Assignment and Assumption of purchase and Sale Agreement (Glenmoor Golf Course). *(By City Attorney, Ryan Loose)*
- G.4. Small Business Saturday 2019 Proclamation – Recognizing Saturday, November 30, 2019 as Small Business Saturday. *(By Mayor Dawn Ramsey)*

CM Whatcott gave a brief overview of the consent items.

Council Member McGuire made a motion to approve consent items G.1., G.2., G.3., and G.4., as stated. Council Member Marlor seconded the motion. The vote was unanimous in favor.

H. Public Hearing: Clover Ridge Lots 55, 56 & 62, 11709, 11683, and 11607 South Lampton View Drive, (PLZBZ201900513) David George, Applicant. *(By Planning Director, Steven Schaefermeyer)*

- Resolution R2019-46, amending the Land Use Designation on property located at 11607 South Lampton View Drive from Low Density Residential to Rural Residential; and property located at 11709 and 11683 South Lampton View Drive from Rural Residential to Low Density Residential.
- Rezone Ordinance 2019-07-Z, rezoning property generally located at 11607 South Lampton View drive from the R-2.5 Zone to R-1.8 and property located at 11709 and 11683 South Lampton View Drive from the R-1.8 Zone to the R-2.5 Zone.

Planning Director Steven Schaefermeyer reviewed the background information on this item (Attachment B).

David George, 11693 S. Groves Meadow Cir., said this is a technical issue. In 2018, not all of the properties were surveyed.

Mayor Ramsey opened the public hearing. There were no comments. She closed the public hearing.

Council Member Zander asked if Halcom Drive will extend north and south? Mr. George said to the south, it will go into a cul-de-sac; the road will extend north.

Council Member Marlor made a motion to approve Resolution R2019-46. Council Member Zander seconded the motion. Roll call vote. The vote was unanimous in favor.

Council Member Zander made a motion to approve Rezone Ordinance 2019-07-Z. Council Member McGuire seconded the motion. Roll call vote. The vote was unanimous in favor.

- I. Public Hearing:** Ordinance 2019-15, Adopting an Amended and Updated Impact Fee for Public Safety; establishing certain policies related to Impact Fees for Public Safety Facilities; establishing Service Area; and/or other related matters. *(By Strategic Services Director, Don Tingey and Fred Philpot)*

Strategic Services Director Tingey reviewed the background information on this item.

Fred Philpot, reviewed a prepared impact fee presentation (Attachment C). He noted that there are several factors taken into consideration for comparisons with other communities. Some of the surrounding communities will be updating their impact fees. Other factors, including size of the cities, amount of commercial development, level of service, and infrastructure are taken into account.

Mayor Ramsey opened the public hearing.

Rulon Dutson, Daybreak representative, 11248 Kesler Rise Rd., said he appreciates the time that the staff and the consultant spent with them. He said they were able to get their questions answered. He said the study is tighter than what it was initially and they were able to redefine some uses and make some adjustments. He said they appreciate the work to make this a fair and equitable study.

Mayor Ramsey closed the public hearing.

Council Member Zander asked about feedback from the Home Builders Association. Strategic Services Director Tingey said they were positive about the process. They were not overly concerned about the numbers, but they did have a discussion about impact fees in general. The HBA had no opposition.

Mr. Philpot explained how the fees were determined for schools. He said it is square footage of the building versus the acreage. He said a larger square foot building has a larger impact fee.

Council Member McGuire expressed concern about the fees and the effect it would have on new projects coming on line and the potential of someone changing their mind about locating in the city. Mr. Philpot said there is a clause in the Ordinance to allow for adjustments on a case by case basis.

CM Whatcott said impact fees are not new and are usually not the determining factor if someone will locate in the city.

Council Member Marlor said he feels it is prudent to do these studies more regularly. Mr. Philpot recommended impact fees be reviewed annually by staff. He said it is recommended they do the studies every 3-5 years. Council Member Marlor concurred.

Council Member Harris said he would rather have proper impact fee allocation than subsidization. He appreciates the accurate data; he is in favor of this.

Council Member Zander concurred that the data is excellent. It was noted that impact fees are paid with the building permit process for future uses. It is a fee for new development activity, not for existing businesses.

Council Member Shelton said he appreciates the efforts to reach out to major stakeholders. He asked about financing for Fire Station 65. Mr. Tingey said it will be decided at that time. He said impact fees are a source of revenue, but not the whole financing mechanism. It was noted that impact fees have to be used within 6 years of collecting them.

Council Member Harris made a motion to approve Ordinance 2019-15. Council Member Shelton seconded the motion. Roll call vote. The vote was unanimous in favor.

Council Member McGuire made a motion to take a break. Council Member Zander seconded the motion. The vote was unanimous in favor.

J. Public Hearing: Resolution R2019-56, adopting the South Jordan Moderate Income Housing Plan as part of the South Jordan General Plan. *(By Housing Report Consultants, Zions Public Finance, Inc.; Planning Director, Steven Schaefermeyer)*

Planning Director Schaefermeyer reviewed the background information on this item.

Benj Becker, Zions Public Finance, was introduced. It was noted that Mr. Becker will be coming back early next year to discuss the southwest visioning plan.

Mr. Becker reviewed a prepared presentation (Attachment D).

Planning Director Schaefermeyer reviewed some of the concerns from the Planning Commission. They didn't feel South Jordan was necessarily a place for starter homes. They asked the consultant to relook at that. They also only wanted to choose item H., not G. and H.

They are not in favor of mixed uses near transit. There was discussion of adding item W. instead of G.

Mayor Ramsey opened the public hearing.

Luane Jensen, 11186 S. 2700 W., said they have built areas for their kids to live, but they don't because the prices continue to increase. She is not opposed to low income, but would prefer housing over apartments. The kids need yards to play.

Council Member Marlor said South Jordan is constantly barraged by people saying that we don't provide opportunities for affordable housing. They have not approved any apartments in the last 4 years, but they have approved some condos. He asked how do they get close to affordable housing, if they have to have a house for the kids to play? Ms. Jensen said she does not know the answer. They could put homes close together, like track homes. She said when people get into apartments, it is hard to get out of them. She said there has to be a point where it is not about money.

Mayor Ramsey closed the public hearing.

Council Member Shelton asked how often do they have to update the plan? City Attorney Loose said they have to turn it in annually.

The City Council discussed the 2 TOD's, by the front runner station and the one in Daybreak.

It was noted that other states have stripped local authority of zoning control. It is a trend, and being threatened in Utah.

Mayor Ramsey and Council Member Shelton both expressed concern about the language "encourage mixed use development in TOD's".

City Attorney Loose said South Jordan is one of 3-4 cities that don't have enough 80% AMI units. He feels their report will be scrutinized.

The City Council determined that they are okay with the strategies chosen by staff. They discussed a language change for item G to "provide a plan and opportunities for mixed use", rather than encourage.

Council Member Harris expressed concern about the wording in item G. It was noted that the Daybreak TOD is the area of focus. The TOD by Mr. Harris is almost full.

Council Member McGuire said he is not in favor of item H. He does not feel it is realistic that people won't own a vehicle.

Council Member Harris said they already have mixed use at the TOD in District 1. His willingness to consider more would be at the TOD in Daybreak.

It was noted that the city is required to do this, or they are not eligible for transportation funding.

Council Member McGuire made a motion to approve Resolution R2019-56, as amended. Council Member Marlor seconded the motion.

Council Member Harris said they are required to approve something, and what they are allowed to do is limited. Council Member Shelton expressed frustration about spending money to do the study to tell the State what they are already doing.

Roll call vote. The vote was unanimous in favor.

K. Staff Reports and Calendaring Items

Public Works Director Rasmussen said they have received a lot of feedback regarding recycling. He said if they don't want to require residents to have a recycling can, they will need to change the Ordinance, but it is an option. The concern is that it would increase the cost for the rest of the people with recycling cans. He said some feel they will have to get a second garbage can now, and there have been requests for a reduced rate for the second garbage can. He said any reduction in a second can would mean they would have to increase the cost of something else. He said recycling costs the city more than garbage in the landfill. If they can reduce the recycling costs, they can maintain fees where they are.

Council Member Marlor asked if any cities have gone from curbside service to drop off for recycling. Mr. Rasmussen said not that he is aware of. He has heard mixed paper recycling could increase over the next few years. He said regardless of the changes that will be made, they will receive negative feedback. He feels most of the residents want recycling and will recycle as many products as they can.

Mr. Rasmussen said the cost of two garbage cans is \$17-18. The cost of 1 garbage can and 1 recycle can is \$15. He said if they did not recycle, the cost of the tipping fees would go down. He noted that he does not know of any cities in the state that have stopped recycling all together, but some have in other parts of the country. He said some mixed paper is being recycled.

The City Council determined to add some recycling questions to the annual city survey in January. Council Member Harris said he would like the questions phrased with options. They discussed still continuing educating the residents on what can be recycled and the fees. Mr. Rasmussen said they are planning to give residents a sticker on the recycling can referencing the website on what can be recycled since that is changing.

Council Member McGuire said he would like the results of the survey mapped out where the responses are coming from. Staff indicated that they would come back with the data, different options, and the survey results.

Dawn Beegley, ACE Disposal, said Tooele started a program where they did recycle drop off locations rather than curb side and it only lasted 2 weeks because the drop off locations become junk piles.

CM Whatcott said they received a bid for the cemetery expansion. He and Mayor Ramsey were invited to talk at the elected official essentials training about relationships between the City Council and staff.

The City's Light the Night event is December 6th.

CM Whatcott said they made a video for the top workplace award. He discussed the reasons for the city's success. The city was nominated for the award, based on the employees' feedback.

ACM Lewis updated the City Council on the UTA trax line that had a pipe bomb found. UTA is working on getting the graffiti removed. A neighborhood watch has been set up. The Police Department is still working on that investigation.

Mayor Ramsey said UTA is kicking off the micro transit project.

Finance Director Naidu said Roseman University is in the process of issuing \$87 million in bonds. The IRS requires the City to hold a hearing for the residents to give a voice approval. That hearing will be held on behalf of the city on Thursday. The Resolution will come to the City Council on December 3rd on this issue. There is no fiscal impact to the City.

CM Whatcott noted the upcoming Daybreak annual meeting. Staff will be in attendance.

ADJOURNMENT

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

The November 19, 2019 City Council meeting adjourned at 10:47 p.m.

PUBLIC HEARING - H: R2019-63 ROSEMAN UNIVERSITY
BOND HEARING

ROSEMAN UNIVERSITY
OF HEALTH SCIENCES

November 1, 2019

City of South Jordan, Utah
1600 West Towne Center Drive
South Jordan, Utah 84095
Attention: Mayor

Not to Exceed \$87,750,000
Public Finance Authority, Wisconsin, Revenue Bonds
(Roseman University of Health Sciences Project) Series 2020
Borrower's Indemnification Letter

Ladies and Gentlemen:

This letter agreement from Roseman University of Health Sciences, a Nevada Non-Profit corporation (the "Company") to the City of South Jordan, Utah (the "City") is made in consideration of the hearing on up to \$87,750,000 of bonds (the "Bonds") to be issued by Public Finance Authority, Wisconsin (the "Issuer") which the Chief Financial Officer of the City has agreed to hold on November 21, 2019 in connection with the above-captioned Bonds.

1. The Company hereby releases the City from, and covenants and agrees that the City shall not be liable for, and covenants and agrees, to the extent permitted by law, to indemnify and hold harmless the City and its directors, officers, employees and agents from and against, any and all losses, claims, damages, liabilities or expenses, of every conceivable kind, character and nature whatsoever arising out of, resulting from or in any way connected with the hearing on the Bonds held on November 21, 2019 and the City's consideration of (and, if adopted, adoption of) a resolution approving the Bonds on December 3, 2019. The Company further covenants and agrees, to the extent permitted by law, to pay or to reimburse the City and its officers, employees and agents for any and all costs, reasonable attorneys' fees and expenses, liabilities or expenses incurred in connection with investigating, defending against or otherwise in connection with any such losses, claims, damages, liabilities, expenses or actions related to the Bonds and the City's consideration of the resolution on December 3, 2019. The provisions of this letter agreement shall survive the discharge of any indenture of trust or other instrument pursuant to which the Bonds are issued and the retirement of the Bonds.

2. The Company agrees to pay a \$2,000 fee to the City to reimburse it for its internal costs in conducting the hearing and considering the resolution, and pay the other costs and expenses of the City in connection with the hearing and consideration of the resolution, including the City's legal fees. The Company hereby represents that there will not be any ongoing costs to the City in connection with conducting the hearing, considering the resolution or the issuance of the Bonds; however, to the extent any additional costs or expenses arise, the Company hereby agrees to reimburse the City for such costs and expenses.

The undersigned representative of the Company is duly authorized to execute this letter agreement on behalf of the Company.

Very truly yours,

ROSEMAN UNIVERSITY OF HEALTH
SCIENCES

By: 
Renee Coffman, PhD, RPh
President

RESOLUTION R2019 - 63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY OF BONDS ON BEHALF OF ROSEMAN UNIVERSITY OF HEALTH SCIENCES.

WHEREAS, Roseman University of Health Sciences, a Nevada Non-Profit corporation (the “Borrower”), has requested that the Public Finance Authority in the State of Wisconsin (the “Authority”) issue its Revenue Bonds (Roseman University of Health Sciences Project) Series 2020 (the “Bonds”) in an amount not to exceed \$87,750,000 to finance a plan of finance that includes the following elements: (1) the acquisition of the building known as RiverPark Eleven, located at 10894 South River Front Parkway, South Jordan, Utah 84095 (“RiverPark Eleven”); (2) the acquisition of approximately 10.74 acres of land of which approximately 4.5 acres are improved with 192 parking spaces known as the AHVA property, located at 1786 Whitney Mesa Drive, Henderson, Nevada 89014 (“Crex-Rancho”); (3) the acquisition of the buildings known as 4 Sunset Way, Buildings A, B, and C, located at 4 Sunset Way, Henderson, Nevada 89014 (“Sunset Vista Park I”); (4) the acquisition of the building known as 4 Sunset Way, Building E, located at 4 Sunset Way, Henderson, Nevada 89014 (“Sunset Vista Park II”); (5) the acquisition of the building known as 14B Sunset Way, located at 14 Sunset Way, Building B, Henderson, Nevada 89014 (“Stonerose Research Lab”); (6) the financing of the construction, expansion, improvement, renovation, furnishing and equipping of the RiverPark Eleven, Crex-Rancho, Sunset Vista Park I, Sunset Vista Park II and Stonerose Research Lab; (7) funding of a debt service reserve fund; (8) funding of capitalized interest on the Bonds; and (9) funding of the costs of issuance of the Bonds (collectively, the “Project”); and

WHEREAS, the proceeds of the Bonds allocated to the RiverPark Eleven project element (including its share of the project elements described in clauses 7-9 above) will not exceed \$50,250,000 and the proceeds of the Bonds allocated to the project elements described in clauses 2-6 above (including their share of the project elements described in clauses 7-9 above) will not exceed \$37,500,000; and

WHEREAS, the Project will be initially owned and operated by the Borrower; and

WHEREAS, the Bonds or a portion thereof will be “private activity bonds” and “qualified 501(c)(3) bonds” for purposes of the Internal Revenue Code of 1986, as amended (the “Code”); and

WHEREAS, pursuant to Section 147(f) of the Code, prior to their issuance, the Bonds are required to be approved by the “applicable elected representative” of a governmental unit having jurisdiction over the entire area in which the Project is located, after a public hearing held following reasonable public notice; and

WHEREAS, the members of the City Council (the “Governing Body”) of South Jordan, Utah (the “City”) are the applicable elected representatives of the City; and

WHEREAS, the Borrower has requested that the Governing Body approve the financing of the Project and the issuance of the Bonds in order to satisfy the public approval requirement of Section 147(f) of the Code; and

WHEREAS, pursuant to Section 147(f) of the Code, the Governing Body or its designee has, following notice duly given in the form attached hereto as Exhibit A (the “TEFRA Notice”), held a public hearing regarding the financing of the Project and the issuance of the Bonds, and now desires to approve the financing and the issuance of the Bonds relating to the portion of the Project described in clause (1) of the first paragraph hereof, and the portions of clauses (7), (8) and (9) thereof allocable to such portion (collectively, the “South Jordan Project”);

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

SECTION 1. The above recitals are true and correct.

SECTION 2. In order to comply with Section 147(f) of the Code, the Governing Body hereby ratifies the publication of the “Notice of Public Hearing” in a newspaper qualified to carry legal notices and having general circulation within the City.

SECTION 3. The Governing Body hereby approves the issuance of the Bonds by the Authority for financing the South Jordan Project. It is the purpose and intent of the Governing Body that this Resolution constitute approval of the issuance of the Bonds by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Utah portion of the Project is located, in accordance with Section 147(f) of the Code.

