

**MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD APRIL 2, 2013 IN THE WEST JORDAN COUNCIL CHAMBERS**

**PRESENT:** Nathan Gedge, David Pack, Ellen Smith, Dan Lawes, John Winn, Lesa Bridge, and Zach Jacob.

**STAFF:** Tom Burdett, Robert Thorup, Greg Mikolash, Jennifer Jastremsky, Nathan Nelson, Paul Brockbank, Jim Riding, and Julie Davis

**OTHERS:** Jim Harris, Katherine Riding, David Barber, Brent Atkinson, Shayn and Kristen Bowler, Bryon Densley, Randy Bowler, Joe Long, Drew Klundt, Kevin Klundt, Randy Jones, Tom Richards, Diane Sheehy, Chris Balling, Randy Jones, Randy Rindlisbacher, David Peterson, Bryce Kartchner, and Robert Dority.

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The briefing meeting was called to order by Nathan Gedge.

The agenda was reviewed and clarifying questions were answered. Jennifer Jastremsky noted a change to the legislative copy attached to Item #7.

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The regular meeting was called to order at 6:04 p.m.

- 1. Consent Calendar**
- A. Approve Minutes from March 19, 2013**
- B. Ron Wood Park Phase IIB; 8620 South Ron Wood Park; Preliminary Site Plan- Capital Improvement Project; P-F Zone; City of West Jordan (applicant) [#CIP20130002; parcel 26-02-100-012]**

Based on the findings set forth in the staff report, staff recommended that the Planning Commission grant Preliminary Site Plan approval for the Ron Wood Park Phase IIB located at 8620 South Ron Wood Park Road in a P-F zoning district, with the conditions as listed below.

Conditions of Approval:

- 1. Provide a second ingress/egress point to the north. The access point can be a fully constructed 8600 South Street or an emergency access road that meets all Street and Fire code requirements for emergency access roads. Staff should review all other options prior to approving final site plan.
- 2. Address all redline comments from Planning, Engineering, Fire, and Public Works Departments.
- 3. An approved preliminary site plan shall remain valid for one year following the date of the approval, per City Code Section 13-7B-5. A one 6-month extension may be granted by the Zoning Administrator for approval of the preliminary site plan, 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.

**MOTION: John Winn moved to approve the Consent Calendar the minutes from March 19, 2013 and Item #1B Ron Wood Park Phase IIB. The motion was seconded by Lesa Bridge and passed 7-0 in favor.**

There were none in attendance to speak on Item #1B.

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**2. Calvary Thrift Store; 3245 West 7800 South #C; Conditional Use Permit; P-C Zone; Calvary Chapel of Salt Lake/Jim Harris (applicant) [#CUP20130001; parcel 21-32-227-020]**

Jennifer Jastremsky gave an overview of the application for a conditional use permit. A recent text amendment was approved to allow for a secondhand store in the P-C Zone. She reviewed the location of the drop-off area at the rear of the structure. They are not expecting commercial vehicles to drop off merchandise. Although there is no landscaping buffer on the commercial property, there is a 6-foot masonry wall, landscaping, trees and carports located between the property line and the senior apartment building. These items will help to shield the apartments from any negative effects of the drop-off area. Staff also included a condition of approval that limits the donation hours to store hours only. She showed photos of their boutique-style shop.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission grant Conditional Use Permit approval Calvary Thrift Store located at 3245 West 7800 South #C in a P-C zoning district with the conditions of approval as listed below.

Conditions of Approval:

1. Acceptance of donations is limited to the hours of operation listed in the application: 10:00am to 5:00pm Monday, Wednesday, Friday and Saturday and 10:00am to 8:00pm on Tuesdays and Thursdays, closed Sundays.
2. No Conditional Use Permit shall be valid for a period longer than twelve-months, unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion, or unless a certificate of occupancy is issued and a use commenced within that period, or unless a longer time is requested and granted by the Planning Commission as per City Code Section 13-7E-9.
3. The Conditional Use Permit is subject to review and/or revocation as per City Code Section 13-7E-10.

Jim Harris, applicant and assistant pastor of Calvary Chapel in Salt Lake, had nothing to add.

