

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

Wednesday, May 11, 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, Jeff Haaga, Zach Jacob, Chris McConnehey, Chad Nichols, and Sophie Rice.

STAFF: Mark Palesh, City Manager; David R. Brickey, City Attorney (participated via telephone); Melanie Briggs, City Clerk; David Oka, Economic and Community Development Director; David Naylor, Deputy Parks Director; Dave Zobell, City Treasurer; Wendell Rigby, Public Works Director; Marc McElreath, Fire Chief; Doug Diamond, Police Chief; Scott Langford, City Planner; Larry Gardner, Senior Planner; Chuck Tarver, Grant/CDBG Coordination; Eric Okerlund, Budget Officer, and Jim Riding, CIP/Facilities Project Manager.

I. CALL TO ORDER

Mayor Rolfe called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Caleb McDougal, West Jordan High School.

III. COMMUNICATIONS

CITY MANAGER COMMENTS/REPORTS

Mark Palesh –

- Updated the Council on a ‘Lights Out’ Event that staff participated in.

STAFF COMMENTS/REPORTS

David Naylor –

- Reported on the success of the ‘Comcast Cares Day’ with over 700 volunteers participated, over 40 employees supervising the projects, which included 192 trees planted, 150 yards of mulch, clean-up and graffiti removal.

Marc McElreath –

- Recognized Reed Scharman, Deputy Fire Chief for his work putting together the ‘Lights Out’ Event.

CITY COUNCIL COMMENTS/REPORTS

Councilmember Rice –

- Acknowledged the staff and volunteers that participated in the ‘Comcast Care Day.’ She really enjoyed the day.

Councilmember Jacob –

- Fire Ops 101, Saturday, May 14, 2016, he would be attending.

Councilmember Nichols –

- Commented on one of his experiences from when he participated in Fire Ops 101.

Councilmember Haaga –

- Commented on the LED Street light in his neighborhood and how nice they were.

Councilmember Burton –

- Also acknowledged those who helped with ‘Comcast Cares Day.’
- He would be holding a Town Hall meeting Saturday, June 15, 2016 at 7:00 p.m.

Councilmember McConnehey –

- Staff members: Norm Farrer, Daniel Anderson, and Ty Nielson were just a few in his area that went above and beyond on ‘Comcast Care Day.’

Mayor Rolfe –

- Expressed his appreciation to Caleb McDougal for leading the pledge of allegiance.
- Expressed his appreciation to all the City staff and volunteers who participated in the ‘Comcast Cares Day.’
- Updated the Council on the Zoo, Arts and Parks (ZAP) funding for 2016. There was \$222,394,000 in requests for the \$50 million available. The Welby Regional Park request for \$24 million was granted \$12 million.

IV. CITIZEN COMMENTS

Alexandra Eframo, West Jordan resident, asked for a moment to reflect upon the common goals of the business of the City Council meeting.

She commented on the following items:

- She reported that she was still waiting for an apology since April 29, 2015, from one specific Councilmember to the Mayor, City Council, and West Jordan residents.
- Complemented Mayor Rolfe for the job he did in conducting the City Council meetings.
- She questioned why traffic citations in West Jordan were down.

Carolyn Christiansen, West Jordan resident, representing residents of Jordan Valley Senior Housing, expressed their appreciation to the City Council for listening to their concerns regarding the crosswalk near their housing. Special recognition was given to Bill Baranowski, Wendell Rigby, and other staff members for their assistance with the crosswalk.

Barbara Backman, West Jordan resident, provided a handout with pictures for the new Councilmembers so they would be aware of how flooding had affected their neighborhood in the past. She expressed her appreciation to the Council for all the work they provided to help protect the residents (i.e. trunk line). She commented on sandbags and how they were not available, she asked whether sandbags could be made available to protect their homes against flooding under construction work had been completed.

Mayor Rolfe indicated that staff would work on getting the install/completion date revised regarding the trunk line, so residents would have updated information as to the timelines.

Councilmember McConnehey spoke with Barbara Backman and she agreed to be the contact person regarding the traffic calming measures in her neighborhood.

Tina Lyon, West Jordan resident, commented on the reasons they bought their home in Wheatland Estates with one of them being the nearby open space. She felt open space catered to pre-teens and teens. She asked that the designated open space near her development, not be sold, and kept as open space.

Grace Perry, Wheatland Estates, Home Owners Association (HOA) President, said there were 90 homes in their HOA, which existed to maintain a round-a-bout park strip and retention pond, which were placed there for a future park or open space access. She said they moved into their home because of the nearby natural wetlands. She wanted to make sure the open space remained open space and was not developed.

Councilmember Haaga provided background from the December 23, 2015 City Council meeting regarding this property, and information as to what had happened since that meeting. He suggested staff and residents get together regarding this issue. He said open space property that was purchased and designated for our future outdoor recreation facility (25-acres) was not being given away.

Mayor Rolfe clarified that the south portion of the property had been declared surplus.

There was no one else who desired to speak.

V. CONSENT ITEMS

- a. Approve the minutes of April 13, 2016 as presented**
- b. Approve Resolution 16-72, confirming the appointment of members to various City Committees**
- c. Approve Resolution 16-73, authorizing the Mayor to execute the Consent and Acknowledgement by West Jordan City of the Partial Assignment Assumption of Development Agreement for The Station at Gardner Mill**

- d. Approve Resolution 16-74, authorizing the Mayor to execute a contract with Caldwell Richards Sorensen, for the Water Storage Reservoir Site Study, for an amount not to exceed \$35,562.00**
- e. Approve Resolution 16-75, authorizing the Mayor to execute a contract with Geneva Rock Products for the 2016 Chip Seal Project, for an amount not to exceed \$125,050.00**
- f. Approve Resolution 16-76, authorizing the Mayor to execute Amendment No. 7 to the Professional Service Agreement with Stanley Consultants, Inc. for the 7000 S Phase 1 Utility Design project in an amount not to exceed \$33,724.00**
- g. Approve Resolution 16-77, authorizing the Mayor to execute Amendment No. 8 to the Professional Service Agreement with Stanley Consultants, Inc. for the 7000 S Phase 2 Utility Design project in an amount not to exceed \$76,800.00**
- h. Approve Resolution 16-78, authorizing the Mayor to execute a contract with Kilgore Contracting for the Ron Wood Parkway Widening Project, for an amount not to exceed \$267,570.00**
- i. Approve Resolution 16-79, authorizing the Mayor to execute a Development Agreement Loneview South Subdivision**

MOTION: Mayor Rolfe moved to table Consent Items 5.c. and 5.g., until the next regularly scheduled City Council meeting. The motion was seconded by Councilmember Haaga.

David Brickey said he would be fine with continuing Consent Item 5.c., regarding: Partial Assignment Assumption of Development Agreement for The Station at Gardner Mill. He would address any concerns with the folks from Gardner Village, if necessary.

A roll call vote was taken

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

The motion passed 7-0.

MOTION: Councilmember Nichols moved to approve Consent Items 5.a, 5.b, 5.d, 5.e, 5.f, 5.h, and 5.i. The motion was seconded by Councilmember McConnehey.

A roll call vote was taken

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

The motion passed 7-0.

