

**MINUTES OF THE CITY OF WEST JORDAN
CITY COUNCIL MEETING**

Wednesday, February 12, 2020

7:00 p.m.

Council Chambers

8000 South Redwood Road

West Jordan, Utah 84088

COUNCIL: Chair Chris McConnehey, and Councilmembers Kelvin Green, Zach Jacob, Chad Lamb, David Pack, Kayleen Whitelock, and Melissa Worthen.

STAFF: Mayor Dirk Burton; Korban Lee, Chief Administrative Officer; Rob Wall, City Attorney; David Brickey, City Council Transition Advisor; Tangee Sloan, Deputy City Recorder; Scott Langford, Community Development Director; Alan Anderson, Deputy Council Office Director; Danyce Steck, Finance Director; and Tauni Barker, Community Engagement Director

I. CALL TO ORDER

Chair McConnehey called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

The Pledge was led by Paul Evans.

III. SPECIAL RECOGNITION

- a.* Mayor Burton recognized a youth group for their efforts to increase public safety by making fire hydrants easier for emergency responders to find under snow.
- b.* Councilmember Worthen recognized members of the Utah Girls Tackle Football League, Laura Goetz and McKell Collotzi, for being invited to the 2020 NFL Pro Bowl to play at halftime.
- c.* Brian Clegg recognized Lionel Smith, Mick Christopherson, Zachary Rawlins, Travis George, and Mark Worthen with the City Street Division for receiving an Excellence in Paving Award from the American Concrete Paving Association.

IV. CITIZEN COMMENT

Perry Frandsen, Commissioner for the Great Salt Lake Council of the Boy Scouts of America, thanked the City of West Jordan for allowing the Great Salt Lake Council to hold a recent Board meeting at City Hall.

Bret Burgon, West Jordan resident, described traffic safety concerns related to construction on 7800 South.

V. COMMUNICATIONS
MAYOR'S REPORT

- Mayor Burton reported that an app was available for reporting when street lights were out.

- The Mayor reported on recent meetings he attended.

CAO'S REPORT

- Mr. Lee reported that an updated City Department organization chart was available.

COUNCIL DIRECTOR/TRANSITION ADVISOR'S REPORT

- Nothing to report.

CITY COUNCIL COMMENTS

Councilmember Worthen –

- Expressed appreciation for the time and dedication given by fellow Councilmembers.

Councilmember Whitelock –

- Encouraged the Mayor's Office to improve lighting near the TRAX Station and to ensure that the weed situation was brought into compliance.

Councilmember Jacob –

- Reported on time spent at the Legislature, as well as a recent meeting of the Joint Policy Advisory Committee for the Wasatch Front Regional Council.

Councilmember Green –

- Recognized the Fire Department for recent service to a citizen.
- Expressed deep respect for Abraham Lincoln.

Councilmember Lamb –

- Thanked Alan Anderson and Tangee Sloan for help given to the City Council during the transition period.
- Agreed with the need for better lighting near the TRAX Station.

Councilmember Pack –

- Expressed appreciation for all the good that goes on in the community, particularly in the schools.

Mayor Burton updated the Council regarding the lighting and weed situation near the TRAX Station.

Chair McConnehey –

- Agreed with the desire to improve street lighting.
- Reported that he and Councilmember Green attended the Mayor's budget meeting on January 31, 2020.

VI. PUBLIC HEARINGS

**RECEIVE PUBLIC INPUT AND CONSIDERATION FOR ADOPTION OF
ORDINANCE 20-01, A GENERAL PLAN LAND USE MAP AMENDMENT
FOR 10.02 ACRES FROM VERY LOW DENSITY RESIDENTIAL TO LOW**

DENSITY RESIDENTIAL AND REZPONE FROM RR-1D (RURAL RESIDENTIAL 1-ACRE MINIMUM LOTS) ZONE TO R-1-12F (SINGLE-FAMILY RESIDENTIAL 12,000 SQUARE FOOT MINIMUM LOTS) ZONE AND RR-20F (RURAL RESIDENTIAL 20,000 SQUARE FOOT MINIMUM LOTS) ZONE; PETERSON DEVELOPMENT LLC/RYAN PETERSON (APPLICANT) BARBER PROPERTY (7401 SOUTH 5490 WEST)