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

**MOTION: Dan Lawes moved to approve the Conditional Use Permit for Calvary Thrift Store; 3245 West 7800 South #C; Calvary Chapel of Salt Lake/Jim Harris (applicant) with the conditions of approval 1 through 3 as listed in the staff report. The motion was seconded by Zach Jacob and passed 7-0 in favor.**

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**3. Charles and Maurine Todd Subdivision; 3259 Freedom Lane; Preliminary Subdivision Plat (2 lots on .61 acres); R-1-10C Zone; Chris Balling (applicant) [#SDMI20130005; parcel 21-29-380-034]**

Jennifer Jastremsky gave an overview of the request to subdivide the property into two lots along a private lane. The lane has approximately 20 feet of asphalt width that runs the entire length of all fronting properties, and an emergency turnaround and easement has been provided at the end of the lane. All utilities except water are privately owned and an HOA maintains the road and utilities. The proposal meets all lot size and subdivision requirements including the requirement that no more than 10 lots are allowed per private lane subdivision.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission grant Preliminary Minor Subdivision Plat approval for Charles and Maurine Todd Subdivision located at 3259 Freedom Lane in an R-1-10C zoning district with the conditions of approval as listed below.

Conditions of Approval:

1. Comply with all redline comments from the Planning, Engineering and Legal Departments.

2. Provide a letter of approval from the homeowners association for the proposed sewer connection in Freedom Lane.
3. Per City Code Section 14-3-8, an approved preliminary subdivision plat shall remain valid for one year following the date of approval. A 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.

Chris Balling, representing owners Charles and Maurine Todd, explained that they had been working for some time to make sure everything is correct for this 2-lot subdivision.

Randy Jones, West Jordan resident, and resident on the private lane, said he represented the majority of the homeowners on the street and they are in support of the proposal.

Tom Richards, West Jordan resident, said he had lived on Freedom Lane for 21 years and he agreed it was a great idea to finish off the minor subdivision with this lot. He spoke to everyone on the street and he didn't think there was anyone in opposition.

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

**MOTION: Dan Lawes moved to approve the Preliminary Minor Subdivision Plat for the Charles and Maurine Todd Subdivision; 3259 Freedom Lane; Chris Balling (applicant) with the conditions of approval 1 through 3 as listed in the staff report. The motion was seconded by Ellen Smith and passed 7-0 in favor.**

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4. **Gardner Village Subdivision; 1100 West 7800 South; Preliminary Subdivision Plat (5 lots on 19.7 acres); P-C (TSOD) Zone; Gardner Village/Joe Long (applicant) [#SDMI20130006; parcel 21-26-352-003; 21-26-376-012, 013, 015; 21-35-126-007]**

Greg Mikolash said a similar subdivision was previously approved by the commission, but it was not recorded primarily due to the indoor soccer facility moving to a different location. This application would create five lots to include lots for the existing Gardner Village commercial business, future commercial or convention space, an indoor soccer facility, and lots 4 and 5 would be preserved for other future commercial buildings. The two existing points of access along 7800 will remain, but will be improved. The interior circulation will be improved and the gravel parking lot will be paved and striped once the soccer facility's building permit is issued.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission approve the Gardner Village Preliminary Subdivision Plat located at approximately 1100 West 7800 South in a P-C (TSOD) 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. Per Subdivision Code Section 14-3-8A, Preliminary Subdivision Plats shall remain valid for one year following the date of approval and recordation of the Final Subdivision Plat. One 6-month extension may be granted by the zoning administrator upon written request and application.

Joe Long, managing member of Gardner Village, 1100 West 7800 South, said the previous subdivision layout had two lots with a remainder parcel and this proposal will expand the subdivision to a five-lot subdivision and

relocate the soccer facility to the north. They expect that the soccer facility will come to the commission for preliminary approval at the next meeting, and they will hope to be in operation by November.

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

**MOTION: John Winn moved based on the findings set forth in the staff report and evidence and explanations received to approve the Preliminary Subdivision Plat for Gardner Village; 1100 West 7800 South; Gardner Village/Joe Long (applicant) with the conditions of approval 1 and 2 included. The motion was seconded by Dan Lawes and passed 7-0 in favor.**

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**5. Creekside Townhomes; 6000 West 8200 South; Preliminary Subdivision (76 units on 10.3 net acres), Preliminary Site Plan, and Preliminary Development Plan; MFR Zone; Bach Homes/Greg Rindlisbacher [#SDMA20130001, SPCO20130001, DP20130001; parcel 20-35-200-034]**

