MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD SEPTEMBER 4, 2012 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Nathan Gedge, Ellen Smith, Dan Lawes, John Winn, Jesse Valenzuela, and Lesa Bridge.

STAFF: Tom Burdett, Greg Mikolash, Robert Thorup, Scott Langford, Ray McCandless, Jennifer Jastremsky, Todd Johnson, Jeremy Olsen, and Julie Davis.

OTHERS: Barrett Peterson, Danica Wade, Kelianne Crapo, Brett Hastings, Ron Cole, Brad Tame, Connie Tame, Steve Larsen, Betty Naylor, David Barber, Jeanette Drake, David L. Panter, Daniel Robbins, Shayn Bowler, Darryl and Selma Lehmitz, Breanna Muench, Gene Drake, Randy Bowler, Kyle Honeycutt, and Cory Margetts.

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The briefing meeting was called to order by Nathan Gedge.

An omitted word was noted on page 2 of the minutes. The agenda was reviewed. Information for criteria on Item #3 regarding schools was discussed. Tom Burdett gave some background history regarding the planned park in the Clay Hollow area.

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The regular meeting was called to order at 6:02 p.m.

1. Consent Calendar
Approve Minutes from August 21, 2012

MOTION: John Winn moved to approve the Consent Calendar, the minutes from August 21, 2012 as corrected in the pre-meeting. The motion was seconded by Lesa Bridge and passed 6-0 in favor.

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2. Wheatland Village Rezone; 4708 West 7800 South; Rezone approximately 0.94 acres from A-20 (Agricultural 20-acre lots) Zone to SC-2 (Community Shopping Center) Zone; Wheatland Village, LLC/Brett W. Hastings (applicant) [#ZC20120006; parcel 21-30-352-034]

Ray McCandless gave an overview of the request, which is consistent with the land use designation.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council to rezone 0.94 acres of property generally located at 4708 West 7800 South from an A-20 (Agricultural 20-acre lots) Zone to a SC-2 (Community Shopping Center) zoning designation.

Brett Hastings, principle owner and manager of Wheatland Village, stated that this is more of a clean-up item. They need the rezoning in order to make it consistent with the rest of the property and allow development of the anticipated commercial use.

Further public comment was closed at this point for this item.

MOTION: Dan Lawes moved to forward a positive recommendation to the City Council for Wheatland Village Rezone; 4708 West 7800 South; Wheatland Village, LLC/Brett W. Hastings (applicant) to rezone 0.94 acres of property from A-20 to SC-2 zoning designation. The motion was seconded by Lesa Bridge and passed 6-0 in favor.

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3. Three Forks Subdivision Phase 5; 6250 West 8500 South; Preliminary Subdivision Plat (33 Lots on 15.5 acres); R-1-10E Zone; Peterson Development Co. LLC/Victor Barnes (applicant) [#SDMA20120009; parcels 20-35-300-022, 023, 025, 026, 036, 037]

Jennifer Jastremsky gave an overview of the request. This phase has direct vehicular and pedestrian access to phase 4 and 8600 South. There will be 33 single-family lots, the continuation of 8600 South to the east, and the construction of a trail way and dedication of the right-of-way for Barney's Creek. Average lot size is more than 11,000 square feet. A temporary road connection through lot 502 to 8600 South is proposed. The applicant intends to provide a future road connection to 8600 South with the future phase 7. There are existing utilities running to the east of the proposed subdivision, so the applicant will redirect that entrance to where the utilities are in the future. At that point, lot 502 will be amended so it is a buildable lot with fencing, curb, gutter, sidewalk, street trees along 8600 South and curb, gutter, sidewalk along the main frontage. The trail way will be located on the north side of Barney's Creek and connects to the two existing connection points within Three Forks phases 4 and 2. A trail access will be provided along 8600 South and 6160 West within the subdivision. Landscaping along 8600 South will be identical to the existing landscaping for phase 2, which includes rock mulch and trees along with a 6-foot tall vinyl fence with masonry columns. There are 36 street trees proposed with additional trees along lot 502 once the temporary road is removed. The proposal meets all preliminary plat requirements.

