

SOUTH JORDAN CITY
CITY COUNCIL MEETING

October 17, 2023

Present: Mayor Dawn R. Ramsey, Council Member Patrick Harris, Council Member Tamara Zander, Council Member Brad Marlor, Council Member Don Shelton, Council Member Jason McGuire, City Manager Dustin Lewis, Assistant City Manager Jason Rasmussen, City Attorney Ryan Loose, Director of Commerce Brian Preece, Director of Strategy & Budget Don Tingey, Fire Chief Chris Dawson, Director of Administrative Services Melinda Seager, Director of Public Works Raymond Garrison, Director of Recreation Janell Payne, CFO Sunil Naidu, Director of Planning Steven Schaefermeyer, City Engineer Brad Klavano, Police Chief Jeff Carr, Communications Manager Rachael Van Cleave, GIS Coordinator Matt Jarman, Senior Systems Administrator Phill Brown, IT Director Jon Day, City Recorder Anna Crookston, Meeting Transcriptionist Diana Baun, Planning Commissioner Laurel Bevans, Long Range Planning Analyst David Mann

Absent:

Others: Susanna Bruening, Travis Ferrin, Alicia Fairbourne, Ray Loo, Lephidar Leo, Brandon Crookston, Audrey Cullimore, Denise Woods, David Cannen, Kathie Johnson, Sam Bishop, Bryce Wilcox, Amanda Covington

6:40 P.M.
REGULAR MEETING

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

Mayor Ramsey welcomed everyone and introduced the meeting.

B. Invocation – *By Director of Strategy & Budget Don Tingey*

Director Tingey offered the invocation.

C. Pledge of Allegiance – *Director of City Commerce Brian Preece*

Director Preece led the audience in the Pledge of Allegiance.

D. Minute Approval

D.1. September 19, 2023 City Council Study Meeting

D.2. September 19, 2023 Combined City Council & Redevelopment Agency Meeting

D.3. October 3, 2023 City Council Study Meeting

D.4. October 3, 2023 Combined City Council & Redevelopment Agency Meeting

D.5. October 10, 2023 City Council Special Meeting

Council Member McGuire motioned to approve the following minutes:

- **September 19, 2023 City Council Study Meeting**
- **September 19, 2023 Combined City Council & Redevelopment Agency Meeting**
- **October 3, 2023 City Council Study Meeting**
- **October 3, 2023 Combined City Council & Redevelopment Agency Meeting**
- **October 10, 2023 City Council Special Meeting**

Council Member Marlor seconded the motion; vote was unanimous in favor.

Council Member Harris motioned to amend the agenda to switch Items H.1. and H.2. in order, as well as appoint Council Member Marlor as Mayor Pro Tempore when Mayor Ramsey has to leave the meeting tonight. Council Member Zander seconded the motion; vote was unanimous in favor.

E. Mayor and Council Reports

Council Member Jason McGuire

- Attended the Special City Council Meeting on October 10.
- Arts Council had a meeting where they started looking at the budget for the next fiscal year.
- Was unable to attend, but shared about the Dueling Pianos Event hosted by the Arts Council.
- LPC.

Council Member Tamara Zander

- In addition to the events mentioned by Council Member McGuire, she attended a dinner at Council Member Shelton's home with the mayor, council and chiefs of staff.
- Yesterday attended the South Valley Mosquito Abatement District Board Meeting. Last month a new manager was installed, and things are going well.

Council Member Brad Marlor

- Architectural Review Committee Meeting on October 11, with only one item on the agenda for a law firm.
- Closed meeting previously mentioned.
- Ribbon cutting for the Western States Corporate Office Grand Opening down on the river front.
- Dinner at the Shelton's as well.
- Talked about his son Remington's large pumpkins, weighing in at over 100 pounds.

Council Member Patrick Harris

- Attended the dinner at the Shelton home.
- Special work session with the rest of the council.
- Met with a developer looking at potentially developing in District 1.
- Trunk or Treat at the Taekwondo Dojo.

Council Member Don Shelton

- Traveled up Big Cottonwood Canyon, saw the eclipse.
- Judged a lip sync competition at the Sagewood Retirement Community, which was held to raise money for the Alzheimer's Association.
- Zion's Bank 150 year anniversary at the local branch.
- Jordan River Commission.
- Discussed legislation around modifying zones to include riparian areas.
- Association of Municipal Councils, LPC, and other meetings already mentioned by other council members.

Mayor Dawn Ramsey

- Attended the dinner at the Shelton home.
- South Valley Chamber's Congressional Event, meeting with some of our congressional delegation.
- Zion's Bank 150th Anniversary.
- Western States ribbon cutting.
- Joint Policy Advisory Committee
- Major Brent Taylor Foundation Board Meeting, asked by the foundation if the city was still interested in hosting one of the future 9/11 events.
- Jordan Valley Water Conservancy District, many good things happening there.
- League Board Meetings.
- She is no longer on the official executive committee for the League of Cities and Towns. However, due to her ex-officio role representing the UEOC on the board she still goes with the executive committee to meet with anyone at the legislature, governor's office, etc.
- Live podcast on LinkedIn.
- Met with several different organizations.
- Utah Aerospace and Defense Launch Kickoff for the rebranding of G-47, the future of Utah's Aerospace and Defense.
- With so many other things happening in our city in the near future, she made the decision to not go on the trade mission with the state to Ukraine. She had already committed to some future events here in the city and she does not want to miss those.
- Many meetings with staff, with lots of good work going on.

F. Public Comment

Mayor Ramsey opened the public comment portion of the meeting.

Ray Loo (Resident) – Provided paperwork to the council (Attachment A). I am here representing Cherry Grove Housing, LLC, located here in the City of South Jordan. The title of my memo is “Violations of my Fifth Amendment and Fourteenth Amendment Rights in an ADU case.” I bought the property in 2020 at 2532 W. Cherry Grove Way, South Jordan, and since then I have a short time and longtime rental business going on without having any problems or issues, my neighbors were okay, I never had any issues at all. This year in July, I was notified by the code compliance department about permits and plans being required, a valid building permit must be obtained for construction work completed on the property, including the accessory structure which is in the back; that it was unlawful to engage in any business without a license. According to state law and county law this petition is unlawful because I am not mandated to have a license within the city because of the housing crisis and the state law commands that. I met with Inspector Audrey Cullimore in July and she informed me that I have to apply for a permit application in order to keep the detached ADU, which I bought in 2020. Everything with the ADU on the back of my property was there at the time when I bought the property. I informed her about this and she told me that she is unaware of that. I told her I was aware of a permit application from the previous owner in 1997, and she told me she was unaware of that, but very condescendingly told me that if I liked, I could apply for a GRAMA record in regards to that. After I had been provided with a document, she told me that even though there was a permit, I have to apply for two permits; for a detached ADU and a building permission, even though I bought the property the way it was with the detached structure in place already. I told her that because of my lack of knowledge on this and because I didn’t want to have any legal contingencies within the City of South Jordan, where I reside, I asked her how I could get into compliance. She practically forced me to apply for permits that she knew, because of the outdated zoning ordinance, would be rejected. Before I went into the application process I mentioned to her whether I could go for the variance, because I knew this was going to be rejected and the variance would be my best option at the time. She told me no, you have to start from the beginning, applying for a building permit, an ADU permit, and we will see after that. She told me in a meeting that she was going to be flexible and work things out with me. After applying for my permits I was notified that they cannot grant the permits because of the outdated ordinances that are in place here. Again, as state and county law command, the creation of ADUs in the whole State of Utah are allowed in order to help mitigate the housing crisis. There is a list of cities that, at this moment, are updating their ordinances in an effort to get in compliance, and those are Salt Lake, Lehi, Cottonwood Heights, and the list goes on. I tried to follow the recommendations, and at some point she told me she doesn’t have anything else to talk with me about, and if I like I can communicate with the zoning and planning department to get my case addressed. I have been in contact with Greg Schindler through two phone calls, informing him about the state and county law. He told me that he is unaware as well about this new state and county law, and that if I like I can send him information about that. I sent him the information, and after that he never replied back to my emails, phone calls or voicemails. I got in contact with David Mann in the planning department and he told me they are going to have a meeting on October 3, in which they are going to try to update the ordinance in an effort to get in compliance

with the state law. He told me that I should be aware that there are more red flags, or properties in the same situation, within the State of Utah. I told him I have to get in compliance and he told me that I shouldn't be worried because they are going to close my case. On October 4, I received a letter from Inspector Cullimore saying that my four options are to destroy, remove, uninstall or start legal action against the city. I got in contact again with Mr. Mann and I expressed to him what happened, I was told the same thing and said that he never told me that my case would be closed or something like that. At this very moment I feel like my rights were violated, I feel like there is a discrimination case here because there is more properties within the area that have the same issue and have detached structures, including my neighbor, but they are using them as a scapegoat in order to make this outdated ordinance be fully enforced. I am coming to you today, in an effort to express to you that I didn't make the mistake to come to this meeting without talking with a lawyer before, I talked already with six different lawyers and each of them are interested and willing to take my case. However, I felt that I should come today and talk with the city council about my case, in order for you to take serious consideration of my case and behave according to law. I have a deadline of tomorrow to get into compliance, so I don't know if you guys can grant me an extension, or what the process would be until you can work with me to resolve this situation, but this is what's going on right now.

