

**CITY OF SOUTH JORDAN
ELECTRONIC
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
April 26, 2022**

Present: Chair Michele Hollist, Commissioner Nathan Gedge, Commissioner Trevor Darby, Commissioner Steven Catmull, Commissioner Laurel Bevans, Assistant City Attorney Greg Simonsen, Director of Planning Steven Schaefermeyer, Deputy City Recorder Cindy Valdez, Deputy City Engineer Jeremy Nielson, Planner Damir Drozdek, Senior IS Tech Phill Brown, GIS Coordinator Matt Jarman, Meeting Transcriptionist Diana Baun

Others: Cody, Shannon Ellsworth, Ashley Atkinson

6:32 P.M.
REGULAR MEETING

A. WELCOME AND ROLL CALL – *Commission Chair Michele Hollist*

Commission Chair Michele Hollist welcomed everyone to the Electronic Planning Commission Meeting.

B. MOTION TO APPROVE AGENDA

Commissioner Gedge motioned to approve the April 26, 2022 Planning Commission Agenda as published. Chair Hollist seconded the motion; vote was unanimous in favor.

C. APPROVAL OF THE MINUTES

Commissioner Gedge motioned to approve the April 12, 2022 Planning Commission Meeting Minutes as published. Chair Hollist seconded the motion; vote was unanimous in favor.

D. STAFF BUSINESS - *None*

E. OTHER BUSINESS

E.1. South Jordan City proposed annexation policy plan

Chair Michele Hollist noted that there will not be a public hearing for this item tonight, but there will be one in the future.

Planning Director Steven Schaefermeyer reviewed background information from the Staff Report and his prepared presentation (Attachment A).

Chair Hollist asked if the county was encouraging annexation prior to the development occurring.

Director Schaefermeyer said yes, but sometimes it can be tricky. With Olympia Hills they had some version of a development agreement, but then either they needed to incorporate as a city or into a neighboring municipality. If Olympia Hills had come and wanted to incorporate into South Jordan, we would have negotiated with them directly as the landowner. He is not sure exactly what the county's policy will be, but they do have a duty to master plan the west side of the county within the state law requirements.

Chair Hollist asked if cities still have the right to evaluate any area asking to be incorporated and make that decision.

Director Schaefermeyer said yes, as did Herriman when they ultimately sat down with the developers of Olympia Hills. He talked about continued discussions with Kennecott, that they were the original owners of Daybreak and are based on South Jordan, so we have an established relationship with them. He referred to the annexation map in Attachment A and discussed some of the things on there. At some point, Kennecott will request portions of their land be annexed with the city. The goal is to avoid overlap, but according to the map there is still some overlap existing between communities. He continued to review information from the Staff Report. We will not be proactively extending our services to these unincorporated and undeveloped areas, we will expand infrastructure as the growth comes.

Commissioner Steve Catmull asked about water and current conditions, how that would work.

Director Schaefermeyer said that Jordan Valley is constantly thinking through all of this. There are different rate structures if you get added into Jordan Valley. They are looking at their entire service area and whether or not they can provide water to these additional areas. With Daybreak, we have plans that are consistently evaluated in terms of water tanks and how we are getting water for the growth.

Commissioner Catmull discussed reasons why we would get our water from Jordan Valley versus a well.

Director Schaefermeyer said that South Jordan is unique in that we have ground water, but no rights to it; it is being cleaned under a consent decree that he doesn't have all the details of. The mayor is on the sewer board and they are actively talking about building the capacity so that when the growth comes, they can hook into our system.

Commissioner Laurel Bevans asked if we anticipate that by the time these areas develop, Mountain View Corridor will be more of a freeway and able to handle the capacity.

Deputy City Engineer Jeremy Nielson said UDOT has funded the freeway section of Mountain View through South Jordan City, their goal is to have that completed by 2028.

Director Schaefermeyer said this is why we're looking as far west as Bacchus Highway (U-111), and there is an environmental review happening right now in relation to that. He continued reviewing information from the Staff Report. He said that if there are any questions before the public hearing, the commissioners can ask him beforehand. Specific questions about tax rates or financing infrastructure can be brought as data at the next meeting.

Chair Hollist asked why some things are allowed to assess an impact fee and others aren't. She discussed how this puts an enormous burden on existing areas, where older residents are going to older schools while newer schools are built in these areas.

Director Schaefermeyer said the impact fee is something that is looked at by the legislature each year, and it goes back and forth based on what developers and cities are doing and saying. The law is very specific how those fees are adopted, how you can charge for those fees, etc.

Chair Hollist has spoken to her representatives and was told the same thing, that there are tons of lobbyists trying to block those kinds of things.

