Planning and Development Services
2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050
Phone: (385) 468-6700 • Fax: (385) 468-6674
https://msd.utah.gov/msd-home/pds/

Kearns Metro Township Planning Commission

Public Meeting Agenda

Monday, October 12, 2020 5:30 P.M.

Pursuant to Utah Code Ann. § 52-4-207(4), Jerry Wellman has determined in his capacity as Chair of the Kearns Metro Township Planning Commission that this meeting and/or public hearing will be held electronically without an anchor location given the ongoing Coronavirus disease 2019 (COVID-19) pandemic, which the Chair has determined to present a substantial risk to the health and safety of those who may be present at an anchor location. To participate in the meeting and to make public comments where indicated in the agenda, please use the below webinar instructions.

Location

Join meeting in WebEx
Meeting number (access code): 961 841 420
Join meeting in WebEx (download available at https://www.webex.com/downloads.html for Windows, Android, and Apple devices)
Tap to join from a mobile device (attendees only)
+1-213-306-3065,,961841420## United States Toll (Los Angeles)
+1-602-666-0783,,961841420## United States Toll (Phoenix)
Join by phone
+1-213-306-3065 United States Toll (Los Angeles)
+1-602-666-0783 United States Toll (Phoenix)
Access code: 961 841 420
Global call-in numbers
Join from a video conferencing system or application
Dial wgurr@slco.webex.com
You can also dial 173.243.2.68 and enter your meeting number.
Need help? Go to http://help.webex.com

UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-468-6707.
TTY USERS SHOULD CALL 711.

The Planning Commission Public Meeting is a public forum where, depending on the agenda item, the Planning Commission may receive comment and recommendations from applicants, the public, applicable agencies and County staff regarding land use applications and other items on the Commission's agenda. In addition, it is where the Planning Commission takes action on these items, which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.

BUSINESS MEETING

1) Welcome and approval of the agenda. (Motion/Voting)
2) Approval of the Planning Commission Minutes from August 10, 2020. (Motion/Voting)
3) Other Business Items (as needed)

PUBLIC HEARINGS

Kearns Metro Township is considering adopting the proposed 2020 Kearns Metro Township General Plan, which plans for the areas within Kearns Metro Township. The 2020 General Plan is Kearns's first comprehensive plan since Kearns incorporated as a metro township in 2017. The Plan synthesizes data and public feedback to describe current conditions, envision Kearns's future, and guide Kearns from present conditions toward that desired vision. This General Plan meets the required State laws for general planning, including elements on Transportation and Land Use (the Moderate-Income Housing Plan was adopted previously). It also includes the following supplemental Chapters: Introduction to the Planning Process/Methodology, and Economic Development. **Planner:** Kayla Mauldin (Motion/Voting)

Please visit: https://bit.ly/lrp-kearns to view a copy of the 2020 Kearns General Plan and Kearns Expanded Appendix.

The Planning Commission will act on the proposed general plan after taking comments from the public during the public hearing. Public comments will be provided pursuant to the planning commission's rules of conduct, which are attached to the back of this agenda. Public comments will be limited to three minutes per person.

ADJOURN

Rules of Conduct for Planning Commission Meetings

PROCEDURE FOR PUBLIC COMMENT

1. Any person or entity may appear in person or be represented by an authorized agent at any meeting of the Commission.

2. Unless altered by the Chair, the order of the procedure on an application shall be:

   a. The supporting agency staff will introduce the application, including staff's recommendations and a summary of pertinent written comments and reports concerning the application

   b. The applicant will be allowed up to 15 minutes to make their presentation.

   c. The Community Council representative can present their comments as applicable.

   d. Where applicable, persons in favor of, or not opposed to, the application will be invited to speak.

   e. Where applicable, persons opposing the application, in whole or in part will be invited to speak.

   f. Where applicable, the applicant will be allowed 5 minutes to provide concluding statements.

   g. Surrebutals may be allowed at the discretion of the Chair.

