

DATE MONDAY JANUARY 11, 2021

THE KEARNS METRO TOWNSHIP COUNCIL, STATE OF UTAH, MET ON MONDAY, JANUARY 11, 2021, PURSUANT TO ADJOURNMENT ON MONDAY, DECEMBER 28, 2020, AT 6:00 P.M. VIA ZOOM.COM.

COUNCIL MEMBERS PRESENT: TINA SNOW
CHRYSTAL BUTTERFIELD
ALAN PETERSON
PATRICK SCHAEFFER
KELLY BUSH, Chair

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Mayor Kelly Bush, Chair, presided.

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Council Business

Mayor Kelly Bush referred to the temporary conduct of electronic meetings of the Kearns Metro Township Council that is consistent with the Utah Open and Public Meeting Act. This allows the Council to hold electronic meetings without a physical location.

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2021 Council Appointments

Council Member Schaeffer, seconded by Council Member Snow, moved to nominate Kelly Bush as the Mayor for the Kearns Metro Township. The motion passed unanimously.

Mayor Bush accepted the position.

Council Member Butterfield, seconded by Council Member Peterson, moved to nominate Tina Snow as the Deputy Mayor for the Kearns Metro Township.

Council Member Peterson moved to nominate Patrick Schaeffer as Deputy Mayor. The motion died due to the lack of the second.

Council Member Butterfield, seconded by Council Member Peterson, moved to nominate Tina Snow as the Deputy Mayor for the Kearns Metro Township. The motion passed unanimously.

Council Member Snow accepted the position.

Mayor Bush asked if all Council Members were good with their board appointments, or if anything needed to be changed.

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All Council Members indicated they were good with their appointments.



2021 Meeting Dates

Mayor Bush asked if the Council had an opportunity to review the proposed meeting dates for the 2021 year. These dates are subject to change if needed.

All Council Members indicated they were good with the dates.

Council Member Butterfield, seconded by Council Member Schaeffer, moved to adopt the 2021 meeting schedule for the Kearns Metro Township Council. The motion passed unanimously.



Kearns Residential Density Ordinance

Roger Snow, Co-Chair, Kearns Community Council, stated the Kearns Residential Density Ordinance is part of the General Plan for Kearns. In the past Kearns has used all of Salt Lake County Zoning Ordinance, but it was determined that Kearns needed its own Density Ordinance. This ordinance sets densities for Kearns character areas including industrial, warehouse, mobile home, commercial, and redevelopment areas. Another thing that it does is to require a developer to submit a complete site plan for large developments showing the proposed density as well as the open space. Once the plan is adopted, the density would be hard to change.

Council Member Snow, seconded by Council Schaeffer, moved to adopt the following Ordinance No. 21-01-01

Ordinance No. 21-01-01

Date: January 11, 2021

AN ORDINANCE REVISING THE DENSITY LIMITS FOR PLANNED UNIT DEVELOPMENTS AND DWELLING GROUPS WITHIN THE KEARNS METRO TOWNSHIP CODE TO CONFORM TO THE KEARNS METRO TOWNSHIP GENERAL PLAN

WHEREAS, the Kearns Metro Township (“**Kearns**”) incorporated as a municipality in 2017; and

WHEREAS, Pursuant to Utah Code 10-2a-414, Kearns inherited the Salt Lake County Code, which included certain density limits for planned unit developments and dwelling groups; and

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WHEREAS, the Kearns Council adopted a new general plan on October 22, 2020, which organizes Kearns into specific character areas and assigns new density limits to each character area; and

WHEREAS, the Kearns Council desires to revise the applicable density limits and make related revisions in the Kearns Code to account for the new character areas and conform to the general plan.

NOW, THEREFORE BE IT RESOLVED BY THE KEARNS METRO TOWNSHIP COUNCIL:

1. Section 19.04.190 is repealed and replaced with the following:

19.04.190 Dwelling Group

"Dwelling group" means a group of two or more dwellings located on a parcel of land in one ownership and having any yard or court in common. A dwelling group does not include a single-family residence with an accessory dwelling unit authorized under Chapter 19.15.