SECTION 4. The Governing Body has not performed any due diligence with regard to the Project or the issuance of the Bonds. This Resolution shall not be construed (1) as an endorsement by the Governing Body of the Project or the actions of the Authority or the Borrower in connection therewith; or (2) to obligate the City, its Governing Body, officers, agents, and employees, to any financial obligation, including also any claims, judgments, or settlement costs, of any nature, arising out of or involved with the issuance of the Bonds or the existence of or carrying out of the Project. This Resolution is based upon representations to the Governing Body by the Authority and the Borrower that approval of the issuance of the Bonds will have no impact on the City’s bond rating. The representations of the Borrower to the Governing Body have been further affirmed by a letter agreement of indemnification and hold harmless executed by the Borrower in favor of the City

SECTION 5. The officers of the Governing Body are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this Resolution and the financing approved hereby

[Remainder of Page Intentionally Left Blank]

**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:

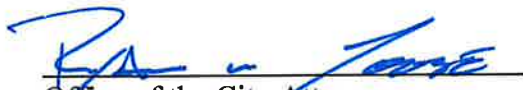

Office of the City Attorney

EXHIBIT A
FORM OF TEFRA NOTICE

[Attached]

**NOTICE OF PUBLIC HEARING
FOR THE SOUTH JORDAN CITY COUNCIL
RELATING TO
AN AMOUNT NOT TO EXCEED \$87,750,000 OF PUBLIC FINANCE AUTHORITY
REVENUE BONDS
(ROSEMAN UNIVERSITY OF HEALTH SCIENCES PROJECT)
SERIES 2020**

Notice is hereby given that on _____, November __, 2019, a public hearing, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), will be held by the City Council of South Jordan, Utah (the "City") with respect to the proposed plan of finance and the proposed issuance by the Public Finance Authority, Wisconsin (the "Authority") of its Revenue Bonds (Roseman University of Health Sciences Project) Series 2020 in one or more series or issuances (the "Bonds"), in a maximum stated principal amount not to exceed \$87,750,000. The hearing will commence at 6:00 pm, or as soon thereafter as the matter can be heard, and will be held in the City Council Chambers at South Jordan City Hall, 1600 West Towne Center Drive, South Jordan, Utah 84095.

The Bonds are expected to be issued, as tax-exempt qualified 501(c)(3) tax-exempt bonds issued for educational purposes, pursuant to Section 66.0304 of the Wisconsin Statutes, as amended, and pursuant to the plan of finance the proceeds from the sale of the Bonds will be loaned by the Authority to Roseman University of Health Sciences, formerly known as University of Southern Nevada, a Nevada Non-Profit corporation and 501(c)(3) organization (the "Borrower"), and used to finance and refinance various capital projects as hereinafter described, a debt service reserve fund, capitalized interest and costs of issuance.

The proceeds of the Bonds will finance a plan of finance that includes the following elements: (1) the acquisition of the building known as RiverPark Eleven, located at 10894 South River Front Parkway, South Jordan, Utah 84095 ("RiverPark Eleven"); (2) the acquisition of approximately 10.74 acres of land of which approximately 4.5 acres are improved with 192 parking spaces known as the AHVA property, located at 1786 Whitney Mesa Drive, Henderson, Nevada 89014 ("Crex-Rancho"); (3) the acquisition of the buildings known as 4 Sunset Way, Buildings A, B, and C, located at 4 Sunset Way, Henderson, Nevada 89014 ("Sunset Vista Park I"); (4) the acquisition of the building known as 4 Sunset Way, Building E, located at 4 Sunset Way, Henderson, Nevada 89014 ("Sunset Vista Park II"); (5) the acquisition of the building known as 14B Sunset Way, located at 14 Sunset Way, Building B, Henderson, Nevada 89014 ("Stonerose Research Lab"); (6) the financing of the construction, expansion, improvement, renovation, furnishing and equipping of the RiverPark Eleven, Crex-Rancho, Sunset Vista Park I, Sunset Vista Park II and Stonerose Research Lab; (7) funding of a debt service reserve fund; (8) funding of capitalized interest on the Bonds; and (9) funding of the costs of issuance of the Bonds (the "Project").

The proceeds of the Bonds allocated to the RiverPark Eleven project element (including its share of the project elements described in clauses 7-9 above) will not exceed a maximum principal amount of \$50,250,000 and the proceeds of the Bonds allocated to the project elements described

in clauses 2-6 above (including their share of the project elements described in clauses 7-9 above) will not exceed a maximum principal amount of \$37,500,000.

The portion of the Project constituting bond financed property will be initially owned and principally used by the Borrower.

The Bonds will be limited obligations of the Authority payable solely from the loan repayments to be made by the Borrower to the Authority, and certain funds and accounts established by the Indenture of Trust for the Bonds.

The public hearing will provide a reasonable opportunity to be heard for persons wishing to express their views on the merits of the Project, its locations, the issuance of the Bonds, the plan of finance or related matters. Persons with disabilities who may need assistance should contact the City Manager at (801) 254-3742 at least 24 hours prior to the meeting.

[Letterhead of Roseman University of Health Sciences]

October __, 2019

City of South Jordan, Utah
1600 West Towne Center Drive
South Jordan, Utah 84095
Attention: Mayor

Not to Exceed \$87,750,000
Public Finance Authority, Wisconsin, Revenue Bonds
(Roseman University of Health Sciences Project) Series 2020
Borrower's Indemnification Letter

Ladies and Gentlemen:

This letter agreement from Roseman University of Health Sciences, a Nevada Non-Profit corporation (the "Company") to the City of South Jordan, Utah (the "City") is made in consideration of the hearing on up to \$87,750,000 of bonds (the "Bonds") to be issued by Public Finance Authority, Wisconsin (the "Issuer") which the City has agreed to hold on November __, 2019 in connection with the above-captioned bonds.

1. The Company hereby releases the City from, and covenants and agrees that the City shall not be liable for, and covenants and agrees, to the extent permitted by law, to indemnify and hold harmless the City and its directors, officers, employees and agents from and against, any and all losses, claims, damages, liabilities or expenses, of every conceivable kind, character and nature whatsoever arising out of, resulting from or in any way connected with the hearing on the Bonds held on November __, 2019 and the City's consideration of (and, if adopted, adoption of) a Resolution approving the Bonds on November __, 2019. The Company further covenants and agrees, to the extent permitted by law, to pay or to reimburse the City and its officers, employees and agents for any and all costs, reasonable attorneys' fees and expenses, liabilities or expenses incurred in connection with investigating, defending against or otherwise in connection with any such losses, claims, damages, liabilities, expenses or actions related to the Bonds and the City's consideration of the Resolution on November __, 2019. The provisions of this letter agreement shall survive the discharge of any indenture of trust or other instrument pursuant to which the Bonds are issued and the retirement of the Bonds.

2. The Company agrees to pay a \$4,500 fee to the City to reimburse it for its internal costs in conducting the hearing and considering the Resolution, and pay the other costs and expenses of the City in connection with the hearing and consideration of the Resolution, including the City's legal fees. The Company hereby represents that there will not be any ongoing costs to the City in connection with conducting the hearing, considering the Resolution or the issuance of

the Bonds; however, to the extent any additional costs or expenses arise, the Company hereby agrees to reimburse the City for such costs and expenses.

The undersigned representative of the Company is duly authorized to execute this letter agreement on behalf of the Company.

Very truly yours,

ROSEMAN UNIVERSITY OF HEALTH
SCIENCES

By: _____
Renee Coffman, PhD, RPh
President

PUBLIC HEARING - I: ED FRAUGHTON PROPERTY REZONE
2019-09-Z

SOUTH JORDAN CITY CITY COUNCIL REPORT

Meeting Date: 12/3/19

Application: FRAUGHTON PROPERTY REZONE
Rezoning from Agricultural (A-5) and Residential (R-M) to Agricultural (A-1).

Address: 10353 S Temple Drive
File No: PLZBA201900607
Applicant: South Jordan City

Submitted By: David Mann, Planner II
Presented By: Steven Schaefermeyer, Director of Planning

Staff Recommendation (Motion Ready): Based on the staff report and other information presented to the City Council during the public hearing, and the City Council's discussion, I move that the City Council **approve** Ordinance 201-09-Z, rezoning the subject property from **A-5** and **R-M** to **A-1**.

STANDARD OF APPROVAL

Rezoning Application:

The rezoning of property may not be considered if the proposed zoning does not conform to the [G]eneral [P]lan. The following guidelines shall be considered in the rezoning of parcels:

- A. The parcel to be rezoned meets the minimum area requirements of the proposed zone or if the parcel, when rezoned, will contribute to a zone area which meets the minimum area requirements of the zone.
- B. The parcel to be rezoned can accommodate the requirements of the proposed zone.
- C. The rezoning will not impair the development potential of the parcel or neighboring properties.

(City Code § 17.22.020)

BACKGROUND

On October 16, 2019, the City, on behalf of the current property owners, created an application seeking approval to rezone the Property. Staff engaged in discussions with the property owners, Edward and Ann Fraughton, about the existing R-M zone that covers the majority of the Property. Since that zone no longer exists and the property owner has no plans to sell or develop the Property, the City began the process to change the zone to reflect the current use. A description of the Property is as follows:

ACREAGE:	approx. 2.4 acres
CURRENT ZONE:	R-M & A-5
CURRENT USE:	Residential
FUTURE LAND USE PLAN:	Historical
NEIGHBORING	

**LU DESIGNATIONS,
(ZONING)/USES**

North - Historical, (M-U HISTORIC) / Hidden Village
Subdivision
South - Office, (P-O) / Office Complex
East - Historical, (M-U HISTORIC) / Hidden Village
Subdivision
West - Office, (R-1.8) / Medical Office

ANALYSIS

In 1973, the previous property owner applied for a rezone to the R-M zone to allow the Fraughtons to live in one building on the Property and use the existing LDS chapel as Mr. Fraughton's art studio and showroom. At that time, Staff was considering this proposed use in the same category as professional office. At no time did the Fraughtons consider redeveloping the property for higher density residential use. The current proposal to change the zone to A-1 Zone will ensure that any future plans for this property will require review by Staff and approval by the City Council, allow the Fraughtons to continue using the property as they have done for many years, and could have a positive affect for the Fraughtons of how the Salt Lake County Assessor values the Property. The Planning Commission reviewed the application and forwarded a recommendation to the City Council on November 26, 2019.

STAFF FINDINGS, CONCLUSIONS & RECOMMENDATIONS:

Findings:

- Proposals for zoning amendments are legislative and the City Council has broad discretion when considering each proposal.
- The property owners have no plans to develop the property.
- The surrounding properties north, south, and west of the subject property are already developed, so this rezone will not impair the development potential of neighboring properties.
- Staff finds that the proposed zoning is appropriate for the area.

Conclusions:

Based on the findings listed above, Staff concludes that the proposed rezone meets the standard of approval for rezoning property as outlined in City Code § 17.22.020.

ALTERNATIVES:

- Recommend denial of the application.
- Propose modification(s) to the application.
- Schedule the application for a decision at some future date.

SUPPORT MATERIALS:

- Location Map
- Zoning Map
- Street view of the Property
- Ordinance 2019-09-Z

City Council Action Requested:

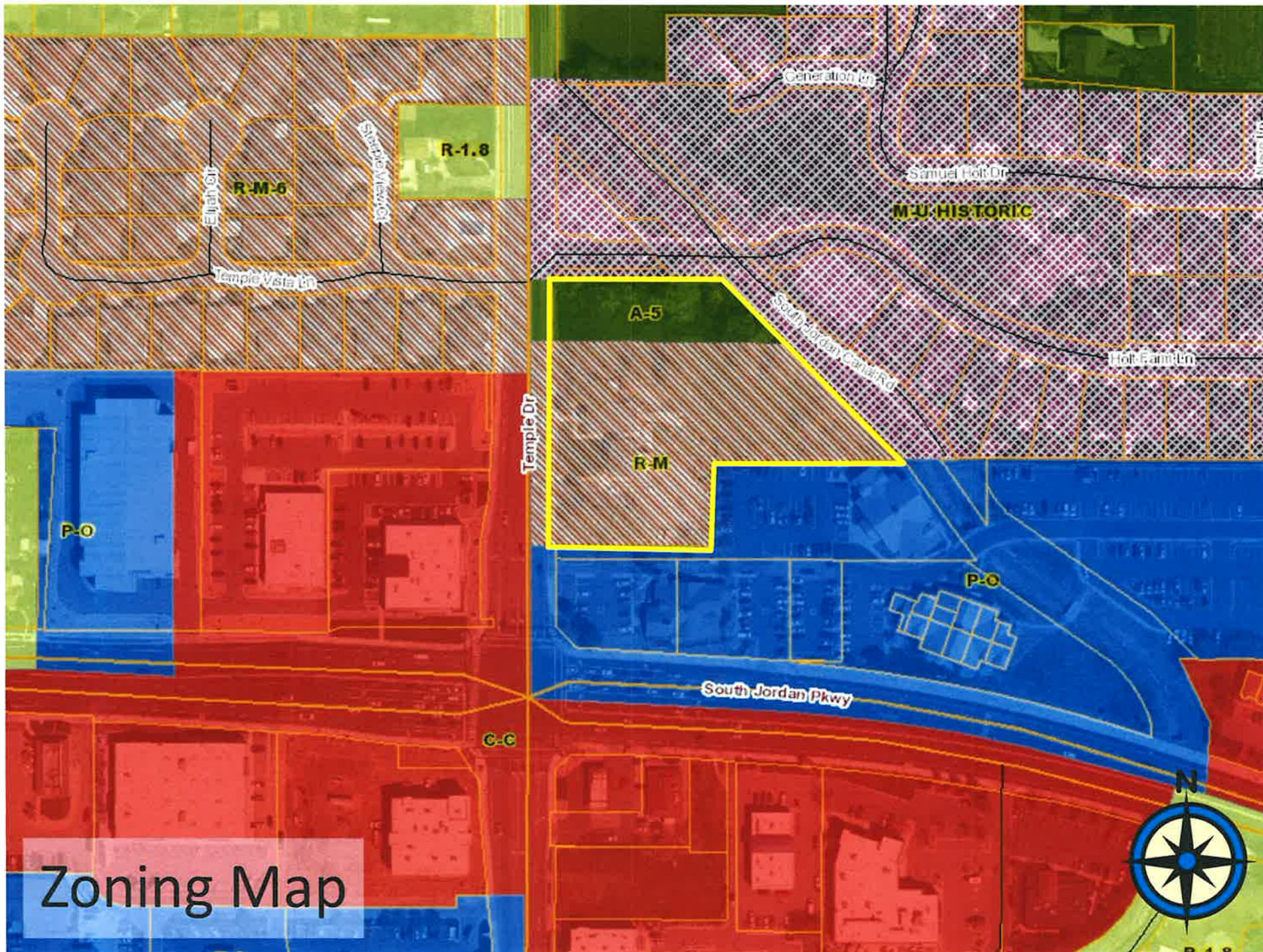


Director of Planning

11-22-19
Date



Location Map



Zoning Map



Edward J. Fraughton
10353 South 1300 Temple Dr
South Jordan, UT 84095
ed@edfraughton.com
Cell: 801 699-5556



November 26, 2019

Mayor Ramsey,

Members of the South Jordan Planning Commission & City Council
1600 W Towne Center Drive
South Jordan, Utah 84095

Dear Mayor Ramsey, Members of the Planning Commission and City Council:

Ann and I appreciate your time and urgent attention. Hopefully, you have all been advised of our family's never-ending nightmare over our property taxes. We are hoping these two formal hearings will **finally bring this matter to a complete and satisfactory close.**

Once a final decision is made, it is **extremely important that the City address the matter properly with the Utah State Tax Commission, the Salt Lake County Assessor and Treasurer's office.**

~~We say that because in reality we have never asked for, nor are we now asking for a zoning change.~~
Rather, the purpose of this action is to correct a **serious inadvertent clerical error** that occurred over time with respect to the City's modification of its original RM (Rural Mix) zone to RM (Residential Multiple), (which most likely occurred sometime between 1973 and 1987). To resolve this issue, the **City Planning Department and City Attorney recommend the following:**

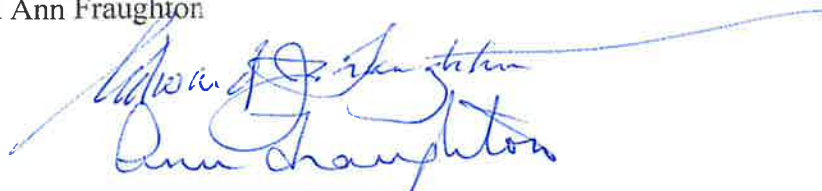
Part of our property still shows a A-5 Agricultural designation. This makes no sense because it is under the 5-acre limit and doesn't qualify. South Jordan's newer A-1 designation more accurately covers the land's actual use which has remained unchanged from the time of its purchase to the present (46-years).

