SOUTH JORDAN CITY
JOINT CITY COUNCIL AND PLANNING COMMISSION
STUDY MEETING

April 17, 2018

Present: Mayor Dawn Ramsey, Council Member Patrick Harris, Council Member Brad Marlor, Council Member Jason McGuire, Council Member Don Shelton, Council Member Tamara Zander, Planning Commission Chairman Mark Woolley, Planning Commissioner Julie Holbrook, Planning Commissioner Earl Jolley, Planning Commissioner Sean Morrissey, Planning Commissioner John Ellis, Planning Commissioner Michael Haynes, CM Gary Whatcott, ACM Dustin Lewis, Planning Director Steven Schaefermeyer, City Attorney Ryan Loose, Planner Greg Schindler, Planner Shane Greenwood, Associate Finance Director Jeff Standiford, IT Director John Day, GIS Coordinator Matt Jarman, City Council Secretary MaryAnn Dean

SPECIAL JOINT STUDY MEETING

A. Invocation: Council Member Tamara Zander

Mayor Ramsey welcomed all present. It was noted that Council Member Zander was not present. Mayor Ramsey offered the invocation. Council Member Zander arrived at this time.

B. Training: Annual Land Use and Ethics Training By City Attorney, Ryan Loose)

Todd Sheeran, Staff Attorney, reviewed a prepared presentation (Attachment A), which was land use training required by Utah Risk Management Mutual Association (URMMA).

City Attorney Loose passed out some information to the City Council/Planning Commission from the book “Powers and Duties” from the Utah League of Cities and Towns. It reviews Ethics and the Open Meetings Act. (See Attachment B)

City Attorney Loose also asked that the City Council and Planning Commission members fill out and turn in their conflicts disclosure form. He noted that the City used to have a policy that did not allow the City Council members to talk to developers with an active application. They no longer have that policy, which brings more pressure to members of the City Council. He said they need to watch how influence from others, including lobbying at the legislature, effects their decisions.

Council Member Zander asked if it is appropriate to go to lunch with a developer to discuss a development. City Attorney Loose said the gift limit is $50. They need to ensure that the gifts do not influence their decisions. He said he personally does not accept gifts. Council Member Marlor said he will meet and talk with the developers, but he does so at City Hall. He does not meet for a meal.
C. Discussion Item: Review of Current General Plan (Staff)

Mayor Ramsey said the general plan is the most important thing they will do in their time serving. She said this is not a strategic zoning session. Staff will ask for some general directions. They will have ample opportunities to say how they feel. They will have a chance at a later time to share their thoughts and ask some questions. She thanked Planning Director, Steven Schaefermeyer, and his intern Quincy for their time and effort on this project.

Planning Director Steven Schaefermeyer said the RFP for the consultant to help with the general plan is still pending. They put in the RFP for a complete rewrite of the general plan. If they can pull from lessons from the 2010 general plan, they will. They will take a broad look at the general plan and focus where the needs still are. They will not just throw out everything that has been done in the past.

Mr. Schaefermeyer reviewed a prepared presentation (Attachment C). He noted that it is a city policy to review the general plan regularly. He said it has been recommended by Planning Commissioner Holbrook that they review the general plan annually. He said he agrees with that recommendation. Not to open up the general plan entirely, but to review and evaluate the land use changes that have been made.

Mr. Schaefermeyer reviewed the Residential Conservation Development (RCD) – which clusters residential development. He said cluster developments have not been done in the past. He would like some direction if that should be considered in the future. He said they also need to determine what “high” architectural standards means. He said that is subjective. They need to get more details on that point. He said the land use portion has been edited since the 2010 general plan, but it is lacking some specificity.

Council Member Shelton said the change with the VMU zone happened right after the election when he came in with Council Member Rogers and Mayor Alvord. He said that election had a lot to do with density. He said he does not feel the VMU zone was bad necessarily. In order for it to work, it has to be larger parcels. He said they need to look at and be sensitive about how much land a specific zone might need to work properly. On smaller properties, VMU became code for high density. Mr. Schaefermeyer concurred. He said there used to be more flexibility in the city code than they can get away with now.

Council Member Marlor said they looked at a proposal a couple weeks ago. It was high density, right by the freeway. It is on a difficult piece of property. He would not call that a mixed-use proposal. He said that proposal is not something he ever thought he would be comfortable with; however, given the mandates from the Legislature regarding density on high traffic corridors, they have to talk about transit-oriented developments. They need to discuss it as a City Council and a Planning Commission and see if that is something they envision. He would not want that anywhere else in the city. Some density on Bangerter Highway may be appropriate, but not the density that was proposed next to the freeway.
Mr. Schaefermeyer said if they choose to permit that development, it is through the PD overlay zone. That was not contemplated in the last general plan. City Attorney Loose said other cities have similar ideas, but it is implemented differently (through the overlay zone) here.

Mr. Schaefermeyer said they need to determine if they still have a goal in the general plan to have different housing types. He said there are two areas labeled high density in the city. That is the two apartments near the freeway. That land use does not exist anywhere else in the city.

Council Member Shelton said to discuss different housing types, they need to inventory the land that is available and what is surrounding it. The challenge is that infill properties are what is currently available.

The group examined the land use maps. The bulk of the residential areas in the city has remained the same.

Mr. Schaefermeyer discussed overall density of subdivisions. They can still subdivide some properties in neighborhood if it stays within the overall density allowed for the area.

Planning Commissioner Holbrook said they need to have an overall vision of what South Jordan wants to be when it grows up. Do they want to draw in more residential? How much residential can the city support? What about traffic and secondary water? If they have limited resources, what are they going to have to work with? They need a balance of business and residential. CM Whatcott said land use is tied directly to the fiscal applications of the city. They need the right balance to ensure they have the right property values intact, as well as the right mix of taxes.

