

SOUTH JORDAN CITY  
CITY COUNCIL ELECTRONIC MEETING

January 17, 2023

**Present:** Mayor Dawn Ramsey, Council Member Tamara Zander, Council Member Patrick Harris, Council Member Don Shelton, Council Member Brad Marlor, Council Member Jason McGuire, Deputy City Manager Dustin Lewis, CFO Sunil Naidu, Director of Strategy & Budget Don Tingey, Director of Commerce Brian Preece, Director of Public Works Jason Rasmussen, Director of Administrative Services Melinda Seager, City Attorney Ryan Loose, City Recorder Anna Crookston, IT Director Jon Day, GIS Coordinator Matt Jarman, Senior IS Tech Phill Brown, IS Systems Administrator Ken Roberts, Director of Planning Steven Schaefermeyer, City Engineer Brad Klavano, Battalion Chief Michael Richards, Police Chief Jeff Carr, Communications Manager Rachael Van Cleave, Associate Director of Parks Colby Hill, Director of Recreation Janell Payne, Long Range Planning Analyst David Mann, Meeting Transcriptionist Diana Baun, Strategy & Budget Analyst Abigail Patonai

**Absent:**

**Others:** Owner, Bryan Farnsworth, bvaske, Kathy Burk, Amanda Covington, Katie Storrs, Jason England, Rachel, Robert Paxton, Carol Brown, Chase Andrizzi, Max Young, Betty Young, Carly Pace, Cecil Burk, Piper Wise, Scott Sainsbury, Janalyn Sainsbury, Tyler Robbins, Kalmar Robbins, Bryan Famm, Don Ramsey, Lucynthia Rockwood, Lawrence Horman, Casey Baucom, Zach Baucom,, Jason England

6:34 P.M.  
REGULAR MEETING

**A. Welcome, Roll Call, and Introduction to Electronic Meeting - By Mayor Dawn Ramsey**

Mayor Ramsey welcomed everyone and introduced the electronic meeting.

**B. Invocation – By Council Member Brad Marlor**

Council Member Marlor offered the invocation.

**C. Pledge of Allegiance – By Police Chief Jeff Carr**

Chief Carr led the audience in the Pledge of Allegiance.

Mayor Ramsey excused City Manager Gary Whatcott, who was unable to attend tonight's meeting. She noted that today is opening day of the Utah State Legislature and she passed along the Speaker of the House's gratitude for the great work and planning our city is doing, encouraging other cities to follow the responsible and well planned example of South Jordan City. She was invited to represent South Jordan on the floor of the house today and gave a speech to open the session. At our last public meeting, the city accepted the petition for annexation from Rio Tinto, and Mayor Ramsey read the following statement:

"On November 22, 2022, Rio Tinto Kennecott took the first step to request (petition) the annexation of approximately 2,200 acres of property south and west of the current City boundaries into the City of South Jordan. In the January 3, 2023 City Council meeting the City accepted the petition, which allows the City to begin the public process of annexation.

Rio Tinto Kennecott's request follows the City's annexation plan adopted in 2007 and a mutual 2004 commitment between the City and Rio Tinto Kennecott to work together on this future annexation. The City is committed to a high quality sustainable development of the Rio Tinto Property.

The annexation will take several months and will involve public input. Along with the annexation process, the property owner will request a zone to allow for development. The zoning process will also involve public input. These processes will ensure that the property is developed to South Jordan and Rio Tinto Kennecott's proven high standards.

This process is just beginning and there will be opportunities for community engagement. We encourage your participation in that process and look forward to what we can accomplish as a community given this new opportunity."

She continued by sharing that this morning, the Larry H. Miller Company announced they will be moving the Bees to South Jordan, starting in 2025, with a new stadium being built by the Larry H. Miller Company. The city looks forward to their continued partnership with them. As the owners of the Daybreak Community, the Larry H. Miller Company has been a great partner with the city so far and the city looks forward to working with them and all other stakeholders in the area to make sure that the infrastructure needs that go along with a project like this are in place. The master plan for Daybreak goes back to 2004, and all the entitlements of that master plan have been in place since that time, so this is in line with that master plan and comes with the development they have the rights to. The Larry H. Miller Company has actually significantly slowed development since purchasing Daybreak to do a more holistic evaluation of the land that is left, and what the possibilities are. They have been working closely with the city and listening to the city and residents in Daybreak, so the city is looking forward to working with them to ensure the best outcomes as the future of that land continues to develop.

#### **D. Minute Approval**

**D.1.** January 3, 2023 City Council Study Meeting Minutes

**D.2.** January 3, 2023 City Council Meeting Minutes

**Council Member McGuire motioned to approve the January 3, 2023 City Council Study Session Meeting Minutes and the January 3, 2023 City Council Meeting Minutes as published. Council Member Zander seconded the motion; vote was unanimous in favor.**

#### **E. Mayor and Council Reports**

Council Member Brad Marlor said January 5 he spoke with several students from Bingham High who wanted to learn more about a member of the city council and talk about what goes on in politics in the city, and in general. He attended a Compensation Committee Meeting, where they discussed how to retain city staff, and thinks they have some things in store to make sure that happens. There were no Architectural Review Committee meetings in the past few weeks, so nothing to report from there.

Council Member Jason McGuire participated in Archery Night at Mulligan's with his family and asked staff how often that takes place.

Director of Recreation Janell Payne shared that there are different recreation family nights scheduled throughout the season, they are available on the registration website.

Council Member McGuire met with Representative Teuscher to talk about a possible future gravel pit in Parley's canyon, and the impact possible on local zoning while sharing some insight. He attended an Arts Council Meeting where they had a great discussion of events being budgeted for in the 2023 cycle. Next month the Arts Council will be presenting to the city council with those ideas. Saturday he attended a Town Hall held by Representative Teuscher, Representative Pulsipher, Representative Cobbs, and Senator Fillmore as part of kicking off the legislative session. He noted that Senator Fillmore's subdivision bill could possibly have an impact on the city, and shared that the bill is intended to help streamline how development processes work throughout the state. As the purpose of the bill was explained, Council Member McGuire felt it could be a great benefit.

Council Member Patrick Harris quickly discussed all the things coming up in the city that were discussed by the mayor earlier in the meeting. He has spent a lot of time reaching out to various people and explaining all these things that are going on. With the annexation there are lots of questions with people trying to understand the "why," and he has enjoyed that opportunity for those interactions. None of the boards or committees he sits on had any meetings since the last council meeting.

Council Member Tamara Zander said January 10 she attended a South Jordan Business Committee Meeting, where select South Valley Chamber members meet once a month to

discuss how South Jordan businesses can advocate for and promote other businesses in the city, along with enhancing the environment of businesses located in the city. That committee has decided to put together an event honoring the veterans in South Jordan City in March. They will have an entertainer and dinner for any veterans in the city, and probably surrounding cities as well. She will share more details with the council as that event gets closer. Additionally, she was invited to attend the South Valley Chamber of Commerce Business Accelerator Course, along with 10-12 other business owners, and it was a great opportunity. On January 11, she attended a few events, including one where she represented the mayor at the Utah Association of Realtors. It was a policy summit gearing up for the legislative session with many elected officials from all along the Wasatch Front coming to speak about policies and other things coming up in the session. One of the speakers who was representing a builder stood up and said that if anyone in the room has concerns about zoning in our state, which everyone should be watching and concerned with, they should talk to their city council members. In that room of a few hundred people she realized she was probably the only city council member in the room, so she raised her hand and agreed saying that he was absolutely right, people should be talking to and engaging with their council members. She found that encouraging that they are promoting that at the state level. On Wednesday, the South Valley Chamber of Commerce had their State of the Chamber, and they talked about all the different things they are doing to help our city grow in the region. After a long discussion with her family, and a lot of thought, she has decided to run for re-election this year. She would like to publicly announce tonight that she is running for re-election, and she is excited for that opportunity to continue serving the city.

Council Member Don Shelton had no city meetings in the last two weeks. After studying the city council packet today he thought it would be appropriate to recognize the Martin Luther King Holiday that was observed yesterday by sharing some quotes he found online from Martin Luther King:

“At the heart of all that civilization has meant and developed is community. The mutually cooperative and voluntary venture of man to assume a semblance of responsibility for his brother.”

“Love is creative and redemptive. Love builds up and unites. Hate tears down and destroys. The aftermath of the fight with fire method is bitterness and chaos. The aftermath of the love method is reconciliation and creation of the beloved community. Yes love, which means understanding creative redemptive goodwill, even for one’s enemies, is the solution.”