We therefore agree to the City's recommended solution with the following stipulation: The reason the change must be correctly stated to the taxing agencies as a **clarification of an inadvertent clerical error** (or some other such wording) is: we wish to be reimbursed for all past tax overpayments collected in error. **Calling it a zoning change will likely start the clock at the zoning change date, thereby preventing us from receiving satisfaction.**

Being taxed as much as \$14,000 a year as a result of a simple clerical error has been extremely harmful and emotionally stressful. Thus far, we have paid the full purchase price of our property several times over. **Your action to correct this serious injustice will be deeply appreciated.**

With sincere thanks, best wishes and Happy Thanksgiving,

Edward J. and Ann Fraughton



ORDINANCE NO. 2019-09-Z

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, REZONING PROPERTY APPROXIMATELY LOCATED AT 10353 S TEMPLE DRIVE FROM THE A-5 ZONE TO THE R-M AND A-1 ZONES.

WHEREAS, the South Jordan City Council (the “City Council”) of the City of South Jordan (the “City”) has adopted the Zoning Ordinance of the City of South Jordan (Title 17 of the City Code) with the accompanying Zoning Map; and

WHEREAS, the City, on behalf of Edward and Ann Fraughton, proposed that the City Council amend the Zoning Map by rezoning the below-described property; and

WHEREAS, the South Jordan Planning Commission reviewed the proposed rezoning and made a recommendation to the City Council; and

WHEREAS, the City Council held a public hearing concerning the proposed rezoning; and

WHEREAS, the City Council finds that the rezoning will enhance the public health, safety and welfare and 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. Rezone. The property described in Application PLZBA201900607 located in the City of South Jordan, Utah is hereby reclassified from the A-5 Zone to the R-M and A-1 Zones on property described in the attached **Exhibit A**.

SECTION 2. Filing of Zoning Map. The Official Zoning Map showing such changes shall be filed with the South Jordan City Recorder.

SECTION 3. 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 4. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

[SIGNATURE PAGE FOLLOWS]

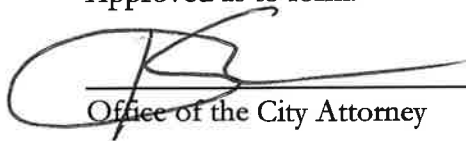
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS _____ DAY OF _____, 2019 BY THE FOLLOWING VOTE:

	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

(Property Description)

Parcel 27141030160000

BEG 148.5 FT N FR SW COR OF NW 1/4 OF NW 1/4 OF SEC 14, T 3S, R 1W, S L M; N 346.5 FT; E 259.05 FT TO W LINE OF SOUTH JORDAN CANAL; S $45^{\circ}24'$ E 326.7 FT; S 4.12 FT M OR L; S $89^{\circ}35'08''$ W 242 FT M OR L; S 109.60 FT M OR L; W 245 FT TO BEG. LESS STREET. 2.41 AC. 6014-2670 6092-2602 6096-0002 8879-3572 9385-6540

PUBLIC HEARING - J: JORDAN WOODS PROPERTY
DEVELOPMENT AGREEMENT (R2019-61), LAND USE
AMENDMENT (R2019-53), AND REZONE (2019-08-Z)

SOUTH JORDAN CITY CITY COUNCIL REPORT

Meeting Date: 12/03/2019

Issue: JORDAN WOODS
LAND USE AMENDMENT AND REZONE
Land use amendment from COR (Corridor Use) to MD (Medium Density Residential), and a rezone from A-1 (Agricultural, minimum 1 acre lot) to R-M-6 (Residential-Multiple, 6 lots per acre) Zone

Address: Approximately 9520 S. Redwood Rd.

File No: PLZBA201900556

Applicant: Scott Yermish and B.J. Newman, Newman Construction

Submitted by: Damir Drozdek, Planner III
Jared Francis, Senior Engineer

Presented by: Steven Schaefermeyer, Planning Director

Staff Recommendation (Motion Ready):

I move that the City Council **approve**:

- Resolution R2019-61 authorizing the Mayor to sign the development agreement;

I move that the City Council **approve**:

- Resolution R2019-53 approving the land use amendment; and

I move that the City Council **approve**:

- Ordinance No. 2019-08-Z approving the zone change.

ACREAGE:	Approximately 5.4 acres
CURRENT ZONE:	A-1 (Agricultural, minimum 1 acre lot) Zone
CURRENT USE:	Single-family residences and vacant land
FUTURE LAND USE PLAN:	COR (Corridor Use)
NEIGHBORING ZONES/USES:	North – P-O and A-1 / Single-family home and an office building South – A-1 and R-1.8 / Single-family homes and a daycare center West – R-2.5 / Single-family homes East – R-M / Redwood Rd.

STANDARD OF APPROVAL

1. LAND USE AMENDMENT:

The [G]eneral [P]lan may be amended by resolution of the City Council as follows:

A. The process to amend the [G]eneral [P]lan and [F]uture [L]and [U]se [M]ap may be initiated by members of the City Council, by the City Manager or Planning Director, or by the owner of a

subject property or his or her agent. A [G]eneral [P]lan land use or text amendment which is not initiated by the City may not be reinitiated for an amendment which was considered within the previous year without a majority vote of the City Council. A land use amendment should not impair the development potential of the subject parcel or neighboring properties.

B. The Planning Commission shall hold a public hearing, as required by State law, after which the [C]ommission may modify the proposed [G]eneral [P]lan amendment. The Planning Commission shall then forward the proposed [G]eneral [P]lan amendment to the City Council.

C. After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing, and may accept, accept with modifications, or reject the proposed [G]eneral [P]lan amendment.

(City Code § 17.12.030)

2. REZONE:

The rezoning of property may not be considered if the proposed zoning does not conform to the [G]eneral [P]lan. The following guidelines shall be considered in the rezoning of parcels:

A. The parcel to be rezoned meets the minimum area requirements of the proposed zone or if the parcel, when rezoned, will contribute to a zone area which meets the minimum area requirements of the zone.

B. The parcel to be rezoned can accommodate the requirements of the proposed zone.

C. The rezoning will not impair the development potential of the parcel or neighboring properties.

(City Code § 17.22.020)

BACKGROUND:

The applicant seeks to amend the Future Land Use Map and the Zoning Map on a five-acre property generally located at 9520 S. Redwood Rd. The land use is proposed to be amended from COR (Corridor Use) to MD (Medium Density Residential, up to 8 lots/acre) category, and the zoning is proposed to be changed from the A-1 (agricultural, minimum 1 acre lot) to the R-M-6 Zone (Residential-Multiple, 6 lots per acre) Zone.

The subject property consists of several parcels of land that are primarily undeveloped. Several older homes are located on Redwood Road, but the remainder of the land behind the homes is undeveloped and vacant. The plan is to demolish the existing, older homes and develop the land as a single-family detached home subdivision.

The concept plan shows one access off Redwood Road into the proposed development. Roads will terminate in a cul-de-sac and a couple hammerhead turnarounds. The development's roads

will not connect to any of the roads in the surrounding neighborhoods because there are no existing stub roads to the property. The proposed subdivision will consist of small lots, ranging in size from roughly 5,700 sq. ft. to 7,500 sq. ft., and single-family detached homes.

If the City Council desires to approve this land use amendment and rezone, staff recommends that a development agreement accompany the approval. One reason for the agreement is due to the applicant's request that the City approve a small segment of the roadway containing a right-of-way (ROW) cross-section that deviates from the standard City residential ROW. That portion of the roadway is located near Redwood Road and will run parallel to it.

The City standard (55-foot) residential ROW includes a 28-foot roadway, 2.5-foot curb and gutter on each side, as well as a five-foot parkstrip and six-foot sidewalk along both ends. The small section that is proposed to be changed from the City standard will include a 28-foot roadway, curb and gutter on both ends and curb-adjacent sidewalk along one side only. No parkstrips are proposed here. The remainder of the roads in the subdivision will meet the City standard for residential streets.

The remaining reasons for the agreement are because of certain improvements the applicant has agreed to in order to elevate the project above the minimum City Code requirements. The following is the list of these amenities and improvements:

- Architecture – all homes will meet the minimum City Code requirements. In addition stucco will be used in minimal amounts with majority of the finish being either masonry (brick or stone) or fiber-cement (hardie board) product.
- Landscaping – in addition to meeting the minimum City Code requirements, the applicant also commits to planting at least one tree in every front yard and to also install some additional landscaping between the new development and existing development to the west. The additional landscaping will serve as a buffer between the two neighborhoods.
- Fencing – in addition to the City Code required fencing along Redwood Road, and along the north and the south boundaries, the applicant also commits to constructing a decorative masonry wall along the west boundary.
- All existing old homes are to be demolished and replaced with new homes.
- Density, despite the fact that the applicant is requesting an R-M-6 Zone, will not exceed five units per acre.

PLANNING COMMISSION RESULT AND FINDINGS:

- On November 12, 2019, the Planning Commission unanimously voted against recommending approval of the zone change application with the following concerns:
 - Density, lot size, and loss of open space
 - Changing semi-rural character of the City
 - Architecture and home values
 - Having only one access onto Redwood Road and concerns with increased traffic volumes and congestion on the road
 - Subdivision design including narrower ROW width and hammerhead turnarounds

Since the Planning Commission, the applicant has made the following changes to the concept plan based on the feedback received:

- One of the lots along the south boundary of the development was eliminated further reducing density below five (5) lots per acre and increasing overall average lot size.
- A secondary / emergency access from the development onto Redwood Rd. was made at the north end of the development.
- Open space was added to provide for some additional amenities within the development.

The latest iteration of the concept plan is included in the development agreement and also attached as one of the support materials together with the original concept plan. Details regarding the emergency access will have to be worked out during the subdivision review phase. The pocket park / open space will be owned and maintained by the community HOA.

STAFF FINDINGS, CONCLUSIONS & RECOMMENDATION:

Findings:

- The application meets the rezone standards for approval of the City Code.
- The project does not include a road connection to the adjacent neighborhoods.
- The project will provide housing along a major transportation corridor.
- The current future land use map classifies the area as Corridor, which allows zones from the R-2.5 zone to office and commercial zones.
- The proposed project will clean-up properties that have not seen much interest or investment for either residential or commercial uses.
- Commercial uses, especially retail uses, would generate a significantly larger impact in terms of noise, lighting and traffic than the proposed subdivision, and the shape and size of the property is not well-suited for commercial uses that are able to maintain their value over time.
- Residential subdivision across the street has density of seven units per acre. The project (Cottages at Temple View) contains 50 (fifty) units on 7.14 acres of land.
- The proposal is consistent with the following goals and policies of the General Plan:
 - Goal LU-2 Develop and maintain a pattern of residential land uses that provides for a variety of densities and types yet maintains the high standards of existing development.
 - Policy LU-2.2 Implement subdivision regulations that encourage housing variation, including setbacks, lot size, house size, exterior materials and architectural enhancements such as front porches and garages set behind the front of house.
 - Goal H-1 Provide opportunities for the development of a mix of housing types within the City.
 - Policy H1.1 Encourage various types of housing within the City that meets the ICC and NEC building codes, with an emphasis of owner-occupied housing.

Conclusion: Based on the findings, the Application, if approved, will have a low impact on the adjacent properties and will be consistent with the goals and policies of the General Plan.

Recommendation: Based on the findings and conclusion listed above, Staff recommends that the City Council take comments at the public hearing and **approve** the application, unless,

during the hearing, facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by Staff.

FISCAL IMPACT:

The proposed development will raise additional money for the City. At the same time the costs will also increase as demand for services goes up. Overall the revenues will outweigh the expenditures. A fiscal impact analysis table and graphics are attached to the report.

ALTERNATIVES:

- Approve an amended application.
- Deny the application.
- Schedule the application for a decision at some future date.

SUPPORT MATERIALS:

- Aerial Map
- Future Land Use Map
- Zoning Map
- Original concept plan
- New Concept Plan
- Elevations
- Fiscal Analysis
- Infrastructure Analysis
- Resolution R2019-61
- Draft Development Agreement
- Resolution R2019-53
 - Exhibit 'A'- Future Land Use
- Ordinance 2019-08-Z
 - Exhibit 'A' – Zoning Map