CONDUCT FOR APPLICANTS AND THE PUBLIC

1. Speakers will be called to the podium by the Chair.

2. Each speaker, before talking, shall give his or her name and address.

3. All comments should be directed to the Commissioners, not to the staff or to members of the audience.

4. For items where there are several people wishing to speak, the Chair may impose a time limit, usually 3 minutes per person, or 5 minutes for a group spokesperson. If a time limit is imposed on any member or spokesperson of the public, then the same time limit is imposed on other members or spokespersons of the public, respectively.

5. Unless otherwise allowed by the Chair, no questions shall be asked by the speaker or Commission Members.

6. Only one speaker is permitted before the Commission at a time.

7. The discussion must be confined to essential points stated in the application bearing on the desirability or undesirability of the application.

8. The Chair may cease any presentation or information that has already been presented and acknowledge that it has been noted in the public record.

9. No personal attacks shall be indulged in by either side, and such action shall be sufficient cause for stopping the speaker from proceeding.

10. No applause or public outbursts shall be permitted.

11. The Chair or supporting agency staff may request police support to remove offending individuals who refuse to abide by these rules.

12. After the public comment portion of a meeting or hearing has concluded, the discussion will be limited to the Planning Commission and Staff.

4956 West 6200 South
P.O. Box 527
Kearns, Utah 84118

WRITTEN DETERMINATION – NO ANCHOR LOCATION

The Kearns Metro Township Planning Commission is scheduled to hold a business meeting on October 12, 2020, beginning at 5:30 pm. Immediately following the business meeting, the Commission will hold a public hearing to consider a proposed general plan for the Kearns Metro Township. Pursuant to Utah Code Ann. § 52-4-207(4), I, Jerry Wellman, have determined in my capacity as the Chair of the Kearns Metro Township Planning Commission to hold the business meeting and the public hearing without an anchor location due to COVID19, which presents a substantial risk to the health and safety of those who may be present at the anchor location. This written determination shall expire 30 days from today.

Dated this _____ day of _____, 2020.

By_____
Jerry Wellman
Chair, Kearns Metro Township Planning Commission

Planning and Development Services
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Phone: (385) 468-6700 • Fax: (385) 468-6674

Notice of this meeting posted July 30, 2020 to https://www.utah.gov/pmn/sitemap/notice/619829.html and Accessory Dwelling Unit and Conditional Use Permit Ordinance published July 31, 2020, and notices mailed July 29, 2020

MEETING MINUTE SUMMARY

KEARNS METRO TOWNSHIP PLANNING COMMISSION MEETING

Monday, August 10, 2020 5:30 p.m.

Approximate meeting length: 1 hour 39 minutes
Number of public in attendance: 2
Summary Prepared by: Wendy Gurr
Meeting Conducted by: Commissioner Nelson

*NOTE: **Staff Reports** referenced in this document can be found on the State and County websites, or from Planning & Development Services.

ATTENDANCE

Commissioners	Public Mtg	Business Mtg	Absent
David Taylor	x	x	
Joy Nelson	x	x	
Jerry Wellman	x		
Joe Hatch	x	x	
Laura Koester	x	x	

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr	x	x
Diana Martinez	x	x
Travis Hair	x	x
Jim McNulty	x	x
Kayla Mauldin	x	x
Nathan Bracken	x	x

BUSINESS MEETING

Meeting began at – 5:34 p.m.

Commissioner Nelson read the Kearns Metro Township electronic meeting notice, signed, and made available for the record.

1) Welcome and Approval of the Agenda

Commissioner Nelson read the Opening Statement.

Commissioner Taylor motioned to approve the agenda, Commissioner Hatch seconded that motion.

