

**CITY OF SOUTH JORDAN
ELECTRONIC
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
April 28, 2020**

Present: Commissioner Trevor Darby, Commissioner Michele Hollist, , Commissioner Nathan Gedge, Commissioner Steve Catmull, Commissioner Sean Morrissey, City Attorney Ryan Loose, Staff Attorney Ed Montgomery, Intern Meadow Wilkinson, Deputy City Engineer Jeremy Nielson, City Planner Greg Schindler, Deputy Recorder Cindy Valdez

Absent: Commissioner Mike Peirce

Others: Don Hall, Brad Jensen, Thomas Lankford, Cal Johnson, Dallas Beckstead, Dan Jolley, Craig Chagnon

6:30 P.M.

REGULAR MEETING

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

Chair Hollist welcomed everyone to the Electronic Meeting and noted that all Commissioners have joined the electronic meeting except, Commissioner Peirce and Commissioner Morrissey.

II. Motion to Approve Agenda

Commissioner Gedge made a motion to approve the April 28, 2020 Planning Commission Agenda. Commissioner Hollist seconded the motion. Vote was unanimous in favor; Commissioner Peirce, and Commissioner Morrissey was absent from the vote.

III. Approval of the Minutes

Commissioner Gedge made a motion to approve the April 14, 2020 Planning Commission Meeting Minutes as printed. Commissioner Hollist seconded the motion. Vote was unanimous in favor; Commissioner Peirce, and Commissioner Morrissey was absent from the vote.

IV. STAFF BUSINESS

Chair Hollist said do we know who is here tonight for our Legal Council since Assistant Todd Sheeran is no longer with the City.

City Planner Greg Schindler said it will be City Attorney Ryan Loose tonight.

City Attorney Loose said we are in the process of hiring a new attorney, but I am not sure who will be doing it in the long run. I am here tonight, as well as Ed Montgomery, but we will always have someone attending the Planning Commission Meetings.

V. COMMENTS FROM PLANNING COMMISSION MEMBERS - None

VI. SUMMARY ACTION – *None*

VII. ACTION - *None*

III. ADMINISTRATIVE PUBLIC HEARINGS –

A. CHATTEL ESTATES, LOT 21 AMENDED, SUBDIVISION AMENDMENT

Location: 9977 South 3265 West
File No: PLPLA202000074
Applicant: Cal Johnson

Planner Brad Sanderson reviewed background information on this item from the staff report. He said that he received 2 letters from residents by email expressing their concerns with this application. I have sent them to the Deputy City Recorder for the record – Attachment A.

Chair Hollist said can you clarify where the canal, and the masonry wall is going to go? Is it on the masonry wall on property line, or would it have to be moved into the property line so that the ditch is accessible.

Planner Sanderson said the masonry wall is existing, it is a cinderblock wall, so there shouldn't be any adjustments or interference with the ditch. The masonry wall is north of the ditch and it jogs about two feet and then it runs along the existing property line.

Chair Hollist opened the Public Hearing. There was none. He closed the Public Hearing.

Commissioner Gedge said in the staff report it said "cash in-lieu" of removal of the building. Is that a normal occurrence? Or, is there a concern that the building will not be moved in a year.

Planner Sanderson said we have used similar language on other projects in the past, but the reason being is, if the existing building was there and the plat was to record we would be left with an existing non-conforming structure. In most cases they will remove the building, or wait for a 1yr to record the plat.

Chair Hollist said can you summarize the concerns from the letters that you received from the residents by email.

Planner Sanderson said there were (3) concerns. The first concern, is that most of the residents don't like that this is being sub-divided, because many of them have 1-acre lots and have lived here for 2 or 3 decades. They don't like how this is going to impose on the life they are used to living, and it would change the character of the neighborhood. The second concern was the property lines. We have engineers and we rely on them heavily, because they have the most reliable information for us. The third concern was the maintenance of the ditch, and because it is an irrigation ditch the City does not get involved in the legalities of that.

Chair Hollist said is this the same neighborhood with the flag lot that came to the Planning Commission recently?