DEPARTMENT APPROVAL


Steven Schaefermeyer
Director of Planning



Legend

STREETS

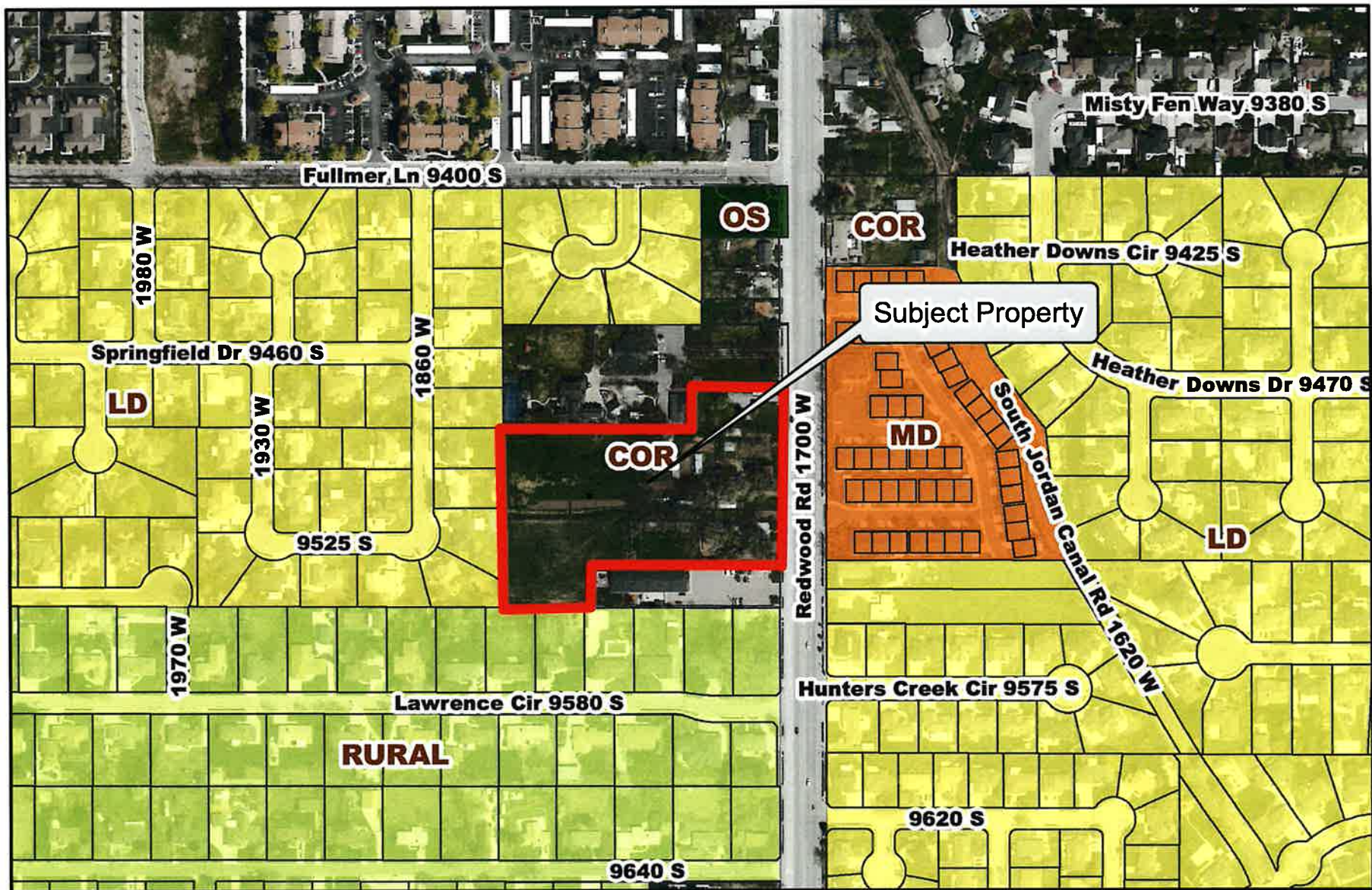
PARCELS

Aerial Map City of South Jordan

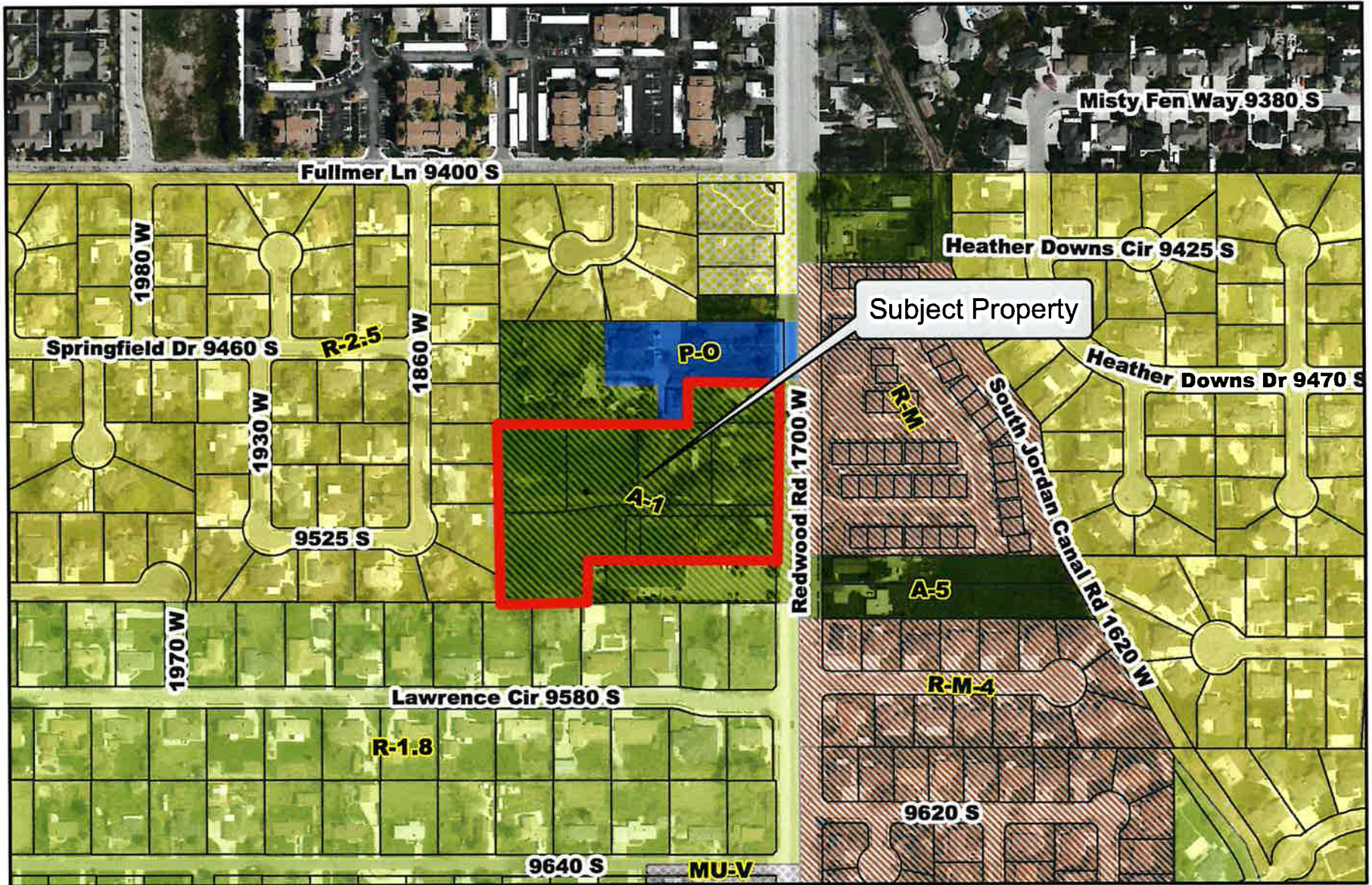
0 65 130 260 390 520 Feet

Aerial Imagery
2019





Legend STREETS PARCELS	Land Use Map City of South Jordan	0 105 210 420 630 840 Feet Aerial Imagery 2019 
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Legend

STREETS

PARCELS

Zoning Map *City of South Jordan*

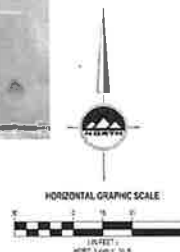
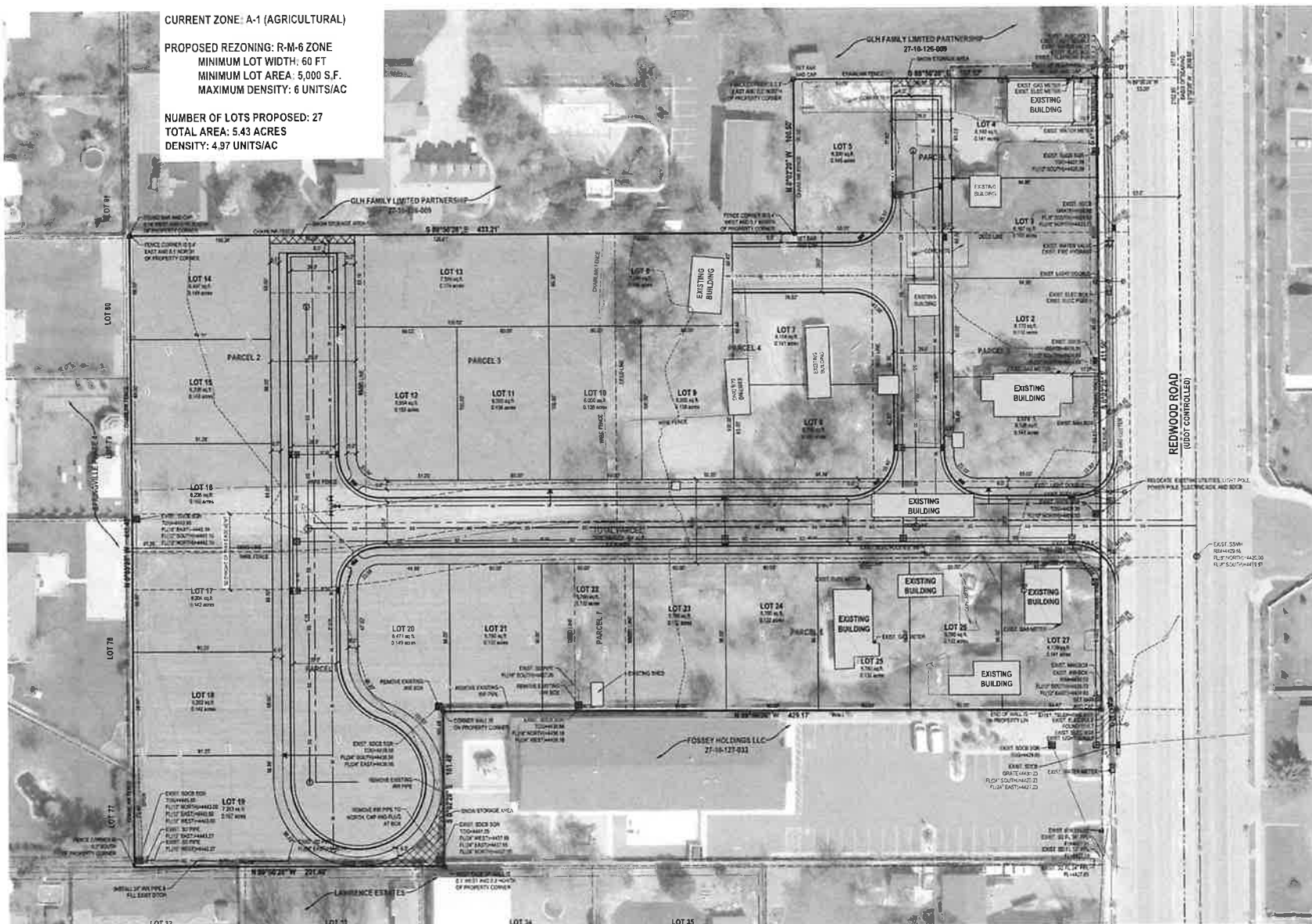


Aerial Imagery
 2019



PROPOSED REZONING: R-M-6 ZONE
MINIMUM LOT WIDTH: 60 FT
MINIMUM LOT AREA: 5,000 S.F.
MAXIMUM DENSITY: 6 UNITS/AC

NUMBER OF LOTS PROPOSED: 27
TOTAL AREA: 5.43 ACRES
DENSITY: 4.97 UNITS/AC



SALT LAKE CITY
45 W. 10000 S., Suite 570
Sand, UT 84070
Phone 801/255-0523

LAYTON
Phone 801.547.1100

TOOELE
Phone 435 643 3500

CEDAR CITY
Phone 435 855 1453

RICHFIELD
Phone 435 816 2583

WWW.ENSIGNENOW.COM

SEVEN'S CONSTRUCTION

PHONE _____

PHONE _____

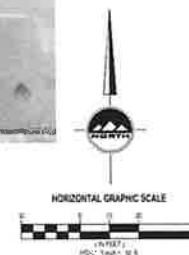
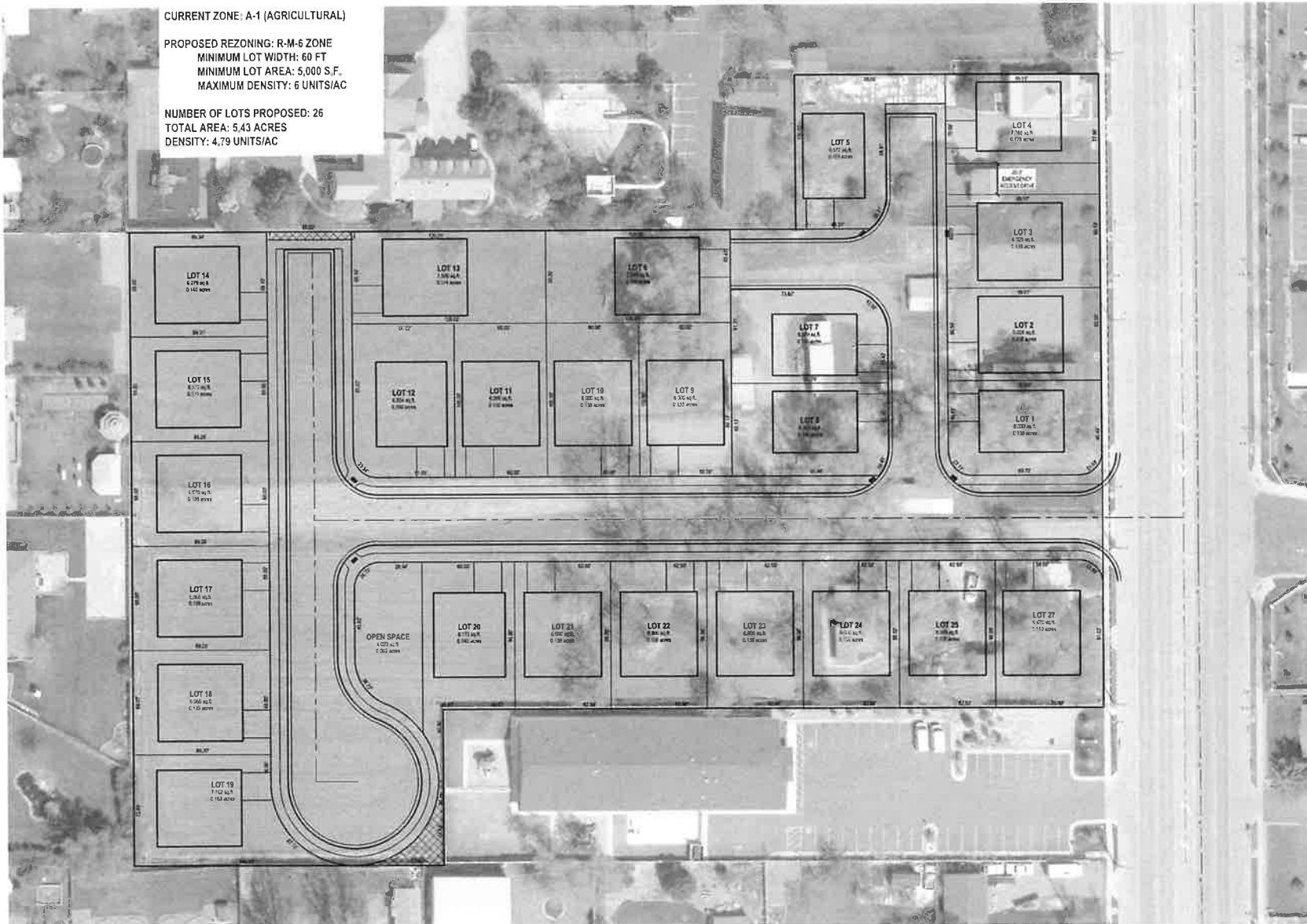
OAKESON PROPERTY

9524 SOUTH REDWOOD ROAD
SOUTH JORDAN, UTAH

CONCEPT PLAN

Price per share	\$10.00
EPS	\$1.00
Dividend per share	\$0.50

1 OF 1



SALT LAKE CITY
 45 W. 10900 S., Suite 500
 Sandy, UT 84070
 Phone: 801.255.6529

LAYTON
 Phone: 801.547.1105

TOOELE
 Phone: 435.553.3550

CEDAR CITY
 Phone: 435.565.1453

RICHFIELD
 Phone: 435.556.2933

WWW.ENSGNENG.COM

MEMBER OF

PHONE

PHONE

OAKESON PROPERTY

9524 SOUTH REDWOOD ROAD
SOUTH JORDAN, UTAH

CONCEPT PLAN

DATE: 11/11/11
 BY: [Signature]
 CHECKED: [Signature]
 TITLE: [Signature]

1 OF 1

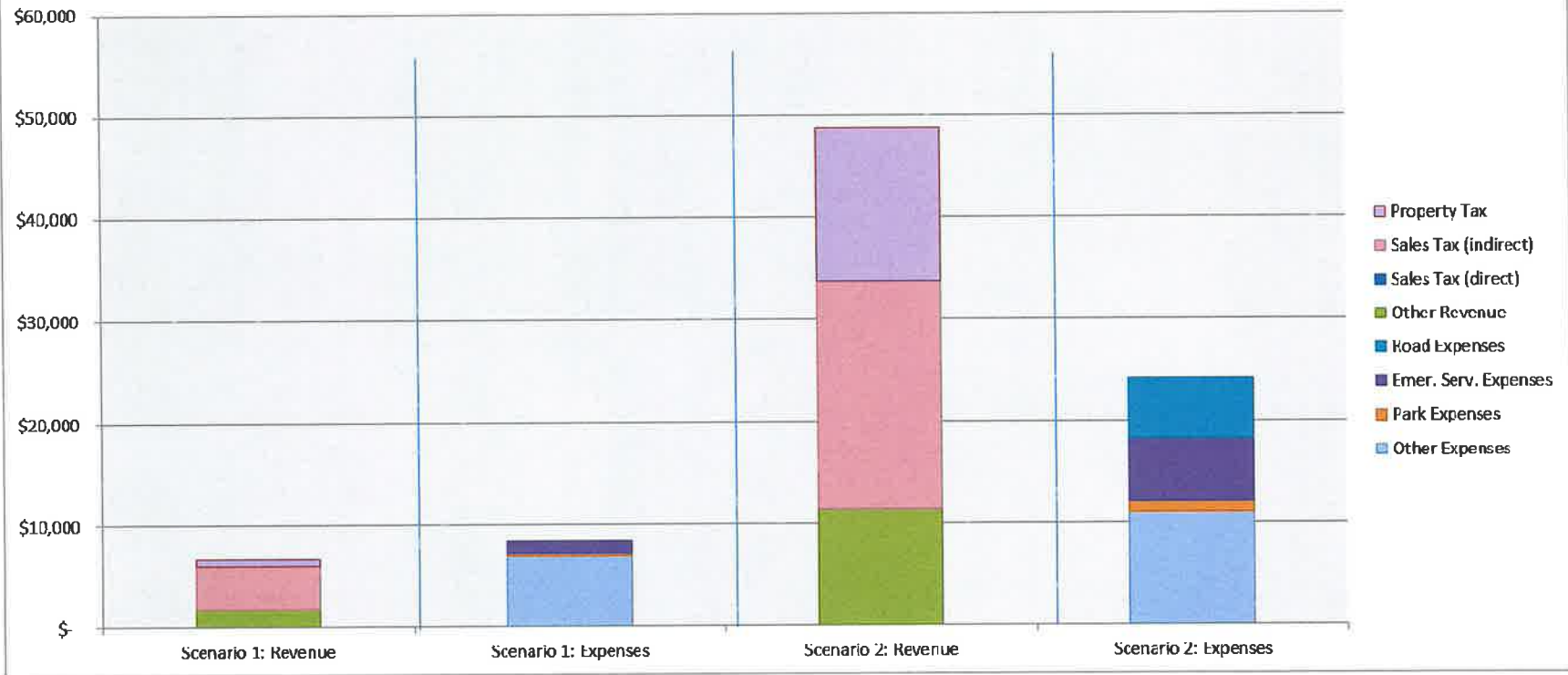








Annual General Fund Impact



Project Analysis

Project: Oakeson

September 26, 2019

Scenario Descriptions

Scenario 1: No Change (A-1)

Currently Zoned - A-1 (Agricultural)

Scenario 2: R-M-6

Density - Zoned 6 units/acre; Proposed 4.97 units/acre

Financial Summary by Scenario

Projected Short-Term Operational Impact (General Fund)	Financial Summary by Scenario	
	No Change (A-1)	R-M-6
Revenue	\$ 2,578	\$ 26,318
Property Tax	\$ 795	\$ 14,936
Sales Tax (direct)	\$ -	\$ -
Other*	\$ 1,783	\$ 11,382
Expenses	\$ 8,337	\$ 24,224
Roads	\$ -	\$ 5,923
Emergency Serv.	\$ 1,151	\$ 6,217
Parks	\$ 206	\$ 1,110
Other**	\$ 6,981	\$ 10,975
Total	\$ (5,759)	\$ 2,094
Per Acre	\$ (1,666.27)	\$ 385.38
Per Unit	\$ (1,151.81)	\$ 77.56
Per Person	\$ (326.41)	\$ 21.98

Indirect Impact

Potential Retail Sales	\$ 406,913	\$ 2,197,332
Sales Tax (indirect)	\$ 4,134	\$ 22,321

*Other Revenue - Includes Permits, Licenses, Motor Vehicle Tax, Energy Sales & Use Tax, Telecommunications Tax, and Cable Franchise Tax.

