

**MINUTES OF THE CITY OF WEST JORDAN
CITY COUNCIL MEETING**

Wednesday, August 24, 2016

6:00 p.m.

Council Chambers

8000 South Redwood Road

West Jordan, Utah 84088

COUNCIL: Mayor Kim V. Rolfe, and Council Members Dirk Burton, Zach Jacob, Chris McConnehey, Chad Nichols, and Sophie Rice. Council Member Jeff Haaga was excused.

STAFF: Mark Palesh, City Manager; David Brickey, City Attorney; Melanie Briggs, City Clerk; David Oka, Economic and Community Development Director; Brian Clegg, Parks Director; Bill Pyper, Acting Finance Director; Justin Stoker, Deputy Public Works Director; Marc McElreath, Fire Chief; Richard Davis, Deputy Police Chief; Scott Langford, City Planner; Dave Zobell, City Treasurer; Jim Riding, C.I.P./Facilities Manager; Matt Williams, Real Estate Services Manager, and David Murphy, Engineering Manager for C.I.P.

I. CALL TO ORDER

Mayor Rolfe called the meeting to order at 6:11 p.m.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Solomon Storm of Boy Scout Troop 1209.

III. COMMUNICATIONS

STAFF COMMENTS/REPORTS

Brian Clegg-

- Explained that five more city-owned trees had been vandalized over the weekend, bringing the total to 68 trees, 54 of which could not be saved. His department would be working with the Police Department on the criminal investigation.

Justin Stoker-

- The Public Works Department had received letters from the Fraternal Order of Police as well as the Firefighter's Union. The letters were in support of the construction of a new Public Works facility. He expressed his appreciation to those groups.

Marc McElreath-

- Updated the Council on a recent surge in grass fires throughout the south end of the valley, including in West Jordan. His arson investigators would be

coordinating a meeting with investigators from throughout the County in an effort to identify those responsible for the fires.

CITY COUNCIL COMMENTS/REPORTS

Councilmember Jacob-

- Had received dozens of emails regarding various City issues, including some of those on the current agenda. He made it clear that he read them all and definitely took the information into consideration when making decisions. If someone asked him a specific question, he would reply. Otherwise, he was unable to respond to each message individually due to the current volume.

Councilmember Nichols-

- Apologized for his late arrival to the meeting.

Councilmember Burton-

- Welcomed the Boy Scouts in attendance.
- Was in the process of organizing a group of volunteers to help replace the damaged trees since there was not sufficient budget for the City to do so. Trees would be replanted on November 5. Those interested in participating in that effort were invited to contact him.

Mayor Rolfe-

- Due to numerous citizen requests, he had asked the City Attorney to review the current Council Rules. David Brickey was creating a draft that would be placed on a future agenda for ratification.
- There would be no discussion that evening regarding the Discus project.

IV. CITIZEN COMMENT

Alexandra Eframo, West Jordan resident, asked the group to pause to reflect upon common goals before beginning the business of the meeting. She spoke in support of the Discus Project and also of the proposed Jordan School District bond. She expressed dismay at the State Board of Education's decision regarding Discus.

Diane Anderson, West Jordan resident, felt that as a public building, City Hall should remain unlocked. She requested an update on the pedestrian access from 2200 West from Gene Fullmer Recreation Center to City Hall. She also expressed concern about Stock Building Supply and their unwillingness to resolve issues with neighboring homes. She expressed a similar concern about what she described as the City's unwillingness to solve problems. Specifically, she was concerned that the only exit from the neighborhood in case of a fire was 1300 West.

Mayor Rolfe and Justin Stoker explained that the pedestrian access from the Gene Fullmer Recreation Center/Senior Citizen Center to Veridian Library and City Hall had been completed several months before.

Dawn Ramsey, Herriman resident, spoke on behalf of concerned citizens who were in support of the proposed Jordan School District bond. The district was expected to grow by 9,250 students within the next five years. That number turned out to be low since Westvale Elementary registered an additional one hundred new students last week alone. Approving the bond would result in a new West Jordan Middle School since it would be more cost-effective to build a new one than to update and repair the existing one. Approval of the bond would mean that the average home owner would pay approximately \$16.80 more per year on their taxes for the next two years when the figure would be reduced. Jordan School District had the lowest voter-approved debt of any district in the state. The Board had met with the Community Council at Copper Hills High School and committed that should the bond pass, Copper Hills would be a priority for expanded programs and improvements. If the bond failed to pass, there would be no improvements for *any* existing schools.

Kathryn Daut, West Jordan resident, was one of the original occupants of the Sycamores subdivision and stated she had been told that the green space adjacent to her home could not be developed and would remain green space. She was strongly opposed to a rezone.

Scott Hardy, West Jordan resident, also lived in the Sycamores subdivision and spoke in opposition to a rezone. He inquired if the property in question was to be sold in order to pay a settlement to Terry Diehl. He also questioned the legality of removing the 6.5 acres from the open space. If the City opted to move forward with the rezone, he and his neighbors asked that other open space nearby be reserved solely for that purpose.

Steve Jones, West Jordan resident, stated that the Jordan School District “forced” his neighbors and him to accept a three-story pedestrian walkway that had ruined the neighborhood. Therefore, he and many of his neighbors would vote against the school district’s bond, regardless of the Council’s decision pertaining to Resolution 16-139.

Casey Johnson, West Jordan resident and City employee, wished to address the topic of a new Public Works facility. The employees served all 115,000 residents as well as non-residents who moved through the City on public roadways. The current facility was almost 40 years old and in disrepair. More room and improved facilities were desperately needed.

Dave Murphy, West Jordan City employee, also wished to speak about the Public Works facility. He referred to the core values listed on the back of every employee’s I.D. badge and pointed out that first among those values was *safety*. He mentioned a debilitating accident that his father had been involved in while driving a work vehicle. Due to a lack of proper maintenance on that vehicle, his life and that of his family had been forever changed. Because of this, safety was always Dave’s first priority. He asked that the

Council make it their first priority as well and approve the construction of a new public works facility.

There was no one else who wished to speak.

Councilmember Jacob wished to clarify his understanding that the potential sale of the property in the Sycamores was not related in any way to a legal settlement. Mark Palesh confirmed that fact.

V. CONSENT ITEMS

- a. Approve the update to the West Jordan Engineering Standards regarding water meter specifications.**
- b. Approve Resolution 16-133, authorizing the Mayor to execute the City of West Jordan's Annual Stormwater Report.**
- c. Approve Resolution 16-134, authorizing the Mayor to execute a Master Utility Agreement between the Utah Department of Transportation (UDOT) and the City of West Jordan or interchange improvements at 9000 South Bangerter Highway and 7000 South Bangerter Highway, in an amount not to exceed \$1,814,000.00.**
- d. Approve Resolution 16-135, authorizing a Purchase Order with Utah Yamas Controls to replace existing cameras, and add new cameras and card readers in City Hall to increase the security for the building in an amount not to exceed \$69,298.37.**

MOTION: Councilmember Jacob moved to approve all Consent items. The motion was seconded by Councilmember Nichols.

A roll call vote was taken

Councilmember Burton	Yes
Councilmember Haaga	Absent
Councilmember Jacob	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Rice	Yes
Mayor Rolfe	Yes

The motion passed 6-0.

Councilmember Burton raised a point of personal privilege and asked that agenda item 7.g be addressed next, since several people were present for that specific item. The Council agreed.

BUSINESS ITEM 7G

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 16-139, SUPPORTING THE JORDAN SCHOOL DISTRICT BOND ISSUE

Councilmember Burton explained that the bond facts had been covered quite well during the *Citizen Comments* portion of the meeting. He stated that West Jordan children as well as those from surrounding communities would benefit directly if the bond passed.

Councilmember McConnehey asked for a copy of the bond verbiage but it was not immediately at hand. He indicated that although he appreciated the intent of the Resolution, he wished to see the exact language of the bond the Council would be resolving to support.

Councilmember Jacob indicated that since bonding was basically asking the public to go into debt, he did not take it lightly. However, he was generally in favor of approving the Resolution and supporting the school district's efforts to pass the bond.

MOTION: Mayor Rolfe moved to approve Resolution 16-139, supporting the Jordan School District Bond issue. The motion was seconded by Councilmember Burton.

Councilmember Nichols spoke in support of the motion. He pointed out that the School District had been responsive to and communicative with the City Council although the two entities did not always agree. He felt that on this issue, the Council should stand together.

Councilmember McConnehey explained that although he preferred to first see the bond language, he was in support of the Resolution.

Mayor Rolfe stated that the school district had supported the City on Project Discus and he trusted them to do what was right for the community. He felt that it was important to show the District the same level of trust.

A roll call vote was taken

Councilmember Burton	Yes
Councilmember Haaga	Absent
Councilmember Jacob	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Rice	Yes
Mayor Rolfe	Yes

The motion passed 6-0.