City Planner Schindler said yes it is. I don't know if it is on the same street or if it is a street over, but it was the second house from the corner and they wanted to do a flag lot, but we had changed the code before they could make their application.

Chair Hollist said these are all 1-acre lots, so has the zone changed? Because I see that they are allowed to have 1/3 acre lots.

Planner Sanderson said the zone has never changed it has always been R.18 since this subdivision was created, and 1/3 acre lots have always been allowed.

Commissioner Gedge motioned to approve the Chattel Estates Lot 21 Amended, file number PLPLA202000074, subjects to the following requirements:

- **Prior to recording the Plat, the Applicant shall provide “cash-in-lieu” for a period of one year, for the removal of all accessory structures in the event a primary structure has not been constructed on Lot 21 A.**

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

B. CLOVER RIDGE 6, PRELIMINARY SUBDIVISION

Location: 11623 South Lampton View Drive
File No: PLPLA202000051
Applicant: David George

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

Commissioner Morrissey arrived at the meeting.

Chair Hollist said could you explain why this is its own subdivision, and why this is an amended subdivision?

Planner Sanderson said this subdivision was rezoned a year or two ago, and the reason the zone was changed was to meet the lot size and the density requirements. It has been kind of a juggling act trying to make a uniform subdivision, but essentially it is the zoning that is making this be its own subdivision, and separate from the original Clover Ridge Development.

David George (Applicant) - said I think everything was pretty much covered in the review by Planner Sanderson, so I don't really have anything to add at this time.

Chair Hollist opened the Public Hearing to comments. There was none. She closed the Public Hearing.

Commissioner Gedge motioned to approve the Clover Ridge 6 preliminary subdivision plat, file number PLPLA202000051, subject to the following:

- **The necessary temporary turn-around easement, as determined by the City Engineer, shall be dedicated prior to, or as part of plat recordation.**

Commissioner Hollist seconded the motion. Roll Call Vote was 5-0 unanimous in favor; Commissioner Peirce was absent from the vote.

C. CLOVER RIDGE 3rd AMENDED, SUBDIVISION AMENDMENT

Location: 11609 South Lampton View Drive
File No: PLPP202000050

Applicant: David George

Planner Brad Sanderson reviewed background information on this item from the staff report.

David George (Applicant) – said we had to put this together as one subdivision, because there were a few things in the code that made us do it that way. We are expecting to record them at the same time, so there shouldn't be any issues, but that is why there are 2 applications.

Chair Hollist opened the Public Hearing to comments. There was none. She closed the Public Hearing.

Chair Hollist said there is a larger lot in the Clover Ridge Development that is remaining, how large is that?

Planner Sanderson said off the top of my head I don't know, but it is probably an acre, or maybe slightly larger than an acre.

Chair Hollist said as pieces are carved off like this, is that limiting the ability for other people to do a similar things in their original sub-development.

Planner Sanderson said absolutely, the larger parcel to the north that was mentioned will likely be the last one that will be able to sub-divide with the density constraints.

Commissioner Catmull motioned to approve the Clover Ridge 3rd Amended, file number PLPP202000051, subject to the following requirements.

Chair Hollist said the requirement should be read for the record.

Commissioner Catmull amended his previous motion.

Commissioner Catmull motioned to approve the Clover Ridge 3rd Amended, File Number PLPP202000051, subject to the requirements;

- **The necessary public right-of-way shall be dedicated as part of, or prior to plat recordation per City Code 17.40.020.D; allowing the new lot to have a minimum 90 feet of lot frontage abutting a public street.**
- **The necessary temporary turn-around easement, as determined by the City Engineer, shall be dedicated as part of the plat recordation.**

Commissioner Hollist seconded the motion. Roll Call Vote was 5-0 unanimous in favor; Commissioner Peirce was absent from the vote.

IX. LEGISLATIVE PUBLIC HEARINGS -

A. TEXT AMENDMENT – AMENDING CHAPTER 17.112 OF THE SOUTH JORDAN CITY MUNICIPAL CODE REGULATING WIRELESS COMMUNICATION FACILITIES

File No: PLZTA201900453
Applicant: Crown Castle – Craig Chagnon

Planner Brad Sanderson and Intern Planner Meadow Wilkinson reviewed background information on this item from the staff report.