VI. PUBLIC HEARINGS

RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL THE FY 2016-2017 COMMUNITY DEVELOPMENT BLOCK GRANT, HOME AND PROGRAMS INCOME FUNDS

Chuck Tarver said that the City of West Jordan received an annual allocation of funds from the Department of Housing & Urban Development under the Community Development Block Grant Program. These funds were allocated annually to provide services to the low and moderate-income residents of West Jordan. Under this program, 15% (\$83,301) can be allocated to public service agencies, 20% (\$111,068) for program administration/planning, and the remaining 65% (\$360,972) toward housing, public facilities and payment of the City’s Section “108” Senior Citizen Center loan.

Proposals for providing these programs and services under the CDBG program were submitted to the City during December 2015. Once the requests had been reviewed by staff, then the CDBG/HOME Committee met to hear presentations by the agencies and make funding recommendations to the City Council. A list of these requests and recommendations were shown below.

FY 2016/2017 CDBG REQUESTS & RECOMMENDATIONS

Applicant	Program	Amount Requested	Funding Recommendation
Public Services 15%			
Primary Care Health Center	Dental & Health Care	\$10,000	\$7,500
Family Support Center	Crisis Nursery	\$10,000	\$10,000
South Valley Services	Case Management	\$15,000	\$15,000
Community Action	Rent Assistance	\$15,000	\$9,301

Chuck Tarver said all the funds were provided from the Community Development Block Grant and HOME Programs. No additional funds were required from the City.

Staff recommended approving the recommendations as presented for consideration by the CDBG/HOME Committee.

Requestors introduced themselves and their organizations.

Mayor Rolfe opened the public hearing. There was no one who desired to speak. Mayor Rolfe closed the public hearing.

Councilmember Rice expressed her appreciation to Chuck Tarver for all his work, and the organizations for all that they do to assist the residents of West Jordan.

MOTION: Mayor Rolfe moved to approve the proposed funding recommendations of the West Jordan CDBG/HOME Committee for FY 2016-2017 as part of the FY 2016-2017 Annual Action Plan. The motion was seconded by Councilmember McConnehey.

A roll call vote was taken

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

The motion passed 7-0.

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL
ORDINANCE 16-20, RATIFYING THE PRELIMINARY DEVELOPMENT
PLAN FOR LONEVIEW SOUTH SUBDIVISION WITH A RESIDENTIAL
DENSITY OF 3.19 DWELLING UNITS PER ACRE, LOCATED AT 8200
SOUTH 6400 WEST, CHANCE 13.5 LLC/VICTOR BARNES, APPLICANT**

Larry Gardner said in 2006 the subject property was rezoned from Agricultural (A-20) to Low Density, Single-family Residential (LSFR) as part of the establishment of the West Side Planning Area (WSPA).

The subject area was shown on the Highlands Master Plan as Loneview South which was in the Highlands West portion of the “Highlands” phasing plan, which had been adopted by the City. Loneview South had been approved once prior in 2014 but that application expired requiring the applicant to re-apply for preliminary approval.

GENERAL INFORMATION & ANALYSIS

The applicant was requesting ratification of the density of 3.19 units per acre approved by the Planning Commission on April 19, 2016. The Loneview development is the farthest west development within the Highlands Master Development Plan. The Loneview South subdivision consisted of 63 single family lots on 19.63 net acres for a proposed residential density of 3.19 dwelling units per acre. The subject site was designated as Low Density Residential on the Future Land Use Map; and was zoned Low Density, Single-family Residential (LSFR).

The LSFR zone allows residential density of 2.01 to 4.50 dwelling units per acre. The 3.19 dwelling units per acre proposed by the applicant requires, and was achieved by, a density buy-up. Density buy-ups allowed the applicant to have additional dwelling densities if they install certain pre-determined amenities and enhancements that were assigned a weighted value by the WSPA ordinance. Based on the amenities and enhancements proposed by the applicant in the Loneview South Preliminary Development Plan, the applicant was hoping to achieve a 59% density buy-up which would increase the number of dwelling units from 39 to 63. The density buy-ups and amenities and enhancements were provided in the preliminary development plan.

FINDINGS OF FACT PRELIMINARY DEVELOPMENT PLAN

There were no specific findings of fact for preliminary development plans; however, the 2009 City Code did provide a table which described the required elements and bonus density elements for development plans located in the West Side Specific Planning Area (WSPA) (Municipal Code Section 13-5J-5C).

The Loneview South Preliminary Development Plan density buy-up would be reviewed under the requirements of the WSPA. In order to assist in this review staff had provided *Table 1.0* in this report. *Table 1.0* was derived from the table found in Section 13-5J-5C of the Municipal Code. Within the table was a tabulation of staff’s review along with discussion of each amenity/improvement as they relate to the Loneview development plan. The criteria listed in the table was further elaborated upon in Section 13-5J-6 of the Municipal Code.

Table 1.0

Amenity/Improvement	Weighted Value	Required vs. Optional	Has Criteria been met? Yes or No		Score
Trails and open space:					

	Weighted Value	Required vs. Optional	Has Criteria been met? Yes or No		Score
Amenity/Improvement					
<i>Improvement: Dedication of open space, trail corridors or "in lieu of fees" in accordance with the comprehensive general plan and the parks, recreation and trails master plan</i>		Required	Yes		N/A
Discussion: The open space area in Loneview South was a continuation of the open area of Loneview North. The two open space areas would be connected by a trail and bridge and would appear as one large open area when constructed. <i>(Attached Highlands Master Plan Conceptual Site Plan included with Council packet)</i> The un-named (High School) wash runs along the north boundary of the subdivision. Per code, the applicant had shown the dedication of property along the wash and would install an active open space area and a passive open space area. The applicant would also install a trail through the open space area and a bridge across the wash which leads to the trail system installed in the Loneview North Subdivision.					
<i>Improvement: Installation of enhanced open space/recreational amenities in excess of that required per city standards</i>	Up to 22%	Optional	Yes	See Section 13-5J-6	2 %
Discussion: The plan showed the installation of .32 acres of common active open space (1%) and the installation of a covered pavilion with two picnic tables a garbage receptacle and 1 acre of passive open area. (2%)					
<i>Improvement: Improvement of trail corridors and installation of trail amenities in excess of that required per city standards</i>	Up to 15%	Optional	Yes	See Section 13-5J-6	3 %
Discussion: The development plan showed a total of 10 trees and 65 shrubs and 55 ground cover planted within the trail corridor. The landscape planting is clustered around the pavilion/common open area. This met the 1 tree per 25 linear feet of trail requirement, and the one shrub, bush, perennial for every two linear feet of trail, considering there is approximately 240 feet of trail located within the boundary of the development. This vegetation would be clustered in certain areas along the trail and improved open space as permitted in the code. (4%) The plan also showed the installation of one trash receptacle (1%) and one park bench per 1000 feet of trail (1%) which were positive enhancements for those using the trail. The plan also showed the installation of a split rail fence located at the side of the dedication area which was an enhancement to the dedicated trail area (4%). The applicant would also be installing a bridge across the					