Based on the positive findings set forth in the staff report, staff recommended that the Planning Commission approve the Three Forks Phase 5 Preliminary Subdivision Plat located at 6250 West 8500 South in an R-1-10E zoning district with the conditions of approval as listed below:

Conditions of Approval:

1. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval.
2. Address all preliminary redline comments prior to submitting for Final Subdivision Plat.
3. An approved preliminary subdivision plat shall remain valid for one year following the date of approval. One 6-month extension may be granted by the zoning administrator if, upon written request by the owner/developer, the zoning administrator finds that the extension will not adversely affect the public health, safety or welfare of the city. (City Code 14-3-8A)
4. All standards and requirements of the City's Municipal Code in affect at the time of this approval shall be adhered to.

Barrett Peterson, Peterson Development 225 South 200 East, was available to answer questions.

Brad Tame, West Jordan resident, asked how wide the fence opening will be for the trail connection at 8600 South. He also wanted to know if there will be fencing on the north side of Barney's Creek, because the trail will see additional traffic and they would like fencing installed behind their homes. He was also concerned about overcrowding of schools and wondered if there are any new schools planned.

Jennifer Jastremsky said schools were not considered during the rezone in 2003. The main concerns for service at that time were utilities and traffic.

Steven Larsen, West Jordan resident, said his backyard abuts Barney's Creek. He was also concerned with the increased service requirements in the area with schools, utilities, and traffic. He said he's been in their home for ten years and were told that there would be a certain type of home built across Barney's Creek and he felt there should be some reasonable expectation from the City and developer that the rules of the game don't change. He would rather see wildlife instead of homes, but they knew homes were coming, and they just want to preserve the neighborhood the way they were told it would be developed.

Further public comment was closed at this point for this item.

Barrett Peterson said these are the same types of lots and minimum home sizes that are in place, and they will place CC&R's similar to the other subdivision. He wasn't sure of the size of the opening on the trail, but he assumed if the trail is ten feet wide the opening would be ten feet.

Ellen Smith asked what the timeline for completion of the project is.

Barrett Peterson said there are 33 lots they will complete between next spring and summer. They will just be developing the lots, but he thought it could take a year or two to absorb them. Regarding fencing along the trail, he said if they put in ranch rail fence the homeowners might install their own privacy fence, but they are thinking of ranch rail right now.

Greg Mikolash said it would be vinyl fence typical to what matches the existing fence. He said there are no gates on the trail access, so it will be open all the time.

Lesa Bridge asked if they had contacted the school district to ask if they could accommodate the additional children.

Barrett Peterson said they talk to the school district on a regular basis and give projections on their projects. As far as he understands they are able to service this subdivision and accept any new students.

Lesa Bridge asked if he had an estimate of the number of children this development would add.

Barrett Peterson said he didn't have that information, but they leave that up to the school district to estimate. They work with the district and have sold them numerous sites and they are planning for growth. He didn't feel 33 homes would overburden the school.

MOTION: **John Winn moved based on the findings set forth in the staff report and upon the evidence and explanations received today to approve the Preliminary Subdivision Plat for Three Forks Phase 5; 6250 West 8500 South; Peterson Development Co. LLC (applicant) with the conditions of approval 1 through 4 as listed in the planning commission packet. The motion was seconded by Dan Lawes.**

Ellen Smith felt that the district can handle students from this subdivision. But since there are criteria regarding schools in the packet, she felt that information from the school district would be helpful and should be provided.

VOTE: **The motion passed 6-0 in favor.**

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4. Stone Creek Development Plan Amendment; Continued from 8-21-12; approximately 7800 South 5490 West; Amended Development Plan for 23.36 acres; P-C Zone; Peterson Development/Justin Peterson (applicant) [#DP20120004; parcels 20-36-100-043; 20-36-226-001, 004; 20-36-126-030]

5. Stone Creek Clay Hollow and Town Center Land Use Amendment; Continued from 8-21-12; approximately 7800 South 5490 West; General Plan Land Use Amendment for 11.34 acres from Very High Density Residential to High Density Residential; 6.74 acres from Neighborhood Commercial to Mixed-Use; and 3.11 acres from Professional Office to Medium Density Residential; P-C Zone; Peterson Development/Justin Peterson (applicant) [#GPA20120003; parcels 20-36-100-043; 20-36-226-001, 004; 20-36-126-030]

Scott Langford gave an overview of the proposal. As a side note he explained that the general plan was recently updated city-wide and 'housekeeping' changes took place but Stone Creek was left untouched. However, there are some areas in green that indicate open space that cut through existing residential blocks, which is a cartographic error that they can fix at this time with these amendments.

