

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance Amending Title 11, Land Disturbance

SUMMARY: Approve a revision to the Land Disturbance Ordinance pertaining to requirements for issuing a land disturbance permit.

**FISCAL AND/OR
ASSET IMPACT:** No fiscal impact.

STAFF RECOMMENDATION:
Staff recommends that the City Council authorize the revision of Title 11, Land Disturbance.

MOTIONS RECOMMENDED:
Motion: I move to approve the Ordinance No. 16-29, revisions to Title-Land disturbance ordinance.

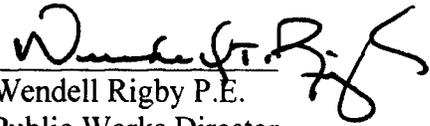
Prepared by:


Nate Nelson P.E.
City Engineer

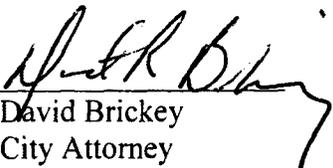
Reviewed by:


David Murphy P.E.
Engineering Manager for CIP

Reviewed by:


Wendell Rigby P.E.
Public Works Director

Reviewed as to legal form:


David Brickey
City Attorney

Recommended by:


Mark Palesh
City Manager

BACKGROUND DISCUSSION:

City staff has determined that at certain times it may be prudent for the City to issue a Land Disturbance Permit prior to the approval of a final site plan for businesses with high economic value to the City. In essence, the new revision will give staff the authority to issue a mass grading permit allowing overall site preparation to commence while final site plans are being reviewed. This allowance only applies to businesses located in an economic development area as adopted by the Redevelopment Agency, must be at least 50 acres in size, and be considered of high economic value to the City as determined by the City manager. All other provisions of Title 11 will still be applicable.

THE CITY OF WEST JORDAN, UTAH
A Municipal Corporation

ORDINANCE NO. 16- 29
[LAND DISTURBANCE PERMIT]

AN ORDINANCE AMENDING TITLE 11, LAND DISTURBANCE.”

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 11, Chapter 2 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 11, Chapter 18, Article A, Section 1 of the 2009 City Code shall hereafter read as follows:

11-2-1: LAND DISTURBANCE PERMIT REQUIRED:

- A. Except as otherwise provided herein, no person, developer, builder or contractor shall cause to be commenced or performed any land disturbance, grading, relocation of earth, or any other land disturbance activity, and no person shall import or export any earth materials to or from any site, without first obtaining a land disturbance permit. Except as set forth in section 11-2-1(B) below, no land disturbance permit shall be issued for any site or project requiring site plan approval until and unless a final site plan has been approved by the city for the site or project, and no land disturbance permit will be issued for any site or project requiring subdivision approval until and unless the final subdivision plat has been approved by the city for the site or project.
- B. Notwithstanding the provisions of section 11-2-1(A) above, a land disturbance permit may be issued by the city prior to receiving final site plan approval or final subdivision plat approval; provided, that an application for final site plan approval or final subdivision plat approval has been made and engineering grading plans have been reviewed and accepted by the city engineer or designated representative. To issue the land disturbance permit without final site plan approval or final subdivision plat approval all the following conditions must be met:

1. The proposed project is located in an economic development area as adopted by the Redevelopment Agency of the City of West Jordan, in accordance with Utah State Code Annotated: Title 17C – Limited Purpose Local Government Entities – Community Reinvestment Agency Act, or its successor provision(s);
2. The project is for an industrial or commercial development considered of high economic value to the city as determined by the city manager with concurrence from the city engineer;
3. The project is a minimum of 50 acres as presented in the pending application for site plan or subdivision approval; and
4. The applicant complies with all remaining provisions in Title 11 of this Code, which still apply to the application and issuance of the land disturbance permit. (2001 Code § 81-2-010; amd. Ord. 10-27, 9-8-2010; Ord. 16-___, 07-13-2016)

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 July, 2016.

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 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

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]

Legislative

11-2-1: LAND DISTURBANCE PERMIT REQUIRED:

- A. Except as otherwise provided herein, no person, developer, builder or contractor shall cause to be commenced or performed any land disturbance, grading, relocation of earth, or any other land disturbance activity, and no person shall import or export any earth materials to or from any site, without first obtaining a land disturbance permit. Except as set forth in section 11-2-1(B) below, no ~~No~~ land disturbance permit shall be issued for any site or project requiring site plan approval until and unless a final site plan has been approved by the city for the site or project, and no land disturbance permit will be issued for any site or project requiring subdivision approval until and unless the final subdivision plat has been approved by the city for the site or project.
- B. Notwithstanding the provisions of section 11-2-1(A) above, a land disturbance permit may be issued by the city prior to receiving final site plan approval or final subdivision plat approval; provided, that an application for final site plan approval or final subdivision plat approval has been made and engineering grading plans have been reviewed and accepted by the city engineer or designated representative. To issue the land disturbance permit without final site plan approval or final subdivision plat approval all the following conditions must be met:
1. The proposed project is located in an economic development area as adopted by the Redevelopment Agency of the City of West Jordan, in accordance with Utah State Code Annotated: Title 17C – Limited Purpose Local Government Entities – Community Reinvestment Agency Act, or its successor provision(s);
 2. The project is for an industrial or commercial development considered of high economic value to the city as determined by the city manager with concurrence from the city engineer;
 3. The project is a minimum of 50 acres as presented in the pending application for site plan or subdivision approval; and
 4. The applicant complies with all remaining provisions in Title 11 of this Code, which still apply to the application and issuance of the land disturbance permit. (2001 Code § 81-2-010; amd. Ord. 10-27, 9-8-2010; Ord. 16-____, 07-13-2016)