Amenity/Improvement	Weighted Value	Required vs. Optional	Has Criteria been met? Yes or No		Score
un-named was to provide access to the trail system in Loneview North.					
<i>Improvement: Dedication of additional property for trails beyond that required per city standards along creeks/washes</i>	Up to 15%	Optional	Yes	See Section 13-5J-6	5 %
<p>Discussion: The code required a minimum 50-foot open space dedication on both sides of drainage corridors. Because the trail was on the north side of the wash, in Loneview North, an average was determined to be appropriate along the south side of the wash. The open area beyond the wash averages 40'. This would give twenty-feet of additional open area for 480-feet, mostly along the common open area. Based on this average the development plan fell within the requirement for the density buy-up and showed a maximum 25-feet and minimum 12-feet extra of dedication of open space required for the density buy-up. The applicant was also willing to dedicate an additional 20' x 100' feet for a utility stub connection / trail access between lots 302 and 303 (5%).</p>					
Street design:					
<i>Improvement: Pedestrian scale and consistent, architectural street lighting</i>		Required	Yes		N/A
<p>Discussion: All street lights would conform to West Jordan City standards for residential street lights. The development plan stated that the street lights would be no taller than 12-feet tall with aluminum shaft with fluted finish direct burial pole with 3 inch tenon top. This met code. The lights would be spaced every 150-feet and would be placed in the park strip. The lighting would be uniform throughout both Loneview North and Loneview South Developments.</p>					
<i>Improvement: Traffic calming design</i>		Required	Yes		N/A
<p>Discussion: Traffic calming was addressed as part of the Highlands Master plan and the development met the necessary requirement for traffic calming.</p>					
<i>Improvement: Street system designs</i>		Required	Yes		N/A
<p>Discussion: The project did not have any internal cul-de-sacs or dead end streets and provided 3 points of access. The development had a stub street to the west to ensure connectivity with future development.</p>					

	Weighted Value	Required vs. Optional	Has Criteria been met? Yes or No		Score
Amenity/Improvement					
<i>Improvement: Entryway monument or gateway feature to the subdivision - development</i>	Up to 10%	Optional	Yes	See Section 13-5J-6	10 %
<p>Discussion: The development plan showed four entryway monument signs –one at the intersection of 8200 South and 6400 West, one at the entrance on 6400 West, one at the entrance on 8200 South and one at the entrance on 6700 West. The monuments were well designed and would provide a nice entry feature into the subdivision (10%).</p>					
Smart growth urban design:					
<i>Improvement: Master planned subdivision design</i>		Required	Yes		N/A
<p>Discussion: The project met this requirement with stub streets and future pedestrian connections. The development had adequate pedestrian access to the public right-of-way and to the trail system.</p>					
<i>Improvement: Pedestrian friendly and walkable neighborhood design</i>		Required	Yes		N/A
<p>Discussion: Five-foot sidewalks were placed along all interior and exterior streets, and there would be a trail in the common green area that would connect in with the existing trail corridor in Loneview North.</p>					
<i>Improvement: Alternative load garage configuration</i>	Up to 18%	Optional	Yes	See Section 13-5J-6	14 %
<p>Discussion: The intent of this buy-up improvement was to reduce the garage dominated streetscape that was common in many subdivisions. The preliminary development plan stated that no more than 25% of the lots would have standard, front loading or front yard/side loading garages. The remaining 75% of lots within the subdivision would have a semi-recessed front load garage. Semi-recessed in terms of meeting the requirements of the WSPA meant the garage must be recessed a minimum of 6’ from an either a covered porch or living space.</p> <p>While providing recessed garages in this fashion meets the strict definition of an</p>					

	Weighted Value	Required vs. Optional	Has Criteria been met? Yes or No		Score
Amenity/Improvement					
<p>alternative load garage per the WSPA, it does not fully achieve the intent of this buy-up, which was to significantly lessen the visual dominance of garages. An alley-loaded or rear yard attached/detached garage product throughout a subdivision was an example of a design that could achieve a full 18% buy-up (14%).</p>					
Building design:					
<i>Improvement: Attractive theme based and consistent architecture on all structures</i>		Required	Yes		N/A
<p>Discussion: Peterson Development would not be constructing the homes within Loneview South and their intent to sell lots to home builders. The preliminary development plan had provided typical building elevations as well as a list of specific architectural requirements the various home builders would be required to meet. The typical building elevations and list of architectural requirements were the same as used in Loneview North. The intent was to create a development (Loneview North and South) that appeared seamless and felt like a cohesive neighborhood. In addition, all building permits would be required to receive approval from a third party architectural review committee (initially overseen by Peterson Development) prior to building permits being submitted to the City. Staff believed that there was enough detail in the development plan and the WSPA to ensure that this requirement was met.</p> <p>However, in order to make sure these architectural requirements were effectively communicated to the future home builders, staff would support a condition of approval that required the applicant to forward a list of these specific design requirements to the home builders.</p>					
<i>Improvement: Installation of covered porches throughout 50% of subdivision</i>	Up 14% to	Optional	Yes	Each point is worth 1.4 pts.	13 %
<p>Discussion: Without having specific building floor plans to review and approve, the applicant had simply stated that at minimum 50% of the homes within this subdivision would have a front porch at least 50- square feet in area. Meeting the requirements of this optional buy-up should be easy to obtain, but it required clear communication throughout the duration of the subdivision build out. In order to ensure that this improvement would be met, staff would support a condition of approval that required the developer to provide information within the development plan designating exactly which</p>					

	Weighted Value	Required vs. Optional	Has Criteria been met? Yes or No		Score
Amenity/Improvement					
lots in the subdivision must have covered porches that meet the minimum size requirements (13%).					
<i>Improvement: Enhanced door and window treatment</i>	Up to 12%	Optional	Yes	Each point is worth 1.2 %	6%
Discussion: Without specific building elevations to critique, the applicant had provided “typical” building elevations they expect to see built in this development. In addition, the development plan listed specific items like door and windows, window and door treatments, window and door trim, side lights and/or transom windows near the front door that all homes would have to incorporate into their designs. This too would require effective communication between the developer and the various builders (6%).					
<i>Improvement: Equal dispersion and use of high quality building materials</i>	Up to 12%	Optional	Yes	Each point is worth 1.2 %	6 %
Discussion: The applicant had stated in the development plan that all homes would incorporate stucco, stone, brick, composite board siding and shingles and other high grade materials. (6%)					
				Total	59 %

The following calculation was used to find out the maximum allowed density of a project:

$$[(\text{Base Density}) \times (\text{Bonus Density Percent})] + (\text{Base Density}) = \text{Max Allowed Density}$$

Density Buy-up / Development Plan Summary:

Based on a base density of 2.01 du/ac for the LSFR zoning district and a bonus density score of 59% the project would have a maximum allowed density of 3.19 units per acre. The total number of units proposed for the 19.63 net acre development was 63 (rounding up) for a total of 3.19 dwelling units per acre.

Based on the information submitted the Loneview South Sub-area Preliminary Development Plan appeared to have sufficient amenities to achieve the requested 63 single-family residential lots. Final density shall be determined by the Planning

Commission with ratification by the City Council at the time of preliminary subarea development plan approval.