The applicant requested the following before the City Council in public hearings on October 23, 2019 and December 4, 2019:

1. Amend the Future Land Use Map from Very Low Density Residential to Low Density Residential.
2. Rezone from RR-1D (Rural Residential, 40,000 sq. ft. minimum lot area) to R-1-12F (Single-family Residential, 12,000 sq. ft. minimum) and RE-20 (Residential Estates, 20,000 sq. ft. minimum).

During the December 4, 2019 City Council meeting, the applicant revised the rezone request of RE-20F to RR-20F. Animal rights are allowed in Rural Residential "RR" Zones. The City Council asked during the December 4, 2019 meeting that the revised rezone request be considered by the Planning Commission.

On January 21, 2020, the Planning Commission recommended to the City Council with a 6 to 1 vote to amend the General Plan Future Land Use Map for 10.02 acres from Very Low Density Residential to Low Density Residential on the subject property. Also on January 21, 2020, the Planning Commission recommended to the City Council with a 6 to 1 vote to rezone 10.02 acres from RR-1D (Rural Residential, 40,000 sq. ft. minimum lot area) to R-1-12F (Residential, Single-family, 12,000 sq. ft. minimum lot area, "F" size home) and RR-20F (Rural Residential, Single-family, 20,000 sq. ft. minimum lot area, "F" size home) at 7401 South 5490 West. The southern parcel of the property contained one single-family dwelling; the northern parcel had no existing dwelling; both parcels had been used for agriculture.

FINDINGS OF FACT

Amendments to the Land Use Map

- a. The proposed GLUP (General Land Use Plan) map amendment conformed with the City's General Plan.
- b. The development pattern contained on the Land Use Plan inadequately provided the appropriate optional sites for the use and/or change proposed in the amendment.
- c. The proposed amendment would be compatible with and incompatible with other land uses, existing or planned, in the vicinity.
- d. It was unclear whether the proposed amendment constituted an overall improvement to the adopted General Land Use Map.
- e. The proposed amendment would and would 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 than would otherwise be needed without the proposed change.

- f. Staff was not aware of any other adopted plans, codes, and/or ordinances that were consistent with or inconsistent with this request.

Amendments to the Zoning Map

1. The proposed amendment was consistent with and inconsistent with the purposes, goals, objectives, and policies of the City's General Plan.
2. The proposed amendment would result in compatible and incompatible land use relationship and would and would not adversely affect adjacent properties. The current and the proposed land uses were both single-family.
3. The proposed amendment may further the public health, safety and general welfare of the citizens of the City.
4. The proposed amendment should not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways.
5. The proposed amendment was consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.

Conclusion - This application's proposed Future Land Use Map amendment from Very Low Density Residential to Low Density Residential, and proposed Rezoning from RR-1D to R-1-12F was partially supported by the General Plan.

Ryan Peterson told the Council that Peterson Development was trying to help the difficult housing situation in the Valley. He explained the requested Land Use Map Amendment, and said he estimated the 10-acre subject property could be developed into approximately 17-19 lots (1.9 units per acre). He stated that the proposed development plan for the subject property had changed as a result of public input and the Planning Commission process to include two zones, with half-acre lots with animal rights on the east portion. He emphasized that 5490 West was not included for consideration with the proposed rezone, and emphasized that development would only proceed if an amenable solution for the road situation could be found.

Scott Langford commented that issues related to 5490 West would need to be resolved prior to plat recording. Councilmember Jacob asked why the applicant requested to change from Very Low Density Residential to Low Density Residential if the proposed number of units (1.9 units per acre) was less than the maximum allowed for Very Low Density Residential (2 units per acre). Staff explained that the change was requested for the project as a whole to be consistent with the General Plan.

Chair McConnehey opened a public hearing at 8:09 p.m.

