

**CITY OF SOUTH JORDAN
ELECTRONIC
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
April 13, 2021**

Present: Commissioner Michele Hollist, Commissioner Nathan Gedge, Commissioner Trevor Darby, Commissioner Steven Catmull, Staff Attorney Greg Simonson, Assistant City Engineer Jeremy Nielsen, City Planner Greg Schindler, IT Director Jon Day, GIS Coordinator Matt Jarman, Planning Director Steven Schaefermeyer, City Planner Damir Drozdek, Public Works Director Jason Rasmussen, City Recorder Anna Crookston, Transcriptionist Diana Baun.

Absent: Commissioner Sean Morrissey

Others: Members of the public via Zoom
Gary Langston, Kenneth Stewart, Steve Broadbent, Lisa Graham, Logan, Kaylen Nichols, Charles Judd.

6:31 P.M.

REGULAR MEETING

I. Welcome and Roll Call – *Commission Chair Michele Hollist*

Chair Hollist welcomed everyone to the Electronic Planning Commission Meeting and noted that all of the Commissioners are present.

II. Motion to Approve Agenda

Commissioner Darby motioned to approve the April 13, 2021 Planning Commission Agenda. Chair Hollist seconded the motion. Vote was 4-0 unanimous in favor; Commissioner Morrissey was absent from the vote.

III. Approval of the Minutes

Commissioner Gedge motioned to approve the March 23, 2021. Planning Commission Meeting Minutes as printed. Chair Hollist seconded the motion. Vote was 4-0 unanimous in favor; Commissioner Morrissey was absent from the vote.

IV. STAFF BUSINESS - *None*

V. COMMENTS FROM PLANNING COMMISSION MEMBERS

Chair Michele Hollist said the next Planning Commission meeting in 2 weeks will be in-person at the anchor location with a virtual option. She agrees with City Council that it will be nice to

have the virtual option for meetings moving forward as it gives everyone the option to join remotely if they can't be there in person. If anyone is uncomfortable with the in-person option at this time they are welcome to participate via the virtual option. She plans on attending in person, she has just asked everyone to communicate with her if they are unable to make either format so she can let Mike Peirce know that they need him as the alternative.

Commissioner Nathan Gedge said it would be wise if staff could let applicants know it is best for them to attend in person for their presentations before the commission as a show of respect.

Chair Hollist will be joining City Council's meeting in person next week to see how things run and to see how Jon Day coordinates with Mayor Ramsey when people want to address the council remotely versus in person so she can continue that process with Planning Commission meetings.

Planning Director Steven Schaefermeyer sent an email to all the planners asking they communicate their request with the applicants to attend in person when they wish to address the commission. He will try to reiterate that before the next meeting. There may be some applicants who don't feel comfortable, and if that's the case he will just try to give the commission a heads up and try to mitigate that as much as possible.

VI. SUMMARY ACTION – *None*

VII. ACTION – *None*

VIII. ADMINISTRATIVE PUBLIC HEARINGS –

**A. DAYBREAK SOUTH STATION PLAT 3 CONDOMINIUMS PHASE 1D
PRELIMINARY SUBDIVISION**

Location: 5192 W. Black Twig Drive
File No: PLPP202100043
Applicant: Daybreak Communities

Planner Greg Schindler reviewed background information on this item from the staff report.

Chair Michele Hollist said there are 24 additional parking spots in the area to accommodate this building, she asked Mr. Schindler if these were exclusive to this building, or if they are the same 24 he has discussed each time?

Planner Schindler confirmed these are the same 24 spots for the same project. They are available, but not assigned because they are on a public street.

Commissioner Nathan Gedge asked if there had been a statement created for these Daybreak items to read for those in attendance as discussed in the previous City Council meeting, related to

the Master Development Agreement and the commission's purview. A statement that lets the public in attendance know what they can review and what they are limited to.

Chair Hollist said with Daybreak, these items come before them because it is in their code that they need to review things like this. Daybreak is unique from other parts of the city in that they have a Master Agreement with the city that was put in place back when this entire development started so their zoning is a little different. The zoning for the entire development is essentially the master planning zoning, so in Daybreak the density can go up to 50 residential units. There is no restriction that she is aware of regarding where certain types of developments can go because it is all essentially zoned for this master plan. She indicated they will come up with a more clear statement to read in the future to help the public with that. They do review these and city staff does a good job making sure everything is within the guidelines of that master agreement. Ultimately, we are here this evening to give the public an opportunity to comment on it, but the commission's powers are very limited in what they can enact as far as change when something like this is brought before them. The city hasn't found anything that is out of line with that master agreement.

Commissioner Gedge agreed with Chair Hollist, he also added this includes not just the types of housing that goes in there but also parking requirements, heights, setbacks; all things that would generally be in city code.

Chair Hollist still encourages the public to come and share their opinions. The Planning Commission is commissioned by the City Council to hear these issues so that if there are concerns they can take it back to them.

Chair Hollist opened this to public comment, there were no comments and she closed the public hearing.

Commissioner Darby motioned to approve File No, PLPP202100043 subject to the following:

- 1. That all South Jordan City requirements are met prior to recording the plat.**

Chair Hollist seconded the motion. Roll Call Vote was 4-0 unanimous in favor; Commissioner Morrissey was absent from the vote.

**B. DAYBREAK VILLAGE 4A PLAT 9 AMENDED SUBDIVISION
AMENDMENT**

Location: Lots M-102 and M-103 Daybreak Village 4A Plat 9
11267 S. and 11321 S. Lake Run Road
File No: PLPLA202100050
Applicant: Daybreak Communities

Planner Greg Schindler reviewed background information on this item from the staff report.

Chair Michele Hollist asked if there was a time limit for work to begin once the commission has seen a plat.

Planner Greg Schindler said no, there is not. Once platted, the lots can sit there vacant for a long time. There are still some subdivisions in South Jordan that have been around for 20 years and never been purchased. He thinks that is going to come to an end because there is a lot of building going on. They were likely purchased by someone years ago and they just never built a house on it.

Commissioner Nathan Gedge inquired about signage on these lots, something like “this lot will be for X” so that potential buyers around the area know that will be a home, townhome, park, etc. He is wondering if that’s something we can impose or request the applicant to do?

Planner Schindler noted we could encourage the applicants. He has spoken with Gary Langston (Daybreak Communities) and they have been putting signs on vacant properties that note they will be developed in the future. He doesn’t believe they have been specific about what that development will be. He doesn’t believe they’ll be able to determine height, but possibly note if they are multifamily residential.