Mr. Schaefermeyer said some longtime residents with large lots have options for their property. Some do not. Ms. Holbrook said they need to determine if they are going to allow them to build their home higher or wider. They also need to consider secondary water. Council Member Marlor said in the Holladay/East Millcreek area, they are taking large 1-acre lots and turning them into 6-7 lots. Council Member Zander told of a large lot in South Jordan that was allowed to build an accessory building on the property that they are now preparing to rent as an Airbnb. Ms. Holbrook said in the Daybreak HOA, they don’t allow rentals less than 30 days. That prevents those type of uses.

Mr. Schaefermeyer said if it is a goal that accessory living units are allowed, they need to address that in the general plan.

They discussed the desire for developers to do apartments over condominiums. Chairman Woolley said it is difficult to get funding for condominiums. That is part of the issue.

They discussed subdividing existing lots. It has the potential to create creep in some areas. It could set a precedence in some areas.

Ms. Holbrook said clustering works in some cases because the upcoming generation does not necessarily want large homes and large lots, but with clustering, you still get some open areas.
She said there are several stakeholders that she would like to include in this plan process, including developers.

It was noted that the Moderate Income Housing plan is a subset to the General Plan that they will need to adopt.

Mayor Ramsey thanked staff and indicated there will be a lot of future discussions on this issue. They have a chance to create a positive, long term, sustainable vision for the city.

ADJOURNMENT

Council Member Marlor made a motion to adjourn. The vote was unanimous in favor.

The April 17, 2018 City Council meeting adjourned at 6:20 p.m.

This is a true and correct copy of the April 17, 2018 City Council and Planning Commission Study Meeting Minutes, which were approved on April May 1, 2018.

Anna M. West
South Jordan City Recorder
LAND USE TRAINING

Who does what and by what authority?
CITY STAFF

- Staff applies and interprets City Code to a specific application.
- Interpretations are generally done by the Building Director, the City Engineer, and the Planning Director.
  - See Interpretation 2018-01 (Calculating Residential Density) by the Planning Director.
- An interpretation can be appealed.
- City Staff has the same discretion as the Planning Commission (see next slide).
The Planning Commission makes “administrative decisions,” which includes the following:
- Preliminary Site Plan approval.
- Granting conditional uses.
- Subdivision Amendments.

Administrative decisions = low discretion. See Utah Code § 10-9a-801(3)(c)(i).

Standard - substantial evidence.
- “relevant evidence that is adequate to convince a reasonable mind to support a conclusion.”
  - Criminal standard is...
  - Civil standard is...
  - Administrative standard is...
EXAMPLE OF SUBSTANTIAL EVIDENCE

- *McElhaney v. City of Moab (2017):*
  - The applicant operated a child-care business from their home located in a residential neighborhood.
  - The applicant requested a conditional use permit to operate a bed and breakfast and the child-care would discontinue. The bed and breakfast was specifically permitted in this type of residential zone.
  - At the public hearing, several residence voiced their concerns, which included safety, traffic, noise, pollution, decrease in property values, and possible road deterioration.
  - The council denied the application (3-1) by stating the proposed use did not meet the criteria of the general plan, which restricts commercial development in residential zones, and it would change the character of the neighborhood/town.
The district court held “that speculative evidence did not support a finding of undue increase to traffic.”

It also found “that concerns about increase noise constituted mere speculation.”

Even though some of the concerns “are not clearly minimal…the City has a responsibility to articulate what those negative effects are likely to be” and concluded that Moab had failed to do so.

On appeal, the court of appeals did not determine whether the council’s decision was supported by substantial evidence because there was no written findings, but it did state, “It is difficult to see how placing a bed and breakfast in an area zoned R-2—which specifically permits bed and breakfasts—is inconsistent with Moab's general plan.”
If a condition is imposed the condition must:

- Advance a legitimate public purpose and be within the scope of the governmental entity to impose.
- Address some burden created by the property/development.
- Be roughly proportionate to the burden imposed on the property/development.
- Solve the problem in the manner which is least intrusive on protected property rights.
The City Council makes “legislative decisions,” which includes the following:

- Adopting the general plan.
- Adopting or amending the zoning ordinance.
- Rezoning property to a new classification.

Legislative decisions = broad discretion and great deference.

Standard – “Reasonably Debatable”
EXAMPLE OF “REASONABLY DEBATABLE”

  - The applicant applied for a rezone from low-density residential to high-density residential. After the applicant was denied by the city council, they applied for a rezone but this time the applicant sought medium-density residential. But to no avail, the city council denied the rezone application.
  - The court stated, “In general, because a zoning classification reflects a legislative policy decision, we will not interfere with that decision except in the most extreme cases.”
  - The court also found, “public hearings and citizen comments are a legitimate source of information for city council members to consider in making legislative decisions.”
  - The court ultimately found that the city council’s denial was not arbitrary and capricious because their decision was “reasonably debatable.”
RECAP

- City Staff (low discretion):
  - Applies and interprets City Code.

- Planning Commission (low discretion):
  - Ensures City Staff properly applied City Code to an application.

- City Council (broad discretion):
  - Makes legislative decisions.
R2018-02 Exhibit A

CODE OF ETHICS
R2012-24 4/17/2012
For members of South Jordan City Council,
Boards, Committees and Commissions
Adopted by the South Jordan City Council

Preamble:

The Citizens and businesses of South Jordan City are entitled to have fair, ethical and accountable local government, which has earned the public’s full confidence and trust. In keeping with South Jordan City’s Commitment to Excellence, the effective functioning of the government, therefore requires, that:

- Public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Public officials be independent, impartial and fair in their judgment and actions;
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the South Jordan City Council has adopted a Code of Ethics for Members of the City Council and of the City’s boards, committees and commissions to ensure public confidence in the integrity of local government and its effective and fair operation.