** Other Expense - Includes all other General Fund Expenses excluding Roads, Emergency Services, and Parks.

LAND USE AMMENDMENTS & REZONE DEVELOPMENT PROJECTS

INFRASTRUCTURE ANALYSIS

Project Name/Number	Jordan Woods Subdivision
----------------------------	--------------------------

Planner Assigned	Damir Drozdek
Engineer Assigned	Jared Francis

The Engineering Department has reviewed this application and has the following comments:

Transportation: *(Provide a brief description of the access, transportation master plan and how this change affects Master Plan, condition/status of existing roadways. Determine whether a Traffic Study should be completed)*

The subject property is bordered on the east by Redwood Road, which is shown on the concept plan as the only proposed point of access. Since Redwood Road is owned by UDOT the developer will be required to obtain UDOT approval for the connection. The streets in the development will be public City streets. The concept plan shows a stub street to the north and turn around that differ from City standards. The City Engineer and City Council will need to review and approve the differences such as proposed curb adjacent sidewalk on one side and no park strip.

Culinary Water: *(Provide a brief description of the water servicing the area, look into deficiencies, and determine if water modeling needs to be performed at this time, look at Water Master Plan and evaluate the change to the Master Plan)*

There is an existing City owned 10" water main running north/south along the west side of Redwood Road. This is the only water main directly adjacent to the subject property and will be the point of connection. A water model submittal will be required during the subdivision review. Based on the water model review and City code, it will be determined if another point of connection for the culinary system will be required for the development. Fire Hydrants will be required on site as per City standards.

Secondary Water: *(Provide a brief description of the secondary water servicing the area, briefly look into feasibility)*

A secondary water system appears to be located on the west side of the subject property. Further investigation will be required to determine if this existing system has enough

capacity to provide service to this new residential subdivision. If the capacity is not sufficient, an engineer's cost estimate may be required to determine if upgrading the existing system or otherwise providing a functioning secondary water system would be feasible.

Sanitary Sewer: *(Attach letter from South Valley Sewer stating that this zone/land use change does not affect service and that any future project can be serviced by the District)*

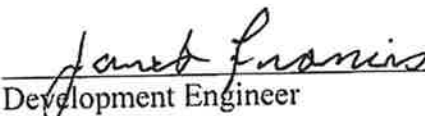
There is a sewer main in Redwood Road.

Storm Drainage: *(How will this area be serviced for storm drainage, kept on site, Master Storm Plan, etc. any other issues with drainage)*

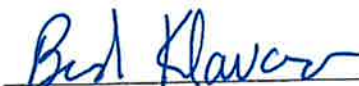
There is an existing storm drain system in Redwood Road. In order to connect to this system, the developer will need to obtain approval from UDOT. If a connection isn't able to be made to the existing system, the development would be required to provide onsite retention.

Other Items: *(Any other items that might be of concern)*

Report Approved:


Development Engineer

11/4/19
Date


Brad Klavano, PE, PLS
Director of Development Services/City Engineer

11/4/19
Date

RESOLUTION R2019-61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AUTHORIZING THE MAYOR TO SIGN A DEVELOPMENT AGREEMENT PERTAINING TO THE DEVELOPMENT OF THE PROPERTY APPROXIMATELY LOCATED AT 9520 SOUTH REDWOOD ROAD.

WHEREAS, the City of South Jordan is a municipal corporation and political subdivision of the State of Utah (the “City”) and is authorized to enter into development agreements that it considers are necessary or appropriate for the use and development of land within the City pursuant to Utah Code § 10-9a-102, *et seq.*; and

WHEREAS, the City has entered into development agreements from time to time as the City has deemed necessary for the orderly development of the City; and

WHEREAS, the Developer, Mark Newman on behalf of The Vistas at Riverbend, now desires to enter into an agreement for the purpose of developing and changing the zoning designation on property located at approximately 9520 South Redwood Road (the “Property”); and

WHEREAS, the South Jordan City Council (the “City Council”) has determined that it is in the best interest of the public health, safety, and welfare of City to enter into a development agreement for the orderly development of the Property.

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

SECTION 1. Authorization to Sign Development Agreement. The City Council hereby authorizes the Mayor to sign the Development Agreement, attached hereto as **Exhibit 1**.

SECTION 2. Severability. If any section, clause or portion of this Resolution is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

SECTION 3. Effective Date. This Resolution shall become effective immediately upon passage.

[SIGNATURE PAGE FOLLOWS]

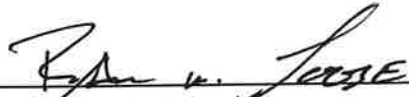
APPROVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH,
ON THIS _____ DAY OF _____, 2019 BY THE FOLLOWING VOTE:

	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

EXHIBIT 1

(Development Agreement)

After recording, please send to:

City of South Jordan
Attn: City Recorder
1600 West Towne Center Drive
South Jordan, Utah 84095

Affected Parcel No(s): 27-10-126-010, 27-10-126-026, 27-10-126-025, 27-10-126-024, 27-10-126-023, 27-10-127-032, 27-10-127-014, and 27-10-127-012

DEVELOPMENT AGREEMENT

This Development Agreement (this “Agreement”) is between the City of South Jordan, a Utah municipal corporation (the “City”), and The Vistas at Riverbend LLC, a Utah corporation (the “Developer”). This Agreement shall become effective upon the date this Agreement is signed by both parties (the “Effective Date”).

RECITALS

A. The Developer is the owner, or has rights by the recorded owner, of certain real property identified in the attached **Exhibit A** (the “Property”) and intends to develop the Property consistent with the Concept Plan attached as **Exhibit B** (the “Concept Plan”).

B. The City, acting pursuant to (1) its authority under Utah Code § 10-9a-102(2) *et seq.*, as amended, and (2) the South Jordan City Municipal Code (the “City Code”), and in furtherance of its land use policies, goals, objectives, ordinances, resolutions, and regulations, has made certain determinations with respect to the proposed development of the Property and in exercise of its legislative discretion has elected to enter into this Agreement.

C. The Developer desires to make improvements to the Property in conformity with this Agreement and desires a zone change on the Property from its current zoning to the residential-multiple, 6 lot or units per acre (the “R-M-6 Zone”). A copy of the provisions of the R-M-6 Zone designation in the City Code is attached as **Exhibit C**.

D. The Developer and the City acknowledge that the development and improvement of the Property pursuant to this Agreement will provide certainty useful to the Developer and to the City in ongoing and future dealings and relations among the parties.

E. The City has determined that the proposed development (the “Project”) contains features which advance the policies goals and objectives of the South Jordan City General Plan, preserve and maintain the open and sustainable atmosphere desired by the citizens of the City, or contribute to capital improvements which substantially benefit the City and will result in planning and economic benefits to the City and its citizens.

F. This Agreement shall only be valid upon approval of such by the South Jordan City Council (the “City Council”), pursuant to Resolution R2019-61 a copy of which is attached as **Exhibit D**.

The parties agree as follows:

TERMS

1. **Recitals; Definitions.** The recitals set forth above are incorporated herein by this reference. Any capitalized term used but not otherwise defined in this Agreement shall have the meaning ascribed to such term in the City Code.

2. **Enforceability.** The City and the Developer acknowledge that the terms of this Agreement shall be enforceable, and the rights of the Developer relative to the Property shall vest, only if the City Council in its sole legislative discretion approves a zone change for the Property to the R-M-6 Zone on or before the date hereof (*see* Section 7 below).

3. **Conflicting Terms.** The Property shall be developed in accordance with the requirements and benefits provided for in relation to the R-M-6 Zone as of the Effective Date. In the event of a discrepancy between the requirements of the City Code including the R-M-6 Zone, and this Agreement, this Agreement shall control.

4. **Developer Obligations.**

a. Concept Plan. The Developer shall develop and construct the Project consistent with the Concept Plan, the terms of this Agreement, and the City Code.

b. Density. The overall density of the Project shall not exceed 5 units per acre.

c. Architecture. The architecture shall be similar to the pictures submitted to the City and comply with the architectural requirements of City Code § 17.40.020.I. Stucco will be used in minimal quantities or as an accent material. In no case shall stucco exceed 50% of the exterior home finish area.

d. Landscaping.

i. In addition to City Code requirements, each lot shall have a minimum of one tree located in the front yard that has a minimum 2" caliper at time of planting, will reach a minimum height of 35 feet when mature, and is not a miniature or small tree such as crabapple, Japanese lilac, eastern redbud, or similar trees.

ii. The Developer shall work with the adjacent property owners in the Springfield 4 Subdivision for thoughtful placement of trees and landscaping materials between the two subdivisions. The purpose of this subsection is to create additional privacy between the Property and the Springfield 4 Subdivision. The Planning Director shall approve the landscaping materials and placement between the Property and the Springfield 4 Subdivision and shall be installed before the City will issue a certificate of occupancy on lots 14-19, which are shown on the Concept Plan.

e. Roads. The roads, curb/gutters, sidewalks, and park strips shall be developed in accordance with the Concept Plan.

f. Fencing. The Developer shall build a minimum six-foot (maximum eight-foot) solid fence along the Property's west boundary line. Materials for the fence shall be masonry,

cement precast, rhino rock, or other similar approved material. All other fencing, including required fencing, shall comply with the City Code.

g. Existing Structures. The Developer shall either demolish existing structures or bond for the same before the City will issue a certificate of occupancy for the Project's second phase.

h. Open Space. The Developer shall provide open space or a pocket park as an additional amenity in the Project. The space will be privately owned and maintained by a Home Owner's Association established as part of the Project.

i. Emergency Access. The Developer shall provide a secondary /emergency access to the project. The access will not be used by the public and will only be used in emergency situations.

j. Compliance with the R-M-6 Zone. The Project will comply with the R-M-6 Zone (included in Exhibit C), except where requirements are modified by this Agreement.

k. Plat Language. The final plat for the Project shall contain the following language in a note: *The development of this subdivision is governed by a development agreement recorded on _____, which includes specific requirements and standards for this subdivision.*

5. **Minor Changes.** The Planning Director, after conferring with the City Manager, may approve minor modifications to Section 4 which are necessary or advantageous in facilitating more desirable function and aesthetics of the Project.

6. **City Obligations.** The City shall review development of the Property in a timely manner, consistent with the City's routine development review practices and in accordance with all applicable laws and regulations.

7. **Vested Rights and Reserved Legislative Powers.**

a. Vested Rights. Consistent with the terms and conditions of this Agreement, the City agrees the Developer has the vested right to develop and construct the Property in accordance with: (i) the R-M-6 Zone (Exhibit C); (ii) the City Code in effect as of the Effective Date, and (iii) the terms of this Agreement.

b. Reserved Legislative Powers. The Developer acknowledges that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions set forth herein are intended to reserve to the City all of its police power that cannot be so limited. Notwithstanding the retained power of the City to enact such legislation under the police powers, such legislation shall only be applied to modify the vested rights of the Developer under this Agreement and with respect to use under the zoning designations as referenced in this Agreement based upon the policies, facts and circumstances meeting the compelling, countervailing public interest exception to the vested rights doctrine in the State of Utah. Any such proposed change affecting the vested rights of the Property shall be of general application to all development activity in the City and Salt Lake County (the "County"); and, unless in good faith the City declares an emergency, the Developer shall be entitled to prior written notice and an opportunity to be heard with respect to the proposed

change and its applicability to the Property under the compelling, countervailing public interest exception to the vested rights doctrine. The notice required by this Section shall be that public notice published by the City as required by State statute

8. **Term.** This Agreement shall run with the land and shall continue in full force and effect until all obligations hereunder have been fully performed and all rights hereunder fully exercised; provided, however, that unless the parties mutually agree to extend the term, this Agreement shall not extend further than a period of 10 years from its date of recordation in the official records of the Salt Lake County Recorder's Office.

9. **General Provisions.**

a. **Notices.** All Notices, filings, consents, approvals, and other communication provided for herein or given in connection herewith shall be validly given, filed, made, delivered or served if in writing and delivered personally or sent by registered or certified U.S. Postal Service mail, return receipt requested, postage prepaid to the following addresses or to such other addresses as either party may from time to time designate in writing and deliver in like manner. Any such change of address shall be given at least 10 days before the date on which the change is to become effective:

If to the City: City of South Jordan
 Attn: City Recorder
 1600 West Towne Center Drive
 South Jordan, Utah 84095

If to the Developer: The Vistas at Riverbend LLC
 Attn: Mark Newman
 13331 South Redwood Road
 Riverton, Utah 84065

b. **Mailing Effective.** Notices given by mail shall be deemed delivered 72 hours following deposit with the U.S. Postal Service in the manner set forth above.

c. **No Waiver.** Any party's failure to enforce any provision of this Agreement shall not constitute a waiver of the right to enforce such provision. The provisions may be waived only in writing by the party intended to be benefited by the provisions, and a waiver by a party of a breach hereunder by the other party shall not be construed as a waiver of any succeeding breach of the same or other provisions.

d. **Headings.** The descriptive headings of this Agreement are inserted for convenience only, and shall not control or affect the meaning or construction of any provision this Agreement.

e. **Authority.** The parties to this Agreement represent to each other that they have full power and authority to enter into this Agreement, and that all necessary actions have been taken to give full force and effect to this Agreement. The Developer represents and warrants it is fully formed and validly existing under the laws of the State of Utah, and that it is duly qualified to do business in the State of Utah and is in good standing under applicable

state laws. The Developer and the City warrant to each other that the individuals executing this Agreement on behalf of their respective parties are authorized and empowered to bind the parties on whose behalf each individual is signing. The Developer represents to the City that by entering into this Agreement that the Developer has bound all persons and entities having a legal or equitable interest to the terms of the Agreement as of the Effective Date.

f. Entire Agreement. This Agreement, together with the Exhibits attached hereto, documents referenced herein and all regulatory approvals given by the City for the Property contain the entire agreement of the parties with respect to the subject matter hereof and supersede any prior promises, representations, warranties, inducements or understandings between the parties which are not contained in such agreements, regulatory approvals and related conditions.

g. Amendment. This Agreement may be amended in whole or in part with respect to all or any portion of the Property by the mutual written consent of the parties to this Agreement or by their successors-in-interest or assigns. Any such amendment of this Agreement shall be recorded in the official records of the Salt Lake County Recorder's Office.

h. Severability. If any of the provisions of this Agreement are declared void or unenforceable, such provision shall be severed from this Agreement. This Agreement shall otherwise remain in full force and effect provided the fundamental purpose of this Agreement and the Developer's ability to complete the development of the Property as set forth in the Concept Plan is not defeated by such severance.

i. Governing Law. The laws of the State of Utah shall govern the interpretation and enforcement of the Agreement. The parties shall agree that the venue for any action commenced in connection with this Agreement shall be proper only in a court of competent jurisdiction located in Salt Lake County, Utah. The parties hereby expressly waive any right to object to such choice of law or venue.

j. Remedies. If any party to this Agreement breaches any provision of this Agreement, the non-defaulting party shall be entitled to all remedies available at both law and in equity.

k. Attorney's Fee and Costs. If any party brings legal action either because of a breach of the Agreement or to enforce a provision of the Agreement, the prevailing party shall be entitled to reasonable attorney's fees and court costs.

l. Binding Effect. The benefits and burdens of this Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors in interest and assigns. This Agreement shall be incorporated by reference in any instrument purporting to convey an interest in the Property.

m. No Third Party Rights. The obligations of the Developer and the City set forth in this Agreement shall not create any rights in or obligations to any other persons or parties except to the extent otherwise provided herein.

n. Assignment. The Developer may freely assign this Agreement, in which case the assignor or successor-in-interest shall be fully liable under this Agreement and the

Developer shall be deemed released of its obligations in connection with this Agreement; provided, however, that the Developer shall provide the City with notice of the assignment of this Agreement within a reasonable time after the occurrence of such assignment.

o. No Agency Created. Nothing contained in the Agreement shall create any partnership, joint venture, or agency relationship between the parties.