2) Approval of Minutes from the July 13, 2020 meeting.
Motion: To approve minutes from the July 13, 2020 meeting with amendments by Commissioner Nelson.
Motion by*:* Commissioner Hatch
2nd by: Commissioner Taylor
Vote*:* Commissioners voted unanimous in favor (of commissioners present)

3) Transportation Element to be reviewed and recommended to the council for feedback. (Motion/Voting) **Presenter:** Kayla Mauldin

Ms. Mauldin provided a presentation to the planning commission from the general plan steering committee. Mr. Bracken said basic to look at, preliminary and if any comments provide feedback.

Motion: To submit the Transportation Element to the Kearns Metro Township Council for review, recommendation, and feedback.

Motion by*:* Commissioner Hatch
2nd by: Commissioner Taylor
Vote*:* Commissioners voted unanimous in favor (of commissioners present)

4) Other Business Items (as needed)

No other business items to discuss.

Commissioner Hatch motioned to close the business meeting, Commissioner Taylor seconded that motion. Commissioners voted unanimous in favor (of commissioners present)

LAND USE APPLICATION(S)
Hearings began at – 5:50 p.m.

24679- St. Francis Xavier School is requesting a Temporary Change to the Conditional Use conditions allowing for pick up and drop off along 4520 West, during the COVID-19 restriction period. **Acreage:** 4.73 acres. **Location:** 4501 West 5215 South. **Zone:** P.I. (Public Facility Zone) **Planner:** Diana Martinez. (Motion/Voting)

The Planning Commission, in its discretion, may request public input on these applications prior to acting on the application. If public input is requested, public comment will be limited to three minutes per person.

Greater Salt Lake Municipal Services District Planning and Development Planner Diana Martinez provided an analysis of the staff report.

Commissioner Hatch said the kids are being dropped off in one direction only north and not southbound, preferable to have the kids exit the car on the passenger side and traffic go clockwise. Ms. Martinez said faculty will need direct contact with the child and the parents. Commissioner Taylor said if they have a sign signifying the certain students, what happens when the car has older students, are they going to drop off the whole lot and this is only limited to kindergarten and first grade. Ms. Martinez said the principal is cooperative and responsive to that and faculty is aware, and the car follows into the parking lot to drop off older students.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Applicant, Principal
Name: Marianne Rozsahegyi
Address: Not provided
Comments: Ms. Rozsahegyi said drop off and pickup is coordinated. Signage process used, made many parents angry when they do not show up with that. Preschool and prekindergarten three to four-year-old.

Ramp in the back door, understand clearly not allowed to use, exactly the situation was happening and defeats the purpose of density. Middle school comes early, and window of time works.

Commissioner Hatch motioned to open the public meeting, Commissioner Taylor seconded that motion. Commissioners voted unanimous (of commissioners present).

Speaker # 2: Kearns Community Council
Name: Roger Snow
Address: 5977 South Parkwood Drive
Comments: Mr. Snow advised the Kearns Community Council gives a favorable recommendation.

Commissioner Hatch motioned to close the public hearing, Commissioner Taylor seconded that motion.

PUBLIC PORTION OF MEETING CLOSED

Commissioners and staff had a brief discussion regarding drop off on east side of 4520 and flow of older students being taken around. Adding condition number 5 on east side next to 4520 and #6 older students being dropped off after as per the original agreement, adding to condition number 4 county transportation requirements.

Motion: To temporarily change approval on application #24679 until November 20, 2020.