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, Members will work for the common good of the people of South Jordan and not for any private or personal interest, and they will ensure fair and equal treatment to all persons, claims and transactions coming before the South Jordan City Council, boards, committees and commissions.

2. Comply with the Law

Members shall comply with the laws of the nation, the State of Utah and the City of South Jordan in the performance of their public duties. These laws include, but are not limited to: the United States and Utah Constitutions; the South Jordan City Municipal Code; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City policies and procedures.

3. Conduct of Members
The professional and personal conduct of Members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other Members of Council, boards, committees and commissions, the staff or public.

4. **Respect for Process**

Members shall perform their duties in accordance with the processes and rules of order as established by the City Council, board, committees and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City Staff.

5. **Conduct of Public Meetings**

Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

6. **Decisions Based on Merit**

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

7. **Communication**

Members shall publicly share substantive information that is relevant to a matter under consideration by the Council, boards, committees and commissions, which they may have received from sources outside of the public decision-making process. Ex parte communication dealing with matters that will be heard by Members in a quasi-judicial capacity shall be deemed inappropriate. Members shall refrain from communication where all parties are not present, with any individual, group or business regarding matters that are pending before them in a quasi-judicial capacity.

8. **Conflict of Interest**

In order to ensure their independence and impartiality on behalf of the common good, Members shall not use their official positions to influence governmental decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest.

In accordance with law, Members shall disclose investments, interest in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

9. **Gifts and Favors**
Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public offices, that are not available to the public in general. They shall refrain from accepting gifts, favors or promises for future benefits, which might compromise their independence of judgment or action or give the appearance of such being compromised.

10. Confidential Information

Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

11. Use of Public Resources

Unless otherwise approved by the City Council, Members shall not use public resources unavailable to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

12. Representation of Private Interests

In keeping with their role as stewards of the public interest, Members of Council shall not appear on behalf of the private interest of third parties before the Council or any board, committee, commission or proceeding of the City, nor shall members of boards, committees or commissions appear before their own bodies or before the Council on behalf of the private interest of third parties on matters related to the areas of service of their bodies.

13. Advocacy

Members shall represent the official policies or positions of the City Council, board, committee or commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Members shall explicitly state that they do not represent their body or South Jordan City, nor will they allow the inference that they do.

Members, acting in their City capacity, shall always represent the City’s official position when speaking with state and local elected officials and staff in regards to any potential legislation or action of a given entity (including state and county). The City’s official position is the majority vote of the City Council. When an issue is raised and action on that issue will be taken prior to the next regular meeting of the City Council, the unanimous opinion of the three individuals appointed to the Utah League of Cities and Towns Legislative Policy Committee (LPC) is the City’s official opinion.

14. Policy Role of Members

Members shall respect and adhere to the Council-manager structure as adopted by ordinance of the South Jordan City government. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards, committees, commissions, and City staff.
15. **Independence of Boards, Committees and Commissions**

Because of the value of the independent advice of boards, committees, and commissions to the public decision-making process, Members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of board, committee and commission proceedings.

16. **Positive Work Place Environment**

Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealing with City employees to in no way create the perception of inappropriate direction to staff.

17. **Implementation**

As an expression of the standards of conduct for members expected by the City, the South Jordan City Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when Members are thoroughly familiar wit it and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientation for candidates for City Council, applicants to board, committee and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the South Jordan City Code of Ethics. In addition, the Code of Ethics shall be annually reviewed by the City Council, boards, committees, and commissions, and the City Council shall consider recommendations from boards, committees, commissions, and the staff to update it as necessary.

18. **Compliance and Enforcement**

The South Jordan City Code of Ethics expresses standards for ethical conduct expected of Members of the South Jordan City Council, boards, committees, and commissions. Members themselves have the primary responsibility to ensure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards, committees, and commissions and the Mayor, have the additional responsibility to intervene when actions of Members that appear to be in violation of the Code of Ethics are brought to their attention.

The City Council may impose sanctions on Members whose conduct does not comply with the City’s ethical standards, such as reprimand, formal censure, loss of seniority or loss of committee assignment.
OPEN AND PUBLIC MEETINGS ACT

In order to understand the Open and Public Meetings Act, it is only necessary to understand the public policy behind it. The Act specifically says that it is the intent of the legislature that the state and its political subdivisions exist to aid in the conduct of the people’s business and that they are to take their actions openly and that their deliberations are to be conducted openly. The Act is so important that it specifically requires that the chair of every public body sees that the public body is trained at least annually in how to comply with the Act.

It is clear from this statement of policy that all meetings of official bodies of cities and towns, with very limited exceptions, are to be open to the public. But it is not just having the meeting open to the public that is the policy of the State of Utah; the policy is that the deliberations be conducted openly. If you keep these two policies in mind, it is easy to comply with the Open and Public Meetings Act. If you cannot or will not comply with the Open Public Meetings Act, you are not cut out for public office. Get out now before it is too late. You don’t go to the swimming pool if you’re embarrassed to be seen in a swimsuit. A good public official has to have the courage to bare some skin and conduct the public’s business in the open, even if their political cellulite will show.

For purposes of the Act a “meeting” is defined as the convening of a public body when a quorum is present. It includes workshops and executive sessions even though the Act does not define either. The definition also includes electronic communications. The definition of “meeting” is qualified by the description that it must be for the purpose of discussing, receiving comments from the public about, or acting on a matter over which the public body has jurisdiction or advisory power. “Convening” is defined to mean the calling of a meeting of a public body by a person, authorized to do so, for the purpose of either discussing or acting on a matter over which that public body has jurisdiction or advisory power. These very broad definitions are intended to include almost all gatherings of the city council or other committees of a municipality.