Mayor Ramsey had the opportunity as mayor and with her role on the Jordan Education Foundation to present a check for almost \$19,000 to Bingham High School for classroom grants. The Economic Development Corporation of Utah had an all-day strategy meeting, and she appreciated Director Preece being there to discuss the future of the organization

and the economic development vision for the State of Utah going forward. A few days later they had a special meeting to announce the new CEO. She had the privilege of going to Daybreak Elementary for their spelling bee, and she enjoyed it very much. She went to South Jordan Elementary and Ms. Roper's class to be a part of their We the People Competition. She appreciates the invitation to be a part of the event every year with their 5<sup>th</sup> grade. She had six hours of meetings with Jordan Valley Water, and also a retirement event for the General Manager whose last day was Friday. They also welcomed in the new General Manager and things are moving along smoothly at Jordan Valley Water. She had a breakfast meeting representing the city and local government with Arthur Brooks. He is a Harvard Professor who will now be a fellow at the University of Utah for the next couple of years and has written a lot of great books. They had the last Unified Economic Opportunity Commission before the session, and it is a privilege to represent all the municipalities in the State of Utah on that commission with some policy recommendations to go before the legislature. She conducted and spoke at the Donor Appreciation Lunch for the Jordan Education Foundation, and she appreciates all those in our community who are part of that philanthropy that blesses our schools. She had a board meeting for The Point, things are moving quickly with demolition underway and development will be starting. She also noted that it's not too late to share your opinion on what's going on at The Point, and encouraged anyone with comments to go to The Point's website where there are still lots of opportunities for engagement and input, which is welcomed.

**Council Member McGuire motioned to amend agenda to move Item G.1. and G.2. next, before public comment. Council Member Zander seconded the motion; vote was unanimous in favor.**

#### **F. Public Comment**

Mayor Ramsey opened the public comment portion of the meeting.

**Lawrence Horman (Homeless Advocate)** – As is typical, when I come to a city meeting at any city, I announce my address as being where I am standing. I do so for the specific reason that I am homeless and here to advocate on behalf of the homeless. Before I go much further I would like to hand out some items (Attachment F). First, I would like to say thank you for allowing me to speak. Second, why do truck drivers always know what the best movies are...because they see all the trailers. As I said, I am here to advocate on behalf of the homeless. I am in a unique position where I have a minimal as it is income that allows me not to struggle as much as some other people who are homeless, and I have a safe place to shelter my head at night consistently; so, I don't have the same exact struggles as other people who are considered homeless. That having been said, I think there is a couple points I'd like to get across before I forget them. Homelessness is not a problem that affects just one type of people, one city, one state, one community; it is not an exclusively national problem or local problem. I have, however, in my work advocating for the homeless discovered that the funding, while it comes from the federal and state levels, is not where the work is done for the homeless to help make things

better. While the county wields some influence and some funding as well, and does some of the work, the greatest portion of the on the ground work is done at the city levels, and it is something that needs to be done desperately sooner rather than later. It is something that is a growing problem in this valley, and in this state, but not near as bad as in some others and I personally believe that we in this state and this county, and the cities of this valley can be an example to others elsewhere as to how to do it right, do it well. But, the things that you have to keep in mind when helping the homeless is that the first thing that they have to have is a place to live, a place to be, where they can feel safe at night, where they can clean themselves, their clothes and get decent food and they don't have to be worried about being rousted every couple of hours because they are in some place where they have nowhere else to go anyway. The other thing that must occur with that is continuing supportive services in regards to, if it's necessary, drug rehab programs, mental health counseling, job search assistance, transportation and other such things along with some form of income until such time as they are able to support themselves. I am not suggesting that the income come from a city level, I know cities do not have that, but some of the other services can be provided. The package you have in front of you (Attachment F) I call the Deseret Defiant Initiative packet, you'll note that I'm not reading from it because it would take far too long and I would request that you each look it over. You are welcome to contact me; I have left my contact information with the City Recorder. Telephone calls are always best. It outlines a couple of ideas, and the biggest point of it besides outlining an idea for an authorized campground where the issue can be dealt with most effectively instead of having the problems we have now with people searching for places and camping in places where they cannot, and understandably should not be camping. An authorized campground where necessary services are provided until such time as they can get on their own. This is an easy solution, it is more cost effective, it saves the cities money, and the counties and the federal government money. I am not saying that the resource centers and shelters that exist now are not useful, they absolutely are, but there are other things that can be done and this does not have a single cookie cutter, one size fits all solution; there is no such thing. Each individual got there on their own, through their own difficulties and problems, and the people that are most often considered to be homeless because of mental health or drug problems is not actually the most common reason for being homeless, that is just the most visible reason. You will find, if you get to know those around you who are homeless, that most of them know what they need and they need far less than most people think. They can work to help provide their own solutions if you help them and just cooperate with their needs, but they cannot do it alone. They didn't get their on their own, and they will not get out of it alone for the most part.

Mayor Ramsey responded that our city is working very closely with the state and with the other cities in Salt Lake County on a policy to provide additional assistance, the appropriate variety of assistance for those experiencing homelessness here in the State of Utah, and specifically on the Wasatch Front. They are working very closely and very hard, and our city is very much engaged in those discussions, have been all year, and look for additional resources and better policy to be more helpful coming out of this legislative session. It is a process that she wishes could go faster, but she assures everyone that there

is some really good work being done right now to try to answer some of what Mr. Horman brought up.

**Mr. Horman** – I have been in contact with Wayne Niederhauser, they are working on an authorized campground. I am on the Salt Lake Valley Council to End Homelessness, giving what they call “client perspective” or “lived experience.” I have gotten to look at the state plan that they are just now submitting to the legislature, and like you said it’s not fast enough but it’s something, and they’re working. I hope to cure the bad case of hobophobia that seems to be around in this country lately.

**Max Young (Resident)** - I have been out here 61 years, South Jordan wasn’t even a city, there was nothing out here. I want to try and get something done by you people, the police officers. I was sitting there at 900 West and I nearly see wrecks every day, sometimes they are going 60 or 70 mph on that road. You guys drive on it, I’m sure you do, and you see some of it. Not only that, but I live right where that circle is and there is a little cement wall there. I would like to see a noise wall put up there at least to 1000 West past the mortuary because they’ve said they are trying to put on a ceremony and people are outside talking and inside and that, and cars are just screaming with no muffler and they go down there and it sounds like a war going on, guns going off.

**Robert Paxton (Resident)** - the one thing that concerns me the most within the State of Utah, within the City of South Jordan is water. We are having a great water year this year, but we can’t kick the can down the road any longer and I think that with every development including commercial and especially high density, we need to be considering the water and work with the state and county on trying to obtain new sources of water. If we go through the mathematics, there is not enough savings in culinary water or even irrigation water combined to satisfy the real needs that we have. Lincoln Fillmore spoke last Saturday and he gave a few plans of what the state is doing, but we need to work with other states, we need to work with the city and other cities to try to watch the amount of water we use or we will end up not having cities; we don’t have anything commercial or a great place to live.

## **G. Presentation Items**

**G.1.** Proclamation in recognition of the 2022 Herriman High School Cross Country Team (*By Mayor Dawn Ramsey*).

Mayor Ramsey read the above proclamation recognizing the 2022 Herriman High School Cross Country Team.

**G.2.** Herriman High School Chinese New Year Celebration.

Chinese New Year Celebration presentation by Herriman High School (Attachments A and B).

**G.3.** UTA Microtransit on demand service (*By UTA Board Chair Carlton Christensen & UTA Action Planning Director Jaron Robertson*).

Carlton Christensen reviewed prepared presentation (Attachment C).

Jaron Robertson continued reviewing prepared presentation (Attachment C).

Council Member Zander asked how residents pay for the service.

Mr. Christensen responded that the service is the standard \$2.50 fare. If you are in the pass program through an employer or one of the educational institutions, there is a way to enter your pass number in and its part of your standard fare.

Council Member Zander referenced the fact that they said 6% of the users find a ride unavailable, and asked how fast a user gets that response with whether a ride is available or not.

Mr. Christensen said his personal experience is that you know within a minute, and can always try again if there are no available options.

Mr. Robertson added that you cannot pre-book a ride in advance, and when you get multiple options as a response they will tell you how long you can plan to wait for the ride. Regarding response times, during peak times there may be a response indicating there are high volumes and you will have a longer wait.