Staff recommended that based on the requirements listed in the Zoning Ordinance, that the City Council ratify the Planning Commission's approval of the density for Loneview South located at approximately 8200 South 6400 West with a residential density of 3.19 units per acre for a total of 63 single-family residential lots on 19.63 acres.

Councilmember Haaga commented on an area where there would be future development and questioned whether it would be alienated from the subdivision.

Larry Gardner indicated there would be backyards against backyards. A zone change would be coming before the Council on the undeveloped land and it would not be developed in the WSPA.

Mayor Rolfe opened the public hearing.

Victor Barnes, Applicant, representing the owner and Peterson Development, said they were not the developer of Loneview North; however, they liked how Loneview North was developed, so they wanted to duplicate that.

Alexandra Eframo, West Jordan resident, asked for clarification regarding the size of the streets.

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

MOTION: Councilmember Nichols moved that the City Council ratify through Ordinance 16-20, the Planning Commission's approval of the density for Loneview South located at approximately 8200 South 6400 West with a residential density of 3.19 units per acre for a total of 63 single-family residential lots on 19.63 acres. The motion was seconded by Mayor Rolfe.

A roll call vote was taken

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

The motion passed 7-0.

RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL ORDINANCE 16-21, AMENDING THE 2009 CITY CODE, SECTION 13-5C, ‘PLANNED DEVELOPMENT ZONES;’ SECTION 13-5J ‘WEST SIDE PLANNING AREA,’ AND SECTION 15-3-8 ‘PERMITTING PROCEDURES – DEVELOPMENT PLAN REVIEW,’ CITY-WIDE APPLICABILITY; CITY OF WEST JORDAN, APPLICANT

Scott Langford stated that on March 23, 2016, the City Council directed staff to revise the process in which development plans were reviewed and approved. Specifically, the City Council requested to be the “approval body” instead of a “ratifying body”, as it pertained to Preliminary Development Plans.

GENERAL INFORMATION & ANALYSIS

In order to fully understand the requested amendment, it was important to first understand what a development plan was, and secondly understand the current review and approval process relating to development plans.

First, what is a development plan? Section 13-2-3 of the 2009 City Code defines a development plan as, “*a multidimensional presentation of a proposed development that reflects an area's location of buildings, parking arrangements, open space areas, densities, architecture and other similar features related to a master planned development site.*”

To put it in more direct terms, a development plan was a master plan for a specific area that establishes residential density, design layouts and standards, open space and amenity design, and all other pertinent design criteria necessary for the buildout of a specific area. The City Code specified that there were three types, or levels of detail, associated with development plans. The purpose of these three types of development plans directly related to what development entitlements were established with each development plan.

The following table provided a summary of the three types of development plans set forth in the City Code, associated applications and their entitlements, and the review/approval process associated with each type.

Table #1: *Current Code Requirements*

Development Plan Type	Associated Applications & Entitlements	Review/Approval Process
Concept Development Plan	<p>A rezoning request for a PRD or PC designation may not be approved without concurrently approving a concept development plan under this section.</p> <p>A concept development plan <i>does not</i> establish density or a specific design; the intent of this plan is to provide a “proof of concept” that gives the city and</p>	<p>The process follows the standard rezoning review/approval process, which is:</p> <ol style="list-style-type: none"> 1. Review and recommendation by the Planning Commission. 2. Review and

	applicant a general expectation of what to expect in the detailed Preliminary Development Plan submittal.	approval/denial by the City Council.
Preliminary Development Plan	<p>Preliminary Development Plan applications are typically standalone applications, but may include Preliminary Subdivision Plat and Site Plan applications.</p> <p>To the extent maximum density is not established by the applicable PRD zone, TSOD or other applicable overlay zone, final <i>density is approved</i> as part of preliminary development plan approval; the intent is to provide a high level of detail that essentially establishes unique zoning standards for a specified property. These standards include lot/site plan design, setbacks, architectural standards, and amenity packages.</p>	<p>The process for a Preliminary Development Plan is:</p> <ol style="list-style-type: none"> 1. Review and approval/denial by the Planning Commission. 2. Review and ratification of the Planning Commission's approval by the City Council.
Final Development Plan	A final development plan (along with application for a subdivision or site plan) may be reviewed by city staff; the intent of a final development plan is to ensure that all standards established with the preliminary development plan are followed.	<p>The process for a Final Development Plan is:</p> <ol style="list-style-type: none"> 1. Review and approval/denial by Staff.

The City Council's direction to amend the Code to give them "approval authority" rather than just "ratifying" the Planning Commission's approval was a straight forward request; however, there were several sections of the code that reference this process. Included in the Council's agenda packet was a legislative draft of all the proposed amendments associate with this change.

FINDINGS OF FACT

Section 13-7-D-7B, required that prior to making a positive recommendation to the City Council for a Zoning Ordinance 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 General Plan supported and encouraged growth management strategies. Some of these strategies include incentive zoning that consisted of appropriate development exactions.

The General Plan (Goal 1 Policy 1; Land Use Goals and Policies) stated that “*the city should maintain stability and consistency in land use decision making*” and “*honor and respect community values in the decision making process.*”

The proposed amendments that give the City Council approval authority over the development plans was more in line with the standard rezoning process. These amendments therefore provide more consistency in legislative land use decisions.

Finding: The proposed amendments conform to the General Plan and were 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 current code had established a process where a legislative land use decision was delegated to an appointed body (planning commission). All other legislative land use decisions in the 2009 City Code were made by an elected body (City Council). This inconsistency in review process has, in some cases, led to significant time delays for projects located in master planned communities.

Finding: The proposed amendment was appropriate given the context of the request and there was sufficient justification for a modification to the appropriate Sections of the 2009 City Code.

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: The proposed amendment would bring the development plan review process more in line with the rest of the land use processes.

Finding: The proposed amendment would not create a conflict with any other section or part of the 2009 City Code 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: The proposed amendment would have city-wide implication and does not relieve any particular hardship or confer any special privileges

to a single property owner or cause. The proposed amendment was deemed desirable given the scope and scale of new master planned developments have on the City.

Finding: 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 was only necessary to make a modification to this title(s) in light of corrections or changes in public policy.

In conclusion, the proposed text amendments were warranted and were not contrary to any current goals and policies in the General Plan or conflicting with Title 13 (Zoning Code) of the 2009 City Code.

Staff recommended that based on the analysis and findings contained in the Staff Report that the City Council amend the 2009 City Code as addressed in the report.

On May 3, 2016, the Planning Commission, in a 6 to 0 vote, recommended that the City Council approve the requested text amendment.

The Council and staff commented on the following:

- Glad to see this authority returned to the Council
- The type of zoning this would apply to

Mayor Rolfe opened the public hearing.

Victor Barnes, representing Peterson Development, said through the Highland Development Agreement, they had vested rights under the West Side Planning Area (WSPA). He questioned whether the process could be changed. They felt this was just one more layer to go through. He expressed their opposition.

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

Councilmember Jacob asked whether the Highlands would be grandfathered-in.

David Brickey said they had vested rights. He reached out to Peterson Development, so if there was a disagreement it could be addressed and brought before the Council.

Councilmember Jacob asked how much of the process would be changed.