The exceptions to the definition of meeting are very narrow. They include a chance meeting, a convening of a public body that has both legislative and executive responsibilities where no public funds are appropriated, and where the meeting is convened just to implement administrative matters. Social meetings are also not subject to the Open and Public Meetings Act although there does not appear to be any definition of what a social meeting is.

The Open and Public Meetings Act applies to more than just the city council or governing body of a city or town. It also applies to planning commissions, and the boards of adjustment, land, appeal authorities, and the legislative body of the city. As long as this group consists of two or more persons, was officially created (by constitution, statute, ordinance

198 Utah Code 52-4-102.
199 Utah Code 52-4-104.
200 This could apply to small fifth and fourth class cities and towns where individual council members have administrative departments but should only be used in very few circumstances.
201 Utah Code 52-4-208.
or resolution), has the power to expend, disburse, or is supported in whole or part by tax revenue and has authority to do the public's business, it is governed by the act.\textsuperscript{202} The intent of this is to include all committees, commissions, or other groups that may be carrying out anything that looks like the public's business if they are supported by public funds. It is clear to me that all advisory commissions or committees are to be included if they are officially set up by ordinance or resolution even if they only are recommending bodies.

It is always important to remember, however, that if there is no quorum of the body it is not a meeting. For example, any two council members and the mayor of a six member council form of government could get together to discuss any matter without it being a meeting, but no three council members in that form of government could get together to discuss a public matter without it constituting a meeting.

The Utah Open and Public Meetings Act attempts to ensure that the meetings of a public body are open to the public by requiring certain minimal notices be given about when a meeting is to be held and what is to be considered at the meeting.

These minimal notice provisions require that any public body that holds regular meetings, such as the regular city council meetings, give public notice at least annually, of the anticipated meeting schedule. The notice must include the date, time, and place of the scheduled meetings. In addition to this annual notice of regular meetings, each meeting must have its own notice. This notice must be given at least 24 hours prior to the meeting and needs to consist of the agenda, the date, time, and place of the meeting.

Both the annual notice and the notice requirements for each meeting are satisfied by posting the written notice at the principal office of the public body or at the building where the meeting is to be held and providing a copy of the notice to at least one newspaper of general circulation within the jurisdiction of the public body or to a local media correspondent. It is not necessary that a city or town pay the newspaper to publish its agenda or annual meeting schedule. The purpose of this media notice requirement is to give the press the opportunity to attend the meetings, not to provide advertising revenue to the newspaper.

Cities and towns are encouraged in the Open Meetings Act to provide notice electronically through websites and the like. The State of Utah has a website called the Utah Public Notice Website and all cities or towns are required to post their meeting notices on this website.\textsuperscript{203}

When there are unforeseen circumstances and it is necessary to hold an emergency meeting, the notice requirements can be disregarded and the best notice practical needs to be given.\textsuperscript{204} An emergency meeting cannot be held unless an attempt has been made to notify all members of a public body and a majority of the public body approves calling the meeting.

\textsuperscript{202}Utah Code 52-4-103(8)(a).
\textsuperscript{203} Utah Code 52-4-103(3).
\textsuperscript{204} Utah Code 52-4-202(5).
It is not enough to just give notice of the meeting. The agenda that is required for each public meeting must also provide enough detail to notify the public as to the topics to be discussed and the decisions that may be made. If an item is not on the agenda, no final action can be taken on that item. However, at the discretion of the chair of the meeting, an item not on the agenda, brought up by the public, can be discussed, if no final action is taken on the matter. The state law provides this discussion of non-agenda items at the discretion of the chair and qualifies it by saying that it can happen when the topic is raised by the public. But what happens if the topic is brought up by a council member and not a member of the audience. Can it then be discussed? Are council members considered members of the public for purposes of this section of law? I think the intent is that council members should not be using this as a means of discussing controversial things out of the view of the public so don’t do this if possible.

Generally all parts of meetings are required to be open to the public. There are however some circumstances when a portion of a meeting or all of a meeting may be closed to the public. These are intended to be very limited exceptions and every meeting, even one anticipated by the body to be closed to the public, must be convened and begin as a public meeting. A public body may close portions of its meetings if it is a certain type of meeting (h-o) or to do the following (a-g), except when interviewing or considering a person to fill an elected position or midterm vacancy:

a) Discuss the character, professional competence, or physical or mental health of an individual.
b) Hold a strategy session to discuss collective bargaining.
c) Hold a strategy session to discuss pending or reasonably imminent litigation.
d) Hold a strategy session to discuss the purchase, exchange, or lease of real property when public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction.
e) Hold a strategy session to discuss the sale of real property.
f) Discuss the deployment of security devices.
g) Investigative proceedings regarding criminal conduct.
h) Certain meetings of the state Independent Legislative Ethics Commission.
j) Some meetings held by county legislative bodies on commercial matters.
k) Some meetings involving the state Higher Education Assistance Authority.
l) Some meetings of the Child Welfare Legislative Oversight Panel.
m) Some Health and Human Services Interim Committee meetings.
n) Some conservation district meetings.
o) Some specialized procurement related meeting done under certain provisions of the state procurement code.

Closed meetings have by custom, not by definition, often been referred to as executive sessions. The Open Meetings Act specifically requires that if a workshop or executive
session is being held on the same day as a regularly scheduled meeting of the public body, then the workshop or executive session must be held at the same location as the regularly scheduled meeting with certain limited exceptions. The purpose of this appears to be to discourage a public body from holding secret pre-meetings, outside the view of the public, prior to the official public meeting.

Before any part of a meeting may be closed for one of these valid reasons, the public body must be called together in an open meeting. At least two-thirds of the members of the public body present must vote to close the meeting, before it can be closed. No closed meeting is allowed except for the reasons mentioned above. The reasons for holding the closed meeting and the vote either for or against the proposition to hold the meeting are to be entered into the minutes of the public portion of the meeting.