Mayor Ramsey asked if you pay the \$2.50 fare and use an on demand car to get to the TRAX station or other transit station, does that mean you don't pay again to get on the next transit service.

Mr. Christensen said yes, it is a regular fare, same as if you were transitioning from a bus.

Council Member Shelton asked about the comment that it's not a door to door service, what if he wanted to go from his home to the grocery store or Costco; how close would he be picked up to his home and how close to Costco would he be dropped off.

Mr. Robertson said after entering your proposal for a ride, and the trip confirmed, the app would actually give you walking directions to meet the vehicle and then show where you would exit the vehicle for drop off. At high population locations the vehicle will probably get closer, you would probably see the Costco when you get dropped off. At home however, it would give you the walking directions down a few streets to meet them. That helps with the efficiency of the service because it doesn't require the vehicles to deviate further off route, especially if there are other passengers in the vehicle.

Council Member Shelton said initially he understood the northern boundary for their service area didn't include all of South Jordan, and asked if that has changed.

Mr. Christensen said it still doesn't include all of South Jordan, going to about 10400 South. There are ongoing discussions regarding that, and when looking at the 5 year plan they are looking at making some modifications.

Mr. Christensen and Mr. Robertson continued reviewing Attachment C.



Council Member McGuire asked if, looking at their long-term planning, it's realistic for South Jordan residents to be able to expect one day to take transit from here to downtown in under an hour; right now, the app shows that trip is taking one hour and fifteen minutes to an hour and a half.

Mr. Christensen said that depends on how you want to look at transit. If you are looking at it from a purely time elapsed standpoint, probably not. However, if you are looking at it from a quality of life standpoint and having someone else drive while you can do work or something else, along with avoiding wear and tear on an automobile or even looking at it from a congestion standpoint. Most of the corridors in the central part of the valley are already built out, and we take for granted short commutes. Over the next 10 years he thinks those commutes aren't probably going to get any shorter, yet most of the transit routes have a pretty predictable time.

Council Member Shelton asked for more details on the 5600 West route planned for 2027.

Mr. Christiansen said that is a requirement of the environmental approval for the Mountain View Corridor, so they are working closely with UDOT. It's not a simple route to staff because by design it has frequent service, and every 15 minutes is a new bus with a new driver.

Council Member Harris understands the staffing issues, and to be able to expand they need the drivers to drive. Beyond staffing, he asked if when they are looking at the phases and ability to expand into other areas, how much is driven by funding; is that the biggest issue stopping them from expanding to the bigger areas, or are there other obstacles.

Mr. Christiansen said funding is always a constraint, but the expansion of the service outlined in the five year plan has a latency that is more driven by staffing issues and vehicle availability. It takes them over a year to order a bus and get it on.

## **H. Action Item**

### **H.1. Resolution R2023-02, Adopting the Comprehensive Emergency Medical Management Plan (CEMP) for the City of South Jordan (By Risk Emergency/Safety Manager Aaron Sainsbury).**

Deputy City Manager Dustin Lewis reviewed information from the Council Report.

Council Member McGuire noted that the South Jordan Library was listed as a cooling/heating station, but the new Salt Lake County Library in Daybreak is not. He asked if there was a reason for that, or if that was something they could add so they had a plan in place for the west side of the city.

Manager Lewis said it's probably just new enough that it hasn't been worked out yet, but he would assume that the city's partnership with the county would make that facility available and they can get that updated. The resolution being adopted tonight allows the city manager to make small updates like that to the plan.

Council Member McGuire said the Salt Lake County Fairgrounds were also still listed, but with the transition to Utah State he asked if that will need to be updated as well.

Manager Lewis said as the transition happens, the city will develop that relationship and the parts of the facility available hopefully for use. Those areas that are not will be updated as they come on board. Utah State intends to keep many of those facilities, so hopefully they will still be able to partner with them.

Council Member Harris noted that with a larger earthquake in the future, many of the buildings listed will need to be inspected before they can be fully operational again. It's in everyone's interest to get the city's business up and running again, but he asked what inspection abilities we have within the city; who is on staff to go out and inspect some of these buildings so they are not having to get in the line with everyone else.

Manager Lewis said the city has a great team of people whose full-time job is that, and they would have to prioritize. Those people are qualified to go out and do those kinds of inspections. He asked Director Klavano how many building inspectors they have on staff, and he responded there are seven inspectors. He noted that they know they will be inundated with inspection requests in an emergency like that, so Manager Sainsbury has completed agreements with out of state providers to also send aid; that's part of why they have the network to work with county, state and federal agencies when needed. There will be thousands of buildings in the valley, and they will get on the ones that are most immediate like hospitals, schools, places needed as shelters, etc. Then, as things progress they will bring in outside people if needed.

Council Member Harris asked if those people would be dedicated to South Jordan City.

Manager Lewis said they will ask for those resources, but our inspectors would definitely be for our city, and if the city doesn't need them they would release them to work with neighboring jurisdictions; likewise, they would do the same for us.

Council Member Shelton expressed how impressed he was with this document. The plan seems to be operating the city, and he wants to think about the residents and how they can prepare for a disaster. He saw the Safe Neighborhoods Program and wondered if anyone could comment on that a little bit more.

Manager Sainsbury responded that SAFE is a really good program put in place, started in Salt Lake City about 4-5 years ago. In Salt Lake there is a lot of unreinforced masonry, and they know that when there is seismic activity along the Wasatch Front many of the houses that are unreinforced masonry are going to crumble. Due to this, they have pushed "grab your kit and walk to school." SAFE Neighborhoods stands for Schools Aid Families in Emergencies, on the premise of neighbors helping neighbors. They also realized that we have a small group of resources that can be pulled from in our city, and they know that in Salt Lake as well that they may have to go a week without professional first responders. SAFE Neighborhoods is there to complement anything else that has already been planned including individual home plans, neighborhood plans, etc. Follow those plans, but then on top of that is SAFE Neighborhoods; take the information you gather at your neighborhood level and take it to the closest public elementary school. This is because it's easier for personnel to communicate with 9 elementary schools than it

would be to communicate with 89,000 residents. If the information staff needs is at the elementary school, and there are HAM radio operators and other folks there to pass the information along, they can get a good assessment of what's going on in the field and a common operating picture to know where to send resources. It is there for reunification, transportation, communication, coordination, etc.

Council Member Shelton asked if there are places people can go to get information about how long they should plan to have water and food in a major event.

Manager Sainsbury said there used to be a lot of information on the city website, but Be Ready Utah has an outstanding website where you can find all the information wanted in terms of creating a family preparedness plan, putting together a 96 hour kit, water readiness, what to do for sanitation during an event, etc. Along with that, safeutah.org is the website for Safe Neighborhoods, where you can gather the information as part of that program and it's pushed through Salt Lake County.

Manager Lewis added that Manager Sainsbury is available to come out and speak to neighborhood groups or organizations, so residents and/or business owners can call him and he will come and speak to any group that desires it.

Council Member Shelton asked about a reverse 9-1-1 type system.

Manager Sainsbury said VECC is the Valley Emergency Communication Center, which dispatches police and fire on daily operations. Part of their system, which used to be called Reverse 9-1-1, is now called the ENS or Emergency Notification System and you can go directly on VECC's website to get that information and register your cell phone. At a federal and state level there is what's called the IPAWS, Integrated Public Alert and Warning System, which can choose the area to push out IPAWS alerts through phone, voice over communications, social media, TV and radio as well.

Council Member Brad Marlor said there was a woman from South Jordan in the past who came to an LDS group when he was an emergency preparedness specialist and the presentation was very informative, very helpful, and he thought it was a great way to become informed in a small group setting. He thinks Manager Sainsbury being available for that is a great service being provided for our residents.

Manager Sainsbury loves it when people reach out, and he loves being able to work with community groups.

**Council Member Zander motioned to approve Resolution R2023-02, Adopting the Comprehensive Emergency Medical Management Plan for the City of South Jordan. Council Member Marlor seconded the motion; vote was unanimous in favor.**

## **I. Public Hearing Items**

**I.1. Resolution R2023-03, Amending the South Jordan Moderate Income Housing Plan as part of the South Jordan General Plan. RCV (By Long Range Planning Analyst David Mann)**

Planning Analyst David Mann reviewed background information from the Council Report.

Mayor Ramsey gave a brief history of the legislative changes requiring this amendment. She then opened the hearing for public comment. There were no comments and the hearing was closed.