Mayor Ramsey thanked Mr. Loo and noted that they will read through the information presented in Attachment A. He will either hear back from the City Manager or the City Attorney if he is working with legal counsel.

City Manager Dustin Lewis noted that since Mr. Loo is working with an attorney, it would be in the best interest of the city to have the city attorney's office reach out and make contact.

City Attorney Ryan Loose told Mr. Loo to provide his attorney's information and his office would get in contact with that lawyer.

Mr. Loo asked about an extension or the deadline that is coming due tomorrow.

Mayor Ramsey responded that is not something that can be done during public comment, and it's not an agenda item. She asked him to give his information to Attorney Loose and his office will be in contact with Mr. Loo's attorney.

Mayor Ramsey closed the public comment portion of the meeting.

G. Presentation Item

G.1. Recognition of City Recorder, Anna Crookston, for obtaining the Certified Municipal Clerk (CMC) Certification and UMCA State Certification. *(By UMCA Board Members)*

Alicia Fairbourne and Denise Woods recognized and presented Anna Crookston with her certifications.

H. Action Items

H.1. Resolution R2023-47, Authorizing a purchasing policy exemption for the procurement of a city contract for water sampling testing for the Pure SoJo project without competitive bidding. *(By Director of Public Works Raymond Garrison)*

****Continued to Item H.2. first, as amended previously in the meeting****

Director of Public Works Raymond Garrison reviewed background information from the Council Report.

Council Member Shelton asked what the downsides would be of an open bid process.

Director Garrison responded that staff looked into that with a lot of discussions on how this could be bid. There are many difficulties with bidding this out because of the wide range of samples required, and the fact that not one lab can do all of them at once. They also want to make sure the lab has the credentials to do the samples with experience on projects similar to ours. They also have to ensure that the Division of Drinking Water is okay with the labs selected.

Council Member Shelton motioned to approve Resolution R2023-47, Authorizing a purchasing policy exemption for the procurement of a city contract for water sampling testing for the Pure SoJo project without competitive bidding. Council Member Zander seconded the motion.

Roll Call Vote

Yes – Council Member Shelton

Yes – Council Member Zander

Yes – Council Member McGuire

Yes – Mayor Pro Tempore Marlor

Yes – Council Member Harris

Motion passes 5-0, vote in favor.

H.2. Resolution R2023-53, Authorizing the Mayor to sign an agreement with the various Daybreak Corporations for the Third Amendment to the Master Development Agreement for the Kennecott Master Subdivision #1 Project. *(By City Attorney Ryan Loose)*

City Attorney Ryan Loose reviewed background information from the Council Report.

Council Member Zander motioned to approve Resolution R2023-53, Authorizing the Mayor to sign an agreement with the various Daybreak Corporations for the Third Amendment to the Master Development Agreement for the Kennecott Master Subdivision #1 Project, as amended by City Attorney Ryan Loose. Council Member McGuire seconded the motion.

Roll Call Vote

Yes – Council Member Zander
Yes – Council Member McGuire
Yes – Council Member Harris
Yes – Council Member Marlor
Yes – Council Member Shelton

Motion Passes 5-0, vote in favor.

Mayor Ramsey left the meeting and Brad Marlor stepped in as Mayor Pro Tempore as voted on previously in the meeting. The meeting continued with Item H.1.

I. Public Hearing Items

I.1. Resolution R2023-49, Approving the 2022 Consolidated Annual Performance and Evaluation Report and authorizing submittal to the U.S. Department of Housing and Urban Development and Community Needs Hearing for the 2024-25 Program Year. *(By Long Range Planning Analyst David Mann)*

Long Range Planning Analyst David Mann reviewed background information from the Council Report and his prepared presentation (Attachment B).

Mayor Pro Tempore Marlor opened the public hearing for comments. There were no comments and the hearing was closed.

Council Member Harris motioned to approve Resolution R2023-49, Approving the 2022 Consolidated Annual Performance and Evaluation Report and authorizing submittal to the U.S. Department of Housing and Urban Development and Community Needs Hearing for the 2024-25 Program Year, along with opening an additional public hearing in February of 2024. Council Member McGuire seconded the motion.

Council Member Shelton asked about the ADA ramps and reasons for not doing any this year.

Planner Mann responded that he believes staff was more focused on completing the Yorkshire project, since it has been on the books since 2020. He did receive an inquiry from the city's engineering department, checking in on how much funding was left for the ADA ramps and an update was given to them at that time.

Council Member Shelton noted that he saw something in the report about senior services and housing, and asked if any of these funds can be used for anything related to that.

Planner Mann responded that a few years ago when upgrades were being considered for the current senior center, they looked at using CDBG funding. They then discovered that if the building was used for anything else that didn't qualify for CDBG funding it would have to be repaid to HUD.

Council Member Shelton asked if any of these funds could be used for the new senior center that has been announced.

Planner Mann responded that can be looked at and discussed in the future.

Council Member Shelton asked if city staff is being used for installation of the ADA ramps versus contracting it out.

Planner Mann responded that typically that is contracted out.

Roll Call Vote

Yes – Council Member Harris

Yes – Council Member McGuire

Yes – Mayor Pro Tempore Marlor

Yes – Council Member Shelton

Yes – Council Member Zander

Motion passes 5-0, vote in favor.

I.2. Zoning Ordinance 2023-04-Z, Rezoning property located at 11050 S. Bangerter Highway from A-1 Agricultural Zone to the OS-P Park Open Space Subdistrict Zone. *(By Director of Planning Steven Schaefermeyer)*

Director of Planning Steven Schaefermeyer reviewed background information from the most recently published Council Report (Attachment D) and his prepared presentation (Attachment C).

Mayor Pro Tempore Marlor opened the public hearing for comments. There were no comments and the hearing was closed.

Council Member McGuire motioned to approve Zoning Ordinance 2023-04-A, Rezoning property located at 11050 S. Bangerter Highway from A-1 Agricultural Zone to the OS-P Park Open Space Subdistrict Zone. Council Member Shelton seconded the motion.

Council Member Zander asked about the High Pointe Park Pavilion, and whether it was an HOA Park.

Director of Engineering Brad Klavano responded that it is a city park.

Council Member Zander asked about the Welby High Pointe Trail System, who maintains that trail.

Director Klavano responded that the city does.

Mayor Pro Tempore Marlor asked about lighting, and if this was solely intended for use during daytime hours.

Staff responded that it is intended solely for use during the daytime hours.

Roll Call Vote

Yes – Council Member McGuire

Yes – Council Member Shelton

Yes – Council Member Harris

Yes – Council Member Zander

Yes – Mayor Pro Tempore Marlor

Motion passes 5-0, vote in favor.

J. Staff Reports and Calendaring Items

Council and staff discussed event on Thursday and the meeting time.

Council Member McGuire motioned to adjourn the City Council Meeting. Council Member Zander seconded the motion; vote was 5-0 unanimous in favor.

ADJOURNMENT

The October 17, 2023 City Council Meeting adjourned at 7:53 p.m.

This is a true and correct copy of the October 17, 2023 City Council Meeting Minutes, which were approved on November 7, 2023.

Anna Crookston

South Jordan City Recorder

MEMORADUM

TO: South Jordan City Council.

FROM: Cherry Grove Housing LLC.

DATE: October 17, 2023.

RE: Violations of my Fifth Amendment and Fourteenth Amendment Rights in a ADU case.

FACTS

On July 7, 2020, I purchased the property located at 2532 W. Cherry Grove Way South Jordan Utah with Tax ID No. 27-16-201-023 (Exhibits A and B). Since then, I have run a short time rental business in the property right after the purchase date without any inconvenience and procuring not being a nuisance to my neighbors and area residents. Never did I have any complaint nor a warning during the time I have been running the rental business.

On July 12, 2023, I received a message by email stating that the Code Compliance had received a complaint against me. On this message, the complainer made vicious, groundless and puerile accusations against me such as a lot of traffic and noise during all hours of night. The complainer considers that rentals are prohibited without having read local statutes. In sum, slandering accusation of me and my business. On July 18, 2023, without any previous communication or on-site inspection, I received an email from Inspector Cullimore (acullimore@sjc.utah.gov) from the Code Compliance stating that, "(1) PERMITS AND PLANS REQUIRED (...) A valid building permit must be obtained for all construction work completed on the property including the accessory structure located in the back of the property." And, "(2) UNLAWFUL TO ENGAGE IN BUSINESS WITHOUT A LICENSE." The above-mentioned notice stated a deadline for compliance on August 1, 2023.

On July 27, 2023, I met Inspector Cullimore at the South Jordan City offices and then I learnt I was notified because of the detached ADU that has been in the back of the property and my rental business. In a patronizing way, she stated that it does not matter whether or not the detached ADU was there by the time I bought the property, I have to get the detached ADU in compliance if I do not want my property to be sent for legal screening. During the meeting, I also told her that I knew that a previous owner of the property back in 1990's had built the ADU. She replied that she was unaware of that and if I want, I can request a copy of the permit.