Mr. Langston (Daybreak Communities) said they do attempt to put signs on future development properties and they try to keep them fairly generic. They have the information that we are requesting, it is just coming in a different format. If you look at the sales materials that they provide at the Glass House and their different groups that provide different information to buyers, they indicate the types of units or uses that would be on those properties. The reason they don’t necessarily post a physical sign on it is because it is easier to change a paper copy and share the information that way or online, as opposed to making regular updates to physical signage on the property. They request that we allow them to continue to notify owners and buyers in the formats that they have, they think they are working well. Also, anyone can get on the Daybreak website or stop by any information center and obtain the information they are looking for, they share it regularly with members of staff. He is willing to reach out to Cameron Jackson, their marketing director, and see if there is a more effective way to share that info with the city.

Chair Hollist asked if Mr. Langston was able to reach out to his marketing group regarding the issues residents had at the last meeting.

Mr. Langston (Daybreak Communities) was able to reach out, he called and spoke with Mr. Jackson right after the public hearing and shared the feedback with him. He was little surprised by the feedback but did commit to contact David Weekley Homes and the sale agents. He didn’t follow-up to see if he had done that, he assumes that he has. He also wanted to add that their marketing group is three different individuals that work with each of the sales agents from the builders as well as outside sale agents. They have regular trainings and updates, and provide information to allow each of those individuals to be as current on information as possible. It is not to say that they are able to cover up every mistake or indiscretion that could be made, but he thinks their attempts and efforts are well thought out and they give a lot of feedback to those

groups to ensure that they share accurate information with either an existing homeowner or a future buyer.

Commissioner Steve Catmull asked if there were any annual reports or summaries for Daybreak to highlight where recent plan changes have occurred. Mr. Langston (Daybreak Communities) has acknowledged previously that they have these ways to communicate for existing residents, is there a way to get that on an annual basis so they can know about changes and updates regularly?

Planner Schindler said they don't have that information for staff and he noted that once something is a park it is always a park. He believes the problem comes when residents see open space that isn't a park, just a space that hasn't been developed yet, and they might be told by an unofficial source what it's going to be and that ends up being incorrect. He doesn't believe there are a lot of changes from what was originally planned because the Town Center is going to be a mix of commercial and high density housing, but nowhere has he seen where there is actually a plan that shows which block will have high density housing versus which ones will have commercial; it is fairly mixed within blocks sometimes. He wonders if Mr. Langston (Daybreak Communities) has an idea of some kind of document they can update that shows possibly what sections they will be working on in the next year, and what things they should expect to see happen.

Commissioner Catmull clarified that one of the experiences he is referring to is a resident that has moved into an area, not one that is largely open, where we have developed and then left a portion and people have established with kids in school and lived there for a few years; then we come back and build something that is not the same as the things around it. That sometimes comes as a shock to people and anything we can do to keep in front of that and to help people challenge the assumption that open space (that is not a park) is not necessarily going to be like everything that's around it when you're in a multi-use planned community.

Mr. Langston (Daybreak Communities) thinks they have similar thoughts and wonders what the best way is to share that information with the public. He believes they are often surprised that what one group might view as compatible uses that are adjacent to one another, another group might not. His opinion is that the messages they are sharing are consistent. He agrees with Planner Schindler that he can't think of a time where they have gone back and suggested they were going to convert a park to homes. He thinks the master plan is pretty consistent showing where the open spaces will be, where the commercial uses will be, the single family uses, and then a pretty good sense of where the multi-family would be. Planner Schindler is correct, that as you get into the Town Center it is a bit more of the open framework with flexibility to move the parts in different locations where they make sense. The challenge with any master plan is that it is always a bit organic and living as they adjust to what the market would suggest is compelling to buy, whether that is from a price point or square footage, from an architecture standpoint or style of living. One of the things that makes Daybreak fun and exciting and a compelling place to live is also what makes it very challenging to mix wants and desires and preferences together. He will pass along some of the suggestions and ideas brought up tonight to his broader team and maybe what they need to do is have a more regular interface with, and they've done it in the past, the City Council and Planning Commission to give updates and what's going where. Clearly the Covid virus has had an effect on their ability to share that information more readily, but he

believes they do a pretty good job of sharing information with residents and one particular person's preference for communication is certainly not another's. They attempt to cover as many people as possible, always fully expecting they are going to miss somebody and there will be an uninformed person who wishes they had more information. The best advice he could give to both existing homeowners and future buyers is this is why they have the information centers and all the resources that they do, for people to become educated on Daybreak whether they already live there and want to know what's new and different, or they are contemplating buying a home in Daybreak. He is anxious to hear feedback from the city and staff on suggestions that they could consider implementing, assuming it was reasonable in terms of manpower and financial resources.

Chair Hollist asked to confirm other information centers besides the Glass House.

Mr. Langston (Daybreak Communities) confirmed the Glass House has an information center component to it, it is also where the Daybreak Community Council has their offices and that is the group that runs all of the activities and events for Daybreak. They currently have two additional sources where they can go for information. One is about to change, it is at North Shore right along Lake Avenue near the lake where the little cottage is. They also have one on the west side of Daybreak, the Hub, where the little café and pool is. There are staff members there who can provide information for potential buyers and/or residents.

Director Steven Schaefermeyer still needs to follow up with Director Don Tingey as the contact for Daybreak, but things have been busy after the recent purchase. He took notes and as the City Council expressed, there is a balance between what Daybreak does, what their responsibility is and what the city can do. He doesn't feel they have found that perfect balance but it is something that they are following up on.

Chair Hollist wondered what the purchase by the Miller Group means, did they purchase all the remaining undeveloped land and what might change in the future?

Director Schaefermeyer hasn't seen the actual agreements, but his general understanding is that Larry H. Miller purchased any interest that the prior owner, Varde, had in the property. That included undeveloped properties. There were some reservations from Kennecott from what he has heard regarding some of the water issues and stuff like that, but generally speaking Larry H. Miller Companies purchased the remaining interest in the undeveloped properties as well as some other interests in management of current assets that were owned by Daybreak. Obviously they didn't purchase anybody's home, but the interest in the Homeowners Association (HOA) and those types of things that Daybreak currently has.

Mr. Langston (Daybreak Communities) gave the simple analogy that it's like they decided to change banks. They swapped out the primary investor, who was Varde, for a new investor which is the Larry H. Miller Group. It was an entity sale, so all of the existing framework and structure under which they operate, anywhere from their contracts to their POs to their accounting system, they are assuming all of that. They are really just stepping in as the new investor. He thinks we will see a greater presence from Larry H. Miller going forward. They have a different perspective than a private equity firm would have, it is a family office that is locally owned with

a strong reputation in the state of Utah. He thinks they will look to maintain ownership of a lot more of the future commercial retail, multi-family stuff and actually make a long term investment in the community. Beyond that, Director Schaefermeyer is essentially correct that any of the undeveloped properties that were previously owned by Varde are now owned by the Larry H. Miller Real Estate Group.