**Council Member McGuire motioned to approve Resolution R2023-03, Amending the South Jordan Moderate Income Housing Plan. Council Member Harris seconded the motion. Roll Call Vote was 5-0, unanimous in favor.**

**I.2.** Resolution R2023-04, Amending the Fiscal Year 2022-23 Budget for the City of South Jordan. The appropriation authority shall apply to the Fiscal year ending June 30, 2023. RCV (By CFO Sunil Naidu)

CFO Sunil Naidu reviewed background information from the Council Report and reviewed previously submitted questions by Council Member Shelton (Attachment D).

Mayor Ramsey opened the hearing for public comment. There were no comments and the hearing was closed.

**Council Member Marlor motioned to approve Resolution R2023-04, Amending the Fiscal Year Budget for the City of South Jordan. Council Member Shelton seconded the motion. Roll Call Vote was 5-0, unanimous in favor.**

#### **J. Rise Development Land Use Items**

**J.1.** Presentation on Resolution R2023-06, Resolution R2023-07, and Zoning Ordinance 2023-01-Z, all related to Rise proposed development, application Bryan Flamm, DAI Inc./Riverpark Residential, LLC. *(By Director of Planning Steven Schaefermeyer)*

Director Schaefermeyer reviewed background information from the Council Report and shared his prepared presentation (Attachment E). He also noted that if the council chooses to approve this Resolution, he suggests including in the motion a requirement to swap out the current Exhibit F, consisting of one page, in the packet with the updated one, as it was not updated before this meeting.

Director Klavano briefly reviewed the WCG Engineering traffic study that was originally presented by Tim Taylor with WCG at the January 3, 2023 Study Session, a copy of that presentation has been attached to these minutes as Attachment G.

**Chase Andrizzi (Applicant)** – Reviewed his prepared presentation (Attachment H). They have met with the council a few times, their first meeting was with the council in a concept plan review back in August. They got a lot of feedback at that meeting and incorporated that into their plan. There was a public hearing with the planning commission, and they listened to the comments from that meeting. There was also a meeting scheduled in December, but after hearing the concerns with some of these issues, 1055 West in particular and the pickleball courts, they asked to have that item tabled so they could have some additional time to work through some of those issues with the

council and staff. He continued reviewing Attachment H, going over the project location. They are excited about the opportunity this brings to the River Park office and corporate area, they are partnered with them on this project. As they look at the growth, not only here but at The Point, there is going to be more and more competition for residential housing and office space that is conveniently located and close to one another. As they have worked with their partners on this, River Park views this as a plus and a win for them to be able to say they have good housing located very closely to their office and corporate center that they can promote and hopefully provide additional work housing for future residents. He reviewed more of the maps from Attachment H and addressed the impacts to 1055 West, noting that they are aware of those. The residents were very clear, and they listened to those concerns. From the meeting in August, they had originally proposed a crash gate on the exit to 1055 West. After discussion with staff, they were asked to remove that and they are here to say they are willing to consider it again; that is flexibility they are willing to provide and they will leave that up to the council to say how they would like to mitigate some of those impacts. They are not blind to the impacts their project will have on 1055 West, and referred to Director Klavano's comments that from a traffic engineering standpoint those roads will still maintain a level of service A, which you can't ask for better as a developer on impacts to adjacent roads. However, they also want to be sensitive to the concerns of those surrounding residents and do what they can to mitigate, to the extent they can, some of those impacts. He reviewed some of the amenities they are looking forward to, including a private dog park for residents. They had originally proposed two pickleball courts, including the construction of those on city property. At the August meeting they were asked to look at providing a few more, and they feel it's the right thing to do to provide all six. After they were made aware of some concerns with a private developer building on public property they pulled back and decided to donate what it would cost to build those courts to the city, now allowing the city to procure those bids and design those courts. Their costs are \$550,000 as engineered and they have decided to throw in an additional \$25,000 at the request of staff to get the appropriate design for those pickleball courts in the East River Park area. He reviewed more slides from Attachment H showing the proposed pickleball courts and playground. Regarding fencing, they have asked to deviate from the city's current standard, allowing them to install vinyl fencing. This is because, as they look at the future land use map, they expect these areas to develop out with residential units. While the uses are temporarily incompatible, they are just temporary. In those areas where animals are located, there are existing barbed wire fences that keep those animals in; a vinyl fence would not disrupt those existing barbed wire fences and those could stay in place until those properties are ready to develop. Additionally, looking at the concept plan, a lot of what they are building and designing to is in anticipation of future growth; with that, they would ask again to deviate from the fencing standard with the understanding that in the future those lots will be compatible residential units where a vinyl fence would be appropriate. He continued reviewing Attachment H, showing pedestrian paths and other locations of sidewalks. Part of the development agreement requires they have sidewalk on at least one side of every street, and you can see that in the plans. They have also included areas with double sidewalks to promote as much connectivity through the project as possible. Regarding parking, they did achieve a parking ratio of four parking stalls per unit, which includes a mixture of off street surface parking, driveway spaces for

120 of the units, and each unit having a two car garage to allow for parking two cars; that works out to a total of 624 spaces for the project.

**J.2. Resolution R2023-07 Public Hearing.**

Mayor Ramsey opened the hearing for public comment.

**Cecil Burk (Resident)** – I live right across from the flagpole at the cemetery. There is a couple of issues that I have noticed were not addressed, or even mentioned tonight, in reference to the traffic that will be leaving this new development. That is that when the cemetery has a burial, there is more traffic there than I think the traffic engineers have thought of. There is a lot of people that come to be reverently attentive to the burial of their loved ones and a lot of traffic can be very distractive and could cause an additional pressure on the family and anyone in the neighborhood. The density that they propose in the development, to me is still offensive in that it is way beyond the norm of the area. If you look at the size of the lots and homes, the situation that's there, they're proposing a much higher density and I think that's a shame. In association with that, the more people, the more involvement, and there is a potential of other problems and I don't propose that I can answer all those questions or tell you what might happen. There is going to be a safety issue as far as children, whether it's from the development or from the existing homes in that area, and I think it should be considered that the higher number of people in any area, in any event, gives the potential of a non-safe situation. As far as the development, what wasn't discussed could happen on 1055 W was that there would be a residential home and a street exit; will there be a sidewalk required there. If so, will that sidewalk be required all the way down the street because the development was required to do so, and what kind of a sidewalk situation would that be; would there be a sidewalk on each side of the street required, would there be a park strip required which causes an additional land push one way or the other. In my thinking, to do a park strip is to waste the land.

**Casey Baucom (Resident)** – I have been to most of the meetings regarding this development. I have personally been deflated, feeling like your guys' mind was already made up before you heard from the public. I hope that you invited us here tonight because your mind isn't made up yet, and that you can genuinely hear our concerns and take those into consideration. I, like Cecil, was frustrated at the last meeting that the development was taken off the agenda spontaneously because that's what we were there to talk about. So, we were talking about the street designation which directly impacts the development. Why are we changing the street designation so that this development can happen. Like Cecil, I hope that you changed the street designation because you're planning to improve the entire street and not just the strip, or where that development is taking place. I also am concerned about the density issue. I actually appreciate the applicant's changing a little bit and resizing that single family lot in the front, but I think that we could compromise more and make the whole strip of that development bigger family lots, single family lots, and still have room for those multi-family homes; maybe not 140 of them and 8 units per acre. We are on a street that we have at least 1/3 acre per lot and as you saw, the traffic person's map showed development in area 3 on our street with at least an acre per lot; they are still developing and we are compromising. We are having economic growth but we are able to keep that larger lot size. My last point is

about looking ahead into the future of schooling in our area. My children who attend South Jordan Elementary, where the kids of this development will attend as well, is overflowing with children. Staffing is a problem, they are putting more portable classrooms out each year, and I am concerned about where those kids will go and how that is going to affect South Jordan Elementary and the surrounding school area.

**Kalmar Robbins (Millcreek Resident)** I have camped in South Jordan long enough that I should be considered a resident. I did have one clarification, if you could clarify whether this is really just for the zoning part, or is this for the development itself and the issues we are facing with the development. I am not sure I understood the direction on that.

Mayor Ramsey said this public hearing is on amending the future land use plan map of the general plan of the City of South Jordan, by adjusting the boundary between the mixed use and agricultural preservation zone on this property.

Mr. Robbins said he will save his comments for the site plan.

Attorney Loose said to be clear, there will be no hearing on the site plan tonight, that would be an administrative item. There is a land use amendment which changes our map, then the next public hearing will be to change from the current zone to the proposed zone; those are both legislative items. All administrative items of that nature are heard by the planning commission of the City of South Jordan.