Chair Hollist said when you presented this to us previously, you mentioned that there was a Relief Act that made it so they could modify the height by a percentage without getting an amendment. Is this a part of that?

City Attorney Loose said it is my understanding, that where it was put in the code, it was specifically for the monopole. It may be extrapolated, but that is not my understanding.

Chair Hollist said this has been done by the guidance of the City Council, is that correct?

Planner Sanderson said we did have a meeting with City Council regarding this and they did give us their input. The main three items were discussed with them, we didn't discuss the smaller items that we have gone through with you, but we did get direction from the City Council on these items.

Chair Hollist said we are not the final vote on this correct?

Planner Sanderson said you will be giving a recommendation to City Council tonight. If you see items that are standing out and you think should be in there, you will want to add them to the recommendation.

Chair Hollist said I understand them easing the landscape requirement, because so many of them are going to be in industrial areas behind buildings, but will there still be the ability to impose landscaping requirements.

Intern Planner Meadow Wilkinson said as of right now the landscaping requirements have already been addressed, and the landscaping doesn't really have "teeth" in terms of adding landscaping to those requirements.

Chair Hollist said regarding the roof mounted devices, you mentioned that it would be put on multi-family buildings, are multi-family buildings, apartments, duplexes, or both?

Planner Sanderson said that multi-family are usually defined as "detached housing" which could be a duplex, condo, and etc., and the minimum height requirement would be 35ft.

Commissioner Catmull said would roof antennas go in the mixed-use zone in Daybreak, and would there be anything that prohibits that.

Planner Sanderson said Daybreak is a Planned Community and it is a mixed use zone, so as long as the building meets the 35ft. requirement, I don't know of any other restrictions.

City Attorney Loose said this issue was brought up at City Council and Don Tingey said, they can be allowed on top of buildings with proper screening in their CC&R'S, but I don't know if they have restrictions on commercial buildings, versus residential.

Commissioner Catmull said in the code 17.112.030, how would you define visual clutter? It seems very subjective for a requirement.

Planner Sanderson said I think there were some aesthetics in some of the case laws, but I will have to look at it and get back to you.

Intern Meadow Wilkinson said this is something that we discussed with Assistant City Attorney Sheeran before he left, and when this says “it cannot negatively impact the aesthetic of buildings and uses,” it was stricken out because it was subjective, and the term “visual clutter” was a little bit more quantifiable.

Commissioner Catmull said how did we come up with the 100ft. distance from the property line?

Intern Meadow Wilkinson said I don’t think that number was pulled from anywhere specific, but when drafting the code we did look at the surrounding Cities and they were in a similar range of distances, so that is the distance we used.

Commissioner Catmull said if the landscape requirements are removed, what impact will that have on existing facilities?

Intern Wilkinson said as far as I am aware, there isn’t anywhere that is successfully landscaped in terms of the required code that we have right now. I know that in the District there is landscaping, but that wasn’t part of the wireless communications facility, and in all of the other areas there really isn’t any landscaping issues.

Commissioner Catmull said I don’t see a stand-off width, is there any requirement of how wide it can be?

Planner Sanderson said it used to be a large standoff, but around 2009 there was a concern that it was creating some visual impact to the residents, so we change the code to limit those standoffs to a flush mount. There are several towers that have been built since 2009 and they have the flush mount, but they don’t get as many co-locations. What is being proposed here, is to step back from that to allow a 36 inch, but in the 6409 code it does allow them to expand that distance by a percentage.

City Attorney Ryan Loose said it is my understanding that it will allow them to go 10 percent larger on any dimensions. I did want to say that some of these towers have conditional use permits, so if the landscaping was part of the conditional use permit, then they would have to do what was in the conditional use permit, or get it amended. What we are doing does not change the requirement.

Commissioner Catmull said I was looking at other jurisdictions, and Summit County requires that all tower owners co-locate on the monopoles. Did we have any conversations about requiring that on new towers to co-locate?

Planner Sanderson said we have had many discussions about this and I think every tower owner would love to co-locate, because that means more money in their pocket.