THE CITY

Approved as to form:

Signature: _____

Office of the City Attorney

By: _____

Its: Mayor _____

Date: _____

State of Utah _____)

County of Salt Lake _____)
§

On this _____ day of _____, 20_____, personally appeared before me Dawn Ramsey, whose identity is personally known to me (or proven to me on the basis of satisfactory evidence) and who affirmed that he/she is the Mayor, of the City of South Jordan, a Utah municipal corporation, and said document was signed by him/her in behalf of said municipal corporation by authority of the South Jordan City Code by a Resolution of the South Jordan City Council, and he/she acknowledged to me that said municipal corporation executed the same.

Witness my hand and official seal.

(Notary signature)

(notary seal)

THE DEVELOPER

Signature: Vistas@Riverbend

By: Wm Newman

Its: Pres

Date: 11/22/19

State of Utah

County of Salt Lake

On this 22nd day of November, 20 19, personally appeared before me William Newman (name of document signer), whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that he/she is the President (title of office) of Vista's @ Riverbend (name of corporation) and that said document was signed by him/her in behalf of said Corporation by Authority of its Bylaws, or (Resolution of its Board of Directors), and said William Newman (name of document signer) acknowledged to me that said Corporation executed the same.

Witness my hand and official seal.

Laura M. Kirgan
(Notary signature)



(notary seal)

Exhibit A

(Affected Property)

A parcel of land situate in the Northwest Quarter of Section 10, Township 3 South, Range 1 West, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point on the Westerly Right-of-Way of Redwood Road, said point being South 00°02'20" East 477.00 feet along the Quarter Section line and North 89°56'28" West 53.00 feet from the North Quarter Corner of Section 10, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running;

thence South 00°02'20" East 411.50 feet along the Westerly Right-of-Way of said Redwood Road;

thence North 89°56'28" West 429.17 feet;

thence South 00°02'20" East 101.49 feet to a point on the North boundary line of LAWRENCE ESTATES SUBDIVISION;

thence North 89°56'28" West 201.48 feet along said North boundary line to a point on the East boundary line of SPRINGVILLE PHASE 4 SUBDIVISION;

thence North 00°03'25" West 412.49 feet along said East boundary line;

thence South 89°56'28" East 433.21 feet;

thence North 00°02'20" West 100.50 feet;

thence South 89°56'28" East 197.57 feet to the point of beginning.

Contains 236,464 square feet or 5.428 acres.

Exhibit B

(Concept Plan)







Exhibit C

(R-M-6 Zone Ordinance)

Chapter 17.40

RESIDENTIAL ZONES



17.40.010: PURPOSE:

17.40.020: DEVELOPMENT AND DESIGN STANDARDS:

17.40.030: OTHER REQUIREMENTS:

17.40.010: PURPOSE:



This chapter is established to provide standards and regulations, consistent with the city's general plan and the purposes and provisions of this title, for single-family residential areas in the city. This chapter shall apply to the following residential zones as established in [chapter 17.20](#), "Zone Establishment", of this title: R-1.8, R-2.5, R-3, R-4, R-5, and R-M zones. Uses may only be conducted in residential zones in accordance with the regulations of this code. Allowed use (permitted and conditional), accessory use, temporary use and other associated use regulations may be found in [chapter 17.18](#), "Uses", of this title. (Ord. 2016-05, 5-3-2016)

17.40.020: DEVELOPMENT AND DESIGN STANDARDS:



A. Development Review: Uses proposed in residential zones may only be established in conformance with development review procedures of the city. Applicants shall follow the procedures and requirements of this code regarding development review in the preparation and review of development proposals in residential zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the city, except as otherwise allowed under state law.

B. Lot Area: The area of any lot in residential zones shall not be less than the minimum lot area requirement identified in the minimum lot area table below. Every portion of a parcel being subdivided shall be included as a lot or lots in the proposed subdivision plat, right of way or as common, limited common or private ownership.

Zone	Minimum Lot Area (Square Feet)
R-1.8	14,520
R-2.5	12,000
R-3	10,000
R-4	8,000
R-5	6,000
R-M	5,000

C. Lot Density: The maximum gross density (number of lots or primary dwelling units per acre) in any residential development in a residential zone shall not exceed the density shown in the lot density table below. The primary dwelling density of each area zoned R-M shall be determined, according to the densities established in the lot density table, with approval of a rezoning application per [chapter 17.22](#), "Zoning Amendments", of this title and indicated on the official zoning map with a numerical suffix matching the approved density.

Zone	Maximum Gross Density
R-1.8	1.8
R-2.5	2.5
R-3	3
R-4	4

R-5	5
R-M-5	5
R-M-6	6

D. Lot Width And Frontage: Each lot or parcel in a residential zone shall have a minimum lot width not less than the dimension in the minimum width column of the lot width and frontage table below. The minimum lot width shall be measured at the minimum front yard requirement (see subsection F of this section) that shall be determined from a point which corresponds to the midpoint of the front lot line. Each lot or parcel shall abut the right of way line of a public street a minimum distance not less than the dimension in the frontage (standard) column of the lot width and frontage table below, except that lots with side property lines which diverge at an angle of at least twenty degrees (20°) shall abut the right-of-way or landscaped open space a minimum distance not less than the dimension in the frontage (diverged) column.

Zone	Minimum Width	Frontage (Standard)	Frontage (Diverged)
R-1.8	90'	90'	50'
R-2.5	90'	90'	50'
R-3	85'	85'	50'
R-4	80'	80'	50'
R-5	75'	75'	50'
R-M-5	65'	65'	40'
R-M-6	60'	60'	40'

E. Lot Coverage: The area of lot, parcel or private ownership area in a residential zone covered by buildings shall not exceed the percentage identified in the lot coverage table below of the total lot, parcel or private ownership area.

Zone	Maximum Building Coverage
R-1.8	40%
R-2.5	40%
R-3	40%
R-4	40%
R-5	50%
R-M	60%

F. Yard Area: The yard area (setback) requirements below shall apply in all residential zones. Minimum yard areas are measured from the corresponding front, side and rear property lines of lots or from the boundaries of private ownership areas. A land use permit shall be obtained prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements and setbacks of the proposed accessory building and other information as needed shall be submitted for review. (Ord. 2016-05, 5-3-2016)

1. Main Buildings: Minimum yard area requirements for main buildings are as follows:

Zone	Front Yard (Interior And Corner Lots)	Garage Opening ¹ (Front Or Street Side)	Front Yard (Cul- De- Sac Lots)	Side Yard (Standard)	Side Yard (Corner Lot Street Side)	Rear Yard (Interior Lot)	Rear Yard (Corner Lot)
R-1.8	30'	30'	25'	10'	30'	25'	10'
R-2.5	25'	30'	20'	10'	25'	25'	10'
R-3	25'	30'	20'	10'	25'	25'	10'
R-4	20'	25'	20'	8'	20'	20'	10'
R-5	20'	25'	20'	8'	20'	20'	10'
R-M-5	20'	25'	20'	8'	10'	20'	10'
R-M-6	20'	25'	20'	8'	10'	20'	10'

Note:

1. The garage opening minimum yard area requirement shall apply to garages when the garage opening faces the street, otherwise the front yard minimum yard area shall apply. The garage opening minimum yard requirement shall be 25 feet to any street-facing garage opening in a cul-de-sac.

(Ord. 2017-22, 7-18-2017)

2. Accessory Buildings: Minimum yard area requirements for accessory buildings are as follows:

- a. Location: Accessory buildings may not be located between the front building line of a main building and the right-of-way that determines the front yard area.
 - b. Side Yard: An accessory building may be located in a side yard, including a street side, if located no closer than the minimum side yard requirement for the main building pursuant to this subsection F, except that accessory buildings less than ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line.
 - c. Rear Yard: An accessory building may be located in a rear yard no closer than three feet (3') from the side or rear property line or boundary and increased by one foot (1') for each foot of building height in excess of sixteen feet (16'), except that the setback shall be increased to no closer than five feet (5') from the side or rear property line or boundary when adjacent to a right-of-way, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').
3. Buildings Used To Shelter Animals: Buildings used for the housing or shelter of animals shall be located a minimum distance of forty feet (40') from any existing dwelling or neighborhood street right-of-way or, if approved with a conditional use permit, a minimum of twenty feet (20') from any collector street right-of-way line.
4. Projections: The following may be erected on or projected into any required yard space in Residential Zones:
- a. Fences and walls in conformance with this Code.
 - b. Agricultural crops and landscape elements, including trees, shrubs and other plants.
 - c. Utility or irrigation equipment or facilities.
 - d. Decks not more than two feet (2') high.
 - e. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks, awnings or similar architectural features attached to the building and not enclosed by walls, extending not more than two feet (2') into a side yard, or four feet (4') into a front or rear yard.
 - f. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building no greater than eight feet (8') wide and extending not more than two feet (2') into a side yard, or four feet (4') into a front or rear yard.

G. Parking And Access: Parking areas and vehicle access in Residential Zones shall meet the requirements of [title 16, chapter 16.26](#), "Parking And Access", of this Code, [chapter 17.18](#), "Uses", of this title, and [title 10](#) of this Code (Traffic Code). A driveway may only directly access a collector or arterial street with approval of the Utah Department of Transportation ("UDOT") for UDOT streets or with approval of the City Engineer for City streets. (Ord. 2016-05, 5-3-2016)

H. Fencing, Screening And Clear Vision: The fencing, screening and clear vision requirements of this section shall apply in Residential Zones. A permit shall be obtained from the Planning Department prior to construction of any fence in a Residential Zone. A completed fence application form that includes a diagram showing the location and height of the proposed fence, and a description of the proposed fence shall be submitted for review by the Planning Department. (Ord. 2016-05, 5-3-2016; amd. Ord. 2019-01, 3-5-2019)

1. Utility Screening: In nonresidential developments, all mechanical equipment, antennas (where possible), loading areas, and utility areas shall be screened from view at ground level along the property line of the subject property with architectural features or walls

consistent with materials used in the associated buildings. Exterior trash receptacles in nonresidential developments shall be enclosed by masonry walls that are at least as tall as the receptacle itself, but not less than six feet (6') tall, and solid steel access doors. The color of trash receptacle enclosures (masonry walls and access doors) shall be consistent with colors used in the associated buildings. (Ord. 2017-22, 7-18-2017)

2. Incompatible Land Use Screening: Incompatible land uses, including waterways, trails, parks, open spaces and other uses or zones shall be screened or buffered with fences, walls and/or landscaping as required by the development approval.
3. Rear And Side Yard Fencing: A maximum six foot (6') high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.
4. Front Yard Fencing: A maximum four foot (4') high, nonvisually obscuring decorative wrought iron, simulated wrought iron or nonobscuring vinyl picket fence may be constructed along a side lot line to the right-of-way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be constructed along lot lines to the right-of-way or sidewalk but may not be greater than three feet (3') high. Brick pillars may not exceed eighteen inches (18") square or be closer than ten feet (10') on center. Posts or pillars may not extend higher than four inches (4") above the fence panel.
5. Clear Vision: Landscape materials, except for mature trees that are pruned at least seven feet (7') above the ground, and fences shall be no greater than three feet (3') high within a ten foot (10') triangular area formed by the edge of a driveway and the street right-of-way line or within a thirty foot (30') triangular area formed by the right-of-way lines of intersecting streets. Lesser clear vision triangular areas may be approved by the City Engineer based on traffic speeds, flow, volumes and other traffic related variables.
6. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty feet (20') of a collector or arterial street right-of-way in a Residential Zone shall be constructed according to section 16.04.200 of this Code.

I. Architecture: The following exterior materials and architectural standards are required in Residential Zones:

1. General Architectural Standards:
 - a. All building materials shall be high quality, durable and low maintenance.
 - b. The exteriors of buildings in Residential Zones shall be properly maintained by the owners or owners' association.
 - c. Signs shall meet requirements of title 16, chapter 16.36, "Sign Ordinance", of this Code and shall be constructed of materials that are consistent with the buildings they identify.
 - d. Main buildings shall be no greater than thirty five feet (35') high.
2. Architectural Standards For Main Buildings:
 - a. Main buildings shall be constructed with a minimum amount of brick or stone that is calculated by multiplying two (2) by the perimeter length of the foundation (including garage). (Ord. 2016-05, 5-3-2016)
 - b. Main buildings shall be constructed with a majority of the roof to be a minimum roof pitch of three to twelve (3:12), except that main buildings of a contemporary design with a parapet wall enclosing the roof deck may be constructed with a lower roof pitch when done so in compliance with applicable Building Codes. (Ord. 2017-22, 7-18-2017)
 - c. Residential main buildings shall include a minimum two car garage (minimum 22 feet by 22 feet, or an approved equivalent area).
 - d. The minimum total floor area, finished and unfinished, of any residential main building shall be two thousand four hundred (2,400) square feet.
 - e. Residential main buildings shall include architectural elements (i.e., main entrance, porch) that distinguish the side of the building oriented toward the front yard as the front of the house. The front of the house shall be accessible by a pedestrian from the adjacent right-of-way. (Ord. 2016-05, 5-3-2016)
3. Architectural Standards For Accessory Buildings:
 - a. Accessory buildings may not be higher than the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall an accessory building be greater than twenty five feet (25') high.
 - b. The footprint of accessory buildings in the R-2.5, R-3, R-4, R-5 and R-M Zones shall not exceed sixty percent (60%) of the footprint of the main building, including the footprint of an attached garage, except that the Planning Commission may approve a conditional use permit for an accessory building with a footprint that is greater than sixty percent (60%) but in no case shall exceed the footprint of the main building. In the R-1.8 Zone, the footprint of an accessory building, such as a barn or a stable, shall not exceed the footprint of the main building, except with a conditional use permit approved by the Planning Commission.
 - c. Any portion of an accessory building within twenty feet (20') of a property line shall meet the following requirements, except as approved by the Planning Commission as a conditional use permit:
 - (1) Openings (e.g., windows and doors) that are visible from the property line shall not be located in an exterior wall when the floor height exceeds four feet (4') above grade.
 - (2) The average wall height shall not exceed sixteen feet (16') above grade.
 - d. Accessory buildings with a footprint exceeding two hundred (200) square feet shall be constructed with a minimum one to twelve (1:12) roof pitch in the R-1.8 Zone, and a minimum three to twelve (3:12) roof pitch over a majority of the structure in all other Residential Zones.
 - e. Applications for a conditional use permit under subsections I3a, I3b and I3c of this section shall demonstrate that the proposed accessory building is consistent with the character of the surrounding area, which analysis includes, but is not limited to, consideration of nearby structures and uses and applicable declarations of conditions, covenants and restrictions ("CC&Rs"). Written notice shall be provided to all property owners located within the subdivision plat of the subject property and to all property owners otherwise located within three hundred feet (300') of the subject property. Notice shall be provided no less than ten (10) days prior to the scheduled Planning Commission meeting. (Ord. 2019-06, 3-19-2019)

J. Landscaping:

1. The front and street side yards of single-family lots shall be fully improved and properly maintained with not less than fifty percent (50%) of the yard area landscaped and not less than fifty percent (50%) of the required landscaped area covered in lawn or other acceptable live plant material unless otherwise approved with a conditional use permit.
2. All collector street and other public and private park strips in Residential Zones shall be improved and maintained by the adjoining property owners according to specifications adopted by the City unless otherwise allowed with development approval.
3. Where an adjacent park strip in a residential right-of-way is a minimum of five feet (5') wide, park strip improvements shall include one shade tree that is a minimum two inch (2") caliper, for every fifty feet (50') of frontage and spaced evenly throughout the landscaped portion of the park strip. Park strip trees shall be consistent with the "Streetscape Tree Species for South Jordan City" list.
4. In developments that have a principal use other than single-family, detached, the following landscaping requirements shall apply:
 - a. All areas of developments not approved for parking, buildings, recreation facilities, access, other hard surfaces, or otherwise exempted with development approval shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other plant material approved in conjunction with a site plan or plat for the development.
 - b. A minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped areas, excluding landscaped sports or play areas, is required. At least thirty percent (30%) of all required trees shall be a minimum seven foot (7') evergreen. Deciduous trees shall be a minimum two inch (2") caliper. Deciduous and evergreen trees need not be equally spaced, except as required in parking areas and in park strips but shall be distributed throughout the required yard areas on the site.
 - c. Curbed planters with two inch (2") or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of each parking row. Planters shall be at least five feet (5') wide.
 - d. Minimum five foot (5') wide landscaped planters shall be installed along the street side of building foundations, except at building entrances.
 - e. All landscaped areas shall be curbed.
5. Developments that are contiguous to canals, streams or drainage areas shall make reasonable efforts to include banks and rights-of-way in the landscaping of the project and the urban trails system. Any area so included and perpetually preserved as open space may be counted toward required open space for the development. If approved by the City Engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without approval of any entity or agency having jurisdiction over said waterways.
6. All required landscaping in yard areas and open spaces shall be installed prior to occupancy unless deferred pursuant to section 16.04.300, "Deferred Improvements", of this Code.
7. Property owners shall properly irrigate and maintain all landscaped areas, including those in adjacent public rights-of-way that are not maintained by the City.
8. Required trees may not be topped and required landscape material may not be removed in Residential Zones without City approval.
9. Dead plant material shall be replaced in accordance with the requirements of this chapter and the conditions of site plan or plat approval.