VI. PUBLIC HEARING

RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL ORDINANCE 16-33a, AMENDING THE 2009 WEST JORDAN MUNICIPAL CODE TITLE 12, 'SIGN REGULATIONS,' SECTION 12-3-2 REGARDING THE SIZE, HEIGHT AND DENSITY RESTRICTIONS OF FREEWAY-ORIENTED SIGNS AND DIRECTIONAL SIGNS, CITY-WIDE APPLICABILITY, ERIC SHINSATO/ALLRED ELECTRIC SIGN & AWNING, APPLICANT

Scott Langford explained that Allied Electric Sign & Awning, on behalf of Foursquare Properties, was proposing to amend Title 12 of the 2009 West Jordan Municipal Code to allow for an additional 72-foot tall freeway-oriented sign for developments that had more than 5,000 feet of frontage along a highway. Amendments to the directional sign standards regulating individual sign area, height and spacing were also proposed.

While the proposed text amendments would have City-wide applicability, the intent of Foursquare Properties was to re-brand Jordan Landing with a new sign plan currently under review. This plan called for a new freeway-oriented sign to be added to the plan and a new wayfinding system of directional signs, which would require some flexibility in the separation standards for this system to work effectively.

This text amendment was reviewed during the August 2, 2016 Planning Commission hearing, and received a positive recommendation in a 5-1 vote. During the pre-hearing meeting between staff and the Planning Commissioners, certain changes to the wording of the definition for "Directional Signs" were requested by staff and legal counsel in order to align with other provisions of the sign code. However, the Planning Commission failed to publicly note this change prior to voting on the item. Originally, the definition was proposed to read as follows:

12-1-4: DEFINITIONS:

DIRECTIONAL SIGN: A sign limited to directional messages such as one way, entrance and exit, ~~and have no advertising copy.~~ Business identification may be allowed as part of a sign development plan approved by the City.

However, Section 12-3-3E-2 already allowed for "only the name or logo of an establishment". Therefore, in order to align the new proposed definition with Section 12-3-3E-2, staff recommended the following alternative definition amendment:

12-1-4: DEFINITIONS:

DIRECTIONAL SIGN: A sign limited to directional messages such as one way, entrance and exit, ~~and have no advertising copy.~~ Business identification may be allowed.

The remainder of the proposed text amendments remained unchanged.

Freeway-oriented signs were defined by Section 12-1-4 of the West Jordan City Code as follows:

FREEWAY-ORIENTED SIGN: An on premises sign located on a regional commercial SC-3 site which is adjacent to a limited access highway or freeway.

In addition to the highway proximity requirement stipulated in the definition, freeway oriented signs were allowed only in the SC-3 zone by Section 13-17-2 of the City Code as a conditional use. The current size and density standards for freeway oriented signs limited the total sign height to 50 feet, with 1 sign allowed to be no taller than 72 feet. The number of allowable freeway-oriented signs was based on frontage along a major highway, with one sign permitted for every 1,000 feet of frontage.

Directional signs were permitted as a right in all zones and were defined in Section 12-1-4 as follows:

DIRECTIONAL SIGN: A sign limited to directional messages such as one way, entrance and exit, and have no advertising copy.

The main purpose of the new directional signs proposed in the Jordan Landing sign plan was to provide wayfinding for smaller businesses with limited or no street exposure. The current definition of a directional sign technically prohibited this, and it was proposed that the definition allow for more flexibility while maintaining the purpose of a directional sign.

The existing requirements for directional signs stated that sizes for these types of signs were limited to 6 square feet of sign area and 6 feet of total height. The separation standards also required that directional signs be placed at least 50 feet from any other freestanding sign.

The proposed text amendment for the freeway-oriented signs would primarily affect all of Jordan Landing. The only other area that was zoned SC-3 consisted of 30 acres of currently vacant land on the northwest corner of 5600 West and 9000 South. Due to the frontage of this property along the Mountain View Corridor, the proposed freeway oriented sign amendments would have no effect on this area. The directional sign code amendments would apply to any development within the City limits that established a comprehensive sign plan that was approved by the Planning Commission. For developments that did not establish an approved comprehensive sign plan, the current size and height restrictions would apply. These new amendments will allow for more flexibility in establishing effective wayfinding sign systems for large and medium-size developments, and to encourage better sign design through the Planning Commission review process.

The amendment would modify the sign standards table of Section 12-3-2 of the 2009 West Jordan Municipal Code, specifically altering the number of 72-foot tall freeway-oriented signs, altering the density requirements for freeway-oriented signs, and allowing for larger

directional signs if approved through a sign plan. The definition for directional signs would also be modified to allow for limited business identification. The modified sections of the ordinance would read as follows:

12-1-4: DEFINITIONS:

DIRECTIONAL SIGN: A sign limited to directional messages such as one way, entrance and exit, ~~and have no advertising copy.~~ Business identification may be allowed.

12-3-2: SIGN STANDARDS:

Sign Type	Sign Standards				
	Maximum Area	Maximum Height/ Projection/Width	Density	Spacing	Front Setback
Directional signs ¹	6 sq. ft. 6 sq. ft. per individual sign area on a single pole, if approved with a sign development plan.	Height: 6' 12' if approved with a sign development plan.	See Spacing	50' from any other freestanding sign, unless approved as part of a sign development plan.	Public use directional signs may be located within public rights of way Other directional signs: 18"
Freeway oriented signs ¹	950 sq. ft. For master planned developments having 5,000 linear feet or more of frontage on a freeway, not more than 1 sign may be up to 1,500 sq. ft., including the area of any shopping center logo.	Height: 50' For master planned developments having 5,000 linear feet or more of frontage on a freeway, not more than 2 signs may be up to 72' in height.	See Spacing	1 sign for each 1,000' 800' of highway frontage.	n/a

Notes:

1. See section [12-3-3](#) of this chapter for exceptions and qualifications.
2. See also subsection [8-8-7B](#) of this code, subsection [12-2-3F4](#) of this title and subsection [12-3-3C](#) of this chapter.

(2001 Code § 89-6-1107; amd. 2009 Code; Ord. 10-20, 7-28-2010; Ord. 11-08, 3-23-2011; Ord. 14-29, 8-27-2014, Ord. 16-__, _-__-2016)

Section 13-7D-7B of the West Jordan Municipal Code required that prior to making a positive recommendation to the City Council for a Zoning Code text amendment, the Planning Commission shall make the following findings:

Criteria 1: *The proposed amendment conforms to the general plan and is consistent with the adopted goals, objectives and policies described therein;*

Discussion: The freeway oriented sign amendments will apply to signs within the Regional Commercial land use designation, while the directional sign amendments could potentially apply to all land use designations within the City. The General Plan refers to signs as an integral feature of urban design, and lists the following goals and policies:

- *Provide ample opportunities for businesses to advertise products and services without having a detrimental effect on the aesthetics of the community.*
- *Consider sign design and location as an integral part of all development, not as an afterthought.*
- *Regulate the size and location of all signs so they do not detract from the city's positive appearance.*

The proposed amendments met these goals by creating opportunity for wayfinding signs to be approved through the Planning Commission, allowing for well-designed integrated sign systems that effectively direct patrons to businesses and meet the Planning Commission's standards for sign design. The freeway-oriented sign changes would allow for an additional high-quality sign that would provide identification opportunities for more businesses within Jordan Landing.

Finding: The proposed amendments would conform to the General Plan and would be consistent with the adopted goals, objectives and policies described therein.

Criteria 2: *The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title;*

Discussion: The proposed freeway sign ordinance amendment was requested to allow multiple business identification on one sign, as opposed to numerous individual signs for each business. According to the applicant's letter of intent, only 25 businesses had identification along Bangerter Highway. This left a large majority of businesses without

identification along the perimeter of Jordan Landing. Due to the increasingly high amount of businesses within this regional shopping center, it would seem more efficient to allow larger signs to accommodate as many businesses as possible into one sign.

The request to allow a second 72-foot tall pylon sign was fairly comparable to similar regional shopping centers along the Wasatch Front. West Valley City currently allowed the height of freeway-oriented pylon signs to be 65 feet from the adjacent grade or 25 feet from surface of the adjacent freeway, whichever was higher. The number of these signs would be approved by the West Valley City Planning Commission. Another example would be the large pylon sign near the Megaplex at Thanksgiving Point in Lehi. According to the Lehi Municipal Code, pylon signs located adjacent to I-15 could have increased height and sign area if approved through the Planning Commission as part of a sign plan. The maximum dimensions for the sign height and sign area was 70 feet and 600 square feet, respectively.

The proposed amendment to the maximum allowable directional sign area was needed for designs that involved multiple signs on one pole. Under the current sign area requirements, the 4 signs would need to be no larger than 1.5 square feet per sign in order to stay within the maximum allowable area. The proposed directional sign height increase was needed in order to keep the signs above the 7-foot vertical clear vision area and at a height that drivers of vehicles could clearly read the signs without being overly distracted.

The modification of the definition of a directional sign would maintain consistency with numerous existing directional signs throughout the City that contained a logo, namely fast food restaurants, banks and pharmacies. This amendment would also allow the City a degree of control in regards to visual clutter and readability, while maintaining neutrality on content.

