

REQUEST FOR COUNCIL ACTION

SUBJECT: 13-7C-6, Finding B, General Plan Amendment Findings

SUMMARY: Text Amendment – Amend the West Jordan Municipal Code Section 13-7C-6 “Amendments to the Land Use Map” removing Finding B from General Plan Amendment Findings in the Zoning Ordinance; City Wide applicability; City of West Jordan (applicant) [Ray McCandless #TA20150001]

FISCAL IMPACT: None.

STAFF RECOMMENDATION:

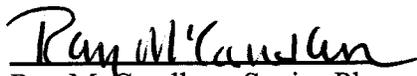
Staff recommends that the City Council accept the findings contained in the staff report and approve the proposed Text Amendment, removing Finding B from Section 13-7C-6 of the 2009 City Code as recommended by the Planning Commission.

MOTION RECOMMENDED:

“Based on the analysis and findings set forth in this staff report, and upon the evidence and explanations received today, I move that the City Council approve Ordinance 15-08 including the proposed Text Amendments to Title 13, removing Finding B from General Plan Amendment Findings in the Zoning Ordinance, West Jordan Municipal Code Section 13-7C-6 as recommended by the Planning Commission.”

Roll Call vote required

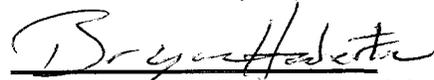
Prepared by:


Ray McCandless, Senior Planner

Reviewed by/Concur with:


Greg Mikolash, City Planner

Recommended by:


Bryce Haderlie, Interim City Manager

Reviewed as to legal form:


Robert Thorup, Deputy City Attorney

I. BACKGROUND / ANALYSIS

City Code requires that amendments to the General Plan and Future Land Use Map be reviewed against the six findings listed in Section 13-7C-6. In general, these findings are meant to assure that the proposed amendment is consistent with the General Plan, will not adversely affect adjoining property and is in the overall best interests of the City. These findings are listed as follows:

“A. The proposed amendment conforms to and is consistent with the adopted goals, objectives and policies set forth in the city general plan;

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

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

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

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

F. The proposed amendment is consistent with other adopted plans, codes and ordinances.”

Amendments to the General Plan are more often changes to the Future Land Use map associated with a development proposal. Finding B applies specifically to changes to the Future Land Use Map and supports the view that the land use map should only be revised if there are inadequate optional sites available for a proposed use. This finding; however, does not factor in all scenarios or other circumstances that overall may improve or benefit the City and do not reflect current City policy of allowing more freedom to develop property. Repeatedly, Finding B has caused consternation among Planning Commissioners trying to adhere to the City Code.

This item was reviewed by the Planning Commission on February 17, 2015. The Planning Commission, in 5-1 vote, recommended to the City Council that Finding B be removed from the Zoning Ordinance.

On March 11, 2015 the City Council voted to refer the item back to the Planning Commission to reword Finding B, rather than remove it from City Code. On April 7, 2015, the Planning Commission reviewed alternative language prepared by staff and after some discussion, in a 3-2 vote reaffirmed its initial position to remove Finding B from the code for the reasons stated in the attached Planning Commission meeting minutes (Exhibit A). The alternative text that the Planning Commission considered is attached as Exhibit C.

II. FINDINGS OF FACT

Section 13-7-D-7B, requires that prior to approving a Zoning Ordinance text amendment, the City Council shall make the following findings:

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

Discussion: There are no specific goals or policies related to eliminating findings for amendments to the General Plan. This criterion does not apply.

Finding: This criterion does not apply.

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

Discussion: City Code, Section 13-7C-6, Finding B states “The development pattern contained on the land use plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment;” This finding implies that the City’s policy toward amending the General Plan and Future Land Use Map is that neither should be amended if there are adequate optional sites within the City that can accommodate a proposed development. On the surface, this appears to be a beneficial policy because it discourages frequent or needless amendments to the adopted General Plan, but it does not reflect the current policy of the City to allow a developer or property owner the ability to pitch a particular property for a particular development, to be judged on the other criteria of plan change and rezone. Indeed, there may be situations where the amendment may be in the best interest of the City even though there are ample other optional locations already zoned or planned for the proposed use.

As an example, there are areas in the City that are designated Commercial or Professional Office on the Future Land Use Map that may be better suited for senior housing. There are many optional locations for senior housing throughout the City, but it may make sense to amend the Future Land Use map to support the use at a particular location. For this reason, Staff finds there is sufficient justification for the amendment and is recommending that Finding B be eliminated from the text. The remaining findings ensure compliance with the general plan, compatibility with adjoining land uses, assures that the amendment does not benefit only one person or entity and that the amendment does not significantly change the acceptable land use patterns or infrastructure.