K. Lighting:

1. A lighting plan shall be submitted with all new nonresidential developments in Residential Zones.
2. Lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.
3. Lighting fixtures in all developments that have a principal use that is not agricultural or residential shall be architectural grade and consistent with the architectural theme of the development.
4. Lighting fixtures on public property shall be approved by the City Engineer.

L. Streets: Streets in Residential Zones shall meet the requirements of section 16.04.180, "Streets", of this Code, except that private streets and gated communities are prohibited in Residential Zones unless otherwise provided for in this chapter. (Ord. 2016-05, 5-3-2016)

17.40.030: OTHER REQUIREMENTS:

- A. Grading: All developments shall be graded as required by the City Engineer to provide adequate drainage. Buildings shall be equipped with facilities that discharge all roof drainage onto the subject lot or parcel. (Ord. 2016-05, 5-3-2016; amd. Ord. 2019-01, 3-5-2019)
- B. Maintenance: All private areas of lots or parcels shall be properly maintained by the owners.
- C. Phasing Plan: A project phasing plan shall be submitted for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the City.
- D. Common Areas: All common area improvements in developments, including, but not limited to, buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, streetlights and signs not specifically dedicated to the City or accepted for ownership or maintenance by the City shall be perpetually owned and maintained by the property owners of the development or their agents through a special taxing district or owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the City.
- E. Prior Created Lots: Lots or parcels of land that legally existed or were created by a preliminary or final plat approval prior to the establishment of a Residential Zone shall not be denied a building permit solely for reason of nonconformance with the requirements of this chapter.

- F. Approval: Before building permits are issued, all projects shall have been approved according to the provisions and requirements of this Code and the applicable plat recorded with the Salt Lake County Recorder's Office.
- G. Open Space: Any open space provided within a subdivision to be jointly owned, maintained and preserved by a homeowners' association and/or special assessment area acceptable to the City shall be labeled and recorded as common area or as a perpetual open space easement. Private yard areas may not be counted as required open space. The City may determine the location of open space in a subdivision by considering topography, drainage or other land features. The City may require a cash bond or a letter of credit to guarantee installation of improvements.
- H. Developer Requirements: Developers of projects that will include common area, private streets, shared private improvements, or shall otherwise include restrictive covenants shall submit a proposed declaration of conditions, covenants and restrictions ("CC&Rs") to the City for staff review. The CC&Rs shall be recorded concurrently with the final plat and, except where the City has agreed to and executed documents to guarantee the establishment of a special assessment area, shall include the following:
1. An opinion of legal counsel licensed to practice law in the State that the project meets requirements of State law.
 2. Provisions for a homeowners' association, maintenance of all buildings, streets, sidewalks, other improvements and common areas, adherence to City conditions and standards applicable to the development at the time of approval, snow removal, and other items recommended by City staff and approved by the Planning Commission.
 3. Language consistent with section 17.04.300 of this title. (Ord. 2016-05, 5-3-2016)

Exhibit D

(Resolution R2019-61)

Executed version to be inserted without Exhibit 1

RESOLUTION R2019-53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING THE LAND USE DESIGNATION ON A PROPERTY APPROXIMATELY LOCATED AT 9520 SOUTH REDWOOD ROAD FROM CORRIDOR TO MEDIUM DENSITY RESIDENTIAL.

WHEREAS, the City Council of the City of South Jordan ("City Council") has adopted the Future Land Use Plan Map of the General Plan of the City of South Jordan ("Land Use Map"); and

WHEREAS, the Applicant, Scott Yermish and B.J. Newman of Newman Construction, requested that the City Council amend the Land Use Map by changing the land use designation on property generally located at 9520 South Redwood Road from Corridor to Medium Density Residential; and

WHEREAS, the South Jordan Planning Commission reviewed Applicant's proposed amendment and made a recommendation to the City Council; and

WHEREAS, the City Council held a public hearing concerning the proposed amendment; and

WHEREAS, the City Council finds that amending the Land Use Map as proposed by the Applicant will enhance the public health, safety and general welfare, and promote the goals of the General Plan.

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

SECTION 1. Amendment. The land use designation of the Land Use Map of a portion of property described in Application PLZBA201900556, which is located generally at 9520 South Redwood Road in the City of South Jordan, Utah, is hereby changed from Corridor to Medium Density Residential as shown in **Exhibit 1**.

SECTION 2. Severability. If any section, clause or portion of this Resolution is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

SECTION 3. Effective Date. This Resolution shall become effective immediately upon passage.

[SIGNATURE PAGE FOLLOWS]

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:

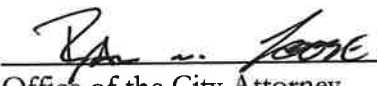

Office of the City Attorney

EXHIBIT 1

(Land Use Amendment)

A parcel of land situate in the Northwest Quarter of Section 10, Township 3 South, Range 1 West, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point on the Westerly Right-of-Way of Redwood Road, said point being South 00°02'20" East 477.00 feet along the Quarter Section line and North 89°56'28" West 53.00 feet from the North Quarter Corner of Section 10, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running;

thence South 00°02'20" East 411.50 feet along the Westerly Right-of-Way of said Redwood Road;

thence North 89°56'28" West 429.17 feet;

thence South 00°02'20" East 101.49 feet to a point on the North boundary line of LAWRENCE ESTATES SUBDIVISION;

thence North 89°56'28" West 201.48 feet along said North boundary line to a point on the East boundary line of SPRINGVILLE PHASE 4 SUBDIVISION;

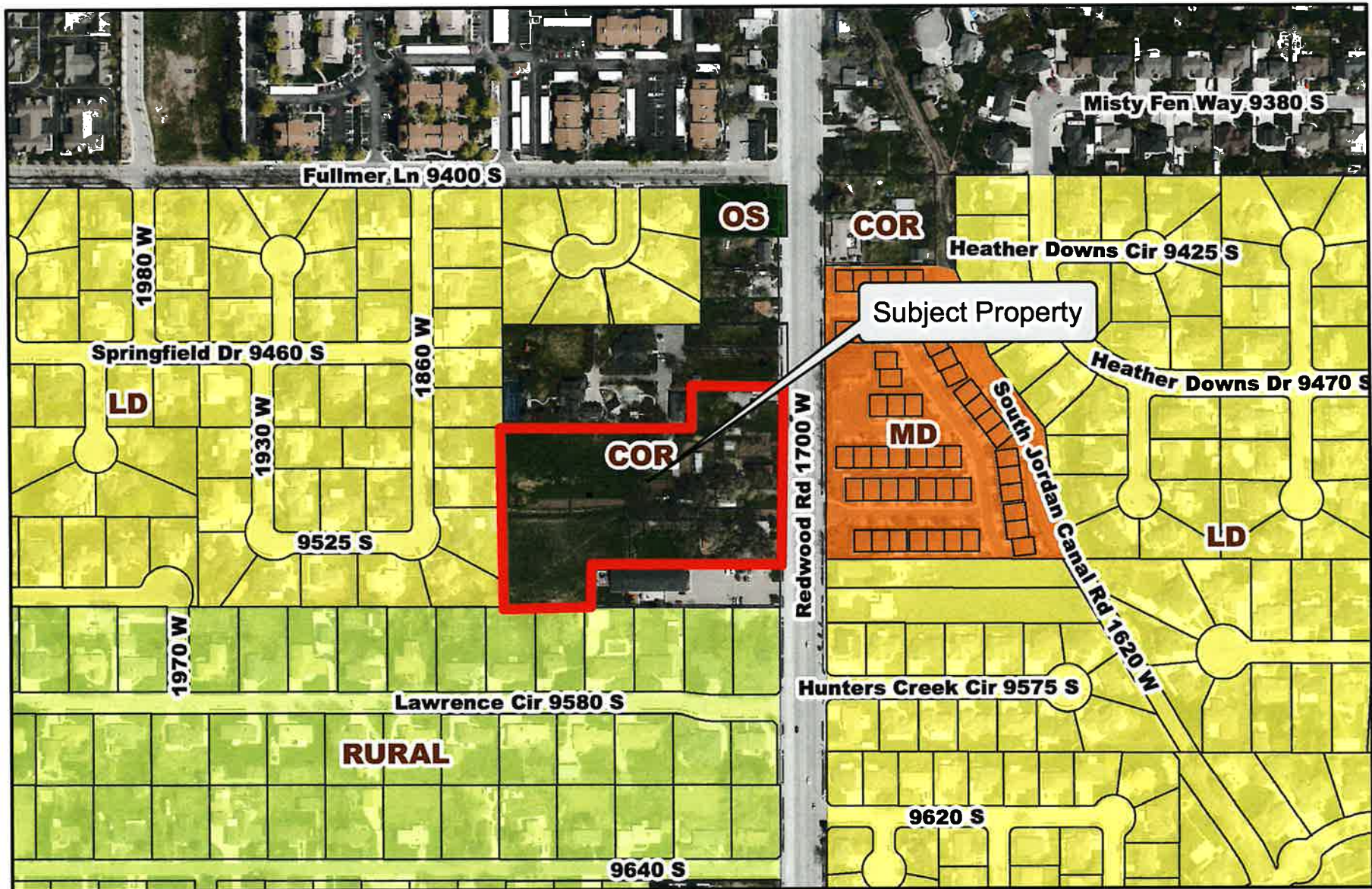
thence North 00°03'25" West 412.49 feet along said East boundary line;

thence South 89°56'28" East 433.21 feet;

thence North 00°02'20" West 100.50 feet;

thence South 89°56'28" East 197.57 feet to the point of beginning.

Contains 236,464 square feet or 5.428 acres.



Legend	
	STREETS
	PARCELS

Exhibit 'A' - Land Use Map

City of South Jordan

0 105 210 420 630 840 Feet

Aerial Imagery
2019



ORDINANCE NO. 2019-08-Z

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, REZONING PROPERTY APPROXIMATELY LOCATED AT 9520 SOUTH REDWOOD ROAD FROM THE A-1 ZONE THE R-M-6 ZONE.

WHEREAS, the City Council of the City of South Jordan ("City Council") has adopted the Zoning Ordinance of the City of South Jordan (Title 17 of the City Code) with the accompanying Zoning Map; and

WHEREAS, the Applicant, Scott Yermish and B.J. Newman of the Newman Construction, proposed that the City Council amend the Zoning Map by rezoning the below-described property; and

WHEREAS, the South Jordan Planning Commission reviewed the proposed rezoning and made a recommendation to the City Council; and

WHEREAS, the City Council held a public hearing concerning the proposed rezoning; and

WHEREAS, the City Council finds that the rezoning will enhance the public health, safety and welfare and 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. Rezone. The property described in Application PLZBA201900556 located in the City of South Jordan, Utah is hereby reclassified from the A-1 Zone to the R-M-6 Zone on property described in the attached **Exhibit A**.

SECTION 2. Filing of Zoning Map. The Official Zoning Map showing such changes shall be filed with the South Jordan City Recorder.

SECTION 3. 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 4. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

[SIGNATURE PAGE FOLLOWS]

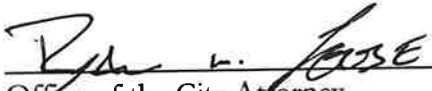
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS _____ DAY OF _____, 2019 BY THE FOLLOWING VOTE:

	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

(Property Description)

A parcel of land situate in the Northwest Quarter of Section 10, Township 3 South, Range 1 West, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point on the Westerly Right-of-Way of Redwood Road, said point being South 00°02'20" East 477.00 feet along the Quarter Section line and North 89°56'28" West 53.00 feet from the North Quarter Corner of Section 10, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running;

thence South 00°02'20" East 411.50 feet along the Westerly Right-of-Way of said Redwood Road;

thence North 89°56'28" West 429.17 feet;

thence South 00°02'20" East 101.49 feet to a point on the North boundary line of LAWRENCE ESTATES SUBDIVISION;

thence North 89°56'28" West 201.48 feet along said North boundary line to a point on the East boundary line of SPRINGVILLE PHASE 4 SUBDIVISION;

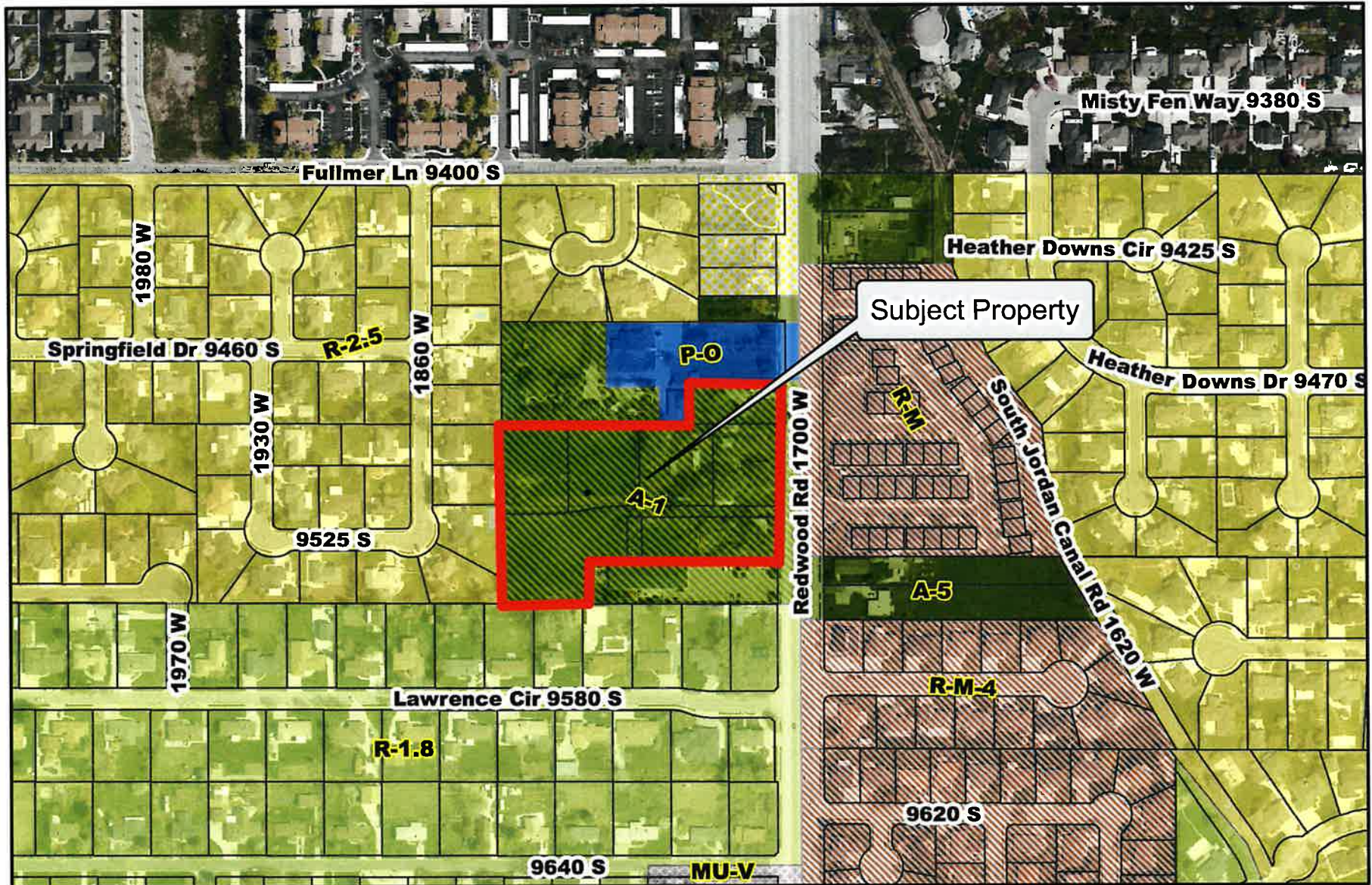
thence North 00°03'25" West 412.49 feet along said East boundary line;

thence South 89°56'28" East 433.21 feet;

thence North 00°02'20" West 100.50 feet;

thence South 89°56'28" East 197.57 feet to the point of beginning.