2. Section 19.04.215 is repealed and replaced with the following:

19.04.215 Dwelling Unit

"Dwelling unit" means one or more rooms physically arranged to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping. Buildings with more than one kitchen or set of cooking facilities are considered to contain more than one dwelling unit unless the additional cooking facilities are clearly accessory to a dwelling unit as determined by the development services director. Factors for determining whether cooking facilities are accessory to a dwelling unit may include but are not limited to:

- A. A building design which allows all occupants ready access to all portions of the building including cooking facilities;*
- B. No portion of the building containing cooking facilities can be separated from the remaining rooms to form a separate dwelling unit; and*
- C. There is only one electric and/or gas meter for the building.*

Notwithstanding these provisions, a single-family residence with an accessory dwelling unit authorized under Chapter 19.15 will constitute one dwelling unit.

3. Section 19.14.055 is repealed and replaced with the following:

19.14.055 Density

The allowable density for planned unit developments will be determined pursuant to Chapter 19.96.

4. Section 19.32.055 is repealed and replaced with the following:

19.32.055 Density

The allowable density for planned unit developments will be determined pursuant to Chapter 19.96.

5. Section 19.40.100 is repealed and replaced with the following:

19.40.100 Density

The allowable density for planned unit developments will be determined pursuant to Chapter 19.96.

6. Section 19.44.110 is repealed and replaced with the following:

19.44.110 Density

The allowable density for planned unit developments will be determined pursuant to Chapter 19.96.

7. Section 19.48.100 is repealed and replaced with the following:

19.48.100 Density

The allowable density for planned unit developments will be determined pursuant to Chapter 19.96.

8. Chapter 19.60 is repealed in its entirety.

9. Section 19.62.130 is repealed and replaced with the following:

19.62.130 Density

The allowable density for planned unit developments will be determined pursuant to Chapter 19.96.

10. Section 19.64.130 is repealed and replaced with the following:

19.64.130 Density

The allowable density for planned unit developments will be determined pursuant to Chapter 19.96.

11. Chapter 19.70 is repealed.

12. Chapter 19.72 is repealed.

13. The following portions of Section 19.78.030 are revised as follows:

19.78.030(B)

Open Space. Common and private open space shall be provided and shall cover no less than forty percent of the gross site area. Common open space shall be provided in the amount of at least twenty percent of the gross site area. For purposes of this chapter, gross site area is defined as the total area of a planned unit development excluding anything in the public right-of-way.

The required common open space shall be land areas that are not occupied by buildings, dwellings, structures, parking areas, streets, public park strips, curb-gutter-sidewalk, driveways, or alleys and shall be accessible by all residents of the development. Buildings erected for the purpose of providing an amenity may be included as open space. Said open space may be an area of land or water set aside, or reserved for use by residents of the development, including an expanse of lawn, trees, plants, fully accessible landscaped roof areas, or other natural areas. Common open space also includes common walkways (but not curb-gutter-sidewalk), formal picnic areas, and recreational areas. Common open space may be distributed throughout the development and need not be in a single large area. Common open space may include sensitive areas, such as areas with thirty percent or greater slope, fault zones, flood plains, high water tables, and wetlands, if they have been designed as an integral element of the project.

Private open space is that space which is provided for each dwelling unit for personal use. Private open space is typically located immediately adjacent to or attached to the dwelling unit it is designed to serve and is for the exclusive use of the residents of the dwelling unit. Landscaped roof areas, balconies, or decks attached to individual units are considered private open space and are not to be calculated as part of required common open space.

~~*The planning commission may reduce the open space requirements of this section in order to accommodate a density bonus provided for in this chapter.*~~

~~19.78.030(E)(7)~~

~~Underground parking. Installation of underground parking adequate to meet fifty percent of the parking requirements of this section excluding guest parking, shall receive a twenty percent density bonus for the planned unit development.~~

19.78.030(K)

Site Plan. All developments shall be guided by a total design plan in which the following development standards may be varied to allow density bonuses and flexibility and creativity in site design and building location. The planning commission may require such arrangements of structures, open spaces, landscaping, buffering, and access within the site development plan so that adjacent properties will not be adversely affected. The following criteria shall be used by the planning commission principally to assure the design objectives of this section are met.

1. Density. ~~Subject to the following density bonuses,~~ The density allowed for a development shall be no greater than that allowed in the zone in which it is located **determined pursuant to Chapter 19.96.** Density shall be calculated using only net developable acreage. ~~A density bonus in the following amounts is allowed if either or both of the following conditions exist:~~

~~a. For developments with underground parking that is adequate to meet the parking requirements of this chapter excluding guest parking, a density bonus of twenty percent is allowed pursuant to 19.78.030(5)(g); and/or~~

~~b. For developments within one-quarter mile (improved walking distance) of a rail or Bus Rapid Transit (BRT) station, a density bonus of twenty percent is allowed. For developments within one-half mile (improved walking distance) of a rail or BRT station, but greater than one-quarter mile, a density bonus of ten percent is allowed.~~

~~19.78.030(K)(2)(c)~~

~~At the discretion of the planning commission, height for dwelling structures along corridors as defined in the general plan and not adjoining a residential zone, may be increased by an additional five feet to accommodate a density bonus provided for in this chapter.~~

19.78.030(K)(2)(d) is renumbered as subparagraph “(c).”