Finding: The proposed amendment was appropriate given the context of the request and there was sufficient justification for a modification to this title.

Criteria 3: *The proposed amendment will not create a conflict with any other section or part of this title or the general plan; and*

Discussion: Staff had analyzed Title 12 and Section 13-17 of the West Jordan Municipal Code and had found that the proposed ordinance amendments did not conflict with the City Code or the General Plan. Although there was no specific language outlining the process for approval of a sign plan, the City had reviewed these in the past through the Planning Commission and had an established fee for such an approval. The sign plan for Jordan Landing was currently being reviewed by this process.

Finding: The proposed amendment would not create a conflict with any other section or part of this title or the general plan.

Criteria 4: *The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.*

Discussion: Jordan Landing encompassed roughly 198 acres of commercial shopping areas, with approximately 100 businesses leasing space from Foursquare Properties. Although the majority of Jordan Landing was owned and maintained by Foursquare Properties, it was the businesses that would be the primary benefactors of this text amendment by allowing for a new sign that could accommodate more business identification on one new large sign and to accommodate a comprehensive wayfinding system for businesses that had little or no identification along the periphery of Jordan Landing. Other areas of the City would not be affected by the proposed freeway-oriented sign changes, but any existing and future large scale developments could potentially benefit from relaxed directional sign standards that would aid in establishing a wayfinding system in a similar fashion to Jordan Landing's.

Finding: The proposed amendments did not relieve a particular hardship, nor did they confer any special privileges to a single property owner or cause, and it was only necessary to make a modification to this title in light of corrections or changes in public policy.

The proposed Text Amendment to allow greater flexibility regarding freeway-oriented signs and directional signs furthered City-wide goals regarding signage and would not conflict with state law or other provisions of the City Code.

Mayor Rolfe opened the public hearing.

Steve Jones, West Jordan resident, expressed concern about electronic signs and whether or not they would shine into private yards. He hoped the Ordinance would include language prohibiting such a thing.

Alexandra Eframo, West Jordan resident, welcomed better lighting in yards in order to deter criminal activity.

There was no one else who wished to speak. Mayor Rolfe closed the public hearing.

The Council and staff discussed clarifying questions.

Councilmember Jacob pointed out that the City had an existing Ordinance pertaining to digital billboards.

Scott Langford explained that because the signs currently being discussed were on-site signage, they did not qualify as billboards. Therefore, the existing Ordinance did not apply here.

David Brickey pointed out that billboard signs could be regulated with a higher degree of scrutiny than could on-site monument signs.

Councilmember Jacob clarified that the issue currently before the Council was spacing between signs – not the level of luminosity or the change rate of electronic signage.

Councilmember McConnehey indicated a belief that the current discussion had still revealed an oversight regarding electronic signs. He suggested delaying the current discussion until that oversight could be addressed.

MOTION: Councilmember Jacob moved to adopt Ordinance 16-33a, amending the text of Title 12 of the 2009 City Code. The motion was seconded by Mayor Rolfe.

A roll call vote was taken

Councilmember Burton	Yes
Councilmember Haaga	Absent
Councilmember Jacob	Yes
Councilmember McConnehey	No
Councilmember Nichols	Yes
Councilmember Rice	Yes
Mayor Rolfe	Yes

The motion passed 5-1.

RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL ORDINANCE 16-34, APPROVING A REZONE AND GENERAL PLAN AMENDMENT; 4652 WEST 7800 SOUTH; FUTURE LAND USE MAP AMENDMENT FOR APPROXIMATELY 22.8 ACRES FROM BUSINESS RESEARCH PARK TO MEDIUM DENSITY RESIDENTIAL AND REZONE APPROXIMATELY 22.8 ACRES FROM A-20 (AGRICULTURAL 20-ACRE MINIMUM LOT SIZE) TO R-1-8E (SINGLE-FAMILY RESIDENTIAL 8,000 SQUARE FOOT LOTS, “E” SIZE HOMES) ZONE; (AIRPORT PROPERTY), CITY OF WEST JORDAN, APPLICANT

Mark Palesh explained that on December 23, 2015 the City Council held a public hearing to discuss whether or not to declare this property as surplus. On January 13, 2016, the City Council approved Resolution 15-229, declaring this and two other city owned properties as “surplus” pursuant to the potential sale of said properties.

In an effort to maximize potential return to the taxpayers from the sale of these properties, and in order to provide a degree of certainty regarding the potential future development of these properties, the city was now proactively pursuing Future Land Use Map amendments and rezoning on the surplus properties.

In preparation of the potential sale of this 23-acre piece of property, the City was proposing a Future Land Use Map Amendment from Business Research Park to Medium Density Residential and to rezone the same property from A-20 (Agricultural 20-acre minimum lot size) to R-1-8E (Single-family Residential 8,000 square foot lots, “E” size homes) Zone.

The subject property’s surrounding zoning and land uses were as follows:

	Future Land Use	Zoning	Existing Land Use
North	Parks and Open Land	A-20	Vacant
South	Neighborhood Commercial	SC-2	Vacant
East	Light Industrial, Parks and Open Land	M-1	Industrial/National Guard/Rail
West	Medium Density Residential	R-1-8(ZC), SC-2	Wheatland Estates/Church

The city had prepared a concept subdivision plan that showed how the 23-acre piece of property *could possibly* be developed.

If the City Council approved the general plan amendment and rezone, future developers of this property would have to receive preliminary subdivision approval from the Planning Commission and final subdivision approval from city staff, prior to the construction of any development. The review by the Planning Commission would be noticed as a public hearing.

Section 13-7C-6: Amendments to the Land Use Map

Prior to making a positive recommendation to the City Council for a General Plan Future Land Use Map amendment, the Planning Commission shall make the following findings:

Finding A: *The proposed amendment conforms to and is consistent with the adopted goals, objectives, and policies set forth in the City General Plan.*

Discussion: The applicant is proposing to amend the Future Land Use Map from Research Park to Medium Density Residential. In regard to the Research Park designation, the General Plan states:

“The Business/Research Park Land Use designation is applied to areas intended for scientific research, and business endeavors conducted in a business park setting. Some light manufacturing uses may be appropriate if associated with research-intensive industries. Heavy manufacturing uses that produce excessive noise and light, unpleasant odors or fumes,

pollution, and heavy vehicle traffic should not be permitted in Business/Research parks. Business and Research Park Districts may act as a compatible buffer for residential areas, but should not be established for the purpose of creating a buffer unless they are located so as to be accessible to arterial streets and provide adequate space for unified and functional development. Through the coordinated use of open space, landscaping and architecture, the Business/Research Park land use provides opportunities for high quality development which will enhance the community.”

The property has been designated “Research Park” since at least 2004, where at that time the area designated as “Research Park” included the subject site, and the areas now developed as a church, Wheatland Estates residential subdivision, Utah National Guard, and the UDOT maintenance facility; totaling approximately 90 acres.

Over time the critical mass needed to support a campus type research park, in this area, has been whittled away to a point where the intended use of a research park is not feasible.

Therefore, the most appropriate, context sensitive, land use to consider for the property is Medium Density Residential, which is the same designation found to the west (Wheatland Estates single-family residential subdivision).

The Medium Density Residential designation supports a residential density range of 3.1 to 5 dwelling units per acre. This density range is compatible with the following zoning districts: R-1-8, R-1-9, R-1-10, PC, and PRD.

As a real world comparison, the neighboring Wheatland Estates subdivision, which is zoned R-1-8D(ZC), has 94 lots on approximately 28 acres, for a density of 3.36 dwelling units per acre.

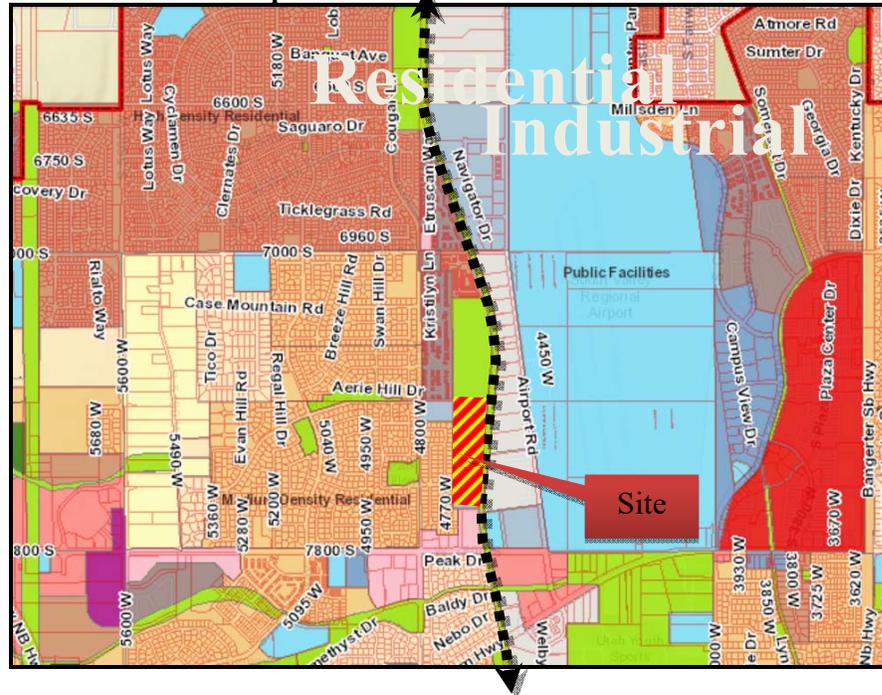
Finding: The proposed amendment does conform to and is consistent with the adopted goals, objectives, and policies set forth in the City General Plan.