Greg Mikolash gave an overview of the application and reviewed the requested density buy-ups proposed by the applicant, which had been reviewed by the Design Review Committee. The applicant is requesting 76 lots on 10 acres with a density of 7.38 units per acre. The medium density residential area within the WSPA allows for 4.51 to 9 dwelling units per acre. The requested density would require a 64% buy-up from the base density. Enhanced open space and recreational amenities request is 5%, which staff accepts. Improvement of trail corridors has a request of 8%, which staff also accepts. Entryway monument signs had been negotiated by the Design Review Committee and the applicant and they request the full 10%, staff agreed with that with the condition of accent lighting. Installation of covered porches (minimum 50 square feet) throughout 50% of the subdivision allows for up to 14% buy-up. Because not all of the porch styles are entirely visible from the street staff is recommending 13%. Request for enhanced door and window treatment is 12%, which was accepted by the DRC. Equal distribution of high quality building materials request is for 12%. Staff found that the wainscoting stopped at the front elevation, and in order to meet code it should wrap around the full building. So there will be no points awarded unless they meet the condition to update the building elevations to include wainscot along all elevations. Ten-foot wide landscaping and buffers are being provided on 6000 West and 8200 South and will provide a more livable and friendly environment. Staff is awarding 4% buy-up. Staff's recommendation for total buy-up was 64%, which will give them their 7.38 units per acre.

Greg Mikolash pointed out that part of the project is within Flood Zone A so the applicant will have to work with the U.S. Army Corps of Engineers to have it shifted to a narrower boundary through either a FEMA CLOMAR or LOMAR.

Creekside Sub-area Preliminary Development Plan

Based on the requirements listed in the Zoning Ordinance, staff recommended that the Planning Commission approve the Creekside Sub-area Preliminary Development Plan generally located at approximately 8200 South 6000 West with a residential density of 7.40 units per acre for a total of 76 single-family residential lots, with the conditions as listed below.

Conditions of Approval:

1. The Highlands Master Plan shall be updated to reflect the Creekside Preliminary Development Plan prior to or concurrent with the City Council ratification of the Creekside Preliminary Development Plan.
2. Update the Final Development Plan to address all city redlines pertaining to the Creekside Subdivision Plat and Site Plan.
3. A brick or stone wainscot shall be required on all exterior townhome building elevations per the requirements listed in Section 13-5J-6D4 of the Zoning Ordinance.

4. The Final Development Plan shall be updated to show accent lighting on the two proposed subdivision monument signs.
5. Building permits shall not be issued for any buildings within the flood zone "A" (as currently shown on the FEMA flood hazards map). Building permits will only be issued after the city has received documentation from the U.S. Army Corps of Engineers that the flood zone "A" designation has been removed from the areas shown to have habitable residential structures.
6. A Development Agreement between the developer and city shall be approved prior to or concurrent with approval of the final sub-area development plan.

Creekside Preliminary Subdivision Plat

Based on the required findings listed in the Subdivision Ordinance, staff recommended that the Planning Commission approve the Creekside Preliminary Subdivision Plat generally located at 8200 South 6000 West, with the conditions as listed below.

Conditions of Approval:

1. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval.
2. An approved, unrecorded final subdivision plat shall remain valid for two (2) years. 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 14-3-8B)
3. A Development Agreement shall be adopted by City Council prior to the recording of the first phase of development. The Development Agreement shall include but not be limited to items pertaining to the phasing of onsite and offsite improvements and the costs associated with the required improvements.
4. A Home Owners Association (HOA) shall be established as part of the recording of the first phase. Codes, Conditions, and Restrictions (CC&R's) concerning the HOA shall be recorded at the same time as the first subdivision phase is recorded. Among other things the CC&R's shall include a clear maintenance plan for all of the landscaped common areas.
5. In order to facilitate efficient and cost-effective maintenance of streetscape landscaping, a 6 inch concrete mow strip, measured from the supporting masonry posts into the landscaped area, shall be installed along the entire length of the streetscape wall.
6. The Creekside Final Subdivision Plat shall address all engineering redline comments.
7. A Development Agreement between the developer and city shall be approved prior to or concurrent with approval of the final subdivision plat of the first phase.

Creekside Preliminary Site Plan

Based on the required findings listed in the Zoning and Subdivision Ordinance, staff recommended that the Planning Commission approve the Creekside Preliminary Site Plan generally located at 8200 South 6000 West, with the conditions as listed below.

1. Address all redline comments from Planning, Engineering, Fire, Public Works and Legal Departments.
2. Final Site Plan to be approved at staff level.
3. An approved preliminary site plan shall remain valid for one year following the date of the approval per City Code Section 13-7B-5.

Dan Lawes asked the applicant if they were concerned with any of the recommendations.