14. Chapter 19.96 is enacted with the following language:

Chapter 19.96 – Density Limits for Planned Unit Developments and Dwelling Groups

19.96.010 – Purpose

The purpose of this chapter is to establish maximum density limits for planned unit developments and dwelling groups within the Kearns Metro Township.

19.96.020 – Density Limits

The maximum allowable density for planned unit developments and dwelling groups will not exceed the following maximum densities for the individual character areas identified in the Kearns Metro Township General Plan. There are no exceptions to these maximum density limits. The following density limits will control over any conflicts with the density limits in the general plan.

- A. *Warehouse District: 0.0 dwelling units per acre.*
- B. *Mobile and Manufactured Home Community: 8.0 dwelling units per acre.*
- C. *Commercial Redevelopment Opportunity: 0.0 dwelling units per acre.*
- D. *Kearns Town Center:*

<i>single-family dwellings</i>	<i>7.0 units per acre</i>
<i>two-family dwellings</i>	<i>12.0 units per acre</i>
<i>three-family dwellings</i>	<i>15.0 units per acre</i>
<i>four-family dwellings</i>	<i>18.0 units per acre</i>
<i>multi-family dwellings</i>	<i>25.0 units per acre</i>

- E. *Recreation Hub: 0.0 dwelling unit per acre.*
- F. *Neighborhood Mixed Use:*

<i>single-family dwellings</i>	<i>7.0 units per acre</i>
<i>two-family dwellings</i>	<i>12.0 units per acre</i>
<i>three-family, four-family, and multi-family dwellings</i>	<i>15.0 units per acre</i>

- G. *Kearns Corner:*

<i>single-family dwellings</i>	<i>7.0 units per acre</i>
<i>two-family dwellings</i>	<i>12.0 units per acre</i>
<i>three-family dwellings</i>	<i>15.0 units per acre</i>
<i>four-family dwellings</i>	<i>18.0 units per acre</i>
<i>multi-family dwellings</i>	<i>25.0 units per acre</i>

H. Walkable Commercial Center: 0.0 dwelling units per acre.

I. Moderate Income Housing Opportunities:

<i>single-family dwellings</i>	<i>7.0 units per acre</i>
<i>two-family dwellings</i>	<i>12.0 units per acre</i>
<i>three-family dwellings</i>	<i>15.0 units per acre</i>
<i>four-family dwellings</i>	<i>18.0 units per acre</i>
<i>multi-family dwellings</i>	<i>20.0 units per acre</i>

J. Lodestone Residential: 6.0 dwelling units per acre.

K. Olympic Oval District: 6.0 dwelling units per acre.

L. Western Hills: 6.12 dwelling units per acre.

M. Camp Kearns Residential: 6.06 dwelling units per acre.

N. Edgemont Park: 5.88 dwelling units per acre.

O. Special Utility Project: 0.0 dwelling unit per acre.

P. Major Transit Investment Corridor: 0.0 dwelling unit per acre.

Q. Existing Commercial: 0.0 dwelling unit per acre.

R. Med-to-High Density Residential Character Area:

1. *The following density limits will apply for R-M zones within the character area:*

<i>single-family dwellings</i>	<i>7.0 dwelling units per acre</i>
<i>two-family dwellings</i>	<i>12.0 dwelling units per acre</i>
<i>three-family dwellings</i>	<i>15.0 dwelling units per acre</i>
<i>four-family dwellings</i>	<i>18.0 dwelling units per acre</i>
<i>multi-family dwellings</i>	<i>20.0 dwelling units per acre</i>

2. *The following density limits will apply for R-2-6.5 zones within the character area:*

<i>single-family dwelling</i>	<i>7.0 units per acre</i>
<i>two-family dwelling</i>	<i>12.0 units per acre</i>

3. *For R-1-6 zones within the character area: 6.0 dwelling units per acre.*

19.96.030 – Compliance with Zoning Requirements

Nothing in this Chapter will negate the need for planned unit developments and dwelling groups to comply with applicable zoning requirements. If there is a conflict between the density limits of Section 19.96.020 and the applicable zoning requirements, the zoning requirements will control.

