

SOUTH JORDAN CITY
CITY COUNCIL MEETING

August 17, 2021

Present: Mayor Dawn R. Ramsey, Council Member Patrick Harris, Council Member Brad Marlor, Council Member Don Shelton, Council Member Tamara Zander, Council Member Jason McGuire, CM Gary Whatcott, ACM Dustin Lewis, City Attorney Ryan Loose, Strategic Services Director Don Tingey, Chief Financial Officer Sunil Naidu, City Commerce Director Brian Preece, Administrative Services Director Spencer Kyle, Police Chief Jeff Carr, Engineering Director Brad Klavano, Public Works Director Jason Rasmussen, Planning Director Steven Schaefermeyer, Fire Chief Chris Dawson, Communications Manager Rachael VanCleave, GIS Coordinator Matt Jarman, City Recorder Anna Crookston, Meeting Transcriptionist Diana Baun, Director of Government Affairs Melinda Seager, Interim Mulligan's Business Manager Abigail Patonai

Others: Rian Taveras, Logan, Carol Brown, Jaimie, Marissa Burridge, Brian Synan, Dr. Mark Thomas

6:41 P.M.
REGULAR MEETING

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

Mayor Ramsey welcomed everyone present.

B. Invocation – *By Chief Financial Officer, Sunil Naidu*

Chief Financial Officer Sunil Naidu offered the invocation.

C. Pledge of Allegiance – *By City Manager, Gary L. Whatcott*

City Manager Gary Whatcott led the audience in the Pledge of Allegiance.

D. Minute Approval

D.1. August 3, 2021 City Council Study Meeting

D.2. August 3, 2021 City Council Meeting

Council Member McGuire motioned to approve the August 3, 2021 City Council meeting minutes as printed. Council Member Harris seconded the motion, the vote was unanimous in favor.

E. Mayor and Council Reports

Council Member Patrick Harris had nothing to report.

Council Member Brad Marlor had a scheduled Architectural Review Committee meeting, but it was cancelled. He is proud to have joined the South Jordan Chamber of Commerce and is having lunch with the chamber president tomorrow.

Council Member Don Shelton listened to the Zoom broadcast from the World Trade Center with Senator Romney talking about the infrastructure bill, its importance and how long it has been since the federal government made a significant investment in infrastructure. He also attended the Legislative Policy Committee (LPC) meeting for the League of Cities and Towns and learned about what the legislature is working on. He attended the Western Growth Coalition meeting and the Director of the Division of Air Quality in the State of Utah was there and made a presentation. He said he mentioned in the last meeting that he thinks it would be valuable for us to see the same presentation.

Council Member Jason McGuire also attended the LPC meeting that Mr. Shelton was at, along with the mayor. He met with the Arts Council and things are moving forward with the production of Once Upon a Mattress that is taking place in October.

Council Member Tamara Zander attended the South Valley Mosquito Abatement District Board Meeting on August 9. She was able to join the LPC meeting on Monday, she thanked the mayor for her well stated summary with an invitation for everyone there to reach out to their elected officials. She also joined the South Jordan Chamber of Commerce and Brian Synan came over to her office to plan out her ribbon cutting on August 28; at the last meeting she invited all the staff and the public to her office's grand opening from 6:00 to 8:00 p.m., the ribbon cutting with the council and staff will be at 7:00 p.m.

Mayor Dawn Ramsey had a really good meeting with the Governor's Kitchen Cabinet. This is an active summer season legislatively, there are a lot of things being worked on. Something they have really tried to encourage the members of the League of Cities and Towns to do is remain active and engaged, involved throughout this off season because the legislators are working hard in preparation for this next session. She met with Representative Pulsipher, she is working on legislation that necessitated her reaching out to the city and asking for input; they were able to sit down and visit with her, get some understanding about what she is working on. The new Chancellor for Roseman University came in and introduced himself, she had a great visit with him and she thinks he is going to be really good. He wants to be very engaged and involved, be a part of what's going on here. The Legislative Priority Committee meeting has been mentioned by the League. They have officers representing every area of the state, cities and towns of all sizes; the officers of the League are a fair representation of the cities and towns across the state. However, there is so much going on they have created this new "officers plus" which is more people, along with several subcommittees that were mentioned at the LPC meeting. If anyone is interested in serving on a subcommittee and working with the League they can let her know and make that happen. She attended the ribbon cuttings for the three new virtual schools in the Jordan District; they are the first district in the state to open a virtual elementary, middle and high school. She wanted to remind everyone that those virtual schools are additional options currently available for those who would like to do school online, all you need to do is contact the Jordan School District and they can help you get enrolled in a virtual school; the