Mr. Evans, West Jordan resident, stated he was against the proposed rezone because of the limited access proposed, and because 5490 West was a private road. He commented that traffic was already a problem around a nearby elementary school.

Joan Cahoon, West Jordan resident, said her home was on the north edge of the proposed development. She stated the current property owner of the subject property had not lived on the property for over a year and did not know what the neighboring property owners wanted. She expressed the opinion that the Council should vote against the proposed rezone, and stated that development on the property should occur with half-acre lots or not at all.

Spencer Burt, West Jordan resident, said his home was to the south of proposed lot 101. He stated there was a demand in West Jordan for half-acre lots. He said he did not think it would not make sense to approve a rezone before fire safety and access requirements were met.

Randy Bowler, West Jordan resident, said he had been involved in development for many years. He expressed the opinion that a formal contract should exist between the property owner and the developer before the City moved forward with any approval.

Shayn Bowler, West Jordan resident, said his property was directly west of the proposed development. He stated that, in his opinion, the R-1-12F Zone would be inappropriate because of the surrounding properties with animal rights. He said he believed it would be a violation of his property rights for a neighboring property to be sandwiched in without animal rights, possibly resulting in a neighboring property owner being understandably unhappy with adjacent animal activity.

Bret Burgon, West Jordan resident, said his home was to the east of the proposed development. He suggested developing half-acre lots with animal rights on the subject property to be consistent with surrounding agricultural land.

Ryan Peterson repeated that the request before the Council was only for rezone of the property. He acknowledged that many issues would need to be resolved before recording of a plat.

Chair McConnehey closed the public hearing at 8:24 p.m.

Mr. Wall confirmed that development could not occur on the property unless a plat was recorded, and many issues would need to be resolved for recording to occur, regardless of whether or not the Council approved the requested rezone. Councilmember Whitelock commented that, if the rezone were approved, the new zoning would remain whether or not the remaining issues were resolved.

Councilmember Whitelock **moved** to go into a closed session for the purpose of hearing from the City Attorney with regards to agenda item 6a concerning land use.

Mr. Wall advised that this issue did not meet State requirements for a formal closed session. Councilmember Whitelock withdrew the motion, and **moved** to recess for ten minutes. Councilmember Green seconded the motion, which passed by unanimous vote (7-0). The Council reconvened at 8:40 p.m.

Councilmember Green said he thought the concept of the rezone was not bad, but said he believed the rezone would be putting the cart before the horse. He said he suspected that properties along 5490 West, particularly on the north side, would be redeveloped someday. Councilmember Green commented that the Jordan Highlands HOA easement on the Barber property should have been addressed in the initial application. Councilmember Green said he did not want the City to end up in an eminent domain situation for 5490 West. He commented that steps remaining after rezone approval were more administrative in nature and would allow the City less latitude.

Councilmember Jacob said he believed the proposed zoning was a good compromise, but said he was not sure the time was right. He said 5490 West was listed on the City's Master Transportation Plan as a future collector road, and suggested the HOA should meet and decide what they would like the future of 5490 West to be. Councilmember Jacob said he would not vote in favor of the proposed rezone without the road issue resolved.

Councilmember Lamb said he thought the biggest issue was ownership of 5490 West, and said he wanted to make sure the situation progressed correctly. Councilmember Pack agreed that ownership of 5490 West was the biggest issue to address.

MOTION: Councilmember Jacob moved to table the application to a date uncertain with the hope that the immediate and long-term future of 5490 West would be determined. Councilmember Pack seconded the motion.

Councilmember Green said he understood the reason for the motion, but believed the residents of the subject neighborhood who had attended several meetings for this issue deserved something more definitive. Chair McConnehey spoke in opposition to the motion, and said he would rather not leave the issue open indefinitely.

Councilmember Jacob said he would prefer to leave the timeline open to allow sufficient time for the groups involved to resolve issues. He repeated that he liked the proposed rezone, and said he did not believe the proposed development would need to change substantially.

A roll call vote was taken

Councilmember Green	No
Councilmember Whitelock	Yes
Chair McConnehey	No
Councilmember Pack	Yes
Councilmember Jacob	Yes
Councilmember Lamb	Yes
Councilmember Worthen	No

The vote passed 4-3.