15. Pursuant to Utah Code Ann. §§ 10-3-711 and –712, this ordinance will take effect twenty (20) days after its publication in a newspaper published and having general circulation in Salt Lake County or 30 days from the effective date of this ordinance, whichever is closer to the effective date.

[Execution on following page]

APPROVED and ADOPTED this 11th day of January, 2021.

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KEARNS METRO TOWNSHIP COUNCIL

ATTEST

By: /s/ KELLY BUSH
Mayor

By /s/ SHERRIE SWENSEN
Clerk/Recorder

The motion passed unanimously.



Approval of Minutes

Council Member Snow, seconded by Council Member Butterfield, moved to approve the minutes of the Kearns Metro Township Council meetings held on October 12, 2020, October 22, 2020, November 10, 2020, November 19, 2020, November 25, 2020, and November 30, 2020. The motion passed unanimously.



Stakeholders

Kearns Oquirrh Park Fitness Center

Mayor Bush introduced Kevin Schmidt, Director, Kearns Oquirrh Parks Fitness Center. Mr. Schmidt replaced Patti Hansen who retired.

Kevin Schmidt, Director, Kearns Oquirrh Parks Fitness Center, introduced himself. He then highlighted the events going on:

- Reservations are required to participate at KOPFC
- KOPFC is down in general admittance by 44 percent from last year. In 2019, 500,000 entries into the KOPFC, in 2020 there was only 260,000.
- Membership has continued to drop and they are working hard to be able to stay open.
- Several swim meets have been held this winter.
- Triathlon starts January 16, 2021.



Unified Police Department (UPD)

Chief Levi Hughes updated the Council on the following:

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- Presented the patrol activity report stats for 2020 compared to 2019. The way things are being reported for this form are changing, so that is why the calls look like they are increasing, however, everything is staying pretty status quo.
- Policing will be done differently in Kearns during 2021. He invited all Council Members to attend the meeting relating to this on January 19, 2021, at the Kearns precinct.
- Kearns Employee of the Year award will be presented at the meeting held on January 19, 2021.

Kearns Community Council

Roger Snow, Co-Chair, Kearns Community Council, stated the Kearns Community Council will be attending the meeting at the Kearns Precinct on January 19, 2021.



Other Business

COVID Update

Mayor Bush stated more masks were ordered for COVID 19. The Community Council is working on plans to get these masks out.

Shared Community Center

Mayor Bush stated Chief Levi Hughes of the Kearns Precinct, has offered to let the Kearns Metro Township use the south side of its building for a community center. The only stipulation is the Township would need to pay to have this side of the building painted. She has received a bid from Salt Lake County Facility Management Division of \$5,300. This amount covers the cost of equipment and manpower. It will take one week to paint. This would be a perfect place to hold meetings for the Kearns Community Council, any nonprofit organizations, or as a backup for the Council to meet. There are also offices available that could be used by the Council as a place to meet with individuals. The internet would be available at no cost. The Council could also use part of the building as storage and would be able to get rid of one of its storage units. She asked the Council what they thought about this idea.

Council Member Snow stated the Kearns Community Council has enough funds to furnish the building. It would be set up like the Element Center.

Council Member Butterfield asked who would oversee making reservation, cleaning the building, or watching over it.

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Mayor Bush stated the details would have to be worked out later. Tonight, she just wanted to know if the Council would be interested in this and would approve the expenditure of \$5,300 to get the building painted.

Council Member Butterfield stated she is in favor of this idea; however, she is worried about UPD deciding it wanted the building back.

Council Member Peterson stated maybe the Council could enter into a lease agreement to be able to use the building for a certain amount of time.

Nathan Bracken, Legal Counsel, Kearns Metro Township, stated he could come up with a lease agreement.

Council Member Snow stated that is something the Council could work on.

Mayor Bush stated the main thing for tonight is to get approval to spend funds to get the building painted.

Council Member Butterfield, seconded by Council Member Snow, moved to go forward with an amount not to exceed \$5,300 for the painting of the south side of the building. The motion passed unanimously.

Future Meeting Items

- Meeting with the UPD on the 19th of February. Dinner will be provided.
- Open Meetings Act training



THERE BEING NO FURTHER BUSINESS to come before the Council at this time, the meeting was adjourned.

SHERRIE SWENSEN
METRO TOWNSHIP CLERK

By _____
Deputy Clerk

CHAIR, KEARNS METRO TOWNSHIP

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