Randy Rindlisbacher, Bach Homes 11650 South State Street, applicant, said this was the first they had heard of the wainscot issue. He said they were open to providing additional masonry with a percentage that they could perhaps install vertically instead of horizontally so it isn't just a 3-foot wainscot.

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David Pack asked about the ongoing maintenance from the developer for the amenities once the development is completed.

David Peterson, Excel Engineering, anticipates that the homeowners association would maintain the amenities in the interior project.

Greg Mikolash read from Section 13-5J-6D4 that states “When installing a brick wainscot the height shall be at least 3 feet in height for single and two-family and townhome structures and at least 4 feet in height for multi-family ... and will wrap around all sides of the structure”.

Randy Rindlisbacher said if it is what they have to do then they will, but he felt it was a little 1980’s or 1990’s architecture. Today’s architecture goes more toward vertical masonry rather than horizontal. He asked if they could do a percentage instead from a design standpoint.

Greg Mikolash referred to the elevations in the front that have a masonry wainscot and asked what the difference would be whether it is on the front or the back.

Randy Rindlisbacher said the wainscot isn’t 3 feet high for the entire length of the building. Some places have no stone and in other places it goes above the garage, and the lines are not all vertical or horizontal.

Greg Mikolash said staff wouldn’t have a problem as long as the wainscoting that would measure the length of the building at 3 feet high equals the amount that would be transferred elsewhere on the plan.

Randy Rindlisbacher thought that using equivalent square footage was a good idea.

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

Zach Jacob thought the project had a great look, but he was concerned with capacity in the schools. He said this area only showed 48 to 58 units in the original Highlands Master Plan when the school district said as long as it was built out in phases it could be handled. He didn’t think that the school district planned on 50% more than what was shown on the master plan for this village. He would like to see that the school district signs off on the project.

Ellen Smith agreed knowing the history of some of the other developments and how difficult it is to get a new school built in the area. She thought it would be nice to get a comment from the school district where they talk about how they plan for the developments and what the plans are going forward. She was concerned with the number of portable classrooms and need for bussing children to other schools.

Greg Mikolash said the Highlands Development Plan did suppose the highest number for each of the areas and not just the base density. The reason for the difference in numbers was due to a boundary change. He stated that it is difficult to get those letters from the district.

Nathan Gedge suggested that the school district could be invited to the meeting to give their thoughts, since it is a criterion for approval. Letters in the past had been vague.

Zach Jacob said when Fox Hollow was built the Jordan School district said it would be on a traditional schedule for 3 to 5 years, but it will go on year-round schedule next year after just two years. The growth outpaces the projects for this area. He wasn’t aware of any school district land in the area for another elementary or middle school. He felt that the school district should sign off on the project.

Dan Lawes asked if the wainscoting condition needed to be modified to reflect what had been discussed.

Robert Thorup said the condition could be left as is.

**MOTION: Dan Lawes moved to approve the Creekside sub-area Preliminary Development Plan; 6000 West 8200 South; Bach Homes (applicant) with a residential density of 7.40 units per acre for a total of 76 single-family residential lots subject to conditions 1 through 6 as listed in the staff report. The motion was seconded by Lesa Bridge.**

AMENDED

**MOTION: David Pack moved to add a condition of approval to receive information from the school district as noted by Commissioner Jacob per our discussion.**

John Winn said the school district has never said no, and the letter won't give any good information. He didn't think waiting for an answer from them will make much of a difference.

Dan Lawes agreed and didn't want to hold the approval up waiting for that condition.

The amendment was not accepted.

**ROLL CALL VOTE:**

- Commissioner Pack - yes**
- Commissioner Winn - yes**
- Commissioner Jacob - yes**
- Commissioner Lawes - yes**
- Commissioner Gedge - yes**
- Commissioner Smith - yes**
- Commissioner Bridge - yes**

**The motion passed 7-0 in favor.**

**MOTION: Dan Lawes moved to approve the Preliminary Subdivision Plat for Creekside Townhomes; 6000 West 8200 South; Bach Homes (applicant) subject to conditions 1 through 7 as listed in the staff report. The motion was seconded by Lesa Bridge and passed 7-0 in favor.**

**MOTION: Dan Lawes moved to approve the Preliminary Site Plan for Creekside Townhomes; 6000 West 8200 South; Bach Homes (applicant) subject to conditions 1 through 3 as listed in the staff report. The motion was seconded by Lesa Bridge and passed 7-0 in favor.**