Commissioner Catmull was able to find on the Daybreak website that there is a “what’s happening” from a development perspective back in 2019 and that’s something he sees as very helpful. He was unable to find anything for 2020 or 2021, and it did direct people to go to an information center along with sharing some of what was coming up for the year. Something like that is what he was referring to, maybe even a map (he didn’t go far enough in to see if that was attached), just something helpful like that for those that are looking for information.

Mr. Langston (Daybreak Communities) said every 6 months they update a “wayfinding map” and it’s a hard copy. Planner Gary Schindler and Director Schaefermeyer have seen those in the past and they show things like which builder and location to look at if you’re looking in a specific price range, if you’re looking for a townhome the location and builder to go to. That’s what that map is intended for and it is supported by the staff members at the different information centers. As was indicated, he will follow up with Mr. Jackson and find out why they don’t have a more current update and see what that’s all about.

Chair Hollist opened this hearing to public comment.

Lisa Graham (South Jordan) she lives just east of the empty lots. She has always known there were going to be condos and they were probably going to be 4 stories. She doesn’t have an issue with that, her biggest issue is that they are in Garden Park which is a 55+ community and these lots will access through their alleyways. Her concern is that they are going to be condos that aren’t associated with Garden Park and she doesn’t know how to go about that. They knew condos were coming and as long as it stays the same amount of units they were originally told she doesn’t have any issues, it’s that the road stays a part of Garden Park and the 55+ community.

Chair Hollist will bring her concern to the commission and staff once the public hearing is closed for answers. She confirmed that her main concern is that she will be sharing an alleyway access with a group that is not part of her sub HOA that she is a member of, and how that will be handled.

Chair Hollist closed the public comments.

Mr. Langston (Daybreak Communities) responded that the lanes in question, as well as the streets, are all public streets. They do not put a fence around Garden Park, it is not a gated community and they actually have this condition in many locations throughout Daybreak where they have a series of townhomes on one side of a lane that are in one association, single family homes on the other side of the road that would be a part of the master. Given that they are all public streets and they are maintained by the City of South Jordan, their view as the developer is that it really doesn’t matter who drives on them, it is more a function of whether they are

appropriately sized for the adjacent uses and their opinion of that is that they absolutely are. There is adequate capacity on those roads and lanes to handle the proposed number of units, whether they be townhomes or condos in this particular instance. They do not distinguish which people can drive on which roads based on which association or sub-association they live in.

Chair Hollist asked to confirm it is signed such that they are not able to block one another's accesses and driveways and garages.

Mr. Langston (Daybreak Communities) said in addition to that, the city has ordinances in place that limits or prohibits parking within the lanes, at least within the through sections of it. If it is a condo, townhome or single family use, as long as the drive slip is long enough to hold a car that is okay. If it is shorter than that, the expectation is that there is no parking there, certainly not in any way to block the through portion of the concrete lane. That would be no different than with a public street in any way, shape or form.

Chair Hollist asked who maintains the lane? Does the city plow come through and plow that?

Mr. Langston (Daybreak Communities) said that yes they do. There are some minor exceptions with dead ends, and those are notated on the plats and something they work with staff on during the approval process to identify those. In essence, there is a city engineer's directive that talks about dead end portions of the lane. If they are greater than 1,200 square feet of right of way, then the association is required to maintain them. If they are less than that then the city is willing to accept those. On the plat it clearly indicates that snow plowing and street sweeping is not provided in those dead end sections, it effectively becomes the responsibility of the homeowners. He is not sure if the Planning Commission was aware, but on nearly every single one of their plats (there are a few exceptions) they actually produce a garbage collection plan that shows where the cans should be located for each unit so that the garbage collection companies can generally make a pass in each direction and pick up the cans on each side of the road without having to go down the dead ends or back up in any way.

Commissioner Nathan Gedge wondered what recourse residents would have if they did see a disruption to traffic flow or cars illegally parked. He believes they would call the city police department, but we wanted to make sure this was correct.

Mr. Schindler confirmed this was correct, police don't patrol the street looking for illegally parked cars, but if they are notified they can come out and handle it. If it is blocking the lane, or any portion of it is in the lane, it is considered illegally parked.

Commissioner Gedge motioned to approve File No. PLPLA202100050 as presented. Chair Hollist seconded the motion. Roll Call Vote was 4-0 unanimous in favor; Commissioner Morrissey was absent from the vote.

C. DAYBREAK VILLAGE 12B PLAT 1 PRELIMINARY SUBDIVISION

Location: Generally 7050 West 11350 South
File No: PLPP202100025
Applicant: Daybreak Communities

Planner Greg Schindler reviewed background information on this item from the staff report.

Commissioner Nathan Gedge was wondering if the vacant lot to the west was meant to be a buffer from the South Valley Water Reclamation Center, or what the plans were to mitigate possible noise or smell from that facility towards this subdivision.

Gary Langston (Daybreak Communities) isn't currently aware of a mitigation strategy and he will certainly disclose that information in the paperwork provided to buyers. He knows that they as Daybreak continue to have ongoing discussions with the management team at the landfill in terms of the different things that they do, whether it's their composting pile or the landfill itself. The home styles that generally fall around this would be a part of what they call the "value segment" and so their adjacency to those types of uses, while not ideal, are considered in the price points, square footages, and home types. They will certainly make people aware of what they are moving in next to and do their best to disclose the information as they understand it.

Chair Michele Hollist asked what the price point will be for these "value" homes.

Mr. Langston (Daybreak Communities) responded there will be a range depending on the unit, but he thinks if they are detached they probably start in the high 200s/low 300s, and then they go up from there. If they are the townhome types in that section those could be in the mid to high 200s.

Commissioner Steve Catmull asked if there was in fact a water reclamation facility there, or is it a composting area?

Planner Schindler said water reclamation owns that property and he believes the composting is done through the landfill. They may not be doing a lot of reclamation any longer but he is not sure what their operations are.

Chair Hollist opened the hearing to public comment, there were no public comments and the comments were closed.

Commissioner Darby motioned to approve File No, PLPP202100025 subject to the following:

- 1. That all South Jordan City requirements are met prior to recording the plat.**

Chair Hollist seconded the motion. Roll Call Vote was 4-0 unanimous in favor; Commissioner Morrissey was absent from the vote.

**D. DAYBREAK COMMERCE PARK PLAT 3 AMENDED SUBDIVISION
AMENDMENT**

Location: Lots C-103 through C-110
Approximately 6200 W. to 6390 W. Crimson View Drive

File No: PLPLA202000024
Applicant: Daybreak Communities

Planner Greg Schindler reviewed background information from the staff report.

Chair Michele Hollist asked Logan Terry (applicant) if he could comment on who is moving into this commercial site.

Planner Schindler responded the company that owns it is Freeport West, he is not sure if they are going to be leasing these buildings to other tenants and who that would be.