Scott Langford reported that the process would not change a lot; in fact, he felt it should streamline the process. He said in the Highland Development Agreement there were certain densities and entitlements vested, but the process would need to be looked at. He was unsure whether this would violate any of the terms in the agreement. He indicated that this process was more in line with other procedures in the Code.

Councilmember Haaga felt the approval process should have stayed with the Council and never given to the Planning Commission.

MOTION: Councilmember McConnehey moved to approve Ordinance 16-21, amending the 2009 City Code, Section 13-5C, ‘Planned Development Zones;’ Section 13-5J, ‘West Side Planning Area,’ and Section 15-3-8, ‘Permitting Procedures – Development Plan Review,’ City-wide applicability. The motion was seconded by Councilmember Haaga.

A roll call vote was taken

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

The motion passed 7-0.

Mayor Rolfe directed the City Manager to bring back to the City Council at the next regular City Council meeting the updated schedule for the 7000 South Storm Drain Project.

He reported that prior to Mark Palesh being hired; the Council with a 6-1 vote gave direction for the City to bond for the project, which was done.

Councilmember McConnehey asked if there was any opposition to having sandbags readily available for the neighborhood, which had dealt with flooding.

There was no opposition from the Council.

Councilmember Haaga asked that the minutes with Council direction regarding the 7000 South Storm Drain, be brought back to the Council.

VII. BUSINESS ITEM

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 16-80, ADOPTING THE TENTATIVE BUDGETS FOR GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUND, WATER FUND, SEWER FUND, SOLID WASTE FUND, STORM WATER FUND, AND INTERNAL SERVICE FUNDS FOR FISCAL YEAR 2016-2017, AND SETTING JUNE 8, 2016, AS THE BUDGET PUBLIC HEARING

According to State Law, “Each tentative budget shall be reviewed, considered, and tentatively adopted by the governing body in any regular meeting or special meeting called for the purpose and may be amended or revised in such manner as was considered advisable prior to public hearings, except that no appropriation required for debt retirement and interest or reduction of any existing deficits pursuant to Section 10-6-117, or otherwise required by law or ordinance, may be reduced” UCA 10-6-111.

The City Manager delivered the proposed budget for the various funds to the City Council on April 27, 2016. The budgets could be reviewed, discussed, and amended as necessary up through the public hearing and final adoption, currently scheduled for June 8, 2016.

The fiscal and/or asset impact, the total budget for these funds was \$211,689,117.

Staff recommended approval of Resolution 16-80, adopting the Fiscal Year 2016-2017 Tentative Budgets for the General Fund, the Special Revenue Funds, the Capital Projects Funds, the Enterprise Funds, and the Internal Service Funds and scheduling a public hearing on the Tentative Budgets for June 8, 2016 in the City Council Chambers.

He said the delivered budget was balanced and could be approved.

Councilmember Haaga agreed the budget was balanced from revenues to expenditures; however, he did not believe it was accurate.

Councilmember McConnehey clarified that if the Council was not able to reach a consensus on the final budget, this would become what the City would fall back on for the upcoming year.

Mayor Rolfe said that would be the case only if the Council did not ratify an amended budget.

Councilmember McConnehey appreciated the time and effort put into the budget; however, he did comment on his concerns regarding the following:

- Revenues anticipated for next year
- Expenditures not showing
 - Career ladders
 - Tuition reimbursement

Councilmember Haaga commented on the \$5.6 million expenditure and budget item, which involved the property discussed during Citizen Comments. He reported that he opposed last year’s budget.

MOTION: Councilmember Haaga moved to not adopt the City Manager’s Tentative Budget and postpone it until after the workshop meeting.

The motion died for lack of a second.

Mark Palesh said if the tentative budget was not adopted it would stay the City Manager's Budget. However, he would not want to make changes without Council approval.

Councilmember Jacob commented on the items not found in the tentative budget:

- Park funding
- Additional police officers

MOTION: Mayor Rolfe moved to approve Resolution 16-80, adopting the Fiscal Year 2016-2017 Tentative Budgets for the General Fund, the Special Revenue Funds, the Capital Projects Funds, the Enterprise Funds, and the Internal Service Funds; and move to the Work Session on May 18, 2016, and scheduling a public hearing on the Tentative Budgets for June 8, 2016 in the City Council Chambers. The motion was seconded by Councilmember Rice.

Councilmember Haaga and McConnehey opposed the motion; however, they appreciated the work that went into creating the budget by the City Manager, Eric Okerlund, and City staff.

Mayor Rolfe disagreed with several members of the Council. He believed the revenue would be much higher than what was proposed by the City Manager. He felt this budget should be approved immediately.

A roll call vote was taken

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

The motion passed 4-3.

DISCUSSION AND POSSIBLE ACTION REGARDING ORDINANCE 16-15, AMENDING THE 2009 WEST JORDAN MUNICIPAL CODE, SECTION 13-8-23, 'ANNUAL CAP ON MULTI-FAMILY DEVELOPMENT APPLICATIONS,' CITY-WIDE APPLICABILITY; CITY OF WEST JORDAN, APPLICANT

Scott Langford addressed the following regarding amending the 2009 West Jordan Municipal Code, Section 13-8-23, 'Annual Cap on Multi-Family Development Applications.'

Previous Council Action Regarding this Specific Amendment:

On March 23, 2016, the City Council reviewed this proposed text amendment. After much discussion, the City Council directed staff to amend the proposed change to clarify that the minimum acreage to qualify for a multi-family exception is “75 undeveloped acres.” The word “undeveloped” had now been added to the proposed amendment, which met the intent of the City Council.

In concert with this direction, the City Council also directed staff to change the code in a way that would make the City Council the “approval body”, rather than a “ratifying body” for preliminary development plans. These proposed changes had been drafted as a separate item.

Previous Actions Regarding this Other Amendments:

Section 13-8-23: Annual Cap on Multi-Family Development of the 2009 City Code, is what is referred to as the City’s “cap and grade” Ordinance that sets the maximum number of available multi-family residential units that can be developed in any given year throughout the City, in order to bring the ratio of single-family and multi-family dwellings more in line with the goals and policies of the City’s General Plan.

The Cap and Grade Ordinance had been in place, in one form or another, since May 2014. The following was a summary of all the Planning Commission and City Council actions to date:

1. April 30, 2014 - Following discussion among the City Council and the Planning Commission at a joint meeting, City Staff was directed to notice and submit a proposal for a moratorium on multi-family development in the City pending further study of (a) ways to control that type of development and (b) ways to incentivize high quality single family residential development.
2. May 14, 2014 - the City Council adopted Ordinance 14-17, enacting a 6 month ‘Declaration of a Development Moratorium on Multi-Family Housing Projects’ as allowed by Utah State Code 10-9a-504.
3. October 7, 2014 – Planning Commission consideration of a proposed cap and grade ordinance.
4. October 22, 2014 - the City Council adopted Ord. 14-31, adopting the proposed cap and grade ordinance but adjusted the percentage goal. Exemptions in 13-8-23B included:
 - a. Multi-family housing (2 or more housing units) in a Transit Station Overlay District (TSOD)
 - b. Senior housing for age 55 and older.
 - c. Owner occupied townhomes with an attached 2-car garage where all housing units shall be occupied by the building owners. This ownership arrangement must be recorded as part of the City-approved CC&R's.