Finding B: *The development pattern contained on the land use plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment.*

Discussion: An analysis of the development pattern found on the Future Land Use Map (below) shows that there is a clear east/west demarcation of land use that follows the north/south running rail spur. On the east side of the rail line there are industrial uses, and on the west side of the rail line there are mainly residential uses – the main outlier being the subject property.

Amending the site to a residential designation will create a more adequate and consistent land use pattern for this part of the city.

Future Land Use Map:



Finding: The development pattern contained on the land use plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment.

Finding C: *The proposed amendment will be compatible with other land uses, existing or planned, in the vicinity.*

Discussion: The discussion portions of “Finding A and B” illustrate that Medium Density Residential land use is appropriate for this property.

Finding: The proposed amendment will be compatible with other land uses, existing or planned, in the vicinity.

Finding D: *The proposed amendment constitutes an overall improvement to the adopted general land use map and is not solely for the good or benefit of a particular person or entity.*

Discussion: The discussion portions of “Finding A and B” illustrate that Medium Density Residential land use is appropriate for this property and will be a benefit to the overall makeup of this portion of the community.

Finding: The proposed amendment constitutes an overall improvement to the adopted general land use map and is not solely for the good or benefit of a particular person or entity.

Finding E: *The proposed amendment will not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements, including, but not limited to, roads, water, wastewater and public safety facilities, than would otherwise be needed without the proposed change.*

Discussion: The land use amendment will not alter the land use pattern that is occurring in the area. Adequate infrastructure is found in the area.

Finding: The proposed amendment will not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements, including, but not limited to, roads, water, wastewater and public safety facilities, than would otherwise be needed without the proposed change.

Finding F: *The proposed amendment is consistent with other adopted plans, codes and ordinances.*

Discussion: The amendment was reviewed for consistency against the City's General Plan, the zoning ordinance and adopted street design standards.

Finding: The proposed amendment is consistent with other adopted plans, codes and ordinances.

Section 13-7D-7(A): Amendments to the Zoning Map

Prior to making a positive recommendation to the City Council for a Zoning Map amendment, the Planning Commission shall make the following findings:

Criteria 1: *The proposed amendment is consistent with the purposes, goals, objectives, and policies of the City's General Plan.*

Discussion: See Future Land Use Map Amendment Finding A.

Finding: The proposed amendment is consistent with the purposes, goals, objectives, and policies of the City's General Plan.

Criteria 2: *The proposed amendment will result in compatible land use relationships and does not adversely affect adjacent properties.*

Discussion: The city's intent is sell this property for the construction of single family dwellings. The land use map amendment and rezone are compatible with this intent.

Finding: The proposed rezone will result in compatible land use relationships and does not affect adjacent properties.

Criteria 3: *The proposed amendment furthers the public health, safety and general welfare of the citizens of the city.*

Discussion: The proposed amendment could result in single family development that will be designed and developed according to city standards. The proposed amendment will also result in a development pattern that is more connected making it optimal for pedestrians and for public safety responses.

Finding: The proposed rezone furthers the public health, safety and general welfare of the citizens of the city.

Criteria 4: *The proposed amendment will not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways.*

Discussion: See Future Land Use Map Amendment Criterion A and E.

Finding: The proposed amendment will not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways.

Criteria 5: *The proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.*

Discussion: Like a large portion of the city, the site is in the AH Airport Overlay zone. There is no residential land use restriction in the AH portion of the Airport Overlay.

Airport Overlay Map:



Finding: The proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.

The proposed Future Land Use Map Amendment for approximately 23.6 acres from Research Park to Medium Density Residential and Rezone approximately 23.6 acres from A-20 (Agricultural 20-acre minimum lot size) to R-1-8E (Single-family Residential 8,000 square foot lots, “E” size homes) Zone is compatible with adjoining land uses, utilities and the transportation system.

Mayor Rolfe opened the public hearing.

Greg Leeb, West Jordan resident, spoke on behalf of several community members living adjacent to the land in question. He indicated that there was a conflict of interest inherent in having City staff act as both applicant and advisor to the Council on this matter. The Council should allow a counter position to be presented in order to make an informed decision.

Tina Lyon, West Jordan resident, pointed out that the Planning Commission found that the criteria for Findings A through E were not met and that proposed action was not consistent with the adopted goals, objectives and policies set forth in the City’s General Plan. She suggested that the most appropriate context-sensitive land use to consider for the property was open space.

Chris Tucker, West Jordan resident, explained that medium density residential land use was inappropriate for the property due to its proximity to industrial uses and a rail line.

Emily Hernandez, West Jordan resident, reminded the Council that the Planning Commission unanimously found several criteria that were not met by the proposed rezone and amendment.

John Jordan, West Jordan resident, expressed concern that if this rezone and amendment were to pass, homes could be in very close proximity to a rail line used to transport hazardous materials as well as a facility used to store them. He also mentioned that if the City was in need of land to develop, there was land available behind eighteen nearby homes which could be used in place of the proposed property.

Paul Emmett, West Jordan resident, pointed out that the City's own Planning Commission unanimously found that nine out of eleven criteria were not met.

(See permanent red-line packet for written report submitted by Mr. Emmett.)

There was no one else who wished to speak. Mayor Rolfe closed the public hearing.

Scott Langford expressed appreciation for the input he and his department had received from community members during the entire process. He explained that the property in question had been designated as Business Research Park going as far back as 2004. A great deal of change had taken place since then and he did not feel that Business Research Park was still an appropriate designation. He pointed out that the Council had quite a bit of discretion in interpreting the policies and goals of the General Plan and that when the property in question was deeded to the City, the development agreement was quite specific that the southern 23 acres (approximately) was not restricted to open space.

Councilmember Burton inquired about access in the event of an emergency along the rail line.

Scott Langford responded that any developer who purchased the property would need to keep access in mind during design. He admitted it would be quite challenging.

Mayor Rolfe stated that having residential units in this area would be a more effective buffer than would an open field. He also pointed out that any potential resident would be made aware that the homes were within an airport overlay zone.

Councilmember Rice indicated that the nearby rail line was her primary concern and that in fact, she had promised herself that she would not vote to allow any more residential development in that area. She definitely wanted a new Public Works facility but not in exchange for putting more homes on this property.

Councilmember Nichols was also concerned about the rail line and indicated that he would consider a buffer between that and other homes. But he felt that homes would be a better fit in the area than would a four-story research building.

MOTION: Mayor Rolfe moved to approve Ordinance 16-34, approving a Rezone and General Plan Amendment; 4652 West 7800 South; Future Land Use Map Amendment for approximately 22.8 acres from Business Research Park to Medium Density Residential and Rezone approximately 22.8 acres from A-20 (Agricultural 20-acre minimum

lot size) to R-1-8E (Single-family Residential 8,000 square foot lots, “E” size homes) Zone (airport property); and instruct staff that when the property was submitted for sale, that a 60 foot protection strip next to the rail line be developed as a trail creating a buffer, with a minimum height of eight feet. The motion was seconded by Councilmember Burton.

Councilmember McConnehey wished to point out that this rezone was a completely separate issue from the new Public Works facility. He indicated that there had been a previous discussion about using this property as a refuse transfer station for the landfill. He felt that this rezone was preferable to creating such a transfer station here.

Councilmember Jacob spoke in opposition to the motion, indicating that he had seen the development code applied in a manner contrary to its purpose. He did not feel the development criteria was being met in this case.

A roll call vote was taken

Councilmember Burton	Yes
Councilmember Haaga	Absent
Councilmember Jacob	No
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Rice	No
Mayor Rolfe	Yes

The motion passed 4-2.

RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL ORDINANCE 16-35, APPROVING A REZONE AND GENERAL PLAN AMENDMENT; 6543 WEST 7400 SOUTH; FUTURE LAND USE MAP AMENDMENT FOR APPROXIMATELY 9.68 ACRES FROM FUTURE PARK TO MEDIUM DENSITY RESIDENTIAL AND REZONE APPROXIMATELY 9.68 ACRES FROM A-20 (AGRICULTURAL 20-ACRE MINIMUM LOT SIZE) TO R-1-10E (SINGLE-FAMILY RESIDENTIAL 10,000 SQUARE FOOT LOTS, “E” SIZE HOMES) ZONE; (MAPLES PROPERTY), CITY OF WEST JORDAN, APPLICANT

Scott Langford explained that on December 23, 2015 the City Council held a public hearing to discuss whether or not to declare this property as surplus. On January 13, 2016, the City Council approved Resolution 15-229, declaring this and two other city owned properties as “surplus” pursuant to the potential sale of said properties.