1. On this day, Staff will determine if the restrictions of the COVID-19 Pandemic have been cleared or reduced.
    a. If the pandemic restrictions have been cleared or reduced, then the school shall go back to the original facilitation of using the parking lot as the main drop off and pick up area.
    b. If the pandemic restriction have not been cleared or reduced, the MSD Staff will make arrangements for the applicant to go back to the Planning Commission for the December 14, 2020 meeting, to determine an appropriate extension time period for drop off and pick up to continue along 4520 West.
2. This temporary change of approval is for the drop off approximately 22 children in the morning, and for approximately 8 children being picked up in the afternoon.
3. The school will need to determine which cars (students) can be in the drop off and pick up area along 4520 West. A car sticker or name board that designates the appropriate student cars, may be helpful to show the faculty which cars should and should not be dropping off or picking up along 4520 West.
4. Applicant should comply with the County Transportation Engineer's condition of approval as follows:
    a. The temporary drop off on 4520 West in the A.M.:
        - Temporary drop off point
        - 15 minutes drop off time between 8:00 a.m. to 8:15 a.m.
        - Maximum of 22 students
        - Only during COVID_19 restrictions
    b. The temporary pick up on 4520 West in the P.M.
        - Temporary pick up point
        - 20 minutes of pickup time between 2:50 and 3:10 p.m.
        - Only during COVID-19 restrictions.

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5. Drop off and pick up of the children should be on the east side of 4520 West, next to the school, so that the children are not in danger of crossing the street.
6. The older Siblings, of any of the 22 children that can be dropped off along 4520 West, should be dropped off in the main parking lot and should go through the main school entrance.

Motion by*:* Commissioner Hatch
2nd by: Commissioner Taylor
Vote*:* Commissioners voted unanimous in favor (of commissioners present)

PUBLIC HEARING(S)

31222 – Proposed ordinance to enact Chapter 19.15 of the Kearns Metro Township Code regarding accessory dwelling units, particularly (i) authorizing accessory dwelling units in single-family detached units and (ii) regulating accessory dwelling units. **Presenter:** Travis Hair (Motion/Voting)

The Planning Commission will act on the proposed ordinance amendment after taking comments from the public during the public hearing. Public comments will be provided pursuant to the planning commission's rules of conduct, which are attached to the back of this agenda. Public comments will be limited to three minutes per person.

Mr. Hair provided an analysis of the ordinance.

Commissioner Hatch asked about business license for the home, if the property owns the business and sells the property, the new owner needs to get their own license. Mr. Hair said they would have to come in and get a new license and needs to be renewed annually. Mr. Hair said when someone comes in for a building permit, needs documentation and what they need to do going forward. Commissioner Taylor said people put out postings and how are we enforcing and are we grandfathering adu's currently being advertised and representative and reinforcing. Mr. Hair said not sure what standards they were built to, but enforcement has their own standards and will need to come into compliance and speak with building department and pull all permits necessary to come in compliance.

Commissioner Wellman asked on parking, 1915070, addition to require parking and one along the frontage, if there is a restriction for snow, is there enforceable parking. Mr. Hair said the reason we want business license, not providing general parking, and have a tool to open parking spots. garage must be used for home parking, add on to driveway for additional parking. Vehicle may need to be moved for plows, hoping people use transit more. Mr. Bracken said this is the most difficult part, one hand wants to make useable and easy, and did not want to create challenges. Require applicant to do a traffic study, cities disincentivize, probably a burden. If we require to show legally available along their property. Must comply with snow requirements, relying on existing laws work. Commissioner Wellman asked if an item added if the residence it close to public transportation and they actively use it, ADU can use one spot and reduce parking. Mr. Bracken said that is initially how it was drafted, the practical reality is it is hard to show. Circumstances could change, that will be too difficult to show and enforce. Commissioner Hatch said he looked at the smaller properties were built with carport or garage with a driveway, likes the option of detached garage, provides for at least two more car spaces, already a problem with cars parking on the street, prefers the ordinance to say allowed for minimum four parking spaces, carport, garage and driveway leading up to, keeps cars off the street. Mr. Bracken said does not have a strong preference and there is not a right or wrong answer. If the council decides to have parking off street would limit the adu's in Kearns. Policy call, not a legal question. Still allowing on street, does not mean they will be able to make that show. Commissioner Taylor said still do not have enforcement unless someone calls enforcement. Commissioner Koester said her street is already lined with cars and it makes her nervous to allow this. Mr. Bracken said

if you want to pull the edits up on the screen.