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- 6. Bowler Property Rezone; 7402 South 5490 West; Rezone 10 acres from RR-1D (Rural Residential 1-acre minimum lots) to A-1 (Agricultural 1-acre lots minimum); Bowler Livestock LC/Randy H. Bowler (applicant) [#ZC20130003; parcels 20-25-300-001, 030]**

Greg Mikolash gave an overview of the request for a rezoning of 10 acres from RR-1D to A-1. The property was annexed into the city some time ago and was given the zoning designation of RR-1 at that time. There is an existing single-family dwelling on the north 5-acre parcel and the southern piece is vacant. An animal farming business is being operated as an approved home occupation. Farm animals are permitted within Rural Residential zone. The Agricultural zone would allow for the farming purposes to continue and would also allow for the keeping of pigs on the property. Since December of 2012 the city has received a few complaints regarding the keeping of pigs and other issues. Other animals such as sheep, chickens, and cows are being kept

on the property under the point system and are allowed. He read the purposes of the agricultural and rural residential in the goals and policies of the General Plan that state agricultural zones are meant to provide for the growing of crops, livestock keeping, and are a holding zone for a more permanent period of time. Agricultural zones should be established in areas that need protection for those uses and to keep away from urban encroachment until it is more appropriate. One of the goals is to protect and preserve agricultural lands for as long as the owners choose to continue farming them, in more of a larger sense. Another goal is to foster an environment within the city in which the agricultural use can co-exist with urbanized areas, but typically not right next to. The rural residential goal says to preserve and establish rural residential and residential estate neighborhoods and present encroachment of incompatible uses in these areas. Greg Mikolash said if you are encroaching with either an intense high density use or an agricultural use that can provide for dust, smells, etc. some of the goals are being broken. He also noted that the Agricultural district has no animal point system and does not limit animals as it does in rural residential zone. Although it is not considered a spot zoning it would bisect the rural residential zoning in the area. A transition to residential for this area is very likely in the near future, and the agricultural zone is meant for properties that will remain that way for a long time. 5600 West is coming along in the next few months and there will be two serious intersections at 7000 South and 7800 South, which will skyrocket the marketability of this land on both sides of 5600 West. Based on the impact of the road the establishment of the A-1 zone would be on a temporary basis. This was a difficult decision but based on the agricultural use being more intensive and possibly impacting the neighbors more greatly staff did not support the proposed rezoning request.

Alternative:

If the Planning Commission views the Conditional Use process as having sufficient safeguards built in to protect future residential development from the adverse impacts of the more intensive agricultural operations the Planning Commission may recommend approval of the request.

Zach Jacob asked if there were pigs on the property when it was annexed in 1987.

Greg Mikolash said there was no knowledge of pigs prior to two years ago.

Dan Lawes said realistically the entire strip could be a temporary holding for whatever zoning it is at now. He asked what the expected width of 5600 West would be for that location.

Nathan Nelson said 116 feet.

Dan Lawes asked what types of buffers there were in other areas of the city between agricultural and residential zones for mitigation purposes. It is probably significantly less than the 116 feet that could potentially buffer the A-1 from the R-1-10 zone to the west.

Greg Mikolash said the buffer could be anywhere from 8 to 32 feet in the WSPA. For now, the responsibility for installing a buffer would fall to the development on the west.

Ellen Smith clarified that even if it were rezoned to A-1 they would still have to get a conditional use permit to keep swine.

Greg Mikolash said that is right, so they would have to consider the mitigation measures against the number of pigs and other animals that could potentially be on ten acres.

Nathan Gedge said there is not a point system in the agricultural zone, so they could provide protections on limits to swine with a conditional use permit.

Greg Mikolash said they should ask the question of whether or not there is something to mitigate within that conditional use could they limit the number of pigs through the application and review by the planning commission.

Randy Bowler, applicant, 6663 South 2200 West, said he moved there in 1976 and has been involved in agricultural activities. They are here tonight on the recommendation of staff. There were some complaints, but they don't always result in violations. But staff said what they were doing might be better served in an A-1 zone rather than RR-1. The public hearing tonight is not about pigs, but it is about the A-1 zone. It may be about the pigs on a different day. They operate an organic farm on the subject property and raise their feed in enclosed buildings. They raise animals that were mentioned and at a certain point they take those to harvest and sell them as processed meat. It is not their intention or need to have large amounts of animals as was evidenced by the site inspection referenced in the staff report they were in compliance with the number of animals allowed by the zoning, with the exception of swine. They recently learned that they shouldn't have swine on the property, so that will be resolved either by appropriate approval or by removal. They are duly licensed in the meat business and in all their activities. They are not trying to circumvent any City or State regulations. It is interesting to him that they had been there for nearly 10 years without problems. The complaints brought to the city were not brought directly to them and he is unaware of who is complaining. They are one of the few remaining legitimate agricultural operations in West Jordan. They operate as a business for livelihood and asked the Commission to give careful consideration of that. It might be disturbing to him that they are there and operating a business, and he would not want to be overrun or neglected by the advent of additional development in the area. They know it is coming and that is one of the reasons the A-1 zone would be a positive thing as it would give them a better zone to operate in especially as new development comes into the area. They want to stay there and continue with what they are doing.

