

**CITY OF SOUTH JORDAN
ELECTRONIC
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
September 14, 2021**

Present: Commissioner Michele Hollist, Commissioner Nathan Gedge, Commissioner Trevor Darby, Commissioner Steven Catmull, Assistant City Attorney Greg Simonsen, Assistant City Engineer Jeremy Nielsen, City Planner Greg Schindler, IT Director Jon Day, GIS Coordinator Matt Jarman, City Recorder Anna Crookston, Transcriptionist Diana Baun

Absent: Commissioner Sean Morrissey

6:30 P.M.
REGULAR MEETING

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

Chair Michele Hollist welcomed everyone to the Electronic Planning Commission Meeting. She excused Commissioner Sean Morrissey who is absent this evening.

II. Motion to Approve Agenda

Commissioner Gedge motioned to approve the September 14, 2021 Planning Commission Agenda with an amendment removing Item 9A, Text Amendment for City Municipal Code Sections 17.18.030.030, 17.30.020, and 17.40.020 and moving it to a future date. 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 Darby motioned to approve the August 24, 2021 Planning Commission Meeting Minutes as published. 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 - *None*

VI. SUMMARY ACTION – *None*

VII. ACTION – *None*

VIII. ADMINISTRATIVE PUBLIC HEARINGS –

**A. DAYBREAK VILLAGE 7 PLAT 3 AMENDED,
SUBDIVISION AMENDMENT**

Location: Lots 358-363 and Lots 369
File No: PLPLA202100192
Applicant: Daybreak Communities

City Planner Greg Schindler reviewed background information from the Staff Report.

Chair Michele Hollist asked if the net drainage area is the same, just shifted.

Planner Schindler said yes, the area is just being shifted but is still the same size.

Chair Hollist asked why they would do an easement access instead of adjusting the lot lines so each lot has half.

Planner Schindler said he's not sure why they made that choice here, but he believes they just forgot about this access easement on this subdivision when they made the original plans. This way both lots will have access to the 20 foot wide space and have enough space to back out.

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

Commissioner Gedge motioned to recommend File No. PLPLA202100192, Amending the Subdivision Amendment for Daybreak Village 7 Plat 3 as presented. Chair Hollist seconded the motion. Roll Call Vote was 4-0, unanimous in favor. Commissioner Morrissey was absent from the vote.

X. OTHER BUSINESS –

A. PLANNING COMMISSION TRAINING

Presenter: Greg Simonsen, Assistant City Attorney

Assistant City Attorney Greg Simonsen reviewed prepared training presentation (Attachment A).

City Planner Greg Schindler discussed the next Planning Commission agenda. There will be five items, one administrative item and four legislative items including two text amendments and two potentially controversial rezoning applications.

ADJOURNMENT

Commissioner Gedge motioned to adjourn the September 14, 2021 Planning Commission meeting. Chair Hollist seconded the motion, vote was unanimous in favor. Commissioner Morrissey was absent from the vote.

The September 14, 2021 Planning Commission Meeting adjourned at 7:48 p.m.

This is a true and correct copy of the September 14, 2021 Planning Commission minutes, which were approved on September 28, 2021.