**Mr. Robbins** – the one issue that I would like to bring up is in regards to the site plan. There is a little area down here that is squared off, or crosshatched off, that is not being developed as a roadway. If you look to the east, there is actually townhomes that will be developed there. To not complete that roadway to the property line seems to me not to be correct. My observation is the first thing you do in a subdivision is you put in the roadways and make sure they're in place, so that everything else is not being disturbed by it. To me, that is really misleading that they are saying the developers of the area to the south will have to develop that, and I am going back in and affecting something that's already built; that does not make any sense to me. Maybe I am misreading this, but I think it needs to be recognized that should be completed to the property line. That's my biggest point that I would like to make on that change that needs to be made. They have worked with us on the entrance that we have on the east end of our property, and utilities and all that are being connected to our property, but this one is a change I believe from what had been there, and I hope you would seriously say that you need to get that road completed as well.

**Scott Sainsbury (Resident)** – when I spoke last time, my house is immediately opposite of where the west exit will come out of this neighborhood, so all the headlights will shine directly in my front window. I would first like to say, on behalf of my neighbor Dean Rufner, whose house is immediately across the street from mine, he has a south facing house which the engineer was not aware of. His front doorstep is 13 feet from the proposed new road, and I believe the city ordinance is 25 feet; make a note of that. Even the developer has mentioned that he was not in favor of a west exit, and if we are going to develop that road coming through this neighborhood coming up to 10600 South, across

from Kneaders, I don't see the need of a west exit. The reason I don't see the need of it is we already have parking issues in the cemetery during funerals and especially during events like Memorial Day. If we had that additional traffic coming through there, that is going to pose even a greater issue. If you are going to force the developer to put sidewalks in there, it is going to eliminate 23 parking stalls, which is already not enough; where are you expecting all of those people who attend funerals to park. It is quite common to have two funerals going on at once, there has been times when I have been trapped in my garage because I couldn't get out with people parking down the hill from our street due to lack of parking. The other issue with traffic is that on the original survey that was done by the engineering company, they said there would be approximately 5% of the people coming from the river bottom employers up through this west exit. I have worked in the river bottom, and when 5 o'clock hits everybody is tired of sitting and waiting for 10 minutes to try and get out the other three exits. As soon as the word gets out that there is a fourth exit coming out of there, I am estimating it will be at least 10%-15% of those people coming up through there because of lack of patience; that is another issue we need to be concerned about and why I am not in favor of a west exit there. I think the crash gate is a great idea for emergency responders, and that was the original proposal by the developer which I think we need to give some more due diligence before we make that a through road. There is also the public safety issues. There is a tremendous amount of people from the area that bike on this road, take their kids on walks on this road that actually use the cemetery as a semi-park. There are a lot of safety issues because of people jogging, walking on that road and I think that sets the city up for greater problems if we have that a through road. I don't think there is anybody here tonight that has ever come to any of these meetings that is against development, it is inevitable that development is going to happen, but I think we should stick with the current lot sizes in South Jordan that are for a 1/3 acre. There is a reason that I didn't stay in LA or Phoenix, there is a reason I chose South Jordan, and there is a reason I chose this specific area to raise my children in South Jordan. I thought I lived in the best place in South Jordan, but as I look at all the development that is proposed, maybe I have chosen the worst place. I don't know, and that's in your hands, and that's on your conscience but I think it's ridiculous to move from agriculture area to high density housing. High density housing is not the answer. We have got millions of acres to the south, to the west, that can develop; we don't need to pile on top of each other like LA does. There is no reason that we should encourage 95% of the population in this state to live in 5% of the geography when we don't have to. There is plenty of area in this state to expand. Even the UDOT gentleman that was here talked about our roads already being over-congested, and we are seeing the growing phenomenon of people working from home which negates the fact that we need to go to high density; I don't think it's the right thing for any city because I have lived in cities that have gone high density and it doesn't improve the quality of life, it detracts from the quality of life.

**Zach Baucom (Resident)** – I wanted to reiterate and add to what has already been said. First off, regarding density, this is something that Commissioner Hollist brought up when she gave her no vote for the development as it was proposed. There is zero density gradient going into this. Your average or median is over an acre lot in that surrounding area, and down that street it's even bigger; you are increasing the density by 10 times.



Imagine 10 times more of you up there right now and it's not going to be very comfortable. This place is desirable because of where it is in South Jordan, and that it has that open area that we really, truly value. We moved here from Boston, I work remotely. I could have gone anywhere and I chose here, that's because of the area that it is. To jam 154 homes on 18 acres just doesn't feel right at all, compared to what's surrounding the area as well. I acknowledge the changes that were made because of our concerns, but I don't feel it really addresses exactly what we are trying to say here; I think the crash gate is a minimum thing that we can compromise on. We talk about compromise and hearing us, what the people who live here would ask for, and I think that's a bare minimum. There were a number of things the engineers looked at, and again I respect their job and what they have to do, but there were a lot of assumptions in there that I think we have to acknowledge are assumptions about what people are going to do with their properties. For example, regarding the fencing, I have a neighbor to the east of me and I know he is not looking to sell his land to be developed any time soon, and I know his family is not. So, to make those assumptions of "well we can just change things just so it can fit what is going to happen," those are assumptions, those aren't fact. Especially with the traffic being routed out that way, those are assumptions and not fact. As far as traffic is concerned, the only times I go right or to the east is to get on I-15 and to go to Costco, those are the only two reasons. Otherwise, all the shopping, restaurants that are cheaper and quicker are all to the west. Again, those are things I don't really feel were taken into account with all of that.

**Jason England (Draper Resident)** – I am here on behalf of the office park, I facilitate the leasing of the 1.7 million square feet of office and retail that take place there at River Park. I just wanted to say that we are in favor of the development with all of the growth in the office sector, development at The Point, and surrounding office competition we want to remain a viable office park and provide jobs to the area. It is a competitive advantage for us to have housing nearby that supports and provides what those office tenants need in terms of housing for employees and proximity to the office space that actually limits their driving on the roads. I know we are the largest land owner adjacent to this parcel, and I respect the housing concerns, but there is some benefit to the other adjacent landowners and we are one of them. We are in favor of what they are doing and appreciate the efforts they have put in to address the needs of all the surrounding areas, and look forward to seeing things take place.

**Lucynthia Robbins Rockwood (Provo Resident)** – I am one of the owners of the properties that is just south of this development. I just wanted to make you aware that we have cattle on our property. We know the developer has asked to be exempt from the masonry wall, and we understand that their proposal is to put up a vinyl fence next to our existing fence, and that is in hopes of keeping the cattle out. We just want to make you aware that our net fencing is not perfect, so if that net fencing were to deteriorate and the cows were to break through it, that vinyl fencing is not going to be sufficient to keep them out of the property next door. We just wanted to make you aware of the liability that is, both to the cattle as well as to the property, and to anyone that might be there. We are not opposed to this development at all, but we want to recognize that the masonry wall zoning is there for a reason, and we hope that you'll keep that taken into consideration.

Three residents submitted letters for the public record (Attachment I).

Mayor Ramsey closed the hearing for public comments.

**J.3. Zoning Ordinance 2023-01-Z Public Hearing.**

Mayor Ramsey opened the hearing for public comments. There were no comments and the hearing was closed.

**J.4. Resolution R2023-06, Authorizing the City and Developer to enter into a Development Agreement pertaining to the development of the property located at 10657 South 1055 West. RCV**

Council Member Shelton asked staff what will be required in terms of sidewalks on 1055 West, assuming this development is approved.

Director Klavano said the developer would be required to put curb & gutter, sidewalks and some asphalt in the areas they touch on 1055 West. However, the problem is doing that in the middle of nowhere and just floating isn't necessarily appropriate right now in terms of installation. Our code allows the city determine the cost to install all of that, then ask the developer to pay the city an in-lieu fee for installing at a later date. That will be worked out with the subdivision, but that's probably where they will end up.

Council Member Shelton asked if staff's expectation is that once this area is all developed out and this road is completed that there would be curb & gutter and park strips on both side of the road, all the way down.

Director Klavano responded the plan is to have curb, gutter and sidewalk, but is something that still needs to be worked out. His preference on this road would probably be not to do a park strip for a variety of reasons. One, to save a little bit on right of way since it will be tough to fit it in some places as it is. Also, if it's installed before more of the area is developed, then they have to decide who is going to maintain that park strip. The one negative of curb adjacent sidewalk is the lack of trees right next to the curb, and when the street is plowed the snow ends up on the sidewalk. That all hasn't been worked out, but in talking to the city manager that's what was discussed before.