Even if a meeting or portion of a meeting is closed for the proper reasons a public body is still limited in what can be done in the closed meeting. No ordinance, resolution, rule, regulation, contract, or appointment can be approved at a closed meeting. In addition it is not permissible to interview a person applying to fill an elected position in a closed meeting.

The law requires that written minutes be kept of all open meetings and that an appropriate record of closed meetings be kept that may include at least a recording and perhaps written minutes as well. The minutes and record of both closed and open meetings must include certain minimal detail. The written minutes of an open meeting must include: the date, time, and place of a meeting; the names of the members present and absent; the substance of the matters discussed or decided on, including a summary of the comments made by members of the body; a record, by individual member, of the votes taken; the names of any person who made comments in the meeting; the substance, in brief, of the comments made; and any other material a member of the public body requests be entered in the minutes. The minutes of an open meeting in which a portion is closed must also include the reason for holding the closed meeting, where the closed meeting will be held, and the vote by member to close the meeting. The closed meeting’s recording and minutes must include the date, time, and place of the meeting; the names of the members present and absent; and the names of other persons present except where disclosure would infringe on the confidence necessary to fulfill the purpose of closing the meeting. These minutes of public meetings are public records and are available to the public within a reasonable time after the meeting. The city or town must adopt a policy defining what is reasonable for getting the minutes approved as final and must make draft minutes available to the public at the same time they are available to members of the public body.

All open meetings must also be recorded. The recordings can be digital or tape. The recording must be labeled with the date, time and place of the meeting and are public documents that must be made available to the public for its listening pleasure or for copying. The recording must be complete and unedited. In addition, the Utah Open and Public Meetings Act gives the public the right to record any open meeting. This recording could

206Utah Code 52-4-201.
207There is no provision for closing a meeting to discuss the general category of personnel. It is never appropriate to close a meeting to discuss general personnel matters. You can close a meeting to discuss an individual.
include either audio recording or video recording of the meeting. You do not, however, have to let this recording interfere with the conduct of the meeting.

The closed portion of the meeting must also be tape recorded and detailed written minutes may be kept of that meeting. These tape recordings and minutes of the closed portion of a meeting are protected records under the Government Records Access and Management Act and, therefore, should not become public except under the provisions of that Act. Disclosure of the information discussed in a closed meeting without the permission of the public body may be a violation of the Utah Municipal Officers and Employees Ethics Act.208

There is a limited exception to the requirement that a closed meeting be recorded. Meetings in which the competence or physical or mental health of an individual is discussed or the deployment of security devices is discussed do not need to be taped. The public body holding the meeting can have the chair or presiding officer sign a sworn affidavit affirming that the sole purpose for closing the meeting was to discuss only those issues. The purpose for this exception is that frank and open discussions are important when discussing an individual, and the presence of a tape recording device or minutes may impede this open and frank exchange of ideas. If individuals are meeting to discuss deployment of security personnel or devices, it may very well compromise the security of these devices to have a tape recording or detailed minutes available.

The purpose of requiring the digital or tape recording of closed meetings is that any person who feels like there has been a violation of the law regarding the closed meeting has a right to take this recording or the detailed minutes and have a judge review what went on. If the judge determines that the public body discussed matters in the closed session that were inappropriate, he will then make these matters public.

It is a criminal offense to knowingly or intentionally violate the Open and Public Meetings Act.209 The attorney general and the county attorneys of the state are charged with enforcing the Open and Public Meetings Act. The Office of the Attorney General is required to give annual notice to public bodies of any changes in the open meetings law and the presiding officer of all public bodies is required to give annual training on the law to the members of the public body.

Private individuals can also enforce the Act by bringing suit. They may bring suit to enjoin or force compliance with provisions of the Act. If the private individuals prevail, the court may award reasonable attorney’s fees and court costs to the successful plaintiffs.

The best way to avoid problems with the Open and Public Meetings Act is to err on the side of public openness. When in doubt, the meeting should be open. City councils and other committees or commissions of cities should not attempt to violate even the spirit of the Act. It is important that the meeting not only is conducted in public, but the deliberations be conducted openly. It is not appropriate for members of public bodies such as city councils and planning commissions to conduct their deliberations privately and then in the public meeting just perfunctorily hold the vote.

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208Utah Code 10-3-1304(2)(a).
209Utah Code 52-4-305.
THE MUNICIPAL OFFICERS' AND EMPLOYEES' ETHICS ACT

All municipal officers and employees must abide by the Municipal Officers' and Employees' Ethics Act. The stated purposes of this Act are to establish standards of conduct for municipal officers and employees and to require a disclosure of actual or potential conflicts of interest between public duties and personal interests. The Act does two things: 1) It sets up a disclosure system for conflicts of interest; and 2) it describes crimes that you can now commit since you have chosen to be a public officer or employee.

The ethics law applies to all elected and appointed officers and employees of a city and town. These include persons serving on special, regular, or full-time committees, agencies, or boards whether or not they are compensated for their services. It applies to both full and part-time employees.

The law makes it a crime to do any of the following:

1. Disclose or improperly use private, controlled, or protected information acquired by reason of an official position or in the course of official duties in order to further substantially the officer’s or employee’s personal economic interests or to secure special privileges or exemptions for the officer or employee or others. Private, controlled, or protected information is information that has been classified as such under the Government Records Access and Management Act.

2. Use or attempt to use an official position to further substantially the officer’s or employee’s personal economic interest or secure special privileges for himself or others.

3. Knowingly receive, accept, take, seek, or solicit, directly or indirectly for himself or another, a gift of substantial value or a substantial economic benefit tantamount to a gift that would tend to improperly influence a reasonable person in the person’s position to depart from the faithful and impartial discharge of the person’s public duties or that a reasonable person in that position should know under the circumstances is given to him or her primarily for the purpose of rewarding the person for official action taken.