**Cindy Valdez
Deputy Recorder.**

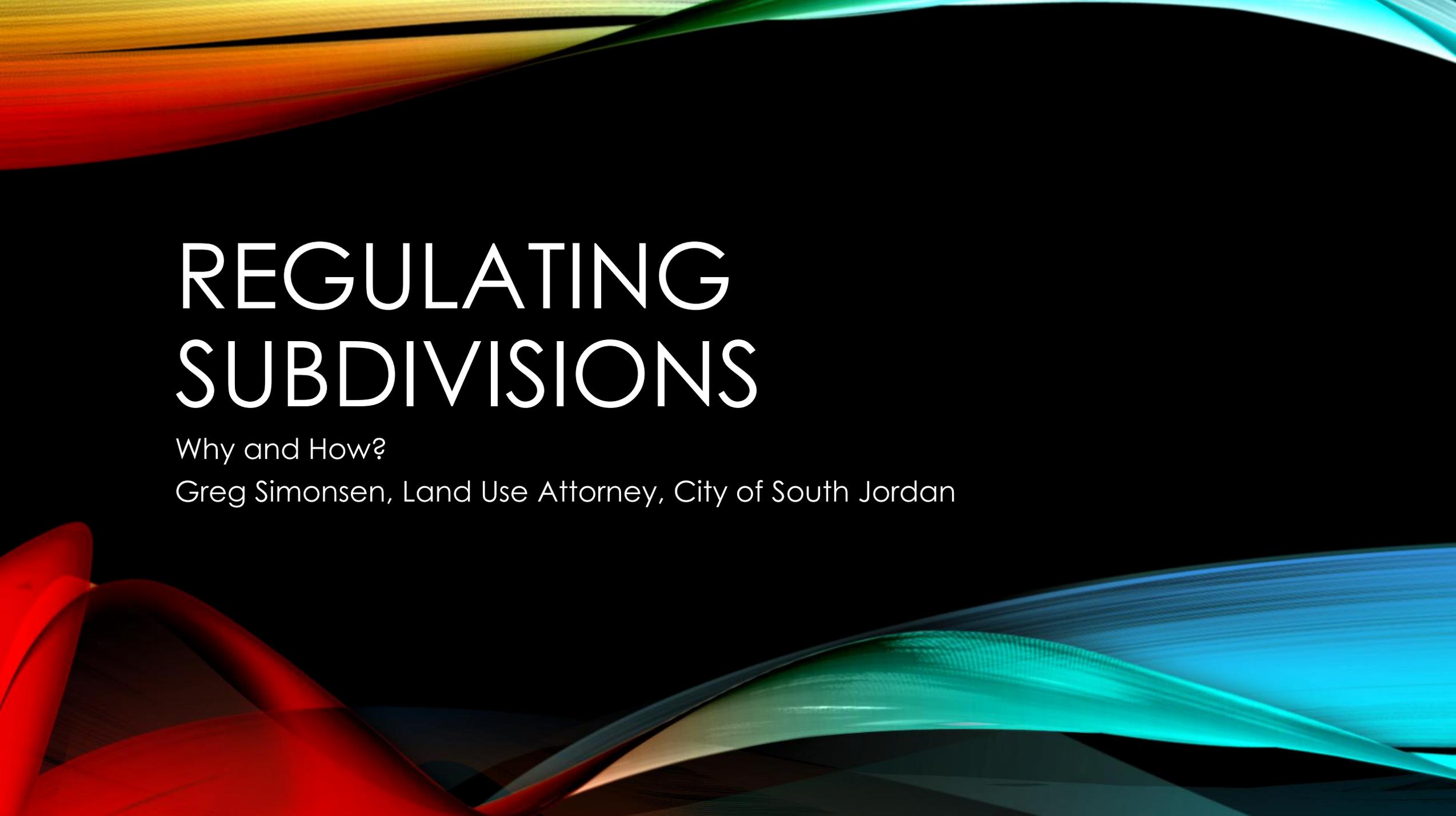
Meeting minutes were prepared by Deputy Recorder Cindy Valdez

PLANNING COMMISSION TRAINING REQUIREMENTS 10-9A-302 (6)

- Four hours training annually.
- One hour of this must be on general powers and duties under Title 10, Chapter 9a, of LUDMA
- Three hours annual training on land use which may include:
 - Appeals and variances.
 - Conditional Use Permits
 - Exactions
 - Impact Fees
 - Vested Rights
 - Subdivision Regulation
 - Land use Referenda
 - Property Rights
 - Real Estate Procedures and financing
 - Zoning
 - Drafting ordinances and code that complies with statute

PLANNING COMMISSION TRAINING REQUIREMENTS (CONTINUED)

- A newly appointed planning commission member may not participate in a public meeting until he/she has completed the hour training on general powers and duties.
- A planning commission member may qualify for one completed hour of training if the member attends, as an appointed member, 12 Planning Commission meetings in a year.
- For each Commissioner a municipality “shall” monitor compliance and maintain a record at the end of each calendar year.



REGULATING SUBDIVISIONS

Why and How?

Greg Simonsen, Land Use Attorney, City of South Jordan

THE VISION FOR WHERE WE LIVE, "SOUTH JORDAN IS A BALANCED COMMUNITY THAT PROVIDES A RANGE OF DESIRABLE HOUSING FORMS AND AMENITIES THAT APPEAL TO ALL STAGES OF LIFE AND LIFESTYLES."



METES AND BOUNDS PROPERTY DESCRIPTIONS

- Typically the system uses physical features of the local geography, along with directions and distances, to define and describe the boundaries of a parcel of land. The boundaries are described in a running prose style, working around the parcel in sequence, from a point of beginning, returning to the same point. It may include references to other adjoining parcels (and their owners), and it, in turn, could also be referred to in later surveys. At the time the description is compiled, it may have been marked on the ground with permanent monuments placed where there were no suitable natural monuments.

A RECIPE FOR LITIGATION

- Commencing at a point on the West Line of the Main Canyon road where the water pipeline belonging to W. Mont Ferry and E.S. Ferry crosses said West line (which said point is South $36^{\circ} 49'$ West 600 feet, more or less, from the Northeast corner of the Northwest quarter of Section 35, Township 2 South, Range 3 East, Salt Lake Base and Meridian, and running thence Westerly along said water pipeline 130 feet, more or less to East Bank of creek; thence Southerly on creek 415 feet, Easterly 60 feet to the West side of the Main Canyon Road, Easterly on West side of road 110 feet more or less to beginning. Less right of way .58 acres sold to County for road.