1. Under the Administrative Procedure Act of 1946, 5 U.S.C. Section 706(A), was the code compliance department's action lawful and their findings and conclusions not arbitrary and capricious in which I should obtain a building permit?

Yes, the code compliance department's actions are unlawful, and their findings and conclusions are arbitrary and capricious.

Both the Fifth Amendment and the Fourteenth Amendment state that no person shall be deprived of life, liberty and property. The Fourteenth Amendment emphasizes this point for local governments. This constitutional doctrine provides the concept of procedural due process of law that implies that official action must meet minimum standards of fairness to the individual, such as the right to adequate notice and a meaningful opportunity to be heard before a decision is made.

At this opportunity, my constitutional rights were violated since the beginning because Inspector Cullimore notified me without having met me first, conducted an on-site inspection to the property, and revised if there is a building permit for the Detached Structure issued to the previous homeowner. Please note that I obtained a copy of the building permit and the report states that inspection was passed and approved (Exhibit C). On the other hand, the Salt Lake County assessor reports in their CAMA data for the property, the condition of the detached ADU as EXCELLENT and its quality as GOOD. Even so, it states that the construction year was in 2020. (Exhibit B). No law in the land mandates a buyer to conduct in-depth inspections to a property if the purchase is in good faith and the ALTA homeowner policy is clean without any lien on it.

Under Utah Law, local governments can enforce the building permit code when "erect, construct, reconstruct, alter, or change the use of any building or other structure within a municipality" which is not the case here. The detached ADU was built before I purchased the property and had no knowledge of whether the ADU was built by complying with South Jordan City's codes and regulations; however, in the light of the evidence the previous homeowner did comply with the building permit. Requesting me to comply with an arbitrary and capricious mandate is a deprivation of my property without an adequate due process of law.

2. Under the Fourteenth Amendment, was the code compliance department's actions unlawful and inconsistent in which it states that my business was unlawful because I was conducting a rental business without a license?

Yes, the code compliance department's actions are unlawful and inconsistent.

The Fourteenth Amendment states that “nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

Under Utah law, I am not required by the force of the law to comply with an unlawful mandate. Section 17-50-338 (2) states that “a legislative body may not:

- (a) enact or enforce an ordinance that prohibits an individual from listing or offering a short-term rental on a short-term rental website; or
- (b) use an ordinance that prohibits the act of renting a short-term rental to fine, charge, prosecute, or otherwise punish an individual solely for the act of listing or offering a short-term rental on a short-term rental website.”

Requesting me to comply with a non-existent municipal law is unlawful and inconsistent. The Code Compliance department demonstrates their lack of respect of my constitutional rights and their frequent abuse of power under the law.

During the meeting, Inspector Cullimore told me that even if there was a building permit for the ADU, I am required to apply for a second building permit and pay the fees for the ADU. My lack of understanding of the law in Utah and because I did not want to have any problems with the local government and after being told several times that if I do not comply my property would be sent to the legal department for compliance, I agreed to apply for an ADU building permit and paid the fees.

On August 21, 2023, I met for a second time with Inspector Cullimore who told me that the building of detached ADUs are prohibited within the borders of the City of South Jordan. She stated a city ordinance that is full force in South Jordan. She told me many times that she was unaware of Utah and Salt Lake County Municipal codes regarding ADUs and she was unaware of them being permitted in the state and the county.

I asked her if I can go straight to the variance process since my permit application will be denied anyway. Her reply was no. That I have to start from there, meaning, applying for a building permit that I was told that it would be denied anyway because the City of South Jordan prohibits the building of ADUs in residential areas. In other words, she told me that I have to apply for 2 permits, one for the building permit of the Detached Structure and a second one to make an Accessory Dwelling Unit. Each permit costed me \$100. Also, I paid for site, elevation and floor plans over \$2,000. I complied with her requirements under the threat of my property be sent to legal department and despite she knew that her requests of compliance were unlawful. My permits will not be approved. she told me that she will be flexible and work this case out with me. On both meetings, August 1 and 21 of 2023, I met Inspector Cullimore when my CPA was present.

3. Under Utah law, are ADUs prohibited?

Not, the construction of ADUs and the issuance of building permits for ADUs are not prohibited under Utah law.

Under Utah law, it states that “[I]n any area zoned primarily for residential use” (Utah Code Ann. 10-9a-530(2), (a) “the use of an internal accessory dwelling unit is a permitted use.” And, (b) “a municipality may not establish any restrictions or requirements for the construction or use of one of one internal accessory dwelling unit...” In Chapter 10-9a-103, the state law states that “(1) Accessory dwelling unit” means a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot.”

The Salt Lake County—Municipal Code, Chapter 19.15, Section 010, it states that “Salt Lake County recognizes that accessory dwelling units in single-family residential zones can be an important tool in the overall housing plan for Salt Lake County.” And, “Detached ADUs are also permitted...” (*Idem*, 19.15.030(A)).

Both Utah law and Salt Lake Municipal Code state that detached ADUs are permitted not only statewide but also county wide. Inspector Cullimore’s pre-determined actions to have me apply for a building permit (which I did not need it) and for an ADU permit (which should be approved) that would ultimately be denied by the Code Compliance department are a violation of my constitutional rights and property rights across the table. The code compliance’s actions are unilateral and discriminatory.

In a federal case law, the Court states that the plaintiff must demonstrate that some authoritative source of law “establishes a definite standard to guide the decisions... rather than confiding the decision to the discretion of the administering authorities.” *Gilbert v. Frazier*, 931 F.2d 1581 (7th Cir. 1991). Therefore, Utah law and Salt Lake County—Municipal Code are the sources of law in which the administering authorities must direct for further reference in order for them to make decisions.

4. Under Federal law, was my right of due process of law violated?

Yes, under federal law my right of due process of law was violated.

As said before, both Utah law and Salt Lake County—Municipal Code state clearly that municipalities should issue permits for ADUs. Inspector Cullimore’s and the Code Compliance’s actions to require me to comply with a law that is outdated in the City of South Jordan and make me pay fees for 2 permits that she knew would end up being denied by the Planning department are violations of my right of due process of law.

The code compliance department and inspector Cullimore's actions are predetermined to harm my budget and deprive me of the right of property. The Gilbert Court states that "an impartial decision maker is essential" in order to make a decision. Local officials are to enforce laws and codes under their statutory authority. Requiring me to apply for a building permit when I do not need it because I purchased the property AS-IS, that means with the detached unit in the back of my property and requiring me to apply for an ADU permit, knowing that their Planning department would deny me because they are not willing not comply with state and county statutes are violations of my right of due process of law with the purpose of depriving me of the right or property.

In a later date, I reached out to Inspector Cullimore and she told me that after getting my permits denied, my only option is to apply for the variance process and that she is done talking to me and I should reach out to Greg Schindler (gscindler@sjc.utah.gov) and David Mann (dmann@sjc.utah.gov) at the Planning department. In different opportunities, both Mr. Schindler and Mr. Mann asked me to email them the Salt Lake County—Municipal Code, Chapter 19.15. then I reached Mr. Schindler and he told me he had received my email with the municipal code. He told he does not know anything about the current county law in a condescending way. He told me he would check the law with the city attorney and after he never reach me back and/or never answered my emails and phone calls since then. Then, I reached Mr. Mann who is a subordinate to Mr. Schindler in the Planning department.

Mr. Mann told me that after reviewing the statutes of Utah and Salt Lake County regarding the ADU regulations, he told the City of South Jordan will implement those statutes into the South Jordan City Code and permit the building and operation of detached ADUs in defined residential zones and in lots that are at least 0.33 acres. All that is met by my property. I asked Mr. Mann then what we are going to do with my property since I have a deadline set by Inspector Cullimore coming on August 1, 2023, and he literally told me not to worry about that because there are many other properties in the same condition. That is, properties with ADUs within their borders. He told me they will have a meeting on 10/3/2023 and they will close the case against my property. Then, I reached out to him after the meeting and he told me that I have 4 options now: remove, destroy, revert my property or start legal actions.

After listening carefully his options, I told him that he had told me before that under the light of the state and county statutes, they would close my case because there are other properties with the same condition in the City. He denied having said that and referred me to talk with the City Attorney. On an email dated on 10/04/2023, Inspector Cullimore informed of the options I have now regarding my property (Exhibit E).

5. Under Federal law and state law, is the Planning department's actions a violation of my Fourteenth Amendment Rights?

Yes, under federal law it is a violation of my Fourteenth Amendment Rights.

The Code Compliance and the Planning department's actions are a violation of my Fourteenth Amendment Rights because they are ignoring the state and county regarding the ADU statutes. They have also not assessed the case under the light of the law. The officials acknowledge there are other properties in the same condition in the city, but they chose me as scapegoat. The officials acknowledge that there is one state law on ADUs, and two county statutes on ADU that must be implemented in their Code, but they do not want to comply with the state and county law. They misled me to apply for two permits when I do not need to apply for those. Their actions were always patronizing and condescending all the time not willing to find a solution that is better for the citizen and his right of property. They denied me the option of variance without any explanation. Their actions damaged my budget by requiring me pay permit fees and floor plans costs. Thus, they are violating my constitutional rights all across the board.