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

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

Discussion: The proposed amendment will have a city-wide impact, with no particular area singled-out. The proposed amendment will not create a conflict with any other sections of the Municipal Code.

Finding: The proposed amendment will not create a conflict with any other section or part of the Municipal Code or the General Plan.

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

Discussion: The proposed amendment will have city-wide implication and does not relieve any particular hardship or confer any special privileges to a single property owner or cause. The proposed amendment is deemed desirable given the scope and scale of new developments in the City.

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

Conclusion:

The proposed text amendment is necessary and not contrary to any current goals and policies in the General Plan or conflicting with Title 13 (Zoning Ordinance) of the Municipal Code.

III. STAFF RECOMMENDATION

Staff recommends that the City Council accept the findings contained in this staff report and approve the proposed text amendment to remove Finding B from Section 13-7C-6 of the 2009 City Code as recommended by the Planning Commission.

IV. MOTION RECOMMENDED:

Based on the findings set forth in this staff report, and upon the evidence and explanations received today, I move that the City Council **approve** the proposed text amendments to Title 13 as addressed in this report.

If the moving Councilmember disagrees with the staff's findings and conclusions and finds substantial evidence supporting a different result, the following motion may be given:

Based on the findings set forth in this staff report, and upon the evidence and explanations received today, I move that the City Council **deny** the proposed Text Amendments to Title 13. Specifically, I disagree with the Staff and find that the following required criteria for a text amendment approval has not been met:

1. The proposed amendment conforms to the General Plan and is consistent with the adopted goals, objectives and policies described therein;
2. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title;
3. The proposed amendment will not create a conflict with any other section or part of this title or the general plan; and
4. The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.

Which criteria has been met or not met? Why?

Note: All applicable criteria must be met to support a positive action by the City Council.

V. ATTACHMENTS:

Exhibit A – Planning Commission Minutes

Exhibit B – Legislative Draft and Ordinance to Remove Finding B

Exhibit C – Language Clarifying Existing Finding B Presented to the Planning Commission



Melanie S. Briggs, MMC
City Clerk

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West Jordan, Utah 84088

(801) 569-5117

Fax (801) 563-4716

THE CITY OF WEST JORDAN, UTAH
NOTICE OF PUBLIC HEARING

The City of West Jordan City Council will hold a public hearing Wednesday, May 13, 2015, at 6:00 p.m. at West Jordan City Hall 8000 South Redwood Road, 3rd Floor, Council Chambers, to receive public comments prior to consideration and approval to amending the 2009 West Jordan Municipal Code Title 13, Chapter 7, 13-7C-6 'Amendments to the Land Use Map' Finding B in the General Plan Amendment Findings in the Zoning Ordinance, Citywide applicability, City of West Jordan, applicant. More information at Wjordan.com or you can email questions to info@wjordan. Copies of the City Council agenda packet for the items listed below will be available at the City offices or on the [City Council Agenda](#) webpage the Friday prior to the meeting.

Published this 26th day of April 2015

Melanie S Briggs, MMC
City Clerk

PROOF OF PUBLICATION

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CITY OF WEST JORDAN, MELANIE BRIGGS ATTN: MELANIE BRIGGS 8000 S. REDWOOD RD. WEST JORDAN, UT 84088	9001403739	4/27/2015
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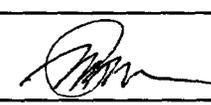
Published this 26th day of April 2015

Melanie S Briggs, MMC
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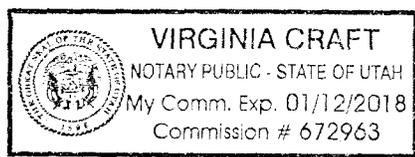
AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF THE CITY OF WEST JORDAN, UTAH NOTICE OF PUBLIC HEARING The City of West Jordan City Council will hold a public hearing Wednesday, May 13, 2015, at 6:00 p.m. FOR CITY OF WEST JORDAN, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

PUBLISHED ON Start 04/26/2015 End 04/26/2015

SIGNATURE 

DATE 4/27/2015



Virginia Craft
 NOTARY SIGNATURE

THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"
PLEASE PAY FROM BILLING STATEMENT

Exhibit A
Planning Commission And City Council Minutes

Attached

Planning Commission and City Council Meeting Minutes

Exhibit A

PLANNING COMMISSION
FEBRUARY 17, 2015

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD FEBRUARY 17, 2015 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Dan Lawes, Sophie Rice, David Pack, Zach Jacob, Bill Heiner, and Joshua Suchoski. Matt Quinney was excused.