In an effort to maximize potential return to the taxpayers from the sale of these properties, and in order to provide a degree of certainty regarding the potential future development of these properties, the city was now proactively pursuing Future Land Use Map amendments and rezoning on the surplus properties.

In preparation of the potential sale of this 9.68-acre piece of property, the City was proposing a Future Land Use Map Amendment from Future Park to Medium Density Residential and to rezone the same property from A-20 (Agricultural; 20 acres minimum) to R-1-10E (Single-family Residential 10,000 square foot lots, “E” size homes) zone.

The subject property’s surrounding zoning and land uses were as follows:

	Future Land Use	Zoning	Existing Land Use
North	Future Park	LSFR	Harper Gravel Pit
South	Medium Density Residential	PC	Single-family Residential
East	Low Density Residential	A-20	Vacant (across street)
West	Medium Density Residential	PC	Single-family Residential

The city had prepared a concept subdivision plan that showed how the 9.68-acre piece of property *could possibly* be developed.

***Please note:** 1.91 acres of this 9.68-acre property must remain as open space in order to keep the Maple Hills development to the south compliant with city code; which required a minimum 15% open space. Additional detail regarding this requirement was discussed in the “Findings of Fact” section of this report.

If the City Council approved the general plan amendment and rezone, future developers of this property would have to receive preliminary subdivision approval from the Planning Commission and final subdivision approval from city staff, prior to the construction of any development. The review by the Planning Commission would be noticed as a public hearing.

Section 13-7C-6: Amendments to the Land Use Map

Prior to making a positive recommendation to the City Council for a General Plan Future Land Use Map amendment, the Planning Commission shall make the following findings:

Finding A: *The proposed amendment conforms to and is consistent with the adopted goals, objectives, and policies set forth in the City General Plan.*

Discussion: The applicant was proposing to amend the Future Land Use Map from Future Park to Medium Density Residential. The property received this designation in 2007 as part of a land swap with the developers of the Maple Hills subdivision (south). As part of this planned development, a minimum 1.91 acres of the subject site was needed to keep the Maple Hills subdivision at the required level of 15% open space.

As the city continued to grow its services, the Parks Department was tasked with maintaining a significant amount of parks, open space, and landscaped rights-of-way. Adding to the existing inventory of land that required

constant maintenance versus the need to provide high quality open space for the residents of the city was a long-term policy decision that the elected officials needed to consider with this requested amendment. With the City Council's decision to declare this property as surplus, a rational connection could be assumed that providing a 10-acre park in this area was not the direction the elected officials wished to pursue at this time.

Changing the land use designation from Future Park to Medium Density Residential was consistent with the existing development pattern in the area, as this designation supported a residential density range of 3.1 to 5 dwelling units per acre. This density range was compatible with the following zoning districts: R-1-8, R-1-9, R-1-10, PC, and PRD.

Finding: The proposed amendment might or might not conform to the adopted goals, objectives, and policies set forth in the City General Plan.

Finding B: *The development pattern contained on the land use plan inadequately provided the appropriate optional sites for the use and/or change proposed in the amendment.*

Discussion: The residential development adjacent to the south was the Maple Hills development, which was 2.87 lots per acre. The lot sizes ranged from 8000 square feet to 17,791 square feet. The residential development to the west was the Maples at Jordan Hills Villages. The lot sizes in this portion of the development ranged from approximately 4,000 square feet to 9,500 square feet.

Finding: The development pattern contained on the land use plan inadequately provided the appropriate optional sites for the use and/or change proposed in the amendment.

Finding C: *The proposed amendment will be compatible with other land uses, existing or planned, in the vicinity.*

Discussion: The discussion portions of "Finding A and B" illustrated that Medium Density Residential land use was appropriate for this property.

Finding: The proposed amendment would be compatible with other land uses, existing or planned, in the vicinity.

Finding D: *The proposed amendment constitutes an overall improvement to the adopted general land use map and is not solely for the good or benefit of a particular person or entity.*

Discussion: The discussion portions of "Finding A and B" illustrated that Medium Density Residential land use was appropriate for this property and

would be a benefit to the overall makeup of this portion of the community.

Finding: The proposed amendment constituted an overall improvement to the adopted general land use map and was not solely for the good or benefit of a particular person or entity.

Finding E: *The proposed amendment would not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements, including, but not limited to, roads, water, wastewater and public safety facilities, than would otherwise be needed without the proposed change.*

Discussion: The land use amendment would not alter the land use pattern that was occurring in the area. Adequate infrastructure was found in the area; however, it should be noted that providing sewer services to this property would likely require a coordinated effort with adjacent properties.

Finding: The proposed amendment would not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements, including, but not limited to, roads, water, wastewater and public safety facilities, than would otherwise be needed without the proposed change.

Finding F: *The proposed amendment was consistent with other adopted plans, codes and ordinances.*

Discussion: The amendment was reviewed for consistency against the City's General Plan, the zoning ordinance and adopted street design standards.

Please note again: a minimum 1.91 acres of the subject property must remain as open space, as this acreage was required to keep the Maple Hills development compliant with city code, which required a minimum 15% open space for properties developed under the PC (Planned Community) zone.

Finding: The proposed amendment was consistent with other adopted plans, codes and ordinances.

Section 13-7D-7(A): Amendments to the Zoning Map

Prior to making a positive recommendation to the City Council for a Zoning Map amendment, the Planning Commission shall make the following findings:

Criteria 1: *The proposed amendment is consistent with the purposes, goals, objectives, and policies of the City's General Plan.*

Discussion: See Future Land Use Map Amendment Finding A.

Finding: The proposed amendment was consistent with the purposes, goals, objectives, and policies of the City's General Plan.

Criteria 2: *The proposed amendment will result in compatible land use relationships and does not adversely affect adjacent properties.*

Discussion: The city's intent was to sell this property for the construction of single family dwellings. The land use map amendment and rezone were compatible with existing residential development in this area.

Finding: The proposed rezone would result in compatible land use relationships and did not affect adjacent properties.

Criteria 3: *The proposed amendment furthers the public health, safety and general welfare of the citizens of the city.*

Discussion: The proposed amendment could result in single-family development that would be designed and developed according to city standards. The proposed amendment would also result in a development pattern that would utilize existing public infrastructure; therefore, representing an efficient use of resources.

Finding: The proposed rezone furthered the public health, safety and general welfare of the citizens of the city.

Criteria 4: *The proposed amendment will not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways.*

Discussion: See Future Land Use Map Amendment Criterion A and E and Zoning Criteria 3.

Finding: The proposed amendment would not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways.

Criteria 5: *The proposed amendment is consistent with the provisions of any applicable overlay zoning districts that may impose additional standards.*

Discussion: The property was not located within any overlay zone.

Finding: This criterion did not apply.

The proposed Future Land Use Map Amendment for approximately 9.68 acres from Future Park to Medium Density Residential and Rezone approximately 9.68 acres from A-20 (Agricultural; 20 acre minimum lot size) to R-1-10E (Single-family Residential 10,000 square foot lots, “E” size homes) zone was compatible with adjoining land uses, utilities and the transportation system.

Councilmember Jacob inquired about the area north of the property in question that had previously been slated to become a large park but then had been split by the creation of Mountain View Corridor.

Scott Langford responded that the piece was now quite isolated and there had been very little interest in developing it.

Councilmember Jacob was opposed to taking away a future or existing park in the area.

Mayor Rolfe opened the public hearing.

Matthew Smith, West Jordan resident, was opposed to the rezone and stated that the property should never have been declared as surplus. He indicated that the City had made a promise when it originally took ownership of the land and that was a promise to build a park on it. In 2004, the residents had voted to approve a bond to allow the City to purchase open space in order to preserve it. By rezoning and selling this property, the Council was directly opposing what the citizens voted to raise their taxes for. He asked that the property be retained by the City and re-designated as park space. He also asked that the Council enact a policy or law requiring a public hearing in the event that City property were ever to be slated for sale or surplus in the future.

Zach Stringham, West Jordan resident, also spoke in opposition to the rezone, pointing out that the property had been designated as a future park for more than a decade. Years ago, residents had purchased their homes at a premium based upon that designation. Developing more residential units in the area would increase the head count, contributing to the already overcrowded schools in the area. It would also increase traffic in the area, impacting public safety.

Alexandra Eframo, West Jordan resident, asked the Council to keep their promise to retain the park designation for the property in question.

Steve Jones, West Jordan resident, requested more information pertaining to Scott Langford's comment suggesting that there would be problems connecting this property to the City's sewer system.

Lee Fletcher, West Jordan resident, had invested in a home in close proximity to what was intended to be a park. To change that now said a great deal about the character of West Jordan.