Therefore, I hereby request to the City Council to heed my case and rule according to the law.

BECOMES PERMIT WHEN SIGNED

*Date of Application April 11, 1997		Date Work Starts		Receipt No.		Date Issued 5-13-97		Permit Number 4-38-10047	
*Proposed Use of Structure Private Garage				BUILDING FEE SCHEDULE					
*Bldg. Address 2532 West Cherry Grove Way				Square Ft. of Building		Valuation 63,000			
*Address Certificate No.				Assessors Parcel No.		<input type="checkbox"/> Rough Basement <input type="checkbox"/> Finish Basement		Building Fees 124 75 Plan Check Fees 36 19 Electrical Fees 20 00 Plumbing Fees Mechanical Fees Subtotal 180 94	
*Lot #		*Block		*Subd. Name & Number		Carport sq. ft.		Garage sq. ft. 525	
*Property Location				<input type="checkbox"/> If metes and bounds see instructions		Type of Bldg.		Occ. Group U-1	
*Total Property Area - In Acres or Sq. Ft. .33 acre				Total Bldg. Site Area Used		No. of Bldgs. 1		No. of Stories 1	
*Owner of Property William Block				Phone 254-5032		No. of Bedrooms 0		No. of Dwellings 0	
*Mailing Address 2532 West Cherry Grove Way				City - Zip W. Jordan		Type of Construction <input checked="" type="checkbox"/> Frame <input checked="" type="checkbox"/> Brick Var.		Water Sewer Storm Sewer Moving or Demo. Temporary Conn. Reinspection State Fee 1 81	
*Business Name Address				Business Lic. No.		<input type="checkbox"/> Brick <input type="checkbox"/> Block <input type="checkbox"/> Concrete <input type="checkbox"/> Steel		Max. Occ. Load Fire Sprinkler <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
*Architect or Engineer				Phone		Special Approvals		Required Received Approved	
*General Contractor				Phone		Board of Adjustment		Health Dept.	
*Business Address - City - Zip				*State Lic. No.		*City/Co. Lic. No.		Fire Dept.	
*Electrical Contractor				Phone		Soil Report		Water or Well Permit	
*Business Address - City - Zip				*State Lic. No.		*City/Co. Lic. No.		Traffic Engineer	
*Plumbing Contractor				Phone		Flood Control		Sewer or Septic Tank	
*Business Address - City - Zip				*State Lic. No.		*City/Co. Lic. No.		City Engineer (off site)	
*Mechanical Contractor				Phone		Gas		Comments:	
*Business Address - City - Zip				*State Lic. No.		*City/Co. Lic. No.		ACTING CITY ENGINEER, KEVIN NICHOL APPROVED ENCHROACHMENT INTO THE 2' UTILITY EASEMENT LETTER DATED MAY 9, 1997	
*Previous Usage of Land or Structure (Past 3 yrs.) Residential				*Assessory Bldgs. Now on Lot		Land Use Cert.		Electrical Dept.	
*Dwell. Units Now on Lot				*Assessory Bldgs. Now on Lot		HiBack C.G. & S.		Other	
*Type of Improvement/Kind of Const.				<input type="checkbox"/> Sign <input checked="" type="checkbox"/> Build <input type="checkbox"/> Remodel <input type="checkbox"/> Addition <input type="checkbox"/> Repair <input type="checkbox"/> Move <input type="checkbox"/> Convert Use <input type="checkbox"/> Demolish		Bond Required <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Amount	
*No. of offstreet parking spaces:				Covered		Uncovered		This application does not become a permit until signed below.	

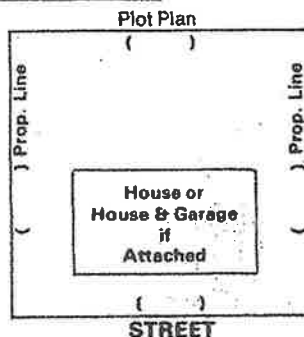
SUB-CHECK

Zone R-2.5 Zone Approved By

 Disapproved
 Approved

Date Sub-Ck. By

Minimum Setbacks in Feet



STREET

Board of Adjustment	Required	Received	Approved
Health Dept.			
Fire Dept.			
Soil Report			
Water or Well Permit			
Traffic Engineer			
Flood Control			
Sewer or Septic Tank			
City Engineer (off site)			
Gas			

Comments:
ACTING CITY ENGINEER, KEVIN NICHOL APPROVED ENCHROACHMENT INTO THE 2' UTILITY EASEMENT LETTER DATED MAY 9, 1997
Land Use Cert.
Electrical Dept.
HiBack C.G. & S.
Other
Bond Required <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Amount

This application does not become a permit until signed below.	
Plan Chk. OK by	Date 5-12-97

This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury.

*Signature of Contractor or Authorized Agent		Date 5-13-97
*Signature of Owner (if owner)		(Date)
Census Tract.	Traffic Zone	Coordinate Ident. No.
New S.L.U. Code No.		Old S.L.U. Code No.

NOTE: 24 hour notice is required for all inspections

Planning and Code Determination

Audrey Cullimore <ACullimore@sjc.utah.gov>

Wed 2023-10-04 14:25

To: Ray Loo <raylooz@outlook.com>

Cc: David Mann <DMann@sjc.utah.gov>; Greg Schindler <GSchindler@sjc.utah.gov>; Steven Schaefermeyer <SSchaefermeyer@sjc.utah.gov>; Cory Day <CDay@sjc.utah.gov>; Ty Montalvo <TMontalvo@sjc.utah.gov>

1 attachments (2 MB)

Mailed Notice.pdf;

Ray Loo,

Following Planning and Code's meeting to discuss your case and property the following verdict was decided. Planning verified in the meeting that your unpermitted detached accessory dwelling unit cannot be approved/permitted. Also any future alleged amendment of the ADU code is not applicable to your property and your current code case. Planning has also verified and discussed with Code the options available to you for bringing the property into compliance. They are as follows:

- Obtain a valid/active detached accessory structure permit and convert the detached structure back to a standard accessory structure by the removal of all elements making the structure a dwelling.
- Structure removed from the property completely.
- Escalate case to the legal process, if you are unwilling/unable to come into compliance with either of the options noted above.

Attached you will see Code Enforcement's final notice of correction. This notice includes Planning's formal interpretation, which outlines that your property is not zoned for an external ADU. This notice also lists the violation reference for an unpermitted structure onsite and outlines the deadline of October 18th, 2023 in which all violations must be corrected. Please be advised that if the property is not in compliance by this deadline date your case will automatically be forwarded to our legal department.

Thank you!

Audrey Cullimore | Code Compliance | City of South Jordan

1600 W. Towne Center Drive | South Jordan, UT 84095

O: 801.253.5203 Ext 1281 | F: 801.253.5235

[BLOCKEDfacebook%5b.%5dcom/cityofsouthjordan/BLOCKED] 

[BLOCKEdtwitter%5b.%5dcom/SouthJordanUTBLOCKED] 

[BLOCKEDinstagram%5b.%5dcom/southjordancity/BLOCKED]  [BLOCKEDyoutube%5b.%5dcom/channel/UCvt-dQqGhbNgvPFomcQBFQwBLOCKED] 

Exhibit
E

Parcel 27-16-201-023-0000
Owner CHERRY GROVE HOUSING, LLC
Address 2532 W CHERRY GROVE WY
Total Acreage 0.33
Above Ground sqft. 2056
Property Type 111 - SNGL FAM RES
Tax District 38

Value History

Record	Land Value	Building Value	Market Value	Tax Rate
2023	\$ 211,400	\$ 476,100	\$ 687,500	
2022 1	\$ 207,300	\$ 493,100	\$ 700,400	.0103550
2021 1	\$ 159,500	\$ 344,700	\$ 504,200	.0112860
2020 1	\$ 159,500	\$ 296,000	\$ 455,500	.0120400
2019 1	\$ 124,400	\$ 317,500	\$ 441,900	.0122490
2018 1	\$ 124,400	\$ 286,100	\$ 410,500	.0123100

**Land Record****Record ID 1**

Lot Use RESIDENTIAL
Lot Type PRIMARY-LOT
Land Class RES-PRIMARY
Income Flag 0.33
Seasonal use 1114
Influence Type PUBLIC
Influence Effect Assmt. Class
Lot Depth Acres
Zone 1114
Sewer PUBLIC
Number Lots 1

Lot Shape REGULAR
Lot Location APPROACH
Neighborhood 872
Nbhd Type STATIC
Nbhd Effect TYPICAL
Topography LEVEL
Traffic LIGHT
Traffic Influence TYPICAL
Street type CUL-DE-SAC
Street Finish PAVED
Curb Gutter Y
Sidewalk Y