4. An officer or employee may not receive compensation for assisting any person or entity in any transaction with the city or town without making a written and oral disclosure to the mayor and public.

It is probably obvious to you that the difficult thing to know is know what a "special privilege or exemption" mentioned in (1) and (2) above. If you "line your own pocket," it is clearly an ethical violation and a crime, but what if you use your position to tell secrets but don’t make any money out of it, just because you get some kind of personal satisfaction? Is that also a crime? It is better to err on the side of the angels and avoid the conduct than hide behind ambiguities in the law.

122Utah Code 10-3-1301 et seq.
The exceptions to the above are for an employee or officer to receive an occasional non-pecuniary gift having a value of less than $50, an award publicly presented, a loan made in the ordinary course of business, or a political campaign contribution actually used in a political campaign. An economic benefit tantamount to a gift includes loans at substantially less than commercial rates and compensation for services at a rate substantially higher than fair market value.

In addition to any penalty contained in any other provision of law, any person who knowingly and intentionally violates the above referenced sections of the Act (not the disclosure requirement discussed below) must be dismissed from employment or removed from office and is guilty of the following:

1. A felony of the second degree if the total value of the compensation, conflict of interest, or assistance exceeds $1,000.
2. A felony of the third degree if:
   a. the total value of the compensation, conflict of interest, or assistance is more than $250 but not more than $1,000; or
   b. The elected or appointed officer or municipal employee has been convicted twice before of a violation of this chapter and the value of the conflict of interest, compensation, or assistance was $250 or less.
3. A class A misdemeanor if the value of the compensation or assistance was more than $100 but does not exceed $250.
4. A class B misdemeanor if the value of the compensation or assistance was $100 or less.

There is a disclosure requirement of the ethics law as well. Two types of disclosure may be required—written and oral. An officer or employee is required to make a disclosure in writing and file it with the mayor. This written statement must be sworn and include certain minimal information about the conflict of interest. A simple sample disclosure form is contained in the appendix. The second required disclosure is oral and must be made in an open meeting to the members of the body of which he is a member immediately before the discussion about the topic involved in the conflict of interest. An appointed officer who is not a member of a public body or a municipal employee must also disclose the information required to his or her immediate supervisor.

The following must be disclosed:

1. Agreements to receive compensations for assisting any person or business entity in any transaction involving the municipality.
2. Whether an officer or municipal employee is an officer, director, agent, employee, or the owner of a substantial interest in any business entity that is subject to the regulation of the municipality.
3. Interests in a business entity doing business with the municipality.
4. Any personal interest or investment by a municipal employee or by any elected or appointed official of a municipality which creates a conflict between the employee’s or official’s personal interests and his public duties.
5. The nature of the personal conflict of interest including, if applicable, the position held and the nature and value of a business interest held in a regulated business or one which is doing business with the municipality.
If the conflict involves an agreement for compensation to assist a person in their business with the municipality, the disclosure must contain the following:

(1) The name and address of the officer or municipal employee.
(2) The name and address of the person or business entity being or to be assisted or in which the appointed or elected official or municipal employee has a substantial interest.
(3) A brief description of the transaction as to which service is rendered or is to be rendered and of the nature of the service performed or to be performed.

The officer or employee should file the disclosure statement upon first getting elected or appointed and again when there is a change in the nature of the conflict. In the case of a contract with the city, ten days before the date of any agreement between the elected or appointed officer or municipal employee and the person or business entity being assisted or ten days before the receipt of compensation by the officer or employee, whichever is the earlier.

I don’t know what the “personal interest” mentioned in (4) and (5) above includes so be careful. The public will think it is anything that you are passionate about. The courts will probably interpret it to mean a financial interest of some kind. My experience is it is better to avoid the court of public’s opinion if possible—it does not provide due process. So disclose those personal conflicts of interests.

The oral disclosure must be made in the open meeting of the governing body on the record before any discussion of the relevant material takes place. The written disclosure is to be made in a sworn statement filed with the mayor. The mayor must report the substance of all such disclosure statements to the members of the governing body, or he or she may provide to the members of the governing body copies of the disclosure statement within 30 days after the statement is received by him. The oral disclosure statement is to be entered in the minutes of the meeting. The written statement is public information and must be available for examination by the public.

If any transaction is entered into in connection with a violation of the disclosure requirements, the municipality:

(1) Must dismiss or remove the appointed or elected officer or municipal employee who knowingly and intentionally violated the Act from employment or office.
(2) May rescind or void any contract or subcontract entered into pursuant to that transaction without returning any part of the consideration received by the municipality.

Any complaint against a person, who is under the merit system, charging that person with a violation of the Act, must be filed and processed in accordance with the provisions of the merit system. If the person charged with the violation is not under any merit system, then the complaint is filed with your city or town ethics commission which you are authorized to create by ordinance or the Political Subdivisions Ethics Review Commission.123 Even if you have created your own ethics commission, you can still forward the com-

123Utah Code 10-3-1311 and 11-49-201.
plaint to the Political Subdivisions Ethics Review Commission if you don’t want to deal with it. If the complaint is against someone on your ethics commission, it is forwarded to the Political Subdivisions Ethics Review Committee.

In addition, complaints of criminal conduct will be investigated by county attorneys, and in some cases, the Utah Attorney General’s office.

The Act does not require anyone who complies with the disclosure provisions to abstain from voting or participating in the discussion. The Act does not prevent a person who appropriately discloses the conflicts from doing business with or in the municipality. The Act sets out a minimum standard of ethics. Once an appropriate disclosure is made of the conflict of interest, it is presumed that the officer’s or employee’s personal sense of propriety and values along with public scrutiny will guide the officer or employee to do the right thing.
2010 General Plan Review

South Jordan City Council & Planning Commission

Joint Meeting
Tuesday, April 17, 2018
Utah Code 10-9a-401. General plan required -- Content.