Ellen Smith asked how his business would be affected if the A-1 zone were not approved.

Randy Bowler said they would move forward. They would have to deal with the pig issue, but they would rather have the Agricultural zone so that they are acknowledged as an agricultural use as development occurs in the area. He said it wouldn't change the scope of their business to a large degree.

Dan Lawes said the nuisance ordinance was recently changed and provides additional protection in the agricultural zone.

Zach Jacob asked how long swine had been on the site.

Randy Bowler said it had been awhile and to his knowledge they haven't been a problem. They haven't been out, they don't run around the neighborhood, they are contained in large areas, and the smells are typical to what you would find there. It is difficult for him to understand the problem.

David Barber, West Jordan resident, said he had lived just east of this site on 5490 West since 1984. He is representing the president of the HOA who was unable to attend. The people Mr. Barber had spoken to along that street had shown a negative response. As neighbors go, his family was not the one making the complaints. The Bowlers had been good neighbors. They've had growth pains with the business and he contacted them directly about the noise. There have been no odors from the hogs, and he doesn't have a problem with them. But he doesn't want it to be rezoned to agricultural where there is free run to have anything they want. The business has created more cars on the road, but the HOA needs to address that. He said there are several owners on the east side of the street who are in negotiations with a major developer, and this would affect the development of the property along 5490 West and once it is put in could change the whole nature of the area. It needs to be a planned community.

Brent Atkinson, representing a family trust that owns land directly south and adjacent to the property, read from page 53 of the General Plan under Policy #1 that says "Foster environment within the city in which agricultural can co-exist with urbanized areas". He said that a pig farm does not co-exist with urbanized areas. As far as he knows the Bowlers have been good neighbors. He felt that this issue is absolutely about the pigs with noise, smell, dust, flies, and potential detriment to future development of adjacent properties. He read from October 18, 2011 Planning Commission staff report that indicated that this area was designated as a small area study, which will help to determine what types of development may be most appropriate for the area and where future development should occur. He recommended that they wait until the small area study is done. He didn't think that agricultural fit in the area and at some point we are going to have to go back and take that zoning back from him. There is a reason why only a certain number of livestock are allowed in rural residential, and this is one of those reasons.

Bryce Kartchner, representing Creighton DeBry, who lives directly north of the property in question, distributed some exhibits and photographs. He spoke about spot zoning, nuisance, and property values. The general nature of the area appears to be going toward residential. He spoke in general terms from the code regarding developments that should enhance the area. Photos taken from the DeBry home show condos and homes in the area, which speak to the spot zoning issue. The property owner feels that the use impacts his standard of living as shown in the photos. There have been carcasses and bad odors. He referred to the Nuisance ordinance and said by shifting to the agricultural zone it will only compound the issues.

Dan Lawes said the city determined there was not a nuisance based on the investigation.

Bryce Kartchner said there isn't one now according to the city but with more animals there would be. There are neighbors who aren't happy with this, but if they keep the zoning the same and take away the pigs it will make them happy.

Bryon Densely, West Jordan resident of 24 years, said he moved onto 5490 West this year mostly because of the open area and rural feel differently from the high density residential in the area. He has been a customer and enjoys the all natural hormone-free meat, which is hard to find. A lot of people travel a good distance to get the meat. He has never heard anyone on the street complain about the smells. He had never seen Mr. Atkinson before. He said everyone on the street is friendly. Mostly, he doesn't want to lose something that is so beneficial to him, his family, and the city and he would hate to see an in-growth of residential and have them be forced away.