Sharlene Tharp, West Jordan, pointed out that the Harper gravel pit was very close to homes in the area and would be only 30 feet away from future homes if the rezone were to be approved. She explained that the previous week, she had arrived home to find a total of nine double trailer side dumpers on site dumping their contents—not all of which was gravel and soil. She showed a photograph of furniture inside her home depicting what she said was only 2-3 days' worth of "dust." She felt it was a health issue and that those individuals in future homes here would face an even greater health hazard. Additionally, she stated that before purchasing her home last year, she was told by City planners that the property would be developed as a park. She also paid an extra \$20,000 for her lot so that she could be in close proximity to a park.

Tina Lyon, West Jordan resident, asked why the Planning Commission existed if the City Council was not going to accept their unanimous recommendation.

There was no one else who wished to speak. Mayor Rolfe closed the public hearing.

Mayor Rolfe asked the City Planner if he was aware of a promise made by the City to create a park on the property.

Scott Langford responded that it had been designated as a future park with two "remainder parcels" but he was not aware of any agreement that *required* it to be a park.

Mayor Rolfe also wished to point out that any property declared surplus had involved a noticed public hearing.

David Brickey responded that although the City could opt to require a public hearing to surplus property, there was not such a requirement currently in place.

Councilmember Burton stated that when receiving reports from the Planning Commission, he read them in their entirety. He also asked Scott to address the comments about the sewer connection.

Scott Langford explained that he had been told by Engineering that there was a sleeve that went underneath the Mountain View Corridor that would provide sewer options for future developers of the property. Additionally, if the property was developed in conjunction with the property to the east, there was potential for a deep sewer line that could connect with that area. In short, the issue could be addressed.

Councilmember Burton asked if the nearby gravel pit was active.

Justin Stoker responded that the Harper gravel pit had been closed but was currently being filled for re-use.

Councilmember Jacob stated that the City needed to make a decision regarding Parks. South Jordan and Herriman featured a large amount of green space and paid considerably higher property taxes than did West Jordan residents. To take a park away from the residents of Maple Hills was blatantly unfair. When he voted to surplus the property in January, he thought he was voting on the large green space by the gravel pit—not the smaller park. He was opposed to the rezone and felt strongly that the space should be developed as a park, although funds had not yet been secured.

Councilmembers McConnehey and Rice both indicated that they were struggling with this particular rezone.

Councilmember Nichols indicated that he, too, thought that it was a different parcel that was surplussed the previous January. He was strongly opposed to building a regional park at the location. He pointed out that there was a huge difference between a “planned” park and a “promised” park and he wished the public to understand that distinction. He was not in favor of selling the property since this was the last of the city-owned property in that particular area. Regarding the Planning Commission, he indicated that he read every word of their recommendations even though he did not always agree with them.

Mayor Rolfe said that he was still in favor of keeping a portion of the parcel as surplus and would look to the Council to decide just how much.

Mark Palesh asked Brian Clegg how much space was necessary in order to build an efficient park.

Brian Clegg responded that it would be best not to go below ten acres and that it would cost roughly \$75,000 per acre to build a new park.

Based on that information, Mark Palesh indicated that it would be best to keep the parcel whole rather than sub-divide.

MOTION: Councilmember Jacob moved to deny Ordinance 16-35, directing staff to prepare a resolution removing the 9.68 acres from the surplus list. The motion was seconded by Councilmember Rice.

Councilmember Nichols spoke against the motion. He felt a smaller park would be acceptable.

Councilmember Jacob pointed out that removing the property from surplus did not mean that it (as a whole or in parts) could not be rezoned in the future.

Councilmember McConnehey spoke in favor of the motion, wishing to start with a clean slate and re-examine the entire area.

Mayor Rolfe was opposed to the motion, finding residential units preferable to either weeds or garbage.

A roll call vote was taken

Councilmember Burton	Yes
Councilmember Haaga	Absent
Councilmember Jacob	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	No
Councilmember Rice	Yes
Mayor Rolfe	No

The motion passed 4-2.

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL
ORDINANCE 16-36, APPROVING A REZONE AND GENERAL
PLAN AMENDMENT; 7049 WEST 7800 SOUTH; FUTURE LAND
USE MAP AMENDMENT FOR APPROXIMATELY 6.5 ACRES
FROM PARKS AND OPEN LAND TO MEDIUM DENSITY
RESIDENTIAL AND REZONE APPROXIMATELY 6.5 ACRES
FROM P-C (PLANNED COMMUNITY) TO R-1-9E (SINGLE-
FAMIY RESIDENTIAL 9,000 SQUARE FOOT LOTS, “E” SIZE
HOMES) ZONE; (SYCMAMORES PROPERTY), CITY OF WEST
JORDAN, APPLICANT**

Scott Langford explained that on December 23, 2015 the City Council held a public hearing to discuss whether or not to declare this property as surplus. On January 13, 2016, the City Council approved Resolution 15-229, declaring this and two other city owned properties as “surplus” pursuant to the potential sale of said properties.

In an effort to maximize potential return to the taxpayers from the sale of these properties, and in order to provide a degree of certainty regarding the potential future development of these properties, the city was now proactively pursuing Future Land Use Map amendments and rezoning on the surplus properties.

In preparation of the potential sale of this 6.5-acre piece of property, the City was proposing a Future Land Use Map Amendment from Parks and Open Land to Medium Density Residential and to rezone the same property from PC (Planned Community) to R-1-9E (Single-family Residential 9,000 square foot lots, “E” size homes) Zone.

The subject property’s surrounding zoning and land uses were as follows:

	Future Land Use	Zoning	Existing Land Use
North	Parks and Open Land	PC	Vacant (unimproved open space)
South	Medium Density Residential	PC	Townhomes
East	Parks and Open Land	PC	City Water tanks (across street)
West	Parks and Open Land	PC	Vacant (unimproved open space)

The city had prepared a concept subdivision plan that showed how the 6.5-acre piece of property *could possibly* be developed.

If the City Council approved the general plan amendment and rezone, future developers of this property would have to receive preliminary subdivision approval from the Planning Commission and final subdivision approval from city staff, prior to the construction of any development. The review by the Planning Commission would be noticed as a public hearing.

Section 13-7C-6: Amendments to the Land Use Map

Prior to making a positive recommendation to the City Council for a General Plan Future Land Use Map amendment, the Planning Commission shall make the following findings:

Finding A: *The proposed amendment conforms to and is consistent with the adopted goals, objectives, and policies set forth in the City General Plan.*

Discussion: The applicant is proposing to amend the Future Land Use Map from Parks and Open Land to Medium Density Residential. In regard to the Parks and Open Land designation, the General Plan states:

“The Parks and Open Land designation is applied to areas where public parks are located, or should be located in the future, and to areas where it is recommended that land be preserved in its natural state for future generations. Please refer to Chapter 6 for discussion, goals, and policies relating to parks, and open lands.”

The 6.5-acre subject property is part of a larger 61-acre parcel of property that was dedicated to the city as part of the approval of the Jordan Hills Village Master Plan. This 61-acre parcel represents only a portion of the total 123.87 acres of open space provided within the 655 acre Jordan Hills Village Master Plan.

Amending approximately 6.5 acres of undeveloped property will have a negligible effect on the overall amount of open space provided in master plan.

The Medium Density Residential designation supports a residential density range of 3.1 to 5 dwelling units per acre. This density range is compatible with the following zoning districts: R-1-8, R-1-9, R-1-10, PC, and PRD, which is compatible with the zoning being sought for this property (R-1-9E).

Finding: The proposed amendment did conform to and was consistent with the adopted goals, objectives, and policies set forth in the City General Plan.

Finding B: *The development pattern contained on the land use plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment.*

Discussion: The residential development adjacent to and within close proximity to this site is comprised of townhomes and single-family residential 5,000 square foot lots. Inserting larger lots into this area will provide for a greater variety of housing stock. The portion of the Sycamores development with larger single-family residential lots is mostly built out; this would provide an opportunity to provide additional larger residential lots.

Finding: The development pattern contained on the land use plan inadequately provided the appropriate optional sites for the use and/or change proposed in the amendment.

Finding C: *The proposed amendment will be compatible with other land uses, existing or planned, in the vicinity.*

Discussion: The discussion portions of “Finding A and B” illustrate that Medium Density Residential land use was appropriate for this property.

Finding: The proposed amendment would be compatible with other land uses, existing or planned, in the vicinity.

Finding D: *The proposed amendment constitutes an overall improvement to the adopted general land use map and is not solely for the good or benefit of a particular person or entity.*

Discussion: The discussion portions of “Finding A and B” illustrate that Medium Density Residential land use is appropriate for this property and will be a benefit to the overall makeup of this portion of the community.

Finding: The proposed amendment constituted an overall improvement to the adopted general land use map and was not solely for the good or benefit of a particular person or entity.

Finding E: *The proposed amendment will not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements, including, but not limited to, roads, water, wastewater and public safety facilities, than would otherwise be needed without the proposed change.*

Discussion: The land use amendment would not alter the land use pattern that was occurring in the area. Adequate infrastructure was found in the area.