27-16-201-023-0000

Residence Record

Building Style RN
Assessment Classification P
Exterior Wall Type BRICK
Roofing ASPHALT-SHNG
Central AC YES-FA DUCT
Heating PRIMRY-CNTRL
Owner Occupied
Number of Stories 1.0
Total Rooms 17
Bedrooms 7
Full Baths 2
3/4 Baths 2
Half Baths 1
Number of Kitchens 1
Finished Fire places 1
Year Built 1988
Effective Year Built 2003
Interior Grade AVERAGE
Exterior Grade GOOD
Overall Grade AVERAGE
Interior Condition GOOD
Exterior Condition AVERAGE
Overall Condition GOOD
Visual Appeal AVERAGE
Maintenance MINIMUM
Conformity EQUAL-IMPRVD
Livability AVERAGE
Primary Kitchen STANDARD
Quality
Primary Bath STANDARD
Quality
Percent Complete 100
Main Floor Area 2056
Upper Floor Area
Finished Attic Area
Above Ground Area 2056
Basement Area 2024
Finished Basement Area 1900
Finished Basement Grade A
Carport Surface Area
Attached Garage S. Area 600
Builtin Garage S. Area
Basement Garage S. Area

27-16-201-023-0000

Above Grade Area + Basement Area: 4080

Detached Structure

Structure SHED-ENCLSD
Description
Assessment Class RES-PRIMARY
Units SQUARE-FEET
Measure 1 24
Measure 2 21
Effective Year Built 2021
Actual Year Built 2020
Quality GOOD
Condition EXCELLENT
Income Flag
Replacement Cost New \$ 17,136
Replacement Cost New, \$ 15,422
Less Depreciation
Sound Value \$ 0
Building Number

27-16-201-023-0000

Legal Description

27-16-201-023-0000

LOT 212, CHERRY HILL ESTATES #2 SUB. 6198-0971 6313-1448 6313-1449 9049-533 9050-3399 9052-5776 10202-6007 10601-698110927-9011

Click here for [Classic Parcel Details Page](#) [Search Again?](#)

This page shows the assessor's CAMA data, as it was, on May 22, 2023.

Exhibit B.

Exhibit A.

My Map



October 14, 2023

1:545
0 0 0.01 0.02 mi
0 0.01 0.02 km

County of Salt Lake, County of Utah, Bureau of Land Management, Utah AGRC, Esri, HERE, Garmin, INCREMENT P, NGA, USGS, Esri, HERE, IPC,

This map was created by the office of the Salt Lake County Assessor, in The information depicted here is to be taken as an approximate fit in regards to the spatial position of the layers presented. This map is not intended to represent an actual field Survey of, nor establish the actual relation between, any of the layers depicted here.

WHEN RECORDED RETURN TO:
CITY OF SOUTH JORDAN
1600 W TOWNE CENTER DRIVE
SOUTH JORDAN, UT 84095

Exhibit
D

Accessory Dwelling Unit Affidavit

Cherry Grove Housing LLC is the landowner of record of real property (the "subject property") located at 2832 W. Cherry Grove Way in the City of South Jordan, Utah (the "City"). The landowner is applying to construct an Accessory Dwelling Unit (as that term is defined in the ordinances of South Jordan City) on the subject property. I am either the owner or co-owner of the subject property or I am the beneficiary of a trust that owns the subject property or I am an owner of a legal entity that owns the subject property. As a condition of receiving all necessary permits and entitlements to construct and use an Accessory Dwelling Unit on the subject property I personally pledge that myself and any co-owners will comply with all regulations of the Accessory Dwelling Unit Floating Zone as set forth in the ordinances of the City and will personally occupy the property as a full time resident. As a further condition of receiving all necessary permits and entitlements to construct and use an Accessory Dwelling Unit on the subject property I authorize annual inspections of the Accessory Dwelling Unit by authorized South Jordan representatives. I understand that this affidavit must be signed, notarized and recorded at the Salt Lake County Recorder's Office before any permit is issued allowing the construction or use of the proposed Accessory Dwelling Unit.


(signature of property owner)


Dated this 18 day of September, 2023

State of Utah)

)ss

County of Salt Lake)

On the 18 day of September, 2023, personally appeared before me Ray Fevalles the signer(s) of the above instrument, who duly subscribed and swore before me that they executed the same.


NOTARY PUBLIC

Residing in Salt Lake County, Utah



Exhibit A.

My Map



October 14, 2023

County of Salt Lake, County of Utah, Bureau of Land Management, Utah AGRC, Esri, HERE, Garmin, INCREMENT P, NOAA, USGS, Esri, HERE, JRC, etc.

This map was created by the office of the Salt Lake County Assessor, in accordance with the Utah Assessor's Act, Chapter 2, Part 1, Section 2-201, Utah Code Annotated, 1953, as amended.

The information depicted here is to be taken as an approximate fit in regards to the spatial position of the layers presented. This map is not intended to represent an actual field survey of, nor establish the actual relation between, any of the layers depicted here.

Parcel 27-16-201-023-0000
Owner CHERRY GROVE HOUSING, LLC
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Above Ground sqft. 2056
Property Type 111 - SNGL FAM RES
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2019 1	\$ 124,400	\$ 317,500	\$ 441,900	.0122490
2018 1	\$ 124,400	\$ 286,100	\$ 410,500	.0123100

**Land Record**

27-16-201-023-0000

Record ID 1							
Lot Use	RESIDENTIAL	Influence Effect		Lot Shape	REGULAR	Traffic	LIGHT
Lot Type	PRIMARY-LOT	Assmt. Class	RES-PRIMARY	Lot Location	APPROACH	Traffic Influence	TYPICAL
Land Class		Lot Depth		Neighborhood	872	Street type	CUL-DE-SAC
Income Flag		Acres	0.33	Nbhd Type	STATIC	Street Finish	PAVED
Seasonal use		Zone	1114	Nbhd Effect	TYPICAL	Curb Gutter	Y
Influence Type		Sewer	PUBLIC	Topography	LEVEL	Sidewalk	Y
		Number Lots	1				

Residence Record

27-16-201-023-0000

Building Style	RN	Full Baths	2	Interior Condition	GOOD	Main Floor Area	2056
Assessment Classification	P	3/4 Baths	2	Exterior Condition	AVERAGE	Upper Floor Area	
Exterior Wall Type	BRICK	Half Baths	1	Overall Condition	GOOD	Finished Attic Area	
Roofing	ASPHALT-SHNG	Number of Kitchens	1	Visual Appeal	AVERAGE	Above Ground Area	2056
Central AC	YES-FA DUCT	Finished Fire places	1	Maintenance	MINIMUM	Basement Area	2024
Heating	PRIMRY-CNTRL	Year Built	1988	Conformity	EQUAL-IMPRVD	Finished Basement Area	1900
Owner Occupied		Effective Year Built	2003	Livability	AVERAGE	Finished Basement Grade	A
Number of Stories	1.0	Interior Grade	AVERAGE	Primary Kitchen	STANDARD	Carport Surface Area	
Total Rooms	17	Exterior Grade	GOOD	Quality		Attached Garage S. Area	600
Bedrooms	7	Overall Grade	AVERAGE	Primary Bath	STANDARD	Builtin Garage S. Area	
				Quality		Basement Garage S. Area	
				Percent Complete	100		

Above Grade Area + Basement Area: 4080

Detached Structure

27-16-201-023-0000

Structure	SHED-ENCLSD	Effective Year Built	2021	Replacement Cost New	\$ 17,136
Description		Actual Year Built	2020	Replacement Cost New,	\$ 15,422
Assessment Class	RES-PRIMARY	Quality	GOOD	Less Depreciation	
Units	SQUARE-FEET	Condition	EXCELLENT	Sound Value	\$ 0
Measure 1	24	Income Flag		Building Number	
Measure 2	21				

Legal Description

27-16-201-023-0000

LOT 212, CHERRY HILL ESTATES #2 SUB. 6198-0971 6313-1448 6313-1449 9049-533 9050-3399 9052-5776 10202-6007 10601-698110927-9011

Click here for [Classic Parcel Details Page](#) [Search Again?](#)

This page shows the assessor's CAMA data, as it was, on May 22, 2023.

Exhibit B

BECOMES PERMIT WHEN SIGNED

*Date of Application April 11, 1997

Date Work Starts

Receipt No.

Date Issued

5-13-97

Permit Number

5-13-97 10047

*Proposed Use of Structure

Private Garage

*Bldg. Address

2532 West Cherry Grove Way

*Address Certificate No.

Assessors Parcel No.

*Lot # *Block * Subd. Name & Number

*Property Location

☐ *If metes and bounds see instructions

*Total Property Area - In Acres or Sq. Ft.

.33 acre

Total Bldg. Site Area Used

*Owner of Property

William Block

Phone

254-5032

*Mailing Address

2532 West Cherry Grove Way

City - Zip

S. Jordan

*Business Name Address

Business Lic. No.

*Architect or Engineer

Phone

*General Contractor

Phone

Owner

*Business Address - City - Zip

*State Lic. No.

*City/Co. Lic. No.

*Electrical Contractor

Phone

Owner

*Business Address - City - Zip

*State Lic. No.

*City/Co. Lic. No.

*Plumbing Contractor

Phone

*Business Address - City - Zip

*State Lic. No.

*City/Co. Lic. No.

*Mechanical Contractor

Phone

*Business Address - City - Zip

*State Lic. No.

*City/Co. Lic. No.

*Previous Usage of Land or Structure (Past 3 yrs.)

Residential

*Dwell. Units Now on Lot

*Accessory Bldgs. Now on Lot

*Type of Improvement/Kind of Const.