Logan Terry (applicant) doesn't believe there is a tenant at this time, this is more just a core and shell at this point and they will be listed for lease at a later date.

Chair Hollist asked if these will be industrial warehouse types of applications and Mr. Terry confirmed that yes that is correct.

Commissioner Trevor Darby asked to confirm the location.

Planner Schindler mentioned that Boeing is across the street.

Chair Hollist opened the hearing to public comment, there were no public comments and the comments were closed.

Commissioner Nathan Gedge assumes the Utah Department of Transportation (UDOT) has addressed this, but he is concerned with whether Old Bingham Highway will be able to handle the additional traffic load with these additional buildings. He just wants to know if there are any concerns from a traffic perspective.

Assistant Engineer Jeremy Nielsen replied that no, there are no concerns. They have accounted for these volumes in their master transportation plan.

Commissioner Gedge motioned to approve File No. PLPLA202000024 as presented. Chair Hollist seconded the motion. Roll Call Vote was 4-0 unanimous in favor; Commissioner Morrissey was absent from the vote.

**E. THE HAVEN COTTAGES AND VILLAS PHASE 2, PRELIMINARY
SUBDIVISION PLAT**

Location: 10710 South River Heights Dr.
File No: PLPP202100029
Applicant: Nick Majors/ AWA Engineers

Planner Damir Drozdek reviewed background information from the staff report.

Chair Michele Hollist notes that this is something that City Council and the commission have looked at many times and that there is a master agreement in place for what has been shown, she asked if this was correct.

Planner Drozdek said back in 2017 the City Council approved a zone change on this entire property and with that zone change a development agreement was adopted as well. As part of that development agreement there was a plan that outlined or specified what this project is going to look like, how many phases, etc. This is essentially just phase 2 (and the last phase) of this project. Phase 1 was approved back in 2018 by the Planning Commission.

Chair Hollist didn't recall seeing it, but in reading through all the documents, she is wondering if the applicant has met all the requirements that the city put in place to proceed to phase 2?

Planner Drozdek said they are on schedule to meet all those requirements and per the agreement the amenities are supposed to be put in before the plat is recorded for phase 2. Those amenities will have to be in before they are allowed to record any of the two plats for phase 2. She asked if this was a 55+ community.

Planner Drozdek confirmed that yes, it is.

Kaylen Nichols (Peterson Development – applicant) said they have addressed with phase 2 a water line that they are relocating into the street so it will be in the public right of way. It is still a 55+ community and it is going to look exactly like the first phase.

Chair Hollist opened the hearing to public comment, there were no public comments and the comments were closed.

Commissioner Darby motioned to approve the Haven Cottages and Villas Phase 2 Preliminary Subdivision Plat File No. PLPP202100029 as presented. Chair Hollist seconded the motion. Roll Call Vote was 4-0 unanimous in favor; Commissioner Morrissey was absent from the vote.

F. ASHCROFT ACRES, PRELIMINARY SUBDIVISION PLAT

Location: 10696 South 1055 W.
File No: PLPP202100074
Applicant: Charles Judd

Planner Damir Drozdek reviewed background information from the staff report.

Commissioner Nathan Gedge doesn't have any opposition to this proposal, his only concern is that this was previously approved and has expired. Rather than in the future having to come back before the commission and making the applicant go through the whole process he wonders if there is another way an extension can be granted, especially with the pandemic.

Planner Drozdek said the approval is valid for one year. Before one year is done they can get another year extension, and that one year extension was given. After the one year extension goes by there is no other extensions to be given.

Commissioner Gedge wondered if City Council would consider amending the code to extend the extension, especially with the current pandemic. He would like to recommend the council consider that to help our residents out.

Chair Michele Hollist asked what is different between this and what was discussed regarding Daybreak earlier. She asked if there was a timeline once they recorded a subdivision.

Planner Drozdek noted this subdivision plat was never recorded. Once it records it doesn't expire. The preliminary subdivision plat approval expired because it was never recorded. It is no different in Daybreak, they have one year from the final Planning Commission approval to prepare a final plat and have it reviewed, get signatures, and get it recorded. The PC zone has separate ordinances and it specifically says what happens with platting and so forth, but the expirations are the same in all the zones in the city.

Chair Hollist asked if there was a fee associated with officially recording it after it gets approval.

Planner Drozdek said the county does charge a fee for recording, that's why the city doesn't record them. The developers and owners all record their own plats. He is not sure what the fee is, it is not nearly as expensive as actual preparation, going through the engineers and surveyors and so forth, and not as much as the city charges for our review. There might be a taxing change because now they have several lots that are more valuable than the one vacant lot and that might keep people from recording until they are ready to sell the lots and develop them with the infrastructure.

Commissioner Gedge is wondering if we have any idea of the number of unrecorded approvals that previous commissions have made. Are they going to see more of these in the future, or is the number relatively low; or, because they are recorded at the county, does the city not have any info regarding that?

Planner Greg Schindler said they know when they are recorded. In the past the county has printed a copy of the mylar for the city, however they no longer do that. They are notified by the county when they record. They don't see too many that come back for extensions, even fewer that would have to go back for a re-review through the Planning Commission; it doesn't happen very often. This is the first one in a long time.

Planner Drozdek said he thought there was one a few years ago, an office development off River Heights Drive that was done by Peterson Development where there were 2 building approved by the Planning Commission but they didn't even start construction on the project. They sought an extension, received it from the city, and then it just expired. They didn't even try to fight it, they said they couldn't find any tenants for the office buildings they were going to do and they gave up on the project.

Commissioner Gedge asked if there have any been other examples where an extension request has come in or a new review has come through and the commission has then denied the second application after approving the first.

Planner Schindler said no, because if they met all of our codes and guidelines they had no option but to approve them. Possibly, if it's a conditional use and a new commission finds that certain things cannot be met, even by mitigation, then that could happen; he doesn't recall seeing that in the past.

Commissioner Trevor Darby asked what qualifies as a historic road and who designates a road as such, who maintains it?

Planner Schindler was involved with the designation a few years ago. The City Council designated it as a historic road and part of the requirements for that are there cannot be any widening of the road as part of the ordinance. There can be regular maintenance of it, like filling potholes and fixing it so it's still passable, but no improvements such as curb, gutter or sidewalk. It was constructed many, many years ago; first paved most likely when the first vehicles were made. It is the original pioneer settlement road and at that time it was dirt, but it was the first road ever constructed in South Jordan (it wasn't South Jordan then at that point).

Charles Judd (Developer) He is okay with the process he had to go through. He tried to get it done in time but due to the pandemic they got slowed down, then near the end he became aware that he had to bond the project before he even started it. He was going to have to come up with probably a half a million dollars, bond it, and that would have tied up that money for a long period of time. This is the best process to go through at this point. He just appreciates the opportunity to move forward now that they have that part figured out.