STAFF: Greg Mikolash, Ray McCandless, Larry Gardner, Nannette Larsen, Nathan Nelson, Paul Brockbank, Tom Burdett, Robert Thorup, and Carol Herman.

OTHERS: Emily Backus, Susan Gould, Melissa Miller, Tessie Ostler, Warren Kirk, Reginald Dyson, Ulbby Dyson

The briefing meeting was called to order by Dan Lawes. The agenda was reviewed. Larry Gardner explained that the preliminary park plan for Item #3 shows the location and the plan will be finalized later. Item #4 was discussed regarding parking, traffic, and pedestrian safety.

The regular meeting was called to order at 6:01 p.m.

1. Consent Calendar
Approve Minutes from February 3, 2015

MOTION: David Pack moved to approve the Consent Calendar, the minutes from February 3, 2015 making a change on page 3 replacing 'the next year' to '2015'. The motion was seconded by Zach Jacob and passed 6-0 in favor. Matt Quinney was absent.

2. Text Amendment – Amend the West Jordan Municipal Code Section 13-7C-6 “Amendments to the Land Use Map” removing Finding B from General Plan Amendment Findings in the Zoning Ordinance; City Wide applicability; City of West Jordan (applicant) [#TA20150001]

Ray McCandless explained that the findings listed in the municipal code for future land use amendments include Finding B that discusses appropriate optional sites for the use. Staff felt that this finding supports the view that the land use map should only be revised if there aren't enough optional sites for the proposed use of the property. That is important, but staff also felt that it doesn't take into account all factors and scenarios. In order to make a positive recommendation to the city council for a land use map amendment all findings must be met. The other criteria is written to make sure that a change in the future land use map is consistent with other uses, doesn't cause harm to adjoining properties, and has appropriate infrastructure, etc. Therefore, staff felt that they could remove finding B and still be covered.

Staff recommended that the Planning Commission accept the findings contained in the staff report and forward a positive recommendation to the City Council for the proposed text amendment to Section 13-7C-6.

At the request of Commissioner Jacob, Ray McCandless briefed those in attendance as to the purpose and history of the general plan and future land use map. The plan is a guide and every land use

decision that the city council and planning commission make are reviewed against it to make sure it meets the goals and policies. The future land use map is an educated guess as to what the best future land use for a particular property is. That will vary across the city, but they will look at impacts to adjoining properties and at the use itself. It is reviewed by the general plan committee, the planning commission, and is adopted by the city council.

Tom Burdett said some land uses reflect the current makeup of the property, but in some areas there is vacant land or infill opportunities based on percentages of land use that is the best mix for matching jobs and population and retail to those specific land use designations. As a guide, the city council doesn't have to follow it in all circumstances, but they use it as an evaluation to all of the land use decisions they make.

Zach Jacob referred to the staff report on page 2 that says this finding may not reflect current city policy of allowing more freedom to develop property. He asked if that current city policy is written as part of the general plan.

Robert Thorup said it is an observation of what the city council has been willing to do. He said it comes down to two philosophies. A city council can adhere very tightly to the land use map where this finding makes sense. However, our city councils and planning commissions have historically said to developers that they will give more latitude. If a developer can acquire property and make a reasonable case as to why the particular use can take place there even though the city 'guessed' that it would have another use, then there has been freedom given to the developer to make that case through those criteria. The policy isn't written down, but it is from years and years of operational observation that they are providing some latitude to developers.

Dan Lawes opened the public hearing.

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

Zach Jacob was bothered by the characterization that the city put the land use map into place; whereas the general plan committee had more than a significant role. Since that is a citizen's committee, the residents of the city are determining the land use, and the wishes of the residents of the city should be paramount over the wishes of a developer or the whims of making a change. He didn't think the finding needed to be stricken, but perhaps modified.

Joshua Suchoski thought that latitude for developers can be a good thing. Developers who have experience can see the potential of future uses and what will work in a certain location. A developer will want to have a viable investment for their property, so they won't be reckless. He thought the finding should be removed.

Dan Lawes agreed. The general plan is a static document, but a number of things change over time. For example a few years ago the agricultural use along 5600 West made sense, but if the plan hadn't changed then 5600 West wouldn't have recently been extended. The general plan is a guiding document for what we once saw for the property, but it has to change as the community's dynamic changes.

Bill Heiner asked if removing Finding B would provide more latitude.

Dan Lawes said it doesn't lock us in, but allows us to consider other proposals.