☐ Sign☒ Build☐ Remodel☐ Addition☐ Repair☐ Move☐ Convert Use☐ Demolish

*No. of offstreet parking spaces:

Covered

Uncovered

SUB-CHECK

Zone

R-2.5

Zone Approved By

Disapproved

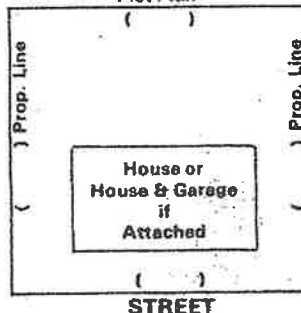
Approved

Date

Sub-Ck. By

Plot Plan

Minimum Setbacks in Feet



STREET

BUILDING FEE SCHEDULE

Square Ft. of Building

Valuation 63,000

☐ Rough Basement

Building Fees

124 75

☐ Finish Basement

Plan Check Fees

36 19

Carport sq. ft.

Electrical Fees

20 00

Garage sq. ft. 525

Plumbing Fees

Mechanical Fees

Subtotal

180 94

Type of Bldg.

VN

Occ. Group

U-1

No. of Bldgs.

1

R. Value

Walls

Roof

No. of Stories

1

R

R

No. of Bedrooms

0

No. of Dwellings

0

Type of Construction

☒ Frame ☒ Brick Var.☐ Brick ☐ Block ☐ Concrete ☐ Steel

Max. Occ. Load

Moving or Demo.

Temporary Conn.

Reinspection

State Fee

1 81

Fire Sprinkler ☐ Yes ☒ No

Total

182 75

Special Approvals

Required

Received

Approved

Board of Adjustment

Health Dept.

Fire Dept.

Soil Report

Water or Well Permit

Traffic Engineer

Flood Control

Sewer or Septic Tank

City Engineer (off site)

Gas

Comments:

ACTING CITY ENGINEER, KEVIN NICHOL APPROVED

ENCHROACHMENT INTO THE 2' UTILITY EASEMENT

LETTER DATED MAY 9, 1997

Land Use Cert.

Electrical Dept.

HiBack C.G. & S.

Other

Bond Required ☐ Yes ☒ No Amount

This application does not become a permit until signed below.

Plan Chk. OK by

Signature of Approval

Date

5-12-97

This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury.

Signature of Contractor or Authorized Agent

Date

Signature of Owner (if owner)

(Date)

Census Tract.

Traffic Zone

Coordinate Ident. No.

New S.L.U. Code No.

Old S.L.U. Code No.

NOTE: 24 hour notice is required for all inspections

2022-23 Annual Accomplishment Report and Community Needs Hearing

Community Development Block Grant

October 17, 2023

David Mann, CDBG Coordinator



What are CDBG Funds?

- CDBG = Community Development Block Grant
- CDBG-CV = funding for CDBG activities that prepare, prevent, and respond to the coronavirus
- Through the US Dept. of Housing and Urban Development (HUD)
- Must be used for eligible CDBG activities that benefit low- and moderate-income (LMI) persons
 - LMI = annual income ~ \$82K for a household of 4
 - Presumed LMI = seniors, persons experiencing abuse, disabled adults, homeless persons, illiterate adults, persons living with AIDS, and migrant farmworkers

"To develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons."

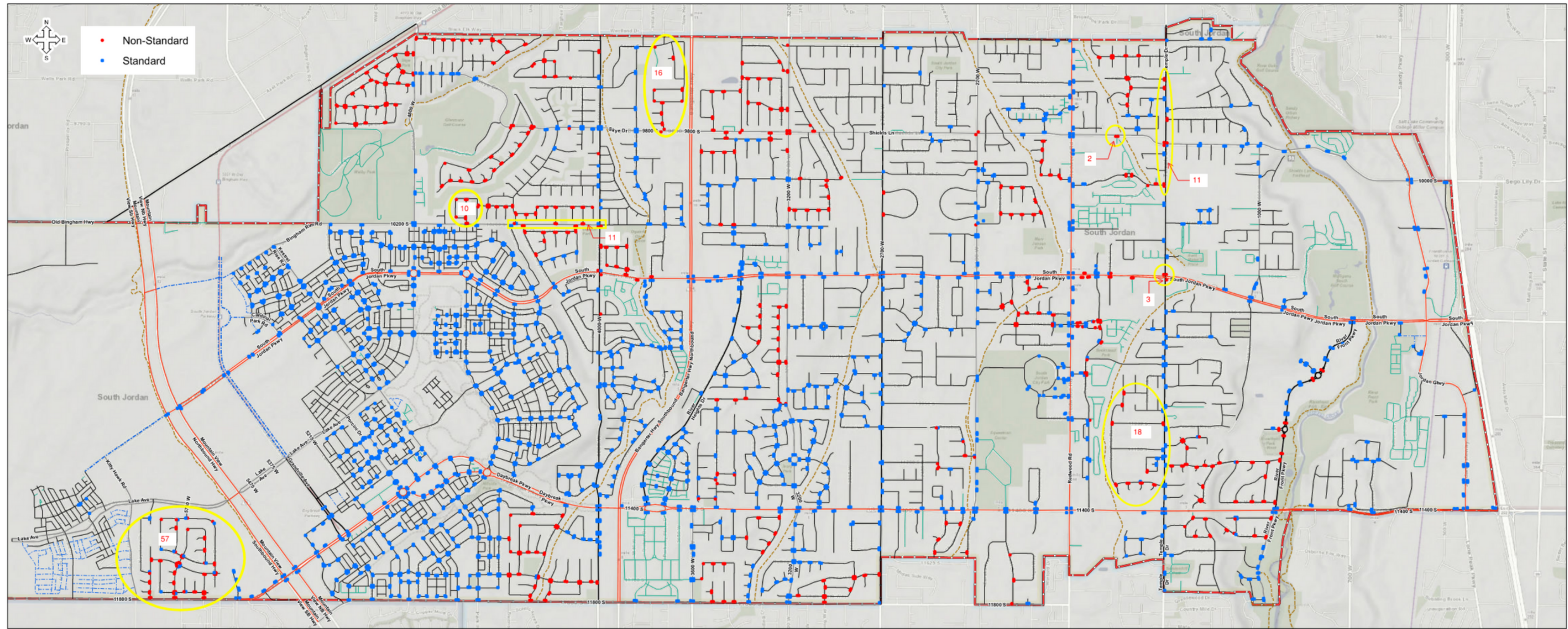
2020-24 Con Plan Goals

- Correct accessibility deficiencies
- Increase access to affordable housing
- Maintain existing housing
- Improve senior facilities and services
- Provide improvements in deficient neighborhoods
- Support services for vulnerable populations
- Support mental health programs and resources
- Support training, prevention, and education programs
- Support COVID-19 response efforts as needed

2022-23 AAP Goals

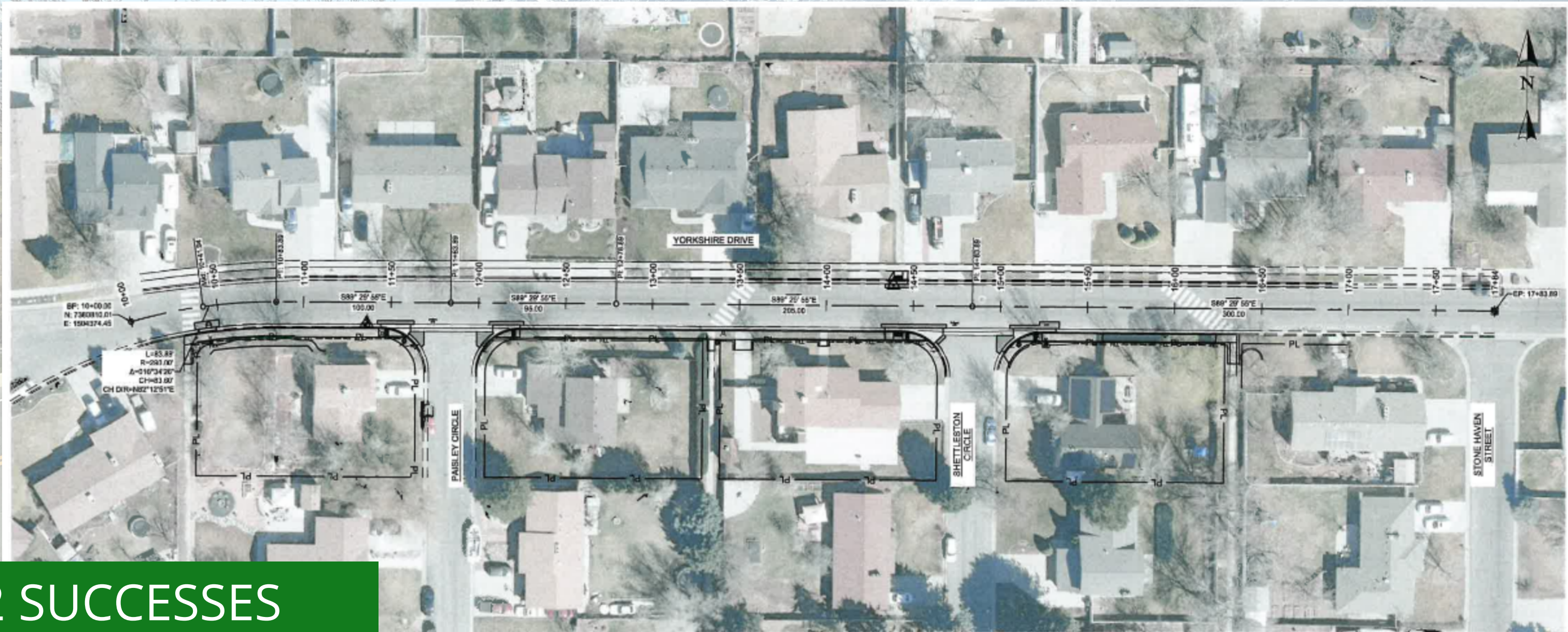
- **Correct accessibility deficiencies**
- Increase access to affordable housing
- Maintain existing housing
- Improve senior facilities and services
- Provide improvements in deficient neighborhoods
- **Support services for vulnerable populations**
- Support mental health programs and resources
- Support training, prevention, and education programs
- Support COVID-19 response efforts as needed

ADA Ramp Project Map



Yorkshire Drive Sidewalk

- Installed sidewalk, consolidated 2 school crossings into 1, and relocated existing fencing and utilities.