only requirement is that you live in the Jordan School District boundaries. The principals appointed to these schools are so good, one of them used to be an assistant principal at Elk Ridge. This is just another education choice for those whose needs are better met in an online school setting. She participated in the open house for The Point of the Mountain Development. They have been working for three years to decide what that should be when the prison moves and how to ensure that it is something of benefit to all of the residents of the State of Utah. The framework in place was presented to the public with a lot of media about it this last week, the open house went really well and was well received. This project has received input from over 10,000 residents giving their thoughts and reviewing everything. They have tried to be as comprehensive and transparent as possible, a lot of work has gone into this. She encouraged everyone to look up The Point online and check out the ideas they have had. They hired some of the best professionals in the country as consultants, ensuring each of them has no personal interest or chance to gain from this project. There has been a lot of media about South Jordan being one of the top 10 fastest growing cities in America. Census numbers have been released confirming this, and she saw another report that had updated information as of April 2021 which was an additional year beyond the census data information and it had 4,500 to 5,000 more people listed than what was in the original census data. What happens at The Point will affect us with opportunities, jobs, amenities, etc. Former Senate President Wayne Niederhauser has been appointed to oversee the challenge of homelessness here in Utah and he spoke to the League Board yesterday. He has been on a listening tour and some of the takeaways for him have been that every community has people who are experiencing homelessness, but they tend to go to those central communities that have the services available like Salt Lake City, Ogden, South Salt Lake, Midvale and St. George. Those communities with those services available may also have more public infrastructure with more public transportation and opportunities. He feels strongly that the cost of working on homeless services needs to be borne by everyone, and intends to put together some policy proposals for the state, including things like more service centers that are more spread out. He also believes that if you don't have a center in your city you still need to help pay for homeless services. Our city gives a total of a million dollars a year to the Olene Walker Housing Fund and the Pamela Atkinson Homeless Trust Fund, doing our part to help. Lastly, she finished another semester of school.

F. Public Comment:

Dr. Mark Thomas (Resident) – He hadn't planned to say anything tonight, but will try to sum up his comments in three minutes. This is a great country, he milked a cow until he was 15 years old and was raised on a farm in Southern Colorado. He went to college and got grades good enough to get himself into medical school, he graduated from the University of Colorado and then went on to be an orthopedic surgeon after a four year residency in orthopedic surgery. He practiced at Jordan Valley Hospital for 19 years. He doesn't say any of that to draw attention to Mark Thomas, he draws attention to this wonderful country whose emblem is sitting behind the mayor and council. He is here because he takes care of his two grandchildren after school, their mother left them 12 years ago and he and his wife feed them. He asked his grandson about six months ago how school was going one day and he said his teacher told him that the story of Paul Revere is false; that shook him up, a lot. He is sorry to say that he is 75 years of age and has never been to a council meeting in his life, he has never been to a school board meeting in his life because he has been what Marx would call a "useful idiot." This country is so great and he thought everything was going so smoothly that he didn't think he needed to, but now he is going to get involved. He has been to the most recent Jordan School

District Board meeting. The mayor's comments about the ribbon cutting for the three virtual schools is very interesting to him, some comments were made that piqued his interest. The mayor talked about great educators and great teachers, and he's sure the majority of them are great teachers, but he is not sure about all of them and he intends to find out. He just finished reading a few weeks ago Mark Levin's book *Marxism in America*; it is not a book you read, it is a book you study with your dictionary to look up words you don't understand so you can put it all together. He is frightened for this country. He is going to be dead in 10 years and it doesn't matter for him, but for his grandchildren and his great grandchildren he doesn't want this kind of Marxism, this critical race theory business, being taught to anyone in his family or anybody else's family because it's wrong. BLM, Antifa, they are in this country, in our schools and in Jordan School District. Please perk your ears up, he knows the council means well and pays attention and they did a wonderful thing opening these three schools but he is not going to buy it when he is told they are all great educators and great teachers. He is awake now and he is going to stay awake; he is going to keep coming to this meeting and he will be civil, he is a civil man.