Director Schaefermeyer added there is a section in the development agreement that talks specifically about the right of way improvements and acknowledges what Director Klavano is saying, that the city doesn't know yet what that will be and says that the city can collect a fee in lieu. Normally that happens at subdivision anyways, but it's included in the development agreement to make it clear that would be required.

Council Member Shelton asked about the crash gates. He has said he would never put a gate on a city road again, but he would like more details about that.

Director Klavano said in his experience, it has to be almost Armageddon for them to crash through the gate; therefore, that gate wouldn't lend itself to great emergency services.

Battalion Chief Michael Richards agreed with Director Klavano's comments. They are entrusted with public funds to purchase the vehicles they drive, and there would have to

be a pretty severe emergency for them to crash through a gate and potentially damage or ruin the vehicle that they have been entrusted with. The way they would have to look at that would be an alternate route, which could increase response time to emergencies.

Council Member Zander noted that those were two of her main questions, and then asked to clarify that they will have curb & gutter, but park strips haven't been confirmed.

Director Klavano said yes, the standard adopted when they dissolved the resolution on the historical road was to adopt the city residential street standard, which does have a park strip. There are provisions in the code for the city engineer to modify the standards as needed to make them work; it is not 100% confirmed whether they would or wouldn't do park strips. It was discussed with the council to not do it near the cemetery to ensure there is enough pavement and keep the angled parking, so there would not be a park strip in that section for sure. As they have been looking down to the south, trying to fit that in and keep the right of way taken as little as possible, he would think that would be a good thing to do as it saves 10 feet of right of way. There are also issues with who would maintain those park strips, what gets put into those park strips, etc. The decision would be made in conjunction with Public Works and the city manager's office.

Council Member Zander believes the thoughts shared by Director Klavano were good. She is huge fan of park strips, but it doesn't make a lot of sense on this road.

Director Klavano agreed and shared the reasoning behind no park strips along 10550 South, because the right of way taken was getting expensive and many of the property owners didn't have irrigation systems so the city would have had to maintain those park strips.

Council Member Zander noted some of the renderings show units with a one car garage, and she asked if there are in fact any units with only a one car garage.

Mr. Andrizzi said there are not, that was a mistake that was caught at the planning commission and was not corrected in the city packet; they will all be two car garages.

Council Member Zander discussed the parking, and asked to confirm that there are four parking spaces for each unit.

Mr. Andrizzi said that between garages, driveways and off street surface parking it works out to 4 parking stalls per unit.

Council Member Zander noted that when she and the developer talked outside of council meetings and she shared some of her concerns, one of those was Rise Development residents funneling out to 1055 West and the concern of the cemetery being a reverent, quiet and sacred place; the developer didn't disagree during those discussions. They also talked about crash gates and an idea that she had shared with the developers, that wasn't in the presentation tonight, was what they can do as developers to create habits of flow of traffic. Besides a crash gate, is there something else that can be done. She also suggested adding a sign at the top of 1055 West, and the developer acted like that was a great idea during their discussion. She suggested a sign that indicates you are approaching a cemetery, or that this is a historical site, something to tell those new residents to proceed with caution. She asked what they decided, or if they had any discussions about that.

Mr. Andrizzi said they included a provision in the development agreement where they obligated themselves to include signage at the exit of that road as it goes onto 1055 West. Since that is a public road, it would involve some discretion from the city in regards to what that sign looks like and how it reads, so that detail isn't included in the development agreement, but the obligation to provide signage on that exit was included after the discussion. They also added another provision that the city could take some funds from that donation for the pickleball courts and use some of that for signage in and around the cemetery for that purpose as well to address some of the parking issues.

Council Member Zander asked if the developer had thought of any other ways to slow traffic, possibly narrowing that road, without a crash gate stopping it. She is not in favor of a crash gate because they have all had to sit there and remove crash gates when they were problematic. Our fire and public safety opinion is very important, so she asked if there is anything else they can do as a developer to slow and discourage the flow of traffic going to 1055 West.

Mr. Andrizzi said a crash gate is the best option, but for the reasons identified by the city the developer also doesn't want that. He said that in another development, they put one in at the behest of the residents and then were asked to take it out shortly thereafter as it caused more problems than benefit. As they have looked at other ways of possibly mitigating some of that, the road cross section already meets the city's minimum standard he believes, so they are already at the minimum with regard to the right of way. They are however open to exploring ways of mitigating those impacts further.

Council Member Zander noted that in Daybreak they have pop outs with curbs, and other types of unique things to slow traffic. She asked staff if there is anything else they could do or require to install at the section where people are leaving Rise and coming onto 1055 West.

Director Klavano said one of the things they could look at with the developer is narrowing up the asphalt section and posting No Parking. To get good two way traffic you need 24 feet of asphalt, so they could instead go 28 feet and post it as No Parking, as that would make it feel a lot tighter. The way the roads don't go straight through and jog around, he doesn't really expect any cut through traffic. If the residents there want to go west, they very well might go that way, but they could narrow the road up a little bit if they post it as No Parking, but they have to make sure they have enough clearance for emergency services and good two way traffic.

Council Member Zander noted she is not suggesting narrowing 1055 West, she is suggesting it for the funnel out.

Director Klavano said he assumes the developer would be okay with it if the city didn't put as much asphalt down.

Mr. Andrizzi agreed and said they wouldn't protest.

Director Klavano said if they are going to allow parking in that section, they would need to go the full 28 feet of asphalt. As far as the bump outs go, he doesn't think that would be appropriate there as those are more for Daybreak and at intersections to slow traffic

and allow pedestrians to have less space to cross. They are also an issue for the snowplow drivers.

Director Schaefermeyer noted that on Page 5, section 513 of the development agreement it talks about the automobile traffic on 1055 West, and the signage to discourage people from exiting on there. It says the developer agrees to include signage at the exit of Road C, which is the one that would connect to 1055 West from the project. Also, regarding the garage issue, he saw on the one rendering that it does show a few one car garages but in the development agreement all the elevations are shown and they all show two car garages.

Council Member McGuire asked about signage down on River Stone Way, saying “local traffic only” for those on the way out to discourage the office workers from trying to cut up. He also asked if there were any traffic calming things that could be done to River Stone Way. The stub road was mentioned, and he asked the developer for the reasons behind that.

Mr. Andrizzi said when they initially site planned the area, the topography raises as it goes to the west. They had initially not even connected it to the property line, just propose dead ending it there and having that as the access for some of the townhomes. The city asked them to look at dedicating that area for future development, but the reason it hasn’t been connected through is because they don’t have an engineering site plan for the adjacent property.

Council Member McGuire noted that it was mentioned the exit proposed on to 1055 West would line up with a resident’s windows, and he asked if that road could be moved to help offset the light going into the home.

Mr. Andrizzi responded that was a concern that they tried to address at the planning commission, and they did shift the road a few feet to the south. That doesn’t mitigate the entire concern for the resident, but it does address the alignment of that road a little bit, and in so doing that also allowed them to save some of the existing trees on the north side of that road to help buffer against that existing residential home to the north.

Council Member Marlors noted his questions so far have been answered. However, he wanted to declare a relationship with one of the investors in the project who happens to be a brother-in-law; he has no financial interest and is not connected or in any way receiving any kind of remuneration for the project.

Council Member Harris asked staff about the impact to the cemetery parking.

Director Klavano said during certain events there may be some traffic congestion there. Regarding parking, their plan is to leave the current angled parking as it is there and not touch it. He doesn’t know if they are parking parallel on the east side during events, and if so they may have to post that as No Parking, but he doesn’t believe it is designated for parking right now.

Council Member Harris brought up the vinyl fencing versus a masonry wall. There is cattle on the adjacent property, and it’s his belief that if the family has cattle there, they need to make sure the fence is going to hold back the cattle. However, is there a duty on

the applicant to install a fence in case the neighbor's fence fails to hold back the cattle, or does the neighbor have their own duty to install a fence that can hold back their own cattle.