RECEIVE PUBLIC INPUT AND CONSIDERATION FOR ADOPTION OF ORDINANCE 20-02, A GENERAL PLAN LAND USE MAP AMENDMENT FOR 1.5 ACRES FROM HIGH DENSITY RESIDENTIAL TO COMMUNITY COMMERCIAL AND REZONING FROM HFR (HIGH DENSITY MULTI-FAMILY RESIDENTIAL – WSPA) TO SC-2 (COMMUNITY SHOPPING CENTER) ZONE FOR NIELSEN’S CUSTARD – HIGHLANDS CENTER LOCATED AT APPROXIMATELY 7652 SOUTH HIGHLANDS LOOP ROAD; PETERSON DEVELOPMENT/BARRETT PETERSON (APPLICANT)

The applicant proposed to amend the Future Land Use Map on 1.5 acre of property located at 7652 South Highlands Loop Road from High Density Residential to Community Commercial. The applicant was also asking to rezone the same 1.5 acres of property from HFR (High Density Multi-Family Residential – WSPA) to SC-2 (Community Shopping Center) Zone. The reason for the requested change was proposed construction of a Nielsen’s Custard restaurant. The applicant indicated to Staff that the chosen site was a desirable location because it met Nielsen’s siting desire with proximity to a park and residential development.

FINDINGS OF FACT

Amendments to the Land Use Map

- a. The proposed amendment conformed to and was consistent with the adopted goals, objectives, and policies set forth in the City’s General Plan.
- b. The development pattern contained on the Land Use Plan inadequately provided the appropriate optional sites for the use and/or change proposed in the amendment.
- c. The proposed amendment would be compatible with other land uses, existing or planned, in the vicinity.
- d. The proposed amendment constituted an overall improvement to the adopted General Land Use Map and was not solely for the good or benefit of a particular person or entity.
- e. The proposed amendment would 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.
- f. The proposed amendment was consistent with other adopted plans, codes and ordinances.

Amendments to the Zoning Map

1. The proposed amendment was consistent with the purposes, goals, objectives, and policies of the City’s General Plan.
2. The proposed amendment would result in compatible land use relationships and would not adversely affect adjacent properties.
3. The proposed amendment furthers the public health, safety and general welfare of the citizens of the city.
4. The proposed amendment would not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would

otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways.

Steve Nielsen, founder of Nielsen's Frozen Custard, and his son, Doug Nielsen, explained to the City Council that the subject property was ideal for their proposed family-friendly restaurant.

Chair McConnehey opened a public hearing at 9:08 p.m.

Marie Titze, West Jordan resident, stated there was a need for this type of establishment in that neighborhood.

Chair McConnehey closed the public hearing at 9:09 p.m.

Councilmembers Lamb, Pack, Whitelock, and Worthen spoke in favor of approving Ordinance 20-02.

**MOTION: Chair McConnehey moved to approve Ordinance 20-02.
Councilmember Whitelock seconded the motion.**

A roll call vote was taken

Councilmember Whitelock	Yes
Councilmember Jacob	Yes
Councilmember Green	Yes
Councilmember Pack	Yes
Councilmember Lamb	Yes
Chair McConnehey	Yes
Councilmember Worthen	Yes

The vote passed 7-0.

VII. CONSENT ITEMS

- a. Approve the minutes of January 8, 2020 as presented.
- b. Adopt Resolution 20-07, giving advice and consent to the Mayor's appointment of Eric Plath to serve on the Design Review Committee.
- c. Adopt Resolution 20-08, giving advice and consent to the Mayor's appointment of Cindy Quick as the City Recorder.
- d. Adopt Resolution 20-09, appointing Alan Anderson as the Deputy Council Office Director.

**MOTION: Councilmember Green moved to approve Consent Items a-d.
Councilmember Worthen seconded the motion.**

A roll call vote was taken

Councilmember Whitelock	Yes
Councilmember Jacob	Yes
Councilmember Green	Yes
Councilmember Pack	Yes
Councilmember Lamb	Yes
Chair McConnehey	Yes
Councilmember Worthen	Yes

The vote passed 7-0.