There are three areas proposed in the land use and development plan amendments. Town Center B, D, and E area would change 3.1 acres from Professional Office to Medium Density residential and Clay Hollow C from Neighborhood Commercial to Mixed Use and Clay Hollow D, E, and F from Very High Density residential to High Density residential. The original Stone Creek master plan was adopted in 1999 and it has been amended with the most recent amendment in 2008 adopted by Ordinance 08-09, which is the controlling document for Stone Creek and includes maps as well as text.

Scott Langford compared the current and proposed Town Center area, which would remove 36 townhomes units, 1.4-acre park, and a row of office/retail buildings and replaces them with 36 single-family residential lots with a general density of 5 units per acre, which fits the medium density category.

Clay Hollow C area would amend approximately [6.74] acres of neighborhood commercial to a mixed-use designation. Ordinance 08-09 provides a lot of detail for this area. On page 37 it says "this area requires a mixture of at least two land uses with combinations of retail, light office, and mixed-use" and it even references a specific mixed use development that Clay Hollow B and C should resemble if the mixed-use component is chosen. Page 39 provided additional clarification that mixed-use as it is used in the context of Ordinance 08-09 means mixed-use buildings. Sometimes mixed-use is classified as when there is office next to apartments or retail next to office, which could be horizontal mixture of uses. But because the ordinance goes into detail of the vertical mixed-use staff wanted to point that out. If this amendment is approved, the applicant is seeking more of a horizontal mixed-use component.

The final area is Clay Hollow D, E, and F, which would change [11.34] acres of very high density residential to high density residential on the future land use map and would facilitate replacing 106 multi-family residential units, a 2.27-acre neighborhood park, and a 0.4-acre community garden with 57 single-family residential lots with a proposed density of 5.3 units per acre in the high density category. Ordinance 08-09 in Section 4 item 7, page 7 gives a lot of detail about Clay Hollow Park. This section says "This land will replace the majority of the land allocated for the "Village Square"; eliminating the Frisbee golf course, the half court basketball, and tot lot outlined in Section 4, Item 18 of this plan. Clay Hollow Park shall contain the following amenities and improvements" it then lists Items A through I, which are very specific amenities. This requirement was used as a negotiation tool for previous amendments and removal of some amenities, and is pooled into this area. This amendment would also remove a community garden, which was designated for the use of all of Stone Creek including the Ranches development immediately to the east of the community garden. Staff focused a lot of time on how the proposed amendment would affect the existing development around the Clay Hollow Park, particularly the Boulder Canyon Apartments. He explained that with the approval of the preliminary site plan of the townhome style units on the east side there was a meandering sidewalk. However, as they looked at the master plan during final site plan review they noticed that a public sidewalk was required along the road and would be adjacent to the meandering sidewalk. So as a modification they removed the requirement for the meandering sidewalk, and the floor plan for the units was designed specifically to face the street and park in order to build off the planned community design. Today people who access the units have to come in from their kitchen, and as a temporary fix have installed doorbells on the west side of the unit and also on the east side in anticipation of the road and sidewalk being built in the future. Also the Boulder Canyon apartments were allowed a reduction of on-site parking spaces based on the premise that guest parking would be allowed on the perimeter roads. The traffic engineer has received numerous complaints about the lack of parking in the project, so the removal of the road would not help to mitigate the existing need for additional parking. He showed pictures of the townhome units facing east and pictures of the townhome units that face north that show how

they connect to the public sidewalk, which is what was anticipated on the east-facing townhomes once the road is built.

Scott Langford said staff isn't necessarily against removal of the multi-family residential and replacing it with single-family lots. There are many design possibilities, and he showed a possible concept of what could be done to maintain the integrity of the master plan and road design and still allow the developer to address market conditions. This concept was based on designs in Lehi and South Jordan where there are common greens; however, this only addresses the issue of the roads. The commission and council could look at extending the park space to include the amenities that would be lost with the removal of Clay Hollow Park. In August staff met with the applicant, Ivory Homes, and owner of Boulder Canyon apartments to see if they were open to design alternatives. The applicant stated they would like to come before the commission and council first to see if a design change is merited based on your feedback. He stated that there is a high level of flexible design and product types that can be constructed under the designations of medium and high density residential land uses, but staff's recommendations are based on the designs submitted by the applicant. Some parts of the proposal have received a positive recommendation from staff and others, based on poor design and lack of synergy and complementary land use, staff has given a negative recommendation.