(1) In order to accomplish the purposes of this chapter, each municipality shall prepare and adopt a comprehensive, long-range general plan for:
   (a) present and future needs of the municipality; and
   (b) growth and development of all or any part of the land within the municipality.

(2) The plan may provide for:
   (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities;
   (b) the reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;
   (c) the efficient and economical use, conservation, and production of the supply of:
      (i) food and water; and
      (ii) drainage, sanitary, and other facilities and resources;
   (d) the use of energy conservation and solar and renewable energy resources;
   (e) the protection of urban development;
   (f) the protection or promotion of moderate income housing;
   (g) the protection and promotion of air quality;
   (h) historic preservation;
   (i) identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by each affected entity; and
   (j) an official map.

(3) Subject to Subsection 10-9a-403(2), the municipality may determine the comprehensiveness, extent, and format of the general plan.
Elements (Chapters) of 2010 General Plan

- Community Identity
- Land Use
- Housing
- Transportation
- Environmental/Sustainability
- Parks & Recreation
- Economic Development
- Capital Facilities
- Implementation

Required by State Law (Utah Code 10-9a-403(2))
Goal LU-1

The Land Use Element and the Future Land Use Plan Map should specify the desired development pattern for South Jordan City.
2010 Land Use Map
Land Use Map Changes 2010-2018
### Land Use Designations

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Designation</th>
<th>Map ID</th>
<th>Description</th>
<th>% of Total</th>
<th>% Not Developed by Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Rural Residential</td>
<td>RURAL</td>
<td>Provides residential parcels that typically allow for agricultural use and farm animals within a growing urban environment. Historically the residential standard. Clustering residential is preferred in order to preserve open space.</td>
<td>17.2%</td>
<td>15.3%</td>
</tr>
<tr>
<td></td>
<td>Low Density Residential</td>
<td>LD</td>
<td>Semi-rural character feel without farm animal use. Lots generally ¼ acre is size. The standard residential designation throughout the city.</td>
<td>24.7%</td>
<td>9.1%</td>
</tr>
<tr>
<td></td>
<td>Medium Density Residential</td>
<td>MD</td>
<td>Allows for smaller lot single-family homes as well as lower density condominiums/townhomes.</td>
<td>3.2%</td>
<td>22.0%</td>
</tr>
<tr>
<td></td>
<td>Medium High Density Residential</td>
<td></td>
<td>Most likely to be townhomes, condominiums, and lower density apartment complexes.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>High Density Residential</td>
<td>HD</td>
<td>Highest residential density found within the City. Generally used for apartment complexes. Large scale apartment complexes discouraged.</td>
<td>0.5%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Commercial</td>
<td>Commercial</td>
<td>COM</td>
<td>Commercial areas are likely to be located at along higher profile corridors and intersections.</td>
<td>4.3%</td>
<td>18.0%</td>
</tr>
<tr>
<td>Office</td>
<td>Office</td>
<td>O</td>
<td>Areas that may include small-scale office, large-scale office, and office park uses. Office uses are an appropriate use between residential and higher intensity uses.</td>
<td>2.0%</td>
<td>24.6%</td>
</tr>
</tbody>
</table>

**REMOVED FROM GENERAL PLAN 12/16/14**

**REPLACED BY “CORRIDOR” 12/16/14**

Allows for a range of compatible uses, including residential, office, and commercial. It is to be located adjacent to Bangerter Highway and Redwood Road, and extending a walkable distance (not more than ¼ mile).
• Use and maintain a land use category system

• Support and incorporate recommendation from Wasatch Choices 2040 Plan

• Development does not exceed densities in plan

• Periodically access Future Land Use Map and make necessary changes

• Ensure adequate present and future public services
Goal LU-2
Develop and maintain a pattern of residential land uses that provides for a variety of densities and types yet maintains the high standards of existing development.
• Residential Conservation Development (RCD) District

• Subdivision design regulations that encourage housing design and placement variation, and architectural enhancements

• Encourage semi-rural character in areas with maximum 1.8 units per acre.

• Protect farm animal rights in designated areas (zones)

• Reconsider number and type of allowed farm animals; revise point system
Goal LU-3
Locate commercial and office development in areas indicated on the Future Land Use Plan Map that contribute to the welfare and quality of life of South Jordan citizens.
• Development standards that promote attractive and compatible commercial development and include high architectural and landscaping standards

• Avoid “strip” form developments

• Orient buildings toward street and prohibit parking between building and street

• Commercial Conservation Development (CCD)

• Redwood Road Village Architecture (RRVA) design guidelines
• 5 acre minimum development along arterials and collector streets

• Major retail adjacent to major transportation corridors

• Office as buffer for residential with appropriate accessory uses

• Small office and neighborhood commercial blend architecturally with adjacent residential uses

• Re-access parking ratios and parking lot design
Goal LU-4
Industrial park development should be located in areas indicated on the Future Land Use Plan Map and should meet development standards that require attractive and compatible industrial development.
• Located adjacent to major transportation facilities and in convenient work centers

• Flexible industrial park regulations that provide open space, landscaping, screening and buffering, and that include high architectural and landscaping standards

• Continue to evaluate areas for industrial development
Goal LU-5 (summary)
Continual review, implementation and amendment of land use policies and regulations.