Chair Hollist opened the hearing to public comment, there were no public comments and the comments were closed.

Planner Drozdek received an email right before the meeting (Exhibit A) from a Mrs. Broadbent asking if the grade is going to change with this project. He looked at the plans and the grade doesn't seem to change much from what it is currently. From her property the slope comes down towards the rear, she was wondering if the new grading would affect her view of the mountains. Some homes built behind her may affect her views of the mountains, but that would be no different than any other project in the city.

Planner Schindler noted that he received the email and forwarded it to Mr. Drozdek. Mrs. Broadbent's instructions were to please answer the question during the meeting.

Chair Hollist said that this was the one that had all of the attachments from the previous review and meetings. She asked if he felt confident that staff has addressed all of the water access concerns.

Planner Drozdek said he hasn't had any complaints that he is aware of.

Assistant Engineer Jeremy Nielson spoke with the engineer that was reviewing this and specifically asked that question, there were no concerns.

Chair Hollist reviewed the previous notes and believes it meets the zoning requirements and it seems like staff has done a good job with their report and covered all the bases.

Commissioner Gedge motioned to approve the Ashcroft Acres, Preliminary Subdivision Plat File No. PLPP202100074. Chair Hollist seconded the motion. Roll Call Vote was 4-0 unanimous in favor; Commissioner Morrissey was absent from the vote.

IX. LEGISLATIVE PUBLIC HEARINGS –

G. TEXT AMENDMENT – AMENDING CHAPTER 16.30 WATER EFFICIENCY STANDARDS AND RELATED SECTIONS

Ordinance No: 2021-09

Applicant: South Jordan City

Steven Schaefermeyer reviewed background information from the staff report.

The link for the video that was referenced in the report (Attachment B):

https://www.youtube.com/watch?v=Jq0s3r5z_JU

Director Schaefermeyer said there are 3 components to this, Development, Planning and Maintenance of City Property. All of these departments are in communication and will work together.

Director Schaefermeyer indicated that there were some things that Jordan Valley was requesting that were unworkable from the city's point of view, so the city expressed some of that to them. One example is the indoor plumbing requirement, something that Jordan Valley didn't understand until it was discussed was the city cannot unilaterally change the building code. The building code is adopted by the state and to be able to change pieces of that code you have to go to the state and either request exceptions for the city or have them change that statewide. Jordan Valley came back with new wording "it is recommended and encouraged." In order for us to keep our water rates low they are requiring that we adopt these things for the city. There was less drastic change in the outdoor watering standards, but there were some as we met with them. What everyone is seeing tonight is mostly what they have required by their resolution that we adopt in order for them to allow us to have the lower water rate when we renegotiate the contract.

Director of Public Works Jason Rasmussen said Jordan Valley has done some long term planning and in order for long term supplies to meet long term demands they have looked at options. This water efficiency standard they are pushing on the member agencies that take drinking water from them is a means to do that. They will not force any of the member agencies to adopt these new standards, but if we want to increase the amount of water we buy from them

we will have to adopt the standards. The city could choose to not adopt these, but our wholesale water rate from Jordan Valley would double. Long term this is a good move. We are a growing city and we are in the process of updating the amount of water that we purchase from Jordan Valley because our water amount increases each year, we have to keep current with that. We are in the process of updating that contract and we need to get these standards passed. Like Director Schaefermeyer said, there has been some back and forth as we didn't automatically say we are going to accept all these water standards at face value. We worked with them and as much as possible tried to make it make sense for the city and new development here. They feel like they have been able to get a better balance of what they are asking for and what would work here in the city. It is imperative that we pass these so we can continue to maintain our existing rates with Jordan Valley versus having our rates double for the water we take over our contract amount.

Chair Michele Hollist asked for him to make it clear how our rates are affected. She notes that in the staff report for an AF (acre foot) with block 1 pricing it increased our rate by about \$500 per foot and she is reading that it doubles our rate. Specifically what is block 1 pricing?

Director Rasmussen noted we pay per acre foot, about 325,000 gallons of water. We have different rates based on where we take water from Jordan Valley and their delivery points, but our average rate with Jordan Valley is just over \$500 an acre foot. Anything over our contracted amount that we take would be upwards of \$1,000 per acre foot. If we do enact these changes we don't face those penalties if we go over our contracted amount. We are currently contracted for 14,200 acre feet. The year 2020 we used a lot of water due to a warm spring and then a warm fall, and growth, people working from home. We used over 19,000 acre feet of water. After July 1 of this year, that 5,000 acre feet of extra water we took would have been charged at double the rate. Our rates are uniform for the size of meter and classification, and the higher rate would have made everyone's rates go up across the board.

Chair Hollist asked if we knew what the amount per resident would have been for that increase.

Director Rasmussen said it would have been about 2.5 million dollars extra. With about 21,000 water customers that works out to about \$120 per water customer based on last year.

Chair Hollist asked if the water district has been able to review what we are seeing here and if they found it to be an acceptable change to prevent the increase in water rates.

Director Schaefermeyer said he doesn't believe we have given this to them yet, however they are following things very closely. When they initially spoke with the water district they said we can vary with a few words as long as the concepts are there. The city adopted largely what was given to them, within the context of the current code. They have been in communication recently and they may invite them to the City Council meeting. They will make sure they see this before that meeting.

Director Rasmussen said what is being proposed to be updated and adopted is 99% of what came from Jordan Valley. We have made some minor tweaks but he doesn't anticipate at all that they will have a problem with it. They will be very happy with what we are presenting if it gets passed.

Chair Hollist asked if the spirit of what is changing applies mostly to new development, that almost everybody is grandfathered otherwise but encouraged moving forward with changes to also adopt these standards.

Director Schaefermeyer noted that in section 16.30.0.40.A it talks about applicability and it is all new and rehabilitated landscaping for public agency projects, private developments and residential. There is a note at the end that it is recommended and encouraged for the rear yard landscape to also comply. However, we do not go into people's backyards, especially with new construction that is a difficult thing to enforce. By rehabilitated, they mean if you ripped out your grass in your park strip to put more grass than this would apply to you. If you maintain the current grass that you have, patch it, this would not apply. He even says that it wouldn't apply to re-seeding. Planting annuals each year, in interpreting it, he is referring to major changes in your landscaping and if you are making major changes from what you previously had you would have to comply with these rules. If you are replacing a dead plant this wouldn't apply, it needs to be a wholesale change to a park strip or front yard landscaping.

Chair Hollist opened the hearing to public comment, there were no public comments and the comments were closed.

Commissioner Steve Catmull had several questions. First, he asked for more clarifications on when the new standards would be applied.