Finding: The proposed amendment would not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements, including, but not limited to, roads, water, wastewater and public safety facilities, than would otherwise be needed without the proposed change.

Finding F: *The proposed amendment is consistent with other adopted plans, codes and ordinances.*

Discussion: The amendment was reviewed for consistency against the City’s General Plan, the zoning ordinance and adopted street design standards.

Jordan Hills Villages Master Plan was zoned PC (Planned Community) zone. By ordinance there must be a minimum 15% of the overall area designated as open space.

The proposed land use map amendment and rezone, if approved, would essentially remove 6.5 acres of property from the original 655-acre master plan. This action would have the following effect on the open space:

Jordan Hills Village Master Plan				
<i>Total Acres</i>		<i>Open Space</i>		
Current	Amended	Current / % Open Space	Amended / % Open Space	
655	648.5	123.87 / 18.9%	117.37 / 18.1%	

Therefore, the proposed amendment and potential development of this property would not be in violation with the pertinent portions of the City Code.

Finding: The proposed amendment was consistent with other adopted plans, codes and ordinances.

Section 13-7D-7(A): Amendments to the Zoning Map

Prior to making a positive recommendation to the City Council for a Zoning Map amendment, the Planning Commission shall make the following findings:

Criteria 1: *The proposed amendment is consistent with the purposes, goals, objectives, and policies of the City's General Plan.*

Discussion: See Future Land Use Map Amendment Finding A.

Finding: The proposed amendment was consistent with the purposes, goals, objectives, and policies of the City's General Plan.

Criteria 2: *The proposed amendment will result in compatible land use relationships and does not adversely affect adjacent properties.*

Discussion: The city's intent is sell this property for the construction of single family dwellings. The land use map amendment and rezone are compatible with existing residential development in this area.

Finding: The proposed rezone would result in compatible land use relationships and did not affect adjacent properties.

Criteria 3: *The proposed amendment furthers the public health, safety and general welfare of the citizens of the city.*

Discussion: The proposed amendment could result in single family development that would be designed and developed according to city standards. The proposed amendment would also result in a development pattern that would utilize existing public infrastructure; therefore, representing an efficient use of resources.

Finding: The proposed rezone furthered the public health, safety and general welfare of the citizens of the city.

Criteria 4: *The proposed amendment will not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways.*

Discussion: See Future Land Use Map Amendment Criterion A and E and Zoning Criteria 3.

Finding: The proposed amendment would not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change,

such as, but not limited to, police and fire protection, water, sewer and roadways.

Criteria 5: *The proposed amendment is consistent with the provisions of any applicable overlay zoning districts that may impose additional standards.*

Discussion: The property was not located within any overlay zone.

Finding: This criterion did not apply.

The proposed Future Land Use Map Amendment for approximately 6.5 acres from Parks and Open Land to Medium Density Residential and Rezone approximately 6.5 acres from PC (Planned Community) to R-1-9E (Single-family Residential 9,000 square foot lots, “E” size homes) zone was compatible with adjoining land uses, utilities and the transportation system.

MOTION: Councilmember McConnehey moved to suspend the rules and extend the meeting past 9:00 p.m. The motion was seconded by Councilmember Nichols.

A roll call vote was taken

Councilmember Burton	Yes
Councilmember Haaga	Absent
Councilmember Jacob	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Rice	Yes
Mayor Rolfe	Yes

The motion passed 6-0.

Mayor Rolfe opened the public hearing.

Robert Haight, West Jordan resident and business owner, stated that he created his own map depicting the 25% slope area in question and came up with a different figure. He felt his figure was the accurate one and that the proposal did not meet the 15% open space requirement. He also felt it was inappropriate to sell open space in order to pay bills.

Melanie Cameron, West Jordan resident, explained that she and her daughter purchased homes in this area believing there would be green space there. She also indicated that there was already a serious problem with water pressure in the area—so much so that she had to water her garden one row at a time. She pointed out that the area was in a flood zone and that several months ago, Kennecott had been responsible for an arsenic spill in the area. She felt that there were serious issues that needed to be addressed before the City considered allowing further residential development.

Amie Crawford, West Jordan resident, was also concerned about the 2014 arsenic spill and about the possibility of additional families moving into the area, creating gardens and allowing their children to play in the soil that may or may not still be contaminated.

Alexandra Eframo, West Jordan resident, was opposed to the Ordinance and was very disturbed about the suggestion that it was acceptable to change a plan. She felt it was dishonest to do so.

Melissa Worthen, West Jordan resident, indicated that not all of her neighbors were opposed to the sale of the property. She pointed out that “open space” and “native grasses” often meant *weeds*. She would not mind seeing new homes built there but asked that they be a minimum of 10,000 square foot lots. She asked that the City hold the developer accountable and also requested water wise trails and spaces as opposed to allowing weeds to grow.

Staci Haight, West Jordan resident, reminded everyone that people cost more than parks, and that the cost of a new Public Works facility should be borne by all the residents—not just those in the Sycamores. Perhaps taxes needed to be raised or the entire budget examined more closely. She felt that the current Council should hold themselves to the original plan adopted by a previous Council.

Mike Allred, West Jordan resident, was concerned about the continual loss of open space.

Scott Hardy, West Jordan resident, read aloud from the City’s General Plan, which recommended, “land be preserved in its natural state for future generations.” He also pointed out that part of the *approved* Planned Community plan designated this 6.5 acres not just as open space but specifically as a neighborhood park. He asked that if the Council decided to move forward with the rezone and amendment, they require the developer to develop the land to the west so that the residents could have some sort of green park space.

Don Cameron, West Jordan resident, pointed out that the neighborhood youth regularly played in the area—it was not merely a patch of weeds. He was in support of replacing the Public Works facility. However, Mayor Rolfe had indicated during a previous meeting, that the Council had known for ten years that the facility needed to be replaced. Therefore, the Council had ten years to fund it but failed to do so. Retaining open space was every bit as important as building a new facility.

There was no one else who wished to speak. Mayor Rolfe closed the public hearing.

Councilmember Burton asked Justin Stoker to address some of the issues brought by the citizens.

Justin Stoker stated that FEMA’s current flood hazard map dated August 2015, did not show this area in a flood zone. As for the water pressure, although the homes higher up in

the development experienced lower water pressure than those below them, all were up to code. At times, a homeowner might need to adjust their internal pressure regulators. Regarding the arsenic spill, he explained that Kennecott and the State Department of Environmental Quality had conducted a very detailed study on the contaminated area and completed a full clean-up under the supervision of the Environmental Protection Agency. He did not recall if these 6.5 acres were affected by the spill.

Councilmember Jacob recalled that there had been previous discussions about creating a secondary water reservoir just west of the property in question. He wondered if that was still anticipated and if it was, if having such a reservoir there would affect FEMA's flood zone map.

Justin Stoker indicated that a feasibility study for such a reservoir would be presented at the next City Council meeting but did not address its potential effect on the flood map.

Councilmember Nichols was of the opinion that the rezone would lead to increased property values in the area although he was still undecided on the issue.

Councilmember Jacob indicated that he represented the residents of the Sycamore area. He stated that since they were generally not in favor of the rezone and amendment, he felt bound to oppose it on their behalf.

Mayor Rolfe wished to sell the property in question but stated that he also wished to ensure that the City preserve a park area to the west of any future development and that such a requirement should be made a condition of the sale.

MOTION: Councilmember Nichols moved to approve Ordinance 16-36, approving a Rezone and General Plan Amendment; 7049 West 7800 South; Future Land Use Map Amendment for approximately 6.5 acres from Parks and Open Land to Medium Density Residential and Rezone approximately 6.5 acres from P-C (Planned Community) to R-1-10F (Single-family Residential 10,000 square foot lots, "F" size homes) Zone; (Sycamores Property). The motion was seconded by Councilmember Mayor Rolfe.

A roll call vote was taken

Councilmember Burton	Yes
Councilmember Haaga	Absent
Councilmember Jacob	No
Councilmember McConnehey	No
Councilmember Nichols	Yes
Councilmember Rice	Yes
Mayor Rolfe	Yes

The motion passed 4-2.

MOTION: Councilmember Nichols moved for a five-minute recess. The motion was seconded by Councilmember Jacob and passed unanimously.

The Council recessed at 9:43 p.m. and reconvened at 9:56 p.m.

VII. BUSINESS ITEMS

DISCUSSION AND CONSIDERATION FOR ADOPTION OF A RESOLUTION 16-136, OF THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$50,000,000 OF SALES TAX REVENUE AND REFUNDING BONDS; AND RELATED MATTERS

Bill Pyper explained that the parameters resolution, prepared by Ballard Spahr LLP, authorizing the issuance and sale of up to \$50,000,000 of sales tax revenue bonds needed to be passed so that the City could begin the bonding process. These bonds were being issued so that the City could finance the costs of a new City recreation center and any related improvements, fund any necessary debt service reserve funds, and pay costs of issuance with respect to the Series 2016 Bonds. The City Council along with staff, discussed the possibility of issuing these bonds earlier this year.