Goal LU-6 (summary)
Avoid creating incompatible land uses by adopting regulations and design guidelines.
Housing
<table>
<thead>
<tr>
<th>Category</th>
<th>Density</th>
<th>Zones</th>
<th>Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Residential (RURAL)</td>
<td>&lt;1.8 units/acre</td>
<td>A-1, A-5, R-1.8</td>
<td>2,343</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low Density Residential (LD)</td>
<td>&gt;1.8-3 units/acre</td>
<td>R-2.5, R-3</td>
<td>3,369</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medium Density Residential</td>
<td>&gt;3-8 units/acre</td>
<td>R-4, R-5, R-M</td>
<td>432</td>
</tr>
<tr>
<td>(MD)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medium High Density Residential</td>
<td>&gt;8-12 units/acre</td>
<td>R-M</td>
<td>82</td>
</tr>
<tr>
<td>(MHD)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High Density Residential</td>
<td>&gt;12-20 units/acre</td>
<td>R-M</td>
<td>69</td>
</tr>
<tr>
<td>(HD)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Village Mixed Residential (VMR)</td>
<td></td>
<td>BH-MU, (others TBD)</td>
<td>98</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Village Mixed Use (VMU)</td>
<td></td>
<td>BH-MU, (others TBD)</td>
<td>435</td>
</tr>
</tbody>
</table>

For many years this was the standard residential designation within the City. Provides rural-use residential parcels in an urban environment. Typically allows for agricultural and farm animals.

The City standard for residential use. Provides a semi-rural feel. Does not generally allow for farm animal use. Lots generally about 1/4 acre.

Allows for smaller lot single-family homes and lower density multi-family.

A multi-family zone of moderate density. Applies to one area on the land use map.

Highest by-right density allowed in the City. Typically used for apartment complexes. Large-scale single-use complexes discouraged.

Allows for a mixture of housing types and densities. Preferred for areas appropriate for higher than standard densities.

Includes a mix of compatible uses, including residential, in appropriate locations, typically at corridor intersections. Smallest scale mixed-use designation available.
Goal H-1

Provide opportunities for the development of a mix of housing types within the City.
• Encourage various type of housing with an emphasis on owner-occupied housing

• Create and adopt a “village” style mixed use zone and other mixed use and transit oriented zones that allow or require a mix of housing types

• Traditional Neighborhood Development (TND)

• Discourage or prohibit large scale multi-family developments with same housing type, building height, and architecture
• Locate “senior” and “empty nester” housing close to a mix of uses

• Allow rental-type housing that is integrated with other housing types in mixed use developments

• Consider allowing limited accessory living units
Goal H-2

Provide a variety of well designed housing densities within the City in appropriate areas as indicated on the Future Land Use Map.
• Land use and zoning changes must consider surrounding zoning and land use intensity

• Limited infill areas of higher density/mixed use developments based on superior design

• Promote appropriate housing types in Towne Center

• Require appropriate architectural controls for single-family and multi-family residential developments
Goal H-3

Protect and enhance existing single-family residential neighborhoods within the City.
• Except for major transportation corridors, preserve area between 3600 West and the west bluff of the Jordan River as primarily single-family neighborhoods.

• Residential Conservation Development (RCD) floating zone except in “rural residential” land use areas that would encourage porches, direct paths between sidewalk and front doors, and other street-oriented architecture and landscaping.
Goal H-4
Provide for safe, attractive, and well-maintained City neighborhoods.
• Systematic maintenance programs that identify deficiencies in streets, sidewalks, parkstrips and similar public facilities

• Notification to neighbors of planning activities through mailings and posting of meetings dates

• Encourage improvement and maintenance of properties

• Require new developments to have complete pedestrian and vehicular circulation with appropriate public improvements
- Systematic maintenance programs that identify deficiencies in streets, sidewalks, parkstrips and similar public facilities

- Notification to neighbors of planning activities through mailings and posting of meetings dates

- Encourage improvement and maintenance of properties

- Require new developments to have complete pedestrian and vehicular circulation with appropriate public improvements
• Use CDBG and Redevelopment Housing Set-aside money for capital improvement projects (e.g. sidewalks and crosswalks)

• Require pedestrian connections from residential to “activity centers” (e.g. shopping, schools, churches, parks and trails)

• Code enforcement

• Discourage private, gated communities

• Require “dead end” subdivisions to have secondary access
• Require front yard landscaping

• Ensure HOAs are set up to be self-sustaining and establish task force to consider methods to deal with failing HOAs

• Consider conducting a housing quality inventory
Goal H-5
Provide for the development of adequate moderate income housing.
Community Identity
Goal CIUD-1

Improve “Community Identity” and “Sense of Place” in the eyes of City residents, visitors, and outsiders.
• Branding, public art, pedestrian plazas

• Signs, design upgrades, and landscaping at major intersections and entries to City

• Identify neighborhoods by local and historic names

• Intermittent landscaped medians

• Crime Preventions (deterrence) Through Environmental Design
• Become a “destination” and “full services” City

• Walkability and energy efficient accessibility
Goal CIUD-2

Implement high quality and distinctive architectural design throughout the City.
• Masonry materials and low maintenance exteriors
• Residential garages and covered parking
• Variation in facades and rooflines
• Street-side, pedestrian oriented buildings
Goal CIUD-3

Promote a balance between the necessity of commercial signage and its impact on community aesthetics.
• High design standards
• Limit temporary signs
• Multi-tenant signs
• “Icon” and “landmark” signs for larger developments
• Building murals
Goal CIUD-4

Facilitate and promote tree planting to increase the City’s “urban forest” and to enhance the City’s aesthetics and image.
• Encourage and require trees as part of development review and in general

• Reconsider parkstrip widths

• Tree City USA

• Intermittent landscaped medians

• Beautification awards
Goal CIUD-5

Enhance “community identity” and image of the City through improved streetscape design.
• City Streetscape Plan

• Re-assess local and collector street fence requirements to evoke “country feel”

• Inventory and maintain street trees

• Coordinate with utility companies
Goal CIUD-6
Preserve and enhance the City’s history through programs that recognize historic structures and sites, and that enhances the cultural heritage of the community.
• Inventory, document, and protect historic sites and structures

• Identify and prioritize locations for historic monuments and information

• Identify funding to produce historic sites brochure