Scott stated concerning Clay Hollow D, E, and F staff is suggesting a negative recommendation on both the exhibits and text amendments based on the findings of fact that they are not complementary to the existing development. Clay Hollow C can be supported with the change from neighborhood commercial to mixed use, because the existing master plan allows for mixed use, but the text associated with the proposed Stone Creek amendment staff believes is a misinterpretation of the existing code so they are giving a negative recommendation. Staff supports the amendment of both the land use and the development for Town Center B, D, and E from professional office to medium density as it is a natural extension of the Princeton Park development and doesn't compromise the existing integrity of the Stone Creek master plan.

Barrett Peterson, Peterson Development, 225 South 200 East, said they have been developing for 15-20 years in West Jordan with over 2,000 single-family lots and they have stood behind their work. They do a variety of housing types in both high and low density. In 1999 the City came to them and asked them to plan a master planned community with 300 acres of property to include a mix of single-family lots, commercial, apartments, townhomes, and an empty-nester style of home. He said that there are things they would have done differently, but it is a unique product that the City asked for. Ivory Homes has the property under contract subject to a rezone. He said Ivory knows what the market dictates and what the end-user likes; they do a quality product. He appreciated staff's thorough presentation, but said they have a differing opinion. Master plans change over time. The current development plan was approved in 2008 before the housing market fell, and now they are asking for a change to single-family, which is a downzone any way you look at it. The city was initially to maintain the park in the middle of the area and now they don't want to. So part of the problem is that no one is taking ownership of the maintenance of that open space and that is why they were thinking of changing it. This is a situation where the property owners to the west don't like the proposal, but the ones to the east will probably like it more than multi-family. If this goes forward to city council and it is shot down they will probably go with the original plan. Their proposal may not be the ideal scenario, but they feel that it is a good solid plan. He asked for time at the end of the public comment.

Dan Lawes asked him if this proposal is all or nothing for them.

Barrett Peterson said yes.

Dan Lawes asked how they propose to address the lack of access in front of the townhomes.

Barrett Peterson said the grade difference had been brought up before, which he felt was not a concern. A meandering sidewalk could still be installed in that area. He said having the park was the ideal situation, but that changed due to the fact that the city doesn't want to maintain the large open space.

John Winn asked if there is a possibility for an HOA rather than looking to the city or Peterson for maintenance.

Barrett Peterson said that wasn't part of the original agreement. It is a large amount of open space for one development to take on. He said there is a lot of open space in Stone Creek already, and they currently have the amount required by the ordinance. If the park is eliminated some open space will be lost, but the citizens won't have the burden of paying for the maintenance.

Ron Cole, 11 Spanish Bay, Newport Beach, CA, said he and his partner are under contract and ready to close on the Boulder Canyon property. He said that the community park has always been a part of the master plan for the community not only for Boulder Canyon but for all the developments. The area was originally required to have all kinds of amenities, but it seems that the plan has been consolidate and consolidated until now they are asking that it be removed. To eliminate the park would have a negative impact on the quality of life for the residents in his project and the surrounding developments. This would be a great place where the children can play instead of in the parking lots. The access and proposed walkways and roads are very important from a design standpoint. When the property was originally developed the townhomes were facing inward, but at the direction of the Design Review Committee they were changed to face the park feature to promote the park as a focal point. If the proposal were to be approved the townhomes would now face a fence instead of a park. The desirability and marketing ability of the units is impacted, because they have been marketed as facing the park. They don't have an objection with the change from townhomes to single-family, but they have a major problem with the developer making economic changes and shifting that burden to them as neighbors. He asked that they recommend a denial so they can work through the issues and find an equitable solution for both parties.

Danica Wade, property manager for Boulder Canyon apartments, said the townhomes have always been marketed as having a park and garden in the area and it is a pretty big deal for their residents to lose that green space, especially when it could help provide play area for the children living in the area. Parking is an issue on the property. Their community is important to them and they want their residents to be happy.

Kyle Honeycutt, Ivory Homes, thanked staff for their preparation. He stated that the multifamily market is struggling and the demand is for single-family homes. Also, there is very little, if any, demand for a rear loaded product. Traditional lots are what people want and are what they will build.

Further public comment was closed at this point for this item.

Barrett Peterson said both sides have been presented well. He wondered if the apartment owner would be willing to pay more in assessments for park maintenance if it were built. He felt their plan works and the issues can be worked through. He didn't know if the issue of which door on the townhome is used as the front door is black and white. He understood that there are two sides to the request and he asked that the commission send the item forward to city council with a recommendation.