Director Schaefermeyer noted that because of state laws we have to be very careful with our impact fees; recently we reviewed them and some went up, some went down. The school district has the capacity to do this but they are currently not allowed to under state law.

Commissioner Catmull asked for the criteria of an affected entity.

Assistant City Attorney Greg Simonsen said there is a definition, but it's not in the same section. Any city that has boundaries with our city, that could be affected by this, is considered is an affected entity; in our case it would be West Jordan, Herriman and a little bit of Sandy. Our Special Improvement Districts and School Districts are also a part of it.

Commissioner Catmull said it sounds like a public entity, not a private owner like Rio Tinto.

Director Schaefermeyer said zoning notices are sent to affected entities, but that is a broad term in the annexation context. He got a call from West Jordan's Planning Department, and our city has heard from Kennecott; so, whether they are defined as an affected entity or not, they are aware of what's going on. We sent out 12 letters, which is 12 affected entities, and you can see in section F.I. that Sandy was not included; he is going to add them as one of our affected entities.

Commissioner Catmull asked how binding this policy is.

Attorney Simonsen said there are some things we do in life, just so we're not embarrassed. If a developer showed up and said he has a grand plan to develop, and we liked it, and they said they wanted to annex in as fast as they can but we have to respond that we didn't realize the requirement for an annexation policy, they couldn't petition us for at least six months while we set that up. This isn't being done with something particular in mind, it's just to prepare for something that will happen sooner or later.

Chair Hollist asked what they are wanting from the commission, their approval on the map or for them to propose changes to the map?

Director Schaefermeyer said this map includes Bingham Copper Pit, and it depends on if we want it, and if they want to give it to us. On the last page there is a consideration about agriculture, recreation and wild life management areas in the city; the Oquirrh's are the closest opportunity we have. He doesn't know what our access would be to those untouched areas, or if there would even be a benefit to having that annexed into our city. He could see a scenario where we could have some influence or control over it, and maybe the property owner would petition us to annex. If there are borders that the commission feels should be changed, that's the type of input he would need to add to the plan before it goes to the city council.

Chair Hollist understands the western boundary, but she asked what determined the northern and southern boundaries.

Director Schaefermeyer said the southern boundary is Butterfield Canyon Road, it goes south of that because it's Kennecott's property. Any further south and there are a ton of smaller parcels which we have no relation to, or communication with. Also, to access that area you'd have to drive through Herriman, and that would be part of the consideration. He is not sure why the northern boundary was chosen more than two decades ago, but without further direction from the commission or City Council he didn't have a reason to change it. He continued reviewing information from the Staff Report. The infrastructure estimates are based on our experience, and even though other cities don't agree with our calculations, we feel confident with the estimates for the backbone infrastructure.

Commissioner Catmull said we talk about not putting infrastructure in the pit as we see things now, but he referenced Elon Musk and his ideas of burying tunnels and boring out areas; that may get to an economic point where we could connect to somewhere like Tooele County.

Director Schaefermeyer continued reviewing the staff report. We have learned a lot about planned communities, and there is a lot we would request and modify from the Daybreak model if presented with the opportunity in the future.

Commissioner Catmull asked if we accepted an annexation request that involved foothills, do we have enough in our code to develop the way we want to in those foothills.

Director Schaefermeyer said the legislature has gotten involved in building in the foothills.

Engineer Nielson said there are some things we would need to do, some geologic hazard policies in place for rockslides and landslides.

Commissioner Catmull noted that's from a technical perspective, but asked if we would also need to start taking positions in our general plan about potential future foothill development.

Director Schaefermeyer said that is a bit down the road based on Kennecott's info if they were to annex, and the areas they would request first, but if we did start to accept annexation that is something that would be discussed. They are not stopping mining, and they are very sensitive about wanting a buffer around their mines. The foothills on the Oquirrh are different from the Wasatch, but that would still be a consideration.

Chair Hollist asked if it would be appropriate to include language in this document that would guide developers towards coming to us and annexing before they develop and build, essentially to get preapproval rather than developing and then asking.

Director Schaefermeyer said that based on what happened with Olympia Hills, they would have to get some kind of zoning approval; maybe that's the task, to look and see what land entitlements they have right now under the county ordinances. This is the reason Olympia Hills went to the county, because they had no entitlements. Different from this area of Herriman, where there is a bunch of smaller parcels and development has happened in unincorporated areas, we are dealing with the one property owner. Unless it is related to their current operations, they will want some sort of overall entitlement to their property. They could certainly look at adding some language, but they would have to find the best place to put it. He believes Chair Hollist is trying to say that we would encourage people to come to us first, rather than starting with the county, because we don't love the idea of them developing and then bringing us what they've already developed, asking for annexation.