It was now time to pass the parameters resolution for the bonds. The parameters resolution needed to be passed so that the City could begin the process to issue Sales Tax Revenue Bonds. Over the next several weeks, the City along with Bond Counsel (Ballard Spahr LLP) and Financial Advisor (George K Baum & Company), would be working to get all of the required paperwork complete, notices sent to the paper, decide on the structure of the bonds, and finally, the City Council would hold a public hearing to receive input from the public with respect to the issuance of the Series 2016 Bonds and the potential economic impact that the improvement would have on the private sector. The public hearing was scheduled for September 21, 2016.

The City would sell approximately \$50,000,000 worth of sales tax revenue bonds. The bonds would be paid back with proceeds from sales tax revenue over the next 30 years.

Staff recommended approval of the Resolution.

Councilmember Jacob pointed out that in January when the Council first began discussing this facility, the cost was estimated at between \$20-\$25 million. Later it changed to \$35 million and now seemed to be at \$50 million.

Mark Palesh stated his belief that the original estimate was \$35 million but jumped to \$75 million when Salt Lake County was consulted. The project was brought back in-house and was now at approximately \$40-\$45 million, including some leeway.

Councilmember McConnehey asked for a design update, particularly regarding Council feedback given previously.

Jim Riding stated that a schematic booklet had been delivered to the City that week, floor plans and conceptual elevations were complete, and staff would be meeting the following day with the architect.

Councilmember McConnehey wished to have copies in order to see the extent to which the Council's feedback had been taken into account.

Councilmember Burton stated there was a copy in the City Council office.

Mayor Rolfe wished to move forward although he did not wish to issue bonds for \$50 million. The Council had been promised completed plans by September. He felt an exact cost should be made available prior to closing on the bonds and that the final cost should be no more than \$40 million.

In response to a question from Councilmember Jacob, Bill Pyper stated that the City's anticipated payment on a \$50 million bond would be approximately \$2.1 million annually.

MOTION: Mayor Rolfe moved to approve Resolution 16-136, authorizing the issuance and sale of not more than \$50,000,000 of Sales Tax Revenue and Refunding Bonds.

The motion failed for lack of a second.

MOTION: Councilmember Jacob moved to approve Resolution 16-136, authorizing the issuance and sale of not more than \$45,000,000 of Sales Tax Revenue and Refunding Bonds. The motion was seconded by Mayor Rolfe.

Councilmember Burton asked if Councilmember Jacob would consider amending his motion to be no more than \$40,000,000.

Councilmember Jacob declined, indicating that he wished to leave a cushion in place.

Councilmember Nichols spoke against the motion, indicating that he did not believe it was the right time for the City to build a recreation center.

Councilmember McConnehey was also opposed to the motion, indicating that it did not feel to him that the project had been Council-driven. He did not believe that the Council's feedback had been taken seriously. Therefore, he was not yet ready to commit the City to \$40 or \$50 million.

A roll call vote was taken

Councilmember Burton	Yes
Councilmember Haaga	Absent
Councilmember Jacob	Yes
Councilmember McConnehey	No
Councilmember Nichols	No
Councilmember Rice	Yes
Mayor Rolfe	Yes

The motion passed 4-2

DISCUSSION AND CONSIDERATION FOR ADOPTION OF RESOLUTION 16-137, OF THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT BY AND BETWEEN THE CITY AND THE MUNICIPAL BUILDING AUTHORITY OF THE CITY OF WEST JORDAN, UTAH (THE “AUTHORITY”), AND A GROUND LEASE AGREEMENT; AUTHORIZING THE ISSUANCE AND SALE BY THE AUTHORITY OF NOT MORE THAN \$25,000,000 OF LEASE REVENUE BONDS; AND RELATED MATTERS

Bill Pyper stated that the Resolution, prepared by Ballard Spahr LLP, authorizing and approving of a master lease agreement by and between the City and the Municipal Building Authority of the City of West Jordan, Utah would give the Building Authority the right to go ahead and issue bonds for the construction of the public works building and enter into a lease agreement with the City for the payment of the bonds. This lease with the City would provide the funds to pay the debt service for the bonds. The aggregate principal amount of not more than \$25,000,000. These bonds were being issued so that the City could finance the costs of a new public works facility and any related improvements, fund any necessary debt service reserve funds, and pay costs of issuance with respect to the Series 2016 Bonds. The City Council along with staff, discussed the possibility of issuing these bonds earlier in the year.

It was now time to pass the resolution for the master lease agreement. The resolution needed to be passed so that the City could begin the process of issuing Municipal Building Authority Revenue Bonds. Over the next several weeks, the City along with Bond Counsel (Ballard Spahr LLP) and Financial Advisor (George K Baum & Company), would be working to get all of the required paperwork complete, notices sent to the paper, deciding on the structure of the bonds, and finally, City Council would hold a public hearing to receive input from the public with respect to the issuance of the Series 2016 Bonds and the potential economic impact that the improvement would have on the private sector. The public hearing was scheduled for September 21, 2016.

The City would sell approximately \$25,000,000 worth of Municipal Building Authority bonds. The bonds would be paid back with proceeds from the master lease over the next 20 years.

Staff recommended approval of the Resolution.

Councilmember McConnehey asked for the total anticipated cost of the facility which Mark Palesh stated was approximately \$23 million.

Mayor Rolfe pointed out that originally it was expected to be \$15 million and was now up an additional \$8 million. He wished to see the plans.

Councilmember Burton also expressed concern about the increased cost and wished to know the reason behind it.

Mark Palesh explained that the \$15 million was only for the building itself. But architectural services, as well as the outbuildings and demolition of the old facility increased the cost considerably. He expected the total cost to come down when the project went out to bid the following winter.

MOTION: Councilmember Jacob moved to approve Resolution 16-137. The motion was seconded by Councilmember Nichols.

Councilmember McConnehey pointed out that the support shown by the Fraternal Order of Police and the Firefighter's Association in their letters to the Council spoke volumes.

Councilmember Jacob wished to make it clear that he was not opposed to building the new facility. However, he had a big problem with the Council not being given the full picture up front. He hoped that the Council would be provided more accurate estimates in the future.

A roll call vote was taken

Councilmember Burton	Yes
Councilmember Haaga	Absent
Councilmember Jacob	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Rice	Yes
Mayor Rolfe	Yes

The motion passed 6-0

**DISCUSSION AND POSSIBLE ACTION REGARDING
ORDINANCE 16-37, ALLOWING FOR A REDUCTION IN SIZE OF
THE PROJECT AREA BOUNDARIES TO ECONOMIC
DEVELOPMENT AREA #5 – PIONEER TECHNOLOGY DISTRICT
AS APPROVED BY THE REDEVELOPMENT AGENCY OF WEST
JORDAN**

This item was pulled to a future date

DISCUSSION AND POSSIBLE ACTION REGARDING A RESOLUTION 16-138, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT WITH SALT LAKE COUNTY REGARDING TOURISM, RECREATION, CULTURAL, CONVENTION, AND AIRPORT FACILITIES TAX ACT "TRCC FUNDS" TO HELP PLAN FOR CONSTRUCTION OF A CULTURAL ARTS FACILITY IN WEST JORDAN AS DESCRIBED IN THE CULTURAL FACILITIES SUPPORT PROGRAM APPLICATION

Councilmember McConnehey explained that Salt Lake County had offered \$125,000 of TRCC funds to be used along with matching funds from West Jordan City to support the hiring of an architect and engineering consultant to prepare conceptual plans and elevation, begin engineering studies to further evaluate potential sites, prepare a pre-design report, and identify a project budget, all in relation to a West Jordan Cultural Arts Facility.

The proposal required matching funds from West Jordan City in the amount of \$125,000.

City staff recommended entering into an interlocal agreement with Salt Lake County so the City could receive the matching TRCC funds.

The date by which the City would need to expend grant funds was negotiable.

The City could also apply for matching funds to go towards the actual construction of the facility. At that point, any non-cash contribution made by the City could count towards our matching funds. For example, providing the land on which to build the facility.

Jim Riding stated that for the first \$250,000 (City funds plus TRCC match), an architect could come up with a concept, evaluate potential locations for the facility, and provide a proposed budget for the Council's approval.

Mayor Rolfe was in favor of entering into the Interlocal agreement, extending the expenditure date by an extra six months. There were no objections.

Councilmember McConnehey indicated that he would notify the Salt Lake County that the City would accept the grant with an amended expenditure date of October 31, 2017.

VIII. REMARKS

There were no additional remarks.

IX. CLOSED SESSION

DISCUSSION OF THE CHARACTER, PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL; STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION; AND A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY INCLUDING ANY FORM OF A WATER RIGHT OR WATER SHARES

A closed session was not held.

X. ADJOURN

MOTION: Councilmember Nichols moved to adjourn. The motion was seconded by Councilmember McConnehey and passed 6-0 in favor.

The meeting adjourned at 10:29 p.m.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

ATTEST:

**KIM V ROLFE
Mayor**

**MELANIE BRIGGS, MMC
City Clerk**

Approved this 21st day of September 2016