Commissioner Hatch motioned to open the public hearing, Commissioner Wellman seconded that motion. Unanimous in favor.

PUBLIC PORTION OF HEARING OPENED

Speaker # 1: Kearns Community Council
Name: Roger Snow
Address: 5977 South Parkwood Drive
Comments: Mr. Snow advised this has been discussed how to do them, parking, electrical, separate units, they need to happen and there is a big parking problem. Come up with equal balance, off street parking is most desirable. If you have room to build, extra room for parking. the Kearns Community Council gives a favorable recommendation but need to address parking.

Commissioner Hatch motioned to close the public hearing, Commissioner Wellman seconded that motion.

PUBLIC PORTION OF HEARING CLOSED

Commissioners, Staff and Counsel had a brief discussion regarding removing consistently available on street and add consistently available on site/property. Adding option D to 19.50.070, in winter months vehicles need to be removed from the street. Demonstrate dedicated parking for two additional spots for an ADU. Owner responsibility, and tracking for the ADU, coming into compliance.

Motion: To recommend approval of file #31222 to the Kearns Metro Township Council with amendments to 19.15.070 Parking Requirements, striking all requirements and adding one: In addition to the required parking for the existing home, the property owner must demonstrate that two (2) on-site parking spaces are available for each ADU. A property owner bears the burden of showing by a preponderance of the evidence that sufficient parking is available.

Motion by*:* Commissioner Wellman
2nd by: Commissioner Hatch
Vote*:* Commissioners voted unanimous in favor

Proposed ordinance to update and revise provisions of the Kearns Metro Township Code regarding (i) conditional uses, (ii) the Kearns Metro Township Planning Commission, and (iii) related provisions. The proposed ordinance also contains conforming and unifying modifications. **Presenter:** Jay Springer (Motion/Voting)

The Planning Commission will act on the proposed ordinance amendment after taking comments from the public during the public hearing. Public comments will be provided pursuant to the planning commission's rules of conduct, which are attached to the back of this agenda. Public comments will be limited to three minutes per person.

Mr. Bracken provided information what changes for permitted and unpermitted uses. Deal with page 19 of the ordinance.

Commissioner Hatch motioned to open the public hearing, Commissioner Taylor seconded that motion. Commissioners voted unanimous.

PUBLIC PORTION OF HEARING OPENED

Speaker # 1: Kearns Community Council
Name: Roger Snow
Address: 5977 South Parkwood Drive
Comments: Mr. Snow advised the Kearns Community Council gives a favorable recommendation to 19.15.

Commissioner Hatch motioned to close the public hearing, Commissioner Wellman seconded that motion. Commissioners voted unanimous in favor.

PUBLIC PORTION OF HEARING CLOSED

Motion: To recommend approval of 19.15 Conditional Use permits to the Kearns Metro Township Council as presented.

Motion by*:* Commissioner Hatch
2nd by: Commissioner Taylor
Vote*:* Commissioners voted unanimous in favor

Commissioner Hatch motioned to adjourn, Commissioner Wellman seconded that motion.

MEETING ADJOURNED

Time Adjourned – 7:13 p.m.

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Electronic Meeting Written Determination
For
The Kearns Metro Township Planning Commission

Pursuant to House Bill 5002, "Open and Public Meetings Act Amendments," passed during the 2020 Fifth Special Session of the Utah Legislature and codified under Utah Code Ann. § 52-4-207(4), I, Joy Nelson, hereby make the following written determination in my capacity as Vice Chair of the Kearns Metro Township Planning Commission warranting the Planning Commission to convene and conduct an electronic meeting on August 10, 2020, without an anchor location:

> *Given the ongoing Coronavirus disease 2019 (COVID-19) pandemic, conducting the meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at an anchor location.*

This written determination shall expire 30 days from today.

Dated this 10th day of August, 2020.

Joy Nelson, Vice Chair