Intern Wilkinson said we have had discussions, and from those discussions, we added that “if it cannot be co-located they are going to put in a new monopole.” We will require them to submit a “statement of need” to the City explaining why that transmission equipment cannot be co-located, wall mounted, or roof mounted, or done in a freestanding structure to make sure erecting a new monopole is the last option.

Craig Chagnon (Applicant) – said we have put together a lot of time and effort with City staff into this Text Amendment. We have met with the City Council twice, so they have had a lot of exposure to this, and I think we have a code here that is going to work a lot better than what we had. Hopefully, this will enable us to proceed with the infrastructure growth that we need to accommodate the many wireless services, and bring that to your City. I don’t think you have anything to fear with what is in the code right now, I think it is reasonable, and that is what we were looking for.

Commissioner Catmull said where do you anticipate the next monopole in the City?

Mr. Chagnon said I don't know for sure. I know that is a poor answer, but my job is to work with the existing towers and the customers, but I do know that the towers are put in locations based on the demand.

Commissioner Catmull said I assume that when this Text Amendment passes in the large forum that is, we will extend the standoff of the existing towers, is that a possibility through this text?

Mr. Chagnon said it sounds like it is a possibility, but again, everything is carrier driven. Another thing that is driving this text, is I have 3 new co-locations, one by Verizon, and two by AT&T, and they are ready to get started because the demand is there.

Chair Hollist opened the Public Hearing to comments. There was none. She closed the Public Hearing.

Commissioner Catmull said in the code 17.112.040.B there is a phrase that talks about non-residential, or non-agricultural zone, but I think it should read non-residential, and non-agricultural zone, to be logically correct.

Planner Sanderson said it took me a while to read through everything, but I do think it makes perfect sense to have (and), rather than (or) there. I think that is an easy change, unless the other Commissioners have an issue with changing it.

Commissioner Catmull said I think it completes the logic.

City Planner Greg Schindler said I would make sure that it says (and's) plural, because you are talking about multiple zones now.

Commissioner Catmull said in the code 17.112.040.D it says: "low grade mounted inside of a building or made stealth structure," two of them are structural, and one is visual. I think it needs to be either/or, so I think that needs to be clarified. It is fine for now, but when we visit the next text we need to be clearer on what the staff analysis was, and that we are striving to eliminate noise and visual impacts.

Planner Sanderson said could we use (and) there too? I think we were addressing visual and nuisance there, but I think we can take a look at it and clarify it better.

Commissioner Catmull said yes, that would work because it would require them to do both.

Planner Sanderson said it is certainly something that we can look at. I think the intent is that anytime they are within 100 feet of a residential property owner we do our best to buffer that resident, whether it be aesthetically, or for noise.

Intern Wilkinson said I think one of the reason for the "or" is because this is referring to "all" commercial equipment, which includes: ground equipment that you would put in a building, but it also includes antenna's that you wouldn't put below ground, you would have to put them on a stealth structure or something else. I think that is why "or" is there in that sentence. I think it would be easy to say: "commercial ground equipment located within 100 feet of a residential property line has to be put in a low grade vault or building, and all stealth equipment has to be in a structure."

Planner Sanderson said I think we can rework this now that we know to address aesthetics, and noise nuisance

Commissioner Morrissey motioned to send a recommendation to the City Council to approve Ordinance No. 2020-07 amending Chapter 17.112 of the South Jordan City Municipal Code regulating wireless communication facilities, with the following changes to the draft ordinance:

- **In the code 17.112.040.B the text be changed from “Non-Residential or Non-Agricultural” to be “Non-Residential and Non-Agricultural.”**
- **In the code 17.112.040.D the text be changed “to separate the visual, and audible requirements for clarity.”**

Commissioner Hollist seconded the motion. Roll Call Vote was 5-0 unanimous in favor; Commissioner Peirce was absent from the vote.

X. OTHER BUSINESS - *None*

ADJORNMENT

Commissioner Morrissey motioned to adjourn the April 28, 2020 Planning Commission meeting. Commissioner Gedge seconded the motion. Vote was unanimous in favor; Commissioner Peirce was absent from the vote.