Contains 236,464 square feet or 5.428 acres.



Legend	
	STREETS
	PARCELS

Exhibit 'A' - Zoning Map

City of South Jordan

0 105 210 420 630 840 Feet

Aerial Imagery
2019



PUBLIC HEARING - K: ORDINANCE 2019-18, VACATION OF ROW
ALONG SOUTH SIDE OF SOUTH JORDAN PARKWAY

SOUTH JORDAN CITY CITY COUNCIL REPORT

Meeting Date: 12/03/2019

Issue: SOUTH JORDAN PARKWAY-NORTH SHORE RIGHT-OF-WAY VACATION
Address: 4680 West 10410 South
File No: PLPP201900528
Applicant: Daybreak Communities

Submitted and Presented by: Greg Schindler, City Planner

Staff Recommendation (Motion Ready):

- I move to Approve Ordinance 2019-18 vacating a portion of right-of-way along the south side of South Jordan Parkway between Oquirrh Lake Road and Lake Avenue.

CURRENT LU DESIGNATION	Large Scale Master Planned Community
CURRENT ZONING	PC
CURRENT USE	Public Street
ADJACENT LAND USES	Currently Vacant – Future Commercial and Residential

BACKGROUND:

The applicant, Daybreak Communities, petitioned the City to vacate a portion of right-of-way (ROW) along the south side of South Jordan Parkway. The ROW that is proposed to be vacated includes a 6 ft. wide section running between the roundabouts at Oquirrh Lake Road and Lake Avenue and an additional segment adjacent to the Oquirrh Lake Road roundabout. (Total area 9,293 sq. ft.)

The applicant is proposing the ROW vacation to allow buildings to be placed closer to the street. Because North Shore will be a village center with a mix of uses similar to SoDa Row, the applicant believes it “makes sense to shrink the park strip width and push the buildings closer to the back of curb.” Their plan is to “continue to have an adequate pedestrian path, along with some landscape planter areas and concrete walk off zones for people parking on the street.”

A benefit of building closer to the street would be a likely reduction in the speed of vehicles traveling on South Jordan Parkway. Currently the posted speed limit on the street is 35 MPH. The City studied the speeds on this section of street and found that 85% of the vehicles were traveling at an average of over 39 MPH and top speeds exceeded 75 MPH in either direction. Generally, when drivers have little impediment, whether it is actual or perceived, their speed increases. Traffic studies have shown that on-street parking (an actual impediment to speed) and the placement of buildings closer to the street (a perceived impediment) both work to slow the speed of traffic. Additionally, to provide pedestrian safety when walking from the neighborhood on the north side of South Jordan Parkway to the North Shore Village, a HAWK signal will be installed at Rubicon Road.

If the ROW is vacated by the City, the property will be deeded to the adjacent property owner, VP Daybreak Investments LLC. Currently, there are no improvements located within the part of the ROW proposed to be vacated.

STAFF FINDINGS, CONCLUSIONS & RECOMMENDATION:

Findings:

- Utah Code § 10-9a-609.5(3) provides standards of approval for vacating a public easement:
The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way, or easement if the legislative body finds that:
 - (a) good cause exists for the vacation; and
 - (b) neither the public interest nor any person will be materially injured by the vacation.
- Staff finds that there is good cause for vacating the right-of-way for the following reasons:
 - The ability to place future buildings closer to the street will aid in traffic calming and slower speeds along a segment of South Jordan Parkway.
 - Although minor, vacating the segment of the lane will increase the value of the applicant's property, thus increasing the property tax revenue to the City.
- No public interest or any person will be materially injured by the vacation of this segment of the right-of-way since it is currently undeveloped and its future development will meet City of South Jordan standards.

Conclusion:

- The proposed vacation of this segment of the right-of-way meets the requirements of Utah Code.

Recommendation:

- Based on the Findings and Conclusions listed above, Staff recommends that the City Council take comments at the public hearing and approve the petition to vacate, unless, during the hearing, facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by Staff.

FISCAL IMPACT:

- There are no significant fiscal impacts.

ALTERNATIVES:

- Approve an amended Application.
- Deny the Application.
- Schedule the Application for a decision at some future date.

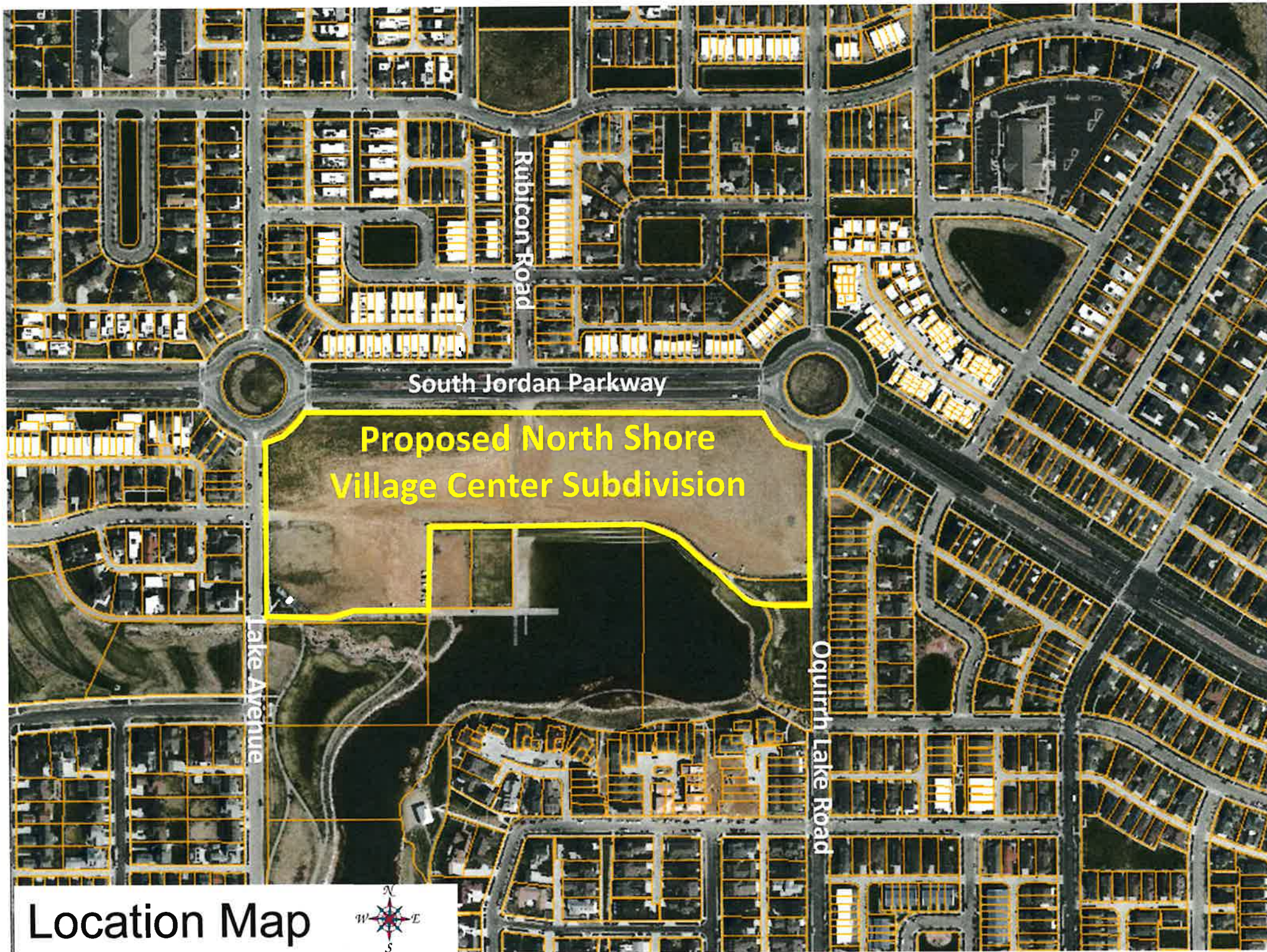
SUPPORT MATERIALS:

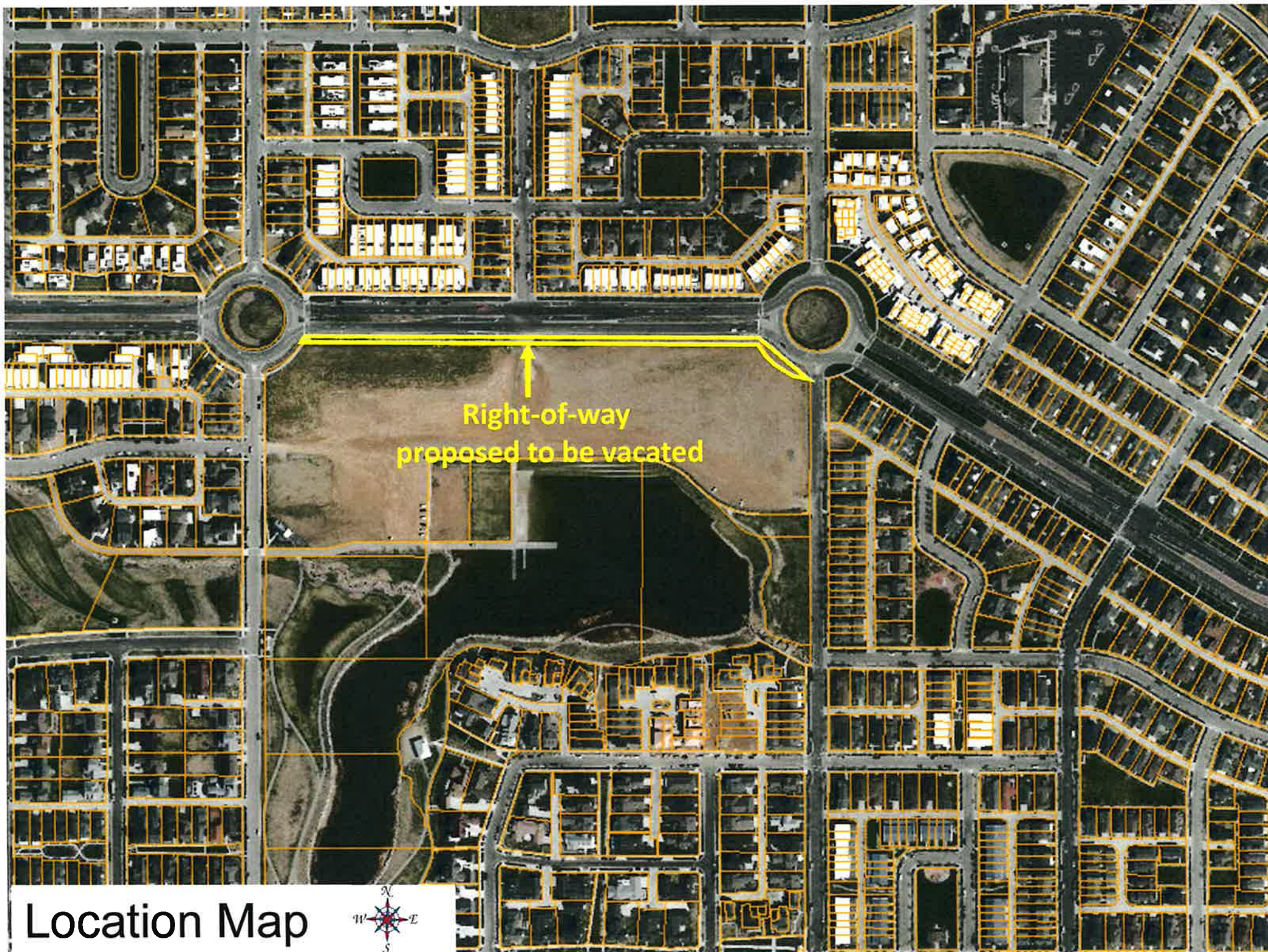
- Aerial Location Maps
- Proposed Subdivision Showing ROW Vacation
- Ordinance 2019-18

Approved by:

Steven Schaefermeyer.
Director of Planning

Date





Location Map



PROPERTY CORNERS
PROPERTY CORNERS TO BE SET WILL BE
SEAR & CAP OR NAILS SET IN THE TOP
P CURB OR ALLEY ON THE EXTENSION OF
THE LOT LINES.

LEGEND

- POUND SALT LAKE COUNTY
SECTION CORNER
- PROPOSED STREET MONUMENT
- EXISTING STREET MONUMENT
- ADDRESS WITH ABBREVIATION
OF STREET OR LAKE
- VACATED AREA OF SOUTH
JORDAN PARKWAY

PERIGEE
CONSULTING
SALT LAKE CITY, UTAH

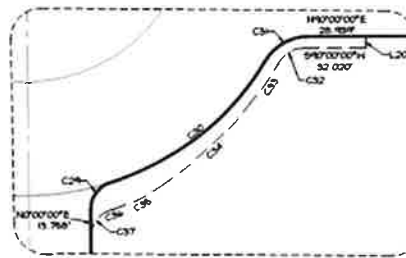
DATE: 08/11/2011
BY: J. PERIGEE
REV: 08/11/2011
BY: J. PERIGEE

KENNECOTT DAYBREAK PLAT 9 SUBDIVISION

SOUTH JORDAN PARKWAY
(Plate Right of Way)

Area proposed to be vacated

KENNECOTT DAYBREAK OQUIRRH LAKE PLAT AMENDED



DETAIL "A"

SCALE: 1" = 30'

GRAPHIC SCALE



Sheet 2 of 8

DAYBREAK NORTH SHORE VILLAGE CENTER
AMENDING LOT A-I OF THE KENNECOTT DAYBREAK OQUIRRH LAKE PLAT,
LOT C-10 OF THE KENNECOTT DAYBREAK OQUIRRH LAKE PLAT AMENDED,
AND VACATING A PORTION OF SOUTH JORDAN PARKWAY

Located in the Northeast Quarter of Section 10, T35, R10, Salt Lake Base and Meridian

RECORDED

STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE
REQUEST OF:

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

FILE # _____ SALT LAKE COUNTY RECORDER

WHEN RECORDED RETURN TO:

CITY OF SOUTH JORDAN
ATTN: PLANNING DEPARTMENT
1600 W TOWNE CENTER DRIVE
SOUTH JORDAN, UT 84095

ORDINANCE 2019-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, VACATING A PORTION OF RIGHT-OF-WAY ALONG THE SOUTH SIDE OF SOUTH JORDAN PARKWAY BETWEEN OQUIRRH LAKE ROAD AND LAKE AVENUE.

WHEREAS, Utah Code §§ 10-9a-608, 609, and 609.5 require that any vacation of some or all of a public street, right-of-way, or easement, including those recorded by subdivision plat, within the City of South Jordan (the “City”) may only be approved by the City Council of the City of South Jordan (the “City Council”); and

WHEREAS, Daybreak Communities (the “Applicant”), petitioned the City to vacate an 9,293 sq. ft. section of South Jordan Parkway, an existing Right-of-Way (“ROW”) that runs adjacent to the Applicant’s property; and

WHEREAS, the City Council held a public hearing to consider Applicant’s petition to vacate the portion of ROW; and

WHEREAS, pursuant to Utah Code § 10-9a-609.5(3), the City Council finds that there is good cause to vacate the said ROW and that neither the public interest nor any person will be materially injured by vacating the ROW.

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

SECTION 1. Grant of Petition to Vacate. The City Council hereby grants the Applicant’s petition to vacate the portion of ROW by adopting this Ordinance, more particularly shown on the attached **Exhibit A**.

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 upon recordation of this Ordinance or a subdivision plat showing the vacation of ROW along the south side of the existing road.

[SIGNATURE PAGE FOLLOWS]

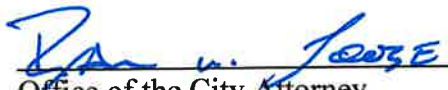
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS _____ DAY OF _____, 2019 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	_____	_____	_____	_____
Bradley G. Marlor	_____	_____	_____	_____
Donald J. Shelton	_____	_____	_____	_____
Tamara Zander	_____	_____	_____	_____
Jason T. McGuire	_____	_____	_____	_____

Mayor: _____
Dawn R. Ramsey

Attest: _____

Approved as to form:



Office of the City Attorney

[illegible]