Mayor Ramsey thanked Dr. Thomas for coming, there is a lot to learn. She thinks having a chance to attend a city council meeting, and to see one that is so functional, is very beneficial. She mentioned they don't all work as well as ours does, ours really is exceptional and that's just reality, but she knows there are good people everywhere who are working hard and trying to do their best. She thinks that the council agrees with her when she says that the government closest to the people governs best, and we have a really unique opportunity here in South Jordan to try to do things well. We can't fix what's happening back at the federal level, but there is a lot we can do here and this group is working really hard to try.

G. Public Hearing Items:

G.1. Ordinance 2021-15, Amending Section 13.12.145 of the South Jordan Municipal Code regulating Illicit Storm Water Discharges. **RCV** (*By Director of Public Works, Jason Rasmussen*)

Director of Public Works Jason Rasmussen reviewed background information from the Staff Report and referenced a prepared PowerPoint presentation (Attachment A).

Mayor Ramsey appreciated the fact that we were barely found to have anything to change, and did not incur any fines. She thanked Mr. Rasmussen and his team for their hard work to keep us in compliance.

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

Council Member Zander motioned to approve Ordinance 2021-15, Amending City Code regulating Illicit Storm Water Discharges. Council Member Marlor seconded the motion. Roll Call Vote was 5-0, unanimous in favor.

G.2. Ordinance 2021-16, Amending Section 17.130.030 of the South Jordan Municipal Code regulating the Accessory Dwelling Unit Floating Zone. **RCV** (By Long Range Planning Analyst, Meadow Wedekind and Director of Planning, Steven Schaefermeyer)

Director of Planning Steven Schaefermeyer reviewed background information from the Staff Report and referenced a prepared PowerPoint presentation (Attachment B). He said they changed the language, what the state calls an internal ADU we have always referred to in our ordinance as an accessory apartment, to make it more consistent we have changed references from accessory apartment to internal ADU; one reference was missed in the ordinance, and he asked to have that mentioned in the ordinance that any instance of accessory apartment be changed to internal ADU for clarity.

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

Council Member Marlor said it's clear we can't legislate the size of the internal ADU, but it sounds like the ADU could be larger than the space for the owner.

Director Schaefermeyer said the ordinance does require that the primary owner live on the property, but it doesn't specify whether that's in the larger or smaller unit.

Council Member Marlor said if someone was wanting to downsize in their own home, this sounds like it would be a logical opportunity and legal within the new ordinance; allowing them to live in the ADU and rent out the rest of the home. This is a great opportunity for someone on a budget to stay in their home and get some extra income.

Director Schaefermeyer said yes, when you are given an ADU permit you are required to sign an affidavit that says you understand the rules and intend to live on the property you own so the future owners know you have a permitted ADU. Future owners would also be required to sign the same affidavit for the ADU acknowledging the rules. The logic behind requiring the owner to live on the property is they are there, they have invested in the property and usually want to maintain it; any negative impacts to neighbors are also negatively impacting them. Regarding guest houses, in areas where that is allowed the same standard applies; the owner could live in the guest house and rent out the primary home.

Council Member Harris said many times when they are evaluating and voting on items it's a matter of whether or not they are in favor of something; this is really a compliance issue and they are being asked to approve it to meet compliance. This is not something that, unless the city wants to be out of compliance, isn't really optional. He asked Mr. Schaefermeyer to explain, for those listening, about the statute that we are becoming compliant with so they can be more informed.

Director Schaefermeyer said the statute that goes into effect October 1 was created because there was nothing like it previously in state law, they defined what is called an internal ADU and require the ADU to be within the existing footprint of a home. There was a lot of discussion at the legislature that this is one of the keys to affordable housing, it helps people stay in their homes longer and helps provide a diversity within neighborhoods. Some of the goals we already had as a city, both in our

general plan and in this overlay zone; the overlay zone applies to all single family and agricultural zones, it does not apply to our mixed use zones. Those opportunities already existed within our ordinance, however the legislature didn't like what other cities were doing and they had a discussion about what cities can and can't do. The goal was that people had more freedom to allow multiple families to live in a home.

Council Member Harris pointed out our legislature has created this law, not us as a city, and we are simply changing our code to comply with the rules the state has already made.