Director Schaefermeyer responded that when you submit a building permit they have landscape requirements. For example, depending on how your yard is laid out you have to plant trees in your park strip, have to have landscaping in your front yard. How that has traditionally worked is either a planning inspector comes before you get your certificate of occupancy, or if you are permitted a deferral because of winter then you can get your certificate of occupancy without installing. Eventually you have to install your front yard landscaping. We have a planning inspector that checks all of that, this is for single family homes. The planners do the bigger commercial projects where there are actual landscape plans to check what plants have been planted. This is all connected to your ability to occupy your building. These rules apply to new construction. There would be no permit if you wanted to flip your park strip. Much like any enforcement throughout the city, generally we find out about things because of neighbor complaints or an inspector is driving through a neighborhood. The rehabilitative portion of this code is the part that will be harder to enforce, but it technically applies. He also noted that Jordan Valley has some money in some grants that we are going to be exploring to maybe get half a staff person or funding for a full staff person to help us with these enforcements. It also requires specific irrigation requirements and we are trying to get the expertise to enforce those. Jordan Valley has offered some training for those that will be involved in this process to look at those plans. The challenge we will always have with single family development is as soon as a home is built, builders want their buyers in that home and buyers want to be in that home, lenders want people to be in that home; we will have challenges when we are holding that up for something like landscaping.

Commissioner Catmull said that when you are talking about a building there are clear directions as to when you are grandfathered in and when you're not, it doesn't seem like we have that same level of clarity on the landscaping requirements. Maybe we do, but maybe they're just harder to enforce. What qualifies as rehabilitation for landscaping?

Director Schaefermeyer said that is harder to define and would have to be on an individual basis. We would look at what has been done and whether it qualifies as being rehabilitated.

Commissioner Catmull asked how we would know what has been done.

Director Schaefermeyer said we have issues with legal nonconforming. Generally speaking, when people are grandfathered this applies, meaning what you had was legal at some point, the code changed, and now that is illegal under the new code. That principle could extend to landscaping in this case and the burden is on the landowner to show that they once complied with the code and that either their landscaping is legal nonconforming or that they were replacing something (like a dead plant). The type of evidence required would be aerial pictures (maintained at the city in good detail) and this is one of the things that GIS Coordinator Matt Jarman does for us is maintain those GIS maps and aerials. Pictures, street view with Google, are all ways to prove the landscape was once conforming. He doesn't imagine that we'll have many of those issues but they could arise from time to time. What usually happens is someone comes in and wants to concrete over their yard or park strip and they have a neighbor against it; the city would then step in and say they have to comply with the current code.

Commissioner Catmull asked how this will impact Daybreak where they have an established development agreement that seems to be mostly sealed unless both parties agree to amend.

Director Schaefermeyer indicated the agreement applies to a lot of things, certain roads and things like that, but it doesn't apply to all things. Knowing that the majority of our new development was happening in Daybreak we actually forwarded these requirements on to Daybreak and Director Rasmussen set up a meeting between Daybreak and Jordan Valley because they were concerned. Short answer, these requirements do apply to new development in Daybreak. In 16.30.0.40, under B7F, it says small residential lots which have no side yards or backyards where the total landscaped area is less than 250 square feet, and where the front yard dimensions cannot accommodate the minimum 8 foot wide lawn area requirement of the landscaping requirements, are exempt from the 8 foot minimum with lawn area requirement. That was put in specifically because of conversations with Daybreak. Their concern was that they are already doing their part by putting in small lots with smaller yards. We agreed that with the small lots they should be allowed some grass, even if it doesn't technically comply. Landscaping is one of those things that changes in our code do affect for Daybreak.

Planner Schindler said the Daybreak agreement has a lot of maps and things that went with it, such as structure plans and so forth, that was more about uses. They had a section that was sort of landscaping, but it wasn't specific to what types of landscaping so there is nothing really in the agreement that says we can't regulate the type of landscaping that goes in. After speaking with Daybreak he believes they are okay with that this ordinance says.

Commissioner Catmull referenced 17.72.200 and the way he read it was that the general city landscaping requirements were the “guidelines required in the chapter” versus “the following landscaping requirements shall apply” and he is wondering if this adds to or overrides what is already there. It is not clear in reading it what the four additional provisions are there for. He is concerned about clarity in the future, something that says “these additional requirements” possibly.

Planner Schindler noted that if he looks at the additional requirements, “the design guidelines shall address landscaping and proper maintenance required for front yard and rear yards in a lot” but the design guidelines don’t do that. He believes in the Master Development Agreement there were design guidelines in there, but they didn’t have specific landscaping materials and types. It talked about maintenance, keeping everything watered and mowed or trimmed with no weeds, and he believes a lot of that is also in their own covenants that they monitor. He is not positive if they are thinking that there should be specific guidelines for each subdivision, as we do not require that currently and never have. The other ones, “all areas in lots and parcels and PC zone not approved for parking, building or other hard surface shall be landscaped and properly maintained,” that whole line is also in the rest of our code, in other zones it is the same everywhere else. If it is not hard surfaced it basically has to be landscaped. “Park strip and right of way shall be properly irrigated and maintained by the owners,” this is a rule that even though you don’t own it, you still have to maintain it. How it is developed in the first place though is covered by the proposed ordinance. Daybreak in the past has not had all turf in their park strips, it will be different now since they have to follow the guidelines of this code.

Commissioner Catmull noted there are other elements that are in 17 that aren’t repeated as far as he can tell. What kind of criteria leads to repeating something in multiple zones versus referencing saying something like “all the general requirements apply?”

Planner Schindler noted that item B of the amendment was at one time repeated in every zone because there was a section for every zone. Now, we lump together all of the residential zones in one section. Section 17.72 has never gone through that transformational change and it wasn’t added to any of the other group zones (industrial, office/commercial/residential) because it includes all of them. It wasn’t even added to the mixed use zone listing on that. The uses in Daybreak are not in the uses section either, they are separately in this title only for Daybreak. Some of the statements are the same as in the other zones, but they are listed separately here because 17.72 is kind of an entity on its own.

Director Schaefermeyer added that as he reads that section it applies to the entire PC zone. He and Planner Schindler can have a better conversation and follow-up with Commissioner Catmull on adoption of additional design guidelines for each plat. Daybreak does more than comply with our current landscape requirements and they would expect that they would do the same with these.

Commissioner Catmull noted Daybreak signaled that they have led the way in many respects in efficient water usage, he just noted that as he reviewed it there were parts that weren’t clear to him. Section 16.30.040.E.3 is about the Smart Sense Controllers for irrigation and says “all controllers shall be equipped with automatic rain delay or rain shut off capabilities.” There are

two elements to this. He'd like to understand why that additional specific requirement is there as it's covered by the Water Sense certification program based on their website. This allows Water Sense to become whatever it becomes and that presents new requirements as the certification changes, and how do we manage communicating those changes to residents.