Robert Dority, West Jordan resident, said he lives about 500 yards southeast from the Bowlers since 2005 and a West Jordan resident 12 years prior to that. He has visited the property multiple times and he recommended that the Commissioners see it if they haven't already. The farm is small scale and very specific in what they do. Even when he had been on the property he had never been bothered by the odor. From his perspective he had no issues with dust or smells, and he hadn't heard of any complaints from other neighbors. The company runs a blue ribbon business that is very beneficial to West Jordan. It is unique to West Jordan and should be prized by the city. Their business tries to bring a healthy, natural lifestyle to people who want to get away from big production meat companies.

Diane Sheehy, West Valley City resident, said she travels to the farm to buy their products. She said most of the people in attendance probably just had ham for Easter, which comes from a pig. She trusts these people. They are not loading their fields or their animals with hormones, antibiotics, pesticides, etc. and that is where the trust comes in. It is important to keep the small farmers. She said a stockyard has a smell from 20 miles away. When she goes to this farm she sees young families that are willing to spend their limited money on a product that will be best for their children. The developers want to sell off the property to make money, but the city should look at what is more important. More and more people are requesting organic food, and where are they supposed to

grow it. She said that pigs are cleaner and smarter than dogs. She recommended approval of the request and said that the applicants are responsible and won't put 1,000 pigs on the property.

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

Randy Bowler acknowledged that during a public hearing there will be differing opinions. With respect, he wished to address the things that had been said. He said Mr. Atkinson made reference to noise, smell, flies, etc., but there is no home on his property, no one lives there, and he had never before seen anyone on the property. So he said we should be careful that we don't make exaggerations that may not be true. He said there are other properties on that street that may have some questionable unsightliness. He invited the Commission to come to the property. It had been represented tonight that they are running a full out hog farm, but there are very few pigs. There are cows, sheep, chickens, etc. so he didn't want them to have in their mind that there are 300 pigs in a tight area. He appreciated the comments about the nature of their business. They provide products for the public that promote good health, and they believe in what they are doing. He said there are two issues; If it were to be rezoned from RR-1 to A-1 what would be the change? If the commissioners are concerned that it would open the door for unlimited animals, then there could be discussion on limitations. It is not their intent or need to have a huge number of animals. The other question is why A-1 versus RR-1? He read from Chapter 5 Article A, "The purpose of agricultural zones is to provide areas for the growing of crops and the raising of livestock can be encouraged and supported within the city. The agricultural zone should be established in agricultural areas needing protection from encroachment of urban development until such time as a residential, commercial, or industrial uses in such areas become necessary or desirable". In order for this whole area on 5490 West to be developed residentially it would require the consent and desire of each property owner. So whether they are A-1 or not doesn't necessarily mean they would or would not hold up the development in that area. He asked the commission to give serious consideration to their application. It will help to solve some of the issues and they can properly address any other concerns there might be with the A-1 zone.

David Pack asked what year they started their operations.

Randy Bowler said it had been about 10 years in that location.

Dan Lawes said he had toured the property and he didn't recall any overwhelming nuisances. He had been going back and forth on the issue, but he was leaning toward the decision that A-1 would fit even though they are looking to use it as a temporary use until the property is developed or transferred sometime down the road.

Ellen Smith said, having grown up in the country, the size of the property limits the number of animals that you can have if you want to grow healthy animals, so she didn't think there would be a massive increase of animals or smell by zoning it A-1. She asked what specific protections there are for the landowner by going to an A-1 zone.

Tom Burdett said it is predominantly in the nuisance code and in general context it provides more protection to agricultural uses from urban encroachment.

Robert Thorup referred to and read the attached ordinance 5-3-2B. The zoning doesn't matter as long as it is an established agriculture/ranch operation that was in effect before the surrounding area developed into residential, and then it is not a nuisance. So the applicant's farming and livestock use would have protection and would benefit from the ordinance now even without the A-1 zone, because the land around it is undeveloped.

Ellen Smith said this area was reviewed previously and not all of the landowners wanted to be included, so there wasn't a total buy-in for development in the past.

Greg Mikolash said the proposal from 2007 showed a master plan that met the goals of what they are trying to accomplish through a special area plan.

Ellen Smith said what we are saying is that we will probably do that again in the future, so if the zoning changes now someone will come back and rezone it anyway.

Zach Jacob said he is not a farmer so he is not familiar with this, but in the rural residential zone the city allows cows but not pigs. In his experience, cows are bigger than pigs, they are just as smelly most of the time, and attract just as many flies and make noise. This is a classic planning commission case where they have to consider the rights of the property owner in question with the rights of the surrounding property owners, and consider what affect the rezoning would have on each. The property owner said they want to continue the business they've been engaged in for 10 years without complaint. The surrounding property owners are facing impending development of the neighborhood, property values are at stake, and the potential of growth that is already approved to the southwest and the zoning to the immediate west all come into play by indicating the area is developing. He thought the time for development is within the next two years and it is not a holding zone anymore. He felt torn, because he could see both sides of the issue.