Director Schaefermeyer said usually the legislature doesn't give a grace period, things go into effect when the session is over. With this being such a complicated issue they decided to give cities some time to work things out. If we did choose not to make these changes, we would still be subject to the law; if his department were to follow our current ordinance and it doesn't comply with the law, we could be challenged and we would lose. This is a proactive step by the city to respond to the legislature. There are more changes coming, limiting the city's ability to determine the character of our neighborhoods; one law that was passed with no grace period was on design standards for single family homes.

Council Member Marlor said this is one piece of legislation where he feels the legislature had a little bit of clarity and he supports it.

Director Schaefermeyer said the 6,000 square foot issue was something cities really had to fight for in an effort to try and help the legislature understand the domino effect of just saying "everyone should be able to do this." There are consequences and we deal with those, and have dealt with them, for a long time since we already had an ordinance addressing this. Thankfully we didn't have to make drastic changes to come into compliance with this law.

Mayor Ramsey said communities that didn't allow ADUs have had to make more drastic changes. Many people don't know South Jordan has allowed ADUs for a long time, so we didn't have to do a lot of changing. She also believes it's worth mentioning that House Bill 82 was run by Representative Ray Ward and Senator Jake Anderegg from its initial presentation to the final draft; there was quite a bit of negotiation to get this to where it is now, and that the League removed their opposition and was able to remain neutral.

Council Member Marlor asked if there is any prohibition to the number of ADUs allowed in a residential unit or home. He is concerned about parking; having one lot with one unit, and then suddenly have multiple ADUs plus the resident needing parking.

Director Schaefermeyer referenced our city code, section 17.130.03.00.20A2A that states only one ADU is allowed per lot. That is not language that was added or changed.

Council Member Zander asked staff to explain, on record, how this applies specifically to Daybreak.

Director Schaefermeyer said this overlay zone has never applied to the planned community (PC) zone, which is where Daybreak is located; we are not proposing that it now be applied to that zone. In the same reference given earlier in the section, it lists A5, A1, R1.8, R2.5, R3, R4 and R5 as the

single family (primarily residential) zones in the city where you can have an internal ADU. Daybreak has had the ability to have a particularly detached ADU since its inception through the agreement and through the associated standards, this ordinance doesn't change any of that. We also know they have approved some internal ADUs in Daybreak under that same scenario. He tried very hard to remove any reference to HOAs from this overlay zone so it was clear because HB 82 can and does affect HOAs, but we are not saying how it affects them by this ordinance change; it will be up to the HOAs to figure out how they address this issue. If Daybreak wanted to change how it was approving ADUs in their community, we will need to have a conversation with them at some point, but that is separate and apart from this ordinance change.

Council Member Shelton asked if our ordinance is as strict as the state law will allow it to be.

Director Schaefermeyer said yes, with the exception of guest houses. Our ordinance allows guest houses which isn't required or mentioned under state law. Other than that, we have done the minimum required of the state.

Council Member Marlor asked what happens when an owner sells their home with a permitted ADU.

Director Schaefermeyer said the permit for the ADU would stay with the land, but the ordinance does require them to record the affidavit. That affidavit is available on the city website.

Mayor Ramsey appreciated Representative Ward being willing to negotiate. Initially this bill was presented with no oversight by cities at all and we had some of our own representatives who were not supportive of that because they didn't feel that went far enough, they felt there should be even less oversight by cities. It's a fine line between people's personal property rights, which are absolutely essential, and the impact to the rest of the neighbors and greater community and their personal property rights.

Director Schaefermeyer said we plan our neighborhoods based on single family homes or whatever is proposed, along with water and sewer and other infrastructure; things like ADUs can compound to impact our infrastructure.

Mayor Ramsey said this final version was negotiated a lot to come to a place where everyone could agree.

Council Member McGuire motioned to approve Ordinance 2021-16, Amending section 17.130.030 of the South Jordan Municipal Code regulating the Accessory Dwelling Unit Floating Zone, adding that all mentions of accessory apartments be changed to Internal ADUs. Council Member Zander seconded the motion. Roll Call vote was 5-0, unanimous in favor.