Zach Jacob said that Finding B hasn't hindered the city in the past; when it is pertinent then it is valuable to have it. There are circumstances when it does need to be applied.

Sophie Rice thought that the other findings cover the intent.

Joshua Suchoski felt that Finding B in this instance is the job of the planning commission. They make sure that all of the other findings are being met, and Finding B is somewhat redundant.

David Pack agreed with staff that at the surface this appears to be a beneficial policy because it discourages frequent or meaningless amendments to the adopted general plan. He agreed that it is a static document, but there may be situations where the amendment is in the best interest of the city even though there are optional locations for the proposed use. He agreed that the remaining findings will ensure compliance with the general plan to a certain extent. He asked if they could consider modifying Finding B with the term 'most beneficial site' as opposed to 'appropriate optional sites' for example. As commissioners they were asked to uphold and follow the general plan, so he wants to make sure they are safeguarding it.

Sophie Rice said specifically Finding D covers the concern, because it has to be an overall improvement. No matter how good the general plan is, there are times when it can be improved.

Dan Lawes pointed out Finding F where it has to be consistent with other adopted plans.

Bill Heiner said they have still been able to find a way to move forward with Finding B in place.

Dan Lawes said it could be argued that we were overlooking the intent of Finding B.

Sophie Rice said she did overlook Finding B at times, because she felt that if she didn't then nothing would get accomplished. She felt that it comes down to central planning versus property rights. Looking at Finding B you can say there is a better place for that, but that isn't always an option for the developer because they don't own the alternate site.

Zach Jacob felt it is the voice of the people versus property rights.

Joshua Suchoski said the plan changes and modifies as the city grows. When this plan was made a lot of current West Jordan residents didn't live here at that time. It has to be fluid in the sense that as time goes on and as the areas develop out perhaps what the city's general plan was at that time is not what the citizens and residents of the city want in that area now. His opinion was that all of the other findings in the code make it so they as a commission already have to look into all of the issues, so Finding B is redundant and doesn't allow them the latitude.

MOTION: Dan Lawes moved based upon the findings set forth in the staff report, and upon the evidence and explanations received today, to forward a positive recommendation to the City Council for the proposed text amendment to Title 13 as addressed in the report. The motion was seconded by Sophie Rice.

Bill Heiner asked if there are any unintended consequences in removing the finding. When it was put in the code no one knew what the consequences would be.

David Pack asked if we could project what the worst case scenario would be if it is removed.

Bill Heiner said he couldn't think of any, so that led him to be in favor of the amendment.

Dan Lawes said he couldn't see any either since they had failed to use it as it was intended up to this point.

VOTE: The motion passed 5-1 in favor with Zach Jacob casting the negative vote. Matt Quinney was absent.

3. Siena Vista Phase 4; 7000 South 5715 West; Preliminary Subdivision Plat (21 lots on 7.2 acres); R-1-6C&D(ZC) Zone; Peterson Development Co./Victor Barnes (applicant) [#SDMA20140016; parcel 20-26-200-016]

Warren Kirk, representing Peterson Development, 225 South 200 East, said they agree with everything in the staff report, but wanted to clarify the fencing along the power corridor as listed on page 6. He felt that when a corridor is blocked in it creates problems for policing by the residents. That area is planned as future open space so they are recommending a vinyl ranch style fence. They agreed with the idea of a consistent theme along 7000 South with the masonry pillars and vinyl in between.

Regarding overall percentage of open space for the project, Larry Gardner estimated that it is between 4 and 5 percent, including the detention area.

Joshua Suchoski was concerned with the ranch style fence being so close to 7000 South with regards to safety for children.

Warren Kirk said he just wanted clarification, but he thought that the residents might want access to the future open space.

Larry Gardner clarified that the property is a utility corridor owned by Rocky Mountain Power, and he didn't know of any plans by the city to install a trail.

Warren Kirk said that some people may want to install a gate to access the property. He said that they have been working closely with some of the residents regarding the park and he would be interested in their feedback on the fencing.

Larry Gardner said the ordinance allows the planning commission to require a fence for safety reasons, and staff felt that a solid vinyl fence is appropriate along the corridor. If the property owner modifies their fence in the future to install gates we can't stop that, but the city should not build the gates and should require the fence between the residential use and the utility corridor use. Mr. Gardner gave the property's zoning history and requirement for open space, which was modified from 10% open space

CITY COUNCIL
MARCH 11, 2015

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL
ORDINANCE 15-08, AMENDING THE 2009 WEST JORDAN MUNICIPAL
CODE SECTION 13-7C-6 "AMENDMENTS TO THE LAND USE MAP"
REMOVING FINDING B FROM GENERAL PLAN AMENDMENT
FINDINGS IN THE ZONING ORDINANCE; CITY WIDE
APPLICABILITY; CITY OF WEST JORDAN, APPLICANT**

Tom Burdett said this item was to consider amending Code Section 13-7C-6 of the 2009 West Jordan Municipal Code "Amendments to the Land Use Map" removing finding 'B' from the General Plan Amendment findings in the Zoning Ordinance.