- d. Owner occupied twin homes where at least one of the housing units shall be occupied by one or more of the building owners. This ownership arrangement must be recorded as part of the City-approved CC&R's.
 - e. Multi-family housing for disabled persons.
 - f. Low and moderate income housing owned by non-profit or a local Housing Authority.
5. November 5, 2014 - the City Council revised section 13-8-23B removing all exemptions but exemption a. Multi-family housing (2 or more housing units) in a Transit Station Overlay District (TSOD) (Ord. 14-34).
6. January 28, 2015 – the City Council placed a new moratorium on multi-family development to allow time to “re-examine the 2009 City Code provisions applicable to multi-family housing development projects with the intent of bringing such provisions and regulations into better consonance with the General Plan and encouraging better types of multi-family housing options” (Ord. 15-05).
7. March 28, 2015 – Planning Commission and City Council took a field trip to look at examples of owner occupied multi-family housing developments.
8. May 19, 2015 – Planning Commission recommended approval and made some minor changes to the staff recommended text including: a minimum size of a town home and twin home from 400 to 450 square feet, and changing the density from 7.5 to 8.0 du./ac, Exemptions in 13-8-23B included:
- a. Multi-family housing (2 or more housing units) in a Transit Station Overlay District (TSOD)
 - b. Senior housing for age 55 and older.
 - c. Residential developments in compliance with the General Plan with density lower than 8.0 du/ac that is owner occupied town homes, cluster (patio) homes or twin homes all with a minimum home size of 1,500 sq. ft., preferably on the main floor, and with an attached 2-car garage (minimum 450 sq. ft.) where all housing units shall be occupied by owners and recorded as part of City-approved CC&Rs.
 - e. Multi-family housing for disabled persons
 - f. Low and moderate income housing owned by non-profit or a local Housing Authority.
9. June 24, 2015 – City Council adopted Ordinance 15-15, which included the following Exemptions to (13-8-23):
- a. Multi-family housing (2 or more housing units) in a Transit Station Overlay District (TSOD).
 - b. Senior housing for age 55 and older.
 - c. Multi-family housing for disabled persons.

- d. Low and moderate income housing owned by a non-profit or a local Housing Authority.

Owner occupied town homes and twin homes were excluded from the exemptions section.

10. February 16, 2016 – Planning Commission recommended approval of a text amendment that corrected a portion of the code that should have been removed during the June 24, 2015 amendment and also recommended the addition of an exemption for multi-family units in master planned communities (as presented in this report).

GENERAL INFORMATION & ANALYSIS:

With the benefit of nearly two years observing the pros and cons of this ordinance, staff proposed a slight modification to the existing exemptions of this ordinance. The purpose of these proposed amendments was to provide enhanced incentive for developers to master plan larger areas into high quality developments that provide a balanced variety of housing and amenity options. This in turn would hopefully allow the City to avoid some of the potential negative repercussions of receiving a large influx of homogenous low quality housing stock.

Staff proposed that the following two portions of this ordinance be amended as follows:

Proposed Amendment #1

The 2009 City Code, Section 13-8-23 A currently reads as follows:

- A. *Purpose: The comprehensive general plan supports a housing ratio of eighty-three percent (83%) single-family residential to seventeen percent (17%) multi-family residential ("the general plan ratio"). Notwithstanding the general plan, the city establishes a ratio of seventy-seven percent (77%) single-family residential to twenty-three percent (23%) multi-family residential for the purpose of this section.*

The city of West Jordan has adopted a cap and grade procedure specific to nonowner occupied multi-family residential development to ensure the orderly growth of the city and foster a housing mix that is consistent with the general plan.

Staff had noticed an inconsistency in this section of the current Ordinance that needed correction. Due to the multiple iterations of this ordinance since its original adoption, the statement that the cap and grade ordinance is “*specific to nonowner occupied multi-family residential development*” was not correct.

The current cap and grade ordinance regulations do not draw a distinction between owner occupied or for rent product type; therefore, the following amendment to Section 13-8-23 A of the 2009 City Code was proposed:

- A. *Purpose: The comprehensive general plan supports a housing ratio of eighty-three percent (83%) single-family residential to seventeen percent (17%) multi-family*

residential ("the general plan ratio"). Notwithstanding the general plan, the city establishes a ratio of seventy-seven percent (77%) single-family residential to twenty-three percent (23%) multi-family residential for the purpose of this section.

The city of West Jordan has adopted a cap and grade procedure ~~specific to nonowner occupied multi-family residential development~~ to ensure the orderly growth of the city and foster a housing mix that is consistent with the general plan.

Proposed Amendment #2

On January 22, 2016, during the annual City Council retreat, staff presented information to the City Council regarding the current breakdown of the City's housing types, available vacant land for continued residential development, and how this applies to the current requirements of the cap and grade ordinance.

The following table represented a summary of some of the information presented:

Table #1- Residential Development (A map depicting this info. is attached to this report)

Housing Type	# of Units	% of Total Units	Acres	Units / Acre
Single-family	25,233	75.9	7,849	3.21
Multi-family	8,008	24.1	603	13.28
+ Vested Multi-family	3,038	8	199	15.26
Adjusted Single-family	25,233	70	7,849	3.21
Adjusted Multi-family	11,046	30	802	13.77
<i>Total</i>	<i>36,279</i>	<i>100</i>		

The following table had information regarding nearby cities as a simple comparison:

City Name	Single-Family Detached Ratio	Multi-Family Ratio	Single-Family Detached Units	Multi-Family Units
Draper	71.5%	28.5%	Unknown	Unknown
Herriman	82.9%	17.1%	8,078	1,669
South Jordan	71.2%	28.8%	14,631	2,937
Averages	75.2%	24.8%		

There was approximately 2,900 acres of vacant land remaining that had been designated by the General Plan for residential development (Very Low Density to High Density).

After presenting information on the City's current housing makeup at the City Council retreat, the discussion shifted to projected growth and what the City's housing stock should look like at buildout.

The cap and grade ordinance does a good job at establishing a clear direction as to the target balance between single-family detached homes (77%) versus multi-family attached homes (23%). Staff continues to support this clear direction as the buildout of the City continues.

Staff also supported the current exceptions to the established ratios; noting that it was imperative to defend not only protected classes, but also the need to support certain demographic needs (senior housing) as well as leveraging substantial regional investment in infrastructure (light rail).

The “grade” portion of the cap and grade ordinance provided criteria against which multi-family developments were graded against. The purpose of these criteria was to ensure that if multi-family developments were approved, they were of a higher quality.

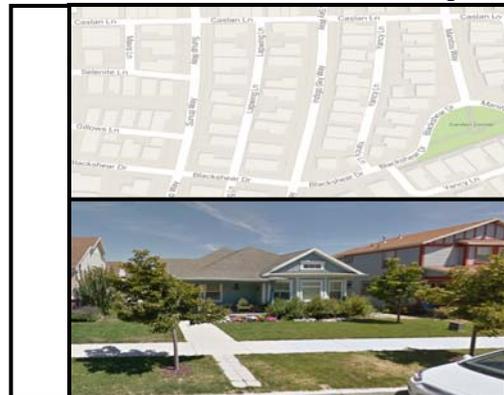
With the benefit of nearly two years observing the pros and cons of this ordinance, staff was beginning to see a potentially significant negative impact of the cap and grade ordinance.