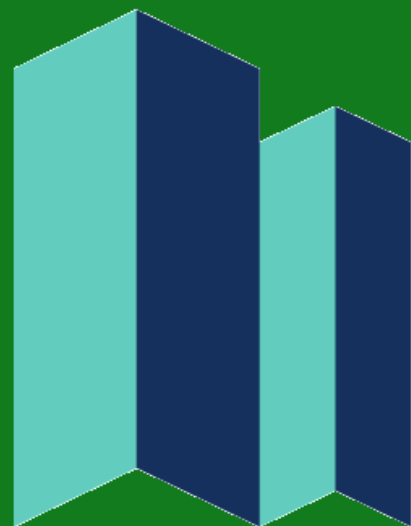


2022 SUCCESSES

Activities During the 2022 Program Year

Project/Activity	2022 Beneficiaries	2022 Expenditures	Remaining Funds
Admin/Planning	N/A	\$ 45,140	\$ -
2022 Admin & Planning	N/A	\$ 45,140	\$ -
Infrastructure Improvements	129	\$ 151,059	\$ 186,706
2022 ADA Ramps	129	\$ 151,059	\$ 151,059
2020 Yorkshire Crossing	0	\$ -	\$ 35,647
Public Services	222	\$ 32,200	\$ 11,500
2020 Roseman Dental Services	0	\$ -	\$ 3,000
2022 Community Health Centers - Mental Health	0	\$ -	\$ 3,000
2022 Legal Aid Society	41	\$ 3,000	\$ -
2022 South Valley Sanctuary	36	\$ 10,000	\$ -
2022 The Inn Between	0	\$ -	\$ 5,500
2022 The Road Home	13	\$ 8,000	\$ -
CV Public Services	6	\$ 2,043	\$ 13,046
CV Mortgage Assistance	6	\$ 2,043	\$ 13,046
Total (CDBG)	273	\$ 137,790	\$ 198,206
Total (CV)	84	\$ 92,652	\$ 13,046
Grand Total	357	\$ 230,442	\$ 211,252

Need Help Now?



Next Steps

- Open public hearing for comment on
 - the CAPER
 - needs for the upcoming 2023-24 program year
- Continue public comment through November 20 (30-day period)
 - Anyone can submit a comment via email, mail, or phone to the CDBG Coordinator
- Submit final CAPER to HUD
- HUD reviews and approves the CAPER. They may request revisions

RUSHTON BIKE PARK

REZONE

11050 S. Bangerter Hwy

Attachment C



Site Plan



4 5 6 9

ROCK GARDEN

Oceano Dune Ct

High Pointe Park Pavilion

Welby & Highpointe Trail System



BERM TURN



ROLLER 2



SPLIT DECISION 3



ROCK LADDER

7



NESSY 2 BUMP 8



MOUNTAIN TOP 10



SNAKE LADDER SHORT 11



A-FRAME 12



STEPDOWN ROLLER 13



14
SKINNY MOUNTAIN TOP



SKINNY A-FRAME 15



ZIG ZAG CENTER 16



THE Y 17

Site Plan

Existing Site Conditions



4 5 6 9

ROCK GARDEN

Oceano Dune Ct

High Pointe Park Pavilion

Welby & Highpointe Trail System

Bangerter Hwy



**SOUTH JORDAN CITY
CITY COUNCIL REPORT**

Meeting Date: 10/17/2023

Issue: RUSHTON BIKE PARK REZONE
Rezone from Agricultural (A-1) to Park Open Space (OS-P) Subdistrict

Address: 11050 S. Bangerter Hwy.

File No: PLZBA202300163

Applicant: South Jordan City

Submitted by: Andrew McDonald, Planner I
Ken Short, Supervising Senior Engineer
Presented by: Steven Schaefermeyer, Planning Director

Staff Recommendation (Motion Ready): I move that the City Council **approve** Ordinance No. 2023.-04.Z, rezoning the subject property from Agricultural (A-1) to Open Space Park (OS-P).

ACREAGE:	Approximately 8.26 (acres)
CURRENT ZONE:	A-1
FUTURE LAND USE PLAN:	OS (Open Space)
NEIGHBORING ZONES:	North – OS-P, R-M-5, & R-M-8 South – R-M-6 & Bangerter Hwy West – R-M-5 East – Bangerter Hwy & R-M-8

STANDARD OF APPROVAL:

REZONE:

The rezoning of property may not be considered if the proposed zoning does not conform to the general plan. The following guidelines shall be considered in the rezoning of parcels:

- A. The parcel to be rezoned meets the minimum area requirements of the proposed zone or if the parcel, when rezoned, will contribute to a zone area which meets the minimum area requirements of the zone.
- B. The parcel to be rezoned can accommodate the requirements of the proposed zone.
- C. The rezoning will not impair the development potential of the parcel or neighboring properties.

(City Code §17.22.020)

The Planning Commission shall receive public comment at the public hearing regarding the proposed rezoning and make a recommendation on the rezoning to the City Council (see City Code §17.22.040).

BACKGROUND:

The City would like to develop some vacant property, which has a land use designation of Open Space (OS) in the General Plan, into what will be called the “Rushton Bike Park.” The purpose of the application is to make the subject properties consistent with the zoning of other adjacent parcels owned by the City, and City Code requirements. This application involves four City parcels: 27-17-377-006, 27-17-377-010, 27-17-377-009 and 27-17-377-007.

The largest parcel involved is currently serving as a storm water retention basin for the neighboring R-M zoned subdivisions. The retention basin area of the parcel will not be developed as part of the project. The proposed zoning is consistent with another City owned parcel in the same vacant field, which is already zoned OS-P. A concept plan for the project is included.

The other parcels are between Bangerter Hwy. and the Welby-Jacob Canal. These parcels are adjacent to each other and currently zoned A-1. City Code §17.18.060 defines the proposed use as “Outdoor Recreation,” which is not permitted in the A-1 Zone. The Park Open Space (OS-P) Subdistrict allows the Outdoor Recreation use as a conditional use. The City anticipates that the associated site plan and conditional use applications will be presented to the Planning Commission during the scheduled October 24, 2023 meeting, if the City Council approves this zone change. The Engineering and Public Works Parks Division hosted a Public Open House Event on September 21, 2023 at the High Pointe Park Pavilion. This event was noticed to the same notice recipients as the public hearing (see attached Notice of Public Open House). City staff has received one written public comment (see attached Public Comment Received).

PLANNING COMMISSION RECOMMENDATION:

On October 10, 2023, the Planning Commission voted unanimously to recommend the City Council approve the zoning change.

STAFF FINDINGS, CONCLUSION & RECOMMENDATION:

Findings:

- The application meets the rezone standards of review.
- Rezoning the property will place the Rushton Bike Park in compliance with City Code requirements.
- The rezone from A-1 to OS-P is consistent with the General Plan.
- The Welby and High Pointe trail system provides pedestrian and bicyclist access to the project area. Rushton Park will serve as an amenity to the trail system.
- Oceano Dune Court provides additional access and vehicle parking. The cul-de-sac is built larger than City Standard, and can accommodate up to 10 vehicles. Engineering staff feels that this will allow sufficient parking on the cul-de-sac for the short duration of time visitors are using the park.
- Residents and visitors are able to walk from the cul-de-sac to the project area using a paved walkway that bridges the canal.

- The High Pointe Park Pavilion is not able to be privately reserved.
- Engineering is not anticipating Rushton Park attracting large crowds and use by surrounding mountain biking teams and clubs. Rushton Park is not designed or situated to meet the needs and demands of those groups.
- The project is designed to be sensitive to the neighboring subdivisions.
- If approved, the anticipated construction timeframe is between April and June 2024.

Conclusion:

The rezone is consistent with the General Plan and City Code §17.20.030.

Recommendation:

Based on the findings and conclusions listed in this report, Staff recommends that the City Council take comments at the public hearing and **approve** the application, unless, during the hearing, facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by Staff.