He turned the time over to Greg Mikolash.

Greg Mikolash reported that City Code required that amendments to the General Plan and Future Land Use Map be reviewed against the six findings listed in Section 13-7C-6. In general, these findings were meant to assure that the proposed amendment was consistent with the General Plan, would not adversely affect adjoining property, and was in the overall best interests of the City. These findings were listed as follows:

"A. The proposed amendment conforms to and is consistent with the adopted goals, objectives and policies set forth in the city general plan;

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

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

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

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

F. The proposed amendment is consistent with other adopted plans, codes and ordinances."

Amendments to the General Plan were more often changes to the Future Land Use map associated with a development proposal. Finding B applied specifically to changes to the Future Land Use Map and supported the view that the land use map should only be revised if there were inadequate optional sites available for a proposed use. This finding; however, does not factor in all scenarios or other circumstances that overall may improve

or benefit the City and do not reflect current City policy of allowing more freedom to develop property. Repeatedly, Finding B had caused consternation among Planning Commissioners trying to adhere to the City Code. Staff was of the opinion that Finding B of Section 13-7C-6 should be eliminated from the City Code for the reasons stated in the findings section below.

On February 17, 2015, the Planning Commission voted 5-1 to forward a positive recommendation of the proposed Text Amendment to the City Council as recommended by Staff.

FINDINGS OF FACT

Section 13-7-D-7B, requires that prior to approving a Zoning Ordinance text amendment, the City Council shall make the following findings:

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

Discussion: There were no specific goals or policies related to eliminating findings for amendments to the General Plan. This criterion does not apply.

Finding: This criterion does not apply.

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

Discussion: City Code, Section 13-7C-6, Finding B stated "The development pattern contained on the land use plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment;" This finding implied that the City's policy toward amending the General Plan and Future Land Use Map was that neither should be amended if there are adequate optional sites within the City that can accommodate a proposed development. On the surface, this appeared to be a beneficial policy because it discouraged frequent or needless amendments to the adopted General Plan, but it does not reflect the current policy of the City to allow a developer or property owner the ability to pitch a particular property for a particular development, to be judged on the other criteria of plan change and rezone. Indeed, there may be situations where the amendment may be in the best interest of the City even though there are ample other optional locations already zoned or planned for the proposed use.

As an example, there are areas in the City that are designated Commercial or Professional Office on the Future Land Use Map that may be better suited for senior housing. There were many optional locations for senior housing throughout the City, but it may make sense to amend the Future

Land Use map to support the use at a particular location. For this reason, staff found there was sufficient justification for the amendment and was recommending that Finding B be eliminated from the text. The remaining findings ensure compliance with the general plan, compatibility with adjoining land uses, assures that the amendment does not benefit only one person or entity and that the amendment does not significantly change the acceptable land use patterns or infrastructure.

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

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

Discussion: The proposed amendment would have a city-wide impact, with no particular area singled-out. The proposed amendment would not create a conflict with any other sections of the Municipal Code.

Finding: The proposed amendment would not create a conflict with any other section or part of the Municipal Code or the General Plan.

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

Discussion: The proposed amendment would have city-wide implication and does not relieve any particular hardship or confer any special privileges to a single property owner or cause. The proposed amendment was deemed desirable given the scope and scale of new developments in the City.

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

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

Staff recommended that the City Council accept the findings contained in the staff report and approve the proposed Text Amendment as recommended by the Planning Commission.

Tom Burdett said the Planning Commission discussed an option to reword Finding B, but failed to find language to replace or amend this finding.

The Council and staff discussed clarifying questions.

Mayor Rolfe opened the public hearing.

Steve Jones, West Jordan resident, felt the intent of Finding B was still applicable and recommended the Council leave it in place, or fix the text.

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

Councilmember McConnehey questioned the number of times criteria Finding B had been cited for a no vote.

Tom Burdett indicated that this had been the cause of some split votes.