Director Rasmussen replied this was a requirement that came from Jordan Valley. Basically, any smart controller that has the capability to be programmable with a rain delay, which most do nowadays, they want that featured so the sprinklers will automatically turn off during rain. Commissioner Catmull brings up a good point, that if things change, how do we keep up with that or communicate that. He thinks that whatever may change under the Water Sense label, which most controllers have, will be a standard, not necessarily what the features are.

Commissioner Catmull assumes that the bottom line is that those core functions and capabilities, irrespective of the Water Sense label, are present.

Director Rasmussen clarified with Commissioner Catmull if he's wondering why the Water Sense label and capable of rain delay are both listed?

Commissioner Catmull said yes.

Director Rasmussen said that's a good question, but he feels that as long as the Water Sense is in there it will accomplish what Jordan Valley is trying to accomplish, which is having a smart controller.

Commissioner Catmull wondered if the city has a position on leveraging a service that may have existed that may aid landscape enforcement using public aerial or satellite data. Also, off of the comment that we don't evaluate backyards, it seems like when you're talking about saving water and you have these requirements and there is public data potentially available that can help ensure enforcement, does the city have a position there.

Director Rasmussen responded they have never been in a proactive phase of enforcing their existing landscape ordinance, so it's more so as neighbors call in and report a break in code. They are treading into some new territory with this, they are working on the enforcement angle. They haven't had conversations of using technology and aerial photography for possible breakers as they are going to focus their resources and efforts up front to get compliance with the newer homes. As they go along there may be homes built next year that 3 years later a resident decides they want grass in their park strip, so how are we going to enforce that? Are we going to be looking for that? They are working on the details of that, but with the new ordinance, a case like that would stick out more so than something would now with our current ordinance. There will be resources spent on monitoring and compliance, but he doesn't think they will have the "grass police" patrolling.

Commissioner Catmull is just wondering what the next step is with the Jordan Valley Water District? They can continue to add additional requirements, rightfully so to manage supply and demand. There just seems to be some privacy concerns, how we think about public data and privacy.

Director Schaefermeyer said in order to enforce they have to gain access to the property. When a building permit is open they have access to the property to do inspections, but once that permit is finished and someone is living in there they need access to the property. They have enforcement issues with things like accessory dwelling units (ADUs) for example, where they have requirements about who lives there, that is always a challenge with enforcement. The other challenge with enforcement is funding, and for a while they had a hard time even keeping code enforcement officers because it is not an attractive position and frankly, they spend some time, get some experience and then move on. Now, building inspectors are all code enforcement officers.

Chair Hollist indicated she needed to step out and Commissioner Gedge would take her place. If a vote is taken before she comes back she is okay with the direction staff has taken to avoid the water increase. She believes the majority of residents are like her, they would prefer to make some changes to do their part in helping with the water situation and avoid the rate increase.

Director Schaefermeyer continued that they are continually trying to do better with code enforcement with the resources that they have and it is a difficult thing to keep up with in a growing city.

Commissioner Catmull said it wouldn't surprise him to see technology fill that gap for that work that becomes undesirable. He thanked everyone for working with Jordan Valley Conservancy District to bring a pragmatic and applicable solution for our city, we all want to do our part for the city and valley, and do it in a sustainable way.

Commissioner Trevor Darby noted all his questions have been answered.

Commissioner Gedge asked regarding the enforcement potential, has the water district indicated any type of audit? Are they going to use technology or other avenues, maybe just water usage, to make sure that we are adhering to what is being proposed?

Director Rasmussen replied not to his knowledge. Director Schaefermeyer met a couple times with them throughout this and Director Rasmussen doesn't get the sense that they are going to come back and audit. They are going to look for an ordinance to be passed that includes these standards, and there really hasn't been a lot of discussion from them asking what we are going to do to enforce this. Director Schaefermeyer has been clear with them and explained that we will pass it and have enforcement, but we can't control everything that everybody does and tried to provide a realistic view to an organization that doesn't have land use authority or ordinances and they get that. This is why they have relinquished on some of the items that they originally proposed within the standards. He doesn't know of anything they will be following up with. He believes if we share information about what we have done, and if this ordinance passes, they may follow up occasionally to see how things are going, but he doesn't see any enforcement coming from them.

Commissioner Gedge asked if surrounding cities are doing things very similarly, are we being trendsetters or leaders in this.

Director Rasmussen said Herriman adopted these standards, they were the first city out of the 15 member agencies within Jordan Valley that are being asked to require these. It is really the cities that still have a lot of area for growth that are being impacted the most versus cities north of us like Taylorsville, Kearns, West Valley where things are mostly built out so the impact is much less. We will be one of the first, but not the first.

Director Schaefermeyer noted Jordan Valley is hoping for incremental change here. This may be in some ways a first step for them and just monitoring if they are getting savings; if not, is there more that can be done. That's how he views their position.

Director Rasmussen added there was the cost that would increase for the water purchase, but another critical thing is that if we get into a drought situation and Jordan Valley has to cut water to its member agencies, they go off of the contract amount. If we get into that type of situation where they are curtailing water our current contract is 14,200 acre feet, but if they cut 10%-20% that is off our current contract amount. That being said, we need to increase our contract to get it up to where it needs to be and the only way they will do that is if we pass these. They have us between a rock and a hard place. They have picked a way to get our attention to get action, and that's one of the other reasons we are pushing for this, to get our contract to where it needs to be.

Coordinator Jarman added that to Commissioner Catmull's comment on technology, there are ways that we can detect, through remote sensing and remote imagery, healthy vegetation. We can do change analysis, but that's not something the city has pursued currently. There has not been a need for it, but that is something that in the future may be possible. He is sure that Director Schaefermeyer, as well as Assistant Attorney Greg Simonsen would agree that it is probably not a legal manner to prosecute, but it may give us some opportunities to investigate.

Commissioner Catmull reiterated he is not talking about creating the "green police," but rather looking for where there are egregious offenses that they would have liked to have an enforcement office find, but they don't have a plan and force to do that.

Chair Hollist returned and Commissioner Gedge returned control to her.

Attorney Simonsen requested to have the public comment section reopened.

Chair Hollist moved to open up the public hearing and Commissioner Gedge seconded the motion. The vote was unanimous in favor.

Chair Hollist opened up public comment.

Greg Simonsen (South Jordan) Every person that lives on his street has half acre lots which are watered with canal water that they own. He doesn't think anybody on his street purchases city water for landscaping at all. When he purchased his home, part of cost of the home was purchasing shares of water. He wants to be able to use the water that he owns to landscape their lots in a lush, beautiful, water inefficient manner that he has become accustomed to. Maybe that is politically incorrect, but it is their water, they own it. There are a lot of people in the city that

use water that is not provided by Jordan Valley and he is wondering if there is any chance we could get an exception for those people as far as the landscaping requirements.

