

REQUEST FOR COUNCIL ACTION

SUBJECT: Temporary Land Use Ordinance (not to exceed six months) to temporarily disallow the filing of applications for Zoning Map and Land Use Map Amendments in the Pioneer Technology District, which is located in the southwest part of the City.

SUMMARY: A compelling, countervailing public interest exists to temporarily disallow the filing of such Map Amendment applications for parcels of property within the Pioneer District. If this Temporary Land Use Ordinance is approved, City staff will have the time necessary to propose more permanent solutions, which would be considered by the City Council within the next six months.

FISCAL AND/OR

ASSET IMPACT: There is *no* material fiscal impact, since City staff will review and make subsequent recommendations to the City Council.

STAFF RECOMMENDATION:

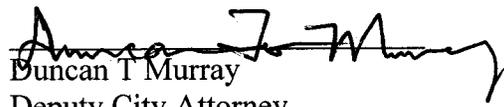
Staff recommends approval of the Ordinance.

MOTION RECOMMENDED:

"I move to approve Ordinance 16-46 (Temporary Land Use Ordinance, not to exceed six months, regarding Map Amendments in the Pioneer District)."

[Roll Call vote required]

Prepared by:


Duncan T Murray
Deputy City Attorney

Reviewed by:


David R Brickey
City Attorney

Recommended by:


Mark R Palesh
City Manager

BACKGROUND DISCUSSION:

The City's existing Zoning and Land Use Maps identify that the current and potential future uses of parcels of property within the Pioneer District are primarily uses other than multi-family and high density residential development. The City's current capital facilities plans and other development plans do not plan for the level of public infrastructure (streets, sanitary sewer systems, culinary water rights and systems, etc.) to provide the necessary services for multi-family and high density residential development.

There is a recent significant increase in the number of applications being filed for Zoning Map and Land Use Map Amendments for multi-family and high density residential development throughout the City. If Zoning Map and Land Use Map Amendments are filed and approved for areas within the Pioneer District, especially Map Amendments for multi-family and high density residential development, then the City may be approving Map Amendments that do not comply with the capital facilities plans and other development plans for the Pioneer District, and the City may not be able to provide services to the newly developed areas (because the infrastructure may be grossly inadequate to provide the dramatically increased level of services).

A compelling, countervailing public interest thus exists that allows for a temporary halt to filing, considering, and potentially approving Zoning Map Amendments, Land Use Map Amendments, and other Map Amendments for parcels of property within the Pioneer District. Assuming that this Temporary Land Use Ordinance is approved, the City staff will have the time necessary to address these concerns and to propose more permanent solutions, which would be considered by the City Council.

THE CITY OF WEST JORDAN, UTAH
A Municipal Corporation

ORDINANCE NO. 16- 46

A Temporary Land Use Ordinance Disallowing, for a Period not to exceed Six (6) Months, any Applications for Zoning Map Amendments, Land Use Map Amendments, and other City Map Amendments Regarding the Pioneer Technology District Economic Development Project Area

Whereas, Title 10, Chapter 9a, Section 504 of the Utah Code Ann. authorizes the City of West Jordan (“City”) to establish a temporary land use regulation or ordinance on development activity for a temporary period of time while the City studies its response to changing circumstances; and

Whereas, the residents and landowners of the City, through public participation and legislative action by the City Council regarding the General Plan, have expressed a concern that too much multi-family and high density residential development has taken place in the City; and

Whereas, a changing circumstance exists because of a strikingly increased number of Zoning Map and Land Use Map Amendments being recently filed for the purpose of placing additional multi-family and high density residential development within the City boundaries, without thorough studies or analysis as to the ability of existing public infrastructure (streets, sanitary sewer systems, culinary water rights and systems, etc.) to provide the necessary services; and

Whereas, the City has carefully planned for the orderly development of all areas within the City boundaries, and has provided for orderly processes for filing various land use applications, including but not limited to Zoning Map Amendments, Land Use Map Amendments, and other Map Amendments; and

Whereas, in particular, the City has adopted 2009 City Code provisions, capital facilities plans, and other development plans and standards applicable to the Pioneer Technology District Economic Development Project Area (“Pioneer District” and “Pioneer District Development Plans”); and

Whereas, the Pioneer District, as described in the legal description and “Pioneer District Map” in the attached Exhibits “A” and “B,” is located in the remote southwest portion of the City boundaries; and

Whereas, due to the remote location, the topography, the existing utility lines, and other relevant criteria, it is imperative that the planned future infrastructure be consistent with and meet the needs of the development that eventually occurs in the Pioneer District; and

Whereas, the Zoning Map and Land Use Map identify that the current and potential future uses of parcels of property within the Pioneer District are primarily commercial, industrial, agricultural, and uses other than multi-family and high density residential development; and

Whereas, the economic currents now in place are counter to the expressed will of the residents, landowners, and City Council, as expressed in the General Plan; namely, that the economic currents are tending to encourage widespread multi-family and high density residential development, regardless of whether or not adequate planning and infrastructure actually exist to provide the related services,

and despite the fact that the General Plan sets forth a plan of balanced, sustainable development; and