The Council and staff discussed for following issues:

- Consider changing the verbiage
- Keeping the balance

MOTION: Mayor Rolfe said based on the analysis and findings set forth in the staff report, and upon the evidence and explanations received today, I move that the City Council approve Ordinance 15-08, including the proposed Text Amendments to Title 13, removing Finding B from General Plan Amendment Findings in the Zoning Ordinance, West Jordan Municipal Code Section 13-7C-6 as recommended by the Planning Commission. The motion was seconded by Councilmember Nichols.

Tom Burdett said with timing of land use amendments, sometimes communities would place in their statues that the land use amendment come forward at the same time, so there could be rebalancing of the land use, among all the land uses done by the City.

Bryce Haderlie suggested having the Planning Commission work on the ambiguity.

Councilmember Hansen tended to agree with Mr. Jones. She felt the land use could be changed for the appropriate reasons. However, she did not want to make it easy for developers to change the land use without looking for alternative uses or site for parcels of land.

A roll call vote was taken

Councilmember Haaga	No
Councilmember Hansen	No
Councilmember McConnehey	No
Councilmember Nichols	Yes
Councilmember Southworth	No
Mayor Rolfe	Yes

The motion failed 2-4.

MOTION: Councilmember Southworth moved to send this item back to the Planning and Zoning Commission to take a stab at rewording. The motion was seconded by Councilmember Haaga.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Mayor Rolfe	Yes

The motion passed 6-0.

RECEIVE PUBLIC INPUT AND CONSIDER FOR INCREASING THE SALARIES FOR THE CITY COUNCIL MEMBERS OF WEST JORDAN, AS OUTLINED IN UTAH CODE 10-3-818 'SALARIES IN MUNICIPALITIES'

Mayor Rolfe said the salary for City Council Members had not increased for over 20 years. As Mayor, he proposed conducting a public hearing for consideration of increasing the City Council salary from \$815.00 to \$1,000 per month; with a stipulation that the Council members would also receive the same Cost of Living Adjustment that City employees may receive from year to year.

Pursuant to the Utah State Code Annotated, 10-3-818. Salaries in municipalities.

- (1) The elective and statutory officers of municipalities shall receive such compensation for their services as the governing body may fix by ordinance adopting compensation or compensation schedules enacted after public hearing.
- (2) Upon its own motion the governing body may review or consider the compensation of any officer or officers of the municipality or a salary schedule applicable to any officer or officers of the city for the purpose of determining whether or not it should be adopted, changed, or amended. In the event that the governing body decides that the compensation or compensation schedules should be adopted, changed, or amended, it

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD APRIL 7, 2015 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Dan Lawes, Matt Quinney, Zach Jacob, Bill Heiner, and Joshua Suchoski. David Pack was excused.

STAFF: Tom Burdett, Greg Mikolash, Ray McCandless, Larry Gardner, Robert Thorup, and Julie Davis

OTHERS: Eppie Trujillo, Tim Soffe, Greg Wilding, Curtis Leavitt, Kenneth R. Larsen

The briefing meeting was called to order by Dan Lawes.

Joshua Suchoski volunteered to fill the vacancy on the Design Review Committee. The agenda was reviewed. Item #2 was reviewed and clarifying questions about the application process for land use amendments were answered. Briefing information was provided for the other agenda items.

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

- 1. Consent Calendar**
Approve Minutes from March 17, 2015

MOTION: Zach Jacob moved to approve the Consent Calendar. The motion was seconded by Matt Quinney and passed 5-0 in favor. David Pack was absent.

- *****
- 2. Text Amendment – Amend the West Jordan Municipal Code Section 13-7C-6 “Amendments to the Land Use Map” Finding B in the General Plan Amendment Findings in the Zoning Ordinance; City Wide applicability; City of West Jordan (applicant) [#TA20150001]**

Ray McCandless explained that the City Council reviewed this application and the Planning Commission’s recommendation to remove Finding B in March. The City Council referred the issue back to the Planning Commission for further discussion to consider an option to reword the text. The proposed text is to clarify the applicant's role. There has been discussion as to what level we ask the applicant to demonstrate that they have looked at alternate sites.

Staff recommended that the Planning Commission accept the findings contained in the staff report and forward a positive recommendation to the City Council for the proposed text amendment to Section 13-7C-6, Finding B relating to Amendment to the Land Use Map.

Dan Lawes opened the public hearing.

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

Zach Jacob said the applicability of Finding B as currently written will change as the city builds out. Today there are many optional vacant sites, but at the city build-out and when optional sites are

restricted then this may be more pertinent. Finding B can never be met as it is written now, so they should keep in mind that whatever wording they decide on should have applicability now and in the future.