PURPOSES OF SUBDIVISION REGULATION

- A. Accurate Property Descriptions
- B. Ensures Compliance with General Plan and Zoning Ordinances
- C. Facilitates Development and Use of Real Property
- D. Provides Efficient Development and Delivery of Utilities and Services
- E. Helps Prevent Title Disputes

SUBDIVISION AS DEFINED IN THE UTAH CODE

- 10-9a-103 (65)
- “Subdivision” means any land that is divided, resubdivided, or proposed to be divided into two or more lots or the division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms and conditions.
- A subdivision includes: “the division or development of land, whether by deed, metes and bounds description, devise or testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or portion of a parcel or lot...”

WHAT IS NOT A SUBDIVISION

- A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural ...
- A boundary line agreement between owners of adjoining land.
- A lot line adjustment.
- A road, street, or highway dedication plat.

LUDMA PART 6 SUBDIVISIONS

- 10-9a-602
- (1) A Planning Commission Shall:
 - (a) review and provide a recommendation to the legislative body on any proposed ordinance that regulates the subdivision of land in the municipality;
 - ...
 - (c) hold a public hearing on the proposed ordinance before making the planning commission's final recommendation to the legislative body.

10-9A-603 (2) UTAH CODE

- Unless exempt under 10-9a-605 or excluded from the definition of subdivision under 10-9a-103, whenever any land is laid out and platted the owner shall provide the City:
- A subdivision name
- Boundaries, course and dimensions of all of the parcels of ground divided, including proposed streets.
- The lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage for all parcels...
- Existing easements and rights way including utilities...

WHAT DOES OUR CITY REQUIRE?

- 16.10.020
- “All proposed subdivisions shall meet the review requirements outlined in this chapter and the requirements of the individual zone in which the subdivision is proposed.”
- 16.10.040 Preliminary Subdivision Plat Application
- “The owner or authorized agent of the property shall make application for preliminary subdivision review by electronic submittal to the Planning Department. Only complete applications, as determined by the Planning Director, will be reviewed by City Staff. The Planning Commission will review the application in a public hearing, which will not be scheduled without first satisfying all submittal requirements.”

WHAT MUST THE APPLICANT SUBMIT?

16.10.040

- Owner's Affidavit
- Application Fee
- Plat of the subject parcels, the acreage and legal description of the area to be subdivided and boundaries of all parcels within 300 feet.
- An electronic copy of the subdivision plat and certified engineer drawings...showing the following:
 - 1. Names, addresses and phone numbers of applicant and engineer.
 - 2. Vicinity Map showing adjacent streets, parcels, lots, owners and buildings.
 - 3. Date scale, north arrow and name of the subdivision (approved by County).
 - 4. Property address, certified legal description, acreage, dimensions and tax id.
 - 5. Existing streets (with names) and right of way widths, buildings, culverts, bridges, waterways, irrigation ditches and systems, wells, springs, utilities, easements, rights of way, flood boundary, geologic hazards, fencing, parks, trails, open space, fire hydrants, streetlights, storm drain and sanitary sewer systems, soil conditions, topography, survey monuments, section lines and other infrastructure or improvements on or adjacent to the property.

WHAT MUST THE APPLICANT SUBMIT? (16.10.040 CONTINUED)

6. Proposed subdivision boundary and dimensions, streets (with names and widths), lot layout, lot sizes and dimensions, phasing, gross lot density, curbs, gutters, park strips and landscaping, waterways, demolition, fire hydrants, streetlights, sidewalks, fencing, easements, parks, trails, open space, public land dedications, storm and subsurface drain systems (with protective covenants), detention and retention areas, flood boundary (fema approval required) sanitary sewer system, modifications to existing topography and infrastructure, culinary and secondary water systems, utilities, soil erosion and sedimentation control plan and any other infrastructure or improvements on or adjacent to the property.

8. Profile drawings of proposed buildings, streets, fences and other features relative to existing adjacent buildings, streets and features as directed by the City Engineer.

9. Grading Plans (with before and after contour lines)

WHAT HAPPENS NEXT?

- 16.10.040 (F)
- “After a complete preliminary application has been filed with the City, the project will be scheduled for the next available Development Review Committee meeting. The committee members will visit the site and review the project. Comments and redline drawings from committee members will be returned to the applicant.”
- 16.10.060
- “Once all application requirements have been met, redline corrections made, revised plans and plat submitted and City staff approval given, the preliminary subdivision plat application will be scheduled on the Planning Commission agenda for a public hearing at which public comment will be taken.... The Planning Commission shall receive public comment.... The Planning Commission may approve, approve with conditions or if the project does not meet City ordinances or sanitary sewer or culinary water requirements, deny the preliminary subdivision plat application.”

FINAL SUBDIVISION PLAT APPLICATION 16.10.080

- A final subdivision plat application shall be submitted electronically to the Planning Department for any proposed subdivision only after the Planning Commission has approved the preliminary subdivision plat. The City shall review the final subdivision plat application and may be discussed in a Development review Committee meeting. Any requirements of this section considered by the Planning Director or the City Engineer to be nonapplicable to a specific project may be waived or altered in writing by the City, except as required by State law. The final plat application shall consist of the following information:

FINAL SUBDIVISION PLAT REVIEW

- No further Planning Commission Review
- Engineer Review
- Planning Department Review
- Legal Department Review