Director Schaefermeyer said the code doesn't actually say anything about the fence installed being "animal safe," but it does say a masonry wall. They sat down with the Robbins Family multiple times, and more recently they went over this requirement. One thing that staff sees a lot is that new residents complain about the cows and smell next to them. In his mind, the purpose of the masonry wall is more to cut down complaints and issues between neighbors who are now living next to cows, that is why they put the onus of the fence on the developer. Rhino Rock is a material that has been qualified as masonry, and cars go through Rhino Rock all the time. Regarding the legal issue of whose responsibility is it to keep the animals put, there are lot of cities that don't have these requirements, and it's a choice that South Jordan made and the process does allow for a modification. As mentioned earlier, part of staff support was based on conversations specifically with the Robbins Family, as the impression was given that they were going to develop soon. He takes their word for it that they are not going to develop soon, and maybe staff wouldn't have supported the modification hearing that, but he doesn't actually know. They also know that as these properties develop, it provides opportunities for stub roads to get a first project through the process and create connections, then they can connect to existing infrastructure. That's why they imagined the area would develop, but he doesn't know how quickly the area will develop; an argument could be made either way. The masonry requirement also adds to the cost of housing, which is always something cities get criticized for, the expense for the requirements. He tries to be mindful of what they require and when, in some cases it makes a lot of sense initially. Staff felt it was a reasonable compromise to allow them to put in a less expensive vinyl fence.

Attorney Loose said the city's duty is to follow the city code, but in regards to fencing the code also allows the ability to make modifications when appropriate. He feels the fencing modifications described above are appropriate, based on the information. Regarding the duty of controlling animals and things of that nature, each owner has their own responsibility with that and should work with their neighboring adjacent property owners to keep that situation where both are happy with each other. It is different when there are two empty fields versus when there is a field and a bunch of housing. Masonry walls do nothing for the smell, and that has been dealt with before; what the masonry walls do is keep the animals in. The reason for the modification is when it is foreseeable that a development is going to happen and that is expressed, and that modification is allowed to happen. He doesn't see any duty on the city, other than following the ordinance, which is being done, and each property owner has to keep their animals, cars, etc., on their property.

Council Member Harris asked if anyone could come back and say they told the city they had cattle, the code said that adjacent development should have required a masonry fence, and the cattle breeched their fence and the vinyl fence so the city is responsible since the code was not followed.

Attorney Loose said when the discretion to modify a rule in the code is used, the standard would be whether that exercise of discretion was reasonable under the circumstances. In addition, there was the back and forth discussion with the property owners as to how and when they are developing, and how that fits in with our standard way of dealing with this. This is not the first time we have had development next to animal rights, and at times they have been told the animal property is never developing, so the masonry wall goes in; other times they are told they will be developing soon and the wall doesn't go in. In the end, the city can choose to exercise that discretion and he feels that this is a reasonable exercise of discretion; he feels they could defend any future issues with animals breaching other property based on the city's standard practices on the language that gives the city the ability to modify code.

Mayor Ramsey said the city prides itself on not having onerous requirements, and they hear all the time that the city is really good to work with and they have good requirements. South Jordan is not perfect, but it does get pointed to a lot at the state level as a city that "gets it." She is not a fan of modifying this requirement, as this is the requirement that is always the standard. It is the standard that was given to Peterson Development, and developers as well as residents know the standard.

Council Member Marlor tried to think of when large animals were on a site and they allowed a vinyl fence, and asked if there was a precedence for this.

Attorney Loose said yes, but what makes it difficult is the idea of whether the animals will be there for a while or not.

Council Member Marlor said the resident expressed that they would not be selling for a while.

Attorney Loose said another person from the same property, if he understands correctly, was supportive of this because of future development possibilities on their property. That is what was weighed out for the staff recommendation, and he feels comfortable based on how things have been done in the past, that it is defensible. We can't forget that property owners and animal owners still have the responsibility in and of themselves to protect that.

Council Member Harris isn't as worried about the property damage, as that can be fixed. He is more worried about if a child gets hurt, as everyone will be paying in that situation. There is a known exposure here, and he agrees with the mayor in this situation.

Attorney Loose reminded the council that the city defines Rhino Rock as masonry, which offers more protection than a vinyl fence would, but it's certainly not something like a precast masonry wall.

Director Schaefermeyer said the planning commission recommendation seemed to be more of an aesthetic one, and they agreed this should stick with the current code. In the code there used to be an appeal to the city council to modify fencing, and that has been removed; this is now the process to modify it. Something like that has existed for a very long time. Also, the requirement is not that if you develop you have to put in that masonry wall, it is that if you develop next to animal rights and your development does

not have animal rights the wall has to be put in. In the case where someone is developing and the lots have animal rights, just because they are developing doesn't mean they would have to put in a masonry wall; whether they are choosing to have animals on their property or not. The impression is that this requirement is only to keep animals on an adjacent owner's property, but it's a little more complicated than that.

Council Member Zander asked about the property to the south, noting she drove out there before the meetings today. As you go further south, on the same side of the road as the Rise Development, she seemed to remember the land being partially scraped, and there were some machines out there on the land. She asked if that was the property being discussed as there was a for sale sign there that wasn't there a month or so ago.

Director Schaefermeyer said there is a large parcel between the Robbins's property and the Rise Development, it may have been that property. There are other owners in the area, and they have had issues on the Rise property with taking down trees and on the properties further south some scraping, so he's not sure if that's what's being referenced.

Council Member Harris noted that between Kneaders and the fire station, there was a road that needed to be connected in and there's a sort of lip on that road that was designed to prevent traffic from going down that road since those residents didn't want additional traffic, but the fire department needed another way out. He lives in that area, and that appears to work as cars do not use that road very often. He wonders if something similar to that, to prevent too many cars from accessing 1055 West, would be reasonable.

Director Klavano said they could certainly do that, it's basically a residential drive approach coming off South Jordan Parkway on to that road, creating that hump. He doesn't know how much that would discourage traffic or not. It may make it look less like a regular road, but the residents that live there are the ones that are going to use this access and they will figure that out. If they were concerned about a lot of cut through traffic then he might suggest looking at something like that, but with how the road jogs and curves he just doesn't see a lot of cut through traffic happening.

Council Member Harris asked if the city council has the ability to revisit this later on if traffic did become heavier than anticipated on that road.

Director Klavano said anything can be revisited, and if it really became a cut through problem they could look at different traffic calming measures. This is done quite often when people contact the city about traffic issues. The city will go out and study the area and if it looks borderline, the city will wait and re-study it a year later.

Mayor Ramsey asked if a metric for that would be exceeding the level of service A for the area.

Director Klavano said if the level of service goes down then yes, that would be an indicator. Most cities monitor levels of service at intersections, but we have developed a standard here for levels of service on residential streets as well. They don't like to see residential streets go below a level of service C, and they can monitor the street based on the level of service and see how it goes.



Council Member Harris noted that if he votes in favor of this, he is doing it because there was a traffic study done. However, if that study ended up being completely wrong and there ends up being a lot more traffic flowing through there, he would feel differently about allowing that much traffic to access the roads.

Council Member Shelton asked if they approve the development agreement, what the timing is for the contribution for the pickleball courts.

Director Schaefermeyer said that's on Page 4, Section 5.10.1, where it discusses Timing of Donation. It states "remit donation to city within 90 days of the effective date," which is once it's signed by the mayor.

Council Member Shelton noted that virtually all the residents who spoke said there was too much density, no comparable density in the area, and that we should maintain roughly the densities that are already there. As a council member, when he looks at a rezone application for a development, that is the first question on his mind; the surrounding densities and whether they are being comparable. Clearly in this case, they are not being comparable, but the way the traffic study was done and the development agreement reached, it looks like they are planning on eight units per acre all along that hillside, including into the old homes that they would expect some day to leave. He asked staff to speak to that and how that could make sense.

Director Schaefermeyer said when the small area plan for this area came about, it was still under the idea that 1055 West would not be touched, and that was looked at as a buffer. That is one reason why they have that one single family lot. Right now, the land use plan is to have single family lots along 1055 West, and certainly on the east side. There is a development coming soon to the council, that will be going to the planning commission possibly on January 24, planned for the east side. It has been emphasized that the west side is the R1.8 zoning to match the density of the area. On the east side, the idea is still to continue with single family along 1055 West. There could be more of a transition to higher densities as you go east. When the small area plan was done, the hope was that there would be more mixed uses throughout, but one of the challenges is that the land isn't being developed all at once. That makes it very hard, especially where this property is located in the middle of properties that don't have current plans to develop, to say that could be something else like office development. That small area plan was also done at a time, right around the pandemic, when office was all over the place in terms of demand. For many city planners, eight units per acre is not a lot of density. He knows that for South Jordan, eight units per acre is the upper limit, and closer to the freeway there are potentially higher densities, which is okay. He has not tried to push the city on density levels, but many planners would see that office park and the size of those buildings and bring some of the proposals that were brought to him originally, which were four and five story apartment buildings right next to it. They certainly could have looked at clustering more density by the canal and slowly transitioning up to 1055 West with lower density as you go, but that wasn't the proposal the developer brought to the city. It's a hard discussion because he has tried to take the recommendations from the council on density and apply it as much as possible to these projects. There could be more transitioning to single family, but the way to do that is to make it more dense on the east side because of the property prices and cost of development. It has been discussed in the past that it's the

developer's problem that they bought a property for the price they did, but the cost of development is high as well. He doesn't think the transitioning would be in line with the land use applied to the area, and he doesn't think that was what had been envisioned; however, they also didn't envision this whole area being residential.