Dan Lawes thought that Finding C can cover that. He is struggling with the term 'other optional sites'. The planning commission doesn't have the ability to offer another site to a developer if a proposed use doesn't fit on a certain property. The developer may not have that ability either.

Bill Heiner said the way it is written is open ended without any teeth, and that may be what the city council wanted them to resolve.

Josh Suchoski didn't know that that could be done as it is written. The only thing they keep coming back to is whether or not it will fit with the city's general plan, but that is in finding A. Finding B is asking the developer to go back out and find an alternate property. But the developer won't typically buy a piece of land without researching the availability, cost, and demographic. He is a huge proponent of the general plan, but that is covered Finding A. He doesn't understand what Finding B is trying to do.

Dan Lawes agreed.

Zach Jacob said Finding A could become the next Finding B because it can't fit the city's general plan if the application is asking that the general plan be altered.

Dan Lawes said it can be consistent with the goals, objectives, and policies.

Josh Suchoski said you can use that verbiage for a denial if a use doesn't fit in with a particular area because it doesn't fit with the adopted goals and policies. According to Finding B a developer just needs to tell them that they have looked elsewhere and can't find what they want, so he thinks it is redundant.

Zach Jacob said they often hear the argument that over several years there have been no offers to develop as the property is planned/zoned so they want to change the use; and the city lets them do it. So we are saying in this situation that today's market is more important than the long term vision so that the grander vision of the future will be sacrificed

Josh Suchoski said if someone were to offer that situation, the city can still use Finding A to say that it doesn't fit with the policies, goals, and objectives of the city's general plan. He felt that Findings A, C, and D accomplish everything that Finding B would be there for. He didn't like the term 'demonstrated' as written in Finding B. There may be a way to quantify it, but if he was charged with trying to find a way to quantify that as a burden of proof to show the applicant has demonstrated awareness, he didn't know of a way to do that where the developer couldn't very easily circumvent.

Zach Jacob thought that the wording is redundant. He felt that the wording could state 'other locations are not reasonably available to the applicant' whether or not they are economically or physically practical; if they aren't available then practicality is shot.

Dan Lawes said he couldn't come up with any other language for the finding and felt that it needs to be eliminated. It doesn't seem that anyone else has proposed language or is strongly in favor of the proposal.

MOTION: Joshua Suchoski moved to forward a recommendation to the City Council to strike Finding B from the proposed amendment. The motion was seconded by Dan Lawes.

Zach Jacob pointed out that the City Council did not take that recommendation the last time. However, he didn't have any other ideas for wording.

Bill Heiner said they could strike the words 'economically and physically impractical'. Availability is the trump card anyway.

Joshua Suchoski said even if they mix up the verbiage, the important points are covered in Findings A, C, and D. They have just as much right to reject something that doesn't fall in line with the general plan based on Finding A alone.

VOTE: The motion passed 3-2 in favor of striking Finding B with negative votes by Zach Jacob and Bill Heiner. David Pack was absent.

3. Trujillo Rezone; 7359 South 1300 West; Rezone 0.92 acres from R-1-10E to R-1-8D; Freiss Development Group (applicant) [#ZC20140005; parcels 21-26-152-021, 007]

Greg Wilding, Wilding Engineering, representing the applicant stated this is a straightforward request to rezone the property in order to get subdivision approval for Trujillo Cove. This is a remainder piece of property, and in working with city staff they felt it is the most prudent way to develop the property in an existing neighborhood. The rezone is needed in order to meet the required lot width. The finished lots are the same size or larger than those in the surrounding neighborhood.

Larry Gardner explained that the property is zoned R-1-10, the same as the property to the south. The properties to the north are zoned R-1-8. Mr. Trujillo desires to create a flag lot. The R-1-10 zone would require 85 feet of frontage and an additional 20 feet for the stem portion of the lot. However, the property is four feet shy of meeting that requirement. The proposed R-1-8 zone is consistent with the lots to the north and would reduce the lot width to 75 feet for a total of 95 feet needed. The subject property is 101 feet wide. The subdivision application is for two lots that are much larger than 8,000 square feet and would add one new home to the area. He pointed out that the minor subdivision plat would be approved administratively.

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 the property from R-1-10E (Single-family Residential, 10,000 square foot minimum lots) to R-1-8D (Single-family Residential, 8,000 square foot minimum lots) for the property generally located at 7359 South 1300 West.

Dan Lawes opened the public hearing.

Exhibit B
Ordinance and Legislative Draft

Exhibit B Ordinance and Legislative Draft

THE CITY OF WEST JORDAN, UTAH
A Municipal Corporation

ORDINANCE NO. 15- 08
[AMENDING LAND USE MAP-FINDINGS]

AN ORDINANCE AMENDING TITLE 13, "ZONING REGULATIONS."