ALTERNATIVES:

- Approve an amended application
- Deny the proposed application
- Schedule the application for a decision on some future date

SUPPORT MATERIALS:

- Location & Current Zoning Map
- Rushton Bike Park Concept Plan
- Ordinance 2023-04-Z
- Notice of Public Open House
- Public Mailing Notice
- Public Comment Received

Andrew McDonald

[Andrew McDonald \(Oct 10, 2023 09:41 MDT\)](#)

Andrew McDonald
Planner I
Planning & Zoning Department

Department Approval

Steven Schaefermeyer

[Steven Schaefermeyer \(Oct 10, 2023 09:53 MDT\)](#)

Steven Schaefermeyer
Director of Planning & Zoning

South Jordan Pkwy

A.



Source: City of South Jordan Current Zoning GIS Map

Bangerter Hwy

1110-5 River
Heighe Dr. BH-MU

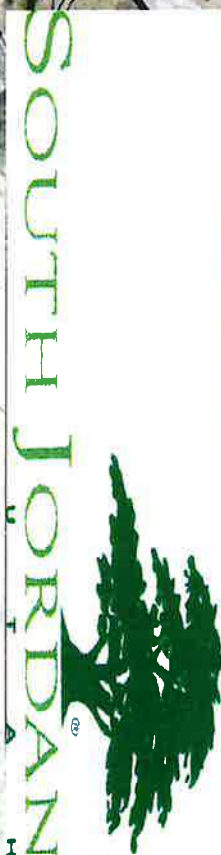
11019 S
Gracie
May Ln



4 5 6 9

ROCK GARDEN

Phase One Concept



1 18

BERM TURN

A-FRAME 12

STEPDOWN ROLLER 13

SKINNY MOUNTAIN TOP 14

SKINNY A-FRAME 15

ZIG ZAG CENTER 16

THE Y 17

ROLLER 2

SPLIT DECISION 3

ROCK LADDER 7

NESSY 2 BUMP 8

MOUNTAIN TOP 10

SNAKE LADDER SHORT 11

ORDINANCE NO. 2023-04-Z

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, REZONING PROPERTY LOCATED AT 11050 S. BANGERTEER HIGHWAY FROM THE A-1 AGRICULTURAL ZONE TO THE OS-P PARK OPEN SPACE SUBDISTRICT ZONE.

WHEREAS, the City Council of the City of South Jordan (“City Council”) has adopted the Zoning Ordinance of the City of South Jordan (Title 17 of the City Code) with the accompanying Zoning Map; and

WHEREAS, the Applicant, the City of South Jordan (the “City”), proposed that the City Council amend the Zoning Map by rezoning the below-described property; and

WHEREAS, the South Jordan Planning Commission reviewed the proposed rezoning and made a recommendation to the City Council; and

WHEREAS, the City Council held a public hearing concerning the proposed rezoning; and

WHEREAS, the City Council finds that the rezoning will enhance the public health, safety and welfare and promote the goals of the General Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH:

SECTION 1. Rezone. The property described in Application PLZBA202300163, and located at 11050 S. Bangerter Highway, are hereby reclassified from the A-1 Agricultural Zone to the OS-P Park Open Space Subdistrict Zone, on property described/shown in the attached **Exhibit A**.

SECTION 2. Filing of Zoning Map. The Official Zoning Map showing such changes shall be filed with the South Jordan City Recorder.

SECTION 3. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

SECTION 4. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

[SIGNATURE PAGE FOLLOWS]

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS _____ DAY OF _____, 2023 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	_____	_____	_____	_____
Bradley Marlor	_____	_____	_____	_____
Donald Shelton	_____	_____	_____	_____
Tamara Zander	_____	_____	_____	_____
Jason McGuire	_____	_____	_____	_____

Mayor: _____

Dawn R. Ramsey

Attest:

City Recorder

Approved as to form:

EXHIBIT A

(Property Description)

Dawn R. Ramsey, *Mayor*
Patrick Harris, *Councilman*
Brad Marlor, *Councilman*
Donald J. Shelton, *Councilman*
Tamara Zander, *Councilman*
Jason T. McGuire, *Councilman*



PH: 801.254.3742 EMAIL: info@sjc.utah.gov FAX: 801.254.3393

NOTICE OF PUBLIC OPEN HOUSE

Dear Property Owner:

South Jordan City Parks and Engineering Departments will be holding an open house to present drawings showing the proposed bike trail improvements to the Welby and High pointe trail system at 11050 S Bangerter Highway. The improvements consist of adding primitive dirt trails with mountain biking specific features designed to enhance biking skill development.

You are receiving this letter because Salt Lake County records indicate that **you own property within 300 feet of the proposed project**. The Open House will give residents an opportunity to review the plans for the project, ask questions to city staff and provide feedback. City staff is expecting to start construction of the improvements in spring of 2024.

The open house scheduled to be held on **Thursday, September 21st from 5:00 pm to 6:00 pm at the High Pointe Park Pavilion located at 10960 South Oceano Dune Ct, South Jordan City**. All interested parties are invited to attend.

Should you desire further information, you may contact the Engineering Department Capital Improvements Projects Staff at the City offices or by telephone at (801) 254-3742 during regular business hours. Reasonable accommodations for special needs and/or translation services can be arranged upon timely request.



4 5 6 9

ROCK GARDEN



1 18

BERM TURN



ROLLER 2



SPLIT DECISION 3



ROCK LADDER 7



NESSY 2 BUMP 8



MOUNTAIN TOP 10



SNAKE LADDER SHORT 11



A-FRAME 12



STEPDOWN ROLLER 13



14
SKINNY MOUNTAIN TOP



SKINNY A-FRAME 15



ZIG ZAG CENTER 16



THE Y 17

Dawn R. Ramsey, *Mayor*
Patrick Harris, *Council Member*
Bradley G. Marlor, *Council Member*
Donald J. Shelton, *Council Member*
Tamara Zander, *Council Member*
Jason T. McGuire, *Council Member*



PH: 801.446-HELP @SouthJordanUT

NOTICE OF PUBLIC HEARING

September 29, 2023

Dear Recipient:

South Jordan City has filed an application (**PLZBA202300163**) to rezone a collection City owned properties located at roughly 11050 S. Bangerter Hwy. The application is to rezone the current zoning designation of A-1 (Agricultural) to the Open Space-Park (OS-P) Subdistrict.

You are receiving this notice because Salt Lake County records indicate that you own property that is within 300' (feet) of the subject properties; or are listed as an affected entity. A map showing the property location is attached to this notice.

The public hearing regarding this proposal that was originally scheduled before the City Council on October 3rd, 2023 has been postponed.

The South Jordan City **Planning Commission** will hold another public hearing for this application **at 6:30 p.m. on Tuesday October 10th, 2023.**

The **City Council** will also hold a public hearing regarding this proposal **at 6:30 p.m. on Tuesday October 17th, 2023.**

Both public hearings will be held in the South Jordan City Council Chambers (1600 W. Towne Center Drive). All interested parties are invited to attend. Virtual attendance can be done by following by providing instructions provided at: <https://www.sjc.utah.gov/254/Planning-Commission> and <https://www.sjc.utah.gov/241/City-Council> on the respective dates. Virtual attendance is contingent upon the user's internet access, not the city. For more information, the published agenda and packet with supporting material will be available to the public by 12 p.m. October 5th, 2023 for Planning Commission at: <https://www.sjc.utah.gov/254/Planning-Commission>; and by 12 p.m. October 13th, 2023 for City Council at: <https://www.sjc.utah.gov/241/City-Council>

Public comments for the Planning Commission may be submitted by in writing by mail; or by emailing Andrew McDonald at amcdonald@sjc.utah.gov, **by 12:00 p.m. on October 5th, 2023;** and **by 3:00 p.m. on October 17th, 2023 for City Council.** This ensures that any comments received can be reviewed by the Commission, and included in the record prior to the meeting. Any emails or signed letters received will be placed on record. Comments may also be given, and added to the record, during the public comment portion of the hearing.

Should you desire further information, you may contact the South Jordan Planning (Andrew McDonald) or Engineering Departments (Ken Short): (801) 446-4357 during regular business hours or by contacting the email provided.

Respectfully,
Andrew McDonald, Planner 1

Location Map of Subject Properties



From: Jeff [REDACTED]
Sent: Tuesday, October 3, 2023 3:43 PM
To: Andrew McDonald
Subject: PLZBA202300163

Hey Mr. McDonald,

My name is Jeff Cook and I live at [REDACTED] South Jordan, UT 84009, and unfortunately I cannot attend the public meeting today about putting in the bike track park.

I did want to share my thoughts however, I think the idea for the bike track is really fun, however, I am nervous about using our cul de sac as the parking for the track. We have a lot of little kids amongst all the neighbors and we enjoy the calm that a cul de sac brings. I am nervous about additional cars and people loitering at night.

Also, I know the townhomes right next to where the plan is to put the park are constantly having issues with parking because there is not enough of it. I would bet they would be more than willing to have a parking lot put in near them and potentially pay for part of it if they could use it. Anyways, I wanted to share my opinion, thank you for your time.

--

Jeff Cook
[REDACTED]