Dan Lawes noted that Ordinance 08-09 said the park would be dedicated to the city upon completion and acceptance of all improvements. He asked if that meant that the city would maintain it.

Tom Burdett said the dedication to the city was incorporated into the plan with the concept that the long term maintenance would be provided through a special improvement district that this property and all properties in Stone Creek would contribute to. When there was a problem establishing the SID and it looked like it would be irreconcilable, the city offered to put all open space into maintenance the same as all the other parks and open space in the city where the general fund would pay for the maintain except this Clay Hollow piece, which would

be considered for an HOA. When that idea was questioned by Peterson and rejected they requested to amend the master plan to redesign the area, and the city administration at that time said that would be acceptable. Today they have agreement points on a new settlement with long term maintenance of the open space in Stone Creek where a special service district would be established for Stone Creek and other areas in the vicinity. So it is possible to say that the Clay Hollow Park could be maintained by that SSD. It is unfortunate that this has evolved at the same time that the property is being marketed and evolving in a completely different direction. The city's interest is to still try to merge the design and maintenance issues in a way that keeps a master plan concept as the principle driver rather than backing in some other land use options based on maintenance entities. They are at the point where they have solved the maintenance issue. They still need to establish the SSD, but it is a high priority for the city.

MOTION: **Dan Lawes moved to forward a negative recommendation to the City Council for Clay Hollow D, E, and F; 7800 South 4800 West; Peterson Development (applicant) to amend the general plan future land use map for 11.34 acres from Very High Density Residential to High Density Residential. The motion was seconded by Ellen Smith and passed 6-0 in favor.**

MOTION: **Dan Lawes moved to forward a positive recommendation to the City Council for Clay Hollow C; approximately 7800 South 4800 West; Peterson Development (applicant) to amend the general plan future land use map for 6.74 acres from Neighborhood Commercial to Mixed-Use. The motion was seconded by Ellen Smith and passed 6-0 in favor.**

MOTION: **Dan Lawes moved to forward a positive recommendation to the City Council for Town Center B, D, and E; approximately 7800 South 4800 West; Peterson Development (applicant) to amend the general plan future land use map for 3.11 acres from Professional Office to Medium Density Residential. The motion was seconded by Ellen Smith and passed 6-0 in favor.**

MOTION: **Dan Lawes moved to forward a negative recommendation to the City Council for Stone Creek Development Plan amendment for Clay Hollow C, D, E, and F; approximately 7800 South 4800 West; Peterson Development (applicant). The motion was seconded by Ellen Smith and passed 6-0 in favor.**

MOTION: **Dan Lawes moved to forward a positive recommendation to City Council for Stone Creek Development Plan Town Center B, D, and E; approximately 7800 South 4800 West; Peterson Development (applicant). The motion was seconded by Ellen Smith and passed 6-0 in favor.**

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6. Text Amendment – <u>Continued from 8-21-12;</u> Amend the West Jordan Municipal Code Section 8-2-4 Regarding Undergrounding Existing Overhead Utilities; City-wide; City of West Jordan (applicant) [#TA20110011]

MOTION: **Nathan Gedge moved to continue the Text Amendment to amend the West Jordan Municipal Code Section 8-2-4 Regarding Undergrounding Existing Overhead Utilities to a date uncertain. The motion was seconded by Lesa Bridge and passed 6-0 in favor.**

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7. Text Amendment – Amend the West Jordan Municipal Code Adding the Agricultural Preservation Zoning Overlay District – Section 13-6J; City-wide; City of West Jordan (applicant) [#TA20120007]

Jeremy Olsen gave an overview of the city-initiated amendment to allow for agricultural properties five acres in size and greater to create a zone that provides noticing to neighboring land uses that there is an existing farm that is in production and that inherent to living next to a farm there are certain sights, sounds, smells, and odors that they may experience because of proximity. A 300-foot noticing requirement that extends from the boundaries and any new subdivision would have a condition on the plat notifying prospective purchasers of the agricultural use. They would also be provided with a statement that they acknowledge they received that notice. The ordinance as drafted was largely modeled after State Code 17-41-101 through 406.

Based on the findings set forth in the report, staff recommended that the Planning Commission discuss and forward a positive recommendation to the City Council for the proposed text amendment creating an Agricultural Protection Overlay Zoning District for city-wide use.