WHEREAS, the City of West Jordan adopted a City Code in 2009, for the purpose of carrying into effect and discharging all powers and duties conferred by law upon the city and its officers, employees and inhabitants, and to provide for the safety, preserve the health, promote the prosperity, improve the morals, peace, good order, comfort and convenience of the city and its inhabitants, and to protect property in the city; and

WHEREAS, the West Jordan City Council finds and determines that the purpose of the 2009 City Code, and the public health and welfare, will best be reached by the adoption of the following amendments to Title 13, Chapter 7 of the 2009 City Code.

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

Section 1. Title 13, Chapter 7, Article C, Section 6 of the 2009 City Code shall hereafter read as follows:

13-7C-6: FINDINGS FOR APPROVAL:

Any amendments to the general plan, including maps, shall be approved only if:

- A. The proposed amendment conforms to and is consistent with the adopted goals, objectives and policies set forth in the city general plan;
- B. Reserved.
- C. The proposed amendment will be compatible with other land uses, existing or planned, in the vicinity;
- D. The proposed amendment constitutes an overall improvement to the adopted general land use map and is not solely for the good or benefit of a particular person or entity;
- E. The proposed amendment will not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements, including, but not limited to, roads, water, wastewater and public safety facilities, than would otherwise be needed without the proposed change; and

F. The proposed amendment is consistent with other adopted plans, codes and ordinances. (2009 Code; amd. Ord. 11-35, 11-22-2011; Ord. 13-33, 11-13-2013; Ord. 15-__, 05-13-2015)

Section 2. Additions or amendments to the 2009 City Code when passed in such form as to indicate the intention of the city council to make the same a part of the 2009 City Code shall be deemed to be incorporated in the 2009 City Code, so that reference to the 2009 City Code hereafter includes the additions and amendments.

Section 3. This Ordinance shall become immediately effective.

Passed and adopted by the City Council of the City of West Jordan, Utah this 13th day of May, 2015.

CITY OF WEST JORDAN

By: _____
KIM V. ROLFE
Mayor

ATTEST:

MELANIE S. BRIGGS, MMC
City Clerk

Voting by the City Council	“AYE”	“NAY”
Council Member Jeff Haaga	_____	_____
Council Member Judy Hansen	_____	_____
Council Member Chris McConnehey	_____	_____
Council Member Chad Nichols	_____	_____
Council Member Sophie Rice	_____	_____
Council Member Ben Southworth	_____	_____
Mayor Kim V. Rolfe	_____	_____

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 _____, 2015, pursuant to Utah Code Annotated, 10-3-711.

MELANIE S. BRIGGS, MMC
City Clerk/Recorder

[SEAL]

Legislative

13-7C-6: FINDINGS FOR APPROVAL:

Any amendments to the general plan, including maps, shall be approved only if:

- A. The proposed amendment conforms to and is consistent with the adopted goals, objectives and policies set forth in the city general plan;
- B. ~~The development pattern contained on the land use plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment;~~ Reserved.
- C. The proposed amendment will be compatible with other land uses, existing or planned, in the vicinity;
- D. The proposed amendment constitutes an overall improvement to the adopted general land use map and is not solely for the good or benefit of a particular person or entity;
- E. The proposed amendment will not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements, including, but not limited to, roads, water, wastewater and public safety facilities, than would otherwise be needed without the proposed change; and
- F. The proposed amendment is consistent with other adopted plans, codes and ordinances. (2009 Code; amd. Ord. 11-35, 11-22-2011; Ord. 13-33, 11-13-2013; Ord. 15-___, 05-13-2015)

Exhibit C
Alternative Text Presented to the Planning Commission

Exhibit B Alternative Text Presented to the Planning Commission

13-7C-6: FINDINGS FOR APPROVAL:

Any amendments to the general plan, including the land use maps, shall be approved only if:

A. The proposed amendment conforms to and is consistent with the adopted goals, objectives and policies set forth in the city's general plan;

B. Applicant has demonstrated an awareness of all of the other locations in the City where the general plan's land use map currently provides for the type of land use proposed by the Applicant, and has demonstrated that such other locations are economically or physically impractical for the proposed use or not reasonably available to Applicant, thus necessitating ~~The development pattern contained on the land use plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment;~~

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

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

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

F. The proposed amendment is consistent with other adopted plans, codes and ordinances. (2009 Code; amd. Ord. 11-35, 11-22-2011; Ord. 13-33, 11-13-2013)