Chair Hollist closed public comment on this issue.

Chair Hollist also has secondary water and didn't realize it was offered through a different water provider.

Director Rasmussen said they are taking the standard from Jordan Valley, however if he were to share that comment/concern with them, he feels the response would be that all water, whether from the canal or reservoir, is a resource and we need to conserve it. The reality is that if there is some kind of rationing or cuts in water delivery, they will see that in the irrigation water as well so it behooves all residents to conserve. This ordinance is mainly affecting new construction, it may affect existing a little bit, but as far as water as a resource and what they are trying to accomplish in the big picture of conserving water to have it for future growth, the source of water isn't necessarily being called out. Water is a resource and we need to do what we can to conserve it.

Chair Hollist noted on her water bill that secondary water is listed but asked if it comes from another source.

Director Rasmussen responded that irrigation supply comes from Utah Lake, which has a few sources. It comes down through private irrigation companies and the city has weirs that come off of it. The city charges for it going through the city's secondary water system. It is a different quality of water that comes down the canal versus the treated drinking water. He doesn't believe Jordan Valley would support carving out an exception for secondary water users.

Chair Hollist noted that for those connections that are currently unmetered, unless the water were restricted or the days that they could turn it on were restricted, she believes Mr. Simonsen would be able to accomplish what he desires, but she believes the state legislature just passed a law that is going to require the city to meter its secondary water usage.

Director Rasmussen said the bill that was passed said that municipal water suppliers that supply irrigation water have until 2039 to meter pressurized connections. The city has just under 500 pressurized secondary connections, the rest are gravity flow and are not affected by that. The city is in the process of putting meters on all of those pressurized connections thanks to a grant from the Bureau of Reclamation.

Commissioner Gedge agrees that it would be best for all residents to recommend a positive recommendation to the council for this so that we can take advantage of the lower rate and not be penalized as a city on the whole. He can also see Mr. Simonsen's concern that there is a separate entity that provides secondary water where Jordan Water District is trying to impose their will on something that is not under their purview or scope. He thinks they are overstepping their bounds and if there was a way to include some sort of language that says this is not applicable to those with secondary water access for their protection, he would like to see that protection for those

users. He hopes that this might be a conversation with them to exempt water users obtaining their water from another source.

Director Rasmussen noted that he has looked at data from secondary water users in the city, (this does not include those like Mr. Simonsen who are on a private irrigation system) and there are about 4,000 on the city system. He pulled data from the last 4 years and the reality is that only about 55% of those with access to secondary water actually use it during the summer. This means that the other 45% of those with secondary water connections don't use it on their lawns. The reality is there are many secondary water users that just don't use that water and they are pulling culinary water. The private irrigation systems are a different discussion, but he doesn't know that it's enough for the commissioner and city council to consider an exception.

Commissioner Catmull would love to see the city council take additional feedback, comment and concern around specifically the private canal company, not the city supplied water. He thinks that is a small number, probably not more than 1,000, and maybe Jordan Valley Conservancy District would be open to something that small in numbers that did not involve the city. He feels like that should be that private water supplier's prerogative, where it is going to be used. It is also a different enforcement issue as to whether they have access to canal water and not using it versus using city water.

Chair Hollist asked if they purchased the water shares and own the water, should we even be able to restrict what one is doing with them.

Attorney Simonsen believes that the city has police power to regulate water usage in the city. He thinks they have the right to regulate landscaping in the city. He questions whether it is unfair in this situation, but he doesn't believe there is any sort of constitutional challenge if they regulated his landscaping. Chair Hollist is right, he feels that since not a drop of water runs through city pipe to get to their lawns as they pump it directly from a canal where they own the shares, pay for the pump and pay an amount every year to their private water company. As a result of using that water they don't use the city water and he supposes that helps in a small way on the city's water usage. He noted he currently has a project in his yard where they are putting in more lawn, under this new ordinance, even though he has plenty of water that he owns, he wonders if he would not be able to put in more lawn.

Director Schaefermeyer responded the backyard is not regulated by this ordinance. He agrees with Attorney Simonsen that the city has the right to regulate landscaping and the ordinance is directed towards landscaping with the goal of water saving.

Commissioner Darby had some concerns about the legal ramifications of managing private water as water rights are a really big deal here in Utah and they are well established. It sounds like the city is managing landscaping and that regulation is mostly centered in the front yard, somewhat in the side yards, and not in the backyards so he is okay with it. He hopes that this issue, the private water shares, does get brought up in City Council as they discuss it because he would like to hear it expanded more.

Chair Hollist asked if the water district had given them a deadline to finalize this.

Director Rasmussen said they have until July 1st to update their contract with them and these standards must be passed before they will renegotiate the contract.

Commissioner Catmull motioned to recommend that the City Council approve Ordinance No. 2021-09 amending Chapter 16.30 Water Efficiency Standards and Related Sections with additional guidance to ensure that the impact on private water share users in considered in the decision. Chair Hollist seconded the motion.

Chair Hollist withdrew her second for discussion on Commissioner Catmull's motion.

Commissioner Gedge indicated he was going to make the same motion with the same additional recommendation regarding private water usage, he has no objection to what was proposed.

Chair Hollist asked Director Schaefermeyer to relay their concerns to City Council in his presentation to them.

Director Schaefermeyer agreed to do so.

Commissioner Darby is comfortable with the motion and additional recommendations.

Chair Hollist seconded the motion. Roll Call Vote was 4-0 unanimous in favor; Commissioner Morrissey was absent from the vote.

I. OTHER BUSINESS

Commissioner Nathan Gedge referenced last week's meeting and asked Assistant Attorney Greg Simonsen if there were any plans for additional training or if that was satisfactory training?

Attorney Simonsen noted that would not complete the requirement and they will need to schedule something in the future and that will happen.

Commissioner Gedge asked if this would be at a future commission meeting with a light agenda, if that would be satisfactory to meet that requirement?

Attorney Simonsen noted that is a good suggestion but he needs to check in with his boss to get confirmation.

Chair Michele Hollist will continue to work with Attorney Simonsen and Commissioner Gedge on a statement for Daybreak and see if they can work out something that will explain their position and the uniqueness of Daybreak in the future.

ADJOURNMENT

Commissioner Gedge motioned to adjourn the April 13, 2021 Planning Commission meeting. Chair Hollist seconded the motion.

The April 13, 2021 Planning Commission Meeting adjourned at 9:11 p.m.

Meeting minutes were prepared by Deputy Recorder Cindy Valdez

This is a true and correct copy of the April 13, 2021 Planning Commission minutes, which were approved on April 27, 2021.

**Cindy Valdez
South Jordan Deputy Recorder.**