Betty Naylor, West Jordan property owner, stated that in the audience tonight were three of the four families that qualify for a Century Farm in West Jordan. She explained that a Century Farm is one that has been in a single family ownership for *at least* 100 years and is registered with the State of Utah. She is the President of the Salt Lake County Farm Bureau. Farm Bureau is a County, State, and National organization that is the voice of agriculture across the nation. She has an active farm in West Jordan where she keeps fifty cattle, beef production, pigs, goats, grain, and alfalfa. She said neighbors like the open space but sometimes they are offended by the farm. They appreciate this ordinance that provides notification to people that they are moving in next to farming activity. She said that farms do at times have inherent dust, odors, sights, and smells, but they are also required to conform to all health, safety, and other State laws. They have to be licensed sprayers. West Jordan currently has cattle raising, pig farming, goat dairy, crop raising, vegetables, flower raising, mink ranching, and chickens. Preservation of open space adds to quality of life in the community. She wants to pass her farm on to her children, but at some point they will lose the open space and farming to development. They want to be in harmony with the development of the community and neighbors, and she felt that notification is an essential part of that. In 13-6J-2A(1)(a) it identifies agriculture production for commercial purposes, but some of them use their own product, and she asked that it be included in the definition. In 13-6J-2(3)(a)(i) it mentions solid crops, and she asked what that includes. In 13-6J-2(3)(b) it references the crop land retirement program, and she wasn't sure what the program is. In order to keep their land in the greenbelt, which is five acres or more, they have to meet a crop production standard, and if that is what this is referring to then they are fine with it. She appreciated the reduction in acreage from twenty to five. She commended Jeremy for his work on this project.

Randy Bowler, West Jordan resident, said he and his family have owned and operated a farm in West Jordan for 37 years. He spoke in favor of the application and commended the city for taking the action. He said the ordinance primarily refers to new development next to existing agricultural lands. There are some properties that only have existing development. The ordinance says that any property can make application, so he felt that they didn't need new development in order to receive the approval of their farm property and the notice on the last page would be sent out to properties within 300 feet just like it would with new development. They have three farms in West Jordan and most of it is next to existing development.

Nathan Gedge said the commission can discuss that and possibly include it in their recommendation.

Darryl Lehmitz, West Jordan resident, said they have a Century Farm of 123 years. He suggested that they consider under the definition of crops, livestock and livestock products to include turf, aquaculture, and agritainment such as corn mazes and pumpkin patches where people come to have an experience as well as the product. Under 13-6J-3C2 he asked why they want to have limits. With 13-6J3E he suggested that they

consider adding a statement to the end of that stating, "unless that is reduced by the action of eminent domain." He said that would be similar to the greenbelt provision of the State that requires five acres unless it is reduced by eminent domain.

Jeanette Drake, West Jordan resident, said their family has owned the Drake Family Farm goat dairy since 1880 in West Jordan. She is leery any time the government gets involved because there are always unintended consequences, and she is trying to determine what those might be. She referred to 13-6J2A(3) "Crops, Livestock, and/or Livestock Products" that does not list livestock products in the enumeration. At their farm they have dairy and eggs and mink pelts could also be considered products, so that should be enumerated. She was also concerned with the limits of the agricultural production. She was concerned with how this overlay would work with their farm since it is surrounded by existing development.

Gene Drake, West Jordan resident, said their family owns and operates the 10-acre Drake Family Farm, which has been there since 1880. He thought this is a good proposal to be drafted and worked upon and improved that will help people that have farmed here for so long. He is also the Vice President of the Salt Lake County Farm Bureau where they promote agriculture, safety, and try to provide everyone with 3 meals a day.

Further public comment was closed at this point for this item.

Nathan Gedge said he was raised on a farm and was in full support and he liked many of the suggestions given this evening and would like to include some of those in a recommendation.

Dan Lawes found it strange that they would have to enact an ordinance that notifies people that someone has an inherent right to continue using their property. One of the draws his family had to this end of the valley was the mix of rural and urban life, and he knew those properties were in close proximity and their effects and potential nuisances. This doesn't seem to meet a 'preservation' zone and they should flip it around so we are securing the rights of the property from encroachment from the other side and not the other direction.

Ellen Smith asked if he wanted to change the title of the ordinance and if it should be more specific to the purpose of the code.

Dan Lawes said he was struggling with the intent of the ordinance and wondered if this was a solution looking for a problem.