Chair Hollist agreed and noted that we just want to encourage partnering with the city sooner than later.

Commissioner Catmull said that seems to be how we will align with the general plan at that point in time.

Attorney Simonsen said this is a very general statement made to comply with the bare bones of state law in terms of an annexation policy. The way the annexation would actually occur would almost for sure be a petition. Kennecott, or any other property owner, can choose the jurisdiction they want to petition for annexation as long as their property is contiguous. Before that petition is submitted, there will be discussions with the city about entitlements and specifically what a development agreement would look like. We just want the door to be open, and make it legally possible to annex, in case we want to accept a petition at a later time.

Director Schaefermeyer said this will be on the agenda in two weeks. If they get comments from affected entities or others they will have to be addressed, but otherwise he will wait for any comments or changes the commission members might have.

Commissioner Nathan Gedge will not be at the next meeting in person, but he can join via Zoom if needed. If he has specific thoughts in the next two weeks he will send those to Chair Hollist.

Chair Hollist asked if Commissioner Mike Peirce was still the alternate.

Director Schindler said yes, but he still needs to be reappointed. Under the ordinance, it says you need to be reappointed, but until you are, if you haven't been replaced, you can still continue to attend and vote.

Commissioner Trevor Darby noted that Commissioner Peirce will not have access to his city email until he contacts the city to have that fixed.

Director Schaefermeyer noted that he has a personal email for Commissioner Peirce and he will send him an email, as will Chair Hollist.

F. COMMENTS FROM PLANNING COMMISSION MEMBNNERS – *None*

G. SUMMARY ACTION – *None*

H. ACTION – *None*

I. ADMINISTRATIVE PUBLIC HEARINGS

**I.1. DISTRICT HEIGHTS RESIDENTIAL PRELIMINARY
SUBDIVISION PLAT AND CONDITIONAL USE PERMIT AMENDMENT**

Location: 11210 S. River Heights Drive

File No: PLPP202200009

Applicant: Ashley Atkinson, Sequoia Development

Planner Damir Drozdek reviewed background information from the Staff Report and a prepared presentation (Attachment B).

Chair Michele Hollist noted that this plan is still showing 62 units, and asked what has changed.

Planner Drozdek said that the slide in Attachment B showing 62 units was the plan they got their conditional use permit on back in October of 2021; the new plan has 60 units versus the previous 62.

Chair Hollist asked how long a development agreement is valid.

Drozdek said they are generally valid for 10 years.

Planning Director Steven Schaefermeyer said the agreement would specify the length of the agreement, but since this is older he is not sure if that was in there. We recently started adding that they have to start building within the 10 years. This agreement was fairly unique because it's such a big area being covered, but things are done differently these days.

Chair Hollist noted there are changes from the initial agreement that she doesn't see a paper trail for. The agreement in the staff report talked about single family homes at one part of the property, building up to higher density; it also specifically talked about green space, as well as third acre lots in a portion.

Planner Drozdek said that from what he can remember, they were granted or allotted so many units in this zone. As long as they don't exceed the number of units they were given then the density wasn't an issue. The single family homes she was referring to are located at the east end of the district.

Chair Hollist noted that this appears to have initially been a much bigger area when first applied for, and asked if this is the final area to be developed.

Director Schaefermeyer said there may still be a few parcels left over, and there certainly could be changes one day to The District if there is further entitlement left as he believes this included The District in the development agreement.

Chair Hollist asked Planner Drozdek if he's gone through the development agreement to ensure they haven't exceeded their allowed number of units and that everything is in compliance.

Planner Drozdek responded yes, that he and other staff have reviewed everything.

Director Schaefermeyer said they actually could have built more units on this property than they are building based on the development agreement.

Chair Hollist invited the applicant forward.

Ashley Atkinson (Applicant) noted that there were 140 units they could have put on this property, and they are choosing to do for sale units instead of rental apartments because there is a lack of that. They city staff had expressed they wanted more for sale units and townhomes is something the city really needed. She also added that there was another reason they changed the site plan that was missed during the presentation. They changed the architecture, as it created more variability in the facades of the units and much bigger front porches and lawns to the individual units. In other areas they are building in, that is really important to people that don't have a yard, that they have private space for their kids or entertaining.

Chair Hollist asked how tall these units will be.

Ms. Atkinson said the duplexes in the front will probably be three stories, everything else is planned to be two stories.

Chair Hollist said that she isn't worried too much about the two stories, but she asked if Ms. Atkinson anticipates any regions of permanent shadowing which has been seen with some other developments.