VIII. CONSENT ITEMS DISCUSSION

No consent items were pulled for discussion.

IX. BUSINESS ITEMS

a. SANDY CITY STORMWATER FEE APPEAL

Rob Wall explained that Sandy City, as owner of River Oaks Golf Course (59 acres in West Jordan), desired to appeal its stormwater fees. Mr. Wall advised that the Council issue their decision openly, with a written opinion.

Darien Alcorn, Senior Civil Attorney for Sandy City, explained that River Oaks Golf Course only generated stormwater runoff from a small building and golf cart paths. She said Sandy City had paid a monthly commercial stormwater fee to West Jordan for at least five years (currently \$1,215.32 per month). In August of 2019, Sandy City appealed the stormwater fee, continuing to pay monthly invoices under protest. Sandy City requested fee calculation based on impervious area, and requested a refund of the difference (\$10,472.52 after adjustment). Ms. Alcorn quoted West Jordan City Code §3-3-7: "If the city council determines that such fee or charge is in excess of the percentage of reasonable costs as set forth in this chapter, the city shall refund the fee." She presented the following reasons supporting the request:

- A fee for service was used to recover the cost of the service
- The cost of stormwater service was the cost of removing stormwater runoff
- Runoff was generated from impervious surfaces
- Runoff was captured by pervious surfaces
- River Oaks Golf Course was only 4.53% impervious and 95.47% pervious
- Even if every impervious surface in the River Oaks Golf Course generates runoff that was not captured within the 95.47% pervious area, and thus entered the West Jordan stormwater system, that runoff would be less than 20 times that of a single-family residence
- Sandy City was requesting its fees to be calculated at an even higher amount, 29 ERUs

Responding to a question from Councilmember Jacob, Ms. Alcorn said Sandy City Staff had believed from discussion with West Jordan City Staff that the West Jordan rate structure would be changed. When the rate structure had not changed by August of 2019, an appeal was filed.

Chair McConnehey thanked Ms. Alcorn for the presentation and stated the City Council would take the request under advisement and notify Sandy City when a decision was made.

b. DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF CITY COUNCIL MEMBERS ATTENDING THE 2020 UTAH LEAGUE OF CITIES AND TOWNS MID-YEAR CONFERENCE APRIL 22-24, 2020 IN ST. GEORGE, UTAH

MOTION: Chair McConnehey moved to approve the request for Councilmembers to attend the 2020 Utah League of Cities and Towns Mid-year Conference. Councilmember Whitelock seconded the motion.

A roll call vote was taken

Councilmember Whitelock	Yes
Councilmember Jacob	Yes
Councilmember Green	Yes
Councilmember Pack	Yes
Councilmember Lamb	Yes
Chair McConnehey	Yes
Councilmember Worthen	Yes

The vote passed 7-0.

c. DISCUSSION AND POSSIBLE ACTION REGARDING COUNCIL APPOINTMENTS TO VARIOUS CITY COMMITTEES FOR THE 2020 CALENDAR YEAR

Mayor Burton and the Council discussed appointments available to various internal and external committees.

MOTION: Chair McConnehey moved to approve the following assignments. Councilmember Jacob seconded the motion, which passed by unanimous vote (7-0).

Internal Committees:

Western Stampede Committee

Events Committee

Healthy West Jordan

Sustainability Committee

Airport Advisory Committee

Parks and Open Lands Committee

Strategic Budget Planning Committee

Councilmember Lamb

Chair McConnehey, alternate

Councilmember Worthen

Councilmember Lamb, alternate

Councilmember Pack

Councilmember Green

Chair McConnehey, alternate

Councilmember Green, alternate

CDBG Committee

Councilmember Green
Councilmember Pack, alternate

External Committees:

ULCT LPC

Salt Lake Council of Governments

ChamberWest Board of Directors

Jordan School District

Wasatch Front Regional Council

Western Growth Coalition

Councilmember Jacob

Councilmember Jacob

Councilmember Lamb, alternate

Councilmember Lamb

Councilmember Pack, alternate

Councilmember Worthen

Councilmember Green, alternate

Councilmember Whitelock

MOTION: Chair McConnehey moved to appoint Councilmember Green as primary representative to the Association of Municipal Councils for the 2020 calendar year, with Councilmember Jacob as alternate. Councilmember Green seconded the motion, which passed by unanimous vote (7-0).

d. DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF RESOLUTION 20-10, THE CITY OF WEST JORDAN SUPPORTING TRANSPORTATION IMPROVEMENTS DEDICATED TO THE WEST SIDE COMMUNITIES OF SALT LAKE COUNTY, UTAH

Mayor Burton explained proposed Resolution 20-10 regarding transportation improvements, and answered questions from the Council.

MOTION: Councilmember Green moved to approve Resolution 20-10. Councilmember Whitelock seconded the motion.

A roll call vote was taken

Councilmember Whitelock	Yes
Councilmember Jacob	Yes
Councilmember Green	Yes
Councilmember Pack	Yes
Councilmember Lamb	No
Chair McConnehey	Yes
Councilmember Worthen	Yes

The vote passed 6-1.

e. REPORT ON 2020 LEGISLATIVE SESSION

Tauni Barker updated the Council regarding the 2020 Legislative Session, particularly HB 273 (oppose), HB 265 (oppose), SB 84 (trying to amend), HB 202 (watching), and a sunset provision in Legislation regarding B and C Road Funds related to population in unincorporated Salt Lake County (watching and drafting a proposal).

f. WEST FOOTHILLS PROPOSED CODE AMENDMENT (DISCUSSION CONTINUED FROM WORK SESSION)

Larry Gardner explained the purpose of the West Foothill Zone would be to create an employment center that would allow mixed-use development to promote light industrial, commercial, office, and multi-family residential uses in a master planned development. He showed examples of landscaping, design guidelines, and building types.

PROPOSED WEST FOOTHILL ZONE

- No more than 10% of the development could be multi-family housing
- Minimum of 30 dwelling units per acre
- Maximum of 60 dwelling units per acre
- Hope is that majority of people would work in close proximity, but dwellings would not be restricted
- Similar amenity requirements to other planned developments in the PC Planned Community Zone

Councilmember Jacob commented that, in his experience, many people do not choose to live in high-density housing, even if the high-density housing were conveniently placed in close proximity to their workplace. He asked if the desired results could be achieved with form-based zoning.

Councilmember Green said he would not be in favor of 30-60 dwelling units per acre on 10% of a development. He expressed concern that multi-family housing would be developed first, with developers coming back years into a project claiming they could not make the commercial or retail element work.

Councilmember Whitelock said she agreed with Councilmember Green's comments, and said she would not approve industrial and commercial development that included high-density residential. Councilmember Worthen said she agreed.

Chair McConnehey said he envisioned a nice office complex with a cohesive plan along the west side of the City in the foothills. He said the proposed West Foothill Zone did not fit his vision of what could develop.

X. REMARKS

There were no remarks.

XI. CLOSED SESSION

DISCUSSION OF THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL; STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION; STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY, INCLUDING ANY FORM OF A WATER RIGHTS OR WATER SHARES.

MOTION: Councilmember Green moved to go into a closed session to discuss pending or reasonably imminent litigation, and adjourn from there. Councilmember Worthen seconded the motion.

A roll call vote was taken

Councilmember Whitelock	Yes
Councilmember Jacob	Yes
Councilmember Green	Yes
Councilmember Pack	Yes
Councilmember Lamb	Yes
Chair McConnehey	Yes
Councilmember Worthen	Yes

The vote passed 7-0.

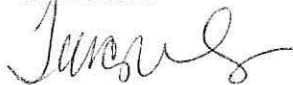
The closed session adjourned at 11:07 p.m.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.




CHRISTOPHER MCCONNEHEY
Council Chair

ATTEST:


Tangee Sloan
Deputy City Recorder

Approved this 11th day of March 2020