There was a brief discussion on when the adjacent subdivisions were built and who was there first.

David Pack asked for the procedure for enforcement on a site and whether or not there has to be a certain number of complaints from at least two different people.

Robert Thorup said code enforcement doesn't require any particular number of complaints. They have to rely a lot on complaints, but when someone brings a problem forward it is investigated to determine if there is any basis. If there is basis for it then they issue a notice of violation. He was only aware of one neighbor that brought a specific complaint about the swine.

Nathan Gedge said he grew up on a farm surrounded by urban development and could see both sides of the issue. However, as he looked at the criteria he felt that a recommendation for the zone change to A-1 with mitigations through a future conditional use process does give additional options than just recommending that it stay the same as it is today. West Jordan was a rural community and part of the General Plan is to keep our heritage. This is a viable business in the city, and if the City Council does approve the zoning change it isn't about pigs. It is about what is out there today, and the surrounding uses are compatible today. They may not be in the future, but we don't know what the future will hold.

**MOTION:** Nathan Gedge moved to forward a positive recommendation to the City Council for the Bowler Property Rezone; 7402 South 5490 West; Bowler Livestock LC/Randy H. Bowler (applicant) to rezone 10 acres from RR-1D to A-1 zoning designation with the belief that with proper mitigation the criteria for approval are satisfied. The motion was seconded by Dan Lawes.

Robert Thorup said since he is going against the findings in the staff report he should build a record that shows which findings he disagrees with.

**AMENDED**

**MOTION:** Nathan Gedge amended the motion to state more specifically that Criteria #1 may be satisfied with proper mitigations through the conditional use permit process for this area, and disagreeing with Criteria #2 because the compatible land uses do not adversely affect land uses today and we cannot forecast the future. The amendment was accepted by Dan Lawes.

Lesa Bridge didn't think they should approve a rezoning today when we will come back and rezone it later. She was concerned that they are letting a camel into the tent and she didn't think that the city will have the time or wherewithal to police the farm. If they could guarantee that Mr. Bowler would be the one to operate the farm forever then she wouldn't have any concerns of keeping the farm within limits. She recommended that the study move forward instead and let the rezoning be taken into consideration at a later date.

**ROLL CALL VOTE:**

- Commissioner Winn - yes**
- Commissioner Gedge - yes**
- Commissioner Lawes -yes**
- Commissioner Bridge - no**
- Commissioner Pack - yes**
- Commissioner Jacob - yes**
- Commissioner Smith - yes**

**The amended motion passed 6-1 in favor of a positive recommendation.**

Commissioner Gedge explained that the City Council will hear the item for a final decision at a later date.

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- 7. Text Amendment - Amend the West Jordan Municipal Code making miscellaneous additions, amendments and corrections to Title 2, Title 5, Title 8, Title 12, Title 13, Title 14, and Title 15; City-wide; City of West Jordan (applicant) [#TA20130006]**

Jennifer Jastremsky pointed out that the legislative copy of the report Section 14-5-3B only shows the final copy and not the proposed changes. She explained that the proposed change concerns the stem driveway portion of a flag lot. Staff proposes to change the maximum length of the stem from 200 feet to 330 feet and to remove the provision that stems cannot be more than 15% of the total lot area. They are changing the minimum size of a flag lot from one-half acre to the minimum lot size in the zoning district and not including the stem area at all in the minimum lot area calculation. She asked if there were any questions on the proposed amendments.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council for the proposed text amendments.

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 the Text Amendments to Title 2, Title 5, Title 8, Title 12, Title 13, Title 14, and Title 15 as proposed; City-wide; City of West Jordan (applicant). The motion was seconded by Lesa Bridge and passed 7-0 in favor.**

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Tom Burdett gave an update on recent City Council actions. Any of the commissioners who want to attend training at the Utah APA conference on, April 19<sup>th</sup> in Logan should contact Julie.

Nathan Gedge stated that rodeo tickets are now on sale for July 4, 5, and 6.

**MOTION: Dan Lawes moved to adjourn.**

The meeting adjourned at 7:57 p.m.

NATHAN GEDGE  
Chair

ATTEST:

JULIE DAVIS  
Executive Assistant  
Development Department

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2013