The majority of available land left to be developed as single-family homes was configured in large parcels on the west side of the City. Overall, this was a good thing when considering land planning because this configuration lent itself to large master planned communities, instead of small fragmented subdivisions.

The challenge that staff continued to see from potential developers on these larger tracts of land, was since they cannot get the unit counts up to a certain level with a balance of multi-family and single-family, they were bringing in development proposals with high levels of small lot single-family homes.

Not all small lot single-family neighborhoods were the same. If the homes in these neighborhoods are built with high quality materials and if there were high quality amenities, these developments could retain their value and be a strong component within the fabric of the community. However, these “if” questions loom large, and cannot be adequately addressed or regulated through the use of standard zoning.

To illustrate this point, the following examples were provided at the January City Council Retreat. These two subdivisions (example A & B) were chosen because they were built at roughly the same time, both had approximately the same size lot and house square



footage, both were alley loaded, and both were located in what many perceive as desirable cities to live.

The “Example A” development was built as a standard subdivision without architectural standards or significant open space with upgraded amenities. On the other hand, the “Example B” development was built as part of a large master planned community with strict architectural standards and enhanced open space with substantial amenities.

The difference between the two subdivisions was stark. A quick review of the homes for sale in these two communities revealed that home prices in neighborhood “B” was roughly 70 to 100 thousand more than the homes listed in neighborhood “A.”

The only avenue the City currently had in its zoning tool belt that could be used to legally require high grade architecture and upgraded amenity packages was the PC (Planned Community) zone and the PRD (Planned Residential Development) zone.

Therefore, in order to avoid the potential of a proliferation of low grade homogenous housing stock, staff proposed that the use of the PC and PRD zones be incentivized. The incentive would come in the form of the following amendment to the Cap and Grade Ordinance:

13-8-23: ANNUAL CAP ON MULTI-FAMILY DEVELOPMENT APPLICATIONS:

B. Exemptions: The following types of two-family and multi-family housing are not subject to the annual cap or to the timing requirements of this section (The full legislative draft was included in the Council’s agenda packet as Exhibit B):

1. Residential housing developments in compliance with the general plan that are:
 - a. Multi-family housing (2 or more housing units) in a transit station overlay district (TSOD).
 - b. Senior housing for age fifty-five (55) and older.
 - c. Multi-family housing for disabled persons.
 - d. Low and moderate income housing owned by a nonprofit or a local housing authority.
 - e. Multi-family housing as part of a master planned community that meet the following provisions:
 - i. Master Plan shall be a minimum of 75 undeveloped acres and be zoned PC or PRD.
 - ii. Two-family and multi-family housing not exempt by the provisions listed in parts “a thru d” above, shall comprise no greater than 17% of the total number of dwelling units in the approved master development plan.

iii. Two-family and multi-family housing units not exempt by the provisions listed in parts “a thru d” above, shall be individually owned as either condominiums or townhomes.

Explanation of the Proposed Amendment #2:

The proposed requirement of having a minimum 75 acres was chosen by looking at the remaining large tracts of land located on the west side of the city and also reviewing the average size of property needed to develop a “community” as opposed to just a large subdivision.

The proposed requirement listed in “E ii.”, that does not allow more than 17% of non-exempt multi-family housing within an approved master plan, comes directly from the ratio established in the City’s adopted General Plan.

In an effort to promote long-term investment into the community, staff had also included a requirement that non-exempt multi-family houses be individually owned as either condominiums or townhomes. Staff believed that owner occupancy adds a level of neighborhood stability and pride of ownership that was not generally as prevalent in a for-rent multi-family development. Furthermore, requiring higher grade finishes and larger units would contribute to a higher sale price that should discourage rental investment.

Planning Commission Comments:

The full minutes of the Planning Commission meeting were included in the Council’s agenda packet; however, staff believed it was important to highlight one vein of questions that were asked regarding the implications of adopting the proposed amendment.

As a point of clarification, a couple of the commissioners asked variations of the following questions:

- **PC Question:** Would the proposed amendment *include* the currently exempt housing types (senior, HUD financed, TSOD, disabled) in the maximum allowance of 17% of the total units in a master planned community?
 - **Staff Answer:** No. The housing types that are currently exempt from the cap and grade were selected because of one of the following reasons:
 - They represent a protected class, or
 - They are needed serve a demographic shift (senior) and have less of an impact on traffic and schools, or
 - They are needed to maximize a significant regional investment in transit.

- **PC Question:** Does this mean there could be a potential development that could be requested with a large number of senior housing, *and* HUD financed units, *and* housing for disabled person, *and* then another 17% of standard townhomes or condominiums?

- **Staff Answer:** Yes, but the City Council would not have to approve such a request if in their estimation they found that the request was not appropriate.

In the very remote chance that the City received such an application, the application would have to go through a rezone and development plan approval process. In reviewing such applications, the City Council had a large amount of legislative discretion as granted to them by Utah State Code:

Section 10-9a-502:

“The municipal legislative body shall consider each proposed land use ordinance and zoning map recommended to it by the planning commission, and, after providing notice as required by Subsection 10-9a-205(1)(b) and holding a public meeting, the legislative body may adopt or reject the ordinance or map either as proposed by the planning commission or after making any revision the municipal legislative body considers appropriate.”

Including these exempt housing types as part of the total cap of multi-family housing in a master planned community would be counterproductive to incentivizing developers to build under the higher standards of a PC or PRD zone.

After the Planning Commission meeting, staff explored how the proposed ordinance amendment would play out in a “real world” scenario. Staff selected the Jensen Property Development for this test because of its size, the mixture of unit types, and the general familiarity to most of the City Council of this proposed development.

The Jensen Property was a proposed 205-acre master planned community generally located just east of the Mountain View Corridor from 7800 South to 7000 South. As shown in the following table, the current application that the City was reviewing contained 907 dwelling units. The applicant was seeking to rezone the property to the PC (Planned Community) zone.

Also shown in the following table, under “Current Proposal” was the breakdown of the various types of housing proposed in this new community. Under “Change Required per Text Amendment” were the numbers that would have to be changed in order to comply with the text amendment as they were proposed in this report.

Effect of Proposed Amendment on Jensen Property:

Land Use	Current Proposal		Change Required Per Text Amendment	
	# of Units	Mix %	# of Units	Mix %
Preserve Lots	223	24.6%	254 (+31)**	28% (+3.4%)
Cottage Lots	295	32.5%	295	32.5%

Townhomes	185	20.4%	154 (-31)	17% (-3.4%)
Apartments*	204	22.5%	204	22.5%
<i>Total</i>	<i>907</i>	<i>100%</i>	<i>907</i>	<i>100%</i>

**The applicant had indicated that the proposed apartments will be age restricted senior housing.
 **Units shifted from the townhome units could be placed in either the “Preserve Lots” or the “Cottage Lots” or simply removed from the master plan; for the purposes of this review all of the reallocated units were placed in “Preserve Lot” category.*

If the Cap and Grade Ordinance was amended in a way that capped all multi-family housing at 17% of the total number of dwelling units in an approved master planned community (including the currently exempt housing types), it would have the following impact on the proposed Jensen development.