Ms. Atkinson said that where the three stories are just in the front, they specifically placed those near the road so they shouldn't create any shadowing issues.

Commissioner Gedge noted that in the original concept plan from October there were a lot of trees lining Bangerter and River Heights to mitigate sound. With this new design having more xeriscaping, he asked if there will still be some sort of sound barrier besides the sound wall on Bangerter.

Ms. Atkinson said they didn't get rid of any trees, in fact she believes they added some trees. The city should have the full landscape plans, and they have been approved.

Chair Hollist opened the hearing for public comments. There were no comments and the hearing was closed.

Commissioner Gedge liked how the developer has taken staff's recommendation for more inventory for the market for sale, rather than temporary rentals. He also appreciated that all of their concerns with density, when they could have done almost twice as much initially and with this revision, were addressed.

Commissioner Darby motioned to recommended approval of File No. PLPP202200009, Preliminary subdivision plat and conditional use permit amendment, and to amend PLCUP202100227, to allow for a slight reduction in project density and change to the site layout. Chair Hollist seconded the motion. Roll Call vote was 5-0, unanimous in favor.

J. LEGISLATIVE PUBLIC HEARINGS – None

K. OTHER BUSINESS

Commissioner Nathan Gedge asked to dedicate time at a future meeting and/or training to address commission rules and procedures with public comments, emails and information being submitted before meetings.

Chair Michele Hollist agreed and asked staff when the planning commission usually meets with the city council during the year and if they would want to address this at that time.

Assistant City Attorney Greg Simonsen said it could be done in that setting, but having separate bylaws for the planning commission might be the answer. Setting aside a meeting for that might be the best option, with possibly some training being done at the same time. The staff could research bylaws from other cities to see what they have done beforehand to help. He told the commission to make their wishes known, work with Director Schaefermeyer and set up a time for that.

Planning Director Steven Schaefermeyer said there is a resolution for some bylaws for other committees, but the since the planning commission is statutory and in the code he doesn't believe those bylaws apply to them, but they can still look. They can also pull from City Council's rules in the code, like not going past 11:00 p.m. without a motion, and that would be another source to start with. In the past, we have had regular quarterly or bi-annual joint sessions during study sessions between Planning Commission and City Council. He suggested Chair Hollist reach out to the mayor directly to get that scheduled during a study session, he doesn't believe there is

currently one on the schedule.

Chair Hollist asked Director Schaefermeyer to email the planning commission the current bylaws for our city council, as the planning commission tends to be inclined to follow what they do.

Director Schaefermeyer said they fall on to Robert's Rules, but there are some things in our ordinances. He will send out a primer of sorts with some questions and they can get that process going.

Chair Hollist asked Planner Drozdek if he knows what the meeting will look like in two weeks.

Planner Damir Drozdek said there are possibly around five to six items.

Chair Hollist requested that when there is a light meeting in the future she'd like to have another training meeting to get that on the books and done before the end of the year meetings.

Attorney Simonsen asked to revisit the alternate commissioner issue. It sounds like it might be a serious issue if it's not sorted out by the next meeting, but in the last training it was brought up that whether it's the current or a future alternate, our code assumes the alternate will attend all the meetings but wouldn't vote unless there was a commissioner absent. That is not happening and he thinks that needs to be sorted out before we have a problem and wish we had the alternate present. We have been spoiled by the dedication of our current commission members, but as was pointed out, summer is coming up and commissioners will be gone, and we will be wishing we had that alternate.

Chair Hollist said that she and Director Schaefermeyer will see what they can do in the next two weeks.

Commissioner Gedge noted that from the training, before the current or other alternate takes their place they have to be trained. Since this is someone who has already been appointed, does he have to go through a training before sitting in on the first meeting.

Attorney Simonsen said that if it's someone new they'll make sure that happens beforehand, possibly combining it like last time with another training for everyone.

Director Schaefermeyer reminded everyone that they need four hours of training. The city provides three of those four hours of training.

Chair Hollist asked if their attendance counts as one of those three provided hours.

Director Schaefermeyer said he will check the rules, he doesn't remember if that counts for the three city provided hours, or the additional fourth hour. He believes the requirement for training before sitting in a meeting only applies to new commissioners, but he will double check that as well.

ADJOURNMENT

Chair Hollist motioned to adjourn the April 26, 2022 Planning Commission meeting. Commissioner Gedge seconded the motion; vote was unanimous in favor.

The April 26, 2022 Planning Commission Meeting adjourned at 7:38 p.m.

Meeting minutes were prepared by Deputy Recorder Cindy Valdez

UNAPPROVED