The April 28, 2020 Planning Commission Meeting adjourned at 8:20 p.m.

Meeting minutes were prepared by Deputy Recorder Cindy Valdez

This is a true and correct copy of the April 28, 2020 Planning Commission minutes, which were approved on May 12, 2020.

Cindy Valdez

South Jordan Deputy Recorder

4-28-20 PC Meeting
Attachment A.

Cindy Valdez

From: Shauna Roxburgh-Hall <shaunaroxburghhall@gmail.com>
Sent: Monday, April 27, 2020 8:19 PM
To: Brad Sanderson
Subject: Chattel Estates subdivision

Hello Brad, my name is Shauna Roxburgh Hall, (lot # 20) I live on the north side of Becksteads (lot 21). I talked to you Monday around 5:30, said I should email my concerns to you. Mainly I'm worried about where the property lines are according to all parties involved. And having access to the irrigation ditch, which we use every year and own shares in. We pay Welby Jacob water users for our shares. The Becksteads have said they will maintain the ditch on they're side but they've never done so, not once. I am concerned about this in the future also. Also, there was talk of a cinder block wall installed between all properties.?? Since we own large animals I believe this will protect us as well as who ever buys the Beckstead properties. When we moved out here so many years ago, we never planned on people selling out their acre lands, we wanted to have space between each home site. Thank you for your time, Shauna Hall

Cindy Valdez

From: Brad Sanderson
Sent: Monday, April 27, 2020 11:03 AM
To: Michele Hollist; Nathan Gedge; Trevor Darby; Steven Catmull; Sean Morrissey; Michael Peirce
Cc: Cindy Valdez
Subject: FW: Lot 21 Chattel Estates

All,

I received the below email regarding the Chattel Estates Lot 21 amendment, scheduled for Tuesday night's PC meeting. In fact I have received a few phone calls on this one, all of which have echoed more or less, the same as what is written below within the email.

Additionally, there have been two phone call comments about whether the north property line is north or south of the private irrigation ditch which parallels the north property line. I have been putting these individuals in contact with the licensed surveyor as this is the best information we have to rely on.

The agenda and supporting documents should now be posted on the City website. Please feel free to contact me if you have any questions?

Brad Sanderson, AICP | Planner III | City of South Jordan
1600 W. Towne Center Drive | South Jordan, UT 84095
O: 801.253.5203 ext. 1370 |



From: Rex Petersen <rexp@sisna.com>
Sent: Monday, April 27, 2020 9:00 AM
To: Brad Sanderson <BSanderson@sjc.utah.gov>
Subject: Lot 21 Chattel Estates

Concerns,

Jolene and I (Rex) have lived in the area since we were married in 1985, with my wife growing up in South Jordan. We have seen many changes over the years, some good and some not so great. For the most part we feel South Jordan has done a very good job managing the growth, while still keeping the clean look of our city. We live in the Chattel Estates and specifically purchased our home in an area with 1 acre lots. We purchased here because of the Horse/large animal zoning and ability to pasture animals onsite. Over the past 18 months we have started to see some of the residents sell off pieces of their lots (1/2 acre). This has started to cause an uneven look within the subdivision.

I do not agree with subdividing any lots within our subdivision, however there has been a couple around me divided without input. These were split into 1/2 acre lots that could still support large animals. Allowing 1/3 acre division of lots within the subdivision puts non Large Animal residential units in the middle of current large animal zoning area. These properties are smaller than the city deems necessary to support large animals. The city zoning supports that nothing smaller than 1/2 acre can support the current zoning in our area, seems odd that we would interrupt this flow.

If allowed the division of this property puts current zoning in jeopardy and will cause issues between those not allowed and those allowed to have animals. I understand neighbors seeing the trend/dollars to be made and trying to take

advantage of what has occurred over the past year. However, those of us who purchased and still use the property as intended should have our lifestyle protected also.

Since we cannot go back. I propose a ½ acre split and no smaller.

Sorry for being the neighbor who objects, but we still need to live here and have the lifestyle we saved and prepared for.

Rex & Jolene Petersen
3326 west 10000 south,
South Jordan, Ut 84095
Cell- 801-673-1256