Effect of Capping ALL Multi-Family Units within a PC zone at 17%

Land Use	Current Proposal		Change Required Per Text Amendment	
	# of Units	Mix %	# of Units	Mix %
Preserve Lots	223	24.6%	254 (+31)**	28% (+3.4%)
Cottage Lots	295	32.5%	499 (+204)**	55% (+22.5%)
Townhomes*	185	20.4%	154 (-31)	17% (-3.4%)
Apartments*	204	22.5%	0 (-204)	0% (-22.5%)
<i>Total</i>	<i>907</i>	<i>100%</i>	<i>907</i>	<i>100%</i>

**The applicant has indicated that the proposed apartments will be age restricted senior housing.*

***Units shifted from the townhome and apartment units could be placed in either the “Preserve Lots” or the “Cottage Lots” or simply removed from the master plan.*

Jensen Development Test Summary: Without changing the current Cap and Grade Ordinance, the Jensen development would have to remove all of the individually owned townhome units. Approving the proposed amendment to the Cap and Grade Ordinance would require the removal of 31 townhomes. An amendment (which is not proposed) to the Cap and Grade Ordinance that caps all multi-family housing at 17% of the total number of dwelling units within a PC or PRD zone would require the removal of all of the proposed senior housing and likely the removal of individually owned townhomes.

FINDINGS OF FACT

Section 13-7-D-7B, required that prior to making a positive recommendation to the City Council for a Zoning Ordinance 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 General Plan supported a mix of housing types to accommodate different housing needs. Goal 2 of the Housing Element, for example, stated “Provide a range of housing types, styles, sizes and price

levels in all areas of the city” (page 70); however, it was also clear that the General Plan supported maintaining a balance between single-family and multi-family residential development (83% single family and 17% multi-family).

Multi-Family housing near transit stations was encouraged per Goal 4, Policy 3, of the Growth Management Section: *“Encourage Transit Oriented Development (TOD) near light-rail transit stations, Mountain View Corridor and near existing major bus routes”*. Implementation Measure 1 of the same section states *“Give priority to proposed Transit Oriented Development near TRAX transit stations.”* (page 170)

Goal 3 of the Housing section of the General Plan encouraged both senior housing and housing for the disabled:

“Provide housing that serves different life cycle stages, including the active seniors, elderly, disabled, and others requiring specialized facilities or locations.” (Page 69)

Owner occupied housing was also supported as stated in Goal 1, Policy 1, Implementation Measure 1 of the Housing Section (Page 69) which stated: *“Provide opportunities for single-family detached and other owner-occupied housing.”* Owner occupied townhomes, owner occupied twin homes and owner occupied patio homes are consistent with this policy.

The proposed exemptions from Section 13-8-23 B were consistent with the goals and policies of the General Plan.

Finding: The proposed amendments conform to the General Plan and were 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: There was sufficient justification for a modification to the zoning code in order to support the proposed amendments as there is a need to support owner occupied housing and provide housing for the elderly and disabled, as well as owner occupied units, consistent with the General Plan.

Encouraging the development of master planned communities, with high grade architecture and enriched amenities, was a key component to maintaining and enhancing the property values and image of the City.

Finding: The proposed amendment was appropriate given the context of

the request and there was sufficient justification for a modification to the appropriate Sections of the 2009 City Code.

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: The proposed amendment would have a city-wide impact, with no particular area singled-out. The proposed amendments would not create a conflict with any other sections of the Municipal Code. Respect to the housing ratios stated in the General Plan was given by incorporating the same ratios within the context of the proposed ordinance.

Finding: The proposed amendment would not create a conflict with any other section or part of the Municipal Code 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: The proposed amendment would have city-wide implication and does not relieve any particular hardship or confer any special privileges to a single property owner or cause. The proposed amendment was deemed desirable given the scope and scale of new developments in the City, and the fact that the Comprehensive General Plan had goals and policies which support the amendment.

Finding: 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 was only necessary to make a modification to this title(s) in light of corrections or changes in public policy.

In conclusion, the proposed text amendment was warranted and not contrary to any current goals and policies in the General Plan or conflicting with Title 13 (Zoning Ordinance) of the Municipal Code.

Staff reported that there would be no fiscal and/or asset impact.

Based on the analysis and findings contained in the Staff Report, staff recommended that the City Council amend the 2009 City Code regarding the “Cap & Grade” ordinance to conditionally allow an exception for multi-family development in large master planned communities.

On February 16, 2016, the Planning Commission in a 7 to 0 vote recommended that the City Council approve the requested text amendment.

Councilmember Haaga said since the Council decided to have quality homes, new homes were being built of a higher quality with several phases, which were selling. He opposed high-density housing.

Councilmember Jacob clarified that this proposed ordinance change was to codify the suggestions made previously by Council.

Scott Langford said that was correct. There was one change: Master Plans shall be a minimum of 75 undeveloped acres zoned P-C or PRD.

Councilmember McConnehey felt this would help to bring in the higher end developments. He was in support of the proposal.

Mayor Rolfe spoke against this proposal. He said residents wanted the City to hold the ratio of seventy-seven percent (77%) single-family residential to twenty-three percent (23%) multi-family residential. Prior projects and approved multi-family projects had already pushed the City over those percentages.

Scott Langford reported that the percentages of 77% single-family residential and 23% multi-family residential were remaining. Already in the cap and grade there were exceptions to the numbers (senior housing, transit station areas, etc.) He reminded the Council that they had final approval authority as to whether Master Plans were approved.

Councilmember Haaga asked if there were any legal implications of allowing a developer of 75 acres' special incentives verse a developer with 50 acres.

David Brickey said no, he did not think it was arbitrary.

MOTION: Councilmember Jacob moved to approve Ordinance 16-15, amending the 2009 West Jordan Municipal Code, Section 13-8-23, 'Annual Cap on Multi-Family Development Applications,' City-wide applicability. The motion was seconded by Councilmember Rice.

Councilmember Nichols indicated that 90-percent of the property in the City was single-family.

A roll call vote was taken

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

The motion passed 4-3.

VIII. REMARKS

There were no 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 STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, INCLUDING ANY FORM OF A WATER RIGHT OR WATER SHARES

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

STAFF: Mark R. Palesh, City Manager, and David R. Brickey (participated via telephone), City Attorney.

MOTION: Councilmember McConnehey moved that after a 10-minute recess, that the City Council move into a Closed Session to discuss 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. The motion was seconded by Councilmember Jacob.

A roll call vote was taken

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

The motion passed 7-0.

The Council recessed at 7:55 p.m. and reconvened at 8:06 p.m.

MOTION: Councilmember McConnehey moved to adjourn the meeting after the Closed Session is ended. The motion was seconded by Councilmember Haaga and passed 7-0 in favor.

The Closed Session convened at 8:06 p.m.

X. ADJOURN

The meeting adjourned at 9:45 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.

KIM V ROLFE
Mayor

ATTEST:

MELANIE BRIGGS, MMC
City Clerk

Approved this 25th day of May, 2016