H. Staff Reports and Calendaring Items

Manager Whatcott said they recently got our data from the census, which is going to prompt us to readjust our council districts. He presumed each council member wanted to still be in their district and all the council members agreed that yes, they want to stay in their districts. With them all agreeing on that, he suggested they choose a day to meet and have the city's GIS run a few

scenarios of how the districts can be aligned so they can sit down and discuss how they want to move things around. He believes that seeing the mapping, based on where they live, they can work together and arrange the districts to meet state law having within a 4% difference in ratio. Once that's done, they can look and either choose a scenario they agree on or come up with a different plan.

Council Member Zander asked if she could see the maps before the meeting to be prepared.

Manager Whatcott wants the council to see the mapping and suggested they follow precinct/district lines as that helps the county so they don't have to adjust precinct lines.

Council Member Zander said they know Council Member Shelton's district is growing population wise, how do they project that; can they look ahead and project the growth?

Attorney Loose said they cannot anticipate future growth in terms of creating districts for voting. The last time they redistricted, all the council districts were within 4% in terms of population; he is not sure what the numbers are now but he knows it isn't near 4%. Everything has to be done based on the real numbers from the census.

Manager Whatcott said it will take a little bit of time to create the mapping so there is time.

Mayor Ramsey asked about Tuesday, September 14, if that was too soon.

GIS Coordinator Matt Jarman said they are currently waiting for the state to aggregate the data for the city so they can do those counts. As soon as they get that from them, then he can start creating those preliminary maps. He doesn't know when we will see that info from the state, he is hoping next week.

Manager Whatcott said, in that case, once he gets the data he will email everyone and they can work out a time that makes sense.

Council Member Marlor said he has a family reunion that is causing him to miss Summerfest, so he would also be gone on the weekend the mayor suggested to meet.

Mayor Ramsey encouraged everyone to attend the League's Fall Conference downtown on September 29.

Council Member Shelton will be gone during the League's Fall Conference.

Manager Whatcott suggested they come in on an off Tuesday at 5:00 p.m. and stay until 7:00 p.m., if they don't finish it that night, they will just schedule another day to continue; those meetings also have to be noticed to the public in advance.

Council Member Zander said it could also be done on a council night and just have a longer work meeting with a short council night since they are already scheduled to be there.

Manager Whatcott asked if the council would rather do it in a work meeting and said they can just schedule it out enough that they have time to do it.

Mayor Ramsey congratulated those who ran in the primaries and those who have moved on to the general elections. It is no small thing, especially in today's climate, to put your name out there and not only run for public office but serve in a public office.

ADJOURNMENT

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

The August 17, 2021 City Council meeting adjourned at 7:52 p.m.

This is a true and correct copy of the August 17, 2021 City Council Meeting Minutes, which were approved on September 7, 2021.

Anna Crookston

South Jordan City Recorder

Ordinance 2021-15

Storm Water Regulations

City Council August 17, 2021

Ordinance 2021-15

- Storm Water permit inspection/audit performed by DEQ fall of 2020
- City received results of audit spring of 2021
- Almost all items identified by DEQ have been remedied

Ordinance 2021-15

- Section 13.12.145 established required regulations for illicit storm water discharges
- DEQ audit required one change to this code

r. ~~Firefighting activities~~
Discharges or flows from
emergency firefighting
activities

INTERNAL ADUS AND H.B. 82

Ordinance 2021-16

HOUSE BILL 82 “SINGLE-FAMILY HOUSING MODIFICATIONS”

- Recently passed by the legislature
- Pertains to internal accessory dwelling units (not guesthouses)
- Takes effect October 1st, 2021
- Requires municipalities to classify certain accessory dwelling units as a permitted land use; and
- Prohibits municipalities and counties from establishing restrictions or requirements for certain accessory dwelling units with limited exceptions

ELIMINATED REQUIREMENTS

- Internal ADU size restrictions (square footage and # of bedrooms). The size restrictions for guesthouses would not change.
- Occupancy restrictions. (The ADU occupancy restriction, by default, would be one family or household)
- Prohibition of internal ADUs on flag lots
- HOA restrictions
- Parking required for an ADU reduced from 2 spaces to 1 space. The 1 additional ADU parking space cannot render the single-family parking spaces inaccessible.

ADDED REQUIREMENTS

- 6,000 sq ft minimum lot size for internal ADU. (Guesthouse minimum lot size of 14,520 sq ft would not change)
- Renting of internal ADUs for a period of less than 30 days would be prohibited.
- City may hold a lien against a property containing an internal ADU violating City Code