Jesse Valenzuela added that the city had probably done extensive research and problems had cropped up in other places and that this would head off any future problems. He thought that by passing the ordinance it could help to solidify the existence of the farms and might eliminate some of the challenges involved with development.

Dan Lawes asked if this issue was being addressed in other cities.

Jeremy Olsen said his background research showed it is mostly a county issue. There were a lot of counties in Utah that had a similar ordinance although Lehi and West Valley City also had one.

MOTION: Nathan Gedge moved to suspend the rules and reopen the public hearing. The motion was seconded by John Winn and passed 6-0 in favor.

Betty Naylor said Jeremy addressed the issue of other cities that have a similar ordinance, but it is their intention to contact other cities once there is a finished product. She felt this was a proactive action, because they aren't going to manufacture any more ground.

Cory Margetts, West Jordan resident, said they own the last mink ranch in West Jordan, which used to be the second largest producing city in the United States. He suggested that the title could be changed to a protection overlay. Mink have an inherent smell, and they have had a mink ranch for more than 50 years; this might mitigate phone calls to the city and it would also protect the ranch.

Darryl Lehmitz said another issue he faces is when neighbors move in during the winter time and don't anticipate some of the farming activities. One example is when they bale hay at night in the summertime and neighbors don't like to hear that or see tractor lights.

Jeanette Drake asked about the process if the ordinance were approved. If they applied for the overlay would they 'go on trial' to see if they can continue as a farm?

Nathan Gedge said if it were adopted then she would apply if any new development were to be within 300 feet of the farm and then the developer would be required to inform any potential property owners.

Jeanette Drake said everything around their farm is developed.

Dan Lawes didn't know that the ordinance addressed properties with existing developed areas.

Jeanette Drake said then this ordinance wouldn't have any advantage to them or to the Margetts' farm.

Dan Lawes wondered what the balance is tonight of those properties that wouldn't be able to use this ordinance and those that could.

Randy Bowler said they are in both situations with their farms, because some are near developed property and some are not. He recommended that they restructure this to include new and existing properties, because he felt that the notification would help them be better neighbors. They also bale hay in early morning and late at night.

Gene Drake suggested that they consult agricultural experts when finalizing the ordinance.

Further public comment was closed at this point for this item.

John Winn wondered if sending notices to existing residential would hurt more than help, because people would be calling in and asking questions about how it will affect them and why they don't have a say in the matter.

Ellen Smith said she would like to include some of the existing development, but she would like the trigger to be upon home sales. That way the buyer has been fully disclosed.

Dan Lawes said that doesn't go through the city.

Lesa Bridge said it would be a recorded document that would be found during a title search.

Robert Thorup said they need to ask who will be enforcing all this. The city can create a zone, but who is sending out notices to 1000 homes that are within 300 feet of an agricultural property. He said notice has its place, but the last page of the ordinance talks about putting people on notice that they may not challenge the existence of an agricultural zone. They can't be put upon an existing homeowner, and there might be a question of whether or not you can put that requirement on anybody. But there are a lot of problems with extending this beyond new subdivisions that are locating next to an agricultural use.

Dan Lawes wondered if they should continue this to explore it a little further.

MOTION: **Nathan Gedge moved to forward a positive recommendation to City Council to Amend the West Jordan Municipal Code to create an Agricultural Preservation Overlay District with the following modifications:**

1. **Changing the title to read: Article J the Agricultural Protection Zoning Overlay District**
2. **13-6J-2(3)(a) adding livestock products, aquaculture, turf, and agritainment as enumerated items.**
3. **13-6J-3E adding the statement "unless reduced by the action of eminent domain."**
4. **13-6J-10B to read: "For any new subdivision development or change in ownership" … "the developer or seller shall provide notice …"**

The motion was seconded by Ellen Smith.

John Winn said he would vote against the motion, because it had been stated by those in attendance that this had been looked at and is what they want. So he was in favor of the item as it stands.

ROLL CALL VOTE:
Commissioner Gedge – yes
Commissioner Winn – no
Commissioner Valenzuela – yes
Commissioner Smith – yes
Commissioner Bridge – yes
Commissioner Lawes – no

The motion passed 4-2 in favor.

Nathan Gedge suggested that before the item goes to City Council that staff consult with some of the local farmers.

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Tom Burdett gave update on recent city council actions.

MOTION: **John Winn moved to adjourn.**

The meeting adjourned at 7:51 p.m.

Nathan Gedge
Acting Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department

Approved this _____ day of _____, 2012