Whereas, if Zoning Map and Land Use Map Amendments are filed and approved for areas within the Pioneer District, especially Map Amendments for multi-family and high density residential development, then the City may be approving Map Amendments that do not comply with the Pioneer District Development Plans and the goals set forth in the General Plan, and the City may not be able to provide services to the newly developed areas (because the infrastructure may be grossly inadequate to provide the dramatically increased level of services); and

Whereas, the City Council finds a compelling countervailing public interest to exist that calls for a temporary halt to filing, considering, and potentially approving Zoning Map Amendments, Land Use Map Amendments, and other Map Amendments for parcels of property within the Pioneer District; and

NOW THEREFORE, BE IT ORDAINED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:

*Section 1. **Temporary Land Use Regulation.*** Due to the compelling countervailing public interest set forth in the recitals above, the City does hereby establish a temporary land use regulation, effective at the moment that a voice vote approves this ordinance, as follows: **During the time that this ordinance is effective, and for any parcel(s) in the Pioneer Technology District Economic Development Project Area (“Pioneer District”), as described in the legal description and “Pioneer District Map” in the attached Exhibits “A” and “B,” the City will *not* accept or process any application for:**

- a. A Zoning Map Amendment; or**
- b. A Land Use Map Amendment or General Plan Map Amendment; or**
- c. Any other City Map Amendment.**

*Section 2. **Previously Filed Applications for Map Amendments.*** Any complete application for any such Map Amendment described in Section 1, which was filed on or before October 4, 2016 is *not* covered or affected by the establishment of the temporary land use regulation in Section 1; otherwise, any such Map Amendment is covered and affected by the establishment of the temporary land use regulation in Section 1.

*Section 3. **City-Initiated Map Amendments.*** The City reserves the privilege to pursue, on its own initiative and at any time, any such Map Amendment described in Section 1.

*Section 4. **City Staff Review.*** The City development and engineering staff is hereby charged with re-examining the 2009 City Code provisions, capital facilities plans, and any other development plans and standards applicable to the Pioneer Technology District Economic Development Project Area (“Pioneer District Development Plans”).

*Section 5. **City Staff Recommendations.*** The City development and engineering staff shall present any proposed changes to the Pioneer District Development Plans to the City Council, with a recommendation for approval, no later than March 10, 2017.

Section 6. Maximum Duration (Six Months). Under no circumstances will this temporary land use ordinance, including the temporary land use regulation in Section 1, last beyond six (6) months from the date of adoption. The City Council may repeal, by ordinance, this temporary land use ordinance at any time prior to the expiration of this six (6) month period. Therefore, unless repealed (by a subsequent ordinance) prior to the expiration of this six (6) month period, this temporary land use ordinance shall “sunset” (be automatically repealed) on April 12, 2017.

Passed and adopted by the City Council of the City of West Jordan, Utah this 12th day of October, 2016.

CITY OF WEST JORDAN

By: _____
KIM V. ROLFE
Mayor

ATTEST:

MELANIE S. BRIGGS, MMC
City Clerk

Voting by the City Council

Council Member Dirk Burton
Council Member Jeff Haaga
Council Member Zach Jacob
Council Member Chris McConnehey
Council Member Chad Nichols
Council Member Sophie Rice
Mayor Kim V. Rolfe

“AYE”

“NAY”

CITY CLERK/RECORDER'S CERTIFICATE OF PUBLICATION

I, Melanie S. Briggs, certify that I am the City Clerk/Recorder of the City of West Jordan, Utah, and that the foregoing ordinance was published in the Legal Section, of the Salt Lake Tribune, on the _____ day of _____, 2016, pursuant to Utah Code Annotated, 10-3-711.

MELANIE S. BRIGGS, MMC
City Clerk/Recorder

[SEAL]

EXHIBIT "A"

Legal Description

Proposed Pioneer Technology District Economic Development Project Area

Beginning at the Southwest Corner of Sec. 9, Township 3 South, Range 2 West, SLBM; running thence approximately 9890 feet East along the section line to the Southeast Corner of Lot 2 of the RWK Subdivision Amended; thence N01°07'48"E 2000 feet; thence S89°51'04"E 850.12 feet; thence N01°07'48"E 1953.07 feet; thence N89°48'00"W 1293.51 feet; thence N01°05'44"E 1314.78 feet; thence N00°08'03"E 523.42 feet; N58°16'00"E 1558.76 feet to the Northwest Corner of Lot 1 of the Cadyn Meadows Subdivision Phase 2; thence North approximately 1297 feet to the East Quarter Corner of Sec. 3 of said township and range; thence West approximately 8966 feet to the Northwest Corner of Parcel #2604300003; thence South approximately 2640 feet to the South Section Line of Sec. 4 of said township and range, also known as the Northwest Corner of Parcel #2609100005; thence S31°13'06"W 3087.01 feet; thence South approximately 2672 feet to the point of beginning.