Mayor Ramsey said this is not a decision the council will make easily and she noted that the residents indicated they wanted to make sure they were heard, that a decision hadn't been made before the council came in. She assured the residents that is the case that no decision had been made prior to coming in tonight.

Council Member Shelton asked to discuss any changes to the development agreement the council might want. He likes the idea of going to the 24 feet of asphalt instead of 28 feet and narrowing that road down.

Director Klavano noted it would make it harder for the garbage truck and plows to get through there. If they do however post it as No Parking, that should leave quite a bit of extra space for traffic.

Council Member Shelton thinks that would be a good traffic calming measure.

Council Member Marlors doesn't really like the road narrowing idea, as he always wants to keep traffic flowing as efficiently as possible.

Mayor Ramsey said her concern with that idea is she doesn't want to attempt to fix one challenge, and then create a host of others like making it hard for services to be provided, which could really be frustrating for everybody in the area.

Council Member Marlors doesn't understand why they are attempting to discourage people from using thoroughfares that were meant to be used.

Council Member Shelton said in his mind, this is not a thoroughfare, this is a neighborhood street that we don't want to be a thoroughfare.

Mayor Ramsey asked if it could be kept the standard width, but add the No Parking.

Director Klavano said if they went down to the 24 feet of asphalt, giving them 28 feet face to curb with no parking, that would actually give more space than having 28 feet of asphalt and allowing parking. When you allow parking on 28 feet of asphalt you take 16 feet away, so with no parking that creates more road space. He doesn't know if it deters much, but it does make it look smaller as referred to as road dieting, which can be done in multiple ways.

Council Member McGuire was indifferent to the idea of narrowing the road with no parking.

Council Member Zander likes the idea of narrowing the road, and thinks that making it no parking isn't going to matter either way since she doesn't believe that part of the development will have a lot of parking.

Council Member Marlors does not like the idea of narrowing the road.

Council Member Harris would rather give staff direction that states they are looking to reduce the amount of traffic going through there, and asking them what they can do to accomplish that; allowing staff to come up with some ideas versus giving specific directions from the council right now.

Mr. Andrizzi noted that these are the city's roads, and they as the developer are also providing an easement wherein they can install traffic signs and things of that nature. They aren't as concerned about what the city does from a narrowing perspective there because the city owns the road and has the easement to install whatever signs they desire. The solution may be to say that they don't need to include this level of detail in the agreement itself, it may be more direction to staff in the way of "adjustments made after the project is built out to account for those things."

Council Member Shelton noted the Robbins family obviously intends to develop at some point. They don't oppose the development, and they like the density as they want to do the same thing on their property. However, they want the developer to put in a masonry wall between now and whenever they develop. They are the only ones that talked about a masonry wall, no one else brought it up.

Mayor Ramsey sees it differently, as that is what the ordinance calls for, and that is what is required of everyone. She is not looking at this wondering if it will keep cows in, she is just looking at it from the view of the ordinance and what is required of everyone.

Council Member McGuire said he wants the masonry wall.

Council Member Zander doesn't have a strong opinion, and shared that she just got a text tonight from a resident saying "please put in a masonry wall."

Council Member Marlор couldn't come up with a time when they didn't require the masonry wall, as he thought because there are large animals on one side that is required. He doesn't want to add expense to the project, but he assumed with that being the ordinance, that's what they were going to do.

Council Member Harris thinks there is a need for it today, and he also doesn't want to set a new precedence.

Council Member Shelton is okay with requiring the masonry wall.

Council Member Marlор noted the developer indicated they were willing to put up signs and he asked if that was currently in the development agreement. If so, he would suggest leaving that up to staff's discretion as to how that happens and the verbiage on the signs.

Director Schaefermeyer said on Page 5 of the development agreement, in Section 5.13, it talks about the signage at the exit to 1055 West, but it also mentions that the city may use part of the donation for the pickleball courts to install signage in and around the city cemetery as additional traffic mitigation measures. He mentioned they could also look at putting a "Local Traffic Only" sign at River Stone Way as well.

Council Member Harris suggested changing that to "Residential Traffic Only," since local could mean the offices as well.

Director Klavano said as much as possible they will try to comply with the MUTCD on the signage. They have adopted that standard for signing and striping, and the state has adopted it, so getting too far away from it could cause some problems; they will take a look at it.

Council Member Zander said she brought the cemetery sign up with the developer when she met with them outside this meeting because if they can't do a gate, there has to be some things that can be done. She thought about it and figured that if she was a new resident in the Rise Development she would just probably drive right out of there and not even have a clue there is a cemetery. She isn't just talking about a small sign indicating "cemetery ahead." If there is extra money she wants to think outside the box and do something that will reflect well on the cemetery. She doesn't know what that looks like, but she knows the city has the ability to make all kinds of signs.

Director Schaefermeyer reminded everyone about the material board, and the minor changes that were made as the updated one didn't end up in the development agreement. Most of the materials are the same in terms of how they look and feel. This was from Exhibit F in the development agreement, the Materials Board.

Mr. Andrizzi said that change was made after submitting the packet, mostly due to supply chain issues. The type of material doesn't change, the manufacturer changes and the color hues are very similar but each manufacturer will have slight variations.

**Council Member Shelton motioned to approve Resolution R2023-06, Authorizing the City and the Developer to enter into a Development Agreement, with the following modifications to the development agreement:**

- **The city will require a masonry wall instead of a vinyl fence.**
- **The city will go with the updated materials board, instead of the one shown in the council packet.**
- **Direct staff to work on signage and other road dieting options in an attempt to minimize traffic flow from the office complex up through 1055 West.**

**Council Member Zander seconded the motion.**

Council Member Marlor doesn't see a reason to have the masonry fence on the canal.

**Council Member Shelton amended his motion to say wherever a vinyl fence is indicated, that will be replaced with a masonry fence. Council Member Zander seconded the amended motion.**

Council Member McGuire appreciates the discussion that has been had tonight and the changes that are going to be made. However, he will ultimately be a "no" vote on this, as he is too far different from the developer in what he believes the density should be for that area, as well as the "for lease" aspect as he wouldn't approve a 154 unit vertical building in that area to be leased out.

Council Member Harris is paying very close attention to traffic, and there are certain things that can be done now versus things that will have to be done in the future. He is opposed to the third option from the traffic study, but eventually traffic will be able to go

up north and tap into 10550 South, or up to South Jordan Parkway. Therefore, he is looking long-term because he doesn't want to funnel any more traffic than necessary. He thinks they are doing the best they can with the situation here.

**Roll Call Vote was 4-1, Council Member McGuire voted no.**

**J.5.** Resolution R2023-07, Amending the Future Land Use Plan Map of the General Plan of the City of South Jordan by adjusting the boundary between the Mixed Use (M-U) and Agricultural Preservation (AP) on property located at 10657 South 1055 West. RCV

**Council Member Marlor motioned to approve Resolution R2023-07, Amending the Future Land Use Plan Map of the General Plan. Council Member Shelton seconded the motion. Roll Call Vote was 4-1, Council Member McGuire voted no.**

**J.6.** Zoning Ordinance 2023-01-Z, Rezoning property located at 10657 South 1055 West from A-5 to the R-M-PD Zone. RCV

**Council Member Zander motioned to approve Zoning Ordinance 2023-01-Z, Rezoning Property from the A-5 to the R-M-PD Zone. Council Member Marlor seconded the motion. Roll Call Vote was 4-1, Council Member McGuire voted no.**

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

Manager Lewis mentioned the SoJo Race Series ruck race this Saturday. It will be noticed as a potential quorum with three or more council members planning on attending.

**Council Member Zander motioned to adjourn the City Council meeting. Council Member McGuire seconded the motion; vote was unanimous in favor.**

#### **ADJOURNMENT**

The January 17, 2023 City Council Meeting adjourned at 10:52 p.m.